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UNITED STATES OF AMERICA

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, SECOND SESSION

SENATE

TUESDAY, SEPTEMBER 13, 1966

(Legislative day of Wednesday, September 7, 1966)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, in the abundance of Thy mercy another day is added to the record of the lengthening years, as swift to its close ebbs out our little day. For the tomorrows and their needs we do not pray. For the day of Thy grace which now bathes us in its returning light, give us courage, give us vision, give us wisdom, that we fail not man nor Thee.

Save us from being embittered by ingratitude, pettiness, or meanness, and from cowardly compromise in the world battle now raging for the minds of men. Valiantly may we fight the good fight whose issue will mold the future, knowing that soon the night cometh when no man can work.

May Thy kingdom of love and righteousness come within us, that we may contribute worthily to mankind's abiding peace.

We ask it in the Name which is above every name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Monday, September 12, 1966, was approved.

REPORT OF SURGEON GENERAL—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which, with the accompanying report, will be referred to the Committee on Labor and Public Welfare, without being read.

The message from the President is as follows:

To the Congress of the United States:

The decade since 1956 has been one of unprecedented efforts in health research—and in future years, our commitment to this vital field will grow.

Success for our research efforts depends not only upon the dedication of thousands of professional researchers across the Nation, but upon the adequacy of the facilities available to them.

Realizing this, the Congress, through the Health Research Facilities Act, has provided since 1956 more than 1,330 matching grants totaling over $360 million for the construction or renovation of research space.

I believe this program is an impressive example of the commitment of our people to better health—and of our success in pursuit of that national goal.

It is with pride, therefore, that I submit for the information of the Congress, the 10th Annual Report of the Surgeon General summarizing our accomplishments under the Health Research Facilities Act, as amended.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 13, 1966.*

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that the President had approved and signed the following acts:

On September 12, 1966:

S. 3105. An act to authorize certain construction at military installations, and for other purposes.

On September 13, 1966:

S. 3418. An act to amend the Peace Corps Act (75 Stat. 612), as amended, and for other purposes.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on today, September 13, 1966, he signed the enrolled bill (S. 2263) relating to the composition of the District of Columbia Court of General Sessions, which had previously been signed by the Speaker of the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3625) to designate the dam being constructed on the Allegheny River, Pa., as the "Kinzua Dam," and the lake to be formed by such dam in Pennsylvania and New York as the "Allegheny Reservoir."

The message also announced that the House had passed a joint resolution (H.J. Res. 688) to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 688) to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948, was read twice by its title and referred to the Committee on Finance.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON RECEIPT OF APPLICATION FOR LOAN UNDER SMALL RECLAMATION PROJECTS ACT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application for a supplemental loan from the Settlement Canyon Irrigation Co., of Tooele, Utah, under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Interior and Insular Affairs.

AMENDMENT OF PUBLIC LAW 89–428, AUTHORIZING APPROPRIATIONS UNDER THE ATOMIC ENERGY ACT OF 1954

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend Public Law 89–428 authorizing appropriations pursuant to section 261 of the Atomic Energy Act of 1954, as amended (with an accompanying paper); to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SALTONSTALL, from the Committee on Armed Services, with amendments:

S. 3500. A bill to authorize the President to retire Lt. Gen. Robert Wesley Colglazier, Jr., in the grade of lieutenant general (Rept. No. 1598).

By Mr. LONG of Louisiana, from the Committee on Finance, with amendments:

H.R. 483. An act to amend section 2056 of the Internal Revenue Code of 1954 relating to the effect of disclaimers on the allowance of the marital deduction for estate tax purposes (Rept. No. 1599); and

H.R. 11216. An act relating to the tariff treatment of articles assembled abroad of products of the United States (Rept. No. 1600).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. McGEE:

S. 3822. A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0280122); to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGEE when he introduced the above bill, which appear under a separate heading.)

By Mr. KUCHEL (for himself, Mr. JACKSON, Mr. ANDERSON, and Mr. MURPHY):

S. 3823. A bill to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. KUCHEL when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 3824. A bill for the relief of Helen Chien Wu; and

S. 3825. A bill to amend title 18 of the United States Code in order to provide that committing acts dangerous to persons on board trains shall be a criminal offense; to the Committee on the Judiciary.

(See the remarks of Mr. HART when he introduced the last above mentioned bill, which appear under a separate heading.)

By Mr. DODD:

S. 3826. A bill for the relief of Rear Adm. William D. Wright, U.S. Navy (retired); to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3827. A bill to authorize the appropriation of an increased contribution by the United States for the support of the International Bureau for the Publication of Customs Tariffs; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, with statements limited to 3 minutes, and that the unfinished business not be displaced.

The VICE PRESIDENT. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE INTERIOR TO CONSIDER A PETITION FOR REINSTATEMENT OF AN OIL AND GAS LEASE IN WYOMING

Mr. McGEE. Mr. President, I send to the desk, for appropriate reference, a bill which I am introducing at the request of the Mountain Fuel Supply Co., a Utah corporation which does considerable business within the State of Wyoming.

This corporation was issued an oil and gas lease on certain public lands in Wyoming by the Wyoming office of the Bureau of Land Management. This original lease was effective as of December 1, 1963. The leased acreage was described as 320 acres and the rental for this specified acreage was retained on that basis by the Cheyenne office of the BLM. The 1964 rental was tendered and accepted on that basis also.

In 1965 an agent for the lessee discovered that the Cheyenne land office made an error and that the proper acreage described in the lease should have been 480 rather than 320. When this error was brought to the attention of the Cheyenne land office by the Mountain Fuel Supply Co., the lease was canceled for the reason that the full rental for 480 acres had not been paid in 1964, notwithstanding the fact that the lease at that time showed the leased tract as 320 acres.

This is a situation quite similar, if not identical, to that involved in S. 2918, which is now pending on the Senate Calendar. The error quite clearly was made by the personnel in the land office and was discovered only as a result of the lessee bringing it to the attention of the land office in an effort to correct the mistake. It is my understanding, however, that under existing law BLM personnel have no authority whatsoever to correct situations of this type on an administrative basis and that special legislation is the only recourse a lessee such as Mountain Fuel Supply Co. has.

For that reason I have introduced this bill and ask that it be appropriately referred.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3822) to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0280122), introduced by Mr. McGEE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

DESALTED SEA WATER FOR SOUTHERN CALIFORNIA

Mr. KUCHEL. Mr. President, along with my friend, the distinguished chairman of the Committee on Interior and Insular Affairs [Mr. JACKSON], my colleague from California [Mr. MURPHY], and the senior Senator from New Mexico [Mr. ANDERSON], I am pleased to introduce a bill to authorize the Department of the Interior to participate in the construction and operation of a massive desalination plant and nuclear power generating facility to be built off the coast of southern California. The Federal Government will contribute $72.2 million toward the estimated total cost of approximately $445 million in this unique partnership between Government and private enterprise. Of this 72.2, the Department of the Interior will be authorized by the legislation which I introduce today to contribute $57.2 million, and the Atomic Energy Commission will be authorized by other legislation to contribute the additional $15 million.

In the 85th Congress, I was consponsor of a measure which authorized the construction of five demonstration plants for the desalination of water. One of these five plants, designed to produce 1 million gallons of fresh water per day, was built in San Diego. I was present when the demonstration desalting plant was opened, and sea water was converted into fresh water for use in San Diego homes. Its capacity was later increased to 1.4 million gallons per day.

Later, when the Cuban Communist tyrant, Fidel Castro, attempted to isolate Guantanamo, the San Diego plant was moved lock, stock, and barrel to Cuba, where it now supplies water for that vital military installation.

By comparison, the project which is now being proposed is enormous. It will provide southern California with 150 million gallons of fresh water per day. The new salt water conversion plant will be over 100 times as large as the San Diego-Guantanamo plant; it will more than double the combined capacity of all the salt water conversion plants in the world today.

This bill is the outgrowth of a Federal desalination program extending back over 15 years. It is the fruition of the cooperative efforts of the Metropolitan Water District of Southern California, the Department of the Interior and the Atomic Energy Commission. On August 18, 1964, these agencies signed a contract authorizing a wide study of a huge nuclear fueled sea water conversion plant which would provide large quantities of electric power. The objective was a plant capable of producing 150 million gallons of water per day, enough to supply a city the size of Boston or San Francisco.

Included in the study was a proposal submitted by the Los Angeles Department of Water and Power, Southern California Edison Co., and San Diego Gas & Electric Co. They would finance and build two large—3 million thermal kilowatt— nuclear reactors and two turbine generators. The reactors would also furnish heat for the desalting plant and steam for a generator unit to be constructed by the metropolitan water district. The total electrical output from the complex would be 1,800 megawatts.

The study report was submitted in December 1965 by the Bechtel Corp. of San Francisco. It stated that the project was technically feasible and could produce fresh water at a cost of 22 cents per 1,000 gallons at plant site, as compared with a minimum of $1 at existing desalting plants.

One of the most intriguing aspects of the report was Bechtel's recommendation that the complex be placed on a manmade island about 3,000 feet offshore from Bolsa Chica State Beach in Orange County, just a few miles from my own home. This 43-acre island would be connected to the mainland by a two-lane causeway and would carry the water and power transmission lines to the distribution systems of the metropolitan water district and the utility companies.

The potential for advancing our desalting technology through the construction of a major plant is vast. While distillation itself, as a process to convert sea water to drinking water, is hardly a scientific breakthrough, its application prior to this time has been largely experimental.

Responsible authorities estimate there will be 50 million people in California before the turn of the century. With our ever-expanding population taxing water supplies in almost every section of our country, improved techniques are demanded to sustain a healthy economy and to allow a livable environment to continue to exist. While desalination is not proposed as a panacea for all water ills, it will obvously be a significant factor in our future water planning.

I am particularly pleased that the area I represent is again demonstrating its leadership in the development of its water resources. The southern California coastal plain has suffered from a lack of adequate local water supplies since the population booms of the last century forced it into bold and imaginative water planning. The construction of this plant is a great step on the path toward reliable water sources to quench the thirst of the 50 million people who will be with us sooner than we realize.

The experience and technological skills which the Federal Government and the other participating groups will obtain from this project have a deep significance for all those concerned with supplying that most basic necessity for a thriving civilization—water.

I ask unanimous consent that a copy of a letter from the Secretary of the Interior describing the bill be incorporated in the RECORD and that the text of the bill likewise be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3823) to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes, introduced by Mr. KUCHEL (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to participate in the development of technology for a large-scale desalting plant by providing financial, technical or other assistance to the Metropolitan Water District of Southern California for the design, development, construction, and operation of a water treatment and desalting plant to be constructed as a part of a dual-purpose electrical power generation and desalting project in the southern California area.

SEC. 2. Before providing any assistance as authorized by this Act, the Secretary shall first determine that the value of the anticipated technical knowledge and experience in desalting to be derived from his participation in the construction and operation of this facility will be not less than the amount of such assistance.

SEC. 3. In order to provide the assistance authorized by this Act, the Secretary may enter into a contract with the Metropolitan Water District to cover such periods of time as he may consider necessary but under which the liability of the United States shall be contingent upon appropriations being available therefor.

SEC. 4. There is hereby authorized to be appropriated not to exceed $57,200,000 to carry out the purposes of this Act.

The letter, presented by Mr. KUCHEL, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 12, 1966.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for your consideration is a draft of a bill "To provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes."

We recommend that this draft bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Government of the United States, represented by the Office of Saline Water, Department of the Interior (OSW), and the Atomic Energy Commission (AEC), has executed a Memorandum of Understanding with the Metropolitan Water District of Southern California (MWD) on the principal features of an arrangement providing for certain specified assistance from OSW and AEC in connection with research and development, design, construction, and operation of a large-scale dual-purpose nuclear electric power and sea water conversion plant. The combination plant is to be financed, owned, and operated by MWD and a group of public and private electric utilities (the utilities) serving the Southern California area. A separate agreement will be executed by MWD with the utilities, based upon the utilities' proposal.

The proposed legislation provides a basis for the purchase of valuable advanced technology by OSW participation in the construction and operation of the multimillion-gallon-per-day desalting plant. We have also enclosed, for the files of your Committee, a copy of the Memorandum of Understanding and a report on the proposed project entitled "A Justification of Department of the Interior Participation in the MWD Dual-Purpose Plant". We understand that a separate request for legislation authorizing Atomic Energy Commission participation in this project is being made by that agency.

The dual purpose plant is to built by MWD with the utilities group, comprised of the Los Angeles Department of Water and Power, the Southern California Edison Company and the San Diego Gas and Electric Company. The installation will be designed to produce 150 million gallons of fresh water per day from the Pacific Ocean, and to generate approximately 1,800 megawatts of electrical power. The proposed project, subject to final firm contracts and necessary approvals by Congress and the involved agencies, provides an early opportunity for the Government to participate with MWD in the development and construction of a dual-purpose plant, the technology of which is important to future planning of both the Department of the Interior and the Atomic Energy Commission.

Since 1959, the MWD, a public corporation organized for the purpose of supplying supplemental water to its member agencies for domestic, industrial, and other beneficial uses, has made studies of the feasibility of desalting sea water as a possible new means of implementing future water supply plans. In August 1964, the District entered into a contract with the United States jointly sponsoring an engineering and economic feasibility study for a combination water-desalting and electric power-generating plant. The Department of the Interior, through its Office of Saline Water, and the Atomic Energy Commission contracted on behalf of the United States Government. In April 1965, the utilities offered to participate in the proposed dual-purpose plant, indicating their willingness to furnish, own, and operate a two-unit nuclear power plant. This group earlier in the year had appointed a committee of its representatives to work with MWD in developing information on the power aspects. Under the proposal of joint participation, the nuclear reactor units would be designed to have sufficient capacity to supply the power requirements of the utilities as well as the steam and power requirements of the District. The District would own a back-pressure turbine and the desalting plant.

This request for authorization is based on the comprehensive year-long technical and economic study jointly sponsored by MWD, AEC, and OSW. In addition, it provides a prime opportunity effectively to utilize, in a timely fashion the technology developed through basic research and engineering development program sponsored by OSW to develop the best and most economical processes and methods for converting saline water into water suitable for beneficial consumptive purposes. This program has included the engineering research and technical development work to advance processes and plant designs to the point of large and practical scale demonstration. Although a number of conversion processes are being developed to meet specific needs for desalting under widely varied conditions, the multistage flash distillation process selected in the proposed dual-purpose plant is the process most advanced for use in large sea water conversion plants.

To achieve the goals set forth in the 1964 report to President Johnson, "Program for Advancing Desalting Technology," which resulted in the enactment of Public Law 89–118 (79 Stat. 509), to expand, extend, and accelerate the saline water conversion program, the importance of developing technology applicable to large-scale sea water conversion has been emphasized. The desalting program plan which was presented and subsequently enacted by the Congress and approved by the President on August 11, 1965, included the possibility of construction by OSW of a large prototype sea water conversion desalting plant as a necessary part of the advanced engineering development program being carried forward, provided the specific project proposal received Congressional authorization.

OSW participation in the project is keyed to the value of the information and data to be gained and will take the form of a purchase of needed technology and operating experience. We have considered alternatives for proceeding with the development, and proving out the engineering feasibility and economics of the multistage flash distillation process on a large scale. These are: (1) the Government financing of a single-purpose 50-million gpd prototype plant, (2) purchase of technology and operating experience through the cooperative effort in the MWD 150-million gpd plant, (3) a similar cooperative effort in the proposed Israeli 100-million gpd plant, and (4) participation through a cooperative effort with an outside group in the construction and operation of either a dual- or single-purpose 50-million gpd prototype plant.

We have concluded that participation in the MWD project is clearly the most advantageous from the standpoints of location, time, and cost. This effective partnership with public and private water and power utilities, to advance the technologies of dual-purpose desalting and nuclear power-generating plants will reduce the financial burden on the Federal taxpayer. Moreover, the product water will be fed into an existing supply system to be blended with Colorado River water. The tentative arrangements being worked out may be a landmark in developing an effective partnership in public and private power utility relationships. An additional advantage is found in the fact that the use of desalted water is fitted into an existing and operating system, operated by a public water agency. Thus, the project will serve to demonstrate the technical and economic feasibility of this application and to encourage public acceptance and confidence in desalting as a dependable source of water. Although Government participation is limited to a specific time period, technological advantages will continue to accrue for the life of the plant.

On the basis of an engineering and economic feasibility study by the Bechtel Corporation for MWD, the building of the dual-purpose plant is estimated to cost $400,500,000. Of this total, the island site and the desalting plant with its associated power facilities are estimated to cost $153,700,000. It is proposed that the Federal Government be authorized to participate in these latter costs to the extent of $60,700,000—$45,700,000 from the Department of the Interior, and $15,000,000 from the Atomic Energy Commission. In addition, it is proposed that the Department of the Interior participate in the operation and maintenance of the desalting plant to the extent of an additional $11,500,000. Thus, the total Government contribution would be $72,200,000, with the Interior portion being $57,200,000.

The present plan is to build the desalting plant in two phases. The first phase will develop 50 million gallons per day of fresh water—the second will produce another 100 million gallons per day. Experience with the first phase will provide significant information for making decisions about the second phase. Since the largest technological benefits expected to accrue will be associated with the first phase, $49,200,000 of the Federal capital contribution will be associated with it. As and when the second phase proceeds, the Government will contribute an additional $11,500,000 toward the capital costs.

OSW will furnish technical parameters for the desalting plant design and construction based on information and data developed through its research and development program, including module tests to be conducted at the San Diego Saline Water Test Facility.

OSW will provide review assistance and advice during design, construction and operation periods, qualified technical personnel to maintain liaison between MWD and the Government agencies involved, and assistance in the procurement of materials, and acquisition of specialized services.

In return for the assistance provided, OSW will be granted the right to propose experiments and participate in their experimental operation, reasonable access to the plant by OSW or others as authorized by OSW, and the use for publication of all technological data and information resulting from the design, construction, operation, and maintenance of the desalting plant, including substantial rights under patents granted based on work on the project.

We believe the proposed legislation represents a dynamic step forward in the development of processes for the economical conversion of saline waters for beneficial consumptive use. We consider this proposal to be of paramount importance in the effort to find new ways and means of conserving and increasing the water resources of the Nation. We recommend its immediate consideration and approval.

The Bureau of the Budget has advised that the enactment of this legislation would be in accord with the President's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

AMENDMENT OF TITLE 18, UNITED STATES CODE, TO PROVIDE THAT COMMITTING ACTS DANGEROUS TO PERSONS ON BOARD TRAINS SHALL BE A CRIMINAL OFFENSE

Mr. HART. Mr. President, I introduce a bill proposing that it be a Federal crime to endanger the safety of persons traveling on trains.

In recent months, it has been called to my attention that there are many incidents where rocks and other objects are thrown at rapidly moving trains and that this would become an increasing hazard as we experiment with new, high-speed rail transportation.

It is my hope that the appropriate Federal agencies will have an opportunity to study and analyze this legislation and report on it so that Congress could consider action next year.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3825) to amend title 18 of the United States Code in order to provide that committing acts dangerous to persons on board trains shall be a criminal offense, introduced by Mr. HART, was received, read twice by its title, and referred to the Committee on the Judiciary.

INCREASED U.S. CONTRIBUTION FOR INTERNATIONAL BUREAU FOR THE PUBLICATION OF CUSTOMS TARIFFS

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize the appropriation of an increased contribution by the United States for the support of the International Bureau for the Publication of Customs Tariffs.

The proposed legislation has been requested by the Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Secretary of State, dated August 30, 1966, in regard to it.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3827) to authorize the appropriation of an increased contribution by the United States for the support of the International Bureau for the Publication of Customs Tariffs, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated annually to the Department of State the sum of $8,658 for the payment by the United States of contributions for the support of the International Bureau for the Publication of Customs Tariffs, which sum shall be in addition to the contributions authorized by the convention, as amended, establishing such Bureau.

The letter, presented by Mr. FULBRIGHT, is as follows:

THE SECRETARY OF STATE,
Washington, D.C., August 30, 1966.

THE VICE PRESIDENT,
U.S. Senate.

DEAR MR. VICE PRESIDENT: There is enclosed for the consideration of the Congress a draft bill which would authorize an increase in the annual appropriation for the support of the International Bureau for the Publication of Customs Tariffs.

The United States has, since 1891, been a member of this Bureau, established at Brussels by a multilateral convention of 1890 (26 Stat. 1518, see also 8 UST (pt. 2) 1671). The only function of the Bureau is the useful one of translating, publishing, and distributing the tariff laws and regulations of the various countries and other customs territories throughout the world (art. 2, 26 Stat. 1519). The convention and supplementary documents (regulations and final declarations) provide that contributions shall be paid by the member countries to defray the cost of the Bureau's operation. The United States annual contribution is now $8,658.

In 1963 the President of the Bureau, in his annual report, pointed out that the "growing complexity and number of Customs tariffs throughout the world", and the growing demand from both public and private sources for its publications containing their texts, justified an increase in the Bureau staff beyond that which could be financed under the existing arrangements.

Forty-one of the seventy member countries, including Canada, France and the United Kingdom and accounting for well over 60% of the contributions according to the prevailing proportional schedule, have already agreed to double their contributions. This request from the Bureau, through the Belgian Government, that the United States agree to double its contribution has raised the question of the best method of obtaining an authorization for the annual appropriation of an additional $8,658 for the Union. The enclosed draft bill would provide such an authorization. The combined United States contribution of $17,316, under both the convention and the bill, would be less than 7% of the total contributions to the Bureau.

The various Executive agencies that have responsibilities relating to foreign trade, especially the Department of Commerce, find the publications of foreign tariffs (particularly the English translations) of great value in handling questions raised by exporters and in preparing for negotiations for the reduction of tariff barriers to United States exports. The Bureau has translated the new Tariff Schedules of the United States into the four languages which it uses in addition to English—French, German, Italian and Spanish.

It is recommended that the Congress promptly enact legislation along the lines of the enclosed draft bill to authorize a modest increase in the United States contribution in order to assist the Bureau in the continuation of its most useful activity.

The Bureau of the Budget advises that there would be no objection from the standpoint of the Administration program to the enactment of this legislation.

Sincerely yours,

DEAN RUSK.

PARTICIPATION OF THE UNITED STATES IN HEMISFAIR 1968 EXPOSITION, SAN ANTONIO, TEX.—AMENDMENT

AMENDMENT NO. 929

Mr. YARBOROUGH submitted an amendment, intended to be proposed by him, to the bill (H.R. 15098) to provide for participation of the United States in the HemisFair 1968 Exposition to be held at San Antonio, Tex., in 1968, which was referred to the Committee on Foreign Relations and ordered to be printed.

ADDITIONAL COSPONSORS OF BILL

Mr. MONDALE. Mr. President, I ask unanimous consent that the names of the distinguished Senator from the State of Washington [Mr. JACKSON] and the distinguished Senator from the State of Massachusetts [Mr. KENNEDY] be added as cosponsors of S. 3769, the Clean Lakes Act of 1966, at its next printing.

The VICE PRESIDENT. Without objection, it is so ordered.

PARTICIPATION BY DEPARTMENT OF THE INTERIOR IN CONSTRUCTION AND OPERATION OF PROTOTYPE DESALTING PLANT—NOTICE OF HEARING

Mr. KUCHEL. Mr. President, I announce for the information of the Senate that public hearings will be held September 19 by the Senate Committee on Interior and Insular Affairs on S. 3823, a bill I introduced earlier today to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes.

The hearings will begin at 11 a.m. in room 3110 of the New Senate Office Building. All those who wish to express their views for the committee on this important piece of legislation are invited to do so.

POPULAR ELECTION OF GOVERNOR OF GUAM AND GOVERNOR OF VIRGIN ISLANDS—NOTICE OF HEARING

Mr. JACKSON. Mr. President, I announce that the Subcommittee on Territories of the Committee on Interior and Insular Affairs will conduct a hearing on Thursday, September 22, on H.R. 11775 and H.R. 11777, to provide for the popular election of the Governor of Guam and the Governor of the Virgin Islands, respectively.

The hearing will be held in room 3110, New Senate Office Building, beginning at 10 a.m. All interested parties who may wish to testify or submit statements on these measures should contact members of the committee staff in order that an agenda of witnesses may be prepared.

NOTICE OF RECEIPT OF NOMINATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of Arthur J. Goldberg, of Illinois, James M. Nabrit, Jr., of the District of Columbia, William C. Foster, of the District of Columbia, CLIFFORD P. CASE, U.S. Senator from New Jersey, and FRANK CHURCH, U.S. Senator from Idaho, to be representatives of the United States of America to the 21st session of the General Assembly of the United Nations; and, James Roosevelt, of California, Mrs. Eugenie Anderson, of Minnesota, Mrs. Patricia Roberts Harris, of the District of Columbia, George L. Killion, of California, and Harding F. Bancroft, of New York, to be alternate representatives of the United States of America to the 21st session of the General Assembly of the United Nations.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 13, 1966, he presented to the President of the United States the enrolled bill (S. 2263) relating to the composition of the District of Columbia Court of General Sessions.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1558, and that the remainder of the calendar be considered in sequence.

The VICE PRESIDENT. Without objection, it is so ordered.

PAYMENT OF EXPENSES INCIDENT TO EVACUATION OF DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

The Senate proceeded to consider the bill (H.R. 11979) to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes which had been reported from the Committee on Armed Services with an amendment on page 1, line 4, after the word "by" to strike out "striking out ', and terminates on June 30, 1966'." and insert "striking out 'June 30, 1966' and substituting in lieu thereof 'June 30, 1971.' "

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to extend the authority for the payment of special allowances to evacuated dependents of members of the uniformed services, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1594), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill as amended would (1) authorize a 5-year extension of the authority to pay special allowances to dependents of members of the uniformed services who are evacuated because of emergencies, and (2) permit the payment of such allowances to dependents who are evacuated to the States of Hawaii and Alaska, or to a territory or possession of the United States.

EXPLANATION

Public Law 89–26 authorized the payment of special allowances and dislocation allowances to dependents of members of the uniformed services whenever these dependents are evacuated from an overseas danger area to the United States. The need for such authority had been illustrated during the evacuation of dependents of military personnel from the naval base at Guantanamo Bay, Cuba, to Norfolk, Va., in October of 1962. The dependents were evacuated under circumstances that permitted them to carry limited amounts of clothing. Most of them arrived in Norfolk with only limited funds and several cases of serious hardship resulted.

The committee recommended that the authority for the payment of special allowances to evacuated dependents be temporary in nature and that it expire on June 30, 1966. The authority has expired and the purpose of this bill is to continue it for another period of 5 years.

In addition to the evacuation of dependents from Cuba in October of 1962, other dependents were evacuated from Haiti in 1963, from the Panama Canal Zone and Isle of Cyprus in February 1964, and from Vietnam and from the Dominican Republic in 1965. After the enactment of Public Law 89–26 dependents were evacuated from Pakistan and Indonesia in September and October 1965.

EXTENDING APPLICATION TO ALASKA, HAWAII, AND TERRITORIES OR POSSESSIONS

The basic law restricts entitlement to the payment of special allowances when dependents are evacuated "from places outside the United States to places inside the United States." This language has been construed as being limited to the 48 contiguous States and the District of Columbia. Such a construction has prohibited the payment of allowances to dependents who are evacuated to the States of Hawaii or Alaska, or a territory or possession of the United States. To avoid an unfair discrimination against members of the uniformed services whose homes are in one of the extracontinental United States, or a territory or a possession of the United States, this bill would eliminate the restrictive phrase "from places outside the United States to places inside the United States."

ALLOWANCE THAT MAY BE PAID

The kinds of special allowances that may be paid under the authority that would be extended by this bill are as follows:

(1) A dislocation allowance: Under present permanent law (37 U.S.C. 407), a member is entitled to a dislocation allowance only when his dependents make an authorized move in connection with a permanent change of station. The dislocation allowance is equal to 1 month's basic allowance for quarters.

(2) Waiver of recovery of not more than 1 month's basic pay previously advanced under section 1006(c) of title 37, United States Code: Under this section of title 37, the Secretary concerned has authority to advance up to 2 months' basic pay. But this is essentially a loan. The act allows waiver of recovery of up to 1 month's portion of any basic pay advanced if it is found recovery would be against equity and good conscience or against the public interest.

(3) A per diem payment: The payment is ordinarily limited to 30 days under regulations prescribed by the Secretary of the service concerned. Under present permanent law, dependents of members of the uniformed services evacuated from an oversea area "to safe haven" in another oversea area are entitled to a per diem payment and the cost-of-living allowance prescribed for the area to which they are evacuated. But there

is no permanent authority at present for such allowances when the dependents are evacuated to the United States.

(4) Shipment of a private vehicle to a temporary residence selected at the time of evacuation: The vehicle may also be transported from the temporary residence to the serviceman's subsequent permanent duty station at Government expense. Present permanent law limits transportation of a private vehicle at Government expense to a permanent change of station.

All of the above payments would only be paid when the evacuations are ordered by competent authority.

COST

It is impractical to predict the cost of this authority because it is impossible to foresee the circumstances in which dependents may be ordered evacuated. Evacuation expenses in fiscal year 1965 were $659,369.

AUTHORIZATION OF GRADE OF BRIGADIER GENERAL IN THE MEDICAL SERVICE CORPS OF THE REGULAR ARMY

The bill (H.R. 11488) to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1595), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize one officer of the Medical Service Corps of the Army to hold the grade of brigadier general.

EXPLANATION

Under existing law, the grade of colonel is the highest Regular grade in the Medical Service Corps of the Army, which has an officer strength of approximately 4,850, of whom 1,793 are Regular Army officers. This is the only male corps in the Army that does not have an authorization for a general officer.

The general officer strength authorized for the Army is based on the total officer strength of the Army. If the number of Medical Service Corps officers was excluded from the base, the number of general officers authorized for the Army would be reduced by 20 to 25. The committee was informed that 10 Army branches or control groups that have fewer officers than the Medical Service Corps have at least 1 general officer each.

The work of the Medical Service Corps is varied and includes such activities as medical supply, personnel management, administration, and staffing of hospitals. The corps includes four sections established by law: the Pharmacy Supply and Administration Section; the Medical Allied Sciences Section; the Sanitary Engineering Section; and the Optometry Section. About 25 percent of the Army officers holding a Ph. D. degree are in the Medical Service Corps, which has only 5 percent of the Army officer strength.

For the number of officers currently on active duty, the Army is authorized 475 general officers. This bill does not authorize an additional general officer, but the Medical Service Corps would be allowed one of the Army's currently authorized number of generals.

For the reasons mentioned above, the committee considers that it is not unreasonable for the Medical Service Corps to be allowed one of the Army's general officer spaces.

COST

The cost of this bill is neligible as there would be no increase in the total number of general officers authorized for the Army.

AUTHORIZATION OF REGULAR COMMISSIONS FOR MALE NURSES AND MEDICAL SPECIALISTS IN THE ARMY, NAVY, AND AIR FORCE

The bill (H.R. 420) to amend title 10, United States Code, to authorize the commissioning of male persons in the Regular Army in the Army Nurse Corps, the Army Medical Specialist Corps, the Regular Navy in the Nurse Corps, and the Regular Air Force with a view to designation as Air Force nurses and medical specialists, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1596), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize Regular commissions for male officers in the Army Nurse Corps, the Army Medical Specialist Corps, the Navy Nurse Corps, and in the Air Force with designation as Air Force nurses and medical specialists.

EXPLANATION

Since 1955 male persons have been eligible to become commissioned officers in the Army Nurse Corps and the Army Medical Specialist Corps, but their commissions are as Reserve officers. There is no authority for male nurses to be appointed as Regular officers in the Army and the Navy. There is no prohibition against appointment of males as nurses or medical specialists in the Regular Air Force, but several provisions of law relating to Air Force nurses and medical specialists use the words "she" or "her" or other language that might be construed to restrict the application of these provisions to female officers.

Since approval of the authority to commission male nurses and medical specialists in the Armed Forces, sufficient time has elapsed to evaluate the professional performance of these officers. Male nurses and medical specialists have proved that they can make valuable contributions to the medical missions of the military services. They have demonstrated their effectiveness as general nurses, psychiatric nurses, operating room nurses, and anesthetists. They have made important contributions in airborne units and in emergency care units for organizations such as the Special Forces. The committee was informed that 97 male nurses of the Army are now serving in Vietnam and that their performance has been outstanding.

Authority for regular commissions for male nurses and medical specialists is intended to cause the retention on active duty of a larger number of male nurses and to encourage others to seek a military career. All the Armed Forces are experiencing shortages of trained nurses and, to the extent that this bill achieves its desired effect, these shortages would be alleviated. In this connection, it is notable that in many instances male nurses can remain on active duty for longer periods than can women, because family responsibilities are not as likely to terminate the career of a male nurse.

For a period of 2 years the bill permits the Secretary of the Army to waive maximum age requirements for the appointment of male nurses and medical specialists who are on active duty on the date of enactment of this bill. Without this savings provision many male Nurse Corps officers of the Army would be ineligible for appointment in the Regular Army because their years of active commissioned service began soon after their 35th birthday. Authority to waive the maximum age provisions will permit the Secretary of the Army to tender Regular commissions to outstanding male nurses who otherwise would be ineligible for consideration.

COST

It is impractical to estimate the cost of this bill because of uncertainties about the number of male nurses to be commissioned and the number of male nurses who might remain on active duty until they qualify for the immediate receipt of retired pay if they were not granted Regular commissions. The committee was informed that the bill will not increase the budgetary requirements of the Department of Defense.

REMOVAL OF INEQUITIES IN THE ACTIVE DUTY PROMOTION OPPORTUNITIES OF CERTAIN OFFICERS

The Senate proceeded to consider the bill (H.R. 15005) to amend title 10, United States Code, to remove inequities in the active duty promotion opportunities of certain officers which had been reported from the Committee on Armed Services with amendments to strike out all after the enacting clause and insert:

That, beginning with the date of enactment of this Act through June 30, 1972, the columns under the headings "For colonels" and "For lieutenant colonels" contained in the table in section 8202(a) of title 10, United States Code, are suspended. For such columns shall read as follows:

"For colonels	*For lieutenant colonels*
3, 500	6, 500
3, 859	7, 706
4, 218	8, 911
4, 577	10, 116
4, 936	11, 321
5, 295	12, 527
5, 654	13, 732
6, 013	14, 937
6, 372	16, 142
6, 730	17, 348
7, 089	18, 533
7, 449	19, 758
7, 807	20, 963
8, 166	22, 169".

SEC. 2. For a period of six years after the effective date of this Act, the authorized strengths prescribed by section 8202 of title 10, United States Code, may be exceeded (1) by 1,000 for the grade of lieutenant colonel; and (2) by the following numbers for the grade of major:

Fiscal years following enactment:	*Number to exceed authorized strength*
First	9, 500
Second	7, 917
Third	6, 334
Fourth	4, 751
Fifth	3, 168
Sixth	1, 585

However, the authority to exceed the authorized strengths by 1,000 for the grade of lieutenant colonel, and 1,500 for the grade of major authorized by this section may be used only in the event that drastic reductions or increases in the authorized strength of the commissioned officers on active duty in the Air Force occur within a short period of time and that such changes seriously impede promotions to the grade of major and lieutenant colonel as determined by the Secretary of the Air Force, who shall notify the Committees on Armed Services of the Senate and of the House of Representatives not later than 60 days following the utilization of any of the numbers covered in this sentence.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend title 10, United States Code, to increase the authorized numbers for the grade of major, lieutenant colonel, and colonel in the Air Force in order to provide active duty promotion opportunities for certain officers, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1597), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to increase the authorized number for the grades of major, lieutenant colonel, and colonel in order to provide the officers on active duty in the Air Force a promotion program comparable to the programs for the other military services.

EXPLANATION

The bill may be summarized as follows:

INCREASE THROUGH JUNE 30, 1972, IN GRADES OF COLONEL AND LIEUTENANT COLONEL

The bill as amended would suspend through June 30, 1972, the permanent provisions of law relating to the authorized strengths for the Air Force for the grades of colonel and lieutenant colonel, and in lieu thereof provides for a new sliding scale during this period for these two grades. Based on the current total officer strength of approximately 128,000 officers, this amendment would increase the authorized numbers for these grades to a sum approximately equal to the combined total, presently authorized under both the permanent and temporary authority. With the current total officer strength of approximately 128,000 Air Force officers, the new table would authorize a strength of 6,326 colonels and 15,987 lieutenant colonels. These totals may be compared to the total authorized strength as of June 30, 1966, of 6,300 colonels, of which 5,240 are authorized under permanent law, and 15,901 lieutenant colonels, of which 10,639 are authorized under permanent law. The remaining numbers were authorized under temporary authority.

It should be observed that the new tables for these two grades through June 30, 1972, provide a completely new sliding scale, with the result that the number of authorized colonels and lieutenant colonels would vary depending on the total officer strength of the Air Force.

TEMPORARY AUTHORITY—ADDITIONAL VACANCIES FOR LIEUTENANT COLONELS AND MAJORS FOR A 6-YEAR PERIOD

In addition to the increased strength levels provided through June 30, 1972, the bill also provides that the Air Force, during the 6-year period following enactment of the bill, could exceed its newly authorized strengths by 1,000 officers in the grade of lieutenant colonel and by a varying number in the grade of major, ranging from 9,500 for the first fiscal year following enactment down to 1,585 for the sixth fiscal year following enactment. As an example, during the remaining portion of fiscal year 1967, the Air Force would have the authority to use an addition 9,500 vacancies in the grade of major under all contingencies. For the second fiscal year, beginning July 1, 1967, this figure would be 7,917.

The 6-year authority for exceeding the authorized strengths would be used for two purposes: First, the entire additional authorization for the 1,000 lieutenant colonels and 1,500 of the vacancies for the grade of major for each fiscal year would be used solely to provide vacancies in the event of a severe disruption of the Air Force promotion program resulting from a sudden and large-scale increase or decrease in the size of the total officer strength of the Air Force. These vacancies would not be used in connection with the normal promotion process. The sliding scale itself is intended and should be able to accommodate the sizable increases or decreases in the authorized Air Force officer strength. There could be, however, unforeseen contingencies which would disrupt any acceptable operation of the promotion program. The remaining number of majors would be utilized for the purpose of reducing the Air Force promotion point to 11 years of service, rather than 12 to 13 years at the present time.

OVERALL EFFECT OF LEGISLATION

The overall effect of this legislation would be to provide promotion opportunity for career Air Force officers comparable to that presently in effect in the other services.

The effect of the legislation and the manner in which it would be implemented is indicated by the chart below setting forth the promotion points the Air Force would extend under the vacancies created by this legislation. In addition, the comparable information is set forth with respect to the Army and the Navy.

Comparative promotion opportunity and promotion service points, fiscal year 1967

Grade	Promotion opportunity				Promotion service points			
	Army[1]	Navy	Air Force	Marine Corps	Army[1]	Navy	Air Force	Marine Corps
		Percent	*Percent*	*Percent*	*Years*	*Years*	*Years*	*Years*
Colonel/captain	--------	60	45	65	22	21	22	22–24
Lieutenant colonel/commander	--------	75	75	75	15	15	17	15–16
Major/lieutenant commander	--------	85	85	90	9	9	11	9–11

[1] Army projection through March 1967. (Selection rates not yet approved.)

NOTE.—Opportunity is presented by dividing selections by 1st-time eligibles. The promotion service point is the year of promotion list service or active commissioned service in which the mode of officers in each category was promoted.

EFFECT OF NO LEGISTATION

Without the enactment of legislation the Air Force, as previously indicated, would be required to reduce its officer strength in certain grades to the levels authorized under the permanent 1954 legislation. The permanent law authorizes, based on current total strength, a total of 5,240 colonels and 10,649 lieutenant colonels. There are presently assigned approximately 6,100 officers in the grade of colonel and 15,721 in the grade of lieutenant colonel. Without legislative relief, therefore, having to revert to the permanent strength levels would mean a reduction in strength of approximately 1,100 officers in the grade of colonel and 5,300 in the grade of lieutenant colonel.

The effect of these reduced authorizations would be as follows: There would be no selections for promotion to the grades of major, lieutenant colonel, and colonel for fiscal year 1967. In addition, certain officers already selected to the grade of major and lieutenant colonel would not receive their promotions.

Due to the reduced authorized strength for these grades, without further relief, the following would occur:

(*a*) Approximately 800 officers in the grade of colonel would necessarily be demoted or otherwise eliminated;

(*b*) Approximately 6,000 officers in the grade of lieutenant colonel would be demoted or eliminated; and

(*c*) Approximately 6,000 officers in the grade of major would have to be reduced by one grade.

PREVIOUS ADDITIONAL TEMPORARY AUTHORIZATIONS

The authorized permanent strength for the Air Force was enacted in 1954 as a part of the Officer Grade Limitation Act due to the need for providing additional promotion opportunity for certain grades. There have been four temporary legislative items enacted for the purpose of providing additional grades over and above the permanent law. The four measures of temporary relief were as follows: In 1959 there was enacted a 2-year authority authorizing an additional 3,000 majors; in 1961 there was a 2-year authorization for an additional 4,000 lieutenant colonels; in 1963 the authority for an additional 4,000 lieutenant colonels was extended for an additional 2 years; in 1965 temporary relief was enacted providing that the total number of officers who could be on active duty in the grade of colonel would be 6,300 and the number in the grade of lieutenant colonel would be 15,901. The effect of this latter measure was to authorize an additional 1,100 colonels and 5,400 lieutenant colonels above the strength authorized under the permanent law.

Without further relief the Air Force on June 30, 1967, would be required to come within the authorizations provided under the permanent law.

COST

The Department of Defense has informally estimated that the additional cost of this legislation, if effective in September 1966, would be approximately $10 million for the remaining portion of fiscal year 1967. This additional cost results from the increase in pay and allowances for the persons who would be promoted under this legislation. The original cost estimate of $17 million as being the additional funding necessary for fiscal year 1967, was based on a full implementation of this legislation at the beginning of the current fiscal year.

PRESIDENTIAL VETO OF FEDERAL EMPLOYEES GROUP LIFE INSURANCE BILL, H.R. 6926

Mr. CARLSON. Mr. President, I regret sincerely that the President felt it necessary to veto the liberalized life insurance bill for Government employees.

Frankly, I feel that our dedicated and deserving Federal employees are entitled to the same consideration as employees in the private sector of our economy.

Congress this year approved pay legislation for our Federal employees under the threat of a Presidential veto if we exceeded a 2.9-percent increase in basic pay, plus any additional fringe benefits that might exceed 3.2 percent.

I challenge anyone to name an industry anywhere in the country in which the employees would settle for 2.9 percent. The President's wage guidelines are being broken daily by contract settlements that reach or exceed 5 percent in every bargaining agreement concluded. Wage settlements in the construction industry, for instance, have gone for 10 to 14 percent increases.

While the administration stresses the importance of our Federal employees receiving pay based on comparability of employees in the private sector, it refuses to use current Bureau of Labor Statistics figures to base Federal employees pay. As a matter of fact, when we wrote the last pay bill, we used the Bureau of Labor Standards figures for April 1965.

We not only wrote the present pay increase for Federal employees under the threat of a Presidential veto, but also we now find that the President has not only vetoed the liberalized life insurance bill, but he has also vetoed a bill which would have increased the pay of star route and contract mail carriers.

As chairman of the Senate Post Office and Civil Service Committee in the 83d Congress, I wrote—and Congress approved—the life insurance bill which has been of great value to our Federal employees.

I can assure our Federal employees that a liberalized life insurance bill will be before the next session of Congress, and I shall do everything in my power to secure its approval.

Mr. MONRONEY subsequently said, Mr. President, last night the President of the United States vetoed a bill, H.R. 6926, which provided for increased life insurance and accidental death and dismemberment insurance for our 2½ million Federal employees.

There has been a good deal of misunderstanding about this bill. I wish to make clear just exactly what this legislation proposed to do. It has been described as "inflationary," "designed primarily to benefit upper echelon Government executives," and the result of little consideration and no debate in either House of Congress. In my opinion, it is none of these.

To say that the bill was not given adequate consideration in the Congress is to ignore the public hearings and six or seven separate committee executive sessions during which the bill was discussed and analyzed by the committees of Congress.

Far from primarily benefiting upper echelon Federal executives, the bill which our committee reported, and both Houses of Congress eventually passed without a dissenting vote, was designed to provide major insurance protection for those who are in the rank and file of Government employment.

The Senate version of the life insurance bill:

Provided insurance protection equal to 1⅓ the annual salary, instead of just the annual salary,

Provided for the Government to pay 40 percent of the cost, instead of 33 percent,

Provided an additional $2,000 in insurance for all employees which would not reduce after retirement, and

Provided a maximum of $40,000 in benefits.

The new maximum of $40,000 is obviously beneficial to those in the upper echelon brackets of the Government, but it should not overshadow the fact that this bill is essentially a bill to benefit the employee in the lower levels of the Federal service. The $2,000 additional insurance which does not reduce after retirement is of primary benefit to those in the lower levels whose insurance now reduces after retirement to a bare minimum, and who can least afford buying insurance outside the Federal program.

The bill proposed by the administration in 1965 and reendorsed by the President last night would benefit a few thousand high-ranking Federal employees, Presidentially appointed executives, Members of Congress, and the Supreme Court, but it would do nothing at all—and I repeat nothing at all—for the 2½ million Federal employees who earn less than $20,000 a year. Our basic concern was to improve employment benefits affecting the vast majority of our employees who are in the rank-and-file positions of the postal service, the classified service, and the other branches of the Government.

Ninety-nine percent of the cost of the bill would benefit those lower grade Federal employees who were left out of the administration's bill.

The Senate committee reported the bill on March 15 of this year. At that time the severe strains on the economy which exist today were not apparent. Although the administration opposed the bill, it did not present evidence to the Senate committee that the bill's passage would have the dire effects mentioned by the President in his press conference.

I believe the Senate committee and subsequently both Houses of Congress acted in good faith based on the facts at their disposal. H.R. 6926 is a good bill which I am confident will eventually be enacted into law. Congress' action certainly did not warrant the critical remarks made by the President.

I am genuinely disappointed by the President's action on this bill. I am hopeful that suitable action can be taken by the Congress next year to improve the employee insurance program as soon as possible for all employees—not just the executives.

Mr. YARBOROUGH. Mr. President, I want to associate myself with the remarks of the distinguished chairman of the Committee on Post Office and Civil Service. I share his very real disappointment that this bill was not approved by the President. It is a good bill. I think it should have been approved.

Our committee and our counterpart committee in the House of Representatives held public hearings on the life insurance program and gave it very careful consideration. I think this bill was a prudent compromise between the interests of the Federal employees and the necessities of the budget. Every employee group that appeared before our committee urged that the Government pay at least 50 percent of the cost of life insurance, as is characteristic of private enterprise programs. Many urged a minimum of $10,000 insurance and a 50-percent remainder after retirement.

The Life Insurance Act had not been improved since it was enacted in 1954. No other fringe benefit program in the Government has gone so long without significant and beneficial amendments. This bill, H.R. 6926, was a modest proposal. We gave it very careful consideration over a period of several months. I frankly favored more than what we included in this proposal, because I believe our employees deserve the best insurance program available. But the committee was interested in producing a bill that would not cost too much and would not be vetoed. The only proposal which the administration endorsed was one designed to benefit only those few in the upper grades, Members of Congress, the Supreme Court, and Presidential appointees—such as our administration witnesses who testified on this bill—who earn more than $20,000 a year.

We certainly were not willing to do that. The bill we produced increased everybody's insurance, improved the after-retirement benefits, particularly for the men and women in the lower grades, and charged the Government with a very modest 7-percent increase in its share of the cost of the program.

The bill does cost money; it costs the Government $90 million a year, but it costs the employee more than that—$97 million a year. I think the postal clerk or the classified secretary who pays an extra dollar or two a week for insurance would feel that just as much as the Bureau of the Budget or the Council of Economic Advisers will feel the expenditure of $90 million for our 2½ million postal and Federal employees.

I do not believe we are through with this bill. I think we must move very early in the 90th Congress to provide the kind of insurance protection which our employees deserve.

COMMITTEE MEETINGS UNTIL NOON TODAY

On request of Mr. MANSFIELD, and by unanimous consent, all committees were authorized to meet until noon today.

NATIONWIDE POLL OF PROTESTANT CLERGYMEN INDICATES 71.4 PERCENT OPPOSED TO U.N. ADMISSION OF RED CHINA OR U.S. RECOGNITION OF PEIPING

Mr. DOMINICK. Mr. President, in recent months there have been some trial balloons, some sincere expressions of opinion, and a variety of articles in the news media and broadcasting media concerning a possible change of U.S. foreign policy with respect to Red China.

As early as February of 1966, the General Board of the National Council of Churches, meeting in St. Louis, adopted a resolution calling for the admission of Communist China to the United Nations and the granting of U.S. diplomatic recognition of the Peiping regime.

This concerned a great number of us who were thinking very thoughtfully and very fully about the dangers of the Communist regime in Red China to the free world, and who were concerned about the effect which any change in our policy might have on those countries which have been resisting the Red Chinese aggression.

I was gratified, Mr. President, to receive, as did other Senators, a copy of a letter from the Legislative Yuan of the Republic of China, in Taipei, dated May 17, 1966, which goes into this matter in some detail.

The letter points out the purges of the intellectuals in China, conducted by the Red Chinese leaders in mainland China, which have taken place over a number of years, and which are continuing. It points out the problems that would arise if the policy of the United States were changed in this field. It points out the difficulties that would be apparent insofar as the free Asian countries are concerned.

Following that, because we simply did not believe that the National Council of Churches resolution reflected the opinion of the clergy, a poll was conducted by the Reverend Dr. Poling of all American Protestant clergymen in the country.

I am pleased to report to the Senate that this poll reflected that 71.4 percent of clergymen polled were opposed to the admission of Red China to the United Nations or to the diplomatic recognition of Peiping.

The same poll showed that 93.7 percent of American Protestant clergymen were opposed to the expulsion of the Republic of China from the U.N. in order to satisfy Communist Chinese conditions for joining. As most of us will remember, this was part of the conditions that were required by Communist China concerning its entry into the U.N.

Mr. President, at this point, I request unanimous consent that I may insert in the RECORD the letter of May 17, 1966, from the Legislative Yuan of the Republic of China, and also the release to the news media dated August 31, 1966, of the results of the poll by Reverend Poling, who is chaplain of the Interfaith Memorial Chapel of the Four Chaplains and chairman of the board of the Christian Herald magazine.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

[A letter from the Legislative Yuan, Republic of China, Taipei, Taiwan, China]

MAY 17, 1966.

The Senators, the Senate, U.S. Congress,
Washington, D.C., U.S.A.

SIRS: We have read with deep admiration the earnest opinions honestly expressed by a number of witnesses invited to testify at the hearings on China recently held by The Senate Foreign Relations Committee. However, there were also those who, lacking a complete understanding of the historical traditions and social characteristics of China, have misread the true nature and the realities of the Chinese Communist regime and have, as a consequence, advanced certain opinions which are not only incompatible with the realities, but which may also damage the joint efforts on the part of the Republic of China and the United States to preserve the security of Asia and the peace of the world. It is because of the possibility that these hearings may have repercussions which are inimical to the purposes for which the hearings were held that we, in the interest of the traditional friendship between our two countries and our common effort to stem the tide of Communist aggression, venture to address ourselves jointly to you, and to express some of our views.

Some of those who took part in the Senate hearings are of the opinion that there should be a change in the United States China policy. They have variously proposed that, in its relations with the Chinese Communist regime, the United States should adopt a policy of "containment without isolation," "no containment and no isolation," or "waiting for the next generation of Communist rulers to evolve a peaceful policy." Although these proposals are based on different interpretations of the situation, they are all guided by the principle which has grown out of the "Two China" idea, an idea which, in our opinion, is the product of certain misconceptions.

First, those who favor a change in the United States China policy claim that the Peiping regime is in firm control of the Chinese mainland, that the same regime, far from being a passing phenomenon, is likely to develop into a permanent and stable government and that, therefore, the United States should establish diplomatic relations with that regime and admit it to the United Nations.

These views, we submit, were advanced without regard to such incontrovertible facts as the prevalence of resistance movements on the Chinese mainland and the numerous attempts on the part of the people in mainland China to escape to freedom. In their continuing campaign to purge the Chinese mainland of anti-Communist elements, the Chinese Communists instituted four years ago a new persecution campaign euphemistically referred to as a "Socialist education movement." Originally scheduled to be completed within two years, this movement, according to a recent proclamation, will be extended to 1970 so that all anti-Communist elements may be completely eradicated. If it were not for the extensive and formidable opposition to the Communists and if such opposition did not pose a dire threat to the very existence of the Communist regime, what reasons would the said regime have to devote eight long years to the "eradication" of anti-Communist elements?

What is more, the Chinese Communists, seeking to intensify their persecution campaign against the anti-Communist elements, have some six months ago made the intellectuals their chief target of attack. Up to the moment, some 2,000,000 hapless intellectuals have been mercilessly purged. What better proof is there that the Communist regime can only be maintained by force and brutal suppression? What are some of the dangers that are liable to explode in the face of the Chinese Communists? An editorial appearing in the May 4th issue of the Communist Army newspaper "Liberation Daily" admitted that the growth of anti-revolutionary ideas might lead to anti-revolutionary uprisings similar to those which occurred in Hungary in 1956. "Their anti-party, anti-Socialist activities," the editorial stated emphatically, "are deceptive in character. They present a threat that cannot be minimized. Our struggle against these elements is a life or death struggle. This is a problem basic to the intensive development of our Socialist revolution, a problem affecting every aspect of the entire situation. It is a problem which has a vital bearing on the future destiny of our party and our country as well as on the future course of the world revolution."

Secondly, those who favor a change in the United States China policy characterized the bellicose and warlike attitude of the Chinese Communists as an outgrowth of the revival of the spirit of nationalism which in turn is the result of long years of foreign aggression and oppression. Proceeding from that premise, they have come out with the proposal that the United States should give the Chinese Communist regime its sympathetic understanding, that the United States should recognize the status of the Communist regime as a major power or that the United States should respect the aspirations of the Chinese Communist regime to establish in Asia a certain sphere of influence so that it desist from further adventures beyond its borders.

Those who advanced such views appear to have completely overlooked the wars of aggression, the infiltration and subversion activities, the creation of uprisings or the incitement of hostilities undertaken by the Chinese Communists for a period of over ten years in Asia, Africa and Latin America, not to mention the controlling influence exercised by the Chinese Communist regime over the invasion of South Vietnam by the North Vietnamese Communists. The Chinese Communist appetite for aggression cannot be easily satiated. Lin Piao, the Chinese Communist Defense Minister, has made public the Chinese Communist blueprint for world revolution. He made no secret of the Chinese Communist objective to complete the encirclement of North America and Europe, which he termed "the cities of the world," by Asia, Africa and Latin America which, in his view, represent "the rural areas of the world." In fact, short of total surrender by the United States, there is no way to divert the Chinese Communists from their policy of aggression.

Thirdly, citing the "peaceful coexistence" strategy adopted by Khrushchev as a precedent and pinning their hopes on the possibility that the next generation of Chinese Communists might turn their attention to domestic affairs and evolve a peaceful policy in foreign affairs, those who favor a change in the United States China policy have proposed that the United States should adopt a wait-and-see policy, that the United States should take a patient and conciliatory attitude and that every effort should be made to improve its relations with the Chinese Communist regime through a program of cultural exchange and the establishment of trade relations.

This proposal, so far entirely unilateral, is born of an illusion unsupported by cold realities. Without delving into the dissimilarities between Soviet Russia and Communist China which preclude any meaningful comparison, let us see what the Chinese Communists have been up to. They have in recent years speeded up their training program for "revolutionary successors." They have subjected these future leaders to rigid training and rigorous tests so that they may emerge as worthy successors. These candidates for future leadership are even more provincial in their outlook and more ignorant of the outside world than the present leaders. Once placed in a position of power, it is entirely possible that these future leaders may prove even more rabid in embarking on adventures beyond the Chinese borders. Any policy that is not based on a correct appraisal of the actual situation will only give the aggressors more time to develop their nuclear capability. Once the Chinese

Communists have successfully developed a delivery system, the United States will be made their primary target and efforts to avert a nuclear war will then be too late. In saying this, it is not our intention "to cry wolf." The Chinese Communists themselves have made it known to Khrushchev that they were prepared to face the prospect of a nuclear war and that they would then build a Communist world order on the ruins of a nuclear holocaust.

Please be assured that we have no wish to question the motives of those who favor the adoption of a conciliatory attitude towards the Chinese Communists. Our only concern is that these people might be instrumental in influencing the American people into an unrealistic appraisal of the Chinese Communists and thus weakening the moral position of the United States in the preservation of world peace. The serious consequences resulting from a faulty appraisal is something which the representatives of our two peoples would do well to take into account before it is too late.

For a period of over ten years, the majority of the members of the Senate have won our abiding admiration with their wise and farsighted statements based on what is right and just. It is because of our deep concern over the possibility that the Chinese Communists might derive further encouragement in pursuing their policy of aggression from the appeasing statements made by certain individuals in the United States and that, as a consequence, Asia and the free world might be faced with a greater threat that we are moved to present the facts as we see them for your consideration.

Yours sincerely,
Huang Kuo-shu, Nieh Wen-ya
(And the other 375 signatories).
Members of the Legislative Yuan, Republic of China.

[A press release from the Clergymen's Emergency Committee on China, Aug. 31, 1966]

Nationwide Poll of Protestant Clergymen Indicates 71.4 Percent Opposed to U.N. Admission of Red China or U.S. Recognition of Peiping—National Protestant Clergymen's Committee on China Organized

New York, N.Y., August 31, 1966.—Reverend Daniel A. Poling, Chaplain of the interfaith memorial Chapel of the Four Chaplains and Chairman of the Board of Christian Herald magazine, today announced the results of a nationwide poll which indicated that 71.4% of American Protestant clergymen polled were opposed to the admission of Red China to the U.N. or American diplomatic recognition of Peiping. The same poll showed that 93.7% of American Protestant clergymen were opposed to the ". . . expulsion of the Republic of China from the U.N. in order to satisfy Communist Chinese conditions for joining."

Dr. Polling also announced the formation of the Clergymen's Emergency Committee on China to ". . . provide factual information and material on Red China to American clergymen and, whenever necessary, to articulate the sentiments of the majority on the question of concern."

In his statement announcing the results of the poll, Dr. Poling said: "On February 22, 1966, the General Board of the National Council of Churches, meeting in St. Louis, adopted a resolution calling for the admission of Communist China to the United Nations and the granting of United States diplomatic recognition of the Peiping regime.

"This widely-publicized resolution—and similar statements from some other church bodies—has caused dismay in nations throughout the world who stand in firm opposition against Communist aggression and enslavement and who look to the United States as the leader in this crucial world struggle. Particularly tragic is the effect on the morale of young Americans battling Communism in Vietnam. If their own churches and church leaders favor accommodation with totalitarian, atheistic and predatory Communism, should they give their lives in resisting it?

"In the belief that these resolutions and statements do not represent the American Protestant community—and that the great majority of Protestant clergymen are one with their fellow Americans in opposing any steps which would help strengthen Communist China—I undertook to poll individual American Protestant clergymen on this historic question.

"A master list of Protestant clergymen from every state of the Union was obtained through the Dunhill International List Co. of New York City, and 65% of these were selected at random and mailed a form containing three questions: are you in favor of the admission of Communist China to the United Nations at this time?; are you in favor of the expulsion of the Republic of China from the United Nations in order to satisfy Communist Chinese conditions for joining?; are you in favor of the United States granting diplomatic recognition to Communist China at this time? Nearly 30,000 clergymen mailed their completed forms back to Philadelphia. The services of John Felix Associates in New York were employed to make an independent tabulation of the results.

"The "NO's" were overwhelming. Of those responding: 72.9% were opposed to the admission of Communist China to the United Nations; 25.6% were in favor, the balance did not reply; 93.7% were opposed to meeting the basic Red Chinese condition for joining the United Nations; 2.9% were in favor, the balance did not reply; 71.4% were opposed to diplomatic recognition of the Peiping regime; 25.8% were in favor, the balance did not reply. This great reaffirmation of support of present United States policy toward Communist China was made in spite of the tremendous and continuing campaigns advocating appeasement of Red China which have been leveled at American clergymen.

"The results of this poll should set the record straight. Those church bodies or officials who may take differing point of view have every right to do so. However, it is now clear that they speak only for themselves and not for the Protestant community."

Dr. Poling went on to announce the organization of the Clergymen's Emergency Committee on China by saying: "Well-financed and well-publicized pressures for appeasement of Red China still continue. It is therefore vital that clergymen be kept informed of the true facts—without illusion or wishful thinking—so that the will of the majority will not be overcome by a small minority through default. For this reason, the ad hoc Clergymen's Emergency Committee on China has been formed—to provide factual information and material on Red China to American clergymen and, whenever necessary, to articulate the sentiments of the questions of concern.

"We call on clergymen of all faiths to join with us in this emergency movement. We call on the American people of all faiths to support this movement. We have a transcendent moral and spiritual responsibility: to the young Americans who are daily giving their lives in Vietnam in the struggle for freedom against a ruthless Communist enemy; to the enslaved Chinese people who have no place to look for hope but to us; to the hundreds of millions more who live in Communist darkness throughout the world; and to the basic security and safety of our beloved country."

The Reverend David C. Head has been appointed Executive Secretary of the new Committee which will have its national headquarters at 342 Madison Avenue in New York City. Rev. Head served with the American Baptist Convention and was former pastor of the Grace Baptist Church in Brooklyn, New York. He was Vice President, Public Relations & Development of The King's College, Briarcliff Manor, New York and served as the Director of their National Freedom Education Center.

INACCURACIES BY THE PRESS

Mr. BYRD of West Virginia. Mr. President, the debate which surrounds many of our domestic problems today has often been confused by the repetition of inaccurate statements and the perpetuation of errors.

I wish to draw the attention of Senators to a column which appeared in the Charleston, W. Va., Gazette on September 12, 1966, and which repeats errors originally published by two Washington, D.C., daily newspapers.

Among other things, the column criticizes me for making an "intemperate" and "abusive" visit to the 11th police precinct station. I believe that everyone who was present at the 11th precinct will attest to the fact that my visit there was neither "intemperate" nor "abusive." It was an information-gathering visit and there was absolutely no condemnation of Capt. Owen W. Davis of the 11th precinct.

Nevertheless, the Charleston Gazette apparently did not exert even the slightest effort to determine the accuracy of these statements, did not inquire of me or of anyone on my staff concerning the accuracy of the visit, and probably did not believe it important enough to ask Captain Davis whether the meeting in his precinct was cordial or whether it was unfriendly.

As a result of this general disregard for accuracy, readers of the Charleston Gazette will see only the incorrect report.

Moreover, I would like to point out that this column berates me for urging "law and order" but then proceeds to lecture me on the writer's personal views which, I am forced to note, are not universally accepted by many of our top law enforcement officials throughout the country.

I am told by the columnist that "thousands of people do not riot because a Marxist or a thug tells them it is the thing to do." I believe the author may find this statement challenged by mayors and police of the cities which recently have felt the pain and destruction of the summer riots.

I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Washington Watch: Capital Papers Criticize Byrd

(By Harry W. Ernst)

Washington.—Senator Robert C. Byrd, Democrat, West Virginia, is riding again as plantation overseer for the Southern congressmen who rule the black masses in the nation's capital.

In recent years Byrd's energies have been devoted to chasing the undeserving poor off the relief rolls from his powerful perch as chairman of the Senate subcommittee that appropriates funds for the District of Columbia.

But, as Negroes began smashing the big city ghettoes which enslave them almost as much as the old plantations, the senator's concern shifted to law enforcement by which he apparently means putting down rebellion with bullets and billy clubs.

Byrd's first field trip to promote law and order, however, resulted in some disorder. It inspired editorial lashings from both the Washington Post and Washington Evening Star, which frequently support Byrd's positions on district affairs.

"His desire to see the nation's capital a city of law and order is one which every responsible citizen supports," the Star editorialized. "That desire was not advanced an iota, however, by the senator's intemperate, abusive visits the other day to the troubled 11th and 14th police precincts.

"Storming into the station houses, he sharply condemned the precinct commanders' judgment in their handling of recent disorders . . . It was a sorry performance. And it was grossly unfair to the men concerned."

The Washington Post commented:

"He (Byrd) is evidently of the opinion that the way to deal with the wretchedness and the grievances and the alienation of Americans who are poor is the way in which King George III and his colonial governors dealt with them 200 years ago . . .

"This is a difficult and delicate time in Washington's civic life. It is a time for display of the greatest possible patience, tolerance, compassion and understanding—and no time for Senator Byrd's brand of harshness and hatred."

Byrd berated one white police captain for calling civic leaders to help stop Negro teenagers from throwing rocks. The captain's strategy worked and a riot was averted. Would the senator really have preferred the police to shoot several Negro youths and perhaps inspire a city-wide riot that would turn the nation's capital into another Watts?

The ghetto Negro today is experiencing somewhat the same frustration that inspired thousands of West Virginia coal miners to take up arms when the coal operators refused to let them join a union before the New Deal made it possible.

Low wages and miserable living conditions inspired the mine wars in West Virginia's past when the rebellious miners would have booted Byrd out of the state if he had dared lecture them on law and order.

Thousands of people don't riot because a Marxist or a thug tells them it's the thing to do. They riot because their lives are miserable and they see no opportunity to change them.

Preaching law and order to people without hope is in effect telling them to accept the status quo and like it—or else they'll get shot or clubbed and sent to prison. Their respect for society and its laws will inevitably rise if they are given opportunities to improve their lives.

But Senator Byrd would even deny them the modest, inadequate tools to stimulate changes that have been proposed by the Johnson administration. He voted against both the demonstration cities bill (aimed at eliminating ghettos) and the rent supplements to help provide decent housing for the poor. And he is seriously considering voting against the antipoverty bill this year.

ADMINISTRATION PLANNED BUDGET CUTS SHOULD NOT HAMPER SCHOOL MILK PROGRAM

Mr. PROXMIRE. Mr. President, Budget Director Schultze indicated yesterday in testimony before the Ways and Means Committee that Federal agencies already have initiated action to reduce their budgets by $1.5 billion, principally by cutting construction project spending. This is, in my estimation, exactly where the administration should start. It is the construction sector of our economy that has been subject to the greatest inflationary pressures. As I have pointed out on this floor more than once, the administration as well as the Congress should move to deflate these pressures by withholding the expenditure of funds for construction activities such as public roads and buildings.

In addition, Mr. President, the good news indicates that the administration is not going to slash essential public welfare programs that are a key to the continued vitality of our health and education efforts. A case in point is the school milk program. By spending Federal funds to encourage children to drink milk we are contributing to the health of the Nation's future leaders at very little cost to the taxpayer. For milk not purchased under the program traditionally has been purchased and stored at Government expense under the price support program. Furthermore, by boosting dairy farm income, the program has helped to restrain in part the heavy exodus of dairy farmers into other, higher-paying, occupations at a time when milk production is falling to dangerously low levels.

Mr. President, although I intend to fight for a reduction of nonessential Federal expenditures I will not do so at the expense of vital public welfare programs, such as the milk program, which give the taxpayer an excellent return on his tax dollar.

RIDDLE OF THE VANISHING INSURANCE COMPANIES

Mr. DODD. Mr. President, I wish to invite the attention of Senators to an informative and well-written article, captioned "Riddle of the Vanishing Insurance Companies," written by Lester Velie, and published in the September edition of the Reader's Digest.

The author used much of the national data developed during the course of the Senate Antitrust and Monopoly Subcommittee investigation of high-risk automobile insurance.

Mr. Velie and the Reader's Digest have rendered a valuable and constructive service to the American people by publishing some of the shocking facts gathered by the subcommittee and by Inspector George Head of the Post Office Department. Mr. Head particularly deserves the gratitude of the American public.

According to my information, some 65 auto insurers writing high-risk business have failed since 1960, mainly because of fraudulent and inept managerial practices, coupled with the apathy of State officials and their failure to act in time when trouble appeared. Hundreds of thousands of unfortunate policyholders and third-party accident victims stand to lose over $100 million due to the fact that not one of the 22 States in which these failures occurred had guarantee funds.

But this problem should not be described merely by reciting loss figures. The financial suffering of the individuals involved best tells the tragic tale. A few of these case histories are tellingly set forth in the article.

Mr. President, I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Riddle of the Vanishing Insurance Companies—A Shocking Account of How Fraudulent Manipulations Have Brought Grief to Thousands of Unsuspecting Automobile Drivers

(By Lester Velie)

Although some 100 insurance companies have died during recent years, at first no foul play was suspected.

All that was known was that their deaths brought sudden disaster to tens of thousands of Americans. Families that had lost a breadwinner in a car crash could collect no damages; neither could thousands of maimed accident victims. Drivers who thought they were insured found after an accident that their policies were worthless; they lost homes, had their wages garnisheed and were plunged into debt for years.

Had autopsies been performed on the dead companies, a suspicious pattern would have emerged. For one thing, the companies usually died about three years after new owners bought them. These owners often were from out of state, and often they had been involved in prior insurance-company failures. The autopsies would have revealed, moreover, that, while the companies went bankrupt, the owners' wives wore diamonds.

But no autopsies were made. State insurance-department watchdogs sniffed nothing rotten. They blamed the deaths on "hard luck" or bad management. Insurance departments even helped reorganize the companies—which then failed all over again. In Missouri, one pair of owners went through four companies in five years.

Owed: $300 Million. Where did they find their victims? In a vast territory known as high-risk auto insurance, peopled by 12 million drivers who are regarded as "substandard" risks by the insurance industry and so are shunned by most of the reputable companies. Among them are drivers with bad records. But included, too, are drivers with good records who are under 25 (many of them soldiers at our military bases), those who drive sports cars or are over 65, or live in Negro or slum neighborhoods.

The racket is still going on—a Senate committee has estimated that some 60 insolvent high-risk auto-insurance companies presently owe some $300 million to more than 200,000 accident victims. But now a most unusual 38-year-old postal inspector named George Head has exposed a loosely interconnected insurance-company Murder, Inc., which operates from coast to coast. Head has sent one insurance-company killer to jail, forced three to flee abroad, and won indictments that charge 30 others with mail fraud. Equally important, he has spelled out the anatomy of insurance-company murder in a "how to" manual and so raised the alarm that today other postal inspectors, FBI agents, Treasury and Justice Department investigators are pressing what he would call "one of the dad-gummest manhunts" in the annals of business crime.

Sophisticated Suspects. George Head, an unlikely sleuth with out-sized glasses and small-town Hoosier habits (he has a way of venting his feelings with expletives like "Dad bust it!"), began the hunt in the summer of 1965, when his chief handed him a list of names, and said, "The U.S. Attorney in

Minneapolis thinks these people are committing a crime. But he doesn't know what the crime is, and the FBI hasn't been able to find out."

Head's preparation for his assignment was sketchy. As a boy, he had aimed at a career as druggist; but he had not gone beyond high school and had settled for the life of a postal clerk, sorting mail and selling stamps. Then in 1964, he had been tapped for the Postal Inspection Training School at Washington, D.C., and had spent eight intensive weeks learning to catch mail crooks—primitive lawbreakers who collect money by mail for nonexistent charities, or advertise coins and other merchandise and then "fail to furnish." Now he was matching wits with the most sophisticated of all suspects, the business manipulator.

At the office of the then U.S. Attorney in Minneapolis, Miles Lord, Head found piled high on a table the financial records of a business empire of 15 intertwined companies—insurance companies and agencies, realty and finance companies, a bank.

These had been put together by Phillip Kitzer, Sr., a onetime Chicago bailbondsman. Kitzer and two sons had brought an ailing insurance company in Minneapolis, had formed a new company—the American Allied Insurance Co.—and were taking in some $5,896,000 in premiums yearly. State insurance-department examiners believed that the Kitzers were insolvent or on the brink, for they stalled claims and took policyholders to court. FBI agents and state officials had been looking for evidence of a crime, but had come up with nothing. If fraud existed, the evidence had to be extracted from that pile of records that hid the movement of premium money from one company to another.

"Look at the Assets." Head sought help from veteran insurance-company accountants, professionals who could read the ordinary insurance company's condition at a glance. None could follow the Kitzer maze. Somewhere, Head figured, there must be someone who could help him—a man who had "done it himself." With help from the insurance industry's own sensitive grapevine, Head found such a man.

"If you steal money from an insurance company," the man told Head, "you steal it by taking out good money—cash or other assets—and hide it by putting in bad or worthless stuff. Take a look at the assets. They can cover a multitude of sins."

Head locked himself in his hotel room and pored over the millions of dollars' worth of assets in American Allied records. Some didn't look right. He called the state examiner who had audited the company's books, "Have you checked these securities?" Head asked. "Don't have to," the examiner replied. "The National Association of Insurance Commissioners has certified them as okay."

But when Head queried brokers in Chicago and New York, he found that the stocks were not listed in any financial manual. The Wall Street "pink sheet," which records over-the-counter transactions, listed two of the stocks as "no bid," meaning worthless. A third stock had an occasional sale at one cent a share. Yet, for them, according to a later report by the Minnesota state attorney general, the Kitzers had taken out $509,500 of insurance-company cash.

But how had the National Association of Insurance Commissioners approved the securities? Apparently the stocks had been traded back and forth on the over-the-counter market, thus raising their prices. These prices, published in the "pink sheet," were accepted by the NAIC experts as the true values of the stocks.

Head obtained a subpoena and soon was talking to Frank G. Buffum, president of Buffum & Co. Head learned that Buffum not only sold but rented stocks. And, as a federal indictment later alleged, the Kitzers didn't own the marked-up securities; they had rented them from Buffum for a few thousand dollars.

If Kitzer and sons didn't own the inflated Buffum stocks, what about the real estate valued on their books at $478,000? Here, too, as the state attorney general was to report later, much of the property wasn't theirs, either. In three months Head had the ammunition with which the U.S. Attorney won a mail-fraud indictment against the Kitzers and 14 others, including Minnesota's state insurance-department commissioner, Cyrus E. Magnusson—a former president of the NAIC. In four years, according to the indictment, the Kitzers and their colleagues had drained about $4 million from their insurance companies.

BENEFITS—ZERO

What happens when such an insurance company goes under?

One who got hurt was a Minneapolis bricklayer who had been supporting eight children on his $140 weekly wages. He is on relief today because he could collect no damages after a car crushed his legs and sent him to the hospital for two months. The driver who hit him had no resources other than his worthless American Allied insurance policy.

Another victim is a St. Paul janitor who can perform only light duties the rest of his life—a driver ran him down and crushed his pelvic girdle. He owes $3000 in hospital bills. His suit against the driver and American Allied has brought him nothing.

From the tangled deals of the Kitzers, Head extracted leads that exposed other operators, including a gang centered in Arkansas and Tennessee. This gang plied one of the cruelest insurance rackets of all, aimed at the unmarried soldier under 25.

The youthful "high-risk soldier" is an especially easy mark for auto-insurance manipulators. To drive a car on or off the post, he must display a sticker indicating that he is covered by insurance. But since insurance companies generally shun his category, this serviceman may sign up with fast-talking agents for dubious or dying companies, or buy insurance by mail.

Not long ago, I visited an agent in North Little Rock, Ark., who said he was selling auto liability insurance by mail "to the military all over the country." He said he sent some 40,000 pieces of promotion mail to military bases monthly, and that these brought back some $360,000 a year in premiums. The mailing pieces bore no names of insurance companies with which he placed his business. The cost seemed reasonable enough, and the soldier-buyer was assured by the mailing piece that he could cancel his policy within 14 days after he paid his first premium.

However, the policy was seldom mailed until the 14-day period had expired. So, when the soldier presented his policy to the camp's insurance officer—and found that it was no good, because the company was not licensed to do business in the state as required by the Defense Department—the soldier could not get his money back.

Even if his policy was accepted by his insurance officer, the soldier's chances of getting protection were dubious. Three insurance companies for which the North Little Rock agent had written policies in the past had gone bankrupt. The company for which he was writing insurance *now,* he told me, was located in the Bahamas. And it, I learned, was owned by insurance manipulators whom George Head had already indicted for fraud!

Prosecution Is Not Enough. George Head's sleuthing has to date exposed 13 insurance-company assassinations. But the case of the insurance-company killers is far from closed. As this is written, some 30 fringe operators are continuing to handle other people's money, because the postal inspectors, Justice Department prosecutors and state insurance departments have not yet got around to them.

I asked the Arkansas Insurance Department's counsel, Glyn Sawyer, what the department was doing about William Brickey, Sr., who had been caught inflating the financial statements of two insurance companies with rented stocks, and who was still operating the Republic Casualty Co. in Little Rock.

"We've ordered him to stop selling insurance to soldiers outside of Arkansas," Sawyer said, "and to put more cash into his company."

In mid-July, the department ordered an examination to see if Brickey's company was solvent. Meanwhile, he was continuing to collect premiums. Last year these amounted to over a million dollars.

What can be done to protect against frauds in the business? Obviously, prosecution alone is not enough. Tighter state regulation is needed. Illinois, California and Missouri have recently empowered their insurance commissioners to check the character of new owners or organizers of insurance companies and to bar dubious ones. New York State has had such a law since 1909. Many states are demanding that organizers of new casualty-insurance companies put up substantially more capital than in the past. Iowa, for example, requires at least $500,000 in approved securities. New York requires $1,200,000.

How, if you're rated a "substandard" driver, can you defend yourself against insurance fraud? The surest way is to buy insurance from a reputable broker. If you want to check on the company with which he proposes insuring, ask your state insurance department about it. Or go to the public library and look it up in *Best's Guide,* which describes and rates every insurance company in the country.

If you're insured by a reputable company, how can you protect yourself against the driver who bought insurance from a fringe company? With your regular auto insurance, you can buy additional protection at nominal cost—from $1 to $8—against the uninsured driver.

ADDRESS BY UNDER SECRETARY OF AGRICULTURE SCHNITTKER TO AMERICAN FARM ECONOMICS ASSOCIATION

Mr. TALMADGE. Mr. President, Under Secretary of Agriculture John A. Schnittker recently gave a very fine address to the American Farm Economics Association at the University of Maryland. His remarks were what I thought to be both timely and informative on the direction of the U.S. farm policy in today's world.

I commend the speech to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FARM POLICY—TODAY'S DIRECTION

(Summary of remarks by Under Secretary of Agriculture John A. Schnittker to the American Farm Economics Association, University of Maryland, College Park, Md., August 22, 1966)

More than 100 years ago, Oliver Wendell Holmes wrote:

> "I find the great thing in this world is not so much where we stand,
> As in what direction we are moving . . .

> We must sail sometimes with the wind and
> sometimes against it,—
> But we must sail, and not drift, nor lie at
> anchor."

Those words from the *Autocrat of the Breakfast Table* describe my approach to farm policy better than any words of my own.

In following Holmes' advice, we must, of course, move in the right direction. We must avoid stalemate and be on the move, for the world is going faster today than a century ago, or even a decade ago.

Farm and food affairs may be moving as swiftly and as ominously as national security and foreign affairs sometimes move. Farm and food policies are no less complicated than these other fields. They may be just as critical to the future of the world.

We have a choice in facing the future of farm policy. We can let events pass us by and adapt ourselves and our policies as best we can to whatever has happened. That is one of the ways of the past in farm commodity policy—especially in the years prior to the 1930's and again in the 1950's. The other choice is to help shape the world of tomorrow by positive actions which anticipate events. That is the course this Administration has chosen.

In discussing "Farm Policy—Today's Direction" I will not describe in any detail the commodity price support and production control programs enacted since 1960. Nor will I catalog the successes we have had, the false starts, or the compromises made. These have been recorded in the press and archives. They can be savored or sorrowed over at leisure.

I speak of farm policy today as primarily U.S. government efforts and actions with regard to the major commodities, recognizing that food distribution, research, conservation, marketing and lending programs are also an integral part of the farm policy. They were, in fact, once the entire farm policy and are no less important today. They do get less attention, however, because of public preoccupation with prices, costs, and more recently, adequate supplies.

No one should judge that the many approaches to farm programs these past five years represent any lack of purpose, or that changes in farm policy tactics since 1960 represent any lack of direction.

The determination of Secretary Freeman to make the farm policy a national asset, to end the surplus era, to improve farmer incomes, to use food constructively at home, and to help meet the rising tide of expectations abroad, made it imperative on many occasions to go back to the Congress and to the people with a new approach the day after another approach had run its course or fallen short of expectations. To have done less would perhaps have looked better. It might have saved face for a few months or a few years. It would not have gotten the required results.

The willingness of an increasingly urban Congress to consider and to enact constructive farm legislation year after year on short timetables and against organized opposition reflects also a determination not to drift from crisis to crisis, but instead to shape the future.

Farmers too were exceedingly patient, considering the fact that changes in programs were often enacted after the crop was planted.

To repeat, the Kennedy-Johnson-Freeman farm policy has had consistent objectives. It has made use of a variety of methods to meet a variety of problems. Five consecutive years of reductions in surpluses, a sharp improvement in farmer incomes, and a record rate of trade expansion attest to the wisdom of these actions.

I have said on previous occasions that impasse was the central fact of U.S. farm policy in the 1950's. The advocates of high rigid supports were dug in on one line, and the partisans of the low flexible supports on the other. Neither could win a major victory. Neither found a way to achieve general and constructive compromises although there was, of course, some constructive legislation.

As the impasse hardened, the surpluses grew, fueled by the research and education of a generation earlier and the prosperity of the war years just past. Programs enacted in 1938 and changed but little by the 1950's became increasingly unable to cope with the new revolution in production. By 1960 the grain and dairy product surpluses approached a national crisis:

This Administration was determined to avoid such an impasse.

Out of the stalemate came today's farm policy.

1. It is geared to commercial agriculture—to farmers who depend on farming for most of their incomes, and who have enough resources to earn a good living farming. It also helps small farmers, but being geared to bushels and acres and products, it can't help them enough.
2. It is market-oriented policy, consciously designed to reduce the role of the Commodity Credit Corporation in market operations.
3. It contributes to achievement of the broader objectives of economic policy.
4. It is adapted to the growing importance and the exploding opportunities in commercial world trade in U.S. farm products.
5. It is an integral part of our food assistance programs.
6. It is a potential major force in world affairs in the next decade.

1. A POLICY FOR COMMERCIAL AGRICULTURE

Commodity price support and production control programs have long helped the larger commercial farmers far more than small farmers. But they were often justified as "for the small farmer."

Today's programs have been designed specifically to provide price and income protection primarily to farmers on adequate-sized farms. They also help small farmers, but it is now clearly understood and widely accepted that most small farmers in the U.S. cannot attain good incomes and living standards from farming alone. Many will expand to larger farms, but most will not.

The central objective of farm policy is to foster conditions under which those farmers who operate a more or less full-time farm business can earn as much in farming as they could earn in similar employment or from similar investments. We call it parity income for adequate-sized family farms.

This is a relatively simple idea, but a series of complicated measurement problems arise in defining "parity income." The Department of Agriculture is preparing a report for the Congress on alternative parity income formulas, and on the income position of American farmers in relation to this standard. Many farm economists have their own formula, and we have half a dozen or more under study in the Department of Agriculture.

No parity income formula will be exactly right for Congressmen, statisticians, economists, or the Secretary of Agriculture. Most of us can agree, however, that parity of income-earning-opportunity is a useful idea and a reasonable objective. It is an idea that has been around a long time. By several standards I consider reasonable, parity income is an objective which can shortly be achieved.

By one USDA measure published several years ago, nearly half the one million farms with sales greater than $10,000 averaged incomes above the standard in 1965. This year, that number will increase rather sharply as overall net farm income increases. The farms in the size group averaging parity returns marketed 65 percent of all farm products.

How to measure parity income is important. But it is most important to keep farm policy headed in the direction of those farmers who market most of the agricultural products. Farming today is a business as well as a way of life. Farm policy needs to be primarily commercial farm policy. Price support levels, production incentives, and income objectives must be geared to this central fact.

This in no way diminishes the importance of public and private efforts to speed rural development and reduce rural poverty. Other programs—some administered by the Department of Agriculture but primarily programs which are the responsibility of other Departments—must provide the jobs, the education, and the opportunities so essential to better lives for those persons in rural America not on adequate-sized farms. Farm policy can help but it cannot do the job for those people.

2. A MARKET-ORIENTED FARM POLICY

History will record that it was commodity surpluses and inflexible programs—not bureaucratic bungling—which expanded the role of CCC in commodity pricing in the 1950's and materially reduced the role of farm markets as a result.

Today it is the absence of stored surpluses, and a degree of program flexibility seldom enjoyed before that make it possible to adapt Agriculture's administrative actions to swiftly changing circumstances. These have done much to re-establish the market place as the primary factor in farm pricing.

From 1953 to 1960, CCC acquired 8 to 16 percent of the corn crop each year. Prices were usually at or below support levels. In 1963 through 1965, CCC acquired an average of 1 percent of the corn crop. Prices were nearly always above support levels.

From 1953 to 1960, CCC acquired from year to year an average 27 percent of the wheat crop. Prices were usually below supports. In the years 1963–65, this figure fell to 4 percent. Prices were generally above supports.

For cotton, tobacco, rice, peanuts, and milk, as much as for the grains, we are determined that CCC acquisitions be no larger than the amount needed to provide strong prices to farmers, and to meet certain food distribution requirements at home and abroad.

The year just ahead will provide a test of our ability to maintain prices in the market place well above price support levels—in a period when we expect to add wheat to stocks to shore up our carryover position. Some say it can't be done; we expect to do it just the same.

Payments to farmers have become an integral part of the market-oriented farm policy. Whether they are made from public funds or as wheat certificates, payments make it possible to separate the functions of income support from price support—an objective high on the list of most economists. They have also served a very practical function as the instrument of production adjustment these past five years.

3. A FARM POLICY IN THE NATIONAL INTEREST

Full employment, higher and widely distributed real incomes, relatively stable prices, and expanded trade are central economic objectives of this Administration. Indeed, they have been key national objectives pursued by each Administration since 1946. Emphasis and determination have varied, but the Employment Act itself has not been a major issue.

It came to be widely held by economists in the 1950's that the farm policy had not kept pace with advances in national economic policy. Certainly, there was no striking innovation in postwar farm policy to match the Employment Act of 1946. Nor was the need for farm policy reform so great in the postwar era as the need for full employment policy, since pent-up postwar demand kept the farm economy humming without help from farm policy until 1953.

By the late 1950's however, the public view and the economists' views had merged. Both looked upon the farm policy and the farm programs as archaic. Clearly, stagnating farm income and growing surpluses ran counter to national objectives.

Since 1960 broad recognition of the fact that there are at least two distinct agricultures in the U.S. has made it possible to direct farm policy discussion and design to the problems of commercial farmers.

Since 1960 recognition that the prospects for better lives and higher incomes of many small farmers, lie outside conventional farm policy, has finally required serious attention to the needs of rural America for jobs, housing, education, training, and health programs.

Since 1960 gearing the farm policy to trade expansion has contributed measurably to the ability of the United States to continue extensive security and development programs abroad.

There are still some who talk and write of the need for a major overhaul of the farm policy. We are occasionally advised to look to Europe for constructive proposals for linking U.S. policy with world food needs or reconciling farm policy with over-all national goals.

I would never argue that today's farm policy is perfect. I will argue that it is progressive. I urge critics to study it as it is—not as it was.

4. A TRADE-ORIENTED FARM POLICY

A decade ago, U.S. farm policy was increasingly out of touch with the growing importance of U.S. agricultural exports. World prices for farm commodities declined in the 1950's in the wake of war, but U.S. prices continued at or near World War II levels.

Wheat, rice, cotton, feed grains, and tobacco could be exported only because export payments were used to offset lower world prices, and by direct government sales of CCC stocks at competitive prices. Lack of authority in some instances, and lack of attention to the need for change in others, often left our products at non-competitive prices for several years.

One of the key purposes behind the design of the wheat and feed grain programs first enacted in 1962 and the cotton program enacted in 1965 was to support prices of U.S. farm products at or near competitive world levels, so that we could compete in world markets with minimum resort to export subsidies.

These ends have now been achieved for the products which make up half the value of all our agricultural exports. Nearly all of our exports which lately required large export payments now move virtually without such payments. No fundamental improvement in our national trade policy stance has been carried out with so little notice or has had so much impact. It is not only of great importance to trade expansion; it is central to our stance in present trade negotiations.

Tobacco and rice programs have not yet been amended in the same fashion, although a number of trial runs have been made in rice. The need to get to a more market- and export-oriented program is as great for these crops as it was for wheat and cotton.

Best of all, the present policy reduces the extent of CCC administered export pricing, although it does not eliminate the need for some CCC actions to assure competition in world markets when our prices are bid above world levels by factors unique to the domestic market.

In the year ahead, U.S. corn will be exported without any export payments; sorghum grain with little or no export subsidy; wheat continues for the moment to require export payments averaging 20-25 cents per bushel—far below former levels. U.S. cotton will compete directly in world markets in the year ahead without export payments.

5. FARM POLICY AND FOOD ASSISTANCE

Our foreign food assistance programs were founded on world needs in the wake of World War II. They assumed a new identity under a new law in 1954. For 12 years they have operated under the banner of surplus disposal. During the first six years of P.L. 480—until 1961—surplus disposal and surplus accumulation went hand in hand.

Five years of laborious surplus removal—net drawdown of our commodity stocks—began in 1961. Today the real surpluses of grain, milk, vegetable oil, and rice, which made up for many years a first line of defense against shortage at home and hunger abroad, are gone.

During the coming 12 months we will use a part of our wheat reserve, as stocks are reduced to around 400 million bushels by next June 30. Feed grain stocks—expected to be 47 million tons on October 1 this year—will be reduced during the year ahead to well below anticipated reserve needs of around 45 million tons.

The past five years have also been a time of soul-searching about the legitimate long-term role of food in foreign assistance. The Food for Freedom bill now before the Congress is a partial response to this effort.

There are in the bill two major changes from today's food aid program:

*Food aid will no longer be limited to surpluses, but will be made up of commodities determined to be of maximum use in meeting program objectives, and produced for food aid.

*Food aid will to the extent possible (and in words from the President's Message to Congress) ". . . take into account efforts of friendly countries to help themselves toward a greater degree of self-reliance . . ."

Recent studies by USDA and FAO have documented the growing world food gap. With our surpluses used up, we are this year, beginning to tap our reserves—the ready reserve of stored grain stocks, and the inactive reserve of unused cropland.

At least half the land diverted from crops this year can probably be brought into production in 1967—partly to replenish our reserves and partly to meet current needs.

Abandoning the surplus requirement in P.L. 480 will not bring dramatic changes in the commodity composition of our food aid program. Commodities now important in food aid happen to be those which we produce rather efficiently. But the new concept will allow the mix of commodities to be changed if conditions require it.

Some have speculated that the U.S. is not serious about using the self-help principle as a guide to eligibility for food aid. Actually, neither we nor the world have a choice in the matter for the longer run.

There are three benchmarks by which to judge the adequacy of agricultural performance—that is, the rate of growth in farm production—in the developing countries: (1) the rate required to match population growth, (2) the rate required to meet minimum nutritional needs within the foreseeable future, and (3) the rate required to meet the economic growth targets while maintaining stable food prices. At present few of the developing countries are doing well by any of these criteria.

The proposed legislation also includes a shift from local currency sales to long-term dollar credit sales. Accumulation of vast quantities of local currencies deposited to the account of the U.S. Government in several of the principal food aid recipient countries has created some monetary and fiscal problems. Credit terms for the proposed dollar sales (replacing foreign currency sales) will be similar to development loan terms, with a grace period of up to 10 years and 40 years for repayment at low interest rates. Farm products would be available under the same terms as industrial products.

We are beginning the most complex farm policy period in our history as a result of the link now being forged between domestic farm policy and food assistance programs. Today's decisions by U.S. farmers and program administrators must be geared to domestic and export markets and to food aid needs as far as 30 months ahead. It is sobering to reflect upon the recent drought in India, or the dramatic transformation of the USSR from a grain exporter to a consistent grain importer with purchases now contracted three years ahead.

6. FARM POLICY IN WORLD AFFAIRS

The marginal but potentially crucial importance of U.S. agriculture as the source of food for commercial and concessional markets abroad brings us to a sixth feature of today's farm policy—its link to broader international policy.

It is not a new thing for food to play a leading role in world affairs.

Socrates is reported to have questioned an aspiring young statesman on the strength of the army, the budget of the city, and the number of houses in Athens. Having no success, he finally asked how much wheat would be required to feed the people of Athens for a year, and the young man was silent. Socrates ended the interview with the remark that "nobody was qualified to become a statesman who was entirely ignorant of the problems of wheat."

More recently Bertold Brecht wrote in *Three Penny Opera:*

"Now all you gentlemen who wish to lead us,
To teach us to resist from mortal sin,
Your prior obligation is to feed us,
When we've had our lunch, your preaching can begin."

Somewhere today someone is drafting a similar verse—perhaps a sonnet on scarcity.

Everywhere today farm policy decisions by this country are being closely watched and widely reported. Our crop reports are scanned as eagerly in Delhi as in Des Moines.

With Canada and Australia we stand as the major source of grain imports for the world. We are the only nation with a large supply of both grain and developed but unused land.

The Soviet Union and China have turned to Canada and Australia to fill the embarrassing grain gap which repeated 5-year plans, crash fertilizer programs, and one Great Leap Forward have left unfilled.

The Soviet Union, with vast agricultural resources relative to her population, has imported as much wheat in the past three years as India.

Communist China is using nearly 40 percent of all her foreign exchange earnings to import food and fertilizer. China's annual population growth of 15 million persons means it must find food for "another Australia" each year, good weather or bad.

Latin America's per capita calorie supply slips backward slowly but relentlessly. Ominously, sheer numbers seem to thrive best where agricultural production stagnates.

In such a world, food and the means to produce it have become important instruments of foreign policy. As good as dollars for aid if carefully used; more powerful than arms if strategically planned—America's food must be used not simply to meet the margin between subsistence and famine, but as the powerful force it can be for food production and rural development abroad.

DEMOCRATIC PROCESSES SUCCESSFUL IN FIRST VITAL TRIAL IN SOUTH VIETNAM—PEOPLE DESERVE CREDIT FOR THEIR COMMITMENT TO CITIZENSHIP THROUGH USE OF THE BALLOT—OUR OWN NATION HAD ITS EMERGING TRIALS AND TRIBULATIONS

Mr. RANDOLPH. Mr. President, many of my colleagues have spoken of the heartening news of the apparent success of the recent elections in South Vietnam. I, too, am impressed and optimistic at the size of the voter turnout in the face of terrorist activities and real and threatened violence.

Although the healthy, and—according to news releases—clean elections do not necessarily mean that this Asian nation is now finally on firm internal footing, it is an indication that the help we have been giving, in men, arms, material goods, and lives, has not been given in vain.

Among the editorials I have read, the commentary appearing in the Tuesday, September 13, issue of the New York Daily News sums up in cogent terms the results of these elections and their meaning for the people of South Vietnam and our own country.

Mr. President, I have been among the supporters of the administration in its efforts to assist the Vietnamese toward a stable, self-sufficient and democratically oriented government. The path which the past three Presidents have chosen is a difficult one for them, and for us. But many of our paths have been difficult, since our inception born of the most difficult step of all—rebellion against our own "motherland," England, which began in earnest with the Battle of Lexington-Concord on April 19, 1775.

The editorial to which I refer draws some parallels between voting in South Vietnam and in our Republic. But I think other parallels can be drawn—and those have to do with our Revolution, and our emerging as a democratic constitutional republic.

I have mentioned that our Revolution began in 1775. It continued, Mr. President, for 8 years—ending in 1783. Then, as we all know, there was still work to be done by our forefathers in building the kind of government which we have today, and through which we have become a great nation. The Founding Fathers met to draft our Constitution, first on May 25, 1787. But it took many months before their work was done, and still longer for ratification by the several States. It was 3 years later, May 29, 1790, before Rhode Island ratified the Constitution of our Republic, thereby giving it full and binding force, on all of us.

In the months and years ahead, while the South Vietnamese delegates struggle with the momentous task of framing their own governmental system, Mr. President, let all of us remember our origins. Let us not expect of them any more, or less, than is written of us in our own history. Let us wish them wisdom in their counsels, calmness in their deliberations—and let us remain with them for whatever time it takes, rather than giving them just so much time, and no more, in which to perform their tasks.

For there is no greater task, Mr. President, no more serious responsibility, than that of framing the principles by which a people shall be governed. Our contribution to the people of South Vietnam now must be patience, understanding, and continued support.

Mr. President, I ask unanimous consent that the editorial in the New York Daily News be printed at this point in the body of the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Smash Viet Vote Victory

Sunday's election in South Viet Nam were an overwhelming victory for the government headed by Premier Nguyen Cao Ky, and a humiliating defeat for Communism as represented variously by the Viet Cong, North Viet Namese Boss Ho Chi Minh, Red China, and Red Russia.

The Viet Cong tried every kind of terrorist tactics from murder on down to scare voters away from the polls.

Premier Ky would have considered a 60% voter turnout a victory. Instead, about 80% of those eligible to vote went to the polls and cast ballots—though some of these may have been blanks.

It's sensational—especially when you recall that in our 1964 Presidential election only 62% of our total voting-age population saw fit to vote.

The Sunday South Viet Nam elections produced a 117-member Assembly which is to write a constitution for the strategic Southeast Asian nation. Premier Ky calls the event "the beginning of the end for the Communists."

That may be over-optimistic. But the victory at least indicates, we think, that it is time to junk any notion that the Viet Cong are 10 feet tall or that their terrorist hold on large parts of South Viet Nam is unbreakable.

It is time, too, we believe, to get on with winning the war as soon as may be, ignoring the home-front Vietniks and all foreign kibitzers in the process.

The South Viet Nam elections strongly indicate that the great majority of South Viet Namese want Communism rooted out of their country. Let's help them, to the best of our ability.

PRIZE-WINNING ESSAY BY VICTORIA ASARE, OF GHANA

Mr. INOUYE. Mr. President, school children in Ghana were recently offered a prize for the best essay on "Democracy: What It Means To Me" in a contest sponsored by the U.S. Information Agency and the Ghanaian Ministry of Education.

The winner, out of 4,500 entries, was Miss Victoria Asare, 19. Her essay was published in the September 10 issue of the Christian Science Monitor.

Since this essay gives each of us an opportunity to see how one young African views democracy, I ask unanimous consent that the essay be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor
Sept. 10, 1966]

Democracy as Seen by a Girl in Ghana

(By Victoria Asare)

Democracy is such a wide and diversified concept that to my mind it defies definition. However, although it may seem impossible to capture its essence in one neat phrase, one can say that democracy rests on a trinity of permanent values; liberty, fraternity, equality.

The latter two fall easily into line but how can one and the same system incorporate liberty and equality since liberty of its very nature would seem to demand diversity?

Edward Lindeman puts it like this: "Where conformity is imposed as an external discipline, liberty is by definition excluded."

But to my mind it is this very tension between liberty and equality that gives democracy its vital force. It leaves room for a fruitful clash of ideas resulting in new developments. Edmund Burke, believing that liberty was "the dearest of the democratic graces" more or less ignored the idea of equality.

On the other hand, Rousseau held that since men were by nature unequal, it was the work of society to make them equal.

What exactly he meant by making them equal I am not sure, but, it seems to me that under a democratic regime all should have equal opportunities to develop whatever talent they may possess since all are equally worthy of respect on account of their dignity as human beings.

All through the ages men have been searching for a way—a system of living that would set them free, help them to live in harmony with their inner selves and with other men.

Plato, Rousseau, Lincoln, Aggrey are just a few of the apostles of democracy. With each of them the ideal became more and more fully realized till today there is hardly a corner of the world which is not in love with freedom.

Africa is no exception, nor is Ghana. The very fact that "Animal Farm" was once confiscated in our schools shows that the youth were wide awake but applying the moral too closely to home!

BATTLE CRY TWISTED

The trouble about democracy is that it is something which has to mature over a long period, otherwise it loses its roots and withers. No one will deny that the battle cry of the French revolutionaries was "liberty, fraternity, equality," yet in their fanatic pursuit of their ideals their cry was turned into "licence, fratricide, inequality."

The quest for liberty, fraternity, equality must be a patient one and the leader of a democratic government must be prepared for many false starts and disappointments.

"Instability, tension, and immaturity are inevitable when people are just beginning to face collectively and individually, a wide range of new situations and problems" (Adrian Hastings in his article "The Second Revolution"—New Blackfriars, March, 1966).

And to try to make everyone follow "the party line" just because one thinks it the best for them is to invite disaster as we have already seen here in Ghana. There must be a democratic approach. A leader must be willing to see his plans only partially realized.

There must be give and take and it is here that Africans have an advantage over more developed countries. Living close to the soil and living with its slow, peaceful rhythm, most Africans can wait patiently for growth.

The large and extended family system, too, gives every opportunity for give and take.

It is futile to argue that a newly independent country "cannot afford" to be democratic. A one-party system may seem to be the inevitable choice for a developing country which has to build up its economy, give an illiterate population much guidance, and do in 10 years what other nations have taken hundreds of years to do.

This may seem on the face of it very wise indeed, but recent events in our country have shown it to be a short-sighted policy. The 80 percent illiterate population soon tired of the forced "guidance." They were not willing to be led by the nose forever.

FAMILY FRAMEWORK

This goes to show that people who thought that democracy was not practicable in a country like Ghana were all wrong. They seemed to imply that we ought not to try out democracy until we had become wise and good under dictatorship. What folly! Any man who resolves never to get into the water until he has learned to swim will indeed wait forever and never learn.

We could do worse than base our teaching of democracy on a framework which we know already—the family. If I mention family, it includes not only my father, mother, brothers and sisters, but the extended family or group of relatives living in single or in neighboring communities. We are under the leadership of the elder men of the family, one of whom is popularly acknowledged as the head.

I remember once there arose the problem of sending to a secondary school one of the girls whose parents were dead. All the relatives met together and discussed how they were going to do this. It was finally decided that three of the uncles who were fairly well-off should contribute a certain amount of money each month.

Though the head died, this system continued to operate because once they had given their opinion and come to a satisfactory agreement they considered that out of loyalty to the family and respect for the head their promises must be kept.

This being the normal family's way of dealing with problems, it should not be hard to get people to understand democracy on a larger scale.

Besides, they are already familiar with democratic government, though not consciously so. I am referring to chieftaincy which holds in embryo almost all the essential features of democracy.

TENURE WITH STRINGS

A chief is made eligible for office by his birth into the royal family, but his ultimate selection to community headship depends upon the clear recognition of his acquired abilities to lead, by three powerful groups: first, by the members of his own family, then by the council representatives of all the other families in the community, and finally and most democratically, by the individual members of all the families who register approval or disapproval through their own representatives.

His tenure, like that of the family head, depends upon his behavior. If he fails to please, out he goes, to be replaced by another member of the royal family who can gain the necessary approval. In this way autocracy is prevented.

Nowadays, we find that the claims of the native chiefs are often unduly overlooked when native questions are being dealt with. The chief was formerly a man of very great importance. But his present position is anomalous. Both his rights and duties are ill-defined, and, as a natural consequence, he has lost a great deal of self-respect.

I think that it is the duty of any democratic government to endeavor to restore the native chief to his former position of trust in the community. He must be given real power, definite responsibilities, and definite rights and duties.

If this is done I feel sure we will be developing along lines of natural evolution instead of substituting for our own laws and customs, a system that we think is better just because it happens to be in force in Great Britain or Russia.

Improvement on, and not mere imitation of the views of the Western democratic credo, whether in morals, manners, and customs, or in dress, art, or industry is the trade keynote of civilization throughout the world.

If democracy is to have the proper environment in which to develop there must be a stable economy and more and varied educational opportunities.

"In general the economy is not developing comparably with education and there is a real danger that higher education—especially if it is incomplete will come to put people out of a job, rather than into one.

"This is especially true as so little of the educational effort is directed toward a trade or craft. It is academic, geared to professional work or to the white-collar jobs of an advanced industrial society, but that society hardly exists yet in Africa" (Adrian Hastings). Therefore, there is need for more emphasis on technical training so that there will be skilled workers to fill the jobs made available by an expanding economy.

But preparing people to fill posts is only a minor part of education. Democracy is not just a form of government, it is an attitude of mind and in educating people for it there are many factors to be considered. I shall deal with only two extremes.

First, there are those whose ideas of freedom have been so blunted that they may have to be shaken out of a servile frame of mind. To such people it must be pointed out that they have a right to speak their mind, to fight against injustice, to vote for whomsoever they please and in secrecy.

They have a right to education, a just wage, free time, consultation with their employers and so on.

A LESSON IN LIMITS

Then there are the others, a greater number I think, whose ideas on freedom need to be corrected. They are the people who criticize everything destructively but who fail to realize that they are not exercising liberty here, but taking liberties, which is entirely different (Adrian Hastings).

Among those who offend against liberty are many of us young students. Since democracy is a way of walking and not of talking, we must have opportunities to live it in school. There is already the prefectorial system which teaches that positions of honour and trust bring their own responsibilities and duties.

But not all young people appreciate that the responsibilities are at least as important as the privileges, if not more so. Let me illustrate this point.

In a certain boy's school the students were continually clamoring for more democratic treatment. They felt they should be consulted and have a say on the drawing up of the menu for meals.

The headmaster eventually decided to teach them a lesson. He allowed the students' food committee to take over completely the ordering of provisions. They were to be entirely responsible for handing out the food to the cooks and hardest of all for keeping within a fixed budget. The experiment failed.

After a week the boys tired of the extra work involved, and, worse still, half the school was reporting at the dispensary with stomach-aches!

But the committee had learned at least this: That democracy is not all shouting for rights.

Freedom has limits and we should all respect each other's. What makes a society is a common aim; and to have a solid, lasting society there should be rules and some basic moral standards. What should be learned is that we are what we are today because of our neighbors, their personalities, and the influence of all those we have ever met.

Therefore, we should respect the ideas of other people and accept and bear our own mistakes if we are in the wrong, for we are all fallible.

EDUCATED MINORITY

People who have recognized their freedom, its limits, and their fallibility form a free state. A man of a free state is bold enough to stand by the light given him. This means he is able to bear witness to the right and wrong he sees. He need not close windows and doors in order to talk about the government, religion, or a frivolous book on politics found in the library.

This does not mean that he may always criticize the government if it intervenes in certain of his affairs. There is no use in its giving me a full scholarship while I sit down at my desk enjoying the breeze. The head of my school, acting in the government's interests, has a right to withdraw that scholarship.

To conclude, we know that only love, goodwill, friendship, and spiritual togetherness can secure the well-being, prosperity, and progression of our nation.

Above all, I feel strongly that as far as we Ghanaians are concerned, we shall be depending for a long time to come on an educated minority. Let them be truly educated then. Let them put away all thought of personal gain and advancement and be men of sympathy, imagination, and above all men of patience.

For "all this will not be finished in the first 100 days. Nor will be finished in the first 1,000 days . . . nor even perhaps in our lifetime on this planet. But let us begin" (President Kennedy in his first inaugural address).

HISTORY DIDN'T REPEAT—FAILURE OF AGGRESSION IN SOUTH VIETNAM

Mr. BAYH. Mr. President, some people do not seem to learn that it is impossible to stop aggressors by giving them what they seek at the moment.

This unfortunate, potentially tragic, failure to recognize the aggressor's nature is the theme of a forceful editorial in the Indianapolis Star.

Because the message implicit in the editorial is well worth serious deliberation, I intend to ask that it be printed in the RECORD in full at the close of my remarks.

It is my understanding that the editorial, entitled "History Didn't Repeat," states the policy not only of the Indianapolis Star but of the other newspapers published by Mr. Eugene C. Pulliam in Indiana and Arizona.

Quite obviously, it supports the view of President Johnson and strongly endorses our stand against Communist aggression in Vietnam.

The President has declared again and again that we do not seek any territory or any special rights in Vietnam. Likewise, he has made it very clear that we are fighting the cause of liberty for the South Vietnamese and, in consequence, for all men.

The President has warned the Communists that we will not quit and that we will stay until peace is achieved at the conference table or until the aggression is halted.

The editorial to which I previously referred goes back 30 years to reinforce its case. Certain events of that period are written on history's darker pages.

In 1936 France decided not to challenge Hitler's remilitarization of the Rhineland. By the time it became apparent that he would never stop, Hitler had marshaled a mighty army, a fleet of marauding U-boats, and a powerful air force.

Hitler stacked up his dominoes, as the Indianapolis newspaper recalled. They consisted of Austria, the Sudetenland, then all of Czechoslovakia, and ultimately Poland, the Netherlands, Norway, the Baltic States, the Balkans, France, and North Africa.

Parenthetically, it should also be pointed out that during those years Mussolini's Italy subjugated Ethiopia, and Japan penetrated farther and farther into Manchuria.

With the rest of the world, many Americans also looked upon these invasions with the illusory hope that the aggressors would soon be satisfied.

But now we choose to resist. The history of three decades ago is not repeating. We are determined to stem the Communist tide before it overruns all of southeast Asia. Responsible Americans realize that giving in to aggressors cannot stop them. That, we are reminded in this perceptive editorial, is why we are fighting in Vietnam.

Mr. President, I ask unanimous consent that the entire editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Indianapolis (Ind.) Star, Aug. 14, 1966]

History Didn't Repeat

France in 1936 chose not to fight Adolf Hitler when he remilitarized the Rhineland. Most French leaders thought he would stop there.

By the time they realized he would never stop—that it would take superior force to stop him—he had all of the trump cards, a lightning war land army, a fleet of U-boats and a powerful air force.

The United States today chooses to fight Asian Communism as it applies armed force to seize South Viet Nam. We aim to stop the Red tide before it overruns all Southeast Asia.

The peaceniks today do not consider Viet Nam to be the Rhineland of our generation. The appeasers of the 1930s did not consider the Rhineland of 1936 to be a crucial issue for their generation. They scoffed at the "domino theory" of Winston Churchill and other tough-minded, realistic men.

Hitler began stacking up his dominoes—Austria, the Sudetenland sections of Czechoslovakia, finally all of Czechoslovakia, ultimately Poland, the Netherlands, Norway, the Baltic states, the Balkans, France, North Africa.

The chief peace advocate of that tragic era was Prime Minister Neville Chamberlain, who after pleading with Hitler at Munich not to start a war, and offering Czechoslovakia as appeasement, flew back to England and announced to the world it was assured of "peace in our time."

Responsible American leaders realize today that you cannot stop aggressors by giving in to them. That is why we are fighting in Viet Nam.

But the peaceniks go on believing, as Neville Chamberlain believed, that you can stop aggressors by giving them what they seek at the moment. Some people never learn.

EXCLUSION OF PIECE RATE FARMWORKERS FROM WAGE AND HOUR BILL

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed at this point in the Record a statement indicating why I intend to support the motion that will be made tomorrow by the Senator from Vermont [Mr. Prouty] to instruct Senate conferees on the wage and hour bill to insist on the Senate provision for the exclusion of farmworkers who are paid on a piece rate basis.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Robertson

Senator A. Willis Robertson, Democrat of Virginia, announced yesterday he will support a move to be made in the Senate this week to send the Fair Labor Standards bill back to conference for exclusion from coverage of hand-harvest workers who are paid on a piece-rate basis.

"On Wednesday, the Senate plans to act on the conference report on the wage and hour bill," said Senator Robertson. "Senator Prouty, of Vermont, will offer an amendment to instruct the Senate conferees to insist on the Senate provision for exclusion from coverage of piece-rate farm workers.

"In Virginia, that would apply primarily to those who are paid by the bushel to pick apples, but the definition would be for all piece work.

"If the Prouty motion is adopted, the House conferees would probably ask for instructions from the House, and the House may approve, although the motion made in the House on May 26 to recommit the bill to eliminate completely the coverage of agriculture, was defeated by a vote of 231 to 168.

"The inclusion of thousands of agricultural workers will, I believe, only lead to further mechanization of farms with a resulting loss in job opportunities.

"And, as was pointed out by Senator Holland, it is a forerunner of a move to apply the minimum wage to all farm-workers, to be followed, of course, by their unionization.

"More and more, the Government is encroaching upon a rather unique and vital principle of our representative democracy—private enterprise. The framers of our Constitution in embodying private enterprise in that great document intended that the Government would be only an umpire of fair play between management and labor. The pending bill is an evidence of a modern trend in the direction of a managed economy—a poor substitute for private enterprise and doomed to failure when it controls management but not labor."

FLY ASH: A WASTE PRODUCT THAT CAN CUT COSTS

Mr. PROXMIRE. Mr. President, our colleague, Senator Robert C. Byrd of West Virginia, has written a revealing and thoughtful article in the September 15 edition of Public Utilities Fortnightly on a project sponsored by Federal funds involving the use of coal fly ash. Senator Byrd has explained the great value of reusing this waste product which now represents a costly disposal problem for our public utilities.

I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

(By the Honorable Robert C. Byrd, U.S. Senator from West Virginia)

Last year when I amended a bill to add $275,000 to Office of Coal Research funds for the purpose of constructing a pilot plant at West Virginia University to produce building brick from fly ash, a colleague on the Senate Appropriations Committee remarked:

"I would vote that amount just to find places to get rid of the stuff."

Disposing of fly ash has been a growing problem since piles of cinders from beehive ovens began to blight areas of West Virginia and Pennsylvania in the latter part of the last century. In more recent years, as the electric utility industry developed equipment to capture fly ash before it leaves the stack, the dilemima has spread to every area where there is a coal-fired power plant. Today fly ash is being used to fill swampy land and old quarries; it is dumped at sea and in any place where it can be hidden.

Slowly, American industry is waking up to the fact that wanton discard of fly ash is not only costly; it is also wasteful.

The value of fly ash was first recognized by the Romans, who used volcanic ash and lime to make hydraulic cement for the construction of their buildings. While a great deal of experimentation took place through the years, the use of the material in modern times did not begin on a large scale until after World War II, when electrostatic precipitators came into wide use to remove solids from the flues of coal-fed steam plants.

For some time it has been known that fly ash could be used as a mixture for concrete, but the extent of this utilization has been entirely too limited. Probably no more than 5 per cent of the 20 million tons collected last year was put to constructive use. With the addition of electric generating capacity this year and in the years ahead, the accumulation will spiral upward, especially because of increased efficiency in the arrest of particulate matter in the boiler plant operation. Modern precipitators can trap as much as 99.5 per cent of the fly ash that occurs in combustion. Used advantageously, this material can help defray the cost of expensive air pollution control equipment.

Costs of disposing of fly ash are estimated at from 50 cents to $2 a ton, depending largely upon the distance it must be hauled. Mere eradication of this expense can bring important savings to electric companies; when demand for the by-prouduct is established, sales will further reduce operational costs and, in effect, strengthen coal's competitive position in the utility market.

The brick-making project at West Virginia University appears to have outstanding potential. In planning a production of 1,000 cured bricks and 8,000 uncured bricks per eight-hour day, the university will demonstrate the value of the process to commercial firms. Experimentations to date have indicated that the coal-based bricks can meet or exceed all standard requirements, and the cost of producing them will be reasonable and competitive.

HOW FLY ASH MAY BE USED

Whatever the outcome of this project, however, there are already numerous proven uses for fly ash, but the value of the product is not likely to be quickly recognized without proper marketing stimulus on the part of the coal and electric industries.

A unique pamphlet published by the Baltimore Gas and Electric Company points out that, when fly ash is mixed with cement, the end product contains these features:

Improved Workability. Concrete in the plastic state flows more readily and finishes better when it contains fly ash. It is more cohesive and plastic and is less prone to segregation and bleeding. Less vibration is required when concrete contains fly ash.

Better Appearance. Smoother surface with less cracking. Fewer voids and sharper edges.

Lower Permeability. Fly ash concrete shows less susceptibility to water penetration. This is of particular importance when concrete is in contact with sea water.

Improved Chemical Stability. Many tests have shown that fly ash concrete resists the action of sulphates and sulphuric acid.

Less Heat of Hydration. Fly ash concrete demonstrates as much as 25 per cent less temperature rise when compared with concrete that does not contain fly ash. This feature is of considerable value in mass concrete.

Lower Shrinkage. Fly ash concrete shows less tendency for cracking during the initial setting and drying.

Continued Strength Gain. The pozzolanic action of fly ash concrete continues over many years and insures higher ultimate strength than all cement concrete.

More Uniform Color. The presence of fly ash in a concrete mix produces a more uniform color.

Resistance to Thermal and Chemical Effects. Fly ash concrete is more resistant to freezing and thawing and to salts used as ice removers.

Fly ash has been used as a concrete reinforcement in the construction of some of the world's largest dams. It has added years to the life of the concrete highway. It serves as a mineral filler in asphalt paving. The Santa Fe Railway is using it to stabilize its roadbed.

GREATER UTILIZATION IS FORTHCOMING

J. P. Capp, chemical engineer at the Morgantown (West Virginia) Coal Research Center, U.S. Department of the Interior, foresees a multimillion-ton outlet for fly ash in lightweight aggregate, which currently accounts for more than one-third of fly ash consumption in this country. Consolidated Edison Company is operating a lightweight aggregate sintering plant in New York City, and another such plant is in operation near Detroit Edison's River Rouge facility.

Smaller sintering plants are producing on a semipilot-plant scale in Detroit and Philadelphia.

The potential would seem almost unlimited, yet activity in fly ash utilization continues uninspiring. In an effort to spur its use, I have recently appealed to the Secretary of Commerce, who is authorized under the Appalachian Development Act to require each participating state, to the maximum extent possible, to use coal derivatives for purposes of research and development in the construction of highways and roads. The initial results are encouraging and hopefully will prompt states outside Appalachia to take advantage of fly ash availability at generating stations within proximity of the highways they are building or planning.

Earlier this year Robert E. Lee Hall, vice president of the National Coal Association, told the Electric Club of Los Angeles that use of coal by southern California utilities will open the way for utilization of fly ash in that area's building industry. He predicted that introduction of fly ash to West coast industry will begin as soon as the Southern California Edison Company plant in Clark county, Nevada, goes into operation.

The economic benefits of fly ash may have been established nationally when the Clark county station goes on the line four or five years hence. But, meanwhile, neither coal nor the utilities should be satisfied with the present pace of fly ash sales. Experience indicates that proper promotion would more than pay for itself.

WHAT'S HAPPENED TO RESPECT FOR LAW AND ORDER?

Mr. KUCHEL. Mr. President, with an alarming increase in the crime rate in the country, as reflected by the reports of the Federal Bureau of Investigation, it is reassuring to read of a citizen's pride which results from respect for law and order.

That pride is expressed in an article, entitled "What's Happened to Respect for Law and Order?" written by Senator ROBERT BYRD of West Virginia and appearing in the September 1966, edition of Future magazine. The magazine is published by the U.S. Junior Chamber of Commerce.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT'S HAPPENED TO RESPECT FOR LAW AND ORDER?

(By Senator ROBERT C. BYRD, Democrat, West Virginia)

A serious domestic crisis is facing our Nation today. I refer not only to the crime crisis as it appears in widely publicized statistics and to the fact that the rate of serious crime has increaseed six times faster than the rate of our population growth since 1958. I refer to the dangerous breakdown of respect for law and order sweeping this country today which recently has shown itself in the demonstrations in "protest" of the foreign policies of our Federal government, specifically giving aid and comfort to the Communists by opposition to our military efforts in Viet Nam.

The freedom to protest has become, at the least, a means of cheap exhibitionism for restless, unoccupied adolescents; and more fearfully, a way of denigrating our carefully conceived national policies and a cause of suffering and death.

With respect to those who counsel and perpetrate unlawful acts, Americans must react with vigilance, sternness, and speed in the dispensing of just and legal action for the offender. I made reference above to the fact that the traditional American right to protest is losing its significance and its respect. Other rights—greater rights—are also losing respect and significance. Recent events have emphasized that there has been a violent breach of two cardinal principles of our American society—the respect for law and order and the recourse to orderly process of law to seek redress of wrongs.

A line from the creed of the U.S. Jaycees affirms, "That government should be of laws rather than of men." I am sometimes led to wonder whether the people—most of them quite young—who are attacking this country, its laws, and its foreign polices have heard of Hitler and Stalin and Mussolini, if they have any conception of the kind of government that would result if they were successful in their attempts to undermine the laws, to discredit the men who endanger their lives to enforce these laws, and to cause doubt and disaffection among those men who stalwartly serve in support of our Nation's military commitments. The government of men inevitably follows the failure of the government of laws.

The time has come for the lawabiding citizens of this country to realize that law and order are as vulnerable as they are valuable, and with this in mind, to put their full weight behind the laws and those men who enforce them. The members of the progressive organization, the United States Jaycees, are ideally suited to show the way. The Nation needs your help.

I have been very interested to learn about the Jaycees' statewide project in Wisconsin to rally public support behind the police. I understand this project is extremely successful, and that other Jaycee organizations are considering initiating similar ones. I would strongly encourage them to do so.

At one time, a suggestion was advanced in the District of Columbia that a campaign be undertaken to enlist the active support of the business and professional community in combating crime, in the belief that this could make an immense contribution to justice in the community.

It is my belief that, on a national scale, an intensive effort toward encouraging support of and cooperation with the police and other law enforcement officers would be an effective element in the prevention of crime. Moreover, I believe that if the Jaycees would so desire to undertake the organization of such effort, and could campaign to increase public support for law observance and greater responsibility of action in support of duly constituted authority, they would prove to be a truly independent and effective voice in encouraging decency of public action and in protecting the civil rights of all, the majority as well as the minority.

The U.S. Jaycees represent the very opposite end of the pole from these dangerous and irresponsible elements of society about which I have been talking. Your goal is service, to the community and to humanity. We need more people in this country today who equate freedom with responsibility, or we will soon be in danger of losing both.

Western civilization cannot endure without preserving its basic principles of justice and humanity for all, and our American society cannot endure if it drifts into lethargic acceptance of breaches in the strong body of our law, as based on our Constitution.

When we reach the stage where some people can break the law without punishment in the name of individual freedom, then it is obvious who will be the loser. The loser will be John Q. Citizen—you and me, our wives and children, old and young, black and white, in cities and hamlets all over America. The law is the buttress of individual freedom, the citadel of civil rights, the bulwark of the private citizen against tyranny, and the firm foundation upon which our Republic rests.

EDITORIAL COMMENT ON SOUTH VIETNAM ELECTION

Mr. McGEE. Mr. President, the most encouraging participation of the South Vietnamese people in Sunday's election has drawn wide notice, as indeed it should. That this was a triumph giving rise to the hope that a government which can stand the most critical test of its legitimacy is quite clear.

Among the notices given this promising turn of events in Vietnam were the editorials of the three daily newspapers of Washington. I ask unanimous consent that the editorials published in the Evening Star and the Daily News of Monday and in today's Washington Post be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, Sept. 12, 1966]

THE VOTE IN VIETNAM

The turnout in the South Vietnamese election—some 80 percent of the eligible voters—is being hailed with ample justification as a victory for the Saigon government and, indirectly, for the United States.

It is a victory because the Viet Cong tried, and failed, to so intimidate the voters that they would stay away from the polls. To a lesser degree it is also a victory because Buddhist elements tried, and failed, to persuade the people to boycott the elections. Most observers, in these circumstances, would have been satisfied with a 60 percent turnout. Anything in excess of that can properly be regarded as a welcome bonus.

It is too early, of course, to know what the heavy vote means in terms of support for or opposition to the Saigon government and its conduct of the war. The purpose of this election was to choose members of a constituent assembly which is expected to draft a new constitution by next March. After that will come the selection of a legislative assembly to restore civilian rule to South Viet Nam. These are the significant tests of what the shape of the political future will be.

None of this, however, detracts from the importance of the response by the South Vietnamese to this opportunity to demonstrate their interest in making a political choice. Had the voter turnout been small, that would have been seized upon as evidence that the people were fed up and wanted nothing more than to be left alone. Certainly this is what Hanoi hoped for in its effort to keep the voters away from the polls. That it didn't happen, that the people turned out in record numbers despite the years of war, privation and oppression, is a heartening indication that the South Vietnamese believe the future holds something better for them than submission to the agony of Communist domination.

[From the Washington (D.C.) Daily News, Sept. 12, 1966]

Smashing Victory in Vietnam

What took place in South Viet Nam yesterday was the most reassuring, progressive and promising thing that has happened there in years. Surpassing all predictions, over three-fourths of the country's registered voters went to the polls to elect a national assembly. The enormous turnout means a smashing victory for the Saigon government, and a clear defeat for the communists.

For weeks communist agents, following Hanoi's line, had been calling on South Vietnamese to boycott and "crush" the "sham elections," and backed up their demand with threatened, and actual, terror attacks. The militant Buddhist monks also tried to undercut the elections by urging on followers "non-co-operation" toward the balloting.

The names of yesterday's winners won't be known until later this week, but the massive turnout, witnessed and verified by a host of foreign observers, means a government victory. By that we don't mean, necessarily, a victory for Prime Minister Ky and the ruling generals. We mean a declaration of loyalty to and faith in those men in authority who, for all their faults and shortcomings, represent the non-Communist alternative.

We have long believed the South Vietnamese people are basically against the Viet Cong, because they know their aims and their methods. Despite many disappointments, they are disposed to look to Saigon for the answer to the communists. That is what this election means: that millions of Vietnamese overcame their skepticism and apathy—and fear of Viet Cong retaliation—to register their faith in a non-communist future for their country.

[From the Washington (D.C.) Post, Sept. 13, 1966]

South Vietnam's Election

The large vote in the South Vietnamese elections is a triumph for the government, more complete than anyone would have dared predict in advance. If the country were as completely dominated by the Vietcong as some critics have alleged, such a turnout would have been impossible.

The big vote, in the face of Vietcong terror, is at once a revelation of the weakness of the dissidents and a vindication of the political awareness of the rank-and-file of the people. The world has learned enough about so-called "elections" in Communist and Fascist states, to know that elections can be managed. It is sufficiently familiar with electoral frauds to know that elections in which voters have no alternative to a dictated slate may not be a meaningful index of the extent that democracy prevails.

In this election, however, the fact of voting in itself disclosed something about affairs in the country—whatever the voters voted for or against. To participate in the election at all was to defy the Vietcong, to repudiate its methods and to opt for the alternative offered by the government.

It is what the elected Constituent Assembly does that will fix the place of this election in history, of course. The opportunity now exists to establish in South Vietnam a government with the priceless endowment of legitimacy. No Communist critic can challenge successfully or convincingly the credentials of this elected body. It has a better claim to sovereignty than critical governments where the voting has been by bullet and not by ballot.

It will be difficult for the Constituent Assembly to perfect a constitution acceptable to all the people, or to an overwhelming majority of them. It will be hard to get a new government, functioning under the constitution, launched in the midst of war and rebellion. But the people of South Vietnam have made a brave beginning that is a credit to them.

INTRODUCTION OF SENATOR ERVIN TO NATIONAL ASSOCIATION OF RAILROAD TRIAL COUNSEL

Mr. TALMADGE. Mr. President, on August 22, the distinguished Senator from North Carolina [Mr. Ervin] addressed the National Association of Railroad Trial Counsel in White Sulphur Springs, W. Va. He was introduced by our mutual friend, Charles J. Bloch, of Macon, Ga.

Mr. Bloch's introduction of Senator Ervin was a well-deserved tribute to one of the most outstanding and dedicated Members of this body, whose vast knowledge of the law and unswerving allegiance to sound constitutional government have served the Senate and the Nation with great distinction for many years.

I ask unanimous consent that Mr. Bloch's introduction of Senator Ervin be printed in the Record.

There being no objection, the introduction was ordered to be printed in the Record, as follows:

If there ever was a time in the history of the American Republic in which leadership was needed, it is now.

And, if there was ever a man fully endowed and equipped for such leadership, it is our speaker this morning.

Essential qualifications for such leadership are (1) Birth and heredity which have familiarized the man with the fundamental principles of American government; (2) Courage; (3) Integrity; (4) Intelligence; (5) Experience.

Seldom are such characteristics combined in one man. If and when they are, there *should* be your leader.

Born in Morganton, North Carolina, graduated from University of North Carolina in 1917, Sam Ervin, Jr., son of a distinguished North Carolina lawyer, served in France with the famed First Division in World War I. Twice wounded, twice cited for gallantry, he returned to complete his legal education at Harvard and to marry his boyhood sweetheart, who is here today. Practicing in the place of his birth, as A.D.C. of Southern Railway Company for one of his clients, he served his country in the North Carolina Legislature and as a Superior Court Judge; then his district as a Representative in Congress; then for six years as a Justice of the Supreme Court of North Carolina. On June 11, 1954, he was appointed U.S. Senator from North Carolina. Reelected that autumn, and again in 1956 and 1962, today he serves his State and Nation as U.S. Senator and as a member of its Judiciary Committee and Chairman of its Committee on Constitutional Rights. He has been cited by the American Legion for "devotion to the Constitution"; by the Patriotic Order of Sons of America "for great and inspiring public services"; by the U.D.C. for defense of Constitutional Rights. I, to you, cite him as the outstanding American of today, possessing to a unique degree those essential characteristics of leadership America so sorely needs—my dear friend, U.S. Senator Sam J. Ervin, Jr., of North Carolina.

WIRTZ SUPPORTS WAGE GUIDELINE ADJUSTMENT FOR COST OF LIVING

Mr. PROXMIRE. I thank the Senator from Colorado for his generosity in yielding to me.

Mr. President, I was delighted to notice in this morning's New York Times that the Secretary of Labor, Mr. Wirtz, has formally and publicly committed himself to an adjustment of the wage-price guidelines to include the increase in the cost of living.

This is mighty welcome news. To my knowledge, the administration has not previously recognized the inequity that the wage-price guideline represents for the workingman who is held to a wage increase that may be exceeded by the rise in the cost of living.

At yesterday's House hearings on wage-price guidelines, Economist Gerhard Colm suggested that part of the increase in the cost of living be permitted above the strict productivity guideline, but not the entire cost.

Mr. President, it is most important for the President and Congress to recognize the present wage-price guideline inequity for two reasons:

First, unless we do recognize it, the injustice of the present administration of the wage-price guideline will kill the whole concept. This would be unfortunate. Since President Kennedy instituted the concept, it has served the country well, in spite of the severe criticism it has suffered. In a period of tight demand, falling unemployment, rising utilization of plant capacity, it has kept the rise in the cost of living, well below what it was in the years prior to its conception.

Second, the guidelines as presently administered represent a clear inequity. The worker producing more will actually receive less in real wages if prices rise more rapidly than the guideline. Even if the cost of living rises less rapidly, it erodes the productivity increase the worker has earned.

Secretary Wirtz' suggestion would meet this weakness and correct it.

I ask unanimous consent that the article in the New York Times, reporting Secretary Wirtz' commitment, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Guidepost Change Backed by Wirtz—Cost-of-Living Rises Would Be Factor in Pay Raises

(By Eileen Shanahan)

Washington, September 12.—Labor Secretary W. Willard Wirtz endorsed today a basic change in the Administration's anti-inflationary wage-price guideposts. The change would recognize a rise in the cost of living as a valid basis for union wage increases.

Mr. Wirtz told a House government operations subcommittee that he subscribed "completely" to the idea that the guideposts should be amended to take consumer price increases at least partly into account when determining what a fair wage increase was.

Union leaders have generally argued that the guideposts should allow wage increases that fully reflect increases in consumer prices, plus the improved productiveness of workers.

Productiveness is the only guidepost test now.

The proposal for a cost-of-living amendment to the guideposts was made by Henry S. Reuss, Democrat of Wisconsin, who conducted the subcommittee's hearings on plans to improve the guideposts.

Mr. Wirtz received no support for his view from the other Administration official who testified at the hearing—Gardner Ackley, chairman of the President's Council of Economic Advisers. On the other hand, Mr. Ackley did not express disagreement either.

Instead, he begged off any discussion of revisions of the guideposts in language that suggested—but did not clearly say—that the Administration might be considering a cost-of-living amendment.

"The price increases, Mr. Ackley said, "that have raised the workers' cost of living have undeniably made it more difficult to ask—and surely more difficult to expect—organized workers to refrain from seeking not only wages that would be consistent with cost stability but something more to offset all or part of the rise in consumer prices.

"However, I know that you will not ask me to discuss whether we may contemplate proposing any temporary departure from the pure productivity standard for wage increases in the face of this rise in living costs."

The reasoning behind a partial, but not complete, recognition of cost-of-living increases in the wage guidepost formula was outlined by another subcommittee witness, Gerhard Colm, chief economist of the National Planning Association.

The guideposts, he said, "were formulated under the assumption that price stability could be maintained," but "price stability has not been maintained."

"By allowing partial—not complete—adjustment to actual and prospective increases in the cost of living, [unionized] workers in any one industry are not made to bear the full burden of society's failure to stabilize prices," Mr. Colm declared. "But they are also not permitted to pass this burden on entirely to other groups in the population with less flexible incomes."

PRICE INDEX RISES

The discussion of the cost of living occurred as the Labor Department was reporting that the index of wholesale prices rose again in August for the fifth straight month. Increases in the Wholesale Price Index are generally followed by increases in consumer prices a few months later.

The rise in August was an unusually large one, four-tenths of a point, and brought the Wholesale Price Index to 106.8, with the average prices of the 1957–59 period taken as the base of 100. The index was nearly 4 per cent higher than in August a year ago.

The rise in August was entirely confined to foods and farm products, which rose 1.4 points to 111.3.

Although food price increases affect consumer budgets, they are often caused by purely seasonal factors or such noneconomic influences as drought. Economists, therefore, tend to look more at industrial prices in determining whether there are general inflationary pressures in the economy.

The index of wholesale prices of industrial commodities remained unchanged in August, at 105.2, marking the first month since last December that this index did not rise.

The hearings before the government operations subcommittee today focused mainly on a plan to make the wage-price guideposts more effective, rather than ideas for amending them.

All the witnesses expressed some doubt about legislation sponsored by Mr. Reuss and Senator Joseph S. Clark, Democrat of Pennsylvania, which would give Congress a hand in deciding the size of wage increases to be permitted under guidelines.

Except for Dr. Carl H. Madden, the chief economist for the Chamber of Commerce of the United States, all the witnesses said they thought it would be desirable for Congress to hold hearings on the guideposts annually, in the interest of public education and to give labor and management their say on the subject.

However, Mr. Ackley and Mr. Wirtz agreed that there were defects in the idea of permitting Congress to revise the President's guideposts.

Dr. Madden expressed fears that Mr. Reuss's proposal would lead to making the guideposts mandatory, not voluntary as they are now. He said Government reliance on the guideposts to control inflation had lead the Government "to shirk its responsibility to do something about the cause of inflation—overspending."

THE AMERICAN INDIAN—ONCE FIRST—NOW LAST

Mr. MUNDT. Mr. President, in headlining its September issue editorial, the Plainsman magazine, published in Omaha, Nebr., states:

> Our "Earliest Americans" really might deserve a bit more attention than they now receive.

The editorial kicks off a most interesting and enlightening discussion of the problems confronting the American Indian. The editorial, an excellent article by Robert Savage, entitled "The Proud, Fierce Sioux: Where Are They Today?" and an interview with Indian Affairs Commissioner Robert L. Bennett by Washington correspondent Kenneth Scheibel constitute an important documentation of the victimization of the Indian by the white man when his lands were taken and the tribes were shunted off onto reservations.

That part, of course, is well-known history, but it is worth recalling over and over to demonstrate that there is a continuing obligation on this country to take whatever steps are required to achieve the equality of opportunity which has been denied for so long. This record should also warn us all against too much paternalism by the Federal Government and the devastating consequences of suppressing the initiative and circumscribing the freedoms of any race or any segment of our society.

With respect to that obligation, the interview with Mr. Bennett, as well as Mr. Savage's assessment, outline some of the steps which are being taken and review some of the possibilities which are available or which can be developed to help the Indians help themselves.

Mr. President, in my capacity as the ranking minority member of the Appropriations Subcommittee on Department of the Interior Matters, I am familiar with the programs and the effort which have been and are being made for the Indians of America, of which a large number reside in my State of South Dakota.

Some of these activities have originated with officials of the Bureau of Indian Affairs, some have been developed from ideas presented by the Indians and their tribal officials, other recommendations have come from the membership of our Appropriations subcommittee itself, as we all strive to move forward in this problem of vital concern.

To those who serve on the subcommittee, the articles to which I invite the attention of the Senate are familiar subjects. Those who do not serve on the subcommittee or on other committees which have a relationship to the problems of the American Indian will, I believe, find in these articles information of great interest, and I am pleased to bring them to the attention of the Senate.

Mr. President, I ask unanimous consent to have the editorial, the article, and the interview printed at this point in the Record.

There being no objection, the editorial, article, and interview were ordered to be printed in the Record, as follows:

[From the Plainsman, September 1966]

Our "Earliest Americans" Really Might Deserve a Bit More Attention Than They Now Receive

The American Indian, who represents a widely-neglected minority race amid several years of hue and cry for civil liberties, for equal rights and opportunities among Negro Americans, Mexicans and Puero Ricans, has been chosen for study in some depth by the Plainsman since we feel that his story often has been ignored, in at least three of our so-called long, hot summers.

The Indian people, representing the tribes that we know so well in the Great Plains, have not participated apparently in the sit-ins, sit-downs, the chain-ins, marches, the flag waving, speech-making and even rioting that has erupted so violently and so fearfully in the major cities of the North.

Perhaps this is due to three factors:

First, the Plains Indian is not in a large measure a city dweller, where much of the racial turmoil has inspired continual and decidedly dismal headlines.

Second, the American Indian, often hoping to preserve his particular way of life, has remained somewhat aloof (though certainly not uninterested) in the manifestations of racial unrest that have plagued the nation in recent years.

Third, there simply are not enough Indians in the entire United States, approximately a half a million of them, to constitute what might be regarded as a politically effective "racial bloc," with the possible exception of certain Western states in which they undoubtedly can and should influence local, even Congressional elections. Indeed, today they largely represent a culture that appears to be somewhat remote from the American "mainstream."

This remoteness, except when it comes to the matter of paying taxes or serving in the Armed Forces, has represented a source of strength to them, a feeling of solidarity that manifests itself in the we-take-care-of-our-own philosophy (though not without Federal and State Government help and even meddling, of course).

We have found in the articles that follow on Pages 11 and 18 that the Indian people, however, seemingly are proud of their heritage as "the earliest Americans"—but that all too often they suffer from grinding poverty (sometimes self-imposed) and a sense of fatalism.

That they are proud to be Americans is without dispute. But, as our readers will note in the articles mentioned above, the Indian people often feel lost in what seems to them to be an alien and materialistic culture that is largely based on economic enterprise.

It's the Plainsman's contention, however, that optimistic steps are being taken not only by the Indian himself but by private, religious and Governmental agencies to assist him to "adjust" (which often can be synonymous with "submit") to a new order of life that he did not devise—but with which he probably will have to come to terms, granting the ill-will and bloodshed of the Indian wars of a century past.

We invite your interest, therefore, in what we consider to be a most pathetic, yet often inspiring, struggle of a culture that hopes to preserve its finest elements and yet adapt itself to an environment that often can seem heartless, heart-breaking and frustrating but which, nevertheless, refuses simply to "go away."

It isn't often easy to change a nomadic, hunting, sometimes warlike, even spiritualistic and nonmaterialistic frame of reference and turn it within a brief passage of time, when you consider the years man has inhabited the earth, into an economically aggressive, acquisitive, go-get-'em-tiger attitude that seems to prevail epidemically in America today.

The Proud, Fierce Sioux: Where Are They Today?

(By Robert Savage)

Pine Ridge, S. Dak.—When you cross the line that divides the rest of the nation from the great Pine Ridge Indian Reservation, even though you know that you are still in the United States, you tend to be overcome by a strange feeling that somehow, almost magically and mysteriously, you have suddenly been transported into a foreign country.

Traveling from the Midwest's prosperous ranch and farm country, with its neat houses, barns and well-kept fields, you find yourself unexpectedly and without warning in a land of enormous poverty and destitution.

You feel that for all intents and purposes you could be in some remote "under-developed nation" that had been over-looked by those members of our State Department who hand out the foreign aid. But, here you are, virtually in the heart of America.

This is the "Land of Red Cloud," the last refuge of the proud, fierce, hard-fighting, hard-riding Oglala Sioux.

There are five thousand square miles of this reservation, neatly tucked away in the far southwesterly corner of the State of South Dakota. An area of rough, pine-studded hills, rolling prairie—and thousands of acres of desolate, almost useless badlands, it is the largest Sioux Reservation anywhere, the second-largest Indian Reservation in the nation, and the home of approximately 10 thousand Oglala Sioux.

Arid land: It is an arid counrty, where in dry summers the blazing sun turns the prairie grasses a yellowish brown and cooks the loose clay soil until it turns to powdery dust. Cattle sometimes get a "dust pneumonia" that kills them off in a matter of hours.

By a freak of geography, moisture-carrying winds often are diverted by the Black Hills lying to the northwest, so rains frequently bypass the reservation to drop on the Sand Hills of Nebraska. Even in winter, heavy snows are uncommon, but gusting winds and ground blizzards provide genuine hazards to life hereabouts.

Wells are so scarce that nearly half of all the families must haul their water home, some going as far as two miles for the precious stuff. Many get it from contaminated streams, ponds or bogs and even have built up an immunity to micro-organisms that assuredly would poison others.

Moving across the dry stretches of the prairies and down the backroads of this "Injun Country," one frequently comes across little clusters of one-and-two-room shacks. Many of them have nothing but bare dirt for a floor. Junked car bodies litter the yards, and some of these are used as "bedrooms" for the children. A tent, to one side of the cabin, serves as an extra room that is often used in winter, as well as in summer.

"Summer Homes": To get out of the heat, the Indians cut pine boughs and, on a skeleton pole structure, place these over the top and cover two or three sides. They move their beds under it, their table and old, wooden boxes that serve as chairs. This "summer home" is called a "shade" and it can be remarkably cool on even the hottest days.

For most of these people, existing in this fashion, life is nothing more than numberless days, strung together on a seemingly endless chain of deadly monotony and despair.

The dry, Government statistics are appalling. Most of the time more than half the population of working age has absolutely nothing to do. The average family income is less than $900 a year, and families (generally) are large. Infants die at a rate of two and one-half times the national average, and life expectancy here is 38.5 years, compared with 70.8 for the rest of the nation. Tuberculosis and malnutrition are the chief afflictions.

Any one who has a mental picture of the proud, noble Sioux warrior, free and independent, the majestic lord of the Great Plains—and sees these same people today in a seeming indolence of unbelievable magnitude—cannot help but wonder if his history-book impressions were nothing but the fanciful dreams of romantic youth.

"Old Indian Hands": A brief trip through the pages of Sioux history dispels the notion that these people may be possessed of some vague "inherent laziness and lethargy" that cannot be overcome. Such a journey also clears away some of the rubbish one hears from "old Indian hands," whose stock expression is, "Don't tell me about Indians. I know Indians."

Consider one fact: For nearly one hundred years this entire people has been subjected to dreadful poverty and miserable abuse, as well as to destructive psychological forces. Yet, and in spite of this, they have managed to increase in numbers and to produce outstanding men and women in several fields. Even the Government says this is a tribute to an inner vitality and stamina that would have overwhelmed lesser peoples.

In truth they were and are a highly intelligent people. Intelligence tests, comparing Sioux Indian children to white children in similar socio-economic levels, show that the Indian children do have demonstrably higher IQ's.

Recent tests in regard to Sioux Indian childrens' abilities of perception completely amazed the psychologists. They have extremely accurate powers of observation. And their remarkably keen vision is not a romantic legend, but an easily demonstrated reality.

Lakota, not Sioux: Part of the great misunderstanding of the Sioux, or of any other Indian tribe for that matter, is the result of an enormous lack of knowledge of their culture, beliefs, feelings and recent Indian history.

Many, for example, are unaware of the simple knowledge that their tribal name is not "Sioux." This was a derogatory appellation given them by their enemies and by the French, who later gave some of their families French names, too. *Lakota*, they are, or "THE people," as translated. The two states get their name from a dialect difference in the Siouxian tongue which transposes "l's" for "d's" and vice-versa.

The Lakata's of the Pine Ridge Reservation are of the Oglala branch. Roughly translated it means, "I throw ashes in my brothers face." There are many such divisions among these people of the High Plains: Oglalas, of course, Brules, Minneconjus, Blackfeet (not the Blackfoot "Bloods" of Northern Montana, which is a distinctive tribe of its own—and a traditional enemy of the Sioux), Sans Arcs, Hunkapapas and Yanktonais. These people would fight side by side, to the death, for one another, but they are so magnificently independent that they wouldn't live with one another.

So, on one dim, distant day in the shrouded past, some headstrong, proud brave threw the ashes, turned his back on his brother and, with his people, became henceforth known as the Oglala. It happened so long ago that this became, and still is, the largest group of those divisions that are known as "The Seven Council Fires." These are the people who produced the noted leaders Crazy Horse and Red Cloud.

Trouble Brewing: Those who now farm South Dakota's rich and fertile lands along the banks of the Missouri can give some measure of thanks to Red Cloud that "their land" isn't the reservation of these Sioux today. President Grant, and President Hayes after him, the War Department and the then-fledgling Indian Bureau insisted that Red Cloud and his Oglalas, along with Spotted Tail and his Brules, move from the great hunting areas of the beautifully wild, pine-clad hills around Fort Robinson (now the Crawford, Neb., area) to the Missouri River.

The Federal Government, always economy-minded especially where Indians were concerned, wanted to dump the Indians' goods of treaty obligations on the river bank, and save the paltry dollars of freighting them to a point that had been originally agreed upon.

While all of this area was specifically and legally Sioux Territory, according to the Treaty of 1868, Red Cloud obstinately refused to settle in that portion. He saw the lands to the east as hot, humid in summer; cold and miserable in winter. No farmer, but a hunter and warrior, Red Cloud described it as a "sick country."

"My people will die there," he told President Grant. In addition, the Northwestern Nebraska area was close to the Black Hills, long the sacred burial ground of the Sioux. "Bring me your goods as you agreed on the paper. We want them here, not there. This is where my people live, and this is where they stay."

But organized Governments in power know how to get what they want. First by persuasion. Then by threats. Then by persecution of one sort or another. And, if none of these succeed, by force.

Armed Robbery: Early one morning, Red Cloud's peaceful camp was surrounded by troops from Fort Robinson, Neb. Quickly they rounded up the Indians' horses, drove them off to the fort and eventually to Wyoming where they were sold. It was nothing more than a high-handed bit of armed-robbery, intended to bring the Indians to their knees.

Red Cloud, who continually seemed to know at which stage he either had to give in or change strategy, agreed to move. But not to the Missouri River. The wily old chief made a compromise to settle his people along the banks of the White River, and this was the beginning of the Pine Ridge Reservation, and the Rosebud Reservation as well which adjoins it on the east. There, Spotted Tail and his Brules settled down.

A long, sad and violent trail led them to this isolated and almost forgotten spot on the North American Continent. Only a few years before, this colorful warrior had clearly warned, then defeated the U.S. Army in its efforts to establish the Bozeman Trail. In council with Government officials and Army officers at Fort Laramie, Wyo., Red Cloud told them, "I will kill every white man who crosses Crazy Woman Creek," and then stalked out of the meeting.

In two years of bloody fighting, he flushed the soldiers out of Northern Wyoming and burned their forts. It stands today as perhaps the most humiliating defeat in the annals of the Army, and Red Cloud's name has been set down as the only Indian chief who ever won a war against the Federal Government.

Political strategist: Growing old beyond his middle years, but rapidly learning the ways of his white brother, Red Cloud staked out his camp at Pine Ridge and returned to do battle with the only means he had left—his mind, his tongue and his eminent skill as a political strategist.

Red Cloud fought valiantly for the rights of his people as free men on their own land. He argued for more and better food and clothing, and never hesitated to expose a cheat in the Government service. He fought for religious freedom when he, a Catholic convert, was denied the presence of a Catholic priest on the reservation. He pleaded for the education of his children, and argued soundly against time-wasting and misguided attempts of Government-sponsored teachers who were teaching the children a written form of Lakota instead of English.

When, at long last, he won his struggle for religious freedom, he persuaded the Blackrobes, as he called the Jesuits, to establish a school for his children. He thus added another distinction to his record as the only Indian chief to be the founder of a school.

Today, the school still flourishes, four miles north of the town of Pine Ridge. It is the nation's largest private boarding school for Indian children, and it is generally considered to be the most outstanding and successful Indian school in the nation. In fitting tribute, the Jesuits, who operate it as part of Holy Rosary Mission, have named it Red Cloud Indian School.

Massacre at Wounded Knee: It was a great moment for the old chief when the buildings were completed, and the first of his children walked through its doors. But just two years later on, December 29, 1890, tragedy struck. Chief Big Foot and his Minneconju band, en route to visit the Red Cloud camp, were intercepted by U.S. Cavalrymen about 25 miles from Pine Ridge. They were ordered to make camp at Wounded Knee Creek. In the morning, more troops came out from Pine Ridge and surrounded the camp on all sides.

The Indians were ordered to surrender their guns. The warriors and young men of fighting age were segregated and placed under guard. During this process, a shot was fired and, within seconds, trigger-happy soldiers who were aided by a battery of cannon mounted on a nearby hillside, commenced firing into the camp.

Foot soldiers and cavalrymen chased men, women and children up a dry gully and shot them down. More than 250 Sioux were killed. Two days later, an Army contingent dug a deep trench and threw the frozen bodies into a common grave.

"The Massacre of Wounded Knee," as the Indians call it, still sears the minds of many. "The Battle at Wounded Knee," as the Army calls it, is officially recorded as the action that crushed the last of the "enemy resistance."

An Invisible Chain: It certainly did. And it crushed the spirit of the Sioux for years to follows. All their dreams, their hopes, their belief in their own destiny, disappeared in the smoke of cannon and rifle fire. Crazy Horse was dead; Red Cloud was now an almost blind and feeble old man. An invisible chain around the reservation was drawn tighter.

Now it became painfully clear that the Sioux could no longer be Indians, living as Indians. All of the old ways, the old life, and the cultural values that sustained them spiritually and psychologically, were shattered in the reservation dust. What was to become of them? Neither were they white men, nor did they comprehend the ways of the white man, nor of the world that he imposed upon them.

Caught in a conflict of cultures, and suffering from the malignancy of defeat, the Indian became a man without a world or a way of life that he could call his own. He was, in a very real sense, trapped between two worlds.

Leaving the Stone Age: The wars of the Indians and the Cavalry, and the final conquest of the American West, seems a long time ago. But Wounded Knee was only 76 years ago this December—an event that happened in the time of many still living today. To make the transition from virtually a Stone-Age culture to a highly complex mechanized, computerized society, is not as simple as some "old Indian hands" might think or say. We, and our European ancestors, have been working at it ourselves for some several thousand years—and the results still are a bit short of gratifying.

Yet, in just two or three generations and in a span of time that is but a twinkling of history's eye, literally scores (if not hundreds) of Indians have successfully moved into the mainstream of modern society. They are working now as public school teachers and university professors, teaching the descendants of their European conquerors.

They serve as nurses, military officers, engineers, mechanics and accountants. Each year a few more become active members of the business, industrial and professional life of the nation. As a matter of fact, the American Indian has made more rapid progress in such acculturation than any other primitive people anywhere in the world.

What To Do? There is, of course, great disagreement among the many who are sincerely interested in the Indians as to how this process may be accelerated. There are those who would speed the movement of the Indian from the reservation to the large cities. This effort is being pursued through the Government's relocation program. It is a good program for some.

But from one-third to one-half of the Indian people return to their ancestral lands, finding that the hard, fast city life does not agree with them. For, in spite of the privations and the hardships of reservation life, there is a certain quiet but wild beauty to this land of Red Cloud that still has its appeal.

In full sympathy, another group says, "Why should they have to move if they don't want to? After all, they were here first!" These people want to see small industry brought to the reservations, under Government subidy if necessary, to give the Indian a more comprehensive economic base.

The Indian Bureau has been pursuing this avenue, too, and in recent years a small factory for making fishhooks was established in the town of Pine Ridge through Wright & McGill of Denver. The operation proved to be so successful that Wright & McGill subsequently added two more plants on the reservation.

What is needed? Holy Rosary Mission, going further than the operation of its Red Cloud Indian School, now has a small factory producing wooden crosses with Sioux Indian designs and it plans other articles later. The project serves to help raise funds for the school, and it already provides employment for 19 Indian men and women.

Today, the Government is building a number of houses for the Indians through the Public Housing Administration, and rents them to the small percentage of Indians who can qualify. In the old days, when the last of the buffalo were gone, a benevolent Government gave the Indians canvas for tents. Later, as a reward for trying to farm the prairie lands, it built them crude, one-room log cabins.

None of these, including the new houses going up today, is a solution to the problem. The Indian needs education; he needs vocational training, and he needs the opportunity to work. He is proud, much more self-reliant than he sometimes seems, and he is extremely independent. He doesn't want a hand-out. He wants understanding and a decent chance to live in dignity and freedom.

Will the American Indian Ever Enter Our National Mainstream?

WASHINGTON, D.C.

Question. Mr. Bennett, we estimate that a total of about 485 thousand to half a million American Indians now reside in the contiguous 48 states; that is, excluding Alaska.

How many Indians today live in the 12-state Great Plains area to the Rocky Mountain section that is covered by the Plainsman Magazine?

Answer. I would say in the neighborhood of 150 thousand.

Question. Mr. Commissioner, what, in your opinion, is the foremost obstacle that might keep Indians today outside the so-called "mainstream" of American life?

Answer. I believe there are two things involved here. One is the lack of skill on the part of the people to participate in the economic, social and political life around them. The other is their concern about being able to participate, but at the same time retain most of their own way of life.

Question. Do you believe that most Indians, of all tribal associations, really want to enter this mainstream or do you think they prefer to remain separate but equal? That is, besides paying their taxes and performing their military duty?

Answer. Well they, I believe, want to participate, but they would like to have some decision as to the manner in which they really do participate.

They participate in the payment of taxes, except for taxes on their real property, and they, of course, participate in military duty the same as any one else.

I also believe their record of voluntary enlistment is probably higher than that of any other corresponding group in the United States.

Question. Do you feel that economic factors, new jobs and skill development, will help the future of the Indian youngsters?

Answer. Yes. I believe they should be prepared to take advantage of economic opportunity, either if they so choose at a community far away from their home or near their home, or even on the reservation.

We feel that the vocational training should commence after high school because of the skills which are now required for jobs.

We don't believe that students coming out of high school at 16 and 17 years of age, with some vocational training at the high school level, are prepared to compete in the labor market, except at very menial tasks.

It is our view that they should have a basic high school education, with some vocational exposure, and follow that with intensive vocational or technical training beyond high school.

Question. What do you think in regard to liberal art students?

Answer. Yes, we encourage art studies and the comprehensive high school courses so that when the student completes high school, the student has a chance of entering into liberal arts or vocational training.

We also have a special school called the Institute of American Indian Arts in Santa Fe, N.M., which specializes in the fine arts at the upper high school level.

Question. Mr. Commissioner, do American Indians require massive practical business guidance and teaching? I understand, for example, that Indian girls make excellent nurses. Is this correct?

Answer. The Indian people generally have reached the service occupational level in their general, you might say, evolution. However, they have not reached the professions in any number at all. But the number that go into the professions is on the increase.

I believe that Indian girls have been found not only to be excellent nurses, but that their record as secretaries and stenographers also is an excellent one.

Question. It has been said, Mr. Commissioner, that the American Indian represents generally a so-called under-developed series of nations within a powerful and relatively prosperous United States. Do you agree, or disagree?

Answer. Well, for a time the Federal Government treated them as sovereign nations and even entered into treaties with them. But this was discontinued shortly after 1870.

While the legal theory is that they originally constituted sovereign nations, still the Federal Government does have plenary power over Indian tribes. There are a large number of them among the so-called "pockets of poverty" now existing in the United States.

Question. Do you think that too often anthropologists and sociologists have studied the Indian to a fairly well-worn degree without any results beyond, say, more scary Indians, or do you find that too many anthropologists and sociologists are concerned with the plenary Indian?

Answer. I think the social scientist has a contribution to make. Some of the social scientists unfortunately seek to justify some pre-conceived ideas; others tend to go beyond their discipline and enter into administrative phases. But by and large, I believe that all the social scientists are making a contribution to the development of the Indian people.

Question. What do you think, Mr. Commissioner, that American Indians have done to improve or inhibit their absorption into the mainstream of American life?

Answer. To assist their adaptation into the American way of life, Indian people generally support education.

Recently, also, the leadership of the Indian people has moved toward the development of employment opportunities more so than in the past when their emphasis had been on the development of agriculture or livestock, so that the Indian people could live at home, and close together.

They now realize that this is not possible and they are realistically facing the fact that many of their people, especially their young people, must be trained for employment.

On the other hand, they have resisted some of the progressive steps because they would like to maintain their social system as it exists among the various tribal groups.

Question. Do you think that the American Indian culture, a spiritual and nomadic, a hunting or even warlike culture, has collided, so to speak, with a highly-organized, mechanized American society?

Answer. There has been a collision which has produced some conflicts, and this is one of the major problems that the Indian people face; and that is, to bring about an adaptation between the two cultures.

I believe that with education this adaptation can be made, and the Indian people would in many ways have a fuller life by being able to participate in both cultures.

Question. Do you think this collision stands at the root of many Indian problems, say, in the past and also in the present?

Answer. Yes, I believe the differences in the two cultures are responsible for much of the difficulty. It is the Indian's desire of trying to find (and develop) an accommodation between the two cultures which is one of the greatest deterrents, you might say, to faster progress.

Question. What obligations do you feel, Mr. Commissioner, that the Federal and State Governments have toward their Indian citizens?

Answer. Well, I believe first of all that the states need to assume more responsibility for Indians who are citizens of the respective states.

There has always been a tendency more or less to describe all of the Indian problem as being a totally Federal problem. I believe that if the states would take more of an interest in them and help with the economic development of the Indian people that it would contribute substantially to the economic development of the states.

Question. Do you think that—excuse me?

Answer. Of course, the Federal Government has also a basic historic obligation in its trusteeship over the property and in its providing of services to the Indian people.

But I believe with the national policy being what it is, that the Indian people are going to look more toward the states and local units of self-government and participate much more in the political decisions with local units of government than they have in the past.

Question. Do you think these obligations have been discharged by Federal and State Governments faithfully, or rather halfheartedly?

Answer. I believe there have always been good intentions on the part of top Government administrators to discharge their obligations properly.

Many people in the Federal agencies that serve these people are dedicated to their job and to the development of the Indian people.

I don't believe the states generally have moved into the picture as much as they should, and I hope that with the many Federal aids that are now available to the states, they will undertake to use some of these aids to help the Indian citizens of their states.

Question. How does the American Indian today generally regard social and economic welfare programs. Does he sympathize with them?

Answer. I think the experience of the last year or so of Indian participation in all of the various Federal programs which have been recently authorized show that the Indian people are supporting and participating in those kinds of programs which will help alleviate the social and economic conditions among themselves.

Question. Would you say, Mr. Commissioner, that there is truly a "reservation attitude" among Indians?

Answer. I would say that there is a "reservation attitude" among Indians brought about by the paternalism which develops in any kind of trusteeship relationship such as the Federal Government has in terms of controlling the property of Indian people. *This has created attitudes of dependency upon the Federal Government in the minds of the people. We hope to correct this as much as possible.*

Question. In other words, this frame of mind has, to some extent, held back the Indian, especially in the young?

Answer. I believe the attitude which has developed over the years in terms of the relationship of the Federal Government to the Indian people has stifled initiative to some extent and has created a kind of attitude of dependency on the Federal Government for decision making.

Question. How do you deal with this problem? How do you help the people who have this attitude become self-starters and seek a break-through to develop their own initiative?

Answer. One way we can do this is by our educational programs, so that the Indian people can be partners in the fullest extent in any decision making which affects them or their property.

I believe that by obtaining high education we can establish good discussions with them and they can be partners with Government in the decision making. This, I think, would be very helpful in changing an attitude of dependency upon the Federal Government for decisions.

Question. Mr. Commissioner, do you feel that the American communications media today helps the Indian in his cause, or is it doing him a disservice? That is, television, radio, the newspapers, the western magazines and that kind of thing?

Answer. I believe that the, I guess you would call it the "exposure" of the Indian situation, to the minds of the general public generally is helpful.

There are instances which are resented by the Indian people in the manner in which they may be portrayed in movies or television. But I believe other groups share a similar feeling about this.

But generally, I believe that the more "the situation" among Indians is made known to the general public, the more helpful it will be to the Indian people as they seek to participate in the economic and social life of the country.

Question. Is the Indian today a born loser, or does he have a chance to come out on the top of the heap of our nation?

Answer. I believe that any Indian born at this time in life has an opportunity to develop into becoming a full participating citizen and to the fullest extent.

Some of the Indian people who are in their middle years, and who have missed the opportunity for education and training, will, of course, have some difficulties.

I believe, however, that any Indian born today has more than an ample opportunity.

Question. Is there any way you can describe or characterize, Mr. Commissioner, the average American Indian today?

Answer. This would be a little difficult because of the variety of conditions under which Indian people live throughout the various parts of the country.

I would say that generally his education is about five years below the national average; his life expectancy is about 20 years less than the national average; that there is probably more unemployment among Indian people than among any other group.

But I believe that this picture is changing dramatically, and that with the full support of the Indian people, they will catch up in a relatively short time, especially among the younger generation.

Question. How does he compare with the white man emotionally, psychologically and spiritually?

Answer. You stated, in one of your earlier questions, that the Indian social system has a religious base, so we know that he is fundamentally a religious person.

I believe that Indian people have the same emotions as anybody else. Sometimes they don't manifest these emotions to the extent of other people—but they have them.

And psychologically, they are concerned about being able to participate in the American way of life, but at the same time being able to maintain their customs and a system of their own.

Question. Medically speaking, does the Indian share the white man's afflictions? I am thinking of nervous disorders, mental breakdowns, alcoholism, this kind of thing?

Answer. They share in some of the same illnesses—but since many illnesses are environmental in nature, the Indian people are afflicted more with diseases that are related to poor people, such as tuberculosis and diseases of the digestive system. They show a higher incidence of these kinds of sicknesses than does the non-Indian.

On the other hand, I believe that they have a lower incidence, say, in ulcers and some of the other sicknesses that are brought about because of the fast pace of American life today.

Question. Mr. Commissioner, does the Bureau of Indian Affairs encourage Indians to remain on the reservation; that is, to develop their own particular economic base?

Answer. We have really two main objectives.

In one, we have a program of voluntary relocation by which Indian people can move away from the reservation for change and for employment.

On the other hand, we also are working in the development of reservation resources and are trying to attract industry to reservations to provide employment opportunities for those who for some reason cannot, or do not, choose to leave.

Question. Are you doing anything to encourage Indians to "settle" elsewhere?

Answer. Yes. We offer scholarships for students to go to college. We offer training programs beyond high school in industry and in trade schools and in many of the larger urban areas throughout the country.

Question. In the social and economic welfare spending by the Federal and State Governments has the American Indian received his fair share of appropriations?

Answer. Well, I would say that he has received his fair share of appropriations. However, when you realize that Indians have special problems or greater problems than other people, it is believed that there is maybe a need for just more than a "fair share" in order to overcome the problems the Indians face, and which many other people in the country don't have.

Question. What do you feel are the salient forces of discrimination against the Indian today? For example, has he suffered more than the American Negro, or the Mexicans, or the Puerto Ricans?

Answer. This is kind of hard to answer because the feeling of discrimination is based upon how you are suffering from it and how you feel about it.

Generally speaking, the Indian people have not suffered this kind of discrimination at the national level. There are some prejudices which develop in local communities around Indian reservations, but the air of overt discrimination, as far as the Indian people are concerned, is pretty much a thing of the past.

Question. Do Indians regard themselves as a distinctive ethnic group, regardless of tribal affiliation?

Answer. Yes. The Indian peoples do describe themselves as a distinct ethnic group and there is a strong surge in recent years to make this more pronounced.

Question. Would Indians respond to a group or a clique of national Indian leaders?

Answer. There have been attempts to develop all-Indian organizations which would be representative of the total Indian point of view.

Such an organization is the National Congress of American Indians, but even this organization does not have the widespread support of all Indian tribes.

Question. In other words, you would say today that there is not really an effective Indian leadership on a national level?

Answer. I would say that we have some very good Indian leaders, but they represent their own groups or represent Indian people in various sections of the country.

I would agree that there is not any real national Indian leadership that represents the total Indian population.

Question. Do you think it would be a good thing if there were this kind of leadership?

Answer. Yes. I have been a member of the National Council of American Indians for many years and I have supported the idea that there should be a national organization to represent the total Indian point of view.

Question. Has the encouragement of Indian industries on the reservations evoked what you believe to be any significant amount of economic or social progress?

Answer. Yes. Experience has shown that where the Indian people have steady employment that many of the social and other economic problems seem to be taken care of.

I believe that the experience of a steady income through the pay check is being observed by Indian people generally throughout the country and this accounts for the statement I made some time ago of the concern for employment opportunities. A few years ago there was concern for getting the Indian people into farming and the cattle industry.

Question. What about the American labor unions? Do they encourage Indian membership? Do they seem to care about the Indian at all?

Answer. Yes. There is a goodly bit of leadership in it where Indians do move into urban areas and participate in union activity. However, there has been some resistance on reservations to union activity, but time will tell just what will develop from this.

Question. What about American business, that is, private capital? Also, what about religious and missionary groups? Do they make a significant impact on the life of the American Indian on the reservation?

Answer. The opinion about the religious or missionary groups is they have had more influence on Indians and Indian policy than any other segment. This has changed recently, although missionary groups still are active on the reservations and we consult with mission leadership on a fairly continuing basis.

As far as the business community is concerned, I believe that our records show that the Indian people are obtaining more loans from private financing institutions than they are from any other source. The amounts being loaned to other people by private business increases every year, so I think it is growing.

Question. What tribe do you feel, Mr. Commissioner, has shown the greatest social, political and economic progress?

Answer. I don't believe that I can answer that because there are so many other factors that enter into each situation and because you have to determine what the starting point, so to speak, has been in the last few years.

Question. Then the other side of the coin is that you wouldn't want to state a particular opinion because some tribes are more backward?

Answer. I think their progress is pretty much related to the social and economic environment in which they are located. If they are located where there are ample social opportunities, it is faster.

Then there is the progress within themselves, and in tribal memberships. There are some who have college degrees and some who do not go to school at all. There is a great, a wide variety in this area.

Question. Do you feel that American employers are giving adequate opportunity to the eager and ambitious, to the skilled and even unskilled Indians of all kinds?

Answer. As far as the Indian people are concerned, there is no question about it. They have great opportunity in the business world, and the unskilled suffer the same—

Question. (Prompting) Handicap?

Answer. Yes, the same handicap as any unskilled worker today. So they, of course, have to face the menial tasks. They also work only seasonally, and they have just the same problems as any other unskilled worker has.

As far as Indian skilled workers are concerned, we have so many demands that we cannot fill them at the present time.

Question. Mr. Commissioner, what area of our nation shows the greatest suspicion or even hostility toward its Indian neighbors?

Answer. I believe that, generally speaking, this occurs near Indian reservations more so than in communities some distance away from Indian reservations.

It is not a question of hostility so much as it is suspicion and distrust. One of the things we want to do is to bring the Indian people and their neighbors face to face to discuss mutual problems; to bring these things out on the table and to talk about them.

The University of Oklahoma started a very intensive program called "The Oklahomans for Indian Opportunity," sometimes called O.I.O. The objective is to go into the community where Indians and non-Indians live side by side and seek to develop a very cohesive community among the groups.

Question. Indians have served faithfully in American wars abroad. Have the veterans organizations shown any genuine and lasting interest in aiding their Indian comrades-in-arms?

Answer. Yes. There are many American Legion and V.F.W. posts where Indians are members. There also are posts made up of all Indian veterans. As a matter of fact, I was a charter commander of an American Legion post on a Navajo reservation, and I see Indian veterans at most of the state and also at the national Legion conventions.

I think that the veterans organizations are well aware of and are solicitous about Indian welfare, and about Indian veterans.

Question. Speaking of the present, Mr. Commissioner, in what areas of the American "way of life" do you think that the American Indian can make his most significant contribution—and we mean right now?

Answer. I believe Indian people, like other people, have certain abilities and capabilities. They can make their contribution in almost any economic effort. However, we find that the Indian people, on the reservations particularly, possess certain skills which are now in high demand.

These skills include manual dexterity, hand-and-eye coordination, and partial tolerance. These skills, therefore, represent real assets in electronics and other kinds of industry which require dexterity of this nature.

Another point I would like to make. These skills are very high in Indian men as well as women, and I think this represents a very fertile field for the electronics industry and other industries that are looking for this particular kind of talent.

Question. In other words, this is a burgeoning opportunity for industry?

Answer. Yes, the Indian people have the natural talent so that their production is good and their quality of work is good.

We have one industry on the Pine Ridge Reservation in South Dakota at Wright & MacGill (fishing lures). They now have found greater production among Indian men and women and also they ship products directly to the wholesale houses because it is not necessary to screen the work for inperfections.

Question. Is the American Indian today generally distrustful of attempts to help him?

Answer. Well, I believe that they like to take a look at any offers of help, because a lot of well-intentioned people who want to help Indians may not really be helping them as far as the Indian people are concerned.

Question. In other words, there seem to be some do-gooders who tend to rub the hair the wrong way?

Answer. Yes. We have some people with good intentions who are not really helping the Indian people. Of course, this is not true generally. Indian people more and more like to have a say in their lives and this is true, whether it is the Government or anybody else who offers to aid them.

Question. In other words, their pride is a factor in the situation of helping the Indian or trying to help him?

Answer. Yes, I believe this definitely has a bearing on the decisions that Indians make. I believe that there is a growing tendency among Indian people to make their own way.

Question. Here in Washington, your office is a few blocks from the White House, a few blocks from the Capitol—and a few hundred yards from the banks of the Potomac River. Indian problems sometimes come into the stream of political life of this city, as you well know.

How does President Johnson regard the Indian problem? Is he aware of the scope of this situation? Is he interested in it?

Answer. The President definitely is personally aware of the situation and he made public statements at the occasion of my swearing-in ceremony in which he definitely mentioned not only the resources of the Bureau of Indian Affairs of the Interior Department, but he directed all Federal agencies that have any kind of program which would have an impact on the Indian people to see to it that the benefits of their programs were made available to the Indian people.

Question. What about Congress? Do the Indians have friends in Congress?

Answer. The attitude of Congress toward the Indian people generally is very good. Indians have received sympathetic consideration. There is legislation by the various committees, and I believe that we have the responsibility to keep Congress more informed about the Indian situation.

Congress as this time is engaged in many international problems, so it has to depend upon the Indian people themselves and agencies like ours to keep the Government up to date and informed on the Indian situation.

As you know, we do have an Indian representative in the Congress from South Dakota, Mr. Ben Reifel, of the Rosebud Sioux Tribe.

Question. Could you pick out any state or delegation in Congress and say that this group does more to help the Indian than any one else?

Answer. Well, this would be very difficult to do because every Congressman who has Indians in his district is looking out for their welfare.

I would say the chairman of a subcommittee and full committees, as well as members of the Appropriations Committees of the Congress, are very sympathetic toward the Indian situation.

Question. Just a couple of more questions, Mr. Commissioner. You mentioned the assets to industry a few minutes ago. Are there any other strong points the Indian has?

Answer. Yes. I believe there are many cultural traits which they have that I certainly admire. One is their concern for each other upon which is based a concept of sharing.

In other words, they share what they have with their neighbors. This came about, I believe, as a part of their built-in "social security system" which existed as a part of their Indian way of life.

For instance, Indian children in their society know who their next mother and father will be in case something has happened to their parents.

Whereas—our system of taking children and putting them into foster homes, to the Indian seems a cold-blooded way of handling children. So they have a built-in social security system.

Question. In other words there are things the white man could learn from them?

Answer. I would say this is true.

Question. What would you say are the major weaknesses of the American Indian?

Answer. I don't know if you should call it a weakness, but it is a definite problem. They have to understand our economic system so to speak, so that they can participate in it.

Our economic system is based upon production, whereas their economic system is based upon consumption—since they depend upon nature to provide them with the necessities of life.

Since this is no longer true, they have to undergo a radical change in their own thinking to participate in our economic system.

HENRY PALM, SYMPATHETIC DIRECTOR OF ASSOCIATION LOAN DIVISION, FARMERS HOME ADMINISTRATION

Mr. BAYH. Mr. President, much of the excellent work performed by Federal Government officials seldom receives public attention. It is a pleasure for me, therefore, to call attention to an article which praises the fine, sympathetic performance by Mr. Henry Palm, Director of the Association Loan Division of the Farmers Home Administration, in handling an appeal for special help from a small community in my State.

The Indianapolis Star, on September 4, 1966, published an article under the byline of Ben Cole that reflected the human side of the Federal bureaucracy. The devastating Palm Sunday tornadoes that raked the Midwest over a year ago left the town of Russiaville, Ind., in shambles. Because this town of approximately 2,600 Hoosiers was unincorporated, it lacked a major qualification for participation in Federal programs. The town had no central water or sewer system, and the prospects for rebuilding the town into a prosperous community were indeed dim.

Town leaders labored in vain to locate Federal programs that would provide the assistance needed for its reconstruction. It was because of the situation of unincorporated communities such as Russiaville that I included a section in my comprehensive disaster relief bill, S. 1861, which would allow such communities to qualify for Federal assistance.

Fortunately, Henry Palm sympathetically took steps to expedite their application for assistance from the Farmers Home Administration when the town achieved incorporated status.

Russiaville is indeed grateful to Henry Palm for his understanding and cooperation in this matter. Because of this meritorious service, I ask unanimous consent that the article by Mr. Cole be printed in full in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Indianapolis (Ind.) Star-Sun, Sept. 4, 1966]

Russiaville Gets Sympathy Plus Cash From Capital's Bureaucracy

(By Ben Cole)

Washington.—When the Palm Sunday tornado cut through Russiaville, Ind., in 1965 it created a unique disaster relief problem.

The Federal agencies that flew to the aid of other Indiana cities gave Russiaville the cold-shoulder. The little town was unincorporated, and being so could not obtain Federal credit to rebuild its broken water and sewer system, or restore other community services.

Town attorney Bob Kinsey came to Washington and went from door to door in the government office buildings, trying to get a hearing.

At last, Kinsey discovered Henry Palm, the chief of the loan and grants division of the Farmers Home Administration.

Palm is one of those patient, understanding Federal officials whose sense of duty goes beyond merely what is set out in the code of agency regulations.

"Now, let's see," he began. "Hmm. I think we can work this out . . ."

Palm helped Kinsey figure out how the Farmers Home Administration could assume jurisdiction over Russiaville's destruction. Last week after a year of red-tape cutting, Palm notified the town that he was making a $103,000 grant and $445,000 loan to enable Russiaville to put its water and sewer systems back into operation.

WORKERS OPPOSE TERMINATION OF INTERNATIONAL TEXTILE AGREEMENTS

Mr. PASTORE. Mr. President, recently a news release emanated from the Southern Conference of the United Textile Workers of America, which was held at Mountain View Hotel, Gatlinburg, Tenn. I should like to read the news release because I think it makes sense. It is cogent and relates to a matter that has been discussed time and again on the floor of the Senate. It is a matter which affects jobs in my own beloved State of Rhode Island. The release expresses the American view of the highest value—the bread-and-butter view of the textile worker on the job.

The release reads:

A recent proposal by Rep. Thomas B. Curtis (R., Mo.) calling for the termination of all international textile agreements, was sharply criticized by George Baldanzi, International President of the United Textile Workers of America, in a speech to some 250 delegates from 75 locals at the union's annual Southern conference, held Sept. 9–11 at the Mountain View Hotel.

Noting that Rep. Curtis is one of four U.S. government advisers to the Kennedy round of tariff-cutting talks now in progress in Geneva, Baldanzi called on the Johnson administration to "repudiate Curtis's views as contrary to U.S. policy and to do everything possible to protect the American textile worker and the American textile industry against unfair foreign competition rooted in greed, exploitation and substandard wages."

"If the Curtis program is adopted," Baldanzi said, "thousands of American textile workers will lose their jobs. The scrapping of international agreements would intensify the drive of the American textile industry, in its struggle to survive against foreign competition, to introduce automated methods of production in a haphazard manner, without proper planning, the chief victim of which would be the American textile worker."

Baldanzi, who is also a member of the Management-Labor Textile Advisory Committee, which advises the Government on matters concerning the cotton textile industry, noted that in the speech in which Rep. CURTIS proposed that all international textile agreements be terminated, the congressman suggested that the American industry export some of its know-how and capital to lesser-developed countries to produce textiles for sale there. Such a movement, Mr. CURTIS said, would mean that these American firms could remain prosperous, pay high dividends to their stockholders, contribute to the development of needy countries and promote more economic use of world resources.

"Nowhere", Baldanzi said, "does Mr. CURTIS express any concern for the American textile worker. Apparently he is to be abandoned and thrown out of work, while industry sends its know-how and capital to other countries where it can take advantage of the substandard wages available there."

"It is no secret," Baldanzi said, "that textile machinery of the latest design is available to everyone. The raw materials needed in the manufacture of textiles, specifically cotton, are available to everyone at the same price in the world market. Expert knowledge is likewise universally available. Thus, given equal access to machinery, raw materials and technical information, the foreign manufacturer has just one advantage over his American competitor—the substandard wages he pays his workers. Is it these substandard wages that Mr. CURTIS finds so attractive when he suggests that American industry export its know-how and capital?

"We believe that the American textile worker and the American textile industry can compete with any textile worker and any textile industry anywhere in the world, provided they do not have to compete with low wages. If wages elsewhere were raised to American levels, then the American textile worker and the American textile industry could withstand competition from any source.

"The United Textile Workers of America would agree to the abolition of all restrictive tariffs if a world-wide system of equitable standards were established. But under present conditions the only way to protect the jobs of American textile workers against unfair foreign competition is through the establishment of quotas by category for every branch of the textile industry—cotton, wool, synthetics, etc."

Baldanzi said that if the Curtis program were adopted, "and apparently the Congressman does not confine his proposals to the textile industry, perhaps millions of American workers would lose their jobs, and this could lead to serious economic and social unrest. This no American worker—whether organized or unorganized, whether in the textile, or any other, industry—will tolerate."

Delegates to the three-day conference represented members of the United Textile Workers of America in Kentucky, Tennessee, Virginia, North and South Carolina, Georgia, and Alabama. Speakers, in addition to Baldanzi, were International Secretary-Treasurer Francis Schaufenbil, regional and legislative directors of the union, and representatives of various federal and state agencies. The members of the union's Southern organizing and administrative staff also participated in the conference.

I cite the entire news release to emphasize the high character of the participants and the time given to labor's involvement, and sense of responsibility to the textile industry—the problems of which are a standing concern of this Senate.

Mr. President, I conclude by saying that while this is sharp language and very emphatic language, I agree with the tone and the essence and the content of that release. I hope that those who represent sections of the country which do not have the economic problem that we have experienced in Rhode Island would read and reread and give some heed to the statement made by Mr. Baldanzi.

In States like mine where vital textile mills have been closed and thousands of textile workers have been put out of their jobs—even when other American industry was enjoying a boom—this matter of textile imports and foreign textile competition, in general, pose a threat to peace of mind, certainty of a job and security of the home—let alone the security of a nation to which textiles is second only to steel as a defense essential.

SUPPORT FOR U.S. COMMITMENT IN VIETNAM

Mr. DODD. Mr. President, the critics of our commitment in Vietnam have sought to convey the impression that little support exists for this commitment elsewhere in the world.

That this is clearly untrue has been made evident many times. In fact, it often seems that foreign observers view events in Vietnam with more real understanding of the stakes in that conflict than do many American critics.

In a recent editorial, entitled "This Is the Third World War," a leading English magazine, the Economist, describes the reason for standing firm in Vietnam and making it clear, at this time and place, that aggression will not be permitted to succeed:

> China has nominated Vietnam as a test-case for what it claims to be a new kind of war. It is a land war, fought by relatively small formations of very brave men who are prepared to persist for years with the tactics of ambush and terrorism until the other side's nerve cracks. Those who believe that this technique of "people's war" should be opposed, because its aim is to set up an acceptable form of society, have little choice but to fight it on its own terms: that is, by a land war.

The Economist points out that it is not "the right war, in the right place," and notes that "defensive wars seldom are." If Vietnam were to fall to the Communists, this would simply initiate similar attempts at power throughout Asia, Africa, and Latin America. To critics of the American commitment, the Economist poses this question:

> The deal the Americans cannot reasonably be asked to strike is one that threatens to sell the pass to the whole southern Asia. This is Mr. Johnson's enormous problem. It is also the problem of those who criticize his decision to take America into the war. Those of them—an increasing number—who agree that America has a responsibility towards the non-Communist nations of Asia cannot dodge the question it poses. How else can you suggest holding the line, if not by fighting in Vietnam?'

I wish to share this important article with all Senators, and therefore ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THIS IS THE THIRD WORLD WAR

There is no Mao but Mao, and Lin Piao is his prophet.

That is what the past week's events in Peking (see page 719) boil down to. The communiqué from the Chinese communists' central committee at the weekend, followed by the ominously martial rally in Peking on Thursday, with a uniformed Mao Tse-tung presenting his "close friend in combat" Lin Piao to the people, mark out unmistakably the path Mao means China to follow. It was predictable that the central committee, in the sort of words Stalin once made Russians use about him, would duly declare Mao Tse-tung a genius, "the greatest marxist-leninist of our era." After the Mao-organised purges of the last four months, and his baptism in the Yangtse last month, this was inevitable. Like all monopolists of temporal power, from the Roman emperors to Stalin, Mao is spending his last years in arranging to become a god.

What was not inevitable is the emergence of Marshal Lin Piao as China's number two, and the meaning this has for China's foreign policy. The only other Chinese mentioned by name among the encomiums to Mao in the central committee's communiqué—and twice at that—is Lin Piao. At Thursday's rally in Peking it was Lin Piao who took precedence immediately after Mao himself, before the country's president and prime minister and the communist party's secretary-general. It was Lin Piao who made the main speech under the approving gaze of Chairman Mao. Sick man or not, palely self-effacing or not, the defence minister has risen to the rank of Mao's chief assistant and his successor-apparent. He has done this partly because he can speak for the army, and partly because he has loyally used the army as a guinea-pig for the "cultural revolution" dose of salts with which Mao is now purging the whole country. But Lin Piao has probably risen for another reason too, and this is bad news.

A year ago Lin Piao wrote the famous article, "On People's War," which said that China's foreign policy was to encourage guerrilla wars in the "countryside of the world"—Asia, Africa and Latin America—in order to encircle and destroy the imperialists in the "cities of the world," north America and western Europe. The year that has passed since Lin Piao wrote his article has been a bad one for China's foreign policy, in Indonesia, in Africa and now even in North Korea (see page 721). It would have been reasonable to expect China to whistle its revolutionary tune under its breath this year. Not a bit of it. The central committee has picked out the Lin Piao article for a pat on the back as a scientific analysis of "the world revolution of our time." And Mao has picked out Lin Piao as his chief assistant. The meaning is clear. Mao Tse-tung, now almost mystical in his certainty, is not backing down one inch from his hopes of ideological expansion.

This is the most important fact about Asia today. It is the background against which the debate on American policy in the Far East has to be measured. Whether the United States has a job to do in Asia is not, at bottom, something to be decided in Washington. It has already been decided in Peking. The Americans were a Pacific power long before they became an Atlantic power. In Europe they have generally had a comforting layer of friendly countries between them and their main potential enemy, Germany or Russia. Across the Pacific, there is nothing but cold water. That is why the Americans sent Commodore Perry to Japan a century ago, when all they were asking of Europe was to be left alone by it. It is why they now have virtually no choice but to resist what China is trying to do. No one else can. It will take the other Asians at least a decade to summon up the strength to look after China themselves. The British are still snarled up in the non-sequitur of thinking that belonging to Europe means not belonging to the rest of the world. The Russians took a long step in the right direction at Tashkent this year, when they declared their interest in the stability of the Indian subcontinent; but they have still not been able to bring themselves to say out loud that China's idea of universal revolution is a hell of a way to run the world. They probably will in the end. But meantime the Americans, and the Americans alone, are in a position to do something about the problem man of the 1960s; Mao the evangelist, with his hot gospel of guerrilla liberation tucked under his arm.

None of this is really in dispute. Mr. Walter Lippmann, the most persistent and intelligent of President Johnson's critics, agrees that it is right for the United States to use its strength to establish a balance of power against the Chinese. The argument is about how much strength will be needed, and where it can best be applied.

It can be argued that in the end the whole business of restraining China's missionary zeal may turn out to be much easier than it looks right now. China is a very poor country indeed. An article on page 720 argues that its chances of ever becoming a rich one, or even of building up a modestly successful industry, are much dimmer than most people have usually assumed. If China does remain a poor country, its hope of inspiring revolutions all around the world will be rationed by the amount of help it can actually send to would-be revolutionaries. And that, to be fair to Mao, is all he aims to do. He is not an expansionist in the sense of wanting to push China's own territory beyond what he considers its historic boundaries. He just wants to spread the good word—but "out of the barrel of a gun." Ten years hence, if China is still too poor to export many guns and many missionaries, Lin Piao's thesis about "the revolution of our time" could look as punctured as President Nasser's grandiose aims of the 1950s look now. This is the optimistic way of looking at things. There is nothing wrong with hoping that the worst will not happen. But it is not a basis for policy. You look so stupid if the worst does come. Until and unless there is solid evidence that China does not intend to do what Lin Piao says it wants to do, or cannot do it, the only safe assumption for the Americans or anybody else to make is that the Chinese mean every word they say. That is where any sober Asia policy starts from.

That is where it starts from. Did it really have to lead to what is happening in Vietnam? Mr. Johnson's critics say that it need not have done. But lately it has looked very much as if some of the steam has been going out of the critics' arguments. This is not because they like this singularly beastly war any better than they used to. Nobody does. It is because, if one leaves aside the marxists and the honourable pacifists, a good many of the critics are finding it increasingly hard to disagree with the basic premise of Mr. Johnson's policy—that it is at present America's job to try to keep China's evangelism under control. Having accepted that, they then find it increasingly hard to suggest any positive alternative to doing it in Vietnam. And every time Mao Tse-tung does something that seems to justify everybody's worst fears, the critics' job gets that much tougher.

Senator Fulbright, for instance, has not taken direct issue with the policy for Asia that President Johnson spelled out at White Sulphur Springs on July 12th. He preferred to argue that the President ought to have consulted Congress first. It is an argument that would have carried more weight if Mr Truman had consulted Congress before deciding that the Americans must take over the job of defending Greece and Turkey—the "Truman doctine"—in 1947. Mr. Lippmann, for his part, has walked into a couple of traps. He tried to argue on July 26th that there is no connection between the guerrilla war in Vietnam ("one small corner of the world") and other possible guerrilla wars that might follow it elsewhere. But Marshal Lin Piao saw the connection all right for China's purposes in the article on "people's war" that the Peking central committee has just commended:

> The people in other parts of the world will see . . . that what the Vietnamese people can do, they can do too.

That was one trap, and Mr. Lippmann dropped into it. The other is bigger and deeper, and goes right down to the fundamental question about the whole war: how can you defend the non-communist parts of Asia unless you are ready to fight a war in Asia? Mr. Lippmann says, quite rightly, that with the single exception of Korea in 1950 the United States has always avoided land wars in Asia like the plague. So he argues that the Americans should discharge their responsibility to the Asians by means of sea and air power alone—which means, in effect, by air power deployed from aircraft carriers and from islands off the Asian mainland. But Mr. Lippmann himself has scathingly pointed out how limited the uses of air power have been in Vietnam. If air power has not yet succeeded in tipping the scales in a war to which the Americans have committed 300,000 troops, how on earth can it protect non-communist Asia all by itself?

The blunt truth is that this is now an academic argument. China has nominated Vietnam as a test-case for what it claims to be a new kind of war. It is a land war, fought by relatively small formations of very brave men who are prepared to persist for years with the tactics of ambush and terrorism until the other side's nerve cracks. Those who believe that this technique of "people's war" should be opposed, because its aim is to set up an unacceptable form of society, have little choice but to fight it on its own terms; that is, by a land war. It is not the "right war in the right place." Defensive wars seldom are. It is not the sort of war that the Americans will be able to bring themselves to fight time and time again in other parts of the world. But if it comes out right in Vietnam, it will with luck not have to be fought all over again elsewhere. If the dissident minority in South Vietnam fails to take power by force of arms, dissident minorities in other places will think twice before they believe Lin Piao's tip that they are on to a winner.

But if the technique of "people's war" does succeed in Vietnam, the past week's events in Peking will take on a new light. Those who do not like the war in Vietnam, but equally do not want to see Mao Tse-tung's beliefs sweeping across Asia in a wave of guerrilla wars, have a duty to ask themselves where else they think the wave can be stopped. Thailand? But the non-Communist Thais are not going to call for help from a defeated-American army, and in any case it is logistically much harder to get help into Thailand than into Vietnam. Burma? Not on the cards. India, then? But the mind swerves away from the difficulty of doing anything to help that fragile country if the guerrillas once get to work in West Bengal or Kerala or wherever.

The fighting in Vietnam, it is said, could grow into the third world war. In a sense, it already is the third world war. It is not by the Americans' choice that this has become a testing-ground for the theories of Mao Tse-tung and Lin Piao. It need not have been. If there were any reasonable grounds for thinking that a communist victory in Vietnam would not be followed by communist bids for power in the rest of Asia—starting in Thailand, and moving from there towards India—it would not be necessary to make a stand in Vietnam. It would not be necessary if Lin Piao had not written what he has written, and had not now been given Mao's accolade for writing it. It would not be necessary if Russia were able to assert its authority over the communists of south-east Asia and guarantee that a stable truce line, like the line between the two parts of Germany, could be drawn along the Mekong between a communist Indochina and a non-communist Thailand. If either of those things applied, a deal could be done in Vietnam tomorrow. The only losers would be those South Vietnamese, Buddhists and Catholics alike, who keep on telling anyone who will listen that they do not want to be ruled by communists. It would be a cynical deal; but it could be struck.

The deal the Americans cannot reasonably be asked to strike is one that threatens to sell the pass to the whole of southern Asia. This is Mr. Johnson's enormous problem. It is also the problem of those who criticise his decision to take America into the war. Those of them—an increasing number—who agree that America has a responsibility towards the non-communist nations of Asia cannot dodge the question it poses: How else can you suggest holding the line, if not by fighting in Vietnam?

THE PRESIDENT AND MRS. MARCOS, OF THE PHILIPPINES, WILL VISIT THE UNITED STATES

Mr. YARBOROUGH. Mr. President, President and Mrs. Ferdinand Marcos, of the Philippines, are to pay this Nation a state visit this week. Our two countries have traditionally close ties, dating back to 1895, and the Philippines in 1946 was the first Asian country granted its political independence by a large power.

Americans vividly recall the role played by the people of the Philippines in World War II. President Marcos, the sixth popularly elected Chief Executive of his country, is known as the most-decorated Philippine soldier in that conflict.

President Marcos received 27 decorations for his heroism. A survivor of the Bataan death march, he joined the U.S. Army as a lieutenant. He was wounded five times, captured by the enemy and escaped to return to battle. His decorations include the U.S. Silver Star and the Distinguished Service Cross, and he attained the rank of a full colonel.

President Marcos is a man not only of physical bravery, but of outstanding intellectual ability. As a law student, he was brilliant in his studies and passed the bar examination with record high marks. He has served in both branches of the Philippine Congress and in numerous official positions for his country.

The visit to this Nation comes almost 11 months after President Marcos was elected to head his government by a 600,000-vote majority over his opponent.

Both he and his lovely wife are active in state affairs.

I ask unanimous consent that an article published in the September 11, 1966, issue of Parade magazine, which tells of the many fine accomplishments of this visiting First Lady, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Imelda Marcos: the First Lady of Asia—This Beauty and Her Husband, President of the Philippines, Will Pay Us a State Visit

(By Vera Glaser)

Washington, D.C.—Imelda Romualdez Marcos, the brunette wife of the president of the Philippines, who is about to visit the U.S. comes on strong. Besides magnificent honey-colored skin, eyes of fiery topaz and the figure of a beauty queen, she has brains and energy to boot.

When President and Mrs. Johnson get their first look at "Meldy," as 32 million adoring Filipinos call her, they will discover why she is regarded in some quarters as the First Lady of Asia. Her style, cultural flair and interest in much needed welfare projects, set against the backdrop of the young democracy her husband leads, have earned her comparison with Jacqueline Kennedy and Eleanor Roosevelt.

"It's a privilege to be associated with them," Mrs. Marcos said in rippling silk accents—her folk singing on the campaign trail helped elect her husband—"but I would rather be myself."

At 36 Mrs. Marcos, mother of three is the glamorous teammate of 49-year-old Ferdinand E. Marcos, World War II hero and political wonder boy, who was elected the Philippines' sixth president last November, ousting incumbent Diosdado Macapagal. Overcoming her early distaste for politics, she barnstormed for her husband by plane, car, jeep and outrigger canoe.

"He's hired a movie star," a political foe charged after Mrs. Marcos had enchanted voters by singing in Ilocano, the tongue of her husband's province in northern Luzon, and in her own Visayan dialect. In pointed heels and bright Philippine *terno*, the traditional floor-length dress with butterfly sleeves, she hiked back the rutted road to prove she was really the candidate's wife.

Now she is official hostess at Malacañang, the rambling white presidential palace set among acacias and circled by a wrought-iron fence, in teeming, humid Manila. The Palace was formerly the residence of Spanish and U.S. governors. Choosing their private apartment there was a problem, Mrs. Marcos recalled humorously, 'because in one wing of the Palace all the presidents died, and in the other all the presidents lost."

Finally they settled on a four-bedroom suite. There, in endless, animated private talks, they mull over plans for their current effort to renew Filipino pride in a national heritage tracing back to 3000 B.C.

"You're in charge of culture and welfare," the president told his wife at his inaugural, an event attended by Vice President and Mrs. Hubert H. Humphrey.

In a nation still battling poverty and corruption, the assignment might seem staggering to anyone but "Meldy," who in less than a year has launched a flurry of projects which have captured the popular imagination, inspiring the "haves" to dig deep into their pockets for her causes.

Her kickoff for a 35-million-peso cultural center raised the first million in a single night. She managed the feat by gathering political and social leaders together for a gala benefit of *Flower Drum Song* with an all-Filipino cast. The remainder of the money was collected from private sources in four months, and construction on the combination theater, library and museum is scheduled to begin shortly.

Now Mrs. Marcos is boosting a national market for Philippine art and handicrafts. In addition, she is up to her eyelashes in promoting tourism, selling beautification and coordinating a cradle-to-grave welfare program for which private and government agencies equally share the costs. Children, juvenile delinquents, unwed mothers, prisoners, the mentally retarded and the aged, all are due to benefit.

"When you are First Lady, you can work yourself to death, or you can sleep," contends Mrs. Marcos. "When I lie down even for a minute, I tell myself I could be helping a hundred, perhaps a thousand people, in that time."

A BEATLE BOO-BOO

Filipinos respond with a fierce loyalty. In July the Beatles, given the red carpet treatment on their arrival in Manila, were lucky to get away alive after affronting the First Lady by failing to keep a Palace luncheon date. Shouts of "Scram!", "Get out of our country!" and a score of unprintable curses were hurled by the angry crowd. The mop-haired troupe was pushed and shoved, and one of their party was kicked to the ground. Police protection and other courtesies were withdrawn.

Mrs. Marcos's warmth and charm are lavished on friend and critic alike. When the Philippine congress voted to send troops to fight beside the U.S. in South Vietnam, pro-Communist demonstrators picketed the Palace. President Marcos called in the leaders, but his wife ventured outside to wave and smile to the pickets. Applauding, they departed quickly.

Public life is not new to this First Lady. She is a member of the Romualdez family of Leyte, a powerful political clan which has produced senators, congressmen, ambassadors, a Supreme Court justice, governors and bank presidents. Her father was Dean of Law at St. Paul's College, where she earned a bachelor's degree in education and later won a music scholarship and worked at teaching and writing. Her younger brother, Benjamin, is the newly named ambassador to the U.S.

"MISS LEYTE"

Imelda grew up in Manila. She was sent there to study after her mother's death. She was then 8 years old, and she lived with her uncle, the Speaker of the Philippine House, who served as her guardian. At 18, her good looks, lyric soprano voice and 36–23–35 measurements won her the title of "Miss Leyte." At 24, her whirlwind romance with Marcos was a national sensation.

The love story began when Imelda and her aunt visited the capitol during a late session. Marcos, a young congressman who had emerged from the war with nearly every decoration bestowed by the Philippine and U.S. governments, was in the thick of battle again—this time fighting the administration on its budget.

Although 13 years Imelda's senior and considered Manila's most eligible bachelor, Marcos succumbed after one look and sought an introduction. But "Meldy" refused to give him her telephone number. Undaunted, Marcos pursued her to Baguio, the summer capital, where the courtship flourished. Eleven days after their first meeting, they were married in a civil ceremony. To the bridegroom's surprise, Mrs. Marcos refused to enter the hotel suite he had reserved, until a church wedding could be arranged 10 days later.

To this day the presidential pair believe 11 is their lucky number. As Mrs. Marcos explains it, "My husband was born September 11. We were married after 11 days of courtship. We had our first child, Maria Imelda, about 11 months afterward. We were sure we were going to win this election because this is the 11th year of our marriage."

Most evenings the president takes time to help his children, Maria Imelda, 11, Ferdinand Jr., 7, and Irene, 5, with their studies in Tagalog, the official Philippine language, as well as English and Spanish.

Then, at the end of each day, Mr. and Mrs. Marcos enjoy comparing notes.

Besides Philippine styles, she wears slacks, Paris frocks, Italian knits and American suits but seldom dons her fabulous jewels. The president describes his wife, who dances the frug and jerk, as "irrepressible." She describes their marriage as "out of this world."

"Whatever I am, I am Ferdinand's creation," the First Lady claims. "He has helped me to grow with him, not side by side, but a little behind him."

PRESENTATION OF CONGRESSIONAL MEDAL OF HONOR POSTHUMOUSLY TO NAVY SEABEE MARVIN GLEN SHIELDS

Mr. JACKSON. Mr. President, I was proud and honored to be present at the White House today as the widow of Navy Seabee Marvin Glen Sheilds, of my State of Washington, received the Congressional Medal of Honor in his behalf posthumously. Mr. Shields, a native of Port Townsend, Wash., is the first member of the Seabees to receive the Medal of Honor. This heroic young man, who died in the service of his country, receives this highest of awards on the eve of the 25th anniversary of the Navy Seabees. A construction mechanic, third class, his honor is a tribute to the more than 300,000 Americans who have served in the Seabees since its inception in 1942.

I wish to point out also that Marvin Glen Shields is the first Navy man to receive this award in the Vietnam war. Four Army men have won the Medal of Honor in Vietnam. Significantly, Army Special Forces 1st Lt. Charles Williams won a Congressional Medal of Honor in the same action at Dong Xoai in South Vietnam on June 10, 1965, that took the life of Marvin Shields and posthumously won for him the Medal of Honor.

Lieutenant Williams, who was present at the presentation of the Medal of Honor to Mrs. Shields at the White House today, asked for a volunteer to accompany him in an attempt to knock out an enemy machinegun emplacement which was endangering the lives of a beseiged special forces, Seabee, and Vietnamese camp at Dong Xoai. Williams and Shields, in a heroic effort, were successful in silencing this Vietcong weapon, and Shields, whose mission at this camp was in construction, lost his life.

I am also proud of the 8 other Seabees who fought with the 11 special forces men in that incident at Dong Xoai. Of these nine Seabees, eight won Purple Heart medals. All nine won awards for heroism, including five recipients of the Bronze Star, three of the Silver Star and Marvin Shields the Medal of Honor.

It was a moving moment when seven of the Seabees and Lieutenant Williams were present at the White House as President Johnson presented the award to Mrs. Joan Shields, of Seattle, the widow of this American hero, and their daughter Barbara, 2½ years old.

Also present were his father, Mr. William Shields, of Salinas, Calif.; his mother, Mrs. Victoria Casselery, Port Townsend, Wash.; his brothers, Ronald Shields, of Seattle, and Frank Casselery, Port Townsend; and Mrs. Shields' mother, Mrs. Louise Campbell, of Sequim, Wash.

I ask unanimous consent to have printed in the Record the citation read at the White House today in presentation of the Medal of Honor to Marvin G. Shields. I further ask unanimous consent that two publications just released by the Department of the Navy, the "Story of the Seabees, World War II to Vietnam" and the "Dong Xoai Story, June 9–10, 1965," also be printed in the Record.

There being no objection, the citation and publication were ordered to be printed in the Record, as follows:

Citation

The President of the United States in the name of the Congress takes pride in presenting the Medal of Honor posthumously to Marvin G. Shields, Construction Mechanic, Third Class, United States Navy.

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving with United States Navy Seabee Team 1104 at Dong Xoai, Republic of Vietnam, on 10 June 1965. Although wounded when the compound of Detachment A–342, 5th Special Forces Group (Airborne), 1st Special Forces, came under intense fire from an estimated reinforced Viet Cong regiment employing machine guns, heavy weapons and small arms, Shields continued to resupply his fellow Americans with needed ammunition and to return the enemy fire for a period of approximately three hours, at which time the Viet Cong launched a massive attack at close range with flame throwers, hand grenades and small-arms fire. Wounded a second time during this attack, Shields nevertheless assisted in carrying a more critically wounded man to safety, and then resumed firing at the enemy for four more hours. When the Commander asked for a volunteer to accompany him in an attempt to knock out an enemy machine gun emplacement which was endangering the lives of all personnel in the compound because of the accuracy of its fire, Shields unhesitatingly volunteered for this extremely hazardous mission. Proceeding toward their objective with a 3.5-inch rocket launcher, they succeeded in destroying the enemy machine gun emplacement, thus undoubtedly saving the lives of many of their fellow servicemen in the compound. Shields was mortally wounded by hostile fire while returning to his defensive position. His heroic initiative and great personal valor in the face of intense enemy fire sustain and enhance the finest traditions of the United States Naval Service.

Story of the Seabees: World War II to Vietnam

(By Lcdr W. D. Middleton)

The Navy's Seabees were less than six months old when their first unit came under fire early in World War II. Only three weeks after the Marines assaulted the beaches of Guadalcanal in August 1942, Seabees of the Sixth Naval Construction Battalion followed them ashore to begin the difficult job of converting a muddy former Japanese landing strip at Henderson Field into an all-weather airfield capable of supporting anything from fighter aircraft to Army B–17's.

The construction job was tough enough, but to make matters worse Henderson Field was under almost constant attack by Japanese artillery and aircraft, and great craters were torn in the airfield every time a bomb or shell scored a hit. As if all this didn't give them enough to do, the Seabees had to be ready to take up positions in the defensive perimeter in the event of Japanese landing against the narrow beachhead.

Typical of Seabee ingenuity at Guadalcanal were the "crater crews" that rushed to repair the damage after every hit on the airfield. Quickly learning from experience, the Seabees stockpiled Marston matting (the pierced steel planking used to surface the field along the runway in bundles sufficient to repair an average sized hole. Construction equipment and trucks, already loaded with enough sand and gravel to fill a bomb or shell crater, were placed under cover at strategic points along the runway.

Whenever Japanese bombers approached or artillery opened up, the Seabee "crater crews" raced from their foxholes, tore away damaged matting, backfilled the craters, and quickly laid down new matting. Before long the Seabees were doing the job so rapidly that forty minutes after a bomb or shell fell it was impossible to tell that the airfield had ever been hit.

Throughout the three-month battle for Guadalcanal the Seabees performed construction miracles to expand Henderson Field and to keep it open, at one time continuing work even when Japanese troops had pushed the Marine front line to within 150 feet of the field. During one particularly fierce attack, the Japanese put no less than 53 bomb and shell holes in the airfield during a 48-hour period.

But despite the worst efforts of the enemy forces, the Seabees were able to keep Henderson Field open throughout the bitter campain, and their success in keeping Marine fighter planes in the air played no small part in the eventual U.S. victory at Guadalcanal. Thus was begun the Seabee "Can Do" tradition of World War II.

SEABEES AND MARINES

One of the earliest traditions developed by the Seabees of World War II was an unusually close comradeship with the United States Marines. Although they fought and built almost everywhere in the global conflict, and worked with Army troops and fleet sailors as well as Marines, the Seabees' greatest contribution to World War II victory was the role they shared with Marines in the bitter island-hopping war in the Pacific.

Based upon mutual respect and shared hardships, the Seabee-Marine fellowship was born as early as 1942, when Marines and Seabees worked and fought side-by-side throughout the bloody battle to hold the Guadalcanal beachhead and to keep the Henderson Field airstrip open to Marine fighters and Army bombers. In this and later Pacific campaigns the Seabees learned to admire the Marines' unsurpassed skill as professional fighting men, and the Marines became equally impressed with Seabee skill as professional builders.

As often as not this Seabee-Marine mutual esteem was expressed in good-natured jokes at each other's expense. Recruited largely from the ranks of skilled construction workers, the average Seabee was ten years or more older than the typical Marine. Soon after the first Seabees came ashore at Guadalcanal the Marines were joking, "Never hit a Seabee, he might be some Marine's father." The Seabees quickly retaliated by manufacturing "Junior Seabee" badges, which they awarded to deserving Marines. And the Seabees liked to claim, "Marines only capture territory; it's the Seabees who improve territory."

In a classic piece of one-upmanship on one occasion during the Pacific campaign, the Seabees managed to best the Marines' proud boast of always getting places first. At New Georgia in July of 1943 a detachment of Marines charged ashore from landing craft in a dawn assault and rushed up the beach looking for Japanese troops, only to be greeted by a party of Seabees that had already landed on the enemy-held island to make a reconnaisance for an airfield site.

The close relationship that grew up between Marines and Seabees during World War II has continued throughout the postwar years. As they have ever since the formation of the first construction battalions 24 years ago, Marines still guide and assist Seabees in learning their necessary fighting skills. Much of the Seabee construction effort since the end of the war has been devoted to Marine Corps facilities. And today, in the Republic of Vietnam, the Seabees are devoting almost their entire effort to the construction of advance base facilities to support the operations of the Third Marine Amphibious Corps.

SEABEE INGENUITY

One of the earliest Seabee traditions to emerge during World War II was the almost legendary ability of a Seabee to improvise. Hastily formed and rushed into the war, the early construction battalions were nowhere near as well equipped as the present-day battalions. Frequently, too, supplies of construction materials and spare parts were insufficient for the job at hand. None of this, however, deterred the resourceful Seabees from getting the job done.

Early in the Solomon's campaign, for example, the 15th Construction Battalion was handicapped by a lack of machine tools. A Seabee warrant officer, who had been a machinery salesman before the war, set out on a trip to New Zealand, where he successfully repurchased equipment from his former customers, and the Seabees soon had a well equipped machine shop. More equipment was scrounged from the aircraft carrier *Enterprise* in return for repair jobs. Before long the Seabees were taking in repair work from the Army and Marines, and were even repairing airplanes.

Lacking a replacement for a blown out bulldozer head gasket, Seabees in the Ellice Islands fashioned a replacement from thin sheets of metal and paper, and quickly put the 'dozer back into service. A Seabee chief on Samoa manufactured a replacement condenser out of waxed paper, tinfoil from cigarette packages, and an old beer can in order to keep one piece of equipment operating. On Guadalcanal another Seabee petty officer kept captured Japanese trucks in operation by improvising replacement radiators out of metal ammo boxes, a method that was soon being used all over the Pacific. Other Seabees learned how to keep tractors running by mounting fuel drums in place of smashed radiators.

The 55-gallon fuel drum, as a matter of fact, proved to be one of the most useful of Seabee construction materials. With the ends cut out and welded together, thousands of drums were converted into culverts. Split down the side and flattened, they made excellent roofing material. One group of Seabees even manufactured a sightseeing canoe from fuel drums.

Worn out tires that would no longer hold inner tubes were kept in service by filling them with a mixture of palm tree sawdust and cement. Beer and Coke bottles were used as insulators for power and telephone lines. Seabees learned how to make replacement watch crystals out of plexiglass from wrecked planes, devised a method of welding broken dental plates with a mixture of ground rubber and cement, and one Seabee machinist even manufactured a pair of silver stars from two quarters for a newly promoted general. Other Seabees made extra money during off-duty hours by manufacturing fake Japanese battle souvenirs and native jewelry for sale to gullible new arrivals.

Perhaps the best-known of all stories of Seabee ingenuity, however, is that of a first class petty officer named Aurelio Tassone, who converted a bulldozer into a piece of combat equipment during the Treasury Islands campaign in 1943. Coming ashore on his bulldozer, Tassone found that a Japanese pillbox was holding up the advance. While a Seabee lieutenant provided covering fire with a carbine, Tassone raised his blade as a shield against enemy fire and advanced on the pillbox. At the last minute Tassone dropped the blade and demolished the emplacement.

SEABEES' MAGIC BOX

Probably the least glamorous in appearance of all the new "weapons" that helped the U.S. to win World War II was the lowly steel pontoon—the Seabees' "magic box"—that became an indispensable tool of a hundred purposes for the U.S. Navy's mighty amphibious forces.

Civil Engineer Corps planning as early as 1936 had forseen a need for a variety of barges, small yard craft, and other miscellaneous floating equipment in the event of a major amphibious war in the Pacific. By 1940 a CEC captain, John N. Laycock, had set to work in earnest developing his ideas for a standardized steel pontoon that could be assembled into an almost endless variety of floating equipment. By early 1941 the first experimental pontoons had been successfully tested and soon thousands of them were in production.

The basic pontoon was little more than a steel box five by seven by five feet. The real key to its versatility was the system of heavy steel angles and special hardware, or "jewelry," developed by Capt. Laycock which permitted the pontoons to be assembled in a wide variety of arrangements. Strings of pontoons were assembled for use as barges or piers, and with the addition of a specially developed outboard propulsion unit, the amphibious Seabees had a self-propelled barge or a warping tug for work around a harbor or beachhead. Cranes, pile drivers, dredges, and almost any other kind of equipment for waterfront work could be mounted on a pontoon barge. Arranged as a barge with pontoon walls on each side, and equipped with the necessary piping and pumping equipment, a batch of pontoons could be assembled as a floating drydock for PT boats and other small craft.

Seabees, of course, found many more uses for the versatile pontoons than those envisioned by its designers. Many saw service as fuel and water tanks, and a pontoon with the addition of a little piping could be mounted on a flat bed truck to make a water distributor. With the addition of a door a pontoon made a fine paint or gear locker. A Seabee cook in the Russell Islands even converted a pair of the pontoons into an oven and grill.

The pontoon really came into its own, however, in the Allies' 1943 landings in Sicily. The Navy's versatile LST had been designed to approach a steeply sloping beach, drop its ramp, and disgorge its load of tanks and other vehicles directly onto the shore. Since they assumed the LST's and other large landing craft couldn't get close enough to make a landing on the shallow sloping beaches along much of the southern shore of Sicily, the Germans had installed only relatively light defenses.

The ingenious Capt. Laycock, however, had already gone to work on a new use for his versatile pontoons. Special hardware and fittings were devised that permitted assembly of the pontoons in long two-pontoon wide causeway sections, which were hung on the sides of the LST's. As the landing ships approached the shore the causeway sections were cut loose, dropped into the water, and their momentum carried them into the beach. The intrepid amphibious Seabee crews that rode the pontoons quickly connected the causeway sections, the LST's were "married" to the outer end, and in a matter of minutes vehicles were rolling ashore.

First used in the Sicily landings, where causeways over 300-feet long were employed to land allied forces where they weren't expected, the new pontoon adaptation was a major factor in the success of the operation, and for the remainder of the war the LST-pontoon causeway combination was used in almost every major amphibious assault.

Even today, a quarter of a century after its development, the versatile pontoon remains as a workhorse of the amphibious Seabees. Only last May, when MCB-10 and Marine Corps forces landed at Chu Lai, Republic of Vietnam, their equipment and supplies went ashore over the familiar pontoon causeways.

"RHINOS" IN OPERATION OVERLORD

Among the difficult problems faced by planners of "Operation Overlord," the great Allied invasion of Normandy in 1944, was one presented by the character of the beaches where the landings were to take place. At both Utah Beach and Omaha Beach, where the U.S. forces were to land, the slope of the beaches was unusually flat, and the water line moved up or down the beach a half mile or more as the tide rose or fell. Just off the shore and running parallel to the beach, sand bars—whose position shifted constantly with the tide or storm conditions—presented still another problem.

Because of these positions, it would have been almost impossible to use LST's or other amphibious craft in the usual manner. Landings could have been made at high tide, but unless the vessels were quickly unloaded, the rapidly receding tide might leave them stranded high and dry on the beach, exposed to German attack until the tide came back in and refloated them. If landings were made at low tide the vessels would ground on the sandbars, leaving troops and vehicles with deep water between them and the shore. Even if they were able to get past this obstacle, the inrushing tide might overtake them before they could get all the way up the beach.

Under these conditions even the Seabees' famous pontoon causeways, first used the year before in Sicily, would have been unable to bridge the gap between ships and shore. The Civil Engineer Corps' Capt. John Laycock, who had originally developed both the pontoons themselves and the pontoon causeways, quickly came up with still another variation of the Seabees' "magic box" to solve the problem of the Normandy beaches.

One hundred-eighty of the pontoons were assembled into a huge ferry barge, six pontoons wide and thirty pontoons long, powered by two of the large outboard motors developed for use with smaller pontoon barges. A specially developed loading and unloading ramp was placed at one end. Big enough to take half an LST load of supplies and equipment, the pontoon ferries were designed to "marry" an LST safely anchored in deep water. As soon as the ferry was loaded it cast off and headed for the beach under its own power. With its shallow draft the pontoon ferry could easily get over the treacherous sandbars to the beach. Only two trips were needed to unload an LST, and then the ferry proceeded to unload another ship.

To a naval aviator, who happened to fly over one of the first experimental models at Quonset, R.I., the Seabees' pontoon ferry looked more like a rhinoceros than anything else, so before long "rhino ferry" became their unofficial name.

As the great Normandy invasion grew nearer, Seabees of the 81st and 111th Construction Battalions worked in British shipyards to assemble their rhino ferry fleet, and as soon as they were completed, they took them to sea to practice the tricky job of "marrying" them to LSTs and transferring cargo.

On June 5, 1944, the day before D-Day in Normandy, the rhino ferries and their Seabee crews headed out to sea for the journey to France, each of them on a 300-foot towline behind an LST. Early on D-Day morning the LSTs and the rhinos were off the beaches at Omaha and Utah. Unexpected heavy seas made the task of joining the ferries to the LSTs almost impossible, but after several hours of effort the job was finally completed and the rhinos were on the way to the beaches. It was close to noon before the first rhinos reached the beach, only to discover that the Germans had planted mines and obstacles all along the beaches that made it almost impossible to land. A few got ashore that day, but many of the Seabee crews had to wait offshore with their ferries for a day and a half or more before demolition teams were able to clear the beaches so they could land.

Throughout the first days of the Normandy invasion, despite the hazards of severe weather, mines, and German gunfire, the Seabees and their rhino ferries shuttled between the invasion fleet and the beaches, landing thousands of trucks, tanks, and other vehicles, the tons of the supplies that sustained the American armies ashore.

THE GREAT B-29 BASE ON TINIAN

By the summer of 1944, advancing U.S. Forces in the Pacific War against Japan had reached the Marianas Islands, 4,000 miles west of Hawaii and less than 2,000 miles from Japan itself. On June 15, the Marines hit the beaches at Saipan. On July 21, they began the invasion of Guam, and only three days later the same Marines that had taken Saipan were swarming ashore on Tinian.

Even before the Marines had officially secured Tinian, Seabees began landing to work on their biggest single job of the entire war—constructing the world's largest air base for the Army Air Corps' B-29 'Superfortress" bombers that would soon begin carrying the war to the Japanese homeland. Tinian, 12 miles long, six miles wide, and fairly flat, provided a good airfield site that placed the new B-29's within range of Japan for the first time.

To support the huge B-29 fleet that was to operate from Tinian the Seabees built six runways, each a mile and a half long. Four were built at North Field, together with 11 miles of connecting taxiway and hardstands for 265 planes. At West Field, an 18-mile taxiway network and 361 hardstands were built to support the remaining two bomber runways, as well as two smaller airstrips. In addition to the airfield facilities themselves, the Seabees constructed nearly a thousand buildings, miles of roads, fuel and ammunition storage, and utility systems for the Tinian base.

To carry out the huge construction task, the Navy organized the Sixth Construction Brigade, made up of three Construction Regiments, each of which in turn was made up of several battalions. Altogether some 15,000 Seabees were involved in the Tinian work. The fleet of well over 1,500 pieces of heavy construction equipment assembled for the job included almost 800 trucks, 173 scrapers, 160 tractors and bulldozers, 60 graders, and 80 power shovels.

Working in two ten-hour shifts daily, the Seabees built the world's largest air base in record time. Although much of the terrain was reasonably level, in places the bomber runways required cuts as deep as 15 feet and fills 30 to 40 feet high. By the time the job was done the Seabees had moved more than 11 million cubic yards of earth and coral.

Removal of coral "heads" from the runway sites and quarrying of coral for runway surfacing consumed an average of 12 tons of dynamite and 4,800 blasting caps a day. Maintenance crews worked around the clock to keep equipment going despite the ravages of coral dust that wore out moving parts in a fraction of the usual time. Twenty-four welding crews were required just to repair the damage done to power shovels, bulldozers and scrapers by the hard coral.

Except for one runway, which took 73 days to build, none of the B–29 runways took over 53 days to complete, and the entire base was completed in less than a year. Only a few months after the Seabees first started work the Army's B–29 fleet began striking at Japan from the Tinian base. The biggest Seabee job of the war had played a vital part in launching the great bombing raids that speeded victory in the Pacific War.

CUBI POINT

By far the largest peacetime job ever undertaken by the Navy's Seabees was the construction of a major base for the U.S. Seventh Fleet at Cubi Point, on Subic Bay in the Philippine Islands. Required to support the growing U.S. commitments in the Far East, the Cubi Point base was started at the height of the Korean War in 1951.

Overall direction of the project was in the hands of the 30th Naval Construction Regiment, which was set up at Cubi in September 1951. During the next two years the arrival of Mobile Construction Battalions 2, 3, 5, 9 and 11 brought the Cubi Point construction force to a total of some 3,000 Seabees.

Working as many as three shifts a day, six days a week, the Seabees spent five years converting Cubi Point's jungle and mountains into a modern base for Seventh Fleet carriers. Huge trees, sometimes as much as a hundred and fifty feet tall and six to eight feet in diameter had to be blasted out of the way; swamps filled, and even a native village relocated.

A huge hill was removed and Cubi Point itself widencd to accommodate the base's airfield. One battalion was given the task of removing 85 feet from the top of a mountain to provide a safe approach to the runway. Over 200,000 cubic yards of rock and earth were moved in the process.

Once the airfield was done the Seabees built roads, piers, shops, ammunition storage, and barracks to complete the base. By the time the great project was done it was estimated that 20 million manhours of Seabee labor had gone into the building of the Cubi Point base, and that a greater volume of earth had been moved than in the digging of the Panama Canal.

At Cubi Point the Seabees built a major new base for the Navy, but perhaps even more important the project provided a priceless opportunity to develop construction skills and leadership qualities in a whole new postwar generation of Seabees. Hundreds of Seabees who first learned their skills at Cubi Point still serve on active duty. Now senior petty officers and chief petty officers, they provide the indispensable background of experience needed to guide and train the young Seabees of the 1960's.

SEABEES ON THE ICE

This year's 1966–67 Operation Deep Freeze marks the beginning of a second decade of Seabee participation in the continuing U.S. program of scientific study and exploration of the Antarctic continent.

Seabees first landed on Antarctica in 1947 as part of the Navy's Operation High Jump expedition led by RADM Richard E. Byrd. Seabee work in this first post-World War II Antarctic expedition included unloading of supplies and equipment and the construction of new facilities near Byrd's 1939–40 Little America base.

Although Operation High Jump lasted only a few months, the Seabees and the Navy returned to the ice to stay in 1955 when the U.S. began constructing permanent scientific outposts in the Antarctic. The Seabees of the first Operation Deep Freeze, as it was called, were part of the newly formed Mobile Construction Battalion (Special) organized at Davisville, Rhode Island and specially trained in cold weather operations. Their Deep Freeze mission including hauling of supplies by tractor and sled across the ice, construction of camp facilities at Little America and McMurdo Station, and construction of a ski-plane airstrip on the ice of McMurdo Sound.

Among a "wintering over" party from the first Deep Freeze II, were nearly 200 Seabees, whose tasks included support of the scientific program and construction of a 6,000 foot ice runway on McMurdo Sound. Working throughout the Antarctic winter in temperatures that often fell to 65 degrees or more below zero, and despite a fierce three-day blizzard that once destroyed the entire project, the Seabees had the new runway ready for arrival of a Deep Freeze II advance party by air from New Zealand in October 1956.

Before the end of October, RADM Dufek, Commander of Deep Freeze II, took off from the Seabees' ice runway to become the first explorer ever to land at the South Pole by plane. A few weeks later, Seabees, sled dogs, construction materials, and equipment followed the admiral to the Pole to commence construction of a permanent camp at South Pole Station.

In the nearly ten years since the first Deep Freeze expeditions, thousands of Seabees have continued to work at Anartica, building roads, runways and buildings at the American stations on the frozen continent.

In 1962, a milestone in the use of nuclear energy was achieved when the first of several nuclear reactors began to produce electric power and heat, and to distill fresh water, at McMurdo Station. Operating the reactors were crews made up largely of specially trained Seabees.

Although the climatic environment and much of the materials and equipment they work with have been far different from those normally encountered by Seabees, their traditional qualities of ingenuity, skill, energy, and endurance have enabled the Navy's Seabees to establish a distinguished, and still growing, reputation for their many achievements on the Antarctic ice.

SEABEE TEAM

An important new part of the Seabee tradition in recent years has been the several types of Seabee Teams, which have proven a valuable addition to U.S. programs aimed at strengthening the free world by helping the people of underdeveloped nations help themselves.

Utilizing the construction skills of carefully selected men, Seabee Teams have been deployed to locations a widespread as Southeast Asia, South America and Africa, where their skills have been employed in a wide variety of "civic action" construction missions aimed at improving the living conditions of the people of other nations.

Even more important than the work they have done themselves, the Seabee Teams have helped to train people of these countries in modern construction methods so that they themselves can continue to improve their own living conditions long after departure of the Seabee Teams.

Although Seabees have always been eager to lend a helping hand wherever they have been, the formal Seabee Team program was not born until 1960, when an Atlantic Seabee detachment was deployed to Haiti. Their mission was the construction of a road, causeway, and pontoon bridge at Lake Miragoane, Haiti, when flooding of the lake threatened to isolate the southern tip of the island.

Soon after this first venture, other Seabee Teams were sent on a regular basis to other countries for similar missions. Since 1960 Atlantic Seabee Teams have deployed to such countries as Chile, Costa Rica, Santo Domingo, Liberia, the Republic of Chad and the Central African Republic, where they have built farm-to-market roads, taught construction skills, and engaged in disaster relief work.

Since January 1963, teams from the Pacific Seabees have been deploying to Thailand and the Republic of Vietnam, where they have engaged in a wide variety of rural development work, including road, bridge, and school construction. Several teams deployed to the Republic of Vietnam have been engaged in construction of Special Forces camps. One team, Seabee Team 1104, was constructing such a camp when it participated in the heroic defense of Dong Xoai against a heavy Viet Cong attack last June.

In addition to the normal 13-man teams, other special teams from the Pacific battalions have performed similar work in Southeast Asia. Well-drilling teams have helped provide pure water supplies to rural villages in Vietnam, and EO/CM teams have helped in a rural road building program in Northeast Thailand.

RADM J. R. Davis, former Commander of the Pacific Seabees, recently expressed the comment of the U.S. ambassador to Thailand that no other U.S. aid program has accompanied as much in proportion to its cost as has the Seabee Team program.

Thus, in a few short years, the Seabee Teams have become a proud—and continuing—part of the Seabee story.

A NEW CHAPTER

In the spring of 1965, as the U.S. increased its commitment of military forces in support of the war against the Viet Cong in South Vietnam, the Seabees were once again called upon to provide construction support to Navy and Marine Corps forces in a combat area. Not since World War II had the Seabees been committed on such a large scale in support of combat operations.

MCB–10, then deployed on Okinawa as the Pacific "alert battalion", was the first to go. Late in April MCB–10 commenced its mount-out, and within less than ten days the entire battalion, its equipment and supplies, and aluminum matting to construct an 8,000-foot expeditionary airfield, were embarked on amphibious force ships of the U.S. Seventh Fleet.

Early on the morning of May 7, in one of the largest operations of its kind since the Korean War, Marines came ashore in a coordinated amphibious landing to occupy the Chu Lai site. The Seabees of MCB–10 were right behind them with their equipment and supplies to set up a camp and begin work on the Chu Lai runway. In only 21 days time, high performance Marine jets were flying strikes against the Viet Cong from the Seabee-built airfield. During the remainder of its Chu Lai deployment MCB–10 continued to expand and improve the airfield, and constructed a wide variety of roads, cantonments, and other facilities in support of units of the Third Marine Amphibious Force operating in the Chu Lai sector.

MCB–3, deployed on Guam as the Pacific "back-up battalion", was the next to leave for Vietnam. Preceded by an advance party, which started work on a battalion camp at the base of Hill 327 at DaNang, MCB–3 mounted out from Guam in May and commenced construction work at DaNang by the end of the month. Chief among Three's projects was the rebuilding of a road leading to the Marine missile site on Hill 327.

MCB–9, deploying from Port Hueneme early in June, was the third battalion to arrive in Vietnam. Establishing its camp next to the South China Sea at DaNang East, Nine immediately started work on a wide variety of projects, chief among them a large Naval Hospital and an extremely difficult road to a missile site on Monkey Mountain, in DaNang Bay.

In order to coordinate mobile construction battalion work in Vietnam, the 30th Naval

Construction Regiment, inactive since the Cubi Point project in the early 1950's, was reestablished at DaNang in May. Initially, the regiment was under the command of CAPT Harold F. Liberty. The current commander is CAPT Nelson R. Anderson.

Seabee strength in Vietnam was increased to four battalions in September, when MCB–8, previously an Atlantic battalion, moved to Port Hueneme and almost immediately deployed to DaNang where it commenced work on port facilities and other projects.

MCB–5 became the fourth Pacific battalion to deploy to Vietnam in September when it relieved MCB–3 at DaNang. A second Atlantic battalion, MCB–4, moved its home port to Port Hueneme in November, and deployed to Chu Lai a month later to relieve MCB–10. Most recently, MCB–11 deployed to DaNang early in February to relieve MCB–9.

The large scale commitment of Seabees to the war in Vietnam has proven the value of the long, hard peacetime deployments and the continuing emphasis on training, mobility, and self-sufficiency characteristic of the Navy's mobile construction battalions. For each of the seven battalions that have thus taken part in the Southeast Asian conflict has shown the same capability to deploy to a new location, establish itself, and commence production construction with a speed, effectiveness, and flexibility unmatched by any other military engineering unit.

With Seabees in demand as never before since World War II the Navy has commenced a broad build-up of the naval construction force. Each of the ten original battalions has been increased in its officer and enlisted complement and early this year the Navy Department announced the formation of four new battalions at Davisville, Rhode Island. MCB–40 was formally commissioned on Feb. 1, with MCB's 58, 62, and 133 to follow during the next few months.

Clearly, as General Douglas MacArthur wrote to Adm. Ben Moreell during World War II, "the only trouble with your Seabees is that you don't have enough of them!"

ABOUT THE AUTHOR

"The Seabee Tradition" is adapted from a series of articles highlighting Seabee accomplishments originally published in the MCB–11 Stinger during 1965.

The author, LCDR William D. Middleton, has been executive officer of MCB–11 since August 1964, and is presently deployed with the battalion at DaNang. His previous naval service includes assignments at Port Lyautey, Morocco; at NAS Minneapolis; as civil engineering adviser to the Turkish Navy on the staff of the U.S. military mission to Turkey; and as planning officer at PWC Norfolk.

During a period of inactive duty he was employed as a structural engineer with firms in California and Wisconsin, and as a bridge designer with the Wisconsin State Highway Commission.

In addition to his engineering duties, LCDR Middleton has long been active as a writer. He has written numerous articles for newspapers and magazines, among them American Heritage, and is the author of two published books of railway history, with a third due for publication later this year.

He received a bachelor of civil engineering degree from Rensselaer Polytechnic Institute in 1950 and later did graduate work in the engineering and journalism schools at the University of Wisconsin.

His wife Dorothy and sons William and Nicholas currently reside at 1061–A Guadalcanal Street on the Center.

The Dong Xoai Story: Seabees Victims of Viet Cong Raid

The quiet serenity of a rainy night in a small Vietnamese military compound quickly turned into a nightmare of death and suffering for nine members of Seabee Technical Assistance Team 1104 early this month. Assigned to construction and improvement of training facilities of a Civilian Irregular Defense Group (CIDG) camp at Dong Xoai, 55 miles north of Saigon, the Seabee Team and 11 other U.S. Army Special Forces personnel were trapped in one of the bloodiest and hardest fought battles of the Vietnamese war.

The camp area contained a complex of compounds to support three CIDG companies, a Regional Forces company, a small Vietnamese Special Forces detachment, and an armored car platoon. Also in the area was the District Headquarters and a battery of 105mm howitzers.

The bizzare sequence of events started when a lookout reported that "Viet Cong were all over the airfield." A 200-round barrage by 60mm mortars at 11:45 p.m. on June 10 preceded the "human wave" assaults on the walls of the CIDG compound. Intense close range combat continued until 2:30 a.m. when the CIDG defenses were breached and the surviving U.S. troops made their way to the adjacent District Headquarters.

There they were quickly surrounded by the Viet Cong who were employing flame throwers, machine guns, recoilless rifles and small arms against the fortifications. When daylight approached the 2nd Air Division and VNAF aircraft began hitting Viet Cong positions outside the District Headquarters.

A U.S. rocket launcher team of 1st Lt. Charles Williams, U.S. Special Forces Camp Commander and Seabee Marvin G. Shields, CMA3, moved outside the headquarters defenses and successfully destroyed a Viet Cong .30 Cal. machine gun position. Shields was killed returning to the building.

The first lift of relief forces to secure a landing area about a mile and a half north of the embattled village was quickly engaged by VC forces. A pitched battle developed as aircraft continually strafed and struck the VC positions with napalm. About noon the landing area was overrun by Viet Cong forces; only three Vietnamese soldiers reportedly survived from the group of 196 troops and two U.S. advisors originally flown in.

In the meantime, a second lift of relief forces landed at a nearby rubber plantation and was also quickly pinned down by intense Viet Cong fire.

During the middle of the afternoon a coordinated effort of heavy close air support by fixed wing aircraft, permitted elements of the 118th Aviation Company to evacuate the wounded U.S. personnel from the District Headquarters.

Shortly thereafter, a Ranger relief force landed at a soccer field southeast of the town. Another group landed near the District Headquarters. This 300-man force finally reoccupied the District Headquarters compound and captured numerous Viet Cong weapons.

Sporadic fighting continued throughout the second night and the Rangers moved out the next day and recaptured large areas.

Eye witness accounts of the battle area describe the bodies of civilians and military dead strewn throughout the town. Men, women and children were walking around in a daze, the recent events being incomprehensible to them. Others were found sobbing over the fallen bodies of members of their families. Several soldiers were found with their hands tied behind their backs, probably used as human shields during the battle.

The village itself was nothing more than charred ruins; some areas were still burning and smoldering from the recent conflict.

The final count of casualties of the original 20 Americans forces was three killed, 16 wounded and one unscathed survivor. A total of 12 other Americans were listed as dead or missing as a result of action during the two-day battle. The Vietnamese forces suffered approximately 46 wounded and 300 dead or missing. Viet Cong losses were estimated at more than 700.

Of the nine man Seabee Team, 2 men were killed:

Marvin G. Shields, 26, CM3 of 141 East Clara St., Port Hueneme. He is survived by his wife, Joan, and infant daughter who are presently visiting in Sequim, Washington.

William Clifton Hoover, 25, SW2. He is survived by his parents, Mr. and Mrs. Clifton William Hoover of 1320 Hawthorne Drive, San Diego, Calif. Funeral services were held Tuesday at Fort Rosecrans with full military honors.

Six other men suffered injuries:

James M. Keenan, HM2, was treated in Saigon and released.

James Barnett Brakken, 32, BU1, of Puyallup, Washington, was also treated and released.

James Davis Wilson, 29, CM1, was released from the Saigon hospital on June 18. His wife, Janice, and two small children reside at 973–A Jelly Drive.

The other three wounded Seabees have been transferred to the hospital at Clark Air Force Base in the Philippines for further treatment and convalescence. They are.

LTJG Frank A. Peterlin, 26, Officer in Charge of the Seabee Team. He is from Oglesby, Ill.

Johnny Ray McCully, 34, EOC. His wife, Petra and two small children live at 611 East Pleasant Valley Rd., Port Hueneme.

Lawrence W. Eyman, 29, UT2. His wife and daughter live at 441 Santa Rosa St., Port Hueneme.

Douglas Martin Mattick, 22, BU2, was the one American not hurt during the fighting.

Four other members of the Seabee Team were not at the camp when the attack occurred. They are:

Jack Lee Allen, 33, EO2. His wife, Lillian, and three children live at 1520 Woodland St., Oxnard.

John Curtis Klepfer, 24, EO2. His family lives at 950–B Pearson Drive, Port Hueneme.

Frederick Joseph Alexander, 24, EA3, from Buffalo, N.Y.

Richard Stanley Supczak, 32, CE3, from New Bedford, Mass.

Wounded Seabee Tells of VC Raid

(By Marie Levi)

It's quiet now.

The sounds the Seabee hears are the everyday pleasant ones of home—chicken frying in the pan . . . roller skates on the sidewalk . . . the voice of a neighbor at the door . . . a jet far overhead . . .

But James D. Wilson, CM1, can still hear other, more insistent, sounds. Pushing through his consciousness is the din of a mortar barrage, the whistling of rifle shells through a military compound, the blast of shrapnel just before its enters human flesh.

Just a month ago today, Wilson and eight other members of Seabee Technical Assistance Team 1104 listened to these sounds of war at Dong Xoai, Viet Nam. They were part of a 30-man force: 11 were Army Special Forces personnel, the others RVN troops.

With the exception of Johnny McCully, EOC, who was standing watch the Seabees were asleep when all hell broke loose at 11:45 p.m. on 9 June.

Bounced out of their bunks by the thunder of mortars and the staccato of small arms fire, the men quickly took up defensive positions. They were to stand against overwhelming odds of men and arms for the next 14 hours. They were all to feel the searing pain of shrapnel fragments entering their bodies, the deafening roar of battle. Two of the Seabees were to die.

"The very first assault wiped out our communications and destroyed our medical supplies, with the exception of two small bags that James Keenan, HM2, had with him," says Wilson.

"Two out of the three compounds in the camp were overrun and occupied by the Viet Cong. They took over our reserve supplies of ammunition and all through the night and part of the next day they blasted us with mortars, recoilless rifles, flame throwers, and machine guns."

All around them, men were dying. Of the 30 troops, some 10 survived; no man was spared injury.

"If it hadn't been for a jerry-rigged radio put together by one of the Special Forces sergeants, we would have been done for," says Wilson.

With the radio, the survivors where able to maintain communication with command headquarters, and by dawn, American jets began strafing and bombing the area around the camp.

"It was the only thing that saved us," says Wilson.

Two groups of Vietnamese reinforcements tried to move in to save the Dong Xoai camp. The first was on the ground 15 minutes before being wiped out; the second group was pinned down by the Viet Cong and unable to advance.

"There was no possible way to hang on. The Viet Cong were firing on the compound and on the planes overhead with captured American weapons, and the small supply of ammunition we had was just about exhausted."

The only hope was to evacuate the survivors. At 2 p.m. on May 10, American jets and Skyraiders started a heavy bombing and strafing attack around the outside wall of the camp. In the meantime, three helicopters sat down in the middle of the area and picked up the remaining Americans and RVN troops.

"We couldn't have lasted 15 minutes more," says Wilson.

It was almost the heartbreaking end for Douglas Mattick, BUH2. When he started to enter the third helicoper, he was waved off, the chopper was already loaded to capacity. For a moment, he thought another helicopter was due in, but when he saw the three disappearing in the distance, the full force of his predicament hit him. He grabbed the radio, put in a quick distress call, and before long another helicopter was in for the rescue.

"Of the nine of us, two—Marvin G. Shields, CM3, and William C. Hooper, SW2, were dead. LTJG Frank A. Peterlin, officer in charge of the Seabee Team, and McCully were missing." (Both were wounded outside the compound, but where picked up the following day.)

After treatment, four members of the Seabee Team returned to Port Hueneme on July 1. Flown in by commercial aircraft were Wilson; Dale Brackken, BU1; Keenan; and Mattick.

McCully is still hospitalized in San Diego; LTJG Peterlin is undergoing treatment in Okinawa; and Lawrence W. Eyman, is at Clark AFB Hospital, Philippine Islands.

Recalling the massive Dong Xoai attack, Wilson remarks: "It's hard to imagine the sheer strength of numbers among the Viet Cong. They attack in a human wave—it would be impossible to down them all.

"Besides that, the VC round up people in the villages—young and old alike—and use them as human shields. They are completely ruthless as far as human life is concerned. It was a common sight to see women and children disemboweled as an example to other villagers.

"It was a time of horror," he added, "but the morale of the team never dropped. When the going got rough somebody would make a wisecrack, and the tension eased.

"Sure, we wondered sometimes if we would ever get out alive, but we helped each other keep our hopes up."

Of the four men who returned here last week, Mattick expects an early discharge and return to college. The other three will return to Seabee duty after a 30-day leave period.

Some of STAT 1104 team members have already volunteered for additional Seabee Team duty in Viet Nam; others will return if assigned there.

As for Wilson, he won't even consider anything but more Seabee duty. A career man with 11½ years already on the books, he expects to serve 30.

"I had a chance to cross rate to communications technician," he says. "It would have meant more shore duty and faster promotions, but I couldn't give up the Seabees."

Most of the men on the Seabee Teams feel exactly the same way.

SEABEE TEAM OIC AWARDED SILVER STAR

For his gallant action during the Viet Cong attack on Dong Xoai, Vietnam, on June 9, LTJG Frank A. Peterlin, Officer in Charge of Seabee Team 1104, was presented the Silver Star Medal by CDR W. W. Barron, MCB–11 Commanding Officer. The awards ceremony, attended by officers and men of the battalion, was held at Camp Kue Army Hospital.

The Silver Star is the fourth highest medal issued by the Navy. ADM Roy L. Johnson, Commander in Chief, U. S. Pacific Fleet, in the citation accompanying the award, said:

"For conspicuous gallantry and intrepidity in action while serving with U. S. Navy Seabee Team 1104 at Dong Xoai, Republic of Vietnam, on 10 June 1965.

"Shortly before midnight on the preceding night, the compound which LTJG Peterlin's team was assisting to construct came under intense mortar, machine gun, heavy weapons, and small arms fire from an estimated, Viet Cong reinforced regiment.

"LTJG Peterlin quickly went to a position on the berm surrounding the compound and for three hours exposed himself to hostile fire while firing at the enemy. During a massive Viet Cong attack with flame throwers, hand grenades and small arms fire, supported by mortar, machine gun, and heavy weapons fire, LTJG Peterlin, at close range, shot a Viet Cong carrying a flame-thrower.

"Shortly afterward, LTJG Peterlin was knocked down by an explosion and wounded by a bullet through his right foot. Despite his wound, LTJG Peterlin successfully evaded the Viet Cong forces which had overrun the compound and was able to conceal himself from the enemy for more than a day before being rescued. His coolness and effectiveness under fire were a constant encouragement to those about him."

CAMP SHIELDS HONORS SEABEE HERO

CAMP SHIELDS, CHU LAI, RVN, September 10.—Today the Seabee Camp at Chu Lai was named Camp Shields in memory of Marvin G. Shiels, CM3.

Shields died from wounds received while members of his unit, Seabee Team 1104, were assisting in the defense of the Special Forces Camp at Dong Xoai against an attack by the Viet Cong on June 10. The attack began late the previous night.

While assisting a wounded Army officer to a safe position, Shields sustained wounds about his face, neck and back. Despite these wounds he continued steadfast in fighting against the Viet Cong, both by means of his rifle and by throwing hand grenades.

When light broke on the morning of the 10th, Shields readily volunteered to assist in destroying an enemy machine gun emplacement. Though he had never used a 3.5 inch rocket launcher before, he performed the job well and was instrumental in destroying the position while under heavy enemy fire.

In returning to his previous position machine gun fire struck his right leg, nearly tearing it off. Though mortally wounded, he was able to move to a sheltered position and received aid. Throughout the remainder of the morning he was instrumental in keeping up the spirits of the defenders by laughing and making jokes.

Shields died that afternoon shortly after being evacuated by helicopter.

For his bravery and devotion to duty Shields has been recommended for the Navy Cross. His actions throughout were in keeping with the highest traditions of the Naval service.

The Seabees of MCB–10 are proud to enshrine the name of Marvin G. Shields in the camp which they established as a memorial to a fellow Seabee who exemplified the "Can Do" spirit of the Seabees in action against the Viet Cong.

Shields is survived by his wife, Joan, a young daughter and his mother Mrs. Victoria Cassalery, all of Port Townsend, Washington.

PUBLIC INVESTMENT IN NATION'S AIRPORTS MUST NOT BE WASTED IN TRANSITION OF AIR CARRIER EQUIPMENT AND SERVICES—AIRLINES, MANUFACTURERS AND FAA MUST SHARE BLAME FOR FAILURE TO DEVELOP AIRCRAFT FOR THE SMALLER AIRPORTS—PHASING OUT OF PLANES MUST NOT DEPRIVE COMMUNITIES OF FLIGHTS

Mr. RANDOLPH. Mr. President, on September 7, 1966, it was my privilege to have addressed the National Association of State Aviation Officials, gathered from 41 States, at the organization's meeting in Wheeling, W. Va. I stressed my belief that Congress, during the next 2 years, must meet the newer challenges of current and future aviation and must especially make major policy and financial decisions with respect to the airports of this country.

There are, I noted, approximately 3,500 publicly owned airports in the United States and, of this number, only 555 accommodate scheduled commercial air service—220 having trunk airlines service and that of local feeder line carriers, while 235 are utilized commercially by local service carriers only.

Indicative of the major problem facing us is the fact that only 100 of our airports can accommodate commercial jet aircraft—or only 1 of every 5½ airports presently having scheduled air carrier service. This is a sobering and disturbing fact.

Mr. President, I stressed that we properly could say that only 100 of approximately 3,500 publicly owned airports can be classed as "modern" in this jet age. But I remarked that we must not assume that all of the approximately 3,400 publicly owned airports not capable of accommodating commercial jet aircraft are in need of jet capacity runways. Obviously, only a low percentage have such needs.

The biggest immediate concern is the fact that 120 of the 220 trunkline airports cannot accommodate commercial jets, but there also is the question of how many of them absolutely must be expanded for jets and how soon. The central fact is, however, that we must not permit the huge public investment in these 120 below jet standard trunkline airports to be wasted by permitting them to become obsolete through failure to upgrade or through forced under-utilization. And we must not permit commercial airlines to phase out too many of the 235 local service airports, as well as the 120 trunkline ports which are below jet standards, by too quickly establishing jet standards as runway requirements.

I also pointed out that not nearly enough funds—Federal, State, and local—are readily available—and perhaps not sufficiently attainable on short notice—to start an immediate upgrading of even the 120 trunkline airports which are below jet standards.

The Federal Aviation Agency has over 700 applications asking for approximately $260 million of Federal aid for airports under the fiscal 1967 program, whereas the appropriations for this program are to be in the neighborhood of only $71 million. This creates a huge unfilled backlog of unmet needs and, unfortunately, it has been the pattern for several years—too many needs and too few dollars.

The biggest disappointment to me—I said last week in Wheeling, and I reiterate—has been the failure of the commercial airlines, the aircraft manufacturers, and the Federal Aviation Agency to work more closely in the development of commercially feasible jet aircraft capable of utilizing the 4,500-, 5,000-, and 5,500-foot runways of the airports serving the smaller to medium-size cities of our country. I feel that there is too much research and development on the supersonic and long-haul jets and too little on the equipment requirements to fit the intermediate and small community airports, or even the medium-size regional airports.

Mr. President, Editor Wendell Reynolds, in the Huntington Advertiser, September 9, 1966, commented editorially on my remarks at Wheeling. I am appreciative. And I am grateful for the cogent article by Rudy Abramson of the Los Angeles Times in the Washington Post last Sunday, "Aircraft Advances Pose Airport Crisis." It is a thoroughly sobering discussion of the subject and includes frank and thought-provoking comments by Cole Morrow, FAA Director of Airport Services. I have known Cole Morrow for many years and I commend his dedication to and his knowledgeability in the field of airports and airport services. When he reports that it is already "too late to avoid a crisis," I believe it is time that the Congress and all officials involved in the problem take notice and work together for meaningful solutions.

The Abramson article imparts the information that the Air Transport Association, which represents the Nation's scheduled airlines, "is planning an indepth study on the monumental problems which the new jumbo jets pose for airports and air travelers." This is timely and important and can be useful. In fact, I conferred several weeks ago with top officers in the Air Transport Association, the Aerospace Manufacturers' Association, and the Federal Aviation Agency, and at that time urged such a coordinated study.

Also noted in the article is the fact that our colleague, Senator EDWARD KENNEDY, of Massachusetts, is heading a study of these problems. This, too, is encouraging and doubtless will develop helpful facts which will enhance the development of solutions.

Mr. President, I request unanimous consent to have printed in the RECORD following these remarks the September 9, 1966, editorial from the Huntington, W. Va., Advertiser, and the article from the Sunday, September 11, 1966, issue of the Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Huntington (W. Va.) Advertiser, Sept. 9, 1966]

RANDOLPH URGES ATTENTION TO SMALLER CITY JET NEEDS

The need of additional air transportation facilities in this region gives particular interest to the statements of Senator JENNINGS RANDOLPH (D-WVa) Wednesday at Wheeling.

Addressing a meeting of the National Association of State Aviation Officials, the West Virginia Senator criticized airlines and federal authorities for neglecting the needs of smaller trunk-line airports in favor of supersonic long-haul jet transportation.

Among his significant remarks were:

Commercial airlines, aircraft manufacturers and the Federal Aviation Agency have failed to coordinate efforts for developing jet craft able to serve the nation's small and medium-sized cities.

Too much research is devoted to the development of supersonic and long-haul jets and too little to providing the needs for intermediate and small city or regional airports. Of the 3,500 publicly owned airports in the country only 100 are capable of accommodating commercial jet craft.

"This means," Senator RANDOLPH said, "that only 100 of 3,500 publicly owned airports can be classed as modern in this jet age."

He added:

"We must not permit commercial airlines to phase out too many of the 235 local service airports, to quickly establish jet standards as runway requirements.

The inability of the federal government to meet all requests for airport aid was illustrated by the statement that the FAA has more than 700 applications seeking about $200 million for 1967 but has only about $71 million to allocate.

"Congress, during the next two years," Senator RANDOLPH declared, "must meet the challenge of aviation."

The comments were particularly valuable because of his extensive experience as a former airline executive and transportation officer as well as his influence in the Senate.

They are particularly pertinent to this area and region for two reasons:

1. Efforts are under way for the construction of a regional jetport to accommodate craft that airlines serving the area are expected to put into use during the next few years.

2. The high cost of constructing airports in this hilly area, along with the limited federal funds for aid, makes financing a difficult problem.

It may be too late to speed research in the development of jets that can use smaller airports before new craft go into service and require longer runways.

Slowing the process of phasing out the smaller airports, however, would give areas such as this more time for constructing jetports.

Sen. RANDOLPH's statement that "Congress must meet the challenge of aviation" also strengthened the hope that additional funds may be made available for federal aid.

The Advertiser has suggested legislation giving the Appalachian Regional Commission more money for helping build jetports as attractions to industry in such areas as this.

Jetport construction would complement the road building program and would help open jobs for the unemployed commuting from more isolated areas.

The two programs could provide tremendous new stimulus to the Appalachian region.

[From the Washington (D.C.) Post, Sept. 11, 1966]

AIRCRAFT ADVANCES POSE AIRPORT CRISES

(By Rudy Abramson)

The Air Transport Assn., which represents the Nation's scheduled airlines, is planning an in-depth study on the monumental problems which new "jumbo jets" pose for airports and air travelers.

The investigation is still in the preliminary stage and will probably be preceded by a smaller pilot study before it is launched this year. Whatever the outcome, officials in the Federal Aviation Agency believe it is already too late to avoid a crisis in airport facilities during the next few years.

New planes which will carry 500 passengers or more will merely add to a dilemma born of a lack of coordinated planning between manufacturers, the airlines, the Government, and local officials.

KENNEDY CONDUCTS STUDY

Sen. EDWARD M. KENNEDY (D-Mass.) is conducting a study of these airport problems and considering legislative steps which would start some meaningful planning.

"Right now we are going about this like building a chain by designing each link individually, like planning a telephone system by designing one phone at a time," said Cole Morrow, FAA director of airport services.

"The airlines go merrily along assuming somebody is going to plunk down the millions to make it possible to operate the planes they develop. But the congestion at Washington National Airport has taught them they cannot ride herd over everybody in the country without some consequences."

Morrow said widespread reports are now coming to the FAA from airports recently receiving jet service that the Boeing 727 intermediate range jetliner is causing heavy runway damage.

"It's beginning to appear at nearly every airport where they are used," Morrow said.

SUBSURFACES INADEQUATE

Airline spokesmen say they are not aware of the problem. One airport engineer said, however, that runways are being severely damaged where the underlying surface has not been prepared to withstand the constant poundings of jet landings and takeoffs.

Future jets coming onto the market—such as the 495-passenger Boeing 747 and the Lockheed L-500, which could carry as many as 800 passengers in an all-tourist configuration, are being designed so that their weight is better distributed. The L-500, for example, will have 28 wheels and will operate with less pressure in its tires than the jets now in use.

Requirements to lengthen and strengthen runways are mounting while the FAA goes from year-to-year with a fairly stable budget for its Federal aid to airports program.

It now has 730 requests pending which total $250 million. The budget for fiscal year provided $71 million to be used with local matching funds for runway and ramp construction and improvement. Morrow says $157 million per year is needed over the next five years.

CRISIS "UNAVOIDABLE"

"It's too late to avoid a crisis," Morrow said. "The question is how long are we going to dally along before we do something."

Morrow advocates having the FAA take over the role of comprehensive planning, covering everything from airport access roads to restrooms to predicting the use and impact of new planes being developed.

"I don't think the FAA has any divine guidance, but I think we can take the leadership in development of a blueprint for air transportation so all of us working in this area can draw from a master blueprint," he said.

Presumably such overall planning would get high priority attention by the proposed Department of Transportation which has been approved by the House.

The measure is expected to come before the Senate soon. Sen. MIKE MANSFIELD (D-Mont.), the majority leader, has predicted it will be approved, establishing the second new cabinet level department of the Federal government in two years.

THE ROLE OF PROFITS IN CHRISTIAN FAMILY LIFE

Mr. MONDALE. Mr. President, 3 weeks ago Mr. Harry Heltzer, president of Minnesota Mining & Manufacturing—3M—Co., gave an address to a regional convention of the Christian Family Movement in St. Paul, Minn. He dealt with the role of business in solving the problems of poverty in our society.

His speech sounds the best note in American business today—a note of "moral responsibility in this matter of providing opportunity to all men."

As Mr. Heltzer points out, the central problem of poverty is not the shortage of jobs, but the lack of skills and motivation on the part of those who are victims of educational and cultural deprivation. Mr. Heltzer represents responsible industry in supporting an attack on this problem. His own words best set forth the challenge:

> If we really are ready to accept the moral and the economic challenge of such an undertaking, we should be ready to see it through. This is an assignment that can never be accomplished with halfway measures or wavering dedication. There is a responsible role in it for every one of us.

Mr. President, I ask unanimous consent that Mr. Heltzer's thoughtful and stimulating speech be inserted in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ROLE OF PROFITS IN CHRISTIAN FAMILY LIFE

(Remarks by Harry Heltzer, Christian Family Convention, August 20, 1966)

In considering the subject may I quote: "We are now engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated can long endure."

Abraham Lincoln said that a century ago when the people of this country were split by a rift so deep that only armed conflict could resolve the issue.

Today we are armed for another campaign within our borders. This one to bridge the gulf that prevents some of our people from enjoying the fruits of our economy.

Some social critics seem to regard this campaign as a test of whether the economic system to which this nation is dedicated can long endure.

If our concern with poverty in the midst of plenty constitutes a test of our basic economic institutions, then I, for one, am not worried over the eventual outcome.

No economic system that man has devised has yet done a perfect job of protecting all its people from want. Yet I submit to you that our notion of individual determination under free enterprise has come a whole lot closer than any other.

Let's take a look at the record. The business statistician measures our economy in terms of gross national product—that is, the total value of all goods and services produced during a year. In these terms our total wealth has grown a hundredfold in the past century—from less than 7 billion dollars in Lincoln's time to more than 676 billion dollars this past year.

And mathematically we can determine that the average family today has an annual disposable income of about $7,500.

These are comforting statistics. They measure accomplishments in which we can take justified pride. Yet there is a hazard in relying too much on gross measurements. When we do this we run the same risk as the statistician who drowned while wading a pond that averaged only two feet in depth.

This fellow came to grief because he relied entirely on generalized information and ignored the individual problem.

The parallel is that while there is value in national economic statistics for our country—our economy is actually based wholly on the individual. Our system will work only as long as it remains responsive to the needs of the individual.

What free enterprise really means is that the individual has freedom of choice in the line of work he goes into . . . in the amount of work he wants to do and the amount of wealth he accumulates . . . and most important of all—our system gives any man the right to look back on his accomplishments and reflect with pride that "I did this with my own efforts."

We can find the origins of this emphasis on the individual in the earliest reaches of American history. The majority of the early colonists came to these shores seeking individual freedom in religious belief, in political view and in economic opportunity. When the first colony was established at Plymouth it was their intention to provide for the general welfare on a share and share alike basis. All harvested crops and other foodstuffs were placed in a common storehouse to be distributed according to need.

As praiseworthy as this may have been on a humanitarian basis, it ignored man's desire to shape his own destiny. The men of that colony knew their wants were to be provided for even if they didn't get out and hustle—so most of them just coasted along and the colony suffered severe famine.

Then the rules were changed so that any man reaped what he sowed and the bounty of the land became a reality. It was only then that the first Thanksgiving became an appropriate celebration.

Since that day we have progressed only through the initiative of individuals expressed in the settling of frontiers and the development of the resources with which this land is blessed. We have progressed through the individual creativity expressed in the development of the electric light, the airplane, the hamburger and the hula hoop.

Our system has been productive—but perhaps not perfect. Throughout the years the distribution of our wealth has never been equal. But then it is not intended that it should be. We believe that only as a man sows, shall he reap—according to his own efforts.

On the other hand, opportunity has not been distributed equally either. This inequality is certainly not intended under our system and this is the problem we want to examine today.

We have all heard stories and innuendos of duplicity and greed in business. Perhaps some of these have basis—most do not. I believe you will find the businessman's outlook on the general welfare a lot closer to the moral viewpoint than you may have thought.

All of us in this group would quickly subscribe to our moral responsibility in this matter of providing opportunity to all men. Our participation in a program of this type attests that fact.

The businessman is equally interested in ridding the land of poverty and want. Why? Well, principally, it's just good business.

It is the irony of our time that the same newspaper that reports the problems of the unemployed and the under-employed on page one will also carry column after column of "help wanted" ads in the classified section. At the same time that thousands are suffering the frustrations of joblessness and want, business and industry—and for that matter, government and education—are searching fruitlessly for qualified people to fill thousands of essential jobs.

The basis of our poverty problem is an imbalance between the jobs available and the qualifications of the people eager to fill them.

The march of progress is all but doing away with the menial jobs that demand very little of the jobholder. Digging, carrying, loading and sweeping are now almost always done by machine.

This trend has taken place in response to the demands of all of us as consumers for the increased efficiency of mechanization to produce ever better goods at most attractive prices.

While mechanization and automation have eliminated some jobs, studies have proved that for every two jobs made obsolete in this way, three more are created. And the frosting on the cake is that the newly-created jobs are always more challenging, better-paying jobs than the ones they replaced because they are more productive of the goods and services demanded by the consuming public.

The reverse side of the coin is that while these jobs may be more rewarding—so are they more demanding of the skills and capabilities of the men who hold them. Industry is desperately in need of men and women who can fill these jobs well. When an operation is mechanized by any company, the usual practice is to re-train the displaced workers for new jobs—better jobs. But the individual who first approaches the job market with no skills to offer that the public is willing to buy, finds his chances are pretty slim.

During the Great Depression of the 1930's we were able to put thousands of unemployed people to work on a massive program of construction of roads, parks, monuments and other public works. But the same solution will not work today. The public works program created jobs where none existed. But a make-work program would not solve today's problem of preparing potential wage earners to fill available jobs where they are vitally needed and face promising futures. Today we are in a period of high prosperity and high employment. Our unemployed people find themselves in that situation not because there is a shortage of job opportunities but because they, as individuals, lack either the required skills or motivation or both.

What we must be able to do is to motivate and to train presently unemployable people so they can meet the requirements of the competitive job market and enjoy the opportunity to become productive citizens. This is what we are attempting to do in the programs popularly known as the war on poverty.

But if we really are ready to accept the moral and the economic challenge of such an undertaking we should be ready to see it through. This is an assignment that can never be accomplished with halfway measures or wavering dedication. There is a responsible role in it for every one of us. These are roles calling for a great measure of what is often called "enlightened self interest."

The shortest route to failure in our war on poverty is to consider the campaign as one we can simply consign to our public agencies. True, we do need government action on the matter because we are dealing with groups of people outside the reach of the job market.

But if government agencies are to be successful in carrying out their part of this war on poverty, it will require that private business is able to offer permanent employment opportunities. Each segment has a role to play.

Without attempting to minimize the job our public agencies must carry in a war on poverty, I point out that the role of government is to regulate. I am sure that my colleagues representing government here today will agree that their organizations do not create wealth. The role of government is to provide a climate in which wealth is created by private business and industry producing useful goods and services.

The contribution that government can make is significant—but it is necessarily limited. The thing that public programs can do is to prepare people for productive employment. Beyond that point there must be rewarding jobs available—and, I say again, most of these jobs must be provided by private business.

While every war requires its share of emergency legislation, we shouldn't attempt to repeal the law of supply and demand for this campaign. This fundamental economic principle provides that the selling price of any item is established by the need of those who would buy it. With reference to the job market, there are good wages being offered for a large supply of jobs right now because of an unfilled demand for qualified people to fill them. Here is the ready-made solution to our poverty problem * * * if only we are astute enough to take advantage of it.

But we sometimes seek overly simple solutions to complex problems. It may seem simple enough that if every major employer absorbed just a few hundred needy on their payrolls the poverty problem would be licked. It is a compliment, of sorts, that the field of business is considered capable of carrying this extra load. But such a proposition could lead to a two-fold tragedy.

First, such a step would legally describe the people it covers as economic cast-offs who have no social role to play. By robbing them of motivation and opportunity we would effectively deny them the chance of ever bettering themselves.

Certainly we have had enough experience with adopting peoples as wards of the government—or of society—to be aware of the hazards of this course.

The second concern is in the ultimate economic consequences of attempting to create job opportunities where there are none. Because business today is good—there are plenty of job opportunities but only for those who can reach the high level of efficiency that current conditions demand. The employer who takes on a staff of people not prepared to produce efficiently is faced with a considerable cost for which there is no offsetting gain in income.

His only course is to add this cost to the price of his goods. This places it squarely up to you, the consumer—and we have a wealth of experience indicating that buyers just won't buy when faced with a price increase they feel is unwarranted. This not only dooms the artificially-created job—but places the jobs of thousands of presently employed qualified workers in jeopardy.

It is no exaggeration to say that success in business and industry depends in great measure on management's ability to hire with discretion. The greatest contribution business can make to a war on poverty is to stay in business—and stay profitably in business—to continue to meet payrolls, buying goods and services, paying taxes and using a portion of its profits for reinvestment in the business so that this cycle of opportunity repeats and repeats.

Business can afford to offer employment only to those persons whose skills are useful in the operation of the business—and even then, only to the number of persons needed to produce just enough goods to meet present sales volume. While there may seem to be short-range benefits from hiring a few additional people, including some below required skill levels, such a practice may well create a bigger economic problem by jeopardizing the future of what may otherwise be a successful, profitable business.

It is unfortunate that the word "profit" has acquired some unfavorable connotations. Profit is simply the gain that is earned through venturing investment capital and hard work. The promise of this gain is certainly an important motivating factor for most businessmen. But it is more than that. Because profit is the means of expanding each business and industrial organization, it is also the means of expanding the total economy. It is, therefore, the means of creating new and better job opportunities and for this reason it is as important to every employee and job applicant as it is to the owners.

I think some of the possible misconceptions about profits originate from the vague notions that profits disappear into an Ebenezer Scrooge-type accounting house where they benefit only the miser who accumulates them.

Actually, profits very rarely sit around and accumulate anywhere. Nothing moves faster nor works harder than a dollar in profit.

I say this because it is out of profits that new manufacturing plants and office buildings are paid for. It is out of profits that research is financed to seek out products and services which lead to new opportunities. It is out of profits that taxes are paid to support our common programs.

At 3M, for example, we are presently investing some $41 million a year in research—looking for new products or ways of improving existing ones. The only sources we have for this money is from the profits of previous sales.

This heavy investment in research is the key to growth in our company. As the result of this growth we were able to provide new jobs and job promotions to thousands of people during the past year. And I would stress that these were not merely jobs—they were good jobs.

This same process must go on in thousands of large and small companies all over the nation if business is to be able to fill its responsibility of offering productive employment to those in need of it.

But I would be equally candid in pointing out that these jobs that come about through our advancing technology can provide opportunity only to those people who are ready to accept the responsibility we must place on them. Today even most of the starting jobs we have to offer demand at least a high school education including a good grasp of the basic sciences, mathematics and the communications skills. Most of this preparation—and the motivation that underlies it—must be carried out in the family and in the schools, churches, and other institutions of the community. This is where each one of you has an important role to play.

Our war against poverty must not be limited to war against economic poverty—but also must be concerned with poverty of the soul as well.

The most essential ingredient in the preparation of any citizen is the preparation that makes him or her want to become a productive member of society. There is nothing more tragic than the person who wants only to sit quietly under the money tree and gather a few windfalls to meet his needs. While this man may be secure from poverty of the pocketbook and hunger of the belly, he most certainly will suffer poverty of the soul. He will never be able to stand straight and tell the world: "I did that!"

It is unfortunate that scriptural references have often been taken so literally to suggest there must be a breech between Godliness and material possessions.

I can't help but believe that any man's contemplation of the meaning of life and his relationship to the Almighty might be drowned out by the rumbling of his empty stomach. Isn't it more likely that if we can relieve economic hardship and demonstrate just reward that other opportunities of life can better assume their right dimensions?

Through the satisfaction of effectively meeting earthly responsibilties I wonder if we can't stimulate spirtual probing?

This, I believe, is a most proper concern of the Christian family and I feel that you, ladies and gentlemen, are to be commended for participating in this type of program.

I believe that when Christ seemed to speak out against the wealthy, he really was concerned with the undue preoccupation with accumulation of riches. Certainly extreme concern with affluence is the origin of just as many family problems as is poverty. What we are concerned with in our churches and our communities is the whole man—the balanced man—who carries his spiritual and his material values in their proper perspectives. It is this same whole man that the business world is eager to hire.

There is one more aspect of this field of economic opportunity that we should take up here as a responsibility both of business and of the Christian family.

We are all aware that opportunity is not equal among all our people and that the distribution of opportunity has been especially unequal to members of certain minorities among our populations.

I doubt that anyone here today has ever intentionally denied opportunity to a Negro, Mexican-American, Indian or member of any other minority group. But we may have been either indifferent or simply unaware of the need to provide equal opportunities.

In this regard, I would like to cite 3M as an example. I have been with the Company for more than 30 years. And for all of that time, and I don't know how many years before, the Company has had a stated policy of hiring the most qualified persons available without regard to race or religion. And we have lived up to this policy for as far back as I know anything about it. Certainly long before Civil Rights became a major issue, 3M hired without bias.

Our only concern has been to get qualified people. We don't seek and don't deserve any particular credit for this policy. We were simply following the dictates of good business. And any member of a minority group who applied for a job at 3M found that his application was considered strictly on the basis of his qualifications for a particular job.

However, through the years we made no particular effort to make our hiring policies known to minority groups. For one reason, I think we were a little fearful of appearing to claim credit where none was deserved. The fact is, as we have since learned, members of minority groups tended to stay away from our employment offices either because of timidity or the desire to avoid the repetition of previous, embarrassing situations they had encountered elsewhere.

We now talk about our willingness to offer equal opportunities. For example, locally, we have worked with Mr. Cecil Newman, the publisher of the Negro newspapers—the St. Paul Recorder and the Minneapolis Spokesman. Mr. Newman occasionally carries a news item about a Negro who has taken a job at 3M. His articles invariably point out that jobs are available at 3M for qualified Negroes.

Our recruiting practices now also include advertising in minority newspapers, working with organizations representing minorities and participating in programs to encourage members of minority groups to prepare themselves and to look toward us as a potential employer.

All of us are gaining a better grasp on our moral responsibility in this matter of human rights. Yet it is interesting to consider how closely our economic self-interest parallels the moral view.

These are my thoughts on the role of profits in Christian family life. It is through the creation of profit that we cannot only provide for our material needs but contribute to the spiritual satisfaction that comes from achievement.

I sincerely appreciate the opportunity to offer these ideas to a group of this type, for after all, our national economy must first be understood if it is to continue to function and serve us all . . . and you can help.

We can't have the fruits of our economic system without having the system itself. And we cannot afford a weaker system because the size of the golden egg can never exceed the dimensions of the goose.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER** (Mr. GORE in the chair). Is there further morning business? If not, morning business is closed.

MRS. MARY T. BROOKS

The **PRESIDING OFFICER**. The Chair lays before the Senate the unfinished business, which is S. 3553.

The Senate resumed the consideration of the bill (S. 3553) for the relief of Mrs. Mary T. Brooks.

ORDER OF BUSINESS

The **PRESIDING OFFICER**. The Senator from Arkansas [Mr. McCLELLAN] is recognized under the previous order.

Mr. **MANSFIELD**. Mr. President, will the Senator yield without losing his right to the floor?

Mr. **McCLELLAN**. I am glad to yield.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1966

The **PRESIDING OFFICER**. The pending question is on agreeing to the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

ADDITIONAL SIGNERS OF CLOTURE MOTION

Mr. **MANSFIELD**. Mr. President, will the Senator from Arkansas yield?

Mr. **McCLELLAN**. I yield to the distinguished majority leader without losing my right to the floor.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Rhode Island [Mr. PASTORE] be added to the cloture motion and that the Senator from Rhode Island be allowed to sign the motion.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MANSFIELD** subsequently said: Mr. President, I ask unanimous consent that the names of the distinguished Senator from Rhode Island [Mr. PELL] and the distinguished Senator from Oklahoma [Mr. MONDALE] be added to the signatures on the cloture motion.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **CLARK** subsequently said: Mr. President, I ask unanimous consent that I may be permitted to sign the cloture motion, which I believe is pending at the desk.

The **PRESIDING OFFICER**. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. **McCLELLAN**. Mr. President, contemplating that the civil rights bill would be debated at some length, I have made extensive preparations to engage in a series of speeches in opposition to the bill to fully explain its defects before we reached a vote on final passage.

In view of the present parliamentary situation, however, there is the probability that it will not become necessary for me to speak on all aspects of the measure or to speak in detail regarding it. Should the pending cloture motion be unsuccessful there may be a withdrawal of this measure and further effort to enact it dispensed with at this session of Congress. Of course, I may be expressing a wish that may not materialize. If further persistent effort is made after an unsuccessful cloture vote, if cloture is unsuccessful, I shall speak in more detail about the measure than I shall do today. If cloture is successful, of course, my opportunity to discuss the bill in detail and at length, and to point out all the evils it contains, may be limited. Mr. President, the citizens of this country who are not fully cognizant of the violence that the bill contains deserve the benefit of full discussion of it. The Congress should not enact a bill—this bill—which would do serious injury to the personal liberty of individuals and would generally undermine the great freedom that our people have heretofore enjoyed without full and free debate.

There is an effort to pass this bill by elements outside of Congress. There are efforts to bring about the enactment of civil rights legislation by elements in this Nation that are today engaged in deliberate turbulence, strife, and turmoil, trying to intimidate the Congress into passing this measure and other measures like it. I hope that Congress never yields to those who would seek to appease these elements. I hope that the Senate in particular never yields to the pressures of coercion and intimidation by mob violence. It will be a sad day for our country if that character of influence ever dominates the legislative branch, or either of the other two branches of our Government. Those forces are present throughout the Nation today and they are resorting to those means to try to influence this legislation.

Mob violence in a civilized society is abhorrent. The people of my State—like the vast majority of citizens throughout the Nation—deplore such action. The mob, as an instrument of force, intimidation, coercion, and compulsion, has no place—no proper role—in a democratic society. It is completely inimical to every concept and ideal of government under a rule of law.

The heat of passion and anger generated by the mob stimulates uncontrolled emotions; dethrones reason; and incites to hate, violence, and destruction. Violence begets violence; willful destruction spreads. It becomes wanton and indiscriminate, and personal injuries—even death—ensue.

We have witnessed this in the past several months in many sections of our country. What I am saying is not theory and not speculation. It has already occurred.

Mob demonstrations and rioting harden and solidify prejudices. They can never and will never ameliorate them. The arena of violence is not the crucible for the resolving of issues, the solving of problems, or the fixing of responsibility.

Force, as a tool of the mob is not a valid instrument for the redress of grievances, nor is it the answer to the anger, confusion, and frustration that has been engendered by agitators and extremists. This is a lesson that civil rights leaders need to learn and that mob demonstrators and rioters should be made to observe.

I make this next statement with emphasis and with regret but I think it is necessary and appropriate that it be made at this time, because the circumstances and conditions pervading our country and the business of the Senate today make this statement proper. I want to state for the RECORD that when our Government, for political expediency or in an attempt to placate minorities in their unreasonable demands, resorts to the force of punitive and unconstitutional statutes, it degrades the majesty of its authority, destroys confidence in its integrity, and ultimately invites the scorn and contempt of the very agitators it undertook to appease.

Yes, Mr. President, we are once again witnessing the technique of the double R operation—the Negroes riot and the Congress reacts. Four major civil rights bills have been enacted into law within the past 9 years. And now, the Congress is called upon again—nay, it is being told that yet another bill must be enacted in this civil rights shell game of delusion and deceit. In trying to comply and appease by meeting the unreasonable and illegal demands of these minority groups, we are indulging false hopes and pursuing an illusion. It is impossible to satisfy the incessant and insatiable demands of the extremists in the civil rights movement.

Mr. President, I know that the words of a southern Member of this body spoken with relation to the civil rights legislation are usually cavalierly dismissed without concern or consideration.

The charge is made that we are prejudiced, and everything we say therefore must be discounted or disregarded. But let no one be deluded into thinking that this pending civil rights bill, or any other civil rights bill for that matter, will abate or extinguish the flames of unrest, riots, and mob rule currently raging in the streets of many of our major cities. Another civil rights bill—another law—will not resolve any issues or solve the problems involved. Thus, the leaders of this Nation and others who are in the forefront of advocacy for these ineffective and harmful remedies are engaging in a lot of sham and pretense. They are simply creating false hopes in those who may be so gullible as to believe that this bill will serve as a palliative to the ills and sufferings that this civil rights controversy has fostered upon our Nation.

The Negro says he does not have a job. So he demonstrates and riots, and the Congress passes a civil rights law saying that he will have equal opportunities to get a job. But, the bill does not create any new jobs. So, a false hope and delusion is created; and, when the Negro awakens to the stark reality of the situation—when he finds that no job is immediately forthcoming to him—he demonstrates and riots again.

The Negro says that he has inadequate housing, and he demonstrates and riots about that. So, the administration sends this bill to Congress providing for open housing. But, would this bill really provide adequate housing for the Negro? Of course not. So, we go through the motions—in this case, an arduous process of cranking up the gigantic power of this Government to pass another law. But what will we accomplish? We will have simply turned some wheels, made some speeches, encouraged more agitation, and greater and more unreasonable demands. The Negro people will not be greatly benefited thereby, and we will have provided no real effective solution to the problem.

If our Government is really going to alleviate or eradicate poverty, ignorance, and inequality in all forms and if it is its purpose to eliminate personal predilections, prejudice, and bias wherever and whenever they exist, then I suggest it is embarking on the wrong course when it proposes to do this simply by insisting on the enactment of still another in a long series of civil rights bills.

Mr. President, we should know by now that a true and correct solution of these problems can only be found in and applied by the processes of evolution and not by the forces of revolution. But, if the force of revolution is to be our national policy and the instrument that we choose to solve our ills—if it is to be our vehicle of progress together with huge Federal spending programs designed to relieve the individual and the State and local communities from their proper responsibilities—then we must face up to the fact that the money presses will soon have to run day and night to print the currency, Government bonds, and other evidences of debt required to supply the funds that will be necessary to support such programs and policies. I do not believe this course can be pursued—that this can be done—without sacrificing our liberties and destroying our country in the process. That is too high a price to pay, Mr. President. Temporary political expediency may seemingly dictate such a course, but the bitter fruits of it will, in the end, be national disaster.

They are not going to solve or eradicate poverty in this country by simply pouring out money without requiring comparable and corresponding responsibility and action on the part of those whose distress it is sought to relieve.

I am convinced that we can successfully defend this Nation, our liberties, and our freedom against all external threats and dangers, but I am increasingly disturbed and concerned with the persistent assaults that are made on our institutions from within.

Mr. President, every riot in this country today, all of the riots that we have experienced, are, in their proper definition and interpretation, an assault upon our institutions. Every riot is an assault upon law and order, upon the law enforcement agencies duly constituted. Those who participate disregard the processes of justice, of the courts, and of the administrative powers that are duly constituted under the Constitution and laws of our Government.

The deteriorating sense of obligation that exists and the rising waves of irresponsibility sweeping this Nation today are distressingly alarming. The lawlessness, the riots, the looting, and the mobs are all symbolic of a nation caught up in turmoil with revolutionary tendencies toward social and political chaos that border on and which might well lead to anarchy.

I do not hesitate to say that the processes of anarchy are at work in this country. Every element, every segment, every organization that has ulterior motives against our Government is contributing to the distressing conditions that we are witnessing today. We need desperately to return to reason, to restore respect for the fundamentals of our national Constitution. I say unhesitatingly that the Supreme Court of the United States ought to be the one to make the beginning, to make the start, because it has departed so far from reason that some of its decisions tend to encourage the practices and the actions that are being resorted to today to try to force and intimidate the Congress of the United States and the executive branch of this Government to take actions to placate those forces that demand the benefits, but shirk the responsibilities that belong to free men.

To repeat, we need desperately to return to reason, to restore respect for the fundamentals of our national Constitution, and to preserve order and enforce our laws with the paramount purpose of protecting society instead of interpreting and administering them to the advantage and accommodation of the criminal.

Law enforcement has deteriorated in this country, and it started from the top, when the Supreme Court began tampering with the Constitution and giving it interpretations that were never intended. That is when disrespect for the law began to arise, and civil disobedience began to become prevalent and to be the order of the day in many sections of our land.

New laws—and especially new civil rights laws—are not the answer to the problem of the Negro ghetto. Testimony in recent hearings held on urban problems by a subcommittee of the Senate Committee on Government Operations pointed repeatedly to the alleged need for more and more money if we are to end the blights of our cities. The cost to fulfill those needs for some 60 to 75 of our larger cities has been placed as high as $250 billion. If we project the ratio of that figure to all cities in the Nation that have the same or comparable problems, the cost obviously will be so astronomical as to be prohibitive.

Mr. President, these are some of the problems cited in support of this pending civil rights measure. But, this bill is really providing no answer to the problem. We are engaging in the perennial legislative shell game of delusion and deceit.

But not all are deluded and deceived, Mr. President. Let us consider the following excerpts from the subcommittee hearings to which I have previously referred. Claude Brown, a Negro and author of "Manchild in the Promised Land," in a response to the question of whether he anticipates the white and Negro communities working out some of the problems stated:

> It has to be done, or else there won't be any working out of the problems. But so far, all the white community has tried to do is placate, you know, just keep the niggers cool, you know. Pass the civil rights bill. Most negroes who are aware of, who have been around, have the slightest bit of awareness of what is going on politically in the country, they take the civil rights bill as a new method of placating the Negro.
>
> You know, it is like say 25 years ago they give us Joe Louis to identify with. Then let's say 18 years later they give us Ralph Bunche to identify with. Now that wasn't working out so well, so they are going to give us civil rights bill and this is just the latest method of placating the negroes.

Obviously, witness Brown is under no illusions about the true nature of this civil rights bill, Mr. President. He recognizes and identifies both the realities and the fallacies of this legislation.

This measure is not and cannot be a panacea for the riots, the looting, and the mobs roaming the streets of American cities today. This bill is not a substitute for the real needs of our time and for the sacrifices we must be willing to make if we are to achieve the higher and enduring goals of a truly great society. If we do not preserve our national institutions, our ideals of freedom for the individual, and our incentives of the free enterprise system, and our respect for law, then all will lose and suffer—white and colored alike.

I truly believe that we are today reaping the fruits of seeds of violence and disrespect for law sown by some leaders of our minority groups. And I regret to say that the sowing of these seeds has been condoned by some of our national leaders.

Consider the degree of encouragement and succor that must have been derived by some of the words of our President when he used the battle cry of our Negroes, "we shall overcome," in calling for prompt enactment of a voting rights bill in 1965.

Imagine the comfort, encouragement, and reaction of certain Negro groups when the President of the United States said "we shall overcome" when demanding of the Congress that it pass legislation to "placate" the Negro, as described by witness Claude Brown, author of "Manchild in the Promised Land."

Imagine, too, their encouragement and reaction when the Vice President of the United States declares in a public address that he could "lead" a "mighty good revolt" under comparable circumstances.

Mr. President, in my judgment, it is ignoble and tragic for the Congress to succumb to threats of blackmail—threats of blood running in the streets unless this so-called civil rights bill or that so-called civil rights bill is enacted into law.

Respect for the law and its enforcement suffers irrevocably when such means are used. And so, too, it is greatly diminished and impaired when militant Negro leaders like Stokely Carmichael call for the use of black power—when he calls on our Negro troops in Vietnam to lay down their arms, when he implies the threat of a black revolt—and when Negro leaders preach that it is perfectly all right to ignore and break laws which they find moralistically unsound. Such advocacies are seeds of rebellion, revolution, and anarchy. We have a nation—a government—founded on laws, and, when defiance of the law can be openly preached and encouraged with impunity, as we witness in these instances, then our internal security is positively endangered.

Oh, Mr. President, this Carmichael and folks like him walk the streets of America today, stirring up strife. He made a statement on nationwide television, encouraging the colored soldiers in Vietnam not to fight. I thought of him the other day, when I read of two white men being court-martialed because they refused to take a bus to start their journey to Vietnam under military orders.

Yet Carmichael commits no crime apparently, when he engages in such propaganda, and makes use of that effort to try to influence and undermine the war effort. They say, "You can't prosecute him; he has violated no law." But you can draft a boy and put him in uniform, put him under the military command, and say, "You take that bus or that plane and go abroad and fight"; and if he declines to do it, he has committed a crime, in effect, and is subject to court-martial, and is court-martialed and convicted, and a sentence is imposed upon him.

Where is the justice of it? How can we blame people, sometimes, for beginning to wonder if justice has not taken flight in this country, in this period of hysteria, agitation, and turmoil? We had better return to reason before it is too late.

The President is to be commended for his recent remarks suggesting a return to responsibility. It would certainly be well for the President to repeat such sentiments more often and with greater emphasis. But, calls for responsibility will likely prove to be nonpersuasive and ineffectual so long as our leadership tolerates and encourages provocative demonstrations that incite violence and rioting.

Each new civil rights bill passed by the Congress has been passed at the insistence and because of the intimidation and coercion of minority group leaders. Each new concession the Congress has made to those agitators has brought forth from them still more and greater demands. This dangerous and outrageous trend, if continued, will finally so contaminate and pervert the processes of democracy that law and order will be subverted to the whims and arbitrary power of rebellious and revolutionary minorities. Black power. Is that what we want to have dominate America?

I recently appeared on a television panel show and was asked if I thought the following statement by the SNCC leader, Stokely Carmichael, was not calculated to incite violence. He was quoted as saying:

> We don't get the vote, we're going to burn down the cities. Don't be ashamed when they start talking about looting. White folks are going to start running tomorrow, and they should take their dirty-cracker cops with them.

Such comments obviously incite violence, and we in the South have warned repeatedly that such incidences would occur if this Nation—if our Government—embarked as it has on a course of trying to appease minority groups by making concessions that transgress the fundamental principles of liberty and justice to the injury of the majority.

That is exactly what the bill represents.

This same Stokely Carmichael on the television program "Meet the Press" on August 21, 1966, in answer to a question by Lawrence E. Spivak, as to whether he would serve in Vietnam, replied:

> No, I would not fight in Vietnam, absolutely not, and I urge every black man in this country not to fight in Vietnam.

If he has a right to do that, every father and mother in this country has the right to do the same thing; and when we all resort to such tactics as those, there will be no America as we have known it. There will be no freedom in this land, and constituted authority by the will and consent of the people will perish.

Mr. President, this seditious statement and attitude on the part of Stokely Carmichael is a natural consequence and product of the programs of concession and the policy of appeasement that our Government has pursued.

So long as the leadership of this Nation condones, tolerates, and encourages an atmosphere wherein such disloyal, perfidious, and traitorous comments and the civil disobedience and rebellion they incite becomes commonplace, we can expect a continuation of violence and mob rule in the streets of some of our cities.

One of the greatest and most vital attributes of leadership is courage—courage that does not yield to threats of political reprisal or falter when confronted by the mob. We cannot permanently and wisely deal with the problems of racial strife in our cities and urban areas by throwing up another smoke screen and again engaging in the fraudulent shell game of passing another civil rights bill. This measure before us today does not satisfy the agitators—the black power advocates. They have already condemned as unacceptable, the House modified version of title IV. So have Martin Luther King and all of the others. So far as I know, none of them are satisfied with it.

Another civil rights measure will not placate them. They will be back here for more and more.

If we were to pass the bill in its original form and compel every homeowner in the country to abide by title IV as originally introduced, these people would still not be satisfied. They would be back, and the next time they will probably demand that the Government purchase a number of homes in each rural and urban white settlement in this country and make those homes available to them on credit so that they might have equality. Are we ready to do that?

We will not appease them and we cannot satisfy their demands. This would not be the end of it. If we were to pass this bill, there would still be others to follow.

The Congress has heretofore enacted into law a series of bills comprising a most comprehensive and far-reaching civil rights program. These measures previously enacted have had a disturbing impact on the daily lives of millions and millions of American citizens. They contain, among others, a multitude of provisions relating to voting, desegregation of schools and of all public facilities, equal access to public accommodations, and fair and equal opportunities for employment.

In addition, much legislation dealing with so-called civil rights issues and demands has been enacted by the several States, and vast sums are now being expended by the Federal Government and by the States to increase educational and job training opportunities for members of the Negro race and to eliminate every last vestige of alleged improper racial discrimination.

Billions of dollars are being spent for the relief and assistance of the impoverished, for expanded and accelerated educational programs, for vocational training of the unskilled and illiterate, for the creation of new jobs and job opportunities, for relief and rehabilitation, and for a host of other services all designed to help the underprivileged with particular emphasis on members of the Negro race. Notwithstanding all of these efforts, civil rights leaders are still not satisfied. They are demanding more and more, their discontent grows more intense, and demonstration marches and riots are getting larger and becoming more frequent.

Mr. President, when these comprehensive measures were presented, the Congress was warned that it was imperative that they be enacted, because the "rising tide of discontent was threatening the public safety in many parts of the country." We were told that failure to pass those measures would lead to racial strife which would "cause the leadership on both sides to pass from reasonable and responsible men to purveyors of hate and violence, endangering domestic tranquillity, retarding our national economic and social progress and weakening the respect with which the rest of the world regards us." See my remarks in the CONGRESSIONAL RECORD, volume 110, part 6, page 7880.

Congress was assured that the enactment of those several bills would lessen tensions and encourage the exercise of self-restraint; that their enactment "would eliminate the need for street demonstrations, mass picketing, and parades" which were then coming into use as weapons of coercion and compulsion.

What are the conditions today? Did the passage of the other civil rights measures eliminate the conditions which existed, or have those conditions grown worse?

The Presiding Officer can answer that question. Every citizen in the country knows the answer to that question. Conditions have worsened by the hour since the passage of the previous civil rights measures, and they will worsen by the hour if the Civil Rights Act of 1966 is passed. Can we not learn from experience?

Unhappily, Congress capitulated, met their demands, and enacted those measures into law. Have those civil rights laws produced domestic tranquility? They have not. Have they improved racial relations? They have not. Have they stopped marches, demonstrations, riots, and turmoil? They have not. Instead, those laws have been a source of constant agitation and aggravation and even greater provocation.

Mass picketing and other forms of demonstration are rampant, and the violence, the killing of innocent people, and the wanton and vicious destruction of private property has spread to many metropolitan areas in the West, in the North, and in the East—which, incidentally, are the primary sources of authorship and strongest support of civil rights programs. All of this is conducive to and creates a climate for the tremendous increase in crime with which our Nation is now afflicted. Today, the safety of decent Americans and law-abiding citizens is endangered in the streets of our cities, in the communities in which they live, and in their homes by lawless mobs whose civil disobedience and demands know no bounds.

Mr. President, I further stated in the television interview to which I have referred that—

> The truth is, the chickens, that have hatched, as the result of the prevailing and persistent prejudice against and the attempts to subjugate the people of the South by the enactment and enforcement of unconstitutional laws and court decisions, are now coming home to roost in other sections of our Nation. The consequences are both unpleasant and dangerous. Now we genuinely sympathize with these communities, with these citizens, that are now afflicted with strife and with riots and demonstrations and vandalism and crime, but our sympathies are not going to be adequate to redeem them from the fruits of their own folly.

I further stated, Mr. President, that—

> We tried to warn them that this would occur, many of us did, but, of course, the prejudice, we couldn't penetrate it.

I then pointed out that—

> Today, the brunt of the problem and the trouble that has been caused by some of these things that grew out of the original Supreme Court decision in 1954, are now being suffered by the people who applauded that imposition upon the people of the South.

Mr. President, some of us did in good faith and in the full depth of sincerity try to warn our colleagues here in Congress and people generally throughout the Nation what consequences could be expected if civil rights legislation were enacted.

Speaking here in this Chamber on June 18, 1964, when the Senate had under consideration one of the civil rights measures, I stated:

> We are here proposing to legislate with respect to deep emotions, sensitive feelings, strong beliefs, and deep convictions of human beings. This effort, Mr. President, is vain and futile. * * * This law will not pave the way to peace and understanding between the races. We cannot compel by statute brotherly love, fellowship, and good will. Mutual respect and tranquility between the races will be achieved only by patience, tolerance, and the processes of evolution, and not by the forces of compulsion and revolution.

I further stated that—

> The force provisions of this act will not solve racial problems nor will they improve racial relations anywhere. Quite to the contrary, they will most certainly promote and engender even greater enmity, strife, and discord. Both black and white, in my judgment, are destined in the long run to suffer rather than to benefit therefrom. This law will be a great disservice to both races.

Mr. President, I then made this observation:

> I venture to suggest that not only the South but other areas and sections of our land will experience greater trouble and more suffering by reason of the enactment of this ill-advised law. The tidal wave of civil disobedience and violence that its enactment encourages and invites will in all probability become a national rather than a sectional epidemic.

I concluded, Mr. President, by saying that—

> The agitations and, in some instances, mass demonstrations for the enactment of this law have already aroused passions and stirred instincts that are going to be difficult to subdue or control. I do not predict, but I am most apprehensive, that serious crime will greatly increase rather than diminish following the passage of this measure.

Mr. President, today in retrospect it is quite apparent that I did not indulge in exaggerations or false prophecy when I expressed those views and apprehensions in 1964. Within just 2 years' time, it would seem that they have all come true. It is time that we deal directly with and put an end to the lawlessness and anarchy which is now being tolerated and condoned under the guise of civil rights. Respect for and obedience of law and the maintaining of order must be demanded and required of all, irrespective of what their grievances—real or fancied—may be.

Mr. President, turning from the delusions which this bill creates to the fallacies that it contains, I am impelled to characterize it for exactly what it is—a direct and flagrant assault on the individual liberties of all citizens which is being committed with the avowed purpose of promoting so-called minority rights.

The Attorney General of the United States, for the sake of what he terms "national necessity," would abrogate the right which each citizen has under the Constitution to acquire, possess, use, and dispose of private property. He would, for "national necessity," sacrifice personal freedom—the right of choice—on the altar of "political expediency."

The cruel and grossly unconstitutional open housing provisions of this bill defy logic. This measure also contains other provisions, the evils of which must be exposed in the course of this debate—evils about which the people should be informed before this Senate in its haste is permitted to append its rubber stamp of approval.

TITLE I

Title I of this bill provides for a new system of selecting Federal jurors. It authorizes the defendant or the Attorney General to challenge in each case the selection process, and confers on the court authority to stay criminal proceedings or even dismiss the indictment against the defendant, pending the selection of another jury. I note with deep concern and dismay that the other body treated this drastic revision of the Federal jury system with little attention and regard during its consideration of this bill. Indeed, so apparent was its seeming indifference to this provision that it has been styled by some as the "stepchild" of this legislative proposal.

Trial by jury is a precious right, and, when changes are proposed in the jury selection process, such proposals should be carefully scrutinized and rejected, unless it is clearly demonstrated that such changes are essential to the administration of justice.

Juries are entrusted with awesome responsibility. They are called upon to adjudicate contract rights, property right, tort liabilities, and to assess damages. In criminal cases, they decide the fate of the life and liberty of human beings. It is imperative, then, that we give profound deliberation to any proposal that would change the tried, tested, and proven system that we now have in the selection of jurors.

Mr. President, if title I, the jury selection provision of this bill, were enacted, the quality of jurors throughout this country would deteriorate, and the quality of justice to be administered under our jury system would be impaired. We ought to strive to get more intelligent people on juries, not less. We ought to strive to improve the quality of juries by getting people of sufficient capacity to form and to make judgment, instead of people who have no capacity. I do not mean by that that one must have a college education or even a high school education. Certainly, one need not be a sophisticated intellectual. But there ought to be some standards that at least require a minimum of intelligence.

Now we are going to tamper with the system that has been tried and proven to be the best. We are going to say no matter how intelligent this man over here is, even if he is a colored gentleman, somebody from another place must be secured, perhaps of less intelligence, merely to provide a leveling off process. Well, instead of leveling the jury system off from the top, to bring it down to those less competent and who have less capacity to form a judgment, we ought to try to bring the standard up. This legislation would bring it down.

In weighing the merits of this issue, we should secure and have the benefit of the judgment and experience from the highest judicial sources available. I am surprised to learn that the Judicial Conference, which is normally called upon for counsel and recommendation on measures of this nature, has not even been consulted by the proponents of this bill much less asked for comment and expressions about it.

I think it would be well, Mr. President, to have experienced jurists in this country counsel with Congress before it acts on such a vital matter, and to weigh their opinions and their recommendations before we undertake, at the insistence of some of these minority groups and these extremists, to write a law to please these groups.

In this process, we are trifling with justice under the law, and justice under the law is going to suffer in this process.

Noting this lack of announced support for the measure and the absence of any views or recommendations from that source, my colleague on the Judiciary Committee, Senator ERVIN, of North Carolina, has asked the Judicial Conference to make a study of this title. I believe he has received assurances that such a study by the Conference will be undertaken. But the Senate, under extreme and mounting pressure to pass this bill, may be persuaded to substitute haste for wisdom and thus take final action before the recommendations of the Judicial Conference can be received and considered.

I think we can well anticipate what the reaction of the Conference will be to title I. Since the Conference recommendations were not available, Senator ERVIN has sought the views of each of the chief judges of the 90 Federal district courts and divisions throughout the United States. Thus far, I believe, responses from 44 of those judges have been received. I understand that it is their general view that title I is ill advised, unworkable, and should not be enacted in its present form.

Title I declares it to be national policy that "all litigants in Federal courts entitled to trial by jury shall have a right to a jury selected from a cross section of the community in the district or division wherein the court convenes." Such a provision is destined to produce a flood of unnecessary litigation and an increase in court costs. It will afford a litigant one more technical basis for disrupting orderly and expeditious procedures.

Trial by jury envisages the right to a fair and impartial jury. When that objective has been achieved, it cannot possibly serve any constructive purpose to provide grounds for overturning a jury's verdict just because members were not selected from a cross section of the community.

Existing law—section 1865, United States Code—provides that "grand and petit jurors shall from time to time be selected from such parts of the district as the court directs so as to be most favorable to an impartial trial—that is the law today—and not to incur unnecessary expense or unduly burden the citizens of any part of the district with jury service." Certainly there is no justification for and no good purpose is served by eliminating or changing those reasonable and worthy objectives.

Bear in mind that much of this today is in the discretion of the judge—the judge who was appointed by the President of the United States and who was confirmed by the Senate. Yet, the proponents of this bill would say that we cannot trust our judges to direct the selection of juries in such a manner that would be favorable to an impartial trial. The proponents say that we have to change that law. And, what wholesome purpose is served by declaring it to be an affirmative policy that "all qualified persons shall have the opportunity to serve on grand and petit juries in the district courts of the United States."

I daresay that it is impossible to comply with that provision. There are so many qualified persons in many districts that it would be impossible to have enough courts for all of them to serve on a jury.

There are many obvious instances in which it may be to the best interest of the community that certain qualified persons, because of their profession or the nature of their work, be excluded from jury service. For example, nurses, doctors, teachers, public utility employees, along with others have frequently been excluded or excused from jury duty because of the necessity and sometimes indispensable services they perform.

Are we going to pass a law that provides a technicality whereby one tried or up for trial for an alleged crime, under indictment, can raise the question that no registered nurse is on the jury, no doctor is on the jury, no teacher is on the jury, that this group or that group is not represented on the jury? What would happen if such person is selected and the court excuses them on occupational grounds, would that enable a defendant to raise a technicality that he has been denied a right to have those persons serve on the jury?

Another burdensome provision of title I would require that the work of each jury commission be under the supervision of the chief judge of the district. The administration of this will create new problems and unnecessary inconveniences in multidivision districts in which the chief judge does not customarily handle jury trials in all of the divisions of such districts.

In my own State of Arkansas, both the eastern and western districts are multidivision districts. It is the practice there for the jury commission in any particular division to be supervised by the judge who presides and hears the cases in that division. This system has worked well. The Federal judges in my State are capable, experienced, and honest men, and there is no reason or justification for impugning either their capabilities or integrity, as title I impliedly does, by taking away their supervision over jury commissions.

What I am saying about Arkansas, I am sure holds true throughout the Nation. It would, therefore, be inexcusable indeed and most unfortunate for the Congress to compel a departure from the present reasonable, tried, and proven constructive method of selecting jurors.

However, ill-advised and unwarranted the provisions to which I have just referred may be, it is in sections 1864, 1865, and 1866, when read together and considered in connection with the policy expressed in section 1861, that the real evil of this title is exposed. Together, they constitute the scheme for jury selection in general courts. If this procedure is adopted and followed, it may well result in making jury trials a sham and a mockery of the constitutional guarantee of "due process of law." This formula would deprive the jury commissioners of all discretion in the selection of prospective jurors and would, in effect, change today's minimum standards for qualifying for jury service into the maximum requirements.

Under the obvious correct interpretation of these provisions, never again could ignorance, intemperance, immorality, and other character deficiencies be the basis for eliminating persons of such caliber from jury services, either by the jury commissions or by the courts.

If there is to be a cross section of people selected from a community for jury service there are bound to be some undesirable characters. There are few communities in this Nation where there are not some people who should not be permitted to serve on a jury because of some character defect, and some should be excused because of the business in which they are engaged. And yet, you have to have a cross section. We are saying, in effect, to the criminal who stands before the bar of justice: You can demand that all kinds and characters of citizens be included in the jury or else we are giving you the technical grounds to ask that a judgment of conviction against you be set aside because this law of selecting a jury and getting a cross section to serve on the jury has not been complied with.

Is that the kind of justice we want in America? Who wants that? Not the law-abiding citizen. He does not need it. Whom are we trying to serve—the Stokely Carmichaels and his kind? That is who we are yielding to. God forbid if black power advocates ever get control in this country either through this insidious attempt of influencing legislation, influencing court decisions, or administrative action by the executive branch of the Government. That such is the true import and purpose of the provisions of title I is apparent from the following statement of the chairman of the House Judiciary Committee:

> The qualifications for jury service contained in existing law are retained, including the literacy qualification. However, it is intended that Title I set both a ceiling and a floor on juror qualifications, thus ending the practice in some districts of setting higher standards for jurors than are specified in the statute. Anyone meeting the requisite qualifications set out in the amended section 1866 must be determined to be qualified.

Thus, do the proponents of title I propose to insure that henceforth the jury system in our Federal courts, will function, if it functions at all, under requirements of the most minimal qualifications.

Trial by jury is one of our most precious heritages. Its origin predates the Magna Carta. It is regarded by all freemen as one of the major safeguards of life, liberty, and property. Now we propose to tamper with our jury system. Why? There is only one answer—a futile attempt to appease a minority.

Mr. President, since this is another in a series of civil rights antidiscrimination measures. I find it strangely contradictory to the general philosophy heretofore pursued and maintained by the leaders and advocates of civil rights—nondiscriminatory. Why does this bill require prospective jurors to indicate their race on a form to be provided by the Government? In many other Federal procedures today the very mention or inquiry about race and color is strictly prohibited. But expediency is the mother of strange behavior. Inconsistency and expediency are the twin offsprings of the travesty here sought to be perpetrated by this bill.

TITLE II

Mr. President, if title I of this bill is bad—and it is—very bad, then title II is absolutely obnoxious. By this vehicle the Federal Government seeks to dominate State courts by supervising and, in effect, administering their respective jury systems. To enforce the prohibition prescribed in title II, the Attorney General would be authorized to bring an action for preventive relief, to seek injunctions and restraining orders, or other actions against a State, any subdivision thereof, or any official of such State or subdivision.

Moreover, if in a criminal action it is merely asserted that the proscribed discrimination in jury selection has occurred then the State officials are put to the burden of furnishing as evidence, all information concerning the selection process. If this information does not satisfy the court, then the burden of proof is placed directly on the State to show that no denial of abridgement of rights occurred. Procedural difficulties attending such a process are readily apparent. One can only speculate on the number of criminals who may well and advantageously use such procedures as just another in a long string of technicalities available to them to delay and frustrate the orderly processes of justice. State courts will undoubtedly be inundated with frivilous claims of discrimination if this ridiculous title becomes law.

These provisions of the bill ignore States rights, impose impossible burdens on the State courts, lay down a presumption of discrimination by State officials, and erects another barrier to the successful prosecution of criminals by creating another technicality to hinder, delay and frustrate prosecutions. Our courts are already heavily burdened with criminal cases and criminals are already greatly favored and unduly protected by current procedures and court decisions. Instead of adding to already vexing problems of criminal procedure, as this bill will do, we should be trying to alleviate them.

TITLE III

Title III staggers the imagination. It would appear that this title was added as an after thought in the House Judiciary Committee. It is patently ridiculous on its face. It would empower civil rights advocates and the Attorney General to bring an action whenever they may choose to assert that there are grounds to believe that any person is about to engage or continue to engage in any action or practice that would deprive another of any right, privilege or immunity granted, secured or protected by the Constitution or laws of the United States on account of such other's race, color, religion, or national origin.

It would subject every citizen, every white citizen in this country particularly, to some action or suit at any time if some colored man wanted to make a complaint that you were about to do something that might infringe on his right. The Attorney General of the United States could bring a suit against you on that flimsy complaint.

Further, it would extend this same power to civil rights advocates and the Attorney General if they thought that someone was seeking to hinder or deny, or about to hinder those employing their first amendment rights, that is, the right to speak, assemble, and petition, when engaged in civil rights pursuits.

Obviously, this provision was added in an attempt to establish a special privilege for civil rights advocates and agitators so that they may carry on their riots and mob action without fear of local resistance or interference. Thus, those who might make an effort to oppose such actions and to rid their streets of violence could promptly be subjected to Federal court proceedings against them.

Mr. President, I submit that this exhibition of vague and confusing verbiage is the very epitome of that type of proposed legislation that one might expect when inspired by prejudices and drafted in an atmosphere of political expediency. This bill is simply a piece of junk and it should be promptly and summarily consigned to the legislative junk heap.

TITLE IV

Title IV strikes at the very heart of one of our most sacred institutions—a man's home. Indeed, under the original language in title IV, the language that the civil rights leaders want restored, a man's home would be transformed from his peaceful castle into a source of controversy, vexation, and potential costly litigation.

The Attorney General has declared that "the ending of compulsory segregation has become a national necessity" and that the enactment of title IV—in its original form—was essential to the accomplishment of that purpose. Indeed, we have heard much talk from the proponents of title IV about "compulsory segregation," "ghettos," and other emotion-arousing imaginary alleged evils.

But, the fact is that there can be no "compulsory" segregation in this Nation today. Compulsion implies the force of law, and, as long ago as 1948, the Supreme Court decision in Shelley against Kraemer rendered every statute and ordinance designed to accomplish compulsory segregation, null and void. It even went further and held that although private agreements of such nature were not in violation of the 14th amendment, they could not be enforced by the courts.

Wherever there is any segregation today, it is the result of choice, and the purely voluntary acts of private homeowners in which they exercise their constitutionally guaranteed rights of individual liberty, freedom of choice, and freedom of association. So long as those rights are preserved, individuals will continue to choose their friends, their neighbors, and their business associates largely on the basis of personal preference and mutuality of interests. To take away those rights and liberties from the individual, as this bill would do, is to take away a cornerstone of a free society.

Such integration, such segregation as exists in housing in this country today is the result of free choice. What is proposed is forced integration, denying a choice, compelling people not to choose but to accept associations that they do not want. That is not freedom in any language anywhere in the world. It is compulsion. It is force. And it is wrong.

It appears that the very intent, purpose, and inevitable effect of title IV would do just that. Its purpose is not the ending of compulsory segregation. On the contrary, its true purpose and intent is to force integration and amalgamation of all races, colors, and creeds in every residential community throughout the Nation in complete disregard of the choice and preference of the individual citizen or that of the collective community.

Experience with school desegregation shows too painfully that forced integration and not mere desegregation is the true goal sought by the civil rights advocates. That is their policy with respect to all educational institutions, and they now seek to impose forced integration in all residential areas. To do that, they know that they must invoke the power of governmental compulsion, and that is exactly the power that title IV will give to them.

Let us remember that compulsory integration is synonymous with compulsory regimentation. Compulsory regimentation is a hallmark of totalitarianism. It is a total stranger to the true concepts of a democratic state and a free society.

The procedural aspects of title IV are as vicious and insupportable as are its substantive provisions. It openly invites every disgruntled, cantankerous, or litigious-minded person to sue when his offer to rent, lease, or buy has been rejected in favor of another person of a different race, color, religion, or national origin. In addition, upon application by the plaintiff, the court in which the action is brought is required to appoint an attorney to represent him. It may authorize the commencement of a civil action against the seller of the property involved without payment by the plaintiff of any fees, costs, or other security. State courts are authorized to do likewise.

There is no white man in this country, if the bill passes in its original form, with the original title in the bill, who would be able to make the choice of selling his property to another white man if he had a Negro applicant, without subjecting himself to likely litigation. Not only would he be compelled to litigate to whom he might sell, but he would also have imposed against him the cost of the Negro's attorney.

Is that justice?

Those white men who might want that kind of thing can get it.

I do not want it. My people do not want it.

But, if those white advocates want to sell their property to a member of another race, they can do it now. They are free to do it at this moment. No law keeps them from doing it. What the bill does compel, by force of law, is the doing of that which those white men want—that is, denying the choice to others which they want to exercise for themselves.

The court can grant such relief to the plaintiff as it deems appropriate, including temporary or permanent injunctions and restraining orders, and may award damages to the plaintiff, including damages for humiliation and mental pain and suffering, and up to $500 punitive damages. Last, but not least, the court may award a successful plaintiff reasonable attorney fees as a part of the cost.

Further, the Attorney General is empowered to bring an action whenever he has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted in title IV. But, no where in the bill is provision made to protect the innocent property owner from harassment and from loses incurred by reason of groundless and malicious lawsuits brought against him under this title.

It is not less than fair, if the plaintiff wins, that the attorney's fee can be assessed against the white man? Would it not be at least fair, if a suit is brought on flimsy charges which cannot be sustained, that thereafter the white man should be able to recover his cost and his attorney's fee, especially when the white man did not provoke the suit?

No, there has to be an injustice here. And they want it to be enacted into law.

No one can defend that concept of justice, because it is not justice, and it cannot be made to look like justice—even if Congress stamps it so under the present intimidation of that portion of the provision which is in the bill.

Thus, every homeowner would become a potential victim of vicious and vindictive litigation if title IV should be enacted into law. Indeed, title IV seems to have been designed to encourage a veritable flood of lawsuits against owners of private residential property.

In these circumstances, a property owner would have an impossible task in defending himself against the kind of lawsuits that are authorized by title IV. And, let us not be deceived in the attempt to mitigate that cruel fact by the watered-down version of title IV finally adopted by the House. The principle remains—it is embodied in the bill—diluted or otherwise, and, if the proponents of this measure condescend to let individual homeowners escape the trap of title IV this year, you can rest assured that the trap will be set and sprung again in future legislation.

After the original title IV was modified to the version that passed the House, Dr. Martin Luther King said:

> I don't think the bill is worth passing like it is.

Let me interject here that, of course, this will not satisfy them if the bill is passed in its present form. If he does not think it is worth passing, we know that it is not going to placate them. He wants more. He will be back next year demanding more, if the bill is passed now.

He further stated that instead of helping to end Negro riots such a watered-down bill—he is speaking of this bill in its present form—would only "add to the tensions and violence in our northern cities."

Let me ask all Senators, Do they want it? Do they want to increase it? Dr. Martin Luther King says that it will increase them if we pass the bill. All right, if Senators want it. If Senators pass this bill, there will be no escape because we are threatened with it. We are promised it, in effect.

All right, pass the bill and get it enacted into law but do not say that the country was not warned.

I know I am a southerner. Some of the things we have warned the country against have already come true. Pass the bill and you will invite still more trouble as Dr. Martin Luther King has promised it will do.

Stokely Carmichael, black power leader of the SNCC, called this bill in its present form "a fraud—worse than no bill." So, let not anyone be deceived. Every Senator who votes for passage of this measure does so with full warning and understanding that the Negro leaders of the civil rights movement do not accept it, that they reject it, and that they expect to and that they will demand more—and demand it soon, even at the next session of Congress.

Consider the effect of title IV in connection with the present tense and riotous situation in Chicago—and other places. If a white property owner in the Chicago area or in any other city where rioting has recently occurred were to be confronted with two willing purchasers for his home—one white and the other Negro—what would he be under compulsion to do if title IV were the law of the land. If the Negro prospective purchaser were of a belligerent nature or associated with one of the so-called civil rights groups, please tell me how much chance would the white property owner have of successfully defending himself in a title IV lawsuit if he chose to sell to the white man in preference to the Negro, regardless of how free his subjective reasons may have been of racial prejudice.

Even though he may have been influenced in his decision solely by personal traits or by many other subjective factors wholly unrelated to race or nationality, what proof could he produce other than his own word. Does anyone believe that such proof, his word, would be sufficient in an emotion-packed situation involving a charge of racial discrimination under title IV with the Federal Government—the Attorney General of the United States—prosecuting the case for the Negro?

It is proposed under title IV to give the Attorney General a roving commission—carte blanche authority—to intervene in lawsuits under title IV and to institute such actions on his own initiative, pretty much as he pleases. The obvious effect of this is to authorize the Attorney General to police every real estate transaction that occurs in the United States involving residential property. Only in a police state would one ever expect to find such power in the hands of a government officials. We will be moving toward a police state.

Is that what Americans want?

Remember, the American people are being warned. If they want to sit in silence and say nothing and do nothing about this situation and not let their Senators know that they oppose it, then forever after they must hold their peace, because this is what they are threatened with. It is not my language, it is the language of the leaders of the civil rights movement in this country who are demanding the enactment of this bill

Mr. President, I refuse by my vote to repose such power in any agency or official of our Government.

Title IV clearly ignores the proscriptions upon the legislative power of the Congress, contained in the 14th amendment, as ably and aptly expressed by

Justice Harlan, in a separate concurring opinion in *Peterson* v. *City of Greenville*, 373 U.S. 244 (1963). He summed up the essence of the question facing this Nation today when he said that—

> Underlying the cases involving an alleged denial of equal protection by ostensibly private action is a clash of competing constitutional claims of a high order: liberty and equality. Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference. This liberty would be overriden, in the name of equality, if the strictures of the 14th Amendment were applied to governmental and private action without distinction. Also inherent in the concept of State action are values of federalism, a recognition that there are areas of private rights upon which federal power should not lay a heavy hand and which should properly be left to the more precise instruments of local authority.

Title IV is concerned with purely private transactions involving the rental, leasing and sale of real estate. It certainly cannot be bottomed on the commerce clause of the Constitution because nothing can be more local than real estate. It is fixed and immobile. It is peculiarly and permanently located within the jurisdiction of some State, territory, or other political subdivision. It is a legal fraud for the Congress, under guise of regulating commerce to enact a code of municipal law regulating the rental, leasing and sale of real estate. Yet that is what this bill does. If this title is enacted, sustained, and enforced it will obliterate State sovereignty and spell the end of limited government in this Nation.

Congress cannot, under the guise of regulating, or protecting interstate commerce, or even in the quest of solutions for social uprisings, enact such unsound and unconstitutional legislation without jeopardizing this Republic and doing irreparable injury to freedom and personal liberty. They tell us it is going to be worse if we enact this bill in its present form. Do Senators think we can appease them by passing it? They have not been appeased by bills we have passed before. They will not be appeased if this bill is passed.

In sum, Mr. President, title IV would abrogate the right and destroy the freedom of homeowners, to possess, use, control and dispose of their own property. It would give minority groups arbitrary and dictatorial power which could be brought to bear against the homeowner, to compel his subjugation to the whims of a favored minority.

This, Mr. President, is totally foreign to every concept of American democracy.

TITLE V

Title V of this Pandora's box of wild-eyed schemes is styled "interference with rights." It purports to create still more privileges for special groups and classes. It undertakes to make it a Federal offense to intimidate, interfere, or attempt to interfere, and presumably to even threaten to do these vaguely undefined things, should such action be directed against someone seeking to exercise several enumerated rights; provided, of course, such action is motivated by race, color, religion, or national origin. If not so motivated, why, then the Federal Government is not concerned and you would have to search for and invoke State laws for a remedy. Certainly State laws, which already protect the rights enumerated in title V are sufficient and adequate to deal with this problem and one cannot see any justification for warping, distorting, and making a mockery of the 14th amendment in this fashion.

Title V, if enacted, would stand as a precedent for still further Federal encroachments upon the constitutional prerogatives of the States. If it is enacted, we will need to create a national police force.

TITLE VI

Mr. President, if anyone doubts the sharp appetite of our Attorney General for power, he has only to look to title VI of this bill. The Attorney General obviously is not at all pleased with the progress forced integration is making in our educational institutions. He is not at all satisfied with the sincere efforts being made in that direction. It will certainly come as news to the South that the Federal Government is not doing enough in this area. For we know only too well that the Attorney General was given ample authority under title III and IV of the 1964 civil rights law to act whenever and wherever actual discrimination exists and to so act at all times.

Mr. President, the Attorney General is not satisfied and his greed for power has never been more clearly shown than in this attempt to array the mighty arsenal of the Department of Justice against even the crime of a "threat to threaten," whatever that may mean.

I submit, Mr. President, that we should be concerned about an endeavor to curb the Federal Government's power, and not undertaking to enact legislation to increase and strengthen it.

CONCLUSION

Mr. President, I shall conclude, but I wish to say for the record that I have only touched briefly on some of the ills and evils contained in this obnoxious piece of legislation. I shall pay further respects to them in the days ahead if this bill remains the order of the business of the Senate.

I hope it will not. I hope that we can get on with business that is important to this country. Much legislation needs to be enacted. Appropriations to carry on the essential functions of Government need to be made.

Today I have barely touched on the evils of this bill. Much more should be said because the people ought to be fully informed about this vicious legislation before Senators are asked to vote for cloture. The cloture motion should be defeated, and then the bill should be withdrawn and forever forgotten.

Even a cursory examination of this bill shows that it suffers the vice of vagueness, the insidiousness of innuendo, the dilemma of delusions, the evils of expediency, and the unconscionableness of unconstitutionality. It should be rejected, it should be defeated, and it should be condemned and irretrievably relegated to oblivion.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield for a question?

Mr. McCLELLAN. I am very glad to yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that America was erected upon the proposition that liberty is the most precious value of civilization?

Mr. McCLELLAN. Not only was it erected on that premise, but it has also survived upon that premise and has prospered. It has brought greater happiness to a greater number of people enjoying the greatest prosperity the world has ever experienced.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that the pending bill is wholly inconsistent with the preservation of the liberties of the American people insofar as the right of private property is concerned?

Mr. McCLELLAN. It is completely inimical to every constituent factor, in my judgment, of true liberty, that true liberty which permits freedom of choice in the acquisition, the possession, the use of, and the disposition of private property.

Mr. ERVIN. Would not the bill rob all American citizens who happen to own property of a residential character, or property which is susceptible of development for residential purposes, of the right to select the persons to whom they wish to sell such property or to rent such property?

Mr. McCLELLAN. It would do that. I believe that the bill now pending has a provision exempting the residences of individual under certain conditions; but let us keep this in mind, that while the bill in its present form may have that concession, let me say that the original bill did not make that exemption. Let me also say that the President of the United States still wants, and the administration still wants, the original bill. Let me say still further that the leadership of the groups they are trying to appease still insist that this is no bill at all without that provision. So that if we enact the bill in its present form, it will not satisfy them. They will be back insisting that the original bill be restored and there will be no end to it.

If freedom is to be preserved in this country, some day, somewhere, there must be a limit, a line of demarcation beyond which there shall be no trespass or intrusion.

Mr. ERVIN. Do I not construe the remarks of the Senator from Arkansas in respect to the present bill to mean that if the present bill which came over from the House were enacted into law it would prostitute at this time the principle of private ownership of property, and that the Senator predicts that the next time a so-called civil rights bill is proposed that principle will be debauched?

Mr. McCLELLAN. There is no doubt about that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am moved very strongly by the morning news about the impending cloture vote to make a few brief statements here on the floor which I think are essential to an understanding of the situation.

First and foremost, we see one thing about violence, and that is that violence breeds violence. And who could read the story about Grenada, Miss., in the newspapers this morning without having his blood run cold?

Just as we may not want to wish to be intimidate by Negro violence, whether under the slogan of "black power" or not—though Negroes have been careful to define it as excluding violence—so I hope we are not going to be intimidated by white violence. We read this morning about the beating up of little children. Men must be blind or mad to engage in such conduct in this country.

I denounce it on the floor of the Senate. There is no excuse for that or for black violence.

Mr. President, it illustrates one thing. Justice and the law must be enforced, whether it be to desegregate public schools, or to prevent riots and window breaking. There can be no substitute for law.

Grievances cannot be bottled up for generations without having the pot boil over. We will never have enough policemen to enforce the law under those conditions. We do not want to use them. We will not have enough troops to keep it down, and we do not want to do that to maintain order. But we expect to have a measure of justice to induce order among our citizens, and the civil rights bill we are discussing now is absolutely essential.

I wish to point out that title V of the bill would reach the Grenada situation. It gives the Federal Government power to proceed against those who are denying civil rights to those who are contending for those rights or those who are helping others obtain them. The title also provides a measure of punishment which would fit the crime.

Of course, Mr. President, there are deep differences of opinion in this Chamber as to whether this bill should pass. It is the duty of those of us who are proponents of the bill to call attention to the kind of violence which is bred by the effort to impose injustice in violation of law—and, in Grenada, Miss., in violation of the solemn orders of the U.S. district court.

It is our duty to denounce such violence, and to point out that we could be in much worse shape than we are. We might really have open revolt in parts of this country, if we had not gradually permitted the law to become operative in respect to the civil rights movement as it began to develop in 1954.

Another thing about which I wish to speak today, and which I think is critically important to my party, is what I now see to be something of an effort, perhaps even a calculated effort, to lay the risk of failure of this bill, disastrous as it would be to the country, upon "Republicans."

Mr. President, the minority leader [Mr. DIRKSEN] has an absolute right to his opinion. But Senator DIRKSEN, I believe, would be the first to affirm that that does not represent the opinion of all Republicans. I deplore and am very unhappy about the fact that Senator DIRKSEN seemingly is against this measure. I had hoped against hope that in 1966 he would do what he did in 1964—lead us on a civil rights bill, in finding ways and means of compromise. I and others have knocked ourselves out, and will continue to do so, trying to find some way of meeting his views, deeply and sincerely held, on housing, as we did on public accommodations.

I am deeply depressed and deeply disappointed by the fact that he is opposed to this bill. His opposition is meaningful and important.

But, Mr. President, it is by no means the opposition of "Republicans"; nor should the administration seek to lay upon that party its own failures in endeavoring to bring about the passage of a meaningful and important civil rights bill.

The President said yesterday at his news conference:

> A lot depends on his, DIRKSEN'S, willingness to support it. I hope we can find some way to get his support. Whether it passes or fails depends largely on what the minority leader does.

Mr. President, this is the President of the United States, with enormous power and enormous influence, and with two-thirds of the Members of the Senate on his side, not on this side.

There will be some votes here. I hope as many as half the Republicans will vote for cloture. Perhaps they will not; but there will certainly be an appreciable vote here.

But should cloture fail, the real failure, Mr. President, will be the inability to turn out the majority to the extent it needs to be turned out in order to effect cloture, even on this first trial.

So, Mr. President, with all respect, I think that had better be stated, and we had better understand. Senator DIRKSEN has himself, on previous occasions, during the Eisenhower administration, said that he was carrying the flag for one thing or another. Sometimes he stood alone. He is not afraid of that. Sometimes he has stood together with the majority of Republicans.

But I do not think that his opposition or his feeling about this bill should characterize the Republican side. Senators will tomorrow stand up and be counted—and should be considered—for what they believe.

One other thing, Mr. President. It is with pride that I state that in 1957, 1960, 1964, and 1965 a much greater percentage of Republican Senators voted for the civil rights bills of those years than Democrat Senators. In 1957, for example, 100 percent of the Republicans present and voting voted for the civil rights bill. On the Democratic side, it was 60.5 percent.

In 1960, the vote was 100 percent on the Republican side, and 84 percent on the Democratic side.

In 1964, it was 82 percent on the Republican side and 69 percent on the Democratic side. And in 1965, it was 93 percent on the Republican side, and 69 percent on the Democratic side.

This is a record of which to be proud, Mr. President, and it is a record which needs to be cited. Without in any way complaining about the opposition of my own leader, whose support for this bill would be invaluable, as everybody knows, and which I hope and pray to obtain, I think it is necessary to set the record straight that what Republicans do will depend upon how they vote as individuals.

The opposition of the minority leader cannot be used to characterize opposition to the civil rights bill as being "the Republican opposition," nor can the President of the United States and the majority avoid their responsibility by laying the fate of this bill upon the back of Senator DIRKSEN, which I do not think is fair at all. Nor does this approach discharge properly the responsibilities of the administration to do everything in its power to bring about the passage of the bill which it proposed, quite rightly and properly, and sent to Congress.

Mr. LAUSCHE. Mr. President, I feel that I would be delinquent in the fulfillment of my own responsibilities unless I expressed my reaction to what is sought to be done in placing the entire responsibility relating to the passage of the civil rights bill upon the minority leader [Mr. DIRKSEN].

He has a right to exercise his judgment concerning what course he believes will be in the best interests of the country. He is, in fact, the minority leader; but to say that the defeat or the passage of the bill lies entirely with him is indulging in political manipulation which in my judgment is not justified. Are we to ask him to abandon his judgment, and to remain passive, without expressing his views to his fellow Senators? In my opinion, the posing of such a proposal to him would be completely unjustified.

Various judgments will be expressed on the measure. Each Senator, I hope, will cast his vote primarily on the basis of what he believes is right and proper. Many will struggle to dismiss from their minds the tremendous motivating force of political expediency. That will be a pretty hard task to achieve. But if we are to perform our duty to our country properly, we should dismiss from our minds completely any consideration of what is politically good or politically bad. Our aim should be to further a course that will serve, in perpetuity, our system of government.

There will be votes cast on the basis of political expediency. That has been done in the past, and will be done in the future. We have cast votes on the basis of what is politically advantageous with respect to the repeal of taxes. But today and tomorrow, we are talking about reimposing taxes. I have just read the RECORD of the 1965 debate on the repeal of the automobile tax; and I am rather proud, Mr. President, that there were three of us who voted against it: Senator Harry F. Byrd of Virginia, who is no longer with us, the Senator from Delaware [Mr. WILLIAMS], and myself.

The argument was made by others and by me that we could not subscribe to a reduction of taxes at the same time that we called upon the Senate to raise the debt ceiling. I, at least, could not reconcile myself to that paradoxical and conflicting position.

At practically that same time, the Senate had two measures pending before it. One measure was to reduce taxes and the other was to increase the debt ceiling. It was my opinion that we could not vote for both, but that we had to be for one and against the other. Many voted for both. I voted against both.

Mr. President, I will cast my vote on cloture tomorrow. I will do so substantially on the basis of what I believe will provide a fair enjoyment of constitutional rights for every member of our society.

We must consider the constitutional rights of the individual who owns a piece of property. In my judgment, the Constitution says that when a person, with the money earned by his own labor and by the sweat of his own brow, buys a piece of property and builds upon it a structure to provide habitation for people, he should be afforded protection by the Constitution. That property and building has been purchased with the results of his labor, and the Government has no right to tell him what he shall do with it.

I realize the significance of what I have said. The easy way out would be to say: "I will vote for cloture." But that would not be the conscionable way out.

If I were to follow that course, I would be bowing to political advantage and political expediency. At this stage of my public career, I will not pay that price.

I have, in my whole political career, attempted with all my might to provide for the full enjoyment of constitutional rights by every citizen of this country.

If John Brown has acquired a piece of property and built upon it a structure to house human beings, and if the Government has given him nothing by way of grants, he is entitled to say: "This is my property. I have a right to determine how I shall use it."

That is the way the whole problem appears to me.

I am finally of the judgment that if we in the Senate begin to advocate that principle, we shall be providing for the full constitutional enjoyment of rights not only by the minority, but also by the majority. The prospects of our country continuing to live will be greatly enhanced.

The Carmichaels and the McKissons cannot be permitted to run this Nation. They speak not for the Negro people. They have made it most difficult for every Member of Congress to provide help where it is needed.

These men in moving around the country—precipitating riots, and inducing young men to burn their draft cards and lie down in public places to impede the movement of traffic and in front of trains carrying military equipment and personnel—are seemingly directing what our country shall do.

It is a grave question that is before us. I recognize it. I repeat that throughout my whole public career I have fought for and advocated the promotion of the economic and social status of every minority group within our country. I broke the color barrier—a firm one—in Ohio while I was the mayor of Cleveland, when white firemen refused to sleep with Negro firemen in the firehouses; when the water department and the electricity department of the city of Cleveland refused to hire Negroes because of the fear that white women would not permit them to read the meters in the homes.

I went into a factory in Cleveland in 1943 at 2 o'clock in the morning, when white women were refusing to work with Negro women. I got onto a table and said, "You are Hungarians. How would you like it if you were seeking jobs but were told you could not be given jobs because you are Hungarians?" I was heckled. The table was shaken. But I went on with my argument.

I merely state this to emphasize that I have been a friend of the minority group in the fullest degree.

Repeating what I have already said, tomorrow I will vote against cloture.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, I wish to thank the distinguished Senator from Ohio for the position he has taken with respect to the distinguished Senator from Illinois [Mr. DIRKSEN], the minority leader. I believe it has been grossly unfair for the President and others to say that the question of what will happen to the civil rights bill depends solely on Senator DIRKSEN's opinion.

All of us have deep respect and admiration for the minority leader, and we all hope that something will be worked out.

More than two-thirds of the membership of the Senate are of the President's party, so to place the responsibility for the disposition of the civil rights bill solely on the Senator from Illinois [Mr. DIRKSEN] seems to me to be wholly erroneous and misleading to the public at large. So I express appreciation to the Senator from Ohio for the statement he has made.

Mr. LAUSCHE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. LAUSCHE. The gravity of the wrong that has been committed is the belief that to put the finger upon the minority leader will make a coward out of him and cause him to abandon his honest judgment and to abandon what he believes is in the best interests of the country.

Nothing disturbs me more than people who believe that they can make a coward out of me. That is what they are trying to do to Senator DIRKSEN.

Mr. DOMINICK. I thank the Senator from Ohio.

CHILD NUTRITION ACT OF 1966—AMENDMENT

Mr. ELLENDER. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 3467.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3467) to amend the National School Lunch Act, as amended, to strengthen and expand food service programs for children, which was, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Child Nutrition Act of 1966".

DECLARATION OF PURPOSE

SEC. 2. In recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn, based on the years of cumulative successful experience under the national school lunch program with its significant contributions in the field of applied nutrition research, it is hereby declared to be the policy of Congress that these efforts shall be extended, expanded, and strengthened under the authority of the Secretary of Agriculture as a measure to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of agricultural and other foods, by assisting States, through grants-in-aid and other means, to meet more effectively the nutritional needs of our children.

SPECIAL MILK PROGRAM AUTHORIZATION

SEC. 3. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed $110,000,000; for the fiscal year ending June 30, 1968, not to exceed $115,000,000; and for each of the two succeeding fiscal years not to exceed $120,000,000, to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purpose of this section "United States" means the fifty States and the District of Columbia. The Secretary shall administer the special milk program provided for by this section to the maximum extent practicable in the same manner as he administered the special milk program provided for by Public Law 85–478, as amended, during the fiscal year ended June 30, 1966.

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

SEC. 4. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed $7,500,000; and for the fiscal year ending June 30, 1968, not to exceed $10,000,000, to enable the Secretary to formulate and carry out, on a nonpartisan basis, a pilot program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit breakfast programs in schools.

APPORTIONMENT TO STATES

(b) Of the funds appropriated for the purposes of this section, the Secretary shall for each fiscal year, (1) apportion $2,600,000 equally among the States other than Guam, the Virgin Islands, Trust Territory of the Pacific Islands, and American Samoa, and $45,000 equally among Guam, the Virgin Islands, Trust Territory of the Pacific Islands, and American Samoa, and (2) apportion the remainder among the States in accordance with the apportionment formula contained in section 4 of the National School Lunch Act, as amended.

STATE DISBURSEMENT TO SCHOOLS

(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency, to reimburse such schools for the cost of obtaining agricultural and other foods for consumption by needy children in a breakfast program and for the purpose of subsection (e). Such food costs may include, in addition to the purchase price, the cost of processing, distributing, transporting, storing, and handling. Disbursement to schools shall be made at such rates per meal or on such other basis as the Secretary shall prescribe. In selecting schools, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

(d) In circumstances of severe need where the rate per meal established by the Secretary is deemed by him insufficient to carry on an effective breakfast program in a school, the Secretary may authorize financial assistance up to 80 per centum of the operating costs of such a program, including cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

(e) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full cost of the breakfast. In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay.

NONPROFIT PRIVATE SCHOOLS

(f) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provision thereof.

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 5. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed $12,000,000, for the fiscal year ending June 30, 1968, not to exceed $15,000,000, for each of the two fiscal years ending June 30, 1969, and June 30, 1970, not to exceed $18,000,000, and for each fiscal year thereafter such sums as the Congress may hereafter authorize, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of nonprofit private schools, such equipment shall be for use of such schools principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

APPORTIONMENTS TO STATES

(b) The Secretary shall apportion the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods, except that apportionment to American Samoa for any fiscal year shall be on the same basis as the apportionment to the other States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any facilities financed under this subsection shall be borne by State or local funds.

STATE DISBURSEMENT TO SCHOOLS

(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to assist schools, which draw attendance from areas in which poor economic conditions exist and which have no, or grossly inadequate, facilities, to conduct a school food service program, and to acquire such facilities. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance and the inability of the school to finance the food service equipment and facilities needed. Disbursements to any school may be made, by advances or reimbursements, only after approval by the State educational agency of a request by the school for funds, accompanied by a detailed description of the facilities to be acquired and the plans for the use thereof in effectively meeting the nutritional needs of children in the school.

NONPROFIT PRIVATE SCHOOLS

(d) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provision thereof.

PAYMENTS TO STATES

SEC. 6. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under sections 3 through 7 of this Act and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

STATE ADMINISTRATIVE EXPENSES

SEC. 7. The Secretary may utilize funds appropriated under this section for advances to each State educational agency for use for its administrative expenses in supervising and giving technical assistance to the local school districts in their conducting of programs under this Act. Such funds shall be advanced only in amounts and to the extent determined necessary by the Secretary to assist such State agencies in the administration of additional activities undertaken by them under section 11 of the National School Lunch Act, as amended, and sections 4 and 5 of this Act. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this section.

UTILIZATION OF FOODS

SEC. 8. Each school participating under section 4 of this Act shall, insofar as practicable, utilize in its program foods designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or foods donated by the Secretary. Foods available under section 416 of the Agricultural Act of 1949 (63 Stat. 1058), as amended, or purchased under section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, or section 709 of the Food and Agriculture Act of 1965 (79 Stat. 1212), may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in their feeding programs under this Act.

NONPROFIT PROGRAMS

SEC. 9. The food and milk service programs in schools and nonprofit institutions receiving assistance under this Act shall be conducted on a nonprofit basis.

REGULATIONS

SEC. 10. The Secretary shall prescribe such regulations as he may deem necessary to carry out this Act.

PROHIBITIONS

SEC. 11. (a) In carrying out provisions of sections 3 through 5 of this Act, neither the Secretary nor the State shall impose any requirements with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction.

(b) The value of assistance to children under this Act shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs. Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this Act.

CENTRALIZATION OF ADMINISTRATION

SEC. 12. Authority for the conduct and supervision of Federal programs to assist schools in providing food service programs for children is assigned to the Department of Agriculture. To the extent practicable, other Federal agencies administering programs under which funds are to be provided to schools for such assistance shall transfer such funds to the Department of Agriculture for distribution through the administrative channels and in accordance with the standards established under this Act and the National School Lunch Act.

PRESCHOOL PROGRAMS

SEC. 13. The Secretary may extend the benefits of all school feeding programs conducted and supervised by the Department of Agriculture to include preschool programs operated as part of the school system.

SEC. 14. There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary to the Secretary for his administrative expense under this Act.

OVERSEAS DEPENDENT SCHOOLS

SEC. 15. (a) There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary to extend to children attending overseas dependent schools administered by the Department of Defense the benefits of this Act and of the National School Lunch Act, as amended.

(b) The Secretary, after appropriate consultation with the Secretary of Defense, is authorized to make such rules and regulations as he deems necessary to carry out the purposes of this section.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 16. For the purposes of this Act—

(a) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Trust Territory of the Pacific Islands, Guam, or American Samoa.

(b) "State educational agency" means, as the State legislature may determine, (1) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (2) a board of education controlling the State department of education.

(c) "Nonprofit private school" means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

(d) "School" means any public or nonprofit private school of high school grade or under, including kindergarten and preschool programs operated by such school and, with respect to Puerto Rico, shall also include nonprofit childcare centers certified as such by the Governor of Puerto Rico.

(e) "Secretary" means the Secretary of Agriculture.

ACCOUNTS AND RECORDS

SEC. 17. States, State educational agencies, schools, and nonprofit institutions participating in programs under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this Act and the regulations hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of three years, as the Secretary determines is necessary.

Mr. ELLENDER. Mr. President, I move that the Senate disagree to the amendments of the House to S. 3467 and request a conference with the House on the disagreeing votes, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer apointed Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. JORDAN of North Carolina, Mr. MCGOVERN, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. COOPER conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, I have been fascinated this morning in listening to my colleagues from Ohio and Rhode Island and Wisconsin speak on so many subjects, bringing up problems, I must say, which Republicans have been pointing out for these 5 years. It is a great comfort to me, as a member of the Colorado delegation, on the Republican side, to hear my Democratic friends finally taking cognizance of the problems that we have been pointing out. I hope that they will continue to do so.

Mr. President, the subject about which I wish to speak today is different. Because it is different and because this is not the morning hour I ask unanimous consent that I may proceed with my address on a nongermane subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOLOMON'S DECISION

Mr. DOMINICK. Mr. President, the leaders of this Nation and the entire free world are facing in the relatively near future some most awesome decisions, comparable in magnitude to the decision posed by full-scale nuclear war—decisions so Solomonic in nature that God has never given the power to make such judgment to any human.

The stage is set. The curtain has already started to rise in some parts of the world. The scene coming into focus will show mass starvation and nations decimated by disease of epidemic proportions greater than the plagues of the Middle Ages.

Who shall have the wisdom and the power to decide which people shall be saved and which shall be allowed to die of starvation and of disease brought about through malnutrition?

Can free nations or the world itself survive the forces which will develop from the driving hunger of the hundreds of millions of people in the food-scarce areas of the world? History records famines and plagues, but nothing of the magnitude which now threatens, and consequently history does not provide us with answers to this threat.

There is, however, encouraging evidence that the calamity can be at least partially averted and the full effect lessened if the nations of the world act in time. And like the Biblical story of Joseph, who warned Pharoah that 7 years of plenty would be followed by 7 years of famine, there is time to act if the nations of the world have the will to act.

There is no simple and easy solution to the specter of mass starvation in vast areas of the world. No magic incantation will be found to transform deserts into lush gardens in the twinkling of an eye. Nor can we hope for a repetition of the Heavenly miracle of the five loaves of bread and two little fishes which fed the multitude of 5,000 people gathered in Galilee to hear the teachings of Christ. We must not only put to wider use the knowledge we have already gained in the past two decades, but we must also accelerate our efforts to add to our knowledge of food production technology, and find means of communicating our knowledge to the have-not nations of the world.

There are many complex problems to be overcome, and the time for solving many of them already is critically short. Food production is daily losing the race against population explosion in Latin America, Asia and Africa. Only the United States, Canada, Australia, and New Zealand remain as major food surplus nations in the world. The Soviet Union and Eastern Europe are barely meeting their own needs. The rate of population growth in the rest of the world threatens to surpass even our ability to fill the growing world food deficit—even at the bare subsistence level.

At the beginning of this century the world had an estimated 1,650 million human beings occupying its surface. That number has now doubled, and at the present birth rate, will more than double again before this century ends. It is most paradoxical that the greatest increase in population is occurring and will continue to occur in those areas of the world which are now producing less and less of their food needs.

It has been estimated that, if the present ratio between population increase and food production continues throughout the world, in the next dozen years the world will face a food deficit of as much as 240 million metric tons annually. Under these conditions, the same source has estimated that 48 million human beings will be left to starve and the specter of disease stalking quietly through whole populations debilitated by malnutrition will become a terrible reality. Who has the wisdom to make that decision: "Who shall live and who shall be left to starve?"

The burden rests heavily upon the United States. For two decades we have shared our abundance with the hungry nations of the world. Since 1954 farm products worth an estimated $25 billion in terms of the cost of acquisition, handling, and shipping have been distributed to more than 100 nations of the world by the United States under Public Law 480, and now we are rushing still more emergency aid to India. What lessons can we learn from the past 20 years?

There is strong evidence to support the conclusion that our handouts over the past 20 years have served mainly to postpone crises, and in some instances, to compound them by an adverse effect upon the recipient's incentive to help himself. In those areas we must profit by our mistakes and seek different solutions. We dare not continue our present course in those areas where our generosity has created lethargy instead of incentive. This is the crux of our problem. Experts in the field of human nutrition have provided some interesting analyses.

Prof. Nevin S. Scrimshaw, head of the department of nutrition and food science at Massachusetts Institute of Technology, in his address to the annual meeting of the American Freedom From Hunger Foundation last October stated:

> Even with up to 80 percent of their population engaged in agriculture, the less developed countries are losing the capacity to feed themselves. Before World War II, the less developed regions were exporting 11 million metric tons of grain per year to the developed countries. During the early post war years from 1948 to 1952, this flow reversed, as an average of 4 million tons of grain per year moved from the developed to the less developed world. As population growth rates accelerated in the 1950's the flow increased, averaging 13 million tons annually in the years 1957–59 and approximately 25 million tons in 1964.
>
> Per capita availability of grains, legumes, roots and tubers at the end of this decade is projected as 210 kilograms per capita in the developing countries, 470 kilograms for the communist countries, and at least 670 kilograms in the technically developed countries of the West. Food output per person in Asia, excluding Communist China, has dropped 4 percent since the postwar high in 1961, and in Mainland China even more. Latin America output has declined each year since 1958, dropping 5 percent in 5 years.
>
> The latest reports show per capita food production lower last year than in the preceding two years in 10 of 20 Latin American countries, 10 of 16 countries in the Far East, and all 4 of the countries of South Asia—India, Pakistan, Ceylon and Afghanistan. In 43 of 63 countries for which data are available, per capita production of rice, wheat, and corn is now decreasing.

Professor Scrimshaw's conclusions are:

> We must face certain hard facts. The consequences of a continuing decrease in per capita food production in the developing countries cannot—for political, economic, and agricultural reasons—be avoided indefinitely by ever increasing food shipments, largely from the United States . . . It is evident that the rapidly worsening world food situation can be permanently improved only by two measures—a more rapid increase in food production in the developing countries and a less rapid increase in population.

> It should be a matter of grave concern to all of us that little effective progress is being made in increasing agricultural yields. In the developed countries yields have more than doubled in the last 25 years, while they have increased only about 8 percent in the technically underdeveloped areas. Most of the increase in their food production has come from increased land area cultivated by the same inefficient methods. Many countries are now running out of good agricultural land without any sign of the so-called yield take-off achieved by the present industrialized countries several generations ago and more recently by Japan.
>
> Yet the factors limiting food production in the developing countries are primarily social and economic rather than physical. Lack of knowledge and the illiteracy of the rural populations, long-standing customs, limited agricultural training activities, inadequate storage and distribution facilities, lack of fertilizers and pesticides, little or no mechanized equipment, poor seeds and animal breeds, and lack of money or credit are among the recognized factors.
>
> Either a revolutionary breakthrough must be achieved in the application of knowledge in the less developed countries, or the time is not far off when we must all face the consequences of widespread starvation in many of them.
>
> It is quite clear that the present population of most of the developing countries, as well as greatly increased future populations, could easily be fed by their own agricultural production of conventional crops if only there were time for crop yields to catch up with population needs and if purchasing power of the people for food kept pace.

Dr. Raymond Ewell, vice president for research, State University of New York at Buffalo, testified earlier this year before the Subcommittee on Foreign Aid Expenditures of the Senate Committee on Government Operations.

I had the pleasure of talking with him, prior to his testimony, on some of the proposals I make in these remarks. He is a most distinguished man and obviously knows his subject very well.

The distinguished Senator from Alaska [Mr. GRUENING] is the able chairman of that subcommittee. Dr. Ewell is recognized widely as an authority on soil chemistry, and has devoted many years of study to the subject of food production in many areas of the world. Dr. Ewell summarized the food dilemma in part as follows:

> As far back as Biblical times, the world has experienced famines. American Indians, hunting, fishing and gathering wild nuts and fruits, had their own solution. . . . When food became scarce in one area, they moved to another. Today, there are no "new" places for the world's 3.4 billions to go.
>
> It is obvious that the food deficit countries must redouble their efforts to grow more food within their own borders rather than rely on surpluses from other parts of the world. It sounds easy, all they have to do is to adopt modern scientific agriculture as practiced by nearly every farmer in North America, Europe, Japan and Russia, and there will be plenty of food for everyone.
>
> It would be easy, except for the fact that at least 90% of the farmers in Asia, Africa and Latin America are totally illiterate.
>
> They can't read, write, or add numbers. They don't know anything more sophisticated about plant life than the mere planting of seed and harvesting what comes of it.
>
> How do you contact hundreds of thousands of farmers who can't read? Here's where the difficulties begin to multiply. It means virtualy telling each farmer individually how to get better seed through intricate breeding over a period of years, how to plant and the use of fertilizer.
>
> Another obstacle: It takes money to buy fertilizer or to build fertilizer plants, to build irrigation systems, provide pest control, improve seed varieties and get better tools. Of these, the most important and the one which would show greatest short range effect during the next five years is fertilizer. Fertilizer must be regarded as the mainstay of any massive increase in food production.

Dr. Ewell views family planning as only slightly less important than the increase in fertilizer production and use in the food scarce areas of the world.

From the United Nations Food and Agricultural Organization which is headquartered in Rome and under the chairmanship of Dr. B. R. Sen we get some very interesting statistics. The Food and Agricultural Organization has 3,000 people working at its headquarters in Rome and an estimated 2,600 experts in the field working on the problems of increasing agricultural production in many parts of the world.

Quoting from their report:

> Grains account for 71 percent of the world's harvested crop area. Grains provide 53 percent of man's supply of food directly and a large part of the remainder of his food supply when consumed indirectly in the form of livestock, poultry and dairy products.

For the purpose of comparison, the world is divided into two sectors. The developed world is divided into four geographic regions: The first is Western Europe; the second Eastern Europe including Soviet Russia; the third is North America which includes the United States and Canada; and fourth is Oceania which consists of Australia and New Zealand.

In the less developed world, there are three geographic regions: First, Africa; second, Asia; third, Latin and South America.

Comparing grain production in these various areas, North America produces 1,100 kilograms of grain per person per year. By comparison, Asia produces only 225 kilograms per person and accounts for the difference between an economy which can produce abundant livestock and poultry, and an economy requiring all of its production for direct consumption.

On the same land area in the developed world, we have increased our grain output by 51 percent since 1934. During this period, the United States and Western Europe actually reduced the area devoted to grain production; however, the Soviet Union increased its land area. During this same period, the less developed area increased its total grain output by 46 percent, but four-fifths of this increase came from expansion of land areas and not from better yields per acre.

The Food and Agriculture Production Yearbook for 1962 discloses some remarkable differences in grain production in the various countries.

Denmark, which has the highest yield per acre of wheat, produces 3,700 pounds per acre; Japan, ranking second, produces 2,450 pounds per acre; France, 2,140 pounds per acre; Poland, 1,780 pounds per acre; and the United States, 1,440 pounds per acre. But, at the lower end of the scale, Ethiopia produces only 440 pounds of wheat per acre, Brazil, 475 pounds per acre and India produces only 760 pounds of wheat per acre.

In the production of rice, which is a major item in the food budget in many countries of the world, Australia leads in the production of the most pounds of rice per acre. Australia produces 3,840 pounds of rice per acre; Italy, which ranks second, produces 3,200 pounds per acre; Egypt, 2,920; Japan, 2,720; and in fifth position is the United States with 2,210 pounds of rice per acre.

At the lower end of the scale, the Philippines produce only 710 pounds of rice per acre and India only 870 pounds of rice per acre. Brazil produces 1,020 pounds of rice and Thailand, 1,240 pounds. Burma, where rice is a most important item of the diet, produces only 1,500 pounds of rice per acre.

In these statistics, it is interesting to note that Latin America, which has the fastest population growth today, has allowed its grain production per capita to drop a full 16 percent below the 1934–40 production level.

Studying these statistics, one might well ask the question: Why the less developed countries, the food-scarce countries of the world today, cannot follow the example set by the United States, Canada, and Australia in their earlier development? In answering this question, economists from our own Department of Agriculture contend that the conditions facing today's less developed countries are far different than those which faced our own country, Canada, and Australia at a comparable stage in their development.

I may interject at this point to say it has been an interesting situation that where small plots have been put into production as a result of land reorganization in those countries, the persons who moved on them grew enough food for themselves, but did not grow enough to supply the people in the towns and cities, so that while there was land redevelopment, there was a decreased production going along with it. Many of these conditions are not favorable to those countries now attempting to develop. Among these conditions they list:

First. The area of cropland per person is only a fraction of what it was in the now advanced countries at a comparable stage in their development.

Second. Population growth rates confronting today's less-developed countries are far higher than those existing in the developed countries at a comparable point in their development, or at any other time in their history.

Third. Significant opportunity for immigration as a means of alleviating population pressure does not exist for today's overpopulated, less developed countries.

Fourth. Because of higher rates of population growth and limited possibilities for expanding the area of land under cultivation, the area of cropland per person is shrinking much more rapidly than it ever has in the now advanced countries.

There are, however, our economists acknowledge, some factors which favor the countries now attempting to develop. The principal factor among these is the backlog of agricultural technology which has been accumulated in the developed regions. Aside from some of the problems involved—such as attempting to transfer our technology, which was developed for temperate zone agriculture, to the tropical and subtropical regions—it is technically possible to double or even triple agricultural production in all of Asia, Africa, and Latin America according to some of the experts of the Food and Agricultural Organization of the United Nations. They contend that this can be done through the use of more fertilizers, more irrigation, better seed varieties, more pesticides, and other improved agricultural practices.

If we study the progress made by agriculture in this country and in other developed countries of the world, it becomes apparent that the food surplus countries have been successful in creating or generating a sustained trend of rapidly rising production. In our own country this trend was generated in the latter years of the depression and during the early years of World War II. In Australia and New Zealand this trend was generated in the years immediately following World War II. France and West Germany in recent years have been successful in generating this rapidly rising yield trend.

This was accomplished in Western Europe with a population density much greated than the population density of Asia, and with a poor endowment of farm land generally. It could, therefore, be concluded that new land available for agricultural expansion is not the obvious answer, but that intensive application of new agricultural technology is better.

The most recent proof of this has occurred in Israel, where between 1952 and 1959 agricultural production more than doubled, although farm employment rose only a fourth. Israel's growth was stimulated by capital investment and, as was the case in Europe, Israel created the factors of production that substitute for land—those factors are modern implements, machinery, new seed strains, chemicals to fight pests and plant diseases, and chemicals to enrich the earth.

Of all the nations of the food-short world, India presents the most symptomatic example. India's story is a poor contrast to the kind of progress we have seen in Israel and in Western Europe. But at the same time, India presents a good example of what capital investment might do to lift a poor country out of its rut.

India is the second most populous nation in the world. It has nearly 490 million people, more than one-third the total population of all the nations to which the United States extends assistance under our Agency for International Development programs. Futhermore, India's population is increasing at a rate of about 2.5 percent per year. Being approximately one-third the size of the United States, India is the seventh largest country in area in the world.

Per capita income averages only $70 per year. However, a decade ago, it was less than $55 per year. Housing, grain, clothing, and often jobs are in extremely short supply. As much as 60 to 70 percent of the average Indian family income is spent on food.

Health problems in India can be traced to inadequate nutrition, poor public health services, and the inaccessibility of medical facilities.

However, since 1951 average life expectancy has risen from 32 to 42 years, and rural health facilities have greatly increased.

Some progress is being made in education. For example, between the years 1951 and 1961 literacy in India rose from 17 percent to 24 percent of the population. Nevertheless, as you can see, this still remains a problem, as it does in the rest of the food-short areas of the world. In 1961 there still remained 334 million illiterate people or more than three-fourth of India's population.

While in the past India has placed a high priority on higher education, more recently there has been increasing emphasis on scientific, technological, and vocational education. Since 1951 India has greatly expanded primary and secondary schools and teacher training facilities. India is constitutionally committed to universal primary education and now about three-fourths of the 6- to 11-year-age group is going to school. Dropout rates, however, may run as high as 70 percent.

Having served in India during World War II and having visited India recently as a part of the group headed by the distinguished senior Senator from Oregon [Mr. MORSE], I have had the opportunity to observe, at firsthand, some of the problems which India faces.

We visited Ludhiana University, in the Punjab, outside Delhi, and discussed the education being given to the youngsters enrolled in that school.

When we got through, I asked them how many graduates they had who went into farming and agriculture. The reply was "one." Not 1 percent, but one person had gone into agriculture, of all the graduates they had had. The rest of them go into teaching or into the governmental service.

That is the part of the problem we face, it seems to me, in that great country.

Another outstanding example of such problems is the great shortage of chemical fertilizer. As recently as 1952 and 1953, India's total annual output of chemical fertilizer nutrients totaled only 60,000 metric tons. More recently it now produces nearly 400,000 tons per year, and uses more than 700,000 tons of fertilizer. The difference of 300,000 tons is now imported. Agricultural experts estimated that India could increase agricultural production by 50 percent in the next 5 years if India improved its methods of farming and used three times this amount of fertilizer. Obviously, India cannot afford to import such amounts of fertilizer, being lamentably short of foreign exchange.

Currently, in India our accumulated funds under the Public Law 480 program total nearly $800 million worth of Indian rupees, held in accounts which we are unable to make use of at the present time because of the limitations placed on the fund at the time we enacted the program. Fortunately, in our recently enacted revision and extension of Public Law 480, we have provided some latitude whereby use may be made of such funds, and in this year's program we have laid greater stress on the self-help aspects of the program, requiring that the recipient countries show definite proof that they engaged in efforts to improve their own agricultural situation. This is all well and good.

I think that we are headed in the right direction on this score, but I think we must go still further not only in India, but in other areas of the world, both in making available means whereby capital can be available to implement the efforts of ourselves and of the local inhabitants, and that we must be aided in this effort by the other food surplus nations of the world such as Australia, New Zealand, Canada, West Germany, France, and the other nations of Western Europe.

I am proposing that we establish regional banks of hard currency, organized on the order of the International Bank for Reconstruction and Development, with capital subscribed by the developed nations of the world, to provide the necessary capital to implement a program of intensive agricultural technological advance. The funds deposited in these regional agricultural development banks would be utilized for the making of long-term loans, to food shortage countries which cooperate in organizing and operating the banks.

The United States cannot continue to be the principal supplier of financial assistance. We must be joined in this effort by the other nations of the free world who have, in the past, themselves been the recipients of our assistance. By joining these nations together in such an endeavor, we would add to the existing situation the advantage of convertibility of currency which is today lacking. And in countries such as India, this factor is at the root of our problem in the accumulation of nearly a billion dollars in nonconvertible rupees.

A Regional Agricultural Development Bank in Asia could provide India and Pakistan the much needed foreign exchange with which to build their own fertilizer plants. India then would be freed from the need to import fertilizer and eventually from the need to import food. Scarce foreign exchange would go instead into modernizing production and processing facilities. One dire need in India today is modern storage facilities. Each year a vast tonnage of grain is destroyed both by rotting and by rats.

Additional capital placed into the agricultural economy would also tend to draw forth more native capital from India's own financial institutions and, even more important, to draw native capital from the farmers themselves. Our own Agriculture Department has stated that of the 26 developing nations where it has conducted studies, most have a larger capacity for savings and new capital formation than their per capita incomes and past record of capital accumulation would indicate. For example, an Indian farmer with an investment of no more than $68 in livestock and $11 in implements and machinery now may arrive at the end of the season with a small cash surplus. But now, instead of using it to buy more efficient implements or fertilizer or even to acquire more land and thus increase his next season's profit, he puts his money in jewelry, or splurges it on ceremonies of birth, marriage or death. The hope is that such deep seated customs will change under the impact of modern capitalism.

I am not proposing that the Regional Agricultural Development Bank be a substitute for private enterprise investing in our developing nations. On the contrary, the Regional Development Banks should fill a need which is in addition to that proposed to be met by private investment. We should also redouble our efforts to stimulate private investment in those countries, but first we must take such steps as are necessary to assure that the risks are not greater than the potential returns. In our dealing with recipient nations, we should work to remove the factors which have, in the past, inhibited foreign investment. Some of these factors have included outright hostility, political instability, and threats and rumors of expropriation, in addition to discretionary regulations and the ever-present threat of inflation and devaluation.

One of the greatest factors existing in India which has inhibited foreign capital investment has been the requirement, which India has imposed, that substantial ownership, if not controlling interest in any enterprise be owned by Indian citizens. Very few large corporations are willing to invest huge sums in building an enterprise in a foreign country to be a minority stockholder and be outvoted in its policies and methods of operation.

One report on this subject which I read recently stated that out of $13.3 billion which has been invested in underdeveloped countries by private enterprise and foundations in this country, very little has been invested in agriculture. There are a few notable exceptions and these are mainly in Latin and South America. Mr. Albert Watson, chairman of the International Business Machine World Trade Corp., submitted this report under the heading "Private Enterprise in Foreign Aid."

Some U.S. corporations already have begun the task of education of the local citizens. ESSO Chemical Co., which has worldwide fertilizer operations through affiliates, has developed a system of chain teaching: they train their salesmen to train local people who, in turn, train larger groups to go out into the fields and preach capitalism and modern farming—sermons that may have to be rendered in one or a half dozen different dialects.

Another corporation, International Minerals & Chemical Corp., is carrying the message of fertilizer into every corner it can reach. The gist of its sermon: Nitrogen, phosphate, and potash provide a substitute for land. Fertilizer can multiply the yield of 1 acre as many as 500 times.

The average consumption of fertilizer nutrients in the food short countries is around 5 pounds per acre. By comparison some Dutch farmers use as much as 400 pounds per acre.

A former consultant who worked for International Minerals and Chemical Corp. now has a most promising scheme which, if successful in Mexico, should offer great promise in areas such as India. His proposal is to establish a consortium which not only provides fertilizer, seed, insecticide, pesticide, and farm implements for the growing of agricultural products, but also provides for the storage and processing and marketing of the products of the owners of the consortium who are the local farmers themselves. The consortium would actually handle everything from the training of the farmer in modern agricultural technology to the marketing of his finished product.

All of these proposals will require time for their implementation, and time already is starting to run out insofar as India is concerned. Time is running out in other parts of the food-scarce world. What can we do to meet the immediate needs to avert the full impact of mass starvation? No one has actually proposed that the American farmer be called upon to feed the world. However, our farmers may have to carry a large part of that burden in the decade ahead.

Earlier this year, the U.S. News & World Report conducted a study of this interesting question: "If United States Had To Feed the World." Their conclusions are truly amazing. In summary, their report reads as follows:

> Is the American farmer, with his unprecedented ability to produce, able to meet the food needs of the world's undernourished people?
>
> This question is taking on real importance in Washington. It underlies a growing debate over government policy related to agriculture, which continues to be the nation's largest industry.
>
> Advocates of a worldwide war on hunger are increasing. They are urging the Administration to shift emphasis in farm programs away from holding down production and toward encouraging greater food output.
>
> The possibility of such a shift raises these questions: How much could American farmers produce? If government bought the surplus to distribute around the world who would pay the cost—the American taxpayer?
>
> When you look into the question of how much American farmers could produce, you find that their potential output is immense. Today, the U.S. farm plant is throttled down by the idling of more than 50 million acres under control programs.
>
> It is estimated that wheat production could be increased from the 1.3 billion bushels harvested in 1965 to 2.3 billion bushels in 1970.
>
> In the same period, corn production can be increased from 4.2 billion bushels to 5.4 billion, and output of other grains from 2 billion bushels to 2.4 billion. Soybean harvest could rise to a billion bushels in 1970, compared with the 844 million bushels in 1965.
>
> Those are projections made by the Economic Unit of the U.S. News and World Report. They are based on U.S. Department of Agriculture figures through 1965.
>
> The projections assume that the 51.5 million acres now idled in the Soil Bank and under control programs for wheat, corn and other grains would be in production.
>
> It is assumed that yields per acre would continue to increase, but at a rate somewhat less than in recent years. Thus, the projections are seen as conservative.
>
> How would this increased output stack up against the world's need for food for hungry people?
>
> A chart included in the report demonstrated graphically how U.S. shipment of grain abroad could be increased to relieve the world's grain shortage if American farmers were given incentives to step up output.
>
> The report concludes:
>
> U.S. farmers could continue to meet all needs for wheat in this country and increase exports by 24.2 million tons without dipping into reserve stocks. That is almost twice the world's estimated wheat shortage of 14.5 million tons.
>
> In addition to wheat, exports of corn and other grains aside from rice could go up 22.5 million tons, compared with a world shortage of 18.1 million tons.
>
> Rice exports could be increased by only 1.8 million tons—far less than the world shortage of 54.5 million tons.
>
> However, other grains can be substituted for rice in the human diet. Combined exports of rice and other grains from the U.S. could be increased by 48.5 million tons.
>
> Thus, American farmers would fall short by about 45 percent of meeting the world's overall food shortage of 87.1 million tons.
>
> It would be no trouble, however, for the American farmers to take care of the hunger problem in the free world. The food shortage in non-Communist countries is put at 31.6 million tons.
>
> It is in Red China and other Communist lands of Asia that the greatest masses of hungry people are concentrated. The food deficit of Communist Asia is estimated at 55.5 million tons.
>
> Estimates of the world's food shortages shown in these charts were made by the U.S. Department of Agriculture.
>
> Even if American farmers were to produce at full throttle, there still would be the problem of distributing the food around the world and paying the bills.
>
> One expert puts the cost of closing the food gap in the world outside of Red China at $4 billion a year. That would be in addition to nearly $2 billion a year now spent in the U.S. Food for Peace Programs.
>
> But as the world's hunger pangs grow sharper, pressure is building in Washington for at least some relaxation of production controls on U.S. farms.

Mr. President, I emphasize at this point that they are talking about the situation as it now exists. As agricultural production per capita goes down and as population goes up in the coming decades, this situation will get worse and worse.

American farmers agree with this position taken upon the need for relaxation of production controls, as evidenced by the statement of Mr. Shuman, president of the Farm Bureau, before the House Committee on Agriculture earlier this session.

Mr. Shuman made the following statement:

> While an increase in food aid to friendly, less developed countries is justifiable under present conditions, this cannot be considered anything more than a short range solution

> to the problems of hungry nations. Even with its tremendous agricultural productive capacity, the U.S. cannot feed the world. Furthermore, we do not think that it is in our interests or the interests of the recipients to create a situation under which any country becomes increasingly dependent on U.S. charity for its food supply. Such a development could become very burdensome for the U.S. taxpayers, and we doubt that it would contribute to the attainment of a more peaceful world.
>
> The long range answer to the hunger problem requires that the needy countries find ways of improving their own output. The magnitude of this problem could, of course, be reduced by successful measures to control population growth.
>
> More competent observers agree that there are three major reasons for the serious food problems facing certain nations—lack of knowledge, lack of capital, and lack of an effective distribution system.
>
> As a result of the new knowledge developed by our agricultural research institutions and its rapid adoption, U.S. farmers have a vast technological know-how that we are willing to share with others. This know-how has been freely available to other countries. Numerous U.S. experts have been sent abroad by the government and private foundations. Our government has paid the expenses of countless foreign agricultural experts and technical workers who have visited American farms to learn methods which they could copy at home.
>
> Billions of dollars have also been made available for the financing of capital investment in less developed countries.
>
> Despite this assistance, the need for U.S. food aid is increasing at an alarming rate. Obviously, there is an essential ingredient in our success formula which many other nations have refused or neglected to copy. This ingredient is the incentive system which has been so successful in generating an abundant supply of capital for American agriculture and business. The one common denominator that is to be found in virtually all hungry nations is their socialist political economic system, that is, a government-managed economy. It is increasingly apparent that socialist nations cannot use knowledge effectively even when we give it to them.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DOMINICK. I shall be happy to yield as soon as I finish the quotation:

> The world does not need to starve if the underdeveloped nations can be induced to accept the profit incentive method of capital formation—competitive capitalism. Further extension of food aid by the United States should be conditioned upon the willingness of the recipient nations to replace government management of agriculture with a market price system. Also, we should insist that they encourage private capital investment by permitting incentives, by checking inflation, and by removing other obstacles to progress. Such a program would make it possible gradually to replace aid with increased local production or commercial purchases financed by Indians in their own exports of those things they can produce relatively most efficiently.

I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. First, may I ask whom the Senator is quoting.

Mr. DOMINICK. This is Mr. Shuman, the head of the Farm Bureau.

Mr. LAUSCHE. The Senator from Colorado [Mr. DOMINICK] and I, together with five other Senators, made a trip to southeast Asia last November and December.

My question is, Is it not a fact that everywhere in the nations we visited, it was obvious that where there was governmental domination and socialistic operation, eliminating the incentive of the individual to produce, there was economic stagnation and also an absence of food, where there was governmental control of the farmers?

Mr. DOMINICK. I think that this is a very accurate observation, one which I feel is supported, I may say to my good friend, the Senator from Ohio, by the report we issued following that trip, in which we pointed out that unless some of the governmental restrictions now in effect in some of those countries are relaxed, the incentive for foreign capital to come in for development of these countries will be very low, and they will continue experiencing problems in improving their own economy.

Mr. LAUSCHE. I direct the attention of the Senator from Colorado to the discussions we had in New Delhi dealing with the desire of an American firm wanting to establish a fertilizer plant in India, where starvation and hunger are rampant.

The narration made to us was that the Indian Government, despite the absence of food and the failure to produce, did not want the American company to build the fertilizer manufactory unless management and control were given to the Indians.

Mr. DOMINICK. That is an entirely correct statement. Of course, that situation has changed somewhat since that time, as the Senator will recognize.

Mr. LAUSCHE. The situation has changed, in that we finally persuaded the Indian Government that if they wanted to solve the hunger and starvation problem, they had better adopt the incentive plan and abandon the socialistic operation of the farms.

Mr. DOMINICK. I say to the Senator from Ohio that I hope that this eventually will happen. We have made some progress along that line, but I do not think we have gotten over the hurdle as yet. I think there still are many restrictions and regulations which will create many problems in India. At least, we have induced them to take action with respect to the fertilizer plant.

Mr. LAUSCHE. One further question: Does the Senator remember the statement made to us in Hong Kong about the problem of Red China, that finally the production of poultry and hogs had to come from the peasant farmer, in his individual operation of small tracts of land, and that 90 percent of the poultry and hogs produced in Red China came from those little plots, while the collective operation was a complete failure?

Mr. DOMINICK. I remember that distinctly, and I remember the emphasis that the Senator from Ohio put upon that information.

I also recall that while we were traveling through the new territories in Hong Kong, we saw trainloads of those very hogs and chickens coming into Hong Kong from Red China, to feed the people in Hong Kong—all derived from these small plots which the men were operating on their own, so they could have some of their own food and could engage in private enterprise. That is the only situation I have heard of, in all of Communist China, in which food actually was being produced for export.

Mr. LAUSCHE. I commend the Senator for discussing this subject, and I am glad that I have had the opportunity to hear his observations on this important aspect of governmental operations of farms and other industries.

Mr. DOMINICK. I sincerely hope that the Senator from Ohio will have an opportunity to read the entire address. It seems to me that we are facing a tremendous problem of hunger throughout the world, in which we have to do some planning and make some progress, for fear that this country will be made the scapegoat for the rest of the world, when people say, "We are starving. You have to give us food. We do not have any more."

Mr. LAUSCHE. I thank the Senator.

Mr. DOMINICK. The American farmer recognizes the problems of the food-short world and is willing to shoulder his part of the burden, if we will but allow him to do so. Our farmers need maximum freedom to produce. Our farmers need minimum Government interference. Our farmers want the prices of farm commodities determined by the market. Our farmers need full-scale expansion of productive resources at home and abroad.

In summary, Mr. President, we are facing a world food crisis of a magnitude greater than the world has ever known, and we must take immediate steps to avoid the chaotic conditions which will be brought about by starving masses of people in the less developed parts of the world. If we are to be successful, we must make at least a beginning on a four-point program.

First. In order to meet this crisis which has already begun to appear in India, we must unleash our farmers, unharness the full productive capacity which American agriculture has demonstrated it is capable of doing in order that we may begin at least partially to meet growing food shortages around the world.

Second. We should work toward the establishment of regional agricultural development banks structured along the lines of the World Bank with the resources of such banks available to participating nations. The capital of the regional development banks should be provided by the nations of the free world, such as Canada, Australia, New Zealand, West Germany, France, and the other nations of Western Europe—not just the United States. The function of the bank shall be to make loans to developing nations for the purchase of equipment and machinery for agricultural development, and for the processing and distributing of agricultural production.

Third. We need to expand our programs of extending education to developing nations, teaching them to read and write and to comprehend and use the technology of agricultural development. In addition, such educational programs should include such assistance as shall be needed to bring population growth within reasonable limits of an estimated

1.5 percent per year to match the average growth rate of agricultural productivity. And finally, we should enact programs to assure the participation of the private enterprise capital in the development of these nations. In our dealings with other nations, we should strive to assist them to attain the needed social and technological reforms and encourage their leaders to demonstrate the will and determination to obtain maximum progress toward meeting the approaching crisis through accelerating their agricultural production.

Man does not possess the wisdom or the power to make the judgment as to who shall be allowed to live and who shall be left to starve. The very survival of civilization in future years may well depend upon how soon and how well we approach the food crisis which is now facing the world.

Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1966

The Senate resumed the consideration of the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. SPARKMAN. Mr. President, the first comment that should be made about the pending civil rights bill is that its very existence argues that it will not be successful. Every time a bill of this type is introduced in this Chamber, its proponents argue, "This is the ultimate bill. This is as far as we must go." We are told in glowing terms what will be accomplished by each bill. And yet if the preceding bills had achieved even one-half of that which had been claimed for them, there would be no need for this one. And if they have not been successful, by what logic do the proponents arrive at the conclusion that one more bill will be successful?

The pattern for the introduction of every so-called civil rights bill is always the same. A broad bill giving sweeping general powers to the Federal Government is introduced. Its scope is reduced in committee, and even further on the floor of the House. By the time the bill reaches us, proponents argue, "This is just a watered-down version. There can't be much harm in that." And Senators who opposed the original bill may now say, "This bill is so much better than the first one that I believe I can safely vote for it."

But what kind of choice do the proponents ask us to make? It is the choice between a little Federal control and a lot of Federal control. That is a choice unworthy of a free people.

This bill goes beyond the announced goal of desegregation and calls for active integration. From the beginning of the so-called civil rights movement, it has been acknowledged that the Federal Government had no role in the active integration of the races. But that is exactly what this bill seeks to do.

Proponents argue that this exercise of Federal power is justified in order to assure "equal protection of the laws" or to insure "due process of laws." But these guarantees have always before been applied to exercises by State and local governments and not to individual citizens.

It is well established that State and local governments are bound by these constitutional provisions. But where have we decided that constitutional prohibitions apply to the acts of an individual citizen, acting alone, representing no opinion but his own?

And the deeper and more significant question is this: Is it wise to establish a precedent whereby the Federal Government can extend every theory of social good to every citizen in this manner?

Mr. President, even if this bill was directed toward the most laudable of goals, this is a dangerous way to do it.

I cannot remember, in all of the years that I have been in Congress, when a single piece of legislation has been directed against so many fundamental concepts of this Nation.

Bills of this type create civil disturbances of great magnitude. I believe that when the history books of this period are written, the historians will decide that the most dangerous theory that grew up during our lifetime was the disregard for law and order and the property rights of others with the apparent thought in mind that when you have a complaint in our society, you take to the streets to solve it.

William Pitt once said:

> Where law ends, there tyranny begins.

I believe that it is most dangerous to American democracy when groups of men set themselves up to operate outside the law, to defy law and order and to stir up racial unrest.

I am concerned for the future of American democracy when a young man announces that the way to achieve results in our society is to "burn down some Southern courthouses."

I am concerned for the future of American democracy when the cry "black power" becomes a rallying cry for a minority group in our society.

If we pass this bill, we lend new impetus to the alien notion that laws can be forced from the streets. If we pass this bill, those people will redouble their efforts because they will believe that rioting, looting, and destruction have forced concessions at the hands of the greatest deliberative body in the history of the world, the U.S. Senate.

Let us not make the mistake of adding fuel to the fire of civil disturbance.

Mr. President, for 30 years I have worked diligently in Congress to provide safe, sanitary and decent housing for all of America's citizens. As chairman of the Senate Housing Subcommittee, I have searched for, sponsored and voted for legislation which has made it possible for millions of Americans to own their own homes.

I think I may safely say that I know something about housing. And, as an attorney and a legislator, I think I know something about laws and how they are made.

Therefore, I am absolutely appalled and dismayed by the housing provisions of the legislation now under consideration by the Senate.

These proposals flaunt and disregard every known concept of constitutional law. They do serious and consequential harm to the very basic structure of our system of laws.

So potentially destructive are the housing provisions of this legislation to the individual rights guaranteed every citizen by our Constitution, that I can scarcely comprehend the damage and disorder that will result from their passage.

We would, by passing this iniquitous legislation, draw a blank check on the Constitution, thus enabling Congress to purchase a boundless field of power, no longer susceptible of any concrete or accurate definition.

Mr. President, I want no part of such authority.

I do not wish to be dictatorial.

I am not power crazy. I am content in my role as U.S. Senator.

My chief concern is to represent the people of this great Nation and the State of Alabama as they want to be represented, within the boundaries of our Constitution and our system of laws.

I believe in and try to follow the maxim of Robert E. Lee. He said:

> Do your duty. You can do no more and you should not wish to do less.

I would be committing an injustice or a disservice to the people by sitting idly by while this legislation inexorably pulverizes our established concepts of the individual's rights to own and dispose of his property as he so desires.

Mr. Justice Harlan, concurring in *Peterson* v. *Greenville* 373 U.S. 244 (1963) recognized this right when he said:

> Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference. This liberty would be overridden, in the name of equality, if the structures of the (Fourteenth) Amendment were applied to governmental and private action without distincton. As inherent in the concept of state action are values of federalism, a recognition that there are areas of private rights upon which federal power should not lay a heavy hand and which should properly be left to the more precise instruments of local authority.

Mr. President, this bill, if adopted, would irrevocably destroy the right. The private homeowner, in many instances, would no longer have a free choice in selecting his purchaser, nor as a matter of fact, would the landlord be able to exercise his own free will and sound business judgment in the selection of tenants who are to occupy his premises.

Too often legislation claimed to prevent discrimination works a serious infringement on property rights, and generally helps those who do not need it.

The enactment of more and more stringent antidiscrimination legislation in housing is merely a panacea. It is a mirage and a delusion.

It is an apocryphal sham sold to the public. It is a tragic deception of the very minority groups whose need for good housing is real. Yet such legislation only tantalizes and never satisfies this need.

The simple truth behind all of this so-called antidiscrimination legislation is that it is designed to promote and foster compulsory integration.

It is no secret that the leading proponents of antidiscrimination legislation are always steadfastly opposed to proposals for good housing unless it is integrated. The 1959 U.S. civil rights report gives specific examples of this on pages 508 and 509. Their willingness to sacrifice good, adequate housing for integration is a matter of record.

As chairman of the Senate Housing Subcommittee, I have seen many examples of this. As a matter of fact, in 1954, the National Association of Home Builders announced a program to build 150,000 dwelling units annually for minority groups. Each local builders' association throughout the country was urged to adopt a community goal and "start an aggressive campaign and effective production program to improve the housing conditions of minority groups in their own community."

Many Negro spokesmen opposed this program for minority housing:

> We do not want Jim Crow dwellings whether they are new or old—

The annual conference of the NAACP resolved, adding specifically:

> We condemn and oppose the policy advocated by the National Association of Home Builders for planned housing developments directed toward any specific minority group on the basis of race, color, national origin, or religion.

The National Urban League also announced that it was "opposed to and unwilling to support or assist in the construction of segregated, privately financed housing."

Back in 1958, after New York City's antidiscrimination ordinance had been enacted, a large housing project was constructed in Harlem. The New York Times stated:

> Every effort was made to persuade eligible white families to apply.

The New York City Housing Authority made a special effort to inform white families of the many vacancies. The housing authority even admitted keeping vacant an average of 65 apartments in public housing in minority areas rather than rent them to waiting, needy families of minority groups in an effort to obtain whites to better integrate them.

One such project actually reported a $115,000 deficit in 1 year simply because vacancies were maintained in order to achieve a better racial balance.

Astonishingly, the chairman of the New York City Housing Authority, William Reed, was quoted by the September 18, 1960, issue of the New York Times as saying:

> Our program . . . is a positive program designed to . . . bring about true integration.

The direct result of this policy of active integration by New York City increased the supply of substandard housing by two-thirds between 1950 and 1960, whereas Chicago, during the same period, by not following a practice of active integration, reduced its inventory of substandard housing by nearly one-third.

Thus, the price of this infinitesimal integration has been to condemn a significant proportion of deserving, needy minority families to inadequate, substandard slum and ghetto habitation.

It has been said so often that education is our most important natural resource that that statement has almost become a cliche. It is because of the extreme importance of education that I turn now to title VI, which is entitled "Nondiscrimination in Public Education."

I call attention to section 303(b). There it is specifically stated that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Now, that seems to be pretty clear. The law specifically says that there shall be no forced integration.

But that is what the 1964 act said too. It provided that nothing in the act "shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school." That provision has been consistently and continually ignored by the people who are in charge of enforcing the law. The guidelines that have been established since that time go far beyond the act. The Office of Education has adopted guidelines which use racial balance as the yardstick for compliance. That violates the 1964 act.

If we adopt this measure, what is to insure that the same situation will not happen again? What is to assure that this act will not be violated in the same way that previous acts have been ignored?

The history of the last few years has been one of migration away from the cities and into suburbs. My colleagues from the North and East should be especially conversant with this situation. The causes for the exodus have been many. But I believe that one of the causes is that the members of the various races simply do not desire to live together. The result has been a phenomenon which the education experts call "resegregation." If this bill is passed, the result, at least in those areas, should be no change in the educational system.

But you know, and I know, that those who would tinker with social engineering will not be satisfied with that result. Their goal goes beyond a destruction of legal barriers to integration and calls for legal enforcement of integration. They will use this bill to enforce their goals, not the goals of the framers of this legislation, not the goals of the Congress in dealing with this legislation, not the goals of American democracy.

In short, the proponents of this legislation want it adopted to achieve goals that have never been adapted by the Federal Government, and which are expressly prohibited by the provisions of this section.

I believe that the second point that should be made is that educational policies are matters of local concern. I can find no mention of education in the constitutional grant of powers to the Federal Government.

Mr. President, I have prepared a great deal more material dealing with the bill, and all of the features of the bill, but I shall defer giving a great part of it until a later time, if that time should present itself.

However, Mr. President, I do ask unanimous consent to include as a part of my remarks the statement which I made before the Subcommittee on Constitutional Rights of the Committee on the Judiciary on June 10, 1966, dealing particularly with title IV, and also with the jury section.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. SPARKMAN BEFORE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS—JUNE 10, 1966

Mr. Chairman, for 30 years I have worked to provide safe, decent, and sanitary housing for America's citizens. Legislation which I have sponsored and legislation which I have supported has made it possible for millions of Americans to own their own homes.

I think I may say that I know something about housing.

And that is why I am dismayed by the housing provisions of the legislation you are considering today.

As a lawyer, I am disheartened by the provisions of the proposals which would limit state power of law enforcement and which would further erode the principle of Federalism.

And as an American, I am hopeful that this bill will not become law.

My first objection to the housing provision is that it clearly violates the right to the free use and disposal of property.

Throughout the history of Anglo-American law, the distinguishing feature between types of ownership has been the degree to which an individual could use and dispose of his property.

Mr. Chairman, this bill, if adopted, would irrevocably destory that right. The private owner would no longer have a free choice in selecting his buyer. He would no longer have a free choice of sales or conditions of sale. The landlord could not exercise his own free will in selecting the tenants who will share his home with him.

Let me emphasize that this bill applies to every room for rent in every home in America, every apartment and every house. There are no exceptions.

The legal significance of the property right was recognized by the eminent jurist Blackstone when he observed: "There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property; or that sole . . . dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe."

Now, Mr. Chairman, things have changed since Blackstone. The property right is no longer an absolute right. But in those areas where it has been limited, there has been a tangible real harm from which the society had to be protected. *And* there has been a strong legal basis for the protective action.

Where is the legal base for this action?

This invasion of rights applies equally to homes which in no legal or logical manner are connected with interstate commerce.

This invasion of rights applies equally to property transactions which create no threat to the peace, security, health or safety of a community and hence provide no legal basis for the proper exercise of state police power.

This invasion of rights cannot be said to rest upon the "due process" clause of the 14th Amendment. Interpretation of that right has uniformly been that it applies only to action by state agencies, and not to those of individuals.

Where is the legal basis for such repugnant Federal action?

The answer, Mr. Chairman, is that there is none.

It is an arrogation of power, unprecedented, unjustified and unwise.

But strong voices have been raised in support of this bill.

We are told that this bill is the ultimate action to solve all social problems. We are told that this bill is a panacea, a cure-all for our nation's social ills.

But, Mr. Chairman, we have heard that argument before. With the introduction of every so called civil rights bill in the past, advocates of each bill have told us, "This is the last one. This is the answer."

What has been the result? There have been street demonstrations, and disorders with the passage of each new bill.

There has developed a malignant theory that if a group has a gripe in our society, it takes to the streets to solve it.

The results of each and every piece of so called civil rights legislation in the past should be proof enough that the Congress cannot legislate solutions to problems of human relations. Social engineering by legislative edict has been pr̀oved grossly ineffective.

We are also told that this bill is addressed to the controversy between property rights and so called "human rights". And we are asked to believe that somehow the former are unworthy and the latter are an ultimate good.

The first answer to that argument is that the ownership of property is a human right.

The second answer is given by no less a liberal spokesman for human rights than Walter Lippman when he said: "It has been the fashion to speak of the conflict between human rights and property rights, and from this it has come to be wisely believed that the cause of private property is tainted with evil and should not be espoused by rational and civilized men. In so far as these ideas refer to . . . great impersonal corporate properties, they make sense. . . . But the issue between the giant corporation and the public should not be allowed to obscure the truth that the truly dependable foundation of personal liberty is the personal economic security of private property."

Mr. Lippman went on to draw the conclusion "Private property was the original source of freedom. It is still its main bulwark."

Now, Mr. Chairman, those of us who support this point of view are always the subject of attack. We are pictured as supporting the greedy landlord who stands in the doorway turning away the poor, but deserving applicants. We are labeled "bigots", and we are told that we are biased, reactionary, ignorant and prejudiced.

These labels are but semantic substitutions for thinking which cannot obscure the fact that this proposal simply means a Federal official can tell me to whom and under what circumstances I can sell my home.

This proposal simply means that my freedom of choice and freedom of association must be sacrificed for no legal reason and for no rational basis.

I think also, Mr. Chairman, that this bill, if passed, will have results not anticipated by its supporters. Consider the following hypothetical example: A church group which had purchased property for construction of a home for its elderly could not legally build such a home for the exclusive use of members of its faith. This example is but one of many that show the danger of such sweeping delegation of power.

That leads me to the final objection I have to this part of the bill.

The whole process of democracy is one designed to draw legal, rational limits between the rights of various citizens. No right is an absolute right.

We all know that the right to free speech does not extend to shouting "fire" in a crowded theater. It has been said that my right to swing my fist ends at my neighbor's jaw.

In like manner, this bill is an attempt to choose between two national policies. The right of the property owner to sell, rent or lease his property is a right supported by many centuries of Anglo-American law.

The right of a buyer to buy any house anywhere is a right never before established.

I believe that it is at this point that we must support the established right. The fundamental difference between our free enterprise system and totalitarianism is the right of free property.

This bill infringes on that right.

But the weaknesses of this bill are not confined to any one section. Other sections of the bill attack the traditional Federal State relationships in state law enforcement matters and the selection of state juries.

Congress has no legal right to destroy the division that has always existed between the Federal and State legal systems. This action is nothing but a naked encroachment on the valid legal power of the state.

You know, Mr. Chairman, the erosion of the principle of Federalism is a phenomenon so often occurring that I fear it is beginning to lose its impact. No greater indictment could be made of our performance as national legislators than that we failed to understand the significance of that erosion.

During my thirty years in Congress, I have witnessed more and more attemps by various groups to resolve all their problems at the federal level without even considering that there might be a workable solution found at the local level. I for one, am a firm believer in the abilities and aptitudes of the many fine people responsible for our local governments.

Many problems call for a special solution which can best be determined by local initiative. I submit that the federal government does not always have the last word in problem solving. True, situations arise in our complex society which call for assistance from the federal government and this cannot be ignored.

But as legislators, we should allow the states and the local communities to meet the challenge of resolving their own difficulties before running to Washington to seek a solution.

Mr. Chairman, I have confidence in the people at the grass roots level.

No greater attack could be made on any bill than that it furthers the destruction of Federalism.

The ignominious proposal to put the federal government in the business of selecting state juries deals a lethal blow to our dual system of government.

The right to trial by jury is one of the oldest and most cherished rights of man. It was Thomas Jefferson who, in his first inaugural address said that: "Trial by juries form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformations . . . should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone lends to peace, liberty, and safety."

For centuries the right to trial by jury has been one of the bulwarks against tyranny. The jury trial is one of a citizen's oldest protections against the power of the sovereign.

This bill destroys that protection because the sovereign is now involved in choosing the jury.

The jury system is worth protecting. It is the best trial system ever devised by free men. It should not be tampered with.

Federal jury packing is not the answer to any problems of our society.

In summary, Mr. Chairman, this bill is an ill advised attempt to subvert the rights of states and the rights of peoples to the arbitrary commands of the federal government.

This bill rests on no legal basis and its passage would be a serious blow to basic American philosophy and American law.

It must be rejected.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. ERVIN. The Senator from Alabama [Mr. SPARKMAN], in my judgment, has done more to assist the American people in procuring better housing than any other Member of Congress.

I would like to ask the Senator from Alabama [Mr. SPARKMAN] if there is a single syllable in this entire bill which would result in the erection of a single new housing unit in the United States.

Mr. SPARKMAN. No; there is not. In fact, in my judgment, it will have the reverse effect.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that the object of this bill is to rob all American people of the freedom to determine for themselves their residential patterns and to confer an arbitrary power on the Federal Government to make that decision for them even against their will?

Mr. SPARKMAN. The Senator is correct. The Senator will recall that he was presiding over the subcommittee when I testified before it, and that was one of the points I argued as strongly as I could.

Mr. ERVIN. I might add that the Senator from Alabama made a wonderful statement in opposition to the bill and particularly in opposition to the housing section of the bill.

Mr. SPARKMAN. I also dealt with the jury section and argued against the bill as a whole.

Mr. ERVIN. The Supreme Court of the United States has held in one case that a zoning ordinance which based the right of an owner of property to use that property for a specific purpose upon his obtaining consent of private individuals so to do, was deprivation of property without due process of law.

I should like to ask the Senator from Alabama if the effect of the housing provision of the bill would not be to deprive every owner of residential property or rental property in the United States of the right to select his purchaser or the right to select his renter unless he can first get the tacit consent of every person of another race, another religion, or of a different national origin to consent to it?

Mr. SPARKMAN. Certainly, those who made the Constitution never intended any such action as that. The Senator will remember that I made the statement that among the rights most strongly protected by the Constitution was the right of a citizen to enjoy his own property and to use it as he saw fit; and, of course, the due process clause applies directly to that.

Mr. ERVIN. I should like to ask the Senator from Alabama if he does not recall that Sir Edward Coke made the statement to the effect that every man's home is his castle and that even the King of England dared not invade that castle against the consent of its owner.

Mr. SPARKMAN. The Senator is correct. It is a heritage which we carry down to this very day. It is also a principle of law that a man has a right to defend his home against anyone who might dare to invade it.

Mr. ERVIN. I should like to ask the Senator from Alabama, if the bill becomes law, would it not be true that the owner of rental property would not have the right to bar his door to any person desiring entrance, if that person happened to be one of another race, another religion, or of a different national origin?

Mr. SPARKMAN. If the bill should become law, he would not have the right to protect his home in all of his property and business rights as he saw fit.

Mr. ERVIN. He would be compelled by the force of the Federal Government at least to rent his property to those whose presence on his property might be entirely unwelcome to him, would he not?

Mr. SPARKMAN. I would say, that he would be compelled to rent or to dispose of his property not necessarily in a way that he wanted to do it; in other words, it would be taking away from him the right to manage and freely to dispose of his own property.

Mr. ERVIN. Would not the Senator from Alabama agree with the Senator from North Carolina that the history of the world shows that the first thing a totalitarian government does is to deprive its people of the right to own private property?

Mr. SPARKMAN. The Senator is correct.

Mr. ERVIN. I ask the Senator from Alabama if he does not agree with the Senator from North Carolina that the difference between taking private property away from a man totally, and allowing him to retain bare legal title with the Federal Government directing its use, is a distinction without very much difference?

Mr. SPARKMAN. It certainly is. In fact, a denial of the use is interfering with a citizen's control over his own private property which the Federal Government, under the Constitution, declares shall not be violated.

Mr. ERVIN. I wish to thank the Senator from Alabama and the Senator from Delaware for permitting me to ask these questions.

Mr. SPARKMAN. I thank the Senator from North Carolina.

EXECUTIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The **PRESIDING OFFICER** (Mr. Proxmire in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 10th session of the General Conference of the International Atomic Energy Agency; and

Verne B. Lewis, of Maryland, Samuel M. Nabrit, of Texas, James T. Ramey, of Illinois, and Henry DeWolf Smyth, of New Jersey, to be alternate representatives of the United States of America to the 10th session of the General Conference of the International Atomic Energy Agency.

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

Leo S. Packer, of New York, to be an Assistant Postmaster General; and

One hundred and thirty-four postmaster nominations.

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Robert L. Rand, of California, to be a member of the Federal Home Loan Bank Board.

The **PRESIDING OFFICER.** If there be no further reports of committees, the nomination on the Executive Calendar will be stated.

FEDERAL POWER COMMISSION

The legislative clerk read the nomination of John A. Carver, Jr., of Idaho, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1968.

Mr. JACKSON. Mr. President, I am very pleased at the confirmation of the nomination of John A. Carver, Jr., of Idaho, to be a member of the Federal Power Commission.

I have known Mr. Carver well and favorably for many years. I have had special knowledge, as chairman of the Committee on Interior and Insular Affairs, during which time Mr. Carver served both as Assistant Secretary and Under Secretary of the Department of the Interior. I must say that in his many appearances before our committee, he has always been forthright and knowledgeable.

Many of us also knew Mr. Carver when he served as administrative assistant to the distinguished senior Senator from Idaho [Mr. Church]. I know I speak for all the members of our committee, on both sides of the aisle, in wishing Mr. Carver well in his new assignment as a member of the Federal Power Commission.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished chairman of the Committee on Interior and Insular Affairs in what he has just said about Mr. Carver.

While Mr. Carver is from Idaho, he was a student at the University of Montana Law School before he joined the staff of the Senator from Idaho [Mr. Church].

Attending the law school at the University of Montana is indeed an honor because—and I say this with pardonable pride—it is the best law school west of Harvard.

JOHN CARVER WILL CONTINUE TO SERVE THE NATION WELL

Mr. CHURCH. Mr. President, few men in public life have engendered the respect and admiration enjoyed by John A. Carver, Jr., and it is with genuine conviction that I rise to support his nomination as a member of the Federal Power Commission.

Mr. Carver is one of my close and longstanding friends. For 4 years he served as my administrative assistant. Naturally, on the basis of this association, my support of his nomination could be anticipated. But what is more important than my personal feelings about John Carver is what others in both public and private life say and think about him.

At the time he joined me in Washington in 1957, John Carver had already established a reputation as a fine attorney. His special interest and talents in the field of natural resource management were recognized in 1961 when he was appointed by the late President Kennedy to the office of Assistant Secretary of Interior. The capable and intelligent leadership he demonstrated in that office led to his nomination, 4 years later, to Under Secretary of the Interior, the second highest position in the Interior Department. When that nomination was announced, the testimonial to John Carver's performance in office came from all parts of the country.

Again, you would expect public opinion in his home State of Idaho to be favorable, and it was. But his nomination was also acclaimed throughout the Western States. His candidacy for Under Secretary of Interior was applauded by many newspapers and was supported by men of all political persuasions who had observed John Carver's work in 4 years as Assistant Secretary of the Interior.

I have had business and civic leaders from other States approach me and preface their conversation by saying "although I'm a Republican, I think that John Carver is one of the ablest men ever to serve in the Department of Interior."

His nomination as Under Secretary was by unanimous vote of the Senate Interior and Insular Affairs Committee and, in further tribute to Mr. Carver, that vote was not taken in executive session, following the hearing, but rather, in his presence at the conclusion of the testimony.

I would point out that more recently, that same unanimous decision was reached by the Senate Commerce Committee last week in endorsement of his nomination to the FPC.

Members on both sides of the aisle in Congress have learned that, apart from his keen understanding and incisive method of cutting directly to the heart of any problem, John Carver is, without doubt, one of the most fairminded of public administrators.

Two weeks ago, during his visit to Idaho, President Johnson said:

> One of the finest men in public life is your own John Carver, the Under Secretary of the Interior.

When I supported his nomination to the FPC before the Commerce Committee of this distinguished body last week, I said that John Carver had the rare distinction of listening thoroughly to every side of an issue before coming to any decision. I said then, and it bears repeating, that John Carver is the personification of the man who makes certain that his brain is in gear before his mouth is in motion. When he did speak, it was for the public interest tempered only by the desire to do equity to all persons affected by his decision.

Mr. President, this ability was well noted in Idaho. On September 5, 1966, the Twin Falls Times News, a paper which is often critical of administration policies, said of John Carver:

> Whatever happens, Mr. Carver can be expected to serve with honor and distinction on the Federal Power Commission. He's a capable administrator, fair-minded official, and has the ability to get to the heart of any problem, however complex.

He will take to the Federal Power Commission all of the wisdom gathered in his years as a high official of the Interior Department, as well as his sound legal background and experience on Capitol Hill.

I support the confirmation of his nomination without reservation, knowing that by his selection to the Federal Power Commission, our country will continue to be well served.

Mr. President, I ask unanimous consent that a statement by my colleague, the Honorable LEN B. JORDAN, of Idaho, on behalf of the nomination of Mr. Carver, and also a statement by the distinguished junior Senator from Utah, the Honorable FRANK E. MOSS, in support of the nomination of Mr. Carver, be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JORDAN, OF IDAHO

I wish to convey my full and complete endorsement for the nomination of a distinguished fellow Idahoan, the Honorable John A. Carver, Jr., as a member of the Federal Power Commission. With broad experience in private law practice and in both the legislative and the executive branches of Government, Mr. Carver will make an exceptionally fine addition to the Commission.

It has been my privilege to know John Carver for many years dating back to the time shortly after the war in the late 1940's when he was assistant Attorney General of Idaho. He comes from a fine Idaho family, several members of which have served and some are now serving in important positions of public trust. I have watched his progress as a practicing attorney in the State of Idaho, as Administrative Assistant to Senator CHURCH, and as Assistant Secretary and more recently Under Secretary of the Department of the Interior.

In my opinion he is a man of great competence and high integrity, knowledgeable in the programs and problems which come under the purview of the Federal Power Commission. He is a man of incisive mind and major talents. He is an administrator of proven ability. He has earned the respect of many men of differing persuasions for his consistent fairness and sound judgment.

Mr. Carver has appeared before the Interior and Insular Affairs Committee many times and has shared the platform with me on several occasions in the West and in my own State. I have been privileged to work with him on numerous matters affecting Idaho and have always deeply appreciated his helpfulness and cooperation. As an Assistant Secretary and as Under Secretary, John Carver was a great asset to the Department of the Interior. His work there was of the highest quality. He did an outstanding job and will be execedingly difficult to replace.

John Carver has already rendered significant public service. He is thoroughly qualified both by this background and his ability for the new position of responsibility for which he has been nominated. I am sure he will contribute importantly to the effectiveness and soundness of the Commission's efforts. It is with a great deal of pleasure that I add my support and strongly urge his nomination be approved.

STATEMENT BY SENATOR MOSS

I urge the Senate to give speedy confirmation to the nomination of John A. Carver, Jr., of Idaho, as a member of the Federal Power Commission.

I have known Mr. Carver since he first came to the Capital as administrative assistant to the Senator from Idaho (Mr. CHURCH). Mr. Carver has since taken well-deserved steps up the ladder of success by devoting many long days and hard weeks to, first, his position with the Senator from Idaho, and then as an Assistant Secretary of the Interior. Mr. Carver's appointment as Under Secretary of the Interior was welcomed by me at the time.

I have worked closely with John Carver over the past few years while he has been in the two Interior Department posts. It is rare to find in government service a man with his qualifications and abilities. I support the confirmation of John Carver because he possesses a thorough awareness of the problems and responsibilties of the Federal Power Commission. I note that he was asked during his confirmation hearing, before the Senate Committee on Commerce, if he was "pro-consumer or pro-industry." In expressing the belief that each matter before the Commission shall be judged on its own, Mr. Carver replied that "I believe that I have a good record as a fair-minded administrator."

With this statement I heartily concur. John Carver has shown that he gives each problem a thorough examination and then he makes a judgment based on the facts and on the national interest. It is heartwarming to know that we will not lose this fine public servant from the top echelons of our Federal government.

John Carver's ability as a lawyer has never been questioned. His ability as an administrator makes those of us who are his close friends and associates proud that we know him and that we are able to call on him for fair and quick treatment of the problems which arise in our States.

I fully support the nomination of John A. Carver, Jr., to the Federal Power Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

CIVIL RIGHTS ACT OF 1966

The Senate resumed the consideration of the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. EASTLAND. Mr. President, in recent years, behind the mask of civil rights, a power has arisen in this country greater than the people themselves, consisting of many and varied special interests united in an unholy alliance, the sole purpose of which being the advancement of selfish interests which are separate and distinct from that of the general public. This so-called civil rights movement has been led by professional mercenaries who have bartered their block votes in pivotal States to political underlings in return for special rights and the spoils of public plunder.

Where they have failed to obtain a total capitulation to their demands they have increasingly turned to the strategy of blackmailing entire cities and communities with the threat of mass mob violence. Now that it has served its purpose, they have repudiated their white liberal lackeys, they have torn off the peaceful mask of nonviolence and have exposed the greedy, ruthless, violent face of black power. But more ironic than the transition from nonviolence to violence has been shifting of the battleground from South to North. Now those who spawned and nurtured this movement as long as it was aimed at the South find themselves the victims of their own creation.

As I read the daily headlines announcing renewed rioting and violent racial conflict presently raging throughout the North and West, I am reminded of that passage from the book of Hosea:

> They have sown the wind, and they shall reap the whirlwind.

Now that the day of retribution has come for the population of these riot-torn communities I would like to offer a few observations in the hope that it is not too late.

For years now your press, your politicians, your clergy, your business and labor leaders have sown the wind of racial turmoil throughout the South and you should not be surprised now that you are reaping the terrible whirlwind of violence. Those who fed and fanned the flames of lawlessness and disorder in the South now find themselves engulfed in an inferno of arson, looting, rioting, rape and murder. There has been more property destroyed in the United States during the revolutionary outbreaks of the past two summers than there was in Russia when the Communists took over. This is true of Czechoslovakia. It is true of Hungary. It is true of most of the states where Communists have come into control by revolutionary means.

For years now, with a collective hypocrisy heretofore unknown in this country, your newspapers have waged a campaign of journalistic savagery against the South unparalleled in the history of the free press. For decades now you have applauded and rewarded with high office those politicians who have exhibited the most irresponsible and restrained style of racism against southern people. Every unfortunate incident in my State has brought your TV crews, your politicians, your clergy, and even your sons and daughters swarming southward to grab a share of the cheap publicity, the easy political rewards and the financial contributions to be gained thereby.

During that period when my native Southland was enduring the agony of racial agitators, you should have remembered the immortal words of John Donne:

> Never send to know for whom the bell tolls; it tolls for thee.

For the racial skirmishes in the South were only a prelude to the tragic era which has now opened in the North.

Now our neighbors in Chicago, Cleveland, and countless other northern communities have seen the rabble-rousing agitators come in, provoke their people with unreasonable demands, turn neighbor against neighbor, race against race, class against class, until they have ignited racial bloodshed. But, when they have drained every dollar, every inch of newspaper space, every minute of national television time from these self-provoked disturbances, they fold their tents like Arabs in the night and move on to the scene of the next riot. They leave behind them a tearful trail of racial hatred, distrust, disillusionment, and despair. They leave the misused Negro and abused white people with the impossible task of rebuilding their shattered communities.

Throughout all these years the southern people have patiently endured your self-righteous, pious criticism and advice as to how we should handle our racial problems. Yet, throughout this period of internal unrest and racial disorder we have continued our uninterrupted progress toward building a better life with new opportunities and renewed hopes for all our people.

Throughout this period our pleas for understanding and our cries of warning fell on deaf ears. Time and time again I have come to this floor to name the long and growing list of hard core Communists who were infiltrating and increasingly directing the civil rights movement in this country. But facts such as these were never allowed to penetrate the news curtain which has been thrown up around the North.

What a strange paradox that so many of my northern friends who are now opposing this legislation are the same leaders who were so anxious to claim credit when the drastic and far-reaching Civil Rights Act of 1957 and 1960 were passed under President Eisenhower.

Pass this legislation so we can take the demonstrations off the streets we were told. But the demonstrations have continued and grown and have become violent.

How strange it is to hear the same voices that were raised in support of the Civil Rights Acts of 1960, 1964, and 1965, now raised in opposition to this legislation. Yes, we are now hearing new voices in these Chambers, the voices of millions of Americans who have heard enough South baiting oratory, who have had enough rioting, looting, arson, and violence.

What will it take to teach this Congress that legislation will not stop mob leaders. Mob leaders can only hold power in times of crisis and internal disorder. This has always been true and it will always remain true. To use an analogy of Winston Churchill:

> Those mob leaders ride to and fro on the backs of tigers and the tigers are getting hungry.

Those in the North who should have known better, but elected to turn their backs while the South was being crucified to appease the insatiable demands of mob leaders, cannot wash their hands of the bloodshed that now stains their own communities. Nor can they expect to be absolved of blame for their silent acquiescence in the tragic affair, or to escape the harsh judgment of history.

Yet the people of the South find no pleasure in your present state of agony and despair. We do not seek to repay in kind, the harsh treatment we have received at your hands. We can only extend our heartfelt sympathy and understanding. We can only hope that it is not too late for the people throughout this country to be shocked into their senses and reverse these dangerous trends which are carrying our country so recklessly toward the precipice of destruction.

We are now discussing a bill that strikes the final coup de grace to federalism.

By destroying the rights of private property, by undermining the jury system of our Federal and State courts, and by generally extending unlimited power to the Attorney General, we are being asked once again to renounce and repudiate those ideas, ideals, and institutions that have made this Nation great, and without which our country cannot long endure as we have known it.

I have seen the lights of individual freedom going out across this land with every extension of Federal power and I have seen the dark night of despotism slowly descending upon this Nation while individual freedom has been sacrified in the name of civil rights. I have seen the rights of society trampled by a lawless minority in the guise of civil disobedience.

It is not too late to return this country to constitutional government. We can take the first step by defeating this bill and by serving notice that this Congress will no longer be intimidated by the threats of mob leaders.

OPPOSITION TO CLOTURE AND OPEN HOUSING

Mr. BENNETT. Mr. President, I wish to add my voice in opposition to H.R. 14765 and, in particular, to title IV, the housing section of the bill.

To begin with, I want to express my opinion about the real reasons as to where the real responsibility for the failure of this legislation lies. Ever since the bill came over to the Senate, its supporters have been trying to load the responsibility for the final decision on one man, the minority leader. I am sure those who take this position fail to see that it is a tacit admission that the President no longer holds the reins of leadership over his own party—with its two-to-one majority.

MINORITY NOT TO BLAME

The shabby record of support by the liberal Democrats even of the quorum calls reveals their own reluctance to stand up and be counted on this bill. While they still give lipservice to civil rights, they apparently have no stomach for vigorous support of the housing section in the face of the obvious opposition of the majority of their constituents. Legislatively, then, in my opinion, the responsibility for failing to pass this legislation rests squarely with the majority party whose members would like to duck the issue in an election year. But even more fundamental than this, the ultimate responsibility for the defeat of this measure must rest with those Negro leaders who have been responsible for this summer's riots and who, by their demonstrated lawlessness, have aroused the concern of all responsible people of all races. In my opinion, the riots killed this bill and we will never be able to get back to a serious consideration of civil rights as long as they persist.

The minority leader has based his opposition to the bill and particularly its housing section on the sound ground of its unconstitutionality. Since I am not a lawyer, I cannot argue the details and the fine interpretations of this problem. However, I am content and proud to follow Senator DIRKSEN and the other fine leaders in this body and elsewhere who have seen in the bill a further step toward the sacrifice of the basic principles of the Constitution to a doubtful solution of a temporary problem, a solution which can only increase rather than diminish tension between the races.

RIOTS ARE RESPONSIBLE

Recent riots have focused public attention on what has been called the ghetto problem, and the word "ghetto" has been synonymous with slums and degradation. The real force which holds people in those circumstances is poverty, lack of ability or training for jobs whose income would provide more adequate housing, and the tragic weakening of the basic family unit. Only when people lift themselves out of these conditions and are able to build a standard of living which can include housing outside of the ghetto or above the public housing level does the question of open housing really become involved. It has been my observation that, without fanfare, individuals who reach this level are able to solve their own problem. Certainly it should not be necessary to limit or deny to any property owner his right to manage his own property and dispose of it as he sees fit. Nor do I believe it wise to put the whole force of the Federal Government against such a property owner in order to provide a political issue.

TITLES I AND II

Title IV is not the only section of the bill which is of doubtful value. Titles I and II would impose new restrictions on the selection of juries, both in Federal and State courts. It requires that service on juries be limited to those who have registered to vote. Since many Negroes are not registered voters, this section is self-defeating and will not open wider opportunities for Negroes to serve on juries.

The doubtful constitutionality of title II which permits the Federal Government to override the rights which States have always enjoyed in setting up their own qualifications for juries is obvious on its face.

TITLE III

In title III we see a further evidence of the power of the Department of Justice to use the injunction as a force to shortcut or circumvent our basic American concept of the administration of juries. It seems ridiculous to me that those whose liberal philosophy vigorously supports the fight of organized labor against injunctions would turn to this same device in the field of personal relations.

Let me say again that I am not a lawyer and, therefore, not qualified to depend on my own opinion as to the bill's constitutionality or the lack of it. But when I vote against cloture, as I would vote against the bill if cloture fails, I shall do so to express my great doubt both as to the wisdom and the constitutionality of the legislation and I shall vote in the full knowledge that I am accurately representing the attitude and opinion of the majority of the people of the State I represent.

HUDSON RIVER BASIN COMPACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1556, H.R. 13508.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 13508) to direct the Secretary of the Interior to cooperate with the States of New York and New Jersey on a program to develop, preserve, and restore the resources of the Hudson River and its shores and to authorize certain necessary steps to be taken to protect those resources from adverse Federal actions until the States and Congress shall have had an opportunity to act on that program.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. No; the Senator has not objected.

Mr. JAVITS. I say, reserving the right to object—and I shall not object—I do that to point out that it was a unanimous report, and it would mean tying up the work of the Senate in order to bring up these points in the face of a unanimous report. I do not feel justified in doing that with respect to calling up the bill. Therefore, I do not oppose the request to take it up, but I shall have something to say about the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JAVITS. Mr. President, this bill would authorize the Secretary of the Interior to participate in a conference negotiating an interstate compact for cooperation in the Hudson River basin between New York, New Jersey, and the Federal Government and would direct all Federal departments to notify the Secretary before beginning any new work in the area. As a matter of fact, they would have to be given 90 days' notice.

In my opinion, it is a meaningless bill, which is totally unnecessary, since both objectives readily can be accomplished without legislation and by administrative action.

The only reason why the bill is here is that a Member of the other body felt obliged to have his name on a bill during an election year, which is not a creditable way in which to enact legislation.

The fact is that New York State recently announced its intention to participate in such an interstate compact and has, in fact, already passed enabling legislation and established a high-level Hudson River Valley Commission as the nucleus of an interstate coordinating agency headed by Laurence Rockefeller.

Surely, the Secretary of the Interior does not require congressional consent to discuss Federal participation, since any compact which would be negotiated must still be approved by the Congress. So a directive urging participation in a conference on a compact would have no meaning. A directive on consultation with the Secretary carries with it no power. Therefore, such a procedure could easily be established within the Federal Government by informal agreement between the Secretary of the Interior and other Cabinet officials or by the Bureau of the Budget or the President. A law is unnecessary. In my judgment, there is the proof that no law is needed and that it is unnecessary.

Last year the Senator from New York [Mr. KENNEDY] and I introduced legislation which would have established a National Scenic Riverway in the Hudson Valley. Our proposal went a good deal further than H.R. 13508. It would have been meaningful, but, apparently, it had the opposition of the Interior Department and hence could not be passed.

For the reasons I have stated, a bill that means something, bipartisanly sponsored, has been bypassed for a relatively meaningless, strictly political bill. I believe this measure belabors the obvious, and that the previous bill was introduced for a good cause. There is no finer leader of conservation than Governor Rockefeller, who has the Hudson River so close to his heart and his ideals.

When the obvious is being belabored for the reasons I have stated, there is no point in opposing it.

If Congress desires to do what is obvious or what, indeed, any Cabinet official would do, anyway, under the circumstances, I suppose there is nothing that can be done that I know of to stop it. If I were to try to stop it, the danger would be that word might go out that I am against what is sought to be done. On the contrary, I am completely for it. So there should be no false impression that I am against what the bill seeks to do; let me say I am not opposing it. But the measure belabors the obvious, as I have said. It is unnecessary. It is only a political gimmick and is being passed for the benefit of a Congressman who wants to see his name used on a measure alleged to help the Hudson Valley.

I predict that a Hudson compact will be reached. New York State will be a leader in it. There will be a compact reached between New York and New Jersey, and the Federal Government will have an honored part in it, which will do everything any one of us wants to see accomplished, including the sponsors of a previous measure, my colleague from New York [Mr. KENNEDY] and I, as well as the Governors of New York and New Jersey.

Mr. President, I point out that the preponderance of the Hudson Valley is in New York State. Only a relatively small part of its affects New Jersey, and only an infinitesimal part affects other States.

For the reasons I have stated, I am not going to stand in the way of passage of the bill. I do not wish any false report to go out that I am against its objectives. I wish Congress to have a part in this move toward a Hudson Valley compact, but in fairness to the people of my State, the Governor, and the members of the New York delegation, I think it should be clear that the bill accomplishes nothing and belabors the obvious.

Mr. KENNEDY of New York. Mr. President, the Hudson River compact bill under consideration today is important to those who are committed to the conservation and intelligent development of the Hudson River. For it is the first step toward the adoption of an effective planning agency for this major waterway.

This legislation expresses the intent of Congress to encourage the beneficial uses of the waters of the Hudson River and the lands along its banks in a manner consistent with the need to conserve and rehabilitate the natural, scenic, historic, and recreational resources of this magnificant waterway.

This bill authorizes the Secretary of the Interior to enter into negotiations with New York State and New Jersey on a Hudson River compact that will insure local, State, and Federal cooperation in the wise development of this resource. This provision should speed the adoption of the compact by allowing the Federal Government to participate in the stages of negotiations between the two States. In this way, several unnecessary stages of negotiations can be eliminated.

This bill also protects the Hudson River Valley from undesirable projects until a compact is agreed upon by the interested parties. It requires every Federal agency to obtain the opinion of the Secretary of the Interior on Federal projects that would affect the resources of the Hudson River Valley. In this manner the Secretary of the Interior can insure that Federal activities along the Hudson are in keeping with the congressional mandate expressed in this bill.

The need for a Hudson River compact becomes clear when we review the many changes that are occuring along its shores. The counties to the north along the Hudson—Rockland, Westchester, Orange, Putnam and Dutchess are experiencing the population growth that we have seen in northern New Jersey and Nassau County during the past decade.

This population growth brings with it additional demands on the Hudson and its environs. Additional transportation must be provided to carry these people to and from the metropolitan areas. New water sources must be developed to serve both homes and industry. New sewer systems must dispose of municipal and industrial waste. New recreation areas must be developed to serve this added population. And the river itself must carry the raw materials and finished products of the area's commerce.

We will meet these demands. But whether we meet them without destroying the character of the Hudson River Valley depends on the steps we take now. We can act to create the necessary joint planning tools or we can continue to move without thought for the future—without coordination.

The history of the Con Ed project at Cornwall illustrates the dangers that threaten the Hudson. On March 9, 1965, the Federal Power Commission, with the approval of the New York State government in Albany, licensed Consolidated Edison to construct a 2-million-kilowatt pumped hydroelectric power project on Storm King Mountain in the Hudson Highlands.

Because of a concern about the effects of this project on the unique beauty of this part of the Hudson River Valley, on fish life in the river and the implications of the procedure followed in licensing this project for the future of the Hudson, Congressman RICHARD OTTINGER introduced legislation in the House of Representatives to protect the special characteristics of this part of the Hudson River Valley by promoting effective and coordinated local, State, and Federal planning for the development of the middle Hudson.

At that time, Senator JAVITS joined me in cosponsoring a companion bill in the Senate. It had become clear that haphazard planning for the Hudson River Valley was no longer acceptable.

Our concern about this project was shared by others as well. On December 29, 1965, the U.S. Court of Appeals for the Second Circuit set aside the Federal Power Commission's licensing order for the Storm King project stating:

> The Commission should re-examine all questions on which we have found the record insufficient and on all related matters. The Commission's renewed proceedings must include as a basic concern the preservation of natural beauty and of natural historic shrines, keeping in mind that, in our affluent society, the cost of a project is only one of several factors. The record as it comes to us fails markedly to make out a case for the Storm King project on, among other matters, costs, public convenience and necessity, and absence of reasonable alternatives.

In response to legislation introduced by Congressman OTTINGER in the House and Senator JAVITS and myself in the Senate, the Department of the Interior initiated a survey of the planning needs for industrial, recreational, and conservation development along the Hudson. Governor Rockefeller also appointed a Hudson River Valley Commission to study needs for development planning and conservation.

Both of these studies have recommended the adoption of a Hudson River compact to govern planning and development of the Hudson River and related lands from its source to the Atlantic Ocean.

H.R. 13508 is designed to facilitate the adoption of an interstate compact between New Jersey, New York State and the Federal Government. And it will also protect the Hudson River Valley from projects that do not conserve the many values that are inherent in this magnificent waterway.

When I joined Senator WILLIAMS in cosponsoring S. 3075, I expressed some reservations about the restrictions that would be placed on new projects for the river. The bill as drawn would have placed a 3-year moritorium on all Federal projects having a significant effect on the river. I did not believe that a blanket moritorium was in the best interests of the communities along the Hudson.

The bill pased by the House of Representatives, H.R. 13508, and reported out by the Senate Interior and Insular Affairs Committee, resolves this problem by substituting for the 3-year moritorium a 90-day period during which the comments of the Secretary of the Interior must be obtained. This provision assures that every Federal agency will be aware of the purposes of this legislation and of the effect of their project on the Hudson River Valley.

There are those who do not feel that this legislation is needed. Governor Rockefeller has stated that the Hudson River legislation passed in the New York State Legislature this spring meets the need for coordinating planning and protecting the Hudson River Valley. But that legislation places both New Jersey and the Federal Government in an untenable position. Under the New York State legislation, both New Jersey and the Federal Government can be overruled by New York State's preponderance of votes on the governing commission.

Neither the Federal Government nor New Jersey will enter as unequal partners in a compact of this type. Equal participation, as is the case in the Delaware River Basin Commission and other river basin compacts is the only pattern that will be acceptable. This equal partnership does not mean that New Jersey or the Federal Government will interfere with New York State's affairs. It rather means that the three bodies can work together to develop the resources of the Hudson on those matters that require cooperation.

The intelligent development and conservation of the Hudson River and its valley can be accomplished with a Hudson River compact. We can eliminate pollution in the Hudson. We can meet our power needs without destroying marine life in the Hudson or the scenery along its banks. We can provide transportation along its banks without ruining residential and recreation areas. We can conserve those magnificent vistas, forests, and mountains that first attracted men to this area. But to do so we must plan and coordinate on a truly regional basis.

A Hudson River compact will facilitate this planning. Congressman OTTINGER's Hudson River compact bill can speed the adoption of the compact. I urge my colleagues to act favorably on this measure.

The **PRESIDING OFFICER**. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 13508) was ordered to a third reading, read the third time, and passed.

Mr. HART. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement prepared by the distinguished Senator from New Jersey [Mr. WILLIAMS] on the passage of the Hudson Riverway bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILLIAMS OF NEW JERSEY

The bill passed by the Senate today holds up a stop sign to further despoliation of the Hudson River. It gives the three jurisdictions involved—Federal, State, and local—3 years in which to develop a compact for a long-range cleanup of the waters of the Hudson and the development of its banks.

While it does not have the iron-clad language which the Senator from New York, Mr. KENNEDY, Representative OTTINGER, and I originally introduced, it expresses the sense of Congress that no further pollution of the waters or intrusion on the banks of the Hudson will be tolerated. There are those of us who will be vigilant in seeing to it that the "sense of Congress" is not violated.

This, of course, is only a beginning. The real work will come in developing a workable compact and a workable program for the Hudson Riverway.

The problems are massive, from the incredible pollution in the Albany-Troy area to the now developing encroachment on the Jersey Palisades.

But in recent years our citizens have demonstrated that they are sickened by what has happened to the Hudson River and our other waters, and they are willing to pay the price to reverse the deterioration of the river.

The residents of New York State recently approved a referendum calling for the expenditure of $1 billion on cleaning up pollution in the waters of their State. New Jersey residents have made it abundantly clear, with petitions, letters, and protests, and by other means, that they are not satisfied with the measures being taken against pollution in their State; and they approved a $60 million bond issue to acquire just such scenic open spaces as border the Hudson River.

It is up to us to provide the leadership which will restore the banks and the waters of the Hudson River to something resembling the beauty and purity which once inspired Baedaker to call it "more beautiful than the Rhine."

Mr. MANSFIELD. Mr. President, the Hudson River legislation—H.R. 13508—just passed is a very strong, very badly needed measure if the States of New York and New Jersey are to break the deadlock that has prevented sound, effective action for this great, and greatly abused, American river.

Enabling legislation is the normal precursor of the formation of a Federal-interstate compact. In this case, this legislation expressing the strong interest of Congress is essential.

But this is more than just enabling legislation. It breaks new ground. As the House Interior Committee pointed out, this is the first such instrument to provide for comprehensive planning involving land-use as well as water resource development. This could open a great new era for our urban rivers.

The legislation also puts our Federal house in order. If the States and private interests have abused or neglected their trust, the numerous Federal agencies that exercise unbridled authority over the riverway constitute an equal danger. The legislation states simply and explicitly the sense of Congress that all Federal agencies shall consider the effect of their projects upon the resources of the riverway.

This is also the first compact legislation to set standards that require the preparation of a comprehensive plan for the land and water resources—and requires it as a condition of congressional approval. The legislation also calls for enforcement, without which any compact is ridiculously meaningless.

The bill is an effective measure that should spur vitally needed action to restore and develop the Hudson riverway and end pollution on our great Hudson River.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1592), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13508—and a companion bill, S. 3075—is to encourage the States of the Hudson River Basin, with the assistance of the Secretary of the Interior acting on behalf of the United States, to enter into a compact relating principally to the natural, scenic, historic, and recreational resources of that basin, proper heed being given also to the basin's commercial, industrial, and other economic potentials. A further purpose of the bill is to require all Federal agencies having any projects under their jurisdiction, including projects which involve a loan or grant from the United States, which will affect the Hudson River and lands related to it to consult with the Secretary of the Interior concerning those plans and to require any Federal agency before which an application for a license comes (if the application was not pending and being actively pursued on July 1, 1966) to notify the Secretary thereof and, before taking final action, to give him 90 days to present his views on the matter.

BACKGROUND

The 300-mile Hudson River rises in upper New York State and flows almost due south from there. Its basin is made up principally of large portions of the States of New York and New Jersey but includes, also, small fractions of Vermont, Massachusetts, and Connecticut. The valley is rich in history and scenic beauty. It is also a resource of great economic importance.

It is clear that a comprehensive plan for preserving its scenic, historic, and recreational sites will depend, in large measure, on the cooperative efforts of the two States principally concerned, including their numerous political subdivisions, and of the United States. It is clear, also, that these will have to be weighed very carefully against the other resources of the area—the use of the river and its shores for transportation, for instance, and its hydroelectric potential—before any satisfactory overall plan can be worked out. No one State and no one Federal agency can be expected to meet the needs of the basin and its river as well as all the States and Federal agencies can if the will to do so collectively is present.

Interstate river basin compacts have already been called upon elsewhere in the United States to serve a multiplicity of purposes and to solve many pressing problems. Some are principally concerned with the allocation of a basin's available water supply between States, others with the control of pollution, still others with plans for flood prevention and control. The present is the first proposal of which the committee is aware that concerns itself primarily with the preservation and restoration of a river basin's natural, scenic, historic and recreational values.

H.R. 13508 spells out in some detail the matters to which, it is hoped, those negotiating the compact will pay particular attention. The list is not exclusive but the subjects to which it directs especial attention include "the need to encourage all beneficial uses of the lands and waters of the Hudson riverway," "the need to encourage and support local and State autonomy and initiative in planning and action," "the need to abate water pollution, protect clean water, and develop the water resources of the Hudson riverway," and the need to preserve and enhance its scenic beauty, its archeological and historic sites, and its natural resources. The bill leaves open for negotiation and for future decision by the Congress the question whether the compact, if one is successfully negotiated, shall be purely an interstate document to which the consent of the Congress is given or whether the United States shall also be a party to it.

While there may be other methods by which the objectives of H.R. 13508 could be achieved—by reciprocal legislation, for instance—a compact seems at present to offer the best chance of success. The committee therefore recommends enactment of this measure.

COST

The cost to the United States of participating in the negotiation of a compact will be quite small and will be met from ordinary appropriations for the departments concerned.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 8664) to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8664) to implement the Agreement on Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes, was read twice by its title and referred to the Committee on Finance.

INFLATION ON THE HOME FRONT

Mr. WILLIAMS of Delaware. Mr. President, the two most pressing problems confronting the administration and the American people today are the war in Vietnam and inflation on the domestic front. While they are two different problems they cannot be separated.

It is not now a question as to whether we should or should not be involved in an Asian war. Nearly a half million men are committed in that area, and as long as they remain they will and they must be supported.

It is, however, the problem of inflation on the home front that I wish to discuss here today.

It is not enough to excuse inflation on the basis of the mounting cost of the Vietnam war. Certainly these costs are a contributing factor, but the continuous expansion of domestic expenditures, both governmental and private, are equally responsible.

Today the cost of living is at an all-time high, and interest rates are at the highest level in the past 40 years; yet our Government is still operating in a deficit of around $1 billion per month. This true deficit may be camouflaged with the new style backdoor financing arrangements of this Great Society, but the deficit is still there and the spending results are the same.

In recent weeks in recognition of this mounting threat of inflation the Nation's leading business executives, administration officials, economists, and Members of the Senate have been recommending various remedies. Then last week President Johnson sent to the Congress his stopgap recommendations to combat the high-interest rates and the inflationary threat as evidenced by the recent rapid increase in the cost of living. To meet this threat the President outlined a five-step proposal:

First. Curtail Government spending by at least $3 billion annually.

Second. Increase taxes by suspending the 7-percent investment credit for 16 months—effective September 1, 1966, to January 1, 1968.

Third. Suspend the accelerated depreciation rates on all buildings and structures started during the period September 1, 1966, to January 1, 1968.

Fourth. Direct all agencies to suspend their new financing or sale of Government-guaranteed bonds for the remainder of this calendar year, or until after January 1, 1967.

Fifth. Request legislation to prevent the competition for deposit and share accounts from driving up interest rates.

I welcome the President's belated recognition of the serious threat of inflation and the dangerously high interest rates with which we are now confronted. His proposals certainly merit the prompt and careful consideration of the Congress.

Personally, I am in agreement with and will support many of his recommendations, but at the same time I am calling attention to the fact that they represent but a partial solution to the real problem and do not begin to come to grips with the basic causes or the ultimate but painful remedies.

I shall first outline those proposals of the President's which I will support and then outline the additional steps which I think must be taken to deal effectively with this serious threat to our economic stability.

I strongly support his first proposals for a cutback on all nonessential Federal spending, but I want to see a demonstration of action as well as words. Let us be specific and outline where these cuts will be made.

His lecture to Congress about its failure to hold appropriations and authorizations under budgetary recommendations is well-timed and well-deserved. As one who has often felt quite lonely in opposing some of these increased appropriations I welcome his somewhat belated support, but I only wish the President would implement his excellent promises of economy with affirmative action.

I depart from my prepared text to congratulate the President upon vetoing a proposal yesterday which he thought was too expensive. I only hope he will keep that veto pen handy and veto whatever measures Congress may pass which he feels are too inflationary. That has not always been the case.

For instance, last Thursday, the same day the President lectured Congress for its extravagance, he called in the press with its television cameras and signed the Mass Transportation Act authorizing expenditures of $300 million, which was over three times the $95 million requested by his own budget bureau. During these ceremonies he boasted of this measure as evidence of the benevolence of this Great Society.

Then last Saturday, just 2 days after he sent his message to Congress, he signed the FNMA mortgage bill, which made available $4.76 billion in new Government mortgage purchase funds. This one bill, as passed by the Congress, provided over $1.5 billion above his own budget recommendations; again he boasted of this measure as a great achievement of the administration.

This contradiction between speeches and actions is hard to reconcile, and that is why some of us who have been fighting a losing battle against these ever-expanding expenditures are now asking for a specific breakdown as to where his promised $3 billion reduction will be found.

Mr. CARLSON. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. Mr. President, the distinguished Senator from Delaware is making an excellent statement on the President's proposal with respect to at least reducing some of the inflationary pressures.

I was interested in the first section of the speech, in which the Senator discussed the reduction of Federal expenditures. I should like to ask the distinguished Senator if it is true that on many occasions, the President has had the opportunity to reduce Federal expenditures as he did on the items that have just been mentioned; but, on the contrary, is it not true that this administration, during the past 2 years, has spent billions of dollars more than we have taken in, and therefore, cannot take much credit for a sound fiscal policy?

Mr. WILLIAMS of Delaware. That is correct. There is no question but that deficit spending is at the base of the problem we now face.

The people have been misled by the President's messages. For example, I quote from page 3 of his message to Congress last Thursday:

> The fiscal 1966 budget on a national income basis—the best measure of the economic impact of Federal activity—showed an overall surplus of about $1 billion. In the first half of calendar 1966, the annual rate of this surplus rose to $3 billion. Since January 1 of this year, we have taken in more money than we have spent.

That is a most misleading statement. We have no balanced budget—far from it; our current deficit is averaging over $500 million per month.

The simple answer to that statement is that in the first part of it, he is taking into consideration the overall collections of the Government on a cash basis, which include our collections on trust accounts, social security funds, and the like. These do not go into general revenue, and confusion should not be created by speaking of them as normal income.

The second part of the President's statement, boasting that we have taken in more money during the first half of this year than we have spent, is true only by virtue of these facts: The tax on the medicare program went into effect on January 1 of this year, and the expenditures started after July 1, which meant that we had 6 months' collections to build up a reserve.

In addition, the normal payment time for income taxes, for corporations and individuals, is March and April, which means that the first 6 months of any year are always heavy receipt months.

Without making allowance for those facts, he is creating the impression that we are living within our income. Nothing could be further from the truth. The fact of the matter is that during the past 5 years of the Kennedy-Johnson administration we have spent approximately $40 billion more than we have taken in, on the basis of a true method of accounting, and the Johnson administration is the greatest spender of them all.

In 1961 we had a $3,856 million deficit. In 1962 we had a $6,378 million deficit; in 1963, $6,266 million; and in 1964, $8,226 million. And while reading those deficits, in order to show further how the people have been fooled I should like to read what has been said by the President——

Mr. CARLSON. Will the Senator yield before he leaves that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. I believe the Senator stated that the present administration has spent $40 billion more since it took over the operation of the Presidency in 1961, up to the present date, than has been taken in. I believe I am correct in saying that that would amount to $40,000 a minute more than they have taken in, or about $2.5 million per hour, for a 40-hour week.

Mr. WILLIAMS of Delaware. That is correct. For example, in 1966, the last fiscal year, much was said about the great achievement of reporting only a $2.3 billion deficit. That is not the true deficit. Last year we actually spent $10.2 billion more than we took in.

The difference arises in this way: We picked up an extra $2.8 billion through the acceleration of the corporate income tax payments. In late May 1966 an Executive order was issued requiring all corporations to send in their payroll withholding tax on a 2-week basis rather than a monthly basis, which brought an extra $1 billion payment in for the last fiscal year.

The seigniorage on the coins—that is, putting in copper and reducing the silver content of the coins—resulted in a profit of an extra $1 billion, which goes to general revenue.

The Government sold assets in the amount of $3.1 billion last year and put the proceeds in the general revenue fund as though it were normal income, which meant that, altogether we had $7.9 billion of nonrecurring income.

When we add to that the $3.2 billion acknowledged as a deficit we have a deficit of more than $10 billion. That is a deceitful method of reporting finances. It is that method which must be stopped.

The American people are entitled to the truth. The President has advocated on numerous occasions legislation to provide truth in packaging so that the housewife will know for what she is paying. The President has recommended legislation to provide truth in lending so that the borrower who is financing a car or a home will know what interest rate he will have to pay.

I say that what is needed as badly as those measures is a measure of truth in government so that the Government will tell the people the truth as to what it costs to run the Great Society.

The truth is that for the past 5 years we have been spending around $600 million a month more than is being taken in. We cannot continue down this deficit-spending road without ending in bankruptcy.

Already we are experiencing the ravages of inflation which result from these large deficits.

Mr. CARLSON. I apologize for breaking into the excellent speech of the Senator from Delaware. I shall refrain from entering into a further discussion or colloquy with him at this time. However, there are other points that I should like to discuss later.

No Member of the Senate is better qualified to discuss the fiscal problems of the Nation, with respect to receipts and expenditures, than the distingushed Senator from Delaware, who is the ranking member of the Committee on Finance. I appreciate his courtesy in yielding to me.

Mr. WILLIAMS of Delaware. I thank the Senator from Kansas for his comments.

A moment ago I was about to quote from another Presidential statement which gave a wrong impression to the American taxpayers. I go back to January 4, 1965, and quote President Johnson's state of the Union message:

> We will continue along the path toward a balanced budget in a balanced economy.

The fact is that in the fiscal year preceding that the Government had a $3.435 billion deficit; and in fiscal year 1966, which followed the year about which the President was commenting, the deficit was around $10 billion.

It is high time that the American people are told the truth; namely, that we have been living beyond our income, beyond that which we as taxpayers can afford. I continue to comment on the President's message of last week:

I will support the repeal of the 7-percent investment credit—but prospectively only and provided it is preceded by a bona fide reduction in expenditures. The effective date should be sometime after the date of enactment. The Finance Committee has always opposed retroactive tax increases. Likewise there should be no termination date on this suspension. Certainly at this point no one can predict the end of the war, and when Congress wants to restore this investment incentive it can take such action.

The President's third proposal, to suspend for 16 months the accelerated depreciation rates for certain types of construction, is unrealistic and would cause more confusion for both the Treasury and taxpayers than the result would warrant. In my opinion this proposal should be rejected. Companies do not build plants to get these tax credits. They are built to supply future orders, and some plant expansion is always essential.

The fourth recommendation, to curtail or suspend all new Government financing by the agencies until after the first of the year, solves nothing. It merely postpones the day of reckoning until after the November elections.

The fifth proposal, requesting legislation to control interest rates, is likewise unrealistic. It would be far better to recognize the cause of tight money and high interest and deal with a correction of these causes than merely to invoke legislation controls.

I support the President in his effort to deal with this problem of inflation as far as he has gone, but his recommendations are but a piecemeal approach to a master-sized problem. This is another example of too little too late.

There is a war going on in Vietnam, and both the administration and Congress should and must recognize that there is a serious threat of inflation on the domestic front. The tight money situation, unless handled promptly and effectively, could lead to serious economic consequences. None other than President Harry Truman recently issued a timely warning to the administration on the potential danger of its drifting monetary policies.

In my opinion the President should have faced up to the deterioration of our fiscal situation long ago, and I regret that even now he has only partially attacked the problem.

It was a tragic mistake to have cut taxes last year in the face of the constantly rising costs of the Vietnam war and a deficit of over $6 billion.

Instead of recognizing the true deficit, an attempt has been made to conceal the truth from the American people. The stability of the American dollar must be protected.

What this country needs most desperately today is leadership to meet these threats to our domestic economy.

That leadership should be coming from the White House, but it is apparent that it is not. Therefore, I am recommending that Congress itself take the necessary leadership, propose, and enact the painful but necessary remedies to stave off the financial collapse that may engulf us as a result of the inflationary policies of the Johnson administration. No longer can we afford to sit back.

This congressional action should be taken before this Congress adjourns. We cannot afford to procrastinate until after the November election. It is with these thoughts in mind that I am now outlining a program which I think deserves consideration as we seek a solution to our present economic problems. Our failure to act now may well mean a recession later.

Some of these suggestions may be referred to as not so important when considered alone, but when considered together they represent our unsound financial foundation.

The other proposals represent major changes, including a realistic reduction in Government spending, a program for incentive savings, and an across-the-board tax increase.

I shall first list my suggestions for congressional action and then in more detail outline why I feel each step is essential. We should:

First. Repeal the present 4¼-percent ceiling on interest that can be paid on Government bonds with maturities of over 5 years. The retention of this unrealistic ceiling has had the effect of monetizing our debt.

Second. Repeal the FNMA Participation Sales Act—Public Law 89–429. This is the proposal under which we sell our assets, a procedure which everyone now admits has boosted interest rates an extra one-half percent.

Third. A stringent program for reduced Government expenditures backed by both executive and congressional action.

Fourth. Enact a legislative directive which would force a reduction of at least 200,000 in Federal employment. This could be accomplished by attrition and without any suspensions merely by a policy of not hiring new replacements for normal resignations and retirements.

Fifth. Repeal outright, effective as of the date of enactment, the 7-percent investment credit with the understanding that this incentive will be reinstated at the termination of the war.

Sixth. Enact legislation creating a special type of bond to be designated as a retirement bond with 10-, 20-, and 30-year maturity, bearing interest at rates not less than 4½ percent and deferred on a formula similar to that now applicable to series E bonds. The sale of these bonds would have a dual effect—to promote savings and to siphon money from the spending stream of an overheated economy.

Seventh. Enact, effective January 1, 1967, a 5-percent across-the-board tax increase applicable to both individuals and corporations with the understanding that this increase will terminate at the end of the war.

I shall now discuss each of these seven recommendations in more detail.

First. Repeal the 4¼-percent ceiling on long-term U.S. Government bonds.

This arbitrary ceiling is unrealistic, and its retention has cost the taxpayers hundreds of millions of dollars in unnecessary interest charges. It has had the effect of forcing the Government to direct all its financing in short-term securities—less than 5 years—thereby monetizing the debt.

This monetizing of our national debt has a dangerous inflationary potential, and in addition it has had the result of forcing short-term interest rates substantially higher than would otherwise be necessary.

Money is a commodity, and its price is reflected in interest charges. When a shortage of money develops the price rises—interest rates advance; and when a concentration of financing is directed into one area the result is an artificial distortion of rates.

This legal ceiling of 4¼ percent on long-term Government financing is a farce and should have been repealed long ago. The directors of no well-managed American corporation would ever think of operating under any such restrictions.

Second. Repeal the FNMA Participation Act—Public Law No. 89–429.

Under this proposal our Government is liquidating its assets and spending the proceeds as normal revenue.

This proposal represents an unsound and an unnecessarily expensive method of financing the public debt. It is a deceitful method for concealing the true cost of Government. Its sole purpose is to conceal from the taxpayers both the true expenditures and the true size of our national obligations.

Furthermore, the sale of our assets through secondary market operations—with full Government guarantee—is costing the taxpayers an average of over one-half of 1 percent in extra interest charges annually. Even the Treasury Department has now somewhat belatedly recognized that the use of this backdoor method of financing has had the result of artificially inflating interest costs, and it is suspending further sales of assets under this program, at least for the remainder of this year.

There is only one sensible solution to correcting this unsound backdoor method of financing, and that is to repeal it.

In that connection, Mr. President, I call attention to the fact that in today's Wall Street Journal, on page 24, are advertised the securities of some of these Federal agencies. Two of these list Federal National Mortgage Association securities at an interest rate of 6.05 percent. These are Government-guaranteed bonds that have a maturity of 1969 and 1970. This is a 6.05-percent interest rate that we are paying on these Government-guaranteed obligations, representing at least one-half percent, if not more, above what would be necessary if we repealed this law and went back to the normal and proper method of financing the cost of operating the Government.

Even the President has belatedly recognized the evils of this method of financing.

Third. By congressional action direct the President to rescind previously approved expenditures for all construction and public works projects unless they are first certified as being essential to the national defense or that their suspension would otherwise jeopardize the public interest.

All nondefense projects should be held in abeyance until after the end of the war.

This congressional action should be patterned after the Executive order issued by President Truman following the outbreak of the Korean war.

Then Congress in the future should display greater caution in voting for these expenditures, and also the President when he feels that Congress is too extravagant should use his veto power.

Certainly, the U.S. Government has no moral right to ask American businessmen and the American housewife to forgo some of their planned expenditures unless it is willing to set the example.

Fourth. Reduce Federal employment by at least 200,000 below existing levels.

Notwithstanding the fact that there are shortages in the labor force we find that the U.S. Government is the greatest hoarder of manpower.

Even President Johnson admits that Government agencies are overstaffed.

On December 1, 1965, recognizing this condition, he held a press conference at his Texas ranch and announced a plan to reduce the number of Federal civilian employees by at least 25,000 during the remainder of fiscal year 1966. The announcement said that this reduction would be achieved not by firing employees but by attrition; that is, by not rehiring replacements for the normal retirements.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article appearing in the New York Times on December 2, 1965, entitled "President Backs a Cut in U.S. Jobs—Approves Plan To Retire 25,000."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESIDENT BACKS A CUT IN U.S. JOBS—APPROVES PLAN TO RETIRE 25,000—SPENDS QUIET DAY

AUSTIN, TEX., December 1.—President Johnson approved this afternoon a plan that could eliminate 25,000 Government jobs.

The plan, contained in a memorandum from the Budget Bureau and released here, instructs the heads of Government departments and agencies to reduce their employment by 1 to 1.25 per cent by the end of fiscal year 1966, which ends next June 30.

Joseph Laitin, assistant White House press secretary, said the plan did not mean that present employees would be dismissed. It is designed, he said, to take advantage of stepped-up retirements from Government jobs.

These retirements have been increasing because of a new law offering certain inducements, including larger pensions, to employes who retire before the first of the year.

"The vacancies thus created," the memorandum said, "present an opportunity to take new specific action to carry out the President's long-standing instructions to hold Federal employment at the minimum necessary to carry out Government operations effectively."

The President spent a quiet day at his ranch studying reports and preparing for a meeting tomorrow with Secretary of Agriculture Orville L. Freeman and Secretary of State Dean Rusk.

The main topic at the meeting is expected to be the world food situation and Mr. Johnson's forthcoming talk with President Mohammad Ayub Khan of Pakistan.

Mr. Rusk is expected to join Mr. Johnson and Defense Secretary Robert S. McNamara for a discussion of world problems this weekend or early next week. The White House announced yesterday that this meeting would be held tomorrow or Friday. However, officials explained today that administrative work at the Pentagon would keep Mr. McNamara in Washington longer than expected.

The President also spoke by telephone with his special assistant for national security affairs, Mr. McGeorge Bundy. Mr. Laitin, in response to a question, said that the subject of Mr. Bundy's future had not been discussed and that, to the best of his knowledge, the two men had never discussed it. Mr. Bundy has been offered a post as head of the Ford Foundation.

Mr. WILLIAMS of Delaware. What happened? Instead of reducing employees by 25,000 between December 1, 1965, and June 30, 1966, as promised, the administration has during this same 7-month period added 190,325 employees to the public payroll, and in July another 47,082 were added.

These 200,000 extra employees are costing the American taxpayers over $1 billion annually. We have no better authority as to their not being needed than President Johnson himself, who only last December said we then had 25,000 too many on the public payroll.

To correct this overstaffing of Federal agencies Congress should adopt legislation providing an embargo on future employment to fill vacancies created by retirements, etc., and requiring that the number gradually be reduced by at least 200,000.

It is important that these reductions in cost of Government be given first priority.

Fifth. Repeal the 7-percent investment credit effective on date of enactment.

There should be no expiration date fixed on this repeal since there can be no date fixed for the expiration of the Vietnam war. Besides, a short-time termination date would defeat the purpose and could precipitate a recession.

Under a 1-year suspension many companies would merely withhold their new construction and plant expansion until the expiration date of January 1, 1968. This would create a vacuum in construction and plant modernization in 1967 and a boom in 1968.

The tax credit should be repealed with the understanding that Congress could restore it after the end of the war.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. Mr. President, the distinguished Senator from Delaware is familiar with the writing and enactment of the legislation providing for the 7-percent investment credit, and I well remember his views which he expressed at the time this legislation was approved. I was pleased to note that although he said in the opening part of this statement that he favors its repeal, he combines its repeal with some limitations, one of which is that there must be a reduction in Federal expenditures if he would approve the repeal.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. CARLSON. I am sure that the Senator from Delaware will remember that when we enacted this 7-percent investment credit, we had in mind, as I recall, that by giving capital investment more nearly what we would call an "even break" with capital investment in foreign countries, we would enable U.S. producers to compete on more equitable terms with foreign producers, thereby aiding our exports and imports and also the balance of payments. I am sure the Senator well remembers the hearings and the testimony on that point.

We all remember that following the World War, we financed the rebuilding and reconstruction of industry in many European countries; and, with their modern factories, they had an advantage over our manufacturers in competition in world markets.

It seems to me that before we act too hastily on the repeal of the 7-percent investment credit, the Committee on Finance and Congress should take a very serious look at the matter; because I think it is possible that suspending it or repealing it could cause some great problems in this country with respect to unemployment. It could cause a recession.

Personally, as of the present time I am opposed to repeal of the investment credit, and I sincerely hope that if any effort is made to suspend it, we may keep in mind its serious effect on the economy of this Nation.

The Senator from Delaware has well stated that if we suspend the investment credit at a certain date, it is only reasonable to assume that our industrial leaders—who are, after all, outstanding businessmen—will just delay operations and construction; and we will find ourselves in a situation in which we will have a bust-and-boom period, instead of attempting to keep an orderly flow in our Nation's economy.

Mr. WILLIAMS of Delaware. I thank the Senator.

The Senator is correct, that if this investment credit is suspended only temporarily, with a near-time effective date for reinstatement, it would deliberately create a valley or a vacuum in purchases or expansion and would defeat the very purpose of what is sought to be achieved, and it could precipitate a recession.

This is particularly true if such action is accompanied by approving both suggestions which the administration is making—to suspend the 7-percent investment credit and to suspend the accelerated depreciation schedules. I think that if both are repealed and no other steps taken—such as I have outlined here today—the results could be worse than no action.

I am afraid it would lull the American people into a false sense of security, thinking that inflation was being controlled.

That is the reason I have rejected this proposed cancellation of the accelerated depreciation in my recommendations. Not only am I fearful of what it would do to our economy but when coupled with the repeal of the 7-percent investment credit but also it is unrealistic. Suppose the accelerated depreciation is suspended for a year and then reinstated, as the administration proposes; how would the depreciation be figured in the remaining life of the building? Would they be allowed to go back to the accelerated depreciation and only miss it 1 year? How would this depreciation be computed in later years?

I have spoken with men who are familiar with tax law, and they have said that the approval of this latter proposal would create a near state of confusion in computing tax liability.

For that reason I will not support the administration on this point of its recommendations.

As far as I am concerned, I will not support the administration on this point. I do not think it would achieve its objective.

It is true that I did oppose the 7-percent investment credit when it was first enacted. At that time I felt it would be better to provide for a more rapid depreciation allowance by changing the standard depreciation schedules so that everybody could understand it rather than have a new form of tax credit. I was overruled in the Committee on Finance, and the measure was enacted.

My position is that once it is enacted you cannot adopt an on again-off again tax program. Once Congress has enacted a program, if it is to be changed we must be careful of the effect on the economy.

In recent weeks the Secretary of the Treasury has been on both sides of this question. First, there was his rejection of any effort to repeal the investment tax credit a couple of weeks ago, and now there is his endorsement of its repeal. There is now pending before the Committee on Foreign Relations, of which the Senator from Kansas [Mr. CARLSON] is a member, three treaties proposing to extend this same 7 percent investment credit to American investments in foreign countries. When the administration recommended the enactment of the investment tax credit several years ago they said that they were recommending the credit in order to help the companies in this country in their competition abroad. Now we have the ridiculous situation of the Treasury Department going on record for the repeal of investment tax credit in this country while at the same time they endorse the enactment of bills which would extend the investment credit to American corporations operating in foreign countries. This is a complete reversal. I doubt if they can explain it, but they will be given the opportunity.

(At this point, Mr. DODD assumed the chair).

Mr. CARLSON. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. I am pleased that the Senator from Delaware mentioned the treaties pending before the Committee on Foreign Relations, in connection with which we have had some hearings. I am sure that nearly every member of the Committee on Foreign Relations has heard from representatives of the Treasury Department urging approval. The treaties contain a provision that we give industry in foreign countries a 7 percent tax credit, and at the same time we are going to take it away from our people. To me it does not make sense.

Mr. WILLIAMS of Delaware. I agree with the Senator. The treaties have this additional clause. If the Senate ratifies those treaties, as the Treasury Department and the administration are urging us to do, Congress could not repeal them even if we wanted to. They could only be changed at a later date in modifications of the treaties. This is most contradictory.

Mr. CARLSON. It seems to me, as we discuss investment credit, that if we suspend it, its effectiveness will be lost, I would say, for all time. If businessmen now are led to believe that they cannot rely on the permanence of this type of tax, Congress will never again be able to use the investment credit effectively because businessmen will have no confidence in it when it is repealed or reinstated.

As the Senator knows, we had testimony before our committee as to the permanence of this measure. Douglas Dillon, the Secretary of the Treasury, testifying before the Committee on Ways and Means in support of the credit, on May 3, 1961, stated:

> As stated in the President's message, the credit should become a useful and continuous part of our tax structure. While it would be subject to periodic review, it is not intended as a temporary measure.

I believe that if the investment credit is suspended, business and industry of this Nation will have every reason to doubt the sincerity of an administration and a government that passes a tax law and then reneges on it.

Secretary of the Treasury Fowler has testified on several occasions in regard to the continuance of it. I sustained him.

I think that the Senator from Delaware is entitled to much credit for the fine statement he has made and is making on our fiscal policies and the problems confronting this Nation.

Mr. WILLIAMS of Delaware. I thank the Senator. As the Senator knows, I support the repeal of the 7-percent investment credit, if we first have a bona fide reduction in expenditures. But the Senator made a valid point. The American businessmen have been misled. Perhaps they are beginning to understand that sometimes this administration does vacillate in its promises. It is like a yoyo, going back and forth.

There is a precedent, however; Congress and other administrations have provided incentives in a period when it wanted plant expansion. A few years ago we had a 5-year amortization program where the Treasury Department allowed companies to write off defense plants under a schedule of 5-year depreciation. Then when Congress and the administration felt that this incentive was no longer necessary we repealed it. So there is precedent, but the Senator still made a valid point.

The Senator speaks of the retroactivity of the administration's recommendations; that will have to be stricken as far as I am concerned.

The sixth proposal I am making is the enactment of legislative authority creating a new type of retirement bonds, maturity 10, 20, and 30 years with interest rates not less than 4½ percent and such deferred interest to be cumulative under a formula similar to the present series E bonds.

Based on statistics furnished by the Treasury Department these bonds with a par value of $100 upon maturity, at interest rates of a fraction over 4½ percent could be sold, as follows:

One hundred dollars maturity value terms: 10 years, $64; 20 years, $41; 30 years, $26.25.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Treasury Department, signed by Mr. Stanley S. Surrey, dated August 31, 1966, confirming the figures which I have just outlined.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, D.C., August 31, 1966.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Pursuant to your telephone call, I am enclosing a table providing the information you requested respecting issuing prices for discount bonds at various interest rates and maturities.

Sincerely yours,

STANLEY S. SURREY.

Enclosure.

Prices of E-type bonds at selected rates and terms

[Prices a or maturity value of $100]

Rate	10 years	20 years	30 years
4.15 percent	$66.31	$43.98	$29.16
4.50 percent	64.08	41.06	26.31
5 percent	61.03	37.24	22.73

Mr. WILLIAMS of Delaware. Sales of this special type of bond could be limited to $3,000 maturity value per year per individual. They could be promoted as an opportunity for wage earners to lay aside a few dollars today in savings and thereby supplement their retirement income—pensions or social security.

They would also be attractive to young parents as a method of laying aside savings to provide for the college education of their children.

The sale of these R bonds would also have other very important salutary effects in combating inflation. Their sale would siphon money from the spending stream of an overheated economy and direct it into savings accounts. It would enable the Government to obtain long-term financing at more reasonable interest rates and proportionately reduce its needs to sell new bond issues in regular channels.

Furthermore and perhaps of equal importance, it would restablish and place much-needed emphasis in America upon a vanishing philosophy that there is merit in an individual's making plans to take care of his future needs.

Seventh. Congress should enact a flat across-the-board 5-percent tax increase to be effective January 1, 1967. Under this formula every taxpayer, corporate, and individual, would compute his taxes under the existing rate and then add 5 percent to the total. This 5-percent increase would be effective January 1, 1967, with the understanding it will remain in effect until the end of the Vietnam war.

I realize the program I have outlined here will be a shock to and no doubt will prove to be a hardship on a lot of people. It touches the pocketbook of every American citizen. But let us remember that there is a war going on and American boys in Vietnam and their families are also experiencing hardships. For far too long we have been living beyond our income and operating under a planned deficit, planned inflation policy. It is time we all tighten our belts and get down to the problem of winning this war, at the same time taking such action as will prevent our liberties and freedoms from being destroyed by the ravages of inflation at home.

In my opinion inflation is a real threat in America, and this inflation cannot be controlled by relying solely on monetary controls by the Federal Reserve Board.

The fact that interest rates in the past few weeks have been soaring to new peaks simultaneous with an accelerated rise in the cost of living proves that other remedies are long overdue.

The President's proposal of a temporary suspension of the 7-percent investment credit may be a step in the right direction but it is only the beginning of what must really be done.

The argument that we can take this one step now and then consider raising taxes after the November election is a cowardly approach and one undeserving of any public official worthy of holding public office.

Surely if the young men of America can risk their lives by facing the enemy in Vietnam in the noble effort of preserving the freedom of their country, we as public officials should display no less courage in discharging our own responsibilities to preserve the financial integrity of our Nation.

Sure, as taxpayers we are all going to be hurt through our pocketbooks by the policy I have outlined.

It is going to mean that each of us must forgo some luxury or some improvement in our home. We will have to curtail some pet project of the Great Society's, or perhaps reduce some Federal program affecting our State; but these are small prices to pay to check this threat of inflation.

The alternative is worse. To continue drifting down this inflationary road of deficit spending will inevitably lead to disaster and ultimately to price and wage controls. Then we would witness a drastic curtailment not only of the buying power of every American but also the loss of many of our freedoms as well.

Let us profit from the lessons of history and the experiences of other nations who, once having started down the road of planned deficit spending, waited too long to take these unpopular but necessary actions.

Let us act now, before it is too late.

I am asking the Legislative Counsel and the staff of the Joint Committee on Taxation to prepare the necessary amendments to carry out the above recommendations. These proposals will be submitted to the Finance Committee for its consideration along with the administration's proposals.

Mr. JAVITS and Mr. PROXMIRE addressed the Chair.

Mr. WILLIAMS of Delaware. I yield to the Senator from New York.

Mr. JAVITS. I have read the prepared speech of the Senator from Delaware. Unhappily, I was not in the Chamber to listen to it all. I think it was an excellent speech, quite in character with the Senator from Delaware, whom we all respect so much.

While I may not agree with all seven points, the fact is that here is, again, a willingness to face reality.

It is said that the President is not doing many of these things. As the Senator knows, I, too, am for an across-the-board tax increase. The Senator fixes his at 5 percent. I have suggested the possibility of 7 percent. The important thing is that we would be getting at it.

What I wish to ask the Senator is: Is he inclined to agree with me that those who may be counseling the President that it would be bad politics to advocate a tax increase now, perhaps are counseling him unwisely, because in an emergency of this kind, with concern over inflation, it seems to me that the people want some realism, some effective action taken, and the kind of decisiveness which they expect their President to have.

Therefore, it might be the path of political wisdom, as it were, to "come clean" with the people and tell them what needs to be done, in order to have a measurable effect on the inflationary sweep, and make it a reality with a tax increase—which is so long overdue.

Let me also say to the Senator from Delaware that I like very much—before he comments—his retirement bond idea. That could be an attractive proposition for many people. The E bonds, of course, are popular. The retirement bond idea might turn out to be popular, also, and induce the public to invest at a fair interest rate, considering present conditions.

Mr. WILLIAMS of Delaware. I thank the Senator from New York for his comments. While we may differ as to certain phases of the proposal, in general we both are seeking the same objective; namely, a greater degree of fiscal responsibility. What I am trying to emphasize is that we must act—that we must do something.

We are operating with a sizable deficit, and everyone knows it. We are averaging a deficit of at least $500 million per month. We know that. We also know that we are confronted with a war in Vietnam, the cost of which is mounting at a rapid rate. Therefore, I believe that the best politics would be for the President to go on television and tell the American people exactly what this war is costing, and stating to them that they as individuals are going to have to give up many of the luxuries they are now enjoying. We will have to postpone or curtail many of the Great Society programs. Let us all tighten our belts and go all out to win the war.

I believe that if the President would do that he would emerge as a great hero to the American people. The people of this country are desperately clamoring, hoping, and praying for leadership of that kind from a man who can forget the effects such a decision may have on an election.

My own opinion is that it would be the best politics the President could display if he went before the American people and laid the facts out for them and told them that regardless of what the election results might be this is what has to be done and this is what his administration is going to do. Lay the facts out before them. I think it would be the best political move that the President could make.

What is even more important it would be the best thing that could be done to preserve the strength of our country.

Mr. JAVITS. I thank the Senator. I am very glad that we agree on that fundamental point.

Mr. PROXMIRE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, there are many parts of the interesting speech just made by the Senator from Delaware with which I emphatically agree. I believe that he had made a real contribution, for example, in the area of spending. This is not a vague, indefinite proposal for cutting the budget—the kind we generally hear of. This is a precise and specific cutback which the Senator from Delaware is urging; for instance, he suggests that the nondefense public works projects be held in abeyance until the end of the war. As I understand it, there are about $7 billion of such projects on an annual basis. This action alone would help greatly. The Senator from Delaware points out that this would be in keeping with what we did in World War II and in the Korean war. It would be something that would benefit not only the anti-inflation policy immediately but would also have a desirable effect in the financial area, helping bring a lower interest rate for the Federal Government itself.

One of the advantages of fighting inflation by holding down public works spending is that the administration could move ahead whenever it appeared that the economy was slowing down too much, and people were being thrown out of work when the inflationary situation had tended to be allayed.

I would, however, tell the Senator from Delaware that while I agree with the Senator from Kansas [Mr. CARLSON] that repeal of investment credit, in my judgment, would be a very, very serious mistake, the spending proposal which the Senator from Delaware has made would go far toward slowing down the economy, in any event, and would go far toward preventing the kind of inflationary pressures we might otherwise suffer.

The difficulty with the investment credit suspension is that there is a clear, well-documented, and incontrovertible lag in its effect on prices.

Last February the Secretary of the Treasury was clear in his testimony before the Joint Economic Committee, and I am sure before the Finance Committee and the Ways and Means Committee, in arguing that it would be a year before the prime effect of the suspension of the investment tax credit would be felt.

By 1 year from now, we may be suffering a recession. Unemployment could be high. Advance indicators now suggest that this is a very real possibility. And the suspension of the credit to a day certain, January 1, 1968, could be disastrous.

Let us put ourselves in the position of any treasurer of a corporation, or a board of directors. Can we imagine making a major purchase 3 or 4 months before the investment tax credit would be restored?

Any corporation official who did this would be in real jeopardy.

At that point there would be, as the Senator has pointed out, a real vacuum. It is bound to be so. It is inescapable, because any treasurer of any corporation, under those circumstances, would have to, is he is going to hold onto his job, say, "Let us postpone it."

TWA suggests a good example. They purchased $400 million worth of aircraft on September 2. Unless the President's proposal is modified, they will lose $28 million in net profits. And they would have enjoyed that $28 million of additional profit if they had made their purchase on August 31.

Now suppose we follow the President's advice and suspend the credit until January 1, 1968, and in October 1967 a firm is contemplating purchasing $400 million worth of equipment. Obviously they would postpone the order until after the first of the year. Otherwise, they would be throwing away a large amount of assured net profit.

I wish to comment on one further point which the Senator has very well taken. Suspension of the accelerated depreciation would be an even more serious mistake, because plants take a long time to build. It is not a matter of weeks or months, but a matter of years. From the time of the order to the accomplishment of the work extends over a long period of time. The lag here would be even greater. The effect could come at a time of recession.

The major point I should like to make with regard to what the Senator from Delaware has said is that I hope the Senator from Delaware, who has been such a beacon of integrity and honesty in the Senate, and who has stood with such great ability in fighting for a fair and equitable tax system, would give further consideration to the question of investment credit.

Last February an identical proposal by the Senator from Tennessee [Mr. GORE] was rejected by a vote of 78 to 10 by the Senate. To suspend the credit would mean that 35 or so Senators would have to reverse their positions. I submit that last February there was a greater threat of inflation than today.

Mr. WILLIAMS of Delaware. I thank the Senator for his contribution to this discussion. The results of repealing the 7-percent investment tax credit have been outlined. I agree with the suggestion. I want to make it clear that I go along with repeal of the investment tax credit only if it is accompanied with the other steps as outlined. A repeal of the investment tax credit alone and no other action would achieve nothing. Any effect of its repeal could not possibly develop for 6 months or a year. If it were suspended with a temporary termination date a vacuum would be deliberately created which would have an adverse effect.

So, while I approve of the suspension of the investment tax credit as a part of the package, it is not the major part of the package. I think the major part of the package is a cut in Government spending. If we are not going to cut back on spending let us not talk about it all. If we are to keep on spending while suspending the investment tax credit it will result in revenues of $1.5 billion, a 5-percent increase in taxes another $4 to $5 billion.

If we just increase these taxes and keep on spending at the same rates the result would be even more inflationary.

While I would support the suspension of the investment tax credit I would first have to see a cutback in spending; otherwise, we will never balance the budget.

The second point of the program which I outlined was to create a special type of retirement bond, one which would encourage saving by young people for the education of their children. It would encourage saving by members of the labor force as a means of increasing their retirement pay. The sale of these bonds would siphon money out of the spending stream without the painful process of additional taxes. The approval of this plan would have a particicular beneficial effect for individuals as well as the Government.

I approve the suspension of the investment credit, because it has always been my position that any depreciation schedules written into our tax laws should be plain enough to be understood by everyone, whether he be a farmer in Wisconsin or Delaware, building a barn, or buying a tractor.

I suggested at the time that we use the double declining balance rates, or 2½ times the straight line rates; but I was in the minority, and the 7-percent investment credit was passed.

However, I do agree most wholeheartedly with the recommendation of the Senator from Kansas and the Senator from Wisconsin that the administration's recommendations for a suspension of the accelerated depreciation formula would no nothing but create confusion both for the Treasury Department and for the taxpayers. It would accomplish nothing either in the area of additional revenue—which would be negligible—or in combating inflation, and therefore this part of the President's proposal should be rejected in its entirety.

Mr. PROXMIRE. I would like to make one more comment. I am sure the Senator from Delaware will concede that the President's proposals do not go far enough particularly in the area of suspending public works spending. But we should recognize that there is an unemployment rate of 3.9 percent at the present time. There have been recent peacetime periods 1948 for instance when it has been even less. It is now approximately the same as it was in 1956 and 1957. So we are not now in a highly inflationary tight labor market situation.

Also, with the enormous increase in productivity of American industry and with a million and a half people coming into the labor force every year, I am concerned about what a tax increase might do to employment. We could suffer a serious recession.

We know how very hard it can be to bring back a depressed economy even with huge Government deficits. We had some experience with that in the 1930's. It took the all-out production of a world war to bring the depression and recession to an end, with all the awful consequences of that unemployment to the country. So I think we should be careful about suspending the investment credit, with the knowledge that it may be very hard to restore the Nation's growth and prosperity from a depression. I am also concerned about the impact that an increase in taxes could have, because once the economy slows down, it is very difficult to get it started again.

Mr. WILLIAMS of Delaware. I agree with the Senator. I regret that we are in a position where we have to recommend a tax increase at this time. I know hindsight is always better than foresight. Nevertheless the administration was warned, I joined the former chairman of the Finance Committee, Senator Byrd of Virginia, in 1965 in opposing the tax reduction at that time because we felt strongly that with a $6 or $8 billion certain deficit confronting us it was most unwise to cut taxes, only to restore them at some time when it was less opportune.

Early in February of this year the administration recommended partial restoration of the 1965 tax reductions. The Secretary consulted me concerning both their proposal to restore certain excise taxes and their proposal of a further acceleration of corporation tax payments.

I said I would support those recommendations last February. Our economy was booming; it was in an upward trend, and I suggested that he should also take one further step. I suggested that the administration go further and propose a 5-percent tax increase across-the-board while the economy was in an upward movement. I thought our economy would support it then and that if we did not take such action we might be confronted with a situation where we would have to advocate a tax increase at a time when we had a receding economy.

Today we do have a receding economy. As the Senator knows, the stock markets are off about 20 percent, which is an indication that there is a slackening of the economy. Under these circumstances I regret the necessity of having to make this proposal today. I realize the significance of it, but I recognize the even greater danger of continuing this large deficit.

What I would regret even more would be to postpone taking some action to allow the present drifting policy to continue, and then next year or the year after to be faced with even more disastrous consequences. To me the most disastrous consequence of which we must beware in this country is a run on the American dollar and the devaluation of our currency. That could happen. It has happened in other countries heretofore, and it could happen here in the United States of America. When it does it will penalize every man in America who has any savings. It is our wage earners, our aged, our elderly, our retired people who are most severely penalized by inflation. They are the ones who did not benefit one iota from the tax reduction last year, because, while it is true they received a reduction in taxes, it is costing twice the amount of that reduction to pay for the increased cost of living when they go to the grocery stores.

They deserve better protection and consideration from this administration. Those who are living on fixed incomes—the retired—they are the forgotten people of this Great Society.

Those are the dangers that were pointed out by the chairman of the Finance Committee, the former senior Senator from Virginia, at the time we passed the tax cut last year and also in 1964. Those inflationary dangers have been building up. We have been living on tomorrow's income too long. The time has come when we must decide whether we, this generation, will continue living on our grandchildren, or whether we have the ambition and the guts to pay our own way.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, I did not want this colloquy and discussion about the 7-percent investment tax credit to be concluded without mentioning the fact that there is a tendency, when we speak of the 7-percent investment tax credit, to think that it is only for the benefit of $100 million or $1 billion corporations.

The truth of the matter is that the benefits of this 7-percent investment credit extend even to the farms of this Nation. American farmers receive great benefit from the 7-percent investment credit when they purchase new machinery. Farm machinery has become a major item in the cost of agricultural production. It is not uncommon for a farmer to pay from $8,000 to $15,000 for one machine. Even modern dairy equipment involves substantial investments of money.

Every fall, farm machinery dealers go out and sell to the farmers large amounts of equipment. They take orders for delivery the following May, or whenever the farmer wishes to use the equipment the next spring. This year they have taken many such orders. I know personally of combines that have been sold since September 1; and on a $10,000 combine, the 7-percent investment credit is $700.

This tax credit is an item that gets right out to the people. I hope we give this matter serious consideration, before we repeal or suspend this credit, keeping in mind that it affects not just the great corporations in industries like air transportation, the railroads, and the utilities, but that it reaches out to the farmers of this country, and that individual farmers could be seriously hurt if we do not take them into account.

Mr. WILLIAMS of Delaware. Mr. President, we have discussed here not only the repeal of the investment credit, but a 5-percent tax increase for corporations as well as individuals, both to be preceded by a cut in spending.

One point which we must not forget is that while the corporations may be the medium through which these taxes are collected for the Federal Treasury, in every instance the tax is untimely paid by the consumer who buys the products, whether it be through higher prices for agricultural products or higher costs of the finished product of the manufacturer. The costs of the taxes levied against American industry are passed on. I recognize also that what I have suggested here today will, to a certain extent, be a hardship on every American's pocketbook.

But I think the time has come when everybody in America has to buckle down and recognize that we have a costly war on our hands. We cannot have both guns and butter. If we must draft, as we are, the American youth and send them over to Vietnam to fight to preserve our freedom, at the same time we as American citizens should be willing to put our dollars to work, tighten our belts, and put our pocketbooks on the line to finance the cost of this Government. No longer can we continue drifting down this road of deficit spending and inflation which we have been following for the last few years without eventually reaching disastrous consequences. I believe that the time for action is long overdue. I regret that the administration did not take the leadership in outlining a course of action but it did not. Therefore, Congress is left with no choice. I hope that this Congress will fill this leadership gap and take appropriate action to preserve the financial stability of this great country.

CIVIL RIGHTS ACT OF 1966

The Senate resumed the consideration of the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. MORSE. Mr. President, even as the Congress again considers legislation to enforce the 14th amendment, we are living in a society and in a time when the colored minority of our citizens continues to fall behind the white population in enjoyment of the material benefits of American life and participation in its social and intellectual community.

Unemployment remains high for colored jobseekers, though it is low for white. Income levels for Negro family units are falling behind income levels for white family units. As the affluent society grows, it is leaving behind the Negro element of our society. As the President told us in his message on this bill, although colored people make up some 12 percent of the population, they take home less than 7 percent of the total personal income of Americans. Their condition and position in American life has declined, not advanced, since World War II, when income levels of white and colored people were closer than they are today.

The enactment of civil rights legislation in an effort to correct these imbalances has gone forward only hesitantly and sporadically. The 1957 Civil Rights Act, which was hailed so loudly in some quarters, was not even a small scratch in the surface of what has been needed to enforce the promise of the 14th amendment. The 1960 act did little, if anything, more.

It was not until 1964 that Congress for the first time since the Emancipation Proclamation, tried to come to grips with the greatest social plague of American life—racial discrimination.

Two years ago, the Civil Rights Act passed by this Congress went to the basic factors in the denial of equal opportunity. Many of us who were most active in advocating it and securing its passage have been rather disappointed that much less has been done under it administratively than we believed—and were told—was going to be possible. The authority given the executive branch to initiate suits to desegregate schools and public facilities is now called inadequate. The pending bill enables him to bring these suits on his own finding, rather than upon complaint.

There is no reason why Congress should withhold this additional authority. I hope it will get on the books as quickly as possible.

Yet I cannot but express the view that the time is soon going to be upon us when there will be no further recourse to new legislation to accomplish equality of access to public facilities and opportunity for jobs, and there will be no further room for excuses that the administrators lack the necessary tools. The legal powers of the U.S. Government are tremendous in this area. They are capable of rendering great changes in the pattern of discrimination and segregation if there is the will for leadership in the Justice Department and in the top echelons of the administration.

The sad fact is that the spark, the drive, has long since gone out of the civil rights leadership of the U.S. Government. The passage of the 1964 law is pointed to with pride, but precious little is being done with it to bring about the changes it was designed to accomplish.

We have, in 2 years, come to a point where the highest achievement of a young Negro male of talent and leadership qualities is to join the Army and be a professional soldier. There, we are told, is where he can go the furthest in the American system.

That is a tribute to our Armed Forces, but it is a crushing indictment of our civilian opportunities and the leadership that shapes those opportunities. Once again, we hear the excuse that Congress has failed to provide the legal tools. I am in favor of providing all the legal tools. But legislating against discrimination will no more correct it than the Supreme Court decisions against school segregation automatically abolished segregated schools. There is a machinery of administration that must translate court decisions and laws into reality, if the reality is to be changed at all.

The one remaining area of American life into which the colored citizen has not yet been provided with the protection of his constitutional rights is in the area of housing. Many experts believe that most of what is contained in the pending bill could be accomplished by executive order. That may be. But whether or not the administration follows the route of executive order does not relieve Congress of its responsibility to enact legislation to enforce the 14th amendment.

That is all this bill does in the field of housing. As a matter of fact, the pending bill does not do much more than cover the same area that the Oregon statute covers on this subject. Section 659.033 of the Oregon Revised Statutes provides:

> No person engaged in the business of selling real property shall, solely because of race, color, religion, or national origin of any person:
>
> (a) Refuse to sell, lease or rent any real property to a purchaser.
>
> (b) Expel a purchaser from any real property.
>
> (c) Make any distinction, discrimination or restriction against a purchaser in the price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the furnishing of any facilities or services in connection therewith.
>
> (d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

Title IV of H.R. 14765 is more detailed, but it does not cover any more ground. It carries a provision that where a State or local fair housing law is operative, the State or local agency will be given the first opportunity to act.

The pattern of discrimination in housing is a primary factor in the growing ghetto nature of the American city. It is perhaps ironic that Americans have come to accept so casually a word that once was applied with a great distaste and even horror to what we thought were the medieval practices of European cities, where people of one religious origin were herded into closely confined city areas. The Negro ghetto is becoming as accepted in the United States as the Jewish ghetto was once accepted in Europe.

If it takes a Federal statute to protect American cities from the appellation of ghetto, then we should have such a law. But it will also take a lot more than a law. We have a law against discrimination in employment. But the job bars do not appear to have fallen, and indeed, the activity of the Federal agencies empowered to act in such situations has been most notable for its absence.

For all the 21 years I have been in Congress, there has never been a Justice Department, there has never been an Attorney General, there has never been an administration of either party, that did not plead inaction on the civil rights front on the ground that Congress had not given it sufficient legislative authority to act. Here, in the area of housing, is one remaining area where this is still true. I believe that this Congress, this year, must act to correct that deficiency by writing this statute and by authorizing the Attorney General to initiate civil proceedings where there is what the bill calls a pattern of discrimination in housing.

Yet I think Congress and the country would make a great mistake to look to or count on this bill, even if enacted this year without change, as the one thing that will eradicate the ghetto from America or significantly change the life and future of the American of colored skin.

The colored people are not unique in being the lowest on the income scale, the last hired and the first fired, the ill-housed and poorly educated of American life. One after another wave of immigration from Europe has gone through the same process. The history of many of our eastern cities is the story of the passage of one national immigrant group after another through its central core, finally to disperse and spread out across the country and into the small towns and suburbs.

The colored people, however, have the great disadvantage of physical difference. It is the visual evidence of difference that has prevented their dispersal throughout the rest of the melting pot of our society.

Instead of becoming integrated, the evidence is that they are becoming more isolated. "Separate but equal" may be unconstitutional as a matter of law, but it is increasing as a matter of fact.

Much of our poverty program is now aimed at intensive upgrading of skills, background, and education to help youthful individuals escape from the vicious circle of ghetto life. Certainly we know that mere enforcement of equal right does not endow the man or woman with the skills needed to make and to take advantage of an equal opportunity. The right not to be discriminated against in employment will do nothing for the person who is not qualified to hold the job in the first place.

The right not to be discriminated against in purchasing a home will do nothing for the colored person whose income does not enable him to undertake a mortgage.

The eradication of race as a great divisive and dividing factor of American life requires more than either Congress or the administration has yet given it. Its solution would be a blessing to mankind of the sort we like to think we are qualified to preach to others even though we have not found it for ourselves. We are extending ourselves now all over the world, and apparently, especially in Asia, with the explanation that we are going to teach them how to live in prosperity and peace. We are preaching a national unity to people in Asia and Africa who are trying to build nations out of tribes and communities that have no sense of nationhood.

But as we take up the white man's burden thousands of miles away, the division of race in our own country grows. Our capacity to teach racial harmony and unity abroad is increasingly undermined by our failure to practice it at home.

We simply do not know how to reverse the tide of racial separateness in the United States.

Here is where the real challenge to American leadership lies. It is no original thought with me to point out that the world mission seen by the Founding Fathers for the American Nation was never one of going around the world laying hands on people and making them do as we say, rather than as we do. Our mission in the world was to provide an example. Our mission was to order our own system to permit the widest opportunity for individual citizens, so that emerging nations all over the world which then were emerging from monarchy, could see what could be done if their people so desired it.

That mission is the one we are failing today. Emerging nations of Africa and Asia have little to learn today from America in the most difficult of all social issues—how black and white races can progress together as part of one country.

The figures and statistics on housing, employment, education, and income tell us that we are sliding backward in this respect. The phrase "Negro ghetto" is becoming an accepted part of the language. The Congress quails at extending into housing the same standards of the 14th amendment that 2 years ago we extended into employment and education.

An administration and a Justice Department armed with a wide range of legal powers and a vast sum of money to devote to the problems of racial poverty have displayed little imagination and less leadership in making use of them.

If there is more Congress can do to enforce the 14th amendment, we must do it. If there is more Congress can do to enlarge and strengthen the war on poverty, we must do it. But I am no longer satisfied that more laws and more money are going to make a big difference in the lives of millions of colored Americans. More than money and laws are needed.

I think we all know that if Congress adjourns this fall without taking final action on this bill, it will be at the top of our agenda in January. And it will remain at the top of the agenda just so long as it remains unenacted. As the people of colored skin become 15 percent and then 20 percent of the population, this issue of accessibility to housing will grow, not diminish.

But so will the issue of equal opportunity for Negroes in all areas grow and not diminish. I would hope that in the course of the next year, the appropriate committee of the Congress might exercise legislative oversight of existing civil right statutes, to determine what is being done under them, and what further action might be taken under them to attack the developing segregation of Negroes in special areas of big cities. This problem has outgrown the issue of civil rights legislation that for decades has been the business of the Judiciary Committees. It is an urban issue; it is a social issue. It is an economic and an educational issue.

It will prove to be the Achilles' heel of America unless we find the means of reversing it. It calls not for a piecemeal approach but for a review in all its aspects, if not by a preoccupied administration, then by Congress.

Mr. HRUSKA obtained the floor.

ORDER FOR RECOGNITION OF SENATOR DIRKSEN TOMORROW

Mr. HRUSKA. Mr. President, I ask unanimous consent that at the conclusion of the morning hour tomorrow, the junior Senator from Illinois be recognized for the purpose of making such remarks as he may see fit.

Mr. HART. Mr. President, reserving the right to object, the Senator from Nebraska has in mind the possibility of the junior Senator from Illinois speaking at the conclusion of the morning hour?

Mr. HRUSKA. Yes.

Mr. HART. Up to, if necessary, the hour of 3 o'clock?

Mr. HRUSKA. I do not know. The Senator would like to talk. He had originally been scheduled to talk this afternoon. Something came up which prevented that, and he has asked that unanimous consent be granted him to be recognized at the conclusion of morning business tomorrow, to make such remarks as he may care to make.

Mr. HART. It being understood that we are already under a unanimous-consent agreement that as of 3 o'clock the Senate will proceed to the consideration of the conference report on the minimum wage bill?

Mr. HRUSKA. Oh, yes; surely. He would be bound by that limitation; by all means.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, I ask unanimous consent that I may yield to the Senator from Pennsylvania, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOME REFLECTIONS ON THE PRESENT FILIBUSTER: A PLEA FOR CONGRESSIONAL REFORM

Mr. CLARK. Mr. President, I thank my friend, the Senator from Nebraska, for yielding.

Once again the Senate of the United States has demeaned itself in the eyes of the Nation and the world by indulging in that absurd and preposterous practice known as the filibuster.

Once again 100 grown men and women are going to let themselves be made an object of ridicule in the press and among the populace because of the inability of this body to act when confronted with the opposition of a small minority who would rather talk than vote. As the majority leader has recently said, the present filibuster is "a disgraceful exhibition of doing nothing" which "takes away from the dignity and decorum" of the Senate.

Let it be noted that, since we are to vote on a motion for cloture at 6 o'clock tomorrow afternoon, whether I speak or do not speak this afternoon has absolutely no bearing on how soon we can come to grips with the civil rights bill in general and with the motion to take up in particular.

What we are doing today and tomorrow is engaging in an effort to mark time until the hour of 6 o'clock tomorrow afternoon arrives. In no sense of the word could what I am saying this afternoon be construed as contributing to a filibuster.

I have often wondered what historians of the distant future will have to say about this quaint practice of ours. Surely they will marvel that a civilization which has been able to split the atom, and to reach for the moon, has been unable to work out a democratic parliamentary procedure for the upper branch of its national legislature which strikes a fair balance between full debate and majority rule, between deliberation and action.

Our problem is not that we lack the ingenuity to devise a solution. On the contrary, there are two resolutions presently on the Senate Calendar, Senate Resolution 8 and Senate Resolution 6, both of which would work a substantial improvement on the existing situation, while preserving more than ample time for full debate. What we lack is the will to solve the problem.

Both of these resolutions, as Senators will recall, were introduced on January 6, 1965, shortly after the convening of the first session of the present Congress. Senate Resolution 6, the Anderson-Morton resolution, provides for three-fifths cloture. Senate Resolution 8, the majority cloture resolution, was introduced by Senator PAUL DOUGLAS, with the minority whip, Senator KUCHEL, as his principal bipartisan cosponsor. Fifteen additional Senators, among them myself, joined as cosponsors.

Although I support the Douglas-Kuchel resolution, I would much prefer a procedure which does not lean over so far in the direction of extended debate. The comprehensive revision of the Senate rules which I introduced in the last Congress, and which was introduced again as Senate Resolution 103 in the present Congress, contains a provision for a motion for the previous question which would do away with the whole unwieldly cloture procedure. Under my proposal a majority of Senators present and voting could terminate debate. First, on any motion or amendment to a measure pending before the Senate after that motion or amendment has received 15 hours of consideration on not less than 3 calendar days; or, second, on the measure itself, together with any motions or amendments relating to it, after the measure plus all related motions and amendments has received consideration for 15 calendar days.

In other words, we could get to a vote on a measure, if a majority wanted a vote, within 15 days of the time when the matter was first brought before the Senate.

The real power of the filibuster lies not merely in its ability to prevent the enactment of progressive legislation which a majority of the Senate and a majority of the country favor. It lies in its ability to block action of all sorts, thus perpetuating the system of minority rule, of which it is the key part.

Can the Senate reform itself? Can the Senate adopt a rule requiring financial disclosure to prevent conflicts of interest? Can the Senate adopt a code of fair and democratic procedures which will allow a majority to act, after reasonable time for debate, when it is ready for action? Until the filibuster is abolished, I doubt it.

The problem, however, is not just rule XXII. Quite apart from filibustering itself, there are a variety of ways in which a single Senator can bring the entire legislative process to a grinding halt for 1, 2, 3, or 4 days if he has sufficient perspicacity and energy to do so.

Here are some of the measures which could be and have been resorted to:

First. Live quorums: One of the most annoying of these is the abuse of live quorum calls for harassment and delay. Even though no legislative business can be transacted, Senators who support the bill being filibustered must stay close to the Senate Chamber, ready to respond to the bell signal and make their token appearance on the floor. Nothing is accomplished, since after they answer to their names they are free to go until the next live quorum. Meanwhile, Senators who oppose the bill may go off and do as they please, leaving one or two of their number in the Senate to keep the filibuster going.

When, as in recent days, a quorum cannot be gathered—and I point out that there were 3 days last week when the Senate had to adjourn for lack of a quorum—the job of the filibusterer is made even easier, since the Senate is unable to do any further business and is forced to adjourn. The effect of calling for a live quorum under such circumstances is to put the U.S. Senate temporarily out of business.

In my judgment this practice can and should be prohibited. I am confident that ways can be found to restrict the right to call for a live quorum so as to prevent its abuse, while permitting it to be used—perhaps restricting the right to call such a quorum to the majority and minority leaders when, in their judgment, a proper legislative purpose exists.

Second. Committee meetings during Senate sessions: Under the prevailing misconstruction of the Legislative Reorganization Act of 1946, a single Senator can prevent all of the standing committees and subcommittees of the Senate from meeting after the morning hour when the Senate is in session. This gives the filibusterers the power to tie up not only the floor of the Senate, but its committees as well.

So long as the Senate adheres to a normal daily schedule, coming in at noon, it is possible for the committees to continue their work. However, should the hour of meeting be moved up to 10 a.m., as is often done, the changes of finding a time for committees to meet with any hope of getting a quorum would diminish to the vanishing point.

Coming so late in the year—as does the current filibuster—the consequences of such an impasse could be disastrous for such essential domestic programs as the war on poverty and Federal aid to education, which are still in committee, unable to come to the calendar because it has been impossible to hold meetings because of the lack of a quorum in the Committee on Labor and Public Welfare.

While I share the desire of the leadership to bring the filibuster to a halt as rapidly as possible, I would hope that Senate sessions would not be scheduled in the morning hours, so that the committees can move ahead with their important work. Efforts to break a filibuster by exhaustion were abandoned in 1961, when they failed dismally, and are not likely to be reinstated by the present leadership.

Third. Committee procedure: Some committees presently have rules of procedure which are in accord with normal parliamentary practice. Others do not. In those committees which have failed to provide adequate democratic procedures, the will of the majority can be and often is thwarted with impunity.

The pending civil rights bill is a case in point.

I should, however, interpolate that the bill is not even pending. We are dealing with a motion to take up and a filibuster on a motion to take up. Unless and until we can provide that the bill shall become the pending business the filibuster will continue to be conducted, not against the civil rights bill, but against a mere preliminary motion.

This bill was not referred to the Committee on the Judiciary, because that committee has earned a well-deserved reputation as a graveyard of civil rights legislation. This is not because a majority of its members oppose civil rights; on the contrary, a majority of its members have endorsed the pending House-passed bill, with certain strengthening amendments, in an unofficial report which has been placed on the desks of all Senators. It owes its reputation, rather, to the fact that its distinguished chairman, a vigorous and able opponent to civil rights, has been consistently able to frustrate the desires of the majority of the members of his committee through the lack of any effective means for enforcing the majority will.

Although in theory committee chairmen are elected by the Senate, in practice, as everyone knows, the most senior member on the majority side automatically becomes the chairman. The result is that positions of power tend to fall to Senators who come from safe, one-party constituencies, whose views often tend to conflict with the majority sentiment in their own party and in the Nation at large.

The remedy is not to eliminate seniority, but rather to curb and regulate it, first by adopting a rule which would provide that chairmen shall be chosen by secret ballot of majority members of the committee at the beginning of each Congress; second, by providing that no Senator shall serve as a chairman after reaching the age of 70; and, third, by directing the majority party caucus to enforce party discipline on committee chairmen to the extent of refusing to endorse for chairman a Senator whose views on issues within the jurisdiction of the committee fail to harmonize generally with the positions taken in the party's national platform.

In addition to these reforms in the method of selecting committee chairmen, there is an urgent need for a Committee Bill of Rights to prevent a dissident minority from obstructing normal democratic processes within committees. This proposal, which I have been urging for several years, is contained among the recommendations of the Joint Committee on the Organization of the Congress. It would give a majority of the committee the right to call meetings, and to require a chairman to report legislation. Had it been in effect, it would not have been necessary to bypass the Judiciary Committee with the pending bill; the majority would have been able to hold thorough hearings, mark up the bill in an orderly fashion, and report it to the floor of the Senate, instead of having to make do with an unofficial report approved by a majority which could not overrule its chairman.

Mr. HART. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. HART. I ask the Senator to yield for a comment which is not intended to undercut any of the suggestions that the Senator from Pennsylvania has made with respect to committee operations, but simply to emphasize one element.

Some of us are teased, after we have been in the Senate a little while, for having lost the drive to modify or eliminate the seniority system. I suspect that the Senator from Pennsylvania came to the Senate, as did I, convinced that the greatest problem with committee operation was the seniority system.

The Senator from Pennsylvania has given much thought to and has focused much public attention constructively on the whole range of problems that relate to Senate rules. He has never lost, I think, the conviction that the seniority system is undesirable, if not bad.

I must confess that over the years, brief though they have been, that I have been in the Senate, I now have convinced myself that the seniority system really would not be very much of a problem, if we could just adopt the suggestion that the Senator from Pennsylvania has made. Let us get a set of ground rules that reach into the committee rooms in the Senate, establish regular order—in effect, have a set of rules written by the Senate for each committee, uniform in its application. If we do that, it makes scarcely more than 7 cents' worth of difference who the chairman is.

The Senate is so wedded to the concept of seniority, that I think we tilt at windmills to fight a change in the seniority system. Much more likely will we have success in urging support for the position the Senator from Pennsylvania has staked out, which will give us chapter and verse of the procedures that shall be applicable inside the committee room. Given those rules, legislation can move in orderly fashion, an up and down vote can be obtained, and the performance of the Senate will be infinitely improved.

Unfortunately, what the Senator from Pennsylvania has contributed so much of his time and thought to is not the sort of business that sells newspapers or interrupts any television program with a bulletin. But, really, it has far greater reach in long term than much of the business that attracts the attention of the gallery—press and public—and is the meat and potatoes of the daily news bulletins out of Washington. Vastly more important is the subject matter that the Senator from Pennsylvania has again brought to our attention. I am very grateful that he has done so.

Mr. CLARK. I thank my friend, the Senator from Michigan, for his helpful comments, with which I agree in large in large part, but not entirely.

The basis of my disagreement is this: When the Senator from Michigan and I came to the Senate, within 2 years of each other—I in 1956 and he in 1958—we found a committee structure in which the chairmanships of practically all the committes on the Democratic side were held by estimable, able, and, indeed, lovable colleagues from a certain section of the country which was then known as a one-party section. It is not so much that any longer. To a large extent, they still hold these chairmanships; but, in a way, they are the more elderly as well as the more senior Members of the Senate. In due course, they will pass along, and the age that is thronging before and beneath them will be chairmen of some youth, some vigor still, who will hold those chairmanships in the liberal cause for at least as many years as the present chairmen hold them in the conservative cause.

While I, personally, would welcome that situation on a philosophical basis, I think that it is just as bad, from the point of view of the Senate as a whole, as is the present system.

Therefore, I feel that the present practically watertight seniority system in the Senate is bad for the country, because it tends to place in positions of responsibility individuals who are out of tune, more often than not, with the thinking and the spirit of their times.

I would like to see some of the procedures utilized in private business applied to the solution of this problem. I do not think we should be content with a system under which elderly men, be they conservatives or liberals, automatically accede to positions of great responsibility.

It is only to that extent that I differ with my friend, the Senator from Michigan.

I return now to my text. My fourth point is:

Filibusters on the motion to take up: Although all Senators are aware of it, most of the public is ignorant of the fact that the Senate rules allow not one but two filibusters on every bill—one on the motion to take up, and one on the bill itself. In the civil rights filibuster of 1964, the filibuster on the motion to take up ran on for 16 days before debate began on the bill itself.

I can think of no rational excuse for permitting the filibusterers to keep this second barrel on their shotgun. The Senate rules should be changed to provide that a motion to take up, made by the majority leader, is not subject to debate.

Fifth. Reading of the Journal: Perhaps the most ludicrous feature of the traditional filibuster, so far happily absent from the present proceedings, is the reading of the Senate Journal. Under the rules, any one Senator has the right to direct the clerk to read aloud the Senate Journal for the previous day during the morning hour, thus creating a filibuster by proxy.

Mr. President, will all deference and with the highest regard for our present able Journal clerks, I wish to point out that in the modern world the reading of the Journal contributes absolutely nothing to the education of Senators as to what went on the day before. It is an anachronism replaced years ago by the CONGRESSIONAL RECORD. The information that any Senator or anybody in the general public requires as to what has gone on during the preceding day is amply conveyed by the CONGRESSIONAL RECORD. To the extent that there may be technical exception to what I have just said, that could be remedied by changing the format of the CONGRESSIONAL RECORD. In my 10 years in the Senate, I have never known the Senate Journal to be read aloud except for purposes of obstruction and delay. Consequently, I have no hesitation in saying that the right to require the reading of the Senate Journal should be abolished, and that there should be substituted instead a procedure for correcting errors in the CONGRESSIONAL RECORD, which should take the place of the Journal, and which should be free of technical loopholes which would permit corrections in the Journal to be utilized as a device for a filibuster.

Sixth. Unlimited right to hold the floor: One of the colorful hallmarks of American political folklore is the marathon speech on the Senate floor. Like the marathon dance contests or marathon flagpole-sitting experts of a bygone era, they are primarily demonstrations of simple brute physical endurance rather than informative discussion which contributes to enlightened debate. No Senator needs more than 3 hours to expound his views on any particular piece of legislation.

When two Senators vie for a long record and one goes 23 hours and 50 minutes and the other goes 23 hours and 15 minutes, they may get headlines in the press all over the world the next day, but they contribute nothing to the decorum and dignity of the Senate and to the representation in the country.

Consequently, I advocate the adoption of a rule requiring Senators not managing a bill to yield the floor after holding it for 3 consecutive hours.

A few of these proposed reforms have been endorsed and recommended by the Joint Committee on the Organization of the Congress which recently filed its report. I hope those recommendations will be brought to the floor and passed promptly next year. The other reforms derive from a comprehensive revision of the Senate rules which I first introduced in 1964, and which has been introduced in the present Congress as Senate Resolution 103. As the filibuster progresses, and the deficiencies in the rules become increasingly obvious, I hope my colleagues will turn to this resolution and give its contents their favorable consideration shortly after we come back in January 1967.

What is at stake here is not just this civil rights bill. The matter is far larger than that. At bottom, what is at stake is the survival of our democratic form of government, and the strength and vitality of the Senate on which it largely rests.

I am proud to be a U.S. Senator. I love the Senate. I would not change this job willingly for any other job in the world. And because I am proud to be a Senator I grow weary and impatient with those who loudly profess to love the Senate, but who seem to love it better the less it does, and to love it best when it does absolutely nothing at all. They seem content to keep it hobbled, lumbering gracelessly and going nowhere, a fit subject for ridicule.

I believe that the Senate is capable of the kind of greatness which the modern age demands—a greatness of sure, swift, wise, and decisive action; a greatness which does not fail to give adequate opportunity for comprehensive, meaningful debate; a greatness of broad thinking and bold innovation on the frontiers of public policy.

But if the Senate is to be what I believe it can be, we must summon the will to put behind us the old ways, honored by time but rendered obsolete and unworkable by the needs of modern life. The means are at hand and reinvigorate this sapless legislative branch of government, to render it capable of prompt and effective action when, after reasonable debate, a majority is ready to act.

As I have said many times before, ours is the only representative body in the civilized world which cannot act when its majority is ready for action.

Will we seize the means while there is still time? I believe that we can; I know that we must; I pray that we shall. Next January will be D-day.

If we fail in that effort, we may well see the Senate crumble and decay as the Roman Senate did with the coming of the Caesars. The symptoms of that decay are manifest and sorely troubling.

I commend to Senators an examination of "A Study of History," by Arnold J. Toynbee. In that work he analyzes the causes of the growth and decay of civilizations, when a civilization reaches its peak and when it begins to decay. They will find that in that massive study the case is strongly made for the proposition that when the institutions, particularly the political institutions, of the particular civilization begin to fall apart, the civilization will soon disintegrate into a dictatorship, where bread and circuses are utilized to retain political power, where zeal for the public welfare declines, where there follows a widespread breakdown in the society and where the dictator rules the roost and the civilization is destroyed.

Never before in my 10 years as a Senator have I known the Senate to be forced to adjourn for lack of a quorum on three occasions in 1 week. Senators will not stay in Washington because the filibuster is droning on, and because of their obligations at home to their constituents, particularly in view of the forthcoming election. But my belief is that this sickness need not be fatal, that the trend toward degeneration of this great body can be reversed, and that the Senate of the United States can be restored to vital, active health.

All we need is the will to take the action so long overdue.

Mr. HART. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to my friend from Michigan.

Mr. HART. It is somewhat risky to pretend to have a crystal ball, and that is what we do when we rise and say that history will report a particular verdict.

Mr. CLARK. I wish to say to the Senator from Michigan that I hope I did not go quite that far. If I did, I should not have gone that far. I said history may record a particular verdict. I see many signs.

Mr. HART. No. I am making the statement, and acknowledging that there is no crystal ball on which to rely.

But I suggest, with great confidence, that whatever history shall report to have been the course of our institutions, any fair historian will report that if we survive and succeed, the Senator from Pennsylvania [Mr. CLARK] will have contributed importantly to it. If we fail, then any fair historian will report that it was not because the Senator from Pennsylvania had omitted to point out what was happening.

I hope that all of us will listen. I hope that in our lifetimes we will see achieved measures of reform which the Senator from Pennsylvania had described today, as he has over the years.

None of us will be able to claim that we were not put on notice.

Mr. CLARK. I thank my friend very much for his kind remarks. However, I do not mean to be cynical when I say that the fact that there are only four Senators in the Chamber at this moment clearly indicates that no one is listening, particularly when there are only two members of the press in the gallery. However, one can hope that even if they do not want to listen, perhaps they will read the Congressional Record that will be available tomorrow morning.

In conclusion, let me say that I have no ambition whatever to ape Cicero who made somewhat the same points in Rome at about the time Julius Caesar came to power. But Cicero did not win, either.

Let us hope that my friend from Michigan, and other Senators who have joined in this fight, will have much better luck.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. HART. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. Hart and by unanimous consent, all committees of the Senate were authorized to meet until 12 o'clock noon tomorrow.

CIVIL RIGHTS ACT OF 1966

The Senate resumed the consideration of the motion of the Senator from Michigan [Mr. Hart] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

H.R. 14765 SHOULD NOT BE MADE SENATE'S PENDING BUSINESS

Mr. HRUSKA. Mr. President, the immediate issue before the Senate is the motion to make H.R. 14765, the pending business of this body.

I oppose this motion.

While there are other reasons of substance for such opposition, my remarks will be directed principally to title I, which has for its declared purpose the assurance of nondiscrimination in Federal jury selection and service.

Mr. President, no reasonable man can take exception to the section numbered 1862 found at page 3 of the bill which reads:

> No citizen shall be excluded from service as grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin or economic status.

As far as it goes, this is an accurate statement of the law of the land on this point. Discrimination on any of the grounds enumerated is prohibited by present law—constitutional and statutory. There is a necessity for abiding by this law if this Nation is to be well- and self-governed.

There is a similarly urgent need regarding civil rights generally. Their possession, and the right and opportunity to exercise and enjoy them freely and equally, must be accorded to all citizens without discrimination.

If additional legislation is needed to gain this goal, it should be enacted.

Five times within the past 10 years, this Congress has taken such action; that is to say, in 1957, 1960, 1962, 1964, and 1965.

During all those years, this Senator has been a member of the Committee on the Judiciary and its Subcommittee on Constitutional Rights to which such measures are normally referred for processing. On each of these five occasions, this Senator supported the bills and cast his votes for them. I was active in the preliminary stages which led to the final formation of these bills.

But, Mr. President, the need for additional legislation does not mean that all legislative proposals bearing the label of civil rights are good, acceptable, and desirable. It does not mean that all bills introduced which bear this label should be approved, even if they have an attractive title, and even if their initial declaration of policy contains promise of the early arrival of the millennium. However well intentioned its authors may be to discharge their assignment well, difficulty can arise with any measure as soon as specific provisions and methods are spelled out to accomplish the declared objectives which are sought.

It is imperative, therefore, that each bill be considered beyond its title and beyond its declaration of policy. The exact provisions of the legislation must be explored in their entirety. Careful and thorough study must be accorded each provision if satisfactory results are to be obtained.

But as the testimony and evidence developed, relating to title I, it became clear that a great many unexpected problems existed.

It became apparent that substantial changes would be made in the composition of Federal juries. The mechanics of juror selection would be revolutionized in every one of the districts and divisions of all our Federal courts in every State in the Union, as well as in the District of Columbia, Puerto Rico, and the Panama Canal Zone.

The record now clearly establishes that additional careful consideration and study is necessary before the Senate takes action on this title.

CONSIDERATION OF TITLE I SHOULD BE DEFERRED

There are valid reasons for such postponement.

It is the intention of this Senator to submit at the proper time an amendment which will seek to delete all of title I with the exception of section 102. That section deals with a revision of jury fees, expenses, and mileage and is independent of the rest of the title. It could and should be enacted into law without further delay.

Briefly, the principal propositions which I advance to support such an amendment are these:

I. REFERENCE OF TITLE I TO JUDICIAL CONFERENCE IS NEEDED

Failure to refer this title to the Judicial Conference for its analysis and recommendations constitutes a serious breach of legislative policy and dictates postponement of any further action at this time.

The policy underlying such referral is not a matter of form, rote, courtesy, or comity between two independent and coequal branches of Government. It is a matter of substance and high importance. It goes to basic legislative procedure.

II. TITLE I IS TECHNICALLY DEFECTIVE, UNWORKABLE AND UNREALISTIC IN MANY RESPECTS

The substance of the title's provisions is undesirable. It is technically defective. It contains many unworkable and unrealistic provisions.

It would create greater problems than any existing problems of discrimination or lack of uniformity which it seeks to correct.

Experience has shown that many of these objections can be intelligently and effectively dealt with in cooperation with the Judicial Conference.

III. CONSTITUTIONAL CONSIDERATIONS

The changes sought in this title are in violation of two constitutional imperatives which the Congress cannot disregard: First, the jury in our Federal judicial system must represent a cross-section of the community; and second, to assure this, juror selectors must acquaint themselves with the identity and availability of potentially qualified persons within significant elements of that community, and must exercise a selective process and independent judgment which necessarily go beyond the restrictions which this title seeks to impose.

I. REFERRAL TO JUDICIAL CONFERENCE

The Judicial Conference, as such, was established by statute in 1948. Membership currently consists of the Chief Justice and Justices of the Supreme Court, the chief judges of the several circuit courts of appeal, and representatives of the members of the district courts. Its duties in general are to oversee, supervise, and administer the judicial system as are set out in the statute.

Since the establishment of the Judicial Conference, it has been the policy and practice of the Congress to refer all proposed legislation affecting the Federal courts to the Conference for its advice, suggestions, and recommendations.

This policy was initiated and has been followed for good, substantial reasons. The Conference, representing the Federal judiciary, is in a unique position to analyze the legal and administrative consequences of such legislation. The Council is composed of men who have devoted and dedicated their lives to the profession of the law and the administration of justice. They have an experience and expertise which should be utilized to the fullest possible extent in order to enable Congress to enact laws which will have only beneficial effects on the operation of the Federal judiciary.

In the past, one of the finest jobs done by the Judicial Conference pertained specifically to the operation of the jury system. This work was done primarily by its Committee on the Operation of the Jury System. Its work started with a report by the so-called Knox Committee in 1943. Upon the passage of the Civil Rights Act of 1957, which included amendment of the jury statutes, a 2-year study was undertaken by this committee. In September 1960 its report was published in the report of the Judicial Conference. It is entitled "Methods of Jury Selection and the Administration of the Jury System in the Federal Courts," and is printed in volume No. 26, Federal Rules Decisions, beginning at page 409.

It is important to emphasize that referring a legislative proposal to the Judicial Conference does not bind the Congress to any recommendations it makes. In fact, the Judicial Conference itself is occasionally not unanimous in its views on measures sent to it for consideration and study. However, through the years, this policy of referral to the Conference has aided in perfecting and improving the quality of legislation in the field.

Adherence to this policy would be particularly appropriate in the instant case. Even a cursory glance at the scope of title I and the extensive changes which it would work in the jury system would seem to point up the need to seek the views of those most expert in the field.

It should be noted that this policy of referring the bills pertaining to the judiciary system to the Judicial Conference is not unusual. All Members of this body are well aware that whenever any bill is introduced and referred to a committee, one of the very first steps in the processing of it is to refer the bill to the appropriate department or branch of Government to which it applies. This is done whenever the measure is of any substantial effect, and in fact, is considered a general practice.

And it is a practice of high value. Certainly as legislators we would want to know the views of those who administer the particular activity upon which we set out to legislate. There is one way to find out. That is to consult those who are in charge of that department, agency, or branch of Government which is involved.

There is still another way to indicate the pressing need to refer this title to the Judicial Conference. The distinguished chairman of the Senate Subcommittee on Constitutional Rights, which held extensive hearings on this bill, requested the 92 chief judges of the Federal district courts to make such comment on title I as they deemed appropriate. To date, 58 of them have replied to his request. In addition to being included in the hearing record, some of the letters were placed into the Congressional Record by the senior Senator from North Carolina on August 3, 1966. They are to be found starting on page 18034. Fifty-six of these replies contained substantive comments and raised objections. Many object strenuously to the added burdens that would be placed on them and their courts; many more see no need for such legislation and no benefits from its enactment. Others protested strongly that Congress should take no action until the Judicial Conference has examined the proposal.

Certainly the response to this request for comment is another very strong argument for Judicial Conference consideration. If those members of the bench who are in charge of the selection of jurors have that much immediate interest and do register comments such as those received, there should be no question about the matter of referral.

Still another persuasive reason is to be found in the testimony of 10 of the clerks of the district courts who appeared before the Constitutional Rights Subcommittee. They represented every circuit except the fourth. In addition to commenting on the unworkable and unrealistic provisions of the title before them at that time, each clerk stated that he would recommend that the bill not be passed until the Judicial Conference had considered it.

This is noteworthy, indeed. Each of these 10 clerks stated that the problems of title I far outweigh any existing problems of discrimination or lack of uniformity which the title seeks to correct. These 10 clerks have operated the jury selection machinery as it currently exists. Many of them have served for a long period of time and also had experience with the law as it existed prior to the changes adopted in 1957.

They are familiar with the problems of obtaining competent and well selected juries and they would be responsible for implementing the new method set out in title I. These gentlemen are considered knowledgeable and capable public officials. Each of them possesses considerable legal training and experience. They had been called to Washington on the occasion of their testimony before the subcommittee on July 27, on an errand pertaining to their office and only incidentally relating to the subject at hand. However, they did testify and their statements are very illuminating, indeed.

Before taking the serious action of very radically and fundamentally amending our present jury system, there should be an exhaustive, thoughtful, and competent processing to a point that the legislation will serve the overall administration of justice in the best possible manner.

This Senator, therefore, urges that the bill be referred to the Judicial Conference. The Judicial Conference Committee on the Operation of the Juror System has just recently been reconstituted by Chief Justice Warren. It is functioning and is ready to accept its assignment if we just have the wisdom to call on it. This Senator earnestly hopes we will do so.

II. TITLE I WOULD HAVE INJURIOUS IMPACT ON THE ADMINISTRATION OF JUSTICE

Title I, if enacted into law, would have an injurious impact on the administration of justice.

It contains many unrealistic and unworkable provisions.

It would downgrade and debase the quality and effectiveness of the jury.

Jury reform legislation should be considered on its own merits—as a highly vital and powerful component part of our system of administering justice and not as an adjunct of a social reform program.

These and the foregoing and other subjects are covered quite extensively in the testimony of the clerks of the courts and of the chief judges who did respond to the subcommittee's invitation to comment on the title. Allusion has already been made to them and their testimony.

One of the clerks who testified before our subcommittee was Richard C. Peck, clerk of the District of Nebraska. So that the value of his testimony might be better appreciated, a brief résumé of his background is in order. He has served as clerk of the U.S. District Court for the District of Nebraska since April 1, 1959. Prior to that he was chief assistant U.S. attorney for the District of Nebraska for 3 years. He also served as law clerk to the Honorable J. W. Woodrough, circuit judge of the U.S. Court of Appeals for the Eighth Circuit. In addition, he has been a practicing attorney as well as a county judge; and a county attorney for a period of 6 years. He is also the author of many legal articles. He is truly a man expert in all areas of the law and the workings of the legal system and a man whose counsel should be given a full and complete hearing.

Adding weight to the value of his testimony is the fact that the circumstances to which he alludes would generally prevail in all the districts but would be particularly applicable in over one-half of the judicial districts. The reason for this is that, in addition, to Nebraska, there are 25 no-division Federal judicial districts including Puerto Rico. Listed alphabetically they are: Alaska, Arizona, Colorado, Connecticut, Delaware, Hawaii, Idaho, Kansas, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Utah, Vermont, and Wyoming.

Mr. President, I should like to read portions of Mr. Peck's statement and add my comments as I go along.

Statement of Richard C. Peck, Clerk, U.S District Court, District of Nebraska, in Connection With Scheduled Appearance Before the Subcommittee on July 27, 1966, at Hearings on S. 3296

To the Honorable Chairman and Members, Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate: the District of Nebraska encompasses an area of approximately 77,227 square miles with a population of approximately 1,430,000 people. 592,673 of them voted in the last general election. Of a total of 93 counties in the

> district only 12 are required to have voter registration. There are 2,169 voting precincts in the state. From Omaha, the headquarters of the District and situated in the easternmost part of the state, the distance to Scottsbluff, a city near the western boundary, is 446 miles.
>
> With these statistics in mind I am overwhelmed at the thought of the enormous increase in expenditure of funds, the staggering volume of clerical work, and the aggravating inconvenience to jurors which would of necessity be generated if the provisions of Title I of this bill, S. 3296, are implemented
>
> Using the total vote cast at the last general election as a reference figure, at least 5,926 names would have to be gleaned biannually from the registration rolls of the 12 counties in Nebraska requiring voter registration and from the separate poll books of approximately 1,600 voting precincts existent in the remaining 81 counties which do not have registration and require only the signature of the voter on a poll book on the day of voting. Contrast this with our present annual need for jurors' names, which is something less than 1,000, and it becomes quite obvious that the cost of increasing my staff by the number of personnel necessary for such an undertaking, and the mileage and subsistence payments required for their travel to all of the points where these records would be available for copying would alone be something to behold.

To digress from the statement, while they were directed to S. 3296 rather than H.R. 14765, the observations contained are still generally valid. The House amended the requirement in the original administration bill which required 1 percent of the voters' names to be included on the original jury list by reducing the amount to one-half of 1 percent.

That would still require the ferreting out of nearly 3,000 names from the Nebraska voter registration rolls and the 1,600 poll books. It still is a figure substantially in excess of the number of jurors' names currently needed. I now return to Mr. Peck's statement:

> Moreover, to complete the task in the short period of November 15 to December 31 would indeed require the application of magical administrative effort; and in Nebraska an added complication is the fact that by state law all poll books are sealed for six months immediately after the canvass of the votes is completed and they cannot be opened except upon order of a court having jurisdiction thereof.
>
> I note that the bill contains provisions directing that a master wheel contain names from all counties in the District and that when drawn from that wheel jurors must appear before the clerk for execution of a qualification questionnaire. For a juror to travel to Omaha from Scottsbluff and return would require a minimum of two days time with attendance fees of $20 per day, plus subsistence at $16 per day, plus mileage at 10 cents per mile on a round trip of 446 miles, making the grand total of expense incurred for the questionnaire a minimum of $161.20! But if consideration of cost is not enough to discourage such a procedure, the discomfiture inflicted upon the prospective jurors should. What conscientious individual who is busily occupied in the daily affairs of making a living would appreciate the inconvenience and loss of time imposed upon him in the making of such a lengthy trip for the sole purpose of completing such a form?

Again, to depart from the text of the statement, it has been observed that the House has amended section 1865(a) of the title and aimed at two of the objections; namely, that where it would cause undue hardship to require those whose names are drawn from the master wheel to personally appear before the clerk to fill out his qualification form, the chief judge of the district with the concurrence of the judicial council of the circuit could allow the mailing of the qualification forms. All this amendment has done in many cases is to postpone the difficulties. It is my understanding that those who mail in their qualification forms may be required to fill out another one before the clerk if called for jury service. While the bill does not spell this out, commonsense would seem to dictate that there be some verification of literacy. Thus, they could still be required to travel all of the way to the site of the court and be disqualified at that point.

It has also been represented that the House amendment to section 1864(c) which allows the maintenance of a master jury wheel at each place the court sits will obviate much of the difficulty with the section. All this will do is compound the recordkeeping and administrative requirements on the clerks. In many "no division" States, the distances involved will still be in the hundreds of miles. To continue with the statement:

> This bill also eliminates the provisions of present Section 1863 of Title 18 which permit the Court by order to exclude from service such groups of persons as doctors, nurses, pharmacists, clergymen, morticians, etc. It ought not be difficult for anyone to imagine the inconvenience and complications which would arise if the courts attempt to compel such groups of people to serve as jurors. The public interest simply compels their exclusion.
>
> A casual reading of the bill is sufficient to reveal the tremendous volume of record keeping which this legislation would impose upon administrative machinery which in some districts is already burdened to the point of frustration. Consider the man hours and the record flow required to collect and list the thousands of names required for the master wheel, to list again the names drawn therefrom, to summons them in for execution of the questionnaire, to assist in the filling in of the information to be requested on the form, to voucher the payment of fees, to note the failures to appear, to note the grounds of disqualification, to make a listing of names inserted in the qualification wheel, to make a drawing from the qualification wheel, to list again the names so drawn, to summons them for duty, to keep the records for the detailed challenging procedure provided for, to keep track of those persons excused for up to 6 months time, to note the reasons for excuse or exclusion from service—there seems no end to the morass of records which this legislation would either compel or encourage to be accumulated and preserved.
>
> It is apparent that Title I of S. 3296 seeks to assure nondiscrimination in selection of individuals for service on federal juries. But, certainly no one can deny that the law of the land already unmistakably forbids purposeful discrimination in the selection of persons for duty upon federal juries. We are not aware of any present lack of machinery to enforce that law or accomplish its purpose. It is even suggested that existing civil rights legislation probably subjects the clerk and the jury commissioner to liability in damages if they practice discrimination in the performance of their duties. Therefore, it would seem that the present machinery ought not to be tampered with unless some more cogent reason can be established which demonstrates a need for change.

Mr. Peck's statement makes several other telling points relating to the general effects of title I. I will return to them a little later. Without further burdening the RECORD with the statements of the other clerks and with the letters received from the Federal judges across the country—58 have replied to date, 56 opposing the adoption of title I and 2 favoring it with amendments—let me recite a few of the other major technical and drafting problems with the title, which make it completely unacceptable and point up the necessity for a thorough study and analysis of the entire title.

The statement of policy in the title points out that no citizen shall be excluded from jury service because of the class or group from which he comes and it also adds that all citizens have an obligation to serve as jurors when called. I have no problem with this for it is merely a recitation of what we accept. However, the House added a sentence which states that it is the policy of the United States that all persons have a right to a trial by a jury drawn from a cross section of the community. How this addition would be interpreted is somewhat vague.

The requirement that the jury wheel be emptied and refilled between November 15 and December 30 in each even-numbered year clearly was not given much thought. This refilling period will fall in what is normally considered the fall terms of the courts and at a time when the clerks will be busiest.

We also find in the bill the situation where an arm of the executive branch of the Government, the Attorney General participates with the Administrative Office of the U.S. Courts in drawing up the juror qualification forms.

This appears to be an intentional disregarding of the doctrine of separation of powers which clearly comprehends the judiciary controlling the administration of the jury system. The importance of this form cannot be overstated for this legislation provides that the completion of the form is the sole test of the potential juror's qualifications.

Some amendments were made, and there is a slight variation, but substantially that is the fact as to the jury qualification form. Basically, it remains the sole test by which the eligibility of a man to serve as a juror is determined. In fact, section 1866(a) removes inquiry into the question of literacy even by the court and apparently even if there is "objective" evidence bearing on the question—the drafters of this bill are in essence asking this body to go on record as having so little confidence in the honesty and integrity of the Federal judges that we will not allow them any latitude in using their judgment to determine whether a potential juror is in fact able "to read, write, speak and understand the English language."

The entire areas of challenging the composition of the jury as comprehended by section 1867 is beyond description and is capped by subsection (d), in which it is impossible to determine whether the two provisions are simply redundant or contradictory.

Mr. President, I ask unanimous consent that the language of subsection (d), appearing at page 12 of the bill, be printed in the RECORD at this point.

There being no objection, the subsection was ordered to be printed in the RECORD, as follows:

> (d) The procedures prescribed by this section shall be the exclusive means by which a person accused of a Federal crime or a party in a civil case may challenge any jury in his case on the ground that such jury was not selected in conformity with sections 1864, 1865, or 1866 of this title. Nothing in this section shall preclude any person or the United States from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin, or economic status in the selection of persons for service on grand or petit juries.

Mr. HRUSKA. The provisions of the entire section not only fly in the face of existing procedures in Federal courts but also do violence to commonsense. The section allows the persons making the challenge to wait until after the jury is sworn and empaneled and the parties have completed their opening statements; in fact, he can wait until the moment when evidence is to be presented and then make his challenge. And in the hearing he need not show he is prejudiced but only that the procedures outlined in the bill were not followed. The challenge hearing is almost completely removed from the judge's hands, for he lacks discretion in either admitting "other evidence" or restricting the number of witnesses the complaining party can call. Both the testimony of the clerks before the subcommittee and the letters from the judges pointed up the threat to orderly operation of the Federal courts that this provision poses. It can be a vehicle for complete disruption of the operation of the court, and the court lacks the authority to stop it.

This litany could be continued almost indefinitely. The number of technical problems contained in this title is surely a strong argument for waiting until proper consideration can be given the provisions before its enactment is seriously entertained; but it is by no means the only argument.

Adoption would undo in a period of a few short weeks the work which has been underway for more years than I have been serving in this body to streamline and make more efficient the operations of the Federal courts so that the thrust of the courts' efforts can be directed toward administering justice rather than the ministerial duties of office administration. Clerk Peck in his testimony summed this up well:

> The courts in this 20th century have the same need for simplification of procedure, streamlining of administrative machinery, and utilization of modern techniques as is required of any other activity. The ever-increasing load of work must be discharged, and I know of no other circumstance that can contribute more directly to paralysis in judicial administration than the temptation to become involved in excessive and useless record keeping. . . . Our experience convinces us that there is a need constantly to pursue a course of positive and imaginative action in the administration of the courts' record keeping processes. Time and personnel limitations and the necessity for efficiency compels the elimination of all record making which fails to accomplish a purpose commensurate with the effort expended in its creation. This proposed legislation defeats that goal and I find it difficult to be restrained in my opposition to it.

If we pass this bill, we will have added immeasurably to the burdens of our courts and will have accomplished little or nothing by way of improving the quality of justice. This summation is echoed in the letters from the judges from all sections of our Nation.

If we add these crushing burdens, we will have effectively cancelled out those judges which have been added to the bench over the last few years. Since I have been a member of this body, we have added 148 new Federal judges to the bench. We cannot continue to add judges to clear the dockets which have become cluttered and we cannot continue to add judges to replace those which we have taken from the work of the court by adding to their administrative duties. And this title threatens the courts with a deluge of meaningless paperwork and recordkeeping as well as a limitless number of quasi-judicial proceedings.

IV. CONSTITUTIONAL CONSIDERATIONS

Section 1866 of the bill entitled, "Qualifications for Jury Service," opens with the following language:

> The jury commission shall determine solely on the basis of information provided on the juror qualification form or the return summons whether a person is qualified for or exempt from jury service: Provided, That such determination shall be made by the court if other objective evidence obtained by the jury commission indicates that a person is not qualified pursuant to subparagraphs (1), (3) or (4) of subsection (b) hereof * * *.

The subparagraph (b) just referred to reads as follows:

> (b) In making such determination the jury commission or the court shall deem any person qualified to serve on grand and petit juries in the district court unless he—
>
> (1) is not a citizen of the United States twenty-one years old who has resided for a period of one year within the judicial district;
>
> (2) is unable to read, write, speak, and understand the English language;
>
> (3) is incapable, by reason of mental or physical infirmity, to render efficient jury service; or
>
> (4) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

Compliance with the four qualifications contained in section 1866(b) as the sole standard of a person to serve on a jury breaches the constitutional requirement that a jury must be truly representative of the community.

By limiting qualifications to these factors alone, there is such an enforced disregard of many characteristics and attributes held by the community's citizenry as to render impossible the achievement of a truly representative or cross section jury. For example, to be truly representative or truly a cross section, it is necessary to "produce a balanced, literate-intelligence spectrum" in the jury.

Those qualities in their varying shades and degrees as are inherent in each person of the community are necessarily a part of the cloth from which a cross section is taken.

By insisting on the four qualifications listed in section 1866(b) as the maximum and sole standard, proponents of title I are breaching vital and essential constitutional requirements.

This point was well stated in the opinion of Circuit Judge Brown in the Rabinowitz case—July 20, 1966, Fifth Circuit Court of Appeals, case No. 21256. He declared that despite the assumed purpose—that is, the purpose assumed by the court—of Congress to make the 1957 act the sole standard, "it is plain to me that this simply could not be." He then went on to say:

> It is here that we see that the 1957 Act cannot be the sole standard. For it is now clear that there are two constitutional imperatives: (1) the jury must fairly represent a cross-section of the community; and (2) to assure this jury selectors must acquaint themselves with the identity and availability of potentially qualified persons within significant elements of that community.

As authority for his proposition as to the two constitutional imperatives, Judge Brown cited, among other cases, the following: *Smith* v. *Texas*, 311 U.S. at 132, 61 Supreme Court (1940); *Hill* v. *Texas*, 316 U.S. 400, 404 (1942); *Cassell* v. *Texas*, 339 U.S. 282, 289–90 (1950).

Pertinent language in the opinion in the case of Smith against Texas reads as follows:

> It is petitioner's contention that his conviction was based on an indictment obtained in violation of the provision of the Fourteenth Amendment that "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws" and the contention that equal protection was denied him rests on the charge that Negroes were, in 1938 and long prior thereto, intentionally and systematically excluded from grand jury service solely on account of their race and color that a conviction based upon an indictment returned by a jury so selected is a denial of equal protection is well settled, and is not challenged by the state, but both the trial court and the Texas Criminal Court of Appeals were of opinion that the evidence failed to support the charge of racial discrimination. For that reason the Appellate Court approved the trial court's action in denying petitioner's timely motion to quash the indictment. But the question decided rested upon a charge of denial of equal protection, a basic right protected by the Federal Constitution. And it is therefore our responsibility to appraise the evidence as it relates to this constitutional right.
>
> It is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community. For racial discrimination to result in the exclusion from jury service of otherwise qualified groups not only violates our Constitution and the laws enacted under it, but is at war with our basic concepts of a democratic society and a representative government. We must consider this record in the light of these important principles. The fact that the written words of a state's law hold out a

> promise that no such discrimination will be practiced is not enough. The Fourteenth Amendment requires that equal protection to all must be given . . . not merely promised.

In *Glasser* v. *United States*, 315 U.S. 60, 85–86, Justice Murphy, in his opinion discussed the duty of selection of jurors under the statutes then applicable, in 1941. In part, he stated:

> And, its exercise must always accord with the fact that the proper functioning of the jury system, and, indeed, our democracy itself, requires that the jury be a "body truly representative of the community," and not the organ of any special group or class. If that requirement is observed, the officials charged with choosing federal jurors may exercise some discretion to the end that competent jurors may be called. But they must not allow the desire for competent jurors to lead them into selections which do not comport with the concept of the jury as a cross-section of the community. Tendencies, no matter how slight, toward the selection of jurors by any method other than a process which will insure a trial by a representative group are undermining processes weakening the institution of jury trial, and should be sturdily resisted. That the motives influencing such tendencies may be of the best must not blind us to the dangers of allowing any encroachments whatsoever on this essential right. Steps innocently taken may lead to the irretrievable impairment of substantial liberties.

The case of *Thiel* v. *Southern Pacific Company* (1946) 328 U.S. 217 involved a situation where a jury list from which all persons who worked for a daily wage were excluded. It was declared illegal by the U.S. Supreme Court. In its opinion, the Court declared the rule that racial as well as other groups must be represented on a jury list so as to afford an impartial jury drawn from a cross-section of the community. A pertinent passage from the opinion (pp. 1184–1185) reads as follows:

> The American tradition of trial by jury, considered in connection with either criminal or civil proceedings, necessarily contemplates an impartial jury drawn from a cross-section of the community. Smith v. Texas 311 U.S. 128, 130, 85 L ed. 84, 86, 61 S. Ct. 164; Glasser v. United States, 315 U.S. 60, 85, 86 L ed. 680, 707, 62 S. Ct. 457. This does not mean, of course, that every jury must contain representatives of all the economic, social, religious, racial, political and geographical groups of the community; frequently such complete representation would be impossible. But it does mean that prospective jurors shall be selected by court officials without systematic and intentional exclusion of any of these groups. Recognition must be given to the fact that those eligible for jury service are to be found in every stratum of society. Jury competence is an individual rather than a group of class matter. That fact lies at the very heart of the jury system. To disregard it is to open the door to class distinctions and discriminations which are abhorrent to the democratic ideals of trial by jury.
>
> The choice of the means by which unlawful distinctions and discriminations are to be avoided rests largely in the sound discretion of the trial courts and their officers * * *. Id. at 220, 90 L. Ed. at 1184–5.

These cases hold, and they mean that those in charge of selecting names for the master wheel or box must be conscious of the entire community and all of its meaningful components.

These components are numerous and varied in virtually all parts of the United States. They would include elements such as race, nationality, religions, urban, rural, wage earners, highly skilled professional people, business executives, younger people, senior citizens, retired folks, those active in business or professions, wealthy, moderately wealthy, and those having only low income.

There is a clear constitutional requirement that whatever meaningful elements exist must be included by proper representation in the master wheel or box.

The component elements cannot be compressed into a few, general qualifications which will be applied as sole guides to eligibility. Qualification to serve as a juror simply cannot be restricted to an arbitrary and small number of attributes to the total and deliberate disregard of the many other attributes present in any given community.

Such disregard would be in direct violation of the imperative of a jury wheel or box consisting of a truly representative list of citizens.

The essence of the objection to the consciously sought blue ribbon jury is that it is not truly representative. Similar and equally persuasive objection lies powerfully against a limitation of the jury to marginal literates, or only to those who would barely pass the minimum reading and writing test.

This same theme was the subject of the opinion in *United States* v. *Henderson* (1962), 298 Federal 2d 522. Decided in the Seventh Circuit Court of Appeals.

One of the main contested issues in that case was whether the clerk and the jury commissioner may consider intelligence level as indicated by a formal eighth grade education as a factor in the selection of the names of persons to be placed in the box from which the names of jurors are publicly drawn.

MANNER OF SELECTION OF NAMES PLACED IN THE BOX

This case came up from the eastern district of Wisconsin which embraces the Metropolitan Milwaukee area. The clerk of the court and jury commissioner annually send a questionnaire to each of approximately 800 prospective jurors. Prospective jurors are required to answer the questionnaire in their own handwriting. It asks, among other things, the person's occupation, length of time of present employment or business, and ability to read, write, and understand English. It requires that the number of years of primary, high school, and college education be indicated by the circling of appropriate figures on the form.

The returned questionnaires are examined and separated into two groups as acceptable or unacceptable, if they can readily be perceived to be in one class or the other on their face. In determining whether to place the name of the person in the jury box, the decision is made on the basis of information disclosed by the questionnaire. Spelling, grammar, penmanship, failure to answer any questions, and the nature and length of employment are all considered. A person may be accepted if the nature and length of employment indicate responsibility, ability, and experience regardless of the amount of formal education. The questionnaire is the sole basis for estimating the intelligence of the prospective juror and significant consideration is given to the amount of formal education for the purpose of obtaining more intelligent jurors. In connection with the selection of persons with less than an eighth grade education, if relatively few names are needed to fill the box, the clerk and commissioner become more selective and are more likely to select those who have had more formal education.

DEFENDANT'S CONTENTIONS

The defendant was prosecuted for forging endorsement on a Government check. He argued that in the enactment of 28 U.S.C.A. 1861—the counterpart of which is found in H.R. 14765 in the section number 1866, and entitled "Qualifications for Jury Service"—Congress imposed a literacy standard which precludes inquiry into the intelligence of prospective jurors and that the use of the intelligence criteria here employed by the clerk and commissioner in the selection process destroys the uniformity intended by Congress, violates the statute, and results in an exclusion of an important segment of the community, precluded by the sixth amendment of the Federal Constitution. Hence, his conviction was void.

THE GOVERNMENT'S CONTENTIONS

The Government contended that in 1957 Congress removed the provisions requiring competency under State law from section 1861 as part of civil rights legislation designed to attain objectives not inconsistent with recognition that a reasonable level of intelligence is appropriate, if not a requisite, to the rendition of efficient service as a juror. And, that the goal of efficient service is an express objective of the statute is evidenced by its provision requiring rejection of persons incapable by reason of mental or physical infirmities of rendering efficient jury service. Hence, recognition that the statute envisions efficient service requires rejection of a conclusion that an intelligence level equated with mere literacy was intended to be imposed as a maximum standard to be employed by the clerk and the commissioner in the selection of persons pursuant to section 1864 whose names are placed in the box from which the jurors are drawn.

HOLDING OF THE CIRCUIT COURT

The court approved the method used in the instant case for the purpose of selecting jurors. It held that the policy contained in it was not arbitrary; that prospective jurors must be selected without use of irrational or self-imposed standards, but absolute cross section is not required; and that the defendant had no constitutional or statutory right that ignorance be represented in the jury box. Another significant point made in its opinion was that in view of the statutory requirements that the jury be capable of rendering efficient service, mere literacy is not maximum standard of intelligence to be employed in selecting prospective jurors.

The court, in the opinion delivered by Circuit Judge Castle, stated on this point after setting out the contention of the Government as contained herein above stated:

> (2) And this view of the statute not only is in accord with its express provisions but is in harmony with the observation in Brown v. Allen, 344 U.S. 443, 474, 73 S. Ct. 397, 416, 97 L. Ed. 469 that no due process infirmity invalidates a jury source which "reasonably reflects a cross-section of the population suitable in character and *intelligence* for that civic duty." (emphasis supplied). And as was pointed out in United States v. Dennis, 2 Cir., 183 F. 2d 201, 220, the theory that a jury must be a "cross-section" of the community "must be taken with some reserves" and the statute "presupposes some winnowing of those called." The "cross-section" contemplated is not an absolute. Frequently such complete representation would be impossible. Cf. Dow v. Carnegie-Illinois Steel Corporation, 3 Cir., 224 F. 2d 414, 423. But it does mean that prospective jurors shall be selected by court officials without the use of irrational or self-imposed standards.
>
> (3) The record before us discloses that the criteria here employed by the clerk and the commissioner in selecting persons whose names were placed in the box are not in themselves unreasonable or violative of the letter or spirit of the statute. Their use did not constitute or result in arbitrary exclusion. Lack of a formal eighth grade education did serve to require closer scrutiny of the nature of the person's employment to ascertain if it indicated such responsibility, ability or experience as evidenced a similar degree of intelligence. And, it was only where relatively few names were needed that persons who had more formal education were likely to be preferred for selection. Sole reliance on a questionnaire is not the most ideal method for the selection of prospective jurors. But the criteria here employed in the selection were not only practical, under the circumstances, but did serve to confirm the required ability to read, write, speak and understand the English language and indicate the existence of an intelligence level which certainly is not unreasonable as a requirement for the selection of efficient jurors.
>
> The facts here present no arbitrary exclusion of the nature condemned in Smith v. Texas, 311 U.S. 128, 61 S. Ct. 164, 85 L. Ed. 84; Thiel v. Southern Pacific Co., 328 U.S. 217, 66 S. Ct. 984, 90 L. Ed. 1181; and Ballard v. United States, 329 U.S. 187, 67 S. Ct. 261, 91 L. Ed. 181, cited and relied upon by the defendant. Nor do the criteria employed have the effect of excluding an important segment of the community here involved. The record shows that in such urban areas 82 percent of the adult population has at least an eighth grade education and 79 percent of male laborers meet this standard. And it is not contended, nor is there any evidence to indicate, that the criteria used were employed as a device or subterfuge to effect racial discrimination in the selection of prospective jurors or resulted in such discrimination—an exclusion expressly prohibited by 28 U.S.C.A. § 1863(c), and condemned in Smith v. Texas, supra.
>
> (4) Defendant has no constitutional or statutory right that ignorance be represented in the jury box. We are of the opinion that the District Court did not err in its rulings rejecting the challenge to the array.

It should be noted that the United States against Henderson case was based upon the statute as it presently exists.

It should be further noted that the pending bill now before us will change that statute by providing that the jury commission is to determine whether a person is literate solely on the basis of the responses on the form which a juror fills out and which the jury commission receives. Only simple literacy would be required, it is stated by the proponents of the bill. If the jury commission has objective evidence of disqualification which contradicted the other qualifications as shown on the form, it may present the evidence to the court which would then make the final determination, it is stated.

It is to this point that argument is directed on the basis of constitutional grounds.

By seeking to restrict the use of some discretion in the selection of the names to go on the master wheel, there is breached the constitutional requirement that a jury must be a cross section of the community, and that a jury must be truly representative of the community.

TWO CONSTITUTIONAL IMPERATIVES

In his opinion in the Rabinowitz case, Circuit Judge Brown enumerated the "two constitutional imperatives" as follows:

First, the jury must fairly represent a cross section of the community; and, second, to assure this, jury selectors must acquaint themselves with the identity and availability of potentially qualified persons within significant elements of that community.

Judge Brown went on to say that this means Federal jury selectors must be conscious of the community and all of its significant components. These include not only racial groups, but other significant elements such as urban, rural, wage earners, highly educated professionals, low income, poverty areas, and the like. Having become conscious of the community, they must then establish—or at least follow—a system or procedure which will in the jury "universe" represent a fair cross section. Even more vital, they must take steps to seek out, find, and become acquainted with the identity and availability of potentially qualified persons within such elements, especially where the background or experience of the selectors would not give them ready personal access to this information.

During the process of compiling the list of names which will go on the jury wheel or into the jury box there is a continuing demand for selective judgments. This is readily understandable, in view of the requirements for a truly representative master wheel.

It is also clear, however, that at least two factors really aggravate this process considerably.

One factor is the relatively small number of names maintained in the jury box. The second factor is the rapid expansion in the number and size of metropolitan areas in an increasing number of instances within the judicial system.

The second factor named presents an added complication since almost invariably the metropolitan division is made up of 1 or perhaps 2 metropolitan counties plus 10 to more nonurban or rural counties.

When the "universe" from which the jury master wheel is to be filled numbers into hundreds of thousands and in some places over a million, it is obvious that there must be great selectivity. To begin with, there would have to be a survey of the geographical area to assure some balance between urban and nonurban sections of the division or the district. And within the metropolitan center there must be further geographical distribution to the extent, as is frequently so, that the areas of residence accurately reflect other significant distinctions such as race, economic status, education, type of employment, and the like.

Then, quite apart from geography, steps must be taken to assure that significant elements of the community inherent in a fair cross section are taken into account and even random use of sources of large numbers of names such as city directories, telephone directories, voter lists, tax lists, public utility customer lists, and so forth, does not eliminate the preliminary and constitutional condition precedent to their use. Jury selectors must first be satisfied that any such source—or a combination of them—will give a true, fair picture of the community.

Judge Brown in his opinion in Rabinowitz at another point stated:

> Another significant factor essential to a fair cross-section is the educational background of the prospective jurors. The consciously sought blue ribbon jury is unacceptable for Federal courts. Equally so is one of marginal literates. In today's society of intense public education, a fair cross-section is not afforded unless the system pursued fairly produces a balanced literate-intelligence spectrum.

Then Judge Brown summarized this series of selected judgments by writing:

> At every step, therefore, there is a continuing demand for selective judgments. While in making them it may be assumed that as to individuals chosen they are required nominally to have only the qualifications prescribed in the 1957 Act, the fact is otherwise. To those must be added all of the other measuring tests to assure the fair community cross-section. This means that whatever Congress might have thought it was doing, it did not, it could not, dispense with these additional judgmental standards by which out of hundreds of thousands, or occasionally a million or more names, the very very tiny group comprising the box is selected. Judge Bell is most certainly this much right: the selection of a jury box in which all would barely pass the minimum literacy—read-and-write—test would inescapably be constitutionally defective * * *.
>
> It simply defies reason to think that intellectual attainments and formal educational experiences must be totally disregarded as we select these very important public servants (jurors). It is also to say that a system which undertakes to require that the only applicable test is the lowest common denominator runs head-on into the Constitution.

The basis of the majority opinion in Rabinowitz was that Federal qualifications as to jury selection "are objective and precise, requiring in their application no discretion on the part of the court clerk and the jury commissioner. Since Congress only conferred discretion on the clerk and the commissioner by implication from the State's statutes, their discretion ceased to exist when the State qualifications were entirely swept away."

On this point, Judge Brown was very emphatic. He stated:

> But accepting this with all its intrinsic infirmities, I think the court's opinion is too doctrinaire. For despite the assumed purpose of Congress to make the 1957 Act the sole standard, it is plain to me that this simply could not be.
>
> There is, first, the command of the Constitution which overrides all. It is true, of course, as the opinion points out, that with respect to federal juries, Congress can prescribe legislative standards more exacting than what the Constitution requires. So, too, may Federal Appellate Courts give voice to such standards in doubtful cases short of statutory violation through the exercise of supervisory power over the conduct of criminal justice. But neither Congress nor the Courts can disregard what the Constitution demands.

In addition to the constitutional defects contained in the title, a serious question of policy is also raised. It must enter into the deliberations on title I of H.R. 14765. We must weigh carefully the substantial effect which it will have on the very concept of jury trials as they have developed over the last thousand years. And it is imperative to point out at the outset that this is not a civil rights issue in the context that the other titles of this bill are drafted. In fact, the selection of jurors goes to the very heart of our system of justice. And if our system is to function properly the need for competent jurors is basic.

The Judicial Conference of the United States spelled out the ideal in the report of its committee on the operation of the jury system issued in 1960:

> The jury holds in its collective hands the life, liberty, and the welfare of individual defendants in criminal cases and the interests of litigants in civil cases. The importance of improving the calibre of these judges of facts is therefore self-evident. At the same time, jurors must be representative of the community in which they live. Therefore, the Committee recommends that the sources from which they are selected should include all social and economic groups in the community and the jury list should represent as high a degree of morality, integrity, intelligence, and common sense as the jury commission can find in each social and economic group by the use of impartial methods of selection.

The substantive provisions of the proposed title I fly in the face of these recommendations. The Judicial Conference points out two major considerations in the selection of effective juries: First, that they be gleaned from sources made up of a representative cross section of the community; and second, they represent highest degree possible—consistent with (1)—of morality, integrity, intelligence, and commonsense. Title I would strike the second consideration and leave this most important criteria to chance. Adoption of title I would engraft on our judicial system a right to have ignorance represented in the jury box.

The qualifications for jury service set out in section 1866 would be acceptable if they were to represent the minimum requirements. Few would argue that no man should serve on a jury if he was not a citizen who had reached his majority, was unable to read, write, speak, and understand the English language or was incapacitated either physically or mentally or was a convicted felon. But it certainly flies in the face of common sense as well as our judicial traditions to accept these minimum requirements as all that are necessary or desirable for jury service. And possession of these minimum qualifications surely does not dictate that the possessor is entitled to the opportunity to serve on Federal juries.

To return to Clerk Peck's observations on this title, I quote:

> One thought is important, I think, in considering the ultimate effect of this proposed legislation. The right to trial by jury does not mean the right to have ignorance, stupidity, mediocrity, or indecision predominate in the make-up of a jury. This bill, in its obsession to provide minute rules to prevent discrimination on account of race, color, etc., takes no account of the need of our judicial system to have serving upon its juries citizens, selected to be sure without discrimination, but who are also known to be honest, fair-minded of good reputation, and of sufficient capability to enable them to make decisions and thus render creditable jury service. I submit that a lesser standard cannot foster the integrity of the courts nor command reliance upon the operation of the adversary system of jurisprudence as we presently know it.

Inherent in this mature comment on the philosophical problems contained in title I is the underlying belief that qualified jurors can be found in every walk of life: but meeting certain minimum qualifications, with no other inquiry into the person's suitability, does not insure that the individual is capable of fulfilling the high responsibility which is the burden of each juror. The concept of a fair trial as evolved over the years in our Federal courts does not comprehend service by anyone so that any litigant be subjected to a verdict rendered by those who possess only the minimum requirements contained in this bill.

District Judge Edwin M. Stanley, in his reply to the subcommittee made a very cogent observation regarding the social theory which is apparently behind the drafting of title I:

> Jury service may be and frequently is a valuable lesson in citizenship to a juror, or it may give him a sense of status or security or a sense of "belonging" to the community in which he resides. But, it is not the primary function of a jury to educate its members or to improve their social morale. Juries sit to try lawsuits, and the right to trial by jury extends to many broad areas of human controversy, some simple, some highly complex.
>
> The verdicts of juries are not abstractions. They operate directly upon the liberty, fortunes, or the very lives of the litigants involved. The rights, the fortunes, the lives of litigants should not be determined by jury panels chosen indiscriminately from voter lists which is what S. 3296 contemplates.

In pointing up that the jury occupies a position in our system of justice which places it above social experimentation, the judge was recognizing a fact evident to all who have had any experience in litigation in the Federal courts. Federal jury trials are not only becoming more numerous but are also becoming more complex. The day of the single-issue lawsuits has to large extent passed. Jurors are now presented with multiple-issue cases and many are of an unbelievably complicated nature.

Since the jury's job is becoming more and more difficult, commonsense would seem to indicate that the thrust of the efforts of the Congress and the judiciary would be to upgrade the quality of the individual juror. If we adopt this proposal, we will be doing just the opposite. In its 1960 report at page 418, the Judicial Conference commented on this very point:

> Although much has been done to improve the quality of jurors serving in the courts, and to increase the efficiency of the jury system, much remains to be done . . . In order to get better jurors the Committee recommends greater care in the compilation of the list of jurors whose names go into the jury wheel or box from which the trial jurors are drawn.

The provisions of this bill are the antithesis of this enlightened approach to the jury system.

What this title represents is another expedition into the field of killing mosquitoes with a sledge hammer. We are asked to fundamentally alter our jury system to cure what are at most isolated instances of racial discrimination in the composition of Federal juries. The Attorney General in his testimony before the subcommittee could document no pattern or even any number of isolated instances of racial discrimination in Federal court juries. Are we going to drastically reverse hundreds of years of experience in the operation of our courts to hedge against some vague possibility of discrimination? Not if this Senator can prevent it. Are we going to be stampeded into disregarding years of slow but steady upgrading of the quality of justice dispensed by our juries simply because a judicial reform provision is thoughtlessly appended to a civil rights bill? Not if this Senator can prevent it.

THE 1960 JUDICIAL CONFERENCE REPORT AND RECOMMENDATIONS

Earlier in the statement I indicated that I would expand on the contributions made by the 1960 Judicial Conference report. I would like to return to it at this point.

This report was released in September of 1960, 3 years after the 1957 Civil Rights Act was enacted. Its recommendations clearly repudiate the approach that would deny a search for and an effort to get the kind of juror who possesses intellectual preparation for deciding the increasingly complex problems referred to the jury for its decision.

The 1960 report declares affirmatively to the contrary. It is cited as 26 F.R.D. 409. The first two recommendations relating to jury selections read as follows:

> I. In order that grand and petit jurors who serve in United States District Courts may be truly representative of the community, the sources from which they are selected should include all economic and social groups of the community. The jury list should represent as high a degree of intelligence, morality, integrity, and common sense as possible.

Mr. President, the bill, if enacted into law, would make impossible the representation on the jury list of those attributes to a degree that would destroy the representative character of the jury.

Mr. President, the second recommendation of the 1960 report is this:

> II. The choice of specific sources from which names of prospective jurors are selected must be entrusted to the clerk and jury commissioner, acting under the direction of the district judge, but should be controlled by the following considerations: (1) the sources should be coordinated to include all groups in the community; (2) economic and social status including race and color should be considered for the sole purpose of preventing discrimination or quota selection; . . .

Mr. President, 19 other recommendations were made, and I ask unanimous consent to have them printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

HOW THE 1960 JUDICIAL CONFERENCE REPORT WAS FORMULATED

Mr. HRUSKA. Mr. President, the Judicial Conference has a Committee on Operation of the Jury System. It really started out in 1941 under the chairmanship of Judge John C. Knox who presented there the original committee's final report to the Judicial Conference in 1943—the Conference was called the Conference of Senior Circuit Judges at that time.

However, the committee was retained by the Judicial Conference and has been functioning since then with a changing of personnel from time to time.

The third paragraph of the 1960 report of the Judicial Conference refers to the work of the committee in the following language:

> Through the work of this Committee, legislation has been enacted to establish uniform qualifications for jurors in the federal courts, without discrimination as to sex or race, and from time to time to increase the compensation, subsistence and mileage allowance to jurors. Methods have been encouraged to insure that all economic and social groups of the community are represented and that those persons selected from the various groups should possess as high a degree of intelligence, morality, integrity, and common sense, as can be found; the practice or use of the questionnaire and personal interview method in the selection of jurors has been promoted, thereby eliminating prospective jurors who are either disqualified or unable to serve because of physical handicaps; the cost of the operation of the jury system has been reduced without impairing the work of the courts, and many other ideas have been promoted for improving the jury system and are now in use.

The introduction of the 1960 report called attention to the fact that many bills introduced in the Congress affecting the jury system, had been referred to the Judicial Conference for its views. In such cases, the bills were referred to the jury committee for study and report. The action of the Judicial Conference has been made known to Congress in such instances, and a member of the jury committee appears before the appropriate Judiciary Committee to give the reasons underlying its recommendations. Recommendations received for legislation from the various circuit conferences or from circuit or district judges, are handled in the same manner. The introduction then goes on to state:

> Although much has been done to improve the quality of jurors serving in the Courts, and to increase the efficiency Court jury system, much remains to be done.

This 1960 report was the result of a determination in September 1957 by the Judicial Conference that this committee should make further study of the jury system in the Federal courts and should utilize the assistance of the Institute of Judicial Administration in this work.

The committee prepared a detailed questionnaire and distributed it to the clerks of each U.S. district court and also to all district judges and jury commissioners. The replies constitute a valuable and unique primary source of information upon methods and problems of administration of the jury system in the United States. They were studied and collated by the Institute of Judicial Administration, and the resulting compilation constituted a distinct contribution to the understanding of the complex problems involved in the operation of the jury system.

In addition thereto, the institute made special studies on various phases of the jury system. After these various primary sources of information had been studied, they were considered in detail by the committee, representatives of the institute, and the administrative office. A preliminary draft of the report was then sent to all Federal judges asking them for suggestions and criticism. After considering the replies, the 1960 report was prepared.

Mr. President, what a marked contrast with the treatment accorded the pending bill, and title I thereof.

There was no referral of the bill by either the other body or by the Senate Judiciary Committee.

The Attorney General was quoted as saying:

> I can't wait.

And at another time:

> We can't live with the present system. We need this legislation!

There was no time for reference to the Judicial Conference to study it, in the judgment of the Attorney General.

To further illustrate the shortcomings in the handling of title I, let us take a closer look at the studied conclusions in the 1960 report.

CONCLUSIONS OF "PARAMOUNT IMPORTANCE" CONTAINED IN 1960 REPORT

In its introduction, the 1960 Judicial Conference report stated, in its initial paragraph:

> Trial by jury is one of the foundation stones of our system of jurisprudence. With the search for improvement in judicial administration have come attacks on the jury system and proposals for a curtailment of jury trials, the substitution of a system of compensation in motor vehicle accident cases and suggestions for broader use of arbitration. The Judicial Conference Committee on the Operation of the Jury System is of the opinion that trial by jury should be preserved and strengthened rather than eliminated or weakened. For years it has advocated improvements, many of which have been realized, but some remain unfulfilled. A short review of its work brings this out.

Then at page 419, the introduction to the report points up that "A few of these conclusions are of paramount importance." I agree with this observation and would like to read these conclusions so that Members of this body can contrast them with the provisions of title I.

> The jury holds in its collective hands the life, the liberty and the welfare of individual defendants in criminal cases and the interests of litigants in civil cases. The importance of improving the calibre of these judges of the facts is therefore self-evident. At the same time, jurors must be representative of the community in which they live. Therefore, the Committee recommends that the sources from which they are selected should include all social and economic groups in the community and the jury list should represent as high a degree of morality, integrity, intelligence and common sense as the jury commission can find in each social and economic group by the use of impartial methods of selection.
>
> To make the selection representative, all groups in the community should be included in the sources from which the list is chosen; women, now everywhere eligible in the United States district courts, should be used; volunteers for jury service should be refused, and economic and social status, including race and color, should not be considered, except to prevent discrimination. The freedom of choice is now much greater than formerly because the qualifications and exemptions of jurors prescribed by state law are no longer applicable in the federal courts.
>
> In order to get better jurors, the Committee recommends greater care in the compilation of the list of jurors whose names go into the jury wheel or box from which trial jurors are chosen. To bring this about it recommends legislation putting the court in control of the selection of names, and providing that the commission, consisting of the jury commissioner and the clerk, should operate under the direction of the court, that questionnaires should be used to supply information as to the qualifications of jurors, that where feasible the questionnaires should be supplemented by personal interviews and finally that full-time jury commissioners may be appointed where needed, with the approval of the Judicial Conference.
>
> Many other suggestions are discussed and a number are approved. The Committee submits this report to the Judicial Conference and to the Bench and Bar with a deep sense of the importance of the subject and a realization that improvements in the jury system as well as in other phases of judicial administration must be made if the jury system is to be retained as a vital part of the administration of justice in a modern world.

As I stated at the outset, I oppose the motion to make H.R. 14765 the pending business. I oppose it for several reasons: the substance of several titles of the legislation are either ill conceived, unconstitutional or inappropriate. I have attempted to point up some of the difficulties with title I. Title IV has what appears to be irremedial defects and much debate will be directed toward this question. But the immediate objection which I have is directed toward the total disregard of orderly procedures in the handling of this legislation and most particularly title I dealing with Federal jury selection.

The amended version of title I contained in H.R. 14765 is coming to the floor without one single day of hearings and only two short executive sessions in the

Constitutional Rights Subcommittee. That presents us with the same situation encountered on occasion in the past. We are in effect going to make the Senate a committee of the whole and will be required to attempt to write the bill on the floor of the Senate if this bill is made the pending business.

In the haste to get action on this title and apparently in the belief that by tying it to civil rights legislation, it is apt to be carried along by the tide of emotion rather than its merits, the Senate Judiciary Committee has been forced to depart from its long established and appropriate policy of referring all legislation affecting the Federal judiciary to the Judicial Conference for its recommendations and advice.

Very few bills considered by this body have been more intimately connected with the operation of our courts. Nearly all of the judges which we have heard from and all of the clerks who testified have stressed that this bill should be referred to the Judicial Conference. I similarly urge that this title should be excised from the bill and sent to the conference for consideration on its merits.

There are several valid reasons for following this course. As I earlier pointed out, the Judiciary Committee has followed this policy since the creation of the Judicial Conference not only out of respect for the autonomy of the judicial branch of the Government but also because its counsel is imperative if we are to evolve legislation which meets the judiciary's needs.

However, in regard to this title, the Attorney General has merely said that "I can't wait" for the Judicial Conference to study it. "We can't live with the present system. We need this legislation!" We are asked to trade orderly legislative processes for expediency. And we see members of this body seize upon this statement to justify their "Action now—not the delays of orderly practice" position. And this cavalier attitude refers to legislation which isn't basically a civil rights issue but rather which will materially affect the working of our federal judiciary, the cornerstone of our system of justice. It has been suggested that we should adopt this legislation and if it proves unworkable, we can always amend it. I would suggest that the only plausible course to follow and the only legitimate legislative practice requires that we do not tinker with the judicial system until we have made a conscientious effort to ascertain that the course we are following is not only workable but also represents good policy.

And it cannot be argued that to send the title to the conference will be to bury it. The Chief Justice of the Supreme Court has evidenced his concern over the workings of the title, for a few weeks ago Judge Kaufman of New York was appointed Chairman of the Conference Committee on the Operation of the Jury system, and even though traveling abroad, Chief Justice Warren appointed the other members of the committee. The committee has scheduled a meeting for this week and the full conference is scheduled to meet September 20. At these meetings, this title can be thoroughly and expertly considered. Surely, the entire structure of American jurisprudence, carefully constructed over nearly 200 years, will not collapse if this title is not enacted into law in the next few weeks. The reluctance of those supporting this title to allow closer scrutiny of its provisions leads one to suspect that even they believe it will not stand a careful examination by those expert in the workings and needs of the jury system. If this is the case, no stronger argument can be made for deferring any further action for the time being.

Mr. President, we cannot let this title pass the Senate by default. It flies in the face of the most recent recommendations of the Judicial Conference regarding jury selection and in the face of years of practical experience with juries. It needs thoughtful and careful consideration removed from the emotional area of civil rights legislation. Legislative responsibility dictates that we follow our established policy and seek the counsel of the Judicial Conference regarding any necessary reform of the jury system.

Until agreement is reached on this point and several other major defects in the bill are corrected, I shall continue to oppose the motion to make H.R. 14765 the pending business of this body.

In conclusion, the Federal jury system and its workings are a legitimate and desirable subject of legislative consideration and action.

In 1948 and 1957 the Congress amended the jury statutes. No further amendments have been enacted, since that time, notwithstanding the 1960 Judicial Conference report and the obvious necessity for an upward revision in jury fees, mileage, and expenses.

This Senator, as a member of the Committee on the Judiciary and as a Member of this body, will lend such cooperation as he can for constructive review on this subject.

It may be that there will be several substantial and important revisions which should be adopted.

But, Mr. President, such proposals for amendments should be processed pursuant to sound legislative practice.

They should be referred to the Judicial Conference for its study and such comment and report as it may choose to make. Representatives of that Conference should be given an opportunity to appear before our Committee on the Judiciary and give us the benefit of their views.

The American Bar Association, the American Law Institute, the Federal Bar Association, and such other professional societies as may be interested should be given similar opportunity. In the past they have given valuable assistance and wise counsel. We certainly would welcome their participation again.

There should be full hearings before our committee and on a bill which would have for its express purpose the improvement of our system of administration of justice. It should stand on its own merit and not be an adjunct of a many-titled civil rights bill.

These conditions have not been met in the handling of this title.

EXHIBIT 1

[The jury system in the Federal courts,
Cite as 26 F.R.D. 409]

RECOMMENDATIONS

The following recommendations concerning the selection of jurors and operation of the jury system constitute the conclusions of the Committee:

I. In order that grand and petit jurors who serve in United States district courts may be truly representative of the community, the sources from which they are selected should include all economic and social groups of the community. The jury list should represent as high a degree of intelligence, morality, integrity, and common sense as possible.

II. The choice of specific sources from which names of prospective jurors are selected must be entrusted to the clerk and jury commissioner, acting under the direction of the district judge, but should be controlled by the following considerations: (1) the sources should be coordinated to include all groups in the community; (2) economic and social status including race and color should be considered for the sole purpose of preventing discrimination or quota selection; (3) women are now eligible by law for jury service in federal courts and they should be selected and called to serve without discrimination on account of sex; (4) political affiliation should be ignored; (5) generally speaking, unsolicited requests of persons who seek to have their names placed upon jury lists should be denied and unsolicited recommendations of names should not be recognized; and, (6) in determining the parts of the district from which jurors are to be drawn,[1] the courts should bear in mind the desirability of conserving the time of jurors and preventing exorbitant travel expense to the government.

III. The statutory requirement that federal courts must observe the qualifications and exemptions prescribed for jurors in the state courts has been abandoned, and jurors should now be called without regard to state qualifications.

IV. The previously recommended legislation for improving the method of jury selection is again endorsed. It provides: (1) final responsibility and choice of means of selecting jurors rest with the district judge; (2) the names of all prospective jurors must be chosen under the direction of the court by a jury commission, consisting of the clerk and a jury commissioner; (3) the per diem compensation of jury commissioners be increased to $10.00 per day, without limitation as to the number of days which can be served, plus travel and subsistence allowances; (4) in districts where the full time of the commissioner may be needed for the adequate performance of his duties, the court may, with the approval of the Judicial Conference, appoint a full-time salaried jury commissioner; (5) in selecting names, the jury commission may send out questionnaires, conduct personal interviews, and use other procedures to determine the fitness of those under consideration; (6) prospective jurors willfully failing to respond or falsely answering may be punished for contempt; (7) throughout the entire process of selection, the commission may avail itself of the facilities of the office of the clerk of the court and members of his staff, and (8) the jury commission must arrange for the drawing from the names of qualified persons, of the jurors who are to be summoned for the various terms of court, and at least one member of the commission must participate in the drawing.

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[1] See 28 U.S.C.A. § 1865(a).

V. In order to determine whether persons under consideration for selection as jurors possess the required qualifications, it is recommended that, when practicable, the practice should be followed in every district of requiring each prospective juror to answer a questionnaire and, where conditions permit, to be personally interviewed, except that in the case of prospective jurors who appear to be clearly qualified or disqualified on the face of the questionnaire, personal interviews may be dispensed with. Where such practice is followed, no name should be placed in the jury box or wheel, or added to the jury lists, until the jury commission, from its investigation, is satisfied that the juror is qualified. An example of a questionnaire and form of letter enclosing it, prepared by the Committee, is included in the Report.

VI. An opportunity to apply in writing to be excused should be given before the juror appears for service. If the juror does not apply in advance, but is later excused on his own request after being summoned, the juror should not be paid, either per diem, mileage or subsistence, unless the excuse is one which he could not reasonably have been expected to present before he appeared. In the latter event, the matter of payments should be in the discretion of the judge.

VII. After jurors have been called for service, the district judge should pass upon excuses, and that duty should not be delegated to the clerk or any other person.

VIII. Exclusion from the jury panel or from jury service of classes or groups should be done only with due care and solely by a formal written order of the court.

IX. The mechanics of jury selection and the form and content of records in the office of the jury commission should be given constant and careful attention by the court and the jury commission to the end that clerical work may be at a minimum consistent with efficiency.

X. Waste in the time of the jurors and in government funds can be avoided. This can be accomplished in most multiple-judge courts by placing in the chief judge, or a judge designated by him, assisted by the jury commission, the responsibility for the administration of jury selection, and of the assignment of jurors. In metropolitan districts, jury pools can be used to advantage and will promote the juror's comfort as well as economy of operation.

XI. The present statute authorizing the court to order jurors to be summoned by registered or certified mail instead of by personal service of the summons is satisfactory and should be employed uniformly in all districts. The use of certified mail is recommended as being cheaper and equally satisfactory.

XII. The assignment to trial work of jurors reporting for service should be by lot from beginning to end. All jury pools or rotating systems of assigning jurors should operate by lot.

XIII. The accommodations of courthouses should be such that jurors are not required to wait in corridors and crowded anterooms to be called for service. If a jury pool system is used, suitable and comfortable waiting rooms should be provided. Adequate arrangements for the comfort of women jurors should be provided and no juror should be kept waiting in reserve beyond the time when it can be ascertained that he will not be needed for that day.

XIV. The use of talesmen for petit juries, as authorized by 28 U.S.C.A. § 1866(a) should be reduced to a minimum.

XV. No person should be required to serve as either a grand or petit juror oftener than once in two years. The law presently provides that a petit juror may be challenged if he has previously been called for service within a year.[2]

XVI. All jurors should be given accurate instruction regarding the nature of the duties they will be called upon to perform. To this end it is recommended that the district judge should make it a regular practice to deliver general and carefully prepared oral charges to the grand jury when it is impanelled, and to give all petit jurors instructions acquainting them with the general nature of their duties.

A handbook for petit jurors stating in simple and general terms the duties of petit jurors, originally drafted in 1942, has been recently revised. This is a useful device for acquainting petit jurors with their duties and has been approved by the Judicial Conference of the United States for use by the United States district courts. Its use is again recommended by the Committee.

XVII. The voir dire examination of trial jurors by the judge results in great savings of time and the character of the examination is thereby much improved. The Committee recommends that this practice be followed in all districts where the jury is selected in the presence of the judge.[3]

XVIII. The present federal practice, which permits the trial judge to instruct the jury orally, and to comment upon the evidence, is an outstanding and satisfactory feature of federal procedure and should be preserved.

XIX. The number of jurors necessary to dispose of pending cases may be somewhat reduced by full utilization, under the direction and with the encouragement of the court, of the provisions of existing law which permit the waiver by the parties of their right to jury trial in both civil and criminal cases, and of the provisions which permit the parties to stipulate for trial by juries of less than 12 persons or to accept verdicts of a majority of the jurors rather than unanimous verdicts, and by other techniques successfully used in some districts hereinafter described.

XX. Trial jurors should, in the discretion of the trial judge, be permitted to take notes for use in their deliberations regarding the evidence presented to them and to take these notes with them when they retire for their deliberations. When permitted to be taken, they should be treated as confidential between the juror making them and his fellow jurors.

XXI. The subsistence allowance of jurors who are required to remain overnight should be increased from $7.00 to $10.00 per day, and the daily interim travel allowance should be limited to what the juror would receive as subsistence allowance.

Mr. ERVIN. I ask the Senator from Nebraska if the veneration in which the right of trial by jury was held by the Founding Fathers is not illustrated by the Declaration of Independence which states as one of the reasons why the 13 Colonies severed their bonds with the mother country, England, the fact that colonists had been denied the right of trial by jury in many cases.

Mr. HRUSKA. That is true.

Mr. ERVIN. I ask the Senator if that high respect for the right of trial by jury is not further reflected in the following passages of the Constitution:

This provision of article III:

> The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

This provision of the fifth amendment:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger;

This provision of the sixth amendment:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

And this provision of the seventh amendment:

> In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,

I ask the Senator if those four constitutional provisions do not also constitute an illustration, in the strongest possible fashion, of the veneration in which the right of trial by jury was held by the Founding Fathers.

Mr. HRUSKA. That is also true. The provisions which the Senator from North Carolina has read are really a reflection by the drafters of their regard for centuries of development of the jury system. The administration of that jury system had been abused by the royalty of England in its administration. For that reason the writers of the Constitution wanted to put those provisions into our organic law. It was their intention to insure that such abuses could not happen to them under the self-governing status which they were acquiring by adoption of the Constitution.

Mr. ERVIN. I ask the Senator from Nebraska if he shares the conviction of the Senator from North Carolina that, of the several functions of Government, the obligation to administer justice is the most sacred of all.

Mr. HRUSKA. It is the guarantee of our freedoms and liberties. There cannot be any question about that, for without justice properly administered, we would have anarchy. It would be impossible to enjoy liberty and freedom without the guarantee of an equal measure of justice.

Mr. ERVIN. Does not the Senator from Nebraska agree with the Senator from North Carolina that it is just as essential to have as jurors in the courts, both grand jurors and petit jurors, persons of high character, persons of high intelligence, and persons of high integrity, as it is to have judges possessing those qualities?

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[2] 28 U.S.C.A. § 1869.

[3] "Examination of Jurors. The court may permit the parties or their attorneys to conduct the examination of prospective jurors or may itself conduct the examination. In the latter event, the court shall permit the parties or their attorneys to supplement the examination by such further inquiry as it deems proper or shall itself submit to the prospective jurors such additional questions of the parties or their attorneys as it deems proper." Fed.R.Civ.P. 47(a), 28 U.S.C.A.. See also, Fed.R.Cr.P. 24(a), 18 U.S.C.A.

Mr. HRUSKA. Yes. In my remarks I have developed that point.

Mr. ERVIN. The Senator, in his opening remarks, emphasized the necessity of having jurors of high caliber. I ask the Senator if the Committee on the Operation of the Jury System of the Judicial Conference has not stated this to be the ideal for jurors in the courts of the United States:

> It is the sense of the committee that jurors who serve in the district courts of the United States should be drawn from every economic and social group in the community, without regard to race, color, or politics; and that those chosen to serve as jurors should possess as high a degree of intelligence, morality, integrity, and common sense as can be found by the persons charged with the duty of making the selections.

Mr. HRUSKA. Yes, that was one of the recommendations; and, of course, that same language and same import is to be found in some of the cases which have been decided by the courts.

Mr. ERVIN. I ask the Senator if the Committee of the Judicial Conference on the Operation of the Jury System in the Federal courts did not also go on record as saying:

> The jury list should represent as high a degree of intelligence, morality, integrity, and common sense as possible.

Mr. HRUSKA. That is correct.

Mr. ERVIN. I ask the Senator if title I of the bill does not provide that the names of the persons to go into the jury wheel shall be selected at random from registration lists of voters; and if selection "at random" is not selecting a juror, in the words of the dictionary, "without an aim or a purpose" to acquire as high a degree of intelligence, morality, and character as possible.

Mr. HRUSKA. That is true. It makes the voting list and the jury wheel the sole source of the persons who are selected for jury service, without any of that necessary selectivity which is an imperative required by the Constitution.

Mr. ERVIN. Is it not true that if title I were enacted, and a juror of the highest possible intelligence were obtained, it would be purely by accident?

Mr. HRUSKA. That is correct. The composition of any jury would be left to chance.

Mr. ERVIN. I ask the Senator whether, if title I were enacted, and a juror of the highest principles of morality were chosen, that would also be purely by accident.

Mr. HRUSKA. That is correct.

Mr. ERVIN. I further ask the Senator whether, if title I were enacted, and a juror of the highest possible integrity were chosen, it would be purely by accident.

Mr. HRUSKA. That is right.

Mr. ERVIN. Does the Senator from Nebraska not agree with the Senator from North Carolina in the sad conclusion that title I is drawn for the purpose of making it certain that the practice now existing in the Federal courts, which is directed toward getting jurors of the highest possible character, morality, intelligence, and commonsense, shall be frustrated?

Mr. HRUSKA. I would believe that this would be the result. While it is not its apparent or declared purpose, that would be the outcome if this measure were to become law and were applied pursuant to its provisions.

Mr. ERVIN. I know that the Senator from Nebraska is aware of the principle of law which declares that every sane man must be presumed to intend the natural consequences of his acts.

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. Would not the natural consequence of title I be that jurors of the highest possible intelligence, character, and morality would not necessarily be chosen to serve?

Mr. HRUSKA. That would tend to be the result.

Mr. ERVIN. I ask the Senator from Nebraska if title I does not provide that the jury commission cannot base its selection of names to go into the jury wheel upon anything except the answers of the jurors to the questionnaire.

Mr. HRUSKA. The Senator is correct. That is found in section 1866.

Mr. ERVIN. Does the Senator from Nebraska not agree with the Senator from North Carolina that that provision, regardless of whether it was designed for the purpose, would have the natural consequence of preventing jury officials from exercising their God-given faculties in the selection of jurors?

Mr. HRUSKA. The Senator is correct. That is inescapable under the provisions of this measure.

Mr. ERVIN. Does title I not provide that the judge cannot pass upon the qualifications of jurors as specified in the bill, other than upon "objective evidence obtained by the jury commission"?

Mr. HRUSKA. The Senator is correct, with the exception of subsection 2 of section 1866, and in that case not even objective evidence will be received, nor can it be considered to determine whether a prospective juror is unable to read, write, speak, and understand the English language. That is held sacrosanct and is to be determined solely by the juror qualification form.

Mr. ERVIN. The judge is absolutely forbidden by title I to have anything whatever to do with determining whether a person possesses that qualification—the ability to read and write.

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. With respect to other qualifications, is not the judge forbidden by the bill to receive any evidence or to consider any evidence in open court except evidence of an "objective" character obtained by the jury commissioner?

Mr. HRUSKA. The Senator is correct; and the information contained on the qualification form could be brief and very sketchy.

Mr. ERVIN. Does the Senator from Nebraska know of any present law under which a judge is forbidden to hear proof from any source whatever?

Mr. HRUSKA. I would search my memory in vain, I think, to recall any law of that kind.

Mr. ERVIN. Does the Senator from Nebraska not draw the deduction that the Senator from North Carolina does, that the natural consequences of title I of the bill, insofar as it relates to the responsibility of the judge, will be that the judge can no longer exercise his God-given faculties in passing upon the qualifications of jurors?

Mr. HRUSKA. That will be its effect. That will be its consequence with very limited exceptions.

Mr. ERVIN. I ask the Senator if title I is not a repudiation of the ideal toward which the Federal courts have been striving—to obtain jurors not only from all segments of society, but also jurors who are of high intelligence, morality, integrity, and commonsense.

Mr. HRUSKA. The Senator is correct. An anomaly is contained in the language of the bill to which I should like to invite the attention of the Senator from North Carolina.

It provides that any person shall be qualified to serve on juries in the district courts, with four exceptions, the second of which is that he is unable to read, write, speak, and understand the English language. I have found it a little difficult to understand why this requirement is included.

Why is it that he would be disqualified from serving on a jury if he is unable to read, write, speak, and understand the English language? Why can he not serve if he understands the Spanish language, the Indian language, or any other language? The underlying reason must be that he would not be able to understand what is going on in the courtroom.

I think one can envision that the method which is used to fill the master wheel will result in a number of functionally illiterate people being called. They will not be capable mentally, or by virtue of education, to understand what is going on in the courtroom, particularly in these days when the cases in Federal courts are becoming more complex and contain many issues of fact.

Functional illiteracy is something about which we talk about in this body when we discuss education. However, in the context of the pending bill it is not recognized, not even as a legitimate reason for keeping a man off a Federal jury charged with administering justice.

Mr. ERVIN. Does not the Senator from Nebraska know that during the hearings on this title, the Senator from North Carolina requested the Attorney General of the United States to consent to the deletion of title I from the bill and its referral to the judicial conference?

Mr. HRUSKA. I have been apprised of that.

Mr. ERVIN. Did not the Attorney General refuse to accede to that request of the Senator from North Carolina?

And did not the Attorney General of the United States travel by jet plane, according to the press, to Montreal, Canada, and speak to the American Bar Association, in which speech he said that it was absolutely essential for him to have the bill passed at once?

Mr. HRUSKA. The Senator is correct. He said that he could not wait. He indicated that we must pass this legislation, and we must pass it now.

Mr. ERVIN. Does not the Senator from Nebraska agree with the Senator from North Carolina that a very high percentage of all litigation in the Federal courts is litigation in which the United States is a party?

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. Can the Senator from Nebraska enlighten the Senator from North Carolina as to why the chief legal officer of the United States wants to have a bill passed to make it certain that—instead of juries being composed of persons of high character, intelligence, and integrity—the best we could hope for would be juries of average ignorance?

Mr. HRUSKA. While I do not impugn the Attorney General's motives, that is what could result if the bill were to become law, in my judgment.

Mr. ERVIN. Is it not the practice now, in selecting persons for service on Federal juries, to select persons of high intelligence, good moral character, and a high sense of civic responsibility?

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. I ask the Senator from Nebraska if there is a single syllable in title I which undertakes to prescribe any qualifications for Federal jurors based upon character, except those provisions prohibiting service by persons charged with or convicted of a crime defined as a felony under Federal law.

Mr. HRUSKA. The Senator is correct, in addition, of course, to being 21 years of age and a resident of the district for a year, and so on.

Mr. ERVIN. I ask if under the bill a notorious keeper of a bawdy house would not have an absolute right to have her name placed in a jury wheel if her name were selected at random from the registration list.

Mr. HRUSKA. The Senator is correct. And except for the peremptory challenges that are available, she would serve on the jury.

Mr. ERVIN. And a person who had been convicted a hundred times to petty larceny, a misdemeanor, would have an absolute right, under the bill, to have his name placed in the jury box, if he were selected at random from the registration list.

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. Does not the Senator from Nebraska agree with the Senator from North Carolina that those provisions debase the jury system in the Federal courts?

Mr. HRUSKA. One of the propositions I dwelt on in my preceding remarks deals with the potential debasing of the quality of Federal juries.

Mr. ERVIN. I thank the Senator for yielding. I was desirous of asking these questions in order to highlight why title I of the bill is reprehensible.

I should like to ask the Senator one more question: Is it not well established, by a multitude of decisions of the Supreme Court of the United States and by a multitude of decisions of State courts, that if a man of a certain race is tried for a crime and men of his race have been systematically excluded from grand or petit juries, his conviction is unconstitutional and is to be set aside?

Mr. HRUSKA. The Senator is correct. There have been a number of cases which spell this out very clearly.

Mr. ERVIN. I might state that I wrote a decision to that effect, when I was a member of the Supreme Court of North Carolina, in the case of State versus Speller.

Because of these decisions, I should like to ask the Senator from Nebraska whether he agrees with the Senator from North Carolina that there is no necessity for passing the bill in order to avoid racial discrimination in the selection of juries.

Mr. HRUSKA. Yes, I fully agree with the Senator from North Carolina in that respect.

Letter after letter from the 58 judges of the several district courts to whom the Senator from North Carolina addressed a letter, followed by a second letter jointly signed by the Senator from Nebraska and the Senator from North Carolina, said, in effect:

> Why is it that we have such a bill? We see no necessity for it. We are getting along well. There is no complaint. We are getting good juries. We are getting proper administration of justice.

They cannot see why any such sweeping, revolutionary change in the mechanics of selecting juries should be proposed.

Mr. ERVIN. I should like to make a comment, without the Senator from Nebraska losing his right to the floor.

If title I is defeated—as I sincerely hope it will be—the bench and the bar and the litigants of America will owe a deep debt of gratitude to the distinguished Senator from Nebraska, who has been untiring in his efforts to discover and point out the defects in title I.

Mr. HRUSKA. I thank the Senator for his gracious remarks.

RECESS UNTIL 11 A.M. TOMORROW

Mr. HRUSKA. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 26 minutes p.m.) the Senate recessed until tomorrow, Wednesday, September 14, 1966, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 13 (legislative day of September 7), 1966:

UNITED NATIONS

The following-named persons to be representatives of the United States of America to the 21st session of the General Assembly of the United Nations:

Arthur J. Goldberg, of Illinois.

James M. Nabrit, Jr., of the District of Columbia.

William C. Foster, of the District of Columbia.

CLIFFORD P. CASE, U.S. Senator from the State of New Jersey.

FRANK CHURCH, U.S. Senator from the State of Idaho.

The following-named persons to be alternate representatives of the United States of America to the 21st session of the General Assembly of the United Nations:

James Roosevelt, of California.

Mrs. Eugenie Anderson, of Minnesota.

Mrs. Patricia Roberts Harris, of the District of Columbia.

George L. Killion, of California.

Harding F. Bancroft, of New York.

U.S. ATTORNEY

John P. Hyland, of California, to be U.S. attorney for the eastern district of California for the term of 4 years, to fill a new position, to become effective September 18, 1966, created by Public Law 89-372 approved March 18, 1966.

U.S. MARSHAL

Wayne B. Colburn, of California, to be U.S. marshal for the southern district of California for the term of 4 years, to fill a new position, to become effective September 18, 1966, created by Public Law 89-372 approved March 18, 1966.

CONFIRMATION

Executive nomination confirmed by the Senate September 13 (legislative day of September 7), 1966:

FEDERAL POWER COMMISSION

John A. Carver, Jr., of Idaho, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1968.

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HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 13, 1966

The House met at 12 o'clock, and was called to order by the Speaker pro tempore (Mr. BOGGS).

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
September 13, 1966.

I hereby designate the Honorable HALE BOGGS to act as Speaker pro tempore today.

JOHN W. MCCORMACK.

PRAYER

Rev. Obie L. Harrup, senior pastor, First Assembly of God, Alexandria, Va., offered the following prayer:

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16: 3.

We thank Thee, our Heavenly Father, that Thou didst raise up this Nation for an eternal purpose.

We need Thy help today as much as any time in our history. We pray that Thou will bless our President and these leaders of our Nation. Give them a wisdom that exceeds the academic. Help them to make wise and courageous decisions; decisions based upon truth and equity. Such decisions may not always be popular with the multitude, but above all we seek to please Thee.

We pray for a spiritual awakening throughout our Nation. It is still true that righteousness exalteth a nation, but sin is a reproach to any people.

For the answer to these requests we thank Thee through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Jones, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 8, 1966:

H.R. 1822. An act for the relief of Won Loy Jung.

On September 9, 1966:

H.R. 2681. An act for the relief of Sidney S. Shapiro and Shirley Shapiro.

On September 10, 1966:

H.R. 1483. An act for the relief of the John V. Boland Construction Co.; and

H.R. 13703. An act to make technical amendments to titles 19 and 20 of the District of Columbia Code.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 420. An act to amend title 10, United States Code, to authorize the commissioning of male persons in the Regular Army in the Army Nurse Corps, the Army Medical Specialist Corps, the Regular Navy in the Nurse Corps and the Regular Air Force with a view to designation as Air Force nurses and medical specialists, and for other purposes; and

H.R. 11488. An act to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 77) entitled "Concurrent resolution authorizing the printing of additional copies of hearings on supplemental foreign assistance for Vietnam for fiscal 1966."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

SEPTEMBER 13, 1966.

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's office at 9 p.m. on September 12, 1966, and said to contain H.R. 6926, an act to strengthen the financial condition of the employees' life insurance fund created by the Federal Employees' Group Life Insurance Act of 1954, to provide certain adjustments in amounts of group life and group accidental death and dismemberment insurance under such act, and for other purposes, and a veto message thereon.

Respectfully yours,
RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

EMPLOYEES' LIFE INSURANCE FUND—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 495)

The **SPEAKER** pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

For the second time in less than 8 weeks, I am forced to return a bill without my approval because it is inflationary.

The bill I am now returning—H.R. 6926—would increase life insurance coverage for Federal employees by over 30 percent—at an annual cost to the taxpayer of $90 million. If we were to extend equivalent increases in fringe benefits to all American workers, we would be fueling the fires of inflation by nearly $3 billion.

At a time when we are making every effort to reduce low priority Federal spending in other areas, this bill cannot be justified.

At a time when we are urging business and labor to exercise restraint, this bill would set a double standard for executive branch employees and Members of the Congress.

At a time when the Congress—at the request of the employee unions—has already added almost $300 million more than I requested to this year's cost of civilian pay, this bill cannot be supported.

In the past 10 years, the average Federal civilian salary rose by nearly 75 percent—from about $4,000 a year to about $7,000 a year. Since life insurance is geared to the annual salary, this means that insurance has also increased by 75 percent. Over the same period, the average pay of a factory worker increased 47 percent.

Since I have been President, there have been four successive civilian pay increases—and four insurance increases. The total cost of these increases has amounted to over $2 billion.

In addition, there have been very large increases in survivor benefits under the Federal employees' retirement system. This is equivalent to added insurance. In the case of a typical employee, the widow's survivorship annuity has risen by 94 percent since 1964.

These increased benefits must be protected. They must not be eroded by inflation.

I have already submitted to the Congress my recommendations on the Federal employee insurance program. My recommendations are fair and responsible. They would increase maximum coverage for employees in the upper grades from $20,000 to $30,000 and they would provide for an actuarially sound funding of the insurance program.

The House of Representatives initially approved my bill. The Senate Post Office and Civil Service Committee expanded the benefits of the bill beyond acceptable limits. Its action raised the annual cost of this program from the $12 million I had proposed to $90 million. It increased the maximum coverage—which would be applicable only to high level executive branch employees and Members of the Congress—from the $30,000 we had proposed to $42,000.

The Senate acted on this bill without the benefit of any debate. The House then accepted the Senate version with virtually no debate.

The bill goes far beyond my recommendations—and far beyond anything the American taxpayer should be asked to pay for at this time.

One point should be made clear. Government group life insurance was never intended to meet an employee's insurance needs entirely. It is—like other employee life insurance plans—meant only to supplement his private coverage.

Further, insurance for Government employees cannot be considered in isolation from other federally provided benefits. It must be regarded as a part of the total pay and fringe benefits an employee receives. Piecemeal increases in life insurance, without considering other benefits, will inevitably result in a compensation program that is unsound and inequitable.

We have worked long and hard to sustain 67 months—5½ years—of economic growth and stability. And every American has benefited. Yet this unparalleled prosperity has created new pressures on our economy. That is why, 4 days ago, I proposed a four-point program of immediate action for the Congress, the executive branch, and the American people.

One crucial aspect of this program is a substantial reduction in Federal spending. Many Members of Congress share my belief that our anti-inflationary efforts must include restraints on spending. The measure I veto today is totally inconsistent with our common goals.

I deeply regret that disapproval of this bill has the effect of deferring an increase in both agency and employee contributions. I would gladly approve a bill which enacted this provision, and provided for an increase in maximum insurance coverage up to level II of the Federal executive salary schedule—now $30,000. I also regret the delay in clarifying the application of Federal insurance law with respect to reemployed annuitants. I have directed the Attorney General to take every possible action to clarify this matter under existing law.

In returning this measure, I do so in the hope that Congress will adopt the insurance proposals I submitted earlier. Such a measure would be fiscally responsible. It would be consistent with the wage-price guideposts. I would be proud to sign it.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 12, 1966.*

The **SPEAKER** pro tempore. Without objection, the objections of the President will be spread at large upon the Journal.

There was no objection.

Mr. **DANIELS**. Mr. Speaker, I move that the bill and message be referred to the Committee on Post Office and Civil Service and ordered to be printed.

The motion was agreed to.

HEALTH RESEARCH FACILITIES ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The Chair lays before the House a message from the President of the United States.

Mr. HALL. Mr. Speaker, in view of the message from the President, I believe the Members should be present. I make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

CALL OF THE HOUSE

Mr. MOSS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 278]

Abernethy
Albert
Andrews, Glenn
Aspinall
Bandstra
Boland
Bolling
Burton, Utah
Callaway
Celler
Cleveland
Colmer
Conyers
Corman
Craley
Curtin
Davis, Ga.
Dent
Dickinson
Diggs
Donohue
Dorn
Duncan, Oreg.
Edmondson
Evans, Colo.
Fallon
Farbstein
Fascell
Fisher
Flynt
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Friedel
Gallagher
Garmatz
Green, Oreg.
Hagan, Ga.
Hagen, Calif.
Hanna
Hansen, Idaho
Harvey, Ind.
Hathaway
Hébert
Helstoski
Hicks
Holifield
Holland
Huot
Jones, N.C.
Karth
Keith
Keogh
King, N.Y.
Landrum
McCulloch
McMillan
McVicker
Macdonald
MacGregor
Machen
Martin, Ala.
Martin, Mass.
Mathias
May
Michel
Minish
Morris
Morrison
Morton
Murray
Nix
O'Konski
O'Neill, Mass.
Pelly
Philbin
Pool
Powell
Pucinski
Quie
Rees
Reinecke
Resnick
Rivers, Alaska
Rodino
Rogers, Tex.
Roncalio
Roybal
St Germain
St. Onge
Saylor
Scott
Senner
Sickles
Sisk
Stephens
Stratton
Teague, Tex.
Todd
Toll
Tunney
Tupper
Tuten
Udall
Van Deerlin
Vigorito
Walker, Miss.
Walker, N. Mex.
Weltner
White, Idaho
Widnall
Willis
Wolff
Wright
Zablocki

The SPEAKER pro tempore. On this rollcall, 318 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HEALTH RESEARCH FACILITIES ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 496)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which, without objection, was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

The decade since 1956 has been one of unprecedented efforts in health research—and in future years, our commitment to this vital field will grow.

Success for our research efforts depends not only upon the dedication of thousands of professional researchers across the Nation, but upon the adequacy of the facilities available to them.

Realizing this, the Congress, through the Health Research Facilities Act, has provided since 1956 more than 1,330 matching grants totaling over $360 million for the construction or renovation of research space.

I believe this program is an impressive example of the commitment of our people to better health—and of our success in pursuit of that national goal.

It is with pride, therefore, that I submit for the information of the Congress, the 10th annual report of the Surgeon General summarizing our accomplishments under the Health Research Facilities Act, as amended.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 13, 1966.*

DESIGNATION OF DAM BEING CONSTRUCTED ON THE ALLEGHENY RIVER, PA., AS THE KINZUA DAM, AND THE LAKE TO BE FORMED BY SUCH DAM IN PENNSYLVANIA AND NEW YORK AS THE ALLEGHENY RESERVOIR

Mr. CLARK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3625) to designate the dam being constructed on the Allegheny River, Pa., as the "Kinzua Dam," and the lake to be formed by such dam in Pennsylvania and New York as the "Allegheny Reservoir."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMER. Mr. Speaker, reserving the right to object, and I shall not object, for the purpose of the RECORD I should like to ask the gentleman if this is not the same bill as is presently before the Public Works Committee, the enactment of which is essential due to the fact that a dedication of this very important dam in Pennsylvania is scheduled to take place this weekend, and it is essential that the name of the dam be established in order to properly facilitate the dedication. Is that not correct?

Mr. CLARK. That is correct.

Mr. CRAMER. There is no expenditure of funds involved in this bill. Is that correct?

Mr. CLARK. None whatsoever.

Mr. CRAMER. This bill is identical, is it not, with that introduced by the gentleman from Pennsylvania [Mr. JOHNSON] on the House side?

Mr. CLARK. Yes, it is.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. By what name is this project known at the present time? Under what name were the funds appropriated?

Mr. CRAMER. I yield to the gentleman from Pennsylvania [Mr. JOHNSON] who is the sponsor of similiar legislation, to answer the question.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in response to the gentleman, the present name of the dam on the records of the Army Corps of Engineers is the Allegheny River Dam and Reservoir. Out of deference to the local Indians and the fact that the site is at Kinzua, which is the name of the settlement of the Cornplanter Tribe, we are changing the name of the dam to "Kinzua Dam" and the reservoir to "Allegheny Reservoir."

Mr. Speaker, this bill to designate the Allegheny River Dam and Reservoir the "Kinzua Dam and Allegheny Reservoir" is a companion bill to the one that I introduced and I want to take just a few minutes to comment about the naming of this project.

The entire project is on lands of the Cornplanter and Seneca Indians and where the historical village of Kinzua stood for many years. The name Kinzua comes from the Indian word "Kenque" which I have been told means "place of many fishes."

Ever since the project was first discussed back in 1937 and 1938, it has been referred to as the "Kinzua Dam" and I think it is only fitting and proper that it be called the Kinzua Dam as a token of recognition of our Indian citizens and their contribution.

This great project will not only provide flood control and streamflow control but also a vast recreational potential. There is an ever-increasing need for wholesome outdoor recreation facilities demanded by our rapidly increasing population and this project will meet this need.

I am very pleased that the Congress has gone on record to name this immensely valuable project the "Kinzua Dam and Allegheny Reservoir."

Mr. CRAMER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

So the bill was read a third time and passed.

A motion to reconsider was laid on the table.

NASA'S GEMINI 11 MISSION

Mr. MILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER. Mr. Speaker, NASA's Gemini 11 mission, our ninth manned mission of the Gemini series, is presently making its contribution to the success of the Gemini program, and the overall manned space flight effort of placing a man on the moon in this decade. A few moments ago, Astronaut Gordon came back into the spacecraft after conducting our fifth series of extravehicular operations. Yesterday the Gemini 11 crew successfully accomplished the first rendezvous and docking in space within one revolution, by far the quickest of any rendezvous attempted to date. It is significant to note at this point in the mission that the Gemini 11 flight is following the planned schedule of events closer than any other Gemini flight to date. The next 2 days will see the accomplishment of still other milestones.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1967

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17636) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1967, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Wisconsin [Mr. DAVIS] and myself.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17636, with Mr. PRICE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN.** Under the unanimous-consent agreement, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 1 hour, and the gentleman from Wisconsin [Mr. DAVIS] will be recognized for 1 hour. The Chair recognizes the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriations bill for the fiscal year 1967.

It is an honor to serve on the Subcommittee on the District of Columbia Budget with the gentleman from Connecticut [Mr. GIAIMO], the gentleman from Wisconsin [Mr. DAVIS], the gentleman from Iowa [Mr. SMITH], the gentleman from Pennsylvania [Mr. McDADE], and the gentleman from California [Mr. McFALL]. All of these gentlemen are outstanding Members of the House and have rendered excellent service as members of this subcommittee.

We carefully considered budget estimates totaling $423,903,800 for fiscal year 1967, and we recommend to the House that the sum of $380,650,600 be approved. This is the largest amount ever recommended by the committee for the District of Columbia budget. The amount that we recommend for fiscal year 1967 is $15,299,214 more than the total amount approved for fiscal year 1966 and $43,253,200 below the 1967 estimates.

As you know, Mr. Chairman, the District of Columbia is financed out of five funds; a general fund, a highway fund, a water fund, a motor vehicle parking fund, and a sanitary sewage works fund.

Mr. Chairman, we recommend a Federal contribution of $49 million for the general fund; $2,146,000 for the water fund, and $1,248,000 for the sanitary sewage works fund. The maximum Federal payment authorized at this time is $50 million and the amount recommended is the largest amount ever recommended by this committee.

Hearings on the District of Columbia budget started on March 21 and continued until April 29. As a general rule, Mr. Chairman, hearings on the District of Columbia budget always begin before the month of March and when concluded the bill is presented to the full committee and then to the House for final approval. This year we started late and after concluding the hearings held up the bill for months in order to see if additional revenue would be approved, which would place this budget in balance. The members of our committee were disappointed when this budget was submitted to the Congress out of balance and as you know, Mr. Chairman, this is the third consecutive year that an unbalanced budget has been submitted for the District of Columbia. The budget for fiscal year 1967 was out of balance $23,021,000 in the general fund and $12,876,000 in the highway fund. This makes a total of $35,897,000. The budget was predicated on revenues to be generated through additional taxes, a formula Federal payment, and this year additional loan authorization for the highway fund, all of which require congressional action before they become effective.

The reduction in the budget of $43,253,200 was necessary in order that a balanced budget be submitted, and further in order to establish a small reserve of $2,680,000 which can be used to help cover the cost of classified pay increase legislation already enacted and wage board increases approved by the Commissioners. The entire bill, Mr. Chairman, as presented today is based on existing legislation that has previously been signed into law and does not anticipate any money in the bill now pending in the House and Senate for additional revenue. I would like to further point out that all new positions except for schoolteachers and a few special cases, were requested on a 9-month basis and our committee recommends same on this basis.

Our committee recommends loan authorizations totaling $23 million. In addition to the Federal contributions which I have just mentioned, our committee recommends a loan of $22,500,000 to the general fund for public building construction. The budget proposed a total of $25,725,000 composed of $17,200,000 for public works projects and $8,525,000 to finance the District's contribution to the rapid rail transit system. Our committee recommends a $500,000 loan appropriation for capital outlay projects financed through the water fund and this makes a total of $23 million for the fiscal year 1967.

We recommend, Mr. Chairman, the sum of $22,098,000 for general operating expenses. This is an increase of $1,625,728 over the amount appropriated for fiscal year 1966 and $610,000 less than the budget estimates.

For public safety we recommend the sum of $85,203,000. This is an increase of $5,290,000 over fiscal year 1966 and a reduction of $549,000 in the estimates.

We recommend an appropriation of $80,093,000 for the operation of the public school system during the next fiscal year. This is an increase of $4,635,400 over the current year and $2,516,000 less than the budget estimates.

For parks and recreation we recommend $11,990,000 which is an increase of $1,075,700 over fiscal year 1966 and $266,000 less than budget estimates.

Our committee recommends the sum of $89,314,000 for the Department of Health and Welfare for the fiscal year 1967. This is an increase of $3,579,700 over fiscal year 1966, and $1,235,000 less than budget estimates.

For highways and traffic we recommend the sum of $14,830,000 for fiscal year 1967 which is an increase of $745,100 over the current year. This amount is $152,000 less than the budget request.

We recommend a total of $23,762,000 for the operation of the Department of Sanitary Engineering and the Washington Aqueduct during the ensuing fiscal year. This is $1,011,000 more than was appropriated for fiscal year 1966 and $486,000 below the 1967 estimate.

Mr. Chairman, our committee recommends approval of the full amount of the budget estimates for the repayment of loans and interest on money borrowed from the Federal Treasury to finance certain public works construction projects. This amount is $6,077,600.

We recommend a total of $45,730,000 for capital outlay projects in the coming year. This is $28,914,200 less than the budget request.

This is $6,070,800 less than the amount approved for fiscal year 1966. This reduction of course was brought about as the direct result of insufficient funds.

Thirty-eight new capital outlay projects were requested public schools and we recommend that 23 be approved. Those recommended are set forth in the committee report We recommend that the new health center be approved for the Department of Public Health and that two of the requested seven projects for the Department of Corrections be approved. Further, Mr. Chairman, we recommend 10 of the 24 capital outlay projects requested for the Department of Public Welfare and that 5 of the 6 requested for the Department of Buildings and Grounds be approved. For the Department of Highways we recommend 8 of the 17 and further recommend that 13 of the 17 capital outlay projects for the Department of Sanitary Engineering be approved. We recommend all three of the projects requested for the Washington Aqueduct.

All of the capital outlay requests are set forth on pages 20 to 23 of the committee report.

I have served as a member of the Subcommittee on the District of Columbia Budget for a period of 12 years and during this time have had an opoprtunity to work with a number of Commissioners on budget matters for the District of Columbia. I know that all of our Presidents have endeavored to select outstanding citizens to serve in the capacity of Commissioner and in accepting the recommendation of the Secretary of the Army and the Chief of the Corps of Engineers for the appointment of an Engineer Commissioner has carefully and earnestly attempted to select a good Engineer Commissioner. We have good Commissioners serving at this time and I, for one, do not believe that when their decisions are right and to the best interest of our Capital City they should be ignored.

Here in our Capital City we have law-enforcement problems similar to those in all of the large cities in this country. We have a good Police Department and now is the time that support from the people is essential. We still contend that adequate sentences should be meted out where the defendants are guilty, and especially in those cases where the offender has a long record of law violations. Coddling of criminals is certainly detrimental to good law enforcement. The Metropolitan Police Department requested $42,133,000 for fiscal year 1967 and we recommend the full amount. Our committee does not concur and is still of the opinion that the staffing of the tactical force with policemen on their day off is poor law enforcement. We approve the request for the tactical force at this time but still are definitely of the opinion that the vacancies, which number some 200, should be filled in the Police Department. Additional funds have been allowed for recruiting programs and incentives. The increases allowed will also provide for permanent financing of the planning and development unit now temporarily financed by a grant under the Law Enforcement Assistance Act for beginning a metropolitan area police computer network, a closed-circuit television system, 25 civilian positions to replace policemen on nonpolice duties, and 35 additional police cadet positions.

The Fire Department in the city of Washington has again regained its No. 1 position under the rating of the American Insurance Association. This is an honor well merited and for a number of years now our committee has made every effort to see that the needs of our Fire Department are fully met in order to have a good Department and one recognized as such throughout this country.

With a budget out of balance $35,897,000, certainly all of the requirements of our Education Department cannot be approved. Our pupil-teacher ratio has improved considerably in our school system during the past 5 years. There were 38 capital outlay requests presented for our public schools and we recommend approval of 23. More would have been approved if funds were available. We still contend that 42 percent of the schoolteachers of the District of Columbia should not be temporary teachers and that, notwithstanding that teachers are difficult to recruit, proper standards must be maintained.

We have in our Capital City an outstanding Director of the Department of Public Health. Dr. Grant is one of the able men in this field and I believe that every effort is being made by our Director and the members of his staff to give to our Capital City the best Department of Public Health possible. We recommend a total of $56,436,100 for public health activities, which is an increase of $5,025,631 over the 1966 allowance. We recommend approval of the mental health and retardation programs, which includes the Area C Community Health Center.

Mr. Chairman, again I want to call attention to the fact that our Capital City receives its full share of all Federal grants. Set forth on page 2 of our report are the agencies receiving Federal grants for the fiscal year 1967 and these grants will total $118,867,685. This amount is not incorporated in the budget figures for the fiscal year 1967. The committee will be interested to know that public schools will receive $15,088,882; public welfare $17,039,999; highways and traffic $72,071,379; and the Police Department $772,078.

The budget proposed a total of 32,170 permanent positions for our Capital City in 1967. This is an increase of 2,012 positions. Our committee recommends 31,314 which is an increase of 1,156. It is important that our Commissioners keep in mind that as of July 31, 1966 there are a great many vacancies in authorized positions throughout the District government. On July 31, 1966 they totaled 2,056. You hear very little about the vacancies but a whole lot about new positions which are deemed necessary.

We are now proceeding with our new Central Library and this building will be one of the milestones in our Capital City. It will be a beautiful building, constructed under plans and specifications of a great architect. Other cities throughout the United States are following this project carefully and only recently one of the large cities expressed its interest to the extent that representatives will come to our city to get a little better understanding of the type of building to be constructed.

With available funds we are able to recommend 2 of the 7 requests for capital outlay items for the Department of Corrections, 10 of 24 for the Department of Public Welfare, 5 of the 6 requested for the Department of Buildings and Grounds, 8 of the 17 for the Department of Highways and Traffic, 13 of the 17 requested for the Department of Sanitary Engineering, and the 3 requested for the Washington Aqueduct.

There is a place for both a freeway system and a rapid rail transit system in our Capital City. We have repeatedly made this statement over the years and the members of our committee not only believe this to be true but are willing to make any and all recommendations which will bring about a proper rapid rail transit system and an adequate freeway system for the District of Columbia. In order to meet the tremendous day-by-day growth of traffic, the highway program must be carried along with the present rapid rail transit system. The current status of the highway fund has precluded the appropriation of new funds in this bill for highway construction of any magnitude, but these previously appropriated District funds are available and the matching Federal funds will be released as soon as the system is designed and approved. The District has not moved ahead at the required rate to meet the deadline of 1972 imposed by the interstate highway legislation.

As of December 31, 1965, there was a balance available of $172,200,691 composed of $20,927,305 in District funds and $151,273,386 in Federal funds that will be released as soon as the projects are designed and approved. Planning decisions have been and still remain the key obstacles to progress. There are 13 elements in the freeway and parking system that require decisions before work can actually proceed. These projects are set out on page 430 of part II of the printed hearings along with a number of studies that have been made on each over the past 20 years.

For a period of 5 years now, our committee has attempted to go along on every request concerning our rapid rail transit system and our freeway system. Time after time when funds were appropriated for projects the plans were discarded and filed away. Millions of dollars have been invested and this money is money down the drain. If the people in our Capital City really understood what has transpired in our freeway system during the past 5 years they would be amazed.

From 1961 up to the present time we have pointed out in our hearings time after time the fact that millions of dollars has been expended for planning with no action to place the projects under construction. The same projects have been up for consideration year after year and by virtue of delay each of the projects now will cost hundreds of thousands of dollars more to finally complete and the overall amount will run into the millions. This was fully developed in the hearings before our committee this year. Time is passing and the pressure groups who have succeeded up to this time to halt our freeway program are jubilant. We are called upon to authorize the borrowing of $8,525,000 for the District's contribution for the construction of a rapid rail transit system for the fiscal year 1967 and at the same time have on hand $20,927,305 in District funds which have been available now for several years for use in continuing our freeway system. At the same time the Federal Government has authorized and appropriated the sum of $151,373,386 for use with the above figure on our freeway system. Now is the time to have a thorough understanding and an agreement as to the construction of our freeway system and the continuation of our rapid rail transit system. A balanced transportation system is necessary and both freeways and rapid transit must go forward together.

We have reached an impasse insofar as our freeway system is concerned and now is the time to eliminate the roadblock which some believe was permanently fixed.

In our freeway program for fiscal year 1963 we were to spend $47.8 million and instead only $35.5 million was expended. For fiscal year 1964 the sum of $45.4 million was to be expended and only $25.4 million was expended. For fiscal year 1965 the sum of $69.5 million was to be expended and only $18.3 million was expended. For 1966 fiscal year the sum of $82.4 million was to be expended and during the first 6 months only $8.3 million was expended. As of December 31, 1965, our Capital City has fallen behind its orderly schedule of expenditures to the tune of $172,200,691.

We must keep in mind that here in our Capital City the decisionmaking machinery for our freeway system does not rest solely with our Commissioners. Each decision involves the participation of some half-dozen Federal agencies and freeway opponents within this group, and especially on the National Capital Planning Commission have used this out-of-date machinery to delay decisions and to make every effort to destroy our freeway system. Each month of inactivity simply means that millions of Federal dollars will be lost and our capacity to complete the system will decline. The opponents of the freeway system know full well that it is impossible to build major portions of this system until a firm decision is reached on the system as a whole.

After the program was stopped in June of 1963 the Arthur D. Little Co. was employed at a cost of $60,200 with a resulting report which simply stated in substance that the highway program should be brought to a complete halt. After some 7 weeks of huffing and puffing this company succeeded in bringing forth a mouse. The crux of this report was to the effect that the District should stop planning freeways in terms of a total freeway system and instead should commit itself only to the construction of one link in the system at a time. This is directly contradictory to all good freeway planning and we called before our committee Rex Whitton, the Director of the Bureau of Public Roads to find out what system was the best for our Capital City at this time. During the past several years our hearings will disclose the fact that no qualified engineer agrees with such a report.

From day to day we hear statements to the effect that our neighbors in Virginia and Maryland are to be considered from the standpoint of constructing an adequate rapid rail transit system and certainly this same argument can be applied to the construction of an adequate freeway system. One of our neighbor newspapers in an editorial stated, and I quote:

> We have often heard it said that the road to Hell is paved with good intentions. We wonder what, if anything, can be paved with the reports of highway and transportation consultants.

The 13 elements in the minimal freeway and parkway system for the District are as follows: Northeast Freeway, North-Central Freeway, Palisades Parkway, Three Sisters Bridge, the 14th Street Bridge, Potomac River Freeway, south leg, north leg west, north leg central, Northeast-North Central Freeway, north leg east, east leg, and the intermediate loop.

During the past 20 years, millions of dollars have been expended in making studies of the above sections of our freeway system. The Northeast Freeway is now under restudy notwithstanding the fact that from 1946 through 1966 eight studies have been made and thousands of dollars expended. From 1959 through 1966 five studies have been made on the North-Central Freeway which is again under restudy.

Thousands of dollars have been expended to make six studies from 1950 through 1965 on the Palisades Parkway which at the present time is again under restudy.

Eight studies have been made of the Three Sisters Bridge beginning in 1953 and extending through 1965. A planning decision is now pending on this project. This is one of the projects that we have appropriated money to complete but we are back again to a planning decision.

The 14th Street Bridge has received a number of studies and, pursuant to H.R. 11487, was approved for final design and for funding.

The Potomac River Freeway is again up for a planning decision. From 1950 through 1966 eight studies were made on this particular project and thousands of dollars have been expended and plans for all 13 of the elements in the existing system costing millions of dollars have now been filed away.

From 1952 through 1966 seven studies, costing thousands of dollars, were made of the south leg and here again we have a project that is up for a planning decision.

The north leg west has been studied seven times from 1950 through 1966 and we are still in the planning decision category.

We are still in the planning decision category for the north leg central notwithstanding the fact that from 1955 through 1966 seven studies were made at a cost of thousands of dollars.

Eight studies costing thousands of dollars have been made of the Northeast-North Central Freeway from 1946 through 1966 and again this project is marked in the category of being under restudy.

A planning decision has been pending for years on the north leg east notwithstanding the fact that six studies have been made of this project from 1950 through 1966.

We are now informed that a planning decision is pending on the east leg notwithstanding the fact that six studies have been made of this project from 1955 through 1966.

Instead of falling in the category of a planning decision pending, which of course, really means nothing from the standpoint of actually proceeding with the construction of our freeway system, we find that the intermediate loop is marked properly as being in the indefinite category notwithstanding the fact that we have had five studies from 1950 through 1965.

On pages 426, 427, and 428 of the hearings for fiscal year 1967, part II, may be found the agency planning, consultant studies, and currently active consultant studies together with the total cost which is some $8,229,623.

The total approximated study cost of over $8 million does not include 11 studies for which figures were not available to the committee. It is estimated that these costs would raise the figure to over $10 million spent since 1946. In considering our freeway system we must keep in mind that the Washington metropolitan region by estimate will increase to 3.4 million by 1980 and 5 million by the year 2000. The number of tourists visiting our Capital City will increase to 24 million by 1970 and 35 million by 1980. Still important and a fact that must be considered is that the number of Federal employees in the District of Columbia region is increasing at the rate of 4,000 to 5,000 a year. Automobile and truck registration in the Washington metropolitan area will increase to 960,000 by the year 1980. As one member of this committee I am convinced that the National Capital Planning Commission and the Policy Advisory Committee have not, up to this good day, made the necessary moves to place the freeway system in a position where it can go under construction. The Policy Advisory Committee statement which followed the Arthur D. Little Co. report is full of ambiguous language and really means very little.

Freeway opponents have succeeded up to this time in knocking down all of the main conclusions reached by transportation experts after 20 years of study costing millions of dollars and this premeditated foolishness must stop.

Our Capital City must not be embarrassed by further studies and further inaction and more wasted money in the completion of our freeway system. Meaningful decisions must be made now to remove the planning obstacles set up by opponents of our freeway system.

Our ability to complete our present freeway program on schedule was carefully examined during the hearings and on page 481 we find a statement made by Thomas F. Airis, the Director of the Department of Highways and Traffic, concerning this matter as follows:

> Now, sir, when I appeared before you last year, I stated that the obligation of funds at the required rate, as shown on the chart at that time, would be a difficult and demanding job. I also pointed out that a tremendous amount of construction would have to be undertaken concurrently during this period which would require extremely tight and coordinated scheduling to insure that the normal functions of the city can be maintained with only reasonable interruption during the construction period. I concluded that I was still confident that we could complete the program on schedule.
>
> I know that it is obvious to you from the chart that I have just shown you that we have not moved ahead at the required rate

> and that the difficulties of completing the program on schedule have been further compounded. In all honesty, while the chance of completing our program on schedule still exists, it will be more difficult than had we secured our needed planning decisions during the past year. In order to complete the program within the required timetable, we must have an immediate breakthrough on all remaining planning decisions for the Interstate System for the District of Columbia. By this, I mean that we should be prepared to proceed with actual design of the remainder of our system no later than this summer. Any delay beyond this point will mean that we simply cannot complete the system on schedule.

Mr. Chairman, our committee approved $2 million last year to start the rapid rail transit system and today we favor the completion of this system. At the same time we are not in favor of permitting our highway system program to be destroyed. Until we have decisions upon which we can rely placing the highway program underway we are unable to recommend that the District government borrow $8,525,000 to continue the rapid rail transit system. We do not want to experience again what we did in 1963. This must not take place.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding and I wish to commend him for his clear statement on a number of the issues that confront his committee with regard to the District of Columbia. I wonder how the District of Columbia—those entrusted with the administration of it, the Commissioners and others—how they would expect to finance a subway system in the District of Columbia if they cannot complete the freeway system?

I wonder if the gentleman could give us any estimate as to what this subway system would cost. I know that the gentleman from Kentucky is being belabored in the District of Columbia because of his insistence that the highway system be completed before some other venture is embarked upon here. I wonder how they expect to finance a subway system.

Mr. NATCHER. I want to thank my friend from Iowa for the question he has asked, and I want the Members to know that it is an important question that must be answered at this time.

The subway system as it is underway at the present time will have a route of almost 25 miles. The total estimated cost is $431 million of which the District will contribute $50 million, and it will be necessary to borrow every dime of it from the U.S. Treasury. Of the total, $100 million is payable from Federal funds and comes under the jurisdiction of the Interior Appropriations Subcommittee, chaired by my distinguished friend the gentleman from Indiana [Mr. DENTON]. The balance of $281 million will come from the issuance of bonds to be retired out of the fare box, and my friend from Iowa knows as well as I do that that will never take place. The $50 million to be borrowed must be repaid by the District of Columbia at the going rate of interest set by the Treasury Department. The $100 million will be borrowed, as the gentleman knows, by the Federal Government, and as far as the $281 million of bonds, they will be in the same position as the bonds for the stadium that my distinguished friend from Iowa has called to the attention of this House on many occasions.

In connection with the highway program there is over $20 million on hand—not funds that would revert to the Treasury—that have been appropriated over the past 4 or 5 years. In connection with the rapid transit system we were called upon to authorize borrowing a little over $8 million for the District's contribution to the cost of the 1967 construction program.

I think in all fairness to the House that those of us who believe that a rapid transit system should go along with the highway program ought to put it right on the table and let the Members see the total cost. There is compact legislation now pending in one of the other committees. The gentleman recalls that 3 years ago an authorization bill was brought out for a rapid transit system and it was recommitted. It received less than 90 votes. It provided for 87 miles at a cost of $778 million, and bonds to be issued with interest estimated to run over $1 billion.

That proposal was cut back to a 25-mile subway system, and it will probably cost more than estimated and the bonds will not be retired out of the fare box.

Some Member will stand in the well of this House and ask that the District of Columbia be permitted to borrow additional money, and the gentleman from Indiana or his successor 20 or 30 years from now from his subcommittee will be down here asking the same thing.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. NATCHER. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to commend the committee for setting forth, I believe for the first time, the Federal grants to the District of Columbia. I think the Members of the House ought to realize that $118 million—almost $119 million—is being ladled out in the District of Columbia in addition, as I understand, to the nearly $50 million this committee makes available.

Mr. NATCHER. The gentleman is exactly correct. This is the first time, to my knowledge, that we have placed such figures in a committee report.

In addition to the Federal payment that is approved by this House each year for the District of Columbia, $49 million this year, over $118 million in Federal grants will be available over and above the funds in the budget for 1967.

The gentleman from Iowa will also be interested to know that since our hearings were held, some $7 million in additional grants have been or will be received by the District of Columbia during the fiscal year.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from the Commonwealth of Kentucky [Mr. CHELF].

Mr. CHELF. Mr. Chairman, I would like to say to the gentleman in the well that I want to congratulate and commend him, not only as the chairman of the Subcommittee on the District of Columbia, but his entire committee for bringing this bill to the floor. I appreciate his backing and defending the Washington Police Force and Fire Department. They are deserving of our confidence.

He is an old prosecutor, and I am an old prosecuting attorney. We can certainly sympathize with the police force of any town, most especially the one here in the Nation's Capital, who have to cope with such lenient judges and their light decisions.

It is the most demoralizing and discouraging thing under the sun for policemen—as the gentleman has said so ably and so well—to have to spend days and weeks and months getting the facts, the proof and evidence to convict some of these fellows, who have long records behind them, and then, once having obtained an indictment, a trial and a conviction on the evidence, the trial judge gives them, as the gentleman so aptly said, "a pat on the back." This is hard for a policeman to take. If this isn't stopped, law and order will develop into anarchy, bedlam, and total disregard for all law.

This is the trouble not only with the Nation's Capital today but the trouble throughout the entire length and breadth of our country. Being lenient with convicted defendants is encouraging riots and all manner of trouble. The gentleman understands full well this problem. I want to commend the gentleman and his committee for speaking out and encouraging our fine police force here. The good Lord knows they have had hell on earth to cope with conditions in this man's town. It has gotten so bad that Police Chief Layton is having serious trouble in recruiting young officers. I am informed that many young men refuse enlistment in Washington's police force because they honestly believe they are looked upon by some as a necessary facility rather than a protector and a defender of law-abiding citizens. These brave men risk their lives every time they patrol our streets and they are entitled to our wholehearted support and loyalty.

The gentleman and I are very close friends. We sit here many, many times together. He has told me on several occasions what a fine fire department and police force we have here.

It takes guts and raw courage to speak up, and the gentleman has plenty of both. He comes from the salt-of-the-earth people back in Kentucky.

I commend him also on his very fair viewpoint pertaining to the subway and our highways. Let us not let one of them get ahead of the other. Let us keep them together, as horses in a team, pulling together. We need both horses at the same time—therefore let us feed them equally and all will be well.

Mr. NATCHER. I thank my friend.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, I would like to take the gentleman back to the discussion of the highway system, the rather tragic system.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield myself 2 additional minutes.

Mr. SMITH of Virginia. I sympathize with the gentleman's feelings about the futilities of his situation, because I have had a great deal of that since I have been here on the District Legislative Committee.

First, I would like to find out from the gentleman what his future intentions are about the rapid transit. Is that going to be laid aside until they start building some highways?

That subject has been under study for a great number of years. As the gentleman knows, we have hardly reached the culmination of that study in the form of legislation, and the thing has been authorized. The States have passed legislation. The Congress has now on the calendar for a rule for consideration a compact which has been recommended by the Judiciary Committee of the House. Do we stop these activities? Does the gentleman intend to hold this project up for something he is really not responsible for?

Mr. NATCHER. Mr. Chairman, I would like to say to my distinguished friend that I for one hope that before this bill is finally enacted we will be in a position to come back to the House and say, if we are given the opportunity, that we are now in a position to recommend that the appropriation portion of the $8,500,000 be borrowed and be made available for the District's contribution to the rapid transit system. Based on the amount allowed in the Interior appropriation bill the figure would be approximately $4 million.

Before this bill is finally enacted I hope that will take place.

The National Capital Planning Commission is scheduled to hold certain meetings this week.

As the distinguished gentleman from Virginia knows, and knows much better than I do, there are a great many people who have, all down through the years, tried to destroy the highway system in the District of Columbia to put the rapid transit system ahead.

We are not against rapid transit. For the gentleman's information, since we have seen in the newspapers references that the transportation agency will have to lay off engineers and so forth unless something is done, I would like to advise the House as to funds already available for the rapid transit system.

I hold in my hand a letter from the President of the Board of Commissioners, and also a letter signed by the acting Director of the National Capital Transportation Agency, requesting our committee to grant permission, as my distinguished friend from Wisconsin [Mr. DAVIS], and the other Members know, to reprogram nearly $2 million of funds appropriated for 1966.

Let me say to the gentleman, as a matter of record, we have no desire to stop the rapid transit system. This desire also does not apply to the Commissioners of the District of Columbia including the Engineer Commissioner. This desire also does not apply to the gentleman's committee, the Legislative Committee on the District of Columbia.

All we ask is that everything be put on top of the table as to what is involved, so we can take a good look at it. Then let us move both systems along. We hope that will happen in the very near future.

Mr. SMITH of Virginia. I thank the gentleman very much.

I do not want to take my seat without expressing to the gentleman my appreciation, and what should be the appreciation of the Nation, for the patient and often futile job he has undertaken in carrying on this bill. I know what is involved. I admire the gentleman for being willing to undertake this very thankless task.

I am not quarreling with the gentleman's position about this. My purpose in making the inquiry is to get the rather comforting assurance I get from the gentleman, that this does not mean this whole business is to be laid aside, after all the work that has been done on it.

I do hope something can be done, and I will cooperate in any way I can, toward bringing about a situation, so that before the bill is passed, in which something will be taken care of for rapid transit. As the gentleman says, let us move both systems of transportation along at the same time. We need both of them, and we are getting to need them more every day.

Mr. NATCHER. I thank my distinguished friend from Virginia.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I believe every member of this subcommittee strongly supports this bill, not because it is free from controversy, not because there is not adequate ground for controversy, but because of a recognition that this is the best possible solution we could find under some very difficult circumstances involving the fiscal affairs of the District of Columbia.

This is in truth a Natcher bill, not just because the bill bears his name or because the report is submitted under his name, but because this handiwork is in truth the product of great dedication and unlimited work on his part in order to provide a formula for handling this fiscal situation in the manner that it has been brought to you here today.

Because of our great appreciation of our chairman and our recognition of his solution of many harassing problems, we do find it easy fully to support the bill which he has brought here and the report that he has submitted to you. We are acting here today in this Committee, as sort of the fathers of the District of Columbia, and I suspect this too is rather appropriate, because as I see it one of the problems, and one of the real grave problems, of this Federal District has been, over the years, a rather meddlesome and not always benevolent paternalism.

This is in truth a kept city. We talk today in terms of $49 million, which you will see is the amount of the Federal contribution, or the actual appropriation of general Federal funds for the operation of this District of Columbia, but actually this is only a part of the story. I think it might be said that this is only a minor part of the story, for in addition to the Federal contribution of $49 million which, by the way, is the largest in the history of our country, there is included the authority to borrow $22.5 million. I was surprised to learn—and I suspect many of you were not aware—of the fact that when there are capital projects to be constructed here in the District of Columbia they do not do as you do back in your home communities and issue bonds for the purpose of constructing schools or highways or similar projects. They are simply authorized to go down and withdraw the money, that is, the Commissioners for the District of Columbia are authorized to go down and withdraw the money from the Federal Treasury, and then pay the going rate of interest back to the Federal Treasury. So there is technically no bonded indebtedness here in the District of Columbia. However, there is a borrowing authority, and an accumulation of borrowing direct from the Federal Treasury for which the District of Columbia government is held responsible.

So there is authority to go down and dip into the Federal Treasury for another $22.5 million. In addition to that, as the chairman of the subcommittee pointed out in response to a comment from the gentleman from Iowa, this bill and the appropriated funds here, are supplemented by $120 million, in round numbers, of Federal aid for the District of Columbia. So what we are talking about here today actually is not $49 million of Federal contributions, but we are talking about $49 million plus $22.5 million, plus $120 million, a total of $191.5 million, which is authorized to be withdrawn from the Federal Treasury.

Let me give you a couple of examples of this not-so-benevolent paternalism which has plagued the affairs here in the District of Columbia. A few years ago some people decided it would be nice if they had an unusual playground for the children of the District of Columbia. So there was created this unusual playground. They took the site, a site that had been previously acquired for the purpose of building a junior high school. This was to be a temporary thing.

But, Mr. Chairman, when the time came that the Commissioners for the District of Columbia decided, and gave their approval to, the construction of the junior high school on that particular site, some of the paternalists, at high levels of government, decided, "Well, some of these things for the youngsters to play with are now imbedded in concrete and we just do not have the heart to take that away from the children. So, you will have to go before the Natcher committee and get some money to buy a site on which this junior high school can be placed.

Well, Mr. Chairman, this bill does not contain any money for that site, any more than last year's bill contained any money for that site.

Mr. Chairman, there are funds contained herein for the planning that is necessary for this badly needed junior high school. But I believe this Committee has the responsibility to determine, really, whether or not this responsibility should be on the back of someone else to assure that there is a site for this badly needed junior high school, and at the expense of someone else, other than the taxpayers of the District of Columbia who were deprived of that previously acquired site.

Mr. Chairman, this serves to point up, I believe, some of the problems that exist here in connection with the school system in the District of Columbia.

Mr. Chairman, in the communities from which all of the Members of the Committee of the Whole House on the State of the Union come and from which I come, we have to accept the responsibility for the construction of our schools, the maintenance and the operation of them, and I suspect that there is not one of you here who does not come from a community that, finding itself confronted with the necessity of expanding school facilities, went out and bonded themselves for the necessary funds with which to construct them, these additional school facilities, and they have continued the responsibility for it. The people of those communities knew what their responsibility was, both for the expansion of the school system and for the money that it took with which to build those schools.

Well, Mr. Chairman, in the District of Columbia the members of the School Board, through some legislative quirk, are chosen by the judges, the judges themselves selected by people at higher levels, and who have no responsibility to the people whom they serve.

So, Mr. Chairman, there is no basic line of responsibility between the citizens of the District of Columbia and those charged with the decisionmaking of the operation of our schools.

I believe, Mr. Chairman, that here we find ourselves confronted with the problem that inadequate revenues are made available, that the people here are encouraged to come to this committee—and they are not only encouraged to come before us, but I believe maybe incited to come before us, incited is undoubtedly a more descriptive word—and they are not only furnished with inadequate and with faulty information as to the situation, but they do come en masse before this committee.

Mr. Chairman, I believe this, too, is a part of the meddlesome paternalism which plagues the affairs of this District.

Then, Mr. Chairman, I can give to the Members of the Committee of the Whole House on the State of the Union a second example of meddlesome paternalism which is going to come here to roost right in the seats of this Chamber before too many years have passed.

This second example of paternalism was the decision made by some people in high places here a few years ago that we ought to have a fancy new stadium so that people would have a place to go and watch athletic events here in the District of Columbia. This was back in the 85th Congress.

I have read enough of the proceedings at that time to know that you were all assured that this was a $7 million project. I think a fair interpretation of some of the remarks that were made at that time were that this was not going to cost the taxpayers of this country any money. So what has happened? We do not have a $7 million stadium, we have a $20 million stadium.

Who is going to pay the interest on the $20 million? Well, they dropped it right back onto the District of Columbia. The interest on that investment is included in this bill that is before you today.

If the decision had been left to the people of the District of Columbia, I submit that they would have said, "It would be nice, but I do not think we can afford it."

So people at higher levels said, "Well, it is so nice, we want you to have it and you can worry about paying the interest."

Who was to pay the principal, who was to pay the $20 million that no one was going to have to pay for? Well, I will be darned if I know because this authorizing legislation made no provision whatsoever as to the payment of this capital investment at the time that it comes due. I quote the Chairman of the Board of Commissioners of the District of Columbia when he said, "I see no ultimate prospect of the stadium paying its way."

This is some rather expensive paternalism for which certainly this committee was not responsible but for which we find ourselves including money for in this appropriation bill that is before you here today.

Mr. Chairman, I include at this point a newspaper article from the Washington Post of September 13, 1966:

GAO Criticizes Construction Details—District of Columbia Stadium Has Hot Seats for 5,000

Washington's stadium has radiant seating in case the President wants to take in a football game.

This special facility has never been used and the General Accounting Office listed it yesterday as one of the reasons why the stadium cost so much to build.

Originally estimated at $9 million, the stadium eventually cost $19.7 million.

In a 95-page report submitted to Congress, GAO found that 234 changes made while construction was under way increased the cost by $2.9 million.

In addition, it discovered that the elaborate system of rearranging seats from the third base line during the baseball season to the 50-yard line during the football season and erecting a fill-in stand cost more than can be recovered from the sale of the extra tickets.

The GAO report blamed no one in particular, although it implied laxity on the part of the D.C. Armory Board, which built and now operates the money-losing stadium.

GAO said a lesson can be found for other government agencies. Construction contracts should never be let before plans are completed and reviewed by governmental regulatory agencies.

Among the problems, construction was under way before it was learned that the stadium would not meet the city building code.

GAO found no basis for an Armory Board contention that contracts had to be let early and construction rushed to assure that the stadium would be ready for the 1961 Redskins' football season.

The Redskins' contract at old Griffith Stadium was about to run out and the Redskins were about to sign another five-year contract unless they could move into the new stadium, according to the Armory Board.

GAO said Armory Board records and discussions with officials of the Redskins and the then owners of Griffith Stadium indicated that the Redskins could have leased the old stadium for the 1961 season, making the big rush unnecessary.

GAO also said that the expensive change orders should have been but were not evaluated by the city's chief building official, the director of the Department of Buildings and Grounds. Some of the cost estimates for the changes were based "on incorrect or unsupplied data which had resulted in significant increases," the report said.

The rush to finish construction also resulted in the use of a concrete drying material that in combination with imbedded aluminum conduits produced a chemical reaction causing serious cracks in the concrete.

The radiant hot water heating system was installed in one section of the lower deck stands after a conference with the Secret Service over presidential facilities in the stadium. GAO said it couldn't find out why the heating system was expanded from the presidential box to an area which seats 5,000 spectators.

The Armory Board bought 74 frankfurter warmer units and stands but they are still in storage, GAO said. The concessionaire told the Armory Board they didn't meet his needs because they only warmed hot dogs and didn't cook them.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Chairman, I assume that this stadium was built on the ability of the District of Columbia, as the gentleman mentioned a few moments ago, to go to the U.S. Treasury and borrow the money. I put "borrow" in quotation marks.

Is that not true that was the way the money was obtained for building the stadium?

Mr. DAVIS of Wisconsin. No. My recollection and understanding is that the money actually, this capital investment, was made available at that time through the sale of bonds to the public guaranteed as to the payment of interest by our Government. And it is in fulfillment of that guarantee, because the stadium is not self-supporting, that you will notice an item of about $730,000 to pay the tab on the interest on this outstanding investment.

Mr. GROSS. Can you in the State of Wisconsin put up a stadium, or can one be built in the State of Iowa on the same basis? If not, why this paternalism in the District of Columbia for a purpose of this kind?

Mr. DAVIS of Wisconsin. We have a stadium up in Milwaukee, Wis., that has been standing vacant all summer. But it was not intended, at least the arrangements were made to have the principal repaid. For the most part, this has been quite self-sustaining.

Mr. GROSS. But the Government has not guaranteed the interest payments on that stadium, has it?

Mr. DAVIS of Wisconsin. It certainly has not.

Mr. GROSS. Nor to the University of Wisconsin or to the University of Iowa or on any other stadium that the gentleman can think of?

Mr. DAVIS of Wisconsin. That is correct.

There are a few more items that I would like to comment on. One of them my chairman has touched upon. That is the matter of crime prevention here in the District of Columbia.

I think we all feel somewhat ashamed to recognize that here in the Capital of this Nation, the capital of the world, that we have to tell the members of our families and we have to tell the people who work in our offices, that they dare not walk within the shadow of the Capitol alone after sundown.

I want to assure you that insofar as money will do it, as consideration will do it, that this committee has provided everything in the way of dollars to provide for more adequate law enforcement here within the District of Columbia. I think it is fair to say, too, that we have stood behind the police force of the District of Columbia 100 percent in their efforts to control lawlessness within this Federal District.

I think it is a fair comment that elements who are the greatest critics of the police force are those who have caused and are causing the greatest problem for these harassed men in their effort to perform the responsibility of safety here within this District.

The chairman mentioned this grievous problem of highway construction in the District. I would only second what he has said. The program has been marked with a great amount of vacillation, and we acted the only way that we knew how in this bill to encourage them to go on with an orderly highway program here within the District.

There is no money in this bill for the subway. I think this, too, is proper. The chairman indicated in his remarks that he hopes the situation will resolve itself so that the money could be included in this bill by the time the conference report comes before us. I do not think I quite share my chairman's enthusiasm. As I told you last year in connection with a supplemental request, I think there are still too many unanswered questions about the ultimate cost and the prospect of repayment of our capital investment in this subway for us to proceed at this time, and I do not think that this delay that might be occasioned here will be lost time at all. I think it will give us time to find out the answers to some of the questions that we need to know.

I support this bill and I support it wholeheartedly. For those of you who might be inclined to restore or increase funds, I must caution you that there just is not any place for the money to come from. And for those who might be inclined to cut it I would again caution you that actually the District of Columbia in some categories needs to have more money than is provided in this bill, but the money simply is not there.

And I would suggest if we could get a greater attitude of "stand on your own feetism," I think every member of this subcommittee would be willing to appropriate every dollar to meet the governmental needs of the District of Columbia that the people of this District are willing to assume the responsibility to provide.

Mr. NATCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. GIAIMO].

Mr. GIAIMO. Mr. Chairman, I rise in support of this appropriation, and would urge all Members of the House to support it and not to favor any suggested cuts which may come along. I hope that none do.

I should like to pay my respects to the members of the subcommittee who have done an outstanding job, and particularly to my chairman, the gentleman from Kentucky [Mr. NATCHER]. How he ever accomplished this job I will never know. I have been amazed by the effectiveness of his efforts all year in working on this legislation, especially when we consider the fact that we did have before us a budget which was out of balance and which literally meant that the income of the District of Columbia from all sources, from its own revenues and from Federal contributions and from the Treasury Loan Authority, were not sufficient to pay the estimated amount of expenditures.

When we consider that the budget was somewhere between $35 and $36 million out of balance, our chairman is to be commended especially for the manner in which he suggested to many of us where, in fact the necessary cuts, the cuts which had to be made, were to be made.

Let me point out some interesting statistics. In the total operating expenses, the running of the everyday affairs of the District of Columbia, where we recommended $328,843,000, we cut that by a total of $5.8 million, which showed care and concern for the real needs of the District. We tried to minimize the amount of the cuts. Most of the cuts were made, of course, in the capital outlay provisions and in the contribution to the rapid rail transit system.

We have heard some comments made about the District of Columbia Stadium. I do not believe any of us on the subcommittee is happy about it. We certainly talk about it year in and year out with a great deal of unhappiness and chagrin, but the fact is that the stadium is a fact. The citizens of cities demand stadia, and we are, whether we like it or not, going to have to meet the obligations which were made some time ago by other Members of previous Congresses. The interest is going to have to be paid, and ultimately the principal is going to have to be paid. So talk as much as we will about it, the stadium in the District of Columbia in fact is there, and we are going to have to meet the financial obligations.

We hear a great deal of talk about the problems of the educational system in the District. Certainly those of us on the committee know there are problems in the field of education. There are unique problems, perhaps, in the District of Columbia insofar as the education of its children is concerned. I believe this subcommittee has done very well, has done the best it possibly could under the circumstances as far as the educational system of the District of Columbia is concerned.

Let me point out, as the report shows, that the educational budget is $80,093,000. In addition to that, there is the capital outlay provision for the educational department. Of the amount requested for the capital outlay provision, we have given them $24.6 million, which is a substantial figure. In addition to that, if the Members will turn to page 2 of the report, to which the gentleman from Iowa made reference earlier, concerning the Federal grants which are made directly to the District of Columbia, we will find there are $15 million in the form of direct Federal grants to the District of Columbia for its educational system. This makes a total roughly of $120 million for the school system of the District of Columbia.

That is not a small sum, I submit. We have been very much concerned on the subcommittee with the capital outlays particularly for the public schools. Year in and year out I have heard testimony from the Commissioners and people in the educational department and from any number of people at our public hearings who are terribly concerned, as properly they should be, with the capital outlay problems of the District of Columbia and the fact that many of our school buildings need replacing.

We are trying to do the best we can.

Let me point out that the total amount of estimates was $32,934,000, and we have granted $24,600,000 of that for the educational outlay construction program. I believe this is an indication of the awareness of the committee and the Congress for the educational needs of the District of Columbia.

As far as the other agencies are concerned, reference has been made to them by our chairman, and the distinguished ranking minority Representative of the subcommittee. I will not go into them at this time.

I would like to make reference to the problem of Federal grants, which was referred to earlier. Federal grants to the District of Columbia are estimated in 1967 to be $118,867,000. This is a great deal of money and this is in addition to all the other moneys, which are represented in the budget. Actually, this money is not part of this budget. I also caution the Members that this is not unusual. This is not something unusual which the District of Columbia is getting. Many of the other cities and many of the towns of the United States are getting awards and grants such as this.

These are the various programs which this Congress has passed from year to year. They stretch from urban renewal programs to the poverty program, to the educational assistance program, to vocational rehabilitation, to welfare and all other national programs. This represents the District share of the Federal programs designed for all the United States, for any of the problems of urban America which the Congress in its wisdom has decided, year in and year out, are necessary and have to be done.

So this is not something unusual, I say, which the District of Columbia is getting.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman not agree that there are items listed—and these are not all of them—on page 2 of the report which do not go to other cities in the country?

Mr. GIAIMO. I say to the gentleman, there may possibly be some, but most of them are the regular programs of Federal payment and participation with all the cities and towns, such as the urban renewal program, the library program, the Office of Civil Defense, the juvenile court, the corrections, the recreational program, and the like. I do not say that every single one of them is, but most of them are.

Mr. GROSS. There is, for instance, a rather substantial appropriation here for a grant to the District Police Department. Are Federal grants made to the gentleman's police department in his home city in Connecticut?

Mr. GIAIMO. So far as I know, they are not.

Mr. GROSS. If the gentleman will yield further, I should like to ask another question, and this is based upon questions the gentleman asked in the hearings, to be found on page 94. I do not suppose the gentleman has a copy of the hearings before him as he stands in the well, but if I read the hearing record correctly, the gentleman fairly well established that the tax on a $30,000 home in the District of Columbia was $382, by comparison with far higher taxes in Boston and other cities in the country. Why is there such a low tax rate in the District of Columbia?

Mr. GIAIMO. I agree completely with the gentleman. If he will bear with me for a few moments, I will get to that point.

Mr. Chairman, to conclude this portion of my remarks let me say again I commend the members of the subcommittee, and particularly the chairman, for doing what I consider to be an outstanding job.

In my opinion, and of great concern to me, the question is, Where do we go from here?

I believe it is rather clear to all of us that this year's budget is not going to be greater than the budget for next year or the year after. I do not believe the budgets for the District of Columbia, or for any of our cities, are going to decrease with the coming years.

This leads me to want to point out the critical position in which we find ourselves at the present time. We find ourselves, as has been stated earlier, in a position where the Federal payment suggested in this bill is $49 million, and where the authorized Federal payment is $50 million.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GIAIMO. In other words, we are appropriating $49 million of the $50 million authorized. I submit to the Members, for their consideration, that in the coming years the Federal payment will have to be larger, not smaller.

We have been told, and properly so, that the District of Columbia also has an authorization to borrow money from the Federal Treasury. The District of Columbia has in fact borrowed money over the years from the Federal Treasury, which it subsequently must pay back. The authorized amount of money which the District can borrow from the Federal Treasury stands at $175 million. As I understand it, at the present time there is $46 million of that authorized amount available for borrowing, of which we are in this appropriation bill appropriating the amount of $22.5 million.

This leaves for future years an authorized borrowing authority amounting to $23.5 million. If we assume that next year we will allow the District to borrow at the same rate which we appropriated for them this year, it means we will totally consume the authorized borrowing power. So if we have gone right up to the ceiling on our authorization for Federal payment and our authorization for borrowing from the Treasury, this House should concern itself with the fact that most likely we are going to have suggested authorizing legislation in the coming year to increase the borrowing capacity of the District of Columbia, and perhaps most likely also the authorized Federal payment.

I submit we must all concern ourselves with this. I am not one of those who says that the District has to stand alone on its two feet. I think they must stand on their own two feet, but I do think also there is a very real Federal responsibility here because this is the Capital City of the Nation, and because it is the city about which all Americans are concerned and are interested in.

So I think there is going to have to be a better feeling of cooperation and a better working attitude on the part of the people in the District and the Federal Government. I am certain, for one, that we are going to have to increase in coming years the Federal payment, and also the borrowing capacity of the District. I am equally certain we will have to do something about revenues in the District which are to be raised by the people of the District of Columbia, and by their government. This, I submit, is where I concern myself with the problem raised by the gentleman from Iowa [Mr. GROSS]; namely, that something is going to have to be done about increasing the real estate taxes in the District of Columbia.

Now, this is not an easy thing to suggest. I suppose people will say it is easy for me, coming from Connecticut, perhaps, and not paying taxes in the District of Columbia, to suggest this. Perhaps one would hesitate to suggest it in one's own home town. Still, the fact of the matter is that it must be of concern to us in the District of Columbia to try to raise our tax revenue base so as to further increase the amount of income from the real property taxes of the District.

Also I submit that there are pending measures before the Congress at this present time, before this body, which would contribute toward increased revenues for the District of Columbia. I hope that action will be taken on some of these measures before this Congress ends.

All in all, Mr. Chairman, action of this type will increase the revenues of the District of Columbia and, in addition, when we consider that we will probably have to increase in coming years our Federal payment and our loan authorizations, increased real estate taxes will have to come in order to meet the evergrowing needs of the Distict of Columbia budget. We may not like it, but I am convinced that it is going to happen, and will have to happen if we are indeed going to be able to try to meet the pressing needs of this city.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I think in line with what the gentleman from Connecticut said, it should be pointed out to the Members of this Committee that the District Commissioners already have the authority to raise the real estate taxes, and no legislative authority needs to come from the Congress for that purpose.

Mr. GIAIMO. As I understand, the gentleman is correct. What I made reference to, as far as the Congress is concerned, are certain other revenue raising measures which as I understand it have passed the other body, and are pending before this body, and upon which action has not been taken.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. GIAIMO. I think these revenue measures should be carefully studied and in my opinion many of them should be approved. This will contribute toward increased revenues which, together with increased real estate tax revenues and increased participation by the Federal Government through the increase in the Federal payment and loan authorizations, are going to meet the future needs of the District. I say this because, quite frankly, our subcommittee and our chairman, particularly, are being put in an extremely difficult position where the District looks to us to provide the necessary revenues and where our hands are tied because we have just so much money which by law we can appropriate in order to meet the obligations and the expenses of the District of Columbia.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I would say to my friend, the gentleman from

Connecticut [Mr. GIAIMO], that I appreciate his statement. But, Mr. Chairman, I have been here a few years and I have heard the same thing over and over and over again—that next year we hope the Commissioners will raise property taxes in the District of Columbia.

Tax increases in the District of Columbia are few and far between.

As the gentleman from Connecticut well said in the hearings—and I am sure it is true over most of the rest of the country—the taxes on a $30,000 home in a suburb of his home city would be more nearly $1,000 than $382 as levied in the District of Columbia.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I also want to add to that, that I specifically asked the question of the Commissioners, "Do you deny that you have authority to raise taxes on your own, if you want to?"

They said, "We do not deny that at all; we can do it."

To be perfectly fair, they did raise taxes more this year than they have been raised all over the United States. But the rate is not as high as the rate prevailing over the balance of the United States.

However, Mr. Chairman, I do not think I would be disputed by any member of the committee if I said that they could not raise the taxes if they wanted another school building. We would look at it very favorably as I understand the sentiment of the committee.

Mr. GROSS. I appreciate the statement of the gentleman from Iowa [Mr. SMITH] that taxes in the District could be raised this year, if they wanted to raise them, and now is the time to do it. Why place this burden upon the backs of all the taxpayers of this country when they are not carrying their fair and reasonable share of their own load in the District of Columbia?

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. McFALL. Mr. Chairman, in order that the RECORD may clearly show all of the points involved in the very important question that the gentleman from Iowa [Mr. GROSS] has raised, the District Commissioners have explained to us that they are faced with a competitive situation in the District of Columbia with reference to the surrounding areas. They have raised the taxes in the District of Columbia. They are competitive with the built-up areas across the river in Rosslyn and across the District line in Silver Spring, where taxes can be lower and where large commercial buildings can be constructed but which cannot be constructed in the District of Columbia.

Mr. Chairman, this is the thinking of the District Commissioners. I present it to the gentleman from Iowa [Mr. GROSS] so that the record might be clear.

Mr. GROSS. Well, that is a lovely sentiment on the part of the Commissioners of the District of Columbia, but permit me to say to the gentleman that there are adjoining and competing municipalities in the State of Iowa and I assume there are municipalities adjoining and competing with each other in the State of California. But neither in Iowa nor California can a raid be staged on the Federal Government for lack of proper tax levies. We are dealing now with the District of Columbia, and a property tax of $382 on a $30,000 piece of property, I say to the gentleman, cannot be justified when it is related to the millions of dollars that are being asked here today for support of the District of Columbia on the part of the Federal Government.

Mr. McFALL. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Of course I yield further to the gentleman from California.

Mr. McFALL. Of course, Mr. Chairman, this is a matter of judgment. But this is a matter with which the Commissioners are faced. Whether they are right or whether the gentleman from Iowa is right, I am not in a position at this time to say. But this is the question which is involved.

Mr. GROSS. I am sure the gentleman knows that there will be no proper increase in taxes in the District of Columbia as long as the Nation's taxpayers provide the funds.

But I really arose to say something about the District of Columbia stadium and I call attention to the committee statement which says:

> It is difficult to justify the exclusive attitude of the Armory Board that results in the stadium being a money losing operation and also to understand why no effort is being made to provide financing to pay off the bonds when they mature in 1979.

I am no Johnny-Come-Lately to this stadium business. I can go back to 1957 when I opposed the construction of a stadium, being convinced then, as I am convinced now, that the taxpayers of all the country are eventually to be called upon to pay off the $20 million worth of bonds on this structure which is now a financial white elephant.

I would like to quote briefly from the RECORD of July 14, 1958, in the 2d session of the 85th Congress, when I questioned Representative Oren Harris, then, chairman of the District of Columbia Committee, and one of the chief promoters of the stadium.

At that time I said:

> I am still not convinced that this will not some day become a burden on the taxpayers of the country. Can the gentleman give us any assurance that the committee will not be back here in a matter of a few years asking for appropriations out of the federal Treasury to build or maintain this stadium?

Mr. Harris replied:

> I can give the gentleman the assurance from my own knowledge and from my own opinion on this program that this is a sound program, that it will not be necessary, not even in two or three years or ten or fifteen years or any time to be a burden on the taxpayers of the entire country.

Well, it is already a burden on the taxpayers of the entire country today because in this bill you are providing $767,000 for the payment of interest on the nearly $20 million of indebtedness.

This stadium started out to cost, as I believe the gentleman from Wisconsin said, $6 million or $7 million. This was the way the deal was sold to the House of Representatives. I did manage, after considerable fighting on the floor of the House, to see to it that the federally held land, upon which the stadium was erected, would be included in the bill to be paid for.

But it started out as a $6 million or $7 million proposition. Bids were taken and, incidentally, the bids were taken before the final planning was completed for this stadium. The contract was let and McCloskey & Co.—you know Matthew McCloskey, the fundraiser for the Democratic Party—got the contract on a bid of $14,200,000, the lowest of 10 bidders.

Only the other day the General Accounting Office released its report of an investigation of the stadium construction. It shows how McCloskey operated. There were 234 change orders, increasing the cost by about $3 million. Incidentally, McCloskey was paid a profit on the change orders.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 2 more minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I thank the gentleman for yielding.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Can you tell me when all this took place, what year this was?

Mr. GROSS. What year what took place?

Mr. GIAIMO. What you are describing now about the construction of the stadium.

Mr. GROSS. The letting of the contract was in either 1960 or 1961.

Mr. GIAIMO. My best recollection is it was in 1960.

Certainly, the gentleman is not suggesting that the administration and the District of Columbia were doing things wrong in 1960, is he?

Mr. GROSS. Yes, I am suggesting just that; I am suggesting that Bobby Baker and his crowd were already at work at that time.

This whole stadium deal stinks to high Heaven and the gentleman knows it.

Mr. GIAIMO. I agree with the gentleman that the stadium is a white elephant, so to speak, and we are saddled with 700-and-some-odd thousand dollars for interest and the like.

Mr. GROSS. And with no assurance that anyone is going to pay for it except the taxpayers of the entire country.

Mr. GIAIMO. Exactly. The gentleman is eminently correct, and the members of the subcommittee are aware of this.

Mr. GROSS. What is the point, then?

Mr. GIAIMO. I am not aware of the fact that there was anything wrong insofar as the construction of the stadium is concerned.

Mr. GROSS. Of course, there was plenty wrong with it.

Mr. GIAIMO. I am surprised that the gentleman is making these charges relating to the period when President Eisenhower was President of the United States.

Mr. GROSS. What does that have to do with the scandal in this deal? Of course, Bobby Baker was not employed by the then President of the United States. At that time he was working for the then Senate Majority Leader, Lyndon Baines Johnson. Subsequently we had the cozy deal of $109,000 in premiums on McCloskey's performance bond. Do you remember that? And the payoff to an insurance broker by the name of Don Reynolds? A payoff to him of $35,000, with some $25,000 going through Bobby Baker into a presidential campaign fund? Lyndon Johnson's campaign fund? Does the gentleman remember that? Does he now expect the taxpayers of Iowa and elsewhere to pay the bill for those shenanigans?

Mr. McFALL. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. McFALL. If the contract was let in 1960, the gentleman well knows that the Eisenhower administration was in charge of letting the contract.

Mr. GROSS. I will give you the specific year from the GAO report.

Mr. McFALL. I believe it was in 1960.

Mr. GROSS. The bids were opened on June 10, 1960.

Mr. McFALL. The Eisenhower administration was in charge of letting the bids, as the gentleman well knows. Bobby Baker was not involved in letting the bids and the gentleman knows it.

Mr. GROSS. I do not think there was a Member of the House who could smell the odor at that time.

Mr. McFALL. Well, now, if there was an odor, it came from the gentleman's own party.

Mr. GROSS. What reason was there, then, for the 234 change orders? The 234 change orders came months after that, yes, many months after that, and the gentleman knows it.

Mr. McFALL. That is possible, yes, but the gentleman is talking about the letting of the bids and the big scandal of letting the bids on the stadium, and how it cost much more. Now, the gentleman's own administration was in charge of letting the bids.

Mr. GROSS. Oh, no, the gentleman's own administration was not in charge of letting the bids.

Mr. McFALL. Yes, the gentleman knows very well that the Eisenhower administration was in charge in 1960. Is that not correct?

Mr. GROSS. The Eisenhower administration was in power, yes. But is the gentleman now trying by innuendo to saddle the scandal of this deal—is he trying to load this on the backs of the Republicans?

This whole scandalous mess was dredged to the surface some 4 years later and everyone knows it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. Smith].

Mr. SMITH of Iowa. Mr. Chairman, I want to commend the other members of the committee for the many, many days that they listened to testimony and deliberated on this bill to come out with a bill that could be supported by most everyone on the floor. I wish to also reemphasize something that is in the report on page 19, and that is that the committee rejected the idea of the Superintendent of Schools of placing a new Shaw Junior High School on the Bundy Recreation Area. If any of you have been out there, you know that immediately across the street from the Bundy School is a Montgomery School. Both of these are elementary schools. There is a small playground area nearby known as the Bundy Playground Area.

The Superintendent came in with the proposal that we build Shaw Junior High School on that playground area. There is less playground area there than is required by the guidelines for elementary schools in the District of Columbia, but he proposed to take this playground area away from these little schoolchildren to build the Shaw Junior High School.

The committee did put money in this bill for surveys and planning for a Shaw Junior High School but we specifically agreed that under no condition should the school be built on this Bundy playground area. It should be built upon other land in the area and perhaps partly on land acquired under urban renewal.

The other thing I want to mention concerns the financing of schools. As I said before, if the District of Columbia wants to increase the real estate tax to build more of these schools, I feel sure there would be very favorable consideration by the committee in a supplemental bill. They can make the decision as to how many of the schools they want to build. All they have to do is to have their meeting the next week, or the week after, and decide how much more they want to raise the real estate taxes, and that amount of money can promptly be appropriated for schools. It is therefore their decision how much they want appropriated for schools.

However, in the long run, I believe we have to recognize that although they do have the borrowing authority we have authorized from time to time, they have not borrowed nearly as much in the District for capital outlay as in most of the districts of the United States. In most places the people using the schools pay for the schools as they are being used. To overcome the building problems they have, I believe there needs to be a vastly larger program based upon the borrowing authority, with a limitation on the amount that can be repaid in any one year.

In other words, the amount of borrowing authority to be used would be determined by the amount that can be paid in any one year to amortize the debt, just as in any other school district of the United States. Next year I hope there will be more effort to develop a program with this kind of guideline, to determine how many of these schools should be built now.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 8 minutes to the gentleman from Massachusetts [Mr. Conte], a member of the committee.

Mr. CONTE. Mr. Chairman, I am going to speak about the District of Columbia Stadium, but not about the past, because there is nothing that can be done about that. I will speak about the future of the District of Columbia Stadium.

Although it is not domed, nor is it air conditioned as seems to be the current vogue for sports arenas in Texas, District of Columbia Stadium certainly ranks with some of the finest in the country. It should, considering what it has already cost the taxpayers.

Now we find that this magnificent arena, located in as good a spot as could be found in this city for accessibility and parking, in a city that is as enthusiastically sports minded as any in the world; we find this stadium is a money-losing proposition.

According to this report, we must allocate more than three-quarters of a million dollars to meet interest payments due on the bonds issued for construction of District of Columbia Stadium.

The report states that, under terms of the authorizing legislation for the construction of the stadium, the District of Columbia Commissioners had to borrow from the Treasury $340,800 to meet the interest payment due on December 1, 1965, and another $415,800 to meet the payment due on June 1, 1966. The total comes to $756,600 which, when we add the $10,417 of interest, comes to the $767,017 which the taxpayers must now fork over to cover these deficiencies.

The report courageously challenges the "exclusive attitude" of the Armory Board which is the cause of all the red ink. There is, however, no indication that the Congress intends to do anything about it. Apparently, we are going to let them get away with it. We are going to peel off three-quarters of a million dollars to back up the Armory Board's policies.

I would like to know more about this so-called "exclusive attitude" of the Armory Board. I should like to know why this Congress is content to allow these policies to persist when they are losing money, with the losses being passed on to the taxpayers at a time when we should be trying to chisel every nickel we can from the Federal budget.

District of Columbia Stadium should not stand idle on any given Sunday afternoon in the entire year. And, in my judgment, there is no reason why it should.

The Washington Senators, despite what promises to be another disappointing season, are well ahead of last year's attendance figures. The Washington Redskins, who also seem to have their problems, are nevertheless packing the house at every home game. But clearly, this is not enough.

The Armory Board should be encouraged not only to exploit every opportunity to bring athletic events to District of Columbia Stadium, but to go out and actively solicit events; to promote District of Columbia Stadium the way P. T. Barnum might have promoted a white elephant.

Why, for example, can we not encourage and support the formation of an American Football League franchise for Washington, to play in District of Columbia Stadium on weekend dates when the Redskins are out of town?

We have in nearby Virginia a superb minor league football team which, according to all reports, have discovered the elusive secret of not only winning football games, but of crushing their opposition by fantastic scores. Why can we not encourage the Virginia Sailors to play their Saturday night games in District of Columbia Stadium instead of Wakefield High School over in northern Virginia? With appropriate publicity, I have no doubt this team could more than pay its way in District of Columbia Stadium.

I suppose there are a number of legal reasons why some of these things cannot be done. But, I respectfully submit, Mr. Chairman, that we are the lawmaking body for the District of Columbia. If laws need to be changed, let us change them.

It seems to me we have shrugged off the problems of the District of Columbia with a virtual blank check for too long. It is high time we either turned over the government of the city to its citizens, or took a little more serious attitude toward some of these problems in the Congress.

I have dwelled on the stadium situation, not because it is alone or because it is the only area where something might be done. On the contrary, I use it as a typical example of how we seem to understand that a problem exists and that we even shake a finger at the source of the problem, but do nothing to solve it. We do, in fact, make matters worse by subsidizing the very myopia which causes the problem.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to my good friend from Iowa.

Mr. GROSS. A solution might be found if there was a change in the contract at the stadium. It is my understanding that the head of the Redskins Football Team is one Bennett Williams, who is also the attorney for Bobby Baker. I understand the Bobby Baker trial has been postponed two or three times, and certainly he will not go to trial before the election this fall. It may be that the statute of limitations will outlaw the case before it goes to trial.

The gentleman might give some thought to who is having the "large say" with respect to what happens in connection with this stadium, one Mr. Williams.

Mr. CONTE. I agree with everything the gentleman from Iowa says, but I still cannot understand why Congress cannot change the laws, or change the ball game, or change the contract, or amend the contract so that the stadium does not remain idle on the days the Redskins are not playing. I agree that the Redskins have a monopoly at the present time. They will not let the American League in, where it could draw a big crowd when the Redskins were not playing. I understand even the concessions are a "racket" out there. I believe it is high time Congress changed this whole situation.

Mr. GROSS. I thoroughly agree with the gentleman, and commend him for his statement.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Carolina [Mr. Whitener].

Mr. WHITENER. Mr. Chairman, I express to the gentleman from Kentucky [Mr. Natcher] my appreciation for his having yielded this time. I commend him for his consistently fine work in District of Columbia appropriations matters. The entire subcommittee headed by the gentleman has been most thoughtful. They have always been considerate of many things I have discussed with them.

Naturally, I am a little bit apprehensive about the elimination of the $8,525,000 of the District contribution toward the construction of a rail rapid transit system, but from talking to the gentleman from time to time I understand the motivating factors which bring about the decision of his subcommittee.

Mr. Chairman, I would say that the chairman of the committee and I, together with other members of the Committee on Appropriations, and Members of Congress who are not members of the Committee on Appropriations, have on many occasions discussed the future of a rail rapid transit system in the District of Columbia. While I would not undertake to speak for those gentlemen, I know that there is not as much feeling against the development of a proper rapid transit system as some have interpreted the action of the Committee on Appropriations to be.

For some time I have tried to send out some storm warnings about the problems which are being created for the future of the rail rapid transit system. If many who profess to be for this system would leave well enough alone and let us go on with the development of a core system in the District of Columbia and then make whatever moves they might want to make thereafter, I think we might accomplish a very worthwhile purpose for this Nation's Capital. This is the leading capital city of any nation in the world. Yet this is the only capital of a major nation of any size that does not have an adequate rapid transit system. There is no place in the world that I know of that needs one more sorely than do we here in our Nation's Capital.

While I am not out hunting arguments with my colleagues, I think we need a National Stadium here in the District of Columbia. The District of Columbia Stadium is such a facility. I think the people of my area, and of every other area of the United States, have a reason to be interested in our Nation's Capital and a reason for wanting us to have those facilities in this Federal City which will reflect credit upon our Nation throughout the world.

The aim of making profits on stadiums, of course, is always a desirable goal. Still, we must remember that we have in most of our towns and at our colleges situations where a sizable sum of money has been put out by the local people for athletic fields where, if you read a balance sheet, you would find that it is not a profitmaking organization. We must have these types of facilities whether it be in a large city or a small one or at an educational institution. I hope that in our looking at the situation here in the Nation's Capital that we will always look upon it as the Nation's Capital, and not as a separate municipality apart from the Nation.

For that reason, Mr. Chairman, I urge the chairman of the Subcommittee on Appropriations to take a new look at the rail rapid transit system program. I know he will do it. I have a lot more confidence that they are going to do that than I have that some others who are muddying the water will cease to muddy the water.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. Broyhill].

Mr. BROYHILL of Virginia. Mr. Chairman, I would also like to discuss the $8.5 million request that was deleted from the appropriation bill for the construction of the rapid transit system here in Washington. I know this has been discussed at great length here already today, and that some of this discussion took place while I was unavoidably absent from the floor. However, in view of the fact that so much concern has been expressed as to the deletion of these funds, and the charge has been made that this may cause some damage and delay in the construction of such a system, I think that we can, let us say, reassure the people who are involved in these programs that that was not the intention of the Committee on Appropriations.

Mr. Chairman, I can assure the chairman of the Subcommittee on Appropriations for the District of Columbia of the Committee on Appropriations that we in northern Virginia are working diligently toward a program to tie in the suburban areas with the mass transit system here in the Nation's Capital.

We are hopeful that this Congress will approve an interstate compact that will help to accelerate this tying in with the suburbs.

But, Mr. Chairman, I do also recognize, as does everyone else in the area, that we have a highway and a freeway construction program that has suffered from needless delay.

As it was stated in the report of the Subcommittee on Appropriations for the District of Columbia there are 13 elements to this highway and freeway system that have been delayed and that there were $172 million in unobligated funds as of December 1965. Largely, these delays have been caused as a result of the fact that some groups wanted to use the mass transit system or the subway system to scuttle some of the unpopular freeway and highway programs.

I support the chairman of the Appropriations Subcommittee in his efforts to prevent the subway system being used as a scuttling device for this much-needed highway and freeway construction program.

Mr. Chairman, all of us who have studied this problem realize that we must have a basic and balanced transportation system here in the Washington metropolitan area if we are going to make any headway toward alleviating this traffic congesting highway problem.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I would like to say to the distinguished gentleman from Virginia [Mr. BROYHILL] that I, personally, appreciate the position that the gentleman has taken all down through the years concerning a balanced transportation system for the District of Columbia.

Mr. Chairman, I know of the gentleman's interest not only in rapid transit, but also in the establishment and in the construction of a good freeway system.

Mr. Chairman, I wish to commend the gentleman upon the statements that he has made and is now making concerning this matter.

Mr. Chairman, the gentleman from Virginia [Mr. BROYHILL] has been fair and has been frank and I know of his interest in this problem. The gentleman has discussed this matter with me on more than one occasion, and as I have said to the gentleman during those discussions, and I say again, there are many who believe in a balanced system of transportation for our Capital City. We believe that there is a place for a rapid transit system and that there also is a place for a freeway system.

Mr. Chairman, I wish to salute the gentleman from Virginia [Mr. BROYHILL] for the position which he has taken down through the years on this particular matter.

Mr. BROYHILL of Virginia. Mr. Chairman, I thank the gentleman from Kentucky and it is my opinion that the remarks which have been made by the gentleman from Kentucky [Mr. NATCHER] should give additional assurance to everyone interested in a transportation system in the Washington area that there will not be any unnecessary or needless delay in the construction of such a system.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. Of course I am happy to yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, I am sure the gentleman from Virginia [Mr. BROYHILL] will remember that last year, in the first session of this Congress, representatives of the District government came to the gentleman from Minnesota [Mr. NELSEN] and to me and to the chairman of the full Committee on the District of Columbia, and urged that immediate hearings and action upon a revenue bill be taken which would include money for the highway program.

Mr. Chairman, we made a special effort and had gotten a bill out and passed here in the House of Representatives. However, it has languished in the other body ever since. That is the last utterance of urgency which we have heard from the representatives of the District government and the administration downtown.

I think what the gentleman has said points out the attitude of our good friend, the gentleman from Kentucky [Mr. NATCHER], and the gentleman from Minnesota [Mr. NELSEN], the ranking minority member of the House Committee on the District of Columbia, the chairman of the House Committee on the District of Columbia and others, that we feel that there must be a balance to the transportation system and that highways are an essential part of it. We have prepared a bill trying to accomplish something in that area, as well as the rapid transit system. The gentleman from Virginia [Mr. BROYHILL] has been a yeoman worker in the same vineyard.

Mr. BROYHILL of Virginia. Mr. Chairman, I do not think there is any question but that the action taken by the Subcommittee on Appropriations for the District of Columbia in holding up these funds in order to prevent the subway system from being used as a scuttling device for the rest of the highway and freeway program is going to have its desired effect. In fact, I am hopeful we will see some results in the next few days.

Mr. DAVIS of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. NATCHER. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

Mr. NATCHER (during the reading of the bill). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open for amendment at any point.

The CHAIRMAN. Is there obection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. BOW] is recognized for 5 minutes.

Mr. BOW. Mr. Chairman, the subcommittee on this bill has done an excellent piece of work. It is a fine bill. They have worked well together. I think both sides should be complimented for the hard work they have performed. I am sure they have done well by the District of Columbia.

Mr. Chairman, the President continues to be concerned about the budgets we have been passing. As you know, Mr. Chairman, and as my colleagues know, I have been concerned in every bill that we have here about the high budgets. I have offered on a number of occasions a 5-percent reduction overall on the budgets and that has been refused.

Mr. Chairman, I was particularly interested in what the President himself had to say in his message to the Congress on September 8, and I would like to just read part of it for the RECORD:

> I propose the following program of immediate action for the Congress and the American people:
>
> First. I am taking strong measures to reduce lower priority Federal expenditures.

I would suggest if he did say that he should notify the Congress what the priorities are. He should not just tell the executive branch of the Government but he should notify the Congress what these low priorities are so we can consider it in the appropriation bills and in the conferences that will come up.

He said further:

> Determination of the exact amount of reduction in that limited portion of the fiscal 1967 budget under direct Presidential control must await congressional action on the remaining appropriation bills. Our best present estimate is that a reduction of 10 percent—approximately $3 billion—will be required from that portion of the budget.

Here we have the President of the United States telling us that we should reduce these budgets by 10 percent. I have been sort of low on it. I have been at 5 percent. Perhaps if we would have had the 5 percent pass on the previous budgets, we would not need a 10-percent reduction now. But his suggestion now is 10 percent.

So, in support of the President, Mr. Chairman, I intend to offer again, as a motion to recommit, the 5-percent Bow limitation amendment on this bill and I would urge your support of it.

The amendment simply provides that the administration may expend in fiscal 1967 only 95 percent of what the President proposed to provide in the value of the items provided in this bill.

Therefore, Mr. Chairman, I would request the support of the President and support of my motion to recommit.

Mr. Chairman, I yield back the balance of my time.

Mr. NATCHER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. NATCHER. Mr. Chairman, I do not like finding myself in disagreement with my distinguished friend from Ohio [Mr. BOW]. As you know, Mr. Chairman, the gentleman from Ohio [Mr. BOW] is the ranking minority member on the Committee on Appropriations and he is an able member and our good friend.

I do think this, in all fairness to the Members of the House, that we ought to keep in mind that the budget as submitted for the District of Columbia was submitted out of balance. Based on revenue estimates in July there was a deficit of $35,897,000. We took the budget, Mr. Chairman, and reduced it $43,253,200, a cut of 10 percent. Approximately 45 percent of the increases requested were in the mandatory category which had to be allowed. Due to the lack of revenues it was necessary to cut back all other requests to a minimum. The committee has created a reserve of $2,680,000 to cover the cost of classified pay wage board increases. The committee has reduced the bill, as I stated, 10 percent which is, Mr. Chairman, as far as we should go at this time. Also, Mr. Chairman, only a portion of this bill, $52,394,000, relates to Federal funds; the other funds are actually District funds derived from taxes and other revenue-raising measures.

So therefore, Mr. Chairman, and I say to the members of the committee, that at the time when my distinguished friend from Ohio offers his motion to recommit the bill to cut the bill 5 percent more, it should be defeated.

I yield back the balance of my time.

Mr. FARNUM. Mr. Chairman, I move to strike the requisite number of words. If I could get the attention of the distinguished gentleman from Ohio [Mr. Bow], I would like to ask a question or two about his 5-percent amendment.

On previous occasions the gentleman has made a motion to cut the budget 5 percent across the board. I would like to ask the gentleman if it is not true that under the existing statutes the President of the United States already has the authority not to allocate funds appropriated by the Congress to the various agencies if it would be in the interest of the public not to do so? Is that not true?

Mr. BOW. Of course, the gentleman is correct about that.

Mr. FARNUM. Has the distinguished gentleman himself made any recommendations for specific cuts in items in the bill, either himself or through members of the committee who serve on this subcommittee, that would equal the 5 percent that he proposes to include in a blanket cut?

Mr. BOW. Apparently the gentleman does not understand the amendment. I supposed he did. The cut is not in the appropriation figure but is a cut of 5 percent on what the President proposed to spend in his budget. This means previously appropriated funds, and much of the funds that are spent in any fiscal year are previously appropriated funds. So the amendment simply goes to the funds, and it leaves it up to the President to apply the cuts in the areas that he feels should be made. It is not an attempt to eliminate the schools or expenses in other areas. That question would be left up to the Commissioners and the President to determine where best the cuts could be made. I do not think there is any agency of Government that cannot in some way find a method to reduce the proposed budget of the President by 5 percent.

The gentleman must understand that the proposal would not affect appropriations across the board but goes to the funds the President proposes to spend, whether previously appropriated or appropriated in this bill, and the determination would be left to the President.

Will the gentleman yield further?

Mr. FARNUM. I yield to the gentleman from Ohio.

Mr. BOW. The gentleman has suggested that the President has a right to not allocate funds. I have suggested at leadership meetings at the White House that some of these funds should be withheld, but it seems to me the responsibility to make the reduction is in the Congress, and then let the President put them in the area he thinks best.

Mr. FARNUM. I think the responsibility of the President is clear. There is no question that the statutes provide the President can cut expenditures. There is no question that the President has not only asked the agencies to be more efficient in their operations and to be economical in their use of public funds and the expenditure of those funds but he has insisted by directive they produce those economies.

But I say to the gentleman there is not vested in the Congress a responsibility to bring about a meat-ax approach, such as that recommended by the gentleman from Ohio, an approach which I term fiscal idiocy. I say each of us as Members of Congress should review these budgets very specifically and we should offer amendments to reduce the amounts of specific items if we think there are specific items that should be reduced.

I do not think the method that is being employed by the gentleman is the kind of method that should be employed as far as cutting the expenditures of the Federal Government is concerned. I look upon this as nothing more than something that is being used to try to confuse the issue and I must conclude is nothing more than political trickery.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, I must say to the gentleman I do not believe he really understands this subject, particularly when he calls this political trickery. We have had gimmick budgets up here time and time again, and I have not heard the gentleman get on his feet yet and object to the gimmicks that have been in the budgets sent here by the executive branch. It seems to me if the gentleman is sincere in what he has been trying to say, the gentleman would have been attacking these budgets, every one of them, with the gimmicks that have been in all of them.

This is not trickery. This is an opportunity for the President to do what he says he wants done, to reduce the budgets passed by the Congress, but it gives to him an opportunity to apply these cuts.

It is his executive branch, it seems to me, that is setting up priorities. He ought to be setting up priorities here. The gentleman says he has legislative authority to do it. That is correct. But let me remind the gentleman that we have under the Constitution the power to make, to initiate the appropriations, and to handle them. This is one way it can be done.

I do not appreciate the gentleman's remark that this is political trickery.

Mr. FARNUM. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman, but first I would suggest that the gentleman not refer to an amendment of this simple nature as trickery. The gentleman from Ohio [Mr. Bow] does not engage in trickery.

Mr. FARNUM. Mr. Chairman, I would say I believe the amendment offered by the gentleman is an affront to the hard work of the committees who work on these appropriations, who spend long hard hours on them. The gentleman is a member. They do their best to try to sit through the requests for billions of dollars of appropriations and to come up with recommendations on the floor of this House, which they do.

If the gentleman does not believe I do understand what is going on, I do understand what is going on, and I will put my fiscal ability, as far as governmental financing is concerned, up against that of any Member on that side.

Mr. GROSS. I will only say to the gentleman, I do not know of any appropriation bill that comes before the House that is sacred; that cannot be altered by being reduced or increased.

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore, having resumed the chair, Mr. Price, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17636, making appropriations for the government of the District of Columbia, and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1967, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BOW

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER** pro tempore. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The **SPEAKER** pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Bow moves to recommit the bill to the Committee on Appropriations with instructions to that Committee to report it back forthwith with the following amendment: On page 15, immediately following line 18, insert a new section as follows:
>
> "Sec. 16. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1967, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all items provided for herein beyond ninety-five percent of the total aggregate net expenditures estimated therefor in the budget for 1967 (H. Doc. 335)."

The **SPEAKER** per tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The **SPEAKER** pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 103, nays 217, not voting 112, as follows:

[Roll No. 279]

YEAS—103

Abbitt
Adair
Andrews,
George W.
Arends
Ashbrook
Ashmore
Ayres
Bates
Battin
Bennett
Berry
Betts
Bolton
Bow
Bray
Broomfield
Brown, Clarence J., Jr.
Broyhill, N.C.
Buchanan
Cederberg
Chamberlain
Clancy
Clausen,
Don H.
Clawson, Del
Conable
Corbett
Cramer
Cunningham
Curtis
Dague
Davis, Wis.
de la Garza
Derwinski
Devine
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Findley
Fino
Fountain
Gathings
Goodell
Gross
Grover
Gurney
Haley
Hall
Halleck
Harsha
Harvey, Mich.
Henderson
Hutchinson
Jonas
Jones, Mo.
Kornegay
Kunkel
Kupferman
Laird
Langen
Latta
Lennon
Lipscomb
McDade
McEwen
Martin, Nebr.
Michel
Minshall
Mize
Morton
O'Neal, Ga.
Pirnie
Poff
Pool
Quillen
Race
Randall
Reid, Ill.
Reifel
Robison
Rumsfeld
Satterfield
Schneebeli
Schweiker
Secrest
Selden
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Stanton
Taylor
Thomson, Wis.
Tuck
Utt
Watkins
Watson
Whalley
Williams
Wilson, Bob
Wyatt
Wydler

NAYS—217

Adams
Addabbo
Anderson,
Tenn.
Andrews,
N. Dak.
Annunzio
Ashley
Baring
Barrett
Beckworth
Belcher
Bell
Bingham
Blatnik
Boggs
Brademas
Brock
Brooks
Brown, Calif.
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Cahill
Callan
Cameron
Carey
Carter
Casey
Chelf
Clark
Clevenger
Cohelan
Collier
Conte
Cooley
Culver
Daddario
Daniels
Dawson
Delaney
Denton
Dingell
Dole
Dow
Dowdy
Downing
Dulski
Dwyer
Dyal
Edwards, Calif.
Edwards, La.
Ellsworth
Everett
Farnsley
Farnum
Feighan
Flood
Foley
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gettys
Giaimo
Gibbons
Gilligan
Gonzalez
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffiths
Gubser
Halpern
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Harvey, Ind.
Hathaway
Hays
Hechler
Herlong
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Jones, Ala.
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jones, Ala.
Karsten
Kastenmeier
Kee
Kelly
King, Calif.
King, Utah
Kirwan
Kluczynski
Krebs
Leggett
Long, La.
Long, Md.
Love
McCarthy
McClory
McDowell
McFall
McGrath
McVicker
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Matsunaga
Matthews
Meeds
Mills
Mink
Moeller
Monagan
Moore
Moorhead
Morgan
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Price
Pucinski
Redlin
Reid, N.Y.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Ryan
St. Onge
Scheuer
Schisler
Schmidhauser
Shipley
Sikes
Slack
Smith, Iowa
Smith, Va.
Staggers
Stalbaum
Steed
Stubblefield
Sullivan
Sweeney
Talcott
Teague, Calif.
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex.
Trimble
Tunney
Ullman
Vanik
Vivian
Waggonner
Waldie
Watts
White, Tex.
Whitener
Whitten
Wright
Yates
Young
Younger

NOT VOTING—112

Abernethy
Albert
Anderson, Ill.
Andrews,
Glenn
Aspinall
Bandstra
Boland
Bolling
Burton, Utah
Byrnes, Wis.
Callaway
Celler
Cleveland
Colmer
Conyers
Corman
Craley
Curtin
Davis, Ga.
Dent
Dickinson
Diggs
Donohue
Dorn
Duncan, Oreg.
Edmondson
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fisher
Flynt
Fogarty
Ford, Gerald R.
Ford,
William D.
Friedel
Gallagher
Garmatz
Gilbert
Green, Oreg.
Hagan, Ga.
Hagen, Calif.
Hanna
Hansen, Idaho
Hawkins
Hébert
Helstoski
Hicks
Holland
Huot
Jones, N.C.
Karth
Keith
Keogh
King, N.Y.
Landrum
McCulloch
McMillan
Macdonald
MacGregor
Machen
Martin, Ala.
Martin, Mass.
Mathias
May
Miller
Minish
Morris
Morrison
Morse
Murray
Nix
O'Konski
O'Neill, Mass.
Pelly
Philbin
Powell
Purcell
Quie
Rees
Reinecke
Resnick
Rodino
Rogers, Tex.
Roncalio
Roybal
St Germain
Saylor
Scott
Senner
Sickles
Sisk
Stephens
Stratton
Teague, Tex.
Todd
Toll
Tupper
Tuten
Udall
Van Deerlin
Vigorito
Walker, Miss.
Walker, N. Mex.
Weltner
White, Idaho
Widnall
Willis
Wilson,
Charles H.
Wolff
Zablocki

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Cleveland.
Mr. Keogh with Mr. Curtin.
Mr. Albert with Mr. Gerald R. Ford.
Mr. Dent with Mr. Byrnes of Wisconsin.
Mr. Donohue with Mr. Martin of Massachusetts.
Mr. Philbin with Mr. Keith.
Mr. Boland with Mr. O'Konski.
Mr. Aspinall with Mr. MacGregor.
Mr. Macdonald with Mr. Morse.
Mr. O'Neill of Massachusetts with Mr. Mathias.
Mr. Wolff with Mr. McCulloch.
Mr. Zablocki with Mr. King of New York.
Mr. Gilbert with Mr. Glenn Andrews.
Mr. Garmatz with Mr. Reinecke.
Mr. Fallon with Mr. Quie.
Mr. Friedel with Mr. Pelly.
Mr. Farbstein with Mr. Callaway.
Mr. Fogarty with Mr. Anderson of Illinois.
Mr. Rodino with Mr. Burton of Utah.
Mr. Minish with Mrs. May.
Mr. Gallagher with Mr. Martin of Alabama.
Mr. Helstoski with Mr. Dickinson.
Mr. Miller with Mr. Walker of Mississippi.
Mr. White of Idaho with Mr. Saylor.
Mr. Charles H. Wilson with Mr. Murray.
Mr. Machen with Mr. Scott.
Mr. Sickles with Mr. Hagan of Georgia.
Mr. Sisk with Mr. Dorn.
Mr. Stratton with Mr. Tupper.
Mr. Celler with Mr. Widnall.
Mr. Duncan of Oregon with Mr. Diggs.
Mr. Evans of Colorado with Mr. Nix.
Mr. Hagen of California with Mr. Powell.
Mr. Resnick with Mr. Hanna.
Mr. Morris with Mr. Edmondson.
Mr. Evins of Tennessee with Mr. Craley.
Mr. Corman with Mr. Conyers.
Mr. Colmer with Mr. Huot.
Mr. Abernethy with Mr. Holland.
Mr. Hawkins with Mr. Hicks.
Mr. Roybal with Mr. Roncalio.
Mr. Rogers of Texas with Mr. St Germain.
Mr. Senner with Mr. Stephens.
Mr. Todd with Mr. Teague of Texas.
Mr. Weltner with Mr. Vigorito.
Mr. Morrison with Mr. Tuten.
Mr. Purcell with Mrs. Green of Oregon.
Mr. Fascell with Mr. Flynt.
Mr. Davis of Georgia with Mr. McMillan.
Mr. Rees with Mr. Willis.
Mr. Van Deerlin with Mr. Walker of New Mexico.
Mr. Udall with Mr. Jones of North Carolina.
Mr. Bandstra with Mr. Landrum.
Mr. Fisher with Mr. William D. Ford.

Mr. **SHIPLEY** and Mr. **CONTE** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

Mr. **NATCHER.** Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 320, nays 3, answered "present" 1, not voting 108, as follows:

[Roll No. 280]

YEAS—320

Abbitt
Adair
Adams
Addabbo
Anderson,
Tenn.
Andrews,
George W.
Andrews,
N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Ayres
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Bolton
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Cahill
Callan
Cameron
Carey
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clark
Clausen,
Don H.
Clawson, Del
Clevenger
Cohelan
Collier
Conable
Conte
Cooley
Corbett
Cramer
Culver
Cunningham
Curtis
Daddario
Dague
Daniels
Davis, Wis.
Dawson
de la Garza
Delaney
Denton
Derwinski
Devine
Dingell
Dole
Dow
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Dyal
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Ellsworth
Erlenborn
Everett
Evins, Tenn.
Farnsley
Farnum
Feighan
Findley
Fino
Flood
Foley
Fountain
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gathings
Gettys
Giaimo
Gibbons
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffiths
Grover
Gubser
Gurney
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hays
Hechler
Henderson
Herlong
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson

Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Kastenmeier
Kee
Kelly
King, Calif.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Kupferman
Laird
Langen
Latta
Leggett
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Matsunaga
Matthews
Meeds
Michel
Miller
Mills
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
Ottinger
Patman
Patten
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Rumsfeld
Ryan
Satterfield
St. Onge
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tunney
Ullman
Utt
Vanik
Vivian
Waggonner
Waldie
Watkins
Watson
Watts
Whalley
White, Tex.
Whitener
Whitten
Williams
Wilson, Bob
Wright
Wyatt
Wydler
Yates
Young
Younger

NAYS—3

Bow
Gross
Secrest

ANSWERED "PRESENT"—1

Powell

NOT VOTING—108

Abernethy
Albert
Anderson, Ill.
Andrews, Glenn
Aspinall
Bandstra
Boland
Bolling
Burton, Utah
Byrnes, Wis.
Callaway
Celler
Cleveland
Colmer
Conyers
Corman
Craley
Curtin
Davis, Ga.
Dent
Dickinson
Diggs
Donohue
Dorn
Duncan, Oreg.
Edmondson
Evans, Colo.
Fallon
Farbstein
Fascell
Fisher
Flynt
Fogarty
Ford, Gerald R.
Ford, William D.
Friedel
Gallagher
Garmatz
Gilbert
Green, Oreg.
Hagan, Ga.
Hagen, Calif.
Hanna
Hansen, Idaho
Hawkins
Hébert
Helstoski
Hicks
Holland
Huot
Jones, N.C.
Karth
Keith
Keogh
King, N.Y.
Landrum
McCulloch
McMillan
Macdonald
MacGregor
Machen
Martin, Ala.
Martin, Mass.
Mathias
May
Minish
Morris
Morrison
Morse
Murray
Nix
O'Konski
O'Neill, Mass.
Passman
Pelly
Philbin
Quie
Rees
Reinecke
Resnick
Rodino
Roncalio
Roybal
St Germain
Saylor
Scott
Senner
Sickles
Sisk
Stephens
Stratton
Teague, Tex.
Todd
Toll
Tupper
Tuten
Udall
Van Deerlin
Vigorito
Walker, Miss.
Walker, N. Mex.
Weltner
White, Idaho
Widnall
Willis
Wilson, Charles H.
Wolff
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

Mr. Albert with Mr. Gerald R. Ford.
Mr. Keogh with Mr. Widnall.
Mr. Hébert with Mr. King of New York.
Mr. O'Neill of Massachusetts with Mr. Morse.
Mr. Dent with Mr. MacGregor.
Mr. Sickles with Mr. Mathias.
Mr. Wolff with Mr. Dickinson.
Mr. Celler with Mr. McCulloch.
Mr. Farbstein with Mr. Callaway.
Mr. Philbin with Mr. Pelly.
Mr. Donohue with Mr. Quie.
Mr. Macdonald with Mr. Reinecke.
Mr. Boland with Mr. Martin of Massachusetts.
Mr. Aspinall with Mrs. May.
Mr. Senner with Mr. Cunningham.
Mr. Machen with Mr. Glenn Andrews.
Mr. Morris with Mr. Tupper.
Mr. Fascell with Mr. Saylor.
Mr. Garmatz with Mr. Byrnes of Wisconsin.
Mr. Fallon with Mr. Burton of Utah.
Mr. Friedel with Mr. Anderson of Illinois.
Mr. Rodino with Mr. Martin of Alabama.
Mr. Minish with Mr. O'Konski.
Mr. Gallagher with Mr. Cleveland.
Mr. Helstoski with Mr. Walker of Mississippi.
Mr. Morrison with Mr. Hansen of Idaho.
Mr. Resnick with Mr. Fisher.
Mr. Gilbert with Mrs. Green of Oregon.
Mr. Fogarty with Mr. Keith.
Mr. Edmondson with Mr. Murray.
Mr. Davis of Georgia with Mr. McMillan.
Mr. Stephens with Mr. Abernethy.
Mr. Hagan of Georgia with Mr. Colmer.
Mr. Landrum with Mr. Passman.
Mr. Bandstra with Mr. Teague of Texas.
Mr. Craley with Mr. Scott.
Mr. Nix with Mr. Evans of Colorado.
Mr. Hagen of California with Mr. Diggs.
Mr. Hawkins with Mr. Holland.
Mr. Hanna with Mr. Conyers.
Mr. Van Deerlin with Mr. Walker of New Mexico.
Mr. Vigorito with Mr. Willis.
Mr. Charles H. Wilson with Mr. Tuten.
Mr. Zablocki with Mr. Weltner.
Mr. Sisk with Mr. Huot.
Mr. Stratton with Mr. Roncalio.
Mr. St Germain with Mr. Todd.
Mr. Udall with Mr. White of Idaho.
Mr. Roybal with Mr. Hicks.
Mr. Corman with Mr. Jones of North Carolina.
Mr. Dorn with Mr. Karth.
Mr. Duncan of Oregon with Mr. Rees.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AUTHORIZING THE ESTABLISHMENT AND OPERATION OF SEA GRANT COLLEGES AND PROGRAMS

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 982 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 982

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16559) to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California [Mr. Smith] and, pending that, to myself such time as I may consume.

Mr. Speaker, House Resolution 982 provides an open rule with 1 hour of general debate for consideration of H.R. 16559, a bill to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea-grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes.

H.R. 16559 represents another major step in the comprehensive congressional study which began in February 1959, immediately following release of the initial report prepared by the Committee on Oceanography of the National Academy of Sciences, National Research Council, entitled "Oceanography 1960–70."

Great progress has been made in the marine sciences in recent years, but there is a great deal that needs to be done to implement the policy and objectives declared by the Congress in the Marine Research and Development Act of 1966. Until very recently there has been inadequate attention given to applied research and technology in the marine sciences and a consequent lack of trained personnel in the field of technicians and others below the graduate level in a number of important disciplines.

The purpose of H.R. 16559 is to provide for the establishment of a program of sea-grant colleges and education, training, and research in the fields of marine science, engineering, and related disciplines as a means of achieving the earliest possible institution of significant national activities related to the development of marine resources in and with relation to the total marine environment.

The term "marine environment" is defined in the bill to include the waters, the surface, and subsurface of the oceans and the Great Lakes, and the resources thereof.

The terms "sea-grant college" and "sea-grant program" emphasize the purpose of establishing programs analogous to the land-grant college programs initiated under the Morrill Act of 1862, which have contributed so much to the development of agriculture in the United States during the past century.

Programs to carry out the purposes of the bill will be accomplished through contracts with, or grants to, "suitable public or private institutions of higher education, institutes, and laboratories" which are engaged in, or concerned with, activities in the various fields related to the development of marine resources.

Appropriations authorized for fiscal year 1967 are not to exceed the sum of $5 million and for 1968 not to exceed $10 million, provided, however, that amounts appropriated are to remain available until expended.

Mr. Speaker, I urge the adoption of House Resolution 982 in order that the bill H.R. 16559 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Florida [Mr. Pepper], House Resolution 982 does provide for an open rule with 1 hour of general debate for consideration of H.R. 16559, relating to sea-grant colleges.

The purpose of the bill is to set up and provide authorizations for a program of education, training, and research in the fields of marine science, engineering, and related fields.

Such programs are to be undertaken at colleges and universities, both public and private, which are engaged in such activities. Grants will be made available; the maximum Federal share of any program is two-thirds. The Committee on Merchant Marine and Fisheries envisions this program as similar to the land-grant colleges program, now over 100 years old.

The National Science Foundation will be the administering agency. It will make the grants, initiate and support research programs in the field, and educational programs at selected colleges and universities.

For fiscal 1967 $5 million is authorized, and for 1968 $10 million; sums appropriated are to remain available until used. No money is in the budget this year.

There are no minority views; the bill has administration support.

I know of no objection to the rule, Mr. Speaker.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LENNON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16559), to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea-grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16559, with Mr. Daddario in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina [Mr. Lennon] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. Mosher] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and ladies and gentlemen of the Committee, over the past 7 years the Committee on Merchant Marine and Fisheries has been actively reviewing the fields of the marine sciences to the end of developing an effective statutory basis for the development of a coordinated, comprehensive and long-range oceanographic program.

The efforts of our committee, Mr. Chairman, of the Senate Commerce Committee, and of the numerous Government agencies involved in the various aspects of the marine sciences, educational institutions, laboratories and private enterprise, came to fruition when the President, on June 17 of this year, signed into law the Marine Resources and Engineering Act of 1966, now known as Public Law 89-454.

This was indeed, and I believe it will be acknowledged by all, a great step forward. This landmark legislation is already beginning to be implemented.

During the comprehensive consideration of legislation needed for the advancement of a national oceanographic program we attempted to explore, and we did explore, all facets of the problems involved in the creation of such a program, with particular regard to our existing capabilities and deficiencies. It was readily apparent that as a nation we will have to step up the development of the resources of the marine environment, expand our knowledge in this field, and provide greater encouragement of private investment enterprise in exploration, technological development, and economic utilization of the vast, untapped marine resources. It was also readily apparent that to carry out such a program new skills would have to be developed and many more persons encouraged to enter the field of oceanography and marine resource development. New skills would be needed at all levels of technology, engineering and exploitation.

Such is the background of the bill we are now considering, Mr. Chairman, to be called the National Sea Grant College and Program Act of 1966.

This bill, as an amendment to the Marine Resources and Engineering Development Act of 1966, would authorize the establishment and operation of programs of education and research in the various fields relating to the development of marine resources. The bill provides that the National Science Foundation will be the administering agency. It will, first, initiate and support educational programs at eligible institutions called sea-grant colleges and other suitable institutions and laboratories; second, initiate and support applied research programs; and third, encourage and develop advisory programs with the object of disseminating useful information to industry and scientific communities and the general public.

Under this act programs can be developed throughout the country embracing the entire spectrum of skills for which there is now such a recognized accelerating need. Thus, suitable institutions in the Great Lakes area and in the interior of the country interested in various aspects of the marine sciences would be encouraged to develop their programs just as much as interested institutions, private laboratories, colleges, and universities in our coastal States.

This bill would authorize an appropriation not to exceed $5 million for the fiscal year 1967, and not to exceed $10 million for the fiscal year 1968. Thus, the bill in effect would inaugurate a pilot project.

Our subcommittee strongly believes in the need for and long-range promise of this type of approach. But the limiting provisions take into account the fact that under the Marine Resources and Engineering Development Act the Commission under that act is charged with the responsibility of making recommendations within the next 2 years concerning the future organization of our national oceanographic program.

As stated in the committee report:

> Until the Commission has had an opportunity to review and make recommendations with regard to the perpetuation of the sea-grant college program, the Council—

That is, the National Council headed by the Vice President of the United States, which Council constitutes your major Cabinet officers as well as other people high in the Federal Government—this Council—

> will have the responsibility of advising the National Science Foundation and providing policy guidance to the Foundation with respect thereto.

Mr. Chairman, it is expected that the timing provided for in this bill will allow Congress ample opportunity to evaluate the program and to make permanent provisions so that there will be no loss of continuity of activity "if it is found to be feasible."

Mr. Chairman, it should be noted that the grants made under this legislation will be on a matching-fund basis and are not to exceed 66⅔ percent of the cost of any particular project in any given year to be borne by the Federal Government.

Mr. Chairman, in addition to assuring broad participation in the program, it is provided that participants in a single State shall not receive more than 20 percent of the total funds appropriated to the Foundation on an annual basis.

Mr. Chairman, this bill was unanimously reported from the Oceanography Subcommittee which held rather extensive hearings, in depth, on the subject matter, to the full Committee on Merchant Marine and Fisheries and then, in turn, was reported unanimously to the floor for your consideration by the full Committee on Merchant Marine and Fisheries.

Mr. Chairman, the programs to be carried out under the provisions of the proposed legislation, we believe will importantly implement the basic Marine Resources and Engineering Development Act.

Mr. Chairman, that constitutes, in general, the basic objectives and purposes of this legislation.

Mr. Chairman, I know that the distinguished author of this bill and sponsor of it, the gentleman from Florida [Mr. ROGERS], shall be happy to answer any questions that may be put to him with respect to the proposal that we bring today to the floor of the House.

Mr. Chairman, the gentleman from Virginia [Mr. DOWNING] has shown and demonstrated tremendous industry and interest in this proposal, as well as the gentleman from Ohio, the ranking member on the Oceanography Subcommittee of the Committee on Merchant Marine and Fisheries [Mr. MOSHER], as well as the other members of that subcommittee and the full committee.

Mr. Chairman, I might say for the interest of some of the Members who earlier today had indicated an interest in this legislation, that there is now pending in the other body legislation which follows this general line but which would establish the so-called sea-grant colleges and sea-grant programs in those participating universities and laboratories and other technical institutes which are presently engaged now in some aspect of our marine science program.

Mr. Chairman, the legislation now pending in the other body provides for a 3-year program, a program which calls for an authorization of $10 million for the first year, $15 million for the second year, and $20 million for the third year. After the third year there is provided an open-end authorization.

Mr. Chairman, the legislation—and I will say quite candidly to the Members of the Committee of the Whole House on the State of the Union—I conferred with the distinguished author of that bill, the Member of the other body from the State of Rhode Island, and he is holding his bill in abeyance from the consideration of the floor of the other body until we hopefully pass this pending legislation.

Now, Mr. Chairman, a question has been raised as to why we cut the program off at the end of 2 years. We, very frankly, tell you that we believe the practicalities of the situation, and in the public interest, and in the interest of Congress, if we bring this program back to the House of Representatives and to the respective legislative committees for their consideration, then we will have let us say, an oversight—be an oversight committee. We say, too, that inasmuch as the Commission created by the act that we passed this year and which was signed into law by the President in June, requires that Commission to make a study, in depth, and to recommend to the President and to the Congress the structural—yes, the governmental structural program of the oceanography program which you ladies and gentlemen know is proliferated among some 16 different agencies and departments of the Federal Government.

We do not say that from now on the National Science Foundation will handle this program. We only say to you, it is housed there for a period not exceeding 2 years. Then this House, acting through the legislative committee representing it, will make the final determination as to where this program will be administered from in the future.

Mr. Chairman, I yield back such time as I may not have consumed.

The CHAIRMAN. The gentleman from North Carolina has consumed 10 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MOSHER].

Mr. MOSHER. Mr. Chairman, I want to join the gentleman from North Carolina [Mr. LENNON] in urging the favorable consideration of the bill, H.R. 16559. The evidence before our subcommittee was certainly conclusive that there is a crucial national need for skilled manpower trained in marine science and engineering. I think this bill provides the instrument for beginning to beef up our trained manpower in that field.

Mr. Chairman, I would like to point out that the support on this bill on the minority side of the subcommittee and on the minority side of the full committee was unanimous.

Mr. Chairman, the purpose of H.R. 16559 is to spur the development and the profitable exploitation of the marine resources of the United States. It would accomplish this by establishing a 2-year pilot program of sea-grant colleges and education, training, and research in the fields of marine science, engineering and related disciplines so as to insure the availability of necessary skilled manpower.

The program would be financed on a matching fund basis. Participants in the program must put up matching funds in the amount of one-third the total of any grant. However, no more than 20 percent of the total payments in any fiscal year shall go to participants in any single State. Appropriations authorized by this legislation for fiscal year 1967 are not to exceed $5 million and for fiscal year 1968 not to exceed $10 million. Amounts appropriated, however, are to remain available until expended.

This bill would amend the Marine Resources and Engineering Act of 1966 so as to provide a separate title II entitled "Sea Grant Colleges and Programs." Coincidental with the enactment of that act—Public Law 89-454—the Panel on Oceanography of the President's Science Advisory Committee completed its report entitled "Effective Use of the Sea." It noted, in part, that:

> Clearly, the United States lags behind other nations in the technology of fishing and aquiculture.

This same report further recommended that one of the four functions to be performed by the Government in achieving the goals of a national ocean program should be:

> 4. Initiate, support, and encourage programs of education, training, and research and provide technical services and facilities related to activities in pertinent sciences and technology.

H.R. 16559 is in keeping with this recommendation of the Science Advisory Committee composed of eminent men of learning from business and institutions of higher learning.

The oceans of the world hold forth the challenging promise of providing future generations of Americans with minerals, food, energy, and even fresh water.

To meet this challenge effectively, we will require capably trained personnel, since they are one of the essential keys to unlocking these untapped natural resources in the ocean depths.

Mr. Chairman, in conclusion I want to emphasize that the Great Lakes area is by definition fully eligible to participate in the programs authorized by this bill. H.R. 16559 offers a vehicle to attain this goal and for transforming into achievement this great promise. I therefore strongly urge that the House favorably consider the bill, H.R. 16559.

Mr. Chairman, I also ask unanimous consent that the gentleman from Washington [Mr. PELLY] be allowed to extend his remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. PELLY. Mr. Chairman, I rise in support of H.R. 16559 to provide for the establishment of a program of sea-grant colleges analogous to the land-grant college program initiated under the Morrill Act of 1862 which has contributed so much to the development of agriculture in this country during the past century.

A great forward step was taken toward an effective long-range marine sciences program with the enactment last June of the so-called oceanography bill—the Marine Resources and Engineering Development Act of 1966.

Now comes this legislation to implement this policy and the objectives of that act by providing research and technology in the marine sciences and to fill the shortage of trained personnel in this field.

The National Science Foundation would administer this legislation at the outset or at least until it is transferred under governmental reorganization with other existing programs of marine sciences to a new agency, if this should occur.

Under this bill, the total amount of payments in any fiscal year by grant or contract cannot exceed 66⅔ percent of the total cost. Nor could any portion of any payment be applied to the purchase or rental of facilities or vessels. Furthermore, no amount within any one State shall exceed 20 percent of the total.

A sea-grant college means any suitable public or private institution of higher education which, like the University of Washington in my own congressional district, has major programs devoted to increasing our Nation's utilization of the world's marine resources.

Funds authorized by this bill include $5 million for the fiscal year ending June 30, 1967, and $10 million for the fiscal year ending June 30, 1968.

Mr. Chairman, I strongly recommend that H.R. 16559 be favorably considered.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. LENNON].

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to the distinguished author of the bill, the gentleman from Florida [Mr. ROGERS].

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. ROGERS of Florida. Mr. Chairman, I thank the chairman of our subcommittee and wish to express to him and other members of the subcommittee and the full committee appreciation for the job that the committee has done in considering this legislation and considering it very thoroughly.

Mr. Chairman, I think this is an important piece of legislation because it would establish a program for sea-grant colleges and other educational systems in order to stimulate a greater national emphasis in the training of marine scientists, engineers, and technicians. Such a program is vitally needed if the United States is to keep pace with Russia's efforts not only to control the surface of the seas but the vast resources of the underseas as well.

This bill, H.R. 16559, would provide grants on a matching basis to institutions of higher education, junior colleges, technical institutes, laboratories, vocational schools, and similar educational organizations having capability for marine curriculums. This means that at least one-third of the cost of the educational or training programs will be borne by the recipient.

Why do we need this legislation? A primary reason is seen in the fact that the U.S.S.R., the first world power to put a satellite into orbit has already begun to accelerate its underseas exploration. A noted Soviet scientist recently wrote and I quote:

> The nation that first learns to live under the seas will control them and the nation that controls the seas will control the world.

In the light of the facts, the U.S.S.R. is quietly and silently, without the fanfare which signaled the Soviet's sputnik, beginning to master the earth's marine environment. The Soviets now have—and I wish you would note this—some 1,500 marine scientists supported by another 7,500 engineers and technicians working in oceanography and related underseas technology. By comparison the United States can claim some 700 marine scientists supported by approximately 2,500 technicians.

In short, Russia outnumbers us already 3 to 1 in terms of marine experts. Furthermore, the Soviets are expanding their ranks more rapidly than we are. Soviet marine technology efforts center in the state-controlled Institute of Oceanography, which has expanded over the past 15 years to five times its previous size.

Mr. Chairman, the United States has no reason to be complacent about the state of our marine exploration efforts. Russia is already reaping immense benefits from the seas. Fish, the cheapest source of protein for the world's rising population, are a prime target for Soviet trawlers. The U.S.S.R. has made a science out of fishing, and they have their oceanographers go out with their fishing fleets and give them instructions as to how and where to fish.

Since 1940 the Soviet catch has quadrupled. Soviet production plans for the period of 1965 to 1970 call for a 50-percent increase in Soviet fisheries. The United States, which is now having to import 62 percent of its fish products, has allowed its fisheries to decline to the point where they were 18 years ago. Six hundred million dollars a year is spent for importing fish into the United States, and some of those on the Ways and Means Committee who are concerned with the outflow of gold, I am sure, will be vitally interested in the fact that every other fish in the American fryingpan has to be imported, and we are pouring out gold to the extent of $600 million a year.

Fish represent only a portion of the sea's benefits. In 1960, 8 percent of the free world's oil supply came from sources beneath the ocean. Last year offshore drilling accounted for 16 percent of the free world's supply. The oil industry has already predicted that 40 percent of the free world's supply will come from offshore wells by 1975, just 9 years from now. Now, who will be the first nation to control these vast oil resources? The United States or the U.S.S.R.?

Oceanographers estimate that the sea holds millions of metric tons of untapped valuable minerals that we do not yet have the technique or the knowledge to extract. They are magnesium, bromine, boron, uranium, copper, manganese—and, incidentally, just found is a vast bed of manganese right off the shore of Florida and Georgia which is estimated to be 1,900 square miles of manganese anywhere from 3 to 4 feet in depth—and it is also estimated that in the vast areas of the sea there is to be found there an estimated 10 billion tons of gold and 500 million tons of silver.

These things are among the reasons this Nation should be the first to exploit the earth's last frontier under the seas.

Finally, in addition to peaceful exploitation of the marine environment, there is another pressing reason for the U.S. advance in marine technology. I refer to antisubmarine warfare. It has been reported that the Soviets now have developed a missile-launching system capable of being submerged in depressions or holes along the ocean bottom for future remote-controlled deployment. Soviet oceanographers have already made extensive maps of the floor of the Pacific, and now Soviet oceanographic research vessels are seen with increasing frequency near the Gulf of Mexico and the Atlantic and west coasts of the United States.

As envisaged in this legislation, the United States must embark on a concentrated course of total marine exploitation. Just as important as the seas surrounding this Nation's coastline are the interior waters and the Great Lakes. It it significant, too, I believe, that some of this Nation's most advanced research is being conducted in the universities of the inland States.

Mr. Chairman, the distinguished Senator from Rhode Island, Senator PELL, whose leadership in the Congress has made great contribution to the sea-grant college program being proposed, conducted the initial congressional hearings on this matter. As chairman of the Sea-Grant College Subcommittee, Senator PELL's hearings brought forth the fact that in royalties alone under Federal leases for mineral production covering the outer Continental Shelf, this Government received payments which came to $101 million in 1965. These mineral leases pertain primarily to sulfur, oil, and gas.

It is clear that the United States has only begun to utilize the resources which can be found in the waters within and at the edge of this Nation. The funds authorized in this legislation are meager when compared to the annual revenues already started to be gained from marine development.

However, I urge the Congress to approve this program to expand the ranks of our marine brainpower in order to develop the skills and technology necessary for marine exploration. Our returns will not only be financial, but this Nation will prosper with the development of the seas in this century under the sea-grant college programs just as America has prospered as a result of the land-grant college system established in the 19th century.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I am delighted to yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

I want to say that I have a keen awareness of the basic concept here—of the need for more marine development and research—but in the opinion of the gentleman from Florida who edited the bill, and also the distinguished gentleman who serves with me on the Armed Forces Committee and is handling the bill on the floor today, is this in the order of priority for institution at this particular time, so that we should commit this extra $15 million over the next 2 years, in spite of the President's message of last Thursday afternoon and the other actions that have been taken by the Congress and elsewhere today?

Mr. ROGERS of Florida. Yes. May I answer the gentleman this way: I believe this committee has considered this legislation and has taken this matter into consideration in scaling down the program, but at least we get it started.

Let me say this. Here we are seeing our country making great progress in space. We have just seen a great demonstration of this within the last few hours. We have concentrated so much on space, and we have spent billions and billions and billions of dollars on space. We have neglected the sea where we have the greatest possibility of bringing economic benefit in return for research. We are only asking for $15 million in 2 years' time to try to get enough oceanographers and enough scientists and enough technicians so we can begin to do something to get some of the resources of the sea.

Already this Nation, from royalties alone, just from oil and gas from the Continental Shelf, is receiving annually $100 million. I do not know how much is being brought in from the moon shot, but I know what is going to come in from development of the seas. I believe if I were to say what we ought to be spending really in development of this program, it would be in the hundreds of millions of dollars, because we can get that and many more millions—hundreds of millions—in return for a modest investment. So I would say positively we should do this.

Mr. HALL. If the gentleman will yield further, the question was not as to the amount, but as to the timing in view of the President's message, in view of our present spiraling inflation, in view of the increased interest rates, and in view of the general recession that the President himself has recognized. That was the only question.

Mr. ROGERS of Florida. I understand. I can understand why the gentleman would ask this. But I would answer him with a very positive "yes" on this. Our timing is late. We have been studying this program. We have been trying to get enough consciousness in this country to know we need to do something about the development of the seas.

I am sure we are going to see the priority recognized finally.

Mr. HALL. Mr. Chairman, will the gentleman yield further?

Mr. ROGERS of Florida. I yield.

Mr. HALL. Again, I appreciate the gentleman's answer. I want to state that I am not arguing with the gentleman about this.

Mr. ROGERS of Florida. I appreciate that.

Mr. HALL. I am simply asking a question for information.

The gentleman, and certainly the chairman of the Subcommittee on Oceanography, is conscious, along with me, of the tremendous expenditure we are making on oceanography in the joint committee, in the Interservice Committee chaired by the Assistant Secretary of the Navy for Defense and Engineering. In fact, the Navy is contributing, I believe, 76 percent of that amount of funds.

The Armed Services Committee does keep jurisdiction over that portion of the Joint Committee on Oceanography, so to speak, which pertains to defense purposes, such as the automatic research off the Bahamas and the floor of the ocean and many other devices, some of which the gentleman mentioned.

Does the gentleman have an idea about the total amount of funds we are now spending, in millions of dollars, for the entire oceanography program under existing circumstances, before we establish the sea-grant colleges?

Mr. ROGERS of Florida. Yes; we do. We have gone into this figure. We know exactly what is being spent. Two hundred and seven million dollars is the amount approved this year for unclassified oceanographic programs.

I see that the chairman would like to have me yield at this point, and I yield to the gentleman from North Carolina.

Mr. LENNON. I believe the gentleman from Missouri would be interested in the testimony given before the subcommittee by the oceanographer from the Navy.

I wish it had been possible for all of the Members of the House to see the pictures, the photographs, taken of the recovery of the bomb with the nuclear warhead off the shores of Spain. Without the knowledge of the people in the Navy, in the oceanographic program, who were working with private enterprise and who ultimately recovered that weapon, this country would still be faced with a rather embarrassing situation.

Admiral Waters, in his testimony before the subcommittee, was as strong as or stronger than any other person who appeared in behalf of this legislation on this basis, I say to the gentleman from Missouri: that we have not nearly enough "chiefs" yet in the field of oceanography, but also we do not have enough "Indians."

When ESSA, down in the Department of Commerce, commissioned its vessel only about 3 weeks ago, we found that they had difficulty in getting on board a fully competent crew to man the various scientific instruments and things that they use in this field.

We believe this legislation will bring into the field of oceanography not the M.A.'s and Ph. D.'s, but people who have a basic knowledge of what we are trying to do in this marine science and technology world.

That is the "guts," frankly, I say to the gentleman from Missouri, of my strong feeling as to the need for this legislation.

I say to the gentleman that we met with representatives of the Bureau of the Budget on three occasions. We had their assurance that in their opinion this was a priority. That was 4 or 5 weeks ago. I recognize what the President said just last Thursday.

I say, this is an authorization. Let them make the determination whether or not they want to give this priority with respect to actual appropriations.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, to continue this line of thought, I do appreciate the answer of the chairman, as well as of the gentleman in the well.

I realize the gentleman said that this is just during a pilot project for the next 2 years. Frankly, I appreciate the subcommittee's not carrying it too far beyond the next Congress, but still allowing for a little continuity.

How firmly are we wedded to the National Science Foundation for administration of this particular program? I realize that we can look at it again, but once it is established and ensconced, and once they develop the technicians—I am a little worried about first, jurisdiction in general; and, second, the Foundation administering this program, that might send a man like Stephen Smales to Moscow to raise the devil with American efforts to prevent rewarding aggression on the part of North Vietnam, with 2-year grants and complete travel expenses from southern California to Moscow and return.

Mr. ROGERS of Florida. May I point out to the gentleman from Missouri this is one of the reasons for the concern of the committee. We did not allow the National Science Foundation to direct this program even for the 2-year period without a policy committee having jurisdiction over the program. We have amended the act which was just passed setting up a National Council on Marine Resources and Engineering Development. In this bill we give the Council the policy direction. So that we have made the National Science Foundation just an administering body which is responsible to this Council. Also, as you will recall in the bill we passed before, and as I recall it the gentleman did support it, when we set up a National Council we had a Commission established to make a study of the oceanographic capability of this country. We said that the Commission is to report back to Congress on the type of organization we should have, and whether we should have a department or have two polarized departments and build around them, or whatever we might do from the standpoint of an organization.

For this reason we have kept the legislation to 2 years in order to keep it in tune and in alinement with the report of this Commission. We anticipate, therefore, that the Commission will also make recommendations as to where this program will be housed. This is simply a temporary measure under the policy direction of the Council, and is not left to the National Science Foundation, which I think will satisfy the gentleman in his concern.

Mr. HALL. Will the gentleman advise me as to his personal feeling, or that of the subcommittee, as to what might happen in the interim if the Joint Committee on the Organization of the Congress report is implemented by the omnibus bill in the interim?

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. MOSHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HALL. Mr. Chairman, will the gentleman yield further for an explanation of that?

Mr. ROGERS of Florida. Yes.

May I say that the time element is going to be such that we have a 2-year period, and it will take almost this long for the Commission to make its report. It will be phased out within 18 months, we anticipate, from the time it is appointed. That gives us a 2-year period, which would then give Congress sufficient time to enact legislation. This is what we anticipate. We do not intend just to leave it in the National Science Foundation, and I think that is the gentleman's concern.

Mr. HALL. No; it is even more than that, because the Joint Committee on the Organization of the Congress recommended that the Committee on Merchant Marine and Fisheries be disbanded and its jurisdiction be disseminated elsewhere.

Mr. ROGERS of Florida. No. There was some talk about that, but I believe if the gentleman will check they did not finally agree to that.

Mr. HALL. This is still in the pot in the joint committee, let me say to the gentleman.

Mr. ROGERS of Florida. I believe the recommendations have already been made.

Mr. HALL. Second, there is a question as to whether or not there should be armed services jurisdiction ultimately.

Finally, there is the question as to whether it should not remain exactly where it is, in the jurisdiction of the Congress over this new resources commission under the National Science Foundation. Again, I am simply seeking information and I have no specific recommendation. I am certainly not married to the Joint Committee on the Organization of the Congress recommendations, on which committee I have served for the past 2 years.

I thank the gentleman.

Mr. ROGERS of Florida. I thank the gentleman.

Mr. LENNON. Mr. Chairman, I ask unanimous consent that the gentlewoman from Oregon [Mrs. Green] may extend her remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman it is extremely significant, I think, that we are taking up at this time the bill to establish and operate sea-grant colleges and programs.

This legislation will contribute significantly to the developing fields of oceanography, related marine sciences, engineering, and studies concerning the legal, economic, and medical aspects of the seas.

This bill comes at a time when the need for American excellence in these fields has been clearly demonstrated. It is at a time when we have just been shown woefully lacking in our knowledge concerning our own fishery resources off the west coast.

A large, efficient Russian fishing fleet is operating off the Oregon, Washington, and northern California coast. The Director of the Bureau of Commercial Fisheries has said he feels the Russians are reducing the perch and hake resources substantially below the maximum sustainable yield level. Yet, the fact is that we do not have enough accurate scientific data available to prove or disprove this assertion. The physical evidence of recent poor takes of perch and hake by American fishermen points positively to the theory of Russian overfish.

However, after a recent meeting with Russian fishery representatives in Moscow, State Department and Bureau of Commercial fisheries representatives were forced to conclude that the Russians knew as much, if not more, about west coast fish resources than the U.S. citizens. This is, indeed, a sad state of affairs. The Soviet experts feel a substantially greater tonnage can be taken from the perch and hake resources than do American experts. If the American guestimate is correct, this important resource will suffer grave damage. It may take years to repair that damage. But we simply did not have enough scientific information to document our case.

Important strides forward have been taken by the United States in recent years in the field of oceanography. The estimated 1966 budget in this field was $178.2 million. The President's budget calls for an increase to $219.9 million in 1967.

Basic research is required to support much-talked-about, long-range objectives of any scientific program. Much of the oceanographic research sponsored by the Federal Government in universities and institutions is of this nature. In fact, almost one-half of the 1966 oceanography budget went into research. Yet even with this huge investment in basic research, the United States has only about 1,000 qualified oceanographers.

The Soviet Union, a protein-hungry country, hopes to harvest 20 million tons of fish yearly from the oceans by 1970. Already, she has half again as many scientists working on this goal as does the United States.

The oceanographers' search for food has possibilities of becoming a crisis of major proportions. U.S. population will double by the turn of the century. More and more, it will be necessary to look beyond our present methods of food production to feed our own people and a hungry world.

Today, more than two-thirds of the people of the world suffer from protein-deficiency diseases. This problem could be alleviated through wider harvest and distribution of the resources of the sea. The significance of the relatively unexplored two-thirds of our planet is not limited to the area of food.

Dr. F. N. Spiess, head of the Marine Physical Laboratory of the University of California's Scripps Institution of Oceanography, was recently quoted in the New York Times as follows:

> Within 50 years, man will move onto and into the sea—occupying it and exploiting it as an integral part of his use of this planet for recreation, minerals, food, waste disposal, military and transportation operations and, as populations grow, for actual living space.

The search in 1964 for the ill-fated *Thresher* focused national attention on our technological limitations for penetrating and working in the ocean depths. Since then programs have been funded to begin correcting this deficiency.

I think, Mr. Chairman, that the $15 million asked for over a 2-year period for the national sea-grant college program is a vital step up the "down-ladder" into understanding of the ocean's depths.

Mr. MOSHER. Mr. Chairman, the gentleman from Missouri [Mr. Hall] was seeking some figures a few minutes ago. I believe $141.6 million is the total amount proposed by the President for this fiscal year for all of the 20 some Federal departments and independent agencies and bureaus involved in oceanography. Of that amount, about 50 percent is represented by the Navy's participation.

Of course, that this is a tremendous amount of money; and we are making the point that it is important that the Government personnel involved in this expenditure should be trained effectively. That is what we are aiming at in this legislation. The evidence before our subcommittee proved a crucial national need for more and better trained manpower in the marine sciences and engineering, so that our $141.6 million, or more in future years, will be even better invested.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to ask the gentleman if this is a brick and mortar bill? In other words, would this bill launch us in the business of building sea-grant colleges from scratch, or is it intended that the colleges be located in already existing institutions?

Mr. MOSHER. Mr. Chairman, the gentleman from Iowa has asked a very good question. This is intended to involve existing institutions; that is, there is no intention on the part of the committee that his bill will launch what the gentleman from Iowa calls a brick-and-mortar program of new institutions.

Mr. LENNON. Mr. Chairman, will my distinguished friend, the gentleman from Ohio [Mr. Mosher], yield to me at this point?

Mr. MOSHER. I am glad to yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, if the gentleman from Iowa will look on page 6, subsection (2), the gentleman will find the following language:

> No portion of any payment by the Foundation to any participant in any program to be carried out under this title shall be applied to the purchase or rental of any land or the rental, purchase, construction, preservation, or repair of any building, dock, or vessel.

Mr. Chairman, that language appears beginning at line 7 on page 6 and ending on line 11 of the same page.

Mr. GROSS. Mr. Chairman, I thank both gentlemen.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I am glad to yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I thank the gentleman from Ohio very much.

Mr. Chairman, as a member of the subcommittee which studied the subject of the legislation for many weeks, I rise in support of this legislation.

Mr. Chairman, the timeliness of this program, I think, is an appropriate question that should be answered.

In the opinion of many of the experts, it is past time for this great country of ours to begin its exploration into the development and utilization of the resources of the ocean.

Mr. Chairman, many experts say that the great population explosion of the earth which is occurring now and which will be of critical proportions by the year 1975, or whatever the year is, they say that when it reaches its peak, then this great mass of humanity is going to have to look to the sea in order to survive.

So, Mr. Chairman, I feel it is imperative to begin now to study how we can utilize the sea and then to develop the needed resources which this great country needs, some of which we must import from other countries, such as manganese and other ones.

Mr. Chairman, already, investigations show that at the 1-mile depth we can retrieve manganese which lies on the ocean floor in chunks as large as the fist of a man's hand.

Then, too, there is copper at the 2-mile-depth level. Certainly, this is an ore needed by this country.

Then, Mr. Chairman, there are other exciting projects involving underwater engineering. All of these things add up to the fact that we ought to begin with our secondary schools, colleges, and other institutions to expand the study in this new field. It is a new exciting field of inner space and we should prepare for it now.

Mr. MOSHER. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. Wydler].

Mr. MATSUNAGA. Mr. Chairman, will the distinguished gentleman from New York yield to me at this point?

Mr. WYDLER. Yes, I would be glad to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 16559, the National Sea-Grant College and Program Act of 1966 and to commend its author, the gentleman from Florida [Mr. Rogers]. I am pleased to be a cosponsor.

Mr. Chairman, on June 17, 1966, the President signed into law the Marine Resources and Engineering Development Act of 1966. This act declares it to be the policy of the United States "to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science for the benefit of mankind, to assist in protection of health and property, enhancement of commerce, transportation, and national security, rehabilitation of our commercial fisheries and increased utilization of these and other resources." The act of June 17, 1966, provides a legislative base, a legislative commitment of policy and purpose, and a statutory body to plan, evaluate, and coordinate such a program. In short, the Marine Resources Act stimulates the search for knowledge and the development of technology for greater use of the great living and inert resources of the seas.

But ocean science and technology, unless applied, can have little impact upon our economy. From my own experiences on the House Committee on Agriculture, I am well aware that the full exploitation of a resource such as the oceans requires men and women well educated in the sciences that lead to the understanding of this resource, and who are instructed in the technologies required to exploit it. I am also cognizant of the fact that the American farmer is the object of admiration in many parts of the world today because of the education, training and demonstration and practical research made possible by the land-grant colleges, which were created under the Morrill Acts of 1862 and 1890. Applying this logic to the exploitation of marine resources inevitably leads to the concept of the sea-grant colleges and to proposals that the Congress foster the creation of such institutions.

H.R. 16559, introduced by the gentleman from Florida [Mr. Rogers] on July 26, 1966, is a firm and definite step to encourage and permit the application of the new ocean science and technology that we expect will be stimulated by the Marine Resources Act. It will supplement the latter. The two together will be able to do much more than they could separately.

The bill now being considered by this House would have Congress recognize for the Nation that marine resources, including animal and plant life of the seas and their mineral wealth, constitute a far-reaching and largely untapped asset of immense potential significance to the United States. It would recognize that our national interest requires us to develop the skilled manpower and facilities and equipment needed to use these resources. It would recognize that the cultivation of the seas and the recovery of marine resources can provide substantial benefits to the country.

In October 1965, some 400 scientists and community and military leaders from all over the country met on the island of Kauai in Hawaii in a notable conference called by Gov. John A. Burns to explore the field of oceanography and astronautics. The papers presented there support the promise of oceanography and its applications that underlie the purpose of H.R. 16559. With this firm base of reasons for exploiting the seas and their contents, the bill then proposes an innovation that I think ranks in importance with the establishment of the land-grant colleges. It would authorize the Federal Government to support sea-grant colleges in several distinct and important ways.

Briefly, H.R. 16559 would authorize the National Science Foundation to initiate and support programs for: First, education and training at sea-grant colleges in the marine sciences; and, second, research and development in the marine sciences which would result in the acquisition of knowledge of a direct and practical nature. In addition, the Foundation would be authorized to encourage and develop programs consisting of instruction, practical demonstrations, and publications in such sciences. All of these programs would be carried out by the National Science Foundation in consultation with the scientists and engineers active in fields related to the development of marine resources and with Government agencies interested in or affected by activities in such fields.

In the translation of theory to practice, the sea-grant colleges can become a vital, essential link in the chain that begins with exploration and scientific research, and ends with the delivery of food to the hungry and materials to the factories. The sea-grant colleges will educate and train the people and inculcate in them the vision and the enterprise to open and occupy and live upon the intellectual frontiers of science and technology and the physical frontiers of the oceans. The sea-grant colleges will help translate the discoveries and findings of our national oceanographic program into practice, techniques and equipment for the application of the marine sciences. And their success will, in turn, provide still further reason for the long-term Federal support of oceanography.

We of the Island State have long recognized that Hawaii's future lies with the sea. Our marine setting has led us to believe that marine science and technology may surpass the space effort as a great American endeavor. Hawaii has special advantages as a center of oceanographic research. First, it is at the center of the earth's largest ocean. Close at hand is nearly any sea condition that might be required for almost any investigation. Great ocean depths are within easy reach, and the same is true of the continenal terrace. A moderate climate, favorable sea conditions, the absence of violent storms, clean and uncontaminated sea water, and the profuse abundance of sea life all are assets of great value. The lore of the sea and the understanding of its ways is embedded deeply in our island culture. We are glad to join with our sister coastal States in creating and strengthening the institutions that will provide the trained men and women to open this new world.

All of these characteristics make Hawaii extremely well qualified to serve as an American field station in the sea.

In addition to these important natural attributes, Hawaii is also a growing center of intellectual eminence in this field. The University of Hawaii is rapidly developing into one of the world's great geophysical research centers. Its department of oceanography, created as a separate department just 2 years ago, has already assembled a fine staff and plans to enlarge it significantly. Professors in this department are conducting important research in both biological and physical oceanography.

Much of this research is being done in association with the Hawaii Institute of Geophysics and the Hawaii Institute of Marine Biology. The former provides physical facilities on campus and a research vessel berthed at Kewalo Basin in Honolulu. The latter organization operates a laboratory at Coconut Island, situated in Kaneohe Bay approximately 15 miles northeast of downtown Honolulu.

To supplement the capabilities of the university and the institutions associated with it, there are the oceanographers of the Bureau of Commercial Fisheries, which maintains an installation at Kewalo Basin, and the Oceanic Foundation, which has a new laboratory and aquarium in Honolulu.

Another truly unique characteristic of the University of Hawaii is its role as a meeting place of the East and the West. Here, we find conditions that are ideal for interchanges and interactions between our culture and that of the East. With proper support, this characteristic of the university could be combined with the institution's growing stature in the science and technology of oceanography to become a world center for marine research and, perhaps of even greater significance, for the application of that research and development.

Enactment of H.R. 16559 would provide the means to further strengthen and balance the educational and research programs of centers such as the University of Hawaii by giving attention to application as well as to teaching and research in the sciences of the oceans. And it is to such centers that we ought to look for trained personnel, and for demonstration and instruction in new methods and techniques for people now working the seas. This education, training, demonstration and instruction, and this research which will be oriented toward application, can be a vital part in our defense against the specter of world hunger that is beginning to become visible to us in the mists of the future. We still have some years of grace before it bursts upon us. And during these years we can, by establishing sea-grant colleges as proposed in H.R. 16559, seize an important opportunity to develop our use of the seas.

Mr. Chairman, I strongly urge a favorable vote for H.R. 16559.

Mr. WYDLER. Mr. Chairman, I rise in support of this bill and in support of the purpose of this legislation.

Mr. Chairman, I feel it is fairly evident to the Nation at large that the field of oceanography is one in which we will see in the next few years a great development, both in the private sector and in the sector of participation on the part of the Federal Government.

Unlike space which has just one customer, the Federal Government itself, the field of oceanography is something that is going to draw in the private sector of our economy to produce great wealth for all our people. It is important that the Government does what it can at this point to make this possible. The first thing that has to be done is the strengthening of our scientific manpower and our available supply of technicians so that they are available when our Nation is ready to move into this field of oceanography and into the full development of the riches under the sea.

I am particularly interested in this bill because I come from Long Island which is geographically the oceanography center of New York State. We are the outlet of New York State to the sea. I expect and I hope to see the Long Island area play a very important part in the development of oceanography in New York State and in the United States of America. I hope someday to see it the oceanography center of the world. I do not think that is hoping for too much because we have the potentials and the background to do that job.

Mr. Chairman, I would like to direct a question, if I might, to the author of the bill, because we have on Long Island a thought about using the provisions of this bill in a certain way and I just want to see if it would be possible under the provisions as drawn to do so.

Would it be possible under the bill, as it is being submitted to the House today, for a group of universities with oceanography programs to form some type of consortium whereby they could run a joint facility which could be utilized by all of them in developing scientists and technicians in this field?

Mr. ROGERS of Florida. I would think this would be very feasible with respect to accomplishing and developing greater knowledge in the field of oceanography in the most economical way. That is what we want to do. That is the purpose of the bill and the purpose of our trying to do something about this whole problem. So I think this would be very feasible. I think the policies would probably have to be gone over by the council, but I would envision that this would be the type of thing that would encourage it.

Mr. WYDLER. Mr. Chairman, I just want to make the suggestion, and I cannot let the opportunity pass, and urge those members of the conference committee, who are finally selected by the House to meet with the representatives of the other body, to insist very strongly on the provisions concerning the authorization in this bill.

We should not allow this bill to pass in the form being suggested by the other body to allow an open end as to the authorization provisions. I think such provisions for open end are very bad from the point of view of supervision by the Congress. We have it in the National Science Foundation today and I think it has been a mistake. I think it should have been changed long ago. But I do not think we should have any more of these open end authorization programs. We have seen that years go by and these programs are not reviewed and later we find ourselves making corrections that could have been made along the way if we had had these periodic reviews, such as we now have in the proposed House bill.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman.

Mr. LENNON. We anticipate that if the House passes this bill today that it will be passed exactly in the same form in the Senate. The gentleman in the House can be assured that as one conferee, I will not agree to any open end authorization.

Mr. WYDLER. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. MOSHER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Don H. Clausen].

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman.

Mr. HATHAWAY. I thank the gentleman.

Mr. Chairman, I am pleased to rise in support of this legislation to authorize the establishment and operation of sea-grant colleges. This bill provides for the initiation and support of programs of education, training, and research in the marine sciences. This bill is of especial interest to Maine's maritime industry because it promises to develop one of Maine's greatest natural riches. As the world's population continues to grow, we will have to look increasingly to the sea for food and important raw materials.

Gainful utilization of marine resources can substantially benefit our Nation by providing greater economic opportunities, including expanded employment and trade, new sources of food, and new means for the utilization of the vast mineral deposits and other substances to be found in the marine environment. It is urgent that we turn our efforts to an intensified effort to explore and harvest the sea.

Passage of this measure will be a giant step forward in the utilization of our marine resources.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to join with my colleagues in enthusiastic support of this legislation. I am particularly impressed with the very profound statement made by the principle author of the bill, Mr. Rogers of Florida. Being one of the coauthors myself, I can only say that there is not one word in his statement that I do not agree with. I fully concur with his remarks and want to associate myself with them.

Certainly, those of us who do live in the coastal sections of the United States are reminded with each passing day of the increasing international pressures that are brought about by the presence of Russian fleets, the Japanese fleets, the Korean fleets and others, fishing in our waters.

I would remind everyone on the floor of the House today that the time is passing, and as a matter of fact, I believe it it almost too late for us to meet the commitment that we should be making in the vital field of oceanography.

Certainly, with the sea-grant colleges—and we have had some experience with the land-grant program—I would hope that this legislation will provide a major breakthrough towards meeting a parallel success we have enjoyed with the land-grant college program.

As the gentleman from Missouri and the gentleman from Iowa have both pointed out, very wisely I believe, it is a question of high priority and the fact that this legislation is designed to work through existing educational institutions, in my judgment, is one of the stronger points of the bill permitting the United States to develop the badly needed brainpower in the field of marine science and oceanography. It is long overdue. As I said before, a program of this type is designed to meet the economic and educational competition of some of our major ideological adversaries throughout the world. On the question of return on investment, where could we have a similar potential return, when we know full well, based upon existing explorations, the vast resources of the sea are literally unlimited.

I think that the opportunities in potential enterprise developments also would be categorized as unlimited.

I firmly believe that one of the most important challenges facing this country today lies in our tapping the vast resources of the sea. In these days of rapidly advancing technology, we lack adequate information about our marine resources that give us an indication of how we may eventually utilize the treasures that await us in the world's oceans.

Lately, however, as more and more people recognize the resource potentials of the seas, we have begun to take the first steps toward developing these untapped resources. One day, we will have to rely on the fruits of our marine sciences for some of our basic needs. Fresh water, foods and minerals can all come from the sea. If we do not commit our intellectual resources now, it may be too late when we discover that we must use them.

With the massive population explosion will come the need for more and better food, water, and other resources that we know to be available from the sea. This need will not be temporary; instead, it will be continuing and growing for which solutions must be found. I feel certain that this legislation will lead to necessary solutions.

As an additional benefit, the program authorized by this bill may lead to new and exciting discoveries about the nature of the ocean and its products which will help to raise the standard and comfort of living throughout the world. We have begun the development of fish protein concentrate which is expected to improve nearly a billion diets throughout the world, but it is only the beginning. More important discoveries will undoubtedly come to us through further research.

I would like to compliment the committee for making a broad group of institutions eligible to be considered as sea-grant colleges. This is important to make sure that the best and most comprehensive research is conducted. A 2-year college with an excellent program in the marine sciences should not be considered ineligible for consideration under this act merely because it happens to be a 2-year college. With a broad definition of eligible institutions we can coordinate the best programs on this project and begin to expand our knowledge of this vital resource.

Early enactment of this legislation means early completion of the necessary studies. We made a beginning with the enactment of the Marine Resources and Engineering Development Act just 2 short months ago and we can continue on the same track with passage of the legislation before us today.

I am very pleased to see this new trend toward more emphasis on oceanographic studies. I have long been an advocate of this kind of legislation and I certainly hope we can look forward to a greater such emphasis in the near future. The benefits of these programs will pay great dividends to this Nation and to the other countries throughout the world.

Mr. Chairman, I ask that this legislation be passed, hopefully with the full support of every Member of this House.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of the legislation and concur in many of the comments made in support of it. I congratulate the committee in voting this bill out. I had a couple of questions I wanted to ask relating to it. The interest that this Member from Florida has is partially generated by the fact—and I am sure my distinguished colleague, the gentleman from Florida [Mr. ROGERS], is familiar with the fact—that the board of regents has under consideration the establishment of a State institution to study oceanography. I am sure the gentleman is aware, though obviously I would not ask him to comment on a proposed location as opposed to another for obvious reasons, that one of the sites under consideration is the University of South Florida campus at its location in St. Petersburg, Fla., at the old maritime base. The prospects of developing in Florida an oceanographic study course and concentration through the State-university system is becoming a very great reality.

I would ask the gentleman, Is that not the gentleman's understanding that the State board of regents has taken the matter under consideration, and this legislation would be a tremendous help in that direction?

Mr. ROGERS of Florida. I commend the gentleman for his interest. I know he has been interested in this subject matter. But actually in Florida I think we are fortunate in that we have a number of universities where they have developed the program. The Florida Atlantic University has already developed now for the first time an undergraduate course in ocean engineering, the first in the free world, really, for undergraduate work. The University of Miami has its great Institute of Marine Science. There is the University of South Florida, Florida State University, and Nova University. I think we are fortunate in Florida to have our universities very much interested in this subject.

I agree that the board of regents is very much interested, and I hope will develop some adequate programs to support. I think this legislation will help all of our universities.

Mr. CRAMER. As I understand it, the bill as drafted provides specifically for contracts with and agreements with and grants to institutions of higher education, be they State supported or be they privately supported, and would specifically cover efforts, if they come into fruition, of the board of regents relating to State programs.

Mr. ROGERS of Florida. I presume as long as they do it through the regular institutions, the forums that we recognize in the bill, they certainly would be eligible.

Mr. CRAMER. I think this is a most worthwhile effort. We have not even scratched the surface as it relates to oceanography and as it relates to the treasures of the seas that someday will be available to humanity in the future.

An indication of the interest in oceanographic study being expressed by the State of Florida, particularly as it relates to the Bay Campus of the University of South Florida in St. Petersburg as a location for the State's center for advanced study in oceanography, are the following newspaper articles and editorial comments:

[From the St. Petersburg Independent, May 2, 1966]

Ocean Study

The 10-year program for oceanography recommended to the Board of Regents by a committee representing all Florida state universities recognizes St. Petersburg's unique advantages as a center for study of the water around us. It calls for the development of the University of South Florida's Bay Campus at St. Petersburg's Bayboro Harbor as the major base for a large oceanographic research vessel, with attendant storage and laboratory facilities for use by all of the state universities.

This recommendation was expected, and is in keeping with the Regents' action last year in designating the Bay Campus as a Marine Science Center for the university system. Nevertheless, it is good to have the decision reaffirmed and incorporated in the state's long range planning. Together with the announcement last week that the University of South Florida will expand its general academic program here, it assures the Bay Campus of a firm and growing place in the state university system.

Intensive scientific study of the oceans is of fairly recent origin, but it is already being compared in importance to man's exploration of outer space. In the decades immediately ahead it should pay even greater dividends in practical benefits to mankind.

Under the 10-year plan proposed by the Florida Interinstitutional Committee on Oceanography, teaching and research programs may be established at all of the state universities, although the most advanced courses, those leading to Ph. D. degrees, will be reserved for Florida State University (FSU) in Tallahassee. In addition to the state effort, increasing federal support of oceanographic research is certain to be available to universities which develop active programs.

Florida, because of its geographical situation, will necessarily have a big role to play in the development of this new science. As to St. Petersburg, it is not unrealistic—nor too early—to suggest that we aspire to becoming the Cape Kennedy of America's exploration of "inner space."

[From the St. Petersburg Times, July 18, 1966]

Oceanography at Bayboro

While it's probably impossible for anyone around Tampa Bay to be entirely objective on the proposition, we believe that Chairman Chester H. Ferguson of the Board of Regents has powerful logic and good sense to back his proposal that the Bay Campus of the University of South Florida at Bayboro Harbor become the state's center for advanced study in oceanography.

One can sympathize with Florida State University's feeling of proprietorship in this subject. Since it is the only university now granting advanced degrees in oceanography, FSU would like to be the main center of study in the field.

But, as is the case with so many advanced university courses in pre-chancellor days, it is mere happenstance that FSU has specialized in oceanography. From a geographic standpoint, Tallahassee is about the last place in Florida for such an institute to be located.

This is not merely because Tallahassee is inland; 20 miles isn't very far from the sea. But once you are in Apalachee Bay, south of Tallahassee, you are still 200 miles more distant than Tampa Bay from such important research areas as the Florida Keys, the Straits of Florida, the waters off Yucatan and throughout the Caribbean.

Beyond that, it is Mr. Ferguson's idea that there should be one highly advanced oceanographic facility for the use of all the state universities. Here Bayboro has a huge edge on Tallahassee, both as to air, highway or railroad. Nowhere, may it regretfully be said, is as hard to get to by any means as our state capital city.

Finally, there is the nature of the Tampa Bay metropolitan area to give it a further edge over Tallahassee.

Here is a very substantial complex of highly technological industry; four baccalaureate-degree colleges and two junior colleges—that of St. Petersburg Junior College being the state's oldest and having three campuses. In St. Petersburg and under construction in Tampa are two of Florida's newest and finest libraries. Here are good museums, theatres and fine concert halls.

All of these points are appropos. Ocean research is beginning to be recognized as one of the most challenging areas for exploitation by technological industry. Significantly, many of the companies most active in the exploration of space are also leaders in oceanographic research and development.

Experience has shown that corporations in these scientific and technical fields tend to cluster together, and that they demand wide educational and cultural facilities in the vicinity. Only thus can they attract the type of personnel they require.

One of the nation's outstanding oceanographic centers—as Florida's should be—located amid the other elements attractive to technological industry could be a magnet to bring economic advances of enormous value to the whole state. This is Mr. Ferguson's most unbeatable argument.

[From the St. Petersburg Independent, July 19, 1966]

WELCOME SUPPORT

With the backing of Chester Ferguson, chairman of the Board of Regents, St. Petersburg has a good chance to become the center of Florida's research in the developing science of oceanography.

The selection of a new "inner space" control center for Florida—which could well mean for the nation—has pretty well narrowed down to Florida State University (FSU) at Tallahassee, and the University of South Florida's Bay Campus at St. Petersburg's Bayboro Harbor.

No one in St. Petersburg should underestimate the importance of the decision to the future of this area. Exploration of the secrets of the oceans is certain to become as important, if not more so, in the next decade as exploration of space. In immediate and practical benefits to mankind it promises even more. What we are talking about is the establishment of a new center that could rival the space center at Cape Kennedy in size and scope.

FSU has tradition—a fairly young tradition, to be sure—going for it. It is the only state university now offering advanced studies leading to a doctorate in oceanography. St. Petersburg's Bay Campus, however, has geography and logic on its side in the ready access it offers to the tropical water of the Gulf and the South Atlantic, plus a deep water harbor.

Elsewhere on this page we reprint an editorial from the Tampa Tribune which well states the case for centralizing the state's still infant oceanography program at the Bay Campus. We welcome the Tribune's support, and hope it will signalize a joint effort by Hillsborough and Pinellas legislators to bring this about.

Choice of St. Petersburg to be the focal point of this program would be good for the whole Tampa Bay area. More to the point, we believe it would be the best decision for Florida, and for the country.

[From the Tampa Tribune, July 16, 1966]

AN IDEAL LAUNCHING POINT

Oceanography is an area of study with as much potential as the briny depths can provide. With scientists predicting more interest in "underwater space" than in outer space in the 1970s, it's no wonder Florida's major state universities are eager to dive in academically.

A proposal for a "coordinated" 10-year plan presented to the Board of Regents the other day would establish Florida State University at Tallahassee as the major oceanography center.

This proposal envisioned master's programs in oceanography at each of the major state universities "as the need requires," serving as feeders to doctorate studies at FSU, the University of Miami and other institutions.

But Regents Chairman Chester Ferguson argued against the dispersal of students specializing in this field once they've finished their basic undergraduate schooling. He maintained that one consolidated, system-wide center should be set up for master's and doctor's degrees.

And Ferguson had a logical site in mind: the Bay campus of the University of South Florida, in St. Petersburg. Located in Bayboro harbor, with a deep channel, the waterfront campus is ideally situated for marine expeditions into the Gulf.

The Regents chairman compared his image of an oceanography center to that of a college of law or a medical school. He said if each university sought to set up its own full-fledged program in oceanography, it would be "like having a teaching hospital at every university."

Vice Chairman Dr. Wayne McCall spoke out against a "shotgun" approach that would weaken the overall program throughout the university system. FSU's Academic Affairs Vice President, Karl Dittman, agreed that facilities should be concentrated "at one place," but it was obvious the place he had in mind was FSU.

Of all states, Florida is best endowed with the geographical proximity to deep water to pursue the quest for undersea treasures in all forms. Already, experiments along its shoreline in the Gulf Stream have produced unexpected discoveries—including an underwater phosphate vein and the bones of sea cows that lived up to 30 million years ago.

With more than 70 colleges now offering courses in oceanography (only two did prior to World War II), the surge to the sea as a new source of scientific knowledge and potential riches is gaining impetus.

A comprehensive, consolidated center for advanced oceanography studies at the St. Petersburg Bay campus of University of South Florida would benefit the whole state as an efficient, ready-made launching point for marine research.

We trust the entire Board of Regents will follow the consolidated approach suggested by Chairman Ferguson.

[From the St. Petersburg Times, July 15, 1966]

BAY CAMPUS PROPOSED AS OCEANOGRAPHY CENTER

(By Sam Mase, of the Times staff)

GAINESVILLE.—Chester H. Ferguson of Tampa, chairman of the Board of Regents, proposes that the University of South Florida's (USF) Bay Campus at Bayboro Harbor in St. Petersburg be developed as the state's higher education center for oceanography.

His plan, announced at the board's meeting here yesterday, was opposed by Florida State University (FSU) officials, who want the center at their institution.

The board considered a proposed 10-year plan for a coordinated program of oceanography. The plan would establish FSU as the state's major oceanography center. Bay Campus was designated in the proposal as the only deep-water port for the state university system.

"Existing facilities in Bayboro Harbor should be converted to provide maintenance shop facilities, warehouse space, laboratories for reduction of data and processing of samples and collections immediately on return," the proposed plan states.

FSU is the only state university which now grants graduate degrees in oceanography. The proposed plan states that other universities should be allowed to develop master's programs in oceanography "as the need requires."

The report further recommended that master's programs in oceanography at the other institutions serve as "feeders to the Ph.D. programs in oceanography at FSU, the University of Miami and other institutions throughout the nation."

Ferguson does not see it that way.

"The facility at St. Petersburg (Bay Campus) should be the chief base for advanced oceanography study in the state," he declared.

Ferguson believes Florida should have "strong oceanographic" courses at the various state universities, but insists there should be one consolidated center, complete with dormitories, where students from all universities can pursue advanced oceanography studies.

Ferguson takes the position that Florida cannot afford more than one major oceanography program because of cost of technical instrumentation and scarcity of qualified people to teach advanced ocean science courses.

Dr. Allan Tucker, who is in charge of academic affairs for the Regents staff, said there are only 438 (classic) oceanographers in the country.

Ferguson likened the proposed oceanography program to a college of law, engineering or medicine, which requires students to complete undergraduate studies before entering the professional schools.

He said students desiring to become specialists in oceanography should take the proper basic courses in undergraduate programs at the universities of their choice, then move to a central facility for graduate study.

Instead of having this graduate center at any university, Ferguson would like to see it established as a system-wide facility, which also would accommodate students from private institutions of higher learning.

For each university to attempt to have a full-fledged oceanography program would be "like having a teaching hospital at every university," according to Ferguson.

He said the state should have one oceanographic "hospital" equipped with the finest research equipment "with which to do our clinical work."

Ferguson favors the Bay Campus site for such a center because it has a deep-water port and is "in a centrally located area," which he said would be easily accessible to students, faculty members and research people throughout the state.

Dr. J. Broward Culpepper, chancellor of the state university system, told Ferguson it would be necessary to have laboratories for research in different areas of the state.

Ferguson agreed, but said those should be "supplementary centers" which would feed information to a central center such as he proposes.

The Board deferred action on the long-range oceanography program until its September meeting.

Mr. FOGARTY. Mr. Chairman, on this occasion of House passage of the sea-grant college bill, I wish to salute my colleague in the other body, Senator CLAIBORNE PELL, who introduced the first bill for a sea-grant college program in August of 1965.

Senator PELL noted that our own State of Rhode Island has a particular stake in developing the Nation's marine resources by virtue of the fact that 10 percent of Rhode Island's total area is covered by fresh or salt water.

The purpose of Senator PELL's bill and of Congressman ROGER's bill before us today is to stimulate a whole new era in special education in ocean science and technology. The field of oceanology will breed new industries, the scope of which we can only guess at today. New and better methods in sea farming will aid us considerably in meeting the protein shortage which threatens famine to our world. National security is also a vital element.

I am convinced the sea-grant program is a practical step toward speeding the exploitation of our country's marine resources. I am hopeful that the fishermen, scientists, and citizenry of the State and Nation may, through the provisions of the sea-grant program, become increasingly involved in and benefit from the enormous underwater riches that may lie just beneath the waves.

The program is of very special interest to me because one of its beneficiaries may be the University of Rhode Island, which is located in my district, and which already is an outstanding pioneer in the field of oceanology.

In closing, I would like to laud the energy and imagination of Senator PELL which, coupled with the vigorous and skilled legislative efforts of Congressman ROGERS, has brought this program from an academic concept to the very brink of being a law of the land. I share the optimism of Senator PELL and Congressman ROGERS that the differences between the Pell and Rogers bills may be speedily ironed out and that the President may shortly sign this vital program into law.

Mr. BATES. Mr. Chairman, when we recently enacted the Marine Resources and Engineering Development Act of 1966, the Congress took a major step in advancing the greatly needed long-range American program in marine science. Today we are considering an amendment to that act which will implement a vital segment of that program.

As soon as I learned of the proposal for the establishment and operation of sea-grant colleges by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, I evidenced my support of this approach by introducing a bill to provide the necessary authorization. I feel that the Committee on Merchant Marine and Fisheries has ably adapted and perfected the language of this legislation in H.R. 16559, the National Sea Grant College and Program Act of 1966, as an amendment to the Marine Resources and Engineering Development Act.

I am happy, therefore, to record my support of the bill before us to establish a sea-grant college program similar to the land-grant college program which has been so successful for more than a century in helping to develop American agriculture. This bill provides an important means of promoting development of the wealth of marine resources which can bring much benefit to mankind.

Augmenting the marine science programs already underway in many of our public and private institutions of higher learning, this bill, as stated in the committee report, establishes "a program of sea-grant colleges and education, training, and research in the fields of marine science, engineering, and related disciplines." It supports what the Department of the Interior believes is greatly needed, that:

> More and more emphasis must be placed by the Federal Government, the States, educational institutions, industry, and other public and private organizations and individuals on improving the Nation's capability to obtain and use wisely our marine resources.

The Interior report also states:

> The concept of developing skilled personnel, such as engineers and technicians, to exploit our marine resources is sound.

When we consider that Russia, our chief competitor in both the exploration of outer space and in the harvesting of the resources of our ocean depths, reportedly has twice as many people as we do engaged in the marine sciences, I think the potential of the sea-grant college program becomes particularly significant. It means that we will be filling one of the most pressing needs of the American oceanographic program. While our scientists tell us that we are still ahead of the Russians in basic oceanographic research, we are behind in the important aspect of applied research.

The sea-grant college program can give us the needed ocean technicians and other scientific personnel to make this type of research possible. By providing added trained manpower, I feel it can help programs such as research in fishing techniques, marine conservation, pollution control, and desalination. In conjunction with the basic objectives of the Marine Resources and Engineering Development Act of 1966—Public Law 89-454—it can open the way for dissemination of useful information to those people who are working or interested in the marine sciences—fishermen as well as scientists.

The President's Science Advisory Committee's recent report on "Effective Use of the Sea" lends urgency to what I believe is an undisputed fact, that it is in our national interest for us to do everything possible to strengthen and expand our technologies and industries for gainful use of the almost boundless marine resources. Mr. Chairman, the National Sea-Grant College and Program Act of 1966 provides one of the tools toward that end for our scientists, biologists, underwater experts and engineers, and others. I hope that this legislation will be enacted.

Mr. FASCELL. Mr. Chairman, I am pleased to see the amount of interest which has already been shown in the idea behind the sea-grant college bill, as I have followed the debate and development of all legislation pertaining to oceanography with more than just a passing interest.

Early last year I cosponsored legislation which led to the enactment in June 1966 of a bill to establish a National Oceanographic Council—Public Law 89-454. This new Council will be responsible for establishing clearly defined objectives in the field of oceanography, grouping these objectives in a coherent program directed toward the practical utilization of the ocean's resources, and providing sustained high-level leadership, guidance, and coordination of this multiagency program. Establishment of the Council represents the first major step in the development of a strong national oceanographic program—a program which I consider to be essential, being closely related as it is to our Nation's security, welfare, and to the economic well-being of our own people and those throughout the world.

The sea-grant college bill before us today, a bill which I cosponsored in this session, will provide the trained manpower needed to carry out this oceanography program. It will allow us to begin the systematic program of research necessary to tap the endless resources of the sea, and to meet the challenge of feeding, clothing, and housing 8 billion people by the end of this century. The bill provides for support of educational and research programs in the marine sciences; for expansion and improvement of the means of communicating oceanography information; for the use of the submerged lands of the Outer Continental Shelf; and for the encouragement and development of regional "centers of excellence" in the various fields of marine science.

Our Nation would reap rewards of tremendous value by beginning now to actively pursue an aggressive program in oceanography. The time is ripe for engaging in full exploitation of the vast resources of the sea—a move which should have been initiated long ago. We are all aware of the phenomenal success of the land-grant colleges and associated experiment stations in providing for the agricultural arts and sciences a source of continuing support in education, research, and diffusion of knowledge. The sea-grant college bill will do the same thing for the maritime arts and sciences. Its benefits will be realized by the entire Nation and, indeed, by the world, as it is becoming more obvious to all of us each day that we are dependent on the use and exploitation of the oceans for our very survival.

The sea-grant college bill would assure a continuing source of support for education, research, and dissemination of information in the ocean sciences and technology. It will promote the vitality and growth of our ocean efforts and the strength of our Nation at sea. The continuity of support which it would provide affords a better opportunity to look ahead, to plan effectively and to promote a truly national oceanographic program. We will be more capable of coping with the problems confronting industry, especially fishing and shipping.

The massive population explosion has clearly pointed to the need for additional sources of food, water, and other resources that we know to be available from the sea. This bill would provide the tools to make the ocean our ally in the world's common struggle against poverty, disease, and starvation.

I would like to add, Mr. Chairman, that I am joined in my commitment to the purposes of this bill by the administrators and faculty of an outstanding center of oceanographic research which is located in my district. The Institute of Marine Sciences of the University of Miami embraces both the marine laboratory which conducts research in marine science, and the Department of Marine Science which provides academic instruction. It is this combination of research and education which the sea-grant college bill wants to promote and sustain. I have talked with the institute's director and staff on many of these matters and have heard about the exciting opportunities and substantial benefits that lie before us. I am confident of the leading role and valuable contributions which Miami would provide in the field of oceanography, and of the additional invaluable contributions of other similarly outstanding institutions throughout the Nation.

Mr. Chairman, I strongly urge all my colleagues to support this vital legislation.

Mr. REINECKE. Mr. Chairman, as a member of the Subcommittee on Oceanography of the House Merchant Marine and Fisheries Committee I am pleased to support this bill to create sea-grant colleges. I am very much aware of the importance of the sea around us, and of the need for creative thinking about ways to more fully use this great natural resource for the benefit of this Nation, and of all mankind.

As an engineer myself, I am always most concerned with the problems of practical applications of new knowledge and new discoveries. The land-grant college concept, first sponsored in 1862 by Republican Senator Justin Morrill, of Vermont, was a creative way to bring to a growing nation the facilities for practical education. It was a means of bringing knowledge to the men who were building our country. And this concept placed the power of the people through their National Government squarely behind the idea of promoting practical education, as well as productive research, at the local and community level.

The U.S. Government operates oceanographic programs from 18 or 20 Federal agencies. And many universities, laboratories, and industries supplement these with research efforts of their own. But, it seems to me, that there is still a need for the application of our new knowledge of the sea. There still is a need for exploring the commercial, engineering, medical, legal, mineral, biological, and food producing aspects of the ocean. There is a need for further study in the matters of harbor engineering and construction. There is a need for us to realize that the sea around us, which constitutes almost 71 percent of our world's surface, may hold as much potential, and as many rich surprises, as does outer space.

I heartily endorse the idea of the sea-grant college. The emphasis of this bill and of this idea is to work with existing educational institutions to make full use of the research facilities already involved in the exploration of the sea. This also brings to bear on ocean problems the combined talents and experience of the scholars from many disciplines within a university. It also uses existing organizations of proven capability.

In my own southern California great steps have been taken to integrate the efforts of local government, industry, and the colleges and universities into a common thrust into the mysteries of the ocean depths. The port of Long Beach, the University of Southern California, the California State college system, the famed Scripps Institute of Oceanography, the Los Angeles Harbor Commission, and my own alma mater, the California Institute of Techology, are all involved in various efforts to further our understanding of the ocean and to exploit its riches for the welfare of all human beings.

With these resources at hand, I can certainly see why a sea-grant college should be located in the Greater Los Angeles area.

I am glad to see that the intent of this bill is to solve a real problem without building a large Federal bureaucracy. This bill will put ocean development in the States, where the work is actually going on, and where it belongs. This sea-grant concept will involve the American people directly instead of leaving ocean development to a group of Federal researchers removed from the laboratories of practical application.

The urgency of this matter is best illustrated when we compare our progress in ocean development with that of the Soviet Union in recent years. While the United States has maintained a lead in basic scientific research, it has been generally realized that the Soviets have emphasized the applications of research, rather than basic investigations. In certain phases of applied research the United States maintains a lead. The field of oceanographic instruments is one in which this Nation is ahead. Also, the use of computers applied in assemblage of marine scientific data is an American achievement, though now under study in the Soviet Union today.

Russia claims some 1,500 oceanographers backed up by 7,500 men and women working full time in the field. The status of sea scientists is being upgraded, and the field is being made more appealing to young people. It should be mentioned that the Soviet Institute of Oceanography has been expanded five times from its original size in the past 15 years.

By contrast, it has been estimated that the United States has aproximately 700 oceanographers with some 2,000 to 2,500 full-time technicians supporting them. We are increasing our ranks by approximately 10 percent a year. The Soviets may actually be increasing by 15 percent per year.

The United States can also claim a lead in deep-sea mining, drilling, and deep sea research vehicles. However, the Soviets are moving up fast in developing vehicles of their own.

The Russians have declared a technological and commercial war on us—on and under the high seas. In shipping and in fishing, their intent is quite clear. They wish to become masters of the ocean. They have been successful in fisheries because they have applied to the fishing operations the tools learned in marine research. With this success, they are encouraging more oceanographic efforts.

In the United States today there is an emerging awareness on the part of the public, the academic world, the Congress, and the industrial community that the oceans represent a vast untapped resource. This emerging awareness is created by an enthusiastic community of scientists and ocean technologists eager to move into a concentrated campaign to promote full utilization of the sea around us.

This Nation stands at the threshold of man's final conquest of his environment. Man in the ocean, or man on the high seas, is as important to our Nation's future as man in space, or man on the moon. The sea-grant college is a giant step toward seeing that the first place in ocean technology stays in American hands.

Mr. WOLFF. Mr. Chairman, I strongly support the establishment of a program of sea-grant colleges devoted to increasing our Nation's development of the world's maritime resources through education, research, and public service. This legislation amends that which created the Marine Resources and Engineering Development Act of 1966 which passed earlier this year.

The importance of research in the field of oceanography cannot be over emphasized, and the United States must not take second place in this effort. In recognition of the importance of oceanography to the future of our people I established a task force to look into possibilities for utilizing existing industrial skills and resources for oceanographic research in the Long Island area. A seminar was held in the 3d Congressional District on August 24 to further explore these possibilities, and included Federal officials from the Office of Naval Research, the Office of Science and Technology, and the Naval Oceanographic Center. A highlight of the delegation's visit to Long Island was a helicopter tour of the area and a stop at Sands Point, former site of the Naval Training Devices Center. There, representatives of industry, education, labor, and political groups were presented with a unified program for area oceanographic research and development.

The sea holds tremendous riches for those with the energy and imagination to develop it. All mankind could benefit from a widened knowledge of the sea and the utilization of the resources it contains. I am glad to see that the Congress and the executive branch have taken active leadership in this vital field.

Mr. KEITH. Mr. Chairman, the sea-grant college bill now before the House squarely meets some of the major weaknesses in our national oceanographic program. I strongly urge that my colleagues approve this bill, for it can and will help put new life into our oceanographic efforts, which have too long been neglected.

Only this year I toured the Soviet Union and Poland with the purpose of evaluating their progress in oceanography and marine science in general for the Merchant Marine and Fisheries Committee. I feel compelled to warn my colleagues once again that the Soviets clearly are putting high priority on the ocean sciences.

The Soviets have, for instance, two or perhaps three times as many people working in these areas as we do. Moreover, each of their ocean scientists has more technicians to back him up than do ours. We have about 1,000 professional-level oceanographers and perhaps 2,000 ocean technicians, while the comparable Soviet figures are 1,500 and about 7,000.

One result of this concentration of manpower has been that the Soviets are leading us in the applied areas of oceanography. They are very effective at translating basic research into technology. Although most experts agree that we are still ahead in basic research, we learned in Moscow that the Soviets are putting new efforts into this area. They are upgrading the Institute of Oceanology, their basic research institute, so we most probably will be seeing new competition in this area.

Moreover, in the Soviet Union, advanced technology is applied to fisheries far more than it is in this country. The Soviets fish on large factory ships spread over much of the world's oceans. Some of their techniques that we learned about included explosions to bring the fish briefly to the surface and fish elevators to help spawning fish to go upstream over dams. They appear to have done a great deal with fish farming and other modern techniques. All these are areas to which I do not believe we have been giving adequate attention.

The sea-grant college could meet much of this problem because its emphasis is on practical education and applied research. One of our major problems in fishing has been that the ordinary fishermen are not familiar with the new techniques available. This is perhaps the major reason that we have fallen to fifth place among fishing nations of the world and the Soviet Union's catch has increased 250 percent in the past 10 years while ours has declined.

In fishing, oceanography, and merchant marine as well, the Soviet Union presents a great challenge to this country. We must begin to answer this challenge before it is too late. In my view, the sea-grant college represents one such answer—a major one—and I want to again urge the adoption of this bill.

Mr. FUQUA. Mr. Chairman, I rise in support of H.R. 16559 to provide for the establishment of a program of sea-grant colleges. I want to commend my colleague, the gentleman from Florida [Mr. ROGERS], for his leadership on behalf of this fine piece of legislation.

This Nation has an abundance of wealth in marine life, and the enactment of this bill will provide a means of achieving the utmost utilization in marine science, engineering and other related fields.

I am particularly pleased that this legislation will be administered by the National Science Foundation, which has done an outstanding job in other related fields of scientific endeavor.

We in Florida are particularly proud of the accomplishments that our universities are making in the field of marine development and oceanography.

Mr. Chairman, this will be a means whereby our Florida colleges and universities can utilize more effectively the talent and facilities currently available in these institutions.

I urge the House to favorably act on this bill.

Mr. MOSHER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 16559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Marine Resources and Engineering Development Act of 1966 is amended by adding at the end thereof the following new title:

"TITLE II—SEA GRANT COLLEGES AND PROGRAMS

"Short title

"Sec. 201. This title may be cited as the 'National Sea Grant College and Program Act of 1966'.

"Declaration of purpose

"Sec. 202. The Congress hereby finds and declares—

"(a) that marine resources, including animal and vegetable life and mineral wealth, constitute a far-reaching and largely untapped asset of immense potential significance to the United States; and

"(b) that it is in the national interest of the United States to develop the skilled manpower, including scientists, engineers, and technicians, and the facilities and equipment necessary for the exploitation of these resources; and

"(c) that aquaculture, as with agriculture on land, and the gainful use of marine resources can substantially benefit the United States, and ultimately the people of the world, by providing greater economic opportunities, including expanded employment and commerce; the enjoyment and use of our marine resources; new sources of food; and new means for the development of marine resources; and

"(d) that Federal support toward the establishment, development, and operation of programs by sea grant colleges and Federal support of other sea grant programs designed to achieve the gainful use of marine resources, offer the best means of promoting programs toward the goals set forth in clauses (a), (b), and (c), and should be undertaken by the Federal Government; and

"(e) that in view of the importance of achieving the earliest possible institution of significant national activities related to the development of marine resources, it is the purpose of this Act to provide for the establishment of a program of sea grant colleges and education, training, and research in the fields of marine science, engineering, and related disciplines.

"Grants and contracts for sea grant colleges and programs

"Sec. 203. (a) The provisions of this title shall be administered by the National Science Foundation (hereafter in this title referred to as the 'Foundation').

"(b)(1) For the purpose of carrying out this title, there is authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1967, not to exceed the sum of $5,000,000, and for the fiscal year ending June 30, 1968, not to exceed the sum of $10,000,000.

"(2) Amounts appropriated under this title are authorized to remain available until expended.

"Marine resources

"Sec. 204. (a) In carrying out the provisions of this title the Foundation shall (1) consult with those experts engaged in pursuits in the various fields related to the development of marine resources and with all departments and agencies of the Federal Government interested in, or affected by, activities in any such fields, and (2) seek advice and counsel from the National Council on Marine Resources and Engineering Development as provided by section 205 of this title.

"(b) The Foundation shall exercise its authority under this title by—

"(1) initiating and supporting programs at sea grant colleges and other suitable institutes and laboratories for the education of participants in the various fields relating to the development of marine resources;

"(2) initiating and supporting necessary research programs in the various fields relating to the development of marine resources, with preference given to research aimed at practices, techniques, and design of equipment applicable to the development of marine resources; and

"(3) encouraging and developing programs consisting of instruction, practical demonstrations, publications, and otherwise, by sea grant colleges and other suitable institutes and laboratories through marine advisory programs with the object of imparting useful information to persons currently employed or interested in the various fields related to the development of marine resources, the scientific community, and the general public.

"(c) Programs to carry out the purposes of this title shall be accomplished through contracts with, or grants to, suitable public or private institutions of higher education, institutes, and laboratories which are engaged in, or concerned with, activities in the various fields related to the development of marine resources, for the establishment and operation by them of such programs.

"(d) (1) The total amount of payments in any fiscal year under any grant to or contract with any participant in any program to be carried out by such participant under this title shall not exceed 66⅔ per centum of the total cost of such program. For purposes of computing the amount of the total cost of any such program furnished by any participant in any fiscal year, the Foundation shall include in such computation an amount equal to the reasonable value of any buildings, facilities, equipment, supplies, or services provided by such participant with respect to such program (but not the cost or value of land or of Federal contributions).

"(2) No portion of any payment by the Foundation to any participant in any program to be carried out under this title shall be applied to the purchase or rental of any land or the rental, purchase, construction, preservation, or repair of any building, dock, or vessel.

"(3) The total amount of payments in any fiscal year by the Foundation to participants within any State shall not exceed 20 per centum of the total amount appropriated to the Foundation for the purposes of this title for such fiscal year.

"(e) In allocating funds appropriated in any fiscal year for the purposes of this title the Foundation shall endeavor to achieve maximum participation by sea grant colleges and other suitable institutes and laboratories throughout the United States, consistent with the purposes of this title.

"(f) In carrying out its functions under this title, the Foundation shall attempt to support programs in such a manner as to supplement and not duplicate or overlap any existing and related Government activities.

"(g) Except as otherwise provided in this Act, the Foundation shall, in carrying out its functions under this title, have the same powers and authority it has under the National Science Foundation Act of 1950 to carry out its functions under that Act.

"(h) The head of each department, agency, or instrumentality of the Federal Government is authorized, upon request of the Foundation, to make available to the Foundation, from time to time, on a reimbursable basis, such personnel, services, and facilities as may be necessary to assist the Foundation in carrying out its functions under this title.

"(i) For the purposes of this title—

"(1) the term 'development of marine resources' means scientific endeavors relating to the marine environment, including, but not limited to, the fields oriented toward the development, conservation, or economic utilization of the physical, chemical, geological, and biological resources of the marine environment; the fields of marine commerce and marine engineering; the fields relating to exploration or research in, the recovery of natural resources from, and the transmission of energy in, the marine environment; the fields of oceanography and oceanology; and the fields with respect to the study of the economic, legal, medical, or sociological problems arising out of the management, use, development, recovery, and control of the natural resources of the marine environment;

"(2) the term 'marine environment' means the oceans; the Continental Shelf of the United States; the Great Lakes; the seabed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of the area; the seabed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory; and the natural resources thereof;

"(3) the term 'sea grant college' means any suitable public or private institution of higher education supported pursuant to the purposes of this title which has major programs devoted to increasing our Nation's utilization of the world's marine resources; and

"(4) the term 'sea grant program' means (A) any activities of education or research related to the development of marine resources supported by the Foundation by contracts with or grants to institutions of higher education either initiating, or developing existing, programs in fields related to the purposes of this title, (B) any activities of education or research related to the development of marine resources supported by the Foundation by contracts with or grants to suitable institutes and laboratories, and (C) any programs of advisory services oriented toward imparting information in fields related to the development of marine resources supported by the Foundation by contracts with or grants to suitable institutes and laboratories.

"Advisory functions

"SEC. 205. The National Council on Marine Resources and Engineering Development established by section 3 of title I of this Act shall, as the President may request—

"(1) advise the Foundation with respect to the policies, procedures, and operations of the Foundation in carrying out its functions under this title;

"(2) provide policy guidance to the Foundation with respect to contracts or grants in support of programs conducted pursuant to this title, and make such recommendations thereon to the Foundation as may be appropriate."

SEC. 2. (a) The Marine Resources and Engineering Development Act of 1966 is amended by striking out the first section and inserting in lieu thereof the following:

"TITLE I—MARINE RESOURCES AND ENGINEERING DEVELOPMENT

"Short title

"SECTION 1. This title may be cited as the 'Marine Resources and Engineering Development Act of 1966'."

(b) Such Act is further amended by striking out "this Act" the first place it appears in section 4(a), and also each place it appears in sections 5(a), 8, and 9, and inserting in lieu thereof in each place "this title".

Mr. LENNON (interrupting the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LENNON. Mr. Chairman, I move to strike the requisite number of words. The gentleman from Alabama wanted to be recognized at this point to offer an amendment. Is that true?

Mr. EDWARDS of Alabama. Yes, I have one amendment I wish to offer.

AMENDMENT OFFERED BY MR. EDWARDS OF ALABAMA

Mr. EDWARDS of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of Alabama: On page 6, line 14, strike "20 per centum" and insert "15 per centum."

Mr. EDWARDS of Alabama. Mr. Chairman, I support this legislation. I would say to the Committee that this amendment is very simple. The purpose of it is to carry out better, I believe, the intention of the committee which is expressed in the report, where it says this legislation should be administered broadly and without specific geographical limitations. It follows the land grant college arrangement pretty closely. It is not designed to build up any great oceanographic complexes, but it is designed to spread throughout the country the training of those individuals who want to go into this field. I believe, by reducing the 20-percent to 15 percent, we will better assure a greater participation by more institutions.

If I may say this, I do not assume that the Federal Government is going to try to locate big complexes, but I believe we can help them by this amendment.

Mr. LENNON. Mr. Chairman, will the gentleman yield at that point?

Mr. EDWARDS of Alabama. I am happy to yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, I believe the language used with respect to section 204(b)(2) makes it crystal clear that we are not setting out on the objective of building with this program. This is an educational process.

I want to say to the distinguished member of the committee who has been so active and helpful to all of us, after conferring on this side we agree with the position that the gentleman is taking. We are happy to accept his amendment.

Mr. EDWARDS of Alabama. I thank the gentleman very much.

Mr. Chairman, I urge adoption of this amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, is my understanding correct that the intent of the gentleman's amendment is simply to minimize any accumulation of funding in given areas so as to expand the study of oceanography over a broader area?

Mr. EDWARDS of Alabama. That is true. In theory, under the way the bill is written, five participants could acquire all of the money in their programs. By reducing the 20 percent to 15 percent we would assure a little broader aspect. I am not suggesting that the program is going to be run in such a way that only five participants would be involved, or five States, but this assures a little broader aspect.

Mr. DON H. CLAUSEN. Mr. Chairman, I wonder if the gentleman will yield further, so I could direct a question to the author of the bill or the chairman of the committee?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. DON H. CLAUSEN. Is it possible to insure that this program will be conducted with the broadest possible distribution throughout the country so we can take advantage of the various species and various oceans bordering the United States?

Mr. LENNON. I will say to the gentleman that perhaps we have not had the time to make the legislative history we should have on that subject matter, but it was the thinking of the committee in both the hearings and in writing the report, and counsel has called to my attention the language found in the last paragraph on page 2 of the report, from which I quote:

> It is the intent of this legislation that it be administered broadly and without specific geographic limitations. It is recognized that institutional capability is not confined within specific geographical limitations.

I am glad the gentleman raised that point so we can include in the legislative history in the CONGRESSIONAL RECORD the language found in the report. Certainly it was our feeling that the whole country, wherever it could, should participate in this program. Just as the gentleman from Virginia earlier said in his remarks, it is so essential to our ultimate welfare.

Mr. DON H. CLAUSEN. This would also include maximum participation on the part of institutions in this field?

Mr. LENNON. Exactly. That is the reason we use throughout "institutions" because across the country so many of these institutions have been established which are comparable to community colleges, yet they are concerned in many instances with marine sciences.

We wanted them to participate.

Mr. DON H. CLAUSEN. This would not be confined purely to universities. It would include State colleges or junior colleges which might be interested in the field?

Mr. LENNON. That is exactly why we used the word "institutes."

Mr. DON H. CLAUSEN. I thank the gentleman for providing legislative history. I believe the gentleman's amendment seems to coincide with that broad purpose, and I endorse the amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, along with my friend, the gentleman from Missouri [Mr. HALL], I am not enthusiastic about some of the operations of the National Science Foundation.

I hope that the Committee, after passage of this bill, will constitute itself as a good oversight committee with respect to operations in connection with this subject matter.

I hope, too, that the Committee will bear in mind the demands upon this Government, especially the fiscal demands and not attempt to blossom out in the immediate future with a much more expanded program. Programs of this kind have a habit of expanding all too rapidly.

I trust that the Committee—those Members who are here today and who will be here in the next session—will constitute itself a real oversight committee in both respects.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. EDWARDS].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having resumed the chair, Mr. DADDARIO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16559), to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes, pursuant to House Resolution 982, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LENNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject matter of the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE DIFFICULT AND DEDICATED WORK OF THE HONORABLE ARTHUR SYLVESTER

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, for several years now, there has been a running discourse on whether or not the American public is being kept adequately informed about the military posture of the United States. More specifically, and quite recently, that question has been posed in connection with reports of activities relating to fighting in Vietnam.

I am concerned about this controversy. For if recent public opinion polls are to be believed, there are far too many Americans that have been sold on the notion that they are not getting a complete and accurate accounting.

As is inevitably the case, personalities become associated with controversy, whether or not the issues be real or coined. In this particular instance the personality is that of the Honorable Arthur Sylvester, Assistant Secretary of Defense for Public Affairs.

Mr. Sylvester has been criticized by both sides; those who say not enough is being disclosed, and others who say too much has been revealed. Now, let us consider the basic question: Is the American public being kept adequately informed about military affairs, and specifically, our activities in Vietnam?

At stake is not the matter of the personal discomfiture of one citizen discussed in the news, but perhaps the lives of hundreds of thousands of men. The course we have, as a nation, charted in the troubled waters of international relations imposes certain restraints upon us at home. I believe that thinking citizens would say: "Safeguard our sons and husbands, our Nation. Do not tell the enemy anything that will be of aid to him."

What we want Mr. Sylvester to do may be simply put: determine what is so harmful that it cannot be said at all; what may be harmful and may only be said in part; that which must be said, whether it be harmful or not; and what is not harmful at all and may be said in full and complete detail.

This is the delicate job Mr. Sylvester is asked to perform. He must make these daily decisions, and he cannot hide behind the investiture of wartime censorship, or take the opposite extreme of full disclosure.

The daily conduct of business requires that Mr. Sylvester, and members of his staff, be in contact with the press, with members of the defense industry, with many other groups and individuals, each seeking to attain his own objectives. In dealing with them, Mr. Sylvester and the members of his staff must consider those honest objectives in the light of the interests of the individual, or company, or news medium, and the public.

All too frequently his decisions are challenged, questioned, and even berated publicly. So one must ask the question now, as I raised it earlier, what caliber of man is this? What qualified him to face—and make—such decisions? Why has he remained so long in a position that has subjected him to invective from all sides?

Mr. Sylvester, I find, spent a most productive lifetime as a newsman before his appointment in 1961.

He served for a number of years as city editor of the Newark News, in which capacity he developed a reputation for handling his staff of experienced reporters with a firm hand, while providing at the same time sure guidance for the fledglings.

As a reporter in this perennial arena of combat—Washington, D.C.—he earned a reputation for being a "tough one," a man knowledgeable of his subject, who went after a story with dogged, and usually successful, determination.

In this crucible was forged a man dedicated to the principle of digging for every detail; but one who also learned the necessity of exercising editorial responsibility—a factor which tempered his dispatches on critical subjects.

He earned an enviable reputation among those most qualified to judge him, his contemporaries.

And it was this very reputation, coupled with his wide and practical experience, that led to his appointment.

He went about his job, from the outset, with the view of getting the defense news "moving;" but also accepted without reservation the responsibility placed upon him of exercising those daily judgments mentioned earlier.

Mr. Sylvester has appeared before the Congress; before industrial and professional groups; and in these cases his demeanor and candor have marked him as one dedicated—as too few are these days—to his country and to the principle of doing his best under all circumstances.

Newsmen assigned to Vietnam find it easy to get around. There have been many television and newspaper accounts filed from there that have not shown the United States in the most favorable possible light. This should be evidence enough that Mr. Sylvester's job is not to cover things up, but rather to see to it that as much news as possible gets to the American public.

Those who know him intimately have both admiration and respect for the job he is doing. As I understand it, there are few who could equal his performance.

Finally, to other would-be critics of Mr. Sylvester, I urge you to desist from railing at this most competent and dedicated man.

I am not asking the press to abandon its right to query.

I am not asking sanctuary for a public official.

I am not asking an abandonment of our right to know.

I am asking that we all consider the need to protect security in the best interests of the Nation.

THE NEED FOR ENACTING LEGISLATION TO REDUCE INFLATIONARY PRESSURES ON THE ECONOMY

Mr. JACOBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JACOBS. Mr. Speaker, we are faced today with the need for enacting legislation to reduce inflationary pressures now being exerted on our economy. To that end, I heartily endorse the proposals President Johnson has laid before us.

These are proposals aimed at maintaining the stable and unprecedented prosperity enjoyed by American citizens for the past 5½ years.

These proposals were not hastily made. As the President himself said:

> I have been watching the economy carefully. I have consulted frequently and at great length with the wisest and most experienced advisers available to the President—with the responsible officials in my Administration, with Members of the Congress, with leaders of business and labor and with economists from our universities.

Among the proposals before us is the request to suspend temporarily the 7-percent investment tax credit. In recent years, I have viewed with great satisfaction the sharp rise of business investment in plant and equipment. This rise has created more jobs for our labor force. It has been a major force in the swift rise of our productivity, which in turn has been a major factor in keeping our unit costs of production stable. Now, however, our capital markets are jammed with requests for funds to finance investment. As a result, interest rates go higher and higher. Meanwhile, our defense of freedom in Vietnam is throwing burdens upon the economy that cannot and should not be evaded. I say to you, then, that the time has come to moderate demand where it can be moderated.

Our high employment, high profit economy will still provide abundant incentive for continued economic growth in our capacity sufficient to produce the goods we need, for modernizing facilities, and hence for maintaining a strong international competitive position.

We all can see that the investment tax credit has more than demonstrated its ability to keep our productive wheels rolling. I cannot emphasize too strongly that we will need the stimulus of the investment credit in future years and that we are asked only to suspend it for a cooling off period.

Just as suspension of the investment credit is needed to cool off our economy, there is also need of slowing down the rate at which businesses can recoup their capital through accelerated depreciation of their outlays on business structures. Commercial and industrial construction has grown by no less than the phenomenal amount of 27 percent more in the past 12 months than in the year before. I recommend, therefore, that to assure that safe speed limits are applied to all forms of investment, we act promptly to suspend the incentive of accelerated depreciation.

The President is not asking the Congress to shoulder the burden of economic restraint alone. He has urged the Federal Reserve Board, and the Nation's banks, to act to lower interest rates and ease the inequitable burden of tight money. He has asked the business community to do its part by basing demands for credit on genuine needs, not on speculation of future scarcity or higher cost. Labor, too, has been asked to join the team by avoiding wage demands that would raise the average level of costs and prices in the economy. Now, I ask you to join me in giving the President wholehearted support of the legislative proposals before us today.

INFLATION, TAXES, AND THE ECONOMY

Mr. COHELAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Speaker, the prosperity which this country knows today is unparalleled in our history. Production, jobs, and income are at record levels.

During the last 5½ years, profits have doubled, total output has grown by one-third, 8 million new jobs have been created, unemployment has dropped from 7 percent to 3.9 percent and personal income has increased by 39 percent.

Many, indeed most, of these gains have been made possible by the tax actions of this same 5½-year period, actions which have included a reduction in personal and corporate income taxes, faster tax writeoffs for capital improvements and a tax credit for investment in new plant and equipment.

Our problem today is far different from the one we faced in 1961, of high unemployment and idle productive power. If anything, we may have been too successful in moving from too little to too much. Excessive demands on our economy, caused primarily by a tremendous surge of tax-credit-inspired business investment coupled with defense spending, have resulted in rising prices and high interest rates.

Consumer prices are now moving up at a rate of some 3 percent a year. This is a record of price stability which almost any other industrialized nation would view with pride. But its effect has been to erode purchasing power and to inflict a particularly cruel burden on those living on fixed incomes.

Our booming economy and the war in Vietnam have generated a staggering demand for borrowed funds. The inevitable result of this demand, when combined with the restraining actions taken by the Federal Reserve Board, has been a rapid increase in the price of money. But tight money, while putting a squeeze on homebuilding and small businessmen, has not cooled the boom in business investment and commercial building. Business investment, as a matter of fact, is at an alltime high and still rising. Department of Commerce figures reveal that investment rose by $4 billion in the second quarter of this year, as against a rise of $2.6 billion in the first quarter.

To put it in another perspective, since 1961 consumer spending has increased by 37 percent; personal income by 39 percent; and industrial production by 44 percent. But business spending for plant and equipment has increased by 73 percent.

Cast in this light, the President's call last Thursday for a temporary 16-month suspension of the 7-percent investment credit and accelerated depreciation schedule is both reasonable and necessary. The President is to be commended for taking this action to secure a balanced economy, and the legislation now before the House Committee on Ways and Means should be enacted promptly.

This legislation will not immediately, or necessarily by itself, lead to a reduction of high interest rates or the reappearance of mortgage money. But it will ease the present excessive rate of expansion and demand. It will dampen the costly fires of inflation.

Mr. Speaker, prompt consideration also should be given, by both Congress and the administration, to additional fiscal tools to combat inflation. The reliance on interest rates—a monetary tool—over the last several months, has been insufficient. Without appropriate fiscal adjustments to effect a proper "mix" of savings, spending, and investment, the high interest rates have, in some cases, been damaging. They are, at best, a limited instrument.

Consideration should be given to temporarily restoring the reduction in corporate income taxes enacted by Congress in 1963. This action lowered the overall corporate tax rate from 52 to 48 percent and lowered the rate on the first $25,000 of taxable income from 30 to 22 percent.

As the distinguished columnist, Joseph Kraft, pointed out recently, a higher corporate tax rate could begin to bite as soon as Congress acted. It would hit the biggest gainers from the recent prosperity, and the largest source of increased demand.

Consideration should be given as well to enacting emergency, standby tax authority which the President could use for a limited period of time either to spur or hold back economic growth. The Joint Economic Committee pointed out earlier this year that such standby authority could come into effect whenever Congress passes, and the President signs, a joint resolution bringing it into operation. Such action, hopefully, would be accompanied by a revision of the Federal revenue structure which would broaden its base, improve its fairness, and contribute more effectively to steady and sustained economic growth.

I want to make it very clear, Mr. Speaker, that I will support whatever actions are necessary to promote a healthy, growing economy without the cancer of inflation. But I want to make it equally clear that I will oppose efforts to delay or cut back such essential domestic programs as education, housing, revitalization of our cities, or the war on poverty. Reductions in these areas would be false economies indeed. The very fact that Negro unemployment has increased at the same time that our economy is booming, with an overall unemployment at its lowest mark in 6 years, is only one indication that we have a big job to do at home and that we have no time at all to lose in doing it.

If our healthy and growing economy does not provide us with the means to finance our essential efforts both at home and abroad, then I feel confident that the American people will support a reasonable and an appropriate tax increase. For the question is not whether we can afford both guns and butter; it is how.

This country's first and foremost line of defense is its own people. They cannot and must not be neglected, shortchanged or relegated to second place. The doors of economic and social opportunity are not yet fully open to all Americans. We must move quickly to see that they are. We must provide the programs that will make it possible.

A WATCHDOG IN DECLINE

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, in the current issue of Columbia Journalism Review there appears an article by Robert O. Blanchard entitled "A Watchdog in Decline." Mr. Blanchard is acting chairman of the department of journalism, public relations and broadcasting, at American University in Washington, D.C.

He says, among other things, that despite its widely acknowledged achievements, the Foreign Operations and Government Information Subcommittee is now all but defunct. While praising the committee for its vigor during the Eisenhower administration, the article notes that its energies have been "more discreetly applied," during the 5 years of Democrat administration which followed.

Noting this change of heart on the part of a once crusading committee, Mr. Blanchard says:

> The second five years of the subcommittee has been the down-curve. It's decline, however, has been more subtle than its rise.

The writer suggests that in searching for a new watchdog, "political realism must prevail," and he recommends looking for "other young, able Congressmen who are looking for their place in the sun."

I suggest a much more effective solution would be to follow the recommendations of a special Republican task force which strongly recommended that the control of the Committee on Government Operations, always be placed in the hands and control of the minority party. There will always be eyebrows raised when the investigator and the accused are members of the same family.

The praise accorded the recent passage of the freedom of information bill looms less deserving when one reads the article which I commend to my colleagues and the press.

[From the Columbia Journalism Review, summer 1966]

A WATCHDOG IN DECLINE

(This year's enactment of a Federal Public Records Law may have seemed a triumph for freedom of information. But it comes at a time of decay in the information crusade and its chief Congressional adjunct, the Moss Committee.)

(By Robert O. Blanchard)

For ten years, the Special Subcommittee on Government Information and its successor, the Foreign Operations and Government Information Subcommittee, have functioned as a major Congressional weapon to unstop the barriers to the flow of information to the public from the federal bureaucracy. Despite its widely acknowledged achievements, the Moss Committee—as it has been known in the press—is now all but defunct.

Its decline has gone almost unreported. Neither the freedom of information (FoI) reports of the major journalism associations nor the journalism trade press has noted its downward slide in effectiveness over the last five years.

The successes of the Moss Committee in the 1950's might account for this inattention. Representative JOHN E. MOSS, Democrat of California, and his staff, with generous research assistance and publicity from formation restrictions were documented in journalism groups and associations, played havoc with the Eisenhower Administration's information policies. During its first five years (1955–1960), hundreds of cases of inseventeen volumes of hearing transcripts and fourteen volumes of reports and committee prints. Less tangible, but no less impressive, successes were scored by the subcommittee in injecting the FoI issue into political campaigns and in "educating" the bureaucracy. The Moss Committee reached its peak in 1960. The second five years of the subcommittee has been the down-curve. Its decline, however, has been more subtle than its rise.

The most recent mention of the Moss Committee in newspapers has been in connection with the Federal Public Records Law enacted this year. Even this is fruit from the subcommittee's more active days. The basic draft of the bill (S. 1160), which the Moss Committee and the Government Operations Committee reported out this spring, was drawn up in 1960 by the late Professor Jacob Scher, subcommittee counsel. The major differences between the Scher draft and the present law originated in the Senate in 1964.

S. 1160 is only the second major piece of legislation to be reported out by the Moss Committee in a decade. The Moss Committee's specialty has not been legislation. It has been a watchdog, and its role has been to check the "efficiency and economy" of federal operations under its jurisdiction and, if necessary, recommend corrective legislation.

During its ten years, the subcommittee has used a variety of weapons to challenge withholding of information. One of the most important and successful has been the telephone. Most of the time—especially after the Moss Committee gained its reputation—a telephone call from a subcommittee staff member to an agency information officer or an official accused of withholding information could bring about a reversal.

If the call did not work, the next step was usually a letter from Moss to the agency head asking by what statutory authority information was withheld. The next step was publicizing the contents of the letter(assuming an unsatisfactory response from the agency).

The next moves took more subcommittee time and resources. Criteria were established by Moss and the staff to choose cases worth the expenditure of resources. One important criterion was whether the subcommittee had a solid, documented case. Another was whether it was a clear case, which could easily be dramatized by the press.

Some cases were used in speeches by Moss or staff members. Many were included in the periodic subcommittee reports, which were distributed widely and publicized. Others were used to document the need for corrective legislation. Some carefully chosen cases grew into open issues between Moss and a department head. The final step could be a full-scale investigatory hearing.

This "pick and shovel work," as Moss has called it was possible because the Moss Committee could depend on wide press co-operation. This assurance was one of the subcommittee's strongest weapons, one that other committees of Congress did not normally have.

The Moss Committee enjoyed institutionalized support from the beginning through the FoI chairmen or representatives in the American Society of Newspaper Editors, Sigma Delta Chi, Associated Press Managing Editors, the American Newspaper Publishers Association, National Editorial Association (now the National Newspaper Association), and other groups; and its relations with selected Washington reporters—contacts effectively developed and maintained by former newsmen on the staff—also helped.

The Moss Committee-press organization coordination was frequent. In the last pages of a Moss Committee report Representative Clare Hoffman of Michigan, the minority member, charged that subcommittee reports could be read in the newspapers before the reports were completed. Regarding a report to be issued as of August 11, 1958, he said:

"I was interested but not surprised to read all about the contents of this report, complete with quotations, in the wire service messages of early afternoon on August 6, and in full news stories in the Washington *Star* and in the Washington *Post* on August 7."

Other examples can be found in Moss Committee correspondence. When James S. Pope, then of the Louisville *Courier-Journal*, received a copy of one of the subcommittee's unpublished reports in 1960, he wrote to Scher:

"I am sending a copy of this letter to Russ Wiggins [of *The Washington Post*] in the hope that he may have a chance to discuss with you and Sam [Archibald, subcommittee staff director] the best way to have a really good story about the report made available to newspapers upon publication. Some of us, of course, could just pick up the fine job that Russ always gets done on things like this for the *Post*, but I'd like for the A.P. and U.P. to have responsible coverage too. Maybe you could collaborate with the *Post* in a digest that could be made available to A.P. for the Sunday Newsfeature service."

Cooperation was a two-way affair. At times, the Moss Committee staff wrote the press organizations' freedom-of-information annual reports—which were in turn widely reproduced in the press in terms laudatory of the Moss Committee.

In 1962, the APME sent an FoI questionnaire to all Congressional candidates. It had been prepared by the Moss Committee staff, which sent copies of suggested answers to the questions to all Democratic candidates—apparently with the knowledge and approval of the APME—obviously leaving the Republican candidates at a disadvantage.

Coordination between the staff and FoI leaders was augmented through a list of 888 names and addresses. The list included members of all known FoI committees—on the national, state, and local level—major editors and publishers, journalism schools and their faculties, and members of the working press. Through this network, Moss Committee press releases, committee prints, reports, and transcripts were distributed nationally.

To measure the Moss Committee's decline as a watchdog, one may point to the quality and quantity of hearings—the major source of all other subcommittee publications.

From November 7, 1955, to April 23, 1959, the subcommittee held seventeen hearings, many of them vigorously critical of the Eisenhower Administration's security and information policies. These hearings received generally vigorous coverage by the press, with editorial page follow-ups.

After John F. Kennedy became President, there were no hearings until 1963. After breaking this four-year silence, the Moss Committee conducted seven hearings connected with information issues.

Significantly, however, these hearings were not part of the "availability of information" series started during the Eisenhower Administration. The first five Kennedy Administration hearings were labeled "government information plans and policies." Moss was no longer attacking barriers but seeking "guidelines which can and should be imposed on information during periods of crises."

The quality and quantity of subcommittee reports is another measure of decline. During the Eisenhower Administration the subcommittee published fourteen reports and committee prints dealing with aspects of government withholding. Another report, published after Kennedy's election, dealt with the last six months of Eisenhower.

In an equal period of time since the administration has been Democratic, the subcommittee has published only six such reports or prints on a variety of subjects. Few of these—perhaps two—could be classified as similar in quality to publications during the Eisenhower Administration.

What has brought about this qualitative and quantitative change? The reaction of many reporters has been to attribute it to "politics as usual," since Moss is a Democrat, There is a fraction of truth to this explanation. However, the whole story is more complex.

The election of Kennedy, which brought about an administration and Congress under the control of one party, reduced executive-legislative conflict. Moreover, Kennedy significantly changed the issues. Some of this change was due to the success of the Moss Committee in injecting information-access issues into the 1960 campaign. The subcommittee set the stage for and dramatized the Eisenhower Administration's handling of the United States Information Agency prestige-poll controversy. The issue of "executive privilege" (a broadly cited authority for withholding information by high- and low-level officials in the Eisenhower Administration) was also dramatized by the committee. The 1960 Democratic platform contained a freedom-of-information plank, which Moss and the committee staff had initiated.

When Kennedy entered the White House, the Moss Committee staff and Kennedy staff jointly prepared a letter, which Moss "sent" to Kennedy, inquiring about the President's policy on "executive privilege." In responding (in a letter prepared by both staffs), Kennedy said he would limit the use of this unwritten power to himself, contrasted with Eisenhower's delegation of that alleged authority. For this commitment to freedom of information Kennedy was hailed by the Moss Committee and the press. Both, however, probably were aware that it was easy for Kennedy to cast away the forms of the previous administration's information policies for more positive, centralized methods.

Later, during the two Cuban crises, the press and the Moss Committee were to see the other side of this policy. On one hand, Kennedy took a positive attitude: information would be made freely available, yes. On the other hand, under certain circumstances, the timing of the release or the form and context of the information was a matter of of administrative discretion. This "news management" was not unique; previous administrations had practiced it. But it was more dramatic. Eisenhower's information policy had been predominantly restrictive—and less manipulative.

The reaction of the FoI movement to the Kennedy (and Johnson) style—this positive, gate-keeping theory of information flow—was confusion. Just as a possible conflict between Kennedy and the Moss Committee was in the making, in the form of a report on the missile crisis hearings, Kennedy was assassinated.

Another variable affecting the Moss Committee in the early 1960's was the career of JOHN E. MOSS. While chairman of his subcommittee, Moss rose swiftly into the House leadership to the position of deputy Whip. He is now within eventual striking distance of the House Speakership. One does not, as a party leader, unduly, unnecessarily, or willingly embarrass or challenge party leadership when it is in the White House. This new side of Moss has generally been overlooked.

It is perhaps most significant that the FoI movement appears to have lost its steam—at least as evidenced in its relations with the Moss Committee in the past ten years.

The ASNE leadership in the 1950's used an effective ideological and legal weapon—the late Harold L. Cross's *The People's Right to Know*. The book was employed against withholding of information at all levels of government. Cross supplemented his work with legal advice to the Moss Committee. This research, and a well-organized FoI movement, played a significant role in the establishment and direction of the Moss Committee. During its first two years, the Moss Committee acted primarily as a forum for the dramatization of Cross's research and the backlog of other hitherto-ignored FoI cases.

Cross died in 1959, but Scher, another journalism educator-lawyer (both men taught journalism law, Cross at Columbia and Scher at Northwestern), was already an able legal consultant to the Moss Committee. Scher's point of view was as zealous as Cross's.

When Scher died in 1961, other forces were already at work within the FoI movement to lessen its effectiveness. The warhorses—Pope and V. M. (Red) Newton, for instance—retired. One of the most active ASNE leaders had been J. Russell Wiggins. His strategic location in Washington, his position as editor of *The Washington Post*, and his anti-Eisenhower administration politics, made him one of FoI's most effective spokesmen in the 1950's. He has been less active in the 1960's.

The second generation of FoI leaders is at the helm of an old ship on uncharted seas. Its relations with the Moss Committee in this Congress show it. They have lacked independent research resources to check the legal distinctions in FoI legislation and other matters of information policy. They have followed, not led, the Moss Committee staff, forgetting that the subcommittee was largely a creature of conditions the FoI movement helped create. They have long depended on the Moss Committee for legal advice and research, in effect giving the subcommittee *carte blanche*.

Thus the current "freedom of information" act, the Federal Public Records Law, is full of holes. In its original draft, done by Scher in 1960, the measure had three categories of information exempt from disclosure. The final version of this legislation contains nine categories of exemptions—most of them inserted after executive agency pressure. The passage of this bill alone could hardly be termed a victory for freedom of information. If the legislation is to have any of the beneficial effects predicted by the FoI groups, its administration will have to be actively and intelligently watched by these groups with the aid of a Congressional watchdog.

Two broad courses of action seem to be open to those who want to re-establish an effective Congressional check on federal withholding of information and "news management":

1. Retool the FoI movement. There is a wealth of ideology and many platitudes, but little substance, left from the movement's wave of the 1950's. There should be a reassessment of methods, problems, and goals as defined and identified by research on the new conditions of the 1960's.

2. Reconstruct the FoI movement relations with Congress. Congress undoubtedly is still the best recourse to fight administration withholding, as Cross pointed out in 1952.

With Moss now in a leadership position, he is perhaps limited in his time and desire to be an FoI spokesman. The FoI movement can do one, or both, of two things:

Convince Moss that it is in his and the nation's interest to use his subcommittee's resources and his leadership position in the House to review aggressive surveillance of government information withholding *and* management. He could be presented with suggested plans of action, perhaps relating to information about Viet Nam.

Look for other young, able Congressmen who are looking—as Moss was in 1955—for their place in the sun (or at least something to write home about). In searching for a new watchdog, political realism must prevail. No member of Congress should be asked to crusade for an issue which will bring him no political return.

The Moss Committee—like any other political body—lives or dies in a political environment. One of the elements of this environment is the FoI movement. The FoI groups—represented largely by the press—can help determine the life or death of the subcommittee as they have known it. They can do this most effectively by acting realistically within the democratic process as interest groups in support of a principle that is in the public interest as well as their own.

CONGRESSMAN BROCK ASKS DISCLOSURE OF METRO BUSING BILL

Mr. BROCK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BROCK. Mr. Speaker, I understand that the 1967 education bill already has been drafted by the administration and submitted to the Secretary of Health, Education, and Welfare. It apparently is destined to become "must" legislation for the 90th Congress. The real test of new experiments in education, however, will come on this year's pending housing bill, when the House of Representatives will consider the metropolitan development section. It will be through the proposed metro title of the bill that Congress will be asked next year to endorse a multibillion-dollar program designed to achieve "racial balance" in education in virtually every metropolitan area of the country. Thus, if the House of Representatives approves the proposed metro title of the bill now, the administration will have won its biggest test and the scene will be set for forced school busing next year.

For these reasons it is imperative this draft bill be revealed before Congress is tricked into voting for a supposedly innocent metro title of the housing bill.

In terms of radical departure from the traditional Federal role, the school busing scheme will make the open-housing section of the House-passed 1966 civil rights bill look like tiddlywinks. Using metro as the statutory foundation, the Johnson administration apparently intends to ask for:

First. Metropolitan areawide rezoning of school attendance areas, without regard to existing State or county lines, to compel racial balance in public schools;

Second. Busing of suburban schoolchildren into city schools, and busing of city pupils to suburban schools at Federal insistence and expense. Failure to comply with compulsory racial balance will result in massive penalties in a vast array of existing Federal-aid programs included in the pending metro section of the housing bill.

Third. Complete obliteration of present school district boundary lines, with free transfers between school districts.

Fourth. Federal subsidies to underwrite the cost of rewriting history books so as to recast the history of racial and religious minorities.

I insist the Johnson administration make public the existence of this legislation as well as its plans to achieve school busing under the metro title of the pending housing bill. It would be better for the White House and the Office of Education to have the honesty to make public their intentions, along with their motives; but if they refuse I intend to fight to remove the veil of secrecy from this radical plan which would destroy local responsibility for our Nation's educational system.

Mr. Speaker, I include an article entitled "Education Bombshell" in the September 9 Washington Post by Robert Novak and Rowland Evans at this point in the Record:

[From the Washington Post, Sept. 9, 1966]

Inside Report: Education Bombshell

(By Rowland Evans and Robert Novak)

In the highest reaches of the Department of Health, Education and Welfare, planners have secretly put together an education bill for 1967 that would be certain to whip the white backlash into a frenzy.

The bill recommended by a policy planning task force quietly at work for the last several months would make a radical departure in Government policy by supplying extra Federal funds to school districts that achieve an integrated racial balance. Put another way, school districts that do not achieve that balance would be penalized.

This would escalate the Federal Government's attack on de jure (legal) segregation in the South to an assault on de facto (neighborhood) segregation in the North. In fact, the task force recommends that the Johnson Administration actively promote such politically explosive integration devices as school busing and pupil exchanges between the white suburbs and the black inner city.

Whether the White House will finally put its stamp of approval on this combustible package and send it to Congress next year is a matter of considerable doubt. Nevertheless, the fact that Federal officials who have the most to do with education would seriously consider such a plan is a matter of major interest.

For, quite apart from adding to the backlash, their plans run counter to modern, sophisticated thinking on how to solve the education problem in the Negro ghettos. With Negro school population as high as 90 per cent in some cities, civil rights leaders conceded that racial balance may not be an attainable goal and that Federal funds would be far better spent making all-Negro schools the very best in teachers and equipment.

But even that is in some doubt. The basic problem in ghetto schools may be the methods of education and, most important, the quality of the student's home life.

But no such subtleties are discussed in the program of the task force, which has now gone to the desk of Education Commissioner Harold Howe and may soon be drafted into a legislative bill. It calls for the "Equal Education Opportunity Act of 1967" to provide extra funds for school districts willing to take steps to achieve racial balances.

Specifically, Howe's planners talk of encouraging district-wide rezoning, site selection designed to produce integrated schools, school busing, pupil exchanges between the suburbs and the inner city and even new kinds of curricula designed to aid racial integration. The task force recommends that these integration grants start at $175 million in the next fiscal year and climb to $375 million four years later.

Even more interesting is a confidential suggestion by the task force that school grants be made a part of the metropolitan planning section of President Johnson's "demonstration cities" bill now pending in Congress.

This section would provide a 20 per cent boost in many varieties of Federal grants—highways and airports, for example—for cities that set up a metro planning agency meeting Federal specifications. The education task force suggests that school grants could be added to this list by a simple amendment next year.

This leads to the possibility that if a school district did not conform to Federal standards on racial balance, the metropolitan area could lose not only the extra school grants but the 20 per cent extra money for all other varieties.

Moreover, the allocation of the extra school money for the integrated districts would be made not by the state Departments of Education but by the Commissioner of Education in Washington. And Howe has left no doubt about how he feels on this score.

In sharp contrast to his predecessor as Commissioner, Francis Keppel, Howe has shown no hesitancy to involve Uncle Sam directly in the sensitive problem of de facto segregation.

CONGRESSMAN HORTON URGES BIGGER AND BROADER FEDERAL SUPPORT FOR WATER-POLLUTION CONTROL

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, recently, I introduced a measure which provides for 70 percent Federal grant participation in research projects undertaken to reduce industrial pollution of our waterways. I want today to praise the House Public Works Committee for its prompt and responsible action in reporting this measure as part of its omnibus antipollution measure, H.R. 16076.

While there is no question that industry is responsible for much of the water pollution problem we are faced with, it is also a fact that the research and vast financial outlays required to eliminate industrial pollution cannot be provided by industry alone. Further, there is serious doubt, as evidenced by recent hearings of the Committee on Science and Astronautics, that the technological tools needed to solve this problem are sufficiently developed. Thus, it is doubly important that we provide adequate aid for the research which is needed to develop these methods and equipment, and to bring the solutions within our reach.

Earlier this session, I introduced H.R. 17170 providing for recognition awards to industries and municipalities which demonstrate excellence in pollution abatement. The research grant program provides further means of helping firms which show initiative in eliminating pollution. I am particularly pleased that the committee has approved the 70 percent Federal participation formula for research grants. Both in H.R. 17576, my bill paralleling this provision, and in H.R. 17369, which I introduced recently, I have supported high percentages of Federal participation in pollution control research and works projects.

Just as industry cannot bear all of the burden of developing solutions to the contamination of our waters, cities and towns are under as much or more financial stress, with demands on their tax dollars from myriad municipal responsibilities. Thus, the Federal role must be enhanced if we are to implement effective clean water programs and facilities.

In H.R. 17369, I provided for 70-percent Federal participation in sewage treatment construction projects undertaken by municipalities, while both the Senate and the House Public Works Committees have kept this participation below 50 percent. Like the research grant program the committee has just reported at the 70-percent level, the treatment works grant program bears close watching to see if the participation provided is adequate incentive for the prompt improvement of this Nation's pollution prevention facilities.

Mr. Speaker, I again want to commend the committee on its foresight in reporting so promptly this urgently needed program for research in the area of industrial pollution. We are fortunate in having on this committee, men who are dedicated to the task of cleansing our waterways, men like Congressman ROBERT E. JONES, with whom I am proud to serve as the ranking minority member of his Government Operations Subcommittee on Natural Resources and Power.

BUSING OF STUDENTS TO CREATE RACIAL BALANCE

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, I have been deeply disturbed that despite the mandate of Congress against granting or withholding of Federal funds for the purpose of facilitating the busing of students to accomplish de facto integration or racial balance, Commissioner of Education Howe is apparently determined to use the full power of his Office to force the busing of students and also to threaten neighborhood schools by this method and by promoting school desegregation through the single school campus concept. The school commune is on its way unless Congress stops it.

As the author of the amendment to title IV of the 1964 Civil Rights Act involving the school desegregation, I can attest that it is the intent of Congress that no funds under that title or under the 1964 Civil Rights Act should be spent for the purpose of creating racial balance or for the busing of students.

Pursuant to my amendment on the floor of the House in 1964, "desegregation" was defined, as now appears in title 42, United States Code, Subchapter IV, Public Education, section 2000c(b), as follows:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

To further emphasize this intent of Congress, section 2000c–6 provides for action by the Attorney General in desegregation cases and states that—

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

This latter provision was written into this title by my amendment in the Judiciary Committee.

The debate on the House floor and the report on the bill clearly shows that Congress intended that no power of the Federal Government and no funds administered by the Federal Government could or should be used for the purpose of busing students.

Despite this mandate, I have been informed that the Hartford, Conn., School Board, acting in an area where there has not been any deliberate segregation, has proposed a grant of $130,840 to combat de facto segregation and that it is making a request for this sum as part of a program which involves the busing of 300 students to suburban areas.

There are a number of other grants that have been brought to my attention that could easily involve the same misuse of Federal funds, including the following: Los Angeles, $109,103; New York City, $199,951; Oakland, Calif., $30,000; California State Department of Education, $153,901; New York State Department of Education, $85,400.

In order to prevent this misuse of funds and to inform the Commissioner of the clear intent of Congress, I directed a letter to Mr. Harold Howe II, Commissioner of Education, which follows these remarks asking for a full report on these matters. The House should be fully advised as to how Federal funds are being spent for this purpose contrary to law.

This letter was addressed to Mr. Howe on August 23, 1966, and as of this date, I have had no reply nor have I had a call from Mr. Howe concerning my protest. I am therefore making my correspondence a matter of record, as well as an article which appeared in the September 5, 1966, issue of the U.S. News & World Report entitled, "Is Federal Aid Helping To End Neighborhood Schools?" This is being done for the information of the Congress and the judiciary and the Appropriations Committee that have oversight functions relating to the civil rights bill and the spending of funds.

I am also inserting an article by Rowland Evans and Robert Novak entitled "Education Bombshell," which substantiates the fact that legislation will soon be proposed to use the "demonstration cities" bill, should it become law, to force the busing of students and to accomplish racial balance. This proposal suggests that the full power of the Federal Government would be used to enforce the expedition of racial balance within metropolitan school areas in order to combat de facto segregation.

Also disturbing is the fact that Federal funds are being withheld by the Department of Education under title V of the 1964 Civil Rights Act in order to accomplish "racial balance" although it is obvious that the definition of "desegregation" under title IV was intended to apply equally to title V grants and loans.

The material requested follows:

[From U.S. News & World Report, Sept. 5, 1966]

IS FEDERAL AID HELPING TO END NEIGHBORHOOD SCHOOLS?

Government purse strings are being opened to Northern classrooms to push integration—That's the latest charge in Congress, where issue is raised about the legality of educational grants designed to discourage "racial imbalance" in schools.

Federal programs to help "desegregate" schools in Northern cities have run into a challenge in Congress.

The challenge came on August 23 from Representative WILLIAM C. CRAMER (Rep.), of Florida.

Representative CRAMER charged that the U.S. Office of Education "appears to be violating" the 1964 Civil Rights Act by granting more than $730,000 of federal funds "to implement experiments attacking *de facto* segregation or racial imbalance" in Northern schools.

Mr. CRAMER wrote the U.S. Commissioner of Education, Harold Howe II, asking "under what authority" his office is making such grants and told the House, "I intend to pursue this matter."

Mr. Howe, on August 25, denied Mr. CRAMER's charge and said "a full, responsive reply to the Congressman's inquiry is being prepared."

The issue raised in this dispute is one that could decide the fate of the system of "neighborhood schools" that is used in the North. That issue:

Is there any legal authority for federal action to break up the kind of "segregation" found in the North?

This so-called *de facto* segregation is not caused by the exclusion of Negroes from white schools. It results from housing patterns, with Negroes concentrated in neighborhoods that are nearly all-Negro, and with children attending schools in their neighborhoods.

The Supreme Court has never held that this is unconstitutional.

Congress has tried to exclude *de facto* segregation as a target of its civil-rights legislation.

LEGAL QUICKSAND

Mr. Howe complained recently that in trying to attack the Northern style of "segregation," federal officials run into "quicksands of legal interpretation." He said: "We can't do anything; we can only suggest and stimulate local school districts."

Many federal officials, however, have come out with "suggestions"—and federal "stimulation" is being given to a variety of local actions.

Much of the "stimulation" to local action has come in the form of federal money. Some of this money has come from funds appropriated for aid for education—not from the civil-rights funds cited by Representative Cramer.

East Orange, N.J., for example, has received $162,000 of federal aid-to-education money for planning an "educational plaza" which would serve to bring together school facilities now scattered widely around the city.

The East Orange idea is to "phase out all neighborhood schools" and replace them with a central complex that would provide "a common educational experience for children and youth from all sections of the city—rich and poor, Negro and white."

East Orange officials are hoping for additional federal funds in carrying out this plan.

OTHER CITIES, OTHER METHODS

Similar ideas for central "educational parks" or "plazas" are being discussed in several cities.

Mt. Vernon, N.Y., is counting on federal assistance to establish a model "children's acedemy"—using the newest educational methods—located on the fringes of white and Negro neighborhoods to attract children of both races.

This idea is in line with a recent Howe suggestion that "we will have to reappraise where the boundary lines of neighborhoods should be drawn when we speak of 'the neighborhood school.' "

Mr. Howe also suggested that the nation needs to take a "close look" at the whole system of neighborhood schools in the light of its frequent effect of separating Negroes from whites in the schoolroom.

Another Howe suggestion is that white suburbs should share the racial problems of city schools. One of his ideas is that city school districts might combine with suburban districts.

This idea has been under consideration in Atlanta, Ga., where school authorities talk of creating a Metropolitan Educational Authority that would include the predominantly white suburbs along with the heavily Negro city.

WHAT VOTERS THINK

One problem that Atlanta has encountered is that many suburban residents do not relish the idea of unification with the city.

Last May, voters of suburban Sandy Springs turned down by a vote of more than 2 to 1 a proposed annexation with Atlanta. One reason given by a Sandy Springs leader was fear "the Federal Government might compel busing of students" because "we don't have enough Negroes in our community."

Norman F. Lent, a State senator from a suburb of New York City, was quoted by "The Wall Street Journal" recently as predicting that "the time is coming when the City of New York will attempt to exchange students on a forced basis with its suburbs."

To this, according to "The Journal," Mayor John L. Messina of suburban Port Chester replied: "Never."

Commissioner Howe warned educators in a recent speech that they must be prepared to risk "enraging suburban taxpayers" to carry out the task of desegregating Northern schools.

Busing of city Negroes to suburban schools already is being tried on a small scale in several cities.

One of the federal grants attacked by Representative Cramer gives $130,000 to a Hartford, Conn., experiment in which 266 pupils from heavily Negro schools in the city are to be bused into white suburbs.

This grant was made under Title IV of the 1964 Civil Rights Act, which authorizes federal aid for dealing with problems of "desegregation."

The federal money is not used to finance the actual busing of Hartford pupils. Instead, it goes for the pay and training of special teachers and consultants, and for "evaluation" of the results of the experiment.

Mr. Howe describes this as helping "school personnel to deal effectively with special educational problems occasioned by desegregation, which is in the authorizing language of Title IV." He insists:

"No Title IV funds are being used for transporting pupils or overcoming racial imbalance."

A DEFINITION OF DESEGREGATION

Mr. Cramer's position is that the Hartford grant is "part and parcel" of a program based on busing and thus "encourages what the Congress specifically forbade." He told the House:

"In passing the 1964 Civil Rights Act, this body adopted my amendment to the definition of 'desegregation' which says that 'desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance'."

In the light of this definition, Mr. Cramer said:

"It becomes crystal clear that the award of federal funds to any school board for the purpose of implementing programs aimed at overcoming *de facto* segregation or racial imbalance is absolutely improper. . . .

"Grants are being made to Northern school boards, including Hartford, Conn., where there has not been any deliberate segregation of students in the public schools. The only logical conclusion is that the grants are being made to overcome *de facto* segregation or racial imbalance."

SPENDING IN OTHER CITIES

In addition to the Hartford grant, officials of the U.S. Office of Education list these other grants that have been made under the Civil Rights Act for "desegregation" purposes to school systems that are outside the South:

Los Angeles, $109,103 to train personnel in problems of desegregation.

New York City, $199,951 for training personnel with one aim described as: "to develop skills in the area of civil liberties and civil rights."

Oakland, Calif., $30,000 for "advisory specialists in solving the problems of racially and ethnically mixed schools."

California State department of education, $153,901 "for a Statewide advisory service for local school districts to assist them in dealing with problems incident to desegregation."

New York State department of education, $85,400 "to establish a model State program for desegregation" and $8,600 for a teacher institute "on individualizing instruction for classroom integration in two schools of New York City.

Syracuse, N.Y., $12,604 for planning a school-desegregation program.

Together with the Hartford project, these grants add up to the $730,000 figure cited by Mr. Cramer.

Whatever the outcome of the Cramer challenge to such spending, the role of the Federal Government in the war on *de facto* segregation seems sure to grow.

Studies of Northern schools are being made by the U.S. Civil Rights Commission and the Office of Education. Bills are pending in Congress to authorize specifically the use of federal aid against racial imbalance.

Schools of the South have been under federal pressure ever since the Supreme Court outlawed separate schools for Negroes in 1954. Now the pressure is shifting to the North, as well.

AUGUST 23, 1966.

Mr. HAROLD HOWE II,
Commissioner of Education,
Washington, D.C.

DEAR MR. HOWE: I have been informed that the Department of Education has granted or is in the process of granting over $730,000 under Title IV of the 1964 Civil Rights Act to implement programs aimed at overcoming de facto segregation or racial imbalance.

Although it is my understanding that the Federal government is not authorizing these grants for the purpose of financing the actual busing of students to public schools in order to overcome racial imbalance, the grants in some areas are being awarded as part and parcel of local proposals which are based in the first instance on the busing students. The definition of "desegregation" which was adopted by the Congress in the 1964 Civil Rights Act makes it clear that grants in aid of desegregation are to be awarded only to schools where desegregation comes about as a normal incident of the integration of public schools and not as part of an effort to achieve racial balance. The result is that the Office of Education appears to be violating both the letter and the spirit of Title IV of the 1964 Civil Rights Act which specifically prohibits the granting of Federal funds for the purpose of promoting the assignment of students to overcome racial imbalance.

In view of the clear intent of Congress in enacting Title IV, and specifically in light of its definition of "desegregation", I am herewith requesting to know under what authority your Office is acting in making these grants to northern school boards, where there has been no deliberate segregation, for the purpose of overcoming defacto segregation or racial imbalance.

I am specifically requesting information on the proposal made by the Hartford, Connecticut School Board where there has been no deliberate segregation and which I understand has requested $130,840 to attack defacto segregation and which is making its request for this sum as part of a program which involves the busing of 300 students to suburban areas.

Sincerely,

WILLIAM C. CRAMER,
Member of Congress.

[From the Washington (D.C.) Post, Sept. 9, 1966]

EDUCATION BOMBSHELL

(By Rowland Evans and Robert Novak)

In the highest reaches of the Department of Health, Education and Welfare, planners have secretly put together an education bill for 1967 that would be certain to whip the white backlash into a frenzy.

The bill recommended by a policy planning task force quietly at work for the last several months would make a radical departure in Government policy by supplying extra Federal funds to school districts that achieve an integrated racial balance. Put another way, school districts that do not achieve that balance would be penalized.

This would escalate the Federal Government's attack on de jure (legal) segregation in the South to an assault on de facto (neighborhood) segregation in the North. In fact, the task force recommends that the Johnson Administration actively promote such politically explosive integration devices as school "busing" and pupil exchanges between the white suburbs and the black inner city.

Whether the White House will finally put its stamp of approval on this combustible package and send it to Congress next year is a matter of considerable doubt. Nevertheless, the fact that Federal officials who have the most to do with education would seriously consider such a plan as a matter of major interest.

For, quite apart from adding to the backlash, their plans run counter to modern, sophisticated thinking on how to solve the education problem in the Negro ghettos. With Negro school population as high as 90 per cent in some cities, civil rights leaders conceded that racial balance may not be an attainable goal and that Federal funds would be far better spent making all Negro schools the very best in teachers and equipment.

But even that is in some doubt. The basic problem in ghetto schools may be the methods of education and, most important, the quality of the student's home life.

But no such subtleties are discussed in the program of the task force, which has now gone to the desk of Education Commissioner Harold Howe and may soon be drafted into a legislative bill. It calls for the "Equal Education Opportunity Act of 1967" to provide extra funds for school districts willing to take steps to achieve racial balances.

Specifically, Howe's planners talk of encouraging district-wide rezoning, site selection designed to produce integrated schools, school busing, pupil exchanges between the suburbs and the inner city and even new kinds of curricula designed to aid racial integration. The task force recommends that these integration grants start at $175 million in the next fiscal year and climb to $375 million four years later.

Even more interesting is a confidential suggestion by the task force that school grants be made a part of the metropolitan planning section of President Johnson's "demonstration cities" bill now pending in Congress.

This section would provide a 20 per cent boost in many varieties of Federal grants—highways and airports, for example—for cities that set up a metro planning agency meeting Federal specifications. The education task force suggests that school grants could be added to this list by a simple amendment next year.

This leads to the possibility that if a school district did not conform to Federal standards on racial balance, the metropolitan area could lose not only the extra school grants but the 20 per cent extra money for all other varieties.

Moreover, the allocation of the extra school money for the integrated districts would be made not by the State Departments of Education but by the Commissioner of Education in Washington. And Howe has left no doubt about how he feels on this score.

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UNITED STATES-CANADIAN AUTOMOTIVE AGREEMENT

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STALBAUM. Mr. Speaker, since the United States-Canadian Automotive Agreement was implemented last December, the little band of gloomy prophets who opposed its ratification has watched foreboding become fact.

In a letter to our colleagues on August 30, 1965, Representatives BRADEMAS, McCLORY, STUBBLEFIELD, and I listed our objections to passage of the authorizing legislation. Our opposition can be summed up in one terse sentence:

> The United States will give away part of its market in automotive products to Canada and get nothing in return.

The accuracy of this prognosis is confirmed by statistics collected by the Automotive Manufacturers Association and the U.S. Commerce Department's Business and Defense Supply Agency. Judging from the January–March figures, total imports of Canadian auto parts in 1966 will be three times greater than in 1965.

Another alarming comparison indicates that the value of Canadian passenger cars imported by the United States in the first 6 months of 1966 already exceeds twice the value of these vehicles imported in all of 1965.

These trends forecast a 30-percent decline in our favorable trade balance with Canada in new vehicles and parts by the end of the year—a slump which is cause for concern in itself but which is also one more heavy straw on our precarious balance-of-payments account.

This altruistic benevolence lavished on our northern neighbor has had another distressing—and costly—repercussion. The Automotive Products Trade Act has already been certified as the "primary factor" in the elimination of 600 jobs held by American workers, and many more American jobs and paychecks will be casualties of the administration's generosity to the Canadian labor market. Ultimately, this generosity may cost American taxpayers millions of dollars in unemployment compensation payments.

Opportunities to say "I told you so" are rare; this one is too tempting to resist. However, my remarks have a higher purpose. I hope they will provoke an immediate review of the automotive agreement that will lead to renegotiation of its liberal concessions to Canadian prosperity. Shoring up the Canadian economy and sweetening our diplomatic relations with Canada are admirable objectives, but the administration apparently must be reminded that its primary obligation is to American workers, American industry, and the American economy.

A BILL TO STRENGTHEN THE REGULATORY AND SUPERVISORY AUTHORITY OF FEDERAL AGENCIES OVER INSURED BANKS AND INSURED SAVINGS AND LOAN ASSOCIATIONS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, today I have introduced the following bill, the text of which is included, followed by a summary and section-by-section analysis:

H.R. 17703

A bill to strengthen the regulatory and supervisory authority of Federal agencies over insured banks and insured savings and loans associations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Financial Institutions Supervisory Act of 1966".

TITLE I—PROVISIONS RELATING TO THE FEDERAL HOME LOAN BANK BOARD AND THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

SEC. 101. Subsection (d) of section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)) is hereby amended to read as follows:

"(d)(1) The Board shall have power to enforce this section and rules and regulations made hereunder. In the enforcement of any provision of this section or rules and regulations made hereunder, or any other law or regulation, or in any other action, suit, or proceeding to which it is a party or in which it is interested, and in the administration of conservatorships and receiverships, the Board is authorized to act in its own name and through its own attorneys. The Board shall be subject to suit by any Federal savings and loan association or director or officer thereof or other aggrieved person with respect to any matter under this section or any other applicable law, or rules or regulations thereunder, in the United States district court for the judicial district in which the home office of the association is located in or which such aggrieved person resides or in the United States District Court for the District of Columbia, and the Board may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

"(2)(A) If by formal resolution the Board determines that an association is violating or within the past two years has violated any law or regulation, it may issue and serve upon the association a notice of charges in respect thereof. The notice shall contain a statement of the facts and actions which constitute the alleged violation or violations of law or regulations and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the association. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of the notice, provided, however, that the Board shall fix an earlier date and may fix a later date at the request of the association. Unless the association shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent, or if upon the record made at any such hearing the Board shall find that any violation specified in the notice of charges has been established, the Board may issue and serve upon the association an order to cease and desist from any such violation. Such order may, by provisions which may be prohibitory or mandatory or a combination thereof, require the association and its directors, officers, employees, and agents to cease and desist from the same, and, further, to take affirmative action to correct the conditions resulting from any such violation.

"(B)(1) Any hearing provided for in this subsection (d) shall be held in the Federal judicial district or in the territory in which the home office of the association is located, unless the party afforded the hearing consents to another place, and shall be conducted by one or more independent hearing examiners in accordance with the provisions of the Administrative Procedure Act; but such hearing shall be private and the record of such hearing shall be sealed, unless a public hearing is requested by the party afforded the hearing. The hearing shall be conducted with reasonable expedition, and within ninety days after the Board has notified the parties that the case has been submitted to it for final decision. The Board shall render its decision in writing on the record made at the hearing (which decision shall include findings of fact upon which it is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this subsection (d). Unless a petition for court review is timely filed and thereafter until such record as may then exist in the proceeding has been filed with the court, the Board may at any time, upon reasonable notice to affected persons, modify any such order in a manner consistent with the hearing record so as to make it less onerous or terminate or set aside the order. However, when a petition has been filed with an appropriate court and when such record has been filed with the court, the Board may modify, terminate, or set aside any such order only with permission of the court.

"(2) In the course of or in connection with any proceeding under this subsection (d), the Board or any member thereof or a designated representative of the Board, including any person designated to conduct any hearing under this subsection (d), shall have power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash or modify subpenas and subpenas duces tecum; and the Board is empowered to make rules and regulations with respect to any such proceedings consistent with the provisions of the Administrative Procedure Act and this Act. The attendance of witnesses and the production of documents provided for in this paragraph may be required from any place in the State or territory at the designated place where such proceeding is being conducted or from any place in any other State or territory at any designated place within such other State or territory, respectively. Any party to proceedings under this subsection (d) may apply to the United States district court for the District of Columbia or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted or where the witness resides or carries on business, for enforcement of a subpena or subpena duces tecum issued pursuant to this paragraph, and such courts shall have jurisdiction to order and require compliance with the terms of such subpenas and subpenas duces tecum. Witnesses subpenaed under this paragraph shall be paid the same fees and mileage that are paid witnesses in the United States district courts. All expenses of the Board or of the Federal Savings and Loan Insurance Corporation in connection with this subsection (d) shall be considered as nonadministrative expenses. Any service required or authorized to be made by the Board under this subsection (d) may be made by registered mail or by personal service, as the Board may by regulation or otherwise provide.

"(C) A cease and desist order shall become effective at the expiration of thirty days after service of such order upon the association concerned (except in the case of a cease and desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Board or by a reviewing court.

"(D) In the case of a failure to obey a cease and desist order, as to which a petition for review has not been filed in the proper United States district court, the Board may apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of the association is located, for an injunction to enforce such order, and such courts shall have jurisdiction to entertain such application and, if the court shall determine that there has been such a violation of a law or regulation as forms the basis for the cease and desist order and that there has been such a failure to obey, it may issue such injunction.

"(E) Within thirty days after the date a cease and desist order is served upon it, an association or any aggrieved person may file a petition for review of such order in the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of such association is located, or in the United States District Court for the District of Columbia. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction to determine and adjudicate the issues of law and fact presented thereby and shall have jurisdiction to enter a judgment determining the validity of or enjoining, suspending, setting aside or enforcing, in whole or in part, the order issued by the Board. In any such action, the court shall consider the record in the proceeding before the Board, may take evidence, and may conduct a trial of the facts and law in the case de novo if in its opinion the circumstances of the case warrant such action. Appeals from any action of such court in such proceedings shall lie as in other matters subject to its jurisdiction.

"(F) The filing of a petition for review under subparagraph (E) of this paragraph shall not of itself stay or suspend the effectiveness of a cease and desist order which is the subject of the petition for review, but the court in its discretion may restrain or suspend, in whole or in part, the operation of the order pending its determination of the matters in petition.

"(G) Where a petitioning association or an aggrieved person applies for an interlocutory injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any action by the Board following service upon the association of a notice of charges of violation of a law or regulation, the court shall exercise jurisdiction over such an application and, in cases where irreparable damage would otherwise ensue to the petitioner, shall order a temporary stay or suspension, in whole or in part, of further action of the Board upon the charges pending the decision on the application for such interlocutory injunction, in which case such order of the court shall contain a specific finding that such irreparable damage would result to the petitioner and specifying the nature of such damage. The hearing of such an application for an interlocutory injunction shall be given preference and expedited and the application shall be heard at the earliest practicable date after notice to the Board by the court of hearing on the application.

"(H) Any court having jurisdiction of any proceeding instituted under this subsection (d) by an association or a director or officer thereof or other aggrieved person may allow to any such party such reasonable expenses and attorneys' fees as it deems just and proper; and such expenses and fees shall be paid by the association or from its assets.

"(I)(1) In any proceeding properly brought before it under this subsection (d), a court shall have power to hear and determine all questions of law or fact that may be at issue between the parties in the proceeding without being bound by any conclusions of law or fact previously made by the Board.

"(2) Any action or proceeding authorized under this subsection (d) may be brought by an association or other aggrieved person without exhausting any alternative administrative procedures or remedies that may be available to such association or person.

"(3) If the home office of an association is not located within a judicial district of the United States, any action or proceeding authorized under this subsection (d) to which such association is a party or affecting such association may be filed in the United States district court for the District of Columbia, and such court shall have jurisdiction as if such office were located within the district of such court. Service on such association in any such action or proceeding may be made by registered mail.

"(J)(1) The term 'cease and desist order' includes a cease and desist order that has been affirmed or modified under any provision of this subsection (d).

"(2) The terms 'cease and desist order which has become final' and 'order which has become final' mean a cease and desist order and an order, respectively, with respect to which the time allowed for filing petition for review has expired without the filing of such petition, or if such a petition has been filed, with respect to all subsequent rights of any party to appellate review of or writs of certiorari in any related proceedings have terminated.

"(3) The term 'cease and desist order' shall not include any order that has the effect of limiting the rate of dividends or interest payable on savings or loans handled by an association, of appointing or removing any officer, director, employee, agent, or attorney of an association, of assuming any managerial function of an officer or director of an association, or of assuming any prerogative of shareholders or stockholders of an association.

"(4) The term 'territory' includes the Commonwealth of Puerto Rico, and any possession of the United States or any place subject to the jurisdiction of the United States.

"(3)(A) Except as otherwise provided in this paragraph (3), the grounds for appointment of a conservator or receiver for an association shall be one or more of the following: (i) insolvency in that the assets of the association are less than its obligations to its creditors and others, including its members; (ii) willful and substantial dissipation of assets or earnings due to a violation or violations of law or regulations; (iii) willful and substantial violation of a cease and desist order which has become final; and (iv) concealment of books, papers, records, or assets of the association, or refusal to submit books, papers, records, or affairs of the association for inspection to any examiner or lawful agent of the Board. The Board shall have exclusive power and jurisdiction to appoint a conservator or receiver upon court order as hereinafter provided.

"(B) Appointment of a conservator or receiver upon any one or more of the grounds set forth in this paragraph (3) shall be made by the Board upon the order of the United States district court for the district in which the home office of the association involved is located.

"(C) In the event such court shall find that one or more of the grounds set forth in this paragraph (3) for the appointment of a conservator or receiver exists and that an emergency exists which involves a substantial and continuing dissipation of assets, or in the event such court finds that the management of the association involved is unable to exercise validly effective control of the association, the court may order the Board to appoint a conservator or receiver ex parte and without notice to the association affected by the order. However, in the event of such appointment the association may, within thirty days after such appointment petition the court that issued such an order for an order rescinding such appointment and the court shall upon the merits either dismiss such action and affirm the appointment or order the Board to terminate such appointment.

"(D) In any proceeding brought by the Board for the appointment of a conservator or receiver, the court shall grant such request only if in the opinion of the court the issuance of a cease and desist order under subsection (d) would not afford the Board an effective method of protecting the interests of the public or of the savings account holders of the association or the interests of the Federal Savings and Loan Insurance Corporation.

"(E) Proceedings under this paragraph (3) shall be given precedence over other cases pending in any such court, and shall in every way be expedited.

"(F) In addition to the foregoing provisions, the Board may, without any requirement of notice, hearing, or other action, appoint a conservator or receiver for an association in the event that the association, by resolution of its board of directors or of its members, consents to such appointment.

"(G) (1) A conservator shall have all the powers of the members, the directors, and the officers of the association and shall be authorized to operate the association in its own name or to conserve its assets in the manner and to the extent authorized by the Board. The Board shall appoint only the Federal Savings and Loan Insurance Corporation as receiver for an association, and said Corporation shall have power to buy at its own sale as receiver, subject to approval by the Board.

"(2) The appointment of a receiver under any provision of this subsection (d) shall constitute a default within the meaning of Title IV of the National Housing Act.

"(3) The Board may, without any requirement of notice, hearing or other action, petition the appointing court to replace a conservator with another conservator or with a receiver, but any such replacement, or a succession of such replacements, shall not affect any right which the association may have for review of the original appointment, except that any removal resulting from such review shall be removal of the conservator or receiver in office at the time of removal.

"(H) The Board shall have power to make rules and regulations for the reorganization, consolidation, merger, liquidation and dissolution of associations and for associations in conservatorship and receivership and for the conduct of conservatorships and receiverships; and the Board may, by regulation or otherwise, provide for the exercise of functions by members, directors, or officers of an association during conservatorship and receivership.

"(I) Whenever a conservator or receiver appointed by the Board in the manner provided in this paragraph (3) demands possession of the property, business, and assets of any association, or of any part thereof, any director, officer, employee, or agent of such association who refuses to comply with the demand shall upon conviction for such refusal be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"(4) The members, directors, officers and attorneys of the association in office at the time of initiation of any proceedings under this subsection (d) are expressly authorized to contest any such proceedings, and shall be reimbursed for reasonable expenses and attorneys' fees by the association or from its assets, and the Board in any such proceeding before it or its delegates shall allow and order paid any such reasonable expenses and attorneys' fees.

"(5) (A) Except with written consent of the Board, no person shall serve as a director, officer, or employee of an association or as an officer or employee of the Federal Home Loan Bank Board who has been finally convicted within five years preceding the proposed commencement of such service, or who is hereafter finally convicted, of a felony involving dishonesty or breach of trust.

"(B) For each conviction of willful violation of the prohibition in this paragraph (5), the person involved shall be subject to a fine of not more than $100 for each day the prohibition is violated or imprisonment for not more than ten days for each day the prohibition is violated, or both such fine and imprisonment."

SEC. 102. Section 407 of the National Housing Act (12 U.S.C. 1730) is hereby amended by inserting "(a)" before the word "Any" at the beginning of said section and by adding the following new paragraphs at the end of said section:

"(b) (1) Before beginning any proceeding to terminate insurance under the provisions of subsection (a) of this section, however, if by formal resolution the Corporation determines that any insured institution or any institution any of the accounts of which are insured is violating or within the past two years has violated any law or regulation, it may issue and serve upon the institution a notice of charges in respect thereof. The notice shall contain a statement of the facts and actions which constitute the alleged violation or violations of law or regulations and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the institution. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of the notice, provided, however, that the Corporation shall fix an earlier date and may fix a later date at the request of the institution. Unless the institution shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent, or if upon the record made at any such hearing the Corporation shall find that any violation specified in the notice of charges has been established, the Corporation may issue and serve upon the institution an order to cease and desist from any such violation. Such order may, by provisions which may be prohibitory or mandatory or a combination thereof, require the institution and its directors, officers, employees, and agents to cease and desist from the same, and, further, to take affirmative action to correct the conditions resulting from any such violation.

"(2) Any hearing provided for in this subsection (b) shall be held in the Federal judicial district or in the territory in which the home office of the insured institution is located, unless the party afforded the hearing consents to another place, and shall be conducted by one or more independent hearing examiners in accordance with the provisions of the Administrative Procedure Act; but such hearing shall be private and the record of such hearing shall be sealed, unless a public hearing is requested by the party afforded the hearing. The hearing shall be conducted with reasonable expedition, and within ninety days after the Corporation has notified the parties that the case has been submitted to it for final decision, the Corporation shall render its decision in writing on the record made at the hearing (which decision shall include findings of fact upon which it is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this subsection (b). Unless a petition for court review is timely filed and thereafter until such record as may then exist in the proceeding has been filed with the court, the Corporation may at any time, upon reasonable notice to affected persons, modify any such order in a manner consistent with the hearing record so as to make it less onerous or terminate or set aside the order. However, when a petition has been filed with an appropriate court and when such record has been filed with the court, the Corporation may modify, terminate, or set aside any such order only with permission of the court.

"(3) In the course of or in connection with any proceeding under this subsection (b), the Corporation or a designated representative of the Corporation, including any person designated to conduct any hearing under this subsection (b), shall have power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash or modify subpenas and subpenas duces tecum; and the Corporation is empowered to make rules and regulations with respect to any such proceedings consistent with the provisions of the Administrative Procedure Act and this Act. The attendance of witnesses and the production of documents provided for in this paragraph may be required from any place in the State or territory at the designated place where such proceeding is being conducted or from any place in any other State or territory at any designated place within such other State or territory, respectively. Any party to proceedings under this subsection (b) may apply to the United States district court for the District of Columbia or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted or where the witness resides or carries on business, for enforcement of a subpena or subpena duces tecum issued pursuant to this paragraph, and such courts shall have jurisdiction to order and require compliance with the terms of such subpenas and subpenas duces tecum. Witnesses subpenaed under this paragraph shall be paid the same fees and mileage that are paid witnesses in the United States district courts. All expenses of the Corporation in connection with this subsection (b) shall be considered as nonadministrative expenses. Any service required or authorized to be made by the Corporation under this subsection (b) may be made by registered mail or by personal service, as the Corporation may by regulation or otherwise provide. Copies of any notice or order served by the Corporation upon any institution or any director or officer thereof, pursuant to the provisions of this section, shall also be sent to the appropriate State supervisory authority.

"(4) A cease and desist order shall become effective at the expiration of thirty days after service of such order upon the institution concerned (except in the case of a cease and desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Corporation or by a reviewing court.

"(5) In the case of a failure to obey a cease and desist order, as to which a petition for review has not been filed in the proper United States district court, the Corporation may apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of the institution is located, for an injunction to enforce such order, and such courts shall have jurisdiction to entertain such application and, if the court shall determine that there has been such a violation of a law or regulation as forms the basis for the cease and desist order and that there has been such a failure to obey, it may issue such injunction.

"(6) Within thirty days after the date a cease and desist order is served upon it, an institution or any aggrieved person may file a petition for review of such order in the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of such association is located or in the United States District Court of the District of Columbia. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Corporation and to the appropriate State supervisory authority, and thereupon the Corporation shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction to determine and adjudicate the issues of law and fact presented thereby and shall have jurisdiction to enter a judgment determining the validity of or enjoining, suspending, setting aside or enforcing, in whole or in part, the order issued by the Corporation. In any such action, the court shall consider the record in the proceeding before the Corporation, may take evidence, and may conduct a trial of the facts and law in the case de novo if in its opinion the circumstances of the case warrant such action. Appeals from any action of such court in such proceedings shall lie as in other matters subject to its jurisdiction.

"(7) The filing of a petition for review under paragraph (6) of this subsection (b) shall not of itself stay or suspend the effectiveness of a cease and desist order which is the subject of the petition for review, but the court in its discretion may restrain or suspend, in whole or in part, the operation of the order pending its determination of the matters in petition.

"(8) Where a petitioning institution or aggrieved person applies for an interlocutory injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any action by the Corporation following service upon the institution of a notice of charges of violation of a law or regulation, the court shall exercise jurisdiction over such an application and, in cases where irreparable damage would otherwise ensue to the petitioner, shall order a temporary stay or suspension, in whole or in part, of further action of the Corporation upon the charges pending the decision on the application for such interlocutory injunction, in which case such order of the court shall contain a specific finding that such irreparable damage would result to the petitioner and specifying the nature of such damage. The hearing of such an application for an interlocutory injunction shall be given preference and expedited and the application shall be heard at the earliest practicable date after notice to the Corporation and the appropriate State supervisory authority of hearing on the application.

"(9) Any court having jurisdiction of any proceeding instituted under this subsection (b) by an institution or a director or officer thereof or other aggrieved person may allow to any such party such reasonable expenses and attorneys' fees at it deems just and proper; and such expenses and fees shall be paid by the institution or from its assets.

"(10) In any proceeding properly brought before it under this subsection (b), a court shall have power to hear and determine all questions of law or fact that may be at issue between the parties in the proceeding without being bound by any conclusions of law or fact previously made by the Corporation.

"(11) Any action or proceeding authorized under this subsection (b) may be brought by an institution or other aggrieved person without exhausting any alternative administrative procedures or remedies that may be available to such institution or person.

"(12) If the home office of an institution is not located within a judicial district of the United States, any action or proceeding authorized under this subsection (b) to which such institution is a party or affecting such institution may be filed in the United States district court for the District of Columbia, and such court shall have jurisdiction as if such office were located within the district of such court. Service on such institution in any such action or proceeding may be made by registered mail.

"(13) In connection with any action under this section involving an insured State-chartered institution or any director, officer, employee, agent or attorney thereof, the Corporation shall provide the appropriate State supervisory authority with notice of the Corporation's intent to institute such action and the grounds therefor. Unless within such time as the Corporation deems appropriate in the light of the circumstances of the case (which time must be specified in the notice prescribed in the preceding sentence) satisfactory corrective action is effectuated by action of the State supervisory authority, the Corporation may within thirty days thereafter file a complaint with the United States district court for the judicial district in which the home office of the institution involved is located, stating the action the Corporation wishes to take against the institution and the grounds therefor, noting that in the Corporation's opinion satisfactory corrective action that has not been effectuated by the State supervisory authority after due notice given to such authority by the Corporation, and praying for appropriate relief. The institution involved and the State supervisory authority shall be joined as necessary parties. In any such action, the court shall consider the facts, shall take evidence, shall conduct a trial of the facts and the law in the case de novo, and shall have jurisdiction to issue and enforce appropriate orders, which may include orders to either the Corporation or the State supervisory authority or both to proceed with appropriate remedial actions or to refrain from action on the basis of the case presented.

"(14) The members, directors, officers, and attorneys of the institution in office at the time of initiation of any proceedings under subsections (a) or (b) of this section are expressly authorized to contest any such proceedings, and shall be reimbursed for reasonable expenses and attorneys' fees by the institution or from its assets, and the Corporation in any such proceeding before it or its delegates shall allow and order paid any such reasonable expenses and attorneys' fees.

"(15) Except with written consent of the Corporation, no person shall serve as a director, officer or employee of an institution or as an officer or employee of the Corporation who has been finally convicted within five years preceding the proposed commencement of such service, or who is hereafter finally convicted, of a felony involving dishonesty or breach of trust.

"(16) For each conviction of willful violation of the prohibition in paragraph (15) above, the person involved shall be subject to a fine of not more than $100 for each day the prohibition is violated or imprisonment for not more than ten days for each day the prohibition is violated, or both such fine and imprisonment.

"(c)(1) The term 'cease and desist order' includes a cease and desist order that has been affirmed or modified under any provision of subsection (b) of this section.

"(2) The terms 'cease and desist order which has become final' and 'order which has become final' mean a cease and desist order and an order, respectively, with respect to which the time allowed for filing petition for review has expired without the filing of such petition, or if such a petition has been filed, with respect to all subsequent rights of any party to appellate review of or writs of certiorari in any related proceedings have terminated.

"(3) The term 'cease and desist order' shall not include any order that has the effect of limiting the rate of dividends or interest payable on savings or loans handled by an institution, of appointing or removing any officer, director, employee, agent, or attorney of an institution, of assuming any managerial function of an officer or director of an institution, or of assuming any prerogative of shareholders or stockholders of an institution.

"(4) The term 'territory' includes the Commonwealth of Puerto Rico, and any possession of the United States or any place subject to the jurisdiction of the United States."

TITLE II—PROVISIONS RELATING TO THE FEDERAL DEPOSIT INSURANCE CORPORATION, THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, AND THE COMPTROLLER OF THE CURRENCY

SEC. 201. Paragraph (6) of subsection (j) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(6)) is repealed and section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) is amended by adding the following new subsection (q):

"(q) The term 'appropriate Federal banking agency' shall mean (a) the Comptroller of the Currency in the case of a national banking association or a District bank, (b) the Board of Governors of the Federal Reserve System in the case of a State member insured bank (except a District bank), and (c) the Federal Deposit Insurance Corporation in the case of a State nonmember insured bank (except a District bank)."

SEC. 202. Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by redesignating subsections (b), (c), and (d) thereof as (o), (p), and (q) and by adding after subsection (a) thereof the following new subsections (b) through (n), inclusive:

"(b) If by formal resolution the appropriate Federal banking agency determines that any insured bank or bank which has insured deposits is violating or within the past two years had violated any law or regulation, the agency may issue and serve upon the bank a notice of charges in respect thereof. The notice shall contain a statement of the facts and actions which constitute the alleged violation or violations of law or regulations and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of the notice: *Provided, however,* That the agency shall fix an earlier date and may fix a later date at the request of the bank. Unless the bank shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent, or if upon the record made at any such hearing the agency shall find that any violation specified in the notice of charges has been established, the agency may issue and serve upon the bank an order to cease and desist from any such violation. Such order may, by provisions which may be prohibitory or mandatory or a combination thereof, require the bank and its directors, officers, employees, and agents to cease and desist from the same, and, futher, to take affirmative action to correct the conditions resulting from any such violation.

"(c)(1) Any hearing provided for in this section shall be held in the Federal judicial district or in the territory in which the home office of the bank is located, unless the party afforded the hearing consents to another place, and shall be conducted by one or more independent hearing examiners in accordance with the provisions of the Administrative Procedure Act; but such hearing shall be private and the record of such hearing shall be sealed, unless a public hearing is requested by the party afforded the hearing. The hearing shall be conducted with reasonable expedition, and within ninety days after the agency has notified the parties that the case has been submitted to it for final decision, the agency shall render its decision in writing on the record made at the hearing (which decision shall include findings of fact upon which it is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section. Unless a petition for court review is timely filed and thereafter until such record as may then exist in the proceeding has been filed with the court, the agency may at any time, upon reasonable notice to affected persons, modify any such order in a manner consistent with the hearing record so as to make it less onerous or terminate or set aside the order. However, when a petition has been filed with an appropriate court and when such record has been filed with the court, the agency may modify, terminate, or set aside any such order only with permission of the court.

"(2) In the course of or in connection with any proceeding under this section, the agency or any member thereof or a designated representative of the agency, including any person designated to conduct any hearing under this section, shall have power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash or modify subpenas and subpenas duces tecum; and the agency is empowered to make rules and regulations with respect to any such proceedings consistent with the provisions of the Administrative Procedure Act and this Act. The attendance of witnesses and the production of documents provided for in this subsection may be required from any place in the State or territory at the designated place where such proceeding is being conducted or from any place in any other State or territory at any designated place within such other State or territory, respectively. Any party to proceedings under this section may apply to the United States district court for the District of Columbia or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted or where the witness resides or carries on business, for enforcement of a subpena or subpena duces tecum issued pursuant to this subsection, and such courts shall have jurisdiction to order and require compliance with the terms of such subpenas and subpenas duces tecum. Witnesses subpenaed under this section shall be paid the same fees and mileage that are paid witnesses in the United States district courts. All expenses of the agency in connection with this section shall be considered as nonadministrative expenses. Any service required or authorized to be made by the agency under this section may be made by registered mail or by personal service, as the agency may by regulation or otherwise provide.

"(d) A cease and desist order shall become effective at the expiration of thirty days after service of such order upon the bank concerned (except in the case of a cease and desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable, except to such extent as it is stayed, modified, terminated or set aside by action of the agency or by a reviewing court.

"(e)(1) In the case of a failure to obey a cease and desist order, as to which a petition for review has not been filed in the proper United States district court, the agency may apply to the United States district court or the United States court of any territory, within the jurisdiction of which the home office of the bank is located, for an injunction to enforce such order, and such courts shall have jurisdiction to entertain such application and, if the court shall determine that there has been such a violation of a law or regulation as forms the basis for the cease and desist order and that there has been such a failure to obey, it may issue such injunction.

"(e)(2) Within thirty days after the date a cease and desist order is served upon it, a bank or any aggrieved person may file a petition for review of such order in the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of such bank is located, or in the United States district court for the District of Columbia. A copy of such petition shall be forthwith transmitted by the clerk of the court to the agency, and thereupon the agency shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction to determine and adjudicate the issues of law and fact presented thereby and shall have jurisdiction to enter a judgment determining the validity of or enjoining, suspending, setting aside or enforcing, in whole or in part, the order issued by the agency. In any such action, the court shall consider the record in the proceeding before the agency, may take evidence, and may conduct a trial of the facts and law in the case de novo if in its opinion the circumstances of the case warrant such action. Appeals from any action of such court in such proceedings shall lie as in other matters subject to its jurisdiction.

"(3) The filing of a petition for review under this subsection (e) shall not of itself stay or suspend the effectiveness of a cease and desist order which is the subject of the petition for review, but the court in its discretion may restrain or suspend, in whole or in part, the operation of the order pending its determination of the matters in petition.

"(f) Where a petitioning bank or an aggrieved person applies for an interlocutory injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any action by the agency following service upon the bank of a notice of charges of violation of a law or regulation, the court shall exercise jurisdiction over such an application and, in cases where irreparable damage would otherwise ensue to the petitioner, shall order a temporary stay or suspension, in whole or in part, of further action of the agency upon the charges pending the decision on the application for such interlocutory injunction, in which case such order of the court shall contain a specific finding that such irreparable damage would result to the petitioner and specifying the nature of such damage. The hearing of such an application for an interlocutory injunction shall be given preference and expedited and the application shall be heard at the earliest practicable date after notice to the agency by the court of hearing on the application.

"(g) Any court having jurisdiction of any proceeding instituted under this section by a bank or a director or officer thereof or other aggrieved person may allow to any such party such reasonable expenses and attorneys' fees as it deems just and proper; and such expenses and fees shall be paid by the bank or from its assets.

"(h)(1) In any proceeding properly brought before it under this section, a court shall have power to hear and determine all questions of law or fact that may be at issue between the parties in the proceeding without being bound by any conclusions of law or fact previously made by the agency.

"(2) Any action or proceeding authorized under this section may be brought by a bank or other aggrieved person without exhausting any alternative administrative procedures or remedies that may be available to such bank or person.

"(3) If the home office of a bank is not located within a judicial district of the United States, any action or proceeding authorized under this section to which such bank is a party or affecting such bank may be filed in the United States district court for the District of Columbia, and such court shall have jurisdiction as if such office were located within the district of such court. Service on such bank in any such action or proceeding may be made by registered mail.

"(i) In connection with any action under this section involving a State member insured bank (except a District bank) or a State nonmember insured bank (except a District bank) or any director, officer, employee, agent or attorney thereof, the agency shall provide the appropriate State supervisory authority with notice of the agency's intent to institute such action and the grounds therefor. Unless within such time as the agency deems appropriate in the light of the circumstances of the case (which time must be specified in the notice prescribed in the preceding sentence) satisfactory corrective action is effectuated by action of the State supervisory authority, the agency may within thirty days thereafter file a complaint with the United States district court for the judicial district in which the home office of the bank involved is located, stating the action the agency wishes to take against the bank and the grounds therefor, noting that in the agency's opinion satisfactory corrective action has not been effectuated by the State supervisory authority after due notice given to such authority by the agency, and praying for appropriate relief. The bank involved and the State supervisory authority shall be joined as necessary parties. In any such action, the court shall consider the facts, shall take evidence, shall conduct a trial of the facts and the law in the case de novo, and shall have jurisdiction to issue and enforce appropriate orders, which may include orders to either the agency or the State supervisory authority or both to proceed with appropriate remedial actions or to refrain from action on the basis of the case presented.

"(j) The members, directors, officers, and attorneys of the institution in office at the time of initiation of any proceedings under this section are expressly authorized to contest any such proceedings, and shall be reimbursed for reasonable expenses and attorneys' fees by the bank or from its assets, and the agency in any such proceeding before it or its delegate shall allow and order paid any such reasonable expenses and attorneys' fees.

"(k)(1) Except with written consent of the agency, no person shall serve as a director, officer or employee of a bank or as an officer or employee of any agency who has been finally convicted within five years preceding the proposed commencement of such service, or who is hereafter finally convicted, of a felony involving dishonesty or breach of trust.

"(k)(2) For each conviction of willful violation of the prohibition in subsection (k) of this section, the person involved shall be subject to a fine of not more than $100 for each day the prohibition is violated or imprisonment for not more than ten days for each day the prohibition is violated, or both such fine and imprisonment.

"(l) Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is hereby repealed.

"(m) Any provision of law to the contrary notwithstanding, no conservator or receiver shall be appointed for any national banking association or District bank or any member bank or any nonmember insured bank unless in the opinion of the agency the issuance of a cease and desist order under this section would not afford the agency an effective method of protecting the interests of the public or of depositors of the bank or of the agency.

"(n)(1) The term 'cease and desist order' includes a cease and desist order that has been affirmed or modified under any provision of this section.

"(2) The terms 'cease and desist order which has become final' and 'order which has become final' mean a cease and desist order and an order, respectively, with respect to which the time allowed for filing petition for review has expired without the filing of such petition, or if such a petition has been filed, with respect to all subsequent rights of any party to appellate review of or writs of certiorari in any related proceedings have terminated.

"(3) The term 'cease and desist order' shall not include any order that has the effect of limiting the rate of interest payable on deposits or loans handled by a bank, of appointing or removing any officer, director, employee, agent or attorney of a bank, of assuming any managerial function of an officer or director of a bank, or of assuming any prerogative of stockholders of a bank."

Summary of Substitute Bill for S. 3158, Financial Institutions Supervisory Act of 1966

General Statement. Basically the substitute bill would grant the Federal Home Loan Bank Board cease and desist order power over both Federal and State-chartered savings and loan associations having accounts insured by FSLIC and would grant the appropriate Federal banking regulatory agency parallel powers over banks.

Cease and Desist Orders. Grounds for a cease and desist order would be violation of a law or regulation. A hearing under the Administrative Procedure Act would follow issuance of a notice by the Federal Home Loan Bank Board or Federal banking agency charging such a violation. A cease and desist order takes effect 30 days after its service (earlier only by consent).

Interlocutory Court Action. The institution or an aggrieved person may apply to a Federal district court after service of a notice of charges for an interlocutory injunction, which the court may issue upon a showing that irreparable damage would otherwise befall the petitioner.

Court Review of Cease and Desist Orders. Within 30 days after service of a cease and desist order, the institution or an aggrieved person may petition a Federal court for review of the order. The Board files the hearing record in court.

Court Procedures. The court may determine both facts and law. It is to consider the record, may take evidence and try the facts and law de novo if circumstances warrant. The court is not bound by previous conclusions of fact or law by the Board. The court may stay the cease and desist order when a petition for review is filed. It may allow the parties reasonable expenses and attorneys' fees payable from institution assets. The parties need not exhaust administrative remedies before petitioning for court review.

Exclusions from Cease and Desist Orders. Cease and desist orders cannot cover rate control on savings or loans, appointment or removal of personnel, assumption of managerial functions, or assumption of prerogatives of stockholders or shareholders.

Control of Personnel. The bill contains no provisions allowing the Federal agencies to suspend or remove officers, directors or other personnel of institutions. However, it does bar service in institutions to a person convicted within the past 5 years of felonious dishonesty or breach of trust, except with consent of the Federal agency.

Federal Associations—Conservators and Receivers. As to Federal associations only, grounds for conservatorship or receivership are insolvency, dissipation of assets, violation of a cease and desist order, and concealment of records or assets. The Board may appoint a conservator or receiver on order of the Federal district court. The court may allow appointment ex parte and without notice in an emergency, but the institution may petition the court within 30 days to rescind the appointment. The court is to allow appointment only if a cease and desist order would not protect the public, savers and FSLIC or FDIC. The Board may appoint a conservator or receiver without court action and without notice or hearing if the institution's board of directors consents. Appointment of a receiver triggers a default under the National Housing Act. The Board may petition the court to replace a conservator or receiver without notice or hearing. The Board may allow institution personnel to function during conservatorship or receivership.

Incumbent Personnel May Protest Proceedings. Institution members, directors and officers may contest any proceedings under subsection (d) (cease and desist or conservator or receiver proceedings) at institutional expense, to be allowed by the Board.

FSLIC Insured Institutions—State Authorities. As to institutions insured by FSLIC (Federal and State-chartered), present insurance termination proceedings are maintained. Before starting such proceedings, FSLIC is to invoke cease and desist order proceedings for violation of a law or regulation. As to any section 407 action (insurance termination or cease and desist proceedings) FSLIC is to notify the appropriate State supervisory authority and name a period within which the authority may cause corrective action to be taken. If no such action is taken, a Federal district court is to decide the case and order appropriate action or inaction.

Banks—Federal Agencies. As to banks, the Comptroller of the Currency acts with respect to national banks and D.C. banks, the Federal Reserve Board acts with respect to member banks of the Federal Reserve System (except D.C. banks), and FDIC acts with respect to State banks not members of the Federal Reserve System but insured by FDIC (except D.C. banks). Each is the "appropriate Federal banking agency" as to banks within its respective jurisdiction.

Banks—State Authorities. State supervisory authorities over banks have parallel powers to those granted to State supervisory authorities over savings and loan associations. These apply to insurance termination and cease and desist order proceedings. If the State authority doesn't act to the Federal agency's satisfaction within a specified time, a Federal district court is to handle the case and issue appropriate orders.

Conclusion. This substitute bill is designed to grant cease and desist order power to Federal regulatory agencies in the bulk of the financial institution field while still affording adequate and timely Federal court review to aggrieved persons. It also recognizes the coequal sovereignty of Federal and State authorities in our dual banking and savings and loan systems by referring unsettled controversies to the judiciary for settlement.

Section-by-Section Analysis, H.R. 17703

Short title—Financial Institutions Supervisory Act of 1966.

Title I—Savings and loan association provisions.

Sec. 101—Revises section 5(d) of Home Owner's Loan Act of 1933 as follows:

(d)(1). Grants Federal Home Loan Bank Board enforcement power in its name and through its attorneys. Makes Board subject to suit by Federal association or other aggrieved person in Federal district court. Provides for process to be served on Board as in Federal Rules of Civil Procedure.

(d)(2)(A). Authorizes Board to issue notice of charges in a cease and desist order proceeding against a Federal association if by formal resolution the Board determines the association is violating or has violated within the past 2 years a law or regulation. Notice of charges states facts and fixes hearing date 30 to 60 days after service. The date shall be set earlier and may be later at association's request. An association not appearing at the hearing is deemed to consent to a cease and desist order. In that event or if on hearing the Board finds a violation, it may serve a cease and desist order. The order may be prohibitory or mandatory, or both and may require taking affirmative action to correct the violation.

(d)(2)(B)(1). Hearing is held in jurisdiction where home office of association is located, unless party otherwise consents.

Hearing is to be conducted by independent examiner or examiners under Administrative Procedure Act. Hearing is private and record is sealed unless party otherwise requests. Hearing is to be reasonably expedited. Within 90 days after Board notifies parties that it has the case for decision, it is to render a written decision, including findings of fact, on the hearing record, and serve an order on each party. The Board may modify the order to make it less onerous or may terminate it or set it aside unless a petition for court review is timely filed and the record of the proceeding is filed in court. Once a petition and record are filed in court, the Board can change the order only with court permission.

(d)(2)(B)(2). The Board and its representatives are authorized to give oaths, take depositions, issue and change subpenas and subpenas duces tecum. The Board may issue rules and regulations for the hearing. Witnesses and documents may be required at a designated place within each State or territory. Any party may apply to a Federal district court to enforce subpenas and subpenas duces tecum. Witnesses are paid fees and mileage as in Federal district courts. Expenses of the Board and FSLIC under subsection (d) are nonadministrative. Service by the Board may be by registered mail or personal service.

(d)(2)(C). A cease and desist order takes effect 30 days after service (one issued by consent takes effect as specified in the order). It remains effective until changed by the Board or a court.

(d)(2)(D). The Board may apply to a Federal district court to enforce an order the association fails to obey.

(d)(2)(E). Within 30 days after service of a cease and desist order, an association or aggrieved person may petition for review by a Federal district court. The Board is to file the hearing record in court on notice from the court. The court is given jurisdiction to determine both facts and law and enter appropriate judgment with regard to the cease and desist order. The court is to consider the hearing record, may take evidence and may conduct a de novo trial as to facts and law if circumstances so warrant. Appeals from court lie as in other cases.

(d)(2)(F). Filing a petition in court does not stay a cease and desist order, but the court may grant a stay in its discretion.

(d)(2)(G). An association or aggrieved person may apply to a Federal district court for an interlocutory injunction as to Board action after service on the association of a notice of cease and desist charges, if irreparable damage would otherwise ensue to the petitioner. The court may temporarily stay further Board action if the court order finds irreparable damage would occur otherwise and states the nature of the damage. Hearing of such an application is to be expedited.

(d)(2)(H). A court may allow an association or aggrieved person reasonable expenses and attorneys' fees payable from association assets.

(d)(2)(I)(1). A court may determine all questions of law or fact at issue without being bound by previous Board conclusions of fact or law.

(d)(2)(I)(2). An association or aggrieved person may bring administrative or court action without exhausting alternative administrative remedies.

(d)(2)(I)(3). An association not having its home office within a Federal judicial district may file suit in the District of Columbia Federal court.

(d)(2)(J)(1). Defines "cease and desist order" to include an order affirmed or modified under this subsection (d).

(d)(2)(J)(2). Defines "cease and desist order which has become final" and "order which has become final" as one where no petition for review has been timely filed or, if filed, where all rights to appellate review have terminated.

(d)(2)(J)(3). Defines "cease and desist order" as excluding rate control on savings or loans, appointment or removal of personnel of associations, assumption of an officer or directors' managerial function, or assumption of a shareholder's or stockholder's prerogative.

(d)(2)(J)(4). Defines "territory" to include Puerto Rico, any U.S. possession and any place subject to U.S. jurisdiction.

(d)(3)(A). Specifies grounds for appointing conservator or receiver as (i) insolvency, (ii) willful and substantial dissipation of assets or earnings due to violation of law or regulation, (iii) willful and substantial violation of a cease and desist order, and (iv) concealment of records or assets. The Board has exclusive power to appoint a conservator or receiver on court order.

(d)(3)(B). Appointment of a conservator or receiver is to be made by the Board on order of the Federal district court in the jurisdiction where the association's home office is located.

(d)(3)(C). The court may allow the Board to appoint a receiver ex parte and without notice if (i) an emergency substantial and continuing dissipation of assets exists or (ii) the management cannot exercise validly effective control of the association. The association may then petition the court within 30 days for rescission of the appointment. The court may affirm the appointment or order the Board to terminate it.

(d)(3)(D). The court will allow the Board to appoint a conservator or receiver only if in the court's opinion a cease and desist order would not effectively protect the public, savers and FSLIC.

(d)(3)(E). Court proceedings regarding conservators and receivers are to be expedited.

(d)(3)(F). The Board may appoint a conservator or receiver without notice or hearing if the board of directors of an association consents by resolution.

(d)(3)(G)(1). A conservator has the powers of members, directors and officers of the association, and may operate the association in its name and conserve assets as authorized by the Board. FSLIC shall be named as receiver. FSLIC may buy assets at its own sale as receiver, with Board approval.

(d)(3)(G)(2). Appointment of a receiver constitutes a default under title IV of the National Housing Act.

(d)(3)(G)(3). The Board may petition the court to replace a conservator or receiver without notice or hearing. This will not prejudice the association's right to review of the appointment.

(d)(3)(H). The Board is given power to make rules and regulations for reorganization, consolidation, merger, liquidation and dissolution of associations; also for associations in conservatorship or receivership; and for conduct of conservators and receivers. The Board may provide for association members, officers and directors to exercise functions during conservatorship or receivership.

(d)(3)(I). Refusal to surrender property, business and assets to a conservator or receiver is punishable by fine up to $1,000 or imprisonment up to 1 year or both.

(d)(4). Members, directors and officers of an association in office at the time any proceedings are begun under subsection (d) may contest them at association expense for reasonable expenses and attorneys' fees, which the Board is to allow.

(d)(5)(A). Except with Board consent, no one may serve as director, officer or employee of a Federal association or as officer or employee of the Federal Home Loan Bank Board who within the preceding 5 years has incurred a final conviction for felonious dishonesty or breach of trust.

(d)(5)(B). On conviction of willful violation, the offender is subject to up to $100 fine per day of offense or up to 10 days imprisonment per day of offense or both.

Section 102. Amends section 407 of the National Housing Act by preserving the present provisions in the statute for termination of insurance as subsection (a) and adding the following new subsections (b) and (c):

(b)(1). Before starting insurance termination proceedings, if FSLIC by formal resolution determines an institution with accounts insured by FSLIC is violating or has within 2 years violated a law or regulation, FSLIC may serve a cease and desist notice of charges. The notice is to state the facts and fix a time and place for hearing.

The time will be from 30 to 60 days after service of the notice (but shall be earlier and may be later if the institution requests). Nonappearance at the hearing is deemed consent to the cease and desist order. Upon such consent or after finding in the hearing a violation as charged, FSLIC may issue a cease and desist order. The order may contain prohibitory or mandatory provisions or both and may require affirmative corrective action.

(b)(2). The hearing is to be held in the judicial district of the institution's home office unless the institution otherwise consents. The hearing is to be conducted by an independent examiner or examiners under the Administrative Procedure Act. The hearing is to be private and the record sealed unless the institution requests a public hearing. The hearing shall be reasonably expedited, with FSLIC's written decision to be made within 90 days after it notifies the institution of submission of the case to FSLIC. The decision is to include findings of fact. A cease and desist order shall be served by FSLIC on each party to the hearing. FSLIC may make the order less onerous or terminate it or set it aside if no petition for court review is timely filed and until the hearing record is filed in court. Thereafter FSLIC can change the order only with court permission.

(b)(3). FSLIC and its designated representatives may administer oaths, take depositions, issue and change subpenas and subpenas duces tecum, and make rules and regulations for cease and desist order proceedings. Witnesses and documents may be required at a designated place in each State or territory. Any party may request court enforcement of subpenas or subpenas duces tecum. Witnesses receive the same fees and mileage as Federal district court witnesses. FSLIC expenses under subsection (b) are nonadministrative expenses. Service by FSLIC may be by registered mail or personal service. Copies of any notice or order issued by FSLIC under section 407 are to be sent to appropriate State supervisory authorities.

(b)(4). A cease and desist order is effective 30 days after service (a consent order is effective when specified). An order remains effective until changed by FSLIC or a reviewing court.

(b)(5). If no petition for court review is filed, FSLIC may seek court enforcement of an order an institution fails to obey.

(b)(6). Within 30 days after a cease and desist order is served, an institution or aggrieved person may petition for review by the Federal district court in the jurisdiction where its home office is located or in the District of Columbia. The court is to send a copy of the petition to FSLIC and the appropriate State supervisory authority. FSLIC will file the hearing record in court. The court is to determine issues of law and fact and enter judgment upholding or setting aside the order. The court is to consider the hearing record and may take evidence, and try the facts and law de novo if circumstances so warrant. Appeals lie as in other court matters.

(b)(7). Filing a petition for review will not stay the cease-and-desist order, but the court may do so.

(b)(8). An institution or aggrieved person may apply to court for an interlocutory injunction against FSLIC action after service of notice of cease and desist order charges if irreparable damage to the petitioner would otherwise ensue. The court may issue a temporary stay upon specific finding that irreparable damage would otherwise ensue. Hearing of the application by the court is to be expedited.

(b)(9). The court may allow parties to actions under subsection (b) reasonable expenses and attorneys' fees payable from institution assets.

(b)(10). In any action under subsection (b) the court has power to determine questions of law and fact without being bound by previous conclusions of law or fact made by FSLIC.

(b)(11). Petitioners need not exhaust alternative administrative remedies before proceeding under subsection (b).

(b)(12). Institutions with home offices outside a Federal judicial district may sue in the Federal district court in the District of Columbia. Service may be by registered mail.

(b)(13). In any action under section 407 involving a State-chartered institution, FSLIC is to notify the appropriate State supervisory authority of its intent to take action and the grounds for action. Unless satisfactory corrective action is taken under State auspices within an appropriate time specified by FSLIC, it may within 30 days take the case to the Federal district court in the jurisdiction where the institution's home office is located. The complaint will state the action FSLIC wants to take against the institution, the grounds therefor, the State authority's failure to accomplish satisfactory corrective action, and will pray for appropriate relief. The institution and the State authority are necessary parties to the suit. The court is to consider the facts, take evidence, try facts and law de novo, and issue appropriate orders, which may include instructions to FSLIC and State authorities to take or withhold further action.

(b)(14). Incumbent personnel of an institution may contest proceedings for insurance termination or cease and desist orders at the institution's expense for reasonable expenses and attorneys' fees.

(b)(15). Except with FSLIC's written consent, no one may serve on the staff of an institution or FSLIC who has within 5 years been convicted or is hereafter convicted of felonious dishonesty or breach of trust.

(b)(16). For conviction of willful violation of prohibition against such service, the offender is subject to a fine up to $100 a day for each day of offense or imprisonment up to 10 days for each day of offense or both.

(c)(1). Defines "cease and desist order" to include one affirmed or modified.

(c)(2). Defines "cease and desist order which has become final" and "order which has become final" to mean one where no petition for review has been timely filed or if filed, where appellate rights have terminated.

(c)(3). Defines "cease and desist order" to exclude one limiting dividend or interest rates on savings or loans in institutions, appointment or removal of institution personnel, assumption of any managerial function of officers or directors of institutions, or assumption of any prerogative of institution shareholders or stockholders.

(c)(4). Defines "territory" to include Puerto Rico, any U.S. possession or any place under U.S. jurisdiction.

TITLE II—BANK PROVISIONS

Section 201. Transfers the definition of respective jurisdiction of the Comptroller of the Currency (national and D.C. banks), the Federal Reserve Board (State member insured banks other than D.C. banks), and FDIC (State nonmember insured banks other than D.C. banks) from section 7 of the

Federal Deposit Insurance Act (which deals only with reporting change of control of insured banks) to section 3 of that Act (which applies to the entire Act).

Section 202. Amends section 8 of the Federal Deposit Insurance Act (dealing with termination of insurance) by inserting new subsections (b) through (n) after (a) as follows:

(Note that all existing provisions of section 8, now contained in subsections (a) through (d) are retained. These deal with (a) insurance termination proceedings, (b) termination of Federal Reserve membership upon insurance termination, receivership for national banks upon insurance termination, and termination of insurance upon ceasing Federal Reserve membership, (c) insurance termination of banks receiving no deposits other than trust funds, and (d) insurance termination of bank whose liabilities are assumed by another insured bank.)

(b) The agency may issue a cease and desist notice of charges if by formal resolution it determines an insured bank has violated within 2 years or is violating any law or regulation. The notice is to state the facts and fix a time and place for hearing. The hearing will begin from 30 to 60 days after the notice of charges is served. It shall begin earlier and may begin later by bank request. The bank's nonappearance at the hearing is deemed consent to the cease and desist order. On such consent or on finding a violation at the hearing, the agency may serve a cease and desist order on the bank. The order may be prohibitory or mandatory or both and may require affirmative corrective action.

(c) (1) The hearing is to be held in the Federal judicial district in which the bank's home office is located, unless the party consents otherwise. It is to be held by an independent examiner or examiners under the Administrative Procedure Act. The hearing is private and the record sealed unless the party requests a public hearing. The hearing will be reasonably expedited. Within 90 days after the agency notifies the bank that the case has been submitted to it, the agency is to render a written decision containing findings of fact and serve a cease and desist order upon each party. Unless and until a petition and the hearing record is filed in court, the agency may modify the order to be less onerous or may terminate it or set it aside. Thereafter it may do so only with court permission.

(c) (2) The agency or its designated representatives may administer oaths, take depositions and issue and change subpenas and subpenas duces tecum. The agency may make rules and regulations for the hearing. Witnesses and documents may be required at any place in each respective State or territory. Any party may ask a Federal district court to enforce a subpena or subpena duces tecum. Witnesses are paid Federal district court fees and mileage. Agency expenses under this section 8 are nonadministrative expenses. Service may be by registered mail or personal service.

(d) A cease and desist order takes effect 30 days after service (except a consent order takes effect when specified). An order remains in effect until changed by the agency or a reviewing court.

(e) (1) If no petition for court review has been filed, the agency may apply to a Federal district court to enforce the cease and desist order if the bank fails to obey the order.

(e) (2) Within 30 days after a cease and desist order is served, a bank or aggrieved person may petition for review in the Federal district court in the jurisdiction where the bank's home office is located or in the District of Columbia. Upon receipt of a copy of the petition from the court, the agency is to file the hearing record in court. The court is to determine the issues of law and fact and enter judgment upholding or setting aside the order, in whole or in part. The court is to consider the hearing record and may take evidence and conduct a trial of facts and law de novo if circumstances so warrant. Appeals lie as in other court matters.

(e) (3) Filing a petition in court will not stay the cease and desist order, but the court may do so.

(f) A bank or aggrieved person may apply for an interlocutory injunction after service of notice of cease and desist charges, where irreparable damage would otherwise ensue to the petitioner. The court may order a temporary stay of further agency action on the charges and shall include a specific finding of irreparable damage. Hearing of the application is to be expedited.

(g) A court may allow any party to proceedings under this section 8 reasonable expenses and attorneys' fees payable from bank assets.

(h) (1) Under this section 8, a court may determine questions of law or fact without being bound by previous agency conclusions of law or fact.

(h) (2) A bank or aggrieved person may bring any proceeding under this section 8 without exhausting alternative administrative remedies.

(h) (3) A bank having a home office outside a U.S. judicial district may file action in the Federal district court for the District of Columbia. Service may be by registered mail.

(i) In action under this section 8 involving a State insured bank (except a D.C. bank), the agency is to notify the State supervisory authority of its intended action and grounds therefor. Unless the State authority brings about satisfactory corrective action within an appropriate time the agency fixes, the agency may within 30 days file a complaint in the Federal district court in the jurisdiction where the bank's home office is located. The complaint is to state the action the agency wants to take against the bank and the grounds therefor and is to note that in the agency's opinion the State authority has not accomplished satisfactory corrective action. The complaint is to pray for appropriate relief. The bank and the State authority are necessary parties. The court is to consider facts, take evidence, conduct a trial de novo of facts and law and may issue appropriate orders. These may include orders to the agency or the State authority or both to proceed with or refrain from further action.

(j) Incumbent bank personnel may contest any proceeding under this section 8 and the agency is to allow them reasonable expenses and attorneys' fees payable from bank assets.

(k) (1) Except with written consent of the agency, no one may serve on the staff of a bank or agency who within 5 years received a final conviction or who is hereafter finally convicted of felonious dishonesty or breach of trust.

(k) (2) Upon conviction of willful violation of the prohibition in paragraph (k) (1) above, the offender is subject to a fine up to $100 for each day of offense or imprisonment up to 10 days for each day of offense or both.

(l) Repeals section 19 of Federal Deposit Insurance Act dealing with same matters as subsection (k) above.

(m) No conservator or receiver of an insured bank is to be appointed unless in the agency's opinion a cease and desist order would not effectively protect the public, depositors, or the agency.

(n) (1) Defines "cease and desist order" to include an affirmed or modified order.

(n) (2) Defines "cease and desist order which has become final" and "order which has become final" to mean one as to which no petition for review has been timely filed or, if filed, all rights of appellate review have terminated.

(n) (3) Defines "cease and desist order" to exclude control of interest rate on bank deposits or loans, appointment or removal of bank personnel, assumption of a bank officer's or director's managerial function, or assumption of a bank stockholder's prerogative.

WHY TOLERATE THE EXCESSES OF UNIONS?

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I call to the attention of the persons who read the CONGRESSIONAL RECORD, and especially the Members of Congress, an editorial in the August 26, 1966, issue of Life magazine. It is well past the time when the Congress should seriously ask, "Why tolerate the excesses of unions?" Life magazine is to be commended for laying the facts on the line. For those who have missed this issue, and for Mr. Meany, I ask that this editorial be included in the RECORD.

Again, I must point out the double-standard policy of the unions—a policy which comes to the Congress and demands controls over all segments of our social and economic life, but yells "hands off" when strike settling legislation is mentioned. This is typical of the way unions believe collective bargaining should operate.

The editorial follows:

WHY TOLERATE THE EXCESSES OF UNIONS?

No sooner was the air-line settlement announced, and even before the vote on it, than Congress abandoned its reluctant consideration of special legislation to stop the strike—the legislation that George Meany had told them "you'll regret for the rest of your lives." The settlement took Congress off the hook. But even if the strike is over, the national problem it raised is very far from solved.

The President kept talking about that "third party at the bargaining table"—the public interest in a quick settlement on noninflationary terms. By the end, the President, supposedly representing this public interest, was in effect alone at the table with the machinists' spokesman, P. L. Siemiller, who could not even vouch for his membership ("the men decide"). The third offer made under presidential authority was neither quick nor noninflationary. But by then the President needed peace at any price. He was forced to surrender, having exhausted the influence of his office, to 35,400 men out on strike.

That's no way to run an economy; nor is it the worst recent example of labor's power to hurt the public while defying its officials. The transit strike that all but strangled New York last winter was even starker evidence that the more muscular the union's tactics, the more it wins. That strike was illegal to begin with; Mike Quill tore up court injunctions on TV; the state legislature retroactively amnestied the strikers; and the courts quashed $100 million in damage suits against the union. Public outrage was such that the President inserted into his State of the Union message a last-minute promise to ask for emergency strike legislation. But he hasn't done so because union labor, along with its power to disrupt the economy, has a basilisk—and probably overrated—power to scare politicians like rabbits in an election year.

George Meany said during the air-line strike that it only upset "the people who write editorials," about whom "I don't give a damn." Yet public concern about strikes is a little deeper than that. According to Gallup, 40 percent think labor should be more strictly regulated, as against 36 percent who don't. So Walter Reuther is probably right that "organized labor is in deep trouble."

The brutality of the strike weapon is only half the reason for this trouble. A maritime strike, for example, affects not only the convenience and pocketbooks of travelers and shippers, but the whole nation's foreign policy, balance of payments and value of the dollar. The latter are also affected by wage increases forced by labor's power without a strike.

Why do we put up with it and what is to be done? We put up with it because even though Secretary Wirtz keeps declaring that collective bargaining is "on trial" or "at stake," neither he nor anyone else has described a happier practical alternative. Collective bargaining has been our national policy for 30 years. What can and should be done is to refine and reform the laws that govern it.

The problem is twofold. First to abate the strike menace; second, to get labor contribution to inflation under control. To forestall the most damaging strikes, changes in the Taft-Hartley law were recommended by the President's Advisory Committee on Labor-Management Policy as far back as 1962. They would give the President more authority to intervene in disputes threatening the national health or safety, including the ultimate power to recommend actual settlements. In cases involving transportation, he has these powers now and they failed to prevent the air-line strike. Thus even this strengthening of Taft-Hartley would not eliminate the necessity of an appeal to Congress for special resort either to compulsory arbitration, which labor abhors, or to government seizure of the industry, which management doesn't like.

Yet neither of these ultimate sanctions should be written permanently into an antistrike law. If one is, it becomes a determining factor in any negotiation whose failure it is supposed to rescue. Presidential intervention always tends to undermine the bargaining process, but when it is essential the rules for it should be as flexible as possible. That is why the Slichter law in Massachusetts is regarded as a model. It gives the governor a wide choice of alternative emergency procedures which the President also needs. As Professor Lester of Princeton says, "Government intervention . . . is an art."

As for the problem of restraining inflationary wage demands, that too resists too-rigid solutions. The President's "guideposts" policy for productivity increases worked better before it was reduced to the formula that now lies in smithereens.

There have been hopeful steps toward more rational wage agreements in several industries, such as the steel industry's round-the-calendar negotiating system, scuttled by the Abel regime but worthy of revival. Wage costs would probably become stabler if changed from an hourly to a salary basis. But refinements of this kind are no substitute for the discipline of market forces, and the government should do everything it can to let these work. If the rank and file of labor is now more strike-happy than usual, it is because the government let inflation get a running start through lax fiscal policy, and because of its overpreoccupation with "full employment," now better described as a very tight labor supply.

Labor would also be less strike-happy if its bargaining power were less monopolistic. Any certified union is a legalized monopoly; but the AFL–CIO lobby wants even more of this kind of power. Its chief legislative demands are the repeal of Taft-Hartley's Section 14(b), which would extend the union shop, and the relaxation of the ruling against secondary boycotts. Congress has done well to duck the pressure behind these demands. It would do better to consider how the antitrust laws can be made to apply to more union restraints of trade.

The U.S. labor movement is not the place to look for good legislative ideas. With some exceptions, established unions are a bureaucracy whose ideas are rooted in the Great Depression. With some exceptions, they are more hindrance than help to equal job opportunity for Negroes, and they have done little to organize the lowest-paid wage earners, such as farm labor.

The collective bargaining system is basically fair. Congress should not try to change it radically beyond giving the President more leeway to handle emergency strikes, and giving unions less monopoly power instead of more. Their power runs particularly contrary to the public interest when it obstructs progress through automation. We shall need more of that progress, not only to free up the inflationary labor market, but to surmount the impending strain on all our resources.

PROFESSIONAL AND HIGH SCHOOL FOOTBALL

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Gerald R. Ford] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, the exciting sport of professional football is rapidly approaching a crossroads which may shape its future for years to come. And whether we in the Congress appreciate the fact or not, millions of fans across the country may hold us responsible for the outcome.

I refer to the recently announced plan of the clubs of the National Football League and the American Football League to combine their operations into an expanded nationwide league. Whether this plan succeeds or fails is the issue which will govern the future of pro football.

And it has now become clear that the plan is in immediate jeopardy unless we pass appropriate legislation—at this session of Congress.

At the same time, a problem of similar urgency has developed with respect to high school football. I am certain my colleagues join with me in expressing appreciation for the great value of high school athletics in building good health, good sportsmanship, and good citizenship. Scholastic authorities across the country are expressing concern that support for high school athletics may be undermined if professional football games are televised on Friday nights, the traditional night for high school football.

Accordingly, Mr. Speaker, I am today introducing legislation which will help to meet both of the problems, in professional football and in high school football. I would like to explain the background and the necessity for this bill.

In the past, as a new professional sports league has become established alongside an older league, a clear pattern has often set in. The strong teams in both leagues became stronger, and the weak teams in both leagues became weaker; eventually the strong teams in the two leagues combined in a new organization. But the weak teams—and their fans and their communities—were left out in the cold.

The first signs of a pattern of deterioration were just beginning to appear in professional football before the new plan was announced. In recent years the weaker teams in both leagues had substantially withdrawn from the market for new players because of chaotic bidding for untested rookies, with offers of more than half a million dollars. There were widespread predictions that several franchises in both leagues faced eventual dissolution or transfer.

But the leaders of the National and the American Football Leagues have acted most responsibly and creatively to forestall this development and, instead, to expand and improve their sport. Their plan for a combined league provides for continuing all 24 teams in their present locations, averting the losses to hometown fans and to local economies which otherwise might occur.

Moreover, the plan calls for expanding the total number of teams to 26 by 1968 and probably to 28 teams later—bringing pro football to additional cities and regions of the country where it is eagerly awaited. And the plan includes many provisions which would give the weaker teams in both existing leagues a better opportunity to rebuild and to make a run for the championship. They would have a better chance to attract new playing talent. They would share equally in the large television revenue. They would benefit from exciting new contests through interleague play.

Topping all this would be the proposed world championship game between the champions of the American and National Leagues. Many commentators have described this as the premier sports event of our times.

In summary, professional football has evolved a plan to improve competition on the field, to assure more and better football games for millions of fans across the country. And the fans have responded to these plans with great enthusiasm and anticipation.

There is one major problem, and this is where the Congress comes in. There is no doubt that the operation of professional football is beclouded by confusion and uncertainty under our antitrust laws. Statutes designed for conventional business operations are simply inappropriate for professional team sports, where teams must get together in leagues and develop coordinated practices in the interest of better sport in the league as a whole. If I may interpret the court decisions rather freely, they seem to appreciate this; but they insist it is up to Congress, not the courts, to spell out the rules that are appropriate for professional team sports.

Congress has been trying to do this for many years, but it is a difficult and complex task. The Senate last year passed an excellent and comprehensive bill—S. 950—which would clarify antitrust rules in some detail for all professional sports. It is most unfortunate that this bill has been dormant in the House. Now we no longer have the time to consider carefully a bill of such far-reaching scope.

But there is one thing we can do this year, and one thing I believe we must do. We can yet enact a bill which would simply permit professional football to proceed with the plan for an expanded league, leaving larger issues for later consideration. In the absence of such legislation, the football plan might well founder because of the uncertainty as to the application of the antitrust laws.

In fact, press reports over the weekend made it clear that legislative clearance is required to avoid the prospect of endless litigation. It is not enough for you or me, as Members of Congress, to conclude that the plan is desirable and proper and should be put into effect. In the present climate of antitrust uncertainty, the mere prospect of a prolonged period of legal challenge and expensive litigation could understandably deter responsible officials from proceeding with substantial long-range commitments, some of which need to be made right now.

I believe the public wants to see the championship game this January, wants to see interleague play in the next exhibition season, wants to see existing franchises preserved and new ones added, and wants the more balanced and exciting competition which the new plan can provide. So I am introducing today a bill which would permit the plan to take effect.

At the same time, my bill would foster high school sports as well as professional football. It would restrict the network televising of professional football on Friday nights and Saturdays, which is high school football time across the country.

I am informed that pro football games are scheduled on Friday nights only in exceptional circumstances, and that the televising of any such games is already severely limited. But I am certain we can all agree that high school athletic authorities should be given additional assurance—the same protection, incidentally, which has already been provided for years to our colleges.

Mr. Speaker, I recognize that our agenda will be crowded in the remaining days of this session; but I also know the Congress can act quickly on a measure that clearly will benefit many millions of fans in every section of the country. Our failure to act would bring sore disappointment to these same millions. I urge that we proceed quickly, while there is yet time.

"NEW REALITIES FOR THE AMERICAN CITY"—ADDRESS BY MAYOR JOHN V. LINDSAY, OF NEW YORK

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Kupferman] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, on August 22 New York City's Mayor John V. Lindsay testified before the U.S. Senate Subcommittee on Executive Reorganization on the subject of "The Crisis of Our Cities"—see the Congressional Record of August 26, page 20898.

He has returned to Washington and continued the dialog at the Urban America Conference held here on Monday, September 12. The title of his most recent talk is "New Realities for the American City," and I commend it to my colleagues.

Of special interest will be Mayor Lindsay's urging that—

> The Congress should establish, as a matter of the highest priority, a Committee on Urban Affairs in both the Senate and the House.

Hopefully, the leadership in both parties will soon make the announcement that a standing Committee on Urban Affairs will be established in the next Congress.

New Realities for the American City

(Remarks by John V. Lindsay, Mayor of the City of New York, at the Urban America Conference, Washington, D.C., Sept. 12, 1966)

I am delighted to be with you and honored to be your luncheon speaker today.

I have long admired Urban America's predecessor, ACTION, the American Council to Improve our Neighborhoods, for ACTION was working very effectively in the vineyards of our cities for many years before it became fashionable—as it is today—to discuss the enormous problems confronting our urban society. I commend ACTION and Urban America for the role they have played and are continuing to play in making this national problem a matter of national concern.

Another reason I am happy to participate is that this conference is dealing with nothing less than the single greatest challenge faced by western civilization. That challenge, plainly stated, is whether the cities around which Americans are gathering can be made to work.

If the answer is no, we are destined to witness the decline, not only of our cities, but the decline of an entire country.

For as Senator Ribicoff has said: "For better or for worse, our nation's future will be decided in our cities."

If this thesis is sound—and I believe it is—the Federal government has not yet fully accepted its ramifications.

It was not until last year, for example, that the Department of Housing and Urban Development was created to give cities a voice at the cabinet table.

It was only two years ago that the Anti-Poverty Program was enacted—at a time almost 2 million people were living in poverty in New York City alone.

Since passage of the Interstate Highway Act, a full decade ago, thousands of miles of freeway were constructed, but the cities' mass transit systems fell deeper into debt and obsolescence without a dime of Federal assistance until a meaningful Mass Transportation Act was passed in 1964—and even then the allocations were meager. Moreover, the 12½ per cent limitation placed on individual states was indefensible; the big cities need help for this program and many others, and need it fast.

We must make up for years of lost time. In New York City, I might point out, not a single mile of new subway has been put into use during the past 30 years.

In housing, welfare and education, particularly, the Government has made significant and appreciated contributions to the cities. But in air pollution control, in water pollution abatement, and in a host of other matters critically important to the cities, the legislative and executive branches often have moved either belatedly or parsimoniously. A current illustration is the Demonstration Cities Act, which appears to be blockaded in the House although it involves only a relatively small financial commitment to the intensifying needs of the bypassed city ghetto.

The tardiness of Congressional action directed toward the solution of urban problems is partly attributable to the philosophic and legislative dislocations caused by this country's transition from a rural to an urban society.

For a century and one-half, the Federal Government concerned itself chiefly with the development of the South, the Midwest and the Far West. Our domestic legislation was devoted to homesteads, land-grant colleges, dams, highways, parks, mining and crops. These were the commanding interests of a young and growing nation.

Only within the last 10 years has our government truly begun to channel its power and resources into the problems of the cities, which should be manifest to anyone who has ever served in Washington.

But even during recent times, Congress usually has moved with misgivings or restraint. In my judgment, the principal reason is a pervasive suspicion that Federal funds spent in the cities are likely to be dissipated or diverted; in short, that Federal allocations will be wasted because the cities themselves are incapable of honest, conscientious, progressive administration.

As a former Congressman, I know the suspicion exists, As a Mayor, I believe we are proving it wrong in New York City. For I think we are facing up to the realities of governing New York City, and one of those realities is that we must put our own house in order to obtain the state and Federal assistance we demonstrably need if our cities are to become the seat of this country's culture and civilization.

I'd like to review for you some of the programs and policies we have undertaken:

First, we are engaged in the most comprehensive reorganization of a municipal government initiated during this century. We are streamlining and consolidating the city's multitudinous departments, agencies and sundry subdivisions into a unified administrative organization designed to encompass logical areas of functional responsibility.

City government should reshape itself to the demands of rapid and complex change. Yet we found well over 50 separate departments and agencies in New York's hierarchy, each directly responsible to the Mayor, many of them with overlapping or competing jurisdictions.

Five different agencies had some degree of control over highways. More than seven separate bodies made policy on housing. More than a dozen Federally-funded manpower programs were operating with no overall co-ordination and no central supervision by any one city official.

We are regrouping the city's departments and agencies under 10 major administrations. Most recently, we established a Human Resources Administration. It will embrace the Welfare Department and Youth Board, as well as two new departments: One for Community Development which replaces the splintered, confused Anti-Poverty structure, and one for Manpower Training and Career

Development, which will give coherent direction to our manpower and employment programs.

We also have consolidated our financial and health structures into separate administrations, and are trying to create a workable Transportation administration. This last proposal has run into fierce opposition, but it is difficult to see why:

Today, the Traffic Department has jurisdiction over street signs and stop lights; the Highway Department has jurisdiction over the streets themselves; and the Parks Department controls the parkways. The Public Works Department is in charge of some of East River Bridges, but the Triborough Bridge and Tunnel Authority operates the major bridges and tunnels. Finally, the Transit Authority operates the buses and subways, but all three subway lines have different names.

The Triborough Authority makes money every year, and the Transit Authority loses money every year. Every reasonable argument points toward a consolidation, but so far we have been unsuccessful. Many mayors have found that they do not have enough "clout" in governing their cities. The special interests, unhappily for us, sometimes seem to have more.

As important as reorganization of the city bureaucracy is, it can do no more than create an efficient framework for administration. Its success will be determined by the quality and energy of the administrators themselves. We have searched throughout the country for city executives with those characteristics.

As someone once said: "People are our only product; and by the quality of those you attract shall you succeed or fail."

I think we've succeeded, by and large, in attracting to city service a new breed of what I call "urbanists"—experienced, perceptive men and women who are not awed by the challenge facing our cities and our country, but who are ready and anxious to take them up.

To give impetus to New York City's government, we have sought out the most talented men in their fields—whether they were employed by a city, state or Federal government, or by private business or industry. We engaged these professionals without regard to politics. I believe we are in the forefront of the cities in putting together a new breed of top level urban executives whose perspectives reach beyond the boundaries of any one city.

I might say in passing that to induce executives to come to New York we often had to offer top salaries—higher than had been paid for the position. Even then, we often were frustrated by the freezing-in of pension systems. I think that some way should be developed to allow administrators to transfer between city and Federal positions without forfeiting pension benfits.

For too long, local government has been viewed as the backwater of government service. The glamour, the prestige and the rewards were to be found in the Federal government or in state government; local government has been thought of as the province of the politicians. We're working to dispel that concept, which accounts for much which is wrong with our cities today, and we're having some luck in doing so.

Earlier, I discussed the centralization of city administration, a policy which is not as inconsistent as it may appear with the next policy I'd like to discuss, which is the decentralization of city services.

Consolidation of decision-making in a bureaucracy as large as New York City's can result in a remote, unresponsive, largely invisible government. It is an obvious danger in New York, which has almost 300,000 employees, 800 schools, 76 police precincts and 21 municipal hospitals, all of them administered from City Hall. So in New York we have taken several steps to bring the activities of city government closer to its citizens:

The Buildings Department has started to place its inspectors in local offices. The Welfare Department has opened its first satellite welfare center. Seven community progress centers are operating in target areas designed under the anti-poverty program. The Health Services Administration is designing comprehensive neighborhood health clinics for low-income groups.

And we have opened the first of our "neighborhood city halls" in East New York. The function of these offices is to give residents a direct line into City Hall to transmit complaints, problems and recommendations.

In summary, we in New York are adopting what Bill Slayton has long called "the entrepreneurial approach." The phrase denotes a positive, dynamic, locally-oriented city administration. It envisions a Mayor who utilizes the best elements of the business world in stocking, merchandising and delivering city services to those who need them.

Here's a specific example of how we are implementing that guideline in New York City: Ours is an intensively-developed city, and lack of building sites has long been blamed for the failure of new housing construction to keep up with the demand.

The fact is, however, that thousands of vacant lots suitable for development are scattered throughout New York, and the city itself owns many of them. This property is a great city resource—or, to follow Mr. Slayton's analogy, a commodity. We intend to market this land through a city-wide program which, in effect, will establish a land bank.

Heretofore, the city has waited for individual housing sponsors to come to City Hall with proposals for housing construction on individual parcels, with all the haphazardness that process implies. Now the city is identifying the sites, deciding where housing is needed, assigning them priorities and inviting sponsorship by the private sector. The result, we hope, will be to induce developers to produce new housing where both they and the public can profit.

In describing what we in New York City are doing to cope with the crisis in our cities, I hope I have not been certifiably self-serving. My objective has been to report to you who live in other cities how New York is attacking its many difficulties in the hope that it might contribute to solutions elsewhere.

And if the dragons we keep are larger than yours, it is because our size has not only magnified them, but created them earlier. Everything that is wrong with New York City will, eventually, become a failing of virtually every one of our cities. Thus I think it is useful to exchange views and comments on how we are confronting our increasingly mutual problems.

The basic problem, I believe, is the problem of the poor. Almost every one of New York City's social problems—crime, unemployment, disease, illegitimacy, narcotics addiction, welfare dependency, alcoholism, the numbers racket and racial conflict—are concentrated in the poor neighborhoods.

I am not among those who subscribe to the theory that the basic difficulty with cities is that too many people are living in them and that the answer is an exodus to the healthful, bucolic provinces of our farmlands.

Nor do I accept the proposition that the problem of the poor essentially consists of the problems of the Negro and that the solution is simply that of providing better education.

The poor need more than an education. They need clean housing they can afford. They need jobs. They need more enlightened welfare policies. They need readily-available medical services. They need a voice in the administration of governmental programs created for them. They need protection from junkies, extortionists, and crooked merchants, and they need to know hope—hope that they can progress in our society as fast and as far as their abilities and ambitions will carry them.

There is no single solution to the burden placed upon our cities by the poor, the disadvantaged or the deprived. If the answer can be stated in a single word, that word is money, for all of the needs I have enumerated can be met only with vast amounts of government funds.

New York City—despite the adoption of a major new tax program this year—does not have the money required. Nor does New York State. The only source is the Federal Government.

By now, the argument of American mayors for more Federal money is becoming somewhat shrill, if not hackneyed, and I shall not take up your time in a repetitive plea for Federal assistance. I do, however, want to stress three points:

First, the cities' appeals for Federal aid sometimes have been viewed as singlemindedly selfish, issued without regard to the needs of the remainder of the nation. New York City, in particular, has been accused of wanting much more than its fair share of Federal revenues.

The facts contradict the criticism. The New York City metropolitan area contributes almost $15 billion a year to the Federal Government in personal and corporate income taxes. The figure represents almost 15 per cent of all Federal income tax collections, yet it does not include revenues from the Connecticut or New Jersey areas which make up greater New York City.

In any one year, New York City has never received as much as $1 billion in direct or indirect Federal assistance. The total this year, for operating and capital expenses combined, will be about $820 million, or less than 6 per cent of the area's contributions to the Federal Government in income taxes alone.

Thus it is not that New York City is demanding a disproportionate share of Federal expenditures. On the contrary, New York City has been financing innumerable Federal spending programs in other jurisdictions throughout the country.

I think these statistics should be borne in mind when assessing the merits of New York City's claims upon the Federal treasury.

Second, the troubles New York City faces—and this is true in almost every major city—are often regional in nature and susceptible only to regional solutions. Air pollution sweeping into New York from New Jersey is one example. The pollution of the Hudson River by Upstate communities is another. The strangulation of traffic and the storied inefficiency of rail service in the New York-Connecticut-New Jersey complex is a third.

Regional co-operation, here and elsewhere, normally fails to achieve constructive, clear-cut remedies to regional problems, both because of the competing interests of the governmental units involved and because no individual jurisdiction has the finances or the power to impose area-wide decisions.

The Federal Government, however, has both resources, and it can compel cities, counties and states to hammer out regional agreements remedying regional problems. I believe the Federal Government should be more active in this respect, particularly matters involving pollution, transportation and planning.

Third, the Congress, despite the passage of legislation creating HUD, has not organized itself to deal effectively with the cities of this nation. Objectively viewed, it is almost astonishing that of 48 standing Congressional committees, none is charged with overseeing urban affairs. We have an influential, well-staffed Committee on Agriculture to represent the farms, but committee-level representation of the total needs of the cities where 70 percent of America lives is nonexistent.

A concerted attack upon the many deficiencies of this nation's cities cannot be carried out in bits and pieces of legislation, distributed among various committees for hearings, evaluations and reports to the floor. I think that legislation concerning our cities is fully as important as legislation affecting the Department of Defense, yet it is inconceivable that the House and Senate would have no committees on Armed Services. That, however, is the approximate plight of the cities.

Accordingly, I recommend that the Congress should establish, as a matter of the highest priority, a Committee on Urban Affairs in both the Senate and the House.

In conclusion, I think that all levels of government, beginning with the men in our city halls, should face up to reality. Most of our cities are in varying degrees of crisis, and most of them do not have the financial ability to pull themselves up by their bootstraps. New Yorkers, it should be noted, are the most heavily-taxed city residents in America.

We need help from the Federal Government and—as the emerging centers of an urban nation—we are entitled to it. Obtaining fresh revenues, however, may depend on our willingess and ability to reorganize, improve and reinvigorate city government. It is not an easy task, as I can testify to from my own experience, but it is one which is terribly important both to our cities and to our country.

For I would not want the United States during the coming years to be described by future generations as a society that stood admidst the filth, the oppression and the violence of the slums * * * and shot rockets at the Moon.

THE FLORENCE AGREEMENT

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, I was pleased to see that H.R. 8664, to implement the Florence agreement, signed by the United States in 1959 and consented to by the Senate in 1960, passed the House. My own bill on the subject is H.R. 16054. My statement should and does also cover support of the Beirut agreement for audiovisual devices.

The history of the Florence agreement goes back to the 1949 General Conference of the United Nations Educational, Scientific, and Cultural Organization—UNESCO.

I believe the agreement was a milestone in the maturation of the 50 nations that signed it.

Economic barriers on imports pertaining to educational and cultural materials serve no purpose in the 20th century. No nation can afford to place itself in political isolation, and with stronger reason, a nation cannot and should not establish a tariff schedule that forces its people into a state of cultural isolation.

The effect of the bill would not be harmful to domestic economic interests. Its greatest effect would be on the importation of technical books, antiques, and scientific equipment. For example, under our present tariff laws, books of foreign authorship are subject to a duty of 3 percent ad valorem. Imports worth about $39 million are involved. See on this TSUS 270.45 U.S. imports for consumption and general imports 1964, U.S. Department of Commerce, Bureau of the Census. Under the bill this duty would be eliminated in this specific area. Less than $2 million of revenue is involved.

As our Nation has traveled down the path of diplomacy, we have met many obstacles. Fortunately, they have been only temporary detours in our quest for world peace. This bill widens the path by enlarging the channels of communications between nations. A society's mental growth should not be restricted by economic sanctions.

I hope that this bill will now receive careful consideration in the Senate. I believe its speedy passage will help to remove one more obstacle that blocks our path toward world peace and understanding. This Congress being an important catalyst in the preservation of the free world, should now incorporate into our law the necessary powers to implement the agreement we signed in 1959.

THE PRESIDENT'S CLUB

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. GOODELL. Mr. Speaker, grave questions have been raised in this Chamber dealing with the operation of the President's Club. These questions have gone unanswered.

Aside from the very serious questions of individual situations, there remains the underlying problem of the nature of campaign financing.

The lead editorial in the Christian Science Monitor for today, September 13, 1966, addresses itself to this question and should be read by the Members of the House.

For their study, I am pleased to include the editorial at this point in the RECORD:

THE PRESIDENT'S CLUB

Campaign financing continues to be the Achilles' heel of American democracy. Election campaigns in the United States are unbelievably expensive. Parties and candidates are forced to think up clever means to raise the vast sums needed to pay for high-cost campaign advertising. They frequently turn for contributions to sources some of which could conceivably stand to gain substantially from government favoritism.

The opportunities for corruption and the consequent suspicion of corruption can be removed. Political scientists believe that, whatever the difficulties, wise and adequate laws relating to campaign financing can be drafted and enforced.

No one would argue that present laws are in the least adequate. President Johnson submitted a bill to Congress proposing a new law. It would help by requiring more disclosure, encouraging gifts by smaller contributors, and closing some of the present loopholes. Still, it is a bare beginning.

At the same time that this bill would help to reduce dependence on the large contributor, Mr. Johnson is using the President's Club as a device to attract to party coffers gifts of $1,000 or more.

Relying on status appeal, the President's Club has proved to be an unusually successful fund-raising method. And, like the $1,000-a-plate testimonial dinner and the sale of advertisements in slick political brochures at $15,000 a page, it raises suspicions of improprieties. Such practices should have no place in politics.

It is not necessary to adopt Theodore Roosevelt's suggestion that the government pay campaign expenses by appropriating funds directly to the parties. Helpful measures could include voluntary agreements to limit advertising expenditures, tax incentive programs for the small contributor, laws providing for shorter campaigns, the application of campaign contribution laws to primaries and conventions, the establishment of proper accounting methods, and the disclosing and publicizing of actual contributions and expenditures.

The President's Club raises suspicions of influence peddling and corruption, involving the highest office of the land. However reluctant he may be to give up a lucrative source of party income, President Johnson owes it to the people to preside at the dissolution of this club and to do it now.

REVITALIZING THE WAR ON POVERTY

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. GOODELL. Mr. Speaker, the Republican Task Force on Economic Opportunity recently held hearings in Chicago to determine the progress and conduct of the war on poverty in that city. The failure of that city to institute a meaningful, successful program was sadly apparent in all of the testimony which the task force received.

One of the finest statements presented to the task force was one submitted by Charles H. Percy, Republican candidate for U.S. Senator from Illinois. Mr. Percy clearly assessed the current dilemmas in the Chicago program and presented concise recommendations for improving the present poverty program, as well as increasing the responsibility of the private sector in a total antipoverty effort.

I include Mr. Percy's statement:

REVITALIZING THE WAR ON POVERTY

(Statement presented on behalf of Charles H. Percy, Republican Candidate for U.S. Senator, Illinois, to the House Republican Task Force on Economic Opportunity, Chicago, Ill., Aug. 19, 1966)

Two years ago President Johnson issued a call to the American people to join in a great War on Poverty—a war to help some 35 million of our fellow citizens to rise to a decent standard of living and enhanced economic opportunity. The philosophy of this great new venture was straightforward and eminently sound, and in the best tradition of the American people.

It was not the principle of charity, nor of patronizing benevolence.

It was not the philosophy of the freeload or the dole.

It was merely the principle that it is right—and wise—for Americans to help their fellow Americans to help themselves.

President Johnson recognized this when he said, in his initial message to Congress: "The war on poverty is not a struggle simply to support people, to make them dependent on the generosity of others. It is the struggle to give people a chance. It is an effort to allow them to develop and use their capacities, as we have used ours, so that they can share, as others share, in the promise of the Nation."

Dr. Walter Heller, then Chairman of the Council of Economic Advisors, put it this way: "The essence of the President's attack on poverty is the creation of new economic opportunities, a chance for the poor who are able to do so to earn their way out of poverty."

These statements bring to mind the words of the 1959 report of the Republican Committee on Program and Progress, a blue ribbon group appointed by then Chairman of the Republican National Committee, Meade Alcorn, with the enthusiastic support of President Eisenhower. The Committee, which I had the very great honor to chair, said:

"There are still some people who earnestly seek jobs who cannot find them, people struck down by disease who lack the means for decent care. There are old people without the simple requirements of a life of dignity; children without access to suitable education; people denied equal rights because of race, religion, and national origin. These are blights on the conscience of the most richly endowed of all nations with the means of achieving well-being for its people."

Our report then went on to make this affirmation: "We believe . . . that every American of whatever race or creed must have the chance to make his best contribution to society, to himself and his family and to earn a status of respect."

This is not the time or place to present an exhaustive listing of similar formulations of this common philosophy which runs like a silver thread through the fiber of the American experience. The principle of helping others to help themselves to grow in self-reliance in ability, in economic productivity and security, and in dignity, is a principle we all share.

The debate which rages over the present War on Poverty, is not waged between those who believe in helping others to help themselves, and those who believe in winner-take-all and devil take the hindmost. It is waged between those who claim that the weapons of the War on Poverty are not helping people to help themselves, and those who defend the present one and three quarter billion dollar program as the proper way to achieve that important objective.

That debate, a growing national debate, started the day the Johnson Administration submitted its Economic Opportunity Act to the Congress, and it has intensified as the various programs got under way. And today, two years later, it has become a growing crescendo as more and more Americans are beginning to voice their concern over the future of the Administration's War on Poverty and the Great Society of which it is supposed to be so vital a part.

At this point, Mr. Chairman, I should like to congratulate you and all the members of the House Republican Conference Task Force on Economic Opportunity chaired by the very able Congressman from the fifth district of New Jersey, the Honorable PETER FRELINGHUYSEN. The hearings you have held around the country, such as this one, have shed valuable light on the workings of the War on Poverty and have led to a number of constructive suggestions. Credit should also go to the Members of Congress who serve on the Select Subcommittee on the War on Poverty of the House Education and Labor Committee, and to the hard working staff members of the Subcommittee.

THE DILEMMA OF COMMUNITY ACTION

I wish today to lend my support to a number of recommendations for improving the War on Poverty, but before I do so I should like to discuss what I believe to be the central dilemma of the key program created by the Economic Opportunity Act—the Title II Community Action programs.

Poverty—leaving aside the special problems of those too old or incapacitated to earn their way and those who are able and willing to earn their way but are prevented from doing so by the ugly barrier of racial discrimination—is basically a problem of attitude and motivation. Those whom Michael Harrington has labeled the "Old Poor"—the younger Ben Franklins and Abe Lincolns, the many penniless immigrants who came to America full of hope—were eager to venture forth to shape their environment to their own advantage. They worked long hours, planned wisely, watched tirelessly for new opportunity, and deferred present gratification for future reward.

But those Harrington called the "New Poor"—the third generation welfare recipient, the poor prisoner of the urban Negro ghetto, the once-independent mountaineer victimized by the flight of coal and timber employment, the Spanish-speaking Americans blocked from full participation in our society, the Dust Bowl farmer wiped out by crop failures—all these people have been forced by historical trends and economic conditions beyond their control into a different sort of poverty. Theirs is a poverty of motivation, will, and hope, as well as of education, jobs, and income. Unlike young Andrew Carnegie, stepping off the boat from Scotland with ten cents in his pocket and a world to conquer, these Americans have never believed that they could exert a constructive influence on the world about them. They view themselves as helpless, drifting pawns of faceless and nameless forces which foreordain their lives.

Merely giving these people money and welfare services, will not suffice. What is needed is a true rekindling of faith in the value of their own motivated efforts; otherwise, there will be no hope for helping them to help themselves up out of poverty and into economic security and a decent standard of living. In order to rekindle this faith, then, poor people have to be shown that what they do will make a difference. Then comes the first horn of the dilemma. Since what a single poor person can do usually will not make a great difference, the argument goes, poor people must unite and pool their influence to improve their common situation.

Thus, the theory says, the poor must be organized. It may be for an end to racial discrimination in employment. It may be to demand a local school board to pay more attention to neighborhood schools, as has been done here in Chicago. It may be for forcing slum landlords to correct dangerous building violations. It may even be to elect representatives of the poor to political office. Whatever form it may take, the action must be designed to convince poor people that, working together, they can attain the independence and influence they must have for a better life. As this program of action brings results, each participant grows in self-reliance and self confidence; he is increasingly encouraged to take charge of his own affairs and to climb the ladder to independence.

Now that forms one horn of the dilemma. The other horn comes into view the moment an outside party such as government enters to offer support. How can people move toward independence by becoming dependent on government money and subject to the controls that inevitably accompany government money? And worse yet, according to this thesis, since an essential element of the program to help poor people out of poverty may involve a drastic reorganization of the social, economic and political structure of a community, how can the government justify collecting tax money from all the people and then returning a portion of it to those who are likely to create a local power revolution?

Thus formulated, this dilemma has plunged the Community Action Programs of the War on Poverty into seething controversy in nearly every large city in the nation. The city halls of America—and notably the City Hall of Chicago—viewing the threat with alarm, have made strenuous efforts to ensure that the real power that flows from massive injections of government poverty funds stays right in city hall and does not come under the control of the poor.

I hope a way can be found to resolve this dilemma. I think it can be.

The fallacy in the way the issue is presented, I think lies in the assumption that the only way to prove to poor people that their efforts can produce beneficial results is to organize them for group action. If this premise is accepted, a polarization is created between the poor on one hand and the "power structure" on the other, where each sees the other as a threat to its own goals.

I think that it should be possible to avoid this unhappy polarization by finding ways to give new incentives to the power structure—meaning local government, political parties, business, unions, churches, the welfare agencies, established community organizations and so on—to open channels of upward mobility to those presently excluded from full participation in the community's social, economic, and political decision making. If such a program can be worked out, and there is some evidence that it can, it seems to me that the poor person of today would gain a fair chance of understanding the workings of these presently faceless forces. He would have a fair chance to rise through the system, instead of being forced to choose between continued poverty and militant conflict with those in the best position to give him a helping hand. The essential ingredient in such a formula, of course, is a new awareness among those who do wield the largest share of influence in the community that their ranks must be opened up to those presently poor, even if it means enhanced competition for coveted positions.

The Republican Party, which has always championed competition as a vitally important principle of American life, would do well to lead a crusade to open these opportunities to lower income people. This spirit, I think, can be found in the Opportunity Crusade legislation sponsored by two distinguished members of this task force, and I commend Congressmen GOODELL and QUIE for their outstanding efforts in this respect.

POVERTY AND THE CITY HALL MACHINE

Unfortunately, in a large city so overwhelmingly dominated by a long entrenched political machine as Chicago, there is very little interest among those in charge in opening up the power structure to any but those who have reached an "arrangement" with City Hall, Chicago; in fact, it is an outstanding example of iron-fisted control of the Federal poverty program by the Mayor and the Chairman of the predominant political party, who in this city happens to be the same person.

The original poverty legislation included the now-famous requirement for "maximum feasible participation of the poor" in community action programs. In Chicago, maximum feasible participation of the poor means the maximum amount of participation by the poor that Mayor Daley will allow and that is precious little.

The Community Action program of Chicago is directed by the Chicago Committee on Urban Opportunity (CCUO). Its chairman happens to represent a viewpoint very close to that of City Hall. That is because the Chairman is Richard J. Daley, Mayor.

The Committee itself has some 70 members, who are appointed by the head of the local Democratic machine. About half of the members are either members of the Mayor's cabinet, officials of State and local public agencies or important members of governmental committees and commissions. Many of the others are persons whose future economic interests and social status would be adversely affected by any display of recalcitrance against the wishes of the City Hall machine. Of the 70 or so members there is space for only 14 so-called representatives of the poor, and even they are, directly or indirectly, appointed by City Hall.

The Executive Director is Dr. Deton J. Brooks, who was persuaded to relinquish his $14,500 a year job to accept appointment to the $22,500 post. Dr. Brooks, I might add, recently achieved some notoriety by lending his name to the campaign letterhead of a local Democratic candidate for Congress. When it was quite correctly pointed out that doing this was a gross violation of the Hatch Act prohibiting political activity by city employees administering federally financed programs, Dr. Brooks loftily replied, "I'll do as I darned please." He was, however, pleased to have his name removed from the letterhead with great dispatch.

The operating arms of the CCUO are the Urban Progress Centers of which there are now seven. The Directors of these Centers are appointed by the CCUO, chaired by the Mayor.

Each Center has an Advisory Council of 70 members. Originally all these council members were appointed, upon recommendation by the Center Director, by the head of the Democratic machine, who is also Chairman of the CCUO. Now a great step forward has been taken. Now the Mayor appoints only sixty members of an advisory council, and his sixty appointees are given free rein to appoint ten additional members of their own choosing. Yet, with all this freedom, it is remarkable that so few additional members have been appointed who are outspokenly hostile to the CCUO Chairman, the Mayor. Once one was, but that indiscreet council member was removed by the Daley-appointed Director of the Center.

From this organizational picture it is not surprising that Democratic Congressman Adam Clayton Powell, who should know, has charged that the Mayor "has managed to completely evade the intent of Congress, ignore the poor, and set up little political fiefdoms run by machine bosses."

Obviously, if the millions of poverty dollars spent in Chicago are going to have a commensurate impact on helping people out of poverty, there must be room for the poor to have a meaningful voice in shaping the program. The Mayor has absolutely no intention of granting the poor any such independent voice. As a result, Chicago's war on poverty has bogged down into a terribly inefficient and wasteful distribution of tax money to solidify the grip of the CCUO, City Hall and the local Democratic machine, all three presided over by Mayor Daley.

RECOMMENDATIONS FOR IMPROVING THE WAR ON POVERTY PROGRAM

Within the present framework of the War on Poverty, however, I should like to offer these specific recommendations.

1. Added emphasis must be given to the concept of involvement of the poor and their representation in positions where they can have some real influence. Obviously this cannot be achieved so long as a local community action program is so completely dominated by one political leader as is Chicago's by its Mayor.

2. The original 1964 poverty package—with the sole exception of the community action concept—consisted of a jumble of programs warmed over from as far back as the great Depression. Under the pretense of creating a new and more efficient functional grouping, the programs were lumped together under the authority of a new bureaucracy, the Office of Economic Opportunity, although when originally proposed in earlier years, they were placed in the regular Executive departments. Only one year after the passage of the Act, the Administration asked Congress to transfer one of the programs—the Title I–C College Work Study programs—back to the Office of Education to which it had been assigned by President Kennedy's Omnibus Education proposal, on the grounds that that was where it belonged for proper integration into the overall aid to education program.

The same correct principle should be applied to all of the programs created by the Economic Opportunity Act, except for the Community Action programs and VISTA, which would continue under the supervision of OEO.

3. The Headstart program for preschool children has been the outstanding success of the War on Poverty. It should be continued, expanded and strengthened, with special attention given to the training of additional personnel to ensure high quality programs in every community. I see no reason why the increased use of non-professional teachers and teachers aides should not be made; this would ease the personnel shortage and at the same time provide useful jobs to women who may be extremely competent in handling small children even though they do not hold college degrees.

4. Effective steps must be taken to insulate the poverty programs from partisan politics. Last year the Senate accepted without dissent Republican amendments to put local community action field representatives and VISTA workers under the Hatch Act, but objections from Democrats in the House forced deletion of the provision in conference. I am pleased to see that the efforts of House Republicans, fortified by the continual reports from a number of cities of political interference with and control of the poverty program, have led the Education and Labor Committee of the House to insert essentially identical provisions in the bill now awaiting House action.

5. The efforts of House Republicans also were rewarded when the House Committee added language to restrict the present practice of paying excessively high salaries to local community action employees. An additional tightening up is in order for employees of Federally-operated Job Corps centers.

6. The National Advisory Council created by section 605 of the Act is so constructed as to be useless. Such a council is supposed to provide a continuing, critical overview of the program under its jurisdiction. This particular council, however, may act only upon the request of the Director; unlike similar councils created by other legislation, this council is "within" the Office of Economic Opportunity; there are no provisions for clerical or investigatory assistance needed for a conscientious appraisal of the program; the council has no obligation to report its findings to anyone but the Director of OEO, who is under no obligation to transmit any such report to Congress and the people; and to top it off, it is chaired by the very bureaucrat whose activities it is supposed to review.

In its present form, this Council, judging from its own minutes, does nothing more than serve as a public relations transmission belt for propagating the opinions of the Director of OEO and his associates. Last year, Republican Senator Winston L. Prouty offered, and the Senate passed, an amendment reconstituting the National Advisory Council to remove these infirmities. The Prouty amendment would have made the National Advisory Council a truly independent body for evaluating the progress of the poverty program and making findings and recommendations available to the taxpayer who is footing the bill. This amendment was unhappily killed in conference by House Democrats. It should be offered again this year.

7. A far greater effort must be made to see that the benefits of the community action programs are made available to rural areas as well as to our big cities. Outside of summer Headstart programs, only 15.5 percent of community action funds obligated through March, 1966, went to rural areas, despite the fact that 45% of the nation's poor families live in rural areas. Republican proposals to earmark some community action funds for use only in rural areas should be supported.

8. New incentives for participation in the War on Poverty by the States should be initiated. The Republican Opportunity Crusade provisions to create a state bonus plan are worthy of support.

9. Also included in the Republican Opportunity Crusade bill are provisions to automate the state employment services and to maintain an up-to-date job inventory. These steps—which have been urged by Republican Congressman Tom Curtis of Missouri for years—are long overdue.

ADDITIONAL PROPOSALS FOR ECONOMIC OPPORTUNITY

The recommendations I have just made relate directly to the present War on Poverty legislation. Before closing I should like to briefly touch on some other proposals that would contribute to the overall battle to guarantee genuine economic opportunity to all Americans.

First, we must never relent in our efforts to improve our schools. Education is an indispensable ingredient in combating poverty. Our school systems should be strengthened and expanded to offer more in the way of preschool education and junior colleges. Some tax resources now preempted by the Federal government should be returned to the States and local communities for their use in improving education.

Second, no program of fighting poverty can be complete until it comes to grips with the problems of the aged. Of great importance is maintaining price stability in the economy. Inflation works its most serious hardships on the elderly poor living on fixed incomes. Effective monetary and fiscal measures to restrain the alarming price rises of the past year are long overdue. A further liberalization is also in order for the income limitation rules for social security recipients.

Third, young men and women willing to work their way through college should be encouraged to do so by permitting them a tax deduction equivalent to their expenses for tuition, fees, books, supplies and equipment. Two years ago every Republican Senator supported such a measure, but President Johnson prevailed on enough Democrats to defeat it, on a tie vote.

Fourth, Congress should act immediately to pass the Republican Human Investment Act, which would encourage additional job training in private industry through a system of carefully designed tax credits. Four years ago Congress passed legislation permitting companies to claim tax credits for their investment in new equipment and machinery. A similar investment in people and their labor skills is long overdue.

This proposal was considered in depth last Fall by the Job Opportunities Task Force of the Republican Coordinating Committee, of which I was then Chairman, and we gave it our enthusiastic support. Our recommendation was subsequently endorsed by the full Coordinating Committee, and the bill itself is sponsored by every member of the Joint Senate-House Republican Leadership. I believe all of you gentlemen here today are among the more than 100 Republican sponsors of the measure in this Congress. The tax credit approach to spur additional job training has been endorsed by Dr. Martin Luther King and New York civil rights leader Bayard Rustin, as well as scores of business and union leaders and manpower experts. Had Congressional Democrats and the Johnson Administration heeded Republican pleas to act on this important legislation last Fall, the present labor skill shortage would not be nearly so severe, and tens of thousands of Americans would be at work in better and higher paying jobs.

Fifth, what remains of racial discrimination by labor unions must be brought to an end. Many an able and willing Negro worker is unemployed merely because a union local would not permit him to become a member. I am glad that the AFL–CIO and other national unions are continuing to work toward this goal, but the rate of progress must be sharply increased.

THE ROLE OF THE PRIVATE SECTOR

Thus far I have spoken about the War on Poverty entirely in the context of government programs and legislation. I have purposely saved until last some observations on the role of the private sector in providing economic opportunities for all.

The private sector, including profit-making businesses and not-for-profit associations, churches, unions, foundations and the like, does far more to combat poverty in America than the Office of Economic Opportunity, yet too frequently we fail to recognize its great strength and even greater potential.

Let me give you an example of how the private sector, operating entirely without government assistance, can begin to make a real dent in the problems of poverty, health care, employment, education and housing.

Two years ago I helped organize here in Chicago a one-year pilot project called the 3–R program. It was funded by a grant from the W. Clement and Jessie V. Stone Foundation. Using the facilities of the Chicago Boys Clubs, salaried and volunteer teachers taught basic reading, writing, spelling and new math skills to potential high school drop outs and those who had already left school. The method of teaching brought marked improvement by the end of the first 8 week session and at the end of the 8 week session the average reading comprehension was increased by one school year, and math comprehension by ½ year. The length of the course appealed to those students who lacked the motivation to stick out the 9 month Basic Adult Education classes offered by Cook County Public Aid. The drop-out rate from the 3–R program was very low and nearly all adults in the program found employment.

At the same time, a group of public spirited people who had helped me in my 1964 campaign for Governor joined together to form the New Illinois Committee (NICOM), of which I have served as Chairman, and we have undertaken a number of projects in the social service area.

The first project of the Committee was a Legal Aid Guide, a compilation of all the legal services available in Chicago to those who cannot afford their own attorney. This guide was printed and distributed to 600 public and private agencies throughout the city.

The second project, is Call for Action, Inc., co-sponsored by Radio Station WVON and NICOM. Call for Action is designed to promote better cooperation between tenant and landlord and to work for more effective housing code enforcement in the city. Complaints about 2 thousand buildings have been intensively followed up. Whenever possible the landlord is contacted first, and 26% have voluntarily cooperated by making repairs within 3 weeks. But when, in other cases, Call for Action was forced to seek action by the city building department, it found that only 10% of the complaints referred to the department were corrected within a year; while the remainder deteriorated almost beyond the point of repair.

This pointed out how important it is that private citizens not abandon all their responsibilities to a public agency, which may or may not follow through with effective action. While we have not yet succeeded in convincing City Hall that a thorough-going improvement in the housing code inspection and enforcement system is needed, we have, I believe, spurred them toward renewed consideration of constructive ideas.

The third project is the 29th Ward Family Center, run by volunteers. The Center provides play school activities to 100 pre-school children on Chicago's West side. During the summer recess the Center also offers medical and dental examinations, family planning, housekeeping and budget counseling. The Center also sponsors a choir for senior citizens, and during the school year offers after school tutoring, modeling and grooming classes, ballet classes and recreation facilities for teenagers in the area.

The Job Opportunity report, listing jobs of varying skills for both men and women, is mailed bi-weekly to community organizations in Chicago. This project has helped hundreds obtain temporary and permanent work.

The Business Assistance Program, started only last month, is designed to help small businessmen with specific retailing, production, marketing, accounting, financial or other problems. Young executives devote free time to work directly with small businessmen who request assistance.

The New Illinois Committee is, of course, only a small operation. But across the land thousands of similar organizations have been started to mobilize the great strength of the independent sector of the economy to build a better America for us all. Just to mention a few:

There is the outstanding job training program run by my good friend Rev. Leon Sullivan in Philadelphia, called the Opportunities Industrialization Center.

There are the many programs of the Board for Fundamental Education in Indianapolis, which has pioneered in such areas as basic education in industry and self-help housing.

There is the Western Student Movement in Los Angeles, the Student Education Corps at Lansing, Michigan, and the Urban Service Corps of Washington, D.C., which are giving tutoring to needy young people and adults who seek to improve their chances for attaining a better standard of living.

There is the Cornerstone Project in the Bedford-Stuyvesant section of Brooklyn, where young people from all over the country come for two week service-seminars to learn about and work with poor people from the area.

There are the MIND and STEP programs developed and applied by the National Association of Manufacturers in New York.

There is the Interracial Council for Business Opportunity, sponsored in New York by the American Jewish Congress and the Urban League, which seeks to help Negro businessmen strengthen their enterprises.

There is the Revitalization Corps, operating to assist culturally deprived youths in Hartford, Conn., and now in New York City.

There are the truly outstanding efforts of the Interfaith Interracial Council of the Clergy in Philadelphia and the Bicentennial Civic Improvement Association of St. Louis in rehabilitating slum buildings and making them available to low income families on an actual ownership basis.

There are the splendid programs being run by Dr. Larry Cole and his co-workers at the Lower East Side Action Project in lower Manhattan. And the list goes on and on.

These efforts, I think, offer in the long run the best hope of eradicating poverty in America. The function of government should not be to crowd independent efforts into the background, but to develop a genuine working relationship that lends them support and encouragement. In this way, the dream of ending Poverty in America can most effectively be attained.

"THE CHALLENGES AND THE OPPORTUNITIES," A PRESENTATION BY ROGER A. FREEMAN

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. GUBSER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. GUBSER. Mr. Speaker, Mr. Roger A. Freeman, a noted scholar and senior staff member of the Hoover Institution on War, Revolution, and Peace at Stanford University in my congressional district, recently delivered an outstanding paper at a national meeting of the Philadelphia Society in Chicago. The Philadelphia Society is a new national organization of university-connected scholars, and its president is Dr. W. Glenn Campbell, director of the Hoover Institution.

The subject of the society's conference was "Civil Rights and Individual Responsibilities" and Mr. Freeman's presentation is entitled "The Challenges and the Opportunities." I consider the factual data and the thoughts expressed in his paper to be worthy of study by all readers of the CONGRESSIONAL RECORD and I therefore submit it herewith.

THE CHALLENGES AND THE OPPORTUNITIES

(By Roger A. Freeman)

Coming before you at the tail end of this conference, I find that much of what I had intended to say has already been said—and much better than I could have said it. So I'll try to fill in a few gaps, summarize what I have learned and give you the conclusions I would draw.

It is apparent that we are dealing here with the most difficult domestic problem the United States has today. It is so, partly because there are many factors involved which organized society cannot control and must accept though it may regret and try to ameliorate them. Partly, because passionately held convictions clash so sharply with each other that appeals to facts, impartial inquiry or reason largely fall on deaf ears and, more often than not, are futile.

I feel like the man who when asked for directions replied, after considering several routes, "Mister, you can't get there from here."

But we are like a man hanging by his fingers above an abyss: we can't give up because the alternative is disaster. If we chart the trend of current developments in some of our major cities, in many school systems, in welfare dependency, crime and numerous social ills, and project them for the next decade or two, they spell utter chaos. If we study the nature of widespread unrest and violence and watch the dynamite piling up in many locations, we may conclude that Watts may have been only a curtain raiser for Megawatts to come.

The problem at hand is somewhat like our Vietnam quandary: none of us feel very comfortable at having hundreds of thousands of American men fighting a protracted war in Asia's southeast corner. And many or most of us have grave doubts whether present policies will lead to victory or even to a satisfactory compromise. But we know that we can't run out—and so can only try to devise and suggest a course of action which is more likely to result in a favorable outcome than the present one.

If the problem were just one of civil rights it would be easier to find a basis for agreement, at least in principle. There is, in fact, large-scale consensus that equal access to the rights and privileges of citizenship must be assured: the right to vote or be elected, equal opportunity to participate in all services of government—education, health, welfare, recreation. Until not so long ago it was the "Equal Opportunity" banner under which the civil rights forces gathered and which all who believe in freedom and justice had no difficulty joining. Now, that some of the earlier goals have largely been achieved, it has become painfully obvious that equal opportunity means unequal results. So, demands are being raised for more than equal rights—and since nothing can be more than equal, this means unequal rights, or, if you please, discrimination in reverse. The battle cry now is for preferential treatment for one ethnic group out of the many that have come to this country.[1]

The old truth that the right to move my fist is limited by the proximity of your chin seems to be too easily forgotten and what started as a movement for freedom seems to wind up—as it so often did in history—as growing coercion. Such action is bound to backfire—and it already has in some cases, which has raised the activists' ire to white fury.

Some observers wonder why hatred seems to be growing, why riots erupt at a time when civil rights laws are being passed and carried out, when discrimination barriers are being broken, when more is being done to improve the economic and social condition of the Negro than before. They seem to be under the misconception that the turning from anger to violence, from civil strife to rebellion, is governed by objectively measurable conditions of well-being. In reality, however, the critical factor is the psychological response to the interpretation of conditions rather than the conditions themselves.

What would you do if you wanted to incite a group of people to riot? You would tell them that they are being oppressed by evil men, that they are being deprived of their natural rights, that they are the victims of injustice and exploitation, that their lot is worsening and that there is no hope for them. That is almost exactly what the President of the United States said in his Howard University speech on June 4, 1965. He told the Negroes that the walls between them and their tormentors are rising and the gulf widening, and that these are for the Negro "a constant reminder of oppression. For the white they are a constant reminder of guilt." Similar incendiary speeches were made by other officials and politicans. Small wonder that hatred and violence are multiplying.

Is it true that the walls are rising and the gulf widening, that the income gap between whites and Negroes is growing? The median cash income of Negro families was reported at $3724 in 1964, per capita income at $1168. That is higher than personal income runs in all but 3 or 4 of the 120 countries on the face of the globe. It is 5 to 15 times as much as income now averages in the Congo, in Ghana or in other countries where the Negroes would be if their ancestors had they not been brought over here. But it equals only 54% of the income of the average white family. That does not mean that Negroes are paid lower wage rates but that they are more heavily represented among the low-skilled, low-wage occupations. This parallels the situation in other countries where Negroes live.[2] But those countries maintain no such income statistics.

The lower average income of Negroes is being used all over the world, particularly by the Soviet propaganda machine, to denigrate the image of the United States. To be sure, the same situation in regard to occupational distribution exists between Russians on one hand and the Kazakhs and other oriental peoples in the Soviet Union on the other. But the USSR is smart enough to publish no statistics that would show this. You have to go to Soviet Central Asia to see it—and how many people do?

Has the white-Negro income gap really been widening, as we have been told? The median wage and salary income of nonwhite males which jumped from 41% of that of whites in 1940 to 61% in 1950 has been around 58% since 1958. To be sure, for year-round, full-time workers the progress has been continuous: Nonwhite earnings as a percentage of white earnings climbed from 45% in 1940 to 58% in 1950 and 66% in 1964. What explains the discrepancy? A steady deterioration of the relative employment picture. The unemployment rate among nonwhites equalled as a percentage of the white rate:

	Percent
1930	92
1940	118
1950	173
1960	185
1965	209

Unemployment now equals slightly less than 4% of the labor force among whites, almost 8% among nonwhites. It is worse among women than men, worst of all among teenagers. One-fourth of the nonwhite boys in the labor force and one-third of the girls list themselves as jobless.

Nobody can claim that all job discrimination has been eradicated. But it certainly cannot be said that it has been getting worse. Evidence is to the contrary. It is widely held that the number of unskilled jobs is shrinking and that Negroes are hit harder because they have fewer skills due to inadequate educational opportunities. It would probably be more accurate to say that unemployment among low-skilled persons is so heavy because of a growing discrepancy between their productivity and the wage rates they would have to be paid under minimum wage laws and union contracts and because nonwork pay is becoming more easily available and more attractive.

A few recent reports in the *New York Times* may throw some light on this:

"At HARYOU ACT [Harlem Youth Act Program] 50 openings for maintenance helpers—a euphemism for assistant janitors—went begging this summer because the kids didn't want them, no more than they wanted jobs as maids, no more than they wanted to pick cotton."

Earlier in the same article the author described a youth of 23 who left school at 16, has worked for perhaps 3 of the past 6 years at five different jobs, the last of which he lost when he swore at a customer who didn't tip him for delivering the groceries. He said he hadn't worked for nine months and would like a job. "But man," he said, "What do I got to sell? All I got is my hands and there's more hands around than there is jobs."

(From an article dealing with job discrimination in the *New York Times Magazine* September 19, 1965.)

"One of Mrs. Petty's neighbors thinks the solution is not just jobs but 'good-paying jobs.'

"Last July, he gave up an $85-a-week job as a tow truck driver because after deductions, lunch money and carfare, he was left with $60 in take-home pay. He is drawing $55 a week now in unemployment compensation."

(From an article "Negroes Still Angry and Jobless Three Months After Watts Riot," the *New York Times Magazine* November 7, 1965.)

The Bureau of Labor Statistics and Census Bureau do not publish all pertinent statistics they gather and particularly the detailed ethnic breakdowns of the 1950 Census were not made available from the 1960 Census. But occasionally we can gain an insight if an administration official who wants to make a point uses some unpublished figures.

In a speech at Houston on January 21, 1966, Assistant Secretary of Commerce Andrew F. Brimmer[3] revealed that the unemployment rate among married Negroes who live with their wives is less than 2%—the same as for white of the same status. That is about as low an unemployment rate as we are likely to reach in a free market with high mobility.

This fact raises any number of questions. Is racial discrimination directed only against Negroes who are single or have left their families but not against those who stayed with them? Or are only single or separated Negroes undereducated or unskilled? Are they the only Negroes who bear the indelible imprint and consequences of 200 years of slavery and 100 years of oppression and deprivation and lack of educational opportunities? Does the amazingly low unemployment rate—less than one in fifty—among married Negroes living with their wives not suggest that education, skill, employability and ability to land and keep a job are not related to color of skin but to other personality traits? Should it not cause us to review and revise often repeated concepts of Negro stereotypes?

The truth is that Negroes are no more homogeneous than whites—some are intelligent and some are stupid, some are diligent and some are lazy, some conform to accepted behavior standards and some don't, some are honest and some are criminals. The differences within each ethnic group are far wider than the statistical variance between their averages and the overlap is great. Controlled comparisons show that differences associated with income outweigh those associated with color. Family structure differs more between income levels than between Negro and white families: If we compare statistical averages of whites and Negroes in various tests or social characteristics, we find substantial differences. But they are smaller than between persons in the upper socio-economic strata and those at the lowest strata.

This suggests that the root of the differences may not lie in color of skin but in certain personality traits which determine the socio-economic bracket a person winds up in. Therefore, our attention and our efforts should be concentrated on the personality traits which are connected with poverty and social ills and not with race. The statistics suggest that those characteristics may be no more equally distributed among various ethnic groups than are blue eyes, red hair or tall build.

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[1] Elaborate rationalizations are being advanced for translating this form of racism into public policy.

[2] Except for the governmental bureaucracy in some of the new countries of Africa. Some of those countries, such as Uganda, are trying to correct the occupational imbalance by excluding Asians (Indians and Pakistanis) from pursuing the vocations in which they have traditionally engaged, and forbidding non-Africans to own land. That parallels some of the provisions of the Nuremberg laws of 1935.

[3] Who has just been appointed a member of the Board of Governors of the Federal Reserve System—the first Negro on that body.

The crucial question is now: are those traits the result of extrinsic or intrinsic forces, are they inborn or are they acquired? Few believe that they are wholly due to heredity but many are impassionately committed to the proposition that they are exclusively the results of environmental influences and that the suggestion of genetic causation is absurd.

I called the question crucial. But it is also presently unanswerable. Partly because no definite or conclusive proof has yet been advanced for one side or the other. But above all, because emotions so dominate beliefs in this field that a reasonable, fact-based, discussion is virtually impossible. The rules of logic and scientific inquiry, probability and proof seem not to apply here. To as much as refer to the possibility of a genetic basis for differences in achievement or intelligence tests—or in social and economic characteristics—is regarded by many scholars in the field not merely as a heresy and absurdity but as repulsive and indecent. Any perpetrator is treated with sarcasm and invective and subjected to ostracism.

When Assistant Secretary of Labor Daniel Patrick Moynihan, last year, wrote his now famous report on the breakdown of the Negro family—in which he emphasized the statistical differences between white and Negro characteristics and was careful to attribute them to slavery and discrimination—(a report that formed the basis for President Johnson's Howard University speech) he was called a veiled racist and a fascist by participants in a succeeding White House Conference; he soon resigned to withdraw to Wesleyan University.

When Dwight Ingle, University of Chicago professor of physiology, in a calm and factual article in *Science*, the journal of the American Association for the Advancement of Science, in October 1964 wrote that there is no proof of personality traits being genetic or environmental—with a plague on both, what he called racist and equalitarians—he found himself attacked in more than a dozen vituperative letters in succeeding issues of the journal. Some even criticized the journal for publishing the article. It is apparent that in regard to this issue academic freedom is indeed academic, and reserved to one side only.

I have expanded on this aspect because I know that many of you feel, and rightly so, that this is a vital question which needs to be resolved by study and broad discussion among competent scholars. But I have come to the conclusion, very reluctantly and regretfully, that at this time such an approach leads us into a dead alley. Factual study and academic inquiry should by all means continue, and I lift my hat to any volunteer martyr, ready and willing to be sent to Coventry by the "community of scholars." The rest of us may take our clue from Kant: the failure of pure reason and the triumph of practical reason. Or, if you please, a pragmatic approach.

To find practical solutions we should first identify the white-Negro differences which have been narrowing and those which have been widening. That may give us some clues for possible action.

The following data are not in absolute terms but in terms of the white-nonwhite ratio: Family income significantly improved over the past 25 years, but has been stable for the past 7, slightly below its 1950 ratio. For year-round, full-time workers, wage growth has been steady and seems to continue. The educational differential, expressed as the number of years of formal schooling, has dwindled from 3.7 years for the group which is now 45–54 years old to .9 years for the group which is now 18–24 years old. By such measurable yardsticks as teacher qualifications and salaries, building standards and per pupil expenditures progress in nonwhite schools has been relatively faster than in white schools.

The occupational distribution has vastly improved. Between 1950 and 1964 the number of nonwhite white-collar workers increased 4 times faster than that of white white-collar workers, of craftsmen and foremen more than 6 times faster, the number of professional and technical workers 2.3 times faster, of managers, officials and proprietors 2.5 times. But in unemployment, desertion, illegitmacy, welfare dependency and crime the white to nonwhite ratios have deteriorated. The nonwhite unemployment rate is now twice that of whites, the desertion and crime rates are 5 times, ADC rates 7 times and illegitimate birth rates 8 times higher among nonwhites than among whites.

How can we explain that discrepancy between narrowing gaps and widening gaps? It is likely that we are dealing with two (or more) different types of Negroes. A steadily expanding middle class has been improving its education, works hard to advance in skilled occupations and observes the prevailing behavior standards, in the long-established tradition of millions of European and Asian immigrants who succeeded in lifting themselves from abject poverty to respectable socio-economic levels. While nonwhite fertility rates have been growing in relation to white fertility, middle-class Negroes now average fewer children than middle-class whites. And on last count there were over 400,000 nonwhite families in the $10,000 a year and over bracket.

The rapidly growing Negro middle- and upper-class—whose ancestors also were slaves and victims of discrimination—proves that color of skin and handicaps that relate to it are no insuperable obstacles. What distinguishes the middle-class Negro from the pauper or slum Negro is not color but ability and effort. And what distinguishes the pauper or slum Negro from the white man in similar conditions is color of skin and nothing else that needs to be considered in shaping public policy. This, it seems to me, is the most important consideration to keep in mind in trying to find a rational solution.

Middle-class Negroes have been—and still are being—subjected to worse humiliation and rebuffs than other Negroes. It is the striving Negro, who like immigrants of earlier days attempts to conform, who aspires to move from the ghetto into the suburbs and too often is being denied access, rejected for no reason but his color. He had to—and still has to—overcome prejudice in regard to his competence to fill technical, professional and other skilled jobs. There has been far less discrimination in regard to unskilled jobs.

Middle-class Negroes offer the best hope for a peaceful solution—and we must go out of our way to welcome them—which on the whole we have not done. But there are promising signs: universities are now actively trying to recruit Negroes—as are many major industrial and commercial corporations—for a broad range of skilled and professional jobs. The Negro executive, scientist or secretary are becoming status symbols for aspiring companies.

Some may ask: why worry about the middle-class Negro? He hasn't been a problem. But I submit that we can never sufficiently emphasize and demonstrate for all the world to know what Negroes can accomplish in this country if they have the ability and try hard enough. What's more, by not welcoming those who make a genuine effort, by denying them housing in desirable neighborhoods or better jobs, by snubbing them socially, we turn them into rebels and drive them into the hands of the extremists who seek the help of intellectuals to organize and lead the masses at the bottom of the heap to violence and upheaval. We implant hatred against the white man in them.

Soviet authorities stinted no effort to attract to their banners the elite of the Turkmen people in their Central Asian colonies by offering high honors and rewards to Kazakhs, Kirghiz, Tajiks, etc. of ability and proven loyalty. By winning over the men who otherwise could have turned into leaders of resistance or rebellion, the Soviets succeeded in securing the formerly troublesome southeast corner of their empire.

What should be done about the "other" Negroes—the poor, the illiterate, those who are beset by or cause social ills, the violence-prone?

Above all, we should keep in mind that four-fifths of the unemployed are white, that the majority of poor—by any definition—are white, that whites account for half the illegitimate births and half the serious crimes. We must look on poor Negroes not as Negroes but as poor, on Negro transgressors not as Negroes but as transgressors—no different from white poor or white trangressors. We must, as earlier civil rights leaders demanded, be colorblind. By dealing with the problem as a matter of color or race we make it all but insoluble and play into the hands of the troublemakers and extremists.

Does this then mean a general war on poverty? Of course it does. The United States has long been engaged in the most effective war on poverty the world has ever seen. We have changed the income distribution from the historic shape of a pyramid to the shape of a diamond or pear. But no amount of wishful thinking and no power on earth can alter the sad fact that there is and always will be a lowest 20% and 10% and 5% on any distribution of biological characteristics or of personality traits such as intelligence, drive, capacity for self-discipline and self-denial. Our latter-day alchemists who promise to turn inert material into gold by a myriad of mysterious processes of violent non-coordination, can only succeed in wasting huge sums of money and keeping the cauldron boiling and close to the explosion point. They may, as their spiritual ancestors did, maintain themselves in affluence. But like their forebears, they have yet to produce one ounce of gold that could not have been brought to the surface by well known methods of mining.

An effective war on poverty and related social ills must rest on two pillars. One, of course, is education, or—to be more accurate—occupational training, in schools or on the job (possible with a tax incentive to companies willing to provide on-the-job or apprenticeship training).

This cannot and will not be done effectively as long as we—as the only nation on earth ever to try it—keep all children of widely varying ability—ranging from an IQ of 70 and under to 120 and over—in one school and even in one classroom up to age 17 or 18, and promote them annually whether they master the curriculum or not. That works an injustice on the gifted children and leaves those of limited endowment unprepared to earn a living at the simple tasks of which they would be capable, if they were properly trained. A division by type of school or by track is necessary at some point—or, if you please, segregation, *but not by color of skin—by natural endowment and aspiration.*

Suggestions to raise the compulsory attendance age upward, even as high as age 21, have merit—provided that exceptions are made for those who hold and keep a job (and of course for girls who marry and take care of a family). This could be a national service with the alternatives of a school of some kind, a job, the armed forces or a service corps of the CCC type. There is nothing wrong with a youth corps for young people who can't find other meritorious work to keep them fed, occupied and disciplined. Of course, a CCC corps need not cost $7,000 a year per boy—which is twice as much as it would take to send him to Harvard.

We should, by all means, try to educate or train as many of our men and women as we can for skilled trades. But for many, training is not the answer—and they know it—they demand the type of job openings they have the capacity to fill. Dislike it as we may, there remains a small percentage of people at the bottom of the barrel who cannot compete in a free market at today's wage rates. To them, society does owe a chance to a sheltered workshop where they can earn their way though they lack a marketable skill. Work relief at subsistence pay is a possible answer. The Soviet Union knows no unemployment pay, no public assistance—but provides many millions of simple jobs at less-than-subsistence pay. We Americans can and should do better. But at present we are doing worse—by the people affected and by society.

The second pillar without which the building will not stand is motivation. The people we are dealing with here, need to be faced with strong incentives for action—because they have by nature less hope for ever getting a high reward and harbor less fear of hardships to which they are accustomed. There is no substitute for the carrot and the stick, nor can the stick be replaced by just the carrot. The policy of the past 30 years, to increase workless pay to a point where it not only competes with potential earnings but often exceeds them, and to steadily ease the access to it for extended periods or permanently, is the cause of many of the social ills that beset our slums and their inhabitants. To ease people's lot and make them more comfortable in their present condition is no way to make them exert their strongest efforts to raise themselves. To put it in the bluntest terms: we must make them more uncomfortable—but open the door and show them the way to a better life.

Except for the sick, disabled or aged, and for similar justifiable or temporary causes, periodic income payments should be available only for work, no matter how small the value of the service that a recipient of low intelligence can perform. Our system of public assistance and unemployment pay probably bear greater responsibility for our present troubles than is widely realized.

In conclusion then: It seems to me that there is no solution to the ethnic minority, or race, or color, or Negro problem in the United States until we quit looking at it and treating it as an ethnic or race or color or Negro problem. Civil rights, that is equality before the law, can best be assured—and be assured only—if justice and public policy are colorblind. Of course, reasonable men can differ on how far the law shall go and can go in assuring one man's rights without transgressing on another man's rights. But they can, and hopefully will, seek compromise rather than retire to inflexible stands.

Access to the voting booth must be secured for all who possess the proper qualifications. It was the abuse of the literacy tests which led to federal interference that weakened instead of strengthening them. As so often, hard cases make bad law. This could also come true in housing if no other solution is found.

To deny any child access to a school, or assign it to a school, solely because of race, is an infringement of his civil rights, whether his skin be black or white. A neighborhood school policy with a flexible allowance for open enrollment is the best avenue toward fairness for all. No child is entitled to sit next to a child of a particular color, whether it be of his own or a different complexion.

The challenge this country faces is not of a racial nature—though fierce attempts are being made here—as they were and are being made in many foreign lands—to turn it into a race conflict. The challenge is of people who are poor, ignorant, without jobs, who behave badly or criminally toward themselves, their families, their neighbors or others and toward society. To know that some of them are white, black, red or yellow does not help us; it only confuses the issue and may make a peaceful solution well-nigh unattainable. Opportnity to avoid increasing violence, strife, and maybe chaos and rebellion, is offered by a public policy that is colorblind. It may be our only chance.

THE DEMOCRATS—THE HIGH-INTEREST-RATE PARTY

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CURTIS. Mr. Speaker, almost hidden in the confusion surrounding the debate over the President's recent economic proposals is the suggestion to reduce or abandon Treasury's sales of certificates of participation to the public. This measure is now advanced by Secretary Fowler and others as a step toward improving conditions in the market for money and credit. Indeed the Secretary may be correct, yet underneath this proposal lies a very tragic story.

When this measure was presented to the House for debate last May it was promoted by administration spokesmen as an ingenious way to substitute private investment for public debt. Thus, it was argued, the public debt would be reduced and at the same time employing the voluntary participation of the private sector of our economy. I regret to say that the majority of the House was persuaded by the administration's rhetoric and the Participation Sales Act of 1966 was approved.

Other Republicans as well as myself did our best to point out that the issue was not over the attractive label which had been given this bill, but to the contents of the bottle beneath the label. I argued that this bill was indeed a sham as the intent was to appear to not increase interest rates in marketing Government securities when in fact this is exactly what would occur. I observed that there may be 100 votes or the whole Democratic Party, may vote against increasing the interest ceiling on long-term Government bonds, but if they vote for this bill they are just as surely increasing the amount of interest that the Federal Government must pay, and it will be beyond the 4½-percent ceiling.

I am submitting for the RECORD today an excellent editorial which appeared in the New York Times of September 13, 1966, pointing out again the tragic chicanery and economic results of the administration's action.

[From the New York Times, Sept. 13, 1966]

END OF A FISCAL GIMMICK

The Johnson Administration has finally wriggled off the hook of its design that has put painful pressure on the nation's money markets and harmed its own economic objectives.

The Johnson Administration is not in favor of tight and dear money. But its desire to make the budget deficit look smaller led it to forge a policy that effectively reinforced the Federal Reserve's monetary stringency. Instead of winning applause for fiscal ingenuity from the financial community the Treasury has been attacked for its fiscal mismanagement in contributing to the severe squeeze on credit. Experimentation and innovation in fiscal operations are of course sorely needed, but it is clear that the Administration's resort to this particular gimmick has definitely hurt, rather than helped, its own cause.

The hook was in the form of sales to the public of special types of Government securities, particularly participations in Federal-owned loans. These sales were originally billed as a measure of fiscal responsibility because they helped to reduce the deficit in the Federal budget. But coming at a time when private demand for long-term funds were strong, the Treasury's trips to market to sell its participations helped to intensify the credit squeeze and drove up interest rates to very high levels.

Now the Treasury has announced that it is abandoning public sales of participations and will limit the marketings of securities sold by Federal agencies. This decision means that the Treasury will be stepping up its own direct borrowings, which may prevent an easing of short-term interest rates; it also may swell the Federal deficit and force the Treasury to go to Congress with a request to raise the ceiling on the national debt.

It has not been easy for the Administration to admit it was wrong, especially since reverting to its traditional practice will bring these new problems. But the Treasury has recognized that sticking to its financing gimmick to hold down the direct Federal deficit held much greater risks than getting rid of it. The fact is that the sales of Government participations have not only made interest rates higher than they would—or should—have been; they also proved extremely unsettling to the market, worsening an already turbulent and tense situation.

The postponement of sales, combined with the fiscal proposals made by President Johnson, have served to improve market conditions. Even more important, the decision is a sign that the Administration may have finally realized that it cannot really be fiscally responsible so long as it indulges in financial gimmickry.

HONG KONG TEXTILE EXPORTS NOW UNDER TIGHT LID

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CURTIS. Mr. Speaker, on August 26 the pending agreement between Hong Kong and the United States for the control of Hong Kong cotton textile exports to the United States was signed. Under it Hong Kong will regulate its exports to the United States through export quotas. Export quotas differ from import quotas only in that the exporter controls the trade, rather than the importer. The effect on the availability of goods in the importing country is the same under both devices.

Such bilateral agreements are permitted by article 4 of the long-term arrangement regarding trade in cotton textiles—LTA—which acts as a flexible umbrella for the quota programs of its members, each of which interprets LTA differently. This agreement affecting U.S. commerce was negotiated and signed by the United States under the authority of section 204 of the Agriculture Act of 1956 as amended. Thus this agreement and the 18 others like it, and the various unilateral quotas the United States imposes on textile imports, as well as the operation of the U.S. textile program by the Interagency Textile Administrative Committee—ITAC—is under the jurisdiction of the House and Senate Agriculture Committees. These committees have not properly exercised their functions of oversight and have not reviewed the U.S. textile import program nor reported to their respective bodies, the House and the Senate.

U.S. bilateral agreements are so structured as to lock imports from each restrained country into a tight framework. The following description in the August 31 Bulletin of the National Council of American Importers demonstrates why. Within the limitation that 322.5 million square yards can be exported to the United States in the year ending September 30, 1966, four groups were established:

> On yarn, the limit is 7,338,841 equivalent square yards; on fabrics, the limit is 126,853,127 square yards; on apparel, the limit is set at 158,189,916 equivalent square yards; and on made-up goods and miscellaneous products, the limit is 30,118,116 equivalent square yards. (The agreement contains conversion factors for converting the weight of such items as yarns and apparel into equivalent square yards.)
>
> Within each of the four groups, specific limits are set for many of the sixty-four categories of cotton products. For instance, in the fabric group, ginghams under categories 5–6 are limited to 4,385,172 syd.; sheeting (categories 9–10) to 55,504,621 syd.; twill and sateen (categories 22–23) to 19,400,000 syd.; duck fabric (categories 26 and 27) to 28,000,000 syd. In the apparel group, limits are set for shirts, raincoats, trousers, blouses, dresses, and all other apparel. In the case of corduroy apparel Hong Kong is required to limit them to 7,350,000 equivalent square yards during the first year. All the quantities specified in the first year period are to increase by 5% for the second and each subsequent year of the agreement. Hong Kong is allowed to merge related categories, and to exceed group and category limits by specified percentages, provided that the aggregate total allowed for any one-year period is not exceeded.

The Hong Kong businessmen are said to feel they have "done well" in the negotiations, according to a report in the August 27 New York Times. This restrictive trade treaty with the United States is said to be "the biggest and most important trade pact in the colony's history."

The effects of the U.S. quota program have not been good. The United States buys more of Hong Kong's cotton textiles than any other nation. Hong Kong is now assured a certain portion of the U.S. cotton textile market for the next 4 years. As long as U.S. demand lasts Hong Kong's share is assured. The fact that Hong Kong has a large quota means that other producers have small shares of the U.S. import market which they cannot exceed, even if they sell more cheaply than Hong Kong as they are now beginning to do.

The long-term cotton textile arrangement as applied by the United States is promoting economic distortions around the world, and this example is only one of many. As a U.S. businessman recently wrote to me:

> Quoted items are now artificially scarce, and those U.S. importers who are supplied by quota-rich exporters have a vested interest in the present system. . . . Foreign governments fear antagonizing the U.S. The Hong Kong businessman, in particular, shrank from the fear of opposing the powerful United States out of fear of being blacklisted. Everywhere I found a bitter and cynical attitude towards our country for its hypocritical treatment of a treaty (the LTA) ostensibly designed to "increase" the flow of textile trade, but which was solely used by the United States as a quota device.

It is no surprise that Hong Kong businessmen are pleased with their new quota, which allows an increase of all of 32 million yards over their exports to the United States in calendar year 1960 of 29 million square yards. This is not much for an exporter frequently cited as one of the main threats to the U.S. textile industry, but it is more than Hong Kong might be able to sell were it forced to compete with lower cost producers.

BEEF IMPORTS AND OTHER OMINOUS DEVELOPMENTS

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Langen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. LANGEN. Mr. Speaker, of serious concern to rural America is the news that imports of foreign beef and veal are again entering our country in alarming quantities. More than 100 million pounds of foreign beef and veal found U.S. markets in June alone. This is almost double the average monthly rate for such imports in 1965. Indeed, rural America knows that increased meat imports mean displaced markets for domestic producers as well as lower prices.

I first warned of the coming adverse effects of unwarranted imports over 7 years ago, and have continued to urge action to limit foreign agricultural imports that provide direct competition with domestic producers. Beef imports in June, however, were not enough to trigger imposition of the meat import quota amendment.

When we passed the meat import quota amendment in 1964, I called it only a first step in restricting imports of foreign beef and other meats. Though it prescribes the setting of a quota on certain meat imports, principally beef, the Secretary of Agriculture has not been able to recommend Presidential imposition. That is why I hope the Secretary will watch the increase in beef imports more closely than ever, so he will be prepared to recommend an import ceiling just as soon as it is required.

I also observe that over 4,670 million pounds of foreign beef and veal have been imported since 1961. If part of that quantity had instead been produced by American cattle raisers, they would be in a more equitable economic position today.

Unless the domestic producer can have the assurance of a favorable market that will not be destroyed by a flood of foreign meat imports, he faces the grim prospect of a repeat version of the 1963–64 price debacle.

There are other ominous developments for the farmer with respect to barley, turkeys, and wheat. Barley growers are concerned over the Secretary of Agriculture's recent decision to remove price support payments next year and permit unlimited production. The possibility of a glutted market with lower prices is most disturbing, and it is my sincere hope that the Secretary will alter his decree.

I note, too, that farm turkey prices have dropped 3 cents per pound since March. Moreover, the Department of Agricultural has indicated that prices this fall will drop below's last fall's return, in spite of its present turkey purchasing program.

Another dark cloud on the horizon is the administration's treatment of the 1967 wheat program. As our Republican Task Force on Agriculture recently observed, the Department has quietly announced that farmers in the wheat program will receive certificates on little more than a third of their production next year. This compares to 45 percent of this year's crop. So if increased production causes market prices to fall next year, wheat producers will receive a lower blend price per bushel than they could have under similar circumstances this year.

It will be one of the continued purposes of the task force to analyze the farm scene, both national and international, and pinpoint the strengths and weaknesses of administration policies and decisions that affect American agriculture.

BILL TO DEDUCT EXPENSES INCURRED BY TEACHERS TO FURTHER THEIR EDUCATION

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Reid] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. REID of New York. Mr. Speaker, I am today introducing a bill which would permit teachers to count as deductions from their Federal income tax expenses incurred in course work or educational travel to improve their competency in their profession.

The passage of my bill, and others like it, would have the effect of reinstating an Internal Revenue policy that, from 1958 to July 7 of this year, permitted teachers to make such deductions. Proposed IRS regulations that will go into effect next January would no longer permit this deduction.

Mr. Speaker, news reports just last week as schools opened around the country indicated that there will be a serious shortage of teachers in many communities this fall. The Elementary and Secondary Education Act, the Higher Education Act and the other educational assistance measures that this Congress has enacted all require as the backbone of the their success good teachers in increased numbers to meet the needs of our expanding classrooms. But sheer numbers do not indicate that the greatest need of all is for highly trained teachers who will concentrate on teaching and on their students. A 32-State survey by the National Education Association in 1964–65 indicated that only 65.8 percent of the teachers had bachelor's degrees and only 18.3 percent had master's degrees.

An incentive such as continuation of the tax relief that my bill would provide will do much to encourage our teachers to refresh their skills, to catch up on new methods and techniques, and to increase their understanding of their children and their subjects.

Good teachers are one of this Nation's most important needs in order to attain educational excellence. The Congress must do what it can to strongly encourage those in the teaching profession, and I am hopeful that prompt action will be forthcoming on this legislation.

RIGHTS FOR THE PERFORMING ARTS

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. REID of New York. Mr. Speaker, I am today introducing a bill to amend section 8(f) of the National Labor Relations Act to give employees and performers in the performing arts rights similar to those given by that section to employers and employees in the construction industry.

In 1959, the Congress found that there are some industries in which the labor force is so transient on a particular job that the ordinary delays inherent in collective bargaining might make labor negotiations practically impossible. This is especially the case in the construction industry. Accordingly, the Congress permitted construction unions and companies to sign contracts before a particular job got underway so that the contractor would know his costs in advance, the union would feel secure in its job and work stoppages could be avoided.

My bill would make this provision applicable to the theater where the same conditions prevail—theatrical productions often last no longer than construction jobs and a strike on opening night would be harmful to the public as well as performers and producers.

Therefore, this legislation would permit unions and employers in the performing arts, as construction unions and contractors now lawfully may under section 8(f), first, to sign "prehire agreements," which may become effective before a representative number of employees has been hired, and second, to include in such agreements union shop provisions effective after 7 days of employment, in contrast to the 30-day union shop contract customary in other industries.

Mr. Speaker, my bill would give employers and employees in the performing arts that authority which is essential to the efficient and fair conduct of their business. In my judgment, this measure is in the public interest and I am hopeful that the Congress will act promptly.

WORDS WELL SPOKEN

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, in his recent address at the University of Rhode Island, President Johnson addressed himself to that large segment of the American public which has never known poverty or discrimination.

He asked it, in the words of the Trenton Evening Times, "to understand the pressures that seethe in the ghettos and to understand why this country's commitment must be to give every man 'the right to live in a decent environment to acquire the skills that useful work requires to secure and hold a job despite the color of his skin or the region of his birth or the religion of his fathers.'"

Just as he acknowledged the grievances of those who live in the ghettos and and their right to protest, according to the times, the President declared that "they have the responsibility not to injure the person or the property of others in making that protest."

In speaking of the "real opportunities made for Negro Americans and other minorities," the Evening Times declares that "No President since Lincoln has done more to loosen the chains of racial discrimination than the Texan who now occupies the White House."

I believe others will find this editorial to be of great interest, and I place it at this point in the RECORD:

[From the Evening Times, Trenton, N.J., Aug. 22, 1966]

WISE COUNSEL

No President since Lincoln has done more to loosen the chains of racial discrimination than the Texan who now occupies the White House; and so Negroes who may be tempted to march to a more radical drummer should not lightly dismiss the eloquent counsel he offered them Saturday from the dais of the University of Rhode Island.

Against the backdrop of recent riots in the cities he spoke of men's rights, but he spoke also of men's responsibilities . . . that "fabric of responsibility woven between man and man" which must remain intact if our society is to maintain itself or guarantee justice and fairness to any individual.

We have begun to act at last, President Johnson said, to open real opportunities for Negro Americans and other minorities and help them move to achieve those opportunities; and we shall multiply and enlarge our efforts.

"Yet, I warn you, they can succeed only in conditions of civil peace, and civil peace can exist only when all men, Negro and white alike, are as dedicated to satisfying their responsibilities as they are dedicated to securing their rights," he said. "For we are all, after all, one nation. It is our destiny to succeed or to fail as a single people, and not as separate races."

The ghetto dwellers have grievances indeed, the President said, and they have every right as Americans to protest, "but they also have the responsibility not to injure the person or the property of others in making that protest. . . .

"The Molotov cocktail destroys far more than the police car or the pawn shop; it destroys the basis for civil peace and the basis for social progress. The poor suffer twice at the rioters' hands. First, when his destructive fury scars their neighborhoods; and second, when the atmosphere of accommodation and consent is changed to one of hostility and resentment."

But the President also called on the more fortunate Americans, those not tormented by poverty or discrimination, to understand the pressures that seethe in the ghettos and to understand why America's commitment must be to give every man "the right to live in a decent environment . . . to acquire the skills that useful work requires . . . to secure and hold a job despite the color of his skin or the region of his birth or the religion of his fathers."

Hopefully, his words will fall on ears that hear.

THE PRESIDENT'S RECOMMENDATIONS TO COMBAT INFLATIONARY TRENDS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. JOELSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. JOELSON. Mr. Speaker, the President has proposed a prudent but effective program to halt the inroads of inflation on the strength of our economy. We have all recognized the recent development of the imbalances he cited. If unchecked, they could lead to serious inflationary damage to our people. But he has reminded us also of the basic strength and growth of our economy.

It is strong, and growing, in production levels, in business profits, in employment and in the spendable income of our people. We are prosperous, as a nation and a people, beyond the levels of any prior period in our history. Nevertheless, within our prosperity, imbalances have developed. All of us have seen them in recent weeks—rising prices, unequal wage increases, the unfair impact of a credit squeeze on small businesses and home buyers.

The President's program represents, I believe, an effective, calm approach to the complex causes and effects of imbalance in the economy.

Legislation is needed to defer for a brief period the bonus incentives the tax laws now provide for plant and construction expansion, but the recovery of investment through normal depreciation will be unaffected.

Pressure must be taken off interest rates and the supply of credit. The Treasury will exercise restraint in marketing securities, and we shall have to legislate restraint by the lending institutions in their competition for the available supply of money.

However, we cannot do the whole job within the Government, even with these executive and legislative actions, unless the private sector of the economy cooperates. This means voluntary restraint by lenders in extending credit, by manufacturers in pricing, and by labor in its wage demands.

This is a program for preservation and enhancement of a free economy. It can be successful—and the dark specter of Government economic controls can be banished—only with the cooperation of all concerned. The President has shown us the way. Let us respond promptly and vigorously.

MISPLACED CRITICISM OF THE JOB CORPS PROGRAM

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentlewoman from Hawaii [Mrs. MINK] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, the Job Corps program has been criticized and vilified by many people who obviously have not taken the trouble to really find out about the program.

I would like to tell you a story which illustrates what Job Corps is all about.

A little more than a year ago, Eddie Chock, 1 of 11 children living in Kappa on the island of Maui in Hawaii, was out of work and his prospects of finding work were poor. Even though Eddie had graduated from high school, he did not have the education or work skills which would help him get or hold a job.

He entered Job Corps on June 15, 1965, just 2 weeks before his 22d birthday.

While Eddie was making his way from Hawaii, a similar story was unfolding 5,000 miles to the east in Augusta, Maine. There Romeo Beland, 20 years old, a seventh-grade dropout, went from one job to another, never making more than 65 cents an hour. Finally, he came into Job Corps on June 22, 1965.

Eddie, the Hawaiian boy, was sent to the Alder Springs Conservation Center in California—this was before we had a conservation center in Hawaii. After 2 months there, he was transferred to the large Gary Center near San Marcos, Tex., where he studied to be a draftsman. Because of his excellent educational progress and leadership qualities, he was selected for the Capitol project—the special Job Corps inservice training program here in Washington.

Romeo, who comes from a French-speaking family, was sent to the Cass Conservation Center in Arkansas where he learned quickly, becoming an assistant to the reading instructor, and exhibited such leadership that he was named an assistant work leader and dormitory president. He, too, was selected for the Capitol project.

Eddie and Romeo met here at the Capitol project and both were assigned to work in the data processing center of OEO. They spent 6 hours a day working and 2 hours in furthering their education. Both quickly showed ability in data processing, often spent their free time on the job, and became fast friends.

On August 22 came the payoff, both for Eddie and Romeo and for Job Corps' investment in them. They started work as computer console operators for Telecomputing Services, Inc., which has a contract at the Goddard Space Flight Center. Eddie and Romeo have signed 3-year contracts with the firm at a minimum of $6,000 a year.

This, then, I submit is what Job Corps is all about.

Of course, not all of the young men and women in the program will make the dramatic transformation that Eddie and Romeo have. However, many thousands will be transformed from unemployed or underemployed burdens on society to working, taxpaying citizens.

As of last week—September 5—Job Corps had graduated 10,076 young men and women—9,348 and 728. It takes about 3 months for the placement of graduates, with half being placed in the first month after graduation. Thus, as of the same time, there were 4,279 certified placements, with 3,008 or 70 percent in jobs, 886 or 21 percent going into the Armed Forces, and 385 or 9 percent going to school.

In addition to these young people, there were on that date 28,335 young men and women in Job Corps—12,468 in 8 men's urban centers, 3,255 young women in 10 centers, 12,193 in 83 conservation centers, 30 in the Capitol project—and this is being expanded to 50 men and 50 women—and 389 in four State-related centers.

With regard to that group of State-related centers, I am very pleased to note that one of them is the Koko Head Center in Hawaii, which now has 91 young men and will have 225 young men in the next few months.

Mr. Speaker, the work which Job Corps is doing with thousands of young men and women is exceedingly valuable and the reclamation of human resources will redound to the benefit of the Nation.

FEDERAL AID TO EDUCATION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. JOHNSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, President Johnson made a deep commitment to education in his state of the Union message last year, noting in particular four major tasks confronting our Nation: First, to bring better education to the millions of disadvantaged youth who are the most in need; second, to put the best educational ideas and equipment within the reach of all students; third, to advance the technology of teaching and the training of teachers; and fourth, to provide incentives for those who wish to learn at every stage along the road to learning. The 89th Congress, currently in session, has made tremendous strides toward advancing these goals.

Until recently there had seemed little hope for substantial Federal aid to the Nation's schools. With the advent of the 1960's, however, President Kennedy inspired individual citizens, churches, and civic organizations to meet their responsibilities in the field of education. The 88th Congress, in session from 1963 to 1964, earned the name of the "Education Congress" by enacting into law most of President Kennedy's broad 1963 program. Nonetheless, two significant portions—provisions for general public school aid and a program of federally insured loans or Federal scholarships for undergraduates—had died, tangled in the web of controversy over Federal aid to parochial schools. Last year serious opposition to these proposals was avoided by offering nonpublic schools some participation in the proposed program and directing the benefits to children and teachers of those schools rather than to the schools themselves. Aid to education was also tied into the broad package of programs designed to wage war on poverty. Yet, although the legislation was aimed primarily at aiding educationally deprived children from low-income families, it authorized grants to school districts in approximately 95 percent of the Nation's counties.

Introduced in the first weeks of the 89th Congress last year, the Elementary and Secondary Education Act represents the greatest legislative commitment to the improvement of elementary and secondary education ever made by the Federal Government. The bill passed the House of Representatives on March 26, 1965, by a rollcall vote of 263 to 153, after serious and careful consideration in the House Education and Labor Committee and strenuous debate on the House floor. Authorizing a total expenditure of $1.33 billion in its first year of operation, the proposal as passed included a number of programs especially concerned with breaking the link between poverty and low education achievement. On April 9 the bill passed the Senate by a decisive vote of 73 to 18, marking the first time Congress had ever approved a bill which in effect authorized funds for general use for elementary and secondary education. Two days later, in front of his first schoolteacher, the President signed it into law at the old "Junction" school near Johnson City, Tex.

The act is made up of five parts, each aimed at overcoming a major weakness in our schools. The principle portion, title I, authorizes a 3-year program of Federal grants to the States to be allotted to school districts with large numbers of children from families with annual incomes under $2,000 or on relief. In our own Second Congressional District, $1,905,889 in Federal funds was provided for these programs during the last fiscal year. The grants are not marked for use in specific programs but may be used in any way decided upon by the local school districts to meet the special needs of educationally deprived children, subject to approval by State and Federal education agencies. Funds may cover increasing the number of teachers to reduce class size; purchasing supplementary teaching materials; cooperative parent-teacher programs to improve understanding and enlist early support for the school's programs; special attention to spotting and retaining potential dropouts; adequate meals for malnourished children; remedial reading classes; cultural activities; pupil health services; and many other projects. A bill to extend this program further was introduced in the current 2d session of the 89th Congress.

This same title also extends for 2 years the provisions of a law under which local school agencies in "federally impacted" areas, those burdened by the presence of Federal installations, receive grants for school operation and maintenance. Almost $1 million went into our own district in the last year for these purposes. Relief is provided in proportion both to the number of extra children brought into an area by Federal installations and to the reduced tax income resulting from Federal purchase of land.

In its second title, the Elementary and Secondary Education Act recognizes that, at all levels of education, teaching programs have become increasingly dependent upon effective school library materials and services, high quality, up-to-date textbooks, and a variety of other instructional resources. It seeks to alter the fact that in previous years almost 70 percent of the public elementary schools and 56 percent of the private elementary schools were without school libraries, and thus authorizes a 5-year program of grants to State educational agencies for use in purchasing textbooks, library resources, and other printed and published materials for the State's elementary and secondary schools. For the first year, $100 million was authorized to the States under this title. Parenthetically, it should be noted that educational services are not limited by age, and this year the Congress extended the Library Services Act which is playing a major role in keeping county libraries open.

Title III of the new legislation provides funds for local educational agencies to participate actively in educational innovations. It is concerned directly with the problem of how to get new curriculum developments, new methods and techniques of instruction, and more efficient organizational arrangements into our education system, and in the last fiscal year more than $130,000 in Federal funds was spent in our district for these purposes. As in title I, there is no strict roster of programs for which funds may be used. Colleges and universities, museums and libraries, State and local school agencies, and individuals versed in the arts and sciences may all contribute to the planning and execution of these title III programs. Live theater, concerts, mobile art museums and demonstration schools that provide new ways of teaching, and services for children not reached by existing school programs are all underway.

The fourth title amends the Cooperative Research Act of 1954 to increase the amount of Federal assistance for educational research purposes and makes available, for the first time, funds for the construction and operation of a number of national and regional laboratories for educational research and training. The fifth and final substantive title of the act provides for a 5-year grant program to stimulate and assist States in strengthening State educational needs. Basic grants may be used by a State agency for educational planning on a statewide basis, improving the collection and use of educational statistics and data, and strengthening teacher training. In addition, special funds may be used for experimental projects or special services intended to solve problems common to the educational agencies of all or several States.

The last title of the act prohibits Federal control over educational programs, curriculum, administration, personnel, or selection of textbooks or other teaching tools. It further specifies that no payments under the act may be used for religious worship or instruction.

As a companion measure to the Elementary and Secondary Education Act, the Higher Education Act has been passed by the 89th Congress. The act, signed by President Johnson at Southwest Texas State College on November 8, 1965, consists of seven titles designed to strengthen the educational resources of our colleges and universities, and provide financial assistance for students in postsecondary and higher education. Close to $1½ million in Federal moneys flowed into our district last year under this act.

Included in its first provisions are grants for community service and continuing education programs, with the intent of increasing the effectiveness of colleges and universities as agents for the solution of community problems such as housing, poverty, recreation, health, transportation, and land use. The act also provides grants to enable college and university libraries to acquire materials, train librarians, and support research and demonstration projects. It further aims to upgrade the academic standards of developing institutions by authorizing grants for cooperative arrangements between such institutions and other universities, colleges, and business groups. Grants may be used for projects such as faculty and student exchanges, visiting scholars, faculty and administration improvement programs, and joint use of facilities such as libraries and laboratories. In the same title a national teaching fellowship program is established to encourage qualified graduate students and junior faculty members of major institutions, colleges, and universities to teach at developing institutions.

Almost three-quarters of a million dollars flowed into our district during the last fiscal year under student assistance provisions of the act. Educational opportunity grants are provided for students of academic promise who otherwise would not be financially able to pursue a college education. Students in institutions of higher education may also obtain assistance through a subsidized low-interest insured loan program, operating through State and local institutions wherever possible. Or assistance may take the form of work-study programs, the size and scope of which were expanded under this new law. Defense educational activities under the National Defense Act were also expanded and amended.

A National Teacher Corps to improve school education in slums and other impoverished areas has been established by the Higher Education Act in an effort to provide more teachers for slum areas. This was a new proposal in which experienced teachers and teacher-interns would teach in areas having high concentrations of low-income families. Funds were appropriated to the Teacher Corps for the first time in a law passed by the Congress this year. Along these same lines, provisions were made for a program of teacher fellowships; and, in addition, grants are made available to institutions of higher education to purchase closed-circuit television, laboratory and other special instructional equipment, and for the operation of training institutes for educational media specialists. Finally, the act increased grants for the construction of graduate and undergraduate academic facilities, broadening the scope of the Higher Education Facilities Act of 1963 and making certain other changes. Under this act Shasta College was given a grant of a half million dollars in fiscal 1966.

Passage of the Higher Education Act marked the culmination of an unprecedented legislative dedication to the goal of educational opportunity for all Americans. Earlier in the session a number of smaller though no less significant education acts had been passed, amending and expanding existing programs. Extensive provisions were made for medical and other health education assistance. Amendments to the Manpower Development and Training Act extended training programs authorized under the act for 3 additional years, increased benefits to trainees, and expanded participation in training programs to include private institutions which provide resources not available through public institutions. Amendments to another law enabled over $200,000 in Federal funds to flow into local school agencies in the form of assistance for the construction of school facilities in the district, principally to replace facilities destroyed or severely damaged by major disasters. Indeed, during the last fiscal year a total sum of over $4,653,000 had been spent by the Federal Government for various educational activities in the Second Congressional District.

Nonetheless, an active Congress, alert to the constant needs of advancing and improving our educational system, continued again this year to add to and expand existing educational programs. Under a new law Congress extended the Library Services and Construction Act of 1964 for 5 years. Another act passed during this 2d session of the 89th Congress makes possible the leasing of Federal public lands to local governments for up to 25 years for schools or recreational sites. Passed by the House was a bill to establish and support centers for advanced international research and study, and for language centers. A bill was introduced to meet the problem of emotionally disturbed children and another one aimed to help finance sabbatical leave for 15,000 elementary and secondary school teachers per year for study to improve the quality of teaching. Also passed by the House and awaiting Senate action was a bill further extending the provisions of the Higher Education Facilities Act, authorizing grants and loans for construction of academic facilities and additional funds under the National Defense Education Act for student scholarships.

Signs of hope for our schools are strikingly visible in the ferment and change taking place in our educational efforts. President Johnson had announced early in 1965 that his intentions concerning education embraced three "T's," supplementing the traditional commitment to the three "R's": teachers who are superior, techniques of instruction that are modern, and thinking about education which places it first in all our plans and hopes. He stated:

> Nothing matters more to the future of our country—not military preparedness—for armed might is worthless if we lack the brain power to build a world of peace; not our productive economy—for we cannot sustain growth without trained manpower; not our democratic system of government—for freedom is fragile if citizens are ignorant.

The acts passed by the 89th Congress go a long way toward achieving these ends and making our whole population an educated, alert one, assuring freedom for each individual and for our Nation.

FIGHTING THE PRESSURES OF INFLATION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BARRETT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. BARRETT. Mr. Speaker, in calling upon the Congress and upon the leaders in business and labor to help fight the inflationary pressures which threaten our economy and burden our people, President Johnson has offered us a plan that is both sound and compassionate.

I fully support this decisive call to action, and I am confident that my colleagues in the Congress and Americans everywhere will support this vital effort.

Today, we have a strong Nation—today, we have a strong economy. The overall economic growth and prosperity of the past 5 years is unparalleled in recent history. A continued prosperity will provide continued hope to the young and security to the old.

Yet, while we can point to the achievement of the past 5 years in production, increased spendable income, job creation and reduced unemployment, we must fully recognize that to preserve these achievements and surpass them, we must insure that our economy maintains its proper balance.

Today, however, that balance is threatened.

President Johnson has brought forth a four-point program calling for a reduction in low-priority Federal expenditures; a temporary suspension of the 7-percent investment tax credit; a temporary suspension of accelerated depreciation allowances; and the cooperation of the Federal Reserve Board and commercial banks in efforts to lower interest rates and loosen the tight money market.

To buttress his four-point program, the President has also called upon business and labor to exercise restraints and pursue policies compatible with economic stability. Because such cooperation is vital in stemming the surge of inflation. I know both business and labor will rally to the support of the President.

I have said that the President's action was compassionate. He recognizes full well that it is not the most deprived who must carry the burden of curbing inflation, although, too often, they have been sacrificed in the name of economic stability.

The President put the issue this way:

> I intend to conserve and save public outlays at every possible point. But it would be shortsighted to abandon the tasks of educating our children, providing for their health, rebuilding the decaying cities in which they live, and otherwise promoting the general welfare.
>
> Postponed investment in buildings and machines can be made at a later date without serious injury to our welfare. But we can never recapture the early years of a child who did not get the head start he needed to be a productive citizen, or the lost opportunities of the teenage dropout who was never given a second chance. And we can never repair the ravages of a disease that could have been prevented, or recall the lives lost by cancer that might have been cured.

Mr. President, if there is one important message in our land today, it is that we are a society moving toward greatness. Our people are volunteering to assist those still beset by poverty, deprivation, and despair. Failure to continue this important work negates our heritage of helping others, our democratic ideals, our humanitarian instincts, and our moral precepts.

The President of the United States has given us a sound battle plan to fight inflation, a plan that is analytically sound in concept and humane in its impact. I, therefore, welcome the opportunity to join him in his struggle to keep our Nation strong and prosperous.

PROPOSAL FOR AN ADMINISTRATIVE COUNSEL OF CONGRESS, OR AMERICAN OMBUDSMAN, ENDORSED BY COMMITTEE ON FEDERAL LEGISLATION OF THE NEW YORK CITY BAR ASSOCIATION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. REUSS. Mr. Speaker, the August 1966 bulletin of the Association of the Bar of the City of New York contains the report by its committee on Federal legislation on my bill, H.R. 4273, proposing an Administrative Counsel of Congress.

The text follows:

PROPOSAL FOR AN ADMINISTRATIVE COUNSEL OF CONGRESS

(By the Committee on Federal Legislation)

I. INTRODUCTION

Representative REUSS reintroduced on February 3, 1965 as H.R. 4273, 89th Cong., 1st Sess., a bill to provide for an Administrative Counsel of Congress; an identical bill, S. 984, 89th Cong., 1st Sess., has been introduced by Senator PELL in the Senate. The bills have been referred to the House Committee on House Administration and the Senate Committee on Rules and Administration which have not yet reported them out. Hearings on the proposal (among others related to congressional operations) were conducted in 1965 and 1966 by the Joint Committee on the Organization of Congress, the House Committee on House Administration and the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary, which committees have not reported on the measure. The text of H.R. 4273 appears in the Appendix.

The bill provides that an Administrative Counsel of the Congress would be appointed by the Speaker of the House and the President pro tempore of the Senate for a term or terms coinciding with each Congress. "Upon the request of any Member of either House of Congress," the Administrative Counsel (aided by his staff) would be empowered to "review the case of any person who alleges that he believes that he has been subjected to any improper penalty, or that he has been denied any right or benefit to which he is entitled, under the laws of the United States, or that the determination or award of any such right or benefit has been, is being, or will be unreasonably delayed, as a result of any action or failure to act on the part of any officer or employee of the United States other than those exempted under section 6 of this Act."

All officers and employees of the United States, except those exempted, would be required to furnish information requested by the Administrative Counsel and to provide him with access to documents. He would have the right to "consult directly" with any officers or employees without obtaining the permission of their superiors.

The provisions of the bill would be applicable to all officers and employees of the United States, except "the President," members and employees of Congress, judges and court employees, officers and employees of the District of Columbia, and any other officer or employee of the United States who the Administrative Council believes should be exempted in the public interest. The Administrative Council would be required to report back to the member or committee of Congress referring cases to him and to make an annual report to Congress.

II. BACKGROUND OF THE OMBUDSMAN CONCEPT

The role and function of the Administrative Counsel to be appointed under the Act has been likened by many to that of the Ombudsmen serving in Sweden, Denmark, Norway, Finland and New Zealand. In recent years, "Ombudsman" has become a cabalistic term, a word to conjure with. The institution has attracted the attention, largely favorable, of many commentators on administrative law and procedure, and bills for its adoption in some form have been introduced in the United Kingdom and Canada as well as in such states as New York and Connecticut and such cities as New York and Philadelphia.[1]

Although the office varies somewhat in concept and scope in its respective contexts, essentially an Ombudsman is a Government official who is appointed, usually by the legislature, to receive complaints concerning maladministration or individual injustices in the relations between the citizen and his Government. Typically the Ombudsman receives, investigates and reports on the merits of claims. In some jurisdictions, he is empowered to prosecute or to recommend prosecution of Government officials or employees who have been derelict in their duties. In all instances his responsibility is to focus public attention upon shortcomings in the administrative process and to assist individuals in obtaining redress.

The Swedish Ombudsman[2] and the New Zealand Parliamentary Commissioner provide between them, in both the civil and common law contexts, two broad-based examples of the use of the institution abroad. In Sweden, it is a misnomer to speak only of one Ombudsman, since there are three parallel and overlapping offices—the Chancellor of Justice (JK), the Ombudsman (JO) and the Military Ombudsman (MO), the last a more recently created and restricted office. The JK, whose office was in existence at least as early as 1713, is the principal legal adviser of the Crown but has a general supervisory authority over public servants. The JO dates from 1809, when the Constitution divided authority between the King and the Estates or Parliament. As an appointee of Parliament, the Ombudsman represents one of the means afforded that body to exercise control over governmental activities.

The Swedish JO is elected by Parliament for a term of four years and is usually reelected for at least one additional term. He has supervisory powers over judges and all public servants, including municipal employees, excluding only Ministers (in contra-distinction to Denmark and Norway, where Ministers are included).[3] The powers of the Swedish JO are exercised usually through criticism rather than through prosecution. The JO has wide access to documents and officials and makes such documents (excepting only certain secret or confidential materials) and the results of his investigations available to the press. The publicity resulting from such disclosures as well as from his reports, coupled with the high status and independence of the office in the eyes of the public, give added weight to the Ombudsman's recommendations and add greatly to his effectiveness.

New Zealand in 1962 appointed the first Ombudsman—really a Parliamentary Commissioner—to hold the office in a common law jurisdiction. The Parliamentary Commissioner is appointed by the Governor General on the recommendation of the House of Representatives (not the Prime Minister), for a term related to the life of the Parliament, which means a three- or four-year term. His jurisdiction is limited to work done within specified departments, excepting "sensitive" departments such as External Affairs, Prime Minister's, Defense or Inland Revenue, most of the statutory administrative tribunals and local authorities. Ministers are not directly within his purview but of course may be indirectly affected by his criticism. The two principal limits to his powers are that he has no jurisdiction over any decision, recommendation, act or omission of any person acting as legal adviser to the Crown or over any decisions where there is a right of appeal to or review by any court or constituted tribunal.

III. THE ADMINISTRATIVE COUNSEL

Although Representative REUSS has often compared his proposed Administrative Counsel to an Ombudsman, it is clear that the Administrative Counsel would be markedly different—certainly in functions and presumably also in the exercise of his powers—from the Ombudsman.

The Counsel would not receive complaints directly from aggrieved parties and would not have prosecutory powers against officials responsible for derelictions but would take up complaints only after their reference by a member or committee of Congress and would similarly report back to such member or committee. This proposal reflects in part an attempt to have the Counsel aid members of Congress in their efforts to "mediate" between their constituents and the constantly expanding and increasingly complicated federal bureaucracy. It is this role of mediator which Representative REUSS considers to be an increasingly useful means of countering the inertia and mazes of Government; it is in any event occupying more of the time of each Senator and Representative.[4]

The sponsors of the bill also justify the reference through a member of Congress as desirable to minimize any possible conflict with the doctrine of separation of powers. The argument seems to be that if the Counsel were to report to the executive branch (i.e. to agencies or departments) directly, he might be acting as a supervisor of such officials.

A more political explanation is that use of the congressional reference technique will help reduce the fears of Senators and Representatives that the new institution would bypass them in relations with constituents, deprive them of the credit for any solutions achieved and isolate them politically. Both the British and Canadian proposals call for such a reference, possibly for the same reason. In any event, one effect of such reference back to a member of Congress is to greatly reduce the independence of the Counsel; he could become an arm of the legislature, akin to the Comptroller General, a useful arm in all probability but more of a limited congressional "post-office" with investigative powers than an Ombudsman as that institution has been understood. This aspect of the proposal is underscored by the short term—two years—contemplated for the Counsel; his independence of the majority party could thereby be greatly reduced as could his ability to conduct his office in a non-partisan fashion.

The possibilities of conflict between the executive and legislative branches are obvious. In requiring that all nonexempted "officers and employees of the United States" furnish all information which is required by the Administrative Counsel, the bill goes further than such "public information" bills as S. 1160, 89th Cong., 1st Sess. (1965), passed by the Senate last year.[5] Objections to subjecting intra-agency memoranda and correspondence to blanket disclosure should be considered here, particularly since none of the protective exemptions of S. 1160 are included in the proposed bill. The bill makes no attempt, as did the New Zealand legislation, to exclude either "sensitive" departments or agencies (such as the Departments of State, Defense or Justice) or documents or at least to maintain confidentiality of certain material. Although members of the federal judiciary are excluded, legal representatives of the Government in the Department of Justice and various agencies are not so excepted, and the bill as presently drafted could subject both such representatives and intra-agency documents to scrutiny and publicity during the pendency of a legal case or dispute. The Administrative Counsel would have the right to determine not to apply the statute to any particular officer or employee of the United States if, in the discretion of the Counsel, he regarded such application as "contrary to the public interest."

The Administrative Counsel bill would not seem to be the most appropriate measure for resolving the perennial questions of the extent of executive privilege, the public's "right to know" or the precise separation of powers between the executive and legislative departments, particularly since the present draft would place the initiative on these issues in the hands of a subordinate official of Congress without the protections insisted upon by both Congress and the courts in the conduct of investigations by congressional committees. Granting the Administrative Counsel such plenary powers seems both unnecessary and dangerous. At a minimum, matters involving questions of national security or intra-department or agency "confidentiality" might be excluded from any such inquiry as a matter of right, but it seems preferable that he be given no such mandatory powers at least initially.[6] Conferring such powers would not be necessary to carry out what appear to be the two principal objectives for the office: (1) relieving congressmen of a substantial portion of the burden of obtaining information in response to constituents' requests and complaints, and (2) permitting such requests and complaints to be handled on a more centralized, informed basis, by a staff better equipped to handle such matters than the individual congressman's staff.

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[1] The literature, both legal and popular, is extensive. An excellent bibliography was published in the New York Law Journal, Feb. 16, 1966, p. 1, cols. 1–2. Professor Donald C. Rowat of Carleton University (Ottawa, Canada) has edited a symposium of articles on the institution in The Ombudsman: Citizen's Defender (1965) [hereinafter cited as Rowat], published by University of Toronto Press, and Professor Walter Gellhorn has published a series of articles on this and related subjects, *e.g.*, *Settling Disagreements With Officials in Japan*, 79 Harv. L. Rev. 685 (1966). On February 15, 1966 several committees of the Association sponsored a forum on the subject, moderated by Professor Gellhorn and addressed by Dr. Alfred Bexelius, Sweden's Civil Ombudsman, and Sir Guy Powles, New Zealand's Parliamentary Commissioner.

[2] "The Swedish word *'ombud'* refers to a person who acts as a spokesman or representative of another person. In his supervisory position the JO [Civil Ombudsman] is a representative of the Parliament, and thereby of the citizens." Bexelius, *The Ombudsman for Civil Affairs*, in Rowat, at 24 n. 2. The discussion herein of the Swedish and New Zealand institutions is based upon the articles collected in Rowat.

[3] Dr. Bexelius has observed that since a Swedish Minister cannot give binding orders to an administrative official, the omission of Ministers is less significant than would be the case in the United States. *Id.* at 26.

[4] The findings of H.R. 4273 recite that "the increasing complexity of the Federal Government has created difficulties on the part of private citizens in dealing with the Government"; that "there is a clear need for the Congress to be informed of the nature of such difficulties"; and that "the necessary and proper efforts of . . . individual Members to deal with these problems . . . constitute a serious impediment to the discharge of their other legislative duties."

[5] That measure is discussed in this committee's report on "Bills to Enlarge Public Access to Government Information," 5 Reports of Committees of N.Y.C.B.A. Concerned with Federal Legislation 41 (1966).

Depriving the Administrative Counsel of such powers would make him resemble the Legislative Reference Service more closely than an Ombudsman, but perhaps this is inevitable in our American context. Here the right to challenge administrative decisions in the courts or within the agencies is widely recognized, probably more so than in countries having an Ombudsman. We have the doctrine of stare decisis, whereas in Sweden, one of the principal goals of the Ombudsman has been to strive for uniformity in decisions since the agencies do not consider themselves bound by stare decisis in the common law tradition. Furthermore, in no country with the possible exception of the United Kingdom, has the use of legislative investigating committees been as widespread as in the United States. Similarly, media of public information and inquiry such as the press and television focus public attention upon administrative failings probably more widely in the United States than elsewhere.[7]

The above caveats as to any unqualified importation of the Ombudsman institution into the United States do not completely dispose of the matter. The growth of governmental services, employees and bureaucracy, in approximately that order, until federal employees alone now total nearly 3,000,000 people, has brought with it protean difficulties in assuring the presence and application of standards of fairness and due process in the relations between the administrator and the administered. Long before the passage of the Administrative Procedure Act in 1946, 5 U.S.C. § 1001 *et seq*., such problems were recognized as critical for our society. In recent years, attempts to improve the administrative process have been increasingly pressed. Some recent examples are:

(a) the Administrative Conference Act passed in 1964, 5 U.S.C. § 1045, to "provide permanent machinery whereby the Federal agencies, with assistance from non-Government authorities on administrative practice, will be able to formulate recommendations to improve Government procedures," H.R. Rep. No. 1565, 88th Cong., 2d Sess. 4 (1964);

(b) the bills submitted again in 1966 to the New York State Legislature by the Law Revision Commission with its Report and Recommendations Relating to an Administrative Procedure Act, an Administrative Rule Making Procedure Act, and a Division of State Administrative Procedure Law; and

(c) the bill pending in certain states and cities, including New York, to create some form of Ombudsman.[8]

The Administrative Counsel concept would seem to be another possible means to assist in attaining the goal of fair treatment of the citizen.

CONCLUSION

The consideration discussed above suggests that the Ombudsman concept may provide a highly useful tool, complementing others in the armory, to deal with the problems of administrative justice. Although we have expressed our reservations with respect to some provisions of H.R. 4273, we believe that the bill merits serious study and discussion by Congress with a view to possible practical utilization of some aspects of the Ombudsman concept by Congress. Creation of an Administrative Counsel by Congress may well be a desirable experiment, and perhaps would suggest the usefulness of similar approaches in the executive branch, or at least in individual departments and agencies, as well as by state and local governments.

Respectfully submitted.

COMMITTEE ON FEDERAL LEGISLATION: Fred N. Fishman, Chairman; Charles R. Bergoffen, Eastman Birkett, Arthur J. Dillon, Sheldon H. Elsen, Leonard Epstein, David G. Gill, Andrew N. Glass, Jr., James T. Harris, Jerome E. Hyman, Edwin M. Jones, Geoffrey M. Kalmus, Ida Klaus, Louis Lowenstein, John E. Massengale, Robert B. McKay, John E. Merow, Gerald E. Paley, Mahlon F. Perkins, Jr., H. David Potter, Albert J. Rosenthal, Henry I. Stimson, E. Deane Turner.

APRIL 29, 1966.

APPENDIX

[89th Cong., 1st sess.]

H.R. 4273

(In the House of Representatives, February 3, 1965, Mr. REUSS introduced the following bill; which was referred to the Committee on House Administration)

A bill to provide for an Administrative Counsel of the Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Administrative Counsel Act."

SEC. 2. The Congress hereby finds and declares that the increasing complexity of the Federal Government has created difficulties on the part of private citizens in dealing with the Government, that there is a clear need for the Congress to be informed of the nature of such difficulties, particularly those of a recurrent nature, in order that remedial legislative action may be taken and that, under existing procedures, such information is only sporadically available and frequently is inadequately developed or fails entirely to reach the appropriate legislative committees. The Congress further finds that the necessary and proper efforts of its individual Members to deal with these problems have increasingly become so burdensome as to constitute a serious impediment to the discharge of their other legislative duties.

SEC. 3. (a) There shall be an officer of the Senate and House of Representatives who shall be known as the Administrative Counsel of the Congress and shall perform such duties as are prescribed by this Act. He shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate, without reference to political affiliations and solely on the basis of his fitness to perform the duties of his office, for a term which shall expire upon the commencement of the Congress succeeding the Congress during which he was appointed, except that he may continue to act during such succeeding Congress until he has been reappointed or his successor has been appointed. He shall receive the same salary as Members of Congress.

(b) Subject to the availability of appropriations, the Administrative Counsel may appoint such assistants, clerks, and other personnel as may be necessary to carry on the work of his office.

SEC. 4. Upon the request of any Member of either House of Congress, the Administrative Counsel shall review the case of any person who alleges that he believes that he has been subjected to any improper penalty, or that he has been denied any right or benefit to which he is entitled, under the laws of the United States, or that the determination or award of any such right or benefit has been, is being, or will be unreasonably delayed, as a result of any action or failure to act on the part of any officer or employee of the United States other than those exempted under section 6 of this Act. The Administrative Counsel may, in his discretion, confine his review of the case to the material submitted to him with the request for review, or may make such further investigation as he may deem appropriate. Upon the completion of his review, he shall report his conclusions and recommendations, if any, to the Member or committee by whom the claim was referred.

SEC. 5. All officers and employees of the United States, except those exempted pursuant to section 6, shall furnish to the Administrative Counsel such information regarding their activities within the scope of their official duties or employment as he may require of them, and the Administrative Counsel, or any of his assistants, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, records, files, or other documents, and the right to consult directly any officers or employees of the United States without securing the permission of their superiors.

SEC. 6. (a) This Act shall apply to all officers and employees of the United States except the following:

(1) The President;

(2) Members, officers, and employees of the Senate, the House of Representatives, or any committee or joint committee thereof;

(3) Judges, clerks, commissioners, referees in bankruptcy, and other officers (other than attorneys as such) and employees of any court of the United States, regardless of whether such court is legislative or constitutional;

(4) Officers and employees of the District of Columbia or any other local governmental unit not under the supervision or control of some other department or agency of the United States; and

(5) Any other officer or employee of the United States whose activities are of such a nature that, in the discretion of the Administrative Counsel, the application of this Act thereto would be contrary to the public interest.

(b) For the purposes of this Act, the term "officers and employees of the United States" include officers and employees of any department, agency, or instrumentality of the United States.

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[6] The Comptroller General has been accorded seemingly plenary power by Congress to request executive documents (31 U.S.C. § 54), but such powers (a) have been utilized sparingly, (b) have been used in furtherance of the express congressional power to oversee appropriations, and (c) have been resisted where "security" of many varieties has been involved. See *Hearings on Executive Privilege Before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary,* 86th Cong. 1st Sess. 43 *et seq.* (1959) (testimony of Robert F. Keller, General Counsel, General Accounting Office).

[7] Professor Gellhorn, in his article *The Swedish Justitieombudsman,* 75 Yale L.J., 1,58 (1965), has commented: "For one who thinks in American terms, the Ombudsman system seems a useful device for occasionally achieving interstitial reforms, for somewhat countering the impersonality, the insensitivity, the automaticity of bureaucratic methods, and for discouraging official arrogance. To rely on one man alone—or even on a few men—to dispense administrative wisdom in all fields, to provide social perspectives, to bind up personal wounds, and to guard the nation's civil liberties seems, on the other hand, an old-fashioned way of coping with the twentieth century."

[8] The bills referred to in (b) and (c) are currently being studied by this Association's Committee on Administrative Law which plans to report on them, including consideration of them in the context of the Ombudsman concept.

Sec. 7. (a) The Administrative Counsel shall make an annual report to the Congress. Such report shall summarize his activities, shall include reviews of those individual cases which, in his judgment, should be brought to the attention of the Congress, and shall set forth such recommendations for legislation or further investigation as he may deem appropriate.

(b) The Administrative Counsel may, in his discretion, make an interim report on any occasion when he deems such action appropriate to carry out the purposes of this Act.

(c) Any report of the Administrative Counsel pursuant to this section shall be printed as a public document.

STRENGTHEN THE WAR ON POVERTY

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. RODINO. Mr. Speaker, Members of the House are quite aware that the Economic Opportunity Act Amendments of 1966 will soon come to the floor for our most serious consideration. We will then be called upon to again reevaluate our commitment to the millions of Americans still suffering the heavy burden of poverty and the unbearable feelings of a hopeless future.

In my home city of Newark the war on poverty has already made a decided impact, and the citizens most affected are dearly concerned and aroused to see that continued success and progress is assured. Without objection, I am pleased to commend to my colleagues a very balanced and forthright editorial from the September 12 issue of the Newark Evening News pointing out the need to strengthen, rather than cut back, our responsibility to meet the legitimate expectations of the impoverished:

Antipoverty Funds

Officials of Newark's antipoverty war will protest to President Johnson and congressional leaders prospective cutbacks in federal grants that may force the curtailment of Community Action programs.

They have a strong case, for Newark's successful efforts to bring the poor into planning for community and individual betterment have aroused much hope and initiative. Their abandonment or curtailment could be disastrous.

The war on poverty has probably raised more expectations than any amount of money could fulfill. But to cut back now in cities which have demonstrated their ability to use federal funds effectively would tell the poor, in effect, that Congress did not mean what it seemed to say in 1964. It would tell them that what seemed the last hope of the cities was a false vision. It would tell them that efforts at self-improvement were futile.

Cutbacks would affect not only those actually taking part in the programs in Newark—the more than 2,000 children in preschool classes this year, the 200 welfare recipients getting job training, the scores getting free legal aid, the hundreds who have been hired for the programs and the untold numbers who have found a constructive outlet for ideas and energies. It would also affect the far larger numbers who are not taking part—those who stay on the street corners and stoops. For them, retrenchment would confirm their suspicion that the affluent society is indifferent to their plight.

The antipoverty program may be in jeopardy partly because of the scandals, the political struggles, the impracticable schemes and extravagant salaries that have marked it in some cities. Congress undoubtedly reflects widespread public disillusionment. Those from Newark and other cities now justifiably seeking increased aid must recognize they have a formidable task—not only in convincing the public that much good has been done, but also in tightening their own operations so their case may be even more compelling in future years.

While they exert every effort to make the federal government aware of the urgent need, they must realize there will always be some limit—reasonable or not—on how much is available. They must seek new ways to get the most out of every dollar. There are only so many pieces in the pie, and the poverty agencies must try to make sure they provide the maximum nourishment.

But while there are limits on antipoverty funds, it is doubtful if they have been reached yet. Curbing federal spending is necessary if inflationary pressures are to be reduced, but this comes down to a matter of priorities. It would be unjust and dangerous to let the ax fall solely on the urban poor, when ample antipoverty funds could be obtained by slashing the billions now being poured into the wasteful and needless farm price support program.

SPLENDOR

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Hull] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. HULL. Mr. Speaker, in an age of cynicism when some of our young people hide behind their beards, deriding the simple qualities of normalism and patriotism, it is refreshing to read something like the short essay written by 14-year-old Alyne Greenberg, of St. Joseph, Mo., the daughter of Mr. and Mrs. Alvin Greenberg.

Under leave to extend my remarks, I include her essay:

Splendor

It was a warm June afternoon as we drove in heavy traffic down North Capitol Street. All of us were craning our necks for the first glimpse of the Capitol Dome. And there it was! The sun glistened as it reflected in the majesty of the white domed edifice; my heart skipped a beat. As we slowly approached it, we were able to see its white marble pillars. I thought of what all of it meant and represented to me . . . Freedom . . . Being a free American and being able to say, "I belong." I felt proud to belong to it and even prouder of my heritage as an American. Then I saw the flag . . . Our beautiful flag, fluttering softly in the breeze. It seemed to say, "Here, look at me! I am free . . . free . . . free!" Closer and closer we came.

Climbing the steps slowly, one by one, I was aware of nothing around me but the beauty. On the portico, I turned slowly around in order to burn it into my memory. In a direct line was the most stirring sight I had ever seen in my entire life. Against a background of shimmering blue was the Washington Monument reflecting its slenderness and stalwartness in the lagoon. Directly behind it, but off in the distance, was the magnificent Lincoln Memorial, and yet further off stood the stately Jefferson Memorial. Then in the horizon in the summer's haze, and in eternal sleep, Arlington, the resting place of our heroic servicemen and the late President Kennedy.

Yes, this vista was truly a sight to behold.

It was like a clash of cymbals . . . the beat of a kettledrum . . . "America the Beautiful" . . . "The Star-Spangled Banner" . . . All culminating in one tremendous crescendo saying "Mine, mine. This is mine! My country! My freedom!"

SUEZ—10 YEARS LATER

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MULTER. Mr. Speaker, 10 years ago fighting erupted in the Middle East when Nasser seized the Suez Canal.

Harold Greenwald, in a recent issue of the Synagogue Light, reviewed the events of 1956 within the context of today's world. I commend Mr. Greenwald's article to the attention of our colleagues:

Facing East: Suez—10 Years Later

(By Harold Greenwald)

"We should not assume that if Israel withdraws, Egypt will prevent Israel's shipping from using the Suez Canal or the Gulf of Aqaba. If, unhappily, Egypt does hereafter violate the Armistice Agreement or other international obligations, then this should be dealt with firmly by the society of nations."—Dwight D. Eisenhower, February 2, 1957.

Israel did withdraw and the Suez Campaign of 1956 ended.

The Canal has not been opened.

The Canal boycott finds its counterparts in countless facets of international economic, political, social and even religious activity.

The Gulf of Aqaba, opened by force of Israel's unaided arms, remains open. Incursions from across the Egyptian border have abated. Ten years of comparative peace have ensued. But Arab threats to "push Israel into the sea" are still expressed, still form the facade for such Arab unity which survives revolts and juntas, and still influence the successive making and breaking of Arab alliances.

Those threats directed against Israel's survival are no less ominous today than at any time heretofore. An unsettled Middle East has long been the norm. Turbulence within Middle East nations has formed a way of life. From time immemorial, strife among Middle East nations has made legendary such places in the Holy Land as Har Megiddo, site of the biblical Armageddon.

U.S. RENEGES ON ITS PROMISE

In 1956, the need to end border harassment and to gain access to the sea impelled Israel's resort to arms. The former objective and part of the second, Israel achieved and has retained. Eilat is open to the Orient. The Eisenhower statement seemed at the time to have settled the issue as to the Suez. It did not and Israel remains aggrieved by what many here regard as abandonment, if not betrayal. No one, in or out of Israel, expects of an American president or of his Secretary of State, that he was chosen to advance the interests of Israel. Few, in or out of Israel, believe that America's post-Suez conduct was motivated other than by the intent to serve the United States and American interests. However, events have proven that course to have been wholly ill-conceived. Despite an unmistakable similarity between Hitler and Nasser, the old Chamberlain gambit was repeated and the results may prove to be costly to us, as they have already been to Israel.

Now, into the old maelstrom of men and factions struggling for domination, new forces and new ingredients are being added at an accelerating rate and with explosive implications.

COMMUNIST THREAT IN THE MIDDLE EAST

The new force is Communism. Russia is an old hand at subversion and domination. China, rapidly emerging, is challenging Russia for preeminence in the Communist world. Russia has established various strong points in the Middle East from which she is striking out for greater exploitation, picking her spots with the skill of a marksman. China is playing the field, wooing all of the Arab states, antagonizing none.

New ingredients include the Bomb and rich Egyptian oil strikes in the Suez peninsula, from whence Israel withdrew in reliance upon the Eisenhower declaration quoted above. The foothold in the Middle East which Russia gained by supporting Nasser, with our concurrence ten years ago, seems secure. Her appetite is limitless and her objective direct. The prospect of new oil riches does not abate that appetite; Kosygin's recent visit to Egypt does not blunt that objective.

As American foreign policy properly should be pro-American, so Russian foreign policy is understandably pro-Russian. Russia is not merely anti-Israel, or pro-Syria, or pro-Egypt; that is her current pro-Russian stance. She is currently pro-Egypt, enjoying the position of virtually a creditor in possession. She is currently anti-Israel in order to be consistent with the posture of the Arab world which she covets and means to control. And she is currently pro-Syria not only because Syria is Arabic, not only because the Syrian government more than ever is now notoriously tenuous, but simply because Russia wants Middle East bases and Syria supplies them.

Against a background of United States foreign information centers set afire, American flag desecrations and stoned American embassies, Russia quietly but effectively has been tightening her tentacles on the Middle East. Following the recent joint communique by Kosygin and Nasser, there was widespread belief that its comparatively innocuous tone promised a continuance of the status quo. One fallacy in such thinking was derived from comparing the conservative Kosygin with the bellicose Khrushchev. Whereas the latter was forced under party hindsight to retract certain of his implusive utterances, the former is sparing with his words, which are spoken only after careful deliberations. Khrushchev often meant less than he said—Kosygin means at least all that he says.

MILITARY INCURSIONS UPON ISRAEL

It will be remembered that Syrian terrorist activity preceded Kosygin's visit to Cairo. In addition to El Fatah raids, by marauders trained and financed in Syria who crossed over from Jordan, mines were planted in Almagor, where the Jordan River flows into the Sea of Galilee, killing Israeli farmers. Thus were Russia and Egypt, not only Israel, reminded that Syria was to be reckoned with. This reminder was not subtle, to be sure, but neither was it to be overlooked. Indeed, it may even have been inspired by Russia in order to speed an Egyptian-Syrian rapprochement. It was intended, moreover, to provoke Israel into military reprisal which, because of the topography would have had to be in force, and so enable Syria to complain that she was being menaced by Israeli aggression. Israel did attack—not by planes or artillery but in the United Nations.* For once Israel was a complainant, not a defendant, in this world forum. Did this deter Syria from crying out that she was in danger of armed aggression? It did not and, more significantly, Russia has taken up the hue and cry and we have today a Moscow-Damascus axis which hardly is a harbinger of peace in the Middle East.

It would have been unseemly for giant Russia to issue a warning in Syria's interest directed against tiny Israel; the fact is that Israel is not the real target. The warning is directed against an "imperialist plot" hatched by the United States and Britain and, playing the game by her own rules, Russia asserts that Israel is used as a pawn in that "plot." Syria's obligation to Russia is manifest and Russia has never been an easy creditor. How she is to be paid off remains to be seen, but there is no dearth of Syrian assets available for that purpose. Russia has a Mediterranean fleet. That fleet, equipped with atomic weapons and based in a Mediterranean port, could easily fill the vacuum left by such international contingencies as England's departure from Aden.

WILL HISTORY REPEAT ITSELF?

Under Russian leadership, Syria and Egypt might again unite and Arab rivalries to Nasser's pan-Arabian leadership, again with Communist support, could be overthrown. This is the direction of the coming Egyptian effort and with the new ingredient, Sinai oil, the Western World could be completely removed from the area. Old Arab debts could be repaid. New Arab debts could be contracted on terms dictated by the debtor. Indeed, the prestige of the large oil companies could again shape American foreign policy and moral considerations could again be silenced.

Communism, whether Russian or Chinese style, is so potent a factor in the Middle East that France, once a major power here, is expected to seek a detente. Britain, formerly supreme, is preparing to let go. The United States, previously off on a tangent and presently preoccupied elsewhere is striving to hang on, spending her resources in appeasement after appeasement.

The United States erred grievously ten years ago. Mr. Dulles was ill and Mr. Herbert Hoover, Jr., a top oil executive, was then Acting Secretary of State.

President Eisenhower's policy of alignment with Russia appears in retrospect to have been influenced by considerations devoted to oil rather than to principle. Under that influence, and in the guise of serving the peace of the world, French, British and Israeli forces were caused to withdraw from Sinai and from the Suez Canal. Communism, not world peace, was served. As regards the Middle East, France and Britain are but shadows of their pre-Suez selves. Notwithstanding her many difficulties, however, France remains, as of this writing, the most stable force and Israel's most dependable ally in the Middle East. Russia, alert to danger signals in Morocco, Tunisia and Saudi Arabia, is on the move in Egypt and Syria. China will become variously Russia's partner and her rival, but never a friend of the free world. The United States, tied down in Vietnam, may yet pay a heavy price for Middle East crumbs.

Israel, without great natural resources in a power-hungry world, will have to rely upon her human resources—skilled, resourceful, dedicated and selfless.

On July 4, one hundred and ninety years after the founding of the Republic, the John F. Kennedy Memorial and Peace Forest was dedicated in Jerusalem. Among the words of that martyred President which live on, are the following:

"Israel is the bright light now shining in the Middle East. We, and ultimately Israel's neighbors, have much to learn from this center of democratic illumination—of an unprecedented economic development, of human pioneering and intelligence and perseverance.

"It is time that all of the nations of the world, in the Middle East and elsewhere, realized that Israel is here to stay: she will not surrender—she will not retreat—and we will not let her fall."

It is fitting that these words, as well as those of the 34th President, be remembered and if necessary, that they be implemented lest Israel's resources be unequal to a final test.

Our support for Israel and our determination not to allow it to fall prey to its Arab neighbors was reiterated by President Johnson when President Shazar of Israel visited the White House on August 2, 1966. At that time our President said:

> Above all, Mr. President, we share in common the vision of peace you call *shalom*.
>
> The prophet Micah described it in this way: that every man sit under his vine and fig tree and "none shall make him afraid."
>
> As our beloved, great, late President, John F. Kennedy, said on May 8, 1963, as a declaration of the leader of this country and as spokesman for this land: "We support the security of both Israel and her neighbors. . . . We strongly oppose the use of force or the threat of force in the Near East.
>
> "We subscribe to that policy."

COMMODORE JOHN BARRY DAY

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. KELLY] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mrs. KELLY. Mr. Speaker, today we are honoring the memory of one of this Nation's greatest naval heroes, Commodore John Barry. The gallantry and outstanding achievement of this modest, but brilliant Irishman, who readily embraced the spirit of his adopted land and the cause of the American Revolution, have caused many to call him Father of the American Navy.

As the man who became our first American commodore, he not only displayed great skill and courage at sea and in combat, but great constructive genius as well. In 1802, 1 year before his death, his long and devoted service caused the Secretary of the Navy to single him out for high and honored praise as this country's senior officer of the Navy. And in the many years since then, his lifetime of constructive patriotism and courage have been perpetuated as an inspiring example of devotion to the welfare of one's country. He has long been the hero of song and story.

Each year the 13th of September, the day of his death, is remembered as Commodore John Barry Day. It is a time to remember the rich legacy left to the American people by a modest young Irish immigrant who grew to brilliant preeminence. His vision and dedication stands as a lesson and blessing to all of us.

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* Following this writing it was learned that Israel found itself compelled to resort to military action as well.

BEST WISHES TO THOSE OF JEWISH FAITH ON ROSH HASHANAH

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. Kelly] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mrs. KELLY. Mr. Speaker, it is appropriate during these days of awe that I extend my most sincere wishes to those of the Jewish faith. This great section of the American population through day-to-day adherence to the principles of the Old Testament, has greatly contributed to the moral and intellectual growth of our Nation, over the past year, the past decade, the past two centuries.

As men of good will everywhere grope for peace and understanding, may the current observance of Rosh Hashanah bring new hope and new inspiration to the Jewish people, in order that the worthy ideals of Judaism may prosper in the coming year.

I would also like, at this time, to join in asking the blessing of God upon the Republic of Israel and in praying that its people may be strengthened in their struggle to maintain a bulwark of freedom in a land redeemed through heroism, courage, and great sacrifice.

I ask my fellow Americans of the Jewish faith to accept my best wishes for health, happiness, and the delights of accomplishment during the coming year, as well as the hopeful vision of tasks to be attempted and goals to be approached through the years to follow.

LEGISLATION INTRODUCED TO PROVIDE FOR CONSTRUCTION OF NUCLEAR DESALTING PLANT

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Hanna] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. HANNA. Mr. Speaker, today I have introduced legislation which would provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant off the Orange County coast in southern California.

This project will be constructed on an artificial offshore island. It will utilize two nuclear reactors with an electrical capacity of about 1,800 megawatts and a sea water desalting plant which will produce 150 million gallons daily of distilled water—enough to supply a city the size of San Francisco.

The total capital cost of the dual power producing and desalinization project will be $400 million of which the Department of the Interior is being asked to participate in the amount of $57.2 million.

A very detailed study of this proposal has been conducted by an independent engineering firm, and it shows the project will have a very high level of return in comparison with the initial expenditure. It shows that large scale desalting is economically feasible, and that the excess power produced by the reactors can be used to help fulfill our evergrowing need for electrical power.

The project has the support, both in terms of capital and cooperation, of two of the Nation's leading private power companies—Southern California Edison Co. and the San Diego Gas & Electric Co. These companies have further agreed to purchase all the excess power produced.

The Los Angeles Metropolitan Water District, which distributes water throughout southern California, has agreed to support and cooperate in the project. One of the main points in favor of the project is that it is a water source independent of the flow of river and aquaduct systems, and, in an emergency, it might well prove more valuable than any of us are now predicting.

This will be the world's largest desalinization plant. It will be a showplace of great interest to the people of the many areas around the world, and in our own country, who are in need of water and power, and to those who see the day rapidly approaching when this need will arise.

The President of the United States has asked Congress to approve this project. The distinguished chairman of the Committee on Interior and Insular Affairs has agreed to introduce a companion measure. It is my hope that we can act with dispatch and thereby assure the earliest possible completion of this most worthy project.

THE VIETNAM ELECTIONS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Craley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. CRALEY. Mr. Speaker, on Sunday we witnessed a very significant stage in the development of democratic government and national independence in South Vietnam. I was impressed with the healthy and enthusiastic turnout for the elections, a support for the electoral process that exceeded the most optimistic expectations.

Much remains to be done in building a secure and stable government in an area for centuries dominated by stronger neighbors. I think the Saigon government is to be congratulated on the achievement of this first and important step. I should like to wish every success to the new constituent assembly in their constitution making. I believe the American people in their support for this struggling nation have rendered important help at a crucial time.

The New York Times carried an editorial commenting on the election which I shall include here in the Record:

After the Election

> The natural sequel to the successful election in South Vietnam on Sunday is to try to calculate what effect it may have on the efforts to bring about negotiations and an ultimate truce or peace.
>
> Logically, the results should convince Hanoi that the Saigon Government now has an enhanced and legitimate status of its own as a national entity. Whatever government finally comes out of the long process of constitution making, congressional or legislative assembly meeting, will not change the general picture insofar as the prosecution of the war is concerned. If there is to be a change it has to be on the North Vietnamese side and this is not going to be an overnight development.
>
> But the election may lead in time toward a better balance of the forces within the two Vietnams. Marshal Ky was understandably elated by the results, but he was much too optimistic in saying, as he did yesterday, that "we now have the conditions for final victory." The sort of victory he contemplates—or certainly always has in the past—is military. It comprehends the defeat of the Vietcong and the North Vietnamese, plus the acceptance of that defeat by Communist China and the Soviet Union. This, of course, will be a very long journey from Sunday's election that could not embrace all of the South Vietnamese and that did not immediately make South Vietnam militarily stronger or her enemies militarily weaker.
>
> So far as the United States is concerned, just as many American troops, planes and as much materiel are going to be needed as before, because the war is as tough and costly as it ever was.
>
> What has happened provides some hope that a government can be organized in Saigon in the course of the coming year or two which will have a good deal of popular support. The militant Buddhist opposition should not now be able to cause anything like the trouble it did last year. And though Vietcong naturally will refuse to concede the fact, the election was hardly a demonstration that they enjoy the support of South Vietnam's population outside the regions they control.
>
> Since no war lasts interminably, the Vietnamese conflict is going to end some day. The problem is to create the conditions that will permit it to end as soon as possible. A military victory is unlikely. Sooner or later the end will come around a negotiating table. It will, in effect, be a political solution. The election in South Vietnam is one step toward preparing the stage for an eventual settlement.

INDUSTRIAL PROGRESS IN THE VIRGIN ISLANDS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. O'Brien] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. O'BRIEN. Mr. Speaker, as further demonstration of the economic growth and industrial progress in the U.S. Virgin Islands, another great bank opened its doors there yesterday, September 12. I salute New York's First National City Bank and wish good luck to Mr. Robert Eastham, manager of its new bank in Christiansted, St. Croix.

As it opens its doors for business, this bank has every reason to be confident of the future.

The island of St. Croix has experienced a tremendous economic growth in recent years; most recently noted by the establishment of a $50 million alumina plant and a multimillion dollar petrochemical complex now under construction. Tourist trade in 1965 was $54 million, an increase of $6 million over the previous year. St. Croix, the largest of the U.S. Virgin Islands, has a population of around 20,000 people with a per capita income of $2,000, by far the highest in the entire Caribbean area.

Linked to the mainland and other Caribbean islands by several airlines and boat services, St. Croix is destined to be one of the most important commercial centers in that area. Among the reasons why New York's First National City Bank is starting operations in St. Croix, is their desire to help in the island's development, and to show the faith it has in the future of the Virgin Islands.

Heading the list of distinguished banking executives participating in the opening ceremonies was Mr. George C. Scott, senior vice president of the First National City Bank in New York. Mr. Robert Eastham, manager of the St. Croix branch, was host to the industrialists, businessmen, and high government officials from the Virgin Islands present at the inaugural ceremonies. Virgin Islands government officials participating included Hon. Ralph Paiewonsky, Governor of the U.S. Virgin Islands; Hon. Ciryl King, Government Secretary; and Hon. Dr. Aubrey Anduze, Administrative Assistant for St. Croix. The new First National City Bank branch in St. Croix, marks Citibank's first entry in the Virgin Islands market, although it has been operating in other parts of the Caribbean for several years. Among the countries where First National City Bank now operates in the Caribbean area are, Puerto Rico, Dominican Republic, Jamaica, Trinidad, and the Bahamas.

VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, the war in Vietnam continues to arouse the gravest anxiety among people here and abroad who are earnestly concerned with building peace and order in the world.

The President has repeatedly stressed that our objectives in southeast Asia are limited. The assistance we are rendering does not give us license to dictate the political destiny of the South Vietnamese. This is a point which must be reemphasized, and which must be made credible to the Asian peoples. The President has reaffirmed that American forces are in Vietnam to help the Vietnamese defeat aggression and defend self-determination. This can only be interpreted as a carefully prescribed engagement. As a foreign power on the Asian Continent, we should resist the tendency to escalate both the commitment and the means of military self-defense.

Several weeks ago, Premier Ky was quoted as welcoming an invasion of North Vietnam and an eventual confrontation with Red China. Although this statement has been subsequently modified, militarists may be setting their sights far beyond the expressed aims of our own Government, whose interest lies in insuring that the South Vietnamese people can freely choose their political and social course. There can be no ambiguity on this point; we must consistently disavow professed ambitions which outrun the American purpose in Vietnam.

Those who understand the limited nature of our stand in Vietnam must not be tempted into arguing blithely for some wider war which, supposedly, can more speedily produce what is described as "victory."

The world must know that American policy, despite the deployment of over 300,000 men, aims at a peaceful solution of this conflict.

It is doubtful as to whether the bombing of North Vietnam, and the continuing increase of American manpower, can alone bring about the conditions conducive to negotiation. Indeed, the truth may be that escalation breeds counter-escalation, and that a broader military employment strengthens the resolve of the North Vietnamese. Because these questions, in terms of the future, cannot be answered with surety, the United States must redouble its efforts, through all available channels, to find the path to peace.

One recent, welcome development was the proposal of Thai Foreign Minister Thanat Khoman, sponsored by the Governments of Malaysia and the Philippines, for convening an Asian conference on Vietnam. This was envisaged as a gathering of the noncombatant Asian states to discuss various means toward bringing the war to a close.

As one who has consistently asked for greater efforts in reaching a diplomatic settlement of this war, by urging our Government to declare its willingness to reconvene the Geneva Conference, and to press vigorously for a more effective United Nations role, I feel that this suggested meeting, eminating from Asian states, could make a major contribution. I urge that our Government officially and relentlessly pursue this proposal with Asian statesmen.

Whatever the extent of our involvement in South Vietnam, the effects of this conflict are and will be felt in Asia. Thinking of the future, the United States cannot ignore or become divorced from vital currents of opinion in Asia with respect to its policies there. We should make every attempt to encourage the governments of Asia to discuss collectively the American presence in Vietnam, and endorse their initiatives toward finding the basis for a peaceful accord of the war.

THE 25TH ANNIVERSARY OF THE SEABEES, AND THE 100TH ANNIVERSARY OF THE CIVIL ENGINEER CORPS OF THE U.S. NAVY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. TEAGUE], is recognized for 15 minutes.

Mr. TEAGUE of California. Mr. Speaker, I introduced a measure in this body yesterday to authorize the striking of medallions in commemoration of the 25th anniversary of the U.S. Naval Construction Battalions—Seabees—and the 100th anniversary of the U.S. Navy Civil Engineer Corps—CEC.

The Engineer Corps anniversary will occur next year on March 2 and the Seabees anniversary on March 5.

I rise today to call attention to my bill because I believe it to be a most fitting occasion. This morning at the White House, the first Seabee in the illustrious history of the organization was awarded, posthumously, the Medal of Honor by the President.

Marvin Glenn Shields, CM3, of Port Townsend, Wash., died on June 10, 1965, from wounds received while members of his unit, Seabee Team 1104, were assisting in the defense of the Special Forces camp at Dong Xoai against an attack by the Vietcong. The attack began late the previous night.

While assisting a wounded Army officer to a safe position, Shields sustained wounds about his face, neck and back. Despite these wounds he continued steadfast in fighting against the Vietcong, both by means of his rifle and by throwing hand grenades.

When light broke on the morning of the 10th, Shields readily volunteered to assist in destroying an enemy machinegun emplacement. Though he had never used a 3.5-inch rocket launcher before, he performed the job well and was instrumental in destroying the position while under heavy enemy fire.

In returning to his previous position machinegun fire struck his right leg, nearly tearing it off. Though mortally wounded, he was able to move to a sheltered position and received aid. Throughout the remainder of the morning he was instrumental in keeping up the spirits of the defenders by laughing and making jokes.

Shields died that afternoon shortly after being evacuated by helicopter.

Construction Mechanic Shields is survived by his wife, Joan, an infant daughter, and his mother, Mrs. Victoria Cassalery, all of Port Townsend. The first Seabee Medal of Honor in history was presented this morning by the President to Joan Shields. It was also the first Medal of Honor to be awarded a Navy man in the Vietnam war.

Construction Mechanic Shields received his training at the U.S. Naval Construction Battalion Center at Port Hueneme, Calif., "Home of the Pacific Seabees," which is located in the district I have the honor of representing in this body. From there he went forth to his death in defense of his country, in an act of bravery "above and beyond the call of duty," earning for him the Nation's highest military award.

Mr. Speaker, under unanimous consent, I am inserting in my remarks at this point the text of two issues of Seabees in Action, which is published by the Naval Facilities Engineering Command. The first of these is entitled "Story of the Seabees: World War II to Vietnam" and the second is entitled "The Dong Xoai Story, June 9–10, 1965."

Story of the Seabees—World War II to Vietnam: The Seabee Tradition

(By LCDR W. D. Middleton)

The Navy's Seabees were less than six months old when their first unit came under fire early in World War II. Only three weeks after the Marines assaulted the beaches of Guadalcanal in August 1942, Seabees of the Sixth Naval Construction Battalion followed them ashore to begin the difficult job of converting a muddy former Japanese landing strip at Henderson Field into an all-weather airfield capable of supporting anything from fighter aircraft to Army B–17's.

The construction job was tough enough, but to make matters worse Henderson Field was under almost constant attack by Japanese artillery and aircraft, and great craters were torn in the airfield every time a bomb or shell scored a hit. As if all this didn't give them enough to do, the Seabees had to be ready to take up positions in the defensive perimeter in the event of Japanese landing against the narrow beachhead.

Typical of Seabee ingenuity at Guadalcanal were the "crater crews" that rushed to repair the damage after every hit on the airfield. Quickly learning from experience, the Seabees stockpiled Marston matting (the pierced steel planking used to surface the field) along the runway in bundles sufficient to repair an average sized hole. Construction equipment and trucks, already loaded with enough sand and gravel to fill a bomb or shell crater, were placed under cover at strategic points along the runway.

Whenever Japanese bombers approached or artillery opened up, the Seabee "crater crews" raced from their foxholes, tore away damaged matting, backfilled the craters, and quickly laid down new matting. Before long the Seabees were doing the job so rapidly that forty minutes after a bomb or shell it was impossible to tell that the airfield had ever been hit.

Throughout the three-month battle for Guadalcanal the Seabees performed construction miracles to expand Henderson Field and to keep it open, at one time continuing work even when Japanese troops had pushed the Marine front line to within 150 feet of the field. During one particularly fierce attack, the Japanese put no less than 53 bomb and shell holes in the airfield during a 48-hour period.

But despite the worst efforts of the enemy forces, the Seabees were able to keep Henderson Field open throughout the bitter campaign, and their success in keeping Marine fighter planes in the air played no small part in the eventual U.S. victory at Guadalcanal. Thus was begun the Seabee "Can Do" tradition of World War II.

SEABEES AND MARINES

One of the earliest traditions developed by the Seabees of World War II was an unusually close comradeship with the United States Marines. Although they fought and built almost everywhere in the global conflict, and worked with Army troops and fleet sailors as well as Marines, the Seabees' greatest contribution to World War II victory was the role they shared with Marines in the bitter island-hopping war in the Pacific.

Based upon mutual respect and shared hardships, the Seabee-Marine fellowship was born as early as 1942, when Marines and Seabees worked and fought side-by-side throughout the bloody battle to hold the Guadalcanal beachhead and to keep the Henderson Field airstrip open to Marine fighters and Army bombers. In this and later Pacific campaigns the Seabees learned to admire the Marines' unsurpassed skill as professional fighting men, and the Marines became equally impressed with Seabees skill as professional builders.

As often as not this Seabee-Marine mutual esteem was expressed in good-natured jokes at each other's expense. Recruited largely from the ranks of skilled construction workers, the average Seabee was ten years or more older than the typical Marine. Soon after the first Seabees came ashore at Guadalcanal the Marines were joking, "Never hit a Seabee, he might be some Marine's father." The Seabees quickly retaliated by manufacturing "Junior Seabee" badges, which they awarded to deserving Marines. And the Seabees like to claim, "Marines only capture territory, it's the Seabees who improve territory."

In a classic piece of one-upmanship on one occasion during the Pacific campaign, the Seabees managed to best the Marines' proud boast of always getting places first. At New Georgia in July of 1943 a detachment of Marines charged ashore from landing craft in a dawn assault and rushed up the beach looking for Japanese troops, only to be greeted by a party of Seabees that had already landed on the enemy-held island to make a reconnaissance for an airfield site.

The close relationship that grew up between Marines and Seabees during World War II has continued throughout the postwar years. As they have ever since the formation of the first construction battalions 24 years ago, Marines still guide and assist Seabees in learning their necessary fighting skills. Much of the Seabee construction effort since the end of the war has been devoted to Marine Corps facilities. And today, in the Republic of Vietnam, the Seabees are devoting almost their entire effort to the construction of advance base facilities to support the operations of the Third Marine Amphibious Corps.

SEABEE INGENUITY

One of the earliest Seabee traditions to emerge during World War II was the almost legendary ability of a Seabee to improvise. Hastily formed and rushed into the war, the early construction battalions were nowhere near as well equipped as the present-day battalions. Frequently, too, supplies of construction materials and spare parts were insufficient for the job at hand. None of this, however, deterred the resourceful Seabees from getting the job done.

Early in the Solomon's campaign, for example, the 15th Construction Battalion was handicapped by a lack of machine tools. A Seabee warrant officer, who had been a machinery salesman before the war, set out on a trip to New Zealand, where he successfully repurchased equipment from his former customers, and the Seabees soon had a well equipped machine shop. More equipment was scrounged from the aircraft carrier Enterprise in return for repair jobs. Before long the Seabees were taking in repair work from the Army and Marines, and were even repairing airplanes.

Lacking a replacement for a blown out bulldozer head gasket, Seabees in the Ellice Islands fashioned a replacement from thin sheets of metal and paper, and quickly put the 'dozer back into service. A Seabee chief on Samoa manufactured a replacement condenser out of waxed paper, tinfoil from cigarette packages, and an old beer can in order to keep one piece of equipment operating. On Guadalcanal another Seabee petty officer kept captured Japanese trucks in operation by improvising replacement radiators out of metal ammo boxes, a method that was soon being used all over the Pacific. Other Seabees learned how to keep tractors running by mounting fuel drums in place of smashed radiators.

The 55-gallon fuel drum, as a matter of fact proved to be one of the most useful of Seabee construction materials. With the ends cut out and welded together, thousands of drums were converted into culverts. Split down the side and flattened, they made excellent roofing material. One group of Seabees even manufactured a sightseeing canoe from fuel drums.

Worn out tires that would no longer hold inner tubes were kept in service by filling them with a mixture of palm tree sawdust and cement. Beer and Coke bottles were used as insulators for power and telephone lines. Seabees learned how to make replacement watch crystals out of plexiglass from wrecked planes, devised a method of welding broken dental plates with a mixture of ground rubber and cement, and one Seabee machinist even manufactured a pair of silver stars from two quarters for a newly promoted general. Other Seabees made extra money during off-duty hours by manufacturing fake Japanese battle souvenirs and native jewelry for sale to gullible new arrivals.

Perhaps the best-known of all stories of Seabee ingenuity, however, is that of a first class petty officer named Aurelio Tassone, who converted a bulldozer into a piece of combat equipment during the Treasury Islands campaign in 1943. Coming ashore on his bulldozer, Tassone found that a Japanese pillbox was holding up the advance. While a Seabee lieutenant provided covering fire with a carbine, Tassone raised his blade as a shield against enemy fire and advanced on the pillbox. At the last minute Tassone dropped the blade and demolished the emplacement.

SEABEES' MAGIC BOX

Probably the least glamorous in appearance of all the new "weapons" that helped the U.S. to win World War II was the lowly steel pontoon—the Seabees' "magic box"—that became an indispensable tool of a hundred purposes for the U.S. Navy's mighty amphibious forces.

Civil Engineer Corps planning as early as 1936 had forseen a need for a variety of barges, small yard craft, and other miscellaneous floating equipment in the event of a major amphibious war in the Pacific. By 1940 a CEC captain, John N. Laycock, had set to work in earnest developing his ideas for a standardized steel pontoon that could be assembled into an almost endless variety of floating equipment. By early 1941 the first experimental pontoons had been successfully tested and soon thousands of them were in production.

The basic pontoon was little more than a steel box five by seven by five feet. The real key to its versatility was the system of heavy steel angles and special hardware, or "jewelry," developed by Capt. Laycock which permitted the pontoons to be assembled in a wide variety of arrangements. Strings of pontoons were assembled for use as barges or piers, and with the addition of a specially developed outboard propulsion unit, the amphibous Seabees had a self-propelled barge or a warping tug for work around a harbor or beachhead. Cranes, pile drivers, dredges, and almost any other kind of equipment for waterfront work could be mounted on a pontoon barge. Arranged as a barge with pontoon walls on each side, and equipped with the necessary piping and pumping equipment, a batch of pontoons could be assembled as a floating drydock for PT boats and other small craft.

Seabees, of course, found many more uses for the versatile pontoons than those envisioned by its designers. Many saw service as fuel and water tanks, and a pontoon with the addition of a little piping could be mounted on a flat bed truck to make a water distributor. With the addition of a door a pontoon made a fine paint or gear locker. A Seabee cook in the Russell Islands even converted a pair of the pontoons into an oven and grill.

The pontoon really came into its own, however, in the Allies' 1943 landings in Sicily. The Navy's versatile LST had been designed to approach a steeply sloping beach, drop its ramp, and disgorge its load of tanks and other vehicles directly onto the shore. Since they assumed the LST's and other large landing craft couldn't get close enough to make a landing on the shallow sloping beaches along much of the southern shore of Sicily, the Germans had installed only relatively light defenses.

The ingenious Capt. Laycock, however, had already gone to work on a new use for his versatile pontoons. Special hardware and fittings were devised that permitted assembly of the pontoons in long two-pontoon wide causeway sections, which were hung on the sides of the LST's. As the landing ships approached the shore the causeway sections were cut loose, dropped into the water, and their momentum carried them into the beach. The intrepid amphibious Seabee crews that rode the pontoons quickly connected the causeway sections, the LST's were "married" to the outer end, and in a matter of minutes vehicles were rolling ashore.

First used in the Sicily landings, where causeways over 300-feet long were employed to land allied forces where they aren't expected, the new pontoon adaptation was a major factor in the success of the operation, and for the remainder of the war the LST-pontoon causeway combination was used in almost every major amphibious assault.

Even today, a quarter of a century after its development, the versatile pontoon remains as a workhorse of the amphibious Seabees. Only last May, when MCB-10 and Marine Corps forces landed at Chu Lai, Republic of Vietnam, their equipment, and supplies went ashore over the familiar pontoon causeways.

"RHINOS" IN OPERATION OVERLORD

Among the difficult problems faced by planners of "Operation Overlord," the great Allied invasion of Normandy in 1944, was one presented by the character of the beaches where the landings were to take place. At both Utah Beach and Omaha Beach, where the U.S. forces were to land, the slope of the beaches was unusually flat, and the water line moved up or down the beach a half mile or more as the tide rose or fell. Just off the shore and running parallel to the beach, sandbars—whose position shifted constantly with the tide or storm conditions—presented still another problem.

Because of these positions, it would have been almost impossible to use LST's or other amphibious craft in the usual manner. Landings could have been made at high tide, but unless the vessels were quickly unloaded, the rapidly receding tide might leave them stranded high and dry on the beach, exposed to German attack until the tide came back in and refloated them. If landings were made at low tide the vessels would ground on the sandbars, leaving troops and vehicles with deep water between them and the shore. Even if they were able to get past this obstacle, the inrushing tide might overtake them before they could get all the way up the beach.

Under these conditions even the Seabees' famous pontoon causeways, first used the year before in Sicily, would have been unable to bridge the gap between ships and shore. The Civil Engineer Corps' CAPT John Laycock, who had originally developed both the pontoons themselves and the pontoon causeways, quickly came up with still another variation of the Seabees' "magic box" to solve the problem of the Normandy beaches.

One hundred-eighty of the pontoons were assembled into a huge ferry barge, six pontoons wide and thirty pontoons long, powered by two of the large outboard motors developed for use with smaller pontoon barges. A specially developed loading and unloading ramp was placed at one end. Big enough to take half an LST load of supplies and equipment, the pontoon ferries were designed to "marry" an LST safely anchored in deep water. As soon as the ferry was loaded it cast off and headed for the beach under its own power. With its shallow draft the pontoon ferry could easily get over the treacherous sandbars to the beach. Only two trips were needed to unload an LST, and then the ferry proceeded to unload another ship.

To a naval aviator, who happened to fly over one of the first experimental models at Quonset, R.I., the Seabees' pontoon ferry looked more like a rhinoceros than anything else, so before long, "rhino ferry" became their unofficial name.

As the great Normandy invasion grew nearer, Seabees of the 81st and 111th Construction Battalions worked in British shipyards to assemble their rhino ferry fleet, and as soon as they were completed, they took them to sea to practice the tricky job of "marrying" them to LSTs and transferring cargo.

On June 5, 1944, the day before D-Day in Normandy, the rhino ferries and their Seabee crews headed out to sea for the journey to France, each of them on a 300-foot towline behind an LST. Early on D-Day morning the LSTs and the rhinos were off the beaches at Omaha and Utah. Unexpected heavy seas made the task of joining the ferries to the LSTs almost impossible, but after several hours of effort the job was finally completed and the rhinos were on the way to the beaches. It was close to noon before the first rhinos reached the beach, only to discover that the Germans had planted mines and obtacles all along the beaches that made it almost impossible to land. A few got ashore that day, but many of the Seabee crews had to wait offshore with their ferries for a day and a half or more before demolition teams were able to clear the beaches so they could land.

Throughout the first days of the Normandy invasion, despite the hazards of severe weather, mines, and German gunfire, the Seabees and their rhino ferries shuttled between the invasion fleet and the beaches, landing thousands of trucks, tanks, and other vehicles, and tons of the supplies that sustained the American armies ashore.

THE GREAT B-29 BASE ON TINIAN

By the summer of 1944, advancing U.S. Forces in the Pacific War against Japan had reached the Marianas Islands, 4,000 miles west of Hawaii and less than 2,000 miles from Japan itself. On June 15, the Marines hit the beaches at Saipan. On July 21, they began the invasion of Guam, and only three days later the same Marines that had taken Saipan were swarming ashore on Tinian.

Even before the Marines had officially secured Tinian, Seabees began landing to work on their biggest single job of the entire war—constructing the world's largest air base for the Army Air Corps' B-29 "Superfortress" bombers that would soon begin carrying the war to the Japanese homeland. Tinian, 12 miles long, six miles wide, and fairly flat, provided a good airfield site that placed the new B-29's within range of Japan for the first time.

To support the huge B-29 fleet that was to operate from Tinian the Seabees built six runways, each a mile and a half long. Four were built at North Field, together with 11 miles of connecting taxiway and hardstands for 265 planes. At West Field, an 18-mile taxiway network and 361 hardstands were built to support the remaining two bomber runways, as well as two smaller airstrips. In addition to the airfield facilities themselves, the Seabees constructed nearly a thousand buildings, miles of roads, fuel and ammunition storage, and utility systems for the Tinian base.

To carry out the huge construction task, the Navy organized the Sixth Construction Brigade, made up of three Construction Regiments, each of which in turn was made up of several battalions. Altogether some 15,000 Seabees were involved in the Tinian work. The fleet of well over 1,500 pieces of heavy construction equipment assembled for the job included almost 800 trucks, 173 scrapers, 160 tractors and bulldozers, 60 graders, and 80 power shovels.

Working in two ten-hour shifts daily, the Seabees built the world's largest air base in record time. Although much of the terrain was reasonably level, in places the bomber runways required cuts as deep as 15 feet and fills 30 to 40 feet high. By the time the job was done the Seabees had moved more than 11 million cubic yards of earth and coral.

Removal of coral "heads" from the runway sites and quarrying of coral for runway surfacing consumed an average of 12 tons of dynamite and 4,800 blasting caps a day. Maintenance crews worked around the clock to keep equipment going despite the ravages of coral dust that wore out moving parts in a fraction of the usual time. Twenty-four welding crews were required just to repair the damage done to power shovels, bulldozers and scrapers by the hard coral.

Except for one runway, which took 73 days to build, none of the B-29 runways took over 53 days to complete, and the entire base was completed in less than a year. Only a few months after the Seabees first started work the Army's B-29 fleet began striking at Japan from the Tinian base. The biggest Seabee job of the war had played a vital part in launching the great bombing raids that speeded victory in the Pacific War.

CUBI POINT

By far the largest peacetime job ever undertaken by the Navy's Seabees was the construction of a major base for the U.S. Seventh Fleet at Cubi Point, on Subic Bay in the Philippine Islands. Required to support the growing U.S. commitments in the Far East, the Cubi Point base was started at the height of the Korean War in 1951.

Overall direction of the project was in the hands of the 30th Naval Construction Regiment, which was set up at Cubi in September 1951. During the next two years the arrival of Mobile Construction Battalions 2, 3, 5, 9 and 11 brought the Cubi Point construction force to a total of some 3,000 Seabees.

Working as many as three shifts a day, six days a week, the Seabees spent five years converting Cubi Point's jungle and mountains into a modern base for Seventh Fleet carriers. Huge trees, sometimes as much as a hundred and fifty feet tall and six to eight feet in diameter had to be blasted out of the way; swamps filled, and even a native village relocated.

A huge hill was removed and Cubi Point itself widened to accommodate the base's airfield. One battalion was given the task of removing 85 feet from the top of a mountain to provide a safe approach to the runway. Over 200,000 cubic yards of rock and earth were moved in the process.

Once the airfield was done the Seabees built roads, piers, shops, ammunition storage, and barracks to complete the base. By the time the great project was done it was estimated that 20 million manhours of Seabee labor had gone into the building of the Cubi Point base, and that a greater volume of earth had been moved than in the digging of the Panama Canal.

At Cubi Point the Seabees built a major new base for the Navy, but perhaps even more important the project provided a priceless opportunity to develop construction skills and leadership qualities in a whole new postwar generation of Seabees. Hundreds of Seabees who first learned their skills at Cubi Point still serve on active duty. Now senior petty officers and chief petty officers, they provide the indispensable background of experience needed to guide and train the young Seabees of the 1960's.

SEABEES ON THE ICE

This year's 1966–67 Operation Deep Freeze marks the beginning of a second decade of Seabee participation in the continuing U.S. program of scientific study and exploration of the Antarctic continent.

Seabees first landed on Antarctica in 1947 as part of the Navy's Operation High Jump expedition led by RADM Richard E. Byrd. Seabee work in this first post-World War II Antarctic expedition included unloading of supplies and equipment and the construction of new facilities near Byrd's 1939–40 Little America base.

Although Operation High Jump lasted only a few months, the Seabees and the Navy returned to the ice to stay in 1955 when the U.S. began constructing permanent scientific outposts in the Antarctic. The Seabees of the first Operation Deep Freeze, as it was called, were part of the newly formed Mobile Construction Battalion (Special) organized at Davisville, Rhode Island and specially trained in cold weather operations. Their Deep Freeze mission included hauling of supplies by tractor and sled across the ice, construction of camp facilities at Little America and McMurdo Station, and construction of a ski-plane airstrip on the ice of McMurdo Sound.

Among a "wintering over" party from the first Deep Freeze II, were nearly 200 Seabees, whose tasks included support of the scientific program and construction of a 6,000-foot ice runway on McMurdo Sound. Working throughout the Antarctic winter in temperatures that often fell to 65 degrees or more below zero, and despite a fierce three-day blizzard that once destroyed the entire project, the Seabees had the new runway ready for arrival of a Deep Freeze II advance party by air from New Zealand in October 1956.

Before the end of October, RADM Dufek, Commander of Deep Freeze II, took off from the Seabees' ice runway to become the first explorer ever to land at the South Pole by plane. A few weeks later, Seabees, sled dogs, construction materials, and equipment followed the admiral to the Pole to commence construction of a permanent camp at South Pole Station.

In the nearly ten years since the first Deep Freeze expeditions, thousands of Seabees have continued to work at Antarctica, building roads, runways and buildings at the American stations on the frozen continent.

In 1962, a milestone in the use of nuclear energy was achieved when the first of several nuclear reactors began to produce electric power and heat, and to distill fresh water, at McMurdo Station. Operating the reactors were crews made up largely of specially trained Seabees.

Although the climatic environment and much of the materials and equipment they work with have been far different from those normally encountered by Seabees, their traditional qualities of ingenuity, skill, energy, and endurance have enabled the Navy's Seabees to establish a distinguished, and still growing, reputation for their many achievements on the Antarctic ice.

SEABEE TEAMS

An important new part of the Seabee tradition in recent years has been the several types of Seabee Teams, which have proven a valuable addition to U.S. programs aimed at strengthening the free world by helping the people of underdeveloped nations help themselves.

Utilizing the construction skills of carefully selected men, Seabee Teams have been deployed to locations as widespread as Southeast Asia, South America and Africa, where their skills have been employed in a wide variety of "civic action" construction missions aimed at improving the living conditions of the people of other nations.

Even more important than the work they have done themselves, the Seabee Teams have helped to train people of these countries in modern construction methods so that they themselves can continue to improve their own living conditions long after departure of the Seabee Teams.

Although Seabees have always been eager to lend a helping hand wherever they have been, the formal Seabee Team program was not born until 1960, when an Atlantic Seabee detachment was deployed to Haiti. Their mission was the construction of a road, causeway, and pontoon bridge at Lake Miragoane, Haiti, when flooding of the lake threatened to isolate the southern tip of the island.

Soon after this first venture, other Seabee Teams were sent on a regular basis to other countries for similar missions. Since 1960 Atlantic Seabee Teams have deployed to such countries as Chile, Costa Rica, Santo Domingo, Liberia, the Republic of Chad and the Central African Republic, where they have built farm-to-market roads, taught construction skills, and engaged in disaster relief work.

Since January 1963, teams from the Pacific Seabees have been deploying to Thailand and the Republic of Vietnam, where they have engaged in a wide variety of rural development work, including road, bridge, and school construction. Several teams deployed to the Republic of Vietnam have been engaged in construction of Special Forces camps. One team, Seabee Team 1104, was constructing such a camp when it participated in the heroic defense of Dong Xoai against a heavy Viet Cong attack last June.

In addition to the normal 13-man teams, other special teams from the Pacific battalions have performed similar work in Southeast Asia. Well-drilling teams have helped provide pure water suplies to rural villages in Vietnam, and EO/CM teams have helped in a rural road building program in Northeast Thailand.

RADM J. R. Davis, former Commander of the Pacific Seabees, recently expressed the comment of the U.S. ambassador to Thailand that no other U.S. aid program has accomplished as much in proportion to its cost as has the Seabee Team program.

Thus, in a few short years, the Seabee Teams have become a proud—and continuing—part of the Seabee story.

A NEW CHAPTER

In the spring of 1965, as the U.S. increased its commitment of military forces in support of the war against the Viet Cong in South Vietnam, the Seabees were once again called upon to provide construction support to Navy and Marine Corps forces in a combat area. Not since World War II had the Seabees been committed on such a large scale in support of combat operations.

MCB–10, then deployed on Okinawa as the Pacific "alert battalion", was the first to go. Late in April MCB–10 commenced its mount-out, and within less than ten days the entire battalion, its equipment and supplies, and aluminum matting to construct an 8,000-foot expeditionary airfield, were embarked on amphibious force ships of the U.S. Seventh Fleet.

Early on the morning of May 7, in one of the largest operations of its kind since the Korean War, Marines came ashore in a coordinated amphibious landing to occupy the Chu Lai site. The Seabees of MCB–10 were right behind them with their equipment and supplies to set up a camp and begin work on the Chu Lai runway. In only 21 days time, high performance Marine jets were flying strikes against the Viet Cong from the Seabee-built airfield. During the remainder of its Chu Lai deployment MCB–10 continued to expand and improve the airfield, and constructed a wide variety of roads, cantonments, and other facilities in support of units of the Third Marine Amphibious Force operating in the Chu Lai sector.

MCB–3, deployed on Guam as the Pacific "back-up battalion", was the next to leave for Vietnam. Preceded by an advance party, which started work on a battalion camp at the base of Hill 327 at DaNang, MCB–3 mounted out from Guam in May and commenced construction work at DaNang by the end of the month. Chief among Three's projects was the rebuilding of a road leading to the Marine missile site on Hill 327.

MCB–9, deploying from Port Hueneme early in June, was the third battalion to arrive in Vietnam. Establishing its camp next to the South China Sea at DaNang East, Nine immediately started work on a wide variety of projects, chief among them a large Naval Hospital and an extremely difficult road to a missile site on Monkey Mountain, in DaNang Bay.

In order to coordinate mobile construction battalion work in Vietnam, the 30th Naval Construction Regiment, inactive since the Cubi Point project in the early 1950's, was reestablished at DaNang in May. Initially, the regiment was under the command of CAPT Harold F. Liberty. The current commander is CAPT Nelson R. Anderson.

Seabee strength in Vietnam was increased to four battalions in September, when MCB–8, previously an Atlantic battalion, moved to Port Hueneme and almost immediately deployed to DaNang, where it commenced work on port facilities and other projects.

MCB–5 became the fourth Pacific battalion to deploy to Vietnam in September when it relieved MCB–3 at DaNang. A second Atlantic battalion, MCB–4, moved its home port to Port Hueneme in November, and deployed to Chu Lai a month later to relieve MCB–10. Most recently, MCB–11 deployed to DaNang early in February to relieve MCB–9.

The large scale commitment of Seabees to the war in Vietnam has proven the value of the long, hard peacetime deployments and the continuing emphasis on training, mobility, and self-sufficiency characteristic of the Navy's mobile construction battalions. For each of the seven battalions that have thus taken part in the Southeast Asian conflict has shown the same capability to deploy to a new location, establish itself, and commence production construction with a speed, effectiveness, and flexibility unmatched by any other military engineering unit.

With Seabees in demand as never before since World War II the Navy has commenced a broad build-up of the naval construction force. Each of the ten original battalions has been increased in its officer and enlisted complement and early this year the Navy Department announced the formation of four new battalions at Davisville, Rhode Island. MCB–40 was formally commissioned on Feb. 1, with MCB's 58, 62, and 133 to follow during the next few months.

Clearly, as General Douglas MacArthur wrote to ADM Ben Moreell during World War II, "the only trouble with your Seabees is that you don't have enough of them!"

The Dong Xoai Story, June 9–10, 1965: Seabees Victims of Vietcong Raid

The quiet serenity of a rainy night in a small Vietnamese military compound quickly turned into a nightmare of death and suffering for nine members of Seabee Technical Assistance Team 1104 early this month. Assigned to construction and improvement of training facilities of a Civilian Irregular Defense Group (CIDG) camp at Dong Xoai, 55 miles north of Saigon, the Seabee Team and 11 other U.S. Army Special Forces personnel were trapped in one of the bloodiest and hardest fought battles of the Vietnamese war.

The camp area contained a complex of compounds to support three CIDG companies, a Regional Forces company, a small Vietnamese Special Forces detachment, and an armored car platoon. Also in the area was the District Headquarters and a battery of 105mm howitzers.

The bizarre sequence of events started when a lookout reported that "Viet Cong were all over the airfield." A 200-round barrage by 60mm mortars at 11:45 p.m. on June 10 preceded the "human wave" assaults on the walls of the CIDG compound. Intense close range combat continued until 2:30 a.m. when the CIDG defenses were breached and the surviving U.S. troops made their way to the adjacent District Headquarters.

There they were quickly surrounded by the Viet Cong who were employing flame throwers, machine guns, recoilless rifles and small arms against the fortifications. When daylight approached the 2nd Air Division and VNAF aircraft began hitting Viet Cong positions outside the District Headquarters.

A U.S. rocket launcher team of 1st Lt. Charles Williams, U.S. Special Forces Camp Commander and Seabee Marvin G. Shields, CMA3, moved outside the headquarters defenses and successfully destroyed a Viet Cong .30 Cal. machine gun position. Shields was killed returning to the building.

The first lift of relief forces to secure a landing area about a mile and a half north of the embattled village was quickly engaged by VC forces. A pitched battle developed as aircraft continually strafed and struck the VC positions with napalm. About noon the landing area was overrun by Viet Cong forces; only three Vietnamese soldiers reportedly survived from the group of 196 troops and two U.S. advisors originally flown in.

In the meantime, a second lift of relief forces landed at a nearby rubber plantation and was also quickly pinned down by intense Viet Cong fire.

During the middle of the afternoon a coordinated effort of heavy close air support by fixed wing aircraft, permitted elements of the 118th Aviation Company to evacuate the wounded U.S. personnel from the District Headquarters.

Shortly thereafter, a Ranger relief force landed at a soccer field southeast of the town. Another group landed near the District Headquarters. This 300-man force finally reoccupied the District Headquarters compound and captured numerous Viet Cong weapons.

Sporadic fighting continued throughout the second night and the Rangers moved out the next day and recaptured large areas.

Eye witness accounts of the battle area describe the bodies of civilians and military dead strewn throughout the town. Men, women and children were walking around in a daze, the recent events being incomprehensible to them. Others were found sobbing over the fallen bodies of members of their families. Several soldiers were found with their hands tied behind their backs, probably used as human shields during the battle.

The village itself was nothing more than charred ruins; some areas were still burning and smoldering from the recent conflict.

The final count of casualties of the original 20 American forces was three killed, 16 wounded and one unscathed survivor. A total of 12 other Americans were listed as dead or missing as a result of action during the two-day battle. The Vietnamese forces suffered approximately 46 wounded and 300 dead or missing. Viet Cong losses were estimated at more than 700.

Of the nine man Seabee Team, 2 men were killed:

Marvin G. Shields, 26, CM3 of 141 East Clara St. Port Hueneme. He is survived by his wife, Joan, and infant daughter who are presently visiting in Sequim, Washington.

William Clifton Hoover, 25, SW2. He is survived by his parents Mr. & Mrs. Clifton William Hoover of 1320 Hawthorne Drive, San Diego, Calif. Funeral services were held Tuesday at Fort Rosecrans with full military honors.

Six other men suffered injuries:

James M. Keenan, HM2, was treated in Saigon and released.

James Barnett Brakken, 32, BU1, of Puyallup, Washington was also treated and released.

James Davis Wilson, 29, CM1, was released from the Saigon hospital on June 18. His wife Janice and two small children reside at 973–A Jelly Drive.

The other three wounded Seabees have been transferred to the hospital at Clark Air Force Base in the Philippines for further treatment and convalescence. They are:

LTJG Frank A. Peterlin, 26, Officer in Charge of the Seabee Team. He is from Oglesby, Ill.

Johnny Ray McCully, 34, EOC. His wife Petra and two small children live at 611 East Pleasant Valley Rd., Port Hueneme.

Lawrence W. Eyman, 29, UT2. His wife and daughter live at 441 Santa Rosa St., Port Hueneme.

Douglas Martin Mattick, 22 BU2, was the one American not hurt during the fighting.

Four other members of the Seabee Team were not at the camp when the attack occurred. They are:

Jack Lee Allen, 33, EO2. His wife Lillian and three children live at 1520 Woodland St., Oxnard.

John Curtis Klepfer, 24, EO2. His family lives at 950–B Pearson Drive, Port Hueneme.

Frederick Joseph Alexander, 24, EA3, from Buffalo, N.Y.

Richard Stanley Supczak, 32, CE3, from New Bedford, Mass.

WOUNDED SEABEE TELLS OF VIETCONG RAID

(By Marie Levi)

It's quiet now.

The sounds the Seabee hears are the everyday pleasant ones of home—chicken frying in the pan . . . roller skates on the sidewalk . . . the voice of a neighbor at the door . . . a jet far overhead . . .

But James D. Wilson, CM1, can still hear other, more insistent sounds. Pushing through his consciousness is the din of a mortar barrage, the whistling of rifle shells through a military compound, the blast of shrapnel just before it enters human flesh.

Just a month ago today, Wilson and eight other members of Seabee Technical Assistance Team 1104 listened to these sounds of war at Dong Xoai, Viet Nam. They were part of a 30-man force: 11 were Army Special Forces personnel, the others RVN troops.

With the exception of Johnny McCully, EOC, who was standing watch, the Seabees were asleep when all hell broke loose at 11:45 p.m. on 9 June.

Bounced out of their bunks by the thunder of mortars and the staccato of small arms fire, the men quickly took up defensive positions. They were to stand against overwhelming odds of men and arms for the next 14 hours. They were all to feel the searing pain of shrapnel fragments entering their bodies, the deafening roar of battle. Two of the Seabees were to die.

"The very first assault wiped out our communications and destroyed our medical supplies, with the exception of two small bags that James Keenan, HM2, had with him," says Wilson.

"Two out of the three compounds in the camp were overrun and occupied by the Viet Cong. They took over our reserve supplies of ammunition and all through the night and part of the next day they blasted us with mortars, recoilless rifles, flame throwers, and machine guns."

All around them, men were dying. Of the 300 troops, some 40 survived; no man was spared injury.

"If it hadn't been for a jerry-rigged radio put together by one of the Special Forces sergeants, we would have been done for," says Wilson.

With the radio, the survivors were able to maintain communication with command headquarters, and by dawn, American jets began strafing and bombing the area around the camp.

"It was the only thing that saved us," says Wilson.

Two groups of Vietnamese reinforcements tried to move in to save the Dong Xoai camp. The first was on the ground 15 minutes before being wiped out; the second group was pinned down by the Viet Cong and unable to advance.

"There was no possible way to hang on. The Viet Cong were firing on the compound and on the planes overhead with captured American weapons, and the small supply of ammunition we had was just about exhausted."

The only hope was to evacuate the survivors. At 2 p.m. on May 10, American jets and Skyraiders started a heavy bombing and strafing attack around the outside wall of the camp. In the meantime, three helicopters sat down in the middle of the area and picked up the remaining Americans and RVN troops.

"We couldn't have lasted 15 minutes more," says Wilson.

It was almost the heartbreaking end for Douglas Mattick, BUH2. When he started to enter the third helicopter, he was waved off, the chopper was already loaded to capacity. For a moment, he thought another helicopter was due in, but when he saw the three disappearing in the distance, the full force of his predicament hit him. He grabbed the radio, put in a quick distress call, and before long another helicopter was in for the rescue.

"Of the nine of us, two—Marvin G. Shields, CM3, and William C. Hoover, SW2, were dead. LTJG Frank A. Peterlin, officer in charge of the Seabee Team, and McCully were missing." (Both were wounded outside the compound, but were picked up the following day.)

After treatment, four members of the Seabee Team returned to Port Hueneme on July 1. Flown in by commercial aircraft were Wilson; Dale Brakken, BU1; Keenan; and Mattick.

McCully is still hospitalized in San Diego; LTJG Peterlin is undergoing treatment in Okinawa; and Lawrence W. Eyman, is at Clark AFB Hospital, Philippine Islands.

Recalling the massive Dong Xoai attack, Wilson remarks: "It's hard to imagine the sheer strength of numbers among the Viet Cong. They attack in a human wave—it would be impossible to down them all.

"Besides that, the VC round up people in the villages—young and old alike—and use them as human shields. They are completely ruthless as far as human life is concerned. It was a common sight to see women and children disemboweled as an example to other villagers.

"It was a time of horror," he added, "but the morale of the team never dropped. When the going got rough somebody would make a wisecrack, and the tension eased.

"Sure, we wondered sometimes if we would ever get out alive, but we helped each other keep our hopes up."

Of the four men who returned here last week, Mattick expects an early discharge and return to college. The other three will return to Seabee duty after a 30-day leave period.

Some of the STAT 1104 team members have already volunteered for additional Seabee Team duty in Viet Nam; others will return if assigned there.

As for Wilson, he won't even consider anything but more Seabee duty. A career man with 11½ years already on the books, he expects to serve 30.

"I had a chance to cross rate to communications technician," he says. "It would have meant more shore duty and faster promotions, but I couldn't give up the Seabees."

Most of the men on the Seabee Teams feel exactly the same way.

SEABEE TEAM OIC AWARDED SILVER STAR

For his gallant action during the Viet Cong attack on Dong Xoai, Vietnam, on June 9, LTJG Frank A. Peterlin, Officer in Charge of Seabee Team 1104, was presented the Silver Star Medal by CDR W. W. Barron, MCB–11 Commanding Officer. The awards ceremony, attended by officers and men of the battalion, was held at Camp Kue Army Hospital.

The Silver Star is the fourth highest medal issued by the Navy. ADM Roy L. Johnson, Commander in Chief, U.S. Pacific Fleet, in the citation accompanying the award, said:

"For conspicuous gallantry and intrepidity in action while serving with U.S. Navy Seabee Team 1104 at Dong Xoai, Republic of Vietnam, on 10 June, 1965.

"Shortly before midnight on the preceding night, the compound which LTJG Peterlin's team was assisting to construct came under intense mortar, machine gun, heavy weapons, and small arms fire from an estimated, Viet Cong reinforced regiment.

LTJG Peterlin quickly went to a position on the berm surrounding the compound and for three hours exposed himself to hostile fire by firing at the enemy. During a massive Viet Cong attack with flamethrowers, hand grenades and small arms fire, supported by mortar, machine gun, and heavy weapons fire, LTJG Peterlin at close range, shot a Viet Cong carrying a flamethrower.

"Shortly afterward, LTJG Peterlin was knocked down by an explosion and wounded by a bullet through his right foot. Despite his wound, LTJG Peterlin successfully evaded the Viet Cong forces which had overrun the compound and was able to conceal himself from the enemy for more than a day before being rescued. His coolness and effectiveness under fire were a constant encouragement to those about him."

MCB–11 NAMED "BEST OF TYPE"

MCB–11 has been named "Best of Type" among Pacific mobile construction battalions for 1965.

A message from RADM James R. Davis, COMCB–PAC, announcing the award stated:

"As a battle ready fleet unit, you have aptly demonstrated the construction and combat support capability of our modern naval construction force . . . the officers and men of MCB–11 may justly take pride in this achievement which reflects consistently distinguished performance throughout the competitive period."

CAMP SHIELDS HONORS SEABEE HERO

CAMP SHIELDS, CHU LAI, RVN, Sept. 10.—Today the Seabee Camp at Chu Lai was named Camp Shields in memory of Marvin G. Shields, CM3.

Shields died from wounds received while members of his unit, Seabee Team 1104, were assisting in the defense of the Special Forces Camp at Dong Xoai against an attack by the Viet Cong on June 10. The attack began late the previous night.

While assisting a wounded Army officer to a safe position, Shields sustained wounds about his face, neck and back. Despite these wounds he continued steadfast in fighting against the Viet Cong, both by means of his rifle and by throwing hand grenades.

When light broke on the morning of the 10th, Shields readily volunteered to assist in destroying an enemy machine gun emplacement. Though he had never used a 3.5 inch rocket launcher before, he performed the job well and was instrumental in destroying the position while under heavy enemy fire.

In returning to his previous position machine gun fire struck his right leg, nearly tearing it off. Though mortally wounded, he was able to move to a sheltered position and received aid. Throughout the remainder of the morning he was instrumental in keeping up the spirits of the defenders by laughing and making jokes.

Shields died that afternoon shortly after being evacuated by helicopter.

For his bravery and devotion to duty Shields has been recommended for the Navy Cross. His actions throughout were in keeping with the highest traditions of the Naval service.

The Seabees of MCB–10 are proud to enshrine the name of Marvin G. Shields in the camp which they established as a memorial to a fellow Seabee who exemplified the "Can Do" spirit of the Seabees in action against the Viet Cong.

Shields is survived by his wife, Joan, a young daughter and his mother Mrs. Victoria Cassalery, all of Port Townsend, Washington.

RECOMMENDATIONS OF THE JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland [Mr. SICKLES] is recognized for 5 minutes.

Mr. SICKLES. Mr. Speaker, when the family car begins to creak and slow down, we do not hesitate to take it to the garage for repairs. And once in the garage, when we can see what the trouble is, we do not hesitate to replace parts which just will not work any more.

This is just good sense, for by keeping the car in good repair we know it will give us better service in the long run.

Many Americans—both legislators and private citizens—believe that Congress is in much the same condition as the old family car. The time has come to tune up the machinery and replace some wornout parts.

Eighteen months ago Congress drove itself into the repair shop when it created the Joint Committee on the Organization of the Congress. Recently it completed its analysis of the repairs that are needed. This analysis is in the form of a number of recommendations designed to streamline the congressional machinery.

The driving force of the Congress is its committees. For Congress to work efficiently, its committee system must function smoothly, just as the pistons of a car must run smoothly.

If the committees delay action, or do not operate at all, then Congress—like the old family car—slows down and may even come to a complete halt.

Thus, the major impact of the proposed reforms have to do with the committee system in both the House and the Senate. There are two problems relating to committees generally today. One is the division of various committee responsibilities. The other is that the committee chairman too often is "all powerful." If he fails to call meetings the work of the committee just does not get done.

To deal with this second problem, the proposed reforms establish a "committee bill of rights." They give the majority of the committee membership the right to call meetings and report legislation in the event the chairman refuses to do so.

Committee responsibilities would be "tuned up" by redefining the roles of several of the existing standing committees. For example, in both the House and the Senate the Committees on Banking and Currency would be renamed the Committees on Banking, Housing, and Urban Affairs. This change would give recognition to the growing problems of urban areas.

But in any tuneup the mechanic in analyzing the problems may recommend changes that not everyone agrees with.

One such change proposed by the joint committee that I disagree with is that the House and Senate committees now dealing jointly with education and labor be split in two. Thus one committee in each Chamber would be responsible for educational matters and another for labor and welfare matters.

I think this approach is unwise, because my service on the House Committee on Education and Labor during the past 4 years has thoroughly convinced me of the desirability of having a single committee deal with both these matters.

The problems of education and of labor are too closely intertwined to have them considered separately. One purpose of education is to prepare a person to serve usefully in the labor force. Many problems of our work force must be served by education and training programs. Therefore, Federal legislation dealing with education should be viewed in the context of the existing labor market and labor legislation.

Conversely, most labor legislation should be considered in the context of our federally supported education programs.

The people who are affected by Federal labor and education programs know this, too.

The man on the assembly line today often recognizes his own education as inadequate to deal with the complexities of his job. He knows also that his son, certainly, will have to have a far better education than he did to perform successfully the work tasks of tomorrow.

In a similar way, the teacher who trains the young person for his working life needs to know what sort of job she is training him for.

Thus, I think it would be extremely unwise to separate labor and education legislation by creating new committees to deal with these matters. However, in most other respects I think the joint committee's recommendations are very useful and should be given prompt consideration by Congress. The family car needs the proposed tuneup.

PERSONAL EXPLANATION

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, last Thursday, September 8, there was one quorum call (roll No. 270) and two record votes on H.R. 14026, the temporary interest rate control bill.

Circumstances required my presence in Buffalo, N.Y., on Thursday afternoon, where I had the honor at the Democratic State Convention to place the name of Arthur Levitt in nomination for reelection as comptroller of New York State.

If I had been present, I would have voted "aye" on roll No. 271 for the motion to recommit and "no" on roll No. 272 against final passage.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. May (at the request of Mr. Arends), for today, September 13, 1966, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. Reid of Illinois) to revise and extend their remarks and include extraneous matter:)

Mr. Halpern, for 15 minutes, today.

Mr. Teague of California, for 15 minutes, today.

Mr. Moore, for 15 minutes, on Thursday, September 15.

Mr. Sickles (at the request of Mr. Matsunaga), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Davis of Wisconsin to include newspaper articles with his remarks made today in the Committee of the Whole on H.R. 17636.

Mr. Cramer to revise and extend his remarks made today in the Committee of the Whole on H.R. 16559 and to include extraneous matter.

Mr. Rosenthal.

(The following Member (at the request of Mrs. Reid of Illinois) and to include extraneous matter:)

Mr. Halpern.

(The following Member (at the request of Mr. Matsunaga) and to include extraneous matter:)

Mr. Carey in two instances.

ADJOURNMENT

Mr. MATSUNAGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes, p.m.) the House adjourned until tomorrow, Wednesday, September 14, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2725. A letter from the Attorney General, transmitting a report on the problems of small business displacement under Federal and federally assisted programs of public improvement, pursuant to the provisions of section 10(c) of the Small Business Act of 1958, as amended; to the Committee on Banking and Currency.

2726. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes; to the Committee on Interior and Insular Affairs.

2727. A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend Public Law 89-428 authorizing appropriations pursuant to section 261 of the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 17671. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 17672. A bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights similar to those given by section 8(f) of such act to employers and employees in the construction industry; to the Committee on Education and Labor.

By Mr. ARENDS:

H.R. 17673. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 17674. A bill to authorize the issuance of cost-of-living saving bonds; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 17675. A bill to amend the act of September 30, 1961 (75 Stat. 732); to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 17676. A bill to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOELSON:

H.R. 17677. A bill to amend the Internal Revenue Code of 1954 to provide that the income tax exemption of certain voluntary employees' beneficiary associations shall be determined on the basis of their net income; to the Committee on Ways and Means.

By Mr. JONAS:

H.R. 17678. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. LAIRD:

H.R. 17679. A bill to amend the act of September 30, 1961 (75 Stat. 732), relating to professional athletics; to the Committee on the Judiciary.

By Mr. LENNON:

H.R. 17680. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 17681. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. O'BRIEN:

H.R. 17682. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 17683. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. PASSMAN:

H.R. 17684. A bill to amend the authorization for the Ouachita Basin project; to the Committee on Public Works.

By Mr. PRICE:

H.R. 17685. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. REID of New York:

H.R. 17686. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. ROUDEBUSH:

H.R. 17687. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. YOUNGER:

H.R. 17688. A bill to authorize and direct the Secretary of Health, Education, and Welfare and the Federal Trade Commission to regulate statements of net quantity on the labels of certain packaged consumer commodities in order to facilitate price comparison by consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois:

H.R. 17689. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 17690. A bill to provide that no further sales may be made under the Participation Sales Act of 1966; to the Committee on Banking and Currency.

By Mr. CHAMBERLAIN:

H.R. 17691. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 17692. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 17693. A bill to repeal certain provisions of the Sugar Act of 1948, as amended, to establish a new and improved sugar program, and for other purposes; to the Committee on Agriculture.

By Mr. HOSMER:

H.R. 17694. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. KING of Utah:

H.R. 17695. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. KORNEGAY:

H.R. 17696. A bill to authorize and direct the Secretary of Health, Education, and Welfare and the Federal Trade Commission to regulate statements of net quantity on the labels of certain packaged consumer commodities in order to facilitate price comparison by consumers; to the Committee on Interstate and Foreign Commerce.

H.R. 17697. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 17698. A bill to amend the act of September 30, 1961 (75 Stat. 732); to the Committee on the Judiciary.

By Mr. REIFEL:

H.R. 17699. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHISLER:

H.R. 17700. A bill to incorporate Mothers of World War II, Inc.; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 17701. A bill to amend title XVIII of the Social Security Act to permit payment to an individual for the charges made by physicians and other persons providing services covered by the supplementary medical insurance program prior to such individual's own payment of the bill for the services involved; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 17702. A bill to authorize a program of research, development, and demonstration of electrically powered vehicles; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 17703. A bill to strengthen the regulatory and supervisory authority of Federal agencies over insured banks and insured savings and loan associations, and for other purposes; to the Committee on Banking and Currency.

By Mr. ADAMS:

H.J. Res. 1301. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 1302. Joint resolution proposing an amendment to the Constitution relating to terms of judges of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. JONAS:

H. Con. Res. 1006. Concurrent resolution to modify the tariff concessions granted by the United States under article XXVIII of GATT; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

497. Mr. CONTE presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to Federal Government contributions to municipalities constructing water pollution control facilities, which was referred to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 17704. A bill for the relief of William John Masterton, George Samuel Konik, and Louis Vincent Nanne; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 17705. A bill for the relief of Romualdo D'Elia and his wife, Lucia Mastrorilli D'Elia; to the Committee on the Judiciary.

By Mr. HECHLER:

H.R. 17706. A bill for the relief of Melhem Elias El Khouri; to the Committee on the Judiciary.

By Mr. REES:

H.R. 17707. A bill for the relief of Claudette Norma Howard; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17708. A bill for the relief of Miss Keum Hi Shin; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

431. The SPEAKER presented a petition of the Polish Legion of American Veterans, Harvey, Ill., relative to increased compensation and pensions of veterans and their dependents, which was referred to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Commodore Barry Day

EXTENSION OF REMARKS
OF
HON. HUGH L. CAREY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 13, 1966

Mr. CAREY. Mr. Speaker, today marks the 163d anniversary of the death of Commodore John Barry, the "Father of Our Navy."

Bicentennial observances of events of the Revolutionary War will soon be upon us. John Barry's great contributions to the victory of American arms in the conflict that won us our national independence from British tyranny must never be forgotten. His valor and his victories must be acknowledged in the bicentennial observances that will take place in the future, and they must be recognized today on the anniversary of his death.

He was born at Tacumshane, County Wexford, Ireland, went to sea as a boy, and about 1760 settled in Philadelphia, where he eventually became a prosperous shipmaster and shipowner. In 1776 he showed an Irishman's enthusiasm for the cause of the Colonies against British oppression and was placed in command of the brig *Lexington* by the Continental Congress. On April 17, 1776, he captured the British tender *Edward*. This was the first capture in actual battle of a British warship by a regularly commissioned American cruiser.

Barry received the personal congratulations of General Washington for his valor in the performance of a daring exploit on the lower Delaware in 1777. With four small boats he had cut out an armed British schooner without the loss of a man, and captured at the same time a number of transports and a large quantity of supplies destined for British troops.

Barry then volunteered for duty with the American Army and participated with distinction in the Trenton campaign. He was then given command of the *Raleigh*, 32 guns, with which he fought a gallant and obstinate battle against superior forces, finally being obliged to beach his ship, but saving most of his men from capture.

His most successful cruise started in February of 1781 when he sailed from Boston for France commanding the *Alliance*. He captured the privateer *Alert* en route. He put down a mutiny, and then captured the privateers *Mars* and *Minerva*. After a fierce engagement he forced two British brigs, the *Atlanta* and the *Trepassey* to strike their colors. Barry was severely wounded in the action.

To Barry belongs the distinction of having fought the last naval action of the War for Independence. Aboard the *Alliance* he arrived at Martinique early in January of 1783 and found orders to proceed to Havana. Leaving that port he encountered the *Sybille*. His first mate, John Kessler, wrote as follows about the engagement:

> Two of the enemy's ships kept at a distance on our weather quarter as if waiting to ascertain about the French ship, while the other was in our wake with topsails only and courses hauled, as was also the case with the *Alliance*. The French ship approaching fast, Captain Barry went from gun to gun on the main deck, cautioning against too much haste and not to fire until the enemy was right abreast. He ordered the main topsail hove to the mast that the enemy (who had already fired a bow gun, the shot of which struck into the cabin of the *Alliance*) might come up as soon as he was abreast, when the action began, and before an half hour her guns were silenced and nothing but musketry was fired from her. She appeared very much injured in her hull. She was of thirty-two guns and appeared very full of men, and after an action of forty-five minutes she sheered off. Our injured were, I think, three killed and eleven wounded (three of whom died of their wounds) and one sail and rigging cut.

> During all the action the French lay to as well as the enemy's ships.
>
> As soon as the ship which we had engaged hove from us, her consorts joined her and all made sail, after which the French ship came down to us, and Captain Barry asked them why they did not come down during the action. They answered that they thought we might have been taken and the signal known and the action only a sham to decoy him. Their foolish idea thus perhaps lost us the three frigates, for Captain Barry's commencing the action was with the full expectation of the French ship joining and thereby not only be able to cope, but in fact subdue part, if not the whole, of them. The French captain proposed, however, giving chase, which was done; but it soon appeared that his ship would not keep up with us, and the chase was given over.

Years later, in 1794, when the Congress of the United States ordered the construction of six frigates to combat the depredations of the Algerian pirates, Barry was named senior captain and placed in command of the *United States*, being, as was said:

> Of all the naval captains that remained . . . the one who possessed the greatest reputation for experience, conduct, and skill.

During the hostilities with France, Barry was placed in command of all the naval forces in West Indian waters, remaining there until the beginning of May 1799. In December of that year he escorted the American envoys to France. On his return he took command of the Guadaloupe station in the West Indies, a position he retained until 1801. He died 2 years later at the head of the U.S. Navy.

On this anniversary of his death, we salute the memory of a great man, a great naval leader, and a great Irish American, Commodore John Barry.

Traffic Safety Act of 1966

EXTENSION OF REMARKS
OF

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 13, 1966

Mr. ROSENTHAL. Mr. Speaker, as President Johnson signs the Traffic Safety Act of 1966 into law, Congress assumes a long overdue social responsibility—that of helping to preserve the lives of the many millions who use American roads as drivers, passengers, or pedestrians.

Highway accidents are the fourth greatest cause of death and injury in the United States. The search for knowledge which will eliminate other great killers, such as cancer and heart disease, is relentless. Yet until the hearings leading to the formulation of this act, there was little knowledge about the cause of highway mishaps. Investigation of mechanical failure in automobile accidents is rare unless the accident occurs on property belonging to railroads or others having a defensive interest. Thus, there is little effort to differentiate between driver carelessness and mechanical failure. When mechanical defects are found to be the true cause of an accident, the nature of the deficiency is not usually made public. Therefore, the manufacturer is not compelled to correct it.

The Traffic Safety Act of 1966 will provide safety standards for motor vehicles. It will authorize careful investigation of accidents and research on safety devices and methods of accident prevention. It will screen out many unqualified drivers. Most important, it will give the American consumer much greater knowledge of the automobile, truck, or bus that he buys.

The plight of the consumer when he purchases an automobile is similar to his plight when he buys bread, frozen foods, tires, or many other commodities. Quality control is often inadequate. Facts about distribution of costs of various elements in marketing are difficult to discover. Deceptive advertising is not uncommon, nor is advertising which deliberately dissuades the buyer from purchasing that which he needs most. This might be a quality product in a simple rather than an expensive, wasteful package, or it might be a car which is safe rather than flashy.

Consumers, with no one especially designated to protect their interests, have been the victims of a campaign to convince them that all they need in a car is speed, styling, and status. The manufacturer is reluctant to spend money where it cannot be seen. He prefers to continue to gear his advertising toward convincing the customer that he is buying youth and power along with the car.

If there had been a department specifically created to protect and inform consumers, perhaps we could have had this legislation as long ago as 1958 when manufacturers were briefly interested in playing down speed and introduced such optional safety items as the padded dashboard. If consumers had been aware of the deficiencies existing in various automobiles, it would not have taken so many years, or so many lives, to prove the point that there must be standards of safety rigorously upheld.

We are finally doing a great service for the consumer, who, once this legislation is in effect, will have a much better idea of exactly how safe the car he buys is. Having reliable information at hand and confidence in the research and development which the Traffic Safety Act of 1966 authorizes, he will be willing to pay for the safety devices built into every car.

Ralph Nader, author of "Unsafe at Any Speed," first stimulated interest and action at the highest levels of government. He deserves great credit for this legislation; Mr. Nader was one man representing many. He played the role of a consumer agency by questioning and criticizing the automotive industry.

Mr. Nader, as spokesman for the consumer, showed that in the automotive industry it is necessary to remove research on safety devices and accident cause from private hands in order to make progress. It is simply that commercial interests compromise. In this case, they compromise the results of testing, and influence adversely the kinds of automobiles ultimately developed. Opponents of the act have argued that competition drives inferior products from the market. But this takes time, and we cannot tolerate needless loss of life while waiting for advertising campaigns to force competition on the issue of safety. It is clear that clever advertising and marketing techniques do not always succeed in deceiving the consumer as Mr. Nader exemplifies him.

Consumers throughout the country are looking increasingly to the Federal Government for information about products of all kinds, for quality controls and standards which must be met by producers. They will not be disappointed in this instance. The Traffic Safety Act of 1966 is a piece of socially important legislation.

Medical Costs

EXTENSION OF REMARKS
OF

HON. SEYMOUR HALPERN

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 13, 1966

Mr. HALPERN. Mr. Speaker, along with the general rise in prices, it is clear that medical costs are outrunning the average, and it is this statistic which raises some rather frightening implications.

The July figures showed an increase of 0.4 percent in the Consumer Price Index. Over the past 12 months, the trend has been upward. We are in an inflationary situation, as every economist now recognizes.

In July, medical costs outpaced the average index by surging 0.7 percent. In fact, over the past 6 months, medical costs have increased by 3.4 percent. And there is nothing which indicates that the trend will ebb or reverse itself in the months ahead.

Sharply increasing medical costs moved the President to direct Secretary John W. Gardner to conduct a swift study of the situation. I certainly hope that this will yield some information on why health care is soaring in cost, and what measures we can take to stem the tide.

While the price of retail drugs has not appreciably increased, it is evident that this is a major item in the total health care bill of the individual. The costs of prescription drugs are prohibitive.

I strongly urge that the Congress consider legislation which I am sponsoring aimed at reducing the price of medicines to the consumer. H.R. 8844, now before the Judiciary Committee, would provide for compulsory licensing of prescription drug patents if, after a hearing it is found that such drugs are quoted to druggists at a price exceeding 500 percent of production cost. The object is to permit competition if the manufacturers are realizing an exorbitant return. The intent is to bring down the price of medical drugs.

Another bill, H.R. 14063, would include prescription drugs among the medical expenses covered under the medicare supplementary benefit plan.

The Nation's indigent and elderly population should not be called upon to bear the uneven brunt of inflation. As a priority, Congress must insure that medicine and health care are not priced beyond the reach of those who need it most.

The Right Reverend Monsignor Frederick G. Hochwalt, 1909-66

EXTENSION OF REMARKS

OF

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1966

Mr. CAREY. Mr. Speaker, on September 5, the Right Reverend Monsignor Frederick G. Hochwalt, secretary general of the U.S. National Catholic Educational Association and former director of the National Catholic Welfare Conference's Education Department, died aboard a ship en route to Venice.

Monsignor Hochwalt was the proverbial man of many parts: educator, administrator, innovator, polemicist, and advocate.

To all his roles he brought an urbanity that disarmed more than one opponent and made him one of the best known and liked figures on the national educational scene.

As secretary general of the National Catholic Educational Association and, for nearly 22 years, director of the Education Department of the National Catholic Welfare Conference, he was called on repeatedly to act as spokesman for Catholic schools in a time of epochal change.

On many occasions he defended the rights of Catholic schools and their students before congressional committees. He was closely identified with the long battle to win equal treatment for nonpublic education in Federal aid programs.

He constantly supported efforts to improve the performance of Catholic schools. Typically, he was one of the directors of the recent University of Notre Dame study of Catholic education, a massive effort to uncover the facts about Catholic schools as an essential preliminary to making them better.

One of his last public statements was a call to innovation in order that Catholic schools could meet new needs and changing times more effectively. In the introduction to an NCEA booklet, "Support Programs and the Private School," he recommended dropping the traditional parochial approach to financing parochial schools which relies on tuition, individual contributions and drives in favor of more professional, better organized efforts.

The keystone of his career was conviction that nonpublic schools are needed to preserve the dual structure—public and private—of American education and thus respect the realities of a pluralistic society.

Coupled with this was a commitment to the rights of the Nation's 5.5 million parochial school students, both for their own sakes and for the well-being of the country.

> If Congress concludes that the educational standards of the country demand an upgrading and that this must come about by federal aid and encouragement—

He told a Senate subcommittee in June 1963—

> then the general welfare of the country and the national interest dictate that all children receive this help and encouragement.

He resigned in January of this year as director of the NCWC Education Department after having been in poor health for some time. Msgr. James C. Donohue, his successor, commented then that it was "the measure of his genius that he saw the need for change and was its catalyst, that he planned for development and was its inspiration."

Born in Dayton, Ohio, February 25, 1909, he attended Catholic schools and received his B.A. from the University of Dayton in 1931. He was ordained in 1935 and later received an M.A. and Ph. D. in educational administration from the Catholic University of America.

After holding several posts in the Cincinnati archdiocese, including assistant superintendent of schools, he was named to his position with the NCEA and NCWC in 1944, succeeding the late Msgr. George Johnson, under whom he had studied at the Catholic University.

His role as spokesman for Catholic education began early as the debate over Federal aid to education and the inclusion of Catholic schools in aid programs got underway in earnest after the war.

At a stormy session of the American Association of School Administrators 1947 convention in Atlantic City, for example, a professor from Columbia University Teachers College accused Catholics of blocking Federal aid to public schools by uniting with "reactionary and financially selfish groups" until their own schools were included in the proposed Federal program.

Monsignor Hochwalt hit back by accusing opponents of aid to parochial schools of a very negative and obstructionist attitude. He also denied that aiding nonpublic schools would hurt public schools.

He said:

> On the contrary, a strong complementary system of education should prove the greatest incentive to public education.

The battle over Federal aid waxed and waned over the next decade and a half, and Monsignor Hochwalt was in the thick of the controversy.

When, in January 1963, Congress held hearings on a Federal-aid program that would have excluded church-related elementary and secondary schools, Monsignor Hochwalt said:

> It contains something for everybody, everybody except the children whose parents have elected to send them to private schools.

By excluding children in church-related schools, he said, the program ignores one child in seven. He added that—

> Any proposal of a pattern of discriminatory legislation that disregards such a rich educational resource cannot be called balanced nor can it be considered truly in the national interest.

The Federal-aid debate was resolved, at least temporarily, by the enactment, in 1965, of the Elementary and Secondary Education Act, which includes nonpublic-school children in its major programs. The act incorporates the "child benefit" principle for aiding such pupils.

Monsignor Hochwalt urged that all concerned help to make the program work.

He said:

> Educators—and I mean those in public and parochial school systems—are going to have to make a concerted effort to see how this provision can be successful.

Holder of honorary degrees from a dozen colleges and universities and of numerous other awards, Monsignor Hochwalt served on many government and private education commissions.

Summing up his carreer at the time of his retirement from his NCWC post in January, Monsignor Donohue commented:

> As a spokesman for Catholic education for two decades he presented the case for Christian education professionally, with great dignity, realistically and, perhaps most important of all, optimistically. No one else could have done it as well.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 14, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Behold, God is my salvation, I will trust and not be afraid.—Isaiah 12: 2.

Almighty God, Father of all mankind, whom to know is life eternal, whom to love is life glorified and whom to serve is life filled to the full, in spirit and in truth we bow before this altar of prayer offering unto Thee once again the devotion of our hearts. Some of our number are celebrating the coming of another new year—may they and we enter it in the power of Thy spirit. We acknowledge that in days past we have done what we ought not to have done and we have not done what we ought to have done. We have had opportunity to forward Thy spirit of good will among men and we have fallen by the way. Forgive us, O God, and renew a right and a good spirit within us—that this year may witness a renewed purpose to struggle for the right in church and city and country that poverty and violence and misunderstanding may disappear, and that justice and peace and understanding may appear in our Nation and in our own hearts. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 13508. An act to direct the Secretary of the Interior to cooperate with the States of New York and New Jersey on a program to develop, preserve, and restore the resources of the Hudson River and its shores and to authorize certain necessary steps to be taken to protect those resources from adverse Federal actions until the States and Congress shall have had an opportunity to act on that program.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 11979. An act to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes; and

H.R. 15005. An act to amend title 10, United States Code, to remove inequities in the active duty promotion opportunities of certain officers.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3467) entitled "An act to amend the National School Lunch Act, as amended, to strengthen and expand food service programs for children," requests a conference with the House on the disagreeing votes of the two Houses thereon and appoints Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. JORDAN of North Carolina, Mr. McGOVERN, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. COOPER to be the conferees on the part of the Senate.

TEACHERS EDUCATIONAL EXPENSES—AMENDMENT

Mr. ADAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ADAMS. Mr. Speaker, yesterday I introduced H.R. 17671 to provide that teachers in our schools and colleges may deduct from their income tax those expenses incurred in improving their educational competency.

Since 1958 it has been the stated policy of the Internal Revenue Service to permit deductions of such expenses. However, the variety of interpretations of the IRS regulations on this matter have caused many problems. As a result of this uncertainty, teachers have been discouraged in many instances from pursuing programs of self-improvement. I know the problem has been a serious one in my home State of Washington.

To further confuse the issue, IRS now proposes, according to the Federal Register of July 7, 1966, new regulations which will be even more confusing. As the situation stands, IRS agents are, in fact, making educational decisions which they are not competent to make.

Mr. Speaker, my bill, which is identical to H.R. 17172 by the Honorable CECIL KING, of California, the distinguished ranking majority member of the House Ways and Means Committee, will correct the confusion that presently exists and, by congressional directive, mandate IRS to treat teachers equitably. It is of special importance at this time because of the teacher shortage that exists in this country. My State of Washington has teacher certification standards second to none in the Nation—a fact of which I am duly proud. But we know that we will have to recruit people into teaching who have not met these modern standards. If such persons can continue their education on the job, and be encouraged to do so by a sensible Federal tax policy such as my bill proposes, this will be of great benefit to the children they are to teach. Thus, this is truly an education bill and one which deserves the immediate attention of the 89th Congress which has rightly been called the education Congress.

LEAVE OF ABSENCE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I request that our colleague, the gentleman from Pennsylvania [Mr. HOLLAND], be excused from attendance upon the House today, because of virtually the only thing that could keep him away. I am delighted, Mr. Speaker, to be able to announce to the House that our friend and colleague from Pennsylvania has this morning become a grandfather. The new member of the Holland clan, and I trust, the Democratic Party, is Mr. Christopher Joseph Hoveland, born this morning to Mr. and Mrs. William A. Hoveland. Mrs. Hoveland, the daughter of Congressman and Mrs. HOLLAND, is doing splendidly at Bethesda Naval Hospital, where the proud father is stationed as a member of the U.S. Navy. I am sure that I speak for us all, Mr. Speaker, in extending congratulations to Mr. and Mrs. Hoveland, to grandpa ELMER HOLLAND, to grandma Emily Holland, and to Christopher Joseph.

FISCHER QUINTS CELEBRATE THIRD ANNIVERSARY

Mr. REIFEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. REIFEL. Mr. Speaker, I am sure the Members of this body will want to join Americans all across the land in extending warmest birthday greetings to the famous Fischer quints of Aberdeen, S. Dak.

It is a pleasure to report that the Fischer quints—Cathy, Maggie, Margie, Mary Ann, and Jimmy—are 3 years old today.

On behalf of this great body, I take pride in extending to them and their parents, Andrew and Mary Ann, warmest congratulations on this third birthday of my most famous constituents.

SLEEPER PROVISIONS IN THE DEMONSTRATION CITIES BILL

Mr. GROVER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GROVER. Mr. Speaker, as a former local school board member, I was shocked with the startling disclosure yesterday by the distinguished gentleman from Tennessee [Mr. BROCK] that the demonstration cities bill contains sleeper provisions which are an open door to federally dominated, super-centralized, megalopolitan schools.

This would seem to bear out the fears of many who have cautioned America to beware of the Johnson administration's program of Federal dominance of our education system.

It has also been brought to my attention that "a new U.S. Office of Education policy supporting family life education and sex education as an integral part of the curriculum from preschool to college and adult levels has been issued by U.S. Commissioner of Education Harold Howe II," and that the U.S. Office of Education "will support training for teachers and health and guidance personnel at all levels of instruction; it will aid programs designed to help parents carry out their roles in family life education and sex education; and it will support research and development in all aspects of family life education and sex education."

Mr. Speaker, this preemption of the determinative powers of our State education departments and the authority of our local school boards by Federal education officials has, with the approbation of the Johnson administration, a peculiar resemblance to the system at work in totalitarian countries.

Certainly, there are many problems, many difficulties, many controversies to be faced in our laudable goal to achieve sound, quality education for every American, but the sovietization of our education systems is not going to be tolerated by the American people as the price of necessary Federal assistance.

CONFEREES APPOINTED

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1310) relating to the National Musuem of the Smithsonian Institution, with the House amendment, insist on the House amendment and agree to the conference requested by the Senate.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

The Chair hears none, and appoints the following conferees: Messrs. JONES of Missouri, THOMPSON of New Jersey, and CORBETT.

GRANT OF ADDITIONAL TRAVEL AUTHORITY TO THE COMMITTEE ON PUBLIC WORKS

Mr. **SMITH** of Virginia. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 968 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 968

Resolved, That, notwithstanding the provisions of H. Res. 141, Eighty-ninth Congress, the Committee on Public Works is hereby authorized to send five of its members and two staff assistants to Rome, Italy, to attend the International Conference of Turnpike, Bridge, and Government Officials from September 23, 1966, to October 1, 1966, inclusive.

Notwithstanding section 1754 of title 22, United States Code, or any other provisions of law, local currencies owned by the United States shall be made available to the Committee on Public Works, House of Representatives, and employees engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided*, (1) That no member or employee of said committee shall receive or expend local currencies or appropriated funds for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88–633, approved October 7, 1964; (2) that no member or employee of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; and (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

That each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country where local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

The **SPEAKER.** The gentleman from Virginia is recognized.

Mr. **HALL.** Mr. Speaker, will the gentleman yield?

Mr. **SMITH** of Virginia. I yield to the gentleman from Missouri.

Mr. **HALL.** Mr. Speaker, I appreciate the gentleman's yielding. As I understand, the members of the Committee on Public Works would go to two different places: One, the International Road Federation meeting in London; the other, a meeting of the Turnpike, Bridge, and Government Officials. I presume that is an international conference of a construction outfit in Rome.

Are they going to the two meetings on the same trip? One is in September, the other early October. I presume they will go from one to the other, or does the distinguished chairman of the Committee on Rules know about this?

Mr. **SMITH** of Virginia. I wish to discuss the resolution which is now before the House, which is No. 312. The resolution provides not that the committee as a whole will make the trip, but it provides that a subcommittee of five members and two staff members will be authorized to make this annual trip to Rome, Italy, to attend the International Conference of Turnpike, Bridge, and Government Officials from September 23, 1966, to October 1, 1966. This is an annual international convention with regard to highways and public works.

An identical resolution was passed unanimously at the last session of Congress, and the language of the resolution is simply taken from the other resolution so as to permit our Representatives to attend this international conference on highway construction.

Another resolution which we will reach after discussion of this one will authorize another subcommittee to go to London for a similar type of meeting, the Fifth World Meeting of the International Road Federation, which is to be held in London, England.

Mr. **HALL.** Mr. Speaker, if the gentleman will yield further, I presume that in this resolution that has just now become available on the floor, there are all the usual reservations and provisos of the Committee on Rules for reporting and using counterpart funds?

Mr. **SMITH** of Virginia. Yes. It is identical to the one we had last year. Of course, this was reported by the Committee on Rules several days ago.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GRANTING ADDITIONAL TRAVEL AUTHORITY TO THE COMMITTEE ON PUBLIC WORKS

Mr. **SMITH** of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 969 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 969

Resolved, That, notwithstanding the provisions of H. Res. 141, Eighty-ninth Congress, the Committee on Public Works is hereby authorized to send five of its members and two staff assistants to London, England, to attend the Fifth World Meeting of the International Road Federation from September 16, 1966, to September 27, 1966, inclusive.

Notwithstanding section 1754 of title 22, United States Code, or any other provisions of law, local currencies owned by the United States shall be made available to the Committee on Public Works, House of Representatives, and employees engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided*, (1) That no member or employee of said committee shall receive or expend local currencies or appropriated funds for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88–633, approved October 7, 1964; (2) that no member or employee of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; and (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

That each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country where local curriencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FOREIGN ASSISTANCE APPROPRIATION BILL FOR FISCAL YEAR 1967

Mr. **PASSMAN.** Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Friday, September 16, 1966, to file a report on the foreign assistance appropriation bill for fiscal year 1967.

Mr. **SHRIVER** reserved all points of order on the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

TAX LEGISLATION NEEDED NOW

Mr. **CAMERON.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **CAMERON.** Mr. Speaker, President Johnson has prescribed needed tax legislation for the economic health of our Nation. By promptly following his prescription, we will start to alleviate strains on the economy and help assure its continued soundness.

Symptoms of these strains are obvious to everyone: the housewife, the farmer, the businessman. Their causes are no mystery: the needs of a progressive society, heavy business investments, the cost of deterring aggression.

It is clear that the time has come for corrective action. I submit that the proposals of the President constitute a reasonable, prudent, and necessary first step for the Congress and the Nation to take.

Special incentives for plant and equipment investment and commercial construction have accomplished their purpose of stimulating investment, expanding our industrial output and providing more jobs. They will do so again. However, at this time, it is important that we move quickly to prevent investments from impairing the delicate balance of the economy. Temporary suspension of these incentives will not threaten our welfare, but rather will—I hope not belatedly—help preserve America's unprecedented prosperity. I pledge my support to the President's proposals and urge their immediate enactment in the national interest.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 281]

Abbitt
Abernethy
Albert
Andrews,
  Glenn
Ashley
Aspinall
Bandstra
Boland
Bolling
Celler
Colmer
Conable
Conyers
Corman
Curtin
Davis, Ga.
Dent
Devine
Dickinson
Diggs
Dorn
Edmondson
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Farnsley
Fisher
Flynt
Fogarty
Friedel
Gallagher
Garmatz
Hagan, Ga.
Hansen, Idaho
Harvey, Ind.
Hawkins
Hébert
Helstoski
Hicks
Holland
Horton
Irwin
Jones, N.C.
Karth
Kastenmeier
King, N.Y.
Landrum
McMillan
Macdonald
Martin, Ala.
Martin, Mass.
Morris
Morrison
Murray
O'Konski
O'Neill, Mass.
Pelly
Pool
Powell
Quie
Rees
Reinecke
Resnick
Rogers, Tex.
Roncalio
Roybal
St Germain
Senner
Sickles
Sisk
Stephens
Stratton
Teague, Tex.
Todd
Toll
Trimble
Tuten
Udall
Van Deerlin
Vigorito
Walker, Miss.
Walker, N. Mex.
Weltner
White, Idaho
Willis
Wilson,
  Charles H.

The SPEAKER. On this rollcall, 345 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Thursday, September 15, 1966, to file a report on the public works appropriation bill for the fiscal year 1967.

Mr. JONAS reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATION BILL, 1967

Mr. SIKES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17637) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 3 hours, the time to be equally divided and controlled by the gentleman from Michigan [Mr. CEDERBERG] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17637), with Mr. ULLMAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Florida [Mr. SIKES] will be recognized for 1½ hours, and the gentleman from Michigan [Mr. CEDERBERG] will be recognized for 1½ hours.

Mr. SIKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would hope we could have the attention of the Members. This is a very important matter. We are discussing H.R. 17637, a bill making appropriations for military construction and family housing in the Department of Defense for the fiscal year ending June 30, 1967.

I should like to point out initially that this bill is accompanied by a very complete report. The members of the committee hope that Members will read it in detail. We consider that it gives a good picture of the status of military construction at this time.

This year, Mr. Chairman, in making its recommendations, the committee dealt with the smallest budget program sent to the Congress for military construction in many years. It is just over a billion dollars in scope.

As a matter of fact, and I believe this is somewhat significant, this program for all military housing, for all military facilities—airfields, training facilities, et cetera—for all the military construction that is to be available for America's uniformed personnel throughout the world, is only three times as large as the highway beautification program approved by this House just a few weeks ago. That is a somewhat startling commentary, and possibly not a very creditable situation.

Last year we had a program of nearly $3 billion for military construction. This year a studied effort was made within OSD to eliminate all projects not directly required for the Vietnamese war. In view of the careful screening already made, the committee realizes there is justification for nearly everything requested, and our cuts have been quite small. I hope, Mr. Chairman, there will be no further cuts. I just do not believe they would be justifiable. This is a "barebones" program.

The committee has operated under considerable difficulty. Members will recall that it was in 1964, just after the military construction bill had been passed and signed into law, that the first large base closure order was announced.

In 1965, with another year's budget before us, we were assured that the current program was essential to the military program and that all the items listed were required. Scarcely had that program been authorized and funded and the bill signed into law when a deferral order of the construction was announced as an anti-inflation measure. It affected more than $600 million for projects that were contained in last year's budget program.

That was in November. Then in December there was a second base closure order. It affected some of the projects which the House Armed Services Committee had authorized and which the Appropriations Committee had funded. This closure was made despite the assurances just given us that they were needed projects.

In neither case was there any advance warning that the committee might use as the basis for its own action.

Understandably, the committee now is not certain whom to believe, or when. I do not doubt that those who testified were doing so in good faith. They were stating requirements for military construction based on the guidelines assigned to the program then before the Congress. Subsequently, a new set of orders from the top reflected changed decisions at the OSD and White House levels and both the Congress and the witnesses were left holding the bag.

It would be more realistic to say that the U.S. military personnel and their families are the ones who are left holding the bag. For they are left without housing, which in many instances is very badly needed; they are left without modern training facilities, which the new projects would have provided, and these sacrifices our country does not seem to feel necessary to require of people not wearing the uniform.

This slowdown in construction adds to the obsolescence of the military real property facilities where uniformed personnel live and work. At the $3 billion level, which was funded last year, the committee felt the Nation was making satisfactory progress in updating and modernizing our military plants. Now we are losing ground again. This means, among other things, higher maintenance costs. Old structures cost more to maintain and it is possible to reach a point at which they are not worth maintaining. Some of them are in that category.

I can tell you that the committee has been assured again and again that the deferred items still are needed, and that they will in nearly all cases, be built. Under the wording of the fiscal year 1967 budget message, they are to be built during this fiscal year. But at this date, there is no definite word of the date of their construction. I can assure the House that the money appropriated for these projects cannot be diverted to other uses. It can be reclaimed by the Congress, but I hope that will not be necessary.

In this bill there is only $40 million for the South Vietnamese milcon program. This program was funded in the 1966 regular and supplemental appropriations bills: $843 million is set aside for the war effort, and there is in addition, an unused $200 million emergency fund. This will not be enough, but the additional funds which are required will be made a part of the Vietnamese war supplemental which is anticipated will be required late this year or next year.

The committee has not funded, with one exception, the nonbudgeted items added by the Committee on Armed Services, in the amount of $37½ million. That exception was a sewage disposal plant at Fort Jackson, where a time problem associated with city action on a concurrently built project requires U.S. participation now. This action is requested by letter from OSD and the amount is $1,441,000.

There is little doubt but that need exists for most or all of the other nonbudgeted items, but where would the committee start if we attempted to choose? There is no assurance the money would be spent by OSD. In fact, the latest message from the President on steps to curb inflation said nonbudgeted appropriations would not be spent. I have his message here, and I will read from it briefly. The President said this in his recent message to the Congress:

> I am prepared to defer and reduce Federal expenditures—
>
> By withholding appropriations provided above my budget recommendations whenever possible.

Now, if I may proceed for one moment and then I am going to yield to the gentleman from Tennessee [Mr. Evins], it is said that these nonbudgeted items would have to take their turn behind the deferred items and behind the current budget line items. Very little planning has been done on them, and this would mean a further delay. Consequently, the committee has noted in its report that planning be completed on all of the nonbudgeted items which were authorized so that they can be fed into the program as rapidly as possible.

Mr. Chairman, personally, I hope that this will done, and that these items will be fed into the program as rapidly as possible. This gives them a head start on other projects which have not been authorized.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield to me?

Mr. SIKES. Of course, I yield to the distinguished gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I wish to commend the gentleman from Florida [Mr. Sikes] for his great work on this military construction bill.

Mr. Chairman, this is an important bill. The gentleman from Florida has pointed out the fact that there is contained in the appropriation the sum of $1 billion; whereas heretofore we have appropriated about $3 billion. Yet, the Vietnam war is on and there is a need for an accelerated effort.

Mr. Chairman, I want to point out to the Members of the Whole House on the State of the Union that the gentleman has cut down on the budget and that approval has not been given to appropriations requested for new money that is not essential in meeting the urgencies of the war in Vietnam.

Mr. Chairman, the Secretary of Defense has announced the closing of certain bases. In light of this, I want to ask the gentleman from Florida [Mr. Sikes] one or two questions, the first one of which is:

What is the situation with respect to the closing of certain bases? I know that the Committee on Armed Services has held hearings with reference to the matter.

Mr. Chairman, information has been furnished to the effect that these bases are vital, necessary, and are operational. Unfortunately, some of them should be closed.

However, Mr. Chairman, I shall ask the gentleman from Florida [Mr. Sikes] if the gentleman will address his remarks, briefly, to this situation and secondly, I want to commend the gentleman for assuring the Members of the House that planning money is provided in those cases where it is felt necessary.

Mr. Chairman, I believe that these construction items should move forward.

Mr. SIKES. Mr. Chairman, I appreciate the comments from my distinguished friend, the gentleman from Tennessee [Mr. Evins], as to the approval which is given to our approach by responsible Members of the House.

Mr. Chairman, as one who has been disturbed about many aspects of the closure orders—I would say that when all the facts are known and all the additional circumstances have been tallied and all of the factors have been considered for the closures which have been announced, one will find that the Nation might have lost rather than saved money as a result of the base-closure orders.

The gentleman from Tennessee has asked, What is the situation on the base closings?

Mr. Chairman, I want to state to the gentleman that there have been no changes whatsoever. There has not been one appreciable change in the base closings that have been announced. I do not think it is going to be possible to conform to these closings announcement, but as of this date there has been little change.

Mr. EVINS of Tennessee. I wonder if the gentleman from Florida [Mr. Sikes] could explain why it is necessary to close bases when it is uneconomical and wasteful to do so, especially to close those bases that are operational and vital and which are being used today. I wonder why it is prudent to close those bases which have permanent housing located thereon.

Mr. Chairman, it would certainly seem to me unreasonable, uneconomical, and unwise to do so.

Mr. SIKES. In many respects I agree fully with what the gentleman has said. I have so stated on many occasions. I do not think that it is sound economy to build up huge bases which are very vulnerable, with 25,000 or 30,000 personnel and with all the attendant additional costs that are associated with those bases, plus the losses we are going to take on the bases that are closed.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman.

Mr. KUNKEL. Mr. Chairman, I would like to call attention to another cost factor in the closing of bases, and that is the training of personnel.

As you know, they closed the Olmsted Air Force Base up at Middletown, Pa. At that time Secretary McNamara said that 65 percent of the men would take functional transfers.

I have worked with the men down at the base, and with some of the employees, and we figured that only 35 percent would take a functional transfer. Recently I checked with Middletown and I found that only about 22 percent have taken a functional transfer.

Some of these men went to Oklahoma City. Out at Oklahoma City they cannot get trained personnel. The estimated cost of training a man up to the standards that they had at Middletown was about $25,000 per man. I am absolutely convinced that if you dig into the so-called savings that Mr. McNamara says he is making on base closings, such as in the attendant difficulties at Middletown, you will find he has created a great deal additional debt for the Government because it just is not paying out, and it cannot pay out.

Mr. SIKES. I am afraid that situation is going to be repeated in many communities. This accentuates the statement previously made by the distinguished gentleman from Tennessee [Mr. Evins] and by myself.

I appreciate the gentleman's observations.

Now, Mr. Chairman, I would like to talk about the construction program in South Vietnam, and I hope that I may have your attention on this subject, particularly since there has been considerable discussion in the news media about it. One commentator recently called it a major scandal. I consider this a very unfortunate choice of words.

I do know that the program has been costly, very costly. The urgency for early completion of badly needed facilities has been the keynote.

Urgency of construction invites trouble, even when you build a house right here in the United States.

I do not doubt for a moment, Mr. Chairman, that there has been waste, nor that pilferage has taken place in the construction program in Vietnam—pilferage is away of life in some parts of the world—or that some supervisory personnel may have taken advantage of an opportunity to make a fast dollar on the side. These things can happen on all big projects—regrettably—but they happen in this country and abroad.

Your subcommittee has held hearings on the program. Those hearings are available in printed form, as part 3 of Military Construction Appropriations for 1967. If you will read the printed record I believe it will answer most of the questions that may come to your mind. I hope you will ask for and keep before you a copy of these hearings on the construction in South Vietnam.

As a matter of fact, that constitutes the only printed record of any inquiry into that program available at this time. There will be others later, of course.

These hearings show that the program has been costly. We did not know what it was going to cost when we went out there. We had no plans or specifications to begin with in an area halfway around the world.

The contractors, selected because a part of the combine already was operating in South Vietnam, had to accumulate and ship materials and equipment and to recruit personnel to do one of the biggest construction jobs in history. They were told to build 10 ports, 24 logistics or tactical air bases, 4 logistics depots, and 40 brigade cantonments, plus communications facilities, plus roads, plus .bridges, plus contractors cantonments, in an area where almost nothing existed before. They are at the end of a 10,000-mile supply line—halfway around the world. They must be supplied largely by air and water transportation. The Vietcong control the roads or cut them almost at will, and their use has been denied to our forces. In June of 1965 we had in Vietnam 25,000 U.S. forces. Now there are 300,000 of them, plus a 50,000-man contractor force for whom to build. This construction program, which is in high gear despite the mistakes and which is registering steady progress every day, is one of the most amazing in history. A great deal of credit is due to the personnel, military and civilian, who accomplished it. No other country could have done it or would have attempted it. But had we not done so our forces would have to continue to live in tents. We would operate haphazardly through one congested port or over the beaches and our supply operations would be conducted on a hit or miss basis, which might or might not get needed equipment to the troops in the field.

None of that situation is true today. It is an amazing story, despite the mistakes.

There are Monday morning quarterbacks who now tell us what is wrong with the program and how it could have been done better and for less money. It is easy enough to do those things now. It takes no particular skill to use hindsight. Some significant changes are being made in the program and it is well that we understand what has happened. First, there has been a scaling down of the program assigned to the contractor combine. Originally, nearly all the work in Vietnam was assigned to the contractor combine. Subsequently, there has been a substantial buildup in the number of Navy Seabee and Army engineer construction battalions. Their number has been increased from 3 to 24. This makes a significant difference in the ability to get work done with troop labor. These units perform prodigiously. Their work everywhere is outstanding. Every available unit of this nature should have been in Vietnam from the time we launched the construction program, but they were not. Now, however, they are doing many of the jobs which it was originally planned that the contractor group would do. In addition, the Air Force, under pressure to secure an airbase where one is vitally needed, obtained permission from OSD to set up Operation Turnkey, a $52 million complete airbase for which the contractor will supply all of his own material, equipment, and labor. They began operation full scale on September 1 and expect to complete the airport by May. This further reduces the scope of work assigned to the contractor group. Originally, theirs was a $960 million program. Now it is estimated at $780 million.

Department officials testified to our committee that the charges which I have discussed will have no major effect on the overall cost of the program, but that they will speed it up. They state that the contractor combine would have undergone a normal tuneup following the very rapid expansion of operating capacity, even if they were still charged with the entire program. However, there is some surplus of labor and of material and of equipment.

In labor the contractor combine built up to a level of 53,700. They are to be reduced to 47,000. The very great majority of this labor is native personnel. There is an extremely rapid turnover, even of U.S. personnel employed by the contractor. The contractor states that normal attrition and elimination of unsatisfactory personnel will easily bring about the presently desired level of employment.

Witnesses testified that the change in the program—which is not a cutback but is a readjustment—has resulted in $12 million worth of excess equipment. Half of this is still on the U.S. west coast. It will not be shipped unless needed. The remainder will be available for use by troop labor if desired. It is well to bear in mind though that wear out of equipment is extremely fast under Vietnamese conditions and most of the equipment very probably will be needed before the completion of the jobs. It is also estimated that $15 to $20 million worth of material excess to the contractor combine exists. Presumably, most of this will be needed by troop labor. Otherwise it will represent a loss. It is well to keep in mind the fact that the program is still far from complete but that it is moving forward with extreme rapidity. An enormous program is in operation and within a year it should be complete.

I have some other thoughts on this matter. It appears to me that the principal problems have resulted from a lack of plans and specifications on which greater emphasis should be placed even now, that audits should be further tightened—the auditing program was applied late and still is not fully operational—that more troop construction units should have been used from the beginning and more should be used now.

It further appears to me that the confusion which has existed and the changes made at a late date in the program simply indicates that the left hand in the Pentagon sometimes does not know what the right is doing. There is a great need for planning in depth to meet future construction problems as they arise and this committee so urges in our report. Amazingly little advance planning has been done in order to be ready for construction emergencies. We have to keep this program going because until we get bases and supply depots and ports we cannot have in Vietnam enough troops to hold and police and make secure the countryside. The war will not be won until we can deny the enemy the broad base of operations he now enjoys.

I am very pleased that General Westmoreland stated a day or two ago that we do plan as of now to start holding territory when we take it and securing it rather than retiring to secure areas and having the Vietcong follow us right back to the walls behind which we find ourselves.

Now returning to the bill itself, as I said, the cuts were small. I think they should have been. Many of the items which the committee eliminated are those which normally are associated with administrative type activities—these in most instance we believe in wartime can wait. The reduction includes facilities where no real effort has been made to utilize existing facilities. Despite the fact that year after year we have insisted in the committee and the Congress, the Pentagon seems reluctant to make do with good facilities if this means a shift in program or place. We are eliminating items where there was insufficient evidence of long-range planning or of continued need.

Total cuts were $95,607,000, which includes authorization cuts of $76,136,000.

Let me mention one final item. Efforts are in progress to develop a workable program for disposal of housing owned by military or civilian personnel at closed bases. There are funds in this bill for that purpose, but the committee is working with the House Committee on Banking and Currency, and it is hopeful that a sound program can be developed in that bill along the lines of the administration's request. This will provide some controls on that program. It will keep expenditures within reasonable bounds. At the same time, it will help to relieve the problem of those who are left with unsalable housing or housing which can only be disposed of at a loss.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am happy to yield to my distinguished friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Are there any funds that have been deferred with respect to this bill, of which the gentleman is aware, which will come in later on in a supplemental appropriation bill, which the gentleman from Texas [Mr. MAHON] tells us will be in the nature of $5 billion to $15 billion?

Mr. SIKES. We have not been apprised of the type of items which will be carried for construction in the supplemental bill. We do anticipate there will be a supplemental bill later this year or early next year. That supplemental bill almost inevitably will include some facilities which OSD considers essential to the Vietnamese war effort, but we have no guidelines on which I could base an answer to the gentleman as to what specific projects would be included.

Mr. GROSS. But there are no funds deliberately delayed, insofar as consideration of the bill before us is concerned?

Mr. SIKES. That is definitely true. I can give the gentleman full assurance that is definitely true.

Mr. GROSS. If I might, I should like to ask one or two additional questions.

Is there any money in this bill with respect to military construction in Europe because of the withdrawal of France from NATO?

Mr. SIKES. No.

Mr. GROSS. And the closing of bases?

Mr. SIKES. No. That is going to cause some problems, but it has not been reflected in requests to the Congress for appropriation for military construction. There is nothing in this bill that would have to do with changes in locations or basing of forces due to changes in the NATO structure. That is a disturbing situation, but there is nothing in this bill that has to do with it.

Mr. GROSS. I have one final question, if the gentleman will bear with me.

The Senate majority leader and other Members of the Senate are asking that some of our troops in Europe be withdrawn and brought back to this country. In the event that there should be a substantial withdrawal of troops from Europe to this country, are bases available and are facilities available to house, let us say, two or three or four divisions?

Mr. SIKES. In my opinion there is no doubt, if it is necessary to bring troops back to this country from Europe—and I believe a readjustment is due—that we can find facilities for them in the closed base areas or in areas which are not being fully utilized. In the main, facilities at least temporarily can be found for them without additional construction.

Mr. GROSS. I thank the gentleman.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am happy to yield to the distinguished gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I simply wish to thank the gentleman from Florida [Mr. SIKES] and indeed the whole Committee on Appropriations, for having brought us a bill which is in every way in keeping with the needs of our military.

The gentleman from Florida [Mr. SIKES] has made a statement to this House today which, in my opinion, is as well reasoned as any thinking American could ever expect. I am appreciative of the fact that we have a Committee on Appropriations as well as an authorization committee here in the House of Representatives whose desires are attuned to the needs of this country in these times of emergency.

Mr. SIKES. The gentleman has been most kind in his comments.

Mr. Chairman, I now yield to the distinguished gentleman from North Carolina, a member of the subcommittee [Mr. JONAS].

Mr. JONAS. I think it would be well, in view of the first question that was asked the chairman by the gentleman from Iowa [Mr. GROSS] to elaborate for just a minute on the answer. Will the chairman correct me or will he refresh my memory if I am not correct on this point? My recollection is that the witnesses stated that according to the best estimates right now the contractor construction program in Vietnam would probably be completed toward the end of 1967.

Mr. SIKES. October 1967 is the date when the present work of the construction contractors is scheduled to be complete.

Mr. JONAS. We were assured that funds are available to run the program according to plan through about the spring of next year. Is that correct?

Mr. SIKES. That is correct.

Mr. JONAS. But thereafter additional funds would be required?

Mr. SIKES. That is very true. I think the House would be interested in a little clarification on the actual cost of the program in Vietnam. We have built up the construction in Vietnam to a level of $40 million a month of work in place. It has gone over that to some extent, but it will be scaled down to that level. Now, that does not mean $40 million a month will be required each month from nonexpended funds. The material and equipment have been purchased. It is anticipated there is enough money to run the RMK-BRJ contract until next spring, as the gentleman indicated.

Mr. JONAS. Will the gentleman yield further?

Mr. SIKES. I yield to the gentleman.

Mr. JONAS. The $40 million figure means that $40 million worth of construction is put in place each month.

Mr. SIKES. That is right.

Mr. BURLESON. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my colleague from Texas.

Mr. BURLESON. First, I wish to compliment the distinguished gentleman and his committee for performing a very difficult task. I know the decisions connected with our military installations are not easy to make and that the pressures are many.

Mr. Chairman, I wish to ask the distinguished gentleman from Florida to clarify his previous statement regarding projects listed on pages 16 and 17 under the heading "Authorized projects not included in the budget programs."

The gentleman has referred to the committee's plans and intent to consider these projects for planning, but I wish to be certain that I thoroughly understand exactly what this means.

I am especially interested in the development at Fort Wolters, located in my congressional district. This installation is the largest helicopter training base in the world. It has the finest equipment and, without a doubt, is contributing to a high degree to our efforts in South Vietnam by graduating 375 pilots per month in primary helicopter training.

The installation is highly efficient in all respects except in its academic training. At the present time academic instructions are held in numerous World War II temporary buildings located over the far-flung base, resulting in a waste of time, energy and efficiency in every regard. A central academic building is greatly needed and, as a matter of fact, I think it would be justified in describing it as critical. There is little doubt but this installation would have had an academic building included if conditions had been recognized when the budget was made up as it is today.

Be this as it may, Mr. Chairman, I hope the distinguished chairman of the subcommittee will give a further explanation on this point. If my understanding is correct, the committee provides for the planning of this particular project and others in the same category and that funds will be provided in the fiscal 1967-68 budget. This being the case, I trust I am correct that this development will move ahead a year, which would not be the case unless this authority for planning is clearly provided.

As a matter of fact, Mr. Chairman, I hope that this particular installation at Fort Wolters may be viewed with an eye on bringing about a greater efficiency because of its tremendous importance to our southeast Asian effort and that it may yet be decided that it be included in a supplemental appropriation which is likely to come along in the early part of next session of the Congress.

If the gentleman will comment further on this particular project and others in the same status which he may see proper, I shall greatly appreciate it.

Mr. SIKES. The gentleman is eminently correct. May I state that the distinguished gentleman not only represents an area in which is located a very important base, but he is an outspoken, able, and strong supporter for that base and I commend him for his interest in it.

Mr. Chairman, permit me to repeat what I pointed out just a very few moments ago.

The committee has placed in the bill planning money for all nonbudgeted items. Planning has proceeded only to a limited extent at best upon most of these items. The committee has put them all on an equal footing by directing that planning be completed so that projects and budgets will be ready to be sent forward in a budget message when the Department sees fit to do so.

Personally, Mr. Chairman, I am sympathetic with the problem. I recognize the need for training facilities and I would hope that this one would be budgeted shortly.

Mr. BURLESON. Mr. Chairman, I thank the distinguished gentleman from Florida very kindly for yielding to me.

Mr. FARNUM. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my distinguished friend, the gentleman from Michigan [Mr. FARNUM].

Mr. FARNUM. Mr. Chairman, I wish to rise at this point to commend the distinguished gentleman from Florida and the Committee on Appropriations for the fine report that they have brought out on military construction.

But, however, Mr. Chairman, I wish to draw attention to a very important portion of this report which appears on page 12 thereof. It draws attention to the need for increased audit programs.

Further, Mr. Chairman, I would also commend to every Member of the House the reading of the hearings which were held on this subject in August of 1966. I wholeheartedly agree with the recommendations contained therein, having been a former auditor, and I feel that we should have more emphasis on this type of approach.

Again, Mr. Chairman, I commend the gentleman from Florida [Mr. SIKES] for insisting upon this approach.

Mr. SIKES. Mr. Chairman, I am very happy that my distinguished friend, the gentleman from Michigan [Mr. FARNUM], has made this observation.

Mr. Chairman, I believe the fact that the auditing processes were delayed in getting started on an effective basis represents one of the real weaknesses of this program. The audit program should be made completely effective just as rapidly as possible.

Mr. Chairman, as a part of my statement I will place in the RECORD at this point the first 13 pages of the committee report, which I do hope all Members of Congress will read.

SUMMARY OF THE BILL AND COMMITTEE ACTION

Budget estimates considered by the Committee are contained in the President's Budget as set forth beginning on pages 337 and 380. These estimates total $1,114,947,000. The Committee recommends the appropriation of $1,019,340,000, a reduction of $95,607,000 below the estimates and $1,975,695,000 below the funds appropriated for military construction and family housing in fiscal year 1966. The following tabulation lists, in summary form, appropriations for fiscal year 1966, estimates for fiscal year 1967, and the Committee action on the fiscal year 1967 request.

Summary of the bill and committee action

Agency	Appropriations, 1966	Budget estimates, 1967	Recommended in bill, 1967	Bill compared with—	
				Appropriations, 1966	Budget estimates, 1967
Defense agencies	$269,268,000	$7,547,000	$7,547,000	−$261,721,000	
Department of the Army	843,143,000	190,600,000	146,406,000	−696,737,000	−$44,194,000
Department of the Navy	580,405,000	139,000,000	131,627,000	−448,778,000	−7,373,000
Department of the Air Force	636,373,000	255,900,000	222,564,000	−413,809,000	−33,336,000
Family housing	665,846,000	521,900,000	511,196,000	−154,650,000	−10,704,000
Total	2,995,035,000	1,114,947,000	1,019,340,000	−1,975,695,000	−95,607,000

The reductions recommended by the Committee include $76,136,000 as a result of the action of the Congress in the Military Construction Authorization Bill for fiscal year 1967 as shown in the following tabulation:

	Military construction	Family housing
Army	$39,130,000	
Navy	5,169,000	
Air Force	21,133,000	
Defense agencies		
Total	65,432,000	[1] $10,704,000

[1] Reduction relates to total leasing program.

All projects recommended by the Committee for funding approval are either authorize by prior law or included in the above mentioned bill.

FUNDS AVAILABLE FOR OBLIGATION AND EXPENDITURE IN FISCAL YEAR 1967

The funds approved by the Committee for military construction, exclusive of family housing, when added to funds remaining unobligated from prior appropriations, will make $2,215,341,419 available for obligation in fiscal year 1967 for the regular forces, and $81,104,011 available for the reserve forces, as shown in the following tabulations:

Funds available for obligation in fiscal year 1967

REGULAR FORCES

	Estimated unobligated balance carried forward	Recommended in bill, 1967	Estimated total available for obligation
Department of the Army	$748,374,544	$146,406,000	$894,780,544
Department of the Navy	391,716,549	126,227,000	517,943,549
Department of the Air Force	378,309,363	209,564,000	587,873,363
Defense agencies	207,196,963	7,547,000	214,743,963
Total	1,725,597,419	489,744,000	2,215,341,419

RESERVE COMPONENTS

Department of the Army	$32,053,699		$32,053,699
Department of the Navy	10,481,280	$5,400,000	15,881,280
Department of the Air Force	20,169,032	13,000,000	33,169,032
Total	62,704,011	18,400,000	81,104,011

NOTE.—Excludes family housing.

The appropriations made available in the accompanying bill for military construction, exclusive of family housing, when added to unexpended balances remaining from prior appropriations, will make $3,076,271,331 available for expenditure for the regular forces, and $95,917,754 for the reserve forces, as shown in the following tabulations:

Funds available for expenditure in fiscal year 1967

REGULAR FORCES

	Estimated unexpended balance carried forward	Recommended in bill, 1967	Estimated total available for expenditure
Department of the Army	$1,047,595,034	$146,406,000	$1,194,001,034
Department of the Navy	507,511,050	126,227,000	633,738,050
Department of the Air Force	800,072,167	209,564,000	1,009,636,167
Defense agencies	231,349,080	7,547,000	238,896,080
Total	2,586,527,331	489,744,000	3,076,271,331

RESERVE COMPONENTS

Department of the Army	$32,487,378		$32,487,378
Department of the Navy	14,320,874	$5,400,000	19,720,874
Department of the Air Force	30,709,502	13,000,000	43,709,502
Total	77,517,754	18,400,000	95,917,754

NOTE.—Excludes family housing.

GENERAL STATEMENT

The military construction program is a dynamic part of the total defense program geared to provide the proper military posture of this nation. It is in direct support of the missions, objectives and operating requirements of the military services and the various defense agencies. The projects contained therein are in consonance with the overall Department of Defense programs for fiscal year 1967 and the overall objectives of the Department for the fiscal years 1967–1971 time period.

The increasing obsolescence of military real property facilities, especially in the non-operational categories, is a matter of concern. There are limits to what even sound maintenance programs can achieve in extending the useful life of buildings constructed to temporary standards, during World War II and the Korean conflict, many of which are still in hard use on far too many military installations. In many instances we are past the point of diminishing returns in the continued use of these structures. For example, over one-fourth of the total physical plant at the permanent installations of the Army is composed of World War II temporary structures that are becoming seriously deteriorated. In addition, few, if any, of the personnel facilities constructed in these time periods can be held to be even remotely adequate by the standards which are necessary today.

The fiscal year 1966 military construction program placed major emphasis on the modernization of the basic capital plant, particularly troop housing and other support facilities for military personnel. It is regretable that the Secretary of Defense felt that the exigencies in Southeast Asia demanded the deferral of a substantial portion of this phase of the fiscal year 1966 program. The priority demand of this situation for the military construction portion of the Defense budget also led to the use of austere criteria in the formulation of the fiscal year 1967 program. Under these criteria, only those projects required to meet operational schedules, to support new missions, or which are required for other urgent and compelling reasons, such as the health and safety of personnel, were included in the program. Basically, non-operational projects were approved only to meet deficiencies in requirements and not for replacement of existing facilities, inadequate as these existing buildings might be. Projects which did not meet these tests, although fully justified in other respects, were not approved.

The active, long-range programs of the several services for the modernization of real property facilities, implemented in the past several years, has been halted or vastly curtailed. For example, prior to the previously mentioned deferral of projects, the Army had succeeded in reaching an annual level of effort for the replacement of troop housing which was adequate to reach their long-range objective in a reasonable period of time. A similar level was being sought for facilities in other categories, which would have allowed the replacement and modernization of the Army's physical plant over a period of approximately twelve years. Such a program would have required appropriation of approximately $300,000,000 each year for replacement and modernization alone. The deferral of the fiscal year 1966 program and the austere criteria used in the formulation of the fiscal year 1967 program have resulted in grinding this program to a halt. As a result, when the replacement and modernization program is resumed, an annual level of funding in excess of $300,000,000 will undoubtedly be necessary if the Army is to reach this desirable objective in this same period of time.

In addition, no funds were requested by the Department in the fiscal year 1967 program for the construction of badly needed military family housing. Construction of the 8,500 units approved by the Congress in the fiscal year 1966 program has also been deferred.

Although it can be interpreted by some that these actions are necessary or desirable at this time, they must not lead to the abandonment of the overall objective of the services to achieve modern, efficient, and economical physical plants. Rather, planning and project development must continue. The deferred portion of the fiscal year 1966 program that still represents valid military requirements should be released as promptly as possible. Resumption of the modernization program, including meeting the family housing deficiency, should be resumed unless there is major escalation of the conflict in Southeast Asia. At least a modest increment of these total objectives should be included in the fiscal year 1968 military construction program.

A prime consideration in any real property management program is that maximum and economical use be made of each facility. New construction should not be requested until the capability of existing facilities in the several services have been examined and found to be deficient. The tendency of the past several years to place more emphasis upon the multi-service utilization of major weapons systems, including aircraft, serves to emphasize this requirement. Unfortunately, the commendable multi-service use of weapons systems has not been satisfactorily reflected in the facilities program. Rather, there is apparently a tendency within the services and the Office of the Secretary of Defense to take a parochial view of these programs. There is still a tendency to see that all of the services involved have their slices of the facilities pie that generally accompanies each new weapons system. Far too little effort is being placed on exploring potential joint use of training, maintenance, and overhaul and repair facilities which are available to support weapons systems in use on a multi-service basis. The advent of additional aircraft such as the A–7, F–111 and OV–10A as component parts of the operating inventories of more than one service dictates that this situation cannot be allowed to continue. Major emphasis must be placed on maximum economical utilization of facilities to support multi-service programs and weapons systems. To do otherwise is to fall short of the economies which these programs are designed to achieve.

Testimony before the Committee has repeatedly shown that there is far too little study made of possible use of facilities in other services to meet single service requirements. Instances have been noted where checks were not even made of facilities existing outside of an individual command within a single service to meet facility requirements for a service-wide function. Such situations are, of course, untenable. If realistic construction programs are to be formulated and an efficient and economical physical plant developed for the military services, more realistic efforts must be made to ensure the best use of facilities including inter-service as well as intra-service utilization.

BASE CLOSURES AND DEFERRED PROJECTS

In connection with the fiscal year 1965 military construction program, Congress was requested to authorize and fund construction of various line items at a number of installations. The appropriation bill to implement these programs was enacted into law on September 2, 1964. Shortly thereafter, on November 19, 1964, a base closure announcement was made by the Secretary of Defense that a number of the items were no longer required and that several of the bases at which construction was contemplated were to be closed. Officials of the Department did not advise the Committee during the hearings or thereafter that some of the specific items might not be required as a result of base closure plans. On September 25, 1965, the Military Construction Appropriation Act for fiscal year 1966 was enacted into law. The Congress approved this program relying specifically on a letter from the Secretary of Defense to the Committee on Appropriations of the House of Representatives dated July 31, 1965 which stated:

"In the case of the current program, you may be assured that each item has been stringently reviewed and there is no request for construction funds at any base likely to be declared excess within the foreseeable future with one exception. At the Naval Shipyard, Portsmouth, New Hampshire, we have approximately $1.0 million in the current program for construction of a radiological control facility essential to the ship overhaul scheduled there during the ten-year phase-out period. Please be assured that our objective is to insure that line items now being requested are limited to those bases with an assured hard core mission for the five-year program, fiscal year 1966 to fiscal year 1970."

In addition to this assurance, the Committee received assurances from the Assistant Secretary of Defense (Installations and Logistics), the Deputy Assistant Secretary of Defense (Budget), and the budget officers of the military services that the list of line items in the fiscal year 1966 military construction program constituted a "firm list" of items. Bearing in mind the questionable validity of the line items submitted by the Department of Defense in connection with the military construction program for fiscal year 1965, the Committee referred to these assurances in its report on the Military Construction Appropriation Bill, 1966 and quoted specifically from the letter of the Secretary of Defense. In addition, it stated:

"The Committee has therefore acted on the budget request in reliance upon these statements. National defense is a dynamic business and it is possible there will be changes in base requirements which are presently unforeseen. Therefore, the Committee places the Office of the Secretary of Defense and the military services on notice that it will expect to be advised promptly of any projects requested for the fiscal year 1966 program for any installation, the tenure of which is in doubt if the missions assigned are reduced."

Despite these statements, on December 8, 1965 an additional list of base closures and activities changes was announced by the Secretary of the Defense which directed the closure of four bases which were a part of the fiscal year 1966 military construction program. This program included eighteen line items totaling $12,877,000 for these bases. The Committee was not advised of these changes until the time period of the above mentioned announcement.

In addition, on October 22, 1965 the Secretary of Defense deferred the construction of 8,500 units of family housing authorized and funded as part of the military construction program for fiscal year 1966. This was followed by an announcement on December 20, 1965 that additional projects in the amount of $459,815,000 had been temporarily deferred. This brought the total amount deferred from the approved fiscal year 1966 program to $620,000,000.

Actions such as these can only serve to cast a doubt in the minds of members of Congress as to the validity of the budget estimates which are submitted, and the validity of assurances given, by officials of the Department of Defense as to the firmness of their military construction programs. Such actions cast grave doubt on the present methods used by the Department of Defense for the formulation of the annual military construction programs. Apparently, there is too little real coordination between the formulation of these programs and the logistical and operational requirements of the military services. This Committee realizes that national defense is a dynamic business but changes of this magnitude, made with increasing rapidity, indicate improper programming and management, not dynamic programs.

Once more a military construction program is before the Committee. Once more assurances have been received from Defense officials and the military services on the validity of this program. In this connection, the following colloquy between the Chairman of the Committee and the Assistant Secretary of Defense (Installations and Logistics) is typical:

"Mr. SIKES. Do you know of any new deferral policy that might influence any of the items contained in the present listing?

"Mr. IGNATIUS. I know of no such deferral policy, and I checked this with my superiors prior to appearing before you. I am able to state it is our intention to proceed with the construction requested in this bill in the event the Congress authorizes and funds it.

"Mr. SIKES. We are going to be called upon, beyond any shadow of a doubt, to give specific answers on this entire question, and I ask you if the Department of Defense, to the best of your knowledge, is considering in any way, shape, or form, programs or base utilization changes or anything else which would cast any doubt or question as to the validity of any items, or need for any items, in this program?

"Mr. IGNATIUS. To the best of my knowledge, Mr. Chairman, there are no current programs or base utilization studies underway, or contemplated, which would reduce the validity of any of the construction in the 1967 program. As I indicated earlier, we intend to go forward with the projects in the event they are authorized and funded by the Congress, subject only to those changes in missions or operational requirements that are inevitable in a military organization and which may require, at a later date, reassessment of some of the projects now requested."

Yet the rationale of the fiscal year 1967 program is difficult to determine. The Committee finds troop housing being requested at installations where similar troop housing, funded by the Congress in the past, has been deferred. We find additional training facilities programmed at locales where other training facilities have been deferred.

This places the Congress in the strange and untenable position of being asked to pass upon some projects that seem, on the face of them, to be of secondary importance when compared to many of those that have been deferred. As a result, in the Military Construction Authorization Bill, 1967, both the House of Representatives and the Senate took the proper, but unusual, step of requiring certifications by the Secretary of Defense concerning the validity of the construction program presented to the Congress. In effect, this language would preclude the execution of any construction contracts authorized in the fiscal year 1967 bill until those deferred projects previously authorized and funded by the Congress for which there continues to exist valid military requirements have been placed under contract. Projects, authorized in the fiscal year 1967 program, that the Secretary of Defense certifies to be urgently required in the interest of national defense and more essential to the interest of national defense than those military public works which he deferred, are excepted from this requirement.

The President's Budget contemplates the obligation of the deferred funds in fiscal year 1967. Yet the Assistant Secretary of Defense (Installations and Logistics), could give no dates as to when the deferred projects would be allowed to go forward. As a matter of fact, the Department of Defense informed the Committee that four of the projects in the fiscal year 1967 budget, for which $23,097,000 was requested, would not go forward ahead of similar items deferred in the fiscal year 1966 program.

The continued deferral of projects presented to the Congress as valid military requirements in the fiscal year 1966 program, and which still meet this test, is resulting in denying to our military forces the facilities which they need.

In addition, the deferral is proving to be a costly action. Reliable construction cost indices show that in the first six months subsequent to the deferral action costs have increased approximately five percent. Additional increases are projected for the future.

Nevertheless, recognizing the obvious need for the construction of additional facilities in fiscal year 1967, the Committee has, once more, acted on the budget request, in reliance upon the assurances from the Department of Defense witnesses that they intend to proceed with the implementation of the projects contained in this program when they have been authorized and funded by the Congress. It has acted in reliance upon the budget obligational schedules which programmed the obligation of funds for the deferral projects in fiscal year 1967. It trusts that the obligation of these latter funds will be forthcoming in a prompt manner and that there will be no bars to the full implementation of the fiscal year 1967 program if the projects contained therein remain as valid military requirements.

HOUSING FOR MILITARY PERSONNEL

In the report accompanying the Military Construction Appropriation Bill, 1966, the Committee laid great stress on the need for increased emphasis on additional troop housing and bachelor officer quarters. It was joined by the officials of the Department of Defense in pointing up the need for strong programs in these vital areas. Unfortunately, in the past several years, the provision of adequate living facilities for military personnel and their dependents has been sadly neglected. This is due to a variety of reasons but primarily because of the necessity to use available military construction funds to provide operational support of new weapons systems and forces necessary to establish and maintain the military posture of this country.

It is an accepted and simple fact that if highly skilled and motivated military personnel, so sorely needed by our military forces, are to remain as career personnel, they and their families must be provided with a more adequate and proper standard of living. The Department of Defense and the Congress must place more emphasis in this important area and provide our military personnel with proper standards of barracks, bachelor officer quarters and family housing.

The Committee deeply regrets the fact that the Secretary of Defense felt it necessary to defer certain essential troop housing facilities and the entire family housing military construction program authorized by the Congress for fiscal year 1966. This has delayed the proper and necessary continued implementation of these essential programs. No funds are requested in the fiscal year 1967 budget for new family housing construction. The budget schedules, however, contemplate proceeding with construction of the deferred units in fiscal year 1967.

The fiscal year 1967 program submitted to the Congress requested funds for additional troop housing and officers quarters. Unfortunately, the amount requested was not as much as it might have otherwise been except for the operations in Southeast Asia. No additional funds were requested for the construction of family housing. The fiscal year 1967 budget includes $65,912,000 in support of the construction of 23,238 barracks spaces and $26,281,000 in support of 3,036 bachelor officer quarters.

With few minor exceptions, and for valid reasons, Congress has authorized and the Committee has approved the funding of this program. The Committee can only rely on the assurances of the Department of Defense officials that this program will be promptly implemented and trusts that the deferred projects, including family housing, which remain valid military requirements, will be promptly released for construction.

There is another aspect to the program for the construction of troop housing which must be considered. This phase of the military construction program is controlled to a large extent by unit cost and space limitations. The present allocation of living space for the individual member of the military service resulting from these limitations are basically not conducive to proper and adequate living facilities. The present limitations are also resulting in reduced construction standards and specifications which will probably call for increased maintenance expenditures in the future. All of the military services have made recommendations to the Office of the Secretary of Defense seeking increases in the present limitations. The recent study of the troop housing situation by the Department of Defense has disclosed that current Department of Defense housing standards, i.e., space criteria, for enlisted troops are barely above the level established by the Government for convicts in present Federal prisons, and lower than those for prisoners at the Youth Correction Center at Lorton, Virginia. Unfortunately, many of the troop housing facilities now in use were constructed prior to the implementation of the existing space criteria and provide even less adequate facilities than those called for under present guidelines. Although the Department has been studying this problem, no formal recommendations have been made.

The House of Representatives in the consideration of the military construction authorization legislation increased the present cost limitation for barracks from $1,850 per man to $3,450 per man. Likewise, the limitation for permanent bachelor officers quarters was increased from $8,500 per man to $10,500 per man. The debate in the House disclosed that the Department of Defense has further limited the cost of bachelor officers facilities to $7,000, or $1,500 below the limitation approved by the Congress. This debate also pointed out that not a single troop housing project in the fiscal year 1967 military construction program of the Navy could be designed under these cost limitations even to the present inadequate Department of Defense criteria. Unfortunately, the final version of the authorization bill was in only partial agreement with the House action. The limitation on permanent barracks has been increased to $2,300 per man; however, the limitation on bachelor officers quarters is continued at $8,500. In approving funds for troop housing in the accompanying bill, the Committee does so with a firm desire that the revised cost limitation for permanent barracks be utilized even though it may be necessary to scale back the number of troop accommodations actually constructed. The present administrative limitation of $7,000 per man for bachelor officers quarters should be removed and the services be permitted to construct to criteria gaged to the statutory limitation.

Testimony before the Committee discloses that the Department of Defense plans to continue replacement of over-age facilities for troop housing and bachelor officer quarters in their military construction program for the years 1968 through 1972. During this period of time, they have programmed the construction of some 227,000 new barracks spaces and approximately 24,400 new bachelor officer quarters. The Committee will expect the fiscal year 1968 program, not only to contain a proper portion of these overall requirements, but to be based upon realistic cost and space criteria which will provide adequate housing for our military personnel. In determining the total requirements for troop housing, bachelor officer, and enlisted personnel, consideration should certainly be given to allowing such personnel, particularly bachelor officers, warrant officers and bachelor enlisted personnel in the upper pay grades, to live off base in civilian accommodations, where such accommodations are adequate and readily available, either by private rental or government lease, and the personnel desire to take advantage of their availability, and it can be accomplished without unduly compromising the military assignments of such personnel.

Study should also be given to greater use of Section 810 housing, to permit construction of rental family housing units by private industry as well as to the possibility of inaugurating a program for the construction of rental bachelor officer quarters by private industry.

CONSTRUCTION PROGRAM FOR SOUTHEAST ASIA

The military construction program is an essential portion of our military operations in Southeast Asia. The nature of the terrain, the paucity of operational bases, the lack of natural ports and other supply and logistical facilities in South Vietnam has required a major construction effort to adequately support our military requirements. To a large extent, the construction of these facilities has been a pacing factor in the deployment of Allied forces and the conduct of military operations in this area. Nearly all of the facilities required by military units in this country have had to be provided, in most cases, under the most difficult conditions. Congress has appropriated $1,013,600,000 in support of these construction effort in South Vietnam, basically through military construction programs contained in supplemental appropriations act. Additional funds have been made available through the Military Assistance Program.

The fiscal year 1967 program provides funds for Southeast Asia, solely for the construction of facilities in support of South Vietnam and non-U.S. Free World forces in that area. In prior years this type of construction was funded in the Military Assistance Program (MAP); however, beginning with the Supplemental Defense Appropriations Act, 1966 such facilities have been provided through military construction channels. If additional funds are required for support of United States troops in this area, they will be contained in subsequent supplemental appropriations acts. The necessity of close cooperation with the armed forces of South Vietnam and the other forces contributing to the defense effort in that country, and the general shortage of key facilities, call for close coordination and supervision of construction activities. The funds made available by the Committee include $33,000,000 for the Army, $1,400,000 for the Navy, and $5,700,000 for the Air Force. Comparison with prior year programs is shown in the tabulation below:

Military assistance program construction program in Vietnam

	Fiscal year 1965	Fiscal year 1966	Fiscal year 1967
Army	$22, 410, 000	$46, 561, 000	$33, 000, 000
Navy	6, 300, 000	7, 540, 000	1, 400, 000
Air Force	25, 223, 000	15, 511, 000	5, 700, 000
Total	53, 933, 000	69, 612, 000	40, 100, 000

The massive construction effort in South Vietnam required the buildup and utilization of construction contractors and troop labor on a scale unprecedented in such a small geographical area. Since September, 1965, the number of military construction battalions has increased from five to twenty-three and the number of civilian construction employees has increased from thirteen thousand to over fifty thousand. Waterfront piers, runways, air bases, warehouses, maintenance facilities, cantonment areas, and other facilities essential to the successful operation of our military effort in this country have been constructed and are now in use. More are being completed each month. The value of military construction in place at the end of July, 1966 was estimated at $138,000,000. This is increasing at the present time at a rate in excess of $40,000,000 per month and will continue to increase in the future. Although much remains to be done, a solid construction capability has been mobilized and facilities have been, and are continuing to be, completed in phase with operational requirements. That this has been accomplished in so short a period of time is a tribute to the civilian and military personnel involved in this program, particularly those at work in South Vietnam.

The implementation of a program of this magnitude, which demands speed as well as concurrent planning and construction of facilities, is fraught with management problems which demand prompt and continuing attention. Of primary concern must be the problem of program definition. The construction program in South Vietnam must support, to a large extent, a dynamic rather than a static operational situation. This, of course, makes definition of requirements most difficult. It is particularly true with reference to future requirements. Yet, if efficiency, as well as speed, is to be obtained in this construction program, steps must be taken to secure better program definition. Maximum and diligent effort must be continued to be made to define the facilities required for the successful prosecution of our military efforts in Vietnam and to provide the flexibility required to meet a changing military operation.

REQUIREMENT FOR INCREASED AUDIT PROGRAMS

The unprecedented size of the construction contract effort in South Vietnam and contract support for the entire construction program requires a major audit effort. Unfortunately, the audit of military contracts and activities in combat areas is difficult at best. The nature of the work, the combined use of troop and contractor labor, with the great dependence upon native help, accentuates the problem in South Vietnam. The Defense Contract Audit Agency, upon its establishment on July 1, 1965, assumed responsibility for the contract audit work and established a permanent staff in Saigon. This staff is being expanded. It is unfortunate that prior to the establishment of the Agency realistic audit activities were not being carried out. Testimony before the Committee discloses that steps are being taken to increase the nature and scope of the contract audits and to provide proper auditing support for this phase of the program. Since March the Agency has been operating a comprehensive audit program along scheduled lines. The Committee will expect that diligent attention will be given to this phase of the audit program and that it will continue to expand as required.

With respect to internal audits, in contrast to contract audits, the past practice of the Department of Defense has been to restrict these in combat areas so as to virtually preclude a comprehensive or realistic audit program. As a result, regularly constituted Army, Navy and Air Force audit agencies have functioned only in a minor role in the South Vietnam program. Properly so, this policy has now been changed and the three services are moving ahead on the development and implementation of comprehensive internal audit programs. Such programs are long overdue and the Department of Defense is rightly subjected to criticism for not changing its policy prior to this time. There is no desire on the part of this Committee to hamper military operations in South Vietnam with administrative personnel, but audit and review functions are required to a larger extent here than ordinarily because of the scope and complexity of our activities. Prompt measures must be taken to see that audit and review functions are properly performed in areas where they will not interfere with combat operations or unnecesarily obstruct United States operations in South Vietnam.

Inherent in this expanded audit effort in this area is the necessity for proper coordination of these activities. This must be done if this expanded audit effort is to properly contribute to United States operations. Reliance cannot be placed merely on written regulations drafted under peace-time conditions and never tested in combat areas. The inherent difficulties of audits in Vietnam, including combat operations, short tours of duty, difficulty in obtaining personnel and other factors make it extremely important that audit activities be properly coordinated so that undesirable duplication and undue hampering of military operations is not incurred. The responsibility for audit activities in the Department of Defense is vested in the Assistant Secretary of Defense, Comptroller. The Committee will expect him to take whatever steps are required to formulate and maintain a proper and coordinated program in this area, which will realistically support other operations of the Department of Defense. It will further expect the Secretary to file with the Committee, not later than January 10, 1967, a report of his activities in this respect.

NEED FOR EVALUATION OF THE PRESENT ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF DEFENSE FOR MILITARY CONSTRUCTION AND ENGINEERING FUNCTIONS

The Committee is not convinced that proper attention is being given, even at this late date, by the top echelons of the Department of Defense to the management of the construction effort in Southeast Asia. Testimony before the Committee disclosed that the present Navy contract consortium was encouraged to mobilize to support a program considerably beyond that which is presently funded. While this mobilization was in progress, construction facilities originally programmed for this contract were removed from that program and placed under a separate contract. Other works, originally contemplated for the Navy contractors, have been assigned to the expanding troop construction forces. Thus, supply lines, procurement of equipment, and recruitment of personnel have been duplicated. These changes were made in an effort to speed up the construction program. But if such changes were justified, they should, for obvious reasons, have been made much earlier in the program. This would have insured better utilization of labor, equipment and material, and a lower total cost. It is easy to criticize decisions after they have been made and when hindsight is available. However, testimony before the Committee did not disclose that proper consideration was given at the time decisions for program changes were made, to utilizing the full capability of the existing Navy contract effort either to construct facilities or to provide necessary materials and items of equipment to others. The scale back came after the contractors had responded to demands for a buildup of personnel, equipment and materials. It is another case of lack of coordination.

The new contract employs a concept which is considerably different from that involved in construction elsewhere in the theatre, namely a "turn key" approach by which the contractor plans and constructs the entire job, and is responsible for securing all necessary equipment and supplies. The Committee does not prejudge this plan of construction, which might well prove to be an answer to similar construction problems should they occur in the future at difficult and isolated locations. It is notable, however, that in the mid-1960's, despite the lessons of World War II and Korea, we seem to be little nearer to a coordinated pre-planned method for the construction of emergency military requirements than during those conflicts. It is disturbingly similar to a trial and error process. The problems in the construction effort in South Vietnam, as they relate to coordination and management, point up the necessity for an in-depth study by the Department of Defense of the construction organization best suited to meet the Defense needs of this country. The Committee calls upon the Department to take steps to initiate such a study, which will give consideration to construction requirements of the Department both in normal peacetime activities and during the exigencies and emergencies of war. The question of whether or not the present structure relating to the construction and engineering functions of the Department of Defense is a proper and valid one for a modern Defense force can no longer be ignored and must be made a matter of intensive and in-depth study by the Department.

Mr. CEDERBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I shall not take very much time on this bill, because the distinguished gentleman from Florida [Mr. SIKES], the chairman of the subcommittee, has done an excellent job in bringing up and presenting this bill to us and what it contains.

However, Mr. Chairman, there are a few points which I believe can be reemphasized and some matters about which we ought to talk here this afternoon.

Mr. Chairman, I think—and if the Members of the Committee will refer to page 2 of this report they will find a comparison of the appropriations for the various services between the 1966 appropriations and those recommended in our bill.

Mr. Chairman, the Members of the Committee of the Whole House on the State of the Union will note a very drastic reduction in appropriations for all of the services for military construction.

As an example, in 1966 we appropriated $269,268,000 for the Defense agencies. Yet, we recommended in this bill $7,547,000, or a reduction of $261,721,000.

Mr. Chairman, for the Department of the Army last year we appropriated $843,143,000. This year we recommend $146,406,000, or a reduction of $696,737,000.

The Department of the Navy received $580,405,000 last year, $131,627,000 this year—a reduction of $448,778,000.

For the Department of the Air Force, $636,373,000 was appropriated last year There is recommended in this bill, $222,564,000—a reduction of $413,809,000.

In family housing, $665,846,000—recommended in this bill $511,196,000—a reduction of $154,650,000.

You can see what has happened here, all of these services have been substantially reduced.

Now, I am not one to complain about reducing appropriations. I am usually all for it. But I think we ought to recognize that drastic reductions in military construction will require, in the future, increased appropriations and bring about increased costs. I am not sure that it is good business to reduce the expenditures of these agencies and these Departments of the Defense Department by so large an amount.

I only wish the President, when he presented the rest of his budget, had had as much concern about reducing the other areas of the budget as he seems to have had about reducing the military construction budget. Mr. Chairman, we find ourselves with a situation where the number of people going into service is increasing all the time and we need facilities to house them. Some are living in tents. Our facilities are getting older all the time.

The gentleman from Florida has explained that nonbudgeted items were not included in this bill. I see no reason to include them when the President says that he is not going to spend the money anyway. We have already had an unhappy experience with the fiscal year 1966 appropriation.

As you all know, there is no new family housing contemplated in this bill. The money for family housing is for debt payment and for operation and maintenance only.

There is currently deferred $159,212,100 out of fiscal year 1966 funds, to provide 8,500 new family housing units for our military. The President's budget stated as have witnesses from the Department of Defense that these will be obligated in fiscal year 1967. We are growing further behind every year in meeting the requirements in this important category of construction.

It seems to me that we should recognize this housing deficiency as a fact. We certainly realize that in times of emergency we can cut some of these things, and the budget did do this. I wish, as I said before, that in other areas of our spending as much consideration had been given reducing the budget as they have in the military construction bill.

As you know, a year ago we were faced with a freeze of some $620 million in appropriations for military construction. I have gone through the hearings. We on the committee had been assured, as the gentleman from Florida stated, that these were necessary items, that they were essential. Yet, after the appropriation was made, these funds were frozen.

I think that it is unfortunate and unnecessary to appropriate even this amount of money when we have these millions of dollars that remain unexpended and unobligated at the Pentagon.

Let me just give you some figures—and they are outlined in the report on page 2 under the heading "Funds available for obligation in fiscal year 1967."

If this bill is passed in present form we will have available for the Department of the Army, the Department of the Navy, the Department of the Air Force, and the defense agencies, a total for obligations of $2,215,341,419.

The Reserve components of the Army, Navy, and Air Force will have available for obligation $81,104,011.

Now, on page 3 of the report, you will see another table—and this table represents funds available for expenditure in fiscal year 1967.

You will notice that available for expenditure the total is $3,076,271,331. For the Reserve components, the total is $95,917,754 unexpended.

Now, in my opinion this is just too much money to leave available at the Defense Department. I do not think it is good budgeting for us to come in here with this bill—although I support the bill and every item in it—to appropriate more money and leave this frozen money available to the Defense Department without requiring them to either expend it or apply it to these new projects.

May I say that since these projects were frozen, the cost of construction has gone up, according to testimony we heard a couple of weeks ago showed in varying amounts from 5 to 8 percent. This means one of two things: either we are going to have to cut the scope of these deferred projects, if they are going to be built, cut some corners, or we are going to have to come back and reappropriate additional funds to build these same projects.

We have lost, too, due to increasing costs, using the lower 5-percent cost increase figure, about $30 million in increased construction costs on these $600 million of deferred projects.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from North Carolina.

Mr. JONAS. It is also true that the justifications for the present projects are already over a year old?

Mr. CEDERBERG. That is certainly correct.

Mr. JONAS. The situations may be entirely different today than they were at the time these items were justified?

Mr. CEDERBERG. That is absolutely correct. These projects in almost all instances should be brought back in for review by Congress. We should require the services to come back in and rejustify them so that we could take another look at them. I see no reason why they should have these funds and not apply them to the expenditures listed here.

There is another situation which has occurred. At Fort Devens, Mass., and Fort Gordon, they have deferred troop housing which was in the 1966 bill. In the 1967 bill they have come in for troop housing at these very same locations. We granted that. We are for troop housing. We believe they need the 1966 housing and the 1967 housing. But it does not make much sense, in my opinion, not to require them to fund it out of some of the money available for the deferred 1966 projects.

I just want to alert the House as I told the gentleman from Florida, that we intend to offer an amendment that will do nothing more than this. It is not intended in any way to disturb the construction of any project in this bill, but only to see that the appropriation is reduced by $300 million. That still gives them plenty of money to apply on this one. Then when they decide to release the 1966 deferred projects, they can come back and justify them to us and we will provide the necessary funds to do that work. I think this makes sense. I think it makes sense, and to do otherwise, I would think, would be making a mockery of the appropriation procedure.

In closing, I want to refer, as did the Chairman, the distinguished gentleman from Florida, to our construction in Vietnam. The gentleman from Florida has very ably stated that this is a difficult area for construction. There is no question about it. There is no other nation in the world that could possibly take on this mammoth job and do it as we have done it. In my opinion, there have been some unnecessary costs and losses that have been incurred. If you read the hearings we have held and the comments in the report, you will see that we called it to the attention of the Defense Department that we are unhappy at their delay in providing the necessary audit procedures.

It seems to me that should have been one of the first things that was done. When you let a cost-plus-fixed-fee contract, that is the day you ought to have an auditor there from the day the contract is let, because there is always the tendency in a cost-plus-fixed-fee project to have a sloppy management.

It may be of some interest to you to know that this contract or this combine, I should say, is due to be scheduled out or phased out around October of 1967. If this project is phased out, then it is the intention of the military to use our own construction troops to carry on the in-country construction.

I say this is well, but if by 1967, when this project is about to phase out, we find it is still necessary, because of changing conditions over there, that a contract must continue by other than military construction units, it seems to me there ought to be enough experience in Vietnam by that time so that we can get away from this cost-plus-fixed-fee contract and go to competitive bidding. We are doing that in Thailand and in some of the other areas. I would hope that this can be done.

I commend this bill to the Members. I think it is a bare-bones bill for the necessities of our armed services. I commend it to the Members for adoption.

Mr. SIKES. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from California, the chairman of the Science and Astronautics Committee.

(By unanimous consent, Mr. MILLER was allowed to proceed out of order.)

Mr. MILLER. Mr. Chairman, the first 2 days of the 3-day Gemini 11 mission of Astronauts Charles Conrad, Jr., and Richard F. Gordon, Jr., have resulted in significant advances in space operations and new understanding of the space environment. During the first revolution on Monday the accomplishment of rendezvous and docking was a vital step in developing the ability to carry out this necessary procedure on the return from the moon before the end of this decade. Astronaut Gordon's activities in free space—44 minutes yesterday and 2 hours and 16 minutes today—have provided experience that underlines the necessity for much more experimentation in this new realm. And for more than 3 hours early this morning the spacecraft was in an orbit that reached an altitude of 850 miles above the earth, the highest man has ever reached. The Gemini 11 mission constitutes a major forward step in the progress toward our objectives in space.

Mr. ARENDS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-eight Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 282]

Abbitt
Abernethy
Albert
Andrews, Glenn
Aspinall
Barrett
Belcher
Boland
Bolling
Broomfield
Clark
Clevenger
Colmer
Conable
Corman
Curtin
Davis, Ga.
Dent
Devine
Dickinson
Diggs
Dorn
Edmondson
Evans, Colo.
Fallon
Farbstein
Farnsley
Fisher
Flynt
Fogarty
Friedel
Gallagher
Garmatz
Green, Oreg.
Hagan, Ga.
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Helstoski
Hicks
Holland
Horton
Irwin
Jones, N.C.
Karth
King, N.Y.
Kluczynski
Landrum
McMillan
Macdonald
Martin, Ala.
Martin, Mass.
Mills
Moorhead
Morris
Morrison
Murray
O'Hara, Mich.
O'Konski
O'Neill, Mass.
Passman
Pelly
Pepper
Powell
Quie
Rees
Reid, N.Y.
Reinecke
Resnick
Rogers, Tex.
Roncalio
Roybal
St Germain
Senner
Sickles
Sisk
Smith, Calif.
Stephens
Stratton
Teague, Tex.
Thompson, N.J.
Todd
Toll
Trimble
Tuten
Udall
Van Deerlin
Vigorito
Walker, Miss.
Walker, N. Mex.
Weltner
Whalley
White, Idaho
Willis
Wilson, Bob
Wilson, Charles H.
Zablocki

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ULLMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17637, and finding itself without a quorum, he had directed the roll to be called, when 330 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. CEDERBERG. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. MORTON].

Mr. MORTON. Mr. Chairman, first let me say to my colleagues in the Committee that I had nothing to do with requesting the quorum call. However, I am delighted that we have as many here as we have.

I have become very much concerned about some of the phases of military management which have led us to the appropriations bill which we have under consideration today. We have heard much about the closing of bases and the transfer of facilities from one area to another.

Not long ago it was announced by the Navy that a large recruit training center was to be established, supplementing the activities at Great Lakes and at San Diego on the west coast. It was to be established at Bainbridge, Md., at the naval training center there. This was the result of a study made by the Navy, which I believe was completed in 1964. This study was comprehensive in nature. It pointed up the fact that an additional recruit training center was needed and also it pointed up the fact that Bainbridge was the logical place to put it.

Not long after that, it was announced that this recruit training center was to be put, not at Bainbridge, but was to be put somewhere else in the country. This change of decision was justified, I assume, by the management people who make such decisions in the Navy. But, in addition to this, it was decided that a great many other facilities which now exist at Bainbridge would also be transferred from Bainbridge to other areas of the country.

One of these is the Women's Training Center which trains the Waves. It was only a few months before this decision that the necessary funds were authorized and appropriated for the Navy to build a $1.2 million barracks for the Waves at Bainbridge, which is now under construction and which I assume will not be needed or will not be used when the Waves are transferred away.

The concern is this: We know we have to invest large sums in construction at a very high cost in places like Vietnam. We know that we have to establish new facilities for new types of programs that are developed through the development of new weapons systems and new military concepts. This is an investment we must make.

But it seems to me that in this incidence we are looking at an area of gross mismanagement. For no apparent military reason we begin to play checkers with military facilities at great cost. This concerns me and should concern every Member of Congress and should concern every American citizen. At no time in the history of this country—at no time—have we put a greater proportion of our financial energy, our tax money, into military operations than we are doing today. Therefore, it seems to me that every penny spent should be carefully scrutinized and should be carefully evaluated as to necessity and priority.

Here we had an elaborate study, which indicated one specific course of action for the Navy to take. Here in a matter of weeks, this was abandoned and another course of action was taken, the total cost of which will require the investment by taxpayers of about $14.9 million.

It is hard to argue that a military base should be kept open just because it is in one's district or one's State. Bainbridge, frankly, happens to be in my district in the State of Maryland. But it is easy to argue that in these times investments made by the military in permanent construction facilities should be weighed, and weighed carefully, before they are requested by the Department of Defense and appropriated by the Congress.

I should like to quote from page 5 of the report, with reference to the fiscal year 1966 program:

> The Congress approved this program relying specifically on a letter from the Secretary of Defense to the Committee on Appropriations of the House of Representatives dated July 31, 1965 which stated:
>
> "In the case of the current program, you may be assured that each item has been stringently reviewed and there is no request for construction funds at any base likely to be declared excess within the foreseeable future with one exception."

Mr. MATHIAS. Mr. Chairman, will the gentleman yield?

Mr. MORTON. I yield to the gentleman from Maryland.

Mr. MATHIAS. I should like to say at this point, I believe the distinguished gentleman from Maryland's First District does not have to apologize for the fact that he is speaking about a facility which is within his own district. It is true that perhaps a large percentage of the jobs involved do involve people who live in the First District of Maryland, but the money which is involved in replacement facilities in some other part of the country and the money which is going to be lost by the abandonment of these important facilities which already exist at Bainbridge is money which comes out of the pockets of the constituents of every Member of the House. It comes out of the General Treasury. This is something in which we are all interested.

I believe the gentleman is doing a signal service to the House and to this legislation by discussing an important item of this sort which involves a tremendous amount of money and which, even more important, goes to the efficient management to our Defense Establishment.

I wish to associate myself with the remarks of the gentleman from Maryland, because this is a great contribution on this particular item.

Mr. MORTON. I thank the gentleman.

What the Secretary said—and I am paraphrasing the letter I have quoted—was that there would be no investment in facilities which were not necessary. Obviously here we are not living up to this clear statement of policy.

We are building a Wave barracks at a cost of $1.2 million at Bainbridge, and are going to move the Waves away before they have time to occupy the barracks, is that good management? I question it.

There has been no suggestion by the Navy as to what facilities are going to be put into Bainbridge to take the place or to occupy the area which is now occupied by such facilities as our Nuclear Training School, electronics schools, the Wave Training Center, and so forth.

If Bainbridge were being closed up entirely, and there were great savings that could be pointed out, this would be a different proposition, but Bainbridge is hard core, so the Navy states—and it should be. It is an old, permanent, well-located facility. Savings have not been demonstrated as a result of these moves by the Navy in the hearings before the Appropriations Committee.

I believe my colleague, the gentleman from Maryland [Mr. LONG], will point out some of the things that were said concerning this very proposition in the Committee on Appropriations.

The point I am trying to make is that at a time when management should be the keynote of military operations, here is a case of mismanagement.

I hope that the great Committee on Appropriations and I hope that this body will see fit to review in the process of this legislation this case of careless decision.

We are going to offer an amendment which will reduce this appropriation by the amount of money that is being used to create facilities for those operations which are at Bainbridge and which are to be moved by the Navy.

In closing just let me say this: At a time when we are spending over 50 percent of all of the revenues that come in to the Federal Government in order to maintain our defense posture and to carry out our commitments overseas, at such a time we should, above all other times, be frugal in our investment in facilities which are long term in nature and which can be deferred to a future date without impairing our military posture. No real military reason has been given to justify the transfer of these facilities from Bainbridge to other areas of the country. Therefore, I think this appropriation is unjustified.

Mr. SIKES. Mr. Chairman, I yield 15 minutes to the distinguished gentleman from Maryland, a member of the committee [Mr. LONG].

Mr. LONG of Maryland. Thank you, Mr. Chairman, for yielding this time.

I have listened with great interest to the comments of my able colleague from the First District of Maryland [Mr. MORTON], and I want to say that anything I have to say today does not detract in any way from the admiration which I hold for the chairman of my subcommittee, the gentleman from Florida [Mr. SIKES], and the chairman of the full Committee on Appropriations, the gentleman from Texas [Mr. MAHON], who I think are extremely able gentlemen. I have sat and watched with admiration now for the short time I have been on the committee the painstaking, careful, and conscientious work they do in handling these appropriation items.

Nevertheless, I want to take strong exceptions to that part of this military construction appropriation bill which undertakes to vote an initial $14.9 million to establish a third recruit naval training center, the location of which has not yet been determined. I oppose this funding on a number of important grounds.

In the first place, I feel that the Navy does not really want this operation moved away from Bainbridge to Orlando, Fla., which is apparently the unofficial destination of this third naval recruit training center. I think that the Navy indicated it does not want this by reason of a sequence of flip-flops on the part of the Navy. A Navy study of October 1964—and I think the time sequence is important—October 1964 showed that Orlando was incapable of accommodating activities presently carried on at Bainbridge. Furthermore, it recommended reactivation of Bainbridge for a male recruit training center with an 8,000 capacity.

I quote this study:

> This survey concluded that there would be no gain to the Government in either monetary savings or in improvement to the national defense posture as a result of the proposed action to relocate Bainbridge training activities to Orlando. The survey group also concluded that the facilities and space at the proposed relocation site at Orlando could not accommodate the present training that was being conducted at Bainbridge. It was recommended that Bainbridge be retained with its current mission and that plans should be made to reactivate male recruit training at Bainbridge with an onboard load of 8,000 recruits.

On April 14, 1965, 6 months later, naval officials again testified before the Military Construction Subcommittee that a third recruit training center was needed and out of 10 sites studied none were as acceptable as Bainbridge.

They listed the sites, which ranged all the way from Lincoln Air Force Base in Nebraska and Schilling Air Force Base to Orlando.

Now, Mr. Chairman, it will be argued by some of the members of the committee, that at this time it was not known that Orlando would be closed.

Now, Mr. Chairman, I say at that time it was known that Orlando was to be closed, and on page 834 of the hearings I want to read the testimony as follows:

> Mr. SIKES. Would the fact that a new base closing order comes out subsequent to these hearings, enter into the situation?
>
> Mr. BALDWIN. They certainly would enter into it, although we knew prior to this that Orlando was going to be available.

Now, Mr. Chairman, the argument that Navy people learned all of a sudden that Orlando was going to lose its Air Force base and thus they would have a facility, does not hold water in view of that statement.

Mr. Chairman, on April 14, 1965, shortly after this, Admiral Hull in the hearings of April 1965 stated that—

> The Navy's position is that Bainbridge is very definitely hard core; it is in the right place and we want to bring it up to date so that it will compare favorably with Great Lakes and San Diego; and, all three are needed.

Then, Mr. Chairman, in June 1965, the Bureau of Navy Personnel approved Bainbridge as a logical choice for a third boot camp.

Mr. Chairman, I want to read from that testimony. It considered that Bainbridge was substandard in some respects as a naval training center.

Yet, Mr. Chairman, we are going to be told that that place is just one dilapidated mess. But, here the Department of the Navy knew about it for some period of time as a naval training center and that its layout better lent itself to modernization and expansion than did those of other institutions with totally different missions.

Those are the four statements which have been made by the Department of the Navy, and all of a sudden in 1965 the Secretary of the Department of the Navy ordered a new study and for 2 months after that this study was carried on and as a result thereof, the Secretary of Defense announced that both the recruit camp and the other should be located at Orlando.

Mr. Chairman, I submit that they do not want to make any decision. They were told to make it. Somebody up there—somebody up there—told them to make it.

Now, Mr. Chairman, the argument that they gave is that a couple of factors were not known at the time that they made this flip-flop. One of them is that they decided it would cost a lot less to put it at Orlando than it would at Bainbridge.

Second, Mr. Chairman, they claimed that since a lot of housing is going to be opened up at Orlando as a result of the closing of the Orlando base, that this made it $13 million cheaper because of the housing that they could get at Orlando.

Mr. Chairman, I submit to the Members of the Committee on the Whole House on the State of the Union that it was known that Orlando was going to be available. They will tell you that Sanford was closed some time after that, but I point out that Sanford released only 800 additional homes, and according to the spokesman on the part of the Department of the Navy they already had plenty of homes at the time they thought Orlando was not suitable.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I would like to complete my statement and then I shall yield to the gentleman from Florida if I have the time.

Mr. CEDERBERG. If the gentleman desires additional time, I shall be happy to yield that additional time to the gentleman.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I have the highest regard for my good friend, the gentleman from Maryland [Mr. LONG], and I do not want to interfere with his train of thought. However, it just occurred to me that the gentleman was pointing rather high when he was pointing "up there."

Mr. CHELF. He did not mean the Lord, I will tell the gentleman that.

Mr. SIKES. That is the point.

Mr. LONG of Maryland. Thank you, my Lord Chairman.

Mr. Chairman, I point out that all of this housing was known about and the pretense that there was some extra housing that became available was not really the factor. But I point out, however, that if the housing were a factor and that this made the $13 million cost differential, the Department of the Navy has indicated it does not figure it to the extent of $33 million.

For one thing, they have to make it seem to cost a lot more to build the operation at Bainbridge. They have given us a lot of phony figures which do not square with the construction costs just a few miles away as established by the Department of Defense at Aberdeen. And I tell you that the figures are phony also because there has been very little construction up there. They do not really know what the construction figures are.

Second, the cost of construction at Bainbridge is padded by items that are seldom seen in a construction program. A bank, for example, a golf course, an education center, a thrift shop, a youth center, child care centers, community center, $1.2 million are padded into these expenditures.

Next, $1 million extra will be involved in recruit travel to Orlando compared with Bainbridge, by the Navy's own admission. And they admitted that this would probably go on for 10 years, so you can reasonably figure $10 million for that item.

Then you have the cost of $2.5 million to relocate the command school and WAVE center from Bainbridge to Orlando, and another $3.5 million for married quarters allowance.

When they came back with the study a couple of years ago, they said that they had to rehabilitate the mess hall, and it would be just as good as it ever was, and now they come along and say that they are moving to Orlando, and want to tear it down. If they put it at Bainbridge they would not have to build a brandnew facility.

The Navy, when I quizzed them in the hearings, were not able to offer very good reasons.

The other item that they gave was the weather. They say that the weather is better in Florida than it is in Maryland. Well, I do not think, as a matter of fact, that we ought to be spending $100 million—and that is what this is going to cost before we are through—to move a base from one perfect climate to another perfect climate. And if the Florida climate is perfect, then so is the climate in Maryland. Each one has its defects, when you come down to it, they just happen to be a long distance apart.

The commander of the training center at Bainbridge said—that in his opinion climate should not be a factor for serious consideration in any decision which would rule out Bainbridge as a possible site for the proposed recruit training camp, since the training activities including drilling could be carried on indoors during inclement weather, and no training time would be lost.

The Navy says that another factor is health. The Navy says that the Florida climate would be more healthful than Maryland's climate.

Let me show you what the commander of the training center at Bainbridge said—this is the Navy's own testimony—

> The commander of NTC Bainbridge advised the staff that, in his opinion, climate should not be a factor for serious consideration in any decision which would rule out Bainbridge as a possible site for the proposed recruit training camp, since training activity, including drilling, could be carried on indoors during inclement weather and no training time would be lost.

They say that not only is weather a factor, but also health, and say that the Florida climate would be more healthful than Maryland's climate. Let me read here from what the commander NTC, Bainbridge, said:

> The commander fully advised that there has never been an epidemic of any serious proportion at Bainbridge. * * * In a Navy study conducted in 1964 it was reported that "22 years of practical experience at NTC, Bainbridge, indicates negligible incidence of respiratory diseases".

When I pointed this out to the Secretary of the Navy all he could come up with was that "I am the Secretary of the Navy. I have to place my judgment above that of the commander at Bainbridge." We were not asking for his judgment, we were asking for the facts, and these are the facts.

Now, I want to point out that Bainbridge is already an operating training center. If we wanted to introduce a new setup, a new recruit training camp, we can set it up there with a minimum of disruption in 3 to 6 months. It has been a boot camp before. All it needs is to be reactivated, and this could be done in 3 to 6 months.

You are talking about the buildings not being in good shape. Well, they have some buildings up there that are in good shape, as well as some that are in bad shape.

Here is a room where the Waves are now operating. Here is another room, and it shows all kinds of boxes and junk lying around. They are both the same type of building, built at the same time. One just happens to have been kept up, and the other one let go. There is not anything in that building there that could not be made good in a few months, and it would be just as good as this other building that I showed you that is currently in operation.

If we take the Navy training facilities out of Bainbridge and take them down to Orlando there is going to be real loss of facilities at Bainbridge. The saddest thing of all, is that, when we were told that Bainbridge was hard core, our committee and the Committee on Armed Services voted $1.25 million for a Waves barracks at Bainbridge.

I want to show you this picture. Here is the Waves barracks. It has still 10 percent to go as far as construction before it is finished, and the decision has been made to move the Waves out of Bainbridge and down to Orlando. At the same time there is $2 million worth of rehabilitation of housing in the area going on for a base that we propose to move out of Bainbridge and down to Florida.

In addition, the $14.9 million will simply add to the large sum of appropriated funds which the Department of Defense has seen fit to defer.

The gentleman from Michigan [Mr. CEDERBERG] has pointed out that we already have $600 million worth of deferred expenditures, money that we have appropriated that has not been spent yet. I do not think we ought to add any more.

This $14.9 million is only the first installment on $100 million altogether. I think we ought to hold off the expenditure until they have spent the money we have already given them.

When Wherry housing and the Wave barracks were started, they were started the very month that the Navy decided to move the operations out of Bainbridge to Orlando. If we had forced the Navy to come to our committee from time to time when they wanted money, we would have found out what they were proposing to do at the very moment they were deciding to move out of Bainbridge to Orlando, that they were proposing to put $3.5 million into new construction there. This is what happens when you defer items and lose control over expenditures.

I want to point out further that this third Naval Recruit Training Center is a long-range project. Do not let anyone tell you that we need it right now. The first group of recruits is supposed to move into it in 1968 and the second group in 1970, and much of the move will not be completed until 1974. That is the most pessimistic view of the war in Vietnam I have seen yet. This project is for the Vietnam war or it is not. I do not think anyone maintains it is. If it is not, then we should not be undertaking a long-range project in the middle of a war, a war whose duration we cannot foresee, and which may involve all sorts of things we cannot decide about yet.

I think we ought to be putting all military expenditures into this war, and additional funds should be diverted into other projects. The President himself has urged that all unnecessary appropriations should be cut back.

Finally, the authorization bill does not specify the location. We are asked to vote $14.9 million and we are not told where it is going to be spent. Unofficially, we are told Orlando. Officially, we are told, "We will give you the money, and then you come back later and tell us where you are going to put it." I say this is wrong.

I do not think the Congress should relinquish legislative oversight over the Navy's decisions. I think this is what happens when you let appropriations go through for an unspecified location. By allowing the Navy to choose the site for an installation after we have appropriated the funds, Congress loses its function as overseer of expenditures. I do not think we make up for that by telling the Department, "You come back next year and tell us what you have decided."

For this reason I plan later to offer an amendment to subtract the $14.9 million from this bill. I think it is time that we took such action.

I have noticed since I have been on the Appropriations Committee and since I have been in Congress that a lot of fine things have been said about cutting expenditures. Everyone gets up and orates. But every time you come to a specific item, they will turn pale and beat a steady retreat.

I shall offer an amendment relating to a specific item.

Mr. MORTON. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Maryland.

Mr. MORTON. I want to commend the gentleman for what I think has been the most lucid explanation of this Bainbridge project I have ever heard. I would like to ask this question of you as a member of the Appropriations Committee: What justification did the Navy give for the moving of the facilities that are already there? I understand the justification they gave for not going through with the recruit training center at Bainbridge and transferring it elsewhere, but what justification did they have for moving the Waves, the schools, and the other installations that they intended to move away? This I have never been able to ferret out.

Mr. LONG of Maryland. This is still a mystery to me, Mr. MORTON. I have not been able to find out either.

I would guess that it would simply be nice to have the Waves in the same camps with the "boots." Since we decided to put the "boots" at Florida, it would be nice to have the Waves close by there, too. That is the only justification I can find.

Mr. MORTON. That does not seem enough justification to me to pay $14.9 million.

Mr. LONG of Maryland. Nor to me.

Mr. SIKES. Mr. Chairman, I am very pleased to yield 5 minutes to the distinguished gentleman from South Carolina, the chairman of the great House Committee on Armed Services.

Mr. RIVERS of South Carolina. Mr. Chairman, I thank the distinguished gentleman from Florida for giving me this time.

I take this time to inquire of the distinguished chairman of the subcommittee about the items on page 16, which have been deleted, aggregating some $42,218,000. I notice it is the intention of the committee to urge—that is of the full committee and of the subcommittee—that plans be completed on these projects totaling the amount to which I have just referred. I should like to ask the chairman if this is a fact. Are sufficient funds included within this appropriation to take care of any necessary planning money for these projects?

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I would like the gentleman to answer the question, and I will be glad to yield to him for an answer.

Mr. SIKES. Mr. Chairman, I would be very pleased to answer my friend's question. First, if I may, I would like to say, as I have said many times in the past, that I believe the contribution of the gentleman from South Carolina and his Committee on Armed Services to the military personnel of our country are among the most outstanding in our time, if not the most outstanding.

I consider the Nation is greatly indebted for his leadership and that of his committee in this important work.

Now, with reference to the specific question which the gentleman asked, let me quote from page 17 of the committee report on this bill. Speaking for the committee, I quote:

> It will expect the Department of Defense to complete the preparation of plans and specifications for these line items and to include them in future military construction programs if they remain as valid military construction requirements.

The term "line items" mean nonbudget items.

May I say there is sufficient planning money, $43.9 million, carried in this bill which would be available. There also is unobligated planning money from prior appropriations. There is no doubt of this whatever. Each of the services has assured me personally that there is adequate money to complete this planning. Most of these projects have had little or no planning done on them. This necessarily means delays. It is my hope that these projects will be rapidly funded, because I consider most of them valid and needed military requirements.

Mr. RIVERS of South Carolina. I thank the gentleman.

I want to say this, Mr. Chairman, these items which have been deleted have been gone into very carefully in our committee. They are vital to the war effort. They are vital to the military. They should never have been deleted by the Department of Defense in the first instance. The services want every single one of them. I cannot decide which of them is the most important, because each department has a number of them.

I recall vividly the hospital in Massachusetts and the Wright Patterson Air Force Base, which are vital institutions. The executive department is taking it out of the hide of the military, and the DOD must now take the brunt of the burden of these deletions. I hate to see us establish a precedent here, or a policy, of not appropriating money because we are fearful the executive branch will not expend this money.

I believe our responsibility is to resist. We should fulfill our own responsibility.

I hope this is not a precedent that if we have a conjecture that the executive branch may not expend funds we then will not make them available. This is not a wise course to follow. We must carry out what is good for efficiency in the operation of our military, regardless of what the executive branch might do.

I would hate to think we would do that. I hope the great Committee on Appropriations will not regard this as a precedent, so in the future if we get a word from the executive branch that they may not expend money then accordingly we will not make it available. We should fulfill our responsibility and let the executive department fulfill its own responsibility.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. SIKES. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. RIVERS of South Carolina. Mr. Chairman, we are going to insist, in our committee, that these projects be carried out. The $600 million which the Secretary, in his infinitesimal wisdom, cut back last year, was ridiculous. It is affecting the war effort. It is affecting our capacity to wage war against our enemy. It is affecting the morale of our military. It is affecting America, and it should not be countenanced.

I am delighted to hear the distinguished chairman of the subcommittee of the Appropriations Committee say that he also agrees these things should be funded forthwith. I know he will carry out his promise to insist on it.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. If I have time I will yield. Will the gentleman yield me a minute?

Mr. CEDERBERG. I yield the gentleman 2 minutes.

We are going to offer an amendment on this side which will have one purpose, which is to unfreeze some of these funds frozen last year, so that they can be used. Then, when they need further funds, they can come in and get all the funds they need and that can be justified. It is designed not to in any way cripple any facility.

Mr. RIVERS of South Carolina. I say to the distinguished gentleman, I will help him on any amendment he has to increase this bill.

Mr. CEDERBERG. I will tell the gentleman what we are going to do.

Mr. RIVERS of South Carolina. Will the gentleman answer my question?

Mr. CEDERBERG. To support funds to increase the bill?

Mr. RIVERS of South Carolina. No? Then I cannot take more time. The gentleman is just talking.

Mr. CEDERBERG. I am perfectly willing to support an amendment.

Mr. RIVERS of South Carolina. The gentleman does not have any notion of increasing this bill, and he is just talking, knocking me off the track.

Mr. CEDERBERG. We cannot increase this bill above the authorization.

Mr. RIVERS of South Carolina. We can increase it $42,218,000.

Mr. CEDERBERG. We cannot put unbudgeted items in here.

Mr. RIVERS of South Carolina. Who cannot?

Mr. CEDERBERG. The President says he will not spend the money, anyway.

Mr. RIVERS of South Carolina. The gentleman is succumbing to the thing I am talking about. The gentleman ought to be ashamed of himself.

Mr. CEDERBERG. Well——

Mr. RIVERS of South Carolina. I do not yield further. The gentleman gets me all mixed up.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the chairman of the subcommittee.

Mr. SIKES. May I point out that earlier in the discussion today this situation was made relatively clear. The significant point is that there is very little likelihood that this money could be spent if it were appropriated this year.

I do feel that the projects, in almost all instances, are valid and needed projects, and I shall support their construction at the earliest possible time.

Mr. RIVERS of South Carolina. I wish to say here, Mr. Chairman, with the backing of the House, the Armed Services Committee is going to continue to follow an independent course, whether the executive branch likes it or not, and we are going to authorize funds when we find them justified, because the military is being cut to the bone. We are tied down by a little country out in far southeast Asia. What if we got into a first class war? Do we know whether or not the military could carry on under this austere McNamara program? I do not know. I do not know, and I am worried about it.

Mr. Chairman, I include at this point the material that I previously referred to:

ARMY

U.S. Military Academy, New York: Various projects, $2,451,000.

Fort Wolters, Tex.: Academic building, $1,026,000.

Fort Richardson, Alaska: Coal to gas conversion, $813,000.

Fort Dix, N.J.: Training ranges, reduction from $1,914,000 to $1,850,000.

NAVY

Naval Shipyard, Portsmouth, N.H.: Operational facility and utilities, $295,000.

Naval Shipyard, Boston, Mass.: Deficiency appropriation for drydock No. 5, $2,983,000.

Naval Hospital, Chelsea, Mass.: $9,300,000.

Naval Hospital, Memphis, Tenn.: $6,613,000.

Naval Aviation Station, Memphis, Tenn.: Training building, $1,188,000.

Naval Supply Center, Puget Sound, Wash.: Conversion of commissary, $404,000; relocation of facilities reduced from $536,000 to $198,000.

AIR FORCE

Hill Air Force Base, Nev.: Test range, $876,000.

Tinker Air Force Base, Okla.: Officers quarters, $956,000.

Wright-Patterson Air Force Base, Ohio: Engineering test laboratory, $525,000; bachelor officers quarters, $727,000.

Tyndall Air Force Base, Fla.: Numerous projects, $1,280,000.

Arnold Engineering Development Center, Tenn.: Airfield, $1,861,000.

Elmendorf Air Force Base, Alaska: Coal to gas conversion, $900,000.

Travis Air Force Base, Calif.: Fleet service facility, $374,000.

Goodfellow Air Force Base, Tex.: Service club, $493,000.

Dover Air Force Base, Del.: Sewage disposal plant, $250,000.

Malmstrom Air Force Base, Mont.: Various projects, $1,618,000.

Holloman Air Force Base, N. Mex.: Maintenance hangar, $1,447,000.

Lowry Air Force Base, Colo.: Supply and procurement training facility, reduction from $1,736,000 to $1,500,000.

George Air Force Base, Calif.: Headquarters facilities, $292,000.

Cannon Air Force Base, N. Mex.: Land purchases, $1,284,000.

Air Force Academy, Colo.: Total program reduced from $10,758,000 to $10,500,000.

Kunsan Air Base, Korea: Terminal facility, $196,000.

Wheelus Air Base, Libya: Classified project, $340,000.

Western test range, California: Classified projects, $2,100,000.

Offutt Air Force Base, Nebr.: Headquarters facility, $560,000.

Total of combined Army, Navy, and Air Force cost is as follows:

Army	$4,354,000
Navy	21,121,000
Air Force	16,743,000
Total	42,218,000

Mr. CEDERBERG. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, the distinguished chairman of the Committee on Armed Services here has just engaged in a colloquy with the chairman of our subcommittee, which I listened to with great interest. I would like to say to him that if he can take any action in his committee or if he can suggest any action that this House can take that will compel the Secretary of Defense to unfreeze the projects that have been funded in previous appropriation bills, I will be glad to support his efforts. We have tried in our committee to see that this is done. I know that the Committee on Armed Services has tried, but so far as I am able to determine, neither committee has succeeded. I am afraid neither committee is going to succeed so long as the present Secretary of Defense remains in charge.

Why, Mr. Chairman, we were told a year ago and I read now from a letter that our committee received from the Secretary of Defense which can be found on page 5 of the committee report:

> In the case of the current program you may be assured that each item has been stringently reviewed and there is no request for construction funds at any base likely to be declared excess within the foreseeable future with one exception. At the Naval Shipyard, Portsmouth, New Hampshire, we have approximately $1.0 million in the current program for construction of a radiological control facility essential to the ship overhaul scheduled there during the ten-year phaseout period. Please be assured that our objective is to insure that line items now being requested are limited to those bases wtih an assured hard core mission for the five-year program, fiscal year 1966 to fiscal year 1970.

In spite of those assurances and relying on them and relying on testimony given before the committee by service witnesses and despite the fact that we appropriated a substantial sum of money, the Secretary of Defense, before the ink was dry on the legislation, saw fit to freeze—I call it "freeze" and he calls it "defer"—the construction of military projects involving, as the gentleman well knows, $600 million.

Now, the thing that I cannot understand about that is that $160 million of that sum had been earmarked to build 8,500 family housing units for military personnel. I do not believe that he would have assumed the responsibility for doing that without administration support and approval. Despite the fact that funds to construct necessary, needed, and required family housing units in the number of 8,500 were approved, the Secretary of Defense chose not to build this housing. At that very time the administration was up here pleading with the Congress to inaugurate a brandnew program to subsidize the rent of civilians, and Congress approved it—not with your vote nor with mine. Does the gentleman from South Carolina recall that, and can he see any justification for such gross discrimination against the men who wear the uniform of our country?

Mr. RIVERS of South Carolina. Mr. Chairman, if the gentleman will yield, I think it is not only discriminating, but it is disgraceful. Do you know why they took it out of the hide of the military? They did it because the military cannot talk back. The civilian economy is building over 1.1 million units of housing. Yet this little paltry 8,500 units that we authorized for the military, for the families of the men who have gone to the front, was cut back. Do you know why? They had nobody to speak for them in the highest councils of our Government.

Mr. Chairman, the man—that man—appointed to do that did not do it. He simply did not do it. He was more interested in turning over a military base across the river here to these professional paupers than he was in building houses to shelter the dependents and the families of those whose husbands have gone to war to keep this country free.

Mr. Chairman, I say to you that our Committee on Armed Services has stopped that kind of plunder.

Mr. Chairman, the military waited on the nuclear frigates. It waited on the base closures. If you will recall, the Congress now has to be in session continuously before the Secretary could close these bases without giving us proper notice.

Mr. Chairman, we worked day and night to find out how to stop this matter, and we are making progress—we are making progress.

Mr. JONAS. Mr. Chairman, I appreciate the comments of the distinguished chairman of the Committee on Armed Services who has been fighting this battle valiantly and who has received the assistance of many Members of this House.

Frankly, Mr. Chairman, I find it difficult to understand the thinking of those who seem to believe that the men in uniform should make all of the sacrifices involved in this war in Vietnam. They are not only doing the fighting, but they are leaving their homes, their loved ones, their possessions and their occupations, and are risking their lives.

Now, Mr. Chairman, their own Government is discriminating against them when the Congress appropriates money to build some housing for their families, and the Secretary of Defense and the administration freezes it and does not build that housing. And to add insult to injury, at the same time and almost in the same breath, the administration is up here asking Congress to inaugurate a plan, a new program, to subsidize the rent of certain civilians.

Mr. Chairman, I just do not believe that is fair.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. JONAS. Of course I yield further to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. That is why I hate to see the great Committee on Appropriations do the same thing with reference to new hospitals contained in this bill and with reference to new barracks and the other things that we authorized.

Mr. Chairman, I do not believe we should fall into the same thing. Let them be criticized for their dereliction of duty, and not us. This is what I mean.

Mr. JONAS. I would say to the gentleman from South Carolina with respect to that, that it has already been established that Congress cannot compel the spending of appropriated money or we have not been able to do it thus far.

But, one must remember also that when the money appropriated in this bill and with the funds available that have not been expended, the Department of Defense will have $3 billion available for spending which it can spend next year.

But, Mr. Chairman, the gentleman from South Carolina [Mr. RIVERS], knows as well as I know that the President is not going to spend that much money. He has already indicated that he would not expend any money appropriated above his budget. The items in question were not budgeted. They are not ready to proceed. And I do not believe if the funds should be appropriated that they would be obligated next year. The President has made that crystal clear.

So, Mr. Chairman, the committee felt that it was the better part of wisdom not to appropriate for the unbudgeted items and continue to pile up unexpended funds available to the Secretary of Defense on some future occasion.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CEDERBERG. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman.

Mr. BATES. As the senior member of the House Committee on Armed Services on this side of the aisle, I want to commend the gentleman from North Carolina for the truly factual statement that he is making. I have traveled many parts of this world where we have sent our servicemen, and it is a shame to see the hovels in which many of them are living.

Last year the Secretary of Defense came before our committee and pledged if our committee would authorize these 8,500 new units—as a matter of fact, he wanted more, that they would be built, and now he, together with the President, have eliminated these items which we were told last year were more important than any other item contained in that construction bill.

So it seems to me to be in poor grace, Mr. Chairman, when I see messages coming here advocating more money be made available for FNMA and lower interest rates and all of these various things which are going to help the civilian economy—as important as they might be, they are not as important to me as the men in uniform who are fighting our battles throughout the world. So I want to thank the gentleman for bringing this matter to the attention of the House.

Mr. JONAS. Mr. Chairman, I appreciate the gentleman's comments, and I would like to simply add this, as I say, the 8,500 units were justified by the witnesses that appeared before us—and they justified even more units—and they insisted, and offered substantial and convincing testimony that our military people were living in substandard housing, and that it was necessary to upgrade these living quarters in order to retain experienced and qualified men in the service.

In view of these facts it is beyond my comprehension, in view of all of those justifications and the strong case that was made, not only for the 8,500 housing units, but for troop housing and other supporting facilities, training facilities, that the Secretary of the Department of Defense would have the nerve to freeze or defer the construction of $600 million of those items, and then come back this year and ask for funds to construct facilities in some of the same locations where facilities were deferred by him a year ago.

We tried very hard to get the witnesses before the subcommittee to tell us whether the new projects in the bill before us today have a higher priority than the projects that were deferred last year. We were not able to get any satisfactory answer to that. As a matter of fact, we could not get the witnesses to even say that a study had been completed; that any effect had been made to reconcile or compare the new projects sought with the projects previously applied for. It seems to me that it puts the Committee on Appropriations, and particularly the subcommittee, in a very bad light to come before this Committee of the Whole House 1 year and assure you that here are projects that are absolutely vital to the security of our country and to the well-being of our military personnel, and then come back the next year and have to confess to you that we either misunderstood what the request was, or that we were misled, and that consequently Congress appropriated $600 million too much last year—or too much in the eyes of the Secretary of Defense.

I think we should not be put in that position. I think it is incumbent on the subcommittee and the Congress itself to take whatever steps are necessary to see to it that we are given correct information in the future, so that when projects are justified, as these have been justified before the committee, and then funded, that they should be constructed before we are asked to provide additional funds to construct alternate facilities at other locations, and in some instances at the very same locations.

I think this is a good bill. I wish we could resolve that the committee is not going to be satisfied with this sort of justification in the future, and that we could make it clear to the administration that Congress is not going to continue appropriating construction funds if the projects are not going to be constructed.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, I want to commend the Appropriations Committee for the well-balanced bill we have before us today appropriating funds for military construction during 1967. As we all know, the demands on our military dollars at this time are particularly great.

However, I want to call particular attention to the committee's emphasis on sewage and waste disposal projects being requested by the military departments. I want to commend the committee for its recognition of this great need and for its action in appropriating the needed funds for sewage and waste disposal projects.

As chairman of the Natural Resources and Power Subcommittee of the Government Operations Committee I have, for the past 4 years, examined the particular need to step up abatement of water pollution from Federal installations. In three reports, we have attempted to pinpoint the major offenders and we have called for the Federal installations to set an example for the rest of the Nation in cleaning up our streams and lakes.

I am pleased to report that our latest survey shows an increased emphasis on the part of Federal installations to clean up our rivers and streams. This new emphasis is reflected in the Appropriation Committee's report on the bill we have before us today.

The committee has wisely provided funds in the amount of $6,506,000 for sewage disposal projects during the current fiscal year. This includes $2,824,000 for the Army at 5 locations; $960,000 for the Navy at 5 locations; and $2,722,000 for the Air Force at 15 locations. These funds will provide for primary and secondary waste treatment plants, collection mains, and industrial waste treatment facilities.

The committee notes that these facilities and similar facilities provided in previous years are only a start. As our Federal installations take a closer look at the problem and as the pollution abatement action becomes better defined at all levels of government, the need for funds to provide corrective action will increase considerably. For example, the Appropriations Committee notes that the initial estimate by the Air Force alone on long-range military construction expenditures to meet pollution abatement requirements are in the $20 to $40 million range.

I want to commend the committee for the recognition of the need for a vigorous program of pollution control and for its support of the program of necessary expenditures to meet this need.

It is particularly gratifying to see that the committee is attempting to provide funds for the most economical handling of the sewage and waste disposal problem. The report cites Army action at Fort Jackson, S.C., to combine efforts with the neighboring city of Columbia to provide new primary treatment facilities for both the city and the military installation. This combined effort will result in a saving of at least $500,000 in excess of the Army cost if these needs were provided separately.

Our Nation's water pollution problems are severe. Our needs are great. Cooperative efforts are required by all elements of our society if we are to clean up our streams and provide the necessary water for our future needs.

Because the needs are so great, it behooves us to consolidate our efforts at every possible opportunity to provide the needed facilities at the lowest possible cost.

The Appropriations Committee is to be commended for its timely recognition of the needs and its action to meet these needs.

Mr. SIKES. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. Casey].

Mr. BOW. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 283]

Abbitt
Abernethy
Albert
Andrews, Glenn
Aspinall
Ayres
Boland
Bolling
Broomfield
Celler
Clancy
Colmer
Conable
Corman
Curtin
Davis, Ga.
Dent
Devine
Dickinson
Diggs
Dorn
Edmondson
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Fisher
Flynt
Fogarty
Friedel
Gallagher
Garmatz
Gilligan
Griffiths
Hagan, Ga.
Hanna
Hansen, Idaho
Hawkins
Hébert
Helstoski
Hicks
Holifield
Holland
Horton
Irwin
Jones, N.C.
Karth
King, N.Y.
Landrum
McMillan
Macdonald
Martin, Ala.
Martin, Mass.
Mills
Morris
Morrison
Murray
O'Konski
O'Neill, Mass.
Pelly
Powell
Quie
Rees
Reinecke
Resnick
Rogers, Tex.
Roncalio
Roybal
St Germain
Senner
Sickles
Sisk
Steed
Stephens
Stratton
Teague, Tex.
Tenzer
Thompson, N.J.
Todd
Toll
Trimble
Tuten
Udall
Van Deerlin
Walker, Miss.
Walker, N. Mex.
Weltner
White, Idaho
Whitten
Williams
Willis
Wilson, Charles H.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Ullman, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17637, and finding itself without a quorum, he had directed the roll to be called, when 336 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. Casey].

Mr. CASEY. Mr. Chairman, I thank the gentleman from Florida, and the distinguished chairman of the subcommittee for allowing me this time.

I wish to inquire, Mr. Chairman, concerning a proposal that has been under consideration for a couple of years. My inquiry is in reference to the conversion of the power plants at Elmendorf Base, and Fort Richardson, from coal to gas.

My recollection is that this has been under consideration for several years. The House Committee on Armed Services authorized this conversion last year, the Senate failed to include it, but this year they placed it in there, and it remained in the bill on final passage.

I would like to know, Mr. Chairman, in view of the fact that it would save, as I understand, about $1 million a year, for the operation of these bases, if this committee has had this matter under consideration?

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I will be glad to yield to the gentleman.

Mr. SIKES. Mr. Chairman, may I say to the distinguished gentleman from Texas that this conversion has long appealed to me because it is estimated that the Government would save $1 million a year.

This is one of the nonbudgeted items which were added to the authorization bill, but for which there is no budget request for funding.

There of course are two sides to the story. As I stated earlier, this conversion appeals to me because of the savings which are projected. These savings would be dependent upon the government continuing to get the gas at the price which has been offered for it now. This is considerably less than the price which is being paid by industry and by private howeowners. If there should be an increase in the price, then the savings could disappear. However, I would be willing to risk that.

Frankly, if I may say to the gentleman, my biggest problem at the moment is in the position of the Alaska delegation. The distinguished gentleman from Alaska [Mr. Rivers] appeared before this committee last year in opposition to the proposal. It is hard to disregard the attitudes and beliefs of the people who represent an area.

They are disturbed about what this would do to their employment problem. They say that the Government is the biggest user of coal in Alaska, and if this market is lost to the coal mines, most of the miners would be unemployed. They also say that the Alaska Railroad depends in very large measure upon hauling this coal for its revenue. Then there is the fact that the Department of Interior was opposed to the conversion.

Nevertheless, I still think the conversion has a great deal of merit. There are sufficient funds in this bill to complete the planning for the conversion. This will also give the Department of Defense an opportunity to look further at the project. Planning will be completed, and if the Department is ready to support the item, a budgeted item will be prepared and we can go ahead with it next year.

Mr. CASEY. I sincerely thank the distinguished gentleman for the background and explanation he has given us. But is it not true that while negotiation and consideration of the use of gas is going on, the price of coal has gone up at least twice since the negotiations started?

Mr. SIKES. The price of coal has gone up. It is a fact of life that costs in Alaska are high. The best estimates are that we would save at least a million dollars a year, and I am not one who would disregard that.

Mr. CASEY. I appreciate the gentleman's statement. In my opinion, Alaska should seek to develop this new natural resource they have discovered, because I think it would help their economy, and they are a little shortsighted in not trying to permit this new development.

I thank the distinguished chairman for his consideration of this item. I think it is a saving that we should take advantage of.

Mr. CEDERBERG. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Chairman, I would like to make inquiry of the chairman of the subcommittee in respect to three items which were included in the authorization bill but which apparently have been eliminated from the bill before us.

Up in Boston there are three old landmarks. One is the Bunker Hill Monument; the second is the U.S.S. *Constitution*, Old Ironsides; another with almost equal vintage is the U.S. Naval Hospital. I understand that hospital item has been eliminated from the bill.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. BATES. I have not finished, but I yield to the gentleman from Florida.

Mr. SIKES. I dislike to interrupt the gentleman, but before I respond to the question I think the gentleman is going to ask, I should like to say that among the other distinguished landmarks would be the distinguished gentleman from Massachusetts, our Speaker.

Mr. BATES. Mr. Chairman, there are two other items. One is the utility lines, at the Portsmouth Navy Shipyard, in the amount of $295,000, as well as the item of $2.8 million that was included in the authorization bill for the drydock. I note that all of these items have been eliminated. I wonder if the gentleman would comment in respect to them.

Mr. SIKES. I would like briefly to comment, and I want to commend the gentleman for his interest in these problems and for the very fine manner in which he serves his constituency. He is part of that great team on the Armed Services Committee, which has done such an outstanding job in improving the lot of those who wear the uniform.

Mr. BATES. I appreciate the gentleman's remarks. Now I would like to get some of the funds.

Mr. SIKES. If the gentleman is going to insist on specifics, and if he will yield——

Mr. BATES. I yield to the gentleman from Florida.

Mr. SIKES. Let me point out that three of the items which have been mentioned by the gentleman are in the area of nonbudgeted items which were added to the bill by the House Armed Services Committee. They are authorized, but there was no budget request for them. They are in the category of items for which this subcommittee has funded planning money and instructed the Department to complete planning so that they may be funded in an orderly manner as rapidly as the Department can utilize the funds and sees the need for them.

First of all, the gentleman mentioned the drydock No. 5, improvements at the naval shipyard at Boston. The design is only 30-percent complete on that. There is very little possibility of the contracting being done in 1967, projecting ourselves a full year ahead, so there will be ample opportunity for OSD to come to Congress for a budget item for funding next year, by the time that this planning can be completed.

On the naval hospital at Chelsea, which is a $9,300,000 item, the planning is only 20-percent complete as of August 31, 1966. Extensive review is always required for the construction of hospitals. Planning is a more lengthy process. It is stated to the committee by the Department of the Navy that the construction contract could not be awarded until February 1968. Of course, that places it completely out of the purview of fiscal year 1967.

On the naval shipyard at Portsmouth, where an authorization is made for steam distribution improvements—and undoubtedly those are needed—this is one of the projects which has been projected for closing. I regret this is the case, because I had felt it was a project for which there was going to be a continuing need, but that is something neither the gentleman nor I can control.

If I may have the gentleman's attention, because I am dealing with specifics on this, may I point out that plans and specifications on this are zero complete. So there is no possibility any funding could be realized until some time in the next calendar year. If it is decided that this is an item which should be funded and placed in the budget, we would not lose any time, because plans are going forward under directions in this bill.

Mr. BATES. I thank the gentleman. The $295,000 which we had scheduled in the authorization bill for Portsmouth would be amortized over the next 3 years.

In summation, then, what the chairman of the subcommittee advises, whether the money is put in this year or next year for these particular items would not make any difference because plans have not been advanced sufficiently far enough so that they could be commenced before 1968. Do I understand the gentleman correctly?

Mr. SIKES. That is correct.

Mr. GROVER. Mr. Chairman, a fortnight ago it was brought to my attention that the transient facilities for servicemen shipping overseas from McGuire Air Force Base in New Jersey were totally inadequate.

I was advised that many of our men were required to sleep in makeshift, improvised quarters, in a gymnasium, in hallways.

The members of this committee are to be applauded for their concern over the convenience, health, and comfort of our Armed Forces.

Regrettably, I find nothing in this bill which will solve this problem, although after my complaint to Secretary McNamara, I did receive assurance that this unfortunate condition which admittedly exists in other airports of embarkation will be improved.

Statements by Members on the floor today have indicated the urgent need for passage of this bill to improve living conditions for our servicemen everywhere, living conditions which are presently below standard as a result of our rapid military buildup, and accordingly, I wholeheartedly support this bill.

Mr. PICKLE. Mr. Chairman, included in this bill are funds in the amount of $12,138,000 for construction facilities at 11 bases of the Tactical Air Command, including $4,487,000 for a variety of facilities at Bergstrom Air Force Base in Austin, Tex.

Bergstrom, over the past year, has assumed the responsibility of headquarters operation of the 12th Air Force.

It was formerly a Strategic Air Command base and I realize it was an economy move that has brought about the closing of the base as a SAC facility. Nevertheless, I feel that the move has strengthened the air command, and I am particularly pleased that the former headquarters at James Connally in Waco, Tex., have been put to such fine use by Texas A. & M. University as a training school.

Bergstrom is ready to assume the full functions and responsibilities as headquarters of the 12th Air Force of the Tactical Air Command, and the funds appropriated in this bill will insure the orderly transfer of this command. Bergstrom AFB is an excellent facility which has proved itself well in both war and peace. The people of Austin and central Texas are proud of the service it has rendered our Nation and we are delighted to see this new TAC Headquarters Administration Building established there. Our fullest cooperation is extended to the Air Force in this extension.

Mr. LOVE. Mr. Chairman, I support this appropriation bill even though I have some reservations. The Military Construction Subcommittee failed to fund all the line items authorized by the Armed Services Committee mainly because the Department of Defense had failed to request certain items as not being essential to the war in Vietnam. Also, it was argued that in some instances, the authorization of the Armed Services Committee was not included in the President's budget hence would have an adverse effect on the economy. In fact, the chairman of the Military Construction Appropriations Committee indicated that the President would not spend nonbudgeted items, even if funded.

Before I vote for the bill as being in the national interest, I make the following observations:

First. It is always my hope that our failure to fund items now because of the war in Vietnam will not affect our security in the future. May I say that the Armed Services Committee is constantly cognizant of this and I am not always certain that the Appropriations Committee is more affected by matters of economy.

Second. I can certainly understand that it is just as important not to spend money for nonessential military items as it is for other nonessential items and those who argue we should spend the money irrespective of economic effects simply because it is military are also wrong. I must assume that the Appropriations Committee give this careful consideration.

Third. The gentleman from South Carolina [Mr. Rivers], chairman of the Armed Services Committee, brought out in a colloquy with the gentleman from Florida [Mr. Sikes] that the Appropriations Committee will fund the authorized items including those authorized for Wright-Patterson Air Force Base at the earliest possible time commensurate with the war in Vietnam.

As to the district I represent, the failure to recommend funding of an engineering test laboratory at Wright-Patterson Air Force Base is a serious mistake. The laboratory is required to relocate the Air Force Packaging Evaluation Agency to Wright-Patterson as a part of the Air Force realinement of depot functions. There is an urgent need for this lab. The developing package technique is exceedingly important for the present war in Vietnam. The primary responsibility for packaging vested within the Air Force has been placed in the office of the Director of Transportation at AFLC. The command headquarters for AFLC is at Wright-Patterson Air Force Base. The AMA who had the responsibility previously is being phased out. The move to Wright-Patterson permits full utilization of the four major labs located there and supports the earlier economy decision. The packaging of instruments, optics and other fragile hardware for transportation long distances is of vital importance. The packaging agency is closely related to the overall logistics mission of the Air Force.

While the justification for a bachelor officer quarters is impressive—the need at Wright-Patterson being for 1,130 spaces, the authorization will temporarily protect the program and the promise of the chairman of an early appropriation is convincing enough to postpone funding because of the overall economic situation. I rather expected this move and, while I believe the justification is more than convincing, the authorization of an additional $727,000 is sufficient at this time since it is considered as a nonessential item.

Mr. Chairman, it is always difficult in these matters not to be parochial but, while I am not overjoyed by the decision of the committee, I nevertheless trust their dedication and integrity. It is therefore my belief that this bill should be supported as being in the national interest irrespective of parochial considerations.

Thank you.

Mr. LONG of Louisiana. Mr. Chairman, today I rise in support of H.R. 17637, the appropriations for military construction for the fiscal year ending June 30, 1967.

As a member of the House Armed Services Committee, I have an opportunity to study the needs of our Nation's defense efforts and in the interest of national defense I earnestly support H.R. 17637. By approving this appropriation measure we are, once again, saying no to the spread of godless communism. We are approving funds to assist our servicemen and women to help prevent the spread of this malignant growth.

In my district, the Eighth Congressional District of Louisiana, we have Fort Polk at Leesville and England Air Force Base at Alexandria. We know the importance of national defense in our district because we are constantly reminded by the presence of these two installations.

Thank you for the opportunity to briefly express my support of H.R. 17637 and I can assure you of my continued support of our national defense.

Mr. CEDERBERG. Mr. Chairman, I have no further requests for time.

Mr. SIKES. Mr. Chairman, I have no further requests for time on this side.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, in Public Law 88-637, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Bureau of Yards and Docks and other personal services necessary for the purposes of this appropriation, $126,227,000, to remain available until expended.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Long of Maryland: On Page 2, line 18, after "appropriation," strike out "$126,227,000" and insert "$111,327,000".

Mr. LONG of Maryland. Mr. Chairman, my amendment would reduce by $14,900,000 the amount appropriated for the Navy's military construction program, the sum approved for fiscal year 1967 costs on construction of a third naval recruit training camp. I am offering this amendment for reasons that I went into in debate, reasons which I think are compelling. In the first place, I do not believe the Navy wants this third boot camp to be located where it says it does, at Orlando, Fla. Although the bill does not specify the location and leaves this to be determined, the word is that the Navy will put it at Orlando, and I believe that the Navy will not do so willingly.

I have given a long list of statements by the Navy, indicating that Orlando is incapable of accommodating the activities currently carried on at Bainbridge, that out of 10 sites, including Orlando, which were studied, none was as acceptable as Bainbridge. There were statements such as, that by Admiral Hull:

> Bainbridge is very definitely hard core. It is in the right place. We want to bring it up to date so that it will compare favorably with both Great Lakes and San Diego. All three are needed.

After a year of this type of statement, the Navy suddenly reversed itself and said that it wanted a recruit camp at Orlando, and proposed to move 4,000 of 5,000 people from Bainbridge to Orlando.

This involves some very great costs. We have already, taking the Navy at its word, authorized and appropriated money in the amount of $3½ million, for Wherry housing and WAVE training facilities at Bainbridge, which are not even completed at this moment. This is a great waste, we ought to do all we can to eliminate it.

The Navy has given some cost factors and some weather factors which do not stand up, on the basis of the Navy's own statement that climate should not be a factor for serious consideration in any decision which would rule out Bainbridge, indicating that there had never been any epidemic there in 22 years of practical experience at Bainbridge, and indicating a negligible rate of respiratory diseases.

I further point out that appropriating $14.9 million—which will lead ultimately to nearly $100 million—will only add to the large sum of appropriated funds which the Department of Defense has seen fit to defer. So far $600 million worth of projects funded for fiscal year 1966 or earlier have been deferred. I do not believe we should add another $14.9 million to that.

I wish to point out further that a third recruit training project is a long-range project and is not specifically intended for the Vietnam crisis, since the first recruits would not go in until 1968 and the last not until 1970. The captain at Bainbridge informed me that the entire transfer would not be effective until 1974.

I do not believe we should tackle a long-range program in the middle of the Vietnam crisis, since such a project would divert both men and material from the war effort and increase the mounting inflationary pressures on our national economy.

The President has urged that all unnecessary appropriations should be cut back; this is an unnecessary appropriation.

Finally, I do not believe that Congress should relinquish legislative oversight over the Navy decisions. We should not fund $14.9 million for a project for the Navy in a location unspecified and then let the Navy come back later to tell us where they intend to put it. This type of thing leads to very loose policy on the part of our Government.

The very fact that we have been voting money on a deferred basis has resulted in a situation in which at the very moment the Navy was proposing to move this project out of Bainbridge it went ahead and broke ground for a $1¼ million WAVE barrack and $2 million worth of Wherry housing.

This type of thing could not happen if the Congress insisted on maintaining a tight rein on its expenditures.

So I ask the Members to support this amendment to drop from this year's appropriation $14.9 million until we have had a chance to go into it further; until the Navy and the Defense Department have had a chance to take another look at this whole question of a third recruit training camp. I believe if they are given this chance they will, in the end, change their minds again, because they have changed their minds before.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. Sikes was allowed to proceed for 5 additional minutes.)

Mr. SIKES. Mr. Chairman, first I should like to yield to the distinguished gentleman from New Jersey [Mr. Patten], who is an able member of the subcommittee. He has performed in an outstanding manner and given excellent service throughout the difficult and long period of hearings and consideration on the bill. I am very appreciative of his fine work and I yield to him at this time.

Mr. PATTEN. Thank you, Mr. Chairman, for yielding me this time.

I do not think it is our business to be telling the Defense Department where to locate facilities. I sat in on all of the hearings about Bainbridge, which took many hours. Geographically, since our area up in New Jersey and New York contributes more men than other sections of the country proportionately to boot training, I was very interested in these hearings. Bainbridge is only a 2-hour automobile drive from New York City for my family. But despite that I am convinced all of the evidence shows the Navy must have a boot training station on the east coast, and I believe it will be a great mistake to eliminate this money at this time.

Mr. SIKES. Mr. Chairman, I want to take a moment to express my appreciation, also, for the very fine work done by the distinguished gentleman from Maryland [Mr. Long] as a member of this subcommittee. He has been faithful in his attendance, has been a hard working member and contributed significantly. I recognize and appreciate this contribution and I admire and commend him for the zeal that he shows for his own State. Regretfully I must accept the fact—and I do not think there will be any question of this—that my good friend wants this item stricken from the bill simply because it is not in the State of Maryland. Now, we cannot have everything we want. As my friend, Mr. Patten, just pointed out, it is not the business of the Congress to try to tell the Department of Defense where military bases must go. It would quickly produce an intolerable situation.

Mr. Chairman, I think I might take just a moment and point out that Maryland is doing very well in this bill. There is $17,148,000 of new construction in the bill for Maryland. It is second only to the State of California in the amount of money that is carried for new military construction.

Now, Mr. Chairman, the facts are that in this budget and in the presentation by the Navy the request was made for $14.9 million for the initial increment of construction for a third recruit training center at Orlando. The authorizing legislation approved the funds requested but did not spell out the location. They recommended in the authorization that a site be selected by the Department of the Navy and the Department of the Navy has indicated that Orlando is its choice. This subcommittee approves the funds requested, but rather than leave it up to the Navy to pick the site of the recruit training center without any restrictions on the part of Congress, it requires in this bill that notification of the site so selected be made to the Congress before any award is made on contracts. We do not feel that Congress should surrender all of its prerogatives.

Now let us look at the facts. This request for a third Naval Recruit Training Center is made only because it is badly needed. The conditions in the two existing Naval Recruit Training Centers at Great Lakes and at San Diego are badly overcrowded and have been for a long time. The South Vietnamese buildup has accentuated that overcrowding.

Now, Mr. Chairman, the regulations require 72 square feet but, actually by reason of overcrowding there are only 35 to 40 square feet per man. That is about 6 feet square. That is not much larger than a grave. That is where you are asking these boys to live when they are first sent to a military camp. They are stacked like cordwood while they learn discipline, learn military custom, while they train, and while they learn to perform the responsibilities that go with military service. It is not a happy or a wholesome situation.

Mr. Chairman, this overcrowding has produced some serious medical problems, especially in the nature of respiratory diseases and meningitis. Twelve recruits—get this—12 recruits have died in the recent past at these bases and it is considered that overcrowding contributed to the causes of these deaths.

In 1963 it was necessary to stop the input of recruits to San Diego for a period of 5 weeks following an outbreak of meningitis. If another outbreak should occur, then we would have to close down a recruit training center. Where would you put the men? The training program simply would have to stop. It could have a serious effect upon the recruit training program.

Mr. Chairman, I do not want it on my conscience and I do not think the Members want it on their consciences if boys die from conditions resulting from our failure to provide them a proper place in which to train.

Now, Mr. Chairman, originally the Department of the Navy had scheduled the center to be located at Bainbridge, as the distinguished gentleman from Maryland [Mr. Long] pointed out. A similar activity was conducted there in World War II. But since that decision, the Department of the Air Force decided to vacate its base at Orlando. When the first surveys were made, the Department of the Air Force had planned to retain a part of the Orlando base but subsequent to the Navy's decision to go to Bainbridge with this base, the Department of the Air Force announced that it was vacating the entire Orlando base. This contributed to the Navy's decision on Orlando.

Mr. Chairman, Orlando is a very good base. It is an air base. And, the Air Force has, historically, built first-class installations, and I am glad they have done so. This base is located in the State of Florida. It is not located in my district. As a matter of fact it is located in a Republican district, and that bothers me some.

Now, Mr. Chairman, the decision of the Department of the Navy to go to Orlando is based upon several factors. One of these factors is the suitability of climate. The recruit has to spend about 60 percent of his time outdoors and, certainly, Orlando presents a very fine outdoor climate.

At Orlando there are better community and on-base personnel support facilities. This is very important.

Mr. Chairman, at Bainbridge we would have to construct nearly everything in the way of community and on-base facilities from scratch and that would cost millions of dollars. These facilities are available at Orlando, either on the base or in the community. We will save millions of dollars there, and these amounts are not carried in the cost of base construction. There are other environmental conditions which are advantageous to recruit training and support facilities at Orlando and which are said by the Department of the Navy to be available there but which are not available at Bainbridge. The ability to make maximum use of existing assets which have been superbly developed by the Department of the Air Force are to be considered in the situation at Orlando.

Now, Mr. Chairman, then let us get into cost. That is a very important matter. It is No. 1. All right, cost consideration, according to qualified Navy cost estimates show at Orlando a total cost of $81 million as compared to the cost of $86 million at Bainbridge.

Mr. Chairman, we have to assume that the Department of the Navy knows what it is talking about. Their construction people are among the best in the world. They cannot afford to furnish haphazard figures on costs. They will be held responsible for them. The Navy says it will cost $5 million more to build an adequate facility at Bainbridge than it would cost at Orlando.

In addition to that, housing is available. We have discussed housing all afternoon—housing for the families of service personnel and the personnel who will provide support and training services for this base.

There is a deficit in family housing at Bainbridge of 750 units. We cannot get the Department of Defense to build the 8,500 units we authorized and funded last year. How are you going to get these additional 750 units? Well, they are already available at Orlando. We will not have to build houses. We have certification from the Federal Housing Administration to the Chief of Naval Personnel and to the committee that there is more than enough housing available.

Now, there are some good facilities at Bainbridge, and the Department has indicated to us that it has every desire to continue to use the facilities that are good and usable.

We have a list here of activities comprising 840 people who would be continued at Bainbridge in any event.

I am reliably informed by the Department of the Navy and the Department of Defense that Bainbridge also is being looked at in connection with other possible uses as they may develop.

There is no disposition just to abandon Bainbridge because this naval recruit training can be done better in Orlando.

Let me make this final statement. All of the studies have shown clearly and unmistakably that it will be cheaper, better, more efficient, more in the interest of the recruits themselves, more in the interest of the taxpayers, to construct this facility at Orlando.

The Navy has completed its master planning. That is not true of Bainbridge. We would lose a year while the Navy completed master planning at Bainbridge. At Orlando they are ready to proceed with construction in an orderly way.

There is every reason that this committee should approve the funds which are needed at this time to stop overcrowding, and to provide needed training facilities, and to reduce the danger of disease and death in the present recruit training facilities.

Mr. MORTON. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman.

Mr. MORTON. I would like to ask the distinguished chairman this question: If that is true, if every single one of the studies indicated the advocacy of moving these facilities out of the Bainbridge plant, why did they build a $1.25 million new WAVES barracks at Bainbridge which will never be occupied?

Mr. SIKES. I just stated that the activities which will be retained at Bainbridge will include 840 personnel. The present barracks will not accommodate personnel in that number.

The services do hope to use the facilities that are there which are good, first-class facilities. That includes the housing that is available. It will be used either for the activities of Bainbridge itself, or for nearby installations, such as Edgewood Arsenal, which is only 8 miles away. These would require all of the housing available. I would certainly support efforts to see that whatever facilities are available at Bainbridge would be utilized to the fullest possible extent.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman.

Mr. LONG of Maryland. The gentleman indicated when he was asked at other times that there would be other facilities that would be moved to Bainbridge, but I have never been able to get him to say exactly what these are.

Mr. SIKES. Because it is not within my power to make these decisions.

Mr. LONG of Maryland. What does the Navy plan to put at Bainbridge to take the place of these facilities that are being moved away to Orlando?

Mr. SIKES. I have not responded to that because it is not my decision to say what will be placed at Bainbridge. But I can tell you this: I have a statement from the Department of Defense, as of this morning, that 840 personnel will continue to be located there, plus a small coordinating staff; that study options are in progress relative to the continued use of Bainbridge for other activities including the feasibility of locating the Defense Language Institute there, if it is not allowed to go to Texas. It is also stated that Bainbridge will be considered as a possible location for a number of defense activities currently housed in the Washington area. This will be a part of current studies to reduce overcrowding in the Washington area. The activities which will be considered, and which cannot be named at this point for obvious reasons, range anywhere from 500 to 4,000 personnel each.

These and other options cannot be identified until after the basic budget decisions are made.

I can state that under the prodding of this committee the Department is seeking to utilize all of the facilities that are available and usable, wherever available.

Mr. MATHIAS. Mr. Chairman, I move to strike the last word.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I am glad to yield to my colleague from Maryland.

Mr. LONG of Maryland. I have heard a great deal about meningitis. I do not believe that so many millions of dollars should be projected on the basis of so few cases of the disease since this project started in San Diego.

I talked with Public Health people about meningitis. They informed me that the causes of meningitis are extremely obscure and it is difficult to pin them down. We had an outbreak at the Great Lakes and we did not move the projects to Bainbridge. Right now we can reactivate this Navy Training Center. Let us build it now and get going, instead of building a $100 million base 1,000 miles away which will take 2 to 5 years to activate.

Second, I want to point out that the decision on Orlando was made and known about at the time that they made the decision not to go to Bainbridge, because Bainbridge was not a satisfactory place. They knew Bainbridge was going to be closed. We have documentary evidence. I read it here during the debate.

I want to point out also that, so far as the cost figures are concerned, we have $30 million worth of cost involved here and $17 million of it the Navy really did not refute in our hearings on the military construction program. They offered a weak defense on the $30 million discrepancy which we pointed out.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman from Florida.

Mr. SIKES. Does not the gentleman realize the effect of the amendment, that any work on this project would be delayed a year? Instead of bringing the project to Bainbridge, you would be postponing it a year, after which it would take another year for plans and specifications, which are already available for the Orlando project. I am sure the gentleman does not want to deny the boys in the present recruit training centers the opportunity to live somewhere other than in 6 by 6 spaces. He would not want to deny them the right to have these proposed quarters.

Mr. LONG of Maryland. I do not believe that this is needed for the meningitis problem. I do not think it is needed for the Vietnam war. I think this is a long-range project, and I think the Navy has indicated its lack of decisiveness, its lack of real desire to go to Orlando. I think we need a year to decide where to put it. That is not a long time to decide where to spend $100 million which could be spent for the wrong establishment in the wrong place. We are spending a great many millions—hundreds of millions of dollars—in Vietnam and on other projects. Let us take a little longer before we make this expenditure.

Mr. MATHIAS. I want to thank the gentleman for his contribution. As I said earlier in responding to the gentleman from the First District of Maryland [Mr. Morton], that he and the gentleman from Maryland [Mr. Long], have done a signal service in bringing these points to the attention of the House, because they involve issues that are of importance to every Member of the House.

Mr. MATHIAS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the Record and at the point when he spoke previously.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GURNEY. Mr. Chairman, I rise in opposition to the amendment.

As the distinguished chairman of the subcommittee, the gentleman from Florida [Mr. Sikes], has said, the real issue before the House is whether or not the Navy is going to be permitted to build a third boot training camp, which they have said they needed desperately, for if the amendment of the gentleman from Maryland succeeds, the issue will be dead, at least for this year. But I think we also ought to recognize that there is another issue, and I call it the concealed issue, except I really do not think it has been concealed now, and that is a last-minute, desperate attempt to save this boot training camp for a particular area of this country, namely Maryland.

That is the issue we have before us. The history has been ably stated by the chairman of the subcommittee, but I think it is worth going over because it really brings the issue before us. It so happened there was a third training camp in Bainbridge, Md., in World War II. It also is true the Navy 2 or 3 years ago, when it considered opening another training camp, did make noises that they would consider Maryland. It is also true the Maryland delegation felt it was going there, and now they are embarrassed. That is really the main issue before us.

I might say, ladies and gentlemen, I had nothing to do with the location of the base at Orlando, Fla. I remember in the debate the gentleman from Maryland said "someone up there" had something to do with the decision. I do not know who that "someone up there" would be, but I cannot imagine him being on the side of the particular congressional district in Florida involved. I cannot believe there are politics involved, but the Navy is trying to come up with a location they think is best for the location of the boot camp.

But after they had tentatively decided, but never made a top level decision, on Bainbridge, Md., the base closures came along in 1964, which incidentally affected a lot of Members in this House. Many of us lost a lot of installations we did not want to lose, but I do not remember a lot of flurry on the floor of this House to try to save a particular project for a particular congressional area. In any event bases did open up. The base at Orlando became available, and the Navy looked at it, and decided upon it, for the location of the new boot camp.

The merits are on our side. As the chairman pointed out, costs are less in Orlando to construct this boot camp in Florida than in Maryland. There is more family housing in our area. A survey has been made meticulously on this. Community support facilities have been found to be superior in Florida over Maryland. Our transportation facilities are excellent. Our climate is good, too. Florida is an excellent place to live and to train men.

This economy issue is as phony as a three-dollar bill. I believe those of us who are interested in economy ought to know that. The point here is not to take out money because this project is not needed. The point is to take the money out so that the project can be killed for a year and then reexamined and possibly gotten back to Maryland. That is the economy issue. For heaven's sake, do not fall for that, because the economy issue as shown by studies, and this thing has been studied from one end to the other, is the study the Appropriations Committee itself made on this, which shows that the merits are in favor of Orlando. It is more economical to build this base in Orlando.

Believe me, there is not any issue in this bill—and I am sure that the committee people who have processed this bill will bear me out on this—that has been more thoroughly studied and discussed and rediscussed—and cussed, as far as the Maryland people are concerned—than this one item. It was in the Senate authorization subcommittee first, and it went to the full committee. It went back to the subcommittee, and went back to the full committee. It has been before our House authorization committees, the subcommittee and the full committee. It has been in the subcommittee of the Appropirations Committee, and also before the full committee. Believe me, the committees involved have thrashed this issue out from one end to the other, as to whether it ought to go to Florida or be retained in Maryland.

The key thing in this whole argument is the one the distinguished Representative from New Jersey [Mr. PATTEN], hit upon. That is the factor here of whether we are going to settle on the House floor every time we have a dispute on where a military installation is to be located, and whether it is going to be in one congressional district or another. Are we going to settle on the House floor that it ought to be here because one particular Representative, or two or three Representatives think their area ought to have it?

I do not believe the House should do this. I believe it has to be done in the committee, where proper deliberation can be had and the merits decide the issue rather than whose district is or is not benefited.

I believe, rather than an issue between Florida and Maryland, the issue is that the House ought to uphold the committee's decision. I urge the defeat of this amendment.

Mr. CRALEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to affirm and concur with the amendment offered by my colleague, the gentleman from Maryland [Mr. LONG], to H.R. 17637, the military construction bill.

The purpose of the amendment is to delay the appropriation of some $14,900,000 to insure careful and thorough consideration of the future of the Bainbridge Training Center at Bainbridge, Md. No method for determining a new location is set forth either in the authorizing legislation or in the reports accompanying the House or Senate bills.

The Bainbridge Training Center, although not in my district, is of special interest to my 19th District, Pennsylvania. Three hundred to four hundred Pennsylvanians from York County are employed at the training center in Maryland. Removal of the Center would occasion economic and personal displacement for these people, as well as entail unnecessary expense on the part of the Government.

Mr. MORTON. Mr. Chairman, I move to strike the requisite number of words.

I merely wish to say that I do not believe the issue is the question of whether Orlando has more golf courses and swimming pools than there are in Cecil County, Md. I am sure Orlando has. The people there are very affluent people.

The issue is this: we established a Defense Department a few years ago, which was servicewide in nature in its responsibility. This is an example of very poor management by the Defense Department.

Money was spent on a study which was started in 1964, which now has gone for nothing because an Air Force base became available. If this Air Force base was that close to availability, the Defense Department should have known it. They are full of computers over there, and systems analysis.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MORTON. I yield to my colleague from Maryland.

Mr. LONG of Maryland. The Defense Department did know about it and admitted it knew about it. I read from page 834 of our hearings.

Mr. MORTON. The fact is, I do not believe we are getting the kind of management from the Defense Department we should have. Issues like this should not be debated here. This should have been solved, if we are to have proper interservice management of the Defense Department.

I believe that the upholding of this amendment and the passage of this amendment to the bill will be in good order. It will sharpen up the management of the Defense Department as it should be sharpened up.

I rise in support of the amendment of the gentleman from Maryland.

Mr. CEDERBERG. Mr. Chairman, I rise in opposition to the amendment.

It is with great reluctance that I take the floor this afternoon, because I recognize the problem we are faced with here today.

I believe it has been pointed out that this is a matter which has been under study by the Armed Services Committee of the House and the Armed Services Committee of the Senate. The decision was made by those bodies that this third training center should be authorized. Neither of those committees decided on a location.

We in the Appropriations Subcommittee on Military Construction, after hearing this matter, decided that we ought to provide the funds to make this facility available to the Navy.

It has been pointed out by many that we have two recruit training centers, one in San Diego and one at Great Lakes in Illinois. There was a time when we did have a closing of San Diego, and all recruits had to go to one place.

We had an unfortunate situation in the Army at Fort Ord some time ago, with meningitis and other respiratory problems which caused that base to be closed for a long time.

This is a problem which we who are here are going to make a decision on in just a few minutes, as to whether the Navy ought to have a third recruit training center.

If the Navy and the Armed Services Committees had decided it ought to go to Bainbridge or to Orlando or to anywhere else, that would not make any difference, so far as I am concerned personally.

As one member of the committee, after having listened to the testimony—and we can even have a difference of opinion as to whether a third recruit training center is needed—I am not going to vote at this time to reduce the funds which will, essentially, remove the opportunity to have this recruit training center. I believe we have put sufficient language in our report. It says, "You will come back and let us know what you are going to do before you spend the money."

This is about as far as I can see that we on our committee can go.

As I say, it is with great reluctance that I oppose this amendment, but I do not see any other way to do.

I might say that the gentlemen from Maryland [Mr. LONG and Mr. MORTON], have been very diligent in their debate and in their interest in this matter. I commend them for it. I hope they will understand my position in this does not in any way reflect my feelings for these two wonderful men.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Does not the gentleman recognize the inconsistency of his position now with that which he put forth a little while ago? A little while ago he was complaining about deferment of tremendous numbers of projects. Basically he was complaining, was he not, about the lack of close legislative oversight over expenditure of funds?

This is an example of what happens when we do not have close legislative oversight. We are authorizing something which may not be built soon, which may not be put in place for many years to come. We are appropriating money for an unspecified location.

Will we ever get the Defense Department to spend money in the year we appropriate it in unless we start cutting down on them and not giving them the money?

Mr. CEDERBERG. In reply to the gentleman, let me say I do not think there is any inconsistency at all in my position. We are talking about two entirely different matters. This is a question of a recruit training center. Deferred projects have generally been in the area of troop housing and existing installations that we think should have gone forward.

I feel they should go forward just as I feel this one should. So I do not see any inconsistency at all here. I do not feel that this should be deferred and I do not think the other should be deferred. I think I am completely consistent in my position.

Mr. HARDY. Mr. Chairman, will the gentleman yield to me?

Mr. CEDERBERG. I yield to the gentleman from Virginia.

Mr. HARDY. I would like to commend the gentleman for the position he is taking. As a member of the Committee on Armed Services, I would like to say we did consider this matter in our committee and we felt that there was a need for a third recruit training center.

There was no final decision made as to where it should be located. It seemed to us to be the better course of action to provide the authority for it. I am glad that the Committee on Appropriations saw fit to provide funds for it so that as soon as a final decision is reached on the location they can proceed with the construction of it.

Mr. Chairman, I think the gentleman's position is eminently sound and I hope the amendment will be defeated.

Mr. BENNETT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Chairman, the provision of this bill relative to the third Navy training facility should be allowed to stand. The facility is greatly needed. The only real contest is an effort to move the location from Orlando to Maryland; but the amendment offered by the gentleman from Maryland would kill the whole project for at least a year. Further, it would cost less at Orlando, and would offer a better year around training capability there.

Much has been said about the Navy changing its mind on it. As I read the record, the Secretary of the Navy, who speaks for the Navy, has never approved any site but the Orlando site. The citation of other opinions in the Navy were apparently never the final departmental decision at any time.

Mr. SIKES. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto now cease.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The question occurs on the amendment offered by the gentleman from Maryland.

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, in sections 2673 and 2675 of title 10, United States Code, $209,564,000, to remain available until expended.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to express my concern on a couple of items which have been deleted from this appropriation bill with reference to Wright-Patterson Air Force Base in Ohio. While I recognize the need for economy at this time in the pursuit of the war in Vietnam, in the interests of winning that war as quickly as possible—and in this area I must bow to the specialized knowledge of the gentleman on both the Committee on Appropriations and the Committee on Armed Services—still I am concerned that perhaps we may be deferring some needs or some projects now which might have a deleterious effect on our ability to win the next war. I refer specifically to the elimination of a bachelor officers quarters construction at Wright-Patterson Air Force Base for $727,000 and a laboratory for the study of packaging equipment for the Air Force in the amount of $525,000.

Mr. Chairman, I am concerned not so much about the bachelor officers quarters, because I think it is understandable that we may expect people on stateside duty to suffer a little discomfort in the interest of shortening the discomfort which is being experienced by the men serving in Vietnam; but I would like to ask the gentleman from Florida, if I may, the circumstances surrounding the deferring of the Air Force Packaging and Evaluation Agency at Wright-Patterson Air Force Base.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. CLARENCE J. BROWN, JR. I will be happy to yield.

Mr. SIKES. Mr. Chairman, I would be very happy to comment upon the item to which the gentleman from Ohio has referred.

The engineering test facility, which is a packaging and research program, is in the process of being transferred from Brookley Air Force Base in Alabama to Wright-Patterson Air Force Base.

Mr. Chairman, the committee found in its investigations that instead of conducting a study as to the ability to utilize existing facilities at other bases within the Department of the Air Force, the Department of the Army, and the Department of the Navy, the study was limited only to existing facilities at Air Force Logistics Command depots.

Mr. Chairman, it seemed to us that before we build another facility, whatever the cost may be—and the cost of this was estimated to be $525,000—we should try to utilize the other military facilities and buildings which have been used or are adaptable for this purpose.

I can understand the gentleman's concern, because the gentleman is interested in Wright-Patterson Air Force Base. That is a very fine base but we feel a responsibility to try to be sure that there is not something fed into this program when existing facilities can be used just as well and thereby save the taxpayers of America up to $525,000.

Mr. Chairman, the bachelor officers' quarters is one of the nonbudgeted items which was added to the bill by the Committee on Armed Services.

The design on this facility is less than 10 percent complete.

One thing that stuck in the minds of the members of the committee is that there has been a relatively small increase in total officer strength at Wright-Patterson Air Force Base, and 100 bachelor officers quarters spaces were deferred by the Secretary a year ago.

Obviously, Mr. Chairman, the Secretary is not going to pick up and build this item which was not budgeted and when he deferred a similar one a year ago.

Mr. Chairman, I am in sympathy with the gentleman from Ohio [Mr. CLARENCE J. BROWN, JR.] concerning the bachelor officers quarters. But I believe the committee took the only course open to it. It has, however, recommended that planning for the bachelor officers quarters proceed.

Mr. CLARENCE J. BROWN, JR. Mr. Chairman, I appreciate the gentleman's comments and I feel sure the need for the bachelor officers quarters will continue to exist and it will be necessary that this project be given consideration in the future.

Mr. Chairman, my concern is whether or not the deferment of the appropriation of $525,000 for the packaging facility is, in fact, as the gentleman stated, or whether or not it may be in order to give someone who has a more parochial interest an opportunity to make his pitch next year to get this facility located elsewhere.

The need for prompt construction of the **AFPEA** is clearly set out on pages 161, 162, and 163 of part 1 of hearings before the subcommittee of the Committee on Appropriations on military construction appropriations for 1967. The Air Force makes clear that the concern about duplication with the packaging research being done by other branches of the military services is not well-founded. It also makes an excellent case for the need for construction of a new facility rather than the expensive remodeling of an inadequate facility which might then still be inadequate.

But I should like to call particular attention to the reasons spelled out by the Air Force for locating the facility at Wright-Patterson Air Force Base in section 7(d), on page 163, as follows:

> (d) Wright-Patterson Air Force Base was selected as the site for construction of the new facility for the following reasons:
>
> (1) It would place the activity close to Headquarters AFLC, which is responsible for its management and operational control.
>
> (2) It would provide for timely conferences and joint analysis on important and critical subjects.
>
> (3) The Aeronautical Systems Division, which is one of the largest users of the services of AFPEA, is located at Wright-Patterson AFB.
>
> (4) The proximity of Wright-Patterson AFB to other Government agencies, industry and educational institutions which will provide an excellent source for recruitment of qualified personnel.

I am concerned that this delay in AFPEA location at Wright-Patterson Air Force Base may unnecessarily delay progress in packaging methods of value to not only the Air Force and other military services, but to our space program and domestic air transport and other modes of transportation. I trust no parochial interests are responsible for such delay.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 111. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation acts.

AMENDMENT OFFERED BY MR. CEDERBERG

Mr. CEDERBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CEDERBERG: On page 8, beginning on line 8, insert a new paragraph to read:
>
> "SEC. 112. Appropriations made by this Act shall be reduced in an amount of not less than $300,000,000 through the apportionment process as prescribed by law (31 U.S.C. 665)."
>
> And change section 112 to section 113.

The CHAIRMAN. The gentleman from Michigan [Mr. CEDERBERG] is recognized for 5 minutes.

Mr. CEDERBERG. Mr. Chairman, this is the amendment I referred to when we were in general debate.

The purpose of this amendment, and I want to make it crystal clear, is not to touch in any way any project in this bill. It is designed to require the Defense Department to use at least $300 million of the frozen funds for deferred projects in the 1966 bill.

Referring again to our report, you will see on page 2, that Defense will have for obligation after this legislation passes for fiscal 1967, $2,215,341,419. For the Reserve components they will have $81,104,011.

Now available for expenditure in fiscal 1967 after this appropriation is passed will be $3,076,271,330, Army, Navy, Air Force, and defense agencies and for the reserve components $95,917,254.

I feel and others feel that this is just more money than we should have available to the Defense Department.

Most of it, $600 million, is frozen.

Therefore the intent of this amendment is simply to require that they use $300 million. We reduce the amount in this bill $300 million so that they can use it from their frozen money.

Now they have said, and it is going to be argued, that they have agreed in fiscal 1967 that they are going to use this money that was frozen in 1966. Well, we are already practically through the first quarter of fiscal 1967, and this has not taken place.

We are going to have a supplemental early in January on military construction. If we can add some of these deferred projects, as long as they need to be constructed, along with these, I think we will be doing a real service to our fighting men in our armed services.

That is what this is designed to do.

I do not want to mislead anybody here. This is not going to cut the expenditure budget a dime—well, it might at that if they break loose some of these deferred projects while the cost of construction stays where it is. The longer they defer them the higher the cost of construction goes. It has gone from 5 to 8 percent already since the 1966 appropriation, and that is over $30 million to do the same job that we could have done last year.

I do not think that this is good budgeting or good management. Therefore, I have offered this amendment in good faith for the simple purpose of jarring loose some of these deferred funds, and make them use it, rather than letting them have it lay around over in the Office of the Secretary of Defense.

I think this amendment is in the best interests of the military construction program and of our fighting men throughout the world. I know the chairman of the subcommittee is anxious to have these deferred projects go ahead. I realize there are some differences of opinion as to the method to do it. This is the method that we think will do the job.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SIKES. Mr. Chairman, this is the most amazing amendment that I think has been offered on the floor this year. This amendment, regardless of what may be said about it and for it, proposes a 30-percent reduction in the smallest military construction program we have had in years, and every one of these projects selected on the basis of its essentiality for defense effort.

The bill has already been cut by 10 percent, and I will guarantee that that is enough. In fact, it may be too much. But now to take another 30 percent just does not stand to reason.

I would like for you to think back for a few moments. By contrast to this proposal, which would end in about a 30-percent cut in military construction, including places for people in uniform to live and work while they get ready to fight the war in Vietnam for this country and for the free world, a while back we approved a budget for NASA, a $5 billion budget, and do you know how much we cut it? Sixty-two million dollars, a little more than 1 percent.

Now, space exploration is important, but I do not think it is as important as winning the war in Vietnam. I do not think it is as important as maintaining the defense of this country. You cut the NASA budget, the space budget, by 1 percent, and it is proposed that we cut this one by 40 percent.

Oh, surely, my friends cannot be serious with an amendment like this.

The gentleman has discussed at length the amount of funds available from prior year appropriations. This does not have a thing in the world to do with the current barebones program. All of the money previously appropriated is earmarked money.

It can be used only for the purposes spelled out in the bills which were then passed, unless permission for reprograming is given by Congress. This is no-year money. I know that. But it takes time to complete planning for the construction of individual projects.

Do you know that of this $1 billion—the smallest military construction program we have had in years—$511 million is for operation and maintenance and for required debt payments? It is not for building new facilities, not for building airports, runways, housing, barracks, training facilities. It is for operation and maintenance that has got to be paid whether or not anything can be built. These are required obligations. They cannot be deferred.

There is only a half billion dollars in this bill for new construction, and if you take out $300 million, as this amendment proposes, you have left $200 million, almost nothing. One could say that we might just as well forget the year's work and tell the people in uniform that we have no real interest in providing the facilities they need.

I know my friend does not intend that interpretation. I know exactly what he is doing. He has participated in all the discussions on this bill. He is a very valued and able member of the committee.

This amendment would mean that after we have spent all year marching up the hill and developing the best military construction program we could under the limited funds available, we would now turn around and march right back down, in effect destroying our efforts for the year. It is just as simple as that.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. SIKES. Let me make one further comment and then I will yield. I would like to call your attention to the fact that I have a letter from Deputy Secretary of Defense Cyrus Vance dated September 13, 1966. It is a long letter, and I shall not attempt to read all of it. In it he spells out again the essentiality of all the deferred projects.

He says they plan to build them as soon as they can. He spells out the essentiality of all the projects contained in the bill, and finally he says:

> May I urge your support in overriding any move to reduce fiscal 1967 military construction appropriations because of fiscal 1966 deferrals.

Mr. WAGGONNER. Mr. Chairman, I ask unanimous consent that the gentleman from Florida [Mr. SIKES] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my friend from Michigan [Mr. CEDERBERG].

Mr. CEDERBERG. Mr. Chairman, certainly there is no difference in intent between the committee and myself. I feel this is a barebones military construction program. As a matter of fact, I do not believe it does enough, but, as the gentleman was talking about walking up and down the hill, we walked up the hill with the 1966 appropriation, and then the Defense Department froze it. We went up the hill and down the hill, and here we are again.

All I am trying to do is the best I know how to free the military construction funds, which are now frozen. If the gentleman knows any other way, I am perfectly willing to try it. I find nothing earmarked in the bill. The bill states, for example, "available until expended, $146 million." All of our bills say the same thing. I say they have money in the Defense Department which we ought to jar loose and unfreeze for these projects.

Mr. SIKES. I want it done, too. If anyone can tell me how it can be done I would appreciate it. I will join in mandatory language, if we can make it stick. I want it done. I want every project built that we have funded previously, that has been deferred and that is needed. I want the projects in this bill constructed. I feel, however, that if we adopt this amendment we are simply destroying this bill in a futile gesture, which will have no effect in forcing the Defense Department to do something it does not want to do.

I appreciate the contributions of my friend from Michigan. He is one of the ablest Members of the House. Certainly he has rendered yeoman service year after year in this program. I cannot understand how he would be found offering an amendment that in reality could destroy the year's work and jeopardize our chances to have even this barebones program for the next fiscal year.

Mr. CEDERBERG. Will the gentleman yield further?

Mr. SIKES. Yes, of course, I yield to the gentleman.

Mr. CEDERBERG. This amendment should pass. I am not suffering under too many illusions, but they will find this money and unfreeze it very quickly in the Defense Department. This is the quickest way I know to get this money unfrozen. They are going to build these projects. They have plenty of money to do it. I am tired of having a mockery made of the appropriation process, of appropriating in 1966, and having them freeze money, and then having them come back here.

Mr. SIKES. I am too. But this is not the way to accomplish that. All of these funds and projects to me represent a hard core part of the 1967 defense program. The President's budget has scheduled these for obligation. The Department of Defense has time and again reconfirmed to the committee the military necessity for all of these projects. These projects have valid military requirements. They must be built. The only people we will hurt, if we take the money away from them, are those who are in uniform, the military personnel and their families.

I am sure my good friend will agree with me that construction has already been delayed longer than it should have been. We should not withhold construction further, particularly during a time when a war is going on.

I hope the amendment will be rejected.

Mr. CEDERBERG. I agree these projects are valid, but they are so valid that the Defense Department will not be building them. They just want the money to stay there.

Mr. SIKES. I trust my good friend will join with me in trying to find a better way than what he says his amendment will accomplish. It will not do the job.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. SIKES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ULLMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17637) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MORTON

Mr. MORTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MORTON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. MORTON moves to recommit the bill to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendment: On page 8, beginning on line 8, insert a new paragraph to read:
>
> "SEC. 112. Appropriations made by this Act shall be reduced in an amount of not less than $300,000,000 through the apportionment process as prescribed by law (31 U.S.C. 665)."
>
> And change section 112 to section 113.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 346, nays 3, not voting 83, as follows:

[Roll No. 284]

YEAS—346

Adair
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Ayres
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Bolling
Bolton
Bow
Brademas
Bray
Brooks
Broomfield
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Callaway
Cameron
Carey
Carter
Casey
Cederberg
Chamberlain
Chelf
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conte
Cooley
Corbett
Craley
Cramer
Culver
Cunningham
Curtis
Daddario
Dague
Daniels
Davis, Wis.
Dawson
de la Garza
Delaney
Denton
Derwinski
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edwards, Ala.
Edwards, La.
Ellsworth
Everett
Evins, Tenn.
Farnum
Fascell
Feighan
Findley
Fino
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Gross
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hays
Hechler
Henderson
Herlong
Holifield
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Kupferman
Laird
Langen
Latta
Leggett
Lennon
Lipscomb
Love
McCarthy
McClory
McCulloch
McDade

McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Mahon
Mailliard
Marsh
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Meeds
Michel
Miller
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Philbin

Pickle
Pike
Pirnie
Poage
Poff
Pool
Powell
Price
Pucinski
Purcell
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Rumsfeld
Ryan
Satterfield
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Shipley
Shriver
Sikes
Skubitz
Slack

Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Tuck
Tunney
Tupper
Ullman
Utt
Vanik
Vigorito
Vivian
Waggonner
Waldie
Watkins
Watson
Watts
Whalley
White, Tex.
Whitener
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—3

Brown, Calif.
Long, Md.
Morton

NOT VOTING—83

Abbitt
Abernethy
Albert
Andrews, Glenn
Aspinall
Boland
Brock
Celler
Clancy
Colmer
Conable
Conyers
Corman
Curtin
Davis, Ga.
Dent
Devine
Dickinson
Diggs
Dorn
Edmondson
Edwards, Calif.
Erlenborn
Evans, Colo.
Fallon
Farbstein
Farnsley

Fisher
Flynt
Fogarty
Friedel
Gallagher
Garmatz
Hagan, Ga.
Hansen, Idaho
Hawkins
Hébert
Helstoski
Hicks
Holland
Horton
Jones, N.C.
Karth
King, N.Y.
Landrum
Long, La.
McMillan
Madden
Martin, Ala.
Martin, Mass.
Mills
Morris
Morrison
Multer
Murray

O'Konski
O'Neill, Mass.
Pelly
Quie
Rees
Reinecke
Resnick
Rogers, Tex.
Roncalio
Roybal
St Germain
Senner
Sickles
Sisk
Stephens
Stratton
Tenzer
Todd
Toll
Trimble
Tuten
Udall
Van Deerlin
Walker, Miss.
Walker, N. Mex.
Weltner
White, Idaho
Willis

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. King of New York.

Mr. O'Neill of Massachusetts with Mr. Martin of Massachusetts.

Mr. Fogarty with Mr. O'Konski.

Mr. Celler with Mr. Curtin.

Mr. Hagan of Georgia with Mr. Glenn Andrews.

Mr. Davis of Georgia with Mr. Walker of Mississippi.

Mr. St Germain with Mr. Brock.

Mr. Boland with Mr. Conable.

Mr. Hicks with Mr. Quie.

Mr. Abernethy with Mr. Dickinson.

Mr. Colmer with Mr. Martin of Alabama.

Mr. Garmatz with Mr. Devine.

Mr. Friedel with Mr. Pelly.

Mr. Fallon with Mr. Horton.

Mr. Farbstein with Mr. Reinecke.

Mr. Sickles with Mr. Hansen of Idaho.

Mr. Sisk with Mr. Erlenborn.

Mr. Morrison with Mr Clancy.

Mr. Rees with Mr. Diggs.

Mr. Evans of Colorado with Mr. Conyers.

Mr. Roncalio with Mr. Madden.

Mr. Roybal with Mr. Long of Louisiana.

Mr. Resnick with Mr. Landrum.

Mr. Stratton with Mr. Helstoski.

Mr. White of Idaho with Mr. Holland.

Mr. Hawkins with Mr. Senner.

Mr. Morris with Mr. Todd.

Mr. Multer with Mr. Tuten.

Mr. Albert with Mr. Tenzer.

Mr. Stephens with Mr. Walker of New Mexico.

Mr. Karth with Mr. Willis.

Mr. Trimble with Mr. Dorn.

Mr. Van Deerlin with Mr. Abbitt.

Mr. Weltner with Mr. Corman.

Mr. Gallagher with Mr. McMillan.

Mr. Rogers of Texas with Mr. Murray.

Mr. Dent with Mr. Edwards of California.

Mr. Flynt with Mr. Farnsley.

Mr. Mills with Mr. Fisher.

Mr. Aspinall with Mr. Edmondson.

Mr. Jones of North Carolina with Mr. Udall.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their own remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OF NATIONAL SCHOOL LUNCH ACT

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3467) to amend the National School Lunch Act, as amended, to strengthen and expand food service programs for children, with the House amendment thereto, insist on the amendment of the House, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and appoints the following conferees: Messrs. COOLEY, POAGE, GATHINGS, HAGEN of California, PURCELL, BELCHER, QUIE, and Mrs. MAY.

ANTIRIOT ACT

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, as a former district attorney in Mississippi, one willing to match my record for the fair discharge of my obligations as an officer with that of anyone, I deplore what has happened in my city of Grenada. I have no personal knowledge of what happened yesterday and the day before in one of the finest small cities in the country, Grenada, Miss., which is so close by as to be like my hometown.

Mr. Speaker, I do know that for months now outside agitators, with the acquiescence if not the approval of the U.S. Department of Justice, have been doing everything they could think of to bring about riot and bloodshed. They have stood in the public square, hurling epithets, screaming filthy and obscene language, with representatives of the Department of Justice in the area and almost in the position of supervising these efforts to incite to riot. I have pointed out this situation on several occasions.

NONVIOLENCE TAKES MORE THAN WORDS

Saying the word "nonviolence" while acting in a manner and in concert with other actions on the part of the speaker or his associates, the logical and easy to anticipate results of which are to incite violence, you know and I know is to incite violence. Yet that is what has occurred regularly.

I join with Senator BYRD, of Virginia, in suggesting that it is time the Attorney General resigned. From the day when Chief Justice Warren, former Republican Governor of California, and his associates on the Supreme Court changed all the prior decisions of the judges who preceded him, and President Eisenhower backed him up with troops and bayonets, we have seen the Supreme Court render decision after decision supposedly protecting individuals but actually tying the hands of the police and local law enforcement officers, and permitting or releasing criminals upon a defenseless public—again with the support and, at times, on what amounts to petition of the Attorney General. I have addressed myself to this matter on several occasions, the last time on August 18, page 19965 of the CONGRESSIONAL RECORD:

ANTIRIOT ACT

Mr. WHITTEN. Mr. Speaker, the one action which we have taken in quite a long time which could be a start toward a return of law and order was the anti-riot amendment, for which I made the concluding oral argument on the floor, section 502, of the so-called Civil Rights Act of 1966, page 18470, CONGRESSIONAL RECORD of August 8, 1966.

This amendment, offered by the gentleman from Florida [Mr. CRAMER], provides:

" 'PROTECTION OF RIGHTS

" 'SEC. 502. Whoever moves or travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to—

" '(1) incite, promote, encourage, or carry on, or facilitate the incitement, promotion, encouragement, or carrying on of, a riot or other violent civil disturbance; or

" '(2) commit any crime of violence, arson, bombing, or other act which is a felony or high misdemeanor under Federal or State law, in furtherance of, or during commission of, any act specified in paragraph (1); or

" '(3) assist, encourage, or instruct any person to commit or perform any act specified in paragraphs (1) and (2);

and thereafter performs or attempts to perform any act specified in paragraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned not more than five years, or both.'

"And renumber the following section accordingly."

Mr. Speaker, the chief significance of the adoption of this amendment is that it shows that the Members of this House are at last showing some signs that they realize this Nation is about to be destroyed unless we restore law and order.

This provision is a sound one. I hope the Senate will adopt it as separate legislation. Under the administration of the present Attorney General, however, I doubt that much would be done to enforce its provisions. Actually if the Federal authorities would let law enforcement function, no such statute would be needed, for, Mr. Speaker, the various States, including my own State of Mississippi, have statutes against rioting or inciting to riot. Our local law-enforcement officers could maintain order now under State law, if the Department of Justice and other Federal authorities would allow the local courts to function; if they would accept the facts, easily proven, and known to the people of the Nation, which are that professional agitators are busy stirring up strife, doing everything they can to cause riots. They say nonviolence while doing exactly that which leads to violence. To promote violence is not peaceful, but must be accepted as overt acts toward inciting a riot.

For many weeks now the people of one of the fine towns or cities in my district, Grenada, almost like a home to me, since I grew up about 14 miles from there, have been the target of almost every kind of inflammatory action, of vile language, of epithets, the natural result of which would lead to fights, bloodshed, and property damage.

* * * * *

Similar but worse situations have happened and are happening all over the United States—Cleveland, Omaha, Providence, Brooklyn, Amityville, New York, and many, many others, including, of course, Chicago, which has been in the forefront of the news—for repeated outbreaks have been the order of the day and night. The Nation now sees this is far more than a southern problem.

Mr. Speaker, my town of Grenada has many fine people, sound people, and I know has excellent legal and other leadership; and, not being able to be on the ground regularly I have hesitated to advise. Now, however, I believe the time has come where the people of the Nation realize that cities, counties, and other political subdivisions must be permitted to seek and secure restraining orders against all persons known to have gone from place to place to stir up hatred, prejudice, while attempting to wreck the local economy—particularly where they have incited riots on a small if not a large scale at other points.

Mr. Speaker, I spoke on the so-called Civil Rights Act of 1966 on July 25, July 29, August 2, and August 4, pointing out its fallacies and detailing just what we in the South have been up against for quite a long time: violence which has now spread to all sections of the country. What we need is to get the Federal Government to leave local law officers alone to discharge their duties, for law enforcement is a local and not a national responsibility—one for which the Nation is not prepared. We need to let our municipalities go into the courts and obtain court assistance to keep the peace by restraining orders.

If this had been permitted in Grenada, the events of the last few days need not have occurred.

Mr. Speaker, what we have is a breakdown in law and order which will get worse unless those charged with the responsibility of keeping the peace, make full use of the policemen on the ground, backed up by the local courts, State and Federal. If we do not do that, we are in for chaos and all the excuses offered by the Attorney General or other officials would not change what we are in for.

I understand that such a restraining order against these would-be marchers, these people who do everything to incite riots while talking nonviolence, has been issued in one section of Chicago. That Mr. Speaker, is what we need to be permitted to do in my town of Grenada where the people have had to put up with every rotten thing possible, filthy language, insults, lawsuits, and everything else—as part of an effort to wreck overall economy of Negro and white. Mr. Speaker, this is but a move toward anarchy. Federal authorities must move back and let law enforcement, in Grenada and across the Nation, function if we are to handle the situation.

In debate on the so-called Civil Rights Act of 1966, I pointed out in some detail that what we have is a breakdown in law and order. One of my speeches on the subject was the basis of an editorial by the Mobile Register, which I quote here:

"TIME TO WAKE UP AND QUIT FIDDLING

"Some things said in Congress the other day by Representative JAMIE L. WHITTEN of Mississippi were remindful of that familiar phrase about fiddling while Rome burns.

" 'The American people,' he said, 'have had enough of trials being delayed, the guilty going free on technicalities, property being destroyed, our police being pushed around.

" 'They have a right to expect us to do something to restore law and order, for involved is the destruction of responsible government.

" 'Here we are with the greatest wave of lawlessness facing our country all across the land, and yet the Congress, which should take to heart its own responsibility, is busy spending days and days protecting the rights of the irresponsible to serve on juries. Now, is that not a ridiculous thing for us to do, when we should be busy trying to make punishment for crime more certain?'

"Mr. WHITTEN, continuing to emphasize the problem of lawlessness in the fact of inadequate effort to stamp it out, told his colleagues:

" 'We find in today's newspaper reports from at least eight or 10 states throughout the nation where on yesterday criminals were running wild, destroying lives and property.

" 'We see on every hand the court's getting away from the rule on which orderly government was built, a general rule to the effect that if the record clearly showed the guilt of the defendant beyond a reasonable doubt, he or she would not be released on the public on some technicality and particularly a technicality raised by the appellate or Supreme Court itself.

" '. . . It is said that Nero fiddled while Rome burned. It strikes me that is about what we are doing here.

" 'At a time when our country is becoming the victim of the criminal, when our wives and daughters and we ourselves are afraid to walk our streets, we find the Congress spending these hours and days trying to protect the rights of irresponsible persons to sit on a jury. . . .

" 'We need to do something about crime and criminals. We need to make punishment more certain. We need to put the rights of an orderly and lawabiding society ahead of the whims of the Supreme Court . . .

" 'It is time to wake up here and quit fiddling. Rome is certainly burning, and if you do not believe it, read today's newspapers.'

"There is a glaring misfortune in regard to remarks such as Mr. WHITTEN made in Congress in this instance. The misfortune is remarks of this kind are not made by enough members of Congress and enough other Americans.

"But no American with his eyes open should fail to see that it is time to wake up and quit fiddling.

"As a postscript to Mr. WHITTEN's remarks, we call attention to this excerpt from a Chicago dispatch at weekend by United Press International:

" 'Hoodlums broke windows in a suburban department store and stole 24 rifles and shotguns from displays after a rampage of violence during which a policeman was shot by a sniper.'

"More proof that the time has come in the United States to wake up and quit fiddling. Not only is it time to wake up and quit fiddling—the need for that is acute, urgent, imperative. The longer the delay, the greater and more alarming the danger.

"Why the delay—why the reluctance to take urgently needed action with courage, forthrightness and resolution? Two prime factors in why this action is not taken are: Stupidity and politics. The American people cannot afford the brands of stupidity and politics that leave them exposed to the violence and crime of the lawless."

Mr. Speaker, I repeat, there is only one way to save this country of ours and that is for the Attorney General, the Department of Justice, and the Federal courts to back up local law-enforcement officers, instead of nullifying their efforts. If some change is not soon made, you will have no policemen for no one would have the job. Conditions will border on that of the Middle Ages where it was every man for himself—and there was little for anyone.

That was on August 18. Today it is apparent that the Attorney General must move in on these agitators who create riots, who spent weeks building up to what we have seen happen all over the country. From statements made by the present Attorney General, it is apparent he will not do that. Again, I agree with Senator BYRD. We need an Attorney General who does not condone agitation and agitators, until violence erupts, and blood is shed, one who recognizes the right of local people to secure injunction to restrain agitators, not *merely in Chicago but in the small towns* of the South. His appeasement policy of offering up the South *to illiterate voters*, to the withholding of funds from schools by the Department of Education, under laws passed here by the joint action of Republican and Democratic leaders has failed.

Chaos threatens, not in my section, but in the cities of the Nation, and the powers that be refuse to recognize the fact.

THE STATE OF INDIANA IS NOW COOPERATING FULLY WITH THE FEDERAL GOVERNMENT IN PROJECTS FOR THE BENEFIT OF ITS PEOPLE

Mr. DENTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DENTON. Mr. Speaker, as you may well be aware the State of Indiana for many years adhered to a policy of not wanting, or accepting, any help from the Federal Government.

Because of this the Hoosier State suffered through many floods—without plans for flood control work. The people of Indiana were deprived of many other projects sponsored by the Federal Government, too, because each time those of us in Congress appealed for funds to help our State we were reminded of the State's attitude.

Today this has all changed. The State of Indiana is now cooperating fully with the Federal Government in projects for the benefit of its people.

I think that an editorial in the Corydon Democrat of August 24, 1966, puts forth quite succinctly the change that has taken place in the relationship of Indiana and the Federal Government.

I recommend this article for reading by my colleagues and include it here as an extension of my remarks:

Indiana Has Standing in Washington

Contrasted with the situation which prevailed in 1947 and for a number of years afterward, relations between the Indiana and Federal government are better. Both the bureaucracy and the Congress in Washington have shown their attitude toward Indiana greatly improved.

It was in 1947 that the Indiana General Assembly adopted a resolution which warned the Federal Congress, the President and the departments of government in the Nation's Capital saying that Indiana wanted no part of Federal funds and Federal projects.

Although funds for the land-grant colleges, including Purdue, and funds used in Indiana for a number of other well-accepted services had been coming from the Federal government for a number of years, the 1947 Indiana Legislature sent word to Washington that a majority of the Indiana legislators were opposed to the idea of using any more Federal government funds in Indiana. The resolution said that there is great danger in Federal control which inevitably comes with Federal funds.

A great many changes have occurred since that time. Possibly a majority of citizens of Indiana believed then, as the legislature's resolution stated, that Indiana should not accept the Federal money.

The 1961 session of Indiana's General Assembly adopted a new resolution pointing-out that Indiana, like most other states, does want to cooperate and paraticipate in federal-state programs.

During the years between 1947 and 1961 Indiana citizens, including Indiana's members of the National House of Representatives and the United States Senate were reminded of the 1947 resolution. The relations between the Indiana government and the United States government were not good; they left much to be desired. During the years of the Eisenhower administration while Indiana had Senators Capehart and Jenner in the U.S. Senate, nine Republican Congressmen and only two Democratic Congressmen—Denton and Madden—Indiana was almost completely "left out in the cold". The poor relations between the State of Indiana and the United States government cost the citizens of Indiana many losses in projects in which the busineses of the Hoosier State should have participated.

The change from a situation of strained relations to a situation of cooperation has taken time. But a lot of good progress has been made.

George Gettinger, liaison man and expediter in the Indiana office in Washington reports that bureaucrats as well as elected officials are taking a friendly attitude toward Indiana. Mr. Gettinger was in Croydon Aug. 12 and 13. During his fifteen months in Washington as a representative of Indiana business and industry, Mr. Gettinger has found that Indiana Senators Hartke and Bayh and all of the State's eleven Congressmen, both Republicans and Democrats, recently have been getting cordial acceptance in most of the offices of the Federal government.

This is of value to citizens all along the line. Those who receive government contracts prosper, and in bringing more business to Indiana other citizens also indirectly are benefitted. Mr. Gettinger says that now "the climate is good" for Indiana in Washington. We all hope that it may be kept that way and new friendships and contacts made.

DEMOCRATIC PLATFORM OF ILLINOIS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, under permission granted to extend my remarks at this point in the Record, I include the text of the dynamic and challenging platform of the Democratic Party of Illinois adopted at the Democratic State Convention in Chicago on September 9, 1966:

Platform—The Democratic Party of Illinois 1966: Statement of Principles

Throughout its history the guideposts of the Democratic Party have been to meet the challenges of the present and the future and not to be deterred from positive action by the shadows of the past.

The Democratic Party of Illinois can be proud of its leadership in converting promises into reality . . . of never being satisfied with the status quo . . . of facing courageously up to the problems of changing times.

Without regard to expediency it has served the needs of all citizens . . . of every race, creed, color, and national origin . . . of every economic status and occupation.

The Democratic Party of Illinois supports the world policy of President Lyndon B. Johnson that the security of this nation and its Constitutional guarantees of freedom cannot be isolated from the forces of tyranny and communism which would engulf the world. The battlefields of Viet Nam may be thousands of miles away, but world peace affects every family. The great issues there being contested directly concern the future of us all.

It is for the future as well as the present that the Democratic Party has expanded economic opportunities . . . defended individual freedoms . . . led the cause of labor . . . advanced community welfare . . . and broadened educational opportunities.

We believe in the victory of peace . . . and the triumph of understanding. Working together as true Democrats, as a party united by our faith in the people and inspired by their faith in us, we shall continue to strive for the goal set by President Lyndon B. Johnson . . . the Great Society.

ECONOMIC DEVELOPMENT

The Democratic Party is proud of the assistance and leadership which Governor Kerner's new Department of Business and Economic Development has provided to the communities throughout the State in planning their urban growth and industrial development.

Under Democratic leadership tens of thousands of new job opportunities have been created—many in the State's previously industrially deprived areas. The Governor's program to attract new and retain existing industries is of vital importance to the economy of our State.

All of the citizens of our State benefit directly from Illinois' leading position in international trade. The economy of Illinois has also benefitted because of Governor Kerner's programs in the field of tourism. The promotion of the State's natural, cultural, and historical assets has not only provided thousands of visitors with enriching experiences, but has contributed directly to increasing employment and the strengthening of our economy.

RULE OF LAW

The Democratic Party endorses the concept that it is only through the respect for law that justice for all can be attained in a civilized society.

The Democratic Party is proud of the leadership and courage which has been symbolized by Mayor Richard J. Daley in his determined effort to preserve law and order within the City of Chicago, while at the same time protecting the constitutional rights of all citizens.

We pledge our untiring efforts to oppose the extreme tractics of such organizations as the Communist Party, Nazi Party, the Ku Klux Klan and the John Birch Society, which under the guise of freedom and patriotism seek to destroy the rights and liberties guaranteed to the individual under the United States Constitution.

ANTICRIME MEASURES

The Democratic Party of Illinois pledges to support legislation which is needed to aid law enforcement agencies in their fight against crime.

The Democratic Party of Illinois points with pride to the record of achievement resulting from the efforts of the Mayor's Committee on Anticrime Measures. Unprecedented advances have been made such as making syndicate gambling a major crime; affording immunity to grand jury witnesses and requiring their testimony; increasing the term of the grand jury to alow more effective probes of organized crime; making it a major crime to harass or intimidate witnesses and jurors; increasing the penalty for conspiracy and intimidation (juice racket).

We pledge to continue our efforts to secure the enactment of a court supervised wiretapping law with sufficient safeguards to protect the rights of individual private citizens.

We will continue to support the Illinois Crime Commission and other governmental agencies in their fight against organized crime.

GUN CONTROL

Possession of guns by irresponsible individuals presents a most significant threat to the safety of all the citizens. For too long a time this menace to law-abiding citizens has remained unregulated and unchecked. Recent events throughout the country have demonstrated the tragic consequences which result from the uncontrolled, unlicensed, unrestricted opportunity to purchase and possess firearms. The Democratic Party of Illinois believes an effective legislation must be enacted to license and regulate the purchase and possession of guns. We pledge ourselves to work toward a meaningful program of firearms control in the State and Nation.

SCHOOLS

Recognizing that the greatest resource of any state is its youth, the Democratic Party believes in providing the best possible education for the children of Illinois.

The Democratic Party supports the expansion of elementary and high school, junior college, and university facilities, faculties and curricula, to meet the great increase in student enrollment that will take place in the coming years.

We support the provision of greater educational opportunities for pre-school children, adolescents and adults, including the development of opportunities for vocational, technical and trade education for all youth and adults; the extension and enrichment of instructional and counseling services to students with special needs; and the extension of higher education with appropriate consideration for development of community colleges, as well as public and private colleges and universities. We favor the maximum use of existing non-public colleges and universities through an extension of the present state scholarship program. We support the free choice principle for all state scholarships or their equivalent.

We believe in the maintenance of local control of schools by helping local school systems build stronger programs and by responsible fulfillment of individual roles in the local-state-federal partnership.

We believe that the quality of instruction is improved by maintaining high standards for teachers, through the betterment of teacher working conditions and welfare, and by assisting the teacher to fulfill his responsibility for open inquiry in the pursuit of knowledge.

We hold the welfare of the youth of Illinois to be of such great importance that we favor the creation of a State Board of Education and the appointment of the State Superintendent of Public Instruction so that the making of educational policy will be placed in the hands of the people, the professional level of educational administration at the state level will be raised.

We commend Governor Otto Kerner for his leadership in the field of education, and for the fact that under his administration the state of Illinois, for the first time in history, devotes a greater share of its budget to education than for any other purpose.

We commend Governor Kerner's establishment of a Board of Higher Education and pledge our continued support of his programs for gifted children, vocational training and a tutoring corps for drop-outs.

After a decade of unjustifiable opposition by Republican leadership, the children of Chicago were granted the same transportation aid from the State which for years had been given to all other children within the State. We urge the General Assembly to continue this program of equality of treatment for all the school children in Illinois.

RECREATION

With the growth of population and the expansion of urbanization, there is a vital need for the greatest opportunity for recreational and leisure time activities.

The Democratic Party will continue to expand and intensify the program of acquiring open space and preserving recreational resources in the communities and throughout the state for future generations.

There is urgent need for immediate acquisition of recreational areas if we are to provide for the present and future recreational needs for our citizens.

HIGHWAY SAFETY

We deplore the needless loss of lives resulting from traffic fatalities.

The Democratic Party urges legislation which will create higher safety standards for all vehicles to accompany the program of driver education and strict obedience to traffic regulations. We laud the efforts of President Lyndon Johnson, Secretary of State Powell, the Governor's Traffic Safety Committee, as well as local efforts, to bring about meaningful recommendations related to ways and means of coping with this vital problem.

SENIOR CITIZENS

We believe that every American is entitled to enjoy his later years in the comfort and dignity which his contribution to America's progress and development merits.

We pledge to continue programs providing for expanded housing, health, vocational and recreational services for our senior citizens. We favor improved programs for physical rehabilitation and intensified medical research specializing in geriatrics.

We commend the programs pioneered by Mayor Daley and the City of Chicago, in cooperation with the Federal government, in providing low and moderate income housing to meet the special needs of senior citizens and the programs of guidance and recreational services which have been instituted and urge their expansion.

HEALTH AND MEDICARE

The Democratic Party takes pride in the passage and implementation of medical care for the aged under Social Security. We salute Senator PAUL DOUGLAS for his long and valiant fight for Medicare on behalf of the senior citizens of the nation to whom the adoption of this program means so much. The achievement of this long-time Democratic program now guarantees for all our citizens low-cost hospital and nursing care in their old age.

The Democratic Party recognizes the significant achievements of a national administration in providing assistance for hospital expansion, medical training and programs of research.

MENTAL HEALTH

The Democratic Party has provided outstanding leadership at state and local levels in the field of mental health. The development of community in-patient and out-patient clinics throughout the state bring mental health services closer to the people, thereby providing earlier treatment for the mentally ill and the mentally retarded. We pledge to continue our efforts to meet the critical need for more trained personnel in all of the varied health programs now being carried on throughout the state.

HOME RULE

The Democratic Party of Illinois believes that local government is best administered by those officials who are elected specifically to manage local affairs and who are directly responsible to the people affected by their administration.

Adequate police and fire protection in all of the cities of Illinois demands additional personnel and the payment of sufficient wages to attract competent and dedicated persons to this important governmental career.

We recommend the adoption of legislation which will give to local municipal officials the authority to raise necessary revenues to carry out their responsibilities in the areas of police and fire as well as other governmental services.

MILITARY PREFERENCE

The Democratic Party believes that those brave young Americans fighting against Communism and for freedom in Viet Nam deserve the same preference in government employment, which has been given to valiant Americans who have fought in previous military conflicts. We urge the enactment of legislation which will provide for this preferential treatment in hiring veterans of the Viet Nam conflict.

REVENUE

The Democratic Party of Illinois supports the adoption of the Revenue Article which will provide for a more equitable treatment of the small homeowner and taxpayer by permitting the classification of property for tax purposes.

The Democratic Party recognizes that to achieve a tax structure which will be equitable to all segments of our economy requires further study and action by the State Legislature.

We urge the General Assembly to give high priority to the needs of local governments for additional powers to raise revenues for local government services.

The Democratic Party of Illinois opposes a State income tax.

LABOR

The Democratic Party takes great pride in the strength of the economy which currently provides a measure of employment never before experienced in the history of our country.

The Democratic Party of Illinois favors the establishment of a State minimum wage law. We urge the adoption of pending legislation in the Congress of the United States to broaden the coverage of the Federal minimum wage law and to increase the minimum wage.

We oppose the so-called "right-to-work" legislation and any other measures designed to destroy effective representation of workers through their unions.

The Democratic Party supports the principle of collective bargaining agreements for governmental employees, provided that there be proper safeguards prohibiting the right to strike against government.

We support the principle of equal pay for equal work—regardless of sex.

We commend business, labor and all elements of the community for their efforts in meeting the challenge of automation and the advances of science and technology in such a manner that the benefits of the new technology will be enjoyed in an economy where unemployment is at its all-time low.

We commend the leadership of the Democratic Party for encouraging voluntary efforts to achieve merit employment by private industry in an atmosphere of understanding, mutual cooperation, and genuine and sincere commitment. We commend the leaders of both business and labor for their participation in this endeavor.

HUMAN RIGHTS

The Democratic Party pays tribute to the leadership of President Lyndon B. Johnson, Senator PAUL H. DOUGLAS and the Democratic Members of the Congress for the foresight and leadership involved in securing the passage of the Civil Rights Acts of 1964 and 1965—significant steps forward in achieving equality of citizenship for all Americans. We urge the Congress to adopt the pending Civil Rights Act of 1966. The Democratic Party takes great pride in the enactment, after years of a hard fought struggle against the reactionary thinking of the Republican Party, of a Fair Employment Practices Act. The Democratic Party pledges itself to work for the strengthening of this law by expanding its coverage to provide equal employment opportunities for all people, and to broaden the powers of the Commission to include the right to initiate action against discrimination wherever it is found.

The Democratic Party takes pride in the leadership of Governor Kerner and Mayor Daley in their efforts to secure a fair housing market by the regulation of the real estate industry in the City of Chicago and throughout the State of Illinois.

The Democratic Party pledges to continue its efforts to secure for all people regardless of race, creed or national origin, equal opportunities in employment, schools, hospitals, housing and public accommodations.

The Democratic Party of Illinois endorses the farsighted program initiated under the leadership of outstanding religious, business, labor, civic, community and civil rights leaders who, in conjunction with Mayor Richard J. Daley and other political leaders, will seek to end the unscrupulous practice of exploiting racial change for profit through blockbusting and panic tactics. We support the effort to substitute therefor, through competent and conscientious top level personnel, a program of education, and opportunity so that all persons in the entire metropolitan area will have opportunities to obtain housing of their choice within their economic means without artificial barriers. The program which is receiving steady approval throughout the country is a significant development under Democratic leadership in Illinois.

PROTECTION OF THE CONSUMER

The Democratic Party of Illinois charges the Republican Party with wilful disregard for the plight of the thousands of victims of unprincipled merchants who have brazenly exploited and victimized them through unscrupulous credit practices and inferior merchandise. We commend the Democratic leadership of the House and Senate of Illinois for their efforts in studying the problems involved in consumer sales and credit transactions, and for the comprehensive program which they proposed during the 1965 Session of the General Assembly in an effort to cure these ills. We pledge to renew our high priority for a legislative program designed to curb abuses in this area and secure fair and equitable credit laws for the State of Illinois.

The life savings, security and protection of thousands of our citizens are dependent upon the soundness and stability of insurance companies and savings and loan associations. To expand the protection given to the public in Illinois, the Democratic Party urges the adoption of legislation which will protect all citizens against the result of possible insolvency and liquidation. We will once again urge the enactment of legislation which will provide for more adequate personnel to guarantee needed supervision and auditing of the insurance and banking industry in Illinois.

MASS TRANSPORTATION

Expansion and improvement of our mass transportation systems is vital to the economy and well being of our cities and state. We commend the efforts of the Federal government in providing financial assistance for the construction of mass transit facilities. We urge both the State and Federal governments to aid the improvement of this essential service.

AGRICULTURE

The Democratic Party is proud of its efforts, with the leadership of Governor Otto Kerner and his outstanding administration in bringing Illinois up to/and in keeping Illinois the number one agricultural export state in the nation.

The Democratic Party realizes that in this latter half of the 20th century the organizational concept of agriculture—production on land—is now only one segment of the entire vast industry. The original concept of agriculture goes far beyond the concern with production of food and fiber. Today it must include production, processing, distribution, utilization and consumption. The operation of each segment of this system requires high degrees of technical skill, involves employment of vast numbers of people and directly affects the total economic stability of our state as well as our great nation.

The Democratic Party, above all, stresses upon the consuming public the vast ever-expanding importance of its agriculture assets to Illinois in total economy and more specifically, to every individual's standard of living.

We urge the enactment of legislation to concentrate upon improving quality control programs, such as livestock disease control, grain inspection, feeds, fertilizers and standards, and to develop further expansion of markets, both at home and abroad, so that the Illinois farmer may share in this abundance and our prosperous economy.

In conclusion, the Democratic Party realizes the importance of the Port of Chicago, the largest inland seaport, urges no increase of tolls on the St. Lawrence Seaway, and requests that the subject of eventual elimination of tolls be considered as in the international interest of this great seaway.

AIR AND WATER POLLUTION

The welfare of our citizens is dependent upon the cleanliness of our air and the purity of our water. Illinois has taken the commanding position in adopting regulatory legislation in the fields of air and water pollution control. We compliment the City of Chicago under the leadership of Mayor Richard J. Daley for its model ordinances in these vital fields.

The Democratic Party of Illinois pledges its full support to Federal and State programs of instituting the highest standards of protection and most rigid control of pollution of our air and water.

ANNUAL SESSIONS

The Democratic Party of Illinois favors annual sessions of the legislature. At a time when the needs of a great and growing state are pressing for solution we can no longer continue with a system so hopelessly out of date.

CONSTITUTIONAL CONVENTION

The Democratic Party renews its support of a resolution calling for a Constitutional Convention. We do not believe the rigid structure and cumbersome detail of a document almost 100 years old are suitable for today's needs.

SHERIFFS AND COUNTY TREASURERS

The Democratic Party of Illinois urges the adoption of the Constitutional Amendment which will allow sheriffs and county treasurers to succeed themselves.

BANKING ACT

The Democratic Party urges approval of the changes in the Banking Act which are to be voted upon in the election to be held November 8th.

LEGISLATIVE REFERENCE SERVICE—RESEARCH ARM OF THE CONGRESS

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, the determination of Congress to strengthen its research arm—the Legislative Reference Service—is evident in recent actions taken by the House and Senate Appropriations Committees as well as by the Joint Committee on the Organization of the Congress. Recognition by the Members of the present and potential value of the Legislative Reference Service in meeting their research requirements is also evident in the increased appropriations for fiscal 1967, an amount which will permit the employment of some 35 additional researchers. It is clear from the history of the Legislative Branch Appropriations for 1967 that the Legislative Reference Service is widely regarded as performing a valuable role in the legislative process, one which should be strongly supported so that requests for research and analysis or for reference work can be handled promptly and efficiently.

One can almost say that Congress "paused for station identification" before taking the recent positive actions with regard to its research organization—the Legislative Reference Service. We did not have to pause too long before finding in the past those guiding principles set forth in the Legislative Reorganization Act of 1946. Nor did we pause too long before deciding that after 20 years we needed to expand our guiding directives in the light of past and present experience, and particularly as we looked toward the future when Congress—its Members and committees—would face ever-increasing demands for research assistance on complex problems involving the welfare and survival of our country.

Congress improved its staffing by the 1946 act. Within the Legislative Reference Service research specialists were employed so that Members and committees would have the same caliber of research and analysis available to the executive branch. It was recognized that Congress needed objective, unbiased research reports from independent experts. As time went on, our problems seemed to grow more complex, both at home and abroad. And the workload of every office increased with the demand from our constituents for more information from the Government. The impact of this situation upon the Legislative Reference Service was studied by the Joint Committee on the Organization of the Congress with the result that new directives have been written and guidelines for the future have been spelled out in greater detail than in the past.

The Joint Committee has recommended that the Legislative Reference Service be called the Legislative Research Service so that the primary role and mission of the organization will be highlighted. A reference division was recommended to handle routine reference inquiries, and it is heartening to realize that the fiscal year 1967 appropriations will help in the implementation of this proposal. The idea was advanced that temporary consultants could be employed to augment the regular staff, and a recommendation was made whereby the Librarian and the Joint Committee on the Library could authorize the employment of specialists and senior specialists in subjects of concern to the Congress. It has also been considered desirable that the relationships between the Legislative Reference Service and the committees of Congress shall be increased. It must be remembered that when Legislative Reference Service research specialists work with the committee staffs when requested, the result is the development of more staff expertise for all the committee members of the House and Senate.

When I first came to Washington as a new Member of the House, I was happy to learn that Congress had established its own independent, unbiased research organization and that I could call upon the staff members to assist with my congressional workload. Through the years of my service in the House, I have found the Legislative Reference Service indispensable. The Legislative Reference Service has a great potentiality for developing an increasingly significant role in the legislative process, and I hope that the Congress will continue to support and strengthen the role and mission of its own research organization.

WELCOME TO THE NEW YORK WORLD JOURNAL TRIBUNE

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, out of the ashes of three of New York's great newspapers, a brand new newspaper has arisen. While I may not be the first to announce its birth, it seems appropriate to pronounce its promise.

At 10 a.m., Monday morning, the New York World Journal Tribune was born.

To New York newspaper readers, characteristics of the three newspapers which it replaces were evident at once. Jim Bishop and Bob Considine from the Journal American were on hand for the opening issue, where the general layout and bold headline style of the World Telegram and Sun gave the paper a familiar appearance. In addition, the paper was graced by Jimmy Breslin, Dick Schaap, Joseph Alsop, Art Buchwald, and Evans and Novak, and the immensely readable typeface of the Herald Tribune.

Of course, the leadoff editorial assured readers that the new paper is "not a layer cake of different flavors," but rather "has a savor all its own." Happily, the flavor of the Herald Tribune remains. Jimmy Breslin's description of his "Night at the New Met" was sprawled across the full width of the top of page 1, telling New York readers once again what the people of their own town are really like, how they talk and how they act.

Splashed across the bottom of page 1, Dick Schaap told his townfolk "What Happened in Fun City?" in a characteristically irreverent and witty account of the activities of the city's new mayor.

With men like Breslin, Schaap, and Victor Riesel up front, and fellows like Art Buchwald and Carl Rowan near the back, the World Journal Tribune promises to be provocative and amusing. The only question outstanding is whether it will be responsive to the needs of the great city it will serve. Will its reporters really dig for news; will its editorial stance be truly constructive? For now that New York has but four daily newspapers, the responsibility of each is immense.

In its lead editorial the paper promised that "we have no commitments to any party, group, or special interest." "In news and comment," it stated, "we intend to be vigorous without being self-righteous, aggressive without being offensive, alert without being cynical." If it is as good as its word, it will be good indeed.

So it is with pride and great expectation that I congratulate New York on the birth of its new newspaper, and the new paper on its delayed arrival.

Mr. Speaker, for the edification and amusement of my colleagues, I am inserting in the Record the first lead editorial of the World Journal Tribune, along with the stories by Jimmy Breslin and Dick Schaap, and an article describing the paper's debut. The articles, which all appear in the September 12 issue of the newspaper, follow:

[From the World Journal Tribune, Sept. 12, 1966]

Vol. 1, No. 1

The World Journal Tribune appears on the New York scene with the sincere hope that our public will be as happy to read us as we are to write for them.

This is a new newspaper. It combines the talents, the traditions and many of the features of three great publications. But it is not a layer cake of different flavors. It is a mixture in which the readers should be able to taste familiar ingredients, but which has a savor all its own. And we intend to make the whole greater than the sum of its parts.

As a new paper, we have no commitments to any party, group or special interest. The sole responsibility of the World Journal Tribune is to the community; the only person in a position to pass judgment upon us is the reader. We are a New York newspaper, which means that our prime concern is this city—and since New York is a global metropolis, our interests are world-wide.

As all of New York and most of the nation know, our initial publication was not achieved without great tribulation and loss. This is no occasion for discussing the strains of the past months. Everyone concerned with the World Journal Tribune, however, is grateful for the encouragement we have received from so many quarters, as well as for the practical help in ironing out the many difficulties that arose along the way. In particular, the newspaper, employers and employees alike, is grateful to Mayor Lindsay for naming David L. Cole as mediator in resolving labor-management problems, as well as for his personal intervention; to Mr. Cole and his associates for their patience and skill in promoting a settlement; to the representatives of labor for their determination to negotiate a fair settlement.

We know that the kind of paper we are determined to give New York cannot be achieved without overcoming further obstacles, nor without a great deal of hard work and sound thinking. These qualities we will make our utmost efforts to bring to the task. In news and comment, we intend to be vigorous without being self-righteous, aggressive without being offensive, alert without being cynical.

We hope you will enjoy and have confidence in the result.

[From the World Journal Tribune, Sept. 12, 1966]

Jimmy Breslin's Night at the New Met

On Friday, with lighted fountains rising into the air on the plaza outside the glass doors and Chagalls sweeping up the walls from the thick red carpeted floors, the Metropolitan Opera House opens its new home in Lincoln Center. It is the first opening of an opera house in New York since 1883, and it is a national occasion.

With Mrs. Lyndon B. Johnson in the audience, the Met opening calls for insurmountable problems of dress. As of the weekend, only Mrs. C. V. Whitney was certain of what she'll have on her back. A silver lace dress from Sarmi. Beyond that, all of New York plans and waits for Friday. In a city where the only new things that seem to open are these lines of ugly, unimaginative bank buildings with their banners proclaiming their virtue and their compound interest, the opening of a building for the mind is worth any waiting.

The Metropolitan Opera, however, isn't waiting for the people. The Met actually gave its first performance last night. It opened with a full dress rehearsal of Samuel Barber's version of "Antony and Cleopatra." The audience consisted of 2,000 construction workers who had built the new opera house and were invited without charge. There were no serous injuries.

A stone mason was in Mrs. C. V. Whitney's seat last night. And a group of carpenters came over from O'Boyle and Mulvihill's Bar and sat down in David Rockefeller's box like it was nothing. And six members of Painters Local 803, Danny LaMotta shop steward, sat in the parterre and discussed opera as they know it.

"We're workin' the other day," one of them was saying, "you know, gold leafin' the ceiling, and here's this big opera broad and I look down and I yell, Hey, how do you like it, baby? And you know what she said? She motioned something in Italian."

For nearly all of them, except for the contractors and the bosses who swept it as if they belonged, it was the first opera any of the working guys ever had seen. They liked it, liked it very much, although in spots it was tough. Tommy McLaughlin, Local 508 of the Ornamental Iron Workers Union, sat in the grand tier, with the whisky in him making him hot, and he tugged at his collar for awhile, then finally got up and tip-toed on the red carpet and went down to the big bar on the second floor.

There were several people around. There was Mike Yuhase, a carpenter who had on a green sweater, and Ben Israel, who came with his tie pulled down, and Billy Casey, an iron worker who lives on 108th Street in Rockaway Beach and Tommy Raddish an asbestos worker who lived over McGovern's Bar in Richmond Hill, Queens.

"She sings beautiful, but I need a drink," Tommy McLaughlin said by way of complimenting Leontyne Price, who was in on the stage.

"Give me a shot of rye and a bottle of beer," McLaughlin told the bartender.

Behind the bar, a 30 by 36 foot Chagall, filled with reds and yellows covered the wall. On the white woodwork at one end of the bar was the hand printing, in blue, "Marc Chagall 1966." On Friday night, this will be a most admired sight. Last night, Tommy McLaughlin preferred to forget it.

"The day I saw it there for the first time, I went out after work and I meet some guy and I was telling him about it and he seemed to know something about art and we got along pretty good and then, by the time I got finished, I was in the Club Harlem in Atlantic City and when I went to get cigarettes I got busted out of my money on the bar. All Chagall reminds me of is sitting in the Western Union office waiting for a money order."

The people who stayed in their seats appreciated the opera very much. It started almost 40 minutes late and the performance was not nearly complete because the production simply was not ready. But librettist Franco Ziffirelli's work was awesome and Leontyne Price can sing like hell and the story of Antony and Cleopatra, of which we all know what they did, can't get printed in a newspaper, it is that good. The construction workers liked the opera very much.

They joined a select group. For yesterday, all the great opera people of New York, the people they don't tell you about in those society stories you get gagged with, turned out. There were the people lined up for the 200 standing room tickets which went on sale at noon. They had been on line since Wednesday, sleeping on the ground and wearing buttons for their favorite singers. One of them, Harry Phillip, 63, has been waiting on lines like this since he saw Aida in 1919.

And at night, giving the new building the once over, was Mendel the great opera gate crasher, who is called Senator Mendel by everybody because he always used to sit in the old Senator Cafeteria on 96th Street. Mendel lives on $2,000 a year and he divides his time between New York and Vienna. He is able to do this because he knows how to make a dollar breathe. The minute Mendel gets into any house he takes off his suit and goes around in his underwear so he doesn't wear out the suit by sitting in it.

Mendel has been going to the opera, and not paying for it, since 1939. "Let the Vanderbilts support opera, Senator Mendel supports himself," Mendel said last night. "But I bring something to the opera when I come in. I bring a standard. Taste. What do these others bring? They bring their good suits. For that, they should be penalized money. Senator Mendel, you could put a gun in his ear, he wouldn't pay you money."

He is the best or thereabouts of the crowd of opera gate crashers which hung out in the bar and cafeteria near the 40th Street entrance to the old Met building. Mendel always brought his own sandwiches to the cafeteria and would sit there for hours, and knock the joint dead on water. Once, after much badgering, he bought a cup of coffee. The check was 15 cents.

"How long has it been this?" Senator Mendel yelled.

"For two years," the counterman said.

Last night, he gave the new Met a whirl. He positioned himself on the edge of a cluster of people coming in with their special tickets for the night, then with his hair flying he pushed into two big guys who looked like plasterers, slid off and went past the ticket taker, who had his head down.

So the night went, with Tommy McLaughlin drinking at the bar and Senator Mendel nodding to the music from a seat he got in the orchestra and the new Met, with its stage, 164 feet deep, and its chandeliers and its ivory and red and a gold leaf ceiling was a very good place to be in.

When it was over, the people in the opera said they had a lot of all night rehearsing to do to be ready for Friday, and some of the construction workers went across the street to O'Boyle and Mulvihill's and they played the juke box and kept saying the music seemed thin compared to what they had heard inside.

And we left them and came down for the first time to the World Journal Tribune newspaper to write a story. The editorial offices of the World Journal Tribune newspaper share the sixth floor of the building with a company called the Feedrail Corporation. The Feedrail Corporation manufacturers third rails for railroad trains. This is very good because if this paper isn't good every day the boss can go next door and stick out his tongue onto a third rail.

[From the World Journal Tribune, Sept. 12, 1966]

Dick Schaap: What Happened in Fun City?

Just the other day, the mayor of Fun City, John V. Lindsay, climbed onto a railing of the Manhattan Bridge, looked out upon the East River and prepared to dive. It's wonderful to have a mayor who is responsive to criticism.

Actually, the mayor did not have a bad summer, compared to, say, Sukarno, or Verwoerd. He kept the subways running. He kept the cross-streets free of snow. And he established his own personal style. He indicated that if he is elected president, he will send the Gallos to Viet Nam.

There is even some sign that the Lindsay administration is starting to reverse the flight of the white middle class to the suburbs. Already, Joe Bananas has moved back to New York. Mr. Bananas' flight from the city lasted 19 months, for reasons of health; he is allergic to trials.

Perhaps the mayor's noblest hour was his confrontation with the king of Saudi Arabia. King Faisal was supposed to be the guest of honor at an official Fun City banquet, but just before the feast, the king, speaking in Washington, rashly let slip the fact that the Jews were his enemies.

This shocking news certainly upset Mayor Lindsay. If he had even suspected that the king of Saudi Arabia disliked Jews, he would never have invited him in the first place. The mayor boldly canceled the scheduled meal. It must have taken tremendous courage, but the mayor was willing to risk alienating the Arab community of New York. And it was only coincidence, I'm certain, that the following day all the offices at City Hall had Roman numerals on their door.

Lindsay fared less successfully in his bout with the Veterans of Foreign Wars. During their annual convention, the VFW staged a moonlight parade up Fifth Ave., and the parade stretched out until midnight, disturbing the sleep of several people who happen to live along Fifth Ave. The sleepless complained to the city, and the mayor apologized to them, infuriating the members of the VFW. They had fought to make the world safe for moonlight parades, and anyone who complained about losing a little sleep was clearly a Communist. Anybody who apologized to Communists was even worse. The mayor promptly promised to salute the flag regularly, and all was forgiven.

The mayor's most serious problem during the past four and a half months—if you forget about his full tax program, as he did, and about his civilian review board, as he may have to—was that some people got the impression he had surrendered his office to his commissioner of parks. I can't understand how people got this idea. Thomas P. F. Hoving is a bashful man, and the rumors are unkind that his middle initials stand for Publicity Forever.

Hoving does not go seeking attention. He rides a motorcycle through town only for the sake of convenience. He holds happenings in Central Park only for the sake of art. He leads hikes through Van Cortlandt Park only for the sake of exercise. And he holds hourly press conferences only for the sake of working newspapermen. He is a thoroughly self-effacing man, always working, always thinking. For instance, ever since Mayor Lindsay said that he sends his children to a private school for privacy, Hoving has been thinking about transferring his daughter to a public school.

No one resents the publicity Hoving has been getting. No one is jealous. Charles Moerdler, the buildings commissioner, goes around praying for the first cold wave, which would drive tenants out of their homes and out of the parks and into his office, but he's probably only kidding. Bud Palmer stood outside the World Journal Tribune yesterday welcoming reporters back to work, but, after all, he is the city's official greeter. And I don't think Bob Price really wanted David Merrick to change the title of the new musical, "Breakfast at Tiffany's" just because Hoving's father happens to own Tiffany.

Of course, the mayor did manage to get a fair share of attention from the press. During the first annual softball game between City Hall ("Lindsay's Lancers") and the City Hall reporters ("The Power Brokers"), the game was delayed for only 15 or 20 minutes while the mayor posed for pictures putting his jersey on.

After this dramatic scene, the game itself was anti-climactic. The mayor came to bat only once, and I was pitching, poorly, for the opposing team. My first pitch came in low and inside, near the mayor's knees, and Lindsay skipped neatly out of the way. Right then, I was deeply grateful that John Lindsay had won the mayoral race. The pitch would have hit Abe Beame in the head.

But the mayor's most spectacular appearance this summer came on the "Tonight" show. John Lindsay and Johnny Carson traded jokes, and the mayor was particularly funny talking about muggings in Fun City. He probably has better mugging jokes than anyone else around.

Some of the mayor's constituents did not think it was right for the mayor to be kidding about muggings on network television. A few of the unhappy people wrote letters to City Hall, complaining that such antics were beneath the dignity of the mayor. The complaints are totally unfair; I must defend the mayor. Mugging jokes are certainly not beneath his dignity.

[From the World Journal Tribune, Sept. 12, 1966]

WJT's Debut Makes News Across Nation

The new World Journal Tribune greeted New York this morning with 80 pages of news, columns and features—and one important story that took shape almost without warning.

The normally hectic hours before the first edition became more feverish as the editors learned that the appearance of the new afternoon newspaper was itself making front page news across the nation.

The first indication came when a flood of telegrams and other messages expressing congratulations and best wishes from government and civic leaders began to arrive at the paper's headquarters at 125 Barclay St.

Then a steady stream of visiting newsmen almost took over the sixth-floor city room as reporters, news magazine writers, photographers and television crews recorded a history-in-the-making story—the birth of a major metropolitan newspaper.

As World Journal Tribune reporters and editors assembled the news for the first edition they found themselves being interviewed on the problems, excitement and emotions involved in their work. At the same time photographers were asking for "one more shot," and the television people did their best to turn the city room into a studio.

MAYOR STARTS PRESSES

These activities reached a climax this morning when Mayor John V. Lindsay pressed a button for the first press run of the World Journal Tribune. A press run of 900,000 copies was set for the first day.

Expressing his "delight" over the publication and the end of "a long and difficult dispute," Mayor Lindsay said:

"It is my hope and expectation that the World Journal Tribune will carry on the distinguished traditions from which it was born. . . . I am sure the new paper will make a major contribution to the life of our great city."

Watching the ceremony were Frank Conniff, editor of the paper; David L. Cole, who served as mediator during the long negotiations, and Matt Meyer, president and general manager of World Journal Tribune, Inc.

Meyer said: "We have come through almost five months of travail unprecedented in the newspaper history of this city, but it has been worth it because we are bringing out a paper to which we and all New York can point with pride."

LAST SNAG REMOVED

James J. McMahon, president of the New York Stereotypers Union No. 3, also reacted to the spirit yesterday in announcing that his union had overwhelmingly ratified a contract with the paper—thus removing the last obstacle to publishing the first edition.

"My feelings are perhaps best expressed," he said, "in the words of the lyrics of that popular song, 'Hello, Dolly.' So, to the World Journal Tribune, I say, 'Glad to see you back where you belong.' "

Thus ended the 140-day shutdown, the longest for a daily newspaper in the history of American journalism. It began April 24 when the Newspaper Guild went out against the publishing enterprise formed through the merger of the Herald Tribune, World-Telegram and Sun and the Journal-American. Settlements eventually were reached with all 10 unions involved in the dispute.

The original plan called for an afternoon paper—World Journal; a morning paper—the Herald Tribune, and a Sunday paper—World Journal Tribune. But on Aug. 15, the corporation announced that due to economic and other pressures the morning paper would not publish.

World Journal Tribune will publish six afternoons a week and on Sunday.

ANTIRIOT LEGISLATION

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, the right to discuss, dissent, and demonstrate is not the right to plunder, pilfer, and destroy.

This House recognized that fact in decisive terms when we voted 389 to 25 on August 9 to add the Cramer antiriot amendment to the civil rights bill. It is apparent that this legislation will not be passed by the Senate and in view of this fact it is urgent that the Congress take prompt action to protect our citizens against further violence and bloodshed.

And violence and bloodshed are being openly preached by such militant extremists as Stokely Carmichael. Just last month he said:

> In Cleveland they're building stores with no windows—all brick. I don't know what they think they'll accomplish. It just means we have to move from Molotov cocktails to dynamite.

In city after city Stokely Carmichael and others of his ilk have proven that they will carry through with their threats of Molotov cocktails and dynamite.

I warned on this floor a month ago that our major cities would experience a bloodbath unless Congress takes stern action. Since that time riots have occurred in New York; Mississippi; Lansing, Detroit, Muskegon, and Benton Harbor, Mich.; Cicero, and Waukegan, Ill.; Dayton, Ohio; Atlanta, Ga., and right here in the Nation's Capital. There continue to be ugly and ominous incidents in my home city of Cleveland, Ohio, following in the wake of the massive riot in the Hough area in July.

Only today the Cleveland Press carries stories of new acts of depredation there. Last night vandals armed with fire bombs damaged and looted two stores in the Glenville area of the city.

In the Hough section two firemen were showered with flying glass while responding to one of a number of false alarms turned in last night. Their new $16,000 firetruck was damaged. The incident occurred in the neighborhood of the Jomo Freedom Kenyatta House, which figured so prominently in the July Hough riots.

Cleveland police detectives are today trying to build evidence linking seven members of a new black power organization to vandalism which occurred last week in one of Cleveland's showplaces, the Cultural Gardens, which was observing its 50th anniversary. Statues were smeared with black paint and the words "black power" were painted on sidewalks and statuary. Cleveland detectives have revealed that headquarters of the United Black Brothers, frequented by the suspects, contained gasoline, black power literature and flags.

Accordingly I am today introducing legislation identical to Congressman CRAMER's H.R. 17642, to make it a Federal offense to travel in or use a facility of interstate commerce with the intent of inciting a riot or other form of violent civil disobedience. I am doing so to indicate my strong support of such a law and my emphatic conviction that Congress will be remiss if we adjourn without acting to protect the lives and property of our citizens.

The need for this legislation is unquestioned. It is urgent. I respectfully call on the distinguished chairman of the House Committee on the Judiciary to heed the will of the citizens of this Nation and of the House by responding promptly to meet the need.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I want to associate myself with the comments which the gentleman has just made. I think it extremely important that antiriot legislation be passed by the Congress now in session prior to adjournment.

I am proud of the fact that my distinguished colleague, the gentleman from Florida [Mr. CRAMER], who sits on the other side of the aisle, is the senior author of this resolution. I, too, expect to introduce it.

Mr. MINSHALL. I should like to point out to my good friend from Florida that only today the Cleveland newspapers have reported another incident, with two acts of vandalism. Fire bombs damaged, and there were looted, two stores in the Glenville area of the city of Cleveland.

PRESIDENT JOHNSON ISSUES POLICY DECLARATION STRESSING NECESSITY FOR MASSIVE EFFORT TO STRENGTHEN SMALLTOWN AND RURAL AMERICA

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS of Tennessee. Mr. Speaker, I am gratified and pleased that President Johnson made a major policy declaration to the effect that the solution to our national problems must include a concentrated, national program of economic development in smalltown and rural America.

I congratulate the President—and I say: Let us get on with it.

Much has been done, as the President pointed out in his speech in Dallastown, Pa., last September 3. But, the real challenge lies ahead. Much remains to be done, and the acceptance of this great challenge as a national policy is a milestone in the growth and progress of smalltown and rural America.

I certainly pledge my continued support to the President in this great effort.

I am delighted that the President is advocating the thesis that a broader based economic development and the creation of opportunity in smalltown America constitute a major assault on the problems of both urban and rural smalltown America.

The President in his address outlined a concept and a philosophy that go to the heart of the problems that beset our Nation today in both urban and rural areas.

It has been my contention for years that the community concept found in smalltown America is the backbone of our democratic society.

It is this basic concept that must be nurtured and cultivated and encouraged throughout America—because it is the weakening of this concept, this ideal of mutual responsibility and identification with community, that has led to such tremendous problems in our cities.

It has also been my contention that the direct assault on the problems of our cities will founder unless there is a second front assault made to divert population growth from our cities. This can only be done by a national campaign to sell smalltown America—and a massive effort to create opportunities in smalltown rural America away from the great metropolitan complexes.

In this connection I wrote President Johnson on August 23, 1965, proposing "a concentrated effort to strengthen the smalltown base of America, to bring industry and business to small towns, to create towns that embody the best of the new technology and the best of the old philosophy."

The Honorable Lawrence F. O'Brien, now Postmaster General and then special assistant to the President, advised me as follows:

> The outline of your proposal will have the careful consideration of the President and his advisers.

Because of the interest in this matter on the part of my colleagues and to the Nation generally, I include the letter to President Johnson in the RECORD. I also include in the RECORD excerpts from President Johnson's recent speech in Dallastown, Pa.; a column which appeared in the Nashville Tennessean on May 16, 1965; an editorial which appeared today in the Washington Post; and the April 25, 1966, issue of Capitol Comments, my newsletter, which discusses the application of this concept of decentralization to Tennessee and to the great Fourth Congressional District of Tennessee, which I am honored to represent in the Congress.

These materials follow:

JULY 27, 1965.

Hon. LYNDON B. JOHNSON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I read with great interest recently a speech given by Richard N. Goodwin, one of your special assistants, to visiting foreign students. Mr. Goodwin observed at one point in the speech that "we have cleared the boards of most of the old ideas." He suggested a need for new ideas, new departures to meet the massive problems of our age.

I would like to propose a new concept which, if accepted and implemented, would attack many of our social and economic problems from a new direction in a new dimension. My suggestion basically is that rather than continuing to encourage urban growth we shift emphasis and encourage a national small town improvement and development campaign.

The proposal is this:

1. Large metropolitan complexes are becoming unmanageable, unwieldy and ungovernable. They have far exceeded the cities' ability to provide adequate services. They are not single entities; they are conglomerations of unrelated communities that have grown like topsy. They breed slums, poverty, violence, suicide, discord, unhappiness. Cities have simply outgrown their original concept and their governments. They have exceeded in population and size the quantitative areas that can be governed effectively.

2. The community concept with all of its corollaries is basic to our American system. It is an effective unit. It embraces the psychological dimension that is missing in cities—the dimension of belonging, of being a part of a community, of being neighborly, of identifying with local government, of feeling significant.

3. This concept has been eroded as populations have migrated to our urban areas. Urban populations have been called "the lonely crowd." There is no identification, no feeling of belonging. There is distrust, lack of concern and compassion, lack of identification. Basic human values erode.

As you said in a speech on February 22 last, Mr. President, "The old, tried values of family and neighborhood and community are imperiled or eroded."

4. There are efforts to build whole new communities to retain the community concept and respect inherent in our forefathers philosophy. But these are isolated efforts. What is needed is a concentrated effort to strengthen the small town base of America, to bring industry and business to small towns, to create towns that embody the best of the new technology and the best of the old philosophy.

5. I believe that people move to cities basically because that is where the greatest economic opportunities are found. You can see departures from this trend in small towns with progressive industry. The children think of staying, rather than leaving. And families who have lived in rural and small town areas prefer to move to a similar environment—but with greater opportunity to live the good life.

Your magnificent effort to build the Great Society is developing the nation in urban areas, rural areas and smaller communities. The new thrust that is needed—the new concept I suggest is a concentrated effort to develop the small town to its peak of perfection and to wage a national campaign to "sell" the small town to our new generation. This would ease urban problems by shifting growth to manageable divisions away from urban complexes.

The true values of our society are strongest in our small towns. We need to strengthen our society by inducing our younger people to live within the strong town structure and concept.

I will be glad to discuss this matter with you at your convenience.

With highest esteem and best regards, I am,

Sincerely your friend,
JOE L. EVINS,
Member of Congress.

EXCERPT FROM SPEECH BY PRESIDENT JOHNSON IN DALLASTOWN, PA., SEPTEMBER 3, 1966

A few months ago, one of the polltakers went out across the country asking this question:

"If you could live anywhere in the United States that you wanted to, would you prefer a city, a suburban area, a small town, or a farm?"

Half of those polled said they preferred the small town or the farm.

I didn't get asked any questions in that poll, but you know where my vote would have been.

What does this mean at a time when more and more Americans are moving to our big cities?

It means that millions of Americans feel deprived of a fundamental human right: the right to live where they choose.

History records a long, hard struggle to establish man's right to go where he pleases and to live where he chooses. It took many centuries and many bloody revolutions to break the chains that bound him to a particular plot of land, or confined him within the walls of a particular community.

We lose that freedom when our children are obliged to live someplace else, that is, if they want a job or if they want a decent education.

Not just sentiment demands that we do more to help our farms and rural communities.

I think the welfare of this Nation demands it. And strange as it may seem, I think the future of the cities of America demands it, too.

One of the greatest tasks facing our generation is to rebuild the American city. That is why last year—more than 100 years after Abraham Lincoln created the Department of Agriculture—we created the Department of Housing and Urban Development.

I am proud that those who live in cities achieved the recognition that was long due them.

President John F. Kennedy started the fight to create a Department of Housing and Urban Development. I carried on that fight. And I am glad the Congress successfully passed our bill and it is now a fact.

I am concerned about the 50 million Americans who still live in communities of less than 50,000. The cities will never solve their problems unless we solve the problems of the towns and the smaller areas.

So consider the problem of urban growth. If the present trend continues, by 1985 as many people will be crowded into our cities as occupy the entire Nation today—in 1960. That means people enough to make five more New Yorks, or that means people enough to make 25 more Washingtons.

Many will migrate to the cities against their will, if we continue to allow this to happen.

But should we or must we allow this to happen? Must we export our youth to the cities faster than we export our crops and our livestock to the market?

I believe that we can do something about this.

I believe with your help we can change this trend of going from the rural towns, and the small town, to the cities.

To begin with, I think we can set a higher goal than parity for farm prices. We want to achieve full parity for all rural life in all places in this country.

Today, a rural worker earns less for his day's work than a city worker with similar skills. And that is one reason why you have a labor shortage here in your own county.

Today, a high school or college graduate sees a bigger future for himself always in a major city. That is why too many of your sons and daughters move to Philadelphia or to Atlantic City or to New York.

That same story is being repeated all over America.

But I don't think it has to happen.

Modern industry and modern technology and modern transportation can bring jobs to the countryside rather than people to the cities.

And modern government could also help.

I want to see more factories located in rural regions.

I want more workers able to supplement their incomes by part-time farming and more farmers working part-time in industry.

I want those who love the land to reap all the benefits of modern living.

And we are working to make this happen.

More than half of all the families who have benefited from our public housing and urban renewal programs now live in communities of less than 50,000 people.

Ninety-five out of every 100 urban planning grants go to communities under 50,000.

Four out of five of the communities receiving public housing grants now have populations under 25,000.

Ninety-seven out of every 100 public facility loans to help build libraries and water systems have gone to communities with fewer than 25,000 people.

I went to New England week before last to dedicate one of the first rural water systems under new legislation that we have just passed under the guidance of Senator GEORGE AIKEN, the dean of the Republican Party in the Senate, and under Congressman BOB POAGE, from my State.

So we need these thriving, healthy, rural areas, and we need thriving, healthy cities. But does it really make sense on this great continent which God has blessed, to have more than 70 percent of our people crammed onto 1 percent of our land?

We must rebuild our cities into better places to live, but we must clean out the slums, and we must end the crime, and we must clear the polluted air. We must give these children their parks and their playgrounds. But we must do much more than that.

We must make better use of the 99 percent of this continent which lies outside of the big cities of America.

We must ask more from and we must give more to communities like your own. For you have resources that no man can manufacture. You have space, you have room to breathe, you have an extra dimension of time.

In our great cities, men travel an hour to get to work. In towns like yours, they can get there in minutes.

We have major programs to promote high-speed urban transportation. But the same $4 million which produces one mile of a thoroughfare in a city can create more than five miles of freeway in the countryside.

By the year 2000—and that is only a third of a century away—there will be 130 million more Americans here on this earth than there are today. We grow at a rate of more than 6,000 new Americans every day.

Each day, by our deeds, we shape the quality of life for these children and for their children's children.

Each day, by the example we set, we are helping to shape the lives of hundreds of millions of people throughout the world.

For this migration away from farms and countrysides is universal—bringing heavy burdens to men and women in a hundred different lands.

So if we can begin to stem the migration in our own land, we will make our mark on history.

I believe that we have the brains and the will and the imagination to make our mark.

I believe that more and more of our people will choose to live in towns like Dallastown.

I know they would, if they could come here and see what I am looking at this afternoon.

I hope by my deeds as your President I will help to bring this about and help to make this possible for them. Because, indeed, I know in the end what I said in the beginning, that this is where the girls are fonder and the dinner pails are fuller.

Thank you.

Note: The President spoke at 2:45 p.m. at Dallastown, Pa.

[From the Washington (D.C.) Post, Sept. 14, 1966]

The Urban Crisis

Delegates to the conference on Urban America, just concluded here this week, had a great deal to say about the social, political, economic and psychological consequences of the increasing concentration of population in urban centers. Most of the delegates seemed to accept as inevitable, as the Vice President did in his speech, the continued movement of America toward a metropolitan society.

Given the difficulties of coping with congested urban populations already in the great cities, it is remarkable that so little attention was paid to the possibility of arresting the emigration into the cities.

This is the more puzzling in view of President Johnson's eloquent address at Dallastown, Pennsylvania, on September 2. The President told his audience there that if present trends continue, the population of the cities of more than 50,000 by 1985 will exceed the total national population of 1960. And he asked a question that did not seem to occur to the conference delegates. "Does it really make sense," the President inquired, "to have 70 per cent of our people crammed onto one per cent of the land?"

Acknowledging the need to improve the cities, the President told his rural audience "we must make better use of the 99 per cent of this continent which lies outside of the cities."

"The migration away from farms and countryside," the President said, "is universal—bringing heavy burdens to men and women in a hundred different lands." He appealed for an effort to stem this migration. He suggested that if the country provided "full parity for rural life in America" more and more people "will choose to live in towns like Dallastown." And he ended his Dallastown address on a note the sincerity of which no one can doubt. He said: "I hope by my deeds as President to help make this possible for them."

The burden of the President's speech was that the continued migration to the cities "doesn't have to happen"; but the impression of the Urban America conference is that this trek from the countryside is inevitable and inescapable.

As the intractability of many urban problems becomes more and more evident, the necessity of preventing the aggravation of the existing crisis becomes more and more apparent. Other nations parallel our experience with these urban difficulties. Moscow is moving 400 industries out of the area inside its central highway loop, in an effort to cope with some of the problems of congestion.

For more than a century the big cities have struggled to become bigger. They have attracted into their crowded neighborhoods more and more people; but they have not devoted more and more effort to making life in the cities endurable. The urban aspiration now ought to be to make the cities smaller. And the national purpose ought to be to make rural life, in the small cities, towns, villages and farm areas, sufficiently attractive to retain more rural population where it is.

[From the Nashville (Tenn.) Tennessean, May 16, 1965]

Representative Evins Pitches for Small Towns

(By Lois Laycook)

Washington.—Rep. Joe L. Evins is emerging as the congressional champion of the small town which he calls "the forgotten part of America."

From his position as a high ranking member of the House Appropriations committee and as chairman of the House Small Business committee, Evins has been hammering home to government agency witnesses the theme that "the small town is the backbone of America."

He has charged that too many federal programs ignore the small towns but have their emphasis on urban areas. He has suggested that these programs be expanded from their urban orientation to include broader standards to benefit smaller communities.

This crusade comes naturally to Evins who is from Smithville, Tenn. (pop. 2,000) and from a district that contains about 100 small towns, many more smaller unincorporated communities—and no big cities.

In recent hearings before the Appropriations committee when officials of the Tennessee Valley Authority appeared in behalf of their budget requests, Evins, who was presiding, took the TVA officials to task for what he said was their refusal to give smaller towns the right to distribute TVA power.

HIGH TIME

"I think it is high time that you and other officals of government recognize the importance of the small town which has become the forgotten part of America." Evins said heatedly, "Everything seems to be urban-oriented now—government programs, government planning, legislation, articles in magazines, discussions on radio and television. Everyone is concerned with the urban problem—and I have no argument with this concern because there is a tremendous problem due simply to the fact that our metropolitan complexes have grown so big the basic purposes of a city have become self-defeating . . .

"It is my contention that the small town is still a vital factor in the life of this nation, that there should be a national effort to encourage a buildup of small towns to capture the best of the old—the community spirit and pride—and the best of the new. And by the new I mean modern industry and modern conveniences and well-rounded economies. We must build the economies and opportunities of our small towns. This will help hold our talented young people there."

At another hearing on appropriations for independent agencies, Evins jumped Veterans Affairs Administrator William Driver for what the congressman said was an effort to move VA hospitals out of small towns to big cities.

Evins said the VA had shifted from a policy that included hospitals in smaller communities to a new policy limiting them to larger cities. Driver denied this was VA's policy but failed to convince the Fourth District congressman.

STAUNCH SUPPORTER

Still later, while presiding over the House Small Business committee, Evins questioned whether the administration's war on poverty program is reaching small towns and rural areas. He asked Small Business Administrator Eugene P. Foley, who was testifying before the committee, to make certain that the SBA phase of the program be made available to small towns as well as to urban areas.

Evins has been a staunch supporter of the SBA's community development program which has made many of its loans to small towns where local citizens have organized development corporations.

Evins has served notice on other government witnesses that he intends to wage a more determined campaign to see that small towns are not forgotten in various government programs.

Announcement of Fifth Douglas Plant for Our District Points to New Era of Small Town Growth and Progress

(Capitol Comments by Joe L. Evins, Member of Congress, Fourth District, Tennessee)

The announcement of the decision by officials of the Douglas Aircraft Industry of California to locate a fifth plant in our area—the great Fourth Congressional District of Tennessee—underscores an encouraging trend of economic development in Appalachia and in other sections of rural and small-town America.

Colonel Wellwood E. Beall, Executive Vice President of Operations at Douglas, announced recently that Douglas would locate its fifth plant in Tennessee at Smithville. The announcement was made at Sparta at a banquet following dedication of a Douglas plant there. Others are being built and currently are in operation at Monterey, Carthage and Gainesboro.

Douglas is locating these manufacturing plants in our area in line with the President's recommendation for a broader based economic development which he—and Douglas officials—consider essential if this country is to make appreciable progress in solution of both rural and urban problems.

As Colonel Beall said during the Sparta dedication, "What is needed is a reversal of the national trend toward urbanization. What is needed is an effort that will halt the drain of workers and youth from the nation's small communities to urban areas, an effort that instead will take opportunity to these small communities and provide them with the economic ability upon which they can thrive."

Colonel Beall also said this decentralization of industry will "enhance the cornerstone of our democracy, the American small town." This is most gratifying and most encouraging. This is a theme that your Representative has emphasized over a period of years.

In May of 1965, for example, during hearings of the Public Works Appropriations Subcommittee, I made this statement:

"There should be a national effort to encourage a buildup of small towns to capture the best of the old—the community spirit and pride—and the best of the new. And by the new I mean modern industry and modern convenience and well-rounded economies."

In a letter to President Johnson last July this approach was reiterated as I urged advocacy of programs for development of small-town and rural America.

Secretary of Agriculture Orville Freeman is preaching this gospel from coast to coast. Both Douglas Aircraft, which has located five plants in our district, and Lockheed—which is locating a plant in Shelbyville—subscribe to this theory of industrial decentralization. The growth acceptance of this concept points to a new era of growth for small towns and to new progress in all America.

"WHAT THE COMPUTER MEANS TO LAW"—ADDRESS BY CHARLES S. RHYNE

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, we are all aware of the great contribution which is being made to the cause of peace, as well as to the establishment of law and order in the world, by the great organization, the World Peace Through Law Center, of which the Honorable Charles S. Rhyne is the initial advocate and the distinguished president.

Mr. Rhyne has just returned from Europe where he met with leaders of the bar to promote the high aims of this meaningful organization. In the course of his trip, Mr. Rhyne delivered a significant address to the Center's planning committee on July 16, in Geneva, Switzerland.

I include Mr. Rhyne's letter to me upon his return, and his magnificient address, in the body of the RECORD following my remarks, and I commend both to my colleagues and my fellow countrymen.

The material follows:

WORLD PEACE THROUGH LAW CENTER,
Washington, D.C., July 19, 1966.

Hon. CLAUDE PEPPER,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CLAUDE: I have just returned from Europe where I had a series of meetings with leaders of the Bar ending with a meeting of our worldwide planning committee in Geneva, Saturday, July 16th. The main purpose of these meetings was to work on the feasibility of using a computer in Geneva to store digests of all statutory law of nations, all high court decisions, and all treaties of general application. This is a dramatic new development in line with the thoughts expressed in my North Dakota speech. I am most grateful to you for placing that speech in the CONGRESSIONAL RECORD and for your kind words when you did.

I enclose herewith the copy of the address I made to the Center's Planning Committee on July 16 on computers and the law together with the attachment.

This really means that the lawyer in Asia, Latin America, and for that matter in the United States, who has only a few law books available to him will soon be able to secure from Geneva—for a very nominal fee or no fee if foundation support is adequate—law, treaties, and high court decisions. Since law cannot be used unless it is available, I sincerely believe this is a tremendous breakthrough which will have enormous impact throughout the world. It is not only private attorneys who do not have law available to them, but governments.

With much gratitude for your continued interest and assistance and assurance that we are really moving to make law a replacement for force as a controlling factor in the fate of humanity, I remain,

Sincerely,

CHARLES S. RHYNE.

WHAT THE COMPUTER MEANS TO LAW

(By Charles S. Rhyne, Washington, D.C., president, World Peace Through Law Center, presented to World Peace Through Law Planning Committee, July 16, 1966, John R. Mott House, Geneva, Switzerland)

The computer will soon achieve such universal use in law research as to revolutionize law. So vital is the computer to the mission of the World Peace Through Law Center that the Center is moving with all possible speed to develop a computer capacity. This is the story of the Center's quest for that capacity.

Law is not used in many nations, or in the world community, as much as it should be largely because law materials are unavailable to those lawyers and government officials who could use it. Law, like a muscle, grows strong through use. The computer will revolutionize the whole field of law by making more law available to more lawyers and more usable by government officials in more nations and in international organizations.

Availability and usability through the computer can be the great "breakthrough" needed to make law grow through use until it is strong enough to replace force as the controlling factor among nations internationally.

Even when law material is available, no profession needs to search such a mass of voluminous material to secure the information needed to arrive at a correct decision as does the lawyer. We lawyers research and use, or we should, millions of court decisions, thousands of state and federal statutes, hundreds of city and county ordinances and thousands of federal administrative regulations, rulings and orders. In addition, there are legislative reports, law reviews, law books and other law materials. Because we are engulfed with this vast, ever-increasing mass of law materials there is no group, no profession, no endeavor which needs the help which computers can give more than we lawyers.

Most people seem to believe that all the law he needs is readily available to every lawyer, professor and government official. This idea is false.

The law material available to the vast majority of the world's 1,000,000 lawyers and many government officials is meager indeed. With a few exceptions law libraries are small and inaccessible to the average lawyer and most government officials. And they cannot use law unless it is available to them.

This fact began to dawn upon the World Peace Through Law Center as it began efforts to carry out the more than 200 projects contained in its Global Work Program. Lawyers are enthusiastically willing to help carry out this program if given the law materials with which to work. The task of providing these law materials is formidable indeed. Hence our growing interest in the computer and what it can do to meet this problem.

The Center recently published a survey of law and court systems in 110 nations. In its famous Work Paper the Center surveyed past and existing international law and legal institutions. Because so many lawyers reported that the law materials available to them were meager or almost non-existent the Center also did a survey of law libraries world-wide. Here the facts are startling as they illustrate the dearth of law available to most lawyers.

The United States has the largest law libraries. These are the Law Division of the Library of Congress which has 1,100,000 volumes and Harvard Law School with 1,080,000. Columbia Law School has 450,000; Los Angeles County Law Library, 440,000; and Michigan Law School, 350,000. Other law schools have from 300,000 down to a few thousand volumes. The largest New York law firm library has 41,000 volumes and a few have 10 to 30 thousand volumes. But most lawyers who practice in the United States have access in their home city—or county seat—to an average law library of 5 to 10 thousand volumes.

The law volumes in the largest law libraries around the world are as follows: Paris University, 390,000; The Japanese Law Ministry, 270,000; Russia's Academy of Science, 260,000; Italy's Ministry of Justice, 150,000; Portugal's Coimbra University, 150,000; Canada's Supreme Court, 130,000; Czechoslovakia's Comenius University, 120,000; England's Oxford and Cambridge, 110,000 each; London's Lincoln Inn and Inner Temple, 100,000 each; Berlin's Kammergericht, 105,000; UN Peace Palace in Geneva, 100,000; University of Rome, 75,000; China's Soochow University, 50,000; Mexico's Institute of Comparative Law, 40,000; Helsinki Law School, 30,000; Philippine University, 25,000; and Turkey's Istanbul University, 20,000. Throughout the world these law volumes are not usually available to the entire legal profession of each nation as many lawyers live in far distant cities. In Latin America the average law library size per nation is around 10,000 volumes and in Africa, where Nigeria's largest law library is less than 5,000 volumes, there are nations with only a few hundred volumes or less.

The statutes of many nations remain largely uncodified and largely unavailable in up-to-date form. The study by James Hudson attached as Exhibit A makes this point clear. A similar study of the availability of the text of decisions of high courts of nations has not been completed but a preliminary report reveals their availability is even less than that of the statutes.

International law material in particular is not only difficult to locate but is largely without usable indexes. The UN Treaty Series and the League of Nations Treaty Service are incomplete and only a few law libraries have these. The Treaty Collections of Foreign Ministries of nations are limited usually to those treaties to which the particular nation belongs. While the United States belongs to over 1,400 treaties some nations belong to less than 20.

International law material is multiplying on a vast scale as the world operates more and more as an interdependent whole. But its collection or acquisition is difficult and some law libraries make no attempt to do so. Their acquisition money is still largely earmarked for domestic law.

The American Society of International Law publishes selected International Legal Materials. Lauterpacht's International Law Reports contain some of the national court decisions involving international law. The World Court's decisions are available in printed volumes. National legislation on international subjects, and customary international law, are largely not compiled except as some scholar collects material on some specialized subject. Foreign office archives, including diplomatic correspondence and foreign office law opinions, are rarely published and usually only some 20 years after the event to which addressed.

The International Law Library Association has begun publication of an Index to Foreign Legal Periodicals which is of enormous help but too few lawyers and too few law libraries subscribe to it. The Center is seeking some way to include this Index with its own publications which are sent to members worldwide.

As the Center assayed its task of strengthening and expanding law and courts worldwide it became apparent that a major barrier to this program was the general unavailability of law to lawyers, judges and professors of law. The Center began to query those who operate the great compilations of law, the law librarians. The law librarians confirmed the Center's findings on law library inadequacies but quickly made clear their desire to have the law books they do have used as widely as possible. They emphasized that their libraries exist to be useful. The law librarians suggested that they do something immediate by furnishing law information on request to any member of the Center. This offer was accepted at once and this law reference service is now in operation under the direction of Earl Borgeson, Law Librarian of Harvard, with the cooperation of the International Law Librarians Association. It is constantly growing in use and value.

The law librarians were quick to point out the promise and potential of making more law more available by using computers. The enthusiasm of librarians for this method and the facts they had compiled proved it a practical, in fact dramatic, solution to the problem. The compilation by William S. Rhyne in Exhibit B gives the status of computer use for law research in the United States. A query has gone out worldwide in an effort to discover what has been done about computer use in the field of law in other nations.

To meet the need which exists the Center must and will establish a capacity to gather, store, process, retrieve and distribute law materials on a world-wide basis. While the much appreciated service now rendered by law librarians is indeed wonderful the computer appears to furnish a more complete and speedier answer. The comments herein are based upon reports of experience and visits to computer projects to observe the computerization of law, medicine and other subjects.

While computers are expensive, it is clear from the outset that the major cost will be the gathering and indexing of the law material which is put into the computer. It is said that the basic cost of programming and preparation of the law "data bank" for the computer will cost 3 or 4 times more than the basic cost of the computer itself. The indexing must be done personally and manually by lawyers who abstract sufficient material to identify each court decision, statute, treaty or convention which material is then fed into the computer. The value of the index or digest in the computer depends upon the ability, training, knowledge, imagination and skill of the persons preparing this material. One can get out of a computer only that which is fed into it.

That the use of the computer for law research is already an accomplished fact is proved by the compilation in Exhibit B attached to this report. While successful experience is not yet extensive, it is a sufficient test to establish the computer's utility in law research. This limited experience will undoubtedly grow quickly as there are many not listed in Exhibit B who are working on the gathering and storage of law in computers.

To allay unfounded fears, it should be stated that the computer will never replace the trained legal mind but it can take some of the drudgery out of law research. The computer can do only what it is told to do. It is incapable of original thought or reasoning. The computer can search millions or cases, and enormous quantities of material, in a fraction of a second whereas the traditional manual law research method takes many hours or many days to perform the same function. And the computer by eliminating human error is much more comprehensive and precise in performing tedious but essential legal research.

Computerized information retrieval will thus save lawyers many hours of digging through case histories. The computer provision of instantaneous access to court precedents will bring a new dimension into law. Lawyers will not only have more material but they will have more time to study the materials thus provided and arrive at a judgment as to what course of action to follow.

As the compilation in Exhibit B reveals some have stored the full text of statutes and court decisions in computers. Others have stored digests of this material. The full text method is tremendously expensive as it requires the typing of the full text onto tapes. The tapes are then fed into computers. Sometimes the computer scans the tape but this means review of all tapes and could take considerable time. Sometimes the material on the tapes is stored directly in the computer and thus is instantly available as in the LRS—Western Union "on line" system.

Work is under way on a method to put the full text of books into computers by a scanning or photographic reproduction method without retyping the text. This method is not yet perfected.

Just as lawyers must now be familiar with the traditional way of researching text books, law reviews, digests, codes and court decisions, so too must they learn to use the computer. This will not be very difficult as the computer is basically a very simple device. Lawyers have learned how to use a large number of specialized services each having a few peculiarities and computers will present very few user problems of greater magnitude.

It is true that new methods and new ideas are being developed for indexing legal materials so they may be stored and retrieved from computers. The physical materials used to store and retrieve data in a computer are punch cards and magnetic tape. Legal material such as court decisions are usually stored in a computer by manually abstracting or indexing their contents onto a card. An operator then puts this material into the computer and so programs the computer that it will automatically compile an index for user retrieval of the material.

So far computer indexers doing abstracts use a "point of law" system similar to West Publishing Company's key number system or a new system developed by the Graduate School of Public Law of George Washington University called "descriptors." Under the latter system the indexer culls from court decisions and puts on index cards facts, legal concepts, party names, judges' names, court jurisdictions, dates and other identifiable factors. This is a much more detailed index than the "point of law" index.

The Health Law Center of the University of Pittsburgh has developed an index system of assigning numbers to statutory sections and this index number is used to retrieve the section. Another system developed by the Southwestern Legal Foundation assigns numbers to all the meaningful words in the text of each court decision and uses those as an index to retrieve materials stored on computers.

There is nothing particularly new or novel in computer law indexes. Certain new terms are being used by computer operators. For example, the computer index is, with its retrieval number, called a Thesaurus. The legal profession will find it easy to find the number in the "Thesaurus" of the material or court decisions which will cause the computer to disgorge this material as desired.

The computer can be designed to perform a vast variety of functions including language translations. In order to utilize the computer as a translator it is necessary to provide it with necessary language data and instructions telling it what to do with that data. There is very litle data on actual experience with computers for translations but experts assure that it is technically feasible.

Computers control Tokyo's traffic. New York will soon have a similar system. Stolen car and other license numbers are stored in computers which give an instant response to police. Most banks operate their bookkeeping via computers not only for speed but accuracy. Giant passenger airplanes are now landed via computer during foggy weather. The thousands of other things a computer can be and is used for are growing day by day. An idea can now be transmitted around the world in one-seventh of a second. Newspapers, radio and television do this constantly. Law can be transmitted just as readily.

We of the law must also modernize and update our way of performing our functions so as to take full advantage of electronic data processing of law materials. I have not the slightest doubt that we will do so and all mankind will thereby be better served by both lawyers and the law.

The Center must be at the forefront of this "law" explosion.

The LRS computer is tied into Western Union's Telex system so that any lawyer in the United States can go to a Western Union office or have a Telex installed in his own office (for $35.00 per month) and secure responses in seconds to requests for court decisions on any subject within the computer. Each request costs $10.00. This same type of "instant" research is possible worldwide. The Center can feed decisions of high courts of nations into a computer in Geneva and any lawyer, judge, or government official can secure or retrieve this information via telegraph cable. It has been suggested that the full text of these decisions be stored via microfilm in 10 to 20 "banks" around the world from which copies could be obtained upon request. The same system could be followed for statutes of nations, treaties and other international legal material.

This use of computers to make more law more available is the wave of the future in law. The Center's study is aimed at speeding the arrival time of this wave. The Center will start a modest computer program and add to it as funds become available. The cost may appear to be prohibitive but with 1,000,000 lawyers in the world and many governments and multi-nation corporations desiring and helping to pay for this service this cost can be met by many paying a small amount each.

The Center will move slowly but steadily in creating its computer capacity. As recommended by its Committee under John Deere, the Center will rent all equipment and start very small. In the end it is hoped that the lawyer in Nepal, Nairobi, Caracas, Rio de Janeiro, Paris, New Delhi or Tokyo can have access to an "on-line" law computer just as the lawyers in many States now have such access through LRS—Western Union. What a shrinking of the world this will be. And what a "breakthrough" for an orderly world under law.

Since law can do more for world peace than all the bombs man can make and all the armies he can march the great imperative of our day is to create enough international law to replace bombs and armies.

Law cannot remain unaffected and apart from the processes of dramatic change of our epochal era. The miraculous social, economic and scientific advances of our day require that law keep pace. Use of the computer is a giant step toward this essential goal. As new advances are embodied in law they become permanent advances. This, too, advances world peace.

Exhibit A

Most Recent Codification of Laws in Various Countries of the World

(By James L. Hudson)

Afghanistan: No compilation.

Algeria: Juris-Classeur Algerien (maintained up to date through looseleaf supplements).

Argentina: Anales de Legislacion Argentina, 1964 (latest general index 1954; yearly indexes are included in each volume).

Austria: Das Österreichische Recht (maintained up to date through yearly supplements).

Australia: Commonwealth Acts, 1965.

Basutoland: Laws of Basutoland, 1959.

Bechuanaland: Laws of Bechuanaland, 1959.

Belgium: No codification, (yearly session laws).

Bolivia: Disposciones Legales, 1949.

Brazil: Vademecum Forense, 1965.

Burma: The Burma Code, 1934 (since 1943 the code has added new volumes but no codification).

Canada: Revised Statutes of Canada, 1952 (brought to date by yearly statutory table).

Ceylon: Legislative Enactments of Ceylon, 1956.

Chile: Recopilación de Leyes, 1966.

Costa Rica: Leyes y Reglamentos Usuales, 1944 (indexed to 1954).

Cuba: Legislacion Cubana, 1958, Laws of the Revolution, 1964.

Cyprus: Laws of Cyprus, 1959.

Denmark: Karnow's Lousamling, 1960 (yearly supplements).

Ecuador: Constitution and Laws of Ecuador, 1961.

El Salvador: Recopilacion de Leyes, 1955.

France: No general compilation (yearly session laws indexed).[1]

Finland: Suomenkaki, 1965 (volume 1); Suomenkaki, 1964 (volume 2) (both volumes are replaced every two years).

Gambia: Laws of Gambia, 1965.

Germany: No general compilation.[1]

Guyana: Laws of British Guinea, 1953.

Ghana: The Laws of the Gold Coast, 1951.

Honduras: Laws of British Honduras, 1958.

Hungary: Laws and Edits in Force, 1964; Cabinet Decrees and Resolutions in Force, 1964; Ministerial Decrees in Force, 1964.

Iceland: No compilation (latest bound official gazette, Stjornartidindi, 1962).

India: India Code, 1955 (maintained up to date by looseleaf supplements).

Iran: Majmu'at Qwanin wa-Mugarrarat Kushur (compilation of laws, regulations, maintained up to date with annual looseleaf supplements).

Iraq: al-Majmu'ah al-Da'imah lil-Qawanin wa-al-Anzimah al' 'Iraqiyah al-muwahhadah, 1948 (compilation of Iraqui laws, regulations).

Ireland: No general compilation.

Italy: No general compilation.[1]

Jamaica: Laws of Jamaica, 1953.

Japan: Iwanami's Six Codes (yearly supplements).

Jordan: Majmu'at al-Qawanin wa-al-Anzimah al-Sadirah waal-nafidhat al-maf'ul li-Ghayat Sanat 1956, Fi almamlakah al-Urdiniyah al-Hashimiyah (compilation of Jordanian laws, regulations in force up to 1956; published in 3 vols. 1956–1961, but not maintained up to date).

Kenya: The Laws of Kenya (maintained up to date with looseleaf supplements).

Korea: Sokwan's, Six Codes (annual publication).

Kuwait: No compilation.

Lebanon: Maju'at al-Tashri' al-Lubonai (compilation of Lebanese legislative acts, published in 5 volumes and maintained up to date with looseleaf supplements).

Liberia: Liberian Code of Laws, 1956.

Libya: Mawsu'at al-Tahri'at al-Libiyah (Encyclopedic compilation of Libyan legislation, published in 10 volumes and maintained up to date with looseleaf supplements).

Liechtenstein: No compilation.[1]

Luxembourg: No compilation.[1]

Malawi: Laws of Nyasaland, 1957 (maintained up to date with looseleaf supplements).

Federated Malaya States: Laws of the Federated Malaya States, 1935 (supplemented by looseleaf up to 1961).

Malta: Laws of Malta, 1942.

Mexico: No general compilation.[2]

Monaco: Lois Usuelles, 1949.

Morocco: Les Codes Marocaine (maintained up to date by looseleaf supplements).

Nepal: No compilation.

Netherlands: Fruin, Nederlandsche, Wetboeken Uitgegeven Door, 1959, yearly supplements).

New Zealand: New Zealand Statutory Reprint, 1957.

Nigeria: Laws of the Federation of Nigeria and Lagos, 1958.

Norway: Norges Louer, 1682–1963 (replacements every 3 years).

Pakistan: Unrepealed Central Acts, 1952 (mostly Indian legislative acts).

Panama: Legislacion Panamena, 1958.

Paraguay: No general compilation.

Peru: Compelacion de la legislacion, 1956.

Poland: No general compilation.

Sierra Leone: Laws of Sierra Leone, 1960.

Singapore: Laws of the Colony of Singapore, 1955.

South Africa: The Union Statutes, Classified and Annotated Reprint, 1947.

Sudan: The Laws of Sudan, 1955.

Swaziland: The Laws of Swaziland, 1949.

Sweden: Sveriges Rikes Lag, 1966.

Switzerland: Bereinigte Samlung Der Dundesgestze und Verordnungen, 1848–1947 (check yearly session laws for revisions; more properly speaking the 15 volumes of this work would be called a general collection of laws instead of a compilation or codification).

Saudi Arabia: No compilation.

Syria: Majum'at al-Tashri'al-Suri (Compilation of Syrian legislation, published in 9 volumes and maintained up to date by looseleaf supplements).

Tanzania: Tanganyika Revised Laws; The Laws of Zanzibar (both maintained up to date with looseleaf supplements).

Trinidad and Tobago: Laws of Trinidad and Tobago, 1950.

Tunisia: No compilation.

Turkey: No compilation.

Uganda: Revised Laws of Uganda, 1964.

United Arab Republic: (a) al-Mawsu'ah al-Misriyah lil-Tashri' wa-al-Qada'. (Encyclopedic compilation of Egyptian legislation and judicial decisions; five volumes and maintained up to date by looseleaf supplements.) (b) al-Mawsu'ah al-Tahri'iyah al-hodithad lil-Jamhuriyah al-'Arabyah al-Mutahidad. (Modern encyclopedic compilation of the legislation of the U.A.R.; 26 volumes maintained up to date by looseleaf supplements.)

U.S.S.R.: No compilation.

United Kingdom: Halsbury's Statutes of England (yearly supplements).

Uruguay: Reopilacion de Leyes Vigentes del Uruguay, 1947.

Venezuela: Compilacion Legislativa de Venezuela, 1954.

Yugoslavia: No compilation.

Zambia: Laws of Zambia (maintained up to date with looseleaf replacements).

FRENCH SPEAKING AFRICA

In spite of substantial enactment of various types of legislation, none of the French speaking nations of Africa, South of Sahara, since independence has initiated any codification. As a matter of fact, in many fields of law the previous French or Belgian statute still applies, thus, the codification of Juris Classeur de la France d'Outr-Mer updated to 1960 is still the collection and codification of laws used by mentioned nations.[3]

The same may be said for their criminal legislation which, despite the existence of some newly enacted criminal codes, the codification of the Bouvenet's Droit Penal en Afrique, remains the main source of criminal law. An exception to this situation are only Cameroun (Codes et Lois du Cameroun), Malagasy (Les Codes Bleus Malgaches) and the Republic of the Congo (Codes et Louis du Congo) where codification of laws began since French or Belgian rule and proceeds more or less in the same manner.

Exhibit B

Law Research by Computer

(By William S. Rhyne)

This is a survey for the World Peace Through Law Center to identify each project—initiated or planned—making use of a computer for research in the field of law in the United States.

This survey is not intended to analyze or evaluate these projects but merely to describe them as background for a far-reaching Center program, whose ultimate purpose is to store legal information in computers for retrieval by Center members.

This is Part One of the Center's study on computer law research, and is limited to experience in the United States.

I. PROJECTS EMPLOYING MANUAL INDEXING

A. Law Research Service

Law Research Service of New York in cooperation with Western Union presently stores 3,000,000 federal and state case citations in a Univac 418 computer for instant on-line retrieval. From Law Research Service in New York, court case citations will be available under the following federal and state categories:

Federal—Admiralty and Law of the Sea, Anti-trust and Unfair Trade, Banking and Insurance, Bankruptcy, Constitutional Law and Public Authority, Contracts and Agency, Corporations and Securities, Criminal Law, Copyrights, Trademarks, and Patents, Family Law, Natural Resources, Negligence, Property, and Taxation.

State—Corporations, Contracts, and Business Law, Criminal Law, Domestic Relations, Estates and Wills, Evidence and Procedure, Negligency, Public Law and State Taxation, Real and Personal Property.

To use LRS, an attorney must purchase thesauri, or indexes, in whichever of the above-mentioned areas he desires, at $75 each. He then finds the appropriate ten-digit number from the thesaurus and, on a personal model rented from Western Union or on that of the LRS area representative, he types the number onto a Telex teletypewriter, which provides immediate, on-line access to the Univac 418 computer in New York. Case citations are then automatically teletyped onto the Telex unit. Personal observation has shown this method to be both instantaneous and reliably accurate.

LRS will process four code numbers for $10 plus a $2 line charge. The Service also offers for $20 a Special Evaluation whereby, from the fact situation as submitted by the attorney, LRS decides what areas are covered and then lists appropriate case citations. Printouts of the full texts of court decisions taken from a microfilm file, are available at 4 court decisions for $5.

B. Internal Revenue Service

The RIRA computer system supplies the 41 legal information centers of IRS with indexes and microfilmed abstracts of statutory law and court decisions concerned with tax law.

Computers are used to evaluate income and corporate tax structures and to estimate the economic effects of proposed tax structure changes.

Econometric analysis, also employing computers, shows the interrelation of such economic components as the consumer market, rate of investment return and corporate cash flow.

C. Armed Services Technical Information Agency

ASTIA, under the direction of the Air Force Systems Command, has planned a computerized processing of the United States Code and of the decisions of the Controller General. It has also prepared an index of terms in use by the Armed Services.

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[1] Although most European countries do not have a general compilation of laws, codification does exist in special fields, i.e., labor, civil and criminal procedure, commerce, and criminal law, etc.

[2] The same may be said for Mexico, for instance, labor, Legislacion Sobre Trabajo, 1963 to date; Taxation, Le Del Impuesto Sobre La Renta, 1948 to date; Natural Resources, Aguas, Bosques Colonizacion, Minasy, Petroleo, 1962 to date.

[3] Statements made by African jurists including the Chief of the Supreme Court of the Republic of Senegal.

D. Federal Aviation Agency

The FAA plans to classify air law by computer. The law library at FAA has begun indexing legislative materials and FAA legal opinions.

E. Department of Justice

The Department of Justice has used computers to produce a desk book on anti-trust matters.

F. Oklahoma State University

The late Robert Morgan, Professor of Business Law, originated the "point-of-law" indexing approach with a demonstration in the gift tax field.

G. George Washington University

The National Law Center has experimented with the computerization of court and administrative decisions, and the rules of various Federal agencies. In cooperation with the Internal Revenue Service and the World Peace Through Law Center, the National Law Center is working on computerizing international tax law. These projects created and utilize the "descriptor" approach, which indexes material by various, predetermined classifications.

H. University of Nebraska

The Law School has pioneered cooperation between a university and a state legislature in computerizing statutory materials for the State of Nebraska.

I. University of California

John H. Jackson has indexed 3,000 documents of the General Agreement on Tariffs and Trade by document numbers, countries involved, and articles of the GATT agreement to which they are related.

J. University of Washington (Seattle)

Peter H. Rohn has coded the United Nations Treaty Series according to parties, time, subject matter, and textual references to international organizations. Professor Rohn's project involves a cumulative index of UNTS, as well as comparative profiles on different countries and a set of global trends.

II. PROJECTS EMPLOYING THE FULL TEXT OF SOURCE MATERIAL

A. University of Pittsburgh

Under contract with the Department of Defense, the University has indexed over 1500 international documents; the more heavily used will be printed with "key-word-in-context" indexes for the full text computerization system.

B. University of Pittsburgh Health Law Center

John F. Horty, Director of the Center and Chairman of the American Bar Association Committee on Electronic Data Retrieval, has recorded on magnetic tape the complete laws of the United States, the statutes of New York, New Jersey, and Pennsylvania, the health statutes of ten other states, and the Pennsylvania Attorney General's opinions on education. This project also uses the "significant word" approach to data retrieval.[1]

C. University of California at Los Angeles

The Law School has researched the computerization of California law, while emphasizing the prediction of judicial decisions through computer interpretation of statutes and court cases.

D. University of Iowa

Professor Allan Vestal is investigating the opinion writing practices of Federal District Court judges. He is using an IBM 1401 computer to sort out from a body of 3,000 opinions from fiscal 1962 those with the desired characteristics.

E. Stanford University

Jan F. Triska has prepared a study on the full-text computerization of the United Nations Treaty Series. He has begun development of a "key-word" retrieval system.

F. American Bar Foundation

The ABF has conducted research on full-text computerization of 5,000 court decisions from five Northeast states.

G. Southwestern Legal Foundation

The Foundation has developed the "root file" approach for retrieval of case law. All words in the original text are given root index numbers, and various forms of the word are collected under the appropriate root term.

H. State of Iowa

All bills considered by the General Assembly are recorded, along with their current status, on a General Electric 235 computer. As the bill's status is changed, the computer prints a new record of the bill. Every three weeks while the Assembly is in session, the Data Processing Division publishes all this information and distributes it to legislators and other key officials.

III. PROJECTS ON THE GENERAL APPLICABILITY OF COMPUTERS TO LAW

A. International Business Machine Corporation and Datatrol Corporation have conducted extensive research in this area.

B. The American Bar Association and Yale University publish "The Modern Use of Logic in Law" (Mull).

IV. SIMILAR WORK IN THE MEDICAL FIELD

Medlars

National Library of Medicine, Bethesda, Maryland.

Publishes: monthly Index Medicus; annual Cumulated Index Medicus; Bibliography of Medical Reviews (recurring).

Index Medicus: Medlars has reduced production time on this monthly issue from 22 to 5 days.

Bibliography: For special bibliographies (non-recurring), Medlars has reduced search, retrieval, and print time to two days. Material for these publications is stored on a Honeywell 800 computer.

Operation: 30 full-time experts index texts of 1500 medical journals from 60 nations which are published in 30 languages. This is done according to previously defined subject headings. Each article may be filed under several subject headings. This catalogue is then fed into the memory unit of the computer for special bibliographies and for the printing of recurring bibliographies and Index Medicus.

Data is stored on magnetic tape in the Honeywell 800 computer. It is then searched and edited to fill requests, and finally converted for printing.

Typesetting is done by phototypesetter at a rate of 1.7 lines a second or 300 characters a second. Printing is not done by the Medlars system, but is sent out.

Volume: The Medlars system handles 140,000 requests annually. 14,000 citations to journal articles are added monthly to the Medlars computer memory. Medlars usually furnishes only bibliographies, not full texts. But, full texts are available through microfilm.

Cost: The basic cost of this medical computer project was $3,000,000. An annual cost of $1,000,000 is required to update material, since much medical information more than 10 years old is considered obsolete.

VIOLENCE IN GRENADA

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, it is heartening that the Justice Department has successfully secured a restraining order requiring local officials to protect Negro schoolchildren in Grenada, Miss.

The entire world will be watching to see whether local officials in Mississippi will now uphold the law. This morning the Attorney General reported to me that matters now seem under control.

Mr. Speaker, it is difficult to imagine a spectacle more brutal than what took place in Grenada this Monday. According to press accounts, white citizens beat up Negro schoolchildren unmercifully, while local police officials watched in glee.

The children were being harmed, of course, because they were complying with Federal law and going to the school of their choice.

A number of us were so alarmed at these press accounts that we sent a telegram to the Attorney General asking him to send in Federal marshals and to seek appropriate indictments against those officials and others who violate Federal statutes.

While the Department has now taken action in the courts, it may still prove necessary to send Federal marshals to that town if local authorities prove unable or unwilling to enforce the law.

In any case, the entire incident is highly destructive to the cause of civil rights and to the spirit of the civil rights acts passed by this House. Even if Grenada now becomes quiet once again, the damage has been done. Negro families and Negro children throughout the South will have been effectively frightened.

As the Washington Post said in an editorial this morning:

> Human beings everywhere must be revolted by what happened Monday in Grenada, Miss. . . . If the State can't control its thugs, the United States can . . . Let us give them one more trial. But if they fail again, let us quit paltering and send Federal troops into the State to maintain order. A touch of martial law might be a very civilizing influence to these barbarians.

At this point, Mr. Speaker, I insert in the Record our telegram and the editorial by the Washington Post:

September 13, 1966.

Hon. Nicholas deB. Katzenbach,
Attorney General,
Department of Justice,
Washington, D.C.

Once again local law enforcement in the South appears to have broken down completely. According to all accounts local officials have been unable and unwilling to keep law and order in Grenada, Mississippi.

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[1] N.B. A study has revealed that a collation by the Center of Welfare laws for the Pennsylvania State Welfare Commission and State Department of Justice, would, if done manually, have cost $35,000. The cost by computer was $5,000.

We are shocked by reports that even little children have been beaten while exercising their constitutionally protected right to attend public school.

Federal officials bear an especially great responsibility for this situation since the integration of the Grenada school was in large part brought about by Federal officials acting under Federal law.

We urge that Federal marshals be dispatched to Grenada at once to protect the school children and other citizens of that community. We further urge that appropriate Federal indictments be sought against those citizens and officials who are engaging in flagrant violation of Federal statutes.

George E. Brown, Jr., Phillip Burton, John Conyers, Jr., Don Edwards, Donald M. Fraser, Henry B. Gonzalez, Seymour Halpern, Augustus F. Hawkins, Patsy T. Mink, Richard L. Ottinger, Adam C. Powell, Benjamin S. Rosenthal, William F. Ryan, James H. Scheuer, Members of Congress.

[From the Washington (D.C.) Post, Sept. 14, 1966]

GRENADA

Human beings everywhere must be revolted by what happened on Monday in Grenada, Mississippi. To some Mississippians it appears to have been an occasion for laughter to see children clubbed and maimed by adults armed with ax handles, pipes and chains. But to the civilized world, this is a spectacle too abhorrent to be longer countenanced.

The Mississippi mob vented its wrath on children lawfully attending two public schools in Grenada on the opening day of the new school year. One was an elementary school, the other a high school. As the children left their classrooms, screaming grown-ups fell on them. According to the Associated Press, "One Negro youth ran a gantlet of cursing whites for a full block, his face bleeding, his clothes torn. Another youth was thrown to the ground and stomped . . . Men did all the beating but many women were present, cursing and yelling."

Every community has its scum, of course. And if this were no more than the brutality of a few hoodlums momentarily out of hand, it could perhaps be regretted and dismissed as an aberration. But the ugliest aspect of what happened was that the law enforcement authorities of Grenada watched it all, not raising a hand to protect the helpless children. What manner of men can these be? There seems to have been such a default of moral and political leadership in Mississippi—by successive Governors, by the State's U.S. Senators in Washington, by local authorities—that the population as a whole has been corrupted and degraded to insensibility.

This is not an isolated incident in Mississippi. It is part of a pattern, fostered by official callousness, fomented by official contempt for the law. It is of a piece with the shooting of James Meredith when he walked on a Mississippi highway last June and akin to the mobbing of the civil rights marchers who came after him. It is in keeping with the killing of Medgar Evers in Mississippi in 1963 and with the murder of three civil rights workers in the State's Neshoba County in 1964. From January 1961 through May 1964 there were more than 150 serious incidents of racial violence reported in Mississippi. Most of these went altogether unpunished. "Every assault or murder which goes unpunished," the Civil Rights Commission warned in its report of last fall on Law Enforcement in the South, "reinforces the legacy of violence—the knowledge that it is dangerous for a Negro to depart from traditional ways."

The United States is directly concerned in this Mississippi primitivism. It is Federal law and the edict of Federal courts that Mississippians over and over again have flouted. And it is the image of America in the eyes of civilized mankind that Mississippians have grimed and disgraced.

Let us now put an end to it. If the State can't control its thugs, the United States can. Governor Johnson's initial reaction to the Grenada situation was to say that state troopers will be "as active as the situation requires where the local authorities call on them for help." But it is evident that the local authorities don't want help. Later, and more realistically, the Governor sent 175 highway patrolmen in full riot dress into Grenada to protect the Negro children. Let us give them one more trial. But if they fail again, let us quit paltering and send Federal troops into the State to maintain order. A touch of martial law might be a very civilizing influence to these barbarians.

GAO AUDIT CALLED FOR TO DISCLOSE EXTENT TO WHICH FEDERAL FUNDS ARE BEING MISUSED BY U.S. OFFICE OF EDUCATION

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Cramer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CRAMER. Mr. Speaker, on August 23, and again on September 13, I took the floor of this body to discuss the Commissioner of Education's outright flaunting of the provision of title IV of the 1964 Civil Rights Act which specifically prohibits the granting of Federal funds to promote the assignment of students to public schools to overcome racial imbalance.

On August 23, I pointed out that over $730,000 is being granted by Commissioner Howe to encourage what this Congress specifically forbade and that substantial portions of these Federal funds are in fact being used to aid in the busing of schoolchildren to suburban areas.

I have twice placed into this Record a copy of a letter I directed to Commissioner Howe in which I requested an explanation from him asking under what authority he is acting in granting funds for this prohibited purpose. I have yet to receive an answer from him.

It has also come to my attention that the U.S. Office of Education prepares what it refers to as a "Daily Press Digest" which contains reprints of newspaper articles dealing to some extent with integration problems. The September 9 issue of this digest contains an article from the San Francisco Chronicle which reports that 400 children from East Oakland will be bused daily to 7 schools in what the article refers to as "hilly white areas" this fall. The article goes on to quote the Oakland school superintendent, Stuart S. Phillips, to the effect that the plan is being financed by Federal funds out of an $88,000 grant.

Mr. Speaker, not only is the Office of Education flaunting the law, but it is using taxpayer's money to propagandize the fact in its Daily Press Digest.

In view of Commissioner Howe's refusal to explain this misuse of funds, I have directed the General Accounting Office to investigate this situation and to determine the extent to which the law is being violated by him.

Mr. Speaker, this is serious business. Congress, rather than the executive branch, is entrusted with the responsibility of appropriating money and Congress therefore has a corresponding duty to make certain that the money it appropriates is not wrongfully spent. If the Office of Education is allowed to ignore the mandate of Congress in this instance, and a precedent is set thereby, the congressional duty of legislating could be usurped by the executive branch with impunity in other instances as well in the future.

I can assure this body that I will take whatever further action is justified as a result of the GAO report.

Following, for the information of the Members, is the article which appeared in the U.S. Office of Education's Daily Press Digest that discusses the school busing of students in East Oakland, Calif., an admission being bragged about by the Office of Education through the circulation of the article by the Office itself:

[From the San Francisco Chronicle, Sept. 3, 1966]

SCHOOL BUSING FOR 400 NEGRO PUPILS

Some 400 children from three overcrowded predominantly Negro schools in East Oakland will be bused daily to seven schools in hilly white areas this fall.

Oakland Superintendent of Schools Stuart S. Phillips announced the integration plan—to be financed by Federal funds—at a press conference yesterday.

"Hopefully," he said, the busing plan and some other measures "will aid the district in developing exemplary patterns of city-wide integration."

VOLUNTEER

Children will be asked to volunteer as bus commuters from Lockwood, Woodland and Highland grammar schools, all in the heavily Negro flatland areas between East 13th Street and the Nimitz Freeway.

They will be transported to Henry J. Kaiser, Jr., Sequoia, Redwood Heights, Maxwell Park, Burkhalter, Charles P. Howard and Marshall schools, all located in more affluent neighborhoods.

Special human relations experts and a curriculum designed to assist the children from the poor areas will be available in the hill schools, Phillips said.

APPROVAL

The Oakland Board of Education approved integrating the hill elementary schools last Spring, Phillips said.

A Federal grant of $88,000 will broaden the previous plan and other U.S. funds will bolster it still further.

Phillips and Dr. Tom MacCalla, director of special urban education services for the Oakland schools, said that children from the hill schools may be voluntarily transferred by their parents to the schools in the Negro areas.

"There has been no interest in the reverse integration program at this time," MacCall said. He added, however, that the parents in the white areas probably did not know about the opportunity.

REPUBLICAN POLICY COMMITTEE STATEMENT ON 1966 AMENDMENTS TO THE FEDERAL WATER POLLUTION CONTROL ACT, H.R. 16076

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. Rhodes] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, at the September 14, 1966, meeting of the House Republican policy committee a policy statement regarding the 1966 amendments to the Federal Water Pollution Control Act, H.R. 16076, was adopted. As chairman of the policy committee, I would like to include at this point in the Record the complete text of this statement:

Republican Policy Committee Statement on 1966 Amendments to the Federal Water Pollution Control Act, H.R. 16076

We support H.R. 16076 as it has been amended and reported by the Committee on Public Works. Under the provisions of this bill, the next logical step in the ever-increasing effort to end the wasteful and unnecessary pollution of this country's waters has been taken.

The Federal Government has long played a leading role in the improvement of our rivers and harbors and has financed and directed irrigation and flood control projects since the early 1900s; however, it was not until 1956 under the Eisenhower Administration that the first comprehensive Federal Water Pollution Control Act was enacted. Under this Act, grants were made to States and interstate agencies for water pollution control activities, and to municipalities for the construction of sewage treatment works. Also, a permanent procedure for governing Federal abatement action against interstate pollution was established.

Although the 1956 Act was a good beginning and laid a firm foundation for future action, it soon became apparent that, if this program were to be successful, there would have to be greater State financial participation in the construction of sewage treatment works. Thus, since 1959, the Republican members of the Committee on Public Works have insisted that any increase in the funds authorized for Federal grants must be used to accelerate needed construction by offering an inducement to the States to participate in the cost of treatment plants.

H.R. 16076, as reported by the Committee, accepts this principle. It contains substantial inducements to the States to participate in the cost of projects under both the accelerated existing program and the proposed clean rivers program. Thus, if a project is a part of an approved plan for a river basin, coastal waters, bays or lakes, it is eligible for an incentive grant of 10 percent above the basic 30-percent grant, and with no dollar limitation. The grant also may be increased by an additional 10 percent if the State agrees to contribute 25 percent for all projects under this program. This provision for incentive grants will bring the States more actively into the program, will reduce the need for future Federal funds, and will encourage local communities to provide adequate sewage treatment facilities.

Certainly the amounts that are made available for Federal grants must bear some relationship to the ability of the States and local communities to utilize such grants. The amounts which would be authorized by this bill are, we believe, the maximum that can be used wisely. Moreover, a massive Federal program could hinder rather than help the overall effort by encouraging the States and local communities to believe that the Federal Government has taken over the water pollution problem and little or no effort on their part is required.

This bill, aside from providing for basin planning, is primarily an expansion of the existing Federal program of grants for construction of municipal sewage treatment plants. It does not attempt to solve the pollution problems that arise from the many sources unrelated to municipal sewage. Thus, the cleaning-up of the rivers of the nation unrelated to the treatment of municipal sewage will be the result of the pollution abatement enforcement provision and requirements for water quality standards in the existing law.

Through the adoption of a Republican amendment, the committee has in this bill laid the foundation for possible future legislation that could provide for additional pollution control and abatement. Under section 211 of this bill, the Secretary of the Interior is directed to conduct an investigation and study of methods for providing incentives to assist in the construction of facilities and works by industry to reduce or abate water pollution. This study shall include the possible use of tax incentives as well as other methods of financial assistance. The bill also provides for 70 percent Federal grants for research and demonstration projects for prevention of pollution of waters by industry. These provisions are highly desirable. They may point the way to a future solution of the pollution problems created by industry. Such a solution must and will be found, and this provision is an important first step.

In this period of extreme inflationary pressures and excessive Federal expenditures, every proposed increase in Federal spending must be carefully considered. This bill would authorize the Administration-recommended appropriation of $2.45 billion for the fiscal years 1967–71. However, this authorization must be contrasted with the $6 billion authorization for fiscal years 1967–72 which is contained in the Senate-passed measure. Moreover, it will fund a program that has been carefully devised to assist in solving a serious situation that demands immediate action. Under the provisions of this bill, the States, the cities and the communities will be encouraged to do their share in combating the common problem of water pollution.

We believe that the importance and the urgency of this task justifies the expenditure of the proposed funds. We, therefore, urge the enactment of H.R. 16076.

REPUBLICAN POLICY COMMITTEE STATEMENT ON THE VETERANS PENSION ACT OF 1966, H.R. 17488

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. Rhodes] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, at the September 14, 1966, meeting of the House Republican policy committee a policy statement regarding the Veterans Pension Act of 1966, H.R. 17488, was adopted. As chairman of the policy committee, I would like to include at this point in the Record the complete text of this statement, as follows:

Republican Policy Committee Statement on the Veterans Pension Act of 1966, H.R. 17488

The House Republican policy committee supports the Veterans Pension Act of 1966, H.R. 17488. This bill would provide a much-needed cost-of-living rate increase for all veterans and widows of veterans.

In this period of mounting inflation, escalating living costs and soaring interest rates, the pensioner, the social security recipient, and the individual with a fixed income has become the forgotten man of the Great Society. These Americans do not have this means or the weapons to combat inflation. They can only watch in helpless dismay as their purchasing power and savings melt away.

The seriousness of their situation is underscored by the fact that during July alone, the consumer price index increased 0.4 percent and using the years 1957–59 as a base, this index reflects that the cost of living has increased 13.3 percent. Moreover, the cost of services which elderly people are more likely to need than our younger citizens increased over 16 percentage points during the period from 1958 to 1965. And when services exclusive of rent were considered, the increase was 18 percentage points.

Although many veterans and widows of veterans are now subsisting under the barest and most meager circumstances, the Johnson-Humphrey administration has continued to oppose legislation that would provide a much-needed cost-of-living rate increase. Under the present circumstances, this opposition cannot be justified and we commend the Republican members of the Veterans Committee whose continued efforts have largely been responsible for the reporting of this bill.

While we applaud this bill, it should be noted that the Republican efforts to increase the veterans income limitation were defeated in Committee. As a result, for many veterans, the recent increase in social security payments will be more than wiped out by a far greater reduction of the veterans pension. We believe that this is an inequity which needs correction.

COMMUNIST TERROR: CUBA—PART 3

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, yesterday the Senate Internal Security Subcommittee heard the testimony of a former prisoner, Jose Manuel Santamaria, who had fled Cuba after serving 5 years in the Isle of Pines prison. To those familiar with the official policy of terror which is part and parcel of the Communist system, the brutal treatment of human beings described by Mr. Santamaria comes as no surprise. Whether one reviews the history of the Communist takeover in Russia, Latvia, Lithuania, or Estonia, in Yugoslavia or Rumania, the story is forever the same. Especially important to those who believe and trust in God is the cruel and unrelenting drive to eradicate all vestiges of religion from the hearts of men. No longer, however, do the accounts of religious persecution emanate from thousands of miles away. Today, no farther than 90 miles from our southern shores, the same militantly atheistic ideology has set up shop. One wonders how much closer the threat must come before some American citizens become concerned. One wonders if some must hear directly the plea of the Jehovah Witness as heard by Mr. Santamaria:

> If you ever get away from this terrible island, tell the world of the horrors being imposed for preaching the Bible.

To broadcast this plea as far and wide as possible, I request that the article, "Senators Told of Horrors in Cuban Prisons," by Willard Edwards in the Chicago Tribune of September 14, 1966, be inserted in the Record at this point.

Senators Told of Horrors in Cuban Prisons—Similar to Nazi Camps, Refugee Testifies

(By Willard Edwards)

Washington, Sept. 13.—The horrors of the Nazi's Dachau and Buchenwald are being approached in the prisons and concentration camps of communist Cuba, a former prisoner told Senate investigators today.

Jose Manuel Santamaria, 29, who fled Cuba after serving five years in the notorious Isle of Pines prison where Cuban Premier Fidel Castro incarcerates his political opponents, described murder, torture, unmitigated brutality and starvation as the common lot of prison inmates.

PROTEST IS REPORTED

Santamaria's testimony was given to the Senate internal security subcommittee, headed by Senator Thomas J. Dodd, [Democrat, of Connecticut] despite the reported protests of Senator J. W. Fulbright [Democrat, of Arkansas], chairman of the Senate foreign relations committee, who has dismissed communism in Cuba as a minor nuisance.

The refugee, now living in Hartford, Conn., was a student leader in the guerrilla movement which placed Castro in power and was given an army appointment but resigned in protest over Communist control of the Castro regime. He again took up arms, fighting in the hills, but was captured in January, 1961. After serving a five-year sentence, he took to sea with two companions last June and was picked up by a British tanker.

DYNAMITE IS PLANTED

During the crisis in October, 1962, when Russian missiles were discovered in Cuba, 80,000 pounds of dynamite were planted in the Isle of Pines prison, the witness said. In case of an emergency, the entire prison was to be blown up, killing 10,000 inmates, guards told the prisoners.

After the crisis involving the United States and Russia faded, the dynamite remained, Santamaria testified. Inmates always could see a guard stationed on a high hill, prepared to press a plunger, he said. The mental tension thus created caused 30 suicides and a number of mental breakdowns.

RELIGIOUS GROUP CONFINED

In Camaguay province, on the north coast of Cuba, in a district so infested with mosquitoes that it is virtually uninhabited, about 200 Jehovah's Witnesses, a religious sect, have been confined to a compound for their beliefs, the witness said, they have no outer clothing, are given only cane sticks to eat, and slowly are dying of mosquito bites and starvation.

"If you ever get away from this terrible island," these sufferers told Santamaria, "tell the world of the horrors being imposed for preaching the Bible."

"For the first time in my life, I cried," the witness told the subcommittee. "These were men whose only crime was that they wanted to speak about God."

TELLS OF TORTURE

Santamaria said he himself was tortured by electric shocks until he feared for his sanity and pleaded with his captors to kill him. Nine of his companions were shot to death before his eyes in an effort to make them identify their fellow rebels.

He told of prisoners being bayoneted because they moved too slowly. The food, he said, was "unspeakable" and only a few ounces of drinking water were provided daily. There were no toilet facilities.

WAS WITH AMERICANS

Santamaria estimated that the number of political prisoners at 38,000. Outside the prisons and concentration camps, inclosed by barbed wire, hatred of the Castro regime is intense, particularly among farmers, he said, and Cuban youths, conscripted into military service for $7 a month, also are ready to rebel.

"I was with several Americans in prison," he testified. "I will never forget one, William Howard, a big, strong man, who was so enraged when he saw a guard knife a prisoner to death, that he literally tore a door off its hinges in an effort to help."

The subcommittee was told that many Russians, with members of their families, remain in Cuba, confined to areas which are off limits to Cubans. Recently, 200 big trucks transporting missiles, were seen in Las Vegas province. Each truck had a Russian driver, he said.

TRIP BY PROF. STEPHEN SMALE TO THE SOVIET UNION

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. Watson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. WATSON. Mr. Speaker, this week the attention of the Nation was called to a very alarming and distressing report on the recent visit by a University of California professor to the Soviet Union. The trip by Prof. Stephen Smale was no ordinary courtesy call to the Soviet Union for the purpose of exchanging ideas. While in Moscow he called a press conference for North Vietnamese correspondents and promptly denounced American participation in Vietnam as "horrible and brutal." But, this only tells half the story, because this outspoken critic made these irresponsible remarks at the expense of the American taxpayers. His visit to the Soviet Union was made possible by a Federal grant of some $13,000 for salary and travel in the Communist nation from the National Science Foundation.

This is indeed an outrage to every taxpaying American. It is shocking to learn that the National Science Foundation has used so little discretion and good sense as to allow a Berkeley professor to go to the Soviet Union and issue tirades against the efforts of this Nation to assist in securing freedom for the South Vietnamese people.

The National Science Foundation is in no position to claim that it was unaware of Professor Smale's pro-Communist activities. He has headed up the Fair Play for Cuba Committee and was cochairman of the Vietnam Day Committee at Berkeley which systematically carried out widespread protests against the war effort only last year. In addition, a subpena was issued for his appearance before the Un-American Activities Committee hearings last month but was never served.

This Nation can ill afford the adverse publicity caused by a leftwing University of California professor who, armed with the taxpayers' money, is allowed to make subversive remarks in the very camp of the enemy. To let this activity go unnoticed is to betray the very ideals of our fighting forces in Vietnam. If this Government sanctions so-called academic freedom to the point where it disrupts national unity and undermines our military efforts, then it is time to make a reevaluation of any grant-in-aid program which allows American professors to visit Communist nations. If a professor wants to travel at his own expense, then that is his business, but to travel at the expense of the taxpayers and denounce this country is quite another question.

Federal agencies have an obligation to the American people to award various grants, which are made possible by tax dollars, to individuals whose loyalty to this Nation is unquestioned. Since the Berkeley College campus has been the foremost breeding ground for leftwing and subversive activities, the National Science Foundation should exercise extreme care in making grants to anyone at this institution.

COLOMBIA, GRATEFUL GOOD NEIGHBOR, ACKNOWLEDGES U.S. AID PROGRAMS

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House, the gentleman from Massachusetts [Mr. Conte] is recognized for 15 minutes.

Mr. CONTE. Mr. Speaker, I recently had the high honor and very great pleasure to accept President Johnson's invitation to join the official U.S. delegation attending presidential inauguration ceremonies in Bogotá, Colombia.

The trip was a great thrill for me, as I am sure it was for every member of the official U.S. party. It was an eye opener in many ways and, in particular, provided me with some fresh and reassuring insights on our economic aid program in Latin America, on the attitude with which it is accepted by the people of Latin America, and on the benefits it is bringing—both social and economic—to them and to the United States.

The official delegation representing President Johnson in Colombia was headed by Arizona Gov. Samuel P. Goddard, Jr., and included Senator Joseph Montoya, of New Mexico, and my distinguished colleagues and respected friends, Congresswoman Hansen, of Washington; Congressman Cohelan, of California; and my fellow stater from

Massachusetts, Congressman Brad Morse.

The delegation also included the able Assistant Secretary of State for Inter-American Affairs, Mr. Lincoln Gordon; and our very capable Ambassador to Colombia, Covey T. Oliver.

In addition to a number of other State Department and protocol officials, we were also accompanied by Mr. Reynold E. Carlson, associate director of the Latin America and Caribbean program for the Ford Foundation.

The ceremonies inaugurating President Carlos Lleras Restrepo in the vast center hall of the national capitol in Bogotá were colorful and impressive, if somewhat different from our traditions and customs here in the United States. I think we were all a little bit surprised when, in the middle of the program, a young lady member of the legislature stood up to deliver an impassioned 45-minute rebuke of the new president. When she finished, she capped the performance by leading all of the opposition members out of the hall in an orderly but unmistakable gesture of dissension.

We were all struck, too, by the unusual beauty of the city, located 8,500 feet up in the Andes Mountains. It is a city, naturally, of diverse cultural backgrounds—the Indians, and the Spanish who first colonized the region—and there is ample evidence of both in the architecture, color, and design of the city.

The thing that impressed me most, however, during our brief visit is the tremendous job being done in Colombia by the young men and women of the U.S. Agency for International Development mission. I had a good opportunity to meet and chat with many of these people more or less informally, and I was frankly excited by the attitude of enthusiasm and vigor they all displayed, coupled with their mature and realistic grasp of the economic situation in Colombia and the means they had of helping to stimulate expansion and prosperity.

The guiding principle followed by our AID people there is to help the people help themselves. They give prime emphasis to programs that encourage the Colombians to use their own skills and resources, to work and plan for a future of self-sufficiency, free from any reliance on outside aid.

The AID group, for example, has encouraged the Colombian Government to establish a gasoline tax and to use the revenues for a highway construction program. Roads are atrocious down there and, since gas sells for only about 6 cents a gallon tax free, it seems there is great potential in the idea. The group has also encouraged a tightening of Colombian customs procedures in an effort to curb duty-free trade in so-called contraband merchandise such as American cigarettes.

One of the most inspiring accomplishments of the Alliance for Progress is the huge housing project just outside the capital city of Bogotá. It is called Cuidad Kennedy, after our late President. Some 100,000 people live here in new but modest homes, about 14,000 units.

Most of the residents of Cuidad Kennedy once lived in tin-roofed, ramshackle huts patched together from discarded pieces of wood and metal. They could be ruined by a heavy downpour or a carelessly thrown match. A family of eight, for instance, had a two-room hut. The beds were homemade. There was no light or water. There was no bathroom. Meals, when they could be scratched together, were prepared in an open fire outside.

In the new housing project the new homes are very simple. They are small but comfortable. They are made of solid masonry, and they contain a living room, a bedroom, a kitchen, and a bath. Most of the people living in Ciudad Kennedy are still very poor. But their new homes are a bright ray of hope in an otherwise hopeless situation. Their children are warm and dry at night. When they become sick there is a nearby medical center to treat them. And in the daytime they go to school now, instead of roaming the streets or searching for scraps of wood for the home fire. There are playgrounds in the project too, and parks and paved streets and trees. It is a new world for these people and their children who once lived in depths of misery.

One of the truly inspiring things about Ciudad Kennedy is that every one of these new homes were built by the people themselves. This was the key element—self-help—that President Kennedy felt must be involved in his Alliance for Progress so that the people could share in the pride of accomplishment. For this particular project both the Colombian Government and U.S. Government agencies supplied the technical help and the construction materials while the people did the actual work.

The capabilities and achievements of the U.S. AID mission in Colombia provide a superb example of the tremendous possibilities for a well-administered foreign aid program. There is no question that it is helping Colombia establish a stable, growing economy, and at the same time is forging a firm bond of friendship and mutual respect with the United States.

It is apparent on all sides that the social and political climate is responding in like manner and is encouraging one of the more stable, democratic governments in Latin America.

Some measure of the gratitude and respect felt by the people of Colombia can be found in the remarks of their elected leaders.

Shortly before he stepped down to make room for Senor Lleras, former President Guillermo Valencia signed over a Government loan providing 5 million pesos to the Colombian popular cultural action program. The funds were derived from an AID loan.

President Valencia's remarks on that occasion are most illuminating. With members of the U.S. AID mission team present, including Acting Director Francis D. Fisher, President Valencia declared:

> Let it be this moment to make known the deep and profound gratitude the Colombian people have toward the Government of the United States and toward AID and the Alliance for Progress. When President Kennedy, in his immortal speech, offered this continent the policies of the Alliance, and fixed the conditions within which such policies could and should be evolved and developed, he created in reality the seed of continental solidarity which up until that moment had been barely sensed in vague declarations and international agreements without consequences of any depth in the life of our peoples.
>
> For this reason I have never vacillated in considering that that speech of President Kennedy, in which he proposed the policies of the Alliance, is the greatest Pan-American document of all time and can only be compared, though exceeding in greatness, to that of President Monroe when he saved the sovereignty of this continent by notifying Europe that the reconquest of the colonies would not be possible, because America was for Americans.
>
> I should underline that in President Kennedy's speech there are several fundamental points but there is one that applies to this gathering today. The President did not conceive these policies to increase the financial assistance that was in progress, nor for the normal development of the country, but rather he conceived them on the fundamental premise that the increased assistance of the United States to these Latin American countries would be to realize the transformation of living conditions in which these countries found themselves, based on the concept of priority for the health and education of the people.
>
> For this reason I find it absolutely normal that a small part or portion of AID resources is destined for the popular cultural action program. Because if I, acting as the President of the Republic and after 4 years of hard and bitter experiences, were asked which is the most important moment or experience I have had, I would not hesitate to say it was the realization that the health and education of the people are the two foundation stones on the basis of which the transformation can be built; because so long as we do not effectively combat the illnesses that endanger us, and so long as we do not have even a minimum education which would permit us to understand, in order to resolve satisfactorily, the immense problems of the country, all that is said about development is premature and, above all, lacks a fundamental base.
>
> In this manner we are satisfying, to the letter, the spirit of the policies of the Alliance which President Kennedy proposed and which the great President Johnson defined as the "vital Alliance"—that is to say, and so important, that the Alliance is vital not only for the United States but for the whole continent as well.
>
> When President Johnson defined it as the "vital Alliance," not only did he characterize it in all its greatness and fullness, but he gave it another quality also, that if the Alliance is not effected it could be fatal for our countries because of the tremendous disillusion it would produce and the resulting impulsion of these peoples toward the Communist forces because of the failure of the Christian and Democratic forces which we wish to strengthen in America through the example and with the help of the United States. (Bogotá, Colombia, July 21, 1966.)

President Valencia's remarks, clearly, are a tribute to a sound idea and to the achievements of the dedicated people who are converting the idea to a reality.

In my judgment, all the men and women associated with the AID mission in Colombia deserve our sincere and heartfelt thanks and congratulations.

Tribute must also be made to Ambassador Oliver, through whose patience and understanding, the AID concept was put across in Colombia and the way cleared for true progress.

On the eve of the inauguration of President Lleras, outgoing President Valencia had this to say about His Excellency Ambassador Oliver:

> I wish to say of the Embassy of the United States of America in Colombia, that there we have always found comprehension, sympathy, and help when we have gone there in search of support. I wish especially to recognize the American Ambassador to Colombia, Mr. Covey T. Oliver, as one of Colombia's best friends, not only in his role as Ambassador of the United States but also as a person who has applied his extraordinary intelligence, his vast erudition, and his splendid character, along with a thorough understanding and all good will, which make him permanently outstanding among his peers. For these reasons, I wish to state today, when I have nothing to expect for him, that he merits the admiration, the gratitude, and the affection of the Republic and its people.

I can only second the thoughts expressed by President Valencia and to suggest that we look upon our foreign aid commitment and the AID mission in Colombia, working through the Alliance for Progress, as model examples of the way these programs can and should be conducted.

STAMP OUT OBSCENITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WYATT] is recognized for 15 minutes.

Mr. WYATT. Mr. Speaker, it is more imperative today than any time in the history of our great country that we must stamp out obscenity and pornography. With the great economic and social changes of the past 50 years our youth is more vulnerable now than ever to the impact of obscenity and filth. It is obvious that existing Federal and State laws and current efforts to combat the national traffic in pornographic materials have not been effective. The spreading network of filth which is intended for juvenile consumption presents us with a problem which is no longer local in scope. We are faced with a gigantic industry which makes a profit, estimated in the millions of dollars, for unscrupulous individuals who earn their living by debauching our youngsters. Certainly there is a middle ground where children of the Nation could be protected from pornography without impairing constitutional rights. It is high time that we focus national attention on this serious problem which involves the morality and well-being of our youth. Last March I introduced a bill, H.R. 13392 which would create a commission to be known as the Commission on Noxious and Obscene Matters and Materials. The purpose of this bill is to coordinate activities on all levels to fight the national network of salacious material which is aimed at our young people. The 15-member Commission would include representatives of the Justice Department, the Congress, the Department of Health, Education, and Welfare, as well as representatives of the clergy, the publishing business, the movie, radio, and television industries, and the educational world. In order that my colleagues and all who are interested in this serious subject may be fully apprised as to the aims and purposes of my bill I am having it set forth here:

H.R. 13892

A bill creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF FACT AND DECLARATION OF POLICY

SECTION 1. The Congress finds that traffic in obscene matters and materials is a matter of grave national concern. The problem, however, is not one which can be solved at any one level of government. The Federal Government has a responsibility to find more effective ways of preventing the transmission of such matters and materials through the instrumentalities which, under the Constitution, are subject to Federal regulation. The State and local governments have perhaps an even greater responsibility in the exercise of their police powers to protect the public, and particularly minors, from the morally corrosive effects of such matters and materials. Governmental action to be effective needs the support and cooperation of an informed public. It is the purpose of this Act to bring about a coordinated effort at the various governmental levels, and by public and private groups, to combat by all constitutional means this pernicious traffic.

ESTABLISHMENT OF THE COMMISSION ON NOXIOUS AND OBSCENE MATTERS AND MATERIALS

SEC. 2. (a) For the purpose of carrying out the provisions of this Act, there is hereby created a commission to be known as the Commission on Noxious and Obscene Matters and Materials (hereinafter referred to as the "Commission").

(b) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of fifteen members, appointed by the President, as follows:

(1) One from the Senate;

(2) One from the House of Representatives;

(3) One from the Post Office Department;

(4) Two from the Department of Justice, one of whom shall be from the Federal Bureau of Investigation;

(5) One from the Department of Health, Education, and Welfare;

(6) Three from the clergy; but no two members shall represent the same faith;

(7) One who shall be a prominent librarian;

(8) One who shall be a prominent representative of the book publishing industry;

(9) One who shall be a prominent representative of the newspaper, magazine, and periodical publishing industry;

(10) One who shall be a prominent representative of the motion picture industry;

(11) One who shall be a prominent representative of the radio and television industries;

(12) One who shall be a chief prosecutor of a city or county government; and

(13) One who shall be a prominent educator.

(b) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) CONTINUATION OF MEMBERSHIP UPON CHANGE OF STATUS.—A change in the status or employment of any person appointed to the Commission pursuant to subsection (a) of this section shall not affect his membership upon the Commission.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Eight members of the Commission shall constitute a quorum, but three members shall constitute a quorum for the purpose of taking testimony or interrogating witnesses.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive $75 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 7. The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

EXPENSES OF THE COMMISSION

SEC. 8. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

DUTIES OF THE COMMISSION

SEC. 9. (a) INVESTIGATION, ANALYSIS, AND RECOMMENDATIONS.—It shall be the duty of the Commission—

(1) to explore methods of combating the traffic in obscene matters and materials at the various levels of governmental responsibility;

(2) to provide for the development of a plan for improved coordination between Federal, State, and local officials in the suppression of such traffic;

(3) to determine ways and means of informing the public as to the origin, scope, and effects of such traffic, and of obtaining public support in its suppression;

(4) to secure the active but voluntary cooperation of leaders in the field of mass media for the accomplishment of the objectives and purposes of this Act;

(5) to formulate recommendations for such legislative, administrative, or other forms of action as may be deemed necessary to combat such traffic; and

(6) with the aid of the Nation's most outstanding constitutional authorities, to analyze the laws pertaining to traffic in noxious and obscene matters and materials; establish suggested definitions of noxious and obscene matters and materials, and to make such recommendations to the Congress for appropriate revisions of Federal laws as the Commission may deem necessary in order to effectively regulate the flow of such traffic, without in any way interfering with constitutional safeguards of freedom of speech or freedom of the press.

(b) Report.—The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than January 31, 1966. The Commission shall cease to exist sixty days following the submission of its final report.

POWERS OF THE COMMISSION

Sec. 10. (a) Hearings and Sessions.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued over the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of section 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) Advisory Committees.—In carrying out its duties under this Act, the Commission (1) may constitute such advisory committees within States composed of citizens of that State, and (2) may consult with Governors, attorneys general, and other representatives of State and local government and private organizations, as it deems advisable. Any advisory committee constituted pursuant to this subsection shall carry out its duties without expense to the United States.

(c) Obtaining Official Data.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

DAN FLOOD SCHOOL

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Kirwan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KIRWAN. Mr. Speaker, under leave to extend my remarks in the Record, I wish to include therein two editorials from the Wilkes-Barre Times Leader concerning our good colleague the Honorable Daniel Flood.

Dan represents the area in the Congress in which I was born. His people are proud of him for the fine record that he has made in the Congress of the United States and for the wonderful representation that he has given to our country and to the people of his home district.

It is a fitting honor that the new North End elementary school be named "Daniel Flood School" and I am confident that his colleagues in the House of Representatives are pleased, and are grateful to the people of his hometown who have conferred it upon him.

[From the Wilkes-Barre (Pa.) Times Leader, Sept. 2, 1966]

It's Time for City To Recognize Outstanding Official and Citizen—Daniel Flood School in North End

Last December, the Board of Education in Wilkes-Barre approved a project to erect an elementary school in the North End to replace the outmoded buildings in use now. Subsequently, bids were opened, but the contract was not awarded. Construction, however, is expected to begin in 1967.

Recently, Dr. David Kistler, president of the Board, named a committee to select a name for the proposed school. Because it is to be located in the North End, Directors M. Donald Murphy, Joseph T. Mainwaring and George T. Yanik, residents of the area, were designated to serve on it.

A logical choice for the honor would be a North End resident if he were worthy and, of course, possesses the stature. For us, it would be an easy selection, for Representative Daniel J. Flood has all the qualifications and meets every requirement.

In recognition of his public service, we respectfully propose his name to the committee and the Board of Education for the distinction.

Wilkes-Barre School District will be honored for the privilege of saluting him in life for his service. Decades hence, it would serve as a fitting memorial to him.

Representative Flood has received many tributes already, in addition to nine terms in Congress and a new one coming up in November for the enlarged district which now includes Columbia and Carbon Counties.

Although he is known nationally through his long service in Washington and an international figure through his travels and assignments, often as the President's personal envoy abroad, Dan Flood is best described as a man of the people.

A son of the late Mr. and Mrs. P. F. Flood and a grandson of Judge D. J. McCarthy, famed champion of the miners and friend of Presidents, he was born at Hazleton, but spent most of his life in Wilkes-Barre. Except for a time he was in school in Florida, Syracuse, Harvard and Dickinson, he always has maintained residence in the North End, while commuting to Washington.

For years, he lived with his father and sister, Mrs. Thomas Herbert, at 77 Madison street. After his marriage in 1949 to Miss Katherine Swank, a member of the Coughlin High School faculty, incidentally, he established residence at 460 North Pennsylvania avenue, an address he still calls home. His loyalty to the old neighborhood would not allow him to leave.

Dan Flood's interest in education stems from his days at Coughlin High School where he was president of his class and one of its most active members. That his wife is a former teacher has increased his enthusiasm. The public is well aware of his promotion of local industry and government building here, but many may be surprised to learn of the contribution he made to the progress of the Wilkes-Barre School District through federal funds he caused to be made available.

His career as a public official, leading attorney, noted actor, orator and indefatigable worker in all deserving causes is too well known to need any review here. It is unquestionably without parallel in the history of our city and country.

Wilkes-Barre Board of Education will enhance its reputation for non-partisanship if it avails itself of this rare opportunity to reward this outstanding citizen and official for service beyond the call of duty by naming the new school within sight of his home after him.

[From the Wilkes-Barre (Pa.) Times Leader, Sept. 9, 1966]

Daniel Flood's Name Approved for School

Formal action will be taken at the meeting of the Wilkes-Barre Board of Education next Tuesday evening to name the new elementary school in the North End after Representative Daniel J. Flood for his outstanding service to the community as well as his constituents. Mr. Flood has resided in the area since he came here from Hazleton where he was born.

The name has been recommended by the special committee of directors and has been approved unanimously in conference, so the final step is only a formality. The fact that the directors were unanimous in their decisions add to the impressiveness of the tribute.

Once Representative Flood's name was proposed, the matter was practically settled, such was the weight of public opinion. There actually is no one else in his class, so far as meeting the requirements is concerned. There were a few other names mentioned, but none with a comparable record.

So the problem or what might have been a problem if Mr. Flood were not available solved itself, as this newspaper suggested editorially in voicing the sentiments of the public. While there is no mandate in such matters, if there were, the choice would be inevitable, for he is a public servant who is able as he is dedicated regardless of party, creed, or other consideration.

THE 4–H CLUBS—A CONSTRUCTIVE INFLUENCE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. Natcher] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. NATCHER. Mr. Speaker, every year I enjoy the privilege of saluting the 4–H Clubs of America as they celebrate their national week. This year the week beginning September 24 has been set aside for this purpose and I have been looking forward to paying tribute to this unique organization for American youth, for it is indeed praiseworthy.

The 4–H Club program is a familiar one and a respected one. Fifty-two years ago the Congress of the United States enacted the Smith-Lever law which established the Cooperative Extension Service. Thus, in essence, began the official 4–H Club movement. Today, one-half century later, this organization which was founded primarily for farm boys and girls has grown to a national membership of some 2,500,000 and is open to all youth between the ages of 10 to 21 years of age. In 76 countries around the world its purposes and its methods have been adapted for use.

At various times 4-H Club members have come to Washington from our Second District of Kentucky to visit with me. Long ago the wise Greek, Socrates, admonished a young man to talk to him in order that he might see him and as my young friends talk, I am always impressed by the depth of their questions, their grasp of the issues at hand and I do see them. I see them—and I am impressed anew by their eagerness to accept the responsibilities that one day will be wholly their own. Some of my visitors are just entering high school and by the year A.D. 2000, as a new century begins, these same high school freshmen will have just passed middle age.

We may ponder and ask of ourselves—and of them—if they are prepared for the tasks that are ahead. But this need not cause us concern. One has but to consider the remarkable adjustments made by our present-day farm youth to the tremendous changes in our agricultural technology during the past two decades to know that, to them, changing conditions are but new challenges. Through strong leadership and organized efforts, our young men and women, whose ancestors scarcely went beyond the confines of their own rural environment, have widened their horizons and enlarged their goals through the correlation of these multiple changes into 4-H Club training.

During these changing times and in view of the fact that while our country gives much, it also demands much, we are often called upon to face new problems, resolve our differences, plot a course of action that will be worthy and representative of our country's best efforts. At such times it is well to reflect upon the determined courage of the men and women who gave us our precious heritage. We have by no means discarded our agricultural background. Our roots lie deep. Our country was born of the soil and we are not forgetful of the American farm and home from which our first legacies descended. Just as our forebears solved the crises of their days and their times, so will our coming generations meet the demands that are placed upon them.

The 4-H Clubs of America will continue to play a constructive role in the development of our country's future and from such a wellspring will come the leaders of tomorrow.

AN APOLOGY TO DIXIE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Waggonner] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, there was an excellent cartoon reprinted in the Washington Post on September 11 which I wish I could insert here in the Record, because in a single drawing, the cartoonist captured the deplorable race situation in the North, East, and West of the Nation. One half of the cartoon depicted the North saying to a race rioter who was headed to the South, "Go, Man, Go"; in the second half of the cartoon, the race rioter was, this time, heading north and the North was quakingly urging him "Slow, Man, Slow."

This double standard is familiar to every Member of this body who has sat through the disgusting spectacle of recent civil rights bills here in the House.

But, since I cannot insert the cartoon, I would like to make available to everyone a recent radio broadcast which says, in prose, the same thing the cartoonist was depicting in his drawing. It is Paul Harvey's broadcast of August 3 which I have called "An Apology to Dixie."

> Dear Dixie: Can you possibly find it in your heart to accept our sincere apology? When there was race rioting in Little Rock, Arkansas, we were so convinced that the cause was callousness. Our public officials and our press here in Chicago insisted that the only two reasons for Negro restiveness were your segregated schools and your stubborn Governor. We in Chicago with integrated schools and a very liberal Governor are now writhing in the agony of race rioting, and we seek to set our house in order, hoping your headlines will be kinder to us than ours were to you.
>
> And when a Mississippi Negro boy was found drowned, we in Chicago called this the inevitable result of a white supremacy tradition. Now, a Negro girl, fourteen and pregnant, has been shot to death on the front porch of her own home in Chicago, and we're confused and ashamed and frightened.
>
> What are we doing wrong that has made eight square miles of our city a battleground? Help us if you can find it in your own hurt heart to help.
>
> And Alabama, when your State Police were photographed subduing rioters with nightsticks, Chicago's bold-faced front pages condemned you for indefensible brutality. And now . . . Illinois' National Guard has resorted to armored cars, and cracking skulls, and shooting to kill.
>
> Your Governor had alleged that Communists were fomenting this strife and we scoffed; now thirteen Negroes on Chicago's West Side have been charged with plotting treason! We are sweeping, admittedly Communist literature from our littered streets! Forgive us, for not knowing what we were talking about.
>
> And Georgia, when you were photographed in the act of turning back crowds of marching children, we could not control ourselves . . . "The very idea," the Chicago press editorialized, "that youngsters should be considered a menace sufficient to justify the use of tear gas!" Now, in our own asphalt jungle, we have seen Negro youngsters of 9, 10, 11, advance on police with drawn guns or broken bottles, screaming, "Kill Whitey!" And we used gas, and clubs, and dogs, and guns, and, God, forgive us, what else could we do? Can you, Georgia—can you forgive us too?
>
> We tried the patience we had preached, honest we did. We tried so desperately that seven policemen were shot the other night—two of them through the back. So in the end we resorted to methods more brutal than yours. But, don't you see? We had to!
>
> Our Mayor listened to the Negro's leaders as he so often admonished you to do. He had listened! He had made compromises and concessions! He had offered sacrificial police officials and school officials! But they keep coming from so many directions with so many demands! And then . . . demanding to keep the fire hydrants gushing for their playing children during the city's most critical drought!
>
> Oh. dear Dixie, perhaps we had not yet learned fully to appreciate what you had been trying to do—to effect evolution without revolution. But for whatever belated comfort it may be, from our glass house we will not be throwing any more stones at you . . . not for a while.

CHANGE IN TAX LAW PROPOSAL BY INTERNAL REVENUE SERVICE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Speaker, I rise today to speak in opposition to the change in tax law proposal announced recently by the Internal Revenue Service. This proposal, if it became law, would disallow deductions for courses leading to a degree and for costs incurred for study or training to meet an employer's increases in occupational requirements. It would, in short, eliminate some of the few tax deductions now allowed to individuals for legitimate educational expenses.

As one who has spent a large portion of his adult life in the field of education, both as a teacher and an administrator, I can tell you that many of those teachers who do further their education and obtain advanced and enriched training, already do so at tremendous personal loss in time and money. This proposal would add another financial burden to the good teacher who wants to become a better teacher. This proposal would contradict the wise policies of the Federal Government regarding education such as the many Federal programs of assistance to elementary and secondary schools, construction of facilities for higher education, and financial aid for students in colleges and universities.

The well-deserved emphasis which education has had in recent years on all levels, State, local, and national, would be undercut. In the era in which we live today with its tremendous technological revolution in progress; with an ideological struggle going on, the outcome of which would change the destiny of man; when we hold the power in one hand to provide a future of abundance for all, and the power in the other to destroy all, it is hardly necessary for me to say, and obvious to all that the highest premium must be placed on the amount and quality of the individual's education. The proposed changes by the Internal Revenue Service are what appear to me to be shortsighted attempts to lower that premium. We must all recognize that attainment of the basic degree or credential is not, nor should it be, the end to formal and systematic higher education and study. These changes say to the teacher that, in effect, the policy of the U.S. Government will be to encourage you to discontinue, not continue, your education. Of special note here is that in applying to the schoolteachers of the Nation, this ruling would be a detriment not only to them, but also to the students of America who would be deprived of the education they deserve, the very best possible.

From my teaching experience, I know it is often both financially burdensome and difficult in other ways to continue one's education so that one is able to become not only more productive and effective on the job, but also a more concerned and valuable asset to society as an individual. It is imperative that every encouragement be given to individuals who are willing to improve themselves through continued education, many times at great personal sacrifice.

STATEMENT OF HON. WILLIAM D. FORD ON WATER POLLUTION

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. VIVIAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. VIVIAN. Mr. Speaker, the problem of water pollution is becoming a cancer on the face of our Nation. Lakes, rivers and streams throughout the United States have been turned into ugly, noxious cesspools of filth, poisonous chemicals, industrial wastes and untreated sewage. Luckily, the conscience of the Nation has been aroused. Voices are beginning to be heard, and public apathy appears to have been broken. One of the most cogent statements I have seen regarding the problem of water pollution was made recently by my distinguished friend and colleague, Congressman WILLIAM D. FORD, of Michigan's 15th District. His statement was presented before the Natural Resources and Power Subcommittee of the House Committee on Government Operations, during a hearing held September 9 in Toledo, Ohio. His remarks are worthy of a larger audience, and I submit them herewith, to be made part of the CONGRESSIONAL RECORD:

> I first want to commend you for the thoughtful work and planning which have gone into this hearing. I think it is significant that this Committee is meeting here in Toledo on the western shore of Lake Erie, for this lake, to our shame, is in the most advanced stages of pollution.
>
> Water has always been, and continues to be, man's most abused natural resource. The fact that it has always been plentiful and seemingly inexhaustible has invited this abuse. Pollution of our water did not begin in this century. Public waters have always been used as a convenient waste-disposal system. For many years, there were no sewage-treatment plants or even the concern to build them.
>
> Equally important, ground water was entirely overlooked as a possible source of pollution. Contamination of ground water through mining operations and septic tanks has added, undetected for years, to the general pollution of surface water.
>
> The Industrial Revolution and mushrooming urban population increases brought only half-hearted efforts in the field of waste disposal. The present national crisis in water pollution was not recognized and averted when it was the most practical time to combat it.
>
> Instead, we have pushed our out-dated treatment plants to the point where they are barely effective. Scientific advances which have made life more enjoyable—plastics, detergents, synthetic fibers, pesticides and medicines—are too complex to be broken down in present facilities.
>
> Concern over pollution has grown as its effects have become more apparent. Commercial fishermen noted a decline in the quantity and quality of their catches on the Great Lakes, and traced it to modern day "wonder substances" which are highly toxic to fish. Geologists and conservationists have been warning us for years that a crisis was approaching.
>
> It has been only during the last decade, however, that pollution made itself apparent enough to rouse the public. As recreational facilities became polluted to the point of danger, and game fish began to disappear, the public became aware of the problem. We must now push ahead quickly, with the backing of this public fervor, which is so necessary to obtain legislation, enforce regulations and authorize funds.
>
> We who live near the Great Lakes feel most deeply the effects of water pollution. Knowing that we are all guilty, however inadvertently, we are ready for drastic steps to restore our lakes and rivers to their former beauty and purity.
>
> Lake Erie is now in the most advanced stages of pollution. Being the shallowest of the five Great Lakes, it was the most susceptible to eutrophication, which is one of the most dangerous stages of water pollution. It gives the lake a marshy, weedy appearance, which in turn breeds mosquitoes, and it also leads to the formation of algae, which depletes the oxygen supply. Thus, nature's own purifying system is destroyed.
>
> Eutrophication is self-supporting and self-multiplying. Like the rabbit family, its growth doubles, and then redoubles, over and over. Although research has not been completed yet on this phenomena, we do know that the removal of phosphates is a necessary step, and should be an important objective of this Committee.
>
> But even though we have some new insights into the water pollution problem, and know that we need improved sewage-disposal facilities, we must not forget the problems which have helped to create this blight.
>
> Industrial wastes have been curtailed somewhat in recent years, but not enough to alter the fact that it is still polluting our waters. Private industry has a three-fold obligation in this matter—an obligation to this nation which has given it a market, and freedom to grow; an obligation to the city in which it is located, and which provides employees and municipal services; and an obligation to itself as a taxpayer, and as a recipient of tax-supplied services.
>
> With all these obligations, and with public opinion demanding that our waters be cleaned, private industry must work with the government to find solutions for its own particular waste-disposal problems.
>
> We must also continue to make the individual citizen aware of his responsibility in the cleaning and preservation of our water supply. We are all to blame—from our ancestors, who thought there would always be plenty of clean water, to the younger generation, who must learn that littering our waterways is a serious crime.
>
> Fixing the blame, and finding the causes, are but preliminary steps. We must now launch an intensive program to alleviate the problem. I think this program must include four important steps.
>
> First, we need improved facilities to handle our waste. Secondly, we need legislative enforcement to stop the "criminals" who rob us of our God-given water resources. Third, we must continue our research and develop a planned program to solve additional water pollution problems as they arise. And, most important of all, we need a continued awareness of the problem on the part of legislators, industry, and the individual citizen. All must be aware of their responsibility to themselves, their country, and to future generations.
>
> This will require many things. It will require hard work, money and dedication. It will require a re-education of industry and the public regarding their flagrant use, and misuse of water.
>
> We must keep in mind that any money which is not now invested, or any work not now begun and accomplished, will have to be doubled and tripled in the future, for the problem must eventually be met and solved.
>
> I thank you very much for permitting me to present this statement, and please accept my sincere best wishes that your work will result in a successful effort to overcome one of the major problems of our day.

A DISGRACEFUL SITUATION

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MONAGAN. Mr. Speaker, on page 1 of the Hartford Courant edition of September 13, there appeared a story under the byline of Stephen J. Rechner in which it was stated that Connecticut stands to lose some $100 million in revenue as well as having its shoreline polluted for the next 10 years because 10,000 gallons of crude oil were dumped into Long Island Sound in the Old Lyme-Old Saybrook area recently by an oil barge that ran aground off Old Saybrook.

This is a disgraceful situation and I am advised that Mr. Roger Griswold of Weston, Conn., has called it to the attention of the White House. I have for many years been much concerned about the problem of water pollution and I find no excuse for those persons who for personal interest and convenience create situations such as that which has been imposed upon Connecticut shoreline homeowners and residents. It was with such conditions in mind that in 1964, I filed H.R. 12374 and in 1965, I filed H.R. 2842 in the present Congress to authorize the Government to recover the cost of removing obstructions from navigable waters and to hold negligent boatowners liable for resultant pollution as well as for endangering navigation. My bill would amend the Refuse Act of 1899 and would provide penalties against boatowners in instances of negligence substantially endangering desirable marine, aquatic, or other plant or animal life of the navigable waters of the United States.

Mr. Speaker, my bill would provide relief and protection from this type of shocking situation which has come to Connecticut shores and I trust that this experience will cause the Committee on Public Works to recognize the urgency for immediate and favorable action on this legislation as a step forward in the process of remedying what I recognize as our most urgent domestic hazard—water pollution.

CULVER INTRODUCES MEASURE TO HELP CUT CRITICAL TEACHER SHORTAGE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. CULVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CULVER. Mr. Speaker, earlier this month, schools in eastern Iowa opened their doors to record enrollments, but many of them started the academic year with at least one unfilled teaching position. The critical teacher shortage in our elementary and secondary schools is not confined to my district, but is an urgent problem which faces every area of the country.

At a time when we require educational excellence from our young people as never before, it is essential that we have not only enough teachers, but the best qualified ones possible.

It is for this reason that I am introducing in the House of Representatives today legislation which will clarify existing Internal Revenue Service regulations and permit a teacher to deduct from his gross income any legitimate educational expenses, provided they are not for the purpose of qualifying him for employment other than as a teacher.

Present tax laws permit deductions for ordinary and necessary business expenses, which have been variously interpreted by the Internal Revenue Service to permit deductions for some teachers while others have not received them. The IRS has now proposed to deny deductions for any educational expenses for teachers.

This Congress has taken major steps to improve the quality of our educational system, through bold new legislation like the Elementary and Secondary Education Act, the Higher Education Act, the cold war GI bill, and the Library Services and Construction Act. But if teachers are denied the right to deduct their advanced study expenses, and are thus discouraged from seeking additional knowledge of subject matter and techniques while they are teaching, we may lessen the effect of the positive action we have taken.

Our efforts now must be directed toward encouraging teachers to remain in the field and to attract additional college graduates to this vital profession, and I am most concerned that the IRS proposal would have just the opposite effect.

I therefore urge speedy consideration of this legislation to preserve these tax incentives, and request that the text of my proposal be included at this point in the RECORD.

H.R. 17717

A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (f) as (g), and by inserting after subsection (e) the following new subsection:

"(f) CERTAIN EDUCATIONAL EXPENSES OF TEACHERS.—

"(1) IN GENERAL.—In the case of a taxpayer who is a teacher during the taxable year or who was a teacher during any of the four preceding taxable years, and who attended an institution of higher education during the taxable year, the deduction allowed by subsection (a) shall include the ordinary and necessary expenses paid or incurred by him during the taxable year for—

"(A) tuition and fees required for his attendance at such institution, for courses for academic credit pursued by him at such institution, or for an academic degree;

"(B) books, supplies, and materials required for courses for academic credit pursued by him at such an institution or for an academic degree; and

"(C) traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home attending such institution.

"(2) EDUCATIONAL TRAVEL.—In the case of a taxpayer who is a teacher during the taxable year or who was a teacher during any of the four preceding taxable years, the deduction allowed by subsection (a) shall include the ordinary and necessary expenses paid or incurred by him during the taxable year for travel while away from home (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances), if—

"(A) academic credit is given for such travel by an institution of higher education, or

"(B) such travel is accepted by the taxpayer's employer in satisfaction of educational requirements set by such employer or by the State in which the taxpayer is employed as a teacher.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'teacher' means an individual who is employed as a classroom teacher at an educational institution, or as a supervisor, administrator, advisor, or consultant in any capacity related to the instructional program of such an institution (including but not limited to guidance counselors and librarians).

"(B) The term 'educational institution' means an educational institution as defined in section 151(e)(4).

"(C) The term 'institution of higher education' means an educational institution which is authorized to confer baccalaureate or higher academic degrees.

"(4) EXCEPTIONS.—

"(A) Paragraphs (1) and (2) shall not apply to any expense paid or incurred by the taxpayer prior to the time he first performs services as a teacher.

"(B) Paragraphs (1) and (2) shall not apply to any expense paid or incurred by the taxpayer for the purpose of obtaining, or qualifying for, employment other than as a teacher."

SEC. 2. DEDUCTIONS FROM GROSS INCOME.—Section 62(2) (relating to definition of adjusted gross income) is amended by adding at the end thereof the following new subparagraph:

"(E) EDUCATIONAL EXPENSES OF TEACHERS.—The deduction allowed by section 162(f) for the educational expenses of teachers."

SEC. 3. EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

MRS. FLORENCE BARNASKEY

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OTTINGER. Mr. Speaker, on August 24 the community of Eastchester, N.Y., was saddened by the death of Mrs. Florence Barnaskey, one of its foremost citizens and a truly great patriot.

Over the years, she made many significant contributions to the civic life of her community. No patriotic observance was complete without her leadership and participation.

During my first term in office, I corresponded with Mrs. Barnaskey on a number of occasions and sensed her deep dedication to her community and her great love of country.

In recognition of the respect and affection in which she was held, I submit herewith the following articles which appeared in the Eastchester, N.Y., Record following her untimely death:

MRS. FLORENCE BARNASKEY, 42-YEAR EASTCHESTER RESIDENT, DEAD

Mrs. Florence Barnaskey died on Wednesday, August 24th at the Lawrence Hospital in Bronxville. Mrs. Barnaskey had been a resident of Eastchester for 42 years. She had been an outstanding leader in the ceremonial affairs of the American Legion and Veteran Posts in Eastchester. She was a frequent contributor to the Eastchester Record on civic and patriotic events.

Mrs. Barnaskey was a charter member of the St. Luke's Women's Auxiliary; a member of the Marble Lodge, Chapter 704, Order of the Eastern Star; a member of the Maine Auxiliary, No. 28, of the Spanish American War Veterans; a member of the Woman's Auxiliary of the American Legion, LeRoy Gregory Post 794.

Her husband was a veteran of the Spanish American War and her two sons served in World War II. On Memorial Day of this year she was presented with a trophy by the Central Conference of Veterans for her many years of active participation in the Memorial Day Ceremonies in Eastchester.

During the years of World War II, the American Flag flew night and day before her home on Fisher Avenue. She would not take it down until her boys came home and the war was over. She received national recognition in the papers across the nation and a letter of commendation from the White House.

She is survived by two sons, John Barnaskey of 888 Post Road in Eastchester and George Barnaskey of Oklahoma; a daughter, Mrs. Florence Staebler of Mt. Vernon, a brother, Alex Winger of New Jersey and seven grandchildren. Church services were held on Saturday morning at the St. Luke's Church in Eastchester.

Large crowds gathered at the Westchester Funeral Home to pay their last respects to this outstanding woman who was admired and respected for her devotion to God and Country.

MRS. BARNASKEY EULOGIZED BY O'ROURKE

Francis X. O'Rourke issued the following statement from his office in Town Hall.

"It is with deep regret that we note the passing of one of Eastchester's most loved citizens, Mrs. Florence Barnaskey. For over forty years, we have observed her dedication and patriotic affection for the American flag. Her devotion to God and Country is well known to all of the people of Eastchester. She was a woman of great charity and kindness. She rejoiced in the success of others and her friendly pen documented a chronological record of Eastchester and its people. Her pen is still. Her familiar, gallant, marching figure will be missed in our parades, but her spirit will remain a beautiful memory to all of us, as long as the American flag flies over a land she loved so dearly."

PRESCRIPTION FOR A SICK INDUSTRY

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Rosenthal] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, having been a member of the National Commission on Food Marketing for the past 2 years, I am naturally most interested in any reports, articles or stories on the work of that agency.

In the September 19 issue of The Nation there is a most objective critique on the recent report of the Commission, written by Miss Jennifer Cross, a British free-lance journalist, now residing in this country.

Miss Cross' methodical discussion of the facts and principles involved, and her conclusions, are, in my judgment, most interesting and provocative. It is important that we obtain as broad a reaction as possible to the results and recommendations of the study undertaken by the Commission. Her remarks are therefore most welcome, and I would like to take this opportunity of including her article at this point in the Congressional Record.

The article, entitled "Prescription for a Sick Industry," follows:

Report on Food: Prescription for a Sick Industry

(By Jennifer Cross, a British free-lance journalist now living in Berkeley, Calif.)

On June 27, the report of the National Commission on Food Marketing went to Congress, after two years of diligent study on every major facet of the food industry. It had been rather like the rigorous medical examination of a patient who believed he was healthy, but whose doctor thought he detected dangerous symptoms. Is America's largest industry as well as it claims to be, or is it malfunctioning, and if so, where, and what can be done about it? Predictably, the 113-page diagnosis (plus ten separate studies) has a lot to say for both sides. The patient is in pretty good shape, but there are no grounds for complacency: enough is wrong to warrant a good deal of concern, some government action and a lot more investigation.

The maladies, says the report, are nobody's fault, and are certainly not caused by attempts of manufacturers and retailers to bilk either the farmers or the public. Rather, they stem from new facts of economic life of the last twenty years: the swing from a production to a marketing orientation, the startling technological changes in agriculture and food processing, the population growth and the emergence of a new, wealthy consumer who uses food not merely as something to eat but as an outlet for affluence.

The first result has been to threaten the traditional balance of competition within the industry. The commission reported an increased concentration in retailing and manufacturing, shown in and aggravated by the extinction of 133,000 small-to-medium-sized stores during the period 1948–63, and by the rising number of horizontal and vertical mergers. Large firms have been gobbling up small or medium ones; retailers have been moving into food processing, processors into food production, and all at an accelerated rate since 1954. Today, concentration is most extreme among retail and wholesale food buyers, and manufacturers of baby food, soap, coffee, cake mixes, shortening, crackers and cookies, where 50 per cent or more of the market is held by the four largest firms. Some of the biggest companies, especially among retailers, have grown beyond the size needed for maximum efficiency. Medium-sized firms are just as competent to process and distribute, and the only edge held by the giants is in advertising, promotion and sales, where their supeiror resources affect competition, placing the smaller retailer or manufacturer in an increasingly poor bargaining position.

While the industry is regarded as generally efficient, there is considerable room for improvement, notably in retailing. Gross margins—the spread between what the farmer gets and what the consumer pays—have gone up from 15 to 17 per cent of sales in 1954 to 19 to 22 per cent ten years later. This is partly due to inflation but also to higher operating costs. The main items in this overhead are advertising and promotion, including trading stamps, labor, the cost of owning or renting store facilities, plus services (check cashing, parking space, etc.). And, unlike similar costs in many other industries, they are not being offset by a comparable boom in productivity.

Drawing the line between legitimate effort and extravagance is not easy, but the commission has left little doubt that it would place a good deal of advertising and promotion in the latter category. To put it bluntly, the high cost of selling is being passed on to the consumer, with no equivalent enhanced value in return. Food manufacturers' advertising, now running at $2.2 billion, wastes too much money simply urging housewives to buy brand A instead of brand B. New products, notoriously difficult to launch, often cost 57 per cent of their first year's sales in advertising, without guarantee of a long or successful life. While the manufacturers absorb the cost, they can do so only at the ultimate expense of other products, so one way or the other the public pays. The public also pays for the privilege of saving trading stamps, almost unknown in 1955, but now distributed by 47 per cent of all food stores. This gimmick adds an annual $680 million to the national food bill.

Apart from these little extras, which he may or may not be delighted to pay for, the consumer gets a good deal for his money. A note of cautious praise runs through the whole diagnosis, though the report soft-pedals the industry's boasts about being the envy of the world, and squashes the idea that the declining percentage of the family budget being spent on food is necessarily a sign of industry efficiency. The only other major consumer gripe is packaging—the report endorses the evidence of Sen. Philip A. Hart's Truth in Packaging hearings that the consumer is frequently confused, sometimes misled, and generally hindered from getting the best value for his money. (See Jennifer Cross: "Truth in Packaging, The Supermarket Caper," *The Nation*, February 21.) Also, the low-income shopper does not fare well. A special price survey done by the Bureau of Labor Statistics in six major cities proves that in certain circumstances the poor do pay more. Owing to the scarcity of supermarkets, they patronize "mom and pop" stores, where prices average 2.8 per cent higher, and, lacking cash, buy smaller, more expensive quantities.

The farmer, however, is unequivocally in a worse position than formerly. With retailers pooling their buying, and with their entry into food processing, plus the expansion of some food manufacturers into cattle feeding and egg production, the grower's bargaining power is substantially weakened. Terminal markets are declining, buyers are becoming fewer in number and powerful enough to get away with sloppy, informal and sometimes unfair bargaining. This, combined with lack of reliable and up-to-date information about price futures and market conditions, is eroding the whole idea of price as the basis for negotiation, besides leaving farmers at the mercy of the spasmodic overproduction fostered by today's agricultural technology.

The remedy for these various ailments is some fairly harsh medicine, at least for the manufacturers, retailers and advertisers, who traditionally detest any extension of federal authority ("interference") unless it is for their benefit. The report makes it clear that traditional legislation and the limited powers of regulatory agencies are inadequate to meet the new situation. Therefore, the growing degree of concentration, particularly mergers not in the public interest, should be met by legislation requiring compulsory pre-merger notification; temporary cease and desist powers for the Federal Trade Commission and the Department of Justice to enable them to halt mergers pending legal investigation; and firmer guidelines for the more effective enforcement of the antitrust laws.

For consumers, the report suggests a special agency in the Executive branch of the government to take over the protective functions now exercised by existing federal agencies represent the consumer at law, and attempt the vital but herculean task of teaching him to be a more intelligent buyer. The FTC and the Food & Drug Administration should make a more determined effort to prevent deceptive labeling and packaging, aided by legislation if necessary. Finally, consumer grades and standards of identity should be established for and appear on, all foods where feasible.

Government help is recommended to improve farmers' bargaining power by creating agricultural marketing boards, strengthening farmers' cooperatives, and authorizing federal marketing agreements and orders. Better current and future price reporting should be carried out by the Department of Agriculture, with the authority to extract the necessary information from buyers and growers, along with timely market reports of selected perishable farm products. The department should also develop a model code for the licensing and operation of local livestock markets, and study the effects of transportation costs and of trade barriers affecting agriculture.

The main weakness of the conclusions is that the fifteen commission members fell out among themselves, so that the report presents the views of the majority of nine, followed by separate statements of the six dissenters. The split occurred not along party lines but roughly between liberals and conservatives, with the liberals (chairman Phil S. Gibson, former California Chief Justice; Fred J. Marshall, farmer and former Congressman from Minnesota; Elmer R. Kiehl, dean of the University of Missouri College of Agriculture; Senators Warren G. Magnuson, Gale W. McGee and Philip A. Hart; Congressmen Leonor K. Sullivan, Glenn C. Cunningham and Benjamin S. Rosenthal) in the lead. Still more unfortunately, the dissenting minority (William M. Batten, chairman of the J. C. Penney Co.; Albert K. Mitchell, New Mexico rancher; Senators Thruston B. Morton and Roman L. Hruska; Congressmen Graham Purcell and Catherine May) disagreed with practically all the majority proposals, accusing their colleagues of arriving at their verdict before all the technical evidence was in and of exceeding Congress' brief by recommending changes in government and legislative policy.

Obviously, many of the majority conclusions are open to challenge, especially the recommendations about food-industry concentration and the wisdom of establishing a department of consumers—about which even a handful of the President's Committee on Consumer Interests lately could not agree. However, the accusations of jumping the gun on the evidence have been publicly denied by Dr. George E. Brandow, NCFM executive director, while the commission brief, as set out in public law 88–354, specifically asked for findings and conclusions on legislation and public policy. Otherwise, the minority statements contain suspicious echoes of the food-industry line as laid down by retailers, manufacturers and trade associations . . . the industry is fine, let it alone; government intervention stifles initiative and flexibility; consumers are sovereign, rational and efficient, they don't need protection.

Profiting by the doctor's dilemma, the patient has loudly expressed his dislike of any advice which strikes him as misplaced or unpalatable. Ever since the end of March, when the draft report was mysteriously leaked to *Advertising Age,* it was clear that the industry was going to clobber it. While some, particularly food chains, have wisely refused to comment until they have thoroughly digested the evidence, others have expressed their shock, disappointment and disapproval of the main conclusions, taking their stand on the minority tribute to the *status quo*. All these views have subsequently made headlines in the advertising and food trade press, and been given a comprehensive roundup in *Progressive Grocer*. The only dissenting voice has been that of the National Farmers Union, which was relieved and gratified to find many of its views confirmed, especially the need to protect farmers from marketing abuses.

That the report's recommendations will be carried out is, to say the least, uncertain. Industry critics plainly hope and expect the whole thing to fade away and die. "Indications are," said *Supermarket News,* that "it may stay in the 'fuzzy' realm for years without having a direct or significant effect on federal legislation affecting industry." The press consensus was that the President's reception of the report was distinctly chilly, though his remarks could better be interpreted as noncommittal rather than hostile. It should also be noted that the press was given, if not its orders, at least a very strong hint by the president of General Foods, who urged the National Editorial Association two years ago to identify "the fiction that comes out of Washington," and use their "critical editorial judgment" on the report, in the interest of truth, of course, and to prevent the innocent public from getting the gripes.

The chance of legislative action this session is almost nil, since the report is currently being studied by the Bureau of the Budget; as for the future, the fate of the recommendations depends on how the Administration views the wisdom of backing the considerable extension of federal power that will be involved. Undoubtedly a good deal of political capital will be made out of it during the Congressional elections. However, the report will fare better in the long run if its suggestions are carried out piecemeal by the appropriate agencies. Already the FTC and the Department of Justice are taking a more active interest in mergers which might violate the antitrust laws (e.g., in the dairy industry) and the possibility of strengthening Title 7 of the Clayton Act is currently being discussed in Washington. The report will certainly give a boost to pending consumer legislation, particularly Truth in Packaging, which may pass the House this session, and a bill (HR 7179) proposed by NCFM member Representative Benjamin S. Rosenthal, Democrat, of New York, to create a department of consumers.

Another side effect may well be the incentive to certain sections of the food industry to plug the gaps in their performance, if only to forestall government action. The issues were squarely put in a speech in May to the Magazine Promotion Group by Edward L. Bond, Jr., president of Young & Rubicam. "You and I know that not everything is right in the market place—or in advertising, either. And the problems that exist are creating increasing demands for government attention. The question, however, is whether we are going to sit back and abdicate to the government—or whether we're going to face up to our problems, where they exist, and engage in more self-regulation and self-policing. . . ." Packaging already engages industry attention. Consumer education may be the next—though, as industry people rightly complain, consumers make exceedingly poor use of what is available. Trading stamps, now regarded as a mixed blessing, will probably get yet another critical look. Last year some 800 supermarkets, mostly chains, stopped giving stamps; others, like Safeway, dislike them but bow to consumer demand.

Even the vexed question of how to increase the number of supermarkets in low-income areas may be reconsidered. Mrs. Esther Peterson, special assistant to the President for consumer affairs, has issued a personal appeal to food chains to "immediately re-examine their expansion plans," while Dr. Brandow tossed in the suggestion that they might operate a "no frills" service in poor areas under a different name. The main obstacles, according to Clarence G. Adamy, National Association of Food Chains president, are technical: local tax laws make property improvements in low-income areas financially unattractive, while many chains have encountered enormous problems in clearing title to sufficient land to hold a store large enough to generate the volume necessary for low-margin selling. But, he added, the interest is there.

While the food industry ponders the NCFM prescription—which, with the technical data, will become the standard textbook in marketing, agricultural and university circles for some time to come—consumers would do well to consider some of the points that have been raised. The housewife pays for a lot of incomestibles along with the family food: packaging, processing, advertising, trading stamps, bonus bingo, larger, enticing stores with ancillary services. Most women, if they think about it at all, regard this as money well spent. But the minority who want to buy only the best food at the lowest price, or are on a tight budget—and this includes some middle-class intellectuals, some young marrieds and many of the poor—will be interested to know that alternatives are available. Scattered about the report is material which could be turned into excellent shopping advice; for example, avoid trading stamps, buy store "specials" and retailers' own brands instead of nationally advertised products.

Most of it, alas, will probably fall on deaf ears, since the average woman is a sloppy shopper and appears to like it that way. Consumer education is still in its infancy, at least compared to commercially financed techniques of persuasion like advertising and public relations, but the situation is changing. Spreading out from Washington is an upsurge of interest in teaching the public how to be more discriminating consumers. This type of education is becoming an integral part of the anti-poverty program, and if Esther Peterson has her way it will be extended to the high school. Here, the NCFM report will be of value—a timely contribution to the complex art of consumership which is our best defense against drowning in our affluent society.

THE PROPOSED BISCAYNE NATIONAL MONUMENT

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Gibbons] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I have today joined in cosponsoring legislation to authorize the Secretary of the Interior to establish the Biscayne National Monument in the great State of Florida. This legislation is vitally needed to preserve and protect for future generations a rare combination of terrestrial, marine, and amphibious life in an area of great natural beauty.

In their present relatively undeveloped state, the upper Florida Keys and the adjoining waters and submerged lands of Biscayne Bay and the Atlantic Ocean are an environmental element highly important to Florida and a valuable recreation resource for the Nation.

The best vestiges of south Florida's tropical forest are within the boundaries of the proposed national monument. Some of the plants are species not found on the mainland, and it is highly desirable that we preserve them.

In addition to the conservation value, the proposed monument will offer unusual opportunities for recreation in many interesting forms such as boating, sailing, swimming, picnicking, hiking, camping, and nature study. The clear waters of Biscayne Bay and the Atlantic Ocean will provide some of the finest conditions in the world for skindiving and underwater nature study.

Mr. Speaker, America needs more recreational areas to serve our rapidly growing population. Establishment of the Biscayne National Monument will be a major step forward in meeting this need.

WHAT IS POVERTY?

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Gibbons] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I have, from time to time, included in my speeches in the House, newspaper accounts and articles that have given additional insight as to the aims and objectives of the war on poverty. Most of this commentary on the poverty program has been from professionals who have evaluated the program and have written constructively as to its merits and shortcomings.

Rarely do we have an opportunity to hear from those who are the ones which this program is intended to assist. I would like to include in the RECORD today a firsthand account entitled "What Is Poverty?" which was recently published in one of my local newspapers, La Gaceta. La Gaceta is perhaps the only trilingual newspaper in the United States. Its editor, Roland Manteiga, of Tampa, Fla., is the author of a widely read political column and has ofttimes been commended for his insight and perceptive reporting.

I found this article to be a most moving account from a woman who has experienced the evils of poverty. I am including it in the CONGRESSIONAL RECORD so that others might share in a deeper understanding of what poverty means to such an individual:

WHAT IS POVERTY?

You ask me what is poverty? Listen to me. Here I am, I am dirty, smelly and with no "proper" underwear on and with the stench of my rotting teeth near you. I will tell you. Listen to me. Listen without pity. I cannot use your pity. Listen with understanding. Put yourself in my dirty, worn out, ill fitting shoes, and hear me.

Poverty is getting up every morning from a dirty and illness stained mattress. The sheets have long been used for diapers. Poverty is living in a smell that never leaves. This is a smell of urine, sour milk, and spoiling food sometimes joined with the strong smell of long-cooked onions. Onions are cheap. If you have smelled this smell, you did not know how it came. It is the smell of the outdoor privy. It is the smell of young people who cannot walk the long dark way in the night. It is the smell of the mattresses where years of "accidents" have happened. It is the smell of the milk which has gone sour because the refrigerator long has not worked, and it costs money to get it fixed. It is the smell of rotting garbage. I could bury it, but where is the shovel? Shovels cost money.

Poverty is being tired. They told me at the hospital when the last baby came, that I had chronic anemia caused from poor diet, a bad case of worms, and that I needed a corrective operation. I listened politely—the poor are always polite. The poor always listen. They don't say that there is no money for iron pills, or better food, or worm medicine. The idea of an operation is frightening. Who takes care of my children? Recovery from an operation takes a long time. I have three children. When I left them with "Granny" the last time I had a job, I came home to find the baby covered with fly spects, and a diaper that had not been changed since I left. When the dried diaper came off, bits of my baby's flesh came with it. My other child was playing with a sharp bit of broken glass, and my oldest was playing alone at the edge of a lake. I made $22 a week and a good nursery school costs $20 a week for three children. I quit my job.

Poverty is dirt. You say in your clean clothes coming from your clean house, "anybody can be clean." Let me explain about housekeeping with no money. For breakfast I gives my children grits with no oleo or cornbread, without eggs or oleo. This does not use up many dishes. What dishes, there are, I wash in cold water and with no soap. Even the cheapest soap has to be saved for the baby's diapers. Look at my hands, so cracked and red. Once I saved for two months to buy a jar of Vaseline for my hands and the baby's diaper rash. When I had saved enough, I went to buy it and the price had gone up two cents. The baby and I suffered on.

I have to decide every day if I can bear to put my cracked, sore hands into the water and strong soap. But you ask why not hot-water? Fuel costs money. If you have wood fire it costs money. If you burn electricity, it costs money. Hot water is a luxury. I do not have luxuries. I know you will be surprised when I tell you how young I am. I look so much older. My back has been bent over wash tubs every day for so long. I cannot remember when I ever did anything else. Every night I wash every stitch my school age child has on and hope her clothes dry by morning. Poverty means insects in your food, in your nose, in your watch the fire knowing one spark on the newspaper covering the walls means your sleeping children die in flames. In summer, poverty is watching gnats and flies devour your baby's tears when he cries. The screens are torn and you pay so little rent you know they will never be fixed. Poverty means insects in your food, in your nose, in your eyes, and crawling over you when you sleep. Poverty is hoping it never rains because diapers won't dry when it rains and soon you are using newspapers. Poverty is seeing your children forever with runny noses. Paper handkerchiefs cost money and all your rags you need for other things. Even more costly are antihistamines. Poverty is cooking without food and cleaning without soap.

Poverty is asking for help. Have you ever had to ask for help, knowing your children will suffer unless you get it? Think about asking for a loan from a relative, if this is the only way you can imagine asking for help. I will tell you how it feels. You find out where the office is that you are supposed to visit. You circle that block four or five times. Thinking of your children, you go in. Everyone is very busy. Finally someone comes out and you tell her you need help. That never is the person you need to see. You go see another person and, after spilling the whole shame of your poverty all over again, you find that this isn't the right office after all—you must repeat the whole process. And it never is any easier at the next place.

You have asked for help and, after all it has cost you, you are again told to wait. You are told why, but you don't really hear because of the red cloud of shame and the rising black cloud of despair.

Poverty is remembering. It is remembering quitting school in junior high because "nice" children had been so cruel about my clothes and my smell. The attendance officer came. My mother told him I was pregnant. I wasn't but she thought that I could get a job and help out. I had jobs off and on but never long enough to learn anything. Mostly I remember being married. I was so young then. I am still young. For a time, we had all the things you have. There was a little house in another town, with hot water and everything. Then my husband lost his job. There was unemployment insurance for a while and what few jobs I could get. Soon all our nice things were repossessed and we moved back here. I was pregnant then. This house didn't look so bad when we first moved in. Every week it gets worse. Nothing is ever fixed. We now had no money. There were a few odd jobs for my husband, but everything went for food, then as it does now, I don't know how we lived through three years and three babies, but we did. I'll tell you something. After the last baby I destroyed my marriage. It had been a good one but could you keep on bringing children into this dirt? Did you ever think how much it costs for any kind of birth control? I knew my husband was leaving the day he left, but there were no good-byes between us. I hope he has been able to climb out of this mess somewhere. He never could hope to with us to drag him down.

That's when I asked for help. When I got it, you know how much it was? It was, and is, $78 a month for the four of us; that is all I ever can get. Now you know why there is no soap, no needles and thread, no hot water, no aspirin, no worm medicine, no hand cream, no shampoo. None of these things forever and ever and ever. So that you can see clearly, I pay $20 a month rent, and most of the rest goes for food. For grits and cornmeal, and rice and beans. I try my best to use only the minimum electricity. If I use more, there is that much less for food.

Poverty is looking into a black future. Your children won't play with my boys. They will turn to other boys who will steal to get what they want. I can already see them behind the bars of their prison instead of behind the bars of my poverty. Or they will turn to the freedom of alcohol or drugs, and find themselves enslaved. And my daughter? At best, there is for her life like mine. It would be sensible of me to wish her dead.

But you say to me, there are schools. Yes, there are schools. My children have no extra books, no magazines, or extra pencils, or crayons, or paper and most important of all, they do not have health. They have worms, they have infections, they have pink-eye all summer. They do not sleep well on the floor, or with me in one bed. They do not suffer from hunger, my $78 keeps us alive, but they do suffer from malnutrition.

Oh, yes, I do remember what I was taught about health in school. It doesn't do much good. In some places there is a surplus commodities program. Not here. The county said it cost too much. There is a school lunch program but I have two children who will already be damaged by the time they get to school.

But you say to me, there are health clinics. Yes, there are health clinics and they are in the towns. I live out here eight miles from town. I can walk that far (even if it is 16 miles both ways) but can my little children? My neighbor will take me in when he goes; but he expects to be paid, one way or another. I bet you know my neighbor. He is that large man who spends his time at the gas station, the barber shop, and the corner store complaining about the government spending money on the immoral mothers of illegitimate children.

Poverty is an acid that drips on pride until all pride is worn away. Poverty is a chisel that chips on honor until honor is worn away. Some of you say that you would do something in my situation and maybe you would, for the first week or the first month, but for year after year after year?

Even the poor can dream. A dream of time when there is money. Money for the right kinds of food, for worm medicine, for iron pills, for toothbrushes, for hand cream, for a hammer and nails and a bit of screening, for a shovel, for a bit of paint, for some sheeting, for needles and thread. Money to pay for a trip to town. And oh, money for hot water and money for soap. A dream of when asking for help does not eat away the last bit of pride. When the office you visit is as nice as the offices of other governmental agencies, when there are enough workers to help you quickly, when workers do not quit in defeat and despair. When you have to tell your story to only one person, and that person can send you for other help and you don't have to prove your poverty over and over again.

I have come out of my despair to tell you this. Remember I did not come from another place or another time. Others like me are all around you. Look at us with an angry heart, anger that will help you help me. Anger that will let you tell of me. The poor are always silent. Can you be silent too?

(Prepared-presented by: Jo Goodwin Parker, Christian Social Relations Committee United Church Women, West Volusia County, Deland, Florida.)

THE FOSTER GRANDPARENT PROGRAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland [Mr. Sickles] is recognized for 5 minutes.

Mr. SICKLES. Mr. Speaker, retirement has been considered by too many people as a time of idleness, and frankly, as a time of little productivity. But, we are waking up to the fact that our senior citizens are an untapped resource.

With our senior citizens living longer and in better health than the elderly of yesteryear, they are searching for ways to spend their time better. As a consequence, ways have been sought out to put retired persons to work. Medicare Alert was a good example of this effort. Green Thumb is another effort to find work for the elderly who want it, and at the same time reap advantages for the community from their efforts.

Still another way is through the foster grandparents program. Like the green thumb program, foster grandparents is sponsored by the war on poverty. Its purpose is to employ elderly persons living on modest incomes to be friends to deprived children, usually living in institutions, who are starved for companionship.

The program has four principal objectives:

First, it is designed to create new jobs for our older citizens.

Second, it is designed to provide new meaning to their lives and a sense of dignity.

Third, through this program, emotionally deprived children are given the affection and attention they so desperately need.

And fourth, the program is designed to demonstrate that there is a major new resource of responsible workers for communities and for social agencies.

To become a foster grandparent, a person must be over 60 years of age and living on a low income, the amount of which varies from area to area. He must also pass a complete medical examination. But the most important qualification for becoming a foster grandparent is that a person have a desire to help children who have been starved for love and affection all of their lives.

Institutions which qualify to use foster grandparents are orphanages, receiving homes, pediatric wards in general hospitals, and special long-term facilities for children suffering from congenital heart conditions, tuberculosis, and other physical or mental handicaps. But whatever the specialty of the institution it must be public or nonprofit.

In some cases, nonresidential institutions may use the services of foster grandparents. These would include child clinics, special classes, or sheltered workshops.

In order to achieve a close personal relationship between the foster grandparent and the child, the ratio of grandparents to children in any one institution is 38 to 50. Thus, it is intended that the grandparent become a close and continuing friend of one or two children. In this relationship, the grandparent reads to the child, plays with him, takes him away from the institution into the community, accompanies him to contests or games, or is simply there when the child needs somebody to talk to.

The grandparent generally works 4 hous a day, devoting 2 hours of undivided attention to each of two children. The workweek is 5 days long, and on the other 2 days the regular grandparent is replaced by a substitute. If the regular grandparent is male, the substitute grandparent will be a female, and vice versa, thus providing the child with an environment more like a normal home setting. The substitute works 8 hours for each of the other 2 days in the week, spending 2 hours per day with each of four children.

The pay for a foster grandparent must be at least $1.25 per hour, but it may be higher, depending on the institution and the community.

This is the type of program that can become so meaningful to a State like Maryland with a large number of elderly people who want and need additional work, and with a large community of children who need the love and care a foster grandparent can provide.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Tenzer (at the request of Mr. Moss), from 3 o'clock p.m. today until September 19, on account of religious observances.

Mr. Dyal, for September 16 through September 23, on account of official business.

Mr. Mills, for the remainder of this week, on account of official business.

Mr. Fallon (at the request of Mr. Waggonner), for today and tomorrow, on account of official business.

Mr. Helstoski (at the request of Mr. Boggs), for today and tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mrs. Reid of Illinois) and to revise and extend their remarks and include extraneous matter:

Mr. Don H. Clausen, for 1 hour, on September 20.

Mr. Conte, for 15 minutes, today.

Mr. Pelly, for 30 minutes, today.

Mr. Wyatt, for 15 minutes, today.

Mr. Sickles (at the request of Mr. Howard) for 5 minutes today, to revise and extend his remarks, and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Sikes, today in the Committee of the Whole, and to include extraneous material and tables, with his remarks made on H.R. 17637.

Mr. Ullman.

(The following Members (at the request of Mrs. Reid of Illinois) and to include extraneous matter:)

Mr. Robison.

Mr. Stanton.

(The following Members (at the request of Mr. Howard) and to include extraneous matter:)

Mr. Powell.

Mr. Tenzer.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6686. An act to amend the Civil Service Retirement Act in order to correct an inequity in the application of such act with respect to the U.S. Botanic Garden, and for other purposes.

H.R. 11488. An act to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes; and

H.R. 13508. An act to direct the Secretary of Interior to cooperate with the States of New York and New Jersey on a program to develop, preserve, and restore the resources of the Hudson River and its shores and to authorize certain necessary steps to be taken to protect those resources from adverse Federal actions until the States and Congress shall have had an opportunity to act on that program.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3051. An act granting the consent of Congress to the compact between Missouri and Kansas creating the Kansas City Area Transportation District and the Kansas City Area Transportation Authority; and

S. 3625. An act to designate the dam being constructed on the Allegheny River, Pa., as the "Kinzua Dam," and the lake to be formed by such dam in Pennsylvania and New York as the "Allegheny Reservoir."

ADJOURNMENT

Mr. HOWARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p.m.) the House adjourned until tomorrow, Thursday, September 15, 1966, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COOLEY: Committee on Agriculture. H.R. 15662. A bill to amend the Federal Seed Act (53 Stat. 1275), as amended; with amendments (Rept. No. 2042). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Joint Committee on Atomic Energy. H.R. 17685. A bill to amend the Atomic Energy Act of 1954, as amended (Rept. No. 2043). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 17709. A bill to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURTON of California:

H.R. 17710. A bill to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California; to the Committee on Interior and Insular Affairs.

By Mr. FARNUM:

H.R. 17711. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. GREIGG:

H.R. 17712. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Commitee on Ways and Means.

By Mr. HOWARD:

H.R. 17713. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. LENNON:

H.R. 17714. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. McDOWELL:

H.R. 17715. A bill to amend section 203 of the Federal Property and Administrative Services Act of 1949 to permit the disposal of surplus personal property to State and local governments, and volunteer firefighting and rescue organizations at 50 percent of the estimated fair market value; to the Committee on Government Operations.

By Mr. WAGGONNER:

H.R. 17716. A bill to amend title 10 of the United States Code so as to provide that the Chief of the Medical Service Corps of the Army, Navy, and Air Force shall be a brigadier general or rear admiral, as the case may be, and for other purposes; to the Committee on Armed Services.

By Mr. CULVER:

H.R. 17717. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. DYAL:

H.R. 17718. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 17719. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. ANDREWS of North Dakota:

H.R. 17720. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. CABELL:

H.R. 17721. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H.R. 17722. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H.R. 17723. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. HARVEY of Indiana:

H.R. 17724. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

H.R. 17725. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 17726. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 17727. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 17728. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mrs. REID of Illinois:

H.R. 17729. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. SCOTT:

H.R. 17730. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 17731. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOLTON:

H.R. 17732. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 17733. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. MARTIN of Alabama:

H.R. 17734. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 17735. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. CLARENCE J. BROWN, JR.:

H.R. 17736. A bill to amend section 1072 (2)(F) of title 10, United States Code, to include adoptive parents within the category of dependents eligible for medical care; to the Committee on Armed Services.

By Mr. CARTER:

H.R. 17737. A bill to provide Federal financial assistance to public agencies and to private, nonprofit organizations to enable them to carry on comprehensive family planning programs; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBBONS:

H.R. 17738. A bill to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEITH:

H.R. 17739. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of treatment works to control water pollution by permitting the deduction of expenditures for the construction, erection, installation, or acquisition of such treatment works; to the Committee on Ways and Means.

By Mr. KUPFERMAN:

H.R. 17740. A bill to amend section 3 of the act of July 23, 1955 (ch. 375, 69 Stat. 368); to the Committee on Interior and Insular Affairs.

By Mr. MOORE:

H.R. 17741. A bill relating to the appointment of the Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 17742. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. BOW:

H.R. 17743. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. CALLAWAY:

H.R. 17744. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. de la GARZA:

H.R. 17745. A bill to authorize the Secretary of Agriculture to purchase certain land from Texas Southmost College, Brownsville, Tex.; to the Committee on Agriculture.

By Mr. DINGELL:

H.R. 17746. A bill to suspend, except for facilities to control air or water pollution, the investment credit and the allowances of accelerated depreciation in the case of certain real property; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 17747. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

By Mr. HECHLER:

H.R. 17748. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 17749. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. DYAL:

H.J. Res. 1303. Joint resolution proposing an amendment to the Constitution of the United States granting to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

By Mr. MEEDS:

H.J. Res. 1304. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H. Con. Res. 1007. Concurrent resolution authorizing the printing of a report on "International Education" by the House Education and Labor Committee; to the Committee on House Administration.

By Mr. ANDERSON of Illinois:

H. Con. Res. 1008. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. LAIRD:

H. Res. 1018. Resolution requesting the President for certain information regarding the 1967 budget; to the Committee on Appropriations.

By Mr. POWELL:

H. Res. 1019. Resolution to authorize the General Subcommittee on Labor of the Committee on Education and Labor to conduct an investigation and study of the operation of elementary and secondary schools by Federal agencies; to the Committee on Rules.

By Mr. COOLEY:

H. Res. 1020. Resolution to authorize the printing of additional hearings and other materials by the Committee on Agriculture; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAHILL:

H.R. 17750. A bill for the relief of certain individuals; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 17751. A bill for the relief of Monika Keilholz; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 17752. A bill for the relief of Jane Velsa Smith; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 17753. A bill for the relief of Wan Tao Liu; to the Committee on the Judiciary.

By Mr. LENNON:

H.R. 17754. A bill for the relief of Tabor City Lumber Co. and Hennis Freight Lines; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 17755. A bill for the relief of Patrick Sibblies; to the Committee on the Judiciary.

SENATE

WEDNESDAY, SEPTEMBER 14, 1966

(Legislative day of Wednesday, September 7, 1966)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Hon. THOMAS H. KUCHEL, a Senator from the State of California.

Rev. C. Fred Williams, D.D., minister, Central Methodist Church, Arlington, Va., offered the following prayer:

Almighty God, our Heavenly Father, we are Thy people, seeking Thy favor and dependent upon Thy mercy. Our fathers trusted in Thee and were not put to shame. We would surpass their faith in this exciting day.

We are bound in the bundle of life, so that we rise or fall, suffer or rejoice as one.

The Nation and the world look to this body of chosen persons for leadership. May the awareness of this fact give strength, purpose, and compassion to their planning, and lend speed to their action in all undertakings of the common good.

Grant, O God, that the magnitude of the world task laid upon their shoulders may not blind them to the needs of the least, nor the cries of the neediest make them unmindful of the Nation and of the world.

We pray that the desire for Thy kingdom of righteousness may be greater than the demands of any party or class that clamors for a hearing at the expense of another.

Our prayers are offered for the President of this Nation. May he be a person of sharpened judgment, undeviating courage in behalf of the right, and inflexible integrity. May he continually look to Thee for daily strength, knowing that he is accountable to Thee, and to the people who have given him the high office which he holds.

These things we ask in the spirit of the Man of Galilee. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 14, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS H. KUCHEL, a Senator from the State of California, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. KUCHEL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Tuesday, September 13, 1966, was approved.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON SURVEY OF PROBLEMS OF SMALL BUSINESS DISPLACEMENT UNDER FEDERAL AND FEDERALLY ASSISTED PROGRAMS OF PUBLIC IMPROVEMENT

A letter from the Attorney General, transmitting, pursuant to law, a report on a survey of the problems of small business displacement under Federal and federally assisted programs of public improvement (with an accompanying report); to the Committee on Banking and Currency.

CONSTRUCTION AND OPERATION OF A DESALTING PLANT

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency, without amendment:

H.R. 14026. An act to provide for the more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, and for other purposes (Rept. No. 1601).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. 3809. A bill to authorize the Public Printer to print for and deliver to the General Services Administration an additional copy of certain publications (Rept. No. 1602).

By Mr. RANDOLPH, from the Committee on Labor and Public Welfare, without amendment:

H.R. 16367. An act to extend the benefits of the war orphans' educational assistance program to the children of those veterans of the Philippine Commonwealth Army who died or have become permanently and totally disabled by reason of their service during World War II, and for other purposes (Rept. No. 1604).

By Mr. RANDOLPH, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 16330. An act to provide for extension and expansion of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, and for other purposes (Rept. No. 1603).

GLENIVAN C. SIMPSON—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 303), which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Glenivan C. Simpson, niece of Granterson S. Clark, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

THOMASINE C. THOMPSON—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 304), which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Thomasine C. Thompson, widow of William A. Thompson, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONG of Missouri:

S. 3828. A bill for the relief of Georgios Markatis; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 3829. A bill for the relief of Dr. Alfredo Reboredo-Newhall; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 3830. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. HARRIS (for himself and Mr. MONRONEY):

S. 3831. A bill to permit negotiation of a modification to a contract for sale of certain real property by the United States to the city of Lawton, Okla.; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. HARRIS when he introduced the above bill, which appear under a separate heading.)

By Mr. PEARSON:

S. 3832. A bill to amend title I of the Housing Act of 1949 to provide that the special rule for determining the acquisition price of property damaged by subsidence of coal mines shall extend also to property damaged by subsidence of other mines; to the Committee on Banking and Currency.

(See the remarks of Mr. PEARSON when he introduced the above bill, which appear under a separate heading.)

By Mr. NELSON (for himself, Mr. MCGOVERN, Mr. MCCARTHY, and Mr. MONDALE):

S. 3833. A bill to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a national lake areas system and authorizing programs of lake and lake areas research, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 3834. A bill to amend chapter 141 of title 10, United States Code, to provide for price adjustments in contracts for the procurement of milk by the Department of Defense; to the Committee on Armed Services.

CONCURRENT RESOLUTION

PRESERVATION OF RIGHTS OF THE UNITED STATES UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Mr. TOWER submitted the following concurrent resolution (S. Con. Res. 107), which was referred to the Committee on Finance:

S. CON. RES. 107

Concurrent resolution proposing that the President carefully preserve the rights of the United States under the General Agreement on Tariffs and Trade

Whereas under the General Agreement on Tariffs and Trade the assured life of tariff concessions granted by the United States and other nations, parties to the agreement, is limited to three-year periods automatically renewable except as to concessions on which timely notice of modification or withdrawal is given prior to the commencement of a new three-year period; and

Whereas under article XXVIII of the General Agreement on Tariffs and Trade any contracting party may on the first day of each three-year period modify or withdraw a concession previously granted, subject only to the obligation prior thereto to consult with the contracting party with which such concession was initially negotiated and other contracting parties determined to have a principal supplying interest with a view to securing their agreement to such change, including the possibility of compensatory adjustment in other tariff items to maintain the general level of reciprocal and mutually advantageous concessions not less favorable to trade than those provided for in GATT concessions prior to such negotiations; and

Whereas the six months' period preceding the first day of each three-year period has been established as the period within which any nation desiring to exercise its rights under article XXVIII of GATT may give notice of its intention to the other contracting parties; and

Whereas the assured life of the GATT tariff concessions presently extends to December 31, 1966, January 1, 1967, is the first day of the next three-year period of assured life for such concessions, and the six months' "open season" for the giving of notice of intention to modify or withdraw tariff concessions under article XXVIII commenced on July 1, 1966; and

Whereas article XXVIII has frequently been invoked by other nations for the modification or withdrawal of particular tariff concessions, and the United States, in view of these precedents and the explicit terms of article XXVIII of GATT, has a clear right to initiate similar action during the current "open season" period for modification; and

Whereas United States imports of machinery for the papermaking industries have increased 211 per centum from 1962 to 1965, while United States exports declined by 20 per centum and the United States balance of trade in such machinery declined by 42 per centum during the same period, and the United States share of the world export trade in such machinery declined from 24 per centum in 1962 to 17 per centum in 1964; and

Whereas notwithstanding an exceptionally high level and rate of increase in capital expenditures per production worker maintained by the domestic industry producing machinery for the papermaking industries, the domestic industry's highly labor-intensive manufacturing processes make it increasingly vulnerable to low-cost foreign competition; and

Whereas the level of import duties and other frontier imposts on imports of paper industries machinery by the principal foreign supplying nations is not less than 20 per cent ad valorem and two times or more the level of United States import duties, which are the lowest of any supplier of such machinery; and

Whereas the United States market is now the principal outlet for the sale of machinery produced in the United States for the papermaking industries, and the import penetration of that market has now risen to a level comparable to that which existed in the cotton textile trade when the United States took the initiative of securing reasonable import regulation through the negotiation of an international arrangement on cotton textiles; and

Whereas for the welfare of the employees of the United States industry producing papermaking machines and to maintain the potential of that industry for economic growth by reserving for it a suitable share in and the growth of the domestic market for paper industries machinery, the United States Government should exercise its clear right under article XXVIII of GATT to modify existing tariff concessions by restoring them to a level comparable to that now maintained by the principal foreign suppliers of such machinery through their combination of duties and frontier taxes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President or his authorized representatives should invoke the rights conferred upon the United States by article XXVIII of GATT to modify the tariff concessions granted by the United States so as to restore the rate of duty specified for the applicable tariff items of the Tariff Schedules of the United States to the level specified below:

Item	Articles	Rates of duty	
		1	2
	Machines for making cellulosic pulp, paper, or paperboard; machines for processing or finishing pulp, paper, or paperboard, or making them up into articles:		
668.00	Machines for making cellulosic pulp, paper, or paperboard	20% ad val.	35% ad val.
668.02	Other	20% ad val.	35% ad val.
	Parts of the foregoing machines:		
668.04	Bed plates, roll bars, and other stock-treating parts for pulp or paper machines	20% ad val.	20% ad val.
	Other:		
668.06	Parts of machines for making cellulosic pulp, paper or paperboard	20% ad val.	35% ad val.
668.07	Other	20% ad val.	35% ad val.

RESOLUTIONS

GLENIVAN C. SIMPSON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 303) to pay a gratuity to Glenivan C. Simpson, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under the heading "Reports of Committees.")

THOMASINE C. THOMPSON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 304) to pay a gratuity to Thomasine C. Thompson, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under the heading "Reports of Committees.")

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, with statements limited to 3 minutes, and that the unfinished business not be displaced.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MODIFICATION OF CONTRACT FOR SALE OF CERTAIN REAL PROPERTY TO CITY OF LAWTON, OKLA.

Mr. HARRIS. Mr. President, I introduce for myself and my senior colleague [Mr. MONRONEY], a bill to permit negotiation of a modification of a contract for sale of certain real property by the United States to the city of Lawton, Okla. The bill I introduce today is intended to correct a situation which has existed for some 40 years and has become a burden on the city of Lawton.

Under the provisions of an indenture signed by the Secretary of the Interior on June 11, 1926, 270 acres of Kiowa, Comanche, and Apache reserve lands were conveyed to the city of Lawton in consideration of the payment of $2,800 and a promise to furnish, without cost to the Government, a sufficient supply of water for domestic use at the Fort Sill Indian School and the Kiowa Indian Hospital.

Since the signing of this indenture, the facilities of the Fort Sill Indian School and the Kiowa Indian Hospital have expanded considerably, which has required the city of Lawton to construct an 8-inch water main to the facilities of the Fort Sill Indian School and the Kiowa Indian Hospital. Also, the daily requirements of the Fort Sill Indian School have now reached approximately 45,000 to 50,000 gallons, which constitutes a sizable expense to the city of Lawton and which would appear to be somewhat beyond the intentions of the indenture agreed to in 1926.

The bill I introduce today would allow the Secretary of the Interior and the city of Lawton to negotiate an agreement under which the U.S. Government would pay for such water that is used at the Fort Sill Indian School and the Kiowa Indian Hospital.

I feel that this bill will be fair and just to both parties concerned. It will permit a renegotiation of the contract based upon changed conditions.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3831) to permit negotiation of a modification to a contract for sale of certain real property by the United States to the city of Lawton, Okla., introduced by Mr. HARRIS (for himself and Mr. MONRONEY), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AMENDMENT OF TITLE I OF HOUSING ACT OF 1949, RELATING TO ACQUISITION PRICE OF CERTAIN PROPERTY

Mr. PEARSON. Mr. President, I submit for appropriate consideration a bill to amend title I of the Housing Act of 1949 to provide that the special rule for determining the acquisition price of property damaged by subsidence of coal mines shall extend also to property damaged by subsidence of other mines.

I would point specifically to a situation that exists in Kansas City, Kans., where in a certain area subsidence was caused due to limestone mining and the city of Kansas City, Kans., feels, and I believe properly so, that the property owners have suffered a considerable loss and should be entitled to the same benefits which would apply in the situation involving coal mines.

It appears that the only possibility of obtaining relief would be to amend the Housing Act of 1949 and thereby eliminate the coal mine restriction of this provision, thus broadening its application to include all types of mines, including limestone. I submit this bill for proper committee study.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3832) to amend title I of the Housing Act of 1949 to provide that the special rule for determining the acquisition price of property damaged by subsidence of coal mines shall extend also to property damaged by subsidence of other mines, introduced by Mr. PEARSON, was received, read twice by its title, and referred to the Committee on Banking and Currency.

THE NATIONAL LAKES PRESERVATION ACT OF 1966

Mr. NELSON. Mr. President, I introduce for appropriate reference a bill—the National Lakes Preservation Act of 1966—to save our valuable lakes and lake areas from destruction. This bill is the sixth in a comprehensive package of water pollution control bills which includes S. 1479 on detergent pollution, S. 1908 on vessel pollution, S. 2940 on waste management research, S. 3327 on municipal pollution, and S. 3608 on DDT pollution. In the near future I will introduce three additional bills in this package, one providing for the control of sediment pollution in small streams, a second offering incentives to industry for the abatement and prevention of industrial pollution, and a third establishing comprehensive control of pesticides of all kinds.

Lakes—and by lakes I mean surface waters impounded naturally or dammed up as reservoirs—are a vital part of the water cycle by which our national water supply is maintained. The Great Lakes chain, of which about 60 percent lies in the United States, covers an area of over 95,000 square miles, holds 5,500 cubic miles of water, and includes 10,333 miles of shoreline.

In addition to the Great Lakes, there are in the United States 250 natural lakes with a surface area of 10 square miles or more; 20 major saline lakes; and many large reservoirs. There are also countless smaller lakes, ponds, and reservoirs scattered across the countryside.

These lakes are important to the breeding and support of a great variety of plant, animal, fish, and bird life; they are used for boating, swimming, hunting, fishing, camping, and other recreational purposes; and they are exploited for commercial fishing, waste disposal, water supplies, transportation, and electric power generation.

The demands made on our lakes by these many uses are very large now and, with continued population growth, urbanization, and industrialization, will increase dramatically in the future. If our lakes are to continue to meet these heavy present and future demands, they must be protected from spoliation by urban, commercial, and agricultural activities, and remain accessible to the public.

Present trends, however, are in the opposite direction. Our lakes are becoming less accessible to the public as shore property is bought up for private uses, and are endangered by a number of deterioration problems. I have been informed by Secretary of the Interior Udall that only about 5 percent of the total shoreline of the Nation's largest 250 natural lakes is held by governmental units, while the remaining 95 percent is privately owned.

Public ownership of the U.S. shoreline of the Great Lakes is somewhat better, with about 19 percent of the total shoreline owned by Federal, State, and local governments. However, public ownership does not mean that the shoreline is available for recreational purposes. Much of this land in some States is occupied by major cities such as Duluth-Superior, Detroit, Cleveland, Milwaukee, Chicago-Gary, and Buffalo. Although these cities have lakefront recreational areas, a substantial portion of the frontage they occupy is not available for recreational purposes.

I ask unanimous consent that tables showing the ownership of the U.S. shoreline of the Great Lakes and their interconnecting rivers be inserted in the RECORD at this point in my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Public ownership of U.S. Great Lakes shoreline, by lake

Lake	Total shoreline	Publicly owned [1]	Publicly owned
	Miles	*Miles*	*Percent*
Lake Superior	1,422	390	27.4
Lake Michigan	1,661	260	15.7
Lake Huron	934	96	10.3
Lake Erie	407	155	38.1
Lake Ontario	289	13	4.5
For all lakes	4,713	914	19.4

[1] Federal, State, and local government ownership.

Public ownership of U.S. Great Lakes shoreline, by State

State	Total shoreline	Publicly owned [1]	Publicly owned
	Miles	*Miles*	*Percent*
Wisconsin	820	100	12.2
Superior	325	76	23.4
Michigan	495	24	4.8
Michigan	2,960	611	20.6
Superior	917	296	32.3
Michigan	1,058	205	19.4
Huron	934	96	10.3
Erie	51	14	27.5
Minnesota (Superior only)	180	[2] 18	10.0
Illinois (Michigan only)	63	22	34.9
Indiana (Michigan only)	45	9	20.0
Ohio (Erie only)	233	23	9.9
Pennsylvania (Erie only)	50	48	96.0
New York	362	83	22.9
Erie	73	70	95.9
Ontario	289	13	4.5

[1] Federal, State, and local government ownership.

[2] Indian reservation.

Public ownership of U.S. Great Lakes interconnecting rivers shoreline

Interconnecting river	Total shoreline	Publicly owned [1]	Publicly owned
	Miles	*Miles*	*Percent*
St. Marys River (Michigan)	91	1.4	1.5
St. Clair River (Michigan)	81	9.5	11.7
Detroit River (Michigan)	64	32.0	50.0
Niagara River (New York)	69	38.3	55.5
For all rivers	305	81.2	26.6

[1] Federal, State, and local government ownership.

Mr. NELSON. Mr. President, the problems of lake deterioration—eutrophication, sedimentation, mineralization, salinization—are directly correlated with the extent of private ownership—the greater the private ownership of the frontage of a lake, the more likely it is that the lake will have deterioration problems. Of course, there are notable exceptions to this, for in many cases private owners have practiced good shoreline management and saved lakes from destruction.

The deterioration of a lake is due to complex interactions between man's activities and natural lake processes. All lakes undergo transformations over geologic time through which they gradually fill in and ultimately become dry land—in effect, they "die." Man's activities accelerate and add new dimensions to these processes, however, so that what should take centuries or milleniums to occur may actually take place in a mere handful of years.

Agricultural, urban, and commercial facilities and activities affect water supply and quality indirectly by disturbing shoreline and watershed vegetation and drainage, and directly by water withdrawals and waste disposal. In turn, these changes disturb or destroy the conditions of breeding and survival of fish, animals, and birds, resulting in substantial changes in wildlife populations. Of course, the esthetic quality of the natural land-lake environment is adversely altered or completely destroyed by all of these changes. The end result of this process of spoliation is that the lake becomes a stinking cesspool, filled with pollutants, trash and mud, devoid of animal and plant life, and practically useless to man.

One of the important lake processes affected by the large quantity of wastes from cities, farms, and factories is eutrophication. Such wastes contain a high proportion of phosphates and nitrates from detergents, artificial fertilizers, manufacturing raw materials, and sewage. Domestic and industrial detergents, containing up to 50 percent by weight of phosphate compounds, are responsible for a substantial part of this substance found in these wastes. The phosphates and nitrates serve as plant nutrients, and encourage an overproduction of algae. Eventually, if biological enrichment continues too long, decaying algae take oxygen out of the water and release noxious and even poisonous substances. These extensive algae blooms also disrupt currents and waves, encourage the buildup of sediment, and impede evaporation and aeration.

A few of the lakes which have already suffered some degree of deterioration are Lake Ontario, Lake Erie, and Lake Michigan; Lake Mendota and Lake Winnebago in Wisconsin; Lake Okeechobee in Florida; Lake-of-the-Woods in Minnesota; Lake Pepin in Minnesota and Wisconsin; Lake Champlain in New York and Vermont; Lake Washington in Washington; Lake Zoar in Connecticut; and thousands of smaller lakes and ponds. Practically every State reports problems with algal growths, the problem being particularly severe in the north midwestern States.

Deterioration of our lakes has become so bad that it is seriously interfering with recreational and other uses. Secretary Udall placed particular emphasis on this point in a recent letter to me:

> Many of the lakes in our heavily populated states, and in those states where recreation is a principal economic activity, are undergoing rapid environmental changes, which are undesirable and which are contributing factors in developing troublesome water-quality problems commonly referred to as eutrophication. The value of these lakes to our economy may be impaired unless substantial progress is made in controlling pollution and in understanding the chemical and physical processes involved.

The Great Lakes have undergone extensive deterioration due to massive discharges of wastes from the urban, commercial, and agricultural activities along their shores. Significant chemical changes have taken place in the waters of all the lakes except Lake Superior. Lake Erie has deteriorated substantially, while Lake Ontario and the southern and western areas of Lake Michigan are in grave danger of a similar fate. The pollution investigation reports prepared by the Public Health Service and the Federal Water Pollution Control Administration provide incontestable evidence of the grave conditions in Lake Erie and Lake Michigan. These reports include statements such as the following regarding the pollution of Lake Michigan and Lake Erie:

> Lake Erie and its tributaries are polluted. The main body of the Lake has deteriorated in quality at a rate many times greater than its normal aging processes, due to inputs of pollution resulting from the activities of man.
>
> About 6 million pounds of waste products are discharged every day from U.S. industries and municipalities to the Detroit River. Twenty million pounds of measured waste constituents are discharged every day from U.S. waters of the Detroit River to Michigan waters of Lake Erie.
>
> Along the shores of Lake Michigan, in Indiana and the southern shore in Illinois, the Lake waters are discolored by suspended and dissolved waste materials, in sharp contrast to the pleasing appearance of the rest of Lake Michigan.
>
> The bottom of Lake Michigan in the Calumet and Chicago areas exhibits biological degradation by organic enrichment. Whereas in the clean bottom areas of Lake Michigan there are many kinds of organisms, with none predominating, this area exhibits only a few kinds.
>
> The waters of the Milwaukee area, particularly the lower Milwaukee River within Milwaukee County, Milwaukee Harbor and the adjacent waters of Lake Michigan, are seriously degraded in quality.
>
> The waters of the Green Bay area, Michigan and Wisconsin, particularly the Lower Fox River and the southern end of the Bay itself, are seriously degraded in quality.

Mr. President, I ask unanimous consent that extracts from the summaries of findings in these Great Lakes pollution reports be inserted in the RECORD at this point in my remarks.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

EXTRACTS FROM THE REPORT "A COMPREHENSIVE WATER POLLUTION CONTROL PROGRAM—LAKE MICHIGAN BASIN—GREEN BAY AREA"

(Prepared by the Federal Water Pollution Control Administration in June, 1966)

SUMMARY

General

The waters of the Green Bay Area, Michigan and Wisconsin, particular the Lower Fox River and the southern end of the Bay itself, are seriously degraded in quality. Other significant areas of water quality impairment include the mouths of the Escanaba, Menominee, Peshtigo and Oconto Rivers and certain upstream reaches of these Green Bay tributaries. Biological, chemical, microbiological and physical parameters analyzed by the Great Lakes-Illinois River Basins Project indicate this fact.

Pollution of the waters of the Green Bay Area is further evidenced by the destruction or impairment of legitimate water uses. The City of Green Bay obtains water from Lake Michigan for municipal use rather than using the adjacent waters of Green Bay. Public bathing beaches in this area were closed more than 25 years ago. The fishery in extreme southern Green Bay is virtually non-existent. Esthetic enjoyment is impaired by the unsightly appearance of the waters of the Lower Fox River. In other locations of the Green Bay Area high coliform counts and low dissolved oxygen levels impair recreation and fish and wildlife support. The growth of undesirable amounts and kinds of algae in certain areas further impairs use of the waters for municipal supply and recreational activities.

Sources of pollution

The most significant sources of pollution in the Green Bay Area are the pulp and paper mills discharging their wastes to tributaries or to the Bay itself. These wastes have an estimated population equivalent (PE) of 2,600,000. To put this another way, the industrial wastes discharged to the waters of the Green Bay Area are equivalent in terms of oxygen consuming power to the raw wastes of over 2,600,000 persons.

Municipal waste treatment plants of the Green Bay Area serve a present population (1960) of 454,000. These plants receive an estimated additional industrial waste load of 300,000 PE, the combined effluents from these municipal waste treatment facilities discharge a total of 51,000 pounds of 5 day biochemical oxygen demand (BOD$_5$) daily to the waters of the area. Municipal waste treatment plant effluents are the second largest source of pollution in the Green Bay Area.

In addition to the oxygen consuming wastes other significant waste constituents include phosphates, phenols, ammonia nitrogen and fecal bacteria.

Future conditions

Growth projections made by the Great Lakes-Illinois River Basins Project economists indicate that the 1960 Green Bay Study Area population of 710,000 may increase more than two-fold by 2020. Industrial activity, due primarily to productivity and increased demands, is expected to double by approximately 1980 and continue to expand in the decades that follow. Water demands and waste flows will increase at a more moderate pace due to water reuse and other efficiencies. These and other related factors indicate that the untreated waste load received by all municipal sewerage systems in the study area will increase to about 2,220,000 PE by 2020. By comparison, the present estimated untreated waste load received by all municipal plants of the Green Bay Area is approximately 750,000 PE.

Need for comprehensive program

The present severe impairment of water uses in the area and the increasing waste loads which will be imposed on the waste treatment facilities point out the need for the adoption and implementation of a comprehensive program for water pollution control in the Green Bay Area. The program of necessity must emphasize construction of new and enlarged sewerage facilities, proper operation of new and existing facilities, and intensive and continuous monitoring of operation, waste treatment efficiency and water quality.

EXTRACTS FROM THE REPORT "A COMPREHENSIVE WATER POLLUTION CONTROL PROGRAM—LAKE MICHIGAN BASIN—MILWAUKEE AREA"

(Prepared by the Federal Water Pollution Control Administration in June 1966)

SUMMARY

General

The waters of the Milwaukee area, particularly the lower Milwaukee River within Milwaukee County, Milwaukee Harbor and the adjacent waters of Lake Michigan are seriously degraded in quality. Swimming, boating, fishing and esthetic enjoyment are among some of the water uses adversely affected by this degradation of water quality. Biological, chemical, microbiological and physical parameters analyzed by the Great Lakes-Illinois River Basins Project indicate this fact. Further evidence of pollution cited in this report included the frequent closing of city beaches due to bacterial contamination, the presence of objectionable algal blooms and the general appearance of the waters of the area.

Sources of pollution

Municipal waste treatment plants of the Milwaukee area serve a present population of 1,080,000. These plants receive an additional industrial waste load population equivalent (in terms of oxygen consuming capacity) of 1,570,000. The combined effluents from these municipal waste treatment facilities discharge a total of 60,000 pounds per day of BOD$_5$ to the waters of the area. Municipal waste effluents represent the largest source of pollution in the Milwaukee area.

Other significant waste sources include those industries which discharge wastes directly to the waters of the area (25,000 pounds of BOD$_5$ per day), intermittent discharges from combined sewer overflows, wastes discharged from commercial and private vessels and urban and rural runoff.

In addition to the organic load imposed by these waste sources other contaminants of significance in the area include phosphates, phenols, ammonia nitrogen and bacterial contamination.

Future conditions

Growth projections made by GLIRB Project economists indicate that the Milwaukee study area 1960 population of 1,104,000 will increase more than two-fold by 2020. Industrial activity is projected to increase more than six-fold over the same time period. Taking into account these and other related factors it is considered that the untreated waste load handled by all Municipal sewerage systems in the study area will increase to approximately 8 million PE by 2020. Compare this with the present estimated untreated load of 2,700,000 PE.

Need for comprehensive program

The present impairment of certain water uses in the area plus the increasing waste loads which will be imposed on the waste treatment facilities point out the need for the development of a comprehensive program for water pollution control in the Milwaukee area. The program of necessity must emphasize construction of new sewerage facilities, proper operation of new and existing facilities, and intensive and continuous monitoring of operation, waste treatment efficiency and water quality.

EXTRACTS FROM "REPORT ON POLLUTION OF LAKE ERIE AND ITS TRIBUTARIES"

(Prepared by the Public Health Service in July 1965)

I—SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Lake Erie and its tributaries are polluted. The main body of the Lake has deteriorated in quality at a rate many times greater than its normal aging processes, due to inputs of pollution resulting from the activities of man.

Identified pollutants contributing to damages to water uses in Lake Erie are sewage and industrial wastes, oils, silts, sediment, floating solids and nutrients (phosphates and nitrates). Enrichment of Lake Erie, caused by man-made contributions of nutrient materials, is proceeding at an alarming rate. Pollution in Lake Erie and its tributaries causes significant damage to recreation, commercial fishing, sport fishing, navigation, water supply, and esthetic values.

Eutrophication or over-fertilization of Lake Erie and the Maumee River is of major concern. Problems are occurring along the lake shoreline and at some water intakes from algal growths stimulated by nutrients. Algal growths can be controlled, and entrophication of Lake Erie can be retarded and perhaps even reversed by reducing one or more nutrients below the level required for extensive growth.

Soluble phosphate is the one nutrient most amenable to reduction or exclusion from Lake Erie and its tributaries. Present technology is capable of removing a high percentage of soluble phosphates from sewage at a reasonable cost.

More than three-fourths of the soluble phosphates reaching Lake Erie are from municipal waste discharges; this includes some industrial wastes routed through municipal facilities. Proper design and operation of secondary sewage treatment plants will result in significantly greater removal of phosphorus compounds than that produced by primary treatment alone. This will result in substantial reduction of aquatic growths and will be reflected chiefly in a better fishery, a better water supply and better water for recreational uses.

Discharges of municipal and industrial wastes originating in Michigan, Indiana, Ohio, Pennsylvania, and New York are endangering the health or welfare of persons in States other than those in which such discharges originate. This pollution is subject to abatement under the Federal Water Pollution Control Act.

Pollution of the Detroit River and Michigan waters of Lake Erie has been the subject of a previous enforcement conference. Specific recommendations were developed by the Detroit River-Lake Erie Project for all known sources of municipal and industrial wastes in the conference area. At the conference session held June 15–18, 1965, the Michigan Water Resources Commission agreed to implement the recommendations of the U.S. Department of Health, Education, and Welfare as contained in the "Report on Pollution of the Detroit River, Michigan Waters of Lake Erie, and their Tributaries."

The Maumee, Sandusky, Black, Rocky, and Cuyahoga Rivers and their tributaries, all of which are tributary to Lake Erie in Ohio, are grossly polluted. This pollution is caused by refuse, sewage, and sludge resulting in low dissolved oxygen, algal growths, bacterial contamination, and odors associated with polluted waters. This pollution interferes with water uses for municipal and industrial supply, recreation, fishing, and esthetic enjoyment. Specifically, phenols and nitrogenous compounds cause taste and odor problems in municipal water supplies. Other pollutants found in significant areas of these tributary rivers are oil, silt, and sediment.

Lake Erie and its tributary streams in the Pennsylvania basin are polluted by discharges of municipal and industrial wastes, combined sewer overflows, accidental spills from vessels and industries and wastes from Lake vessels, and land drainage. This pollution has caused taste and odor problems in domestic water supplies, bacterial contamination of bathing beaches, fish kills and algal growths. In addition, wastes which cause the receiving waters to foam, turn blackish-brown, and have a foul odor have interfered with recreation and esthetic enjoyment.

Lake Erie and its tributary streams in the western New York basin and the Erie-Niagara basin in New York are polluted by municipal and industrial wastes. Discharges of these wastes cause interferences with municipal and industrial supplies, recreation, fish and aquatic life. In addition, these wastes cause discoloration of the receiving waters, foul odors and algal growths.

Recommendations

Lake Erie is more than a valuable water resource; it is a priceless natural heritage. The present generation has an obligation to use it wisely and to preserve it for posterity. Each city and town, each industrial firm—each and every citizen of the basin—must bear a share of that responsibility.

Recommendations for abating water pollution interfering with water uses in Lake Erie and its tributaries will be made in two groups: general recommendations, covering the broad objectives of pollution abatement in the conference area, followed by specific recommendations in Parts 2 and 3 of this report, for the solution of particular problems. The specific recommendations are offered in addition to, and not in place of, the general recommendations.

Extracts From "Report on Pollution of the Detroit River, Michigan Waters of Lake Erie, and Their Tributaries

(Prepared by the Public Health Service in April 1965)

CONCLUSIONS

Every day more than 1.6 billion gallons of waste water flow into the Detroit River—1.1 billion gallons from industry and 540 million gallons from municipal sewage. Huge quantities of waste products contained in this discharge change the Detroit River from a basically clean body of water at its head to a polluted one in its lower reaches. These waters are polluted bacteriologically, chemically, physically, and biologically, and contain excessive coliform densities as well as excessive quantities of phenols, iron, oil, ammonia, suspended solids, settleable solids, chlorides, nitrogen compound, and phosphates. Pollution of the Detroit River will become progressively worse unless effective action is taken immediately.

The City of Detroit's main sewage treatment plant, serving more than 90 percent of the people in the Project area, contributes 95 percent of the municipal waste to the Detroit River and is also the major source of suspended solids, phenols, oil, inorganic nitrogen, phosphates, and biochemical oxygen demand in the river. Overflow from combined sewers in Detroit and its suburbs, carrying both stormwater and raw sewage, contributes greatly to the degredation of the river.

In the upper Detroit River, the Great Lakes Steel Co. and the Allied Chemical Corp. are the major sources of industrial wastes. The Ford Motor Co. is the principal contributor of inorganic wastes to the Rouge River, and the Scott Paper Co. is the principal contributor of organic wastes. Downriver industries contributing significant quantities of wastes are the Great Lakes Steel Corp., the McLouth Steel Corporation, Pennsalt Chemical Corporation, and Wyandotte Chemical Corporation. On the Raisin River the leading polluters are the two Consolidated Paper Company mills, Monroe Paper Products Company, and the Union Bag-Camp Paper Company.

Other significant sources of pollution in the study area are overflows from combined sewers, municipal and industrial waste spills, and wastes from shorefront homes.

Pollution of the Detroit River causes interference with municipal water supply, recreation, fish and wildlife propagation, and navigation. Two municipal water intakes, particularly that of Wyandotte, are endangered by the high bacterial counts of the river, and the rising chloride levels indicate potential future problems for industrial water usage. In addition, high concentrations of phenols and ammonia at the Wyandotte water intake have interfered with municipal water treatment by causing taste and odor problems and reducing the effectiveness of chlorination. Excessive quantities of chlorine are needed to reduce bacteria to a safe level.

All forms of water contact sports in the lower Detroit River are hazardous. Declining levels of dissolved oxygen in the lower Detroit River as it enters Lake Erie are approaching the danger point, indicating trouble in the future unless appropriate remedial action is taken. Together with bottom sludge deposits, oils, and toxic materials, they threaten fish, migratory birds, and other wildlife. In order to maintain navigation, extensive annual dredging is required at the junction of the Detroit and Rouge Rivers and at the mouths of the Detroit and Raisin Rivers to remove deposits of suspended solids in large part originating in municipal and industrial waste discharges.

About 6 million pounds of waste products are discharged every day from U.S. industries and municipalities to the Detroit River. 20 million pounds of measured waste constituents are discharged every day from U.S. waters of the Detroit River to Michigan waters of Lake Erie. The Raisin River, grossly polluted at its mouth, also pollutes the Michigan waters of Lake Erie.

The Michigan waters of Lake Erie have two major zones of pollution—one in the vicinity of the mouth of the Detroit River, and one near the mouth of the Raisin River.

Bacteriological densities in the Lake from the mouth of the Detroit River to a point 2 or 3 miles south make the water unfit for recreational use; following heavy rainfall in the Detroit area, this zone is extended southward to Stony Point. The periodic contamination of Sterling State Park beaches, which are posted as unsafe for swimming, is caused by wastes from the Raisin River and septic tank drainage.

Concentrations of chlorides, metals toxic to fish life in minute concentrations, and suspended solids in the Lake portend future problems in various water uses. Composition of bottom organisms in the Detroit River changes from a pollution-sensitive population typically found in clean waters to a predominantly pollution-tolerant population in the lower River.

Pollution-stimulated algae growths have forced Monroe to move its water intake point to avoid unpleasant tastes and odors in the water, and algae blooms near the new intake again threaten to degrade Monroe's drinking water. Discharges of nutrients and organic wastes into the Michigan part of Lake Erie have speeded the enrichment of that portion of the Lake.

Water at Sterling State Park is erratically polluted, and this area occasionally had coliform counts exceeding 100,000 organisms per 100 ml. A standard frequently accepted as safe for recreation is 1,000 per 100 ml, and the recommendations in this report are based on that standard. The Raisin River was discovered to be the primary cause of this pollution; when Lake currents are northerly (40 to 45% of the time), polluted Raisin River water is carried directly to the beaches. When currents are southerly, polluted drainage from septic tanks reaches the Park. To improve water quality at Sterling State Park, these sources of pollution must be controlled.

Adverse effects of stormwater overflow on water quality were seen in all the waters studied by the Project. During and after heavy rainfall, sewage plants must bypass untreated wastes directly to the rivers, and this can occur on 33 to 45 days a year. The overflows averaged 8.2 hours and have lasted as long as 24 hours, and the detrimental effects from a single storm have lasted as long as 5 days. Bacteria in storm overflows often approached the densities found in raw sewage, with counts as high as 100 million per 100 ml. Storm-caused overflows alone are responsible for the discharge of 5 billion gallons of raw sewage to the Detroit River yearly.

While there is some evidence that water quality is improving, because of increased water uses damages are increasing, and unless remedial action is taken immediately the usefulness of the water resources of the Detroit area may be destroyed completely by pollution.

All municipal sewage treatment plants in the area currently practice primary treatment followed by chlorination. In order to protect water uses, municipal treatment facilities are to be provided capable of producing an effluent not to exceed:

1. Suspended solids concentration of 35 mg/1.
2. Settleable solids concentration of 5 mg/1.
3. Ammonia concentration of 2 mg/1.
4. Phenol concentration of 20 mg/1.
5. Oil concentration of 15 mg/1.
6. Biochemical oxygen demand of 20 mg/1.
7. Bacterial densities, monthly geometric mean, of 5000/100 ml.

It is recommended that all municipalities provide a minimum of secondary treatment plus adequate chlorination to maintain these standards.

Recommendations for abating pollution interfering with water use in the Detroit River and Michigan Lake Erie are made in two categories: general recommendations relating to the Project area, and specific improvements required at each waste source contributing to the polluted condition of the waters. In addition to these recommendations designed to abate existing pollution, the report points out many areas where additional improvement in water quality will aid in the prevention of future problems.

Extracts From "Report on Pollution of the Waters of the Grand Calumet River, Little Calumet River, Calumet River, Lake Michigan, Wolf Lake and Their Tributaries"

(Prepared by the Public Health Service in February, 1965)

I—SUMMARY AND CONCLUSIONS

On the basis of reports, surveys, or studies, in accordance with section 8 of the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.), Secretary Anthony J. Celebrezze of the Department of Health, Education, and Welfare, on December 15, 1964 called a conference in the matter of pollution of the interstate waters of the Grand Calumet River, Little Calumet River, Calumet River, Lake Michigan, Wolf Lake and their tributaries (Indiana-Illinois).

The Calumet Area at the south end of Lake Michigan in Illinois and Indiana includes the Calumet River system and the affected waters of Lake Michigan. Although poorly drained, it lies astride a continental divide, with about 40 per cent of the area draining to the Illinois River and thence to the Mississippi River, and about 60 per cent of the area draining to Lake Michigan and the St. Lawrence River. Most of the streams and ditches are sluggish or stagnant, and some of the streams, particularly the Calumet River in Chicago, experience alternating directions of flow.

The western parts of the Little Calumet and Grand Calumet Rivers flow from Indiana into Illinois. Wolf Lake is an interstate lake lying on the Illinois-Indiana state line. The state line extends northward from the shoreline into Lake Michigan, passing within one-third mile of the mouth of the Calumet River in Chicago, and turns east at a point about 1½ miles north of the Calumet Harbor breakwater.

The currents in Lake Michigan are also subject to reversal of flow. Under most conditions the direction of flow is from Indiana waters to Illinois waters, but flow from Illinois to Indiana waters is also common.

The areas is highly industrialized, and the industries are expanding production rapidly. There are ten major steel mills, five petroleum refineries, and several chemical, paper, and food processing industries in the area.

Lake Michigan is used as a source of municipal water supply. The City of Chicago pumps about 1040 million gallons daily (mgd) and serves a population of about 4,400,000. The cities of Gary, Hammond, East Chicago, and Whiting in Indiana pump about 62 mgd and serve a population of about 375,000. Lake Michigan is also used as the major source of industrial process and cooling water in the area, and as a source of condenser water for power plants. Lake Michigan and its harbors in the area handle about 60 millions tons of cargo annually, of which three-fourths is iron ore and related materials for the steel industry.

Lake Michigan and Wolf Lake are heavily used for recreational activities such as swimming, boating, water skiing, and fishing. They also receive direct discharges of industrial wastes.

The Grand Calumet River is used to a minor extent as an industrial water source. Its main use is as a receiver of municipal and industrial wastes. The Indiana Harbor Canal is used extensively for navigation and as a receiver of industrial wastes. The waters of the Grand Calumet River and the Indiana Harbor Canal are unfit for any recreational activity.

The Calumet River and the navigable portion of the Little Calumet River are used for navigation, industrial water supplies, receipt of municipal and industrial wastes, and recreational boating. A large number of parks, golf courses, and forest preserves are located along the banks of the Little Calumet River. The Cook County Forest Preserve District has not developed picnic areas along the Little Calumet River because of its polluted condition.

Municipal sewage and industrial wastes, treated to varying degrees, are the principal pollutional materials discharged continuously into the waters of the Calumet Area. Other wastes discharged intermittently may have serious local effects or may cause temporary excessive pollution. Among these wastes are accidental spills from storage tanks and barges, combined sewer overflows, wastes from lake vessels, barge tows, and pleasure craft, and materials from dredging operations.

The total oxygen demand of municipal and industrial waste as discharged in the Calumet Area is about 1,150,000 population equivalent (PE) of which 80 per cent is discharged in the Lake Michigan Basin and 20 per cent is discharged in the Illinois River Basin. Seventy per cent of the waste discharged in the Illinois River Basin is from municipal sources and 30 per cent is from industrial sources. In contrast, only 5 per cent of the waste discharged in the Lake Michigan Basin is from municipal sources, and 95 per cent is from industrial sources.

The principal deficiencies in municipal waste disposal in the Calumet Area are the general lack of effluent disinfection, the prevalence of combined sewer systems that cause the discharge of untreated sewage during and after heavy rains, and the proliferation of small sewage treatment plants throughout the basin that discharge to ditches and small streams. These plants are so numerous, and the amount of dilution water so small, that nearly all streams are to some extent polluted.

Three steel plants that discharge wastes to the Grand Calumet River and the Indiana Harbor Canal are the most significant sources of wastes in the Lake Michigan Basin. Oil refineries and chemical plants are lesser, but still major, sources of wastes. The steel plants discharge coking wastes, blast furnace wastes, and rolling mill wastes. The chief identifiable constituents in these discharges are oxygen-demanding wastes, oily wastes, waste pickle liquor, phenolic materials, ammonia, cyanide, and suspended solids. The refineries discharge oxygen-demanding wastes, oily wastes, phenolic materials, and ammonia.

The steel plants in the Illinois River Basin have their coking wastes sewered and treated at the Calumet Plant of the Metropolitan Sanitary District of Great Chicago. The principal wastes discharged to the rivers from these plants are oily wastes, waste pickle liquor, and suspended solids. One steel plant discharges untreated sewage to the Little Calumet River in Illinois.

Biological studies (1961–63) indicate that all of the streams in the Calumet Area are polluted, differing only in degree and by nature of the pollutant. The Grand Calumet River is the worst of all as evidenced by the near-absence of bottom organisms. The Little Calumet and Calumet Rivers and the Indiana Harbor Canal are also severely degraded.

Steams in the Calumet Area are generally characterized by unsightly appearance, in the form of floating debris, oil, discoloration, and turbidity. Channel banks, structures, and boats acquire a black coating from oil or tarry substances. Malodorous conditions are prevalent and frequent. Along the shores of Lake Michigan, in Indiana and the southern shore in Illinois, the Lake waters are discolored by suspended and dissolved waste materials, in sharp contrast to the pleasing appearance of the rest of Lake Michigan.

The streams of the Calumet Area are grossly polluted by fecal contamination. Average colifoam densities on the Grand Calumet and Little Calumet Rivers where they cross the State line were in the order of 1 million per 100 ml, and average fecal streptococcus densities were 70,000 to 80,000 per 100 ml. Burns Ditch showed 120,000 coliform per 100 ml near Lake Michigan, and 1.7 million four miles inland. In the Indiana Harbor Canal coliform counts averaged 380,000 per 100 ml, and individual tests ranged up to 2.5 million. The Calumet River exhibited average coliform densities of 2,900 per 100 ml near its junction with Lake Michigan, increasing to 25,000 per 100 ml about three miles farther inland. Periodic reversals of flow in the Calumet River can contribute bacterial pollution in Lake Michigan. Bacterial pollution of the magnitudes indicated in Calumet Area Streams constitutes a threat to public health.

Critically-low dissolved oxygen concentrations exist generally throughout the streams of the Calumet Area. Nearly every sampling station showed zero dissolved oxygen at some time during field investigations.

The bottom of Lake Michigan in the Calumet and Chicago areas exhibits biological degradation caused by organic enrichment. Whereas in the clean bottom areas of Lake Michigan there are many kinds of organisms, with none predominating, this area exhibits only a few kinds. Sludgeworms and aquatic scuds are the most numerous, but bloodworms and fingernail clams are sometimes abundant. Of these, only the scud is sensitive to pollution. The number of pollution-tolerant organisms average 250 to 400 per square foot in the Calumet Area, and increase to 1000 per square foot off Chicago. The lesser numbers in the Calumet Area reflect inhibition by heavy settleable solids and toxic materials, whereas the less dense organic materials are carried by lake currents northward to the waters off Chicago. The kinds of organisms found in this area of Lake Michigan limit the desirable species of fish such as whitefish, lake trout, and yellow perch, and favor trash fish such as carp, buffalo, and suckers.

The deep waters of Lake Michigan generally contain less than one coliform organism per 100 ml. In contrast, the inshore waters of Lake Michigan in the Calumet Area often contain several thousand coliform organisms per 100 ml, indicating fecal contamination from the tributary area. Bathing beaches at Whiting, Hammond, and Chicago's Calumet Park, which lie between Indiana Harbor and the Calumet River, nearly always exhibit coliform densities greater than 1000 per 100 ml. Coliform densities greater than 10,000 are common at these beaches, and densities greater than 100,000 occur often at the Whiting and Hammond beaches.

Taste and odor producing materials, such as phenolic materials, are discharged to Lake Michigan from industries in Indiana, and interfere with municipal water supplies in Indiana and Illinois. It has been demonstrated that severe taste and odor problems at Indiana water treatment plants in January and March, 1963, followed a few days later by similar problems at Chicago, were associated with lake currents moving northwestward from the Indiana Harbor area toward Chicago. Likewise, large amounts of ammonia discharged to Lake Michigan in Indiana increase the cost and difficulty of municipal water treatment in Indiana and Illinois. In addition, this ammonia contributes to fertilization of Lake Michigan, which can cause prolific growths of algae and aquatic weeds that pile up onto beaches, clog water intakes, interfere with filter plant operations, and cause taste and odor problems in municipal water supplies.

Section IX of this report discusses corrective measures needed in the Calumet Area.

One company discharges industrial waste into Wolf Lake in Indiana, causing fish kills in a portion of the lake, and tainting the flesh of game fish in Wolf Lake.

There is no evidence of interstate pollution from the discharge of wastes to Lake Michigan via Burns Ditch. Burns Ditch has some effect on the contribution of nutrients in the south end of Lake Michigan, and contributes local bacterial pollution. The effects of increased development in this area bear careful watching.

Sewage and industrial wastes discharged to the Little Calumet River, Grand Calumet River, and Wolf Lake in Indiana cause pollution of these waters in Illinois. Sewage and industrial wastes discharged to the Calumet River System and Lake Michigan in Indiana cause pollution of the waters of Lake Michigan in Illinois, and sewage and industrial wastes discharged to the Calumet River System and Lake Michigan in Illinois cause pollution of Lake Michigan in Indiana. This pollution endangers the health or welfare of persons in a state other than that in which the discharges originate, and therefore is subject to abatement under the provisions of the Federal Water Pollution Control Act.

Mr. NELSON. Mr. President, the National Lakes Preservation Act which I am introducing is intended to protect the Great Lakes, other natural lakes, and reservoirs, from further damage and deterioration; make them accessible to the public for recreational and esthetic enjoyment; encourage and assist research in all aspects of lake and lake area phenomena; and accelerate the training of scientists in lake sciences.

It would establish a National Lake Areas System composed of federally, State, and locally owned and administered lake areas on the Great Lakes and other important lakes which have not as yet been completely spoiled by man's activities. These lake areas would be administered and developed primarily for the purposes of sport and commercial fishing, wildlife conservation, outdoor recreation, and scenic beauty. Up to $255 million would be authorized for the establishment of the system through fiscal year 1969.

To determine what areas should be included in the system, the Secretary of the Interior would conduct a nationwide study, taking into consideration the scenic, recreational, and economic values of areas; their ecology, navigation, flood, and erosion problems; present and future uses of the areas; and ways of preserving and protecting them. He would also establish an advisory committee to make recommendations to him regarding the inclusion of areas in the system.

In making this study, consideration would be given to the Great Lakes, and other important lakes such as Lake Iliamna in Alaska; Lake Tahoe in California and Nevada; Lake Okeechobee in Florida; Kealepulu Lake in Hawaii; Bear Lake in Idaho and Utah; Lake Pontchartrain in Louisiana; Moosehead Lake in Maine; Lake Gogebic in Michigan; Lake-of-the-Woods in Minnesota; Flathead Lake in Montana; Lake Champlain in New York and Vermont; Lakes Oneida, Seneca, and Cayuga in New York; Upper Klamath Lake in Oregon; Reelfoot Lake in Tennessee; Great Salt Lake in Utah; Lake Washington in Washington; Lake Winnebago in Wisconsin; Yellowstone Lake in Wyoming; and the San Angelo and Twin Buttes Reservoirs in Texas.

On the basis of the nationwide study and the recommendations of the advisory committee, the Secretary would recommend Federal areas to be included in the System to the President, who would transmit them to Congress along with his own recommendations. Congress would then designate by law Federal lake areas, and the Secretary would acquire lands and waters for the areas by purchase, lease, donation, transfer, or exchange. He would also make rules and regulations governing public use of Federal areas.

State and local governments would be encouraged by the Federal Government to consider the designation of lake areas under Federal programs of financial assistance for land, wildlife, and recreation programs. Up to $50 million would be authorized each fiscal year for Federal agencies administering these programs to make additional grants for State and local lake areas. Although the approval of the Secretary of the Interior would be needed to include such areas in the System, the areas would be owned, administered, and developed by State and local governments.

The National Lake Areas System proposed in this bill is intended to help guard lake areas which have not completely deteriorated from further spoliation, and to insure that the public has access to our lakes for recreation and esthetic enjoyment. Additionally, the bill provides for programs of research to acquire the scientific knowledge needed to restore lake areas which have suffered spoliation, and to protect those which have so far escaped this fate.

The Secretary of the Interior would support and encourage programs of research by agencies at all levels of government, by universities and institutes, and by private organizations. Seventy-five million dollars would be authorized for this purpose each fiscal year. He would also arrange with universities and colleges for the training of specialists in the various lake sciences, and $35 million would be authorized each fiscal year for this purpose.

Research programs would be concerned with both the basic and applied aspects of the physical and social problems of lake areas. Particular emphasis would be placed on lake fertilization and eutrophication, and ways to reverse these processes and correct the damages they inflict. The need for research on this problem was emphasized by Secretary Udall in his letter to me:

> We need to develop a better understanding of chemical cycling, particularly with reference to phosphorous, nitrogen, and carbon compounds, which control delicate aquatic balances involved in such phenomena as algal blooms. This knowledge would be of particular value in identifying and, perhaps, counteracting pollution problems resulting from long-term accumulation of nitrogen, phosphorous, and other nutrients.

To carry out his responsibility for administering the act, the Secretary of the Interior would prepare rules and regulations, and establish the necessary laboratories, field stations, and other facilities. He would also coordinate lake research programs carried on by several Government agencies, and make agreements with public and private agencies for services and facilities, particularly vessels. For administering the act, $50 million would be authorized through fiscal year 1969, and $25 million for each fiscal year thereafter.

Mr. President, I ask unanimous consent that the full text of the National Lakes Preservation Act of 1966 be printed in the RECORD.

Mr. President, I ask unanimous consent that the bill I introduced this afternoon be referred to the Committee on Interior and Insular Affairs.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3833) to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a National Lake Areas System and authorizing programs of lake and lake areas research, and for other purposes, introduced by Mr. NELSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Lakes Preservation Act of 1966."

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that the Great Lakes and other lakes of the United States are rich in a variety of natural, commercial, recreational, and esthetic resources of incalculable value to the present and future development of the Nation; that the resources of these lakes are being damaged by pollution from commercial, urban, and agriculture installations and developments along their shores, and from vessels plying their waters; that the damage being inflicted on these lakes is rapidly becoming worse and may soon be permanent and irreversible in some cases; that there is a serious lack of knowledge regarding many aspects of natural phenomena in lakes and lake areas; and that the purposes of this Act therefore are to preserve, protect, develop, and restore the Great Lakes and other lakes of the United States; make accessible for the benefit of all the people selected parts of the Nation's lakes which are valuable for fishing, hunting, conservation, recreation, and scenic beauty; and establish, support, and encourage programs of lake and lake area research, and for the training of scientists in fields related to such research.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) the term "lake" means an inland manmade or natural body of fresh water and its sources which is standing and surrounded by land, flowing and occupying a substantial widening in the course of a river, or standing or flowing in a reservoir or impoundment in a natural or artificial basin; and

(b) the term "lake area" means an environmental system consisting of a lake and those transitional areas which are constantly influenced or affected by water from a lake such as, but not limited to, marshes, embayments, lagoons, inshore waters, channels, and stream and river estuaries.

TITLE I—NATIONAL LAKE AREAS SYSTEM

Establishment of system

SEC. 101. There is hereby established a National Lake Areas System (hereinafter referred to as the "System") composed of both Federally administered lake areas established in accordance with law enacted after the enactment of this Act, and lake areas administered by the States or their political subdivisions and designated as part of the System pursuant to section 106 with the approval of the Secretary of the Interior (hereinafter referred to as the "Secretary"). The System shall include lake areas so established or designated on the Great Lakes, and on other lakes of substantial size and national importance, which are (1) relatively unspoiled or undisturbed by the technological advances of man, including, but not limited to, pollutants, and (2) areas that are partially spoiled or disturbed by such advances but should be protected from further adverse effects.

Study of lake areas

SEC. 102. (a) The Secretary in consultation with the States and other Federal agencies, shall conduct a nationwide study of lake areas for the purpose of identifying areas which should, in the national interest, be included in the System. The Secretary shall in making such study consider, among other things, all the resource and scenic values of such areas, their economic and recreational potential, their ecology, navigation, flood and erosion control, the present and future urban, agricultural, and industrial effects on such areas, other uses of the lakes, and the most appropriate means or methods of preserving or protecting such areas. Particular attention shall be given to whether such areas should be acquired by the Secretary because of their national significance, or by the States or by local subdivisions thereof, and whether such areas may be protected adequately through local zoning laws or other methods without Federal land acquisition. Such study shall be coordinated with the nationwide outdoor recreation plan formulated or in preparation pursuant to the Act of May 28, 1963 (77 Stat. 49), with any plan prepared and developed or in preparation pursuant to the Water Resources Planning Act (79 Stat. 244), and with statewide plans prepared or in preparation and found adequate pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897). The Secretary shall from time to time submit recommendations to the President for inclusion in the System as a Federal lake area of any lake area he deems appropriate pursuant to this Act, and the President shall submit to the Congress such recommendations together with his recommendations with respect thereto. Recommendations made by the Secretary shall be developed in consultation with the States and other interested Federal agencies. Each such recommendation shall be accompanied by (1) expressions of any views which the States and agencies may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal programs in the basin wherein each lake area is located, and (3) in the absence of such a plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of such lake area.

(b) In making the study provided for in this section, the Secretary shall give consideration to, among others, the lake areas including the following lakes: the Great Lakes; Lake Iliamna in Alaska; Lake Tahoe in California and Nevada; Lake Okeechobee in Florida; Kealepulu Lake in Hawaii; Bear Lake in Idaho and Utah; Lake Pontchartrain in Louisiana; Moosehead Lake in Maine; Lake Gogebic in Michigan; Lake-of-the-Woods in Minnesota; Flathead Lake in Montana; Lake Champlain in New York and Vermont; Lakes Oneida, Seneca and and Cayuga in New York; Upper Klamath Lake in Oregon; Reelfoot Lake in Tennessee; Great Salt Lake in Utah; Lake Washington in Washington; Lake Winnebago in Wisconsin; Yellowstone Lake in Wyoming; and the San Angelo and Twin Buttes Reservoirs in Texas.

(c) The Secretary shall establish an advisory committee whose function shall be to consider each lake area proposed to be included in the System pursuant to this section and section 106, and to make recommendations thereon to the Secretary. In addition to the other members of the committee selected by the Secretary, there shall be on such committee at the time action is taken with respect to any area at least two persons who shall represent the State wherein such area is located.

Land acquisition

Sec. 103. (a) The Secretary may acquire lands and waters or interests therein within any Federal lake area authorized by Act of Congress to be included within the System by purchase with appropriated or donated funds or by lease, donation, or exchange, except that he shall not so acquire with appropriated funds any lands and waters or interests therein owned by a State or by any political subdivision thereof. The Secretary may also accept title to any non-Federal property in such an area and in exchange therefor may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(b) Any lands, waters, or interests therein which are acquired pursuant to this section shall be administered, managed, and developed primarily for the purposes of sport and commercial fishing, wildlife conservation, outdoor recreation, and scenic beauty, and for such other purposes as the Secretary determines are compatible with the purposes of this Act.

(c) Any Federal land located within a Federal lake area in the System may, with the consent of the head of the agency having jurisdiction thereof, be transferred to the Secretary for administration as part of said area.

(d) The States shall be encouraged to cooperate in the planning and in the management, pursuant to cooperative agreements, of Federal lake areas included in the System.

Regulations governing use of Federal areas

Sec. 104. (a) The Secretary is authorized to issue regulations governing the public use of Federal lake areas in the System administered by him. Such regulations shall be in accordance with the purposes of this Act.

(b) Any person who violates or fails to comply with any regulation issued pursuant to this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

Other Federal agencies

Sec. 105. In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to lake areas which should be included in the System, and all project plan reports submitted to the Congress shall discuss any such potential and make recommendations thereon. The Secretary shall make specific studies and investigations to determine which lake areas within the United States shall be evaluated for such purpose in planning reports by all Federal agencies on potential alternative uses of the water and related land resources involved.

State designated lake areas

Sec. 106. (a) The Secretary in cooperation with other Federal agencies shall encourage States and local subdivisions thereof to consider, in their comprehensive planning and proposals for financial assistance under the Act of September 2, 1937 (50 Stat. 917; 16 U.S.C. 669 et seq.), relating to Federal aid in wildlife restoration, the Act of August 9, 1950 (64 Stat. 430; 16 U.S.C. 777 et seq.), relating to Federal aid in fish restoration, the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 1–4 et seq.), the Commercial Fisheries Research and Development Act of 1964 (78 Stat. 197; 16 U.S.C. 779 et seq.), and under title VII of the Housing Act of 1961 (75 Stat. 183; 42 U.S.C. 1500 et seq.), the need for and possibility of establishing lake areas on lands and waters owned or acquired and administered by them as part of the System. Any such area may be designated as a part of the System by the State in which such area is located, with the approval of the Secretary after determining that such designation is within the purposes of this Act. When approving such areas to be included in the System, the Secretary shall establish such terms and conditions as he deems desirable to insure the permanent protection of such designated areas. The lands or interests therein of any lake area included in the System by a State shall not be disposed of by sale, lease, donation, or exchange without the prior approval of the Secretary.

(b) There is authorized to be appropriated not to exceed $50,000,000 in any fiscal year to the Secretary for the purpose of transferring such amounts as he deems appropriate to Federal departments and agencies administering the laws cited in subsection (a) in order that additional grants pursuant to such laws may be made for the purposes of this section.

State jurisdiction

Sec. 107. (a) Nothing in this Act shall restrict or extend such jurisdiction as the States now have with respect to water rights and laws, nor be construed as an express or implied claim or denial on the part of the United States as to exemption from State water rights or laws.

(b) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.

Authorization

Sec. 108. For the purposes of this title, other than section 106(b), there are hereby authorized to be appropriated $15,000,000 for the fiscal year beginning July 1, 1966; $30,000,000 for the fiscal year beginning July 1, 1967; $60,000,000 for the fiscal year beginning July 1, 1968; and thereafter such sums as are necessary for the implementation of the program herein authorized.

TITLE II—LAKE AND LAKE AREAS RESEARCH

Sec. 201. (a) The Secretary shall support, assist, and encourage programs, including grants and contracts, of lake and lake area research, investigation, and experiments of both a basic and practical nature by Federal, State, interstate, and local government agencies; by universities, colleges, and research institutes; and by private organizations. Such research, investigation, and experiments may include, without being limited to, aspects of the hydrologic cycle; supply and demand for water; conservation and best use of available supplies of water; methods of increasing such supplies; preservation and restoration of the quality of water supplies; and economic, legal, social, engineering, recreational, biological, geographical, ecological, and other aspects of lake and lake area problems, having due regard to the varying conditions and needs of the respective States, and to water research projects being conducted by agencies of the Federal and State governments.

(b) The Secretary, in conjunction with the programs authorized by the preceding section, shall encourage, assist, and establish programs, including grants and contracts, for research, investigations, and experiments with respect to fertilization, eutrophication, and related processes in lakes. Such research, investigations, and experiments shall extend not only to basic causes, processes, and effects, but shall include in addition methods and processes for reducing and eliminating algal growths from lakes, and for removing nutrients of various kinds from effluents, run-off water, ground water, and receiving waters.

(c) There are hereby authorized to be appropriated for the purposes of this section $75,000,000 for the fiscal year beginning July 1, 1966, and for each succeeding fiscal year.

Research and training

Sec. 202. (a) The Secretary is authorized to arrange, through grants or contracts, with institutions of higher education for—

(1) fellowships or other training to provide graduate study for individuals in such fields as are appropriate and necessary for the purposes of this Act, including appropriate stipends and allowances for travel, subsistence, and other expenses of such individuals and their dependents; and

(2) establishing or improving programs for advanced education and research in such fields, including costs of construction or alteration of necessary facilities for such programs and necessary equipment.

(b) There is authorized to be appropriated $35,000,000, for the fiscal year beginning July 1, 1966, and for each succeeding fiscal year for the purposes of this section.

Administration

Sec. 203. (a) The Secretary shall, after consultation with other Federal Departments and agencies administering laws affecting the provisions of this Act, establish such rules and regulations as may be necessary to (1) carry out the provisions of this Act, and (2) coordinate programs pursuant to this Act with the provisions of such laws. The Secretary shall also make recommendations to such other Federal Departments and agencies for any such coordinating action by them which will promote the purposes of this Act.

(b) For the purpose of carrying out the provisions of this Act the Secretary may acquire, establish, or construct such laboratories, field stations, monitoring stations, property, (including land) equipment, and other facilities as may be necessary.

(c) In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution, in accordance with agreements between the Secretary and the head thereof.

(d) There is authorized to be appropriated for administering the provisions of this Act, in addition to other amounts authorized in this Act, $10,000,000 for the fiscal year beginning July 1, 1966; $15,000,000 for the fiscal year beginning July 1, 1967; $25,000,000 for the fiscal year beginning July 1, 1968, and for each succeeding fiscal year such amounts as may be necessary.

ADDITIONAL COSPONSOR OF BILL

Mr. **SPARKMAN**. Mr. President, at the next printing of S. 3557, to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations, I ask unanimous consent that the name of the senior Senator from North Carolina [Mr. Ervin] be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR BILL TO BE HELD

Mr. **JAVITS**. Mr. President, I ask unanimous consent that the Foreign Banking bill (S. 3765) which is at the desk, may continue to lie at the desk for additional cosponsors until Monday, September 26, 1966.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARINGS ON NOMINATIONS OF FRANK A. KAUFMAN AND ALEXANDER HARVEY II, OF MARYLAND, TO BE U.S. DISTRICT JUDGES

Mr. **TYDINGS**. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Wednesday, September 21, 1966, at 10 a.m., in room 2228 New Senate Office Building, on the following nominations:

Frank A. Kaufman, of Maryland, to be U.S. district judge, District of Maryland, to fill a new position created by Public Law 89–372, approved March 18, 1966.

Alexander Harvey II, of Maryland, to be U.S. district judge, District of Maryland, vice Harrison L. Winter, elevated.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota [Mr. Burdick], the Senator from Pennsylvania [Mr. Scott], and myself, as chairman.

NOTICE OF RESCHEDULING OF HEARINGS ON ELECTED GOVERNOR BILLS FOR GUAM AND THE VIRGIN ISLANDS

Mr. **JACKSON**. Mr. President, with reference to the hearings on H.R. 11775 and H.R. 11777, the elected Governor bills for Guam and the Virgin Islands, which I previously announced had been scheduled for September 22 by the Territories Subcommittee of the Committee on Interior and Insular Affairs, it has now become necessary to reschedule these proceedings for Friday, September 23, at 10 a.m., in our committee hearing room.

All those who may wish to express their views on this legislation are again asked to contact the committee staff.

EXECUTIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate proceeded to consider executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. **CLARK**, from the Committee on Labor and Public Welfare:

Stephen N. Shulman, of Virginia, to be a member of the Equal Employment Opportunity Commission.

By Mr. **HILL**, from the Committee on Labor and Public Welfare:

Howard G. Gamser, of New York, to be a member of the National Mediation Board.

Mr. **HILL**. Mr. President, from the Committee on Labor and Public Welfare, I report favorably sundry nominations in the Public Health Service. Since these names have previously appeared in the Congressional Record, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

George E. Goodman, and sundry other candidates, for personnel action in the Public Health Service.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

ATOMIC ENERGY AGENCY

The legislative clerk proceeded to read sundry nominations to the Atomic Energy Agency.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

POST OFFICE DEPARTMENT

The legislative clerk read the nomination of Leo S. Packer, of New York, to be Assistant Postmaster General.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

FEDERAL HOME LOAN BANK BOARD

The legislative clerk read the nomination of Robert L. Rand, of California, to be a member of the Federal Home Loan Bank Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations to the position of postmaster.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS

Mr. **HART**. Mr. President, today we approach a vote on cloture in an effort to permit the Senate to work its will on the civil rights bill of 1966. I hope very much as the roll is called that we will establish a will on the part of the majority of this body—at least a majority—to achieve that end.

The constitutionality of the bill has never been a question in my mind, but I am certainly happy to have that opinion confirmed by scholars who are far more authoritative than I am.

Mr. President, I offer, and I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, a letter addressed to me by Prof. Soia Mentschikoff, professor of law, the University of Chicago Law School, dated September 14, 1966, attaching a letter dated August 29, 1966, addressed to me, signed by 26 distinguished professors of law at many of the outstanding law schools of this country.

The opinion analyzes title IV of the bill, the so-called housing section, and concludes without reservation that the title is constitutional.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Additionally, Mr. President, I ask unanimous consent that there be printed in the RECORD an editorial which appeared in the New York Times of today urging an affirmative vote on cloture, and citing a letter which is published on the editorial page of the New York Times of this morning from Archibald Cox. It will be remembered that Archibald Cox served as Solicitor General of the United States from 1961 to 1964, and is currently Williston professor of law at the Harvard Law School. Here again, the opinion, without reservation, supports the constitutionality of the title brought into question over these weeks of informal debate and discussion that we have had in this body.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 2 and 3.)

EXHIBIT 1

THE UNIVERSITY OF CHICAGO, THE
LAW SCHOOL,
Chicago, Ill., September 14, 1966.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Each of the teachers of constitutional or public law whose name appears at the end of the enclosed letter has authorized me in writing to include him as a signer. There would be more signatures, but a number of teachers who would undoubtedly join have been and remain away from their offices on vacation. As I hear from additional people, I will forward their names to you.

Sincerely yours,
SOIA MENTSCHIKOFF,
Professor of Law.

Enclosure.

AUGUST 29, 1966.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: The undersigned are teachers of constitutional or public law in law schools located in various sections of the country. Since the introduction last May of the proposed "Civil Rights Act of 1966" (H.R. 14765, S. 3296), which in Title IV would ban discrimination on account of race, color, religion, or national origin in the sale, rental and financing of residential housing, we have followed with interest the debate over the constitutionality of the housing provisions. It is our opinion that Title IV is constitutional, that authority for its enactment can be found in both the Commerce Clause and Section 5 of the Fourteenth Amendment as recently construed by the Supreme Court, and that neither the Due Process Clause nor any other provision of the Constitution forbids it.*

In the hearing before the Senate Subcommittee on Constitutional Rights and Subcommittee Number 5 of the House Judiciary Committee, facts were presented tending to show, and on the basis of which the Congress should reasonably find, that—

> When persons are prevented from buying or renting housing because of their race, color, religion or national origin, the amount of housing being sold or rented, and therefore the amount being constructed, is reduced, which in turn significantly reduces the quantity of building materials moving across state lines;
>
> Lenders of funds for residential housing construction and rehabilitation are frequently located outside the state where the construction and rehabilitation takes place, and the interstate flow of such financing is impeded by discriminatory practices; and
>
> Businesses of all kinds rely importantly on the movement of labor from state to state, and that movement, too, is impeded, especially with respect to skilled and white collar employees, when adequate housing is denied because of race, color, religion or national origin.

We believe that if Congress were to conclude that these and other effects of discrimination on interstate commerce justify the enactment of Title IV, the courts would defer to that Congressional judgment and sustain the statute. That result seems to us to follow from *Katzenbach* v. *McClung*, 379 U.S. 294, 303–304 (1964), where the Court in upholding the validity of the public accommodations sections of the 1964 Act said:

"... Congress has determined for itself that refusals of service to Negroes have imposed burdens both upon the interstate flow of food and upon the movement of products generally. Of course, the mere fact that Congress has said when particular activity shall be deemed to affect commerce does not preclude further examination by this Court. But where we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce, our investigation is at an end."

We also believe that Section 5 of the Fourteenth Amendment provides additional support for Title IV. We concede that a racially discriminatory refusal to sell or rent a dwelling to a Negro would not be found by the courts to violate the Fourteenth Amendment standing alone; but the Supreme Court has held that the power of Congress to implement the Amendment is not restricted to doing only what the courts would do in the absence of federal legislation. In *Morgan* v. *Katzenbach*, 384 U.S. 641 (1966), the court considered and rejected the argument (made with respect to the provision of the Voting Rights Act of 1965 banning New York's English-language literacy test) that the federal law "cannot be sustained as appropriate legislation to enforce the Equal Protection Clause unless the judiciary decides—even with the guidance of a congressional judgment—that the application of the English literacy requirement prohibited by the federal law is forbidden by the Equal Protection Clause itself. We disagree. A construction of § 5 that would require a judicial determination that the enforcement of the state law precluded by Congress violated the Amendment, as a condition of sustaining the congressional enactment, would depreciate both the congressional resourcefulness and congressional responsibility for implementing the amendment."

On this reasoning the Court said the question before it was whether, "Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, . . . Congress [could] prohibit the enforcement of the state law by legislating under § 5 of the Fourteenth Amendment." The question was answered in the affirmative.

Thus, we believe that Congress can properly consider whether it should exercise its power under the Amendment to eliminate housing discrimination where there is evidence showing that in the past such discrimination has been fostered by state laws and state enforcement of racially restrictive covenants and even by policies of federal housing agencies—actions which Congress might reasonably believe so fixed housing patterns that the effects are felt to this day. If Congress so concluded it would not matter that the title would reach private conduct in uprooting the effects of past governmental action. See *Morgan* v. *Katzenbach, supra; United States* v. *Guest,* 383 U.S. 745; *Burton* v. *Wilmington Parking Authority,* 365 U.S. 715; *Evans* v. *Newton,* 382 U.S. 296.

Some have argued that Title IV would unconstitutionally deprive owners of their property without due process of law, but there is no merit to this objection. See *Atlanta Motel* v. *United States,* 379, 241, 258-560 (1964), where precisely the same point urged against the 1964 Act was rejected by the Court. See also *Bob-Lo Excursion Co.* v. *Michigan,* 333 U.S. 28, 34 & n. 12 (1948); *Massachusetts Commission* v. *Colangelo,* 182 N.E. 2d 595; *Burks* v. *Poppy Const. Co.,* 57 Cal. 2d 463, 20 Cal. Rep. 609, 370 P. 2d 313; *Colorado Commission* v. *Case,* 151 Colo. 235, 380 P. 2d 34; *Levitt & Sons* v. *Division Against Discrimination,* 31 N.J. 514, 158 A. 2d 177, *appeal* dismissed, 363 U.S. 418; *Jones* v. *Haridor Realty Co.,* 37 N.J. 384, 181 A. 2d 481.

It is, therefore, our conclusion that the Congress is free to consider whether to enact Title IV as a matter of policy, confident that it is constitutional.

Sincerely,

Robert F. Drinan, S.J. (Dean), Boston College Law School; Ira M. Heyman (Dean), Sanford H. Kadish, University of California School of Law (Berkeley); Geoffrey C. Harzard, Philip B. Kurland, Soia Mentschikoff, University of Chicago Law School; Louis Lusky, Telford Taylor, Columbia University School of Law; Melvin G. Shimf, William W. Van Alstyne, Duke University School of Law; Fletcher N. Baldwin, Jr., Stanley K. Laughlin, Jr., University of Florida College of Law; Jefferson B. Fordham (Dean), John Honnold, University of Pennsylvania Law School; Paul A. Freund, Harvard University Law School; Lawrence R. Velvel, Paul Wilson, University of Kansas School of Law; William B. Lockhart (Dean), University of Minnesota Law School; Ivan C. Rutledge (Dean), Ohio State University College of Law; Samuel D. Thurman (Dean), University of Utah College of Law; Donald A. Giannella, Harold Gill Rauschlein (Dean), Villanova University School of Law; Robert O. Dawson, Jules B. Gerard, Hiram H. Lesar (Dean), Frank W. Miller, Washington University School of Law.

EXHIBIT 2

[From the New York Times, Sept. 14, 1966]

THE SENATE VOTES

The Senate has an obligation today to do justice for the Southern Negro. The clamor about "black power" does not touch the real issue, and neither does the outcry about the rights of property owners.

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*We understand that the bill was amended to add to the forbidden grounds of discrimination, "the number of children or the age of such children." We express no opinion on the constitutionality of the amendment.

The fate of the Southern Negro is the heart of the matter. It is of him that the Senators should think as they cast their votes on the closure resolution in behalf of the civil rights bill. While it is unlikely that the Senate will want to limit debate at this early stage, a substantial majority in favor of closure would demonstrate that the Senate is determined to act on the bill this year.

The pending bill, like its four predecessor measures dating back to 1957, is essentially a bill for the relief of the Southern Negro. Shortchanged by society from birth, educated in inferior schools, denied equal job opportunities, pressured to stay away from the polls, and often brutally intimidated by the police, he has still managed to rise in the past decade to new dignity and confidence. After two and one-half centuries of slavery and another century of segregation and discrimination, the Negro is at last breaking the fetters of second-class citizenship and asserting his just claim to equality. The Senate has it within its power to assist him in rectifying ancient wrongs—or to continue turning its back upon him.

The principal section of this bill would reform the selection of juries in Federal and state courts in the South where Negroes have not been fully equal before the law. Another major provision of the bill would enable the Federal Government to act more effectively in punishing crimes of violence against persons exercising their constitutional rights.

The open-housing section of the bill has pre-empted public attention, but since the House amended it to exclude the owners of one-family houses and their brokers, it is substantively not significant. Symbolically, it is important because it asserts—if only within limited scope—the principle of equality of opportunity in the purchase and rental of housing. The constitutional argument against enacting this principle into law carries no weight. As former Solicitor General Archibald Cox points out in a letter printed on this page today, the Supreme Court, even if it accepted Senator DIRKSEN's narrow interpretation of the commerce clause, could still sustain the open-housing provision as a valid exercise of the power of Congress to enforce the Fourteenth Amendment.

Equality is the issue—equality before the law in courtrooms and jury rooms, equal protection of the law against violence and intimidation, equality of opportunity in the housing market. There is no reason for the Senate to draw back from that principle now; there is every reason for it to push forward its legislative labors of the past decade in behalf of justice and equality for Negroes.

EXHIBIT 3

[From the New York Times, Sept. 14, 1966]

CONSTITUTIONALITY OF CIVIL RIGHTS BILL

The writer, Williston Professor of Law at Harvard, was Solicitor General of the United States, 1961–65.

To the EDITOR:

Six months ago there was a plausible legal foundation for the argument that Congress lacks constitutional authority to prohibit racial discrimination in the sale or leasing of private housing. Today the objection is untenable. [Editorial Sept. 8 "Again the Filibuster"]

Three Supreme Court decisions rendered last spring now show that its enactment would be a valid exercise of the power of Congress to enforce the Fourteenth Amendment. Senator DIRKSEN therefore has a sound basis for revising his position without shifting ground with respect to the commerce clause.

In South Carolina v. Katzenbach and again in Katzenbach v. Morgan the Supreme Court held that Congress may use any rational means to effectuate constitutional prohibitions in the Fourteenth and Fifteenth Amendments, even though the immediate subject matter of the legislation (e.g., private housing) is otherwise within the reserved powers of the states.

The Fourteenth Amendment undeniably prohibits racial discrimination by a state in furnishing public services, such as fire and police protection, education and public welfare. Negro children who are confined to black ghettos are denied the cultural and economic environment which Congress could well find essential to the state's satisfying its constitutional duty to provide them with equal educational opportunity, even though *de facto* school segregation is not unconstitutional per se.

EQUALITY LACKING

Negroes in areas like Harlem and Watts do not enjoy equality of fire and police protection, or equal access to the courts and sundry other state services. Prohibiting private discrimination in the sale and leasing of private housing would facilitate the breakup of the ghettos. It is therefore a rational means of eliminating unconstitutional discrimination in the state's provision of public services.

Katzenbach v. Morgan is precedent for the reasoning. The Court held that Congress may authorize Puerto Ricans literate in Spanish to vote in state elections, even though the New York law requiring English literacy did not itself violate the Fourteenth Amendment, because enabling them to vote was a rational means of bringing about the provision of equal public services.

The open housing bill would likewise be a rational means of bringing about state provision of equal public services. The bill would regulate private persons rather than state voting requirements, but that distinction is immaterial under United States v. Guest, where six justices indicated that Congress has power to deal with private action which interferes with the enforcement of Fourteenth Amendment rights.

The Guest case supplies another ground for sustaining the bill. The Thirteenth and Fourteenth Amendments guarantee Negroes the legal capacity to own, buy and sell property equally with whites. The practical enjoyment of the constitutional right is defeated by any communitywide custom of refusing to sell or lease to Negroes, even though the legal right survives conceptually, especially when the custom is effectuated by an understanding among real estate brokers.

RIGHT TO OWN PROPERTY

The Guest opinions hold there is Congressional power to deal with private conspiracies to interfere with enjoyment of constitutional rights under the equal protection clause.

Although they deal with the use of state facilities, such as schools, parks and golf courses, there is no basis for drawing a constitutional distinction between preventing interference with the equal enjoyment of such facilities and removing obstacles to the equal enjoyment of the legal right to own property. Nor can it be supposed that a conspiracy is constitutionally required.

When it decided these cases the Court cannot have been unmindful of the debate over the constitutionality of the proposed fair housing legislation. The opinions show that the legislation is constitutional without regard to the far more debatable power of Congress to enact the measure as a regulation of interstate commerce.

ARCHIBALD COX.

CAMBRIDGE, MASS., *Sept. 9, 1966.*

An editorial on this subject appears today.

CLOTURE ON UNBORN NONFILIBUSTER

Mr. ERVIN. Mr. President, I briefly discussed H.R. 14765 during the morning hour last week and noted that the times are out of joint. Now it appears that the Senate is out of joint as well.

When I entered the Senate Chamber on Monday, I felt as though I had stepped through the looking glass. After only 1 hour of debate, it was announced that what is reputed to be the greatest deliberative body in the world would be asked to gag itself. Today, we will vote on that resolution; and I trust that it will be defeated overwhelmingly.

We have been reminded constantly by the press that the cloture petition is on the motion to call up and not on the merits of the bill itself. In the same breath, however, we are also told that a vote against cloture will be considered a vote against the bill. But by whatever failure of logic these two conclusions are simultaneously reached, the fact remains that neither one of these is the real issue before the Senate. That issue is the integrity of the Senate itself.

The day cloture can be invoked so cavalierly upon a minority by a majority, will be the day we turn our backs on extended debate, our greatest bulwark against legislative tyranny, and one of our most important guardians of liberty. On more than one occasion, the threat of prolonged debate has prevented the enactment of unwise or unconstitutional legislation. On many occasions such debate by a minority has educated the country to the evils of unjust legislation, evils which, exposed in debate, were either amended out of the bill or spelled death for the bill. It has been used as often by what the press of the day called liberals as by those called conservatives. And I know of no occasion when it was used that the country suffered because of it.

Today's petition is unique in Senate history, because it was filed before debate began. In effect, it is an attempt to gag an unborn nonfilibuster. During the morning hour on September 6, the distinguished Senator from Michigan [Mr. HART] and the distinguished Senator from New York [Mr. JAVITS] gave brief remarks outlining the legislative history of the bill, stating they liked the bill and that it was needed. They did not say why. With equal brevity, I also gave a morning hour statement placing the legislative history of the bill in proper context and opposing the motion to call it up. I said at that time that I intended to present later and in more detail my opposition to the immediate consideration of the bill. As a matter of fact, I hope to begin my analysis today with title I. However, no rebuttal has yet been made even to my brief remarks of last Tuesday. Not a mumbling word was said to rebut the one speech in opposition which came last Thursday. Indeed, prior to filing the cloture petition, not a single proponent has uttered a single syllable in defense of the motion to call up the bill since the moment that motion was made. There has been so little interest in the bill, that on a majority of occasions a quorum could not even be rounded up to come into the Chamber to take a look at it.

Uncharacteristic of civil rights advocates, they have not bothered to reply to the opposition even in the press.

No one has yet said why we must rush titles I and II through before hearing the comments of the Judicial Conference Committee on the Operation of the Jury System which is at this moment considering the question.

No one has yet told me what title III means, much less why we should take it up without hearings.

No one has yet said why we should consider the House version of title IV which almost no one prefers to the Senate version, and on which no hearings have been held.

It is said that the premature cloture petition was filed so that we might gage the bill's popularity. I submit, however, that rule XXII was never intended to be a Senate version of the Gallup poll. And to use the rule in this fashion is to play a dangerous game, indeed.

What if cloture is invoked to the surprise of everyone? The Senate will be left to vote on the motion without a moment of meaningful consideration; if this were a cloture petition on a bill, final passage and all proposed amendments would be voted on in complete ignorance of the merits. Congress has never legislated well under the gun.

Furthermore, such a test of sentiment by use of rule XXII is unnecessary. Any Senator is happy to tell his constituents, his party leaders, or the press how he stands on any bill before the Senate. I am opposed to the civil rights bill, in the event anyone has not heard.

I know of no Senator who has refused to take a stand. It would seem that for the last several months, the national pastime has been the hourly taking of the distinguished minority leader's temperature by the administration and by the press. Yet during all this time, that temperature has remained constant—Senator DIRKSEN's temperature has refused to rise with the heat of the pressures brought to bear upon him. He has been steadfast in his opposition to this legislation. I do not see that his mind can be changed by imposition of the gag rule.

At the same time, I have not noticed that the proponents are afraid to own up to their support of the bill.

As for those who may not yet have decided, cloture would force them to decide without the benefit of the facts.

The sentiment of the Senate can be judged easily—by asking each Senator. The sentiment of the country has long since been clear, for in every poll and in every referendum to which it has been put, open occupancy has been defeated. I have received approximately 9,500 letters opposed to the bill and 200 in favor, and I understand that the mail of most other Senators has been about the same.

Even if we were mistakenly to assume that rule XXII should be used as a polling device, what would it mean in this instance? Only that a certain number of Senators voting without the benefit of the facts support it and a certain number, also acting in an intellectual vacuum, oppose it. There are but nine Members of the Senate who sit on the Constitutional Rights Subcommittee, and with the exception of three members of the full Judiciary Committee who also sat in on the hearings, they are the only ones who have intimate knowledge of the bill's provision. A cloture vote at this point can prove only what a majority of the Senate feels, not in its wisdom, but in its ignorance. It may be that a majority of the Senate would favor calling up the bill, but they are no more secure in their position today than they were a week ago. The petition might just as well have been filed the moment the motion was made, for there is no more wisdom in the Senate on this issue now than there was then.

Mr. President, I ask that every Senator give careful consideration to a vote which could establish a tragic precedent. Respect for the institution, respect for the spirit of the rules, and respect for the freedom those rules are meant to protect, demand that the resolution be rejected.

ORDER OF BUSINESS

Mr. STENNIS. I ask unanimous consent that I may be recognized during the morning hour for 5 minutes in addition to the regular 3 minutes that I would be allowed.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Without objection, it is so ordered.

CIVIL RIGHTS

Mr. STENNIS. Mr. President, I rise to address the Senate at this particular time because of a very strong feeling, as well as a very strong sense of duty, to say something, even though only limited time is available because of the filing of the cloture petition, with reference to this bill as reflected in title I, which has to do with a selection of Federal juries, and title II, which has to do with juries and State courts.

I emphasize that I necessarily have to be brief, and that is one of my main points: Even though these titles are far-reaching in effect, and even though title I virtually repeals all existing law as to jury selections in Federal courts throughout the Nation, there barely has been any consideration given to the provisions of title I.

Such far-reaching proposals usually receive a most minute examination by the Judicial Conference, and the pros and cons are discussed back and forth for months or even years by outstanding members of the bar of the Nation, by the American Bar Association committees, and others, but all of these safeguards and considerations are virtually totally absent in this case.

This question arose in the convention of the American Bar Association. It was very apparent that title I was going to get into serious trouble. I remember the overnight jet flight of the Attorney General of the United States to the convention to try to put the fire out. But there was no real consideration of the subject or a minute examination of it, and there cannot be after an association of that kind has already assembled. There is no time then for critical examination and exchange of views.

I submit that it is downright ridiculous, in this frenzied and emotional atmosphere of civil rights demands, to enact in one sweep, without substantial amendment, any law that might be proposed by capable men in the Department of Justice for one sole purpose.

I do not believe those who are marching in the streets inciting people to riot in our Nation are any more irresponsible than Congress would be if we pass such a law, which goes to the vital jury system, without any more consideration than this bill is being given and certainly without the fullest examination of content being given by many here who are both Members of Congress and members of the bar.

I approach this matter—if the personal reference will be pardoned—as one who for many years carried out the responsibilities of a trial judge in supervising the selection of juries in all felony cases and civil cases in a court of unlimited jurisdiction. I know firsthand some of the problems that go with it, and I am surprised that the bar of this Nation has not risen up in opposition to title I especially. I believe it is due solely to the fact that they have not understood how far reaching the provisions are and that title I is a rewriting and total change of our entire jury laws for Federal courts.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I gladly yield to the Senator from North Carolina, who has done so much work on this bill, and who is a former trial judge himself, as well as a former member of his State supreme court.

Mr. ERVIN. I wonder if it is not possible that the bar does not know the contents of title I. The chief judges of the district courts of the United States in all areas of this country know what is in it. There are about 90 such judges, and 60 of them have written to me. Out of the 60 chief judges, 58 of them have said that title I should not be passed in its present form, and that it should be referred to the Judicial Conference. The other two chief judges said they could only support title I if substantial amendments were made to it. I have a suitcase full of letters from them to that effect which I will read, if necessary.

Mr. STENNIS. I thank the Senator. That was the point that I was going to make. The bar has not responded because it has not been called to their special attention. But the members of the court, the trial courts, men who have the responsibility to both sides in any lawsuit, have been apprised of this matter by the chairman of the subcommittee, the Senator from North Carolina [Mr. ERVIN].

Those judges have looked at it. It is remarkable that they would respond to the extent they have, almost unanimously as the Senator has just pointed out. As I understand the figures, of the 55 answers only 2 approved and those 2 desired amendments. All the rest emphasized the need for further study, and disapproved it in one form or another for one reason or another. This is conclusive proof that it is unthinkable and impossible for Congress to seriously consider enacting a law of this kind on the subject of jurors, which is one of the most sensitive and one of the most vital principles involved in our system of government.

I understand that the Chief Justice of the United States, as cited in the minority report in the House, has warned against hasty action on these jury selection provisions and urged that they be carefully examined before being enacted into law.

In the face of these facts, here we are going jauntily along without making any microscopic examination of the new jury system.

The title would provide that names would be selected at random. To me, as a former trial judge, it is unthinkable that Congress would provide a mandate that the names of jurors be selected at random from the voter registration lists. Later, it is true, a literacy test will be given, to make sure that they can read and write and speak the English language, or their name is taken off the lists. But not one word about a characteristic requirement, honor, integrity, principle, or anything else which is such a vital part of our jury system.

The **PRESIDING OFFICER.** The time of the Senator from Mississippi has expired.

Mr. **STENNIS.** Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **STENNIS.** Mr. President, the only safeguard left would be for a litigant to use what we call peremptory challenges and excuse without cause, because any prospective juror, selected at random, who survived the slight literacy test, and had not been convicted of a felony and had no felony charge pending against him, would be qualified for jury service under these tests and would be put in the jury box even though of bad reputation for veracity in the community. That would apply across the board throughout the Nation in all Federal courts.

To me, this is just unthinkable. I believe that it must have been conceived in an atmosphere of emotionalism over the civil rights issue. But here we are, I am afraid, taking lock, stock, and barrel this whole problem without any real judgment being given to title I and its application in a given case.

We remember, a few years ago, that a bill was considered in the Senate providing that in one area of the country only there would be no illiteracy tests whatsoever with respect to those who proposed to vote. It was restricted to apply to a few States. The mandate was that there would be no amendments to the bill, and I recall that the Senate passed that bill without a single, solitary amendment. That was because of an edict handed down from the White House. I believe that there must be one in this case.

Surely, as night follows day, sometime, somewhere, Members of Congress who pass over this matter and treat it lightly, without the proper kind of consideration to such a delicate subject, are going to be held accountable to the people. Some day, someone with enough leadership throughout this Nation must make the people realize the trend in which the country is going on this subject.

Therefore, on this ground, as well as many others, I urge my fellow Senators at least to do what we can with the talent we have to make this a workable title I and title II, if there is going to be such a bill.

Mr. President, my time has expired and I therefore yield the floor.

Mr. **ROBERTSON.** Mr. President, I ask unanimous consent to have printed in the Record a statement in opposition to the civil rights bill based upon a memorandum furnished to me by the Honorable Sam Crutchfield, of Richmond, who is one of the best constitutional lawyers in the State of Virginia.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of the Honorable Sam Crutchfield

Although I consider the entire civil rights bill a serious infringement of our American liberties and a totally unnecessary piece of legislation, I wish to address myself particularly to its abridgement of the ability of our States to carry out their responsibility for the administration of justice and its unconstitutional interference with the rights which Americans have to ownership and alienation of real property.

STATE JURY PROVISIONS

Title II of this act represents an intensification of the trend to interference by the Federal government in local affairs, the end result of which could be complete subservience of all vital aspects of state functions to a centralized government. It has historically been the responsibility of the sovereign states to administer justice within their boundaries, and in this area there has always been a delicate balance between state and Federal jurisdiction. This balance has been the subject of much legislation and judicial attention.

My learned colleague, Senator Ervin, a constitutional lawyer of recognized ability and, the distinguished Chairman of the Senate Judiciary Subcommittee on Constitutional Rights, crystallized this issue in his opening statement at the hearings on the pending Civil Rights legislation when he said: "I have spent much of my career arguing for a strong jury system, characterized by integrity and impartiality. No one would maintain that race or religion are appropriate considerations for jury service, and it has been a violation of Federal law for almost 100 years for any person charged with the duty of selecting or summoning a jury panel to discriminate because of race, color or previous condition of servitude.

"Remedies are already available, both civil and criminal, to the parties to a case and to the Justice Department when it appears that the State jury selection system is discriminatory on its face or that a fair system has been abused. 18 U.S.C. 243 is the statute establishing the Federal criminal offense of jury discrimination. As far as I, the Subcommittee staff, or the American Law Division of the Library of Congress can determine, in the 90-year history of this provision it has been used only once—in 1879, in the case of *Ex Parte Virginia*. Why do we need more laws when the ones we have are not being used? Certainly there is no claim that section 243 is unenforceable. Recent southern Federal and state juries have brought convictions for civil rights crimes. If convictions can be obtained in Federal courts under § 241 and § 242, then why have prosecutions for jury discrimination not been brought under these statutes and § 243? As a matter of fact, officials conspiring to discriminate in the selection of jurors would probably be guilty of violating all three statutes. Until it is demonstrated by clear evidence that present law is inadequate to deal with the problem, I seriously doubt both the necessity and desirability of this legislation.

"We should realize, moreover, that Title II goes much further than merely to restate the ancient prohibitions against racial discrimination. Far more seriously, it introduces into law a policy of national uniformity in state jury systems, and it is founded upon the basic assumption that Federal administration of state criminal law is valid and a worthy objective."

While the Attorney General has said that Congress has the authority to enact the proposed Title II under the authority of the Fourteenth Amendment, I join with the distinguished senior Senator from North Carolina in differing with this interpretation of the Fourteenth Amendment. Time and time again the Supreme Court has construed this Amendment to be prohibitive in nature. In fact, it has been held that the Amendment does not proscribe the action of a state in the selection of juries and the exclusion of certain classes of individuals on bases other than race or color. For example, age requirements and educational qualifications have been upheld; and the exclusion of certain occupational groups such as lawyers, preachers, ministers, doctors, dentists, and engineers and firemen of railroad trains was held to be constitutional (*Rawlings* v. *Georgia*, 201 U.S. 638 [1906]). Furthermore, the so-called "blue ribbon" closed jury has been held specifically not to be a denial of the Equal Protection of the Law or the Due Process of the Law Clauses (*Fay* v. *New York*, 332 U.S. 261 [1947]). In the Fay case the distinguished jurist, Justice Jackson, wrote in the opinion of the Court that "a state is not required to try all offenses to the same forum;" and that "blue ribbon" juries do not "exclude, or authorize the clerk to exclude, any person or class because of race, color, religion, or occupation." He further continued: "It (speaking of the blue ribbon statute) imposes no qualification of an economic nature beyond that imposed by the concededly valid general panel statute. Each of the grounds of elimination is reasonably and closely related to the juror's suitability for the kind of service the special panel requires or to his fitness to judge the kind of cases for which it is most frequently utilized. Not all of the grounds of elimination would appear relevant to the issues of the present case. But we know of no right of defendants to have a specially constituted panel which would include all persons who might be fitted to hear their particular and unique case. . ."

In *Hoyt* v. *Florida*, 368 U.S. 57 (1961) a woman charged with murder sought to have included as jurors women because they would have more compassion and understanding for her act against an unfaithful husband. The Court held in that case that the woman had no constitutional right to have women on the jury, holding that proportional class representation in the administration of a jury law is not constitutionally required. The Florida jury law is that grand and petit jurors be taken from male and female citizens of the state, but contained the following provision: "Provided, however, that the names of no female persons shall be taken for jury service unless said persons have registered with the clerk of the circuit court her desire to be placed on the jury list." Addressing itself to the constitutional issue, the court in its opinion says, "This case in no way involves race or religion in which the circumstances shown were found by this Court to compel a conclusion of purposeful discriminatory exclusions from jury service. . . . There is present here neither the unfortunate atmosphere of ethnic or racial prejudices . . . nor the long course of discriminatory administrative practice (which was statistically demonstrated in certain previous cases)."

From these cases it is apparent that the Supreme Court has given wide latitude to the integrity of state judicial systems to administer their jury procedures, in the absence of evidence of any unlawful discriminatory practices.

It has never required affirmative state action to revise criminal procedure nor has it ever sought to permit Congress to establish or extend Federal Rules of Criminal Procedure to a state's established policies in this area. Furthermore, it has never been asserted that the Equal Protection Clause permits Federal absorption of the state's judicial system.

For over a hundred years, as pointed out by the distinguished senior Senator from North Carolina, discrimination in summoning a jury panel because of "race, religion or previous condition of servitude" has been prohibited by law and enforced by the courts. The pending proposal is unnecessary and might result in jeopardizing the delicate balance in the administration of justice in this country.

Another objectionable feature of this section II of the bill is the new powers to be conferred upon the Attorney General.

Sections 202, 203 and 204 would vest in the Attorney General, an officer of the Executive Department, certain quasi-judicial powers. This Title would confer upon him the right to investigate the selection of juries, a matter traditionally reserved to the presiding judge. The unprecedented authority contained in this Title would also have the effect of protracting not only criminal but civil litigation where we are already experiencing delays due to crowded dockets.

OPEN HOUSING PROVISIONS

An even more menacing threat to our constitutional liberty is proposed by Title IV of this bill, which seeks to expand Federal control in such a way as to interfere with our right to free possession of, and full authority over, our own property. It was the great liberal, the author of our Declaration of Inpendence—Thomas Jefferson, who said: "The political institutions of America, its various soils and climates opened a certain resource to the unfortunate and to the enterprising of every country, and insured to them the acquisition and free possession of property."

Equally strong for the preservation of property rights was the New England statesman, Samuel Adams, who wrote in a letter to William Wells: "The security of right and property is the great end of government. . . . Such measures as tend to render right and property precarious tend to destroy both property and government; for these must stand and fall together."

A great Virginian, James Madison, addressed himself to this question in a speech to the Virginia State Convention of 1829 when he said: "The personal right to acquire property, which is a natural right, gives to property, when acquired, a right to protection, as a social right.

The noted historian and constitutional lawyer, Thomas James Norton, traced the fundamentals of property ownership in a brief but compelling way in his book entitled, "Undermining the Constitution." Mr. Norton writes, ". . . the Americans set up Government 'to secure' (the Declaration of Independence says) preexisting rights to life, liberty, and the pursuit of happiness—the pursuit being largely the pursuit of property and the comforts and cultures which it brings. And as the Constitution twice puts property in the class with liberty and life, how can it be contended that law (which he wrote himself) gives to him his property any more than it gives him his life?"

Keeping before us the fundamental and guaranteed right to own and transfer property, let us consider what Title IV seeks to do. In the words of the Wall Street Journal, it would: ". . . prohibit discrimination in the sale or rental of any house or vacant land intended for housing anywhere in the country. Allegedly aggrieved persons could bring punitive damage suits in Federal courts. In addition, the Attorney General would be authorized to bring civil suits to ensure compliance or to intervene in private suits."

The Attorney General of the United States in his testimony before Subcommittee No. 5 of the House Judiciary Committee stated that Title IV applies: "to all housing and prohibits discrimination on account of race, color, religion or national origin by property owners, tract developers, real estate brokers, lending institutions and all others engaged in the sale, rental or financing of housing."

In proposing this far reaching and unprecedented interference with private property rights the Attorney General claims constitutionality for it under the Commerce Clause and the 14th Amendment. In emphasizing his position, he cavalierly asserted in his testimony: "To me it is clear that the Fourteenth Amendment gives Congress the power to address itself to the vindication of what is, in substance, the freedom to live." And he continued, amazingly enough, by saying: "The Congress is charged with the protection and promotion of interstate commerce in all its forms. I cannot doubt that housing is embraced under this Congressional power."

In analyzing the position of the Attorney General, it is necessary for us to look into the background and intent, and the subsequent interpretation of the Fourteenth Amendment. A distinguished Virginia Jurist, District Judge Charles Sterling Hutcheson, now retired, recently considered the application of the Fourteenth Amendment and the Commerce Clause as they applied to a Presidential order barring discrimination in Federally-assisted housing. Judge Hutcheson writes: "The United States Constitution gives the federal government no general power to regulate the sale of housing within the states. The making of a contract of sale, a lease, or a deed is not interstate commerce, and it could hardly be contended that a homeowner who sells his house which has a mortgage reinsured by a federal agency thereby becomes a state agency within the meaning of the Fourteenth Amendment's state action requirements. Indeed, Representative John A. Bingham of Ohio, a leading framer of the Fourteenth Amendment, specifically disclaimed any impairment of state rights in respect to property by this amendment, and told the House which passed the amendment that as to real estate, everyone knows that its acquisition and transmission under every interpretation ever given to the word property, as used in the Constitution of the country, are dependent exclusively upon the local law of the States. That this was the rule at the time of the Fourteenth Amendment, and long before, has never been doubted.

"One scholar has asserted that the presidential order which requires government contractors not to discriminate in selecting their employees does not invade the reserved powers of the states and by analogy it may be argued that the same reasoning would apply to the order governing housing. However, the two cases which might be cited to uphold federal concern with government contractors have no relation to home-building or purchasing.

"In *Wickard* v. *Filburn*, where government regulation of agricultural production was involved, the court specifically found that most wheat moved in interstate commerce and that home-grown wheat affected substantially this national wheat market. *Perkins* v. *Lukens Steel Co.* involved supplies intended for the federal government, and not government subsidy of private business supplying private needs. Moreover, by their very nature, government supplies move in interstate commerce, and as such the conditions of their production would, applying more recent cases, be subject to federal control. Indeed, one recent case has held that states may not forbid discrimination in employment by companies doing business in interstate commerce, on the ground that it interferes with Congress' power over interstate commerce, and while the authority of this case has been reversed, at least it provides a legal framework for federal interest. Accordingly, since the federal government may regulate indirectly through its fiscal powers what it may regulate directly, it may at least be argued that Congressional action, were proper legislation to be passed, in this area, would not infringe on areas reserved to the states.

"It is not, however, necessary to take up this argument further, because it is clear that no activity can be deemed more removed from interstate commerce than residential housing. Mr. Justice Frankfurter has pointed out that renting office space in a building exclusively set aside for an unrestricted variety of office work spontaneously satisfies the common understanding of what is local business. Moreover, dwelling houses are not instrumentalities of commerce and employees engaged in building or repairing dwelling houses . . . (are) not engaged in interstate commerce.

"From the point of view of the consumer, nothing can be considered more local than one's home. There may be a national market in wheat, or in government supplies, or in building materials, or even in some branches of employment, but there is no national market in housing. Wheat may be shipped from areas of surplus to areas of shortage. Labor may be recruited on a nationwide scale. But a surplus of homes in Chicago cannot satisfy a shortage of housing in Los Angeles, nor can an abundance of land suitable for building residential housing in Atlanta alleviate a dearth of land in New York. If any commodity can be said not to be in interstate commerce, it is residential housing.

"The federal government may not regulate indirectly through its fiscal powers that which it may not regulate directly. This constitutes an inadmissible intrusion into the domain of the states. For this reason too, the presidential order is unconstitutional."

Although Judge Hutcheson was writing with respect to Executive Order 11063, issued by the White House on November 20, 1962, his remarks are equally relevant to the issue before us, and, I think, an effective rebuttal to the interpretation of the Constitution on this point by our Attorney General.

A recent symposium on this question produced a well documented and soundly reasoned article entitled, "The Fourteenth Amendment and Real Property Rights." The article was written by four learned constitutional lawyers, namely Dr. Charles C. Tansill, Dr. Alfred Avins, Dr. Kenneth W. Colegrove and Mr. Sam S. Crutchfield. I might add that Mr. Crutchfield is the distinguished Executive Director of the Virginia Commission on Constitutional Government and, in this capacity, makes continuing studies with respect to the formation and interpretation of our Constitution. Many of the members of this distinguished body are recipients of the valuable tracts which are published by this Commission, and I am sure they are impressed with the quality of research and reason which is reflected in each publication.

While it is not my intention to burden my colleagues with an extended discussion of the legislative intent of our predecessors in the 39th Congress, I do feel that it would be helpful to consider some of the more applicable developments in that Congress's consideration of the drafting of the Fourteenth Amendment. The article I mentioned contains a detailed analysis of those deliberations. The authors write as follows:

"(Representative Robert S.) Hale (R. N.Y.) then turned to the change which the amendment would effect in state legislation over property rights. He pointed to the fact that Congress might require that 'married women, in regard to their rights of property, should stand on the same footing with men and unmarried women,' although in all states distinctions still persisted. Brushing aside (Representative Thaddeus) Stevens' (R., Pa.) rebuttal that these groups were in different classes, he replied that if that were the distinction, Negroes could be placed in a different class than whites. He objected to the fact that the amendment would overturn the discriminatory provisions of the Oregon Constitution, and probably those of Indiana as well, as an undue interference in state internal affairs.

"The next day, Congressman Thomas T. Davis, another New York Republican, echoed Hale's objection about overcentralization. He urged that states were not under federal control 'in respect of social arrangement . . . of the rights of property, and control of persons.'" In a footnote the article sets forth Congressman Hale's argument in detail as follows: "He said: 'But the gentleman's concern is as to the right of property in married women.

"'Although this word property has been in your bill of rights from the year 1789 until this hour, who ever heard it intimated that anybody could have property protected in any State until he owned or acquired property there according to its local law or according to the law of some other state which he may have carried thither? I undertake to say no one.

"'As to real estate, everyone knows that its acquisition and transmission under every interpretation ever given to the word property, as used in the Constitution of the country, are dependent exclusively upon the local law of the States, save under a direct grant of the United States. But suppose any person has acquired property not contrary to the laws of the State, but in accordance with its law, are they not to be equally protected in the enjoyment of it, or are they to be denied all protection? That is the question, and the whole question, so far as that part of the case is concerned.'"

The article continues: "Bingham then launched into a long discussion of the need to overrule *Barron* v. *Baltimore* (32 U.S. [7 Pet.] 243 [1833]) and apply the bill of rights to the states. This case, of course, was one where the state had interfered with real property rights, a point he knew quite well. He asserted that the constitutional guarantees were 'disregarded today in Oregon' and in the South, and that the amendment was needed to secure 'equal protection to life, liberty, or property.' In response to a question from Hale, he asserted that the proposal would permit Congress to secure equal protection to life and liberty and property . . . the right to real estate being dependent on the State law. Hale asked that if Congress could not legislate 'in regard to real estate,' did Bingham mean 'to imply that it extends to personal estate.' He answered: 'Undoubtedly it is true . . . (because) the personal property of a citizen follows its owner, and is entitled to be protected in the State into which he goes.'"

This exchange brings to mind the cogent remarks made by the distinguished Minority Leader when he recently said: "If anyone can show me that a house attached to a piece of land is in interstate commerce I'll eat the chimney." The Minority Leader, a distinguished lawyer himself, has by this remark plainly illustrated the erroneous contention of the Attorney General that this Title has any relationship to the Commerce Clause. Real property by its very nature is immovable—a legal maxim known to every freshman law student. The Attorney General's argument is specious and seeks to stretch the Commerce Clause beyond any reasonable interpretation and certainly beyond the contemplation of the framers of the Constitution.

Furthermore, I feel that it is abundantly clear that neither the framers of our Constitution nor the drafters of the Fourteenth Amendment ever intended to proscribe private property rights, and I quite agree with the conclusions drawn by the authors of the article which I have been quoting wherein they state:

"1. The framers considered property rights to be fundamental, and intended to limit State power to impair them.

"2. Congress intended to restrict state legislation primarily, and state action exclusively. Private individuals were not restricted.

"3. Congress intended to assure that states would not deprive Negroes of the capacity to own land or make contracts. The phrase in the debates and the Civil Rights Bill about the 'right' to make contracts or own property simply means that state laws shall not prevent a willing seller, testator, or donor from conveying property to a Negro, or a willing person from contracting with him. It does not confer on a Negro power to compel unwilling testators to devise property to them, unwilling owners to give, lease, or sell them property, or anybody to contract with anybody else, nor does it authorize states to do so.

"Beyond this, it is impossible to say exactly what the framers of the Fourteenth Amendment intended. No one had ever dreamed at that time of enacting antidiscrimination laws requiring unwilling owners of houses to sell or rent them to Negroes. But the amendment, framed by Bingham, one of the firmest believers in property rights, and not by the equalitarian Stevens, who was disappointed in it, offers little comfort to proponents of such laws. It restricted state laws to enlarge individual rights, and not the converse.

"How would Bingham, the conservative Republican corporation lawyer from Ohio, have been struck by a law requiring an unwilling owner to sell to or rent to, or an unwilling resident to live near, people he did not want to do so? Would it have offended his notion of due process? In a recent case, one judge protested that "The Fair Housing Act of 1959 . . . would compel Case to transfer his residential property to the Rhones, not voluntarily, but under compulsion, with sanctions that might lead to imprisonment for failure to comply." This protest seems remarkably like a 1795 case which held that 'The legislature . . . had no authority to make an act divesting one citizen of his freehold, and vesting it in another . . . it is contrary both to the letter and spirit of the constitution.' It seems surprisingly like a 1798 United States Supreme Court case holding that a 'law that takes property from A and gives it to B; it is against all reason and justice, for a people to entrust a legislature with such powers; and therefore, it cannot be presumed that they have done it.' Were these concepts part of the notions of Bingham, the conservative man of property, about 'due process,' as he wrote them into the Fourteenth Amendment? They may very well have been."

Bearing in mind the legislative intent of the Fourteenth Amendment, let us analyze certain Supreme Court decisions which have treated this question of housing under the Fourteenth Amendment. The first case treating the relationship of private individuals in the transfer of real estate was *Corrigan* v. *Buckley*, 271 U.S. 323 (1926). This case involved an injunction to prevent the defendant Corrigan from selling a lot in the District of Columbia to a Negro because it violated a covenant mutually entered by Corrigan and Buckley and others "not to sell to any person of Negro race or blood." Dismissing the case for want of jurisdiction, Mr. Justice Sanford wrote the following analysis of the constitutional question involved in his opinion:

"The Fifth Amendment is a limitation only upon the powers of the General Government, *Taeton* v. *Mayes*, 163 U.S. 376, 382, and is not directed against the action of individuals, . . . and the prohibitions of the Fourteenth Amendment have reference to state action exclusively and not to any action of private individuals. *Virginia* v. *Rives*, 100 U.S. 313, 318; *U.S.* v. *Harris*, 106 U.S. 629, 639. It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the Amendment. Civil Rights Cases, 109 U.S. 3, 11. It is obvious that none of these Amendments prohibited private individuals from entering into contracts respecting the control and disposition of their own property; and there is no color whatever for the contention that they rendered the indenture void . . ."

The Court was clear in its interpretation that the Fourteenth Amendment applied only to state action. A later Court, however, under similar circumstances, involving restrictive covenants, decided that a state court enforcing racial restriction would constitute state action and, therefore, invoke the prohibitions of the Fourteenth Amendment. It is interesting to note that in *Shelley* v. *Kramer*, 33 U.S. 1 (1947), the Court did not overrule the Corrigan decision but merely distinguished it on the basis that it arose in the District of Columbia rather than in a state. In the companion case, *Hurd* v. *Hodge*, 334 U.S. 24 (1948), racial restrictions in the District of Columbia were struck down by the Court. Under the Fifth Amendment in both cases the Court said essentially that the Civil Rights Act of 1866 "does not invalidate private restrictive agreements so long as the proposals of those agreements are achieved by the parties' voluntary adherence to the terms. The action toward which the provisions of the state under consideration is governmental action."

The Supreme Court has clearly limited the application of the 14th amendment to state action. We are asked to enact legislation proscribing personal rights and privileges with respect to the ownership of real estate—freedoms historically guaranteed under our Constitution and unique to free people of the world throughout all of history under what is patently an erroneous interpretation of applicable constitutional authorities. I hope that the entire bill will be defeated. Some parts of it are unconstitutional; no part of it is needed.

FRIENDSHIPS FOSTER TRADE

Mr. MANSFIELD. Mr. President, though my State is not yet participating in the Partners of the Alliance program, I am sure that the people of Montana would take pride in joining our neighbors in the West, and indeed, in the Nation, in actively supporting the concept of the program. It is a program with which the man on the street can identify and it is a program in which the average citizen can participate directly in the broad foreign affairs of our country.

Mr. President, I wish to call to the attention of the Senate an article in the September 5, 1966, issue of International Commerce, the U.S. Department of Commerce weekly, "Friendships Foster Trade." Staff writer Arthur McDermott sets out the concept and practice of the Partners of the Alliance program in a concise and readable manner. The article highlights the role of the people in activities related to the goals of the Alliance for Progress.

To me, the article points up the need for more programs of this type. It is my understanding that the District of Columbia is now joining in partnership with the Federal District of Brasilia bringing the total of citizen partnerships to 31. A group of citizens from the District of Columbia will travel this week to attend the Second Inter-American Partners of the Alliance Conference in Rio de Janeiro. From Rio de Janeiro they will travel to Brasilia where they will meet with a Brazilian Partners committee for the purpose of developing program activities. I commend this article and the program to the attention of my colleagues. I ask unanimous consent that it be incorporated at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Friendships Foster Trade—Partners of Alliance Eventually Will Broaden U.S.-Latin Commercial Ties

(By Arthur McDermott)

A feeling that somehow the U.S. wasn't mustering its most precious asset, the individual initiative of its citizens, gave birth to one of the brightest chapters in the five-year history of the Alliance for Progress.

Through the Partners of the Alliance program, individual states in the U.S. have for the past two-and-a-half years been teaming up with nations and provinces throughout Latin America to promote the region's development through self-help projects, which are the keystone of the Alliance philosophy.

Not limited to businessmen, the partnership committees in each state include as wide a spectrum of the community as possible. Labor unions, civic and professional groups, educators and even housewives are taking part in this strictly citizen-run offshoot of the Alliance.

"The beauty of this program is that we can experiment with new techniques," says James H. Boren, who originated the idea while helping to administer the U.S. aid program in Peru. "The focus of the program is on action rather than reports of plans, and we're not limited to doing what we've done before."

SPONTANEOUS ACTIVITY

"If something makes sense, and a way can be figured out to do it, then we go ahead and do it. The individual partners are constantly doing things that we don't hear about until later, or perhaps not at all. This is good; this is what we need; spontaneity is vital to this kind of program."

Joint venture investments and other commercial relationships are developing as a natural outgrowth of these relationships.

Tentative plans are being made for an investment conference involving the Texas partners and Texas Industrial Commission, to bring Texas and Peruvian businessmen together, sometime this fall.

"We're undoubtedly creating an investment climate by bringing people together, who are new to the international investment scene. However, we don't push it. We let it evolve naturally. When something develops that way, it has a better chance of lasting," says Boren.

Increased trade is another sure long-term result which the Partners program is allowing to develop of its own accord. "Right now we're too buy building roads and schools, setting up scholarships, and shipping equipment back and forth to worry about anything else," Boren says.

"However, I attended a recent conference of the Chambers of Commerce of the Americas in Jamaica, and several of the delegates were men who are active in the Partners program in their respective countries. We're going to be working with more of this type of organizing in the future."

VARIED PROJECTS

Partnership projects have varied from shipping 50 ampules of bull semen worth $300 from Texas to Peru, to a shipment of $150,000 worth of hospital, educational and laboratory equipment from Colorado to the State of Minas Gerais in Brazil.

Education and health receive the big emphasis. Practically every participating state has made some sort of scholarship available at its universities for students from its partner area. More than 100 Latin students are already attending U.S. colleges through the activities of the Partners, and this number will multiply in the near future. Almost every agreement has resulted in a shipment of hospital and medical supplies being dispatched to the Latin partner.

However, there are no limits on the types of projects that can be undertaken. The Maryland partners sent a $10,000 machine to be used in making high-protein doughnuts for the Rio de Janeiro school system; the Michigan partners supplied teachers' guides and instruction material for literacy classes for 300 inmates of Colombia's Villa Nueva prison; Idahoans sent funds to repair braille equipment at a school for the blind in Ecuador; and the Alabama partners bought a bookmobile for use in Guatemala City and environs.

The partnerships have been designed as two-way streets, and many states in the U.S. have already received tangible benefits from their associations. The first contribution in the Tennessee-Venezuela partnership was an outstanding collection of Venezuelan art which has been touring Tennessee for the past 10 months, and is slated to travel through neighboring southeastern states.

LANGUAGE HELP

Ohio's partner, Parana State in Brazil, sent a visiting professor of Portuguese to the 1965 summer session at Miami University to instruct high school Spanish teachers in the Portuguese language. Enrollment in high school Portuguese classes throughout the state has mushroomed as a result. The University of Illinois has established a full four-year Portuguese language course to be taught by an instructor from Sao Paulo, their Brazilian partner. "Most Americans don't realize that Portuguese is the national language of half of the people of South America. How many American businessmen know Portuguese?" asks Boren.

Totally unexpected results also occur, such as when a visiting Bolivian scout leader pulled a drowning Utah boy out of the Snake River.

SELF-HELP IS KEY

Self-help is the keystone of the program. If an area isn't interested in helping itself, the Partners aren't interested in them. A Peruvian put it this way, "Texans have not made this an 'old clothes' program. They have helped us without making us feel like beggars and taking away our dignity as human beings."

When the program development team of the Maryland Partners visited a fishing village in their Partner state of Rio de Janeiro, they were greeted by a banner which read, "The fishermen of Saquarema need you." The people of the area made their living from the fish in a large inlet which was gradually being closed by silt.

The Maryland group discussed the problem with an engineer in Niterol. Shortly after their return home the team received a letter from the fishing village asking that the project be withdrawn. With the help of the Brazilian engineer they had solved their own problem.

The Second Interamerican Conference of the Partners of the Alliance will be held in Rio de Janeiro from September 19–22. Delegates from 30 U.S. states will meet with their Latin partners in intensive committee sessions covering business and industry, education, organization and administration, agriculture, and health. After the conference, the U.S. delegates will accompany their Latin counterparts to their home countries and spend a week studying the specific problems of their particular partnership right on the spot.

On the way to the conference, the U.S. delegations will assemble in Miami on September 17 to form a national committee of Partners of the Alliance. "We're trying to help our people get the absolute maximum out of their travel dollar. In effect, these people will be able to attend both conferences and visit their partnership area on the same round-trip ticket," said Boren.

LUCKY MAN

"I sold this idea and got a chance to try it. Not many men are that lucky. When this thing started, I thought we'd begin getting real results after about six months, but frankly it just doesn't work that way," Boren says.

"We have been through the trial period and the response of the private community has been translated into successful projects. We feel that the private sector has only needed this mechanism to transform its interest into results. But we've only scratched the surface. Frankly, the most frustrating part is that we know so much more can be done, but we can only juggle so many balls in the air at one time."

SENATOR DOUGLAS PRAISED FOR TRUTH-IN-LENDING LEADERSHIP BY MASSACHUSETTS LEGISLATORS

Mr. PROXMIRE. Mr. President, everyone in the Congress knows that Senator Paul Douglas, of Illinois, is "Mr. Truth in Lending."

While it is unfortunate that this needed legislation has not been acted upon by the Congress this year, there is no doubt that Senator Douglas' campaign for disclosure of actual finance charge rates to consumers is making an impression nationwide. In a number of States, such as Pennsylvania and Colorado, the legislatures are very close to enacting truth-in-lending measures, and similar bills have been introduced in many other States.

Consumers can be strongly encouraged, however, by the enactment in Massachusetts this year of two consumer protection laws, one for installment sales and the other for consumer loans, both based on Senator Douglas' truth-in-lending proposal.

A recent editorial in the Christian Science Monitor welcomes the action of the Massachusetts Legislature and notes the praise given to Senator Douglas by Massachusetts legislators for his leadership. I ask unanimous consent that this editorial along with a press release from the Office of the President of the Massachusetts State Senate, Senator Maurice A. Donahue, dated August 16, 1966, be printed in the Record.

There being no objection, the editorial and press release were ordered to be printed in the Record, as follows:

PROTECTING THE CONSUMER

Massachusetts is well on the way to setting a precedent for the nation in affording protection to the consumer in the field of credit finance. It is close to passing the first truth-in-lending law in America. It would require banks and loan companies to disclose in dollars and cents and in simple annual interest the full cost of financing loans (up to a certain maximum figure).

Massachusetts legislators give much credit to the man who has for years pushed truth-in-lending legislation—Sen. Paul H. Douglas (D) of Illinois. The president of the State Senate noted the significance of this legislation for other jurisdictions. He said, "The passage of this truth-in-lending bill here in Massachusetts will make it easier for other states and the Congress in Washington to come to grip with the entire problem of consumer credit which is so vital to our national economy."

Earlier this year the Massachusetts Legislature passed the Retail Installment Sales Act, the strongest of all consumer credit laws in America. It is the first in the United States to require full disclosure of credit costs in retail installment sales in terms of both simple annual interest and dollars and cents.

It will, in short, inform the consumer of the true cost of installment financing. Some retailers appear to have kept the cost of their goods competitive by depending on abnormally high financing charges for their profits. This act should end this deceptive practice.

These measures will provide the individual with enough information, and in terms which he can readily comprehend, to enable him to shop intelligently for consumer credit just as he endeavors to do for the best-priced goods. (Truth-in-packaging legislation will, if passed, help him shop more intelligently for the best-priced goods.)

Furthermore, we firmly believe that business and industry will benefit in the end from such measures. There has never been a time when an increase in public confidence in the honesty of business did not pay, and pay handsomely. In a country such as America where there is a vast buying public, straightforward measures of dealing between buyer and seller reap a rich reward. The Italians have a saying that "clear agreements make long friendships." This can be particularly true where truth-in-lending is concerned.

The people of other states have everything to gain by urging the passage of similar legislation.

PRESS RELEASE, OFFICE OF THE SENATE PRESIDENT, BOSTON, MASS., AUGUST 16, 1966

Senate President Maurice A. Donahue will take the floor of the Senate today to speak on behalf of Senate Bill 2214, the Truth-in-Lending Bill covering financial institutions.

"The Truth-in-lending in the Retail Sales Act" was passed by the State Senate last May. This consumer bill of rights is now law effective November 1, 1966. It has been called the most progressive act of its type in the United States. Now before this Honorable body is the companion bill to the Retail Installment Sales Act, the Truth-in-lending bill covering financial institutions. This bill simply requires that all consumer loans be expressed in terms of an annual rate of interest and in dollars. If this act is passed, our citizens will be given a simple method to determine the cost of credit. In other words, the citizens of the Commonwealth will be able to compare shopping for loans," he stated.

"It is fitting, I think, to pay tribute to the father of the idea of Truth-in-lending, the distinguished United States Senator from Illinois, Paul Douglas. He is a man who has dedicated himself to consumer finance and education. His persistent campaign for the Truth-in-lending legislation is now beginning to bear fruit.

"The General Court of Massachusetts has lead the way in many fields of progressive legislation," Senator Donahue added.

"The passage of this Truth-in-lending bill here in Massachusetts will make it easier for other states and the Congress in Washington to come to grip with the entire problem of consumer credit which is so vital to our national economic life.

"I also wish to note that the Consumers' Council whose creation as a statutory body was sponsored by a democratic governor and passed into law by a democratic legislature has played a strong role by its support of both the Retail Installment Sales Act and the Truth-in-lending bill. It is carrying out its mandate as required by law. This body is the first of its type in the United States.

"If we act favorably on a strong Truth-in-lending bill today," he concluded, "the General Court will be reasserting and affirming its historic leadership in the United States in the enactment of progressive legislation. What we do here will have a national impact."

RAILROAD PASSENGER SERVICE

Mr. CASE. Mr. President, at a time when the transportation needs of our country are expanding rapidly, it is paradoxical that railroad passenger service should be in a state of decline.

Railroad after railroad seems to be joining the trend toward curtailment, if not outright discontinuation, of passenger services. Thus, the New York Central, scheduled to merge with the Pennsylvania Railroad into the largest, richest road in the Nation, is seeking to discontinue long-haul service, including trains from New York to Chicago.

In my own State of New Jersey, the picture is equally gloomy, with the passenger railroads seemingly making every effort to curtail service. While New Jersey is most acutely affected by the shrinking of short-haul services, her problems are symptomatic of the sickness that afflicts the entire railroad industry.

Generally, the railroads blame rising deficits for their desire to get out of the passenger business. Yet, writer William V. Shannon points out in a recent article published in Commonweal that the American class I railroads "have as a group been averaging close to a billion dollars a year in profits in recent years." He further notes that with two exceptions—the Government-owned railway in Switzerland and the privately owned Canadian Pacific:

> Railroad lines all over the world lose money—except those in this country.

Mr. Shannon makes a strong argument against permitting the long-haul railroads to do away with their passenger operations, particularly in the East, "at the very time when conditions have become favorable for their revival and improvement."

As Mr. Shannon puts it:

> The only escape in the late 1970's from traffic jams on the road and traffic jams in the sky will be the railroad.

Mr. President, I ask unanimous consent that Mr. Shannon's excellent article entitled "The Vanishing Railroad," published in the August 19, 1966, issue of Commonweal, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NATIONAL AFFAIRS: THE VANISHING RAILROADS

(By William V. Shannon)

Passenger service on railroads over long distances is in danger of disappearing in the eastern half of the United States at the very time when conditions have become favorable for its revival and improvement.

The New York Central, which is scheduled to merge next month with the Pennsylvania to form the largest and richest railroad in the nation, has announced that it is petitioning the Interstate Commerce Commission to discontinue through service from New York to Chicago. It would still be possible for a traveler, if he were sternly persevering, to go by train between the two cities but it would involve taking day coaches and changing trains three times. There would be no sleepers, no diners, no club cars. The Pennsylvania has already asked the ICC to reduce from two trains to one the service it now provides between the East Coast and St. Louis, thus probably foreshadowing the ultimate abandonment of its long-distance service. These events are in accord with a development already far advanced in the East; except for short commuter runs, it is now impossible to travel by train north of Boston to Maine, New Hampshire, and Vermont and the night train from New York to Montreal has also been discontinued.

West of the Mississippi and in Canada, several railroads still run fairly comfortable long-distance trains and either break even or make a small profit on these passenger operations. But even in these areas, there are major exceptions. Train service has virtually disappeared between most points in Texas. The Southern Pacific last spring was permitted to drop through-service between New Orleans and Los Angeles although the angry passengers on the train's last run sent a round-robin letter of protest to the ICC. The same line is currently seeking to discontinue the two trains a day it runs between San Francisco and Los Angeles.

The railroads and their apologists usually offer two arguments in behalf of their retreat from passenger service. First, they contend that just as the railroads supplanted the stagecoach and the canals in the last century, it is inevitable "progress" that the faster airplane and the private automobile should now replace the railroad in the transport of passengers. There is no public right or necessity, they argue, why the traveling public is entitled to the maintenance of the older, slower mode of transport. Secondly, they contend that it is purely a matter of economics involving prices, profits, the allocation of resources, and a railroad's duty to its stockholders. If freight is more profitable than passengers, then that is a signal under the capitalist system that freight should be expanded and passenger service cut back.

If railroads really were disappearing or becoming outmoded, as the stagecoaches were, and if railroads were, like a corner grocery store, merely private enterprises with no large social costs involved, these would be compelling arguments. As it is, they are merely proofs of the superficial, haphazard manner in which the debate over transportation policy has been conducted. A necessary, valuable, and highly desirable portion of a balanced transportation system is being abandoned in a fit of absence of mind. It is a decision that the public and government policy-makers will keenly regret in the near future, perhaps as early as a decade from now. This is, of course, not to mention the millions of devoted railroad travelers who deplore it right now.

We have all become so accustomed in this country to thinking of the railroads in terms of "poor mouthing" about passenger deficits, groaning about unfair competition from trucks and airplanes, and pleading for the discontinuance of this or that type of service that it is astonishing to stand back and look back at the actual facts. These are that the Class I railroads in this country have as a group been averaging close to a billion dollars a year in profits in recent years. The value of their shares has risen considerably on the stock market in recent years because their earnings are up. The Pennsylvania Railroad, for example, earned a net profit in the first six months of 1966 of $18,000,000, a gain of more than $4,000,000 over the comparable period last year. (This was profit strictly from the operation of the railroad; the company owns real estate, pipelines, and other subsidiaries that brought its over-all profits for the first half up to $41 millions or nearly $3 a share.) Its merger partner, the New York Central, is doing as well.

In the twenty years since the end of World War II, the railroads have made a capital investment of over $18 billion in modernizing, mechanizing, and automating engines, cars, terminals, freight yards, traffic controls, and communications. Of course, this investment follows the long drought of the Depression and the war from 1930 to 1945 when very few capital improvements were made, but the fact remains that the railroads have largely overcome their modernization lag and have laid the basis for being keen competitors in the future. Their strong flourishing condition could scarcely be less comparable to the dying stagecoach lines and canal companies of a hundred years ago.

It is even more startling to see America's railroads in a world perspective. Except for the government-owned railroad in Switzerland and the privately-owned Canadian Pacific, railroad lines all over the world lose money—except those in this country. As the London *Economist* observed (July 9, 1966): "Only the American railroads can claim to make a handsome, smacking profit." The reason is not hard to find. In moving freight, railroads have a big advantage over their competitors when it comes to carrying heavy, bulky products over long distances. Since the United States is a highly industrialized country of continental size, railroads here can exploit their natural advantage much more effectively than railroads in smaller countries such as England or France. The average shipment of freight in this country is hauled a distance of 400 miles compared to 120 miles in France and only 65 miles in Britain. But if the government-owned lines of Europe and Japan do less well than American lines with freight, they have smaller losses or even make money on their passenger service. This is because these governments have over the years followed a deliberate policy of keeping passenger fares low, trains fast and efficient, and the service on those trains excellent. The result is a much higher volume of passenger traffic, relatively speaking.

But it is here that we reach the difficult problem of the large, if invisible, social costs in all kinds of transportation. This industry is not like other purely private enterprises; every mode of transportation has received enormous subsidies, directly or indirectly, from the government, and properly so, since good transport is essential to the economic development of the nation. As a result, every mode of transport is quasi-public in nature and subject to social considerations that go beyond the profit-and-loss statement. European nations recognize these truths but the United States has never properly faced up to them.

We have long suffered what Senator Clifford Case has described as a "policy gap" in transportation: "The 'gap' exists because there is a difference between what is and what could be; . . . between the separate policies of the individual modes of transportation and the constructive policies which could exist if a unified approach were sought." Case has long advocated a cabinet-level Department of Transportation which President Johnson endorsed this year and which, despite some serious obstacles in Congress, has a fair chance of approval.

Because there has been no coherent, consistent transportation policy, the government at all levels has subsidized some styles of transport at the expense of others. James Sites of the Association of American Railroads has called attention, for example, to "the tale of two terminals." The Union Station in Washington, D.C. was built by the railroads at a cost of $32 million of their own money—exactly the same amount as it cost to build the National Airport with *government* money. The railroad station pays $378,000 to the District of Columbia in property taxes, making it the second largest D.C. taxpayer; the airport pays no property taxes. Similarly, in New York, the Port Authority is now seriously considering the construction of a fourth airport at the cost of $890 million. No one suggested that the Government spend even one-tenth that sum to build the Pennsylvania Railroad a new station. Instead, Penn Station, which happened to be architecturally beautiful (or, rather, would have been if properly maintained) has been torn down to make more profitable use of the land.

HIDDEN SUBSIDIES

The biggest beneficiary of government largesse has been the private automobile and the bus. Over $13 billion a year is spent by the federal, state, and local governments in the construction and maintenance of highways. Ninety percent of all trips between two cities in this country are made by private automobile; the railroads, buses, and airlines compete for the other ten per cent. But the automobile is the slowest form of travel and if all costs (depreciation of the car, maintenance, insurance, gas and oil) are prorated for each trip, it is not necessarily the cheapest form of travel, contrary to what most people assume. Moreover, there are enormous social costs. There is heavy air pollution from cars and none from clean electric trains. There is time lost in the approaches to cities and comparatively little on well-run trains. There is the appalling accident rate of automobiles; if 50,000 lives were lost every year on trains or airplanes, Congress and the country would be boiling with indignation.

There are many signs that ordinary travelers are beginning to revolt against the tyranny of the automobile and the promise of easy mobility which it offers but often cannot keep. Moreover, in another ten years, the airlines over major cities which are already heavily used will reach a saturation point. The only escape in the late 1970s from traffic jams on the road and traffic jams in the sky will be the railroad. It remains the cheapest and simplest system for the movement of both passengers and freight over long distances. The existing deficit of $350 million in passenger service will then in retrospect appear a mere bagatelle. (Even now, it can be viewed as exactly equivalent to the money the railroads pay annually in state and local taxes; in no other country in the world do railroads pay such taxes.) But will railroads still have their long-distance passenger service in usable shape in the late 1970's?

OMBUDSMAN FOR THE DISTRICT OF COLUMBIA

Mr. LONG of Missouri. Mr. President, on August 30, on behalf of Senators Kennedy of New York and Hart, I introduced S. 3783, a bill to establish the office of ombudsman in the District of Columbia. Response to this bill has been favorable, and it hoped that hearings will be held as soon as possible.

The Washington Post, in an editorial on Saturday, September 3, 1966, pointed out that the ombudsman "experiment is worth trying." The Post editorial urged, however, that "there could be no ombudsman quite so effective or invigorating as a quick dose of home rule." I thoroughly agree. As I pointed out when this bill was introduced:

> As the problems of the District grow more complex and sophisticated, it becomes essential for residents of the District to have elected officials represent them in matters of local concern. For this reason, I voted for the Senate-passed home rule bill, and will continue to support principles of local self-government.

I added, however, that—

> Even when Home Rule becomes a reality here in the District of Columbia, it is my opinion that good government requires an additional element. I firmly believe that some form of Ombudsman must be created here in the District of Columbia.

Mr. President, I ask unanimous consent to insert, at this point in the Record, the editorial from the September 3, 1966, issue of the Washington Post.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

An Ombudsman for the District of Columbia

With the friendliest of motives, Senator Long of Missouri is sponsoring a bill to create an ombudsman for the District of Columbia. The ombudsman—a kind of public advocate and protector against the red tape and bureaucracy of government—has been an eminently successful institution in Sweden, and recently variants of the office have been adopted in Britain and New Zealand. Unhappily for the grievances of Washingtonians, Mr. Long's bill is so carefully designed to avoid stepping on the toes of authority that it exempts the major causes of friction—the relationships with the Federal Government, Congress and even the District Commissioners.

Even with these massive omissions, the experiment is worth trying. It would give the citizen a source of information and possible leverage in zoning, welfare and other essentially civic matters. But the basic frustrations in Washington, with the accompaniment of an altogether endless supply of particularly sticky red tape, derive directly from the founding status of a voteless and unrepresented city. There could be no ombudsman quite so effective or invigorating as a quick dose of home rule.

THE MENACE OF EXTREMISM

Mr. GRIFFIN. Mr. President, as another "long, hot summer" draws to a close, Americans would do well to heed some warning signs that are plainly posted before us.

Around the country, bigots and neo-Nazi riffraff have joined together in an orgy of racial hatred. Because this is a free country, such people are free to demonstrate and to speak, even though what they say is contrary to the traditions of a free America. But it is incumbent upon all who cherish freedom to be mindful of these developments lest such extremists grow in numbers and strength.

None is more sensitive to this coalition of hatred than the Jewish American. He knows the danger and the power of extremism when it gains momentum. He knows that a nation of civility and pride cannot afford to ignore organized militancy—as the Weimar Republic ignored those who gathered around Adolf Hitler.

History is a great teacher, but it cannot teach those who are blind and deaf to its lessons—those who fail to recognize the danger of extremist groups which spread hatred.

Mr. President, I ask unanimous consent to have printed in the Record the lead editorial of the August 26 edition of the Jewish News, published in Detroit, Mich., which discusses this danger in plain terms.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Warnings of Menacing Extremism in United States

As the Chinese say, a picture is the equivalent of a thousand words in describing an event. This photograph speaks volumes in revealing the links between bigots, in exposing the dangers from the right, in warning against the "white power" segregationists who have begun to use the swastika to rally white segregationists against Negroes.

The photograph shows white hecklers who paraded simultaneously with the 500 civil rights marchers in Chicago's Gage Park section. They carried swastika emblems. Apparently they were mobilized by George Lincoln Rockwell's American Nazi Party, whose Midwest office in Chicago has begun to operate with vigor. The American Nazis' appeal to hatred uses the slogan: "The only uniform is a white skin" and order the Negroes to go "back to Africa." It is the same party that had appealed for the extermination of the Jews in a Washington public square. This is how Nazism arose in Germany and how it can gain power anywhere else.

The danger from the right is clear. It serves as a warning also against all appeals for power—including the black power menace—since both the white and black power movements tend to destroy rather than to build good will and citizenship cooperation.

Both power movements serve as warnings to Americans not to tolerate extremism and to reject appeals to hatred. Both movements are admonitions to the responsible federal, state and local agencies charged with protecting life and property to exert all efforts to assure that a law-abiding spirit should be restored in our disturbed American environments, with special emphasis on such protection in the large cities.

THE AURORA BOREALIS: STILL A COSMIC MYSTERY

Mr. GRUENING. Mr. President, as in no place under the American flag are the northern lights seen so often and in such splendor as in Alaska, a knowledgeable article on them by Walter Sullivan, one of the New York Times able science writers, is of interest.

Observations of the aurora borealis are being made constantly by the Geophysical Institute of the University of Alaska, our Nation's farthest north institute of higher learning. If, as Walter Sullivan points out, the aurora is still a cosmic mystery, that mystery is more likely to be solved at the University of Alaska than anywhere else. For that university is rapidly becoming the leading institution in the Western World for the study of arctic and subarctic phenomena, of which the aurora borealis is the most striking, sensational, and intriguing.

I ask unanimous consent that the article, entitled "The Aurora Still Is a Cosmic Mystery," published in the New York Times of Sunday, September 11, be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Science: The Aurora Still Is a Cosmic Mystery

(By Walter Sullivan)

On Saturday night last weekend the skies over New England put on a theatrical performance of awesome scope and beauty. The aurora, or northern lights, covered much of the sky with clustered rays. Waves of light soared from the northern horizon in a magnificent display of the so-called "flaming aurora."

The Roman philosopher Seneca, in the first century, told of such as appearance of "the heavens on fire" during the reign of Tiberius. "The cohorts hurried to the succour of the colony of Ostia," he wrote, "believing it to be on fire."

On Saturday this writer roused his children from an inn in Wiscasset, Me., to see the display which, according to later assessment by the World Data Center at Cornell University, was the first of great magnitude since the sun, in its 11-year cycle, awoke from its recent quiescence.

"What makes it, Daddy?" the children asked, as they looked up in wonder. A decade ago there was a clean, simple explanation for the aurora, but it is now out of date. Rockets fired directly into displays, giant balloons, earth satellites, special cameras, television systems and spectrometers set up in the polar regions have greatly expanded our knowledge of the aurora. What has been learned?

A survey of auroral specialists and their writing last week has revealed that the fragments of truth gained by recent observations in the sky have shattered the comfortable old theories. In spite of our vast and intimate knowledge of physics, of the earth and its environment, the origin of the particles that cause these displays, which have struck fear and awe into mankind from time immemorial, is unknown.

DRAMATIC DISPLAY

True, much knowledge has been gained concerning the nature of the particles that cause the aurora when they plunge into the upper air. The most dramatic displays are produced by electrons interacting with the thin atmosphere 60 or more miles above the earth. Another form of display, the great dim bands of light that extend for thousands of miles in an east-west direction, is caused by incoming protons (the nuclei of hydrogen atoms).

The whole process is clearly controlled by the earth's magnetic field, whose lines of force, as one moves toward the geomagnetic poles, rise more and more vertically from the earth's surface. The parallel rays of light in the aurora lie along such force lines. And the nightly appearance of routine auroral displays within well defined regions near both poles is also clearly determined by the shape of the earth's magnetic field in space. In the North this region is an oval band sweeping south of Greenland, across Canada and Alaska, the Soviet Union and Norway.

A decade ago there had been no direct observations in nearby space. The Van Allen radiation belts had not been discovered. Neither had the solar wind—that constant outward rushing of thin gas from the sun. The earth's magnetic field was thought to extend into space in a symmetrical pattern like that formed by iron filings around a bar magnet. The lines of force arched between the northern and southern hemisphere in closed loops except near the poles, where they fanned out into space.

When eruptions on the sun threw out high energy protons and electrons, according to this theory, they could not push through the closed loops of the earth's magnetism, but could spiral down to earth along the open lines of force fanning out from the poles. Great eruptions on the sun broke down the earth's magnetic umbrella and allowed raining particles to produce auroral displays as far south as Cuba and Rome.

Today the picture is very different. The earth's magnetic field is known to be blown out into a comet-like tail by the solar wind. This tail reaches for an unknown distance away from the night side of the earth. Apparently there are no holes in the earth's magnetic umbrella over the poles, although particles may be able to infiltrate to the poles via the tail.

Thus, as noted in a recent review of the situation by Dr. Brian J. O'Brien of Rice University, in Texas, it is well established that a typical auroral display is caused by electrons with an energy of about 10,000 electron volts, plunging down the force lines of the earth's magnetism. But the simple question: where were those electrons ten seconds or a day earlier? cannot be answered.

Perhaps they were in the solar wind, moving toward an encounter with the shock wave that, like the bow wave of a ship, marks the meeting of the earth's magnetic field, or "magnetosphere," with the solar wind. If so, they must have found a way through the earth's magnetic defenses and then been accelerated to the energy required to produce auroral light.

Or, he said, the electrons may have been trapped in the closed portion of the earth's magnetism. That is, they may have formed part of the outer Van Allen belt. Most auroras occur below the northern and southern extremities of the outermost part of this belt. The belts themselves consist of protons and electrons spiralling around the force lines of the magnetic field in a manner that holds them firmly within the closed portion of the earth's magnetism. Perhaps, therefore, the auroras occur when something accelerates these particles and dumps them into the upper air.

Finally it is even possible that the auroral particles come from the upper air itself. This hypothesis says they are somehow snatched into the magnetosphere, accelerated and then dumped back into the air.

This would mean the solar wind does not contribute any particles at all; it simply injects energy (for example by magnetic wave motions).

As Dr. O'Brien points out, observations with the Injun 3 satellite have shown that, when there was a surge of aurora-producing electrons there was a parallel surge of trapped Van Allen belt electrons in the same region. This implies that something high above the earth suddenly imparted a great deal of energy to both types of electrons.

This acceleration mechanism, as yet unknown, may be the key to the mystery. It is of far more than academic interest, for it concerns the front-line science of plasma physics. Particle acceleration is a basic tool of physics. It enters into the problem of controlling the power of the hydrogen bomb. In the labratory there is no way to reproduce the unfettered freedoms of motion and interaction that occur on the fringes of space, where thin, hot gases, magnetic fields and high energy particles are at play.

Dr. Joseph W. Chamberlain of the Kitt Peak National Observatory in Arizona said by telephone last week that a likely arena for the acceleration is that portion of the magnetic field that arches some 15,000 miles above the Equator. The force lines passing through that region come to earth in the zones of most frequent auroras. This lofty area has not been extensively explored by satellite.

A plausible theory for the aurora must answer a number of questions. For example, what in the formless turbulence of space, generates such ordered, delicate works of art? What produces the wild motions that are seen? New ultra-sensitive television systems able to "see" auroras invisible to the eye have recorded these motions. The patterns typically move at 20 to 30 miles per second and sometimes at 60 miles a second.

It is clear that the aurora, the Van Allen belts, the solar wind and solar eruptions that cause "storms" in the earth's magnetic field are all interrelated. Their drama is performed on a scale whose vastness is beyond our direct ken. We cannot feel the magnetic storms. We cannot see the shock wave that rides over the noon side of the earth as the magnetosphere ploughs the solar wind. But fortunately we occasionally can glimpse a bit of the grandeur in the northern sky, as was the case last weekend.

INVESTMENT TAX CREDIT SUSPENSION: A POOR WAY TO FIGHT INFLATION

Mr. TOWER. Mr. President, finally, the administration has recognized the existing inflation problem and suddenly pledged that it is going to cut spending. I hope it does, but we will have to see. It has already missed many chances to cut, such as the foreign aid bill that already has passed.

Congress still has pending this session matters mostly dealing with education and national defense. It is not likely that many cuts can or should be made in these fields. It would have been far better had the administration started cutting months ago when all the rest of us began to recognize the pinch of high costs, tight money, and spiraling interest rates.

I believe that among its rather sudden economy plans the administration makes a serious mistake by calling for curtailment of the 7-percent investment tax credit. This amounts to a tax increase on industry. It is meant to slow down our economy, to cut business expansions, and delay business plans.

Such curtailment and delay could be destructive of the jobs of American wage earners. Thus, I believe the tax credit suspension would be a punitive measure punishing for inflation Americans who are not responsible for inflation.

It is the Government which by its deficit spending creates inflation. It is the Government which should get its house in order. It is the Federal budget, not the family budget, that needs balancing. It is bureaucracy, not the citizen, who needs to get back in the black.

There are other serious flaws in the proposal to curtail investment credits. For instance, it would not only be unprecedented, but probably totally illegal to make such a tax hike retroactive as is proposed. That would be the same thing as going back and claiming that every American is liable for another $500 tax on whatever he earned last year, or the year before.

Only last March the Senate was offered an amendment to cut the investment credit. It rejected the idea as unwise by a 75-to-10 vote. The rejection was bipartisan with 30 Republicans and 45 Democrats agreeing that it was no way to attack inflation.

As late as 1 week before the administration proposed this tax hike, its own Treasury Secretary opposed suspension of the credit. He pointed out quite correctly that the effect of such action could not be felt in the economy for at least 18 months.

Well, we have inflation today. And we need relief today, not in 18 months. Even more dangerous, we have no way of knowing what economic situation really will exist in 18 months. By then we could be in a recessionary trend—if so, cutting the tax credit could kick the Nation into a full-scale, long-range recession.

This administration's Treasury Secretary also has pointed out that, if this tax credit is to be toyed with every time the economy fluctuates, business will have absolutely no confidence in Government programs and will be totally unable to plan for the future.

The Treasury Secretary also observed that the investment tax credit is a major factor in preserving a favorable U.S. balance of international payments.

As you know, the international balance of payments is critical right now because the outflow of gold has cost the United States nearly $600 million in the last year. Every additional dollar lost from this gold reserve is a critical dollar and undermines further our economy and stability.

The investment tax credit now serves to encourage foreign investment in the United States, and it encourages U.S. firms to modernize and improve their products so they can better compete in foreign markets.

In another very important point, the Treasury Secretary pointed out that if the credit is suspended, small businesses will be hardest hit. With larger profit margins, large firms may be able to absorb the tax increase—smaller businesses will have to cut production and perhaps employment to meet the higher costs.

Economic observers here in Washington have studied the issue, and they point out that the industries hardest hit by the industry tax increase would include—food processing; textile mills; paper and printing companies; producers of oil, chemicals, rubber, glass, and metals; airlines; and railroads.

In Texas, there are: 1,886 food processing firms, employing about 75,000 Texans; 66 textile mills, with 7,000 employees; 150 paper companies, with 12,000 employees; 639 chemical firms, with 45,000 employees; 158 oil enterprises, with 36,000 employees; 164 rubber-related industries, with 6,839 employees; 1,741 in printing and publishing, with 30,000 employees; 805 in glass, with 25,000 employees; 199 in metals production, with 28,000 employees; 1,000 in metals fabrication, with 33,000 employees; 35,000 Texans work with railroads; and 15,000 Texans work with airlines.

Thus, of the more than one-half million Texas industry employees, even the preliminary first, and necessarily incomplete, estimates are that this suspension would adversely affect some 350,000 Texas workers and their families.

This punitive tax increase punishes the wrong people, people who are not responsible for inflation.

I simply cannot support such an unwise idea.

It is time the Federal Government quit attacking its citizens and blaming them for inflation. Farmers, housewives, businessmen, ranchers, and wage earners are not causing inflation.

The Federal Government is.

Let the Federal Government cut its spending and get its budget balanced. Rather than having innocent Americans punished, let Americans insist on a return of fiscal sanity to their Government.

POWER AND IMPOTENCE—BOOK REVIEW BY SENATOR CHURCH

Mr. FULBRIGHT. Mr. President, in the August 29, 1966, issue of the New Leader there appears a review of the book "Power and Impotence," published by Random House.

This book, written by Edmund Stillman and William Pfaff, is reviewed by our distinguished colleague from Idaho, Senator CHURCH. It is an interesting and perceptive review of one of the most original books on our foreign policy that I have seen. I commend both the review and the book to the attention of my colleagues.

I ask unanimous consent to have the review inserted in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

"POWER AND IMPOTENCE"

(By Edmund Stillman and William Pfaff, Random House, 244 pp. $4.95; reviewed by FRANK CHURCH, member, U.S. Senate Committee on Foreign Relations)

Today, Communist solidarity is little more than a slogan on the limp banners of a spent revolution. As I begin this review, the morning paper discloses that North Korea's Communist party has just declared independence from both the Soviet Union and China. An editorial in the offical party organ, *Rodong Shinmoon,* under the heading, "Let Us Defend Independency," is quoted as attacking the "flunkies" of big foreign powers within the Party's ranks. "Communists should always do their own thinking and act independently, maintaining their own identity," the editorial declared. "They should not dance to the tune of others."

The opening of this new fissure is but the latest episode in the crack-up of the once-vaunted Red Block. The two titans of the Communist camp stalk each other in bitter rivalry, while the satellites drift steadily away from the confinement of their former subjugation. Resurgent nationalism, increasingly evident in Eastern Europe, spreads now to North Korea, challenging the thesis that Asian Communism is somehow different than the European variety, in that it condemns the small Communist countries neighboring China to forever remain its puppets.

Outside the splintered Red Bloc, the Communist world revolution bogs down. The enmity which separates Peking from Moscow diminishes the external influence of both capitals. Africa, left to itself, keeps rejecting Communist penetration, while the Red tide begins to recede in Asia.

This reversal of Communist fortunes—fragmentation within, rising resistance without—stems not from the American takeover of the war in Vietnam, or any other localized encounter. It is rooted, rather, to reasons much more fundamental—to the weaknesses inherent in Communism itself. The truth is that Communism is much too sluggish a system to engulf the world.

And the world knows it, even if we Americans do not. The emerging nations are aware that Communism holds out no solution for their wants, no instant skills for primitive African lands, no remedy for the population pressures on India or Egypt, no workable formula for dynamic economic growth.

On the contrary, whether they look toward Europe or Asia, the noteworthy examples of rapid advancement are found among the non-Communist countries. The European comparison speaks for itself, but the same holds true for Asia. As Joseph C. Harsch, writing in the *Christian Science Monitor,* recently observed, "China is in the process of being ringed with countries which are surging upwards. . . . Primary examples of the new breed of states around the fringes of Asia are Japan, South Korea, and Formosa. Indonesia is a case of a country which has tasted the Communist approach to a better life, rejected it, and is turning hungrily toward the system which has been so successful in the other places."

Against this reality, when Communist governments, struggling with their cumbersome economic systems, are faced with growing dissension even at home, it is strange indeed that the United States should still behave as though the "Free World" were about to sink under "the rising tide of Communism." Small wonder that some of us in the Senate should dissent from a foreign policy so antiquated that it still treats with Communism as a mighty monolith. The St. Louis *Post-Dispatch,* in a discerning editorial, sums up our case:

"What concerns so many Americans so deeply is not merely the Vietnam war as such, but the basic policy of which it is the cutting edge; a policy based on the postulate that the United States has a mission to project itself into the social revolutions of Asia and indeed of the whole world; a policy that commits us to define aggression unilaterally, without respect to international opinion, and to wage war wherever we alone choose to say aggression has taken place; a policy that makes us the ideological guardian of Asia, and the self-appointed policeman of the world."

In this appraisal of our present conduct, Edmund Stillman and William Pfaff, co-authors of a refreshingly original new treatise on American foreign policy, would, I think, wholeheartedly concur. Their book, *Power and Impotence,* is must reading for everyone who has come to question the wisdom of unlimited American intervention abroad.

Basically, they argue, American policy through history has persistently recoiled from the complexity of foreign affairs. For example, they stress that "The assumptions of globalism—the present American foreign policy—are at bottom identical to isolationism." Isolationism was an atempt to withdraw from this complexity, and globalism is "a wish to end complexity by reforming the world through the accomplishment of an indefinable process of orderly 'revolution.'" This, the authors assert, is a futile endeavor, "an unattainable vision."

Clearly, the United States can live in the world, as it is, but we cannot make it over in our own image. We possess more than enough military might to deter aggression against us, with plenty to spare for intervention elsewhere, should our vital interests genuinely call for it. But nothing requires us to interject ourselves into the revolutionary struggles of other societies, far removed from our own country, out of an obsessive fear of Communism. Becoming the global sentinel of decadent governments will not only prove futile in the end; it will "brand us as the exponents of a new imperialism for which there is no moral justification and no economic or military necessity."

Casting current orthodoxy aside, Stillman and Pfaff find Russia "an insecure and troubled nation"; Communist China "an exaggerated threat to America: inimical but for a long time to come materially weak"; and the Third World "largely immune . . . to any single internationalist political doctrine." It is nationalism instead, the authors conclude, which is the most potent force in the world today.

Power and Impotence, while it does not undertake a detailed definition of an alternative foreign policy for the United States, does set forth some common-sense guidelines. The authors plead for the application of the same realism to our diplomacy that we have always shown in our domestic politics, where we have implicitly recognized the "inevitable limit on action." Since we cannot stop violent upheaval in the world at large, our efforts should be directed toward "confining the international effects of these conditions."

In a more positive vein, the authors recommend that the United States "attend more sensibly to itself." They correctly sense that what we mean to the rest of the world depends less on what we say than what we do, and less on what we do than what we are. Here, the parallel with George Kennan's thesis is significant. He, too, objects to the present dichotomy between foreign and domestic affairs. He also urges us to place our faith in the inherent strength of our free society to survive in this age of ferment, if only we avoid the brutalization of incessant, ideological war.

The American foreign policy establishment has rendered an adverse judgment on *Power and Impotence.* The conventional wisdom can hardly be expected to applaud so devastating an indictment of its most cherished doctrines. But the heresy of today is often vindicated tomorrow. Stillman and Pfaff have written a profound and prophetic book.

LEASED POST OFFICES

Mr. FANNIN. Mr. President, the distinguished senior Senator from Delaware [Mr. WILLIAMS] has again demonstrated his capacity to unearth information regarding the operation of the Federal Government which the American people have a right to know.

He has performed a valuable service by bringing the light of full disclosure to bear on how the program to lease post offices has worked out in practice since its adoption in 1954.

Recently his efforts in this regard were featured in a most able article written by Ben Cole, Washington correspondent for the Arizona Republic. I commend this column to all Members of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic (Phoenix, Ariz.), Sept. 4, 1966]

END TO POST OFFICE LEASING EYED

(By Ben Cole)

WASHINGTON.—There's a gambler's chance that Sen. JOHN J. WILLIAMS, R-Del., can put a stop to the government's 14-year-old practice of leasing instead of building post offices.

Hundreds of post offices, big and small, have been acquired by the leasing arrangement since 1954. This is how the new $5 million Phoenix Post Office is to be put under a contract calling for an annual rental of $369.500 for 30 years. (The lease can be renewed up to 40 years).

The Matthew McCloskey firm of Philadephia and C. H. Leavell of El Paso, Tex., are to build and own the structure. McCloskey is a former Democratic Party treasurer and a former ambassador to Ireland.

Sen. WILLIAMS has been fighting the postal leasing system since it was invented in 1954 by former Postmaster General Arthur E. Summerfield, a Republican.

The General Accounting Office, which looks upon post office leasing with restrained revulsion, estimated by 1970 the government will be paying $160 million a year in rent.

This would build 32 Phoenix-size post offices every year.

Summerfield had two superbly attractive arguments for his proposal:

—The real estate remained on local tax rolls and the owner paid taxes to the cities.

—The owners bore the maintenance costs.

Sen. WILLIAMS was never charmed by these arguments since he figured no matter about those local taxes and maintenance costs. The public would bear the charges just the same.

The most serious evil of the leasing scheme, aside from its virtually inevitable involvement in politics, was "back-door financing."

If new post offices were built by the government, then the money would have to be provided through taxes or, in deficit years, from the sale of government bonds within the debt limit.

But when built by private developers and leased to the post office, the buildings could be financed privately. Like the local taxes and maintenance costs, the interest on the money went into the lease payments so smoothly that the taxpayers footing the bill felt nary a pang.

Both WILLIAMS and Ex-Sen. Harry F. Byrd Sr., D-Va., opposed the leasing scheme because of the back door financing.

The argument that the leasing program is an embellishment of the free enterprise system failed somehow in light of the fact Byrd and WILLIAMS were among the most reliable of conservative lawmakers.

Another less visible reason for the post office's partiality to leasing derived from ordinary interagency rivalry. With the creation of the General Services Administration in 1949, the building of federal structures was taken out of the hands of the Post Office Department.

The public building service since then has built, serviced, and maintained these facilities. The Post Office Department, formerly the civilian boss for Uncle Sam, had its nose put out of joint.

But leasing is another matter.

The Post Office Department goes out and finds the site itself. It takes options on the land. It picks the builder-owner. It negotiates the lease, engages the architect, demands the services. Private landlords are easier to deal with than GSA, which can be notoriously difficult.

For those developers who know how, getting into the post office leasing business is fun. The land options and long-term leases make it easy to get credit. It is possible for a capable operator to go into the post office owning business with a minimum of capital; and the financing is virtually riskless.

Sen. WILLIAMS hopes to put a stop to these no-risk, government sponsored real estate transactions. The authority for the post office to lease facilities expires at midnight Dec. 31 unless it is renewed.

WILLIAMS' recent exposé of some of the facts and figures about post office leases drove the extension bill back into the Senate Public Works Committee. Of course, the majority can always bring it out again and pass it by record vote over WILLIAMS' head; but the soft-spoken sleuth from Sussex County, Delaware, is still gathering his ammunition.

It was a Republican idea in the first place; and the Democrats may not want to go on with it after WILLIAMS gets through.

Sen. WILLIAMS is one of the most valuable men in the government, often standing up alone to battle Democrats and Republicans alike for what he believes is the public interest. Frequently, he gets little or no support but he continues to fight.

NATO RESOLUTIONS OF 1951 AND 1966 COMPARED

Mr. GRUENING. Mr. President, on August 31, 1966, the able and distinguished majority leader, Mr. MANSFIELD, on behalf of himself and the other members of the majority policy committee introduced Senate Resolution 300 expressing the sense of the Senate that "a substantial reduction of U.S. forces permanently stationed in Europe can be made without adversely affecting our resolve or ability to meet our commitment under the North Atlantic Treaty."

Senate Resolution 300 also provides that it would amend, wherever there is a conflict, Senate Resolution 99 adopted on April 4, 1951. Senate Resolution 99 also was related to the U.S. obligation under the NATO Treaty and, in essence, expressed the sense of the Senate agreeing to the sending of four additional divisions of ground forces to Western Europe. It does seem that if in 1951 the sense of the Senate could approve the sending of a specific number of ground troops to Europe to carry out our commitment under the NATO Treaty, then the Senate in 1966 can similarly express its opinion that the United States no longer needs the present number of troops in Europe and that some should be withdrawn.

The debates in the Senate in 1951 on Senate Resolution 99 were reminiscent of the debates taking place in the Senate now on Senate Resolution 300. In the course of these debates it would be well that we keep in mind the exact action taken in 1951.

Accordingly, I ask unanimous consent that there be printed at this point in my remarks the full text of Senate Resolution 99 of April 4, 1951, the vote by which Senate Resolution 99 was adopted, the text of Senate Resolution 300 as introduced by the majority leader on August 31, 1966, and a full list of the 25 cosponsors of Resolution 300.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

TEXT OF SENATE RESOLUTION 99, AS AGREED TO APRIL 4, 1951

Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

Whereas the North Atlantic Treaty, approved by the Senate by a vote of 82–13, is a major and historic act designed to build up the collective strength of the free peoples of the earth to resist aggression, and to preserve world peace; and

Whereas the security of the United States and its citizens is involved with the security of its partners under the North Atlantic Treaty, and the commitments of that treaty are therefore an essential part of the foreign policy of the United States; and

Whereas article 3 of the North Atlantic Treaty pledges that the United States and the other parties thereto "separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack"; and

Whereas recent events have threatened world peace and as a result all parties to the North Atlantic Treaty are individually and collectively mobilizing their productive capacities and manpower for their self-defense; and

Whereas the free nations of Europe are vital centers of civilization, freedom, and production, and their subjugation by totalitarian forces would weaken and endanger the defensive capacity of the United States and the other free nations; and

Whereas the success of our common defense effort under a unified command requires the vigorous action and the full cooperation of all treaty partners in the supplying of materials and men on a fair and equitable basis, and General Eisenhower has testified that the "bulk" of the land forces should be supplied by our European allies and that such numbers supplied should be the "major fraction" of the total number: Now, therefore, be it

Resolved, That—

1. the Senate approves the action of the President of the United States in cooperating in the common defensive effort of the North Atlantic Treaty nations by designating, at their unanimous request, General of the Army Dwight D. Eisenhower as Supreme Allied Commander, Europe, and in placing Armed Forces of the United States in Europe under his command;

2. it is the belief of the Senate that the threat to the security of the United States and our North Atlantic Treaty partners makes it necessary for the United States to station abroad such units of our Armed Forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defense of the North Atlantic area;

3. it is the sense of the Senate that the President of the United States as Commander in Chief of the Armed Forces, before taking action to send units of ground troops to Europe under article 3 of the North Atlantic Treaty, should consult the Secretary of Defense and the Joint Chiefs of Staff, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Armed Services Committees of the Senate and the House of Representatives, and that he should likewise consult the Supreme Allied Commander, Europe;

4. it is the sense of the Senate that before sending units of ground troops to Europe under article 3 of the North Atlantic Treaty, the Joint Chiefs of Staff shall certify to the Secretary of Defense that in their opinion the parties to the North Atlantic Treaty are giving, and have agreed to give full, realistic force and effect to the requirement of article 3 of said treaty that "by means of continuous and effective self-help and mutual aid" they will "maintain and develop their individual and collective capacity to resist armed attack," specifically insofar as the creation of combat units is concerned;

5. the Senate herewith approves the understanding that the major contribution to the ground forces under General Eisenhower's command should be made by the European members of the North Atlantic Treaty, and that such units of United States ground forces as may be assigned to the above command shall be so assigned only after the Joint Chiefs of Staff certify to the Secretary of Defense that in their opinion such assignment is a necessary step in strengthening the security of the United States; and the certified opinions referred to in paragraphs 4 and 5 shall be transmitted by the Secretary of Defense to the President of the United States, and to the Senate Committees on Foreign Relations and Armed Services, and to the House Committees on Foreign Affairs and Armed Services as soon as they are received;

6. it is the sense of the Senate that, in the interests of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty; and the Senate hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe, but it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of article 3 of the North Atlantic Treaty without further congressional approval;

7. it is the sense of the Senate that the President should submit to the Congress at intervals of not more than 6 months reports on the implementation of the North Atlantic Treaty, including such information as may be made available for this purpose by the Supreme Allied Commander, Europe;

8. it is the sense of the Senate that the United States should seek to eliminate all provisions of the existing treaty with Italy which impose limitations upon the military strength of Italy and prevent the performance by Italy of her obligations under the North Atlantic Treaty to contribute to the full extent of her capacity to the defense of Western Europe;

9. it is the sense of the Senate that consideration should be given to the revision of plans for the defense of Europe as soon as possible so as to provide for utilization on a voluntary basis of the military and other resources of Western Germany and Spain, but not exclusive of the military and other resources of other nations.

EXHIBIT 2

THE VOTE BY WHICH SENATE RESOLUTION 99 WAS ADOPTED

Mr. JOHNSON of Texas. I announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Tennessee [Mr. Kefauver] are necessarily absent.

The Senator from Washington [Mr. MAGNUSON] is absent by leave of the Senate on official committee business.

The Senator from Nevada [Mr. McCarran] is absent by leave of the Senate on official business.

The Senator from Tennessee [Mr. McKellar] is absent because of illness.

I announce further that, if present and voting, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. MAGNUSON], the Senator from Nevada [Mr. McCarran], and the Senators from Tennessee [Mr. Kefauver and Mr. McKellar] would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Michigan [Mr. Vandenberg] is absent by leave of the Senate.

The result was announced—yeas 69, nays 21, as follows:

YEAS—69

Aiken, Anderson, Benton, Brewster, Bridges, Butler, Md., Byrd, Capehart, Carlson, Chavez, Clements, Connally, Douglas, Duff, Eastland, Flanders, Frear, George, Gillette, Green, Hayden, Hendrickson, Hennings.

Hickenlooper, Hill, Hoey, Holland, Hunt, Ives, Johnson, Colo., Johnson, Tex., Johnston, S.C., Kerr, Kilgore, Knowland, Lehman, Lodge, Long, McCarthy, McClellan, McFarland, McMahon, Martin, Maybank, Millikin, Monroney.

Morse, Murray, Neely, Nixon, O'Conor, O'Mahoney, Pastore, Robertson, Russell, Saltonstall, Smathers, Smith, Maine, Smith, N.J., Smith, N.C., Sparkman, Stennis, Taft, Thye, Tobey, Underwood, Watkins, Wiley, Young.

NAYS—21

Bennett, Bricker, Butler, Nebr., Cain, Case, Cordon, Dirksen, Dworshak, Ecton, Ellender, Ferguson, Fulbright, Jenner, Kem, Langer, Malone, Mundt, Schoeppel, Welker, Wherry, Williams.

NOT VOTING—6

Humphrey, Kefauver, McCarran, McKellar, Magnuson, Vandenberg.

So Senate Resolution 99, as amended, was agreed to.

EXHIBIT 3

S. RES. 300

Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

Whereas the United States in implementing these principles has maintained large contingents of American Armed Forces in Europe, together with air and naval units, for twenty years; and

Whereas the security of the United States and its citizens remains interwoven with the security of other nations signatory to the North Atlantic Treaty as it was when the treaty was signed, but the condition of our European allies, both economically and militarily, has appreciably improved since large contingents of forces were deployed; and

Whereas the means and capacity of all members of the North Atlantic Treaty Organization to provide forces to resist aggression has significantly improved since the original United States deployment; and

Whereas the commitment by all members of the North Atlantic Treaty is based upon the full cooperation of all treaty partners in contributing materials and men on a fair and equitable basis, but such contributions have not been forthcoming from all other members of the organization; and

Whereas relations between Eastern Europe and Western Europe were tense when the large contingents of United States forces were deployed in Europe but this situation has now undergone substantial change and relations between the two parts of Europe are now characterized by an increasing two-way flow of trade, people and other peaceful exchange; and

Whereas the present policy of maintaining large contingents of United States forces and their dependents on the European continent also contributes further to the fiscal and monetary problems of the United States: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that, with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty;

(2) S. Res. 99, adopted in the Senate April 4, 1951, is amended to contain the provisions of this resolution and, where the resolutions may conflict, the present resolution is controlling as to the sense of the Senate.

FULL LIST OF COSPONSORS TO S. 300

Mr. MANSFIELD (for himself, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. HILL, Mr. RUSSELL of Georgia, Mr. HAYDEN, Mr. MAGNUSON, Mr. PASTORE, Mr. SYMINGTON, Mr. MUSKIE, Mr. HART, Mr. BREWSTER, Mr. INOUYE, Mr. MORSE, Mr. TALMADGE, Mr. PROXMIRE, Mr. BURDICK, Mr. GRUENING, Mr. McINTYRE, Mr. FULBRIGHT, Mr. DOMINICK, Mr. YOUNG of North Dakota, Mr. LONG of Missouri, Mr. PEARSON, Mr. YARBOROUGH, and Mr. BYRD of West Virginia) submitted the following resolution; which was held without reference.

GNASHING OF TEETH

Mr. LONG of Missouri. Mr. President, recent Supreme Court decisions interpreting the rights of the individual in criminal cases have created considerable controversy throughout the United States. In the September 1966 issue of the Federal Bureau of Investigation's Law Enforcement Bulletin, the FBI Director J. Edgar Hoover points out that:

> There is little to be gained from just shouting protests and criticisms, but there is much to be gained from throwing our full resources and energies into training a professional law enforcement corps to be effective within the framework of current rules of law and evidence.

I ask unanimous consent to insert, at this point in the RECORD, the Director's message from the Law Enforcement Bulletin and an editorial on this message which appeared in the Sunday, September 4, 1966, issue of the Washington Post.

There being no objection, the message and editorial were ordered to be printed in the RECORD, as follows:

[From the FBI Law Enforcement Bulletin]

MESSAGE FROM THE DIRECTOR

There has been much "wailing and gnashing of teeth" in some law enforcement circles lately in response to developments in the criminal law, particularly confessions, interrogations, search and seizure, and various rights of the accused.

Historically, American courts have assumed the responsibility of assuring that governmental power is not misused to injure the rights of individual citizens. Our courts are now committed to exercising supervisory control over law enforcement through the exclusionary theory whereby evidence obtained in violation of certain rules cannot be used in a criminal trial.

Various courts have been roundly criticized for recent decisions which some reviewers say reflect an unjustified and unprecedented concern for the lawbreaker; for illogical, shortsighted judicial policies which in effect legislate new laws to the detriment of society. They have been charged with handcuffing law enforcement by requiring impossible procedures which, it is said, will insure the release of the guilty while destroying the morale of the officer.

In reply, some critics of police declare that unless we have tight, restrictive control of law enforcement, police lawlessness will result. The extremes of both views tend to cloud the fact that the police and the courts should have a common objective: to develop and maintain a system of administering criminal justice which is fair, impartial, and effective. All will agree that this is an exceedingly difficult and complex task.

There is little to be gained from just shouting protests and criticisms, but there is much to be gained from throwing our full resources and energies into training a professional law enforcement corps to be effective within the framework of current rules of law and evidence.

We, as citizens, expect the business and technical segments of our society to keep abreast of the latest developments in their respective areas and to conduct research to foster progress. Our profession, dedicated to the preservation of America's basic freedoms, certainly cannot exempt itself from a similar demand from other citizens. A continuing, comprehensive research and training program, with a conscientious application of the knowledge gained therefrom, is the key to properly discharging our responsibilities to the people and the Nation.

Increased professional police training is no longer a desirable goal, no longer a matter of choice for United States law enforcement. It is an absolute necessity.

JOHN EDGAR HOOVER, *Director.*

SEPTEMBER 1, 1966.

[From the Washington (D.C.) Post, Sept. 4, 1966]

"GNASHING OF TEETH"

There has been much "wailing and gnashing of teeth" in some law enforcement circles lately in response to developments in the criminal law, particularly confessions, interrogations, search and seizure, and various rights of the accused. Historically, American courts have assumed the responsibility of assuring that governmental power is not misused to injure the rights of individual citizens. . . There is little to be gained from just shouting protests and criticisms, but there is much to be gained from throwing our full resources and energies into training a professional law enforcement corps to be effective within the framework of current rules of law and evidence.

Who said that? Some bleeding heart? Some professional do-gooder? Some sentimental coddler of criminals? Not exactly. The words were written by J. Edgar Hoover in the FBI *Law Enforcement Bulletin.* They make an invaluable contribution to effective law enforcement, in our opinion. They put in perspective the prophecies of doom that have come from some less thoughtful police officers and prosecutors. They remind Americans that the restraints which the Supreme Court has placed upon investigation and prosecution of crime are among the fundamental political rights of free men; they are the indispensable means of forestalling arbitrary and tyrannical governmental power.

Law enforcement has not been shackled. Criminals have not been given *carte blanche.* Resourceful and resolute policemen are going steadily about their business of investigating crime and bringing criminals to justice—and by methods that commend themselves to a free and self-governing people. Mr. Hoover deserves thanks for helping to make that plain.

SCHOOL MILK ASSISTANCE ESSENTIAL AS MORE AND MORE DAIRY FARMERS LEAVE FARM

Mr. PROXMIRE. Mr. President, recent figures for August milk production indicate that the continuing exodus of dairy farmers into other, better paying, operations still continues. August production was lower than it has been in any August since 1939 when our population was two-thirds of what it is now. It was 2 percent below August of 1965 and 4 percent below the 1960–64 average. Furthermore, milk production for the first 8 months of 1966 has been 4 percent below a comparable period in 1965.

There is no doubt in my mind that unless we insure a decent income for the dairy farmer, milk production is going to dip ever lower. As a result there will ultimately be a very, very sharp price increase as the demand for milk begins to outstrip the supply.

One of the steps we can take to improve dairy income and thus keep the dairy farmer on the farm is to support and expand the school milk program. The program aids farmers by creating a greater demand for milk which results in a better price to the farmer. The program received $104 million for fiscal 1967 in the agriculture appropriations bill. However, an additional $6 million is needed if the milk program is to reimburse program participants at a level equivalent to that existing in past years.

I intend to fight for an increase in school milk funds in a supplemental appropriations bill for the benefit of both the dairy farmer and the consumer who will suffer greatly if milk production continues to decline.

PUBLIC SERVICE POLITICAL CAMPAIGN PROGRAMS BY TELEVISION STATIONS IN NEBRASKA

Mr. CURTIS. Mr. President, I want to take a moment to describe a television program on which I appeared recently in Nebraska, and to express my appreciation for the public service rendered by the station which presented the program.

The program was one of a "Meet the Candidates" series on Lincoln, Nebr., television station KOLN and Grand Island, Nebr., station KGIN–TV. It was my privilege to be interviewed on this program by a panel of four impartial newsmen. The purpose was to obtain my views on a number of subjects pertinent in the campaign for U.S. Senator in Nebraska.

My opponent was also interviewed for the same amount of time, 30 minutes, by the same panel of newsmen.

The programs were video-taped and were presented over television a week or so later at times which were announced in advance.

The television station did not present these programs during hours when viewership is low or when television time is relatively cheap. Rather, the station canceled regularly scheduled programs at prime times and in the process incurred a loss in revenue in order to present these programs.

Besides the race for Senator, the station video-taped similar interview programs for the offices of Governor and Lieutenant Governor and for the House of Representatives.

I believe, Mr. President, that this was a public service of the highest, in keeping with the finest traditions of responsibility by the public information media in a free society to present the views of candidates in an election.

There was no haranguing debate of the type that adds nothing but confusion to a campaign. The questions were direct and the candidates had to respond, or else they would very clearly appear to be dodging. The questions were asked and answered in a factual, unemotional atmosphere. Of course, the candidates could respond in an excited fashion if they so desired, or they could ramble, or be concise. They could "put on a show" if they wished, but the participants were there to ask and answer questions in the true spirit of a factual, unemotional discussion of the problems facing this Nation today.

It was my pleasure to appear on this program with this fine panel of newsmen on KOLN–KGIN–TV. I am sure that the programs added light rather than heat to the campaign in Nebraska. I feel that the Nation will be a better place to live when all elections are held more on the basis of facts rather than of fancy and emotion. I believe these programs as presented by the Lincoln-Grand Island stations represent the free-enterprise broadcasting and television industry at its best in America.

PROFOUND HARMONY BETWEEN ADMINISTRATION AND WASHINGTON POST

Mr. FULBRIGHT. Mr. President, on August 25 I placed in the Record two editorials published by the Washington Post. One of the editorials took umbrage at what was construed as a suggestion I had made that the Post seemed overly eager to please the administration.

In order to complete the Record, I ask unanimous consent to have printed at this point in my remarks a second Post editorial, dated September 13, reminding us that the appointment of the Post's former executive vice president to the ambassadorial post in Switzerland is one of the best noncareer appointments ever made by our Government. It is gratifying and reassuring to observe the profound harmony which exists between the administration and the Washington Post.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Sept. 13, 1966]

New Ambassador

The Johnson Administration, notable in its search for talent within the ranks of the government establishment, has also tried hard to find qualified people in private life. The diplomatic appointment of John S. Hayes, president of the Washington Post-Newsweek radio and television stations in Jacksonville and in Washington, is one such recruit produced by the diligent talent searches under the direction of Civil Service Commissioner John W. Macy Jr. Ambassador Hayes who now goes to the important post in Switzerland ought to be well qualified for an assignment that has become of increasing interest to this country.

His new post will involve on his part a personal financial sacrifice and on the part of the Washington Post Company a loss of executive talent. But this sort of climax to a private career is in the best tradition of our earlier non-career diplomatic servants. Men of broad experience in private business have talents useful to government, and public service gratifies a healthy impulse for the distinction of serving the country.

Ambassador Hayes has been a leader in his own profession and industry and he has served his community well in such non-governmental posts as President of the United Community Funds and Councils of America. The friends he has won among his colleagues in broadcasting and publishing fields and among those associated with him in civic enterprises will wish him success in his new public role.

U.S. POLICY IN VIETNAM

Mr. CHURCH. Mr. President, Tom Wicker, a writer for the New York Times, has written a perceptive article which was published in the New York Times on September 2.

The article underscores the logical and substantive contradictions of some recent pronouncements by the administration concerning our aims and presence in Vietnam.

I ask unanimous consent that Mr. Wicker's article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 2, 1966]

Calling a Spade an Earthmover

(By Tom Wicker)

Washington, September 1.—Secretary of State Dean Rusk recently spoke to the Veterans of Foreign Wars. On the same day he conferred with U Thant, the Secretary General of the United Nations. Senator J. W. Fulbright of Arkansas, a dedicated Rusk-watcher, then rose in the Senate to discuss the New York Times's account of Mr. Rusk's statements.

"In the conversation with Mr. U Thant," the Senator said, "according to the Times, the Secretary asserted that the 'United States wanted to de-escalate the Vietnam war' but said there was lack of interest on the part of Hanoi and its allies.

PULLOUT WOULD BE FATAL

"Speaking to the Veterans of Foreign Wars, however, the Secretary of State said that a premature pullout from Vietnam would surely lead to World War III. According to the paper, Mr. Rusk said: 'Any withdrawal before complete victory over Communist aggression would be . . . fatal.' "

Senator Fulbright concluded: "So one can take a choice of U.S. policy—de-escalation or complete victory. Except that I had always presumed that these were mutually exclusive."

While still in this state of bemusement, Senator Fulbright might direct his attention to President Johnson's recent address to the American Legion. Mr. Johnson described the Vietnamese war this way:

"It is meant to be the opening salvo in a series of bombardments or, as they are called in Peking, 'wars of liberation.' And if it succeeds in South Vietnam, then, as Marshal Lin Piao says, and I quote him, 'The people in other parts of the world will see that what the Vietnamese people can do they can do, too.' "

But a page or two later, the President said of the people of Asia, including the South Vietnamese: "Our assistance to these nations, our involvement in their affairs, will be no greater than they choose to have it."

Again one may have a choice—but how is the idea of a vital world struggle to stop Chinese expansion and aggression to be reconciled with the statement that the effort to aid Asian nations will be "no greater than they choose to have it"? For if American vital interests and security really are threatened by Chinese-backed wars of liberation, in Vietnam or elsewhere, these would have to be met with the force required whether or not the nations providing the immediate battlefield "choose to have it."

THREATENED CHAOS

But Mr. Johnson was not through. So interwoven was the American destiny with that of all nations, he said, "that our responsibilities would be just as real in the absence of the Communist threat." That is, the needs and aspirations of the "underdeveloped peoples" have to be met or "the ranging search and quest for bread may bring on the reality of chaos."

It may well be argued that these are linked objectives—that the defense of one small country is the pivot on which resistance to Chinese expansionism turns, and that unless that resistance succeeds, the underdeveloped peoples will be subverted by Peking rather than elevated by Washington.

If so, the inescapable logic of the argument is that the bedrock American war aim in Vietnam is to confront Communist Chinese expansionism as a matter of vital interest to the United States and world tranquillity. This might be a compelling argument—except that there are no Chinese fighting in Vietnam, the Administration insists there is no evidence that any Chinese will fight in Vietnam, and no one has been able to show that Peking controls what the Administration calls the North Vietnamese "aggressors."

THE CHINESE MENACE

In fact, some here believe that, since Ho Chi Minh makes such an improbable Hitler and has demonstrated so many times that he is no puppet, the Chinese world menace has had to be put forward by the Administration to justify its major war effort in Southeast Asia.

Whatever the case, Mr. Johnson and Mr. Rusk might clear away some public confusion if they clarified their own rhetoric about confronting China, aiding small nations, healing the sick, enforcing the SEATO pact, and keeping President Eisenhower's commitments.

CONSIDER THE GAINS WE HAVE MADE

Mr. GRUENING. Mr. President, differences, difficulties, and disturbances always get the headlines. Nor did any great reform or reevaluation come easily. The riots of Watts, Dayton, Cicero, Cleveland, Chicago, or Atlanta are emblazoned on the front pages of our newspapers and are recorded on radio and television screen. They include such nauseating and infamous occurrences as that reported from Grenada, Miss., on the front page of the Washington Post yesterday.

The story was datelined Grenada, Miss., September 12. It began:

> A mob of angry whites wielding ax handles, pipes and chains surrounded two schools that were integrated today and attacked Negroes trying to leave when classes were over.
>
> At least 33 persons were beaten at the school, Negro leaders said, including a 12-year-old boy whose leg was broken.
>
> City policemen did little to stop the attack, and state troopers had to be called in to rescue the Negroes.
>
> One Negro youth ran a gauntlet of cursing whites for a full block, his face bleeding, his clothes torn.

I need not read further because Federal officials take the law of the land seriously and news stories today tell of the suit filed Tuesday in Federal Court in Oxford, Miss., in which the Justice Department charged that local public officials including the sheriff and chief of police, stood by while a crowd of whites beat Negro schoolchildren. What a loathsome spectacle. The Department of Justice now asks that the officials be required to protect Negro children from the whites who are opposing school integration in Grenada.

Yet, while these disgraceful and deplorable blots on our American escutcheon occur to the shame of those who perpetuate them and the officials who tolerate them, it is well to take note of the tremendous gains our Nation has made to bring to each citizen the full privileges of American citizenship. Much remains to be corrected, but truly the gains of the last 12 years are astounding.

The Supreme Court decision in the Brown case of 1954, opened a new era. Prior to that time it was impossible to take a Negro friend to lunch in any Washington, D.C. hotel. One could do so only at the Union Station. Well-known and distinguished public servants such as Ralph Bunche or Thurgood Marshal or Robert Weaver had to endure such discrimination and humiliation and only all because of the color of their skin. But that much has been corrected. It belongs to the bitter past.

Increasingly, our colored citizens have achieved high public office. They will achieve more, and one day soon, we may hope we will not make a reference to color, but, rather, only to the name and the qualifications of the individual concerned. Here are but a few of the men and women whose abilities have been recognized at the Federal Government level:

Robert Weaver is the first Negro American to be named a member of a President's cabinet. He deserves this honor. He achieved it on merit. His was a fitting recognition of devoted public service, experience and expertness in the field of housing.

Thurgood Marshall is the first Negro to be Solicitor General for the Department of Justice.

The New York Times of September 10 contained an account by Mr. Paul Hofmann of the induction of Mrs. Constance Baker Motley as the first Negro woman in the country's history to hold a Federal Judgeship and the first woman member of the Federal Court for the Southern District of New York. It is interesting to learn from Mr. Hofmann's story that Solicitor General Thurgood Marshall once worked with Mrs. Motley in the NAACP.

Andrew F. Brimmer, former Assistant Secretary of Commerce, is now a member of the Federal Reserve Board.

Hobart Taylor, previously Chairman of the President's Committee on Equal Employment, is now a Director of the Export-Import Bank.

Lyle Carter, was recently appointed Assistant Secretary of Health, Education, and Welfare.

Roger W. Wilkins is the Director, Community Relations Service, Department of Commerce.

Mrs. Patricia Harris is the Ambassador to Luxembourg.

Elliot P. Skinner is the Ambassador to Upper Volta.

Dr. James Nabrit is the U.S. Ambassador to the United Nations.

Sam Nabrit is a member of the Atomic Energy Commission.

Wade H. McCree was just appointed to the Sixth District Court of Appeals.

Integration is proceeding in this Nation—let no one overlook this gratifying development. As a nation we had and still have our problems in this tremendous field. The important fact is that the United States is an open society whose passing afflictions stand out clearly and, occasionally, grotesquely.

Integration is proceeding because men like Dr. Martin Luther King and Roy Wilkins and Clarence M. Mitchell here in Washington combine action with reason.

Integration is proceeding because national organizations like the National Association for the Advancement of Colored People continue to work with all citizens, not just one color or one political group. The NAACP has been bloodied on occasion, but it has not been beaten and as Americans we should be very proud of this association. Let the militant radical shout "Uncle Tom," but let him remember as he does that those at whom he shouts were in the forefront in this fight long before him.

Colored Americans have been incredibly patient. They have been patient for a century. For this we may be thankful and for this we must give a measure of credit to a system of government, which while imperfect, is still the best man has. Our colored slums had a few escape hatches. Gradually, perhaps principally through the doors of the world of music and on the playing fields of the world of sports, where a man or woman is judged for his talent and skills, it became clear that the color of one's skin was unimportant. Today I can think of no more superb example of talent being recognized and properly honored than that which occurs this week as the Metropolitan Opera's Leontyne Price opens the new opera house in Lincoln Center in New York City. Miss Price, a Negro, sings the leading role in "Anthony and Cleopatra," a musical part written for her by Mr. Samuel Barber. Yes, we have made substantial progress.

In Alaska we are proud of the progressive legislation which the State has enacted in the field of human rights. Section 18.80.240 includes not only open housing accommodations but unimproved property or as it was known at the time the "open land provision." Our State act relating to the Commission on Human Rights also includes section 18.80.250 which places financial institutions under the act and specifically prohibits discrimination against persons seeking financial assistance because of race, religion, color or national origin.

Both of these farsighted, humanitarian provisions are, I believe, the products of the Alaska State House of Representatives House Judiciary Committee of which State Representative Gene Guess is chairman.

I ask unanimous consent that chapter 117 of the Laws of Alaska, 1965, relating to the Commission for Human Rights be made a part of the Record so that my colleagues and others will know how the Alaska State Legislature has expressed itself affirmatively in regards to civil rights.

There being no objection, the chapter was ordered to be printed in the Record, as follows:

(C.S.H.B. 139)

LAWS OF ALASKA, 1965—CHAPTER 117

(An act relating to the Commission for Human Rights; and providing for an effective date.)

Be It Enacted by the Legislature of the State of Alaska:

"Section 1. AS 18.80.060 is repealed and reenacted to read:

" 'Sec. 18.80.060. Powers and Duties of the Commission. (a) In addition to the other powers and duties prescribed by this chapter the commission shall

" '(1) appoint an executive director approved by the governor;

" '(2) hire other administrative staff as may be necessary to the commission's function;

" '(3) exercise general supervision and direct the activities of the executive director and other administrative staff;

" '(4) accept complaints under sec. 100 of this chapter;

" '(5) study the problems of discrimination in all or specific fields of human relationships, and foster through community effort or goodwill, cooperation and conciliation among the groups and elements of the population of the state, and publish results of investigations and research as in its judgment will tend to eliminate discrimination because of race, religion, color, or national ancestry.

" '(b) In addition to the other powers and duties prescribed by this chapter the commission may

" '(1) delegate to the executive director all powers and duties given it by this chapter except the duties and powers given it by secs. 120 and 130 of this chapter;

" '(2) call upon the departments and agencies of the state, with the approval of the governor, for cooperation and assistance in carrying out this chapter;

" '(3) hold hearings under sec. 120 of this chapter, subpoena witnesses, take the testimony of any person under oath, administer oaths, and in connection therewith, to require the production for examination of books or papers relating to a matter under investigation or in question before the commission.'

"Sec. 2. AS 18.80.100 is amended to read:

" 'Sec. 18.80.100 Complaint. A person who believes he is aggrieved by any discriminatory conduct prohibited by this chapter may sign and file with the commission a written, verified complaint stating the name and address of the person alleged to have engaged in discriminatory conduct and the particuwhen an alleged discrimination comes to his lars of the discrimination. The executive director may file a complaint in like manner attention.'

"Sec. 3. AS 18.80.120 is amended to read:

" 'Sec. 18.80.120 Hearing. If the informal efforts to eliminate the alleged discrimination are unsuccessful, the executive director shall inform the commission of the failure, and the commission shall serve written notice together with a copy of the complaint, requiring the person, employer, labor organization or employment agency, charged in the complaint to answer the allegations of the complaint at a hearing before the commission. The hearing shall be held by the commission at the place where the unlawful conduct is alleged to have occurred unless the person, employer, labor organization or employment agency requests a change of venue for good cause shown. The case in support of the complaint shall be presented before the commission by the executive director or his designee who shall be a bona fide resident of the state. The executive director may request the assistance of the Department of Law in the preparation and presentation of any complaint before the commission. The person charged in the complaint may file a written answer to the complaint and may appear at the hearing in person or otherwise, with or without council, and submit testimony. The executive director has the power reasonably and fairly to amend the complaint, and the person charged has the power reasonably and fairly to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed.'

"Sec. 4. AS 18.80.130 is amended to read:

" 'Sec. 18.80.130. Order. (a) At the completion of the hearing, if the commission finds that a person against whom a complaint was filed has engaged in the discriminatory conduct alleged in the complaint, it shall order him to refrain from engaging in the discriminatory conduct. The order shall include findings of fact, and may prescribe conditions on the accused's future conduct relevant to the type of discrimination. In a case involving discrimination in

" '(1) employment, the commission may order the hiring, reinstatement or upgrading of an employee with or without back pay, restoration to membership in a labor organization, or his admission to or participation in an apprenticeship training program, on-the-job training program or other retraining program;

" '(2) housing, the commission may order the sale, lease or rental of the housing accommodation to the aggrieved person if it is still available, or the sale, lease or rental of a like accommodation owned by the person against whom the complaint was filed if one is still available, or the sale, lease or rental of the next vacancy in a like accommodation, owned by the person against whom the complaint was filed.

" '(b) The order may require a report on the manner of compliance.

" '(c) If the commission finds that a person against whom a complaint was filed has not engaged in the discriminatory conduct alleged in the complaint, it shall issue and cause to be served on the complainant an order dismissing the complaint.

" '(d) A copy of the order shall be filed in all cases with the attorney general of Alaska.'

"Sec. 5. AS 18.80 is amended by adding a new section to read:

" 'Sec. 18.80.135. Judicial Review and Enforcement. (a) A complainant, or person against whom a complaint is filed or other person aggrieved by an order of the commission, may obtain judicial review of the order in accordance with AS 44.62.560–44.62.570.

" '(b) The commission may obtain a court order for the enforcement of any of its orders by filing a complaint with the superior court in the judicial district in which the unlawful conduct is alleged to have occurred.'

"Sec. 6. AS 18.80 is amended by adding a new section to read:

" 'ARTICLE 4. DISCRIMINATORY PRACTICES PROHIBITED.

" 'Sec. 18.80.200 **Purpose.** (a) It is determined and declared as a matter of legislative finding that discrimination against an inhabitant, of the state because of race, religion, color, national origin, age or sex is a matter of public concern and that such discrimination not only threatens the rights and privileges of the inhabitants of the state but also menaces the institutions of the state and threatens peace, order, health, safety and general welfare of the state and its inhabitants.

" '(b) Therefore, it is the policy of the state and the purpose of this chapter to eliminate and prevent discrimination in employment, in places of public accommodation, in housing accommodations and in the sale or lease of unimproved property because of race, religion, color, national origin, or in the case of employment, because of sex or age.

" 'Sec. 18.80.210 Civil Rights. The opportunity to obtain employment, public accommodations, housing accommodations and property without discrimination because of race, religion, color, or national origin is a civil right.

" 'Sec. 18.80.220. Unlawful Employment Practices. It is unlawful for

" '(1) an employer to refuse employment to a person, or to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, religion, color or national origin, or because of his age when the reasonable demands of the position do not require age distinction;

" '(2) a labor organization, because of a person's age, race, religion, color or national origin, to exclude or to expel him from its membership, or to discriminate in any way against one of its members or an employer or an employee;

" '(3) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication, or to use a form of application for employment or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, a limitation, specification or discrimination as to age, race, creed, color or national origin, or an intent to make the limitation, unless based upon a bona fide occupational qualification;

" '(4) an employer, labor organization or employment agency to discharge, expel or otherwise discriminate against a person because he has opposed any practices forbidden under secs. 200–280 of this chapter or because he has filed a complaint, testified or assisted in a proceeding under this chapter; or

" '(5) an employer to discriminate in the payment of wages as between the sexes, or to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work in the same locality.

" 'SEC. 18.80.230. Unlawful Practices in Places of Public Accommodation. It is unlawful for the owner, lessee, manager, agent or employee of a public accommodation

" '(1) to refuse, withhold from or deny to a person any of its services, goods, facilities, advantages or privileges because of race, religion, color or national origin;

" '(2) to publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any of the services, goods, facilities, advantages or privileges of the public accommodation will be refused, withheld from or denied to a person of a certain race, religion, color or national origin or that the patronage of a person belonging to a particular race, creed, color or national origin is unwelcome, not desired or solicited.

" 'Sec. 18.80.240 Unlawful Practices in the Sale or Rental of Property or Housing Accommodations. It is unlawful for the owner, leasee, manager or other person having the right to sell, lease or rent a housing accommodation or unimproved property

" '(1) to refuse to sell, lease or rent the housing accommodation or unimproved property to a person because of race, religion, color or national origin;

" '(2) to discriminate against a person because of race, religion, color or national origin in a term, condition or privilege relating to the use, sale, lease or rental of a housing accommodation or unimproved property; or

" '(3) to make a written or oral inquiry or record of the race, religion, color or national origin of a person seeking to buy, lease or rent a housing accommodation or unimproved property.

" 'Sec. 18.80.250. Unlawful Financing Practice. It is unlawful for a financial institution, upon receiving an application for financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or the acquisition or improvement of unimproved property, to permit one of its officials or employees during the execution of his duties.

" '(1) to discriminate against the applicant because of race, religion, color or national origin in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance; or

" '(2) to make or cause to be made a written or oral inquiry or record of the race, religion, color or national origin of a person seeking the institution's financial assistance.

" 'Sec. 18.80.260. Coercion. It is unlawful for a person to aid, abet, incite, compel or coerce the doing of an act forbidden under this chapter or to attempt to do so.

" 'Sec. 18.80.270. Penalty. A person, employer, labor organization or employment agency, who or which wilfully engages in an unlawful discriminatory conduct prohibited by this chapter, or wilfully resists, prevents, impedes or interferes with the commission or any of its authorized representatives in the performance of duty under this chapter, or who or which wilfully violates an order of the commission, is guilty of a misdemeanor and upon conviction by a court of competent jurisdiction is punishable by a fine of not more than $500, or by imprisonment in a jail for not more than 30 days, or by both.

" 'Sec. 18.80.280. Acquittal Bars Other Actions. The acquittal of a person by the commission or a court of competent jurisdiction of any alleged violation of this chapter is a bar to any other action, civil or criminal, based on the same act or omission.

" 'ARTICLE 5. GENERAL PROVISIONS.

" 'Sec. 18.80.300. Definitions. In this chapter

" '(1) "person" means one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, employees, employers, employment agencies or labor organizations;

" '(2) "employee" means an individual employed by an employer but does not include an individual employed in the domestic service of any person;

" '(3) "employer" means an employer of one or more persons in the state but does not include a club that is exclusively social, or a fraternal, charitable, educational, or religious association or corporation, if the club, association or corporation is not organized for private profit;

" '(4) "employment agency" means a person undertaking to procure employees or opportunities to work;

" '(5) "labor organization" means an organization and an agent of the organization, for the purpose, in whole or in part, of collective bargaining, dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection of employees;

" '(6) "national origin" includes ancestry;

" '(7) "public accommodation" means a place which caters or offers its services, goods or facilities to the general public and includes a public inn, restaurant, eating house, hotel, motel, soda fountain, soft drink parlor, tavern, night club, roadhouse, place where food or spiritous or malt liquors are sold for consumption, trailer park, resort, campground, barber shop, beauty parlor, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons;

" '(8) "housing accommodation" means a building or portion of a building, whether constructed or to be constructed, which is or will be used as the sleeping quarters of its occupants;

" '(9) "financial institution" means a commercial bank, trust company, mutual savings bank, cooperative bank, homestead association, mutual savings and loan association or an insurance company.'

"Sec. 7. AS 23.10 is amended by adding a new section to read:

" 'ARTICLE 5. DISCRIMINATION IN EMPLOYMENT.

" 'Sec. 23.10.192. Discrimination Prohibited. Discrimination in the employment of a person because of race, religion, color, national origin or age is prohibited as set out in AS 18.80.220.

" 'Sec. 8. AS 23.10.190–23.10.235, 23.10.240–23.10.320, 11.60.230 and 11.60.240 are repealed.

" 'Sec. 9. This Act take effect on the day after its passage and approval or on the day it becomes law without such approval.'

Mr. GRUENING. Mr. President, on the national scene the late President John F. Kennedy helped us to move forward.

And President Lyndon Baines Johnson cannot be praised too highly for his contributions to greater understanding and progress in the field of civil rights. On June 4, 1965, at Howard University here in Washington, D.C., he reminded us that the voting rights bill marked perhaps the end of the beginning. Too many Negroes he told us correctly are trapped, as were many whites—

> In inherited, gateless poverty. They lack training and skills. They are shut in slums, without decent medical care. Private and public poverty combine to cripple their capacities.

America, said President Johnson, would attack these miseries through the Great Society programs aimed at the root causes of poverty.

The President reminded us that day—

> Men are shaped by their world. When it is a world of decay, ringed by an invisible wall, when escape is arduous and uncertain, and the saving pressures of a more hopeful society are unknown, it can cripple the youth and it can desolate the man.

He spoke of the unemployment of the Negro, of the breakdown of the Negro family structure, and of other problems, and he said:

> There is no single easy answer to all of these problems. Jobs are part of the answer. They bring the income which permits a man to provide for his family. Decent homes in decent surroundings and a chance to learn—an equal chance to learn—are part of the answer. Welfare and social programs better designed to hold families together are part of the answer. Care for the sick is part of the answer. And an understanding heart by all Americans is another big part of the answer. And to all these fronts—and a dozen more—I will dedicate the expanding efforts of the Johnson administration.

In the 88th Congress we passed the Votings Rights Act of 1965, based to a large extent on President Johnson's recommendation.

This year we are considering his message of April 28 requesting reform in our Federal criminal statutes, jury reforms, school desegregation, equal employment and fair housing.

Said President Johnson:

> We must give the Negro the right to live in freedom among his fellow Americans . . . Our task is to end discrimination in all housing, old and new—not simply in the new housing covered by the Executive order . . .

It is pertinent to recall today the concluding portion of the President's April 28, 1966, message on the elimination of racial discrimination when he said:

> We are engaged in a great adventure—as great as that of the last century, when our fathers marched to the western frontier. Our frontier today is of human beings, not of land.
>
> If we are able to open that frontier, to free each child to become the best that is in him to become, our reward—both spiritual and material—will exceed any that we gained a century ago through territorial expansion.
>
> Whether we shall succeed is an issue that rests in the heart of every American. It rests in the determination of Negro Americans to use the opportunities for orderly progress that are now becoming—at last—a reality in their lives. It rests in our common willingness to expand those opportunities in the years ahead.
>
> That issue can and will be decided in only one way. For we have not come this far to fail within sight of our goal.

But extremism is, as we learn, sometimes inevitable, as part of a troubled heritage. True, voting bills are passed. The right to register and to vote is assured by law. But where are the jobs? The houses? The instant education? Without them extremism flourishes.

Despite the filibuster with which we now contend, my hope is that we will get action this session on the proposed 1966 Civil Rights amendments. The bill in its present form is reasonable. It will correct some of the inequities.

If we do not act affirmatively this session, we must try again in the next Congress. We must not cease or diminish our efforts toward eliminating, as far as may be humanly possible, all vestiges of discrimination based on race, creed, or color.

The New York Times on September 11, Sunday, carried a report by Mr. Leonard Buder entitled "Integration Gaining." Mr. Buder reports on hopeful signs of new progress toward school integration.

The same issue of the New York Times had a story originating in Birmingham, Ala., concerning complaints filed by the NAACP against several major unions and companies charged with job discrimination.

Mr. President, I ask unanimous consent that the full text of these news stories to which I have referred be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. I have talked today of some progress in integration, and I would be remiss if I did not mention another sign, the fact that one of the candidates for a U.S. Senate seat, open because our good friend and colleague the senior Senator from Massachusetts [Mr. SALTONSTALL] is retiring, is a qualified, colored man who has been elected to high office by the citizens of his State. Integration is proceeding.

EXHIBIT 1

[From the New York Times, Sept. 11, 1966]

INTEGRATION GAINING

(By Leonard Buder)

Until about five years ago school segregation was regarded as largely a Southern problem. Integration was a major issue in perhaps no more than half a dozen Northern school systems.

Then the realization set in, sparked largely by pressures from civil rights groups, that school segregation was a problem whether it was the result of discriminatory laws (as in the South) or discriminatory practices or subtle prejudices (as in the North).

Last week, as most of the nation's schools reopened for the new academic year—the late starters will open tomorrow—there were hopeful signs of new progress toward school integration.

In Washington, the United States Commissioner of Education, Harold Howe 2d, predicted that there would be as much progress this school year as in the previous 12 years since the historic United States Supreme Court decision on school segregation.

Most of the progress, Mr. Howe said, will take place in the South.

In New York City, the National Association for the Advancement of Colored People issued a report on its four-and-a-half-year campaign to promote school integration in the North, which now involves 130 public school systems in 22 states. In about two-thirds of these systems, some progress toward integration has been made—although it has often been no more than tokenism.

The gains have been greater in the suburban systems and smaller cities, Miss June Shagaloff, the association's national education director, noted. And frequently, she added, they have come about not through enlightened school leadership but as the result of "extended community pressure, protest demonstrations and litigation."

Northern and Western school systems where total or substantial desegregation will take place for the first time this fall, the report said, include Albany, Amityville and Roosevelt, N.Y.; Lansing, Mich.; and Sacramento, Carlsbad, Fullerton, Riverside, Indio and Fresno, Calif. New plans expanding existing desegregation efforts will take place in Freeport and Malverne, N.Y.; Stamford, Conn.; Englewood and Montclair, N.J.; Denver; and Sausalito and Berkeley, Calif.

PLANS HELD "INADEQUATE"

The desegregation efforts employed in these communities, Miss Shagaloff observed, range from school pairing and rezoning to closing old, all-Negro schools and establishing new primary and intermediate schools.

New but limited (and "inadequate," according to the N.A.A.C.P.) desegregation plans will go into effect in a number of other communities, including Bridgeport, Conn.; Cincinnati, Des Moines, Iowa; Detroit and Indianapolis.

All told, some 38 school districts in the North and West have taken steps to desegregate, including New York City, which has embarked on a reorganization that will result in a new system of primary, intermediate and comprehensive high schools. Another 42 communities will continue desegregation efforts started since 1962. And a few others have announced plans to take effect next year.

In other communities, however, school officials have been evasive, Miss Shagaloff said.

"But the problem," Miss Shagaloff added, "is not that of administrative know-how—it is the unwillingness to change the status quo."

[From the New York Times, Sept. 10, 1966]

MRS. MOTLEY INDUCTED AS FEDERAL JUDGE

(By Paul Hofmann)

Mrs. Constance Bauer Motley was sworn in as a Federal Judge yesterday and Mayor Lindsay called a special meeting of Manhattan Councilmen for Tuesday to choose her successor as Borough President.

Mrs. Motley was inducted in a short ceremony at the United States Court House. She is the first Negro woman in the country's history to hold a Federal judgeship and the first woman member of the Federal Court for the Southern District of New York, which covers New York, the Bronx, Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties.

The selection of a new Manhattan Borough President will test the influence of J. Raymond Jones, New York County Democratic leader. Political observers expressed the view yesterday that Mr. Jones might want to seize the occasion to reassert his leadership, which had been challenged in the recent Surrogate election.

The Democratic leader, who is also a Councilman, has said that he did not seek the post of Borough President himself.

Six of the eight Manhattan Councilmen are Democrats and two are Republicans. There was little doubt yesterday that the group's choice for a Borough President would again be a Democrat, as Mrs. Motley and all her recent predecessors have been.

Percy E. Sutton, Harlem Assemblyman, is regarded as a leading candidate for the position, which pays $35,000 a year. He is known to have the backing of Mr. Jones. His election would continue a 12-year-old practice of naming Negroes as Manhattan Borough President.

Others mentioned as possible candidates were Assemblyman Louis De Salvio; Lloyd K. Garrison, president of the Board of Education; Mrs. Randolph C. Guggenheimer, a member of the City Planning Commission, and Mrs. Hortense W. Gabel, who was the city's Rent and Rehabilitation Administrator under Mayor Robert F. Wagner.

The Borough President to be chosen by the Manhattan Councilmen under the City Charter's provisions for filling a vacancy will serve until Dec. 31. At the general election in November a new Borough President will be elected for the three years remaining of Mrs. Motley's term.

Mrs. Motley herself became Borough President on an interim basis in 1965 when Edward Dudley left that post to become a State Supreme Court justice. She was elected to a four-year term last November with the backing of the Democratic, Liberal and Republican parties.

Observers believe that whoever is appointed interim Borough President will have a good chance of being nominated by the Democrats and possibly by the other parties for election in November.

BACKING FOR SUTTON

There were indications last night that at least three Councilmen, and possibly more, were committed to voting for Mr. Sutton at the closed meeting to be held in the Mayor's office starting at 2:30 P.M. Tuesday. The Mayor will preside, but he is entitled to vote only to break a tie.

No Councilman expressed outright support for Mr. Sutton, but Gerald B. Friedland, son of David B. Friedland, a Democrat who was on his way back from the Democratic state convention in Buffalo, said that "Father thinks a great deal of Percy Sutton." Mr. Friedland is a supporter of Mr. Jones.

The Democratic county leader was not available for comment, and aides at his office declared he could "not be contacted."

Mr. Jones' position in the party was believed to have been strengthened by his role in swinging the 112-man Manhattan delegation behind Howard J. Samuel as nominee for Lieutenant Governor in Buffalo on Thursday.

Robert A. Low, a Democratic-Liberal Councilman, said that the participants in the Buffalo convention had given little thought to the question of who should succeed Mr. Motley, and that no party candidate for the post had yet emerged.

Councilman Saul S. Sharison, a Democrat who on other issues has been in agreement with Mr. Jones, said "my candidate is Louis De Salvio." Mr. Sharison denounced as "illegal, unethical and improper" any practices that assigned certain jobs exclusively to Negroes or any other racial or religious group.

REPUBLICANS SIT TIGHT

Councilmen Lester Baum and Woodward Kingman, the top Manhattan Republicans, seemed inclined to let the Democrats make the first move. Mr. Kingman spoke highly of Mr. Jones' role in the City Council. Councilman Carlos M. Rios, a Democrat, could not be reached.

Mrs. Motley did not discuss the question of who would succeed her as Borough President when she took the oath as Federal judge yesterday. The 44-year-old newcomer to the bench said she felt "like going back home," recalling that she had appeared as a civil rights lawyer in the courts of 11 states.

Solicitor General Thurgood Marshall, who once worked with Mrs. Motley in the National Association for the Advancement of Colored People, attended the 10-minute ceremony at which 18 district judges also were present.

Mrs. Motley's husband, Joel, a real estate and insurance broker, and their 14-year-old son, Joel Jr., watched as she was sworn in by Chief Judge Sylvester J. Ryan.

JOB DISCRIMINATION IS CHARGED IN SIX SUITS BY NAACP FUND

BIRMINGHAM, ALA., September 9.—A Federal judge heard testimony today against several major unions and companies charged with job discrimination against Negroes. The companies include the United States Steel Corporation.

The hearing was conducted in the courtroom of District Judge Clarence W. Allgood.

Complaints against the defendants were filed recently by the N.A.A.C.P. Legal Defense and Educational Fund, Inc.

The allegations in most of the six suits say the defendants maintain separate job categories based on race, have different hiring rates for Negroes and whites and separate lines of progression and promotion, and segregated facilities for Negro employes.

The suits were filed under Title VII of the Civil Rights Act of 1964.

Unions are named as codefendants in four of the cases. The unions are charged by the civil rights organizations with failure to properly represent the Negro employes.

The unions involved in the suits are the Brotherhood of Railway Car Men of America, the International Molders and Allied Workers Union, the United Steel Workers of America, and the United Mine Workers.

The companies charged in the suit are United States Steel, the St. Louis-San Francisco Railroad Corporation, H. K. Porter, Alabama By-Products Corporation, and the American Cast Iron Pipe Company.

The defending companies have answered the complaints with counter motions requesting dismissal of the court action. They say that the plaintiffs have no legal ground and have not exhausted existing contractual remedies.

Mr. GRUENING. Mr. President, I also ask unanimous consent that two excellent editorials properly commenting on the infamy in Grenada, Miss., be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AND THEY SLEEP AT NIGHT

Grenada is a community of some 8,000 people in northern Mississippi. It will long be remembered as the scene of the most contemptible outrage in that state's tortured history of school desgeregation.

As classes began on Monday some 150 Negroes entered Grenada's two previously all-white schools—an elementary and a high school. A crowd estimated at some 400 white men and women gathered. As the Negro children were leaving, some of the white men, big brave ones no doubt, attacked the children with axe handles and other weapons. One boy's leg was broken and three others required hospital treatment. Meanwhile, the white women cursed the children and the local police stood around doing nothing. The wonder is that any of these barbarians can sleep at night.

A detail of 175 Mississippi state patrolmen belatedly restored order. Presumably, they will provide the necessary protection for the Negro children in the future. But why was not the needed protection available at the outset? And why have there been no arrests of those who swung the axe handles or, for that matter, of the local police officers who looked on and did nothing? Surely the identities of both must be known.

Mississippi's Governor Paul Johnson is quoted as saying that "those who raise the sword of violence will be met by the sword of law enforcement." This is not very good, even as a piece of rhetoric. It is much worse if it is nothing but rhetoric.

Mississippi, in the undoubtedly difficult matter of school desegregation, had seemed to be emerging from the darkness. But Grenada argues otherwise. If Governor Johnson understands the enormity of the damage which has been done to his state's reputation, he will do more than talk about law enforcement. If he doesn't do more, the federal authorities should use every means at their disposal to see to it that Grenada's child-beaters and the police who stood by are severely punished for their crimes.

[From the Washington (D.C.) Daily News, Sept. 14, 1966]

GOVERNMENT WITHOUT HONOR

A 12-year-old Negro child, his leg broken, was forced to crawl a gantlet of screaming white men swinging ax handles and chains. Finally, weeping, bruised and bleeding, the boy was rescued and taken to a hospital.

This gives an idea of the senseless mob in front of the Grenada, Miss., schools Monday. It is easy to agree with Mississippi Gov. Paul Johnson that they were the dregs of that northern Mississippi community. But what will you say of the police who stood by, refusing to act? Greneda officials, in the words of the suit filed yesterday by the Justice Department, knew that there was "imminent danger" and "wilfully failed to provide adequate protection * * * when Negro children were to commence classes."

Gov. Johnson moved in state troopers late in the day, announcing that "those who raise the sword of violence will be met by the sword of law enforcement." If those trite and vainglorious words mean someone is going to be arrested and punished, we await some news of it. The troopers arrested no one Tuesday, when children again were harassed.

Incidentally three newsmen, two from a sister Scripps-Howard newspaper, The Memphis Press-Scimitar, also were beaten by the mob. This raises the question of freedom of the press, but savages who would thus mistreat innocent children hardly could be expected to respect, or even remotely comprehend, the subtler safeguards of the U.S. Constitution. Newsmen who try to keep the public informed in such cases take chances similar to those covering the war in Viet Nam. Those who went to Grenada Monday were lucky to escape with only cuts and bruises.

There is no excuse either for the black mobsters in Atlanta, Chicago, and other cities. But at least they haven't deliberately mistreated children. They have, after a fashion at least, picked on someone their own size—altho children have suffered from their acts.

Much of the unrest and feeling of frustration in this country stems from failure of government, local, state and national, to enforce the laws against crime—cringing in fear of political consequences if they challenge these criminals, black or white. This has encouraged disrespect for all law, as is evidenced by the crime rate—up eight per cent from last year according to the FBI report, just made public.

Enforcement of domestic order is a first obligation of government—an obligation repeatedly defaulted by officialdom both North and South. Until our various subdivisions of government perform their routine police functions, there can be little hope of rational settlement in the nagging problem of civil rights. Ours is a Government in grave danger of losing the respect of its people.

MEXICO'S INDEPENDENCE: A HERITAGE OF FREEDOM

Mr. TOWER. Mr. President, September 16 marks the 156th anniversary of Mexican independence. On September 15, at midnight, President Gustavo Diaz Ordaz will greet a crowd of 100,000 or so from the balcony of the brilliantly lighted national palace.

One hundred and fifty miles to the northwest of Mexico City lies a town with the beautiful name of Dolores Hidalgo. In Dolores Hidalgo the church bells will peal a little longer than usual on September 16 but otherwise its rural quiet will remain undisturbed.

Yet it was in Dolores Hidalgo that the struggle for Mexican independence began. From the steps of the church of the pueblo then known as Dolores the parish priest, Father Miguel Hidalgo y Costilla gave voice to the cry that roused Mexico to revolution against Spain.

Hidalgo had been involved in a revolutionary plot with the area militia leader, but the plans were discovered and several arrests were made on September 13 in Queretaro, 50 miles to the southeast of Dolores. When this news was brought to Hidalgo he called for immediate revolt against Spain.

Hidalgo's Indian-peasant forces captured Alhondigo de Granaditas on September 28 and had swept on to the outskirts of Mexico City by late October.

There Hidalgo's undisciplined forces were defeated and Hidalgo was finally captured near Saltillo on February 21, 1811. He died before a firing squad at Chihuahua on July 31, less than 11 months after the "Grito" of Dolores.

Although his uprising failed and another decade was to pass before Mexico became independent the obscure but courageous parish priest is hailed as the father of his country.

The place where it all began, now officially named Dolores Hidalgo, rates as a national shrine. It is called "La Cuna de la Independencia," the cradle of the independence and liberty which the Mexican people treasure so fervently.

All Texans and all Americans join in good wishes to our neighboring Republic on this occasion of its national holiday. Throughout my State Americans of Latin heritage will be holding special celebrations to mark the occasion. I particularly regret that my heavy schedule has prevented me from accepting numerous invitations to participate in various of these celebrations.

All Americans recognize the heritage of strong pride, independence, and accomplishment which is embodied in the September 16 celebration. Our Nation is privileged to be associated with such people.

May our friendship endure forever.

AMERICANS FOR CONSTITUTIONAL ACTION

Mr. McGOVERN. Mr. President, recently an organization called the Americans for Constitutional Action attempted to determine the conservatism of Members of the Congress based on their voting record for the first 6 months of 1966. The organization made its determination of the conservative record of Congress by selecting 17 votes that were thought to be of special significance.

I must say, after studying the scores which various Members of the Senate secured under this formula, that the Americans for Constitutional Action must indeed have an unusual definition of conservatism.

Here are some of the interesting highlights of the analysis:

The distinguished Senators from New York [Mr. JAVITS and Mr. KENNEDY] compiled a conservative score of 33 percent, whereas the distinguished Senators from Florida [Mr. Holland and Mr. Smathers] were considered by this organization to be conservative only 29 percent and 20 percent of the time, respectively.

The distinguished Senators from Georgia [Mr. Russell and Mr. Talmadge] were listed exactly the same as Senators Javits and Kennedy, with conservative scores of 33 percent.

The distinguished Senators from Arkansas [Mr. Fulbright and Mr. McClellan] came up with Senator Fulbright in a 6-point lead over Senator McClellan as a conservative—27 to 21.

In California, Senator Kuchel was considered to be 11 percent more conservative than Senator Murphy, with Senator Kuchel scoring 73 and Senator Murphy 62.

The distinguished Senator from Pennsylvania [Mr. Clark] was conservative 21 percent of the time, which according to the ACA rating makes him three times as conservative as the Senator from Louisiana [Mr. Long], who came up with a 7-percent rating.

The distinguished Senator from Illinois [Mr. Douglas], who is sometimes listed as a liberal, nevertheless compiled a rather respectable 25-percent conservative rating, which places him 3 points ahead of the distinguished senior Senator from Louisiana [Mr. Ellender], who is considered conservative only 22 percent of the time.

I am sure that these illustrations make clear to everyone what a conservative is. Actually, I had thought that my own conservative credentials were somewhat improved when I voted for the following reductions in Federal spending:

First, a $200 million reduction on the supersonic transport plane.

Second, a $500 million reduction on the race to the moon.

Third, an $892 million reduction in military foreign aid.

Fourth, a $153 million reduction for the antiballistic missile.

Fifth, a $522 million reduction in arms spending, not requested by the Department of Defense.

I also voted against the repeal of section 14(b) of the Taft-Hartley Act, which I thought was a conservative priority issue.

Yet the Americans for Constitutional Action gave me only an 8-percent rating. I am consoled, however, by the knowledge that the distinguished deputy majority leader, the Senator from Louisiana [Mr. Long], had a score of 7 percent, and the distinguished senior Senator from the Lone Star State of Texas [Mr. Yarborough] had a score of 6 percent.

Interestingly enough, the gracious Senator from Oregon [Mrs. Neuberger] who has announced that she is not seeking reelection, and is therefore free from all political pressures and lobbying interests, came up with the only score of zero in the Senate.

All of this leaves me a little uncertain as to whether I should be proud, embarrassed, or indifferent about my score of 8 percent on the ACA index.

OUR EUROPEAN ALLIES CONSIDER NATO OUTDATED

Mr. GRUENING. Mr. President, in an excellent article in the Washington Evening Star of September 8, 1966, Mr. Crosby S. Noyes points out a fact which should have long since been recognized by the administration—that the United States stands virtually alone among its European allies in insisting that the NATO concepts of 15 years ago continue to be fully applicable to today's world. As I discovered on my recent trip to Europe, and about which I spoke at considerable length on August 23, 1966, the administration's insistence that the threat of overt Soviet aggression requires the maintenance of large land forces to fight a conventional war, is simply not viewed as any longer a realistic assessment of European security requirements by the very countries most concerned. Mr. Noyes finds that Senator Mansfield's proposal for a reduction in the forces committed in Europe has not dismayed our NATO allies, but on the contrary does not go far enough. Mr. Noyes writes:

> Europeans today are inclined to go a good deal further than Senator Mansfield does in considering NATO as outdated and a bit old hat. They have long since ceased to "regard its massive military apparatus as essential to their security. When a De Gaulle speaks of the need of putting an end to the rigid attitudes of the Cold War in seeking political solutions for Europe's problems, he strikes a responsive chord in many countries."

The resolution sponsored by Senator Mansfield and 25 other Senators is neither intemperate nor ill timed. It reflects the overwhelming sentiment of Europeans that NATO's effectiveness in 1966 does not depend on the maintenance of large numbers of conventional forces in Europe. With the withdrawal of France from the NATO organization and the continued reluctance of the other European countries to meet the goals of their forces' contributions established 15 years ago, it should be only a matter of time before the United States begins to recognize the need for a reevaluation of NATO concepts. The longer such recognition is delayed, the longer will be the day when a start is made to seeking more meaningful arrangements for the eventual political integration of Europe and for a solution of the cold war.

I ask unanimous consent that Mr. Noyes' article in the Washington Evening Star of September 8, 1966, be inserted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Evening Star, Sept. 8, 1966]

PRACTICAL POINTS FAVOR U.S. TROOP CUT IN EUROPE

(By Crosby S. Noyes)

The practical arguments in favor of a serious reduction in the size of American forces in Europe are overwhelming. And continuing protests from the administration that no cuts are now being planned are lacking in real conviction.

President Johnson, of course, does not react kindly to gratuitous advice on problems involving U.S. security abroad. He is especially unreceptive when the advice happens to come from a group of senators who contend, as a matter of general philosophy, that the United States is "overextended" in its foreign commitments.

No doubt, too, there is a certain embarrassment to the administration in raising the issue at this particular time.

The calculated American response to Gen. Charles de Gaulle's withdrawal of France from NATO's military structure has been to reaffirm and reinforce our own commitment to the alliance. We are trying to keep the hard-pressed British from making drastic cuts in their own Army of the Rhine. We are actively dickering with the Germans to get them to assume a greater share of the cost of maintaining the forces already in place.

All of these problems would certainly be affected in the short term by a decision to withdraw, say, four of the six American divisions that make up the U.S. Seventh Army in Germany. But it is also fair to ask whether concerns such as these are of overriding importance in terms of larger American interests. Or whether the ideal moment for reducing our forces in Europe will ever arrive.

No one is suggesting, of course, that we should, as Johnson says, "carelessly weaken" the alliance by rash unilateral action. Any proposal for troop cuts would naturally be a subject for discussion within the alliance. And such discussions, in fact, could amount to an eye-opening experience for Americans whose attitudes toward NATO have changed very little over the last 15 years.

Europeans today are inclined to go a good deal further than Senator Mansfield does in considering NATO as outdated and a bit old hat. They have long since ceased to regard its massive military apparatus as essential to their security. When a De Gaulle speaks of the need of putting an end to the "rigid attitudes" of the Cold War in seeking political solutions for Europe's problems, he strikes a responsive chord in many countries.

It may also come as something of a surprise to discover that many Europeans no longer look on NATO as an effective unifying force in Western Europe.

The Common Market and other joint economic and political organizations provide the real framework for cooperation between the European countries. Indeed, given the differing attitudes toward NATO—and especially De Gaulle's contention that the organization is simply a mechanism to ensure a continuing American "hegemony" in Europe—it makes for conflict and division among our major allies.

The Germans, perhaps, are a special case. Much of the opposition to a cut in troop strength in Europe reflects the concern of U.S. policy planners over the psychological effect of such a decision in Germany. In Washington, there is a conviction that German stability depends on the firm American military commitment in Europe and that any impression that the United States was backing out of this commitment could have disastrous results.

Yet curiously enough, the talk of a possible American troop cut has so far produced no signs of panic in Germany. There is little evidence that the average German would look on the departure of some American forces as a grave threat to his own security. Certainly there is nothing to support the alarming notion that Germany could be "forced into the arms of the Russians" or, as an alternative nightmare, start building its own atomic bombs.

Europeans, for the most part, are perfectly well aware of the fact that their security would be as thoroughly guaranteed by two American divisions in Germany as it is by six. Even without the strains on money and manpower imposed by the war in Viet Nam, the logic of maintaining nearly a million American servicemen and their families in Europe would be open to serious question. And the question is sure, to be raised with increasing urgency in the months to come.

TRAFFIC SAFETY ACT OF 1966

Mr. **TOWER**. Mr. President, the Senate has given its final authorization to the Traffic Safety Act of 1966. This legislation has wide-reaching effects that will benefit all Americans by making travel even safer and less hazardous.

This legislation will strengthen and give even greater respect to the automotive industry. One out of every six Americans is employed in this industry or in the provision of automotive components or in the service of automotive vehicles. The industry's growth and productivity have been outstanding. American cars, whatever their few shortcomings, are among the world's safest. With respect to critical components such as lights, brakes, and suspension systems, the automobile of 1966 demonstrates even greater improvement over its predecessors. Of course, the public should remain concerned over safe driving habits while also taking into account the role that the car itself plays in preventing accidents.

The "second collision," the impact of the individual within the vehicle against the steering wheel, dashboard, windshield, has often been overlooked. Many such injuries could be avoided by more careful design of the interior of automobiles.

With the varied State regulations and the Federal seat belt and brake fluid laws, the automobile sold generally in interstate commerce is today subject to the standards produced by the committees of the Society of Automotive Engineers. But there often exists no procedures for their universal adoption, monitoring of their use, or evaluating their effectiveness. While the General Services Administration has the authority to set the safety standards for the vehicles which the Government purchases, States have begun increasingly to set up their own safety checks of automobile parts and accessories. Universal adoption by all States of such safety procedures would prove most effective in preventing injuries and accidents.

The scope and content of the bill are wide and varied. More standards adopted by the States and Federal Government will help to assure the American car buyer that his new purchase is better checked and safer. Research on accident and injury prevention contributes to the quality of the industry's safety performance, and aids in bringing about greater assurance of continued safety and new methods of auto accident prevention. This legislation, which covers not only passenger cars, but buses, trucks, and motorcycles, assigns some responsibility for the administration of safety standards and research to the Secretary of Commerce, but leaves much room for State legislatures to set up their own programs of research as well as providing for possible future extension of these standards to used cars.

The centralized, mass production, high-volume character of the motor vehicle manufacturing industry in the United States requires that motor vehicle safety standards be not only strong and adequately enforced, but at the same time respecting and allowing State legislatures to further their own safety programs. In an era when transportation affects all Americans every day, the Federal, State, and local governments can cooperate in serving the American people by seeing to it that safety in construction of vehicles is increased. The Traffic Safety Act of 1966 endeavors to bring about a safer society for all Americans.

OEO LEGAL SERVICES PROGRAM

Mr. **KENNEDY** of Massachusetts. Mr. President, one of the most important programs of the war on poverty is that which provides legal services to the poor. The need for this program is so great and the past year's record of the Legal Services Department of the Office of Economic Opportunity is so impressive that I wish to invite the special attention of the Senate to it. The impact of this program is only beginning to be felt, yet the results are already most favorable.

It has long been recognized that the poor lack adequate access to legal services. Legal offices located in the heart of the center city often are unknown to and out of reach of the inhabitants of poverty areas; and, of course, even if access to the legal services is possible, the cost of such services is usually beyond the poor man's means.

The absence of legal services for the poor only serves to accentuate the cycle of poverty. As the recent hearings on urban problems before Senator RIBICOFF's subcommittee demonstrated and as the Attorney General has stated:

> The scales are now tipped against the poor. . . . too often, the poor man sees the law only as something which garnishes his salary; which repossesses his refrigerator; which evicts him from his house; which cancels his welfare; which binds him to usury; or which deprives him of his liberty because he cannot afford bail.

Poverty means constant debt, and the impoverished person is often the prey of the unscrupulous merchant and lender. Legal services attorneys are reporting cases in which merchants have charged two or three times the usual retail price for television sets and other appliances; in which used merchandise was sold as new; in which signatures were obtained to blank contracts and later written in exorbitant terms; and in which quality and price have been misrepresented.

There is a wealth of evidence of slum landlords charging high rents and failing to provide minimum facilities required by health and safety ordinances. It is equally clear that slum tenants are unaware of their rights in such situations, unaware of avenues of enforcement against such slumlords, and afraid of eviction in the event of retaliatory complaint. The same holds true in the area of public welfare, where recipients are often denied assistance on arbitrary or unexplained grounds, are subjected to midnight eligibility checks, or are unaware of their eligibility for assistance or the appropriate method of application. Indeed as the Senator from Connecticut [Mr. RIBICOFF] so vividly pointed out recently, all too often the ultimate recipient of the welfare payments we make to the poor is the slumlord himself.

For many years, legal aid societies, local bar associations, and attorneys acting individually have attempted to assist the poor with their legal problems. The legal profession, however, has recognized that its past efforts have been inadequate to meet the greatly increasing demands and have looked upon the legal services program of the Office of Economic Opportunity as affording an excellent opportunity to extend the services of lawyers to all persons unable to afford them.

On February 8, 1965, the house of delegates of the American Bar Association adopted a resolution directing its officers to cooperate with the Office of Economic Opportunity in expanding legal services to persons of low income. The National Bar Association and the National Legal Aid and Defender Association gave their strong backing to the OEO program. These organizations have cosponsored several regional conferences for lawyers on how to implement legal services programs, and have actively encouraged bar associations and legal aid societies to work closely with the OEO. The results speak for themselves. The OEO provided $27 million for legal aid programs in 1966 compared with a total annual expenditure of around $5 million by legal aid societies.

Orison S. Marden, president of the American Bar Association, says of this program:

> The Legal Services Program gives to our profession a golden opportunity to move forward more rapidly than we had ever thought possible in serving the legal needs of the poor.

These are the remarks of Theodore Voorhees, president of the National Legal Aid and Defender Association:

> For the first time in history, a truly resourceful, imaginative and novel approach has been developed to eradicate poverty and the indignity and inequality that are a part of it . . . the Program provides means for achieving goals long aimed at by the NLADA and the Bar—the extension of Organized Legal Aid on a scale that will make a reality of the ideal of Equal Justice under Law.

The first-year performance of this Office of Economic Opportunity program has been impressive indeed. In fiscal 1966, 163 legal services programs were funded totaling $27 million. Programs were funded in 43 of the 50 States, including all of the Nation's 12 largest cities and 37 of the 50 largest cities and nearly $8 million in grants were allocated to provide needed legal assistance to indigents in medium-size communities.

What are the lawyers who are working among our poor in this program doing to assist in alleviating deplorable conditions? The answer is that they are providing practical daily assistance which can help a poor man to lift himself up, thus giving him new confidence and new hope.

Most of us are well aware that a lawyer can ease our difficulties if we have a conflict with the Government, the police, the mortgage banker, or even our neighbors. The poor live in constant conflict. What might seem a simple matter to many of us may, indeed, complicate every working hour of the slum dweller, even to the extent of drastically affecting a person's ability to earn a living for his family.

Recent reports from an experimental rural northern Wisconsin program have indicated that an overwhelming percentage of persons seeking free legal advice are seeking a divorce. These figures must not be allowed to distort the national picture, however. Reports coming to the OEO from 160 other programs throughout the country show that less than 30 percent of all cases relate to domestic relations problems, including such matters as divorce, annulments, and paternity cases.

Neighborhood offices located deep in our city slums are reporting heavy caseloads of consumer lending, landlord-tenant, and welfare problems.

As a result of neighborhood legal services, landlords are becoming increasingly aware that they no longer can violate the housing codes, and that they face possible legal action if they do not properly maintain their property.

Bringing the work of lawyers to the slums is handling individual cases and more; it is also providing education so that the people will understand what their rights are. Most of the programs funded by the OEO provide this education. In many communities volunteer lawyers are working with the legal services program, giving lectures, preparing pamphlets, and conducting public school programs.

But it is also more than that. The citizens of our slums have come to know the law only as their enemy; and, therefore, have often given the law little respect. When they witness daily the way in which the law is used against them by the rest of the community, they lose faith in our system of justice. It has been said:

> Injustice makes us want to pull things down.

Our great system has endured because of the belief of the American people in equal justice under the law. It will not continue to endure for any of us if it is not available to all of us.

If self-reliance, hope, and ambition are to be restored to the poor, they must be assured that there is in fact "equal justice under law"; that the theory advanced by Oliver Goldsmith two centuries ago, that "laws grind the poor and rich men rule the law," no longer applies to 20th-century America.

I think this is what President Johnson had in mind in his Syracuse speech of August 19, when he called for an increase in the number of neighborhood legal centers "to help every tenant procure his right of safe and sanitary housing" and to insure that "the profit is taken out of poverty." It is only in this way that we can offer to the slum dweller new hope and confidence. If the slums are to be eradicated, people who live in them must have this hope and confidence.

It is in recognition of the importance of this new program both to the war on poverty and to the basic idea of equal justice under law that this program has received such overwhelming support from the legal community, including the American Bar Association, the National Legal Aid and Defender Association, the National Bar Association, and the American Trial Lawyers Association.

The program has had an impressive beginning. But if it is to realize its full potential it must continue to receive our support, and the services provided by the program must be made available in the many communities which presently do not have them, but which are anxious to secure them. In addition, the support of the Congress is needed in order that the program can develop new legal tools in the area of urban problems through the funding of projects in our law schools and research agencies relating to urban housing, community legal education techniques, and the extension of law school services to the poor.

In order to help other Senators to appraise for themselves the worth of this program I ask unanimous consent to have printed in the RECORD the following documents:

First. A joint statement of Orison S. Marden of the American Bar Association, Revius O. Ortique of the National Bar Association, and Theodore Voorhees of the National Legal Aid and Defender Association before the Senate Committee on Labor and Public Welfare in support of the legal services program.

Second. An address by Justice Abe Fortas in which he expressed the need for a major program of legal services to the poor.

Third. A pamphlet, entitled "Lawyers and the Poor," distributed recently by the American Bar Association to its 125,000 members.

Fourth. A report of the OEO legal services program to the American Bar Association's annual meeting in August 1966. This excellent report discusses the status of the program and lists those projects funded through July 1, 1966.

Fifth. Recent editorials from the Washington Evening Star and the Washington Post strongly supporting the OEO legal service program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LEGAL SERVICES PROGRAM OF THE OFFICE OF ECONOMIC OPPORTUNITY

(Joint statement of Orison S. Marden, president-elect, American Bar Association; Revius O. Ortique, Jr., president, National Bar Association; Theodore Voorhees, president, National Legal Aid and Defender Association; John W. Cummiskey, chairman, American Bar Association's Standing Committee on Legal Aid and Indigent Defendants; in support of. Before the Subcommittee on Employment, Manpower, and Poverty, Committee on Labor and Public Welfare, U.S. Senate, June 24, 1966)

Mr. Chairman and Members of the Committee, We deeply appreciate the opportunity to appear before you on behalf of the national organized legal profession to express support for the Legal Services Program of the Office of Economic Opportunity.

I. SUPPORT OF THE PROGRAM BY THE LEGAL PROFESSION

None of our organizations, the American Bar Assoication, the National Bar Association or the National Legal Aid and Defender Association, can take the credit for initiating the Legal Services Program of the War on Poverty which began in the Fall of 1964. After careful examination by our governing bodies, officers and staffs, however, our organizations concluded very early that the program should be supported and encouraged.

On February 8, 1965, the House of Delegates of the American Bar Association adopted a resolution directing the officers and committees to:

"Cooperate with the Office of Economic Opportunity and other appropriate groups in the development and implementation of programs for expanding availability of legal services to indigents and persons of low income." The full resolution is appended as Exhibit No. 1.

In response to the American Bar Associations' action, Mr. R. Sargent Shriver termed the resolution "historic" and offered the legal profession the OEO's cooperation in developing expanded and improved legal aid programs throughout the country.

We are pleased to report that there has been full cooperation between the OEO and the organized legal profession in the development of the Legal Services Program.

Leaders of the organized bar on the national level look upon the Legal Services Program as an excellent opportunity to greatly extend legal services to all who need them. This has been the goal of the Legal Aid Movement since its founding, nearly one hundred years ago. Nevertheless, prior to the inauguration of a federally supported program, our profession was not even beginning to do the job which it was required to do. The goal of providing legal services to all who need them had been unfulfilled as a result of the lack of financial resources and often lack of will in local communities.

We offer as Exhibit No. 2 a history of the Legal Aid Movement. We also offer for your information an extraordinarily perceptive article by Mr. Howard C. Westwood, a practicing lawyer in the District of Columbia and counsel to the National Legal Aid and Defender Association. Mr. Westwood emphasizes how important federal financing is in bringing legal aid to all of our underprivileged citizens. See Exhibit No. 3.

Lawyers have been serving clients without compensation since the profession's beginning. Nevertheless, it is unrealistic to assume that with the complexities and endless expansion of today's society, the profession can meet the need without public participation.

The use of government funds in assisting legal aid societies is not a new concept. In many communities, local and state government assistance is established practice. And, of course, the Federal Government entered the field of federal assistance for legal services when Congress overwhelmingly passed the Criminal Justice Act of 1964. This Act which had the full support of the organized legal profession, provided badly needed financial assistance for the defense of indigents accused of crime in the federal courts.

It is natural, therefore, that the legal profession is actively encouraging a federally supported legal services program such as that administered throughout the country by the Office of Economic Opportunity.

The American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association have worked actively during the past several months to assist in the development of OEO-funded legal services programs. We consider this action as best evidence of our respective organizations' support of the program.

Key officers of the three associations are members of the National Advisory Committee to the Legal Services Program. The Committee meets regularly to assist the able Director of the program, Mr. E. Clinton Bamberger, Jr., and his highly capable staff, in determining policy.

Our associations cooperated with the Department of Justice and the OEO in conducting the National Conference on Law and Poverty in June of last year. We believe that you would be especially interested in the conference's closing address by Mr. Lewis F. Powell, Jr., President of the American Bar Association, and offer a copy of Mr. Powell's remarks as Exhibit No. 4.

We are continuing the educational process through regional conferences co-sponsored periodically in various parts of the country by the American Bar Association, the National Legal Aid and Defender Association, state and local bar associations, legal aid societies, and the Office of Economic Opportunity. The emphasis at these conferences is on practical "how-to-do-it" procedures. More than one hundred persons attended the first conference held in Chicago on March 19, drawing an attendance from five Midwestern states, Illinois, Indiana, Michigan, Ohio, and Wisconsin.

The second regional conference was conducted on March 24 and 25 in Austin, Texas. Jointly sponsoring this meeting were the State Bar of Texas, the American Bar Association, the University of Texas School of Law, and the Office of Economic Opportunity. More than two hundred persons from five states, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, attended.

On May 7, a similar conference was held in Portland, Oregon under the sponsorship of the Oregon State Bar, the Multnomah County Bar Association, the American Bar Association, the Office of Economic Opportunity, and the National Legal Aid and Defender Association. A Southeastern conference is scheduled to be held next month in Atlanta, Georgia.

So that you will know of the wide range of subjects considered at these conferences, and the high calibre of the speakers, we are submitting the programs of each as Exhibit No. 5.

We have cited these specific examples of action by our organizations as evidence of the profession's strong desire to assure the success of the Legal Services Program of the Office of Economic Opportunity. High quality and effective legal services are absolutely vital to the success of the overall Economic Opportunity program.

The various publications of our respective organizations have given continued news coverage to the Legal Services Program. In these publications, state and local bar associations, legal aid societies and individual lawyers have been urged to participate in the development of federally financed programs and have been kept thoroughly up-to-date on the progress throughout the nation.

The American Bar Association and the National Legal Aid and Defender Association have provided technical assistance to those communities wishing it and the officers of all three of our organizations have been addressing lawyers throughout the country, urging that they utilize the assistance offered by the Office of Economic Opportunity.

II. THE ROLE OF LEGAL SERVICES IN ELIMINATING POVERTY

The question may be asked: How will legal services help people to lift themselves out of poverty? What possible practical result will come of legal services for those who cannot afford them?

Our answer is that it will be impossible to accomplish the goal of the War on Poverty—to completely eradicate poverty wherever it is found in this country—if the poor man does not have a lawyer to speak for him and guide him in solving his problems.

The question is asked whether legal services to the indigent are a proper method of alleviating poverty and whether the money might not be better spent in providing educational opportunities, medical care or just straight relief. If poverty were purely a question of the physical and material well being of the poor, the question would be a difficult one to answer. But the fact is that its base is also largely a matter of spirit. The eradication of poverty will necessitate the destruction of defeatism, the inculcation of self-dignity, and above all the development of a belief that the cards of life are not stacked against the poor.

If a man believes that he is oppressed, that he lacks opportunity, that the power of society is both against him and irresistible, and that there is no one who is interested in or capable of protecting him from the forces that are holding him down, he will stay forever in the slum in which fortune has deposited him. Such people seem to lack the motivation to pull themselves upward. What then can a legal service accomplish that can alter his situation?

The short answer is, of course, that providing him with a belief in the existence of justice will restore the self-reliance, the hope, the ambition that he may have lost in early childhood. Injustice, as Reginald Heber Smith has pointed out, makes men want to tear things down.

Consider the injustice that is faced by those who live in the slum and the ghetto. Rents are not infrequently exorbitant even when the landlord does little or nothing to comply with the rent laws and to make the tenement inhabitable. The poor may be blamed for the filth and the rats, but if the water does not run and there is no light or heat, the desire to escape the misery of his hovel is given little by way of encouragement from within himself. It is notorious that the food purchased by the poor is often shoddy and spoliated, and yet the consumer is gouged by high prices. The man who lands a job and tries to improve his lot may fall behind on his time purchase, a quick levy may be made on his goods and furniture, and he may be wiped out in a constable sale for a relatively small debt. It is true that constables, if unresisted, will pile charge upon charge.

The law—known in the ghetto as "the man"—seems to the poor man always to be on the other side. Savagery does exist in slum areas, and the action of the police in suppressing it may be characterized as heroic or brutal depending on which side of the tracks the observer may live. Under normal circumstances, encounters with the police involve adversary proceedings in which all the forces of society are lined up on one side, and no one—no lawyer, no magistrate, no defender of any kind—is to be found as a protector of the poor. This is true in matters of relatively small import—a drunkenness arrest involving a night in the lock-up, for example—and also on major occasions such as evictions, furniture levies, deprivation of relief, the institutionalizing for months or years of children charged with delinquency. The disasters that are visited upon the poor are compounded by their ignorance, lack of education, poverty and helplessness. Put a lawyer by their side and the whole outlook changes in almost every particular.

Lawyers serving the poor help them to develop self-confidence and a new respect for themselves when they realize that they need not be afraid to lawfully express themselves against governmental authority or welfare agents or unscrupulous landlords or lenders. Through appropriate legal help, an impoverished person may gain an entirely new lease on life, may develop respect for others, and may come to learn that the law is intended for his protection, not his degradation.

Gideon v. Wainwright and the consequent representation of all indigents in criminal proceedings, constitute a gigantic step demonstrating the need for, and value of, legal service for the poor. The OEO Legal Services Program is the counterpart in the civil field.

III. THE VALUE OF A LAWYER'S SERVICE TO THE POOR

Consider the legal problems of the poor. In Philadelphia, to take a single example, nearly thirty thousand civil suits are instituted annually for amounts under $100. Ninety-eight percent of them result in judgments against the defendants. These judgments are executed upon by constables who can sell the defendant's entire household possessions in satisfaction of the lien. In the case of the poor, everything that a family may have may be lost to satisfy a relatively trivial debt. In most instances, however, with the help of a lawyer, the indigent client would obtain additional time, and would be able to work out some reasonable way to discharge his indebtedness.

Installment agreements not infrequently contain confession of judgment provisions. Before a debtor knows what is happening to him, if he has no access to a lawyer, he may find that he is sold out.

The poor tenant is an easy victim for the unscrupulous landlord. The tenant does not know his rights and cannot afford a lawyer. To cite again a single example, lease-purchase agreements to purchase housing often result in exorbitant interest rates, and the buyer may be induced to pay the taxes even though he may have no equity in the premises. It is quite obvious in such cases that he badly needs the advice of a lawyer.

Administrative boards and commissions often play an important role in connection with the rights of the poor. A welfare office may furnish assistance or deny help, sometimes on a highly arbitrary basis. Rulings of the employes of a board of education determine, on a daily basis, whether the children of the poor shall continue to receive education or whether their schooling shall terminate. The Social Security Administration and the Veterans Administration have complex regulations which by no means always favor those in the greatest need of their benefits. Fair Rent Commissions and Bureaus of Employment Security can be of great help. The problem lies in the fact that so many of the poor are not in contact with Legal Aid, they go to these boards and commissions without representation, and are incapable of presenting their cases on their own behalf. With a lawyer's help, however, they may be assured of a fair hearing.

In the criminal field, even today, representation is by no means universal. Many poor people with criminal records are barred from employment in civil service and other areas, perhaps for no other reason than disorderly conduct arrest. It is found cheaper to pay a ten-dollar fine than to hire a lawyer to establish innocence. The poor pay fees for bail on arrests when they could be discharged at the police court if representation by counsel were available.

The children of the indigent facing charges of delinquency in the juvenile courts are outside the protection of the constitutional safeguards since the proceedings are considered civil rather than criminal. The cases are frequently disposed of after hearings that last only two or three minutes, and counsel are seldom available to speak up for the child or family. The child goes through a period of grave crisis without visible protection, and his sense of injustice will make rehabilitation and ultimate respect for law very difficult to attain.

The OEO Legal Services Program for Philadelphia provides a defender service for all children charged with delinquency. This epitomizes the overall Legal Services Program which is pioneering to find new areas in which to protect the rights of the poor.

IV. THE MECHANICS OF THE PROGRAM

As of June 17, 1966, there were 121 legal services programs funded by the OEO. For the Committee's information, a brief description of each program funded as of June 1 is appended as Exhibit No. 6.

The 1965 resolution of the ARA House of Delegates admonished the OEO Legal Services Program to utilize the expertise and existing facilities of the legal profession wherever feasible. The schedule of funded programs, attached as Exhibit No. 7, illustrates the great extent to which the OEO has adhered to this request. A substantial number of grants have been made to legal aid societies, and local bar associations have participated or cooperated in nearly every program.

There are two major aspects of the Legal Services Program which are quite novel and deserve emphasis.

The first is the *neighborhood concept*. Limitations of funds and sometimes lack of motivation have prevented the traditional legal aid society from decentralizing its one office has normally been found in center city, out of reach of, and quite unknown to, the inhabitants of the "pockets of poverty." The spirit of those people is such as to make it unlikely that they will emerge from their neighborhoods and find their way downtown.

The creation of branch offices of legal aid, conveniently located in the very midst of the areas where the need for free legal services is greatest, has had an enormous effect on the broadening of the ultization of such services. The facts about the Neighborhood Legal Services Project in Washington, as set forth in Mr. Westwood's article, Exhibit No. 3, show dramatically how successful this type of program can be. The situation in the District of Columbia is by no means unique. Most metropolitan areas in this country contain comparable districts of concentrated poverty with equal need for neighborhood services. The existence of poverty and the need for legal help are, of course, not confined to our cities; a great many rural areas are equally blighted.

The second novel element in this program is the mandate for the *maximum feasible participation of the poor*. It may still be too early to appraise the value of that participation, but legal aid societies and bar associations have accepted the inclusion of representatives of the poor on the government boards of the funded programs, and there is little doubt that those representatives should have an important part to play in helping to make known the availability of the service and the value of its potentialities.

After all is said, the single most important factor at this time is the allocation of enough money to assure the program's effective development and success.

The restriction suggested by the House Committee that no salary shall include more than $12,500 of federal funds is wholly unrealistic. We grant that the purpose of the Poverty Program is not subserved by the payment of padded salaries to lawyers. Nonetheless, in the large programs in the major cities a great many lawyers will be employed and there will be compelling need for experienced direction. That need cannot be fulfilled if a $12,500 ceiling is placed on salaries. If a man is hired to give direction to such programs as New York or Los Angeles where his staff may exceed one hundred lawyers, a limitation of that kind would condemn the programs to leadership of inexperienced and weak calibre. This, in our opinion, would prove to be very poor economy.

A summary data chart, offered as Exhibit No. 8, will illustrate, among other things, that salaries of many lawyers in this program range higher than $12,500. If competent professional persons are to be employed, it is vital that this restriction not be imposed.

The appended summary of programs funded, Exhibit No. 6, illustrates the excellent beginning which has been made. It is quite apparent that acceptance of the report of the House Committee would mean that with only $22 million appropriated for this service, the year 1967 will see little more than a renewal of the grants for the programs that have been funded in 1966. There is in existence at the present time the greatest awareness of the importance of the service of lawyers for the poor that has ever been witnessed in this country. Bar associations and Legal Aid communities in nearly every state are examining local needs and preparing applications for OEO funds. The program has an enormous impetus, and it will be lost if OEO is obliged to turn down all new applications. Acceptance of the House limitations would impel such rejections. It does not seem too much to say that hanging in the balance is the greatest broadening of "equal justice" that has ever been contemplated in this land. The impact of that development upon entrenched poverty should be a heavy one. It would, we submit, be a tragedy if the great vision that is now before our eyes would be clouded over by a shortage of funds, particularly when the amount that is needed is relatively small.

The National Advisory Committee to the Legal Services Program has requested that $50 million be allocated to this program next year. We urge that Congress accept this figure which we believe would enable the government to fund sufficient programs to make a real impact. We realize that the amount of funds to be appropriated poses many difficulties and merely urge that careful consideration be given to a broad grant for this project of OEO.

The usefulness of the Legal Services Programs in the War on Poverty has created a very large demand from communities for these programs. By June 30, 1966, a total of 150 programs will have been funded at a total cost of $25 million.

Because of the fact that many of these programs were funded for less than a year and others were initiated as pilot projects with expansion expected in the second year, it is estimated that $35 million will be needed in fiscal year 1967 merely to refund the grants made in fiscal year 1966.

In addition, on July 1, 1966, the beginning of fiscal year 1967, an additional 100 legal services applications will be pending in the Office of Economic Opportunity which could not be funded out of the $25 million allocated to legal services in fiscal year 1966. If the poor in these 100 communities are to have legal services available to them, $17 million to $20 million in additional funds must be provided for the OEO Legal Services Program in fiscal year 1967. This means a minimum of $52 million to $55 million will be required in fiscal year 1967 in order to meet the current demands of the Legal Services Program. Additional funds would be necessary if services are to be provided in communities who may plan to apply after July 1, 1966.

V. CONCLUSION

Protection of the legal rights of the poor deserves a very high priority. On the one hand, this country is dedicated to the idea that our government is devoted to the ideal of justice. We claim that we stand for "equal justice" and that before the law everybody—rich and poor alike—are treated exactly the same. But we know that there is much difference between the ideal and reality. Today the very poor, largely because of their inability to obtain a lawyer to speak up for them, are deprived of the justice which others obtain almost as a matter of course.

A second and very immediate reason for high priority is the urgency for the development of greater respect for law. No less serious for all concerned than the loss of rights of the poor is the complete deterioration of law observance that has been so spectacularly exemplified in Watts and the other ghetto riots. The danger that the frustration and bitterness engendered by the conditions of the slums may touch off more of these conflagrations makes the need for remedial action immediate and imperative. For the many reasons set forth above, the providing of adequate available legal services should prove a tremendous mitigating force. The amount of money spent in this country combatting crime is said to exceed $20 billion a year. The $50 million that are being urged for the Legal Services Program is small in comparison. That money would not in itself eradicate riot and crime. It would, however, provide a strong weapon to kill the germs in the greatest breeding ground of the criminal world, the slum.

We urge that the Committee give careful and sympathetic consideration to the great possibilities of this program.

Address by Justice Abe Fortas, Before Second Circuit Judicial Conference, Lake Placid, N.Y., July 2, 1966

It's a great pleasure for me to be with you tonight. It was generous of you to ask me; and kind of my brother Harlan to give me a visa to permit me to enter his territory.

As I considered the choice of subject for tonight I could not help regretting the passage of time. If my status were the same as a year ago—that is, before I was benched, I would undoubtedly have chosen to speak to you on recent decisions of the Supreme Court in the field of antitrust. I have no doubt that I would have expressed my strong and forceful approval of certain minority opinions that were written this term—but, after all, my wife sometimes reminds me that there is little doubt as to the identity of my favorite author.

As it is, I must be circumspect. And as I thought of addressing the members of the most affluent bar in the world and those who sit in judgment on them, it was natural that I decided to speak on the subject of poverty. After all, judges have a kinship with poverty. It's been suggested that they are the most overprivileged and underpaid members of our society.

It's characteristic of our nation that on great social issues we are inclined to defer action, to the point of crisis; but when we are, we do so with tremendous energy. Maybe that's good. Munoz Marin, the extraordinary former Governor of Puerto Rico, once said that democracy is the art of doing things at the last minute. There is a generally felt need for great actions; and the feeling seldom inspires action until the need is imperative.

So it has been with the problems of our Negroes and the poor. Some people are startled to be reminded that 100 years ago this nation solemnly resolved that no person shall be deprived of his voting rights on account of race or color or previous condition of servitude. That was the Fifteenth Amendment. And about a hundred years ago, the Fourteenth Amendment was adopted, and it said that no state shall deprive any person of equal protection of the laws.

But these were wartime measures. They were the product of victory, not of consensus. And like the fruits of most wars, they were not harvested. For about a hundred years, the great decisions incorporated in the Fourteenth Amendment provided limited sustenance to their intended beneficiaries; and the radical Fifteenth Amendment lay dormant, with only an occasional and feeble sprouting. There was, in effect, a quiet national decision substantially to nullify the edicts of the victors of the Civil War.

I think that this was largely because the intended beneficiaries—the Negroes—were nobody's constituency. They were unorganized and leaderless. And in a democracy, as Harold Laski has reminded us, it is not demand that produces action, but effective demand.

Now, organized and instigated by competitive leaders—galvanized by the examples of the new nations in Africa—the Negroes of this nation have pressed their rightful demands upon the sensitive conscience of America. The response they have received is tremendous—a characteristic outpouring of energy, good will and inventiveness, designed to reconstruct in a few years the shambles of a century of neglect and negation. And I think that it is to this initiative of the Negroes that we must trace the inclusion of all of the poor in this gigantic undertaking—that without the catalyst provided by the Negroes, the poor of this affluent nation would have remained outside of its circle of primary concern.

We are now launched upon a vast social revolution—a social revolution that, I think, is without parallel in the peaceful achievements of men and their governments. We are not near the goal. We are at the beginning, not the end. But in characteristic American fashion, it is an explosive beginning. It is a giant thrust forward and upward.

Thus far, it has taken the form of a new statement of national principles. It is a new Bill of Rights—new, not because the principles were not written. They were—100 years ago. It is not new because it creates new rights. It does not. The rights were solemnly assured 100 years ago. It is a new Bill of Rights in the sense that the nation has decided—and, I think, decided beyond possibility of reversal or negation—that the rights guaranteed by our constitution and insisted upon by our religious and moral principles shall be available to all—and that they shall be available in the full sense—that is, clothed with opportunity—for naked rights, without the opportunity to put them to work for achievement and self-realization, may be comforting to the *giver*, but they are useless to the recipient.

And so we have begun the vast formidable process of opening the doors of our society to 35,000,000 new people—the Negroes and the poor whites. There is no turning back, for we have recognized their rights—we have begun to grant their demands—and even in this land of miracles, there is no way to return the chicken to the egg—even if we should want to do so.—So far as I am concerned, I welcome this great development. It is *right*. Its benefits will be enormous. The nation will reap a rich harvest from the introduction and full participation of these 35,000,000 people. They will bring new vitality, new diversity, new wealth and new talents to us—as producers, consumers and contributors to our culture. As the President has said, we have opened a new frontier—a frontier not of land, but of people. And I think that the benefits to the nation may properly be compared to those which result from the opening of a vast new territory—comprising more than one-sixth of our population.

In this enormous process there has occurred a change in basic concept which is of profound significance. The poor we have had with us always, and our society has not been blind to their need or deaf to their call for help. But our traditional response has been in terms of charity—at first, private charity and, in more recent times, public assistance.—The basic concept has been charity—a benefaction bestowed as a matter of grace—granted at will, withheld or withdrawn at will. We have proceeded on the theory that neither private citizens nor the state has an obligation to provide assistance; and, correspondingly, no one has a right to demand it.—So it is that the Louisiana Legislature felt free to strike 23,000 needy children (largely Negro) from the assistance rolls, because they were born without benefit of clergy.—It is, I think, no exaggeration to say that the recipients of public assistance have lived at sufferance. They have been strangers to the law, except as an adversary—the arresting policeman, the criminal process, the juvenile courts, the unpaid landlord, the unsatisfied merchant.—As recipients of public welfare benefits, they have confronted society in its most formidable, and sometimes outrageous, aspects: The prying eye of the welfare worker acting under compulsion of laws and rules and regulations sometimes designed to see that those who receive welfare qualify for it by leading lives which, if not blameless, are at least celibate: witness, for example, the administration of the law which denies welfare payments to a woman and her children if the welfare worker finds a man in the house—a law which in the District of Columbia was enforced by infamous midnight raids.—Witness, too, the almost routine actions of some juvenile courts—despite the admonitions in many juvenile court statutes—in depriving mothers of their children.

A non-lawyer, Elizabeth Wickenden, an expert in social welfare theory and practice, has forcefully brought to public attention the absence of law in this area. The millions of people in this nation who are dependent on social welfare payments are, in truth, largely outside of our system of legal protections. They live in a hostile world, in which the law is not a protective system, but another instrument of aggression in a society which, to them, is fearful, dangerous and vindictive. As Michael Harrington has put it: "To be impoverished is to be an internal alien, to grow up in a culture that is radically different from the one that dominates the society."[1]

As we move up the scale from the impoverished who are almost totally dependent upon public welfare to the remainder of the 35,000,000 in the poverty class, we find that the situation is not much better. To them, too, the law has been an antagonist—fearsome and destructive. On the civil side, they have been helpless and friendless. The law has been the instrument which has evicted them for non-payment of rent; which has seized and sold their possessions at the behest of landlord, grocer, installment seller. It has been available to the enemy—not to them. Lawyers have been tools of the enemy—out of the reach of the poor. On the criminal side, the same has been true. Potent police, omnipotent juvenile court judges have had the power to seize and dispose of their children in a process which we lawyers call civil and not criminal—with more justification in history than in fact. Alien police—officials of the establishment—have had the means and the authority to take them into custody and commit them to a dark and mysterious process in which they have been without guidance or assistance—with some qualifications to which I shall refer. Without bail, without guidance, without friends—cut off from their families and means of livelihood—the joys of the rule of law have not been impressive to them.

Perhaps what I have said may seem overdrawn to you—or at least excessively dramatic. The colors of the jungle are overblown in the eyes of people who live in temperate lands. But the important point is that the condition which I have described is no longer merely a summons to comparison. It presents the problem which we must solve if we are to live in peace—if we are to be able to walk our streets in safety and security—if we are to reduce crime to manageable levels—if we are ourselves to be free from the danger of infection of lawlessness, ignorance and drug addiction. The condition that I have described must be resolved if we are to have the rule of law—if we are to be able to bring 35,000,000 people to the point of involvement and identification with our society, instead of hostility and antagonism—and if we are to convert these people into productive members of our community instead of persons who represent a perpetual burden and menace.

As I have indicated, I believe that an indispensable key to this process is to be found in the law—in the availability of law to the poor, not as an adversary, an enemy, but as a process of which they are beneficiaries—in the benefits of which they fully share. In net effect, this means that legal services must be available to them. It would be idle to underestimate the need or the resources required to meet even the basic need—for I think it is true that the 35,000,000 of whom we speak are those who are most frequently involved with the law. It is they who are most often involved in the criminal law; and it is they who most frequently are the subjects of the forcible collection procedures, eviction processes, juvenile and family court proceedings, and denials of welfare and other government payments. It is they who live on the fringes of our legal system—and it is here that the fingers of the law most often touch the daily lives of people.

I need not emphasize to you that our traditional system of voluntary legal aid and legal aid societies is totally inadequate for this purpose. We are entitled to be proud of their record—proud that lawyers have accepted court assignments without fee and sometimes at considerable cost; proud that lawyers have generously contributed time and money to legal aid societies to provide services to indigents; and proud that these societies have enlisted substantial support from the bar associations and the communities they serve. But our pride in the past does not diminish our realization that these voluntary services are totally inadequate—inadequate in theory and abysmally inadequate in scope and resources. Carlin and Howard, for example, in a study published last year, estimated that only about 10% of those persons needing legal aid are actually serviced.[2] I believe this is conservative, but I shall not elaborate the point. Perhaps more important is the observation that we have moved into a different concept of legal services for those who cannot afford to pay for them. No longer can we look upon them as a charity, largely private. We have begun to regard them as a state obligation—within a perimeter which is beginning to take definition, as a service which the government is obliged to furnish and to which the individual who, by hypothesis, could not otherwise obtain legal service, is entitled. This concept, startling in its boldness, does not, of course, emerge only with respect to legal services. It reflects, and is part of, a new concept of public welfare: That it embraces duties of the state, and not just benefactions; and that it vests rights in those eligible, not merely privileges. Professor Charles Reich, in a perceptive article, has called it "The New Property."[3]

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[1] Harrington, *The Other America* (1962) 16–17.

[2] Carlin and Howard, *Legal Representation and Class Justice*, 12 U. C. L. A. L. Rev. 381 (1965).

[3] Reich, *The New Property*, 73 Yale L. J. 733 (1964). See also Reich, *Individual Rights and Social Welfare: The Emerging Legal Issues*, 74 Yale L. J. 1245 (1965).

Faced with this need—with this explosive concept—the bar has responded magnificently. On February 8, 1965, the House of Delegates of the American Bar Association adopted a resolution directing its officers and committees to cooperate with the Federal Office of Economic Opportunity (The Poverty Program) and other appropriate groups in expanding legal services to indigents and persons of low income. The ABA has cosponsored a series of regional conferences on problems and methods of providing these legal services. Compared with total annual expenditures by legal aid societies in the area of $5,000,000, the OEO in fiscal 1966 provided $25,000,000 for the purpose—funding 121 legal services programs. The National Advisory Committee to the Legal Service Program has requested that $50,000,000 be allocated to the program next year.

In a remarkable statement submitted in support of this appropriation request, Orison S. Marden, President-elect of the American Bar Association has attested the Bar's strong endorsement of the program. He eloquently described the reaction of the poor towards the law. "The law," he said, "known in the ghetto as 'The Man'—seems to the poor man always to be on the other side . . . put a lawyer by their side," he said, "and the whole outlook changes in almost every particular."

Law schools have also accepted the challenge. Now courses have been instituted. Practice projects have been undertaken. The aid of foundations has been generated. In particular, the Ford Foundation is making a remarkable contribution both of financing and ideas. More and more, young lawyers emerging from law schools are seeking an opportunity to participate in the Legal Frontier of our time.

All of us know that the problems of implementing this huge program are enormous. The values to be considered are great and complex. The precedents and examples are of limited value. In England, since enactment of the Legal Aid and Advice Act of 1949, a comprehensive plan for providing legal services in civil as well as criminal matters has been in operation. Its basic principles are that need and eligibility are determined by committees of the Law Society, composed entirely of lawyers. The client is then entitled to select his own solicitor who then proceeds completely as if the client came to him in the course of his private practice. The lawyer is paid fees by the state on the same basis that fees are charged in private practice, and his expenses for investigations, experts, etc., are similarly totally reimbursed. While the system is admirable in many respects, it is doubtful that it can be applied in this country to our vast and somewhat unruly circumstances.

We are proceeding—wisely, I think—with a wide variety of devices in many communities—primarily designed by local lawyers and based on diverse ideas. I am glad to note that in many of the plans, law students and fledgling lawyers are liberally utilized. This is good for them, for the future of the Bar, and for the client. For this is a process which demands the enthusiasm and dedication of youth—and experience is no substitute for those qualities.

We are, then, at the threshold of a great development in the Law. We are on the verge of a historic transformation of the public evaluation of the lawyer, and of the lawyer's role in society. Perhaps some of us will witness the final burial of the notion that lawyers are an evil, tolerated because necessary, but not to be encouraged. In criminal law, from the *Scottsboro* case (*Powell* v. *Alabama*) to *Gideon*, we have recognized that the trial of a man for a major offense is a mockery of justice, unless he is represented by counsel. In *Escobedo* and *Miranda*, we have explored the midnight darkness of the events that occur after a man is deprived of his liberty, when generally friendless and usually hopeless he must bear the enormous weight of accusation and interrogation. We are now ready to begin the process of using the law and lawyers, not merely as instruments of defense against criminal accusation, but as positive tools in the everyday life of the one-sixth of our population who live on society's fringes.

It is an enormous challenge. But it is also an opportunity—an opportunity to demonstrate that the law, made available to those who need it, is a powerful tonic—that, as Orison Marden has said, providing a man "with a belief in the existence of justice will restore the self-reliance, the hope, the ambition that he may have lost in early childhood." It is an opportunity to show that the law and lawyers are not merely instruments of negation—of negative control—but that faith in them can provide a means for achieving dignity and trust in justice—without which no society can count itself as either safe or secure.

LAWYERS AND THE POOR

(A report on the legal services program of the Office of Economic Opportunity prepared for the information of individual practitioners and the organized bar by the American Bar Association)

"Nothing rankles more in the human heart than a brooding sense of injustice. Illness we can put up with; but injustice makes us want to pull things down."

REGINALD HERBER SMITH.

"The legal services program of the Office of Economic Opportunity offers the legal profession its most exciting challenge and greatest opportunity to realize its ancient and honored goal: equal justice for the poor."

EDWARD W. KUHN,
President, American Bar Association.

ABA RESOLUTION ON THE OEO LEGAL SERVICES PROGRAM ADOPTED BY THE HOUSE OF DELEGATES, FEBRUARY 8, 1965

Whereas, the organized bar has long acknowledged its responsibility to make legal services available to all who need them, and this Association has been a leader in discharging this responsibility; and

Whereas, the organized bar, under the leadership of the National Legal Aid and Defender Association and of this Association has extended legal services to indigents for more than three quarters of a century, and there are now some 247 legal aid offices and 136 volunteer legal aid committees rendering these services; and

Whereas, the organized bar, under the leadership of this Association, has also extended legal services to persons of modest or low incomes for many years through lawyer referral programs, and there are now some 203 lawyer referral agencies in operation; and

Whereas, individual lawyers traditionally have rendered service without charge to those who cannot pay; and

Whereas, despite the considerable effort of individual lawyers and the organized bar over many decades, it is recognized that the growing complexities of modern life, shifts of large portions of our population, and enlarged demands for legal services in many new fields of activity warrant increased concern for the unfilled need for legal services, particularly as to persons of low income, and that the organized bar has an urgent duty to extend and improve existing services and also to develop more effective means of assuring that legal services are in fact available at reasonable cost for all who need them; and

Whereas, the Economic Opportunity Act of 1964 provides for cooperative programs with state and local agencies through which various services, including legal services, may be rendered to persons of low incomes who need advice and assistance; and

Whereas, freedom and justice have flourished only where the practice of law is a profession and where legal services are performed by trained and independent lawyers;

Now, therefore, be it resolved, that the American Bar Association reaffirms its deep concern with the problem of providing legal services to all who need them and particularly to indigents and to persons of low income who, without guidance or assistance, have difficulty in obtaining access to competent legal services at reasonable cost; and authorizes the officers and appropriate Sections and Committees of the Association, including such additional special committee (if any) as the Board of Governors may establish, in cooperation with state and local bar associations and the National Legal Aid and Defender Association, to improve existing methods and to develop more effective methods for meeting the public need for adequate legal services; and

Further resolved, that the Association, through its officers and appropriate committees, shall cooperate with the Office of Economic Opportunity and other appropriate groups in the development and implementation of programs for expanding availability of legal services to indigents and persons of low income, such programs to utilize to the maximum extent deemed feasible the experience and facilities of the organized bar, such as legal aid, legal defender, and lawyer referral, and such legal services to be performed by lawyers in accordance with ethical standards of the legal profession; and

Further resolved, that the Association's Committees on Legal Aid and Indigent Defendants and on Lawyer Referral Service shall, in the absence of the creation of a special committee for the purpose have primary responsibility for (I) implementing these resolutions (II) coordinating with the appropriate Committees and section, and (III) reporting back to this House at the Annual Meeting in August, 1965.

THE FIRST YEAR OF FEDERAL AID TO LEGAL PROGRAMS FOR THE POOR

The Legal Services Program of the War on Poverty has completed its first full year of operation. At the end of the fiscal year on June 30 approximately $25 million in federal funds had been allocated for programs serving hundreds of thousands of underprivileged persons in both urban and rural communities.

The initial federal expenditure is nearly five times the $4.5 million expended in *all* of 1965 by *all* locally supported civil Legal Aid offices.

While the program did not get fully under way until after the appointment of E. Clinton Bamberger, Jr.[1] as legal services director in the fall of 1965, it already is clear that federal funding is having a profound impact on the quality and quantity of legal services available to the nation's poor.

This pamphlet will describe briefly the federal program and tell of the American Bar Association's contributions to its increasingly effective operation.

DEVELOPMENT OF LEGAL SERVICES BEFORE THE OEO

From colonial times American lawyers have contributed their time and resources to serving the poor in fulfillment of their professional and public service obligations. The need for such services, in order to preserve our way of life, was stated by Judge Learned Hand: "If we are to keep our democracy there must be one commandment: Thou shalt not ration justice."

With the growing volume and complexity of the legal problems of the poor, unorganized services rendered by individual lawyers in their offices increasingly gave way to lawyer specialists in Legal Aid Societies and other bar sponsored organizations, particularly in urban areas. Such efforts received the support of the American Bar Association and many state and local bar associations for more than 30 years prior to the adoption of the Economic Opportunity Act.

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[1] Mr. Bamberger resigned as director of the legal services program on June 29, 1966.

Although contributions by lawyers and Bar Associations continued to play an important role, the burden of financing such activities became so heavy that local governments and community funds gradually assumed the major share in financing both civil Legal Aid and organized Criminal Defender Services. Even such funding, however, proved inadequate to cope with the rapidly increasing needs of the poor. This, together with the federal government's increasing financial support of local social service programs for the poor, resulted in the present OEO Legal Services Program.

The ABA position in endorsing the federal program was stated by Past President Lewis F. Powell, Jr.:

"It is true that most lawyers would have preferred local rather than federal solutions. But the complexities and demands of modern society, with burdens beyond the will or capacity of states and localities to meet, have resulted in federal assistance in almost every area of social and economic life. There is no reason to think that legal services might be excluded from this fundamental trend of the mid-twentieth century. Lawyers must be realistic as well as compassionate."

ENDORSEMENT OF OEO PROGRAM BY THE AMERICAN BAR ASSOCIATION

The House of Delegates of the American Bar Association without dissent authorized cooperation in the Legal Services Program of the War on Poverty on February 8, 1965. The House is composed largely of representatives of all state and the major city bar associations. The House action was taken on the recommendation of the Board of Governors following extensive study of the OEO program by ABA officers and the Standing Committees on Legal Aid and Indigent Defendants and Lawyer Referral Service.

Edward W. Kuhn, president of the ABA, has termed the OEO Legal Service Program "the greatest challenge in the history of the legal profession."

President-elect Orison S. Marden said: "The Legal Services Program gives to our profession a golden opportunity to move forward more rapidly than we had ever thought possible in serving the legal needs of the poor."

Lewis F. Powell, Jr., past-president of the ABA has said: "We now enter a new phase in which significant financial assistance will come from the Federal Government. The cooperation and support of the Bar must surely continue. Indeed, we must welcome the increased resources that may make possible a great thrust forward in an area of manifest need."

ECONOMIC OPPORTUNITY ACT—ITS PURPOSES AND OBJECTIVES

Legal Services Programs normally are funded as a part of Community Action Programs under Title II–A of the Economic Opportunity Act of 1964. Title II of the Act authorizes the Director of OEO to "make grants to or contract with public or private non-profit agencies . . . to pay part or all of the costs of Community Action Programs focused upon the needs of low income individuals and families . . . "

The programs should "provide stimulation and incentive" to local communities "to mobilize their resources to combat poverty." Legal services are not specifically described in the Act. However, Senate Report No. 599, 89th Congress, First Session, makes it clear that legal services are included.

According to R. Sargent Shriver, Director of the OEO:

"The purpose of the Poverty Program is to root out . . . causes of resentment, hostility, despair and cynicism. The function of the Legal Services Program is to marshal for poor people the aids and advocacy which attorneys traditionally render for clients . . . be they rich or poor."

The five specific objectives of the program as set forth in the revised Guidelines are:

1—fund locally initiated and locally controlled programs of legal service for people in poverty.

2—accumulate knowledge on the most effective method for bringing the assistance of law and lawyers to the poor.

3—sponsor education and research in the areas of procedural and substantive law which affect the causes of poverty.

4—acquaint lawyers with their essential role in combating poverty.

5—finance programs to teach the poor and those who work with the poor to recognize problems that can best be resolved by the law and lawyers.

OEO HAS NO STANDARD PROGRAM; FUNDS WIDE RANGE OF NEW PROJECTS

"There is no such thing as a 'standard' legal services program," say the OEO Guidelines. "Innovation is encouraged and is limited only by the ingenuity of the developers of a proposal."

The Guidelines call for civil legal services in all fields but ban those that would only duplicate existing services for the indigent. More restricted services are authorized in criminal cases. The OEO will not fund projects in criminal defense that do no more than meet the requirements for counsel under the U.S. Constitution, or duplicate present programs for aiding indigent defendants. However, the Guidelines permit funding of projects that provide counsel where this service goes beyond constitutional requirements and is not presently provided the indigent—for example, in juvenile and misdemeanor cases, pre-arraignment and post-conviction proceedings.

TYPES OF PROGRAMS

In most instances the local CAP agency contracts with a Legal Aid Society, bar association, law school or combination of these to conduct the Legal Services Program.

Funded programs cover a wide range of activities including neighborhood law offices in larger cities, "circuit riding" lawyers in rural areas, a variety of preventive law programs that include educational projects to teach the poor of legal pitfalls, their legal rights and obligations, and research in areas of the law affecting the poor. An "English" style program, providing direct payments to private lawyers serving the poor, also has been funded in rural counties of Northern Wisconsin. However, E. Clinton Bamberger, Jr., first director of the OEO Legal Services Program, indicated that such programs were funded only on an experimental basis to test their effectiveness, particularly in sparsely populated areas.

Normally, a legal services program will be instituted in cooperation with a community action agency created for local administration of the full range of CAP programs. However, legal services programs can be initiated by direct application to the OEO if there is no local CAP agency or if it is not feasible to operate within an existing agency.

Educational programs for lawyers, social workers, investigators and other professional and non-professional workers in poverty programs are authorized by the Guidelines. Programs utilizing the skills of law students also may be funded.

The act requires that all CAP programs be conducted "with the maximum feasible participation" of the groups served and the legal services Guidelines conform to this requirement.

HOW THE ABA AND OEO HAVE ACTED TO PROTECT PROFESSIONAL STANDARDS

In voting support of the federal Legal Services project the House of Delegates stressed that it should: "Utilize to the maximum extent deemed feasible the experience and facilities of the organized bar, such as Legal Aid, Legal Defender and Lawyer Referral" and be "performed by lawyers in accordance with ethical standards of the legal profession."

Both of these conditions have been incorporated in the OEO's revised Guidelines and have repeatedly been emphasized by officials of the OEO and the ABA.

Thus, Director Bamberger has said: "A Legal Services Program must in every respect be conducted in complete and absolute accord with the letter and spirit of the canons of professional ethics."

Mr. Bamberger said the record to date shows that fears of ethical violations have been exaggerated, adding: "It is no longer necessary to speculate about what will or will not happen. Lawyers are in active practice in OEO-financed programs all over the country. There has not been to my knowledge a single complaint, anywhere, of any breach of the Canons of Ethics, by any one of them."

President-elect Marden has stated with respect to the program: "Actual operations will be controlled at the community level where lawyers will be in the driver's seat. Our independence and traditions are not in fact threatened."

In practice nearly every program funded has been sponsored or approved in some manner by a state or local bar association or established Legal Aid Agency.

REQUIRE INDEPENDENCE OF LAWYERS

The OEO Guidelines also require that OEO legal services agencies have complete "independence of professional legal judgments from policies of the local community action agency." This is best assured, the Guidelines add, "by the creation of a separate policy-making board."

ELIGIBILITY STANDARDS AND REFERRALS UNDER LOCAL CONTROL

Income limits for those eligible to receive free legal services are left to local determination under the Guidelines. The standard should not be so high that it includes clients who can pay the fee of an attorney without jeopardizing their ability to have decent food, clothing and shelter, the Guidelines state; but they caution that "no standard should be inflexible" and call for special review of "unusual hardship" cases.

BAN FEE GENERATING CASES

The Guidelines specifically prohibit free legal advice "in fee-generating cases such as contingent fee cases or other cases in which a fee provided by statute or administrative rule is sufficient to retain an attorney."

A BONUS FOR THE BAR—INCREASED PRIVATE PRACTICE

Many bar associations are crediting the OEO Program with increasing private law practice. For example, the Bar Association of Erie County, Buffalo, New York, reports that its Lawyer Reference Service has increased "by several hundred annually" since commencement of the program, and its President has stated: "We feel that this OEO program has played an important part in the increased activity of our Lawyer Reference Service."

Director Bamberger, in explaining that OEO programs will not take clients away from private lawyers, has said: "Private practice will grow enormously by bringing the poor into our world of the law and lawyers."

He said two false assumptions underlie the fear that OEO programs will take away clients. The first holds that there is a fixed amount of legal work in a given community. The second holds that this fixed amount of work is being handled by private attorneys.

In reality, Mr. Bamberger said, very few of the legal problems of the poor are ever brought to the attention of an attorney and there is a vast unserved need for legal aid and education.

HOW THE ABA HAS WORKED IN COOPERATION WITH THE OEO

Since the House of Delegates authorized cooperation in the Legal Services Program the Association has worked closely with the Office of Economic Opportunity. This liaison has given the Association a voice in many key decisions affecting the direction and content of the Program. Of the 23 members comprising the OEO's National Advisory Committee 22 are lawyers and five from among the lawyer group are leading officials and representatives of the ABA. This Committee participated in drafting the revised Guidelines which set the basic policy for all OEO funded programs. ABA leaders assisted in the search for a qualified Director for the Legal Services Program and endorsed the appointment of Mr. Bamberger. Mr. Bamberger, formerly a lawyer in private practice, took a leave of absence from his partnership in Baltimore. The Association and its leaders, together with its affiliate, the National Legal Aid and Defender Association, and state and local bar associations have joined together in sponsoring national, regional, and state meetings to explain the program to lawyers and assist in starting local programs. ABA representatives also have joined in presenting to Congress requests for additional funds to strengthen the Legal Services Program.

PARTICIPATION BY LOCAL BAR ASSOCIATIONS AND LAWYERS

Leaders of the bar repeatedly have stated that primary responsibility for initiating and carrying out the OEO Legal Services Program rests on the shoulders of local bar associations and lawyers. President-elect Marden has said: "The ultimate success of the program will depend largely on the character and strength of participation by the bar at the local level. Bar associations should be working closely with community leaders in the preparation of appropriate programs tailored to community needs."

ADDITIONAL INFORMATION

Additional materials on the OEO Legal Services Program may be obtained on request to the American Bar Association, Division of State and Local Bar Services, 1155 East 60th Street, Chicago, Illinois 60637. These include:

1. *The President's Address* by Lewis F. Powell, Jr., published in the September, 1965, ABA Journal, Vol. 51, No. 9.
2. Address of President-Elect Orison S. Marden at the Symposium on Poverty and Justice, Notre Dame Law School, April 16, 1966.
3. Address of E. Clinton Bamberger, Jr., Director of the OEO Legal Services Program, at the Southwest Regional Conference on Law and Poverty, Austin, Texas, March 24, 1966.
4. OEO Guidelines for Legal Services Programs.
5. OEO Pamphlet on How to Apply for a Legal Services Program.

The following items are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

1. *Proceedings of the National Conference of Law and Poverty*, co-sponsored by the U.S. Attorney General and the OEO, June 23–25, 1965, Washington, D.C. Seventy Cents.
2. *Proceedings of the Conference on Extension of Legal Services to the Poor*, sponsored by the Department of Health, Education, and Welfare, November 12–14, 1964, Washington, D.C. Sixty Cents.

National and regional offices of the OEO

National Office: Office of Economic Opportunity, Director of the Legal Services Program, 1200 Nineteenth Street, NW., Washington, D.C. 20506.

Regional Offices

Northeast region: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont: 40 East 41st Street, New York, New York 10017, Tel.: (212) 573–6413.

Midatlantic region: Delaware, District of Columbia, Kentucky, Maryland, North Carolina, Pennsylvania, Virginia, West Virginia: 1730 K Street, NW., Washington, D.C. 20506, Tel.: (202) 382–6383.

Great Lakes region: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin: 623 South Wabash Avenue, Chicago, Illinois 60605, Tel.: (312) 828–5786.

North-central region: Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming: Pershing Building, 215 West Pershing Road, Kansas City, Missouri 64104, Tel.: (816) 374–3861.

Southeast region: Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee: 101 Marietta Street, Atlanta, Georgia 30303, Tel.: (404) 526–4558.

Southwest region: Arkansas, Louisiana, New Mexico, Oklahoma, Texas: Lowich Building, 314 West 11th Street, Austin, Texas 78701, Tel.: (512) 476–6411, Ext. 6381.

Western region: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington: 100 McAllister Street, San Francisco, California 94102, Tel.: (415) 556–7716.

Special projects office: Indian Reservations, Migrant Projects, Puerto Rico, Virgin Islands, Guam, Trust Territories of the Pacific: Community Action Program, Office of Economic Opportunity, Washington, D.C. 20506, Tel.: (202) 382–5165.

FIRST ANNUAL REPORT OF THE LEGAL SERVICES PROGRAM OF THE OFFICE OF ECONOMIC OPPORTUNITY TO THE AMERICAN BAR ASSOCIATION AT ANNUAL CONVENTION, MONTREAL, AUGUST 1966

"The Legal Services Program of the Office of Economic Opportunity offers the legal profession its most exciting challenge and greatest opportunity to realize its ancient and honored goal: Equal justice for the poor.

EDWARD W. KUHN,
President, American Bar Association.

"Lawyers are especially equipped to assure that the legal rights of economically deprived slum dwellers of our large urban areas are not violated, and most importantly, that respect for law and order is strengthened. This can be helpful to the Poverty Program and other Federal programs as we grapple with the underlying causes of unemployment, housing deprivation and educational denials."

LYNDON B. JOHNSON,
President, United States of America.

"The Legal Services Program gives to our profession a golden opportunity to move forward more rapidly than we had ever thought possible in serving the legal needs of the poor."

ORISON S. MARDEN,
President-elect, American Bar Association.

"For the first time in history, a truly resourceful, imaginative and novel approach has been developed to eradicate poverty and the indignity and inequality that are a part of it . . . the Program provides means for achieving goals long aimed at by the NLADA and the Bar—the extension of Organized Legal Aid on a scale that will make a reality of the ideal of Equal Justice under Law."

THEODORE VOORHEES,
President, National Legal Aid and Defender Association.

"A search for truth and justice which depends upon an adversary system gropes half-blind when there is no advocate for one side of the proposition."

E. CLINTON BAMBERGER, Jr.,
Director, Legal Services Program, Office of Economic Opportunity.

NATIONAL ADVISORY COMMITTEE TO THE LEGAL SERVICES PROGRAM OFFICE OF ECONOMIC OPPORTUNITY

Ex-Officio: E. Clinton Bamberger, Jr., Director, Legal Services Program.

Earl Johnson, Jr., Deputy Director, Legal Services Program.

Donald M. Baker, General Counsel, Office of Economic Opportunity.

Gary Bellow, Deputy Executive Director, United Planning Organization.

Jean Camper Cahn, Private Attorney, Washington, D.C.

Edward Q. Carr, Director, New York, Legal Aid Society.

John W. Cummiskey, Chairman, American Bar Association's Standing Committee on Legal Aid.

Professor Harold Horowitz, U.C.L.A. Law School.

Hon. Nicholas deB. Katzenbach, Attorney General of the United States.

Edward W. Kuhn, President, American Bar Association.

Orison S. Marden, President-elect, American Bar Association.

F. William McCalpin, Chairman, American Bar Association's Special Committee on the Availability of Legal Services.

Professor Soia Mentschikoff, University of Chicago, School of Law.

W. Robert Ming, Jr., Private Attorney, Chicago, Illinois.

Pauli Murray, New York City, New York.

Hon. Philip M. Newman, Judge of Municipal Court, Los Angeles Judicial District.

Revius O. Ortique, Jr., President, National Bar Association.

Lewis F. Powell, Jr., Past President, American Bar Association.

Jerome J. Shestack, Private Attorney, Philadelphia, Pennsylvania.

Theodore Voorhees, President, National Legal Aid and Defender Association.

Elizabeth Wickenden, National Social Welfare Assembly, Inc.

Alanson Willcox, General Counsel, U.S. Department of Health, Education, and Welfare.

Martin R. Wolf, Coordinator, Alameda County Bar Association.

INTRODUCTION

A year ago this month, Sargent Shriver, Director of the Office of Economic Opportunity, addressed the Annual Convention of the American Bar Association in Miami. He said:

"There is a growing awareness across the country that the poor have, in fact, been deprived of their rights under the law. With this awareness, there is a new appreciation of the contributions the law and lawyers can make to get poor people out of poverty."

In September, 1965, E. Clinton Bamberger, Jr., was appointed as first Director of the Legal Services Program. During the 11 months following the inception of the program:

A total of over 27 million dollars in grants were made.

Over 160 programs were funded.

43 of the 50 states have programs.

All 12 of the nation's largest cities and 37 of the 50 largest cities received OEO Legal Services grants. Of the remaining 13, 9 cities have applications pending.

Over 500 new law offices serving the poor were funded.

Over 1,000 full-time attorneys and countless volunteer attorneys enlisted in the War on Poverty.

This is the report of the first year of the Legal Services Program of the Office of Economic Opportunity. But, in an important sense, it is more than that. It is a report on the legal profession's continuing effort to achieve its principal goal: equal justice for all.

THE ORGANIZED BAR AND LEGAL SERVICES TO THE POOR

Equal justice for the poor has long been the ideal of the legal profession. In 1920, the American Bar Association translated its concern for the indigent into a formal national commitment by establishing a Committee on Legal Aid Work. In that year, Reginald Heber Smith, author of *Justice and the Poor,* addressed the annual meeting of the American Bar Association. He stated:

"Let us assume . . . leadership by declaring here and now that henceforth within the field of law, the mighty power of the organized American Bar stands pledged to champion the rights of the poor, the weak, and the defenseless."

Since that time, the ABA and its Standing Committee on Legal Aid Work and Indigent Defendants, first chaired by Charles Evans Hughes, have been in the forefront of efforts to establish programs offering legal assistance to the poor.

In 1940, the House of Delegates passed resolutions in support of legal services: It was resolved that:

a) state and local bar associations should cooperate with legal aid societies and see that they are formed;

b) the association encourage state and local bars to support *in forma pauperis* legislation;

c) the committee conduct special surveys and propose remedial legislation to protect the poor against special abuses such as loan sharks, installment sellers, and assignees of future wages;

d) law schools be encouraged to teach the principles and methods of legal aid;

e) the support of the Junior Bar should be enlisted;

f) the members of the House of Delegates should exert personal influence in their own localities to see that legal aid offices are established and supported.

In 1945, the American Bar Association created the office of Executive Director of the Legal Aid Committee to aid local communities in establishing and strengthening legal aid units.

In 1950, the American Bar Association declared that strengthening legal aid and lawyer referral services were among the long-range goals of the association.

In 1951 the first comprehensive study and evaluation of legal aid was completed by the late Emery A. Brownell under the American Bar Association-sponsored Survey of the Legal Profession.

As the result of the continuous studies of legal aid, the House of Delegates in 1960 passed a series of resolutions establishing minimum organizational requirements for legal aid societies.

In spite of the efforts of the American Bar Association and its sister organization, the National Legal Aid and Defender Association, legal aid units across the country continued to be severely underfinanced and understaffed. In 1965, legal aid societies spent only 4.3 million dollars for civil legal assistance, with an additional 5 million dollars for defender services. Of the 32 million poor persons in this country, only 600,000 received assistance in both criminal and civil cases.

In February, 1965, the House of Delegates formally recognized that the needs of the poor could not be fully met with the limited resources of privately financed legal assistance. Their pledge, "to cooperate with the Office of Economic Opportunity and other appropriate groups in the development of services to indigents and persons of low income," continues the American Bar Association's long standing support of legal assistance to the poor.

THE ECONOMIC OPPORTUNITY ACT AND THE LEGAL SERVICES PROGRAM

Congress declared in enacting the Economic Opportunity Act of 1964, "The United States can achieve its full economic and social potential as a nation only if every individual has the opportunity to contribute to the full extent of his capabilities and to participate in the workings of our society." Lawyers are of singular importance in aiding this effort. Neither equal opportunity nor equal justice can be achieved for this nation's poor—some 32 million persons living in families with annual incomes of under $3000—unless they are represented by counselors and advocates.

Title II–A of the Economic Opportunity Act authorizes the formation of locally sponsored community action agencies to mobilize all resources within the locality to combat poverty. The expansion of the kinds of programs authorized under Title II–A was sanctioned by the Senate Committee on Labor and Public Welfare in a report which stated, "The listing of activities in Section 205(a), of course, is not intended to exclude other types of activities related to the purpose of the community action programs, such as legal services to the poor . . ." (Sen. Rept. No. 599, 89th Congress, 1st Sess. 9, 1965).

The Legal Services Program was developed as part of this comprehensive attack on the cycle of poverty. National leaders of the organized bar and government officials began formulating plans for such a program in the early months of 1965. There followed, in June, a National Conference on Law and Poverty which demonstrated the urgent need for expanded legal services for the poor. National publicity was given to the emerging program at the Annual Meeting of the American Bar Association in Miami held in August. By September, the Legal Services Program within the Office of Economic Opportunity was formally established with the appointment of E. Clinton Bamberger, Jr., as its first Director.

The dialogue between government officials and the organized bar continues as it did during the formative days of the program. The support of the ABA and of the local and state bar associations will go far to ensure the success of these programs.

THE GUIDELINES

There is no standard legal services program prescribed by OEO. There are Guidelines to assist applicants in the formulation of proposals. These Guidelines, established in the fall of 1965, are not the product of OEO officials alone. Sharing in their formulation was the National Advisory Committee to the Legal Services Program. This Committee is composed of outstanding members of the Bar, including the immediate past President, President, and President-elect of the American Bar Association, the Chairman of the ABA Standing Committee on Legal Aid and Indigent Defendants, and the President of the National Legal Aid and Defender Association.

In many areas, existing legal aid societies or components of local bar associations have taken the lead in formulating programs. Generally, these programs are operated by the legal services organization as a "delegate agency" of a community action agency.

Applications must be submitted by interested groups in local communities. To aid these groups, OEO has prepared "Guidelines for Legal Services Programs" and a pamphlet entitled "How to Apply for a Legal Services Program." In addition, OEO will provide, upon request, consultants to local groups in the preparation and processing of applications for legal services programs.

Once an application is filed with OEO, it is reviewed by the Legal Services Officer of the appropriate OEO Regional Office and receives a concurrent review by the legal services staff at the national headquarters in Washington, D.C. While there is no model program or rigid formula to be followed for the establishment of a legal services program, there are certain guidelines within which all OEO-funded programs must operate.

First, all legal services programs must be under the direction of a governing board separate from the board of the community action agency, thus insuring independence of action on the part of the legal services program. Representatives of the groups and areas to be served must be included on this board to meet the statutory mandate of "Maximum feasible participation of residents of the areas and members of the groups served." Such participation is also obtained by employing neighborhood residents in nonprofessional capacities. Programs funded during the first year of the Legal Services Program are supervised by governing bodies which nationally average over 50 percent lawyers and 30 percent representation of the groups and areas to be served.

Second, no program will be funded which provides services for those who can afford an attorney. The exact standard of eligibility must be determined on the local level and should be flexible to accommodate individual problems caused by illness, long periods of unemployment, or other misfortune. Accommodation to different localities and economic conditions has produced a wide variation of eligibility standards. The average income standard for a single person in funded programs is $2,200 per year, but the range varies from a low of $1,200 in certain rural areas to $3,380 in a few large cities. For a family of four, the average standard is $3,360 with a range from $2,000 to $5,200.

The existence of more effective and comprehensive legal services programs for the indigent has resulted in a dramatic increase in the number of applicants coming to lawyer referral services. Many persons who can afford to retain a private attorney do not know how to secure legal assistance and often apply at a neighborhood law office. For example, in California's Alameda County where a pioneer OEO program has been operating for over a year and a half, the number of referrals to the County Bar Association Referral Service quadrupled. And in New Haven the birthplace of the neighborhood law office, the County Bar Association reported that referrals have increased threefold since 1963.

Third, there should be no arbitrary limit to the scope or the type of civil legal services provided to clients. All areas of the civil law should be included and a full spectrum of legal work should be provided: advice, representation, litigation, and appeal. Service may be afforded to eligible clients in areas of the criminal law where representation is not constitutionally required, such as misdemeanors, juvenile court, competency proceedings, if such representation is not provided locally.

Fourth, the Economic Opportunity Act limits the share of Federal expenditure in most cases to 90 percent of the cost of the program. The local community must provide the balance; however, the contribution can be either in cash or in the fair value of donated equipment, furniture, supplies, space, etc. In addition, the services of volunteer attorneys may also be counted in the non-Federal share. Most funded Legal Services Programs depend upon the contribution of volunteer services of private attorneys for a substantial portion of their non-Federal share.

Fifth, and most important, no Legal Services Program will be funded by OEO which will in any way violate the Canons of Professional Ethics.

EXAMPLES OF PROGRAMS FUNDED

E. Clinton Bamberger, Jr., in his first major address to the annual meeting of the National Legal Aid and Defender Association in November 1965, asked local communities to "accept bold ideas, new theories, courageous innovations and disputed principles with an open and inquisitive mind and a renewed commitment to make the law an instrument of advantage for disadvantaged people." The response to this challenge has been an unprecedented year of innovation and sound experimentation in the legal services field. Diversity and quality have been the watchwords of most programs funded during the past year.

The nation's capital provides a prime example of a large urban program. Over 25 attorneys, operating out of eight neighborhood offices, handled 7,747 matters during the project's first year of full scale operation. A law reform unit has been established to provide special attention to cases which might have an important impact on poverty. Community education is also featured—an illustrated brochure concerning common legal problems of the poor has been distributed in low-income neighborhoods, and skits illustrating legal pitfalls have been presented.

A large, new program in Philadelphia contains several innovative features. The neighborhood law offices will be supported by a Consumer's Advocate, staffed by one full-time attorney. This lawyer will undertake activities which are remedial in nature such as prosecuting test cases, drafting legislation, or conducting community education campaigns. The program also contains provisions for representation of indigent minors in the Juvenile Court.

Indianapolis presents an example of a program utilizing all metropolitan resources. The program was developed with the aid of the Indiana University School of Law and the University's School of Social Work. The former will begin an Urban Legal Problems Institute to provide needed research on legal problems of the poor. The latter will place a social worker in the legal services offices to augment traditional referral services.

In St. Louis, the bar association has undertaken an extensive program of legal education in target area communities. Volunteer lawyers have prepared detailed outlines in five substantive areas of law relevant to the poor. These have been utilized by a large panel of lecturers in the preparation of their talks.

Houston, Texas, presents an example of a large combined criminal and civil program to meet the complete legal needs of the poor. The Houston Legal Foundation, a prestigious legal group in that city, obtained a Ford Foundation grant to finance the criminal portion of that program and operates the civil phase under an OEO grant.

Legal services grants have not been restricted to large cities by any means. The neighborhood law office approach also will be used in medium-sized cities such as East St. Louis, Illinois; Lynn, Massachusetts; and Chester, Pennsylvania. These techniques also will be employed in relatively small cities such as Carbondale, Illinois, and Fort Pierce, Florida.

Different means must be utilized to reach the rural poor. Under a large grant to provide legal assistance to California migrants, 10 law offices will be located in rural areas throughout the State where adequate legal aid is not now available. A central office in Los Angeles will house the research staff for this component.

In other rural areas, new methods are being tested. Under an OEO grant, the State bar of Wisconsin has initiated a Judicare program. Indigents in 27 northern counties will have their legal matters handled by a private attorney who then will be reimbursed at a reduced rate from the Judicare fund. (This experimental program will not be repeated during the coming fiscal year.) A different approach will be utilized in the nearby Upper Peninsula of Michigan where attorneys will staff offices in six towns and will revive the practice of "circuit riding" to serve other areas. This technique will also be used in Montana where one lawyer will provide legal services to seven rural counties on a rotating basis.

Another innovation to meet the legal needs of the rural poor is the mobile law office, adapting techniques used for many years by the public health services. Under a grant to the Delaware County (Oklahoma) Legal Services Board, a mobile law office will make regularly scheduled visits to the small rural communities in the county.

Similar techniques will be used to reach the forgotten poor—the American Indians. Members of four Indian tribes will receive legal services under OEO funded programs. The most ambitious of these projects is an $872,851 grant to the Navajo Legal Aid and Defender Society of Window Rock, Arizona. This program, located on the largest reservation in America, consists of five offices, strategically established in the 25,000 square mile area, to serve as home bases for the circuit-riding attorneys. This single program will reach over 30 percent of the Indian population presently living on reservations in the entire United States.

Law schools will play an important role in mobilizing the legal war on poverty. The University of Detroit Law School has restructured its curriculum to add new courses in such areas as employee rights and public assistance laws. Its law review will be converted this fall into The Journal of Urban Law to encourage scholarly research in the problems of the poor. A graduate program in urban law will be established to give more intensive training to those lawyers who want to teach and practice in the field.

Law and poverty will receive intensive study under a grant made to the School of Law of the University of Mississippi. In addition, the students will work with staff lawyers of two neighborhood clinics to be established by the law school in Oxford, Mississippi, and will also work with practicing attorneys in the community handling cases for the indigent. Such clinical work will be tied directly to courses at the school.

The law schools at Notre Dame and Southern Methodist University will oversee the operation of neighborhood law offices in their communities. Harvard Law School will establish a model law office in Cambridge, Massachusetts.

Other programs wil be oriented to law research. The Columbia University School of Social Work will make extensive studies of the law relevant to social welfare. The staffs of the program will offer aid in the preparation of briefs and pleadings for test cases in this area. Under another grant to Columbia University, its Bureau of Applied Social Research will measure the impact of consumer credit systems and garnishment practices on the poor.

State bar associations will also participate in the War on Poverty under OEO grants. The Ohio State Bar Association will render technical assistance to local communities in establishing their own legal services program. It will conduct a training program for lawyers staffing legal services programs in that state. Bar-related institutes in New Jersey and California will conduct similar training programs. As mentioned before, State bar associations in Montana and Wisconsin received grants to operate legal services programs.

The American Bar Foundation has been awarded a research grant to survey existing facilities for providing legal services to the poor and to study the impact of the different forms of providing legal assistance. This research and the intensive evaluation of three funded programs to be undertaken by the Center for Law and Society at the University of California should yield information which will be useful to all legal services projects.

These are just a few examples of the legal services programs that have been funded. They do not exhaust the possible range of programs that can be tailored to meet individual community needs.

LAW STUDENTS, RECENT GRADUATES, AND PRACTICING ATTORNEYS

Law student training program

Most law schools have appointed a faculty member to advise students of opportunities for part-time term-time employment and full-time summer employment in neighborhood legal services offices. Almost every funded program has a budget allowance for such expenditure, and where there are no law students available during the year, summer employment is proposed.

These activities give law students excellent practical experience under the tutelage of practicing attorneys. They also gain invaluable insights into the problems of their communities.

Recruitment efforts

This past spring, OEO sponsored a clearing-house for employment opportunities in funded legal services programs. Representatives were assigned to each of the 132 accredited law schools to inform students about the possibility of employment in local legal services programs. The response to this effort was extremely encouraging. Over 1,200 graduating seniors and law students applied for positions in OEO-funded programs. This recruitment campaign will be repeated in the autumn of 1966.

Efforts are under way to acquaint the large and middle size law firms with the goals of the programs and to have young attorneys in these firms take leaves of absence to work for one year in the Program.

Professional placement

The 160 programs presently funded offer potential employment to over 1,000 attorneys. The Legal Services Program is working in close cooperation with the Lawyer Placement Information Service of the American Bar Association to aid local project directors in securing experienced, qualified attorneys for their new neighborhood offices.

THE COMING YEAR

During the past year, important strides have been made by the legal profession and the OEO Legal Services Program. But much remains to be done.

At present there are 130 proposals pending from localities which presently have no legal services programs. More than 100 other communities have contacted us and are now in the process of formulating applications. If the poor in these areas are to have legal services, over 20 million dollars in new Federal grants must be processed and approved during the next year. This will be in addition to refunding the 160 existing projects.

Plans also have been made to render assistance to the new grantees, particularly those communities which have not had organized legal services in the past:

A roster of consultants, men and women experienced in operating legal aid societies or other legal services organizations, will be available to render assistance to newly funded projects.

A monthly newsletter will be distributed to all legal services agencies containing pertinent information on new grants, interesting cases, and applicable journal articles.

Negotiations are underway with publishers to develop a looseleaf service helpful to lawyers serving the poor.

A three-day meeting of all legal services project directors will be held to discuss administrative problems, field experiences, and research efforts.

Research data collected from legal services programs will be coordinated with material collected by the American Bar Foundation in order to provide a more comprehensive analysis of legal services projects in their continuing efforts to meet the legal needs of the poor.

Today, as Attorney General Katzenbach has noted, "the poor man is cut off from this society—and from the protection of its laws. We make him, thus, a functional outlaw." Not only is this situation untenable within a free democratic society, but its disastrous effects have been witnessed in Harlem, Rochester, Watts, Omaha and Chicago.

In order for there to be a different tomorrow, the organized bar, the legal profession, and the Federal Government have pledged themselves to correct the practices which discriminate against the poor and to institute programs which will enable the poor man to learn of his rights and obligations under the law.

On June 30, 1966, Judge Alexander of the Pennsylvania Court of Common Pleas granted a charter to the neighborhood legal services project in the city of Philadelphia. His opinion sounds the theme of the Legal Services Program as it enters its second year.

"The sum of the matter is that the role of the legal profession is critical in the struggle against poverty to which the national effort is firmly committed. The public interest surely demands that role go forward with all possible speed and without delay."

"Let it begin—Now."

APPENDIXES

Funded Legal Services Programs July 1, 1966

Alaska

Juneau (Anchorage), Alaska Legal Services Corp., $362,422.

Arizona

Phoenix, Maricopa County Legal Aid Society, $73,408.

Tucson, Pima County Bar Association Legal Aid Society, $165,066.

Window Rock, The Legal Aid and Defender Society of the Navajo, $872,851.

Arkansas

Little Rock, Legal Aid Bureau of Pulaski County, $32,582.

California

Berkeley, University of California Center for Study of Law & Society, $48,028; Regents of University of California, Univ. of Calif. Ext., $179,231.

Compton, Southeast Neighborhood Legal Services Society, $258,451.

Fremont, Legal Assistance Center of Washington Township, $111,148.

Fresno, Fresno County Legal Services, Inc., $92,404.

Long Beach, The Legal Aid Foundation of Long Beach, $156,005.

Los Angeles, LA Neighborhood Legal Services Society, Inc., $333,129; San Gabriel Valley Neighborhood Law Offices, $103,264.

Los Angeles Co., Legal Aid Foundation of Los Angeles County, $316,102.

Oakland, Legal Aid Society of Alameda County—Livermore Area, $12,758; Legal Aid Society of Alameda County—Eden Area, $78,031; Legal Aid Society of Alameda County, $134,486.

Oxnard, Legal Aid Association of Ventura County, $64,798.

Pacoima, San Fernando Valley Neighborhood Legal Services, Inc., $111,898.

Redwood City, Legal Aid Society of San Mateo County, $110,303.

Sacramento, Sacramento County Legal Aid Society, $124,897.

San Diego, Legal Aid Society of San Diego, Inc., $77,458.

San Francisco, Neighborhood Legal Assistance Program, $330,331.

Statewide, California Rural Legal Assistance, Inc., $1,276,138.

Visalia, Legal Services Association, $75,153.

Colorado

Colorado Springs, Colorado Springs Legal Services Program, $73,795.

Denver, University of Denver Law Center, $75,135.

Pueblo, Pueblo's War on Poverty, Inc., $84,312.

Connecticut

Bridgeport, Bridgeport Legal Services Committee, Inc., $112,274.

Hartford, Neighborhood Legal Services, Inc., $53,400.

New Britain, Legal Aid Board of New Britain, $49,653.

New Haven, Dixwell Legal Rights Association, $40,248; New Haven Legal Assistance Association, Inc., $150,421; New Haven Legal Assistance (Research), $14,207.

Norwich, Legacy, Inc., $52,555.

Waterbury, Legal Consumer Action Program, $42,583; Waterbury Legal Aid and Referral Service Inc., $41,370.

Delaware

Wilmington, Legal Aid Society of Delaware, Inc., $79,909.

District of Columbia

Washington, Neighborhood Legal Services Project, $626,234; Howard University, $33,822; Georgetown University Law Center, $64,912; Washington, D.C., Legal Aid Agency Summer Student Program, $10,182.

Florida

Daytona Beach, Volusia County Legal Service, Inc., $146,364.

Fort Pierce, Legal Services, Inc., $75,820.

Miami, Economic Opportunity Legal Services Program, Inc., $199,146.

St. Petersburg, Migrant Legal Services, Inc., $806,099.

Georgia

Atlanta, Atlanta Legal Aid Society, Inc., $163,495; Legal Services Program of EOA, Inc., $59,207.

Hawaii

Honolulu, Legal Aid Society of Hawaii, $163,445.

Illinois

Carbondale, Jackson County Legal Services Committee, $53,361.

Chicago, National Legal Aid and Defender Association, $32,381; American Bar Foundation Legal Services for the Poor, $139,943; Community Renewal Foundation, $69,601; Legal Aid Bureau, United Charities, $166,261.

Danville, Legal Services, $66,264.

East St. Louis, Economic Opportunity Commission of St. Clair County, $131,406.

Edwardsville, Legal Services Society of Madison County, $85,114.

Eldorado, Legal Services Program, $59,589.

Karnak, Shawnee Development Legal Aid Program, $65,805.

Mt. Vernon, Counties Community Action Agency, Inc., $45,845.

Peoria, Greater Peoria Legal Aid Society, $53,716.

Urbana, Economic Opportunity Council of Champaign County, $28,660.

Waukegan, Legal Services Program, $71,661.

Indiana

Fort Wayne, Fort Wayne Legal Aid Society, $57,058.

Gary, Legal Aid for Gary, Inc., $59,571.

Indianapolis, Legal Services Organization, $259,660.

Notre Dame, Center for Study of Man—Notre Dame University, $101,755.

Iowa

Des Moines, Iowa State Bar Association, $48,850.

Waterloo, Black Hawk County Legal Aid Society, $71,613.

Kansas

Kansas City, Wyandotte County Legal Aid Society, Inc., $70,912.

Kentucky

Louisville, Legal Aid Society of Louisville, $288,764.

Louisiana

Kinder, Allen Parish Legal Services Program, $41,476.

Maine

Augusta, Pine Tree Legal Assistance, Inc., $188,555.

Maryland

Baltimore, Legal Aid Bureau, $233,927.

Massachusetts

Boston, Boston Univ., School of Law, $96,608.

Boston, Voluntary Defenders Committee (statewide), $579,544.

Cambridge, Harvard Law School (grantee), $79,183.

Fitchburg, North Worcester County Legal Aid Society, $33,972.

Lynn, Neighborhood Legal Services, Inc., $57,196.

New Bedford, Onboard Legal Services Program, $46,409.

Worcester, Legal Services Policy Committee, $60,169.

Michigan

Ann Arbor, Washtenaw County Legal Aid Society, Inc., $97,620.

Battle Creek, Legal Services for Indigents of Calhoun, $78,625.

Bay City, Bay-Midland Area Commission on Economic Opportunity, $98,287.

Detroit, University of Detroit School of Law, $242,579; Neighborhood Legal Service Centers, $360,125; Wayne County Legal Services, Inc., $332,053.

Escanaba, Upper Peninsula for Area Progress; $195,407.

Grand Rapids, Legal Aid Society of Grand Rapids & Kent County, $133,901.

Macomb County, County Action Agency, $211,922.

Muskegon, Muskegon-Oceana Legal Aid Bureau, Inc., $62,831.

Saginaw, Legal Services, $77,828.

Minnesota

Minneapolis, Legal Aid Society of Minneapolis, $72,274.

St. Paul, Legal Assistance for Ramsey County, Inc., $154,667.

Mississippi

Clarksdale, Coahoma County Legal Services Committee, $82,772.

Oxford, University of Mississippi School of Law, $282,258.

Missouri

Columbia, Legal Aid Society of Central Missouri, $168,786.

Kansas City, Legal Aid and Defender Society of Greater K.C., $178,949.

St. Louis, Legal Aid Society of St. Louis, $267,185.

Montana

Billings, Montana Legal Services Assn., $215,198.

Nebraska

Omaha, Legal Aid Society of Omaha, $69,106.

New Hampshire

Littleton, Tri County Legal Services Program, $162,775.

New Jersey

Jersey City, CAN-DO Legal Service Program, $67,268.

Newark, Legal Services Center, $278,237; The Newark Legal Services Project, $279,269; Institute for Continuing Legal Education, $50,168.

New Brunswick, Middlesex Legal Services Corp., $98,814.

Paterson, Passaic County Legal Aid Society, $217,448.

Trenton, Mercer County Legal Aid Society, Inc., $67,041; New Jersey Office of Economic Oppor., $40,143.

New Mexico

Albuquerque, County Legal Aid Society of Albuquerque, Inc., $110,315.

Bernalillo, Sandoval County Economic Opportunity Corp., $38,867.

Zuni, Zuni Legal Aid and Defender Association, $88,239.

New York

Albany, Legal Aid Society of Albany, Inc., $99,692.

Bay Shore, Legal Aid Society of Suffolk, $159,440.

Buffalo, Legal Aid Bureau of Buffalo, Inc., $175,667.

Mineola, Nassau Legal Services Committee, Inc., $243,831.

New York City, Vera Foundation, $116,970; Columbia University, Sch. of Soc. Work, $112,360; Bureau of Applied Social Research, Columbia University, $98,450; New York Economic Opportunity Comm. 1. Community Action Legal Services, $208,684; 2. Neighborhood Legal Services, Inc., $677,268; 3. Mobilization for Youth, $515,258; 4. Youth in Action, $494,056; 5. Harlem Assertion of Rights, $869,461; 6. Legal Aid Society, $673,444, $3,438.171.

Poughkeepsie, Legal Services Corp., $25,051.

Syracuse, Neighborhood Legal Services Program, $214,335; University of Syracuse, $10,594.

North Carolina

Charlotte, Charlotte-Mecklenburg Legal Services, Inc., $232,997.

Durham, Durham Legal Assistance Program, $46,705.

Rockingham, Tri-County Community Action, Inc., $163,912.

Winston-Salem, Forsyth County Neighborhood Legal Services Board, $174,270.

Ohio

Cincinnati, Legal Aid Society of Cincinnati, $187,484.

Cleveland, Legal Aid Society of Cleveland, Inc., $160,165.

Columbus, Legal Aid and Defender Society of Columbus, $115,778.

New Philadelphia, Tuscarawas County Legal Services Corp., $34,423.

Statewide, Ohio State Legal Services Assn., $59,550.

Toledo, Toledo Legal Aid Society, $56,925.

Oklahoma

Jay, Delaware County Community Action Foundation, $69,460.

Oklahoma City, The Legal Aid Society of Oklahoma County, Inc., $212,373.

Oregon

Portland, Legal Aid Committee of the Multnomah County Bar Assn., $56,912.

Pennsylvania

Chester, Greater Chester Movement, $121,354.

Philadelphia, Community Legal Services, Inc., $745,637.

Pittsburgh, Neighborhood Legal Services Assn. $222,516; Legal Aid Society, $27,000.

Scranton, Legal Aid & Defender Assn., $39,112.

Wilkes-Barre, Legal Aid Society, $139,954.

Puerto Rico

San Juan, Hato Rey, Puerto Rico Legal Services, Inc., $870,554.

Rhode Island

Providence, Providence Legal Services, $197,871.

South Dakota

Eagle Butte, Legal Aid Services, $40,479.

Rosebud, Rosebud Tribal Council, $48,877.

Tennessee

Chattanooga, Legal Aid Society of Chattanooga, $9,810.

Knoxville, Legal Aid Clinic—Knoxville Legal Aid Society, $78,412.

Oak Ridge, Oak Ridge Associated Universities, $23,646.

Texas

Austin, Legal Aid and Defenders Society of Travis County, $100,596.

Corpus Christi, Legal Aid Society of Nueces County, $16,172.

Dallas, Dallas Legal Services Project, $359,404.

Houston, Houston Legal Services Program, $704,486.

Laredo, Laredo Legal Aid Society, Inc., $62,227.

Utah

Ogden, Weber County Bar Legal Services, Inc., $96,252.

Salt Lake City, Salt Lake County Bar Legal Services ($118,438); Salt Lake Defender Legal Services Program ($55,372), $173,810.

Virginia

Roanoke, Legal Services Corp., $151,409.

Washington

Seattle, Seattle-King County Legal Aid Bureau, Inc., $91,604.

West Virginia

Charleston, Legal Aid Society of Charleston, $108,667.

Wisconsin

Madison, State Bar of Wisconsin, $240,181.

Milwaukee, Board of Legal Services, Inc., $139,604; Marquette University Law School, $156,536.

NATIONAL OFFICE

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OEO REGIONAL OFFICES

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[From the Washington (D.C.) Post, Aug. 30, 1966]

Justice for the Poor

No part of the poverty program has come more realistically to grips with the needs of poor people than the provision of free legal aid to those who find themselves embroiled with the law. Poverty and ignorance are closely correlated; and unhappily there are many who are eager to exploit and take advantage of them. Poor people are heavily disadvantaged by ignorance of their rights and by their inability to hire lawyers when they are accused of crime. They are perhaps even more disadvantaged when they are subjected to civil suits by landlords and creditors who may be shrewder and more knowing about the law.

Neighborhood Legal Services has set about redressing this imbalance in Washington. It has gone into court in behalf of the helpless with so much effectiveness that a small group of local lawyers accustomed to using the courts as automatic collection agencies have cried out in dismay; some of them no doubt would be glad to wrest what fees they could from the poor as clients.

It is clear that these lawyers inveighing against Neighborhood Legal Services do not speak for the Bar Association or represent the legal profession generally. The District Bar Association has been active on its own account in making lawyers available to the indigent without charge. And the American Bar Association has given warm support to the free legal aid provided by the poverty program.

The House Labor Committee earmarked $22 million for legal services for the poor in the pending poverty program bill. The Office of Economic Opportunity has requested no specific allocation for this activity; but it is clear that it ought to be given much more—at least $50 million. We hope heartily that the Senate Labor Committee, scheduled to take up the Economic Opportunity Act today, will act imaginatively and generously in assuring funds to provide legal services for the poor. It amounts to nothing less than an assurance of justice, an assurance of equality before the law. That assurance can mean a great deal in giving poor people a sense of belonging to the community.

[From the (Washington, D.C.) Evening Star, Aug. 29, 1966]

The Law and the Poor

The Senate Committee on Labor and Public Welfare now has before it a bill that would provide, among other things, for a marked expansion of the Legal Services Program of the Office of Economic Opportunity. The committee will be doing a good day's work if it votes in favor of the program's activities and a supporting outlay of around $50 million for fiscal 1967.

Although poorly publicized up to now, these activities have been, and continue to be, so impressive that the American Bar Association is one of the program's strongest supporters. Indeed, besides advocating affirmative congressional action, the ABA has made clear that it stands behind efforts to recruit law-school graduates and other young lawyers to dedicate a few years of their lives to the enterprise.

Like the Peace Corps, this legal arm of the OEO is made up of relatively young people who have an admirable desire to be of service of their hard-pressed fellow-men. They are doing a good job, as shown by their record among us in Washington. Here they have 10 offices in slum areas, and 29 lawyers, and they have effectively handled nearly 5,000 legal cases in the first six months of this year.

Obviously these are statistics that speak well for the OEO's legal-aid branch. Congress should give the project the support it must have to do the job that needs to be done among the troubled indigents of America.

LAND CONSERVATION AND PRESERVATION OF RECREATION AREAS

Mr. **KENNEDY** of Massachusetts. Mr. President, the July–August and September–October issues of Audubon Magazine, published by the National Audubon Society, carry a two-part series of articles on the destruction of fishing streams, recreation areas, parks, forests, wildlife habitat, and the land itself through careless construction of highways. It is a sobering, comprehensive series by a careful reporter, William G. Wing, who covered conservation and natural resource affairs for the New York Herald Tribune.

Mr. Wing gives credit where due, to the distinguished junior Senator from Montana [Mr. Metcalf] and the distinguished Congressman from Michigan [Mr. Dingell] for their leadership in focusing attention on the need for a better national policy and proposing legislation that would achieve this desirable goal.

It is time for the Congress to take strong action to bring the Nation's needs for land conservation and preservation of recreation areas into balance with the requirements of the highway construction program. In my opinion, Congress must respond quickly to the problem, before more hundreds of miles of trout streams are forever lost, before more rich earth upheaved by the bulldozers is swept to the sea, before more land needed sorely for recreation is instead casually beribboned by concrete.

Mr. President, I ask unanimous consent to insert in the Record the two articles to which I have referred, entitled "The Concrete Juggernaut" and "What To Do Before the Highway Comes."

There being no objection, the articles referred to are ordered printed in the Record at this point.

[From Audubon Magazine, July–August 1966]

The Concrete Juggernaut—Part I

(By William G. Wing)

The scene from the bus was like a classic battle painting—Napoleon's legions on the height at Jena. It was midwinter. In the heavy morning mist, knots of men dotted the long white slope, clustered around giant machines like artillerymen serving field pieces.

The machines were hammering at the rock under the snow, rhythmic puffs of steam rising into the mist. Around the foot of the slope, trucks and derricks and the heavy equipment of a mechanized force rumbled.

Framed by the heavy mist and the fog on the bus window, the scene had a sweep and power which is in no way conveyed by the fact the men were road builders, working on Route 80, a new expressway in New Jersey.

They were cutting and blasting through the crown of the Hudson Palisades, basaltic trap rock which is a textbook example of natural resistance. The rock had resisted weathering, glaciers and every other natural force for 100 million years. Now it was being sliced like a Holland cheese so a wedge 100 feet deep could be removed to let the expressway through.

Highway builders changed that ancient crag more in a few months than the forces of nature had since the Jurassic period. Engineers had reached this ability to alter the face of the land in just a few generations, their skills sharpened by the public works of peace and the tactical needs of global warfare.

Today, the road builders represent irresistible power. They accomplish feats that once belonged to mythology alone—moving mountains, shifting rivers, leaping chasms. They stand ready, it seems, to lattice the face of the earth with concrete.

Theirs is an awesome force. It is the force that must be reckoned with, increasingly, by those concerned with preserving natural resources in America.

Conservationists have long battled with lumber merchants ravaging forests, industries befouling rivers, land speculators dedicated to the quick buck, and, more recently, big federal agencies such as the U.S. Army Corps of Engineers and the Bureau of Reclamation. These have been almost traditional foes. Road builders haven't been in the same league.

Though the biggest jump in highway construction mileage did occur from 1904 to 1921, road building was rarely a gargantuan force until the superhighway era. Despite the network of early roads, the impact on the countryside was gradual. The roads were narrow, and many were unpaved. There was a lot of open land. If a good fishing stream was blocked or a grove of hickory trees was slashed by the road builders, you could go a little farther and find another stream and, maybe, other hickories. Compared to the great reclamation and dam-building projects of the '30's, road building was a minor landscape changer.

Now the balance is altered. As space becomes scarcer, highways become wider. Any fishing stream or hickory grove knocked out now may be the last in 20 counties. The roads themselves are no longer modest; they are dominating. They no longer meekly follow the topography, because engineers can put them anywhere—over, under, around and through. Roads rival all other engineering projects.

Federal aid to the states for highways is now approximately $4 billion a year. In comparison, the U.S. Army Corps of Engineers gets about $1.2 billion for public works and the U.S. Bureau of Reclamation about a third of a billion.

Furthermore, the highway force is aggressive. No other activity so constantly threatens and intrudes into nature sanctuaries as does highway planning. And no force is harder to reckon with.

Sheer magnitude is the chief reason. The mountain of dollars spent on vehicles and roads each year is approaching 100 billion. If money makes the mare go, this mare must go fast. Too many incomes, too many returns, are at stake to brook much opposition. Since America discovered the automobile, nothing has been too good for the family car and truck. Roads are going wherever Americans want to go. State highway departments have become all-powerful and nearly immune to public pressure.

Who *can* make the routes swerve to avoid valuable open space?

American highway builders are now a little past the middle of an advanced course called the National System of Interstate and Defense Highways. When the program started, President Dwight D. Eisenhower described it as the biggest public works project in history. The claim hasn't been challenged. other massive engineering works of mankind—the Pyramids, Great Wall of China, Suez and Panama canals, Noah's Ark and even the Tower of Babel—are small-scale operations.

The facts about American road building are much too vast to be absorbed easily. Road building is the biggest business in America. It is the biggest tax-supported domestic program. One of every seven Americans has a job connected with highway transportation. One of every six businesses is connected with highway transportation. The operations of seven of the ten biggest corporations in the world (three automobile manufacturers and four oil companies) are based on highway transportation.

The Federal Bureau of Public Roads estimates highway users spent $96 million last year to own and operate vehicles. About 12 per cent of this total went into highways. This 12 per cent is an amount almost 800 times greater than the price we paid France for one-quarter of the United States, the Louisiana Purchase slice from Montana to the Gulf of Mexico.

One would imagine from seeing the General Motors Corps. Futurama at the New York World's Fair that the spending and construction limits aren't even in sight. One diorama, you may remember, showed a caravan of machines of the future moving through a jungle in a nonstop clearing-and-paving operation. The machine in front knocks out trees and vegetation with laser beams; the machine at the end excretes the ribbon of concrete.

What word comes to mind? Juggernaut? Unlike the irresistible monster of Hindu lore, however, the modern Juggernaut leaves a permanent trail. Highway supervisors say a modern highway has a life expectancy of only 25 years, but it hardly seems arguable that, as a change in the landscape, highways are permanent. Once laid, paved roads tend to stay laid.

General Motors did *not* have a diorama showing an error-correcting caravan, the front machine gobbling up concrete, middle machines plowing and fertilizing, and a rear machine spewing a trail of violets. In the matter of permanence, look at history. Considering the fact that traffic still moves along parts of the Appian Way, the Roman engineers who selected the route 2,285 years ago can be said to have made a fairly permanent decision.

In the United States there are about 3.6 million miles of roads, which figures out to a mile of road for every square mile in the country. The peculiar significance of the Interstate system, however, lies not in its mileage but in the impact of its immense rights-of-way. The Interstate system will add only one per cent to the country's total highway mileage—41,000 miles by 1972. However, its effect on the landscape will be much greater than that would seem to indicate, for two reasons:

(1) Three-fourths of the Interstate routes will be through new territory, and (2) the Interstate expressway rights-of-way tend to be about *ten times* wider than the old highway rights-of-way, which were about 33 feet wide.

Before the Interstate program began in 1956, the amount of land in rights-of-way was estimated by some economists at 15 million acres, which is about the size of West Virginia. Going by the assumption that Interstate rights-of-way average about 30 acres a mile, they speculated that the program might add another million acres to the total. The Bureau of Public Roads doesn't keep figures on the acreage of the system, or, if it does, it doesn't give them out readily—presumably because they lead to what the bureau considers grossly exaggerated charges about land gobbling.

Ironically, there is a magnetism that draws these wide swaths of expressways toward places where they are not wanted. The magnetism attracting highways to watercourses, which are easily damaged, is that stream beds furnish the easiest routes through rugged country. The magnetism of parkland or state forestland is that it is open, "undeveloped" and already in public hands.

"The problem up to this point has been this philosophy," George B. Hartzog, Jr., director of the National Park Service, said at the 1965 White House Conference on Natural Beauty, "that if it is a park, it is free, and, certainly, if it is a park, it is open. So it is easy.

"Somehow, they [the highway planners] seem to be able to find a blue pencil that hits the green spot."

Some prime examples:

Route 17, New York's Quickway, is being reconstructed for 18 miles along America's most famous trout streams, the Beaverkill and Willowemoc Creek in the Catskill Mountains.

This is the stream where dry-fly fishing is believed to have originated in the United States. The fight to prevent construction in the creek valley failed, but it produced changes in design to lessen the effects on the stream. The fight also produced a classic quote.

A delegation from New York went to Washington to plead that federal money, which is financing 90 per cent of the cost of the project, should not be used to harm the Beaverkill, a national resource. To this a federal official replied:

"What makes you believe a river is more important than a concrete highway?"

Interstate Route 40 is scheduled to cut through Overton Park in Memphis, Tenn. Overton, according to a national conservation official who went out to have a look, is a "jewel" among city parks.

Oklahoma Route 9 is planned for relocation through the Oliver Wildlife Refuge of the University of Oklahoma at Norman.

City officials at Key West, Fla., are pushing for a second highway to the mainland which would slice through Everglades National Park.

California Route 89 may be extended along the western shore of Lake Tahoe, requiring deep cuts in the mountains along the most picturesque side of the lake.

The Alabama Highway Department is still pushing to route Interstate 65 through Wheeler National Wildlife Refuge in northern Alabama. This refuge on one of the Tennessee Valley Authority lakes has been highly successful in attracting wildfowl. The proposed route would bisect feeding and resting areas used by as many as 50,000 geese and double that number of ducks.

Since 90 per cent of the cost will be paid from federal funds, an appeal was made to the U.S. Bureau of Public Roads to support an alternate route, a few miles away, which was suggested by the U.S. Fish and Wildlife Service. Rex M. Whitton, federal highway administrator, commented in a letter to a congressional group:

"Here again the issue is wildlife versus people . . . The conservation groups have opposed any crossing of the area and have suggested that we adopt an indirect routing which would increase costs by several millions of dollars and travel distance by several miles . . . I cannot believe that the welfare of wildlife should be given a priority over that of our citizenry, nor the national defense effort in the area involved."

These are but a handful of the conflicts constantly occurring between those who route highways and those who try to preserve open space. The citations do not even include the *cause célèbre* of modern conflicts, the fight to keep the new U.S. 101 freeway out of California's Prairie Creek Redwoods State Park.

This battle appears to have ended in victory for conservationists—an unprecedented reversal of a decision by California's powerful State Highway Commission. The freeway, at the moment, anyway, is not to enter the coastal park but bypass it on a route proposed by conservationists.

California has other conflicts, however. Among states with auto troubles, California is the archetype. It spends far more on highways than any other state (well over a billion dollars a year), and it contains a combination that guarantees conflicting forces and values—spectacular scenery, a rising population and a desperate need for roads.

The state also boasts a popular reaction against road-building methods called "the freeway revolt." If the state needs roads, you may ask, how can opposition be anything but obstruction—or "reactionary opposition" as indefatigable road and bridge builder Robert Moses recently termed it when talking about his adversaries in a New York City situation. A distinction is needed, and it will also explain the viewpoint of this article:

No reasonable person is against a transportation system any more than he is against bread and milk. Highways are vital. But at a time when the value of natural resources is increasing, because of scarcity, the question of *where* highways are to be put is just as vital as provision for the highways themselves.

Let us make it clear, then, that the effect of expressways on the land and on the natural world is not incidental and temporary but extensive and long-lasting.

The effects of highways on streams can be catastrophic. These have been well catalogued:

Highways come to stream beds because of easy grades and, sometimes, because the streams furnish gravel. A meandering stream creates expense, however, because of the cost of bridges to jump the loops. Usually it is cheaper to dig a new, short, straight course for the stream and lay the highway beside it. The meander is expendable—but, alas, the meander may furnish not only charm but the habitat of game fish as well. Eliminating the bends can turn a trout stream into a chute.

In Placer County, California, for instance, the Division of Highways relocated the fishable South Fork of the Yuba River to make way for Route 40. Out of two and one-quarter miles of river, 5,045 feet—almost a mile—was eliminated. The Department of Fish and Game tried to save as many fish as it could, recommending "stipulations" to the contractor, but as an official of the department wrote later:

"This did not work out in practice, mainly because the contractor's interpretation of 'reasonable precautions' to protect the stream was far different from the department's. Despite all that the local game warden and fisheries personnel could do, the trout population in the project area and as far downstream as Lake Spaulding was destroyed."

A survey of 24 Montana streams showed 78.4 miles of stream had been lost to highway and railroad construction. The national loss from straightening meanders must be in the thousands of miles.

A notable campaign against this practice has been waged by U.S. Sen. Lee Metcalf of Montana. As part of his "SOS: Save Our Streams" campaign, he published numerous incidents of destruction in the Congressional Record. Hearings before the Special Subcommittee on Public Roads, of which he is a member, developed further testimony on stream loss.

Because state fish and game departments keep careful records of some fishing streams, it was possible for witnesses to cite precise before-and-after data for rivers in North Carolina, Michigan, Oklahoma and California. The effect of stream straightening, silt, and loss of vegetation and spawning grounds on game fish was drastic. In firing squad terminology, it was the *coup de grâce*.

The effects of highways on land areas are less well documented, but some are obvious:

One effect is caused by the divisiveness of a modern highway, which can split an area as effectively as a wall. One factor in the Prairie Creek Redwoods State Park case, for instance, was the need to preserve the unity of a complete biotic system. Prairie Creek is the only publicly owned parcel of coast redwood forest that can be considered an ecological unit. All of the watershed is within the park, which includes, as well, ocean beach, bluffs, creek bottom and upland forest. The sophisticated interworkings of this system have evolved over millenia and can be studied and enjoyed for millenia more. A freeway down the middle or along the beach, it was feared, would destroy the integrity of a natural masterpiece.

Highways alter drainage systems, with consequent changes in vegetation and habitat.

Erosion is a serious danger during construction in rugged country. Dr. William A. Niering, director of the Connecticut Arboretum, at New London, has spoken of the damage to a unique ecological system at Mt. Graham, near Tucson, Ariz., caused by erosion resulting from road building. To control erosion of hillsides in California's Golden Gate area, engineers sometimes use elaborate terracing. The end result is spectacular but a long way from the original.

Among other effects of highways is the slaughter of wildlife by cars when roads cut migration routes of big game is the West or deer trails in the East. In Michigan, to cite just one example, a record 6,052 white-tailed deer perished on highways in 1965; the damage to vehicles was estimated at $1.2 million. Many of these deer-car collisions occurred on superhighways.

Loss of nesting areas, introduction of exotic plants to roadsides, damage from roadside spraying, and, psychologically, distress from a road's being too obtrusive in a quiet countryside—these are additional results of highway building.

The effects of highways on ecology—outside of stream damage—seem to have remarkably little documentation. The scientific community is slow in supplying data for an intelligent understanding of the subject.

Just how this lack of hard facts hampers efforts to preserve valuable land is indicated in another paragraph of the letter from Federal Highway Commissioner Whitton quoted earlier in connection with the Wheeler refuge case. Mr. Whitton issued the challenge this way:

"Actually, we are unaware of just how this highway is considered to be detrimental to the continued operation of the refuge. We have conscientiously sought for cases where a highway through such areas has damaged the area's usefulness and have found none. There are no 'before and after' examples known to us or to the Bureau of Sport Fisheries and Wildlife. Contrarily, many examples are in existence which show otherwise. Other than the reduction of the area by the amount needed for the highway we find no effect to this area."

Let us pray the "before and after" examples Mr. Whitton was unable to find are somewhere being assembled. Meanwhile, it hardly requires scientific proof to make the point that highways have far-reaching effects on the natural world.

Highways also have a pervasive influence on national life. Hardly a corner remains unaffected. A mark of the times is the great upwelling of cries from so many different parts of society that since the efforts of highways are universal, monumental and everlasting, their planning requires a wider outlook than the traffic engineer's.

"The major highway is increasingly regarded as a tyrant, unresponsive to public values, disdainful of the people it purports to serve."

So states a provocative little booklet called A Comprehensive Highway Route Selection Method, prepared under the direction of Philadelphia landscape architect Dr. Ian McHarg, of the University of Pennsylvania. It continues:

"The cause can be simply identified. It lies in the inadequacy of the criteria for route selection . . . The objective of an improved method should be to incorporate social values, resource values, aesthetic values in addition to the normal criteria of physiographic, traffic and engineering considerations. In short, the method should reveal the highway alignment having the maximum social benefit and the minimum social cost."

Some steps *have* been taken. After prodding by Sen. METCALF, Rep. JOHN D. DINGELL of Michigan, and others, the Bureau of Public Roads issued a policy directive to the states in 1964 requiring consultation between highway departments and state wildlife agencies on federally financed projects.

In testimony before Sen. METCALF's subcommittee, a professional observer said the directive had accomplished some good. But the witness, Richard H. Stroud of the Sport Fishing Institute, added:

"The few beneficial incidents, where significant realignment of highway routes or other modifications beneficial to fish and wildlife resource needs have occurred, have resulted more from the effects of intense pressure exerted on highway departments by an aroused local citizenry than from any rational consideration of injury to the affected resources."

A third major factor, in addition to the effects on the natural world and the effects on our national life, that characterizes highway development comes from what might be called the Great American Assumption: That wherever you want to go, there you should be carried in an automobile.

This assumption holds that if the public is to enjoy its great scenic wonders, it must be able to enjoy them from an automobile seat. This means roads in wild areas—a practice which could destroy the resource the park is trying to exhibit. Extreme cuts and fills—and erosion—attendant on new roads in Great Smoky Mountains National Park is evidence of the danger.

The pressure has also led to a split among the planners of public recreation into what might be called the Car and No Car schools. One school holds that the car and highway are only means of getting to the recreation area; the other hold that the trip *is* the recreation.

This, in turn, has led to an evolution in highway philosophy of great import—"great import" meaning billions of dollars in future spending.

It now is an axiom in Washington that "driving is the nation's most popular form of outdoor recreation." A great deal of federal planning is being influenced by this belief, it appears. *This needs challenging.*

As a consequence, the President's Recreation Advisory Council—not a highway board but a recreation council—asked the Commerce Department to make a study for a national system of scenic roads and parkways. The study should soon be published and available for public discussion.

The study envisions a very big program which might include both federal aid state parkways and national park drives, such as the Washington Country and Cumberland parkways. Speculation is that planners are thinking of a 10- to 20-year program which might cost from $4 billion to $8 billion.

The study is said to be an intelligent one, advancing the concepts of the parkway and the scenic corridor. It also is said to be concerned with the protection of environmental features. Three out of every four miles of suggested parkways and scenic routes would be over existing rights-of-way.

The point to reiterate, however, is that this is a recreation, not a transportation, program. None of the old transportation arguments about necessity and not blocking progress have validity here. The only argument is how best to spend up to $8 billion on outdoor recreation—on roads in the open spaces, or on open space itself? A million dollars buys less than a mile of auto parkway, but it buys a great deal of foot trail.

Obviously this is a critical time to ask questions about highways.

The Interstate construction program will end, as of now, in 1972, along with the Highway Trust Fund which provides the federal share—$42 billion as of now. Temporary taxes now going into the fund are scheduled to die also, but no one seems to believe they will. The odds are, then, that there will be tremendous, multi-billion-dollar pressure to continue a giant highway construction program.

Where will the roads go? What ground will they cover?

The Bureau of Public Roads is now engaged in what it calls the most comprehensive transportation study in history. The result will undoubtedly guide future policy. Thus today is the time to decide the direction of future highway building.

"Therefore, we must make sure," President Johnson told Congress, "that the massive resources we now devote to roads also serve to improve and broaden the quality of American life."

Exactly! And we must make certain that nature is an essential component of the quality of American life.

[From Audubon Magazine, September–October 1966]

WHAT TO DO BEFORE THE HIGHWAY COMES—PART II

(By William G. Wing)

"The cloverleaf is becoming our national flower."

Montana's Sen. LEE METCALF, who has boldly fought to save America's streams from highway ruination, said it at a recent congressional hearing.

"If we are not careful, we shall leave our children a legacy of billion-dollar roads leading nowhere except to other congested places like those left behind."

General of the Army Omar N. Bradley said it, and the former chairman of the Joint Chiefs of Staff, now chairman of the board of Bulova Watch Co., added,

"We are building ourselves an asphalt treadmill and allowing green areas of our nation to disappear."

Prairie Creek Redwoods State Park . . . Wheeler National Wildlife Refuge . . . the Beaverkill . . . Great Smoky Mountains National Park . . . the Porcupine Mountains of Lake Superior . . . and now Franconia Notch.

Battlegrounds all. Battlegrounds where conservationists have thrown their modest and constantly beleaguered forces into the breach against a new, awesome, seemingly insurmountable foe—the road builders, the all-powerful state highway departments immune to public pressure, the concrete Juggernaut which thrives on destruction of open space.

Only rarely, surprisingly, has the Juggernaut faltered, wavered, bypassed a treasured park or woodland. More often, havoc has reigned in its grinding path, and weary conservationists have retreated to meet still another onslaught.

Is there hope for a change?

Not likely, suggests Utah State University's College of Forest, Range and Wildlife Management in a bulletin on roads and resources, "until there is adequate representation of all interests in the earliest planning stages of highway construction."

This point, this demand, echoes from East to West, wherever the Juggernaut threatens—which is nearly everywhere today in an era of freeways and speedways, thuways and expressways, turnpikes and parkways, and the National System of Interstate and Defense Highways, the biggest public works project in history.

This demand resounds in California, where natural resources have suffered gravely from cloverleaf blight.

When the California Highway Commission resolved to bypass Prairie Creek Redwoods State Park with a four-lane freeway, the California Roadside Council hailed the action as historic. The council called the decision—after nearly three years of nationwide controversy—a tacit admission "that modern transportation is one of a number of factors serving human needs, but not necessarily one to which all others must be subservient."

One California leader, State Sen. Fred S. Farr, has diagnosed the source of his state's woes as a system wherein "the highway engineer too often becomes a policy maker rather than a specialist and consultant." Freeway planners, Sen. Farr concludes, must seek advice from those "who have an understanding of a highway's place in the broader scheme of things and an appreciation of sound conservation principles."

Such criticism underscores the fact that while highway planning was once limited to merely moving traffic from place to place, today's superroads affect so many realms of American life that decisions must be made on values that lie far beyond the traditional scope of civil engineering.

"Civil engineers are expert road construction planners. They are not community planners," said an editorial in the *Columbus* (Ohio) *Citizen-Journal* opposing plans to route a highway through one of the city's natural treasures, the Olentangy River Valley. The newspaper continued:

"This freeway should be part of a broad community plan. It should include the saving of natural beauty as well as the building of a road."

A similar opinion was voiced by John B. Condliffe, senior economist at the Stanford Research Institute in Menlo Park, Calif. In a speech before the Sierra Club's Ninth Wilderness Conference in April, 1965, Mr. Condliffe explained why he did not feel impelled to accept the economic arguments of highway engineers, then asserted:

"Nor do I feel ready to allow them to value what the scenery is worth to me and to you. I'm afraid that if they have their way unchecked, there won't be any scenery."

There is a growing chorus of demands, then, to bring other viewpoints into highway planning. Boris Pushkarev, private planner and author of MAN-MADE AMERICA, has suggested that "visually trained professionals" such as landscape architects specialize in the initial choice of routes. San Antonio planner S. B. Zisman has written that a controversy in his Texas city over construction of an expressway through Brackenridge Park "highlights the great issue of our day—where not to build." Land use specialists, he urges, are needed to advise highway builders on the critical question of which areas should be left open.

Most importantly, the viewpoint lacking, and needed—because of the great impact of roads on nature—is that of the naturalist and conservationist who, instead of remaining *outside* fighting a rearguard action, should be directly involved in *inside* highway planning.

A few moves, fortunately, have been made in this direction. The federal Bureau of Public Roads, according to Dr. David Levin, director of its scenic highway program, has created a planning position called an "environmental engineer." New York's highway staff includes a landscape architect who also serves as liaison with the State Conservation Department. Efforts have been made in the California Legislature to include naturalists on the state highway planning staff.

These are signs of change. There are far more signs of the need for urgent action.

New Jersey, by a geographical misfortune, is a natural corridor between the East's burgeoning population centers. It is also the nation's fourth *smallest* state, with only a moderate and dwindling amount of open space. Yet during a public hearing last spring on the route for Interstate 95 through New Jersey, Paul M. VanWegen, president of the regional Stony Brook-Millstone Watershed Association, warned that studies "have projected the need for 40 superhighway lanes across our state in the next few years."

In adjoining New York State, J. Burch McMorran, superintendent of the New York Department of Public Works and one of the nation's most powerful highway officials, agreed the clash between roads and nature will worsen.

"Conflicts, yes," he said, "and there are going to be more and more of them."

He was seated in his spacious Albany office sketching a map of the area involved in a recent and discouraging defeat for New York conservationists.

There were only two possible corridors, he noted, for Interstate 87 to follow through Westchester County, a northern suburb of New York City where woodland and open space are valued highly. In one path lay a nature sanctuary; in the other corridor were two sanctuaries. Supt. McMorran, New York Gov. Nelson A. Rockefeller—and probably a majority of Westchester residents—favored the route which would cause the least damage. They were overruled by the federal Bureau of Public Roads on grounds of cost; Interstate 87 will invade *two* nature preserves.

How then, the commissioner was asked, *can* the need for highways and the need to preserve natural areas be reconciled?

"Compromise," he quickly replied. "There is only one way—compromise."

But at a public hearing in a New Jersey firehouse, a private planning specialist indicated "compromise," instead of being the answer, may be the root of highway troubles.

Philadelphia landscape architect Ian McHarg had been retained by a New Jersey citizens' group to help—successfully—to guide Interstate 95 along the least destructive route. But his most disheartening experience, Dr. McHarg said, was learning how highway departments act on pressure rather than principles. Thus the selection of a highway route becomes a public pushball game, the object of which is to shove the road into someone else's backyard.

Farther south, in Washington, the courtly Federal Highway Administrator took a totally opposite position. Rex M. Whitton spoke of the checks and balances which theoretically guide fair selections of routes. His assistant, the articulate Thomas McGary, counted off ten or more criteria—ranging from concern for conservation and esthetics to respect for religious institutions—that he said must be met before the Bureau of Public Roads approves a state's choice of a route. Mr. Whitton emphasized he sees no need for more rules to protect natural areas.

Yet as Key West, Fla., is far from Kodiak, Alaska, so are the assurances of these Washington officials remote from the conviction of embattled conservationists that the federal-state highway program is, indeed, a very real, very massive Juggernaut smashing through any open areas in or near its path.

An observer listening to Mr. Whitton and Mr. McGary might easily relax in the comfort that wisdom reigns over highway planning. But two current cases keep nagging—nagging that perhaps the Juggernaut is hardly under control.

Franconia Notch in New Hampshire has been part of the American heritage since Nathaniel Hawthorne wrote of the Old Man of the Mountains, the Great Stone Face formed by five separate granite ledges which jut from sheer cliffs 1,200 feet above the valley of the Pemigewasset River. The steep-walled, forest-covered cleft in the White Mountains offers a rare atmosphere of wildness and intimacy, of cascading streams and glacial relics, of summit trails and alpine wildflowers.

The renown of Franconia Notch's beauty brings visitors. Visitors bring traffic. By 1980, according to one engineering estimate, 4,000 vehicles will be crowded into the Notch every hour during the fall color season.

The proposal: to route Interstate 93 *through* Franconia Notch, either in place of, or in addition to, the present two-lane U.S. 3. The question: Can the valley accept four lanes of speedway traffic and really remain Franconia Notch, New Hampshire's greatest natural asset?

Federal highway czar Whitton argues that this is strictly a state affair. Technicalities aside, however, the future of Franconia Notch is of national concern. Indeed, there seems little doubt this would be a national park today had not the state and its citizens taken the initiative to place the Notch under public guardianship 40 years ago. Or to offer a less noble argument, most of the cost of Interstate 93 is being borne by taxpayers *outside* New Hampshire. It would seem they have the right to ask: Which is more in the national interest, to keep Franconia Notch as is, or use it as a high-speed traffic corridor?

Curiously, while Interstate freeways are justified as links in a nationwide transportation and military defense system, the consulting engineer's report which prompted the New Hampshire General Court, the state's legislature, to approve the route through the Notch stressed that more than 80 per cent of present U.S. 3 travelers *stop* in the Franconia Notch State Park area. "Less than 20 per cent desire to go to points beyond . . ."

While this statement has been used as an argument against an alternative route around the Notch, it also seems to belie the need for an Interstate expressway there to facilitate long-distance travel and to speed troops north to the frontier.

For if tourists want to stop and look at the leaves, or photograph the Old Man of the Mountains, an improved scenic highway, not a super-speedway, seems the answer.

Yet who asks these questions in the national interest? Only a handful of groups, including the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests, the Audubon Society of New Hampshire, garden clubs and women's clubs. This is a classic rearguard fight by conservationists.

It does little to support Highway Administrator Whitton's claim of adequate checks and balances.

The second case in point likewise is of national consequence, yet it too has been called a strictly local matter. The distinction is now academic: Conservationists have lost another round. The heart of Wheeler National Wildlife Refuge, on a Tennessee Valley Authority lake in northern Alabama, *will* be bisected by Interstate 65 on a route demanded by state highway officials.

Although Secretary of the Interior Stewart L. Udall had once insisted that a right-of-way through Wheeler Refuge could *not* be granted at the site sought by road builders, the Interior Department—in a surprise move—has withdrawn its objections. Still undecided is whether Interstate 65 will be elevated on a trestle across the refuge, an important feeding and resting area for Canada geese. The trestle would permit free flow of water and, supposedly, allow birds to fly underneath the highway.

Wildlife biologists, however, although admitting that goose behavior is almost impossible to forecast, have evidence the birds fear elevated structures. In the personal opinion of Wheeler National Wildlife Refuge officials, the elevated super-road will devastate the sanctuary. Yet Federal Highway Administrator Whitton insists the freeway will have *no* adverse effect on wildlife. The issue at Wheeler, he says, is "wildlife versus people."

But is it?

Wheeler National Wildlife Refuge encompasses 35,000 acres of sinks and sloughs along both sides of the Tennessee River. It is not on the traditional north-south waterfowl flyway, but through intensive management the winter population of Canada geese has been increased from none in 1938 to an average of 50,000 today. Twice that many ducks use the refuge, and 230 other bird species are found there.

The goal is for Wheeler Refuge to become the first of several stepping stones to lead Mississippi Flyway geese to an under-used wintering sanctuary in western Florida. This is a people program. People supported and voted for the Migratory Bird Conservation Act in 1929. People planted corn at Wheeler. People paid taxes and bought duck stamps to develop Wheeler Refuge.

Alabama's highway department and the federal Bureau of Public Roads refused to accept an alternate route through the refuge because of "user cost," a figure obtained by multiplying three factors: the number of vehicles expected to travel the expressway per year, the extra mileage, and an arbitrary figure of nine cents, which represents the cost to a motorist of driving one extra mile.

The user cost is figured to the one-thousandth of a cent. How many costs are considered on the other side of the ledger? None, except the cost of the elevated causeway. There will be no reimbursement for the 70 acres of land to be taken from the refuge. There will be no payment for the decreased value of the refuge. And what of the loss to international migratory waterfowl conservation?

"In other words," commented C. R. Gutermuth, vice-president of the Wildlife Management Institute, at a congressional hearing, "the highway agencies are claiming to be attempting to 'save' money by objecting to the alternate route, while at the same time they are ignoring costs the public would bear by reason of impairment of the wildlife refugee."

Wildlife versus people? Or people versus people—local truckers and motorists versus national taxpayers?

Soon after news of the Interior Department retreat on Wheeler Refuge was released, it was learned that right-of-way for still another Interstate highway has been bought up to the boundary fence of Savannah National Wildlife Refuge in South Carolina and Georgia.

Sometimes, albeit rarely, good sense *can* pierce the fog of specious argument. Conservationists in the Midwest heaved a sigh of relief last summer when Michigan Gov. George Romney vetoed a bill which would have allowed a highway to be built through Porcupine Mountains State Park. The Porcupines lie beside the sapphire-blue of Lake Superior in Michigan's Upper Peninsula, and the 58,000-acre park is an unusually rugged virgin wilderness for the eastern United States, chockablock with wildlife, mountains and mountain lakes, and cascading trout streams. The highway was demanded by local legislators and tourism promoters.

Gov. Romney, in his veto message, emphasized that "for this wilderness area . . . to be further opened to a conventional general access highway would destroy its chief attraction, an attraction which will constantly increase."

Such decisions cannot always be counted on, however, and the concerned citizen must be prepared to fight on the highwayman's ground.

In Dr. McHarg's opinion, the reason his New Jersey group was able to influence the state highway department was because it entered the discussions with a plan. The Bureau of Public Roads' Thomas McGary has repeatedly said "the nature people must be prepared with realistic demands."

Mr. McGary's complaints, indeed suggest that working with "nature people" is difficult "because they just don't seem to understand the world we have to operate in.

"The conservation world," he advises, "is afflicted with lack of professionalism," and he scores both the "vigilante-ism" of some national conservation organizations, and "blabbermouths" who protest at public meetings without valid reasons. "There are two approaches toward gaining an objective," he concluded, "the bomb-thrower versus the member of a responsible political party."

Compared with the usual caricature of a nature lover as a tweedy old lady with binoculars, the label "bomb-thrower" may sound rather extreme. Mr. McGary's point, however, is that you can't play this game without knowing the rules.

What are those rules?

First, you must be aware not only that American highway construction is the biggest public works program in history but that much of the money comes from one source, much of the control comes from another.

Since the presidency of Andrew Jackson, it has been an accepted principle that highway building is a state and local function; the federal government merely collects taxes and distributes money to states for roads with national significance.

This divided responsibility has many practical results. Among others, it creates, in the words of one Washington observer, "one of the world's most beautiful buck-passing systems."

It also means dealing at 50 state capitals with 50 different state highway departments operating on 50 levels of competence and under vastly different systems of organization. It means 50 sets of laws to regulate highway department functions.

As an aide to a U.S. senator commented in the Capitol's marble halls, "the highway lobby is the toughest we have to fight." Then he added:

"Remember, route alignment is done in the states. It's easier to lobby in the states than it is in Washington. There are too many spotlights in Washington—somebody is watching and reporting almost everything we do here. But who watches the state legislatures? That's where the real wheeling and dealing on highways goes on."

What is the highway lobby?

This is the bloc of trade associations and special interest groups representing automobile manufacturers and dealers, automobile clubs, gas and oil producers, truck and bus associations, concrete and asphalt makers, highway construction equipment manufacturers, and road-building contractors, among others. Considering the importance to their states of a share of the annual $4 billion federal highway aid kitty, governors might also be classified as highway lobbyists.

Local control means, too, that the key figure in many highway cases is a relatively obscure official, the district or division engineer who makes the first decisions on a route. Further, it is a phenomenon of highway construction that such early decisions carry great importance, particularly once they are incorporated into actual plans. "As time goes on," one highway aide noted, "it's almost impossible to change them."

The second rule is to enter a case prepared with definite and "realistic" demands and counterproposals.

"We don't care how tough a group is," a federal roads official emphasized, "as long as they can tell us where they stand and what they're after. We can live with people like that." He cited civil rights groups as effective bargainers on highway routes which threaten minority housing.

"But what are we supposed to do," he asked, "when one of the nature boys gets up and recites, 'Woodsman, Spare That Tree'?"

Highways are an engineer's domain, and, as Secretary Udall remarked in a recent conversation, "engineers need guidelines." The Sierra Club has published a booklet of engineering specifications for roads in park areas. For the Interstate 95 case in New Jersey, Dr. McHarg offered a brilliant procedure for determining routes having the least "social cost." It was prepared, he said, in a short time, with little expense and with information available to the public in any state.

Both are models of definite and "realistic" programs.

But no opposition, no alternate plan, can be effective unless brought to bear early in the highway planning process. As one candid official admitted, "By the time of public hearings, it already is too late to make real changes."

How, then, can conservationists enter the highway picture when plans are still fluid?

For federally financed roads—and today most roads are built with at least *some* federal aid—Mr. McGary holds out only one slim ray of hope . . .

In 1963—as a result of pressure applied in Congress by conservationists, by Sen. METCALF and by Rep. JOHN D. DINGELL of Michigan—the Bureau of Public Roads sent to state highway departments a memorandum requiring consultation with their state fish and game departments to clear any highway plans involving federal assistance. Mr. McGary advises private conservation groups to utilize the provisions of this agreement.

"Work with the state conservation departments," he suggests. "See that they know your position on the program and that they are in a good position to represent you with state highway agencies. And see that the conservation department contacts the highway people early. That's vital. Don't let the conservation people wait until the highway department contacts them."

Still practically speaking, this procedure offers little promise. A state resource agency rarely has the political strength to challenge its fellow highway department. Highway departments have muscle—the billions of dollars in road construction funds circulating throughout the country.

By comparison, most state fish and game departments operate on nickels and dimes. Many are geared solely to providing hunting and fishing needs, not to a broad resource conservation program. Few are prepared to argue esthetics or habitat values with highway engineers.

Nonetheless, there is an immediate need for conservationists to inventory vital open space. Much anguish—and many tragic losses—might be avoided if engineers were aware of *which* wild areas are most important, most valued, before they made even the first tentative doodles on their drawing boards. Otherwise, an engineer may not know that a forest or a pond is any more significant than a trash-filled vacant lot.

Needed, too, is a cash value on the intangible worth of natural areas, since road engineers, Dr. McHarg reminds us, unblushingly place dollars and cents figures on such imponderables as "user convenience."

What *is* a fair appraisal for a tumbling brook, a roaring waterfall, an orchid bog, or the last grove of hickories in several counties? The Cook County, Ill., parks department and the National Shade Tree Conference have at least made a start, valuing trees felled in the path of highways at $5 to $6 per square inch of cross section at a certain height.

In the meantime, laws *can* be reformed. National wildlife refuge lands need not be free for the taking by highway builders. The Federal Highway Act can be amended to protect natural areas against federally assisted roads.

A practical suggestion, indeed, comes from the American Society of Planning Officials, which cited a parallel between damage to parks from highways and the relocation of families displaced by federal aid slum clearance. Commented the society's newsletter:

"Unless the federal government extends the same insistence (and probably the same federal aid) to the relocation of parks massacred by highways, we can expect that the high-handed expropriation of park land will continue."

It was Interior Secretary Udall who advised conservationists to approach the highway issue positively. "You don't just ask the negative question, 'How can we stop roads?' " he emphasized. "You ask, 'How can we use a road program so that it will not only move people in cars but so the roads will make a contribution to the total environment?' You use roads to add a new element to conservation."

Wider rights-of-way might be acquired, he suggested, to add hiking, cycling or horseback trails.

But such a positive approach would require that conservationists participate in highway planning from the start, that oft-repeated theme.

As Frank Gregg, vice-president of the Conservation Foundation, stresses, highway planning can no longer remain isolated as "the unilateral responsibility of agencies biased toward construction." Highways must be considered in relation to our total environmental and resource needs.

Only then can the concrete Juggernaut be controlled.

WELCOME TO PRESIDENT MARCOS

Mr. FONG. Mr. President, our country is very privileged to host for the next 2 weeks the President of the Republic of the Philippines, the Honorable Ferdinand E. Marcos. President Marcos and his visiting party, which includes his gracious and beautiful wife, arrived in the United States on Monday, September 12, via my home State of Hawaii, and flew into Washington yesterday.

A warm, cordial welcome for President and Mrs. Marcos is planned by President Johnson. This is indeed fitting, for this young, handsome couple represents an Asian country with which we have had a long and amicable relationship.

The friendship between the United States and the Philippines had its beginnings in the late 19th century when our country helped to end Spanish domination of the Philippine Islands. It matured over the years, as Americans worked with Filipino leaders to ensure the complete independence of the islands from any other foreign nation. Then, it blossomed into full partnership when the Republic of the Philippines was born on July 4, 1946.

Filipino-American ties have continued to be close during the last 20 years.

As Americans and Filipinos stood shoulder to shoulder in the fight against the Japanese in World War II, so did Philippine troops fight with American soldiers and those of other nations with the United Nations in Korea.

Recently, the Philippines dispatched combat engineers and security troops to South Vietnam. It will send a total of 2,000 of these troops; thus becoming the fourth foreign nation—joining the United States, Australia, and South Korea—to commit a sizable force to help fight the Vietcong and North Vietnamese aggression.

Philippine commitment of combat troops in South Vietnam reflects the deeper ties that bind our two countries together—those of ideology, political form of government, and economics.

We share an abhorrence of military aggression. Accordingly, the Philippines and the United States are strongly anti-Communist, and containment of Communist aggression is a fundamental policy of our countries.

A world of peace, good health, and prosperity is a goal toward which our countries are striving. Thus, both the United States and the Philippines actively support the United Nations. In fact, our countries are charter members of this venerable organization.

Our common outlook is also noted in the similarity of our form of government. The Philippine and United States constitutions provide for three separate branches of government and ensure the people of their rights to life, liberty, and justice. As the United States is recognized as being the first democratic state in the Western Hemisphere, the Republic of the Philippines has the distinction of being the first democracy in Asia.

Economically, we cooperate significantly with each other. Under the United States-Philippine Trade Agreement, commodities from both countries receive preferential tariff treatment. As a result, the volume of trade between the two countries is very high. In 1964, the United States imported goods totaling $737 million from the Philippines, while the latter imported U.S. goods worth $780 million during the same period.

As between the closest friends, however, the relationship between the United States and the Philippines has not always been smooth and placid. Minor irritations have occasionally arisen. Nonetheless, the underlying mutuality of outlook on the important matters has carried both nations through such misunderstandings with the basic fabric of friendship intact.

We are thus delighted to see the growing economic and political influence of the Philippines in Asian and world affairs. The Asian Development Bank, whose purpose is to foster economic growth and cooperation in the region of the Far East and Asia, will be located in Manila. Thirty-two countries comprise the membership of this organization.

The Philippines have taken a leading role in attempting to calm the hostile situation in southeast Asia. It has recently established diplomatic relations with Malaysia and Indonesia and is working toward a more stable political climate in that geographic region.

The Philippines is also providing leadership in the field of health and sanitation. Under an aid program called Operation Brotherhood, Filipino doctors and nurses are operating hospitals and other experts are teaching better farming, better baby care, and sanitation throughout Laos. Laos has less than a dozen doctors of its own, so Operation Brotherhood's Filipinos provide the backbone of what medical service is available to the almost 3 million Laotians.

But the leadership of the Philippines is only as strong as its own national situation. Thus, we are particularly pleased that the sixth President of the Republic of the Philippines has demonstrated insight in the problems plaguing his country and has acted in an attempt to solve them.

Since taking office in January, President Marcos has begun to correct the problems of finances, smuggling and the black market, land reform, trade deficit, and administrative waste in spending. His efforts have stirred optimism among his people, and respect among world leaders.

Consequently, we view the visit of President and Mrs. Marcos as one arising out of the friendship between our countries and the respect and admiration that we hold for the role of the Philippines in Asia today. We hail the Philippine President and his First Lady for their fine service to their people.

Mr. President, I, especially, wish to extend a warm aloha to President and Mrs. Marcos. We in Hawaii feel honored that they selected our State as the resting spot for their transpacific flights to and from the U.S. mainland.

Special celebrations sponsored by the Filipino community will be held in honor of President and Mrs. Marcos upon their return to Hawaii. In addition, the University of Hawaii will confer an honorary degree of doctor of laws on President Marcos.

Within the Filipino community of approximately 70,000 persons in Hawaii, few other leaders from the Philippines could generate as much excitement or inspire as much enthusiasm as the sixth President of the Republic of the Philippines. For one thing, President Marcos is a native Ilocano as is an overwhelming majority of the Filipinos in Hawaii.

Second, President Marcos had to overcome great adversities during his lifetime before arriving at Malacanang Palace. As a young man, he was accused of the murder of his father's political rival. Then, World War II disrupted a promising career. Also, intraparty maneuvering in 1965 prevented the then Senator Marcos from obtaining the Liberal Party endorsement for the presidential nomination.

However, President Marcos overcame these adversities and emerged even stronger than when confronted by them. He achieved fame as a brilliant lawyer after he successfully defended himself on appeal and won a reversal on his conviction for murder. He became the most decorated Filipino soldier because of his exploits as a guerrilla leader against the Japanese. He was elected to the Presidency after turning to the Nationalist Party and winning its endorsement for that office.

Third, President Marcos is married to a beautiful woman who is also talented, charming, and intelligent. They have three attractive children. The First Family is an ideal family whose appeal is universal.

In short, President and Mrs. Marcos personify the beautiful country that many of the Filipinos in Hawaii had not seen in decades. These Filipinos are happy to have this opportunity to reminisce about the land of their ancestors and are proud to give the rest of the people of Hawaii and those on the mainland a glimpse of the charm and culture of the Philippines.

As senior Senator from the State of Hawaii, I am delighted to represent the Filipino community and to bid in their behalf a fond "mabuhay" to President and Mrs. Marcos to the Nation's Capital. We wish you good luck and success in your mission here to the United States and in the administration of your policies and programs for your great country. "Naimbag a visita yo"—May your visit be happy and pleasant.

In conclusion, I would like to bring to the attention of my distinguished colleagues some recent articles on President and Mrs. Marcos and the Philippines. They are timely and informative, and would provide excellent reading in preparation for President Marcos' address to Congress tomorrow. I ask unanimous consent that they be printed in the RECORD, as follows:

"Philippines: A Nation in Transition" by John Griffin, the Honolulu Advertiser, September 11, 1966;

"The Philippines: Freedom's Pacific Frontier," by Robert De Roos, National Geographic, September 1966;

"A Friend from Asia" and "The First Lady," taken from Ferdinand E. Marcos, President, Republic of the Philippines;

"Half-Year Mark," by Quijano de Manila, Philippines Free Press, August 13, 1966;

"Our Asian Ally," by Roscoe Drummond, Washington Post, September 11, 1966;

"Visitor From Manila," lead editorial, Washington Post, September 14, 1966;

"Busy Beauty in the Barrios," Life, Asia edition, August 8, 1966; and

"Imelda Marcos: The First Lady of Asia," by Vera Glaser, Parade, September 11, 1966.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Honolulu Advertiser, Sept. 11, 1966]

PHILIPPINES: A NATION IN TRANSITION

(By John Griffin)

The Philippines is a nation caught between cultures.

President Ferdinand Marcos, who arrives here tomorrow at the beginning of a U.S. state visit, might disagree with the word "caught."

Recently in Manila he pictured himself to me as a man who had managed to become "oriented to the East and still identified with the West without schizophrenic results."

Yet whatever the outstanding talents of the nation's leader, the Philippines is a land in troubled transition. Both at home and in foreign affairs it faces adjustments that call for cultural change.

President Marcos, who took office eight months ago, is the man who will preside over this vital period. His credentials are impressive, as the official biography on this page outlines.

Yet also impressive is the weight of history and misguided government that faces anyone seeking to promote ordered change in the Philippines.

Philippine-American relations, the theme of the Marcos visit, are involved and affected by this.

It is better, however, to talk first about the internal situation in the Philippines. For that is where the change must come.

This is not to say Americans can't be more understanding. Even more than with England, our relations with the Philippines have suffered by the fact we both speak English and seem to have many similar manners and institutions.

It is important that the Philippines, a former American colony, has the best working Western-style democracy in Asia. But it is even more important to recognize that the four decades of American influence are just one layer of a Philippine culture that also includes over 350 years of Spanish rule and continuing Malay village traditions.

KINSHIP CULTURE

"If you want to understand the country," a friend said recently in Manila. "I would suggest starting with two things—the kinship system, and utang na loob" (debt of gratitude or obligation).

Much more than in the U.S., the basic unit of loyalty and obligation for the Filipino is this group made up not only of blood family but also of adopted family, a circle of "compadres" established through marriage or long friendship.

A man is bound to provide help for needy members of his group, be he in business or government. It is far more disgraceful, for example, to let down a family member by not providing a government job or contract than it is to cheat the government.

"The family system has its social strengths," said a Filipino. "But too many people see the government or a business as a family employment agency. We can't go on like that if we hope to make progress."

"Utang na loob" refers to a situation where a man without being asked does a favor for another man, who then has the obligation to repay.

Two such cultural characteristics naturally don't explain everything in a society where graft and corruption have become tragically endemic, where rich exploit poor then callously display their wealth, where crime is measured in syndicates that extend into Congress and government departments.

But they do say something about the deeper problems of a nation seeking to transform itself to a modern society from a value system suited for isolated rural peasant villages.

A FAMILY VISIT

Furthermore, it may be that these two influences—the family system and the debt of obligation—extend into Philippine-American relations.

The Marcos visit is in the tradition of Philippine presidents visiting the U.S. In some ways, it is very much a family affair for Filipinos.

Americans may be somewhat taken aback by the blunt wording in the editorial reprinted on this page from the Philippine Free Press, the nation's most respected magazine. It talks of Marcos going back to collect U.S. aid in return for sending Filipino troops to Viet Nam.

After all we have given the Philippines some $1 billion in aid grants since 1946 plus $500 million in military aid. In addition we have provided over $1 billion in veterans' payments and are still paying $38 million a year to some 85,000 Filipino war veterans. These figures do not include another $678 million paid in war damages.

Whether any deal was made over Viet Nam troops is not the question here. (U.S. officials deny any direct arrangement.)

The point is that many Filipinos see the U.S. in the utang na loob situation of owing the Philippines a debt of obligation.

Furthermore, this debt is not just over the Viet Nam troops. It goes back to the fact Filipinos stood by the U.S. in World War II without being asked; MacArthur's return was not enough. Some would even date our obligation back to the day we stepped ashore in 1898.

BROTHER IN NEED

Woven all through this is the special relations between the U.S. and its former colony—a family relationship, if you will, where Americans are the prosperous brother and Filipinos the brother in need.

Many Filipinos see nothing especially wrong in this; it is their way of life and our obligation.

Many other Filipinos may not like the idea of such a continuing relationship, although they may be caught in the dynamics of the American influence on their country and personally friendly to Americans.

They see the Philippine future in Asia, not burdened with a special relationship that may bring them aid but also carried the stigma of being considered, as Filipinos put it, "little brown brothers to Americans."

It is against this background that President Marcos comes to the U.S.

No one has been more honestly blunt about the problems. His justly-famous inaugural address last December 30 said in part:

"The Filipino, it seems, has lost his soul, his dignity and his courage.

"We have come upon a phase of our history when ideals are only a veneer for greed and power in public and private affairs, when devotion to duty and dedication to a public trust are to be weighed at all times against private advantages and personal gain, and when loyalties can be traded in the open market. . . .

"Our government is gripped in the iron hand of venality, its treasury is barren, its resources are wasted, its civil service is slothful and indifferent, its armed forces demoralized and its councils sterile."

Everyone agrees the situation is much better than a year ago when pre-election uncertainty shrouded everything. The honest business community likes Marcos.

How good—or how great—a president Ferdinand Marcos will be in meeting these problems is still being judged.

Smuggling, which was costing the nation $350 million a year, has been cut enough to impress everyone; the President estimates by 40 percent.

He has taken other less dramatic but important steps aimed at eliminating corruption, boosting the troubled economy, revamping a government larded with political jobs, and trying to win support for clean government.

CRITIC'S VIEW

Critics feel he has missed his chance to make a needed big initial impact with solid but dramatic moves to impress a citizenry grown cynical of promised reforms. "The history of Philippine presidents is that they get worse as they go along," said one older Filipino. "You have to move before the octopus of the system catches you."

Defenders say the point about Marcos is that he is different, that he is approaching the massive job as he has everything else, with an ordered plan.

Most veteran observers are reserving judgment, although they see signs of hope.

Certainly it is agreed that if anybody has the drive, political skill and knowledge to reform the Philippines it is Marcos. As President Johnson is considered an American political master, so Marcos must be judged the best Filipino politician in many years.

But the job is not easy, for all involves going beyond the difficult initial cleanup into the needed cultural transition.

The family system, for example, is slowly changing, as it must. But can the best of its social security aspects be kept while transferring the loyalty to kinship group to loyalty to the public good?

Beyond that there is the question of relations with the U.S. and the Philippines' place in Asia.

This is bound to change as a younger generation—a generation with no close ties to the U.S.—comes of political age. The controversial economic agreement between the two countries expires in 1974.

TRANSITION LEADER

Marcos, the war hero with a Bataan-bred kinship to Americans, may well play the role of transition president between two eras.

In the meantime, the President has offered advice to both Americans and Filipinos in judging each other.

To me he said, "Americans tend to judge us by what you have been able to accomplish in your country over two centuries.

"We ask only that you judge us in relation to the accomplishments of the Spanish here for three centuries and Americans from 1902 to 1946. By that standard, tell us if we have not done better in 20 years of independence."

To the Philippine Congress, he said of the United States:

"We are convinced that this great nation would want nothing better than to see our nation prosper in dignity and freedom."

It is, indeed, the only realistic long-range goal for the U.S. toward the Philippines.

But beyond that there is and should be something else. Maybe it was summed up by an American friend long in Manila who ticked off many criticisms:

"And yet when you have said all the bad things it still comes out that these people are some of the finest and best friends a man can have. In many ways, I, too, think they are my brothers . . . I don't think Americans will ever have the same kind of relationship with anyone in Asia again."

[From the National Geographic, September 1966]

The Philippines: Freedom's Pacific Frontier

(By Robert de Roos)

Though I have never lived in the Philippines, I sometimes feel I grew up there. My parents were missionaries on Luzon shortly after this century began. As a child I was entranced by their tales of a ruggedly beautiful land, of rice terraces like green steps to the sky, of people who lived in houses on stilts, of Igorot men wearing nothing but G-strings.

Later, with millions of Americans, I admired the courage of the Filipinos as they fought beside us and stood firm through the terrible years of Japanese occupation. And I followed with hope and fascination their postwar plunge as a new free nation in Asia.

REPUBLIC BORN ON THE FOURTH OF JULY

In two visits totaling two and a half months and 3,000 miles of travel, I found the reality far more exciting than I could have imagined. I learned that the young Republic of the Philippines—founded July 4, 1946—is a land of grace and many problems. It is a turbulent country, new to the ways of independence after four centuries of occupation by foreign rulers—Spain, the United States, and Japan. It is a country imbued with America's ideals of freedom, though corruption and poverty still keep that idealism from flowering fully.

Far more than wars and occupation, geography has fragmented the Republic of the

Philippines. Its 32,600,000 people live on a galaxy of islands strung out north and south for 1,150 miles between the Pacific Ocean and the South China Sea (maps, pages 312–13).

No one knows how many islands there are; the republic itself says simply "more than 7,100." New islands appear from time to time as volcanoes thrust their smoking cones above the sea. And, after a few years of pounding by the waves, some of these new islands vanish.

The eruption of Taal Volcano on September 28, 1965, emphasized again the influence of titanic natural forces on life in the Philippines. The volcano, rising as an island in Lake Taal, 40 miles south of Manila, roared for three days and blasted out untold tons of mud and glowing pumice. Fields and houses were buried under siltlike ash. Two hundred people lost their lives, and thousands of homeless on the island and around the lake were taken to relief centers.

Six weeks after the eruption, I went out to visit Taal Volcano with Dr. Arturo Alcaraz, chief volcanologist of the Philippines, and Dr. James G. Moore of the U.S. Geological Survey, a volcano expert sent by President Johnson to investigate the eruption. We drove along one of my favorite roads, a modern highway that seems to wander rather than rush between rows of tidy homes. The grass was a glossy green, with colorful explosions of poinsettias, hibiscus, plumed banana plants, and coconut palms. On the road we met buses that looked like parade floats, their rooftops laden with gaily colored vegetables and fruits.

VOLCANO CREATED "HAILSTONES" OF CLAY

"The eruption was not unexpected," said Dr. Alcaraz, "because the temperature of the lake had been rising. The people on the island were warned, and there was time for partial evacuation."

"Is it possible to predict exactly when a volcano will erupt?" I asked.

"No, not exactly," replied Dr. Moore. "It's like a balloon. You can say that a balloon will break when it is blown up, but it's difficult to tell exactly when."

Near the lakeside village of San Nicolas, Dr. Alcaraz stopped the car, and we walked to a 10-foot bank at the roadside.

"This is material laid down by an earlier eruption of Taal," he said.

With his knife he dug out several small hard clay balls, and Dr. Moore explained that they were accretionary lapilli—little mud marbles built up in the "explosion clouds" caused by the volcano.

"They bounced around in the turbulent upper air and built up, layer by layer, until they were heavy enough to fall," he said.

"It's hard to say when these fell—maybe 50 years ago, maybe 500. But similar ones formed during the recent eruption."

At the village we met a Filipino seismologist named Conrado Andal, who agreed to take us to the volcano in a 15-foot powerboat. As we got under way, I noticed bits of black pumice floating on the choppy water.

Before us loomed the island. From time to time portions of the cliffs broke off, sending up plumes of ash; from a distance it looked like smoke. A deep layer of dried mud, now much seamed by rain, covered the southern side of the island.

Mr. Andal recalled the nightmarish morning when Taal began to erupt. He had been on duty at the island's seismograph station.

"About two in the morning there was an explosion, with fire and a lot of noise," he said. "People were calling and screaming in the dark. My wife wanted to get away, but I wanted to watch a little longer. The eruptions were not very strong at first.

"About half an hour later, a deafening blast shook the island. It was time to leave."

Conrado Andal jammed 20 women and children into the same small boat we were using. They started north, away from the volcano's eruption center. They had traveled about two and a half miles when another explosion split the night.

"There was a big volume of gas and steam," Mr. Andal said. "That was when the storm and electrical display started. It was just like Roman candles—flashes of red and yellow."

The eruption, possibly triggered by seepage of water from the lake into the depths of the earth, created its own thunderstorm. Billions of gallons of water, steam, gas, and mud churned into the air.

Mr. Andal remembered shouting to boatloads of refugees from the island to head north.

"I was afraid of the big waves that would come," he told us. His warnings could not be heard in the noisy night. Many of the volcano's victims drowned when seismic waves engulfed their overloaded boats.

On September 30, 1965, Taal spewed up a black cinder cone 1,000 feet in diameter. It formed a horseshoe islet. Wisps of steam still escaped from the cone near the water line as we climbed its gently sloping side and had a picnic lunch on the rim.

"BOONDOCKS" BORROWED FROM TAGALOG

Taal's latest outburst is only one of many manifestations of nature's ruggedness in the Philippines. High mountain ranges and dense forest isolate parts of the islands. Mindoro Island remains largely unmapped. The east-central coast of Luzon, the chief island, is an almost unknown land peopled by nomadic hunters. Luzon's *bundok,* or mountain, country, has become famous as "the boondocks"—military slang for just about as far from civilization as a person can get.

Less than 60 miles northwest of Manila, near the gorges of the Maronut River, I found myself in a primitive world. I visited a village of Aetas, the Negritos—"little blacks"—who hunt with bow and arrow. They have barely entered the age of agriculture.

The first Aeta I saw, a naked little boy, ran as fast as he could to spread the word that strangers were near. In the village a collection of low, leaf-covered shacks on either side of the jeep road—I counted four women in ragged shifts, 14 naked children, and a diminutive man wearing a dark-blue G-string. That was all, except for two hogs, two chickens, and a desultory dog. The other men of the village were out clearing the forest for future fields of rice and *camote,* a kind of sweet potato.

My interpreter handed out cigarettes to all except the babes in arms. The Aetas put the lighted ends in their mouths—and they smoked that way with seeming relish.

FLOWERS BRIGHTEN A PRIMITIVE LIFE

There was a striking lack of "things" in the village: no shoes, no towels, no stoves, no radios, no guns—none of the trappings of civilization. Some of the huts had a store of logs to provide smoky heat during the cool nights.

The only tools I saw were a handmade machete—fashioned from a file—a hammer, and a primitive anvil. Their owner, Juan de la Cruz—the Philippine equivalent of "John Smith"—hammered out an arrowhead for for me, using a nail as raw material. He produced an object of precise symmetry and beauty. It took him about an hour.

There in that possessionless village I saw two little flower gardens, containing perhaps ten plants. One, no more than two inches high, was ringed by a tiny palisade of wood chips. The thought of those flowers stayed with me. In that hamlet, so bereft of material things, someone needed a splash of color against the black, damp soil for the good of his soul.

As among the Aetas, wherever I went in the Philippines hospitable people greeted me.

On the first of my two visits, however, I started with a misconception. As my Philippine Air Lines jet nosed downward after the long night passage across the Pacific, I looked on a green and watery land.

Nowhere was there motion. I made a note: "We arrived drowsy in a drowsy land."

An hour later I was being buffeted by Manila's traffic, as undrowsy and as menacing as any I had ever encountered. It is more than traffic. It is a kind of good-natured battle: cars versus "jeepneys" (World War II jeeps turned into agile jitney buses), jeepneys versus trucks, trucks versus *calesas* (high-wheeled, horse-drawn gigs), and all mechanical things against the nimble pedestrian.

I found downtown Manila a hopping, skipping gallopade, danced to the hysterical melody of a thousand horns. "It's like this every day," my taxi driver said happily.

Philippine jeepneys blaze with circus-wagon paint jobs, chrome, arched tops, and rakish fenders. Drivers splash affectionate names as well as paint on their chargers: I Love You Truly, Love Hunter, One More Chance, Morning Star.

RANKS OF CROSSES MARK WAR'S COST

Manila, astride the placid Pasig River, looks less like an Asian metropolis than an American city. American corporate and brand names blink from neon signs.

The Spanish influence lingers on in walled gardens, central plazas, grilled windows, and heavy colonial churches. But this does not make Manila a beautiful city. It has an unfinished look, and that is no wonder: Manila took the worst pounding of any capital in the world during World War II, with the possible exception of Warsaw. It was left four-fifths demolished.

Rain fell quietly when I visited the United States military cemetery at Fort William McKinley, just outside Manila. The flags of the United States and the Philippines hung damply from tall staffs. Stark white markers—17,180 of them—march across the green grass.

I read the names of a sergeant from Texas, a merchant seaman from South Dakota, a Philippine Scout from Batangas. Many times I saw only these words: "Here rests in honored glory a comrade in arms known only to God."

Two stone arcades, curved like supplicating arms, bear the names of 36,279 men of United States fighting units who lie in unknown graves. Mosaic maps in shining colors reminded me of the places where brave men gave their lives for liberty: Bataan, Leyte Gulf, the Coral Sea, Cebu. . . .

The war left all the Philippines a desolation. A million men and women died—thousands in prison camps, other thousands in guerrilla forays in the hills. Hundreds of thousands saw their homes destroyed.

The scars of war remain. Gaunt skeletons of buildings still stand in parts of Manila. Intramuros, the venerable walled city that was once all of Manila, was almost leveled during the liberation of the Philippines.

Yet I found it a fascinating place. It spoke to me of the days when Spanish captains-general ruled the land. It spoke of treasure-laden Manila galleons standing out to sea from Intramuros for the stormy, scurvy-ridden voyage across the Pacific to Acapulco.

A few years ago Intramuros contained an unsightly and unsanitary morass of squatters' shacks incongruously scattered among modern office buildings, the stone bulk of San Agustin Church, and the ruins of Fort Santiago. Mayor Antonio J. Villegas took drastic action to remove this blight on the city. He sent bulldozers crashing into the area, reducing the shacks to kindling.

Manila is desperately overcrowded. Before the war, it held about 625,000 people. Today, the city proper counts 1,339,000, and the area more than 2,500,000.

One answer to the housing shortage can be found at Makati, a planned community adjoining Manila. Seventeen years ago Makati comprised 3,000 acres of marginal farmland—a place of swamps, snakes, rice fields, and tangled grasses. Today it is a model of homes, parks, and commercial centers.

Forbes Park, the executive section of Makati, is as fine a residential area as any on the globe. It is called "the Philippines' richest barrio" (as the smallest political districts are known). But Makati is not for the rich alone. Dislocated squatters, including some from Intramuros, bought lots at low cost, with easy repayment. The subdivision now returns 12 million pesos ($3,090,000) annually in taxes. The squatters have become productive, tax-paying citizens.

NATION CHANGES SLOWLY

Great areas of the Philippines call out for similar solutions. But progress comes slowly. There is not enough money to erect needed buildings, string power lines, provide water, and establish the other supporting services.

After a period of haphazard building, Manila today watches handsome new buildings change its skyline. I visited the elegant Philippine American Life Insurance building, a louvered black structure rising from a gray-white marble first floor. In a patio I saw a magic garden where water lilies, palms, and ferns grow near a cooling fountain. A congress of red dragonflies, buzzing like tiny helicopters, hovered over the water lilies.

Everywhere the trees of Manila are splendid: magnificent star apples with dark-green glossy leaves and shining flowers; the curious kalachuchis with trunks like melting candles. On a Sunday afternoon in the Luneta, I found that great green park polka-dotted with balloons and colored parasols. Ladies promenaded in their prettiest summer dresses. Children frolicked around the tall monument honoring José Rizal, the martyred Philippine hero executed by the Spanish in 1896.

SPANISH PALACE HOUSED U.S. GENERALS

A short taxi ride away, rambling, gleaming white Malacañang stands amid acacia trees on the banks of the Pasig River. Before Malacañang became the presidential residence, it regally housed Spanish and then American governors. The wrought-iron fence that encloses its grounds bore until recently the elaborate coat of arms of Spain.

A Philippines Constabulary sergeant, in stiffly pressed khaki, let me peer into the room where Gen. Douglas MacArthur worked when he was adviser to the Philippine Commonwealth's first President, beloved Manuel Quezon. The sergeant next opened the door of a small staff office used between 1935 and 1939 by a little-known lieutenant colonel—Dwight D. Eisenhower.

The American occupation of the Philippines was a result of the Spanish-American War, which began with the sinking of the battleship *Maine* in the harbor of Havana, Cuba. During the war, the United States sent Commodore George Dewey into Manila Bay on May 1, 1898, to destroy the Spanish fleet. The Spanish thereafter gave up the city with only token resistance.

At war's end Spain ceded the Philippines, Guam, and Puerto Rico to the United States, receiving $20,000,000 in compensation. The cession caused a dilemma. Filipino patriots, who had risen in arms against their Spanish rulers in 1896, wanted the Americans to go home when the shooting stopped. They revolted when the United States, fearing that Germany or Japan might take over the strategic archipelago, decided to stay.

President William McKinley sent troops to suppress the uprising and decreed that the Philippines should remain under the United States flag until the Filipinos were ready for self-government. The United States promised independence when that day was reached—a pledge redeemed in 1946.

William Howard Taft, later to become the 27th President of the United States, was appointed Civil Governor of the Philippines in 1901. Energetically improving the islands' economy, roads, and schools during his two-and-a-half-year term, Taft won the Filipinos' respect and lasting affection.*

During the Taft years, thousands of idealistic teachers, engineers, hygiene experts, and administrators went to the Philippines to help convert the former colony to a republic.

Col. Jaime C. Velasquez, a West Point graduate who is now a development company official, remembers it well.

"I am part of the last age group to benefit directly from American teaching," he told me. "The wonderful schoolteachers landed right after Dewey, and they came into our communities and taught us the things we needed to know. They taught us modern rules of sanitation. They taught us English."

Said a Filipino graduate of Harvard, now a prominent Manila businessman: "Under the Americans, we had the very fundamental things: the freedom to inquire, the freedom to move, the freedom to create, the freedom to complain. That gave us a spirit of curiosity, a restlessness of spirit, a feeling of ebullience. This is finding expression today in the younger men who are moving into business and government leadership."

ENGLISH LEADS 80-ODD TONGUES

Perhaps the greatest boon left by the United States was the English language. During the American occupation it was the language of instruction. Today it has become the most common tongue in a land where more than 80 recognized dialects are spoken.

The chief dialects—Ilocano, Bikol, Cebuano, and Tagalog—are of Malay origin. Pilipino, or Tagalog, prevails as the "official" language, although only about six million Filipinos speak it.

Malays predominate in the island chain. The modern Filipinos are best described as a mixture of peoples—a combination of Malay, Spanish, English, American, and Chinese immigrants.

The Chinese, now 400,000 strong throughout the islands, have always held a special, uncomfortable position. When the Spanish first occupied Manila in 1571, some 150 Chinese lived there. Chinese trading junks had plied Philippine waters for centuries.

The Spanish mistrusted the non-Christian Orientals, but needed their skills and trading ties with China. The Chinese population grew rapidly, restricted to a special district outside the walls of Manila but within easy reach of its guns.

From time to time the nervous Spanish swarmed out of Intramuros to kill Chinese. In 1603, some 23,000 were massacred, almost ending the profitable Chinese trade that brought goods for the galleon fleets.

Today the Chinese are still subject to discriminatory laws. One alien law—in the Philippines "alien" means mainly those Chinese who are not citizens—forbids them to enter retail trade. But the Chinese still dominate that trade, have a large hand in the copra business, and generally control the rice and corn markets.

FILIPINA WIVES OWN SARI-SARI STORES

Some Chinese comply with the law banning them from retail trade by taking Filipina wives and putting businesses in their names. They operate thousands of *sari-sari* stores—little stands that carry small inventories of staple food, stewing supplies, fruit, soft drinks, and so on. Many have expanded into full-fledged supermarkets and other stores.

The Chinese are not harmed, but they are harassed from time to time. Mayor Villegas earlier this year ruled that shops in Manila's Chinatown must replace signs in Chinese with signs either in English or in Tagalog.

From the melting pot of races in the Philippines, a questing people has emerged. Tempered by struggle, imbued with tenets of freedom, they are seeking and finding—a national identity. In 1965 they chose 48-year-old Ferdinand Marcos as sixth President of the country.

"President Marcos must make up his mind very early about some very basic things," Dr. Leonides S. Virata, president of the Philippine Chamber of Industries, told me.

"Smuggling, which has been a national disgrace, is now a national calamity. The country is being strangled by corruption and smuggling.

"An alarming amount of money is involved from 300 million to 500 million dollars a year, more than a billion pesos. This is money that should go to lubricate the gears of the economy. Instead it is being siphoned away by illegal trade: actual smuggling, plus 'technical smuggling' on the docks—lowered or forgotten payments of duties arranged by bribery—and pilferage on a vast scale."

"NOT ONE HERO ALONE DO I ASK . . ."

President Marcos is well aware of the state of his nation. In his inaugural address he stated the facts baldly:

"The Filipino, it seems, has lost his soul, his dignity, and his courage. Our people have come to a point of despair. We have ceased to value order. . . . Our government is gripped in the iron hand of venality, its treasury is barren, its resources are wasted, its civil service is slothful and indifferent, its armed forces demoralized and its councils sterile."

To rally his people, President Marcos made a stirring appeal: "Not one hero alone do I ask from you, but many—nay, all."

The Republic of the Philippines has been in critical condition every day of its life.

"The republic was born at the worst possible time," said a Philippines senator. "The country was in ruins after the Japanese occupation. The farm animals had been eaten. There was no seed. There was no machinery for industry. Most of the schools and libraries had been destroyed. Public records were lost.

"Under the best conditions it takes a certain time to forge a democratic nation. Yet many are disappointed that the Philippines—starting at zero—has not achieved its goals in two short decades."

There have been anti-American demonstrations in Manila. But when I called on President Marcos, he said, "There is a big reservoir of good will established by our long partnership in government with the United States. That association was culminated by our common stand at Bataan and Corregidor and later. We are too close to the last war to forget. Most of our people are temperamentally committed to democracy and friendly relations with the United States."

But the Philippines does not regard itself as a branch office of the United States.

"Our role is not to advance the cause of Western democracy in Asia or be the outpost for anybody or anything in Asia," declared former Vice President Emmanuel Pelaez. "Our role is simply to be ourselves."

Gen. Carlos P. Romulo, former Ambassador to the United Nations and the best-known Filipino abroad, now is Secretary of Education.

"The outstanding fact about the Philippines," the small, surprisingly youthful-looking statesman said to me when I visited him, "is that we have had six national elections since independence. And after an election there is no liquidation of candidates. No one is exiled. The result is accepted by all. That is what I call a maturing democracy."

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*Taft contributed two articles on the Philippines to National Geographic, published in August, 1905, and February, 1908.

FILIPINO PRESS: EMBARRASSING BUT FREE

Another mark of Philippine democracy is a free press. "There is not the slightest censorship," General Romulo told me. "Sometimes our press is embarrassing, but it is very free."

Democratic institutions and a free press are legacies of the United States occupation. I say other aspects of that heritage: elections at the barrio level, a sincere belief in the freedoms of men, and a raging desire for education.

The University of the Philippines occupies new buildings in Quezon City, the official capital of the Philippines, just east of Manila.

"We have 17,500 students from all over Asia," General Romulo said. "This university is the anchor of democratic faith in this area."

He urged me to visit the International Rice Research Institute adjacent to the University's College of Agriculture near Los Baños. Although the institute, a joint effort by the Ford and Rockefeller Foundations, did not begin its work until 1962, it has already shown results.

RESEARCH REDESIGNS THE RICE PLANT

"Perhaps the biggest step so far is the change we have made in the architecture of the rice plant," ventured Dr. Robert F. Chandler, Jr., director of the institute.

"In three and a half years we have reduced its height from more than five feet to little more than three. The object is to produce a plant which will not bend or break in the wind and monsoon rain—and still will yield well."

The institute has collected 10,000 varieties of rice from all over the world. Electrified fences guard the experimental plots against rats, and "bird boys" wander the fields to keep off feathered raiders.

The Filipinos' thirst for education is unquenchable—but some students are being shortchanged. Educators see danger in the commercially run schools that call themselves universities. "What we really need," they say, "are vocational schools."

I discussed this with Governor Benigno S. Aquino, Jr., of Tarlac, a province of central Luzon. At 32, he is one of the brightest lights in the Philippines.

We stood in a room where he charts the progress and problems of his province. He pointed to a diagram. "Here is where the trouble is," he said. "The school dropouts start at the fourth grade. They can read and write, but that's all. We have a high literacy rate in the Philippines—83 percent—but I don't know how much thinking these people can do."

To supplement inadequate schooling, Governor Aquino has established a technological school to train mechanics, engineers, and agricultural specialists. The University of the Philippines also has a branch in Tarlac.

"We bring barrio chiefs in for week-long seminars," Governor Aquino said, "to teach them the things they need to know to improve their barrios: How to raise chickens, how to dig an artesian well, how to make a sanitary privy, how to avail themselves of government help. We follow up with three-man teams in jeeps, who go out into the barrios and supplement the teaching of the seminars."

HANDFUL OF HUKS STILL HOLDS OUT

Tarlac and Pampanga, the province to its south, harbor the remnants of the Hukbalahaps, Communist guerrillas who waged a fierce civil war in the early 1950's.

Ramón Magsaysay, a former wartime guerrilla, then Secretary of Defense, crushed the Huk rebellion by force and persuasion. He did not hesitate to shoot the Communists, but he offered land in Mindanao to those who surrendered. The final key to Magsaysay's victory was the arrest of almost the entire Huk leadership.

Magsaysay was elected President in 1953. His term began with high enthusiasm, but ended in tragedy when he died in an airplane crash on Cebu Island in 1957.

At the time of my visit the surviving Huks—now called the Hukbo Mapagpalayang Bayan, or People's Liberation Army—were fighting among themselves. The feud was personal, between two leaders, rather than political. Two days before I visited Tarlac, seven men of one group had been killed in an ambush by another.

Col. Manuel Yan, Chief of Staff of the First Philippine Constabulary Zone, combats these outlaws with about a thousand men. "Troops are posted in every town," he said, "to prevent action by the Huks."

Later Governor Aquino told me, "If the troops withdrew, the landowners wouldn't harvest a single seed. Huks would burn the crops. They operate like the Mafia. They have a protection racket." In all, the Huks influence perhaps eighty barrios out of more than a thousand in the two provinces.

Instead of bandits, I found men of mercy near a town named Angeles. At Clark Air Base, the tremendous United States installation that occupies 157,000 acres in Pampanga and Tarlac Provinces, I watched a C–130 from Viet Nam lumber up to the apron. Dark-blue buses and ambulances clustered around before its propellers stopped turning.

The ponderous rear door lowered, and doctors, nurses, and medics quickly went to work. Within 20 minutes after the plane touched down, its cargo of wounded and ill were under intensive care at the base hospital.

The efficiency of the well-trained medical crews was a little saddening: They obviously had had a lot of practice in handling wounded men. Critical cases are treated at Clark. Others get preliiminary treatment and then are flown to Okinawa, Japan, Guam, Hawaii, and the mainland United States.

"We have more than 50,000 people on the base now—about double the number we had before Viet Nam," an Air Force colonel told me. "We go on no missions," he continued, "but we back up the Viet Nam theater, supply all the aircraft they need, and maintain the planes. This is the chief base for air supply of Viet Nam."

MAGELLAN BROUGHT CHRISTIANITY TO CEBU

Some 400 miles southward from jet-age Clark lies old Cebu, in the central Philippines. As my plane reached the island, the rice fields shone in the last light of day like pieces of the thin, translucent Capiz seashell that Filipinos often use in windows.

But by the time we neared the city of Cebu, dark clouds had gathered. Sudden lightning slapped the hills. When we touched down, it was raining hard.

Third largest city of the Philippines after Manila and Quezon City, Cebu was the first to be Christianized. Magellan, in the service of Spain, landed here in 1521, the first European to reach the island chain. What may be the original cross brought by him stands in a downtown street. Cebuanos light slender white candles at its base.

The Spaniards changed the name of the archipelago, which Magellan had called the St. Lazarus Islands, to the Philippine Islands in honor of Crown Prince Philip, later King Philip II. When Spain decided to push a military and spiritual invasion, Miguel Lopez de Legazpi began it at Cebu in 1565.

Cebu struck me as a jingling, jostling town, overrun by horse-drawn, two-wheeled *tartanillas* that function both as taxis and as buses. I was told there are 6,000 of them. A bustling new section of the city, reclaimed from the bay, nears completion. Yet people here say Cebu is a *mañana* town.

"I am always glad to get back to the peace of Cebu after a trip," a merchant told me. Even the diligent Chinese take time off for a leisurely cup of tea and a game of mah-jongg.

MAGELLAN DIED ON MACTAN ISLAND

One day I crossed the channel that divides the islands of Cebu and Mactan. A monument to Magellan rises on Mactan, where the Portuguese-born explorer died at the hands of native warriors.

Spain's influence lives on in the island's industry of making guitars and ukuleles. In Barrio Abuno I saw men and boys fashioning the instruments by hand. Polished to a high gloss and inlaid with mother-of-pearl, a guitar takes three days to complete.

Apparently the craft has deep roots in the island. When I asked, "Where did you learn to make guitars?" a young man answered, "From our forefathers, sir."

A 45-minute plane ride carried me from Cebu to Dumaguete, on the sugar island of Negros. Palms fringed the sea. Then the road became a passage through bright sugar cane.

At the town of Bais I met Miguel Franco, manager of sugar and paper mills owned by the giant Tabacalera Company. The paper mill converts bagasse, the residue of crushed sugar cane, into 30 tons of bond paper and 10 tons of paperboard a day. In the sugar mill we walked amid massive gear wheels, rollers, and nuts and bolts all strewn about.

"Now is the time we make repairs, while the cane is growing," Mr. Franco said.

While in Dumaguete I visited Silliman University, started as a Presbyterian school in an old Spanish home in 1901. Fifteen bare-foot boys were the first student body.

Today the university—still supported by United States churches—has an enrollment of nearly 3,500. Its campus includes a medical center, a new theology quadrangle, a good library, a high school and elementary school for practice teaching, an engineering building, and a school of nursing. Silliman is an excellent university, as are the Jesuit Ateneo de Manila, the University of the Philippines, and the Philippine Women's University.

When I returned to Manila, I went to the National Museum to learn about recent archeological discoveries made by its staff.

My taxi stopped at the side door of the museum, and I stepped into an amazing room. It displayed case after case of Tang, Sung, and Ming dynasty porcelains and pottery, and similar ware from Thailand. Chief anthropologist Dr. Robert Fox explained the hoard.

"We excavated 1,300 graves of 14th- and 15th-century Tagalogs in Batangas Province," he told me. "The Philippines has more antique Chinese trade pottery and porcelain than China, and more Siamese wares than Thailand. The reason is simple. In Siam and China, plates and jars were in daily use, and most of them were broken. Here they were used ritually and as grave furniture and thus were not destroyed."

The porcelain and pottery give evidence of an early trade between the Philippines and China and Siam. Treasures of the East were bartered in the Philippines for pearls from the Sulu Sea, gold, and hardwoods.

Robert Fox has found pottery dating a thousand years before the Christian Era in caves on Palawan Island, where he is digging with the support of the National Geographic Society. "We've found stone tools more than 30,000 years old, and we now know of 83 cave sites," he told me. "Palawan is the real archeological excitement now."

MOSLEM MOROS FLEE A CHRISTIAN SAINT

Dr. Fox introduced me to Galo B. Ocampo, director of the National Museum and a man of rapid action. Three minutes after we met he asked, "Do you want to go to Dapitan?"

"Sure," I said. "Where is Dapitan?"

"It's where Rizal was exiled," he said. "Be at the airport at six tomorrow."

The next morning, at Manila International Airport, we boarded a Philippines Air Force C-47 for the three-hour ride to Mindanao, the big southern island. The plane angled down over coconut palms that looked from the air like exploding star shells. Skimming a jumble of thatched roofs, we rolled onto the airstrip at Dipolog, then traveled by car a dozen miles farther.

Dapitan was aglow for the fiesta celebrating its 400th anniversary. Sound trucks wound slowly around the plaza blaring rock-'n'-roll music; horns on decorated pedicabs cheeped with the mindless constancy of day-old chicks, and over all resounded the cracked clanging of the bells in the parish church.

At noon the bells, in galvanized iron towers, set off a prodigious ringing. With ferocious yells a band of turbaned "Moros," waving wooden swords, breached the crowd and drove toward the church door. There they were met by the image of Santiago Matamoros, carried by four men. A red umbrella protected the saint from the sun. The Moros retreated as Santiago advanced.

This pageant represents the Battle of Covadonga in 1718, in which Saint James is believed to have appeared to rally the Spanish against Moorish invaders. For his battlefield exploits, he won the title Santiago Matamoros—Saint James the Moor Killer.

When Spanish priests first reached Dapitan in 1607 (the same year the first permanent English settlement in the New World was established, at Jamestown, Virginia), the village was frequently pillaged by Moro pirates. Santiago Matamoros was seized upon as a patron saint who could protect the town from the "Moors"—actually Moslem Filipinos.

In the afternoon we made our way to the national park on the site of the exile home of José Rizal, the national hero of the Republic of the Philippines.

Here, in buildings he fashioned himself, Rizal lived from 1892 to 1896. The reconstructed buildings stand in an idyllic grove of giant bauno, narra, talisay, and ipil trees. A constant shower of delicate pink blossoms fell from the bauno trees like sweet-smelling rain, making pink puddles on the ground.

Poet, painter, ophthalmologist, José Rizal sparked a revolution with his fervent novels, "Noli Me Tangere" and "El Filibusterismo." They tell of the terrors of life in the Philippines under the Spanish. The Spanish banned the books, but Filipino patriots smuggled them into the country and read them aloud to their countrymen. Dissatisfaction with Spanish rule flamed into action. Although Rizal believed in moderation, his name became a symbol of revolt.

To end his Dapitan exile, Rizal volunteered to serve as a doctor for the Spanish forces in Cuba. Before his ship reached Spain, he was arrested, returned to Manila, court-martialed, and executed by a firing squad on December 30, 1896. Today the anniversary of Rizal's death is a national holiday.

When Galo Ocampo climbed aboard the military plane and flew back to Manila, I stayed behind. I was headed for Zamboanga, on the westernmost tip of Mindanao. Zamboanga is a delight of flowers. Cascades of bougainvillea and white orchids cover the fronts of almost all the houses.

Now I had entered Moslem territory. Many Moslem men wear turbans or the little velvet caps called *kopia,* and both men and women wear *kantio*—long, loose cotton pants. Spanish is heard frequently, as well as the local dialect, *chabacano*—"bamboo Spanish."

BRIGHT FISH GLOW IN ZAMBOANGA'S MARKET

Arab missionaries, proselytizing for Allah, reached the Philippine long before the Spaniards. But their efforts to convert the Filipinos had not reach all the islands when the Spanish—themselves ardent missionaries for Catholicism—arrived. Islam remains strong in the Philippines only in Mindanao, Palawan, and the Sulu Archipelago.

One morning I wandered through Zamboanga's fish market, awed by the variety of marine life displayed on wet boards along the quayside. It included remoras, sharks six feet long, and diamond-shaped rays with violent blue spots. Some of the fish looked more like enameled jewelry than fare for a simple meal. One jet-black fish had a bright-red splash, like a stroke from an artist's brush, behind its gills.

Barefoot boys and housewives pattered toward home, carrying dinner by the tail.

That evening I sat on the sea wall in Zamboanga and watched the sun set behind mother-of-pearl clouds. The sea lay flat and glossy, and the distant hills of Basilan Island looked like the farther shore of a lake.

Bajao women—sea gypsies—drifted in *vintas,* outrigger canoes, by the sea wall. The sun turned the sea a gentle pink. The sails of the vintas turned pink, too, and so did the clouds. The hills faded to a soft blue and disappeared, and it was night.

A whole galaxy of pinpoint light gleamed from the wharf, where three ocean-going vessels were loading copra. I heard a flurry of ships' bells, saw fires being lit on nearby vintas, and sniffed the good smell of roasting fish drifting on the slow breeze.

Next morning I boarded a launch for the 90-minute ride to Basilan Island. All the seats were taken, so I scrunched in by a rooster morosely confined in a plactic-mesh shopping bag. There was a convincing odor of copra.

Moslem women nursed babies and chatted amiably. One woman wore a bright-blue blouse with buttons of gold and pearls. Eight enormous pearls graced her bracelet.

COCONUT PALM: TREE OF PLENTY

Once ashore, I rode a battered jeep to the Menzi Plantation, one of the show places of the Philippines. There I was greeted by young Onofre Griño, who handed me a cup of coffee, grown, roasted, and ground on the plantation. "We also grow rubber, black pepper, coconuts, and cacao," he told me.

In a soft rain we drove through graceful coconut groves. Useful as it is beautiful, the coconut thrives on the coastline, where most of the people of the Philippines live. These islands lead the world in production of coconuts. The crop returns more than $250,000,000 a year in foreign trade and forms a mainstay of the economy.

Coconut palms are cornucopias of good things, yielding much more than copra and coconut oil. Processed coconut shells may end up as high-grade charcoal, gears, cups, and buttons; the natural fibers of the husk make hats and strainers; leaves find use in brooms, roofing, and packaging. The flower-stalk sap gives a fermented drink, *tuba.*

We passed a water-filled ditch. "Don't tell me you have to irrigate, with all the rain you have," I said.

"Yes," Griño answered. "Indiscriminate logging and burning of the forest by squatters have destroyed so many trees that the climate of Basilan has changed. Rainfall used to be distributed uniformly all during the year. Now we have long dry spells."

JOLO CHRISTIANS LIVE IN FEAR

I could not get a boat to Jolo, capitol of Sulu Province, so I took a plane. I was glad I did. The landing was spectacular. The plane came in very low over the Sulu Sea, almost brushed bamboo and nipa houses, and landed with a whoosh not two blocks from town.

Jolo is an isle of fear: Its Christians live in dread of the Moslems, who form 98 percent of the populace. Moslems, "going *juramentado,*" sometimes set out wildly to kill Christians.

"They believe that if they have killed a Christian before they die, they will enter heaven on a white horse," I was told.

So it took courage for my volunteer guide, Benjamin Tan, to drive me to the provincial capitol outside the city. "It stands in a dangerous district," he said, adding that the governor used the building only occasionally.

We saw but one person there: a guard in a white T-shirt, a rifle loosely cradled in his arms. In the main corridor of the building a cow gravely chewed her cud. We drove on to palm-tousled Mobo Beach, where a Japanese war vessel rusted in the gentle surf. Then we headed back to Jolo.

At Notre Dame of Jolo College, maintained by the Oblates of Mary Immaculate, I talked to Father Cuthbert Billman, a tall man in a white cassock.

"We go out of town all the time, and we certainly are Christians," he said. "But we don't proselytize. We try to solve problems through education. We try to build some of the bridges Pope John XXIII talked about."

The Notre Dame College student body is 75 percent Moslem.

Whatever else it may be—and it certainly is one of the fascinating small cities—Jolo must be the noisiest spot on earth. In a span of two minutes I noted these sounds: Bing Crosby singing "Happy Birthday to You" on a loud juke box, trumpet practice next door, a radio with a suffering singer, boys kicking tin cans on the pavement, children chanting the Koran, gravel thrown into a wheelbarrow, a dozen dogs barking, a plane taking off from the airport, school children singing, traffic and market noises, a clacking telegraph key, peddlers' cries, and the empty sound of two goats butting their heads together. Supreme over all this were the nerve-jangling bells rigged to the wheels of Jolo's pedicabs. Whenever the vehicles move, the bells ring.

Big red buses with slat sides roll into town at all hours, blazing the way with raucous horns. I was not enamored of the buses, but I liked the sign on their sides: "No Clinging Around."

When I sought passage to Sitankai and the Sulu islands with tom-tom names—Dong-dong, Tawitawi, Sanga Sanga, and Sumbasumba—I was told, "You don't want to go there. They've got a shooting war going on."

Bullets fly in the southern seas between smugglers, hijackers, and customs men. Smugglers, using catamarans powered with two Mercedes-Benz engines, can make hundreds of thousands of pesos running contraband in from Borneo. They can afford the best equipment. Government boats haven't a chance.

SULU PEARLS NOW GROW ON FARMS

The smuggling war has ended the profitable pearling trade in the Sulu Archipelago. "There are still lots of pearls, but they are all underwater," said Francisco Terol, manager of the Jolo Light and Power Co. "The pearlers won't go out because of the pirates."

I found a different story at Samal Island, in the Davao Gulf off southeastern Mindanao. There the Aguinaldo pearl farm, in a little cove, is guarded by spraddle-legged watchtowers. Search lights crisscross the place at night. Obviously, unexpected visitors are not welcome in these waters.

Daniel Aguinaldo, a Manila businessman, started the farm in 1958 by airlifting 12,000 white-lipped oysters from the Sulu Sea. The oyster, with a shell the size of a dinner plate, can manufacture white, pink, or gold pearls, Aguinaldo also raises black-lipped oysters, which form coveted "black" pearls.

The oysters grow in wire baskets suspended from bamboo rafts. These cast latice shadows in the turquoise water, where hundreds of brightly colored fish dart in and out among the baskets.

MINDANAO FINALLY KEEPS ITS PROMISE

A short launch ride across a narrow strait brought me to the bustling gulf-coast city of Davao on Mindanao. Called the "land of promise" so long that Filipinos have dubbed it "land of promises," the big, rich island now shows signs of living up to its expectations.

At Davao I saw progress everywhere: bales of blond abaca fiber—Manila hemp for fine rope—piling up on the docks; gigantic timber trucks delivering logs to plywood mills.

Visiting a nearby plantation, I saw groves of abaca plants, which resemble small banana plants. At the mill, men unloaded abaca stalks from little railway cars and threw them into crusher. Then they rolled through "finger" machines that separated the fiber. When the fibers were washed, dried, and burnished, they were ready for market.

At Bislig, on the eastern coast of Mindanao, a paper mill designed to use forest wastes was being built. It represents one of Mindanao's promises made good—a papermaking process using Philippine hardwoods. Fifteen years of research went into perfecting the process.

The "grist" for this mill will come from the Bislig Bay Company's 395,000-acre timber concession. Resident manager William Godinez and woods boss Arthur Balch showed me around.

"When we hit the beach here in 1950," Mr. Balch said, "there wasn't a single major logging outfit on this coast. Everyone thought we were crazy. They said the sea was too rough for shipping logs, and that there was too much rain for us to build roads."

As he spoke it was raining at Bislig, and the Pacific did indeed look rough. Only about 60 miles west lay the Philippine Trench, with one of earth's deepest soundings at 34,440 feet.

Driving into the forest, we passed huge earthmovers slogging through the mud.

"Logging's mostly a matter of building roads," Bill Godinez said. "There is no money unless the logs come out of the woods."

We stopped at a muddy clearing in the tall forest. Men standing on a platform sawed at the base of a lauan—a tree that reaches market as "Philippine mahogany."

As we got out of the car, Bill Godinez pointed upward. A high-climber, his figure tiny against the bole of a 130-foot tree, adjusted his safety belt and started his power saw.

The saw snarled and bit into the trunk a hundred feet above the ground. With a tremendous crackling, the 30-foot crown bent slowly in a great arc and dived into the mud far below. Shattered branches and geysers of mud splashed into the air. The tree whipped violently, and I pitied the clinging figure of the man at the top.

Later I felt the earth shake as sawyers dropped two giant trees into the underbrush. I watched a yarder drag seven-ton logs through the woods, as if bringing huge fish to gaff. The forest rang with whistles, the rasp of saw blades, the shouts of men.

FOREST GIANTS MATURE IN 70 YEARS

"We don't reseed," Bill Godinez told me. "The forest regenerates itself very quickly. We leave trees less than 24 inches in diameter. We'll cut those in 35 years. We'll be cutting today's seedings 70 years from now."

More than half of the Philippines comprises forest and mountain land, and I saw much of it in the days that followed. I flew north from Manila to the Lepanto copper mine with operations manager Charles Foster and his wife Lucille. The trip took 57 minutes by plane; it would have taken 14 hours by jeep over twisting mountain roads.

Flying amid popcorn clouds, we soared over the Trinidad Valley, called "the salad bowl of the Philippines." Its fertile fields were spaced as regularly as lines on a ledger. In northwestern Luzon, Charles Foster brought his plane down smoothly on an airstrip laid out on a mountaintop.

IGOROTS LEARN TO DRIVE LOCOMOTIVES AND BLAST ROCK

I found Lepanto a thriving community, complete with schools, post office, hospital, police and fire departments, a women's club, and a golf course that leaps from peak to steep peak. It is the only beautiful mining camp I have ever seen. Most of the 1,350 workers are Igorots, primitive people who live in the hills.

"They come from villages the wheel hasn't reached," Mr. Foster said, "yet they quickly learn to drive locomotives, drill rock, and use dynamite."

Mrs. Foster founded Lepanto Crafts, Inc., to revive interest in weaving and give jobs to 200 women and boys. She led me through the weaving houses, open-sided and grass-roofed.

Igorot women, red and white beads entwined in their hair, their arms tattooed to the shoulders, worked primitive looms. Warps of brilliant blue, red, and green slashed diagonals from rafters to floor.

Charles Foster flew me on to the quiet old Spanish town of Vigan, on Luzon's west coast. Its cathedral was built in 1641, replacing a wooden chapel erected in 1574. In the plaza I saw signs urging the people to a greater morality. At one end, a stone José Rizal looks down from a fountain in which stand models of the islands of the Philippines. The neglected fountain contained no water. A goat grazed on Mindanao.

At Vigan I hired a jeep complete with an interpreter-driver, and headed south through rich countryside that resembled a well-kept park beside the blue sea. We turned sharply east near the town of Tagudin, and as the road began to climb, the country changed drastically.

Towering bamboo in feathery clumps choked deep gullies. Vines, shrubs, trees, and flowers grew in great tangles. The road became steeper. Waterfalls cascaded onto the road. Ferns and pines began to climb the hills with us.

Finally the jeep coughed over the last rise, and we stopped before a memorial commemorating the Battle of Bessang Pass, one of the last in the Philippines, fought from May 17 to June 14, 1945. It read: "The battle, spearheaded by the 121st Infantry of the United States Armed Forces in the Philippines, North Luzon, was conceded by the American military authorities as one of the most terrible and incredibly difficult battles in the entire war. . . ."

Bessang Pass. I was ashamed to think I had never heard of it. It seemed unbelievable to me that men could have climbed to this pass bearing the machines of war, under heavy fire from the Japanese.

Driving through the narrow pass, we rounded a curve, and I saw a hillside white with Easter lilies. They grew horizontally from the cliff, like trumpets in silent fanfare for the gallant men who died on those slopes.

UNWARY ONCE LOST THEIR HEADS IN BONTOC

We drove on to Bontoc, the "capital" of Igorot country. Part of the town lives in the 20th century, the other part is 2,000 years old. Igorot men, wearing nothing but red-and-white G-strings, hunker down in conversation with friends dressed in khaki or denim. Many men carry short iron-tipped spears. It is arresting to see an Igorot, naked except for a G-string and long knife, wearing a plastic snap-brim hat in violent green.

A friend in Manila had warned me: "The mountain to the right of Bontoc is very delicate. Twelve farmers were killed there last week and their heads removed."

Although I had been practicing keeping my head when all about me were losing theirs, I was a trifle uneasy. No traveler wants to return home a head shorter than when he left.

Happily, I met Gabriel Dunuan, then chairman of the Commission on National Integration in Bontoc, and an Igorot himself. I asked him about the head-hunting.

"There is a lot of myth about that," he said. "It was the custom among the Igorots, but it is not going on now."

Mr. Dunuan's national commission is charged with establishing and raising cultural, social, economic, moral, and political levels for the republic's cultural minorities—among them tribes like the Ilongot that do still practice head-hunting. (A news item from Manila only last April warned Filipino picnickers: "It's Head-Hunting Time Again.")

"It's quite a job," Mr. Dunuan said mildly, "something like starting a new nation.

"I saw some Ilongots the other day," he said. "They are still naked. 'Look,' I told them, 'I wore a G-string until I was ten. I was fortunate to persist in education. That is the only difference between you and me.'"

Mr. Dunuan summed up the problem by saying: "The Philippines cannot become really great as a nation by neglecting the welfare of 10 percent of the population. These minority groups are the weakest link in the national chain."

That night the rain and wind began. I laid my head on a hotel pillow embroidered with red roses and the legend, "God Bless Me."

In the next couple of days my interpreter and I traversed the savage hills in a screaming typhoon, lost a wheel of the jeep, skirted landslides, and finally saw a raging river chop off the road at our feet. I often thought of that pillow.

I have been on many roads, but none so spectacular as the Bessang-Bontoc-Banaue highway. It scallops the flank of the mountains, and so steeply do the hills fall away that we literally rode at treetop level, mile after mile.

The chill rain became a whistling mass, and we entered a watery world as the jeep plunged gallantly along the steep road. The green mountains shimmered and disappeared and wanly came into view again.

We passed a rain-blurred sign: "Banaue Central Annex School—200 meters up." An arrow pointed straight up the mountain. A proper sign for a vertical country.

TERRACES STAIRSTEP THE MOUNTAINS

The Banaue Valley was a bowl of pea-soup fog, but the screaming wind tore the clouds away to reveal one of the unbelievable sights of the world, the Banaue rice terraces.

Working on almost vertical hills, the Ifugaos have constructed rock walls to hold their paddy fields, walls which would stretch more than 1,000 miles if laid end to end. This incredible handiwork resulted in nearly 100,000 acres of level ground!

My first reaction was simple disbelief. In the mists, the terraces resembled a mint-and-chocolate cake of gargantuan proportions. Foot-wide waterfalls slamming from terrace to terrace looked like birthday candles.

I could not stay to wonder at the sight. I was in real danger of being blown away.

We had a cup of coffee at Banaue. Outside, the wind whipped the trees and sent out spears of rain.

"How far to Baguio?" I asked.

"Four hours, sir."

"Can we make it?"

"It depends on the landslides, sir."

"We'd better try," I said.

It was a tense drive, a constant peering ahead to the next curve to see whether the road was still clear. We skirted landslides too small to stop us. Impromptu waterfalls clattered on the top of the jeep. The sodden hills began to give way. I became profoundly conscious of the walls of rock and mud overhanging the road.

We never did make Baguio. The hissing Magat River chewed out the road a few miles beyond Bayombong. We back tracked to spend the night. Two sopping days later we wrung ourselves out in Manila.

WAR'S RUINS RECALL A VALIANT STAND

Next day I boarded the sleek 68-foot *Flying Fish,* a hydrofoil boat that took me to Corregidor in less than an hour. The island lies low and green at the entrance to Manila Bay, three miles from Bataan (inset map, page 313).

I climbed aboard a Philippine Army truck and jogged up the road to the Malinta Tunnel, General MacArthur's headquarters from late December, 1941, to March, 1942. Malinta is empty now, but a sign at a lateral tunnel that served as a hospital reads:

"Please maintain silence, and you will hear the wailing of the wounded and the whisper of death."

Bataan and Corregidor are two words deeply thrust into the history of both the United States and the Philippines. After the smashing air attack and invasion by the Japanese, the defending forces—four-fifths Filipino—were pushed back by strength of arms.

Finally, the only resistance was on the Bataan Peninsula and Corregidor. For months the heroic men and women held out in a battle they were fated to lose. Corregidor fell, but its defenders had not fought in vain. The hopeless stand delayed the Japanese military timetable by several months.

My truck passed the long, narrow shell of "Mile-Long Barracks," bleached and white under the ipil-ipil trees. Nothing remains but pitted concrete, with stairs, that lead nowhere and empty windows like eyesockets. Three mortars that defended Corregidor to the last are still in position, barrels lifted high.

The parade ground topside is empty. On three sides stand the shells of the headquarters barracks and administration buildings. Trees today have found footholds in these white concrete relics. The roofless post theater now holds a grove of monkeypod trees.

The truck ride was rough. The guide, a Filipino sergeant, said, "The next time you come, we will have a paved road and a bus."

Throughout the Philippines, I had seen all the hallmarks of a developing country: The contrast between great wealth and besmirching poverty, the beginnings of a middle class, the race for education, the struggle for political identity. And I had met some dedicated men and women doing their utmost to help make the Philippines a modern country.

Dr. Leonides Virata, the brilliant young economist so concerned with smuggling, was one of them.

"We have a democracy, although it is noisy and expensive," he told me. "Democracy has taken root here, and it works. We were nourished in freedom, and that is the biggest dividend my people have received from America.

"Right now we are a hodgepodge, but unless we are victims of aggression or internal subversion, another 25 years will see us there."

PHILIPPINES

More than 7,000 islands and islets rise from a partly submerged mountain chain to form the Philippines. Largely tropical wilderness, 90 percent of the islands are uninhabited, 60 percent unnamed. Two-thirds of the population lives on the two largest islands, Luzon and Mindanao.

Predominantly of Malay origin, Filipinos trace their origins as far back as 3000 B.C., to the first immigrants from Indonesia and Malaya. Hillsides terraced with rice fields bear witness to ancient engineering skills.

In the 14th century Arab missionaries brought Islam to the Sulus and other southern islands. The Christian influence dates from 1521, when Magellan landed on Cebu, opening the way for Spanish colonization in 1565. Spain's rule lasted 333 years, ending with the Spanish-American War. The United States guided the Philippines during the next 48 years, leaving a heritage of language and liberty. The nation became fully independent on July 4, 1946.

Government: Republic. Land area: 115,830 square miles, about the size of Arizona, extending 1,150 miles north and south, the sweep of Washington, Oregon, and California combined. Population: 32,600,000, mainly of Malay stock. Language: Officially Filipino (Tagalog); English (spoken by 40%), Spanish, 80-odd native dialects. Religion: 83% Roman Catholic; Aglipayan (an independent Christian sect), Moslem, Protestant minorities. Economy: copra, sugar, abaca, lumber, fishing, gold, lead, manganese, iron, copper, chromite. Cities: Manila, port, industrial center (pop. 1,339,000); Quezon City (Manila suburb), capital; Baguio, summer capital; Pasay; Cebu. Climate: Hot, humid, heavy rainfall.

[Produced by the Public Information Office, Office of the President, Manila, Philippine Islands]

FERDINAND E. MARCOS, PRESIDENT, REPUBLIC OF THE PHILIPPINES

A FRIEND FROM ASIA

Of all the present Asian leaders, President Ferdinand E. Marcos of the Republic of the Philippines shows every sign of becoming the most persuasive and most deeply committed to the cause of democracy, both as a system opposed to communism and dedicated to peace and freedom.

It is not difficult to believe in this, for Ferdinand Marcos, born on Sept. 11, 1917, belongs to the generation that grew up in a time that was still stirred by World War I and in a country that was imbued with the democratic ideals learned from America, and passionately embraced by a people and their leaders who longed for freedom.

Ferdinand Marcos was a studious youth, as reflected in his high grades from elementary school through high school and college. Because of his serious mind, he soon became conscious of politics and the dynamics of government. Pursuing a law course in the state university, the University of the Philippines in Manila, he became a student leader and participated in student demonstrations against certain national ills at the time and for the early attainment of independence.

His life suddenly took a dramatic turn, when even as he was finishing his law course, he was accused of the murder of a political enemy of his father, Mariano Marcos, a public school teacher turned politician. Mariano Marcos served a term as representative in the Philippine Legislature and later was appointed governor of Davao province in Mindanao. The young Marcos was subsequently convicted by the local court in a highly controversial decision. He appealed his case while still in detention, at the same time continuing to review for the bar examinations.

He passed the bar in 1939, with one of the highest grades in bar history, and won his case, arguing his defense personally before the Philippine Supreme Court.

In 1941, as an ROTC reserve officer, he was drafted into the Philippine Army even as war clouds hovered over Asia. As a lieutenant in combat intelligence in Bataan, he soon proved to be a daring and resourceful officer. Leading critical patrol and combat missions in such famed battle areas as Mt. Natib, Mt. Samat and Salian River, he won many citations, including the Silver Star Medal and the U.S. Distinguished Service Cross, which General Douglas MacArthur himself pinned on him.

After the fall of Bataan, the young officer joined the resistance movement, but not before being sucked into the Death March to prison camp in Central Luzon and later undergoing torture at bleak Fort Santiago by the Japanese secret police as a guerrilla suspect. He escaped and founded an intelligence group, which he eventually fused with the guerrilla organization called the United States Armed Forces in the Philippines-Northern Luzon. This unit fought inside enemy lines in the rugged terrain of the Cordilleras range in the Mountain Province.

During the Liberation Campaign, President Marcos fought in a decisive battle of the war, the Battle of Bessang Pass, which led to the capture of General Yamashita, the commanding general of the Japanese Imperial Forces in the Philippines.

President Marcos emerged from the war with nearly every medal and decoration for courage and gallantry the Philippine and American governments could bestow on a soldier. He received, in all, 27 medals and decorations, making him the most decorated Filipino soldier in World War II. Four of his decorations were for five wounds sustained in battle.

His first taste of civil administration was his assignment to establish a government in the areas cleared of Japanese by his outfit, in Northern Luzon. He continued to do this, first as combat officer then as judge advocate general and civil affairs officer of the USAFIP-NL. From this experience, he went actively into public service.

He served as a technical assistant to President Manuel A. Roxas, the first President of the Republic of the Philippines, in 1946, then led a mission of Filipino officers in 1947 to Washington, D.C., to secure from the U.S. Congress arrears-in-pay and other benefits for Filipino World War II veterans.

In 1949, at 32 years, he ran for the Philippine Congress, and won a seat as representative of the second district of his home province, Ilocos Norte, in Northern Luzon. It was the same district once represented by his father. This launched his political career.

He served as Congressman for three consecutive terms—one term is four years—and after his third term, he ran for senator and won the highest number of votes among the senatorial candidates. That was in 1959. As with his career in the Lower House, he was a leading senator, occupying vital positions of leadership.

In the Senate, he was minority leader and then President. He also served as a member of the National Economic Council, the Council of Leaders and the Council of State.

A prolific lawmaker, he established a record during his terms in both Houses for the most number of important bills introduced, many of which were passed. He pioneered in land reform legislation, championed the Land Tenure Act in the House and steered the passage of the Land Reform Code in the Senate. He also worked to strengthen trade unionism, was cosponsor of the Magna Carta of Labor and the Anti-Scab Law.

President Marcos had, indeed, a broad interest as legislator, which ranged from agriculture to civil liberties, economics to foreign relations. It was as though he was rehearsing for the Philippine presidency, for which he set his hat from the jump-off point of the senate presidency, which he held at the time he broke off with the then President Macapagal and the Liberal Party, and joined the Nacionalista Party.

In the Nacionalista Party national convention of 1965, he fought a hard but masterly battle, with the odds against him, being a neophyte member of the party while contesting the presidential nomination with veteran Nacionalista leaders. The resounding triumph of President Marcos, in a way, indicated what was to come in the presidential campaign that was to follow. As it turned out, it was an uphill battle all the way, but the votes ultimately gave President Marcos a clear-cut mandate from the people.

In his first six months in office, President Marcos spiritedly faced up to the crisis in government, which had to contend with low morale, depressed public funds, and an economic slump. Today, there is a new briskness in government operations, resumed economic activity, and fresh public confidence in the national leadership.

In foreign relations, President Marcos unequivocally reiterated Philippine support of the free way of life and the Philippines' staunch opposition to communism, as proven by his vigorous advocacy of Philippine assistance to South Vietnam in its struggle against communist aggression. He has also sparked the resumption of Philippine diplomatic ties with the Federation of Malaysia, the recognition of Singapore, and the rapproachment between Malaysia and Indonesia. He has enunciated a policy of support for any move to strengthen economic, cultural and mutual defense agreements among friendly Asian countries, in the interest of common development and stability.

THE FIRST LADY

The Philippines' First Lady, Mrs. Imelda Romualdez Marcos is a First Lady in the tradition of Mrs. Jacqueline Kennedy and Queen Sirikit of Thailand.

Young, tall, statuesque, she first won national attention because of her beauty when she was chosen Miss Manila. She had just graduated from college in her home province of Leyte and had recently arrived in Manila, one of a dazzling crop of post war debutantes.

Although born in Manila, Mrs. Marcos' roots are in the Visayan region, the group of islands south of Manila, which forms one of the three main regions of the Philippines. (The other two are Luzon island in the north, and Mindanao in the south.)

She has much to be proud of in the way of family and family heritage. The Romualdezes of Leyte, an island in the Visayas, have a long history of political leadership in that province and in the nation.

Her forebears founded the town of Tolosa, which now she regards as her hometown. Her father, Don Vicente O. Romualdez, was a prominent lawyer, the youngest in a family of three boys, all of whom distinguished themselves in public, civic, and cultural activities.

The eldest, Norberto, became a justice of the Philippine Supreme Court and a member of the Philippine Assembly, the lawmaking body of the Philippine Commonwealth in 1935. He wrote the preamble of the Philippine Constitution. His artistic side is a family trait. He compiled one of the first collections of native folk songs, scoring the most popular, "My Nipa Hut." Schoolchildren still sing it in classrooms today.

The other brother, Miguel, was one of Manila's mayors. The rest of the clan, through succeeding generations, have served as senators, congressmen, ambassadors, governor, bankers, and eminent professionals. Notable among them was Daniel Romualdez, a cousin of the First Lady. Shortly before he died, he was Speaker of the House of Representatives of the Philippine Congress.

Her own branch of the family, however, is not political. Her father was more of a scholarly bent, interested in music and culture. Her mother, of the Trinidad family of the town of Baliuag, in Bulacan (Luzon) was endowed with the charm of Bulacan women, who are as famed for grace as the women of the South.

Imelda Marcos spent her childhood in the shadow of Malacañan palace in Manila. Her family lived near the church of San Miguel, the district of the city where the palace stands. She went to a nearby school, now known as the College of the Holy Spirit, a Catholic school run by nuns. When her mother died, her father moved the family back to the ancestral house in Tacloban, Leyte, where he became dean of the law school of St. Paul's College.

She set a new pace as a political helpmeet, making speeches, sponsoring baptisms and weddings, and often singing before vast crowds that attended meetings where she was the main attraction. She followed a campaign trail different from her husband's. Often they would not see each other for weeks. Wherever she appeared, there was always a huge turnout, and invariably the crowd would clamor for a song.

This prodigious performance was a tribute to a lady who at first thought she was not cut out to be a politician's wife. But by force of will and intelligence, she completely overhauled her personality. Today, she is not only the consummate First Lady, but a briliant politician in her own right. Contrary to expectations that she would be merely decorative as a First Lady, Imelda Marcos has proved a deep interest in Philippine culture and the arts. Even now she is planning a more meaningful and systematic pursuit of social welfare work.

Already, she has launched a national theater in Manila that will house performances in legitimate drama, symphonic music, opera, and other performing arts. She plans to extend aid to artist as well as promote culture. She has not forgotten, however, that once she said, "Before the people can indulge the mind, they should first have enough to eat."

[From the Philippines Free Press, Aug. 13, 1966]

HALF YEAR MARK: FERDINAND THE FIRST DISCOURSES ON THE HUNDRED DAYS THAT BLOOMED IN APRILTIME AND THE LONG HOT SUMMER SINCE THEN

(By Quijano de Manila)

Convalescent, says President Marcos, is the state of the nation today.

"Before, the nation was following a trend of economic degeneracy as well as social degradation. The common man was not attended to. He was losing respect for the government. He was ready to rebel against constituted authority. As for the economy: the gross national product, which had reached, according to statistics, as high as 4.5 billion, had gone down to 3.2 billion—a decrease which indicated that the economy had been destroyed."

A nation in crisis was what Ferdinand Marcos felt he had inherited.

He believes his first hundred days in office "reversed the trend of deterioration":

"The turning point was in April."

It was then he noticed a "change in spirit" among government personnel.

"They started coming to me—I mean government officials and employees—and frankly admitted wherein they had failed. They offered their own suggestions. Customs people came to me personally, some of them at night, volunteering to be witnesses against persons suspected of graft. Then I know the outlook had changed. They were ready to cooperate."

So was business, apparently infected by the new spirit.

"In our highly competitive business sector, people will cut each other's throats because they're only out to make money. So, I could understand the attitude of the previous administration in trying to restrain them. But when I saw these same competing industries, these competing sectors in the economy, trying to band together to help the government, I know the tide had turned. That was around April."

And Apriltime stirred in the public, too?

"Yes, also in the public. It was indifferent before as to who were in office. I think the cynical before would say: Whoever are in power, they're all alike—politicians making money and doing nothing good for the people. But suddenly people were gathering into volunteer groups to help in agricultural development. People began prodding the government agencies in their communities, in the barrios, in the small towns—people with constructive proposals. People notified us of government lands abandoned in Mindanao and suggested how to put them to use. I didn't know the Board of Liquidators had so much land at its disposal! And there were suggestions from veterans, suggestions from society women who wanted to stop crime, who wanted to participate in the fight against juvenile delinquency. And when I saw these voluntary well-intentioned efforts to help the government, I knew the feeling of despair among the people had subsided."

That, he says, was one of his two principal objectives when he assumed office; to "change the outlook of the people," which had become "dangerous."

"The outlook of the people was not only resignation but tolerance of and even participation in official graft—an acceptance of the state of crisis, a resignation to misery. Seeping down was a feeling of despair—and I feared this despair would erupt again in violent rebellion, whether Huk-led or not. The conditions were there for a sudden uprising against established control.

"So, we had to work on this—and it was a more complicated job than I thought. You had first to establish integrity in the government. The program to increase taxes for instance, became part of the campaign to change the people's attitude to taxes."

And to change the habits, too, of the folk who collect taxes.

"I was denied the authority to reorganize the government, but in the Bureau of Customs I change the commissioner and was upheld by the courts. The courts approved an authority to reorganize the government but Congress did not act on the bill."

Still, he has been able to slip in new men he hopes will have a "reinvigorating" influence on the old ones. He was acting here on his war experience.

"In guerrilla days we had good soldiers—some of them well-trained comrades in Bataan—and bad soldiers; and whenever there was a battle we'd put in the good soldiers among the bad ones and the bad soldiers stopped running away from the fight. Believe it or not, we solved this problem that way, because the good soldiers contaminated the bad ones with courage. I'm hoping a similar experiment will succeed in the government."

And a reformed government should likewise "contaminate" the public with health, civic health.

The President is touchingly sure it's already happening:

"The state of the nation now. It has recovered from its illness. It's convalescing and is ready to initiate, energetically, the program of development."

No development would be possible unless he succeeded, first, in changing the public outlook, his prime objective, and second, in stabilizing the fiscal position of the government, his other urgent objective on assuming office. The government couldn't run without money—"and unless the government could run, there was no government for me to be head of."

This was an emergency: the state had to be rescued from bankruptcy.

MONEY THE ROOT

He started planning the rescue operation as early as November 25, 1965:

"I had to. I was taken aback by the fiscal position of the government, and its continuing deterioration. The government was earning four and a half million a day and spending six million daily. And that didn't include the government corporations. At that rate we stood to lose over seven hundred million in deficits alone during my first year."

In November he began meeting with an "extra-legal group, some of them in the government, others from the private sector," and laid down plans to "curb the crookedness" of state finances. The operation unrolled according to plan as soon as he entered the Palace.

First step was the removal of all casual and temporary laborers and employees who had no items, only political padrinos.

Second step was not filling vacant government positions: "A study indicates we can remove one-fourth of government officials and employees and have a more efficient government."

Third step was the merging, whenever possible, of government offices—and here he has been hampered by the Civil Service Law and Congress' refusal to give him the authority to reorganize. But he points out that all the different offices now engaged in irrigation service, for example, could be consolidated into a single water-source authority which might do the job more cheaply and effectively: "One of the things held against us by the World Bank is that Nawasa was given a four-year loan of 22 and a half million and hasn't been able to finish a single project!"

Fourth step was the screening of government contracts: "All contracts for purchase of equipment had to pass through my office, had to be approved by my office, had to require public bidding. When we suspect cartelization of bids, we always check if somebody else is willing to sell at a lower price. Usually somebody else is; so we save."

Fifth step, a twin move, was to bolster industry, which swells state revenue, and to smash smuggling, which shrinks it.

Sixth step was to increase tax collections, which necessarily involves the revamp of the tax agencies: "I wanted to put Customs under a Port Authority, so this authority would have physical control over the facilities, the physical facilities, of the bureau, while the man in charge of tax collection would have only that job to attend to. As it is now, the customs commissioner has to attend to things like harbor works, dredging, and the like—and if the Department of Public Works has been unable to finish Pier 15 and Pier 3 in, I think, four years, notwithstanding a loan from the World Bank, it's difficult now to say who was responsible that the money was lost. Because of pier pilferages, shipping cartels impose an additional 30 percent cost on all goods exported from this country. We are the source of almost 100 percent of the materials of the plywood industry in the Orient, but we ourselves produce only 10 percent of the plywood used in the world because our plywood industry cannot compete in the world market with that extra 30 percent imposition on shipping charges. And all because of a lack of institutional reform, the reorganization we could immediately start if only . . ."

One can see the man is chafing under the strings that bind him: "All those special laws creating offices and corporations that cannot be dismantled or demobilized." He feels himself blocked. "I'm not asking for blanket authority, only the authority to reorganize subject to the approval of Congress. I'm ready with a reorganization plan. I could have presented it in any of the special sessions." Why didn't he? "I don't have the authority yet. You'd first have to amend the Administrative Act, the Civil Service Law, the charters of the various corporations. You know how much we expect to lose on the national railways this year? Eight and a half million! We could have done more, not stop smuggling alone, if we had been able to reorganize the government."

But he feels he has at least stopped the downward slide to bankruptcy. Spurring every step he took was his tribe's passion for thrift: "The cynical would say all this arose from my Ilocano ancestry!" All this economizing has indeed exposed him to attack: "I have been charged with illegally retiring 70 generals." But he insists that his policy of retrenchment "reversed the deficit trend as of January 31, my first month."

"We started to liquidate our indebtedness by a hundred million in April, three months later. After another three months we paid another hundred million."

He offers other proofs of the state's stabilized fiscal position:

"The peso, always the best indicator of economic conditions in the country, is stronger now. Its free exchange position to the dollar in December was ₱3.96. Its position in June was ₱3.89. Our dollar reserves were down to 140 million in December, are now up to 210 million. The International Monetary Fund, which supervises the central banking systems, has seen fit to lift restrictions on the ceiling of borrowing by our government, which means that it thinks our government has become more responsible in expenditures. That ceiling had been with us since the time of Roxas. The International Monetary Fund clamped down on our Central Bank and set the ceiling at 50 million dollars: no borrowing beyond that. But now they have lifted the ceiling. So, we are now economically or monetarily independent in a sense."

The ratio of government expenses to income before 1966 was six million to four and a half, or a daily deficit of one and a half million. The present ratio, according to the President, is "five million and a half in income to about 4.8 million in expenses."

And one reason for the solvency, says the President, is that he has made profit respectable again.

GAIN AND GREED

"If I may be allowed to say so, the previous administration apparently did not grasp the principle of industry. There was a tendency to discourage the making of profit. They felt, I think, that any kind of profit-making, whether legitimate or otherwise, was bad. But industry, but commerce moves on profit. In fact, we discovered this to be true even in agriculture—so much so that we now have a price ceiling on rice, to encourage production. We have encouraged investments to come in and investors to go back to factories that had been closed.

"An example of this would be textiles. In December there were 70 textile mills in the Philippines but only four were operating, and they were operating only two days a week, one eight-hour shift per day. Now all 70 mills are open, are operating seven days a week, 24 hours a day. And their production has already been committed up to December of this year. In fact, they are exporting."

Business lagged before, opines the President, because both the monetary and the banking system, private as well as public, denied industry its chief incentive: gain. Having restored the incentive, the President now hopes to change the "atmosphere of investment" by prodding not only foreign but domestic capital to move in less timidly.

"We must interest the local, shall we say, penny-pinchers—people who hide their money in vaults, coconut shells and pillowcases—to utilize that money constructively by investing it in productive private enterprise. So, we prepared what we call the program of distressed industries."

He cites Delta Canning as an example of a company in distress the program rescued. "It's the most modern factory in the entire Far East: a push-button affair. It uses up 250 cows a day and could double that any time it wants." But Delta was in trouble because of government competition. So: "Namarco had to be stopped from selling imported canned goods at 30% the cost price. That was a political gimmick, I know." Then Delta had to be shored up with loans. So, the government bought preferred shares that didn't entitle it to a stockholder's vote and could be sold to the public any time the government wants to withdraw. "That's necessary because nobody will buy the preferred shares until the company is making money. So the government has to put up the money."

But where was the government to get the money? Floating bonds might cause inflation. "Instead, we created another innovation: the private security market." This market attracts idle hidden money by offering short-term notes which can be exchanged for preferred shares, in say, Delta when Delta becomes profitable. In other words, the small investors provide the funds the government uses to shore up Delta. The moment the company is back in the black, the small investors have the option to turn their treasury notes into shares in the company. Thus, the funds invested in industry are "all private money, all private savings—nothing from the government, since we should not, as much as possible, use government funds or we'll have inflation."

How is the private security market doing? "We have more orders than we can handle! In no time we sold from ten to twenty million in bearer notes." The President suspects that the market is so popular because the large portion of the population that doesn't declare its true income and hides it in actual currency is now being given the chance to utilize that money without being discovered and sent to jail—by buying the anonymous bearer notes. "So I suspect that it has been correctly estimated that, while the currency in circulation may total two billion, another half billion or more may be in hiding and that's why we have the tight-money situation. Actually we're still on the entrepreneur level. When we have drawn into the private security market all the money in vaults, coconut shells and pillowcases, the atmosphere of investment will have changed."

To safeguard investment, says the President, distressed industries are carefully classified as "viable" or hopeless. Only the former qualify for the aid program. "Now the nice part has come. Industries formerly listed as distressed are saying: No, you strike us off the list, we are no longer distressed."

Not only the aid program brought this about but also the drive against the "ruinous competition" of smuggling, which the President believes he has cut by at least 40%. To whet the appetite for lawful gain that's commerce, he had to dull the greed for lawless profit that's smuggling. If for the one he had to restore incentive, for the other he had to remove it.

"I'm asked why don't I put one bigtime smuggler in jail? Because I don't believe we can stop smuggling merely with punitive measures. To stop smuggling we must first remove the incentive and destroy the organization that supports it. Part of the organization is in the government. So the first step was to reorganize the PC leadership all the way. We are not through with that yet. The PC was corrupt—let's admit it, *they* admit it. And local police forces were in the pay of the smugglers. Remove government support and the smugglers are dead. They can't bring in anything without government support.

"Then you go after the smugglers themselves, the actual active smugglers. The bigtime financiers are not these active elements. They supply the funds but you don't catch them actually going to the seashore with a bayong.

"Then the incentive must be removed. But how? The suggestion of the Free Press is to improve the local product. I have followed the suggestion of the Free Press. We offered local cigarette manufacturers, for example, on a trial basis, the right to import blending tobacco, on the promise that they will improve the quality of their cigarettes without increasing the price. They came back with a counter offer. They said: 'If we establish a factory for quality-brand cigarettes, will you guarantee us the blending tobacco?' I told them: 'Yes, give me the contract, but be sure you tie down the franchise properly with Chesterfield, Salem, Camel and the other big U.S. companies.'

"In this experiment we are giving local manufacturers a million kilos of blending tobacco. Now they say they need more. They claim they use at least five million kilos a year even on their low-grade cigarettes. They say the proportion is 10% blend to 90% native. They want to increase to 20% the proportion of blending tobacco. In short, they're asking for double. I said: 'No, let's experiment first and see how you do. If you make good, all right. I'll follow the suggestion of the Free Press all the way and give you all the blending tobacco you want.' But no more middlemen importing blending tobacco and reselling it to the factories for profit—the profit that determines the quality of the cigarette.

"I don't smoke but I must tell you about my tobacco problems. Everyone wants to come in, wants to import tobacco, wants to make a lot of profit. Every politician, every two-bit leader—they want to get the right to import blending tobacco. The last administration signed a lot of such contracts and I have cancelled all of them; I'll probably end up in court. But I'm cutting out the middlemen. The blending tobacco must go straight to the factories. I called in the manufacturers and told them to organize and experiment. They are now working on the new blend. A Chesterfield factory is opening here probably next month, and other factories are to follow. All this proves, of course, that I read the Free Press."

Smokers whose switch to the tax-paid's attests to the 40% success of the drive against smuggling hoarsely await the advent of the promised better locals at the same price. May the new product never acquire the blue-seals' maddening habit of vanishing (and reappearing at ever increasing prices) as soon as the public has become addicted to them!

Another possible ploy against the smugglers—the reduction of duties on imported cigarettes, "not to a level that would ruin the local industry, but just enough to remove the incentive from smuggling"—is, sighs the President, "another of my disappointments in Congress." But he feels he has made headway against the other form of smuggling: the misdeclaration of imported goods, of which the *Argo* case is the most scandalous example.

"The misdeclaration starts at the points of origin and is supported by documents signed by our consuls. So, we had to investigate the consuls. If they claim they signed without first checking, they were negligent in the performance of their duties and have no business being in the foreign service. But everybody says: 'Marcos is violating the Foreign Service Act and kicking out people without cause.' But we are doing this legally, after investigating.

"When the misdeclared goods arrive at our ports, we cannot touch the importer unless he claims the goods: he usually uses a fictitious name. So, now, before anybody can take out goods from Customs, we ask both importer and exporter to sign affidavits under oath that the goods were properly declared. If we find they were not, the exporter is blacklisted and can no longer trade in Philippine ports; the importer becomes liable to punishment under the Criminal Code. *That* has stopped a lot of misdeclaration.

So have the reforms at the piers.

"I removed all investigating teams from Customs. Everybody was there: the CIS, NBI, BIR, and the Manila police. Everyone wanted a finger in the pie. I replaced them with one agency under Gen. Pelagio Cruz. It's doing very well.

"And then the arrastre, or the job of unloading and warehousing goods, which was part of the Customs service and was very inefficient and corrupt. So, we insisted it be taken over by the private sector, after public bidding. The move was started by President Macapagal but he never could seem to get it off the ground. When I saw that the transfer was being blocked by labor and court litigations I went to Customs. I called [Roberto] Oca and told him: 'Why don't you get together with the bidders and enter into a contract with one of them? By God,' I said 'I'll hold you liable if there's any stealing of goods here! It will be your men.' So he entered into a contract with Guacod, but we split the contract so it would not be a monopoly. Guacod gets two piers, Razón has two piers. They're doing well. Pilferage has gone down. The shippers were going to impose another 5% on goods coming from the Philippines, in addition to the extra 30%, but they have suspended the new charge, which means pilferage has been reduced if not eliminated on some of the piers."

The port of Manila is important but there are other ports just as vital to any program of economic development. And here we come to the President's "infrastructure support" for his imminent Four-Year Development Program. If *that* overture sounds stale, let's hope the performance won't be.

THE BASIC PROPS

"The cheapest kind of transportation," says the President, "is water transportation. So we have to build ports."

Rice from the Cagayan Valley costs more to transport by land than to produce; so Cagayan rice and corn stay there when they could be shipped to the rest of the country. Palanan could be developed as a port for Cagayan but can be used only during the six months of the year when the northeast monsoon is not blowing. An alternate port is needed for the rest of the year, and the President has chosen Santa Ana, on the northwest coast of Luzon.

"We are also trying to develop San Fernando in La Union. It's a very good port and less costly than Manila, so much so that Secretary Yulo ships his sugar from San Fernando rather than from Manila and the sugar comes all the way from Calamba."

Sual, the historic port from which the Central Plain shipped rice when the Philippines was still *exporting* rice, could be rehabilitated; and apparently there was such a plan in previous regimes. When he went to inspect the port, says the President, he discovered "six dredges sitting in the bay doing nothing—six dredges allowed for years to accumulate barnacles while the port silted and the channels narrowed."

A similar languor explains why land transportation is so difficult and costly: where there are roads at all the roads are atrocious. Yet some 200 million is collected each year from the gasoline fund, the motor vehicles tax, the highway tax, etc., which is supposed to go to road-building. Two hundred million a year for roads—"but," says the President, "during the last four years, up to December, we cemented less than a hundred kilometers of road."

He hesitates to publicize his "bold road program, utilizing both government funds and private financing," but when the roads are finished they will be "one thing we can brag about."

"For instance, very few people know about the North Diversionary Road, from Balintawak straight to Meycauayan. It's big: eight lanes. For decades we have talked about the need for such a road; it's being constructed now. They're planning to give it to me as a birthday gift. It took a long time because they had to raise the bed, the ground there is a bit low and, besides, I told them I didn't want a sloppy job. I said to them: Build that road to last a century though we put on it all the heavy trucks we want to.

"Another thing: we have already finished the Manila South Road and you can now go by car from Manila to Sorsogon. There may be places where you'll have difficulty going through because they're cementing mudholes and I didn't want them to stop even during the rainy season, but you can go through."

He says he will insist that reparations go no more to "a few persons in the private sector" but to the government, to finance the building of roads, big permanent bridges, irrigation systems and power plants.

"We are also trying to prevent floods. A principal flood source are the headwaters of the Agno River. I don't know why nobody ever though of it before, but a series of dams in the mountains of those headwaters—for example, in Pantabangan, Nueva Ecija—would check floods in Pampanga and the Tagalog region. I know those mountains from guerrilla days, they're very narrow, you can put up dams there. They would cost a lot, from 60 to 240 million, but would be worth it. Floods cost us anywhere from 150 to 300 million pesos a year."

Irrigation water may cost as much as flood water: 50 million dollars.

"On paper, we are supposed to be irrigating a million hectares. I look at the plans and they are beautiful. We have big irrigation systems—on paper. But I discovered that we actually irrigate only 300,000 hectares. Why? Because those irrigation systems have not been rehabilitated. To rehabilitate them, I had to request authority to borrow 50 million dollars from the World Bank, my first request for a loan, and it has been approved. But even before it was approved we had started work already on the irrigation systems. Irrigation and roads are most important to the infrastructure."

And firming up the infra-structure was "the first step in the Four-Year Development Program."

TO EARTHWARDS

"This Four-Year Development Program had been in preparation since November but I didn't dare bring it out until we had established the basic prerequisites: financial stability in the government, a changed outlook in the people. Now we come out with the Four-Year Development Program, which actually, in short, is nothing but a program aimed at increasing the per capita income of the greatest number of our people: the farmers and laborers. I am not against industry but I would rather favor agriculture as a foundation for industry. France is an industrial country but its principal products in the European Common Market are agricultural. The money to import rice: why can't we use it to develop our rice industry instead? That's a basic aim: self-sufficiency in rice and corn in the next three years."

Agriculture confronted him with the usual paradoxes. Brilliant research work by the agricultural agencies had, for instance, produced a strain of rice yielding 150 cavans per hectare—but this type of rice had not reached the farmer, was not being distributed among planters. Much concern over educating the peasantry in scientific farming—but the Presidential Assistant for Community Development had been "relegated to a minor job." ("I elevated the head of this office to cabinet position.') A great to-do about liberating tenants from landlord and usurer—but the Agricultural Credit Administration had "become so low in morale it had no vision, no idea of what to do in the next four years."

The President knows he's suspected of having a cold eye for Land Reform because it wasn't his baby; but he protests he was merely pondering how to turn a "political gimmick" into a practical project: it hadn't been working.

"Last year, several towns were declared land-reform areas. The results are tragic. The farmers lost money, they had to go to usurers, we had to bail them out. Several estates were divided among the tenants, who were supposed to pay in installments. A total of about eight million in installments are unpaid so far. The farmers claim they didn't make money because they were not properly financed. The truth is, they didn't know how to utilize the land. We have to educate the farmer first, then finance him."

When the President this month proclaimed Pampanga's second district (popularly known as Huklandia) as a land-reform area, he took that "deliberate risk," he says, only because "I think we have discovered a technique for generating funds for land reform: the Land Bank."

Into the Land Bank will go government real estate, proceeds from the sale of government stocks that "are not making money," or of their assets, which will form the collateral from which the Land Bank will generate money. "We have 50 million pesos' worth of real estate that can be transferred immediately to the Land Bank. I opened the bank with only two million in cash, but the money will not go to overhead because we're putting in the Land Bank people already in the government. They will raise the funds to purchase all available hacienda lands."

The purchased lands will eventually be sold to the tenants on them, but only after they have undergone the two phases of a training in responsible farming.

The first phase turns the peasant from a sharecropper into a leaseholder; he pays rent on the land he farms, but no longer has a landlord to extend him credit for his expenses. The government takes the place of his old landlord; but the Agricultural Credit Administration will extend him credit on the understanding that he will use the methods he has learned from such agencies as the PACD, the Productivity Commission, the Land Reform Council, and the rural banks, all of which will be mobilized to help him raise more crops and improve his condition.

In the second phase, the leaseholder becomes the owner of his land. "Now you have the problem of dividing the land into what's called family-size farm and arranging payment on a long-range amortization plan of, say, 20 years." But the second phase should be smooth sailing if the first phase has succeeded in instilling in the peasant a feeling of dignity, a sense of responsibility. The education of the masses is necessary if production is to increase; and only with increased production can the general aim of the President's Four-Year Development Program be achieved: "the establishment of a balanced agro-industrial economy."

BRICKS AND BATS

His half-year in office may have convinced Ferdinand Marcos that walking on water is easier than moving on land. Like his predecessors, he has been balked by a status quo that resists "reorganization"—and what price new bricks for a belfry the bats won't vacate? Like his predecessors, he has found an initial popularity succumbing to the old ills of unemployment, high prices and civic disorder. The Marcos luck has hardly been in evidence during a honeymoon period marked by mishaps—from vanishing water to raging volcanoes to resurgent Huks. Those who read in his foreign actuations, especially on Vietnam, a subservience to American interests have been unkind enough to paint him as the unwitting initiator of the "rightist revolution." The disappointed say that if Ferdie raised a hand now it wouldn't be to flash the V-sign but to ward off the brickbats.

What happened to the blooms of Apriltime? The Vietnam summer of Ferdinand Marcos has been very long and very, very hot.

Does he think he's being unfairly attacked?

"To a certain extent, yes, although I would rather say I am misunderstood. Of course I'm hurt a little by criticism. Who is not. I am human and criticisms like that. . ."

Of high prices, for instance, he says: "Give me three years and I'll stabilize them."

Of the Huks, he contends that they are not the menace they were in the '40s, which is why he refused to suspend constitutional rights in Central Luzon: "The Huks today are more a criminal element than ideological fighters. The government is in control of the situation in Central Luzon and we have a new concept in the use of the armed forces. They will no longer be a group trained to kill but a group trained to construct. An engineer construction battalion built 130 kilometers of the Manila South Road. An engineer construction battalion is now working on the North Diversionary Road. Military engineers are now in the most sensitive areas of Pampanga building roads and irrigation ditches. But the concept is not merely soldier work but a partnership between civilians and soldiers. In these constructions, civilian participation is 60%."

Of the Vietnam dispute, he thinks the basic misunderstanding arises from the belief that he ran on the issue of no troops for Vietnam and then, when elected, reversed his stand because of American pressure. He says he made that oft-quoted statement on Vietnam in April or March, 1965, when he was still not a presidential candidate, and that he repeated the statement only once during the campaign.

When he made the initial statement, the United States had not yet committed itself to a defense of South Vietnam. If the French had lost there and the Americans were reluctant to fight there, what chance had the Philippines of stopping the Viet Congs even if it sent the entire Philippine army to Vietnam? So, he had said it would be a useless and tragic effort to send troops, *fighting* troops, to Vietnam.

"I made the statement during a press interview while Senate president. It drew no reaction, except from urban intellectuals. It was treated as an academic question. During the campaign, neither of the two other presidential candidates, Macapagal and Manglapus, made an issue of it.

"Then, during the latter part of the campaign, Johnson announced his decision to commit U.S. land forces on the mainland of China. Johnson had decided to stay in Asia. The whole picture had changed. I am of the firm belief that SEATO without the United States is nothing. So, to protect itself, it is to the interest of the Philippines not only to keep the United States in Asia but to encourage it to stay."

That shaped his decision to send troops to Vietnam.

"The allegation that this decision was imposed on me by the Americans is unfair, and it is not true. My decision was arrived at purely from a consideration of the national interest. But because I issued a statement on the matter after the visit of Vice-President HUMPHREY, I was hit as an American stooge. I had to deny that the decision was arrived at because of the visit and I pointed out that as early as mid-November, before the arrival of the American vice-president, I had stated, in an interview as president-elect, that I favored the sending of additional aid to Vietnam in the form of troops. Nobody had seen me or talked to me then; I was so incommunicado even my own family could not see me. The decision was made before contact with anybody.

"I had not meant to talk on Vietnam in that interview, but I was asked whether any development in Vietnam had attracted my attention. I said yes, the massive support of America for South Vietnam. I was then asked what I, who had been quoted as opposing the sending of hostile troops to Vietnam, had to say about this latest development. I replied: 'I am now ready to reassess my position; I am now in favor of sending additional aid to South Vietnam in the form of an engineering construction battalion with a security force.'

"That was what the Vietnam government had requested—an engineering construction battalion—and I followed the request verbatim."

THE GOOD GOAD

Since his original position was that we should not send *fighting* troops to Vietnam he says he can say he did not change his mind or stand because "I still maintain we are not sending hostile troops—though this may be a point of pure semantics!"

But he thinks the dispute salutary.

"I have always encouraged debate on Vietnam because I feel this is a decision that has to be made not by one man but by the people and I acknowledge that the debate has been healthy for our democracy. First, it has awakened the younger elements in our country and shown the potentialities of our youth. And second, it has demonstrated that no matter to what limits a debate may go the legislative process continues. What I mean is that they consider the argument—so much so that it affected the voting in the Senate. Some in my own party who are close to me were convinced to vote against the bill."

Moreover, criticism, especially from an independent press—"for which I fought in Congress"—is a guide to those in power, whom servility may shield from reality.

"I remember the exhortation of the priest who delivered the sermon at my wedding. He related that the father confessor of a king who had just been crowned told the new king: 'Your majesty, you have heard the truth for the last time.' That has always stuck in my mind."

So will, undoubtedly, his first half-year in office. It has been tough all around. He looks thinner—"I'm deliberately losing weight"—but still plays golf every day.

"Not only because of doctor's orders but because I have been an athlete all my life. The doctor says if I suddenly stop I'll be killed by a heart attack. I am physically fit. I can play nine holes—that's about two kilometers—without coughing too hard. I can run upstairs faster than my guards.

"The presidency is more taxing than I thought, but you have to enjoy it or you would resign. Everything centers on the President. Look at all those people waiting outside. They're keeping me up till one in the morning, waiting for small favors, small things. The President is a father image and every problem, no matter how small, is brought to him. Now, I wish this could be changed, so the President could engage in constructive thinking. I have only two hours a day for constructive thinking.

"I am reorganizing the executive office. I have eight assistants ready to attend to all these people, and more effectively than I can because they have at their fingertips all the information needed. But everybody wants to see Ferdinand."

Last week—when the question that tickled this "convalescent" nation was: Will he or won't he go on that state visit to Washington?—the President was himself convalescing from a cold and cast a rather captious eye on the road behind him, the road to the mid-year mark.

"I am not content with the results of the anti-crime drive—but there has been progress. Smuggling has not been entirely eradicated—but we will keep moving forward. The future of our export industries lies in agriculture and mining: we must open up new mines, increase our agricultural output—I am not content with the improvement in industry."

It's the man's cry at the mid-year mark: *Not content, not content!* And isn't it good for authority to be itself discontented with its performance?

"But the stage has been set for the upliftment of the common man and his return to dignity, hope, aspiration, the capacity for self-fulfillment. The stage is set. *That* is the most accurate statement I can make," he says.

OUR ASIAN ALLY: PHILIPPINE PRESIDENT HAS PRAISE FOR U.S. POLICY

(By Roscoe Drummond)

Americans will soon have in their midst a bave Asian ally and a superb advocate of the growing will of more Asian nations to unite in defending themselves against Communist aggression.

He has earned the esteem and respect of Asians and Americans alike. He will address a joint session of Congress on Sept. 15 and will speak to the United Nations a few days later. I believe he deserves to be heeded, whether one is a supporter or critic of United States actions in Vietnam.

The Asian spokesman is the young president of the Philippines, Ferdinand E. Marcos. In advance of his speeches in the United States, I wish to cite some of his views and insights which are not widely known.

Question: How do you think Indonesia escaped the attempted Communist coup?

President Marcos: It was only the American presence in Vietnam, I feel, which prevented the fall of the Indonesian Government into Communist hands. Not only Indonesia, but also other countries.

Question: Why do you feel this is true?

Marco: The Communists supposedly plotted an effort to prevent a take-over by the enemies of President Sukarno. But it actually was an open and outright coup to take over the government. It was planned a long, long time ago. The situation became such that the Communists were certain, were very certain, not only of internal support but of support from outside.

Question: What intervened?

Marcos: When the American Government decided to increase its aid to South Vietnam, that knocked out all previous assumptions. But by then, the Communists had begun the initial moves of their operation and it was too late for them to pull back. And very few people know this.

Many leaders who were wavering in Indonesia immediately realized that the Communist coup was going to fail. Also, with large U.S. forces in Vietnam, the Red Chinese would not have either the capability nor the inclination to send any help whatsoever to the Indonesian Communists. And that is exactly what happened.

Question: Then you think the United States action in Vietnam has been worthwhile?

Marcos: Of course it has been worthwhile. At first I was against sending our combat troops to fight in Vietnam because we in the Philippines were not sure of the firmness of the U.S. will to stick it out. Our doubts have now been wholly removed. The U.S. has made abundantly clear its determination to maintain its presence there. (The Philippines will soon be sending combat forces to Vietnam.)

The American presence goes far beyond the effect on the North Vietnamese and the Vietcong. The fight which the Communists refer to as the "fight for national liberation" is the single most important thing that will determine the state of affairs in Asia for the next century. You can hardly imagine what might have happened if there had been no demonstration of resolution on the part of the United States.

Question: Would it be helpful to have Red China in the U.N.?

Marcos: Unfortunately, as of now, the leadership of Red China is not willing to renounce war as an instrument of international policy.

To be eligible, she must be willing to live peacefully with her neighbors. When she is prepared to do so, let her leaders say so—and act so.

[From the Washington (D.C.) Post, Sept. 14, 1966]

VISITOR FROM MANILA

In Philippines President Fernando E. Marcos, who arrives here today on a state visit, the United States welcomes a tested friend of long standing. As the most decorated Filipino soldier in World War II, Marcos played a celebrated role in the dark days of Bataan and in the capture of General Yamashita at Bessang Pass. Without his heroism, General MacArthur has said, Bataan would have fallen three months sooner. Inaugurated seven months ago after a bitter election battle, Marcos has shown notable courage in his decision to send a 2,000-man engineer force to South Vietnam. He has kept to his course on this issue despite a storm of domestic controversy, warning that "if the Communists win in Vietnam, that victory will signal the reactivation of Communist insurgency all over Southeast Asia, including the Philippines."

Marcos appealed to Filipinos in a recent speech to treat the issue of Vietnam "separately from the 'irritants' in Philippine-American relations. The issue is larger than our grievances with the United States." But he then added pointedly for Washington's benefit that "we are tackling these grievances, and we are determined that Philippine-American relations must continue to evolve towards widening equality and true reciprocity as between two mature and friendly states."

In his conversations with President Johnson, Marcos is expected to press for the removal of the so-called "parity clause" in the Laurel-Langley trade treaty, which places American businessmen on a par with Filipinos in the exploitation of the country's natural resources. Manila would also like a reduction in the 99-year tenure provision accompanying U.S. lease rights on defense installations and return of additional U.S.-held base lands. None of the outstanding issues between the two countries, including the hardy perennial of veterans' claims and benefits, should prove insuperable obstacles to understanding given sensitivity to the growth of Filipino nationalist feeling on the part of the United States.

Washington and Manila are bound in an unambiguous defense relationship signified by President Johnson's 1964 declaration that "any armed attack against the Philippines would be regarded as an attack against U.S. forces stationed there and against the United States, and would be instantly repelled." This is a natural outgrowth of the intimate historic ties between the two countries spanning half a century. With its long experience of dominion in the islands, the United States has inevitably acquired a special concern for the post-independence evolution of the Philippines. President Marcos has warned that Huk insurgents are once again disturbing the peace in Luzon, and the United States should be ready now, as in the past, to extend needed military and economic help.

[From Life, Aug. 8, 1966]

PHILIPPINES' FIRST LADY AT WORK: BUSY BEAUTY IN THE BARRIOS

Not since the days of Jackie Kennedy in Washington's White House has a First Lady moved into her role with the verve and style of Imelda Marcos, wife of the new President of the Philippines. With all the grace and attractiveness of Jackie, and with an energy reminiscent of Eleanor Roosevelt, Mrs. Marcos appears to be everywhere in the Philippines at once. Even when in Malacañang Palace, the presidential residence, she receives some 40 visitors in her normal 18-hour "working day." And those who have not called on their First Lady can read all about her in local newspapers which record her activities in detail and with gushing praise. "We all love her," says one reporter. Says another: "She is a marvelous person, a beautiful lady." And another even finds it necessary to invent a new word, explaining that "it's difficult not to queenify her."

President Ferdinand Marcos has, in a glamorous and well-reported career as war hero, congressman and senator, attained popularity of his own, and he has begun to attack the formidable problems of his country with a bravura which has earned him general admiration so far. But a major contribution to his popularity has been his handsome and energetic wife.

In last year's presidential campaign Mrs. Marcos showed that she could tirelessly tour the countryside speaking, singing and cajoling the voters. In the seven months since the inauguration she has also shown that she can take up a dozen causes at once, bounce across the barrios for hours at a time without being ruffled, eat whatever is offered without harm to digestion or figure, and act as her husband's eyes and ears wherever she goes. And beneath the coolly charming exterior are the will and determination of a woman who knows exactly what she wants for her country, for her family and for herself.

Recently Life's Photographer Harry Redl and Reporter Ron de Paolo recorded this exclusive account of a busy beauty at work on a demanding but rewarding job.

[From Life, Aug. 8, 1966]

HOW "MISS MANILA" BECAME FIRST LADY

(By Ron de Paolo)

The First Lady of the Philippines might never have met her husband if it had not been for some mosquitoes. According to a story that has become Philippine legend, Imelda Romualdez had been waiting outside the congressional building in Manila for her cousin who, as acting Speaker of the House, was presiding over an acrimonious debate in the Chamber. A sudden invasion of mosquitoes drove her and the Speaker's wife to seek refuge in the House cafeteria. As she recalls, "I had first heard Ferdinand's voice in the hall coming over the loudspeaker, denouncing the position of my cousin's party. The voice was marvelous, but I didn't like the words. When the debate was over, he came into the cafeteria and looked at me. He tried for about five minutes to get someone to introduce us, but nobody would. Finally, a friend did. Then he measured himself against my height and said, 'Perfect.' [The First Lady is about an inch shorter than the President.] Later I found out that he spent the entire night calling friends and telling them that he was in love."

As a member of the wealthy and politically powerful Romualdez clan, Imelda tried to ignore the cocky upstart politician from the opposition party. But he persisted, and she finally relented enough to talk to him on unavoidable occasions. But he became so impetuous a suitor that she announced that she was going to Hong Kong on vacation. Instead she went to Baguio, in Luzon's pine-covered hills, while the brash young Congressman stood at Manila airport clutching (as she expected) a ticket for Hong Kong. But Marcos, hopelessly smitten by the black-eyed, raven-haired "Meldy," discovered her ruse and pursued her to Baguio, where he managed to impress her devoutly Catholic sensibilities by escorting her to church and reciting a long Mass verbatim. (The President has a nearly photographic memory, can read a speech once and recite it without notes.) And so, in just 11 days from their first meeting in the cafeteria, in a courtship that was chronicled in all the newspapers of the country, the "Golden Voice of the North" married the "Rose of Tacloban."

Last year's bitterly contested, year-long campaign was deservedly called the "dirtiest and costliest" in Philippine history. Both Marcoses were viciously attacked. The presidential candidate was accused of being a murderer, and his wife was charged with posing nude for cheap magazines and movies. The murder charge stemmed back to Marcos' youth when his father was defeated for Congress in another nasty campaign, after which the winner was found dead. Four years later, Ferdinand, then only 22 years old, was arrested for the murder. But, after taking his bar examination while released on bail and under guard (and getting the highest score ever recorded), he won his first case—arguing his own acquittal before the Supreme Court.

The "nude pictures" charge against Imelda probably arose from her brief career as a beauty queen, first presiding over a flower festival in her hometown of Tacloban, Leyte, and later being selected as Miss Manila of 1954. The latter title brought with it promises of a movie career and the chance to enter the nationwide Miss Philippines contest. But Imelda's father, appalled by the commercial aspects of the contest, abruptly vetoed the idea and ended her beauty queen career. It was perfectly respectable for a well-bred Filipino to reign over a local flower festival or even to be recognized as the prettiest girl in Manila, but family honor and family tradition forbade excessive publicity or exploitation.

Imelda deftly parried both the charges, as she now recalls, placing her well-manicured hands on her bosom. "I would tell them in the barrios that I would not disgrace my family by posing for those movies, and that I could not be married—to that kind of man. If he was a beast, I would not be married to him and would be happier dead. Once they saw what kind of woman I was, they knew the truth." So convincing was she that incredulous professional politicians now credit Imelda Marcos alone with garnering at least a million votes for her hard-pressed husband, against the incumbent President Diosdado Macapagal.

Today Imelda Marcos not only plays the full role of First Lady but also finds enough time to be a devoted wife and attentive mother to their three children. It is at her insistence that she and her husband lunch together daily, and they make a point of saving as many evenings as possible just to be alone as a family. In public the President and his wife preserve the image of a family team. Touring the barrios, Marcos refuses to start his speech until his wife is at his side. And as he finishes his speech, husband and wife swing into what has become a veritable ritual. "I will give you everything I have," he announces, "except my wife." And then, as Imelda croons a sentimental Filipino ballad in her clear soprano, the Filipinos—no matter how often they have seen it and heard it all before—go wild over their busy, beautiful First Lady.

[From Parade, Sept. 11, 1966]

IMELDA MARCOS: THE FIRST LADY OF ASIA—THIS BEAUTY AND HER HUSBAND, PRESIDENT OF THE PHILIPPINES, WILL PAY US A STATE VISIT

(By Vera Glaser)

WASHINGTON, D.C.—Imelda Romualdez Marcos, the brunette wife of the president of the Philippines, who is about to visit the U.S., comes on strong. Besides magnificent honey-colored skin, eyes of fiery topaz and the figure of a beauty queen, she has brains and energy to boot.

When President and Mrs. Johnson get their first look at "Meldy," as 32 million adoring Filipinos call her, they will discover why she is regarded in some quarters as the First Lady of Asia. Her style, cultural flair and interest in much needed welfare projects, set against the backdrop of the young democracy her husband leads, have earned her comparison with Jacqueline Kennedy and Eleanor Roosevelt.

"It's a privilege to be associated with them," Mrs. Marcos said in rippling silk accents—her folk singing on the campaign trail helped elect her husband—"but I would rather be myself."

At 36 Mrs. Marcos, mother of three, is the glamorous teammate of 49-year-old Ferdinand E. Marcos, World War II hero and political wonder boy, who was elected the Philippines' sixth president last November, ousting incumbent Diosdado Macapagal. Overcoming her early distaste for politics, she barnstormed for her husband by plane, car, jeep and outrigger canoe.

"He's hired a movie star," a political foe charged after Mrs. Marcos had enchanted voters by singing in Ilocano, the tongue of her husband's province in northern Luzon, and in her own Visayan dialect. In pointed heels and bright Philippine *terno*, the traditional floor-length dress with butterfly sleeves, she hiked back the rutted road to prove she was really the candidate's wife.

Now she is official hostess at Malacañang, the rambling white presidential palace set among acacias and circled by a wrought-iron fence, in teeming, humid Manila. The Palace was formerly the residence of Spanish and U.S. governors. Choosing their private apartment there was a problem, Mrs. Marcos recalled humorously, "because in one wing of the Palace all the presidents died, and in the other all the presidents lost."

Finally they settled on a four-bedroom suite. There, in endless, animated private talks, they mull over plans for their current effort to renew Filipino pride in a national heritage tracing back to 3000 B.C.

"You're in charge of culture and welfare," the president told his wife at his inaugural, an event attended by Vice President and Mrs. Hubert H. Humphrey.

In a nation still battling poverty and corruption, the assignment might seem staggering to anyone but "Meldy," who in less than a year has launched a flurry of projects which have captured the popular imagination, inspiring the "haves" to dig deep into their pockets for her causes.

Her kickoff for a 35-million-peso cultural center raised the first million in a single night. She managed the feat by gathering political and social leaders together for a gala benefit of Flower Drum Song with an all-Filipino cast. The remainder of the money was collected from private sources in four months, and construction on the combination theater, library and museum is scheduled to begin shortly.

Now Mrs. Marcos is boosting a national market for Philippine art and handicrafts. In addition, she is up to her eyelashes in promoting tourism, selling beautification and coordinating a cradle-to-grave welfare program for which private and government agencies equally share the costs. Children, juvenile delinquents, unwed mothers, prisoners, the mentally retarded and the aged, all are due to benefit.

"When you are First Lady, you can work yourself to death, or you can sleep," contends Mrs. Marcos. "When I lie down even for a minute, I tell myself I could be helping a hundred, perhaps a thousand people, in that time."

A BEATLE BOO-BOO

Filipinos respond with a fierce loyalty. In July the Beatles, given the red carpet treatment on their arrival in Manila, were lucky to get away alive after affronting the First Lady by failing to keep a Palace luncheon date. Shouts of "Scram!", "Get out of our country!" and a score of unprintable curses were hurled by the angry crowd. The mop-haired troupe was pushed and shoved, and one of their party was kicked to the ground. Police protection and other courtesies were withdrawn.

Mrs. Marcos's warmth and charm are lavished on friend and critic alike. When the Philippine congress voted to send troops to fight beside the U.S. in South Vietnam, pro-Communist demonstrators picketed the Palace. President Marcos called in the leaders, but his wife ventured outside to wave and smile to the pickets. Applauding, they departed quickly.

Public life is not new to this First Lady. She is a member of the Romualdez family of Leyte, a powerful political clan which has produced senators, congressmen, ambassadors, a Supreme Court justice, governors and bank presidents. Her father was Dean of Law at St. Paul's College, where she earned a bachelor's degree in education and later won a music scholarship and worked at teaching and writing. Her younger brother, Benjamin, is the newly named ambassador to the U.S.

"MISS LEYTE"

Imelda grew up in Manila. She was sent there to study after her mother's death. She was then 8 years old, and she lived with her uncle, the Speaker of the Philippine House, who served as her guardian. At 18, her good looks, lyric soprano voice and 36–23–35 measurements won her the title of "Miss Leyte." At 24, her whirlwind romance with Marcos was a national sensation.

The love story began when Imelda and her aunt visited the capitol during a late session. Marcos, a young congressman who had emerged from the war with nearly every decoration bestowed by the Philippine and U.S. governments, was in the thick of battle again—this time fighting the administration on its budget.

Although 13 years Imelda's senior and considered Manila's most eligible bachelor, Marcos succumbed after one look and sought an introduction. But "Meldy" refused to give him her telephone number. Undaunted, Marcos pursued her to Baguio, the summer capital, where the courtship flourished. Eleven days after their first meeting, they were married in a civil ceremony. To the bridegroom's surprise, Mrs. Marcos refused to enter the hotel suite he had reserved, until a church wedding could be arranged 10 days later.

To this day the presidential pair believe 11 is their lucky number. As Mrs. Marcos explains it, "My husband was born September 11. We were married after 11 days of courtship. We had our first child, Maria Imelda, about 11 months afterward. We were sure we were going to win this election because this is the 11th year of our marriage."

Most evenings the president takes time to help his children, Maria Imelda, 11, Ferdinand Jr., 7, and Irene, 5, with their studies in Tagalog, the official Philippine language, as well as English and Spanish.

Then, at the end of each day, Mr. and Mrs. Marcos enjoy comparing notes.

Besides Philippine styles, she wears slacks, Paris frocks, Italian knits and American suits but seldom dons her fabulous jewels. The president describes his wife, who dances the frug and jerk, as "irrepressible." She describes their marriage as "out of this world."

"Whatever I am, I am Ferdinand's creation," the First Lady claims. "He has helped me to grow with him, not side by side, but a little behind him."

LAKE MICHIGAN DUMPING BY THE CORPS OF ENGINEERS

Mr. DOUGLAS. Mr. President, I have been quite concerned about the dumping of large amounts of filthy river-bottom dredgings into Lake Michigan by the U.S. Army Corps of Engineers. I think the people of Chicago and all those who love and value Lake Michigan are rightfully indignant about this situation.

On November 17, 1965, and again on July 7, 1966, President Johnson issued Executive orders directing Federal departments and agencies to "provide leadership in the nationwide effort to improve water quality through prevention, control, and abatement of water pollution from Federal Government activities in the United States."

Whatever excuses are offered, it seems obvious to me that the Corps of Engineers is acting in direct violation of the President's orders, and of the will of Congress as expressed in the Federal Water Pollution Control Act.

This is not a question of what is easier for the Corps, or even of what is cheaper to do; it is a question of what is best for the public. The Great Lakes belong to all of us. No one has the right to contaminate them, least of all an agency of the Government. Let us be clear, once and for all, that there is no more right to pollute a lake than there is to deface a statue in a public park. I believe this; the city council of the city of Chicago believes this, and so does the Metropolitan Sanitary District of Greater Chicago.

It has been wrongly alleged that "Chicago" is polluting Lake Michigan. Mr. President, let me say for the Record that "Chicago"—its people, its public officials, its sanitary agencies—is not the culprit in this matter.

Mr. President, I ask unanimous consent that a resolution adopted by the city council of the city of Chicago at its meeting on August 25, 1966, urging that steps be taken to prevent further pollution of the waters of Lake Michigan, be inserted in the Congressional Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

City of Chicago,
Office of the City Clerk,
August 30, 1966.

The Honorable Paul H. Douglas,
Senate Office Building,
Washington, D.C.

Dear Senator Douglas: I transmit herewith a certified copy of the resolution adopted by the City Council of the City of Chicago at its regular meeting held on August 25, 1966, urging that steps be taken to prevent further pollution of the waters of Lake Michigan.

Yours truly,
John C. Marcin,
City Clerk.

Resolution Adopted by the City Council of the City of Chicago at a Regular Meeting Held on August 25, 1966

Whereas, Barge loads of soil containing contaminated and polluted waters, sand and gravel, municipal wastes and other materials, are presently being transported from the Chicago area waterways and dumped or discharged into Lake Michigan some 10 or 20 miles from the shores of the lake; and

Whereas, A conference in the matter of pollution of the interstate waters of the Grand Calumet River, Little Calumet River, Calumet River, Lake Michigan, Wolf Lake and their tributaries (Indiana-Illinois) was conducted by the United States Department of Health, Education and Welfare at McCormick Place beginning March 2, 1965; and

Whereas, The conferees on water pollution control in the Calumet River area and at the South end of Lake Michigan, on January 4, 1966, did introduce a letter dated December 21, 1965, wherein the conferees unanimously agreed that there should be no dumping of dredge materials of any kind in Lake Michigan; and

Whereas, The area used for dumping of dredgings is beyond the jurisdiction of the City of Chicago, thus, the dumping areas are solely within the jurisdiction of the Federal Government; now, therefore,

Be it resolved, That the City of Chicago hereby petitions the Federal Water Pollution Control Administration acting under the provisions of the Federal Water Pollution Control Act Public Law 660 as amended by the Federal Water Pollution Control Act Amendments of 1961 (PL 87–88), and by the Water Quality Act of 1965 (PL 88–234), to take immediate steps to cause the dumping of all dredgings and any other waste materials into Lake Michigan in areas beyond the jurisdiction of the City of Chicago, to be halted and terminated for all time; and

Be it further resolved, That the City of Chicago hereby petitions the Corps of Engineers, U.S. Army to study alternate methods of disposing of all dredgings; and

Be it further resolved, that the copies of this Resolution be transmitted forthwith to the honorable conferees on the matter of pollution of said waters viz. Mr. H. W. Poston, Mr. Blucher A. Poole, Mr. Clarence W. Klassen, and Mr. Frank W. Chesrow, and to the Honorable Paul H. Douglas and the Honorable Everett M. Dirksen, U.S. Senators from Illinois, and to each and every Congressman of the Illinois delegation in the United States House of Representatives; to the Honorable Stewart Udall, Secretary of the Department of the Interior; to the Honorable James Quigley, Administrator of the Federal Water Pollution Control Administration, to the Regional Office of the Federal Water Pollution Control Administration headquartered in Chicago, to the Honorable Otto Kerner, Governor of Illinois; and to Brig. General Roy T. Dodge, Division Engineer, U.S. Army Corps of Engineers; and

Be it further resolved, That this Resolution be spread on the record and printed in the Journal of Proceedings of this date.

State of Illinois,
County of Cook, ss.

I, John C. Marcin, City Clerk of the City of Chicago, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of that certain resolution adopted by the City Council of the City of Chicago at a regular meeting held on Thursday, the twenty-fifth (25th) day of August, A.D. 1966.

Witness my hand and the corporate seal of the City of Chicago this thirtieth (30th) day of August, A.D. 1966.

John C. Marcin, *City Clerk.*

EVELYN DUBROW, REPRESENTATIVE OF THE INTERNATIONAL LADIES GARMENT WORKERS UNION

Mr. BASS. Mr. President, one of the loveliest people on Capitol Hill and, I think, one of the most effective, is a petite lady who is almost an institution. Her name is Evelyn Dubrow, but we all know her by just "Evvie." As a representative of the International Ladies Garment Workers Union, she has a wide range of interests that brings us into constant contact with her. These times are some of the most enjoyable and refreshing that I experience. Recently the Memphis Press-Scimitar carried an article describing her and her duties. I ask unanimous consent that it be included in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Female Lobbyist Evelyn Dubrow—Ear-Bender, Back-Patter and Senator-Hugger

(By Stanley Levey)

Washington.—Almost any working day on Capitol Hill a short, bird-like cheerful woman clicks her way through the halls of Congress, buttonholing a legislator here, bending an ear there.

Her name is Evelyn Dubrow and she is a rare commodity in Washington—a lady lobbyist. She actually transacts a good part of her business in congressional lobbies, and in making her self-appointed rounds she wears out 24 pairs of shoes a year.

Miss Dubrow has been lobbying at the national level since 1959 for the International Ladies Garment Workers Union, an organization dedicated to adorning the female form with union-made garments. She also works with the parent AFL–CIO's lobbying task force. She is equally at home in a smoke-filled room with a drink in her hand and in a deep-think session of intellectual do-gooders.

BUSY

At the moment she has an action agenda that reads like the program for the Society for Promoting the Tranquility of Everybody. She is urging Congress to pass a strong "truth-in-packaging" bill, a generous minimum wage law, a tough civil rights bill with a broad open housing provision and other measures dealing with social welfare and education.

EMBRACE

Sen. Joseph Clark, D-Pa., was embraced by Miss Dubrow on his way to the meeting. She and Sen. Jacob Javits, R-N.Y., held a brief hallway conference. Sen. Robert Kennedy, D-N.Y., exchanged a few friendly words.

Next she boarded the subway for the Senate reception chamber. There she sent in a card asking Sen. John Pastore, D-R.I., to come off the Senate floor, which he did. They briefly discussed a $927,000 appropriation for the Health, Education, and Welfare Department. He assured her of his support but said he did not "want to carry the ball." Miss Dubrow seemed satisfied.

The next stop was the Senate office of Vice President Humphrey to reclaim an earring she had left there a few days before while making a free phone call. The trip was not wasted. While there she learned from a staff member that the minimum wage bill might not come to the floor until next month. Then, into a cab for a leadership conference meeting of pro-civil rights groups near the capitol.

PERSUASION

After a discussion of the possibility of a civil rights filibuster and reports on how individual congressmen stood on the bill. Miss Dubrow walked back to the House and into a hearing on maritime matters by the House Rules Committee. She persuaded Rep. RICHARD BOLLING, D-Mo., to step into an adjoining room where they spent 20 minutes talking about the civil rights bill. BOLLING was gloomy.

Miss Dubrow recovered some of her optimism by stopping in at the Speaker's office where she was warmly welcomed and where she made another free telephone call. Then for a half hour as representatives drifted into the House, she called out greetings, asked for votes on the measures she was promoting, slapped backs, had hers slapped, thanked legislators for votes, had her hand kissed and held a series of hallway conferences.

After lunch at the Capitol Hill Democratic Club, she was off and running again. First a session with Sen. ROBERT KENNEDY's legislative assistant, Peter Edelman. Then a talk with Rep. JAMES MACKAY, D-Ga., and another with Sen. HARRISON WILLIAMS, D-N.J. Miss Dubrow finds late afternoon office visits productive. In between she ran an errand for a Danish radiologist who is having visa problems.

The rest of Miss Dubrow's work consists of reporting to union headquarters in New York by telephone, doing field work in behalf of candidates supported by labor, making speeches, turning out a newsletter for union leaders, attending workshops and managing her social life, which is almost as busy as her daily schedule.

She changes her shoes twice a day.

She prefers to lobby for bills rather than against them. She says she gets "irritated" when she has to work on measures that have "an anti-labor quality," and she draws the line at anything that smacks of patronage. She has a reputation on the hill as a dogged, realistic and politically astute operator.

STARTS AT NINE

On a recent one-day tour of duty Miss Dubrow left her office-residence at the Congressional Hotel, a block from the Capitol, at 9 a.m. Her first stop was the Senate Labor Committee in the new Senate Office Building where she quizzed staff members about the pending minimum wage bill. She was greeted warmly as "Evvie" and countered with first names herself. She learned the disquieting information (for her) that the bill faced many amendments.

Next she drifted out into the corridor to buttonhole a few Senators on their way into a closed meeting of the Labor Committee. To Senator PETER DOMINICK, R-Colo., she said: "I hope you'll vote for the strongest possible minimum wage bill." He suggested that she might not agree with his definition of "the strongest." She laughed nervously.

INVITATION TO VISIT ALABAMA

Mr. SPARKMAN. Mr. President, on several occasions I have invited Senators to come to Alabama. I have invited your constituents to come to Alabama to see this great State. I have told you about some of the reasons for coming to Alabama, some of the things which you ought to see in Alabama.

Today I want to talk about two Alabama cities, less than a hundred miles apart, which deserve a visit from anyone who wants to know and understand America.

One of these cities is Montgomery, a city which was founded in 1817 on the banks of the Alabama River in south-central Alabama. It became a great cotton-marketing center, because the river steamboats could come up to Montgomery almost the year round from Mobile. During some seasons, the steamboats went on up the Alabama and Coosa as far as Wetumpka, which was a flourishing young city in the years before the war.

Montgomery was an enterprising city, and before a great many years it became the capital of Alabama, winning this place over Wetumpka. This was after the capital had been, in the territorial days, at St. Stephens, at Huntsville, at Cahaba, and at Tuscaloosa. It was to this small southern city that the men of the South journeyed in the latter days of 1860 and the first months of 1861 to discuss the necessity of seceding from the Union. From a Montgomery office building on court square went the telegraphic message to fire on Fort Sumter in Charleston Harbor, and in April of 1861 Montgomery became the capital of the Confederate States of America.

Montgomery is a place rich in history, and Alabama has provided, in a fine building just opposite the State capitol, a great collection of archives of the State and the Confederacy. Historians find the Archives and History Building invaluable, and tourists find its exhibits of great interest. Adjoining the Archives and History Building is the First White House of the Confederacy, now a museum. I commend these, and the spacious capitol itself, to every visitor to Alabama.

Alabama's State capitol is a building of simple beauty unmatched anywhere. Fine Greek columns ornament three sides of the building. This building once housed all of the business of the State government, but nowadays it is surrounded by massive buildings which hold the various departments of government. The capitol, situated at the head of Dexter Avenue, glistening white in a frame of old trees, is a sight that thrills every Alabamian. I think that it will thrill you.

Some Montgomery citizens had a major role in the founding of another city, some hundred miles to the north, Birmingham. In an area where all the ingredients for steelmaking were found in contiguity, they founded Birmingham in 1871, and the city has grown and prospered ever since. The hills around and within Birmingham abounded in coal, iron ore, and limestone. Water was plentiful. It was a natural, and it worked.

Today, Birmingham is one of the South's greatest cities. It has fine convention facilities, outstanding cultural attractions, great colleges and universities, and one of the finest medical centers in the world.

From the top of Red Mountain, Birmingham is a glistening jewel at night. Day or night the view is breathtaking as one drives into the city from the south, or from almost any approach.

Steel is still important in Birmingham, but today diversification has created a stable base for a prosperous city that is looking ahead to even more greatness. I am working now with the leadership of Birmingham and Jefferson County to help this city to have even more to offer in the years ahead.

Tourists in Birmingham will want to visit the Jimmy Morgan Zoo, an authentic Japanese Garden including the tea house which was a part of the Japanese exhibit at the 1963–64 New York Worlds Fair, and the fine botanical garden in Lane Park. It is the seat of Samford University, the Medical School of the University of Alabama, Birmingham-Southern College, and Miles College.

Come and get acquainted with Alabama, including Birmingham and Montgomery. Montgomery calls itself a "capital city." Birmingham says, "It's nice to have you in Birmingham."

I say you will enjoy them both.

TRIBUTE TO IVAN ALLEN, MAYOR, ATLANTA, GA.

Mr. KENNEDY of New York. Mr. President, in recent weeks, riots have come to Atlanta—as they came in previous weeks and months to cities all over the Nation.

Ivan Allen, during these difficult days, has been a tower of strength and leadership for his city. When the disturbances began, he went directly to the scene of the trouble. When violence threatened, he did not hesitate to meet it with force adequate to contain it and prevent its spread; but he was at the scene himself to control its application. He talked to the people, heedless of danger, and walked among the disturbed crowds urging people to go back to their homes.

He had at all times the support of many leaders of the Negro community and the civil rights movement; this was a measure not only of these leaders, but also of the mayor.

Mayor Allen was one of the first mayors, from any section of the country, to fight for civil rights. Now he has matched that political courage with personal courage of a high order.

He said, of the rioting in Atlanta, that it could not be blamed on any individual or group—that the true cause lies in the festering discontent of centuries of injustice. But his actions demonstrate that whatever laws we pass, however many programs we initiate, however much money we spend, the indispensable basis for peace and progress in the city is leadership of dedicated and courageous men—men like himself. Atlanta, Ga., and the Nation, can be proud of Mayor Ivan Allen.

RECENT DEATH OF JEFF B. BATES, TREASURER OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, the people of South Carolina were shocked and saddened as a result of the recent death of our esteemed State treasurer, Jeff B. Bates, who died suddenly on August 17.

A man of splendid character and reputation, Mr. Bates had served as State treasurer of South Carolina since 1940. During my term as Governor of South Carolina from 1947 to 1951, I had an opportunity to observe at firsthand his great ability. A tribute to his capability may be found in the fact that during his entire tenure in office he never once had opposition for his post. He would have been elected to his seventh full term in November.

A true friend, a fine gentleman, a great public servant, he will be missed by a host of friends throughout South Carolina and the Nation. Respected in the country's highest financial circles, his steady hand in fiscal affairs will be sorely missed.

He was a distinguished son of a distinguished family from Wateree, S.C. After graduating from the University of South Carolina, he went on to receive honorary degrees from his alma mater, as well as Clemson University. He was additionally honored as a member of the SAE and Blue Key fraternities.

Jeff Bates served his State and Nation well. He was a member of the Naval Flying Corps in World War I and a commander of a Civil Air Patrol squadron during World War II. In service to his community and profession, Jeff Bates worked long and tirelessly. He had served as president of the Columbia Life Underwriters' Association; the Columbia Kiwanis Club; the National Association of State Auditors, Comptrollers, and Treasurers; the USC Alumni Association—two terms; the Crippled Children's Society of South Carolina; the Educational Foundation of the University of South Carolina; and the Columbia Forum. He also had served as treasurer of the National Crippled Children's Society and as a Kiwanis district governor. He was a recipient of the Distinguished USC Alumni Award for 1965 and listed in "Who's Who in America."

Prior to holding the office of State treasurer, he had served as a member of the house of representatives from 1923 through 1926 and as a member of the South Carolina State Senate from 1935 through 1940. While in that body, he served as a member of the State finance committee. He was temporary president and keynote speaker for the State Democratic convention in 1956.

Under his administration, South Carolina bonds achieved the highest credit ratings that the Wall Street bond markets can bestow, and those who accompanied Mr. Bates as he made his rounds in national banking circles came away high in their praise of this soft-spoken man, who commanded the respect of so many with whom he came in contact.

He was unique in his ability and dedication to the duties of his office.

Mr. President, I ask unanimous consent that the following editorials be printed in the Congressional Record following these remarks: "Jeff Bates Personified Ideals," from the August 19, 1966, Greenville News; "Triple-A Treasurer," from the August 19, 1966, The State; "A Name That Stood for Integrity," from the August 19, 1966, Columbia Record; and from the August 19, 1966, News and Courier, "Jeff B. Bates."

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From The State, Columbia, S.C., Aug. 19, 1966]

Triple-A Treasurer

Jeff B. Bates worked in the background but he was in the forefront of South Carolina's drive for economic progress over the past 25 years.

As State Treasurer since 1940, he brought to his high but relatively obscure office unquestioned qualities—honesty, integrity, prestige, leadership, dedication, ability.

Such words are applied to many men but they fit very few. Jeff Bates, anyone who knew him will agree, was among the few.

He was the personification of the ideal public servant. To the men in the financial circles that he traveled, he was the image of South Carolina. There is ample proof that it has been an exceptionally good image.

Seven times Bates was nominated for State Treasurer. Never once did a candidate appear to oppose him. That in itself is impressive evidence of the high esteem in which he was held.

Bates became Treasurer at a time when South Carolina's financial fortunes were at a low ebb. Its economy had not fully recovered from the Civil War. Its bonds were difficult to sell.

Bates went forth to sell them. There was no blarney in his pitch—just facts and frankness. It was a winning approach to the hard-headed bankers and bondsmen of New York.

Back home, Bates' sage, levelheaded advice in the councils of government contributed to stable, fiscally sound policies. Such policies gradually improved South Carolina's credit rating and by 1959 a long-time Bates' goal was achieved—a Triple-A rating for the state's bonds.

This rating—held by only a handful of states—has saved millions in interest payments. Even more importantly, it gave the state government an image of soundness which helped attract the industrial growth that has brought about the present unprecedented prosperity.

But Jeff Bates was no cold master of figures. He was a modest man of charm and wit and compassion who gave liberally of his time to worthy causes, particularly the Crippled Children's Society and the University of South Carolina.

Someone said he was "one of the few men in public life of whom no unkind word has even been uttered." Another called him the "Rock of Gibraltar" of South Carolina's government.

Men of such character are too precious to lose. South Carolina lost heavily Wednesday when a heart attack took Jefferson Blakely Bates at age 69.

[From the Greenville (S.C.) News]

Jeff Bates Personified Ideals

South Carolina has been blessed with many capable public servants, both elected and appointed, over the years. But few if any of them could be considered irreplaceable to the extent that the sudden death of State Treasurer Jeff B. Bates leaves an almost heartbreaking void in the state's executive team.

The loss would have been severe under any circumstances, but it could not have come at a worse time, what with the state facing a period of governmental change and transition and with revenues rising at a rapid rate, producing a compelling imperative that the funds be spent and invested wisely and well.

Jeff Bate's wisdom, his political and financial sagacity, his calm but persuasive manner, the respect he enjoyed from officials at all levels of government and the enormous influence he exerted on all fiscal affairs will be missed in both the high and low councils of state government.

A State Treasurer in South Carolina can be a mere custodian of funds, receiving them as collected by the various agencies and paying them out as directed by legislative appropriations or executive order.

Or he can, as did Jeff Bates, perform as a sound and progressive fiducial official in his own position. He can profoundly influence the decisions and policies of such agencies as the Budget and Control Board, the Board of Bank Control and other such bodies of which he is by law an ex officio member.

Every Governor since Burnet R. Maybank, who appointed him to the office to fill an unexpired term, relied heavily on Jeff Bates in official recommendations and executive action related to finances. And to a man he had their full confidence and gratitude.

Mr. Bates was a master politician because he personified the ideals of a true gentleman and dedication to the service of his state and mankind first. He was never opposed in any of the five or six elections since his short term expired, and he was unopposed in both the primary and the general elections this year.

He was known as a good party man, but avoided extensive political activity. Even so, the quiet word that Jeff Bates thought well of a candidate was worth many endorsements from others.

Due in part to the manner in which he conducted his office, and in part to his sound advice as followed by others, South Carolina, a decade or more ago achieved the highest rating for sound credit that the bond markets and the nationwide financiers can bestow.

Jeff Bates invariably found a ready market and extraordinarily low interest rates for South Carolina's bonds, especially the highway and school bonds which ran into the scores of millions at all times during his tenure.

Jeff Bates was respected in governmental finance circles all over the country. In his own state, this gentle, outgoing bachelor was loved for his nobility of character, his personal charm, the warmth of his friendship and the pleasure of his companionship.

As well as he served in government, he also served in worthy causes, especially that of crippled children for whom he led and labored for many years.

This man cannot be replaced, for he is unique and stands out as the only one of his kind in several generations. But the people who have the power to elect and the officials who have the power to appoint owe it to themselves and posterity to search long and hard for a worthy successor.

Such a man will have to be persuaded and probably will have to make substantial personal sacrifices to take the job.

[From the Columbia (S.C.) Record, Aug. 19, 1966]

A Name That Stood for Integrity

Jefferson Blakely Bates was his name, but few knew him by his formal appellation, for he was a man whose acquaintances were legion and everyone who knew him was a friend. They knew him as Jeff Bates, treasurer of South Carolina, a name that was synonymous with integrity, courage and honor.

When he was signally honored by a cross section of leading citizens of South Carolina last November 30 at a testimonial luncheon, the most outstanding bond authority of America took note of the date, which was Sir Winston Churchill's birthday, and said:

"Jeff and Churchill have more in common than a date. Although it is a long way from No. 10 Downing Street to Capitol Hill in Columbia, when it comes to character, Jeff has the same rugged qualities of integrity and bulldog determination that made Winston so famous.

"Everybody in the municipal bond business knows that Jeff Bates would walk a hundred miles if there were no other way to correct some misapprehension about South Carolina's finances. I also believe that if it ever came to that, Jeff Bates would work himself into the grave to pay a South Carolina state debt. This is the kind of character that can't be expressed in graphs and statistics, but which comes out in credit rating just the same."

Largely because of Mr. Bates' personal integrity and unremitting efforts to build and preserve the state's fiscal soundness, South Carolina's credit rating was the highest possible in the United States. So was the rating of Jeff himself among all who knew him in person or by reputation.

His sudden death leaves a huge vacuum on the skyline of leadership in his beloved state.

[From the Charleston (S.C.) News & Courier, Aug. 19, 1966]

JEFF B. BATES

The sudden death of State Treasurer Jeff B. Bates is a tragic loss to South Carolina. He was one of the finest public servants this state has had. The term "public servant" is loosely used these days, but it is an apt description in the case of Mr. Bates.

Gov. Burnet R. Maybank appointed Mr. Bates to the treasurer's post in 1940, a position which paid only $5,000 a year. It has been said that this appointment was Gov. Maybank's most important executive action.

South Carolina's credit rating was pitifully low when Mr. Bates took office. The cost of borrowed money was high for this state. Mr. Bates in effect was the state's banker, safeguarding its funds and investing them profitably. Today, South Carolina has a top credit rating. The public should understand that Mr. Bates was the watchdog and prudent manager who wrought much of the improvement in South Carolina's fiscal affairs. He deserves to be remembered by a people he served with great loyalty and distinction.

TRUTH IN LENDING MAY BE BOON FOR MARKETING PERSONAL LOANS

Mr. DOUGLAS. Mr. President, a very interesting article appeared recently in the American Banker reporting on a market survey by the American Express Co. According to the article by Mr. James R. Hambelton, this survey suggests that "banks may be able to turn the so-called truth-in-lending bill to their advantage if it is enacted."

Apparently, the survey reached people in higher income brackets and showed that these consumers at least are "acutely aware" of interest rate charges. The article also points out that increasingly credit institutions are making strong efforts to advertise that they are charging less for the credit that they offer.

All this is to the good because it means that there will be competition in the credit marketplace, according to the fundamental principles of our economic system, and this will benefit the consumer as well as the ethical businessman. The article also shows that banks and other credit institutions see the handwriting on the wall; namely, that the public demand for a Federal truth-in-lending law is immense and will lead to enactment of this legislation soon. I ask unanimous consent that this article, entitled "Truth in Lending May Be Boon for Marketing Personal Loans," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"TRUTH IN LENDING" MAY BE BOON FOR MARKETING PERSONAL LOANS

(By James R. Hambelton)

A recent market survey by American Express Co. suggested banks may be able to turn the so-called "truth-in-lending" bill to their advantage, if it is enacted.

The survey showed that in the higher-income brackets, at least, people are acutely aware of interest rate charges. This survey is one reason that American Express, in selling its credit card to banks, is recommending they charge the minimum going rate on best-quality installment loans on the minimum $2,000 standby credit, which is part of the American Express package.

Banks, of course, will have the final say. But American Express points out that in one survey of holders and nonholders of its card, less than one-third believed that a charge of 1½% per month was fair. More than half believed that a charge of 1% per month was fair. In another survey, this time only of cardholders, 62% said a charge of 1½% per month was excessively high.

Where legally permissible, most banks charge 1½% per month on unpaid balances of overdraft, standby credit, and other "instant money" plans. American Express advises, however, that a preferential rate is likely to increase volume.

It says that with its low rate of 1% a month, in contrast to the 1½% charged by a competing card, American Express, is now billing between 90% and 95% of all deferred-payment plane fares.

Moreover, it points out that banks now hold about 54.6% of automotive loans, against 39.4% 10 years earlier. At the same time, the same portion of this market going to sales finance companies dropped to 32.8% from 51.3%.

"Why did the one decline as the other rose?" American Express asks in a new color brochure on its credit card plan for banks. "Several factors seem to be responsible, including the aggressive salesmanship of banks. But one of the more important factors is that the banks' direct auto loan rate has been consistently lower than that of the sales finance companies. Consumers have understood this difference and taken advantage of it."

American Express, of course, has been hammering home the message that it charges much less than its competitors. It has done so in newspapers and magazine ads and in statement stuffers.

A number of banks are thinking of doing much the same, should the truth-in-lending bill be enacted. The bill would require that all charges be stated in terms of a "simple" interest rate—whatever that is. Many financial institutions have fought the bill on grounds that it is virtually impossible to separate the various charges and to come up with a "simple" rate charge that has much meaning.

Others see in the bill an opportunity to clobber the competition posed by sale finance companies and, for instance, department stores, that run their own charge programs, often at remarkably high rates. "It can only make the banks look better," says the president of one Midwestern bank.

He is, in fact, so intrigued with the idea that he has given some consideration to a campaign that would highlight the bank's lending charges—even before the bill is enacted, if it ever is.

His reasoning is that the bank might be able to establish a fine reputation by moving early before it becomes a requirement so that all other banks and financial institutions would be doing the same thing. He has, however, reserved a decision for the time being since he fears the public might not be able to distinguish between his "simple" rates of, say, 12% and the discount rate of 6% at other banks in his marketing area.

The American Express survey does lend substance to the idea of public awareness, but how much of that can be translated across-the-board to all consumer loans is uncertain. The one survey was, after all, for only one highly unusual market—those people with incomes and credit ratings sufficiently high to own an American Express Credit Card. These presumably also would be the better educated and hopefully, better informed. That all people who come into a bank for a loan, or go to a sales finance company are so informed is doubtful.

DEATH OF FULTON LEWIS, JR.

Mr. THURMOND. Mr. President, early Sunday morning, August 21, 1966, a massive heart attack took from us the noted and esteemed radio commentator Fulton Lewis, Jr. It was with profound sorrow that I learned of the death of my good friend and I wish to pay tribute to him and to his work.

He was highly esteemed by friend and foe alike for his courage, ability, and dedication. The broadcasting industry has lost one of its most articulate and thoughtful commentators; those of us fighting for constitutional principles have lost a valuable and trusted ally; and I have lost a personal friend of many years standing.

Fulton Lewis, Jr., distinguished himself in the broadcasting field by his ceaseless pursuit of truth and justice. He was not so much interested in the news story that everyone else might be clamoring about but chose rather to seek out the big story that had not as yet received the light of public attention. Sometimes these big stories involved little people who were being abused by big government, or overrun by bureaucracy. He never flinched from a story just because persons of power or influence might be involved, and often suffered rebuke for his courage.

Mr. Lewis was a war correspondent during World War II and led the effort to secure galleries for the broadcast media in the House and Senate when gallery privileges had been enjoyed only by the print media.

His career as a broadcaster is now ended and with his family and many friends we share in the sorrow of his passing; but we also share in the pride of a race well run, a fight well fought, and a life fully lived.

Mr. President, I ask unanimous consent that the transcripts of two radio broadcasts honoring the memory of Fulton Lewis, Jr., appearing on the Mutual Network on August 22, 1966, be placed in the CONGRESSIONAL RECORD following these remarks.

There being no objection, the transcripts were ordered to be printed in the RECORD, as follows:

COMMENTARY BY CEDRIC FOSTER, MONDAY, AUGUST 22, 1966

The massive heart attack that took the life of Fulton Lewis Jr., removed from the radio scene a news man who was a pioneer in the radio broadcasting field in Washington and a man to whom the radio fraternity, nation-wide, is greatly indebted for his unceasing efforts to gain recognition for this media of mass communication.

To me, personally, there is the loss of a friend of more than 30 years standing. Our friendship dated back to the days when the Mutual Broadcasting system headquarters consisted of two or three girls in the office and a manager and program director. That was all.

One could talk on and on about Fulton but to me, knowing him as well as I did over three decades, there are two traits of character that stand out as one thinks in retrospect of his career. First is the intellectual honesty of the man behind that microphone who talked to all America Monday through Friday at seven o'clock each evening. Many there were who disagreed with his political philosophy; none there were, who knew him, who challenged his honesty. Fulton believed what he said on the air and he had the courage to say it, oftentimes when it was not the popular thing to say.

The second trait is that through all the years of his career, starting from scratch at $25 or so a week, to the time when he was a man with tremendous earning power, Fulton Lewis remained, with his friends, unchanged. His friends remained his friends and his advancement, through notoriety and wealth, left him unchanged. Radio owes him a tremendous debt as it was he who forced recognition of radio with seats in the news galleries of the congress.

Each evening Monday through Friday millions of Americans turned to their nearest Mutual station to hear the program that always started the same way . . . "Good evening, ladies and gentlemen, this is Fulton Lewis Jr., speaking to you from the Mutual studios in Washington, D.C. I'll have my news and views for you in just a minute," . . . a program that always ended the same way . . . "that's the top of the news, as it looks from here."

Controversial? Yes, indeed. Fulton Lewis Jr., was nothing else if he were not controversial. He had very pronounced views of national and international affairs. He was a right-wing republican who believed in his heart that that political philosophy was necessary if this republic of ours were to survive with its principles intact, and he gave short shrift to those in republican ranks who followed the so-called "liberal" path in their thinking.

His broadcasts created a tremendous following. It is no exaggeration to say that no broadcaster had an equal following . . . friends and foes in political thinking, alike. Because Fulton Lewis angered people as well as pleased them. But those whom he angered were right back at the dials of their Mutual station the next evening, waiting to be upset once more so great was the hold that he had upon listeners in all walks of life in every state of the Union. I don't have the figures available but memory serves to the extent that Fulton had at one time between three and four hundred commercial sponsors in 3 to 400 different cities on his seven o'clock broadcast and his earning power for the stations and the network ran into millions each year . . . the monies spent by advertisers to have their products identified with him.

The spot at seven o'clock on the Mutual Broadcasting system, if "time," so to speak, could be draped, is now shrouded in black, mourning for a man who voiced for so many years the deepest political feelings of millions upon millions of Americans who heard him over a 30 year span. In that seven o'clock spot he stood unique. No man in radio's history has broadcast for such a period of time in one spot on one radio network. The life career of Fulton Lewis, jr., was spent in radio with the Mutual Broadcasting system. There may be those who aspire to step into his place and some one will take his place. As we say in radio "there'll be no dead air." But whoever so aspires will never fill the shoes of this man who so earnestly believed in the conservative . . . right-wing if you wish to call it . . . who so completely believed in this political theory.

There was a part of Fulton's life that his public really never knew. His devotion to family, to his wife, Alice and to the two children who live on cherishing the memories of their Christmas eve appearances with their noted father. Buddy Lewis, who is Fulton III and Betsy, now married and mother of two of her own . . . Buddy married and a father also. There was the great devotion that Fulton had for his church . . . St. David's Episcopal, a little structure that to me always seemed like something out of a story-book . . . which always seemed to me to be what a church should be. With loving care and great, painstaking labor the organ in that church was the creation of Fulton who sought no more complete relaxation from the problems of a troubled world than when seated at the console.

Fulton Lewis jr., was a Washingtonian, as was his father and his grandfather. He grew up in the nation's capital, went to school here and then on to Charlottesville to the U. of Virginia where he spent two years . . . long enough to write the music for Virginia's great song, the Cavaliers. And the words to that song were written by Henry J. Taylor, himself a commentator in later life, also on Mutual and a life-long friend of Fulton.

The man who spoke over 500 or more radio stations of the Mutual network was a deeply sentimental man who loved his family and his friends and who took the greatest joy in the knowledge that his son, Buddy . . . Fulton Lewis III, had developed sufficient talent and knowledge and understanding to follow in his father's footsteps as a substitute, along with Ken French of Mutual, whenever it was not possible for Fulton to appear on the air.

There were many persons in the radio field who rose to prominence in association with Fulton Lewis, among them Mutual's President Robert F. Hurleigh, who came east from Chicago's WGN to join the Lewis staff and who then rose to head the network, and to save it. Ray Henle, for so many years the voice of "Three Star Extra," substituted for Fulton on vacation and then went on to broadcast his own program. Fred Morrison, many years with Fulton, and later with Three Star Extra, now the man who directs all public relations with the Republican National Committee, is another . . . . Fulton Lewis was endowed with many gifts, the greatest of all, and oftentimes a rare one, intellectual honesty and fearlessness in stating one's belief. We on Mutual will miss him and I have lost a dear friend of almost 40 years.

[Broadcast of Monday, Aug. 22, 1966]

A TRIBUTE TO FULTON LEWIS, JR.

Good evening, ladies and gentlemen, this is Cedric Foster speaking to you from the Mutual studios in Washington, D.C. with a special program in which we on Mutual honor Fulton Lewis, Jr. We'll hear tributes to Fulton Lewis in just a moment.

During the twenty years prior to June 1937 the music you now hear was the identifying sound on the Fulton Lewis, Jr. commentary on the news. It was heard during the periods where you now hear commercial messages or a public service announcement. This is a musical memory of Fulton Lewis, Jr.

The death of Fulton Lewis, Jr. in Washington on Sunday leaves a great void here at the Mutual network and in the broadcasting world. Scores of tributes have been received by us today.

Here is Stephen McCormick, Vice President in charge of news at the Mutual network.

Mr. McCORMICK. This is Steve McCormick, Vice President for News of the Mutual Broadcasting System.

I regret to announce that longtime Mutual commentator Fulton Lewis, Jr. passed away early Sunday morning from a heart attack. Mr. Lewis was 63 years old. He'd been with Mutual since 1937. He was widely known as a fearless, courageous and outspoken proponent of the American way of life and its institutions. He was a respected member of the journalistic and broadcasting community—a family man, a churchgoer. I knew Mr. Lewis and worked with him ever since that first day in 1937 when he first came to Mutual. He will be sorely missed by those of us who knew him. He will be sorely missed by thousands of listeners who daily heard his commentary from coast to coast. The memorial service will be held on Tuesday afternoon here in the nation's capital, interment will be private.

Mr. FOSTER. Senate Republican leader EVERETT DIRKSEN from the state of Illinois paid this tribute.

Senator DIRKSEN. I knew Fulton Lewis when I first came to Washington—well over 30 years. I remember his messages on the air and what a great following he had. He was the center of inestimable courage, who said what he thought, who dug out his facts meticulously and had a tremendous impact on the thinking of the times.

Mr. FOSTER. From the other side of the aisle in the Senate came word from Virginia's Senator HARRY FLOOD BYRD, JR.

Senator HARRY BYRD, JR. Fulton Lewis, Jr. made a splendid contribution to the nation. His radio broadcasts and his syndicated newspaper column were provocative and incisive. He cut straight through to the heart of the issue and presented it with clarity and fairness. There is a need for more commentators of the calibre of Fulton Lewis, Jr.

Mr. FOSTER. Mrs. Styles Bridges on the campaign trail in the state of New Hampshire spoke feelingly of Mr. Lewis—a close personal friend for many years.

Mrs. BRIDGES. I am completely shocked and saddened by the news which was announced to the American people yesterday that they had lost a champion of freedom. Personally I am desolated over the loss of a man who was a close personal friend of Styles and mine over the course of twenty-odd years. This is not only a personal blow, but I think a loss to our entire country. Through the dedicated work of Fulton Lewis, Jr., many people were apprised of problems which under normal circumstances they wouldn't even know existed. And his strong voice and dedicated efforts on behalf of his fellow man will never be forgotten.

Mr. FOSTER. From the ABC network in Chicago, a colleague in the radio industry Paul Harvey has this to say.

Mr. HARVEY. Fulton Lewis, Jr. believed in government by the people. He prodded us and cajoled us and spurred us and nagged us and shamed us when he had to, into acceptance of the responsibilities of self-government . . . hanging onto what's left of the Constitution with one hand and fighting off its detractors with the other, he would not let us fail.

If men *are* competent to govern themselves then, in the end, our republic *will* prevail. And tomorrow's historians from that pinnacle looking back will thank God that he was on our side.

Mr. Foster. Charles Warren, Director of News for Mutual, Washington, had an intimate association with Fulton Lewis, Jr.

Mr. Warren. My very close association with Fulton Lewis, Jr. goes back to May 1945—21 years ago, and my very first Mutual network assignment was to introduce Mr. Lewis. Being very nervous on this very first Mutual network show I was put completely at ease in the studio by Mr. Lewis. He said there's nothing to worry about, Charlie, and that all I had to say was there is Fulton Lewis, Jr. and the news.

For the past 21 years I saw and talked with Mr. Lewis every single working day, except of course when one of us was out of the city. I guess the most familiar sight here at Mutual in Washington was to see Fulton Lewis, Jr. walking down the long corridor to the studio with the script in his hand, and at precisely at fourteen after four o'clock. He would saunter by the office and arrive in the studio at 30 seconds before air time. And then it was the same routine at 7:00 p.m. I admired and I respected Fulton and will certainly miss his footsteps down the corridor and the courageous views he expressed and the familiar closing phrase on every single broadcast . . . "and that's the top of the news as it looks from here."

Mr. Foster. Fred Morrison, Director of Public Relations of the Republican National Committee was Fulton's closest colleague for many years.

Mr. Morrison. I think I knew Fulton as well as anyone outside his immediate family, and in all the years I worked with him I never knew him to back away from a story because it might involve persons of power and influence in Washington.

There were many times when a person of less determination might have given up under the avalanche of pressure and actual threats that came from influential quarters, but once Fulton started an investigation of a situation which he felt was unjust he pushed it through to a finish. I don't believe anyone in the history of news reporting ever watched more closely for excessive use of governmental powers—the so-called bureaucrats in Washington, excesses which resulted in injury to the citizens of the country, and I believe his voice was heard by many over-zealous appointed officials of the government.

Fulton's death is a great loss—and not just to those who knew him so well.

Mr. Foster. It was Fulton Lewis who advised Richard Nixon to go into the political arena—advise which Mr. Nixon followed. Here is the former Vice President.

Mr. Nixon. Fulton Lewis was one of the most eloquent and effective commentators of this generation. At a time when news commentators both on radio and television have become increasingly bland and dull, he continued to be eloquent, colorful and exciting. No man in America had a more devoted and loyal listening audience than he had. Mrs. Nixon and I were privileged to know him and his family for almost twenty years and we send his family our deepest sympathy.

Fulton Lewis went back to the very inception of the Mutual Broadcasting System to the days when there were many commentators talking on the national and international scenes and one of the best known of all American newsmen on the air—a voice from the past—Gabriel Heater who spoke from Miami, Florida, through WGBS, to Mutual news.

Mr. Heater. Well I knew Fulton for about twenty years. We worked together on Mutual all the time. I always found him to be a very independent fellow who was definitely committed to the way of life he believed in, which is the very opposite of what I believe in, but we were good friends all the time. We did the election returns together as I remember once or twice. We were on opposite sides of the fence but we always got along fine. I always considered him quite a gentleman.

Mr. Foster. The ties that bind men together over a period of thirty years are never broken and those of us who have worked in daily association with Fulton Lewis will always be aware of his presence in the Mutual studios. I personally have a deep loss. My friendship with Fulton goes back to the year 1936 when I started in radio in Hartford, Connecticut, and when Fulton came to Hartford from Washington for a speaking engagement and to originate his evening broadcast from WTHT.

But the great blow, however, falls on Fulton's office staff . . . those devoted people who served him so faithfully. . . . Cleo Grant, who was his right arm, and staunch support in bringing his program to the air every day . . . Bill Schulz who marshaled so many of the facts for his column . . . Rusty Archibald, who so faithfully tended the store . . . Barbara Walker Paine, who was with him for many years . . . and Ken French, who substituted many times for Fulton on the air.

To those and his immediate family—his devoted wife, Alice . . . his children, Betsy and Buddy (Fulton III) remembered by so many for their Christmas Eve performances with their noted father—to all of these, we on Mutual say farewell to a man whose greatest attributes on the air were intellectual honesty and absolute fearlessness—a rare combination in this day and age.

TECHNOLOGY FOR LATIN AMERICA

Mr. KENNEDY of New York. Mr. President, I ask unanimous consent that excerpts from the remarks of Mr. Felipe Herrera, President of the Inter-American Development Bank, on the role of the university in Latin America, be printed in the Record. President Herrera has suggested the information of regional or subregional centers of research and technology in Latin America. These centers of research and technology would be used for two purposes; to educate the scientists, engineers, and technicians needed for economic development in Latin America; and to develop the technology to meet industrial and agricultural needs of the participating countries.

This idea deserves the careful attention of those concerned about the future of Latin America. I commend it to the attention of my colleagues.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts of Remarks of Mr. Felipe Herrera, President of the Inter-American Development Bank, Upon Receiving an Honorary Degree Conferred by the University of America, of Bogotá, in Association with the Colombian Universities, Washington, D.C., September 12, 1966

A half century after the beginning of the "university reform" movement, which was especially vigorous in some of the countries in the southern part of the Continent, Latin America's universities are faced again with a new and challenging situation. Just as our universities perceived, some fifty years ago, that it was necessary to renew the national structures, so too, at the present time, they are confronting the need for changes that will reflect the expansion of the narrow geographic and psychological confines of our present-day communities. And even as our institutions of higher learning have played a decisive part in the accomplishment of urgent national tasks, we should now adapt their education and research systems to a Latin America moving toward unity.

It is sometimes proposed that a multinational Latin American university be established especially for postgraduate studies. With all due respect to this idea, we believe that the problem is much too complex and many-sided to be solved by merely establishing another institution. For this reason, we have often preferred to think in terms of a "Common Market for Latin American Science and Technology," parallel and concomitant to an Economic Community of our countries. Into this common market of knowledge and talent would go the best of our present university accomplishments, and through the coordination of curricula and degrees, the exchange of professors and students, scientific ventures and specialized research, each of the members of the Latin American community would contribute its best minds to the common task of forging an association of countries capable of making its presence felt in the broader world community.

An important factor in an arrangement of this kind is the high cost of research, particularly that which can be applied to economic development and which our current rates of growth and capital formation will not allow us to finance independently on a national basis. We must be realistic enough to recognize that only those countries with a high national income and broad, dynamic markets have the resources to support advanced research projects that will foster the necessary technological advance. Investment in this field in the United States has been growing at an average annual rate of 12 per cent since 1945 and amounted last year to $17 billion, which was 3 per cent of the gross national product, or in Latin American terms, as much as the region's total export trade for two years and more than five times its international reserves. The Soviet Union is devoting 2.5 per cent of its gross product to these ends, and the industrialized countries of Western Europe between 1 and 2 per cent.

Latin America has only 250,000 scientists, which is 0.4 per cent of its economically active population; the percentage in the United States is ten times higher. And this situation is being aggravated by a process whose damaging effects are only now beginning to be perceived: the emigration of specialists in the different fields, education at great effort by our own countries, to centers of greater prosperity. Paradoxically, despite the regional shortage of high-level professional cadres, we are becoming a net exporter of human capital.

And so we should not wonder that the average output of the labor force in the countries of the region is only between 14 and 33 per cent of what it is in countries where science and technology are intensively used. Less than 10 per cent of the Latin America's economically active population is employed in relatively advanced technological tasks, and in many cases they are working for foreign companies. The substantial gap already separating Latin America from the industrialized world is being alarmingly widened by our incapacity to absorb modern techniques. We merely frustrate our people if we demand greater effort and labor discipline from them without, at the same time, being able to offer them up-to-date means of increasing their productivity and income.

In a report recently submitted to the Inter-American Bank by a consulting firm which made a survey of feasible multinational projects in Latin America, the conclusion was reached that one of the most promising areas of activity is regional research to improve agricultural and industrial technology. The report says:

"Existing programs are practically all nationally oriented. A rare exception is

ICAITI, which has been active for about ten years as a regional industrial research institution for Central America. Nation research needs are pressing, and resources for that purpose should be strengthened and not made less able to meet national needs by trying to spread the same resources to cover both national and regional objectives. In order to make maximum possible use of national research organizations and facilities in regional programs, provisions will need to be developed for joint activities, with appropriate financing, which can serve also to strengthen national research efforts. Investigations are needed to show how research skills can be retained within the region; how adequate regional research facilities and institutions can best be established, what their objectives should be, and how their work can be carried on without interfering with national research programs."

We must give thought to a joint enterprise for all the countries of Latin America that would draw on the irreplaceable resources and experience of the United States and other developed countries of the world and break the ground for regional or subregional centers of research and technology built on multinational foundations and tailored to the future needs of the Latin American common market. They would be genuine "poles" of scientific development and graduate training based on the useful experience already acquired by many of our best schools.

Thus, special importance attaches at this time to the declarations of several chief executives who, in reference to the coming meeting of Presidents, have proposed that multinational action in the sphere of education, and particularly university education, should be planned on a hemisphere-wide scale.

New vistas are unfolding for our university systems as participants in the new tasks confronting their peoples. Their response to these demands will not, however, imply the automatic elimination of existing limitations and gaps. It will have to serve as an incentive to the improvement of current forms of organization and operations. Happily, universities do exist in most of our countries which are seriously interested in shouldering every responsibility that is properly theirs, and others are actively engaged in improving their organization and expanding the range of their work. The Inter-American Bank is fulfilling an important purpose here by providing loans to help finance the necessary administrative and academic changes. I would only like to mention some problems which our experience shows to be widespread:

In the first place, in most of the countries, access to higher education remains the privilege of a minority chosen more for the financial capacity of the parents than for the talents, vocations and aptitudes of the students. There are countries in which the university maintains an open-door policy so as to take in a greater contingent of the school-age population. But the success of this policy is greatly limited by the effective capacity of the universities themselves to provide sound instruction. Besides, they are often hampered by excessively large student bodies and structural and administrative deficiencies, which account in part for high drop-out rates.

In the second place, the idea is still prevalent that the purpose of a university is to train high-level professionals in courses lasting five years or more, to the neglect of middle-level professionals. In international experience, the development of the new countries demands larger cadres on the intermediate level, so that the prevalence of that idea results in a pattern of producing human resources unsuited to the needs of society.

Furthermore, and especially in the case of the universities that are changing their academic structures, their continuing emphasis on general education in the early years of their courses, coupled with the high drop-out rates in those same years, results in large numbers of students dropping out and starting life without any specific professional training.

Finally, there is an unfortunate lack of communication between the universities in the region. The well-known "ivory tower" also casts its shadow in this area. However, just as the Latin American universities have much to learn from one another through mutual contact and exchanges—as shown by the experience of this multinational training center, the Inter-American Bank—the universities of the region could profit greatly by opening from a continuing dialogue on their problems and progress.

Gentlemen, this auditorium has been the scene of many important and varied meetings in the life of our institution. Not only the painstaking technical discussions of financial consortiums, but also the lively sessions of our Staff Associations are held here. Here we have signed important contracts, to increase the capital of our Bank or to finance projects vital to the progress of Latin America. In this hall the management periodically reviews the responsibilities and achievements of our regional public institution, and distinguished lecturers or dedicated artists have been heard.

Today this room is being put to a new use: it has ceased to be a place of work of this Bank and has become an assembly hall where the Colombian universities—and especially the University of America—have come to honor the Inter-American Bank by conferring an academic degree on its President, just as they might have done in Bogotá, Barranquilla, Bucaramanga, Cali, Cartagena, Ibagué, Manizales, Medellín, Tunja, Palmira, Pasto, Pereira or Popayán, all of them the seats of illustrious Colombian universities.

We never doubted the appropriateness of naming this hall for that great American, Andrés Bello, whose portrait always graces the gatherings of men of different origins and pursuits. This auditorium, embedded in the heart of a banking institution, maintains the traditions of American and universal humanism and science of that great Teacher. If anything serves to remind us that "while a bank, we are yet something more than a bank," it is precisely the multiplicity of experiences that are lived here.

Today, again, we are confirming the validity of Bello's words when he said in his still relevant address on the inauguration of the University of Chile in September 1843:

"This you know, gentlemen: all truths connect, from those which chart the course of worlds in the depths of space, from those which govern the wondrous agencies of motion and life in the physical universe, from those which trace the structure of the animals, the plants, of the inorganic mass on which we tread, from those which reveal the innermost secrets of the soul on the mysterious stage of consciousness, to those which express the actions and reactions of political forces, to those in which morality is immovably anchored, to those which determine the precise conditions for the sprouting of the seeds of industry, to those which inspire and give life to the arts. Advances on all lines call to one another, concatenate and drive each other forward. And when I say advances on all lines, I include, of course, advances in the moral and political spheres."

TRUTH IN LENDING

Mr. DOUGLAS. Mr. President, I was very encouraged to see an article on the truth-in-lending bill by the columnist Margaret Dana in the Manchester, N.H., Union Leader for Monday, August 29, 1966. Her article points out that Massachusetts has recently enacted two consumer protection bills which contain truth-in-lending provisions as well as other protections in the credit field. She correctly points out that consumers are increasingly demanding disclosure of credit costs and other standards of fair play. The author concludes that:

> A Federal truth-in-lending law would seem to be more sensible and make things simpler for lenders, consumers and regulating agencies alike.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEARN WHAT TRUTH-IN-LENDING BILL MEANS TO YOU AND YOUR SPENDING

(By Margaret Dana)

If anyone should ask you what you think of the "truth-in-lending" bill which Sen. PAUL H. DOUGLAS has sponsored in Congress for years, what would you say? If, going a step further, someone asked you to explain what it's all about, could you do it?

Consumers should understand this bill and form responsible opinions about it now, if never before, because word is going around that the bill at last has a chance of being heard, even of getting out of committee to give Congress a chance to vote on it. In theory, your Senators and Representatives vote as the majority of you want them to. So get your opinions ready.

What is this "truth-in-lending" bill? Briefly, it would require that all credit transactions include a plain, truthful statement as to how much that credit actually costs.

There are more issues involved, of course, than that. But similar "truth-in-lending" legislation is either being discussed in many states or has actually been enacted. Massachusetts, for instance, this year passed a real landmark bill which may prove to be a model for other states—and which eventually may be duplicated in Federal legislation.

The Massachusetts law requires retail installment contracts (except revolving charge accounts) to state the finance charge in both dollars and as a simple annual percentage rate. Advertising of credit rates must also state the true annual percentages.

The new law also includes a one-day "cooling-off" period during which consumers may cancel an installment contract if the contract was signed somewhere other than at the seller's place of business. This provision is to help consumers who get tangled up in high-pressure door-to-door salesmanship and need time for second thoughts.

Other provisions of the law are: "Balloon" payments are outlawed; consumers can get annual statements of finance charges for tax purposes; on revolving charge accounts, in determining the unpaid balance, consumer payments during the billing period must be deducted before credit charges can be reckoned.

A number of states have parts of credit legislation already on their books. Delaware and California, for instance, limit interest charges to a simple 10 per cent interest per year. Twelve per cent is considered the top by those concerned with the consumer's side in all this.

Pennsylvania has been arguing a legislative proposal for truth-in-lending that would permit charges from 19 per cent up. Lenders generally favor this.

The fact is that consumers are increasingly demanding better regulation of credit charges on the basis that since you "buy" credit and shop for it just as you might shop for any other commodity, you need to know exactly what each type of loan will cost.

The rule of thumb is that most credit costs, in true annual interest, about twice what it is represented to be. A bank loan, for example, costing $4.50 to $6 per $100 is not obtained at an annual rate of 4 to 6 per cent but at a simple annual rate of 8 to 12 per cent.

But there is a possibility that a patchwork of laws differing from state to state would complicate the problem unbearably. So a Federal truth-in-lending law would seem to be more sensible and make things simpler for lenders, consumers and regulating agencies alike.

Incidentally, if you want a fairly simple guide to make credit charges and terms more understandable, you can buy for five cents a leaflet called "Consumer's Quick Credit Guide" from the Government Printing Office, Washington, D.C., 20402. In ordering it there, give the title and this number: A I.II-3:C86.

CIVIL RIGHTS ACT—CLOTURE MOTION

Mr. COOPER. Mr. President, the motion which will be before us later today will not be a vote on the merits of the proposed civil rights bill—or any section of it. It will be a vote whether debate shall be cut off on the motion to bring up the bill.

I shall vote against cloture at this time. There has been no debate upon the bill thus far. And it is accepted in the Senate that even if cloture should prevail, there will be no final vote on the bill at this session. A filibuster would ensue, the bill then would be laid aside after a time to take up the remaining appropriations bills and the proposed tax bill recommended by the President.

We know that this bill, important as it is, and all the amendments which have been submitted to it, will not be voted on until the next session of the Congress.

I need not point out that I have voted for every civil rights bill during my service in the Congress. I have not merely voted for these bills, I have introduced bills on voting rights, school desegregation, public accommodations—which were later incorporated in bills passed by the Congress.

I was one of the floor managers of the civil rights bill of 1964, which included provisions dealing with the above enumerated rights, and with fair employment.

I must say that some of the provisions of this bill need thorough consideration, and this bill cannot receive full consideration at this session of the Congress, now drawing to a close.

I think it better for all concerned that this bill be taken up when there will be time for an objective and full debate, and actual voting on amendments and the bill itself.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

MRS. MARY T. BROOKS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The **PRESIDING OFFICER.** The Chair lays before the Senate the unfinished business, which is S. 3553.

The Senate resumed the consideration of the bill (S. 3553) for the relief of Mrs. Mary T. Brooks.

CIVIL RIGHTS ACT OF 1966

The **PRESIDING OFFICER.** The pending question is on agreeing to the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum. This will be a live quorum.

Mr. MANSFIELD. Mr. President, who has the floor?

The **PRESIDING OFFICER.** The Senator from Illinois has the floor.

The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[Leg. No. 252]

Aiken
Allott
Anderson
Bartlett
Bass
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Harris
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. INOUYE. I announce that the Senator from Indiana [Mr. BAYH] and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

I also announce that the Senator from Arizona [Mr. HAYDEN] and the Senator from Wyoming [Mr. MCGEE] are necessarily absent.

The **PRESIDING OFFICER.** A quorum is present.

The junior Senator from Illinois has the floor.

Mr. DIRKSEN. Mr. President, I suppose I should feel flattered by these frequent allusions in the press and elsewhere to the role I am supposed to assay in respect of this struggle on the Civil Rights Act of 1966.

Let me freely confess that I am no Atlas. I am not much good at juggling. I seek only to do and to perform the role according to my conscience, and that is all.

I will not be frightened from that course.

There was a rather interesting colloquy on the Senate floor yesterday. Perhaps it is just as well that I did not hear it. However, the point was made that they were trying to frighten me.

Well, Mr. President, I do not scare. I have not been frightened since I climbed into a balloon basket and out of the trenches on the morning of November 11, 1918. I had had my baptism of fire. If there was any fear in me, it was gone at that time.

Those who have intimated that the President of the United States would perhaps scare me and dissuade me from my course are very much mistaken.

I must say frankly that the President called me yesterday afternoon, and I went to the White House at 6:30. The distinguished majority leader and the Attorney General and the President and I were there. I never put words in the President's mouth, but I said:

> Mr. President, from the day I saw the first copy of the original text of the Civil Rights Act of 1966 and had an opportunity to examine it, I asserted my opposition to it. I have not retreated one step from that position from that day to this. And, if it needs further implementation, Mr. President, I do not intend to retreat one step, because this is a package of mischief for this country if I ever saw one.

We will be voting on cloture today. Nobody will ever make the argument that there have been a great many speeches, that they have been redundant and tautological, and that we just plowed the same furrow over and over. There have not been more than a half dozen speeches on the bill, and in the main they have covered only the two jury titles and nothing more.

There have been some brief overall summaries or surveys, but they did not deal with a great many of the elements contained in the bill. That is particularly true of title IV which deals with fair housing and open occupancy.

Mr. President, I sometimes wonder where we are going in this whole field of civil rights.

I once made a speech in Detroit, and before I made the speech, they wired me for the subject which I would discuss. I sent back a wire and informed them that the subject would be "Quo Vadis?" The sponsor of the meeting—and may I say it was the Detroit Economic Club—wired back and said: "What does that mean?"

I sent them another telegram saying: "Quo vadis, Domini?" They wired back and said: "We are still in the dark."

I wired them back, saying: "You ought to read your Scripture in the original Latin, because that means: 'Whither goest thou, Lord?' "

I sometimes wonder, "Quo vadis, civil rights?" I wonder where we are going in this field in view of all the strange things that have been happening for quite a long time.

The chanters are singing and demonstrating in different areas of the country.

Paperback volumes reach my desk under quaint titles like, "We Can't Wait."

It reminds me of a distinguished preacher a number of years ago who was a man of national repute. He was pacing in his study one morning when a friend dropped in. The friend asked, "What is the matter with you?" The minister said, "I am in a hurry, and the Lord isn't."

I think some people are in an undue hurry, but maybe there are a lot more people who are not in a hurry and who want to see pretty clearly where they are going.

I have been reminded of my role in the civil rights bill of 1957. I had something to do with it. When we set up the Civil Rights Commission the first time we really dealt in broad gage fashion with this subject for the first time in a period of 82 years. We not only provided a Commission, but we also set up a Division in the Department of Justice to look after civil rights affairs, and we provided preventive relief in rights cases.

We had quite a discussion then about jury trials which involved criminal contempt.

That bill was signed into law on September 9, 1957.

The delegations of ministers and priests and rabbis and the like that have been forming a steady line to my office ask: "How can you do what you are doing now in view of what you did in 1957?"

I am reminded of the role I played in the civil rights bill of 1960. I joined with the distinguished majority leader who now graces the White House when we picked out a vehicle in the form of a bill to take care of funds for the Stella School District in Missouri, and we hitched the Civil Rights Act of 1960 onto that vehicle.

We had 9 days of round-the-clock sessions, and when I slept on the divan in my office and the bell rang, it sounded as if the Pennsylvania or the Baltimore & Ohio Limited Flyer was going down the corridor.

That is never a very happy experience, but we stayed at it. We had 37 days of debate. We renewed the Civil Rights Commission. We provided criminal penalties for bombing and for bomb threats. We provided criminal penalties for cases involving an obstruction of court orders. We provided criminal penalties for cases involving mob action. We empowered the judges to appoint referees to aid Negroes in registering.

That bill was signed into law on May 6, 1960.

They say: "You were instrumental in the Rights Act of 1957, and you took a leading part in the act of 1960. How can you assert the position that you take now?"

Then we go to 1964. That is when the majority leader and I worked on the rights bill. The distinguished majority leader, from Montana, is a great Senator and one of the most tolerant, charitable, and one of the sweetest persons I have ever met, with whom it has been a pleasure to work and cooperate in order to get a rights bill. He knows, the distinguished Vice President of the United States knows, the Attorney General knows, the subcommittee of the Committee on the Judiciary knows, not the days or the weeks but the months that we sat around the table in room 230, my Capitol office, on this corridor. There we sweated and strained, early and late, in order to beat out on the anvil of discussion and controversy a bill that would be acceptable to the country, that would be workable and practical and feasible, and it has stood up. It was signed into law on July 2, 1964.

We had 57 days of debate. Then we had a cloture vote, and that cloture vote prevailed. It prevailed in part because the minority leader got on his knees to Members on this side and said: "Did I go to your State and campaign for you?" "Yes, you did." "Now, pay me back. Pay me back with a vote."

That is how we got cloture on the act of 1964—and it was signed into law.

Then, in 1965, we had another bill. That was the one dealing with voting rights. We had many conference sessions: the problem of the Puerto Ricans in New York, the problem of poll taxes.

Many knotty difficulties had to be ironed out, but by patient labor in one of the committee rooms downstairs, on this side of the Senate, we ironed it out, and the voting rights bill is in the law today. And the minority leader had some part in it.

They say: "How can you, under those circumstances, assert the position that you are taking now with respect to the Civil Rights Act of 1966?"

They may say all these rough things. They may say that DIRKSEN is trying to be wooed. No, history will not say it. They say DIRKSEN is trying to be coaxed. History will not say it. They say DIRKSEN is expecting something. He is not expecting a thing, and he would not take it if it were offered, not even a Federal judgeship. Dear as that may be to the hearts of people, it is not to mine. I am not a judicial officer; I am not a administrative officer.

They had me running for Governor in my State long ago. I might have been elected. I said, "No soap." That is not my field. This is my field. The people of my State and the good Lord have sustained me here, and I am going to carry out my responsibility as I sense it.

So, no matter what is said now in the contemporary dimension, I am quite confident as to what history will say.

I think we should take a look at some of the argument that has been adduced here, because it is very interesting. The first thing I would say is that many things ought to be carefully discounted. I do not see my distinguished colleague from Illinois in the Senate at the moment, and I make no point of it; but he appeared before the Senate committee on this bill, and I want to read one long paragraph of what he said about integration in south Chicago. This is Senator DOUGLAS speaking, as shown on page 259 of the hearings. The distinguished Senator from North Carolina [Mr. ERVIN] was doing the quizzing, and this statement was in response to it. Senator DOUGLAS said:

> It so happens that I live in the Hyde Park-Kenwood neighborhood in Chicago and have for nearly a half century. This was once an upper middle class completely white community. It is now probably the most racially integrated neighborhood in Illinois and possibly in the Nation. Our experience has, on the whole, been good. We have had our troubles, of course, but mostly caused by people from outside the neighborhood. But the community is composed in the main of men and women who have wanted to make desegregation work, and who have tried to work out living together peacefully and cooperatively. We have largely succeeded although, of course, we have not established a Utopia. I am proud to have played some part in this desegregation, because I felt one should practice in one's own life what one tries to prescribe by legislation. There are, however, unfortunately residential communities in Illinois and, indeed, in the Chicago area which are to all intents and purposes segregated and where the schools are, in consequence, also segregated. I do not think that many people in these communities will welcome my testimony. I ask these good people to study the experience of Hyde Park-Kenwood which should eliminate many of their fears. We in Hyde Park-Kenwood would not like to go back to the old order.

Well, that sounds pretty good. But, as I have said, one must be careful about testimony.

At the University of Chicago, where my distinguished colleague was a member of the faculty—the school is located in that area, around 60th Street at the Midway—there is another distinguished member of the faculty. His name is Dwight Ingle, and he is the head of the Department of Physiology in the University of Chicago.

I ask unanimous consent to put Dr. Ingel's statement in its entirety in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report]

CHICAGO STORY: AFTER NEGROES MOVED IN—THE TRIALS OF A COMMUNITY

(How are city neighborhoods really affected when large numbers of Negroes move in? Chicago's Hyde Park area seemed to provide one answer to that question. For years it was held up as a shining example of racial harmony. Now a distinguished scholar who lived through that experiment comes up with a different answer.)

From the autobiography of a noted scientist, just published, comes a new evaluation of a widely heralded experiment in neighborhood integration of the races.

The scientist is Dr. Dwight J. Ingle, chairman of the department of physiology at the University of Chicago.

The neighborhood described in his autobiography, "I Went to See the Elephant," published by Vantage Press, is one in which he lived for many years—Hyde Park, adjoining the University.

It was in this area, heavily infiltrated by Negro slums, that Dr. Ingle and other whites joined with Negro leaders several years ago in an effort to halt blight that was threatening the future of the University itself.

Over the years, this effort has been held up as a model of peaceful integration to be followed by urban neighborhoods across the nation.

Dr. Ingle, however, casts much doubt on this evaluation.

After years of campaigning to clean up the neighborhood, he wrote, he and his family decided to move out.

By that time, Dr. Ingle said, his neighborhood had become unsafe for his wife and daughters. Broken glass and other debris littered the area, and it had become a hangout of narcotics addicts.

BOASTING TOO SOON?

"I have contempt," this scientist said, "for individuals who spent a short time working in the Hyde Park redevelopment program and went away to boast in books and articles of how Hyde Park had solved its racial problems."

As he tells it, homeowners of both races on his block in Hyde Park organized themselves to keep it clean. Three of four Negro homeowners on his block co-operated. The fourth converted his house illegally into tiny apartments. Other Negro owners in adjoining blocks followed suit, opening the way to hordes of tenement dwellers.

In Dr. Ingle's view, population pressure was not solely responsible for this development.

"There were dozens of vacant apartments available to Negroes in Hyde Park," he wrote, adding, however, that "many Negroes will crowd together to save rent money in order to drive a Cadillac."

PROFITS FROM SQUALOR

In a city like Chicago, it is virtually impossible to stop illegal conversion of good buildings into tiny apartments that make bigger profits for landlords, Dr. Ingle said. He added:

"Some slum owners and some unscrupulous real estate men are Negroes who are as anxious to make a fast buck as non-Negroes. Some of the worst exploitation of the Negro in South Chicago was by the author of a Broadway play concerning Negro slum dwellers in South Chicago."

As more and more Negroes poured into Hyde Park, Dr. Ingle wrote, this was the result:

"Robbery, rape, stabbings and murder were common in Hyde Park. Lesser crimes were purse snatching and thieving. Forty-seventh Street was a center of dope addiction. Some buildings in our neighborhood were centers for the distribution of narcotics. Neither Geneva [his wife] nor the girls were permitted to go out without escort after dusk.

"A number of our friends were victims of robbery and attacks. Children were beaten and robbed between home and school. . . . Empty whiskey bottles were thrown onto our driveway and into our yard almost nightly. They were frequently broken before we could dispose of them. Our tires were several times cut by broken glass. There was a storage garage across the alley in back of us where a crowd of Negro men hung around talking loudly in obscenities most of the day and much of the night. Sometimes I overheard colored men and boys make lewd remarks to girls and women along the street. Prostitution flourished in the apartment building across the street."

TROUBLE FOR UNIVERSITY

Even before this, Dr. Ingle said, some members of the University of Chicago faculty had begun to move away because of the decline of neighborhood standards. As conditions worsened, the exodus continued.

Dr. Ingle cited reports that University trustees at one time seriously considered abandoning the school's physical plant and rebuilding elsewhere.

"This would have been the wise thing to do," Dr. Ingle said in his book. "The University was gravely injured, perhaps irreparably, by the decline of the neighborhood."

"RANDOM" INTEGRATION

The University of Chicago scientist was especially critical of what he called "random" mixing of races without regard to neighborhood standards.

"I am personally more concerned about the behavioral standards of my neighbors than about their race, education or socioeconomic status," Dr. Ingle wrote. "But relatively few Negroes behave as good neighbors. They must be given a good environment from birth if the handicap of their cultural heritage is to be removed."

As an example of what could be achieved, he pointed to the Lake Meadows Housing Project on the near south side of Chicago. There, Negro slums were cleared away and replaced by fine apartment buildings.

This project, Dr. Ingle said, is integrated. But renters are carefully screened, a ratio is maintained between whites and Negroes, and integration is voluntary. Buildings are described as well-maintained and peaceful.

In Hyde Park, Dr. Ingle said, "so-called liberal and religious groups" opposed selective integration. Some maintained that "we must build a classless society and all live together as brothers."

IMPOSSIBLE OBJECTIVES

After several years of watching the experiment in Hyde Park, Dr. Ingle concluded:

"All of the individual leaders and organizations concerned with upgrading the neighborhood tried with little success to deal with this problem. When efforts failed, I knew that the objectives of the Hyde Park Renewal Project could not be fully achieved."

At that point, Dr. Ingle and his family sold their house and moved to another neighborhood where they bought a co-operative apartment.

NEIGHBORHOOD PATTERNS

Dr. Ingle reached these conclusions:

Chicago, he said, would be corrupt even if the Negro were not there—but "crime rises sharply when the neighborhood changes from white to Negro."

Similarly, he found, Chicago would be filthy even if it had only white inhabitants. But "filth in the streets and in buildings increases when the neighborhood changes."

This noted scientist went on to say:

"We were living in the center of a cruel, raw, sociological problem. Although the sins of white people against the Negro are infinitely greater than the sins of the Negro against the white, the problem is not fully described in terms of the image that lay press has tried to create: 'Negroes good, white bad.'

"The hate and violence which flare when the Negro comes to an all-white neighborhood should be understandable to any psychologist. Families who have acquired a home of their own in a clean, pleasant neighborhood and have invested their life savings in the property see their way of life threatened by the Negro. Although the first Negroes may be equal to the average white family in education, intelligence and standards of citizenship, it is feared that those who follow will threaten comfort, security and way of life."

THE NEGRO'S SIDE

Dr. Ingle added:

"We also learned something about the problems of the individual Negro who does achieve good citizenship. Most people treat him as a second-class citizen. He becomes conditioned to hate or at least suspect all whites on the basis of experience with the majority. It is difficult to find a decent home, and a place in the sun for his children. . . .

"I believe in equal rights regardless of race or creed. And yet I believe that forced desegregation is psychologically and morally wrong. . . . I doubt that forced desegregation has achieved true integration in any instance. The first can coexist with racial hatred; the second cannot, for it requires mutual respect among people who are different."

Mr. DIRKSEN. Mr. President, when one reads this, he will discover that there is another question involved in this matter besides color. That question, Mr. President, is conduct. That is what frightens people. We have missed the point.

What does Dr. Ingle say? This is also the Hyde Park-Kenwood area. He said it got so bad that the trustees had thought about moving the University of Chicago. Think of moving a great primary institution out of a neighborhood because of the conditions that have developed there. I can read all of this aloud, but it can be read in the RECORD. Dr. Ingle speaks about what finally happened: How they chopped up these apartments, made big ones into little ones, the whiskey bottles broken in his driveway, the prostitution, the rape, and the conduct that has gone on in that area.

That is not EVERETT DIRKSEN speaking. That is the head of the Physiology Department of the University of Chicago.

I make the point for the very simple reason that we have been talking a long time about color, when in fact we should also be talking about conduct, because it is what happens later that begins to bother people.

There is a distinguished citizen in Chicago by the name of Arthur Krom, who sent a letter to my colleague within the last week or two. He sent me a copy.

Mr. President, I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 2, 1966.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Because you are making frequent trips to Chicago, I am bringing to your attention a prime example of what depreciation in real estate value occurs in areas which are primarily inhabited by Negroes.

Slums are not born; they are created. We, in the late 1920's, purchased a store and office building at 3500–12 West Roosevelt Road and 1144–50 South St. Louis Avenue, Chicago. At that time, Roosevelt Road had some of the finest fashion and apparel stores in the City of Chicago. The building we purchased was the best maintained and constructed office and store property on Roosevelt Road.

While I had never lived in the Lawndale area, I do recall as a youngster visiting relatives in that section. The apartment buildings were older, but the neighborhood was peaceful, the buildings were well maintained, and obviously were owned by landlords who had pride in their upkeep. If that were not the case, we would never have invested $500,000.00 in the Roosevelt Road-St. Louis Avenue purchase.

The subject building contains approximately 54,000 square feet of rentable area. One large unit consisting of three floors and basement (approximately 35,000 square feet) was occupied for years following the depression by a furniture dealer who, notwithstanding the changing neighborhood, continued doing a very thriving business.

As his immediate customers moved into newer sections or the suburbs, they continued to patronize him because he was in effect operating a discount furniture business long before the term "discount" reached its present fluency. However, in 1962 he finally had to move to the suburbs, renting a much smaller site and paying a much higher rental. Things had gotten so bad that his customers were afraid to visit him. He would always send his salesmen with customers as they were leaving the store to provide safe conduct until they reached their automobiles. However, he was not able to provide the same conduct to customers who called him in advance, saying they would like to come to purchase some merchandise, and would he please have somebody on the street waiting for their arrival.

We began to complain to Mayor Daley and former Police Commissioner O'Connor as early as 1955 when we saw what was happening. One of the officers in Commissioner O'Connor's office informed us that we could stop all the depredations if we hired a man and had him deputized to carry a gun. We replied we were paying taxes for that kind of police protection. However, the police have never wished or been able to do enough to keep Lawndale from sliding down the skids.

Please bear in mind that the subject property never had any residential tenants. As the neighborhood changed, we did acquire some very reputable Negro professional tenants for the second floor offices, and we did have some Negro store tenants who did their best under the circumstances which prevailed. Even though they were of the Negro race, their "faith brothers" would not stop molesting these Negro tenants. They lost their merchandise, their office equipment, and the Negro doctors were being constantly burglarized for drugs in addition to their office equipment.

Finally, in 1964, out of 54,000 square feet we were left with three Negro churches on the St. Louis side of the building, occupying less than five percent of the total building. We had a survey made by one of the outstanding research organizations. The recommendation was to sell the property if we could. That, of course, was impossible. The next recommendation was to vacate the three church tenants because only one of them was paying the rent promptly, and the other two were presenting more troubles than justified their retention. The research organization recommended that we then attempt to secure a major tenant for the 35,000-square-foot unit in order to justify struggling along with the fringe tenants which were available for the remaining stores and offices.

We did terminate these three occupancies, November 1, 1964, and used our best efforts to find a suitable tenant for the main unit. The building was doing no harm to anyone. We thought we had it amply secured, but almost every week the unlawful element of the neighborhood found some new method of access. Plate glass became no longer insurable. The building had never had a major fire, but all the fire insurance companies terminated their policies. Complaints to the Police Department were made regularly without any improvement in surveillance. When Dr. Martin Luther King arrived in Chicago last spring, by coincidence or design the Chicago Police Department removed the "umbrella squad" car which patrolled Roosevelt Road and which served the function of looking for trouble rather than answering police calls. It seems the local Police Department was leaning over backwards to avoid antagonizing Dr. King and exciting him into cries of policy brutality.

The building at the present time is practically a complete shambles. I am writing you because this letter is an invitation to you to examine the structure on one of your future visits to the city. We shall need police protection when we enter the premises, and I am sure the Police Department will provide it for you and for me. It would not be safe to go into it otherwise.

I am sure that after you see this building you will understand why I am opposed to the open occupancy housing section of the civil rights legislation now being debated. I have seen a half-million dollars go down the drain, and I don't have anymore half-millions to waste. It is too late in life for me to start over again. At the present time I am not bound by the Chicago ordinance or any executive order of Governor Kerner. We operate our own properties and do not require any license to rent space therein.

It will take from one and one-half to two generations before any large percentage of the Lawndale inhabitants will be ready to live in other areas without causing the destruction of properties or the depreciation in values which have occurred in Lawndale. The population explosion among the Negroes will have to be drastically curtailed. They will have to learn to live in a civilized urban manner. The head-start pupils, if they are properly directed and educated, by the time they reach adulthood, should be ready to raise a new generation which, when it grows up, will accommodate itself to peaceful coexistence in good neighborhoods.

Examples like Prairie Shores or the integrated Hyde Park-Kenwood District are not comparable or proper criteria. Prairie Shores is highly specialized. Its proximity to the Loop attracts good white tenants who like the convenient location and who appreciate that, dollar for dollar, it is cheaper than what they would pay for similar housing on the Near North Side. As for Negroes, the rents are substantially above what they would pay elsewhere, and you have automatic screening. This screening is further supported by the fact that Prairie Shores is close to Michael Reese Hospital, which has on its staff or in its employ many highly-educated white and Negro eligible tenants for an integrated project of this kind.

The Hyde Park-Kenwood integration has been successful because it is contiguous or close to the University of Chicago. Here again you have an altogether different situation, providing tenants who are far above the run-of-the-mill quality.

In our case, we own apartment buildings in various neighborhoods with rentals that are no higher, and possibly are less, than what the Negroes are paying in Lawndale. We do not have the high rental protection to provide automatic screening. It would be impossible to determine from the flood of Negro applicants what rare ones we could admit without causing the kind of destruction we have seen in Lawndale. Accordingly, I would be committing economic suicide if I were receptive at the present time to open occupancy.

We also own commercial buildings in outlying neighborhoods. These, like our Roosevelt Road-St. Louis Avenue property, would deteriorate in the same manner if such neighborhoods embraced open occupancy.

You are likely to conclude that I am a reactionary, selfish old person out of tune with the present-day circumstances. This is not the case. I have a very keen sense of humanitarian responsibility. From personal experience I cannot afford to go through again what happened on Roosevelt Road and St. Louis Avenue. If you and your colleagues feel open occupancy should apply to all apartment buildings having more than four units, you should have the good sense and fairness to have the government acquire these buildings by condemnation, paying the owners the fair market value. Then the government can assume the risk and take the loss which is bound to occur if these properties are opened immediately to all persons.

Actually, I think Senator Dirksen is correct in contending that the open occupancy section of the proposed law is unconstitutional. I do know that restaurants, hotels and motels in the previous legislation were desegregated under an elasticized interpretation of the interstate commerce clause. This cannot apply to apartment buildings with permanent residents, whether such buildings have one unit or one hundred units for rent. There is nothing transient about such tenancies. Of course, the Supreme Court, as it is now composed, might declare anything constitutional, and this may be on what you are relying.

You cannot accuse the Chicago Housing Authority of being a slum landlord. Yet, most of their newly constructed, modern, low-cost housing projects have been converted into slums by the unruly occupants. Dispersing such housing projects throughout the city, as Dr. King has requested, will not save them from this kind of fate.

In any event, it will be an eye-opener to you, if you will accept my invitation and see what has happened to a good building, never owned by a slum landlord or operated as a slum property. You will see how a real estate owner can lose his life-time savings through no fault of his own, but merely because of an influx of inhabitants who were not educated to respect law and order and who were not controlled, and never will be controlled, in any proper manner by the police authorities. After you see this building, you may decide you cannot with a clear conscience vote for the open occupancy clause you now favor.

Yours very truly,

Arthur D. Krom.

(At this point, Mr. Ribicoff assumed the chair).

Mr. DIRKSEN. He went down on Roosevelt Road—that is 1200 South or 2200 South—one or the other—and spent a half million dollars on a new building. He does not dare go into his own building without a police escort.

In his letter he invites the distinguished senior Senator from Illinois to come out and accompany him and go into his building.

What has happened? There has been a transformation of the area, and now we know why the spirit of fear has gotten so thick, so heavy, and so fearful that it can be cut with a knife. Yes, it is conduct, not color, that somehow becomes the issue, and that is why there has been so much umbrage.

A strange thing happened in Maryland yesterday. They had an election, and we may just as well allude to it. Night after night the only news I see on television is the 11 o'clock news.

A fellow by the name of Mahoney came along. I never met Mahoney in my life. I know he ran for office seven times, and once he got pretty close to it. But I must say that he is persistent when it comes to running for office.

What happened? Well, I have the so-called scoresheet here. He is ahead, and only a few precincts are out.

On what platform did he run? He ran on one plank. He said: "I am unequivocally against open occupancy."

The two distinguished Senators from Maryland participated in that election and were giving out handbills on the streets of Baltimore—and not for Mr. Mahoney, I might say.

So we see that there was a reaction from the people, because they think in terms of conduct.

Dr. Ingle, of the University of Chicago, said:

> I believe in equal rights regardless of race or creed and yet I believe that forced desegregation is phychologically and morally wrong.

So when it comes to testimony, we have to be just a little bit careful.

The second point I make is the compulsion issue. I did not think it would be quite so bad, but I have a letter here addressed to Mr. Graves, executive officer of the Atomic Energy Commission. It is signed by Glenn Seaborg, the Chairman of the Commission. We just confirmed him for something a moment or two ago to serve on a mission. His letter is dated July 1, 1965.

Let me read a little of Mr. Seaborg's letter to Mr. Graves.

> It is my understanding that the Atomic Energy Commission is carefully evaluating various sites for the location of the Atom Smasher. It is gratifying to note that among other things the Commission is considering whether adequate housing facilities will be available for persons connected with the project . . .
>
> We are advised that the state of Illinois is also under consideration as a possible site. That state has a long history of extensive housing discrimination on the basis of race. In addition, its legislature has refused to pass a fair housing law. President Lyndon Johnson has called upon the Congress to enact a national fair housing statute but the junior Senator from Illinois, Mr. Everett Dirksen, has announced his opposition to this proposal. With the state legislature opposed to fair housing and an influential United States Senator also against fair housing policies, it would seem that Illinois should be disqualified as a possible location for the project.

Who wrote that language? That was written by Clarence Mitchell, the liaison man and legislative director of the NAACP. This is a quotation from Mr. Mitchell's letter.

So no project for my State because the junior Senator undertakes to assert his conscience and his conviction on this subject.

Mr. President, I ask unanimous consent to have printed in the Record the letter to which I have referred.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Atomic Energy Commission,
Washington, D.C., July 1, 1966.

Mr. Gene H. Graves,
Director, State of Illinois Department of Business and Economic Development, Springfield, Ill.

Dear Mr. Graves: I have just received a letter from Mr. Clarence Mitchell, Director, Washington Bureau, NAACP, in connection with the Commission's evaluation of the six sites presently being considered for the location of the proposed 200 Bev accelerator.

The issue raised is an important one and in order that you are fully apprised of the situation, I shall quote the major portion of Mr. Mitchell's letter to me.

"It is my understanding that the Atomic Energy Commission is carefully evaluating various sites for the location of the Atom Smasher. It is gratifying to note that among other things the Commission is considering whether adequate housing facilities will be available for persons connected with the project.

"We advise that the state of Illinois is also under consideration as a possible site. That state has a long history of extensive housing discrimination on the basis of race. In addition, its legislature has refused to pass a fair housing law. President Lyndon Johnson has called upon the Congress to enact a national fair housing statute but the junior Senator from Illinois, Mr. Everett Dirksen, has announced his opposition to this proposal. With the state legislature opposed to fair housing and an influential United States Senator also against fair housing policies, it would seem that Illinois should be disqualified as a possible location for the project.

"Accordingly, it is urged that the Commission make a careful inquiry on the housing picture in Illinois. Without a clear legislative safeguard from the state and/or the Federal Government, it would seem that Illinois cannot possibly give assurance that there would be adequate safeguards against persons being deprived of housing solely because of race."

Last Friday we received the assurances on civil rights that were obtained by your office in response to Dr. McDaniel's questions. These assurances are currently being evaluated, but I feel that you may wish to develop further the question of discrimination in the housing field as a result of Mr. Mitchell's letter.

Sincerely yours,
Glenn T. Seaborg,
Chairman.

Mr. DIRKSEN. What is going to happen to you all? That is a good southern expression. I think they say "Y'all." What is going to happen to you all when there is a project and you are not right with the Lord, so to speak? You are not voting right? Then no project. What has this Government come to? I would like to know.

I said I do not scare. I think that BEV accelerator is supposed to cost $395 million. That is a tub full of money for any State, including mine. You know, they should be on me in a minute and say, "Pipe down and get on the bandwagon. There is $395 million involved."

I would not do it for a dozen accelerators if I thought it was going to be a disservice to the country and was going to betray my conscience and what I think is conviction.

I have one item here that I think I should put into the Record. There is a very incisive writer who writes for one of the newspapers. To make sure that I do not give competitive advantage to any newspaper, I will not tell the Senate which one it is, except that it is a Washington newspaper. The writer's name is James J. Kilpatrick. On occasions he has taken me apart. But this column he wrote recently under the title, "The New Rights Reality: Pervasive Compulsion."

Mr. President, I ask unanimous consent to have the article by Mr. Kilpatrick printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The New Rights Reality: Pervasive Compulsion

(By James J. Kilpatrick)

How far is it from Selma, Ala., to the Sheraton Hotel? A thousand miles? Last week, watching the White House Conference on Civil Rights, it seemed more like a thousand light years.

Some of the reporters who covered the conference had covered the Selma march. Some of them were veterans of Watts, of Oxford, of Birmingham and Little Rock. They had known the racial conflict in terms of the passionate hour, the smoking torch, the embattled street. They had known the story in the lives of men who sweat and swore, who shed real blood and cried read tears.

Last week, in the carpeted pastures of the Sheraton, they found the story curiously transformed. Here was a convention of men and women, well-mannered, well-dressed, thirsty for the sociable martini. There was a vast press room in the basement, rigged out with all the trappings of a national convention. The delegates had little shield-shaped badges, bearing their names, but these might have been badges of Chevrolet dealers, or Negro Elks, or life insurance agents. It was all modulated and regulated and briefed and pasteurized.

Everything about this conference was unreal. Every delegate had been furnished a copy of a 100-page report prepared by a 29-member council, containing a host of proposals for legislative action. "To some persons," said Vice President Hubert Humphrey, in the understatement of the week, "certain recommendations found in the council's report will appear to be radical and outside traditional American procedures and practices." Yet the council's report carried not a single dissenting word from any of its members.

What would these recommendations cost? Cost was a dream. Floyd McKissick, new head of CORE, asked for federal programs estimated at $23 billion a year for five years. No one murmured, gasped, shook his head. The figure could have been $53 billion or $93 billion. In the midst of these carpeted floors and tapestried walls, it was hard to hear what he said.

The conference lacked even the pull and haul of internally conflicting factions. McKissick's resolution, dealing with Viet Nam, was a fizzle. The other resolutions were both predictable and unanimous. Some of the reporters shifted from one seminar to another, asking each other where the action was, but there wasn't any action. The morning and afternoon seminars might have been regional sales meetings, led by home-office panels: A good report from East St. Louis. A problem or two in Clarksdale.

The conference produced no exciting personalities. Stokely Carmichael, the smoldering new chief of the Student Non-Violent Coordinating Committee, boycotted the whole affair. The Rev. Martin Lurther King spent much of his time sulking upstairs. One of Mississippi's Freedom Democratic candidates for Congress was on hand, Lawrence Guyot of the 5th District, but he seemed almost as Rotarian as all the rest. The Johnson administration sent its big names around—Hubert Humphrey, Thurgood Marshall, Arthur Goldberg, Robert Weaver, and on Wednesday night, the President himself. They came, and went, and left goodwill behind. Watts was a distant nightmare, and Selma a long way away.

Yet the recommendations that emerged from this civil rights conference are not nebulous. They are stunningly real. If they ever are written into law, they will result in a degree of federal control few men have dreamed of.

In the field of education, for example, the concept of a "color-blind" society is henceforth to be abandoned. "Congress should declare a policy of 'color-conscious' planning."

In housing, the recommendations demand of each community that it provide by law for a metropolitan-wide plan for the desegregation of housing and the promotion of biracial neighborhoods. In the absence of such local plans, federal assistance should be denied the community, and "the federal government should take direct action to provide housing needed."

The reality is compulsion; and the compulsion is pervasive. At a Thursday morning seminar, one delegate from Durham, N.C., complained mildly that a threat to withhold federal aid merely from local governments might be both ineffective and self-defeating. Some intransigent local governments would

> kiss all federal aid good-bye; and Negroes themselves would be hurt most severely by a cutoff of federal funds for such programs as public welfare. The answer of Robert C. Wood, undersecretary of housing, was that the threat could be enlarged. Every form of Federal assistance—the insurance of bank deposits, the insurance of veterans' loans, even Medicare—could be denied a community until it met its "full responsibility to the Negro".
>
> No one in the room objected. On the front row, a nun kept knitting. The discussion moved to other topics. Staff assistants floated in and out, soft-footed, efficient. After a while, we all took a coffee break, and poured cream and sugar and Constitution into paper cups, and watched them all dissolve.

Mr. DIRKSEN. Mr. President, what Mr. Kilpatrick writes about is the conference held in Washington on civil rights a few weeks ago. I shall read the last three paragraphs.

> Yet the recommendations that emerged from this civil rights conference are not nebulous. They are stunningly real. If they ever are written into law, they will result in a degree of federal control few men have dreamed of.
>
> In the field of education, for example, the concept of a "color-blind" society is henceforth to be abandoned. "Congress should declare a policy of 'color-conscious' planning."
>
> In housing, the recommendations demand of each community that it provide by law for a metropolitan-wide plan for the desegregation of housing and the promotion of biracial neighborhoods.

But he said:

> The reality is compulsion.

And "compulsion" is an odious word in my book. I shall read Mr. Kilpatrick's last paragraph:

> No one in the room objected. On the front row, a nun kept knitting. The discussion moved to other topics. Staff assistants floated in and out, soft-footed, efficient. After a while, we all took a coffee break, and poured cream and sugar and Constitution into paper cups, and watched them all dissolve.

That is a great ending. So be careful about some of the testimony we have had. Be aware of the compulsion that is involved in all this business, and be aware of the fact that some other rights are involved in the bill.

I could allude to one other thing right now, and come back to it later. That is what I call subsidized legislation. Perhaps most Senators have not seen the original text of the bill. I saw it when the Attorney General brought it to my office, and we sat in my back room for 2 hours.

I said, "Nick, I couldn't take it"—and I could not take it. There it was provided that where a complaint of discrimination was made, the plaintiff, if he needed one, would be entitled to a free lawyer. The plaintiff would pay no court costs. He would pay no filing fee. He would give no bond for security, if that were involved, or no bond if a property interest were involved, and there might be a law.

The House changed that—that generous House. They struck out "the plaintiff" and put in "the parties." So both the defendant and the plaintiff would get free lawyers.

Spessard, we ought to go back to practicing law. It will be "a honey" before we get through. Uncle Sam and the taxpayers are going to pay our fees. That will be something, will it not—the Government subsidizing both sides to a litigious controversy?

But I would not vote for that on a bet. The Government is deep enough in controversy and in litigation as it is. But, you see, that is a part of the business with which we are dealing here.

One other thing before I leave this particular matter: Let us not kid ourselves as to what will happen to the owners of property in this country—the individuals. The promoters of the bill have fixed it up in very "ducky" fashion. You see, they finally decided, although it was not in the original bill, that the owner—the individual—could not be charged with discrimination. Certainly not. The court cases are numberless that hold that an individual as such cannot be charged, under the 14th amendment, with discrimination. Now the bill says an owner can be exempted. But the original bill did not exempt the owner; the owner of a home was included.

Accordingly, they changed it in the House. Will that be the end of it? No. Let us not kid ourselves. There will be a civil rights bill of 1967, and that will be in it. So that those who write the maudlin editorials about the 40 percent and the 60 percent are writing about contemporary mythology. Wait until we get through with this business. The owners will be brought to heel. They had them in the original bill, but finally the heat got so bad they had to change it.

Believe it or not, they had vacant lots in that bill. Is there any interstate commerce in a vacant lot? Why, as form came out of formlessness and the Lord shook the earth into being, there was a lot on Q Street. Maybe it has been there a million years. It has always been there. Perhaps it is vacant now after a million or 5 million years. So they bring it into commerce and they say that it shall apply to dwellings, to houses under construction, to houses in being, to houses intended for dwellings, and vacant lots. They took out the vacant lots, but do not be sure the vacant lots are permanently out. I bet this much in my left hand—I need my right—that there will be a Civil Rights Act of 1967 and the owners will be in it, and the vacant lots will be in it.

Mr. President, the other point I want to make is, they say to me, "You worked for public accommodations in the Civil Rights Act of 1965."

Yes, we modified it somewhat, but has it occurred to anyone that we use the word "public" in public accommodations?

What are we doing in this bill?

We are moving into the private domain.

We do not have a barbecue stand or a hotdog stand in the front parlor of a house to try to bring it into commerce on the ground that we are vending to the people who go up and down the street or on the highway. We are dealing with private property. Now it is proposed that we move from the public domain into the private domain. We are going to embrace all of the private domain before we get through—if they have their way.

If I am any kind of prophet, I merely say to the Senate that there will be another Civil Rights Act and the owners will be on tap and vacant lots will be in there. They will bring them all into this great and almost unlimited orbit.

This will be the forerunner, if ever we put this bill on the books—and I am not about to give my hand or my vote to that kind of proposal.

We also dealt with public schools, with public facilities, with public accommodations, with voting rights, a general public privilege, with fair employment, with Federal projects and with public assistance.

Now the demand goes into the private domain, and it will extend and it will extend and it will extend.

To show how far it will go, I notice that the Office of Education has come up with the conclusion that the textbooks of the country do not do justice to the question of immigrants. Ipso facto, we have to modify the textbooks. Perhaps the schools cannot throw out all the textbooks. But they say, "That is all right, we will give you some Federal money to do it, but we have got to get someone to rewrite the textbooks. They will have to be subsidized and we will have to get the right people to do the revisions."

Thus, we see, it is just one step after another in this domain. We are now very much in the private domain.

The next item is that when I first uttered my opposition to the bill, I put it on constitutional grounds. I said, "No, this is not for me." I thought there was real merit in the testimony offered by Dr. Sylvester Petro, of the Law School of New York University. I ask unanimous consent to have the entire testimony before the committee printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of Prof. Sylvester Petro, Professor of Law, New York University School of Law

Mr. Petro. Thank you very much, Senator Ervin, for having invited me down. I find that the subject to which I am going to address myself is one of the most fascinating that I have encountered in a long time, one of the most incredible as a matter of fact. I find it hard to this day to believe that in this country, which prides itself on freedom, so thoroughgoing an assault upon so intimately a significant freedom as the right of property should be possible.

I understand that there is a tremendous amount of confusion everywhere in the world, not only in this country today, concerning the meaning of key terms, such as freedom, voluntariness, compulsion, and so on. I sincerely hope, Senator, that I am going to make a contribution today toward the clarification of some of this confusion.

Freedom is a condition to which the right of private property is indispensable. If you tell me that I must sell my house to A instead of to B, or instead of taking it off the market, you have deprived me of my right of private property, and of my freedom. If you force me to sell without providing me with traditional safeguards, then you have not only deprived me of liberty and property, but you have done so without due process of law. The fundamental defect of title IV of Senate bill 3296 is that it proposes the most far reaching, the most offensive, and the most arrogant deprivation of property without due process in the history of the United States.

I address myself to title IV exclusively. I wish to emphasize this point, because title IV is it seems to me sharply distinguishable from the other titles of the bill. The other provisions propose to remedy denials of civil and personal rights. As such, they cannot be called defective in principle, though they might prove to be evil in policy and practice, and I believe that that is so, that they would prove evil in practice. Title IV, however, exercises me a great deal more. For it is a clear denial of right, vicious in both principle and practice, because it cannot possibly be administered in accordance with due process of law, and because it adds materially to the forces already at work to introduce the police state into this country. It is just possible that title IV will not work at all. And I shall try to explicate my reasons for that statement before long. But if it does, if it does work, it will do so at the expense of liberty, property, and due process. I propose now to demonstrate the accuracy of this charge.

My first point is that freedom and the right of private property are one and the same thing.

It is customary among proponents of such legislation as title IV to praise it in the name of freedom. However, the briefest examination of the legislation and the barest acquaintance with the condition known as freedom will expose the error of identifying title IV with freedom.

Title IV would force individual homeowners, real estate brokers, and financing institutions to sell and finance the sale of homes in circumstances in which they would prefer not to do so. Homeowners are told in section 403 that, no matter what their own preferences may be, they are compelled by law to sell, rent, or lease their dwellings without regard to the race, color, religion, or national origin of prospective purchasers or tenants. Brokers and financial institutions are subjected to corresponding and implementing deprivations of their rights. Sections 406 and 407, as we shall see, encourage the most aggressive possible prosecution of the policies of the legislation.

No great acumen and no tortured analysis are necessary in order to perceive how drastically title IV invades and restricts freedom and property, and therefore how incorrect and deceptive it is to identify title IV with freedom. A man is free precisely to the extent that his property rights are intact, because the condition of freedom and the condition of slavery are distinguished on the basis of the right of private property. A freeman owns himself and whatever he comes by lawfully. A slave owns nothing. He does not own himself, and, if he is in full slavery, he can own nothing else; not even his children are his. They belong to his master.

Ownership, however, means more than the possession of formal legal title to things. It means control. Control means authority over use, and over disposition as well. It means the condition in which one has the authority to follow his own preferences. Obviously it does not mean that one may use his property in a way which destroys the property of others. The rights and the freedom of others are entitled to the same status and condition as his. But that qualification poses no serious problem. It is easy to see that property rights and freedom cannot exist where some are permitted to invade the rights of others.

Legislation such as title IV is sometimes advocated on the theory that freedom involves the right to live wherever one chooses. Indeed, I infer that this is Senator Douglas' position. It is the position of people who speak in those terms that one is not free unless he is in a position to buy whatever he wants to buy. But this is an incorrect usage of the term "freedom", and it is very easy to demonstrate the error. For if I have the right to live wherever I choose, then someone else must have the duty to permit me to do so. Suppose I prefer my neighbor's home to my own. Have I the right to force him to sell to me? Obviously I do not—not in a free country, anyway. For if I did, I should possess, not freedom, but power. And if he were obliged to sell, it would be foolish to speak of him as a freeman with his property rights intact.

The same is true of the so-called "right to buy." No one in a free country, when one thinks seriously about these matters, has a right to buy anything. If he is a freeman, what he has is a right to offer to buy. And if the man on the selling side is a freeman, in a free country, he has the right to offer to sell or to refuse to offer to sell. A completed transaction occurs, in a free country, when a willing and able buyer encounters a willing and able seller and they get together on terms which are mutually satisfactory.

Title IV does not promote freedom. It destroys freedom and creates power on one side. To speak of it in the name of freedom is to engage in an ugly perversion of the central principle of the good society.

I read the Attorney General's statement before the House Judiciary Committee, and there were a number of things in the Attorney General's statement that I thought interesting enough to call for comment. It brought out some of the issues that I think are paramount, in a particularly striking way. He said, for example, that "the ending of compulsory residential segregation has become a national necessity." His use of the terminology "compulsory residential segregation," to speak kindly, is strained. Taking the words in their natural meaning, one would have to conclude that the Attorney General is engaged in fantasy or science fiction. I am not aware of the existence of "compulsory residential segregation" anywhere in the United States. Indeed, since the Supreme Court's decision in *Shelley* v. *Kraemer*, even contractual residential segregation is no longer possible, for that case held racially restrictive covenants unenforcible.

The truth is that the only kind of residential segregation which exists in the United States today is purely voluntary. The further truth is that the persons ultimately responsible for such voluntary housing segregation as exists are individual homeowners. The Attorney General seeks to shift the onus. He said to the House Judiciary Committee:

"I believe it is accurate to say that individual homeowners do not control the pattern of housing in communities of any size. The main components of the housing industry are builders, landlords, real estate brokers and those who provide mortgage money. These are the groups which maintain housing patterns based on race."

Everywhere in the United States today homeowners are free to sell their homes to whomever they wish among those who bid. Nowhere are they prevented from selling to Negroes, Jews, Puerto Ricans, or any other so-called minority. It is unlawful everywhere for anyone to interfere with a man's right to dispose of his property as he sees fit. If one real estate broker refuses to deal with members of a given race, the homeowner is free to seek another. If he can find no broker who will deal indiscriminately, the homeowner may take over the selling function himself, as many do. I am confident that there is not a newspaper in the United States which would reject an advertisement offering a house for sale or for rent to all comers.

The Attorney General's strained use of the strange terminology, "compulsory residential segregation," I believe must be accounted for by his natural reluctance to describe the effect of title IV accurately. But no valid purpose is served in beating about the bush. The purpose and effect of title IV are to deny freedom and to restrict the right of private property, not to protect and advance them. The particular and ultimate victim is the homeowner—not the builder, not the real estate broker, and certainly not the banker. For them, in their commercial roles, housing is purely a commercial matter. They will not be hurt in those roles by a law forbidding the discriminate sale or renting of private homes. But the individual homeowner will be. He will find his freedom and his most cherished values savagely mauled.

I want to refer to another aspect of the Attorney General's strained terminology about compulsory residential segregation: his reference to "national necessity."

When one removes the tortured indirectness from the Attorney General's language, what remains is this assertion:

"The policy of this Administration is to favor a compelled amalgamation of all races, colors, and creeds in residential areas: individual preferences, the right of private property, and personal freedom must all be sacrificed to this overriding policy."

Senator Ervin. There is a vote call. We will dash over there and get back just as soon as possible. When we scheduled this hearing we had no reason to anticipate that we were going to have a constant succession of record votes.

(Short recess.)

Senator Ervin. The subcommittee will resume.

Mr. Petro. Shall I resume, Senator?

Senator Ervin. Yes, sir.

Mr. Petro. I was speaking about the Attorney General's use of the term "national necessity."

Senator Ervin. I would just like to join you in emphasizing your statement on page 7 that taking this bill as it stands, the policy of the administration in advocating this housing provision is to compel amalgamation of all cultures and creeds in all residential areas. Individual preferences, the right of private property, and personal freedom must all be sacrificed to this overriding policy.

Mr. Petro. I think we have the heart of the bill there.

Senator Ervin. It seems to me that yours is a most effective statement, in a nutshell, of the policy which underlies this bill.

Mr. Petro. Thank you, Senator. I would like to continue in plain talk, because verbal byplay must not be allowed to conceal the real meaning of the Attorney General's statement. He refers to "national necessity." What meaning are we to give to "national necessity" when that expression runs counter to individual preference? The purpose of title IV, to repeat, is to produce a racial mixture in residential areas. If that mixture does not now exist it is because individual homeowners have preferred something else. But this is a nation of homeowners. Is not the residential pattern therefore an expression of their desires, and as such an expression also of national policy? By what right does the administration arrogate to itself the authority to frustrate such desires and to identify contrary wishes as "national necessities"?

A man's family and his home are dear to him, the things he cherishes most in the world. He will work for them as he will work for nothing else. In fact I have a considerable number of callouses right now on my hands, Senator, from clearing several acres of woods, a living testimonial to the drive built into a man to take care of his home. A man will work for his family and his home as he will work for nothing else. And out of such striving great things have emerged. America as we know it today, with all its power and wealth, is a byproduct of the efforts that men have expended in building their families and homes. All the massive edifices in Washington, D.C., all the vast means at the disposal of the Government of the United States, are mere incidentals to the main business of the ordinary American, who works for his family and his home—not for "national necessity," whatever that pompous phrase may mean.

We must get these things straight. Governments do not produce either men, families, or wealth. Men produce those things. The only thing that government produces is more government. If, in producing more and more government, a country should destroy the mainspring of human striving, the fact that the destruction has been cloaked in the verbiage of "national necessity" will not change the consequences. The country will regress; its wealth diminish; its government become a fourth-rate power; its general tone will become puny.

I take no position one way or the other on the desirability of racially amalgamated residential areas, and I do not see how any other mere mortal can do so, for it seems to me to be entirely a matter of personal preference.

I believe it was the right of the people in Senator Douglas' Hyde Park-Kenwood area to undergo the integration experience that they have undergone, and I might add from personal direct knowledge that the experience was a good deal more horrifying than Senator Douglas suggested. To repeat, I don't know what the pattern of any residential neighborhood should be. What I do know and assert is that the goodness, wealth, and power of this country are products of the striving of freemen in the pursuit of their preferences; in short, products of the right of private property. I know, furthermore, that title IV, whatever the Attorney General may say about it, is the most far-reaching and thoroughgoing invasion of the right of private property that has ever been proposed in this country. The Attorney General refers to title IV as a "national necessity." I believe it better described as a national disaster.

Senator Ervin. Again, I am going to have to vote.

(Short recess.)

Mr. Autry. Pursuant to the request of the chairman, the witness will continue with his prepared statement. The chairman will return as soon as the vote is completed.

Mr. Petro. All right, Mr. Autry. I turn now to the procedural aspects of this bill. I find the procedural aspects of title IV as questionable as its substantive policy, perhaps far more serious in the inroads it makes on the rights of homeowners.

It encourages unmeritorious and vexatious litigation despite the crowded conditions of court dockets all over the country. It creates evidential problems which are likely to make a mockery of due process of law. Its provision for remedies are likely to intimidate the decent citizen. The powers of intervention granted the Attorney General are vague and ill defined and smack more of the police state than of a society ruled by law.

Consider the matter of unmeritorious and intimidatory litigation. Section 406(b) authorizes the Federal courts, whenever they "deem just," to subsidize proceedings against homeowners who have allegedly refused to sell or rent on the basis of race, creed, or national origin. No such subsidy is made available to the defending homeowner. Thus a disappointed purchaser has everything to gain and nothing to lose by suing the homeowner. Under section 406(b) the would-be purchaser may commence a civil action "without the payment of fees, costs, or security * * *." This means he may secure even an ex parte restraining order, preventing the homeowner without notice or hearing from selling to another, without forfeiting a bond or security. This is different from the situation which prevails in the case of any other kind of litigation whatsoever.

There is no need to dwell at length upon the evils of this provision. They are obvious. Every homeowner in the country is a potential victim when he puts his house up for sale, whether or not he has violated the law. The normal restraints upon vexatious litigation are gone.

Mr. Autry. May I interrupt for just a moment, Professor? Senator Smathers is back, and he will assume the chair in Senator Ervin's absence.

Senator Smathers. Will you go right ahead?

Mr. Petro. Thank you, Senator. The normal restraints upon vexatious litigation are gone. As we shall see, it is likely that the burden of proof will come to rest swiftly upon the homeowner, rather than, as is traditional, at least in due-process countries, upon the complaining party. The difficulty of sustaining the burden of proof together with the subsidizing of the complainant add up to a massive instrument for the intimidation of homeowners.

Even without the subsidy provision, title IV, if enacted, is likely to produce a flood of litigation, and litigation of a peculiarly complicated character. With the subsidy, of course, there will be even more. I do not suggest that the litigation-breeding charge is ever a valid argument against an otherwise meritorious law, for I believe that if a proposal has merit, it should pass even though it increases the burden on the courts. The trouble with title IV, however, is that it is both bad in principle and likely to encourage great volumes of unmeritorious and purely vexatious litigation, when the Federal courts are already heavily burdened.

The probable result is that proceedings under title IV will work the most vicious kind of injustice. Complainants, that is to say, disappointed purchasers from a minority, will ask for restraining orders, pending a full trial, which is likely to be long and drawn out. Homeowners will thus lose their purchasers, while the complaining parties, on the other hand, will have nothing to lose, especially when even their attorneys' fees and security costs are covered by the taxpayers. The net effect is likely to create discrimination in favor of members of minority groups. Indeed, that seems to be the object of all the procedural features of title IV. The compulsions and the denials of freedom which characterize the substantive features of title IV will probably be surpassed by the compulsions inherent in its procedural features.

I turn now to problems of proof and due-process implications.

Every time a belligerent member of an identifiable minority bids unsuccessfully on a home, or a rental, he is in a position to make life miserable for the hapless homeowner. Suppose a Jewish homeowner, with his house up for sale, receives equal bids from two persons, one a Jew, the other an Italian. If he sells to the Jew, the disappointed Italian has the basis for a suit. The Italian may petition for a temporary restraining order, thus blocking the sale to the Jew, pending full trial. How long will the Jewish purchaser keep his offer open?

And what will happen at the trial? The law is vague. It forbids refusing to sell to any person because of race, color, religion, or national origin. How much proof is required? What kind? On whom will the burden of proof come ultimately to rest?

We have considerable experience with a similarly vague law. An analogous provision in the National Labor Relations Act prohibits discrimination by employers which tends to discourage union membership. The National Labor Relations Board considers itself as having a prima facie case of discrimination when a union man is discharged by an employer who has betrayed antiunion sentiment. At that point the burden of proof shifts to the employer. He must show that there was some good cause for the discharge—a violation by the discharge of some strictly enforced rule, or a failure by him to meet objectively demonstrable standards. If he fails in this showing, the employer will be found guilty of unlawful discrimination.

The homeowner under title IV is in a much more difficult position than the employer under the National Labor Relations Act. How is the homeowner to prove—in the case I give—that he had some objectively demonstrable cause—other than race or religion—when the Italian made the same offer that the Jew made?

It is possible that the Federal courts, unlike the National Labor Relations Board, will require objective evidence of discriminatory motivation before they hold homeowners guilty of title IV violations. But if the courts take that position, title IV will become a dead letter; ocular proof of discriminatory motivation is in the nature of things unavailable. Hence the probability, if title IV is to be viable, is that the courts will do what the Labor Board has done; that is, rely upon presumptions and inferences. In that case title IV will become an even more pervasive instrument for the denial of due process than the Labor Act has been. The burden of proving lack of discriminatory motivation will fall upon the homeowner, and in 99 cases out of a hundred, he will be unable to carry that burden. He will not be able to prove, in the case I have cited, that there was a nondiscriminatory basis for his refusal to sell to the Italian.

Add this to the fact that he will probably have been restrained by the court from conveying to the Jewish purchaser, pending trial, and it becomes evident that title IV puts the homeowner into an impossible position when he is confronted with purchasers from different minorities. No matter which he chooses to sell to, the other is in a position to make life miserable for him. An age-old instinct of the common law was to conceive rules in the manner most likely to encourage and promote the alienability of realty and chattels. It would appear that the aim of title IV is, at least, in part, to frustrate realty transactions.

If the homeowner is confronted with offers from a Negro and a white Anglo-Saxon Protestant, he has no choice under title IV at all. Preferring the Anglo-Saxon will, if the disappointed Negro is belligerent or fronting for a pressure group, produce an immediate restraining order, frustrating an immediate sale and probably inducing the purchaser to go elsewhere, for many important family matters hinging upon the timing of home purchases. Again, there will be a trial, probably prolonged, and how will the homeowner establish that his choice was not on the basis of race or religion? He has everything to lose and nothing to gain from fighting the case.

Title IV takes away his precious freedom, his right of private property, and makes a mockery of due process while doing so. "National necessity" is cited as the justification for this vicious betrayal of some of the best of the American tradition. But I am unable to understand how it can be nationally necessary to destroy what is good and strong in a nation. Title IV is an instrument useful only to beat the country's homeowners into a state of supine submission. Perhaps they will rebel against it, however, in which case there will be chaos.

Perhaps title IV will stimulate evasive hypocrisy on a universal scale, an even more repulsive possibility. But meek submission is what the bill seems to aim at, and I can think of nothing more foreboding than the realization of that aim. No great society was ever built by sheep or cattle.

Intimidatory remedies: There is an infinity of evil in title IV. Section 406(c) provides that—"the court may grant such relief as it deems appropriate, including a permanent or temporary injunction, restraining order, or other order, and may award damages to the plaintiff, including damages for humiliation and mental pain and suffering, and up to $500 punitive damages."

Section 406(d) authorizes the court to—"allow a prevailing plaintiff a reasonable attorney's fee as part of the costs."

In the light of these penalties, the homeowner will have to be foolhardy indeed who refuses to sell to the member of any minority group.

The bill puts no limit on the amount that may be awarded for "humiliation and mental pain and suffering." Apparently the sky is the limit. It is true that there is a "reasonable" limitation on the amount which may be assessed against the defendant for a successful plaintiff's attorney's fees. The fee may still grow to a substantial amount however. Equity proceedings and a prolonged trial may easily involve work and time for which thousands of dollars constitute a reasonable fee. And it must never be forgotten that the victim of title IV will usually be an individual homeowner. More than that, he will usually be a man of modest means, for the wealthy will never have problems under title IV, and even the well off will rarely have trouble with it.

Special note must be taken of the variety of court orders authorized by section 406(c): "permanent or temporary injunction, restraining order, or other order." Obviously there is plenty of room in this catalog for the most extreme type of court order, the mandatory injunction. In short, a homeowner may be ordered to convey his property to a person to whom he does not wish to sell it, or even, indeed, after deciding to withdraw it from the market. Consider this type of case, which occurs often enough: after getting only one offer for his home, and that from a Negro, the homeowner decides after all that he does not wish to sell; the Negro, or some supporting organization, gets its wind up, creates a great deal of publicity, leading to what may be called humiliation for the would be purchaser, and then files suit, demanding a mandatory injunction and all kinds of damages allowed for in the bill. Moreover, the Negro convinces the court that he lacks means and thus acquires a subsidy for all court costs, fees, and other costs.

What is the position of the homeowner in such a case? He made no formal announcement that he was withdrawing his house from the market. Born and raised a freeman he felt no obligation to clear his change of mind with anyone. He just went ahead and adjusted numerous complicated and intimate family plans to his new decision. But how will he prove that there was no discriminatory motivation in the face of the evidence—the prima facie case—against him! Should he fight the case? If he fights, the costs will be heavy, and his means in all probability slender. There is no provision in the law covering his costs, if he wins. Can one afford to fight such a case? Why fight, anyway? Why not just let the court take away the house and convey it to the person who wishes to purchase. It's only a house, after all, and the family can adjust to a move.

I said title IV would stimulate the growth of police state conditions. What I had in mind was sections 407 (a) and (b) which give the Attorney General a roving commission to institute or to intervene in title IV proceedings pretty much as he pleases. Section 407(a) permits him to institute suit whenever he (not the court) "has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted to this title."

All the forms of relief available in private suits are made available in suits instituted by the Attorney General.

The Attorney General has even broader and more vaguely defined power to intervene in actions commenced by private parties. Under 407(b) he has the authority to intervene if he merely certifies that the action is of "general public importance."

The effect of these two sections is to authorize the Attorney General to police every real estate transaction in the United States. Obviously even the enormous tax revenues of the United States and its prodigious number of officeholders are not sufficient to permit the Attorney General to intervene in every transaction yet. He will have to pick and choose. The picking and choosing is likely to be dictated in title IV cases largely as it is in all similar instances of governmental intervention. Political, publicity, and psychological considerations will play an important part. Thus the full power of the Federal Government will be thrown against the homeowner who happens for one or another of these reasons to constitute a suitable target. The police state implications of this boundless grant of power are too obvious to require comment. Pity the poor homeowner who finds himself caught in the middle.

In conclusion, there is no doubt in my mind of the proper disposition of title IV of S. 3296. It should be rejected. I repeat: I take no position on the question whether racial amalgamation of residential neighborhoods is desirable; in a free country, residents should make that decision each for themselves—not politicians or government agents, or courts. What I am convinced of is that compulsory amalgamation has no place in a free country. What I am convinced of further is that title IV is a measure devilishly and deviously contrived in each of its provisions to work a compulsory amalgamation. Title IV is advertised by its proponents as a "national necessity" designed to promote freedom and justice. In fact, it is a national disaster which destroys freedom while spreading injustice across the land. Whatever the Attorney General may say about it, the principal target and ultimate victim is the individual homeowner. This lonely individual will find hmself in title IV proceedings fighting against preposterous odds for the things most dear to him. He will finance his opponent in individual proceedings in many cases, and his tax money will be used against him in proceedings brought by the Attorney General. Title IV is a stacked deck against the individual homeowner, his liberty and property. If title IV is passed it will amount to a declaration of war by the Government of the United States against its sturdiest and most productive citizens, the homeowners of the United States. The consequences for the country cannot be anything but evil.

That concludes my statement, Mr. Chairman.

Senator ERVIN. As I construe your statement, your position is that title IV of this bill is inimical to the basic freedom of Americans to acquire homes for themselves wherever they desire to acquire those homes, so far as they can obtain those homes by free action on part of the persons from whom they acquire them:

Mr. PETRO. Precisely.

Senator ERVIN. In other words, the basic issue you see here is the fundamental issue of freedom.

Mr. PETRO. Freedom and human rights.

Senator ERVIN. And your position is that except insofar as they may have been altered by artificial actions of government, all the residential patterns now existing in the United States are patterns which have been created by Americans acting in accordance with the freedom given them by the right of private property and the right to contract freely with reference to private property.

Mr. PETRO. Yes, sir. It cannot possibly be anything else. Where the Attorney General got the idea that there is compulsory residential segregation is beyond my understanding.

Senator ERVIN. And can we not act upon the assumption that the residential patterns which have been established by freemen acting in the exercise of their right of private property and in the exercise of their right to freedom of contract in reference to private property are the racial patterns which express the will and purpose of the people themselves?

Mr. PETRO. Yes, Senator. I think perhaps this should be amplified somewhat. It is not correct to view this enormous, beautiful, varied and fantastically interesting country as a monolith, you know. The residential patterns of this country are as varied as the rest of the country.

I find this is good. Of course I stay away from Washington, Senator, and therefore I do not get this thing you call Potomac fever, the idea that I have to impose my will on everyone else.

I mean that I find it interesting that in some areas the residential patterns go one way and in other areas they go another way. That is life, because only in a dead society are patterns fixed and rigorous.

God knows, 100 years from today, a voluntary society may have produced a perfect mix, one that will please even so stanch a New Dealer as Senator DOUGLAS. But it would do so voluntarily, if we maintain the free character of the country.

Senator ERVIN. In other words, you say that whatever pattern may be evolved by the exercise of freedom on the part of freemen is a pattern we should have, and we should not have a pattern which is fashioned by the artificial use of the coercive power of law contrary to the wishes of the people.

Mr. PETRO. Sure, and there are an infinite number of examples indicating the disastrous consequences of interfering with the free course of life.

Consider how the Japanese, I believe it was, used to bind the feet of their women. The result was deformed feet, very much like the desire of some of the people in our Government to bind the Nation up into a pattern that they think appropriate. It is no man's right to tell another man how to live or how to dispose of his property.

Senator ERVIN. I will not do any bragging on myself except to one extent, and that is I rejoice to say that I have been here 12 years without contracting Potomac fever. I still believe that the people who sent me here can manage their personal affairs, such as that of selecting homes for themselves and selecting the persons with whom they wish to contract or associate and in so doing can build a far better country than could be done by direction and control of the people on the banks of the Potomac.

It is one of the odd things that so many men elected to the Congress of the United States come to the conclusion that the people who sent them here have not got sense enough to manage their own affairs, but that on the contrary the affairs of those people who sent them here must be managed by some bureaucracy up here on the banks of the Potomac.

Mr. PETRO. You know, it creates a really paradoxical situation, if such a man thinks it true. The people that he is not willing to permit to run their own lives are the people who selected him. Did they have sense only to elect somebody to be their slave driver? Is that the extent of their competence?

Senator Ervin. To me——

Mr. Petro. Wait a minute, Senator, please let me interrupt, because I think there is no one who has greater respect for the Government of the United States than I do, and I want to make it perfectly clear that I do not believe that every man who comes to Washington contracts this fever.

Senator Ervin. That is true. If all of them had contracted it, all of our differences would now be vanished dreams.

Mr. Petro. Yes.

Senator Ervin. And the only reason we still maintain many of them is the fact that all people do not contract Potomac fever. If they did, we would have a thoroughly regimented society with no freedom of choice whatsoever left to the individuals, and that is what I understand your position fundamentally is. I know your books have been an inspiration to me, because you have said things with reference to maintaining a free society which express what I feel is the great truth about this country. This country was made great by freedom, and this country will remain great so long, and so long only, as it adheres to the belief that the most precious value of civilization is freedom.

Senator Smathers. I would merely like to state this, Mr. Chairman. I do not know when I have listened to a more powerful and persuasive statement with respect to any question that we had before us that equals that just made by Professor Petro. I congratulate you on it.

I wish that every Member of the Senate had had the opportunity to listen to you as we had. I would like to wish and hope that each Member of the Senate would read it, and I do not believe that will be the case, but I hope that many of them do. If they do read it, I do not see how they could then in any manner support or vote for title IV of this so-called civil rights bill.

I would like to get for the record once more what I think the chairman has already stated, but I did not hear it very clearly when you introduced the witness. I would just like to have you repeat. Where did you get your law degree, from what university was it?

Mr. Petro. The University of Chicago, a very great and a very misunderstood university.

Senator Smathers. And then you got a master's degree in law from where?

Mr. Petro. The University of Michigan.

Senator Smathers. And do you have any other degrees?

Mr. Petro. A bachelor's degree.

Senator Smathers. You have a bachelor's degree. And you are now teaching?

Mr. Petro. New York University.

Senator Smathers. New York University. All right, that is all I have. I again want to congratulate you.

Mr. Petro. Thank you very much, Senator.

Senator Ervin. Counsel said he has just one or two technical questions about the enforcement provisions of title IV.

Mr. Autry. Mr. Chairman, I hesitate to open my mouth. I think that everything that needs to be said about title IV has just been said. But for the record, I would like to know if the professor knows of any precedent, State or Federal, in tort law, where plaintiffs are provided with court appointed attorneys? I know workman's compensation——

Mr. Petro. This is a big country and there are a lot of fantastic laws on the books of the various States, but to my knowledge no such law exists, as obviously the common law would not have provided for anything like this.

It would not have been so insane as to attempt to exacerbate the already litigious instincts of so many people. This is a perfectly solid way to make the courts real barriers to getting anything done. Fill them up with people whose litigations have been subsidized.

Mr. Autry. Thank you. And do you know of any tort statutes in which are enumerated damages for humiliation plus damages for mental pain plus damages for mental suffering plus punitive damages?

Mr. Petro. No. Again this proposed legislation breaks entirely new ground in the destruction of due process of law.

Mr. Autry. Thank you, Mr. Chairman.

Senator Ervin. I just want to reiterate what I have said before. You have made a magnificent statement. I do not believe it could be improved on as to the fundamental defects in the proposal embodied in title IV of this bill. You have rendered a distinct public service.

I would like to have your permission to insert your statement in the Congressional Record for myself and Senator Smathers, in order to give it as wide a dissemination in the printed page as possible.

Mr. Petro. Thank you kindly, Senator. Permission granted of course.

Senator Ervin. The subcommittee will stand in recess until 10:30 in the morning.

(Whereupon, at 5:05 o'clock p.m., the subcommittee adjourned to reconvene at 10:30, Friday, June 10, 1966.)

Mr. DIRKSEN. Mr. President, this is a brilliant treatise.

A very distinguished lawyer said to me, "You have read it?"

I said, "Oh, certainly." I said further, "What do you think about it?"

"Well," he said, "it is a nice assortment of rhetoric, but it doesn't amount to very much."

What Dr. Sylvester Petro, of New York University Law School, says is that this is the greatest assault upon the due-process clause of the Constitution that anybody has ever undertaken.

I can read his testimony to the Senate, but time is at a premium this afternoon, and I do not propose to do so.

I ask all Senators to read it, however, as it is now a part of my remarks.

For good measure I give still another one, also a professor at the University of New York, Bertel M. Sparks, professor of law at New York University, a reasoned philosophical treatise on this subject involving due process and the rights of the people. In my judgment, he makes a very splendid case.

I ask unanimous consent to have this testimony printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of Bertel M. Sparks, Professor of Law, New York University

Mr. Sparks. Thank you, Mr. Chairman. If I may, I would prefer to present the statement, and if there are any questions later, I will be glad to answer them as best I can.

Senator Hruska. Very well, you may proceed.

Mr. Sparks. First, I am deeply grateful and I feel highly honored at the privilege of being before this distinguished committee to present my views. This is especially true in view of the fact that I am here for no reason and in no capacity other than that of being a citizen of a free Republic. I am not representing any particular group or faction or special interest or anything of that sort.

A person might be against a proposed piece of legislation because he does not approve of the objectives sought or he might approve of the objectives but still be opposed to the particular statute because he does not consider it a proper means of achieving the desired goals. It is assumed, and I am willing to assume, that the objectives of title IV of Senate bill 3296 are to provide additional means for enforcing the constitutional provisions for equal protection of the laws and to give Negroes, and possibly other groups, a better opportunity to obtain more desirable housing.

These are worthy goals indeed and it is doubtful if anyone can be found who will disagree with either of them.

I assume that there is no one present or absent who would disagree with that.

But in spite of the good intentions, inquiry must be made into the actual results title IV is likely to produce in the marketplace. For I believe that Daniel Webster spoke the truth when he said the "Constitution was made to guard the people against the dangers of good intentions."

In the popular press, the bill is being referred to as a civil rights bill. But the experienced legislator can never be content with labels alone. He must ask himself, in connection with civil rights, what rights, to whom are they being given, and who is giving them? Upon these questions title IV is extremely ambiguous. It purports to give a right to everyone to purchase or lease real estate without regard to his "race, color, religion, or national origin." But that right already exists in every instance where the prospective buyer locates the desired housing and offers the price for which a willing seller is prepared to sell.

That brings us more directly to the question as to how title IV proposes to improve the buyer's position. A reading of the bill, especially section 403, makes it quite clear that its purpose is to improve the buyer's position by providing for him a willing seller in circumstances where a willing seller might not otherwise be available.

There are a number of rather extensive enforcement provisions concerning the bringing of lawsuits, payment of attorney's fees, and the regulation of real estate brokers and financial institutions. Many of these are of highly questionable viability within themselves.

I might say that I have assumed that a lot of them were put in there for negotiating purposes. But that is not what I am going to talk about now, because I assume they are all in one way or another to support or supplement what purports to be the one basic right extended to the buyer. It is that central basic provision that I wish to discuss. And it will be my position that if the bill is enacted, its principal effects will be (1) to reduce the total amount of housing available by discouraging building, and (2) to put Negroes and other groups the legislation is intended to help at an increasing disadvantage in their attempts to buy what is available.

The bill attempts to provide a willing seller by denying to every property owner the right to consider "race, color, religion, or national origin" as influencing factors in the selection of a tenant or customer. But that provision raises two further questions of primary importance: (1) What personal right does this take from every homeowner in the land? and (2) What effect will this have upon the ability of Negroes and other minority groups to obtain better housing? These are important questions.

The constitutional prohibition as well as the longstanding legal tradition against the taking of property without due process of law brings us down to bedrock as to the meaning of the word "property" and what constitutes a "taking." The question is an important one, not only because of the provision in the Constitution, but also because of its significance in every aspect of human affairs. I am afraid that my discussion on this point will appear excessively esoteric to some and excessively simple and unnecessary to others. Whichever group you happen to be in, I beg you to bear with me because I believe a careful analysis of the nature of the property being taken is essential to an understanding of the effect this bill is likely to have in the marketplace.

In its legal sense, the word "property" does not refer to material things such as houses and lands, articles of clothing, tools, machinery, or other things capable of being owned. But rather property has reference to an individual's legal rights with respect to those things. There is the right to use, the right to exclude others, the right to sell, the right to devise, and others. A person's property in a given object then consists of the total bundle of rights he has in that object. Those different rights are all different items of property. They are not all of equal importance.

It is possible that one or more of them may be taken away while the others are left undisturbed. One of the dangers inherent in this possibility is that we might consent to having them taken away one by one until there is scarcely anything left in the bundle. Another danger is that we might let one slip away thinking that we can hold on to all the others and then discover too late that that one, the one we have surrendered, is the one upon which the very existence of all of the others essentially depends.

The particular right involved in title IV is the right to sell. And here I am using the word "sell" to include the right to transfer for a term, that is to say, the right to rent or lease. In an effort to evaluate the importance of that particular right it might be well to begin by reminding ourselves briefly of a bit of history that all of us have been taught but which we might have a tendency to forget in this age when we are more concerned with the enjoyment of the fruits of freedom than we are with the sacrifices necessary to achieve it. And I might say necessary to maintain it.

And if I seem to dwell too long on what appears to be history of a bygone age, my purpose is to call attention to the fact that the right to sell, the right that is under attack in title IV, is the very right which supports and sustains most of the civil and political liberties held sacred by all Americans. While we might overlook that fact in our day, the Founding Fathers certainly did not forget it in theirs.

From the very foundation of our Republic, and in English Jurisprudence even before that, down to the present time, our legal system has considered the right to sell as an essential feature of any free society. Some of our State constitutions have provisions declaring the right of property to be "before and higher than any constitutional sanction." (Arkansas constitution, art. 2, sec. 7.)

And more recently it has been declared that, "In organized societies the degree of liberty among human beings is measured by the right to own and manage property, to buy and sell it, to contract." (Garber, "Of Men and Not of Law" 34 (1966).)

Now one, certainly, is justified in asking whether all these assertions are mere examples of holiday rhetoric or whether they actually do epitomize the lifeblood of freedom and the building blocks of a free society and economic stability.

A close examination will reveal that it was the right to sell, to give away, or even to dissipate one's interest in property that enabled the serfs and villeins of the feudal period to emerge from their servile status to the status of freemen.

Maybe it doesn't appear that there is any need to go back to that, but I think there is. It puts us right in our present predicament.

The men who occupied the land and tilled the soil were referred to as freemen even in the feudal period, but then, as is true in the minds of some men even now, freedom had become deeply involved in semantics. A freeman in that period could not transfer his holdings, which in practical experience meant he could not cash in on the fruit of his own labor without the consent of his lord, his lord representing an ascending political hierarchy with the crown, in other words the state, as the ultimate authority.

Of course the lord was under a similar burden so far as his efforts to transfer his own holdings were concerned. But his position was different in that his holdings were larger and of a higher order. He was economically secure and had a comfortable income.

It was the fellow who had the least that was under the heaviest burden for until the man higher up let loose, there was nothing available for the man on the bottom to acquire. And whether a clog on the right to sell is labeled a medieval doctrine of feudal tenure or a Civil Rights Act of 1966, its effect in the marketplace will be the same and the man at the bottom will still be the loser.

Of course it must be recognized that during the feudal period there were restrictions upon the right of inheritance, use, and other incidents of property ownership as well as upon the right to transfer. But the point to be made here is that the right to sell was the particular right that held the center of the stage, and until that right was achieved, political freedom and the whole gamut of civil rights, that we like to talk about so much, lay dormant, and it will become dormant again. And that right to sell, that economic mobility, or in the jargon of the profession that freedom of alienation, soon became the chief factor in the development of individual freedom of all kinds and it stimulated the economic development of property.

When the occupant of land became free to sell at a price agreeable to him without seeking the consent of his lord and without paying a fine to his lord for having done so, he began to take on the coloration of a freeman in the true sense of that word.

This might sound rather obvious to us, but we should remember that that right to transfer land has not prevailed throughout the world and has not prevailed throughout history. But where it has prevailed happens to be that particular area of the earth's surface where the better things of life we might say, the comforts, have been developed.

Ownership took on new meaning. It included a power to cash in as well as a power to use. And when that freedom was obtained men no longer remained serfs, they no longer remained slaves, and the economy no longer remained static. It is no mystery that the real beneficiaries of this political and economic transition were those who possessed the least, it was the "have nots" rather than the "haves."

With free economic mobility the fellow at the very bottom of the heap could exchange his services for a share in what was held by the man near the top. In this system of free exchange, not only was there no necessity for serfs or slaves but there ceased to be any place for parasites. Property tended to shift to those who put it to the most economic use. And there emerged the day of plenty which, although it is unique in the history of the world and is to this day confined to a comparatively small part of the earth's surface, it is so taken for granted in this country that we tend to forget its source.

But this personal liberty to deal in, dispose of, and profit from ownership of property did not come at a single stroke nor will it be lost at a single stroke. Its coming was a step-by-step process in which each step was characterized by a bitter struggle. Those who are already wealthy, who are already entrenched, who "have it made," are more likely to be interested in preserving their holdings than they are in searching for easier means of transferring it. But unless that right to transfer is recognized and is readily available, the "have not" fellow has little opportunity to improve his lot. The legal history from the feudal period into the industrial economy of our present era can be quite accurately described as a struggle for an expansion of the rights of property ownership available to the individual and it can be asserted with a high degree of confidence that if we retreat back into a lethargic age of tyranny, it will be a step-by-step surrender of those same personal rights. And let no one forget that it is a personal right that we are dealing with in title IV. It is the right of an individual to deal with the fruits of his own labors in the way that seems most pleasing to him. And if he is not free to sell that which he acquires, he will be much less interested in acquiring it. If the restrictions imposed by title IV are imposed upon the ownership of property, it is inevitable that there will be less incentive to acquire, build, and develop. This means that there will be less housing and you will not improve the housing of Negroes or anyone else by reducing the total amount of housing available.

You might point out to me that title IV doesn't take away the right to sell, that it takes away only a limited part of that right, that is to say the right to select one's own customers, and that is true. But how much have you withdrawn from the rights of a prospective seller when you have withdrawn or even restricted his power to choose the persons with whom he deals?

There is a 1965 decision in the North Dakota Supreme Court [*Holien* v. *Trydahl*, 134 N.W. 2d 851 (N.D. 1965)] that casts some light here. It held that freedom to select one's customers was such an inherent part of ownership that an arrangement entered into by the voluntary act of private parties requiring an owner, even though offering his property to a particular person before being permitted to sell to anyone else was void.

In the North Dakota case the restriction wasn't imposed by the State. No principles of constitutional law were involved. Nevertheless the North Dakota Supreme Court considered even this mild restriction on the power to select one's own customers such a state of ownership that it was not to be tolerated in a free society, even where the parties so desired.

It is doubtful if very many of our courts will go quite as far as the North Dakota court did, but it does illustrate the importance at least some judges have attached to the doctrine of economic mobility.

Title IV proposes, not only to permit a much greater restriction on the freedom to select customers, but to impose that restriction without regard to the wishes of the parties.

Now to say that a provision such as title IV will discourage building, and thereby make less housing available is no idle guess. Any kind of building, whether it be individual homes or apartment houses, calls for a substantial investment. It requires the assumption of substantial responsibility.

There will always be some people who will prefer the relative calm of remaining a tenant to the responsibility and uncertainty involved in ownership. And the tenant by preference group will necessarily be enlarged by anything that increases the risks of ownership without offering commensurate hope of reward.

There are a number of States, as you gentlemen are all well aware, that already have laws similar to title IV, although I do not know of any that is quite so broad in the extent of its coverage. I have not heard or read anything to indicate that housing is any more readily available to minority groups in these States than it is elsewhere. Nor should anyone be surprised at that.

The so-called ghettos, where members of a particular racial or religious group are congregated in large numbers are not brought about by the refusal of landowners in other areas to sell to the members of that racial or religious group. The thing that prompts a free man to sell is his own self-interest, and the price he receives is far more important in the marketplace than is the racial characteristics of the person from whom the price is being obtained.

Some of the high concentrations of a particular racial or religious group have developed because the members of that particular group chose to live near each other. Others have developed because the members of conflicting racial or religious groups have moved away. This tendency to move away until the minority becomes the majority is probably the biggest single factor in the development of what is popularly known as ghettos or ghetto areas.

I believe that each one of you can confirm that within your own experience, if you will just take a serious look at the Negro sections of the cities with which you are familiar—not what I say, not what you read, not anything else. Just look at those areas with which you are personally familiar and I dare say that you will find very few if any that have developed because of a refusal of persons outside that area to sell to Negro customers.

What you are more likely to find is that a once thriving white population has moved away. That is precisely what is happening in New York City, especially Manhattan at the present time. And New York City was one of the first, if not the first, localities in the country with a so-called fair housing law. And although it started in the city, it was soon extended to the whole State.

There is no evidence that I have been able to see anywhere that the statute has had any effect on the continued tendency of Negroes and Puerto Ricans to become concentrated in particular areas. Title IV makes no provision for preventing whites from moving away from these areas. We may say it would be sad if it did, but it doesn't. And yet this tendency to move away, not the tendency to keep others from buying, appears to have been the principal factor in the development of the existing ghettos.

But even if the freedom to select one's own customers should be considered less important than I have indicated, and if it did not have any depressing effect upon the economy and did not curtail the total housing available, the question still remains as to whether title IV will make it easier for a Negro or member of some other minority group to purchase appropriate quarters.

I should like to reduce that to very simple terms and discuss it from the point of view of a homeowner who is ready to sell his house and has listed it with a real estate broker. When a prospective buyer presents himself, there are many factors to be considered and many reasons might arise as to why the seller does not wish to deal with that particular buyer. The most important of these is usually the buyer's financial position.

Concerning that one item, uncertainties and doubts might arise that cannot be objectively demonstrated, but which are sufficient to discourage the seller, who will then choose not to deal.

Or on purely subjective grounds, but for reasons sufficient to himself, the seller might suspect that the buyer has such a personality that he will be difficult to deal with on the matter of the transfer of possession, condition of the premises at the time of transfer, or some other relevant circumstance of that sort. For any one of these reasons, or for no reason at all, the seller might elect to do business or he might elect not to do business with that particular buyer who has presented himself.

If title IV becomes law, how have you changed the situation? If title IV becomes effective, a potential seller will be in precisely the same position as we have described, except for one thing. In his mind now all customers, all prospective buyers, are divided into two groups. In the usual situation, for this is the main target of the limitation, one group will be whites and the other group will be Negroes. Let's say that our particular seller is unconcerned as to the race of the buyer, but he is still interested in these various objective factors previously mentioned.

Title IV tells him that if he rejects a white buyer for whatever reason, no explanation will be called for. But if he rejects a Negro buyer, he will subject himself to possible litigation, and the necessity of proving that the Negro was not rejected because of his race. What kind of proof will he present?

As already indicated, many of the usual reasons for refusing to deal with a customer are subjective, and they are not susceptible to judicial proof. But even if our seller succeeds in his proof, he will have been subjected to troublesome, embarrassing, and expensive litigation, in which no good citizen desires to become involved. Faced with this situation, with these two groups and these two prospects, what is the seller most likely to do? If he is at all prudent, he will avoid seeing any colored buyers.

Now I realize that the proposed law prohibits this, but such a provision just can't be enforced. It has been analogized by some people before this committee as being somewhat similar to the prohibition, but I think that is treating it too fairly. I would say it is much more analogous to a law prohibiting a man from kissing his own wife in his own home after dark. Anyone who knows anything about the buying and selling of real estate knows how easy it is to avoid offers he doesn't want to receive.

One method that I am told is currently a common practice in some areas where State laws similar to title IV are already in effect is that of managing not to be at home when the broker shows up with a Negro to look at the house. There are many ways that this can be done and still be absolutely immune from the detection by even skillful investigators.

But this is only one method of never receiving this unwanted offer, and while it has some practical shortcomings, I assure you that there are lots of ways that can be used, and no broker's office need be confined to any particular scheme.

The important thing here is what title IV has done to the Negro. The seller in our illustration had no objection to selling to Negroes. In the absence of title IV, he would have had no objection to seeing them or selling to any one of them who otherwise met with his approval. But now the danger of litigation that has been forced upon him is going to force him into searching for devious ways to avoid ever receiving the offers that he would have otherwise been happy to receive and possibly have been happy to accept.

Or let's take another illustration. There is the university professor who takes a year's leave of absence, in order to accept a temporary appointment at another institution as a visiting professor. He plans to move his family to the new location for 1 year. He would like to rent his house, and he has no objection to renting it to a Negro. But he wants to be reasonably sure that he can trust the tenant to take reasonably good care of his furniture.

He also knows that if he rejects a prospective tenant who happens to be a Negro, he might be called upon for the same kind of proof that was demanded of the seller in our previous illustration. But here the real reasons are likely to be even more subjective and less susceptible of proof than they were when a sale was involved.

As a result, the professor is likely to employ some scheme similar to that used by the seller, or he might decide to avoid the difficulty by leaving his house vacant for the year.

If he chooses the former, a prospective Negro tenant has been deprived of the opportunity to bid on an accommodation that was actually on the market. If he chooses the latter, there will be one less housing unit in that city that year than would otherwise have been the case. In one instance, Negro tenants are the losers, and in the other, all tenants, both Negro and white, are losers.

Someone might ask "what about the seller who refuses to sell for no reason other than the race of the buyer?" We must assume that some sellers of that type do exist, but I would suggest that any estimate of their number is likely to be based more on emotion than it is on fact.

It should be pointed out, however, in order for them to exist at all, there will have to be a seller who is more concerned about the race of his buyer than he is for the purchase price that he receives. I doubt if there are very many sellers who are that oblivious to the power of the dollar. But even if they exist in large quantities, they will always have available to them all the devious subtleties employed by the nonprejudiced sellers who are merely trying to avoid exposure to litigation. Their apprehension will be next to impossible.

If title IV becomes law, it is going to have two significant effects in my judgment. It is going to discourage building, and it will deprive the members of minority groups of opportunity to compete for the housing that remains available. The entire bill, gentlemen, should be rejected.

Senator **Hruska**. Thank you, Professor Sparks, for your statement. It represents a fine addition to our record on this very important legislation.

You have gone into some of the situations where, by devious routes, a seller, a potential seller or one who wants to sell, could probably circumvent the law. You have also outlined some of the unfairness that might be thrust upon him in certain specific situations.

One situation which has been called to our attention, and discussed in some detail is this: Where a price will be asked let us say for the purposes of convenience, a price of $20,000. All of us know what happens when a house is offered for sale. A price of $20,000 is quoted, and perhaps it will be a price that the owner at that time would be willing to accept.

A potential buyer appears and says, "I will buy it." He will offer $18,000 rather than the $20,000. And the offer is refused.

Time goes on. The owner must sell for some reason. The man who bid the $18,000 disappears. He is not there to renew his offer. Eventually the house is sold for $17,000.

Now, under those circumstances, if that prospective buyer who bid $18,000 can come along and show that the actual sale was for $17,000 to a white man, and he himself was colored, what do you think the court will do under circumstances of that kind by way of entertaining proof? What would be the situation with reference to the owner of that house in a legal way?

Mr. **Sparks**. It is very difficult to predict precisely what would happen there, but what I would expect to happen, if I understood you correctly, it is the Negro buyer who offered at one time $18,000 for a house that is now sold for $17,000?

Senator **Hruska**. That is right.

Mr. **Sparks**. Once he has shown that fact. I think that there is going to be such a presumption against that seller in most of our courts that he is going to be in real trouble.

and I think what is an even greater danger is that when he is about to sell it for $17,000, but he hasn't really sold it yet, and our Negro buyer who offered $18,000 will come into court asking for injunctive relief.

The court will enjoin our seller from selling it at all. And now let's suppose that our seller can go on through with his proof, and that he can convince the court that his reason was not racial. By the time he is through with his litigation, it is likely that both buyers will have faded away, and he still has an unsold house. I think that is really likely to be the result.

Senator Hruska. That was in the thinking of those who have advanced that type of situation. The restraining order, even the temporary restraining order provided for is a pretty severe remedy.

Mr. Sparks. Yes; it is.

Senator Hruska. A pretty severe remedy, and one in which normally there is required the posting of a bond.

Mr. Sparks. And unfortunately we have the specific provision in this bill as it now stands that not only will he not have to post a bond, he will not have to be responsible for attorney's fees. He can do it purely for annoyance, with nothing to lose.

Senator Hruska. What about the man who does come along and buy a house from a seller? What assurance will he have that there are no clouds against the title of that house on account of dealings of that seller with someone else which were not successful and not fruitful toward the sale?

Mr. Sparks. I have thought of that very thing here, and so far as anything I can find in the bill, it doesn't specifically cover it, but in view of this provision for injunctive relief, for equitable relief of all kinds, it is almost a completely blanket clause, I assume that the sale might be set aside, and if it is, well, then all real estate titles are going to be uncertain.

Senator Hruska. And there is a period of 6 months within which suit may be brought.

Mr. Sparks. Right.

Senator Hruska. And until that time has run there would be a cloud as we lawyers like to call it, a cloud on the passage of title.

Mr. Sparks. And once we have a decision to that effect in court, we have immediately clouded titles everywhere. Even assuming that some lawyers are not afraid of the bill itself. As soon as we have the decision we do have that cloud, and real estate transactions are going to be in a state of turmoil that they have not been in in this country heretofore.

Senator Hruska. Of course, we could require that the money be put in escrow for 6 months and the transaction be consummated 6 months later, but that would represent a real impediment in the ordinary course of commerce, wouldn't it?

Mr. Sparks. More than that. Usually when you are buying a house, if it is a house for a home, it is because you are moving to that community and you need to get in it. And if it is for business purposes, which could be equally covered here, the situation is equally bad. If I am ready to go into business, I am either going to go into business or I am not. I can't wait 6 months for the determination of this title before I do any building on it.

Senator Hruska. Mr. Counsel, have you any questions?

Mr. Autry. Just two, Mr. Chairman.

Professor, it has been called to the subcommittee's attention that successful voluntary projects have been assumed around the country in integrated communities whereby neighbors get together and establish arbitrary quotas and maintain an integrated community.

Since these actions are by definition based upon sale according to race and color, this would be absolutely outlawed by this bill, wouldn't it?

Mr. Sparks. I would assume that it would. You asked for my opinion. If it is at all relevant further, I think that kind of arrangement is extremely unwise in any event, because what you are doing then, you are laying down racial or national origin patterns for housing and for living and for business. You are really establishing the very thing which we thought we were wanting to get away from.

Mr. Autry. Professor, the Attorney General, as you may know, advanced two theses to justify this legislation: first, humanitarian—more housing should be available to Negroes; and secondly, that the absence of a title IV provision nationally provides us with an adverse impact on interstate commerce.

I think your conclusion is that title IV would have exactly the opposite effect of that which the Attorney General professes.

Mr. Sparks. That is my position. I cannot conceive of how you are going to increase the quantity of housing available by making it more difficult to build a house, and you are not going to increase the amount of housing available by imposing extra burdens upon the man who sells a house. You are making it more difficult for him to sell.

You are making it more difficult for him to get rid of it. You are complicating his building. You are imposing added burdens upon his ownership. If he decides to rent it, he is at the same disadvantage, only even more so.

Mr. Autry. Thank you, Mr. Chairman.

Senator Hruska. Thank you, Professor Sparks, for your appearance before this subcommittee.

Mr. Sparks. Thank you.

Senator Hruska. We stand in recess until 10:30 tomorrow morning in this same chamber.

(Whereupon, at 1:15 p.m., a recess was taken until 10:30 a.m., Wednesday, June 15, 1966.)

Mr. DIRKSEN. Mr. President, I invite the attention of the Senate to the fact that I believe this is a self-defeating bill, if it had any other virtue. No one rendered better testimony than Arthur F. Mohl of the Association of Real Estate Boards from the State of Illinois. He was accompanied by Robert E. Cook, executive vice president.

Mr. Mohl states the case quite well as to what he foresees.

He says:

> Title IV requires a citizen to unwillingly rent or sell to another citizen.
>
> Such a requirement might be just if it were in the public interest, but here it is improperly invoked for the benefit of one citizen against another.

The second point he made in his statement was:

> Title IV make no contribution to the problems of the ghettos as evidenced by the fact that New York City—with such a law for 8 years—has experienced serious riots and had a 65-percent increase in substandard housing units over a 10-year period, while Chicago—without such a law—had no major riots and had a 33-percent reduction in substandard housing units.

Mr. President, how do you account for it? He said housing law in New York never lifted one individual out of the ghetto. In Chicago there was a reduction of 33 percent in substandard housing, and no riots, with no housing law, whereas in New York City, where there is the biggest ghetto in the country, there was a 65-percent increase in substandard housing. What does it prove when it comes to open housing?

Those are two brief points made by Mr. Mohl. There are others I could refer to at this time, but I ask unanimous consent to place his statements in the Record, where they can be read.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Arthur F. Mohl, on Behalf of the Illinois Association of Real Estate Boards; Accompanied by Robert E. Cook, Executive Vice President

Mr. Mohl. That is correct, sir.

Senator McClellan. Will you identify yourself for the record then?

Mr. Mohl. My name, Mr. Chairman, is Arthur F. Mohl, of Chicago. I have been engaged in the real estate business in Chicago for 30 years. I appear here as spokesman for the Illinois Association of Real Estate Boards, and unofficially as spokesman for those millions and thousands of frugal property owners whose best interests are in jeopardy.

We urge the rejection of title IV of the Civil Rights Act of 1966 for the following reasons:

1. Title IV requires a citizen to unwillingly rent or sell to another citizen. Such a requirement might be just if it were in the public interest, but here it is improperly invoked for the benefit of one citizen against another.

2. Title IV makes no contribution to the problems of the ghettos as evidenced by the fact that New York City—with such a law for 8 years—has experienced serious riots and had a 65-percent increase in substandard housing units over a 10-year period, while Chicago—without such a law—had no major riots and had a 33-percent reduction in substandard housing units.

Senator McClellan. I thought you were about to have a riot in Chicago this week, were you not?

Mr. Mohl. We did not call it a major riot, Mr. Chairman. We do not think it had any racial——

Senator McClellan. We have got these riots down now to where we classify them as little, mediocre——

Mr. Mohl. We do not think it had any housing or racial overtones.

Senator McClellan. Very well.

Mr. Mohl. 3. Title IV has no means for defining its violation unless the accused admits violation. Most property owners refrain from assigning reasons for refusal to sell or to rent. Inevitably those who prosecute pressure the accused into having to prove his innocence by making him assign a reason for refusal. And if he assigns a reason based on behavior, he exposes himself to character defamation charges.

4. Title IV becomes self-defeating in its application. The Chicago community of single-family homes known as Marynook has achieved reasonably stabilized integration. Its concern is to persuade as many whites as Negroes to buy and move in—and thus far it has succeeded. With title IV on the books Marynook would become all Negro, because the residents would be prohibited from holding out for a white buyer.

Even though they may not acknowledge it, Lake Meadows and Prairie Shores, which are privately owned urban renewal projects in Chicago and which are successfully integrated, use quotas in order to maintain stable integration, but title IV would make such a system illegal. The report of Chicago Housing Authority chairman, Charles Swibel, on October 26, 1965, stated clearly that despite its nondiscrimination policy, it cannot achieve integration so long as it is not permitted to assign apartments on a quota system.

As an example, its Leclaire Courts project, in an all-white area started out 80 percent white in 1950 but by 1965 its white population was down to 4 percent.

Senator McClellan. Why is that?

Mr. Mohl. Why is it?

Senator McClellan. Yes.

Mr. Mohl. Because it follows naturally that when a predominance of Negroes move into a building, a predominance of white people move out. This is a human nature fact of life.

Senator McClellan. Can we change that by law, by compulsion?

Mr. Mohl. You cannot change human nature by compulsion of law.

Senator McClellan. That is what we are trying to do, are we not?

Mr. Mohl. I agree with you, sir.

Senator McClellan. Proceed.

Mr. Mohl. Most successfully integrated communities maintain benevolent quotas, which title IV would outlaw.

Gentlemen, title IV attempts to deal unnaturally with human beings. We believe, therefore, that the enactment of title IV would contribute to, rather than thwart the growth of, segregated neighborhoods. For this reason alone we urge the subcommittee to reject title IV.

We submit that any law which attempts to regulate a personal relationship between two individual citizens, where the public interest is not involved, is un-American and undemocratic. It is a device by which minority rule prevails, for the great majority of citizens have opposed such a law each time they were permitted to vote.

We hope that the subcommittee in its consideration of title IV will weigh carefully the future consequences of enacting into law a concept which prohibits private individuals from exercising some degree of selection in the choice of those with whom they will execute a contract for the sale or rental of property. The American is basically an individualist who guards carefully his inherent right to choose his friends, his associates, and those who desire to share his residence whether it be a home, a duplex, or a multifamily structure.

The problem in race relations which develops in the intimacy of housing is far more complex and more delicate than those in education or in employment. We are fearful that the injection of the legal force of the State in the making of these choices will generate resistance and bitterness which would inevitably retard, rather than advance racial amity. For decades, progress in race relations was slow, but now it is improving rapidly for every year sees more and more integrated neighborhoods achieved through natural voluntary methods.

We strongly urge that you do nothing to impede progress, for progress is being made. Let us not forget that in California the people voted 2 to 1 against legislation such as title IV, nevertheless, through voluntary efforts they are achieving notable results.

For example, for the first 11 months of 1965, of the 286,406 listings in all of the State's multiple listing systems, less than six-tenths of 1 percent contained some racial restriction. This is an example of voluntary effort toward open occupancy which I am sure is being duplicated throughout the United States. Give this a chance.

We hope you will reject title IV.

I appreciate the privilege of appearing here, Mr. Chairman.

Senator McClellan. Thank you.

You did not identify the gentleman with you. Will you identify yourself for the record?

Mr. Cook. Yes, my name is Robert E. Cook, executive vice president of the Illinois Association of Real Estate Boards.

Senator McClellan. Do you wish to make any comments, Mr. Cook?

Mr. Cook. No, sir.

Senator McClellan. Very well.

Do I understand this law, you made some reference to it here, this proposed title IV would apply to a room in one's residence if he wanted to rent it?

Mr. Mohl. I am not sure, but I believe it does.

Mr. Cook. Yes.

Senator McClellan. The way I read it, it does. There used to be such things as folks having a spare room to rent. I think that still exists to some extent.

Suppose a family in their residence had a spare room that they wanted to rent. Now apply title IV to that and tell me whether there could be any discretion, any choice made by the owner, by the residents of that home, as to whether he could have a white tenant, a colored tenant, a Baptist, Catholic, or a Muslim.

Could he make any choice, discriminate in any area whatsoever?

Mr. Mohl. The definition under title IV includes any portion of a structure, which would include the room.

Senator McClellan. What we would call a spare room?

Mr. Mohl. That is correct.

Senator McClellan. Which one sometimes wants to rent.

What was that fellow's name, X, Malcolm X, if one of his tribe came along and said "I want to rent this room, you have got it advertised here for rent, I will pay you the price", if they declined to rent it to him because of his religion or because of his color, this proposed statute would apply, would it not?

Mr. Mohl. It certainly would.

Senator McClellan. What would the penalty be?

Mr. Mohl. There is money penalty up to a $500 fine.

Senator McClellan. Up to $1,000, is it not, or is it $500?

Mr. Mohl. It is $500.

Mr. Autry. That is punitive damages.

Senator McClellan. This is punitive, that is damages up to a $500 fine and a year in jail, is it not?

Mr. Mohl. That is correct.

Senator McClellan. The sentenced can take his choice, the owner of the property. He can rent it or Mr. Malcolm X can make him pay a fine and he can go to prison for a year. Is that what we are coming to in this country?

Mr. Mohl. That is correct.

Senator McClellan. Thank you very much for your appearance?

Mr. Mohl. Thank you, Mr. Chairman.

Senator McClellan. The next witness is the Reverend Walter Royal Jones.

All right, you have a prepared statement.

Mr. DIRKSEN. Mr. President, next I would suggest—and this is honestly done—that a political theme has been appealed to in order to get this title in. It has been said to me, "Do not oppose title IV. You are going to hurt your party."

Suppose they had said that to Abraham Lincoln? Do you think there would be a monument to him which is viewed by 1½ million people a year, looking at that noble figure in the subdued glow in which it stands in that monument? Do you suppose it would be there if Abraham Lincoln had caved in when they said, "Do not do that. It is an unpopular thing. It is no good for your ticket?"

What is to come first, the principle or what is good for the party?

It has been said that not to adopt this provision is an invitation to violence. I have some headlines here ostensibly in connection with the statement the Attorney General made the other day that it might be an invitation to violence if we do not do something.

Mr. President, do we legislate in an atmosphere of pressure? Do we legislate under the intimidation of "Do it or else?"

There may be cases such as we are reminded of in relation to Sam Yorty. We had a visit last night. It could be said, "You fire the chief of police." For what? For doing his duty? Or would we have a man suspended under the enabling authority of State law? Why? Because he did his duty? Are those the pressures? Are we to listen when it is said, "You had better be careful. You may hurt your party"?

Mr. President, I do not want to hurt my party, but, on the other hand, I do not want to commit my party to a miserable surrender and opportunism. When that happens I will look at the habiliments of my party all over again and begin to wonder whether it is worthy of the suffrage of the people.

Are we to follow the pontificators, the editorial writers, the social engineers, the world savers, who have been chanting all of these things? No; when we get down to it, it is the principle we must look at.

When it comes to marches and demonstrations, I wonder if demonstrations have become a way of life. Maybe we can perfect a pattern for them. If you are frustrated, if there is something you want, if there is money in the treasury to put up, whether it is the city, county, or State treasury, "Organize and demonstrate and stay at it. Scare the hell out of them. Say you will take them to the cleaners at the polls, and maybe they will come through."

Well, this Republic was not built on that kind of philosophy, I can say, and it is not going to survive living on that kind of philosophy, either.

I want to say something about some of the provisions in the bill, and I will give line and page. I refer to paragraph (7) of section 403 of the House bill. It states that it is unlawful:

> To engage in any act or practice, the purpose of which is to limit or restrict the availability of housing to any person or group of persons because of race, color, religion, or national origin or number of children or the age of such children.

I repeat—any act or practice, the purpose of which is to discriminate.

That is the world with a fence around it. That is the whole kit and caboodle.

Any act and every act can be decided as coming under this provision. One will be able to be hauled up and charged under it. It is subject to the supervision of the Department of Housing and Urban Development and the Fair Housing Board, and the courts will have jurisdiction over any act which comes within the prescription of the preceding sections where people will be told what they can or cannot do. So that any member of a minority group must receive preferential treatment in order to avoid the consequences of civil or criminal contempt.

How vague can we get, and what kind of cloud of fear can we put upon people?

Next, I call attention to what I refer to as freedom of choice.

Mr. President, with me, freedom of choice goes back a long way. In fact, it goes back to the Garden of Eden, because form came out of formlessness. Then came structure. Then came creation of all the things necessary. Green earth. Seed. Has it ever occurred to Senators that in Genesis they did not overlook seed? It had to be there for the continuity of the world. Otherwise, we could not have continued to live from generation to generation. Then came the only creature that was created with intelligence, a soul, a personality, the prospect of divinity. There he was, this lonely creature. He had a beautiful home, if a garden can be called a home. God made it without the aid of the Housing Administration. They were not even around then. And the Lord looked down out of the vaulted spaces at this lonely creature and thought he ought to give him a consort. He waited until he fell asleep, and then he took a rib from him and created the magnificent thing called Eve.

She was a side issue then. She is the whole business today. [Laughter.]

Then came the tree. And what did the Lord say? He said, "Do whatever you want, but don't eat of the fruit. If you do, you die."

He did not go down to the hardware store and buy 10 rods of fence 12 feet high, and put it around that tree. He just said, "Don't eat. If you do, you die, and there has to be an atonement for it."

What was He doing? He was giving them freedom of choice. He said, "I leave it to you, Adam; I leave it to you, Eve, whether you want to take of the fruit. I don't care whether you take of it. But if you do, remember, you die. You become mortal, and somebody has got to atone for it."

That is the whole basis of the Christian faith, the doctrine of vicarious atonement. There it is, in all its beauty.

He was giving them freedom of choice. That is where it started. And every time we impair it, somehow or other we are the poorer for it.

We refer to a man's home as his castle. However, we say to the homeowner, "Well, we are going to exempt you under this bill, provided you give an express written instruction to your broker, if you want to sell and you are going to get a broker. Otherwise, there is not going to be any exemption so far as the broker is concerned."

What is the matter with me meeting a broker on the street and saying, "Joe, I want to sell my home. It is out on Kenilworth Avenue. I'll take $28,000 for it."

"You're on. It's a deal."

Well, I thought, under the first amendment, that was pretty good law. But no; now you are going to have to put it in writing, to exempt that broker, if you are going to do any business with him. So, you see, your freedom of choice is going to be somewhat restricted.

But do not forget, there is also a housing board involved here, and they have powers to the sky to issue restrictions. Suppose they come in and say your instruction has to be under oath. You are going to have to swear, and there is going to have to be a record, and the record can be publicly examined. Where is your freedom in that kind of deal, I would like to know? I give up.

Those are the gimmicks that have been put in here, and people do not know it. A lady from Michigan called me up—I think from Jackson, Mich.—Sunday morning, and did she lay me out on the telephone. I took it, for a little while. Finally I said, "Madam, I beg your pardon"—being a very temperate and restrained person—"but did you ever read the bill?"

She said, "No, I have not. I haven't even seen it."

I said, "Don't you think it is a rather unwarranted presumption on your part to lecture me about this bill, when you haven't even seen it?" I added, "Madam, I try to be courteous, but I hope you don't mind if I hang up on you." And I hung up on her. Maybe she is sore. I suppose if she came down to my country, she probably would not vote for me.

But, you see, in the time period that has been available, there has not been a chance to explore these things. So when we come to the question of cloture this afternoon, how are you going to justify a vote for cloture, when there has been no examination, to speak of, of title IV and other titles in this bill?

Now, they have another fancy gimmick in here. There is a provision that if you have had three transactions with respect to your house, as an owner, you lose your exemption. What kind of transactions? They do not even define a transaction. A man out in Peoria, Ill., may be told by the management of Caterpillar, "We are going to move you to Cleveland, Ohio, and you have to go right away."

The man may protest, "I have got a house. I can't find a buyer that soon."

"Well, you do the best you can. You list it."

So he lists his house; and maybe a buyer will come along before he even gets gone. Then he says, "Well, I have to have a place to live in Cleveland."

"Well, go down to the hotel or one of the apartments, and rent a little while."

Is that two transactions, or is it not? The bill just does not say.

The man gets to Cleveland, and he finds an apartment. That is a third transaction. Maybe finally he makes a downpayment on a house. That would be a fourth transaction. You will find no definition in here as to what constitutes a transaction. That is how vaguely and how carelessly this bill has been drawn. I am amazed at the draftsmanship of the thing.

Of course, they got in Mrs. Murphy's boardinghouse—where is Brother Aiken? You ought to look at the language of the Mrs. Murphy's boardinghouse section. It applies only to rented rooms. You see, they scaled down Mrs. Murphy very considerably in this bill, and put a very considerable limit on her.

One of the funniest and most fantastic things that the House put in here is that you discriminate if you inquire as to the number of children in the family—that is one discrimination—and you discriminate again if you inquire as to their age.

Now, because I have seven or eight children, and here is a house that would accommodate only a family of father, mother, and two children, but that is all the money I have got, I say " I want to buy your house. You have it for sale; there is a for sale sign there. I have got the down payment, and here it is."

"But I can't sell it to you. You have too large a family."

"You are discriminating. I am going to charge you. I am going down and file a complaint."

So you find yourself in duress, and you are going to have to get a lawyer. A free lawyer, I suppose. I guess both parties get free lawyers now. That is going to be "ducky." I do not know what we are going to do with the lawyers in the country; there is not going to be any business for them, after awhile, except government business. But that is going to be the situation, if they do not take account of some of the limitations.

Let me tell you what the Illinois law says. The Illinois law says it is unlawful for a landlord to permit a room to be used for sleeping purposes that does not contain 400 cubic feet per person.

Suppose I have eight children, and I am going to buy a house or rent a house that will accommodate only four people. The law of Illinois says 400 cubic feet or more of airspace for each person sleeping therein.

What do you think is going to happen? Why, the State law and this business are going to come into a head-on collision. In New York, the law limits the number of adults who may occupy a room for sleeping purposes to two. No more than two, under the New York law, are supposed to occupy the same sleeping room—counting two children between the ages of 2 and 11, inclusive, as one adult. So if there are two children, then, of course, you count them as one, and, with the parents, you would have three.

The New York law also provides for a minimum of 400 cubic feet of airspace per adult per room. What are you going to say about that, when this fellow says, "You are discriminating; here is the downpayment for the house. You are not willing to sell it to me, when I am ready and willing buyer, and you say no."

So you make the deal. And after you make the deal, there comes the landlord commissioner, or tenant commissioner, or whoever it is, and says, "You are violating the law." What happens to the deal then? Is it all up in the air, as an illegal deal? I do not know.

I welcome back to the Chamber my friend, the Senator from California [Mr. MURPHY]. How delighted we are to have you back. In your State, you are a little more generous with people.

The law in California provides that every room used for sleeping purposes in buildings within a city shall contain at least 500 cubic feet of air space for each occupant.

Suppose I go out there to one of those fancy suburbs. There is a nice little house that I can afford to put a downpayment on.

The owner says, "You have got too many kids."

I said, "I will do it anyway." If he does not come through, I will say, "You are discriminating."

After a while, after we have made a contract, he discovers that there is a statute on the books. He says, "Why by golly, there is a statute on the books in California. It is California Code, Annotated, Health and Safety Code, Section 19300. It provides that there must be at least 500 cubic feet of air space for each occupant."

Have they paid any attention to that in the proposed bill? No. They do not define transactions. They include vacant lots and then take out the vacant lots. They just commit mayhem on the proposed bill.

They say, "Oh, this is all right. We will get 60 percent of all the available space. It will come nicely packed in the proposed bill."

If ever there was a can of worms, or two cans of worms, this is it. So much for children.

Just think of putting such a fantastic thing in a bill as the number of children and the age of children. Such a provision will become the rental base in this country just as surely as we occupy this Chamber if we ever put such a provision on the books.

I call section 403(a)(4) the best effort section. The House also added that provision.

It provides penalties for a broker failing to use his best efforts to consummate any sale, rental, or lease because of race, color, religion, or national origin.

Suppose I make a contract. I am going either to buy or to sell for someone. I work at it for a couple of months and I do not come up with a deal. The fellow comes around and says to me, "You did not use your best efforts, and section 403(a)(4) says, 'You shall use your best efforts.' I am going to charge you and I am going down to file a complaint and get a free lawyer."

How do you prove that a man has used his best efforts? All he can say is, "Why, Judge, I did the best I could." That is the only proof that he can offer. You cannot climb inside of his cranium and see what thought processes go on there.

The man stands before the court and he is helpless because there is not any way under the canopy of evidence to prove that he did or did not use his best efforts. However, that is what this would provide.

There is, then, the oral statement idea. The House added some rather significant language in section 403(a)(3) by proscribing the making of an oral statement indicating any preference, limitation, or discrimination, and so forth.

I have a room to rent. It is right close to a beautiful synagogue. I say to somebody, "Look, I think you would like to rent this room. It is right handy to the synagogue, and since you are Jewish, and there is the synagogue, it would be ideal for you."

You are not supposed to do that.

Suppose I am located in the vicinity of the University of Notre Dame, and I put a little ad in the paper.

Let us say the ad would read: "Lovely, large, sunny room; beautifully furnished, and ideal for two young men of the Catholic faith." That would be expressing a preference and would be unlawful. Such an act would become the basis for a charge. Maybe they could not make the charge stick, but that is the potential of the entire proposed bill.

I am afraid that we have not given anywhere near the attention to the proposed bill that it so richly deserves. There are so many items contained in the measure that one has a hard time to get around to it.

Some fancy language was contained in the bill concerning punitive damages. Somebody raised a question concerning this and said that it should not be done.

They then put a limitation of $500 in the bill and, after thinking for a while, they finally decided to strike that out. They thought they had improved the situation immensely. Instead of going into details, they merely put in the words "Actual damages."

"Actual damages." That is the whole kit and kaboodle. There is no limit as to what you can be charged with and the damages that can be requested. However, that is the way the House sought to improve the bill, by striking out the words of art and adjectives and just including the words "actual damages." There you have it, all in a bushel basket. That is wonderful.

There is one thing that I probably ought to allude to, and that is the question of representation. You can file a complaint, or it can be filed by your representative. It does not say your legal representative. It says your representative.

Who will represent you? If you are a person of color, and you want to file a complaint, the NAACP, CORE, the Congress of Racial Equality, or SNCC—Stokely Carmichael and his crowd—can represent you. If they can get enough money, they can hire the necessary lawyers. They will go down to court and do the talking.

You talk about subsidized litigation. Well, this is going to be it before we get through, believe me.

We have provision for a housing board. I can say a lot about that, but there is only one thing that I am going to say and that is that every time you want to work up a bill and you do not want to do all the leg work to dig out the details and recite them in the bill itself, you can just use one of those fancy phrases such as, "Notwithstanding any other provision of law." That covers a multitude of sins.

We do that same thing when we refer back to some other law in order to give broad powers to some new creature. There is a new creature here. It is the Housing Board.

The members are to be confirmed by the Senate and they have vast powers of subpena and investigation along with the Department of Health, Education, and Welfare, or Housing and Urban Development. That is what the bill provides. It says that discriminatory cases shall be treated as unfair labor practices, and they shall have the powers of the National Labor Relations Board. That includes the power to issue orders to cease and desist.

I will never vote for that kind of power where there is so much emotionalism, so much danger, and so much social ferment. That is what the proposal that is before us says.

So we are to be asked to vote on cloture and to shut off debate, when there has not been any discussion about the subject. We had better be careful before we get through. There are so many things that I could place in the RECORD; these are just a few. But I think they are enough to bring to the Senate's attention what I think about the measure.

The bill ought to be shelved, and it ought to be shelved for good at this session. I am confident that another start will be made next year; but we will have had our lesson, and we can come back and, if we have time, take ourselves a good look. By that time, we shall have been able to appraise the sentiment of the country and see what the people think. If they think what I think they think, I believe there will be some surprises in high places before we get through.

Let me reassert once more that I was glad to be in the forefront of the fights in 1957, 1960, 1964, and 1965. Then we had something with which to work. We did debate, and we did a job of beating out a bill on the anvil of discussion. We did a fashioning job before the bill came to the Senate. I thought we did an excellent job, and we had the will to stand up and be counted.

But I said to the Attorney General and to the President, "This bill is not for me." Last night, at the White House, I reaffirmed that to the President. So if there are any doubting Thomases, who thought I would beat a miserable retreat, they can get it out of their heads, because the word "retreat" does not appear in my book.

We should vote down any suggestion that there be cloture, because the bill has scarcely been considered on the floor of the Senate.

That is all I have to say. I shall abide the result when it comes later today.

Mr. SPARKMAN. Mr. President, I would like briefly to supplement my remarks of yesterday against the pending civil rights bill, which may be found in yesterday's CONGRESSIONAL RECORD starting at page 22379, by emphasizing that my opposition to this bill is not based entirely on the title IV housing provisions, which I oppose very strongly and to which I addressed myself yesterday.

As I stated yesterday I am prepared to debate this bill title by title and item by item, and in my preparatory analysis I have found it to be a very comprehensive and indeed a bad bill. Even the jury reform provisions of title I for the Federal courts have certain practically unworkable provisions for some districts throughout our Nation, which provisions should be given far more study than they have yet received.

Title II of the bill would inject the strong arm of the Federal Government into our State jury systems, and I want the RECORD to show that I stand firm against this attempt to break the backbone of our democratic form of government in this country. It was the violation of the right of an accused person to be tried by a jury of his peers in the area where the alleged crime was committed that helped bring about the Revolutionary War, and our Constitution reflects this by the numerous references it contains to protect the right to trial by jury. I feel that it is mandatory to point out that this title as well as the whole bill should not pass.

As we approach a cloture vote in the Senate, I reiterate my consistent position for many years against closing Senate debate by mandatory action. This comprehensive and ill-advised bill affords a good illustration of why cloture should be defeated.

With reference to title IV, the situation was well presented in the statement made by the Alabama Real Estate Association, Inc., before Subcommittee No. 5 of the Committee on the Judiciary of the House of Representatives, which appears at pages 1711 to 1712 of the House hearings on this bill, and is as follows:

Statement by Alabama Real Estate Association, Inc., in Opposition to H.R. 14765

The Alabama Real Estate Association, Inc., an affiliate member of the National Association of Real Estate Boards, and comprising some 2,000 members in Alabama, would like to present the views of the members of this Association in opposition to Title IV of the pending Civil Rights Act, H.R. 14765.

We do not believe that the bill in question will accomplish its intended purpose which is to provide "fair housing" to the peoples of this country. On the contrary, it will deny every citizen who is a property owner the right to sell or rent to a person of his choice; it will deprive every property owner of a basic, fundamental and individual freedom—the right to dispose of his private property as he chooses. It is incomprehensible that the same Constitution which provides the right to own property would deny the right to dispose of that same property to a person of ones' choice.

As members of the National Association of Real Estate Boards we support the statement of policy adopted by the delegate body of that organization on November 18, 1965, in Chicago, which is quoted in part as follows:

"We reassert our support of the principle of equal opportunity in the acquisition and enjoyment of real property and the right of individuals to determine the disposition of that property. This principle does not and should not establish special privileges for any particular group."

This is the first civil rights legislation aimed specifically at housing. All of the civil rights legislation previously introduced into Congress have sought to insure civil rights against the actions of local and state governments which were operating to deny certain civil rights to minority groups, or the actions of persons catering to the public. This piece of legislation, on the other hand, would abrogate the private rights of every home owner to dispose of his property as he chooses.

The issue is not open occupancy or equal opportunity to obtain housing for all people regardless of race, color, religion or national origin. The issue is whether government should be permitted to introduce an element of compulsion in the dealings of a property owner with the person who seeks to buy or rent his property.

The purpose of this so-called "fair housing" bill, it would seem, is primarily sociological and secondarily the alleviation of economic distress. If racial integration were a subordinate consideration, and if the primary purpose of this legislation is to afford people in minority groups a greater supply of quality housing, such can be accomplished without abridging the right of free decision on the part of the seller and rental owner of real estate. This need can best be met by the expenditure of public funds of this purpose and the establishment of private capital to augment the housing supply and meet the demands of minority groups for housing. A giant forward step was made in this direction through the enactment of the recent Rent Supplement Law.

This bill, if enacted into law, could be used as a weapon for forcing an unwilling owner to enter into a contract and would rob him of his freedom as an individual to enter, or not enter, into an agreement. If an individual lacks the right to dispose of his property freely and fully, within his own discretion, he is not truly the owner. Thus, the reality of this human right depends upon freedom of contract in disposition. This is a fundamental right in our society of free men. No segment of our people, including racial and religious minorities, can be well served by destroying it.

Title IV is premised on the mistaken belief that any rejection of an offer to buy or rent from a member of a racial minority is necessarily an act of racial discrimination. This view is presumptuous. Undoubtedly there are some persons who do refuse to sell a house primarily on racial considerations. However, there certainly are numerous other home owners who do not. Even though race might not be the reason a home owner declines to sell he could, under this bill, become involved in expensive and lengthy litigation trying to prove that his refusal to sell was not because of race.

Plain and simple justice would require that a seller or renter not be subject to the risk of financial loss at the hands of government without corresponding protection from the government which imposes that risk of loss. This bill makes no such provision.

The Alabama Real Estate Association is NOT against open occupancy nor equal opportunity to obtain housing. The Association believes this is a forced, not a fair, housing bill that deprives our citizens of the basic individual freedom of the right to dispose of their private property as they choose. We are faced with the issue of whether one person should be given the right to force an unwilling owner to enter into a contract at the expense of the owners' individual, human right. To deny any property owner freedom of choice erodes the rights of all the people.

Let us consider what would happen if Title IV should be enacted and our freedom of choice in the selling or renting of residential property is taken away. Will this end the matter? Clearly it will not. Open occupancy laws, once accepted as legitimate exercises of the police power, would eventually lead to a vast expansion of regulatory police legislation far beyond the legislation which is presently under consideration. This is certain to result because open occupancy laws will not accomplish the goals their proponents seek to bring about. Today open occupancy legislation would most surely lead to other and more vigorous measures.

If individual freedom is worthy of preservation, it behooves the Congress to mark well the distinction between public and private affairs and sparingly employ the force of law to coerce human conduct in the latter area.

We believe that the injection of the element of compulsion, of legal coercion, in the relations between a property owner and the persons with whom he may do business, is not in the best public interest and is inimical to the long range interests of members of minority groups; that progress in race relations will be retarded—not advanced—by this attempt to deny people freedom of choice. The solution to the problem of biracial living will come ultimately from the temporizing influence of the church, school and men of good will, and other such extra-legal sources, and not through exercise of the police system. The objectives of the struggle to obtain equal opportunity in housing are already being achieved. A change in our social structure of such magnitude will not be attained overnight. Voluntary actions to this end should be given every encouragement. Such efforts merit the earnest concern of all Americans, for the future of our free institutions may well be contingent upon its successful outcome.

The use of force—the employment of the police system, the destruction of the human right of real property ownership, the suppression of freedom of contract—are all destructive of the objective of biracial understanding. We ask, therefore, that Congress choose the traditional American way of voluntary effort and reject the alien way of the police expedient.

In conclusion we would like to quote Everett R. Treblicock, Counsel for the Michigan Board of Realtors, who, in our opinion, has so ably expressed the feelings of the great majority when he said: "America, while declaring itself to be a nation under God, has reserved to each of its citizens freedom to accept or reject the Deity as Their moods and convictions may dictate. We hold to the belief that it is totally inconsistent with such a tradition now to employ the force of government to compel the acceptance of one's fellow man in our private lives and affairs. For, in both our spiritual and our temporal lives, there can be no enduring fellowship with or respect for either our God or our fellow man which is not freely given each to the other."

Mr. MILLER. Mr. President, my policy on voting for cloture was published in one of my 1963 newsletters, and I ask unanimous consent that an extract therefrom be placed in the RECORD at this point in my remarks.

There being no objection, the excerpt from the newsletter was ordered to be printed in the RECORD, as follows:

Cloture

It is difficult to forecast what kind of a bill will be reported out by either the Commerce Committee or the Judiciary Committee; or if legislation is bottled up in committee, it is difficult to forecast what kind of an amendment on civil rights will be offered on the Senate floor. We do not have a rule of germaneness in the Senate, so a civil rights amendment could be offered to any House-passed bill (as was done in the case of the constitutional amendment outlawing the poll tax). However, any strong civil rights bill or amendment is likely to be subjected to a filibuster. Senate rules require an affirmative vote of two-thirds of the Senators present and voting to invoke cloture (choke off debate).

I am not one of the Senators who is opposed to voting for cloture as a matter of principle, although I do believe it is a device which should be used only under exceptional circumstances and only after a reasonable amount of time has elapsed to give opponents of a bill or amendment an opportunity to make their case. That the racial unrest in some parts of our country amounts to "exceptional circumstances" is obvious. However, there are two factors which could have a decisive influence over attempts to invoke cloture: (1) the reasonableness or unreasonableness of the bill or amendment over which a filibuster is being waged; (2) attempts to intimidate the Congress. It is this second factor which has both the President and many members of Congress deeply concerned. As a former member of Congress, President Kennedy knows from his personal experience how adversely members of Congress react against efforts to intimidate them. This is precisely why he asked that there be no "marches on Washington." His request has been rebuffed, but assurances have been given that there will be no "marches on Capitol Hill," no sit-in demonstrations in the legislative chambers' galleries and Senate and House Office Buildings, and that any activities will be orderly and peaceful.

Mr. MILLER. Mr. President, I might point out that I subsequently voted for cloture during the extended debate on the Civil Rights Act of 1964; and I had previously voted for cloture during the filibuster of the late President Kennedy's communications satellite bill by a group of self-proclaimed ultraliberal colleagues.

The rioting and violence that has taken place in recent months in several of our cities has, in some cases at least, been in the name of "open housing." However, according to reports of these unfortunate and misguided incidents, the objective was to secure action at the local level to provide equal opportunity for decent housing—not to put pressure on the Congress to pass a Federal law on the subject. Any such efforts to influence the Congress would almost surely result in no action at all; although I think it would only be fair to say that these locally directed riots and violence have had an adverse impact on the Congress.

The critical problems for me in reaching a decision on whether or not to vote for cloture, then, are these:

First. Whether a reasonable amount of time has elapsed for proper consideration of the measure being debated. This matter has only been up for discussion for a week, and I could not honestly say it has had more than superficial discussion—recognizing the far-reaching nature of not only title IV on open housing, but the other titles as well.

Second. Whether the bill being debated is a reasonable bill, a good bill, a constitutional bill. This is where my decision to not vote for cloture is most firmly premised; and it is reinforced by the decision of the proponents of this legislation to refuse to consider any modification in the bill at all. Their decision is unreasonable and shortsighted, and in this connection I ask unanimous consent to have printed in the RECORD at this point in my remarks the lead editorial from today's Des Moines Register entitled "No Rights Legislation?"

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Des Moines (Iowa) Register, Sept. 14, 1966]

NO RIGHTS LEGISLATION?

The Administration's civil rights bill appears headed for a deadend in the Senate and the first major setback for civil rights legislation in a decade. Senate Majority Leader MIKE MANSFIELD has let it be known that he intends to put aside the House-passed measure after a foredoomed attempt to cut off debate is made this week.

Congress last rejected major civil rights legislation in 1956, when the Senate failed to act on a House-passed voting rights bill requested by the Eisenhower Administration. A small portion of requested legislation was adopted in 1959, but the balance was approved the following year. The Civil Rights Acts of 1957, 1960, 1964, and 1965 ran into varying degrees of opposition, but Congress was able each time to deal with the filibuster threat and give the Administration most of its request.

The Johnson Administration appears on the verge of drawing a civil rights blank this year partly because of the nature of its request and partly because of timing. The request for legislation banning discrimination in housing touched a sensitive nerve in Northern as well as Southern constituencies. The Administration's proposal, moreover, was not well designed and needed extensive revision. The proposal was submitted at the end of April, did not reach the House floor until the latter part of July and is coming before the Senate less than two months before election.

The immediate roadblock in the Senate is Senator EVERETT DIRKSEN, the minority leader who has supported civil rights legislation in the past but is adamantly opposed to the housing section. DIRKSEN has also indicated opposition to sections of the bill to reform federal and state jury-selection procedures and to preserve election records.

We hope strong efforts will be made to pass a comprehensive civil rights bill with effective machinery for dealing with discrimination in housing. But inability to get housing legislation should not be allowed to frustrate action on all other civil rights problems. The House-passed bill contains vital sections to strengthen the hand of the government in protecting Negroes and civil rights workers against violence, to end discrimination in jury-selection and to authorize the attorney general to bring school desegregation suits.

These are less controversial and seem to us worth salvaging even if the price is no action on housing at this time.

Mr. MILLER. Mr. President, I am not at all satisfied with the provisions of title V, which is designed to protect civil rights workers. Nowhere is there a definition of a "civil rights worker," and the language is so broad that it would appear that a member of the Ku Klux Klan could claim that he was an "other person engaged in speech or peaceful assembly opposing any denial of the opportunity of another person or class of persons to participate in benefits or activities without discrimination."

I am deeply disturbed over title I, relating to juries. No one, I believe, thinks it to be fair to exclude from jury panels people because of their race, color, or creed; and that there has been such discrimination in some parts of our country is well recognized. The point is how is this evil to be remedied? And when a remedy is proposed, it would seem to me that the very least that ought to be done is for the legislative branch of our Government to seek the recommendations of the judicial branch, and more particularly the Judicial Conference of the United States and its committees. For some strange reason, the proponents of this bill have not done so, and I think it a serious mistake. It has been the practice of the Congress to refer all proposed legislation affecting the Federal courts to the Judicial Conference for its advice, suggestions, and criticism. Although this procedure may take more time, it has helped eliminate many undesirable features in proposed legislation. One of our outstanding Federal district judges has already commented to me that, in its present form, title I would place a tremendous administrative burden and expense on the Federal courts without really getting at the evil that is sought to be remedied. He points to section 1689 of the bill which provides that no one can be excused from jury service for more than 6 months at a time upon a showing of undue hardship or extreme inconvenience and brands this as "ridiculous," adding that there are many instances where undue hardship or inconvenience may require a juror to be excused for several years.

At the time President Johnson's bill was first introduced in the House, I commented that I had serious reservations over the constitutionality of title IV, relating to "open housing." To me, full enjoyment of the rights of American citizenship cannot be attained as long as there is discrimination in the sale or rental of housing. But this does not automatically lead me to conclude that the Federal Government has jurisdiction to legislate on the point. Where there is a Federal connection, such as a Federal loan, for example, that is one thing. But where there is no Federal connection, then the Federal Government simply does not have jurisdiction. The State and local governments do have jurisdiction, and it would be much better in the long run if this matter was decided upon by them and the people they serve. The Attorney General of the United States sought to find jurisdiction under the commerce clause of the Constitution because the building materials in a home have moved in interstate commerce. I am not at all persuaded by such an extreme attempt to stretch the meaning of our Constitution, much less by the so-called precedents he has offered to support his theory. Our Constitution was never designed to give the Federal Government all powers of government which can be created by extreme interpretations of the meaning of interstate commerce.

In November of 1962, the late President Kennedy issued Executive Order No. 11063, which directed all Federal agencies to take appropriate action to prevent discrimination in the sale, leasing, rental, or other disposition of residential property and related facilities. His action was taken under what he deemed to be a valid exercise of the regulatory authority the President has over the executive branch of the Government, rather than pursuant to any specific statute. The order covered only the initial sale of FHA-insured or VA-guaranteed housing, representing about 20 percent of the total housing in the country. Actually, President Johnson could "with the stroke of a pen," extend Executive Order No. 11063 to include all housing which has any relationship to or benefits from the Federal Government. This would include conventionally financed housing which is financed through banks and savings and loan associations whose deposits are guaranteed by FDIC or FSLIC, or which are supervised by the Federal home loan bank system. It has been estimated that Executive Order No. 11063 could be thus broadened to cover up to 80 percent of the total housing supply. And with respect to the balance, the State and local governments, which clearly have jurisdiction, could work on the problem of open housing in line with the needs of their respective jurisdictions.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1310) relating to the National Museum of the Smithsonian Institution, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES of Missouri, Mr. THOMPSON of New Jersey, and Mr. CORBETT were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 16559. An act to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes; and

H.R. 17636. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1967, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3051. An act granting the consent of Congress to the compact between Missouri and Kansas creating the Kansas City Area Transportation District and the Kansas City Area Transportation Authority;

S. 3625. An act to designate the dam being constructed on the Allegheny River, Pa., as the "Kinzua Dam," and the lake to be formed by such dam in Pennsylvania and New York as the "Allegheny Reservoir"; and

H.R. 6686. An act to amend the Civil Service Retirement Act in order to correct an inequity in the application of such act with respect to the U.S. Botanic Garden, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 17636) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1967, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

SEA-GRANT COLLEGES

Mr. PELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill, H.R. 16559, which was received from the House previously today.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 16559, an act to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea-grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, H.R. 16559, which was read twice by its title.

Mr. PELL. Mr. President, I move to strike out all after the enacting clause and to insert in lieu thereof the language of S. 2439, as reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Sea Grant College and Program Act of 1966".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares—

(a) That marine resources, including animal and vegetable life and mineral wealth, constitute a far-reaching and largely untapped asset of immense potential significance to the United States; and

(b) That it is in the national interest of the United States to develop the skilled manpower, including scientists, engineers, and technicians, and the facilities and equipment necessary for the exploitation of these resources; and

(c) that aquaculture, as with agriculture on land, and the gainful use of marine resources can substantially benefit the United States, and ultimately the people of the world, by providing greater economic opportunities, including expanded employment and trade; the enjoyment and use of our marine resources; new sources of food; new means for the utilization of water, both salt and fresh; and other valuable substances, such as those contained in the vast mineral deposits of the marine environment; and

(d) that Federal assistance toward the establishment, development, and operation of programs by sea grant colleges and Federal support of other sea grant programs designed to achieve the gainful use of marine resources, offer the best means of promoting programs toward the goals set forth in clauses (a), (b), and (c), and should be undertaken by the Federal Government; and

(e) that in view of the importance of achieving the earliest possible institution of significant Government activities related to the development of marine resources and in order to utilize existing facilities within the Federal Government, it is fitting to authorize the National Science Foundation to administer and supervise the sea grant programs established pursuant to this Act until such time as functions and activities of the Federal Government for the promotion and support of programs related to the development of marine resources might be reorganized or consolidated.

GRANT AND CONTRACTS FOR SEA GRANT COLLEGES AND PROGRAMS

SEC. 3. (a) Subsection (a) of section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by striking out the period at the end of clause (9) and inserting in lieu thereof a semicolon, and by adding after clause (9) the following new clause:

"(10) to support the establishment, development, and operation of sea grant programs of education, research, and advisory services which are directed toward progress in the various fields related to the development of marine resources, in accordance with the provisions of section 18."

(b) (1) Subsection (a) of section 17 of the National Science Foundation Act of 1950 (42 U.S.C. 1875) is amended by inserting, before the period, a semicolon and the following: "except that for the purpose of carrying out section 3(a) (10), there is authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1967, not to exceed the sum of $10,000,000, for the fiscal year ending June 30, 1968, not to exceed the sum of $15,000,000, for the fiscal year ending June 30, 1969, not to exceed $20,000,000, and for each subsequent fiscal year only such sums as the Congress may hereafter specifically authorize by law".

(2) Subsection (b) of section 17 of such Act (42 U.S.C. 1875) is amended by inserting, before the period, a semicolon and the following: "except that for the purpose of carrying out section 3(a) (10), any amounts appropriated to the Foundation for the fiscal year ending June 30, 1967, shall remain available until expended".

(c) The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended by inserting the following new sections at the end thereof:

"MARINE RESOURCES

"SEC. 18. (a) In carrying out the provisions of section 3(a) (10), the Foundation (1) shall consult with those experts engaged in pursuits in the various fields related to the development of marine resources and with agencies (including the United States Office of Education in all matters relating to education) of the Government interested in, or affected by, activities in any such fields, including such interagency mechanisms as may have been or hereafter may be established in this area pursuant to the President's direction, and (2) shall seek advice and counsel from the National Advisory Council on Sea Grant Colleges and Programs, created by section 19 of this Act.

"(b) The Foundation shall exercise the authority derived from section 3(a) (10) by—

"(1) initiating and supporting programs at sea grant colleges and other qualified institutions, organizations, and bodies for the education of participants in the various fields relating to the development of marine resources;

"(2) initiating and supporting necessary research programs in the various fields relating to the development of marine resources, with preference given to research aimed at practices, techniques, and design of equipment applicable to the development of marine resources; and

"(3) encouraging and developing programs consisting of instruction, practical demonstrations, publications, and otherwise, by sea grant colleges and other qualified institutions, organizations, and bodies through marine advisory programs with the object of imparting useful information to persons currently employed or interested in the various fields related to the development of marine resources, the scientific community, and the general public.

"(c) Programs to carry out the purposes of section 3(a) (10) shall be accomplished through contracts with, or grants to, suitable public or private agencies, public or private institutions of higher education, museums, foundations, industries, laboratories, corporations, organizations, or groups of individuals, which are engaged in, or concerned with, activities in the various fields related to the development of marine resources, for the establishment and operation by them of such programs.

"(d) (1) The total amount of payments in any fiscal year under any grant to or contract with any participant in any program to be carried out by such participant under section 3(a) (10) shall not exceed 66⅔ per centum of the total cost of such program. For purposes of computing the amount of the total cost of any such program furnished by any participant in any fiscal year, the Foundation shall include in such computation an amount equal to the reasonable value of any buildings, facilities, equipment, supplies, or services provided by such participant with respect to such program (but not the cost or value of land or of Federal contributions).

"(2) No portion of any payment by the Foundation to any participant in any program to be carried out under section 3(a) (10) shall be applied to the purchase or rental of any land or the rental, purchase, construction, preservation, or repair of any building, dock, or vessel.

"(3) The total amount of payments in any fiscal year by the Foundation to participants within any State shall not exceed 20 per centum of the total amount appropriated to the Foundation for the purposes of section 3(a) (10) for such fiscal year.

"(e) In allocating funds appropriated in any fiscal year for the purposes of section 3(a) (10), the Foundation shall endeavor to achieve maximum participation by sea grant colleges and other qualified institutions, organizations, and bodies, throughout the United States, consistent with the purposes of this Act.

"(f) In carrying out its functions under section 3(a) (10), the Foundation shall attempt to support programs in such a manner as to supplement and not duplicate or overlap any existing and related Government activities.

"(g) The head of each department, agency, or instrumentality of the Federal Government is authorized, upon request by the Foundation, to make available to the Foundation, from time to time, on a reimbursable basis, such personnel, services, and facilities as may be necessary to assist the Foundation in carrying out its functions under section 3(a) (10) in accordance with this section.

"(h) For the purposes of section 3(a) (10) and this section—

"(1) The term 'development of marine resources' means scientific endeavors relating to the marine environment, including, but not limited to the fields oriented toward the development, conservation, or economic utilization of the physical, chemical, geological, and biological resources of the marine environment; the fields of marine commerce and marine engineering; the fields relating to exploration or research in, the recovery of natural resources from, and the transmission of energy in, the marine environment; and the fields with respect to the study of the economic, legal, medical, or sociological problems arising out of the management, use, development, recovery, and control of the natural resources of the marine environment.

"(2) The term 'marine environment' means the oceans; the Continental Shelf of the United States; the Great Lakes; the seabed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of the area; the seabed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory; and the natural resources thereof.

"(3) The term 'sea grant college' means any suitable public or private institution of higher education supported pursuant to the purposes of this Act which has major programs devoted to increasing our Nation's utilization of the world's marine resources."

"(4) The term 'institution of higher education' shall have the same meaning as it has under section 103(b) of the National Defense Education Act of 1958 (20 U.S.C. 403).

"(5) The term 'sea grant program' means (A) any activities of education or research related to the development of marine resources supported by the Foundation by contracts with or grants to institutions of higher education either initiating or developing existing programs in fields related to the purposes of section 3(a) (10), (B) any activities of education or research related to the development of marine resources supported by the Foundation by contracts with or grants to suitable institutions, organizations, and other bodies, and (C) any programs of advisory services oriented toward imparting information in fields related to the development of marine resources supported by the Foundation by contracts with or grants to suitable institutions, organizations, and other bodies.

"NATIONAL ADVISORY COUNCIL ON SEA GRANT COLLEGES AND PROGRAMS

"Sec. 19. (a) There is hereby established in the executive branch of the Government a National Advisory Council on Sea Grant Colleges and Programs (hereinafter in this section referred to as the 'Council').

"(b) The Council shall be composed of eleven members to be appointed by the President from among private citizens of the United States who are prominent in public life or in the fields of education, oceanology, ocean technology, and other fields related to the development of marine resources. The Chairman of the Council shall be designated by the President from among its members.

"(c) The Council shall—

"(1) advise the Foundation with respect to the policies, procedures, and operations of the Foundation in carrying out its functions under section 3(a) (10);

"(2) provide policy guidance to the Foundation with respect to contracts or grants in support of programs conducted pursuant to section 3(a) (10), and make such recommendations thereon to the Foundation as may be appropriate, and

"(3) submit an annual report on its activities and its recommendations to the President.

The Foundation shall not approve or disapprove any proposed contract or grant referred to in clause (2) unless such contract or grant would be in implementation of a program on which the Council has already given its recommendation, or unless the Council fails to make any recommendation on such program within a reasonable time.

"(d) Members of the Council shall receive compensation at the rate of $75 per diem when engaged in the work of the Council, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(e) The Council shall be terminated at the discretion of the President not earlier than June 30, 1969: *Provided*, That the President may establish a suitable advisory council to replace it if he deems it desirable."

The **PRESIDING OFFICER.** The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

Mr. MORSE. I am a strong supporter of the bill but I want the Record made on it for its legislative history.

I rise to compliment the Senator from Rhode Island on the leadership he has displayed throughout the consideration of the bill.

It is a very important bill, which I think will carry with it a great service to the beneficiaries.

The Senator from Rhode Island and I have stood shoulder to shoulder on many education bills in the Senate. He has given me unfailing support in my capacity as chairman of the Subcommittee on Education.

The bill is a great testimonial to the leadership of the Senator from Rhode Island in the field of education and I thank him for what he has done to bring this bill to a vote in the Senate this afternoon.

Mr. PELL. I thank the Senator from Oregon very much. Let me add that if it had not been for his kindness, as chairman of the Education Subcommittee, in permitting us to set up a special subcommittee, we could not have had hearings and gotten consideration of the bill. In this regard, I am particularly grateful to the senior Senator from Alabama [Mr. Hill] who, as chairman of the Labor and Public Welfare Committee, set up the special subcommittee on sea-grant colleges and programs. Similarly, I must express my thanks and gratitude to the senior Senator from Washington [Mr. Magnuson] who, as the acknowledged dean of oceanography in the Senate, permitted me to go ahead with this matter in the first place and who was kind enough to permit this bill to be handled by our special subcommittee.

Mr. MURPHY. Mr. President, as a cosponsor of S. 2439, I would not wish to permit the passage of this measure without saluting and complimenting the work of the distinguished Senator from Rhode Island [Mr. Pell]. Like the seafaring ancestors of his section of the country, he captained the sea college measure through the subcommittee and full committee most admirably. Particularly am I grateful for his willingness to receive and adopt suggestions from the minority.

In bringing S. 2439 before the Senate today, we are underscoring the need for this Nation to get serious about the exploration of the vast resources of our oceans. Hopefully, by making grants to so-called sea-grant colleges, for programs of education, research, and dissemination of the latest findings in the field of oceanology, we will at long last, start to apply the resources and energy of this Nation to tapping the resources of the oceans. It cannot be emphasized too strongly that the primary thrust of this legislation is the practical application of ocean resources for the good of the American people.

In connection with the bill, I have contacted many people in the State of California, where, as Senators know, we have long had a great interest in this field, and I can say that there is strong support in my State for the measure.

Also, I would not want to permit the measure to pass today without some general observations regarding the total national effort in the field of oceanology. For sometime I have felt this Nation's efforts in the exploration of the oceans have been inadequate, and moving at a snail's pace. It is to the credit of Congress that we have recognized the importance of oceanology, and the enactment of S. 2439 in addition to S. 944, which was recently enacted, will do much. This administration, however, has treated oceanology as a stepchild. It has failed to provide the leadership and the vision necessary to insure that the United States will be the leader in this endeavor.

That the Communist world is very active in the field of oceanology is well known and documented. Citizens on the Pacific coast are particularly cognizant of their efforts for their fishing vessels have been sighted and followed with deep interest. All Americans are aware of this fact, however, for they have viewed on their television screens the "fishing" activities of the Soviet Union.

There appeared in the March 1966 issue of Navy magazine an article regarding the "fishing activities" of the Soviet trawlers. I ask unanimous consent that the article be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, the committee in its report, on page 2, expressed its concern with the status of the Nation's ocean-related activity. It stated:

> But there are many ocean-related ventures in which this Nation is performing poorly. Our merchant marine does not compete well with other commercial fleets of the world. Our fishing industry has slipped from second to fifth place in a decade. In fact, last year, fisheries products imports equaled more than one-third of our deficit balance of payments.
>
> If these sagging industries do not catch up, what chance will America have in marine industries of the future, such as: mining of marine minerals, drilling for oil, extracting dissolved substances, aquaculture desalinization, underwater equipment, vehicles, and bases of all kinds? We are not adequately preparing technology for these new or potential industries. Costly gaps can appear overnight. The lesson of Sputnik is a painful reminder of weak long-range planning.

Mr. President, our merchant fleet is truly in a sorry state. It faces a crisis. Presently, we have around 900 vessels, most of which are outdated; and shockingly, they carry only 9 percent of our foreign trade. Seven out of ten are overage. This Nation has learned from experience the importance of the merchant fleet, not only in peacetime, but in time of war as well. In Vietnam, we are once again making use of our air and water power and one would dread to imagine what the situation would be like in southeast Asia, if we did not have control of the sea and the air. In this conflict, our merchant fleet is again keeping the supplies, the lifeblood of our troops and personnel there, moving. Significantly, 98 percent of these supplies and two out of every three persons involved in the conflict have been moved there by U.S. merchant fleet. While at the same time, that the condition of our merchant fleet is treated with indifference, the Russians are involved in a major buildup of their merchant fleet. Russia is building ships at approximately 10 times our construction rate.

Mr. President, in the March issue of the Journal of Commerce, Mr. John N. Thurman, vice president of the Pacific American Steamship Association, ably reviewed the history and necessity of our merchant fleet. I ask unanimous consent that the article be printed in full following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MURPHY. Mr. President, the Soviet Union's concentrated effort in oceanology has been treated with relative indifference in the United States. What bothers me about this fact is that it would probably take some sputnik-like revolution before the United States is shocked into a realization of the importance and necessity of extending our efforts in what has been called "the neglected frontier." The growing threat of the Soviet submarine fleet alone is reason enough for greater effort on the part of our country. We are all aware of the tremendous capabilities of our Polaris missiles which are launched from mobile submarines having 72 percent of the world's surface as their area of operations. The problems of detecting and eliminating the dangers of a submarine attack stagger the imagination. Soviet submarines have also been sighted off our shores.

During World War II, 4,786 Allied merchant vessels were lost. During the early days of the war such losses averaged around 100 per month. The Germans were able to destroy such numbers during the early days even though at the beginning of the war they had only 47 submarines. Russia today has approximately 500. Need any more be said?

The oceans, as Senators are aware, like the geography of our land, have peaks, valleys, and plateaus. There is a need to know and to map the ocean just as there has always been a need to have maps of our land surfaces. If we are to increase our methods to detect hostile submarines and improve our accuracy of detecting targets, greater research in oceanography is needed.

Despite the importance of the ocean, the facts seem to be that the United States is losing the race for superiority in ocean exploration. The urgency for winning the oceanographic race cannot be overstressed. The stake is survival.

Improvements in our military posture are not the only benefits to be derived from expediting of our oceanographic efforts. We hear much talk about the population explosion of the Nation and the world, and of the inability of man to provide adequate food for such a growing population. By 1980 it has been estimated that the United States will need an additional 3 billion pounds of seafood. The needs of other nations are, of course, greatly higher. In our search for adequate food supplies, the oceans offer great promise, but sadly the present picture of our fishing fleet leaves a lot to be desired. Foreign fisheries, with the benefits of great research are rapidly moving out into all areas including areas off our east and west coasts. Soviet Russia is actively fishing all over the world, and the Japanese also have become very active. The United States in 1956 was second only to Japan as a fishing nation. Five years later, the United States occupied fifth place among nations in the size of its catch. Now, not only are we behind Japan, but we trail Soviet Russia, Red China, and Peru. This obviously is not a desirable position, fitting for the leading nation on the face of the globe. It is not a position that the American people want, nor should they tolerate it.

Some experts are concerned with the world's mineral supply, yet scientists tell us that the ocean contains more minerals than those which have been mined by man in all his past history. Four hundred billion barrels of oil lie outside the continental shelves alone. In addition, sulfur and gas are also present. Going out deeper into the ocean we find manganese, copper, cobalt, nickel, molybdenum, vanadium, zinc, and zirconium deposits.

In addition, scientists are convinced that great research in the oceans would lead us to a clearer understanding and prediction of our weather. Of course, who can say, but this increased knowledge may very well lead mankind to find a solution to the problem of unequal distribution of our water supplies.

Daily in our papers, we read accounts of what hopefully might turn out to be a breakthrough in man's battle against cancer. Strangely enough, biologists and medical doctors find the animal life of the sea unaffected by cancerous growths. Investigation as to why invertebrate and marine animals have not acquired cancer, may lead us to what would be the breakthrough of the century in medical science.

The oceans remain the main channel of the world's commerce. The United States, although a highly industrial nation, depends to a great extent upon the importation of raw materials to maintain its economy and high standard of living.

Bordering the Pacific Ocean, Californians have always appreciated the importance of the ocean, and have been cognizant of the benefits that might be derived from all mankind by an increased effort. Because of the great interest in oceanology in my State and my own personal interest, I am pleased that the Senate is approving this bill today and taking this, another step in furthering our oceanographic effort. As a recent caption in the San Diego Union said, "There's Gold in Them Thar Waves," and I think it is high time this administration began to appreciate that fact. As Senators know, San Diego is in the forefront of our Nation's effort and is uniquely qualified to participate more vigorously if we are, as we should, to speed up our oceanography program.

Speaking of sea power in the period when the English fleet was diminishing, Santayana wrote:

> It will be a black day for the human race when scientific blackguards, conspirators, churls and fanatics manage to supplant him.

Fortunately, for the free world, England was supplanted by the United States and U.S. control of the seas has not only been essential for the economic health and defense of our Nation, but it has also helped to preserve freedom around the world. The question that the Congress must long ponder, is whether we are doing enough to make absolutely certain this will always be the case. In addition, Mr. President, I ask unanimous consent that various editorials on this subject, published in California news-newspapers, be printed in full in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

EXHIBIT 1

[From Navy magazine, March 1966]

THE PROBLEM OF SOVIET TRAWLERS—FREQUENT ENTRY INTO OUR TERRITORIAL WATERS BY THESE ELECTRONICS-LADEN SHIPS CALLS FOR TIT-FOR-TAT RESPONSE BY UNITED STATES, AUTHOR SAYS

(By Raymond Schuessler)

Early on the morning of January 22, 1963, a U.S. tanker radioed the Coast Guard that five Russian trawlers equipped with radar and electronic antenna were proceeding south, 11 miles off the coast of St. Lucie Inlet on the east coast of Florida. Eight hours later the merchantman KEIBE radioed the Coast Guard that a flotilla of six Russian trawlers, with electronic equipment, was heading south in diamond-shaped formation three to four miles off Lake Worth Inlet, 40 miles south of the position reported by the tanker.

Since this incident many Russian vessels have been seen off our Florida coast, often within our territorial waters. As Captain W. K. Thompson, Jr., Chief of Public Information of the U.S. Coast Guard told us, "During the past year and a half there have been about 60 Russian trawler passages and entries into U.S. territorial waters."

FIVE THOUSAND ARE OCEANGOING

What are these Russian ships doing so close to our shores? Are they engaged in harmless fishing expeditions, or are they threatening our security with espionage work and preparing the way for a successful attack in case of war?

The size of Russia's fishing fleet has been variously estimated at from 23,000 to 25,000 steam and diesel propelled vessels of modern design and capabilities. About 20 per cent or about 5,000 of these ships are classified by our Navy Department as oceangoing trawlers and support ships.

The Soviet oceangoing fishing fleet is scattered around the world, equipped both for fishing and for gathering scientific data, including intelligence of military value. Photographs by U.S. Navy planes show that many of the ships have special electronic capabilities not normally required on fishing boats.

Most of the northbound sightings positioned the trawlers several miles offshore, so it appears that the sailing pattern of those trawlers observed was to avoid the Gulf Stream southbound and to ride it on the passages north. The exception occurred on May 27, 1963, when a trawler was reported three miles off Miami Beach, a course not recommended. Within five minutes, a 40-foot Coast Guard boat was dispatched to chase it. Although the U.S. craft with a speed of 18 knots had only to close a gap seven and a half miles, it gave up pursuit without getting close enough to identify it. Admiral I. J. Stephens, of the Miami Coast Guard District, agreed that the trawler had no reason to follow a northern course so close to the shore.

On May 14, 1963, the Navy reported that the destroyer tender USS *Sierra* had sighted what was described as a hydrosurvey ship of the *Okean* trawler class, three miles south of Molasses Reef. The trawler did not answer the *Sierra*'s signals. On the same day, a Coast Guard boat reported the sighting of a trawler two and a half miles off Molasses Reef.

MATTER OF CONCERN

On June 8, 1963, the Lake Worth Inlet Light Station reported sighting a Russian trawler two miles off Palm Beach southbound. A Coast Guard boat sent located it about a mile and a half off Delray Beach.

In view of their adaptability to purposes other than fishing, the presence of these Russian trawlers within our waters is a matter of some concern to our government.

Russia maintains a fleet of about 200 to 400 fishing vessels operating off the Grand Banks and Georges Bank in the North Atlantic. More than a dozen of these Russian trawlers make regular trips between the North Atlantic fishing banks and Cuba, according to Rear Admiral A. L. Reed, Acting Deputy Chief of Naval Operations for Fleet Operations and Readiness.

Admiral Reed explained that in July, 1962, several Soviet fishing trawlers began activities in Cuba for the announced purpose of training Cuban fishermen and rehabilitating the Cuban fishing industry. In September, 1962, the Castro regime announced a Soviet-Cuban agreement where the Soviet Union would assist in the construction of a large fishing port in Havana Bay committed to provide services to Soviet trawlers in the North Atlantic for 10 years or longer.

WITHIN OUR THREE-MILE LIMIT

On their trips south these vessels hug the south Florida coastline for a distance of about 150 to 200 miles and at times are well within (one and a half miles) the three-mile limit of our territorial waters. Although this route is recommended by the U.S. Coast and Geodetic Survey publication "U.S. Coast Pilot" to avoid the northerly current of the Gulf Stream, it is, according to the Coast Guard, neither the shortest nor fastest for ships moving from the North Atlantic fishing banks to Cuba.

This raises the possibility, according to the Subcommittee for Special Investigations of the Committee on Armed Services:

"That the trawlers may be using the 'Pilots' recommended course as an excuse for moving in our territorial sea . . . a cover for operations of a military or paramilitary nature."

There is also the possibility of these vessels conducting electronic surveillance of our military defenses and exploring ways of interfering with or controlling the guidance and abortive systems of our missiles and rockets. If routine radio communications in taxis can wreak potential havoc on the launching pads, what can Soviet trawlers with their super-secret electronic gear do? A NASA scientist says: "They would have no trouble throwing a communications monkey wrench into our space flights if they wanted to."

SOUGHT POLARIS "DUMMY"

Nicolai F. Artamonov, former skipper of a Russian destroyer, testified that Soviet trawlers are "loaded with electronic gear for keeping tabs on U.S. Navy units, radar frequencies, shore-based signals and flight patterns of early warning aircraft." The Soviet trawler VEGA nearly collided with a U.S. destroyer off Long Island when the Russian crew tried unsuccessfully to recover a dummy Polaris missile.

Vice Admiral John T. Hayward, USN, has testified:

"The Soviet fishing fleet is mapping New England coastal waters."

Off our East Coast we have a system of underwater sonar buoys, an anti-submarine project—upon which the trawlers could be spying and prying.

We have discovered radioactive devices of Soviet manufacture imbedded on the ocean floor along both the Atlantic and Pacific coasts of North America which were explained by our Navy as "position markers planted by trawlers for use by Soviet subs to 'home in' on such markers before firing on inland targets." We found 43 of our largest cities and over 80 per cent of our industries within range of the markers.

In the fall of 1961 during the North American Air Defense Command's Skyshield II exercises, designed to protect our preparedness against sudden attack, 85 Russian trawlers positioned from Newfoundland to Virginia were interested spectators.

BRITISH IRKED, TOO

Little wonder the activity of the Russian "fishing" fleet has become of increasing concern to western governments. Soviet trawlers have been sighted in such unlikely fishing areas as the waters of Scotland's St. Kilda Island, the British Army's rocket-homing base; and off Holy Loch, Scotland, a U.S. nuclear submarine base. Britain's Sir Pierson Dixon told the U.N. Security Council in 1960:

"We have been subject to the annoyance of seeing Soviet trawlers equipped with electronic equipment in waters where naval exercises or research activities are carried out."

Soviet trawlers are stationed near American military bases in Southeast Asia. When the Guam-based B–52's began strikes against Viet Nam, two Russian trawlers with huge antennas set up posts four miles from the Guam air base. Since we did not protest, we soon found the Russian trawlers trailing the Seventh Fleet off Formosa. Now spy-trawlers are off Viet Nam where they can give immediate information of American air attacks and, at times, amphibious landings. During one U.S. Marine attack, according to a Pulitzer Prize correspondent, the Soviet trawlers were able to report to the Viet Cong when, what and how many U.S. troops were involved. Both the Navy and the Coast Guard admitted that the ships could be landing or picking up spies or saboteurs or smuggling military items and that this could be done with little chance of detection in the landing or picking up operations.

IT WOULD BE EASY

We interviewed a fishing charter boat captain in Fort Lauderdale, Captain E. B. Kitchell, who stated that he or any other private boat owner could leave the Florida coast without clearing for a foreign port, pick up passengers in the Bahamas and, again without clearing, bring them into the United States along the Florida coast without anyone knowing about it. The same pattern, he said, applied to trawlers; that is, he could meet a trawler as far as 20 miles out, put an agent on the trawler and take one on his ship. This goes for messages or any equipment he may want to bring in.

EXHIBIT 2

[From the Journal of Commerce, Mar. 21, 1966]

FOR TRADE AND DEFENSE: SHIP NEEDS OF NATION PROVEN IN HISTORY

(By John N. Thurman, vice president and Washington counsel, Pacific American Steamship Association)

Ever since the founding of our great nation, the importance of a strong American

Merchant Marine has been forcibly demonstrated many times.

The first colonists and explorers came in America in ships and ships were vital for trade and communication to expand and develop the nation. In times of war, merchant vessels served as our first navy, and later as a most important supplement to the regular navy.

While the nation was growing we became world leaders in maritime innovations such as the speedy Clipper ships that carried American products to the four corners of the world. The changeover from sail to steam, as a result of American inventiveness, should have made us the leading maritime power in the world, but this was not the case. Our merchant fleets were neglected in favor of internal expansion and transportation modes to the point that at the turn of the century, American-flag ships were carrying only one-tenth of the nation's foreign trade.

As in the preceding centuries, later years have brought many occasions when the very security of our nation has been dependent to a large measure on the availability of a strong and active American-flag merchant marine.

At the outbreak of World War I we had allowed our merchant marine to depreciate to such a low state that nearly 90 per cent of the U.S. foreign trade was being lifted on foreign-flag vessels. The majority of these vessels were immediately withdrawn from our service.

Export goods piled up on our docks for lack of ships to carry them abroad and the public had to do without many even essential imports. As is always the case when left to the mercy of a short supply of vessel space, freight rates soared.

FOREIGN SHIPS NEEDED

When the United States became an active participant in World War I, we had to rely almost totally on our allies to transport our army and to carry its food and weapons to Europe. A huge and costly shipbuilding program was undertaken, but very few ships came off the ways in time to be of any use before the war ended. We were then left with hundreds of ships for the most part completely unsuited to peacetime trades.

At the approach of World War II, the situation was quite similar. Our merchant fleet had deteriorated in size and quality and the majority of our exports and imports were being carried in foreign-flag vessels. But that time due to the enactment of the Merchant Marine Act, 1936, we were able to build ships fast enough to meet the tremendous demands for shipping capacity of a worldwide war.

During this period of crisis, the survival of not only this nation and our allies but of the entire free world depended upon the capacity of the American Merchant Marine to move troops and supplies for the armies, cargoes essential to the life of civilian populations, and the raw materials needed for producing weapons that were all necessary to the successful prosecution of the war.

After the war ended these same American-flag ships moved the supplies needed for rehabilitation of the many devastated countries throughout the world.

Under the Merchant Ship Sales Act of 1946, many of these war-built vessels were sold to U.S. steamship companies and to foreign carriers to replace ships lost or damaged during the war. Other vessels were placed in reserve fleets at various points throughout the United States for use in future emergencies.

Emergencies requiring immediate use of American-flag vessels were not long in coming. When the war broke out in Korea in 1950, several hundred of the reserve ships were sent back into service and operated by the American steamship companies to move troops, supplies, and equipment, and also to carry foreign-aid cargoes essential to the preservation of the freedom of famine stricken countries throughout the world.

When the Suez Canal was closed in 1956, reserve fleet tankers were withdrawn to supplement existing carriers to provide the extra capacity needed for hauling petroleum the long way around Africa. Again when war threatened in Lebanon, the American Merchant Marine provided support for the military forces.

During the recent Cuban crisis a large segment of our U.S.-flag merchant fleet was placed on standby alert. It should also be noted that with all of the pronouncements concerning airlift capability when it came to evacuating the military dependents from Guantanamo, airlift was far from sufficient and a MSTS transport vessel came to the rescue.

Today we have Viet Nam. We are all familiar with the facts that over 98 percent of the supplies and two out of every three persons engaged in the conflict have moved to the area by water on U.S.-flag ships.

Again as in past crises our merchant marine limited in the short periods of peace through budget denials is being supplemented from the reserve fleet. Over 100 reserve ships have been demothballed to date. These World War II-built vessels are of limited value and cannot be considered in future projections on U.S.-flag lift capabilities.

Over the years we have seen the practical lessons learned and forgotten in the value of a strong U.S.-flag merchant marine to the national defense.

Less dramatic but of equal importance is the contribution which the U.S. merchant fleet makes to the economic welfare of the country, by assuring uninterrupted movement of the agricultural, manufactured, and raw materials in our foreign commerce which is necessary to the continued and ever-increasing prosperity and well-being of the country.

We depend upon a large variety of imported foodstuffs, raw materials, and other products to maintain our high standard of living, and to supply necessary elements of many of the manufactured exports which we send to other nations.

If there was no existing U.S.-flag merchant marine, industry, involving imports and exports would find itself in a precarious position regarding freight rates and our competitive position for world markets would be in constant danger. Additionally, the current serious balance of payments deficit highlights the need for use of U.S.-flag vessels, which earn or conserve about $1 billion annually to the plus side of the balance.

It has been amply demonstrated time and again that we cannot depend upon other countries to supply at all times the ships needed for the defense and trade of the United States. We must, therefore, maintain enough shipbuilding capacity, experienced steamship companies, and skilled workmen of our own to provide a United States-flag Merchant Marine to serve our country in both war and peace.

EXHIBIT 3

[From the San Diego (Calif.) Union, Mar. 13, 1966]

UNTAPPED FRONTIER: OCEAN RESEARCH IS INVESTMENT

The vast continental shelf under the ocean on both sides of the United States is an exciting and virtually untapped frontier that offers a vast economic potential for the future.

In general terms studies of the shelf and use of its resources are in the period of time the dry land area of the nation was at the time of our earlier pioneers.

The Committee on Oceanography of the National Academy of Sciences has estimated an investment of $165 million a year in oceanography research annually could eventually return as much as $3 billion a year in resources. The returns could begin as soon as 10 years.

There also is great possible economic significance on the deep sea floor. Resources include manganese, copper, cobalt, nickel, molybdenum, vanadium, zinc and zirconium deposits. Their value is inestimable but it is known to be of great magnitude:

To exploit this resource scientists will need a better knowledge of their distribution, their composition as a part of the ocean floor, the regions in which they occur and how best to develop harvesting techniques.

The continental shelves themselves are rich in oil, gas and sulphur, part of which is being extracted. In addition there are other valuable mineral concentrations that have received little attention, including gold and magnetite.

Economic value of the ocean is not confined to sub-surface mineral resources alone. Additional research in ecology and biology of organisms supporting fish life could add greatly to the commercial catches and increase this important supply of food.

Additional studies of the ocean also could assist shipping and weather reporting. In the outer limits of thinking, scientists do not discount the possibility of men actually living permanently below the ocean surface as they do on land. Experiments, such as the SeaLab in La Jolla last year, have proved men can survive for considerable periods in ocean depths.

San Diego is in a good positon to capitalize on the growing emphasis on oceanography and ocean engineering if community leaders pursue programs vigorously.

We are situated ideally near a warm area of the Pacific, our climate will support year-round work and the stature of existing scientific organizations which already have done superb research is recognized throughout the world.

[From the San Francisco (Calif.) Examiner, Mar. 1, 1966]

HOUSE PROBES SHORTAGE: CRISIS IN U.S. SHIPPING

(By E. F. Tompkins)

The war in Vietnam is having a galvanic effect on Congress with respect to our sea power.

It is warning the lawmakers that new merchant marine legislation may be peremptorily required, not only to serve our overseas trade in years of peace, but to assure a ready and adequate defense in another war.

In recognition of a crippling ship shortage disclosed by events in Southeast Asia, the Merchant Marine and Fisheries Committee of the House is quietly conducting an intensive investigation of our sea-borne capabilities.

The Chairman, Rep. EDWARD A. GARMATZ, Democrat, of Maryland, has requested all 535 congressmen to appear at public hearings and "present their views."

In his invitation, GARMATZ said:

"Our national shipping posture is deficient and losing ground."

The chairman's epitome of our maritime situation is not an overstatement.

During several administrations, the Merchant Marine Act of 1936 has remained in force; competent men have served on its executive bureaus, and Congress has appropriated funds for construction and operating subsidies.

The financial effort has, however, been relatively niggardly.

At the same time, the Nation since 1945 has had a large number of World War II carriers moored idly along its coasts and superficially deemed ample for any emergency.

But ocean-going ships become antiquated or obsolete in 20 years, and most of the "mothball fleet" has passed the age limit. As a third factor, too little heed has been given to the shipyard activities of competing countries.

Lloyd's Registry of Shipbuilding, the global authority on the subject, recently issued its report for the last quarter of 1965.

The report showed that in December the United States, the foremost import-export market in the world, was outranked by 11 countries in merchant ship construction.

In December, the Soviet Union was completing in its own yards, as one year's output, 94 freighters, 42 oil tankers and an unspecified number of other "bulk carriers."

In addition, several hundred cargo and passenger ships will be added to the Soviet armadas by satellite countries in the next five years.

Japan, the leading shipbuilder, was turning out 199 vessels; Britain, 184; West Germany, 176, and Sweden, 44.

In contrast, the United States had under construction on Jan. 1 only 44 ships, including replacements, and the administrative budget for fiscal 1967 contains subsidy funds for only 13 more.

Even worse for American prospects, proposals have been made in Washington officialdom that the Merchant Marine Act of 1936 be debilitated in two ways:

By diverting from American to foreign yards the construction of vessels for the American Merchant Marine, and

By rescinding the "cargo-preference" clauses requiring that 50 percent of our maritime trade be reserved to American carriers.

Since 1965, the Navy's Military Sea Transportation Service, previously operating a scanty 40 vessels, has had to charter approximately 100 privately-owned carriers, besides "reactivation" entailing an expenditure of hundreds of thousands of dollars for "reconditioning."

[From the Los Angeles (Calif.) Times, Oct. 11, 1965]

OUR AILING MERCHANT MARINE

Before the year is out a special Maritime Advisory Committee, appointed by the President, is expected to report its proposals for dealing with the manifold and long-standing problems of the nation's merchant marine.

Because of the growing urgency of the situation in this vital economic and military area, Congress may be asked to act on these recommendations as early as next January. Under consideration will be major changes in the 1936 Merchant Marine Act, the basic law for government support of the U.S. Flag fleet.

Despite annual subsidies of about $400 million, the American merchant marine is in an unhealthy condition. In recent years the United States has fallen to fifth place among the world's merchant fleets, and among shipbuilding nations this country now ranks 11th. Japan, for example, currently has 10 times as much ship tonnage under construction as the United States.

American merchant seamen, subsidized by the government to the tune of $200 million a year, are the highest paid in the world, earning at least three times as much as the highest paid foreign seamen. This fact, of course, has helped contribute to the decline of the industry. Foreign flag ships, with their cheaper labor costs, now carry about 91% of U.S. foreign commerce.

The present system of subsidizing the maritime industry obviously hasn't worked. For example, about $125 million a year is being spent on construction differential subsidies, under a plan that pays up to 55% of the cost for new U.S. vessels. But this hasn't achieved a strong, modern fleet. Foreign shipyards are able to build comparable vessels for about 45% of what ships cost in U.S. yards.

The final recommendations of the Maritime Advisory Committee, when they come, are expected to reflect the goals recently set down by Commerce Secretary John Connor. These include increasing the share of the country's foreign trade carried by U.S. Flag ships; building more ships to transport dry and liquid bulk cargoes; and greater labor-management co-operation.

This last aim may prove the most difficult to realize. Since 1934, there have been 25 major maritime strikes, resulting in losses to the industry of billions of dollars. In the past five years alone, 7 million man days have been lost because of strikes.

Foreign competition, domestic labor-management disputes, and high construction, maintenance and crew costs have all played a part in the deterioration of the U.S. merchant fleet. The effects on both the private economy and the nation's balance of payments problem—because of increased American use of foreign shipping—are evident. Less evident, perhaps, is the effect on the U.S. military capability.

The U.S. merchant fleet has sometimes been called the nation's "fourth arm of defense." In times of emergency U.S. Flag ships are required to make themselves available to the Defense Department, as transport vessels. But the number of ships in the active merchant fleet has been steadily shrinking, and many that remain are overage.

How quickly and efficiently these could be put to use if needed is a matter of considerable concern to Defense Department planners.

[From the San Diego (Calif.) Union, Apr. 19, 1965]

OUR MERCHANT SHIPS TOO FEW—STRONG MARITIME FLEET NEEDED

If American people ponder at all about sea power, they probably think about our Navy and conclude that American strength is the finest in the world.

Unfortunately, as naval authorities remind us, naval and weapons power in which the United States excels is not synonymous with "sea power."

Rear Adm. Stephen B. Luce, an authority, summed it up with: "Sea power, in its military sense, is the offspring not the parent of commerce."

In the final analysis, sea power means merchant ships to carry our goods overseas and bring natural resources back. Warships and weapons have a vital role in protecting this movement, but they are not the end product in logistics.

The United States has become an industrial island in the world, absorbing more than half of the world's output of natural resources in its mills and factories. Products of the industrial greatness flow back across the world.

Yet, strangely, our maritime service has dwindled to the point where only 9 percent of our exports are shipped in American bottoms. In 1947, it was 70 per cent.

The commercial aspects of our aging merchant marine fleet is one area for serious concern, our naval posture is another. Together they spell sea power for national defense.

In 1950, the U.S. Merchant Marine adequately supported a war in Korea across 6,000 miles of ocean. If the present conflict in Viet Nam escalated into a comparable war, the United States would not be able to supply its troops without the aid of foreign bottoms.

If this happened, our maritime allies might put conditions on use of their ships that would seriously handicap our freedom of action. This is not speculation—our allies have in the past vetoed an economic and naval blockade of Red China.

No war can be fought effectively if another nation has any say in the military decisions that must be made by the United States alone on the basis of its policy and judgment.

It is significant also that Russia is forging ahead rapidly with its nonmilitary ocean fleet. The Russian cargo ship procurement is more than twice that of the United States. Tanker procurement is five times as great. She has an advanced oceanographic service and the fishing fleet, the nucleus of maritime expansion, is modern and adapted to spying.

Clearly the national interest of the United States depends on a new attitude toward its maritime strength, a modernization of thinking and top-level leadership to bring the civilian fleet from its moribund state.

[From the San Diego (Calif.) Union, Sept. 12, 1965]

SHIP SHORTAGE DELAYS CARGOES FOR WAR ZONE

A recent incident at Long Beach should puncture remaining optimism that in times of emergency the United States can depend upon the ships of our Allies to supply our overseas troops.

For more than two weeks about 10,000 tons of needed construction equipment, material and general supplies waited on the Long Beach dock while U.S. officials frantically looked for a ship to carry them to South Viet Nam.

Mexican officials, explaining their laws forbid ships flying their flag from entering a war zone, ordered the cargo unloaded when the original contracting ship was nearly ready to sail.

On the next attempt, the crew of a Greek freighter refused a $10,000 bonus to carry the U.S. Army supplies to South Viet Nam. The Greeks have no compunctions about sailing into war zones. In the last 18 months nearly 30 Greek ships have been tallied in Communist North Vietnamese harbors, including nine in the first half of this year.

After a delay of more than two weeks, U.S. officials finally found an American flag carrier to ship the essential material to South Viet Nam.

The incident illuminates the increasingly critical problem caused by the declining and once proud U.S. Merchant Marine. Unless the trend is reversed, our economic well-being as well as our security and defense will be affected increasingly.

Since World War II, the American Merchant Marine has slipped from first- to fifth-ranking status in the world. Britain, Japan, Liberia, and even Norway rank ahead of us.

This year Lloyd's Register of Shipping reported that the United States is constructing only 62 of the 1,700 ships on the slips today. This does not include the ships under construction in Red China and Russia, which are increasing emphasis on their maritime fleets.

From the economic standpoint, only about 9 per cent of the estimated 315 million tons of import-export cargo that U.S. ports will handle this year will be carried in American bottoms. If the trend continues, the total will slip to 3 per cent by 1985.

As Rep. WILLIAM S. MAILLIARD of California has noted: "If we do not need a merchant marine fleet (and he firmly believes we do) we're wasting $350 million a year in subsidies. If we do need one, we should keep and increase what we have to the point where the United States once again is a leading maritime power."

Another enlightened position has been taken by Capt. Lloyd W. Shelton, president of the AFL–CIO union for masters, mates and pilots. Noting the Long Beach incident, Capt. Shelton wrote the President that "the only reliable ships are American ships with American seamen," in times of emergency.

He advocates creation of a reserve fleet, partly manned, that can be pressed into duty for emergency shipment of military supplies. The idea might have merit, but it does not touch on the need for a healthy merchant marine at all times.

The present declining state of the U.S. Merchant Marine is a sad commentary for a nation that can afford, and rightly so, whatever it costs to keep superiority in the air and space.

[From the San Francisco (Calif.) Examiner, Feb. 28, 1966]

Grave Threat to Merchant Marine

The American merchant marine, an indispensable element of the national defense, once again has been allowed to decline to a dangerously low level. Worse, large sections of it are threatened with oblivion.

At the end of World War II, a scant 20 years ago, the United States had the world's greatest merchant fleet. Today American bottoms are so few they transport only 9 percent of the nation's foreign commerce.

At the end of World War II our country had the world's mightiest shipbuilding industry. Last year we fell to 12th place. Soviet Russia is building 10 times as many merchant vessels as this country.

As if this decline were not bad enough, a governmental task force has recommended among other things that:

All U.S. passenger ship services be phased out by withdrawal of subsidies.

The total merchant fleet be reduced, with a corresponding reduction in seamen's jobs from 47,000 to 26,000 over the next 20 years.

Subsidized ship construction in American yards be cut further, and American shipping lines be encouraged to contract for construction of future vessels in foreign yards.

These task force recommendations appear to be based on assumptions that the role of surface vessels in military lifts is declining, that this country can count on the emergency use of allied merchant fleets and American-owned ships flying under flags of convenience, and that subsidies in this field no longer bring an adequate return.

But these are questionable assumptions. In the Vietnam conflict 95 percent of all supplies and materiel are moving by ship. Too, Vietnam has shown that our armed forces cannot always count on the use of allied vessels and ships under flags of convenience with foreign crews.

And the subsidy is a sound investment so long as it provides this nation with a merchant marine adequate to the fullest needs of our armed forces.

Recently the public members of the President's Maritime Advisory Committee directly challenged the task force recommendations. These public members called for a strong buildup in all categories of American vessels, and construction of all the vessels in American yards. That is good advice. We urge Congress to follow it.

[From the San Diego (Calif.) Union, Mar. 6, 1966]

Maritime Buildup Overdue: "The Enemy Is Coming by Sea"

Former Secretary of the Navy John B. Connally's warning of five years ago that the "enemy is coming by sea" unfortunately gains increasing credence with time.

Despite the Administration's promise of two years ago that it would "recommend a new policy for our merchant marine," this has not been done.

Meanwhile, the United States has plunged to 12th place among shipbuilding nations of the world. It is carrying only 9 per cent of its world commerce in its own ships, the same percentage as in 1910.

The Soviet Union's merchant fleet of 465 ships ranked eighth in the world in 1951. By 1964, its ranking climbed to fourth with 1,149 ships.

During this 13-year period, the U.S. merchant fleet, second in 1951 with 1,264 ships, dropped to sixth with 968 vessels in 1964.

In Mr. Connally's words, it is obvious the Communist expansionists have come to the "turning point" he mentioned. They have found "there is no easy way to expand their influence without use of the seas."

The Soviet-bloc ships, seen off San Diego's shore, look peaceful and harmless. They are, however, instruments of decisive military, political and economic importance, as we have found in Cuba first and now in Viet Nam.

At a time when our merchant fleet is declining in strength, with 77 per cent of it constructed 20 years ago, Russia churns along at flank speed developing sea transport to pursue its goal of world domination.

What can this country do? It can and must enter the competition.

A beginning is right here in San Diego through the concept of a Maritime Pacific complex capable of serving more adequately the maritime needs of this, a maritime nation.

Port facilities, cargo handling, competitive shipping lines, labor and management cooperation, shipbuilding innovations, new governmental subsidy and ship renewal plans are all vital factors to be considered.

Free Enterprise and government must join together to overcome this challenge from the seas. The problems are great, not insurmountable. Russia is not hindered by labor-management disputes or a lethargic administration. Its go-ahead tactics are dictated.

The enemy is, indeed, "coming by sea." It's long past time to meet the competition.

Mr. FONG. Mr. President I support S. 2439, the sea-grant college bill, of which I am a cosponsor.

The bill authorizes the establishment and operation of sea-grant colleges and programs through education, training, and research in the marine sciences. In hearings before the appropriate committees of the Senate and the House of Representatives, I strongly endorsed the concept of the sea-grant college. It is a much-needed measure which should be enacted as soon as possible.

Our country suffers from a distressing lag in the development and exploitation of our marine resources. S. 2439 would create the means by which we can close this gap by putting to practical use the basic research in marine science. This lag can, and should, be overcome without further delay.

Qualified colleges and other institutions would be assisted under the sea-grant college concept, to expand and upgrade programs of education, training, and applied research in the oceanic field. The practical application of new knowledge obtained through such programs will benefit marine industries such as fisheries and shipping, and help to exploit the untapped resources in the seas around us.

The proposed legislation would do for the oceanic field what has been done so successfully in agriculture under the land-grant college system begun in the last century. It would promote aquaculture in the same manner in which the highly successful agricultural extension service was developed in this country.

Hawaii has a special interest in the sea grant college proposal. As an island community completely surrounded by the ocean and enjoying ideal natural advantages for oceanic work, Hawaii has already embarked on a vigorous program of oceanic activities. The University of Hawaii, which strongly supports these activities, has attracted highly qualified personnel who can contribute substantially to aquacultural extension work.

I strongly urge the approval of the measure.

Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial, entitled "Land Grants to Sea," which was published in the Honolulu Advertiser of September 9, 1966.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Land Grants to Sea

The development of land-grant colleges is one of the great success stories in American education.

Senator Justin Morrill of Vermont in the Civil War era sponsored the bill which gave such public institutions countless acres of underdeveloped land to be held for later sale to finance growth.

Some of our great state universities got started this way, as did the University of Hawaii, which still has title to valuable land.

Now there is a bill in Congress to create "Sea Grant Colleges." The University of Hawaii would be a natural under this bill which has passed the Senate and now awaits action in the House.

The bill would not provide universities land (or sea), but it would provide funds for research and make the designated institutions a focal point for such Federal efforts.

As the land-grant college act came to provide tremendous educational and research resources for development of our states, especially those in the West, so the sea-grant bill promises the nation faster access to the riches of the ocean.

This is not idle talk. There is adequate documentation of the sea's great potential in providing metals, oil, chemicals, and food that will be increasingly needed by a hungry world. The challenge is finding ways to properly locate and harvest these riches.

Hawaii and other states receiving sea-grant college funds under the proposal would be expected to contribute at least a third of the cost of the research programs, a provision that seems fair in view of the special benefits we would receive.

Not only would it enable the university to expand its research and training potential in sea sciences, it would give Hawaii a core of research and development personnel in oceanographic work. This, in turn, could lead to other research and business activity.

Although much of the work would obviously employ scientists and high-level technicians, sea-grant research could involve such things as using our new Community College system as an experimental training institution for applied technology in oceanography. It could feature new methods of fishing or new skills such as sea-mining.

The sea-grant college idea, in short, opens the door for expanded and intensified effort in oceanography for a nation which has too long neglected its "inner space" frontier.

Nobel prize-winning author John Steinbeck, writing in the September issue of Popular Science Monthly, poses this challenge of priorities:

"I do not think that $21 billion is too high a price to pay for a round-trip ticket to the moon. But it does seem unrealistic that we indulge in these passionate pyrotechnics when, under the seas, three-fifths of our own world is unknown, undiscovered and unclaimed . . .

"There is never much argument about appropriations for space shots, but a recent request for money to explore, map and evaluate the hidden places of our mother earth

> brought howls of protest from Congressional leaders . . ."
>
> The sea-grant college program would not be a major one to start with. The first-year appropriation would be $5 million, less than the cost of two new fighter planes. Chances are the Viet Nam war would delay expansion.
>
> But this is an area where the United States must move, and our efforts will be self-rewarding over the years.

Mr. KENNEDY of Massachusetts. Mr. President, as a cosponsor of this legislation I am pleased to speak in support of S. 2439, a bill to establish national sea-grant colleges. I especially want to commend the distinguished junior Senator from Rhode Island for the outstanding work he has done in bringing this proposal before the Congress and for his deep understanding of the valuable contribution this program could make to our knowledge and use of marine resources.

Until just recently our approach to the sea and its resources had been primarily from the surface. We perfected the ships and facilities which operate from the surface to exploit the marine resources lying slightly below the surface. But there are, in addition, tremendous untapped resources along the ocean floor, in the ocean floor, and throughout the expanse of the ocean body to be studied, developed, and exploited for the benefit of the entire Nation, and, indeed, for all mankind.

The incredible quantities of untapped human food resources within the sea stagger the imagination and illustrate the challenge the sea presents to man's technical and scientific ability. Our oceans produce about 400 million tons of animal protein each year—only about 10 million tons of which are being harvested annually. I find it frustrating to contemplate these enormous unutilized food resources lying so close at hand when at the same time more than half of the world's inhabitants are chronically hungry or constantly undernourished.

Not only are we not tapping this unused potential, we are not even maintaining our relative position in the world. For the past 30 years the U.S. fish catch has remained static while fish use has increased. In 1964, we imported fish and fish products valuing nearly $600 million. In the last decade alone the United States has dropped from second to fifth place in the scale of world fish catch, and that part of our consumption which we import has increased by 25 percent.

In part, this decline can be attributed to the enormous fleet of foreign fishing vessels, principally Japanese and Russian, which are operating off our shores taking fish resources which should be ours. But the blame must be placed as well upon our failure as a nation to take the aggressive and imaginative action necessary to make our fisheries competitive with other nations.

But the statistics of food needs, fish catch, and competitive position do not begin to tell the story of the present challenge and opportunity offered by the sea and its resources. The ocean remains our planet's last frontier. We have only just begun to study its physical and biological laws, to seek out its resources and to harness its power for our own needs. It is estimated that man obtains only 1 percent of his food from the sea. While America spends billions annually to probe the limitless and intangible expanse of space, we let three-quarters of our globe lie fallow and practically unproductive. Yet we know from recent discoveries that vast mineral resources lie below the waters—the Continental Shelf is rich in petroleum and minerals; gold and phosphorite are already being mined off our western coasts; and who can deny that the mountains and valleys along the ocean floor contain the same riches as the mountains and valleys which form our land continent? And now our scientific and technical knowledge has advanced to a degree where we can begin to mine them.

Many of us here in the Senate have worked hard on various pieces of legislation relating to the sea—legislation to develop and process fish protein concentrate, to improve the facilities and equipment of our merchant and fishing fleets, and to guarantee the health of our fishing industry against the encroaching forces of foreign competition. But all of these measures, while necessary and important, do not provide the basic comprehensive approach which we need.

The 1958 Geneva Convention on the Law of the Sea in effect gives to those countries that first explore the depths of the sea the right to control them. If we are to become the master of the oceans we must develop and implement bold techniques for exploiting ocean resources.

We need an intensive study and overhaul of our entire fishing and marine resource industries. We need a renaissance in oceanography, aquaculture and marine mining which will move us out of the dark ages of old fashioned techniques, make our marine fleets again the most powerful in the world and establish the United States as the leader in marine and aqua-technology.

Most important of all, however, we need to call dramatic attention to the existence of this last great frontier. Just as sputnik caused a revolution in space technology by concentrating national interest on the conquest of outer space, the same sort of national interest must be stimulated in the conquest of ocean space.

To put it simply, there are just not enough Americans at the present time who know enough about or who are interested enough in the potential of the sea to make possible the commitment of men and resources necessary to conquer the sea. We need a national program, a program which will stimulate our young people while in college to pursue careers in ocean science and technology, which will support basic research, and which will translate the results of this basic research into practical programs attractive to private industry.

Taken together with the act recently passed creating a National Council to give policy guidance in the development of our marine resources, the establishment of a national sea grant college program can provide the foundation for this concerted national effort.

There are already many institutions within the United States which are deeply involved in the study of marine science. Sea-grant colleges would be developed through these institutions, by providing Federal funds to support and augment programs which are presently in existence and by creating new programs. Through the facilities of a university, science and technology will be applied to such areas as underwater prospecting, pollution control, shipping and navigation, mining, food resources and development, forecasting of weather and climate, marine pharmacology and medicine, and recreation.

These sea-grant colleges hopefully will do for the sea what land-grant colleges did for the land. The land-grant college movement caused an agricultural revolution in America. A small investment in agricultural research brought forth great returns in terms of increased production per acre, the release of workers from agriculture, higher output per man-hour, new methods of farming, marketing, and conservation and higher standards of living for the farmer and his family. These colleges are a continuing source of research and experimentation, keeping America's farmers aware of new techniques and knowledge in agricultural sciences and keeping our farmlands among the highest producers in the world.

Similarly, a sea-grant college would have a grant of seashore or lakeshore for experimental plots; it would receive Federal assistance for educational programs in the related fields of oceanography, aquaculture, and marine mining; for research facilities in the practical application of scientific research and techniques and for the creation of extension services to disseminate this information to all fishermen and oceanographers.

We in Massachusetts are particularly well qualified to expand our already considerable efforts in these areas, and to benefit from this program. The Commonwealth of Massachusetts has long been involved in the life of the sea. For centuries, fishing fleets and whaling schooners have sailed from the ports of Gloucester and Rockport, the South Shore and the islands of Nantucket and Martha's Vineyard. Today these same ports are the home base for fleets which farm the Grand Banks and Atlantic waters. And these Massachusetts fleets account for a large portion—10 percent—of the total U.S. commercial fish catch, surpassed only by Alaska and California. However, today, instead of having the 20th century equivalent of the powerful, formidable fleets of the 1800's, our fishermen are working with outdated equipment and inefficient facilities.

We have the resources in Massachusetts to change this. Our State is one of the oldest and most respected centers of marine research in the country. In addition to research facilities within academic institutions such as Boston College, Boston University, MIT, Northeastern, and the University of Massachusetts, Massachusetts is proud of its special marine institutes such as the New England Aquarium, the marine biological laboratories and the Woods Hole Oceanographic Institute.

A national sea-grant college program would give these Massachusetts universities and institutions the additional financial assistance, direction, and encouragement they need to revitalize the fishing and marine industries of New England. Moreover, such a program would give much-needed support to younger, developing institutions.

For example the Southeastern Massachusetts Technical Institute, a new university in southeastern Massachusetts, has just begun a program of research into aquatic sciences and is working closely with industry and civic leaders in the New Bedford fishing community. Southeastern Massachusetts Technical Institute needs the type of assistance envisioned in S. 2439 to strengthen its curriculum and to provide necessary equipment and salaries. And the establishment of a sea-grant college within Southeastern Massachusetts Technical Institute or other institutions in southeastern Massachusetts should bring to the New Bedford area new marine and aquatic industries anxious to take advantage of the research facilities and technological advances which will flow from this program. I believe developing private industry interest is an important aspect of the sea-grant college program. For just as industry has grown around the excellent research and experimental facilities of Boston, industry should grow in the areas around sea-grant colleges wherever they are established.

Leaders within our Commonwealth have already started devising plans to expand research and education in the marine sciences for the benefit of the public. The various Massachusetts universities and institutes involved in aquatic culture have formed the Massachusetts Association for Marine Sciences, where representatives meet regularly to exchange ideas and plan cooperative research. A subcommittee on oceanography has been created in the Governor's Science Advisory Committee and a New England Chapter of the Marine Technology Society has been formed. These efforts to marshall the combined resources of our research and educational community reflect the great interest in the ocean within our State, and testify to Massachusetts capacity to make a positive contribution to the success of these programs—and to our ultimate objective, the conquest of the sea.

Mr. President, this legislation can have a tremendous impact on development of our marine resources. I urge its enactment.

The **PRESIDING OFFICER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to amend the National Science Foundation Act of 1950, as amended, so as to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes."

Mr. PELL. Mr. President I ask unanimous consent that consideration of S. 2439 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1966

The Senate resumed the consideration of the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. ERVIN. Mr. President, if I were a proponent of this civil rights bill, I would advocate cloture, because I would not want anybody to find out what is in it.

A motion is pending before the Senate. We have had virtually no debate upon the motion thus far; however, the proposal is made that we cut off a debate that has not started.

When I was a schoolboy, I read the words of a great American—Patrick Henry. He said:

> Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!

These words of Patrick Henry were the cornerstone upon which America was built.

The men who followed Washington through the Revolution, and whose bare feet bled in the snow at Valley Forge, fought for liberty. They never thought that the day would come, in the history of the Nation they fought to make free, when its highest legislative body would be asked by a President of the United States to pass a bill which would rob all Americans, of all races, of all generations, of the right—a human right—upon which other rights in the final analysis, necessarily must rest: the right of private property. That is the effect of title IV.

My good friend, the senior Senator from Michigan, inserted in the RECORD today the lead editorial from the New York Times.

I think we ought to postpone cloture until correspondents of the New York Times can send some dispatches about the contents of this bill to the writer of this editorial, in order that he might know what is in the bill.

The editorial attempts to appeal to Senators who live above the Mason-Dixon line by making this statement:

> The pending bill, like its four predecessor measures dating back to 1957, is essentially a bill for the relief of the southern Negro.

There is one fundamental distinction between this bill and every other bill bearing the name of civil rights which has been proposed since I became a Member of the Senate. This is the first civil rights bill which is aimed at a section of the country other than the South. It is a bill which proposes that other than southern oxen be gored.

This bill is directed toward the North, the East, the West, and the central portion of the United States as well as against the South, the assertion of the editor of the New York Times to the contrary notwithstanding. Evidently, the editor of the New York Times has never heard of Harlem or of Rochester or of Brooklyn or of Cleveland or of Chicago or of Waukegan or of Milwaukee or of Dayton.

The editor of the New York Times said that this is a bill to bring equality. I am glad there is something in the editorial with which I can agree. I agree that this is a bill to bring equality. The way this bill would bring equality to Americans would be to rob all Americans of their rights, and to put them in a position of mere "subjects," subject to the whims and caprices of Federal bureaucrats.

It is unfortunate that Patrick Henry does not live in this day and make his speech now. This is so because today there are men in high positions who would not state, as did Patrick Henry, "Give me liberty or give me death." They say, "Do not give me liberty. Do not give me freedom. Give me the chain of slavery, of Federal bureaucratic tyranny." Title IV of this bill would give them precisely this.

I do not propose to discuss title IV in detail at this time. The Senate has just heard a magnificent speech by the distinguished minority leader, pointing out the iniquities of title IV. I heard him refer to some of the statements in the press to the effect that if the minority leader stood against forced housing he would hurt the party of Lincoln. I am not a member of the party of Lincoln. I am, however, one who entertains great reverence for the character of that great American, and I am an American who believes in the two-party system.

I would say, Mr. President, that we have reached a tragic day in this Nation when it can be said that any political party, be it Democratic or Republican, will hurt its chances in an election by standing for freedom and liberty for the American people.

The truth is that we have not had many opportunities in recent years to judge how Americans feel upon issues of this character. I say that because in certain States of the Union the candidates for office of both political parties are like peas in the same pod in respect to all legislative proposals which threaten the liberties of Americans under the deceptive title of civil rights bills.

As the distinguished Senator from Illinois [Mr. DIRKSEN] stated a few moments ago, there was a primary election yesterday in the State of Maryland in which the open housing proposition was a major issue. The man who agreed with Lord Coke's statement that a man's home is his castle, and that even the king dare not invade it against the will of its owner received, according to the most recent information, a plurality of the votes cast by Marylanders for the Democratic nomination for Governor of that great State. This primary result makes it apparent that when the people of a State are offered a choice between proposals for Federal legislation which would rob the American people of the freedom for which Patrick Henry spoke, and a continuation of that freedom, they cast their votes on the side of freedom.

The most sacred obligation resting upon government is its obligation to administer justice fairly. I have noticed that when civil rights proposals are made to Congress, they attempt to pervert, they attempt to distort, they attempt to prostitute the administration of justice.

This is so in title IV of the bill which is the subject of the pending motion for two reasons. The first reason is made manifest by lines 16 to 21 on page 28 of the administration's proposal. I shall read these lines:

> (b) Upon application by any party and in such circumstances as the court may deem just, a court of the United States in which a civil action under this section has been brought may appoint an attorney for such party or parties and may authorize the commencement of a civil action without the payment of fees, costs, or security.

As I interpret those words, they authorize the court to appoint an attorney to represent the plaintiff, and they do not permit the court to appoint an attorney to represent the defendant, no matter how poverty stricken the defendant may be. That is a prostitution of the judicial process.

Any law which authorizes the court to appoint an attorney for the plaintiff should, as a matter of evenhanded justice, authorize the court to appoint an attorney to represent the defendant, also. But that is the kind of gimmick we can expect in a bill which was inspired by politics, which was conceived in politics, and whose passage is advocated in politics. There should always be a complete divorcement between bills of this nature and bills relating to the administration of justice.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am delighted to yield to my good friend the Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. Have the proponents of the bill explained on what grounds they justify the provisions of the bill requiring the court to appoint a lawyer for the complainant, and not to appoint a lawyer for the respondent, regardless of the financial difficulties in which a respondent might find himself?

Mr. ERVIN. I listened during all the 22 days of hearings in the Subcommittee on Constitutional Rights for an answer to that question. It was never given. This is a bill which would oppress homeowners for the supposed benefit of a minority race.

They tell a story about the British flier whose plane came down in Ireland during the Second World War. Ireland, of course, was not engaged in the war. An Irish policeman arrested the British pilot but then permitted him to go. The policeman's superior officer found out that the policeman had arrested the pilot and then released him.

Said the superior officer to the policeman, "You should not have released him. Don't you know that Ireland is neutral?"

The policeman replied, "Yes, but I know which side we are neutral on."

It is the same with this bill: the Federal Government, the administration, and the advocates of the bill are neutral on the side of the plaintiffs in the suits to be brought under the bill.

Mr. LAUSCHE. The language which the Senator read definitely means that a complainant can go to a Federal court and ask for the appointment of counsel to bring action against the citizen on the ground that the citizen violated the law; is that not correct?

Mr. ERVIN. That is correct.

Mr. LAUSCHE. What if the respondent comes into court and says, "I am without funds. I cannot defend this action with the U.S. Government against me and I therefore ask you, on the basis of justice and fairness, to also appoint a counsel for me"?

Mr. ERVIN. The judge would have to say, in reply to that unfortunate defendant, "Congress won't let me."

Mr. LAUSCHE. That is the point which the Senator from North Carolina is trying to make with respect to this provision of the bill; is that not correct?

Mr. ERVIN. Yes. To show how unjust it is and how alien it is to the purpose of administering justice, I invite the attention of the Senator to lines 4 through 11 on page 35 of H.R. 14765.

The Senator can appreciate this, because he was a great equity judge.

These lines provide:

> The court may grant such relief as it deems appropriate, including a permanent or temporary injunction, restraining order, or other order, and may award actual damages to the plaintiff, or, in the alternative, if the defendant has received or agreed to receive compensation for services during the course of which the discriminatory housing practice occurred, the court may award as liquidated damages an amount not exceeding the amount of such compensation.

I invite the attention of my good friend from Ohio to the fact when a suit is brought under title IV, the court is authorized to issue a restraining order. As my good friend knows, a restraining order is ordinarily issued by the court on the unproved allegations of the plaintiff without a hearing. Moreover, the judge may issue a temporary injunction to maintain the status quo until the final hearing upon the basis of affidavit alone. By such restraining order and temporary injunction, the court can prevent the owner of property from selling or renting his property for 1 year, 2 years, or 3 years or more if the docket is congested. Then, if the defendant wins the case, and it is found that the allegation that the defendant practiced discrimination against the plaintiff was not supported by the testimony, the defendant may be totally without remedy. This is true because the part of the statute which I first read declares that the court may allow the plaintiff to bring the suit without payment of fees or costs or the giving of security.

When our legal forebears invented the injunction, they saw that it is unjust to issue an injunction unless the party applying for it gives bond to secure the defendant against any damage resulting from its issuance in case the defendant eventually wins the suit.

What we have here is a bill which prostitutes the administration of justice by providing for the appointment of a lawyer for the plaintiff and not for the defendant and, by providing that the plaintiff can obtain an injunction without giving any security to protect the defendant against loss from its improper issuance. Hence, even if the defendant is innocent of any discrimination and is eventually absolved from all responsibility under the proposed law, he will suffer irreparable damage without in any way receiving any recompense for such damages.

Mr. LAUSCHE. Is it not a fact that from ancient times, in courts of equity, whenever a complainant asked for injunctive relief against a defendant, prohibiting a defendant from performing certain acts or using his property, the courts have uniformly declared that injunctive relief would be granted, provided one posted bond agreeing to indemnify the respondent if, at the end, the respondent were proved to be right and the complainant were proved to be wrong?

Mr. ERVIN. The Senator is absolutely right. Under no circumstances should an injunction ever be issued except upon the giving of bond or security to make certain that the defendant will be recompensed for any damages which he may suffer by reason of the issuance of an injunction, if he ultimately prevails in the case.

The provision here is totally incompatible with the administration of justice.

Mr. LAUSCHE. In the language thus far read by the Senator from North Carolina, is it correct to infer that injunctive relief granted by a court of equity, and damages granted by a court of law, all become available to the complainant who has been represented by a lawyer appointed by the court, but that the remedies normally provided in law and equity are not available to the defendant?

Mr. ERVIN. That is true. I say that the drafters of the bill are purposely and deliberately withholding from the defendant in a suit under this bill legal protection notwithstanding such protection is granted as a matter of right to the defendant in any other case.

Mr. LAUSCHE. Based upon the Senator's knowledge of the law of equity, is it fair to state that as a prerequisite to obtaining injunctive relief, in justice, if a defendant is prohibited from using his property, there should be provided a requirement that in the event a complainant cannot prove his case and the respondent has suffered damages and loss, that that respondent should be secure, through the posting of adequate bond, against such loss?

Mr. ERVIN. I would say that would be an essential requirement in any bill which was offered to the purpose of administering justice.

Under the injunctive process to be created by this bill, the plaintiff could get an injunction to prevent the defendant from selling his house for the best and most advantageous offer; and if the defendant won the case in the trial on the merits, he would not only lose the sale of the property but would have no remedy against the unjust suit brought by the plaintiff.

Mr. LAUSCHE. I am grateful to the Senator.

Mr. ERVIN. I said title IV has another provision which can be rightly called a prostitution of justice. It undertakes to establish what is called a Federal Fair Housing Board. Under this title every property owner in the United States who owns residential property and who rejects an offer for its purchase by a member of another race or adherent of another religion can be dragged before the Board. Exactly what the powers of the Board will be, the bill does not make plain.

Those who drew the House amendment to establish the Board were in such a big hurry to draw it and have it pass the House that they did not take the trouble to write out the powers of the Board in detail, or to prescribe the procedures of the Board or to specify the places where the Board should conduct hearings. The amendment merely says that the Board shall act in accordance with the statutes creating the National Labor Relations Board.

I was told by my father, when I was a small boy, that any job worth doing was worth doing well. I am sorry that the drafter of the amendment to establish the Board did not do his job well if he was going to do the job at all. The Board is to have the power to adjudge property rights for all Americans owning or renting residential property.

The people who founded America believed in the right of trial by jury. When Thomas Jefferson wrote the Declaration of Independence, he specified in that great document the reasons why the Thirteen Colonies should sever their political bonds with the mother country, England. He gave as one of those reasons the fact that the people of the Colonies had been denied the right of trial by jury in many cases.

When the Founding Fathers wrote the Constitution, they put four separate provisions in that Constitution providing for the right of trial by jury in criminal cases, providing for indictments by grand juries in criminal cases, and providing for the right of trial by jury in actions at law where the amount in controversy exceeded $20.

Yet we find the House adopted a bill under which the title to a man's home can actually be taken from him and vested in a person of another race, religion, or national origin, against his will. No matter how valuable that house might be in money, the provision of the House bill establishing the so-called Fair Housing Board would deny him right of trial by jury. The owner would not even have the right to have the case tried by the Board in the State where it arose.

I charge here and now that this provision was put in the bill because the proponents of the bill want to circumvent the right of the defendants to trial by jury and create a procedure by which the defendants will be denied the basic rights which they would enjoy in trials in courts of law where impartial judges preside.

There is irony in calling this proposed Board a Fair Housing Board. I predict that if Congress is foolish enough to enact this proposal into law and thus deny property owners access to courts and the right to established procedures which experience shows are necessary to the proper administration of justice, there will be nothing fair about this Board.

I say this for the reason that the experience of this Nation has shown that when boards of this character are established the public does not enjoy the services of fair and impartial board members, but, on the contrary, crusaders for the cause for which the board is created are appointed to those positions.

I have always suspected that the reason men devise schemes to have boards rather than juries pass on the rights of citizens is because they are afraid juries might do justice.

I sincerely trust that the motion for cloture will be defeated, and that I shall have an opportunity at a later date to speak in some detail in respect to title IV.

I should like to add one thing concerning title IV at this time. When this bill was introduced, I sent a copy of it to one of the best lawyers and most patriotic citizens of the United States and asked him for his comments on title IV. He replied that when he read title IV he found it almost unbelievable that any President of the United States should ask or expect any Congress to pass any bill which is so offensive to the spirit of the due process clause of the fifth amendment and which is so abhorrent to the freedom of all Americans. America has certainly come a long way since Patrick Henry extolled liberty.

Mr. President, I ask unanimous consent that I may yield to my good friend, the Senator from West Virginia [Mr. BYRD], for 10 minutes without losing my right to the floor and without having any subsequent remarks which I may have to make on the pending motion counted as a speech.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the senior Senator from North Carolina.

Mr. President, I will vote against cloture on the motion to take up the proposed Civil Rights Act of 1966. I will do this for two reasons. First of all, as a fundamental principle, I am opposed to forcing a closure of debate in the Senate on any measure and at any time except when the Nation's security and welfare may be otherwise imperiled.

Second, the proposed Civil Rights Act of 1966 would, if enacted as passed by the House of Representatives, create a preferential class of first amendment rights; restrict freedom of contract; vest broad new powers in the U.S. Attorney General and the Department of Housing and Urban Development; establish a Federal Housing Board with new regulatory and quasi-judicial powers; and open the doors for further incursions by the Federal Government into the day-to-day private and personal business affairs of the individual.

The House-passed bill provides an excess of remedies to one class of citizen and is heavily weighted against another citizen, and under title IV it is destructive of the right to freely use, manage, and dispose of one's own property, whether the property owner be white or nonwhite. Property sales would be impeded; property titles would often be placed under a cloud; while property owners, brokers, realtors, and financial lending institutions would be unjustly harassed by private persons as well as by government bureaucrats not answerable to or elected by the people.

A person has a right to acquire or rent property wherever he wishes, but the rights which are vested by title in the owner of property are superior to the rights of the prospective purchaser who holds no title therein, and the property owner is under no obligation, moral, legal, or otherwise, to explain his reasons for refusal to sell or rent to a particular prospective purchaser or tenant. Property rights constitute a basic human right, and, although a man's home, for centuries, has been considered his castle, the outer wall will be breached, the moat will be dry, and the drawbridge will be permanently down if the so-called Civil Rights Act of 1966 were ever to become law.

Mr. BYRD of Virginia. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to yield to the distinguished junior Senator from Virginia for 10 minutes, with the understanding that by so doing I will not lose my right to the floor, and with the further understanding that any subsequent remarks I may make shall not be considered an additional speech on the pending motion.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I thank the distinguished Senator from North Carolina. I wish to associate myself with the distinguished Senator from West Virginia in the remarks he has just made.

I, too, shall vote against the motion for cloture.

The bill which is under consideration, H.R. 14765, is a very far-reaching piece of legislation. It can affect the daily lives and the property rights of all of the citizens of our Nation.

I am convinced, Mr. President, that before this legislation is enacted, there should be a thorough discussion of it on the floor of the Senate, and that the people of the United States should be aware of just how far reaching this legislation is, and should know far better than they do now the details it involves.

It is unfortunate that emotional aspects have obscured the broad constitutional issues.

There are eight separate titles in this legislative proposal. There has been very little discussion on the floor of the Senate. There have been only a half dozen speeches made in regard to it. As a matter of fact, when the cloture motion was filed 2 days ago, there had been only one speech in regard to the proposal.

If a motion for cloture is to be filed so quickly in the game, and this should become a precedent, we will soon come to find that a cloture motion will be filed along with the bill itself.

I think this is no time to put cloture on the Senate. The proposal is too far reaching. There has been too little discussion. Most of the discussion has been centered around one title—title IV; a vitally important one, it is true, dealing with whether a person shall be permitted to dispose of his property as he wishes—a very basic right of an individual.

But that is not the only proposal in H.R. 14765 that merits detailed consideration.

The distinguished Senator from North Carolina made what to my mind is a very telling point about title I of the proposal. I am taking these figures from memory, and if I am inaccurate, I hope the Senator from North Carolina will correct me, but, as I understand it, 58 Federal judges from all over the United States have indicated to the Senator from North Carolina that title I should be either completely rewritten or defeated, because it is so far reaching in its effects on the jury system of our Nation.

So, Mr. President, I again associate myself with the remarks of the Senator from West Virginia and the Senator from North Carolina in opposition to the cloture motion upon which the Senate will vote later in the day.

If the Senate votes today against cloture, I hope the majority leader will lay aside H.R. 14765 for the duration of this session.

But if the legislation remains before the Senate, I shall speak in detail in an effort to point out the legislation's far-reaching implications.

This I was prepared to do last Friday, but a quorum was not available.

Mr. HOLLAND. Mr. President, will the distinguished Senator from North Carolina yield to me very briefly, without losing his right to the floor?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Florida, without losing my right to the floor, and without having any subsequent remarks I may make counted as an additional speech on the pending motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, I thank my distinguished friend, the Senator from North Carolina and captain of the team on which I have the honor to serve, for yielding to me briefly. I thank him further for having designated me as the Senator on his team who should have had the pleasure of opening this debate last Tuesday, a week ago yesterday.

I want the record to show that I was ready with a speech of some length, and that I regret the fact that nobody will ever have the opportunity to hear that speech. Maybe it has been a pleasure to others to miss that occasion, but to me it has not been a pleasure not to have the chance to deliver it. Under the circumstances which have arisen, I shall not have that opportunity.

I wish to call attention just briefly, however, to the peculiar facts in this situation. Mr. President, when the cloture motion was filed Monday morning, there had been just one speech in support of the position taken by the group of which I am a member—that is, the position of strong opposition to this bill. That was the case, Mr. President, because for 3 days of last week there were no quorums present.

I remember that day before yesterday, my distinguished friend, the Senator from Michigan, served notice to the Senate that 10 able members of the Judiciary Committee, whom he named, were supporting the measure, and placed in the RECORD a report showing their attitude on the matter. I want the RECORD to show, Mr. President, that those 10 distinguished Senators—and I shall call no names—did not show their enthusiasm in supporting the bill by their presence on the 3 occasions last week when no quorum was available. On Tuesday, which was the first day of the debate—announced 10 days or 2 weeks ahead of time—6 of the 10 members of the Committee on the Judiciary who were said to be supporting the bill and had signed the report were not present to help make a quorum. To me, that indicates no great enthusiasm for either bringing up the bill or supporting it.

On each of the 2 other occasions when quorums were lacking, 3 of the 10 distinguished Senators who supported the bill as members of the Committee on the Judiciary and whose statement of support was placed in the RECORD were not present to help make a quorum.

I have taken my figures from the reported voting record of the efforts to obtain a quorum last Tuesday and the other 2 days last week when no quorum was available.

As a result, those of us who oppose the bill have not been able to make statements which we have prepared carefully and upon which we have deep convictions. To my mind, that makes this situation vastly different from any other that I have known in the 20 years I have served in the Senate.

This is the first time that a cloture motion has been filed with virtually no chance given to the opponents of the measure, prior to the filing of the motion, to make their convictions known. Only one of the many opponents of this measure had been heard during the limited time that was available for debate last week.

Mr. President, the second thing that differentiates this situation so greatly from that which has obtained in other years is the fact that the so-called advocates of the measure have not seen fit to express on the floor of the Senate the reasons why they feel that this measure is worthy of passage by the Senate.

To my mind—and I have seen a good many of these extended debates—this is the first occasion, in at least 20 years, when such a situation has existed. I call the attention of the Senate to the fact that earlier this year, and in the latter part of last year, when efforts were made to call up a bill to repeal section 14(b) of the Taft-Hartley Act, long and exhausting debate was had by both the opponents and proponents of that measure upon the motion to take up.

That has been the case uniformly with reference to other instances of extended debate during the period of service of the Senator from Florida.

I do not know why my friends who claim to support the bill heartily have been unwilling or unable to make their statements on the floor of the Senate in support of the philosophy of the bill. But I call attention to this as indicating a very great difference between this situation and the situations which have existed heretofore.

I regret that, up to yesterday, we had not had any statement on the floor of the Senate in support of the philosophy of the bill. Yesterday, my distinguished friend, the senior Senator from Oregon [Mr. MORSE], in accordance with his custom, spoke out rather frankly, though very briefly, in support of the proposed measure.

Mr. President, with that exception, no statement has been made in explanation of the reasons for support of the proposed bill by those who support it.

I call attention to this as being a fact which greatly differentiates the present situation from that which has existed before.

I ask the Senate to form its own conclusions as to why these differences exist. But I do want the RECORD to show that they do exist. In particular, I want the RECORD to show that the cloture motion, filed at such an early date in the debate, has operated so as to prevent the making of statements by many Senators who are deeply opposed to the philosophy of the bill and who have prepared statements in support of their position. These Senators have not been given a chance to make their speeches.

I shall not take any more of the time of my distinguished friend, the senior Senator from North Carolina, who is so ably prepared on this measure.

I would feel derelict if I did not say, before yielding the floor back to the Senator, that the thanks of the Senate and of the whole country are due to the Senator for the deep study he has made of the proposed bill and for the way he has exposed the bill as being so thoroughly unconstitutional, so thoroughly unwise, and so thoroughly contrary to the philosophy of a free America which has prevailed ever since this country saw its beginning so many years ago.

I thank the distinguished Senator for yielding.

Mr. ERVIN. Mr. President, I thank the distinguished Senator from Florida for his very gracious remarks concerning my activities in respect of the bill.

Mr. HART. Mr. President, will the Senator from North Carolina yield to me without losing his right to the floor?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to my good friend, the senior Senator from Michigan, and to the minority leader for a colloquy between them, with the understanding that by so doing I will not lose my right to the floor, with the further understanding that any remarks I may make subsequent to their colloquy shall not be counted as an additional speech on the pending matter, and with the further understanding that the colloquy will appear in the RECORD immediately before the beginning of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HART. Mr. President, I thank the Senator from North Carolina very much. There may or may not be a colloquy. However, I think the RECORD should, in fairness, reflect that there was an interruption as the distinguished minority leader was concluding his speech. I was standing, seeking recognition. The Senator from North Carolina was recognized.

I then sought out the Senator from Illinois to ascertain whether he wanted to be in attendance when I finally had an opportunity to reply.

I discovered that, in the passage of some 30 minutes, one's bile subsides and nerves stop quivering. Much of the results of the note taking that I engaged in while our delightful friend, the Senator from Illinois, was speaking will just be put in my pocket.

It comes as no surprise that one deeply interested in the proposed measure was disappointed that the minority leader so clearly stated his inability to support the bill. However, that is not what is before the Senate.

The able minority leader correctly described the important contributions which I know of my own knowledge he made in the development of the Civil Rights Acts of 1960, 1964, and 1965.

Mr. President, we are asking today that the Senate be permitted to take up the proposed civil rights bill of 1966 so that we can do the same sort of job again. That is all that is pending as we approach the rollcall.

My disappointment was deepened because the minority leader felt that he could not assist us in permitting the Senate to consider the bill.

I think one need be no more than a reader of the daily newspapers to recognize that much effort has gone into the development of this piece of legislation over many months. Our colleagues in the House spent many weeks in the process.

The subcommittee, presided over by the distinguished Senator from North Carolina, spent many days of hearings on the bill and accumulated a record of some 1,800 pages.

The House-passed bill was substituted in that subcommittee. The subcommittee then made some further amendments to the House bill.

As the senior Senator from Florida remarked earlier, 10 members of the Committee on the Judiciary have filed the equivalent of a report on the bill. It is a full report. It describes the chronology, states the reasons that persuade that substantial majority of the Committee on the Judiciary that we should pass the proposed measure, and indicates the very limited number of additional amendments which we felt should be made.

Mr. President, in the light of this moment of history and the work that has preceded this day, I had continued to hope that the minority leader might at least see his way clear to support the effort to permit the Senate to complete its action on this legislation.

Other statements made by the minority leader went to other points, and some of these I was saddened to hear. But I think they do not bear on the question of whether the Senate should take up this bill today or not. So it is these references that I shall put in my pocket.

He asked, "Quo vadis?" in an analogy, and I think it fair on our part to ask, "Quo vadis?" If the report goes out in the cities of America that the Senate will not even be permitted to take up the bill, none of us has a crystal ball, and nobody knows what the response and reaction will be, but there are some very frightening possibilities.

This brings us to another aspect of the argument: The Senate ought not to act under pressure; there is misconduct abroad. I buy that argument. We ought not to legislate because of riots. We should legislate in spite of them. Over and above that, we should be permitted to get into the position where we can legislate and continue to respond in law as we did in 1964 and 1965.

The Senator from Illinois reminded us that we must do the right thing, whether it is popular or not. He made the statement that he would not be frightened by anything and that we ought not be. Then he mentioned the results of the Maryland primary, to prove I do not know which of those points. The results of that primary can be read any way one wishes; and if it has frightening political consequences to one for supporting this bill, then one should adopt the principle of doing what he thinks is right, whether there is political jeopardy or not.

If one wants to look at it on the basis that 2 to 1 the people voting in the Democratic primary rejected the man who mouthed that business about the castle, then one need not be brave at all. One can do what is right without being worried.

I return to the basic concern: There is a time to debate the constitutionality of this bill. There is a time to analyze, section by section, the titles, which in part was what the Senator from Illinois was doing this morning. But that time is when we have the bill before us for debate.

The Senator from Illinois inserted in the RECORD a letter from a constitutional law teacher. That letter will be read by us tomorrow, when the RECORD is printed, not today, when we have the question, Shall the Senate be permitted to debate the bill?

Those of us who are lawyers do have a responsibility beyond that of the nonlawyer, to make judgments with respect to the constitutionality of this and every other question. We can entertain in our own hearts whatever judgment of ourselves as constitutional lawyers we want to pass. I have not had any doubt about the constitutionality of this bill, but in my own heart I have never assigned myself the title "constitutional expert."

I am comforted that I shall have put into the RECORD again today a statement signed by 26 men whom the world labels as experts in constitutional law, their solid judgment that there is nothing unconstitutional about title IV. We can still disagree about that, but the time to debate that is when we have the bill up. Let us bring the bill up.

The Senator from Illinois also said that the concern of the public is not about race or color; it is about conduct. This was in connection with the discussion on the housing section. Nothing in that title denies the homeowner the right to pass judgment with respect to the conduct and the character of anyone seeking to purchase a home. All it says is that one shall not assert the right to judge him on the basis of color.

I hope that nobody in the Senate really wants to argue the proposition that one of our freedoms that must be protected is the right to discriminate against me because I go to a church that somebody else does not go to, or that I spell my name in a funny way, or bear a color that was given me by God different from the color that the other fellow was given by God.

Freedom of choice does encompass a broad reach, and it is basic in our society and is to be defended. But I see nothing offensive in imposing on property the prohibition that racial discrimination is one of the freedoms that may not be engaged in. As we all know, after the bill finally passed the House, this prohibition was diluted susbtantially.

But we still have the right, as each of us will insist shall be retained in this field and every other field, to judge a man on the basis of his being good or bad as an individual.

That is the way you and I want to be judged. That is the way we should be required to judge others.

Not all of the Irish are saints. Some of them are identified as exceptionally exemplary in their conduct. Some Negroes have rioted in the streets. So have some white. And they are a minority of both.

One of the clearest examples of racism is to take the position that some Negroes have rioted, and therefore all should be denied rights. I know that is an argument that some good friends of mine have used, and they would be shocked to hear it identified as racism; but it is racism, pure and simple. One Irishman is bad; therefore, they are all bad. One is a drunkard; therefore, the whole nation is composed of drunkards.

I do not like that reasoning, and for a good reason. I do not like to hear that kind of reasoning used with respect to any other group.

The time will arrive in our proceedings when we can debate this bill line by line.

We cannot do that until the Senate permits us to take up the bill. When that day comes any number of responses can be made.

I do not see any violation of the first amendment—I say, as I turn toward the Senator from North Carolina [Mr. ERVIN].

I am not caused to worry by the suggestion of the Senator from Illinois [Mr. DIRKSEN] that because there is a requirement to reduce to writing a direction one gives for the sale of his property to a broker that free speech is shut down. My understanding is that the statute of frauds has been on the books for a good many centuries, and that enforcible agreements with respect to property always have been in the law.

But this is the kind of debate we will have when the Senate votes to debate the bill. We are now asking only that we be permitted to proceed to that debate.

The bill is responsive to needs which I think are documented. My greatest disappointment, therefore, is that the Senator from Illinois [Mr. DIRKSEN], whatever his views with respect to specific substantive features of the bill, could not and will not join us in an effort to permit the Senate to be in a position to work its will.

Mr. ERVIN. Mr. President, there are several very good reasons why the Senate should not take up the bill.

The first reason is that nobody ran for President or the Senate in the last general election on a platform urging legislation which would rob all American people of the right to determine to whom they should sell their property, or to whom they should rent it. So I think that before the Senate acts upon legislation of this character, we should await the happening of a general election in which all those who believe we should no longer have a free society in America can advocate forced housing and determine what their constituencies may feel with regard to the issue, and in which all of those who, like myself, still believe that we should have a free society, can take that position and ascertain whether the love of liberty still lives in the hearts of Americans.

We have a system in America today whereby any man of any race can buy a residence or rent a residence in any part of the United States if he finds a willing buyer or a willing landlord. It is ridiculous to talk about this being a bill to produce equality among the American people. Mr. President, if I can say to you under the law that you have to sell your house to me or rent your house to me, regardless of your wishes in the matter, it is foolish to maintain that you and I are treated equally. Your rights are subordinated to my wishes. In truth, you are put under bondage to me.

Let us consider the first amendment; the Supreme Court has handed down a number of decisions to the effect that one of the basic rights of all Americans is the right of freedom of association. Thus, Mr. President, this raises a very simple question, as far as title IV is concerned. The question is whether the American people shall have the right of freedom of association insofar as the establishment of residential areas is concerned. To put it in simpler terms, the question is whether the American people shall have the freedom to establish residential patterns in accordance with their own wishes or whether residential patterns throughout the United States shall be established by Federal bureaucrats sitting on the banks of the Potomac River. Such residential patterns as we have in the United States today were established by our people in the exercise of the rights which belong to men in a free society.

I have noticed in the East, and in the West, and in the North, and in the South, that where people are free to select their own associates and associates for their immature children, they virtually always select people of their own ethnic background. The truth is, Mr. President, that people have a tendency to segregate themselves in residential areas on the basis of race in accordance with a natural law that people seek neighbors of like ethnic origin. For that reason the effort to bring about compulsory racial integration in residential communities, as proposed in title IV of the bill, is an effort which is repugnant to a law of nature.

I happen to think that the most precious value of civilization is the freedom of the individual. Title IV is incompatible with the freedom of the individual; it is incompatible with a free society; and it is incompatible with the right of freedom of association guaranteed to all Americans by the first amendment.

Mr. President, another reason why the Senate should not take up the bill which is the subject of the pending motion is the fact that the House bill has never been considered by a Senate committee. While the Subcommittee on Constitutional Rights did conduct 22 days of hearings upon a so-called civil rights bill at this session, it was on quite a different bill from the one toward which the motion to take up is directed.

TITLE I OF THE CIVIL RIGHTS BILL: 1,000 YEARS OF WISDOM REJECTED

Mr. President, in the year 829 the Emperor Louis the Pious, son of and successor to Charlemagne, ordered that in the future, the royal rights were to be decided by the sworn statement of a jury of the "best and most credible people of the district."

"Monumenta Germaniae Historica, Capitularia," ii, No. 88, translated in Pound and Plucknett, "Readings," page 141. Today the Senate of the United States is asked to discard the wisdom gained through 1,137 years, by enacting title I of H.R. 14765.

It is difficult to speak too strongly against this title. Hearings before the Subcommittee on Constitutional Rights have demonstrated no need for the changes it proposes. Letters from Federal judges all across the Nation have demonstrated that the bill is badly drawn, unworkable, ill advised, and destructive of the right to jury trial as this Nation has known it since before the Constitution.

Mr. President, I hold in my hand letters from some 60 chief judges of Federal district courts from all areas of the Nation, disapproving of the provisions of the bill. I hope on some future occasion, if cloture is not voted, that I will have the opportunity to read these letters to the Senate.

The clerks of Federal courts, representing every circuit in the country, and regarded by the Administrative Office of the U.S. courts as among the best and most informed, testified to the bill's impractical and costly features, and unanimously recommended that it be postponed for study by the Judicial Conference.

This title was conceived in politics, drafted in ignorance, and advanced with a callous disregard for ordinary legislative process. It is contrary to the thoughtful conclusions of years of study by experts on the law and on jury trial.

One thing should be made clear. Title I is not a "civil rights" measure. It has never been claimed as such, and no proof or suggestion has been raised that Federal courts practice systematic discrimination against any group, either religious, ethnic, racial, or economic. The Attorney General in his statement before the Constitutional Rights Subcommittee said, "Title I seeks to end racial discrimination in our Federal jury systems." Yet the Attorney General could point to no instance in which racial discrimination has been practiced in Federal courts. The recent Rabinowitz case, which he now seizes upon to justify his case, held only that the system now in use was improperly administered. The opinion in the decision was roundly criticized even by one of the judges who signed it, as weak, unconvincing, forced, and a misreading of legislative intent.

The Attorney General proposes that we work a drastic reversal of hundreds of years of experience and wisdom in 4 short months merely because he raises the specter of discrimination.

It was not by accident that this title was joined to a highly controversial civil rights bill. The proponents should not claim ignorance of the fact that the emotional furor over the housing provisions of this bill would conceal the provisions of the Federal jury title. They could well expect that the jury title would sneak through without the critical evaluation it so desperately needed.

Thus, it did not come as a surprise to them, nor to me, that in the controversy over this civil rights bill, little attention was paid to the apparently innocuous title I. When the hearings began, I expressed the fear that despite the importance of any proposed change in our Federal jury system, this title would be largely ignored. My fears were borne out. The fact is that until the Subcommittee on Constitutional Rights wrote for opinions from the chief judges of the Federal district courts, there had been no substantive testimony on its provisions. Even the civil rights groups who appeared before the subcommittee gave it only fleeting attention in their preoccupation with title IV.

Title I is an orphan in this bill. It has come to the floor of this body, one step—albeit a long one—from completing its legislative journey, only because its authors have forced many people, against their better judgment, to take sides in favor of its unwise provisions through the simple device of labeling it "a civil rights measure." It would have little support if it had been offered independently and forced to stand or fall on its own merits.

The Attorney General is a servant of the people. He has a responsibility as a Government officer to represent the best interests of all segments and groups of our Nation. But as the highest legal officer of our Government, he has an even more awesome obligation. He carries the responsibility for maintaining the integrity of our legal system, an institution reaching back far into the history of civilized man. Yet he proposes to discharge this duty by claiming that in 1 year he has discovered true wisdom; that all that has been done and written and worked upon to create the present Federal system of jury trials is useless, iniquitous, or so badly in need of repair that reform cannot be delayed—not even for the few short weeks it would take to receive the comments of the Judicial Conference. In 4 months he would have us discard the jury as we have known it since before our independence, and remake it according to the whim of the Department of Justice.

Before I detail the evils of this title, it would be instructive to review the course of jury reform in recent years. In 1941 the Judicial Conference of the United States appointed a committee of five district court judges to study jury selection in Federal courts. That committee, headed by the late distinguished Judge John C. Knox, a senior judge of the southern district of New York, issued its report in 1943. The Knox report has been called the most thorough study of methods of Federal jury selection ever undertaken. Several of the committee's recommendations were presented to Congress and resulted in a thorough reform of Federal jury selection. Other recommendations were implemented by the courts themselves.

In 1957 the committee was authorized to make a further study of the jury system, and it reported in 1960. Since the philosophy of title I is the complete antithesis of the findings of this report, I believe it would be most instructive to quote the first conclusion reached by the committee:

> The jury holds in its collective hands the life, liberty and the welfare of individual defendants in criminal cases and the interests of litigants in civil cases. The importance of improving the calibre of these judges of facts is therefore self-evident. At the same time, jurors must be representative of the community in which they live. Therefore, the Committee recommends that the sources from which they are selected should include all social and economic groups in the community and the jury list should represent as high a degree of morality, integrity, intelligence, and common sense as the jury commission can find in each social and economic group by the use of impartial methods of selection.

So that a full comparison can be made between title I and the conclusions of the Judicial Conference, I ask unanimous consent that the full text of the introduction to the report and its conclusions be inserted in the RECORD at this point.

There being no objection, the introduction to the report was ordered to be printed in the RECORD, as follows:

[The 1960 Report, the Jury System in the Federal Courts, Cited as 26 F.R.D. 409]

METHODS OF JURY SELECTION AND THE ADMINISTRATION OF THE JURY SYSTEM IN THE FEDERAL COURTS

INTRODUCTION

Trial by jury is one of the foundation stones of our system of jurisprudence. With the search for improvement in judicial administration have come attacks on the jury system and proposals for a curtailment of jury trials, the substitution of a system of compensation in motor vehicle accident cases and suggestions for broader use of arbitration. The Judicial Conference Committee on the Operation of the Jury System is of the opinion that trial by jury should be preserved and strengthened rather than eliminated or weakened. For years it has advocated improvements, many of which have been realized, but some remain unfulfilled. A short review of its work brings this out.

In 1941 the Judicial Conference of the United States authorized the appointment of a Committee of five United States District Judges to investigate the need for improvement in the methods of jury selection in United States courts. That Committee made a comprehensive study of the problem of jury selection, and presented its final report to the Judicial Conference in 1943. The report, with recommended legislation, was approved by the Judicial Conference, and distributed to all federal judges and the larger bar associations in the country. Some of the recommendations have been enacted into law by Congress, and many others have been adopted and followed by the trial courts. The Committee report, known as the Knox Report, as Judge John C. Knox was then Chairman of the Committee, has been cited by many text writers, and was, perhaps, the most thorough study ever undertaken on methods of jury selection in the federal courts.[1]

For the past seventeen years the Committee has been retained by the Judicial Conference. From time to time its membership has changed. The scope of its study has been enlarged to include not only the method of selecting juries, but also all matters relating to the operation of the jury system in the federal courts. It is now known as the "Judicial Conference Committee on the Operation of the Jury System."

Through the work of this Committee, legislation has been enacted to establish uniform qualifications for jurors in the federal courts, without discrimination as to sex or race, and from time to time to increase the compensation, subsistence and mileage allowance to jurors. Methods have been encouraged to insure that all economic and social groups of the community are represented and that those persons selected from the various groups should possess as high a degree of intelligence, morality, integrity, and common sense, as can be found; the practice of use of the questionnaire and personal interview method in the selection of jurors has been promoted, thereby eliminating prospective jurors who are either disqualified or unable to serve because of physical handicaps; the cost of the operation of the jury system has been reduced without impairing the work of the courts, and many other ideas have been promoted for improving the jury system and are now in use.

Many bills, introduced in Congress affecting the jury system, are referred to the Judicial Conference for its views, and by it referred to the Jury Committee for study and report. The action of the Judicial Conference is made known to the Congress, and a member of the Jury Committee appears before the appropriate Judiciary Committee to give the reasons underlying its recommendations. Recommendations received for legislation from the various Circuit Conferences, or from circuit or district judges, are handled in the same manner.

Although much has been done to improve the quality of jurors serving in the courts, and to increase the efficiency of the jury system, much remains to be done. As a consequence, at its meeting in September 1957, the Judicial Conference authorized this Committee to make a further study of the jury system in the federal courts, and to utilize the assistance of the Institute of Judicial Administration in this work.

A detailed questionnaire was prepared and distributed to the clerk of each United States district court, requesting a full description of the operation of the jury system in his district. Copies of this questionnaire were also sent to all district judges and jury commissioners for their information. These replies, thoughtfully and accurately prepared, constitute a valuable and unique primary source of information upon methods and problems of administration of the jury system in the United States. They were studied and collated by the Institute of Judicial Administration, and the resulting compilation constitutes a distinct contribution to the understanding of the complex problems involved in the operation of the jury system.

In addition thereto, the Institute has made special studies on various phases of the jury system. After these various primary sources of information had been studied, they were considered in detail by the Committee, representatives of the Institute, and the Administrative Office. A preliminary draft of the report was then sent to all federal judges asking them for suggestions and criticism. After considering the replies, the present report was prepared. The conclusions reached by the Committee are the basis of this report.

A few of these conclusions are of paramount importance:

The jury holds in its collective hands the life, the liberty and the welfare of individual defendants in criminal cases and the interests of litigants in civil cases. The importance of improving the calibre of these judges of the facts is therefore self evident. At the same time, jurors must be representative of the community in which they live. Therefore, the Committee recommends that the sources from which they are selected should include all social and economic groups in the community and the jury list should represent as high a degree of morality, integrity, intelligence and common sense as the jury commission can find in each social and economic group by the use of impartial methods of selection.

To make the selection representative, all groups in the community should be included in the sources from which the list is chosen; women, now everywhere eligible in the United States district courts, should be used; volunteers for jury service should be refused, and economic and social status, including race and color, should not be considered, except to prevent discrimination. The freedom of choice is now much greater than formerly because the qualifications and exemptions of jurors prescribed by state law are no longer applicable in the federal courts.

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[1] The members of the Committee serving with Judge Knox were: Judges Colin Neblett, New Mexico, Walter C. Lindley, Illinois, James M. Proctor, District of Columbia, and Harry E. Watkins, West Virginia.

In order to get better jurors, the Committee recommends greater care in the compilation of the list of jurors whose names go into the jury wheel or box from which trial jurors are chosen. To bring this about it recommends legislation putting the court in control of the selection of names, and providing that the commission, consisting of the jury commissioner and the clerk, should operate under the direction of the court, that questionnaires should be used to supply information as to the qualifications of jurors, that where feasible the questionnaires should be supplemented by personal interviews and finally that full-time jury commissioners may be appointed where needed, with the approval of the Judicial Conference.

Many other suggestions are discussed and a number are approved. The Committee submits this report to the Judicial Conference and to the Bench and Bar with a deep sense of the importance of the subject and a realization that improvements in the jury system as well as in other phases of judicial administration must be made if the jury system is to be retained as a vital part of the administration of justice in a modern world.

Acknowledgment is made to the Institute of Judicial Administration of New York City for the great contribution it has made to this project, and for the advice and help of Professor Shelden D. Elliott, Professor Delmar Karlen and Mrs. Fannie J. Klein of the Institute in the draft of the report, to Mr. Alan Liker, a research assistant of the Institute, for his work, to the clerks of court and jury commissioners for their lively interest and painstaking replies to the Committee questionnaires, and to Judge Richard Hartshorne, United States District Judge for the District of New Jersey and Honorable Leland L. Tolman, Deputy Administrator of the Judicial Conference of New York for valuable help and assistance.

The Director of the Administrative Office and his assistants have assisted the Committee in gathering the data for this report, and Will Shafroth, the secretary of the Committee, has been of great assistance in every phase of the project, including much of the draftsmanship.

RECOMMENDATIONS

The following recommendations concerning the selection of jurors and operation of the jury system constitute the conclusions of the Committee:

I. In order that grand and petit jurors who serve in United States district courts may be truly representative of the community, the sources from which they are selected should include all economic and social groups of the community. The jury list should represent as high a degree of intelligence, morality, integrity, and common sense as possible.

II. The choice of specific sources from which names of prospective jurors are selected must be entrusted to the clerk and jury commissioner, acting under the direction of the district judge, but should be controlled by the following considerations: (1) the sources should be coordinated to include all groups in the community; (2) economic and social status including race and color should be considered for the sole purpose of preventing discrimination or quota selection; (3) women are now eligible by law for jury service in federal courts and they should be selected and called to serve without discrimination on account of sex; (4) political affiliation should be ignored; (5) generally speaking, unsolicited requests of persons who seek to have their names placed upon jury lists should be denied and unsolicited recommendations of names should not be recognized; and, (6) in determining the parts of the district from which jurors are to be drawn,[2] the courts should bear in mind the desirability of conserving the time of jurors and preventing exorbitant travel expense to the government.

III. The statutory requirement that federal courts must observe the qualifications and exemptions prescribed for jurors in the state courts has been abandoned, and jurors should now be called without regard to state qualifications.

IV. The previously recommended legislation for improving the method of jury selection is again endorsed. It provides: (1) final responsibility and choice of means of selecting jurors rests with the district judge; (2) the names of all prospective jurors must be chosen under the direction of the court by a jury commission, consisting of the clerk and a jury commissioner; (3) the per diem compensation of jury commissioners be increased to $10.00 per day, without limitation as to the number of days which can be served, plus travel and subsistence allowances; (4) in districts where the full time of the commissioner may be needed for the adequate performance of his duties, the court may, with the approval of the Judicial Conference, appoint a full-time salaried jury commissioner; (5) in selecting names, the jury commission may send out questionnaires, conduct personal interviews, and use other procedures to determine the fitness of those under consideration; (6) prospective jurors willfully failing to respond or falsely answering may be punished for contempt; (7) throughout the entire process of selection, the commission may avail itself of the facilities of the office of the clerk of the court and members of his staff, and (8) the jury commission must arrange for the drawing from the names of qualified persons, of the jurors who are to be summoned for the various terms of court, and at least one member of the commission must participate in the drawing.

V. In order to determine whether persons under consideration for selection as jurors possess the required qualifications, it is recommended that, when practicable, the practice should be followed in every district of requiring each prospective juror to answer a questionnaire and, where conditions permit, to be personally interviewed, except that in the case of prospective jurors who appear to be clearly qualified or disqualified on the face of the questionnaire, personal interviews may be dispensed with. Where such practice is followed, no name should be placed in the jury box or wheel, or added to the jury list, until the jury commission, from its investigation, is satisfied that the juror is qualified. An example of a questionnaire and form of letter enclosing it, prepared by the Committee, is included in the Report.

VI. An opportunity to apply in writing to be excused should be given before the juror appears for service. If the juror does not apply in advance, but is later excused on his own request after being summoned, the juror should not be paid, either per diem, mileage or subsistence, unless the excuse is one which he could not reasonably have been expected to present before he appeared. In the latter event, the matter of payments should be in the discretion of the judge.

VII. After jurors have been called for service, the district judge should pass upon excuses, and that duty should not be delegated to the clerk or any other person.

VIII. Exclusion from the jury panel or from jury service of classes or groups should be done only with due care and solely by a formal written order of the court.

IX. The mechanics of jury selection and the form and content of records in the office of the jury commission should be given constant and careful attention by the court and the jury commission to the end that clerical work may be at a minimum consistent with efficiency.

X. Waste in the time of the jurors and in government funds can be avoided. This can be accomplished in most multiple-judge courts by placing in the chief judge, or a judge designated by him, assisted by the jury commission, the responsibility for the administration of jury selection, and of the assignment of jurors. In metropolitan districts, jury pools can be used to advantage and will promote the juror's comfort as well as economy of operation.

XI. The present statute authorizing the court to order jurors to be summoned by registered or certified mail instead of by personal service of the summons is satisfactory and should be employed uniformly in all districts. The use of certified mail is recommended as being cheaper and equally satisfactory.

XII. The assignment to trial work of jurors reporting for service should be by lot from beginning to end. All jury pools or rotating systems of assigning jurors should operate by lot.

XIII. The accommodations of courthouses should be such that jurors are not required to wait in corridors and crowded anterooms to be called for service. If a jury pool system is used, suitable and comfortable waiting rooms should be provided. Adequate arrangements for the comfort of women jurors should be provided and no juror should be kept waiting in reserve beyond the time when it can be ascertained that he will not be needed for that day.

XIV. The use of talesmen for petit juries, as authorized by 28 U.S.C.A. § 1866(a) should be reduced to a minimum.

XV. No person should be required to serve as either a grand or petit juror oftener than once in two years. The law presently provides that a petit juror may be challenged if he has previously been called for service within a year.[3]

XVI. All jurors should be given accurate instruction regarding the nature of the duties they will be called upon to perform. To this end it is recommended that the district judge should make it a regular practice to deliver general and carefully prepared oral charges to the grand jury when it is impanelled, and to give all petit jurors instructions acquainting them with the general nature of their duties.

A handbook for petit jurors stating in simple and general terms the duties of petit jurors, originally drafted in 1942, has been recently revised. This is a useful device for acquainting petit jurors with their duties and has been approved by the Judicial Conference of the United States for use by the United States district courts. Its use is again recommended by the Committee.

XVII. The voir dire examination of trial jurors by the judge results in great savings of time and the character of the examination is thereby much improved. The Committee recommends that this practice be followed in all districts where the jury is selected in the presence of the judge.[4]

XVIII. The present federal practice, which permits the trial judge to instruct the jury orally, and to comment upon the evidence, is an outstanding and satisfactory feature of federal procedure and should be preserved.

XIX. The number of jurors necessary to dispose of pending cases may be somewhat reduced by full utilization, under the direction and with the encouragement of the court, of the provisions of existing law which permit the waiver by the parties of their right to jury trial in both civil and criminal cases, and of the provisions which permit the parties to stipulate for trial by juries of less than 12 persons or to accept verdicts of a majority of the jurors rather than unanimous verdicts, and by other techniques successfully used in some districts hereinafter described.

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[2] See 28 U.S.C.A. § 1865(a).

[3] 28 U.S.C.A. § 1869.

[4] "Examination of Jurors. The court may permit the parties or their attorneys to conduct the examination of prospective jurors or may itself conduct the examination. In the latter event, the court shall permit the parties or their attorneys to supplement the examination by such further inquiry as it deems proper or shall itself submit to the prospective jurors such additional questions of the parties or their attorneys as it deems proper." Fed.R.Civ.P. 47(a), 28 U.S.C.A. See also, Fed.R.Cr.P. 24(a), 18 U.S.C.A.

XX. Trial jurors should, in the discretion of the trial judge, be permitted to take notes for use in their deliberations regarding the evidence presented to them and to take these notes with them when they retire for their deliberations. When permitted to be taken, they should be treated as confidential between the juror making them and his fellow jurors.

XXI. The subsistence allowance of jurors who are required to remain overnight should be increased from $7.00 to $10.00 per day, and the daily interim travel allowance should be limited to what the juror would receive as subsistence allowance.

Mr. ERVIN. Mr. President, in essence, there are two characteristics that the Judicial Conference recommends for juries; that they be drawn from all groups and segments of society, and that those selected be the best, in terms of intelligence, integrity, morality, and commonsense, of these groups. The bill that the Attorney General recommends, however, would discard this second critical factor. He would choose at random from the community and enlist as those to be given power over liberty, property, and even of life itself, a "cross section" of jurors, including those of the lowest level of intelligence, morality, integrity, and commonsense. Instead of a jury consisting of "12 men good and true," he would enact into positive law Herbert Spencer's opinion that a jury consists of "12 men of average ignorance." In fact, this title goes even further, for the people on the jury might be well below average ignorance, depending on the laws of chance and circumstance.

When the Attorney General testified before the Senate Constitutional Rights Subcommittee on title I, he was asked whether he had conferred with any Federal judges on the proposals he was advancing. He replied:

> We did in drafting of this legislation have the benefit of a study done by the Judicial Conference some years ago. We made use of that in drafting it. We certainly did consult with a number of judges with respect to this.

The subcommittee also decided that it would be wise to consult with judges on this jury legislation especially since the report the Attorney General said he studied appeared to be so different from the bill he drafted.

The subcommittee wrote to each of the 90 Federal district court chief judges in the United States, enclosing a copy of the changes proposed by S. 3296. I have reported to the Senate at length on the responses to this inquiry because of the severe criticism and opposition almost unanimously expressed by the judges. To date, we have gotten over 60 replies—only 2 expressing support for the bill.

It developed from this survey that, very frankly, the measure was a complete mess. Not only does it represent sloppy thinking, but there are some 80 amendments proposed to clean up its sloppy draftsmanship.

Only recently have the bench and bar become aware of the dangerous provisions of title I. The overwhelming opposition from the Federal judges resulted in a proposal before the recent American Bar Association meeting in Montreal to recommend postponement of action by Congress until the bill had been studied. A frantic call to Washington alerted the Attorney General to what he considered the impending disaster. In an impressive speech which displayed more passion than accuracy, he managed to convince the delegates at Montreal that civil rights, justice, and the Great Society would never survive if the motion to study the bill were adopted. By a close vote the American Bar Association declined to take action.

In order to meet the overwhelming opposition from the Federal judges, the Attorney General recently wrote a long letter to every chief judge defending title I. He has kindly provided me with a copy. The letter begins:

> I am writing to explain the provisions of title I of the pending Civil Rights Act of 1966.

It was the position of the Attorney General—and he has clearly said as much—that the judges who had opposed title I in letters to me had misread or misunderstood the bill which I had sent them. These judges, who are paid to interpret the laws, had, according to the Attorney General, misunderstood title I, which pertains to juries, a matter directly within their personal responsibility.

Mr. President, an editorial in the Charlotte, N.C., Observer of Tuesday, August 16, very succinctly deals with this condescension from the Attorney General. I would like to read it at this point:

> NON COMPOS?
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> Those 44 unhappy federal district judges, explains Attorney General Katzenbach, simply "misread" President Johnson's proposals for eliminating racial discrimination in federal jury selection.
>
> Katzenbach's assumption, of course, is that if those judges had read the proposed law "correctly," they would have raised no objections.
>
> Very well. Yet one nagging question remains. In what field are federal judges presumed to be experts? Somehow we had the notion it was the understanding and interpretation of federal laws.

In closing his eight-page letter to the judges, the Attorney General expressed his appreciation for the "thoughtful criticisms and suggestions" they had made. He invited them to send any other comments or suggestions they might have. Today is September 14. The letter was dated August 27. Since he has refused to postpone action on this bill pending receipt of these additional suggestions, presumably he contemplates offering remedial legislation after January 1; after, as he hopes, the bill has already become law.

I have requested formally and informally that consideration of title I be postponed until it could be carefully considered by the Judicial Conference. The Conference is composed of representatives of each judicial circuit, district court judges, and judges from specialized courts. The Chief Justice of the United States presides over the Conference. Ever since its creation every serious proposal affecting the administration of the courts has been referred to the Conference.

On May 13, the Chief Justice expressed some concern over pending civil rights legislation affecting juries. There has been some dispute over which of the many bills introduced he had reference to. It has been strongly denied that he was referring to S. 3296. Yet, a few short weeks ago Judge Kaufman, of New York, was appointed Chairman of the Conference Committee on the Operation of the Jury System, and while still traveling abroad, the Chief Justice appointed the other members of the committee. The committee met this Monday, and the full Conference is scheduled to meet September 20. At these meetings, the jury reform rider to this legislation will be thoroughly and expertly considered.

The Attorney General refuses to wait until the Conference has met and considered title I. He says that he has already had the benefit of the views of the Conference. Time, he says, admits of no more delay. He suggests, in essence, that the Federal jury system, in operation these past 175 years, has been operating badly, that it is constitutionally defective, that the remarks of judges and the opinions of cases are mistaken, and that if something is not done this instant, the entire structure of American justice may collapse. Although he did not experience this revelation until his fifth year in the Justice Department, he expects Congress to act on it in 4 months.

I ask that this body show wisdom by not calling up title I until it has had the benefit of the views of the Judicial Conference. Surely the jury system which has worked so well for so long can limp along a few more weeks until the judges have had a chance to consider the legislation. As I mentioned earlier, the Attorney General stated during the hearings that he had had the benefit of the 1960 report of the Judicial Conference in drafting this legislation. In the view of many Federal judges, title I is contrary to this report.

Legislation intended to implement the recommendations of the report was already before Congress when this measure was introduced. H.R. 5640 passed the House of Representatives and was referred to the Judiciary Committee earlier this session. This bill authorizes a jury commission, acting under the supervision of the court, to select names of prospective jurors from sources prescribed by the court. It would establish commissions with members of outstanding character, to share with the court responsibility for obtaining fair, impartial, representative, and high-caliber juries.

In March 1965, hearings were held before the Subcommittee on Improvements in Judicial Machinery. The bill was supported by the Justice Department and the Judicial Conference. This support, insofar as I am aware, was not formally withdrawn until attention was drawn to it during the Senate hearings on title I.

If title I is so important that delay of a few weeks or a year cannot be tolerated, I wonder how this situation came to pass. Did the judges on the Knox Committee not see this need? Did the Judicial Conference in 1960 overlook it? Why did title I not appear in earlier civil rights bills? Why did the Attorney General support H.R. 5640 and guide its passage through the other body and through a Senate subcommittee? Why, if the need for title I is so critical, do so many judges oppose its immediate enactment? Why has the Chief Justice reconstituted the Committee on the Operation of the Jury System? Why, if the Justice Department conferred with judges and has the benefit of the Judicial Conference's report, does he oppose waiting for them to meet later in the month? Why did 10 clerks, from every circuit in the country save 1, appear to oppose the bill and recommend further study?

The reluctance of the Attorney General to allow closer scrutiny of title I may be explained by the language of the bill itself. Its provisions cannot even withstand a cursory examination of the bill. That first reading will demonstrate why it desperately needs the assistance of impartial and unemotional study. It may also suggest why it was wrongly joined with a highly controversial civil rights bill instead of being offered as a separate bill.

Before I examine the bill in detail, I will comment briefly on the wholesale repeal of existing provisions of chapter 121, of title 28, United States Code that is worked by this bill.

As originally drafted and submitted, the bill did not even permit the exclusion of critical occupational groups from jury service. In their haste to impose their new-found wisdom on the Nation, the drafters repealed section 1863 of the code, which permitted the court to excuse doctors, lawyers, nurses, and other persons with critically needed duties from service on juries. The House of Representatives showed more wisdom than did the Justice Department and saved section 1863 from the wastebasket.

But it is evidence of the slight concern for the needs and orderly processes of Federal courts that the bill still repeals section 1866, which allows use of tales jurors. There is a reasonable difference of opinion as to the usefulness of talesmen. The report of 1960 by the Judicial Conference recommended that their use be kept to a minimum and then only when necessary.

But to repeal entirely section 1866(a) ignores the very practical reason for its present statutory authority and the explanation for the Judicial Conference's reluctance to recommend its complete abolition.

Section 1866(a) is a necessary part of the United States Code needed to prevent the disruption of isolated Federal courts. It occasionally happens that a Federal court sitting for a short while in a remote corner of a sparsely populated State suddenly finds that too many jurors have been struck from the venire, or that from some oversight the need for jurors is larger than was originally planned. In these circumstances, the marshal is instructed to summon persons from the public at large, and they are immediately examined for qualification as jurors.

Without this emergency authority, what is the court to do? It would be forced to suspend the trial, disrupt the schedule of the court, inconvenience the lawyers, the parties, the witnesses, and the judge, and wait for the jury commission to draw, locate, serve, qualify, and summon the additional few jurors to court.

Whatever may be the merits or shortcomings of using tales jurors, in these unique emergency circumstances their use is far preferable to the cumbersome selection procedures required by this bill.

I raise this problem to illustrate just another instance in which careful study is needed before we discard, wholesale, accepted principles and practical rules. There are many other questions that should be studied before changes are made in the existing system. This is true even if we accept the principle embodied in title I.

As I have stated earlier, it would be an insult to the orderly processes of legislation and totally irresponsible for this Congress to reject the accumulated wisdom of so many years merely because the Justice Department feels "it can't wait—can't live with the present system." Well, the Nation has lived with this system for hundreds of years. The present Attorney General lived with it for 5 years. We should ignore his imperious order. The jury system deserves more reasoned consideration.

I turn now to an examination of the provisions of title I in detail to illustrate why I consider this measure ill considered and destructive.

Title I begins with a statement of the policy of the United States with respect to Federal jury trials. It states that no citizen shall be excluded from jury service because of the class or group from which he comes. It also states that all qualified citizens have an obligation to serve as jurors when called. This is merely a restatement of constitutional and traditional law and there is nothing objectional in it save that it might be more artistically drawn.

However, with little knowledge of its effects, the House of Representatives added a sentence to the original draft of section 1861 as submitted by the Department of Justice. This sentence declares that as of right, all persons are entitled to a jury drawn from a cross section of the community. While admittedly the right to a representative jury is a traditional and necessary part of the right to an impartial jury, the addition of these words in the United States Code will work a mighty change in the operation of the jury system.

If every man has a right to a jury drawn from a cross section of the community, and this right is expressed independent of, and distinct from the right to an impartial trial, then hoboes and bums may object to the absence of bankers and millionaires from the jury rolls. Any defendant, indeed, any party in a civil case, may use the generous and obstructive challenge provisions of section 1867 to challenge the jury and delay the case. All he need do is find a slight discrepancy between the myriad groups, occupations, faiths, and classes in his community and their representation on the jury venire. He need claim no discrimination. He need show no prejudice, actual or presumed, from the underrepresentation of this group. Since the court and jury commission are charged by law with carrying out the announced policy of section 1861, any such discrepancy could be challenged.

The addition to the statutes of the absolute right to a jury from a cross-section of the community will work a subtle and profound reversal of consistent court precedent. The law has always regarded a representative jury as an important right, but a right to be measured against the test of an impartial jury. Hitherto, actual or presumed prejudice, or exclusion so egregious that it contaminated the entire jury venire, had to be shown. At the least, the challenging party has to show some relationship between the slighted group and prejudice to his right to an impartial jury.

I do not argue that a jury representative of the community is not a basic feature of an impartial trial. I do object to a careless embodiment of this principle as an absolute feature in positive law. I object to a casual reversal of reasoned and intelligent precedent which, together with the other thoughtless provisions of this title, will threaten chaos and complete disruption of the Federal jury system.

As freewheeling and generous as is section 1861, the policy section carefully omits important language regarding the quality of these Federal juries. Missing is the first and most important recommendation of the Judicial Conference that "the jury list should represent as high a degree of intelligence, morality, integrity, and commonsense as possible." This omission goes to the heart of the legislation. It is the avowed purpose of the measure that integrity, morality, intelligence and commonsense not be a characteristic of Federal juries. This is contrary to the declaration of Louis the Pious, contrary to Blackstone, contrary to the report of the Judicial Conference which the Attorney General said he had the benefit of in drafting this legislation, contrary to the time-honored practice of Federal courts, and contrary to the intent of H.R. 5640, which the Justice Department supported until so recently.

After section 1862, the title then goes on to authorize a jury commission composed of the clerk of court and one citizen of the opposite political party. I will offer an amendment—assuming that the dictates of wisdom are ignored and this bill is called up—which will allow the appointment of more than one commissioner. This permissive authority is contained in the Judicial Conference supported bill, H.R. 5640, and permits the already heavy burdens of the jury commission to be divided among more than one official. The Constitutional Rights Subcommittee accepted this amendment and I recommend it as one minimum essential change.

The following two sections, 1864 and 1865, establish a complicated and expensive procedure for selecting and qualifying prospective jurors. The commission is directed to use voter registration lists as the primary source of juror names. Now it is a sad but true fact that voter registration approaches at best only 75 percent of the eligible citizens of the country. So at a start, 25 percent of the population is rendered ineligible for jury duty in violation of the policy of the title and in violation of the mandates of Supreme Court decisions.

The title does allow the use of additional sources of names. However, it requires that the registration lists be kept as the principal source. In some areas, such as the District of Columbia and my own State of North Carolina, there are alternative sources of names far superior to registration lists. The District uses a city directory containing the names of every resident in the city. In other districts it may well be that one or a combination of sources will give a comprehensive list of nearly every potential juror. In these cases the requirement of the registration list is superfluous and merely creates additional burdens on the already overworked court staff.

An additional defect in using voter registration lists is the fact that in many areas registration is permanent. These lists contain names of persons no longer residents and no longer voters. In some places, these lists are cleared by election officials only occasionally, and I have no doubt that in many areas, the lists are years out of date. The lists also contain the names of people who have died and, while some may consider them nonetheless qualified for voting, this just adds to the burden of the jury commissioners who must send them qualification forms or call them in for interviews, send the marshal out to find them when they do not respond, and keep records on these efforts for 6 years afterward. Reliance on registration lists ignores a major recommendation of President Kennedy's Commission on Registration and Voting Participation, which specifically disapproved of using such lists as sources of prospective jurors.

To show how impractical this requirement is, I point out that in the State of North Carolina we have approximately 2,300 registration lists in various State precincts for voters in statewide elections. In addition, hundreds of municipalities have separate registration lists for voters residing in those municipalities.

We also have, in many cases, school districts and other political subdivisions of the State government which have separate voting lists.

If title I of the proposed legislation is passed in its present form, it will require an inspection of all these various registration lists in all of the political subdivisions of North Carolina by the court clerks and the jury commissioners in order to select the names of persons to go into the jury boxes for the Federal courts in the three districts of North Carolina.

The original text of title I required that at least 1 percent of the names on these voter registration lists be put in a giant master wheel. If this number was too large, it could be reduced to not less than 2,000 names. The present language wisely reduces these numbers to one-half of 1 percent or three times the jurors actually used.

This is a great improvement. Letters from judges have informed the subcommittee that in some districts as few as 65 jurors are used. In other places court is held for just a few weeks, while in largely populated districts, these requirements would mean some 15,000 to 30,000 names in the master wheel. For our overworked judges and clerks, these numbers are far too excessive. The bill supported by the Judicial Conference required not less than 300 qualified names in the jury wheel.

I would suggest that the minimum number in the master wheel of unqualified jurors be set by the judge, who knows from experience how many names are needed to produce a qualified list of sufficient size.

H.R. 14765 requires that the master wheel be emptied and refilled every 2 years between November 15 and December 30. This 6-week period is far too short. It comes right in the middle of the court session, when the press of regular court business fully occupies the time of the court personnel and the clerk. And since the bill does not say otherwise, apparently the court will have to qualify new jurors to sit in cases starting January 1.

I am informed that in the middle district of North Carolina it has been estimated that it would require 12 additional employees working full time for 45 days prior to November 15 to meet this deadline. Since the voter registration lists probably would not become available until after election, this is an impossible task. It would be far preferable, if the courts are to be saddled with this title, to allow them to reconstitute the master wheel periodically at their own discretion, rather than to prescribe a fixed period. At the very least, the fixed period should be sufficiently long to permit the court to attend to its other responsibilities at the same time. The Constitutional Rights Subcommittee amended the bill by making July 1 the deadline, which I consider to be the minimum time limit if any is to be set.

The bill then proceeds to set forth the process by which persons selected from the master wheel are qualified for jury service. First, under section 1865(a) a standard qualification form is to be drawn up by the Administrative Office of the U.S. Courts in consultation with the Attorney General. Since the bill was drafted in the Justice Department, perhaps we should not be too surprised to find that the major litigant in Federal courts has a hand in drawing the form which qualifies the juries which will sit on its cases. The responsibility for administering the jury system rests with the judicial branch of the Government. The executive branch has no place participating in the running of the courts. It should be sufficient that the Justice Department recommends the judges in Federal courts. Certainly it has no business selecting the juries. The subcommittee adopted an amendment deleting this authority and I commend it as an important improvement.

The form given all selected persons requires a multitude of information, and originally asked that the juror put down his "race," "religion," and "occupation." The policy of the title prohibits discrimination according to race; under the provisions of the bill, such discrimination would be impossible.

Race and religion are no business of the Government. There are court decisions saying that the inquiry by the jury commission into race or religion is impermissible and probably unconstitutional. We must not destroy civil liberties in the name of civil rights. I believe we do just that by establishing the idea among Americans that somehow a person's race or religion is a factor for becoming a juror in a Federal court of law.

In hearings, the Attorney General stated that no person would be required to give his race or religion. But the Department of Justice admitted that this would not be made known to the juror. It is an ominous sign that the Justice Department admits they have no right to require such information, but objects to letting the people know they need not give it. So, in effect, the people can decide for themselves whether "race" may constitutionally be required of them from a U.S. court pursuant to Federal law. To help them make up their minds on this question will be the clear warning that failure to comply with the summons to fill out the form, or the willful misrepresentation of a material fact concerning one's qualifications can result in $100 fine or 3 days in prison.

The House of Representatives was wise in striking "religion" from the form. We should show equal wisdom in striking "race" as well. As a minimum, the form should state clearly that giving one's "race" is not compulsory. The American Civil Liberties Union has endorsed my amendment to this effect.

There is another element in this part of the title which illustrates the conclusion I have reached that the person who drafted this bill never saw the inside of a courtroom and has no conception of how juries are selected. The original bill required that every person whose name was drawn had to appear personally before the clerk to fill out the form. In some States, this would mean a 2- or 3-day round trip for a 15-minute formality. In other States, it would mean thousands of persons swarming over the courthouse. The expense and hardship this would impose upon these citizens is incalculable. It ignores the 1960 Judicial Conference recommendation that "the accommodations of courthouses should be such that jurors are not required to wait in corridors and crowded anterooms to be called to service."

The bill has been amended to allow the clerk to mail the form to the prospective juror if he has special authorization. Absent this authorization, one district of North Carolina would have to spend an additional $180,000 every 2 years to have every prospective juror make a personal appearance.

Faced with this cost and the inconvenience involved in a personal appearance, most judges will presumably ask the judicial council of their circuit to allow the use of the mails. I have suggested that this section merely be rewritten so that mail would be used unless it was found advantageous to require personal appearance.

The following two sections, 1866 and 1867, demonstrate the low regard of the drafters for the intelligence and honesty of the Federal judiciary. It requires that the jury commission determine qualifications for jury service "solely" upon the basis of the completed form. Thus if criminal records or the voter list or any other official document indicates that the juror has been convicted of a crime, or has not resided in the district for the required 1 year, or has been an inmate in a mental institution, or is not a citizen, the jury commission has no power to remove the juror. This is left to the judge, who it might be thought, would have other more important business to attend.

But even a Federal judge is not free to exercise his intelligence and determine the qualifications of the juror on the basis of all the evidence. He is restricted to "objective" evidence "obtained by the jury commission." So, if upon voir dire, or even earlier, it comes to his attention that the man has a criminal record, or is otherwise unqualified, he must determine first whether the evidence is "objective" and, second, whether it was "obtained by the jury commission."

I am at a loss to assist this judge in determining the meaning of "objective evidence." Is it "objective" as opposed to "subjective"? Is it material evidence as opposed to oral testimony or written papers? May he use the words of the juror himself or those of the attorneys? Websters Seventh New Collegiate Dictionary defines "objective" as:

> 1. a: of or relating to an object of action or feeling;
>
> b: having the status of or constituting an object: as; (1): existing only in relation to a knowing subject or willing agent (2): existing independent of mind (3): belonging to the sensible world and being intersubjectively observable or verifiable esp. by scientific methods (4) *of a symptom of disease*: perceptible to persons other than an affected individual;
>
> c: emphasizing or expressing the nature of reality as it is apart from personal reflections or feelings;
>
> d: expressing or involving the use of facts without distortion by personal feelings or prejudices;
>
> 2.: derived from sense perception;
>
> 3.: belonging or relating to an object to be delineated.

Whatever objective evidence may be, the judge is restricted to it.

And what may he do with it? He may disqualify a juror who does not meet some, but not all of the stated requirements. He may not disqualify a person who is unqualified by reason of illiteracy. The bill allows him to use three of the four qualifications, but the Justice Department apparently has such little confidence in the integrity of our Federal judiciary that it is unwilling to allow a Federal judge to use his judgment as to whether a person is able "to read, write, speak, and understand the English language." Surely judges who are able to interpret complicated tax laws, administer our antitrust rules, and govern the course of a trial when the very life of a human being is at stake can be trusted to determine whether a person is able "to read, write, speak, and understand the English language."

There is some question in my mind whether the bill allows anyone to disqualify the clearly illiterate. Certainly if the judge cannot make the decision, why should the language be read as allowing the jury commission this power. If the commission can determine whether a person is literate, why cannot the judge be trusted with the same responsibility? I have introduced an amendment which would permit the judge to reject a voter who fails to meet any of the established qualifications—and this amendment permits the judge to base this decision on all the facts, just as he is allowed to do when making any other judgment.

I might add that by a quirk of misdrafting, the judge is not even permitted by this section to excuse persons who claim exemptions. The commission is permitted to do so, but if there is some question whether the juror is exempt under law, the judge is nowhere authorized to take upon himself the awesome responsibility of deciding the question for himself, not even upon "objective evidence obtained by the jury commission." This is just a product of sloppy draftsmanship and a simple amendment I have introduced will correct it.

The next extraordinary provision of this title is section 1867 which has to do with challenges to the composition of the jury. No longer need a litigant prove that the jury was selected discriminatorily or that it was selected in such a way that discrimination must be presumed. All that is now required is that he show a substantial failure to follow the procedures set forth. Prejudice is presumed to occur from such a failure.

Under the language of section 1867, the defendant or the party in a civil case may wait until he has examined the jurors, argued his challenges, and finally accepted the panel. Then, after the jury is empaneled and sworn, and the opening statements have been made, he has yet another chance. If he is overwhelmed by the prosecution's statement, or he suddenly finds that he is overmatched, section 1867 still allows him to make his challenge up until the time the first witness takes the stand.

Upon making the challenge, he is permitted—automatically—to call to the stand the jury commissioners and the clerk. He need show no good cause for interrupting their other duties. He may also, without reason or cause, present "other evidence." This would include the testimony of any other person remotely connected with jury selection, whether other names on the master wheel, or persons not selected from the registration lists. Then, if there is "evidence" of a failure, the party may produce all the records and papers of the jury commission.

The judge has no control over the parade of witnesses, records, papers, and "other evidence" that might be called in this hearing. Indeed, if he should attempt to control the length of the hearing in any manner, he is subject to the objection that the challenging attorney has yet to prove his case, and if we are to accept the interpretation of the Justice Department, the bill prevents the parties from doing any research prior to the moment of the challenge.

Many of the judges who have written have objected strongly to this uncontrolled and interminable hearing. As one wrote, any lawyer could use this section to disrupt completely the functioning of the court and the judge would be powerless to prevent it.

Now I have suggested some very simple amendments to prevent the collapse of the court system threatened under this section. First, I would make the latest time for challenging the jury the moment before they are empaneled and sworn. This is the traditional and logical time to make a challenge. The amendment was adopted by the subcommittee—it repairs the defect in the Justice Department version.

Second, I would require the challenger to show good cause before allowing him to present his parade of evidence. Contrary to the mistaken impression of the Justice Department as expressed in its supplementary memorandum to the subcommittee, section 1867(e) clearly allows the parties access to the records prior to the moment of challenge.

Since the parties can inspect and copy the papers and records of the jury commission in advance, and under the Federal rules can obtain depositions and affidavits from all persons with relevant information, there is no harm in requiring them to present their evidence in a brief to the judge when they move to strike the venire. Then if the papers supporting the motion raise some question of fact requiring evidence, the judge may permit whatever testimony and proof are required. This is the normal way legal motions are presented in Federal court. There is no reason to allow disruption of the trial by the long-winded fishing expedition authorized under the present language of the title.

We move now to another extraordinary bit of legislative draftsmanship in this classic instance of legal illiteracy. The first sentence of section 1867(d) provides that the procedures set forth in this section are to be the "exclusive means" for challenging an improperly constituted jury. The second sentence then provides that "nothing in this section shall preclude any person or the United States from pursuing any other remedy, civil or criminal" for challenging a jury. "The Lord giveth and the Lord taketh away," and so does the Justice Department.

Procedures are established in such a way as to eliminate any conceivable chance of a biased or improperly constituted jury. Yet the Justice Department provides a means for challenging a jury which does not even require a showing of prejudice or discrimination. It only requires a showing of a failure to follow required procedures. Finally, just to make sure that they have not forgotten anything, the drafters allow any other means under the law to challenge the jury.

I shall not belabor this parade of horrors by pointing out all the other inanities in this title. I will not, for example, discuss the stanch conviction of the Justice Department that the use of a jury wheel is essential to the successful operation of title I, and that permitting the traditional jury box or a file would be destructive of the goals of its bill.

There is, however, one additional point I would like to make before moving to the special problems this bill would create for the courts of the District of Columbia.

The proponents of this bill and the Attorney General, have made much of the argument that because of the length of the hearings, and the few very technical amendments adopted by the Constitutional Rights Subcommittee, there is no need for additional study of the bill. The many amendments I have offered belie this assertion, because in my mind they are essential if this bad measure is to be made adminstratively tolerable.

I received a letter recently from Judge Walter Hoffman, of the eastern district of Virginia, sitting in Norfolk. Judge Hoffman raises a number of problems in the bill that I confess have never occurred to me. If at this late date, one judge is able to discern difficulties in this bill, this seems to me all the more reason for deferring the bill so that it can be examined in detail by the experts.

I read Judge Hoffman's letter in its entirety, if only to illustrate the highly technical nature of the problem the Attorney General attempts to deal with so offhandedly:

U.S. DISTRICT COURT,
EASTERN DISTRICT OF VIRGINIA,
Norfolk, Va., September 2, 1966.

Re H.R. 14765.

Hon. SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

Hon. NICHOLAS DEB. KATZENBACH,
Attorney General of the United States, Department of Justice, Washington, D.C.

GENTLEMEN: Responding to your recent communications relative to the jury phase of H.R. 14765, I desire only to make the following comments:

1. I feel that the expense to be incurred in connection with the proposed legislation will not justify the accomplishments, but it is further my view that this is a matter for legislative determination and not for a member of the judiciary to comment upon, other than as an individual.

2. Under § 1870 the word "clerk" is defined as "the clerk of the United States district court or any deputy clerk." Under § 1863 it is provided that the jury commissioner "shall not belong to the same political party as the clerk *serving* with him." This ambiguity under the existing statute has created much confusion. For example, until the retirement of my former clerk (a Democrat) on December 30, 1965, the Norfolk Division for the Eastern District of Virginia had a chief deputy who was a Republican. The jury commissioner was also a Republican. When the clerk retired on December 30, 1965, the judges selected a Republican to succeed him. The chief deputy likewise retired on the same day. The new clerk (Republican) immediately selected a chief deputy clerk who is a Democrat. Not knowing how to interpret the existing statute, I addressed a letter to the Administrative Office of the United States Courts. They did not know the answer. Upon the verbal suggestion of the Assistant Director of the Administrative Office, I have appointed *two* jury commissioners; one being a Republican and the other being a Democrat, the latter a retired Negro principal of a public high school. If the Republican clerk attends the drawing of the jury, the Democrat jury commissioner is with him. If the Democrat deputy clerk attends the drawing of the jury, the Republican jury commissioner is present. In short, I think that the statute should be clarified.

3. Under § 1869(b) it is provided that, during any two year period, no person shall be required to *serve* as a petit juror "for more than thirty calendar days, except when necessary to complete service in a particular case". The word "serve" is confusing. Does this mean that if a juror *reports for service,* but does not actually serve as a juror in any case on that day, he has actually "served"? Or does it imply that a juror must be seated as an active or alternate juror in a particular case? This should be clarified.

4. I am concerned about the practical operation of § 1866(c) relating to drawings from a "qualified juror wheel". Does this mean that jurors must be drawn for each particular case? Does it mean that jurors may be called for a particular day or days, without regard to what case they may be called upon to serve? For example, with one judge presiding in Norfolk at the present time, there are customarily three to four cases set for trial in order to provide a backlog of cases in the event of settlement.

With two judges presiding—and the Norfolk Division is due to have two judges if and when the newly authorized appointments are made—we will set from six to eight cases per day. Assuming these are all jury cases, would the jury commission be required to draw separate panels for each case, or would a drawing for a day or week certain be in compliance with the proposed law? By way of illustration, at the present time when two judges are sitting we call, in civil cases, approximately 31 jurors. We draw the jury in the first case from the first 18 jurors on the list. The six who are not selected to actually serve are then sent to the other courtroom to join the other 13 jurors. The second jury is then selected and the 7 who are not selected for actual service are then excused. We generally call one additional juror to provide for an emergency.

You can appreciate the difficulties which will be encountered if an individual jury must be selected for an individual case. With two judges presiding, and eight civil cases set for trial, we will be required to draw and summon a total of 144 jurors for one day's service, whereas only 24 of these jurors will actually serve. Many of these civil cases are settled shortly before trial, but the jurors must be summoned an appreciable period in advance of the trial and we will not know which cases will be settled. There is, of course, a corresponding increase in the numbers of jurors required for use in criminal cases where the defendant is entitled to ten challenges and the Government uses six strikes.

Section 1866(d) requires service in person or by registered or certified mail. We have never encountered any difficulty in contacting jurors by telephone but, I admit, if the juror has a good excuse for non-attendance on a particular day the deputy clerk will generally call that particular juror on a later day and proceed to the next name on the list.

It is my understanding that once a group of qualified jurors has been validly drawn to serve for a particular period of time—whether it be one month or six months—there is no constitutional right to another drawing for an individual case from the list of qualified jurors. A second drawing by lot is unnecessary. *Albizu* v. *United States,* 1 Cir., 88 F. (2d) 138, cert. den. 301 U.S. 707. The right to an impartial jury is one of *rejection,* not selection. *Tierney* v. *United States,* 4 Cir., 280 Fed. 322, cert. den. 259 U.S. 588; *United States* v. *Marchant,* 25 U.S. (12 Wheat.) 480, 481; *Philbrook* v. *United States,* 8 Cir., 117 F. (2d) 632, cert. den. 313 U.S. 577.

In summary, the drawing from the "qualified juror wheel" for individual cases will cause confusion, waste of time for jurors, and untold expense. As I interpret § 1866(c), it would require a separate drawing for each case. I trust that I am incorrect in this assumption.

5. Finally, the wisdom of § 1867(a) and (c) is without sound reasoning. In 19 years as a practicing attorney and 12 years as a federal judge, I have never seen a criminal case or a civil case in which a defendant cannot benefit by a continuance. An attorney representing a criminal defendant, or a defendant in a civil case, would not be "worth his salt" if he did not "move to stay the proceedings" on the day of trial for the purpose of challenging compliance with selection procedures in every case. He has nothing to lose and everything to gain. In the meantime, witnesses are in attendance from distant points. They may never be available again. Jurors are in attendance and must be excused for the day. Challenges involving the selection of the jury require many hours for hearing. The jury commissioner and clerk (or deputy clerk) who drew the jury may not be readily available. Since § 1867(c) prohibits the disclosure of the names of jurors except "during the pendency of the case"—and we do not know whether this means after suit is instituted or after the case is called for trial and prior to the introduction of evidence—it will result in an untold congestion of court dockets and will completely disrupt the judicial system. The attorney challenging compliance with selection procedures is certainly entitled to a reasonable time to prepare this phase of the case. Since the drawing from both the "master jury wheel" and the "qualified jury wheel" must be *public,* it seems to me that any defendant in a criminal case and any party in a civil case should be required to exercise any challenge a *minimum* of two weeks prior to trial to enable the Court to dispose of this matter.

CONCLUSION

There are many other defects in the proposed system which come to my mind, but time does not permit further comment. The Judicial Conference of the United States has a special Jury Committee to which this proposed legislation should be referred for study before final enactment.

Faithfully yours,
WALTER E. HOFFMAN,
U.S. District Judge.

I wish only to discuss one other matter before concluding. That has to do with the District of Columbia. I requested the chief judge of the district court, Judge McGuire, to comment on title I. He asked Judge Holtzoff to answer my letter. Judge Holtzoff is responsible for the operation of the jury system in the District of Columbia and was a member of the Judicial Conference Committee on the Operation of the Jury System whose report was adopted in 1960. Judge Holtzoff's reply demonstrated some of the great problems inherent in title I. He also requested that the District of Columbia be exempted from title I. This position is supported in the city's press and I would like to read a recent editorial by the Washington Star. It reads:

> [From the Washington (D.C.) Star, Aug. 25, 1966]
>
> WASHINGTON JURORS
>
> The jury section of the 1966 civil rights bill, whatever its merits or otherwise as it would apply to states in the South, makes no sense in the Nation's Capital.
>
> The intent of this provision is to prevent discrimination against Negroes in selecting jurors, and numerous devices have been employed to exclude them from jury service in the South. But this is not the case in Washington. The names of prospective jurors in this city are taken at random from the city directory. There is no racial identification. And the proportion of Negro jurors actually serving is approximately equivalent to the percentage of Negroes in the city's population.
>
> Under the provisions in the bill as passed by the House the names of jurors would have to be taken from voter registration lists. In Washington, this would automatically exclude a substantial number of jurors who live in the city but who vote elsewhere. It would also work a hardship because Washingtonians can vote only in presidential election years, whereas in the states the voters go to the polls, and register if required by state law, every other year.
>
> The problem which this presents here may not be insuperable. But in the absence of any suggestion of discrimination, it is both pointless and a source of needless difficulty. When the Senate gets around to acting on this bill, an amendment exempting Washington from the juror provision should be high on the priority list.

There are compelling reasons for this request. The District Court for the District of Columbia is not an ordinary Federal court. It is the only one which operates both as a State court and as a Federal court. It is the court of general jurisdiction for the entire city. As such, it has more business of a local and a specialized nature than the other Federal courts, which are restricted to purely Federal questions and which leave ordinary legal business to State courts.

Further, the District of Columbia utilizes an unbiased, comprehensive source for jurors' names. The city directory lists the names of every resident in the District. Since names are chosen by lot from the list, there is no chance of discrimination of any kind.

The voter registration lists in the District come nowhere near covering all eligible residents of the city. Since the city votes only in presidential elections, registration only occurs every 4 years. Most people in the city are highly transient, and many retain their voting registration in their own home States. It has been estimated that less than 50 percent of the adult population of the city registers to vote. Clearly, use of the registration lists would be completely unsatisfactory. Under the language of the bill, the jury commission will be required to use this worthless list even though it presently has a perfect alternative. This just makes additional useless work for the busiest Federal court in the country.

Further, the city's courts send out between 2,000 and 3,000 questionnaires each month to get new jurors. This amounted to over 26,000 new names being sought last year. Almost 1,000 names are drawn from the qualified lists each month, or over 11,000 each year. In the district court alone, almost 8,000 persons were summoned, and over 3,000 jurors were accepted for jury duty last year. For 8 months of the year, 700 jurors each month were summoned.

Because of the excellent system now employed by the District Court for the District of Columbia, and because of its extraordinary need for jurors—it has been estimated that jury trial is waived in the District only 3 percent of the time as opposed to 85 percent for the national average—the city should not be saddled with the burdensome title I. There has been no criticism of the District's jury system from any quarter on the grounds of discrimination of any kind. The judges of the District court feel that title I would cause chaos in the court. I see no earthly reason why the District should be included in this bill. Based on these facts, I offered an amendment which would exempt the District from title I. It was defeated in the subcommittee by one vote. Should the bill be acted on despite my urgings, I hope my amendment will be judged on its own merits and accepted by the Senate.

Mr. President, I realize that this speech was lengthy. Its length was necessary, I believe, to inform the Senate and the Nation exactly what title I means to the existence of the right to trial by jury as we have known it for so long. Because all eyes have been drawn to other sections of this bill, I fear there may be a feeling in some parts that title I is relatively innocuous; that because it deals with a matter clearly within the power of Congress, it can be passed without any question of constitutional defects.

Since it does not strike so immediately at the rights of all Americans, as does the open occupancy title, there may be sentiment that title I can be allowed to go on the books with little harm to the Nation.

It is precisely because title I threatens to sneak through that I oppose it so strenuously. It has not been considered carefully by this Congress. Only by the extraordinary step of writing to each Federal chief judge and having clerks from all over the country come to testify at the subcommittee's request, did we discover its inequities. And their analysis, I repeat, demonstrates the great weaknesses and unforeseen evils hidden in the recesses of this bill.

We do not know the costs of this bill, either in dollars or in its effects on the proper administration of the courts. The clerks have testified that they are overburdened with work already, and greatly understaffed. The backlog in our heavily populated districts continually requires that we add more judges to the bench. This bill would inundate the courts with useless and duplicatory work, to an end as one judge has written, of obtaining not better juries but merely more numbers.

Even now, the administrative office is determining the additional costs that enactment of title I would impose upon the judiciary. Their study is not yet complete, but from the incomplete estimates they now have, it has been estimated that title I would add over $20 million to expenses of the Federal courts.

Careful study of the bill and recommendations by the proper legal bodies are essential. If this is allowed, the result will be, not politically motivated legislation hidden and largely ignored in a controversial civil rights bill, but legislation drafted with a true regard for the preservation of this age-old right to an impartial trial by a jury of one's peers. This cannot be accomplished if cloture is invoked today.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CARLSON in the chair). If the Senator from North Carolina will permit the Chair to make this statement, under the unanimous-consent agreement of September 12, the Senate will now proceed to the consideration of the conference report on H.R. 13712.

Mr. ERVIN. Mr. President, in view of this previous order of the Senate, I am unable to finish my speech at this time; and for this reason, I ask unanimous consent that I may be permitted to complete this speech on a later occasion, without having the completion of it counted as an additional speech on the motion to take up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I should like to say to the Senator from North Carolina that I do not know how long it will take to finish the conference report. There possibly will be two amendments of some importance. My understanding is that 3 hours have been allocated to this matter, and tentatively we had set the vote on the cloture motion at roughly 6:30. That would preclude the use of the hour that is generally allowed under the rule, so that there might not actually be any time left.

Mr. ERVIN. That is the reason why I have asked unanimous consent that I may be allowed to complete this speech on a subsequent occasion.

Mr. DIRKSEN. That is right.

Mr. ERVIN. Without having my additional remarks counted as an additional speech.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1966—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13712) to amend the Fair Labor Standards Act of 1938 to extend its protection to additional employees, to raise the minimum wage, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER.** The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House procedings of September 7, 1966, CONGRESSIONAL RECORD, pp. 21934–21940.)

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The **PRESIDING OFFICER.** The Chair announces that under the unanimous-consent agreement, debate on the pending business will be limited to 3 hours, to be equally divided and controlled by the Senator from Texas [Mr. YARBOROUGH] and the minority leader [Mr. DIRKSEN].

Who yields time?

Mr. **DIRKSEN.** Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. **DIRKSEN.** The first discussion, I take it, will come on the conference report itself; and then, if by chance there is a request for a record vote on the conference report, that will be the first order of business.

The **PRESIDING OFFICER.** The Senator is correct.

Mr. **DIRKSEN.** If by chance the conference report should be rejected, it will then be in order, I think, to offer the amendments that are proposed and then will follow whatever votes will come.

Mr. President, I shall be unavoidably detained for a little while at a leadership meeting which begins at 3 o'clock; so I assign the time to my distinguished friend, the Senator from Vermont [Mr. PROUTY], who is a member of the committee, the time to be rationed as he sees fit.

Mr. **YARBOROUGH.** Before the distinguished minority leader leaves, I should state that it is our intention, when sufficient Senators are on the floor, to ask for a yea-and-nay vote on the adoption of the conference report.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** On whose time?

Mr. **DIRKSEN.** Mr. President, I ask unanimous consent that it not be charged to either side.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **DIRKSEN.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Who yields time?

Mr. **YARBOROUGH.** Mr. President, I yield myself such time as I may need on the presentation of the conference report.

The **PRESIDING OFFICER.** The Senator from Texas is recognized.

Mr. **YARBOROUGH.** Mr. President, the Fair Labor Standards Act Amendments of 1966 as agreed to by the conferees of the Senate and House will raise the minimum wage to $1.60 per hour by February 1, 1968, for the 29.6 million presently covered workers, and will extend the protection of the act to over 8 million newly covered workers. I ask consent that there be printed at this point a table showing the numbers added to those now receiving the protections of the act.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated number of nonsupervisory employees added to coverage by H.R. 13712, as agreed to in conference (Data relate to cash wages plus an allowance for tips equal to 50 percent of the applicable minimum wage rate for "tipped occupations")

Industry	Number of employees		
	Added to coverage	Earning less than $1 an hour	
		Number	Percent
	Thousands	*Thousands*	
All nonsupervisory	8,068	1,042	13
Retail trade	1,500	64	4
Restaurants	425	45	11
Hotels and motels	275	49	18
Hospitals and related institutions	1,471	237	16
Miscellaneous services	50	8	16
Laundries	505	111	22
Agriculture	[1] 390	180	46
Transit systems	65		
Agricultural processing in area of production	90	14	16
Taxicabs	100	14	14
Logging	37		
Cotton ginning	34	5	15
Construction	581	27	3
Federal Government	685		
All other industries	[2] 1,860	298	16

[1] Average, May to October 1965.

[2] Includes nonsupervisory employees of public and private primary and secondary schools and schools of higher education.

NOTE.—Coverage estimates relate to scope of coverage in 1969; they do not reflect estimates of employees of employers providing contract services for the U.S. Government.

Mr. **YARBOROUGH.** H.R. 13712 as approved by the conference will provide a minimum wage for newly covered nonfarmworkers of $1 an hour beginning February 1, 1967. This minimum rate will be raised in four annual increases to $1.60 an hour beginning February 1, 1971.

For workers now covered by the act, the minimum wage will be raised from $1.25 to $1.40 an hour beginning February 1, 1967, and to $1.60 an hour 1 year later, on February 1, 1968.

Farmworkers, unless exempted, will be provided a minimum wage of $1 an hour, to be raised in two annual increases to $1.30 an hour beginning February 1, 1969.

In addition to raising the minimum wage the bill will extend protection of the Fair Labor Standards Act to more than 8 million employees. Included are workers in retailing, construction workers, laundry and drycleaning, transit, restaurant, and food service workers; employees engaged in agriculture, agricultural processing, and logging; employees of hotels, motels, hospitals, and institutions of higher, secondary, and elementary education. It would also incorporate basic wage policies for Federal wage board employees, certain employees of naval facilities whose wages are established to conform with those of private establishments in the vicinity where they work, and employees of nonappropriated fund instrumentalities. The wages of these Federal employees are now dependent in part on administrative discretion.

The legislation which we are considering today is a necessary step in remedying present inadequacies of the Fair Labor Standards Act. I strongly urge favorable consideration of this conference report, and I shall explain the provisions of the bill agreed on.

1. "ENTERPRISE" COVERAGE

Before the 1961 amendments to the act, coverage was limited to individual employees who were themselves engaged in commerce or in the production of goods for commerce. The 1961 amendments expanded coverage by adding protection for those employed in an "enterprise engaged in commerce or in the production of goods for commerce." However, the "enterprise" coverage was subject to an annual sales test of $1 million. Separate dollar tests for the construction industry—$350,000—and gasoline service establishments—$250,000—were provided.

Section 3(a) of the present bill would reduce the million-dollar test to $500,000 for 2 years, and then to $250,000. The House insisted that the $250,000 figure be retained. There would be no dollar tests for enterprises engaged in: First, laundering, cleaning, or repairing clothing or fabrics; second, construction; or third, the operation of hospitals and related institutions and institutions of education.

"Mom and Pop" stores—those establishments in which the only employees are the immediate family of the owner—continue to be excluded, and their sales are not to be used in determining the annual gross sales of any "enterprise."

2. TIPS

Section 3(m), defining the term "wage," is amended by adding to the section a provision that the wages paid by an employer to a "tipped employee" are to include tips. There is a limitation that tips cannot exceed 50 percent of the applicable minimum wage. The House accepted this figure as adopted by the Senate. A tipped employee is defined in section 3(t) as any employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips.

3. REVISION OF EXEMPTIONS

A. HOTELS, MOTELS, RESTAURANTS, SEASONAL AMUSEMENT AND RECREATIONAL ESTABLISHMENTS, AND HOSPITALS AND RELATED INSTITUTIONS

The bill repeals the minimum wage and overtime exemptions now provided in sections 13(a)(2) (ii) and (iii) for hotels, motels, restaurants, and hospitals and related institutions, but restores the overtime exemption for hotels, motels, restaurants in a new section 13(b)(8).

As amended, the exemption in section 13(a)(2) would be limited to any retail or service establishment: First, having more than 50 percent of its annual dollar volume of sales of goods or services being made within the State wherein it is located; and second, not within an enterprise described in section 3(s), or having an annual dollar volume of sales which is less than $250,000.

The definition of a "retail or service establishment" in section 13(a)(2) remains unchanged. It is defined as an establishment 75 percent of whose annual dollar volume of sales of goods, services, or both is not for resale and is recognized as retail sales or services in the particular industry.

Expressly carved out from the exemption are establishments or employees engaged in laundering, cleaning, or repairing clothing or fabrics or establishments engaged "in the operation of" hospitals and related institutions, elementary and secondary schools, and institutions of higher education which are within the new "enterprise" coverage. The House insisted upon its inclusion of elementary and secondary schools, but the conferees spelled out that teachers and academic administrative employees would not be covered.

The minimum wage and overtime exemption contained in section 13(a)(20) for any employee of a retail or service establishment who is employed primarily in connection with the preparation or offering of food or beverages for human consumption is repealed, but the overtime exemption is retained in a new section 13(b)(18).

The minimum wage and overtime exemption in section 13(a)(2)(ii) for seasonal amusement and recreational establishments is limited to establishments which do not operate for more than 7 months annually, or which have average receipts for any 6 months of the year which do not exceed one-third of their average receipts for the remaining 6 months of the year.

B. LAUNDRY AND CLEANING ESTABLISHMENTS

The minimum wage and overtime exemption of any employee employed by any establishment engaged in laundering, cleaning, or fabrics (section 13(a)(3)) is eliminated.

C. AGRICULTURAL WORKERS

The bill covers only agricultural workers on the largest farms—the so-called agribusiness enterprises—which used 500 man-days of agricultural labor in any calendar quarter of the preceding year.

A "man-day" is defined in a new section 3(u) as meaning any day during which an employee performs agricultural labor for not less than 1 hour. This provision preserves the substance of the Aiken amendment adopted by the Senate.

Certain employees are to be excluded from both the general man-day count and from the coverage of the act. These employees are not included in determining whether an individual farm exceeds the 500 man-day criteria, and are not covered even though employed by a farm which does meet the criteria. The employees who are so excluded are:

(1) the parent, spouse, child, or other member of an agricultural employer's immediate family;

(2) an employee who (a) is employed as a hand harvest laborer and is paid on a piece-rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece-rate basis in the region of employment, (b) commutes daily from his permanent residence to the farm on which he is so employed, and (c) has been employed in agriculture less than 13 weeks during the preceding calendar year; and

The bill also provides a minimum wage exemption for the children of migrant workers if such children are

(a) sixteen years of age or under and are employed as hand harvest laborors, (b) paid on a piece-rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece-rate basis in the region of employment, (c) on the same farm as their parents, and (d) paid the same piece rate as employees over age sixteen are paid on the same farm.

Although the employment of these children is exempt from the minimum wage requirements, such employment will be included in the 500 man-day count. The House conferees accepted this Senate provision. The conferees agreed to exempt from minimum wage coverage employees engaged in the range production of livestock, although such employees may be counted in the 500 man-day test for coverage.

In addition, the Senate provision exempting from overtime coverage certain employees engaged in sugar processing was retained in the bill, as was the Senate coverage under this act of sugar fieldworkers. The House insisted that the Senate recede from its exemption of certain farmhand cultivation workers, and the provision for averaging the piece-rate compensation paid farmworkers to determine minimum wage compliance.

The bill removes the present minimum wage exemption in section 13(a)(16) for agricultural employees employed in livestock auction operations.

Exemption from the overtime requirements of the act would be preserved for any employee employed, first, in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways for agricultural purposes, and, second, in connection with livestock auction operations—now sections 13(b) (12) and (13), respectively.

D. AGRICULTURAL HANDLING AND PROCESSING

The bill revises the exemptions relating to agricultural handling and processing contained in section 13(a) and section 7 of the act.

The exemptions in section 13(a) for the following employees have been replaced by new overtime exemptions in section 13(b): First, employees employed by country elevators; second, employees employed in the ginning of cotton; third, employees engaged in the transportation of fruit and vegetables or the transportation of farmworkers; and fourth, the sugar processing employees mentioned above.

In regard to the overtime exemptions in agriculture processing, the final result agreed on is almost identical to the Senate provisions, and markedly different from that provided by the House.

The present exemptions for agriculture processing employees are continued in new sections 7(c) and 7(d). Section 7(c) provides a 14-week overtime exemption for employees employed in a seasonal industry, limited to 10 hours a day and 50 hours a week.

The new section 7(d) provides a 14-week overtime exemption, limited to 10 hours a day and 48 hours a week, for employees in an enterprise which is in an industry found by the Secretary of Labor to be: First, engaged in handling, processing, and so forth, of perishable agricultural or horticultural commodities in their raw or natural state; and second, seasonal in nature or characterized by marked annually recurring seasonal peaks of operation at the places of first marketing or first processing of such commodities from farms.

If an employer qualifies for an exemption under both section 7(c) and 7(d), as is generally true in the processing of agricultural products, each exemption is limited to 10 weeks, making 20 weeks the maximum aggregate period of exemption available to an employer under these sections.

E. SMALL NEWSPAPERS

Section 13(a)(8) of the act presently provides a minimum wage and overtime exemption for employees of certain small newspapers if the major part of the newspaper's circulation is within the county in which it is both printed and published, or contiguous counties. This section is amended so that the major part of the newspaper's circulation need only be in the county in which the newspaper is published or contiguous counties, as in both House and Senate bills.

F. TRANSPORTATION COMPANIES

The minimum wage and overtime exemption for employees of street, suburban or interurban electric railways, or local trolley or motor bus carriers in section 13(a)(9) is amended by repealing the present wage exemption and by providing an overtime exemption for operating employees. The Senate amendment which attempted to narrow the overtime exemption was rejected by the conferees.

The minimum wage and overtime exemption for employers in the taxicab business in section 13(a)(12) is narrowed to an overtime exemption for taxi drivers in section 13(b)(17).

G. LOGGING CREWS

The present minimum wage and overtime exemption for logging crews of 12 or less is amended to exempt crews of 8 or less beginning February 1, 1967, in accord with the House bill.

H. AUTOMOBILE, AIRCRAFT, AND FARM IMPLEMENT SALES ESTABLISHMENTS

Section 13(a)(19), exempting any employee of establishments engaged primarily in selling automobiles, trucks, or farm implements from the act's minimum wage and overtime requirements is repealed, and an overtime exemption is provided for salesmen, partsmen, and mechanics employed by nonmanufacturing establishments engaged primarily in selling automobiles, trucks, trailers, farm implements, or aircraft to ultimate purchasers. The resulting language follows the House exemption—including the Senate floor amendment—but with a somewhat narrower scope.

I. GASOLINE SERVICE STATIONS

The overtime exemption for employees of gasoline service stations in section 13 (b) (8) is repealed.

J. PETROLEUM DISTRIBUTION EMPLOYEES

The unlimited overtime exemption of petroleum distribution employees of the type described in section 13(b) (10) is modified in an amendment of section 7 (b) (3) by requiring the payment of time and one-half the applicable minimum wage for hours worked in excess of 40 in any workweek. Also, if such employees work in excess of 12 hours in any workday or 56 hours in any workweek, they must be paid at a rate not less than one and one-half times their "regular" rates of pay.

K. RESIDENT APARTMENT CARETAKERS

The Senate amendment exempting certain resident apartment caretakers was rejected by the conferees.

4. INCREASE IN MINIMUM WAGE

A. PRESENTLY COVERED EMPLOYEES

Employees now covered by the Fair Labor Standards Act would be entitled to a minimum wage of not less than $1.40 an hour beginning February 1, 1967, and not less than $1.60 an hour beginning February 1, 1968.

B. AGRICULTURAL EMPLOYEES

The minimum wage for newly covered agricultural employees would not be less than $1 beginning February 1, 1967; $1.15 an hour beginning February 1, 1968; and $1.30 an hour beginning February 1, 1969.

C. NEWLY COVERED EMPLOYEES

Employees newly covered by the act, except agricultural employees, would be entitled to a minimum wage of not less than $1 an hour beginning February 1, 1967; and, through annual increases, to $1.15, $1.30, $1.45, to the $1.60 an hour over a 4-year-period. Thus by February 1, 1971, all nonagricultural employees subject to the act would be receiving a minimum wage of at least $1.60 an hour.

5. EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

A two-step increase in existing wage order rates would be provided in Puerto Rico and the Virgin Islands—12 percent the first year and 16 percent 1 year later. The review committee procedures provided in the 1961 amendments to the act are retained to assure that the increase in minimum wage orders will not adversely affect employment.

The minimum wages of employees in Puerto Rico and the Virgin Islands covered by the act for the first time would be established by special industry committees subject to the usual standard of reaching as rapidly as is economically feasible without substantially curtailing employment the objective of the minimum wage prescribed for the employees involved.

The House provisions for workers under contract services for the Federal Government were adopted with a modification. The bill now reads:

"(e) (1) Notwithstanding the provisions of section 13 of this Act (except subsections (a) (1) and (f) thereof), every employer providing any contract services (other than linen supply services) under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a) (1) of this section is not applicable, wages at rates not less than the rates provided for in subsection (b) of this section.

"(2) Notwithstanding the provisions of section 13 of this Act (except subsections (a) (1) and (f) thereof) and the provisions of the Service Contract Act of 1965, every employer in an establishment providing linen supply services to the United States under a contract with the United States or any subcontract thereunder shall pay to each of his employees in such establishment wages at rates not less than those prescribed in subsection (b), except that if more than 50 per centum of the gross annual dollar volume of sales made or business done by such establishment is derived from providing such linen supply services under any such contracts or subcontracts, such employer shall pay to each of his employees in such establishment wages at rates not less than those prescribed in subsection (a) (1) of this section."

7. FEDERAL EMPLOYEES

The bill would incorporate in a new section 18(b) of the act the policy of paying minimum wages and overtime pay as required by the act to certain Federal wage board employees, employees of naval facilities whose wages are established to conform with those in the immediate vicinity, and to employees of nonappropriated fund instrumentalities of the Armed Forces. The provision contemplates the continuance of existing administrative procedures relating to the payment of these workers, but it removes from the realm of administrative discretion the ultimate minimum wage floor.

The minimum wage applicable to these Federal employees will be the section 6 (a) (1) rate—that is, the rate for presently covered workers—except that in the Canal Zone the minimum wage schedule for newly covered workers will apply. The Senate receded from its amendment providing a minimum wage for witnesses in Federal court.

8. APPLICATION OF MAXIMUM HOURS PROVISION

A. PRESENTLY AND NEWLY COVERED EMPLOYEES

The bill would retain the basic concept of time and one-half for hours worked in excess of 40 in a workweek. However, there are three-step adjustments to this standard in the case of nonfarm employees to be covered by the act by virtue of the bill. For these employees, the maximum workweek would be 44 hours during the year commencing February 1, 1967; 42 hours during the year beginning February 1, 1968; and 40 hours after February 1, 1969.

B. COMMISSION SALESMEN

The bill provides that in determining the proportion of compensation representing commissions for purposes of the overtime exemption in the present section 7(b) of the act, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions without regard to whether they exceed a draw or guarantee.

C. HOSPITAL EMPLOYEES

The bill permits hospitals to calculate their overtime on a biweekly rather than weekly basis, provided that employees are paid time and one-half their regular rates of pay for workdays in excess of 8 hours and for hours worked over 80 in a 14-day work period. This basis of computing overtime may be used only where the employees of the hospital have reached an understanding with their employer that the work period is to be a period of 14 consecutive days. The Senate amendment was adopted.

D. NURSING HOME EMPLOYEES

The bill contains a modified Senate amendment exempting nursing home employees from overtime coverage if their hours worked are less than 48 in a week; above 48 hours weekly, time and one-half would be due.

E. BOWLING ESTABLISHMENT EMPLOYEES

Similarly, a modified Senate amendment exempting bowling establishment employees from overtime coverage for hours under 48 worked in a week was adopted.

9. ENIWETOK AND KWAJALEIN ATOLLS AND JOHNSTON ISLAND

An amendment of section 13(f) of the act makes its provisions applicable to employees in Johnston Island and in the Eniwetok and Kwajalein Atolls.

10. HANDICAPPED WORKERS

At the present time section 14 of the act allows the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, to permit the employment of handicapped workers at wages lower than the applicable minimum wage. In accordance with the Senate amendment, the bill adds two new subsections to section 14 relating to the employment of handicapped workers in sheltered workshops and the establishment of work activity centers.

The bill provides that handicapped workers employed in sheltered workshops must be paid wages commensurate with those paid nonhandicapped workers for essentially the same kind of work, but not less than 50 percent of the applicable minimum wage. However, special certificates may be issued by the Secretary for less than the minimum wage in proportion to the worker's productivity where the work is incidental to a training or evaluation program, or under exceptional circumstances where handicaps prevent an individual from engaging in competitive employment.

The conference bill specifies that this provision is to apply also to handicapped workers employed in agriculture.

The bill also authorizes the Secretary to establish special rates of compensation for handicapped workers employed in work activity centers. A "work activity center," as this term is used in the bill, means an establishment designed exclusively for workers whose physical or mental handicap is so severe as to make their productive capacity inconsequential.

The Secretary is directed to conduct a study by July 1, 1967, of wage payments to employees of sheltered workshops and the feasibility of raising wage standards in such workshops.

11. SPECIAL WAGE RATES

The House provision providing for certification by the Secretary of Labor of full-time students for employment at less than minimum rates is retained, including provision for students employed in agriculture. The House receded from its provisions relating to management trainees and new employees.

12. CHILD LABOR IN AGRICULTURE

The bill contains the Senate amendment which would prohibit the employment of any child below the age of 16 in an occupation in agriculture found by the Secretary of Labor to be particularly hazardous.

13. STUDIES

The bill directs the Secretary of Labor to begin immediately a complete study of present practices dealing with overtime payments for work in excess of 40 hours per week and the extent to which such overtime work impedes the creation of new job opportunities. The Secretary is to report his findings and recommendations to the Congress by July 1, 1967.

In accordance with a Senate amendment the Secretary of Labor is directed to make a study of the wage rates paid to Federal employees in the Canal Zone and their effect on canal operation and report to Congress by July 1, 1968.

The Senate provisions relating to age discrimination were replaced by a substitute calling for the Secretary of Labor to submit specific recommendations on age discrimination in employment to Congress by January 1, 1967.

The Senate provision calling for a study and recommendation by the Secretary of Labor regarding emergency strike laws was not agreed to by the conferees.

14. OTHER

Section 601 of the bill amends the FLSA and the Portal Act—which contains the statute of limitations for FLSA—to provide a 3-year—rather than a 2-year—statute of limitations for causes of action arising out of a willful violation of this law. The Senate amendment regarding renegotiation of certain contracts was not agreed to.

In closing, the bill represents an effort to fulfill the promise of the original act and to reestablish its role as the major instrument of the Nation's fair labor standards policies. It reflects a reexamination of current needs to remove substandard working conditions and an effort to change the act to remedy those needs.

I strongly urge adoption of the conference report.

Mr. President, I urge the adoption of the conference report in full.

Mr. President, I ask unanimous consent that such members of the staff of the Committee on Labor and Public Welfare as are needed in connection with the conference report be permitted to be on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Vermont [Mr. PROUTY] is recognized for 10 minutes.

Mr. PROUTY. Mr. President, first I wish to quote from a letter that I sent to Senators last Monday:

> I voted to report the Minimum Wage bill in the Committee on Labor and Public Welfare. I voted for its passage in the Senate. I signed the Conference Report, but informed the conferees that inasmuch as they had deleted two of the most important provisions in the Senate-passed bill, I would seek to have these put back when the Report was called up in the Senate.

Mr. President, I might add that when an amendment was offered on the floor to the minimum wage bill to exempt all farmworkers from its coverage I voted against that amendment.

The letter continues:

> Therefore, when this action takes place next Wednesday I shall urge that:
>
> (1) The Conference Report be rejected
>
> (2) Another Conference be requested
>
> (3) The conferees be instructed with respect to the two provisions listed below
>
> The provisions in the Senate-passed bill which I wish to restore, and which will be voted on separately if the question of instructions to the conferees is pending are:
>
> (A) The piece-work provision for hand harvest workers
>
> (B) The exemption for small business enterprises having sales of less than $350,000 annually
>
> In no sense can a vote to reject the Conference Report be construed as a vote against the Minimum Wage bill, and this is particularly true if one voted for or was positioned in favor of H.R. 13712 when it passed the Senate. A vote to "reject" means nothing more than using the only parliamentary procedure available to maintain provisions in the Senate-passed bill which are so vital to the welfare of the farmers and small businessmen in the country.
>
> I hope I may have your support when the votes are taken.

Mr. President, I wish to make it unmistakably clear that I am not opposed to a minimum wage bill. I have supported it consistently, but in my judgment those of us who served as Senate conferees perhaps did not work as hard as we might have in support of the amendments adopted on the floor of the Senate, or in the subcommittee and the full Committee on Labor and Public Welfare.

Mr. President, I hope that the Senate will reject the conference report on H.R. 13712. I wish to emphasize that I have no desire to kill the minimum wage bill. There are many things in this legislation which I wholeheartedly support. However, I am convinced that the agricultural piece-rate provisions and those which provide for the exemption for small business enterprises which were in the bill which passed the Senate must be included in this legislation.

Due to the parliamentary situation which exists, it is necessary for the Senate to reject the conference report before further action can be taken. I wish to make it clear, however, that following rejection of the conference report, I shall immediately move to return the bill to conference with the House and to instruct the Senate conferees to insist upon the piece-rate provisions for agriculture and the $350,000 retail exemption for small business.

Mr. President, the payment of fair and equitable piece rates to hand harvest labor is an established custom in the fruit and vegetable segments of American agriculture. The average able-bodied and willing worker has always been able to make in excess of the proposed minimum wage and will have no difficulty in continuing to do so, even under the agricultural minimum wage of $1.30 per hour which becomes effective in 1969.

Recognizing this fact, I was successful in having such an amendment adopted in the Committee on Labor and Public Welfare by a vote of 10 to 6. This action was bipartisan, with 5 Democrats and 5 Republicans voting in favor of the amendment.

This amendment provided that where the average of the weekly aggregate earnings of all hand-harvest workers equals or exceeds the applicable minimum wage for agriculture, the minimum wage requirements of the Fair Labor Standard Act would be considered as having been met.

This provision was subsequently modified by the committee to provide that even where this formula was met, each individual harvest employee must be paid at least 75 percent of the minimum wage regardless of his productivity. This compromise was accepted because we believed that the majority party members of our committee who agreed to it would insist that it be retained in conference. Accordingly, no attempt was made to disturb this compromise when the minimum wage bill was considered on the floor of the Senate.

I am certain that the votes were here on the Senate floor to adopt our piece-rate proposal without the compromise. I am afraid that those of us in the committee who really believe in the merits of the agricultural piece rate were the victims of strategic planning. Taking the piece-rate proposal in committee prevented it from being raised as an issue in the Senate, and our acceptance of the compromise cleared the way to completely eliminate this section in the conference.

In hindsight, it is abundantly clear that we should have fought for the piece rate on the floor of the Senate, and retained the provision providing each individual with a floor of 75 percent as a means of accommodating conflicting points of view at the conference.

At the joint conference, the House conferees immediately took the position that the Senate should recede on this issue, and a majority of the Senate conferees agreed.

While the piece rate was not seriously discussed with the House conferees, it was taken up at some length at a caucus of the Senate conferees. The caucus determined to recede on this issue as part of a package covering many other items. This package was summarily rejected by the House conferees, however, and the Senate conferees then voted to recede on the piece-rate provisions by a vote of 8 to 3.

Mr. President, much has been said about the piece rate permitting exploitation of farm labor. The historic practice of paying harvest labor in this manner has been compared to the piece-rate practices of many years ago which existed in some of our factories.

Mr. President, no valid comparison can be made of these wholly unrelated practices. In the industrial sweatshops, which unfortunately did exist at one time, a low piece rate was used to force high production if the employee was to earn a living wage. But the earnings of one employee in a factory were dependent upon the same high production from other employees engaged in an assembly line operation or a similar operation where the production of one employee was directly related to the production of other employees performing a different operation on the same product. To insure high profits at low piece rates, the motivation came from the employer to insure that all employees produced at as high a level as possible.

This is absolutely not true in agriculture. Paying piece rates to harvest workers enables an able-bodied and willing worker to earn much more than any minimum wage. The earnings of one worker are in no way dependent upon the production of any other worker, and the profit of the employer—the farmer, in this case—does not depend upon uniform high production by all employees. The motivation to produce in agricultural piece-rate employment, then, comes from the individual worker and not from the man who employs him.

These differences, Mr. President, were ably pointed out by the senior Senator from Texas in discussions before our committee.

No, Mr. President, paying agricultural harvest labor on a piece-rate basis most certainly does not permit exploitation of farm labor. During 1965, piece rates for the harvest of fruit ranged from 17 to 35 cents per unit, and averaged between 22 and 25 cents. Able-bodied harvest workers easily made between $2 and $3 an hour at these rates— sometimes more.

Much has also been said about this legislation covering only large commercial farms. I have reservations about this when I consider the fact that an applegrower who produces only 15,000 bushels of apples over a 6-week harvest season will exceed the 500-man-day test.

A farmer harvesting apples, who employs 45 harvest hands who work 6 days a week, will be charged with 540-man-days in a 2-week period—30 harvest hands for three 6-day weeks also equals 540 man-days.

Be that as it may, is there anyone in this Chamber today who does not believe that in time every farm in this country will become subject to this legislation? That being the case, should we not consider all our farmers and their practices in defining the application of this act on them at the time we are initially bringing agriculture under the minimum wage provisions?

In considering this legislation, we must consider the unique nature of agriculture and its special problems. The piece-rate provisions do this by striking a fair balance between minimum wage coverage for farmworkers and the effect of such coverage upon our farmers.

Mr. President, I want to make it clear that I voted against an amendment offered in the Senate which would have eliminated all farmworkers from minimum wage coverage. I want to emphasize that I favor and am not opposed to such coverage. However, my vote, as well as many of my colleagues I am sure, was predicated on the assumption that the piece-rate work system provided in the Senate bill would be retained.

Mr. President, the retention of piece-rate payments in agriculture is absolutely essential, and will in no way undermine the agricultural minimum wage provisions.

In the first place, all employees must earn at least 75 percent of the applicable minimum wage. In the second place, the piece rate must return an average hourly wage in excess of the required minimum wage. This will insure that piece rates are set at a level to reward the productive workers.

Unfortunately, the present farm wage statistics published by the Department of Agriculture do not include piece-rate workers. There is a big gap in statistical data. But it is well known that competent piece-rate workers earn a good bit more per hour or per day than workers employed on an hourly or daily basis. This is all to the good and will be continued under the piece-rate provisions of the Senate bill. This system of wage payments is uniquely suited to agriculture and should be retained.

Mr. President, the essential reason for a piece-rate system in agriculture is the seasonality of farm work. Most farmers, including those producing labor intensive crops, do not need to employ a large number of workers during most of the year. However, at harvesttime, they need substantial numbers for periods ranging upward from several weeks.

Because of the temporary nature of such work and the sharp rise in demand for labor at harvesttime, farmers normally employ practically anyone who is available. The agricultural work force consists of persons with widely varying qualifications. Farmers employ the aged and the infirm and the lazy as well as the young and the able-bodied and the willing worker.

Many of these workers set their own pace. Because of the wide range of qualifications, competence and characteristics that farmworkers bring to their jobs, farmers have a limited opportunity to establish work standards.

For many harvest workers, hours are irregular. They come to work at different times; take different and varying lunch and rest periods; and quit work at different times of the day. Unlike industry, agricultural work cannot be regulated by assembly line processes.

Because of these tremendous variables, farmers have used the piece rate method in determining the earnings of hand-harvest workers. This is generally preferred by both the farmer and his workers. It is equitable as between workers who have varying degrees of capability and productivity.

To impose on this system a guaranteed hourly minimum would have disruptive consequences. Without a piece-rate system, we will see the least capable of the farm work force disemployed. Farmers will accelerate the process of mechanization, which in the short run will create more unemployment. And, in many cases, the smaller farmers will be hard pressed to stay in business.

These effects will be moderated to some degree by the provisions of the Senate passed bill which I am attempting to retain.

For example, take the case of a farmer harvesting apples. During the week, his workers average $1.40 an hour at a time when the minimum wage is $1.30 an hour. The earnings of the individual workers range from $1 an hour to $2.20 an hour. Under the provisions of the Senate bill, the farmer would be in compliance because the average earnings exceed the minimum hourly wage required and because no worker is receiving less than 75 percent of the required $1.30 per hour. Accordingly, it would not be necessary for the farmer to pay any supplemental payments to the less productive workers.

I believe that this is a reasonable proposal. It requires the farmer to pay the minimum wage on an average basis, but will permit him to employ at least some of the less productive workers.

Mr. President, I am also convinced that if piece rates in agriculture are destroyed, we will be doing a disservice to the highly qualified farmworker. It is the piece-rate system that enables these workers to make high earnings. As I noted earlier, the available statistics are woefully inadequate, but it is common for workers on piece rates to earn more than employees paid on other bases.

If we establish a flat minimum hourly guarantee, I have no doubt that the productive worker will be penalized. Farmers will have little alternative but to pay the minimum rates we establish. If we make their wage bill on harvest piece rates prohibitive, they may well have no alternative but to pay all workers the same hourly rate regardless of productivity or effort. No room will remain for an incentive system of payment, and the earnings of a large majority of hand-harvest laborers will be substantially reduced.

Mr. President, if the conference report is adopted in its present form, and the farmers attempt to retain the agricultural piece rate, they will be faced with a dilemma at peak harvesttime.

On the one hand, a farmer may refuse to hire the marginal and nonproductive workers—those who cannot produce at the level of the minimum wage that must be paid. This will result in the nonproductive worker—regardless of the reasons for his nonproductivity—becoming an unemployable, thereby increasing unemployment among those now permitted to work and earn according to their productive capacity.

In addition, the refusal of the farmer to hire nonproductive workers at peak harvest will mean in many, if not most, instances that the farmer will be unable to harvest his entire crop. It does not require an economist to tell us that decreased production will mean increased prices of the farm commodities for sale to the consumer.

On the other hand, the farmer may choose to hire nonproductive labor in order to prevent leaving a substantial part of his crop in the fields to rot. This, of course, would result in employment of nonproductive workers at hourly wage rates which exceed their productive capabilities. But the farmer's labor cost will also be increased and again, this increase can only be absorbed by raising the prices of farm commodities to the consumer.

It is perfectly clear, therefore, that if the agricultural piece-rate provisions are not restored to this bill, products will increase in price because of either, first, a smaller harvest, or second, increased labor costs. Either way, the effects will be detrimental to our economy in general, and to agriculture and agricultural employees in particular. Either way, the present inflationary trends will be drastically increased and our farmers, already in a poor position when compared to our other industries, will be placed in an even worse position.

Speaking of inflationary trends, Mr. President, even if the agricultural piece rate is retained, there is going to be a very real increase in the prices of fruits and vegetables to the consumer. If the piece rates are not retained, the increases in the prices of these foods may well get out of hand.

In this respect, I refer to the report of this bill from the Committee on Labor and Public Welfare submitted by the senior Senator from Texas. The following appears on pages 20 and 21:

> The cost of bringing seasonal agricultural wages up to $1.25 an hour is approximately equal to 1 cent per unit for most vegetables and fruits—per pound or per dozen or per head or whatever the ordinary unit may be. If retail prices go up more than that and if the increase is blamed on rising labor costs in the fields, the American housewife should demand a complete and immediate congressional investigation.

This report, then, states that a 1-percent-per-unit increase is justified and implies that such an increase is inconsequential—a 1-cent-per-unit increase for fruits and vegetables, and again I quote—"per pound or per dozen or per head or whatever the ordinary unit may be."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROUTY. I yield myself 5 additional minutes.

Mr. President, I happened to glance at an advertisement of a major chainstore which appeared in last Thursday's edition of the Burlington, Vt., Free Press. At random, I noted the following prices: Cooking apples, 11 cents a pound; tomato catsup, 20 cents a bottle; canned peaches, 27 cents a can; baked beans, 25 cents a can; canned corn, 18 cents a can; fruit cocktail, 34 cents a can; California oranges, 18 cents a pound; and frozen corn, frozen spinach, and frozen peas, 25 cents a package. From the language of the Senate report, I assume that these are ordinary units.

Mr. President, do you know what the 1-cent-a-unit increase endorsed by the committee report would do to the prices of these fruits and vegetables?

It would raise the price of apples by almost 10 percent; the price of catsup by 5 percent; the baked beans by 4 percent; the fruit cocktail by almost 3 percent; the California oranges by more than 5 percent; and the frozen packages of peas or corn or spinach by 4 percent.

The formula used for the calculation of these increases was applied to the Senate bill containing the piece-rate provisions. Without the piece-rate provisions in the bill, this formula loses its validity. The greater additional increases in harvest costs to the farmer will have to be added on, and the 3- to 10-percent increases in fruit and vegetable prices which the committee indicates are warranted and can be absorbed by the economy become merely conservative estimates.

If the piece rates are not returned to this bill, perhaps the American housewife should ask for an investigation—an investigation of how individuals and groups unfamiliar with farming or its problems were able to get legislation enacted which completely disrupts established harvest practices of American agriculture and substantially increases what the housewife must take from her food budget to pay for fruits and vegetables.

Mr. YARBOROUGH. Mr. President, in considering what has been done with respect to farm labor under the bill, we should consider what was done in the House vis-a-vis the position of the House and the Senate.

There were some 10 changes in conference in the bill as it came from the Senate. In three of these, the House position prevailed. In seven of them, the Senate position prevailed.

The bill that comes from the conference gives less protection to agricultural workers than the original bill which came from the House.

In the first place, the House prevailed in these three instances. We passed the piecework averaging provision. It provides that if a farmworker gets paid on a piece-rate basis, such as by the bushel or the sack or the pound, the wages are averaged with respect to what all the people working on that farm make. It is averaged out and the minimum becomes the average wage. In that way we pull down the wage to make the minimum wage the average. That is not done by industry.

It means that the minimum wage becomes the average wage. That is not a fair labor standard to pay a man. In effect, it pulls the floor down and makes the minimum wage the average wage, provided it equals 75 percent of the minimum wage. So in effect, it fixes the wage at 75 cents rather than $1 an hour for agricultural workers.

The House would not recede. It was a major point of the four or five points. The House would not recede on that. The Senate conferees voted on it. The vote to recede was 8 to 3.

The next was the provision pertaining to logging crews. Under the House provision, a logging crew consisting of more than eight, had been included. Under the Senate version of the bill, if a logging crew exceeded six it was included. The House provided that if a crew, whether working in the pine forests of the South or the pulp mills of the North, consisted of more than eight, it would be included. The Senate receded, and the House position prevailed.

Mr. PROUTY. Mr. President, will the Senator yield me 1 minute on my time?

Mr. YARBOROUGH. I yield.

Mr. PROUTY. Is it not correct that the present law relating to logging crews is 12 and that the House reduced it to 8 and the Senate reduced it further?

Mr. YARBOROUGH. Certainly. I said the House position of eight prevailed and the Senate receded.

Next I come to the hand cultivation provision. That was the McGee amendment, and it was taken to conference. The House deleted it from the bill.

Those are the three points with respect to farm labor on which the House prevailed.

The Senate position prevailed in seven instances.

The first was with respect to workers engaged in range production of livestock.

The second was the Aiken amendment which was adopted on the floor and provided that if a person worked less than 1 hour a day, it would not be counted as 1 day. Senators will recall that under the provision of coverage for man-days, the criterion was how many days a man worked. The hours were not the criterion, but the days. There had to be 500 man-days in any one calendar quarter. A regular 3-month calendar period was covered. There was no limit. There was no limit on the hours worked in that day. If a man showed up and did not work because it rained, for example, that day would be counted as a day worked, and the next day he could work 17 hours, and it would still be 2 man-days of work.

The Aiken amendment provided—under the doctrine of de minimis non curat lex—that if a man, for example, worked 35 minutes, it did not count as a day, even though he might work 18 hours the next day. And workers often do that. When I was privileged to work during the wheat harvest in my younger days in Texas and Kansas, I had a team of horses that I had to feed, water, and groom, and get the wagon ready. There was hard pitching of wheat all day, and it was hard work. My job was to water and feed and groom the horses. My days were about 18-hour workdays.

So the Senate's position prevailed in that instance.

The third position in which the Senate prevailed was with respect to seasonal processing in canning plants. It is a long and complicated operation, but it can briefly be called agricultural processing. That provision was in conference between the House and the Senate. The amendment which was adopted in the Senate committee was a bipartisan amendment. It made it easier for the canners, which means it was harder on labor. That amendment was accepted in conference by the House.

The fourth provision in which the Senate position prevailed had to do with overtime exemption for sugar processing employees. It was an amendment offered by the Senator from Louisiana [Mr. ELLENDER] which was accepted by me, taken to conference, and the Senate position prevailed in conference.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. HOLLAND. That amendment was offered by the Senator from Louisiana and the two Senators from Florida.

Mr. YARBOROUGH. I thank the Senator from Florida. I am glad to have that additional information. It was an amendment by the Senator from Louisiana and the senior Senator and junior Senator from Florida.

We were told it was a vital amendment for sugar processing. The amendment was taken to conference, and the Senate position prevailed.

The fifth point was strenuously contested. It was a provision that was accepted in the Senate committee, was adopted by the Senate, and was in conference between the two Houses. It related to the exemption of certain handharvest laborers who are 16 years of age or under and are paid on a piece-rate basis.

Under the bill as it came from the House, this exemption is broader in its exclusion. It is a long and complicated provision, but it offers less protection to the farm laborer, and the House accepted that provision.

Another one that gives protection to child labor was the Senate amendment, adopted in committee, retained on the floor, and held in conference—which for the first time gives protection to child labor in agriculture—providing that employment of children under 16 in agriculture is prohibited when it is an extrahazardous occupation. Certain types of farm labor, due to the high incidence of injury and death, are extrahazardous occupations. That provision, which provides the first protection we have had for children in agriculture under any bill, was retained.

So in seven of these instances, the Senate provisions on farm labor prevailed, and in only three did the House provisions prevail. I think it ill behooves us here to say, where we have prevailed in 7 points, that because we did not prevail in 1 or 2 others, we ought to defeat the whole conference report, with 38 points in it, most of them bitterly contested. But I take it that is the point of the distinguished Senator's letter—that because he does not agree with 2 points out of 38, we ought to destroy the result of many weeks of work in the Committee on Labor and Public Welfare, 3 long days of debate on the floor of the Senate, and then 2 very full, long days in the conference committee with the House.

The able Senator from Vermont says, "Since I do not agree with two things that have been done, let us send the matter back and start all over again." To me that seems, Mr. President, to be a rather unreasonable position to take. But I wish to point out some facts.

I do not yield to the distinguished Senator one instant in his concern about the high cost of living. To the people who write me, phone me, and come to see me, that is a prime article of concern. But I say the Senator's fears are ill-founded as far as this minimum wage bill is concerned, particularly as it applies to the situation in Vermont. I refer him to the Crop Reporting Board compilation of farm labor wages of June 1966, showing what farm labor is paid in the United States. In the State of Vermont, the average wage, if the employee comes and works on a farm without room and board, for a day laborer, is $1.34 an hour. If room and board are included, his average wage, living on the farm, is $1.11 an hour. All of the New England States are above the minimum wage even after 2 years have elapsed, after we get up to the $1.30 an hour. Not a single State in New England is not already paying farm laborers more than $1.30 an hour right now.

This is the latest information we have on farm wages in the United States.

I point out that the average family farm is not affected at all. According to the 1959 census of agriculture, there were 3,708,000 farms in the United States; and, Mr. President, of those 3,708,000 farms, 3,160,000 farms do not have a single hired hand working for them—not 1, all the year long. The work is done by the farmer, his wife, his children, his parents, and such cousins and other relatives as may live with them. In this whole great American agricultural empire, with the greatest agricultural productivity in the world, of our total of 3,708,000 farms, on 3,160,000, the farmer is doing the work with his own brawn and the help of his wife and family.

With the bigwigs hiring many employees and paying them 50 cents an hour, in competition with that family farmer, they are the ones who are destroying the family farmer. This legislation is the bill of rights for the family farmer. He pleads, "Let them pay their employees a dollar, because I and my wife and children are having to compete with 50-cent labor," and that is killing the farmers. It is driving them off the land, denuding this land of the kind of family farmers who built America. I believe that this bill is one of the greatest bills for the family farmer we have had in this century.

On the rest of the farms, the other 500,000, some odd, after we take out the 3,160,000 with no hired hands outside the family, there are 303,000 of those which have only 1 hired hand on them; and there are 113,000 farms in the United States with only 2 hired hands. There are 70,000 farms with 3 to 4 hired hands. There are 38,000 farms with 5 to 9 farmhands, and only 24,000 in the entire United States with more than 10 farmhands.

Mr. President, the test, in this law, is that a farmer's employees come under the protection of the minimum wage law and the Fair Labor Standards Act, if, in one quarter of the year, more than 500 man-days of hired work are done on his farm. That averages out to seven full-time employees. The farmer must, in 1 quarter, have seven employees before he comes under the provisions of this Act, and before his employees come under the protection of the Act. How many farms would it cover? It covers only 1.6 percent of the farms of the United States; but it covers 39 percent of all farm workers, because the growth of the great corporate farms in this country is what is destroying the family farm.

How many farms are covered, in which States?

There are 6 States in which less than 100 farms are covered. Those States are Vermont, West Virginia, Rhode Island, New Hampshire, Alaska, and Delaware. In each of those 6 States, there are less than 100 farms which would be covered by this law.

In 19 other States, there are 100 to 500 farms covered. Less than 500 farms are covered in those 19 other States; and that makes a total of 25 States in the Union which have fewer than 500 farms covered. Those States, in which there are 100 to 500 farms only covered by this law, are Connecticut, Hawaii, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Jersey, North Dakota, Ohio, Oklahoma, South Dakota, and Tennessee.

Those States have less than 500 farms which would be covered; and I believe, during the debate on this bill, the statement was made that there were 249 farms in Tennessee covered, and the distinguished senior Senator from Tennessee, in one of the ablest statements made in behalf of this bill, rose to his feet and said:

> I am one of the 249 farmers to be covered, but my employees are entitled to these wages, and I am for the bill, and willing to bring them under the provisions of the law.

There are only 15 States, Mr. President, in which there are 500 to 1,000 farms which would be covered. Those States are Alabama, Georgia, Idaho, Iowa, Louisiana, Michigan, Nebraska, New Mexico, New York, Oregon, Pennsylvania, South Carolina, Virginia, Washington, and Wisconsin.

There are only 8 States which have enough farmers to have more than 1,000 farms come under the protection of this act, and those 8 States are Arizona, Arkansas, California, Colorado, Florida, Mississippi, North Carolina, and Texas. My State has more farms in it than any other State; more family farms than any other State, and, next to California, probably more large farms. But a poll was taken in my State, and the results were printed in all the large daily newspapers of the State. They took a poll of the people of Texas, because Texas and California have always been stated to be the two big farm States opposed to minimum wages for farm labor.

What did this poll say the people of Texas said?

Sixty-nine percent of the people of Texas said, "We want a minimum wage for farmworkers." Seventy-four percent of the 69 percent said it ought to be at least $1.25 and up to $1.50 an hour, or more. But 69 percent said it should be at least a dollar. So the people of my State would support this action of giving protection. Many persons who work for big farm establishments or companies now receive 45 or 50 cents an hour. They are competing with the little family farmer. It is not fair competition with the 3,600,000 family farmers.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the number of farms that are covered in each of the 50 States of the Union.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DISTRIBUTION, BY STATE, OF FARMS WHICH WOULD BE COVERED BY H.R. 13712—SEPTEMBER 14, 1966

There are approximately 3½ million farms in the United States. The bill would extend coverage to approximately 33,000 farms, less than one percent of the total.

A. States in which less than 100 farms would be covered: Alaska, Delaware, New Hampshire, Rhode Island, Vermont, West Virginia.

B. States in which 100–500 farms would be covered: Connecticut, Hawaii, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Jersey, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee.

C. States in which 500–1,000 farms would be covered: Alabama, Georgia, Idaho, Iowa, Louisiana, Michigan, Nebraska, New Mexico, New York, Oregon, Pennsylvania, South Carolina, Virginia, Washington, Wisconsin.

D. States in which 1,000 or more farms would be covered: Arizona, Arkansas, California, Colorado, Florida, Mississippi, North Carolina, Texas.

Source: Special survey prepared for the Wage and Hour and Public Contracts Divisions by the Department of Agriculture.

Mr. YARBOROUGH. Mr. President, on piece-rate work, the method of computing wages will not be destroyed. Farmhands may pick a certain crop for half a day. If it begins to rain, they will plow the land, if they are full-time employees. The work of some employees in industry is measured on a piece-rate basis, but they are paid on an hourly basis.

The Department of Labor has issued rules concerning persons paid on a piece-rate basis for a part of a day and on an hourly rate for another part of the day, and has prescribed how to determine an hourly wage.

In many instances, hand-harvest laborers in a certain area are paid on a piece-rate basis, while others are paid on an hourly basis. In my own State of Texas, in the Lower Rio Grande Valley, melon pickers in Starr County have been paid on an hourly basis, while right over the county line, which is a geographical, imaginary line, in Hidalgo County, most melon pickers have been paid on a piece-rate basis, until recently. Now that the new melon-picking equipment has been introduced, the method of paying workers has been changed from a piece-rate to an hourly basis on most farms.

In the San Joaquin Valley of California, the hand pickers of asparagus are paid on a piece-rate basis or an hourly basis, depending on the practice of the farmer.

Agricultural workers in the Benton Harbor, Mich., area are paid on a piece-rate basis by some employers, and on an hourly basis by others. So whether a worker is paid on a piece-rate or on an hourly basis depends on the custom in a given county.

The minimum wage provision will not destroy nationwide or countywide practices throughout America, if workers are engaged on an hourly basis. The facts do not sustain the claim that there is much piecework. That is not to say that work cannot be measured on a piece-rate basis, if the employer has to pay a minimum wage, or that the piece-rate worker cannot continue to be paid by the bushel. If he picks twice as many bushels of apples or peaches as another worker, he will still receive twice as much pay as the other worker.

This is a minimum wage bill. It does not fix the wage; it sets a minimum. We ought to leave the piece rate for the employer who wants to use it. But a rate lower than the minimum wage will not afford fair competition for the more than 3 million family farmers whose wives, children, and cousins live on the farm and will not enable them to survive on their family farms.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YARBOROUGH. Mr. President, how much time have I remaining?

Mr. STENNIS. Mr. President, will the Senator first yield to me very briefly?

Mr. YARBOROUGH. Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I am certain that the Senator believes his facts are all accurate as he has stated them in respect of the small family farms.

I speak only for the area with which I am and have been personally familiar for a long time.

If I understand the English language at all, the pending measure would drive local farm labor away from the cultivation of cotton, because the farmers would not be able to compete with the wages established by the bill when it comes into full operation. They will not be able to pay that price for farm labor, particularly for the type of labor that has a low yield of production in the picking of cotton and in the chopping of cotton when it is young in the stalk.

The passage of this measure will work against that type of farm laborer. Such laborers will not be used once this bill is in full operation.

I know that certain exemptions are included in the bill, and that the farmer must have so many employees before the act would apply. However, when a cotton plant opens, as the Senator knows, it must be picked quickly, or otherwise it will start to deteriorate. There is a period of intense need for labor at that time.

A great many of the colored citizens who live in those rural communities look forward to this kind of labor as a very fine source of income. It is labor that they can do.

Even a so-called small farmer with 20, 25, or 30 acres of cotton does not have a large enough farm to justify the purchase of a cotton picker. In many communities, there is not enough total acreage to justify the purchase by somebody of a picker. A cotton picker costs many thousands of dollars. Therefore, they do custom work.

The small farmer, if he wishes to remain in operation, is driven to the plan by which he must employ this local labor. Under the pending measure, in the course of time such a small farmer will be run out of business if he pays the price for labor contained in the pending measure.

As the Senator knows, we have not had the importation of any people from Mexico or any other foreign country to help pick cotton for a long time. That practice goes back to the old days, 20 years ago, almost before we had mechanical cottonpickers in the areas in which the land is so highly productive and the seasonal pressures are so great that they require the importation of farm labor. However, at the present time in what we call the hill section of the country conditions are just as I have described them.

I know enough about the situation from my own knowledge to know that it will not be possible for the small farmers to pay these wages. If someone from New Jersey wants to speak about the picking of fruit, I shall yield to him. But I do not like to have people who do not know the conditions in my part of the country say that I am mistaken and that they know more about my area than I do.

The pending bill has been very strongly supported by a good many city farmers, and I do not refer to the Senator from Texas. The city farmers are very positive concerning what the pending measure will do.

I think that is the tragedy of trying to legislate at the national level to the nth degree when it concerns small communities.

A great many of the people that I am talking about have been thrown out of employment in my State. Many of them are white people, and many of them are colored people. These people have been thrown out of their employment on the small farms.

The newspapers in an effort to seek publicity have gone there and gotten some of these people. They have brought them up here and let them camp on the park grounds in front of the White House.

There was a great deal of publicity about wages and everything else.

A great deal of that publicity was magnified. Some of it was unfortunately true. The surplus of this type of labor has already been thrown out of employment.

If this bill is passed, we will be adding fire to the flames and crushing the little people. A man who is producing 15 or 20 bales of cotton is certainly classed as a small farmer.

I refute the Senator's facts in that respect. I feel that anyone should be inclined to lend a helping hand to assist the little farmers to become adjusted so that the laborers can have a better chance to make a living.

I thank the Senator for yielding.

Mr. YARBOROUGH. Mr. President, I thank the Senator from Mississippi for his contribution. I have never purported to know as much about farming in Mississippi as does the Senator from Mississippi. The Senator comes from a rural community. He knows his State thoroughly.

Our report shows wages for all farm labor, not merely for the picking of cotton.

In my State, a person would make more money picking cotton than performing any other agricultural labor. I grew up in a cotton country.

The composite wage for farm labor in Mississippi is 67 cents an hour under this tabulation.

The composite wage per hour for farm labor in Oklahoma is $1.19.

The composite wage per hour for farm labor in Texas is 99 cents an hour.

It is $1.04 an hour in New Mexico.

It is $1.19 an hour in Arizona.

It is $1.54 an hour in California.

The distinguished Senator knows that cotton is not a perishable crop, as are peaches or plums.

Every bale of cotton, unless it be long staple, that is grown in one section of the country, is competing with a bale of cotton grown in another section of the country.

This cotton is ginned, baled, stored, and warehoused. It is then sent through a compress and compressed to a small size and tagged. It might go into Federal loans, and it might be years before it is marketed.

Cotton is not a perishable crop. It is a crop in which the cotton produced in one State competes with the cotton produced in another State.

I think these tabulations will illustrate that the State of Mississippi, like the State of Texas, has the same problem. They are 2 of the 9 States in which over 1,000 farmers would come under the law.

There are some very large farm operators in each of our States. However, in the State of Mississippi, as in the State of Texas, the overwhelming number of farmers are individual family farmers who do not hire a single farm laborer. They are individual farmers.

That is true in every State of the Union. There is not a State in which that is not true.

Only 1.6 percent of the farms in America would come under the coverage of this act.

If a farmer rents his land out, the man would not be covered by the act at all.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I do not have much time, but I yield for a question.

Mr. STENNIS. Talking about the competition existing in cotton, that is true across the board. However, an emergency situation exists concerning when cotton will be picked.

A man must hire a good number of pickers to get the cotton out of the weather, as we say.

Mr. YARBOROUGH. The Senator is correct. If the man does not use over 500 man-days in a quarter he does not come under the new provisions. A farmer has to be a pretty big farmer to use over 500 man-days in getting his crop out. That requires a great deal of production.

Mr. President, a parliamentary inquiry. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has used 37 minutes.

Mr. YARBOROUGH. I yield to the Senator from New York.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. YARBOROUGH. Such time as the Senator requires.

The PRESIDING OFFICER. How much time does the Senator from New York require?

Mr. JAVITS. Ten minutes.

IN SUPPORT OF THE MINIMUM WAGE CONFERENCE REPORT

Mr. President, I rise to speak in support of this conference report. I am the ranking minority member of the Committee on Labor and Public Welfare and a conferee, and have worked constantly in respect of these hearings and in respect of reconciling our differences with the House, and I feel that this is a balanced bill and that it now deserves the support of the Senate.

I might say to my colleagues that, notwithstanding how I might have voted on any amendment, I will ask any member of our conference who wishes to advance an opinion on that score to contradict my statement that I fought for every Senate amendment with fidelity and sincerity. Whether I originally supported it or not was immaterial to me. I felt it my duty, as a conferee, to stand by what the Senate expected to do with respect to the bill.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PROUTY. I want to explain, particularly with respect to the piecework proposal which we are now considering, that the Senator was opposed to it; but during the conference, or during a caucus among the conferees on the Senate side, he did suggest very strongly that we should make a real fight for it.

Mr. JAVITS. I am grateful to the Senator, my beloved colleague, with whom I work so closely. Nothing distresses me more about where we stand now than the fact that he and I should find ourselves on opposite sides of this question.

Mr. President, I think that perhaps the fact that we find ourselves on opposite sides of this question is rather constructive as to the dimensions of the question.

Let us understand that we are raising the minimum wage for 37 million Americans, 29 million of those whom were previously covered—29½ million, to be precise—and they are getting an increase in the minimum wage which is urgently demanded by the productivity of the country and the cost of living. Eight million are newly covered; and the agricultural workers concerned, who are part of that 8 million, are, in round figures, 400,000.

Let us not look at this matter through the wrong end of the telescope. I beg my colleagues to remember our parliamentary situation. We will have a vote in the Senate on accepting or rejecting this conference report. That may be the only vote, to vote yea or nay on that question. If the yeas carry, that will be the only time a Senator will have an opportunity to vote. So every Senator had better think very carefully—even if he is dissatisfied, as I am sure many Senators are, and as I am, also, with some parts of this bill—about being recorded as against a measure which is of indispensable importance to some 37 million Americans. To me, that is the most serious question any Senator has to answer in this matter. That always happens in a hotly contested conference.

No one could have argued more vigorously—and, indeed, more effectively, and with greater sincerity and conviction and with more facts—than Senator PROUTY, in respect of the provision which was his creation, this provision with respect to averaging out, on a piece-rate basis, of agricultural wages.

But even that, Mr. President, represented what we lawyers call de minimis, because at my own behest we had written into that very section, during its consideration in committee, a 75-percent provision, so that even those employees who would be subject to averaging would still have to get 75 percent of the minimum.

Mr. President, when one considers the matter from that point of view, one realizes how relatively small the issue is upon which we are asked to overturn this monumental labor—and it is a monumental labor. The conference was hotly contested. It took a long time. There were a great many issues, more than usual. It took us time to get to conference, and the matter was hanging by a hair, because many members of the conference group had divergent ideas on different aspects of the bill.

To boil it down, first, this may be the only vote. A Senator will vote it up or down, and if he is recorded as "No," no one will examine his vote with a microscope to see whether he had in mind 400,000 agricultural workers. He will be voting "No" on a measure affecting some 36 to 37 million Americans whose minimum wage is at stake here; and that "ain't hay" as we say at the curbstone.

Second, even in respect to the agricultural workers, it is a fairly limited target. For one, I have already described this piece-rate provision which has a 75-percent minimum built in. For another, agricultural workers are not getting the same minimum as industrial workers and service workers are getting. Agricultural workers are getting a maximum of $1.30, not $1.60, and it will take them 3 years to attain that.

It is a historic milestone that agriculture should be included. But is it not high time that agriculture is included? Is it not high time, because we have more and more an industrial concept on the farm, and because we are encouraging that concept in terms of machinery and amplitude of acreage, that this should come into being?

In addition, as Senator YARBOROUGH has said, this applies to an infinitesimal percentage of the farms, and only 40 percent of the workers. So we are approaching the matter very gently, very delicately, very slowly, and by no means imposing the responsibilities in the agricultural field that we are imposing in the industrial and service fields.

Beyond that, we were very solicitous and concerned about this matter, and I should like to point out a number of things that we did in the conference report, in respect to the agricultural field.

For one thing, Mr. President, we retained that provision of the Senate bill which is very important to agriculture, I should imagine—though I do not pose as an expert on it—which is in sections 203(a) and 103, which would permit people who are employed for less than 13 weeks in agriculture, and who commute from their homes to another farm—the so-called worker in the neighborhood, as it were—and who are hand-harvest laborers, paid on a piece-rate basis, to be exempted from coverage and excluded from the so-called man-day count in determining whether a particular farm is covered. That certainly should be helpful to the farmer.

In addition, we made very liberal provisions in respect to full-time students, without regard to age, with respect to employment of as much as 20 hours a week in agriculture, at reduced rates. Those rates go to about 85 percent of the minimum.

Finally, we dealt with handicapped workers who, because of physical handicap, were incapable of a great deal of productivity. In that situation, the rate would be below the minimum.

This is all noted at page 14 of the conference report in the other body, which is before us, which deals with the special provisions applicable to full-time students and the special provisions applicable to handicapped workers.

To cap the whole matter, we put up a terrific battle for agricultural processing workers. In that respect, I think we made an extraordinary settlement, and for this reason: The House had actually voted, on a rollcall, to reject the 20-week concept and to stick by the 14-week concept. Nonetheless, we won in conference the 20-week agricultural processing overtime exemption.

I respectfully submit, considering the dimensions of the problem, in terms of the number of workers employed, in terms of the fact that we are not raising them to the minimum of other types of workers, in terms of the latitude which has been given in respect of local workers—that is, commuting to a farm, working for 13 weeks a year—in respect of the handicapped, in respect of the full-time students, and in respect of the agricultural processing workers, that we have really knocked ourselves out to give recognition to the agricultural sphere.

Finally, Mr. President, it seems to me that the main argument which is made against the conference report is that the measure will result in a dearth of agricultural workers. That argument is not germane to this issue because we are going to be paying agricultural workers subject to the conference report more and not less than they are getting today. Therefore, logic would indicate that more workers would be available and not less workers.

As a matter of fact, farm prices—that is, farm prices received by the farmers—in terms of the cost of living which the consumer is now paying have materially increased. We are anxious to get more production.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, may I have 5 additional minutes?

Mr. YARBOROUGH. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, it seems to me, from the economic point of view, that a far more logical argument could be made that a rise in scale for farmworkers will bring in more farmworkers rather than fewer.

The real argument made is that farmers will not pay the increase, even at the risk of letting the crops rot in the ground. Considering the price of food today, I most respectfully submit that this is certainly a doubtful thesis. As I see it, that is the net effect of this argument. We have a reasonable increase in the minimum wage, already outstripped by the cost of living in proportion to the productivity of the country.

In agriculture there are represented a modest segment of those affected by the increase in the minimum wage. We have gone through all kinds of pay raises, and we have given exemptions to handicapped workers, full-time students, local workers, and children.

They defeated in conference—and it broke my heart—any hope of doing anything more about child labor. We have no child labor provision in this bill, except the provision prohibiting "particularly hazardous" agricultural employment. So children can work. It seems to me under all the circumstances that to ask for a modest minimum of 30 cents an hour less than they get for industrial and service workers represents a pretty fair settlement that we got from the House.

I wish to close as I began. Senators should remember when they vote that this may be the only vote and that the question will be the interests of 36 million to 37 million American workers. I believe that the agricultural segment has been fairly and liberally treated in the bill when all of the features have been taken into consideration.

Mr. YARBOROUGH. Mr. President, I shall have a question that I wish to ask the distinguished Senator from New York [Mr. JAVITS], but first I do want to congratulate him for his faithful attendance at the 14 sessions that we had in the subcommittee, in the full Committee on Labor and Public Welfare, and in the conference. He was present and his attendance at all of the sessions was very helpful. He is a skilled negotiator. The distinguished Senator from New York worked faithfully and diligently on the bill and in connection with its many provisions.

I am glad that the Senator has brought up the point about rejecting the report. If the bill were to go back to conference it would not be on the point set out in the letter of the Senator from Vermont [Mr. PROUTY]. It would go back to conference on everything. We may end up with no minimum wage bill this year. As the Senator from New York said, the fate of 37,800,000 workers is involved in this bill.

I thank the Senator from New York for his diligent work on the floor of the Senate, in the full committee, and in the subcommittee. We always considered the impact on business. The House conferees told us in conference, "Over here we consider only labor; you consider many other things." We considered whether any business would be disadvantaged in comparison with other businesses. We tried to present a bill to help disadvantaged businesses.

I wish to ask this question of the distinguished senior Senator from New York. Considering the attitude of the House conferees, and hearing everything that was said, if the Senate rejects the conference report and throws it back into conference, does the Senator from New York see any hope of getting better terms in accordance with the wishes of the Senate than we have?

Mr. JAVITS. I have rarely seen House conferees as adamant as they were in this matter. I believe that everybody who participated observed that. There was a terrific battle to get any concessions at all. I agree with the Senator. I would pledge the Senate to go back under any instructions and do my utmost to get a bill, but I cannot see that we could get one considering the adamant position that we saw when we were in conference, even on features that I considered to be inconsequential.

I yield the floor.

Mr. RANDOLPH. Mr. President, the Senator from New York [Mr. JAVITS] and the Senator from Texas [Mr. YARBOROUGH] have covered essentially those points on which I desire to focus the attention of the Senate, in reference to the best result we could expect if this measure is returned to a conference with the House.

The Senator from New York very correctly pinpoints the 37-million-plus workers affected by the constructive passage of this measure. I would like to add to the 37-million-plus, a figure which is perhaps even more important—the approximately 8 million men and women who, for the first time, will be covered by the provisions of the Fair Labor Standards Act, which originally was passed in the Congress of 1938, and has since been amended, and is now in the process of another reasonable and realistic amendment under consideration here, today, in the Senate.

To emphasize the concern and the commitment of the Senator from West Virginia in reference to any exemptions, the record will disclose that within the subcommittee, the committee, and within the conference, I argued vigorously for the point of the Senate legislation and particularly for certain advances that I had helped to write into the Senate version, which I believed were valid from the standpoint of agricultural and rural interest of the United States, as affected by wage and hour legislation. The final point, Mr. President, is that I believe that if this measure is returned to a Senate-House conference, we in the Senate can expect a lesser degree of cooperation in meeting the viewpoints of the Senate measure than we obtained in the conference which brought this report to our two bodies.

Mr. President, I say this without disparagement of the Representative. I say it only as a realistic appraisal of the situation in which we found ourselves as conferees from the Senate. I think this body will do an injury to the wage earners of America if we allow this legislation to be returned to a Senate-House conference.

Mr. President, I wish to say with all the strength of my being on this matter—that I am intensely interested that there be no inequities, that there be no violence done to any segment of our society. I think it is important that we move forward in this area of constructive consideration of reasonable wages, reasonable working hours, and reasonable working conditions for the men and women of this country. The Senate conferees have brought to this body a measure which does not satisfy me in full, nor does it satisfy the Senator from New York [Mr. JAVITS] completely, he said, or even the able Senator from Texas [Mr. YARBOROUGH], who handled this legislation with such astuteness.

I stress this point, that this is an important vote which we are going to take and it will be weighed by the people of this country generally on the proposition: Shall we deny 37 million people plus, shall we deny 8 million people who are covered for the first time under the advantages which have been incorporated into this legislation as it comes with the report.

I compliment the Senator from Texas and the Senator from New York, members of opposite political parties who, with others, sat and worked on this problem. Frankly, we worked diligently. We worked effectively for a measure which the Senate should approve.

Mr. JAVITS. I am grateful to my friend, the Senator from West Virginia, for his very eloquent remarks. He really has put the situation in focus. Without remotely denigrating the position of the Senator from Vermont—he has every right to contend for what he is contending—all of us have to understand what motivated the great majority of the conferees.

There are two propositions: First, the number of those who will be disadvantaged by rejection of the conference report and who will be placed in jeopardy—almost 38 million as compared with 400,000; second, the honest judgment of a number of conferees that if we go back we are likely to do worse than we have presently done, in terms of what the Senate wants—if we get anything at all—and we may end up in a fracas, considering the adamant position of the House and the delicate character of the situation with respect to our agricultural workers and their employees.

Mr. YARBOROUGH. Mr. President, again I thank the distinguished Senator from New York for his great contribution to this conference report. I point out that of the 38 points with which we went to conference, the Senate prevailed on 21, the House on 17. Because we prevailed on most of the points, the House was adamant, although they were a congenial bunch; but they were not particularly pleased when we prevailed and the lines were hardening at the end. Therefore, I do not think we would make further progress if we went back to conference with this problem.

Mr. MORSE. Mr. President, will the Senator from Texas yield?

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. YARBOROUGH. Mr. President, I yield such time as the Senator requires of the time remaining.

Mr. MORSE. Mr. President, I should like to have 10 minutes, and should like to be notified in 10 minutes time.

The PRESIDING OFFICER. The Senator will be notified.

Mr. MORSE. Mr. President, I rise to plead with the Senate to defeat the Prouty amendment and accept the conference report.

I supported the Prouty amendment in the Labor Committee. I did everything I could to save the Prouty amendment in committee without amendment. Then we went to conference, and I want the attention of the chairman of the conference and my friend, the Senator from West Virginia [Mr. RANDOLPH], and the other conferees now in the Chamber. It developed that the burden of handling the so-called farm amendments fell to me by assignment of the chairman of the Senate conferees.

I had offered most of the farm amendments in committee. We got into conference and came up against a group of House conferees, the overwhelming majority of whom were against the Morse farm amendments. That is what confronted us in conference. We found ourselves in the position where we had to consider packages of amendments. The House conferees put two or three amendments together and we had to vote for the package. This is a simple procedure in conference.

The last point I will make as to what was attempted on the part of the House conferees, after we had agreed to all of the packages, because they still were insisting that they try to water down the Morse farm amendments.

The Prouty amendment was in one of the packages, but also in the package was the processing amendment. We had just gotten through the other package saving the Morse amendment in regard to migrant children.

Thus, Mr. President, we came out of conference with most of the farm amendments intact. We did recede on the Prouty amendment.

I have been home to Oregon since the conference and have talked to farm groups there since the conference report. I have also talked to representatives of the fruit industry in my State since the conference report, and I made a speech to an agricultural audience in Oregon in regard to the problems which confront us in regard to the farm amendments.

In the course of that speech, I said:

> I should also point out that nothing in this measure extends overtime coverage to agriculture.
>
> Moreover, all food, lodging, transportation, and other services provided by the employer will be counted at value toward the $1 an hour minimum. This minimum will become $1 an hour next February and will rise to $1.15 in 1968 and $1.30 in 1969.
>
> The one major Senate amendment that was lost in conference with the House was that permitting piece-rate wages, other than the exempted people I have mentioned, to be averaged. Under the amendment offered by Senator PROUTY of Vermont, and for which I voted in Committee, employers would be permitted to average the wages paid to piece-rate workers, and if the average were above the minimum, the minimum wage requirement would be considered to have been met.
>
> Unfortunately, it was further amended, over my objection, to provide that in any case each employee in the average would have to receive at least 75% of the minimum. I thought this destroyed the whole advantage of averaging and I voted against it but it was adopted.

It was interesting to hear the forthright report of the Senator from New York [Mr. JAVITS] this afternoon when he pointed out that this was his amendment. He pointed out this afternoon that he offered the amendment, in effect, to water down the effect of the averaging amendment because it meant that at least 75 percent of the minimum would have to be paid irrespective of what the employee earned at piece rate.

I said in committee, as my colleagues know, that I could not vote for the Javits amendment for, when that 75 percent floor was added to the amendment, I considered that the Prouty amendment was pretty much emasculated. That has been my position.

In reporting to the agricultural group in my State, since adoption of the conference report, I gave them this report on what happened to the Prouty amendment in conference:

> In conference with the House, the whole Prouty piece-rate averaging amendment was strenuously opposed by the House conferees. They pointed out that local commuters were already excluded by the Green amendment and the children of migrants by my amendment. They proposed that in addition, the

> physically handicapped also be excluded. The language of their amendment authorizes the Secretary of Labor to provide for the wage to be paid individuals whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, except that it may not be less than half the minimum wage of $1 an hour in agriculture.
>
> By the time the youngest, the oldest, and the handicapped are removed from coverage, the virtue of averaging seemed no longer to apply.

So I have supported this version which emerged from the committee of conference. In talking with agricultural leaders in my State, they said they thought we came out of the House with an exceptionally good conference report from the standpoint of agricultural interests. Then I talked to representatives of fruitgrowers. They came to see me as to what chance there was to recommit the conference report. I told them I would vote against it. I told them I was bound by something that the Senator from Vermont [Mr. PROUTY] was not bound by. The Senator from Vermont has made it clear that if his amendment was not included in the conference report, he would be free to do exactly as he is doing. I respect him for what he is doing as being forthright.

The fruit people of my State said we should not run any danger of losing the farm amendments we had saved in conference. They stressed also the processing amendment which I offered in committee. The committee members will remember I went up the hill and back down again three times before I was sustained. I would win one day. They would reverse me the next day.

That amendment provided for two 10-week periods of exemption from overtime. It called for 52 hours per week in the first 10 weeks before overtime would be paid, with 48 hours per week in the second 10-week period. That was one of the items in the package.

The House conferees finally agreed to it, if the 52-hour week was reduced to a 50-hour week. Part of the compromise was the recession made on the Prouty amendment. I told this to the fruit processors in my State. Their instructions to me were not to run any risk in going back to conference of losing the food processing amendment and other exceptions for farm labor that we have in the bill. The chief spokesman said he would rather have the processing amendment I have gotten in than three or four Prouty amendments. As far as the fruit growers are concerned, I would rather have the Prouty amendment. I am sorry we lost it.

I do not have to tell Senators what we have to do in working out conscionable compromises. With respect to getting the measure back to the House for a rollcall vote, one of their chief spokesmen said, "I am going to move to reconsider one of the amendments." He did not refer to one of the packages, but to one of the amendments. His plan was to reopen the processing amendment and seek to go back to the House with a 14-week period with overtime after 48 hours——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YARBOROUGH. I yield 2 more minutes to the Senator from Oregon.

Mr. MORSE. I opposed that. I made it clear that to reopen the food processing provision would jeopardize the entire bill. As an old horse trader, and I have been trading horses for 35 years, if I make a trade, I make good on the trade. The Senator from Missouri [Mr. SYMINGTON] who is in the Chamber, is a good horse trader. If I get a spavined horse, I keep it. I do not complain later that I did not see the spavin.

We came up with a conference report that favors the Senate in the agricultural field.

I agree with the Senator from New York [Mr. JAVITS], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Texas [Mr. YARBOROUGH]. If we go back to conference, everything is open again. We will have a hard time in conference, if we go back, saving the gains we have made in the agriculture amendments that we were able to sustain.

When we take into consideration the 75-percent figure that was added over my objection to the Prouty amendment, when we take into consideration the Green amendment that exempts local communities from any Fair Labor Standards Act provision, when we take into consideration my amendment which excludes the children of migrant workers, when we take into consideration the conference language to exclude aged and handicapped workers with respect to the minimum wage, when we take all these people out, there is not much left to the Prouty amendment. There is not enough left to justify the agricultural interests going back to conference.

I think we would risk most of our gains to go back to conference. We should adopt the conference report.

Mr. YARBOROUGH. Mr. President, I desire to thank the Senator from Oregon for his work on the subcommittee, the full committee, and in conference. We divided the work. We asked him to take over what we knew was one of the most difficult phases of the bill; namely, in the field of agricultural labor, with all the exceptions and provisions in it, because it was the first time that agricultural labor in the history of our country has been covered by a minimum wage act.

Franklin Delano Roosevelt 29 years ago recommended a minimum wage for all working in the factory and on the farm. To me the conference report is a good one. In this difficult field we had no more knowledgeable man than the Senator from Oregon. We had 10 differing agricultural positions. The Senate prevailed in seven. The House prevailed in three. When the piece-rate amendment was taken out, we gained the canning amendment. If the bill is sent back to conference, this provision will then be in conference.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. YARBOROUGH. I yield myself 5 additional minutes.

The Senator from West Virginia who spoke on the conference report, was one of the most diligent and effective of our members. He spoke up for small business, and for the resort hotels that open up for only a few months of the year, and for agriculture and agricultural processing. He was interested in the canning industry and in the logging industry, and showed great knowledge and concern for their problems. He showed that he had a farsighted knowledge of the problems involved.

Mr. WILLIAMS of New Jersey. Mr. President, I would like to greatly applaud the work of the Senator from Texas for the most magnificent job which he did in managing this very difficult and controversial legislation both through this Chamber and through the Senate and House conference.

I believe that my views have previously been expressed by the Senator from Texas, the Senator from Oregon, and the Senator from West Virginia.

I however wish to state that this bill relates to farmworkers all the way from Homestead, Fla., to Burlington, Vt., from San Antonio, Tex., to Tacoma, Wash. We are in the process of establishing a most historical landmark, to include agricultural workers, within the framework of the Fair Labor Standards Act.

I wholeheartedly support the bill agreed to by the Senate-House conferees and strongly urge the Senate to adopt their report and to reject the motion made by the Senator from Vermont [Mr. PROUTY] to recommit H.R. 13712 to conference.

The average wage piece-rate provisions for minimum wage payments to farmworkers which were contained in H.R. 13712 as passed by the Senate were rejected by the House conferees and the Senate then wisely receded from its position. An average wage piece-rate system for minimum wage payments goes against the entire philosophy of the Fair Labor Standards Act. From its inception, the Fair Labor Standards Act has provided that every employer shall pay to each of his employees a minimum wage. The intent of this provision is to protect each worker with a basic floor under which his wages will not fall. Obviously, the average wage piece-rate provisions supported by Senator PROUTY do not meet this standard.

Piece-rate workers in agriculture are no different than piece-rate workers in other industries who have in the past been successfully covered by minimum wage legislation. The provisions of this bill in no way prevent or destroy an incentive piece-rate system—which I for one strongly support. This bill merely provides for a minimum wage guarantee below which wages shall not fall. Under this bill the piece-rate system may still be used as an incentive to reward the superior worker with higher wages than those set forth as the statutory minimum.

That the piece-rate standing alone has not provided adequate wages in agriculture is self-evident. The present system of payment for much of the harvest work is the piece-rate. Under this system the average farmworker has an annual income of less than $1,200 a year.

Thirty-four percent of our Nation's farmworkers were paid less than 75 cents an hour in 1965 while 50 percent earned less than $1 an hour. The average hourly earnings of farmworkers in the United States as of July 1, 1966, was $1.01 an hour—well below the poverty level.

Under the average wage piece-rate provisions supported by Senator Prouty, our Nation's farmworkers would be guaranteed a wage of 75 cents an hour. This would produce farm wages of $30 a week or $1,560 a year. That is if the farmworker finds employment for 40 hours a week, 52 weeks a year. Wages such as these are intolerable and can be described as nothing less than a national disgrace.

Even under the modest provisions of the bill agreed to in conference, full-time farmworkers are guaranteed a minimum wage of only $40 a week in 1967, $46 a week in 1968, and $52 a week in 1969. However, our Nation's farmworkers are only employed on the average for less than 150 days a year. These provisions are nothing for us to be proud of but they are at least a modest start along the road to bringing the farmworker into economic parity with the rest of our Nation's labor force.

While the average wage piece-rate provisions of the Prouty amendment were deleted by the Senate-House conferees, this bill contains may exemptions from minimum wage coverage. For example, under sections 103 and 203 of H.R. 13712, workers engaged in hand-harvest labor and who are paid on a piece-rate basis in an occupation which has been and is customarily recognized as having been paid on a piece-rate basis in the region of employment are exempt from minimum wage coverage if:

First. They commute daily from their permanent residence and

Second. They have been employed in agriculture for less than 13 weeks during the preceding calendar year.

This exemption eliminates from minimum wage coverage most full-time students, casual and part-time workers as well as many of the elderly and infirm. These are workers who, we have been told, cannot for various reasons produce sufficiently to justify the payment of the guaranteed minimum wage set forth in this bill. Most full-time students work less than 13 weeks during the year and, as for the elderly and infirm, it is hard for me to believe that these citizens would work further away than the commuting distance from their homes or more than 13 weeks during the year.

Children under 16 who accompany their parents to the fields are also exempt from minimum wage coverage. The Senate conferees also agreed to allow students to be paid at a rate not less than 85 percent of the minimum wage.

In addition, the Senate-House conferees added to title V, section 14, a provision that workers may be employed in agriculture at wages not lower than 50 percent of the minimum where such workers' earnings or productive capacity have been impaired by age or by physical or mental deficiencies or by injury. This would allow for a subminimum wage payment to those workers who are not included under the other exemptive sections of the bill but who, because of various handicaps, are so limited in their productive capacity that they cannot justify being paid the statutory minimum wage.

For my part, I opposed many of these exemptive provisions feeling that they were without merit. However, the overriding responsibility at this juncture is to act reasonably, in a constructive spirit of compromise, and agree on a bill that can be sent to the Executive for signature. The bill presented by the conference report meets this objective and should not be rejected.

So it seems to me that we have reduced this to the lowest standard of a beginning for agriculture, and this is where we have to stand. As the Senator from Oregon so eloquently expressed it, if we should recommit on this issue, we could tear down the whole house we have built for 8 million American workers who have not heretofore been covered.

Mr. YARBOROUGH. Mr. President——

The PRESIDING OFFICER. How much time does the Senator from Texas yield himself?

Mr. YARBOROUGH. I yield myself 30 seconds.

I wish to thank also the distinguished Senator from New Jersey, who is a member of the Labor Subcommittee, the full Committee on Labor and Public Welfare, and, as a member of the conference, was there diligently working. We had a very diligent committee on both sides of the aisle; otherwise, we would not have had a quorum every session.

Mr. MORSE. Mr. President, will the Senator from Texas yield me 10 seconds?

Mr. YARBOROUGH. I yield to the Senator from Oregon.

Mr. MORSE. I wish to thank the Senator from New Jersey for his leadership on this bill. As he knows, he and I were on opposite sides on farm amendment after farm amendment, but he was always exceedingly fair and very cooperative in the conference. I also wish to say that he is one of the few men who have ever beaten me on a horse trade.

Mr. YARBOROUGH. Mr. President, the distinguished Senator from New Jersey is chairman of the Subcommittee on Migratory Labor. That subcommittee held extensive hearings; in fact, one of the volumes of hearings here consists of hearings which he held.

Mr. PROUTY. Mr. President, I yield 10 minutes to the distinguished Senator from Florida [Mr. Holland].

Mr. HOLLAND. I thank the Senator from Vermont.

Mr. President, I never fuss with conferees. Having been a conferee so often myself, I know what a difficult task they have.

I wish I could agree with my friends the conferees on this particular measure in their evidently sincere feeling that they have done a good job for agriculture. But I cannot agree with them, and I hope they will pardon me if I state for the Record why I feel they have not shown the kindliness toward agriculture which I think they should have shown.

My State was especially interested in four provisions in the bill. The first and most important was this piece-rate amendment. I was glad to hear that it was sponsored in a bipartisan fashion by the Senator from Vermont and the Senator from Oregon in the committee. I heard this from both of them, and I am sure it is correct.

The matter was not questioned on the Senate floor. Nobody complained of it. It remained in the bill by the unanimous consent of the Senate. No voice was raised against it. I am sorry that our distinguished friends in the conference felt it was necessary to yield on that particular amendment, to which I shall orient some of my remarks.

The second provision in which we were immensely interested was a provision in the House bill which provided that fieldworkers for sugarcane and sugarbeets should not come within the provisions of this bill, because they were already included in the provisions of the Sugar Act, and were under the jurisdiction of the Department of Agriculture. It was very important that the Secretary of Agriculture, in doing the very big job that he has to do, in setting allotments, in prescribing how much can be produced and sold, in fixing the prices, and doing all the other things he does, should have the remaining jurisdiction, which Congress gave him many years ago, to fix and set the minimum wage for the fieldworkers in the sugarcane and sugarbeet industry.

I am afraid that we cannot blame on the House conferees the loss of this particular provision, because it was in the House bill, and I must say, looking at my good friends the Senate conferees, that they must have been the ones who demanded that it be removed from the bill; and I regret very sincerely that they saw fit to do so.

The third matter in which we were much interested was the processing amendment, on which we understand the Senator from Oregon took a leading part. I am glad we got as much out of that amendment—really two amendments—as we did; but I cannot leave the Record on the point as indicated up to now. Those amendments did not come back in the conference report in the same form as they were in the Senate bill, because the number of hours beyond which overtime began to run, in the second group of overtime weeks, was reduced in the conference report from the provisions of the Senate bill. I am sorry that the Senate conferees saw fit to yield in that regard.

The only amendment in which we were greatly interested which has come back in the conference report intact, as it was in the Senate bill, is that involving the processing plants for raw sugar production. We are grateful for that favor, which is not a small favor, and I wish to express my appreciation to the Senate conferees for having insisted on retention of that amendment.

But it should be very evident by this time that our gratitude must be somewhat limited, because our Senate conferees have not come back with anything like the degree of recognition of agriculture which we felt it was within their power to bring back.

The first thing I wish to do is reply briefly to the Senator from New York. He said we would have one vote, and that was the only vote, and that we might lose the bill if we refused to approve of the conference report.

I take it that he was not on the floor when the distinguished Senator from Vermont began his statement, because he made it very plain that if the conference report were rejected, he would follow immediately with a motion, and he stated the nature of that motion, requiring a further conference, and instructing our Senate conferees with reference to this piece-rate amendment and one other matter which will appear in his remarks.

So there is little substance to the position of the Senator from New York along this line; and I hope the Senator will not be unduly apprehensive, but will recognize the fact that if the conference report is rejected, all is not lost.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. Not at this point. I am on limited time. I will yield at the end of my time, and be very happy to do so. I hope the Senator will remind me when I come to the end of my time.

The second point to which I wish to reply is a statement made by the distinguished Senator from Texas. He is relying upon the statement of the Department of Agriculture as to the number of farms which are affected by this act.

Insofar as my own State is concerned, that statement could not be more unrealistic, because the small citrus groves and the small vegetable and berry-producing farms are, in greatest measure, supplied and serviced by employees of cooperative organizations. They do not make contracts with the people who pick their citrus fruit, but the cooperative or other agency which handles their fruit has a large organization, and it moves around from grove to grove, and is, of course, covered by this particular act. The fact is that instead of having something more than a thousand farms covered in my State, as shown by the statement of the Secretary of Agriculture, many thousands are covered in the citrus industry alone, wherein we have between 12,000 and 20,000 separate properties, most of them serviced in the way I have indicated, by central organizations, which do employ their picking crews on such a basis as to much more than satisfy the 500-man-day requirement in one quarter that is laid down by this bill.

Mr. President, proceeding to my prepared remarks, I support the motion made by the Senator from Vermont [Mr. Prouty], to reject the conference report on H.R. 13712.

It has been and continues to be my strong conviction that agriculture is unique among American industries and that extending minimum wage coverage to agricultural farmworkers is a completely new concept, as they have never been covered heretofore under the Fair Labor Standards Act and, in fact, the President himself, who is a pretty canny farmer, in submitting his proposal to Congress, excluded farmworkers from his request. I know he had good reason for doing so, because he knows how greatly farm production is affected by matters out of the control of the producer, such as weather, the perishability of crops, the way they ripen, the competition in the market with other crops, the difficulty in having sufficient migrant labor available because at the time of harvest you have to have so much more labor than is needed during the growing time of the year, and many other differences, which make it completely impossible to compare the job of producing perishable crops out of the land with the matter of producing automobiles in a factory, or any other factory-made goods.

However, the committee saw fit to extend coverage to them in the bill reported to and passed by the Senate on August 26, notwithstanding the fact that the President did not request it.

The Senators will recall that during consideration of the bill I offered an amendment to eliminate agricultural employees from coverage. While my amendment was defeated by a vote of 37 to 51, I am certain that a number of my colleagues would have supported my amendment had not the piece-rate amendment been adopted by the committee and had they not believed the conferees would insist upon retaining the amendment in conference.

Mr. President, as I stated on the floor during the course of the debate on the bill, the inclusion of agricultural workers under the minimum wage law would do certain things.

First, it would force many smaller producers out of business. I am impressed by the facts cited here by the distinguished Senator from Mississippi. He is so right. The smaller producers who do not have the benefit of laborsaving machinery or of service by great cooperatives or others that have a large working force would be forced out of business.

The PRESIDING OFFICER (Mr. Lausche in the chair). The time of the Senator has expired.

Mr. PROUTY. Mr. President, I yield an additional 10 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for an additional 10 minutes.

Mr. HOLLAND. Mr. President, many small producers will be forced out of business if this legislation is passed. They would either have to rely on the less efficient workers or pay wages in competition with the large organizations and large growers, and in either case many of them would be forced out of business.

Thousands of these small growers have been forced out of business every year by heavy competition.

Those Senators who wish to accelerate that rate of forcing small farmers out of business have a good chance to do so by approving the conference report.

Second, the passage of the pending measure would require some producers to shift to less labor-intensive crops at a possible reduction in income to them, and likely it would aggravate the surplus problems of certain other crops.

Passage of the bill would undermine incentive methods of payments which would require growers to pay some workers more than their productivity warrants and to increase their supervision.

It would add greatly to farmers' recordkeeping requirements.

It would increase competition from foreign-produced agricultural commodities.

Mr. President, that is a real problem which exists across the Mexican border and down in the Antilles, and those who do not see it as a problem do not realize what the facts are.

It would reduce employment opportunities, particularly for that portion of the work force most in need and least capable.

In other words, it will be the least efficient members of the work force who will be adversely affected by the passage of this legislation.

All this occurs at a time when our economy is characterized by reduced unemployment and high prices and when the Nation is on a war footing. This action will surely add to the inflationary fire the President is endeavoring, as indicated by his most recent message, to control.

Mr. President, a letter addressed to Congressman Robert L. Leggett from Secretary of Labor Wirtz, dated March 16, 1966, commenting on the piece-rate system which was an alternative wage structure used by the Florida citrus industry last year on an experimental basis is one that I believe well worth the Senate's time to read in part into the Record, for it points up the fact that the experiment was most successful and, as a matter of fact, more successful than the Department of Labor anticipated. It also states that industry records show an average wage of $1.97 an hour in the Florida citrus industry, and that the Department's own audits of citrus payrolls in Florida show a slightly higher figure.

Mr. President, I shall read excerpts from a letter from Secretary of Labor Wirtz to Representative Robert L. Leggett of California relating to the point which I mentioned.

They read:

> You and your California colleagues have expressed an interest in the alternative wage criteria used by the Florida Citrus industry this year on an experimental basis. Although we are still collecting information, I think we can make some tentative conclusions on the basis of our experience to date.
>
> The citrus industry submitted a well documented proposal to us suggesting a guaranteed average wage set at more than 30 percent above the previous established guaranteed minimum wage. The industry felt that such an arrangement would cause greater production, would be more equitable for all concerned and that the higher guaranteed

> average would induce more Americans to work in the crop than the previous guaranteed minimum.
>
> The experiment has generally proved successful, more so than we had anticipated. Industry records show an average wage of $1.97 an hour; our own audits of citrus payrolls show a slightly higher figure. The indications are that less than 10 percent of the workers at any one time made less than the old minimum of $1.15 an hour. With the exception of one grower's payment of an additional $47 to his crew in one pay period, there has been no need for make-up pay.
>
> One of the most heartening aspects of this experiment was its success in attracting domestic farm workers; more of them than ever before moved into the citrus groves.
>
> In summary the Florida experiment included these elements: a guaranteed average, set at a figure about 30 percent higher than the previously established minimum; substantially higher piece rates; and vigorous interstate recruiting. To date we think it has been very successful.

Mr. President, in spite of the voluntary program initiated in Florida which has shown such success and under which, incidentally, it was shown that approximately 10 percent of the workers who could not make up to the minimum wage would be the ones who would be cut off by the passage of the pending bill, and in spite of that fact that the great success of this experiment has been shown very clearly, the conferees apparently have decided that this is something that is not worth having in the bill, that it is not worthwhile any longer to increase the incentive to try to get people to work hard so that they could make more money, than they would otherwise be able to make, which is essentially what has been done under the program worked out so successfully by the citrus industry of Florida last year.

Mr. President, I believe this letter very strongly indicates that the coverage of agricultural employees—employees in an industry of high seasonal labor requirements not susceptible to the type of work regulations that control assembly line production in industry—will not benefit from coverage under the legislation. They would benefit if the piece-rate provision were included in the legislation.

For my stated reasons I hope that the Senate will reject the conference report, appoint new conferees, request a new conference with the House and instruct the conferees to retain the piece-rate provision of the bill.

Mr. President, I thank the distinguished Senator from Vermont for yielding to me.

Mr. **PROUTY.** Mr. President, I yield myself 1 minute.

The **PRESIDING OFFICER.** The Senator from Vermont is recognized for 1 minute.

Mr. **PROUTY.** Mr. President, I am very grateful to the distinguished Senator from Florida for his very able statement in support of his position and mine.

I was particularly pleased to hear the letter from the Secretary of Labor. That was most helpful.

Mr. President, I yield 10 minutes to the distinguished Senator from Arizona.

The **PRESIDING OFFICER.** The Senator from Arizona is recognized for 10 minutes.

Mr. FANNIN. Mr. President, I commend the distinguished junior Senator from Vermont and express my unqualified support for his pending motion.

I pay tribute to the senior Senator from Florida for his statement in support of the pending motion and for the succinctness with which he described the position that the people from the agricultural community are in.

It was gratifying to see the senior Senator from Oregon so adamantly holding out for the Senate provisions. I commend him for that in the conference committee.

I was very proud that the senior Senator from New York also was steadfast in his determination to retain the Senate provisions.

The Senator from Vermont and the Senator from Florida have thoroughly outlined the necessity for sending the bill back to conference.

I want to underscore one of the points which he made. This is not a question of voting down a conference report to defeat the amendments to the Fair Labor Standards Act. It is simply a procedure to instruct the Senate conferees to insist on the piece-rate work provision for agriculture which the Senate Committees on Labor and Public Welfare approved by a vote of 10 to 6 and which was not challenged on the Senate floor during our consideration of the minimum wage bill.

Mr. President, one of the most active participants in the Senate committee sessions was the Senator from California. His State is the largest producer of agricultural commodities in the United States. He has perhaps been one of the most untiring persons in endeavoring to bring about fair and equitable wage payments for employees in the State of California and throughout the United States. I commend him for this.

The Senator from California strongly supports the pending motion, because he knows firsthand great hardships that will result if this conference report is accepted. His approach is not one of opposition to benefits for the workers. He is concerned for those workers who are not in a position to earn the minimum wage established under this bill, perhaps because of some particular handicap that they may have.

The Senator from California made recommendations to us all, and I want to thank him for his activity.

Mr. President, piece-rate methods of compensation have been used extensively and traditionally in large segments of American agriculture. They are used in the harvesting of citrus, lettuce, melons, and onions, for example, in Arizona. The reason for the widespread employment of the piece-rate system in agriculture is well understood by Senators familiar with agriculture. My distinguished colleague from Vermont has explained its importance extremely well.

Basically, this method of wage payment exists because of the seasonality of the farm work force. The number of workers required by any individual farmer varies widely depending on his season. Because of the sharp upsurge in demand for labor at harvest, farmers have traditionally hired virtually every available worker.

These workers bring to the job different qualifications. Many are diligent and highly motivated. Others, for whatever reason, cannot produce an amount necessary to justify a flat minimum wage of a dollar or more per hour. It is for this reason that farmers pay on a piece rate. It is fair as between workers and enables the farmer to reward incentive.

Now, Mr. President, piece rates are utilized primarily in those crops with intensive labor requirements—primarily, fruits and vegetables. Much has been said about the vast increase in productivity of American agriculture. But these productivity gains have taken place in those crops which are mechanized to a large extent and which use other labor-saving devices. Such crops as cotton, wheat, and other grains are examples. On the other hand, crops such as citrus, strawberries, asparagus, and most deciduous fruits have shown relatively small productivity gains, and it is these which require large amounts of hand labor. It is these which require the piece-rate method averaging of compensation. If we fail to provide it, we will be in the paradoxical position of applying a minimum wage to those areas of agriculture where productivity increases are the smallest.

Let us keep constantly in mind that the farmer's opportunity for supervision and work regulation is very limited.

There is no assembly line in agriculture to control the speed and volume of work of individual employees. It is through the piece-rate wage system that farmers are able to exercise some control over the productivity of their work force.

I would also question whether the establishment of a flat agricultural minimum would not be a long step in destroying the many perquisites provided by farmers to large numbers of their employees. Unless these perquisites are properly evaluated and counted toward minimum wage coverage, they may not be provided. The reason is that farmers can afford to provide them where their labor costs are related directly to productivity. If labor costs rise and, in many cases, exceed productivity, those farmers requiring large amounts of hand labor will have to do all possible to reduce other costs. The elimination of perquisites might be one way to cut back on total costs.

Mr. Fred Burrows, executive vice president of the International Apple Association, in his statement before the Labor Subcommittee last year, said:

> In our industry harvest labor is nearly always paid on an incentive piece rate basis. The rate this past season ranged from 15 to 35 cents per loose bushel field crate, and for the industry averaged in excess of a conservatively estimated 20 cents per bushel. (In 1964 the apple industry's harvest labor bill alone exceeded $26 million.)
>
> Our industry records are replete with data showing that qualified, willing workers readily earn in excess of $1.75 to $2 per hour on a piecework basis. Therefore, payment of the present minimum wage to these sincere

and able workers might not present a problem.

However, and unfortunately, the supply of qualified harvest labor is far below our industry's needs. By necessity the entire horticultural industry, to get the crops harvested, must employ many people considered by many as unemployable—the unskilled, the young, the aged, the lazy, and so forth—who are either not capable or are unwilling to work hard enough to earn even the present minimum wage on a fair and equitable piece rate basis.

To be forced to pay a guaranteed minimum wage to these workers would only result in their not being employed at all, thus further swelling our welfare and delinquency rolls. In many instances, the grower would be forced out of business. Hence the carton manufacturer, the transportation agency, the chemical firm, the retailer and so forth, would all necessarily retrench seriously and adversely affecting our overall economy. Conceivably, prices to consumers could increase materially.

Further, experience has taught us that a guaranteed minimum wage for harvest and packing labor simply does not work. A guaranteed wage usually results in the borderline, or semiefficient worker slowing down and the inefficient becoming even more inefficient. Considering our shortage of qualified and willing harvest labor, the effect of a minimum wage for agricultural labor—especially harvest labor—on the growers' existence and on consumer prices is readily apparent.

Finally Mr. Lester Heringer, president, California-Arizona Farm Labor Association told the subcommittee at its recent hearing in California:

> Experience has shown us that the establishment of minimums or floors under piece rates serve to destroy the incentive and to reduce the productivity, therefore, we have a basic distaste for arbitrary minimums. To substantiate this contention we would refer you to statistical data available in the California Disability Insurance Reports on Farm Labor. A comprehensive analysis of this report indicates that a minimum wage under the piece rate incentive method of payment does little or nothing to enhance the earnings of the qualified agricultural worker, but it does render uneconomical the continued employment of the nonproductive, less than qualified, casual farmworkers upon whom agriculture must depend to augment its regular work force.

Mr. President, I urge the Senate to accept the motion of the Senator from Vermont and restore the agricultural piece-rate system which is so important to both workers and farmers.

Mr. MORSE. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. MORSE. I want to clarify the parliamentary situation that confronts us.

The Senate, irrespective of what the Senator from Vermont would have us do when we got back to conference, cannot bind the House conferees. If we take this report back to conference, we take the whole report back to conference.

Senators should not forget that except for the Prouty amendment, all the farm amendments were adopted in what I called a series of packages. They put these farm amendments in a package, and then we would compromise in regard to those amendments. Even with respect to the Prouty amendment, it was replaced with language that excluded most of the low-production workers that would be most affected by averaging.

We came out, in my judgment, much better than we had any hope of coming out when we went in on the farm amendments. In my judgment if the Prouty amendment is taken back to conference some of the major farm amendments will be lost and we will come out with a much weaker farm bill from the standpoint of the farm amendments than we have now.

Mr. President, I wish to stress this point. I have already talked to farm leaders in my State. Earlier this afternoon I quoted them in a speech that I made. When they saw what was involved in these compromises their instructions to me were to stand where we are.

Mr. President, I have one last point that I wish to make. Some Senators were not here when I discussed the Prouty amendment. I was for the Prouty amendment in committee, and that was for averaging of piece-rate earnings. Then, there was introduced by the Senator from New York [Mr. Javits]—he has discussed it—the proposal that the employer would still have to pay each pieceworker at least 75 percent of the minimum. I voted against it in committee. I thought it was a mistake, and greatly watered down the Prouty amendment. The Prouty amendment is further watered down by the Green amendment, which I strongly supported, which exempts these young people working on farms within commuting distance of home. It was watered down further to exempt the children of migrant workers. We watered it down much further in the conference report because the Secretary of Labor is given authority in regard to the handicapped, mentally deficient, aged, and full-time students, to have them exempted from coverage altogether. I do not believe there is much left in the Prouty amendment with those exemptions.

The Senator from Vermont [Mr. Prouty] is not bound, as are the Senator from New York [Mr. Javits], the Senator from Texas [Mr. Yarborough], the Senator from West Virginia [Mr. Randolph], and the Senator from Oregon by commitments that we made in conference. He made it clear that he was not going to be bound, but we are and we did the best trading that we could.

In my judgment, I can tell the Senate what the House conferees will do. They will say, "We are not going to accept any restrictions." If we go back to conference, every farm amendment in the report will be in jeopardy. As conferees on the part of the Senate in connection with handling the farm amendments, we will be in an impossible position.

One of the leaders of the House conferees proposed at the end of the conference to reopen one of the farm amendments. That was my amendment on food processing. I told you what the farm people think of it. They think it is the most important amendment. I speak only for what they said in my State.

I told the conferees, "You can reconsider when you want; when you consider package agreements we should recognize we have entered into a gentlemen's understanding and we are bound to agree to or reopen the whole package." That is when I made the comment, and we laughed, that when I make a horse trade and I get a spavined horse, I keep him. I do not say, "Take him back."

Mr. President, I think we made a good trade on the farm amendments. I think that the conferees deserve to have this conference report accepted.

I wish to say to those who are interested in the farm amendments that if you want the best protection for the farms of the country you will accept the conference report and not run the risk of losing the amendments that we obtained in conference.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. MORSE. I yield.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Kennedy of New York in the chair). The Senator will state it.

Mr. JAVITS. Mr. President, if the conference report is rejected and the conferees are instructed by the Senate, are the conferees bound by those instructions so that if they bring back some other report it would be subject to a point of order?

The PRESIDING OFFICER. It would not be subject to a point of order.

Mr. JAVITS. I thank the Chair.

Mr. PROUTY. Mr. President, I yield 3 minutes to the Senator from Colorado [Mr. Dominick].

Mr. DOMINICK. Mr. President, I shall not take long, but I wish to bring out several points.

It will be remembered that last year we had a series of discussions in the Senate concerning the need for additional import of labor. There was substantial criticism of the Secretary of Labor for mishandling this type program. We had a vote, I believe, on this matter, which I believe was introduced by the Senator from Florida [Mr. Holland]. There was a vote as to whether we were going to take this program from the hands of the Secretary of Labor and put it into the hands of the Secretary of Agriculture. We lost it. It was our motion. I supported that, and I am happy that I did.

What have we done this time? We took the sugarbeet workers, whose wages have been under the Secretary of Agriculture since the institution of the Sugar Act, and put them into the hands of the Secretary of Labor, who mishandled the entire program from the beginning. I cannot understand why the conference did that.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. HOLLAND. Under existing law, is it not fact that the Secretary of Agriculture is charged with a large number of duties relative to sugarcane and sugarbeet production, and has fixation of wages for fieldworkers?

Mr. DOMINICK. The Senator is correct.

Mr. HOLLAND. He has to fix the allotments of the amounts that can be picked, and the prices that can be charged. He has to determine every feature of a complex program set up by law and under which he has been functioning successfully. At least in my State the wage he has proposed and required for fieldworkers is above the average wage as stated in the bill.

I see no justification for spoiling the broth by putting two cooks into that kitchen.

Mr. DOMINICK. The Senator is correct, and I appreciate his thought in that connection. That is one problem of the conference report.

Another matter that I wish to point out is in connection with the 37 million people affected by the bill and the 8 million people coming in, which was mentioned by the Senator from West Virginia [Mr. RANDOLPH].

I believe that the Senator will admit, along with the rest of us, that most of these people are already getting wages higher under the law—most of them are getting higher wages under the bill.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. PROUTY. Mr. President, I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. They will not be affected. This is not a matter of life and death, or a matter of taking a worker out of peonage. We are trying to get rules and regulations that are fair to all people. I do not believe that the conference report does it.

The third thing that I wish to point out is that we have a limitation in this bill on the amount of business that must be conducted in gross sales before a business is subject to the act. What institutions are not within that limitation? The first are hospitals. A hospital does not have to do $250,000 to be subject. If a hospital has two patients, they are subject to the act. We are subjecting them to a level below what the level for a small business would be. When there is a charitable organization of this kind trying to help people, we should not have that kind of situation. I brought this situation up in the Senate hearing. We brought it up in the committee hearings and we got nowhere. We do not have any situation, except on overtime, to help them. We do help them on overtime.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. DOMINICK. The Senator will have to acquire time elsewhere. I have 1 minute left.

Mr. President, the other matter which I wish to comment on is that I want to assure the Senator from Oregon that I have implicit confidence in his ability and the ability of our other conferees backed by Senate vote to bring back from a conference a better conference report than we have here.

I thank the Senator.

Mr. YARBOROUGH. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. RANDOLPH. Mr. President, will the Senator yield me 1 minute?

Mr. YARBOROUGH. I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I request the attention of the Senator from Colorado [Mr. DOMINICK], the very able legislator who made reference to remarks I made earlier this afternoon as to the coverage of those more than 8 million persons who will be brought under the Fair Labor Standards Act for the first time. I must not permit this discussion to fail to underscore what I believe to be a very important advance in new coverage and improvements in the law for almost 38 million workers.

The Senator will remember that I joined with him in the matter of the hospital amendment which was defeated in committee. We were often in agreement.

But, Mr. President, I have tried to think in terms of equitable adjustments and exemptions, and I stand here today and assert that within the conference we cannot have both those provisions which were in the Senate bill, and those in the House bill. There must be an accommodation to the conferees from both bodies. Your Senate conferees were diligent but we were not so unyielding as to stymie a measure so important in its overall provisions as to strengthen the overall economy of our Republic.

Mr. PROUTY. Mr. President, I yield myself 5 minutes.

The **PRESIDING OFFICER.** The Senator from Vermont is recognized for 5 minutes.

Mr. PROUTY. Mr. President, thus far, nothing has been said about the exemption for small business enterprises which I intend to propose in the event the conference report is rejected. Two amendments on this question were introduced when the bill was being considered in the Senate. The first was to maintain the exemption at the level of $500,000. This lost in a tie vote. The second amendment which I offered reduced the figure to $350,000 in 1969. This carried by a vote of 41 to 38. Significantly, 8 Senators who did not vote were positioned in favor of the amendment, making a total of 49 Senators on record as favoring the exemption for small businesses on their gross sales of less than $350,000 annually.

At present, businesses with sales of less than $1 million are exempt. Under both the House and Senate bills, the figure is reduced to $500,000 in 1967. Under the House bill and as agreed to by the conference, it is proposed to lower it still further, to $250,000 in 1969. Under the Senate bill, it would be lowered to $350,000 in 1969, and that is the provision I desire to retain. The next step, of course, will be to eliminate it entirely. In sum, Mr. President, a firm with sales of $349,000 a year appears to be doing a substantial volume of business. Some people seem to feel that that is the case.

I have just been handed a publication called Dun's Review of Modern Industry, which lists 25 or 26 various lines of businesses, and shows the median ratio of profit to net sales on profits. As I glance at it, the lowest—and I am talking now in terms of the median ratio—is 1.09. That means that a business doing $349,000 in annual sales would show a profit of $3,807. The highest median ratio was 2.34 percent and that would show a profit of $8,190.

Thus, we are not talking about big business. We are talking about very small business, which is faced with all sorts of problems and handicaps at the present time.

It seems to me that there is a tendency on the part of too many people to try to put small business out of business, or to turn it completely over to the large monopolistic concerns. It may come to that. Once a few, big concerns control and dominate business in this country, then we will have a monopoly, unless the Federal Government takes business over—and that is certainly something we do not want.

Small business has grown into large business—that is, men with initiative and courage, willing to run risks, have made a profit for themselves, yes; but they have put an awful lot of people to work. Many of the people employed in small business today are young people without any training, without any skills, and could not get a job if the wage level were increased beyond their productive capacity. Many elderly, retired people are able to supplement their meager incomes, even though they are not physically, perhaps, able to do a full day's work. We will be putting a lot of people who can earn something out of work, unless we take care of these small business problems.

Therefore, I plead with Members of the Senate to reject the conference report. It will go back to conference. I shall make the motion, if no one else does. I will suggest that instructions be given to the conferees to insist on provisions in the Senate-passed bill, provisions which the Senate passed and wants and, in my judgment, should insist remain in the bill.

Mr. President, the House conferees are not tougher than the Senate conferees. I am sure that we can stand up and insist on what we think should be contained in the bill.

We were in a hurry to get this conference completed before the Labor Day recess. Everyone was tired and wanted to get away. Had we had more time, perhaps the Senate would have been able to maintain some of the things in the bill which I think should have remained.

I am sure that if we go back to conference again, we will get what we want.

The **PRESIDING OFFICER.** The time of the Senator from Vermont has expired.

Mr. PROUTY. Mr. President, I yield myself 2 additional minutes.

The **PRESIDING OFFICER.** The Senator from Vermont is recognized for 2 additional minutes.

Mr. PROUTY. The idea that rejection of the conference report will mean the end of the minimum wage bill, in my judgment, is just not accurate. I have zealously supported minimum wage bills ever since I have been a Member of Congress. I have supported several amendments which perhaps, in retrospect, I should not have; but, basically, I am in favor of what is in this bill. I am sure that when we return to conference, we will come back with a better bill which will be acceptable to both the House and Senate.

Mr. DIRKSEN. Mr. President, will the Senator from Vermont yield to me?

Mr. PROUTY. Mr. President, I yield 5 minutes to the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN].

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DIRKSEN. Mr. President, when the instant bill was before the Senate some time ago, I authored a proposal to make $500,000 the enterprise cutoff, so that businesses doing an annual gross sales of less than $500,000 would be exempt from the provisions of the bill.

When I did so, there was in my mind an earlier experience when I was still a member of the Committee on Labor and Public Welfare. On that occasion, we handled the first minimum wage bill, and I recall the then distinguished Secretary of Labor, Arthur Goldberg, who came before the committee to testify. In the course of the colloquy, I said to him, "I cannot understand how you can hang a dollar sign on the interstate commerce clause of the Constitution and make it stand up logically because, if that is the case, then why not lower the "ante" and make it not $750,000 but let us make it $100,000?"

The very distinguished former Representative from Wisconsin, Mr. Andrew Biemiller, who attends the Honorable George Meany of the AFL–CIO on occasion, when he appears before committees, said, "Well, that is what we tried to get the House to do, to make it $100,000 in the first instance."

I said, "Andy, why don't you make it $50,000?"

He said, "If I had it to do, we would do so."

The distinguished chairman of the Committee on Labor and Public Welfare sitting here remembers it so well, because he was there. Of course, that is what they would do, but then we can also make it zero. As a consequence, every business, large and small, will come within the purview of the commerce clause and will become fair game for that elaborate and sprawling bureaucracy which knows so well, in its expert way, how to command reports and put burdens upon little business.

Mr. President, I dread the thought, because I remember at the end of a college year a long, long time ago, I realized that I had to do something to earn some money during the summer; so I rented a little building and went into the ice cream business. I made enough money to pay my matriculation fees and buy books for the next session of college; otherwise, I would not have been able to go back. But I thought, what a burden it would be if I had to sit down and burn the midnight oil beyond the time when I was pushing hamburgers and selling iced drinks, in order to get a stake and purchase some books. But that is exactly what is happening today to little business. Pretty soon, they will be fairly crying for survival.

The other day, someone sent me a copy of Oliver Goldsmith's "Deserted Village." I drenched myself in that wonderful literature with much satisfaction, as I reread what once had been assigned to me in school a long, long time ago. I am sure we all remember the couplet:

> Princes and lords may flourish, or may fade;
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroy'd, can never be supplied.

Mr. President, we do not use the word "peasantry" in our country.

We think in terms of the small enterpriser. He is the counterpart of what they might refer to as the peasantry in England. So the bold little enterpriser, our country's pride, when once destroyed can never be supplied.

And who is going to destroy him? His own Government, by the burdens the Government imposes by making him stay up at night to render reports, and by making him listen to an inspector who comes in and says, "Look, my friend; you are in violation of the law. The law says that if your gross is $250,000, you must comply with all of its provisions."

I do not know how many items are in the bill that went before the conference. I see now that the conferees had to deal with 32 different items. Think of that. When we discussed this measure before, I showed the Senate the regulations. They extended all the way across the Chamber. They comprised hundreds and hundreds of pages. It would baffle a Philadelphia lawyer to understand what is in the bill and what must be complied with.

So now the burden is going to come down further and further. If a man's gross income is $250,000, he will be "in." He will have to comply. If he cannot comply, do Senators know what will happen? The Government will move in on him. He will be given his choice of paying double damages or of complying with the law.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DIRKSEN. Surely; I yield to my good friend from the State of Brotherly Love. He must share our views and our compassion.

Mr. CLARK. The Senator was kind and generous enough a moment ago to refer to a Philadelphia lawyer.

Mr. DIRKSEN. A Philadelphia lawyer?

Mr. CLARK. I heard the Senator say "a Philadelphia lawyer."

Mr. DIRKSEN. Oh, I was thinking of all lawyers.

Mr. CLARK. I think the record will show that the Senator from Illinois made special reference to the ability of a Philadelphia lawyer. I merely want the record to show that there are two Philadelphia lawyers in this body, one a Republican and one a Democrat, who do not share the view of the Senator from Illinois with respect to the bill.

Mr. DIRKSEN. That reminds me——

Mr. CLARK. I thank the Senator from Illinois for yielding.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. DIRKSEN. Oh, Mr. President, not yet; we have lots of time.

Where is my friend from Pennsylvania? What was it somebody once said? Pennsylvania rates two great men: William Penn and Albert Gallatin. The only trouble was that Albert Gallatin, a Secretary of the Treasury, was born in Switzerland.

Mr. CLARK. I regret that my friend has eliminated Benjamin Franklin from his list.

Mr. DIRKSEN. Yes, but he was not a lawyer. He was like a trombone out of place.

The fact is that more and more of this burden is coming down upon the little fellow. Just give the world crusaders a chance, and they will have all the little fellows under the Federal statute, under the regulations they are issuing. Then what will happen? The little fellows will have to do business with mistrust and misgivings, and it is not worth the doing.

I recall when I was operating a small bakery. The Department of Commerce had pleaded and begged and sandbagged me for reports, reports, and reports. It would have taken days to sit down and determine how many pounds of lard, how many pounds of yeast, how many barrels of flour, and how many barrels of salt were used in the course of a year. I did not keep books in that way; I did not try to keep an encyclopedia of business. I threw the report forms in the waste basket.

Then one fine day a high school classmate came in. I said, "Robert, what are you doing here? I haven't seen you for years."

He said, "Why, I am working for the Federal Government."

I said, "The devil you are. Goody for you that you got a job. Is it a civil service job?"

"Yes," he said. "I qualified. I am a GS–9"—or 10, or whatever it was.

I said, "What brought you here?"

He said, "You know, you haven't sent in that report to the Department of Commerce."

I said, "I not only have not but I am not going to." He said, "You have got to. Did you look at the bottom of the form?" I said, "What's on the bottom?" He said, "In dark type it says they can fine you $10,000 and put you in jail." I said, "I don't want to go to jail. I never saw a jail that was healthy. The furniture and food are not good—although I have not been in jail."

So he went away. He came back again. He said, "For the sake of friendship, don't do this. Don't force me." I said, "I am not forcing you. You are an agent of his majesty's government, the U.S. Government. How could I force you?" He said, "You make out that form. My job may be in jeopardy." I said, "The Illinois River is two blocks away from this bakery. You go jump in that river. I am not going to finish that report."

I never did finish it.

But think of the number of people who have kowtowed in doing that very thing. Since then these reports have grown in number until they are an absolute burden on little businesses.

Senators rallied to the cause when we took off the excise taxes. Why? Not because of the money involved, but because of the paperwork burden. That is the paperwork curtain. You have all heard of the Bamboo Curtain and the Iron Curtain. Now there is the paperwork curtain. The only place we find it is in the United States of America, imposed by the Government itself.

So, if we go down this course, what happens to the "bold peasantry, their country's pride, when once destroyed, can never be supplied"? We see how the big retail businesses have swallowed up the little fellows. They do not come back. Put this burden of paperwork on them, and they will go out of business by the hundreds. If we do not help him, the little businessman will go down in a short time.

Let us reject the conference report and let us go back and restore the $350,000 provision the Senator from Vermont offered. It is the least we can do for the "little guy." We go wringing our hands, we cry crocodile tears, for the little farmer and the little businessman, but when it comes time to lay it on the line, we do not do it. If they are not going to save him on that side of the aisle, let us give him a break on this side of the aisle and step up for him. Let us not adopt the conference report. Then it is open to amendment, and we can take up the small enterprise amendment and do a job with it.

That is the whole story, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YARBOROUGH. How much time is left on each side?

The PRESIDING OFFICER. The Senator from Illinois and the Senator from Vermont have 15 minutes remaining, and the Senator from Texas has 6 minutes remaining.

Mr. YARBOROUGH. Mr. President, I yield myself 2 minutes.

It has been pointed out by the Parliamentarian on inquiry—although many Senators were not present when these inquiries were made—that if the conference report goes back to conference, it goes back with everything. It cannot be limited to only one or two items under the rules of both the House and the Senate.

To return the bill would put the farm labor amendments and the whole bill in jeopardy for a total of 37,800,000 workers, 8,200,000 with no coverage at the present time.

Mr. JAVITS. Mr. President, will the Senator yield, to make it very clear that no matter what instructions we give the conferees, we cannot bind either the conferees or the conference?

Mr. YARBOROUGH. That is exactly right. It has been so stated, upon inquiry, by the Parliamentarian. If we send this back to conference, it does not make any difference what instructions we give the conferees, the matter will be wide open.

The conference report covers 38 points. The Senate prevailed in 21 points, the House in 17.

I wish to point out that we are bringing under this bill for the first time 8,100,000 workers—360,000 farmworkers, but also 7,700,000 who work mainly in laundries, motels, hotels, hospitals, restaurants—the service trades—who have never had the protection of a minimum wage law, and have therefore never had the protection of the Fair Labor Standards Act.

They are the disadvantaged workers of America. They are the poor of America. All the poverty surveys show that the two greatest groups among the poor are the aged people of America and the widows, the heads of families with children, where there is no man in the family, and who work in those laundries, motels, hotels, restaurants, and hospitals—in the service trades.

Those women, who are the heads of families themselves, are having to support children at home. This bill provides that we start with a modest $1 an hour next year, the following year, $1.15, and on up—it takes 5 years to get up to the $1.60 an hour minimum.

As to the small business test, a small business test of $250,000 is provided in the bill. If a business grosses less than $250,000 a year, it is exempt.

How much is $250,000 a year? If you have a motel with 50 rooms, and rent those rooms at $13 a night, and rent every single room every night——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. YARBOROUGH. I yield myself 30 additional seconds.

Every night, for 365 days a year, you still would not have a total gross income of $250,000.

So the little businesses are exempt. Every corner grocery store is exempt. Every so-called family business is exempt—every "mom and pop" establishment, operated by the family with the assistance of the grandparents, is exempt, even if it takes in a million dollars a year.

And, Mr. President, that total extension of coverage will not be effective until 1969. It is just a reduction to a $500,000 gross business test next year. We are talking about 2 years off.

Mr. President, I submit that the conference report should be accepted, and that this effort to destroy it should be rejected. I move that the conference report be agreed to.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DIRKSEN. Mr. President, is the Senator from Texas ready to yield back the remainder of his time? I shall yield myself 2 minutes, and then I shall be ready to yield back the remainder of my time—or did the Senator from Ohio wish time?

Mr. LAUSCHE. Mr. President, I should like to ask the Senator from Vermont, how many Senators were members of the conference committee?

Mr. PROUTY. There were 11.

Mr. LAUSCHE. How many of those 11, when the vote was cast on the $350,000 figure, voted for it, and how many against it?

Mr. PROUTY. I do not think we voted on it separately. On the farm question, the vote in the Committee on Labor and Public Welfare was 10 to 6 in favor of my position. In the conference, it was 8 to 3 for the Senate to recede.

Mr. LAUSCHE. Perhaps my question cannot be answered by the Senator from Vermont; but the Senator from Illinois offered an amendment that the figure of $500,000 be retained. That was voted down. The Senator from Vermont then offered the $350,000 amendment.

Mr. PROUTY. That is correct.

Mr. LAUSCHE. My question is, How many of the Senate conferees voted for the amendment of the Senator from Vermont? My recollection is that eight of them voted against it and three voted for it.

Mr. PROUTY. I do not recall, but the Senator is probably correct. The record vote in the Senate is on page 20808 of the RECORD of August 26. I do recall that on that vote, 41 Senators voted in support of my amendment. Eight Senators were listed in the RECORD as in favor of my amendment, though they were either paired or absent. In other words, a total of 49 Senators are in the RECORD in support of the amendment I offered in the Senate.

Mr. LAUSCHE. I think an examination of the RECORD will show what the leaning of the members of the conference committee was. That is, were they against the Senator's amendment, in the main, when it came up for consideration, or were they for it? If they were against it here, of course, they were against it in the conference.

Mr. PROUTY. I have not checked the RECORD, but my best recollection is that they were against it.

Mr. MORSE. Mr. President, will the Senator from Illinois yield 30 seconds to me?

Mr. DIRKSEN. I yield 30 seconds to the Senator from Oregon.

Mr. MORSE. I say to the Senator from Ohio, we cannot give the record on how the conferees voted on the $350,000 Prouty amendment in conference, because we did not vote on it singly. It was a part of a package. We discussed that package, worked out compromises on the package, and voted on the package. We voted to give way on this matter in conference, in order to retain something we considered more important.

Mr. LAUSCHE. I understand that, but the pertinent part of my question is, what was the leaning of the members of the conference committee when they were appointed? Were they of a complexion that they were, at the time of appointment, against the Prouty amendment?

Mr. MORSE. It does not make any difference what our leanings were. But I wish to boast about the conferees, for every one of us, no matter how we voted in the Senate, fought for the Senate amendments, up to the point where we knew we could not prevail. It was only then that we started to compromise.

Mr. RANDOLPH. Mr. President, will the Senator from Illinois yield me 30 seconds?

Mr. DIRKSEN. I yield 30 seconds to the Senator from West Virginia.

Mr. RANDOLPH. I thank my cherished colleague.

For the record I shall say that the conferees on the part of the Senate, in connection with this important legislation, were all members of the Subcommittee on Labor, both Democrat and Republican. This assured all viewpoints, personal and in response to earlier Senate action.

Mr. DIRKSEN. Now, Mr. President, I yield myself 2 minutes. Then I will yield back the remainder of my time, and we will vote.

My friend, the Senator from Texas, talks about destroying this conference report. He knows full well that many a conference report has gone back, and the fighting never gets good, in a conference with the House, until you have gone back and belabored them. I have been on hundreds of conferences, both on the part of the House and on the part of the Senate, in my years, and I know precisely what happens. The Senator from Texas says you open up this whole business. You do not do anything of the kind. They can read the CONGRESSIONAL RECORD over there. They know how we feel, and that here are the two items in which we are interested.

But we will have no chance at it unless we open up this conference report. That does not involve any destruction whatsoever, nor does it involve a stretchout of time. It can be done in reasonably short order; and if we wish to make a little effort in behalf of small business in this country, this is the time to do it, or forever hold our peace.

Every retail association in the country, and all the independent small business people, have been in favor of maintaining a larger base for small enterprise.

Now, you have your choice. But you are not going to get anything from them unless you first vote this conference report down; and I urge that that be done.

Mr. RANDOLPH. Mr. President, will the Senator yield me another 30 seconds?

Mr. DIRKSEN. Thirty seconds.

Mr. RANDOLPH. I have tremendous admiration for the Senator from Illinois. We came to the House of Representatives in the same year. We began our service in the 73d Congress. I hope it is not inappropriate to recall that on June 14, 1938, when we voted in the House of Representatives on agreeing to the conference report on the Fair Labor Standards Act, the Senator, then a Representative from Illinois, voted for that conference report, which brought the Fair Labor Standards Act into being.

The PRESIDING OFFICER. The Senator's 30 seconds have expired.

Mr. DIRKSEN. I yield the Senator 30 additional seconds.

Mr. RANDOLPH. I only wish—and I say this in good conscience and good humor—that this afternoon, the Senator from Illinois could appear in the same role as he appeared in 1938, when he voted for the conference report, as did the Senator now speaking. In that effort we were to begin to increase very low wages and to shorten the too long hours of toil and in part remove the unsanitary and intolerable working condition for men, women, and children. We have moved the economy of this Nation forward. Let us not slow down or sidetrack the good already won.

But, although I take issue with my friend, I respect his conviction.

Mr. DIRKSEN. Mr. President, I yield myself 30 seconds.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I have not changed my mind about the minimum wage and maximum hours. It is this Government and the bureaucrats and the labor organizations who have intruded themselves and contributed all of these refinements. That is a different dish from the day when we voted in the House of Representatives 28 years ago on minimum wage and maximum hours.

Mr. President, I yield 30 seconds to the Senator from Vermont.

Mr. PROUTY. Mr. President, I wish to make it clear that, if the conference report is rejected, I shall move to request a conference with the House on the disagreeing votes of the two Houses. I shall move to instruct the Senate conferees on two specific issues which will be voted on separately.

I do not wish to ask the Senate to vote against the small businessmen and the small farmers at the same time. I want to give them a chance to vote separately on those matters.

We will then go back to the conference, if the motions are agreed to, with instructions, and I am sure that we will return to the Senate with a much better bill.

Mr. DIRKSEN. Mr. President, I yield back the remainder of my time.

Mr. YARBOROUGH. Mr. President, I yield myself 1 minute.

Mr. DIRKSEN. Mr. President, I save my time.

Mr. YARBOROUGH. Mr. President, the able Senator from Oregon has very ably pointed out that this was a package arrangement in the horse trading that went on. It was a very hard-fought-for measure.

I want to point out one thing that has not been pointed out on the floor as to why we were disadvantaged concerning the minimum wage rate, from the start.

When we met with the House conferees, the House conferees were militant against the $350,000 amendment. They pointed out that the language contained in the $350,000 amendment would remove from the coverage of the act 30,000 service station employees and leave these employees without protection.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. YARBOROUGH. Mr. President, I yield myself 1 additional minute.

The VICE PRESIDENT. The Senator from Texas is recognized for 1 additional minute.

Mr. YARBOROUGH. Mr. President, these employees have heretofore been protected. We would not only be postponing the date of coverage of the newly covered employees by agreement to this amendment, but we would be actually eliminating the coverage that the other workers already had.

We were not going to agree to such an amendment. I hope that we are not ordered to go back to conference and eliminate from the coverage of the minimum wage law the workers already covered.

I hope that the Senate will not order us to go back to conference and remove 30,000 workers who have been covered by the act for many years.

The conference report cannot be accepted or rejected piecemeal. If the conference report is rejected, it is all in conference, and every agreement that we have made is down the drain and the hourly rates of 37,800,000 workers are placed in jeopardy, of whom 8,200,000 have no protection at this time.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. Mr. President, I hope that the Senate will agree to the conference report. The conference report is the result of hard work on the part of committees representing the House and the Senate.

I personally am sorry that the limitation of $350,000 was not retained. However, the distinguished senior Senator from Oregon has explained that situation, as has the distinguished senior Senator from Texas.

I am afraid that if this measure goes back to conference, it will be left wide open, and there will be no minimum wage bill this year.

The results, in my opinion, could well be disastrous.

I hope that the conference report is agreed to.

Mr. DIRKSEN. Mr. President, I shall yield myself 1 minute and then quit.

The VICE PRESIDENT. The Senator from Illinois is recognized for 1 minute.

Mr. DIRKSEN. Mr. President, the so-called filling station item was within the framework of the conference. The Senator from Vermont wanted to get that matter cured. His offer was rejected.

You had a chance to operate on it, and you did not do it. You caved in to the House conferees. That is the trouble.

Since this is a deliberative body in which we do not operate under the 5-minute rule, whenever the Senate caves in, it ought to hang its head when it comes back.

The Members of the House of Representatives complain that we swipe their pants when we go to conference. We ought to. They operate under the 5-minute rule. We do not operate under such a rule. We can discuss a measure as long as we want to. And if it is not worn threadbare when we get through, then there is something wrong with the lusty bellows and the windpipes of the Senators.

Now, are you ready to yield the remainder of your time?

Mr. PROUTY. Mr. President, I yield 1 minute to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I join my colleagues from California and Vermont in urging that the minimum wage bill be returned to a new Senate-House conference so that language covering pay for piecework by hand harvest workers can be restored and small businesses having sales of less than $350,000 annually can be exempted from the bill.

These provisions, particularly the piecework language of section 302, are of vital importance to Wyoming and other farming States. Their exclusion from the bill would do incalculable harm to America's farm-ranch States.

I urge that the conference report be rejected and that another conference be requested and that the conferees be instructed with respect to the piecework and small business provisions.

Mr. YARBOROUGH. Mr. President, I yield myself 1 minute.

The VICE PRESIDENT. The Senator from Texas has no time remaining.

Mr. DIRKSEN. Mr. President, I yield 10 seconds to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I hope that the Senate does not cave in and collapse on this measure and send the conferees back in the manner so beautifully described by the able minority leader, this great orator.

Let us not cave in in the manner suggested by this distinguished minority leader.

Mr. DIRKSEN. Mr. President, I yield myself 10 seconds.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I hope the Senate will not cave in on this inequity.

I yield back the remainder of my time.

The VICE PRESIDENT. All time having expired, the question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. YOUNG of Ohio. Mr. President, before the call of the roll is commenced, I ask that the Vice President direct that the aisles be cleared of all attachés who are, merely out of curiosity, standing in the aisles.

The junior Senator from Ohio wants to hear every vote recorded.

The VICE PRESIDENT. The Senator from Ohio has made a very appropriate request.

All attachés will please be seated or remove themselves from the Chamber.

All time having expired, the question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUSSELL of Georgia (when his name was called). Mr. President, on this question I have a pair with the senior Senator from Wyoming [Mr. McGee]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The legislative clerk resumed and concluded the call of the roll.

Mr. RUSSELL of South Carolina (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Washington [Mr. Magnuson]. I understand that if he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. INOUYE. I announce that the Senator from Louisiana [Mr. Long], and the Senator from Washington [Mr. Magnuson], are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Arizona [Mr. Hayden], and the Senator from Wyoming [Mr. McGee], are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], and the Senator from Louisiana [Mr. Long], would each vote "yea."

The result was announced—yeas 55, nays 38, as follows:

[Leg. No. 253]

YEAS—55

Anderson
Bass
Bayh
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Dodd
Douglas
Fong
Gore
Griffin
Gruening
Harris
Hart
Hartke
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Mansfield
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Monroney
Montoya
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—38

Aiken
Allott
Bennett
Byrd, Va.
Carlson
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
McClellan
Miller
Morton
Mundt
Murphy
Pearson
Prouty
Robertson
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—7

Bartlett
Hayden
Long, La.
Magnuson
McGee
Russell, S.C.
Russell, Ga.

So the report was agreed to.

Mr. YARBOROUGH. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the Senate's acceptance of the minimum wage conference report today marks the successful culmination of a truly outstanding effort on the part of a number of Senators. Foremost were the efforts of the senior Senator from Texas [Mr. Yarborough], who, as chairman of the Labor Subcommittee, worked long and hard to achieve first, a bill that could be endorsed by the Senate and second, a conference report equally satisfactory. Such an achievement on a measure as complex and difficult as this deserves the highest praise—praise highly earned by Senator Yarborough.

The senior Senator from Oregon [Mr. Morse] deserves equally high commendation for his typically strong and articulate support in committee, in conference, and on the floor. At the conference table the Senate always can count on the full utilization of Senator Morse's great skill and talent for protecting its position to the fullest.

And, of course, the senior Senator from New York [Mr. Javits], the ranking minority member of the committee, added the full measure of his unexcelled advocating abilities both in conference and today on the floor to assure Senate approval.

Similarly the distinguished Senators from New Jersey [Mr. Williams], West Virginia [Mr. Randolph], and Pennsylvania [Mr. Clark] are to be commended for their characteristically marvelous support on behalf of the conference report. Without such a high degree of articulate backing by these and other Senators, surely this outstanding triumph could not have been obtained.

Finally, to those who opposed certain aspects of the conference report but who nevertheless joined to assure its disposition today we are grateful. I refer to the Senator from Vermont [Mr. Prouty] and the Senator from Illinois [Mr. Dirksen], the distinguished minority leader. These Senators and others urged their own strong and sincere views in opposition but, in so characteristic a manner, did not impede or obstruct the measure. For this we are thankful.

In conclusion, I again thank the Senate as a whole for its splendid cooperation in assuring orderly and efficient action today. It is the hope of the leadership that cooperation of this magnitude will continue on for the remainder of the session.

CIVIL RIGHTS ACT OF 1966

The Senate resumed the consideration of the motion of the Senator from Michigan [Mr. Hart] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call for the quorum under the rule be suspended on the next vote.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. PASTORE. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

Is it the sense of the Senate that the debate on the motion to proceed to the consideration of H.R. 14765 shall be brought to a close? Under the rule, the yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Washington [Mr. Magnuson], is absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from

Arizona [Mr. HAYDEN], and the Senator from Wyoming [Mr. MCGEE], are necessarily absent.

On this vote, the Senator from Washington [Mr. MAGNUSON] and the Senator from Wyoming [Mr. MCGEE] are paired with the Senator from Arizona [Mr. HAYDEN]. If present and voting, the Senator from Washington would vote "yea," the Senator from Wyoming would vote "yea," and the Senator from Arizona would vote "nay."

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Leg. No. 254]

YEAS—54

Aiken
Allott
Anderson
Bass
Bayh
Boggs
Brewster
Burdick
Case
Church
Clark
Dodd
Dominick
Douglas
Fong
Gore
Griffin
Gruening
Harris
Hart
Hartke
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Mansfield
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Monroney
Montoya
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—42

Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Cooper
Cotton
Curtis
Dirksen
Eastland
Ellender
Ervin
Fannin
Fulbright
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
McClellan
Miller
Morton
Mundt
Murphy
Pearson
Prouty
Robertson
Russell, S.C.
Russell, Ga.
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—4

Bartlett
Hayden
Magnuson
McGee

The VICE PRESIDENT. On this vote there are 54 yeas and 42 nays. Under rule XXII, two-thirds of the Senators present and voting not having voted in the affirmative, the motion is not agreed to.

Mr. STENNIS. Mr. President, I ask the Vice President to restore order in the Senate before any further proceedings take place so that Senators can hear.

The VICE PRESIDENT. The request of the Senator is desirable and in order. Senators will please be seated.

The Senator from Illinois is recognized.

ORDER FOR RECESS UNTIL TOMORROW, FRIDAY, AND MONDAY—LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I would like to ask the distinguished majority leader about the program for tomorrow, and possibly the next day, and insofar as he knows, into Monday of next week, and also the hour for the convening of the Senate.

Mr. MANSFIELD. Mr. President, in response to the questions raised by my distinguished colleague, the minority leader, I would like at this time to ask unanimous consent that when the Senate completes its business today it stand in recess until 12 o'clock noon tomorrow.

The VICE PRESIDENT. Is there objection? Hearing no objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in recess until 12 o'clock noon on Friday next.

The VICE PRESIDENT. Is there objection? Hearing no objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday it stand in recess until 12 o'clock noon on Monday next.

The VICE PRESIDENT. Is there objection? Hearing no objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the business will be what we have been having for the past 6 or 7 days, I may say to my distinguished colleague: the question of taking up a little bill which the distinguished Senator from Michigan [Mr. HART] has been trying for a week to bring to the attention of the Senate.

In the meantime, with the minority leader's permission, and the Senate's concurrence, we will take up unobjected-to items and keep the calendar as clear as we can.

Mr. HOLLAND. Mr. President, I could not hear the last statement.

Mr. MANSFIELD. We shall try to keep the calendar clear. There are some bills on the calendar which have been reported by the Committee on Armed Services. There will be a couple of bills having to do with the Philippines, and one having to do with interest rates, and that will likely be brought up tomorrow.

Mr. DIRKSEN. I have one other question, and I hope the Senate will listen. The majority leader has been gracious enough to include in his unanimous-consent request at the time of the morning hour that the so-called measure which has been engaging our attention will not be motioned up in the morning hour, and I assume that he will give us assurance of that.

Mr. MANSFIELD. Absolutely, and I make that unanimous-consent request right now.

The VICE PRESIDENT. Is there objection?

Mr. RUSSELL of Georgia. Mr. President, may we have the unanimous-consent request clearly stated?

The VICE PRESIDENT. The Senator from Montana will restate his unanimous-consent request.

Mr. MANSFIELD. That it is my intention—and I make the request now—for the next 3 days, that there be a brief morning hour for the transaction of routine morning business, and that statements be limited to 3 minutes, and that the unfinished business not be displaced.

Mr. RUSSELL of Georgia. Is it the intention of the majority leader to take up legislation in the morning hour?

Mr. MANSFIELD. If it is unobjected to, but not legislation which the Senator has in mind, I can assure him. [Laughter.]

The Senator from Georgia will be fully protected.

Mr. RUSSELL of Georgia. I am glad to hear that. The distinguished Senator is psychic. I had other things in mind other than the motion which has been made by the Senator from Michigan.

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. MANSFIELD. I will withdraw it——

Mr. JAVITS. No—I think the distinguished Senator misspoke himself when he said "discuss." We all understand it is not to be motioned up, but suppose a Senator wishes to say something about the pending business——

Mr. MANSFIELD. There is nothing to prevent any Senator from speaking about it.

Mr. JAVITS. That is right, but the Senator used the word "discuss" in his unanimous-consent request, which could be taken to mean that it would not be motioned up, which is fine with me.

Mr. MANSFIELD. I asked that the unfinished business not be displaced.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Montana?

The Chair hears none, and it is so ordered.

JOINT MEETING OF THE TWO HOUSES TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, all Senators will meet in the Chamber at 12:13 o'clock tomorrow. We will leave here at approximately 12:15 o'clock and proceed in a body to the Hall of the House of Representatives, for the purpose of meeting in joint meeting with the House of Representatives to hear the very distinguished President of the Philippines, Ferdinand Marcos, deliver an address to a joint session.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 11488. An act to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes; and

H.R. 13508. An act to direct the Secretary of Interior to cooperate with the States of New York and New Jersey on a program to develop, preserve, and restore the resources of the Hudson River and its shores and to authorize certain necessary steps to be taken to protect those resources from adverse Federal actions until the States and Congress shall have had an opportunity to act on that program.

A VIETNAM VIEW

Mr. ALLOTT. Mr. President, I hold in my hand a letter to the editor which was published in the Longmont Times Call, written by Charles L. Dunfee, Sr., who is now in Vietnam.

I commend his thoughts and his inspiration to all Senators, and I truly believe that they will find inspiration in his words.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VIETNAM VIEW

(EDITOR'S NOTE.—Specialist Charles L. Dunfee, Jr., is the son of Mr. and Mrs. F. H. Dunfee of 436 Baker St., Longmont. He is a graduate of Longmont High School and has been in the Army 12 years. His wife Amy, formerly of Mead, and his three children are living in Longmont now. Charles Jr. started kindergarten Tuesday morning.)

To the EDITOR:

"Get out of Viet Nam!" I heard as I suddenly woke, wide awake. It was two o'clock in the morning, Saigon time, when I woke up with these words ringing loudly in my ears. I rolled over in the sack and tried to go back to sleep, but this thought kept running through my mind, and sleep just wasn't there. Yes, let's get out of Viet Nam! Then what? The fighting was just four miles away last night, the flares and tracers were readily visible as the sounds of battle rang clear in the night. It is now the dead quiet hours of early morning with the sounds of fighting not two hours silent, and here I lie thinking of this question, "Then What?"

After we back out of Viet Nam, I hear vividly that little voice in the back of my mind saying, "Get out of the Philippines!" Oh, well, they are a small chain of islands, not worth fighting for. Let's not have any trouble over them. Next I hear, "Get out of Japan and Korea!" We were there before fighting, let's not go through that again, instead let's move out of there, too. What comes next? Oh, yes, "Get out of Hawaii!" Now wait a minute!!! That is one of our own states. But then again let's think this over. Hawaii is such a small place, and so far away from our mainland. Is it really worth fighting for? Then that little voice gets an even more menacing tone to it. "Get out of San Francisco!" Now we have come to the end of our backing; but now let's stop to survey the situation more clearly. Now it is America against the whole world; do you know, we look mighty small in that light.

As the hours drag by I look back now. Why am I in Viet Nam? Myself, like so many others, we asked to be here. I think I have the most beautiful, wonderful country in the world, and I want to keep it that way. I have seen the devastation in Korea, and now history is repeating itself here in Viet Nam. Let's not see the ravages of war in our own country. I really wonder, do these people at home ever think beyond the end of their noses when they cry, "Let's bring our boys home"?

The soldier has a Code by which he lives. It starts, "I am an American fighting man. I serve the forces which guard my country and our way of life. I am prepared to give my life in their defense." It ends, "I will never forget that I am an American fighting man, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America." These aren't just some words on a piece of paper. To most of us over here, it is an utterance from our very hearts. If I must fight and possibly die for my country, I do so with the knowledge that it is God's will, and I do so of my own free will. I just wish I could tell the whole world of this feeling that is within me. I dedicate my life to my wife and our three children—that if necessary I will gladly give it up with the thought of the words of our Lord when he said, "What greater love is there than if a man lay down his life for a friend." I am speaking for many men when I say that my family will live in freedom and safety because we are stopping the forces of evil over here, before it has the chance to spread to our very homes.

The dawn is beginning to break; I guess I had better get off this cloud and back to the reality that this is a hot, miserable country, and we have a bloody, stinking war that we MUST fight.

Sp5c. CHARLES L. DUNFEE, Sr.,
U.S. Army.

INTERNAL REVENUE'S NEW PROPOSED REGULATIONS ON DEDUCTIBILITY OF EDUCATIONAL EXPENSES

Mr. PEARSON. Mr. President, on July 7, 1966, the Internal Revenue Service issued notice of its intention to change the tax regulations with regard to the deductibility of educational expenses. These changes would, in essence, disallow many of the members of the teaching profession from deducting costs which they incur in bettering their abilities and skills for educating our young.

Continually, since the issuance of T.D. 6291 by the IRS in 1958, this agency has forced large numbers of teachers into litigation over their eligibility to deduct certain of their expenditures made in obtaining new teaching knowledge. This policy was followed despite the fact that it has been a longstanding intent of Congress that expenses incurred by teachers for their education could be deducted even in cases where they were incurred voluntarily and taken for academic credit or a degree, or in expectation of an increase in salary. The position taken by the IRS was that expenses could be deducted only when the teacher had met the "minimum" qualifications for his employment, thereby in pursuing additional education it would only be to "maintain or improve" existing skills. In each of these cases, the IRS lost because the distinctions which they advanced were not in line with the recognized congressional policy.

Now the IRS has decided that what they cannot accomplish by judicial decisions can be accomplished by the issuance of new regulations. Therefore, the judicially sanctioned tests of "maintaining or improving skills" and "pursuing the requirements of employment, regardless of academic credit" have been discarded presumably because these tests rendered it too difficult to win a tax case. In its new proposed regulations, the IRS has not only reinstated the so-called minimum test which had been refuted by many judicial decisions, but had defined the test in a way which, practically speaking, ends all reasonable chance of deducting educational expenses.

The proposed regulations state that educational expenses "are not deductible as ordinary and necessary business expenses even though they may maintain or improve skills required by the individual in his present employment" if the additional training, first, qualifies "the individual for a position which he has not, at the time such education is undertaken, met the minimum education requirements"; or second, results in a "substantial advancement" of position or salary; or third, "is undertaken as a part of a program leading to attainment of a recognized level of education" such as a "degree, diploma, or similar certificate evidencing completion of a recognized education program."

Mr. President, we are in a period of history when the fourth grade child is being exposed to more technical science projects than we in our generation even dreamed, when first graders are becoming multilingual, and when sixth grade students understand complicated algebra and geometry problems, yet the IRS has proposed criteria for the deduction of teachers' expenses which are not only illogical, but completely foreign to our American concept of education. We expect our teachers to advance new ideas, but in these proposed regulations we undercut the principal initiative which motivates teachers to maintain the necessary high quality to teach these subjects. The examples offered in the regulations, section (f), illustrate this. If a teacher does not have a permanent or continuing teaching certificate he is not considered as having met his "minimum employment requirement" so that regardless of his desire to increase his knowledge, any expenses for courses which he takes are considered to be "personal expenses" to obtain a position, and will not qualify as deductible. This is true, Mr. President, even if his employer, the State board of education, reformulates its standards so as to require of him more than the certificate which he may presently hold. Similarly, if a teacher takes a summer course, which he intends to use to better his fall class content but which incidentally results in a diploma or any certificate evidencing completion, or in a "substantial increase" in salary or position, his expenses cannot be deducted. It is obvious to me, Mr. President, that these regulations completely discourage any desire for a teacher to take additional course work because they negate any positive financial advantages.

Therefore, Mr. President, this move by the IRS greatly disturbed me and, consequently, I cosponsored S. 3641, a bill introduced by Senator TALMADGE, which would clarify this policy and allow deductions of educational expenses incurred by the teacher whenever they are reasonable and necessary to help maintain the quality of his teaching ability, regardless of incidental side benefits or technical distinctions. However, because of the heavy schedule under which Congress is now working, it appears unlikely that this bill, or any of its counterparts, will receive action in this session.

Therefore, I would like to associate myself with the Senator from Indiana [Mr. HARTKE] in sponsoring an amendment to H.R. 11256, a bill which calls for the reformulation of our Federal tax lien system. The amendment would add a title to this bill which would provide for the tax deduction measure espoused in S. 3641. It is my understanding that the possibilities of favorable action by the House of Representatives on this tax lien legislation is forthcoming and that the Senate Finance Committee looks upon this bill as an important measure to be passed this session.

I do not wish to unduly complicate this legislation by adding a title which advances different concept from that of the remainder of the bill, but I agree with the other sponsors of this amendment that this bill offers us the last chance in this session to pass this important tax deduction measure. I call on the members of the Senate Finance Committee, as well as all the Members of this body, to offer their help in insuring that the teachers of this country are allowed a deduction for expenses resulting from voluntary pursual of additional courses of study. As President Johnson has said, education is "the No. 1 business of the American people." I think it should be the No. 1 business of the U.S. Senate.

TIES WITH RUMANIA WEAKEN

Mr. CLARK. Mr. President, we often hear that it is impossible for the United States and the countries of Eastern Europe to improve the unhappy state of their relations because these countries consider the war in Vietnam to be an insuperable obstacle. While there is no doubt that the Communist countries of Eastern Europe must evince at least a measure of political solidarity with the Communist regime in North Vietnam, we must be careful that we do not end up justifying inactivity on our part by using the very excuse that we accuse the Eastern European countries of using.

Let me cite an example. The September 11 issue of the New York Times contained an article written by David Binder, entitled "Ties of Rumania With United States Weaken." Mr. Binder began by saying:

> All signs from Rumania indicate that her relations with the United States have worsened in the last two years for a variety of reasons.

Mr. Binder then went on to enumerate these reasons, and it is interesting that they did not include the war in Vietnam.

In essence, Mr. Binder reported that the present Rumanian Communist Party chief has decided to concentrate on building Rumanian relations with West Germany, France, and Italy rather than with the United States as his predecessor had tried to do. Discussing the "objective factors in the cooling of Rumanian ardor for promoting ties with Washington," Mr. Binder pointed to the refusal of the Firestone Co. to go ahead with plans to build a rubber plant and the administration's inability to accord Rumania most-favored-nation status in trade. Mr. Binder noted:

> No such obstacle exists in Rumania's trade with the Western European countries and as a result exchanges with West Germany, France, and Italy are booming.

He added:

> Political links with Western Europe are steadily increasing, too.

Mr. President, Rumania continues its efforts to assert an independent policy vis-a-vis the Soviet Union. It seems to me most regrettable that it is not at the same time developing stronger ties with the United States—at least ties of trade and commerce which are nonpolitical in character. It is apparently not because of any lack of desire on the part of the Rumanians that these ties are not being developed. It is because we give the Rumanians no other choice. Our private corporations are unwilling to do business in Rumania, because some self-styled patriots are so blinded by prejudice that they are unable to see that the national interest—which means their interest as well—is served by nonstrategic trade with Rumania. And we in the legislative branch are apparently unwilling to see most-favored-nation privileges accorded to Rumania.

In his letter of May 11, transmitting to the Congress the East-West Trade Relations Act of 1966, Secretary Rusk said:

> We cannot expect trade alone to change the basic nature of the Communist system in any Eastern European country nor to settle fundamental differences between us. We can, however, expect that the many close relationships normally growing out of trade will provide opportunities for influencing the development of their societies toward more internal freedom and peaceful relations with the free world.
>
> A healthy growth of trade will help to reduce the present dependence of these Eastern European countries on each other and the Soviet Union. They will be encouraged to rebuild the friendly ties they have historically had with the West. Independent action will become more attractive and more feasible. The conclusion of an agreement with any of these countries will be an inducement to others to seek the same benefits.
>
> The very nature of trade, the necessity to follow established rules of behavior, the increased contact with the West, the increasing use of Western goods, the growing appreciation of their quality and of the efficient methods of their manufacture, the growing understanding of the skills, opportunities and earnings of free labor in the United States and other Western nations, the greater exposure to the miracles of American agriculture—all these things could encourage increasing liberalization of the internal economies of the Eastern European nations.

These are rational and persuasive arguments for trading with the countries of Eastern Europe. How unfortunate it is that we are not moved by them.

Mr. President, I ask unanimous consent to have Mr. Binder's article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ties of Rumania With U.S. Weaken—Red Leader Concentrating on Western Europe

(By David Binder)

Belgrade, Yugoslavia, September 8.—All signs from Rumania indicate that her relations with the United States have worsened in the last two years for a variety of reasons.

Chief among them, in the view of experienced observers here, appears to be a decision by the Communist party chief, Nicolae Ceausescu, to concentrate on West Germany, France and Italy in Rumania's relations with the West.

There is a sharp contrast in this emphasis with the policy of his predecessor, the late Gheorghe Gheorghiu-Dej, who in 1964 sent a high-level trade delegation to Washington and authorized the raising of diplomatic missions from the legation to the embassy level.

The leader of the trade delegation was Gheorghe Gaston Marin, then the planning chief, who was ousted from his job last year by Mr. Ceausescu and appointed Deputy Premier with little more than ceremonial duties.

REASON FOR THEIR DIFFERENCE

Mr. Marin had been noted for his special interest in expanding relations with the United States, and this was believed to be a main reason why he and Mr. Ceausescu fell out.

Undoubtedly there were more important objective factors in the cooling of Rumanian ardor for promoting ties with Washington.

The most obvious of these was the refusal of the Firestone Company to go ahead with orally agreed-on plans to build a rubber plant in Ploesti.

However, the Rumanians were also disappointed in the Johnson Administration's inability to accord them a most-favored-nation status in trade, under which a nation obtains a status equal to the most favorable one extended by the other nation to any third state. The lack of this gravely hampers Rumania's possibilities for export to the United States.

No such obstacle exists in Rumania's trade with the West European countries and as a result exchanges with West Germany, France and Italy are booming.

POLITICAL LINKS INCREASE

Political links with West Europe are steadily increasing, too. Maurice Couve de Murville, the French Foreign Minister, received an unusually warm welcome in Bucharest last spring.

This week Dr. Kurt Schmücker, the West German Minister of Economics, was received in Bucharest by the highest Rumanian leaders, including Mr. Ceausescu and Premier Ion Gheorghe Maurer. Dr. Schmücker passed on an invitation for Foreign Minister Corneliu Manescu to visit Bonn.

Observers here conclude that Mr. Ceausescu has decided that he can exploit these contacts for the benefit of continued assertion of Rumania's independence policy vis-a-vis the Soviet Union as well as for useful trade without the heavy political onus attached to similar contacts with the United States at this time.

FOOD FOR THE WORLD

Mr. CLARK. Mr. President, world population is growing at an astronomical pace. It is now 3.2 billion. In the next 34 years, by the year 2000, it will double to the incredible figure of nearly 6½ billion. How many of these people will starve? How will we be able to avoid chaos and violence and destruction?

I recently came across an exceptionally good survey article called "Food for the World," by Howard W. Mattson, which appeared in the December 1965 International Science and Technology. In this article, Mr. Mattson discusses the problem of burgeoning population and how our additional billions may be fed. His comments are instructive and his conclusions challenging. As Mr. Mattson puts it:

> The population of Africa will double by 2000 A.D., increase by 150 percent in both the Near and Far East, and treble in Latin America. To maintain the present inadequate diets, the food supplies will also have to increase in the same proportions, as annual increase rates of 2 percent, 2¾ percent, and 3¼ percent, respectively.

The average increases over the past decade met or slightly exceeded these figures. However, most of the gains were made in the first half—from 1955 to 1960. Since then, per capita food production in all four areas has slowly decreased. This decline in production increases means that the easy avenues of increased food production have been exhausted. From here on, the inputs—technological, capital, and physical—must be increased greatly or the present slow deterioration in diet will continue.

These rates of increase can be achieved technically. This has been proved. That the efforts and inputs now being expended by the underdeveloped countries themselves, and by the developed world on their behalf, are insufficient to achieve them is also evident.

Here are the options: in a nation with a primarily grain-based diet and a population growth of 2¾ percent, it will take only five years without significant increases in total production to drop a 2,000 calorie diet to 1,750 calories. On the other hand, to increase the grain-based diet by 10 percent and provide a number of feed grains to add just 12 grams of animal protein per day, will require a production increase of almost 20 percent over the same five years. The first route is easy, but it leads to catastrophe. The second is hard, but its end is hope.

Mr. President, I ask unanimous consent that this précis of Mr. Mattson's article be inserted in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

World population is now about 3.2 billion. In fifteen years, it will be 4 billion, and by the year 2000 it will be double what it is today. Most of this increase will occur in Asia, Africa, and Latin America, the countries finding great difficulty in feeding their populations today. In 1964, the population of the underdeveloped nations was just over 2.2 billion; that of the developed nations, nearly 1 billion. Each has about the same area of cropland. At projected rates of increase the two areas will add 3 billion and 0.4 billion people, respectively, by 2000 A.D. If the United States were assigned its "share" of the transposed additional 3 billion people based upon area pro rata, this would amount to 750 million, about 190 million additional human beings every ten years, approximately doubling our population each decade. Such a rate would wreak havoc with jobs, schools, and food resources even in our well-favored economy. Instead the increase will actually occur in those areas which are finding it difficult to feed even their present populations. Utter chaos and violence-generating situations appear inevitable.

Population stabilization seems attainable. In South Korea and Taiwan, for example, the intrauterine device (IUD) has been received enthusiastically and the birth rates there are expected to drop by 25 percent within the next three years. However, long-term population control is not yet at hand. The potential child-bearers have already been born. Almost all of the responsibility for stimulating the increased food supply will lie with the developed countries of the world merely because they are the only ones with the awareness and the means to do it. Simple self-interest argues for such assistance: without it, we can expect violent upheavals.

The problem cannot be solved by mere redistribution of surpluses. By 1980 the new mouths in the underdeveloped world will need some 300 million tons of additional grain annually, an amount approaching the present total production of both North America and Western Europe. In contrast the U.S. stockpile of wheat presently is below 30 million tons and it is being used up very rapidly at the current time. In fact, 2 of every 5 bushels of wheat grown in the U.S. are being sent to India.

Even if sufficient food could be grown in the developed world, ships and harbor facilities, to say nothing of distribution facilities, could not handle the tonnages involved. The bulk of the new supplies must be generated within the hungry nations themselves.

Surprisingly, Portugal, Spain, Italy, Yugoslavia, Albania, Bulgaria, Greece, East Germany have a sufficiently high-calorie diet but only with minimum protein, as compared with the rest of Europe. High-calorie, high-protein diet is available only in Argentina and Uruguay in Latin America. All of the near-East except Israel, all of Asia except Viet Nam and Japan, all of Africa except Morocco, Algeria, Libya, Ethiopia, and South Africa, all of Central America and Peru suffer from low-calorie, low-protein diet. The exceptions noted in the foregoing have only a low-calorie, minimum protein diet. By low-calorie is meant about 2,150 daily calories; low-protein means less than 15 grams per day of animal protein. At this low level of protein, serious malnutrition is difficult to avoid regardless of total calories.

An examination of the ten years from the beginning of 1955 to the end of 1964 indicates that the world food production has increased almost negligibly and, in fact, shows an alarming down-trend toward the end of the decade. With the exception of Australia and New Zealand, and to a lesser extent Eastern Europe, including the U.S.S.R., almost all area food production rates have remained static, or have declined.

It has been estimated that to raise the production level of food grains high enough to feed the populations expected in Asia, Africa, and Latin America by 1980, will require an additional 30 million tons of fertilizer annually, an amount equal to the present total world production. Last year these areas used only 4 million tons, almost all of it imported. Further, there are species of food crops which do not respond particularly to fertilizer application. This is particularly true of tropical crops. For example, almost all the rice grown in Japan, North China, the Philippines, and the United States is the *japonica* variety, which is responsive to fertilizer application. The rice grown in India, South China, and elsewhere on the Asia mainland is the *indica* variety. Tests in India on the *indica* variety of rice show increases in output up to the application of 40 lb per acre of nitrogen; additional fertilizer brought no additional yield. In Arkansas and Texas, however, yields of *Japonica* continue to increase up to application rates of 120 lb of nitrogen per acre. Similar experimental results could be cited relative to almost every major food crop grown in the world, and make it extremely hazardous to project specific gains in production across the board. The same problem occurs in the introduction of "better seeds" to these areas. Which seed is better is a difficult and time-consuming problem. Climatic conditions, insect problems and disease resistance are unpredictable and require tests on the ground. Even in the United States it took 12 years before hybrid corn constituted ⅔ of the acreage planted, despite proven records of increased yields of as much as 85 extra bushels per acre above the extra cost of the seed.

Our experiences in introducing new seed varieties have created one important advantage. What we do have is not so much know-how, but know-how to get the know-how, plus a storehouse of varieties waiting to be tested and a good nucleus of trained agronomists. Nature is as unhurried as ever; you have to grow these new varieties under the same conditions as you expect to grow the crops and wait. While you are waiting the population keeps growing—and eating. Some have wondered if vast stretches of empty land existing around the world really are suitable for agriculture. The answer is in the main no. Land that is still unfarmed is unfarmed for good reason. It may be for low fertility, low or sporadic rainfall, rugged terrain, or excessive heat or cold.

Animals are notoriously inefficient at converting feed to meat. Nearly 90 percent of what a cow or pig eats is used up in keeping its metabolism going. Milk cows convert about 23 percent of their forage into milk, while chickens do the best. Under ideal conditions, growers can produce a 3-lb broiler on 6 lb of feed in less than 6 weeks. An idea of the actual amounts of food so "wasted" can be gained by comparing the differences in "primary" calories consumed in the U.S. and Western Europe and in India. The Indian eats his grain directly and unchanged. In addition, in his 2000 daily calories he gets about 6 grams of animal protein per day. An animal uses perhaps 400 calories of vegetable energy food to produce these six grams of protein so the Indian's consumption of "primary" calories is about 2400. The Western European feeds about half his agricultural produce to his animals and eats about 20 percent of his diet calories as animal products. Thus, to get his total 2850 calories daily he uses up 6750 calories of total agricultural production. Americans, at almost the other end of the scale from the Indians, feed the bulk of their plant material to livestock and eat about ⅓ of their diet calories in the form of meat, milk, or eggs. This means a consumption of almost 11,000 primary calories to provide an average diet level of 3150 calories.

Livestock yields in the developed countries like those of the grains have been going up for many years primarily as a result of new high-protein feed supplements, of new breeds of animals and fowl, that can use these feeds to provide a larger portion of the meat on the carcass, and of better management. Most of the underdeveloped countries, however, as we have seen simply don't have enough of the energy food-grains available to supplement livestock feed. Also, the local breeds of livestock often do not respond to new feeds in the same way that specially-developed breeds do, although as in the case of fertilizer, usually some increase in yield will result. Importing breeds of livestock that do well in temperate zones often works out less well than similar activities do in vegetable crops. Animals are more difficult to adapt to varying climatic conditions and can be highly susceptible to local diseases. Cattle cannot even live in large areas of Africa, for example, because of diseases spread by the tsetse fly which has not succumbed to long-continued eradication attempts. This is not to dispute the fact that new breeds can be developed but to point out that long periods of intense research must be done before optimum (or even strikingly improved) results will occur. While most animals need the same set of essential amino acids that we do, cows and sheep are ruminants and can manufacture amino acids much as a chemical plant does from almost any form of carbon, hydrogen, oxygen, and nitrogen. Cows have been raised quite successfully on mixtures of ground corn cobs (pure cellulose, to provide the carbon, hydrogen, and oxygen), urea (a cheap source of nitrogen), and a little molasses to start the bacteria working the cow's first stomach (the rumen). The weight gain and milk production from such diets is only about one-half to two-thirds that on more conventional feed. It is completely "free" in terms of competition with food for human consumption. The milk and the beef are completely normal in composition.

Another technique which lends to increased beef or milk production is the fertilization of the pasture land. Much of the world's grazing land is not suitable for other crop production because of low fertility, difficult terrain, tree cover, etc. If such land could be made to yield larger amounts of forage or grass, more cattle per acre could be supported without competing with other crops for human consumption. Also, adequate forage must be available the year around; this means cutting and storing in foraging countries with alternate wet and dry seasons.

Increasing cattle production, however, raises a new problem—that of utilizing the product. Milk, for example, is a perishable commodity and the technology required for its processing is high in terms of both people and equipment. Processing plants are almost non-existent in the underdeveloped world today. It is pointless to urge or help a farmer in such an area to increase his milk production without providing him with enough nearby facilities to handle the increase. The UN's Food and Agricultural Organization recently analyzed the effort needed to provide such facilities. They took the figure of 1 billion under-nourished people, added the present rate of increase (50 million per year) and projected the number of new milk-processing plants needed to supply each person with 1 cup of milk equivalent per day, one-fourth of the current U.S. consumption. They came up with an immediate need for 2500 new plants each capable of processing 100,000 litres per day, a good-sized plant even in the U.S., plus 125 additional new plants of the same size each year to take care of the increased population. This comes to 3650 new plants over the next ten years—one plant built, equipped, and opened every day for ten years.

How religious, ethnic, or tribal usages can contravene natural availability of food is well-known. In India, there are about 160 million cattle, 45 million buffalo, 50 million goats, 40 million sheep, and 100 million poultry. This is about 20 percent of the world's cattle, 50 percent of the world's buffalo, and 18 percent of the world's goats.

While 72 million (36 percent) of the over 200 million cattle and buffalo are milch animals, religious prejudice inhibits the slaughter of those animals sterile or no longer useful for milk or as draft animals. As a consequence, about 100 million of these superannuated beasts wander all over India, foraging as they can, spreading filth and disease, stopping traffic, and generally using up precious forage much needed for productive animals. Cows in India produce an average of 300 to 400 lb/year of milk, buffaloes produce 1,000 to 1,100. In contrast a top cow in the U.S. will produce 20,000 lb of milk annually.

Fish are perhaps our most under-utilized conventional food source. They provide only about 1 percent of man's total food intake, although they do provide some 3 percent of total protein intake and actually 10 percent of the animal protein. Estimates of the non-utilized fish stocks range from 2½ to 4 times our present catch, a substantial increase. Hindrances to utilization of potential fish catches are great and again they lie in different areas. Large numbers of fishermen in underdeveloped areas catch no more than 1 ton of fish per year. The FAO experts have devised methods whereby rafts and outrigger canoes can be outfitted with a simple inboard or outboard motor, vastly increasing the range of such craft and cutting the time required to get to and from the "fields." This cuts down on unproductive time and keeps the fish crop in better condition. The FAO calculations show that a fisherman with a motor will increase his catch by anywhere from 2 to 10 times. Obviously a tenfold increase will pay for a motor and leave something left over. A doubled catch will not, which again raises the question of meager disposable income. Other effective steps are: replacing conventional fiber nets with nylon; mechanization of trollers; installation of electronic gear to find fish; etc. Few of these technical inputs remain effective without supporting repair, parts, and credit facilities as well as a fair level of technical competence in the people.

Increased catches of fish raise the same problem as does increased milk—lack of market processing facilities. Processing plants to preserve fish in what we consider traditional forms for human consumption are limited or non-existent. Also the typical inland housewife is generally unfamiliar with fish cookery since she seldom sees it in her market. Most of such huge catches are thus reduced to fishmeal, a dried de-fatted powder. Production of fishmeal has increased dramatically in the past decade, largely through the entry of Peru and Chile in the field. Peru's production of fishmeal has grown to more than 7¾ million tons in just nine years. However, here is an anomaly: the Peruvians, whose average animal protein consumption is 12 grams per day, export this protein-rich material to the U.S. and West Germany where it is added to animal feed!

Another approach to fishing is growing in use. This is fish farming. This consists in stocking a pond or rice paddy with fresh or brackish water fish, and providing the fish with nutrients. In Uganda, yields of 300 lb per acre come from stocking a pond with a small, hardy local fish, tilapia, which grows quickly to a weight of 1 or 2 lb without any help. If the farmer adds supplementary foods such as elephant grass and sweet potatoes, annual production can be boosted to 2,000 lb per acre. Actually, higher yields of protein per acre can be achieved by fish culture than by any other agricultural method known. The obvious drawback is the need for dependable water.

Protein from all animal sources now totals about 20 million tons a year, while protein from cereal grains totals 106 million tons. There are two important sources of vegetable protein that are little used today: legumes, such as various beans, peas, and lentils; and the oil seeds, such as soy beans, peanuts, and cottonseed. Present production of legumes provides only 7½ million tons of protein. Protein production from oil seeds is about equal to that from all animal products, but—strangely enough—very little of it is used for human consumption.

Legumes, for some reason, have never been as popular as grains for staple foods. They are more bulky, but not drastically so. Their storage properties are quite good, and their protein quality is adequate, if not equal to meat. The whole plant is widely used for forage crops, and has the valuable ability to "fix" nitrogen from the air and return it to the ground, reducing the need for nitrogen fertilizer. Legumes have good possibilities for improving protein availability in underdeveloped countries.

The situation with the oil seeds is paradoxical. Protein from such seeds is of high value. Soy bean meal, for example, is unusually high in the essential amino acid lysine, which is normally deficient in cereals. Thus, it is an ideal supplement for grain. Sesame seed and cottonseed are similarly good from a protein standpoint.

For some reason, historical or cultural, soy beans are eaten in quantity by humans only in the Orient. Although the U.S. grows about 60 percent of the world output, little is used for human consumption. Almost all goes into livestock and poultry feed here or abroad. Although China produces large quantities and Japan, Brazil, and Indonesia each grow small crops, soy is typically grown in corn-growing regions of the world and is virtually unknown in most of the protein-deficient regions. Cottonseed, although much more widely distributed, presents the problem of toxicity to human beings because of a toxic dye substance called gossypol. New techniques have now been developed to reduce or eliminate this constituent and make cottonseed meal safe for humans. Peanuts, widely grown in India and elsewhere yield a meal which is high in good quality protein, but which is also little used in human nutrition.

Why do such good sources of needed protein go to waste? The main historic reason is that these crops have been grown for their oil. The residue from the pressing operations has always presented a disposal problem. In some areas, it is now used for animal feed but where this market is inadequate it is used for fertilizer. In India, for example, more than 80 percent of the "presscake" with its 40 percent protein content, is used for manure. Two basic hindrances to increased use of oil seeds in improving nutrition are: facilities in which the oil is expressed are generally highly unsanitary and antiquated, usually yielding a fibrous, dirty presscake full of hulls and other scrap, and the protein is usually seriously degraded by excess heat. In addition, some extraction plants use a hydrocarbon solvent to remove the oil and the exhausted meal often contains toxic traces of hydrocarbon residues. Few existing processing plants could be converted to making a product fit for human consumption. New plants would have to be built. In addition, many countries resist using these materials on the ideological grounds that they are "second-rate" foods—previously considered useful only for animal feed or manure. This resistance will have to be overcome before they will be widely accepted.

A most important start has been made in an unusual direction, in Central America. This has taken place at the Instituto de Nutricion de Central America y Panama, INCAP for short. This organization set out some years ago to explore the idea that there were were unused nutritious foodstuffs available locally in most underdeveloped countries. Their approach was to take the locally accepted major staple grain—corn, in the case of Guatemala, where their pilot program began—and improve it with complementary high-protein local oil seed. They tried many combinations and now have tested nine "Incaparina" recipes for safety and nutritional value. All use a corn base supplemented by sesame or soy flour, torula yeast for vitamin–B, plus vitamin–A. In Guatemala, Incaparina is used to make a traditional thin gruel called atoles which Guatemalans relish as much as Americans do malted milkshakes. Using Incaparina has produced remarkable results in curing the effects of protein deficiency in children. It is nutritionally equivalent to milk but costs only one-fifth or one-sixth as much.

In countries where corn gruel beverages are not as popular as in most of Latin America, another form for its use must be found. It can be substituted for up to ⅔ of the wheat flour in non-bread recipes, or used to enrich soups, puddings, and other foods. Incaparina is now in full-scale commercial production in Guatemala and Colombia, with a total combined production of 215 tons per month and is being test-marketed in seven other Latin American countries. The present production is enough to provide an adequate daily protein intake for about 100,000 children, although it is estimated that the Latin American market potential is in the neighborhood of 33,000 tons per year. That amount would provide 1,250,000 children with the equivalent of 3 glasses of milk per day. To this has to be added enough energy foods (grains or starchy roots) to provide an adequate daily intake of calories.

There are a number of aspects of the Incaparina program which are instructional in terms of future prospects for similar programs. First, while it was intended to be strictly commercial in a sense that its production should be on a self-sustaining basis, the expenditure for research and development that has gone into formulation, testing, and marketing has been very large in terms of the ultimate return. Secondly, in spite of the facts that the basic food is native to the population, the medical profession and the public health people are on its side, the price is kept low by volume production, it is not yet a runaway success.

In theory, there is no reason why fishmeal could not be made nutritionally safe for humans and used as a low-cost protein supplement for starchy foods. In fact, there are many reasons why this has not taken place. First, the processing situation is somewhat akin to that of the oil seeds. The existing facilities produce animal feed and are unhygenic. Entirely new and separate facilities will have to be built to produce a product fit for human consumption. Secondly, there is an aesthetic problem; most fishmeal is made from the whole fish—guts, scales, bones, and all, or from just these parts of the better fish which have been filleted at sea. The US/FDA takes the position that such a product is "filthy" regardless of the hygenic conditions of the plant producing it. The Bureau of Commercial Fisheries has devised processes which yield a palatable product in hopes that the FDA will approve the new product so that work may go on.

Next, is the question of flavor and smell. Fish flour (fishmeal suitable for human consumption) can be completely deodorized by extracting the fat down to less than 0.1 percent. Varying amounts may be left in up to 10 percent which will create a product which is attractive to those people who like fishy taste (there are many), but it becomes subject to rancidity and possible long-term health problems. The expense is obviously higher for the more refined products, but their neutral flavor makes them more suitable for incorporation into grain-based products such as bread. The problem of actually selling a product incorporating fish flour has not yet been faced. Presumably these steps would be similar to those necessary for Incaparina. The source of the supplement will create an additional hurdle, in that acceptance of the word "fish" on the label, problems of new methods of cookery, etc., and overcoming prejudicies will be considerable.

Numbers of exotic proposals are also under consideration, outstanding among which are the potential of microorganisms as food-producers, grazing on coal, crude oil, black liquor from pulp and paper operations, etc. The organisms themselves include bacteria, fungi, and yeasts. Petroles BP, in France, has described work on the fermentation of petroleum fractions to yield yeast protein as a counterpart to the more usual carbohydrate fermentation. This is accomplished by strong agitation and aeration to compensate for the lack of solubility of hydrocarbons in aqueous medium. The potential advantages of such a scheme are immense. World reserves of petroleum are large. Pure protein on the other hand is useful in decagram quantities. It is estimated that the equivalent of the total current animal protein supply could be produced from just 3 percent of the world's annual petroleum production. The widespread existence of refineries and distribution systems for petroleum products would also reduce the problems of transportation and distribution. There is another advantage. Micro-organism culture requires only small teams of specialists and little space. It does not compete for nutritious raw materials, and is independent of sun, rain, and climate. It also has a very rapid growth rate. While a 1,000-lb cow produces 1 lb of protein, the same amount of micro-organisms could produce 2,400 lb of protein. NASA and the Bureau of Mines have put forth yields from 7 to 44 percent from different fractions. Fungi have also been grown on various high carbohydrate substrates, such as blackstrap molasses, sugar beets, manioc roots and citrus molasses in high yields. Algae growing, perhaps even raised on sewage to help solve two problems at once, is a perennial favorite in extracting protein from forage crops like alfalfa, which are more efficient converters of sunlight than conventional grains and vegetables, comes up regularly.

None of these exotic sources of protein is past the pilot plant stage, and most are in the R&D stage. It is doubtful that they can be helpful between now and 1980, or perhaps even 2000. Possibly in the future, they may help if the world's population is ever to approach 8 or 10 billion. Of course, market acceptance has not even begun the testing stage. It is submitted, however, that market acceptance, when starvation is the alternative, might not be as difficult as some imagine.

Where, then, does the most promise lie? The need will be upon us more quickly than we expect and, therefore, we must concentrate on getting the most we can for our money and technical effort. This implies that it is pointless to mount a crash program to develop exotic foods from petroleum, coal, algae, or other far-out sources, as our main effort. Such foods probably will not play any important part in alleviating mass starvation in 15 or 20 years. Secondly, it is almost as pointless to assume that any really different natural food is going to be accepted quickly. There is no question, for example, but that fish flour can be a valuable supplement to human diets, but unless it is incorporated into flour or other staple foods by government fiat, it is highly unlikely to achieve any significant penetration. Work on increasing the productivity of the sea should be continued at a high pitch—electrical grouping of fish into concentrations that can be pumped onboard instead of using nets. The use of electrical fields immediately ahead of a bottom trawl has already proved valuable in bringing certain varieties of shrimp up out of the mud so they can be caught. Simultaneously, of course, studies must be made of the whole ecology of fish life to avoid overfishing and long-term depletion of the resources. The same can be said for fish culture in inland pools and even for similar activities in restricted areas of the ocean. Fish that act as sea pigs capable of foraging on the dilute nutrients that exist in the waters of the sea will also be worthwhile, assuming that they could be used in such forms as fish sticks or sausages in which their actual identity is lost.

The major hope, however, devolves on the soil. Attempts to open new lands to crops will not only cost more than they will yield, but it is clear that almost all of the land that can easily be irrigated or is otherwise suitable is presently under cultivation. It is expected that perhaps 10 percent can be added to the existing arable land area by expanding conventional irrigation. Desalted sea water appears, at the moment, to be far too expensive for irrigation for a long time.

In summary then, the food to feed the world's rapidly increasing population will have to come from crops and animals grown on land that is now in more or less successful production. Vastly increased fertilizer application, pest control in its widest sense, including weeds, insects, and disease, introduction of improved crop and animal varieties and better management practices. While initially, vast quantities of fertilizer will have to be shipped from the developed nations, it is important that new fertilizer plants be built in the areas affected. It has been estimated that the cost of building such facilities will run to about 5 billion dollars. Of course, simply making fertilizer available is not enough. A vast educational program is needed, plus real incentives among farmers themselves to increase their yields. In many cases, especially in the deep back country, there is little incentive to produce more because there is no market into which the small farmer can dispose of his surplus for cash, and nothing to buy with the cash if he had it. He must first be converted from subsistence farming to occasional commercial farming, and to a consumer, if he is to have the incentive to increase his yields.

Looking further into the situation somewhat cold-bloodedly, there is little effect on the economy and nutrition of the majority of countries if the lowest level farmers do not increase their yields immediately. In most countries, there is a relatively small number of commercial farmers who produce the majority of the food and export crops. Concentrating the limited educational inputs on this particular productive fraction will increase the efficiency of information dissemination. Illiteracy is a major hindrance. Fortunately, with fertilizer you can see the results. In Mexico, demonstrations were carried out by the Rockefeller Foundation. Mexican farmers in remote villages who watched the establishment of fertilizer demonstration plots refused to have any of the "veneno" (poison) put on their crops. After a few weeks of comparing their own growth rates with the demonstration plot, they came around asking for some "medicina." Such farmers may not be able to read, but they can see, reason, and count.

An important hindrance to such an expansion program is that the tradition of using credit has not been established to any great extent in backward areas. Small-scale usury, rather than large-scale, low-cost credit is the rule. Animal husbandry and the utilization of land suitable only for forage and pasture must be greatly expanded in quality. In an experiment in San Juan, Puerto Rico, the use of nitrogen fertilizer on napier grass at the rate of up to 800 lb. per acre—far higher than you would be able to use in the temperate zone—has resulted in putting weight on steers at the rate of 2 lb. of beef per lb. of nitrogen added, which works out to about 10 cents worth of nitrogen per lb. of beef. These gains came from land that is probably unsuitable for any other type of food production.

Increasing production by agriculture in the ways outlined above is not a glamorous job. It requires great inputs of grubby, very ordinary activity, including lots of sweat. The level of technology needed is uninspiring. When we speak of educational requirements here, for example, we are not talking about Ph. D.'s but about carpenters, mechanics, and plumbers. In some communities, if a tool needs a new nut or gasket it cannot be repaired. Production in some of the backward areas could be doubled simply by introducing steel hoes to replace the pointed sticks they now use. In many areas of the world even the scythe is unknown. Plowing with draft cattle will increase production over hoes, but plow design is critical. Undernourished draft cattle are not tractors. Labor-saving devices requiring large capital expenditures are not necessarily desirable, but tools to allow a better job to be done very definitely are.

Summing up, here are the needs and prospects: the population of Africa will double by 2000 A.D., increase by 150 percent in both the Near and Far East, and treble in Latin America. To maintain the present inadequate diets, the food supplies will also have to increase in the same proportions, at annual increase rates of 2 percent, 2¾ percent, and 3¼ percent, respectively.

The average increases over the past decade met or slightly exceeded these figures. However, most of the gains were made in the first half—from 1955 to 1960. Since then, per capita food production in all four areas has slowly decreased. This decline in production increases means that the easy avenues of increased food production have been exhausted. From here on, the inputs—technological, capital, and physical—must be increased greatly or the present slow deterioration in diet will continue.

These rates of increase can be achieved technically. This has been proved. That the efforts and inputs now being expended by the underdeveloped countries themselves, and by the developed world on their behalf, are insufficient to achieve them is also evident.

Here are the options: in a nation with a primarily grain-based diet and a population growth of 2¾ percent, it will take only five years without significant increases in total production to drop a 2000 calorie diet to 1750 calories. On the other hand, to increase the grain-based diet by 10 percent and provide a number of feed grains to add just 12 grams of animal protein per day, will require a production increase of almost 20 percent over the same five years. The first route is easy, but it leads to catastrophe. The second is hard, but its end is hope.

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TESTIMONY OF SARGENT SHRIVER BEFORE THE SENATE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION

Mr. CLARK. Mr. President, Sargent Shriver recently appeared before the Senate Subcommittee on Executive Reorganization which has been holding hearings on the problems of urban America. His testimony is an eloquent and heartfelt statement of the problems of the poor and of how these problems must be resolved before we can call America a true democracy. As Mr. Shriver puts it:

> Democracy means more than giving every man a vote, because many of the problems we face today will never appear on a ballot: welfare regulations; code enforcement; garbage collection; police brutality. Disenfranchisement takes many forms—and all of them render the poor helpless, vulnerable afraid. Beyond the formal ballot comes the larger mandate of democracy—to give the poor an effective voice in the reshaping of our cities. To give the poor a role, an opportunity to contribute to the rebuilding of our society.

In his statement, the Director of the Office of Economic Opportunity tells of the role of the antipoverty program in trying to bring the poor from their bondage of helplessness and ignorance—a bondage which can, and sometimes does, explode into a nightmare of violence and destruction. He admits that the war on poverty is subject to "policy disputes, contests for control, personality conflicts and incredibly extensive scrutiny, criticism and debate." But he argues, and I believe he is right, "that conflict is a measure of the stake which the entire society now recognizes it has in the effective conduct and successful conclusion of this war."

Mr. President, I ask unanimous consent that Mr. Shriver's two statements be inserted in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SARGENT SHRIVER, DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY, BEFORE THE SENATE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION, AUGUST 19, 1966

Mr. Chairman, gentlemen; It has been said that a nation's character may be read in the streets of its cities.

In recent months and weeks I have walked the streets of many of America's cities. If our national character is to be read in these streets we must all bow in shame. They speak of neglect and heedlessness. They are dirty and crowded. They are dehumanizing and, as we have learned during the hot summer months, brutalizing and cruel.

Why is this? For the most part our cities have not changed very much in the past generation. Urban renewal has transformed some few acres. New towers, with skins of glass and aluminum have taken the place of last century's brick and stucco. Massive public housing projects rise where yesterday's tenements squatted. But on the whole the streets of today's cities are much as they have been throughout our lifetime.

What then is so different? It must be more than the brick and mortar. More than the Summer heat and the absence of trees and parks. Even more than the crowds and the choking traffic. All these were present in the past and we took a kind of perverse pride in them. We said they typified our vitality. They were part of our young, energetic spirit.

That is precisely what is different and shameful. The spirit of our cities. Their crushing weight on the people who inhabit them. For in 1966 our cities have become prisons for the poor, the jobless, and the discriminated against. They have become breeding grounds of discontent and frustration; not so much because they are noisy and unpleasant; but because there is no exit for most of those who live there.

When last century's immigrant came to the lower east side of New York, he and his family lived in a crowded tenement. His children played on a hot city street. Poverty and disease were his neighbors. But he also knew that despite obstacles and discrimination; if he worked and saved and succeeded, as the American dream told him he could, he could get out, move away, find a better life in a more pleasant place. And most often he did.

Today, the people who live in these same homes on these same streets are, for the most part, stuck there for good. They are black. Or they are Puerto Rican. They are Mexican-American or they are just poor. The suburbs are locked to them. The better schools in better neighborhoods are barred to their children. The buses don't penetrate to their streets. The hospital is typically miles away. And the nearest park or pool or place to play is beyond their horizon.

I do not mean to minimize the physical decay and blight of our cities. Secretary Weaver has addressed himself thoughtfully and well to these urban phenomena. But my first concern; my overriding responsibility is to the people of our cities; to the blight that has infected their lives. And it is to this spectrum of human problems and to the hope for their solution that I would like to address myself today.

A well known American clergyman and an official of the county government of Los Angeles flew over Watts recently. Looking down upon the city below, the clergyman said, "That couldn't possibly be a slum. The houses look neat and clean; there are trees and gardens. Something else must have caused those riots."

This is precisely my point. Watts is not the typical stereotype of an urban slum. Yet its people are. They have been forced into an enclave from which there is no escape. They have been cut off from basic services; transportation, recreation, health, justice, and quality education.

They lack political power. They lack economic power. And they lack internal organization and leaders who are responsive to their needs. They have been victimized by inadequate local investment in education and essential facilities.

Discrimination, abandonment, the flight to the suburbs, the withering of the tax base have turned yesterday's teeming melting pot into a cistern.

It is easy to be angry about our cities. Easy to be ashamed of what they tell about the quality of our nation's character. In the wake of this summer's violence, newspaper after newspaper has suddenly discovered that there is a national disgrace right in its own profitable market area. They have published burning editorials with titles like, "Is the nation losing War in Ghettos?", "Can we say Wait Baby Wait?" They call for immediate, massive infusions of money for rehabilitation and repair. And they are right.

But money alone is not the answer any more than our good intentions are. What is required, right now, is a better, quicker, more intelligent way of filling the needs of the people who live in our city slums.

If you were to ask me, do we need more jobs, or more hospitals, or more housing, or better schooling, or more lawyers and doctors and social workers, of course, my answer would be Yes. We need all of these things. And more. And now.

But one of the most profound discoveries we have made in the poverty program—is that how you do things is as important as what you do—or even when you do them.

And we have, with the funds at our disposal, attempted most profoundly to influence how things are done. We decided at the outset that our appropriations would be best expended as a catalyst to demonstrate that massive influxes of money, past, present, and future, do not alone constitute answers. Any more than massive programs of slum clearance constitute urban renewal. Or massive infusions of foreign aid guarantee world peace.

The approach upon which we have staked our very existence—is the solution our country started off with—the solution of Democracy. As an attack on poverty it is an experiment. It is a gamble. But, it made sense in 1776, and it makes even more sense to me today as a solution for the city and its problems.

So, if you were to ask me for my diagnosis of the problems of the city, I could—with the help of others, produce all the learned texts you need on upward mobility, the matriarchal family, the subculture of poverty.

But, if you are asking me how, from my experience, my personal experience with the poverty program we need to deal with the problems of the city, my answer would have to be: Why not try democracy.

Democracy means more than giving every man a vote, because many of the problems we face today will never appear on a ballot: welfare regulations; code enforcement; garbage collection; police brutality. Disenfranchisement takes many forms—and all of them render the poor helpless, vulnerable, afraid. Beyond the formal ballot comes the larger mandate of democracy—to give the poor an effective voice in the reshaping of our cities. To give the poor a role, an opportunity to contribute to the rebuilding of our society.

Democracy has never stood for a set of answers. The most we can hope for is an agreement that there are ways in which men can begin to arrive at answers, test them out, reject them and try again.

This is what we have done in health, in legal services, in education, in job training, in social services, in housing.

And the poor will tell you, it makes a difference to them whether you do things for them, and to them—or *with* them.

When I was in the Peace Corps, I received a letter that comes back to mind at this particular time: Our school has no roof. It would be a ten-dollar project and about one day's labor for two or three Peace Corpsmen to build that roof. Yet we don't do it. If we gave my school a roof it would always be that, a gift, the Gringo's roof. When it needed fixing, no one would fix it. If it takes me a year to talk my neighbors into putting on that roof it will be worth it. Because it will then be *their* roof on *their* school.

That may sound like a far-fetched, exotic example. It is not.

Ironically, for the poor, the one great antithesis of democracy is the Law.

Especially in the ghetto, in the eyes of the poor, the omni-present enemy of partnership, of dignity, of mutuality is the Cop, the policeman, "the man" not because of any action on his part but because he has come to stand for the total complex of forces arrayed against the poor.

Our Legal Services Program is an attempt to make democracy come alive where the odds are toughest. And we are succeeding—not just because of the support of the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association. We are succeeding because we are creating institutions where the law is a friend, an ally, a protector and a champion of the rights of the poor. Just as important—and perhaps even more radical—we are succeeding because we are providing the poor with the same control over their attorneys that the middle class have over theirs.

In Houston, our legal services program has two novel features—features which make a democracy a reality.

First, each neighborhood law office is subject to the control of the people in the neighborhood—the poor people. I don't mean nominal control. I mean they have the right to do everything up to *and including* firing the lawyer from the program.

Second, there is special provision for an attorney whose sole job is to review the complaints of clients and prospective clients against the legal services program for refusing to take their case. His decision is final and he cannot be fired or penalized for siding with the client. We have given the old Latin question, "Who shall watch the watchers" a new twist. Because while attorneys are watching public officials, private merchants and landlords, another attorney is watching them—and the poor are empowered and organized to watch them all. That is true enfranchisement. That is what I mean by partnership—not just a partnership between the poor and the legal services program—but a partnership between the poor and Justice. That's what the rule of law has to mean in a democracy.

Beyond the protection of the law lie the values of life and death, sickness and health. These too must be democratized in a society where high morbidity and mortality are correlatives of poverty. To this very day, there is no hospital in Watts. Only two months ago, the people of Los Angeles county rejected a bond issue to build such a hospital. Yet, how are we to build communities of men when we deny the common bonds of pain, of suffering, of care and of compassion?

But today, in Watts, a beginning is promised—and more than promised. There will soon rise in the heart of Watts an OEO funded neighborhood health center—built by the people of Watts, controlled by the people of Watts, and largely staffed by the people of Watts.

There, we are entering into a new form of partnership—through a system of Tandem training where the technicians and professionals will be paired with local residents to equip them with the skills necessary to provide care and to qualify for the jobs in this new clinic.

It must be that way—for the people in Watts will tolerate no structure built and manned and controlled by outsiders. The decision to cure or not to cure, to treat or not to treat is the power to withhold life itself. Neither they, nor we, would willingly delegate that power to an outsider, an enemy or even a stranger. Like the founders of this nation, they refuse to let paternalism of any kind, political, racial or professional be interposed between themselves and the inalienable right to life itself.

There is one place where some experts will tell you partnership won't work. That's in urban planning, in housing, in physical renewal. But as Justin Herman, the Director of the Redevelopment Agency of San Francisco said:

> "To hear architects and designers talk, you would think they have all the answers. They think all urban pressures can be solved by architecture and city design. Of course they can't. In Watts the problem wasn't architecture."

In every ghetto in this country, poor people are doing their own urban planning—scratching and clawing their way through the debris, trucking it off by hand, or push cart or truck—to make what they call "vest pocket parks." These may not be part of the master plan for the city that is taking shape downtown on the drawing boards of the experts. But those youngsters are finding meaning in converting rubbish heaps into stickball courts and basketball courts and areas where the little kids can just run around without danger of being crippled for life by automobiles.

In Phoenix, Arizona, the slums had no paved streets—because in Phoenix, the poor lacked the capital to meet the large assessments necessary. Despite this, the poorest of the poor petitioned the city council to have their streets paved even though they would have to bear the cost. They are willing to bear the cost—and the city fathers, who never dreamed that the poor wanted streets badly enough to pay for them, have worked out an installment plan which makes the financial burden bearable. As an added bonus, and in direct response to requests, the city of Phoenix has accelerated its street lighting program so that the physical danger of unlit neighborhoods will be lessened. The poor don't enjoy being the victims of robbery, or rape or mugging any more than the rich.

In Guadeloupe, a community of Mexican-Americans have built a community center, complete with meeting-hall classroom and recreation room with their bare hands. They sifted the sand, mixed the cement, pressed out each block in a pressurizing machine and cured them in the hot sun. And then they built another building to house their credit union—a credit union which is building up capital on the 10-cent fee per money order which they sell. That's what partnership with the poor can do.

Secretary Weaver is far more conversant than I with the complexity and technicalities involved in city planning and housing rehabilitation. But both of us are in full agreement that buildings alone are not the answer. We both know that brand new housing projects can turn into slums in two to five years.

Housing programs must be coupled with social services. But, as Secretary Weaver and I both know, simply combining social services with public housing is not a cure-all. Because unless there is genuine participation of the members of the community, social services and housing, whether provided separately or in combination, can take the form of a degrading dole.

In "Death of a Salesman," Arthur Miller epitomized Willy Loman's humanity in the widow's comment that there was more of Willie's heart and soul in the cement front steps of his house which he had laid with his own two hands than there was in the entire sum of business deals that Willie had completed in his entire life.

The rebuilding of our cities is more than a physical process. The poor must participate in it. But that will require more than a new corporation. It will require a further democratization of the unions. If the doctors and medical technicians in Watts can accept the tandem team approach labor unions can surely open their gates.

The same approach is necessary in our educational system. Local schools must be subject to local control. We don't have too much local control in this country. We have too little. To make the schools a part of community life we need neighborhood control where parents, interested citizens, volunteers will not be considered outsiders by the professionals who administer the schools.

Head Start has been so popular precisely because it has made the school less like alien territory to be feared and avoided. It has enabled parents to feel confident and responsible for contributing to their child's development and growth because it has required them to do so.

It has erected new lines of communications and contact between professional and lay persons, the school and the community, the parent and the teacher and above all, the parent and the child. The benefit has been reciprocal. School curriculums have been revised, staffs reconstituted, PTA's revitalized, and most important children have found themselves more capable of coping with this strange and crucial environment.

For ultimately, we have attempted to shape that critical span of months into a joint venture by family, child and teacher. A venture that must ripen into a continuous quest for self realization.

We are not submitting a romanticized vision of the poor as the solution to all urban problems. For that, too, would be undemocratic.

Democracy—as an approach to our urban crisis—operates to prohibit any program from being perverted into an instrument of paternalism, of imperialism, of subjugation.

And equally, it operates to eliminate the barriers of tradition, custom, and prejudice—barriers to full participation and full partnership with all levels and units of government, all sectors of the society, and, all groups of concerned citizens.

In consequence, we must begin to disabuse ourselves of the myths and preconceptions that many hold toward private enterprise and the profit motive, toward state and local government, toward volunteers and amateurs.

For there are many forms of profit.

There is no end to the levels of decision making.

And all of us are amateurs as citizens, and volunteers to humanity.

We will not solve the problems of the city by paying people to work forty-hour weeks or sixty-hour weeks or even eighty-hour weeks. Government can't make democracy work. Government can't make the city vital. Only the people, and their institutions, industry and its resources, the churches, the labor unions, the civil rights groups can.

It is now a matter of record that we have succeeded in mobilizing the private sector.

We have enlisted American Business to run Job Corps Centers—GE, IBM, Zerox, ITT, RCA, US Industries, Burroughs and more.

Leaders of industry are being trained in the problems of poverty at the University of Ohio.

Labor leaders and representatives of the labor movement are being trained at the University of West Virginia and at Pennsylvania State University.

Leaders of the Agricultural community are being trained at the University of Wisconsin and the University of Missouri.

I am told that the War on Poverty has stimulated more interreligious work, more interracial work than any program in recent history. One of the outstanding symbols of this is an organization called WICS—Women in Community Service. For the first time ever, four national organizations—United Church Women, National Council of Jewish Women, the National Council of Catholic Women, the National Council of Negro Women—not as four organizations but as one.

WICS, with its 27 million members, has handled the application of each of the 50,000 girls who has applied thus far, personally screened 8,600 of them, and provided individualized assistance to each of the 2,600 of them presently in the women's Job Corps. As if that were not enough, WICS is now beginning a broader program of education, recreation and job placement in conjunction with our community action agencies.

Here are some other examples:

—In Walla Walla, Washington, the Catholic family and child services, the United Church Women, and the Unitarians have received anti-poverty funds to run day care centers together for children of migratory workers.

—In Michigan and South Carolina, Catholic and Protestant groups joined forces in programs to aid migrants.

—The New Mexico State Council of Churches received 1.3 million dollars to establish education centers throughout the state to improve the educational level of migrant and seasonal agricultural workers.

—In San Antonio, Texas, a Jewish synagogue rented a hall to a Lutheran church group to conduct pre-school classes for kids from a predominantly Catholic area!

The YWCA is running a Job Corps Center for girls in Los Angeles.

One other project—Project Star—is symbolic of the interreligious nature of this effort. In a state where less than 5% of the population is Catholic, the Catholic Diocese of Natchez and Jackson is running a program to provide basic literacy education, skill training, job counselling, testing and guidance to 5,000 persons of all races and religions from all parts of the State of Mississippi.

On the board of Star sit Negroes and whites, priests and ministers, civil rights leaders, and representatives of both business and labor.

Upward Bound—has involved 90 private colleges and universities, 32 private secondary schools in providing special remedial education, tutoring, and counseling to over 20,000 poor youths who show college potential, regardless of past academic record.

This represents a small sampling of the way in which we have undertaken to implement Congress' mandate to mobilize all the resources of the nation in this war against poverty. It also accounts in part for the fact that the OEO program has been the subject of many policy disputes, many contests for control, many personality conflicts, and incredibly extensive scrutiny, criticism and debate.

What has not been perceived is that controversy is an index of involvement—and that conflict is a measure of the stake which the entire society now recognizes it has in the effective conduct and successful conclusion of this war.

We can expect to see continued accusations of scandal—and continued inquiries into fiscal accountability. Responsible reporting has dispelled these charges and disclosed the extent to which many of these investigations were in fact a cover for persecution and harassment. In fact, the Christian Science Monitor, after an exhaustive survey of our programs reported this month that "There hasn't been even the whisper of a scandal in the administration of the overwhelming majority of programs across the country."

But in the charges of scandal and fiscal accountability, we must not lose sight of the larger scandal that the mere persistence of poverty constitutes—and of the shocking lack of genuine accountability and full responsiveness that have emerged from the long chronicle of past neglect, disinterest, rejection and abandonment now just beginning to unfold.

The nation is indebted to each of you for launching this inquiry into the crisis of the city. For there is an old saying that The truth shall make men free. Poverty is a form of slavery, of bondage, of involuntary servitude. And the crisis of our cities is the crisis of the poor.

Therefore, I have not come before you today with any great sense of patience or detachment or objectivity about the problems of the city. Having just visited Detroit and Houston and Chicago and Atlanta and New Orleans and Miami and New York, I can tell you that the poor do not view the problems of the city with patience, or detachment or objectivity. Because they bear the chief brunt of those problems.

The poor are the special constituency of my agency, of the Office of Economic Opportunity. So I stand before you today frankly as an advocate—as their advocate—partial, biased, impatient. Not so much afraid of this violence and discontent as I am of our temporizing, timidity, and lack of faith in democracy.

T. S. Eliot wrote:

> "Between the idea
> And the reality
> Between the motion
> And the act
> Falls the Shadow.
> Between the conception
> And the Creation
> Between the emotion
> And the response
> Falls the Shadow."

And he ended that poem:

> "This is the way the world ends
> This is the way the world ends
> This is the way the world ends
> Not with a bang but a whimper."

I just returned yesterday from Watts—from a parade marking the renaissance of the sense of community, exactly one year after the riots of last August. And T. S. Eliot is right. There is more to be feared from the whimper than the bang.

Additional Testimony of Sargent Shriver, Director, Office of Economic Opportunity, Before the Senate Subcommittee on Executive Reorganization, August 19, 1966

Mr. Chairman, gentlemen, I wish to express my thanks to the Committee for rescheduling your program so that I could be here this morning. But since you all have had an opportunity to read the statement I submitted three days ago, I am not going to take the time to repeat it today. I do want to re-affirm that statement and to emphasize my deep commitment to the two cardinal principals enunciated in it:

First: The crisis of the city is the crisis of the poor. There is no crisis on Park Avenue.

Second: Democracy based on full participation of the poor offers the only viable solution to that crisis.

At OEO we believe we have made a beginning in developing answers to the problems of the poor, based upon both these principles. We have pointed out some new directions. We have stimulated the application of the democratic process to the problems of the poor. But the scope of our efforts as well as the process itself calls for deepening, more sustained commitment on the part of all of us.

The Demonstration Cities Program now before Congress can make a major contribution in this direction. First, it will pump in new resources. Second, it will coordinate physical and human planning in the cities. And third, it will increase the flow of local resources and focus them on the underlying causes of the urban crisis.

The Rent Subsidy Proposal is another essential new program which I urgently recommend that you endorse and enact. At 114th Street in Harlem we have been conducting the first rehabilitation and rent subsidy test program in the United States. This project will restore 37 dilapidated tenements, housing 1,600 people. None of the families will have to leave the neighborhood while the work is in progress, and when it is completed late next year, they will all be able to move back into well planned and modern apartments, vastly different from those they left, and with rents within the limits the present tenants can afford.

Also I wish to subscribe to and emphasize the 14 points Secretary Weaver outlined when he testified Tuesday. We need action on all the programs he mentioned.

Yesterday, Mr. Chairman, you suggested that I discuss briefly the various new programs originated by OEO precisely because they are so new and relatively unknown.

I am glad to do this, and to facilitate the process I submit for the record an itemized one-page listing of the major parts of the OEO program.

This up-to-date summary reveals that in our first months, OEO has:

Created nearly a thousand community action agencies in urban and rural areas where 70 percent of the nation's poor live;

Involved 8 million poor through their direct participation in our programs;

Provided work and training opportunities for over 600,000 poor in 1966, with 365,000 in Neighborhood Youth Corps alone;

Established 160 legal services projects in cities and villages, on Indian reservations, and in migrant camps. These legal service programs are now available to 700,000 poor families. 37 of the 50 largest cities have received OEO Legal Services grants;

Established Head Start, the first national child development program reaching over half-a-million poor children and their families in each of the past two summers, and another 200,000 during the regular school year;

Recruited the largest army of part- and full-time Volunteer Americans in peacetime history. In Head Start alone, more than 100,000 people have donated time and talent;

Recruited, trained and put to work more than 3,000 VISTA Volunteers;

Created 600 neighborhood social service centers, of which 360 are urban multi-purpose centers where a range of services is available and readily accessible to meet the total needs of the poor;

Opened 107 Job Corps Centers in which more than 27,000 young men and women are receiving training for productive careers;

Put college within the reach of more than 20,000 disadvantaged teenagers through Upward Bound programs in 244 colleges, universities and secondary schools;

Established neighborhood health service centers in Denver, Boston, New York, Chicago, and Los Angeles, and received requests for 75 more;

Helped 4 million older Americans avail themselves of Medicare benefits through Operation Medicare Alert;

Brought adult literacy courses to 300,000 adults; and

Created new careers for over 50,000 of the poor who are now working as health aides, legal aides, neighborhood block workers, teachers' aides, recreation assistants, and others.

This is most of what has been done. Now, let me describe some of what still remains to be done.

First, there is a great backlog of explicit demands for participation in our own programs. In addition to these existing demands we pointed out on June 21st to the Senate Labor and Public Welfare Sub-Committee, that our program in Fiscal 1967 will reach only 30% of the 2.5 million poor children in the 3 to 5 age group who comprise the Head Start universe of need.

We pointed out further that beyond Head Start there are about 8 million poor children between the ages of 6 and 15. Our programs are reaching only 300,000 of this group, and then only with tutorial programs. But fortunately, the new Elementary and Secondary School Education Act is reaching thousands more.

We pointed out that among our nation's youth there are three million impoverished 16 through 21 year olds. With Job Corps, and Neighborhood Youth Corps, we should reach 20% of the in-school universe of need and 40% of the drop-outs.

We pointed out that there are 9.5 million poor Americans between the ages of 22 and 54 of whom we estimate some 4 million could benefit from some work and vocational training. We will be able to reach only 6% of this universe of need in 1967.

We pointed out that there are 5.4 million older Americans in poverty. Through all of our programs we are reaching less than 5%, on any consistent basis.

Mr. Chairman, 50% of the poor in these universes of need live in America's cities. This is an indication of the magnitude of the job still to be done.

But let us not fool ourselves. No program we design, no amount of resources we commit will prevail if we do not open our ears to the voices of the poor. The urban ghettos of this nation are crying for help in a voice desperate to be heard and to be understood.

In Watts a year ago, we had not heard. Or if we heard, we did not heed. When we finally listened, it was to the crack of exploding firebombs and sniper fire.

Last Sunday, on the first anniversary of the Watts revolt, I had the great privilege of riding through those same streets. I rode in an open convertible through thousands of cheering Americans—men, women and children of the ghetto. There was not a police uniform in sight. And where gun barrels had poked down from the roof tops of 103d Street—the charcoal alley of one year ago, I saw the hands of children waving.

I was deeply moved—at being chosen the Marshal of that parade and of being received with such open heart.

But my visit last Sunday and another to Los Angeles a month earlier, were not all to musical fanfare and the roll of parade drums. In the privacy of a back room on Central Avenue, I listened for hours to some of the leaders of the ghettos.

Here is part of what the ghetto told me. Here is one of the angry voices of Watts: "Sargent Shriver, you listen and listen good. I'll tell it to you exactly like it is. We want to run the jobs. We want to run the programs. It is our lives. It is our future. We have all kinds of agencies in our government. We got the Agriculture agency to represent the farmers. We got the Department of Commerce to represent big business. We got Health, Education and Welfare to represent school teachers and social workers. But, who helps the poor?

"You say lift yourself up by your own bootstraps. I just want to know how many of you lift yourself up by your bootstraps. That's one of them cute phrases I always hear from those good white folks.

"If you can search yourself and say that you didn't get no help from nobody and got where you are today . . . go join God.

". . . How much do you think the human mind and body can stand? Sure, they will burn the town down. They know it's not goin' to help them. But what choice do you give them? Nobody listens. I say listen to us all. We need help.

"You think it is something nice being on welfare and having a social worker come snooping under your bed, to see if you got a man there. If don't leave no dignity. You know it would be real nice if some of you people could change yourself and be poor for awhile. You see what the poor people have to go through.

"Who wants welfare? Who wants to have to have someone look down their nose at you all the time to give you a piece of bread? That's enough to make you want to blow your *own* brains out.

"So why don't you listen—you know, like turn your hearing aid on while you can."

Gentlemen, that voice was talking to me—and it was talking to you.

A year ago, the cry was: "Burn, Baby, Burn."

Now, the ghetto is saying to itself and to us, "Learn, Baby, Learn."

They are saying that we must get the program down to the streets—the jobs, the housing, the education, the health and the justice down to them in the streets. Give them responsibility and a part to play—and the streets of our cities will come alive again.

THE RICHES OF THE SEA SHOULD BE PLACED UNDER UNITED NATIONS ADMINISTRATION

Mr. CLARK. Mr. President, in the Saturday Review of June 18, 1966, Clark M. Eichelberger, the widely respected chairman of the Commission to Study the Organization of Peace, a research affiliate of the United Nations Association of the U.S.A., has made a dramatic and imaginative proposal that deserves careful study by the administration, the Congress, and the informed public.

His proposal is that the riches of the sea be used to supply the United Nations with a steady income for its peacekeeping activities. The United Nations would have the power to issue licenses to extract mineral, animal, and vegetable wealth from the sea. The licensing fees would provide operating expenses to the United Nations, and would also provide a long-needed source of funds to help underdeveloped nations.

Mr. President, I ask unanimous consent that Mr. Eichelberger's article appear in the RECORD at this point. I also ask unanimous consent that an article by William D. Smith from the New York Times of July 17, 1966, entitled "Oceanography: The Potential for Profit Is as Big as the Sea," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE PROMISE OF THE SEAS' BOUNTY

(By Clark M. Eichelberger)

The last great frontier for natural resources on our planet is the sea. It also may be the richest. Indeed, fragmentary exploration to date indicates that the wealth that ultimately can be obtained from the five-sevenths of the earth's surface covered by the sea may be almost beyond comprehension.

We know, for example, as noted oceanographer Roger Revelle stated in *SR* October 3, 1964, that lying on the deep sea floor are "incredibly large quantities of black, potato-shaped nodules" which contain manganese, cobalt, copper, and nickel whose gross recoverable values are estimated at $45 to $100 a ton. We know of nodules in shallow water off Southern California that are thought to contain as much as 60,000,000 tons of phosphatic materials; of titanium-bearing sands believed to occur off Florida, India, Japan, Australia, and elsewhere; of the mining of iron from magnetite-rich sand in shallow waters near Japan (7,000,000 tons of ore were extracted from the floor of Tokyo Bay in just one four-year period); and of diamond-bearing gravels off the southwest coast of Africa that yield about five carats per ton—five times the average in diamond fields inland.

This is only a sampling. But developments to date demonstrate that, unless action is taken soon, the world may face a power struggle for resources of the sea that could equal or exceed the struggle for the resources of Africa and Asia in past centuries. Consequently, almost nine years ago the Commission to Study the Organization of Peace, research affiliate of the United Nations Association of the U.S.A., declared, "With respect to the bed of the high seas beyond the continental shelf and outer space, which are outside the jurisdiction of any state, we urge the General Assembly to declare the title of the international community and to establish appropriate administrative arrangements."

In 1961, the U.N. General Assembly, at the suggestion of President Kennedy, took some important steps in this direction in regard to outer space. It declared that "international law, including the charter of the United Nations, applies to outer space and celestial bodies," and that "outer space and celestial bodies are free for exploration and use by all states in conformity with international law and are not subject to national appropriation."

In 1963, the General Assembly further called upon all states "to refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, installing such weapons on celestial bodies, or stationing such weapons in outer space in any other manner . . . ." It also adopted a declaration of legal principles for exploration of outer space.

These steps point the way to possible parallel action by the U.N. regarding the sea.

There are compelling reasons for the U.N.'s taking such steps, some of which apply with equal force to the control of man's adventures in outer space. With the population of the world increasing at an explosive rate and with the rapid advance in industrialization, the food supplies and the mineral resources of the sea will be eagerly sought. The majority of nations do not have the technological capability to launch satellites or to gather minerals on the deep sea floor, and many of them cannot compete effectively for the fisheries of the high seas. However, the less advanced should be able to share in these resources as the common property of the world community.

In the absence of clear rights and boundaries, nations will unilaterally attempt to appropriate these areas for their own use. Such claims will reduce the area held in common by the world community and frequently lead to conflicts between nations—as witness the growing number of controversies over fishing rights, and disagreements that have accompanied the appropriation of the atmosphere and the sea for nuclear testing.

Resources such as fish, minerals on the ocean floor and the surface of the ocean, as well as the radio spectrum in outer space, can be exploited simultaneously by more than one firm or nation. But under these conditions, exploitation tends to be accompanied by rapid depletion, economic waste, and conflict.

Since the United Nations is not a full-fledged world government, how can it persuade nations to accept the proposed regime for the sea?

A sanction may be found where self-interest and the common good coincide. There are, for example, some fishery resources now so depleted that it would be to the self-interest of the few nations involved to agree to international control; and in the Antarctic, depletion of at least one species of whale has threatened that species with extinction. As for the untapped mineral resources of the deep sea, nations might prefer a U.N. regime to an anarchy under which they could not be certain of access.

Through cooperation, nations may actually be able to expand resources of the sea as they could not do themselves. Contrary to popular belief, as Christy and Brooks have said, there are regions of the ocean that are virtual deserts, ". . . regions where the plant nutrients have settled out below the euphotic zone. In such areas, it may be possible to establish artificial upwellings or to improve fertility by other means." Under such circumstances, it would be possible to "herd" fish—the kinds of fish that men prefer to eat. Obviously, no one nation is going to undertake such an effort, but it could be undertaken through the U.N.

The mineral resources of the sea are relatively unknown compared to fishery resources. But the potential wealth in the nodules referred to earlier is well known. At least one boat is being fitted out in the United States to experiment with mining them. Other countries also are interested. However, nations may be reluctant to exploit such mineral resources if they are unsure of title. Further, uncontrolled efforts to extract these resources may disturb conditions in which fish thrive; and might interfere with the Atlantic cables. All are reasons for international ownership and control.

United Nations control also could reduce the danger of pollution. As population grows, man is more and more responsible for, as well as the victim of, the pollution of the atmosphere and water. Unregulated use of the air and the sea will increase the danger of contamination. There is also danger of contamination of the sea by radioactive material, pesticides, and other poisons on land. Contamination of the shared envelope of atmosphere is a matter of concern to all peoples.

Moreover, United Nations' title to operations in the sea could forestall a possible new military race. Without an international agreement, the military of each country may feel compelled on the basis of self-interest to carry defense to any new frontier opened to man. As Navy Commander M. Scott Carpenter said at a recent meeting of aerospace engineers and scientists at Cape Kennedy, "one of the greatest hostile threats to this country might come from beneath the surface of the sea." The Soviet Union, and possibly other countries, may entertain the same fear.

Under the Antarctic Treaty of December 1, 1959, twelve governments, including the United States and the Soviet Union, agreed that Antarctica shall be used for peaceful purposes only. Military personnel or equipment may be used only for scientific research or other peaceful purposes. Thus there is precedent for an agreement, both in this and the U.N. General Assembly action in 1963 calling upon nations to refrain from placing in orbit nuclear weapons or other weapons of mass destruction. (Obviously, this recommendation would not affect the Polaris submarine or present conventional surface military vessels.) Some have suggested, too, that perhaps the U.N. should go a step further and institute a monitoring system to detect and report to the world underseas military activity.

But one of the most challenging reasons for United Nations control and administration of the sea is to provide the U.N. with an independent income. Some member nations now are reluctant to give the U.N. resources adequate even for its immediate, modest program. Despite the authorization of the Security Council for the peacekeeping force in Cyprus, for instance, it is only with the greatest difficulty that, at the end of each three-month period, the Secretary General obtains enough in contributions from individual states to maintain this force. Yet the work of the United Nations must be expanded many-fold if it is to meet the responsibilities that an ever more complex world has thrust upon it, including the great question of disarmament. Nations should not be excused from paying much larger assessments needed to maintain the organization—which to many powers means but a small fraction of their military budgets. However, assessments of the individual members should be greatly agumented by an independent source of income.

For the United Nations to have its own source of income and a vast area to administer would give it the kind of strength and maturity it needs to meet the tremendous problems of the future. Obviously, estimates differ widely as to the income that could be realized from U.N. licensing of resources in the sea and outer space, but the United Nations would gain enormously.

At the same time there would be provided a long-needed source of funds to help underdeveloped areas. Few nations today are in a position individually to exploit resources of the sea, even were there U.N. licensing and control. But if the sea were administered as the common property of mankind, all peoples could share it—for part of the licensing fees charged by the U.N. could be used to assist the nations now most in need of help.

How could all this be accomplished?

The Commission recommends that a specialized agency be created, the United Nations Marine Resources Agency: "This agency should control and administer international marine resources. It should hold ownership rights and grant, lease, or use these rights in accordance with the principles of economic efficiency and the well-being of mankind. It should distribute the returns from such exploitation in accordance with the directives issued by the U.N. General Assembly."

The agency should operate with the efficiency of the International Bank. It must inspire the confidence of those economic interests that would be dependent upon it.

As long ago as 1953, it is interesting to note, in an International Law Commission report to the General Assembly, the possibility of a specialized agency was contemplated, although with a much more limited purpose. Envisaged then was the establishment of an international authority within the framework of the U.N. with the power of adopting binding regulations for protecting the fishing resources of the sea against waste or extermination.

The broadcast of the *Internationale* from Luna 10 in early April indicates how brief the time may be before Soviet and American nationals make a landing on the moon. It points up the urgent need of implementing the 1961 resolution of the General Assembly that the celestial bodies are not subject to national appropriation.

The *New York Times*, in an editorial last April 5, suggested that there should be agreement that the moon is the property of all mankind and open for research by scientists of all nations. The editorial concluded, "Exploitation of any economic resources found on the moon could well be made a monopoly of the United Nations, with the profits used to finance the U.N.'s peacekeeping, welfare and economic-development activities. The conquest of the moon should serve to bring men together, not to divide them still further or to provide new grounds for conflict."

This is the spirit in which both the riches of the sea and man's adventure into outer space should be approached. But this spirit can be translated into action for the benefit of all mankind only if we encourage the United Nations to act now, with both the wisdom and foresight that must be applied to the problem.

The Seventeenth Report of the Commission to Study the Organization of Peace, on which this article was based, discusses a number of important recommendations for strengthening world order. They include:

The United Nations must become truly universal in membership so that all political units may play their parts in a world in which all are bound by law.

Adjustment must be made between the principle of sovereign equality of states and power.

The extensive lawmaking process which is now to be found in the United Nations must be expanded so that the General Assembly moves toward becoming a true legislative body in the international sphere.

Machinery for peacekeeping, peacemaking; and collective security must be augmented.

Heroic measures must be taken to arrest the growing gap betwen the developed minority and the undeveloped majority of nations.

The United Nations' Security General must be protected from interference in the great responsibilities and leadership opportunities that have been thrust upon him.

The author wishes publicly to acknowledge the contribution of David B. Brooks and Francis T. Christy, Jr., of the staff of Resources for the Future, who were responsible for much of the material in the study on the resources of the sea, and have been liberally quoted in this article.

The Commission's Seventeenth Report will be the basis of three half-hour programs to be released this fall by National Educational Radio, with assistance from the Johnson

Foundation, which also was host to committee members in Racine, Wisconsin, during drafting of the report. Persons interested in obtaining texts of the report should contact the Commission to Study the Organization of Peace, 866 United Nations Plaza, New York City, 10017.—C. M. E.

"This great area covering five-sevenths of the globe contains abundant resources of food and minerals. The sea has been the means of communication by ship. Aggressive war has been waged by surface ships and submarines. Cables have been laid in the sea. Fish have been an important source of food. Man's greed is threatening this source. However, the bed of the sea where great resources are presumed to rest has scarcely been explored . . .

"Both the sea and outer space involve vast opportunities for weather reporting and communications. Both provide means for transportation and adventure. Both may contribute to our knowledge of how the universe was created. . . .

"In the absence of clear rights and boundaries, nations will unilaterally extend their claims to these shared areas or attempt to appropriate the areas for their own use. Such claims reduce the area held in common by the world and frequently lead to conflicts between nations. The demarcation between areas of national sovereignty and world community rights must be clear. . . .

"No one can estimate now what the income to the United Nations might be from its granting licenses for the exploitation of the resources of the sea and the revenues which should accrue to it from outer space communications. It is estimated, however, that the amount of money to be realized certainly should make an important contribution to the budget of the United Nations. Furthermore, it should help pay for the expanded program of technical assistance to the developing states. In this way nations not technically able to take advantage of explorations and development of the sea and outer space would nevertheless receive some benefit in the form of technical assistance made possible by the exploitation of these common property resources."—From the Seventeenth Report of the Commission to Study the Organization of Peace.

[From the New York Times, July 17, 1966]

Search Yields Chemicals, Oil—and Even Diamonds

(By William D. Smith)

The sea, man's first frontier, has become his last major earth-bound challenge. It has also become an important goal in the search for investment opportunity and profit.

The oceans are capable of feeding the world's hungry, providing vast quantities of oil and supplying needed minerals, chemicals and drugs, according to even the most pessimistic exponents of oceanography.

"Within 50 years, man will move onto and into the sea—occupying it and exploiting it as an integral part of his use of this planet for recreation, minerals, food, waste disposal, military and transportation operations, and, as populations grow, for actual living space," says Dr. F. N. Spiess, head of the Marine Physical Laboratory of the University of California's Scripps Institiution of Oceanography.

Many oceanographers would say that Dr. Spiess was being far too conservative.

The challenge of extracting the sea's wealth is a mighty one but the potential rewards for both Government and private enterprise are monumental.

RETURN ESTIMATED

The National Research Council of the National Academy of Sciences, in a deliberately conservative study, concluded that the direct return on a 20-year investment in oceanographic research will be more than three times larger during those 20 years alone than if the same money had been invested at 10 per cent compound interest.

The opportunities have not been lost on industry. John H. Clotworthy, vice president of the Westinghouse Electric Corporation's Defense and Space Center and general manager of the company's underseas division, recently told a congressional subcommittee:

"A major thrust into the ocean could be expected to become a recognizable element in our gross national product and help satisfy the future need for new employment opportunities in both the professional and labor markets."

American industry and Government already have a substantial stake in the oceans. Current spending on all things connected with the seas has been estimated at nearly $10-billion a year. This figure includes about $4-billion for military projects, $2-billion for offshore oil and gas, $2-billion for marine recreation and $400-million for commercial fishing.

Underseas mining and extraction of chemicals from sea water is a $250-million business. Nonmilitary research accounts for another $250-million, with $141-million of this total coming from the Government and the remainder from industry and the universities.

Unfortunately, the bulk of this huge stake in ocean activities is contributing very little toward increasing our knowledge of the seas. With the major exception of the Navy's antisubmarine warfare studies and Deep Submarine Systems Project, much of the military spending is along rather prosaic lines.

VACUUM VERSUS OCEAN

In terms of actual funding for research purposes, national expenditures are on the frugal side. According to Senator Warren G. Magnuson, Democrat of Washington, the Federal Government "is spending 36 times more on vacuum (space) than it is on the ocean."

The Government's interest would seem to be picking up, however. President Johnson, speaking at the commissioning of an oceanographic research vessel in Washington last week, called for greater efforts to extract the riches from the world's oceans.

At the same time, the President's Science Advisory Committee issued a report on "Effective Uses of the Sea" that recommended a doubling of Federal support for marine science and technology over the next four years.

Spending by private industry is contributing comparatively far more to solving the problems of the ocean than it has to space. In terms of actual money spent, however, it is still no great sum by today's standards.

As with all frontiers, there are pioneers trying to get in on the ground floor, or in this case the ocean floor. There are at present more than 600 companies involved in one way or another in probing for the ocean's riches.

They range in size from such corporate giants as the Standard Oil Company (N.J.), the General Dynamics Corporation and Litton Industries to a host of small specialty concerns such as Alpine Geophysical Associates, Inc., and Ocean Resources, Inc.

Money is already being made both by companies extracting the sea's riches and by concerns making the equipment needed to get at these riches.

More than a billion dollars in oil, seafood and minerals was taken from the sea by American companies in 1964, according to the latest Bureau of Mines Minerals Yearbook. This is just the trickle before the flood, according to every informed source.

MUCH RESEARCH NEEDED

To increase the flow, a great deal of basic research is needed in materials, undersea vehicles, instruments, communications and tools as well as looking into the physiological and psychological problems man will face under the sea.

The oil and gas industry has reaped the greatest harvest from the sea, but it has also put in the most money and energy. The United States oil industry has invested about $2-billion in offshore leases, exploration, drilling and production facilties last year alone.

The oil industry recognized the value of the minerals below the ocean floor about 30 years ago. Although considerable oil was recovered from below the ocean floor in the late nineteen-fifties, it was not until this decade that major recoveries were made.

In 1960, some 8 per cent of the free world's oil supply was pumped from beneath the ocean. Last year, offshore oil wells pumped 16 per cent of the free world's supply. Informed industry sources predict that this figure may increase to 40 per cent by 1975.

ALL OIL FROM SHELF

All of the oil from the sea so far has come from that area called the Continental Shelf. This is the area, contiguous to all major land masses, that formerly was dry land itself. It varies in width and depth of water but in many ways still resembles dry land.

Before the oil companies push into deeper waters and begin trying to tap the ocean's depths for petroleum and gas, whole new families of equipment must be developed.

Oilmen from all the major companies are presently devising ways to eliminate the familiar platform drilling rig and locate the wellhead and possibly the production equipment on the ocean bottom.

TRICKY TECHNOLOGY

Drilling of wells on the ocean floor has been tried on an experimental basis under very special conditions. Lowering and installing of equipment on the ocean bottom requires sophisticated techniques, including underwater television to guide the operators. This is just the beginning, though, for once the well has been installed it must be controlled through remote devices.

Lack of the proper tools is also holding back the mining of the ocean, although there are some notable exceptions. An exotic one is off the coast of South Africa where an enterprising Texan dredges more than 700 tons of diamond gravel daily from the ocean floor. Yields average five carats a ton, compared with one carat a ton from land ore, and most of the stones from the ocean are gem quality.

Closer to home, all of the United States supply of manganese and 75 per cent of the nation's bromine now come from the ocean.

TREASURE IN THE DEEP

This again is just a prologue of what is to follow. As with oil, most of the minerals now being wrested from the sea come from the Continental Shelf. The real treasures, however, lie beyond on the continental slope and in the ocean deep.

Oceanographers have estimated that the sea holds some 50 million million metric tons of minerals. Included in this total are two million million tons of magnesium, 100,000 million tons of bromine, 700,000 million tons of boron, 20 billion tons of uranium, 15 billion tons of copper, 15 billion tons of manganese, 10 billion tons of gold and 500 million tons of silver.

The question of when man goes after this treasure is primarily one of when does the cost of getting these metals from land sources exceed the cost of obtaining them from the sea.

Dr. John Mero, vice president of Ocean Resources, Inc., and a leading authority on undersea mining, said recently, "It would be profitable to mine materials such as phosphate, nickel, copper, cobalt and even manganese from the sea at today's costs and prices.

"And I firmly believe that within the next generation, the sea will be a major source not only of those metals but molybdenum, vanadium, lead, zinc, titanium, zirconium and several other metals."

The corporate pioneers are already at work. Lockheed is working in a joint venture with the International Minerals and Chemicals Corporation and the Bureau of Mines to study ocean mining methods.

The Reynolds Metals Company has an all-aluminum submarine to study the depths. It is also considering private development of a whole system of underwater work capabilities, including underseas barges for mining.

USING THE DESALTING PROCESS

W. R. Grace & Co. is actively studying methods of recovering a variety of minerals from sea water in conjunction with the operation of desalting plants.

Union Carbide is employing Ocean Systems, Inc., in which it owns a 65 per cent interest, in a substantial study of the sea's opportunities.

Although lack of proper equipment is retarding underwater oil and mining activities, it is not because there is any lack of thought being given to the matter.

One of the most active areas is submersibles. The General Dynamics Corporation has for years been a leader in this field. This spring it launched two small research submarines. The first, the Star II, is equipped with an ultra-high-strength hull for operations to a depth of 1,200 feet. The other, the Star III, can descend to 2,000 feet and has an external mechanical arm that can cut wire, close its grip, pick up a pencil or a 200 pound weight and manipulate valves.

General Dynamics is now working on the first nuclear-powered research submarine. The vessel, which is being built for the Navy, is expected to become operational by 1968.

Westinghouse, which also has a long history in underwater activity, operates a charter service that hires out a submersible, a surface support ship, oceanographic equipment and technical personnel, including divers.

BUILT BY COUSTEAU

The Diving Saucer, designed and built by Jacques-Yves Cousteau, is now operated by Westinghouse and is the forerunner of the company's Deepstar family of submersibles. The Deepstars, each capable of holding two or three men, will be able to submerge to hoped-for depths of 20,000 feet.

North American Aviation is designing an underwater vessel called the Beaver, which will be equipped with manipulators capable of using a number of tools.

Possibly the most famous of the research submarines operating is the Alvin, which located the hydrogen bomb that fell into the Mediterranean Sea off the coast of Spain. It was built by Litton Industries for the Woods Hole Oceanographic Institute.

While man is learning about the sea by moving about in submarines, he is also trying to develop stationary submerged shelters suitable for human habitation. The Navy's program, called Sealab, got under way in the summer of 1964, when a four-man crew spent 10 days in a large cylindrical chamber submerged 192 feet deep off the coast of Bermuda.

This was followed by Sealab II, in which teams of 10 men each spent 15 days under water. Astronaut Scott Carpenter was one of the men and he stayed down for 30 days. Plans for Sealab III are well under way.

In addition, the Navy is looking ahead to the construction of an advanced underwater facility for work at a depth of more than 600 feet. It is tentatively called the Seafloor Habitat Complex. The complex will consist of a combination of modular units, including living quarters, a research laboratory and power sources.

The applications of such shelters to undersea drilling and mining are obvious. Their success will also make the day of the underwater city considerably closer.

FIGHT FOR THE MARKET

Producers of titanium, glass-reinforced plastics, higher-strength steels, aluminum and nickel are fighting it out for the market for underseas materials. The Republic Steel Corporation and the United States Steel Corporation have both developed special high-strength steels for the underseas market.

Besides pressure, the sea presents the problem of corrosion. Several of the chemical companies are working on protective coatings at present and it is likely that more will join the study.

Several companies, such as the Goodyear Tire and Rubber Company, are presently involved in a research program to develop anti-corrosion compounds.

Another major tether on man's thrust into the sea is the lack of proper instrumentation. Instruments of all sorts are needed to test, explore and control the ocean environment.

Many of the instruments presently being used in oceanographic research have been transferred directly from space and other uses. They are doing the job, but far from perfectly.

Companies such as Honeywell, Inc., Beckman Instruments and Sylvania Electric Products, Inc., are working on devices specifically designed for the water environment, but a great deal more effort is needed in this direction.

It is not just coincidental that many of the companies participating in oceanography are also active in aerospace. The race in space and the challenge of the ocean are similar in many ways.

"Aerospace research has much in common with ocean research. Materials, propulsion, auxiliary power units, guidance and communications systems are as vital to marine vehicles as they are to aerospace vehicles and pose many of the same problems. It is logical, then, that the aerospace industry should turn its research attention to the fields of the ocean," according to Daniel J. Haughton, president of Lockheed.

ANTI-SUBMARINE WARFARE

The best example of aerospace companies participating in "inner space" operation is the Navy's antisubmarine warfare program. Since 1961, the percentage of the Navy's research, development, testing and evaluation budget that is devoted to antisubmarine warfare has climbed from 18 per cent to more than 28 per cent at the present. By the end of the decade, it will account for at least a third of the total budget.

The names participating in this all-important program read like a roster of the aerospace industry. Not only is most of the technology being put together by aerospace concerns, but the Navy has picked TRW, Inc., an aerospace company, to coordinate and do the systems work on the entire program.

In the Deep Submergence Systems Project (DSSP), another aerospace company, the Northrup Corporation, has been given the job of assisting the Navy in management and systems integration. The program was created in reaction to the Thresher disaster.

DSSP has been planned to give the Navy four major capabilities: the ability to locate stricken submarines and their crews; to recover small objects down to 20,000 feet; to salvage large objects, including submarines and ships, downed on the Continental Shelf; and to expand man's capability to work in the sea.

Commercial interest in this program is perhaps greater than in any program of similar dollar size to emanate from Washington in recent years. More than 400 companies have sought information on business possibilities in the operation.

The hostile environments of space and the hostile environment of the sea have many technical requirements in common, but the transfer of technology from one to the other is neither easy or automatic.

As far as business is concerned, ocean and space are even more unalike. In space there is only one customer, the Government. Prime contracts are let in huge sums.

In contrast, a very large number of customers make up the ocean market and prime contracts may be both large and small. The research and development contract so familiar in the aerospace business is not common in oceanics.

As a result, more of a entrepreneurial burden has been placed on private capital.

The nation's overall program in conquering the seas has been moving ahead, but in bits and starts. Part of the problem has been lack of funds and the other has been lack of central control and direction.

The prime example of this lack of direction is Project Mohole, the nation's most ambitious project in the earth sciences. The primary goal of the project is the scientific exploration by core drilling of the earth's deep crust and mantle beneath the ocean basins. The secondary goal is to provide a prototype national facility for heavy work at sea, such as mining, satellite tracking and handling equipment.

Despite its obvious importance, the program, sponsored by the National Science Foundation, has met trouble repeatedly in Congress. It has been slowed down and at times it has appeared the whole operation might be called off.

RESEARCH EXPANSION

This period of lack of direction may, however, be coming to a close. In June, President Johnson signed the Marine Resources and Engineering Development Act.

The act calls for the expansion of research and development in the marine environment and the establishment of a National Council of Marine Resources and Marine Development. The council is headed by Vice President HUMPHREY. It also established a Commission on Marine Science, Engineering and Resources, which will be composed of 15 men knowledgeable in the oceanographic field.

The bill does not have the teeth that similar space laws have had, but it should provide some over-all guidance to what had been a fairly disconnected effort.

The United States is not acting in an international void in its oceanographic efforts. France has made significant contributions to the understanding of the seas. Britain is also active. Even the tiny state of Monaco has made significant contributions to the field, in fact houses the world's greatest oceanographic museum.

The big competitor, of course, is the Soviet Union. Russia has by far the world's largest fleet of submarines and its modern fishing vessels roam the world even to the fishing banks of Cape Cod.

RIVAL TECHNIQUES

These are just the Soviet Union's most obvious oceanographic activities. Their accomplishments in space make it not unlikely that they are presently performing experiments and research that rival anything we are doing in technique and sophistication.

Last week at the commissioning of the Oceanographer, President Johnson called upon the Soviet Union to join the United States and all other maritime nations in exploiting the seas for mankind's benefit.

He asked that the nations avoid a new form of colonial competition for the ocean's riches. "We must be careful to avoid a race to grab and hold the lands under the high seas. We must ensure that the deep seas and the ocean bottoms are to remain the legacy of all human beings."

Many years ago, Sir Walter Raleigh said, "Whoever commands the seas, commands the trade, whoever commands the trade . . . commands the riches of the world."

Similar words were spoken more recently: "The nation that first learns to live under the seas will control them. And the nation that controls the seas will control the world." The speaker was G. V. Petrovich of the Soviet Union.

ADEQUATE LEGAL SERVICES FOR UNDERPRIVILEGED

Mr. CLARK. Mr. President, recently a most provocative and interesting speech was delivered by the able Justice of the Supreme Court of the United States, Mr. Abe Fortas. It dealt in large part with the problems of the poor in obtaining adequate legal services to deal with complex problems.

Mr. Fortas made a number of intelligent suggestions as to how it would be feasible to furnish the poor with adequate legal services. He urged that priority should be given under title II of the community action program to funding to provide adequate legal services to the less fortunate individuals of our country who live in the ghettos of America and areas which are underprivileged.

I ask unanimous consent that a copy of Judge Fortas' talk may be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY JUSTICE ABE FORTAS BEFORE SECOND CIRCUIT JUDICIAL CONFERENCE, LAKE PLACID, N.Y., JULY 2, 1966

It's a great pleasure for me to be with you tonight. It was generous of you to ask me; and kind of my brother Harlan to give me a visa to permit me to enter his territory.

As I considered the choice of subject for tonight I could not help regretting the passage of time. If my status were the same as a year ago—that is, before I was benched, I would undoubtedly have chosen to speak to you on recent decisions of the Supreme Court in the field of antitrust. I have no doubt that I would have expressed my strong and forceful approval of certain minority opinions that were written this term—but, after all, my wife sometimes reminds me that there is little doubt as to the identity of my favorite author.

As it is, I must be circumspect. And as I thought of addressing the members of the most affluent bar in the world and those who sit in judgment on them, it was natural that I decided to speak on the subject of poverty. After all, judges have a kinship with poverty. It's been suggested that they are the most overprivileged and underpaid members of our society.

It's characteristic of our nation that on great social issues we are inclined to defer action, to the point of crisis; but when we act, we do so with tremendous energy. Maybe that's good. Munoz Marin, the extraordinary former Governor of Puerto Rico, once said that democracy is the art of doing things at the last minute. There is a generally felt need for great actions; and the feeling seldom inspires action until the need is imperative.

So it has been with the problems of our Negroes and the poor. Some people are startled to be reminded that 100 years ago this nation solemnly resolved that no person shall be deprived of his voting rights on account of race or color or previous condition of servitude. That was the Fifteenth Amendment. And about a hundred years ago, the Fourteenth Amendment was adopted, and it said that no state shall deprive any person of equal protection of the laws.

But these were wartime measures. They were the product of victory, not of consensus. And like the fruits of most wars, they were not harvested. For about a hundred years, the great decisions incorporated in the Fourteenth Amendment provided limited sustenance to their intended beneficiaries; and the radical Fifteenth Amendment lay dormant, with only an occasional and feeble sprouting.—There was, in effect, a quiet national decision substantially to nullify the edicts of the victors of the Civil War.

I think that this was largely because the intended beneficiaries—the Negroes—were nobody's constituency. They were unorganized and leaderless. And in a democracy, as Harold Laski has reminded us, it is not demand that produces action, but effective demand.

Now, organized and instigated by competitive leaders—galvanized by the examples of the new nations in Africa—the Negroes of this nation have pressed their rightful demands upon the sensitive conscience of America. The response they have received is tremendous—a characteristic outpouring of energy, good will and inventiveness, designed to reconstruct in a few years the shambles of a century of neglect and negation. And I think that it is to this initiative of the Negroes that we must trace the inclusion of all the poor in this gigantic undertaking—that without the catalyst provided by the Negroes, the poor of this affluent nation would have remained outside of its circle of primary concern.

We are now launched upon a vast social revolution—a social revolution that, I think, is without parallel in the peaceful achievements of men and their governments. We are not near the goal. We are at the beginning, not the end. But in characteristic American fashion, it is an explosive beginning. It is a giant thrust forward and upward.

Thus far, it has taken the form of a new statement of national principles. It is a new Bill of Rights—new, not because the principles were not written. They were—100 years ago. It is not new because it creates new rights. It does not. The rights were solemnly assured 100 years ago.—It is a new Bill of Rights in the sense that the nation has decided—and, I think, decided beyond possibility of reversal or negation—that the rights guaranteed by our constitution and insisted upon by our religious and moral principles shall be available to all—and that they shall be available in the full sense—that is, clothed with opportunity—for naked rights, without the opportunity to put them to work for achievement and selfrealization, may be comforting to the giver, but they are useless to the recipient.

And so we have begun the vast formidable process of opening the doors of our society to 35,000,000 new people—the Negroes and the poor whites. There is no turning back, for we have recognized their rights—we have begun to grant their demands—and even in this land of miracles, there is no way to return the chicken to the egg—even if we should want to do so.—So far as I am concerned, I welcome this great development. It is right. Its benefits will be enormous. The nation will reap a rich harvest from the introduction and full participation of these 35,000,000 people. They will bring new vitality, new diversity, new wealth and new talents to us—as producers, consumers and contributors to our culture. As the President has said, we have opened a new frontier—a frontier not of land, but of people. And I think that the benefits to the nation may properly be compared to those which result from the opening of a vast new territory—comprising more than one-sixth of our population.

In this enormous process there has occurred a change in basic concept which is of profound significance. The poor we have had with us always, and our society has not been blind to their need or deaf to their call for help. But our traditional response has been in terms of charity—at first, private charity and, in more recent times, public assistance.—The basic concept has been charity—a benefaction bestowed as a matter of grace—granted at will, withheld or withdrawn at will. We have proceeded on the theory that neither private citizens nor the state has an obligation to provide assistance; and, correspondingly, no one has a right to demand it.—So it is that the Louisiana Legislature felt free to strike 23,000 needy children (largely Negro) from the assistance rolls, because they were born without benefit of clergy.—It is, I think, no exaggeration to say that the recipients of public assistance have lived at sufferance. They have been strangers to the law, except as an adversary—the arresting policeman, the criminal process, the juvenile courts, the unpaid landlord, the unsatisfied merchant.—As recipients of public welfare benefits, they have confronted society in its most formidable, and sometimes outrageous, aspects: The prying eye of the welfare worker acting under compulsion of laws and rules and regulations sometimes designed to see that those who receive welfare qualify for it by leading lives which, if not blameless, are at least celibate: witness, for example, the administration of the law which denies welfare payments to a woman and her children if the welfare worker finds a man in the house—a law which in the District of Columbia was enforced by infamous midnight raids.—Witness, too, the almost routine actions of some juvenile courts—despite the admonitions in many juvenile court statutes—in depriving mothers of their children.

A non-lawyer, Elizabeth Wickenden, an expert in social welfare theory and practice, has forcefully brought to public attention the absence of law in this area. The millions of people in this nation who are dependent on social welfare payments are, in truth, largely outside of our system of legal protections. They live in a hostile world, in which the law is not a protective system, but another instrument of aggression in a society which, to them, is fearful, dangerous and vindictive. As Michael Harrington has put it: "To be impoverished is to be an internal alien, to grow up in a culture that is radically different from the one that dominates the society."[1]

As we move up the scale from the impoverished who are almost totally dependent upon public welfare to the remainder of the 35,000,000 in the poverty class, we find that the situation is not much better. To them, too, the law has been an antagonist—fearsome and destructive. On the civil side, they have been helpless and friendless. The law has been the instrument which has evicted them for non-payment of rent; which has seized and sold their possessions at the behest of landlord, grocer, installment seller. It has been available to the enemy—not to them. Lawyers have been tools of the enemy—out of the reach of the poor. On the criminal side, the same has been true. Potent police, omnipotent juvenile court judges have had the power to seize and dispose of their children in a process which we lawyers call civil and not criminal—with more justification in history than in fact. Alien police—officials of the establishment—have had the means and the authority to take them into custody and commit them to a dark and mysterious process in which they have been without guidance or assistance—with some qualifications to which I shall refer. Without bail, without guidance, without friends—cut off from their families and means of livelihood—the joys of the rule of law have not been impressive to them.

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[1] Harrington, *The Other America* (1962) 16–17.

Perhaps what I have said may seem overdrawn to you—or at least excessively dramatic. The colors of the jungle are overblown in the eyes of people who live in temperate lands.—But the important point is that the condition which I have described is no longer merely a summons to comparison. It presents the problem which we must solve if we are to live in peace—if we are to be able to walk our streets in safety and security—if we are to reduce crime to manageable levels—if we are ourselves to be free from the danger of infection of lawlessness, ignorance and drug addiction. The condition that I have described must be resolved if we are to have the rule of law—if we are to be able to bring 35,000,000 people to the point of involvement and identification with our society, instead of hostility and antagonism—and if we are to convert these people into productive members of our community instead of persons who represent a perpetual burden and menace.

As I have indicated, I believe that an indispensable key to this process is to be found in the law—in the availability of law to the poor, not as an adversary, an enemy, but as a process of which they are beneficiaries—in the benefits of which they fully share. In net effect, this means that legal services must be available to them. It would be idle to underestimate the need or the resources required to meet even the basic need. For I think it is true that the 35,000,000 of whom we speak are those who are most frequently involved with the law. It is they who are most often involved in the criminal law; and it is they who most frequently are the subjects of the forcible collection procedures, eviction processes, juvenile and family court proceedings, and denials of welfare and other government payments. It is they who live on the fringes of our legal system—and it is here that the fingers of the law most often touch the daily lives of people.

I need not emphasize to you that our traditional system of voluntary legal aid and legal aid societies is totally inadequate for this purpose. We are entitled to be proud of their record—proud that lawyers have accepted court assignments without fee and and sometimes at considerable cost; proud that lawyers have generously contributed time and money to legal aid societies to provide services to indigents; and proud that these societies have enlisted substantial support from the bar associations and the communities they serve. But our pride in the past does not diminish our realization that these voluntary services are totally inadequate—inadequate in theory and abysmally inadequate in scope and resources. Carlin and Howard, for example, in a study published last year, estimated that only about 10% of those persons needing legal aid are actually serviced.[2] I believe this is conservative, but I shall not elaborate the point. Perhaps more important is the observation that we have moved into a different concept of legal services for those who cannot afford to pay for them. No longer can we look upon them as a charity, largely private. We have begun to regard them as a state obligation—within a perimeter which is beginning to take definition, as a service which the government is obliged to furnish and to which the individual who, by hypothesis, could not otherwise obtain legal service, is entitled. This concept, startling in its boldness, does not, of course, emerge only with respect to legal services. It reflects, and is part of, a new concept of public welfare: That it embraces duties of the state, and not just benefactions; and that it vests rights in those eligible, not merely privileges. Professor Charles Reich, in a perceptive article, has called it "The New Property."[3]

Faced with this need—with this explosive concept—the bar has responded magnificently. On February 8, 1965, the House of Delegates of the American Bar Association adopted a resolution directing its officers and committees to cooperate with the Federal Office of Economic Opportunity (The Poverty Program) and other appropriate groups in expanding legal services to indigents and persons of low income. The ABA has cosponsored a series of regional conferences on problems and methods of providing these legal services. Compared with total annual expenditures by legal aid societies in the area of $5,000,000, the OEO in fiscal 1966 provided $25,000,000 for the purpose—funding 121 legal services programs. The National Advisory Committee to the Legal Services Program has requested that $50,000,000 be allocated to the program next year.

In a remarkable statement submitted in support of this appropriation request, Orison S. Marden, President-elect of the American Bar Association has attested the Bar's strong endorsement of the program. He eloquently described the reaction of the poor towards the law. "The law," he said, "known in the ghetto as 'The Man'—seems to the poor man always to be on the other side . . . put a lawyer by their side," he said, "and the whole outlook changes in almost every particular."

Law schools have also accepted the challenge. Now courses have been instituted. Practice projects have been undertaken. The aid of foundations has been generated. In particular, the Ford Foundation is making a remarkable contribution both of financing and ideas. More and more, young lawyers emerging from law schools are seeking an opportunity to participate in the Legal Frontier of our time.

All of us know that the problems of implementing this huge program are enormous. The values to be considered are great and complex. The precedents and examples are of limited value. In England, since enactment of the Legal Aid and Advice Act of 1949, a comprehensive plan for providing legal services in civil as well as criminal matters has been in operation. Its basic principles are that need and eligibility are determined by committees of the Law Society, composed entirely of lawyers. The client is then entitled to select his own solicitor who then proceeds completely as if the client came to him in the course of his private practice. The lawyer is paid fees by the state on the same basis that fees are charged in private practice, and his expenses for investigations, experts, etc., are similarly totally reimbursed.—While the system is admirable in many respects, it is doubtful that it can be applied in this country to our vast and somewhat unruly circumstances.

We are proceeding—wisely, I think—with a wide variety of devices in many communities—primarily designed by local lawyers and based on diverse ideas. I am glad to note that in many of the plans, law students and fledgling lawyers are liberally utilized. This is good for them, for the future of the Bar, and for the client. For this is a process which demands the enthusiasm and dedication of youth—and experience is no substitute for three qualities.

We are, then, at the threshold of a great development in the Law. We are on the verge of a historic transformation of the public evaluation of the lawyer, and of the lawyer's role in society.—Perhaps some of us will witness the final burial of the motion that lawyers are an evil, tolerated because necessary, but not to be encouraged. In criminal law, from the *Scottsboro* case (*Powell* v. *Alabama*) to *Gideon*, we have recognized that the trial of a man for a major offense is a mockery of justice, unless he is represented by counsel. In *Escobedo* and *Miranda*, we have explored the midnight darkness of the events that occur after a man is deprived of his liberty, when generally friendless and usually hopeless he must bear the enormous weight of accusation and interrogation.—We are now really to begin the process of using the law and lawyers, not merely as instruments of defense against criminal accusation, but as positive tools in the everyday life of the one-sixth of our population who live on society's fringes.

It is an enormous challenge. But it is also an opportunity—an opportunity to demonstrate that the law, made available to those who need it, is a powerful tonic—that, as Orison Marden has said, providing a man "with a belief in the existence of justice will restore the self-reliance, the hope, the ambition that he may have lost in early childhood." It is an opportunity to show that the law and lawyers are not merely instruments of negation—of negative control—but that faith in them can provide a means for achieving dignity and trust in justice—without which no society can count itself as either safe or secure.

RECESS

Mr. HART. Mr. President, if there is no further business to come before the Senate, pursuant to the order previously entered, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 39 minutes p.m.) the Senate recessed until tomorrow, Thursday, September 15, 1966, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 14 (legislative day of September 7), 1966:

ATOMIC ENERGY AGENCY

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 10th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to the positions indicated:

To be alternate representatives of the United States of America to the 10th session of the General Conference of the International Atomic Energy Agency

Verne B. Lewis, of Maryland.
Samuel M. Nabrit, of Texas.
James T. Ramey, of Illinois.
Henry DeWolf Smyth, of New Jersey.

POST OFFICE DEPARTMENT

Leo S. Packer, of New York, to be an Assistant Postmaster General.

FEDERAL HOME LOAN BANK BOARD

Robert L. Rand, of California, to be a member of the Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1970.

POSTMASTERS

CALIFORNIA

Richard L. Luttrell, Fort Jones.
Edythe E. Gollar, Greenview.
E. Eugene Henry, Huntington Park.

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[2] Carlin and Howard, *Legal Representation and Class Justice,* 12 U.C.L.A. L. Rev. 381 (1965).

[3] Reich, *The New Property,* 73 Yale L. J. 733 (1964). See also Reich, *Individual Rights and Social Welfare: The Emerging Legal Issues,* 74 Yale L. J. 1245 (1965).

Miriam G. Lyster, Inyokern.
Jimalou J. Wyman, Lakeview.
Harry V. Wiley, La Mesa.
Arthur C. Stuart, Mount Laguna.
Ethelbert A. Bishop, North Palm Springs.
Wilbur T. Laws, Paramount.
John R. LePage, Poway.
John F. Sheehy, South Gate.
Richard V. Vargas, Summerland.
Manual Maldonado, Sunnyvale.
Nina R. Ogle, Winterhaven.
Carl A. Tice, Yorba Linda.

CONNECTICUT

Julien A. Barrette, Danielson.
Robert S. Sinkowitz, Voluntown.

DELAWARE

Mary A. Russell, Rockland.

FLORIDA

A. Gerald Cayson, Blountstown.
Thomas H. Brown, Jupiter.
Benjamin F. Inman, Perry.
Willie A. Perry, Tallevast.

GEORGIA

Willouise B. Rogers, Manassas.
J. Derrell Weaver, Norman Park.
Bradwell H. Floyd, Plainville.
Rubie R. Raulerson, St. George.

HAWAII

Gunichi Takahashi, Waialua.

ILLINOIS

Helen M. Harding, Hammond.

INDIANA

Harry S. Young, Bloomfield.
Wiley E. Brewer, Fowler.
Ralph B. Foster, Kimmell.
Robert L. Wilson, Jr., Ladoga.
Doyle E. Rich, Monroe.
Charles A. Jackson, Perrysville.
Joy C. Stahl, Rome City.

IOWA

Arne W. Eriksen, Alta.
Paul W. Gannon, Colfax.
Gerald R. Brummer, Crescent.
Donald C. Logue, Cumberland.
William A. Hartgenbush, Schaller.

KANSAS

George W. Kohls, Herington.

KENTUCKY

Carl R. Lair, Monticello.
John V. McElroy, Springfield.

LOUISIANA

Geneva S. Mims, Garden City.
Katheryn L. King, Greenwood.

MAINE

Corinne E. Savage, Sabattus.
Carleton F. Farrington, South China.

MASSACHUSETTS

Robert R. DeForge, Agawam.
Thomas J. Hagerty, Dover.
Arnold D. Hall, East Otis.
John V. Joyce, Holden.
William P. Callahan, North Dighton.
Ralph J. Shea, Osterville.
Joseph G. Moitozo, Rehoboth.
Robert D. Rudden, South Dennis.
Cullen S. Packard, Worthington.

MICHIGAN

Leo R. Buckler, Glen Arbor.

MINNESOTA

William E. Wehvila, Angora.
Odell L. Agre, Sacred Heart.
Alexander J. Winkels, Stewartville.
Marion A. Kennedy, Walker.

MISSISSIPPI

Bonnie L. Cole, Bogue Chitto.
Marie B. Coen, Hermanville.

MISSOURI

Arthur L. Jones, Amoret.
James E. Sewell, Everton.
Robert R. Wilson, Pleasant Hope.

MONTANA

Eugene L. Henderson, Darby.
Roger G. Stenson, Fairfield.
Roy C. Hogenson, Wilsall.

NEBRASKA

Ila M. Nornam, Ceresco.
Charles W. Danaher, David City.

NEW HAMPSHIRE

Wallace A. Putnam, New Ipswich.
Clarence J. Abare, Troy.
Richard L. Hutchins, Wolfeboro.

NEW JERSEY

Dora Barbarotto, Buena.
Donald H. J. Donovan, Moorestown.
James L. Doyle, New Lisbon.
Clarence P. Kinsley, Pemberton.

NEW YORK

William Barr, Hamburg.
James T. Duffy, Lake George.
Raymond C. Grinnell, McConnellsville.

NORTH CAROLINA

Mary M. Harris, New London.

NORTH DAKOTA

Dale E. Brayton, Hunter.
Dorothy E. Stringer, Tower City.

OHIO

William L. Howard, Carey.
Leonard B. Alt, Genoa.
Luella E. Zimmerman, Lemoyne.
I. Faye Furr, McGuffey.
Keith B. Herrick, Middlefield.
Robert C. Chapman, Mount Gilead.
Lois E. Baer, New Springfield.
Norbert J. Huber, North Star.
Raynor V. Burcham, Proctorville.
Rodger K. Morningstar, South Vienna.
T. Faye Kughler, Stone Creek.
Donald R. Deem, Tuscarawas.
Robert W. Spillman, Waynesfield.

OKLAHOMA

Doris E. Steverson, Fort Cobb.
Clarence D. Niblett, Hastings.
Kinley A. McClure, Lawton.
Eugene Goforth, Spiro.

OREGON

Edward I. Taylor, North Powder.
Vergie M. Magnuson, Warrenton.

PENNSYLVANIA

Ruth J. Svilar, Armagh.
Joseph W. Hanna, Clymer.
Andrew P. Stallsmith, Hadley.
Lorraine R. Thompson, Landenberg.
Mancil E. Bradford, Junior, Modena.
Francis J. McIntyre, Oxford.

PUERTO RICO

Rafael Olmeda-Torres, Morovis.
Cesar A. Perales, Saint Just.

RHODE ISLAND

John C. Talbot, West Warwick.

SOUTH CAROLINA

Hortense W. Cole, Cross Hill.
John J. Ward, Darlington.

SOUTH DAKOTA

Frederick B. Vaske, Elkton.
Joy L. Wallum, Iroquois.
Preston O. Starbuck, Onida.
Newell E. Lege, Revillo.
Laverne Cordry, Rosebud.
Alyce A. Schroeder, Wentworth.
Frank O. Perry, White River.

TENNESSEE

Joe M. Fondren, Arlington.
Tommy T. Luther, Bon Aqua.
Elaine L. Bush, Cedar Grove.
Thomas A. Henson, Cowan.
Fred R. Lockett, Junior, Johnson City.
Frank W. Greer, Pegram.

TEXAS

Bennie R. Vick, Conroe.

VERMONT

Ralph G. Aulis, Norwich.

VIRGINIA

Dorothy C. Lewis, Mappsville.

WASHINGTON

Genevieve F. Tapscott, Packwood.

WEST VIRGINIA

Robert L. Pullen, Sutton.

WISCONSIN

Andrew F. McGuan, Baraboo.

EXTENSIONS OF REMARKS

Rosh Hashanah

EXTENSION OF REMARKS
OF

HON. ADAM C. POWELL

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 14, 1966

Mr. POWELL. Mr. Speaker, today, September 14, at sundown, begins the 10-day period of the Jewish high holy days and the Jewish year of 5727.

The moving religious significance of this period is not only meaningful to the world Jewish community, but it is a reminder of the lasting contributions to world civilization by our Jewish brothers.

This 10-day period is also known as the "Days of Awe." Certainly all of us need to pause along with our Jewish brothers in awe at the greatness of God and the wonders of his works.

These are troubled times for our Nation and for the world. The revolution of rising expectations among the deprived of the world has not yet attained fulfillment.

The mountains of bigotry, poverty, and misunderstanding still stands between the ocean of brotherhood and the prairie of peace. We have not yet learned to enjoy each other's proximity.

As we stumble about in the darkness of ignorance seeking solutions to the racial crises of our Nation and the conflict in Vietnam, let us reaffirm our faith in the oneness of God and our love for His children, our fellow man.

As a Baptist minister and one of the only three clergymen in both bodies, I can think of no more appropriate thoughts for Rosh Hashanah than those expressed by our first President, George Washington, to the Hebrew congregation in Newport, R.I., in 1790:

> May the Children of the Stock of Abraham, who dwell in this land, continue to merit

and enjoy the good will of other inhabitants; while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid. May the Father of all mercies scatter light and not darkness in our paths, and make us in our several vocations useful here, and in His own due time and everlastingly happy.

Suspension of Investment Tax Credit

EXTENSION OF REMARKS
OF
HON. AL ULLMAN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 14, 1966

Mr. ULLMAN. Mr. Speaker, I commend the President for his action last Thursday in advocating suspension of the investment tax credit. I am confident that the details of his proposal will receive careful scrutiny in the Ways and Means Committee to insure reasonable growth for the economy while not disrupting bona fide business procedures.

The dislocations in the economy—particularly the impact of tight money on housing and lumber—must not be underestimated, and a broad range of monetary and fiscal actions must be taken. We may also need to consider other corporate tax increases, Presidential authority to institute consumer installment credit controls, and appropriate action by the Federal Reserve Board to ease the burden of their monetary restraints.

There is no doubt that corporate investment in plants and equipment—which the latest figures show to be 17 percent ahead of 1965, and 55 percent greater than this spending in 1963—is one of the inflationary stimulants in our economy. It is also worthwhile to consider the impact of corporate expansion plans for foreign trade and our balance-of-payments situation.

We have had too much of a good thing—the increase in investment has got out of hand—it has been a key factor in the overall surge in imports and, in particular, the sharp jump in imports of machinery during the past year.

In the first half of this year, U.S. imports of capital equipment were up 44 percent over the January to June period of 1965. Imports of metalworking machinery were up 89 percent in 1 year. Imports of textile machinery soared by 71 percent. This can only be ascribed to the inflated rise in demand for investment goods.

Our exports of capital equipment have been cut for the same reason. In the machine tool industry foreign orders so far in 1966 have run 39 percent above a year ago, but shipments abroad are lagging behind by 17 percent. The foreign orders are being put at the bottom of the pile so that domestic orders can be filled.

The only way we can strengthen the dollar internationally—stop the dollar drain and the loss of gold—is to restore a strong trade balance. This means less imports and more exports. Both can be achieved by dampening the investment boom by withdrawing temporarily the investment tax credit.

Restoring a favorable trade balance is another reason why we should thank the President for proposing the suspension of the unnecessary bonus which the investment credit provides before our economy experiences even more severe dislocations.

Cutting the Ho Chi Minh Trail

EXTENSION OF REMARKS
OF
HON. HOWARD W. ROBISON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 14, 1966

Mr. ROBISON. Mr. Speaker, as one who has read into last Sunday's elections in South Vietnam a little more importance than have some of my colleagues, I should like to express my pleasure in their outcome.

Though it will undoubtedly be sometime, yet, before we will be able to obtain a clear picture of whether or not that outcome will actually lead to the establishment of a stable, broad-based, popular government in South Vietnam, we can, I believe, hope for the moment that this process has been begun.

Even the New York Times which—as most of us know—has been normally critical of the administration's policy in Vietnam, and which failed to take, in advance thereof, an especially optimistic outlook toward the potential of South Vietnam's go at political self-determination, has had some kind words to say, as witness its lead editorial on Monday of this week:

> SAIGON'S ELECTORAL VICTORY
>
> The elections in South Vietnam were a success for Marshal Ky's Government and indirectly for the Johnson Administration. According to present available figures, three-quarters of the eligible voters cast ballots. This far exceeds Vietnamese and American hopes before election day.
>
> The victory deserves full acknowledgment, but its effects should not be exaggerated. Candidates were merely elected to an assembly which will draw up a constitution leading to still another election in 1967 or 1968 for as representative a government as the situation and political backwardness of the people will permit.
>
> Since large regions of South Vietnam are under Vietcong control, or subject to the Vietcong's threats, the election could not lead to a genuine popular majority. But, insofar as the South Vietnamese people, at this stage of their history could record a democratic vote, they have done so.
>
> Marshal Ky, himself, has been an in-again-out-again candidate for the office of an elected president, but it is obvious that any future government would have to be either military or, if civilian, willing to prosecute the war. The conflict will go on pretty much as if the election, despite its undoubted value and success, had not taken place.
>
> Hanoi's inflexible rejection of President Johnson's offer of a mutually agreed withdrawal of troops from South Vietnam shows that neither the time nor the circumstances are ripe for negotiations or a truce.
>
> The block on the road to peace has been made clear again and again by both sides, as it was in the recent exchange. The United States says that Hanoi is the aggressor and North Vietnam says that Washington is the aggressor. Behind the simple accusations are all the complex forces of power politics, ideology, nationalism and emotions that make the war in Vietnam so stubborn and, for the moment, so intractable.
>
> Yet, the effort to solve it and to bring about negotiations must go on. The United States cannot assume that Hanoi literally means, and always will mean, exactly what it says today. North Vietnam may one day accept the fact that the United States really intends to withdraw from Southeast Asia when circumstances permit, and Hanoi may also hope that the American escalation of the war will not continue to a point of no return.
>
> In the diplomatic game that goes on behind the crack of guns and thunder of bombs, the ideals for which the United States stands gained a point in yesterday's election. The Vietcong, the North Vietnamese and the Chinese Communists lost by the same margin. The war goes on, but it has been proved that three out of four of those who could vote in South Vietnam braved danger and future risk to do so, and thereby expressed either support for or acquiescence in what the Saigon Government is trying to do.

I do not find much to quarrel with in the Times' analysis—for, of course, it would be unwise to exaggerate the size of this important first step toward making South Vietnam a more effective partner in waging and winning its own war for independence. But I do believe—as does the Times—that "the ideals for which the United States stands gained a point in the election."

Looking beyond that point, however, I would suggest we all now need to consider what effect, if any, the results may have on either our diplomatic or military effort to bring that war to a satisfactory conclusion.

First, as for the diplomatic effort which, as the above editorial says, "goes on behind the crack of guns and thunder of bombs," it would seem as if the United States-South Vietnamese hand has been strengthened, even if only a little. But, given the continuing refusal by the aggressors to consider any proffer of willingness to talk settlement, there is not much new one can suggest here other than to express the hope that the President will keep the diplomatic pressures on the north through every available channel.

On the military front, however, it may be appropriate to ask if the President has adequately considered the possible alternatives to our ever-increasing bombing of the north in an effort to halt infiltration of troops and supplies to the Vietcong. It has been difficult to accurately assess the value of such bombing. Although it may have had an effect on larger troop movements from the north, as witnessed by the recent dropoff in combat incidents between large North Vietnamese units and allied forces, it does not seem to have accomplished a halt to the supplying of the Vietcong's hit-and-run guerrilla bands that ravage the countryside and terrorize the South Vietnamese people in outlying areas.

If, as seems likely, the Vietcong revert now to these kind of tactics it would also seem as if they could thus prolong the war, no matter how much we step up the punishment bombing we have been relying on in our efforts to halt the overall aggression.

Therefore, with a somewhat improved prospect for a more stable political base to work with now at hand, I wonder if it is not time to again ask for consideration of others means for similarly stabilizing the military front.

Now, certainly, I do not pretend to be any sort of military expert, but I have been interested for sometime in the suggestion that has come from several quarters that an attempt should be made to cut the so-called Ho Chi Minh Trail that passes through Laos and on into South Vietnam.

This would be no mean feat but—considering the engineering miracles worked by the Army Engineers and the Seabees during World War II—not beyond our apparent capabilities. If it could be done—and if it worked—perhaps both the need for escalated bombing of military targets in the north and for more and more U.S. troops in the south could be curtailed.

It's worth a thought, anyway—and, as evidence others are thinking about it still, I include the following editorial from the Christian Science Monitor for Wednesday, September 7:

Cutting the Ho Chi Minh Trail

> The continued infiltration of North Vietnamese soldiery into South Vietnam raises with increasing insistence the question of what can be done to end this war-prolonging practice. One of the most effective means of transferring the Vietnamese war from the battlefield to the peace table would be to put a stop to North Vietnam's support of the Viet Cong effort to seize the south by force.
>
> More than eight months ago these columns raised the question of whether the United States should not begin thinking seriously of means to cut the Ho Chi Minh Trail through Laos over which most of these infiltrators pass. At that time we suggested that an effective deterrent be to cut "a no-man's-land swath from the sea to mid-Laos to sever Communist infiltration routes."
>
> We added: "This swath need be no longer than 50 to 75 miles in length. Sown with mines, strung with wire, garnished with artillery and guarded by garrisons, this could be an effective barrier."
>
> The passing of time has only made some such bold enterprise all the most needful. It also remains one of the most painless methods by which the war could be brought under control.
>
> Unlike the bombing of North Vietnam, an interdiction swath would have as its purpose the reduction of fighting rather than its escalation. It would violate no unviolated territory, since it would merely seek to rob North Vietnam of the use of Laotian territory which Hanoi has taken over without so much as a by-your-leave. It would, according to some reports, even be welcomed in Laos which has grown increasingly concerned with the greater and greater use of its territory by North Vietnam.
>
> Cutting such a swath through rugged areas would be no small feat. It would require not an army to protect the work, but a vast crew of workers and an abundance of equipment. But we doubt if it would require as much effort as will be needed to put down the North Vietnamese and the Viet Cong without some such halt to infiltration. In any event, if such a swath is considered the best means of ending infiltration, we doubt if it would be beyond the capacity of the United States Army Corps of Engineers.
>
> Some way must be found to, first, reduce the scale of fighting in Vietnam, and, then, end it entirely. We hope that the White House and the Pentagon will give serious consideration to some such plan for ending infiltration.

Mr. Speaker, at the heart of our problem in Vietnam lies the need for us to help create a climate of security, now, for the people of South Vietnam—in which, at long last, their hamlets, villages, and cities can be so organized as to be immune from terroristic attack, and free to resume the tranquillity of peasant life.

We are now endeavoring, as I understand it, to link up certain pacified areas along the coast near Da Nang, as well as the numerous hamlets elsewhere that have become pacified under the effort made by our Army Special Forces, so-called.

But, on the whole, a complete picture along these lines has yet to emerge. The failures of the past—especially of the so-called strategic hamlet program, as columnist Richard Wilson has recently pointed out in the Evening Star here in Washington—have seemed to paralyze the thinking of the administration to come up with anything better for the future.

As Mr. Wilson further stated:

> Security, security, security is the essential ingredient, and that does not exist (in South Vietnam, now) except in special areas.

And, then he concludes his column in last Monday's Star by saying:

> (This) is mainly a political war, unlike any we ever fought before; a war in which generals must concern themselves not only with military strategy but with civic action and political and economic reconstruction.

Mr. Speaker, I agree—and I believe it is time we took another look at what we could do, what new policy we could come up with, under which we could promote the security of the people of South Vietnam for, on our ability to do so, now probably depends such victory as we can hope for.

The President's Response to Vietnam Peace Proposal

EXTENSION OF REMARKS

OF

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1966

Mr. TENZER. Mr. Speaker, on August 8, 1966, I addressed my colleagues in the House on the subject of Vietnam—Congressional Record, pages 18632–18633—and outlined a seven-point peace conference proposal, which I sent by letter to the President.

I am very pleased to place in the Record at this point the text of the President's response to my proposal:

The White House,
Washington, September 7, 1966.

Hon. Herbert Tenzer,
House of Representatives,
Washington, D.C.

Dear Congressman Tenzer: I thank you for your thoughtful letter of August 31.

All of us want to see the earliest possible establishment of peace in Viet Nam, a peace that will leave the brave and long-suffering people of South Viet Nam masters in their own land, free from terror and intimidation, free from external aggression, and free to create their own political and economic institutions. No one would be happier than I to see the earliest possible achievement of that goal.

You know of the intensive and extensive efforts we have made to bring the fighting to a close and to settle this matter by peaceful means. Those efforts continue, often quietly and away from the glare of publicity.

But, as you know, every effort to date has encountered a loud and abusive rejection from Hanoi and from Peiping. Most recently, Foreign Minister Thanat of Thailand and other leaders in Asia proposed an Asian conference to work toward peace in Viet Nam. The Communists' reaction was swift and totally negative.

Nonetheless, we and others who genuinely seek peace will persist in its pursuit.

I have asked my advisers to study your specific proposal and to give it the careful consideration it merits.

Meantime, I thank you for your consideration and for the solid work you have carried out in the past Congress. I know the good people of your District recognize the great efforts you have made in their behalf and in behalf of our nation.

Sincerely,
Lyndon B. Johnson.

Mr. Speaker, I am encouraged by the President's reply and by the communications commenting on the peace conference proposal from several of my colleagues, as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., September 6, 1966.

Hon. Herbert Tenzer,
House of Representatives,
Longworth House Office Building,
Washington, D.C.

Dear Herb: I should like to compliment you on the proposals for a Vietnam peace conference which you have made to the President. These proposals embody various points which seem to me to be crucial to any effort to give reality to the President's obvious desire to get peace talks started: first, acceptance of the NLF in the conference as a party in its own right; second, a halt in the bombing of North Vietnam; and third, the offer of a cease-fire.

I think your letter is a most constructive contribution to the national dialogue on this subject, and I hope it will be given the attention and study that it deserves.

Sincerely,
Jonathan B. Bingham,
Member of Congress.

Congress of the United States,
House of Representatives,
Washington, D.C., September 6, 1966.

The Honorable Herbert Tenzer,
House Office Building.

Dear Herbert: Your reasoned letter to the President on breaking the impass to negotiations in Viet Nam is a significant contribution to the cause of peace. As you so eloquently state, the present course of the war is of the deepest concern to many of us, particularly because the momentum of military escalation seems to have outdistanced diplomatic initiative on both sides.

And as you have so wisely stated, now is the occasion to begin to find a way toward settlement by peaceful means. Your suggestions on how this country might initiate a peace conference deserve the greatest consideration—serious and rational consideration—and should not be rejected merely on the ground that past peace initiatives from this side have failed or been rejected.

I commend you on your initiative and your statesmanlike approach to this most complicated of all American and world problems today, one that is only susceptible to solution through forebearance, sensitivity, good judgment and introspection by all parties involved.

With every warm best wish,

Yours,

JAMES H. SCHEUER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 8, 1966.

Hon. HERBERT TENZER,
U.S. House of Representatives,
Longworth Building,
Washington, D.C.

DEAR HERB: A copy of your fine letter of August 31 to the President, which contains your recommendations to him for peace in Vietnam, has come across my desk.

As one who has declared frequently in favor of fresh initiatives towards peace in Vietnam, I want to applaud the imaginative outreach of your plan. I heartily endorse the steps you recommend and will be glad to lend further support if it will help in any way.

My kindest regards.

Sincerely,

JOHN G. DOW.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 8, 1966.

Hon. HERBERT TENZER,
House of Representatives,
Washington, D.C.

DEAR COLLEAGUE: I have read with much interest and considerable attention your remarks in the CONGRESSIONAL RECORD of Tuesday, September 6th, dealing with your proposal for a Vietnam Peace Conference.

I want to commend you for taking the initiative in this area, and would like you to know that I am in complete agreement with you that it is urgent for us to increase our efforts to bring about a reciprocal deescalation of military activities in Vietnam, and a cease-fire, and to approach the termination of our own military involvement.

In my judgment, it is absolutely essential that the President take the first step in the areas you have outlined. I hope he will give his serious consideration to your suggestions and recommendations.

Again let me congratulate you for your leadership in the submission of such a constructive proposal.

My best wishes.

Sincerely,

BEN ROSENTHAL.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1966.

Hon. HERBERT TENZER,
Longworth House Office Building.

DEAR COLLEAGUE: I have received a copy of your letter to the President under date of August 31, 1966 regarding Vietnam. It is an outstanding document and I want you to know how deeply I appreciate having the benefit of your cogent and persuasive reasoning.

I believe your suggestions of setting a time and place for a peace conference, making it open to all parties to the conflict, with a cease fire to follow within a stated time, could be the magnanimous gesture that would force a reciprocal peaceful overture from the other side. Surely, such an offer carries little risk and the chances are substantial of a thaw in the present frozen positions. I most earnestly hope that the President agrees with you and acts accordingly. In any case I know how grateful he is to receive constructive and creative letters like yours. Many of your friends in the House of Representatives are grateful too.

Please accept my personal thanks and appreciation.

Sincerely,

DON EDWARDS,
Member of Congress.

Mr. Speaker, I will be pleased to receive comments and suggestions from other of my colleagues concerning this proposal.

Only by continuing the dialog and debate will it be possible to create the climate necessary to transfer the conflict from the battlefield to the conference table.

This I believe is our Nation's policy.

The peaceful settlement of disputes is an objective in the proudest of American diplomatic tradition.

Vietnam Questionnaire Results

EXTENSION OF REMARKS

OF

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1966

Mr. STANTON. Mr. Speaker, today I am announcing the results of the special questionnaire on Vietnam which was included in my most recent "Report From Washington" mailed to all registered voters in Ohio's 11th District.

The 5,500 replies I received reflect the grave concern of the citizens of the 11th District over the war in Vietnam. Many people wrote additional comments and separate letters all of which I read with great interest.

In response to the question "Do you favor bombing North Vietnam cities, including Hanoi, port of Haiphong and main railroads leading to Red China?" 64.5 percent voted for, 24 percent against and 11.5 percent had no opinion. It should be noted that many of those who support increased bombing attacks also made it clear that they opposed the indiscriminate bombing of civilian populations.

One of the highest favorable percentages was in support of blockading North Vietnamese ports. A strong majority—70.6 percent—indicated that they want to see the administration take this course of action while 18.7 percent opposed this option and 10.7 failed to register their viewpoint on this question.

The computer tabulation shows that over a third of those responding in the 11th District—34.6 percent—favor a gradual, complete withdrawal of our troops from Vietnam, while 55.4 percent voted against this proposal and 10 percent of the people expressed no opinion.

No question drew a more united response than the one suggesting the suspension of foreign aid to those allies who trade with North Vietnam. It appears that the citizens of northeastern Ohio are fed up with the administration's policy of giving assistance to countries who turn around and aid our enemies by trading with them, for 81.3 percent favored suspension of foreign aid to these nations.

The concept of a coalition government in South Vietnam which would include the Vietcong is apparently not a familiar one as 25.7 percent of the respondents did not reply to this question or indicated that they did not understand this proposal. Of those answering, 32.3 percent favored such a government and 42 percent opposed it.

Perhaps the most significant statistics are those in reply to the last question, "Do you feel the administration is giving the public adequate information concerning Vietnam?" Sixty-nine percent answered in the negative. Further testimony to this feeling was provided by the countless number of questionnaires that were returned without a single response and a notation stating that the individual did not feel he had sufficient information to answer the questions. Less than a fourth of the voters thought they had adequate information—22.4 percent—and 8.6 percent expressed no opinion.

We made no attempt to break down the replies by county, but postmarks indicated a cross section of the 11th District is represented in this final tabulation. In talking with colleagues who sent out similar questionnaires to their districts in different parts of the country, I realized that we had an unusually high percentage of respondents. I am proud to represent an area with so many conscientious citizens who took the time to give me their views on this vitally important problem.

Final computer tabulation of Ohio's 11th District Vietnam questionnaire

	Percent		
	Yes	No	No opinion
1. In the light of our current position in South Vietnam, do you favor—			
(a) Bombing North Vietnam cities, including Hanoi, port of Haiphong, and main railroads leading to Red China?	64.5	24.0	11.5
(b) Blockading North Vietnamese ports?	70.6	18.7	10.7
(c) Gradual, complete withdrawal of our troops?	34.6	55.4	10.0
(d) Suspending foreign aid to those allies who trade with North Vietnam?	81.3	11.1	7.6
(e) A coalition government in South Vietnam?	32.3	42.0	25.7
2. Do you feel the administration is giving the public adequate information concerning Vietnam?	22.4	69.0	8.6

SENATE

THURSDAY, SEPTEMBER 15, 1966

(Legislative day of Wednesday, September 7, 1966)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Edward B. Lewis, pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

Dear God and Father of all nations and lands, we come before Thee in the interest of the land we love the most.

Thou hast been our guide in days when we could not find the path to peace and the way of life for the betterment of all mankind. Today, we need that guidance and the light to walk that path. Lead us and guide us.

We have received inspiration and information in the past for world order when chaos faced us. Inspire and inform, through the best judgment and debate, these leaders of our Nation today as they seek order, justice, and peace.

Give to us daily the message of the God of our fathers during these holy days of the Jewish faith. Impress upon us also the message of The Way, The Truth, and The Life as we find these through our Lord Jesus Christ. In the Master's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Wednesday, September 14, 1966, was approved.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on September 13, 1966, the President had approved and signed the act (S. 3155) to authorize appropriations for the fiscal years 1968 and 1969 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 3467) to amend the National School Lunch Act, as amended, to strengthen and expand food service programs for children, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. GATHINGS, Mr. HAGEN of California, Mr. PURCELL, Mr. BELCHER, Mr. QUIE, and Mrs. MAY were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11256. An act to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes; and

H.R. 17637. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 11256. An act to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes; to the Committee on Finance.

H.R. 17637. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes; to the Committee on Appropriations.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SYMINGTON:

S. 3835. A bill for the relief of Mrs. Basyle Glenn Gulledge; to the Committee on Post Office and Civil Service.

ADDITIONAL COSPONSORS OF BILLS

Mr. KUCHEL. Mr. President, I ask unanimous consent that at the next printing of S. 3793, to authorize the Secretary of the Interior to reimburse part of certain fishery permit fees paid to foreign countries by U.S. fishermen, the name of the distinguished senior Senator from Washington [Mr. MAGNUSON] be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARLSON. Mr. President, as a result of modern communications and modern transportation, there is an ever-increasing problem among the States in regard to taxation of interstate commerce.

It is a problem that must have the consideration of Congress with the hope that needed adjustments can be made.

It is my hope that the Senate Finance Committee will in the near future hold hearings on this important subject, with a view of coming up with recommendations to the Senate.

The Senator from Connecticut [Mr. RIBICOFF] on September 9 introduced S. 3816. This is a bill that might well be used as a basis for the hearings and study by the Senate Finance Committee, and I ask unanimous consent that my name be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 15, 1966, he presented to the President of the United States the following enrolled bills:

S. 3051. An act granting the consent of Congress to the compact between Missouri and Kansas creating the Kansas City Area Transportation District and the Kansas City Area Transportation Authority; and

S. 3625. An act to designate the dam being constructed on the Allegheny River, Pa., as the "Kinzua Dam," and the lake to be formed by such dam in Pennsylvania and New York as the "Allegheny Reservoir."

CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1557.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REINSTATEMENT OF A CERTAIN OIL AND GAS LEASE BY THE SECRETARY OF THE INTERIOR

The Senate proceeded to consider the bill (S. 2918) to direct the Secretary of the Interior to reinstate a certain oil and gas lease which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior shall receive, consider, and act upon any petition of Paul T. Walton, Thomas F. Kearns, and Jerome B. Guinand filed within one hundred and eighty days after the date of enactment of this Act, for reinstatement of United States oil and gas lease (Wyoming 0310090), and may reinstate such lease in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188(c)).

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0310090)."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1593), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 2918 directs the Secretary of the Interior to reinstate a noncompetitive oil and gas lease (Wyoming 0310090) which was canceled when the lessee pointed out an error by the Wyoming land office in the computation of acreage which resulted in underpayment of rent. The Department contends that regardless of the error by land office personnel, under the provisions of section 31(a) of the Mineral Leasing Act, as amended (30 U.S.C. 188(a)), the Secretary has no choice but must terminate the lease.

NEED FOR LEGISLATION

The proposed legislation is needed in order that equity may be done to a lessee who acted wholly in good faith.

The Wyoming land office in May 1964 issued a simultaneous oil and gas list, in which was included a tract designated as parcel 750, which the land office stated comprised 2,040 acres.

Paul T. Walton, Thomas F. Kearns, and Jerome B. Guinand filed an offer card for this parcel and submitted advance rental in the amount of $1,020, the amount required by law and regulation at the rate of 50 cents an acre, for 2,040 acres.

Walton, Kearns, and Guinand were the successful offerors and a lease was issued to them effective August 1, 1964. The lease contained a legal description of the lands as shown on the simultaneous list and showed "total area, 2,040 acres; retained rental, $1,020."

A courtesy notice dated May 7, 1965, showed the annual rental due on 2,040 acres as $1,020. Payment of the second year's rental in the amount of $1,020 was received on July 29, 1965.

By a letter dated January 5, 1966, Mr. Paul T. Walton, one of the lessees, brought to the attention of the Wyoming land office of the Bureau of Land Management of this Department that, based on the land description contained in the simultaneous notice and on the lease, the acreage appeared to be more than shown on the lease, and that additional rental was due for the first and second lease years. A review of the situation revealed (1) that the land office initially had made a mistake in showing the area as 2,040 acres on the simultaneous list, (2) that the land office continued the error in showing 2,040 acres on the issued lease, (3) that, in fact, the lands in the lease contained 2,190.36 acres, and (4) that the advanced rental for the first year and second year was short in the amount of $75.50 for each year. Thus, in a decision dated January 11, 1966, the Wyoming land office held that the lease terminated by operation of law for nonpayment of the full amount of the second year's rental.

Although the decision of the Wyoming land office canceling the lease is under appeal to the Director of the Bureau of Land Management, and therefore the lessee has not exhausted his administrative remedies, the committee feels that equity warrants legislative relief.

COMMITTEE AMENDMENT

The committee, however, amended the bill to make it conform to the pattern set forth in the act of October 15, 1962 (76 Stat. 943), thus authorizing the Secretary to receive evidence as to the equities and to consider reinstatement of the lease, rather than directing him to do so. The language adopted by the committee, which had been recommended by the Interior Department, is the usual form for such legislation.

AUTHORIZATION FOR THE PRESIDENT TO RETIRE LT. GEN. ROBERT WESLEY COLGLAZIER, JR., IN THE GRADE OF LIEUTENANT GENERAL

The Senate proceeded to consider the bill (S. 3500) to authorize the President to retire Lt. Gen. Robert Wesley Colglazier, Jr., in the grade of lieutenant general which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That the President is authorized to advance Major General Robert Wesley Colglazier, Junior (O223635), to the grade of lieutenant general on the retired list, effective on the date of the enactment of this Act, and Major General Colglazier shall be entitled to all the benefits of retirement in the grade of lieutenant general.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President to advance Major General Robert Wesley Colglazier, Junior, to the grade of lieutenant general."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1598), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize the President to advance Maj. Gen. Robert Wesley Colglazier, Jr., to the grade of lieutenant general on the retired list of the Army.

EXPLANATION

Section 3962(a) of title 10, United States Code, permits the President, by and with the advice and consent of the Senate, to retire an officer who has served on active duty as a lieutenant general or a general in the highest grade held by the officer at any time on the active list.

Maj. Gen. Robert Wesley Colglazier, Jr., a former Deputy Chief of Staff for Logistics, and a former commanding general of the 4th U.S. Army, was retired on February 1, 1966. He was appointed a lieutenant general on July 17, 1959, and served continuously in this grade until his retirement. He was originally commissioned as a Reserve officer and never held a commission in the Regular Army. If he had been commissioned in the Regular Army, section 3962(a) of title 10, United States Code would authorize his retirement in the grade of lieutenant general.

General Colglazier served honorably as a lieutenant general in positions of importance and responsibility. Since he would be eligible for retirement as a lieutenant general if he had been a member of the Regular Army, the committee considers that his non-Regular status should not cause him to be denied the privileges of retirement as a lieutenant general, and accordingly recommends this bill.

The committee amended the bill to eliminate provisions making the authority for advancement retroactive in effect to the date of General Colglazier's retirement. Retroactive application of legislation is a departure from the normal practice.

COST

If this bill becomes law the retired pay of General Colglazier would be increased by $130.27 per month. No other costs should result from enactment.

EFFECT OF DISCLAIMERS ON ALLOWANCE OF MARITAL DEDUCTION

The Senate proceeded to consider the bill (H.R. 483) to amend section 2056 of the Internal Revenue Code of 1954 relating to the effect of disclaimers on the allowance of the marital deduction for estate tax purposes which had been reported from the Committee on Finance with amendments on page 2, after line 3, to strike out:

(A) Except to the extent that subparagraph (B) applies, such interest shall, for purposes of this section, be considered as passing, not to the surviving spouse, but to the person who made the disclaimer, in the same manner as if the disclaimer had not been made.

(B) If the interest disclaimed was bequeathed or devised to such person, and before the expiration of 6 months after the admission of the decedent's will to probate such person disclaimed all bequests and devises in his favor under such will and did not accept any property under any such bequest or devise before making the disclaimer, such interest passing to the surviving spouse by reason of such disclaimer shall, for purposes of this section, be considered as passing from the decedent to such spouse. The amount of the deductions allowable under this section by reason of this subparagraph, when added to the amount of the deductions allowable under this section without regard to this subparagraph, shall not exceed the greater of (i) the amount of the deductions which would be allowable under this section without regard to such disclaimer if the surviving spouse elected to take against the will, or (ii) an amount equal to one-third of the adjusted gross estate (within the meaning of subsection (c)(2)).

And insert, in lieu thereof:

(A) if the disclaimer of such interest is made by such person before the date prescribed for the filing of the estate tax return and if such person does not accept such interest before making the disclaimer, such interest shall, for purposes of this section, be considered as passing from the decedent to the surviving spouse, and

(B) if subparagraph (A) does not apply, such interest shall, for purposes of this section, be considered as passing, not to the surviving spouse, but to the person who made the disclaimer, in the same manner as if the disclaimer had not been made.

And, on page 3, after line 18, to strike out:

(b) The amendment made by this Act shall be applicable to estates of decedents for which the date prescribed for the filing of the estate tax return (determined without regard to any extension of time for filing) occurs on or after January 1, 1965.

And insert, in lieu thereof:

(b) The amendment made by subsection (a) shall apply with respect to estates of decedents dying on or after the date of the enactment of this Act.

(c) In the case of the estate of a decedent dying before the date of the enactment of this Act for which the date prescribed for the filing of the estate tax return (determined without regard to any extension of time for filing) occurs on or after January 1, 1965, if, under section 2056 of the Internal Revenue Code of 1954, an interest would, in the absence of a disclaimer by any person other than the surviving spouse, be considered as passing from the decedent to such person, and if a disclaimer of such interest is made by such person and as a result of such disclaimer the surviving spouse is entitled to receive such interest, then such interest shall, for purposes of such section, be considered as passing from the decedent to the surviving spouse, if—

(1) the interest disclaimed was bequeathed or devised to such person,

(2) before the date prescribed for the filing of the estate tax return such person disclaimed all bequests and devises under such will, and

(3) such person did not accept any property under any such bequest or devise before making the disclaimer.

The amount of the deductions allowable under section 2056 of such Code by reason of this subsection, when added to the amount of the deductions allowable under usch section without regard to this subsection, shall not exceed the greater of (A) the amount of the deductions which would be allowable under such section without regard to the disclaimer if the surviving spouse elected to take against the will, or (B) an amount equal to one-third of the adjusted gross estate (within the meaning of subsection (c)(2) of such section).

Sec. 2. (a) Section 642(g) of the Internal Revenue Code of 1954 (relating to disallowance of double deductions) is amended by inserting "or of any other person" after "shall not be allowed as a deduction in computing the taxable income of the estate".

(b) The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act, but only with respect to amounts paid or incurred, and losses sustained, after such date.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act to amend section 2056 of the Internal Revenue Code of 1954 relating to the effect of disclaimers on the allowance of the marital deduction for estate tax purposes, and for other purposes."

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1599), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

I. SUMMARY

This bill, as passed by the House, amends present law to allow an interest in property which a surviving spouse receives as a result of a disclaimer by a beneficiary under a will to qualify for the estate tax marital deduction where certain conditions are met. Under present law the marital deduction, in general, permits the deduction of up to one-half of the adjusted gross estate for property passing to a surviving spouse. For an interest in property which has been disclaimed to be eligible for the marital deduction under the House bill (1) the beneficiary must disclaim all bequests and devises to him; (2) the disclaimer must be made within 6 months after the decedent's will is admitted to probate; and (3) the disclaimer must be made before the beneficiary accepts and bequest or devise under the will. Under the House bill, where these conditions are met, the amount which may qualify as a marital deduction as the result of a disclaimer (when added to other amounts received by the surviving spouse) is limited to the greater of (1) the marital deductions which would be allowable without regard to the disclaimer if the spouse elected to take against the will under State law, or (2) one-third of the decedent's adjusted gross estate.

Your committee's bill retains the provisions of the House bill with respect to estates of decedents dying before the date of enactment of the bill and for which the date prescribed for the filing of the estate tax return occurs on or after January 1, 1965 (i.e., decedent's dying on or after October 1, 1963), with the exception that your committee's bill extends the time within which a disclaimer must be made to the time for filing the estate tax return of the decedent, generally 15 months after the decedent's death.

As to disclaimers made with respect to estates of decedents dying on or after the date of enactment of this bill, however, your committee's bill provides that disclaimers by persons other than surviving spouses are to be fully effective for purposes of computing the estate tax marital deductions. Thus, for the future, under your committee's bill, interests passing as the result of partial (as well as of complete) disclaimers may qualify for the marital deduction, and the maximum amount of these interests which may qualify for the marital deductions is the same as in the case of interests passing to the surviving spouse directly; i.e., one-half of the adjusted gross estate. In addition, for the future, under your committee's bill, disclaimers with respect to property passing by the laws of intestacy or otherwise (e.g., insurance or by trust) are to be fully effective for purposes of computing the marital deduction (as well as disclaimers of bequests and devises under the will of a decedent).

Your committee has also added to the House bill a provision which, in the case of a trust or any other person, provides that items incurred in the administration of the property of a deceased person may be deducted either by the other person for income tax purposes or by the estate of the deceased for estate tax purposes, but not for both. This provision applies to taxable years ending after the date of enactment of this bill but only to amounts paid or incurred (or losses sustained) after that date.

The Treasury Department has indicated that it does not object to the passage of this bill as amended.

II. REASONS FOR THE BILL

(1) *Effect of disclaimer on allowance of marital deduction.*—Under present law (sec. 2056(d)), disclaimers (that is, where a beneficiary gives up all rights to property he otherwise would receive) in effect are recognized where they are made by a surviving spouse. The effect of this is to provide that in these cases no marital deduction is to be available. This result is accomplished, where a disclaimer is made by a surviving spouse, by providing that the property is considered as passing from the decedent to the person entitled to receive the property as a result of the disclaimer, rather than passing to the surviving spouse. On the other hand, disclaimers are not recognized under present law where they are made by someone other than the surviving spouse and, as a result of the disclaimer, the surviving spouse receives property. Thus, present law provides that property received by a surviving spouse as the result of a disclaimer is to be considered to pass from the decedent to the person making the disclaimer (and not to the surviving spouse).

The regulations under present law do recognize disclaimers under certain conditions for gift tax purposes. The regulations (sec. 25.2511-1(c)) provide that where a beneficiary unqualifiedly refuses to accept ownership of property transferred from a decedent (whether the transfer is by will or by law of descent), a refusal to accept ownership of the property does not constitute the making of a gift "if the refusal is made within a reasonable time after the knowledge of the existence of the transfer." The refusal must be effective under local law, and no refusal is acknowledged after the property has been accepted. The practical effect of the regulations thus is to recognize for gift tax purposes that property passing as the result of a disclaimer does not pass from the person who disclaims, but from the deceased.

Cases in the estate tax area have arisen where the nonrecognition of a disclaimer, which resulted in property passing to surviving spouses, has given rise to inequities and discrimination. Where the beneficiary disclaims his right to receive property and, as a result, the property is received by a surviving spouse, it is difficult to see why a larger tax should be recovered from the estate than would be true where the property goes directly to the surviving spouse (rather than indirectly as a result of a disclaimer). In both cases the economic effect of the transaction is the same. Moreover, frequently the failure to make provision for the marital deduction in the first instance stems from an absence of knowledge concerning estate tax law by the decedent. This is an area of the law which, of necessity, contains complexities and frequently is not fully understood by an individual preparing his own will. A special problem is created by the fact that it is possible to obtain a lesser marital deduction than intended solely because of a failure to determine the exact interrelationship of the different estate tax provisions of present law.

For the reasons indicated above, your committee has reached a conclusion similar to that reached by the House; namely, that disclaimers should be recognized for purposes of determining a marital deduction. For the future, however, your committee believes property passing to a surviving spouse by way of a disclaimer should be treated no differently than where the property passes directly to the surviving spouse. For that reason, it does not apply the limitations contained in the House bill to disclaimers made in the future (these limited the application of the House bill to disclaimers of interests bequeathed or devised to a person, required the disclaimer by a person of all bequests and devises in his favor, and limited the maximum marital deduction available by reason of disclaimers).

As to pending cases, where failure to grant relief would produce an inequity, your committee agrees that the effect of recognition of disclaimers should be limited to the alternative available under the then existing law. This alternative was for the widow to elect under State law to take a statutory share in lieu of the provision made for her in her husband's will. Since in most States the widow could take an amount equal to a third or more of her husband's estate, as to pending cases, your committee has retained the limitation in the House bill, which generally limits the marital deduction to one-third of the adjusted gross estate in the case of disclaimers. As indicated above, in the case of disclaimers made in the future, however, your committee has concluded that property passing to a surviving spouse in this manner should be given the same treatment for purposes of the estate tax marital deduction as in the case of property passing to her in any other manner.

(2) *Disallowance of certain double deductions.*—Under present law (secs. 2053 and 2054) an estate may deduct certain items—funeral and administrative expenses, claims, and losses—in computing its estate tax liability or, alternatively, may deduct these items in computing its income tax liability. An estate may not deduct these items for both estate tax purposes and income tax purposes, however (sec. 642(g)). Nevertheless, some courts have held that even though an estate is prohibited from enjoying this double deduction for one expenditure, where both an estate and a trust are involved the prohibition does not apply. Thus, where a trust paid certain expenses of administering property in the estate, courts have held that the estate could deduct the items as administration expenses in determining its estate tax liability and at the same time the trust could deduct the items as expenses necessary to manage income-producing property in determining its income tax liability.[1]

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[1] See, *Comm'r* v. *Burrow Trust* (333 F. 2d 66 (10th Cir. 1964)), affirming 30 T.C. 1080.

Your committee believes that where only one amount is spent, there should be only one deduction. This explains why an estate is not allowed to deduct the same item twice in determining both its estate tax liability and its income tax liability, and your committee believes the same reason applies where a trust is involved. The number of taxable entities does not change the effect of the transaction, and it should not change its tax consequences.

III. GENERAL EXPLANATION

(1) *Effect of disclaimer on allowance of marital deduction for the future.*—For the reasons given above, this bill, as amended by your committee, in the case of decedents dying on or after the date of enactment of the bill reverses the provision in present law which, for purposes of computing the marital deduction, ignores disclaimers of interests in property which thereby are received by a surviving spouse. The bill provides instead that for the future, any interest, or portion of an interest (including a contingent interest), in property received by a surviving spouse as the result of a timely disclaimer is to be treated as passing to the spouse. Where this occurs, the interest is to qualify for the marital deduction for estate tax purposes. In the case of decedents who die or after the date of enactment of the bill, interests passing as the result of a disclaimer may qualify for the marital deduction to the same extent as interests passing directly from the decedent (i.e., taking into account any other qualifying property passing to the spouse, to the extent of 50 percent of the adjusted gross estate).

Under the bill as amended by your committee, for an interest to be considered as passing to a surviving spouse where there has been a disclaimer, two conditions must be met. First, the person who disclaims must do so before he accepts any property under the disclaimed interest. This means, for example, that a person who has been receiving benefits under a trust during a decedent's lifetime may not disclaim the interest he has been enjoying during that time upon the decedent's death within the meaning of the bill. However, a person disclaiming with respect to the estate of a decedent dying after date of enactment may accept an undivided interest in a property and still disclaim the remainder within the meaning of the bill. What constitutes an acceptance is, of course, in any event a question of fact. Second, for a disclaimed interest to be considered as passing to a surviving spouse, the disclaimer must be made within the time prescribed for filing the estate tax return, generally 15 months after the decedent's death. Present law is to continue to apply to an interest disclaimed after this period—that is, an interest in property which is disclaimed after this period is to continue to be considered as passing to the person who disclaims, and not to the surviving spouse.

A disclaimer, for the purposes of this bill, is a complete and unqualified refusal to accept some or all of the rights to which one is entitled. It must be a valid refusal under State law and be made without consideration.[2] Thus, it cannot be made for the purpose of serving the interests of a person who disclaims. For example, a disclaimer for the benefit of a surviving spouse who promises to give or bequeath property to a child of the person who disclaims is not a disclaimer within the meaning of the bill.

(2) *Effect of disclaimer on allowance of marital deductions for certain past periods.*—The bill also changes present law with respect to timely disclaimers of bequests and devises passing under the will of a decedent dying on or after October 1, 1963, and before the date of enactment of the bill. In these limited cases, unlike disclaimers of interests passing from a decedent dying on or after the date of enactment of the bill, the amendment applies only where the person who disclaims does so with respect to all bequests or devices in his favor (including those resulting from disclaimers by other named beneficiaries).[3]

The interests passing by disclaimer to surviving spouses in the case of decedents who died before the date of enactment of the bill also are to qualify for the marital deduction only to the extent that, when added to any other allowable marital deductions, they do not exceed the greater of (1) the deductions which would be allowable without regard to the disclaimer if the surviving spouse exercised her election under State law to take against the will, or (2) one-third of the decedent's adjusted gross estate (i.e., generally, all property passing from the decedent at the time of his death less expenses, indebtedness, property taxes, and losses).

The limitation with respect to one-third of the adjusted gross estate is measured with respect to the entire adjusted gross estate of the decedent and, in applying the one-third limit to any one disclaimer, all such disclaimers are to be taken into account. This limitation also takes into account all other property interests passing to a surviving spouse in determining the additional amount which may qualify for the marital deduction as a result of the disclaimer. The property passing by way of a disclaimer for this purpose, as well as in the case of estates of decedents dying on or after the date of enactment of the bill, includes life estates or terms of years which qualify for the marital deduction only as a result of the disclaimer. For example, a life estate devised to a surviving spouse would be taken into account in computing the marital deduction if, as a result of a disclaimer, the surviving spouse also receives the remainder interest, thereby making the combination of the two interests eligible for the marital deduction.

(3) *Disallowance of certain double deductions.*—For the reasons stated above, this bill as amended by your committee extends to trusts and other persons the prohibition in present law, applicable to estates, against claiming amounts deducted in computing the taxable estate of a decedent for estate tax purposes, again as deductions in computing the taxable income for income tax purposes. This means that if an estate deducts administration expenses in arriving at the estate tax base, a trust cannot also deduct these same expenses in determining its income tax liability. This prohibition is to have effect where a trust has paid certain expenses on behalf of the estate. This may occur, for example, where a decedent has placed the bulk of his property in a trust during his lifetime and empowered the trust to pay expenses which are incurred as the result of his death.

Under the bill, the estate retains the right to deduct the particular items covered—funeral and administration expenses, claims, and losses—in determining the estate tax base, or to waive the deduction of these expenses for estate tax purposes. In the case of such a waiver the estate may take these deductions into account in computing its income tax liability if it paid the expenses. Where the estate waives its right to these deductions for estate tax purposes, a trust may take the deductions into account in computing its income tax liability where it is otherwise entitled to them.

TARIFF TREATMENT OF ARTICLES ASSEMBLED ABROAD OF PRODUCTS OF THE UNITED STATES

The Senate proceeded to consider the bill (H.R. 11216) relating to the tariff treatment of articles assembled abroad of products of the United States which had been reported from the Committee on Finance with an amendment on page 1, after line 7, to strike out:

(b) The amendments made by subsection (a) shall apply as if made by the Tariff Schedules Technical Amendments Act of 1965.

And insert, in lieu thereof:

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act. Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after August 30, 1963, and before the date of the enactment of this Act, and

(2) with respect to which the amount of duty would be smaller if the amendments made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 2. (a) The headnotes of schedule 7, part 7, subpart A of the Tariff Schedules of the United States are amended by adding at the end thereof the following new headnote:

"4. Buttons (whether finished or not finished) provided for in item 745.32 which are the product of an insular possession of the United States outside the customs territory of the United States and which are manufactured or produced from button blanks or unfinished buttons which were the product of any foreign country shall be subject to duty under item 745.32 at the rate which applies to products of such foreign country."

(b) Paragraph (a) of general headnote 3 of the Tariff Schedules of the United States is amended by striking out "Articles" in subparagraph (i) and inserting in lieu thereof "Except as provided in headnote 4 of schedule 7, part 7, subpart A, articles".

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after the date of the enactment of this Act.

SEC. 3. (a) Schedule 8, part 4 of the Tariff Schedules of the United States is amended by inserting after item 851.10 the following new item:

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[2] It is not material for this purpose whether a particular State law uses the term "disclaimer" or uses another term describing the same legal effect. All that is necessary to qualify under the bill is a refusal, made without consideration, which is valid under State law and by reason of which the interest "disclaimed" is received by the surviving spouse either by operation of law or other provision made by the decedent.

[3] In this case, the person does not have to disclaim interests passing other than by will (such as an interest passing under an insurance policy or by the laws of intestacy or by the exercise of a power of appointment), for the interest passing to the spouse to qualify for the marital deduction.

"851.15	Letters, numbers, and other symbols; number cards and other arithmetical materials; printed matter; blocks and other dimensional shapes; geometrical figures, plane or solid; geographical globes; tuned bells and basic materials for understanding music; model articles and figures of animate objects; puzzles and games; flags; dressing frames; dummy clocks; bottles, boxes, and other containers or holders; all the foregoing, whether or not in sets, fabricated to specification and designed for the classroom instruction of children; and containers or holders fabricated to specification and designed for the storage of such instructional articles when not in use......	Free	Free"

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 4. (a) The Secretary of the Treasury is authorized and directed to admit the following articles free of duty:

(1) one Weissenberg rheogoniometer imported for the use of the Case Institute of Technology,

(2) one mass spectrometer imported for the use of the University of Nebraska,

(3) one mass spectrometer imported for the use of Utah State University,

(4) one mass spectrometer imported for the use of the University of Hawaii, and

(5) one Weissenberg rheogoniometer imported for the use of the University of Utah. The Secretary of the Treasury shall also admit free of duty all equipment, parts, accessories, and appurtenances for the articles enumerated in the preceding sentence which accompany such articles and are imported for the use of the respective institutions.

(b) Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of any article described in subsection (a) which was made before the date of the enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of subsection (a).

SEC. 5. (a) The Secretary of the Treasury is authorized and directed to admit free of duty any article which is entered, or withdrawn from warehouse, for consumption on or after June 8, 1962, solely for use at the International Peace Garden, Dunseith, North Dakota, and which is the gift to the International Peace Garden of a citizen or resident of Canada, of a Canadian corporation or organization, or of the Government of Canada or of any Province or political subdivision thereof.

(b) Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of any article described in subsection (a) which was made before the date of the enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of subsection (a).

(c) If, within 5 years after the entry of any article admitted free of duty under subsection (a), such article is used within the United States at any place other than the International Peace Garden, is transferred by the International Peace Garden to any person other than the donor of such article, or is sold by it to any person, the International Peace Garden shall promptly notify customs officers at the port of entry and shall be liable for the payment of duty on such article in an amount determined on the basis of its condition as imported and the rate applicable to it when entered (determined without regard to subsection (a)).

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act relating to the tariff treatment of articles assembled abroad of products of the United States, and for other purposes."

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1600), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY

(*a*) *House provision.*—H.R. 11216 as passed by the House simplifies the requirements in item 807.00 of the Tariff Schedules of the United States (TSUS) for qualifying imported articles for partial exemption from duty to the extent of the value of any U.S. components that have been assembled therein abroad. It does this by eliminating the requirement that the U.S. component must have been exported from the United States with the intent that it be returned to the United States as part of an assembled article. This provision was approved by the committee without substantive change.

(*b*) *Committee amendments.*—The committee added a number of amendments to the bill. These amendments (1) prevent avoidance of the U.S. button tariff by denying duty-free entry to buttons transshipped to the United States from an insular possession after drilling holes in, or otherwise processing, almost-finished buttons (or button blanks) imported into the possession from a foreign country; (2) provide duty-free entry for certain teaching aids used in the Montessori method of education; (3) provide duty-free entry for certain scientific instruments imported for the use of various universities in connection with their research work; and (4) provide duty-free entry for gifts from Canadians to the International Peace Garden, Dunseith, N. Dak.

GENERAL STATEMENT

(*a*) *Articles assembled abroad.*—Paragraph 1615(a) of the old tariff schedules in effect prior to August 31, 1963, the effective date of the TSUS, provided for the free entry of—

"Articles the growth, produce, or manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means."

This free-entry provision was construed by the courts to extend to U.S. products incorporated abroad in an article and returned to the United States, so long as the U.S. products had not been advanced in value or improved in condition and were readily indentifiable notwithstanding their combination with foreign merchandise.

Item 807.00 of the new tariff schedules, as originally made effective, was based upon the practice under old paragraph 1615(a) growing out of the above-mentioned judicial interpretation of that tariff provision, but among other things, eliminated the anomaly of not regarding the assembly operations abroad as advancing or improving the U.S. components. In its original form as it appeared in the tariff schedules of the United States, the article description for item 807.00 was as follows:

"Articles assembled abroad in whole or in part of products of the United States which were exported for such purpose and which have not been advanced in value or improved in condition abroad by any means other than by the act of assembly."

But for one phrase in the above article description, the benefits available under old paragraph 1615(a) were essentially preserved. However, a new requirement was added by the inclusion of the language "which were exported for such purpose." Under old paragraph 1615(a) it was not necessary to establish that the particular U.S. product was exported for the purpose of assembly abroad. In explanation of the inclusion of the quoted phrase in item 807.00 the Tariff Commission stated, "[it] attempts to assist in the identification of the American parts by requiring that such parts be exported for the purpose of being assembled into articles abroad." (Tariff Classification Study, submitting report of the U.S. Tariff Commission, Committee on Ways and Means, vol. 9, p. 15.)

Your committee agrees with the Tariff Commission and the Committee on Ways and Means of the House that the benefits of item 807.00 should not be extended unless it is established in accordance with appropriate regulations that the components forming the basis of the claim in the imported foreign article are in fact of U.S. origin. However, we did not intend to impose unusual difficulty on U.S. business in complying with the requirements for obtaining the partial exemption from duty authorized by item 807.00. Yet that appears to be the inadvertent result of one phrase in the 1965 amendment (Public Law 89–241, approved Oct. 7, 1965) to the tariff schedules which modified the article description in item 807.00 to read in pertinent part, as follows:

"Articles assembled abroad in whole or in part of fabricated components, the product of the United States, which (a) were exported, in condition ready for assembly without further fabrication, for the purpose of such assembly *and return to the United States* * * *." [Emphasis added.]

The committee was advised by the Customs Service that, where the exporter of the American component and the importer of the assembled article are the same person or concern, there is no special difficulty in establishing that the components were exported for the purpose of assembly into a specified article and that those components are in fact those returned to the United States. In such circumstances, arrangements are frequently made to have the assembler abroad keep track of the components and guarantee their presence in a particular article or group of articles, which he has assembled and shipped to the American exporter who sent the components to him for that purpose.

On the other hand, the committee was advised that where the American exporter and the foreign assembler are not the same firm, a more complex situation arises and difficult problems of proof frequently occur. The most difficult problems are in those cases in which the American components are sold to a purchaser abroad who will use them in the general course of assembling articles which have no predetermined destination. The basic pattern of distribution for the assembled articles may be in the country to which the components were exported or in other foreign countries.

Under present law, in order to establish eligibility for duty-free treatment of U.S. components imported as part of an article assembled abroad, it must be verified that the U.S. components—

(1) Were exported in condition ready for assembly without further fabrication;

(2) Were exported, without the allowance of drawback, for the purpose of such assembly and return to the United States of the assembled articles;

(3) Have not lost their physical identity in such articles by change in form, shape, or otherwise; and

(4) Have not been advanced in value or improved in condition abroad by unauthorized operations.

The "difficult problems of proof" referred to by the Customs Service apparently are rooted in condition (2) above, which in operation requires an intent at the time of exportation that the U.S. product will be returned to this country as part of an article assembled abroad.

The basic purpose of the House bill is to eliminate the "purpose clause" as a condition for gaining the benefits of item 807.00, provided that all other requirements of the item continue to be met. With the removal of the "purpose clause" compliance with the provisions of item 807.00 would be the establishment of the identity of the American components, the fact of assembly of such components without advancement in value or improvement in condition by unauthorized operations, the nonallowance of drawback on such components, and their cost or value as exported for the purpose of duty allowance on the imported article. It would still be required that the U.S. component be in condition ready for assembly at the time of its exportation.

Because of the passage of time since this bill was passed by the House, the Committee on Finance made technical changes in the effective date to insure that the relief intended by the bill is fully provided. As amended, the duty-free treatment will apply to U.S. components incorporated in articles assembled abroad which are entered or withdrawn from warehouses for consumption on or after the date of the enactment of this act. The provision will also apply with respect to U.S. components of assembled articles imported after August 30, 1963, provided claim for refund is filed within 120 days after the date of enactment of this act.

(b) *Buttons from insular possessions.*—In 1965 Congress became concerned over the avoidance of U.S. tariffs on certain polyester or acrylic resin buttons. The avoidance practice involved the importation of almost-finished buttons at the low rates applicable to button blanks, followed by the drilling of holes and final polishing in this country. The button blanks involved in this avoidance device had been machined to shape, polished and otherwise processed and for practical purposes were finished buttons except for the drilling of holes. By importing almost-finished buttons under the button blank rate (36 percent), it was possible for the higher button rate (120 to 150 percent) to be avoided, yet at the same time practically all of the manufacturing operations had been accomplished outside this country.

Congress dealt with this device in the Tariff Schedules Technical Amendments Act of 1965 by limiting the button blank category to "raw or crude blanks suitable for manufacture into buttons." This change subjects articles that are further manufactured than the raw or crude blank stage to the operation of general headnote 10(h) and makes them classifiable as "buttons." Thus, for example, a button blank which had been subjected to face finishing, polishing, beveling, or other finishing operations, would be dutiable at the rates applicable to buttons, while raw, unworked button blanks could continue to come in at the lower button blank rate. The committee report accompanying the 1965 amendment reflected our best judgment that the button blank provision "will effectively deal with this rate-avoidance problem."

However, we failed to recognize the peculiar advantage afforded by our tariff law to operations conducted in the insular possessions. This advantage consists of duty-free treatment for articles coming from the insular possessions if they meet two simple tests. First, the article arriving from the possession must have a value at least double the value of the foreign materials contained in it. Second, it must have been subjected to some manufacturing or processing operation in the possession.

The committee is advised that while Congress was acting to stop the button blank tariff avoidance device, the Customs Service issued a ruling to the effect that the process of drilling holes in foreign almost-finished buttons and final polishing of the finished button is a sufficient manufacturing process, and that the buttons so processed and transshipped from the possession would qualify for duty-free entry into the United States if the value requirement were satisfied.

Unfortunately, knowledge of this Customs' ruling did not reach Congress until after the 1965 legislation had been completed. Thus, by the time the 1965 amendment became effective to stop direct tariff avoidance, button blank operations had begun in the Virgin Islands and our button tariff continues to be avoided. As a matter of fact, the Virgin Islands operation is even more lucrative as a tariff avoidance device than when the finishing processes were performed in this country. This is so because not only is the U.S. button tariff avoided but the U.S. button blank tariff is also avoided. At best, only a 6-percent Virgin Islands tariff need to be paid on imported button blanks and in many instances new firms are granted exemption from this insular tariff as well.

Button blank operations are particularly suited for possessions operations. Buttons are small and their freight charges are low. They involve large markup (particularly the acrylic and polyester resin buttons) so the 50-percent value test is easily met. They are subject to high duty when imported directly into the United States from a foreign country so there is considerable incentive to take advantage of the duty-free privilege accorded to insular possessions. Finally, little skill is needed in the drilling and polishing operation and residents of the possessions can be easily trained to do the work necessary to qualify the buttons for duty-free entry.

Our desire in enacting the 1965 amendment was to prohibit avoidance of our button tariffs through the use of almost-finished foreign buttons (or button blanks). In order to carry out this intent, the committee has approved a new amendment to deny duty-free entry for buttons transshipped into this country from the insular possessions if they are manufactured or produced from button blanks or unfinished buttons which were the product of any foreign country. Under this amendment these buttons will be dutiable at the same rates as would apply if they were imported directly from the foreign country involved.

The amendment would become effective with respect to articles entered or withdrawn from warehouse for consumption more than 60 days after the date of enactment of this act.

(c) Montessori teaching aids.—Under present law (item 851.10 of the tariff schedules) many articles employed in educational processes may be imported free of duty. For this duty-free treatment to apply, however, the articles eligible for tariff-exemption must be imported "exclusively for the use of the institution involved, and not for distribution, sale, or other commercial use." (Headnote 1 to pt. 4 of schedule 8 of the tariff schedules.) The articles eligible for tariff-free treatment under present law include books, charts, paintings, pastels, drawings, sketches, engravings, etchings, lithographs, woodcuts, maps, music, sound recordings, and photographic or other prints.

To a considerable extent the present law covers teaching aids used in ordinary classroom instruction. However, the present law does not permit duty-free treatment for many teaching aids needed for special instruction under unique teaching methods.

One such method which has become popular in this country in the last few years is the "Montessori" system. This system has been described as a sort of free discipline, combining permissiveness and strict order. Under it, the child proceeds at his own pace in an environment controlled to provide the means of learning. Imaginative teaching materials are the heart of the Montessori process. Each of them is self-correcting thus enabling the child to proceed at his own pace and see his own mistakes.

The Montessori system has been found particularly effective not only with respect to precocious children but also in the instruction of retarded, or culturally deprived children. One hallmark of the Montessori system is the emphasis on development of sight, smell, touch, and hearing. Backward children are uniquely benefited by this stimulation of their sensory perception.

The committee was advised by the Tariff Commission that the instructional materials and equipment used by the Montessori schools are quite varied. A portion of them consists of common articles of everyday use, and such articles as dishes and vases are most often obtained by each school from local stores and dealers. On the other hand, a number of sets of articles which are not available in local markets are fabricated to specification (precise lengths, widths, shapes, colors, and the like) by authorized manufacturers, none of whom is presently located in the United States. The sets presently produced collectively contain many hundreds of small individual pieces and are made of various materials but mostly of wood.

Although the sets are fabricated to specification and designed for the classroom instruction of children, a number of them are not distinctively different from common articles of commerce sold as educational toys or play items. For example, some of the sets consist of alphabet blocks, sets of small flags of the nations of the world, jigsaw type puzzle layouts, small tuned bells, maps, geometrical solids, etc. Included in the materials are so-called dressing frames which consist of frames on which have been stretched simulated parts of garments designed to enable children to learn to button clothing, lace shoes, fasten zippers, etc. Some of the articles consist of bottles, boxes, or other containers or holders into which are placed fragrant materials, hot or cold materials, etc., for the purpose of developing in children sensory perceptions of smell and touch. Some of the individual sets are put up in substantially built holders (e.g., boxes and small chests) for storage of the sets when not in use.

The committee was also advised that so far as the Tariff Commission could ascertain, the Montessori sets now being imported serve their maximum usefulness with the youngest age group; i.e., approximately 3 to 6 years of age. Collectively, the sets of Montessori materials for a class of 35 children cost approximately $800 to $1,000. It is these sets which the schools have been importing. As the children advance into the older age groups, it is understood that new applications are made of the basic 3- to 6-year-old sets; however, other Montessori materials are also required. In the more advanced groups, more and more use is made of conventional materials such as miscroscopes and other teaching aids.

The Tariff Commission further advised the committee that the sets produced by the authorized manufacturers are sold only to recognized Montessori schools and cannot be procured by other persons. Although the American Montessori Institute does not have effective legal means of preventing unauthorized schools from advertising and otherwise indicating that they are using the Montessori method of teaching, some control can be maintained in the sale of the sets in question.

Under present law, most Montessori teaching aids would be dutiable, at a rate of 16⅔ percent, as articles of wood not specially provided for. Some are dutiable at 20 percent or 25.5 percent while others are duty-free as maps and charts imported exclusively for use by an educational institution.

The Committee on Finance sees no reason to continue a duty on the teaching aids needed under the Montessori or similar methods of instruction while general types of teaching aids are already tariff free. Accordingly, it has approved an amendment to conform the tariff treatment of these teaching aids to that presently available for most other instructional aids. For this duty-free treatment to apply, however, the articles involved must be imported "exclusively for the use of the institution involved." Moreover, under rulings of the Customs Service the duty-free treatment will not apply if the institution is organized or operated for profitmaking purposes.

The amendment providing duty-free treatment for these teaching aids describes the eligible articles to include letters, numbers, arithmetical materials, blocks, and other dimensional shapes, geometrical figures, tuned bells, and basic materials (not including musical instruments) for understanding music, and their containers. It is required, however, that the articles must be fabricated to specification and must be designed for the classroom instruction of children. This requirement distinguishes ordinary toys from true Montessori-type teaching aids and prevents avoidance of the tariff on toys.

Under the amendment, the duty-free treatment would apply with respect to articles entered or withdrawn from warehouse for consumption on or after the date of enactment of this act.

(*d*) *Scientific instruments for certain universities.*—The Committee on Finance also added amendments to the bill to permit certain scientific instruments to be imported duty-free for the use of specified universities in this country.

(1) *Rheogoniometer.*—One of these instruments is a rheogoniometer. It is a device capable of accurately measuring fluids under either steady-rate conditions and/or fluctuating rates of flow, and it represents a new development in viscometric measurement.

Because this type of duty-free treatment is consistent with prior legislation, the Committee on Finance has approved amendments to allow two of these instruments to be imported duty-free—one for the use of Case Institute of Technology and the other for the use of the University of Utah. In both instances, the machine involved is produced in England.

(2) *Mass spectrometer.*—The other scientific instrument for which duty-free treatment would be provided is a mass spectrometer. This is a device used by chemists and chemical engineers to provide chemical analyses, measurements, and other research features. In the use of a mass spectrometer, the material to be studied is subjected to an ionizing process after which the ions formed are physically separated according to mass by electromagnetic means so that a mass spectrum is produced.

The committee is satisfied that the conditions surrounding the acquisition of these foreign scientific instruments are sufficiently similar to prior instances in which duty-free treatment has been provided for mass spectrometers that the duty-free privilege is warranted. For this reason the committee has approved duty-free treatment for three mass spectrometers—one for the use of the University of Hawaii, one for the use of the University of Nebraska, and one for the use of Utah State University.

Under the committee amendment, duty-free treatment in the specified cases would apply not only with respect to the scientific instrument itself but also with respect to equipment, parts, accessories, and appurtenances which accompany the imported instrument. Moreover, the duty-free treatment will apply whether the instrument has already been imported (in which case refund of tariff is provided for if application is made within 120 days after enactment of the bill) or is to come in at a later date.

(e) *International Peace Garden.*—The International Peace Garden is a nonprofit State park located at Dunseith, N. Dak. It was established to commemorate the more than 150 years of peace that has existed between the United States and Canada. The Peace Garden straddles the international boundary and the customs facilities at Dunseith are so placed that travelers from either country can, without passing through the customs of the other, visit all parts of the garden. Both Governments, in aid of the undertaking, have provided customs houses of unusual and monumental design. Gifts, contributions, and appropriations from individuals, organizations, and the local and Federal Governments of both countries have also furthered the development of the Garden.

Item 842.40 of the Tariff Schedules of the United States now provides for the free entry, upon request of the Department of State, of articles which are the property of a foreign government or of a public international organization for presentation as gifts to the United States, to any State or local government, or to any public institution organized in the United States. At least some of the gifts made to the International Peace Garden may, therefore, be duty free under present law. However, the duty-free privilege does not extend to gifts received from private Canadian individuals or organizations.

On the other hand, the committee is advised that articles donated by Americans to the Canadian side of the garden are free of the Canadian tariff.

This amendment would permit gifts to the American side of the International Peace Garden received from Canadian individuals or organizations to be imported without payment of duty. The duty-free treatment would apply with respect to gifts made on or after June 8, 1962, and refunds of duty for gifts received before the date of enactment of this act would be authorized if claim therefor is filed within 120 days after the date of enactment of this bill.

In order to assure that this duty-free privilege may not become a device for avoiding U.S. tariffs, the amendment further provides that if an article donated to the Peace Garden on a tariff-free basis should, within 5 years, be transferred to any person (other than the donor) or be used anywhere else in the United States, the International Peace Garden will become liable for the amount of tariff previously forgiven.

The executive departments are unanimous in their support of this amendment. The Commerce Department advised the committee that:

"In view of the purpose for which the garden was established, this Department feels that donations by Canadian citizens to the U.S. section of the garden should receive reciprocal treatment and be entered free of duty. This treatment would be consonant with the fostering of good will and mutual friendship between Canada and the United States. It would assist the future development and eventual fulfillment of the International Peace Garden."

The Treasury Department reported that "the circumstances are so unusual that the bill would not be objectionable as discriminating against any person not similarly favored."

REGULATION OF RATES OF INTEREST AND DIVIDENDS

The bill (H.R. 14026) to provide for the more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, and for other purposes was announced as next in order.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, I recommend Senate approval of H.R. 14026 as passed by the House and reported unanimously by the Banking and Currency Committee of the Senate.

Since the first of this year, there has been a great amount of discussion regarding what could be done to cause the monetary restraint being brought to bear on the economy to apply more equally and equitably to the various segments of the economy. It is a well-known fact that some industries have been effected to a far greater extent than have others. The uneven burden that has been experienced is not a result of a planned attempt to withhold financing funds from certain industries while making them available to others. Monetary policy is nonselective and nondiscriminatory. It allows market forces to allocate available funds. The lack of mortgage money, for example, is the result of a natural operation of supply and demand factors and the ability of those requiring funds to bid a high enough price to obtain them. Roughly, that is the way our economy works. Goods in short supply go to the highest bidder.

Money has been and still is in short supply, not because there has been any action of the part of the monetary authorities to decrease the amount in circulation but, because even with significant increases in the supply, the demand has far exceeded that available.

There are those who have recommended that in order to maintain low interest rates, the Federal Reserve should make available enough money and credit that there would be no need for interest rates to rise. This could certainly be accomplished. The Federal Reserve through its open market policy, its ability to determine reserve requirements and its authority to set the discount rate for borrowing from the Federal Reserve banks, could hold the price of money down. There is no doubt about this. But in today's economy this could only be done at the expense of increasing the supply of money and credit to such an extent as to bring on a runaway inflation which could only result in a "boom and bust" cycle. Certainly high interest rates, though none of us favor them, are far less damaging both to the economy and to the individuals involved than the inflation that would occur in the absence of monetary restraints.

The first section of this bill provides that the Secretary of the Treasury, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank shall work together to bring about a reduction in interest rates to the extent possible in today's economy and money market. This of course, only expresses the sense of Congress that we think interest rates should be as low as possible. I might just state that they are presently as low as possible in today's economy and money market. For them to drop, it is necessary that some of the factors which have resulted in the rate rise to change. Since that is true, the only sense in this sense of Congress section to say that the Congress is requesting Federal action other than that possible by the monetary authorities. The other alternative is fiscal policy including proper expenditure control, proper debt management, and proper tax policies.

A major part of our present problem is that proper fiscal action has not been taken. Reliance has been almost entirely on monetary policy and what we really have needed is a reduction in aggregate demand for goods and services. This can best be brought about through either a reduction in Federal spending and/or a tax increase—the proceeds of which are not spent by the Federal Government—which would take private spending power out of the economic stream. To be effective, the fiscal action must take effect immediately. The need is immediate. In our dynamic and rapidly changing economy, no one knows what it will be a few months from now. Thus any countercyclical action must be flexible and immediate.

Last week, the President sent a message in which he asked that the 7-percent investment credit be suspended for a period of 16 months and also that accelerated depreciation not be allowed during that period. With all due respect to the President and recognizing that the demand of business for plant and equipment has been pressing hard against capacity, these measures are neither flexible nor will their effect be immediate. By the time they begin to reduce demand, it may well be that the economy will need stimulation instead of restraint. I do not desire at this time to go into the other problems that can occur as a result of the President's request, but I do want to say that we cannot expect it to have a restraining effect sufficient to make it possible for interest rates to drop significantly and for the Federal Reserve to make money and credit available to meet demands at a rate which many seem to think is necessary.

Let us not be under the false conception that the enactment of this legislation will automatically result in a reduction in interest rates. This bill provides authority to the regulatory agencies so that they may regulate competitive practices among financial institutions in their efforts to attract savings. Fortunately, there is no exact legislated limit included in this bill. An attempt was made to legislate a ceiling on the amount that financial institutions could pay savers for funds and there was some sympathy for the poorly conceived idea. This would have in no way dealt with the problem but would have brought about irreparable damage to all financial institutions because they simply would not have been able to attract funds at such an artificially low rate. Even the Government is offering a much higher rate than was contemplated to say nothing of the rate necessary to sell private market securities.

While not accomplishing its stated purpose, the proposal which was rejected in the House, by a wide margin, would have limited the independence of the Federal Reserve System, would have made the actions of the Federal Reserve Board subject to Presidential review and veto, and would have been the first step toward a monetary authority controlled by political forces.

The bill we have before us provides a flexible means through which the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Treasury, and the Home Loan Bank Board can work together to bring about regulation of interest rates and dividends payable by financial institutions to maintain order and competitive equality among institutions of differing purpose and authority. Officials of these agencies agreed that they would cooperate toward this end. They stated that there has been greater coordination in the past few months than in the entire prior history of the regulatory agencies. They agreed that it may be necessary to have different ceilings for different types of deposits in different institutions. Historically, that has been true, and it may well be that it will be necessary that such differentials be maintained through regulations until institutional changes negating that necessity are made.

In order to bring about order from the present chaotic conditions, it is necessary that there be authority to regulate all competing institutions. This has resulted in the provision of new authority for the Home Loan Bank Board to determine maximum dividend rates that may be paid by institutions under its jurisdiction. As one who has always opposed additional Federal control over private institutions, I have thoroughly studied this proposed grant of additional authority and am convinced from information available to me that it is necessary in light of our present problem and in light of the enhanced status of the savings and loan institutions and the proportion of total deposits of our financial institutional community, held by the savings and loan industry. The savings and loan industry has grown from a relatively insignificant industry with little effect on the economy, to a mature industry taking an extremely important part in our economic growth and development. With this growth and stature has come the need for some regulation as has been present for other financial institutions for many years.

The new regulatory authority provided for the Home Loan Bank Board, however, is only for a limited period of 1 year. This is desirable in one respect since it will provide a period during which we may examine its use to assure that it has a desirable result and is not detrimental to the industry. On the other hand, a 1-year limitation for all of the provisions in the bill, including the broadened authority granted to the Federal Reserve Board and the Federal Deposit Insurance Corporation is certainly open to question. To have these powers expire at a specific time regardless of the economic conditions that exist at that time, may not only be unwise, but it may be disastrous. Unfortunately, the political realities of life did not allow amendments in the Banking and Currency Committee that might have greatly improved this legislation. This means that we will have to keep a close watch during the next few months and if necessary revise and extend the provisions of this bill far in advance of its expiration.

None of us knows what the future will bring. None of us can foretell in advance exactly what the effect of this legislation will be. It is for these reasons, that it is important that this bill provide flexibility and that it leaves the final decisions on rate ceilings as well as other action contemplated to responsible officials who can with expertise follow daily events closely and adjust properly to the economic situation of the moment, according to their best judgment in the relative absence of political pressure.

I support the bill as the best we can do at this time, but with no illusion that it, in and of itself, will provide the answer to the problems of tight money and high interest rates. These problems must be treated at their source through policies aimed at bringing demand more nearly in line with our capacity to produce or bringing our capacity to produce more nearly in line with demand.

Mr. LAUSCHE. May I make an inquiry?

Mr. MANSFIELD. Yes.

Mr. LAUSCHE. What is the specific purpose of the bill?

Mr. BENNETT. The purpose of the bill is to give the regulatory agencies more flexible authority to control the rate of interest paid on deposits, and to produce a more acceptable balance between the rates of interest paid by saving and loan associations, banks, and other financial institutions.

Mr. LAUSCHE. It does not mandatorily direct the fixing of a rate of interest lower than it is now, or higher.

Mr. BENNETT. It sets no rates. It just gives the authority——

Mr. LAUSCHE. Which are the regulatory agencies to which this flexible authority is granted?

Mr. BENNETT. Federal Reserve Board, Federal Deposit Insurance Corporation, and the Home Loan Bank Board.

Mr. LAUSCHE. Was there any discussion, in connection with this bill, of directing the regulatory agents to issue an order compelling banks to reduce the rate of interest that should be paid?

Mr. BENNETT. No.

Mr. LAUSCHE. And there is no mandatory provision in the bill?

Mr. BENNETT. There is no mandatory provision.

Mr. LAUSCHE. Mr. President, I want to state that I would oppose any effort on the part of a regulatory agency to order a mandatory reduction of interest rates payable to depositors while in all other directions interest rates are going up. But that is not in this bill.

Mr. BENNETT. It is not in the bill.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. AIKEN. Does this bill apply to State banks?

Mr. BENNETT. Those under the supervision of the Federal Deposit Insurance Corporation are involved.

Mr. AIKEN. Only those which have deposits guaranteed?

Mr. BENNETT. The Senator is correct.

Mr. AIKEN. Does it apply to credit unions?

Mr. BENNETT. No. It applies to savings and loan associations and banks.

Mr. ROBERTSON. Mr. President, I urge the Senate to approve H.R. 14026, which has been reported favorably by the Banking and Currency Committee in the identical form passed by the House, and to send the bill to the President. In his message to the Congress on the subject of inflation, the President said:

> I urge the Congress to act promptly on pending legislation to prevent competition for deposit and share accounts from driving up interest rates.

The President made this request on September 8, 1966. On September 13, the Banking and Currency Committee held a hearing at which representatives of the Treasury Department, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board all requested prompt action on this bill.

Letters and telegrams from the American Bankers Association and other bankers' associations supported the bill, though most of these groups, like the Government agencies, would have preferred permanent legislation instead of a 1-year bill. The savings and loan industry were less enthusiastic. In fact, some of them oppose the bill, and most of them recommended the addition of unrelated amendments which the Banking and Currency Committee did not believe it was proper to add to the bill without thorough hearings.

The bill has two aspects. First, the so-called Ashley amendment in section 1 follows along the lines of the President's message on inflation in urging that the current unusually high interest rates should be reduced to the maximum extent feasible in the light of prevailing money market and general economic conditions. In other words, the bill, like the message, takes into consideration the fact that interest rates cannot be dealt with as isolated matters but must be viewed in the light of overall money market and general economic conditions. As the President's message indicates, under the present conditions this means that our monetary problems must be met by an appropriate combination of fiscal and monetary measures, with the exercise of restraint on the part of business, labor, and the public. These fiscal policies—tax increases and reductions in expenditures—will, of course, be handled by other committees in other legislation or by the executive branch in cutting down on authorized spending.

In addition, the bill provides a number of different measures giving the bank and savings and loan regulatory authorities—the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board—flexible authority which they would be directed to use to moderate the "interest-rate war" which has prevailed among financial institutions for the last year or so. The following powers would be granted:

First. The authority of the bank regulatory agencies to place limits on rates paid by banks on time deposits would be discretionary, rather than mandatory as under existing law, and the agencies would be given broader authority to define categories of deposits on which different maximum interest rates could be fixed.

Second. The Federal Home Loan Bank Board would be granted parallel authority with respect to savings in institutions under that Board's jurisdiction.

Third. In addition, in order to limit potential credit expansion by banks on the basis of time deposits and thus discourage banks in endeavors to draw savings from other uses, the bill would give the Federal Reserve Board authority to raise requirements for reserves that member banks must maintain against such deposits to a maximum of 10 percent, compared with the existing maximum of 6 percent—the existing minimum of 3 percent would not be changed.

Fourth. Finally, in order to broaden the scope of Federal Reserve open market operations in regulating the supply of reserves available to the banking system, the Federal Reserve banks are authorized to buy and sell debt obligations of Federal Government agencies.

I should like to emphasize that these powers are all discretionary. No mandatory ceilings on interest would be imposed by the bill. On the contrary, the bill simply broadens and extends the present discretion now vested in these three regulatory agencies.

I should also like to emphasize the fact that this bill is directed at the competition by commercial banks, mutual savings banks, and savings and loan associations for the public's saving's and at the rates of interest or dividents paid by these financial institutions to the savers who invest their savings in these institutions. The bill does not deal directly with interest rates charged by banks and savings and loan associations for mortgages or other loans, nor does it deal with the rates of interest paid by the Government or by private borrowers on bonds or other obligations they issue.

The bill requires the three regulatory agencies to consult with each other before making changes in the maximum interest rates payable, though, of course, each agency must act in exercise of its own statutory responsibility after these consultations.

The provisions of the bill are to be effective only for a year from the date of enactment. The committee recognized that this was a very short period, particularly in the light of the leadtimes involved. Nevertheless, the committee felt that it would provide an adequate time to test out the value of the new provisions. The next Congress will have an ample opportunity to review the matter and extend the law if this seems desirable next year.

The **ACTING PRESIDENT** pro tempore. The question is on the third reading of the bill.

The bill was read the third time, and was passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1601), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

H.R. 14026 in its initial section calls upon the Secretary of the Treasury, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to exercise their powers so as to bring about a reduction in interest rates to the maximum extent feasible in the light of conditions prevailing in the money market and the economy in general. Like the President's anti-inflation message of September 8, 1966, the bill seeks to reduce or eliminate the harmful effects of the current unusually high interest rates, recognizing at the same time that these high interest rates are primarily the result of an imbalance between recent exceptionally large demands for credit and the supply of funds available for lending—an imbalance which cannot be solved by monetary measures alone, but can only be satisfactorily cured by an appropriate combination of fiscal and monetary measures, together with restraint exercised by the private sectors of the economy.

To enable the regulatory agencies—the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board—to prevent undue increases in, or changes in the structure of, interest rates that might endanger the stability of the economy, and to assist in bringing about any feasible reduction in the current high interest rates, the bill would authorize those agencies to regulate competitive practices among banks and certain other financial institutions in their endeavors to attract savings.

(1) The authority of the bank regulatory agencies to place limits on rates paid by banks on time deposits would be discretionary, rather than mandatory as under existing law, and the agencies would be given broader authority to define categories of deposits on which different maximum interest rates could be fixed.

(2) The Federal Home Loan Bank Board would be granted parallel authority with respect to savings in institutions under that Board's jurisdiction.

(3) In addition, in order to limit potential credit expansion by banks on the basis of time deposits and thus discourage banks in endeavors to draw savings from other uses,

the bill would give the Federal Reserve Board authority to raise requirements for reserves that member banks must maintain against such deposits to a maximum of 10 percent, compared with the existing maximum of 6 percent. (The existing minimum of 3 percent would not be changed.)

(4) Finally, in order to broaden the scope of Federal Reserve open-market operations in regulating the supply of reserves available to the banking system, the Federal Reserve banks are authorized to buy and sell debt obligations of Federal Government agencies.

The bill also provides that any changes in maximum rates payable made by any regulatory agency shall be made after consulting with the other regulatory agencies with similar powers over other financial institutions.

Provisions of the bill are to be effective only during a period of 1 year from the date of its enactment. The committee recognized that the shortness of this period may raise difficulties in administering these provisions, but it was felt that there would be adequate opportunity next year to review the situation and consider the advisability of granting permanent authority or modifying it as may be deemed desirable.

BACKGROUND

Authority to impose maximum limits on interest rates payable on time deposits by banks was first granted to the Federal Reserve Board in the Banking Act of 1933. Later, similar authority over rates paid by nonmember insured banks was vested in the Board of Directors of the Federal Deposit Insurance Corporation.

It appears from conditions preceding the passage of this legislation, that its main purpose was to prevent banks from engaging in competitive practices that might endanger the solvency of individual banks and the soundness of the banking system. At the same time banks were prohibited from paying any interest on demand deposits. It was felt that practices engaged in by banks in preceding years to attract deposits, together with deterioration in quality standards of assets acquired by banks to maintain earnings, had been in part responsible for the disastrous banking difficulties of the early 1930's.

For many years after the passage of this legislation, the abundance of funds available for lending, together with slack borrowing demands, resulted in such low market interest rates that limits established under the regulation had little or no significant effect. In the meantime, savings and loan associations grew rapidly; they assembled a large volume of personal savings and invested the proceeds in home mortgages.

In the course of time, credit demands expanded relative to the available supply of savings, and interest rates generally tended to rise. Banks became more active in competing for savings funds, and the ceilings on rates they could pay became effective in limiting their ability to compete for deposits.

During the past 5 years, the ceilings on rates payable by banks on time deposits have been gradually raised to levels at which the banks could be more effectively competitive with other institutions and forms of investment. The volume of time deposits at banks has grown rapidly, and in the past year or more their growth has exceeded that of other deposit-type savings institutions as shown in the following table. At the same time, interest rates on other types of investment have increased even more rapidly. As a result, savings and loan associations, with large volumes of assets acquired when interest rates were lower, have been in a less favorable competitive position. Partly because of the importance of such associations in supplying mortgage funds, as well as because of strong competing demands from other types of borrowers, the volume of funds available for home mortgages has sharply diminished in the past year.

Savings in selected media

[In billions of dollars]

End of year	Total[1]	Savings associations	Mutual savings banks	Commercial banks[2]
1945	98.9	7.4	15.3	29.9
1950	122.7	14.0	20.0	35.2
1955	161.1	32.1	28.1	46.3
1960	217.0	62.1	36.3	67.1
1964	321.4	101.8	48.8	113.2
1965	353.3	110.3	52.7	131.0
1966, June 30[3]	362.0	111.5	53.5	137.5
Increases:				
1945–64	222	94	33	83
1965	31	9	4	18
1966, 1st half[3]	9	1	1	6

[1] Includes credit unions, U.S. savings bonds, and postal savings, not shown separately.

[2] Time and savings deposits of individuals, partnerships, and corporations.

[3] Preliminary estimate.

This situation and its threat to the availability of funds for maintaining an adequate volume of homebuilding has necessitated a review of regulations and legislation affecting the distribution of savings among the various types of investment demands. Under existing conditions with tendencies toward expansion of demands in excess of productive capacity and consequent inflation of prices, it is not advisable or feasible to meet all unsatisfied credit demands through monetary expansion. The problem of maintaining stable economic growth, with equitable distribution of resources among various demands, involves restraints on excessive expansion along with structural arrangements for allocating available supplies of credit. This task may be accomplished in large part through the operation of the interacting market forces of demand, supply, and price changes. To some extent, however, legislative changes are needed to facilitate desirable structural adjustments and avoid undesirable changes.

The aim of this bill is to facilitate needed changes and to discourage undesirable shifts in the volume and flow of savings in meeting credit demands.

THE PRESIDENT'S ANTI-INFLATION MESSAGE

During the past 2 years the economy has been marked by rapidly increasing demands for credit from all sources, public and private. The supply of savings available for lending has not risen nearly fast enough to meet all these demands, though the volume of credit actually supplied has been rising substantially—even faster than the increases in output of goods and services would warrant, with resulting upward pressures on prices of raw materials and consumer goods and services. The result of the imbalance between the demand for and the supply of credit has been a rapid increase in interest rates during the past 2 years to the highest levels of the past 40 or 50 years. This increase in interest rates has been due in part to reliance almost entirely on monetary restraints to control the inflationary effects of expanding demands for credit. It has had particularly severe effects on special segments of the economy, such as the housing market and homebuilding, which are dependent on large supplies of credit at moderate rates, on small businesses, and on low-cost student loans. While unusual efforts have been made to alleviate the problems of these individual segments of the economy, these efforts have not been directed at the basic causes of the problem—the imbalance between the total demands for credit and the supply of credit that can be supplied without inflationary consequences.

The President's anti-inflation message, and the proposals relating to taxation and government expenditures contained in that message, are directed at underlying causes of the problem, as is the directive contained in section 1 of H.R. 14026.

The powers which H.R. 14026 will give to the regulating agencies will not cure the basic imbalance between the demands for credit and the supply of credit. However, judicious and discreet exercise of these powers will do much to prevent the pressures on interest rates from producing harmful results in the economy. In addition, the powers given in H.R. 14026 will enable the regulating agencies to moderate the "interest-rate war" between various financial institutions which has itself served to stimulate interest rate increases beyond those called for by economic factors.

ANALYSIS OF THE BILL

The first section of the bill provides that the Secretary of the Treasury, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Land Bank Board—the agencies primarily concerned with fiscal and credit policies—shall exercise their powers to bring about a reduction of interest rates to the maximum extent feasible in the light of conditions prevailing in the money market and the economy in general. This section thus expresses the sense of Congress that the economic policies of the Government as a whole should be directed toward a reduction of interest rates, which are at the highest levels in more than 40 years, insofar as this can be accomplished without jeopardizing price stability or continued economic growth.

This provision was added to the bill by an amendment offered on the floor of the House by the Honorable Thomas L. Ashley. In explaining the purpose of his amendment, Mr. Ashley stated that "all agencies of the Government, whether concerned with monetary or fiscal policy, should be directed to mobilize their resources in a combined effort to alleviate the high interest rate conditions that now face us." He added that "a major part of the problem is the fact that we have relied so exclusively upon monetary policy rather than a mix of monetary and fiscal policy to dampen an overhot economy." On the same day that the House passed H.R. 14026, the President delivered to the Congress a message announcing steps that would be taken under existing law, and proposing changes in the tax law, to employ fiscal measures more effectively in restraining excess demand that poses a threat to price stability.

Monetary policy should be used to restrain inflationary pressures; if supplies of money and credit were to expand sufficiently to finance the extraordinary demands that have been pressing on an economy operating close to capacity, an inflationary spiral would surely set in. But, as the President has recognized, monetary policy alone may not assure stability. Or to maintain stability in the face of heavy credit demands, monetary restraints may result in such high interest rates as to depress unduly certain activities. Recently high interest rates appear to have drawn funds from homebuilding while proving inadequate in restraining business investment in plant and equipment, one of the strongest forces feeding the exceptional demand for bank credit. This uneven impact of Government economic policy should be corrected through a better balance of monetary policies and fiscal policies, including in the latter expenditure controls, debt management, and tax policies. The Ashley amendment should prove helpful in bringing about the adoption of policies to accomplish these objectives.

Section 2 of the bill would effect the following changes in the provisions of section 19 of the Federal Reserve Act:

(1) The Federal Reserve Board would be authorized to fix reserve requirements against time deposits between the limits of

3 and 10 percent, in lieu of the existing limits of 3 and 6 percent.

(2) In its present form, section 19 authorizes the Board to modify reserve requirements "in order to prevent injurious credit expansion or contraction." As explained in the House report on the bill, this phrase was omitted to negate any suggestion that it limits authority to make changes in reserve requirements designed to encourage shifts in the structure of bank deposits and assets, as contrasted to expansion or contraction in the volume of credit.

(3) The 13th paragraph of section 19 now requires the Board to prescribe maximum permissible rates of interest that may be paid by member banks on time and savings deposits. H.R. 14026 would make this authority of the Board discretionary rather than mandatory.

(4) Before imposing, changing, or removing maximum limitations on interest rates payable by member banks, the Federal Reserve Board would be required to consult with the Board of Directors of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board. This requirement to consult applies as well to the other regulatory agencies affected by the act. It supplements their broader responsibility to exercise their powers on the basis of appropriate consultation with other interested agencies, such as the Treasury—particularly mentioned in section 1 of the bill—the Council of Economic Advisers and the Bureau of the Budget.

(5) In its present form, section 19 specifically enumerates criteria governing the establishment of maximum rates of interest on time and savings deposits. H.R. 14026 would add to the list of permissible criteria enumerated and would authorize the Board also to prescribe interest rate limitations "according to such other reasonable bases as the Board may deem desirable in the public interest."

The principal changes are those concerning criteria for establishing different rates by categories of deposits. These are needed to forestall avoidance of the Board's existing rate-control regulation (regulation Q). On July 15, the Board amended regulation Q to establish a maximum rate of 5 percent on time deposits with multiple maturities (4 percent for those maturing in less than 90 days). The Board has informed the committee that lower ceilings were imposed on multiple-maturity deposits in an effort to differentiate between so-called consumer CD's and the larger denomination, money market CD, on which a ceiling of 5 percent would be unrealistic under present competitive conditions in domestic and international money markets. At the same time, the Board called the committee's attention to the shortcomings of this method of differentiating between the two kinds of CD's, and requested that section 19 be broadened in order to provide more flexibility in establishing different ceilings for different kinds of deposits. Unless the broader authority is granted, the present 5-percent ceiling might be widely breached by banks offering single-maturity CD's in smaller denominations at higher rates of interest in an effort to attract savings funds. This could touch off the kind of destructive rate war among thrift institutions that the bill is designed to prevent.

Authority to establish higher reserve requirements against time deposits was requested by the Board in recognition of the fact that banks have made increasing use of large-denomination, negotiable CD's to attract short-term money market funds, as well as smaller denomination consumer CD's with extremely attractive withdrawal options, thereby attracting funds that otherwise would have lodged in demand deposit balances, which bear higher reserve requirements, or in other types of depositary institutions. Funds attracted to commercial banks in this way can prove highly volatile when cash needs or the attractiveness of interest rates or other terms available on other instruments cause shifts of funds from banks—and it has to be recognized that such shifts will undoubtedly occur in the future.

The Board has recently raised reserve requirements to the statutory maximum on most time deposits and has requested authority to alter reserve requirements on appropritae categories of time deposits over a range more comparable with that now applicable to demand deposits. Several different effects of any increase in time deposit reserve requirements should be distinguished. First, it would raise the proportion of bank resources tied up in nonearning assets, and to that extent would produce a small increase in the cost of such time deposits to the banks. Second, the increased reserve balance held by each member bank to satisfy the higher reserve requirement would represent a small increase in what is effectively a restricted liquidity reserve of the bank. Finally, any change in time deposit reserve requirements could also serve to increase or decrease—as the case may be—the general availability of bank reserves, and could thereby assist, in coordination with other Federal Reserve instruments, in implementing general monetary policy. In view of the wide differential between existing reserve requirements on demand deposits and those now permitted on time deposits, there is an inducement for banks to make arrangements whereby depositors are encouraged to shift their balances without really changing the essential monetary nature or rate of use of the balances. Properly employed, judicious adjustments in time deposit reserve requirements could assist in altering the willingness of banks to attract time deposits and their capacity to withstand any subsequent liquidations thereof.

Rate ceilings are made discretionary rather than mandatory so that they may be applied in times such as those we are now experiencing, but may be suspended in less troublesome times when they are no longer needed. This provision follows a recommendation of the President's Committee on Financial Institutions in its report of April 11, 1963. Its reasoning is set forth in the following excerpt from that report:

"On balance, the Committee believes that the case for continuous regulation (of interest rates on time deposits) has less force today than in 1933. Nevertheless, recognizing the possibility of a recurrence of the need for maximum rates, the Committee does not propose that interest rate regulation be completely abandoned. Rather, it should be placed on a standby basis and extended to other depositary-type institutions. The very existence of such standby authority would help to prevent excessive increases in rates paid.

"The Committee envisages that such standby authority would be invoked by the responsible supervisory agencies only when they deem it necessary either to prevent institutional practices in the payment of interest and extension of credit that were inconsistent with the safety and liquidity of a significant number of institutions or to supplement other governmental policies to promote the objectives of the Employment Act of 1946."

Section 2 of H.R. 14026 would also change the sequence and the language of a number of provisions of section 19 of the Federal Reserve Act, in order to simplify and clarify those provisions. The following are two examples of such amendments made by the bill:

(1) The first paragraph of section 19 would be amended by omitting an enumeration of various terms that the Board was authorized to define, substituting therefor a general provision that the Board may "define the terms used in this section"; and an unnecessary proviso is deleted.

(2) The last paragraph of section 19 is deleted, along with a proviso in section 8 of the Second Liberty Bond Act; these two provisions simply cancel each other, and their repeal will help to simplify and clarify the Federal statutes.

Section 3 of the bill would make changes corresponding to those applicable to the Federal Reserve in the authority of the Federal Deposit Insurance Corporation to establish limits on interest rates payable on time deposits by insured banks not members of the Federal Reserve System.

Section 4 of the bill would for the first time give the Federal Home Loan Bank Board clear legislative authority to place limits on rates of dividends or interest that may be paid on shares, deposits, or withdrawable accounts by all institutions insured by the Federal Savings and Loan Insurance Corporation and by members of the Federal home loan banks except those insured by the Federal Deposit Insurance Corporation. The authority granted—limited to a 1-year period—would be parallel to that which may be exercised by the Federal Reserve Board and the Federal Deposit Insurance Corporation over insured commercial banks. This authority is in accordance with recommendations made by the Commission on Money and Credit and by the President's Committee on Financial Institutions.

It was made clear at the hearing that the bill would authorize, but it would not require, the regulatory agencies to establish differentials in the maximum interest and dividend rates that may be paid by savings and loan associations and other thrift institutions as compared with commercial banks. The need for such differentials at any particular time, and the extent and degree of difference would under the bill be left to the discretion of the regulatory agencies.

Section 5 of the bill provides that rate regulations in effect when the bill is enacted shall remain in effect until modified or rescinded.

Section 6 of the bill would extend the range of securities that the Federal Reserve is empowered to buy and sell in the open market, to include all obligations issued or guaranteed by any agency of the United States. The Federal Reserve banks may now purchase and sell a number of Federal agency obligations in the open market, because the obligations are fully guaranteed by the United States by statute or by operation of law in accordance with an opinion of the Attorney General of the United States (42 Op. Atty. Gen. No. 1 of Apr. 1, 1961). These include certain obligations of the Export-Import Bank, District of Columbia Armory Board, Federal Housing Administration, Commodity Credit Corporation, and the Maritime Administration. The bulk of these and the other issues currently eligible, however, are small in size and do not include the major agency issues traded in the market.

The principal agency issues in terms of aggregate size and market activity are Federal intermediate credit bank debentures, Federal home loan bank notes and bonds, Federal land bank bonds, bank for cooperatives debentures, and Federal National Mortgage Association debentures and certificates of participation. Aside from short-term (6 months or less) Federal intermediate credit bank obligations, none of these issues are eligible for System transactions, even though from a "market" point of view there is little to distinguish them from those issues that are either explicitly guaranteed or covered by the Attorney General's opinion. In fact, these currently ineligible issues could probably be bought and sold by the System in substantial volume with less risk of disrupting market conditions than could the currently eligible issues.

Making all agency issues eligible for System purchase or sale would increase the potential flexibility of open market transactions and could also serve to make these securities somewhat more attractive to investors. While public acceptance and understanding of these issues has grown, there may still be a lingering public hesitation in some cases to acquire and hold some of these issues because of diverse and complex legal and administrative factors. If all the issues were eligible for System operations, this could act as something of a common denominator of market acceptability and would tend to establish a more uniform market background for the various agency issues.

By authorizing System transactions in agency issues, the bill would place them on the same footing as direct obligations of the U.S. Government so far as System open market operations are concerned. As with direct Treasury debt, System decisions as to whether, when, and how much to buy or sell of agency issues would have to be made with a view to the need for supplying or absorbing reserves as indicated by the stance of monetary policy and in light of developments in the markets, including the need to cope with disorderly market conditions, should they emerge. In any event, it would be important, as at present, to avoid any semblance of "rigging" the markets or "pegging" the interest rates for any particular issues, for such actions would give rise to official dominance of the markets that would run counter to many of the broader objectives of Federal financial policies and might in fact harm rather than aid the propitious functioning of the market for such securities.

GLENIVAN C. SIMPSON

The resolution (S. Res. 303) to pay a gratuity to Glenivan C. Simpson was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Glenivan C. Simpson, niece of Granterson S. Clark, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

THOMASINE C. THOMPSON

The resolution (S. Res. 304) to pay a gratuity to Thomasine C. Thompson was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Thomasine C. Thompson, widow of William A. Thompson, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

AUTHORIZATION TO PRINT ADDITIONAL COPY OF CERTAIN PUBLICATIONS FOR THE GENERAL SERVICES ADMINISTRATION

The bill (S. 3809) to authorize the Public Printer to print for and deliver to the General Services Administration an additional copy of certain publications was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Printing Act of January 12, 1895 (28 Stat. 601), as amended by the Act of June 17, 1935 (ch. 267, 49 Stat. 386; 44 U.S.C. 215a), is hereby amended by striking that portion of the first sentence preceding the colon and by inserting the following in lieu thereof: "There shall be printed and delivered by the Public Printer to the General Services Administration for official use, including use by the Presidential Library established for the President during whose term or terms the documents were issued, three copies each of the following publications which shall be chargeable to the Congress:". The Act is further amended by striking the word "two" where it appears in the last phrase of that portion of the first sentence following the colon and inserting in lieu thereof the word "three".

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1602), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

S. 3809 would authorize the Public Printer to supply the General Services Administration with one additional set of such publications as issued, which its National Archives and Records Service (Office of Presidential Libraries) would make available to the Presidential Library established for the President during whose term(s) the documents were issued.

During fiscal year 1966 two copies each of 8,551 items were received by the General Services Administration pursuant to 44 U.S.C. 215a. The Public Printer advises that on that basis the additional set of publications which S. 3809 would provide for Presidential Libraries would cost approximately $1,900 per year.

EXPANSION OF PROGRAM OF GRANTS-IN-AID TO THE REPUBLIC OF THE PHILIPPINES FOR HOSPITALIZATION OF CERTAIN VETERANS

The Senate proceeded to consider the bill (H.R. 16330) to provide for extension and expansion of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, and for other purposes, which had been reported from the Committee on Labor and Public Welfare, with an amendment on page 2, line 19, after the word "disabilities" to insert "if they enlisted before July 4, 1946, and".

The amendment was agreed to.

Mr. **ELLENDER**. Mr. President, may we have an explanation of the bill?

Mr. **MANSFIELD**. The report has not been printed at the moment. The bill was reported unanimously by the Committee on Labor and Public Welfare.

Mr. **ELLENDER**. I certainly would like to know what the bill provides.

Mr. **MANSFIELD**. I will ask that the bill be passed over.

Mr. **LAUSCHE**. Mr. President, it is my understanding that a bill has been introduced that would require the Government of the United States to provide hospital and medical services to Filipinos who did not serve in World War II but who have served the Philippine Government since then. The medical and hospitalization services would be provided regardless of whether the disability had any connection with the military service.

Mr. **ELLENDER**. Would that be in addition to what we now provide?

Mr. **LAUSCHE**. I do not know whether this is the bill for that purpose, but I think it is.

Mr. **ELLENDER**. I ask that the bill be passed over.

Mr. **MANSFIELD**. Mr. President, may we have the amendment read again?

The **ACTING PRESIDENT** pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 19, after the word "disabilities" insert "if they enlisted before July 4, 1946, and".

Mr. **LAUSCHE**. The language must have been changed. I think the bill ought to be passed over.

Mr. **MANSFIELD**. Mr. President, I ask that the bill go over.

The **ACTING PRESIDENT** pro tempore. The bill will be passed over.

Mr. **MANSFIELD**. That concludes the call of the calendar.

COMMITTEE MEETING DURING SENATE SESSION TODAY

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to meet during the session of the Senate today.

The **ACTING PRESIDENT** pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. **DIRKSEN**. Mr. President, I have been asked to object to that request.

Mr. **MANSFIELD**. Mr. President, I ask that the previous request and the action thereon be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to meet during the session of the Senate today.

Mr. **DIRKSEN**. Mr. President, I was asked to object.

The **ACTING PRESIDENT** pro tempore. Objection is heard.

EXECUTIVE SESSION

Mr. **MANSFIELD**. Mr. President, I move that the Senate go into executive session.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The **ACTING PRESIDENT** pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Arthur J. Goldberg, of Illinois, Frank Church, U.S. Senator from the State of Idaho, Clifford P. Case, U.S. Senator from the State of New Jersey, James M. Nabrit, Jr., of the District of Columbia, and William C. Foster, of the District of Columbia, to be representatives of the United States of America to the 21st session of the General Assembly of the United Nations;

James Roosevelt, of California, Mrs. Eugenie Anderson, of Minnesota, Mrs. Patricia Roberts Harris, of the District of Columbia, George L. Killion, of California, and Harding F. Bancroft, of New York, to be alternate representatives of the United States of America to the 21st session of the General Assembly of the United Nations;

Robert R. Bowie, of Massachusetts, to be Counselor of the Department of State;

J. Robert Schaetzel, of Illinois, to be the representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary;

W. True Davis, Jr., of Missouri, to be Executive Director of the Inter-American Development Bank;

John M. McSweeney, of Nebraska, a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary to Bulgaria;

Reynold E. Carlson, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary to Colombia;

Robinson McIlvaine, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Guinea; and

Glenn W. Ferguson, of Maryland, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Kenya.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The Chief Clerk read the nomination of Stephen N. Shulman, of Virginia, to be a member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1967.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NATIONAL MEDIATION BOARD

The Chief Clerk read the nomination of Howard G. Gamser, of New York, to be a member of the National Mediation Board for the term expiring July 1, 1969.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read the nominations in the Public Health Service beginning George E. Goodman, to be surgeon, and ending Joel P. Kollin, to be senior assistant sanitary engineer, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 1966.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Public Health Service are confirmed en bloc.

Do Senators desire that the President be immediately notified of the confirmation of the nominations?

Mr. ELLENDER. I so ask.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate resumed the consideration of legislative business.

CIVIL RIGHTS—CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a motion and ask that it be read.

The ACTING PRESIDENT pro tempore. The motion will be received, and the clerk will read it.

The legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed for the consideration of H.R. 14765, an act to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mike Mansfield, Philip A. Hart, Joseph S. Clark, Wayne Morse, Claiborne Pell, Robert F. Kennedy, Paul H. Douglas, Jennings Randolph, J. K. Javits, Harrison Williams, Edward Kennedy, Gaylord Nelson, William Proxmire, Birch Bayh, Daniel Inouye, Eugene J. McCarthy, Walter F. Mondale, John O. Pastore, Stephen M. Young, Thomas H. Kuchel, Robert Griffin, Hugh Scott, Clifford Case, Hiram L. Fong, Joseph D. Tydings, Henry M. Jackson, Thomas J. Dodd.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MANSFIELD. In view of the unanimous-consent agreements relative to today, tomorrow, and Monday, is it correct to state that the vote on the motion will come 1 hour after the Senate meets on Monday?

The VICE PRESIDENT. Unless there is another unanimous-consent agreement, it would.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the hour be equally divided between the distinguished minority leader and the majority leader, or whomever they may designate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. I was wondering. In connection with the previous motion there was a unanimous-consent agreement to take the vote at 6 o'clock.

Mr. MANSFIELD. The Senator is correct, but that was unusual and it was a convenience to the Senate.

Mr. PASTORE. Mr. President, many of us have commitments over the weekend and we may be delayed in getting back because of fog or other reasons. I intend to get back on Monday and, of course, I shall, but there may be circumstances beyond my control.

What harm would it do to change the unanimous-consent request and to make it for 3 o'clock or 4 o'clock in the afternoon, to give us a chance to get back?

Mr. MANSFIELD. There would be no harm, but I do not think we should play loose with the rules too often. There was a real reason, because of the large number of absentees, to make the previous request. I would not like it to become a habit. I think that the rules should be adhered to.

Mr. PASTORE. I do not want it to be a habit, but a Senator may find himself in a position where he is not able to get back. I do not know of any harm in it. There would be no harm done to make it 3 o'clock.

Mr. MANSFIELD. I would go this far and this far only.

Mr. President, I ask unanimous consent that the hour begin at 1 o'clock and that the vote be held at 2 o'clock.

The VICE PRESIDENT. Is there objection? Hearing no objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

The VICE PRESIDENT. In accordance with the previous notice the Senate will now stand in recess subject to the call of the Chair, for the purpose of attending a joint meeting with the House of Representatives to hear the very distinguished President of the Philippines, Ferdinand E. Marcos.

At 12 o'clock and 15 minutes p.m. the Senate took a recess, subject to the call of the Chair.

Thereupon, the Senate, preceded by its Secretary (Emery L. Frazier), its Sergeant at Arms (Robert G. Dunphy), and the Vice President, proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency, Ferdinand E. Marcos, President of the Republic of the Philippines.

(For the address delivered by the President of the Republic of the Philippines see today's proceedings in the House of Representatives.)

At 2 o'clock and 3 minutes p.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. HARRIS in the chair).

ROUTINE MORNING BUSINESS

Under the order entered yesterday September 14, 1966, the following routine morning business was transacted.

JUSTICE FOR THE JEWS IN THE SOVIET UNION

Mr. KUCHEL. Mr. President, today at the beginning of the holidays of Rosh Hashanah, Jews all over the world remember their brethren in the Soviet Union.

Living under Communist oppression, the Jews of the Soviet Union have never been allowed freely to exercise their religion, nor have they been given the full cultural freedom, which has been for years a favorite boast of Soviet propaganda.

Last month the Jewish Federation-Council of Los Angeles in a letter enclosing a petition signed by a thousand Americans and addressed to the Ambassador of the Soviet Union called for justice to the Jews of his country. I quote one eloquent paragraph:

> Memory is all too vivid as we look back in horror and disbelief at the holocaust that destroyed six million European Jews. Our hearts are heavy, for we fear the loss of three million more of our brethren. In the past Russian Jewry provided the wellsprings for much of our religious and cultural life, so essential to Jewish survival, and we fear that these may dry up because of continued restrictive governmental policies and attitudes. They suffer discrimination not experienced by other minorities in Russia.

We all know of the great contribution to the culture of the world made by these people.

The Soviet Embassy rejected out of hand any real concern for its Jewish citizens. I quote a portion of its reply:

> Since your letter and its enclosure can be interpreted only as a deliberately (sic) hostile act towards the Soviet people we are returning them to you.

Mr. President, this callous disregard for the problems of 3 million citizens of the Soviet Union should not pass unrequited. All Americans condemn the intolerant antireligious attitude of the Soviet Union, as expressed by its Embassy.

Americans, who believe in freedom of faith and expression are not deceived by diplomatic doubletalk. The Soviet Constitution supposedly provides for freedom of religion; but it has not lived up to that provision. If we cannot accept Soviet promises in a vital matter of conscience, how can we accept them in any other commitment? The world has a right to expect that justice be done to the Jews of the Soviet Union.

I ask unanimous consent to have the letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JEWISH FEDERATION-COUNCIL OF GREATER LOS ANGELES,
Los Angeles, Calif., August 24, 1966.

His Excellency ANATOLIY F. DOBRYNIN,
Embassy of the Union of Soviet Socialist Republics, Washington, D.C.

DEAR SIR: We herewith submit to you petitions, containing signatures of some 1,000 American Jews in Los Angeles, who, in Temples, on the occasion of Tisha B'Ab (July 26th), a day of traditional mourning and remembrance, felt it important to give voice to their concern for the dire plight of fellow Jews in Soviet Russia.

Memory is all too vivid as we look back in horror and disbelief at the holocaust that destroyed 6 million European Jews. Our hearts are heavy, for we fear the loss of 3 million more of our brethren. In the past Russian Jewry provided the wellsprings for much of our religious and cultural life, so essential to Jewish survival, and we fear that these may dry up because of continued restrictive governmental policies and attitudes. They suffer discrimination not experienced by other minorities in Russia.

In the name of humanity we plead for an end to second class citizenship for Soviet Jews. Let them live as citizens and as Jews without fear or hindrance.

On behalf of members of the Jewish community of Southern California:

DR. MAX W. BAY,
President, Jewish Federation-Council.
Judge ISAAC PACHT,
Chairman, Community Relations Committee.
Mrs. LEO HIRSH,
Chairman, Community Relations Committee's Sub-committee on Soviet Anti-Semitism.

EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS,
Washington, D.C., September 2, 1966.

DR. MAX W. BAY,
Jewish Federation-Council,
Los Angeles, Calif.

SIR: Acceptance of your letter of August 24 and of the petition with signatures is hereby refused by this Embassy.

Expression of "fear of loss of three million brethren" in the U.S.S.R. which comes in one breath with references to the destruction of millions of Jewish people by German fascists during World War II sounds as an outrageous insult to the Soviet people, Jewish citizens among them, who shed their blood for the liberation of Europe from Nazi Germany thus saving other millions of people, including Jews, from physical annihilation.

Your letter, judging by all, is not a result of mere lack of information about the real role which Jewish people play in the life of the Soviet Union. You, Dr. Bay, evidently unlike most of those who signed the petition, must be well aware of the real situation in this respect, just as of the difference between Jews by their religion and Jewish people by their origin, as well as of the difference between Judaism—which is like any other religion on decline in the Soviet Union with its basicly materialist philosophy—and Jewish culture which is appreciated and encouraged in the U.S.S.R.

Since your letter and its enclosure can be interpreted only as a deliberately hostile act towards the Soviet people we are returning them to you.

Sincerely,

IGOR BUBNOV,
First Secretary.

DEATH OF ALONZO J. HARRIMAN, INTERNATIONALLY KNOWN ARCHITECT

Mrs. SMITH. Mr. President, one of Maine's most outstanding citizens, Alonzo J. Harriman, passed away this past Friday, September 9, 1966. He was undoubtedly the foremost architect in the history of Maine. His firm was recognized as one of the leading architectural firms in the United States and he was recognized as an international leader in the field of architecture.

But he had an even more significant greatness than his professional brilliance and achievement. That more significant greatness was in his personal character. I have never known a kinder person than Alonzo Harriman. There was not the slightest pettiness or meanness in him. I never heard him say an unkind word about anyone. I am sure that this did not mean that there was no one who disappointed him or whose acts he did not approve. Rather, he was a living symbol of that wise adage that if you cannot say something kind and nice about a person then do not say anything.

Yes, Alonzo Harriman was a great man who carried his greatness with kindness and humility and with a reticence that bordered on shyness. He was a devoted husband and father. He was a dedicated man to his profession and his firm.

Undoubtedly, he should have thought more of himself and retired from active participation in his firm in the interest of his health. But he decided otherwise and continued to carry the heavy load of his firm and thus literally give his life to his profession and without the slightest whimper.

I cannot do justice in words to Alonzo Harriman. I was, indeed, most fortunate to have him as a very good friend and to be closely associated with his wonderful wife, Mrs. Pearl Harriman, and him for many years. His passing is truly a deep loss to me—and it is to the State of Maine and to the architect profession—in almost as marked a degree as it is to the members of his family.

Because the Lewiston Journal of September 9, 1966, carried an excellent summary of his life, I now read that summary:

ALONZO J. HARRIMAN DIES AT 68; INTERNATIONALLY KNOWN AS LEADING ARCHITECT

Alonzo J. Harriman, 68, internationally known architect, died early Friday morning at Central Maine General Hospital, where he had been a patient the past few days. He had been in failing health in recent years. His home was at 88 Shepley St. He was treasurer of Alonzo J. Harriman Associates, Inc 292 Court St.

The firm he founded in 1938 is considered one of the leading 100 in its field in the United States. These 100 do approximately 10 per cent of all architectural work in the country.

A native of Bath, he was born July 6, 1898, son of Charles A. and Nellie D. Coombs Harriman. He was graduated from Morse High School, Bath, and from University of Maine and received his master's degree from Harvard University.

B.S. FROM MAINE

His B.S. degree from Maine in 1920 was in mechanical engineering. During summers, he worked at Bath Iron Works for a time as a draftsman. He had wanted originally to be a shipbuilder. Seeking to fulfill his knowledge in the art of shipbuilding, he also worked as a machinist, a riveter, a fitter, and as a member of trial crews. For a year after his graduation, he worked in the boiler shop of the big plant.

In 1921, he shifted to building design and construction when he found in 1921 there was a lack of work to be found in shipbuilding. When the war emergency came along, his knowledge of ship construction, design, and operation stood him in good stead. He had five years of structural engineering experience as he was nearing 30 but preferring to be an architect-engineer rather than an engineer, he went to Harvard, emerging in 1928 with a M.A. degree in architecture.

RETURNS TO MAINE

Returning to Maine, he went into partnership in Lewiston-Auburn with Harry S. Coombs and designed schools, institutional and municipal building. In 1939, he established his own firm, an office which consisted of two men and a secretary. It now has grown to approximately 100 persons.

By members of his profession, he was considered as a conservative, who subscribed to basic principles rather than to traditional practices.

In 1947 Harriman was approved by the War Department as designer of all buildings for the huge bomber base at Limestone now known as Loring Air Force Base. This commission was only one of a long series which various governmental departments accorded him. During the World War II years and those immediately preceding, he designed facilities or expansion of Bath Iron Works and the huge South Portland shipyards as well as housing projects, industrial plants, hospitals, schools, municipal buildings and residences, total construction costs which ran into millions of dollars.

PROTECTION SYSTEMS

His firm designed fire protection systems at many airports, numerous high schools throughout the State, including Lewiston High School, and numerous structures for the New England Tel. and Tel. Co., including that in Lewiston.

In 1961, Bates College awarded him an honorary degree, doctor of fine arts. The citation called attention to his award shortly before of a fellowship in the American Institute of Architects for "outstanding service to the profession and service to the Institute"; also to his being designated by the Architectural Forum as "one of the first hundred leading architects in the United States." Buildings erected and remodelled on the Bates campus in the past 20 years were his work.

The Harriman firm also designed many of the buildings at the University of Maine and other State institutions.

SEVERAL STATES

Harriman was a registered architect and engineer in Maine and Massachusetts, also a registered architect in New Hampshire, Rhode Island, and New York; a member of the National Council of Architectural Registration Board and State of Maine Architectural Registration Board.

In 1962, he was awarded a signal honor, being named a delegate to the United Nations Educational Scientific and Cultural Organization meeting on school buildings in London. From 1959 to 1961, he was a director of the American Institute of Architects, representing New England. From 1961–1963, he was chairman of committee on schools and educational facilities of the American Institute of Architects. He was a past president and secretary of the Maine Chapter, American Institute of Architects. From 1950 to 1958, he served on the AIA National committee on school house construction; from 1964 to 1967, he was a director of the Building Research Institute.

AN AWARD

In 1947, he received an award at the Exhibition of Contemporary Architecture held in connection with the sixth Pan American Congress of Architects. At the 1952 regional convention of the American Association of School Administrators in Boston, the Harriman plans for a Bar Harbor elementary school received a blue ribbon, the highest honor given. In 1955, he received honorable mention for the Westerly schools, Westerly, R.I., given in National school competition. The New England Council of Architecture gave him the 1957 centennial award for the Millinocket elementary school.

In 1963, the General Services Administration in Washington, selected Harriman designs as examples of the government's new approach to architecture.

The Harriman firm dates back to 1870, when it was then known as Stevens and Coombs. Philip A. Gatz of Auburn has been closely associated with the firm, in recent years its president.

TELEPHONE BUILDINGS

The Harriman firm has designed 33 New England Tel. and Tel. Co. buildings throughout the State from Aroostook County to York. Harriman designed locally the Washburn and Sacred Heart schools in Auburn and Lewiston High School, Montello Junior High School, St. Joseph's School, Martel and Pettingill school additions. A partial list includes more than 100 schools; also 10 academies in Maine plus a dormitory at Phillip Exeter Academy.

Harriman designed from 1947 to 1966, 12 Bates College buildings, 13 at University of Maine, seven at Farmington State College, three at University of New Hampshire, and one at St. Joseph's College, North Windham; 11 structures at Pineland School at Pownal; the CMG Hospital nurses' residence and alterations and an addition now under construction; also numerous other hospitals in Maine.

His local designs included, among many others the Central Maine Youth Center, First Church of Christ Scientists, Lewiston Public Works garage, Farm Bureau Insurance Co. office building.

Buildings bearing his stamp include since 1947 to date everything at Jackson Memorial Laboratory, Bar Harbor; four buildings at Worcester Foundation for Experimental Biology at Worcester, Mass.; science building at Plymouth State College, Plymouth, N.H., post offices and office buildings at Augusta, Bangor, Presque Isle, and Rockland, the new Kennebec Journal plant in Augusta, St. Rose de Lima Church in Chisholm.

He was a trustee of Oak Grove Seminary, Vassalboro, member of Maine Historical Society, The Society of the Four Arts of Palm Beach, Fla., High St. Congregational Church, Harvard clubs of Boston and New York City, Cumberland Club of Portland, and Augusta Country Club. He was a director of the Canal National Bank.

Surviving are his widow; a son, Charles P., Falmouth; and four grandchildren.

MONDALE SPOTLIGHTS LAKES

Mr. METCALF. Mr. President, last month Life magazine published an editorial which begins:

> There is a good chance that 1966 will be remembered as the year when Americans finally got fed up with pollution.

The Senate, reflecting this mood, has taken a giant step in the passage of S. 2947, authorizing over $6 billion in Federal grants to communities to combat water pollution.

But recently Senator WALTER MONDALE pointed out that despite the size of our programs, we have given little attention to the increasing accumulation of pollution in our lakes. To compensate for this omission, Senator MONDALE has introduced a bill with provision for Federal grants to States and communities for pilot programs designed to develop new or improved methods for the prevention, removal, and control of pollution and siltation in lakes.

The Minneapolis Tribune has commented that:

> While there is some Federal spending which currently should be curtailed because of inflationary pressures, we heartily endorse the Senator's recognition of a need to do more to preserve our lakes.

The St. Paul Pioneer Press observes that while the Congress has started an attack on pollution in the Great Lakes, "of equal importance is the preservation of the invaluable national recreational resources represented by thousands of other important lakes such as are found in Minnesota, Wisconsin, and elsewhere. The Mondale bill points out a hopeful course of action toward this end."

The New York Times also has recognized man's need for clean, clear water as a solvent for worries and problems, and suggests that, perhaps we have begun to learn this at last.

There is no doubt as to the validity of the need. What is in question is whether it will be given adequate attention as Senator MONDALE has urged.

I ask unanimous consent that the editorials from the Minneapolis Tribune, the St. Paul Pioneer Press, Life, and the New York Times be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune]

FEDERAL AID FOR OUR NATION'S LAKES?

Our Nation's lakes—a priceless heritage described with affection in a New York Times editorial reprinted elsewhere on this page—are, in too many instances, "decaying and in danger of becoming extinct because of pollution and siltation."

The words quoted are from remarks by Sen. MONDALE of Minnesota in introducing legislation for an experimental federal program for prevention, removal and control of pollution in lakes, of which the nation has some 100,000.

While there is some federal spending which currently should be curtailed because of inflationary pressures, we heartily endorse the senator's recognition of a need to do more to preserve our lakes. His indicated cost, $5 million to get the program going, is a mere drop in the national fiscal budget, compared to the yearly losses the American people suffer as more people, houses, boats, etc., overtax our lakes.

"Throughout the nation, lakes are suffering from the pollution epidemic; they are smothering to death in organic waste and untreated poison,' MONDALE said. The senator pointed to programs to convert salt water, to treat sewage, to clean up rivers, etc., but said only "minimal attention has been given to pollution in lakes. There is no program of federal assistance to the states for the full-scale cleaning of polluted lakes, and without assistance the states cannot handle this problem."

Such a program undoubtedly would, in the future, carry a potential for substantial federal spending—and for pork barrelitis. But American population growth—with its urban concentrations and its pressures on outdoor facilities such as national parks and beaches—demands that our lakes be saved for present and future generations.

[From the St. Paul Pioneer Press]

To Save Dying Lakes

Minnesota's marvelous heritage of lakes is too much taken for granted. Here, as in neighboring Wisconsin, the public looks on lakes as a God-given asset surely destined to provide beauty and recreation to a fortunate people forever.

Unfortunately, that is not true. Many lakes, especially those near towns and cities and those heavily developed for summer cottage use, are slowly deteriorating. Some are dying. What nature bestowed with lavish hand, man is gradually defiling. Pollution, silting and a vast expansion of aquatic weed growth threaten many bodies of once clear, clean water. Preventive and revitalization measures are possible, but little has yet been done in this direction.

Senators Walter Mondale of Minnesota, Quentin Burdick of North Dakota and Paul Douglas of Illinois are urging Congress to finance a national series of pilot lake-saving projects and experiments. The cost would be comparatively small as public expenditures go. The eventual rewards could be great.

"Throughout Minnesota and the nation," said Senator Mondale in introducing his bill, "lakes are suffocating to death in sludge, organic waste and untreated poisons. New and improved methods of prevention and cure are needed. Extensive experimentation and research are required. The federal government should take the lead in this, encouraging states and local governments to participate."

His proposal is for a series of 90 per cent federal financing grants for pilot projects. One such undertaking is already in progress at Lake Tahoe on the California-Nevada border. Once considered among the world's most beautiful and unspoiled bodies of water, Tahoe is rapidly deteriorating as a result of housing and commercial developments. Similar deterioration is already far advanced in hundreds of Minnesota and Wisconsin lakes. The process is slow and gradual, but once started it gains headway remorselessly unless definite steps are taken to cure the illness and restore former conditions.

Congress in the past 10 years has established and expanded programs for protection of rivers and even for desalinization of salt waters. It is beginning to attack long-continued pollution of Lake Erie and Lake Michigan. Of equal importance is the preservation of the invaluable national recreational resources represented by thousands of other important lakes such as are found in Minnesota, Wisconsin and elsewhere. The Mondale bill points out a hopeful course of action toward this end.

[From Life magazine, Aug. 12, 1966]

Our Air and Water Can Be Made Clean

There is a good chance that 1966 will be remembered as the year when Americans finally got fed up with pollution. For 350 years we have poured filth into every body of water that we control and into the air above. Now, voters are proving at the polls that they have had enough. And what's more, they are assuming—correctly—that it is technically and financially feasible to do something about pollution problems long considered insoluble.

Last month the Senate passed a water pollution control bill that will cost $6.4 billion over the next five years. The vote was 90–0 and there was hardly any debate. At the same time, a companion air pollution bill ($196 million over three years) was passed without a nay.

No people, even Americans, are literally consumers. We are users. We eat things, wear them, operate them or burn them. We change their form, then pour them into the air as smoke and fumes, or funnel them into sewers that lead to the rivers we are killing and the lakes that are becoming mammoth cesspools.

There might be some logic to the fouling of our environment if air and water somehow appeared from mystically pure sources, flowed past us once, and disappeared, to be replaced by fresh supplies. Alas, there is just so much air above the earth and water on its surface. We cannot create more—but can only find ways to use it more sensibly.

New Yorkers, during the drought of the past five years, became suddenly aware of the waste inherent in foul waters. While emergency drought regulations silenced many air conditioners, browned lawns to straw and banished water glasses from restaurant tables, the Hudson River was daily carrying 11 billion gallons of undrinkable, uncleanable water past the city and dumping it into the ocean. There was no real drought in New York last year. There was plenty of water but pollution had made it unusable.

We have always been able to find new sources of pure water, but those days are about over. Right now we use 400 billion gallons daily, 57 percent of all that is available. By the end of the century, we will be using 900 billion gallons a day—far more than the total supply. We will have to reuse all of our water, perhaps a dozen times over in major cities.

Air pollution is perhaps more dangerous than filthy water, if for no other reason than that it is not so obvious. With the classic exception of Los Angeles, where a fluke of climate makes the problem visible, most of the poisons we breathe cannot be seen. Los Angeles may get the attention, but New York City, on an area basis, actually pumps eight times as much junk into its air.

Some pollutants lead a double life, first fouling the air, then filtering into water systems and food crops. Donald E. Carr, in his book *Death of the Sweet Waters*, points out that six billion pounds of lead have been burned and spread over the country since lead alkyls were first added to gasoline as an anti-knock measure in 1923—and that the concentration of lead in the blood of Americans is 100 times normal. It should be remembered that lead compounds were favorite poisons of the ancient Romans.

The political muscle that is developing from the outrage over pollution has had scattered but notable success across the country. It helped elect William Scranton to the governorship of Pennsylvania, when he supported tough controls on strip mining operations that pour mine acids into the state's streams. Detergent makers were forced to find new formulas when housewives found that tapwater running with a built-in foaming head.

New York voters last year supported by a four-to-one ratio (the largest margin ever on a spending measure) a referendum that would allow the state to spend $1.7 billions of their money to clean up the Hudson. Californians have pushed so hard for control of air pollution that the federal government has decided to use California standards for the mandatory smog-control devices that will be built into all American cars starting in 1968.

But while the states are reacting to the demands of their citizens with isolated pollution controls, they are not moving fast enough even to keep up with the yearly increase in pollution that we face.

On water pollution, the Senate measure is the only likely means for catching up—and eventually getting ahead of the problem of pollution. The bill does not suggest bypassing the states by offering federal money to do the bulk of the job. Instead, it would provide 30 percent of the cost of sewage treatment plants, with the states and local governments paying the rest. In a sense, the bill would jog the states into leadership by offering to pay 50 percent of construction costs when several states agree to work together with local agencies to clean up a river system that cuts across their boundaries.

The amount of money involved in the new bill—$6.4 billion spread over the next five years—is a measure not of pork barreling but of the size of the job that has to be done. Most estimates of the cost of cleaning up our streams and lakes—not to some idyllic level of purity that would allow us to drink from any of them, but simply to the point where the water will continually be usable by people or industry—come to over $40 billion. The Senate bill would put the federal government in readiness to do its share. But the money would not be spent until the states and local units agreed that theirs was really the major responsibility.

The air pollution bill matches many of the provisions of the water bill. Its price tag is lower—$196 million—but it also recognizes that the chief federal role is to stir local action, to provide a rational set of standards, and to ensure training and research in long-neglected fields.

It is unfortunate that the Senate bills did not include a provision suggested by many experts in the field—the so-called "Ruhr Plan." The heaviest concentration of industry and population in West Germany lies along the Ruhr River. Users of its water are allowed to dump refuse back into the river—but they are charged a stiff fee for each pound of pollution they add to the stream. As a result, the Ruhr's waters are almost pure enough to drink throughout the length of the industrial basin.

Many industries in America have long argued that they cannot afford effective pollution controls—and remain competitive. That view won't sit well with the American taxpayers who are now faced with the $40 billion bill for cleaning up past pollution. No businessman expects to get his plant buildings for nothing—or the raw materials that go into his product. Neither should he expect somebody else to clean up—or try and live with—the refuse of his manufacturing process.

The air and water pollution bills are expected to come to the floor of the House later this month. Despite their expense, they should be passed. There are rivers that can be saved if we act now, and lakes that could be made fit for swimming again—and for all of us, perhaps a few years added to our lives if the air we breathe can be made less poisonous.

[From the New York Times]

Little Lakes for Leisure

Big pond, small lake, the naming doesn't matter. It is water, fresh water cupped in a hollow among the green hills, cool haven from summer's heat and hurry, a priceless heritage. All over America we have been rediscovering the little lakes, and with care and wisdom we can save them from the fouling that has made sewers of our rivers and has ruined so many beaches.

What is such a lake? It is a green shore lapped by clean, clear water. At night it is filled with stars and moonlight. Dawn and it is gauzed with mist. Sunrise begins to lift the mist and the water dances and glitters as the morning breeze begins to clear the air. Noon and it is lazy as the damsel flies along its shore. Warm afternoon brings swimmers to its beaches, and small sailboats make their quiet, leisurely way like exotic butterflies. Evening and fishermen are out for a last cast or troll. Sunset fades, but dusk lingers.

Man is not an aquatic animal, but set him down on the shore of such a lake and he becomes amphibious, a leisurely swimmer or sailor or fisherman. His tensions begin to ease and wash away. Clean, clear water is a solvent for worries and problems. Perhaps we have begun to learn this, at last.

TWENTY-FIFTH ANNIVERSARY OF DEFENSE DEPOT, OGDEN

Mr. BENNETT. Mr. President, today, the Defense Depot, Ogden, Utah, will celebrate its 25th anniversary. During the last quarter century, this installation has served as a key supply base for the Western United States and for our troops abroad. In addition to its military role, the defense depot has made a major contribution to the economic and community life of the city of Ogden, and now employs 3,813 military and civilian personnel.

Over the years this depot has been in operation it has had several changes of name and mission assignments. The installation was officially activated on September 15, 1941, on a site containing 1,681 acres of land, located approximately 2 miles northwest of downtown Ogden, Utah. At the time of its completion during World War II, it was the largest quartermaster depot in the United States, and contained 45 miles of railroad, 57 miles of roadways, possessed more than 5 million square feet of warehouse space, and almost 13 million square feet of open storage space. The present buildings on the base would require more than $125 million to replace.

The 25-year-old military installation on Ogden's West Second Street, received its eighth change in name to Defense Depot, Ogden, on January 1, 1964. Prior to that time the depot operated under Army command and was known as the Utah Army Depot.

There were several excellent reasons for the choice of Ogden as a site for a supply depot to serve our forces in the Western United States and in the Pacific-southeast Asia areas. Ogden, is Utah's second largest city and is located near the meeting point of the first transcontinental railway at Promontory, Utah. It is located astride both east-west and north-south railroad lines and is almost equidistant from the three major Pacific ports of embarkation; Seattle, San Francisco, and Los Angeles.

The area is also served by four major transcontinental highways and has ready access to both civilian and military airports for shipment of priority cargo. However, even more important than geography, are the human resources of skilled and semiskilled manpower which are available in Ogden and the surrounding communities.

This area has long been regarded as one of the highest quality labor markets in the United States.

During World War II, the Korean conflict, and in the periods following cessation of hostilities, the Ogden Depot was a key installation in the U.S. military supply system. Today the depot is continuing to perform a major role in moving supplies and equipment to our fighting men in Vietnam and other areas in the South Pacific.

As the Defense Depot, Ogden, marks its quarter century of service, I want to raise my voice in praise and extend congratulations to all the military and civilian personnel who have contributed to the success of this outstanding defense supply mission. The people of Utah can justifiably take pride in a job well done, and look forward to the continuation of the vital role of this installation in the defense efforts of our Nation.

HIGH HOLY DAY MESSAGE BY RABBI DAVID L. GENUTH, TEMPLE BETH EL, SHAKER HEIGHTS, OHIO

Mr. LAUSCHE. Mr. President, it is my pleasure to share with my colleagues the opportunity to read the beautiful high holy day message from Rabbi David L. Genuth of Temple Beth El, Shaker Heights, Ohio. It is most impressive and reveals genuine deep feeling and simplicity. I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

HIGH HOLY DAY MESSAGE

(By Rabbi David L. Genuth)

The Days of Awe, also known as the High Holy Days, are festivals of a rather special character. The High Holy Days are observed not because of a historic event; rather, it is a period of spiritual accounting. It calls for an evaluation of our life and work before a living and personal God.

Other Hebrew holidays—Passover, Pentecost, Tabernacles—are national and historical feasts, commemorating epoch-making events in the annals of our people. The new year is of universal significance. On Rosh Hashanah we celebrate the birthday of the world and the creation of man in the image of God. All men are descendants of one couple, Adam and Eve. In pure theology and in lofty ethics, Judaism was and will always be a universal creed. The universal character finds expression and indeed forms the keynote of the sublime liturgy of the day which emphasizes the doctrine of God's universal sovereignty and God's love for all his children.

A moving prayer for these all-inspiring days reads: "Cause Thy fear, O Lord, our God, to rest upon all Thy creatures, and Thy dread on all that themselves before Thee, that they may all form one band to do Thy will with a perfect heart." And further on: "O Lord our God and God of our Fathers, reign over the whole world in Thy glory. Be exalted over all the earth in Thy splendor. Shine forth in Thy majesty and might over all the inhabitants of the earth, so that everything that is formed understand that it is Thou who has formed it, and may everyone, that has breath in his nostrils declare, 'The Lord God of Israel is King, and His Sovereignty prevails over.' "

Before the sounding of the Shofar, we recite the 47th Psalm, the last verses of which are as follows: "God reigneth over the nations; God sitteth on His Holy Throne. The nobles of the people are gathered together, the peoples of the God of Abraham (declaring) that unto God belong the shields of the earth. He is indeed exalted."

In our secular New Year, which we celebrate on January 1, we like to be amused or entertained; on our Religious New Year, we would rather be reminded of our place in the world and in our relationship to our fellow men. During our two days of Rosh Hashanah and the Day of Atonement, we constantly emphasize at-one-ment with God and with our fellowman.

There is a legend in the Talmud which so beautifully explains the idea of the holiday. "When a man walks, an angel walks in front of him and shouts, "Make place for the image of God, adore the Artist who conceived and created man."

Today, even in our blessed America, a new skepticism has emerged. Today it is the Humanity of man that is no longer self-evident. The theologians who are preaching God is dead philosophy and are removing a personal God and a living God from our lives, are weakening the values of human beings. One scientist characterized man as nature's sole mistake. Man is being denounced and condemned by artists, philosophers, and theologians. No wonder that in our daily newspaper, we constantly read such stories that a student killed 15 people or a father murders his five daughters. People are watching crime and are just turning their backs and showing complete disinterest in their fellowman. The spirit of unrest—the strikes—dissentions of labor and capital—the riots in our great cities are all the result of our losing the special understanding of the value of man.

It is not only the world at large but in our own America, where we were once proud to say America will always be the home of the brave and the land of the free, that we are becoming completely engulfed in the seeking of pleasure, material comforts, mostly trying to seek the satisfaction of our own selfish interests.

There comes to mind the stirring challenge in the Bible: "I call heaven and earth to witness against you this day, that I have set before thee life and death, the blessing and the curse; therefore choose life, that thou mayest live, thou and thy seed."

"Choose life" has been spoken throughout history to men and nations at the point when a life-or-death decision has to be made. The challenge is more urgent and more momentous today than ever before because man has acquired skills and studied techniques which can easily eliminate him from our planet. His amazing conquests in the realm of nature may only speed his own annihilation unless he is more successful in conquering human nature. The tragedy of our age is that man learned to split the atom before he achieved a united humanity.

Finally the High Holy Days present man as the Crown of God's creation . . . that man was created in the image of God, and he was endowed with a Divine and Immortal Soul.

In the last thirty or forty years, we presented man with a concept which is not true, and therefore we corrupted him. We presented him as an automation of reflexes, as a mind-machine, as a bundle of instincts, as a pawn of drives and reaction—as a mere product of instinct, heredity, and environment. We feed the nihilisms to which modern man is, in any case, prone. This is the reason why on the Day of Atonement we read, the story of Jonah, the Prophet. He was the Prophet who tried to run away from his Divinely-given duty but could never escape. He was also the Prophet who had to learn the lesson of the High Holy Days—that human life is a gift from God, and all men are God's children.

I would like to conclude this message with an account of a meeting between Gentile and Jew in Palestine many years ago. The Gentile said to the Jew, who was a celebrated scholar in the middle of the second century Common Era, "You celebrate festivals in your calendar and so do we. But our respective holidays never coincide. On the days when we celebrate, you go about your ordinary business; when you rejoice, we go about our ordinary affairs; and when we have a festival, you do not participate in our rejoicings. Is not there a day in the year when both Gentile and Jew have occasion to rejoice and to celebrate?" And the Sage answered: "Yes, it is on the day when rain falls from Heaven which benefits all mankind and refreshes and revives all creation."

Let us learn today our duty as children of God, and then we shall in truth be able to say with Job, "The spirit of God hath me and the breath of the Almighty hath given me life." Our lives will then attest the truth of these words, and the praise and the blessing of a blessed humanity will accompany us wherever we shall be. Amen.

WHAT SPARKED THE FIRE UNDER COLEMAN CO.

Mr. PEARSON. Mr. President, one of the companies in Kansas showing a significant economic growth in the past few years is that of the Coleman Co., Inc., in Wichita, Kans. This company, as many of my colleagues know, is responsible for a great upsurge in camping as we see it today in this country.

Probably no other single firm in the United States has a name which is more synonymous with camping than that of Coleman. For years, the famous Coleman stove has been used by campers, hikers, fishermen, hunters, and servicemen for cooking and heating purposes in literally every corner of the North American Continent and many foreign countries.

Today I call the Senate's attention to an article in the Business Week issue of August 13 entitled, "What Sparked the Fire Under Coleman Co." This story tells dramatically the history of the company and its growth in recent years with new divisions of merchandise available for the American camper and his family. Coleman is another example of Kansas firms who are growing and contributing to the economic well-being of the country.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT SPARKED THE FIRE UNDER COLEMAN CO.

"If this sounds like a tale of woe, it's only because it is," says Sheldon Coleman, president of Coleman Co., Inc., when he talks of his company's plight during the 1950s. While the maker of camping products and heating and air-conditioning equipment had record-breaking sales of $53.8-million and a 6.3 percent profit in 1965, and see nothing ahead but continued gains, the 1950s were indeed doleful. What is significant is that the turnaround is being led by the same man who presided when the company was in trouble.

The nucleus of Coleman Co. was founded in Wichita, Kan., 65 years ago to market and later manufacture gasoline lamps and lanterns (box, page 86). By 1950 Coleman was the world's largest producer of oil space heaters and gas floor furnaces. And it was also turning out parts for Boeing's giant B–47 Air Force bomber.

Downturn. Then, along came the postwar surge in gas and fuel oil central heating systems. During the 1950s, the space heater industry declined 90 percent; the gas floor furnace business fell 80 percent. "These two lines accounted for 50 percent of our business," Coleman reports.

And in the last half of the 1950s, the B–47 was phased out, cutting Coleman's total production about 50 percent and its sales about 25 percent. In addition, a 54-day strike in 1957 cost it $1-million. At the end of the year, Coleman's balance sheet showed a 12 percent sales dip, and a $1.77-million loss on sales of $34.9-million.

Saving grace. Despite these three blows, the company began struggling to its feet. But in 1960 it lost a patent infringement suit involving a wall heater no longer even in production, and Sheldon Coleman had to write a check for $2.8-million. "We could have settled in the beginning for peanuts," says Coleman, "but I decided to fight it. It was a matter of bad business judgment, and we got clobbered."

Luckily, Coleman was founder W. C. Coleman's son, and his family owned a sizable chunk of company stock. "If my name hadn't been Coleman," he says, "I probably would have been fired. At least, it would have been touch and go."

I. TURNING ON THE HEAT

Such candor is rare, but Coleman seems to relish his mistakes almost as much as his successes. If not for the problems, he says, his company wouldn't be where it is today.

The problems got the president off his chair. The company had been run from the top, and had grown too big and diverse for this sort of management structure. Coleman recognized this.

Thus, in 1958 he began a divisionalization program, and stepped up the company's research and development efforts. He also began thinking about acquisitions.

By 1960, the company had six operating divisions: three domestic (Outing Products, Heating & Air-Conditioning, and Special Products, which sells heating and cooling units for mobile homes), and three foreign (Canadian, European, and Export). In addition, Coleman, with the advice and consent of management, broadened his board of directors; by 1960, half of them were outsiders.

The spark. The man responsible for all this interior redesign is an outdoorsman at heart. Coleman's interest in camping goes back to his high school days, when he was also Kansas tennis champion. While at Cornell getting his mechanical engineering degree, he worked summers as a canoe trip guide in Canada.

He recently figured that over a 20-year period, he paddled his own canoe about 5,000 mi. He still goes on a couple of one-week camping trips a year, and takes an occasional weekend outing around Wichita. He is also an accomplished bird hunter, and has won awards for training retrievers. Though 64 years of age, he looks a trim 54, and seems almost surprised when his 13-year-old son whips him at table tennis.

Coleman often combines his camping with product testing, and usually comes back from a trip with ideas for engineering improvements. "My engineers kind of hate to see me come home sometimes," he says. At his suggestion, for example, the company developed a folding oven to go with its camp stoves.

II. DIVIDED WE STAND

Coleman executives like the way their boss assigns responsibility—he grants authority to carry it out. And they don't seem to mind when he pops up at a production line to see how things are going. For his part, Coleman has much praise for his management team. "We have some tigers around here," he says.

The tigers are now permitted to unsheath their claws. Like many other diversified companies, Coleman's divisions are set up as individual profit centers. Decisions are no longer based mainly on the view from the top. Says Coleman: "The great majority of decisions are made in the divisions * * * our top people are right on the firing line."

The company has also established a long-term planning program, requiring division heads to set yearly goals. "Before," says Coleman, "we had no regular planning. * * * We had so many current problems that we spent most of our time on them."

NEW GUIDES

The outside directors, says Coleman, have been particularly active in guiding the company's acquisition program. "They felt we shouldn't fuss with acquisitions until we had strengthened our internal operations and had the spare power, time, and people. They didn't feel we had reached this point until 1964, and we made our first acquisition in 1965."

Coleman says Willard F. Rockwell, Jr., president Rockwell-Standard Corp., and a Coleman director, "has been very helpful" in this regard. So has Charles H. Kellstadt, also a director of Sears, Roebuck Co., who helped set up Coleman's Mexican operations.

III. THE GREAT OUTDOORS

Coleman's hottest division is outing products, which accounted for better than half of the company's $53.8-million in sales last year, vs. about 30 percent five years ago. Built initially around the ubiquitous Coleman lantern, the line includes gasoline camp stoves, coolers and jugs, a catalytic heater (which uses a platinum-impregnated heating element), and tents and sleeping bags.

One of the biggest things going for Coleman in outing products is the red Coleman label. Its lanterns and stoves are well-known to campers, and the company guesses its products are sold in about 30,000 stores—"drug chains, discount chains, department, hardware, and surplus stores, the works," Coleman says.

"The name moved fairly rapidly from lanterns and stoves to coolers and jugs," and did "exceptionally well" in tents and sleeping bags. Still, there may be limits. "There are some very well-known names in fishing gear," Coleman notes, "and I don't think people would line up to buy our tackle just because we put the Coleman name on it."

Coleman expects this year to sell more than 2-million units of his camping gear, which he characterizes as "high-value, medium-price." His goal is a bigger share of a market that some estimate at $1-billion a year. "In five years," he says, "the Coleman name will be synonymous with a full line of camping gear."

Covering up. Coleman got into tents and sleeping bags last year when it acquired two major Western manufacturers—Canvas Specialty Mfg. Co. of Los Angeles, and the Canvas Dept. of Boise Cascade Corp.'s Textile Div.—for $2.3-million cash. It expects to sell $5-million of this equipment in 1966. "We'll be the largest manufacturer in the western U.S. this year," says Coleman, "and by 1968 we'll be the largest in the country."

Coleman's competitors among tent and bag makers are mostly small local and regional manufacturers. The main competition for this line comes from the tents and bags sold by Sears, Roebuck. Of the $69-million worth sold last year, 25 percent were bought at Sears counters; this year, Coleman tents and bags should account for about 7 percent of the market.

Coleman admits that profits on tents and bags are only 3 percent when sales hit $6-million to $8-million, a level the company has yet to reach. "There's so much value in the materials," he says. But he feels it's worthwhile to offer a full camping line, and is looking for sales of perhaps $20-million by 1968.

Rolling along. In addition to this expansion, Coleman in April acquired Milwaukee's Regis Corp. and Regis Trimline Co. in a $500,000 deal. The companies manufacture a full line of two-wheel trailers with fold-out canvas tops for sale primarily in the Midwest. Coleman plans to revamp the trailers to its own specifications, and to have the new line—priced from $600 to $1,400 retail—ready for dealer and outdoor shows in the fall.

First deliveries are scheduled for the end of the year, and Coleman expects to have national distribution by the end of 1967. Current orders indicate that New Camping Trailer Div. will do about $2-million in volume this year.

This week, Coleman drove a wedge into the Eastern market when it broke ground for a $5-million plant in Somerset, Pa. To be built in three stages, the new facility will be turning out tents and sleeping bags by yearend, camping trailers by 1967, and eventually, will supply the full line of Coleman products.

IV. OTHER TRAILS

Though Coleman admits he's pushing outing products the hardest, he's not neglecting the other parts of the business. The Special Products Div. is staying on top of the boom in mobile homes; of the some 2-million in use, Coleman figures it heats half of them, air-conditions even more. The division is also developing air conditioners, heaters, and refrigerators for camping trailers.

The Heating & Air-Conditioning Div. has suffered some from sluggish housing starts and is still Coleman's least profitable domestic division, though gains are expected as home building and modernization perk up.

Its European Div. is in deeper trouble: After making $115,000 in 1964, it lost $75,000 last year and may lose $100,000 in 1966, all because of a situation similar to that which existed in the domestic heating business in the 1950s. With the discovery of huge natural gas pockets in Western Europe, customers just stopped buying oil space heaters. In Holland, for example, heater sales dropped 40 percent last year.

The company tried to rush a gas heater into the breach, but discovered too late that it had to do costly retooling and make different models for different countries. Still, Coleman expects the division to turn a profit by 1967. "I know that the markets are there," he says. Thus, Coleman is also making a big push with outing products in Europe.

By 1970, Coleman looks for company sales to hit $100-million, thanks largely to the increasing trend toward outdoor living. "Almost everything that's happening," says Coleman, "tends to give strength to the market—more leisure time, extension of daylight saving time, improved transportation, better camping facilities. The thing is growing by itself. All you have to do is swing with it."

When W. C. Coleman Saw the Light

In 1899, W. C. Coleman, a high-school principal turned typewriter salesman to work his way through law school, walked into a drugstore in a small Kansas town and saw the light. It was produced by a lamp with an incandescent mantle burning a mixture of compressed air and gasoline, and was sold under the brand name, Efficient.

Coleman started making his own lamps two years later, and introduced his first lantern in 1914 for sale to farmers and outdoorsmen. Since then, close to 17-million Coleman lanterns have been sold throughout the world, and some have been in service for more than 30 years.

Explorers and archaeologists as well as millions of campers, hunters, and fishermen use them. And company files tell of head hunters performing eerie rites by Coleman light, and descendants of the Bounty mutineers using Coleman lanterns to light their church and dispensary on Pitcairn Island.

On the road. The lamp Coleman saw in the drugstore was turned out by a Memphis company. Coleman dickered to sell them, and on New Year's Day in 1900, turned up in Kingfisher, Oklahoma Territory, with 16 lamps and an order book. He found, however, that most of his prospects had tried similar lamps that didn't work. He sold only two the first week, and decided that instead of selling lamps he'd sell light.

Calling himself the Hydro-Carbon Co., he started a lamp-rental business. A year later he moved to Wichita and bought patent rights to the Efficient lamp. When the manufacturer refused to make changes that Coleman thought would improve the product, Coleman started making his own lamps.

By 1908, Coleman had developed a portable table lamp (previously, gasoline lamps were permanent fixtures, like gas lights). To demonstrate his lamp's safety to leery potential customers he would light it, and then knock it over and roll it across the floor, or juggle it from hand to hand.

He renamed the company Coleman Lamp Co. in 1912, and in 1945 it became Coleman Co., Inc.

Bright light. A Coleman lantern will flood a 100-ft. circle with light equal to a 300 watt bulb. It burns a mixture of special Coleman fuel (or white gasoline) and air. Air pressure, built up by a hand pump on the side of the fuel tank, forces fuel up through a brass tube and into a mantle made of nylon threads impregnated with chemicals.

Heat from the mantle vaporizes the fuel, and continued heat causes the mantle to glow brightly. Chemicals used in the mantle will activate a Geiger counter; during the uranium boom, some fraudulent claims were salted with burned up and powdered Coleman mantles.

OMBUDSMAN

Mr. LONG of Missouri. Mr. President, a recent phenomenon which has been occurring throughout our Nation gives greater support to the need for creating an ombudsman, especially at the State and local levels.

This phenomenon is the feature columns that can be read on the pages of newspapers across the country. Citizens may get action by telephoning or writing the newspapers, which acts as a sort of ombudsman in assisting the individual with his problems. In St. Louis, Mo., the Post-Dispatch calls its column "Action Line"; the Washington, D.C., Evening Star uses the same name. The Houston Chronicle labels its version "Watchem"; and the Plymouth, Mich., Observer labels its column "The Ombudsman."

Call it what you will, it is my understanding that these columns have been extremely successful. The number of telephone calls and letters which are daily received by these newspapers is an indication of the need for assisting the individual in his difficulties with city hall.

Mr. Jude Wanniski, a staff writer for the National Observer, has written an interesting account of these action line columns. I ask unanimous consent to insert, at this point in the Record, an article entitled "Newspapers Play 'Ombudsman' Role," which appeared in the September 1966, edition of the Quill magazine.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Action Line" to the Rescue—Newspapers Play "Ombudsman" Role

(By Jude Manniski, staff writer, the National Observer)

Mrs. E. J. of Miami was irked when the "non-stain" carpet she bought immediately stained and the department-store complaint department merely shrugged her off.

A group of neighbors in Washington, D.C. wanted to know why none of the washing machines in the local laundromat would work and why the place was always filled with hoodlums.

A. R. of St. Louis was upset because city hall told him it could do nothing about the flooding in front of his store when it rained.

These persons, and thousands more, are getting action, or at least answers, by telephoning or writing to a type of feature column that's suddenly popping out on the pages of newspapers across the country. In the column, the newspaper acts as a sort of ombudsman, a disinterested agent helping people trapped in the thicket of government or business. The department store in Miami, for example, agreed to replace Mrs. E. J.'s carpeting; the Washington, D.C. neighbors were told that the laundromat was being closed by the police department; and the department of sanitation in St. Louis cleaned the sewers on Mr. A. R.'s street.

The name of the column varies. The Charlotte *News* calls its column "Quest." The Houston *Chronicle* labels its version "Watchem," with the letters coinciding with a special telephone number. Most other newspapers use the term "Action Line."

The "Action Line" column idea is not new; a number of papers have run such a column or variations upon it in the past. The Houston *Chronicle's* Watchem column has been in business since 1961. But since the Charlotte *News* started Quest last October, similar columns have sprouted up in such cities as Miami, Detroit, St. Louis, Akron, Seattle, Washington, Boston, Cleveland, and Chicago.

"It's like a disease," cracks Thomas Wark of the Detroit *Free Press*. "It looks like a fad," says I. William Hill, managing editor of the Washington *Star*, "but I'll bet it will be with us 100 years from now." Some newsmen believe the column could become as fixed in American journalism as the "Letters to the Editor" or advice-to-the-lovelorn columns.

Here's how the column went to work for the interests of A. R. of St. Louis:

After failing to gain satisfaction from city officials, A. R. called the *Post-Dispatch's* Action Line, recording his complaint on an electronic recording machine the newspaper has hooked to special telephone lines. A girl transcribed his complaint along with hundreds of others. A reporter sifted through them and picked several to follow up, including A. R.'s. A researcher then called the department of sanitation, where a manager in authority agreed to inspect the sewers on A. R.'s street.

The inspection revealed that the sewers were clogged, and a crew was ordered to clean them out. Action Line was notified, and the column that day contained A. R.'s complaint along with the happly news that the problem already had been solved.

The same column informed an elderly veteran he would now be admitted to a veteran's hospital. (Action Line's digging had found that his computer card had been misplaced), told a woman that the empty lot in her neighborhood would be cleaned up (Action Line persuaded county officials to inspect it), and advised other citizens that potholes would be filled, stop signs erected, and consumer complaints reconsidered by department stores.

The elements seldom vary. A hapless citizen has a minor problem that should easily be handled by local, state, or Federal officialdom. But because he doesn't know how to present the problem, because he asks the wrong people, or because the agency involved is coasting in lethargy, the minor gripe becomes a major frustration. Action Line then throws the weight of the newspaper behind the problem and jars loose a solution.

"It's fantastic the enthusiasm it's generated," says Robert Henretty of the Akron *Beacon Journal*. When the Akron paper began its Action Line on March 6, calls came in at the rate of 50 a day. "Now they're up to 200 a day," says Mr. Henretty, "and growing steadily."

Tom Love, one of three full-time reporters handling the Washington *Star's* Action Line, believes "people are plain scared of authority. They don't want to get involved, say when some neighborhood problem comes up that means they have to call the police. So they call the newspaper instead. Or they have no idea where to go with their problem. Most of the things we take care of would be taken care of if the average citizen could get them to the attention of the right person. But he starts out talking to some clerk who couldn't care less about anything."

Editors say government officials usually cooperate, often eagerly. "But eventually we become a pain in the neck," says Dave Flowers, who handles the Houston *Chronicle's* Watchem column. "Some of the agencies get tired of handling little complaints, and in some cases a department head has been able to blockade us effectively."

The Action Line projects have proved expensive. The column requires an investment in telephone and recording facilities and a staff of full-time reporters, researchers and transcribers. To reduce costs, the Houston *Chronicle* turns over the research work to journalism school students. The Detroit *Free Press* uses the column as an internship for cub reporters, though it assigns first-rank reporters to the toughest projects.

Although the column hasn't been as successful churning up front-page news stories as some editors had hoped, it does develop an occasional "spin-off" story when an Action Line caller provides a tip to a story too big for a column item. The Washington *Star* has picked up an extra five stories a week from the telephone tips; it finds the column so productive that it has assigned a prize-winning investigative reporter, Miriam Ottenberg, to the column staff.

Nevertheless, the column has been so popular among old readers and successful in attracting new subscribers that some editors predict another dozen dailies will be introducing one before the end of the year. For the reporter, however, it's hard work. "It's a back-breaker," says the Washington *Star's* Mr. Hill. "On a regular story the reporter can finish, then put his feet on his desk and light a cigaret and relax. But with Action Line, there's always something happening."

NEW ROLE FOR A GREAT LADY

Mr. METCALF. Mr. President, there are many thousands of people in this country who have contributed so much during their lives and are now entitled to retirement.

Yet, so many of these people have put off retirement and have found a place in our society helping others to help themselves in the Peace Corps and with Volunteers in Service to America—VISTA.

Recently the Montana Standard Post in Butte featured a story about a former Butte and Great Falls teacher and psychologist who just completed a 1-year tour of service and has reenlisted for another year.

I believe this very significant, Mr. President, because Dr. Catherine Nutterville is 79 years old but is today as active as she was the day she rode a horse to a one-room schoolhouse at Fort MaGinnis, Mont.

I ask unanimous consent that the article from the July 31, 1966, Montana Standard Post be printed in the RECORD at this point and included with my remarks.

There being no objection, the article was ordered printed in the RECORD as follows:

EX-BUTTE TEACHER VISTA STALWART—DR. NUTTERVILLE IN NEW ROLE

Dr. Catherine Nutterville, former Butte teacher and psychologist and more recently of the College of Great Falls, has re-enlisted in VISTA (Volunteers in Service to America) for another year in the Neighborhood Legal Services Project, in Washington, D.C.

A veteran educator who taught the poor in a Montana rural school house more than 50 years before the "war on poverty" was declared, Dr. Nutterville is especially remembered here for her pioneering work in teaching and testing programs for the "exceptional child"—the youngster below or above the average level.

Now 79, she still is a teacher and psychologist, but with aims and techniques geared to the new effort. Her special project, under the United Planning Organization in the nation's capital, has been and will continue to be how to explain to impoverished children "in terms they can understand" what their legal rights and responsibilities are in this current complex society.

She works in a classroom setting new to her—one of the UPO's Neighborhood Development Centers—and is also organizing the program to be administered by others throughout the city. One aspect deals with the rights and responsibilities of people who rent or buy houses. For this phase, the children had an essay contest. One aim was that as they competed they would carry the word home, so the older generation also could learn. An important point, says Dr. Nutterville, is to convince the underprivileged to see themselves as dignified human beings with a rightful place in the sun and the responsibility of contributing toward it.

RODE HORSE TO SCHOOL

Reminiscing about her beginnings as an educator in the early years of the century, Dr. Nutterville tells of teaching in a one-room schoolhouse at Fort McGinnis, Mont., to which she rode on horseback. She comments education was different then, as were the people and the times. She had 23 rural students, 6 to 18, and the big boys were older than herself. They worked together and played together in real harmony in what was a simple world—the people were poor but not "poverty stricken" and they didn't face social discrimination as have so many Washington children.

In her new work, she finds a far different world with all the complexities of color and widespread poverty. One of her personal complexities is convincing whites and Negroes alike she is not "a little old lady in a glass case", and she had to talk hard to win a field assignment during her six-week training course at Syracuse University, the teaching of three functionally illiterate adults in their homes. One of these was able to read at fourth grade level after 13 visits, which she found most rewarding. Now her efforts will be devoted to implementing her program on a broad scope through the Neighborhood Development Centers, very pleased at the prospect of the project reaching an ever-widening group.

FINDS NEW CHALLENGE

Dr. Nutterville joined VISTA in Great Falls in July 1965, because she "found it impossible to do otherwise." Helping the poor was family doctrine, and she describes the depression years in Butte as "a very subtle type of schooling." This, coupled with the teacher's ideal of service, and her strong personal urge to be in on things she considers important, made VISTA's appeal irresistible a year ago; and her 12 months work have whetted her appetite for further service.

Born in Panama, Iowa, but raised in Butte from the age of 3, she went into teaching immediately following graduation from Butte High School. She was one of the youngest applicants to pass the state examinations. Later she attended the Normal School in Dillon and the University of Montana, from which she received her master degree. In 1942, she obtained doctorates in both education and philosophy from Columbia University. Her teaching and counseling career has spanned more than 50 years in elementary and high schools and at colleges. From 1954 to 1963 she was on the staff of the College of Great Falls, in charge of teacher training, and doing counseling during the two years immediately prior to joining VISTA. She is a member of many professional organizations.

L.B.J. RIGHT TO CURTAIL PUBLIC WORKS, SHOULD CUT MORE

Mr. PROXMIRE. Mr. President, the administration's decision to hold back construction spending is the right cut in the right place at the right time. But it can and should be much greater.

I am referring to Budget Bureau Director Charles L. Schultze's statement Monday, September 12, before the House Ways and Means Committee. For months I have been fighting on the floor of the Senate to cut back Federal construction investment. Amendments I recently introduced to the independent offices appropriations bill would have substantially reduced funds for new building construction.

Now the administration has indicated through its Budget Director that Federal agencies have moved to cut their budgets by $1.5 billion, principally by postponing construction. This makes the best kind of economic sense at a time when inflationary pressures in the construction industry, including interest rate pressures, can only be described as extreme.

However, in my estimation this should only be considered as a beginning. The President's 1967 budget requested almost $9 billion for construction expenditures. Congress can make substantial cuts in this area when it considers appropriations for public works, especially Corps of Engineers and highway construction projects.

The administration cannot do the entire job. I hope Congress will give the President a mandate to put a "hold" on all but the most essential construction expenditures by refusing to appropriate funds for nonessential construction.

Because of the pork barrel, "you scratch my back, I'll scratch yours" nature of this legislation, Congress probably will not reduce this appropriation. It may increase this spending.

But the President does not have to spend that money. And he should not.

DEATH OF JUDGE FLORENCE ELLINWOOD ALLEN

Mr. **LAUSCHE.** Mr. President, our Nation, particularly Ohio, has suffered a great loss in the death of the Honorable Judge Florence Ellinwood Allen, Monday, September 12. She was one of the most able and distinguished jurists of our time.

Florence Allen was appointed by President Franklin D. Roosevelt as a judge of the U.S. Court of Appeals for the Sixth Circuit in 1934. She became the chief judge of the court in 1958 and later was senior judge of the court. At the time of that appointment, she was a judge of the Supreme Court of Ohio, and had served as a judge of that court for 12 years, since 1922. Previously she had been, since 1920, a judge of the Court of Common Pleas of Cuyahoga County in Cleveland.

Judge Allen was the first and the only woman to become the chief judge of a court of appeals. She was widely recognized as an eminent jurist and an authority on the constitutional law of the United States and in the broad field of international law.

She received the honorary degree of doctor of laws from 25 colleges and universities and received the Albert Gallatin Medal, the highest award of New York University, from which she received the bachelor of laws degree in 1913.

Her early ancestors were among the first 1,000 inhabitants of the land which a century and a half ago was known as "the land way out west in Ohio."

On her paternal side she was a descendant of Ethan Allen, the American Revolutionary soldier who heroically led the Green Mountain Boys in the capture of Fort Ticonderoga. Her maternal ancestors had their source in Dr. Samuel Fuller, of Mayflower time and fame. They were men and women of toil who helped to clear the forests and build our hamlets and towns.

They bore the scars of toil and war and shared in the joys that came with triumph. They were teachers in our schools, educated in the classics and the arts.

However, she need not to have called upon the noble deeds of her ancestors to add luster to her achievements. Through work, integrity, study, courage, and a gifted mind in a troubled and difficult world she brought glory to the Allen name. By force of her own character and the product of her individual toil she earned the laureled wreath of fame.

Although she was born in Utah, her forebears settled in the Western Reserve which became the State of Ohio, and she lived in Ohio, in the areas of Columbus and Cleveland, most of her life. She was one of Ohio's most distinguished citizens.

Clarence Emir Allen, her distinguished father, was a Representative from the State of Utah in the 54th Congress from January 4, 1896, until March 3, 1897. Upon the admission of Utah as a State into the Union, he was the first Representative elected to Congress. He was a graduate of Western Reserve College in Ohio, a teacher and scholar in the classics, a lawyer, and active in mining pursuits in Utah.

Upon the occasion of her retirement as an active judge of the U.S. Court of Appeals for the Sixth Circuit on October 15, 1959, when her portrait was received by the court, Chief Judge Thomas F. McAllister said:

> The heart and mind of Florence Allen will flame for generations as a beacon for thousands of young women who will take their rightful places in Government, in the practice of law, and in judicial service—and lawyers and judges yet unborn will read the words she has written, in the endless, ever-old, and ever-new quest for justice.

Judge Allen, in her early years, campaigned for the constitutional right of women to vote throughout the United States. Throughout her life, she was a champion of women, a great leader of women, and she was venerated by them throughout the United States and in many countries of the world.

Endowed with great talents, she developed and employed them throughout her life in great causes. She was a great American.

In truth, she was a kind of Renaissance woman, possessed of a great diversity of interests. She was possessed of an encyclopedic mind, humane sympathies, and noble, poetic and musical sensitivity.

She was spared of the evil of thinking too much about thoughts and not enough about feelings and things.

Moreover, she was not a captive of the rashness of present-day civilization. She was not motivated by rootless competition, speed, hurry, noise and superficial pleasures. She believed in herself, in her beloved, in her home and country. These beliefs were for her the summit of good.

Woven into her knowledge of prosaic law was a spiritual quality rooted in poetry, music, and religion. Because of these spiritual qualities she saw more widely, felt more deeply, and spoke more clearly and simply. She absorbed facts and figures as a blotter absorbs water.

The life of her achievements will remain with people for generations. Her life will be looked to as an example for others to follow.

Mr. President, I join with all who knew Judge Allen, and knew of her great contributions to mankind and her country, in mourning her loss. I have lost a great and distinguished friend.

CENSUS AND PRIVACY

Mr. LONG of Missouri. Mr. President, the U.S. Census Bureau has recently informed a congressional committee of the questions it plans to ask in the 1970 census. Serious issues have been raised as to the necessity for asking our American citizens about their race or religion.

Added to this controversy, is the proposal to create a Federal Data Center which would maintain in a single repository cradle-to-grave information about our American citizens. The Senate Subcommittee on Administrative Practice and Procedure, of which I am chairman, has recently circulated a questionnaire to all Government agencies seeking to determine what type of information the Government, in fact, maintains on our citizens. It is expected that the agencies will reply to our questionnaire no later than October 15. Shortly thereafter, a report will be issued analyzing these responses.

A recent editorial from the Wall Street Journal entitled "Census Out of Hand" discusses this entire subject. I ask unanimous consent to insert, at this point in the RECORD, the editorial from the Monday, August 29, 1966, edition of the Wall Street Journal.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 29, 1966]

CENSUS OUT OF HAND

How much money do you make? What's the condition of your plumbing? Does any member of your family suffer physical or mental handicaps? Did you vote in the last election? Oh, yes, just so our computer can keep track of you, what's your social security number? Failure to answer is punishable by fine and imprisonment.

No, that's not a police state. It's just the U.S. census in action, as the outlook for 1970 was described by Census Bureau Director A. Ross Eckler before a Congressional committee the other day.

Mr. Eckler, of course, defended the whole thing. He even added that the Bureau would like to ask questions about religion, but probably won't. Not many people would object, he guessed, except that publicity by opponents of the idea has made it an "emotional" issue.

The Census Bureau, Mr. Eckler assured everyone, does not make information on individuals available to outsiders or other agencies. Therefore personal records could not be used against anyone, nor could its computer tapes wind up in any national dossier bank.

Maybe so, but the story has a familiar ring. Look up what Government bureaucrats have said about wiretapping and what was subsequently revealed in court. And just how can Mr. Eckler be so confident about what his successor will do in, say 1984?

Dossier banks and computers aside, it seems to us the Census Bureau is badly out of hand. A census is necessary to reapportionment, and few citizens probably would object to most questions pertinent to legislation and other necessary government functions. But the Bureau's criterion for questions apparently is not why?, but why not?

It intends, for example, to study the spread of color television. It wants to know more about the assimilation of the foreign born. Religious questions, their advocates say, would tell a lot about interfaith marriage.

None of this has much pertinence, much less necessity, to proper government. True, it may be nice for the Census Bureau to provide such information for business and academic interests. But data often can be gathered well enough for these purposes through sample surveys relying on voluntary cooperation.

With the spread of governmental and other violations of privacy, and common decency, the Bureau's broad power of compulsion seems ripe for Congressional review. What kind of society would propose to send someone to jail for refusing to say if he voted or whether his children are retarded?

SCHOOL MILK BILL SHOULD BE PASSED BY CONGRESS BEFORE ADJOURNMENT

Mr. PROXMIRE. Mr. President, it has been 2 weeks since legislation extending the school milk program passed the House. This legislation, which was passed by the Senate on July 12, extends the milk program through fiscal 1970 and increases allowable expenditures for the program to a ceiling of $120 million a year.

As we all know, the program serves the children of the United States by providing Federal funds to reimburse local school districts for part of the costs they incur as they provide milk at reduced rates for schoolchildren. If legislation extending the program is not passed soon, the program will expire next June 30. Yet Congress probably will adjourn on or around October 15. This means that only 1 month remains for Congress to approve this child nutrition legislation and send it to the President.

The Senate should act now to either approve the House passed version of the bill or to send the bill to conference. If the latter course is taken, additional time will be needed to resolve differences between the House and Senate versions. Thus it is extremely important that the Senate act with dispatch so that the conferees will have enough time to settle differences between the House and Senate versions of the bill if, indeed, the bill is to be sent to conference.

THE POLITICS OF INFLATION

Mr. PEARSON. Mr. President, the Johnson administration has at long last officially acknowledged what every housewife, senior citizen, wage earner, farmer, and businessman has known for almost a year; this country is suffering the cost of a spiraling inflation.

Although I find a great deal that is lacking and much that is misdirected in the President's recent anti-inflation proposals, I am at least thankful that the administration has finally been forced to begin to come to grips with reality. But at the same time, I am greatly disturbed at the tardiness of these proposals.

In its constant effort "to be all things to all people," the administration has consistently chosen political expediency and ignored economic reality. And while the administration has procrastinated, the people have suffered.

Ultimately, the entire economy and all individuals are hurt by inflation, but those who can afford it the least, always suffer the most.

Possibly those who suffer the most are the elderly with their fixed and often meager incomes. Every increase in the cost of living reduces their already small purchasing power. Thus, the purchasing power of a retired citizen with a fixed income of $3,000 has dropped over $330 since 1956–59.

Inflation also strikes with particular harshness at those with extremely low incomes. Because many of these are often unemployed they must depend on Government welfare payments. But these are fixed dollar payments not purchasing power payments, thus, every general price increase serves to worsen their already depressed economic condition.

Thus, it is cruelly ironic that the very groups that are supposed to be the major beneficiaries of the administration's Great Society programs are suffering the most from the Johnson administration's inflation.

Regularly employed wage earners are also suffering. Despite the fact that wage levels are higher than ever before the actual purchasing power of those wages for the average factory worker is declining. During the month of July the purchasing power for a factory worker decreased by 1.5 percent.

The farmer is also being hard hit. The slight rise in farm prices in the past few months from extremely low levels has been more than canceled out by the rise in prices paid by farmers. Thus, the farm parity ratio has declined from 82 in February to 80 in July, and the net income to farm operators in the second quarter of 1966 is 4 percent lower than in the first quarter of this year.

The business sector, particularly small businessmen, also suffer. Business failures and personal bankruptcies are occurring at record high rates.

The administration's conduct on inflation has been that which it calculated as best designed to maximize political support. And while it would serve no purpose to advise the White House master politician, I would suggest that the administration's record on inflation has already backfired politically and will continue to do so. The American public is mature enough to recognize acts of political expediency and proud enough to resent its prolonged practice.

The Vice President, extolling the long list of multibillion-dollar spending programs backed by the administration in an address before a group of Democratic leaders offered this bit of advice. "There is an old axiom in politics: Let the people know what you have done for them and they will treat you right." The administration is not likely to try "to tell the people what it has done on inflation." Most administration spokesmen will prefer to follow the advice given to Democratic candidates by Secretary of Agriculture Freeman that they should "slip, slide, and duck any question on higher consumer prices if you possibly can," But even the most skillful political slipping, sliding, and ducking cannot obscure the record.

Mr. President, solid economic evidence of inflationary pressures has been available for months. Initially, however, the administration tried to handle the problem by publicly arguing that it simply did not exist. But during the early months of this year, at the very same time that it was publicly denying the existence of inflation, the administration moved unofficial and undercover to implement a vast array of unauthorized price and wage controls. Finally, however, these attempts became so obvious that they could no longer be denied. The administration then began to at least admit the possibility of an inflation problem.

But instead of dealing with that problem responsibly and instead of identifying the real causes of this inflation, the administration began to look around for a political scapegoat. Thus, various administration officials made an effort to place the blame for the inflation on the American farmer. This charge was so lacking in validity that the administration was forced, after considerable political embarrassment, to abandon this line.

Also throughout this period the administration was publicly and privately prodding business and labor to follow the administration's wage-price guidepost. Whatever merits these guidelines had they were compromised by the actions of the administration itself which time after time made special concessions to special groups. Thus, the wage-price guidepost has been rendered virtually useless.

Mr. President, even though the President's proposals of last week may be misdirected in several respects, it is likely that they will have a certain "cooling off" effect, although it is unlikely that they will be sufficient. It is evident, however, that whatever the cooling of effect, it will not be felt for several months. Thus, the American people will continue in the future as they have in the past to suffer the pinch of inflation. And the American voter will ask why he has had to carry the burden of this unnecessary inflation.

Mr. President, the inflationary record of the past year and the economic suffering it has caused need never have occurred had the administration had a greater faith in the maturity of the American people. However, the administration persists in acting as though the public is so fickle and uninformed that it cannot accept hard reality without an irresponsible political backlash. This is a deplorable and dangerous attitude. It is unbecoming of the American Presidency and undeserving of the American people.

ESTIMATE OF EXPORT MARKETS FOR U.S. MEATS REDOUBLED BY THE EUROPEAN ECONOMIC COMMUNITY

Mr. HARRIS. Mr. President, since mid-1964 the Senate Small Business Committee, of which I am a member, has been inquiring into the potentials and problems of exporting American livestock products, particularly high quality beef.

The committee, under the leadership of the Senator from Alabama [Mr. SPARKMAN] has felt that the growing prosperity of the 380 million people in Western Europe and the large numbers of tourists and American personnel and dependents in that area offered firm bases for penetrating and consolidating long-term profitable markets for the American beef industry.

Europeans produce very little high quality, grain-fed beef. Most of the meat they consume consists of veal or beef culled from dairy herds, or a limited amount of homegrown beef cattle fed on grass. Thus, the overwhelming majority of Europeans have never tasted American style steaks, ribs, roasts, or other choice cuts.

As a result, the United States, which has one-third of the world's meat production, has ranked about 12th as an exporter and shipped virtually none of our high quality meats overseas in the last 40 years.[1]

It seemed to our committee that once Europeans sampled our high quality beef products, these markets would be opened up to commercial trade in a very short time.

At first, the committee was faced with a series of very difficult barriers—which are described in our interim report of October 1965.[2] An additional problem was the doubt expressed in many quarters that these barriers could ever be overcome.

However, the committee rose to the challenge. It brought together industry and Government people concerned with this subject and encouraged everyone to think about and work toward the early elimination of these obstacles. The committee persevered in the face of unusually low prices and unusually high prices; technological and other adversities. It conducted the inquiry in a steady, thorough, and responsible manner, in an effort to formulate a long-range—5- to 10-year—approach which would give guidance to businessmen faced with decisions and risks.

The transportation companies made a welcome first move. Steamship lines announced at the hearing that they would reduce their rates on chilled beef to Europe by 25 percent, and airlines subsequently cut cargo rates on meats in two steps totaling 60 percent.

Other technological developments in sea transportation and containerization which were recently described by the Senator from Alaska, E. L. Bartlett, permitted an experimental shipment of beef this spring by the Texas Farm Bureau to a chain of German supermarkets. The meat, which was to have lasted 1 week, was sold over the counter in 1½ days.[3]

A similar story was told by Senator Sparkman regarding air shipments to the new restaurant at the Paris Hilton which opened this spring and features Western-style American meats. The management of the hotel has informed the committee that the restaurant is so popular with French patrons that American guests at the hotel have difficulty getting in to enjoy its facilities. I understand that the business being done by this restaurant is substantially above the average done by other restaurants in that area.[4]

These breakthroughs are significant for many reasons. I would say by way of summary that these successes prove that the market exists and that U.S. industry—through its efficiency, teamwork, and technical skill—can participate in it profitably. The stage is now set for a great effort to consolidate and widen this participation by eliminating the barriers which penalize not only American industry but all European consumers.

Now let us consider the size of this potential market. At the beginning of our inquiry in 1964, we had only estimates to go on. Authorities in this country guessed that the gap between the beef Europeans consumed and the amount it produced might be as high as 200,000 tons a year over the next 5 to 10 years. This amount would constitute the "import gap," the amount Europeans would have to import to satisfy their demands for beef.

Following our committee's hearing in early 1965, an expert was sent to Europe to study the situation by the U.S. Department of Agriculture and American Meat Institute. At our hearing of May 1966 his report was entered into our record. It was Dr. Carpenter's conclusion that:

> Definitely there will be a great market for beef in Western Europe . . . the import gap will be in the neighborhood of (300,000 to 400,000 tons a year) but will likely widen somewhat more after 1970.[5]

In the meantime, our committee discovered another estimate, made by Dr. Mansholt, the second ranking executive officer of the European Economic Community. Dr. Mansholt predicted during a speech in 1965 that the "import gap" would be about 500,000 tons of beef by 1970. This amounted to more than double the original estimate.

But this is not the end of the story. The EEC has been engaged in reappraising its agricultural needs, in connection with arriving at its common agricultural policy. In doing so, it carefully considered the many factors which influence beef production in Europe, including price levels, dairy policy, calf slaughter, and biological considerations. The results are contained on pages 27 and 28 of the working paper known as "Supplement to Bulletin No. 5–1966 of the EEC." I ask unanimous consent that the relevant portion of this paper be printed at the conclusion of my remarks for reference purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRIS. Mr. President, the bulletin reports the considered opinion of the Executive Secretariat of the EEC that the import gap in 1970 will "amount to about 1 million tons of beef," other things being equal. This is the second time in 2 years that the estimate of the import gap has doubled.

Of course, we realize that not all of this demand can or will be met by U.S. beef—high or average quality. Our competitors are also hard at work. But, this meat will have to come from somewhere and there is no reason why the U.S. industry, with its tremendous "productive platform" cannot strive to service increasing amounts of this demand. At prices of $800 to $850 a ton for the bonus cuts, and lesser amounts for the nonbonus cuts, trade of this magnitude will be of considerable benefit to the cattleman as well as our national balance of payments.

Our committee is aware that most ranchers and farmers are small and family-owned enterprises. So are most of the meatpacking plants in this country. It is our hope that the small- and medium-sized businessmen will gain their full share of the growth of both foreign and domestic markets.

As a result of the committee's work, the opportunities in Western Europe are now squarely before us. As the Senator from Washington [Mr. Magnuson] said recently:

> Senator Sparkman and the Senate Small Business Committee have pointed the way.[6]

The cattle industry has a mainstay of the economy in my part of the country. It grew up with the earliest pioneers. Its growth—in all its vigor and color—are woven into the fabric of the Nation's history. At present there are 4,029,000 head of beef in Oklahoma and sales of this industry come to $340 million each year.

As a result of the conditions which I have described, the cattle industry can now look forward to a new phase. Its romance already exerts a hold on the imagination of those in places such as Western Europe. The stage is now set for more tangible relationships.

I have been proud to participate in the Small Business Committee's inquiry on this subject, and as it progresses, I will be doing all that I can to build these markets for our industry at home and abroad.

EXHIBIT 1

II. BEEF

THE SUPPLY POSITION OF THE EEC IN 1962 AND PROSPECTS FOR 1970

Beef is one of the most important agricultural products of which the Community has not so far produced enough to satisfy its own demand. In "1962"—that is the average of the years 1961/62 and 1962/63— net imports of beef (including veal) amounted to more than 5% of consumption. Total output was 3,668,000 tons, total consumption 3,884,000 tons, leaving a deficit of 216,000 tons.

Gross imports of beef, veal and live cattle have been rising and, on the average of the years 1961/62/63, amounted to 242.3 million u.a., compared with gross exports to the value of 54.4 million u.a. (Table 17).

Assuming prices remain steady, import requirements in "1970" would still have to be estimated at around 430,000 tons. The size of import requirements will be decisively influenced by the development of production, which in turn must, in the given circumstances, he regarded as closely connected with milk policy. If the milk price is favourable in relation to the beef price, farmers will raise more dairy cows. As an immediate result, meat, production, diminishes through the withdrawal of calves set aside for later milk production; beyond a certain increase in the dairy stock, however, the larger number of calves again raises meat production.

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[1] Less than ½ of 1% of all U.S meat products are exported, a volume in 1964 and 1965 of about $470 million.

[2] "Ocean Freight Rates and Other Barriers to Expanding Exports of U.S. Beef and Beef Products," Senate Report No. 939, 89th Congress, 1st Session, October 22, 1965.

[3] "The Select Committee on Small Business and Developments in Containerized Transportation," Congressional Record, July 15, 1966, pp. 15877–15879.

[4] "Breakthroughs in Exporting United States Quality Meats," Congressional Record, August 17, 1966, pp. 19785–19786.

[5] "Trends in Production, Consumption and Marketing Possibilities for Beef in Western Europe," by Dr. G. Alvin Carpenter (project No. 471201), joint U.S. Department of Agriculture, American Meat Institute, European Market Development Program, December 1965, pp. 64.

[6] "Exports of Meat and Livestock Products," Congressional Record, August 16, 1966, pp. 19483–19484.

A second factor which has an important bearing on the development of meat production is the proportion of slaughtered calves in the total of calves born. Other things being equal, beef output is the larger the smaller the proportion of calves slaughtered. In the absence of precise statistics on the number of calves born (only the number of calves slaughtered is known), it may nevertheless be assumed that something like 40% of live calves born are slaughtered as calves in the Community. This proportion could be reduced by a long-run policy to favour meat production as against milk production. Production would be maximized to the technically feasible extent if the number of births could be increased (at present, the number of live births of calves amounts to about 90% of the number of cows) and if 85% of all calves born were reared. A proportion of only 15% of calves slaughtered, however, seems unrealistic for two reasons. First of all, in the given market conditions, especially in France, and Italy, effective demand for veal could then no longer be met; secondly, in some areas of the Community animal husbandry methods can, for structural reasons, be changed only gradually.

Even if output were increased to the technically feasible maximum, which must be regarded as unlikely, there would still be import requirements in 1970.

Unlike pigs and poultry production, beef production has its limiting factor not in fodder supply, but in the number of calves, which for biological reason cannot be appreciably increased. On the other hand, to keep more cows for the purpose of increasing the number of calves, would automatically lead to an increase in milk output unwarranted in the given milk supply position; hence it is neither desirable nor indeed, because of the manpower problem, possible (see chapter on milk and milk products).

It follows that the size of import requirements for beef in 1970 will largely depend on how the supply of calves is utilized.

Supposing the proportion of calves slaughtered remained at its present level of 40%, import requirements in 1970 would, other things being equal, amount to about 1 million tons of beef.

ACCOMPLISHMENTS OF TWO OUTSTANDING MONTANANS RECOGNIZED

Mr. METCALF. Mr. President, it is indeed a pleasure for me to note recent recognition bestowed upon two remarkable Montanans.

Barney Old Coyote, who for the past year and a half has distinguished himself as a special assistant to Interior Secretary Udall, was recently honored by his people on the Crow Indian Reservation.

Mr. President, the Crows have a time-honored tradition. In the old days the Crow who carried the pipe was the acknowledged leader of a war party or expedition.

In the eyes of his people, he still carries the pipe and he did exactly that at the head of a parade during the annual Crow celebration and rodeo.

The work here in Washington prevents Mr. Old Coyote from returning home as often as he would like, so his recent trip was something special to him.

It was actually something Barney did more than 20 years ago that prompted his people to afford him special recognition. At the age of 17 Barney enlisted in the Army Air Force and flew 50 combat missions over Europe. Because of his exploits, he is today entitled to wear 50 white weasel skins as part of the traditional garb worn by the Crows. The white weasel is sacred to the Crows and each one of the skins that he wears represents 1 of those 50 missions.

On account of the festivities on the Crow reservation is contained in a story written by Helen Peterson, editor of the Hardin, Mont., Tribune-Herald which appeared in the August 29 issue of the Billings Gazette.

Mr. President, I also wish to call to the attention of my colleagues a recent Associated Press story from Chicago about Forrest J. Gerard, a native of Browning, Mont.

Mr. Gerard has been named winner of the 1966 Indian Achievement Award. He is the tribal relations officer of the U.S. Public Health Service and the award will be presented by the Indian Council Fire, a national organization devoted to Indian interests, at a testimonial dinner in Chicago, September 24.

I am especially proud because for the second consecutive year the winner is a Montanan. Last year the award went to John Artichoker, superintendent of the Northern Cheyenne Reservation at Lame Deer.

The citation which accompanies the award Forrest will receive states:

> He contributed with outstanding distinction to programs designed to advance the health and welfare of American Indians and Alaskan natives. In developing a new program within the Public Health Service, he has substantially helped to improve Indian health conditions and has secured immeasurable benefits for the Indian people.

Last year Mr. Gerard received an American Political Science Association congressional fellowship during which time he worked for the junior Senator from South Dakota [Mr. McGovern] and Congressman Ullman. Earlier this year he was awarded the Superior Services Award presented by the Department of Health, Education, and Welfare.

Both Forrest Gerard and Barney Old Coyote are making significant contributions in the public services. I am proud of their accomplishments.

Mr. President, I ask unanimous consent that the articles mentioned earlier by me be inserted in the Record at this point and included with my remarks.

There being no objection, the articles were ordered printed in the Record, as follows:

[From Billings (Mont.) Gazette, Aug. 29, 1966]

Old Coyote Still Carries the Pipe for His Tribe

(By Helen M. Peterson)

Crow Agency.—Barney Old Coyote came home to the Crow Reservation this week to receive the honors given only to a tribal leader.

Old Coyote, who enlisted in the Army Air Force when he was 17, was honored by his fellow-tribesmen for his exploits in World War II. Off the reservation he has established a place for himself in the world of government.

The 43-year-old member of the tribe is a special assistant to Secretary of the Interior Stewart L. Udall and has the responsibility of supervising and establishing Job Corps camps throughout the United States.

Though his usual garb is a business suit, Old Coyote visits friends and relatives on the Crow Reservation as often as he can, and attends the annual Crow Celebration and Rodeo as often as possible. And when he does, he dons the traditional garb of his people. Sometimes it is only a beaded vest and tie. This year it was something very special.

Two years ago, Old Coyote received a gift of a chief's jacket of fringed buckskin from his foster family on the Sioux Reservation. As a youth, he and Gus Knox, Jr., of Rosebud, S.D., became friends. Gus's brother died, and the father, Gus Knox, Sr., adopted Old Coyote to take his place. After the death of the elder Knox, the family decided to present the father's chief's jacket to Old Coyote, and they did it with full ceremony. Hundreds of friends and relatives were invited, and the governor, senators and congressmen from South Dakota were present.

A special feature of the ceremony was the unveiling of the jacket by Alex Matthews, another friend of Old Coyote. Matthews had gained great honor among the Pawnee for his military exploits. He was a survivor of the infamous Bataan Death March.

The white buckskin jacket has deep fringe on the sleeves and is trimmed with elaborate beading. Old Coyote wore it for the first time in the parade at the Crow Fair. With it went beaded buckskin trousers and a war bonnet. And before he wore it, Barney's mother, Mrs. May Childs, made an important alteration. She sewed to sleeves and shoulders as many white weasel skins as she could obtain.

The white weasel is a sacred animal to the Crows, and many of the ancient medicine bags were made or contained a stuffed animal or its skin. Each skin stands for brave deed, and Old Coyote is entitled to wear 50 of them, for the 50 missions he flew in Europe. His costume does not yet contain the full number, but Mrs. Childs and her friends are looking for more skins, and when they are obtained, they will be added. Mrs. Childs would like to collect 100 skins, for her son is entitled to wear 50 each on jacket and leggings.

Besides riding in the parade, Old Coyote, was praised with the songs of honor of the Crows as riders gathered in a great circle around the brush arbor at the camp grounds. His relatives brought him gifts, mostly cash, which he distributed to those who had praised him.

At night, Old Coyote joined in the war bonnet dance with seven others. This is the time when each man recounts the deeds that entitle him to tribal leadership. It is followed by a give-away to the clan uncles of the chiefs.

Most of the year, Old Coyote lives in Bowie, Md., with his wife Clara, a member of the Winnebago Tribe, and their six children. After the war, he earned a degree at Morningside College in Iowa and then began working for the Bureau of Indian Affairs. He had positions at Crow Agency, Ft. Yates, N.D., and Rosebud, S.D., before he became assistant superintendent on the Rocky Boy reservation. He took his new post in Washington about a year and a half ago.

When he rode in the parade, Old Coyote carried with him two beaded pipe bags, each containing a peace pipe. This was his right because he enlisted in the army, and even after being forced down in the Caribbean, he volunteered for overseas duty.

In the old days, the Crow who "carried the pipe" was leader of the war party or other expedition. In the modern world, Barney Old Coyote still carries the pipe for his Tribe.

EX-MONTANA MAN GETS 1966 AWARD

CHICAGO.—Forrest J. Gerard of Bowie, Md., tribal relations officer of the U.S. Public Health Service, has been named winner of the 1966 Indian Achievement Award.

Gerard, a native of Browning, Mont., is the first Blackfeet Indian to receive the award since its founding in 1933.

Willard La Mere, president of the Indian Council Fire, a national organization devoted to Indian interests, in announcing the award today, said it will be presented to Gerard at a testimonial dinner in Chicago Sept. 24.

Robert L. Bennett, an Oneida Indian who recently was appointed U.S. commissioner of Indian affairs, will make the presentation.

Bennett won the award in 1962.

La Mere said Gerard "has played a vital role in the accomplishments of Indian health programs and has secured immeasurable benefits for the Indian people."

Gerard is a former executive director of state health agencies in Wyoming and Montana.

THAILAND FIGHTS FOR FREEDOM

Mr. DODD. Mr. President, Carl T. Rowan, former Deputy Assistant Secretary of State for Public Affairs, former U.S. Ambassador to Finland, and past Director of the U.S. Information Agency, has written a very enlightening article on Thailand in the current issue of the Reader's Digest.

In it, he explains how Thailand is a key strategic target in the Communist drive to subvert the entire area, and how the Communists are making every attempt to destroy the will to resist among the Thai peasants, in particular.

The Thais are a courageous and proud people; they are keenly aware of the conspiracy being waged against them, and they are willing to meet the challenge boldly and realistically. As their Foreign Minister, Thanat Khoman, put it:

> The problem is one of peace and survival. Are we going to shy away from small threats and wait until the monster grows, wait as the risk grows, then finally face a holocaust? We in Thailand have no place to retreat to. So we will make our first and last stand here.

For those in this country and abroad who think that U.S. Armed Forces have no legitimate business in Thailand, the same Foreign Minister had this to say:

> Some Americans have doubts that it is worthwhile for the United States to fight for Asians. They argue that Southeast Asia is the wrong place and this is the wrong time to fight. To them I say that 31 years ago Britain and France said the Rhineland was the wrong place. Then Austria. But when the struggle got to Poland, they had to fight. South Vietnam today is the Rhineland of 1935. If we don't fight now, we'll have to do it later at much greater cost.

It is most heartening to read this account of a nation that is willing to accept the harsh responsibilities of the cold war and willing to fight so courageously and steadfastly for the preservation of freedom. I therefore, ask unanimous consent, Mr. President, that this article be printed in the CONGRESSIONAL RECORD. I am sure that my colleagues will find it both interesting and informative.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THAILAND FIGHTS FOR FREEDOM: THIS COURAGEOUS COUNTRY, PRESSURED ON ALL SIDES BY COMMUNIST THREATS, IS OUR STANCH ALLY, GIVING VITAL AID IN THE VIETNAM WAR

(By Carl T. Rowan)

(Carl T. Rowan, after four and one half years in government as Deputy Assistant Secretary of State for Public Affairs, U.S. ambassador to Finland and Director of the U.S. Information Agency, is now a syndicated columnist for scores of newspapers in the United States and abroad.)

For tourists aboard the sleek airliners that touch down at Bangkok's Don Muang airport, the bitter war that racks Southeast Asia seems a world away. In the crisp dawn that lights the Menam Plain, emerald-green rice fields gleam as far as the eye can see. Bangkok itself is golden-spired temples, pretty girls in long, clinging skirts, little boys frolicking in rain-swollen canals, modern hotels and sparkling shops where the well-heeled tourist can savor shocking-pink Thai silks and blue sapphires nestled in a cluster of diamonds. It is easy to drink deep of the delights of Bangkok, oblivious of the fact that behind this dazzling facade is a country fighting for its life.

Thailand's capital does not face the terrorist bombings that make Saigon a city of corrosive fear. Thailand is not torn by the internecine strife that has burdened neighboring Laos for years. Still, no country in Asia is more deeply involved in waging war against communist aggression in general, and Red Chinese belligerence in particular. No nation has made a bigger, or riskier, commitment than this lovely country whose name, Muong Thai, means "Land of the Free."

An armed band of North Vietnamese may see their jungle trail blow up in their faces—by Thailand's leave. Ammunition dumps, weapons depots, railroad yards and bridges in North Vietnam are pounded day after day by U.S. fighter planes and bombers—again, courtesy of Thailand, which allows U.S. air bases on her soil.

The communists know that Thailand's contribution is vital to this endeavor to thwart Mao Tse-tung's "war of liberation," and Radios Peking and Hanoi are sparing no effort to intimidate the country into assuming a posture of neutrality. Last October the North Vietnamese foreign ministry officially denounced Thailand as "a U.S. new-type colony serving the American imperialists' schemes of aggression and war in this area." The Hanoi regime issued a stern warning of the consequences of Thailand's "collusion with the imperialist aggressors." Thailand replied that she felt "no concern whatever" about Hanoi's threat.

The Thais mince no words about their right to make airfields available to the United States for mutual defense. Thanat Khoman, Thailand's foreign minister, says, "The problem is one of peace and survival. Are we going to shy away from small threats and wait until the monster grows, wait as the risk grows, then finally face a holocaust? We in Thailand have no place to retreat to. So we will make our first and last stand here."

POCKETS OF TROUBLE

"Here" is a tough place to make a stand, for Thailand is surrounded by pockets of trouble perverse enough to dishearten even the most stalwart. The Mekong River runs 887 miles along Thailand's eastern border with Laos, and in places it is so narrow that a communist infiltrator can literally skip across. In Thailand's provinces along the river live Lao-speaking people, most of whom have relatives on the Laos side. Also in these provinces are some 40,000 refugees from North Vietnam, many suspected of being sympathetic to the enemy. So the Mekong is a bridge rather than a barrier to troubles for Thailand.

To the southeast is a 240-mile border with Cambodia, whose Prince Sihanouk has become increasingly inclined toward the communists. To the west, Thailand shares over 1000 miles of border with Burma, which in recent years has more or less accommodated itself to the notion that Southeast Asia is Peking's sphere of influence.

PRIME TARGET

Thailand is a rock of solid resistance in an area which in recent years has been submitting willingly and unwillingly to communist pressures. But how effectively and how long can Thailand resist, particularly since she has been publicly designated as a prime target of the communists? Communist China has expressed "interest" in Thailand for 15 years, but it was only a couple of years ago that the ominous and well-coordinated campaign began. On October 1, 1964, the New China News Agency quoted the Thai Communist Party as praising "the correct leadership of the Chinese Communist Party" and calling for a "patriotic, democratic united front" in Thailand.

On December 8, 1964, the communist Voice of the Thai People, using transmitters located outside Thailand, announced formation of the "Thai Independence Movement," dedicated to the establishment of a neutralist regime in Thailand and the withdrawal of U.S. forces.

In February 1965, efforts to undermine Thailand's pro-Western government grew more intense when Communist Chinese, North Vietnamese and Pathet Lao news organs all began giving heavy play to a new "Thai Patriotic Front." The communists have since maintained an incessant barrage of propaganda and threats over Radios Hanoi and Peking and via the clandestine Voice of the Thai People, all shrewdly contrived to play upon the frustrations and the rising hopes of the Thai rice-field worker astride his water buffalo, a cheap Japanese transistor radio strapped to his arm.

As early as 1963, Thai officials, concerned about communist domination of the airwaves, asked the United States to install a portable, 50,000-watt station at Khon Kaen, while the Australians built a permanent station there and another at Korat. Recently the Thais concluded an agreement with the United States for the construction of a million-watt medium-wave transmitter. This station will end communist domination of the airwaves in Southeast Asia by beaming a powerful signal throughout the area—and into Communist China.

COVETOUS EYE

U.S. officials are convinced that Thai leaders mean it when they say that they will "fight to the last man rather than submit to communist rule." "Some Americans have doubts," Foreign Minister Thanat Khoman told me, "that it is worthwhile for the United States to fight for Asians. They argue that Southeast Asia is the wrong place and this is the wrong time to fight. To them I say that 31 years ago Britain and France said the Rhineland was the wrong place. Then Austria. But when the struggle got to Poland, they had to fight. South Vietnam today is the Rhineland of 1935. If we don't fight now, we'll have to do it later at much greater cost."

Thailand's stand flows out of more than 2500 years of effort to resist the Chinese. Thanat will tell you, as passionately as if he were speaking of last year's events, that "the Chinese drove us out of our homeland." He is referring to events of 2500 years ago in

Szechuan in southwestern China, where the Thais are said to have originated.

Even the humblest Thai is proud of the fact that nobody has ever colonized his country, and the fear of Chinese conquest has been passed along from generation to generation. The communists try to exploit Thailand's acute sensitivity about sovereignty by continually raising the cry of "U.S. domination." But I found no real concern on the part of the Thais. "The Americans are our best friends," Air Chief Marshal Dawee Chullasapya says. "Others came here to colonize, but the Americans came with the printing press and vaccine."

The Thais believe that Communist China views Thailand with a covetous eye because her fields produce the world's best rice, and her strategic location dominates Southeast Asia and adjacent sea lanes. Thai leaders know that there is a crucial reason why the communists view Thailand as an easy plum to pluck: the communists believe that corruption in Bangkok is so rampant, neglect of the outer provinces so great and longstanding, that with a revolutionary nudge the masses will rise up and deliver Thailand into the Chinese orbit.

RACE AGAINST TIME

To shore up those areas of national life vulnerable to communist subversion, Thailand is struggling to effect a social and economic revolution. In the top councils of government, Thais are exerting pressure on each other to spark a moral and spiritual revolution. They wish to erase an age-old custom under which high-ranking officials take, with impunity, "special privileges" that would be known elsewhere as corrupt practices. "Moral reform is essential in Thailand," Thanat told me. "If we are to retain freedom and independence, we must be strong morally as well as economically and socially."

Thais also stress the importance of their efforts to carry out peaceful social and economic revolutions in the less-developed parts of the country. Two Thai-run programs on which they are banking heavily are MDU (Mobile Development Unit) and ARD (Accelerated Rural Development).

A Mobile Development Unit is a traveling team of about 120 people who go into an area, listen to the people's gripes, then try to provide what the people want and need. MDU agriculturists, doctors, sanitation experts and engineers usually remain in an area for weeks, helping to dig wells, demonstrating the use of fertilizers, building roads and repairing bridges, constructing outhouses and distributing medicines to sufferers from ever-present diarrhea, malaria, beriberi, dengue fever and liver fluke.

MDU's originator, Marshal Dawee, states that without MDU "the Reds would be in many of the villages of the northeast today. Some of the villages are so remote that the residents don't know who their king or prime minister is. In certain villages rice has stacked up for five crop seasons because there was no way to take it to market."

These villagers now have a sense of being part of Thailand. There are frequent meetings of village leaders and government representatives at which local grievances are presented. Then MDU follows up on requests or complaints of mistreatment.

The Accelerated Rural Development program attempts to speed up the process of taking to hinterland towns and villages some of the abundance and technological skills that have heretofore been restricted to Bangkok. Since 1950, the United States has contributed more than $900 million in economic and military aid to Thailand. This year 30 percent of the $20-million expenditure by AID (Agency for International Development) there goes into ARD economic projects in the northeast.

Results have been dramatic. Friendship Highway has been built to link Bangkok to the northeast. As it stretched through the countryside, people moved along with it, starting farms and setting up communities. The United States is deeply involved in every aspect of Thailand's efforts to build up her rural areas. Whether the problem is to get more fertilizers into the northeast, to wipe out malaria or to get more doctors into the countryside, the U.S. AID mission is part of the team. The Peace Corps plays its part in rural-health and malaria-eradication projects. Perhaps nothing is emphasized more than the training of an adequate police force for the provinces. The AID mission is active in four police schools and has in three years trained 11,000 *chaiya* ("freedom fighters"), who will be the key to preventing Chinese Communist subversion.

Other free-world nations recognize their stake in Thailand. Among them are Australia, New Zealand, West Germany, Japan and Canada. Non-military loans and grants from countries other than the United States have totaled $143 million in the last three years. The Thais have virtually matched assistance granted by the United States. They have repaid more than $30 million in U.S. loans and have never defaulted on a payment.

Despite the good works of MDU and ARD, many Thais express fear that economic and social progress isn't fast enough. One of these is Police Maj. Gen. Samart Vayavananda, the former governor of Udorn Province. Samart concedes that even with more U.S. aid the problems of northeast Thailand would not be easily solved; it would still be necessary to go through the laborious process of changing age-old customs and to develop means of teaching new standards of hygiene, public health and agriculture. "But it takes so dangerously long," Samart says.

Thailand today is a military dictatorship, though perhaps the most benevolent in the world. Wise Thai leaders speak of moving soon to give the country a constitution and the 30 million people a voice in running the country. Thailand is racing to the haven of representative democracy under a constitutional monarchy before it is overtaken by communist tyranny. Whether this beautiful and brave little country wins its race will profoundly affect the political coloration of all Asia.

CONGRESSIONAL REFORM—TIME FOR ACTION

Mr. MONRONEY. Mr. President, on August 26 the Senate unanimously adopted Senate Resolution 293, to create a Special Committee on the Organization of the Congress composed of the six Senators who are members of the Joint Committee on the Organization of the Congress.

The committee was requested to provide an opportunity to the chairman and ranking minority member of each standing committee of the Senate to appear and present their views on the recommendations contained in the joint committee's final report.

The committee was then directed to receive and report legislation based on those recommendations to the Senate for action.

Since the resolution was adopted, the special committee has heard the views of three chairmen in person and has received written statements from two chairmen and one ranking member. The committee has been advised that the views of the two additional chairmen will be submitted this week.

It is my hope that these additional hearings may be speedily completed. The committee has prepared a draft bill. Legislation can be introduced and reported by the special committee within the week so that it could be considered by the entire Senate.

Mr. President, I know that this has been a busy session and that the concluding weeks of the session will be unusually full. As always, a large number of important matters are still pending on our legislative agenda.

When the resolution creating the Special Committee on the Organization of Congress was reported favorably by the Committee on Rules and Administration, the distinguished chairman of that committee and other Senators who sit on that committee expressed the hope that the leadership would see fit to schedule the reorganization bill for floor action this session. I want to express the same hope. I believe the background of the committee's work and the subject matter of its effort warrant the highest possible priority for consideration of this legislation.

First. The proposed legislation is the product of a full year and a half of study by the joint committee. Five months of hearings were held last year during which the committee heard the views of 200 witnesses, including more than 100 Members of Congress. The members and staff of each of the standing committees of both Houses presented additional information on the work of their committees. Thousands of suggestions for congressional reform, contained in the published and unpublished works of Members, political scientists, national organizations and interested citizens, have been carefully analyzed. The final report itself involved more than 40 executive sessions to mark up the committee's recommendations.

Second. This has been a joint undertaking, with equal representation from the House of Representatives. My distinguished cochairman, Representative RAY J. MADDEN, has introduced legislation in that body, and other House members of the joint committee are prepared to join in this legislation. I believe the Senate should make it clear that it will not unduly defer its consideration of such a joint undertaking.

Finally, many of our own constituents are evidencing considerable interest, curiosity, and skepticism as to whether Congress is actually willing to act on proposed organizational improvements. I have previously inserted in the RECORD a considerable amount of editorial comment from the newspapers over the country. Many more editorials have been received since that time, and I ask unanimous consent to include them with this statement. I urge the Members of the Senate to read them carefully and draw their own conclusions.

Mr. President, in about a month this session will probably have ended. A few weeks later, Members of Congress will have once again submitted our policies to the voters for an expression of approval or disapproval. I, for one, want to be able to say that Congress did not overlook its own organizational needs in the haste of legislating for the benefit or regulation of others.

The Senate of the United States should have an opportunity to consider the Legislative Reorganization Act of 1966 before Congress adjourns in 1966.

The **PRESIDING OFFICER**. Is there objection to the unanimous-consent request of the Senator from Oklahoma?

There being no objection, the editorial comment was ordered to be printed in the RECORD, as follows:

[From the Greenville (S.C.) Piedmont, July 30, 1966]

QUESTION STILL HANGING: WILL CONGRESS REFORM?

When critics flay the House, the Senate both, they are joined by some voices from both august bodies. How sincere congressmen are in their desire for reform will be shown in the weeks to follow.

The Joint Committee on the Organization of Congress, representing both branches and both major political parties, has reported more than 100 proposals for streamlining Congress.

Will the congressmen vote to split the House Education and Labor Committee into two committees, despite the threatened potent opposition of Rep. ADAM CLAYTON POWELL of New York, the present committee chairman? Will it also split the Senate equivalent, the Labor and Public Welfare Committee, as proposed?

Will members of Congress remove from themselves the privilege of all patronage in the Post Office Department? Will it also eliminate patronage appointments on the Washington, D.C., Capitol Police Force?

Will they actually vote to schedule committee and floor business on a five-day workweek, eliminating the famous "Tuesday-to-Thursday Club" which delays official busines but allows committee members to spend those nice, long weekends away from Washington?

Will they actually open Congressional hearings to the public?

These are only a few of the proposed changes, but many of them take away little islands of privilege which individual congressmen guard with great vigor.

It has been 20 years since Congress has made any attempt to reform itself, but if some of these proposals are adopted it will be in better shape. The question is: Will Congress adopt them?

[From the San Diego (Calif.) Tribune, August 1, 1966]

SOME CONGRESSIONAL CHANGES WOULD BE HELP FOR EVERYONE

Proposals by a special Senate-House committee to revise some of the procedures of Congress should do much to make Congress more efficient and to end some of the frustration the public feels at times over congressional procedures.

Congress has many traditions and is a great respecter of these traditions. There are times when some of these traditions appear to get in the way of a popular project, but many times these traditions have served the country well by preventing rash action.

Some of the traditions and congressional procedures, though, are out of date. It has been 20 years since there was a major revision in congressional procedures. Congress needs periodic examinations to make sure it can keep up with the demands placed on it.

One of the approximately 100 suggestions made by the committee is to put Congress on a five-day work week. At present, Congress limits most work to Tuesday through Thursday.

Sessions of Congress would not drag on so long if it stayed busy five days a week from the opening of the session. A full work week in Washington would also cut down on many trips and outside activities of congressmen.

Another recommendation would be to have congressmen lose the patronage privilege, or responsibility, of the appointment of postmasters and rural mail carriers. This job takes too much of a congressman's time and produces more headaches for him than it cures.

The committee recommended that the main body of the CONGRESSIONAL RECORD be limited to verbatim remarks actually delivered on the floor of the House or Senate. Too many speeches have been inserted without being delivered.

Some of the other better recommendations are:

The creation of a committee in the House on the pattern of the Senate ethics committee.

The strengthening of the lobbying regulation act to provide better control of lobbyists.

The right for a majority of a congressional committee to call meetings and act on legislation if the committee chairman refuses to do so.

The granting to minority members of a committee at least three staff assistants.

These are among many worthy suggestions. Another is that there be a standing committee to study the operation of Congress, just as this special committee has done.

The list of suggestions does not constitute a major reform of Congress. There are other practices which need changing.

These recommendations, though, if adopted should do much to help Congress do its job and to help the public appreciate that job.

[From the New Bedford (Mass.) Standard-Times, Aug. 2, 1966]

GOOD HOUSEKEEPING

The Joint Committee on the Organization of Congress has devised some well-considered plans to speed congressional action, and to give the maximum possible information to the public and the Congress.

The general aim of this multifaceted and bipartisan effort is to "open up" congressional affairs so that those congressmen and senators not directly involved in some matters and the public in general can have a better grasp of national issues.

One recommendation of the special committee is to give regular committees of Congress the right to call meetings on majority decision, to eliminate proxy voting and to give a majority the right to require that a chairman report legislation to the floor—rather than pigeonhole it.

Another suggestion is that more committee meetings be open to the public (including broadcasting and telecasting), and that reports be made immediately after committees take any action.

Extensive revisions also are recommended for the internal workings of Congress. These include circulation of committee reports among all the members at least two days prior to the filing date so minority and supplementary views can be filed simultaneously. Another proposal calls for a wider division of committee assignments so more congressmen and senators can sit in key positions.

Another proposal (and this one can't be taken too seriously; it's probably only for the record) is that congressional committees meet five days a week instead of the traditional three or four.

The special committee failed to propose any changes in the controversial seniority system, under which congressmen almost automatically are elevated to committee chairmanship regardless of their compatibility with the rest of the membership. Seniority is sacred in Congress, and reform of this system is almost beyond real expectancy.

In all, the 100 revisions recommended for improving congressional operations deserve timely consideration and approval, since these are not the musings of outsiders, but the dedicated efforts of knowledgeable insiders.

[From the Detroit (Mich.) News, Aug. 13, 1966]

COMMITTEE RECOMMENDS A START—LET'S REFORM CONGRESS

As far as they go, most of the recommendations of the Joint Committee on the Organization of Congress will help Congress do its work more effectively.

New controls on lobbyists, more expense money for travel home, increased staffing, modernizing of its budget review—all these are changes which would tend to free Congressmen from too much reliance on the help of self-seeking outsiders and to professionalize their own legislative work.

If they are to write the laws which guide our increasingly complex society, congressmen must have more objective and expert help at their fingertips. Without it they will continue to yield more and more authority to the executive branch.

The public would be the main beneficiary of recommendations to open more committee hearings to the press, to establish a committee on ethics in the House, to limit the number of powerful committee memberships one man can hold, and to shift from a three-day week to a full, five-day operation.

Because the power structure of Congress enjoys things pretty much as they are, the joint committee was not even allowed to look into such time-saving changes as electronic voting. (The leaders oppose this since it would make last minute pressure on congressmen harder to apply and prevent as much unrecorded voting as now occurs.) Nor was the committee able to evaluate the controversial seniority system or the mysterious ways in which bills are scheduled for floor action.

Nor does there appear to be any congressional interest in opening to public view the now secret "markup" sessions of the committees. It is in these often clandestine sessions that the laws are actually written and that the voting separates honest men from hypocrites.

Despite a national concern over the state of congressional ethics, the committee rejected a financial disclosure proposal which would do more than anything else to solve the problem of unethical behavior and conflict of interest.

Within its limited authority, however, the committee has offered Congress many roads to improvement. Hopefully, Congress will realize that if it expects to retain its public respect and its constitutional authority, it must act soon on these recommendations.

[From the Red Bank (N.J.) Register, Aug. 8, 1966]

MODERNIZING CONGRESS

In recommending a series of housekeeping reforms for Congress, the Joint Committee on the Organization of Congress has gone surprisingly far, considering the number of off-limits signs that were posted for it when it began work in the spring of 1965. For example, the committee's report in its more than 100 recommendations, proposes:

To permit a majority of a committee to call meetings and report legislation if the chairman refuses to do so.

To require that committee hearings be open "to the maximum extent possible," and that votes taken in closed sessions be made public.

To schedule committee and floor business on a five-day work week, thus eliminating the present virtual shutdown on Mondays and Fridays.

To divest members of patronage appointments on postmasters, rural mail carriers and capitol policemen.

To tighten laws governing lobbyists.

Desirable as these changes would be, they are expected to encounter opposition in Congress. Already attacks are being made against some of the committee's simplest reorganization suggestions—among them, the proposal to split the House Education and Labor Committee. Rep. Adam Clayton Powell, the present chairman of the group, has charged that the plan represents an attempt to curb his power because he is a Negro—a claim that makes little sense in view of the fact that the reorganization report also proposes to split the counterpart Senate committee, which is headed by Sen. Lister Hill of Alabama.

Some of the recommended innovations—such as those calling for increases in committee staffs and use of consultants, the installation of automatic data processing of budget information and the scheduling of an August recess—are intended simply for the convenience of Congress and should meet no significant objections.

Though many of the proposed reforms are useful, they should not, however, be allowed to camouflage the fact that Congress, in ordering the study, specifically excluded from the joint committee's assignment some of the areas of congressional organization and procedure that have come under the heaviest criticism—namely, the seniority system by which committee chairmen are chosen and committee memberships assigned, the Senate filibuster rule requiring a two-thirds vote to cut off debate, the cumbersome machinery for scheduling bills for floor action.

If Congress should approve most of the proposed changes, they would represent progress but not the kind of modernization of the legislative branch that has been envisioned by many critics during the 20 years since the last broad reorganization plan was adopted.

[From the Muncie (Ind.) Star, Aug. 2, 1966]

More Efficiency in Congress

The recommendations of the Joint Committee on the Organization of Congress, aimed at greater efficiency in the operation of Congress, dwell heavily on improvements in committee procedures and the handling of the budget.

Some of the committee proposals are aimed at reducing the power of chairmen to keep their committees idle and to sit on legislation or railroad it through. Others are aimed at giving minority members a stronger role. Still others strike at secrecy in hearings, meetings and reports.

For better budget control, automatic data processing is proposed. The committee wants the General Accounting Office reorganized and modernized, it says there should be better cost projections for continuing programs and better descriptions of carryover balances. It urges better annual review of continuing programs.

These are just some of several dozen specific recommendations touching almost everything Congress does.

Looking over the list, we find little with which to quarrel. If only a small number of the more important recommendations were carried out, the work of Congress should be improved considerably.

Like so many executive agencies in the government, Congress has gone along in mostly unchanged procedures and organization arrangements while its work load has been pyramiding. Many of the old ways are quite unsuited to present conditions. But old ways are hard to change.

We hope Congress will go to work at once on putting into effect the more practical of these recommendations. As it does so, we hope it will put emphasis on measures aimed at giving the taxpayer more for his dollar, and will look quizzically at proposals for spending more money.

The joint committee has done a thoughtful job. Something should come of it.

[From the Houston (Tex.) Post, Aug. 14, 1966]

Modest Reform for Congress

It has been 20 years since Congress has made any extensive changes in the way it operates and handles its business, and these years have brought great changes in the nature and volume of the work that it must perform. The need and the demand for changes in its way of doing things have become so great that they no longer can be ignored.

It now appears that the lawmaking body will have a chance before this year's session ends to do at least a modest job of reforming itself. More than 100 recommendations for assorted changes have been made by a joint committee of the House and Senate after a 16-month study. They will be incorporated in an omnibus bill, and procedures are planned to keep the measure from getting buried in an unsympathetic committee of one chamber or the other.

Although the recommended changes are numerous, they definitely are not radical. In fact, a question can be raised if they are anywhere near adequate. The committee avoided highly controversial reform proposals and stuck to those least likely to arouse resistance among the lawmakers.

Its idea, apparently, was that some changes would be better than none at all, and it is hard to argue with this approach. Still, some resistance can be expected to many, if not most, of the proposed changes, principally from those who would be affected, and without some evidence of strong public support, there is no assurance that even the moderate reforms proposed will win approval.

The resolution which created the joint committee prohibited it from making any recommendations about the rules, parliamentary procedure, practices and/or precedents of either house. This ruled out any changes in the Senate's rule on filibusters or in the power of the House Rules Committee to keep legislation from coming to a vote on the floor of that chamber.

The committee chose to interpret the limitation as also covering any change in the seniority system for naming committee chairmen. It passed over such proposals as those that all members of Congress and top legislation staff aides be required to disclose all their income and assets, that laws on the reporting of campaign contributions be changed, that the terms of House members be increased from two to four years, that the District of Columbia be given home rule to reduce the workload of Congress, and that a "watchdog" investigating committee be set up under minority party control whenever the White House and Congress both are under the control of the other party.

The Congressional Quarterly quotes Rep. Jack Brooks of Texas, a member of the joint committee, as saying that the changes recommended were 'the best attainable, considering the mood of Congress and the fact that the committee's membership was equally divided between the two houses and the two parties."

The chairmen of all committees would have their powers reduced if the committee's recommendations are adopted. Members would be able to call meetings and report legislation if the chairman of a committee should refuse to do so. All committee members, not just those agreeing with the chairman, would be allowed to take part in the preparation of committee reports.

These reports would be made available to all members of the House or Senate prior to floor action. Proxy voting in committees would be eliminated. Restrictions would be placed on the number of committee assignments and chairmanships a senator could hold. The professional staff available to minority committee members would be expanded. Committee jurisdictions over scientific matters would be reshuffled, and a separate Senate committee on veterans affairs comparable to that in the House would be created.

And, in recognition of the growing federal role in education, new committees on education would be created in both chambers by removing education from the responsibilities of the Senate Labor and Public Welfare Committee and the House Education and Labor Committee.

This already has brought an angry protest from Rep. Adam Clayton Powell of New York, chairman of the House committee, who has charged an attempt to reduce his authority because he is a Negro. Comparable opposition can be expected from others who are affected by proposed changes.

So far as the public is concerned, the most revolutionary proposal probably is one that Congress actually work five days a week instead of Tuesday through Thursday as at present. This would permit the congressional session to end automatically on July 31 unless specifically extended by majority vote, in which case there would be a mandatory vacation during the month of August except in time of war.

All committee hearings would be made public to the "maximum extent possible," with radio and television coverage permitted at the option of the committee, coverage which now is permitted in the Senate but not in the House.

And members of the Congress would lose their authority to appoint postmasters, rural letter carriers and Capitol police on a patronage basis.

One thing that is beyond dispute is that there is need for many changes in Congress' ways of doing things if it is to continue to enjoy the respect and confidence of the public to the degree that it should. The changes recommended by the joint committee may not be nearly enough in the way of reform, but they deserve a trial. The public should demand that they be given this chance.

[From the Kansas City (Mo.) Star, July 26, 1966]

Congress Gets a Chance To Reform Itself

It seems to us that the joint committee on improving Congress has turned in a good piece of work, given the limitations of its assignment. Whether the lawmakers, in this hectic and wheel-spinning session, will act on any of the proposals remains to be seen. Or whether they ever will, for that matter. This is one of those cases in which *only* the physician can heal himself.

Actually, Congress did make quite an effort at self-treatment in 1946, when it adopted the La Follette-Monroney congressional reorganization plan. The Monroney of that proposal, then House chairman on congressional reform, is the Senator Monroney of today who is the Senate chairman. Mike Monroney of Oklahoma speaks with dedication of the need for further changes in congressional procedures, and has been known to find pertinent analogies in rolltop desks and quill pens and, for Space age comparison purposes, Model T's. If the lawmakers listen to him, or to his House counterpart, Rep. Ray J. Madden (D-Ind.), they will bestir themselves to action.

Certainly the Monroney-Madden committee did not go into seniority and the power of the House rules committee. It wasn't supposed to, by definition of the rules set down by Congress. Besides, the voters of Virginia, having seen fit to retire Rep. HOWARD SMITH, chairman of the rules committee (more precisely, Mr. Rules Committee), may have taken care of that matter for a while. And there was plenty to be done in the area of more or less routine modernization.

Routine, but important as a means of developing a more effective Congress. There is every reason to have an education committee in each House, as the committee proposed, and a veterans affairs committee in the Senate. We agree that the House, like the Senate, should have a committee on standards and conduct. It is a lot to ask that the legislators should impose upon themselves a 5-day work week instead of the present Tuesday-to-Thursday schedule, but it is a good idea. And a summer recess to start July 31, with the two Houses returning in September, ought to be considered. If nothing else, it would ease a headache for some younger congressmen who hear from wife and children that they never take the family on a vacation.

Then, there is a real sleeper in the proposal to end congressional participation—and patronage—in the confirmation of postmasters. They would, instead, be appointed by the Postoffice department on the basis of civil service tests. A cynic would say that it will be a long, cold day in July before Congress goes for that one. But who can say?

At any rate, these and other recommendations for the modernization of Congress—and the improvement of its efficiency as a lawmaking institution—are being presented by the Monroney-Madden committee. That is as far as a committee can go. Congress as a whole must straighten out its own problems. And therein, we suspect, lies the rub.

STEPS TOWARD PEACE

Mr. PELL. Mr. President, as our unhappy involvement in Vietnam drags on and as our military commitment in that struggle grows regrettably deeper, it seems to me especially important that we should remember that quiet, persistent, and very significant efforts toward peace are continuing without fanfare and often without the public attention they deserve. I refer not to the noisy protests of demonstrators who, though well intentioned, are so often negative in their approach; rather, I would call the attention of the Senate to the hard, constructive effort being made on several fronts to lay the long-range groundwork for peace through international dialogs that promise to increase international understanding and to diminish the areas of misapprehension and ignorance which could lead to conflict.

History will undoubtedly show that the principal impetus for all of these efforts was the pronouncement of the celebrated encyclical "Pacem in Terris" by Pope John XXIII in 1963. Men of good will and all faiths welcomed that spiritual initiative with profound hope and thankfulness because it seemed to express so powerfully the urgent moral concern of mankind in all corners of the world. There was, accordingly, widespread determination that the intention of the encyclical be implemented by purposeful action, specifically by establishing new dialogs and channels of communication which would transcend the old barriers of creed and political doctrine. Within a year, preparations were being made, under the auspices of the Center for the Study of Democratic Institutions, for an international convocation on "Pacem in Terris," which was held in New York, February 18–20, 1965. Sixty world leaders, among them the Vice President of the United States, participated in the proceedings, and there were some 2,000 invited guests. Dr. Robert M. Hutchins of the Center for the Study of Democratic Institutions called the convocation a new conversation, which it truly was, for it opened a whole new set of channels of communication about the prospects for peace.

I was privileged to have a modest role in that convocation and thus to perceive the impact which the conference had on all who participated. My own reaction is perhaps best summarized in a statement which I made in a recent issue of "Dominicana" magazine:

> The effect, which I know was apparent to all of us who participated, was to elevate to the highest degree our world concern for the survival of civilization. I know that each of us returned to our respective posts of service and duty illuminated and inspired by the pervasive spirit and intent of Pope John. And each of us therefore has been commissioned to do whatever he can, in our own small ways, to translate the great purpose of Pope John into constructive deeds and actions.

Now, I am especially pleased to note that there is continuing determination to keep alive and build upon the inspiration and illumination which flowed from that convocation in 1965. The Center for the Study of Democratic Institutions now is planning a second convocation, Pacem in Terris II, tentatively scheduled for May 28–31, 1967, in Geneva, Switzerland. Its purpose will be to develop the general theme of coexistence touched upon in the 1965 conference into more concrete foreign policy proposals, and if possible, to enlist the participation of Communist China. It is hoped that the 1967 convocation may thus reopen channels of communication that have been frozen by the Vietnam war.

A preliminary planning meeting already has been held to lay the groundwork for Pacem in Terris II, with representatives from 10 countries gathering at Geneva for this purpose last May 30–June 2. Among the representatives of the United States at this gathering were two of our distinguished colleagues, the Senator from Tennessee [Mr. GORE], and the Senator from South Dakota [Mr. MCGOVERN]. I know that we all will be looking forward to the convocation of Pacem in Terris II with anticipation and great hope.

Mr. President, it should be noted that this excellent initiative by the Center for the Study of Democratic Institutions is being supported and supplemented by several equally significant efforts from other quarters. I am particularly impressed by the cooperative and ecumenical efforts of our religious leaders, notably in the context of the National Inter-Religious Conference on Peace, which convened here in Washington last March. On that occasion, leaders of all the major faiths crossed doctrinal barriers to unite in a common appeal for peace. Over 400 religious leaders from all parts of the country were present, and the six cochairmen of the conference were the Right Reverend John E. Hines, presiding bishop of the Episcopal Church in the United States; the Most Reverend John J. Wright, Roman Catholic bishop of Pittsburgh; Dr. Dana McLean Greeley, president of the Unitarian-Universalist Association; Rabbi Maurice N. Eisendrath, president of the Union of American Hebrew Congregations; Archbishop Demetrios Iakovos, patriarch of the Greek Orthodox Church in North and South America; and Bishop John Wesley Lord, bishop of the Methodist church in the Washington area and a member of the general board of the National Council of Churches.

I was especially pleased to note that Mr. Frank K. Kelly, vice president of the Center for the Study of Democratic Institutions, was one of the participants at the Inter-Religious Conference on Peace. This is a welcome sign, I believe, that there is cooperation and full coordination between these two important efforts.

The essence of the March meeting was perhaps best summarized by the Most Reverend John J. Wright, Catholic bishop of Pittsburgh, who said in his concluding address at the conference:

> Perhaps the most significant and important characteristic of this conference has been the fact that it was interreligious . . . This meeting has found us working together for the first time in an effort to arrive at a common conscience on principles, and to provide a forum on specific application of these principles.

I understand that the proceedings of the National Inter-Religious Conference on Peace are about to be published for public distribution. In the meantime, I think it is important to note that the conference concluded with a very significant declaration, expressing the intention of the conferees to communicate their concern to the highest counsels of government. I ask unanimous consent that the text of this declaration be included in the RECORD at the conclusion of my remarks.

It is encouraging to note that there is determination here, too, to continue the spirit of the National Inter-Religious Conference on Peace and to translate it into concrete actions. Already, representatives of the conference have held informal conversations with Secretary of State Rusk, and they also are considering the possibility of convening again in an international forum sometime next year.

Nobody can promise or predict, of course, just what results may flow from these efforts. But it seems to me that it is significant and important that these efforts are continuing quietly and deliberately, regardless of the distractions or discouragements of immediate events. There can be no doubt in the minds of the leaders of the world that there is a profound and continuing determination on the part of the moral and intellectual leaders of our Nation to turn the world toward peace. It is a determination which we in public life should not disregard, and it commends itself to the attention and encouragement of the U.S. Senate.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

A DECLARATION OF THE NATIONAL INTER-RELIGIOUS CONFERENCE ON PEACE

(Approved by the final plenary session of the National Inter-Religious Conference on Peace, March 17, 1966)

The National Inter-Religious Conference on Peace, assembled in Washington, D.C., is testimony to a shared conviction that different religious traditions are mutually supportive in their efforts to help people find solutions to the issues of war and peace. This Conference speaks for itself. It addresses this Declaration to organized religion everywhere as well as to the general community and our government.

THE RELIGIOUS AND MORAL IMPERATIVES

Foremost is our concern that much of the discussion involving our nation's posture on foreign policy and especially on the war in Viet Nam has taken place without serious probing of the religious and moral issues involved. Members of the religious community too often seem to accept the world's belief that naked power reacting to threat, real or imagined, is all that really counts in the modern world. Our religious profession, however, does obligate us to proclaim the moral and religious dimensions in all relationships between all peoples and governments. We are called to repentance, forgiveness and compassion, to faith and hope, to working for justice, to love against hate, to the task of peace-building rather than war-making. We recognize the claims of God and His covenants with men in fulfilling His purposes in history. We cannot leave to soldiers and statesmen alone the great problems of conscience being raised in these days of conflict.

THE CONFERENCE GENERAL AREAS OF CONCERN

Our discussions involved first, confronting the changing Communist world. Changes in today's world may be seen, in part, as manifestations of Divine judgment to which we of the religious communities are challenged to respond in new ways. Our task is to press for peaceful solutions of conflicts between the United States and Communist governments that will respect the legitimate national interests of all parties. We believe our unique contribution can be expressed through personal contacts and intensive dialogue across ideological lines in order to break through the barriers which now prevent us from perceiving as, and communicating with fellow human beings who live under social and political systems different from our own.

Secondly, in discussing the People's Republic of China (PRC) and the conflict in Asia, we agreed that statements of the declared policies of the PRC, the U.S. and all other concerned parties should be carefully examined and evaluated against actual practice. Recognition of this divergence between declared and the actual policies could lead to changes that might reduce enmity between the U.S. and China. The specific changes in policy which the Conference has recommended include several unilateral initiatives that need not require agreement from the Chinese or endanger legitimate interests of the U.S. or the security of those nations and peoples who rely on the U.S.

We explored, thirdly, the forms of intervention in terms of moral responsibilities and limitations. All acts of nations having effects on the internal affairs of other states must be scrutinized carefully against a background of moral and religious judgment. When particular acts involve military force with drastic consequences for the people of the affected nation searching questions should be raised and answered concerning the possibility of substituting for unilateral intervention, United Nations or other international action. Furthermore, the claims of human beings, whether allies, foes or neutrals, as children of God must be a major factor in any moral assessment of available policy alternatives.

A STATEMENT ON VIETNAM

We, the members of this National Inter-Religious Conference on Peace,

Ever mindful of the important formal statements on the war in Viet Nam which have been made separately and recently by Pope Paul, by the Synagogue Council of America, by the National Council of Churches, by the World Council of Churches, and by other official groups,

Deeply concerned by the continuing and increasingly tragic consequences of that war,

Keenly sensitive to the moral issues involved in this entire sad situation, and especially in the consequential taking of many lives of innocent civilians,

Fully aware that the matter is complex and intense and solutions are not easy,

Do request and authorize the Co-Chairmen of this Conference to ask a number of other major leaders of American religious bodies to join with them and together to seek a personal conference with the President at the White House for the purpose of respectfully urging upon the President that he:

1. Consider respectfully an immediate halt to the bombing in Viet Nam,
2. Announce the readiness of the U.S. to join in a cease fire of indefinite duration, beginning Good Friday, 1966, with no continuation of the buildup on either side,
3. Pursue every possible avenue, including channels of the United Nations, that may create more favorable circumstances under which negotiations can begin,
4. Adhere steadfastly to the principle that there cannot be a satisfactory military solution to this problem, and until a negotiated settlement is achieved, not to permit a change in the character of the conflict through military escalation,
5. Agree to the direct representation of the National Liberation Front as well as the other concerned parties in any negotiations,
6. Maintain a determination to promote social and economic change and progress in South Viet Nam and to provide the people of that land an opportunity at an early date to choose their own government,
7. Continue providing reconstruction assistance and long-range economic development funds for Southeast Asia and
8. Direct that high priority be placed in Viet Nam upon patient, persistent peace-building programs, to overcome the dehumanizing and brutalizing effect, especially upon youth, of the twenty year war.

We do further state expressly that we have confidence that this delegation of religious leaders will make their presentation to the President with a thoughtful and understanding knowledge of the conflicting advice and pressures to which he is ever subject and of the awesome responsibility and heavy burden which he now carries in the White House. For him and all sharing his onerous responsibilities, we pledge our prayers.

We further suggest that most Congressional leaders would welcome similar conversations and representations in which the delegates here bring to bear the thinking and moral guidance which legislators need in groping with the problems of maintaining the peace of the world.

A PROPOSAL FOR CONTINUING CONFERENCE

We ask the Co-Chairmen of this Conference to continue the National Inter-Religious Conference on Peace Committee and to explore the possibilities for calling a World Inter-Religious Conference on Peace in 1967, encompassing participation of all the world's religious traditions.

We request the Synagogue Council of America, the National Council of Churches, the National Catholic Welfare Conference, and other religious bodies jointly to join us in our call for a National Conference on Religion and Peace, along the lines of the earlier National Conference on Religion and Race.

We urge all religious, inter-religious, and community groups to intensify their work for peace. We recommend regional and local inter-religious conferences.

We commend the findings of this Conference to the national religious organizations and to local membership of all religious bodies for study and—hopefully—guidance.

We urge all to pray, with us, for clarity of mind, integrity of spirit, and a deepening inter-religious fellowship, such as we have found together here that, under God, we may be guided through a night of our own making to a day when men shall know and love one another as God's children.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 2(a), Public Law 89-491, the Speaker had appointed Mr. DONOHUE of Massachusetts, Mr. WELTNER of Georgia, Mr. SAYLOR of Pennsylvania, and Mr. POFF of Virginia as members of the American Revolution Bicentennial Commission, on the part of the House.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H.R. 3041. An act to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause;

H.R. 11979. An act to make permanent the Act of May 22, 1965, authorizing the payments of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes; and

H.R. 15005. An act to amend title 10, United States Code, to remove inequities in the active duty promotion opportunities of certain officers.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 420) to amend title 10, United States Code, to authorize the commissioning of male persons in the Regular Army in the Army Nurse Corps, the Regular Navy in the Nurse Corps, and the Regular Air Force with a view to designation as Air Force nurses and medical specialists, and for other purposes.

MARY T. BROOKS

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The **PRESIDING OFFICER**. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3553) for the relief of Mrs. Mary T. Brooks.

CIVIL RIGHTS ACT OF 1966

The **PRESIDING OFFICER**. The pending question is on agreeing to the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

HOUSING SECTION VIOLATES PROPERTY RIGHTS OF EVERY AMERICAN CITIZEN

Mr. **BENNETT**. Mr. President, apparently, in spite of the failure to secure cloture yesterday, the advocates of H.R. 14765 want to continue the discussion. The weaknesses of the bill have been presented to the Senate by many men much more able than I. Probably the most serious criticism that can be made of the bill is that it is of very doubtful constitutionality. Not being lawyer, I must yield to my colleagues who are to make the basic points against the bill in this field. All I can do is reinforce what they have had to say.

Since it has been obvious for some time that the bill could not be forced to a vote through cloture, many of the proponents of the bill have turned from a discussion of its merits to an attempt to fix blame for its defeat. One favorite device has been to try to lay the whole burden of their failure on the shoulders of the minority leader. Two years ago when another civil rights bill was up, the final burden of carrying it for the administration rested on these same shoulders. I voted with him for that bill. That bill had substantial merit; this one is so bad that even with his great personal devotion to civil rights, the minority leader has not accepted it and in the spirit of fundamental loyalty to constitutional rights on which our country was founded and with great courage, he has chosen to lead the opposition.

RIOTS HAVE CAUSED PUBLIC INDIGNATION

In my opinion, the responsibility for the defeat of this bill must rest upon those who have incited, condoned, and participated in the racial riots that have been erupting in many cities and are still occurring. These leaders, both white and Negro, claim the privilege of using the power of lawlessness to threaten Congress into passing a bill of doubtful legality. The whole atmosphere of this exercise, from the riots to the bill, is that the end justifies the means. Having fallen into the pattern of a civil rights bill every year, each new one must be pushed further beyond the responsible limits of sound policy and practice. I think it is past time when Congress should slow down and lift the problem out of the political realm, giving more careful attention to the long-range implications of its action, both on the great majority of the American people as well as on any racial minority.

SUPPORT OF PRIOR CIVIL RIGHTS BILLS

Let me say at this point that I fully believe in protecting the rights of minority groups and that my record in support of prior civil rights bills in the Congress will substantiate this fact. However, we reach a point in the course of events where we must weigh the demands of minority groups against the constitutional rights of the majority of our population, and determine what is just and right as against that which might be socially desirable. Because one man wants or desires something which his neighbor has, does not give him the right to possess it. The Ten Commandments clearly sets forth that a man has no right to lust or covet after that which belongs to his neighbor.

POWER VERSUS FREEDOM

The advocates of legislation such as that contained in title IV, argue that freedom involves the right to live wherever one chooses, or to buy whatever one wishes to buy. This is a fallacious argument and a tortured usage of the term "freedom." If I have the right to live wherever I might choose, then someone else must have the duty to permit me to do so. If I prefer my neighbor's home to my own, do I have the right to force him to sell to me? Obviously, I do not possess any such right in free country under a constitutional form of government. Anyone who claims to possess any such right is patently wrong, and is talking about power not freedom.

In a free country no one has a right per se to buy. What he has is a right to offer to buy. Likewise, if a proposed seller is a freeman, he has the right to offer to sell or to refuse to sell as he may see fit. It is an elementary rule of law that a completed sales transaction occurs in a free country, only when a willing and able buyer bargains with a willing and able seller and they negotiate on terms which are mutually satisfactory. Such would not be the case under title IV. It would destroy the freedom of one man and place power in the hands of another by forcing the sale or lease of private property. To speak of this power as freedom is a gross distortion of the constitutional principles on which this great Nation was founded.

LET US NOT BE FOOLED

Let us not misunderstand and let no one be misled into believing that this bill will satisfy the basic needs of minorities or of those who are in the ghettos. Their real needs are for jobs, or training for jobs, if they are not properly trained. Their real needs are proper education, ability to purchase adequate housing, and solutions to other basic problems of income. Measures like this bill are not going to encourage the basic individual initiative of all American citizens, including those who live in the ghettos, to get out and earn a living and to make a way for themselves in America. Private endeavor, not government compulsion has been the touchstone of greatness of our Nation.

The fundamentals of our Nation's ghetto problem are not really dealt with in this legislation. Let us not try to fool anyone into believing that all civil rights problems are going to come to an end if this bill is passed, any more than they did when Congress enacted bills on civil rights in 1957, and 1960, 1964, and 1965.

This bill will not in its present form accomplish its advertised objectives. This is not going to bring about the millennium or the solution of the plethora of problems relating to the ghettos today. This is not going to settle the riots.

Now, we are told that this is one bill that must be passed—and passed now. And it must be passed substantially in its present form.

I just wonder what happened to the administration that is calling upon us to pass it hurriedly and pass it now. What happened to the administration between January, when the state of the Union message came up, and May 2, when the actual proposed legislation came up? Where then was the rush? Where was the emergency? Certainly, if this bill were the answer to the problem, who is most responsible that the problem is still with us today? Is it not the administration that waited from January, February, March, and April, to even bring a bill to the Congress of the United States with its recommendations?

Must not the administration share a large part of the responsibility?

So I say the emergency nature is not and has by past inaction not been recognized by the administration.

TITLE IV MOST OBJECTIONABLE

Title IV of H.R. 14765 is the most objectionable part of the bill.

This title embraces the most dangerous attack on the right of private property which has ever been seriously attempted in this body.

By enacting this title, we shall be seeking to deny large numbers of Americans the right to dispose of their own property as they see fit.

Of course, this invasion of the right of private property would be made, under this bill, broadly speaking, only with respect to homes and living quarters. I fail to see where this makes the case any better. In a way, it makes the matter worse, because one of our most sacred traditions, which we inherited from and share with the British, is the idea that a man's home is his castle.

Let no Senator be misled into accepting the idea that all the evils of title IV will be visited only upon those who are in the business of building, developing, selling, renting, or leasing dwellings. Of course, that is what the bill says; but the bill contains a section entitled "Definitions" under which it is provided that anyone shall be deemed to be in this business of building, developing, selling, renting, or leasing dwellings if he has, within the preceding 12 months, participated as either principal or agent in three or more transactions involving the sale, rental, or lease of any dwelling or any interest therein.

So, a woman who runs a boardinghouse and rents three rooms during the year is in the business; a man who gives up a job in one State, and moves his family in a rented trailer to a job and home in another State, let us say a man employed in the construction business, and thus might actually have rented three buildings within a year, will be deemed under the language of this bill to be in the business of building, developing, selling, renting, or leasing dwellings.

Senators can multiply examples as they choose; I am sure the idea has been made clear by the examples I have given.

Most of the penal restrictions on property owners are contained in section 403, and this section has a subsection which says it shall not apply to any property owner with respect to the sale, lease, or rental by him of a portion of a building or structure which contains living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner himself actually occupies one of these living quarters as his residence.

RIGHTS OF ALL SHOULD BE PROTECTED

Of course, if the right of private property is to be protected, then it must be protected for all men, whether or not they own one-family or four-family dwellings, and whether or not they live in such dwellings. But quite aside from that point, the exemptions provided in the subsection I just referred to do not really amount to as much as one might think.

In the case of a roominghouse, if there are more than three roomers, the exemption would not apply, because each separate room rented would count as one in totaling up the number of living quarters in the building. In the case of a man who moves out of his home into an apartment, or into a hospital, or a sanitarium, or a home for the aged, and seeks to rent the now-vacant dwelling, the exemption would not apply.

Statistics are not available on just how many homeowners would benefit by the exemption contained in the subparagraph to which I referred. But certainly the number of homeowners not exempted by this subsection is far greater.

Not only does title IV seek to interfere unjustifiably and unconstitutionally with the right of private property; it goes further and provides for enforcement of this interference through a blanket authorization of civil actions in Federal district courts which cannot fail to bring with it, if this bill is enacted, the worst court congestion this country has ever seen.

LAWSUITS WOULD MULTIPLY

Lawsuits are authorized to be brought in Federal court without regard to the amount in controversy. Actions to enforce involuntary sales are authorized to be brought by private individuals, on their own election, without meeting any standards of proof, and without the payment of any fees or costs or the posting of any security to provide compensation if the action is found to be without merit.

While it is true that the authority to bring these actions without the payment of fees or costs depends upon court approval of an application, there is no requirement for any showing of fact, with respect to the merits of the case, when the application is filed. One of the bases upon which I would think a court would act favorably on such an application would be an affidavit of inability to pay. Court appointment of an attorney, also authorized by this bill, would free the instigator of the suit entirely and forever from the payment of any attorney's fees. The action would cost him nothing. But, of course, to defend the action, the homeowner would have to bear the entire cost in trouble and in money.

How many actions do you think would be brought in your State, in your county, in your own hometown, if this bill becomes law and legal actions of this particularly vicious and harassing and vengeful type are made possible without any financial detriment, or even financial risk, to the plaintiff? Whatever the estimate you make, it is likely to prove too low.

NO GENUINE CONSTITUTIONAL BASIS

The proponents of H.R. 14765, state that title IV, the open housing title, is bottomed on the commerce clause and the 14th amendment. It is said that because building materials and home furnishings move across State lines, because people move their residence from one State to another, because mortgage money is borrowed outside the State, and because disputes and disturbances interrupt the interstate movement of persons and things, the business of buying and selling private dwellings is therefore interstate commerce and subject to regulation by the Federal Government, in spite of the fact that these dwellings are firmly fixed to a particular piece of land in a particular State. If this is so, then interstate commerce means something more than the courts have interpreted it to mean. Heretofore, the courts have said that interstate commerce ends when goods come to rest in the State of destination. While it is true that the Supreme Court in the recent case of Atlanta Motel against United States diluted that rule when it upheld the public accommodations title of the 1964 Civil Rights Act, it did so only with reference to commercial establishments which were using interstate goods for profitmaking resale. Here, we are talking about private dwellings where interstate goods have left the channels of commerce and have changed their status from personalty to realty. Only by the most devious and artful rationale can the interstate commerce clause be urged as a proper constitutional connecting link.

Neither can the 14th amendment operate as a constitutional basis unless we are to ignore or repudiate its explicit language. That language reads in part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

In times past, the courts have uniformly held that the proscriptions of the 14th amendment apply to State actions only and not to actions by private citizens. Even the decision in Shelley against Kraemer, on which the proponents of this legislation rely most strongly, clearly states:

> That amendment erects no shield against merely private conduct, however discriminatory or wrongful.

In the face of such plain constitutional language and such unequivocal interpretations by the courts, the proponents have strained mightly to have housing discrimination by a private citizen relate back to some action by the States. One sentence from their so-called constitutional memorandum illustrates their argument:

> Perhaps the principal impetus to housing discrimination * * * was legal recognition and judicial enforcement of the racially restrictive covenant.

Prior to the Supreme Court's decision in Shelley against Kraemer in 1948, State courts recognized the validity of such covenants in real estate deeds. This, the proponents argue, constituted State action. Such action promoted the pattern of residential segregation which became established prior to 1948. These patterns, the argument continues, encouraged private citizens to discriminate in private sales, and this private discrimination had continued down to the present. Therefore, they say, when a private citizen discriminates in the sale of his private home today, it is because of State action 20 years ago, and accordingly the 14th amendment should be invoked.

During my short life I have owned three homes. The deed to none of them contained a restrictive clause. If the rationale is made that because restrictive clauses existed with the color of law 20 years ago, certainly they did not apply to the homes I have owned over this period.

Another sentence from the memorandum is revealing:

> A further reason for congressional intervention is that housing discrimination * * * is maintained today, not by a series of independent individual decisions, but by pervasive customs, practices, and attitudes that have the practical force of law. In these circumstances, the coercive effect of the custom may be treated as constitutionally equivalent to official action.

As I read that statement, it says there is no reason for a Congress, there is no need for State legislatures; all we have to do to create law in this country is to have a group of people in a particular community seem to be acting the same way, seem to be taking the same point of view on a particular problem, and the fact that they seem to be taking the same view, without any demonstration that there was an actual agreement among them, creates the situation, to use the words again, "constitutionally equivalent to official action."

I cannot think of any way in which an idea can be strained and distorted more effectively.

To paraphrase that sentence would be to say that the customs, practices, and attitudes of private citizens are the same thing as State action, and therefore, whenever a private citizen discriminates in the sale of his home, the 14th amendment against State action justifies congressional action against the private citizen. Such a threadbare thesis, I submit, indicts the very proposition it intends to justify. It is its own best witness to the poverty of its logic. It exposes the frustrations of those who have searched the Constitution vainly for the authority they want to change the property laws which this Nation has honored since its founding.

Not only is there nothing to be found in the Constitution to justify this change, there is much to be found which reasons against it. As Mr. Justice Douglas, hardly a conservative extremist, has said:

> The Bill of Rights, as applied to the States through the due process clause of the 14th amendment, casts its weight on the side of the privacy of the home.

Indeed it does. The third amendment protects private homes against the quartering of soldiers. The fourth amendment protects private homes against unlawful searches and seizures. The 9th and 10th amendments reserve to the people all unenumerated rights and all powers not delegated to the Federal Government.

Having considered the legal foundations on which title IV is predicated, let us now consider the content, application, and consequences of the title. Who is covered? What is covered? What are the consequences of coverage?

COMPREHENSIVE ANALYSIS OF BILL

One of the best analyses which I have seen in regard to H.R. 14765, was prepared by the National Association of Real Estate Boards, and was forwarded to me in a letter from Alan L. Emlen, chairman, Realtors' Washington Committee, under the date of September 1, 1966. At this point, I should like to read Mr. Emlen's letter into the RECORD. It is addressed to me. He says:

> DEAR SENATOR BENNETT: This Association has had an opportunity to study Title IV of the bill, H.R. 14765 the Civil Rights Act of 1966 as approved by the House on August 9, and is of the opinion that it is more oppressive and onerous than the original measure introduced in the Senate and House of Representatives at the request of the Administration.
>
> We arrive at this conclusion after weighing most carefully the amendments added by the House Judiciary Committee and subsequently The House of Representatives. The amendments have been hailed by their sponsors, and a considerable segment of the press and public as representing a so-called "watered down" version of Title IV. We set forth herein the basis for our belief that Title IV in its amended version is a more oppressive version than the original measure.
>
> Our comments on the changes made by the House must be viewed in the light of the powers, both expressed and implied, which repose in the Fair Housing Board established pursuant to section 408 of H.R. 14765.
>
> For example, H.R. 14765 is hailed as a bill which would preserve the traditional and impregnable concept that "a man's home is his castle". This would be done by permitting the home owner freedom of choice in selling his home and permitting him to engage the services of a licensed real estate broker. However, the home owner's freedom of choice would become a reality, under Title IV, only if he conveyed specific written instructions to his broker indicating the owner's exercise of preference in choosing those with whom he would contract. The Fair Housing Board by regulation could require that such instructions, in addition to being in writing must be in affidavit form and filed with the Fair Housing Board. Freedom so circumscribed is not freedom in the American tradition.

Can you see a man who has suddenly been notified that his boss is moving him to another city, he has got to sell his home, he advertises it, and—this is almost unthinkable—the next morning, a buyer appears at his doorstep, accompanied by a real estate agent, and he has to say to him, "No, I can't sell to you until I file in writing with the Fair Housing Board a list of the instructions that I am going to give to the broker under which the house can be sold"?

> This is by no means an exaggeration of the power vested in the Fair Housing Board or the Secretary of Housing and Urban Development who, with full subpoena power, could launch an investigation of any individual even in the absence of a written complaint that an act of discrimination had occurred.
>
> Now with respect to the specific substantive changes made by the House.
>
> 1. THE CHILDREN'S AMENDMENT
>
> The prohibition against discrimination because of the number of children or the age of such children will result in a change in the method of determining rents and will inevitably react against the interests of families with children. Under section 403(a) (1) a property owner would be unable to deny the rental of a two bedroom apartment unit to a family with four or six children. We have discussed this amendment with officials of our affiliated Institute of Real Estate Management and they are unanimous in the belief that should Title IV be enacted in the form in which it passed the House that all rentals would be based on the number of persons occupying the premises, whether they are adults or children. This would avoid the penalties of Title IV and would result in high rents for families with children.
>
> Under paragraph (3) of section 403(a) a property owner would be unable to advertise that he has units available for rent with a preference for adults only or for elderly persons.

While I was in Utah last, I became involved in a problem in which some of the members of my family had to find a home for an elderly woman. I was interested in seeing how many advertisements there were in the papers which specified that the people had rooms for rent for men only. I suppose, if title IV were enacted, that would be a violation of the law.

> Probably the mildest one word description of the children's amendment is "fantastic". If paragraph (2) would prevent a property owner from basing rent on the number of persons occupying the premises, then the children's amendment would inevitably destroy the rental housing industry. Multifamily financing is speculative at best and investors would not participate in multifamily construction in the light of the provisions of Title IV even were the children's amendment to stand alone.
>
> 2. MAKING AN ORAL STATEMENT INDICATING PREFERENCE
>
> The House added some rather significant language to section 403(a) (3) by proscribing the "making" of an "oral" statement indicating any preference, limitation, or discrimination, etc. It is one thing to prevent the publication of a written advertisement indicating a preference; it is decidedly more significant to proscribe the "making" of an "oral" statement by a real estate broker. For example, a statement to a Jewish family that a house in question is conveniently located near a Jewish community center could subject a broker to action by HUD, the Fair Housing Board, or the courts, or all three.

I wonder if it would be legal to inform a possible renter or buyer with a family that the house was located only a block and a half from a school.

> 3. FAILING TO USE BEST EFFORTS
>
> The House also added in section 403(a) (4) penalties for a broker "failing to use his best efforts to consummate any sale, rental, or lease because of race, color, religion, or national origin". This makes the paragraph, in effect, a malpractice statute directed at the real estate broker. Members of licensed professions may be penalized through civil action for negligence but there is no state licensing law or federal administrative rule or regulation which even suggests a penalty for the failure of a business man or professional to "use his best efforts". If a member of a minority group were to list a home with a broker and the broker were to fail to sell the home within the life of the listing contract, the member of the minority group would have a cause of action under this paragraph in addition to any rights he might have under the listing contract. This is not anti-bias language; this is truly language designed to oppress a segment of the business community and is a major count in our indictment of the House approved bill as a measure more onerous than the original bill introduced at the request of the Administration.
>
> 4. THE "CATCH ALL" PROVISION
>
> Paragraph (7) was also added by the House. This makes it unlawful to "engage in any act or practice the purpose of which is to limit or restrict the availability of housing to any person or group of persons because of race, color, religion, or national origin, or number of children or the age of such children." This is a blanket provision which would give HUD, the Fair Housing Board, the Attorney General and the courts jurisdiction over any act which does not come within the proscriptions in the preceding paragraphs of section 403(a). The penalties for acts of criminal contempt arising out of any violations are such as to dictate a greater degree of certainty so that a person might be apprised that if he pursues a certain course of action he would be subject to the penalties of law. When one reflects on the powers vested in HUD and the Fair Housing Board under section 409, the mandate of paragraph (7) of section 403(a) is clear and unmistakable that any member of a minority group (that is of a minority to which the broker, builder, or owner, does not belong), must receive preferential treatment in order to avoid the consequences of civil or criminal contempt.
>
> 5. DAMAGES
>
> The original section 406(c) was amended by the House presumably in order to remove the possibility of any assessment of damages for "humiliation, mental pain and suffering" and "$500 punitive damages". However, the

new language accomplishes the same oppressive purpose with the use of seemingly milder language. Thus the new language provides that the court may award "actual damages to the plaintiff". However, damages for humiliation, mental pain and suffering have been held to be "actual damages". The new section 406(c) also provides for liquidated damages to be determined by the amount which "the defendant has received or agreed to receive as compensation for services during the course of which the discriminatory housing practice occurred". Does this mean the builder's profit on a housing development, the salary of the rental agent, the commission earned by the broker or salesman? Could the action of a seeker of housing accommodation or a broker demanding the use of facilities of a real estate brokers office or the facilities of a multiple listing service (see section 403(6)), result in liquidated damages to the extent of the earnings of the broker or the net income of the multiple listing service?

6. THE FAIR HOUSING BOARD

We view the provisions of section 408 creating the Fair Housing Board and vesting the Department of Housing and Urban Development with broad investigative powers as so onerous as to outweigh any of the ameliorating provisions inserted by the House Judiciary Committee and later the House in its consideration of Title IV.

When this section was approved by the House Judiciary Committee the Fair Housing Board was hailed by its sponsors as a conciliatory mechanism which would keep controversies out of the courts and reduce litigation to a minimum. Yet the word "conciliation" does not appear in section 408 nor is there any language which even implies that conciliation is its objective.

It is modeled after the National Labor Relations Board yet the investigative powers vested in the Secretary of Housing and Urban Development includes powers of subpoena and investigation even in the absence of a complaint. Section 408 incorporates by reference numerous provisions of the United States Code relating to the National Labor Relations Board and presumably brings into play the numerous court decisions; for these will surely be interpreted as widening the powers of HUD and the Fair Housing Board as these decisions did for the National Labor Relations Board.

It would be extremely naive for anyone to assume that Title IV, as approved by the House, represents even a modicum of satisfaction on the part of the proponents of an all encompassing forced housing law. Should Title IV, as approved by the House, be cleared by the Senate and signed into law, the ink will not be dry on the President's signature before the Civil Rights Bill of 1967 will begin to take shape.

Thus in our considered opinion the Senate is not being asked to vote on a final so-called compromise version of an open occupancy statute, but in reality a first installment. Enactment of Title IV involving new construction and multi-family housing does not remove the homeowner and the owner of a one- to four-family rental structure from the target area; indeed, the enactment of the limited Title IV will serve as the catalyst for perennial concerted efforts to enlarge its scope to bring all homeowners and owners of rental property within the reach of the Federal Fair Housing Board's writ.

If we have any doubt of this, we should consider the action the Senate took yesterday in practically eliminating all exceptions to the minimum wage bill.

When the bill was originally passed, many people were excepted. However, there are now probably only a few hundred thousand.

I continue to read from the letter:

The United States Senate stands athwart the ambition of those who would tempt the United States Supreme Court to rewrite the Constitution so as to make an American an unwilling partner to a contract involving the disposition of his privately-owned residential real property. Rejection of Title IV by the Senate will sound a most heartening note—a note unheard for more than a generation—that there are some deeply-rooted Constitutional guarantees that cannot be erased even under the apparently magic tocsin of "civil rights".

Respectfully yours,

ALAN L. EMLEN,
Chairman,
Realtors' Washington Committee.

Up to this point, I have discussed my objections to title IV of the bill. Let me turn for a moment to certain other features of the bill which I think are objectionable if not unconstitutional.

TITLE I—FEDERAL JURIES

Title I contemplated elimination of discrimination from Federal juries. However, the proposed means for achieving this end represents a patent example of "throwing the baby out with the bath water." By eliminating the use of the traditional preliminary questionnaires, persons normally disqualified or exempt from jury duty will be placed in the "master jury wheel," selected, and required to come to court only to be excused. This will not only cause a waste of time in an already slow judicial process, but will also result in a spiraling of court costs.

Still more objectionable is the selection process of Federal juries. On the one hand, the bill requires jurors to be selected at random from voter registration lists, while on the other it recognizes that a juror must be able to read, write, and understand English. Inasmuch as the 1965 Civil Rights Act abolished literacy tests for voters, it is a foregone conclusion that many voters—voters whom this bill contemplates being selected for jury service—will nevertheless be disqualified as illiterate. This will cause more wasted time and will create bitter disappointment which may likely be manifested by further unrest and even riots in the street.

Under both the Federal and State constitutions, jury service has traditionally represented a duty imposed only when a citizen meets certain qualifications, whereas voting represents a right. The citizen may exercise his voting right wisely or foolishly—indeed may ignore it completely. But no such individual willfulness or personal impunity attaches to the jury burden. The duty and right in these cases are simply not analogous.

TITLE II—STATE JURIES

Title II seeks to deal with alleged discrimination in State jury selection. For over 100 years it has been illegal for States to discriminate by reason of race. Consequently, title II represents an unwarranted and unneeded invasion into States rights. Section 201 declares that no State may base jury selection on "economic status." This would invalidate the requirement in many States that jurors be property owners.

It has always been recognized that jury duty could be imposed by the State only if the citizen met the State's qualifications. For instance, 10 of the 13 Original Colonies required their jurors to hold property, either real or personal. Today's litigation far surpasses that of the 18th century in complexity; yet, the administration's bill would require less responsibility from a State's jurors than was demanded in 1789.

TITLE III—INJUNCTIVE POWER

In title III, the Attorney General would be empowered with authority to institute his own action unsupported by formal complaint, whenever, he feels he has "reasonable grounds," whatever that means. The remedy he would seek is the injunction, the most powerful and often the most abused of all legal remedies. This would give the Attorney General power to intervene without a formal complaint based on something as vague as "reasonable grounds." This provision is a stark contradiction of our Anglo-American concept of jurisprudence based on the "preponderance of evidence" and trial by jury.

It has always seemed a little incongruous to me that the men who support a bill which contains such broad injunctive power for the Attorney General fight very hard to protect labor unions from any use of such injunctive power.

This bill would make sweeping changes in both the Federal and State jury systems without any adequate consideration of the effects or desirability of such changes. The bill would create new crimes in language so vague and complicated that no one can say for certain just what it means. This bill would invite and actually subsidize, a flood of litigation consisting substantially of nuisance injunctions and grudge suits.

LAW GROUPS NOT CONSULTED

These changes would be brought about without ever having sought or considered the views and opinions of the American Judicature Society, or the American Bar Association, or the Administrative Office of the U.S. Courts, or any judicial conference.

This bill embraces the principle that a man may be punished, may have sanctions applied against him, may be deprived of substantial rights, without a trial by jury. This is contrary to all the basic principles of justice which we hold dear.

As a nonlawyer, I admit I am not qualified, as I said in the beginning, to give final and valid opinions on the constitutionality of such drastic revisions in basic law. However, it seems to me that the dangers are so obvious that even those of us who are not trained in the law can see them. Thus, it seems that the proposed change would strike fear in the hearts of every property owner in the United States of America.

Mr. President, without any hesitancy I voted against cloture on H.R. 14765 yesterday and will do it again on Monday, when it comes up. I do so with complete faith that the majority of the people of my State of Utah, as well as the people of the other 49 States, would oppose this legislation if they could see it clearly and could get an oportunity to understand it.

I hope this bill will be rejected, and that in the course of the discussion, the understanding of the dangers involved will become so clear to the American people that if and when it is brought up again in 1967, the will of the people will be made known to us more clearly and more swiftly than has been the case today. I hope that this bill not only will be overwhelmingly defeated, but also that it will be confined to that limbo which all such bills so richly deserve.

Mr. President, I yield the floor.

Mr. HART. Mr. President, I wish to make one comment on the closing note of the Senator from Utah.

The will of the majority of the Senate having been freely demonstrated yesterday that we want to take up this bill, I hope very much, that respect will be paid to that majority attitude in the Senate on Monday, also.

Mr. BENNETT. The Senator from Utah is inclined to make the observation that this bill, which is presumably intended to protect the rights of a minority, is, in the Senate, running up against another law which protects the rights of a minority. So I think we are on both sides of that problem.

Mr. FANNIN. Mr. President, for the third time in 3 years, the Senate is confronted with a civil rights bill. Whatever justification there may have been for the previous legislation, there is clearly none for the bill we are asked to consider now.

It has been a long, hot summer. We are now into the ninth month of this session. As a practical matter, the calling up of this civil rights bill is a senseless and empty gesture.

It is time for plain talk, Mr. President. We ought to dispose of the few essentials that remain on our agenda and adjourn.

It strikes me as the height of irony that we should be required to repel an assault on our Constitution here at home while we are engaged in a grim struggle against Communist aggression in southeast Asia.

Surely, the administration must recognize by this time that the overwhelming majority of the American people oppose any further tampering with our Constitution.

Surely, the administration is aware of prevailing sentiment, both in the Senate and among the people of this country, regarding the sanctity of private property.

And surely the administration must know that even if this bill were passed, it would not provide improved housing for those who need it.

Why, then, are we being subjected to this exercise in futility? It is a politically inspired and politically motivated maneuver calculated to appease—at least temporarily—a small but vociferous minority.

If the object of the administration in pressing this legislation at this time is to force a public expression of views by Members of the Senate, then let me say that I welcome that challenge.

So that there will be no mistake, I want to say that I am utterly opposed to this bill in its entirety.

With or without the open housing section as amended by the House of Representatives—and regardless of any attempt that may be made to make it more palatable with semantic changes—I shall remain firmly opposed to its consideration.

I am in complete agreement with many of my colleagues on both sides of the aisle, that fundamental constitutional principles would be violated by this legislation.

Each Member of the Senate is under a sworn obligation to uphold the Constitution of the United States. Each of us must approach legislative decisions on the basis of his own understanding of the language and intent of the Constitution and according to the dictates of his own conscience.

I shall resist this legislation because I am firmly convinced it does violence not only to the Constitution but also to one of the most cherished concepts of a free people.

Just before the American Revolution, John Dickinson wrote the following words:

> Let these truths be indelibly on our minds—that we cannot be free without being secure in our property—that we cannot be secure in our property if, without our consent, others may, as by right, take it away.

John Adams expressed it even more succinctly when he said:

> Property must be secured, or liberty cannot exist.

There can be no compromise on this principle. It is not something we can tinker with.

Even so, let us assume for purposes of discussion that no constitutional issues were involved in this bill. Many valid arguments against it would remain. Among them certainly is the question of timing.

This Nation is now experiencing a sordid period of upheaval and turmoil that is ripping the fabric of our entire social order. Ugly outbreaks of racial violence and mass rioting are exploding around the country with sickening frequency.

Laws that are supposed to protect citizens against attacks on their person or property are being violated with impunity—and those responsible for the outrages are rarely punished.

To our sorrow and anger, we have witnessed what happens when unprincipled demagogs and agitators are permitted and even encouraged to arouse racial passions.

We have seen what happens when false hopes are fanned among the disadvantaged elements of our population by scheming leaders bent on political or personal profit.

It must be said that some of the highest ranking leaders of the Nation, including some Members of Congress, are not without blame in this situation. No matter how well intentioned, their repeated efforts to solve moral problems by legislative action have contributed to social unrest and disorder.

Passage of this legislation would not reduce racial tension, Mr. President. On the contrary, it would further inflame an already dangerous public climate.

It should be obvious by now that the American people deserve a respite from this constant and often hypocritical harping on racial matters. In the slang of the ghetto, everybody ought to "cool it."

Instead, this administration is insisting that the Senate must stage another dreary and pointless performance in the sanctified name of civil rights.

Few Americans are deceived by all of this, and I earnestly hope the administration will soon realize it.

Mr. President, I should like to read a resolution that was passed by the Arizona Association of Realtors, in Phoenix, Ariz.:

A Resolution of the Arizona Association of Realtors, Phoenix, Ariz.

Whereas the Arizona Association of Realtors has officially gone on record as being opposed to racial, religious or ethnic discrimination in all areas, particularly in the ownership and enjoyment of real property, and are committed to that end, and

Whereas the Arizona Association of Realtors has always espoused the right of all men, regardless of race, color or creed, to contract for, own and enjoy their homes, upon which right our great country was founded and has prospered, and

Whereas the principles of freedom to contract, by all our citizens, is seriously endangered by certain legislation now introduced into the Congress of the United States, and

Whereas the right of our citizens to own, enjoy and contract for private real property has been the main bulwark in our battle against Communism, it being a fact that nowhere on earth has a country fallen under Communist domination until that country had first deprived its people of those rights: Now therefore, be it

Resolved, That the Arizona Association of Realtors considers Title IV, H.R. 14765 as introduced into the House of Representatives, and Title IV, S. 3296 as introduced into the U.S. Senate, to be abhorrent to the fundamental truths upon which our democracy has endured and prospered; be it further

Resolved, That the right of freedom to contract is sacred to all men and legislation designed to deprive any citizen of that right is not in the public interest and is detrimental to the long range interests of minority groups.

Therefore, the Arizona Association of Realtors, in the interest of justice for all, strongly urges the defeat of Title IV, in both H.R. 14765 and S. 3296.

Unanimously adopted on this, the twenty-first day of May, One Thousand Nine Hundred and Sixty-Six, A.D.

Keith Winn,
President.

Attest:

W. J. B. Schimfessel,
Secretary.

Mr. President, I have another resolution that was passed by the Tucson Board of Realtors, Inc., of Tucson, Ariz. The resolution reads:

A Resolution of the Tucson Board of Realtors, Inc.

Whereas the individual members of the Tucson Board of Realtors are pledged to protect the individual right of real estate ownership and to widen the opportunity to enjoy it; and

Whereas the Tucson Board of Realtors has officially adopted a Statement of Policy as being opposed to racial, religious or ethnic discrimination in all areas, particularly in the ownership and enjoyment of real property, and are committed to that end; and

Whereas the Tucson Board of Realtors espouses the right of all men, regardless of race, color or creed, to contract for, own and enjoy their homes, upon which right our City has prospered; and

Whereas the principles of freedom to contract, by all of our citizens, is seriously endangered by certain legislation now introduced into the Congress of the United States: Now, therefore, be it

Resolved, That the Tucson Board of Realtors considers Title IV, H.R. 14765 as introduced into the House of Representatives, and Title IV, S. 3296 as introduced into the United States Senate, to be abhorrent to the fundamental truths upon which our democracy has endured and prospered, and upon which truths our City has remained the abode of free men; be it further

Resolved, That the right of freedom to contract is sacred to all men and legislation designed to deprive any citizen of that right is not in the public interest and is detrimental to the long range interests of minority groups.

Therefore, the Tucson Board of Realtors, in the interest of justice for all, strongly urges the defeat of Title IV, in both H.R. 14765 and S. 3296.

Adopted this 9th day of June, 1966, Tucson, Ariz.

BUDD KRONES,
President.

Attest:

EDWARDYNE HENDERSON,
Secretary.

Mr. President, I wish to read an editorial that was published in the Arizona Republic newspaper of August 10, 1966, entitled "Civil Rights Act of 1966."

CIVIL RIGHTS ACT 1966

Last spring, President Johnson proposed a bill to ban racial discrimination in the sale or rental of all housing.

This extreme proposal was sidetracked when the House Judiciary Committee recently moved to exempt from federal legislation 60 per cent of the nation's housing units. Now the Civil Rights Act of 1966 has settled down to a battle to see whether the remaining 40 per cent of public housing can be brought under federal law.

The irony is that the other sections of the proposed Civil Rights Act have overwhelming support. These include sections to end discrimination on state and federal juries, to permit injunctions against anticipated racial violence, and to broaden criminal laws against racial violence and intimidation.

These sections are, by definition, worthy of congressional support. The only arguable question is whether the federal government is legally or morally right to outlaw racial discrimination in the sale or rental of large apartment houses, and individual homes built and sold by commercial real estate interests.

Admittedly the major objection to the anti-discrimination proposal—that a man's house is sacrosanct, and therefore should not be subjected to federal interference or legislation—is no longer applicable. Under terms of the compromise agreement, individual home sales by the owner, and owner-occupied apartments and boarding houses of four family units or less, are exempted.

But what about the person who moves into a new house before he can sell the house he just moved from? Is it fair to prevent him from selling his home to anyone he wants, and to open him up to federal prosecution, simply because he is no longer living on the property he wants to sell?

Inasmuch as the right to sell is as important as the right to buy, is it fair to prohibit a homeowner from discriminating—that is, deciding to whom he will sell his property—simply because he employs a real estate broker (brokers are still prohibited from any discriminatory practices)?

This is the dilemma. For the greater portion of the civil rights bill is just, fully deserving of congressional support. But should a congressman vote for a bill which while predominantly equitable, contains obvious encroachments on the right to own private property and to dispose of that property as one sees fit?

There is no easy way to answer that question, despite congressional oratory designed to convince listeners that justice clearly lies solely on one side. But it is worth noting that by rejecting the extreme proposal offered by the administration, the majority of congressmen indicated that they still retain respect for private property. As well they might, since historically it has been a bulwark against government despotism.

Mr. President, I wish to refer to another editorial published in the Arizona Republic newspaper of Sunday, June 5, 1966, entitled "Law and Private Property."

LAW AND PRIVATE PROPERTY

Sen. EVERETT M. DIRKSEN, whose efforts figured heavily in passage of previous civil rights legislation, has courageously declared that he will not compromise his opposition to the administration's proposed law banning racial discrimination in the sale or rental of housing.

Those who favor such a law are busy depicting opponents as everything from racists to materialists far more concerned with property rights than with "human rights" (without stopping to consider that the right to own property is a paramount human right). What they ignore is that the Supreme Court historically has held that no man has the right to determine the conditions under which another man can sell or dispose of personal property.

As California Supreme Court Justice Thomas P. White said in his dissenting opinion on that state's Proposition 14, "Nothing in the federal Constitution gives one citizen the right to acquire property from another who does not wish to sell it to him even if the refusal is based on race or religion."

Despite the noble banners under which advocates of "open housing" parade, an attempt to prohibit discrimination by race, color or creed in the sale or rental of any building constitutes a direct assault on individual freedom. And it is an assault which should concern even those who are most actively pushing for the law.

For a government powerful enough to prevent a citizen from disposing of his property as he sees fit, even if he sees fit to rebuff a particular racial or religious minority, is powerful enough to prevent a citizen from even acquiring private property. It is no exaggeration to say that the distance from the one law to the other is very short indeed.

What, after all, is "private" about property one cannot do with as he pleases? Does not freedom imply the freedom to make a fool of oneself, just so long as in the process of making a fool of himself, one does not injure innocents?

From the time of Aristotle, every source of law—natural, customary, and conventional—sanctioned private property. The great documents of the democratic revolutions—in the 17th and 18th centuries, in France, England, and America—consider property rights as being equal to such other liberal rights as freedom of speech, press, and assembly.

Johns Hopkins Prof. Gottfried Dietze has noted that it wasn't until this century that social legislation, originally attacking free property on humanitarian grounds, came to restrict property on pseudo-humanitarian grounds. More recently, legislation interfering with private property has been passed without any pretense of ethical motives; the individualistic concept of property is increasingly being replaced by a social one.

We side with Senator DIRKSEN, who said: "I do not believe there can be any compromise on the constitutional right of an individual to decide for himself to whom he wants to rent or sell his property. The federal government has no legal right to interefere."

To which we would add only that the federal government has a moral right not to interfere.

Mr. President, Thurman Sensing is a syndicated columnist and under the headline "Sensing the News—Threat to the Home," he writes as follows:

SENSING THE NEWS—THREAT TO THE HOME

(By Thurman Sensing)

For centuries, law in the Anglo-Saxon world has regarded a man's home as his castle. Long experience with tyrannical rulers taught English-speaking people that a home is deserving of special protection in the eyes of the law. It is at the threshold of one's home that tyranny must be resisted. This has been the reasonable conclusion of millions of freedom-loving people over many generations.

But if the Johnson administration has its way, a man's home will be just another unit of housing subject to federal supervision and regulation. To be sure, to some Americans it may sound right to have a law that bans discrimination in the sale or rental of private homes. Filled with the synthetic idealism created by the "civil rights" movement, they may conclude that government can and must make the ultimate decisions governing private property. But people who have this idea, in effect are proposing that cherished ideals of personal freedom be abandoned in an effort to conduct a social crusade.

Americans have a right to conduct personal crusades for causes, no matter how unwise they may be. But it is wrong for the public to countenance the sacrifice of fundamental freedoms in the advancement of these fashionable political causes.

The sale or rental of a home is a very personal decision. For most people, their home is a cherished possession. They may have spent many years building and improving it. They don't therefore, want to sell or rent to just anyone. In seeking a buyer or a tenant, the homeowner may have one of a hundred different ideas as to who is the ideal person to rent to or sell their property.

The owner of a piece of residential property may feel that he has an obligation to his neighbors. Many neighborhoods are close-affairs. People living near each other on a street may have developed friendships over the years. They may be united in an effort to improve their neighborhood, to keep it free of undesirable citizens who lack a sense of responsibility. When these owners rent or sell, they want to be sure that the people who occupy their home will fit into the neighborhood and contribute to the happiness and well-being of old friends.

But the Johnson administration shows no concern for these legitimate desires and real concerns of American owners. The Great Society cares not a whit for the feelings of people in such a situation. A home is just a unit of housing to the federal planners. And the homeowners' interests are to be treated with the contempt that is customary in the handling of the ordinary citizen by the entrenched bureaucrat and social planner.

The Johnson administration plan for regulating the sale and rental of private property is more than thoughtless and inconsiderate, however. It is a fundamental invasion of historic rights. Senator EVERETT DIRKSEN, Republican, of Illinois, has termed the plan unconstitutional. So it is. Certainly, the American design of government makes no allowance for a system of federal inspectors

> charged with ruling on a homeowner's action in selling or renting his property.
>
> This housing provision of the Johnson administration's "Civil Rights" legislation could be enforced only through the exercise of injustice. Why is that? Because federal inspectors or appraisers of sale and rental transactions would have to read a motive into every refusal to sell or rent. The federal bureaucracy is powerful all right, but it has no competence in searching the hearts of people. No official in truth can determine whether Mr. X declined to rent or sell to Mr. Y because of this or that reason.
>
> It is time for the country to again recognize that property rights are human rights. If a man can't decide what he wants to do with his home, he hasn't any significant freedom. The Great Society's home sale and rental proposal simply doesn't belong in a free society.

Mr. President, I should also like to read into the RECORD what Mr. Justice Joseph Story of the U.S. Supreme Court said, in 1829:

> That government can scarcely be deemed free where the rights of property are left solely dependent upon the will of a legislative body without any restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and private property should be held sacred.

Mr. President, on May 13 of this year in the Wall Street Journal, there was published an editorial entitled "Civil Rights Wholesale."

I should like to read that editorial into the RECORD:

> When he sent the latest civil rights message to Congress, President Johnson said new legislation must be on a broad scale rather than restricted to specific problems like voting. This week Chairman CELLER of the House Judiciary Committee was if anything more emphatic: "We must deal in wholesale and not retail measures."
>
> We find the reasoning dubious, even dangerous, and the so-called open housing provision of the new Administration bill tells why. It's wholesale, all right.
>
> The provision would prohibit discrimination in the sale or rental of any house or vacant land intended for housing anywhere in the country. Allegedly aggrieved persons could bring punitive damage suits in Federal court. In addition, the Attorney General would be authorized to bring civil suits to ensure compliance or to intervene in private suits.
>
> That some people do refuse to sell a house solely on racial grounds is not in question, and perhaps they are wrong-headed. On the other hand, plenty of homeowners evidently don't take that consideration into account. But whatever the specific case, the open housing provision is demonstrably unfair to the majority of Americans.
>
> It means any homeowner could be caught up in costly, lengthy, litigation, trying to prove that he didn't refuse to sell because of race. In view of the notorious "blockbusting" tactics—where real estate operators deliberately zero in on a white neighborhood—that have already been employed in various places, it is a bludgeon that could be used to punish most unjustly a great many people and disturb the peace of whole communities.
>
> On the level of principle, the open housing provision tears to shreds the traditional right of a homeowner to sell or not sell for his own private reasons or simply on impulse.
>
> You may agree or disagree with the action of the California Supreme Court in overturning a state constitutional amendment prohibiting the state from abrogating a person's right to sell or rent as he, in his absolute discretion, chooses. The point is that the amendment was originally approved two to one by California voters, and the reason for the large margin is that it expresses what the U.S. has always, until recent years, regarded as a fundamental human right.
>
> The California court insisted that the right to acquire and possess property of every kind without discrimination "is now beyond dispute." If so, what of the right of everyone to dispose of property however he sees fit?
>
> Beyond that question, it must be asked where the Federal Government gets the authority to sweep into a private home and tell the owner what he has to do. Senator DIRKSEN calls the Federal open housing proposal absolutely unconstitutional, and common sense argues that he is on sound ground.
>
> The Administration counters, in part, that it is Constitutional because of the interstate commerce clause. What's the connection? Because some of the items in the construction or furnishing of the house probably crossed state lines? This kind of contention twists that poor clause beyond recognition and should be beneath the dignity of any Government official.
>
> Perhaps the most depressing aspect of such legislation is the social philosophy from which it emanates. Suddenly it's all wrong to pursue the ancient aspirations of succeeding and excelling. Wrong to want to move to a place where the neighbors will be congenial, or to get away from one where they are not. Wrong to want anything beyond the horizon of the lowest common denominator. No wonder some individualists feel like stopping this world and getting off.
>
> Governmental authorities, we have frequently said, have an obligation to do what they can to ensure that Negroes enjoy the same rights as all other citizens. They have no right to discriminate against the majority. And when they try to legislate personal decisions, they do wholesale injury to a free society.

I should also like to refer to an editorial by James J. Kilpatrick in the Washington Star of January 20 of this year, entitled "Civil Rights and Private Property." It reads:

> In his State of the Union address a week ago, the President proposed three civil rights measures of profound importance. The first has to do with jury selection, the second with the creation of certain new federal crimes. This is the third:
>
> "I propose," said Johnson, "legislation resting on the fullest constitutional authority of the federal government, to prohibit racial discrimination in the sale or rental of housing."
>
> It is useful to remark, in passing, upon the President's careful choice of words. He implicitly recognizes, or so it would appear, that he has raised a grave question of law. Just how full is this "fullest constitutional authority of the federal government" in the sale or rental of housing? What power does the Congress have to pass a law regulating any of the terms and conditions by which a man sells or rents his own home?
>
> In the conservative view, the answer is plain. The Congress has no power whatever in this field. But it may be that many liberals share this view also, for here the President creeps up on a massive invasion of personal rights that liberals have cherished no less than conservatives.
>
> This is a far different matter from "public accommodations." In writing Title II of the Civil Rights Act of 1964, the Congress had at least an arguable rationale under the commerce clause. Thus the Heart of Atlanta Motel could not discriminate against tourists traveling in interstate commerce; and Ollie's Barbecue in Birmingham could not pursue a policy that, cumulatively, would affect the sale of beef and pork from Missouri. The legal reasoning behind the "equal opportunity" section of the 1964 act extends the theory of wage and hour legislation under the commerce clause.
>
> The mind boggles, however, at the thought that the commerce clause might somehow be invoked to prevent discrimination in the sale of a house. There may be a national commerce in tourists, and a national commerce in meat, and even a national market in labor, but the sale of a house is about as local as commerce can get. It would require a fantastic revolution in the law to hold that because bricks, wires, pipes, nails, and shingles move in interstate commerce, the sale of a private dwelling house therefore becomes subject to federal regulation.
>
> A more likely approach would extend the thinking behind the late President Kennedy's famous executive order of Nov. 20, 1962. This undertook to prohibit racial discrimination in the sale, rental, use or occupancy of four classes of housing. These included (1) housing owned or operated by the federal government; (2) housing provided "in whole or in part with the aid of loans, advances, grants or contributions made by the federal government"; (3) housing provided "in whole or in part by loans insured or guaranteed" by federal agencies, and (4) housing provided as a result of federally subsidized slum clearance or urban renewal projects.
>
> The executive order of 1962 exempted the sale of private homes under conventional financing. It stopped short of controlling ordinary loans by banks and by savings and loan associations. Now the assumption is that Johnson's new bill will seek to extend the theory of Kennedy's executive order, by outright legislation, to any financing touched by federal deposit insurance or by general federal regulation.
>
> Can so remote and tenuous a federal interest be converted into an operative federal power to compel the integration of apartment houses and neighborhoods? A great many constitutional authorities doubt that any provision of the Constitution can be stretched to this extent.
>
> While much of the Kennedy order may be defensible under the power of Congress to regulate federal grants and loans, the 1962 order remains subject to attack as an executive invasion of the legislative power. Remarkably, the 1962 order never has undergone full-scale judicial review. Johnson now proposes a statute, not a further executive order, but any federal law that attempts to link mere deposit insurance to the sale of private property will set off an explosive controversy. Even those persons most sympathetic to the needs and aspirations of the Negro may want to hesitate before embracing this concept.
>
> It has been settled since Buchanan v. Warley, in 1917, that no power of government can prevent a man from selling his house to a Negro buyer if he wishes. The landmark case of Shelley v. Kraemer merely reinforced this rule. These were wise decisions, in the purest tradition of private property rights. What is now proposed is to turn this doctrine around, and to invoke the powers of government to compel a man to sell his house to a Negro buyer against his wishes.
>
> Granted, this is not a novel idea. A score of states have adopted "open occupancy" housing laws to this general effect. But these are state laws, resting upon a different constitutional basis. A federal law involves other powers, sets other precedents, and opens very different doors to federal control over the decisions of Americans everywhere.

Mr. President, I refer now to another editorial, by Holmes Alexander, a well-known syndicated columnist, entitled "As

I See It—Something's Wrong." It reads as follows:

Most of the great statesmen between the Revolutionary and Civil wars regarded Negro slavery as a moral and political evil, but not so great an evil as American disunion.

One difference between those days and these is that the dominant statesmen, headed by the President and the floor leaders of both parties in both the legislative houses, have gone over to the radical position of the antebellum separationists and abolitionists. There is now a willingness throughout the national political leadership to enact legislation that cannot fail to disrupt the traditional ways of living.

Every extension of enforced equality between the races has brought disunity, North and South—not so great a disunity as we had in the War Between the States, but civil disorder in the streets, federal troops in action, and a general breakdown of respect for persons and property.

There is a great deal of historical precedent for believing that nations can tolerate, and benefit, from radicalism that presses for political reform from a minority position.

But when radicalism becomes the juggernaut of a legislative majority, when debate is all but useless and opposition is wholly in vain, we come to a situation where the parliamentary system bogs down and lawmaking is almost done by proclamation and decree.

The paradox is that the dominant statesmen today are not serving the general population which elected them, and which pays their salaries, which holds property, which cherishes the rights of privacy and which lives by law and order.

Something is topsy-turvy in our democracy when the great captains are acting for a mere corporal's guard of mendicants—and when the rest of the country stands by and lets it happen.

Mr. President, I refer now to an article entitled "On the Right—Chaos and the Civil Rights Bill," by William F. Buckley, Jr., which was published in the National Review of May 31, 1966. The article reads as follows:

A year ago it went the rounds almost as a joke—"What will be the civil rights act for 1966—what can they think of next?" Last year's voting rights bill was declared constitutional by the Supreme Court, to the surprise of many people who simply couldn't, and can't, understand how Congress ever acquired the right to void the states' literacy laws. Now the Administration is backing a civil rights bill which would prohibit discrimination by race, color or creed in the sale or rent of any building.

It was all too much for Senator DIRKSEN who exploded with frustration at the committee hearings and asked how on earth the Congress, under the interstate commerce clause, acquired the right to supervise the sale or rental of a house "rooted to the very ground." Unsmiling, our Attorney General carefully explained that houses are very likely built from wood or bricks or stone which were hewn, fabricated, or cut in some other state. He might have added that the bathtub probably came from out of state, and that the house may use electricity generated far, far away, two or three or even four states down the road.

It isn't surprising, if one recalls that two years ago a civil rights bill declared that a tiny hotdog stand in the center of a state engages in interstate commerce because the mustard or whatever comes in from out of state, and so falls under the regulation of the Federal Government.

Meanwhile, in California, the State's Supreme Court has invalidated what goes there under the name of Proposition 14. Said Proposition was submitted to the voters in 1964 and was passed 2–1. It invalidated the so-called Rumford Act, and forbade any future legislation whose effect was to impinge on the right of the individual, in his entire discretion, to sell or rent his property to whomever he chose. The State Court invalidated Proposition 14 on the grounds that if one carefully studies the sweep of recent Supreme Court decisions touching on the rights of minorities, one is driven to the conclusion that Proposition 14 is in effect the denial, without due process, of rights of those minorities.

It is all rather startling, because if the California court reasoned correctly, then the pending civil rights measure in Congress would appear to be basically unnecessary except to stipulate procedure and penalties. If it is already unconstitutional to decline to rent an apartment to someone on account of race, color or creed, then one hardly needs fresh federal legislation to affirm that illegality.

The mind boggles—because Congress is proceeding as if it had every right to grant exemptions in the pending measure. There is the matter of "Mrs. Murphy's Boarding House."

Mrs. Murphy is the code name for a retired lady living anywhere who has five rooms to rent in her little boarding house, wants internal harmony above all, and therefore seeks homogeneous clients—say all Jewish, or all Irish, or all white, or a Negro, or whatever. Congress is greaty disposed to protect Mrs. Weaver, even though Mr. Robert C. Weaver, Secretary of Housing and Urban Development, is dead set against her—"Any exemptions," says Mr. Weaver, "would weaken the bill." Which is like saying that any heat will detract from the cold. Mr. Weaver didn't raise the teasing question lodged by the action of the Supreme Court of California, namely, if it is unconstitutional to affirm the right of the individual to rent or sell as he pleases, how can Congress exercise the right to protect Mrs. Murphy? According to one cast of thought, Mrs. Murphy simply doesn't have that right under the 14th Amendment to the Constitution, and if that is the case, what is a mere Congress doing, deliberating whether to protect that "right"?

The difficulty with legal speculation nowadays is that sophistry is in the saddle. If a house—squat, old, rooted in the soil of central Kansas—can be hesto-presto converted into an interstate business, why, Earl Warren can be converted into a strict-constructionist, and the Supreme Court into a guardian of the Constitution.

A half dozen judges of the Supreme Court, in a series of decisions dating back into the nineteenth century and culminating in the famous Cream of Wheat case, have explicitly said that no man has the right to determine the conditions under which another man can sell or dispose of his own property. As recently as two years ago, I do believe it would have been inconceivable that the Federal Government would be addressing itself to so-called open-housing legislation.

Ten years before that, the betting would have been that the Supreme Court would overturn state open-housing laws. To judge from the referendum in California, there isn't much doubt that the old right is still cherished by the overwhelming majority of the voters. But people, traditions, logic—all of these have become impudent distractions. What, one wonders, will be the civil rights act of 1967? Let alone 1984?

Mr. President, I refer now to a bulletin of the National Association of Real Estate Boards. This bulletin was released under date of July 15, 1966.

It is entitled "'Softened' Title IV of Civil Rights Bill More Oppressive Than Original Version, Emlen Testifies."

The bulletin reads:

Although Title IV of the proposed Civil Rights Act of 1966 supposedly has been "softened" by the House Judiciary Committee, it is in fact more oppressive in the denial of human rights than in the original version, a representative of the National Association of Real Estate Boards warned today.

Testifying before the Senate Subcommittee on Constitutional Rights, Alan L. Emlen, Philadelphia, chairman of the Realtors' Washington Committee, said the Committee-amended version of Title IV uproots Constitutional guarantees surrounding rights of property ownership while purporting to be anti-bias legislation.

He said Title IV is now primarily directed against real estate brokers and their salesmen, and, in effect, would deny their professional services to an owner who insists on freedom of choice in the sale or rental of his property.

"I am not sure what the authors of this proposal have in mind," said Mr. Emlen, "whether it is forced open occupancy or the destruction of the real estate brokerage business. In any event, they will not accomplish the former and they have made a good start on the latter."

He said the provisions of Title IV which establish a Federal Fair Housing Board, if vigorously enforced, would result in the subpoena and investigation of millions of home and rental property owners.

"I cannot believe that this proposal was fully comprehended by the House Judiciary Committee when it was adopted in the waning moments of the Committee's rush to report the bill," Mr. Emlen said.

He said Title IV, with the House changes, has been hailed as "a modest measure" exempting the home owner and the owner of a one- to four-family structure where one unit is occupied by the owner.

"The exemption is more one of form than of substance," declared Mr. Emlen. "Every complaint against a broker will invariably involve the subpoeaning of the home owner to disclose the substance of any written or oral instructions to his agent.

"What does it avail a home owner to be exempt if his employment of a broker may involve his being subpoenaed by a functionary of the Department of Housing and Urban Development to reveal the substance of his agreement with his agent, and later his forced appearance before the Fair Housing Board?" he asked.

Mr. Emlen cited these examples as to how government enforcement action could be used if the bill becomes law:

"A broker advises a prospect that the home he is considering to purchase is near a parochial school. He has apparently violated Section 403(a)(3) which prohibits the making of an oral statement that 'indicates any preference, limitation, or discrimination based on race, color, religion or national origin.'

"A developer is interviewed by the local press and advises that his new low cost housing development is designed primarily to take care of families displaced by an urban renewal project. The project area is populated by members of the Negro race. The developer is now caught in the tentacles of Section 403(a)(3) . . . His crime? A housing development for low income Negro families!

"A member of a minority race, religion, or ethnic group requests an opportunity to inspect a house listed for sale. The home owner arbitrarily declines to make the house available for inspection. The broker has the burden of proving that the failure to show

> the dwelling is not based on racial, religious, or ethnic discrimination."
>
> Finally, said Mr. Emlen, Title IV would destroy the hard-won professionalism of the Realtor in America.
>
> "A broker who is not a member of a real estate board could demand access to the files and records of the board's multiple listing system," he pointed out. "His application for membership in the board had been denied previously because of lack of credit standing and insufficient level of professional competence.
>
> "The Attorney General files suit, and the burden is on the board to prove that its rejection of the application was not based on race, religion, color, or national origin.
>
> "Thus is laid the foundation for the injection of federal power into every professional and business association in the United States."

Mr. President, for many reasons I feel that this legislation would be extremely detrimental to the people of our country, and would work perhaps more hardships on the minority groups than on others.

Mr. President, I yield the floor.

Mr. EASTLAND. Mr. President, let me say that this bill should have been taken down. The Senate has much work ahead of it, and the failure to impose cloture should have been evidence enough that this legislation lacks support.

The fact that a bare majority voted for cloture should not obscure the fact that these four votes were a far cry from the two-thirds needed.

There is no enthusiasm either here or in the Nation for this type of freedom-robbing legislation. The American people have seen this summer that sweeping civil rights laws only add fuel to the ambition of those who seek special advantages to elevate themselves to lofty perches above other citizens.

The panther has an appetite which is only whetted by the passage of bills designed to appease it.

The public is awakening to the futility of attempting to be fair with these demands. Like the Communist in southeast Asia, who feel they can slowly force us, step by step, to defeat, these people feel they can gain more every year.

The laws that have been passed, together with the opinions handed down by the Supreme Court, have been used by the professional agitators and the Communists to terrorize our cities, to incite violence, and to promote racial discord.

A major target of the Communists—because that is who they are—has been to hamstring our police and law-enforcement agencies.

They make use of the press to spread their antipolice propaganda and to raise the shopworn cry of police brutality.

I have obtained a copy of a card which is being secretly issued to demonstrators by the so-called Student Nonviolent Coordinating Committee. I would like to read this card to you. It is titled "To Our Faithful Members, Secret Information To Be Read and Learned":

> "What to do if you are about to be arrested by the white police:"
>
> 1. If you are to be arrested in a public place Do Not fight or use bad language to the policeman.
>
> 2. Stand still and Do Not move. No matter what the policeman tells you to do.
>
> 3. If the policeman takes hold of you Fall to the ground and say you are hurt.
>
> 4. Try to remember all the people you might know who are watching so they can talk for you later.
>
> 5. At the police station make the police drag or carry you. Keep saying you are hurt.
>
> 6. At the police station tell the man who is in charge you want to go to the Hospital.
>
> 7. You are allowed one phone call. Make it to your Group Leader. He will take care of your needs, such as Bail, Attorney, and Transportation.

Mr. President, the people who are issuing and using this card are the people who are shouting loudest for the enactment of further laws aimed at protecting their precious right to incite violence and foment revolution.

The jury provisions in the bill we are considering would practically give these persons carte blanche. They could tie up our courts in endless challenges of the jury selection system and the validity of the persons on the jury wheels.

It is well known that here in Washington the police carry what are known as rights cards which they are obliged to show to all suspects. This card advises the suspect he does not need to answer any questions.

All of this is very fine protection for the individual's rights, but what about the women who are assaulted each evening in the Washington area? What about their rights? They are not provided any special protection, and in fact, the police admit that they cannot even question suspects in these cases.

Mr. President, we are being asked to pass a bill in which the first two titles provide ridiculous legal immunities and protections to hoodlums and scofflaws.

Our police are slowly being turned into nothing more than directors of traffic, and our courts are becoming no more than a passageway to freedom for criminals.

The time has come for us to oppose such laws. We must not compromise. We must stand firm and united. If we are to protect our sacred liberties and to preserve our Nation, no man can waiver in his opposition.

Mr. President, the most sacred right is the right of trial by an intelligent jury, because an intelligent jury will arrive at truth and a just verdict. This bill would certainly infringe upon that right. This bill has been brought before the Senate without adequate preliminary consideration at any point in its progress here.

The bill was not adequately considered in the committee of the other body, and it was not adequately considered on the floor of the other body. I mean no disrespect to the other body by that statement. The record speaks for itself on that point.

Some 26 amendments were adopted in the other body, and a number of amendments were offered and rejected. But the bill still contains many errors of draftsmanship, for the cure of which no amendment has been offered. At the appropriate time, Mr. President, I propose to offer amendments to cure the more egregious of these errors.

Many important questions are presented by this bill which have never been discussed either in committee or on the floor of the other body. It would have been far better if each of these points had been thoroughly discussed, and curative amendments devised where necessary, before the bill came to the floor of the Senate. Nevertheless, the bill is here, and we shall have to deal with these matters. It may prolong the discussion of the bill somewhat, but these questions must be discussed before the bill can be permitted to come to a final vote, and since there is no place left but the Senate Chamber in which to discuss them, we must discuss them here.

Many of my colleagues will, assuredly, want to discuss some of these questions raised by this bill. So long as each of these questions is brought up and given adequate consideration, debated by the Senate, and subjected to the will of the Senate, I shall not feel obliged to discuss it further. But I intend to do my best to see that each of the important questions raised by this bill is given adequate consideration, and is subjected to the will of the Senate.

Wherever this bill needs an amendment to cure a defect, to correct a piece of bad draftsmanship, to clarify some passage or provisions of the bill which is not now clear, or to make certain some provision of the bill which is now vague or uncertain, I hope to see an appropriate amendment offered and considered by the Senate. I shall offer such amendments myself, at the appropriate time, where other Senators do not do so.

Mr. President, since we have been deprived of the benefit of a report on this bill from the Senate Committee on the Judiciary, there is need for a careful explanation of just what this bill will do; an explanation title by title and section by section.

Mr. HART. Mr. President, will the Senator yield for a brief question?

Mr. EASTLAND. I yield for a question.

Mr. HART. Does the Senator agree with me that 10 members of the Committee on the Judiciary, constituting a substantial majority of that committee, have placed in the CONGRESSIONAL RECORD about 2 weeks ago exactly the kind of report the Senator complains that he lacks?

Mr. EASTLAND. Yes, but what my friend from Michigan does not realize is that a report should be based upon hearings, upon testimony, and upon mature consideration. That is the legislative process.

The subcommittee held some hearings. There was no material consideration. I think that what my friend alleges as a report certainly could not be considered a report. Of course, it is not a committee report.

Mr. HART. Except that 10 members of the Senator's committee thought it was a full, complete, and adequate report and reflected their attitude in making their statement to the Senate.

Mr. EASTLAND. I am certain that my colleague would not seriously stand on the floor of the Senate and say that

that was a committee report; and he certainly would not say that the subcommittee had held hearings, and that as a result of the hearings had given mature study to the testimony.

Would the Senator state that?

Mr. HART. Mr. President, the chairman of our committee——

Mr. EASTLAND. Mr. President, I had yielded only for a question.

I ask unanimous consent to yield to the Senator from Michigan without losing my right to the floor, or without my remarks being considered as more than one speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Let me define what was filed for the CONGRESSIONAL RECORD and the information of Senators. Ten members of the Committee on the Judiciary, based upon a record printed by that committee of some 1,800 printed pages, reported the chronological evolution of the bill, the reasons that persuaded us that each of its titles was desirable and necessary; a section-by-section explanation of the effect that these titles would have if enacted into law, and reference to the constitutional bases upon which we felt they were valid and sound.

It cannot be described as a report by the committee in the technical sense, but it most certainly is a commitment, by 10 members of the Committee on the Judiciary, that in our judgment, based on the record, this is what the Senate should do.

Mr. EASTLAND. Let me ask the Senator a question at that point. What meetings were held? The Senator said there were 1,800 pages of testimony.

Mr. HART. There were some 1,800 pages. I do not know the number.

Mr. EASTLAND. What meetings were held to consider that testimony?

Mr. HART. It is my impression that there were executive sessions of the Subcommittee on Constitutional Rights of some several days during which time, by majority action, the committee substituted the House-passed bill, adopted a series of amendments, and then reported favorably by majority vote the action taken.

Mr. EASTLAND. How many people were there? This was a subcommittee meeting?

Mr. HART. This was a subcommittee meeting.

Mr. EASTLAND. How many people were there?

Mr. HART. As a member of the full committee, but not a member of the subcommittee, I would be hesitant to answer.

Mr. EASTLAND. Was the Senator present?

Mr. HART. I am not a member of the subcommittee.

Mr. EASTLAND. Was the Senator present? The Senator has said that it was considered. Was the Senator present?

Mr. HART. I have absolute confidence in colleagues on the subcommittee.

Mr. EASTLAND. Will the Senator answer the question?

Mr. HART. I was not present, and neither was the Senator from Mississippi.

Mr. EASTLAND. Of course, I was not present, and I have not made a report or claimed that I made a report.

Mr. HART. But 10 of us consulted, conferred, and decided, and, based on this record, this is the report.

Mr. EASTLAND. How many Senators signed the report, considering those my friend says were informed on the bill?

Mr. HART. I, for one, have absolute confidence my colleagues who signed would not have done so had they had any doubt as to the wisdom of their recommendation.

Mr. EASTLAND. I shall tell my friend from Michigan, to be frank with the Senate, that that is no way to consider a bill. Here is a man who said he signed it, and that it amounts to a committee report. I hope I do not misquote the Senator.

Mr. HART. The equivalent of it.

Mr. EASTLAND. The equivalent of it, but he was not even present.

Mr. HART. The Senator——

Mr. EASTLAND. He signed something somebody told him.

Mr. HART. The Senator does not quote the Senator from Michigan with the accuracy that the Senator from Michigan would be grateful to have.

Mr. EASTLAND. Please correct me.

Mr. HART. This is the evolution of any committee report. In this instance, the report we placed in the RECORD 2 weeks ago, and which I suggest is fully informative, represents the collective judgment of 10 members of that committee, that distinguished committee, based upon a massive record and a careful review of the document that we finally filed. No member who signed would have signed absent a conviction that it made good sense. We are prepared to debate the validity of the bill, if we are permitted to debate the bill. That is the time to go into the bill chapter by chapter and verse by verse.

Mr. EASTLAND. My friend is engaged in talk. Here, he says, is something that amounts to a committee report. He said that the subcommittee deliberated. He was not present. Of the 10 people he said signed and gave their views, he does not know how many were present during these alleged deliberations of that subcommittee.

I think that the whole thing means nothing, to be perfectly fair and frank with the Senate, where we are faced with an out-of-committee report. We are faced with a bill that would destroy the ownership of property in this country. That is the way Lenin started in Russia, without consideration by one of the great committees of this body.

Mr. HART. Mr. President, it was the will of the Senate that the bill be held on the calendar, and for a very good reason. The gentleman who holds the floor, the chairman of the Committee on the Judiciary, the committee on which I am privileged to serve, would be content at the very most to see civil rights only in the history books but never in the law books. The Senator and I know perfectly well what he would do with the bill.

Mr. EASTLAND. I must agree with my friend from Michigan. Yes, what he says is absolutely correct, but the chairman of a committee is only one member of a committee. The Judiciary Committee has 16 members and the chairman has 1 vote. There is no reason in the world why the bill should not follow the normal legislative process, that we have hearings in the subcommittee, that we have consideration in the subcommittee, and that the full committee consider it and give the Senate the benefit of their report. That has not been done. The chairman wishes it were possible to impose his will on the Judiciary Committee, but nothing could be further from the truth because there have been a great many measures come out of the committee to which I have been opposed. Last year's immigration bill was one.

Mr. HART. The chairman of the committee is unduly modest. He understates his own capacity. None of us would be comfortable in pleading guilty to the fact that even when we have a majority, if there is a civil rights bill, the chairman may not be there to have the roll called. He may have difficulty in seeing certain members. His skill——

Mr. EASTLAND. My friend does me a grave——

Mr. HART. His skill in the operation of his committee——

Mr. EASTLAND. The Senator from Michigan does me a grave injustice. He knows that it is the most democratic. The Judiciary Committee is the most democratically run committee in the Senate.

Mr. HART. In the sense that it talks a lot but does nothing on civil rights, it is democratic.

Mr. EASTLAND. Everyone is recognized. No one has been refused recognition. The chairman of the committee would not try to get away with a thing like that.

Mr. HART. I think that the results of the deliberations over the years in the area of civil rights is the best evidence and speaks most eloquently of the wisdom of the action of the Senate not to turn a civil rights bill over to the Senator from Mississippi to work his will on it. I wish the Senator from Mississippi would permit a majority of the Senate to work its will on the bill. It will serve well the interests of all Americans, North and South alike.

Mr. EASTLAND. It will destroy this country. This country was founded on the free enterprise system. That means ownership of private property.

As I said, when we read the history of the Russian revolution, with gangs of revolutionaries on the streets, and the cry now for this bill which would limit the private ownership of property, history is repeating itself.

Thank God that the rules of the Senate will permit us to protect the United States which made it the greatest country on which the sun has ever shone.

It will be my purpose to provide such an analysis, which I hope may be of some use to Senators both in connection with their consideration of this measure as legislative technicians, and also in connection with their struggles with their consciences over the principles which are involved here.

I hope and believe that Senators will find my analysis useful.

I do not purport to speak for the Committee on the Judiciary, nor do I claim that my analysis of this bill will be an acceptable substitute for a report from the Committee on the Judiciary. But the bill has been withheld from the committee, the Senate has thereby been deprived of a report from the committee, and there is nothing we can do about that. Under these circumstances, a thoughtful analysis by one Senator is better than none at all.

I consider it not unreasonable to hope that my colleagues will find that my analysis of this bill, if not as fully informative as they might wish, is at least stimulative of their own thinking with respect to the various provisions of the measure and the problems which they present.

We do have available to us, of course, the report to the other body from its committee, with respect to the bill as reported from that committee. Unfortunately, as I have pointed out, the value of this report as an aid to our consideration of this measure is reduced by the fact that some 26 amendments were adopted in the other body after being offered for the floor. Of course, these amendments are not referred to in the report of the committee in the other body.

This committee report is also, I am sorry to say, somewhat less than adequate as a basis for thorough consideration of this bill for at least two other reasons: First, because the report is a little like some of the decisions which have been handed down by the Supreme Court in recent years, having almost as many separate statements of views as there are members; second, because there are a number of important areas, requiring discussion in connection with any adequate consideration of this bill, which are not even referred to in the report of the other body's committee.

Mr. President, it is not my purpose to criticize the report of its committee to the other body of the Congress. What I have said already was necessary as a part of my explanation of the reasons which have led me to undertake a detailed analysis of this bill. I shall not attempt to categorize or list the deficiencies of the committee report, to which I have referred, or the apparent omissions from it.

It may be that some of the things which I shall say in my discussion of this bill will appear to challenge, or to contradict, some statement or statements which may have been made by Members of the other body during debate on the bill, or which appear in the report to the other body from its committee. Perhaps it may even appear that in some respects I am challenging or contradicting statements which may have been made here in this Chamber.

I want Senators to understand that it is not my purpose to challenge or contradict anyone. My only purpose is to tell the truth about this bill, without regard to what may have been said, or what may have been left unsaid, in any other place or by any other person.

If any of my colleagues should wish to take issue with something I say in the course of my analysis of this bill, I make just one request of him: let him not seek to challenge my statement by quoting what someone else has said or written; let him confront me with the facts which prove me wrong, and I shall gladly admit error, and thank him for setting me right.

If I misquote the bill, I hope Senators will correct me; if I misstate any fact, I hope I will be called to account. But I ask my colleagues, in all sincerity, please do not try to draw me into an argument about what someone else has said with regard to this bill or some particular part of it. Let us not argue either over purposes, or objectives, or intentions, or hopes, or philosophies. All of these are important, but what is most important is that we shall understand this bill, and each of its passages, so far as that may be possible, before we vote upon it. If the Senate is to pass another civil rights bill, let it be a bill which says clearly and precisely what the Senate wants it to say.

Mr. HART. Mr. President, will the Senator from Mississippi yield at that point for just one question?

Mr. EASTLAND. I am happy to yield to the Senator from Michigan.

Mr. HART. I am not making a head count of the Senate with respect to the vote on Monday on cloture, but let me ask the Senator from Mississippi if he will assist us in bringing the bill before the Senate in order that, then, we may go into it chapter and verse with reference to the bill, in the proper sense and at the proper time. In other words, will the Senator help us to get the bill taken up, so that we can do this.

Mr. EASTLAND. I think this is the proper way to go about it, and at the proper time. No one studied the bill. I think the Senate needs educating. I think that the cloture rule is a rule of debate in the Senate which is very, very helpful to this country. I do not think that we ought to reach the point of mob rule in the U.S. Senate that, because Senators have a majority of the votes, they can do anything they want. To the Senator from Mississippi that does not make sense. After all, what we want to do is do the right thing, and that means mature deliberation and mature discussion.

Mr. HART. I take it the answer of the Senator from Mississippi to my question is "No," that he will not help us obtain cloture so we will be able to get into the debate on the bill and decide it?

Mr. EASTLAND. We are deciding and debating at this time.

Mr. HART. This is not the appropriate time and we do not want to play into filibustering hands by going through this business.

Mr. EASTLAND. The Senator from Mississippi is not engaging in a filibuster. It is a prolonged discussion. I hope my friend from Michigan will listen, for he may learn something. I may even educate him. In fact, we may get his vote on Monday, if he will sit there and listen.

Mr. HART. I was going to make a comment——

Mr. EASTLAND. Mr. President——

Mr. HART. Mr. President will the Chair protect the Senator's right to the floor?

Mr. EASTLAND. Wait a minute, now. Mr. President, I ask unanimous consent to yield to the Senator from Michigan provided I do not lose my right to the floor and provided it does not count as another speech on this motion.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EASTLAND. Now the Senator may proceed.

Mr. HART. Violating this one time the rule that those who seek to permit the Senate to discuss this bill should follow—namely, not contribute to this delaying effort on the motion to take up—I cannot refrain from making the comment that the analysis of the bill the Senator from Mississippi is making or proposes to give to us should have one correction made at this time——

Mr. EASTLAND. It is about 24 hours long.

Mr. HART. The explanation?

Mr. EASTLAND. Yes. I felt the Senator needed it.

Mr. HART. I can save the Senator a few moments of that time by making a correction right now. The bill does not tell an individual that he may not discriminate—though I wish it did—in that individual's sale of his home, unless he is in the business. Let us get that clear. That is title IV.

Mr. EASTLAND. We are going to get into that day after tomorrow.

Mr. HART. If the Senator will be given unanimous consent for one more comment——

Mr. EASTLAND. Mr. President, I make the same unanimous consent as previously.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. I really think it contributes not one bit to our understanding of the bill—if the Senator will permit us the opportunity to get the bill up so we can act on it—by the suggestion that Communists inspired the bill, drafted it, participated in it with the 10 of us——

Mr. EASTLAND. Nobody said that. I said groups who roam the streets promote this bill. That is what I said. I stand on it.

Mr. HART. There was a group that roamed the streets a couple of days ago that promote the bill. I believe they were not Communist-inspired, but I read that they hit little Negro children trying to get to school They promote the bill, but they were not Communist inspired.

Mr. EASTLAND. Do they promote the bill?

Mr. HART. They do, yes, by making dramatically clear the necessity for title V of this bill. If a child cannot get to school without running a gauntlet of clubs in the hands of people, the Senator can bet that we need this bill.

Mr. EASTLAND. I do not think that happened.

Mr. HART. Well, then, I read the papers wrong.

Mr. EASTLAND. Well, I know the Senator read them wrong. The distinguished Senator from Michigan has placed his hand, by his own statements, on the necessity for a prolonged discussion of this bill. That is, he said 10 of the members of the Judiciary Committee filed what amounts to a committee report based on hearings of a subcommittee of which he is not a member, and that of the 10 men who he said signed it, he did not know how many were members of the subcommittee, or if members of the subcommittee, heard the testimony, or, if they heard the testimony, he did not know how many of them deliberated on the meaning of that testimony.

I submit that it is certainly grounds on which to try to educate the U.S. Senate before we permit mob rule to take over here simply because the Senator has the votes, and that therefore it is right to pass something.

Mr. HART. Under the same conditions, will the Senator permit me to make a comment?

Mr. EASTLAND. Under the same unanimous consent; yes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HART. For the record, 5 of the 10 members of the Judiciary Committee who signed the report in the nature of a committee report are members of the Constitutional Rights Subcommittee of the committee in question; but I am not sure how that is responsive to the incident of a few days ago when the children to whom I referred sought to go to school in bright daylight and were set upon and beaten.

Mr. EASTLAND. This bill does not deal with that.

Mr. HART. Title V of the bill deals with it; making it a Federal crime.

Mr. EASTLAND. No; title V does not deal with that. As I understand the law, the Attorney General now can bring a suit by a complaint. It is easy to get a complaint. Under the bill, he can bring a suit without a complaint. I do not think the Justice Department maintains that title means much.

Mr. HART. I think the Senator may be thinking of another title. Title V certainly makes it a Federal crime. It would include action in which an adult hits a child over the head who is trying to go to school.

Mr. EASTLAND. Title V may, but if the Senator is speaking of Grenada, Miss., those facts should stand on their own, and I do not think they are as related by my friend from Michigan.

To return to my statement, in the Senate of the United States it is seldom necessary to vote "yea" or "nay" on a bad bill without trying to improve it. Unless cloture is voted, or debate is limited by unanimous consent, every bill that comes before this body is open for amendment so long as any Senator has an amendment to offer. We shall have no excuse, as a legislative body, if we pass a so-called civil rights bill which will produce unintended results, or which will be ineffective because it is too vague and too imprecise, or which will be unenforceable because it contains conflicting provisions or makes impossible requirements, or which will have to be declared void by the courts because it is unconstitutional.

It is our job to consider all of these factors. Normally, a large part of this job would be done in committee, but this bill has not been to a committee, and apparently is not going to a committee; so we must do the whole job here.

Mr. President, it would be foolish not to recognize that there are those who, if they had their way, would make consideration of this bill by the Senate a sort of shotgun wedding.

The air is full of threats, Mr. President. These threats are about as many and as varied as human ingenuity and the circumstances of the case will permit.

Individual Members of this body have been threatened, and are being threatened today, with political reprisals, with financial reprisals, with smears and attempts at character assassination by newspaper columnists and other members of the fourth estate, with editorial attacks by newspapers and magazines or the far left and the radical left, in some cases even with physical violence, if they do not swallow this bill whole.

We are further threatened, Mr. President, with widespread racial violence, with marches and other demonstrations, with sit-ins, stand-ins, sleep-ins, and lay-in, with civil disorder and even with outright rioting, if we do not pass this bill quickly and uncritically. Also, there are some, who have labeled this bill too weak, and threaten disorders and riots if we do pass it.

There can be no doubt about this: Senators who insist upon acting like Senators, who are determined to give every provision of this bill full consideration, to be sure they understand it, and to improve it to the best of their ability before bringing it to a final vote, may be letting themselves in for trouble.

In spite of this, Mr. President, I am confident that the Senate of the United States will rise to the occasion, as it has done many times in the past.

A watching nation will see that the Senate of the United States is not a street corner mob, to be swayed by inflammatory orations; the Senate of the United States is not a rabble, to be driven this way or that by force and by fear; the Senate of the United States is not a Nazi bund, to raise its arms and voices in a "Sieg Heil" of assent to the dictates of a fuehrer; the Senate of the United States is not a herd of cattle to be stampeded by a sudden noise on a hot night: The Senate of the United States is the greatest deliberative body on earth, and it will work its will on this measure with care, and skill, and free debates, in accordance with what a majority of the Senate, in its wisdom, considers to be the best interests of this country.

I wish my friend from Michigan would listen. He said after full and free deliberation, we would come to a vote on this measure.

Mr. HART. Mr. President, I wonder if the Senator will yield for one last comment, on the condition that he may do so without losing his right to the floor.

Mr. EASTLAND. Wait a minute. The Senator forgot to put in one condition—that it be considered one speech. I yield under the same conditions as heretofore, Mr. President.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HART. The Senator from Michigan will continue to listen carefully to the Senator from Mississippi. But I shall observe the rule that those of us who are anxious to permit the Senate to get to work on this bill should impose on ourselves at all times during this period: no matter how tempted the Senator from Michigan may be to make comment as he listens to the Senator from Mississippi, he shall not, because if he did, he would contribute only to further delay, and would be participating unwillingly in the delaying tactics that are frustrating, apparently, the will of the majority of the Senate.

Mr. EASTLAND. The thing that impressed me most yesterday, Mr. President, was the speech of the distinguished junior Senator from Illinois, the minority leader, when he talked about the conduct of certain people in Chicago. I think that what is happening in the great cities of this country is not being considered, and that the rights of the people of those cities, which are being thrust down in this bill, are not being considered as they should. When we think of the newspaper stories of robberies, muggings, and rapes in the great metropolitan areas of this country, we must remember that those people have rights, and the Senate should take time to study the measure, instead of jumping up and voting to provide whatever these racial groups want or ask for.

Mr. President, it may not be possible for me to finish my detailed analysis of this bill today. I shall not insist upon even trying to do this, if it appears there is other and more pressing business before the Senate. I propose to apply myself to my task as time permits. In order that I may be assured of completing this analysis, and in order that there may be easy continuity for Senators, or others outside this Chamber, who may wish to read my remarks, I ask unanimous consent that if I do not finish this analysis, I may resume it whenever I can obtain recognition without interrupting another Senator, and that in the permanent RECORD, each segment of my analysis of this bill may contain a footnote or headnote, as appropriate, to indicate the following page of the RECORD at which the analysis is resumed, or the preceding page at which it was suspended.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. EASTLAND. Mr. President, before I proceed with a section-by-section analysis of this bill, let me take a few minutes to point out, in a broad way, some of the things which will be accomplished if this bill is enacted in the form in which it has come to us from the other body.

These impending results of the bill will be referred to, at this time, in the approximate order of their importance, rather than in chronological order as the various provisions appear in the bill.

Probably the most important attribute of this bill, in terms of its effects if enacted, is that it will curtail the rights of all the people in order to grant special privileges to a minority.

This is not a case of taking from one class or group to give to another. The rights which would be curtailed by this bill would be curtailed for members of the minority just the same as for members of the majority. All of us—all the people of this country—would suffer a weakening of one of our basic freedoms, the right of private property.

Even the minority which stands to gain special privileges under this bill, if it should be enacted, will find in time that they have made a poor trade.

Enactment of this bill will amount to a congressional declaration that private ownership of property does not include the right to dispose of it at the will of the owner, whose free will may be circumscribed and conditioned by a legislative act.

What is perhaps even worse, this proposed congressional declaration of the right to interfere with the free will of a property owner in the disposition of his property will extend into the realm of thought control. It will involve an implied assertion that Congress may not only tell a property owner how, or where, or to whom he may not dispose of his property, but may also prohibit him from even considering certain factors in deciding how he wants to dispose of it.

Mr. President, enactment of this bill will purport to create new crimes, in areas of speech, and even in areas of thought, which up to now have always been regarded as constitutionally protected under the Bill of Rights.

This bill would make it a crime to express certain kinds of opinions in any way, even orally.

This bill would make it a crime for a man to think in a certain way, because it prohibits a whole series of acts solely on the basis of the intent with which they are performed. It does this entirely without regard to the nature of the act, or whether it harms anyone else or has any other specified effect, and without regard even to whether the nature of the act was such that it could harm anyone else or have any specified effect. I shall talk of these matters in more detail later.

This bill would multiply litigation almost beyond imagining. It invites litigation. It invites picayune litigation. It invites grudge litigation. It invites speculative litigation. It provides that Federal funds may be used for subsidizing litigation. It makes this litigation easy by providing a way for the elimination of all costs to the plaintiffs.

This bill not only encourages the filing of nuisance lawsuits, it also encourages blackmail and extortion by making it possible to use court proceedings and the threat of such proceedings for purposes of intimidation and coercion.

This bill, Mr. President, contains drastic provisions for changing the Federal jury system. These provisions would bring about sweeping changes, if they should be enacted and applied. Some of these provisions are absolutely impossible of performance, as I shall demonstrate later. In some, these provisions would have the effect of destroying all the good results of generations of effort by bar associations and judicial improvement societies and courts and legislators, all working together to improve the jury system, and to improve the quality of juries.

Enactment of this bill will involve acceptance by the Congress of the concept that a "blue ribbon" jury is undesirable; that, in fact, the quality of a jury is not a factor to be sought or even considered; that what is desired in a jury is uniformity, even if that means uniform mediocrity or uniform incompetency.

This bill, Mr. President, would give vast new powers to the Attorney General of the United States, powers over such State functions as public education and the administration of public facilities.

Mr. President, those are some of the things this bill will do, which I do not think the Senate of the United States ought to sanction, and which I cannot bring myself to believe the Senate of the United States will sanction.

In analyzing a bill, one should look at the title first and last: First, to see if it contains any inherent errors; last, to see if it fairly and adequately describes the contents of the bill.

When we take our first look at the title of H.R. 14765, we find that it is faulty in at least two respects.

The third clause of this title states that one of the purposes of this bill is "to provide judicial relief against discriminatory housing practices." That is an inherent error.

It is an error, Mr. President, because the legislature cannot provide judicial relief. If this bill is passed, it will become an act of Congress; a legislative act. It may provide relief; it may provide for judicial relief; it may do both. But only a judicial body can provide judicial relief.

At the appropriate time, I shall offer an amendment to correct this error in the title.

Now let us consider the last four words of this third clause of the title of this bill—the words "against discriminatory housing practices." Here is another inherent error. If we want the title of this bill to speak accurately, it will be necessary to change it at this point, because one does not provide relief simply against anything; relief is provided to or for someone or something.

It may be possible to provide relief for an individual by giving him protection against some danger, or by undoing something which has been done; removing some pressure upon him; or by altering a condition or situation which is harmful to him; or by correcting a false record which has been made, to his detriment; or by giving him or securing for him compensation on account of injuries or damage which he may have sustained.

To be accurate, therefore, the title should not speak of relief "against discriminatory housing practices," but should speak of judicial relief for individuals damaged or in the process of being damaged, or at the very least actually threatened by discriminatory housing practices.

At the appropriate time, I shall offer an amendment to correct the title of this bill along the lines I have indicated.

Mr. President, there has not been a great deal of discussion about title I of H.R. 14765. Possibly this is because the subject of juries is rather technical. Perhaps it is because importance of title I has not been as readily apparent as the importance of title IV. But the fact is that title I deserves a great deal of attention, because the changes it would make in the Federal jury system could have an important effect on the administration of justice in Federal courts.

The appalling fact is that title I of this bill is a fantastic combination of poor draftsmanship and skullduggery, the latter including both the plain and fancy variety.

There are provisions in this title which are difficult to understand; there are provisions which are impossible of performance; there are provisions which appear innocuous, but are really booby traps. Some of the provisions in this title have not been publicly discussed up to the present time, so far as I know. They were not discussed in hearings in the other body, they were not discussed in the report to the other body from its committee, they were not discussed on the floor of the other body; and I have not heard or read any discussion of them in this Chamber.

For instance, title I of H.R. 14765, if it is enacted, will transform the position of jury commissioner into a patronage plum, paying up to $50 a day, plus subsistence and an expense account and a travel allowance. There is one of these jobs in every Federal district, and there can be one or more in each division of each Federal district.

At the present time, appointments as jury commissioner are reserved for prominent local residents of high reputation; but the new language proposed in title I of H.R. 14765 would make these jobs available to carpetbaggers, brought in from outside the judicial district or even from outside the State, subject only to the requirement that they live within the district or division during their tenure in office.

Finally, where the present law requires a jury commissioner to be appointed from among the well-known members of one of the two major political parties in the district, the new language proposed in title I of H.R. 14765 requires only that a jury commissioner shall not belong to the same political party as the court clerk.

I do not believe these changes were made by accident, or that they were devised with any other purpose than to make it possible to bring into my State, and into other States in the South, carpetbaggers from the North, possibly possibly members of the Mississippi Freedom Democratic Party or some similar racist group, to serve as Federal jury commissioners.

If it is not intended to bring in carpetbaggers to fill these jobs, Mr. President, there is no necessity of changing the law so as to make this possible.

When we vote in this body on an amendment which I shall offer at an appropriate time to change this feature of the proposed new law, we shall find out who, if anyone, is in favor of bringing in the carpetbaggers.

I shall discuss this point in more detail when I come to the proposed new section 1863 of title 28.

The amendment most deserving of consideration in connection with title I of this bill is an amendment to strike out the entire title.

The Senate will proceed, of course, with consideration of this title, section by section. We shall try to remedy the major faults of each section as we come to it. But while the bill can be improved in this way, the sweeping changes in the Federal jury system which would be brought about by enactment of this title would remain unjustified and unwise.

Whether or not the objective sought by title I is wise in principle, the practical result of enacting this title will be to create a jury system for the Federal courts which is almost completely unworkable.

Enactment of title I would run counter to the recommendations of Federal district judges and the clerks of Federal district courts.

Enactment of this title would nullify legislation passed by this Congress as recently as the 85th Congress, in September 1957.

Enactment of title I would eliminate the provision of existing law which gives a Federal district judge the right, in his discretion, to excuse or exclude a person from jury service for good cause.

Mr. President, I have said that the amendment which most merits consideration in connection with title I of this bill is an amendment to strike out the entire section; and at the appropriate time I shall offer such an amendment. Since a vote on an amendment of this nature, under the rules of the Senate, must be deferred until all amendments to the text of the title have been considered and acted upon, it will be necessary to consider the title, section by section, before the amendment to strike will be in order. Various perfecting amendments are virtually demanded by the language of this title as it has come from the other body, and I shall offer these amendments in proper order before offering the amendment to strike the title.

Now let us start through the first title of this bill, section by section, and consider where amendments are needed.

SECTION 101

At the very beginning of section 101 there is an error of draftsmanship which can prove highly confusing, and which should, therefore, be cured by amendment.

If Senators will look at the bill, they will see that section 101 specifies new language for sections 1861 through 1870 of title 28 of the United States Code. But the first sentence of section 101 refers in terms to the amendment of "sections 1861 and 1863 through 1869." Mention is not made of sections 1862 and 1870, although the language which follows this amending clause includes a new section 1862—Senators will find it beginning on line 1 at page 3—and a new section 1870—Senators will find it beginning with line 11 on page 14.

Later in the bill, Mr. President, it is provided that section 1862 of title 28 shall be redesignated title 1872; and at another place in the bill, section 1870 of title 28 is one of several sections of this title which are designated to be renumbered.

So we find that sections 1862 and 1870 of title 28 of the United States Code, as it now exists, are taken care of elsewhere in this bill. But this does not cure the fault in the amending clause of section 101 of this bill.

If this section involved renumbering some existing section of title 28 of the United States Code as section 1862, it would be faulty draftsmanship to seek to accomplish this by simply specifying the title to be renumbered and then providing that it is "amended to read as follows" and then reciting the language of the section under the number 1862. What is actually being done here is not even that simple.

What the bill seeks to do is to give the existing section 1862 of title 28 a new section number, and replace it with completely new language under the section No. 1862; and to give section 1870 of the present title 28 a completely new section number, and replace it with entirely new language under the section No. 1870.

The language of section 1861 and of sections 1863 through 1869 of the present title 28 is to be replaced, in each instance, by completely new language.

The language which appears in the proposed new section 1862 of title 28, as set forth in section 101 of this bill, is an expansion of the language which presently appears in subsection (c) of section 1863 of the existing title 28, United States Code.

But it is not proper to call the inclusion of this amended language under the section No. 1862 an amendment of section 1863; it is, at best, a transposition of part of the language of section 1863 to a new section 1862.

Senators who have been examining their copies of this bill as I have gone along will not require further explanation, I feel sure, in order to grasp the point which is involved here.

I shall not labor this point further now, but at the appropriate time, I shall offer an amendment of a wholly technical nature, to make the amending clause of section 101 of this bill speak truly and precisely with respect to just what the section is intended to accomplish.

PROPOSED SECTION 1861 OF TITLE 28, UNITED STATES CODE

Section 101 of H.R. 14765 proposes, as we have seen, enactment of various new sections of title 28, United States Code, under the numbers of existing sections of the title. The first such new section set forth is section 1861.

The declaration of policy which would be written into law by enactment of the proposed new section 1861 of title 28, United States Code, which Senators will find at lines 6 to 15, inclusive, on page 2 of this bill, is contained in two sentences.

Each of these two sentences involves a major fault of language which has the effect of making the sentence, in each case, call for something which is an obvious impossibility.

The first sentence of the proposed new declaration of policy, which begins on page 2, line 7, reads as follows:

> It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to a jury selected from a cross-section of the community in the district or division wherein the court convenes.

The particular bit of language in this sentence which makes it call for an obvious impossibility is the term "cross section of the community."

It might be possible to define "cross section" in the bill so as to make it a word of art, with some esoteric meaning in the light of which the first sentence of the new declaration of policy would not involve an impossibility. But in the absence of any such definition, the phrase "cross section of the community" cannot be read as a phrase of art, and the words "cross section" must be given their ordinary dictionary meaning.

Webster's Third New International Dictionary, unabridged, gives this definition for "cross section":

> A composite representation typifying the constituents of a thing in their relations.

It adds the example:

> A cross-section of the people.

Now, to "typify" something is to represent it by an image, form, or model. A composite representation, to "typify" a community, must embody the essential or salient characteristics of the community; furthermore, it must represent all of the essential or salient characteristics of the community, because if it is substantially different from the community in any essential or salient characteristic, it is not typical but atypical.

It should be noted that this first sentence of the proposed new section 1861 of title 28, which begins on line 7, page 2 of H.R. 14765, is not an outright declaration that all litigants shall have the right to a jury selected from a cross section of the community; it only declares it to be the policy of the United States that all litigants in Federal courts who are entitled to trial by jury shall have the right to a jury selected from a cross section of the community. Whether there is a real difference of substance, as well as a difference of form, may be open to argument. This should be made clear, and perhaps that can be done during debate on the bill.

The essential point for us to consider now, however, is not whether a declaration of policy that certain litigants shall have a particular right is the same thing as a statutory requirement that such litigants shall have the right. The essential point is the question of just what the right is that "all litigants shall have."

Clearly, it is not the jury itself or the jury panel, but the basic list of names from which the jury or the jury panel is selected, which is required to be a cross section of the community in the district or division wherein the court convenes.

In the context of the language which would be written into chapter 121 of title 28 by the enactment of title I of H.R. 14765, it is the names placed in the "qualified juror wheel" referred to in subsection (c) of the proposed new section 1866 of title 28, which must constitute a cross section of the community. This is true because this is the group of names from which the jury panel is to be selected.

But the names which are to be placed in the "qualified juror wheel," under the provisions of subsection (c) of the proposed new section 1866 of title 28, will be names drawn from the "master jury wheel" provided for in subsection (a) of the proposed new section 1864 of title 28, and this master jury wheel is to contain names selected at random from the voter registration lists.

At the time the names are selected at random to be placed in the master jury wheel, and even at the time the names are drawn from the master jury wheel, it will not be known with respect to any person whose name is selected or placed in the master jury wheel, or drawn therefrom, whether such person is in fact qualified to be a juror; nor will the age, sex, education, race, occupation, length of residence within the judicial district, prior jury service, citizenship, and physical or mental infirmities, if any, of the individual be known.

All these things are to be learned later, when each individual whose name is drawn from the master jury wheel is required to fill out a juror qualification form providing all this information.

Clearly, the only way to approach compliance with the requirement that the names placed in the qualified juror wheel shall represent a cross section of the community would be for the jury commission to consider carefully the information with respect to all of the various factors of age, sex, education, race, occupation, and so on, of each of the individuals whose names are drawn from the master jury wheel, and to make up a list of names for inclusion in the qualified juror wheel which will embody the essential or salient characteristics of all the people of the community in their relation to each other.

This means handpicking names for the qualified juror wheel on the basis of race, color, sex, and other factors; and any such handpicking involves discrimination, which this bill is supposed to eliminate.

Obviously, even if an effort is made to do this, it will be sheer chance whether this is to be possible in any instance. It can only be possible if there are to be found, among the names drawn from the master jury wheel, names of enough individuals of each age group, of each sex, of each race or color, of each occupation, and of at least each major degree of education, and each national origin, and each economic status so that a representative sample of the community can be prepared. The odds against this being possible in any case are truly astronomical.

Even if by some millionth chance raised to the nth power, this should be possible in some particular instance, how many names could be drawn from the qualified juror wheel before the list of names remaining therein ceased to be a representative sample, or in the language which is proposed for enactment in section 101 of this bill, a "cross section of the community"?

Obviously, if a qualified jury wheel containing a list of names, which is in fact a representative sample or cross section of the community, has drawn from it enough names to make up a jury panel, the names which remain in the qualified juror wheel will not be a representative sample or cross section.

In order for every jury panel drawn from the qualified juror wheel to be a true cross section, the names in the qualified juror wheel at the start will have to constitute not merely a representative sample or cross section, but a composite cross section made up of as many smaller cross sections as the number of jury panels which are to be drawn from the qualified juror wheel.

This is piling impossibility upon impossibility, and we must conclude that the policy declaration enunciated in the first sentence of the proposed new section 1861 of title 28 is not a good-faith definition of a right which litigants may have or can be given. We must conclude that it is not even an expression of hope for something which, though it may not be assured, is at least reasonably possible.

We must conclude, with respect to this expression, that it is just pious language, inserted in the bill as a possible selling point, without any real hope that it can ever be accomplished.

Even if it could be accomplished—that is, if every jury selected in a Federal court could be selected from a true cross section of the community, I am not at all sure that even the strongest proponents of this bill would like it.

As we have seen, in order to be a cross section of the community, the list of names from which the jury is selected would have to embody the essential or salient characteristics of the total population of the community.

In a community where the population is 90 percent white, the list of names from which the members of the jury panel are to be selected would have to contain, in total, the names of a group of individuals of whom 90 percent were white.

If the community is more than 50 percent Negro, as in the case of the District of Columbia, then the group of individuals from whom jurors are to be selected would need to be composed of more than 50 percent of Negroes.

Since most communities have a fairly equal distribution between the sexes, the persons whose names were on the list would have to include about half men and half women.

To be a true cross section of a community in which 10 percent of the people are illiterate, the basic list of names would have to include 1 illiterate in 10. Of course, this is rendered impossible by the requirement that persons unable to speak, read, write, and understand the English language may be disqualified for jury service.

In a community—again, like Washington, D.C.—which has a high proportion of Federal employees, a true cross section of the community would have to contain an equally high proportion of Federal employees; but this, too, appears to have been made impossible under the bill now before us, which exempts from jury duty "public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, possession, or subdivision thereof who are actively engaged in the performance of official duties."

Much could depend, of course, upon the construction of the phrase "public officers." Perhaps, inequitable although the result would be, it might be decided that white-collar workers were public officers and so-called blue-collar workers were not public officers and therefore were not exempted from jury duty.

However that may be, I think we have gone far enough in our consideration of this matter to see that "the right to a jury selected from a cross section of the community," as specified in the first sentence of the proposed new section 1861 of title 28, United States Code, is entirely impossible of fulfillment. At the proper time, I shall offer two alternative corrective amendments.

The second sentence of the proposed new section 1861 of title 28, United States Code, which would be written into law by enactment of section 101 of this bill, declares it to be the policy of the United States that "all qualified citizens shall have the opportunity to serve on grand and petit juries in the district courts of the United States."

This has a grand sound, but the fact is that the only construction under which this declaration of policy is possible of attainment is a construction under which it is virtually meaningless.

Let us look at this sentence carefully to be sure we understand it.

The phrase "all qualified citizens" undoubtedly must be construed to mean citizens who are qualified to serve on grand and petit juries in the district courts of the United States. Now, how should we construe "opportunity," as the word is used in this sentence?

Suppose we say that this word "opportunity" means the same thing as "chance." Then the problem occurs, how do we construe "chance"?

Whether we use the word "opportunity" or substitute the word "chance," shall we construe it to mean the right to be considered qualified to serve? If so, all that the sentence declares is that all citizens qualified to serve on grand and petit juries in the district courts of the United States shall be considered qualified to serve on grand and petit juries in the district courts of the United States.

Obviously, this would be a meaningless provision; so we must search further for a proper construction.

Webster's Third New International Dictionary, unabridged, gives several definitions for "opportunity." The first definition given is:

> A combination of circumstances, time, and place suitable or favorable for a particular activity or action.

This definition is followed by an illustrative sentence:

> The many small rivers . . . offered unlimited opportunities for water transport.

We should note that under this definition, and in the light of the illustration given, "opportunity" connotes the possibility of engaging, at will, in the particular activity or course of action.

Another example is given under this definition: the sentence "artists are given opportunity to do creative work." Here, again, we see the connotation of ability to engage in the particular activity or action, at the will of the individual who is said to have the opportunity.

The second definition for "opportunity" given by Webster's Third New International Dictionary is this:

> An advantageous circumstance or combination of circumstances especially when affecting security, wealth, or freedom (as from constraint): a time, place, or condition favoring advancement or progress.

This definition is followed by two illustrative examples, the first of which is a phrase attributed to former President Harry S. Truman, as follows: "to strike out in search of new opportunities in new surroundings."

The second example given of usage is the phrase: "sons of poor and ignorant farmers, blacksmiths, tanners, and backwoodsmen, with few opportunities".

It will be seen that this definition does not refer to an opportunity to do a particular thing or engage in a particular activity or action—such as water transport, or creative work, or jury duty—but refers rather to general advantages, or opportunities for advancement, along any line. This definition, therefore, is not applicable to the word "opportunity" as used in the sentence we have under consideration.

The next definition given by the dictionary consists simply of two words, offered as synonyms; namely, "fitness, competency." This definition, the dictionary states, is obsolete; and we have already seen how the use of this definition in construing the word "opportunity" in the sentence under consideration would force a ridiculous result.

The next definition given is this:

> The quality or state of being opportune: timeliness.

Construed in this way, the word "opportunity" does not make sense in the sentence we have under consideration.

One more definition is given, which the dictionary states is archaic, to wit: "convenience or advantage of situation." The fact that this definition is tabbed "archaic" should eliminate it as a possibility in construing the word "opportunity" in the sentence under consideration; besides, a construction under which the proposed declaration of policy means only that when a citizen shall have qualified to serve on grand and petit juries in the district courts of the United States, it shall be made convenient for him to serve, or he shall be placed in an advantageous position to serve, is obviously not a satisfactory construction.

The dictionary gives four synonyms for the word "opportunity"; namely, "occasion, chance, break, and time." "Occasion," the dictionary points out, is likely to convey the notion of the period or time at which an opportunity is offered; and since this may be fleeting, "occasion" may suggest "a combination of circumstances that are urgent and quite likely to evoke action or that have evolved it."

This construction of the word "opportunity" we see clearly, would mean either that it would be urgent that every citizen who qualified to serve on grand and petit juries in district courts should so serve, or that a citizen having qualified to serve would be required to serve. Under either construction, the declared policy would be found to be an absolute impossibility, for reasons which I shall point out in a moment.

Now let us look at the synonym "chance." The dictionary states:

> Chance is close to opportunity in the sense in which it is used in a particular passage attributed to the late Wendell Willkie as follows:
>
> "The most challenging opportunity of all history—the chance to help create a new society."

Here we see that "opportunity" carries the connotation of having, or being given, the ability to do something. Given this construction, the word "opportunity" makes the sentence of the bill which we now have under consideration a very significant and meaningful declaration of policy; namely, that all citizens who qualify to serve on grand and petit juries in district courts of the United States, shall have or be given the ability to serve; that is, that it shall be made possible for them to serve. But, this too is an impossibility as I shall explain in a moment.

The next suggested synonym for "opportunity," the word "break," is described by the dictionary as "formerly a slang term and more common in the United States than in England"; and the dictionary goes on to say that "break" as a synonym for "opportunity" suggests a term of luck or:

> An opportunity by luck or by an act of kindliness from one with power or influence—

And gives two examples, one of which is a phrase attributed to the late Adlai E. Stevenson:

> Communist promises of a better break for the common people.

If the word "opportunity" as used in the sentence under consideration is to be given this construction, then we see that the proposed declaration of policy is that each citizen who qualifies to sit on grand and petit juries in the district courts of the United States is to be given a promise on the authority of the United States that he will be able to serve. Here, again, we have a construction which promises something that is impossible.

The last synonym offered by the dictionary is the word "time," which the dictionary states "may be used as a synonym for opportune time or occasion," citing as an example of such usage, a passage attributed to T. B. Macaulay:

> An adversary of no common prowess was watching his time.

In this sense, we see that "opportunity" would mean "moment of ability to act"; so that this listed synonym adds strength to the argument in favor of a construction under which the policy proposed to be declared is that all citizens who qualify to serve on grand and petit juries in the district courts in the United States shall at that moment or from that moment be enabled to serve. Again we have arrived at an impossibility.

Reviewing all the possible constructions of the word "opportunity" as used in the sentence under consideration, it appears most likely that the construction intended by the drafters of this language is that every citizen who qualifies for jury service in the district courts of the United States shall be enabled to serve, in the sense that he shall be able to perform the act, or enter upon the course of action, either at will, or at some particular time if he then choses to do so.

Of course, the element of free will involved in this construction is negatived by the concluding clause of the proposed declaration of policy, which requires that a qualified citizen: "shall have an obligation to serve as a juror when summoned for that purpose." Nevertheless, if the word "opportunity" is given this construction, the declaration of policy is meaningful, and certainly appears to offer something that would be likely to be considered an advantage by anyone who had a desire to serve on a grand or petit jury and felt that he could qualify for such service.

Unfortunately, it is absolutely impossible that all citizens who qualify to serve on grand and petit juries in the district courts of the United States shall be enabled to enjoy such service either at will, or at any time during their lives.

The Administrative Office of the United States courts is authority for the statement that last year there were a total of 353,000 days in which petit juries were sitting in district courts of the United States, and that there were 60,000 days in which grand juries were in session in district courts of the United States.

Unfortunately, statistics were not available on the total number of petit jurors or grand jurors who served during the year; but it is possible to work with the figures which were available, to establish the absolute impossibility of permitting grand jury or petit jury service by every citizen who qualifies to serve.

We do not know how many trial days each individual jury sat; but let us assume, for the sake of argument, that each jury sat just 1 day. If this were the case and if no juror sat on more than 1 jury, then the total number of jurors who sat during the entire year would have been

12 times one-half of 353,000 or 12 times 176,500, which is 2,118,000.

We do not know just how long each grand jury sat but let us assume for the sake of argument that the average time was only 12 days. Under that assumption, since the total number of jurors on a grand jury ranges from 16 to 23, with the average not more than 20, the maximum number of grand jurors who sat during the year would have been 100,000.

These totals are substantially greater, I am sure, than the actual number of jurors who sat on either petit juries or grand juries last year; but even on the basis of these figures, we see the impossibility of providing a place on either a grand or a petit jury for each citizen who qualifies to serve.

With a total of only 2,118,000 places available during a single year, and with well over 120 million people potentially eligible for jury duty, we see that it would take more than 50 years for each of them to serve once on either a grand or petit jury. Of course, the exemption of certain classes of persons from jury service, notably members in active service in the Armed Forces, members of police or fire departments, and public officers in the executive, legislative, or judicial branches of the Government, would operate to cut down on the number of available qualified jurors.

On the other hand, the population of the United States is not static, and every year additional millions of citizens having attained the age of 21, would be eligible to qualify for service on Federal juries.

If all these annual accretions of potential jurors are ignored until all of those able to qualify the year the bill is enacted have been permitted to serve on juries, some members of what we may designate as this younger group will be 60 years old or older before they are even eligible for consideration; on the other hand, if we give everybody an absolutely equal chance to serve on a jury if he qualifies, regardless of his age, a certain number of what we may call new qualifiers each year will take places that might otherwise have been filled by qualified citizens of greater age, and the result will be that millions of Americans will live out their lives without ever serving on a Federal jury.

Of course, that is the way it is now. In the nature of things, that is the way it has to be. No expression of Federal policy to the contrary will change the facts with regard to the number of places available on Federal juries.

If there are any of my colleagues who think it is smart to vote to declare it to be the policy of the United States to do something which cannot be done, I suppose they will vote to keep this declaration in the bill. Other Senators will, I trust, support the amendment I shall offer at the appropriate time.

The phrase "all qualified citizens" as it appears at the end of line 11 on page 2 of H.R. 14765 is redundant, because under this bill citizenship is one of the criteria for qualification to serve on grand and petit juries in the district courts of the United States.

I believe the word "citizens" was used here, instead of the word "persons," in order to lend color to a possible claim that what is referred to in the proposed new section 1861 of title 28 as "the opportunity to serve on grand and petit juries" is a right peculiar to citizenship, held by virtue of citizenship, and therefore protected under the provision of the 14th amendment to the Constitution that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

Since U.S. citizenship is expressly named as just one of the criteria for qualification for service on Federal juries, under the language of subsection (b) of the proposed new section 1866 of title 28, as set forth on page 9 of this bill; and since it is quite clear, also, that service on Federal juries cannot be a privilege of citizenship in view of the fact that under the provisions carried in this bill there will be many millions of citizens who will be ruled unqualified for jury service, any effort to build up Federal jury service as a privilege of citizenship under the 14th amendment must fail.

Further evidence that Federal jury service is not a privilege of citizenship within the terms of the 14th amendment is the fact that many millions of citizens who are qualified for such service are declared exempt therefrom by existing law, and are similarly declared exempt in identical language, in the proposed new section 1872 of title 28 which will be found beginning on page 16 of this bill.

Furthermore, the authority which, under subsection (b) of the proposed new section 1872, is granted to chief judges of each Federal court district, to exempt other occupational classes of persons from jury service, would be without effect if Federal jury service were to be considered a privilege of citizenship; because the exercise of that right by any chief judge is expressly conditioned upon a finding that the exemption in question would not be inconsistent with sections 1861 or 1862 of title 18, United States Code, as those sections will read after enactment of this bill.

Citizens of the United States do have a privilege not to be excluded from service as Federal jurors on account of race, or color; and if this bill is enacted, it will be a privilege of citizenship not to be excluded from such service on account of race, color, religion, sex, national origin, or economic status.

I propose that the second sentence of the proposed new section 1861 be amended so as to change the phrase "all qualified citizens" to "all qualified persons" as an indication that the Senate refuses to lend itself to any effort to expand the privileges and immunities clause of the 14th amendment an effort of the kind which the Supreme Court nearly 100 years ago called an effort to centralize in the hands of the Federal Government large powers hitherto exercised by the States. For the Court to have fostered such intentions, it declared in the Slaughter-House cases, would have been "to transfer the security and protection of all the civil rights—to the Federal Government—to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States," and to "constitute this Court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent to those rights, as they existed at the time of the adoption of this amendment."

The Court went on to say that the effect of so great a departure from the structure and spirit of our institutions would be to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character. The Court declared itself convinced that no such results were intended by the Congress, nor by the legislatures which ratified the 14th amendment. I hope the Senate will not take issue with the Court on this point when it votes on my amendment.

PROPOSED NEW SECTION 1862 OF TITLE 28, UNITED STATES CODE

Section 1862 of title 28, United States Code, as proposed to be enacted under the provisions of section 101 of H.R. 14765, is not new language, except in the addition of the words "religion, sex, national origin, or economic status" subsection (c) of section 1863 of title 28 now provides that:

> No citizen shall be excluded from service as grand or petit juror in any court of the United States on account of race or color.

This provision was enacted June 25, 1948.

With respect to the words which have been added in the proposed new section 1862, I think it is possible to have some reservations.

I would question whether a member of the Black Muslims, whose religion teaches him that all white men are his enemies, should sit on a jury in a case where a white man is on trial.

I would think a prosecuting attorney in a treason case would want to challenge for cause, and have excluded from service, a prospective juror whose religion required him to oppose the death penalty for anyone under any circumstances.

In the trial of a kidnap-murder case in which the defendant was alleged to be a member of the Mafia, the prosecutor and defense counsel might agree to have excluded from the jury a naturalized citizen of recent Italian origin.

Counsel for the defendant in a libel action, where the plaintiff was a woman and the alleged libel had been published in a book in which the defendant spoke rather harshly not only of the plaintiff, but of women in general, might feel he had a right to ask that women be excluded from the jury.

If a Federal grand jury should some day indict one or more hotel owners in Las Vegas, Nev., for alleged tax evasion by "skimming," I would expect the U.S. Attorney in charge of the case to argue most seriously for exclusions from the jury of any prospective juror whose economic status was the same as that of the defendant—that is, who was a Las Vegas hotel owner.

However, there are ways to rationalize the situation in nearly all such cases; for instance, the hypothetical Black Muslim to whom I referred could be excluded from the jury on grounds of what he believed, without regard to the fact that it was his religion that made him believe it; women could be excluded from the jury in the hypothetical case because of prejudice, without regard to the fact that such prejudice was based on sex; and so on through each of the hypothetical examples.

At least the new section 1862 of title 28 which is proposed for enactment by H.R. 14765 is not poorly drafted, is not absurd, and does not require something which is impossible. I shall not propose any amendment to this section.

PROPOSED NEW SECTION 1863 OF TITLE 28, UNITED STATES CODE

The new section 1863 which this bill proposes to write into title 28 of the United States Code appears to follow generally the existing provisions of law in this area, which are to be found in section 1864 of title 18, United States Code; but there are some substantial differences. They are worth examining in detail.

The existing law provides for a jury commissioner and a clerk to act jointly; the proposed new law calls for a jury commission to be composed of the clerk and a citizen appointed by the court as a jury commissioner. In other words, the new law makes the clerk of the court ex-officio jury commissioner. This does not seem to represent a substantial departure from existing law.

The proposed new law includes a proviso that the court may establish a separate jury commission for one or more divisions of the judicial district by appointing an additional citizen as a jury commissioner to serve with the clerk for each such division or divisions.

There is no similar provision in section 1864 of the United States Code at the present time, but there is a provision in section 1865 that grand and petit jurors shall from time to time be selected from such parts of the district as the court directs so as to be most favorable to an impartial trial, and not to incur unnecessary expense or undue burden to citizens of any part of the district, and that—

> To this end the court may direct the maintenance of separate jury boxes for some or all of the places for holding court in the district and may appoint a jury commissioner for each such place.

The procedure established under the proposed new provision does not seem greatly different from that now authorized under section 1865, though the reasons set forth in the existing law are abandoned in the proposed new language.

A very substantial difference is to be found, however, in the provision with respect to the jury commissioner.

The existing statute requires, in section 1864, that the jury commissioner "shall be a citizen of good standing, residing in the district," and that he shall be "well known."

The language of the proposed new section 1863 provides only that the jury commissioner "shall during his tenure in office reside in the judicial district or division." Thus, where the present law requires the appointment as jury commissioner of a "well-known" citizen of "good standing" who already resides in the district, the proposed new law would allow the appointment of an outsider, merely requiring that he shall reside in the district or division during his tenure in office.

Where the existing law requires the appointment as jury commissioner of a person who is a well-known member of the principal political party in the District opposing that to which the clerk or deputy, then acting, may belong; the proposed new law merely requires that the jury commissioner shall not belong to the same political party as the clerk serving with him.

It will be seen that the effect of the present law is to exclude from appointment as jury commissioners members of political third parties or splinter parties which do not have a substantial membership within the district. The practical effect of the existing law is to require appointment as jury commissioner of a Democrat where the clerk is a Republican, and the appointment of a Republican where the court clerk is a Democrat.

Under the proposed new language, it would be possible to appoint, as jury commissioner, a member of any political party other than that to which the clerk belongs. It would even be possible to appoint a person not a member of any political party. That latter possibility does not worry me; but I am seriously concerned about the possibility that persons from outside my State might be appointed jury commissioners, subject only to the requirement that they come into the State and live in the district or division for which appointed during their tenure in office.

I am also greatly concerned about the fact that under this proposed new language, a member of the Communist Party, or even a member of the so-called Mississippi Freedom Party might be appointed as a jury commissioner. I rather think the purpose of drafting this language, as it has come to us, was to permit such appointments.

I note that wherever the present law provides for compensation for the jury commissioner at the rate of $5 per day for each day he is necessarily employed in the performance of his duties, the proposed new section 1863 provides for paying him up to $50 per day plus reimbursement for travel, subsistence, and other necessary expenses.

I think that is out of line with reality, and it is also out of line with the increases in fees for jurors which are proposed in this bill: from $10 to $20 per day during the first 30 days, $14 to $25 per day for each day over this 30 days, and so on.

At the appropriate time, I shall offer three amendments to the language of the proposed new section 1863: one to restore the requirement for appointment of a jury commissioner, in any instance, from among residents of the judicial district; one to restore the provision of existing law which gives the position of jury commissioner to a member of either the largest or second largest political party in the district, whichever one the clerk of court does not belong to; and a third amendment to make the rate of pay for jury commissioners not $50 per day but only $20 per day, and to eliminate the provisions for reimbursement for travel, subsistence, and other expenses.

PROPOSED NEW SECTION 1864 OF TITLE 28, UNITED STATES CODE

Beginning at page 4 of this bill, on line 3, we find a proposed new section 1864 of title 28, United States Code.

This proposed new section comprises six subsections.

Subsection (a) provides for maintaining a master jury wheel in each district or division which has a jury commission. The subsection directs that the jury commission shall place in the master wheel "names selected at random from the voter registration lists of persons residing in the judicial district or division."

Then follows a proviso that the judicial council of the circuit "shall prescribe some other source or sources of names for the master wheel in addition to the voter registration lists where necessary, in the judgment of the council, to protect the rights secured by section 1862."

Section 1862, as proposed for enactment in H.R. 14765, is back on page 3 of the bill, lines 2 to 5, and prohibits any exclusion from jury service on account of race, color, religion, sex, national origin, or economic status.

It is clear, therefore, that the proviso in subsection (a) of the proposed new section 1864 of title 28, on page 4 of this bill, authorizes the judicial council of the circuit, whenever it may decide that a particular race, or color, or religion, or sex, or national origin, or economic status is not represented by enough names in the jury wheel, to provide for placing in the wheel additional names of persons of that particular race, or color, or religion, or sex, or national origin, or economic status. This is to be done by prescribing some source or sources of names other than the voter registration lists.

There is no further restriction in this subsection, or anywhere else in the bill, or where the additional names are to come from. The judicial council is left free to name any conceivable source or sources of names.

It is frightening to speculate on the possibility offered by the complete freedom which subsection (a) of the proposed new section 1864 of title 28 extends to the judicial council of the circuit, in naming an additional source or additional sources of names for the master jury wheel.

Suppose the judicial council should decide that the names of additional Negroes should go in the wheel. Could a membership list of the NAACP, or of the Student Nonviolent Coordinating Committee, or of CORE, be designated—as a source of additional names for the master jury wheel?

There is nothing in this bill to prevent it. For that matter, if the judicial council of the circuit, in its discretion, chose to designate, as a source of additional names for the wheel, the membership list of the so-called Mississippi Freedom Democratic Party, the language now carried in this bill would appear to authorize such action.

I do not believe any Senator wants to vote to authorize the selection of names of members of a particular political party, or of a particular political action group, for inclusion in a master jury wheel; and at the appropriate time, I shall offer an amendment to change subsection (a) of the proposed new section 1864 of title 28 so that it will not authorize this.

It is significant, though not surprising, that whereas subsection (a) of the proposed section 1864 of title 28 provides for random selection of names for the voter registration lists, to be placed in the master jury wheel, there is no such requirement of random selection with respect to the selection of names from any other source or sources which may be prescribed by the judicial council of the circuit. Names from any such additional source or sources may be handpicked without in any way violating the provisions of the law as H.R. 14765 proposes to enact it. Of course, the principle of nondiscrimination in jury selection would be violated, most grievously, by any such efforts to pack a jury wheel.

It is both interesting and surprising to find that it is not even required in the proposed new section 1864 that the additional source or sources named by the judicial council of the circuit shall produce names of residents of the judicial district. Unless the courts should read into the bill an implied requirement of this nature, it would appear that the bill could be construed to authorize inclusion in the wheel of the names of individuals who are not residents of the judicial district, if these names come from a source or sources prescribed by the judicial council of the circuit.

At the appropriate time, I shall offer an amendment to make it clear that whatever their source, only the names of residents of the district or division served by the jury commission are to go into the master jury wheel.

Let me call the attention of the Senators to the fact that the provision for random selection of names from the voter registration lists of a particular judicial district or division, for placement in the master jury wheel maintained by the jury commission serving such judicial district or division, appears to be in conflict with two other provisions of the proposed new section 1864 of title 28, specifically subsections (c) and (d) thereof.

I shall explain this more fully when I get to a discussion of these respective subsections; and at the appropriate time, I shall offer amendments intended to remedy these conflicts.

Subsection (b) of the proposed new section 1864 of title 28, United States Code, which Senators will find beginning in line 14 on page 4 of the bill H.R. 14765, is concerned mainly with the number of names to be placed in the master jury wheel of each judicial district or judicial division. It calls for placement in the wheel of a number of names equal to at least one-half of 1 percent of the total number of persons of voting age residing in the district or division, unless the chief judge of the district with the concurrence of the judicial council of the circuit determines that maintenance of such a number of names in the master jury wheel is unnecessary and burdensome, and thereupon prescribes a lesser number of names to be maintained in the wheel.

The subsection carries a limitation, in a proviso, fixing the absolute minimum number of names to be placed in the master jury wheel in a district or division at not less than three times the total number of jurors actually called for jury service in the district or division during the preceding calendar year.

The provisions of this proposed new subsection might perhaps be improved in form, but they seem reasonably clear as they stand, and do not appear objectionable in any respect. Since I do not believe we should attempt, on the floor of the Senate, to correct the draftsmanship of a bill merely because we think we might be able to do better, but only where the existing fault is so great that it cries out for correction, I shall have no amendment to propose to subsection (b) of the proposed new section 1865 of title 28.

Moving on to subsection (c) of the proposed new subsection 1864, which Senators will find in the first three lines on page 5 of the bill H.R. 14765, we come again to language which does indeed cry out for correction.

This subsection appears to be in sharp conflict with the provision of subsection (a) of the same section that names to be placed in the master jury wheel shall be selected at random from the voter registration lists of persons residing in the judicial district or division. Subsection (c) requires that the master jury wheels shall contain "names of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district or division."

Now, there may be a dozen counties or parishes, perhaps more, in a particular judicial district. While it is likely that a random selection of several hundred names from the voter registration lists of persons residing within the district will include at least a few names from each individual county or parish, this is by no means statistically certain. The only way to be certain that the wheel contains names of persons residing in each of the counties or parishes, or similar political subdivisions, within the judicial district is to check the residence addresses of the individuals whose names have been selected at random.

Now, suppose this is done, and it is found that a particular county is not represented by even one name. How, then, is compliance with the language of subsection (c) to be attained? Obviously, some names of individuals residing in the particular county or parish will have to be added to the names already in the jury wheel. But where and how are the names to be obtained which are to be added?

Simply to proceed with a random selection of names from the voter registration lists, until the drawing has included the names of one or two or three, or some other desired number, of persons residing in the particular county or parish previously unrepresented by any other name in the wheel, may make it possible to accomplish this by drawing only a few more names; but on the other hand, it is possible that hundreds of additional names might be drawn before this could be accomplished.

Would these names be added to those in the master jury wheel, thereby further unbalancing the representation of various counties or parishes? Are these unwanted names to be cast aside? Shall they be left on the voter registration lists? This bill is silent on all these questions.

An easier method, obviously, would be to select some names from the voter registration lists which are known to be in the names of persons residing in the particular county or parish which is unrepresented by any of the names in the wheel, and add these new names to the others in the wheel. But how are we to select these names? If they are selected because they are recognized as the names of residents of the particular county or parish, then obviously this is not a random selection. Furthermore, to select names in this way might open the door to possible abuses, just as would any authority be to pick the names of particular individuals for inclusion in the master jury wheel.

And of course, as I have pointed out, the principle of nondiscrimination in jury selection has been abandoned as soon as the handpicking of names is started.

Another possible way to accomplish the result required by subsection (c) of the proposed new section 1864 might be to collect in one place all the names of registered voters residing in the particular county or parish which is unrepresented by names already in the wheel, and then make a particular number of selections at random from this group of names. This would necessitate, of course, having a separate list of names of the registered voters residing in the particular county or parish.

If such lists are to be used, why not make drawings at random from the separate lists of registered voters residing in each county or parish, and then put them all together in the master jury wheel? One problem which immediately comes to mind in connection with this suggested procedure is the necessity of deciding how many names to draw from among the registered voters of each county or parish.

Shall the drawing be approximately equal, and accomplished by drawing names at random, from each separate county or parish list in turn? This might be deemed an unfair discrimination against those counties or parishes having larger populations than some of the others, and which therefore might be expected, statistically, to have a proportionately higher number of names in the jury wheel on the basis of a random drawing from the entire list of registered voters residing within the district.

Would it be proper to attempt to draw from the list of names of registered voters residing in each particular county a number of names proportionate to the total number of registered voters in that county? This might be an acceptable solution, but does not appear to be authorized by the language in this bill as it now stands.

Furthermore, neither of these methods would comply with the requirement in subsection (a) of the proposed new section 1864 that names to be placed in the master wheel shall be selected at random from the voter registration lists of persons residing in the judicial district.

Perhaps in an effort to solve some of these problems, the drafters of this bill have included in subsection (d) of the proposed new section 1864 a provision that the chief judge of the district "shall prescribe, by rule, definite and certain procedures to be followed by the jury commission in making the random selection of names required by subsections (a), (b), and (c) of this section."

This requirement, like so many other requirements of this bill, is absolutely impossible to fulfill.

The chief judge can, of course, prescribe by rule, definite and certain procedures to be followed by the jury commission; but he cannot provide definite and certain procedures to be followed in making random selection of names, because names which are selected in accordance with definite and certain procedures are not selected at random.

Furthermore, it appears that any procedures which might be prescribed by the chief judge of the district, or which would comply with the provisions of subsection (c) of the proposed new section 1864 requiring the master jury wheel to contain names of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district, could not possibly comply with the requirement of subsection (a) that names to be placed in the master wheel be selected at random from the voter registration lists of persons residing in the judicial district.

In order to clear up these confusions and contradictions, I propose a compromise. Let us amend the language of the proposed new section 1864 of title 28 so as to remove the conflict between the provision for random selection in subsection (a) and the provisions in subsection (c) requiring the inclusion of names of persons residing in each of the counties, parishes, or similar political subdivisions within the district.

LEGISLATIVE SCHEDULE—RECESS UNTIL TOMORROW

Mr. HART. Mr. President, the majority leader has asked that notice be given that it is proposed that tomorrow the Senate consider Calendar Nos. 1569 and 1570. These are H.R. 16330 and H.R. 16367, respectively.

Mr. President, if there is no further business, pursuant to the order entered yesterday, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock p.m.) the Senate recessed until Friday, September 16, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 15 (legislative day of September 7), 1966:

U.S. MARSHAL

Anthony R. Marasco, of New York, to be U.S. marshal for the southern district of New York for the term of 4 years. (Reappointment.)

IN THE ARMY

The following-named persons for appointment in the Regular Army by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3292 and 3294:

To be captain

Rose, Gerald S. (MSC), O80336.

To be first lieutenants, Judge Advocate General's Corps

Adams, Wilsie H., Jr. (Inf), O90638.
Hug, Jack P. (Arty), O90876.
Johnson, Robert N. (OrdC), O90891.
Lewis, Jerome X., II (Arty), O90925.
Livingston, James L. (Inf), O93809.
Watkins, Charlie C. (CE), O91116.

To be first lieutenants, Medical Corps

Dean, Arthur J., Jr. (Inf), O90753.
Flannery, Eugene P. (Arty), O90801.
Segal, Herbert E. (MSC), O99589.

To be first lieutenant

Estey, Melvyn A., Jr. (MSC), O97312.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287 and 3288:

To be majors

Bagby, Herschel W., O1935935.
Ciricillo, Alfred S., O1885964.
Johnson, Frank G., O1935030.
Kamstra, Robert H., O2265284.
Merritt, Fred J., O1924683.
Millward, William N., Jr., O1937330.
Morton, James B., O1932110.
Reed, Ramon C., O2028744.
Richnak, Frank W., O2021116.
Shalala, Samuel R., O1936074.
Vieler, Eric H., O2028644.
Weems, Elmer J., O1936275.
White, Herbert L., O1873044.

To be captains

Allison, Samuel C., Jr., O5307768.
Austin, Thomas A., O1939977.
Barnes, Wilson E., O5208583.
Baucom, Billy J., O5310567.
Blackwood, Jerry D., O5403590.
Bowles, Gary W., O5301674.
Cripps, Donald W., O902881.
Davis, James S., O1937092.
Doray, Paul D., O1937894.
Dunnuck, Robert T., O5405059.
Evans, John A., O5403269.
Fewox, Jerome E., O5307586.
Folkerson, Donald A., O4031300.
Frith, John R., O5306522.
Griggs, James L., O5303710.
Hazlewood, Richard L., O5305091.
Houser, John W., O4010211.
Jackson, Clarence, Jr., O5208596.
Kale, Henry F., Jr., O4026384.
Kendall, Presley W., O5304990.
Kendrick, Richard P., O5305909.
Kestle, Lawrence D., O4085615.
Knutson, Richard H., O5304352.
Lett, James W., O4004135.
Martin, Donald R., O4049587.
McDaniel, Everett S., O5005215.
McLarty, William D., O5505657.
McMillon, Don, O4030924.
Mercer, Warren H., O5002281.
Myers, Melvin L., O5404094.
Oberg, Robert E., O4010906.
Partin, David W., O4031501.
Petherbridge, Curtis L., O4065339.
Phillips, Bruce C., O5208179.
Rizzo, Donald R., O4031472.
Rosler, Curtis W., O5704538.
Saul, Gordon E., O5405264.
Scheg, Leonard J., O1878411.
Sims, Robert H., Jr., O4071664.
Stevens, Ralph P., O5307408.
Summers, Ronald K., O4031436.
Sylvan, Lawrence D., O4063793.
Van Dyke, James A., O4059488.
Walpole, Richard W., O4030960.
Washington, Samuel, Jr., O4044991.
Young, Roger Q., O4037123.

To be first lieutenants

Asmuth, George W., O5530058.
Bennett, Walter D., O5311841.
Binns, Harvey L., III, O5219166.
Bradshaw, James D., O2299733.
Burlas, Joseph E., Jr., O4070018.
Butler, Arthur H., O5406169.
Cavedo, John R., O5406275.
Collier, William P., Jr., O5210730.
Corcoran, George M., O2304762.
Crockett, Darwin T., Jr., O5312261.
Cross, Edwin L., O5018087.
Demchsak, John G., O5011211.
Dickinson, Gary L., O5515099.
Dorsey, James D., O5215877.
Duggan, Robert M., O5209025.
Fang, Donald R., O5216525.
Felton, Richard O., O5314928.
Ficke, Robert G., O5514793.
Fink, Kenneth L., O5220262.
Fonner, David W., O5704816.
Fossum, Raymond O., O5705690.
Glover, William L., O5215802.
Halesky, Paul J., O5208100.
Harris, William D., O5218869.
Haupt, Jerome L., O5704995.
Haynes, Howard R., O5220439.
Head, William J., O5310762.
Hix, William M., O5413496.
Horvath, Richard L., O4060453.
Houghton, Gareth C., O5405819.
Hughes, Gary D., O5311015.
Johnson, Darryl W., O5410894.
Johnston, Eugene J., O5708273.
Jones, Colonel B., O5405756.
Joplin, Paul L., O5412395.
Kirchner, Peter A., O5221841.
Knudson, Wayne C., O5315230.
Kolch, Marvin J., O5515815.
Large, George R., O5405719.
Leadbetter, Richard A., O5010596.
Lecklitner, Alan D., O5507783.
Legare, Ben W., Jr., O5320698.
Marshall, Elbert M., O5404212.
McCellan, David M., O5016954.
McCormick, Donald R., O5531437.
McGraw, Jimmy J., O5409703.
Menezes, Ernest R., O5009387.
Mengel, Russel W., Jr., O5221278.
Milton, Larry L., O5414372.
Morris, Delton R., O5304245.
Mouw, James W., O5409335.
Murdoch, Robert V., O5314691.
O'Neil, James W., O5708296.
Painter, Dan H., O5406267.
Pearson, Samuel D., O5215585.
Perrenot, Frederick A., O5401283.
Perry, Daniel R., O5413181.
Quast, John G., O5215088.
Rasch, Robert A., O5310931.
Rawlings, Earl D., O2297286.
Richardson, Hazekiah M., O5317330.

Righter, Christopher D., O5007732.
Ritchie, Richard H., O5214215.
Robertson, Gerald E., O5512285.
Saari, Donald R., O5010996.
Sanderson, Raybon C., O5317685.
Sanfilippo, Richard S., O5310543.
Sarda, Ram M., O2310895.
Scharberg, Garry A., O5512311.
Schramm, James D., O5532192.
Sellers, Tony M., O5406367.
Smith, George D., O5406931.
Steen, Robert S., O5310066.
Strom, Roger C., O5709698.
Thornton, Robert C., O5308558.
Turner, Terry G., O5513096.
Van Newkirk, William K., O5220821.
Ward, Theron W., O5706658.
Wright, Rodney L., O5517040.
Yancy, Jimmie B., O5318068.
Young, Alvin D., O5317909.

To be second lieutenants

Allen, Ralph L., O5415792.
Allman, Douglas D., O5709905.
Bailey, Charles R., O5414827.
Bailey, Robert N., O5310566.
Bambini, Adrian P., Jr., O5327319.
Barringer, David F., O2310748.
Bradley, David K., O5535730.
Brydon, Charles F., O5024722.
Butler, Francis P., O5019445.
Cooke, Harold L., O5415782.
Deputy, Thomas M., O5532582.
Dunn, Gerald J., Jr., O5224926.
Dunnem, Alvin E., O5418786.
Fitzgerald, Kirk S., O5326881.
Girdon, Terry A., O5225084.
Godfrey, Richard P., O5406819.
Gorday, James C., O5320858.
Hampton, John W., O5319263.
Hartwig, Rodger E., O5419106.
Heisner, Ralph P., Jr., O5226840.
Jackson, Alver L., Jr., O5325278.
Jackson, James R., O5416638.
Kessel, Philip W., O5406601.
Kish, George W., O5020557.
Kulvich, Robert G., O5875385.
Lanford, Nathan A., O5415750.
Lorimer, William, IV., O5533279.
McCarthy, Gordon G., O5017945.
Nefzger, Melvin E., O5710674.
Nye, James D., O2314611.
Pollard, William H., O5710036.
Rea, Billy C., O3128274.
Reed, Ira M., Jr., O5406575.
Revello, Charles T., O5230521.
Riddle, Ronald W., O5324996.
Roberts, Rodolfo, O5826606.
Sammons, Richard G., O5710789.
Sexton, Heyward E., O5418834.
Shelton, Henry H., O5319031.
Sisler, George K., O5326482
Smith, James W., O5415906.
Spearman, Ronald K., O5419156.
Tripler, David J., O5406528.
Turi, Robert T., O5228584.
Tyson, William E., O5321415.
Vanderland, Peter A., O5227119.
Vanderwal, Wouter K., O5418924.
Wallace, Charles L., O5321283.
Watkins, David C., O5325189.
Wiese, Frederick W., O5326509.
Wilson, Lee H., O5320022.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3290, 3291, 3292, 3294, and 3311:

To be captain, Army Nurse Corps

Kingsbury, Betty J., N2295424.

To be captains, Dental Corps

Adams, Roy P., O5518993.
Bulken, James D., O5021800.
Feeney, Gerald F., O5209728.
Hipp, Benny R., O5400388.
Ishimura, Samuel M., O5800167.
Lewis, Lawrence M., O5013261.
Machuca, Julio A., O5826385.
Madison, Richard D., O5220508.
Naito, Roy M., O5216791.

To be captains, Medical Corps

Brown, James F., IV, O5001829.
Burgin, William W., Jr., O4062119.
Chenoweth, Richard G., O2309412.
Chronister, Wayne S., O2300667.
Dishman, Jess M., Jr., O5525295.
Eisenbaum, Sidney L., O5015254.
Foy, Gerald W., O5021826.
Gailliot, Robert V., O5224125.
Glendening, Thomas B., O5711686.
Grossman, Richard A., O5708951.
Guzman, Eduardo, Jr., O5319656.
Hill, Paul S., O4048188.
Houston, Samuel D., O5400406.
Kaplan, Burton H., O4069056.
Levinson, Louis E., O5014864.
Lewis, Charles W., O2305355.
Lockett, Bobby L., O2313096.
Terra, Justin C., O5239594.
Williams, McRae W., O5227683.

To be first lieutenant, Army Nurse Corps

Ellis, Barbara S., N5411392.

To be first lieutenants, Dental Corps

Edmonds, Peter P., O5007899.
Ellinger, Harley A., O5224197.
Getchonis, James A., O5014718.
Goldberg, Joel R., O5227429.
Hahn, Eitel H., O5420771.
Herrmann, John W., O5214395.
Maupin, Clay C., Jr., O5519606.
Sering, Dale L., O5519521.

To be first lieutenants, Judge Advocate General's Corps

Keene, Kenneth P., O2321941.
Robbins, Thomas Q., O5309985.

To be first lieutenants, Medical Corps

Barcia, Peter J., O5312049.
Beeler, Henry S., O5214762.
Bianchi, Anthony, O5520017.
Briggs, William A., O5212155.
Brown, Luther E., O5313771.
Brundage, Bruce H., O2316836.
Camp, Richard A., O5010182.
Caporossi, Paul V., O2316811.
Chojnacki, Richard E., O2316805.
Collin, Daniel B., O2316804.
Corder, Michael P., O5219996.
DiBella, Nicholas J., O2316908.
Escue, Henry M., Jr., O5310146.
Gibson, Eldon V., O2320779.
Haynes, Richard J., O2320780.
Herzinger, Raymond G., O5226024.
Peck, Charles A., Jr., O5227354.
Petty, William C., O5711353.
Post, Albert A., O2320669.
Rankin, Edward A., O5514106.
Robertson, Theodore R., O2320667.
Rumbaugh, James H., O2313017.
Sawyer, Robert, O5519200.
Schiele, Howard P., O2316739.
Shively, Harold H., Jr., O5219973.
Snyder, Alexander B., O2316744.
Sweet, Robert S., O2320740.

To be first lieutenants, Medical Service Corps

Collins, Robert P., O5214004.
Foster, George H., O2307917.
Giove, Francis L., O5310184.
Laaken, Bernard R., O5223729.
Manaro, Arthur J., O5305181.
O'Brien, Joseph D., O5216224.
Schwicker, Dale H., O2314342.

To be first lieutenant, Women's Army Corps

Hampton, Marian F., L5317056.

To be second lieutenants, Army Medical Specialist Corps

Heffley, Annabelle L., M2317334.
Tibble, Judith R., M2317833.

To be second lieutenant, Army Nurse Corps

Jones, Mary M., N2317171.

To be second lieutenants, Medical Service Corps

Bock, Lauren G., O5710367.
Bronson, Marion M., O2319715.
Fryer, Eugene D., O2317569.
Lohmiller, William E., O5530775.

The following-named distinguished military student for appointment in the Judge Advocate General's Corps, Regular Army of the United States, in the grade of first lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3292:

Stalnaker, Edward B., O5323787.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Andrews, Kevin R.
Scheer, Eddie F.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, and 3288:

Adami, Frederick W., III
Ballard, Robert I. O5421632
Bessette, Harvey
Boland, Hayden E.
Bowen, Alfred T., Jr.
Bridges, Terrell D.
Broussard, Harry L.
Callaway, John H.
Campbell, Samuel E.
Camuso, Guy J., Jr.
Cording, Lewis C.
Davis, William S.
Dimuzio, David A.
Dobrogowski, Phillip A.
English, Charles H., Jr.
Figone, Robert J.
Gordon, Danny M.
Hart, Walter D., Jr.
Hennigh, Thomas L.
Hickman, Bennie D.
Higbe, Wayne J.
Humo, John T.
Jackson, Thomas M.
Johnson, Richard G.
Kellner, Wayne A.
Kinman, Leroy E.
Koehler, Alexander S. J.
Lambert, Eugene O5234594
Leon, Philip W.
Maddan, Jack H., Jr.
Marino, William J.
Martin, Richard H.
Maultsby, Calvin N.
Mayfield, Truman M.
McCorkle, Gary K.
McDonnell, Patrick J., Jr.
McLain, Frederick R., Jr.
Moller, Elmer R., III
Montgomery, Waldo W., Jr.
Morris, Lansford D.
Moss, Donald E.
Nordin, Daniel E.
O'Connor, James C.
O'Looney, James P.
Queen, John F.
Rauter, Thomas C.
Ruth, Lorry R., Jr.
Salverson, John L., Jr.
Starr, John B., Jr.
Taylor, Larry L.
Taylor, William J.
Vincent, Donald D.
Walz, Robert D.
Wescott, Donald C.
White, Dennis J.
Whitney, John L.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 15 (legislative day of September 7), 1966:

Equal Employment Opportunity Commission

Stephen N. Shulman, of Virginia, to be a member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1967.

National Mediation Board

Howard G. Gamser, of New York, to be a member of the National Mediation Board for the term expiring July 1, 1969.

In the Public Health Service

The nominations beginning George E. Goodman, to be surgeon, and ending Joel P.

Kollin, to be senior assistant sanitary engineer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 6, 1966.

* * *

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 15, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Unto Thee, O Lord, do I lift up my soul.—Psalm 25: 1.

O spirit of the living God, whose still, small voice still summons us to turn aside from the feverish ways of foolish men, drop Thy still dews of quietness, till our strivings cease; take from our souls the strain and stress, and let our ordered lives confess the beauty of Thy peace.

In this mood we come this day and bow our hearts at this altar of prayer. May we be led into green pastures, beside still waters, and find restoration of spirit and a renewal of our faith in Thee. Even though we walk through the valley of the shadow of death we will fear no evil for Thou art with us, strengthening us and supporting us.

Bless Thou the Members of this House that they may have wisdom and faith and courage for the experiences of this day, and may they never fail man nor Thee. So may we and other nations together find the way to peace. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 16559. An act to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H.R. 13712) entitled "An act to amend the Fair Labor Standards Act of 1938 to extend its protection to additional employees, to raise the minimum wage, and for other purposes."

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

The SPEAKER of the House presided.

The Doorkeeper, Hon. William M. Miller, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the Republic of the Philippines into the Chamber the gentleman from Louisiana, Mr. BOGGS; the gentleman from Wisconsin, Mr. ZABLOCKI; the gentleman from California, Mr. MOSS; the gentleman from Michigan, Mr. GERALD R. FORD; the gentleman from Illinois, Mr. ARENDS; and the gentlewoman from Ohio, Mrs. BOLTON.

The VICE PRESIDENT. The Chair appoints as members of the committee on the part of the Senate to accompany the President of the Republic of the Philippines into the Chamber the Senator from Montana, Mr. MANSFIELD; the Senator from Louisiana, Mr. LONG; the Senator from Florida, Mr. SMATHERS; the Senator from Georgia, Mr. RUSSELL; the Senator from Arkansas, Mr. FULBRIGHT; the Senator from Illinois, Mr. DIRKSEN; the Senator from Iowa, Mr. HICKENLOOPER; the Senator from California, Mr. KUCHEL; the Senator from Vermont, Mr. AIKEN; and the Senator from Massachusetts, Mr. SALTONSTALL.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 31 minutes p.m., the Doorkeeper announced the President of the Republic of the Philippines.

The President of the Republic of the Philippines, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of Congress, our country today is honored to have in its midst one of the world's most dynamic leaders from one of Asia's most vital countries, tied to us by true bonds of friendship.

Our Houses of Congress are also honored to convene in joint meeting to hear the message of a friend. Our distinguished guest comes to us as a veteran of our forces, a much decorated hero of epic battles for freedom and security, a statesman of high ideals, whose vision has already found responsive chords in those reaches of the world where aggression once again is on the move and where free men, once more, are rallying to the cause of freedom.

It is my great privilege, my colleagues, and I deem it a high honor, to present to you His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines.

[Applause, the Members rising.]

ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

President MARCOS. Mr. Vice President, Mr. Speaker, distinguished Members of Congress, ladies and gentlemen, I must first thank the distinguished Speaker of the House of Representatives for his generous introduction.

When your distinguished diplomat by instinct and by necessity, Vice President HUMPHREY, extended to me the invitation of your great leader President Johnson to visit the United States in his now well-storied and effective trips to Asia, I did not expect the distinct honor of addressing a joint session of the U.S. Congress.

For there is no more noble forum than the U.S. Congress. It is the Foro Romano, the Roman Forum of the modern world. For, indeed, in our century, you are more than the voices of the American people or of American civilization. The voices that speak here speak to every man of the world. And it is here, since the 18th century, that the issues of modern times have been expressed and debated. Your decisions impinge upon the lives of the lowly and powerful alike.

Conscious of these circumstances, I come as an Asian, and I come with a message from Asia and especially my country, the Philippines.

For, in culmination of a novel experiment in government, the United States dismantled its colonial machinery in my country some 20 years ago on July 4, 1946. It is as the elected representative of an Asian nation of 32 million people whose independence and destiny in the modern world had been the subject of debate in this Hall, that I stand before you today.

I come before you as the bearer of these messages.

FIRST MESSAGE—FRATERNAL AFFECTION

The first is a message of fraternal affection from the Filipino people.

America occupies a special place in Philippine hearts. So do the American people. And we Filipinos, for our part, are proud to be counted among America's friends and allies.

I have journeyed 10,000 miles across the Pacific and continental America. I have come from Asia, from what some may describe as another world. But I feel at home in your midst.

For here in America I breathe a native air, the air of freedom that has become as much the breath of life for our young Republic as it has been for yours for nearly 200 years.

And in this inner citadel of American democracy, in this Congress of the United States, where the vital pulse of freedom beats strong and true, my own heart is at ease.

At ease and full. For any citizen of the free world, to stand here is to remember how a great Nation was formed in liberty tempered by law. How the greatest of democracies flourished in freedom, and became, in two global wars, the salvation of the world. And now, at the summit of its power, it is called upon to lead in translating into reality the most cherished of humanity's hopes: peace with justice, in a world rebuilt upon a moral order that insures survival and growth even under the shadow of manmade total destruction.

For a Filipino like myself, to stand here is also to remember that in this kindly land lies one of the fountainheads of his own country's liberties, that from here emanated the generous impulse that made possible a new birth of freedom in the Pacific, that in a very real sense the Philippines is a sister republic of the United States.

That new birth of freedom in our island nation was but the first of many. The independence of the Philippines initiated the dismantling of colonialism in Asia, a historic process that was to extend to Africa and eventually become worldwide. To America belongs the pioneer's honor for bringing about one of the glories of our age: the vast extension of the frontiers of freedom through the emergence of so many new sovereign states.

Filipinos believe that he who does not look back to his origins will not reach his goal. This belief applies to nations as well as men. When I say that we Filipinos have a special regard for America, I look back to a Philippine-American association of more than half a century, during which a friendship was formed strong enough to endure the trials of war, and I hope rich enough in living values to meet the varied and stern challenges of peace.

THE REVOLUTION OF 1898

I look back and it was precisely this spirit of prevailing freedom in the United States, the ripeness of emancipation in your society, that made the Philippine revolutionary leaders in 1898 come into consultation and some terms of partnership with Admiral Dewey, even before a single American had landed on our shores.

The facts are in history: the agreement between President Aguinaldo and Adm. George Dewey; the consensus of opinion between the Filipinos fighting an ancient monarchy and a colonial regime and the Americans regarding the procedure of our finally realizing freedom.

THE PHILIPPINE-AMERICAN WAR

It matters not now to many what the true agreement was between American representatives and Filipino revolutionaries in Hong Kong—as to whether you promised independence, denied it, and claimed the Philippines as a purchase for $20 million—thus starting the bloody war between your country and mine of 1898 to 1902.

BATAAN AND CORREGIDOR

For you redeemed all of these with such an enlightened colonial policy that the Filipino committed himself to destruction in the frontlines of the lost battles of Bataan and Corregidor as well as the underground under American higher commanders. The frontiers of these historic places were manned by Filipino troops and Filipino officers.

It matters not except to us that after the Second World War the Filipino soldier felt disowned by you when you approved the law which provided that service of the soldiers of the Philippine Commonwealth inducted to the U.S. Army shall not be considered service in the U.S. Army for purposes of benefits and rights granted by law.

For the American leaders again listening in a spirit of fairness have openly declared an injustice had been committed and you have sought and are still seeking to right this wrong.

KOREA

So the Filipino soldier again died in the battlefields of Korea beside his American comrades for the same cause, while the Republic of the Philippines was fighting its own war of survival against the Huks, the armed elements of communism in my country who had staged their own violent national liberation movement.

VIETNAM

And today we send our sons to South Vietnam on an errand of mercy although we face the retaliation of armed communism in our own land in the midst of a financial crisis.

What matters was that you had willingly abided by the true image of America, at once providing in the Philippines a condition of the spirit of freedom: Founding throughout the country a universal educational system; replacing the feudal dispensation of the once regnant Spanish regime with civil institutions; helping the Commonwealth Government in its efforts to implement social and economic reforms, and, finally, introducing into our much-Europeanized culture, the technology, awareness, ideas, and expertise of the vigorous civilization of the new world.

And, as an Asian, may I say that this is precisely what has endeared the civilization of America to Asia. As Tagore had declared, at the turn of the 19th century, it is the modern spirit of Liberalism that makes the West relevant to us.

SECOND MESSAGE—VOTE OF THANKS

The second message from the Philippines is a vote of thanks to America.

History recalls that twice in this century America's power, wielded with courage and heroism by the American people, has provided the margin of strength needed to bring world wars to a victorious end. Twice after victory, America shunned the prospect of world domination and turned instead to the tasks of peace.

The Filipino people are thankful that the greatest military power in the world today is also the power most completely committed to the cause of world peace based on law and justice.

A distinguished historian has predicted that future generations will regard as the noblest achievement of our time, not military or scientific conquests, but the acceptance of international responsibility for the welfare of the entire human family. If this should indeed be the verdict of history, America would be entitled to claim a major share of the credit. For America has pioneered in giving reality to the revolutionary concept that rich nations should help those less fortunate than themselves, not only because it is necessary to do so in today's interdependent world but because it is right.

We in the Philippines are also thankful America has discharged the awesome responsibility of being the first and foremost atomic power in the world with restraint and wisdom. Humanity's safety and its chances for survival rest in the hands of America and we thank God that those strong hands are firmly harnessed to the uses of peace and the heart that moves them entirely worthy of its solemn trust.

THIRD MESSAGE

My third message is of greater urgency from the Philippines as well as from all of Asia.

THE WALL OF FEAR

As an Asian friend who has read the Asian mind and heart, allow me to speak in candor.

We note some hesitancy, some frustration and doubts in America today.

After you lost the mainland of China to communism, after the battles of Korea and the debacle of Dien Bien Phu, you have doubted your own strength, your own competence, and questioned your own wisdom. Even after the commitment of your sons in Vietnam, still the question is asked: "Where are we headed for?" The mothers ask, "Why must our sons die in some unknown land?"

We condole with you because we too have lost our sons in battle. We too have known the horrors of war. God grant that America will never know what we have known at first hand—Manila was the most ravaged city in the Far East after World War II, and, in the distinguished company of bombed-out shattered cities, was next only to Warsaw.

God grant that America will never see what we saw—an occupation army in full control of city and countryside.

And we know what guerrilla warfare means; we are intimate with its cruel connotations. And we know what it is to die in jungle fastnesses as well as in street corners and alleys—as your young men once knew death in Berlin and Paris, as they are experiencing now in the mud and mire of South Vietnam.

The Philippines is the only country, perhaps, which has overcome a national Communist rebellion with its own indigenous troops—without the aid of alien soldiery. And even today in the Philippines communism again has resurged as a reaction to our increased aid to the Republic of Vietnam.

You who have lost your sons in an unknown land—why such death, you ask? When will these sacrifices end, and what does the future hold for all of us?

These are your questions. Gone for our moment of history is Grotius and his vision of world order. Only you can answer these questions. I can only offer you my thoughts.

You have built around you a wall of fear—the wall of fear of Asia and all things Asian. It is the wall of fear of Asian communism. It is the wall of the unknown, the distant, the unplumbed risks, and the imagined terrors.

For a time Asia cringed in anxiety as there were suggestions that you forfeit your leadership in the Pacific because of fear.

America, the time has not yet come for you to lay down the heavy burden of leadership. Out of the bounty of your human and material resources, this great country has already given more generously to the common fund of human welfare than any other single nation in history. In the lifetime of this generation alone, America has contributed more to the security and well-being of the free world than could ever be repaid by its beneficiaries.

For America by the inscrutable judgment of destiny has become the trustee of civilization for all humanity. And America cannot escape this role.

WE ARE NOT WINNING THE WAR FOR THE MIND AND HEART OF ASIA

The summons to America is worldwide, but the area of greatest urgency is my own region, Asia. In Asia today, the issue of world war or world peace hangs in perilous balance. In Asia the future of freedom is being disputed in battlefields as well as in the minds and hearts of men—in the hamlets, the marketplaces. Last year we were losing the military war. Today the tide has turned. The military initiative has transferred to Vietnam and her allies. But we are not winning the war for the mind and heart of Asia. We are in danger of losing it.

In Asia the ultimate questions are being asked concerning man's capacity, in this atomic age, to survive his own suicidal instincts, fashion workable modes of coexistence, and eventually build that better world to which his nobler self aspires.

THE THREE CHALLENGES

Asia today challenges America and the rest of the world in three vital fields: security from aggression; economic cooperation; and the definition of the moral and political basis upon which a new, more creative, more stable partnership could be built.

VIETNAM

The war in Vietnam agitates the whole world and has brought into sharp focus the problems of Asian security. We stand with America in maintaining that aggression, whether perpetrated openly or by proxy must be deterred and defeated, that all nations, Asian or not, are entitled to freedom from fear of subversion or overt attack, that they should have the period of peace they need to attend unmolested to their urgent tasks of economic and social development.

AFTER VIETNAM

But peace or victory in Vietnam is only part of the answer to the question of Asian security. After Vietnam resurgent China poses the bigger problem. Very soon Communist China's growing military power may match its intransigence and its expansionist ambitions. This is the looming menace to Asian and world security today.

If the problem were simply a power equation, it could be solved tomorrow. But at the heart of the matter lies an agonizing dilemma.

THE DANGEROUS PERIOD OF A SECURITY GAP

To the free Asian nations rightly belong the primary responsibility for their own security and well-being. This is an inevitable and a welcome consequence of independence. It is a privilege as well as a duty. However, China's power, blatantly militant and still unrestrained by firm commitments to international law, is developing during the dangerous interim period when the other Asian states, whether jointly or alone, cannot organize adequate defensive strength and before the United Nations has perfected its capacity to maintain international peace and order. The resulting security gap invites intervention, subversion, and foreign-inspired "wars of liberation." This dangerous security gap which is the present period can only be filled by America. However much Asian nations may abhor or at best regard with distrust such non-Asian power. It is only American military power that is acceptable in Asia and great enough to deter Communist China's aggressive tendencies.

As an Asian who has made it his lifework to study and know the Asian mind and heart as reflected in the different countries, allow me to remind you that the old hard-core leaders around Mao Tse-tung are firmly and securely in power. The mantle of authority upon the demise of Mao Tse-tung will fall upon the shoulders of Marshal Lin Piao, the prophet of Mao Tse-tung still supported by Chou En-lai. This is a hard political reality. During the lifetime of these leaders at the least, it is believed by many that there is no probability of the moderation or mellowing of Chinese Communist policies. It is felt that Mao Tse-tung's version of protracted war, the war of national liberation, shall be utilized as an instrument of ideological expansion by means of an interminable wave of guerrilla action sustained by ruthless terror.

We are not against negotiations with Red China nor do we espouse a cutting of communications with them. On the contrary, we will support every effort to keep the channels of communication open and hope that negotiation can bring about a suspension of hostilities—but the military initiative just recently recovered should not be forfeited.

LIN PIAO'S PATTERN FOR CONQUEST

Marshal Lin Piao's pattern of world conquest is summed up in his terse simplification that in the world Asia, Africa, and Latin America are the rural areas while Western Europe and North America are the cities: That when the rural areas are conquered, the cities will fall as was their experience in the Chinese mainland.

AMERICAN NATIONAL INTEREST

Asia may fall but America is the ultimate target. It is, therefore, to your national interest that the plan be aborted.

HOPES FOR PEACE IN VIETNAM

For the past several months, several Asian states, the Philippines among them, have been working quietly and unobstrusively to bring about the first prerequisite to peace in Vietnam and that is to establish lines of communications between North and South Vietnam. The suspension of hostilities in South Vietnam can be attained only by the selfless obsession for anonymity by the negotiators that is required in delicate and sensitive negotiations of this nature.

To bring about peace in Vietnam will involve long, tedious, confidential, and secret negotiations. Patience and fortitude and just the right touch of sophistication and civility in the conduct of these negotiations will succeed. Publicity should come only after peace has been negotiated.

From my point of view it will not matter who will claim the credit for having brought about the successful negotiation. What matters now is that this violent, ruthless, and wasteful war must be brought to the conference table.

The effectivity and success of the quiet type of diplomacy that I propose and advocate has been demonstrated in the dismantling of the confrontasi between Indonesia and Malaysia in which the Philippines had a modest share.

Even in this modern world for the success of conciliation the most important factor to regard in Asian diplomacy is that no nation or leader or diplomat loses face in the negotiations. Losing face is still an unpardonable offense to an Asian.

AN ASIAN POLITICAL FORUM

Perhaps in this juncture it is now timely to speak frankly of the possibility of an agrupation of Asian states constituting the ECAFE under the United Nations into a political forum which can defuse or even settle any crisis that may arise in the region.

Such an agrupation of necessity accepts again the reality of the diversity of ideology among Asian nations. But an agrupation of like-minded states would of necessity be suspect and be unable to bring about communication between conflicting countries with different ideologies and political beliefs. The establishment of the Asian Development Bank, I hope, will bring the different nations together close enough and condition them to cooperation so that they can hammer out such an arrangement.

AMERICAN POWER ON TERMS ACCEPTABLE TO ASIAN NATIONALISM

The crux of the problem for America is to bring American power to bear in Asia on terms acceptable to Asian nationalism. It is a difficult but not an impossible task. Communist China's attacks on Korea, Tibet, and India had alerted neighboring countries to a developing pattern of expansionist design. The unsuccessful, Communist-inspired coup d'etat in Indonesia last year projected this design into the forefront of Asian consciousness. The result was a greatly heightened realization that Communist China, soon to become a nuclear power, has everybody's security problem requiring, for its solution, the cooperation of everyone.

THE NEW FACTOR—CHINA A COMMON SECURITY PROBLEM TO ALL ASIAN NATIONS: AMERICA'S DETERRENT POWER A NECESSITY

This new factor in the Asian solution is just beginning to be discerned and has not yet fully developed and cannot be appreciated outside Asia. It is among the most significant and heartening developments in the region in that one of its meaningful aspects is the possible growing desire for regional cooperation not only in the economic and social fields but possibly also in the political and security matters.

Another is the enhanced awareness that for the present and the years immediately ahead, Communist China's neighbors cannot expect, singly or together, to "balance" China's crucial margin of nuclear power without the assistance of non-Asian countries like America. There is in consequence a new disposition to regard America's deterrent power in Asia as a necessity for the duration of time required by the Asian nations to develop their own system of regional security supported by what they hope would have become a greatly strengthened United Nations.

THE THREE CONDITIONS OF ASIAN COOPERATION

It is a mood, both realistic and hopeful. Regarded with understanding and consideration, it could offer a wider basis for Asian cooperation than America has been able to achieve in the past. Three conditions are indispensable to the realization of that broader association. It must be based not on the narrow ideological alinements of the cold war but on the inescapable reality of Asian diversity. It must work with the tide of Asian nationalism instead of running counter to it. And it must be constructive in spirit and purpose, looking beyond victory in Vietnam to the creation of a milieu of justice and a rule of law under which all Asian nations could achieve their maximum potential for peaceful growth.

NOT TOO SOON TO EXPLORE THE POSSIBILITY

The experience of Vietnam suggests that it is not too soon to explore the creative possibilities of this new approach. To function in Asia without full Asian support is to build on shifting sand. The greater the power projected from outside into Asia, the more compelling the need that it should operate in harmony with Asian aspirations, toward goals compatible with Asian independence and dignity.

THE CHALLENGES TO AMERICA AND ASIA

America's deepening appreciation of this need for a genuine basis of understanding and common purpose with Asia coincides with the growing desire in the region for security from aggression of all kinds, open or disguised, Asian or non-Asian. The challenge to America is to extend to Asia the defensive shield of American power in forms consonant with Asian freedom and self-respect. The challenge to Asia is to discard the dry meatless bone of mysticism and fatalism, for the lifegiving substance of aspiration and endeavor; to leave the past behind, recognize today's need for energetic self-reliance and dignified maturity; to make common cause against aggression, and meet America halfway in a joint undertaking to make the future secure for all.

AMERICAN DISENGAGEMENT FROM ASIA

After the United States recognized the independence of the Philippines in 1946, the American Government reluctantly yet realistically accepted the triumph of Communist power in the Chinese mainland as an accomplished fact. Still later, the Allied occupation of Japan, which was essentially an American operation, was formally terminated. All these developments added up to a recognizable policy of American disengagement from the affairs of Asia.

EUROPE-FIRST POLICY

In Europe, the trend was exactly the opposite. To the challenge of Soviet power following the end of the Second World War, the United States and its European allies countered with NATO. In rapid succession, the Soviet attempt to drive the Western Allies from West Berlin was deflected by the Berlin airlift, and the Communist threat against Greece and Turkey was nullified by the Truman doctrine. America made it abundantly clear that it was not prepared to see Western Europe overrun by Soviet power.

Thus, American policy in the period after the war conformed more or less to the Europe-first doctrine that had dominated Allied strategy during the war. The Filipino people, who were the main sacrificial victims of that wartime strategy, were deeply concerned that a similar strategic concept would govern the postwar policy of the United States. In 1949, from this same rostrum, President Elpidio Quirino, the second President of the Republic of the Philippines, called upon the United States to respond to the Communist menace in Asia with a Pacific equivalent of NATO. His appeal fell on deaf ears, however, and the following year he was compelled to convoke in Baguio City, on his own responsibility, and without American support, the first Conference of Southeast Asia.

KOREA—THE U.N.

Within months after the holding of the Baguio Conference, the Communists struck in Korea. President Truman, who had firmly challenged Communist ambitions in Europe while acquiescing to a policy of disengagement from Asia, suddenly realized that Communist power was reaching out boldly toward Asia. Under the banner of the United Nations, the United States and 15 other States, including the Philippines, joined forces to repel the Communist invasion of South Korea.

THE SEATO

Out of the bitter experience of the war in Korea, the Southeast Asia Treaty Organization—SEATO—was born. This happened in Manila in 1954, 4 years after President Quirino had first advocated the establishment of an anti-Communist alliance to serve as the Asian equivalent of NATO. At the same time, the United States entered into mutual defense alliances with the Philippines, Japan, Australia, and New Zealand. All these things were done under the much-scorned but now surprisingly topical Dulles doctrine of "brinkmanship" and "massive retaliation."

THE SALIENT ELEMENTS OF AMERICAN POLICY

The salient elements of American policy emerge from this brief recital of recent events. The first is that, following the end of the Second World War, there was a deliberate attempt to orient American policy away from Asia and the Pacific toward Europe and the Atlantic. The second is that American policy in Asia has been essentially passive in character, developed and pursued mainly in response to Communist initiatives in subversion, aggression, and conquest. In short, the United States has been a reluctant participant in the affairs of Asia.

UNLIMITED COMMITMENT IN EUROPE, LIMITED COMMITMENT IN ASIA

That reluctance did not spring from a new spirit of isolationism among the American people: It sprang rather from the feeling that prevailed among the makers of American foreign policy at the time that while the United States could undertake a virtually unlimited commitment to defend Europe, it could only accept a limited commitment to defend Asia. This was duly reflected in the differing obligations accepted by the United States under NATO and SEATO. American awareness of closer racial and cultural affinities with Europe probably justified this attitude in a situation where American power was, in any case, inadequate to police the world as a whole.

VIETNAM JUSTIFIED NEITHER BY AFFINITY NOR U.N. KOREA EXAMPLE

Today, we face the fact of massive American involvement in Vietnam—in a struggle which can neither be explained on the basis of recognized affinities nor justified by the example of the previous United Nations action in Korea.

HISTORY—UNITED STATES WAS FIRST PACIFIC POWER BEFORE IT WAS AN ATLANTIC POWER

History, however, may provide both explanation and justification. One elementary fact of American history is that the United States was a Pacific power long before it became an Atlantic power. President Washington's injunctions against "entangling alliances" and President Monroe's promulgation of the doctrine that bears his name insured America's virtual isolation from European affairs. This isolation lasted a long time, and America did not become an Atlantic power until after the First World War.

COMMODORE PERRY AND JAPAN, PHILIPPINES HAWAII, AND ALASKA

By contrast, the United States became a Pacific power just before the Civil War, when Commodore Perry opened feudal Japan to the modern world. This was followed at the turn of the last century by the acquisition of the Philippines, Hawaii, and Alaska, and by American support of the open door policy in China. American rule over the Philippines, the war in the Pacific, and the American occupation of Japan confirmed and strengthened the status of the United States as a Pacific power.

The American presence in Vietnam makes sense only when viewed in the historical context of the development of the United States as a Pacific power.

To recall this chapter of American history is not, of course, necessarily to justify the motives that brought the United States to Asia. The truth is that the American Republic, having isolated itself from the affairs of Europe and having had no share in the spoliation of Africa, was obliged to turn to Asia, across the Pacific as the object of its belated imperialist attentions.

NO MORE IMPERIALIST AMBITIONS IN ASIA

Today, having relinquished control of the Philippines and terminated the occupation of Japan, the United States can truthfully disavow any surviving imperialist ambitions in Asia. The presence of American bases and American troops in South Korea, Japan, Okinawa, and the Philippines could be justified as aiming solely to deter or repel any encroachments of Communist power in these areas.

REPEAT THE AVOWALS

This point should be made indubitably clear in the case of the American presence in Vietnam. Americans and their Government should never tire repeating that the United States is in Vietnam for the purpose of assisting that nation in defending its independence and territorial integrity. They should give every assurance that they are not in Vietnam, or anywhere else in Asia, for the purpose of political hegemony or economic gain. This, President Johnson has repeatedly done.

Such avowals of American purpose would correspond to the deepest aspirations of the non-Communist Asian nations themselves. Their common hope and desire is to be given an opportunity to consolidate their independence, to translate it in terms of a better life for their citizens, to determine and shape the destiny of their country without outside interference of any kind. To achieve these goals, these non-Communist nations realize that they need the umbrella of American power to shield them from Communist infiltration, subversion, and aggression. Without attempting to establish new or enlarged military alliances, it should be possible for the United States to provide this protection for all those nations that desire and ask for it.

DOES AMERICA HAVE A NEGATIVE RECORD IN FOREIGN AFFAIRS?

Does America have a "negative" record in foreign affairs? The record shows that the East-West confrontation in Europe has been stabilized and that Communist influence is in retreat in Asia and Africa. As late as 2 years ago, nonalinement or Communist-leaning neutralism was the prevailing policy among Asian states. Today, Ceylon, India, and Indonesia have virtually abandoned their old, familiar stance of neutralism and become firmly anti-Communist. Pakistan appears to be desisting from its open flirtation with Communist China, while the Communist Parties of North Korea and Japan have declared their independence of Peking.

BENEFITS FROM AMERICAN PRESENCE

I personally know for a fact that the American presence in Vietnam provided—though quite unintentionally—encouragement and support to those who successfully resisted the attempted Communist takeover in Indonesia. It is certain that the U.S. 7th Fleet in the China Sea as well as American airpower in the area rendered inoperative the so-called Peking-Djakarta axis which the Indonesian Communist Party might otherwise have invoked in the extremity of its disastrous debacle in Java.

In effect, and almost without realizing it, we are even now already reaping valuable dividends from the American presence in Vietnam. Those benefits are certain to multiply as the non-Communist neighbors of China understand that their security is guaranteed by the umbrella of American power. The assurance that has been given by President Johnson that this protection will not suddenly be withdrawn tomorrow, thus leaving them to the mercy of Chinese communism, is an indispensable factor in maintaining the stability of southeast Asia.

DOMINO THEORY

The so-called domino theroy which many experts tend to discount, may be an oversimplification. But it is certainly correct to argue that a country like Thailand, for example, is hardly likely to depend for its security on an American Army that has been defeated or has withdrawn under fire from Vietnam. Thailand would have to adjust to Chinese hegemony in Asia and its attitude would be shared in varying degrees by Laos, Malaysia, India, Pakistan, Japan, and the Philippines.

OBJECT—"CORDON SANITAIRE"

Our object must be to hold the line in Vietnam and, at least, to roll back Communist power behind the 17th parallel. This being achieved, we shall have provided a necessary basis for joint action among the southeast Asia nations themselves in order to insure their collective security.

When this has been done, American military power could withdraw to existing bases in the outlying islands and archipelagos: Japan, Okinawa, Taiwan, and the Philippines. Together with the U.S. 7th Fleet, this line of defense off the Asian mainland could be rendered completely impregnable, while offering needed support to any mainland nation that may be threatened by Communist power.

With this "cordon sanitaire" effectively established around the eastern and southern flanks of Communist China, the latter might then realize that it could more usefully harness its energies to the enormous task of satisfying the needs and improving the livelihood of its 700 million people. Or it could turn around and begin looking over and across the 5,000-mile front which it shares with the Soviet Union. But that would be another story.

There was reason to say in mitigation of Communist China's avowed policy of universal revolution, that is, of abetting and assisting "people's wars" abroad, that while the rulers of Peking are violent in their speeches, they are remarkably nonviolent in their actions. In recent weeks, however, many of the statements of the Chinese Communist leaders as well as some of the actions which they have tolerated or encouraged, appear to verge dangerously on the irrational. Prudence dictates that we should beware lest the fanaticism behind their words translates itself into fanatical action, and lest their irrationality in domestic matters merely foreshadows irrationality in foreign affairs.

No Asian country or government desires the destruction of Communist China. We who are its neighbors realize that we must coexist with China and the Chinese people. We need to adjust to the overwhelming fact that it exists in our very midst. But, equally, Communist China must accept the obligation to coexist peacefully with its neighbors. This means that it must abandon and forswear its policy of exporting violence and fomenting disorder amongst its neighbors.

Until we receive assurances to this end, the policy of the military containment of China must continue.

WINSTON CHURCHILL ON GREATNESS

It was Winston Churchill who said, as he rallied the battle-weary people of Britain during the last war, that the true measure of a nation's greatness is what it can do when it is tired. On the basis of this criterion, the United States may not, because of divided counsel at home, because of increasing fatigue from endless responsibility, or because of impatience with difficult allies, lay down the heavy burden of power and, in effect, resign as the leader-nation of the free world.

It is not easy for someone not an American to say these things to Americans at a most trying moment in their history. It would behoove an outsider to keep discreet silence on questions that have so deeply divided Americans. Having served in the U.S. Armed Forces during World War II and as a guerrilla officer during the Japanese occupation, I cannot be indifferent to the grief of thousands of Americans and Vietnamese whose brothers, sons, and husbands are fighting and dying in Vietnam.

Though I have spoken of our stake in Vietnam in terms of a battle of ideologies and a contest for power, I do not forget that the values involved in that struggle are profoundly human. Because the stakes are high, even decisive, involving the very future of freedom in

Asia and, ultimately, in the world as a whole, including this country, we should like to see the hand of America remain steady and sure on the wheel of power and responsibility. We should like to be reassured that this great country, its people and Government, shall never act upon the agonizing issues of our time in disgust or anger, or from a feeling of tiredness or a sense of panic, but in the knowledge that they are confronted with responsibilities that must be met, tasks that must be accomplished, and battles that must be waged with all the courage and wisdom at their command.

THE PARALLEL IN THE ECONOMIC FIELD—MAXIMUM SELF-HELP AND THE ECONOMIC DEFICIENCY

A parallel situation obtains in the economic field. Here, too, the primary responsibility rests with the Asian countries themselves. Economic and social development on a scale commensurate with the aroused expectations of their own people is a task deserving of their greatest effort and utmost dedication. Maximum self-help should be their watchword dictated as much by self-respect as by sheer necessity. But here, too, even heroic national exertions may yet leave between success and failure, between poverty and prosperity, a vital margin—the economic gap which only assistance from outside can fill at this stage. And as in the field of security, foreign aid, though needed and desired, must be extended without the harsh demands that remind Asia of its past enslavement and with some sophistication if not idealism, in ways compatible with Asian nationalism.

THE LINKS OF ECONOMICS TO SECURITY

The links of economics with the problem of peace are less obvious but no less real. Poverty is not only a fertile seedbed for Communist dictatorship and other extreme solutions; it is also the open gate to foreign-inspired subversion and the open road to "wars of national liberation." When it afflicts a region as vast and as populous as Asia, it becomes a major threat to world peace.

ASIA AND THE DREADFUL POTENTIAL OF TRIGGERING A WORLD WAR

One-half of mankind living in abject want or at bare subsistence levels constitute an enormous drag on world prosperity. Itself already a "sea of troubles," impoverished Asia also has the more dreadful potential of triggering another World War, offering as it does an almost irresistible temptation for foreign intervention. And in the growing economic bipolarization of the world into rich nations becoming richer and poor nations becoming poorer—one of the most serious long-term threats to international security—Asia with its population explosion, its unsatisfied wants, and its deeply rooted grievances against the past, would be a major factor for all of humanity.

Much is already being done through existing organizations, within as well as outside the United Nations, to meet Asia's need for economic aid. More is required to fill that vital margin between failure and success which even the most devoted application of self-help cannot bridge. Increased capital investments and more effective technical assistance are essential. But more important in the long run is the enhancement of the feeling of partnership between the nations giving aid and the nations receiving it.

THE MORAL BASIS OF ECONOMIC ASSISTANCE

Precisely because there is no shortcut to economic development, the human factor should be kept constantly in view. The moral basis of economic assistance should never be forgotten in the preoccupation with its material superstructure. A sense of joint involvement in one of the great enterprises of this century is needed to sustain both the rich and the poor nations during the long, difficult journey toward the goal of a better life for all envisaged by the United Nations Charter.

THE MORAL ASPECT OF PARTICULAR RELEVANCE TO ASIA

The moral aspect of economic cooperation is of particular relevance to Asia. The nations of Asia give high priority to economic progress. But their deepest hunger is not of the body; it is a hunger of the spirit: the desire, after centuries of colonial bondage, for the fullest attainable measure of human equality and human dignity.

THE LONGINGS OF ASIA

This is the reason why the American Declaration of Independence still transmits a living message to the peoples of Asia, why they hold Lincoln the emancipator in such high regard, and why they have been so deeply moved by Roosevelt's proclamation of the four freedoms, Kennedy's ringing summons to a global alliance for the upliftment of the human condition throughout the world; and that is why President Johnson is called the liberator of Asia with his solemn promise of military security and his challenge to a social revolution.

THEY MISJUDGED ASIA

They misjudge Asia who believe that the material factor will be decisive for Asia's future. And they malign Asia who imagine that Asian nations are craven opportunists, intimidated by brute strength and ever ready to join the winning side. America's Philippine experience belies both beliefs. And if an Asian leader were to be asked to choose between indignity and hunger, he would unhesitatingly choose hunger. And his people would go hungry with him.

ASIA IS AN ANCIENT CIVILIZATION

For Asia is an ancient civilization; and its culture is essentially shaped by philosophy and religion and its actions moved by its ethical precepts. And when we react to the West, it is its materialism, its scientific power that we confront and the signs of enervation of its spirit. We discover a prosperous society, advanced in its technology and living by the fundamentals of power and the machine and by its material excesses.

But even here we perceive the fact of conflict arising from the inability of peoples to accommodate the yearnings of purely human values to be projected in this materialistic culture. And indeed in our world, we witness not merely total war but also the acceptance of the totalization of doom. Beneath the overt unresolved conflicts of nations is the reality of human conflict—man against his culture because it has not been able to accommodate entirely his values and even man against himself.

THE HUMAN CONDITION IS A DIALECTIC

The human condition is a dialectic and man himself has forfeited the inner harmony of his own nature.

Between the conceptions and actions of our civilization is a great divide of discordant facts. We have a politics, for instance, openly declared on democratic principles, but we witness the reality of inequality in our times; the fact of the subversion of the self-determination of nations; the disintegration of international law itself because of the inability of nations and powers in the international community to live by the postulates of the rule of law. The system of Grotius and the efforts of internationalists to enlist reason and an ordered postulate of justice in the settlement of disputes have found no concrete actuality.

And yet, it cannot be denied that in our century the evidence of material advancement and the prosperity of peoples is more true than at any other period of human history. The conclusion, therefore, is undeniable: that man cannot be sustained by the actuality of materialism; that he does not live by bread alone, and that it is only when wealth identifies itself with the spirit that it justifies itself.

AMERICAN LEADERSHIP NOT ONLY MILITARY BUT SPIRITUAL

American leadership has never been solely military; more accurately, it has consistently been spiritual.

THE MARSHALL PLAN, AND SO FORTH

Your Marshall plan to a devastated Europe; your corps of peace volunteers to Africa and Asia; your concern with the democratic rehabilitation of Japan, an enemy country, even your economic aid to developing societies, and your readiness to come to the defense of nations beleaguered in their just fight for sovereign rights—this is not America, the military imperialist, but the same America which saw in the conditions of the Philippines, my country, the prospect for a democratic experiment in Asia, the dismantling of the colonial machinery that was to end the enslavement of many peoples of the world.

In Vietnam are the savagery and ferocity, the treachery and bloodness of war. Yet, there America has identified itself with individual fulfillment, with freedom, with nobility of the soul, with social justice.

For all the iron and steel you have piled on solid ground, Vietnam remains a vision and spirit which posterity, given the perspective of time, will be able to judge in its true light.

THE RELEVANCE OF REASSERTION OF AMERICAN LEADERSHIP

There is, therefore, the relevance of a reassertion of American leadership—a leadership based on the concepts of this new society as it was defined by your Founding Fathers and reiterated in the American Declaration of Independence—a leadership that is bold and vigorous in its liberalism, cutting across the distances between peoples which were created by misunderstanding, ignorance, and differences of human conditions and, just as your Founding Fathers had ventured out to the open seas so much feared for their imaginary terrors and false depths of risks, let America once more break through the wall of fear of Asia which has kept peoples apart and nations divided.

THE AMERICA ENSHRINED

This is the America which the old world had enshrined in its liberalism; the new society which immediately found acceptance from the disenchanted nations of Europe and Asia at the turn of the 19th century—the image of the new world that had bewitched Dutch sailors' eyes and the migrating vision of those who took flight from the tyranny of monarchies—the green light of the 20th century that has heretofore been a beacon of the lost ideals of our times.

This is what has ennobled the image of America.

HOW CAN AMERICA REACH THE HEART OF ASIA?

To those who ask how America can reach the heart of Asia, I say: let America speak from the depths of its own heart: with the voice of Jefferson, with the compassion of Lincoln, with the vision of Roosevelt, with Kennedy's clarion call to a crusade in behalf of the weak, the oppressed, and defenseless; for a world of hope, lawful order, and growing freedom; let America speak through President Johnson's challenge for the social revolution that would transform human society without violence to human rights.

America, speak to Asia in the words of President Johnson when he said:

> By peace in Asia I do not mean simply the absence of armed hostilities. For where men hunger and hate, there can be no peace.
>
> I do not mean that peace of conquest. For humiliation can be the seedbed of war.
>
> And I do not mean simply the peace of the conference table. For peace is not written merely in the words of treaties, but in the day-by-day works of builders.
>
> The peace we seek in Asia is a peace of conciliation: between Communist States and their non-Communist neighbors; between rich nations and poor; between small nations and large; between men whose skins are brown and black and yellow and white; between Hindus and Moslems and Buddhists and Christians.
>
> It is a peace that can only be sustained through the durable bonds of peace: through international trade; through the free flow of people and ideas; through full participation by all nations in an international community under law; and through a common dedication to the great tasks of human progress and economic development. Is such a peace possible?
>
> With all my heart, I believe it is. We are not there yet. We have a long way to journey.

Addressed in these accents, Asia will listen. Confronted with this challenge, Asia will respond.

LAST MESSAGE

My last message to you is hard for me to articulate.

Let me bare my heart to you. I have come not as an enemy. I have contributed my modest share in the payment of the price for the liberties and ideals which we all cherish.

It is precisely because of this that I have been hounded by loud persistent criticisms that I am much too pro-American in my policies. Perhaps I am—emotionally so. For I was one of the many who gambled everything—life, dreams, and honor—on a faith in and the vision of America, when all was lost as the Stars and Stripes for the first time in history was trodden to the ground in Asia. I have faith in your objectives in Asia and am deeply convinced that democracy such as ours in the Philippines can thrive in an ocean of neutrals and Communists but only if you keep true to and abide by the image of fairness that is America.

And the truth is all of Asia watches how America will treat her most loyal and steadfast ally. The whole world watches if America will mete out justice to the Filipino veterans. There are rumblings among my people. Far too many of them, including some of our intellectual leaders, have long ago lost faith in your sense of fairness. Without necessarily heeding the importunings of our Communist enemies, they are harsh critics and have given up hope of American justice. They claim American policy desires only the permanence or predominance of American power in Asia regardless of what happens to the individual Asian and that you could not care less who lost his head to the tyrant provided that tyrant was your tyrant. They cry "American help is self-help; America is a friend in need, her need."

And it is paradoxical that after the Second World War we have had to endure American ridicule for our claims to equal rights under the veterans laws of this country. We are unprepared for the rebuffs that we received but even less prepared for the hostility in the attitudes of some of your executive officials who have had to deal with us. Our former common enemy, Japan, had been patient and understanding. From you, our Allies, we expected nothing less. But we did not get it.

Sometimes I have stood alone or with a few loyal comrades as of old, beleaguered by a sea of opposition as I reaffirmed loyalty to the American image.

So, upon the kind invitation of your great President, I have come to you with leave of my people. When I sought their counsel, they told me: "Go, young man of many dreams and many scars, go to your friends. Go but once and no more." I can hear them say still: "Go with our misgivings for we know only too well the Americans' disdain for state visitors who go to their land with promises of loyalty to their ideals and global objectives but with their palms and hands stretched out for aid. Do not beg for alms or aid for we do not solicit charity.

"But tell them loyalty is not for sale. There is no price tag for faith except justice.

"Go and tell them this. If, after they have heard you, they remain unmoved, then with sorrow and grief tell them we are prepared to close this unfortunate chapter of Philippine-American history. With dignity, the Philippines shall stand alone as we have done in the past, fighting off the terrors of our enemies. If we are overwhelmed, then Asia is lost to communism but we would have had our share of conflict. And if we fall, we shall have fallen with pride and shall have died with honor."

But the critics were more cruel. And even the veterans scoff at our own scars in battle. One of these scars I received in trying to save an American comrade. "Where is he now?" they ask. "He is dead like many of our dreams."

Yes, my American comrade died in my arms. We were surrounded and we had to break out. He fell and, as he tried to crawl to safety, I returned to him, to fall at his side—Filipino and American blood commingling in Philippine soil.

As I cradled him in my arms to a foxhole, he died with the words: "Tell them back home, you who will live, my only regret in dying is that America has failed us."

I, the Filipino, assured the American, as if this would assuage his dying, "No, America does not forget and will not fail us."

Many years are past. Time should have muted the tone of confidence and the tyranny of circumstance should have eroded the memory but still today, I say to you as I have said to my people: "America does not forget. America will not fail us."

At 1 o'clock and 42 minutes p.m., the President of the Republic of the Philippines, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper, Hon. William M. Miller, escorted the invited guests from the Chamber in the following order: The members of the President's Cabinet, the ambassadors, ministers, and chargés d'affaires of foreign governments.

The **SPEAKER**. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses hereby dissolved.

Accordingly, at 1 o'clock and 45 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 30 minutes p.m.

PROCEEDINGS HAD DURING RECESS TO BE PRINTED

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the proceedings during the recess be printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule for next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROGRAM FOR THE BALANCE OF THIS WEEK AND FOR NEXT WEEK

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished gentleman from California [Mr. Moss] the program for the remainder of this week and the program for next week.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. MOSS. Mr. Speaker, it is intended to seek unanimous consent to go over from adjournment today until next Monday.

Mr. Speaker, the program for next week is as follows:

On Monday we will have the call of the Consent Calendar.

There are 12 suspensions which are as follows:

H.R. 8678, Pictured Rocks National Lakeshore, Mich.;

H.R. 17488, Veterans' Pension Act of 1966;

H.R. 16557, relating to national service life insurance issued to military forces of the Commonwealth of the Philippines;

H.R. 15183, adjusting the status of Cuban refugees to that of lawful permanent residents of the United States;

S. 3510, Connecticut River National Recreation Area;

H.R. 16715, Manpower Development and Training Amendments, 1966;

House Joint Resolution 1169, International Conference on Water for Peace;

S. 3423, Wolf Trap Farm Park, Fairfax County, Va.;

S. 2287, authorizing a 5-year hydrologic study and investigation of the Delmarva Peninsula;

H.R. 14136, authorizing increase in fee for migratory bird hunting stamp;

S. 1474, creating a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government; and

S. 3035, establishing a program for the preservation of additional historic properties throughout the Nation.

For Tuesday and the balance of the week the program is as follows:

There will be the call of the Private Calendar.

Also—

H.R. 17788, Foreign Assistance Appropriation Act, fiscal year 1967;

H.R. 17787, Public Works Appropriation Act, fiscal year 1967;

H.R. 17195, Reserve Forces Bill of Rights and Vitalization Act of 1966—open rule, 2 hours' debate;

H.R. 14604. Authorizing study for a Capitol Visitors' Center—open rule, 1 hour debate; and

H.R. 11555, the Chamizal Memorial Highway—open rule, 1 hour debate.

And, Mr. Speaker, of course, conference reports may be in order at any time and any additions to the legislative program may be announced later.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman from California.

Mr. GROSS. Mr. Speaker, I wonder if the gentleman will yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I wonder if the gentleman from California, the acting majority leader, could give us any information this week as to the possibility of sine die adjournment?

Mr. MOSS. Mr. Speaker, if the gentleman from Michigan [Mr. Gerald R. Ford] will yield further, I would refer the gentleman to the fond hope which I have expressed in response to a similar inquiry just a week ago.

Mr. GROSS. I like fond hopes but I cannot do very much planning on a basis of fond hopes.

Mr. MOSS. We share a common dilemma.

Mr. GROSS. I hope the gentleman next week, when he announces the program, will be prepared to give us some idea of when we might expect to go to a sine die adjournment, or at least a recess, or whatever is planned for us.

Mr. MOSS. I assure the gentleman that I share that hope.

Mr. GROSS. I thank the gentleman.

ADJOURNMENT TO SEPTEMBER 19, 1966

Mr. MOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. Moss]?

There was no objection.

PROVIDING SPECIAL ALLOWANCES TO DEPENDENTS OF UNIFORMED SERVICES TO OFFSET EXPENSES INCURRED IN EMERGENCY EVACUATIONS

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11979) to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 4 and 5, strike out "striking out ', and terminates on June 30, 1966'." and insert "striking out 'June 30, 1966' and substituting in lieu thereof 'June 30, 1971'."

Amend the title so as to read: "An Act to extend the authority for the payment of special allowances to evacuated dependents of members of the uniformed services, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. Rivers]?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the gentleman from South Carolina [Mr. Rivers], the chairman of the House Committee on Armed Services, tell the membership what the Senate amendments are to the House version?

Mr. RIVERS of South Carolina. If the gentleman will yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. RIVERS of South Carolina. The bill which the House passed was passed as permanent legislation. The Senate limited it to 5 years so that we may have another review. We felt that this was not a bad idea and accepted their proposal. This will give us a chance to review it after 5 years and we decided, after consultation with the gentleman from Massachusetts [Mr. Bates], to accept the amendments.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

REMOVING INEQUITIES IN THE ACTIVE DUTY PROMOTION OPPORTUNITIES OF CERTAIN OFFICERS

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15005) to amend title 10, United States Code, to remove inequities in the active duty promotion opportunities of certain officers, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

"That, beginning with the date of enactment of this Act through June 30, 1972, the columns under the headings 'For colonels' and 'For lieutenant colonels' contained in the table in section 8202(a) of title 10, United States Code, are suspended. For such period such columns shall read as follows:

" 'For colonels	*For lieutenant colonels*
3,500	6,500
3,859	7,706
4,218	8,911
4,577	10,116
4,936	11,321
5,295	12,527
5,654	13,732
6,013	14,937
6,372	16,142
6,730	17,348
7,089	18,533
7,449	19,758
7,807	20,963
8,166	22,169'.

"Sec. 2. For a period of six years after the effective date of this Act, the authorized strengths prescribed by section 8202 of title 10, United States Code, may be exceeded (1) by 1,000 for the grade of lieutenant colonel; and (2) by the following numbers for the grade of major:

"Fiscal years following enactment:	*Number to exceed authorized strength*
First	9,500
Second	7,917
Third	6,334
Fourth	4,751
Fifth	3,168
Sixth	1,585

"However, the authority to exceed the authorized strengths by 1,000 for the grade of lieutenant colonel, and 1,500 for the grade of major authorized by this section may be used only in the event that drastic reductions or increases in the authorized strength of the commissioned officers on active duty in the Air Force occur within a short period of time and that such changes seriously impede promotions to the grade of major and lieutenant colonel as determined by the Secretary of the Air Force, who shall notify the Committees on Armed Services of the Senate and of the House of Representatives not later than 60 days following the utilization of any of the numbers covered in this sentence."

Amend the title so as to read: "An Act to amend title 10, United States Code, to increase the authorized numbers for the grade of major, lieutenant colonel, and colonel in the Air Force in order to provide active duty promotion opportunities for certain officers, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. Rivers]?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the distinguished chairman of the House Committee on Armed Services inform the House what the Senate amendments are?

Mr. RIVERS of South Carolina. Mr. Speaker, this bill passed the House unanimously.

Almost every year we have to pass an act with reference to increasing the number of Air Force officers serving on active duty in the grades of lieutenant colonel and colonel with a resultant increase in the number of Air Force officers in lesser grades who may be promoted.

The purpose of the House bill, therefore, was to permanently provide Air Force officers with generally the same promotion opportunities as is provided in other branches of the service.

The Senate amendment concurs in the House action. However, rather than making this authority permanent, as the other services are, the Senate amendment provides that the increased authorization to the Air Force officers serving in the various grades would only go until June 30, 1972.

The Senate action will, therefore, accomplish the purpose and objective of the House-passed bill with, however, the additional requirement that Congress will be required to act once again on this problem in 1972 rather than having it permanent, and we accepted the amendment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. GROSS. Do you mean that the promotions would be rescinded after the end of the temporary period?

Mr. RIVERS of South Carolina. No, just the authority to exceed the legal limit expired. Almost every year we bring up a bill of this nature and we felt we would obviate that necessity by making it permanent. The other body did not agree with our view.

Mr. GROSS. The temporary nature of the bill is due to the fact that the other body wants to make a study of the entire promotion system throughout the military.

Mr. RIVERS of South Carolina. That is what they say they want to do, and we would like to see that done. We have urged this. We have agreed to the year 1972, but we would like to see it permanent.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF CEREMONY UNVEILING PORTRAIT OF SPEAKER SAM RAYBURN

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROBERTS. Mr. Speaker, it is my pleasure to invite my distinguished colleagues of the House to a ceremony when we will pause once more to pay tribute to that great American, the late Speaker Sam Rayburn.

At 11 o'clock a.m., tomorrow, Friday, September 16, the 26th anniversary of Mr. Sam's first election as Speaker of this House, a portrait of him will be presented. This ceremony is being held in the Interstate and Foreign Commerce Committee room of the Rayburn Building.

This lovely portrait is the work of that noted Texas artist, Tom Lea, of El Paso.

The entire Sam Rayburn Portrait Committee composed of Judge R. Ewing Thomason, the Honorable Frank Akard, Judge Eugene Worley, Judge Paul Kilday, and myself, and speaking not only for those of us who have the current pleasure of representing the people of the great State of Texas in this House, but also many of those former Texas Congressmen who were honored to serve side by side with Speaker Rayburn, we welcome you to join us on this momentous occasion.

EXEMPTION OF CERTAIN CONTRACTS FROM EXAMINATION-OF-RECORDS CLAUSE

Mr. PRICE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3041), to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 16 to 20, inclusive, and insert "Comptroller General or his designee is not required—

"(1) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination; and

"(2) where the head of the agency determines, after taking into account the price and availability of the property or services from United States sources, that the public interest would be best served by not applying subsection (b).

If subsection (b) is not applied to a contract or subcontract based on a determination under clause (2), a written report shall be furnished to the Congress."

Page 3, strike out lines 8 to 14, inclusive, and insert "for the omission of such clause—

"(1) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination; and

"(2) where the agency head determines, after taking into account the price and availability of the property or services from United States sources, that the public interest would be best served by the omission of the clause.

If the clause is omitted based on a determination under clause (2) a written report shall be furnished to the Congress. The power of the agency head to make the determination specified in the preceding sentences shall not be delegable."

Page 3, strike out all after line 24 over to and including line 4 on page 4 and insert "not required for the omission of such clause—

"(1) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination; and

"(2) where the agency head determines, after taking into account the price and availability of the property or services from United States sources, that the public interest would be best served by the omission of the clause.

If the clause is omitted based on a determination under clause (2), a written report shall be furnished to the Congress."

Mr. PRICE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, H.R. 3041 passed the House on the Consent Calendar on August 16, 1965. On September 1 of this year, the Senate passed the bill with amendments.

Under the bill, the head of an agency could exclude the examination-of-records clause from a contract or subcontract with a foreign contractor or foreign subcontractor. Before the clause could be excluded, the agency head must determine that inclusion of the clause would not be in the public interest, and the Comptroller General, or his designee, would have to concur in this determination. Moreover, this finding must be in writing and it must clearly indicate why the requirement for an examination-of-records clause would not be in the public interest.

The concurrence of the Comptroller General or his designee would not be required where the contractor or subcontractor is a foreign government or an agency thereof, or where the laws of the country involved preclude the contractor from making his books, documents, papers, or records available for examination.

The Senate adopted amendments providing that in those cases where the concurrence of the Comptroller General is not required before the examination-of-records clause can be excluded, the head of the agency must take into account the price and availability of the supplies or services from U.S. sources before determining that inclusion of the examination-of-records clause would not be in the public interest. In addition, the Congress must be furnished a report explaining the reasons for any such determinations.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

THE PRESIDENT'S PROPOSALS FOR COMBATING INFLATION

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, President Johnson has sent to us several recommendations which he believes will assure the continuing health of our economy. I believe that we should act on these recommendations promptly and affirmatively, for I share both the President's sense of urgency and his conviction that these are the appropriate measures to take at this time.

The progress made by the American economy during the last 5½ years has been the envy of the world. It is unparalleled in history. We have more production, better wages, higher profits, and more employment than ever before. We also have the dangers which go with prosperity. We must exercise every care if we are to avoid a runaway inflation followed by the inevitable boom and bust.

As the Members know, we have been acting to safeguard our prosperity since the beginning of this year. By such measures as the increased payroll taxes for social security, the restored excise taxes, and the speedup in corporate tax payments, we have succeeded in removing about $10 billion of purchasing power from the economy. We have held down Federal spending. As the President also points out, since January 1 of this year, we have taken in more money than we have spent. Rising prices and the shortage of both labor and money in critical areas make it quite clear, however, that we still have not done enough.

The President, therefore, proposes to take strong measures to reduce and defer Federal expenditures. He asks for cooperation from the Congress in holding down appropriations, and I urge that we give him that cooperation.

He recommends that the 7-percent investment tax credit be made inoperative from September 1, 1966, until January 1968. I believe we should accede to that request. The investment credit was devised to stimulate investment in plant and equipment, and it has succeeded magnificently. In fact, it has succeeded too well and neither industry nor the money markets can keep pace with the demand. This is the source of much of our problem; the least we should do is to suspend the bonus which encourages excess expansion.

The President has also recommended that we suspend the accelerated depreciation on buildings and structures for the same length of time, and for the same reason. Accelerated depreciation allowances encourage the construction of commercial and industrial buildings just as investment tax credit stimulates machinery and equipment outlays. In the present state of our economy, the effect is to contribute to inflated building costs and inflated interest rates.

The President has also urged the Federal Reserve Board and our commercial banks to lower interest rates. The present high rates have not succeeded in slowing down the type of economic activity which is causing most of the difficulty, but it has succeeded in penalizing very large segments of our industry and commerce and placing a growing burden on the shoulders of millions of families.

I believe that the policies outlined in the President's message will contribute to a better balanced, more equitable set of economic restraints. I believe the actions he proposes for the Executive should be applauded. And I believe that the requests and the recommendations he makes to the Congress should be promptly honored.

THE BATTLE OF LAKE ERIE

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VIGORITO. Mr. Speaker, last Saturday, September 10, marked the anniversary of one of our Nation's greatest military victories. It is unfortunate that so many Americans let September 10 pass unnoticed.

Saturday marked the 153d anniversary of the Battle of Lake Erie, which has captured the imagination of naval scholars and American patriots for generations.

The American victory gave control of the Great Lakes to the United States, a vitally important matter in the War of 1812. The victory made certain that the huge territory now made up of the western part of Pennsylvania, northern Ohio, northern Indiana, northern Illinois, and all of Michigan, Wisconsin, and Minnesota would be part of the United States, not Canada.

In the Battle of Lake Erie, Oliver Hazard Perry became one of America's most famous heroes. Perry's flagship, the *Lawrence*, was subjected to the concentrated fire of the enemy. First one gun and then another was dismounted. The masts were broken. The rigging of the vessel was rent away. The sails were torn to shreds. The *Lawrence* lay helpless in the water.

On deck American sailors lay dead and dying. During the 2½ hours that Perry faced his British antagonists, his men were reduced to a handful. Entering the action, the *Lawrence* had had more than a hundred men and officers. By the afternoon of September 10, 1813, 83 of these were either dead or wounded.

Yet still Perry held out. Soon only the commander and 13 others remained uninjured. All the ships of his fleet were now engaged. Perry now pulled down his battle flag, but left the Stars and Stripes still flying. With four of his seamen, he removed his battle flag and pennant to a boat, in which, under heavy fire, they rowed to the vessel *Niagara*, fighting more than a half mile away.

Now Perry gave the order to swoop down upon the enemy's line. He cut the British fleet's formation in two. Thirty minutes of broadside after broadside and all was over.

The British commander, Barclay, soon surrendered. There were 40 dead in his squadron, and 94, including himself, were wounded. The American casualties were 27 killed and 96 wounded.

From his ship, the *Lawrence*, to which he had returned to receive the formal surrender of the British, Perry sent his famous message to Gen. William Henry Harrison, the commander of the American Army in the Northwest: "We have met the enemy, and they are ours."

This stunning victory of the nondescript American fleet under Perry off Lake Erie's Put-In-Bay was the major naval engagement on the Great Lakes in the War of 1812. It insured American control of Lake Erie. The American Northwest was secured forever free from British power.

Today, on the lakefront at Erie, stands Perry's historic flagship, the *Niagara*. Proud and tall, it stands as a symbol of American heroism, of American determination to forever fight for what is right, forever fight to be free. Let us emulate those qualities which Oliver Hazard Perry and his brave men so ably demonstrated on September 10, 1813.

AMERICAN LEGION COMMENDS TACTICAL AIR COMMAND

Mr. PRICE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a resolution.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, all of us know about the serious and commendable work which the American Legion accomplishes each year at its annual national convention. While studying the resolutions relating to national security adopted by this year's national convention held here in Washington, I was most impressed by the timeliness of one of the resolutions which commended the Tactical Air Command for its reaction in the present emergency.

We have warm praise for the U.S. Army, the U.S. Navy, the U.S. Marine Corps, the U.S. Coast Guard, and our gallant allies for their efforts in Vietnam. We believe that their professional attainments in the present conflict will stand high in the annals of warfare. But we think that the Tactical Air Command deserves special praise, for this important arm has not always received deserved attention in past years when dollars were short. TAC came into the present emergency with much of its equipment out of date and its strength in aircraft and personnel minimal. According to figures released by the Office of the Secretary of Defense the United States has lost 477 tactical airplanes in North and South Vietnam, and the gallant performance of the men and crews deserves our highest praise and greatest appreciation. We agree with the American Legion in commending the Tactical Air Command.

Our Secretary of Defense has brought startling efficiencies to the management of our armed services. We often hear that exploitation of computer techniques will allow us to attain victory in Vietnam simultaneously with the firing of the last artillery shell and the loss of the last airplane. We hope that all concerned will remember that the demands of world leadership will certainly require that our arms in all fields be maintained at adequate levels for the demands for the years ahead. We members of the Armed Services Committee are concerned about tactical aviation and intend to lend our support to the Secretary of Defense to see that the Tactical Air Command is adequately manned in personnel and equipped with the modern aircraft, including tactical airlift aircraft, which will be necessary to meet the challenges of our responsibilities.

We owe much to the American Legion for its stand in support of the Tactical Air Command, and I am inserting its resolution in the CONGRESSIONAL RECORD:

RESOLUTION 264 (MARYLAND)—TACTICAL AIR COMMAND OF THE U.S. AIR FORCE COMMENDED

Whereas the present emergency in the Far East has furnished much experience relating to the constitution and control of essential tactical air forces needed for such operations; and

Whereas the American Legion has expressed much concern regarding these matters; and

Whereas this recent experience re-emphasizes the importance of the policy position on this matter previously maintained by the American Legion; and

Whereas present battlefield experience reestablished the importance of getting and maintaining mastery of the air above the battlefield, providing interdiction isolating the battlefield, providing close support to ground elements in battle, and in maintaining unified control of these air elements; and

Whereas the Tactical Air Command of the U.S. Air Force has demonstrated clearly again its capacity to meet the tests of actual warfare: Now, therefore, be it

Resolved by the American Legion in National Convention assembled in Washington, D.C., August 30, 31 to September 1, 1966, that the Tactical Air Command be commended for its reaction to the present emergency; and be it further

Resolved, That all efforts be made to equip the Tactical Air Command with adequate numbers of modern aircraft and adequate personnel at the earliest possible date.

U.S. DELEGATIONS TO U.N.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, on Tuesday next the 21st session of the General Assembly of the United Nations will be convened. Last year the gentleman from New Jersey [Mr. FRELINGHUYSEN] and I were nominated to represent the Congress. This year as is the custom the two delegates are from the other body, the Honorable FRANK CHURCH and the Honorable CLIFFORD P. CASE, whose appointments by President Johnson were confirmed by the Senate yesterday.

Following is a list of the delegates and alternates of the United States to all the U.N. General Assemblies from the 1st to and including the 21st:

U.S. REPRESENTATIVES TO THE U.N. GENERAL ASSEMBLIES

FIRST SESSION, FIRST PART, JANUARY 10 TO FEBRUARY 14, 1946, LONDON

Representatives

Secretary of State James F. Byrnes.
Edward R. Stettinius, Jr.
Senator Tom Connally.
Senator Arthur Vandenberg.
Mrs. Franklin D. Roosevelt.

Alternates

Sol Bloom, Member of Congress.
Charles A. Eaton, Member of Congress.
Frank Walker.
John G. Townsend, Jr.
John Foster Dulles.

FIRST SESSION, SECOND PART, OCTOBER 23 TO DECEMBER 15, 1946, NEW YORK

Representatives

Warren R. Austin.
Senator Tom Connally.
Senator Arthur H. Vandenberg.
Mrs. Franklin D. Roosevelt.
Sol Bloom, Member of Congress.

Alternates

Charles A. Eaton, Member of Congress.
Helen Gahagan Douglas, Member of Congress.
John Foster Dulles.
Adlai E. Stevenson.

SECOND SESSION, SEPTEMBER 16, 1947

Representatives

Secretary of State George C. Marshall.
Warren A. Austin.
Herschel V. Johnson.
Mrs. Franklin D. Roosevelt.
John Foster Dulles.

Alternates

Charles Fahy.
Willard L. Thorp.
Rev. Francis B. Sayre.
Adlai E. Stevenson.
Maj. Gen. John H. Hilldring, U.S. Army, retired.

THIRD SESSION, SEPTEMBER 21, 1948, PARIS

Representatives

Secretary of State George C. Marshall.
Warren R. Austin.
John Foster Dulles.
Mrs. Franklin D. Roosevelt.
Philip C. Jessup.
Benjamin V. Cohen.

Alternates

Ray Atherton.
Willard L. Thorp.
Ernest A. Gross.
Francis B. Sayre.
Dean Rusk.

FOURTH SESSION, SEPTEMBER 20, 1949, NEW YORK

Representatives

Secertary of State Dean G. Acheson.
Warren R. Austin.
Philip C. Jessup.
Mrs. Franklin D. Roosevelt.
JOHN SHERMAN COOPER.

Alternates

Benjamin V. Cohen.
Charles Fahy.
Wilson M. Compton.
John D. Hickerson.
Ruth Bryan Rohde.
John C. Ross.

FIFTH SESSION, SEPTEMBER 13, 1950, NEW YORK

Representatives

Secretary of State Dean Acheson.
Warren R. Austin.
Mrs. Franklin D. Roosevelt.
Senator JOHN J. SPARKMAN.
Senator Henry Cabot Lodge, Jr.
John Foster Dulles.

Alternates

Benjamin V. Cohen.
JOHN S. COOPER.
Ernest A. Gross.
Edith S. Sampson.
John C. Ross.

SIXTH SESSION, SEPTEMBER 6, 1951, PARIS

Representatives

Secretary of State Dean Acheson.
Warren R. Austin.
Mrs. Franklin D. Roosevelt.
MICHAEL J. MANSFIELD, Member of Congress.
John M. Vorys, Member of Congress.
Philip C. Jessup.

Alternates

JOHN SHERMAN COOPER.
Ernest A. Gross.
Benjamin V. Cohen.
Annan Lord Strauss.
Channing H. Tobias.

SEVENTH SESSION, OCTOBER 14, 1952, NEW YORK

Representatives

Secretary of State Dean Acheson.
Warren R. Austin.
Mrs. Franklin D. Roosevelt.
Senator Theodore Francis Green.
Senator Alexander Wiley.
Ernest A. Gross.

Alternates

Philip C. Jessup.
Benjamin V. Cohen.
Charles H. Sprague.
Edith Sampson.
Isador Lubin.

EIGHTH SESSION, SEPTEMBER 14, 1953

Representatives

Secretary of State John Foster Dulles.
Henry Cabot Lodge, Jr.
James F. Byrnes.
Mrs. Francis P. Bolton, Member of Congress.
James R. Richard, Member of Congress.

Alternates

Archibald Carey, Jr.
James D. Zellerbach.
Henry Ford II.
Dr. Charles W. Mayo.
Oswald B. Lord.

NINTH SESSION, SEPTEMBER 21, 1954

Representatives

Secretary of State John Foster Dulles.
Henry Cabot Lodge, Jr.
Senator H. Alexander Smith.
Senator James W. Fulbright.
C. D. Jackson.
Charles H. Mahoney.

Alternates

James J. Wadsworth.
Oswald B. Lord.
A. M. Ade Johnson.
James P. Nash.
Roger W. Straus.

TENTH SESSION, SEPTEMBER 20, 1955

Representatives

Henry Cabot Lodge, Jr.
Brooks Hays, Member of Congress.
Chester E. Merrow, Member of Congress.
Senator John O. Pastore.
Colgate White Darden, Jr.

Alternates

Robert Lee Brokenburr.
Laird Bell.
Jacob Blaustein.
James J. Wadsworth.
Oswald B. Lord.

ELEVENTH SESSION, NOVEMBER 12 TO DECEMBER 21, 1956; JANUARY 2 TO MARCH 8, 1957

Representatives

Henry Cabot Lodge, Jr.
Senator William F. Knowland.
Senator Hubert Humphrey.
Paul G. Hoffman.
Ellsworth Bunker.

Alternates

James J. Wadsworth.
Richard Lee Jones.
Frank C. Nash.
Edward S. Greenbaum.
Mary P. Lord (Mrs. Oswald B.).

TWELFTH SESSION, SEPTEMBER 17, 1957

Representatives

Henry Cabot Lodge.
A. S. J. Carnahan, Member of Congress.
Walter H. Judd, Member of Congress.
George Meany.
Herman B. Wells.

Alternates

James W. Wadsworth.
Irene Dunne.
Philip Klutznik.
Mary P. Lord.
Genoa S. Washington.

THIRTEENTH SESSION, SEPTEMBER 16, 1958

Representatives

Henry Cabot Lodge.
Senator Michael Mansfield.
Senator Bourke Hickenlooper.
Herman Phleger.
George McGregor Harrison.

Alternates

James J. Wadsworth.
Marian Anderson.
Watson W. Wise.
Mary P. Lord.
Irving Salomon.

FOURTEENTH SESSION, SEPTEMBER 15, 1959

Representatives

Christian A. Herter.
Henry Cabot Lodge.
James J. Wadsworth.
James G. Fulton, Member of Congress.
Clement J. Zablocki, Member of Congress.
George Meany.
Walter S. Robertson.

Alternates

Charles W. Anderson, Jr.
Erle Cocke, Jr.
Virgil M. Hancher.
Mary P. Lord.
Harold Riegelman.

FIFTEENTH SESSION, SEPTEMBER 20, 1960

Representatives

James J. Wadsworth.
Senator George D. Aiken.
Senator Wayne Morse.
Francis O. Wilcox.
Mary P. Lord.

Alternates

Zelma Watson George (Mrs. Claiborne).
Arthur F. Lamey.
Frederick Blake Payne.
Charles Rosenbaum.
Frances E. Willis.

FIFTEENTH SESSION (RESUMED), MARCH 7, 1961, TO APRIL 2, 1961

Representatives

Adlai E. Stevenson.
Francis T. P. Plimpton.
Charles W. Yost.
Mrs. Franklin D. Roosevelt.
Philip M. Klutznick.

Alternates

Jonathan Brewster Bingham.
John H. Morrow.
Charles P. Noyes.

SIXTEENTH SESSION, SEPTEMBER 19, 1961

Representatives

Adlai E. Stevenson.
Omar Burleson, Member of Congress.
Mrs. Marguerite Stitt Church, Member of Congress.
Francis T. P. Plimpton.
Arthur H. Dean.

Alternates

Charles W. Yost.
Clifton R. Wharton.
Philip M. Klutznick.
Jonathan Brewster Bingham.
Gladys Avery Tillett (Mrs. Charles).

SEVENTEENTH SESSION, SEPTEMBER 18, 1962

Representatives

Adlai E. Stevenson.
Senator Albert Gore.
Senator Gordon Allott.
Francis T. P. Plimpton.
Arthur H. Dean.

Alternates

Charles W. Yost.
Philip M. Klutznick.
Jonathan Brewster Bingham.
Carl T. Rowan.
Marietta P. Tree (Mrs. Ronald).

EIGHTEENTH SESSION, SEPTEMBER 17, 1963

Representatives

Adlai E. Stevenson.
Mrs. Edna F. Kelly, Member of Congress.
William S. Mailliard, Member of Congress.
Francis T. P. Plimpton.
Charles W. Yost.

Alternates

Mercer Cook.
Charles C. Steele.
Jonathan Brewster Bingham.
Sidney R. Yates.
Jane Warner Dick (Mrs. Edison).

NINETEENTH SESSION, DECEMBER 1, 1964 TO FEBRUARY 18, 1965

Representatives

Adlai E. Stevenson.
Senator Russell B. Long.
Senator Frank Carlson.
William C. Foster.
Francis T. P. Plimpton.

Alternates

Charles W. Yost.
Franklin H. Williams.
Gladys Avery Tillett (Mrs. Charles).
Richard N. Gardner.
Charles P. Noyes.

TWENTIETH SESSION, COMMENCING SEPTEMBER 21, 1965

Representatives

Arthur J. Goldberg.
Charles W. Yost.
Barratt O'Hara, Member of Congress.
Peter H. B. Frelinghuysen, Member of Congress.
William C. Foster.

Alternates

James M. Nabrit, Jr.
James Roosevelt.
Eugenia Anderson.
William P. Rogers.
Frances E. Willis.

TWENTY-FIRST SESSION, COMMENCING SEPTEMBER 20, 1966

Representatives

Arthur J. Goldberg.
James M. Nabrit, Jr.
Senator Frank Church.
Senator Clifford P. Case.
William C. Foster.

Alternates

James Roosevelt.
Eugenia Anderson.
Patricia Roberts Harris.
George L. Killion.
Harding F. Bancroft.

THE URGENT NEED FOR AN URBAN AFFAIRS COMMITTEE

Mr. RYAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, as one who has long urged the creation of a standing committee on urban affairs, I was heartened to read the editorial in yesterday's New York Times supporting the creation of such a committee.

"If urban problems merit the creation of a Federal department," the editorial pointed out, "they also justify permanent congressional committees."

When I introduced my resolution—House Resolution 637—to establish an Urban Affairs Committee on January 12, I pointed out the benefits of creating a single committee whose staff and members would be primarily concerned with urban problems. We are fast becoming a nation of cities, and cities present many of our greatest problems as well as much of our greatest promise. They deserve the full attention of a committee of Congress.

Originally I had thought that this would be an appropriate subject for the consideration of the Joint Committee on the Reorganization of Congress. Therefore, on March 1, I, along with 29 colleagues, sent a letter to the cochairmen of that committee, asking that it "give favorable consideration to the establishment of a new standing committee to be called the Committee on Urban Affairs." Some outside witnesses, including the National League of Cities, made similar proposals.

When the joint committee made its report on July 28, it agreed that "the phenomenal growth of urban areas, the enormous problems this growth has spawned, and the current and probable future expansion of Federal programs to deal with these programs, signified by the creation of a new Department of Housing and Urban Development, point to the need for specialized congressional recognition of this increasingly significant area of public policy." This statement would seem to suggest a flat endorsement of the concept of a separate committee to handle urban affairs. Instead, however, the committee recommended only that "the Banking and Currency Committee shall be redesignated the Committee on Banking, Housing, and Urban Affairs." No jurisdictional changes were proposed.

Since the committee issued its report, the demand for a standing committee on urban affairs has begun to intensify. Some 15 Members of the House have now introduced resolutions similar to my House Resolution 637. In his testimony before the Senate Government Operations Subcommittee on Executive Reorganization in the other body, Senator Robert F. Kennedy recommended that such a committee be formed. Then, on September 8, Senator Harrison Williams introduced Senate Resolution 302, to establish a Senate Committee on Urban Affairs. His resolution was cosponsored by Senators Brewster, Edward Kennedy, Pell, and Ribicoff.

Not surprisingly, then, the creation of such a committee was a subject of some interest at the meeting on urban America which was held here earlier this week, and was endorsed by the mayor of New York in his speech to that gathering.

Now that the discussion of this significant proposal has begun in earnest, it is time that we in this House did something about it. The rules of the House should be amended to create a standing committee on urban affairs.

The Times editorial, which cogently makes the case for such a committee, follows:

[From the New York Times, Sept. 14, 1966]

Congress and the Cities

It is a commonplace among mayors and others familiar with municipal affairs that they cannot hope to solve their problems, largely national in origin, without Federal help on a massive scale. Yet the Federal Government has been so slow to recognize its responsibility that at the hearings before Senator Abraham Ribicoff's subcommittee last month there were no accurate figures available on how much Washington was currently spending on aid to cities.

Robert C. Weaver, Secretary of Housing and Urban Development, estimated that expenditures were $28 billion a year, while Attorney General Nicholas deB. Katzenbach put them at $13 billion. Something is wrong when no one in the Administration knows just how much is being spent and just what it has to show for its outlays.

Mayor Lindsay has joined his voice to a number of others that have been raised in support of a constructive proposal that could be of great value in dealing with urban problems. It is that Congress establish standing committees on urban affairs in both the Senate and the House.

If urban problems merit the creation of a Federal department, they also justify permanent Congressional committees. Many Federal policies have contributed enormously to the difficulties in which the cities now find themselves. Thus Federal mortgages, housing and highway construction measures have all contributed to the mass exodus of middle-income families from the central cities to the suburbs. And Federal welfare policies have had a great deal to do with the influx of poverty-stricken migrants into the city slums. The cities are the focal point of the national fight for civil rights, for improved housing and education.

Both houses need permanent committees with adequate professional staffs to study the great social and economic forces—and the policies—that are transforming our cities. Seventy per cent of our population now lives in them and the prospect is that this concentration will continue to increase. The cities loom as the nation's biggest problem. Congress will not be in position to find solutions unless it is equipped for the task.

PLEA TO STOP SPREAD OF ATOMIC WEAPONS AMONG NONNUCLEAR POWERS

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, I have asked for a special order today for the purpose of reviewing a proposal in the newspapers today, including the New York Times, on behalf of 290 citizens. They are identified as the Educational Committee To Halt the Imminent Spread of Atomic Weapons among nonnuclear powers. They make an astonishing and, to my view, a very unwise and dangerous proposal which would have a very adverse effect upon NATO and cause deep concern within West Germany.

THE NEW YORK WORLD JOURNAL TRIBUNE

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, at long last, the New York World Journal Tribune is with us.

An amalgam of three famous newspapers—the New York Herald Tribune, the Journal American, and the World Telegram and Sun—our new newspaper seems to have inherited the leading and outstanding features of the previous papers.

No matter what the relative merits of the present newspapers that served us so well during the recent strike, the New York Daily News, the New York Post, and the New York Times, it is always good to have a different point of view and a different approach, and so the New York World Journal Tribune will round out a needed fourth force for New York City.

Hopefully, the newspaper will be successful, not only in its format and content, which already meets this promise, but also in earning capacity so that there need be no fear of termination.

I know that my colleagues in all of the 50 States will join with me in happy contemplation of the fact that a new newspaper has been born in the greatest city in the world.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION—APPOINTMENT OF MEMBERS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 89-491, the Chair appoints as members of the American Revolution Bicentennial Commission the following Members on the part of the House: Messrs. Donohue, of Massachusetts; Weltner, of Georgia; Saylor, of Pennsylvania; and Poff, of Virginia.

ANTIRIOT LEGISLATION

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. Buchanan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, when the 1966 civil rights bill was being debated before the House, I joined in the passage of an antiriot amendment to this bill introduced by the distinguished gentleman from Florida [Mr. Cramer]. It now seems likely that the civil rights bill will not be passed into law in this Congress.

The continuing riots in major cities around the United States, however, point up the continuing need for legislation along the lines of the Cramer amendment which passed the House by the overwhelming vote of 389 to 25. Consequently, I am happy to join with Mr. Cramer and other colleagues in introducing this legislation and urging its speedy passage by the House.

BROCK CALLS FOR HOWE'S RESIGNATION

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Brock] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **BROCK.** Mr. Speaker, 2 days ago I warned the House that a draft bill existed within the Office of Education and Department of Health, Education, and Welfare that would redraw local school district lines on a metropolitan areawide basis and encourage schoolbusing and pairing through the use of billions in additional Federal aid. I warned that this legislation would operate under the metropolitan section of the pending housing bill.

A few hours later, U.S. Education Commissioner Harold Howe called my statement "ridiculous and untrue."

Yesterday the gentleman from New York, Congressman PAUL FINO, released the text of just such draft legislation. The Secretary of Health, Education, and Welfare admitted its authenticity, but excused it as just one of several plans under discussion.

Mr. Speaker, I call on President Johnson to repudiate this draft bill and everybody associated with it. I call on him to let the Congress know how many other draft schoolbusing bills exist. Since when must the administration operate under a veil of secrecy regarding our Nation's schools? Since when have they needed to hide their programs for this Nation from its citizens?

Commissioner Howe denied the existence of his plan for national schoolbusing, only to be embarrassed by its revelation the very next day. Such actions are inexcusable for a major official of this administration. In light of Mr. Howe's apparent refusal to tell Congress the truth, I hope that the President will ask for his resignation.

POLITICAL EXPEDIENCY

Mr. **McEWEN.** Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **GERALD R. FORD.** Mr. Speaker, we all know that President Johnson's anti-inflation message as it came to the Congress was "too little and too late."

But an editorial in the St. Louis Globe-Democrat for Wednesday, September 14, 1966, points out very well, I think, another aspect of this message. Entitled "Political Expediency," it goes on to say that everyone knows that the President's proposals will "do virtually nothing to cap the inflation spiral."

Under leave to extend my remarks I include the editorial:

POLITICAL EXPEDIENCY

When the President poured a little water on the overheated economy by moving to rescind industrial expansion tax credits, everyone knew it would do virtually nothing to cap the inflation spiral. But it gigged no one, except a few industrialists.

This is an election year, and Mr. Johnson's act was considered by political pundits shrewd politics.

What the nation needs is hard-nosed decision to siphon the water out of overspend money, especially government prodigality. But political temporizing is accepted as routine, expected, inevitable.

Government by political expediency has not been a fixation solely of the present Administration. It was evident in the conduct of many Presidents. Lyndon Johnson just happens to be an expert in this field, partly because of his consensus safari, partly because he is a master politician.

Commentators and critics considered it simply a governmental realism that no taxes would be levied before the November ballot—though afterward, look out.

Without conscious cynicism, they found little or no fault with the Administration for deliberately vague pledges to curtail federal expenditures, which they know will not occur.

There was nothing abnormal in letting the country continue, with only vocal remonstrance, on an inflationary binge, spending like leave-famished sailors suddenly on the town.

Expediency in administering government is the syndrome of modern politics. Use of power for vote-getting is now more pronounced than ever, because there is more federal power. Half of each administration's term are election years, and Washington veers more to polishing election apples than doing what is best for the nation.

Perhaps lack of determination to set an unpopular but wiser course for the country is responsible for much of Mr. Johnson's slump in popularity reported by poll-takers. This could be true in the Vietnam war issue, as well as in domestic problems.

Politics is not an evil factor in the presidency; overweighting politics for expediency's sake can be bad and self-defeating.

Lyndon Johnson wants to be a great President, as Americans wish their President to be. Such a niche in history and national esteem calls for courage and decision to do what is right and needed—not merely to follow the beckoning, easy lures of political expediency.

THE ADMINISTRATION AND THE FIGHT AGAINST INFLATION

Mr. **McEWEN.** Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. **DWYER.** Mr. Speaker, for many months now, many of our colleagues have been calling public attention to the dangers of inflation. We have proposed specific steps to fight high prices and we have urged the administration to get about the business of protecting the people. Now, months later, the administration has proposed to act.

I would hope, therefore, that the Congress—including our colleagues on both sides of the aisle—will devote immediate attention, and on a completely nonpartisan basis, to the administration's belated but comprehensive anti-inflation program.

Although the administration is at least 6 months late in recognizing the serious effects of high prices and high interest rates and the real threat of further inflation, it has now come full circle in seeing the danger and in responding to it in terms which many of us have been urging on the administration for many months now.

Just this past weekend, in my own district, I took the opportunity again to talk with many of my constituents and to visit several stores and supermarkets in order to better understand exactly what inflation is doing to people. Inflation is not simply a theory. It is harsh reality. It is taking precious dollars out of the pockets of people who can least spare them, and it is steadily lowering the living standards of people already existing on marginal incomes.

We would be less than consistent and true to our obligations, therefore, if—now that the administration has in effect conceded that we were right all along—we gave to its recommendations anything but earnest, immediate, and objective consideration.

This does not mean that we should rubberstamp the administration's program or approve all its recommendations without change. On the contrary, such proposals as those to suspend temporarily the 7-percent investment tax credit and the use of accelerated depreciation are inherently controversial and should be carefully studied to determine their effect on our common objective: a steadily growing economy with stable prices.

Our problem now is to make certain that the remedy fits the sickness, that the administration's anti-inflation policies will effectively arrest rising prices and interest rates without going so far as to force the economy into a decline and bring on a recession and growing unemployment.

As I have suggested in several speeches and statements this year, the sensitive nature of a full-employment economy makes it imperative to use both the right tools and the right timing to fight inflation. The administration's excessive delay in making up its mind to fight inflation has increased the danger that its tools or its timing, or both, may be inappropriate to the need.

But this is a danger that Congress must explore immediately. We must consider two possibilities, basically: that the forces of inflation have become so thoroughly installed that the administration's relatively moderate anti-inflation program will not be sufficient, and, on the other hand, that inflation may already be reaching its peak and that by adopting policies to hold down the economy the administration may only accelerate a downturn already in the making.

As the authoritative publication, Business Week, pointed out in its editorial this week:

> What clearly is required now is the kind of fiscal restraint that will slow down the growth of demand in the U.S. economy without causing an equivalent slowdown in the growth of productive capacity.

The formulation of a balanced program to deal with the present strains—and one which will take effect with maximum speed—is now the prime requirement of national economic policy. As between the proposed suspension of the 7-percent investment tax credit and a reduction in nondefense Federal spending, for instance, the latter would obviously have a more immediate and effective impact on restraining demand.

In any event, however, we can only welcome the administration's newfound awareness that inflation is here and that it is painful and its apparent determination to control it. Among the policies and recommendations announced by the President and other administration spokesmen are several which I have repeatedly urged upon the administration and which I especially welcome.

For example, the President's decision to reduce by 10 percent, or about $3 billion, the lower priority portion of his Federal Budget will help assure that there will be no budget deficit this year to add inflationary pressure to the economy—if the administration follows through on its promise, and Congress acts accordingly.

By the same token, his recognition of the need to pay for current expenditures out of current revenues during an inflationary period represents a very encouraging development.

Of particular importance is the administration's suspension of the sale of special kinds of Government securities, including participation certificates which have been a major factor in forcing interest rates, or the cost of money to borrowers to record high levels. For those of us who vigorously opposed the Sales Participation Act when the administration forced it through Congress earlier this year, the administration's action confirms our prediction that use of the participation device would only push up interest rates and eventually add to the taxpayer's burden—a high price to pay for the sole purpose of obscuring budget expenditures.

In this and related respects, the administration is recognizing that its excessive reliance on monetary policy—higher interest rates and tighter money—has unbalanced the economy. While monetary policy, properly used, can help control inflation, it cannot carry the whole burden. In the present situation, it has failed to stop higher prices and has unfairly penalized homebuyers and small businessmen as well as threatened to halt the balanced growth in the economy.

As the President has now pointed out, inflation imposes a cruel and unjust tax on all the people. This inflation has caused sustained price increases in food, services and industrial production. It has weakened the competitive strength of American industry in world trade. It has hurt our delicate balance-of-payments position. And it has robbed the tens of millions of Americans who depend on fixed incomes.

The responsibility now belongs to Congress to consider the administration's policy in good faith and on its merits and to reach agreement on a course of action that will control inflation and at the same time permit the economy to sustain the kind of prosperity that will benefit all.

FINO CHALLENGES JOHNSON TO DISAVOW PROPOSED "EQUAL EDUCATIONAL OPPORTUNITY ACT OF 1967"

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Fino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, yesterday I held a press conference to disclose the administration's secret "Equal Educational Opportunity Act of 1967." I think that the Members of this House will be interested to read this incredible document.

I am putting in the Record the following sequence of events: First, the statement made by Representative Brock alleging Office of Education plans for metropolitan areawide school redistricting and busing; second, the denial by Education Commissioner Howe, who said the charge was ridiculous; third, my speech on the Equal Educational Opportunity Act of 1967; fourth, a copy of the key sections of the Equal Educational Opportunity Act; fifth, Secretary Gardner's denial, and sixth, my further commentary.

I challenge the administration to come clean. Secretary Gardner has said that my document is one of several drafts of legislation being considered. Let the administration show us the others—if there are others. Probably they are worse. This talk of other drafts is a red herring. This bill I disclosed is the bill. Its budget figures are detailed. It was just ready to go to the Bureau of the Budget.

Let anyone who doubts all this read the statements of Harold Howe. He has said:

> If I have my way, schools will be built for the primary purpose of economic and social integration.

How could this man have the gall to label Representative Brock's charge as "ridiculous and untrue" when his top assistants had prepared the bill I disclosed containing just the points Bill Brock had raised? Commissioner Howe is a political liar engaging in tricking the Congress.

I think that the President has an obligation to repudiate this deception and doubletalk on the part of his social planning underlings. Otherwise the Republican Party will be obliged to assume that while the voice is the voice of HEW, the hand is the hand of Johnson. If the President disapproves, let him demand the resignation of Mr. Howe.

The material referred to follows:

Brock Asks Disclosure of Metro Busing Bill

Congressman Bill Brock (R-Tenn) today on the Floor of the U.S. House of Representatives demanded that the Johnson Administration make public the existence of draft legislation to use the Metropolitan Development title of the pending housing bill (S. 3708) to introduce a multi-billion dollar national school busing scheme.

Congressman Brock said, "The 1967 Education bill already has been drafted and submitted to the Secretary of Health, Education, and Welfare, and apparently is destined to become 'must' legislation for the 90th Congress. The real test, however, will come on this year's pending housing bill, when the House of Representatives will consider the Metropolitan Development section. It will be through the proposed Metro title of the bill that Congress will be asked next year to endorse a multi-billion dollar program designed to achieve 'Racial Balance' in virtually every metropolitan area of the country. Thus, if the House of Representatives approves the proposed Metro title of the bill now, the Administration will have won its biggest test and the scene will be set for forced busing next year.

"For these reasons it is imperative this draft legislation be revealed before Congress is tricked into voting for a supposedly innocent Metro title of the Housing bill.

"In terms of radical departure from the traditional Federal role, the school busing scheme will make the open housing section of the House passed 1966 Civil Rights bill look like tiddly winks. Using Metro as the statutory foundation, the Johnson Administration will ask for:

"1. Metropolitan area-wide rezoning of school attendance areas, without regard to existing state or county lines, to compel racial balance in public schools;

"2. Busing of suburban school children into city schools, and busing of city pupils to suburban schools at Federal insistence and expense. Failure to comply with compulsory racial balance will result in massive penalties in a vast array of existing Federal-aid programs included in the pending Metro section of the Housing bill.

"3. Complete obliteration of present school district boundary lines, with free transfers between school districts.

"4. Federal subsidies to underwrite the cost of rewriting history books so as to recast the history of racial and religious minorities.

"I insist the Johnson Administration make public the existence of this legislation as well as its plans to achieve school busing under the Metro title of the pending housing bill. It would be better for the White House and the Office of Education to have the honesty to make public their intentions, along with their motives; but if they refuse I intend to fight to remove the veil of secrecy from this radical plan which would destroy local responsibility for our nation's educational system," Congressman Brock concluded.

Congressman Brock also inserted in the Record an article in the Washington Post on September 9th by Robert Novak and Rowland Evans entitled the "Education Bombshell", which summarized the proposed legislation and its impact.

U.S. Education Commissioner Harold Howe II, questioned about BROCK'S charge, told United Press International it was "ridiculous and untrue."

"The Office of Education has no intention of rewriting history or of compelling of school busing or in the redrawing of school boundary lines," Howe said.

"The Office of Education firmly committed to the principle of local control of public schools," he said.

STATEMENT OF CONGRESSMAN PAUL A. FINO, REPUBLICAN, OF NEW YORK, ROOM H-202, U.S. CAPITOL, SEPTEMBER 14, 1966

Gentlemen: Thank you for coming here today.

I have here in my hand a document which can only be referred to as "radical." It is a memorandum detailing the Administration's proposed $6 billion "Equal Educational Opportunity Act of 1967." The memo is a product of a high level task force, and has already gone to HEW Secretary Gardner.

In a nutshell, the proposed legislation would set up a multibillion dollar effort to force racial balance in the nation's schools. The billions of dollars proposed to be spent would be used for programs such as construction of schools to serve mixed communities, redrawing school district lines, school busing programs, pupil exchanges between suburbs and slums, revision of textbooks to stress the contribution of minority groups, and so forth. I will discuss all this in some detail in just a moment.

This measure apparently has the White House stamp of approval. It is taken in large measure from a June White House Conference called "To Fulfill These Rights." The radical proposals suggested were summed up as "Equal Educational Opportunity." One member of this radical council was Floyd McKissick, the head of CORE and a vigorous spokesman for "black power." I am amazed that the reach of "black power" is long enough to design Administration legislation.

The immediate importance of the proposed 1967 legislation is that it lets the cat out of the bag concerning the Administration's plans to use the "metropolitan planning" title of this year's omnibus housing bill as a weapon to reshape both housing and education across the nation.

As ranking signer of the minority views in the House Banking Committee report on the omnibus housing bill, I pointed out to the House that the "metropolitan planning" section of the bill was a Trojan Horse for rampant federal coercion. Now we have indisputable proof.

I want to make my position crystal clear. I have always supported omnibus housing bills since I came to Congress in 1953. I have also always supported civil rights legislation. Notwithstanding some doubts, I voted for the open-housing section of this year's civil rights bill. But this bill is too much. And "Metropolitan planning" is too much. This is not a question of civil rights. It is a question of civil privileges. I am for equality, not unbridled privileges. And I am convinced virtually every American regardless of party, share my opposition to school bussing and elimination of neighborhood schools.

Now for the bill. The title is the "Equal Educational Opportunity Act of 1967." The bill has six titles. Besides enacting new laws in the field of education, the bill would amend two other laws—one existing—the Civil Rights Act of 1964—and one proposed, the metro planning section of this year's omnibus housing bill (S. 3708).

Of the six titles, four are fairly non-controversial ones dealing with education. I will not comment on them. The other two are bombshells. Taken together, they constitute the most radical legislation ever drawn up in these United States.

Title II of the so-called "Equal Educational Opportunity" bill sets up a program of federal aid for school construction. But unfortunately, the only way a community gets such aid is to tie it in with one of the busing or pairing schemes under Title III or to surrender school districting control throughout an entire metropolitan area.

Let me read you the explanation the social planners have for giving federal money in support of school construction. I quote:

"The program is aimed particularly at the facilitation of more flexible education programs, in conjunction with educational innovations such as those supplementary services and arrangements which can be funded under Title III of the Elementary and Secondary Education Act. In addition, reduction of de facto segregation would be encouraged by combining grants under this title with extra cost grants for construction projects designed to achieve integrated education under Title III of this legislative package."

What this means is simple. Only communities using Title III money for pairing, busing of pupils, pupil exchanges or textbook revision would be able to get school construction grants.

Now let me read you the explanation of how the Administration seeks to use the "metropolitan planning" section of the 1966 omnibus housing bill to compel metropolitan area-wide school redistricting and busing. Section (d) of Title II provides that bonus educational facilities grants will be given to communities that plan schools and school districts on a metropolitan area-wide basis. Let me read to you how the planners condemn themselves out of their own mouth:

"Supplementary grants providing an additional 20% of the project cost would be made to projects which fit into metropolitan area plans. This increased federal share would provide an incentive for joint school planning in metropolitan areas. This proposal is patterned after the proposed supplementary grants for planned metropolitan development contained in Title II of the Senate-passed 'Demonstration Cities and Metropolitan Development Act of 1966.' If enacted into law, that legislation could simply be amended to include school construction projects assisted under this proposed program in the definition of an eligible 'metropolitan development project' in the same manner as libraries assisted under the Library Services and Construction Act and hospitals assisted under the Public Health Service Act are covered in the pending legislation. The location and scope of educational parks should be an important component of any comprehensive metropolitan area-wide planning."

In other words, the Metro section of the pending Housing bill will be used as the foundation for this multi-billion dollar scheme. When this section of the housing bill comes to a vote within the next few weeks, the real question will be whether or not a majority of the members of the House will be tricked into voting for school busing. Now that this document has been revealed, I predict that Metro will be overwhelmingly rejected.

It is becoming increasingly apparent why the President feels he must maintain his present majority in the House in the November elections.

Let me mention a few of the specific "racial balance" proposals set forth in Title III of this bill. These are the plans specifically proposed to revamp education throughout the United States. Number one—school busing. Number two—redistricting of school districts to achieve racial balance. Number three—pairing of schools. Number four—suburban and slum pupil exchanges. Number five—revision of school textbooks on behalf of minority groups.

Make no mistake about it. This bill specifically proposes that de facto segregation be made illegal and federal grants given to fifteen programs of overcoming de facto segregation in the schools.

This is an incredible document. Read it. See for yourself. Back in June, a White House conference advocated putting poverty and housing funds into the metropolitan planning kitty in addition to education. Perhaps that is what they want to do next. This is the "Great Society" in action. This is why the President wants a Democratic Congress. This is why we need more Republicans in Congress. This battle is not over. Thank you.

EQUAL EDUCATIONAL OPPORTUNITY ACT OF 1967—DETAILED EXPLANATION AND JUSTIFICATION

TITLE II: CONSTRUCTION OF SCHOOL FACILITIES

Purpose

To help meet the pressing need for modern school facilities, especially in central cities and rural areas where outmoded facilities exist in conjunction with high concentrations of disadvantaged children. The program is aimed particularly at the facilitation of more flexible educational programs, in conjunction with educational innovations such as those supplementary services and arrangements which can be funded under title III of the Elementary and Secondary Education Act.

In addition, reduction of de facto segregation would be encouraged by combining grants under this title with the extra-cost grants for construction projects designed to achieve integrated education under title III of this legislative package.

Program

(a) Survey of construction needs by State agency: Grants for an initial inventory of facilities would first be made so that within the first 6 to 9 months of the program a complete and reliable inventory of educational facility needs would be available. This inventory would then form the basis for establishing priorities as to the areas of greatest need within each State before the project approval process begins.

(b) Basic grants for construction projects: These grants would build an estimated 110,000 classrooms over a 5-year period. Funds would be allotted among the States on the basis of relative per capita income and State educational effort. The basic grant could not ordinarily exceed 50 percent of the cost of construction.

(c) Administration of grants: State educational agencies would assign priorities to project applications on the basis of objective need criteria, with preference for projects designed to alleviate segregation or racial imbalance. The Commissioner of Education would have final approval authority before a project could be funded under this title.

(d) Supplementary grants: Supplementary grants providing an additional 20 percent of the project cost would be made to projects which fit into metropolitan area plans. This increased Federal share would provide an incentive for joint school district planning in metropolitan areas. This proposal is patterned after the proposed supplementary grants for planned metropolitan development contained in title II of the Senate-passed "Demonstration Cities and Metropolitan Development Act of 1966" (S. 3708). If enacted into law, that legislation could simply be amended to include school construction projects assisted under this proposed program in the definition of an eligible "metropolitan development project" in the same manner as libraries assisted under the Library Services and Construction Act and hospitals assisted under the Public Health Service Act are covered in the pending legislation. The location and scope of educational parks should be an important component of any comprehensive metropolitan areawide planning.

(e) Loans: While outright grants should be restricted to special construction needs which impose heavy burdens upon the resources of local educational agencies and the States, the Federal government can, with minimum budgetary impact, assist schools which undertake to spread out the cost of constructing facilities by facilitating the marketing of long-term bonds and by lowering the interest rate for local educational agencies. For example, rapidly expanding middle-income communities are in a better position to afford the construction of needed school facilities than other areas, but the rapid development of an area does impose a fairly sudden impact of school-age children. While able to afford the facilities, such communities nevertheless find it desirable to spread the cost over a long period of time.

Furthermore, even in the case of projects which do receive Federal grants for a share of the cost of construction, few construction projects will be funded without requiring substantial local funds. Accordingly, in most cases, a part of the cost of most projects will have to be obtained by borrowing. The maximum maturity of school bonds—the spread-out period—is rather short compared to the long-term loans which institutions of higher education can obtain under the Higher Education Facilities Act and the College Housing Program.

In addition, the interest rate on school bonds is now significantly higher than the "ideal" of 3 percent.

It is therefore recommended that a school bond support program be devised using the procedures of the Federal National Mortgage Association. FNMA may now issue debentures to secure funds from private investors with which to purchase home mortgages in its secondary market operations at a ratio of 15 times its capital and reserves (i.e., the net cost is one-fifteenth of the mortgage purchased). In view of the similar ratio on the sale of participation certificates in Federal loans (a 5 percent reserve, or a 20-to-1 ratio of loans to net cost), a special fund or account could be administered by FNMA through which school bonds would be purchased out of funds secured by the sale of FNMA obligations equal to 20 times the appropriations deposited in the fund. The net cost to the Federal Government would be one-twentieth of the total amount of such school construction loans, assuming a 5 percent reserve requirement.

As an additional part of the program, the Commissioner of Education, would be authorized to make payments on behalf of the local educational agencies for that portion of the interest necessary to make up the difference between a 3 percent rate of interest and the rate which FNMA must pay on its outstanding debentures which provided the funds for the purchase of the school bonds.

Funding

[In thousands of dollars]

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Basic grants		930,000	1,108,000	1,284,000	1,274,000
Loans		200,000	100,000	100,000	
Supplemental grants		120,000	140,000	160,000	160,000
State administration (including inventory in fiscal year 1968)	57,000	10,000	11,000	13,000	13,000
Research		10,000	11,000	13,000	13,000
Total	57,000	1,270,000	1,370,000	1,570,000	1,460,000

TITLE III: GRANTS TO ASSIST SCHOOLS IN THE PROCESS OF DESEGREGATION

Purpose

To assist communities throughout the Nation to cope with problems of segregation and racial imbalance in order to facilitate racial, ethnic and socio-economic integration.

Program

(a) Educational excellence grants: Local educational agencies would be eligible for Federal grants to assist in achieving integrated education. On the assumption that integrated education involved added costs to accommodate educationally disadvantaged students, Federal grants would be offered to schools which have few or no students from minority racial or ethnic groups in order to facilitate educational integration and reduce educational disparities. As one alternative, a formula similar to that in the impact aid program (with a per pupil Federal payment multiplied by the increased number of children in integrated schools for 5 years) would provide a real incentive for schools to desegregate completely over a 5-year period.

Federal grants would be offered to school districts for use in specific neighborhoods which show promise of being able to maintain integrated education (such as Hyde Park in Chicago) or to achieve integration by attracting white students to exceptional schools currently serving predominantly Negro residential areas (including appropriate schools in urban renewal areas). The grants may be used to produce exceptional education programs, attractive to parents of all races, by supporting, *inter alia* superior salaries for master teachers, improved instructional equipment, lighted schoolhouse-community centers for around-the-clock superior programs, stipends for visiting lecturers, individualized instruction, and reduced pupil-teacher ratios.

(b) In addition to expanding training institutes to prepare local school personnel to deal with problems of racial imbalance as well as de jure segregation, title IV of the Civil Rights Act of 1964 would be amended to provide grants to support techniques appropriate to correct *de facto* segregation in individual communities. Such techniques could include:

1. Comprehensive, district-wide rezoning of school attendance areas to obtain maximum heterogeneity.

2. Pairing, grouping or clustering of adjacent Negro and white schools a division by grade level in two or more residential areas.

3. Reorganization of the use of schools; reorganizing the grades of a school; converting schools to other uses; closing schools; changing feeder patterns; grade pattern reorganization.

4. Careful site selection to locate new schools so as to maximize integration of residentially segregated student populations.

5. Increased bussing from overcrowded to underutilized schools.

6. Development of "magnet" high schools, each specializing in a different subject area with enrollment open to the entire school district on the basis of interest rather than ability.

7. Devolpment of supplemental educational centers, comprehensive community schools and shared time programs to draw district-wide enrollment as well as participation from private and parochial schools.

8. Open enrollment, voluntary enrollment and free transfers.

9. Creation of metropolitan school districts to include urban and suburban areas.

10. Suburban-Inner City pupil exchanges.

11. In-class pupil grouping to avoid racial separation, development of upgraded primary classes; remedial and compensatory programs within the framework of regular classroom structure.

12. Inservice training for teachers and other school personnel; employment of specialists to advise school personnel, parents, children and the public on problems of desegregation; improving guidance and counselling services.

13. Development of new curricular materials, particularly those including proper representation or racial and religious minorities.

14. Teacher assignment to assure faculty integration at all schools.

15. Improvement of recruitment and advancement of minority group teachers and of white teachers who are motivated to teach in ghetto schools and in transitional programs.

(c) Extra-cost grants for construction to achieve integration: Grants would be made by the Commissioner of Education (not allocated by State) to meet the extra costs of constructing new schools, including special education centers and educational parks and complexes located on the borders of ghettos under plans insuring interracial attendance of students.

Insofar as the acquisition of large blocks of land and the construction methods are more expensive than the conventional school facility the Federal government should cover 100 percent of the difference. Preference would be given to multiple school district applications, especially those joining suburban and core-city districts.

Funding

[In thousands of dollars]

Fiscal year 1968	175,000
Fiscal year 1969	275,000
Fiscal year 1970	375,000
Fiscal year 1971	375,000
Fiscal year 1972	375,000

Equal Educational Opportunity Act of 1967
[In millions of dollars]

	1968	1969	1970	1971	1972
I. Grants to local education agencies for self-assessment, planning, and evaluation	75	75	75	75	75
II. Construction of school facilities	57	1,270	1,370	1,570	1,460
III. Grants to assist schools in the process of desegregation	175	275	375	375	375
IV. Educational personnel training and staff development	25	40	50	60	60
V. Expanded pupil personnel services [1]	5	5	10	14	25
VI. Educational programs for adults	15	50	150	200	250
Total	352	1,715	2,030	2,294	2,245

[1] Amounts represent increases in the funding authorization of title V-A of NDEA; no specific funds would be earmarked for the additional pupil personnel services authorized.

[From the New York Times, Sept. 15, 1966]

Fino Says 1967 Bill Calls for Busing—Gardner Denies He Plans To Seek Such Legislation

Washington, September 14.—Representative Paul A. Fino asserted today—and the Department of Health, Education and Welfare denied—that the Administration was considering a bill specifically proposing school busing and redistricting school districts to achieve racial balance.

The Bronx Republican said at a news conference that he had obtained a copy of "the Administration's proposed "Equal Education Opportunity Act of 1967' " and said "this measure apparently has the White House stamp of approval."

"In a nutshell," he said, "the proposed legislation would set up a multibillion dollar effort to force racial balance in the nation's schools."

He called it "the most radical legislation ever drawn up in these United States" and said it would set up a program of Federal school construction aid.

"But unfortunately," he continued, "the only way a community gets such aid is to tie it in with one of the busing or pairing schemes" or "surrender school districting control throughout an entire metropolitan area."

Mr. Fino said the draft was "indisputable proof" that the metropolitan planning section of the Administration's urban development bill is "a Trojan horse for rampant Federal coercion."

Representative William E. Brock 3d, Republican of Tennessee, made a similar charge yesterday.

Secretary John W. Gardner said in a statement that the document Mr. Fino had displayed was an "unofficial discussion paper."

"We can say flatly that the Department of Health, Education and Welfare has no intention whatever of submitting legislation that would compel school busing or rezoning," Mr. Gardner added.

Mr. Gardner said his department was "reviewing many draft proposals for legislation, none of which have any official status, many of which will eventually be rejected."

He stated the department's concern with "the improvement of education throughout the nation and with the assurance of equal educational opportunity for all, but he added:

"It should be emphasized, however, that any legislation proposed by the department will embody the historic American principle of local supervision and control of public education."

Fino Reply to Gardner, September 14

Mr. Gardner says that no legislation will be introduced to compel busing or other methods of ending racial imbalance in the schools. The people at HEW know—and I know—that subsidies can be set up in such a way as to amount to compulsion if made a part of a metro aid package. "What I want to know is whether they are going to submit the bill I exposed."

EVIDENCE MOUNTS ON PROFESSIONAL AGITATORS FOMENTING RIOTS AND CIVIL DISTURBANCES AND HOUSE MEMBERS DEMAND ACTION ON H.R. 17642, THE CRAMER ANTIRIOT BILL

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Cramer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CRAMER. Mr. Speaker, evidence from many sources continues to mount indicating that many of the most serious riots and civil disturbances taking place under the guise of civil rights are being engineered, encouraged and incited by professional agitators who travel the country stirring up dissension and strife.

Ralph McGill, liberal publisher of the Atlanta Constitution, recently exposed the fact that "in civil rights circles it is said that Havana money took over SNICK—SNCC"—which is substantiated by the fact that many SNICK demonstrators are found shouting Castro slogans, as well as by the Cleveland grand jury findings of Communist influence in the problems created in that city.

Ralph McGill further points out that many of the more reliable supporters of SNICK have been "replaced by the likes of New York Attorney Victor Rabinowitz, registered in Washington as an agent for the Castro government."

McGill continues:

> The Federal government has been patient far too long with professional agitators who travel from State to State whipping up emotions in the name of civil rights.

Added to this information is the known fact that Robert Williams, escapee indicted in North Carolina and a fugitive from justice now embracing Castro's communism in Havana, is directing some of the efforts as the absentee head of RAM, a militant Negro group that teaches guerrilla tactics and violence on an outspoken, planned basis. Williams broadcasts his hate-America droolings from Havana and his seditious material is mailed or bootlegged into the United States for distribution—including Raoul Castro's guerrilla tactics handbook.

Stokely Carmichael, head of SNICK, is preaching that Western civilization must go, that if brick walls in place of windows are built as a precaution against rioters and looters, then "it just means we have to move from Molotov cocktails to dynamite," and that the Vietnam war is a white man's war, encouraging Negroes not to serve.

"Police brutality" is being used as a slogan to whiplash all law enforcement authorities, and as a license in many instances to violate the law with impunity, by some of the professional agitators.

All of this adds up to the need for action by Congress to serve notice that Federal authorities will not stand idly by and see the seeds of anarchy in America sown across our land by professional agitators using the civil rights cause as a haven.

It is time for Congress to enact strong antiriot legislation and to pass my bill, H.R. 17642, which is identical to the amendment to the Civil Rights Act of 1966 adopted 389 to 25 by the House on August 9. It became necessary to introduce and press for the enactment of this separate bill because of the death of the civil rights bill in the Senate yesterday.

In my opinion, Congress will be derelict in its duty if it does not act in this national crisis before adjournment. The sentiment of the country was clearly expressed in the House vote on the Cramer antiriot amendment, and the House Judiciary Committee should immediately report the bill out. I have asked the chairman to call the bill up for action immediately.

The seriousness of the situation has been evidenced by the insertions in the Record by myself and many other Members and by the number of antiriot bills, identical to mine, which have been introduced. It is further emphasized by the following articles:

[From the Tampa (Fla.) Tribune, Sept. 9, 1966]

The Real Snick

Atlanta's race riot Tuesday is a prime example of the deliberately inflammatory conduct of some Negro leaders—and also how far out of touch these men are with the real desires of members of their race.

For the outbreak which lasted 18 hours during the afternoon and evening and left 16 injured, damaged several cars, and brought almost 70 arrests, was touched off by a false cry of "police brutality" after a white policeman shot at and wounded a fleeing Negro suspected of car theft.

Stokely Carmichael, the bellicose provocateur of "black power," quickly moved in, and sent a sound truck into the area to pass the word that the Negro had been shot to death while handcuffed to the policeman.

Yet a U.S. Senate study released just this week, based on surveys of Negroes in the "ghetto" areas of Watts, Harlem, Chicago and Baltimore, indicated the average Negro lives in a condition of near-anarchy which he deplores. Instead of being concerned with "police brutality," what he wants is much more police protection from a tyrannical minority; instead of bussing his children into white areas to end "de facto" segregation, he wants better schools—and better housing—where he is.

That such thoughts would never occur to Carmichael, the head of the Student Nonviolent Coordinating Committee, is shown by the chronology of events in Atlanta Tuesday.

The Negro suspect, Harold Louis Prather, was shot at 1:10 p.m. as he fled Detective R. H. Kerr's attempt to arrest him. Prather staggered to his mother's home, where within five minutes a mob of 200 Negroes formed to prevent his arrest.

Kerr called for help; by 1:30 p.m. 50 policemen had dispersed the crowd and Prather had been sent to a hospital. At 1:45 Carmichael arrived, fresh from a demonstration at City Hall. By 2 p.m. two of his Snick aides brought in a sound truck, plastered with Carmichael's "Black Panther" symbol; by 2:15 the truck was cruising the area asking Negroes to come to a street intersection to give evidence of Snick's version of the shooting—that Prather had been shot while handcuffed.

By 3 o'clock the truck was at the intersection and taking statements. At 4 Carmichael returned to lead a demonstration of about 200 Negroes shouting "Black power, black power." Fifty policemen— all Negroes—arrived at 4:21 to control the crowd; they were met by a barrage of rocks, stones and bottles. Fifty more policemen were called, and the growing crowd was brought under control but refused to unblock the intersection.

The crowd grew to 600, and resisted the pleas to disperse of Mayor Ivan Allen Jr., who, when he attempted to speak from the top of a car, was toppled from it by rioters who rocked the vehicle. At 6 he ordered the street cleared; police dispersed the mob with shotgun blasts fired in the air and with tear gas. By 6:30 the area was cleared, but sporadic overturning of cars and other disorders continued until 10:30.

Does this kind of thing represent the wants of Negroes the Senate Subcommittee headed by Sen. ABRAHAM RIBICOFF of Connecticut, found in its survey (conducted by trained local Negroes)?

No, in Harlem and Watts especially, and in smaller degree in Chicago and Baltimore, the prime need cited by the Negro residents was for stopping crime in the streets. In none of the four areas, when they were asked for a listing of the ghetto's worst problem, was "police brutality" even mentioned. In Harlem, the study found, the primary complaint was inadequate numbers of police, in Watts, of a failure of police protection.

But if Stokely Carmichael and his black power cohorts continue using false accusations of police brutality as a rallying cry for disorder, their effect can only be a breakdown rather than an improvement of police protection wherever Snick operates.

We think Senator RIBICOFF's committee study is a genuine reflection of the real wants of a vast majority of Negroes everywhere. And we think, too, that Atlanta Police Chief Herbert Jenkins reflected the real Snick in his assessment of it after Tuesday's riots.

"It is now the *Non-student Violent Committee,*" he said. "We must and will deal with it accordingly." The responsible Negroes for whom the Ribicoff study speaks will do well to deal with Snick in like manner.

[From the Tampa (Fla.) Times, Sept. 12, 1966]

BLACK POWER WITH A RED BASE

Black power met its match in Atlanta last week. Its prime spokesman, Stokely Carmichael, has been jailed and Carmichael's Student Non-Violent Coordinating Committee (Snick) is under condemnation from liberals and conservatives alike. A residue of violence and bitterness lies in the wake of Snick's activities, but the organization now is generally recognized for what it is by most people in Atlanta.

Carmichael can claim the support of only a handful of Atlanta Negroes. The rest, including Julian Bond, have turned their backs on him. Bond earlier this year was refused a seat in the Georgia Legislature because of his ties to Snick and statements critical of the war in Viet Nam.

Ralph McGill, liberal publisher of the Atlanta Constitution, has charged Snick with a Jekyll and Hyde personality. He recalled the organization's role in freedom marches as involving some "of the sweetest, bravest people of those days." While we might not agree with that assessment, we certainly can support Mr. McGill's conclusion that "SNCC is no longer a student movement. It is not now a civil rights organization. It is openly, officially committed to the destruction of existing society."

The Atlanta publisher, writing in his front page column, suggests that Stokely Carmichael's black power may, in fact, be Red.

He recalls that last fall SNCC was broke, down and out. But suddenly it had money to burn. And what Ralph McGill calls "the sweetest, bravest people" were replaced by the likes of New York attorney Victor Rabinowitz, registered in Washington as an agent for the Castro government.

In civil rights circles, reported McGill, it is said that Havana money took over Snick. That hasn't been proved but it is true that Snick demonstrators are found shouting Castro slogans.

If Ralph McGill's information is correct, Snick and its troublemakers represent something more serious than a simple riot in the name of civil rights. This is a case of insurrection and should be treated as such.

The Federal government has been patient far too long with professional agitators who travel from state to state whipping up emotions in the name of civil rights. Strong sentiment for an end to this activity is evinced in the words of a Northern congressman, Rep. WAYNE HAYS, Ohio Democrat. He told fellow House members Thursday, "Carmichael and his anarchist group belong behind bars and the quicker we get him there the better off this country is going to be." HAYS said that if there is a law against crossing state lines to incite riots, Attorney General Katzenbach should enforce it.

The quick action taken in Atlanta to douse fires lighted by the Carmichael crowd should set an example for the rest of the nation. There has been some timidity, some hesitation on the part of police in other cities to enforce law and order in race riots out of fear of being labeled "brutal." But mob brutality has become so rampant in this country that any force exercised by police to quell a disorder will win more praise than condemnation.

No one, white or colored, need fear police "brutality" if he is tending to his own business and obeying the law. But those who try to impose their will by force invite force in return.

This opinion is shared not only by conservatives who long have deplored violence in the streets. Liberals such as Atlanta's Ralph McGill who supported the freedom marches now are beginning to sense the danger of continuing contempt of the law and rights of others. Concluding a recent column, he warned, "If (SNCC) is out to destroy society, it cannot expect society to remain passive under attack."

There is even a liberal "white backlash."

[From the Tampa (Fla.) Tribune, Sept. 9, 1966]

MILITANT NEGRO LEADER PREACHES WESTERN CIVILIZATION MUST GO

(Under Stokely Carmichael, the Student Nonviolent Coordinating Committee has done a dramatic about face since the days when it helped thousands of Northern white students to fight for civil rights in the South. Last week, Carmichael stumped Northern cities and found receptive audiences in Negro districts. Here's a comprehensive report on his message as developed on the tour and previously.)

(By Austin Scott)

NEW YORK.—The applause within the Harlem church was frequent, almost deafening. Even from the street, through heavy wooden doors closed to keep out whites, cries of "that's right," and "preach, brother," could be heard.

But many of the remarks tumbling rapidly from the lips of the slender young Negro behind the pulpit microphone were sharply at odds with the religious setting.

"This country is moving to destroy black people," he shouted to waves of applause. "We cannot afford to be part of the American system. . . . We have to destroy Western civilization. . . . Integration is just a trick bag. . . . Nothing counts but power. . . . We have to hook up with the people of the third world. . . ."

The bundle of thoughts that 25-year-old Stokely Carmichael hurled at his listeners also included a great deal of love—love of black people for themselves, their families, their communities, their culture.

But despite his statement in an interview July 6 that black power does not mean anti-white, love was clearly reserved for non-whites.

"We got to start loving ourselves because we are black," he said. ". . . we don't have to lose our blackness to become equal with white savages . . ." his cheering audience rocked the wooden floor with stamping feet.

On his first extensive tour of Northern slums as chairman of the Student Nonviolent Coordinating Committee, handsome young Stokely Carmichael found a receptive audience for "black power," his battlecry for Negro militance and self-determination.

He said shortly after he was elected in June that civil rights movements "weren't even talking to black people in the ghettoes but were in fact gearing their programs to what white liberals thought should be done.

"For once," he said, "we've gotton enough strength to talk to our black people who need to be talked to. Everybody in the country talks about them. No one talks to them." That's what he is trying to do.

His Harlem audience happened to be a fund-raising rally. It might as well have been the cheering crowd in Jersey City, N.J., the night before, or the standing-room only crowd in a stuffy, second floor room in Newark, or the thousand Negroes who blocked a Philadelphia street.

Trinidad-born, but raised in Harlem and the Bronx, Carmichael is one of the new SNCC leaders whose roots are in the valleys of the big cities, not the dusty villages of the rural South.

While his radical statements catch the headlines, they are by no means all that Carmichael is trying to say to "black people"—he shuns the word "Negro," using it as a term of derision.

He preaches that Negroes must analyze the world around them, must understand the workings of both foreign policy and the white businessman next door, must save their money and use it to help themselves.

And, as he promised shortly after becoming head of SNCC, he tries to rally black people around the issue of their color.

"Black people in this country are oppressed for one reason," he said early in July, "and that's because of their color . . . their rallying cry must be the issue around which they are oppressed, as it was for unions."

He hammers at the theme: Black people must "come together," young Negroes must stop "cuttin' each other on Friday and Saturday nights," older ones must stop "hustlin' off each other," unemployed must stop "drinkin' that cheap rotgut wine and that cheap whisky."

"We have to develop in our community such love and such respect for each other that every mornin' it's gonna be good mornin', brother, good mornin', sister," he told the audience in the heart of north Philadelphia's slums.

And in Harlem, ". . . we've got to say to our little . . . children, you're beautiful. With your black, nappy hair and your broad nose and your diaper hanging, you're beautiful. We've got to say it to ourselves."

Such statements bring waves of applause, even from Negroes who admit that much of what Carmichael says scares them.

"I don't go along with him on Viet Nam," said a middle-aged mother at a Newark rally, "but he's right on this. We got to come together."

An animated speaker who leans toward his audience to drive home points—alternately shouting and whispering in a heavy Negro dialect he reserves for speeches—Carmichael delivers essentially the same message everywhere, varying it to encompass local problems.

Although he once said black power has to involve white cooperation at some level, his speeches now do not hint at cooperation. "We have to understand," he says, "that we are going to build something they are out to destroy."

"This country is antiblack, and we must be against the things they're for."

His line of reasoning is similar to that of the late Malcolm X. Carmichael says Malcolm influenced him greatly.

Carmichael often starts with a statement that there is no difference between black people in African colonies and Negroes in the United States, because white men are exploiting both.

"Our friends are going to be the people who are fighting to destroy Western civilization," he said in Philadelphia. "We've got to hook up with our nonwhite brothers across the world because they are fighting a system that oppresses and exploits them, the very same thing we are fighting.

"They must become our brothers. So we can't fight in Viet Nam if we wanted to, because our brothers are trying to get rid of the man and it's our job to help them bring the man to his knees."

The argument follows a line which Carmichael said earlier would be a psychological vehicle for black people, but would not be intended as a call to take over the country.

Asked several months ago whether he saw nonwhites coming together to become a dominant segment of the world's population, he said:

". . . The reality is that Western civilization has dominated this world ruthlessly, but that in all the emerging nations in Africa, when the Africans took over you saw no white signs and no colored signs. You haven't seen white people excluded anywhere . . . nobody in SNCC wants to take over this country. He wouldn't know what the hell to do with this monster. We just want to get white people off our backs."

Once Carmichael has outlined his reasoning, he outlines the methods he thinks Negroes must use.

Instead of civilian police review boards, "which we aren't going to control anyway," he suggests ending alleged brutality by making "the captains of our precincts responsible to us . . . you can bet we'll end brutality."

He often says everything in a Negro community should be controlled by its residents.

"You are 52 per cent (of the city's population), he shouted to an audience in Newark. "There's no reason why you can't have a black mayor, a black school board, a black city council. Then you can tax hell out of these white businesses and get the money you need . . ."

To a Harlem audience he said:

"We have to control our communities . . . Harlem belongs to us. It is ours. We should not only rule it, we've got to own it, lock, stock and barrel.

"We've got to move to keep our resources in our community." We can't even accept their nonsense about the individual. We can't afford to let one black man own a store in Harlem and put that money in his pocket and move into the suburbs . . . we've got to have a group of people own that store and use the profits to develop our community!"

To gain such control, he recommends third political parties, like the Black Panther party he helped organize in Lowdon County, Ala.

"Nothing else matters in this country but who controls," he says, and then to illustrate his point, he adds:

"Two weeks ago, the Agriculture Department made a survey and found out that the chain stores like A&P and Safeway charge more money for rotten food in ghetto areas.

"They just found out, and we been knowing that all our lives. And they tell us looting can't accomplish anything.

"They been building a new store every single day with the money they looted from us all these years:

"It ain't looting that's the issue, it's who has the power to make their looting legal . . . we got to talk about power!"

Understanding Carmichael is sometimes complicated by statements which he says should not be taken at face value, since, he insists, he is not talking to whites at all.

"They're building stores in Cleveland with no windows," he told a Harlem audience. "I don't know what they think they'll accomplish. It just means we have to move from molotov cocktails to dynamite."

Asked if he should be taken literally, he shook his head no.

"I think black people know what I'm talking about," he said.

Asked if he cared about white reactions to such statements, he replied, "No, we can't care anymore . . . because I think to care is to say what white people want you to say, would be to accept the solutions they suggest. And we can't accept them. And you don't have to explain to black people what you mean."

Carmichael moves easily through the Northern ghettoes. Dressed sometimes in a neatly-pressed business suit, sometimes in an African toga, he wanders through audiences, clasping strangers warmly about the hands and arms, hugging antiwhite poet-playwright Leroi Jones and other people he knows.

Graduated from Howard University with a degree in philosophy, Carmichael said he admires, in addition to Malcolm X, Dr. W.E.B. Dubois, the Negro writer who helped found the NAACP, and then broke with it because, he felt, it was too moderate.

Carmichael, who is not married, considers home the Bronx apartment where his mother and two sisters live, although he is on the road most of the time.

Sometimes, as in Newark, Negro politicians feel he is important enough to bring them out to his rallies.

"He's got it, baby," said one young woman in an audience where most of the spectators who appeared to be 35 or older did not join the applause. And Carmichael added his own appraisal:

"We've got some black youth out here whose eyes are opening up wide," he said. "He (white officials) can deal with the man over 30, but he's got hell on his hands under that (age)."

CRAMER CALLS FOR TAX CREDIT LAWS TO HELP CUT TEACHER SHORTAGE AND ENCOURAGE TRAINING

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CRAMER. Mr. Speaker, today I have introduced legislation to clarify Internal Revenue laws and regulations to permit teachers to deduct from their gross income any proper expenses for educational purposes relating to teaching activities.

The announced intention of the Internal Revenue Service to deny a teacher as a business deduction the costs of acquiring better qualifications through further education and training is beyond my comprehension. Encouragement to better education is being provided through Federal action on many fronts. It is unconscionable that in the one area where encouragement, through the simple device of tax deductions, is an obvious need and could be accomplished through an enlightened interpretation of existing law, the Federal bureaucracy is saying "No."

Teachers who largely spend their own money for training, and who are as dedicated in their work as the members of any profession, should be encouraged in every way possible to constantly increase their knowledge which they so effectively impart to America's youth.

It is imperative that the most competent and well-trained teachers be attracted to our Nation's educational systems and that they be given every incentive to gain knowledge of new techniques and rapidly increasing and developing subject matters.

Business deductions are generously permitted for most businesses and I know of no more important business than that of training and developing the thinking of America's youth. One of the noblest of professions is that of instructing and teaching. This is a vital "business"—and one in which the people of the United States are in constant competition with the rest of the world—one which makes the dream of America work through mentally, physically, and morally developing our fellow citizens to exercise to the maximum their individual initiative, and to use their God-given inherent abilities in service to their families, their home, their country, and their Redeemer.

I call upon Congress to enact this legislation immediately and I include the text of the bill for information purposes:

H.R. 17757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (f) as (g), and by inserting after subsection (e) the following new subsection:

"(f) Certain Educational Expenses of Teachers—

"(1) In general.—In the case of a taxpayer who is a teacher during the taxable year or who was a teacher during any of the four preceding taxable years, and who attended an institution of higher education during the taxable year, the deduction allowed by subsection (a) shall include the ordinary and necessary expenses paid or incurred by him during the taxable year for—

"(A) tuition and fees required for his attendance at such institution, for courses for academic credit pursued by him at such institution or for an academic degree;

"(B) books, supplies, and materials required for courses for academic credit pursued by him at such an institution or for an academic degree; and

"(C) traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home attending such institution.

"(2) Educational travel.—In the case of a taxpayer who is a teacher during the taxable year or who was a teacher during any of the four preceding taxable years, the deduction allowed by subsection (a) shall include the ordinary and necessary expenses paid or incurred by him during the taxable year for travel while away from home (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances), if—

"(A) academic credit is given for such travel by an institution of higher education, or

"(B) such travel is accepted by the taxpayer's employer in satisfaction of educational requirements set by such employer or by the State in which the taxpayer is employed as a teacher.

"(3) Definitions.—For purposes of this subsection—

"(A) The term 'teacher' means an individual who is employed as a classroom teacher at an educational institution, or as a supervisor, administrator, advisor, or consultant in any capacity related to the instructional program of such an institution (including but not limited to guidance counselors and librarians).

"(B) The term 'educational institution' means an educational institution as defined in section 151(e)(4).

"(C) The term 'institution of higher education' means an educational institution which is authorized to confer baccalaureate or higher academic degrees.

"(4) Exceptions.—

"(A) Paragraphs (1) and (2) shall not apply to any expense paid or incurred by the taxpayer prior to the time he first performs services as a teacher.

"(B) Paragraphs (1) and (2) shall not apply to any expense paid or incurred by the taxpayer for the purpose of obtaining, or qualifying for, employment other than as a teacher."

Sec. 2. Deductions From Gross Income.—Section 62(2) (relating to definition of adjusted gross income) is amended by adding at the end thereof the following new subparagraph:

"(E) Educational expenses of teachers.—The deduction allowed by section 162(f) for the educational expenses of teachers."

Sec. 3. Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

A NEGRO ASTRONAUT

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Burton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BURTON of California. Mr. Speaker, on this occasion as we take pride in the accomplishments of our space program and our astronauts now in space. I am prompted to place in the Record an editorial by the San Francisco Sun-Reporter entitled "A Negro Astronaut."

It is difficult to believe that man, who can conquer space, who can walk among the stars, remains fettered by bias and racial discrimination.

It is inconceivable to me that the accumulated wealth and knowledge of this Nation can lift man into the heavens yet find him so impoverished in spirit and earthbound by prejudice that a youth who happens to be Negro cannot meaningfully aspire to join in the conquest of space.

I share the concerns which are stated in this editorial, as I share the belief that a Negro astronaut can and should be a participant in this great adventure, whose presence would be proof that in conquering space, we have first conquered bigotry and prejudice in our own earthbound existence.

The editorial follows:

A Negro Astronaut

Yes; some time ago we thought perhaps a Negro astronaut would be included among the heroes of the space age by going into orbit and perhaps landing on the moon. It may be remembered that there was a young Negro who was in training along with his fellow astronauts, but something happened that took him out of the space program. He said at the time that it was racial bias that removed him, but this was denied by space officials.

American youth are led to believe their possibilties are without limit, but young Negro Americans almost never think that it applies to them. Today, however, the increasing pace of civil rights and integration have given Negro youth more hope for a better tomorrow. A Negro astronaut out there in space would tremendously enhance the Negro image in America and throughout the world. Such an event would also have, with intense subtlety, a great impact upon the African nations.

Yes; let us have a Negro astronaut. The black man can be super, too.

THE BANK MERGER ACT AMENDMENT OF 1966 HAS COMPLICATED AND CONFUSED THE LAW

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, on February 8, 1966, I opposed the Bank Merger Act amendment which was being debated on the floor of this House. The proponents of the act stated that it would remove the banks from the strict application of the antitrust law. There were other reasons given in support of the measure, but the antitrust law aspect was stressed.

In my speech of February 8, I pointed out that the language of the amendment was so vague and uncertain that objectionable as the stated purpose of the bill was, it would not even accomplish what its proponents claimed for it. I stated:

> This bill will not do what the proponents think it will do. It will not settle what they believe to be questions in the law. . . . This bill raises more questions than it answers. There is only one place where these questions can be finally resolved, the courts.
>
> So in passing this bill we are not settling anything. The language is too vague to settle anything. We are merely laying the predicate for the next round of litigation. And the Supreme Court will have to be asked to tell us what we meant when we enacted the abomination we are passing today.

The observations I made about this bill have now been fully validated. The Department of Justice has placed one interpretation on the antitrust implications of the amendment, in complete variance with the proponents.

The September issue of Banking, the Journal of the American Bankers Association, in an article, "Congress, Justice—and Mergers," clearly demonstrates this wide difference of opinions over what we did when we enacted the bill.

To repeat what I said last February, the new confusion in the law created by the 1966 amendment will have to be resolved by the courts. Passage of the bill was a disservice to the banks as well as the public.

With unanimous consent I am inserting a copy of the article from the September 1966 issue of Banking:

(Note.—Here are the comments of several Congressmen on the Justice Department's apparent belief that Congress did not mean what it said in the Bank Merger Act of 1966. In Banking's August issue a similar comment from Representative William B. Widnall (R., N.J.) appeared.)

Congress, Justice—and Mergers

SENATOR WALLACE F. BENNETT

The Justice Department interpretation that the Bank Merger Act can be used to apply the antitrust laws to banks with more force than before is surprising to me only because it is in direct opposition to what I consider to have been the intent of Congress in the enactment of the Bank Merger Act amendments earlier this year.

The Department has been charged with a responsibility and it is expected that it would attempt to interpret any legislation in such a way as to give it maximum authortiy.

I was a member of the Banking and Currency Committee of the Senate when the 1960 Bank Merger Act was passed. We intended at that time that banking factors be considered at least equally along with the anticompetitive effects that might be a result of a merger. This was upset by the court and it was the specific intent of the amendment passed this year to restate the original desire of the Congress, in light of the court decision.

The legislative history and background along with the language of the amendment should leave no doubt that it was the intent of the Banking Committees of both Houses as well as the majority of the members of both the House and the Senate that bank mergers should be judged by special standards in which consideration must be given both to competitive factors and to the convenience and needs of those to be served. Even though competition may be substantially reduced, mergers may still be approved if the convenience and needs of the community clearly outweigh the anticompetitive effect.

The Attorney General suggested amendments during the consideration of the legislation that would have made his power stronger, as they are now claiming it is. It is significant that the Congress turned down the Attorney General's recommendations in passing the amendment.

It may well be that the courts will be required again to interpret the language of the amended Bank Merger Act, but I think that the intent of Congress in passing the amendments needs no interpretation.

SENATOR JOHN SPARKMAN

The Justice Department has attacked a new merger by two Philadelphia banks, one of the first mergers approved under the new standards set forth in the Bank Merger Act Amendments of 1966. In its pretrial brief the Justice Department argues both that the new law "does not affect the applicability of the antitrust laws to bank mergers"—that this case "is *U.S.* v. *Philadelphia National* all over again, only that the names have been changed," and that "the antitrust laws apply not only with equal, but more force, than before."

The Justice Department overlooks Section 3 of the 1966 law, which specifically authorizes the two Philadelphia banks whose earlier merger was thrown out by the Supreme Court to reinstitute their application and have it acted upon under the new standards of the new law without prejudice by reason of the earlier proceedings. It is not often that Congress specifically overrules a Supreme Court decision. Section 3 makes it clear that the 1966 amendment does so.

The Department of Justice, in a letter dated May 18, 1966, opposing a proposal to insert the same provisions in the Bank Holding Company Act Amendments of 1966—adopted by the Senate by a 64 to 16 vote—admitted that "Congress . . . passed the 1966 Bank Merger Act amendment in order to assert a Congressional intent that bank mergers should not be treated in exactly the same way as other mergers."

The basic issues here are clear. I commented on them at greater length than space now permits in the July 1965 issue of BANKING.

Banking is a highly regulated industry, because of its relation to our money supply and the growth and development of our entire economy. We cannot ever again permit the paralysis of business and commerce which resulted from the wave of bank suspensions in the early 1930s. Under the dual banking system banks cannot spread across the country like industrial firms. Bank charters, bank branches, bank mergers, interest on deposits, bank investments, and bank reserves are strictly regulated. Searching bank examinations enforce these regulations.

Like other regulated industries specifically exempt from Section 7 of the Clayton Act, banks have been required since 1960 to get permission to merge from Federal regulatory agencies, and approval of the merger could only be granted after consideration of both competitive and banking factors with the final result depending on the public interest. The 1960 Bank Merger Act reflected a clear Congressional intent not to apply to banking the harsh rule of Section 7 of the Clayton Act that the demonstrable benefits of a merger are irrelevant. This was what the Supreme Court did in the 1963 Philadelphia case when it rewrote the statutes passed by Congress and held that all "anticompetitive mergers, the benign and the malignant alike," were prohibited.

The Supreme Court's refusal to follow the Congressional intent led the Congress to amend both the Bank Merger Act of 1960 and the antitrust laws so that a single standard would be applied to bank mergers. The new provision requires careful consideration of competitive factors by the banking agencies and the courts, but it does not stop with the competitive factors. They are not to be controlling. The new provision specifically authorizes a merger which might substantially lessen competition if its anticompetitive effects are "clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served."

REPRESENTATIVE THOMAS L. ASHLEY

From all indications, the Department of Justice has chosen to misconstrue the intent of the Congress when it adopted the new Bank Merger Act. In its brief in a Philadelphia merger case, the Department claims that the new act can be used to apply the antitrust laws to banks "not only with equal, but with more force than before." In a previous case, the Department stated that the new law made "no substantial change in the substantive antitrust law" applicable to bank mergers. In plain language, the Justice Department knows better.

It knows, as does anyone who had taken an interest, that the new Merger Act was passed as a result of a surprise decision by the United States Supreme Court in an earlier Philadelphia case holding for the first time that the Clayton Act applied to bank mergers. This was clearly contrary to what Congress understood and intended in 1960 when the original Bank Merger Act was passed.

In the earlier Philadelphia case, the Supreme Court had said:

"A merger the effect of which 'may be substantially to lessen competition' is not saved because, on some ultimate reckoning of social or economic debits and credits, it may be deemed beneficial. . . . [Congress] proscribed anticompetitive mergers, the benign and the malignant alike, fully aware, we must assume, that some price might have to be paid."

Bound by this decision of the High Court, the Federal District Judge hearing the Manufacturers Hanover merger case expressed the resulting law in these terms:

"Thus, the Bank Merger Act would appear to sanction agency approval of a merger, even though it violated the antitrust laws, if, on a balance of all the designated factors, the agency decided that, nevertheless, it was in the over-all public interest. A court however, would be obliged to invalidate a merger found to violate the antitrust laws even though it served the public interest."

The whole purpose of the Bank Merger Act of 1966 was to reassert the basic premise, subsequently misconstrued by the Supreme Court, of the 1960 act, namely, that banking services—furnishing the very life blood of the economy of any community—have a legitimate claim to consideration as being "in the public interest," and must be weighed both by the regulatory agencies and the courts against any diminution of competition which may result from a proposed merger.

Going back to the language of the district judge in the Manufacturers Hanover case, the purpose and intent of Congress in passing the 1966 act was to underscore that part of the statement which in substance reads ". . . the Bank Merger Act sanctions agency approval of a merger, even though it violates the antitrust laws, if, on a balance of all the designated factors, the agency decides that, nevertheless, it is in the over-all public interest."

The Justice Department, presumably considering itself a higher judge, takes the position that a merger must be invalidated regardless of the fact that it is in the public interest if it results in a lessening of competition.

The record is abundantly clear and I am confident that the courts in future cases will look to the intent of Congress rather than the assumed prerogatives of the Department of Justice.

REPRESENTATIVE WILLIAM S. MOORHEAD

The Department of Justice apparently claims that the Bank Merger Act of 1966 can be used to apply the antitrust law to banks, "not only with equal, but more force, than before."

This seems passing strange in view not only of the general language of the 1966 act, but also by the fact that the Congress expressed the fact that it had a contrary intent by legislatively reversing the three bank merger decisions.

REPRESENTATIVE RICHARD L. OTTINGER

The claim by the Justice Department in a recent brief, in the Provident National Bank and Central-Penn National Bank cases, that the Bank Merger Act of 1966 applies antitrust laws more stringently and rigidly to banks than before, is certainly a sharp reversal of its position. The Department vigorously opposed the bill while it was being considered by the House Banking and Currency Committee on the ground that we would be emasculating antitrust law application to banks if we passed it.

In point of fact, it was precisely because the Justice Department had been applying antitrust laws to banks too rigidly that the bill was passed. In a number of cases, the Department had moved against mergers of small, nonviable (though not failing) banks on the grounds that merger would quantitatively reduce competition, in situations where the merged bank could in fact provide better competition for its larger-size competitors and provide much better banking services to the community affected. In this type of situation, the committee felt the Justice Department, the regulatory agencies and the courts should be required to consider "the convenience and needs of the community to be served," and this was the major addition.

Other changes were made to restrict the arbitrary power of the Justice Department—not enhance it. The Department was required to bring action against a merger within 30 days or be forever barred from doing so in the future. Previously, the Department could move at any time, years after a merger was consummated—and the merging banks could never have security against such actions. This was frequently used by the Department as a club against merged banks.

The Justice Department, the regulatory agencies and the courts were for the first time directed to use the same rules for judging a merger. The Attorney General was required to advise the responsible regulatory agency involved of his opinion on the merger in advance of determination.

Let's examine the Department's claims, as reported in the press:

"The Department claimed that under the new laws a court is 'required' to use the antitrust laws in judging bank mergers." That's the truth, but not the whole truth. The court is required to use the antitrust laws but it is also required to weigh them against the convenience and needs of the community to be served. If the former is clearly outweighed by the latter, the court is required to approve the merger despite its antitrust law findings.

The Department claims the burden of proof rests on the banks and regulatory agencies to prove the overriding effect of the convenience and needs of the community to be served. The statute, however, is silent with respect to burden of proof.

The Department noted the bill provides "specifically" that any action brought under the antitrust laws arising out of a merger transaction shall be commenced within given time limits, and it concluded thereby that we intended that future banks should be subject in the future to antitrust suits. That's certainly true, but I fail to see how it furthers the Department's argument. The committee never purported to be abolishing the application of antitrust laws to banks—we just sought to abolish their misuse and misinterpretation.

The brief used the requirement that anticompetitive effects are to be "clearly outweighed" by convenience and needs of the community to be served to make its case that we intended to strengthen antitrust application. The Department has been moving against mergers, and the courts ruling against them, despite clear showing that better service would result—indeed, there were specific rulings that improved service to a community could not be used at all to offset diminution of competition. The legislative history clearly shows the intent of the committee to reverse this situation.

THE COMMITTEE'S INTENTION

The fact of the matter is that the Bank Merger Act of 1966 was passed to overturn the Supreme Court decision in the Philadelphia case which, in the view of the majority on the committee (of which I was one), misinterpreted the Bank Merger Act of 1960 by excluding consideration of the "banking factors" therein enunciated. This is made completely clear in the legislative history and is further borne out by the provision of the act conclusively presuming not to have been in violation of the antitrust laws any merger consummated prior to the decision in the Philadelphia case. The clear and expressed intention of the committee was to exonerate banks that merged in good faith reliance on the Bank Merger Act of 1960 as interpreted by the committee, to require consideration of the banking factors rejected by the court in that case.

The intent of the committee, in passing the Bank Merger Act of 1966, clearly was to temper application of the antitrust laws to banks as interpreted rigidly in the Philadelphia case, by a requirement that the convenience and needs of the community to be served also be considered by all agencies involved and the courts.

MANDATORY PAR CLEARANCE OF CHECKS

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HANNA. Mr. Speaker, the money supply of the United States totaled $171.1 billion on June 30, 1966. Of this amount, $133.8 billion, or 78 percent, was in the form of demand deposits at commercial banks; only 22 percent was in the form of currency. In our complex, interrelated, financially oriented economy, it is vital that checks drawn on demand deposits be fully interchangeable with currency at face value. Any departure from this free interchangeability renders our vital payments mechanism defective.

Yet we find that nonpar clearance, an anachronistic throwback to a more primitive period when transfers of funds were costly and time consuming, has persisted in certain parts of the country. Nonpar clearance occurs when a bank fails to pay the full face amount of a check drawn upon it, when that check is presented by mail for payment. The check is "clipped" by an amount representing a fractional percentage of the face value. The innocent recipient of a $200 check drawn on a nonpar bank may find that his own bank credits him with only $199.80, for example. The members of the public who are first exposed to this practice find it shocking and repugnant, and rightly so.

Charges to cover the expenses of servicing checking accounts should be levied on the holders of those accounts; these holders enter into agreements with their banks at the time deposits are first made, and any prospective depositor can shop among banks to secure the most satisfactory arrangement. The situation is quite different when the recipient of a check drawn on a nonpar bank is involuntarily assessed, not only to cover the cost of servicing the checking account, but also often to provide additional revenue for the drawee bank.

Fortunately, most commercial banks in the United States clear all checks drawn on them at par. It is clear, of course, that had this not been the case, the public outcry against nonpar clearance would long since have forced an end to the practice. However, as of the end of 1965, 1,492 banks or 10.9 percent of all banks, and 300 additional banking offices, still operated on a nonpar basis. These were all located in 15 States, and were concentrated in 6 States each having over 100 nonpar banks.

The practice of "check clipping" imposes unfair burdens on both the general public and the great majority of banks which do not make such charges but which nevertheless have to act as collecting agents when handling checks drawn on the nonpar banks. A most important reason for outlawing the practice is the burden it places on the efficiency of the check collection processes. Checks drawn on nonpar banks have to be handled separately from other checks and the additional costs of such handling have to be passed on to the payees or absorbed by the handling banks. The question whether collecting banks may lawfully absorb such charges has been given two diametrically opposite answers by the Federal Reserve Board and by the FDIC. The Federal Reserve has taken the position that its member banks may not absorb exchange charges—except in very limited amounts—because to do so would amount to an unlawful payment of interest to their checking account customers. The FDIC takes the opposite position that insured nonmember banks may absorb such charges without limit. The result of these conflicting rules has been to place member banks, the great majority of which are national banks, at a serious competitive disadvantage in relation to nonmember banks.

In past public discussions of nonpar clearance, it has become clear that virtually everyone is against the practice except the nonpar bankers themselves and their friends. The economic motivation for the attempt of nonpar banks to perpetuate the practice is evident. According to one study, exchange charges represented about 4 to 5 percent of total operating revenue of nonpar banks in a recent year. However, studies also show that the proportion of total income obtained by nonpar banks from conventional service charges on their checking accounts is well below the same figure for par banks. Moreover, it appears that the proportion of earning assets to total assets was lower for nonpar banks than for par banks. This demonstrates that reliance on securing easy revenue from exchange charges leads to the less efficient use of funds by nonpar banks.

The time has come to eliminate this burden on interstate commerce, this confusion of regulations, and this serious competitive inequality between member and nonmember banks. The most direct way of eliminating it is to make it unlawful for any federally insured bank to pay checks drawn on it at less than par. In view of the longstanding interest of the Congress and the Federal executive department in establishing a universal par-clearance system for checks, it is certainly not unreasonable to ask State banks, as a condition to their receiving the benefits of Federal deposit insurance, to join the great majority of banks with respect to check collection. The practice of charging exchange represents an unnecessary and uneconomic cost to the Nation. In effect, other banks, the business community and all citizens are being taxed to support the practice of a relatively small percentage of banks which are using anachronistic laws to levy unreasonable charges. The inequities in such a situation are apparent.

The proposed bill provides for a transition period of 1 year during which nonpar banks will be able to make up for the loss of exchange charge revenue by placing realistic and competitive service charges on their own demand accounts and also by making more efficient use of their funds.

H.R. —

A bill to require all insured banks to clear checks at par

SECTION 1. Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by the addition of a new subsection (k) as follows:

"(k) Every insured bank shall pay all checks drawn on it at par and shall make no charge for the payment of such checks and remission therefor by exchange or otherwise. For each violation of this subsection by an insured bank, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use."

SEC. 2. The second proviso in the first paragraph of Section 13 of the Federal Reserve Act (12 U.S.C. 342) is hereby repealed.

SEC. 3. The amendments made by this Act shall take effect one year after the date of enactment.

THE HIGH HOLIDAYS, 5727

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, September 15 and 16, 1966, mark the festival of the New Year in the Jewish religious calendar, Rosh Hashana, the opening of the year 5727, and the commencement of the 10-day period called the high holidays. This period concludes with Yom Kippur, the Day of Atonement, occurring this year on September 24. This is, for the Jewish people, a time for reflection upon the past year, of repentance for things ill done or undone, of good resolutions for the coming year, and for a renewal of hope and joy.

I should like, on this occasion, to extend my greetings and best wishes for the holiday season to my many friends of the Jewish faith and tradition, and to express my grateful appreciation for the great contributions the Jewish people have made and are making to Western culture and to mankind's aspirations for moral courage and intellectual freedom.

The terrible sufferings and the tremendous number of deaths of the Jews under Nazi persecution should be well remembered by us all as a warning of the terrible lengths to which anti-Semitism and other racial and religious prejudice can go.

In this connection, I call to the attention of my fellow Members of Congress, and of the people of the United States of America, the pending proposal that Congress should make it clear to the Government of the Soviet Union that we condemn the persecution of the Jews and urge that Government to live up to its own constitutional guarantees of freedom of religion.

This proposal I have embodied in a concurrent resolution, House Concurrent Resolution 177, pending in the present Congress but not yet acted upon. As stated in this resolution—

> Abundant evidence has made clear that the Government of the Soviet Union is persecuting Jewish citizens by singling them out for extreme punishment for alleged economic offenses, by confiscating synagogues, by closing Jewish cemeteries, by arresting rabbis and lay religion leaders, by curtailing religious observances, by discriminating against Jews in cultural activities and access to higher education, by imposing restrictions that prevent the reuniting of Jews with their families in other lands, and by other acts that oppress Jews in the free exercise of their faith.

There is little we can do about this tragic situation within the Soviet Union. But I fervently believe that at least we can and should speak out, with the fullest force of our official position, so that the persecuted Jews of the Soviet Union may know that their sufferings are not ignored and so that the Government of the Soviet Union may be formally brought before the bar of world opinion, under indictment for yet another violation both of human justice and decency.

I hope and pray that the coming year of the Jewish calendar may bring favorable developments in this and other difficulties confronting the Jewish people, and that the blessings of health, happiness, and prosperity may come to the Jews of America and of all the world.

THE NEGRO AND LABOR

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, one of the most highly respected veterans in the civil rights movements is Mr. A. Philip Randolph.

One of the most highly respected veterans in the labor movement is Mr. A. Philip Randolph, a vice president of the AFL–CIO and president of the Brotherhood of Sleeping Car Porters.

He, therefore, possesses the best credentials to speak of both movements and their interrelationship. This he has done in a splendid Labor Day broadcast over stations of the American Broadcasting Co. network.

I include Mr. Randolph's comments as a part of my remarks and I commend them to the attention of all of my colleagues:

> Eighty-four years ago, in 1882, the Knights of Labor celebrated the first Labor Day in our nation's history. In the wake of the great Civil War, the Knights organized integrated union locals in the South and ran Negroes for public office. Southern oligarchs finally used racism as a weapon to destroy those early southern trade unions.
>
> It is only fitting that we pause today to recall the dream of that early movement. For that dream of a Negro-Labor alliance is even more relevant today than it was 84 years ago.
>
> We must pause also to remember that the modern civil rights movement owes much to the labor movement. Our recent civil rights gains were based largely on the economic progress the Negro registered with labor's help in the 1940's and 1950's. The Civil Rights Act of 1964 and 1965 could not have been passed if the labor movement had not worked around the clock—concentrating its expert lobbying on Congressmen whose constituencies were not substantially Negro. The Negro non-violent movement owes a great deal to Gandhi and Thoreau, but it is also indebted to the American labor movement for much of its techniques—for example, the boycott, mass picketing and most important, the sit-down strike.
>
> Today, thanks to the monumental sacrifices of civil rights workers, the support of labor and religious groups, the Negro has at long last won his juridicial rights. But in many areas of the South, he is still too unorganized and too intimidated to use his vote effectively.
>
> He is also too poor to use integrated facilities and too poor to buy homes in newly integrated suburbs. In fact twelve years after the historic Supreme Court decision outlawing segregated schools, more Negro children attend all black schools than in 1954. Moreover, the slums are more dilapidated and joblessness among Negro teenagers is increasing.
>
> The only institution in this society whose economic programs coincides with the needs of the civil rights movement is the labor movement. Full and fair employment, a higher minimum wage, housing subsidies and democratic economic planning are the answers to Negro impoverishment—and let me add, to white impoverishment as well. They are the basic plans of the AFL–CIO economic program.
>
> The American Federation of Teachers is vigorously organizing Negroes. The AFL–CIO has guaranteed the funds needed to organize the migrant laborer, and the Industrial Union Department has opened community grievance offices in Chicago to help Dr. Martin Luther King organize. Labor's fight for the repeal of 14(b) will help the Negro. In the right-to-work states, not only do Negroes earn less than white workers, but they are falling further and further behind.
>
> In the area of political action, the goals of the labor movement and the civil rights movement are one and the same. When both movements joined hands, Dixiecrats were defeated in Tennessee and Virginia. When they were divided and did not coordinate efforts in Alabama, racist-reactionaries won.
>
> And thus we see that social justice (the objective of the civil rights movement) and economic reform (the objective of the labor movement) have become inextricably intertwined in our lifetime. A separation between organized labor and the Negro struggle can only encourage the growth of reactionary currents in American political and cultural life. Alone, the civil rights movement cannot win jobs, better housing and decent schools. Alone, the labor movement does not have the power to defeat anti-labor legislation and to protect workers' rights.
>
> The Negro-Labor alliance is our strongest weapon against the coalition of reactionary Republicans and Dixiecrats who would deprive the Negro of his civil rights, who would drag organized labor back to the 19th Century and who would repeal social progress. The political power of this reactionary coalition must be shattered. It must be shattered in Congress where the seniority system and the lingering disenfranchisement of Negroes enables it to exercise a strangle-hold over Congressional committees. No sooner was Representative HOWARD SMITH of Virginia defeated, than was he replaced as Chairman of the House Rules Committee by an ardent Mississippi segregationist.
>
> It must be shattered on the local level where right-wing groups are launching a reactionary counter-revolution against the civil rights revolution. It must be shattered in the right-to-work states where it perpetuates a permanent depression economy. The reactionary coalition which denies us a substantial minimum wage, which denies us rent-subsidies and which diminishes and demeans the war on poverty, can only be smashed by a strong Negro-Labor alliance. For when the masses of white workers join black workers in the streets and at the polls, we will be well on the way to the democratic political revolution which will free all Americans from minority rule.
>
> We must not only proclaim the need for an alliance, we must prove to the advocates of black power, to the worker who fears for his job and his home, to the depressed and alienated white poor, that progressive social change is possible. We must join in the fight for an end to poverty.
>
> Let me say here that too many Americans are ignorant of labor's role in the fight against poverty, which is the fight for economic democracy. Between 1960 and 1965, after-tax corporate profits rose 67%, as compared with a rise of only 33% in wages, salaries and fringe benefits. Eastern Airlines

alone since 1964 has increased its profits by 100%. Let these facts be borne in mind by those who were outraged by the airline strike and by the final settlement of 6%. I contend that the machinists' strike, which sought to divert enormous corporate profits into workers' wages and fringe benefits, struck a blow on behalf of the war on poverty.

For when wages and salaries lag behind profits, income is distributed upward. Consumer purchasing power falls behind productivity, and the end result is rising unemployment and poverty. In the face of fantastic corporate profits, guidelines which would restrict wage increases to 3.2%, endanger the whole economy and create special hardships for workers at the bottom of the ladder.

This is only one example of how our economic policies contradict the war on poverty. Training and community action programs will avail us little if the wage-profit gap continues to spread. Yet, the 1964 tax cut had an effect of increasing corporate after-tax profits by $3 billion—more than the cost of the entire federal war on poverty. And still there are those who would tell us that we lack the resources for a war on poverty, that domestic social spending must be slashed because of the war in Vietnam! They would have this war borne upon the bent shoulders of the poor.

I am proud that these voices of reaction are most sternly resisted by the American labor movement—at the collective bargaining table and, when there is no other recourse, in strikes and picket lines.

At the planning meeting for the White House Conference, "To Fulfill These Rights," I proposed a 100 billion dollar Freedom Budget, a massive investment to destroy the slums and eliminate poverty.

The Budget attacks all of the major causes of poverty-unemployment, and underemployment, substandard pay, inadequate social insurance and welfare payments to those who cannot or should not be employed; bad housing, deficiencies in health services, education and training; and fiscal and monetary policies which tend to redistribute income regressively rather than progressively. The Freedom Budget leaves no room for discrimination in any form because its programs are addressed to all who need more opportunity and improved incomes and living standards, not to just some of them.

Let me interject a word here to those who say that Negroes are asking just for another handout and are refusing to help themselves. From the end of the 19th Century up to the last generation, the United States absorbed and provided economic opportunity for millions and tens of millions of immigrants. These people were usually uneducated and a good many could not speak English. Yet the economy could profitably employ them. They had nothing but their hard work to offer and they labored long hours, often in miserable sweatshops and unsafe mines. But the industrial revolution had need of muscle power and immigrants could learn gradually and move up the ladder to greater skills. There were thus economic trends which helped people escape poverty. And then perhaps, the most decisive act of self-help on the part of that older generation was to organize the trade union movement. Unions not only struggled and won collective bargaining rights in the shop, they joined with the middle class of reformists and the religious men of conscience and all partisans of social change.

Today, it is absolutely necessary that we go beyond the games of the past, and guarantee a real right-to-work. For the American economy has become much more sophisticated than it was a generation ago. It needs scientists and engineers much more than muscle power.

Negroes who have been driven off the farm into a city life for which they are not prepared, cannot be compared to the immigrants of old. The tenements which were jammed by newcomers were way stations of hope. The ghettoes of today have become dead ends of despair. We must guarantee full and fair employment—it can no longer be a question of pious statements of public intent which lead only to a deeper frustration. Twenty-two years late we must return to the idea of a legal obligatory guarantee of work. There have been too many vague promises.

The President's Commission on automation reported that there are 5,300,000 public service jobs unfilled right now in health education, beautification and the like. One of our top priorities should be training to fill them.

We have just had a debate over extending minimum wage coverage to the poorest of the poor. Opponents of that wage have said that if employers of stoop labor in the fields were required to pay a decent living wage, or if the salaries of hospital employees were raised, these occupations would be destroyed because the employer would be motivated to mechanize. I see no reason why these occupations should be preserved, so long as useful and humane work can be found for those displaced. Let us not treat the unemployed and under-employed as a burden, but as a reservoir of talent, who, if only given a chance, could make this society a better place to live in for all.

I can anticipate arguments which say that this program of massive spending discriminates in favor of the black man or the poor generally. That is not true. It is only the first installment in giving those least able to pay at least the public assistance in housing that we have lavished on the rich.

After World War II, the GI Bill of Rights was instituted to help veterans go to school. It would be a wise social investment to pay the veterans of the ghetto to go to school today. And let us invest so that after we have torn down the slums and built new housing, schools and hospitals, we can fill their shells with teachers aids, doctors, nurses, hospital aids, artists and actors and their apprentices. We can build new towns, but not as hideouts for the white middle class where social problems and responsibilities are ignored. We can plan new towns from the ground up as integrated, productive communities.

We have before us the fantastic potential to celebrate the second century of America's existence by the abolition of ghettos and slums.

And I submit that this glorious dream is possible only if the civil rights and trade union movement work together hand in hand.

FEDERAL HELP IN THE RELOCATION OF RAILROAD TRACKS

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Denton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENTON. Mr. Speaker, I have today introduced legislation calling for Federal help in the relocation of railroad tracks that run through cities and towns and for the construction of railroad overpasses and underpasses.

I believe that this legislation is necessary and timely. Last year, according to the National Safety Council, there were 1,660 deaths due to railroad crossing accidents. There were some 6,000 nonfatal injuries from such accidents.

And if you have ever had the misfortune to be delayed by a long freight train at a grade crossing, you know how inconvenient that can be.

Since most all railroads today are involved in interstate commerce, I believe that the Federal Government has not only the right, but the duty to do something about this danger to our citizens. There is more than a convenience factor involved in railroad crossings being blocked by long trains when an ambulance or other emergency vehicle is delayed unnecessarily. I believe that the savings in human life and suffering will more than offset the cost of this program.

THE ATTERBURY JOB CORPS CENTER

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Denton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENTON. Mr. Speaker, from time to time in the newspapers I receive from my district I run across articles which I feel are of interest to many persons who probably do not receive these Indiana papers. Recently a series of such articles came into my office.

This series of three articles deals with the Atterbury Job Corps Center and the Job Corps program. It was written by Frank A. White and widely circulated throughout the State in Mr. White's column, "The Hoosier Day." I believe that Mr. White has done an excellent job of looking at the Job Corps program in an objective and factual way. This series of articles does much to dispel the fallacious charges being made by many people in an effort to repudiate and discredit the efforts of the Federal Government and the Great Society programs. I heartily recommend this series of articles for reading by my colleagues—indeed by all Americans.

Mr. Speaker, under unanimous consent I insert these articles here as an extension of my remarks:

The Hoosier Day

(By Frank A. White)

While a security officer at Camp Atterbury Job Corps Center, was making out a pass. John (Jack) Mehaffey, associate publisher of the Franklin Star, remarked to me:

"We are about to get a first hand look at one of the biggest break throughs of the school drop-out problem, or one of the biggest political boondoggles of our age."

I am aware that if the present rate of school drop-out continues, we will by the end of this year have some 8 million drop-outs in the USA. Also, much of my information about the Atterbury Job Corps had been bad. It ranged all the way from exorbitant cost to the FBI arresting some corpsmen for sex offenses.

We went to see the Atterbury Job Corps project for ourselves. It is my hope, whether you agree or disagree with my observations, that you go to Atterbury to draw your own conclusions. Two hour tours of Atterbury Job Corps are held commencing at 10 A.M. and 2 P.M. on Tuesdays and Thursdays. Several civic clubs, such as Lions, Rotary and Kiwanis, hold evening meetings there on arrangements that include "Question and Answer" sessions.

It is a "new ball game" throughout for Atterbury Job Corps in this fast moving world. Some of the biggest corporations in the USA have become concerned about the "unemployed" and "unemployable" youths, most of them school drop-outs.

On April 6, last, Westinghouse signed a contract with the Federal Office of Economic Opportunity, for exhaustive study and now has complete administration of Atterbury Job Corps.

Atterbury is a gigantic dormant army camp, erected to train troops for World War 2 and Korea. It is 31 miles south of Indianapolis, in gently rolling, wooded country, approached by a network of modern highways. It is ringed by the towns of Edinburg, Franklin and Columbus, and is but a few hours drive from Louisville.

It totals 40,000 acres, replete with hundreds of 1½ story barracks and buildings, wooden structures, weather beaten, but with premises kept clean and neat. Our National Guard uses it for training purposes and Job Corps men have been building a Vietnamese village for the Guard. With limitations, the State Division of Natural Resources uses part of the camp for hunting deer and fishing.

Poignant memories flooded me at Atterbury. When I last saw it, the camp swarmed with Khaki clad G.I.s. The enormous Wakeman General Hospital, part of the complex, was filled with wounded of World War 2. During the conflict, my G.W. (Good Wife) had charge of working girls who in the evening danced with soldiers under auspicies of the USO. Her army of pretty girls was called Liberty Belles. Mrs. Clarence A. Jackson had charge of a counterpart—the Cadettes and the two groups numbered more than 600 girls. There were ghostly memories of the hastily trained 106 Lion Division that went overseas at Christmastide to be slaughtered in the Battle of The Bulge.

Atterbury Job Corps took over the gigantic Wakeman General Hospital. The nearby Nurse Quarters are dormitories now. A sum of 4 million dollars has been spent rejuvenating the buildings. They are newly painted in pastel colors, inside and out, floors polished, and kept neatly.

You can stand in Wakeman and look down a corridor that seems a mile long. Some say there are 13 miles of corridors at Atterbury. The project utilizes other buildings, including a fieldhouse, and gym equipped to handle basketball, wrestling, boxing and other indoor sports. There is a platform stage for movies, indoor TV rooms, outdoor recreation area, including an Olympic sized swimming pool. There is a library.

I was surprised to learn the present enrollment of Atterbury Job Corps is in excess of 1,700 youths. That is as big as a goodly sized college or university. It is anticipated that the enrollment at Atterbury Job Corps will be in excess of 2,400 by November.

No one knows the future of the gigantic Atterbury Job Corps project, but it has been approached with an idea of permanency for training youth.

The Hoosier Day

(Second of series by Frank A. White)

Indiana Atterbury Job Corps, with 1,700 enrollees, run by Westinghouse Corporation for the Office of Economic Opportunity, is the second of the gigantic projects of reclaiming school drop-outs and unemployed youth.

The first was at Camp Kilmer, N.J., started when Secretary of Defense Robert McNamara suggested such use be made of surplus army installations.

Enrollees of Atterbury Job Corps come from all 50 states, including Puerto Rico and the Virgin Islands. The idea is to get these frustrated youths a distance from their home towns, where they have been branded failures. They get a new start.

Under the contract, and before taking over, Westinghouse was allowed to make an exhaustive three months study of Atterbury project. Robert J. Hadden, who now is Job Corps Center Director had charge of 15 men making up the study team.

It enjoyed cooperation of the Midwest Education Foundation and the Litton Educational Systems Division that had charge in the formative stages. Westinghouse experts from Pittsburgh were rushed in for the study.

There was examination of Job Corps accounting, purchasing, property control, labor relations, employment, maintenance, office services, security and community relations.

Center Director Hadden described the typical Job Corps enrolle as follows:

"Our study showed these young men came from homes of severe poverty. Most of them had never slept between sheets; never had a bed of their own. They had to contend with the law of the streets. Many developed resistance to traditional methods of education.

"Our studies showed: Two out of three Job Corpsmen lived in slum housing; four out of 10 came from homes of families receiving some kind of family public assistance and the breadwinner in more than 60% of the families, chronically suffered long periods of unemployment.

"One out of each two came from a home where the parents had less than an eighth grade education. The average Job Corpsman has not completed the ninth grade of school and reads less better than a fifth grader. Eight out of 10 had never seen a doctor or dentist for their ills.

"These youths were the product of apathy and were failures over their short span of years. We are taking these youths who in 18 years got into desperate circumstances. At Atterbury, in nine months time, we try to raise their literacy, change their bad attidudes toward society, that they may become better, self sustaining citizens. Westinghouse screened staff and teacher corps and let some 56 go. It has now a staff and teacher personnel of 775."

The instruction is such that each individual corpsman has a chance to go as far as his potential in a field in which he has interest.

Vocational classes teach skills in six categories. They are:

1) Automotive service maintenance and repair 2) Building maintenance, repair and supervisory skills 3) Food services and preparation 4) Appliance repair skills 5) Refrigeration installation and repair and 6) Heater installation and service skills.

There are 70 skill levels so that a corpsman can advance to his highest skill potential.

We had an opportunity to meet several of the teachers and craft supervisors in our exhaustive look at operation of Atterbury Job Corps under the new Westinghouse management. Manifestly all were dedicated people. Teachers have quite a distance to come work and long hours. They work 12 months a year instead of nine. They gave up tenure and fringe benefits, as well as teacher pensions.

These teachers and skill supervisors are concerned by enormity of the school drop out problem. They feel Job Corps is a possible solution. They are deeply interested in the project, aimed at remedy of a growing economic and social problem.

The Hoosier Day

(Third of a series by Frank A. White)

When Atterbury Job Corps was going through a trial and error period of a new program to reclaim school dropouts and teach them employable skills, I interviewed U.S. Senator Birch Bayh, Jr., at French Lick. The subject was black headlines in metropolitan papers about Corps Discipline. Senator Bayh said:

"These are not Sunday School kids. If we can't handle them now, we may expect them on welfare and in our prisons for a lifetime."

With Westinghouse, one of our great American corporations taking full management of Atterbury Job Corps, I inquired about the matter of discipline.

For the FBI to move into the Job Corps is not as bad as it might seem. Atterbury Job Corps is on government property. If a Job Corpsman purloins a carton of cigarettes, or punches a fellow Corpsman in the nose, it is an FBI case. For practical purposes, the FBI is the "Town Marshal" of the Job Corps.

There was a serious happening, involving sexual assault, but overall the clashes with the law by Job Corpsmen have been grossly exaggerated. Here is the record.

Of all young men who have been a part of Atterbury Job Corps, since it opened, only 5 percent have violated any law, either at the Center or while on pass. This is below American youth nationally, in the same age bracket. The bad image given the Job Corps does not hold when one faces the facts.

When only Indianapolis arrests are considered, only 2% of all Corpsmen have violated the law.

Of the Indianapolis school population, police estimate 2.7 get into difficulty with the law. In real numbers that is more than 3,000 arrests a year. The total number of Atterbury Job Corpsmen arrested in Indianapolis was 67.

So far in 1966, Indianapolis police records show that of all arrests for the five major crimes, 41.5% involved persons 16 to 18 years of age. Not one of these arrests involved a Job Corpsman, and in fact, of all arrests in Indianapolis involving young people, 97% were persons other than Job Corpsmen.

Westinghouse has established the most elaborate discipline set-up at Atterbury that the law allows. It is working for improvement. Atterbury Corpsmen may be sent home immediately now, awaiting approval of dismissal by Washington. The Corpsmen are worried about what others think of them. They are keenly aware some of their fellow Corpsmen break laws in one way or another, either on the Center or in town, on weekend passes.

There has been much written about the "exorbitant" cost of Job Corps program. The project and concept is costly, nationwide some $172,000 as of now. It is an attack on a gigantic social problem. Atterbury Job Corps costs $500 a month per corpsman for a year, or less time at Atterbury.

Westinghouse expects to lower that to $5,400 a year per Corpsman by June, 1967. The remark it costs as much a year for a Job Corpsman at Atterbury as were he in Harvard, is not the whole story.

Involved at Atterbury is the big sum paid to rejuvenate Wakeman General Hospital and the buildings for trade classes. The Job Corps cost involves equipment, clothing, food, pay and all other incidental expenses, not just Harvard tuition.

Questions are asked as to the pay of the Corpsmen. A Job Corpsman gets $30 a month basic pay. He must pay his federal taxes. He ends with about $7 a week, basic pay. This is used for razor blades, cookies, soft drinks and the like. In addition, $50 for every month that he successfully meets training, an additional $50 is put in escrow for him, until the date he leaves.

If he has dependents at home, he may assign $25 of that $50 per month to them. The Federal government will match this. Where there are dependents, a Corpsman might reach $105 a month total.

Most Job Corpsmen have been rejected by the Draft. However, they remain under jurisdiction of their local draft board. Of 800 Job Corpsmen finishing training, 34% joined the Armed Forces immediately. Some raised their literacy at Atterbury so they might enlist.

TRAFFIC SAFETY: WHY CONGRESS ACTED AND WHAT IT DID

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. MACKAY] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MACKAY. Mr. Speaker, on the eve of the most murderous Labor Day weekend in the history of the motor vehicle, Congress completed its work on two major safety bills. In this 72-hour period, 636 men, women, and children suffered violent death, and 25,000 experienced disabling injuries.

It was Friday, September 9, 1966, that the President signed into law bills which establish a National Traffic Safety Agency, and nominated the first Traffic Safety Administrator.

We who advocated a national program to build a safer traffic environment throughout the 50 States hope fervently that this new Agency will be an instrument by which we can arrest and reverse the awesome toll of lives being sustained daily.

The following questions and answers disclose why Congress acted and what it did. If we are to build a safer traffic environment, it will take unprecedented concert of action by everyone—public officials and private citizens alike.

THE BIG PICTURE

First. Why did Congress act? Death, injuries, and accidents are steadily increasing numerically and in terms of rate per miles driven. For the first time more than 50,000 persons were killed in a 12-month period—July 1, 1965, to July 1, 1966.

Second. Why did Congress define a new Federal role when this problem has been left traditionally to State and local governments? No matter how we look at it, what has been done has not been enough. Highways do not stop at the State line. Better roads, better cars, and the high mobility of people have made the driving environment national in nature. Fifty States cannot fix safety performance standards and no one State can afford comprehensive research.

Third. What specific laws were enacted? The National Traffic and Motor Vehicle Safety Act of 1966—Public Law 89-563—and the Highway Safety Act of 1966—Public Law 89-564.

Fourth. Who is charged with administering these laws? The Secretary of Commerce is directed to carry out the provisions of these laws through a National Traffic Safety Agency, headed by an Administrator appointed by the President with the advice and consent of the Senate. The Agency will be transferred to the Department of Transportation if created.

Fifth. In general, what do the laws provide? Mandatory safety performance standards for all new motor vehicles; funds for development and improvement of strong State and local traffic safety programs; and comprehensive research into the causes and prevention of traffic accidents.

Sixth. What new funds are authorized?

Total Federal spending over 3 years of $381.8 million: $51 million for setting auto safety standards, $5.8 million for tire standards, and $325 million for research and for State and local safety programs. Our losses now exceed $9 billion per year.

Seventh. How soon can we expect to get going with a National Traffic Safety Program?

The President lost no time in nominating the Administrator. The law requires interim vehicle safety standards by January 31, 1967, and States, counties, and cities can begin now to plan their participation in this new national effort.

Eighth. How soon can we expect to get results?

This will depend on the quality of the leadership of the program, the support given by Congress and State legislatures, and the response of the American people.

SAFER MOTOR VEHICLES: MANDATORY SAFETY PERFORMANCE STANDARDS

First. Why should Congress fix safety performance standards? The motor vehicle is the means for about 80 percent of interstate travel and commerce. Fifty State legislatures setting vehicle standards would, as one auto manufacturer put it, create "chaos for the industry."

Second. What vehicles are covered? All new motor vehicles including trucks. Used motor vehicles will be the subject of a report to Congress by September 9, 1967, and standards will be fixed by September 9, 1968.

Third. What is required of manufacturers and what provisions are there for enforcement? They must manufacture motor vehicles with safety features meeting standards established; certify to the dealers that each vehicle and piece of equipment conforms to the applicable safety standards; and notify the purchaser of defects affecting safety and what remedial action is needed.

The laws provides a civil penalty up to $400,000; injunctive relief; and the power of inspection to evaluate compliance.

Fourth. What are safety performance standards for motor vehicles and when will they go into effect? They are objective, practicable criteria which will provide for greater safety, such as recessed dashboards, collapsible steering mechanism, safety locks and hinges for doors, four-way signals, and so forth. The standards do not include regulations for design or styling.

Interim standards similar to those now required for Government-purchased vehicles must be set by January 31, 1967. Permanent standards must be set by January 31, 1968. Standards must go into effect within 1 year after being set.

Fifth. Who will be consulted before standards are fixed? The law provides a National Motor Vehicle Safety Advisory Council, a majority of which shall be from the general public, and representatives of State and local governments, of motor vehicle and equipment manufacturers, and dealers to advise the Agency. The Vehicle Equipment Safety Commission and other similar State or interstate agencies—including legislative committees—will be consulted.

STATE TRAFFIC SAFETY PROGRAMS

First. How will standards for State safety programs be determined? By the Agency after consultation with a 29-member National Highway Safety Advisory Committee, composed of chief executives of States and political subdivisions, highway safety administrators, industry representatives, engineers, research scientists, and members from the public at large.

Second. What will the standards cover? Driver training; effective record systems; accident investigation; vehicle registration, operation, and inspection; highway design, maintenance, and lighting; traffic control; vehicle codes and laws; surveillance of traffic to detect and correct high or potentially high accident locations; emergency services; and other aspects of traffic safety.

Third. What is the theory of the State safety programs? A national safe driving environment can be achieved only to the extent that each State and political subdivision builds its own traffic safety program based on generally uniform criteria. To accomplish State uniformity and coordination, the law requires the Governor of each State to be responsible for the administration of the program.

Fourth. What formula is provided for distributing funds? Seventy-five percent of the funds will be distributed on the basis of population and 25 percent within the discretion of the Administrator.

Fifth. What penalties apply if a State fails to participate? States failing to establish traffic safety programs according to prescribed standards by January 1, 1968, risk the loss of 10 percent of their Federal highway allotment and all funds under the safety program.

INVESTIGATION AND RESEARCH

First. Is not the Federal Government conducting traffic accident research now? Yes, but without specific congressional mandate and without much financial support. We spend $100,000 per victim to discover the causes of airplane accidents, but less than a nickel per casualty on traffic accident research.

Second. What the new congressional mandate for research? The laws direct that there shall be coordinated research, development, and testing on every facet of traffic safety; and investigation and collection of accurate traffic accident data. A decision about new research facilities will be made later.

OTHER PROVISIONS

The laws include special provision for tire safety standards; an improved National Driver Register; a comprehensive annual report to Congress on all phases of the safety programs; a study of the relationship of alcohol to traffic safety; and authorization for bulletins to citizens providing the latest information affecting their safety on highways.

CONGRESSMAN FRANK ANNUNZIO'S SPEECH TO THE 761ST TANK BATTALION ASSOCIATION

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONYERS. Mr. Speaker, I would like to bring to the attention of my colleagues a speech made recently by the Honorable FRANK ANNUNZIO of the Seventh District of Illinois. On September 3, 1966, Congressman ANNUNZIO had the honor of addressing the 18th annual reunion of the 761st Tank Battalion Association and Allied Veterans of World War II, a distinguished group of Negro-American veterans.

I commend Congressman ANNUNZIO's speech to my colleagues because it tells part of the too little known story of the role of the Negro-American soldier in World War II. The 761st Tank Battalion was the first armored unit in the history of the American Army to enter combat with Negro-Americans manning its weapons and vehicles.

Because of Congressman ANNUNZIO's strong feeling that the gallant war record of Negro-Americans should be given due recognition, he is taking the lead in obtaining recognition for the 761st Tank Battalion. Last June Congressman ANNUNZIO introduced a bill to authorize a Presidential unit citation for the 761st Tank Battalion. I have been proud to follow his leadership in working for passage of this measure before the Congress adjourns.

FRANK ANNUNZIO has a long and outstanding record of fighting for equal rights for all Americans. In 1951 FRANK ANNUNZIO, who was then the Illinois State Director of Labor, issued an order instructing his department to place all job applicants without regard to race, creed, color, or national origin.

He further ordered his department to refuse to even accept requests for the department to refer job applicants if the jobs were not open to all regardless of race, creed, color, or national origin. This initiative on his part won FRANK ANNUNZIO universal praise and numerous awards from various labor, civil rights, and religious groups in Illinois including the Chicago Council on Religious and Racial Discrimination, the Chicago Commission on Human Relations, and the Chicago branch of the National Association for the Advancement of Colored People.

FRANK ANNUNZIO's voting record during his first 2 years in Congress speaks for itself. FRANK ANNUNZIO voted for the 1965 Voting Rights Act, the 1966 Civil Rights Act, including the fair housing section, and the 1966 Equal Employment Opportunity Act. As someone who was involved in the Mississippi challenge, the effort to deny seats in the House of Representatives to the five members from Mississippi because of massive voting discrimination against Negro-Americans in Mississippi, I particularly remember FRANK ANNUNZIO's votes in support of the Mississippi challenge on two separate rollcalls in 1965.

Congressman ANNUNZIO's speech to the 761st Tank Battalion and his efforts on the unit's behalf are consistent with his long record of working to advance the cause of equal dignity for all.

The speech follows:

REMARKS BY THE HONORABLE FRANK ANNUNZIO BEFORE THE 18TH ANNUAL REUNION OF THE 761ST TANK BATTALION ASSOCIATION AND ALLIED VETERANS OF WORLD WAR II AT THE GRAMERCY INN, WASHINGTON, D.C., SEPTEMBER 3, 1966

It is an honor and a pleasure for me to be here tonight at the 18th Annual Reunion of the members of the gallant 761st Tank Battalion and Allied Veterans of World War II.

I want to welcome all of you to the Nation's Capitol, and to express my particular appreciation to Mr. Richard A. Carter, your national president and a resident of the 7th Congressional District of Illinois which I have the honor to represent, for inviting me to your banquet this evening to speak to the 761st Tank Battalion Association and Allied Veterans of World War II.

It is with real pride that I address all of you because of the outstanding contributions you made during World War II which led to the ultimate victory of the Allied forces. You gave your blood and your lives in the service of your beloved America, and the certificates of merit, the purple hearts, the silver stars, the bronze stars, and the commendations awarded to you are overwhelming evidence of your courage and your bravery. A total of almost 400 battle awards and the high praise of the War Department were bestowed on the men who served with the 761st Tank Battalion. You compiled a truly impressive record and you are a credit to the more than 20,000,000 Negroes of America. The example you have set is one which the younger generation of America can follow with respect and pride.

As you know, the 761st Tank Battalion was the first armored unit in the history of the American Army to enter combat with Negroes manning its weapons and vehicles. The Battalion was activated in April 1942 at Camp Claiborne, Louisiana. General Leslie J. McNair was the one who first conceived and advocated the idea of Negroes in the Armored Forces. Many were at first opposed to the idea, but General McNair won out. Orders were issued to organize the first Negro Tank Battalion in our history. Unfortunately, General McNair did not live to see the tremendous success of the project he initiated for he died in the bombing raids over Normandy, France, in 1944.

In October 1944, after two years of concentrated effort to build an effective fighting machine, the 761st Tank Battalion landed in France on the Normandy peninsula. The momentous day had arrived, and true to their battle cry, the brave boys of the 761st "came out fighting!"

In their first encounter with the enemy, the 761st took three towns from the Germans. The Battalion lived up to the highest expectations. The men fought gallantly in extremes of climate and terrain. Their ingenuity and ability carried them through the grimmest and most difficult situations.

In December, 1944, after the 761st had been in combat less than two months, the Commanding General of the Headquarters XII Corps. issued an official commendation. In a special memorandum to the Commanding Officer of the 761st Tank Battalion, Major General M. S. Eddy, stated:

"I consider the 761st Tank Battalion to have entered combat with such conspicious courage and success as to warrant special commendation.

"The speed with which they adapted themselves to the front line under most adverse weather conditions, the gallantry with which they emerged from their recent engagements in the vicinity of Dieuze, Morville le Vic, and Guebling entitle them surely to consider themselves the veteran 761st."

It is a matter of record that in the Battles of Morville, Metz, Obreck, Dieuze, Guebling, Tillet, and countless others, the men of the 761st conducted themselves admirably under stress and the relentless fire of the enemy.

You will recall vividly, I know, the rugged fighting at Tillet, the heavy casualties sustained by both sides, and finally, the retreat of the crack German 13th SS Panzer Division as the 761st pushed forward and turned the tide.

Such moments as this should not be forgotten. Courage and bravery of this high caliber deserves to be remembered. Indeed, the pages of American military history would not be complete without official recognition of the 761st Tank Battalion, which fought with valor in France, Belgium, Luxembourg, Holland, Germany, and Austria.

It was through the suggestion of my good friend, Honorable Vito Marzullo, the distinguished Committeeman and Alderman of the 25th Ward, that your president, Mr. Carter, first wrote to me about his efforts to secure this recognition for the 761st Tank Battalion.

I was delighted to have the opportunity to be of service, and immediately conferred with Congressman L. MENDEL RIVERS, the Chairman of the House Armed Services Committee, about the introduction of legislation to honor your Battalion. Then, on June 15, 1966, only eight days after I had received Mr. Carter's letter, I introduced H.R. 15715 to authorize and request the President of the United States to award a Presidential Unit Citation to the 761st Tank Battalion.

Subsequently, I wrote to Chairman RIVERS, and urged that early action be taken on H.R. 15715 in order that it may be enacted into law prior to the adjournment of the 89th Congress.

On August 29, Chairman RIVERS replied to me as follows:

"In accordance with the rules of the Committee, your bill was referred to the Secretary of Defense for his views and recommendations on June 17, 1966. We are awaiting this report and until it is received, no action can be scheduled on the proposal."

The Chairman also assured me that I would be furnished a copy of the Defense Department's position as soon as it is received. I want to assure all of you here tonight that I shall continue my vigorous efforts to secure enactment of H.R. 15715 in order that the extraordinary heroism of the 761st Tank Battalion may be officially recognized.

I would like to say in closing that the Negroes who served in World War II and in particular those who served with the 761st Tank Battalion made not only a magnificent contribution in the defense of our Nation, but also made a profound, more significant contribution to the social advancement of our great country.

Once and for all the shining example of the 761st broke down all barriers and all myths about the American Negro. It demonstrated beyond any doubt the true potential of the American Negro and led to national recognition of his worth as a responsible citizen and asset in our society.

Negroes have always distinguished themselves in the service of our country. Five thousand Negroes fought in the Revolution and this led to the emancipation of Negroes in the North. Three thousand Negroes fought in the War of 1812 and this resulted in the enfranchisement of the Negro in many Northern states and the beginning of a strong movement for general emancipation. Four hundred thousand Negroes fought in the Civil War and this resulted in the emancipation of 4,000,000 Negroes and the vote was given to all of them. Ten thousand Negroes fought in the Spanish-American War, and more social and economic gains were made by the Negro. Over four hundred thousand Negroes fought in World War I and more than five hundred thousand fought in World War II.

The record of loyalty and courage of the American Negro to his country in time of war and peace is unbroken. Yours was not the first page in that record, but it was one of the most glorious pages written in American military history.

I shall do my utmost to insure that your contribution is officially recognized, and if hearings are scheduled on my bill to authorize a Presidential Citation for the 761st Tank Battalion, I plan to personally testify before the Committee in order to make the officials in Washington aware of the magnitude of your contribution during World War II.

I know that you will continue in the future, as you have in the past, to live up to the great traditions you have established in the service of democracy and of America.

Ladies and gentlemen, thank you so much for your kind attention this evening.

BAD ADVICE ON NATO NUCLEAR POLICY

The SPEAKER pro tempore. Under previous order of the House, the Chair recognizes the gentleman from Illinois [Mr. Findley] for 15 minutes.

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, I have taken this time in order to discuss briefly a proposal made by a group, which calls itself the Educational Committee To Halt Atomic Weapons Spread, and the statement of the committee which purports to speak for 290 citizens, including 12 Nobel Prize winners, which was carried in today's New York Times.

According to the Times story, these citizens feel that the imminent spread of nuclear weapons among nations which presently have no such weapons is a greater danger than events in Vietnam.

They take note of the approaching visit to this country of the Chancellor of West Germany, Mr. Erhard, later this month, and urge the President, prior to the Chancellor's arrival, to modify the position which he has so wisely taken in negotiations at Geneva for a nuclear nonproliferation agreement.

Under this position the United States has insisted upon the right to cooperate with NATO nations in order to establish a NATO nuclear force, which, of course, hopefully would include West Germany.

The 290 citizens who have joined together in urging modification of this position by the President are quoted as follows. They define the "obstacle" to a nonproliferation pact as "the unresolved issue of U.S. sharing of ownership and control of atomic arms with West Germany" through the North Atlantic Treaty Organization.

Mr. Speaker, at this point in the Record I shall place the text of this article:

President Gets Atom Pact Plea—290 Leading Citizens Urge U.S. Pledge Not To Share Weapons With Bonn

(By M. S. Handler)

Two hundred ninety citizens, including 12 Nobel laureates, warned President Johnson yesterday that the "imminent spread of atomic weapons among non-nuclear powers, by manufacture or acquisition," represented an even greater danger to the national security of the United States than the Vietnam war.

In a statement and an accompanying letter to the President, they stressed the urgency of removing the chief "obstacle" to a treaty with the Soviet Union to prevent what they described as the imminent spread of nuclear weapons to nonaligned and neutral powers.

The "obstacle" was defined as the unresolved issue of U.S. sharing of ownership and control of atomic arms with "West Germany" through the North Atlantic Treaty Organization.

LETTER SIGNED BY EDUCATOR

The letter was signed by Dr. Arthur Larson, director of the Rule of Law Research Center, Duke University Law School, in his capacity as chairman of the Educational Committee to Halt Atomic Weapons Spread. It said:

"We venture the judgment that it is in order now for the United States to adopt a firm policy, making it unequivocally clear, that it will not share its exclusive veto over the ownership and control of nuclear weapons with any other power, through NATO, or in any other form, so that Chancellor Ludwig Erhard may be so informed upon his arrival in the U.S. and so that renewed negotiations can begin with the Soviet Union with a prospect of agreement."

The West German leader will arrive in Washington Sept. 25 for talks.

The letter asserted that "before world events foreclose the opportunity, it is imperative that new initiatives should be undertaken to secure a treaty."

According to the committee's statement, "five nations already have their hands on the nuclear trigger."

Sixteen nations stand in the wings, trying to decide if they must produce their own atomic fire to escape the role of hostages of the nuclear powers," it said.

"Twelve of these countries have the scientific and industrial capacity to produce nuclear weapons within three years. Three of them could do so within months, it is believed. Fifteen of these countries are either neutral, nonaligned or allies of the West. One is a member of the Soviet bloc."

The five nuclear powers are the United States, the Soviet Union, Britian, France and Communist China.

According to Dr. Larson, India, Israel and Sweden are technologically equipped to start production of nuclear weapons within months should their governments decide to proceed.

He also said that West Germany could be included in this category.

Japan, he said, has the industrial plant and the technological skills but has so far shown very little interest in nuclear weapons.

The Soviet bloc country referred to in the statement as capable of producing nuclear weapons is believed to be either East Germany or Czechoslovakia.

The statement advised the President that "the next weeks could well be decisive."

DISTINGUISHED NAMES

The 290 signatories included distinguished figures in science, education, religion, business, law, labor, arts and public affairs.

Among them were:

Dr. Jerome B. Wiesner, Provost of the Massachusetts Institute of Technology and a special assistant to Presidents Kennedy and Johnson on science and technology; Dr. George B. Kistiakowsky, professor of chemistry at Harvard University and a Presidential special assistant for science and technology from 1959 to 1961; Conrad Aiken, author; Edward Albee, playwright; Dr. A. Doak Barnett, professor of government at Columbia University and a leading China scholar.

Dr. John C. Bennett, president of the Union Theological Seminary; Dr. Eugene Carson Blake, General Secretary-Elect of the World Council of Churches; Dr. May I. Bunting, president of Radcliffe College, and the Very Rev. Gerald J. Campbell, S.J., president of Georgetown University.

The letter and statement to the President were prepared and drafted by the Committee, which has its offices at 345 East 46th Street. Dr. Larson and several of its members met with the press yesterday at the Plaza Hotel to answer questions.

SOVIET SEES LOOPHOLE

"West Germany," the statement said, "is enjoined from manufacturing nuclear weapons but not from acquiring them under the terms of its admission to NATO. The U.S.S.R. interprets Article 1 of the U.S. draft (treaty) as providing a loophole whereby Germany, through a NATO nuclear multilateral force, will acquire and share control of atomic weapons."

The United States favors a nonproliferation treaty, the statement said, but it is also concerned with the desire of the Germans to share in control. It is this unresolved conflict over priorities that, the statement asserted, created the present deadlock.

"The President must decide which of these objectives should be paramount," it said.

Citing a Presidential statement that the United States seeks a treaty "void of any loopholes which would permit nuclear or non-nuclear powers to proliferate, directly or indirectly," the statement said that "it is our hope" the President would give greater importance to a treaty than to sharing atomic weapons with Germany or any other non-nuclear power.

THREE STEPS URGED

The letter and the statement urged President Johnson to make the following decisions immediately in the interest of obtaining a treaty:

"To affirm that the U.S. will not give up to any other power its exclusive veto over the ownership, control and use of U.S. nuclear arms through NATO, the European theater or anywhere else.

"To revise the U.S. draft nonproliferation treaty to reflect this decision in language which is clear and unequivocal.

"As a signal of its new approach, to name a top-level delegation to meet with ranking Soviet diplomats, at a time and place of mutual choice, and authorized to seek an early agreement on a nonproliferation treaty."

To convince the non-nuclear powers that their own security would be enhanced by such an agreement, the signatories proposed the following collateral measures:

Collective assurances of assistance be given by the signatory nuclear powers to the nonnuclear powers against nuclear attack or threats of attack.

Undertakings to strengthen the United Nations peacekeeping machinery and other international security arrangements.

"Affirmation of U.S. willingness to negotiate a treaty banning atomic weapons testing underground, possibly for a trial period only, with inspection by challenge and invitation."

The signatories warned that "once the door to the nuclear club has been opened, it may not be shut again.

"Without a nonproliferation agreement, the direction of U.S. policy over the past 20 years to halt the nuclear arms race will be reversed. It is imperative, therefore, that we get down to the business of signing such an agreement."

Speaking on behalf of the signatories yesterday, Dr. Larson said:

"The spread of atomic weapons to nonnuclear countries is the most severe threat to American security today.

"Experts in diplomacy, science and defense agree on this. But, partly because of the obsession with Vietnam, and partly because of the difficulty of dramatizing the danger of nuclear spread, the level of public knowledge and concern is astonishingly low in proportion to the importance of the issue to the safety of ourselves and our children.

MULTIPLE DANGER SEEN

The spread of nuclear weapons among a great number of powers was viewed as a multiple danger to American security.

It would precipitate an expanded nuclear arms race and compel the United States to augment its own nuclear arsenal to keep its lead, it was believed.

Secondly, the spread of nuclear weapons would presumably multiply in many areas of the world the dangers of war that today are kept in check by the overwhelming American nuclear capacity.

Finally, it was believed that proliferation would diminish the ability of the United States to maintain and enforce the peace.

An Educational Committee, Dr. Larson said, was formed to bring the problem to public consciousness.

"Never was timing so vital, to an issue," said Dr. Larson.

"The world desperately needs and wants at this moment the reassurance of its own sanity that a nonproliferation treaty would afford, and the United States needs this opportunity to prove its capacity for leadership toward global security in the nuclear age."

Mr. Speaker, the statement includes this astonishing comment:

> We venture the judgment that it is in order now for the U.S. to adopt a firm policy, making it unequivocally clear, that it will not share its exclusive veto over the ownership and control of nuclear weapons with any other power, through NATO, or in any other form, so that Chancellor Erhard may be so informed upon his arrival in the U.S. and so that renewed negotiations can begin with the Soviet Union with a prospect of agreement.

The full text of their statement to the President, as reported on page 12 of the Times today, includes this statement:

> *Members of both Houses of Congress oppose any U.S. sharing of nuclear weapons.*

Now, the statement of course does not say that all Members of both Houses of Congress oppose sharing, but the implication left by this statement is that it is virtually unanimous on the part of Members of both Houses of Congress that simply is not true.

This would be a good moment for us to review our relationship of recent years with West Germany.

West Germany became a part of NATO in a dark moment in European history when the threat of Soviet attack was more apparent than it is today. West Germany chose to "put in with us," so to speak, and from that day to this West Germany has been a trusted, valued, and dependable ally of the United States.

West Germany is the only one of the 15 nations in NATO whose military forces are fully committed to NATO. All of its military forces are committed; that is, assigned and operational under NATO command, and in no other form. As a practical matter, West Germany does not have military forces today as a nation; it has these forces only as they are a part of the NATO military command.

West Germany under its constitution is forbidden to develop and manufacture nuclear weapons on its own soil. This does not preclude West Germany, of course, from acquiring them from other sources and actually owning and operating them. To this date there is no indication, no detectable sign, that West Germany wants to have its own national nuclear weapons which it can control, and yet for years the leadership of West Germany has made it plain that Germany must have the assurance of nuclear protection in this nuclear age. Under present circumstances it must rely entirely upon the commitment of the United States, under which we are pledged in the NATO treaty to come to the aid of other NATO nations, including West Germany.

The assumption is that we will use nuclear weapons to protect German homes just as we would protect our own. This was the massive retaliation doctrine under President Eisenhower.

But under Secretary McNamara this doctrine has been modified to such an extent that it is simply no longer enough. Instead of the massive retaliation doctrine, we have the theory of flexible response. Upon this Germans today must depend for protection against attack from the Soviets.

West Germany has been very patient. West Germany is a competent nation, one with a history of technological achievement and progress. I think reviewing that background and reviewing the facts of life as they exist today, West Germany has been very patient and forebearing in its present second-class status within the NATO alliance.

What this committee proposes is that the United States foreclose for all time any possibility that West Germany could ever have any part in owning or sharing the control of any nuclear weapons for its own defense. *This is a slur against a dependable ally, especially the new generation which had no involvement whatever in the Nazi era.*

To me this committee proposal goes in exactly the wrong direction. Instead of cutting off Germany from the possibility of participating with the rest of the NATO nations in establishing a NATO force in which Germany could have a part in developing policy, in selecting the command system, a force which hopefully would not be subject to the veto of any nation, we would indeed be moving in the wrong direction.

We should be trying indeed to establish such a NATO nuclear force instead of foreclosing it for all time.

I would like to point out to this body that the assertion of this committee to the effect that Members of both Houses of Congress oppose any United States sharing of nuclear weapons is indeed misleading. On June 1, I was authorized to speak for 21 of my colleagues in presenting a statement to the European Subcommittee of the House Committee on Foreign Affairs.

At this point in the Record I ask unanimous consent to place the text of this June 1 statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the statement is as follows:

Statement of Representative Paul Findley, (Republican, of Illinois); to House Foreign Affairs Subcommittee on Europe

In making these remarks I am authorized to speak for: E. Ross Adair (Ind.), Jackson E. Betts (Ohio), William E. Brock (Tenn.), Clarence J. Brown, Jr. (Ohio), Don H. Clausen (Calif.), Thomas B. Curtis (Mo.), Edward J. Derwinski (Ill.), Robert F. Ellsworth (Kans.), John Erlenborn (Ill.), James R. Grover, Jr. (N.Y.), Charles Gubser (Calif.), Ralph Harvey (Ind.), Robert McClory (Ill.), Robert McEwen (N.Y.), Chester Mize (Kans.), Albert H. Quie (Minn.), Howard W. Robison (N.Y.), Herman T. Schneebeli (Pa.), Wendell Wyatt (Oreg.), J. Arthur Younger (Calif.).

News reports which were forced last week to inside pages by Vietnam headlines told of shocking European developments which could wreck NATO completely unless the United States acts quickly.

This was the news: for the past year France and the Soviet Union have been working together in nuclear research, and joint ventures in space are now being negotiated.

The world's largest accelerator, being completed near Moscow, will be open to French scientists. For their part the French will provide the world's largest "bubble chamber" for the observation of high-energy particles.

The French team will be the largest group of foreigners to work with Soviet researchers.

What are the implications?

Most obvious, France will press forward with nuclear weapons development. From research to weapons development is only a step. This should surprise no one, as it is entirely natural for any nation to develop the best possible weapons for its own national security. It was unrealistic for anyone to expect France, Germany or any nation with a tradition of scientific and aeronautic achievement, to refrain indefinitely from nuclear and space development.

France's nuclear research will be done in close collaboration with the Soviet Union. Both have much to gain. France gains access to advanced nuclear technology long denied it by United States policy. The Soviets get the use of unique French scientific achievements but more important may gain a way to circumvent the test-ban treaty.

France did not sign the test-ban treaty and has islands in the Pacific where nuclear devices will soon be tested. The Soviet Union did of course sign the treaty, but a working relationship with France would enable the Russians to get their nuclear devices tested above ground without themselves openly violating the treaty.

The Soviets have more to gain than just technological development.

The collaboration gives them an effective new way to pursue their obvious objective of fomenting trouble within the Atlantic Alliance.

It will further encourage the separation of France from NATO, already far advanced.

It will establish a new European partnership interested partly in keeping the Germans forever from acquiring nuclear weapons, and thus it will feed new fires of discontent within Germany.

Is it realistic to expect a nation like Germany whose scientists pioneered in rocketry and atomic fission to forgo permanently the most effective military weapons? Have the Germans not accepted with patience and grace a second-class status for an entire generation after the war?

As the memory of Hitler fades it would be natural for the Germans like the French to rebel against a policy which treats them as untrustworthy and irresponsible. That day will be hastened by the new French-Soviet arrangement. Germany will be impelled to make its own deal—with the Soviets or others—to advance what appear to be its own national interests.

All this could have been prevented.

Three years ago the House Republican Committee on NATO warned that United States policy on nuclear weapons was outmoded and bound to cause trouble within the alliance. That shortsighted policy denied to our allies weapons we knew the Soviet Union possessed. At that time our Committee recommended that tactical nuclear weapons be made available to NATO nations.

The factfinding mission to Paris sponsored last June by the House Republican Conference proposed that the United States recognized the fact that France, like it or not, had become a nuclear power and we should start cooperating to the end that the nuclear capabilities of the two nations be fully coordinated. This could have been done without amending the Atomic Energy Act. The mission also proposed that steps be taken to create a "true partnership" within NATO in nuclear technology and weapons control.

Why did France turn to the Soviet Union? Was it because the United States has actively resisted all French efforts to develop nuclear weapons? Was it because we turned a deaf ear to French complaints about the NATO military structure? To a shocking extent U.S. policies have driven France into the arms of the Soviet Union. The latest in a long series of affronts was our Administration's refusal to export computer equipment France wanted for its weapons technology.

Curiously, the United States has acted as if the best allies are those which are individually weak, disarmed and dependent. Never let them have any big weapons of their own. Goodness, no! They can't be trusted. Be lord high protector for them all, and everybody will live happily ever after. Nationalism is wrong for everybody but ourselves.

This policy was doomed to failure. It ignored the natural needs and pride of every progressive nation.

Our commitment to NATO was based principally on nuclear deterrence—that is massive and immediate atomic retaliation. While this is officially the NATO doctrine and still theoretically in effect, it has actually been abandoned by the Supreme Command in favor of the concept of flexible response. Never approved by the NATO Council, flexible response became the de facto NATO doctrine when it was propounded by Secretary McNamara in a speech at the University of Michigan. The result of this was to seriously undermine the credibility of our NATO commitment. Today, how many people really believe President Johnson would press the nuclear button—thus risking destruction of U.S. cities—in order to protect Europe? Even if he would, has he convinced our allies?

The automatic character of our commitment to defend other NATO nations further came into question recently in the disclosure of correspondence in 1964 between our President and the Prime Minister of Turkey. In it, President Johnson warned that the United States might have to review its defense commitment if Turkey's planned action in Cyprus provoked Soviet attack. The language he used was curiously similar to De Gaulle's recent use of the words "unprovoked attack" in describing his interpretation of the Alliance's automatic commitment.

Recognizing the key importance of France in the Atlantic Alliance, the Republican Committee more than a year ago urged President Johnson to go to Paris for the single purpose of visiting the French President.

At this late hour, can anything be done to save the alliance from further fragmentation?

A personal trip to Paris by President Johnson still might salvage NATO, if he were prepared to discuss specific proposals which would assure NATO-wide cooperation in technology of all sorts—including nuclear matters, as well as a partnership system for making alliance policy and carrying it out, and a joint arrangement for handling worldwide matters like Vietnam.

President Johnson is the ex-officio leader of the alliance because present circumstances center all of its real authority in his hands. He alone controls the nuclear weapons on which all NATO nations depend. He personally selects the supreme commanders of the alliance. Therefore, he alone is in a position to bring about effective reforms quickly. He must act, or nothing of consequence will happen.

President de Gaulle is an astute diplomat, and this current scientific venture with the Soviet Union may actually be a move intended to bring forth a revamped NATO. If President Johnson goes to Paris with specific proposals to discuss, the mad rush toward fragmentation of the alliance could be reversed.

Even if President de Gaulle does not react favorably, much could be gained. Reform of NATO is essential no matter what course France may pursue.

In any case, does the clear responsibility of alliance leadership give the U.S. President any choice but to go? Our pride must not be permitted to stand in the way. The stakes are high, and a touch of humility might be helpful.

At the least the trip and the proposals would re-establish a basic but long neglected principle: our NATO allies should be as militarily strong and self-reliant as possible.

Until a better arrangement can be devised, we must aid our allies, individually and collectively, in acquiring the weapons and technology they feel are essential to their security.

Mr. FINDLEY. This statement, in which I was joined by 21 Republican Members of the House, lamented the nuclear policy of the United States toward France, in recent years, which actually in our view tended to drive France out of the alliance and into the arms of the Soviets for nuclear matters.

We stated that this new technological arrangement between France and Russia will further encourage the separation of France from NATO and will establish a new European partnership interested partly in keeping the Germans from forever acquiring nuclear weapons and thus will feed new fires of discontent within Germany.

I fear that if the President should take the advice of this committee mentioned earlier, and modify the very correct and wise attitude which his representatives have displayed in negotiations on a nonproliferation agreement, he would seal the fate of NATO. He would be planting seeds which will quickly flower into a monstrous development which would deal Germany out of NATO, such as France has been dealt out of NATO.

And, this most essential of our allies would fall apart. That happening, we would have a far greater danger of national proliferation of nuclear weapons than we do today. We can expect all nations to do their best in self-defense and in this era of nuclear defense, national defense necessarily requires nuclear defense.

Mr. Speaker, this thought is expressed in the final paragraph of the statement signed by 21 House Members on June 1, to which I referred earlier. I quote directly from it:

> Until a better arrangement can be devised, we must aid our allies, individually and collectively, in acquiring the weapons and technology they feel are essential to their security.

Mr. Speaker, somehow, we have got to keep our priorities in the proper order. Seeking agreement with the enemy camp; namely, the Soviet Union, the heartland of communism, on some flimsy type of agreement which could have no meaning whatever, must not be our top priority. Our first priority must be to make our friends strong, hopefully through NATO, but if need be, individually.

REPORTING TO CONSTITUENTS ON THE 89TH CONGRESS

The SPEAKER pro tempore (Mr. PATTEN). The Chair recognizes the gentleman from Washington [Mr. PELLY] for 30 minutes.

Mr. PELLY. Mr. Speaker, this is the 14th consecutive year since I first came to Congress and have had the responsibility to report to my constituents on my service as Representative of the First Congressional District.

Right now, as in a speech to the University Lions Club earlier this week, I have attempted to avoid partisanship. For example, in discussing the 89th Congress I could not overlook Vietnam, and here is a case where Republicans like myself in Congress have refused to play partisan politics on this vital issue. After all, Republicans in Congress such as myself have given full support to the Johnson administration. We have applauded efforts to secure a negotiated peace. We have said that the President had no other course than to prosecute the war.

At times, naturally, as I told the Lions Club, individuals—including myself—have felt impelled to differ and offer specific criticism.

For example, on a number of occasions, I have urged that the American people be given the full and true facts. I have asked, without being fully informed, how could the American public properly evaluate the President's decision to counter the increased intensity of North Vietnam's oppression? How could public opinion react fairly and wisely when the United States changed policy and sent its aircraft to attack the larger petroleum depots near Hanoi and Haiphong?

Actually, the American people reacted favorably, but they should have been forewarned that this action was made necessary by a substantial increase in the infiltration of armed men and war supplies from North Vietnam into South Vietnam, made possible by the increased petroleum products mostly furnished by Russia.

They should have been previously forewarned of the fact that enemy truck movements had doubled during the first 5 months of 1966. They should have been previously forewarned that the daily tonnage of supplies moved overland from North Vietnam had increased 150 percent and personnel infiltration had increased 120 percent during 1966 to date, compared with the 1965 average.

It was petroleum that made this possible. As the August 29 issue of the U.S. News & World Report expressed it:

> Progress of the Vietnam war is one thing when measured by Washington. It's something different—and less encouraging—when measured at the scene.

So, as I say, I do not think the American people have had the full facts, and I have felt free to say so. We have had managed news. What is more, the McNamara-Pentagon propaganda machine at times has deliberately misinformed the public.

The Vietcong have modern weapons obtained from Red China—delivered by two railroad lines to North Vietnam. These railroads, until recently, were offbounds as air targets. And the network of waterways and canals—controlled by three locks, carrying bumper-to-bumper barges full of supplies to our enemy—are too. I question whether these three locks that make this traffic possible should be offbounds as air targets. I have felt free to question the limitations on these and 250 other targets that are offbounds to our bombers.

Let me emphasize that deescalation of the war, on both sides, not just ours, could best be accomplished by curbing the delivery to the enemy of strategic war material, and not just by more air attacks on military, noncivilian targets. I have strongly urged stronger economic sanctions on free world nations whose ships carry strategic cargoes to North Vietnam. I favored a firmer air attack policy to slow down the enemy's fighting and step up the chance of peace talks. I believed such a policy would reduce U.S. casualties.

But, in general, I support, and my party supports, the Johnson policy. Let me make that clear. Here is an important point I want to emphasize. Ho Chi Minh is watching our forthcoming elections. He has been telling his people—and professes to believe—that the United States is ready to quit. Radios in North Vietnam broadcast this line and statements by Democratic Party leaders such as Senators Morse and Fulbright, who urge immediate capitulation to the Communists.

As I say, Ho Chi Minh knows the majority party is divided; he knows the war is not popular; he knows we are beset with internal strife; he knows that in practically every political contest for Congress, as in my own First District, the peace candidates are campaigning for a pullout from southeast Asia.

Throughout the free world, as well as the Communist world, foreign leaders such as De Gaulle denounce America. Our war is not popular abroad and it is not popular in America.

So, as I say, Ho Chi Minh is not interested in peace talks. He expects candidates for Congress such as myself, who support the President, to be defeated. Then he won't have to negotiate with anyone. He will take over South Vietnam. America, he thinks, will capitulate.

Whereupon, the Communists will start their aggression in some new area. Thailand will be next. And then in another spot, until communism controls all of Asia.

So, this election is not a matter of a doormat or a blank check Congress, or of a Great Society with rent supplements and a guaranteed income for all—although these, too, are vital issues.

The November elections could well—with the election and reelection of Members of Congress like myself who favor getting in and winning the war—be a step toward peace.

If Ho Chi Minh, next November 8, gets the word that the United States is not going to quit—gets it straight from the ballots of the American people—he may change his tune. After all, he knows Red China wants Vietnam weary and weakened by a long war, to drop into China's hand like a ripe plum. So, Ho Chi Minh is watching the outcome of the November elections with more than casual interest.

Meanwhile, apart from Vietnam, there is not much comfort for us in the rest of the world. Things are not going well for us in other parts of the world, either.

This is the first time in the history of America that she has fought for freedom without free world support. We have failed even to persuade the free world to stop trading and aiding our enemies.

NATO is divided and disintegrating. Hardly a day goes by without an American Embassy or a library being stoned or burned and our flag insulted.

America goes on pouring its wealth into underdeveloped countries. There have been some successes, but in general, the population and mouths to feed increase faster than we can dole it out.

At home meanwhile we face spiraling inflation and possible devaluation of the dollar, due to the continuing flight of gold abroad. Our dollar is in jeopardy and many economists say that if remedial action is not taken, we face a serious depression.

The Nation's monetary gold stock is at the lowest level since 1938. At any time lack of confidence in the stable value of the dollar could precipitate foreign claims to convert their dollars into our gold. We do not have sufficient gold any longer to settle these claims, and the only alternatives would be repudiation or devaluation.

In order to maintain confidence abroad and discourage conversion of claims to gold, the buying power of the dollar must be firmed up and inflation curbed.

I do not need to repeat here that many of us in Congress have urged less domestic spending as the best means of accomplishing this objective. The minority party throughout the 89th Congress has sought to reduce appropriations and reduce spending of money we do not have for things we do not need. However, in effect, we have a one-party Government, and while we Republicans make fine speeches about waste and unneeded expenditures in domestic programs, that is about as far as it goes. We do not have the votes.

Recently, Dr. Arthur F. Burns of Columbia University, a distinguished economist, suggested that among other steps which might be taken to control economic activity, a stretchout of Government spending on nondefense construction projects would be advisable. Likewise, he suggested that our foreign aid be trimmed and our troop commitments in Europe be reconsidered.

As to the problem of inflation, as I told the University Lions Club, I personally feel this situation, serious as it is, could well change after the November elections. In the House, often, the margin of votes on spending bills or attempts to reduce the cost of programs has been slim. For example, the new rent subsidy program funds carried by only four votes. By only two votes, the House defeated an attempt to reduce the 2-year foreign aid authorization to 1 year.

It could well be that the rubberstamp complexion of the Congress could change after November. And frankly, I look for a Congress next year which will demonstrate more independence and integrity.

There is one domestic problem which deserves special mention. Right now the homebuilding and selling industry faces a major crisis which adversely affects millions of Americans. In short, absence of mortgage money has resulted in the building permit rate dropping 18 percent nationwide, as against last year. Applications for FHA-insured loans on existing homes are down 34 percent.

Throughout the country, newly married couples find it difficult to buy homes. On the other hand, people who need to sell their homes find it hard to obtain buyers who can finance the purchase; builders and workers in home construction are affected and affiliated industries are suffering and, of course, our important lumber industry is feeling the pinch.

Homebuilding and selling is the second largest industry in the Nation. Building is vital to the economy and even more so in the Pacific Northwest. I believe immediate steps must be taken to ease money for home loans and the needs of small business. Republicans in Congress are unified as to this situation.

Recent statistics show housing starts are approaching a new low of only 1 million units per year, which shows that our national homebuilding industry faces a major crisis. Actually, the trend of industry has been pointing in this direction for more than 2 years.

Homebuilders from across the country have been asked by their national association to support a bill to limit interest ceiling on bank certificates of deposit in order to release funds which they feel have been diverted from the housing market. This diversion has occurred, but the primary cause lies in actions of the Federal Government in the money market.

Specifically, the statutory ceiling of 4¼ percent on long-term Federal debt has forced the Treasury, in its debt management operations, to compete with private enterprise in our short-term money market—simply because they could not sell long-term obligations within the ceiling.

Second, due to the balance-of-payments problem, the U.S. Treasury had undertaken to keep short-term rates up and long-term rates down. This, too, has had an adverse effect on the money market, and particularly upon those industries such as homebuilding, which are extremely credit sensitive.

Third, this administration not long ago rammed a bill through Congress, allowing so-called participation sales. The purpose of this bill, the Participation Sales Act of 1966, was to allow the Government to sell certificates of interest in Government assets and to use the money on additional programs without having to include these funds in the budget. It was nothing more than a device to reduce the coming year's budget. More importantly, however, it means that again the Treasury is competing with private enterprise to the extent of some $3 billion-plus in the short-term money market. During congressional debate, administration supporters assured us that these participations would not cost more than one-fourth of 1 percent more than current Treasury financing costs. As many of us stated at the time, this statement was away off. Participations are now selling to yield better than 5¾ percent.

I must report, Mr. Speaker, to my constituents back home that all of these factors have served to dry up funds in an already critically short money market. In addition, these factors undercut efforts of our Federal Reserve System to allow a money supply which is consistent with economic growth but which would deter inflation. The supply of money is up some 6 percent over last year. Federal Reserve credit outstanding is up over 9 percent. However, due to the economic boom of the Vietnam war, and Treasury operations, loan demand is up 14 to 15 percent. The result is that homebuilding, which is so vital to my congressional district, has been hurt.

From a more positive point of view, Mr. Speaker, I have supported other alternatives. For example, I supported a bill to increase Fannie Mae borrowing authority by more than $4 billion.

Also, I, and other Republicans, supported the removal of Fannie Mae's $15,000 loan limitation. I, and other Republicans, urged that further participation certificate sales be suspended. I, and other Republicans, asked for a slash in nondefense, nonessential domestic spending—and many Democrats agreed. We urged a reduction in point discounts in connection with FHA and VA home financing. And finally, I strongly supported the idea of an Emergency Committee on the Homebuilding Crisis. There is no excuse for delaying until after the November elections for constructive action on this problem.

Mr. Speaker, I believe the main cause of the stringency in money for loans is the swollen budget of the administration in Washington. By the same token, I believe the main cure lies in cutting excessive spending on new domestic programs.

Incidentally, I still think that the Republicans in the House had a sound plan when we came out with a program to reduce spending without trying to eliminate programs. I refer to the attempt of the minority Members of the House to amend appropriation bills by reducing the overall amount allowed by 5 percent. This simply provided that Government agencies could effect economies wherever they felt it could be done. It would be entirely up to the President to eliminate waste and decide what should be done in the way of economy, without any meat-ax cut.

But we did not have the votes to put this plan into effect. Just 5 percent off of each appropriation total would have curtailed Federal spending by about $5 billion—and no one program would have been adversely affected by the cut.

In conclusion, it is always a privilege to report to my constituents. Members of Congress cannot get home as often as they would like, but when the opportunity comes, I was happy to be invited to address a group such as the University Lions in Seattle who represent the backbone of America. In doing so, I trust I was truly objective and that criticism was not motivated by partisan politics.

Again, in closing, Mr. Speaker, I say it is an important duty to report to the people back home, and this year especially so.

NINTH ANNUAL STEUBEN PARADE

The SPEAKER pro tempore (Mr. PATTEN). The Chair recognizes the gentleman from New York [Mr. ADDABBO] for 10 minutes.

Mr. ADDABBO. Mr. Speaker, on Saturday, September 17, 1966, on Fifth Avenue in the city of New York, will be held the ninth annual Steuben parade, sponsored by the German-American Committee of Greater New York. This parade is taking its place in the history of New York City beside the St. Patrick's Day parade and the Columbus Day parade as "institutions."

It is fitting that the Steuben parade, commemorating the birth of Baron Frederick Wilhelm von Steuben, falls on our own Citizenship Day. General von Steuben contributed so much to our Nation in our fight for independence that his name is almost synonymous with U.S. citizenship. All Americans, not just those of German ancestry, should and do honor this man who served our own Gen. George Washington so diligently and faithfully.

In honoring General von Steuben we pay tribute to all German-Americans who have contributed so much to this Nation. I am proud to have a large community of these patriotic people in my congressional district, and I am proud to call them my friends.

Saturday, September 17, will be a happy day in New York, and I extend to all an invitation to join in these festivities on Fifth Avenue which commence at 2 p.m., daylight saving time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HICKS (at the request of Mr. ADAMS) for Monday, September 19, and Tuesday, September 20, 1966, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered into, was granted to:

Mr. PELLY, for 30 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. ADDABBO, for 10 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. FINDLEY, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCEWEN) and to include extraneous matter:)

Mr. MCEWEN.

Mr. SMITH of New York.

Mr. MINSHALL in two instances.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 420. An act to amend title 10, United States Code, to authorize the commissioning of male persons in the Regular Army in the Army Nurse Corps, the Regular Navy in the Nurse Corps and the Regular Air Force with a view to designation as Air Force nurses and medical specialists, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that

that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 6686. To amend the Civil Service Retirement Act in order to correct an inequity in the application of such act with respect to the U.S. Botanic Garden, and for other purposes;

H.R. 11488. To authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes; and

H.R. 13508. To direct the Secretary of Interior to cooperate with the States of New York and New Jersey on a program to develop, preserve, and restore the resources of the Hudson River and its shores and to authorize certain necessary steps to be taken to protect those resources from adverse Federal actions until the States and Congress shall have had an opportunity to act on that program.

ADJOURNMENT

Mr. MOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, September 19, 1966, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KIRWAN: Committee on Appropriations. H.R. 17787. A bill making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes (Rept. No. 2044). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 17756. A bill to amend title 38 of the United States Code to increase by 12 percent the rates of compensation payable to veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. CRAMER:

H.R. 17757. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. DENTON:

H.R. 17758. A bill to promote safety and efficiency of travel on streets, roads, and highways and by railroad by establishing a program of grants-in-aid for rerouting certain railroad tracks which run through cities and towns, the construction of railroad overpasses and underpasses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 17759. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOUNTAIN:

H.R. 17760. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 17761. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. GRIDER:

H.R. 17762. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him for special training furnished to individuals who are physically or mentally handicapped; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 17763. A bill to require all insured banks to clear checks at par; to the Committee on Banking and Currency.

By Mr. MARTIN of Alabama:

H.R. 17764. A bill to amend title VI of the Civil Rights Act of 1964; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 17765. A bill to amend the act of September 30, 1961 (75 Stat. 732); to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 17766. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. ADAIR:

H.R. 17767. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. BATTIN:

H.R. 17768. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 17769. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 17770. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. BUCHANAN:

H.R. 17771. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 17772. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 17773. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. MIZE:

H.R. 17774. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. RHODES of Arizona:

H.R. 17775. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 17776. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 17777. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 17778. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. KIRWAN:

H.R. 17787. A bill making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes.

By Mr. DULSKI:

H. Con. Res. 1009. Concurrent resolution to urge that the President increase tariffs on papermaking machinery in accordance with the procedures of article XXVIII of the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GEORGE W. ANDREWS:

H.R. 17779. A bill for the relief of Antonio Jose Moreno; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 17780. A bill for the relief of Jacqueline Mevs; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 17781. A bill for the relief of Mid-States Steel & Wire Co.; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 17782. A bill for the relief of Alfredo V. Castro; to the Committee on the Judiciary.

H.R. 17783. A bill for the relief of Rodolfo Respicio Dacanay; to the Committee on the Judiciary.

H.R. 17784. A bill for the relief of Rosario Pozas; to the Committee on the Judiciary.

By Mr. SCOTT:

H.R. 17785. A bill for the relief of Richard B. Jones; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 17786. A bill for the relief of Dr. Leopoldo A. Manzanilla; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Another Honor for the Duchess; Theta Sigma Phi Honors Esther Van Wagoner Tufty With Its Highest Award

EXTENSION OF REMARKS

OF

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1966

Mr. McEWEN. Mr. Speaker, I should like today to recognize one of America's great newswomen, Mrs. Esther Van Wagoner Tufty, and to bring to the attention of the House of Representatives the most recent of the many honors that have come to this outstanding member of the Washington scene.

Top flight journalist, astute political observer, hard digger of the facts, respected member of the press corps, able chief of a major news bureau, devoted mother, all these descriptions fit one of my closest friends, whose affectionate sobriquet is "the Duchess."

Last month, Esther Tufty was one of four women in the fields of journalism and communications to receive the coveted National Headliner of the Year Award from Theta Sigma Phi, the women's national journalism fraternity. The fact that the "Duchess" had been tapped for such recognition came as no surprise to me, for I have long been aware of her outstanding qualities as one of the leading women in her field.

The award, which is the fraternity's highest, was presented to Mrs. Tufty in Fort Worth on August 18. She was particularly cited for her preeminent stature in journalism. For three decades, she has headed the Tufty News Bureau, the largest run by a woman and one of the largest in Washington. Mrs. Tufty is a former president of the Women's National Press Club and is 1 of 50 influential women chosen by Secretary of Defense McNamara to serve on DACOWITS—Defense Advisory Committee on Women in the Services.

Other awards have included a recent one from Delta Sigma Theta, interracial women's public service organization, and another in 1963, when she received a Distinguished Service Award from the President's Committee on Employment of the Handicapped for her work on that committee and articles promoting the hiring of the handicapped.

In 1960, Mrs. Tufty was elected president of the American Women in Radio & Television. In 1965, she traveled to South Africa and Rhodesia, made two Radio Free Europe inspection trips and spoke in several foreign countries.

Esther Tufty comes from a politically prominent Michigan family, and her brother, Murray D. Van Wagoner, is a former Governor of that State. She now resides in a historic house on the banks of the Potomac River that was an original part of the Mount Vernon estate.

In addition to representing eight Michigan newspapers and two Michigan press associations in the Nation's Capital, Mrs. Tufty represents the Ogdensburg, N.Y., Journal, the Ogdensburg, N.Y., Advance-News, the Massena, N.Y., Observer, and the Potsdam, N.Y., Courier-Freeman, all published in my congressional district.

The distinguished minority leader of the House of Representatives, the Honorable GERALD R. FORD, JR., of Michigan, was talking with me just yesterday about Mrs. Tufty, and he wishes to join me in expressing words of special tribute and deep appreciation to her for her many years of unwavering dedication to the importance of a free and responsible press. GERRY FORD is well aware of the contribution made to Michigan by the Van Wagoner family, both in the field of government and in the field of journalism, and he has asked that I include his best wishes as I recognize Mrs. Tufty today.

Mr. Speaker, upon my arrival in Washington as a freshman Member of the House of Representatives more than a year ago, one of the first persons I sought out was Esther Tufty, for already I had come to know of her keen grasp of matters political, of the immense respect held for her by leading figures of government and the press, and, very frankly, I knew that she was one of those persons that every newcomer to the Congress needs to depend upon for wise counsel.

The "Duchess" has given me that wise counsel, but only when I have asked her for it. Even more, she has brought warmth and humor and good feeling into our interviews, and this has made such occasions the more pleasant for me.

I am delighted today to pay tribute to this grand lady of letters, and it is my fond and sincere hope that she will continue to provide the readers in my district with top coverage of the affairs of our Nation for many years to come.

Minshall Again Brings Traveling Office to District

EXTENSION OF REMARKS

OF

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1966

Mr. MINSHALL. Mr. Speaker, for the past 12 years it has been my privilege and honor to represent the citizens of the 23d Congressional District of Ohio in the U.S. House of Representatives.

As the Representative of this outstanding district, I make every effort not only to keep well informed on the opinions of the people through personal contact, but also attempt to be of the greatest possible service to those who have problems involving Federal departments and agencies. To help accomplish this, I maintain a year-round congressional office in room 525 of the Federal Building in downtown Cleveland.

Throughout my six terms in Congress I have made every effort to keep the people informed about the national scene. My newsletter, the Washington Report, periodically summarizes major legislative activities of the Congress and other issues confronting the Nation.

During my service in Washington, I have considered it of primary importance to be present at the Capitol whenever the Congress is in session in order to participate in committee work and to vote on legislation. Because of the intensive daily legislative and committee schedule last year and this, with Congress in almost continuous session, I have not been able to return to Cleveland as frequently as I would like.

My Appropriations Committee assignments are particularly time consuming. In addition to membership on the Department of Defense Appropriations Subcommittee, I also serve on the Independent Offices Appropriations Subcommittee, which encompasses the budgets of 22 important Federal agencies. Combined, my subcommittee responsibilities involve nearly two-thirds of the total national budget and of necessity require many hours of work in locked-door sessions on Capitol Hill and on-the-spot committee investigations.

Because so much time must be spent in Washington, I initiated a practice 12 years ago of taking a traveling office to the various communities in the 23d District. This method of meeting with the public is tremendously popular and gives me an excellent opportunity to discuss and learn at first hand the opinions and individual needs of the people.

With the expectation that Congress will not be in session during the latter part of October this year, I will take the traveling office to the people of the 23d District during the week of October 24 to make myself available to meet personally every resident who can conveniently arrange to visit me.

I wish to emphasize that these are not group meetings but office conferences for individuals which will enable each person to discuss his or her views and problems privately with me.

No appointments are necessary and I not only welcome but urge individuals to meet with me on the date and at the scheduled location most convenient to them.

Every resident of the 23d District is cordially invited to sit down and talk over issues of national concern, to discuss any problems they may have which involve the Federal Government, or just to get better acquainted. The knowledge obtained from these meetings will enable me to better represent the people of the 23d District of Ohio in the Congress.

I am most grateful for the splendid cooperation of the many officials who are making meeting places available as an aid in rendering this public service.

Following is the traveling office schedule:

Community	Location	Date	Time (p.m.)
Lakewood	Lakewood City Hall, 12650 Detroit Ave	Monday, Oct. 24	2 to 4:30.
Ward 4, Cleveland	George Washington School, 16210 Lorain Ave	do	6:45 to 9:30.
Rocky River, Bay Village, Fairview Park, North Olmsted, Parkview, Westlake.	Rocky River City Hall, 21012 Hilliard Blvd	Tuesday, Oct. 25	2 to 4:30.
Berea, Middleburgh Heights, Olmsted Falls, Olmsted Township, Parma Heights, Strongsville, Westview.	Berea City Hall, 11 Tract St	do	6:30 to 9.
Brecksville, Broadview Heights, Independence, North Royalton, Seven Hills.	Brecksville Town Hall, 49 Public Sq	Wednesday, Oct. 26	2 to 4:30.
Ward 1, Cleveland	West Tech High School, 2201 West 93d St	do	6:45 to 9:30.
Warrensville Heights, North Randall, Orange, Warrensville Township, Woodmere.	Warrensville Heights City Hall, 4301 Warrensville Center Rd.	Thursday, Oct. 27	2 to 4:30.
Chagrin Falls, Chagrin Falls Township, Bentleyville, Glenwillow, Moreland, Solon.	Chagrin Falls Village Hall, 21 West Washington St	do	6:30 to 9.
Maple Heights, Bedford, Bedford Heights, Oakwood, Valley View, Walton Hills.	Maple Heights City Hall, 5353 Lee Rd	Friday, Oct. 28	2 to 4:30.
Beachwood, Hunting Valley, Pepper Pike	Beachwood City Hall, 25511 Fairmont	do	6:30 to 9.

Representative Smith of New York Lauds Tonawandas' Post 264 American Legion Band for Long Record of Achievement

EXTENSION OF REMARKS
OF
HON. HENRY P. SMITH III
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 1966

Mr. SMITH of New York. Mr. Speaker, several weeks ago, I had the pleasure of greeting the members of an outstanding organization during their visit to the Nation's Capital. This group from my hometown, the Tonawandas' Post 264 American Legion Band, was in Washington to participate in the national band competition sponsored by the American Legion.

The band, and its director Mr. Herbert Ludwig, brought with them a fine heritage and an enviable record of accomplishment. They have been New York State champions every year since 1947. The membership of the band includes some 20 music teachers in the western New York area. The entire organization practices or performs 52 weeks a year.

In all probability, the Tonawandas' Post 264 American Legion Band is one of the oldest musical organizations in the United States. It has been in continuous existence since 1929.

The band carried a wealth of talent, enthusiasm and professional expertise into the national competition this year. They placed second behind the reigning national champions from Joliet, Ill. I hasten to add that the margin separating the top two contenders was 1.5 points, the closest margin in 21 years.

I must admit that when the members of the band visited Capitol Hill several days after the competition, I found no sign of the defeatist attitude that one might have expected. I was pleased and proud to find only a renewed spirit of enthusiasm for the coming year. Most were already setting their sights on the national competition to be held next year in Boston, Mass.

I am sure that it has been this same exuberance and strength of character that has made membership in the Tonawandas' Post 264 American Legion Band exciting, professionally rewarding and just plain fun.

I am proud to have had the honor of associating with this fine organization, and I wish them every success in the years ahead.

Mr. Speaker, the following is a listing of the names of those who made the recent Washington visit with the band:

P. Warmkessell, Beth Warmkessell, Edward Fritton, Jack Koup, Thomas Fura, Kevin Hauser, Lee Steiger, Paul Rathke, Arthur Johnson, Harold Moll, Brian Donley.

Richard Fron, R. Marquart, P. Matthei, James Scott, Dale Jacob, James Gerber, Kenneth Blish, W. Jones, Michael Mulaka, G. Tucker.

Thomas Peters, Emory Davis, Henry Gullia, James Miller, Donald McIntyre, C. VanBuren, Robert Calzavara, William Mosher, Michael Nascimben, Harold Boorman.

Richard Sequin, James Sequin, Frank Kearly, Gary Wagner, Jack Gestwick, Mr. and Mrs. Charles Hawkins, Mr. and Mrs. George Bacon, Mr. and Mrs. Carl Conrad, Mr. and Mrs. Kenneth Regnet, Mr. and Mrs. Frank Strough and family.

Allen Butcheri, Terry Butcheri, Elwood Searles, Harry Waechter, W. Nykuist, Dennis Moore, Tim Ferchen, S. Henry, Kenneth Nagel, Karl Hinterbichler.

William Bauerman, Robert Brinkman, Denton Kaltrider, Fred Hellenburg, George Heathfield, George Merrill, Albert Batt, Sally Yates, Sylvia Cowe, Mr. and Mrs. Stewart Jones and family.

Mr. and Mrs. Thomas Dunn, Mr. and Mrs. Peter Fogle, Mr. and Mrs. Leonard Chase and daughter, Mr. and Mrs. Sam Rizzo, Mr. and Mrs. Robert Morey, Mr. and Mrs. Robert Giuseppetti, Mr. and Mrs. R. Greenky, Mr. and Mrs. Don Ruggerillo and family, Mr. and Mrs. William Strough, Mr. and Mrs. Henry Spangenberg.

Mr. and Mrs. Eldon Francisco, Mr. and Mrs. Norman Beamish, Mr. and Mrs. Charles Schillo, Mr. and Mrs. Arnold Shafer and family, Mr. and Mrs. Jack Bacon, Mr. and Mrs. Ronald Gilcart, Mr. and Mrs. Raymond Cary, Mr. and Mrs. James Burke and son, Mr. and Mrs. John Giuseppetti, Mr. and Mrs. Herbert Ludwig and daughter.

Opinion Poll

EXTENSION OF REMARKS
OF
HON. WILLIAM E. MINSHALL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 1966

Mr. MINSHALL. Mr. Speaker, during the 12 years I have served the 23d District of Ohio in the U.S. Congress I have made every effort to keep in close touch with my constituents. My newsletter, the Washington Report, my traveling office which holds individual conferences throughout the district, and opinion polls, such as the one I am inserting in today's RECORD, are most helpful to me in maintaining contact with those I represent.

The following opinion poll is being sent to the home of every registered voter in the district, 130,000 in all. I wish to emphasize that I do not use the results of the poll as a blueprint or as a political weathervane for voting on issues, but I do derive much benefit from having the excellent comments and response it generates.

The poll follows:

YOUR CONGRESSMAN, WILLIAM E. MINSHALL, WOULD LIKE YOUR OPINION

SEPTEMBER, 1966.

On Capitol Hill, in the jungles of Southeast Asia, on the streets of our major cities, events are transpiring which are changing the face of history. This is a year of many fast-moving issues. The Minshall Opinion Poll taken in May was most helpful to me as your Representative in Congress. The results received nationwide acknowledgment. This Opinion Poll again is being mailed to the home of every registered voter in the 23rd District regardless of political affiliation and it deals in greater depth with some of the crucial issues of our times. The reverse side of the page is available for your individual comments. Time and staff limitations will not permit me to personally respond to every return, but each will be carefully read and tabulated. Results will be released to the news media and in a future newsletter. Please complete the questionnaire and return to: Minshall Opinion Poll, 2243 Rayburn House Office Building, Washington, D.C., 20515.

	Yes	No	No opinion
VIETNAM			
1. Do you think the United States is making progress toward victory?	☐	☐	☐
2. Which most nearly expresses your point of view? (Check only one):			
(a) Continue present policy	☐	☐	☐
(b) Withdraw all U.S. forces immediately	☐	☐	☐
(c) Limit military actions and intensify peace efforts	☐	☐	☐
(d) Make all-out effort to win militarily without nuclear weapons	☐	☐	☐
(e) Make all-out effort to win militarily including nuclear weapons	☐	☐	☐
3. Do you favor a stronger policy against countries trading with North Vietnam?	☐	☐	☐
4. Should U.S. citizens be prohibited by law from giving aid to North Vietnam?	☐	☐	☐
5. What form of Selective Service System is preferable? (Check only one):			
(a) Present system	☐	☐	☐
(b) Universal military training	☐	☐	☐
(c) Lottery	☐	☐	☐
(d) Lottery with limited deferments	☐	☐	☐
6. Should selected Reserves be called to active duty?	☐	☐	☐
DOMESTIC ISSUES			
7. Are stronger civil rights laws needed?	☐	☐	☐
8. Should there be a strong Federal antiriot law?	☐	☐	☐
9. Do you think the war on poverty has been effective to date?	☐	☐	☐
10. To combat inflation, should the Federal Government:			
(a) Increase personal income taxes	☐	☐	☐
(b) Increase corporate taxes	☐	☐	☐
(c) Initiate wage-price controls	☐	☐	☐
(d) Reduce Federal domestic spending	☐	☐	☐
(e) Reduce military spending	☐	☐	☐
11. Do you favor laws to require disclosure of outside income and other assets by all public officials, including Members of Congress?	☐	☐	☐
12. As a result of the recent airline strike, do you favor new laws to prevent strikes which affect the national interest?	☐	☐	☐
13. Is a multi-billion-dollar crash program desirable to combat air and water pollution?	☐	☐	☐
14. What do you think is the principal problem facing the Nation today?			

SENATE

FRIDAY, SEPTEMBER 16, 1966

(Legislative day of Wednesday, September 7, 1966)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, who art the abiding peace of the universe, we bow before Thee in humility and reverence.

Send us forth on the threshold of a new day, armed with Thy power, to right wrong, to overcome evil; if need be to endure hardship, but in all things to serve Thee bravely, faithfully, joyfully, that at the end of the day's labor, kneeling for Thy blessing, Thou mayest find no blot upon our shield.

We thank Thee that with the freedoms which have made our America the torch of the world, mankind is given one last chance to make this earth a decent habitation for all Thy children.

So may it be in Thy providence that this Nation of our hope and prayer, desiring no good thing for herself that she does not desire for all the earth, may serve Thy kingdom in such a time as this.

In the Redeemer's name we ask it. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Thursday, September 15, 1966, was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

ENROLLED BILL SIGNED

The VICE PRESIDENT announced that on today, September 16, 1966, he signed the enrolled bill (H.R. 420) to amend title 10, United States Code, to authorize the commissioning of male persons in the Regular Army in the Army Nurse Corps, the Regular Navy in the Nurse Corps, and the Regular Air Force with a view to designation as Air Force nurses and medical specialists, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 3830. A bill to amend the Atomic Energy Act of 1954, as amended (Rept. No. 1605).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SYMINGTON:

S. 3836. A bill for the relief of Dr. Hilario Anido; to the Committee on the Judiciary.

By Mr. COTTON:

S. 3837. A bill for the relief of Soterios J. Bougas and his wife, Evangeline Bougas; to the Committee on the Judiciary.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. PROXMIRE, and by unanimous consent, the District of Columbia Committee was authorized to meet during the session of the Senate today.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Excerpts from his remarks delivered at the Chesapeake & Ohio-Baltimore & Ohio Railroad YMCA's System Council luncheon, Baltimore, Md., on Tuesday, September 13, 1966.

ROUTINE MORNING BUSINESS

Under the order entered on Wednesday, September 14, 1966, the following routine morning business was transacted.

NOTICE OF HEARINGS ON FAVORABLE FLOOD CONTROL AND RIVER AND HARBOR PROJECTS REPORTED UPON BY THE CHIEF OF ENGINEERS, U.S. ARMY

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on Flood Control—Rivers and Harbors, of the Committee on Public Works, I announce for the information of the Senate, that public hearings will be held on Thursday, Friday, and Monday, September 22, 23, and 26, respectively, on favorable river and harbor and flood control projects reported upon by the Chief of Engineers, U.S. Army.

The Corps of Engineers will present details on the pending projects on Thursday and Friday, September 22 and 23, respectively.

Monday, September 26, has been set aside for Members of Congress and other interested parties.

The hearings will begin at 9 a.m. in room 4200 of the New Senate Office Building. All those who wish to express their views on the pending projects are asked to contact the committee staff in order that an agenda may be prepared.

While the committee will do its best to accommodate all who desire to be heard in the time allotted, all interested parties are encouraged to file prepared statements with the clerk of the committee in order to facilitate the proceedings.

EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to consider executive business.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. YOUNG of Ohio, from the Committee on Armed Services:

Russell D. O'Neal, of Michigan, to be an Assistant Secretary of the Army.

By Mr. SALTONSTALL, from the Committee on Armed Services:

Paul C. Warnke, of the District of Columbia, to be General Counsel of the Department of Defense.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

UNITED NATIONS

The legislative clerk proceeded to read sundry nominations of representatives to the United Nations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

INTER-AMERICAN DEVELOPMENT BANK

The legislative clerk read the nomination of W. True Davis, Jr., of Missouri, to be Executive Director of the Inter-American Development Bank.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

U.S. REPRESENTATIVE TO THE EUROPEAN COMMUNITIES

The legislative clerk read the nomination of J. Robert Schaetzel, of Illinois, to be representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF STATE

The legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the Department of State be considered en bloc, with the exception of Robert R. Bowie, of Massachusetts.

The VICE PRESIDENT. Without objection, the nominations, with the exception of Robert R. Bowie, of Massachusetts, will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

U.S. POLICY AND THE "NEW EUROPE"

Mr. MANSFIELD. Mr. President, our distinguished colleague, the senior Senator from Idaho [Mr. CHURCH] has written an article entitled "U.S. Policy and the 'New Europe.'" It appears in the October issue of the authoritative quarterly, Foreign Affairs.

Senator CHURCH, who is a member of the Foreign Relations Committee and a dedicated specialist in international affairs, writes this article out of a long background of study and experience with European questions. In his article, he makes reference to changed circumstances in Europe and U.S. policy in practice there, both of which he has had occasion recently to observe firsthand on a visit to the continent.

His article is a thoughtful critique of U.S. policy respecting Europe. It is a well-balanced and temperate analysis which points the way to new and more effective means of safeguarding our national interest by accommodations to "the changing mood of Europe."

The Senator's article will be excellent and helpful reading for Members of the Senate. It ought also to be studied more carefully by officials of the executive branch who guide the lines of this Nation's policies toward Europe. I ask unanimous consent that the article previously referred to be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. POLICY AND THE "NEW EUROPE"

(By FRANK CHURCH)

President Johnson said recently of Europe: "The Europe of today is a new Europe. In place of uncertainty, there is confidence; in place of decay, progress; in place of isolation, partnership; in place of war, peace." Confidence, progress, partnership and peace—what better testimonial could there be to the health and vitality, both political and economic, of Europe today; and what better promise for Europe's future?

During the summer, in a month of hearings, the Senator Foreign Relations Committee examined "the Europe of today." Our discussions ranged over the entire continent, literally from the Atlantic to the Urals, and beyond. For a diagnosis of the Atlantic Alliance means considering not only de Gaulle's aims, but the prospects for German reunification, Britain's association with the Common Market, nuclear arms control, greater European cohesion, East-West détente, the impact of Viet Nam, and much more. These problems are connected to each other in a seamless web that joins the United States with Europe, linking us together in the future as inextricably as in the past.

When the Committee's hearings began, it was announced that their purpose was educational. In preparation for them, I visited Europe in May for interviews with governmental leaders, including Wilson, Erhard and de Gaulle, along with prominent spokesmen of the opposition parties and other knowledgeable political observers. I have now had a chance to test my tentative conclusions against what the Committee has been told by a number of distinguished American experts on Europe.

The fact that there is in Europe today confidence, progress, partnership and peace is due, in no small part, to farsighted policy decisions we have taken since the end of the war. But we may stand in danger of being so dazzled by past successes that we could easily stumble into future failures. For Europe is now rumbling, not with discontent, but with a new spirit of independence, in both East and West. We seem to hear the sound, but we may not understand its meaning. To me it is the murmur of widespread European assent to the proposition: "Resolved, that the postwar period has ended."

Testifying before the Committee on July 13, Under Secretary of State George Ball said: "The 'NATO Crisis' [not the postwar period] . . . is over." Such a statement assumes that the principal problem facing NATO is France's refusal to continue her participation in SHAPE, or to permit NATO bases to remain on French soil, and that because the other allies have decided to retain a relocated military headquarters for the Alliance in Belgium, the crisis has ended.

But the questions General de Gaulle has raised a much deeper significance. For he is the symbol of the growing desire of European countries to exert more control over their own destinies—the longing for a larger measure of national independence. To the extent that he has appealed successfully to these sentiments, General de Gaulle is not isolated, either in France or in Europe. And, perhaps more importantly, by leading the assault upon the old barriers of the cold war, which all Western Europeans want removed, he appears to many, if not to most, Europeans to be moving with the current of history, while the suspicion grows that we are anchored to the past. Europeans recognize that de Gaulle's perspectives exceed his power, but they also believe that we are so preoccupied elsewhere, particularly in Viet Nam, and so tied to cold-war concepts, that we fail to take advantage of the openings our power presents. As one astute European observer remarked, "France has the objective but not the means, while the United States has the means but not the objective."

Perhaps our resistance to the mood of Europe is most clearly reflected in our relations with de Gaulle's government. We seem to have a peculiar ability to get under each other's skin, to use one another as a foil. McGeorge Bundy described the present foreign policy of France as "disappointing in its manners, costly in its pride, wasteful in its lost opportunities, irrelevant in much of its dramatics and endurable in its fundamentals." Though an intriguing epigram, Bundy's assessment must be weighed on the scales of recent French history. When the General returned to power, France was on the verge of civil war. The Fifth Republic may be hard to live with, but who would prefer the France before de Gaulle, with its revolving-door governments? The previous regime was marked by feeble central power, a faltering economy, poor national morale, mutinous armies and a chronic inability to extricate France from costly and questionable colonial involvements. France today is prosperous and stable, shorn of her outdated imperial burdens, aglow with the rekindled pride of her people, and engaged in an enterprising diplomacy of her own design.

How has de Gaulle achieved all this for France? Perhaps, as Professor Henry Kissinger suggested, it was because the General saw the need to teach his country and Europe generally "attitudes of independence and self-reliance," in the belief that "before a nation or an area can mean something to others it has to mean something to itself." Above all, we should remember that, however disconcerting we find de Gaulle's policies, or imperious his style, he has proved time and again, most recently in Moscow, that he is a man of the West.

Yet, despite de Gaulle's basic loyalties, the present occupants of the seventh floor of our State Department will not forgive him for throwing roadblocks in the path of a united Western Europe. Secretary Ball, in his appearance before the Committee, referred repeatedly to the "compelling logic" of a unified Western Europe, to be built, presumably, in the general image of the United States. His testimony, in line with many previous Departmental statements, was replete with warnings that the alternative to unity is a return to the "corrosive nationalist rivalries" of prewar Europe, as though there were no middle ground.

Actually, there is scant basis to fear that Western Europe—knit together by a flourishing common market—is in any danger of unraveling, and even less reason to apprehend a reversion to the pattern of militant nationalism which plagued the period before the wars. The "either-or" argument is unreal, a rhetorical duel between two straw men. When pressed, Secretary Ball himself conceded that Western Europe was not likely to revert to the old habits of a discredited past. Summing up, he sought a more plausible case, declaring that "the central issue before the American government and the American people . . . is what kind of Europe and what kind of Atlantic world we want."

My talks in Europe, and the comments of witnesses during the hearings, brought home to me the fact that it is not the kind of Europe *we* want that that any longer governs. The question is really what kind of resurgent Europe the Europeans themselves will build. We can encourage them to move in certain directions, largely because they have looked to us for leadership. But we should avoid pressing them too hard to adopt our favorite schemes for solving their problems. Looking back over the statements of leading State Department officials, one is struck by the fact that they seem to hold out for Europe no alternative between our form of unity and chaos, no awareness that European sentiment may have shifted toward a different arrangement, that what might have been achieved in the vision of such men as Jean Monnet when Europe lay prostrate after the war may no longer represent a practical possibility. In brief, I believe it isn't wise to keep insisting that Western Europe should grow to resemble the United States of America.

At best, it is a dubious policy to keep prodding our NATO partners for their reluctance to make new offerings at the altar of European union. For we cannot forecast with any certainty that our Grand Design for Europe, even if it were to happen, would necessarily prove a blessing to the world.

What real assurance is there that world peace would be promoted by the emergence of another gargantuan state, comparable in size and strength to the United States or the Soviet Union, and equally capable of waging global war? Is it not just possible that a looser association of European countries, which rejects subordination to a single executive authority, might turn out to be the safer arrangement? After all, Bismarck's *Reich* welded together, under one Emperor, the separate principalities which had composed the German *Bund* in a union which proved a curse to peace. Yet the *Bund* itself was once touted for having been "impregnable in defense and incapable of aggression."

Can we really be so confident that a united Western Europe would always remain our faithful partner? We are dismayed by de Gaulle because he dissents from our view about how European defense, European political life and European relations with the rest of the world should be conducted. Why should we believe that a great European Union would not prove even more assertive contrary and—dare I use the term?—disobedient than de Gaulle's France? Perhaps, as Professor Kissinger suggested, there are advantages to be found in preserving pluralism in Europe.

In any case, the fact remains that in Europe today there is a desire for diversity. Therefore, the task for us is to cast our policy so that it encompasses both the quest for cohesion and this desire for diversity. To accommodate these two aims concurrently, we should avoid taking rigid ideological positions. We must not insist that Europe evolve in any way which does not correspond to the real feelings of Europeans. Surely the United States does not hold the only patent on a Grand Design.

II

The same insistence on the solution we want—and that we think Europeans should want—has been applied to the nuclear sharing problem. Thousands of pages have been written on this subject. I can add nothing new to the debate. It does seem to me, however, on the basis of the accumulated evidence, that we have handled this problem with a rather heavy hand. The Committee, to be sure, was told that the United States had not been doctrinaire on the subject of a multilateral nuclear force, that we had been "very, very careful not to try to bring pressure" on our allies to accept the Multilateral Force (M.L.F.), and that the charge that there has been pressure is "nonsense."

Our diplomats may believe that they avoided bringing heavy pressure to bear on behalf of the M.L.F. proposal, but this is not the frank opinion of most European officials directly involved and of most disinterested experts on both sides of the Atlantic. If we are so unaware of the resentment our tactics produced our antennae are in need of major repair.

Likewise, at the Eighteen Nation Disarmament Conference in Geneva, the United States has nearly isolated itself in insisting upon retaining the so-called European clause in our draft proposal for a nuclear nonproliferation treaty. This clause would leave the door open for the creation of an independent European nuclear deterrent, although the necessary precondition for such a force is a degree of political unity which Secretary Ball himself has described as "far exceeding that foreseen in the near future by even the most optimistic proponents of European federalism."

The official argument, rooted once again in our Grand Design for Europe, is that we are unwilling to foreclose the possibility that some future European Union might organize a nuclear deterrent force in which the Germans could participate. Besides, we want to preserve our option for a "hardware" solution to the nuclear-sharing problem within the Western Alliance. We say that the clause, which one knowledgeable observer has described as though written with a "ball-point corkscrew," would not lead to proliferation because it permits no increase in the total number of "nuclear entities" in the world. I wonder what our attitude toward such an option would be if mainland China announced its intention to form an M.L.F. with Albania, Mali and North Viet Nam, or the Soviet Union an M.L.F. with Poland and Cuba.

In any event, the State Department insists that the European clause is "not the real obstacle to a non-proliferation agreement." The Committee was told that German access to nuclear weapons, under an M.L.F. or a similar "hardware"-sharing scheme, would not even prove a serious obstacle to German reunification, which "will come about when conditions are ripe for it." Most Europeans would disagree.

Our refusal to drop the European clause seems to indicate that we have decided it is more important to bind West Germany more tightly to a truncated NATO than to improve relations with the Soviet Union. I think our priority is wrong. As far as I can determine, the other European nations at Geneva, including our allies, feel that we are mortgaging the present for the sake of a highly problematical future. In other words, most Europeans—I will mention West Germany in a moment—who would participate in a separate European deterrent and whose interests this hypothetical, if not visionary, force would presumably serve, are not pressing us to retain the European clause. Why, then, should *we* insist on keeping an option for *them* which they do not demand, or at least do not think is important enough to jeopardize closer relations with the Soviet Union? Is this in our interest—or in theirs?

In discussing the ultimate goal of our policy in Europe, Mr. Bundy said: "Settlement is the name of the game." If we are going to play the game, we must remember that the ball is labeled "relations with the Soviet Union." If we are not going to play, we will discover that the game will go on without us, and we shall soon become spectators in Europe rather than participants. However much we may doubt the Russians, most Europeans are persuaded that the danger of a Soviet attack has receded, and that, as a result of developments in the Communist world—particularly the revival of nationalism in Eastern Europe and the necessity for Russia to turn about and face the challenge of a hostile China—the time has arrived for a diplomatic assault upon the unwelcome barriers which split the Continent. For the partition of Europe at the Elbe is regarded by Europeans on both sides as transitory and unnatural.

The United States should lead its allies in their reach eastward across the Elbe, for we alone can deal, on equal terms, with the Soviet Union. But whether or not we choose to lead them, they will press on, believing, as more Europeans do every day, that in Europe, at least, the cold war is over. It would be tragic for all concerned—except the Soviets—if by standing so far behind our Western European allies we forced them to turn their backs on us in order to seek reconciliation with Eastern Europe, as they are bound to do.

To lead the new search for a European settlement, we need not join in the European consensus that the Russian threat has faded away. We can parley without discarding the Western Alliance, to which even France proclaims her continuing fidelity. NATO still exists as a fort for the West, should the Soviet Union turn militant again.

On the diplomatic front, the best place for a breakthrough remains Geneva, where we may have come within reach of a nonproliferation treaty. Negotiations should not be permitted to break down on the issue of retaining the European clause. It is reunification, not nuclear sharing, which concerns the Germans most. Europeans, including many Germans, hold generally to the belief that reunification can come about only after much better relations have been established between the two halves of Europe. Maintaining the option for increased German access to nuclear weapons can only add to the fears and suspicions; closing the option, on the other hand, would tend to lessen tensions. As Mr. Bundy pointed out, so would a clear public statement by the West German government accepting the Oder-Neisse line. I have the impression, and several witnesses before the Committee did too, that German public opinion is coming around to a realization of the need to strengthen the East Europeans' confidence in Germany. I would think that we should encourage the Germans to do so. I do not see why we, alone among the Western powers, seem unwilling to accept the thesis that reunification will follow relaxation. I do not see why we, again alone, continue to assert an almost mystical belief that eventually, for inexplicable reasons, conditions will somehow materialize making German reunification possible. By holding to this view, by insisting on a European clause as a prerequisite for a non-proliferation treaty, we are running the risk of not only falling between two stools but of knocking both over. For the prospect of an integrated European nuclear deterrent is most likely to prove a mirage. An empty hope can only disillusion the West Germans, causing them—more in sorrow than in anger—to pull away from NATO's close embrace.

And even if the unfulfilled promise does not produce disaffection, another factor, considered more important even now by some in Germany, is likely to do so. That is the contradiction inherent in enticing West Germany into ever closer military ties with NATO and, at the same time, pressing for concessions from the Russians, against whom NATO's military organization is directed. While I would not presume to predict the shape of the settlement which will eventually be reached in central Europe, I am personally convinced that the State Department errs in preaching that reunification will come about by "the adhesion of the East German people to some . . . system of Western unity"—in other words, by appending themselves to a united Western Europe.

What seems far more likely is that a German settlement will be reached as the last stage in a gradual healing of the breach between the two parts of Europe. And the price the German people will have to pay for reunification will surely include abstention from nuclear arms. By preserving the option of Bonn's participation in an improbable Western European deterrent force, are we not jeopardizing the possibility of German reunification as part of a central European settlement? Many Germans think so now. Many more may think so in the future.

Hence, by retaining the European clause we will, in my view, not only fail to tie West Germany more firmly into the NATO alliance, we may also sacrifice a non-proliferation treaty with the Soviet Union. If the European clause is retained, the Russians almost certainly will reject the treaty. Of course, even if the clause is stricken, the Russians may not sign. But if they refuse, we have lost nothing in making the offer to delete it.

Quite apart from the immediate consideration of the treaty, our national interest calls for a consultative rather than a "hardware" solution to the nuclear sharing problem in the alliance, building on the work done by the McNamara Committee. This would provide a much sounder basis for German partnership in NATO—sounder because what matters is how governments decide on the use of nuclear weapons, not where governments arrange to store them; sounder because it keeps many options open for West Germany and closes none; and sounder because it is what the European allies of Germany—and, I believe, the German people—prefer.

III

With regard to Europe, President Johnson deserves credit for a number of specific moves he has made recently. First, I commend his decision to restrain the State Department from over-reacting to de Gaulle, for I agree with Mr. Bundy that as "very few Frenchmen are anti-American . . . it remains the part of wisdom and sentiment alike that no American should be anti-French." Secondly, the President should be congratulated for ordering an end to the M.L.F. campaign, for the pressure felt by others in NATO was causing strains within the Alliance that far outweighed any possible gains. Thirdly, he has taken a step forward at Geneva by asking for new language which might break the deadlock on a non-proliferation treaty. Finally, I applaud the President's stated objective to "build bridges" with Eastern Europe.

My uneasiness arises, therefore, not from decisions emanating from the White House, but from the doctrines so deeply imbedded at the Department of State which impede, if they do not preclude, a timely and adept response to the new outlook in Europe. The same dogmatism leads also to a self-certainty which borders on condescension.

Another fault in our approach may be due to the tendency in the State Department to regard the problems of our European allies as essentially military, rather than political. Nuclear sharing, force goals and command arrangements are no longer the issues on which Europe's interests center. Now, when Europe is less concerned about defending itself than in fending for itself, less absorbed with building barriers against the East than with mending fences with the East, those who make our European policy should know both parts of divided Europe first-hand; they should be men whose background and experience—the two most important words in the manual of those who match men to the work to be done—help them in understanding, rather than hinder them from understanding, the shifting subtleties of a highly political continent.

For our fundamental national interests can easily accommodate the changing mood of Europe. We need sacrifice nothing to keep our policies relevant. But only by so doing can we preserve our influence in the Europe of today—and tomorrow.

Mr. MANSFIELD. Mr. President, I should like also to congratulate the distinguished Senator from Idaho [Mr. CHURCH] on his nomination and confirmation as a member of the U.S. delegation to the next meeting of the United Nations General Assembly. Together with the distinguished Senator from New Jersey [Mr. CASE], Senator CHURCH will speak for this Government in the councils of that international body during the next few months.

The selection of these two able Senators by the President is most fortuitous. They can be counted on to provide outstanding representation for the interests of the people of the Nation in the unremitting search for world peace and better international cooperation in the United Nations.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1569 and 1570.

The VICE PRESIDENT. Without objection, it is so ordered.

EXPANSION OF PROGRAM OF GRANTS-IN-AID TO THE REPUBLIC OF THE PHILIPPINES FOR HOSPITALIZATION OF CERTAIN VETERANS

The bill (H.R. 16330) to provide for extension and expansion of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans and for other purposes was announced as next in order.

Mr. ELLENDER. Mr. President, when this matter was called up yesterday, I objected to it, not knowing fully——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. The Senator did not object. He asked that it be held over.

Mr. ELLENDER. As I understand, this bill simply extends the time in which our contribution will be made for assistance of veterans in the hospitals constructed by us in the Philippines.

Mr. MANSFIELD. The Senator is correct.

Mr. ELLENDER. And that is to extend for another period of 5 years?

Mr. MANSFIELD. The Senator is correct. That statement is in the report.

Mr. FONG. Mr. President, yesterday, we held a joint meeting of Congress and heard the dynamic, young President of the Republic of the Philippines deliver a moving, courageous speech. He bared his heart to us with eloquent candor—much in the manner of the great Abraham Lincoln.

President Marcos informed us of the severe criticism that he is being subjected to because of his pro-American outlook. The critics are especially vocal over his sending Philippine troops to South Vietnam at a time when the threat of a HUK insurrection is imminent. But President Marcos reassured us that the friendship between the United States and the Philippines is too strong to revoke even when the smell of danger is near.

In return for this continuing loyalty and friendship, President Marcos explained that his country does not seek special favors or handouts from the United States. Rather, the Philippines desires only fair and equal treatment as a partner. A sense of justice and fairplay and a feeling of mutual respect and understanding should govern the relationship between the countries.

Mr. President, it is with this view that I strongly support H.R. 16330 and H.R. 16367, two bills that would help pay a debt that the United States owes to Philippine soldiers who fought shoulder to shoulder with American troops in World War II.

H.R. 16330 would extend and expand the program of grants-in-aid to the Republic of the Philippines for the hospitalization of Commonwealth Army veterans. The Veterans' Administration would be authorized to extend the existing agreement for the payment of the expenses of hospitalization of such veterans for an additional 5 years when it expires on June 30, 1968.

H.R. 16367 would extend the benefits of the war orphans' educational assistance program to the children of those veterans of the Philippine Commonwealth Army who died or have become permanently and totally disabled by reason of their service during World War II.

There is little doubt that these measures are meritorious. First, because the intended beneficiaries of these bills have already earned the right to some compensation from the United States. The Filipinos who fought the Japanese in World War II did so under the American flag since the Philippines was an American possession until July 4, 1946. These soldiers served with distinction and honor, and the survivors and children of those who have died or were disabled deserve the same benefits granted to their American counterparts.

In other words, enactment of H.R. 16330 and H.R. 16367 would be recognition of our obligation to a valued ally and a fitting expression of gratitude for the invaluable service rendered by the Filipino soldiers in World War II.

Second, the bills are important because they embody the principle upon which our democracy is based—justice. The United States owes a debt to the people of a friendly nation, and we must pay it. We should not shirk it because that nation is unable to militarily force us to compensate those who suffered while serving under our flag. Rather, we must pay our debt because we incurred it.

Enactment of H.R. 16330 and H.R. 16367 would consequently be concrete manifestation of the desire on our part to treat another sovereign nation as an equal. It would be a positive act that would inform the countries of the world that the United States does believe in justice. It would affirm the faith of a trusted friend in the integrity of our country.

Thus, H.R. 16330 and H.R. 16367 signify a great deal more than mere repayment of a debt. They signify our sense of fair play and justice.

Mr. President, I urge speedy passage of H.R. 16330 and H.R. 16367.

The VICE PRESIDENT Is there objection to the present consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

The VICE PRESIDENT. The amendment having been agreed to on yesterday, the question is on the engrossment of the amendment.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16330) was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1603), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

With funds authorized by Public Law 865 of the 80th Congress the Veterans Memorial Hospital was constructed in the Philippines to be operated by the Government of the Philippines. This hospital was established originally to furnish hospital care for the service-connected disabilities of members of the Philippine Commonwealth Army, including recognized guerrillas who served with U.S. forces in World War II. Grants were also authorized by that law for 5 years to cover the expenses of this care. This program in modified form has been extended for successive 5-year periods and will expire June 30, 1968. The per diem payments by the U.S. Government for beneficiaries in the hospital is now $7.03. The existing law permits the Philippine Government to use space in the hospital not used for the service-connected Commonwealth Army group for other persons at Philippine expense, including non-service-connected Philippine veterans. Further, it is provided that the U.S. Government may contract for available beds to care for U.S. eligible veterans who may be residing in the Philippines.

The existing law also authorizes the furnishing of outpatient medical care by the Veterans' Administration through its own clinic in Manila or contract facilities to members of the Commonwealth Army group for service-connected disorders, and this program, at the expense of the U.S. Government, will also expire on June 30, 1968. The so-called new Philippine Scouts who were enlisted directly in U.S. forces toward the end of World War II for occupation duty in the Pacific area have not been provided medical or hospital care at the expense of the United States.

The table which follows contains some pertinent data concerning expenditures and average daily patient loads under the described program under hospitalization.

Veterans Memorial Hospital, Manila, Philippine Islands

Fiscal year	Grant for construction and equipment of Veterans Memorial Hospital	Amount paid by VA for hospitalization of service-connected Commonwealth Army veterans and guerrillas (contract and Veterans Memorial Hospital)	ADPL, service-connected Commonwealth Army veterans and guerrillas (Veterans Memorial Hospital)	ADPL, U.S. Army, (Veterans Memorial Hospital)	ADPL hospitalized beneficiaries of Republic of Philippines (Veterans Memorial Hospital)
1951		$165, 575			
1952		1, 109, 056			
1953		2, 169, 663			
1954		1, 498, 589			
1955		2, 148, 134			
1956	[1] $9, 400, 000	2, 078, 805	402	(2)	(2)
1957		2, 000, 000	563	(2)	(2)
1958		1, 579, 802	442	(2)	(2)
1959		1, 041, 109	293	207	50
1960		714, 378	212	201	111
1961		498, 890	173	232	151
1962		359, 307	166	230	221
1963		307, 354	179	237	187
1964		274, 211	149	209	203
1965		326, 843	146	215	170
1966		348, 763	149	206	175

[1] Hospital completed.
[2] Information not available.

The bill authorizes the Veterans' Administration to extend the existing agreement and contract for paying the expenses of hospitalization of Commonwealth Army veterans for an additional 5 years after June 30, 1968. It also authorizes expansion of the agreement at an early date to include payments for hospital care for these Philippine veterans at the Veterans Memorial Hospital for non-service-connected conditions if they are unable to pay for care. The "new" Philippine Scouts would be included for service-connected and non-service-connected disabilities provided they enlisted before July 4, 1946. The eligibility test would be, for this non-service-connected care for both groups, the same as required for war veterans of the United States living in the Philippines who may be furnished care on a space-available basis in the Veterans Memorial Hospital, if they are unable to defray the expense of hospitalization, and establish this by sworn statement of such inability. The bill would authorize the inclusion of "new" Philippine Scouts in the program of outpatient medical services furnished by the Veterans' Administration for service-connected disabilities, which would be extended also to the end of fiscal year 1973.

The total of the payments, including travel expenses, for hospital care of both service-connected and non-service-connected cases could not exceed $1,200,000 for fiscal year 1967, or $2 million for any fiscal year thereafter.

The bill also authorizes the appropriation of $500,000 to provide grants to the Veterans Memorial Hospital for replacing essential equipment and rehabilitating the physical plant. Expenditures for this would probably be used in fiscal years 1967 and 1968. This will provide assistance to the Philippine Government to meet its commitment, required by the bill, to rehabilitate the physical plant and replace equipment as soon as practicable and maintain it in good condition, failure to fulfill this obligation being a ground for stopping the per diem payments if the Administrator should so determine.

Finally, the bill provides appropriation authority for $100,000 per year for 6 successive fiscal years, beginning in fiscal year 1967, to be used by the Administrator for making grants to the Veterans Memorial Hospital for medical research and the training of health service personnel at the hospital.

The estimated cost of the bill would range from about $724,000 in fiscal year 1967 to $1,769,000 in fiscal year 1973.

WAR ORPHANS' TRAINING FOR CHILDREN OF CERTAIN PHILIPPINE VETERANS

The bill (H.R. 16367) to extend the benefits of the war orphans education assistance program to the children of those veterans of the Philippine Commonwealth Army who died or have become disabled by reason of their service in World War II and for other purposes was announced as next in order.

Mr. ELLENDER. Mr. President, I had asked yesterday that this bill be delayed until I could look into the matter.

As I understand, this bill provides for the relief of soldiers who served in World War II or who were Scouts prior to 1946.

Mr. MANSFIELD. The Senator is correct.

Mr. ELLENDER. As I understand from this report, there are some others who are taken care of. But, as I understand, the bulk of the Scouts were soldiers from the Philippines who served and were inducted prior to our takeover.

Mr. MANSFIELD. Yes, under the U.S. flag.

Mr. ELLENDER. I have no objection.

The Senate proceeded to consider the bill.

The VICE PRESIDENT. The question is on the third reading of the bill.

The bill was read the third time, and was passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1604), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

EXPLANATION OF THE BILL

The war orphans' educational assistance program originally enacted as Public Law 634, 84th Congress, and now codified as chapter 35, title 38, United States Code, authorizes an educational assistance allowance of $130 a month for full-time training for a period of 36 months (generally between the ages of 18 and 23) for the children of veterans who had service in the Armed Forces of the United States on or after the beginning of the Spanish-American War and who either lost their lives or became permanently and totally disabled because of their service.

The purpose of this bill is to provide the same type of educational assistance, and under the same basic program, for the children of Philippine Commonwealth Army veterans and of the "new" Philippine Scouts where the parent died or was permanently and totally disabled as a result of his service. The Commonwealth army veteran is defined as a person who served before July 1, 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the commander in chief, Southwest Pacific area, or other competent authority in the Army of the United States. A "new" Philippine Scout is defined as a person who enrolled and served under section 14 of the Armed Forces Voluntary Recruitment Act of 1945.

The educational assistance allowance of $130 monthly, as well as the comparable rates for part-time training, which is authorized for children of persons who served in the American Armed Forces is set by this legislation at a rate for the children of the Filipino veterans specified above the Philippine pesos equivalent to 50 cents for each dollar.

This legislation also contains a provision which is, in effect, a savings clause to insure that any individual who becomes eligible for the subject benefits by virtue of the new provision of law, and who is above the age of 17 years and below the age of 23 years on the date of enactment, will be afforded a full 5-year period during which they may utilize the benefits afforded.

It is estimated that the cost of this proposal will be $15 million in total and the first-year cost would approximate $3 to $4 million.

Mr. MANSFIELD. Mr. President, I move that the vote by which the two bills, H.R. 16330 and H.R. 16367, were passed, be reconsidered.

Mr. ELLENDER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HIGH INTEREST RATES, INFLATION, PUBLIC POLICY, RECENT ACTIONS OF OUR GOVERNMENT, AND RECENT ACTIONS ON GENERAL DE GAULLE

Mr. SYMINGTON. Mr. President, there has been some criticism of the recent actions of the President in his efforts to control inflation and thereby maintain the integrity of the dollar; but with respect I commend and congratulate him for his actions.

And there have been further helpful actions. Only this week we note the heavy additional swap arrangements that have been agreed upon, with again the Bank of International Settlements and a number of major foreign central banks participating along with the Federal Reserve. The size and the scope of the amounts involved in these new credit arrangements is most impressive.

Newspaper accounts state these additional credits are being made available in order to help sustain the British pound, and I am sure that is correct. Let us not be fooling ourselves, however, because another purpose incident to these additional borrowings is an effort to prevent further depletion of our own declining gold reserves.

In other words, these swap arrangements involve protection of the dollar as well as the pound.

Once again General de Gaulle gives the back of his hand to both Great Britain and the United States, in that he refuses to participate, on any basis in these new mutual efforts of the free world to maintain their currencies.

The press states:

> France was not included. France has been gradually withdrawing from the general system of international monetary cooperation, in the same way she has been withdrawing from Atlantic military cooperation.

Mr. President, I ask unanimous consent to have printed in the Record an article which was published in the New York Times of September 15, 1966, entitled "Another NATO Tie Is Cut by France."

There being no objection, the article was ordered to be printed in the Record, as follows:

Another NATO Tie Is Cut by France—She Will Leave the Military Committee on October 1

(By John L. Hess)

Paris, September 14.—France today cut another tie with the North Atlantic Treaty Organization. She announced that on Oct. 1 she would withdraw from the Military Committee, NATO's highest military authority.

The committee, comprising the chiefs of staff of the member countries, meets in Washington to direct strategy for the alliance.

Paradoxically, according to one authoritative view, the departure of the French should ease the way toward a solution of the basic strategic issue posed by the French themselves: "Massive retaliation" vs. the "measured response."

President de Gaulle's regime has pointed to an anomaly. Since 1956, the official strategy, put forward by the late John Foster Dulles when he was Secretary of State has called for a massive atomic retaliation to any Soviet aggression. But in fact, this has in recent years given way to the McNamara policy, reflecting the views of Secretary of Defense Robert S. McNamara, which envisages conventional warfare at least for a holding and talking period.

ACCUSATION BY THE FRENCH

The de Gaulle Government, which still favors massive retaliation, has charged that the United States effectively changed NATO strategy without a vote. Decisions of the 15 members must be unanimous.

In the absence of France, it was suggested the remaining 14 members may be able to work out a modification of the doctrine of massive retaliation.

It will not be easy. The West Germans may find it difficult to spell out just how much warfare should occur on their territory before the long-range nuclear missiles are dispatched. The British, seeking to reduce their forces and supplies in Germany, are believed to favor a shorter period of conventional warfare than the Americans do.

The French announcement today came in reply to a question posed last Wednesday in the North Atlantic Council, the civilian governing body of the alliance.

BELGIAN ASKS INTENTIONS

Ambassador André de Staercke of Belgium, supported by Harlan Cleveland of the United States, recalled that France had withdrawn from other integrated commands and asked what her intentions were with regard to the Military Committee.

The French Ambassador to NATO, Pierre de Leusse, replied today that his country had decided to withdraw from the committee at the end of the month. But he added that she wished to keep a liaison mission in Washington as she does at SHAPE, Supreme

Headquarters Allied Powers (Europe), and at the Atlantic Ocean Command.

Spokesmen for the 14 other members replied that they would have to consider among themselves the problems posed by such liaisons. Allied circles later cited security problems and the matter of a French budget contribution.

With France abstaining, the Council formally ratified two decisions previously taken by the 14. These were the transfer of SHAPE to Casteau, Belgium, and of the NATO Defense College from Paris to Rome.

Mr. SYMINGTON. Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in the Washington Post of September 15, 1966, entitled "Purchases by France Drain Gold."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 15, 1966]

PURCHASES BY FRANCE DRAIN GOLD

The United States would be enjoying a net inflow of gold were it not for sustained purchases by France from American stocks, Treasury Department figures showed yesterday.

In the fiscal year ended last June 30, in the first half and in the second quarter of 1966, U.S. sales to the French government exceeded this country's net outflow of bullion.

[In millions]

	Total outflow	*Sales to France*
Fiscal 1966	$519.7	$577.7
2d quarter 1966	208.6	220.7
1st half 1966	276.9	323.5

The de Gaulle Government, which disagrees strongly with the United States on international monetary policy and which disparages the dollar as a world currency, announced nearly two years ago that henceforth it would redeem all its reserve dollars for American gold above those needed for ordinary working balances.

Since then it has been converting its reserve dollars to American gold on the order of from $100 million to $200 million quarterly.

Mr. SYMINGTON. Mr. President, the countries who did participate, and we in this country and England should be grateful to them, are Austria, Belgium, Canada, Germany, Italy, Japan, the Netherlands, Sweden, and Switzerland.

If there is one point on which both opponents, and advocates of a firm monetary policy in times of inflationary pressures are in complete agreement, it is the conviction that interest rates should be as low as consistent with sound economic expansion.

High interest rates are a burden on the economy; not so much for reasons of social equity—as will later be shown—but because interest is a cost item for enterprises.

The lower the interest rate level, the more attractive are existing investment opportunities. As long as we have underutilized factors of production, therefore, the lower interest rates are, the higher will be the amount of investment, the greater the increase in productive capacity, the faster the rate of economic growth.

But once economic activity in a country reaches the point at which attempts at rapid further rise will be hampered by the scarcity of available resources, an excessive increase in the demand for credit will only serve to drive up the prices of the scarce factors of production, without raising productive capacity, and without accelerating economic growth. On the contrary, price increases will exert a cost push on the economy at large, setting in motion an inflationary spiral.

At this point, sound economic growth will be served by a braking, rather than by stimulation, of the demand for investible funds; and a rise in interest rates provides that brake for demands for investible funds which otherwise would exceed the available supply of capital goods and services.

Let us note at this point that an advance in interest rates, so as to stem inflation burdens the economy, as well as its individual members, far less than would an inflationary advance in prices and costs.

The largest single debtor in our economy is the Federal Government, which in 1964 paid a net amount of $8.4 billion in interest. In the same year, the Government purchased goods and services to the tune of $66 billion.

An increase in interest rates of one-fifth would burden the Federal budget with about $1.7 billion, if all outstanding interest bearing debt was refunded at this higher interest rate average. In contrast, an average increase in prices and salaries of 3 percent would burden the budget some $2 billion.

Since the ratio between interest payments and real expenditures is much lower for business and households than for the Federal Government, the difference between the influence of a rise in the cost of living and that of a rise in interest rates is even greater for business and households than for the Government. As example, households paid a gross amount of $19 billion for interest in 1964, as compared with consumer expenditures for goods and services of $401 billion. Also, on a net basis, households were actually receiving rather than paying out interest.

A rise in the cost of living by 3 percent, therefore, would burden households with about $12 billion; but a refunding of household debt at interest rate levels one-fifth higher than a year ago would burden households, on a gross basis, with less than $4 billion; and on a net basis, not at all.

As to the social implication of changes in interest rates, an eminent economist, Dr. Kenneth Galbraith, in a letter to the Washington Post of August 25, 1966, believes it unnecessary to argue that the average creditor is richer than the average debtor. But the "average debtor" today is the owner of, or stockholder in, some nonfinancial business enterprise. And the average creditor of business firms is the person who entrusts funds to a financial institution—that is to say, a holder of time or savings deposits, of shares in savings and loan associations, of life insurance policies.

It is highly doubtful that the average owner of a business equity is poorer than the average holder of a deposit, a savings and loan share, or a life insurance claim.

In addition, within the household sector, only about one-third of all gross interest received goes to households with an income of $10,000 or more. Two-fifths goes to households with an income of less than $6,000—hearings before the Joint Economic Committee, December 13, 1965, pages 249–251. In other words, the belief that typically the rich man is a creditor, and the poor man a debtor was well founded in the past, but is becoming increasingly questionable.

In contrast, there is no doubt about the fact that the earnings of the average worker are adversely affected by inflation.

As example, in the 6-year period 1958–64—which included a business recession—weekly wage earnings in industry rose by an annual average of $3.38. In these same years, consumer prices rose quite moderately, by an annual average of less than 1¼ percent. This rise, however, was enough to reduce the average annual increase in earnings to $2.36 in terms of constant purchasing power.

In the year between July 1965 and July 1966, the economy was in a state of boom. Weekly wage earnings in industry rose by $4.23, one-fourth more than in the average of 1958–64.

In this latter year, however, the cost of living increased by 2.8 percent; still not a large figure as such increases go these days, but more than twice as large as the average rise in the preceding 6 years.

This more rapid price increase was sufficient to reduce the advance in earnings to only $1.23 in terms of constant purchasing power, little more than half of the average increase in the previous, more stable period.

When demand for credit begins on a broad front to exceed available supplies of capital goods and services at existing prices, there are only three ways to reduce this excess demand without curtailing real economic activity.

First, we can reduce the demand itself to a level more consistent with price stability by means of a tax increase.

Second, we can let the price mechanism work by, in turn, letting the price of credit, the interest rate, go up.

Finally, we can enact some kind of rationing of credit, either compelling banks to limit the granting of loans without raising loan rates—some credit rationing of their own—or authorize the Government itself to ration credit on some more or less arbitrary basis.

This third way seems inconsistent with the principles of our economic system. In our system, private enterprises, including banks, are supposed to act on the basis of maximizing profits, within the legal framework established by the people, acting through the three branches of Government.

In an unforeseen temporary emergency, when it would take too long to enact new legislation, an appeal to the patriotic restraint of business is appropriate; but a predictable and frequently recurring situation, one such as reasonably full employment associated with a risk of inflation, business should remain able to judge transactions by the profit-and-loss standard, without being asked to solve problems of general financial policy. If we want to preserve a well-functioning market economy, we must allocate the task of preventing credit from growing excessively fast to public policy. I just do not see how we can, over a period, delegate it to the banks.

Credit rationing by banks would hardly work better than the price mechanism. Banks would be tempted to favor old established customers over newcomers, large customers over small customers. Their rationing decisions would tend to hurt two kinds of business. First, pioneering entrepreneurs whose activities have been considered essential to our technological progress, hence to the maintenance of our leadership in world industry. Second, relatively small family-size firms whose continued existence is our best defense against the rise of the cartel and monopoly.

If we ordered the authorities to do the rationing themselves, however, we would be substituting bureaucratic regulation for business judgment; in other words, instead of limiting the flow of credit and money as a whole, and letting the market distribute the flow reasonably in accordance with the rules of supply and demand, we would oblige the authorities to intervene in each individual transaction. At best, this would open the way to inefficiency; at worst to corruption.

All of us agree that high interest rates are unfortunate. Very high interest rates put an excessive burden on those sectors of the economy that are most dependent on credit; and also on the Federal Government, the largest debtor of them all.

Nevertheless, it seems unfair to me to blame our high interest rates on the market, or on the banks, or on the Federal Reserve. In the absence of a tax increase, we should let the price mechanism work. The injection of additional funds into the economy might reduce interest rates temporarily. As a frequent critic of the Federal Reserve, Senator Proxmire has pointed out, however, that these funds would add to the inflationary pressures permanently. They would postpone the final solution, but they would make that solution even more difficult.

A tax increase would force both consumers and producers to curtail their spending and borrowing plans. The resulting decline in the demand for credit would automatically reduce the upward pressure on interest rates, and should tend to bring them down. This would help without feeding the fire of inflation; in fact, would help extinguish that fire. Nor would it harm continued economic growth—rather it would reduce the imbalances that hamper such growth; and surely that is a worthy objective.

DEFECTS IN HOUSE-PASSED WATER POLLUTION BILL

Mr. CASE. Mr. President, the water pollution bill reported to the House by its Public Works Committee is lamentably weak.

In contrast to our Senate-passed bill, which provides for a more realistic start toward meeting the water pollution challenge, the House bill falls far short of the need. In fact, if the House bill should become law, it would be an instrument for assuring delay and inaction.

One of the most serious defects in the House bill is the wholly inadequate authorization—$2.3 billion—for assistance to the States and localities for construction of waste treatment plants. The figure of $6 billion provided by the Senate bill is regarded by experts as the minimum amount needed to stimulate enough spending by State and local governments to wipe out in the next 6 years the existing $20 billion backlog in construction of municipal waste treatment facilities.

Other defects in the House bill include:

The continuation of arbitrary dollar ceilings on construction of individual and joint projects regardless of their size or location. This would work a hardship on metropolitan areas where the concentration of population makes the cost of water pollution control high. The Senate bill removed all ceilings, making it possible to tailor Federal grants to actual needs.

A provision making all State and locally initiated river basin cleanup plans subject to congressional approval. This could lead to serious logrolling, even to the crippling of this program. The Senate bill wisely left approval of river basin plans to the Secretary of the Interior.

The requirement that polluters file reports on their activities during the second—or hearing—stage of Federal enforcement actions. The Senate bill provided for the submission of this report in the first—or conference—stage. Experience has shown this information is much more useful at the conference stage because in 39 Federal enforcement actions to date, the hearing level has been reached only four times.

I could go on and on, but I think these comparisons suffice to show the weaknesses of the House bill.

Unfortunately, the administration has shown little or no leadership in this field. The bill the administration proposed earlier this year was pathetically weak and the action of the House Public Works Committee is a direct reflection of that weakness.

The time remaining in this session of Congress is limited. But whatever time and effort may be required, we must insist on legislation commensurate with the need to make a real start on the immense problem of water pollution control.

Each week and each month of delay or inadequate response makes it more difficult, and more expensive, to deal with the pollution of our rivers, lakes and streams.

SENATOR ERVIN EXPERT ON CIVIL RIGHTS BILL

Mr. ELLENDER. Mr. President, Mr. James J. Kilpatrick, a distinguished columnist syndicated by the Washington Star, recently reported on an excellent analysis of the proposed Civil Rights Act of 1966 given by the distinguished senior Senator from North Carolina [Mr. Ervin]. In his column, Mr. Kilpatrick noted that Senator Ervin, chairman of the Subcommittee on Constitutional Rights, is one of the ablest lawyers in the Senate—and I wish to ditto that—whose views on this subject deserve the careful consideration of the country.

I ask unanimous consent to have Mr. Kilpatrick's excellent column, "Legal Wrongs of New, Ill-Conceived Bill Can't Restore Civil Rights," appearing in numerous papers around the country, including the Richmond News Leader of September 13, 1966, printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Richmond News Leader, Sept. 13, 1966]

LEGAL WRONGS OF NEW, ILL-CONCEIVED BILL CAN'T RESTORE CIVIL RIGHTS

(By James J. Kilpatrick)

Washington.—For the time being, in an effort to talk peaceably of the pending Civil Rights Act of 1966, suppose we put Title IV off to one side. This is the section that deals with "opening housing." Even in its watered-down form, the section arouses intense emotions. Suppose it were not in the bill: What then?

Even stripped of its housing provisions, this misbegotten bill lives up to everything North Carolina's Senator Sam Ervin said of it a few days ago. The two sections that deal with jury selection, and a third section that deals with heaven-knows-what, "must be counted among the sloppiest, vaguest, most ill-conceived and dangerous provisions ever to be seriously considered by the Senate." And Ervin added that he was "well aware of the many sloppy, vague, and ill-considered measures we have passed throughout history."

Ervin is a Southerner, of course, but he is far removed from the old Dixiecrat breed. He is a former judge. He represents the most liberal of the Southern States. In such undertakings as his "bill of rights for Federal employees," he often is allied with some of the leading liberals of the Senate. When he attacks the pending civil rights bill, he is not speaking as a "racist," but as one of the ablest lawyers in the upper chamber.

The tear-gas fog of this long hot summer has obscured the pending bill. If one may judge from the incoherencies of the House debate, few men have bothered to study it line by line. Over most of the country, editorial comment has been so concentrated on the housing title that other provisions of profound importance have been almost overlooked. They merit prayerful thought.

Title I is intended to prevent discrimination in the selection of juries in Federal courts. Title II has has the same purpose for State courts. The purpose is fine. Not, even the most chauvinistic Southerner, waving his Confederate flag, can condone the systematic exclusion of Negroes that in time past has subverted the sound principle of trial by jury in Southern States.

Yet rational men, inquiring into the real need for drastic Federal legislation in this field, may wish to consider the extent of the evil today. They would find, one submits, that the evil is largely a thing of the past. From one end of the South to the other, prosecutors are bending over backwards to make certain that the jury section process embraces a fair sample of Negro residents.

The prosecutors may not be motivated by purest idealism. They may be motivated, rather, by certain knowledge that a conviction obtained by tedious labor will be swiftly overthrown if the jury is constitutionally defective.

Whatever the reasons may be that have produced this change in Southern jury selection, the fact is that the change is taking place. It is a fair question, advanced by men who are not impressed by a blind lust to legislate, whether any legislation at all is truly required.

But if something more is demanded, to supplement statutes already on the books, is the pending bill the best possible answer? The overwhelming reply of the Federal judiciary is an unequivocal no. Incredible as it may seem, Title I never was submitted to the Judicial Conference for preliminary study and recommendation. It apparently sprang full-blown from the lofty brow of Mr. Katzenbach. In recent weeks, as Senator ERVIN remarked, the Attorney General has been compelled to "spend more time, write more defenses, log more miles, and spout more sophistry over Title I than over all the rest of the bill put together." No fewer than 55 Federal judges have written the Senate Judiciary Committee to object to the mechanics of the proposed new system. District Court clerks in all ten judicial circuits are opposed.

Viewed to their best possible light, these new complexities would impose upon both State and Federal courts an expensive burden of record-keeping. They would invite endless delays, challenges, and dilatory appeals. At prodigious effort, the processes might succeed, as ERVIN has said, "in obtaining for jurors a cross section of fools as well as wise men." But is this a policy of wisdom or of justice?

It is a fair statement that no one—literally no one—has any realistic idea of what is embodied in Title III of the bill. The section is headed, "Civil Rights Injunctive Relief." It would authorize almost anyone to petition for an injunction whenever he felt some other person were "about to engage" in some act that might abridge his constitutional rights by reason of race or religion. The section is so wretchedly drafted that ordinarily competent students of the English language cannot make heads or tails of it. It apparently authorizes undefined remedies for undefined violations of undefined rights. ERVIN calls this title "The Thing."

The administration's original bill, it will be recalled, was amended wholesale on the floor of the House. None of these extensive and complicated amendments has been scrutinized in committee. Even the bill's liberal friends in the Senate have introduced dozens of further amendments in a desperate effort to salvage a workable law. Does anyone seriously believe sound legislation can be written in this irresponsible fashion? It is a depressing fantasy to suppose that civil rights can be mended or made secure by legislative wrongs.

TEACHERS CORPS MONEY

Mr. HART. Mr. President, the Hartford Courant is among many of our newspapers which have lamented the fact that to date necessary funds have not been voted for the Teachers Corps.

The newspaper points out that this important program to improve education in urban slums will collapse without the money to pay teachers who have volunteered for service in these areas.

In the interest of the Teachers Corps and the future of our Nation, I ask that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Hartford Courant, Sept. 2, 1966]

TEACHERS CORPS MONEY

Congress appears to be in no hurry to supply the money needed to pay the salaries of the National Teachers Corps in September. For lack of $13.5 million needed to start the work among slum children, the program is in danger of fading away after months of preparation. This would be a disappointing waste of effort, and a loss to those most in need of instruction.

The Teachers Corps was first proposed by President Johnson a year ago to improve conditions in big-city slums. Recent college graduates and experienced teachers have volunteered for training during the summer, and are awaiting assignment to schools where they would work in teams among disadvantaged children.

The Federal Government was supposed to pay 90 per cent of the salaries, with local authorities putting up the rest. Teachers would be sent only to districts requesting them. This eliminates the question of segregation from the slowdown over funds.

By the time the Senate Appropriations Subcommittee gets around to approving the $13.5 million for salaries, there may be no teachers left in the program to receive it. If this happens, the money spent on training them will have been wasted. With schools starting this month, the teachers will be likely to seek regular school jobs of which there are an unprecedented number open this fall, rather than wait to see what the Senate does about money to pay their salaries.

A TRIBUTE TO CITIZENSHIP DAY AND CONSTITUTION WEEK

Mr. LAUSCHE. Mr. President, the glory of the Federal Constitution shines as brightly today as ever in the past. Firm in the knowledge of our sacred rights, guaranteed and everlasting, we hail the source of our well-being, on this occasion designated Citizenship Day, by order of the President of the United States.

Honoring the formation and signing of the Constitution, September 17, 1787, and welcoming to the ranks of the electorate all persons who, by coming of age or by naturalization, shall have attained the status of citizenship during the year, the Congress enacted the joint resolution of February 29, 1952, designating September 17 of each year as "Citizenship Day." Further, the Congress enacted the joint resolution of August 2, 1956, requesting the President to designate the week beginning September 17 of each year as "Constitution Week."

The Congress acted wisely and well, in keeping with the national spirit, in keeping with tradition.

Nowhere else on earth is there so great a sense of political security as here, where the causes of freedom eternally prevails. Americans, old and new, native born and naturalized, reap the blessings of our constitutional course, providing justice and equality in a larger sense and on a broader scale than anywhere else on earth.

The meaning of Citizenship Day and Constitution Week are important to all Americans. For the principles here emphasized are vital to our way of life and our continued national existence.

With deep reverence, we salute our new associates in the army of democracy, this Citizenship Day, and pay once more the homage that is due our venerable and worthy Constitution.

These are proud occasions, calling to mind the strength of our country and traditions; emphasizing, first and last, the glory of democracy.

MEXICAN INDEPENDENCE DAY

Mr. FANNIN. Mr. President, today is a day that should be noted by all people everywhere who love freedom.

On this day—September 16—in the year 1810, a courageous priest uttered the now-famous "Grito de Dolores" that launched the people of Mexico on their heroic and eventually successful struggle for national independence.

That obscure parish priest, Miguel Hidalgo y Costilla, ignited the spark that led to liberty for his people and threw off the yoke of tyranny and foreign domination. Although Father Hidalgo himself was later captured and cruelly executed, his name lives on in revered memory among his people.

What Father Hidalgo's intrepid little band of followers began 156 years ago has now developed into one of the most progressive and cultured of republics and a neighbor of whom we in the United States can be proud.

Mexico today is reaping the benefits of many years of social, economic, and political progress. Under a succession of dedicated and able leaders, she has become a solid bulwark of stability and order in this hemisphere and a model for all of her sister Latin republics.

In one economic index after another, Mexico is forging ahead and setting the pace. More importantly, these tremendous improvements are being achieved without exploitation of the poor and with an increasing standard of living for all of the Mexican people.

As one who had the pleasure of operating a business in Mexico some years ago, and who has traveled widely in that country, I know from personal experience of the gracious hospitality of the Mexican people and their warm regard for Americans. My own State of Arizona has benefited greatly from the many contributions of our citizens of Mexican descent and we treasure the bonds of mutual interest that link our State with its sister State of Sonora across the border.

We have every reason to celebrate this independence day with our friends south of the border who, like us, are dedicated to the preservation of individual liberty and human dignity.

STATE DEPARTMENT IGNORES BRAZILIAN FOOD SHIPMENTS TO CUBA

Mr. GRUENING. Mr. President, the New York Sunday Times of September 11, 1966, carried two articles which disclosed that Brazil had shipped 8,000 tons of corn to Cuba while receiving corn under the food-for-peace program from the United States. The shipment was made at the request of the Soviet Union and the grain was carried in the Soviet freighter *Transbalt*, ostensibly to relieve a food shortage on the island. The Times reported that this transaction was angrily opposed by the Brazilian Ambassador to the United States who tendered his resignation over the affair.

The shipment of corn by Brazil to Cuba follows the pattern disclosed during hearings held in June 1966 by the Subcommittee on Foreign Aid Expenditures, of which I am chairman, of a number of other instances in which countries receiving foodstuffs from the United States under Public Law 480 were shipping the same or similar commodities to Communist countries. This has been occurring despite the specific prohibitions contained in the law, to which the countries agreed to as a condition for receiving commodity assistance from the United States.

Section 304, Public Law 480, states that:

> The President shall exercise the authority contained in title I of this Act—to assure that agricultural commodities sold or transferred thereunder do not result in increased availability of those of like commodities to unfriendly nations.

The subcommittee hearings showed that this prohibition was being violated and that the Department of State took no action against the countries involved when the violations became known.

In 1965 and 1966 Greece sold 350,000 tons of wheat, most of which went to North Korea and Bulgaria. The facts brought out during the subcommittee hearings disclosed the following history of this matter:

On November 17, 1964, a 2-year agreement was entered into between the United States and Greece whereby feed grains and wheat were to be furnished to Greece under title IV of Public Law 480 requiring payment in dollars over a 20-year period with interest at 3½ percent. The agreement contained assurances that the purchase of these commodities would not result in increased availability of these or like commodities to other countries. A penalty clause was included providing that if at any time during the contract period Greece exported any feed grains and wheat or flour, it would make payment to the United States for the value of such exports with interest at 6 percent.

At the time of the agreement Greek wheat production had increased greatly so that wheat surpluses threatened. Greece had come to this position through the resale at high prices in previous years of wheat which had been given to it by the United States, using the sales proceeds to provide a subsidy to wheatgrowers. The Greek wheatgrowers had increased production as a result of this incentive far above domestic requirements.

In order to relieve the Greek Government, the Department of State arranged to suspend further shipments under the November 1964 agreement thereby relieving Greece from the prohibition against exporting wheat. During 1965 and 1966 Greece sold at least 160,000 tons of wheat to North Korea and 100,000 to Bulgaria. Greece then requested that shipments of wheat and feed grains be resumed under the 1964 agreement. The Department of State agreed to this request in January 1966 even though it knew at that time that Greece had been shipping wheat to Communist countries.

Another case disclosed during the subcommittee hearings involved the United Arab Republic. Despite its agreement not to do so, the United Arab Republic increased its exports of rice at a time when it was receiving wheat from the United States which it used for domestic consumption instead of the rice it normally consumes.

One hundred and thirty-one thousand tons of rice were shipped to the Soviet Union, 62,000 tons were shipped to Cuba, 20,000 tons were shipped to Communist China and large shipments of rice were made to other Communist countries. The Department of State knew about these violations of the law and the agreement but did nothing about it.

The Comptroller General also reported two other cases in which countries receiving commodity assistance under Public Law 480 shipped the same commodities to Communist countries but I am unable to give any details on this matter because the Department of State has put a security classification on the whole subject.

It is clearly evident, therefore, that Brazil's shipping food to Cuba at the same time that it is receiving large quantities of foodstuff from the United States is not an isolated instance but falls into a familiar pattern. In all of these instances, the Department of State either finds a rationale for condoning the violations of the statute and/or simply takes no action against the countries which have violated their agreements not to ship foodstuff to Communist countries during the period of time they are receiving food assistance from us.

In 1965 Brazil received a total of over $33 million food assistance from the United States and over $28 million is programed for delivery in 1966. While Brazil was selling 8,000 tons of corn to Cuba, it was receiving about $2 million of corn free of charge from the United States to feed a population which it claimed it did not have the resources to feed itself. The following table shows the foodstuff given to Brazil in 1965 and programed for 1966:

[In millions]

SOLD FOR LOCAL CURRENCY	
Wheat	$20.3
DONATED TO BRAZIL	
Dry milk	17.5
Bulgur wheat	1.5
Cornmeal	1.8
Fats	12.8
Wheat flour	3.7
Rolled wheat	1.2
Beans	.8
Butter and butter oil	2.3
Total	61.9

I must confess that I have been unable to obtain any explanation from the State Department on these matters. During the hearings of the Subcommittee on Foreign Aid Expenditures, I repeatedly tried to find out why the Department approved the resumption of wheat shipments to Greece in January 1966 when it knew that Greece had been shipping wheat to Bulgaria and North Korea. I was unable to obtain any explanation from the Department of State witnesses or for that matter from the Departments of Agriculture or Treasury or from the Agency for International Development witnesses, all of whom were engaged in "passing the buck," to one another.

The Congress will enact shortly the new Food for Freedom Act which provides for the specific production of agricultural commodities to be sent to foreign countries to assist them in feeding their people. I voted against the authority contained in this act for a 2-year program because I felt that an annual review of the administration of the program is essential in light of the facts disclosed by the subcommittee hearings.

The new disclosure about Brazil's actions confirms the necessity for additional congressional controls over this billion-dollar annual program if it is to become something more than a means by which countries receiving food assistance from us are enabled to increase their own exports to nations unfriendly to the United States.

I ask unanimous consent for the inclusion of the New York Times article of September 11, 1966, in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 11, 1966]

BRAZIL SENT A SHIPMENT OF CORN TO CUBA DESPITE TRADE CURB

MIAMI, September 10.—Brazil, one of the nations that have led hemisphere opposition to the Fidel Castro regime, shipped 8,000 tons of maize to Cuba last month, a diplomatic source disclosed today.

He said the sale had been authorized in response to a request by the Soviet Union, "which sought to alleviate the food shortage on the island." The corn was transported in the Soviet freighter Transbalt.

The shipment was authorized by Brazil's minister of Economic planning, Roberto Campos, the informant said, and it was angrily opposed by Vasco Leitão da Cunha, former Foreign Minister and now Ambassador to the United States. According to the informant, the Ambassador submitted his resignation in protest against the deal.

DA CUNHA STILL AMBASSADOR

But Mr. Leitão da Cunha's resignation was rejected, the source said, and he is continuing as envoy to Washington.

Brazil severed diplomatic and commercial relations with Havana following the 1964 American Foreign Ministers' conference in Washington which condemned the Castro regime. Mr. Leitão da Cunha, a former Ambassador to Cuba, presided over that meeting.

All hemisphere nations with the exception of Mexico broke relations with Cuba as a result of the meeting.

EMBASSY CONFIRMS SHIPMENT

WASHINGTON, September 10.—A Brazilian Embassy official confirmed today that a shipment of corn was sent from Brazil to Cuba last month.

Jorge da Sa Almeida, counselor of the Brazilian Embassy, said that it had been authorized for humanitarian reasons and that it did not represent the beginning of a regular pattern of food shipments to Cuba.

Mr. Sa Almeida said that he was not familiar with the circumstances that led Brazilian authorities to judge that conditions in Cuba warranted use of the clause in the hemispheric embargo agreement that allows the shipment of food and drugs in emergencies.

The Brazilian diplomat said that he could not comment on the report that his Government's decision to allow the shipment had been strongly opposed by the Brazilian Ambassador to the United States, Vasco Leitão da Cunha, to the point where Ambassador da Cunha had submitted his resignation.

The Ambassador was spending the weekend in the country and could not be reached for comment.

The State Department, which was taken by surprise by news of the shipment, had no immediate comment.

THE DOTHAN, ALA., JAYCEES

Mr. SPARKMAN. Mr. President, I would like to take this opportunity to say a few words about an excellent group of young Americans. I want to commend the Dothan, Ala., Jaycees for the many excellent projects that they have developed and are continuing to develop.

Under the leadership of Mr. Jake Behr, this fine group of young men spearheads the young, progressive leadership of Dothan.

Mr. Behr, in addition to serving as Jaycee president, is also the president of the Dothan Retail Merchants Association. He is a member of the Alabama Industrial Development Commission. Under his capable leadership, the active membership in the Dothan Jaycees now totals more than 100.

The Dothan Jaycees gained statewide recognition for themselves and their city in the spring of this year when they conducted two projects that won for them first place awards at the annual State judging. One of these was a successful program conducted in conjunction with Alabama Industry Days. This program spotlighted the industrial growth of Dothan during the last several years, and reflected how the city had continued to prosper because of the new emphasis placed on industrial development.

The other project sponsored by the Dothan Jaycees was a drive to get qualified citizens of Dothan registered to vote. As a result of this project, nearly 800 unregistered citizens became registered voters.

Because of this successful Dothan project, several other Alabama Jaycee Clubs have also conducted voter registration drives.

One of the most recent projects undertaken by the Dothan Jaycees was their Labor Day safety program. From 6 a.m. to 6 p.m., these young men manned booths on the busy highways in and around Dothan, stopping Labor Day traffic and providing travelers with safety literature, bagged peanuts, and cold drinks. More than 3,000 bags of peanuts and 12,000 drinks were given to occupants of almost 4,000 cars.

The Dothan Jaycees are to be further congratulated for their successful efforts to elect one of their own as president of the Alabama Jaycees. Mr. Jimmy Grant, past president of the Dothan club, was elevated to the high position of State Jaycee president at the Jaycees State convention in May. Thus, Mr. Grant became the second Dothan Jaycee to be so honored within the last 4 years.

The Dothan Jaycees are to be congratulated for their efforts to improve the community life of the people of Dothan. These young men of action take seriously their job of leadership training and community development. But in addition to serving their own community, the Dothan Jaycees feel a distinct responsibility to the entire south Alabama region. As a result, they have been directly responsible for the formation of Jaycee Clubs in the neighboring towns of Ashford, Headland, Hartford, and Ozark.

I think the record of the Dothan Jaycees speaks for itself. I think that it is a record of positive action by positive young leaders.

It is a record built on the concept of free enterprise.

It is a record built on the concept of democracy.

It is a record built on the concept of individual initiative.

And Mr. President, it is a record of which I am truly proud. I commend these young men and take great pride and pleasure in calling their efforts to the attention of my distinguished colleagues in the Senate.

PROTECT SOUTH VIETNAM

Mr. ELLENDER. Mr. President, the New Orleans Times-Picayune has probed the realities in Vietnam and emerged with this reasoned conclusion:

The United States can only continue what it is doing. And that, in the newspaper's words, is to "help protect South Vietnam in such a way as to persuade North Vietnam to end its aggression."

In an editorial criticizing the recent Vietnamese proposals of General de Gaulle, the Times-Picayune observes that our current policy cannot lead to a larger war unless the other side wishes to make it one.

Unless the Communists decided to seek negotiations now, the New Orleans paper contends, the best prospect for eventual peace is a U.S. presence that balks a Communist victory.

Mr. President, I ask unanimous consent to have this editorial, entitled "De Gaulle No Help," printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Times-Picayune, New Orleans, La., Sept. 5, 1966]

DE GAULLE NO HELP

President De Gaulle, who likes the image of the disinterested, realistic, Gallic logician, has not done that image much good in his Cambodian speech on Viet Nam, and in the communique jointly issued with Prince Sihanouk. His key points were that the United States should withdraw, or at least agree to withdraw, its troops as a necessary condition for peace talks; and that a negotiated settlement of the war should follow the lines of the 1954 Geneva agreements.

The first is unrealistic, for U.S. withdrawal would mean immediate takeover of all Viet Nam by the north. The second begs a most crucial question, for the 1954 agreements are, when assembled and read closely, a collection of contradictory and confusing statements, and unstated assumptions, on which very little of the concrete could be based.

President De Gaulle refers invariably to "Viet Nam" as though there were only one nation, not two nations; and asserts that once foreign (American) interference in the war ends, a settlement acceptable to "all Vietnamese" will be possible. In view of the realities—not the "legal' realities, for these could be sought for years without being found, but the "real realities (the attempted North Vietnamese blitzkrieg against relatively helpless brethren)—that view is palpable nonsense.

The U.S. is in South Viet Nam on invitation and on principle to help it survive. The decision for ending the war, by withdrawal or by negotiation, rests entirely with Hanoi, which has apparently retained enough independence of its "foreign interferers" (Red China and the Soviet Union) to be able to make it. Yet Hanoi has again rejected peace talks, until the U.S. has pulled out entirely.

The U.S., therefore, can only continue what it is doing: help protect South Viet Nam in such a way as to persuade North Viet Nam to end its aggression. This cannot lead to a larger war unless the other side wishes to make it one. The best prospect of eventual peace, unless North Viet Nam, Red China, and the Soviet Union decide to grasp the nettle of negotiations now, is a U.S. presence that balks a Communist victory, and makes a heavier attempt for one an unacceptable alternative because of the obvious dangers.

PHILOSOPHY OF WAR ON POVERTY—STATEMENT BY MAYOR JEROME P. CAVANAGH OF DETROIT

Mr. HART. Mr. President, Jerome P. Cavanagh, the youthful and remarkably successful mayor of the city of Detroit, recently discussed the philosophy of the war on poverty with directors of community action programs in the Midwest States.

His speech is worth noting for several reasons.

First. Jerry Cavanagh is president of both the National League of Cities and the U.S. Conference of Mayors—so his attitudes are not likely to be provincial ones.

Second. The war on poverty program in Detroit has been one of the most efficient and successful in the Nation.

Mayor Cavanagh foresightedly warns that the war on poverty program is frankly designed to effect a change in the economic and social makeup of the Nation.

This change, however desirable, will not be without difficulty—simply because change is always, in some measure, difficult.

But he warns that we not allow a few disagreeable side effects to be used as an excuse to destroy or dilute a worthwhile program. He has some sharp reminders for all of us in the matter of priorities—putting men on the moon as against putting men on their feet in renewed neighborhoods in our Nation's cities.

I ask unanimous consent that the speech be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Remarks by Jerome P. Cavanagh, Mayor, City of Detroit, President, United States Conference of Mayors and President, National League of Cities, Before the Urban Areas Conference Great Lakes Region, Office of Economic Opportunity, August 22, 1966

I was pleased to accept Phil Rutledge's invitation to both welcome you to Detroit and salute this entire concept of an "urban areas" conference. This meeting is extremely important. It permits you to share your experiences in the War on Poverty and comes at a time when the entire nation is looking at the urban crisis.

Tomorrow, I will represent Detroit and both the United States Conference of Mayors and the National League of Cities before the Ribicoff-Senate Committee. Hopefully one impact of that committee's hearing will be to sharply change our national perspective about the plight of cities.

It is no coincidence that the Ribicoff committee has spent a considerable amount of time exploring the impact of the wide range of urban programs which affect the poor. Testimony last week has brought some startling admissions and a damaging indictment of a society which still does not adequately house, feed, educate, protect or provide opportunities for growth for many of its people.

Just as Michael Harrington did so much to publicize "The Other America" on a national level, these Senate hearings are serving to focus attention on that other city—the often neglected inner city, the neighborhoods of poverty which concern us all as residents, mayors or workers in anti-poverty programs.

Most of what has been said at these hearings is not really news to most of us. We are occupied on a daily basis with the problems of slums, inadequate education, disjointed and often irrelevant welfare services. But these hearings can, with our help, lead to a serious rethinking of many of the programs designed to promote social changes in America today.

The War on Poverty, launched on a hopeful and imaginative level, has begun to settle back just when it needs a strong forward push.

And at the same time, it is increasingly coming under partisan political attack by those trying to push it even farther back.

The answer to this problem comes not only from the Ribicoff hearings, which will hopefully outline the scope of the desperation faced by the poor in our cities, but also it must come from you here today. If we have in operation in our Antipoverty Programs in the major cities strong programs that meet the needs of the poor and are making headway, then I believe we will be strong enough to take on any criticism.

So we must continually analyze what we are doing, make the most of the limited funds available to us and move together in seeking broader funding for the entire program.

Presently, things are moving in the wrong direction.

In Detroit, our TAP program is increasingly receiving letters from OEO offices expressing regret that some of our programs cannot be funded because of "insufficient funds."

Day-to-day uncertainty grips many of our existing programs and a sword of Damocles marked "insufficient funds" hangs menacingly over too many needed services.

It is hard for me to reconcile the apparent contradiction of a society in which the Gross National Product soars annually and the bank of the promised Great Society appears to border on a state of bankruptcy.

The explanations which justify cutbacks or deferrals usually start with the word "inflation" and end with the word "Vietnam". But whatever explanation is given, it is clear that the "War on Poverty" and the vast needs of our nation's cities do not share the same priorities as the defense program or the space program.

Yet, in the long run, the War on Poverty is more important than the War in Vietnam. Putting men on their feet in renewed neighborhoods in our nation's cities is just as important as putting a man on the moon. Conquering poverty will have greater meaning to the underdeveloped and uncommitted nations of the world than a space station.

So basically what we are talking about is the reordering of our national priorities by placing the needs of America's dispossessed and denied high on the national agenda.

Our efforts must be to strengthen our antipoverty programs. The output for the entire War on Poverty is far too low as it is. We have made a commitment to the poor and we do not appear to be living up to it.

I would warn you, however, that there is every indication that the War on Poverty will face a broad-scale attack by at least one political party—the one I do not belong to—and others who fear any breakup in the status quo. Those attacks are simmering beneath the surface in many communities and quite open in others. Yet through our efforts I am convinced that we can and must keep our nation moving forward. What has been done must not be undone.

As you know, there have been moves made in Congress to cut back or hold funding of the Poverty Program at its current level. This is being done in the face of rising costs, in the face of broadening responsibility, in the face of increasing need and in the face of early success.

It strikes me, too, that the main critics of the program have been those who cry out for more local initiative, for more local control, for less federal meddling. These critics, while launching broad scale attacks on what they call excessive federalism, are carefully taking one of the truly creative programs—one of the truly locally controlled programs—and designing rigid federal controls over it.

They want more federal guidelines. They want earmarking of funds. They want more rigidity and less local choice.

The situation, gentlemen, verges on the ridiculous.

The critics of the War on Poverty want us to turn away from local initiative.

The critics of the War on Poverty want to limit the right of local communities to plan their own poverty programs.

Make no mistake about it—there have been problems in determining how Community Action Programs should be administered, how the poor should be involved. But when we began this struggle to end poverty no one said the job would be easy. Innovation and change never is.

In some communities bitter battles—about who should control what—have paralyzed programs in their infancy.

In Detroit, we have our tensions and conflicts but TAP operates a broad range of effective programs—in the areas of health, community services, job training and education. They involve the poor and still occasionally manage the maximum feasible participation of local officials.

In other places like Harlem, things have been more difficult.

In a recent article, Murray Kempton reported a meeting of the HARYOU agency "which had been suspended by an intrusion in whose course the chairman of the board appeared to have been bopped by a young man of the indigenous category. Kids who might have been dropping bricks off roofs," he says, somewhat cynically, "are now pushing around directors of the poverty program in board rooms."

But these are some of the tensions associated with a unique program which is concerned about involving people in the decision-making process—people who are, often with great justification, bitter and frustrated by years of broken promises and governmental inaction.

But if we are truly to share power with the poor, we must expect such problems.

Programmatically, even in its broadest terms the War on Poverty does not now provide the wide coverage pledged in preamble to the Economic Opportunity Act. Nevertheless, the Community Action Programs have aroused the nation and legitimized extensive governmental concern about the paradox of poverty in a land of plenty.

So we must become concerned with the broad political context which affects the war on poverty and become even more active than we are in demonstrating the essential validity of comprehensive programs which reach out to offer services which reject the old welfare paternalism, and which seek to crack the vicious cycle of poverty.

But at the same time, we must set our own house in order. We must push for basic changes in the makeup and direction of our own city departments. Obviously the persistence of the poor means that our dollars spent over the years on a local level have not touched the problem.

In the city of Detroit, we commissiond a study by the Greenleigh Associates as part of our Community Renewal Program which pointed out the deficiencies in the existing service programs to the poor.

Based on interviews with 2000 low-income residents, that study told us that vast changes were needed in the style, attitude, direction and the level of expenditure spent by almost all Detroit's public and voluntary agencies.

We used many of the findings of that report in designing the TAP program and are moving—perhaps not fast enough—to reorganize and humanize many of the city departments which were found so deficient.

There is a great deal of unfinished business in Detroit as there is in every urban area in America. Part of the job of the poverty program and citizens alike as I see it is to help sensitize public officials to the full dimensions of the problems and provide new and realistic directions for change.

Frederick Douglass, the great Negro abolitionist pointed out long ago that there could be no change without struggle and no struggle without pain.

The risks however are necessary because the needs are so real.

If we are, as the Office of Economic Opportunity claims, seeking not to ameliorate poverty but to abolish it and if we are to do it within ten years—then we will have to invest billions of dollars in education, in creating thousands of new jobs, in building new hospitals and housing, and in extending the reality of justice and democracy to all of our citizens.

I am convinced that such a goal is both desirable and attainable.

Such a goal requires that we in the cities of this nation do more than set up a new bureau and leave the rest of the city operation untouched—leave it to operate as it has for decades.

It requires that the human touch—the outreach into the community which has characterized the antipoverty approach—be brought into every city department.

Presently, we have largely set our poverty programs up as parallel service institutions. Now we must scale the hardest walls of all. We must integrate the OEO approach into our existing departments—make them broad based, responsive to a wide variety of community needs.

This is a tough job because city departments are designed to meet needs of the public. But we must convince our fellow professionals that in many cases their programs are not being as effective as they can be.

Your job as poverty officials is to help bring about these changes in the departmental operations of your cities where the majority of city funds are spent.

Yours must be the creative, innovative voice in city government.

Yours must be the voice that does not lose touch with problems on the street.

Yours must be the voice for change.

As a young man told me on the street the other day:

"We can make it if we try."

VOTE VICTORY IN VIETNAM

Mr. PROXMIRE. Mr. President, our delight at the magnificent turnout of voters for the elections in South Vietnam is widely shared by commentators in the press who are well qualified by experience to analyze world affairs.

William S. White, for instance, hails the impressive vote as a victory for American policy of measureless importance. Mr. White, the highly respected columnist, interprets the word "policy" in the case as "a bipartisan stance of strength in travail and of steadfast honor in piled-up adversity."

Two of our major newspapers, the Philadelphia Evening Bulletin and the Chicago Sun-Times, also regard the elections as a triumph for the cause of freedom.

On their editorial pages these newspapers call the elections an encouraging first step toward establishing representative government in South Vietnam. The Sun-Times, in fact, declares the people of South Vietnam made a necessary political rejection of communism by going to the polls in vast number despite Vietcong terrorism.

I ask unanimous consent to have printed in the Record Mr. White's column and both editorials on the elections.

There being no objection, the column and editorials were ordered to be printed in the Record, as follows:

[From the Philadelphia (Pa.) Inquirer, Sept. 14, 1966]

Big Vote in Vietnam Is Major Triumph for U.S. Policy

(By William S. White)

Washington.—The long nightmare of Vietnam is lifting at last and though the way to final victory over the Communist assailants from without and within still stretches out long and forbidding, a true pre-dawn does now loom out faintly ahead.

This is the real meaning of the spectacular success for the people of South Vietnam. In the teeth of tireless terrorism from the Communist they have voted in better than 80 percent of their total strength in a free election.

They are going now to make a democratic constitution by orderly and democratic means. To all the world they have issued, moreover, a thundering rebuke to all those—the Communist, the fellow-travelers, the merely deluded peaceniks and beatniks—who for years have peddled the monstrous fiction that the Communist Vietcong were in truth popular in South Vietnam and were only engaged in a "democratic revolution."

By immense majorities the South Vietnamese themselves have forever destroyed this big lie version of current history.

By immense majorities they have shown their determination both to keep their country from the reaching grasp of internal and external Communist trigger men and to make of it a decent state in Asia.

This is a victory for American policy of measureless importance—not for Democratic policy and not for Republican policy but for a bipartisan stance of strength in travail and of steadfast honor in piled-up adversity.

To this splendid end the Republicans, and notably the party's leading figures in and out of Congress, have contributed with memorable generosity and magnificent concern for the vital, non political interests of this Nation and of all the Free World.

In the narrower sense, of course, it is a triumph for the Democratic President who has risked most in Vietnam and the President who has borne the heaviest of the burden from a constantly biting democratic New Left at home and the incessantly destructive carping that has come from some of our alleged friends, such as Charles de Gaulle of France.

But if Lyndon B. Johnson is vindicated in this historic hour so, too, are Dwight Eisenhower, and John Kennedy before him, and so are such Republicans as the Senate Minority Leader, Everett Dirksen of Illinois, and Richard Nixon and Senator Jacob Javits of New York and many another of lesser rank and place.

Will it all help Democratic Congressional candidates in November's elections? No doubt it will assist most of them, since most have stood all along with this Nation's pledge to stay the course in Vietnam. No doubt, too, it may improve the President's "image" in the opinion polls.

To look for a two-bit domestic partisan credit or gain in this transcendental victory for a tortured people and for an old concept called the right to freedom—to freedom even in Asia—would be little-minded beyond belief. For what has happened in Vietnam can scarcely be described without the use of superlative heaped upon superlative.

For the first time in the Cold War a nation under Communist attack not only from abroad but at home has been able to conduct a free election as free men.

The so-called "war of liberation" as a special instrument of Communist China lies in ruins in the now deserted balloting places of South Vietnam for the cynical and evil fraud it has always been.

The Red Chinese have been thrown back as never before. The policy of a rationally restrained but absolutely determined military resistance to Chinese aggression-by-proxy has been proved beyond all doubt to be not only one of honor but one of effectiveness as well.

Over Asia the long darkness is lifting, at least, though not yet dispersed. The Chinese wave of the future is not, after all, to be the wave of the future for Asia, just as Hitler's wave of the future broke at length two decades ago upon the great rock of resolute Allied resistance.

[From the Philadelphia (Pa.) Evening Bulletin, Sept. 13, 1966]

First Step in South Vietnam

With due account for all deficiencies, Sunday's election for a constituent assembly in South Vietnam must be regarded as a singular achievement. The high turnout in spite of Viet Cong terrorism and threats of assassination of voters and candidates alike gives the lie to Viet Cong and Hanoi claims of their hold on the affections of the people.

It also confounds foreign critics who called the election undertaking a farce. Even with a fair percentage of blank protest ballots, the fact that three-fourths of the eligibles voted was a demonstration that the South Vietnamese are not as apathetic as they have been pictured. The government headed by Premier Ky prodded people to vote, but no evidence of undue pressures has come to light.

Of special significance was the heavier than average voting in the region around Hue and Da Nang, the center of the Buddhist Institute's recent revolt against Saigon and of its campaign to boycott the elections. This campaign was an obvious failure.

One does not have to accept Premier Ky's prediction that the elections mark the beginning of the end of the Communists, but a forward step certainly has been taken. A long road lies ahead, and the 117-man constituent assembly has it within its power to lay the foundations for a broader representative government that will remove the stigma of a military junta allegedly ruling with an iron fist.

The quality of the assembly, which begins its work on September 26, has yet to be proven. The government has retained a veto over its work, but it can override a veto with a two-thirds vote. The kind of constitution the assembly will write will depend upon the abilities of its members. They can go about their task in a far different spirit than they could have if the Viet Cong and the Buddhists had been successful in sabotaging the elections.

[From the Chicago (Ill.) Sun-Times, Sept. 13, 1966]

Ballots and Bullets

The election in South Viet Nam shapes up as a stinging defeat for the Communists. It is, also, a victory for the military government of South Viet Nam and, in no small part, for the United States.

More than 83 per cent of those eligible to vote went to the polls. It is the size of this turnout that inflicts the defeat on the Communists.

If the full-scale guerrilla warfare the Communists are carrying on in South Viet Nam is to succeed, the guerrillas must control the civilian population, by one means or another. The Communist Viet Cong carried out an intense campaign of terror to keep the voters at home on election day. The fact that four out of five of those eligible did vote, braving the real danger of death, injury, and post-election retaliation at the hands of the Communists, is proof the Communists do not control the populace.

It is also a clear indication that the South Vietnamese approve of the efforts made by their military government and the United States to resist Communist aggression. This approval has been shown before, in surveys. Now it has been demonstrated at the voting booths. The theory held by some that the South Vietnamese want the United States to get out of Viet Nam so they can go their own way, accepting the fact of communism, is upset. It is the Communists the South Vietnamese want to get out, not the United States forces.

The war in Viet Nam is a political as well as military effort. The battle is for the minds of men as well as to resist Communist aggression. Unless there is a political rejection of communism, a military victory in Viet Nam would be, for the most part, meaningless.

The people of South Viet Nam have made that rejection by going to the polls in great numbers despite Communist terrorism. They have shown that they want to create a political system that will allow them to live in a democratic society.

That is a defeat the Communists cannot disown. It is also a rebuff to those Western nations that are critical of U.S. policy in Viet Nam. President Johnson should again remind those nations of their responsibility to help the United States preserve freedom in the world.

GOVERNMENT WITHOUT HONOR

Mr. RANDOLPH. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the September 14, 1966, issue of the Washington Daily News entitled "Government Without Honor."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOVERNMENT WITHOUT HONOR

A 12-year-old Negro child, his leg broken, was forced to crawl a gantlet of screaming white men swinging ax handles and chains. Finally, weeping, bruised and bleeding, the boy was rescued and taken to a hospital.

This gives an idea of the senseless mob in front of the Grenada, Miss., schools Monday. It is easy to agree with Mississippi Gov. Paul Johnson that they were the dregs of that northern Mississippi community. But what will you say of the police who stood by, refusing to act? Grenada officials, in the words of the suit filed yesterday by the Justice Department, knew that there was "imminent danger" and "wilfully failed to provide adequate protection . . . when Negro children were to commence classes."

Gov. Johnson moved in state troopers late in the day, announcing that "those who raise the sword of violence will be met by the sword of law enforcement." If those trite and vainglorious words mean someone is going to be arrested and punished, we await some news of it. The troopers arrested no one Tuesday, when children again were harassed.

Incidentally, three newsmen, two from a sister Scripps-Howard newspaper, The Memphis Press-Scimitar, also were beaten by the mob. This raises the question of freedom of the press, but savages who would thus mistreat innocent children hardly could be expected to respect, or even remotely comprehend, the subtler safeguards of the U.S. Constitution. Newsmen who try to keep the public informed in such cases take chances similar to those covering the war in Viet Nam. Those who went to Grenada Monday were lucky to escape with only cuts and bruises.

There is no excuse either for the black mobsters in Atlanta, Chicago and other cities. But at least they haven't deliberately mistreated children. They have, after a fashion at least, picked on someone their own size—altho children have suffered from their acts.

Much of the unrest and feeling of frustration in this country stems from failure of government, local, state and national, to enforce the laws against crime—cringing in fear of political consequences if they challenge these criminals, black or white. This has encouraged disrespect for all law, as is evidenced by the crime rate—up eight percent from last year according to the FBI report, just made public.

Enforcement of domestic order is a first obligation of government—an obligation repeatedly defaulted by officialdom both North and South. Until our various subdivisions of government perform their routine police functions, there can be little hope of rational settlement in the nagging problem of civil rights. Ours is a Government in grave danger of losing the respect of its people.

NATIONAL COMMISSION ON FOOD MARKETING STUDY SHOWS DAIRY FARMER LOW MAN ON TOTEM POLE

Mr. PROXMIRE. Mr. President, during the past few months, as I have discussed the need for a strengthened special milk program for schoolchildren, I have emphasized the contribution the program has made not only to the Nation's schoolchildren, but also to the dairy farmer.

I have pointed out on numerous occasions that low dairy prices are driving the dairy farmer into other pursuits with a consequent drop in milk production which will ultimately result in a milk shortage and inflationary milk price increases. The school milk progam counters this trend by stimulating the consumption of fluid milk which otherwise might have to be purchased and stored under the price support program. Of course, the dairy farmer makes more money if he can sell his fluid milk at market prices rather than selling it as manufacturing milk to the Government at price support levels.

The serious plight of the dairy farmer was recently emphasized by a report of the National Commission on Food Marketing on the Dairy Industry. The report showed that dairy farmers in the Central Northeast earned a return of 61 cents an hour in 1964, grade A dairy farmers in eastern Wisconsin earned 84 cents an hour, grade B dairy farmers in eastern Wisconsin earned 36 cents an hour, and grade B dairy farmers in western Wisconsin earned a miserably meager 30 cents an hour. This compares with an average return of $1.19 an hour to broiler farmers in Maine, $2.13 an hour to cash grain farmers in the Corn Belt, and $2.37 to $2.86 for dairy plant workers.

These statistics indicate just why the dairy industry is in such serious trouble. Until we begin to give the proper emphasis to programs that help the dairy farmer, such as the school milk program, the trouble will worsen. This is one reason why I am fighting hard for final passage of legislation extending the school milk, as well as additional funds for the program in fiscal 1967.

BISHOP JAMES A. PIKE—STATEMENT BY DAVID LAWRENCE

Mr. LAUSCHE. Mr. President, several days ago at a morning breakfast meeting held in Washington, attended by a number of Senators and other civic leaders, the noted columnist, David Lawrence, made a presentation which may be of interest to the readers of the CONGRESSIONAL RECORD. His presentation provoked considerable discussion.

I, therefore, ask unanimous consent that a copy of it be included in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Bishop James A. Pike of the Episcopal Church in California has resigned to become identified as a scholar with the Center for the Study of Democratic Institutions in Santa Barbara, California, which is operated by the Ford Foundation. In his farewell sermon at Grace Cathedral on Nob Hill in San Francisco a week ago Sunday, he made some statements which were carried over the wires of the United Press International and I chose them for some comment and analysis today. For Bishop Pike said he could not affirm the existence of an "all powerful . . . all good . . . all knowing" God. He said that the church has been "affirming many, too many things—things that are unverifiable, things that are absolutely contrary to the facts, things which are irrelevant, things which are not important if they were true." He added:

"You look at the data. You look at what is. . . . There is only one breadth, the secular. There is no supernatural. If something is true, it is natural. If it's not natural, it's not true. . . .

"I am willing to infer a little beyond the data . . . that this is a universe and there is a 'unus'—a one.

"We cannot really affirm much more. We cannot extrapolate to the sky and say that He is omni-this and omni-that. I don't know all that much. . . . We see a bit of order and we say He's omnipotent, omnipresent, He's omnificent, omniscient.

"What's the data for all that? When we affirm that He is all powerful, all good, all knowing, we set ourselves up for the biggest theological fall in history.

"When you set it up that He is all good, all knowing and also all powerful—then why are things in such a mess? Why is there so much disorder?"

Now we must bear in mind that James A. Pike started his career as an attorney. He still retains his membership in the American Bar Association. He was trained in the precision of the law. He is accustomed to explicit proof. There must be, he thinks, evidence to prove everything "beyond a shadow of a doubt."

But I do not attribute Bishop Pike's interpretation wholly to such a propensity—though I think that if all the "data," as he calls it, concerning God's presence in our lives were submitted to a "jury," the "circumstantial evidence" would go far beyond the words "accident" or "coincidence."

I think the Bishop's principal difficulty is that he, like many other persons—some of whom have become outright atheists—was born a skeptic. This is like many physical handicaps with which some persons are afflicted. But some of them overcome this failing and undergo what is called a "change" and sometimes become some of the most ardent believers.

But let us examine not the concept to which Bishop Pike clings, but the concept which the believer in the omnipotence of God holds. For to many of us there is actual proof of the existence of God—ample to persuade ourselves even though it may be inadequate to persuade others.

All of us use the word "conscience." We talk of the "spirit" within us and we know that life departs when death comes. But even though we cannot prove that the spirit lives on, we prefer to believe it is a logical corollary to the mysterious thing we call "life." We derive comfort from such thoughts. Why do we possess them and others do not? Why have we adequate proof of God's influence in our lives and why do others fail to feel it? We cannot answer that question merely by saying some persons are born with strong bodies and strong minds and others are not. Many educated individuals are skeptics.

We can say this is one of the unexplained mysteries of life. But we can also say that some persons are blessed with powers of imagination and others are not. But why such contrasts? Why weren't all persons created equal, and why are some blind and some cannot see at all?

For my part, I have always accepted a simple explanation—that the human mind is finite. It has limits beyond which we cannot go. But within those limits we have freedom to use our imagination and prove to ourselves that without some guiding influence—which could be called self-discipline—we would all be savages. Yet from the beginning—tens of thousands of years before our modern religions came into being—man was taught to believe that it is wrong to kill, it is wrong to steal, it is right to love and help one's neighbor. We can explain readily the need for discipline in human society, but why should we assume that the inspiration for it has no divine origin? For at least it was a common inspiration experienced by all mankind. It exists. Our finite minds may be unable to "prove" or "verify" that this power came from beyond our lives. But what is "proof"?

Each person has a record of his own experience—a memory of the vicissitudes of life in which suffering almost beyond human endurance was encountered. Adversity has been frequent. Yet the persistent help that came from "Somewhere" kept us going. I have referred in one of my talks here to the word "Something" which has been felt by every faith or religion in the world as a meaningful synonym for God.

To me, the supernatural is the area beyond our finite minds—we cannot "prove" its existence, but we are convinced just the same that it has a relationship to us. For we feel its influence every day, and we try to help others to feel it, too, by using the very opposite of the reasoning that Bishop Pike invokes. We do not ask for "proof" of the "existence" of God. We feel it.

But then, it may be asked, why does God permit the disorder which prevails in the world and the mishaps that befall many individuals? I remember getting the impression from an early reading of the Old Testament that the excesses and destruction which came to Sodom and Gomorrah were the direct result of man's unmoral behavior and constituted a dramatic punishment.

Many persons may be unable to relate the adversity they themselves encounter to misdeeds of their own or their fellow man. We are responsible, however, not merely for our own behavior but for the behavior of the people of our own country and of other countries in the world. We are under constant obligation to help to improve the life of our brethren and to do for others what we would hope they might do for us if we become similarly afflicted.

We have food. Do we share it with others? Are there not sacrifices we must make to help other human beings?

But, introspectively, what is the inspiration for that which we do in our own lives? Is it just a coincidence that ill luck follows a period of indifference to or neglect of others? Is it just a coincidence that as we go out of our way to help others, a light comes to us as we see a solution to some of our day-by-day problems? Who has not actually had what we call a ‘break" or a "good piece of luck"? We speak of it as coming "out of a clear sky." We cannot "prove" that God challenged us to show our gratitude in our deeds for others. We cannot *prove* that he has given this nation so many advantages above other nations because he expected us to be worthy of such beneficence and do things for others, whether indeed we even know them personally. But in our hearts we can feel God's presence if we have the imagination and even the logic to understand the great opportunity afforded us by a living God.

There is one word whose meaning may be interpreted differently by different persons, but in our own consciences we know what it means. I refer to the word "sin." If we break the Lord's Commandments, we should not be surprised when punishment or "hard luck" comes along. When we free ourselves of sin, we know we are happier. Is that state of well-being accidental, or is it the result of the imagination which tells us that good deeds have their own reward and bad deeds have their own punishment?

Bishop Pike has had a variegated career. He was born a Roman Catholic, attended a Jesuit college, became an agnostic, and then turned to the Episcopal Church, where his sermons have been the subject of much controversy for many years.

I feel sorry that Bishop Pike has been unable to achieve peace of mind. He apparently feels frustrated. We should pray for him. Recently his son committed suicide. The United Press International says that an inquiry later indicated the youth had been plagued by philosophical doubts about the meaning of life.

I have heard men who were the victims of misfortune in life exclaim, "Why has He done this to me?" I remember one atheist who had been a religious man nearly all his life, but when his wife was taken from him, he never forgave God and became bitter. He never imagined that there could be a life beyond in which his wife would await him.

Let us thank God that He gave us the imagination to understand His omniscience, His omnipotence, and above all, that a selfish, thoughtless, heartless human being can emerge from his unhappiness and discover God. It has happened, and it will happen again and again, provided we do our part. For as we read in John, Fourth Chapter, 24th Verse:

"God is a spirit, and they that worship Him must worship him in spirit and in truth."

VIETNAMESE ELECTION VICTORY

Mr. HART. Mr. President, the people of South Vietnam scored a decisive victory for the cause of independence against Communist aggression in their massive turnout at the polls.

Among the first newspapers to comment on the size of the vote were the Washington Daily News, a Scripps-Howard newspaper, and the New York Times.

Both recall on their editorial pages the strong Vietcong effort to intimidate the South Vietnamese and hold down the vote. That effort was thoroughly frustrated.

In the view of the Daily News, the meaning of the election is that millions of Vietnamese overcame skepticism and fear of Vietcong retaliation to register their faith in a non-Communist future.

And in the opinion of the Times, the election represented a success for Premier Ky's government and, indirectly, for the Johnson administration. The ideals for which the United States stands, the Times said, gained a point.

I ask unanimous consent that both editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Daily News, Sept. 12, 1966]

SMASHING VICTORY IN VIETNAM

What took place in South Viet Nam yesterday was the most reassuring, progressive and promising thing that has happened there in years. Surpassing all predictions, over three-fourths of the country's registered voters went to the polls to elect a national assembly. The enormous turnout means a smashing victory for the Saigon government and a clear defeat for the communists.

For weeks communist agents, following Hanoi's line, had been calling on South Vietnamese to boycott and "crush" the "sham elections," and backed up their demand with threatened, and actual, terror attacks. The militant Buddhist monks also tried to undercut the elections by urging on followers "non-co-operation" toward the balloting.

The names of yesterday's winners won't be known until later this week, but the massive turnout, witnessed and verified by a host of foreign observers, means a government victory. By that we don't mean, necessarily, a victory for Prime Minister Ky and the ruling generals. We mean a declaration of loyalty to and faith in those men in authority who, for all their faults and shortcomings, represent the non-communist alternative.

We have long believed the South Vietnamese people are basically against the Viet Cong, because they know their aims and their methods. Despite many disappointments, they are disposed to look to Saigon for the answer to the communists. That is what this election means: that millions of Vietnamese overcame their skepticism and apathy—and fear of Viet Cong retaliation—to register their faith in a non-communist future for their country.

[From the New York Times, Sept. 12, 1966]

SAIGON'S ELECTORAL VICTORY

The elections in South Vietnam were a success for Marshal Ky's Government and indirectly for the Johnson Administration. According to present available figures, three-quarters of the eligible voters cast ballots. This far exceeds Vietnamese and American hopes before election day.

The victory deserves full acknowledgment, but its effects should not be exaggerated. Candidates were merely elected to an assembly which will draw up a constitution leading to still another election in 1967 or 1968 for as representative a government as the situation and political backwardness of the people will permit.

Since large regions of South Vietnam are under Vietcong control, or subject to the Vietcong's threats, the election could not lead to a genuine popular majority. But, insofar as the South Vietnamese people, at this stage of their history could record a democratic vote, they have done so.

Marshal Ky, himself, has been an in-again-out-again candidate for the office of an elected president, but it is obvious that any future government would have to be either military or, if civilian, willing to prosecute the war. The conflict will go on pretty much as if the election, despite its undoubted value and success, had not taken place.

Hanoi's inflexible rejection of President Johnson's offer of a mutually agreed withdrawal of troops from South Vietnam shows that neither the time nor the circumstances are ripe for negotiations or a truce.

The block on the road to peace has been made clear again and again by both sides, as it was in the recent exchange. The United States says that Hanoi is the aggressor and North Vietnam says that Washington is the aggressor. Behind the simple accusations are all the complex forces of power politics, ideology, nationalism and emotions that make the war in Vietnam so stubborn and, for the moment, so intractable.

Yet, the effort to solve it and to bring about negotiations must go on. The United States cannot assume that Hanoi literally means, and always will mean, exactly what it says today. North Vietnam may one day accept the fact that the United States really intends to withdraw from Southeast Asia when circumstances permit, and Hanoi may also hope that the American escalation of the war will not continue to a point of no return.

In the diplomatic game that goes on behind the crack of guns and thunder of bombs, the ideals for which the United States stands gained a point in yesterday's election. The Vietcong, the North Vietnamese and the Chinese Communists lost by the same margin. The war goes on, but it has been proved that three out of four of those who could vote in South Vietnam braved danger and future risk to do so, and thereby expressed either support for or acquiescence in what the Saigon Government is trying to do.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. Hart in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

REDUCTION OF U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, I have discussed this possibility with the distinguished minority leader [Mr. Dirksen], the distinguished senior Senator from North Carolina [Mr. Ervin], and the distinguished minority whip, the Senator from California [Mr. Kuchel], and with their concurrence, but only on my own initiative, I ask unanimous consent that Senate Resolution 300, presently over under the rule, be placed on the calendar.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, the reason for taking this action is that, on the next legislative day, it would automatically become the pending order of business during the morning hour and, at the conclusion of the morning hour, would automatically go to the calendar.

It is not my intention to call this up before the latter part of this month or the first part of next month. No one's rights are being violated. Everyone's rights are being protected. I thought this would be the best way in which to handle this particular matter at this particular time.

Mr. President, I have been reading some stories relative to a proposal by a number of Senators to substantially reduce the number of troops in Europe. I see in those stories such words as "probe," and "unnamed sources" being used; one particular statement says in reference to this resolution:

> However, although the disparity is marked—

That is between our contributions and the contributions of the European NATO nations—

> they say European defense efforts are increasing and any move now to "punish" Europe by withdrawing four or five United States divisions would be foolish.

I do not know who the author of this statement is. I do not know who drew the conclusion that we had suggested the withdrawal of four or five U.S. divisions from Europe.

I believe the resolution itself quotes the word "substantial" and leaves a determination as to what "substantial" means to the President of the United States. But it is interesting to read these stories from time to time.

A story appears in the press today to the effect that certain unnamed "U.S. officials" are opposed to the Senate sense resolution regarding a reduction in U.S. troops deployments in Europe. This opposition is reportedly based on concern that cuts may lead to "Soviet probes" against Western Europe. May I say, Mr. President, Soviet probes are always a possibility in Europe and elsewhere, whether or not there are cuts. They are a possibility whether there are one, two, three, four, or five U.S. divisions stationed in Western Europe. There have been, in fact, periodic Soviet probes during the period that six U.S. divisions have been present in Europe and without even the whisper of cuts.

There are any number of other dire possibilities in Europe which might grow out of U.S. cuts. The Albanians may be emboldened to move against the Yugoslavs or the Greeks. The Austrians may decide to retake the Tyrol from Italy. The East Germans may probe against the West Germans or the West Germans may probe against the East Germans. The catalog of the dire consequences which might flow from any move with respect to Europe can be as endless as the imagination of the cataloger. It is always possible to find not one but a dozen reasons for inertia, for doing nothing, even when changed circumstances clearly urge adjustment in what has been a long and unadjusted approach. I would suggest, however, that doing nothing also may produce its own catalog of dire consequences and not only in Europe.

I repeat what I have said on previous occasions. The Senators who introduced this resolution examined the reasonable possibilities most carefully in the light of their understanding of present circumstances. They examined these possibilities soberly. They reached a sober conclusion. They expressed that conclusion in a sober resolution. That resolution is entitled to sober consideration in the Senate.

The right, indeed, the responsibility of those who disagree to argue responsibly against the resolution is unquestioned. The opportunity for Senators to do so will be presented when this matter is considered on the floor or in committee or committees as the Senate may decide. The right of others to criticize can be expressed in any of the many available forums of public opinion and the use of these forums by any official of the executive branch of this Government is not questioned.

I most certainly question, however, the validity of any criticism from those public officials who hide behind such innominates as "U.S. officials." Why is it necessary to "decline to be identified" in criticizing a proposal of this kind? Either these "U.S. officials" speak for this Government or they do not. If they are speaking in accord with the policy of the President of the United States they ought to have no compunctions about identifying themselves. If that is not the case, then they ought not to be talking in the first place.

How is the criticism of unknown officials to be evaluated? Does it come from a relevant or irrelevant source? Is it an interested or disinterested source? Are ancient axes being ground in this criticism? These are valid questions whenever anonymity is the sponsor of criticism.

May I say that those who offered this resolution claim no great expertness. They are, however, a relevant party to the question. They have, not only the right, but the obligation, as Senators, to think and to speak on a matter which is involved repeatedly and deeply in the votes which they cast in accordance with the Constitution.

The sponsors of this resolution do not hide their identity under innominates. They are not "unnamed officials," either high or low. They are not "certain Senators, influential or uninfluential." They are simply Senators of their States and the United States whose names are: Mansfield, Russell Long, Smathers, Hill, Richard Russell, Hayden, Magnuson, Pastore, Symington, Muskie, Hart, Brewster, and Inouye.

Nor do the cosponsors of this resolution seek anonymity. Their names are known. They are: Senators Morse, Talmadge, Proxmire, Burdick, Gruening, McIntyre, Fulbright, Dominick, Milton Young, Edward Long, Pearson, Yarborough, and Robert Byrd.

When this resolution is voted upon, moreover, not only the sponsors and cosponsors but all Senators who favor it or oppose it will stand up to be counted one way or another.

So, Mr. President, let me say again: I recognize that there are risks in this resolution even as there are in any course of action or inaction in foreign relations. There are arguments against this resolution as well as arguments for it. Let them all be heard. Let them be discussed. But let those who argue against the resolution not discredit their own opposition by resort to the "leaked story," to the "background press conference," to the unnamed "official source."

I ask unanimous consent that news articles on this matter be included at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Baltimore Sun, Sept. 16, 1966]

WITHDRAWAL OF U.S. FORCE IS OPPOSED—OFFICIALS FEAR EUROPE MAY BE LEFT OPEN TO RED MOVES

Washington, September 15.—United States officials cautioned today that if American troops are withdrawn from Europe in any substantial numbers, Russia might take advantage of Western weakness.

None of the West European countries appears ready to take up the slack that would be left by a large United States troop withdrawal, the officials said. Many North Atlantic Treaty Organization countries could not increase their armed forces quickly enough because of serious economic and political problems, it was explained.

TOP SIGNERS

The officials, although declining to be named, were replying in effect to a Senate Democratic Policy Committee proposal that the United States reduce its troops in Europe and give the allies a chance to fill their original troop quotas.

The committee's proposal was made September 1 and co-signed by thirteen Senators, including Senator MANSFIELD (D., Mont.), Democratic leader Senator RUSSELL (D., Ga.), and the Senate Democratic whip, Senator LONG (D., La.).

But officials said today that if there is to be any troop adjustment in NATO, United States troops must be maintained at full strength during that period.

[From the New York Times, Sept. 16, 1966]

ADMINISTRATION BARS TROOP CUT IN EUROPE

(By Benjamin Welles)

WASHINGTON, September 15.—United States officials warned today that major troop cuts in Europe—as recently proposed by the Senate Democratic Policy Committee—might precipitate Soviet "probes" and thereby endanger the West's defensive flank.

The warning was regarded as a rebuttal of contentions by the Senate Majority Leader, MIKE MANSFIELD of Montana, and influential Congressional allies that a "substantial" troop cut could be made in Europe "without adversely affecting either our resolve or ability" to meet our North Atlantic treaty commitments.

In rebuttal, Government officials who declined to be identified made it clear that there was no intention at this time on the part of the United States to reduce in any appreciable degree the force of five combat divisions and three armored regiments that have been guarding Europe since the Korean War.

There may be "adjustments," one source said, but there will be no significant troop withdrawals so long as the Soviet Union retains 20 divisions in East Germany.

Mr. MANSFIELD has been urging a reduction of American forces in Europe in recent months. On August 3 he and other members of the powerful Democratic Policy Committee created a stir in official Washington by urging such cuts in a resolution.

Although Mr. MANSFIELD and his co-sponsors avoided specific figures in calling for a "substantial" reduction in the American troop contribution to NATO, their move was quickly countered by the White House. Bill D. Moyers, Presidential press secretary, told newsmen that Secretary of State Dean Rusk and Defense Secretary Robert S. McNamara had promptly informed the Senator that the proposal would "not be helpful at this time."

The emphasis officials placed today on denying all thought of major troop cuts was seen, too, as deliberate reassurance to NATO allies on the eve of the visit here of Chancellor Erhard of West Germany. He is scheduled to confer with President Johnson and Cabinet officials starting Sept. 26.

One of the key problems confronting the two governments is how to resolve the thorny "offset" problem under which West Germany buys from the United States arms or services equivalent to the $700-million the United States spends yearly in keeping 225,000 soldiers guarding West Germany. The current agreement expires next June 30, and there are already signs of a protracted struggle over its renewal.

Mr. McNamara, for example, regards arms sales as an essential way of covering the gold drain caused by stationing United States troops in Europe. Moreover, he has said that West Germany's 12-division army—a principal element among the 24 divisions on NATO's central front—is still seriously underequipped in relation either to the United States Seventh Army or to other NATO divisions.

West German officials, on the other hand, are complaining that their nation is being increasingly pinched by inflation and by related economic problems, that West German forces already have more United States equipment than they need, and that they are contributing more to NATO in terms of defense than the Pentagon's statistic reflect.

By pointing out today the dangers inherent in any major troop cut in West Europe at this time, officials here were not only breasting the tide of Congressional pressure for such cuts but also were strengthening the American hand for the coming talks.

In scotching rumors of impending troop cuts, the United States, it was noted, will be better able to point to the defense burden it is carrying in Europe and in Vietnam and thus confront the Bonn regime not with words but with solid examples.

American officials concede the justice of complaints about European "foot-dragging" voiced by Mr. MANSFIELD and colleagues such as Senators J. W. FULBRIGHT, chairman of the Foreign Relations Committee, and RICHARD B. RUSSELL, chairman of the Armed Services Committee.

They agree that European members of NATO are not bearing a defense load similar to the United States either in the number of men in uniform proportionate to their populations or in the percentage of gross national product (the sum of all goods and services produced in a single year) devoted to defense.

However, although the disparity is marked, they say European defense efforts are increasing and any move now to "punish" Europe by withdrawing four or five United States divisions would be foolish.

Not only is NATO still recovering from the crisis produced by President de Gaulle's withdrawal July 1 from the integrated military command system, officials said, but also there are no signs of any Soviet accommodation in Central Europe.

They stressed that the Soviet Union had repeatedly, as in 1961 and 1962, sought to "probe" for Western weakness around Berlin and elsewhere.

"If the United States brings back four or five divisions, how do you respond to Soviet probes?" one source asked.

MARY T. BROOKS

Mr. ELLENDER. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3553) for the relief of Mrs. Mary T. Brooks.

CIVIL RIGHTS ACT OF 1966

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. EASTLAND. Mr. President, this Nation has progressed in a phenomenal manner since our forefathers founded it. Our technology and our industry have given the people of the United States a standard of living second to none, but I do not think that the happiness of a man or of a nation is necessarily dependent on the physical comfort they live in.

When our country was founded, our forefathers put forth what they called the rights of men as a premise for the establishment of our Government.

They expressed it as "the inalienable right of men to life, liberty, and the pursuit of happiness." When they put forth this premise in those vigorous early days of our struggling Republic, I am sure they knew what those words meant. They and the people who accepted and subscribed to these rights understood them. They understood them because until that time men had not always had those rights and no nation had even been founded on these principles.

They had brought forth a nation where men were secure from the oppression of tyranny and a nation in which men were free to pursue happiness. This did not mean that men could be idle or that happiness would be handed them on a platter, it meant only that they had the right to work for happiness. In other words, a man by his own efforts and sweat could gain independence and dignity and he would owe nothing to any other man.

Times have changed and as the language of this present civil rights bill only too well proves, we have lost the understanding of the principles of our forefathers. These rights which Americans have gladly died to preserve so that they were able to bequeath them intact to their children have become not rights to be exercised and worked for, but rights to be handed out like free grain from the Roman Emperors.

The history of our country is the history of men giving up their security and their creative comforts and going out to conquer a wilderness and to suffer great hardships to fulfill dreams. Men who have suffered deprivation to build a civilization were not men that expected anything to be given to them.

Our country has grown beyond the wilderness, but the challenge of the future and the responsibilities of today are no less than those of our forefathers.

If a man wishes to preserve the right to be free, he has the duty to be responsible; not just for his fellow men, but to himself as an individual. He must be responsible for the consequences of his own actions and he must be prepared to rise or fall on his record.

But, today something has happened to us. We have inherited the freedoms and the rights bequeathed to us by our forefathers. The times are now easier and the everyday enemies to survival do not seem so menacing. The old principles still exist, but the word "security" and the right to pursue happiness are being distorted. More and more we are taking the position that security is not something to be earned by the sweat of the brow, but it is something we can expect the Government to provide for us and our children. There is no vitality in such security. This socialism or communism, because they are very hard to distinguish, have taken us from the pursuit of happiness and placed us in the pursuit of pleasure.

Somehow and somewhere we have lost or forgotten one thing which if absent means that freedom and liberty cannot even exist. That one thing is the responsibility of a man to work and to enjoy the rewards of his work.

Instead we are in danger of swapping our freedom and independence for the privilege of being free of the responsibilities that come with independence. In the civil rights bill before the Senate we are told the rights of men are being further protected. This bill provides not rights, but the escape from rights. It provides the opiate of a socialistic state where property and its privileges are controlled by the state bureaucracy.

If we pass this bill, we will create a nation where a man does not have to work and struggle to provide for himself and his family the home of his choice in the place of his choice and among the people of his choice.

Instead we are saying that we will pass a law where he can demand to live anywhere among any people whether he has earned their respect or disregardless of their rights to live among or where they choose.

Mr. President, the enemy of our freedom now no longer threatens us across international boundaries as he now looks out at us from beneath the dome of our Capitol and from behind the doors of the numerous welfare agencies and other bureaus.

His uniform is not that of the military and he does not carry a rifle.

Instead our enemy carries a briefcase full of welfare forms and he is armed with coercive lawsuits and he is backed by the might of the U.S. Treasury as his arsenal.

The American dollar has become debased and respectless not because the cost of living has risen so much as the fact that our people think less of giving a dollar's worth of labor in return for a dollar's worth of pay.

We are faced with an army of sociologists and economists and welfare state advocates who cry out to us to surrender the struggle of personal responsibility and to place ourselves in the comfort of their arms. I do not know much about sociology, but I would rather sleep comforted with the pleasure of a job well done and of having discharged my responsibilities than to accept all of the so-called security of the welfare state.

These sociologists cry that we are incapable of responsibility and freedom and that we do not have the right to personally choose between good and evil and because of this they are asking us to pass a law which will remove this responsibility from our shoulders.

They would have us believe that we are incapable of controlling our own property, or administering our own laws, or selecting our own juries, or punishing criminals who break our State laws. Instead they are asking us to accept the all-powerful bureaucratic control and responsibility of these matters.

Instead of establishing laws which are a sort of nationally sponsored prizes for idleness and ineptitude we should push back these laws and become as independent and uncompromising as our forefathers.

Socialism and communism attack the bastions of our freedoms in many ways and some are very devious and difficult to discern, but this attack directly on our rights is so blatant that all Americans must be aware of it. We must defend the right to be responsible, hard-working citizens who have the right to enjoy the fruits of our labor without the interference of the Federal Government. The fundamental difference between capitalism and communism lies here. The choice is simply this—we are going to have faith in the American people to fulfill their responsibilities or we are going to deprive them of both their rights and their responsibilities. I personally choose to have faith in the people.

Mr. President, at this point I shall continue my discussion as to title I of the bill, which is sought to be made the pending business of the Senate.

This can be accomplished by providing in subsection (a) for selection at random from the voter registration lists of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district or division.

Then let us amend subsection (d) so as to authorize and direct the chief judge of the circuit to prescribe not "definite and certain procedures to be followed" but only such general or particular rules as he shall find necessary to insure compliance with the requirements of the first three subsections of section 1864.

This will do no violence to any principle involved in this bill; it will preserve the principle of random selection so far as possible, while complying with the requirement for inclusion in the master wheel, in the names of persons residing in each of the counties, parishes, or similar subdivisions within the district; and it will give the chief judge adequate authority to promulgate such rules as may be required to keep the various jury commissions operating in compliance with the statute. But it will not require the chief judge to do something which, by definition of the varied terms used in requiring it, is impossible of accomplishment.

At an appropriate time I shall offer an amendment or amendments to accomplish these changes which I have outlined.

Subsection (e) of the proposed new section 1864 of title 28 of the United States Code, which Senators will find on page 5, lines 8 to 16, inclusive, concerns the availability of voter registration lists and other records. I do not concur in the enactment of such provisions as this, which subject State officials to the indignity and inconvenience of having to be accountable to minor Federal functionaries; but I recognize that there is no possibility of getting this provision out of the bill. This is by no means one of the most objectionable features of the bill. It does not add much, if anything, to the powers Federal courts already have arrogated to themselves. Nevertheless, as a matter of principle, I feel Senators should have an opportunity to vote separately on this provision. Accordingly, I shall offer an amendment at the appropriate time to strike this section.

Subsection (f) of the proposed new section 1864 of title 28 which Senators will find on page 5 of the bill, H.R. 14765, lines 17 to 21 inclusive, simply makes provision for the placement of additional names in the master jury wheel as necessary, and for the biennial emptying and refilling of this wheel. These provisions are of minor importance, and do not appear to be a likely subject of controversy.

PROPOSED NEW SECTION 1865 OF TITLE 28, UNITED STATES CODE

The proposed new section 1865 of title 28, United States Code, which would be written into law by enactment of title I of H.R. 14765 carries the caption "Drawing of names from the master jury wheel"; but although the section runs from line 22 on page 5 over through line 10 on page 8, nearly 2½ pages, only the first sentence of the section, comprising less than seven lines, actually is concerned with the drawing of names from the jury wheel.

The rest of the section is concerned with procedures after names have been drawn from the wheel, including such matters as a requirement for appearance before the clerk of persons whose names are drawn from the master jury wheel, the summoning of those who do not so appear, the completion of a form of questionnaire designed to elicit information with respect to persons whose names are drawn, and a provision for penalizing prospective jurors who willfully fail or refuse to appear or who willfully misrepresent material facts concerning their respective qualifications for jury service.

The first sentence of the proposed new section 1865 of title 28 contains an inherent contradiction in that it provides that names shall be "publicly drawn" from the wheel, but that such names shall "not be disclosed to any person" until a much later date.

The sentence to which I refer reads as follows:

> From time to time as necessary, the jury commission shall publicly draw from the master jury wheel the names of as many persons as may be required for jury service, prepare an alphabetical list of the names drawn, which list shall not be disclosed to any person except pursuant to sections 1867 and 1868 of this title, and summon by certified mail the persons whose names are drawn.

By way of explanation, let me say that section 1867 deals with the right of defendants in criminal cases to move to dismiss the indictment or stay the proceedings on the ground of substantial failure to comply with provisions respecting the qualifications for jury service, and the placing of names within and the drawing of names from master jury wheels. Section 1868 deals with requirements for the preservation of records of jury commissions, which, with respect to any particular jury wheel, are to be available for public inspection for a period of 4 years after such wheel has been emptied and all jurors whose names were drawn from it have completed their service.

Under present law, the jurors are required to be publicly drawn, from time to time, as required; and this always has been construed to mean that the names are made public as they are drawn.

What is intended by the provision in this bill for public drawing of names which are not to be disclosed to any person is very difficult to envision. I do not believe it would be possible to administer this provision in accordance with its terms, and I think the Senate has a responsibility to amend it in such a way as to make it workable. At the appropriate time, I shall propose an amendment for this purpose.

The language of the proposed new section 1865 requires the clerk to call the attention of the person who has filled out the questionnaire form to "any omissions or apparent errors" and requires that the person who has filled out the form thereupon to make such corrections or additions as may be necessary.

It would also be required of the clerk, under the proposed new section 1865, that he fill out the questionnaire form for any person unable to do it for himself, and this also seems to place an undue burden upon the clerk. It would be just as efficient in the long run, and much less time consuming for both the persons whose names are drawn from the wheel on the one hand, and for the clerk of the court and his assistants on the other, if the questionnaires should be mailed out, filled out in each case either by the individual whose name was drawn or by someone whom he may procure to do this for him, and then returned by mail. If this simplified procedure should be followed, it would not be necessary for any prospective juror to report in person to the clerk of the court until after an official determination that such person is in fact a qualified juror, and even then not until he actually is needed in court to make up a panel from which a jury is to be selected.

At the appropriate time, I shall offer a series of amendments to simplify the section in this way.

The provisions of the proposed section 1865 with respect to the information which is to be required from persons whose names are drawn from the master jury wheel is disturbing in several respects.

One of the items of information required is the sex of the individual filling out the form. Now, in most cases, if the name of an individual is known, it is possible to determine the sex of the individual from that alone. But if discrimination on account of sex is wrong, in connection with selections for jury service, why should the sex of a prospective juror be stressed by making it a separate question on a required form?

The next disclosure required to be made on the form is the education of the individual who is filling it out. Here, again, it appears that not only is more information being sought than will be needed for the legitimate purpose of determining whether the prospective juror is qualified to serve, but that there is also an overtone of possible discrimination based on the degree of education. I am not against this, because my personal opinion is that educational requirements for jurors in excess of the mere ability to read and write are not merely proper but actually are desirable. However, the policy of this bill is that no person shall be deemed disqualified to serve on a grand or petit jury in any Federal court unless he is unable to read, write, speak and understand the English language.

So long as this is the fixed policy of the bill, explicitly stated, I think it is wrong to require of a prospective juror any information about his education beyond the fact of whether he is able to read, write, speak, and understand the English language.

Now, the next item of information to be required under the proposed new section 1865, as it has come to us, is the race of each prospective juror.

But it is the explicit policy of this bill, as it has been explained to us, that there is to be no discrimination in selections for jury service on the basis of race or color.

The new section 1862 of title 28, United States Code, as proposed for enactment by section 101 of H.R. 14765, specifically provides that no citizens shall be excluded from service as grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status. So long as that provision remains in the bill, I do not think we should approve a statutory requirement that a prospective juror must disclose his race on a questionnaire before a decision has been made with respect to whether he is qualified to serve. This is especially true in view of the fact that this bill specifically provides that determinations of eligibility to serve are to be made on the basis of the information supplied on these questionnaire forms.

Mr. President, it is possible that someone, in connection with the drafting of this bill, has reasoned that while the exclusion of any citizen from jury service on account of race is prohibited by the bill, there is nothing in the bill to prohibit preferment of a prospective juror because of race; but any such reasoning is necessarily false since no prospective juror can be given preferment except at the expense of another prospective juror, and any preferment because of race is necessarily at the expense of some person of some other race, or of all prospective jurors of other races.

Let me pause a moment, Mr. President, for what may appear to be a digression, but which in fact is not.

Perhaps there may be those in this Chamber who have the mistaken idea that the law requires that there shall be one or more Negroes on a southern jury, or on a jury in any community where there are Negro residents. This simply is not so. It is not required that there be persons of the oriental race on a jury in a district which has a substantial number of oriental residents, or that there be Indians on the jury in a district which has a very substantial number of Indian residents.

The number or proportion of jurors of any particular race or color is not the criterion of whether a jury is acceptable or has been fairly selected. The question which must be answered is whether there has been discrimination in the selection of the jury.

Systematic exclusion from jury service of persons of the Negro race has been held to be a violation of the constitutional requirement for due process of law. This would be true with respect to systematic exclusion of persons of any race or color. Of course, such systematic exclusion of persons is a discrimination in the selection of jurors, and that is the basic question which the courts want answered: Has there been discrimination in the selection of the jury, based on race? Where the answer is that there has not been any such discrimination, the fact that there are, or that there are not, any specific proportion of white jurors or black jurors, or jurors of any race or color, is of no consequence.

Now, there is a reverse side to this coin. As I pointed out a moment ago, it is possible to discriminate not merely by excluding persons of a particular race or service, but also by giving preferment to persons of a particular race or color. And such discrimination is just as wrongful, and just as violative of the constitutional requirements for due process of law, as exclusions based on race or color.

If it can be shown that Negroes have been kept off a jury merely because they were Negroes, the selection of that jury has involved discrimination on the basis of race and a new trial may be ordered. By the same token, if any jurors of the white race have been selected solely because they were white, that constitutes a discrimination on the basis of race, and a new trial may be ordered.

Similarly, if jurors of the black race have been placed on the jury solely because they were black, that constitutes a discrimination and a new trial may be ordered.

Anyone who wants to handpick a jury to include so many white men and so many black men is asking for something which cannot be accomplished without discrimination on the basis of race, and which is therefore unconstitutional under the decisions of our courts.

It may not be the intention of the framers of this bill that there shall be any such discrimination—that is, discrimination by giving preferment to certain prospective jurors because of race or color. But there is an implication of this in the provision that persons whose names have been drawn from the master jury wheel shall be required, before it has been determined whether they are eligible for jury service, to provide information with respect to their race or color.

In this respect, this bill as it stands leans in the same direction as those who want to construe desegregation to mean the same thing as integration. This confusion, whether deliberate or intentional, is one of the root causes of a great deal of racial disorder. The courts have ordered desegregation in our schools, and in public conveyances involving interstate transportation, and in certain public accommodations, and so on; and there are a great many people in this land who, for one reason or another, want to use and try to use these court orders as justification for forced integration of the races in as many spheres of activity as they can reach, even if this necessitates such expedients as carrying white children by bus outside their own neighborhoods to attend schools which are predominantly Negro, and carrying Negro children by bus outside their own neighborhoods to attend schools which are predominantly white; or requiring members of a private club to give up their right of freedom of association in order to accept particular Negro applicants for membership; or requiring employers to reserve a certain proportion of the jobs in their respective organizations for members of the Negro race. Of course, all of these things are wrong. The basic conception that desegregation equals integration is wrong. But those who have this erroneous notion, and who are working for these things which are wrong, have not been rebuffed as they should have been, and are continuing to make progress toward their wrongful goals. I think this is partly because there are so many who do not see this picture clearly, but who persist most maddeningly in regarding as an enemy to society any person who disagrees with their own impressions of what the law is or ought to be.

Mr. President, I said earlier that this point which I have just been discussing was not really a digression. Let me make that clear now by pointing out explicitly what it has to do with the bill under consideration.

This bill, if enacted, will make it a requirement of Federal law that every person whose name is drawn from a master jury wheel, and who thereby becomes a prospective juror in any Federal district court, shall be required to furnish evidence with respect to his sex, his education, and his race, among other matters, by answering questions on a form which is then to be used as the basis for determining whether he is qualified to serve as a juror.

If there is no thought of discriminating on the basis of sex or race, and no thought of discriminating with regard to education, except with respect to prospective jurors who are not able to read, write, speak, and understand the English language, why is this information about sex and education and race called for? Why is it needed?

As I have said, Mr. President, merely calling for this information carries an implication of an intent to discriminate.

I think there is an intention to discriminate, Mr. President. I do not charge that all of those who have supported this bill in order to get it before us now realize the fact, but I do say that in my opinion this requirement for the furnishing by prospective jurors of information with respect to sex and education and race is in the bill because it is desired and intended that juries shall be kept racially balanced, sexually balanced, and perhaps even educationally balanced, through the discriminatory practice of giving a preferment to prospective jurors of particular race or color, or of particular sex, or even of a particular degree of education.

Of the three forms of discrimination envisaged and intended, in my judgment, by far the greatest drive is back of discrimination based on race. I would not be surprised to find little or no opposition to an amendment striking out the requirements for furnishing information with respect to sex and education, especially if the vote is by rollcall; but I feel there will be substantial objection to an amendment striking out the requirement for disclosure by each prospective juror of his race or color.

The only reason such information could be needed would be to make it possible to pack the qualified juror wheels, from which jury panels are to be drawn, with persons of a particular race, thereby assuring that a substantial number of juries selected from these panels will be from the race favored in filling the wheel. This is just a method of packing the jury panels drawn from these wheels, and therefore packing juries, with persons of a particular race. I charge that it is the objective of some of the supporters of this bill to be able to pack juries, improperly of course, but under cover of law, with members of the Negro race. That is the philosophy implied in the provisions of this bill, as it has come to us, Mr. President; and I do not think these provisions got into the bill by accident.

At the appropriate time I shall offer amendments to strike the requirement for the furnishing of information by prospective jurors with respect to their race and their sex, and except as to whether they can read, write, speak, and understand the English language, with respect to their education. I shall offer these amendments one by one, and I shall demand a rollcall on each, so that the Senate and the country can see any differences in voting on three amendments involving identical principals, but one of which would remove an implication of intended discrimination with respect to race, another, the implication of intended discrimination because of sex, and the third, the implication of intended discrimination because of education.

I offer a challenge to any colleague who proposes to vote to retain the requirement that each prospective juror must disclose his race before it is determined whether he is qualified to serve. My challenge is this: explain why this disclosure is necessary, if it is not intended that there shall be any discrimination on the basis of race, either by way of exclusion or by way of preferment.

If that cannot be satisfactorily explained, Mr. President, and if these provisions for disclosures of race are left in the bill, the fact will stand starkly on the horizon that this bill contains provisions which will facilitate discrimination, and that it is contemplated and intended that information obtained under this provision shall be used for the purpose of discrimination. I hope, and I believe, that the courts will take this into account in passing upon the constitutionality of this measure, in the event it is enacted.

Another provision of the proposed new section 1865 of title 28, United States Code, which would be written into law by enactment of the bill H.R. 14765, is a requirement that each person who is a prospective juror in a Federal court, by virtue of having had his name drawn from a master jury wheel, shall answer in writing a question as to whether he has any physical or mental infirmity impairing his capacity to serve as a juror.

The trouble with this provision is that very few individuals are in a position to give an accurate appraisal of their own physical condition; and with respect to mental infirmity, we all know that an individual who is completely insane is quite likely to regard himself as the sanest person in the world, while many individuals who are quite sane have occasional doubts as to their own sanity.

The most which could be required of any prospective juror, I believe is that he disclose what he knows with respect to any physical infirmity, or any diagnosis made by a qualified physician with respect to his mental condition. To impose upon any individual, as this bill imposes upon prospective jurors, an absolute obligation to tell "whether he has any physical or mental infirmity impairing his capacity to serve as a juror" is asking altogether too much.

At the appropriate time, I shall offer an amendment to reduce this requirement to one which an ordinary person can be expected to comply with accuracy. Subsection (b) of the new proposed section 1865 of title 28, United States Code, which Senators will find beginning on line 16, page 7, of the bill H.R. 14765, is concerned with enforcement of the requirements of subsection (a) of this section. The provisions of this section do not appear grossly unreasonable, contain no internal conflicts, do not conflict with any other part of the bill, and are sufficiently clear to be administered without excessive trouble.

This subsection has two penalty clauses. One penalizes failure to appear pursuant to an order of court after having failed to comply with a summons, or failing to show good cause for noncompliance with the summons. The other, provides a penalty for willful misrepresentation by a prospective juror, of a material fact concerning his exemption from jury service or concerning his qualifications for jury service. The penalty provided in each instance is the same, a maximum fine of $100, or imprisonment for not more than 3 days, or both.

PROPOSED NEW SECTION 1866 OF TITLE 28 UNITED STATES CODE

The proposed new section 1866 of title 28, which would be enacted under the terms of section 101 of the bill H.R. 14765 as it has come to us from the other body, is entitled "Qualifications for jury service," and contains substantial provisions which belong under that heading. This section also contains provisions respecting the use of what is termed a "qualified jury wheel," and respecting the notification of persons whose names are drawn from such a wheel for jury service.

Considering first subsection (a) of this proposed new section 1866, which Senators will find beginning on line 12, page 8, of the bill H.R. 14765, we find that the first paragraph of this subsection involves a rather peculiar provision respecting the determination of the question of which prospective jurors are qualified for jury service.

So that Senators who do not happen to have the text of the bill before them may understand what is involved here, let me read this sentence from the subsection:

> The jury commission shall determine solely on the basis of information provided on the juror qualification form or the returned summons whether a person is qualified for or exempt from jury service; *provided*, that such determination shall be made by the court if other objective evidence obtained by the jury commission indicates that a person is not qualified pursuant to subparagraphs (1), (3), or (4) of subsection (b) hereof.

To make this intelligible, several facts must be kept in mind.

The so-called "juror qualification form," is a questionnaire which is required to be filled in by every person whose name is drawn from a master jury wheel; that is, by every person who is to be considered as a prospective juror.

The term "returned summons" refers to summonses which have been sent to prospective jurors whose names were drawn out of the master jury wheel, and who did not fill out and return the questionnaire. Any such person who feels that he is entitled to exemption from jury service is authorized under an earlier provision to return the summons with a signed statement of what he considers the basis for his exemption. Any person who gets one of the questionnaires, designated as a "juror qualification form," also is authorized to give, as part of a signed statement on the form, any reason he may consider a solid basis for his exemption from jury duty. There is a penalty provided, as we have seen, for willful misrepresentation of a material fact concerning entitlement to exemption from jury service, or concerning the individual's qualifications for jury service.

The jury commission in each instance will consist of the clerk of the Federal district court, who may designate a deputy to act for him, plus a jury commissioner appointed by the court.

Since the proviso in this first sentence of subsection (a) of section 1866 refers to qualifications for jury duty under subparagraphs (1), (3), and (4) of subsection (b) of the same section, perhaps it would be well to look ahead to the next page of the bill and read these subparagraphs at this time.

Subparagraph (1) of subsection (b) authorizes disqualification for jury service if the prospective juror is not a citizen of the United States, 21 years old who has resided for a period of 1 year within the judicial district.

Subparagraph (3) of subsection (b) authorizes disqualification for jury service if the individual is incapable, by reason of mental or physical infirmity to render efficient jury service.

Subparagraph (4) authorizes disqualification if the individual has a charge pending against him for the commission of a crime punishable by imprisonment for more than 1 year, or if the individual has been convicted of such a crime in a State or Federal court of record, and his civil rights have not been restored by pardon or amnesty.

It will be seen that subparagraph (4) is highly objectionable because it applies a sanction on the basis of a mere charge of a crime, without conviction. However, I shall discuss that point more at length a little later. Right now we are concerned with the grounds for disqualification which the district court is to consider and decide, under the proviso of subsection (a), if evidence of disqualification arises from any source other than the juror qualification form or summons returned by the prospective juror.

At this point we should note, I think, that whereas subsection (b) includes four subparagraphs each stating a basis upon which a prospective juror may be disqualified from service, the proviso in the first sentence of subsection (a) only permits the court to consider and determine the issue under three of these four numbered subparagraphs.

The basis of disqualification which the court is not authorized to consider and decide is whether the prospective juror is unable to read, write, speak, and understand the English language.

I have been unable to find anything in the report to the other body from its committee, or in the debate on this bill which took place in the other body, to explain why consideration of this question of ability to read, write, speak, and understand the English language is withheld from the court under circumstances in which the respective grounds stated in the other three subparagraphs in subsection (b) are made expressly subject to court determination.

The result of leaving out this ground, stated in subparagraph (2) of subsection (b), borders on the ridiculous, but is saved from being ridiculous by the fact that under some circumstances this result could be very serious indeed.

As we have seen, the first paragraph of subsection (a) of the proposed new section 1866 provides for determination of whether a person is qualified for or exempt from jury service "solely on the basis of information provided on the juror qualification form or the returned summons." However, in the case of the grounds for disqualification stated in paragraphs 1, 3, and 4 of subsection (b), the proviso amounts to an escape clause, passing the issue to the court for determination if objective evidence comes to the jury commission, from any source other than the juror qualification form or the returned summons which indicates that the prospective juror is not qualified. Thus, if the questionnaire filled in by the prospective juror states that he is 21 years old and a citizen of the United States, and has resided for more than 1 year within the judicial district, the prospective juror will have to be declared qualified under subparagraph (1) of subsection (b), unless evidence comes to the jury commission from another source that the individual is in fact not a citizen of the United States, or has not attained the age of 21 years, or has not resided within the judicial district for a period of 1 year. In the event such evidence is received, the question of whether the prospective juror is disqualified under subparagraph 1 of subsection (b) is passed to the court, which may consider any pertinent evidence in reaching its determination.

If a prospective juror writes on his questionnaire or on his returned summons that he is not, by reason of mental or physical infirmity, incapable of rendering efficient jury service, that statement will be conclusive of the fact in determining his eligibility under subparagraph (3) of subsection (b), unless evidence comes to the jury commission, from another source which indicates that the prospective juror is in fact incapacitated to render efficient jury service; in which case the issue passes to the court for determination on the basis of any pertinent information available to it, after such inquiry as the court may wish to make.

If the person whose name has been drawn from the master jury wheel returns his jury qualification questionnaire form with a statement that he has never been charged with or convicted of a crime in any State or Federal court, the jury commission will have to deem him qualified for jury service under subparagraph (4) of subsection (b), unless evidence comes to the jury commission, from another source, which indicates that the statement by the prospective juror is untrue; in which case the issue goes to the court for determination, as in the case of the other examples which I have cited.

However, if the juror qualification form, or the summons, returned by a prospective juror states that he is able to read, write, speak, and understand the English language, the jury commission will have to rule that he is qualified under subparagraph (2) of subsection (b). There is now provision for passing the issue to the court. As the proposed law is now written, the jury commission would have to make this favorable determination even if it should be presented with or offered conclusive evidence that the prospective juror could not in fact either read or write simple English, or even that he could not write anything except his own name. With respect to this question of whether the prospective juror is able to read, write, speak, and understand the English language, the jury commission will be prohibited from considering any information or evidence of any kind which is not provided on the juror qualification form or summons which is returned by the prospective juror.

The effect, of course, is to let each prospective juror decide for himself whether he is able to read, write, speak, and understand the English language. The jury commission will be bound absolutely by the determination on this point which is made and stated by the prospective juror.

Whether or not this is the intended result, surely it is a result not to be desired; and at the appropriate time I shall offer an amendment so as to give the court the same power to consider and decide the issue of qualification on this ground—that is, under subparagraph (2) of subsection (b)—as the court is given with respect to any of the other permitted grounds for disqualification of a prospective juror.

A rather interesting phrase is to be found in the proviso in the first paragraph of subsection (a) of the proposed new section 1866, which should have our attention for a moment. The phrase to which I refer is "objective evidence." It will be remembered that the proviso calls for passing an issue of possible disqualification to the court for determination "if other objective evidence obtained by the jury commission indicates that a person is not qualified."

How is the phrase "objective evidence" to be construed, and what is the result of so construing it?

Contrary to what we might expect, this phrase "objective evidence" is not a phrase of art; that is, it does not have an accepted legal meaning. The phrase is not to be found in the leading law dictionaries; and though both Black's Law Dictionary and Bouvier's Law Dictionary contain lengthy passages on "evidence," the phrase "objective evidence" is not to be found in the ensuing discourse on evidence in general and its various subdivisions; neither is the phrase "subjective evidence," which some might think of as the opposite of "objective evidence."

Neither Black's nor Bouvier's contains a definition of the words "objective" or contains a definition of the word "subjective." Neither the phrase "objective evidence" nor the phrase "subjective evidence" are to be found in "Words and Phrases."

It appears we must have recourse, therefore, to the ordinary or language-dictionary definition of "objective."

The dictionary tell us that "objective" has several meanings. The first definition given is "of or related to an object of action or feelings; having the status of or constituting an object; emphasizing or expressing the nature of reality as it is apart from personal reflections or feelings; expressing or involving the use of facts without distortion by personal feelings or prejudices."

As a secondary definition of "objective," the dictionary gives: "derived from sense perception." A third definition is given as "belonging or relating to an object to be delineated."

Perhaps there is a clue to the definition intended by the drafters of this bill in the fact that the proviso in question modifies the phrase "objective evidence obtained by the jury commission" by preceding it with the word "other." The meaning, obviously, is evidence other than that obtained from the juror qualification form or summons returned by the prospective juror. In this sense, it would appear that the phrase "other evidence" which the word "objective" modifies, means evidence obtained from a source outside the jury commission itself.

If this construction is to be given to the phrase, the result will be that a jury commission may not act upon the evidence of its own knowledge, but only upon evidence obtained from an outside source, in determining whether an issue of qualification of a prospective juror is to be passed to the court for determination.

We have already seen that under the language which has come to us for consideration, the jury commission would not be permitted to make any determination with respect to the issue of qualification on the basis of its own knowledge, or on the basis of any other evidence not provided on the juror qualification form or summons returned by the prospective juror.

Now we see the prospect that the phrase "objective evidence," or the phrase "other objective evidence" may well be construed in such a manner that the jury commission will not be able to pass an issue of qualification to the court for determination on the basis of its own knowledge that the information provided on the juror qualification form or returned summons is inaccurate or untrue, but may only pass the issue to the court when the evidence indicating that the prospective juror is disqualified comes from a source other than the juror qualification form or summons returned by the prospective juror, and other than the personal knowledge of the commission itself, which we must assume includes the personal knowledge of its members, the appointed jury commission and the court clerk.

Under such a construction of the phrase "objective evidence," or the phrase "other objective evidence," if a jury commission received a juror qualification form indicating that the prospective juror was 21 years of age, and if both members of the jury commission had been personally present at the birth of the prospective juror only 20 years earlier, but if there was no other evidence obtained by the jury commission on the question, the commission would have to rule the prospective juror qualified, though both members of the commission would know him to be unqualified.

This is an absurd and wholly inequitable result, which must not be permitted. Even the possibility of it must not be permitted.

I can see no good reason for not eliminating the word "objective." For that matter, I can see no good reason for not going further, and providing that the issue of qualification for jury service also shall be passed from the jury commission to the court for determination if any evidence possessed by or known to the jury commission indicates that the prospective juror is not properly qualified. At the appropriate time, I shall offer an amendment to accomplish this.

The language of this first paragraph of the proposed new section 1866, as it has come to us, is peculiar in another respect. It would require a jury commission to submit to the court for determination the question of whether a prospective juror is qualified for jury service if evidence obtained by the jury from a source other than the information provided on a form or summons returned by the prospective juror himself indicates that the prospective juror is not qualified.

I think we must presume that what was intended here was to pass the issue to the court for determination if the information provided by the prospective juror indicated that he was qualified, and the information obtained by the jury commission from another source indicated that he was not qualified. But this is not what the proposed new subsection says. The proviso is effective—that is, the issue must be turned over to the court for determination—in the event evidence is obtained by the jury commission indicating that the prospective juror is not qualified, even though the information which the juror himself has supplied also indicates that he is not qualified.

This is not spoken of in the committee report, in the other body, as a result which was intended; and of course, no reason is given why such a result would be desirable, or is considered desirable.

I do not think this result is desirable. Neither is it consistent. The jury commission is required to find a prospective juror to be disqualified from jury service if the information provided by the prospective juror himself on a qualification form or a returned summons indicates that he is not qualified, and no other evidence is available; but if other evidence obtained by the jury commission also indicates that the prospective juror is not qualified, thus in effect, reinforcing the prospective juror's own statement, the jury commission is not permitted to make this determination but must pass the issue to the court, for determination by the court.

On the other hand, although the jury commission is required to submit the issue of whether the prospective juror is qualified, if the information furnished by the prospective juror himself indicates that he is qualified and other evidence obtained by the jury commission indicates that he is not, the reverse is not true. If the information provided by the prospective juror himself, on a juror qualification form or returned summons, indicates that he is not qualified, the jury commission must find him not qualified even if the commission obtains conclusive evidence from another source that the applicant is in fact fully qualified.

In such a case, presumably the jury commission would prosecute the prospective juror for willfully misrepresenting a material fact concerning his qualifications for jury service; but as we have seen, the maximum penalty in the case of a conviction on this charge would be not more than $100 fine, or imprisonment for not more than 3 days, or both; and under some circumstances a prospective juror might consider that a risk worth taking in order to escape jury duty.

Such ridiculous and unjustifiable results should be eliminated as possibilities by an amendment which would permit the jury commission to make a determination with respect to jury qualification where evidence obtained by the jury commission corroborates the information provided by the prospective juror himself and which would require that the issue of jury qualification be passed to the court for determination if without regard to whether the prospective juror regarded himself qualified or unqualified, evidence obtained by the jury commission contradicts the information provided on the juror qualification form or the returned summons, or the logical conclusions or implications to be drawn from such information. At the appropriate time, I shall offer an amendment to accomplish this result.

Under the provisions of the proposed new section 1866 which enactment of title I of the bill H.R. 14765 would make part of title 28 of the United States Code, the issue of whether a person whose name has been drawn from a master jury wheel is exempt from jury service is to be decided solely by the jury commission, and solely on the basis of information provided in a so-called juror qualification form, actually a questionnaire, returned by a prospective juror himself, or information provided by the prospective juror on a summons returned by him to the court with a claim of exemption.

The proposed new section 1866 provides for passing to the court the issue of qualification for jury service where other evidence conflicts with the information provided on the juror qualification form or the returned summons. But there is no similar provision with respect to the issue of exemption from jury service. As we shall see, this bill treats disqualification and exemption as entirely separate things, though the result may be the same in either case.

This lack of a provision for court determination with respect to exemption is doubly strange in view of the fact that under the terms of the proposed new section 1872, which enactment of the bill H.R. 14765 would make part of title 28 of the United States Code, there is a specific provision that the chief judge of the district may exempt certain occupational classes of persons from jury service on the basis of a finding of extreme inconvenience or other adverse effect on the public interest.

If a prospective juror should return to the clerk of the court the "juror qualification form" questionnaire, or the clerk's summons, with a claim for exemption from jury service, on any of the grounds for exemption which are allowable under the language of the proposed new section 1872 of title 28, the jury commission would be required, under the existing language of the proposed new section 1866, to rule the prospective juror exempt, as claimed; because on this issue the jury commission would not have the right to consider any information except that provided by the prospective juror himself on the questionnaire or summons which he returned to the clerk.

Perhaps those who have read this bill rapidly may have thought that the words "qualified for or exempt from jury service" referred to opposite alternatives; that is, that "qualified for" is the opposite of "exempt from"; but this construction is not permissible in view of the fact that exemptions are expressly treated under that heading in the proposed new section 1872, while permissible grounds for determining a person not qualified to serve are entirely different, and are set forth in detail in subparagraph (b) of the proposed new section 1866.

Under the provisions of the bill as it stands, a person may be both qualified for jury service and exempt for jury service; he may have no grounds for exemptions, and yet be not qualified; he may be both unqualified and exempt; or he may be both qualified and without grounds for exemption. Only in this latter case will he be required to serve.

Although the proposed new section 1872 of title 28—which Senators will find beginning on page 16 of this bill, line 13—declares that "the following persons shall be exempt from jury service," and then lists various categories of persons, it does not appear from the language of the proposed new section 1866 that the bill intends a person to be excused from jury service on the basis of an exemption, either on a juror qualification form or on a returned summons.

This latter result seems reasonable in the case of those prospective jurors in the class defined by the proposed new section 1872 as: "public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, possession or subdivision thereof, who are actively engaged in the performance of official duties." A public official should be able to determine when, even though he is "actively engaged in the performance of official duties," he may without serious danger to the public interest suspend his performance of those duties long enough to serve on a Federal jury; and where this can be done, I should think it a salutary thing that the public official should serve. The policy of not excusing a prospective juror from jury service on the basis of an exemption as a member in active service in the Armed Forces of the United States, or as a member of a fire or police department, if he does not claim the exemptions might be more subject to question. However, I reserve the issue on this at the present time, and shall discuss it at more length when we come to an analysis of the proposed new section 1872.

The point I have been discussing, which I shall restate so that Senators might have it clearly in mind, is that although the proposed new section 1866 contains provisions for determination by the court of the question of qualification of a prospective juror for service, under specified circumstances which may be lumped under the general heading of cases in which there is conflict or apparent conflict between information supplied by the prospective juror and evidence obtained by the jury commission from another source, there is no similar provision with respect to the question of exemption from jury service. On the contrary, the jury commission is required to make the determination with respect to exemption, must make it solely on the basis of information provided on the juror qualification form or returned summons submitted by the prospective juror himself, and may not determine the prospective juror to be excused from jury service on the ground of an authorized exemption unless the prospective juror himself has claimed the exemption. I propose that these provisions be altered so that a determination with respect to a claimed exemption from jury service shall be made by the court, rather than by the jury commission, if evidence known to or obtained by the jury commission, indicates that the person claiming the exemption does not in fact belong to any one of the classes of persons specified as exempt from jury service by or pursuant to the proposed new section 1872 of title 28.

At an appropriate time, I shall offer an amendment to accomplish this.

Now we come to subsection (b) of the proposed new section 1866 of title 28. This subsection begins on page 9 of this bill in line 3.

This subsection is concerned with grounds for deeming a person not qualified to serve on Federal juries.

The subsection contains four separate numbered subparagraphs, each setting forth a ground or combination of grounds for deeming a person not qualified. The first three of these grounds are familiar, and are reasonable. They permit a finding that a person is not qualified to serve on grand and petit juries in a Federal district court if he first, is not a citizen of the United States, 21 years old, who has resided for a period of 1 year within the judicial district; second, is unable to read, write, speak and understand the English language; or third, is incapable, by reason of mental or physical infirmity, to render efficient jury service.

The fourth numbered subparagraph of this subsection contains a ground which is also familiar and reasonable; namely, conviction in a State or Federal court of record of a crime punishable by imprisonment for more than 1 year, without subsequent restoration of civil rights by pardon or amnesty.

But this fourth numbered subsection also includes a new ground for disqualification, a ground which is shocking to contemplate, a ground which clearly is unconstitutional because it provides for application of a sanction—that is, for punishment—without conviction of crime.

The punishment specified is liability to disqualification for jury service; and this punishment, remember, is based upon a mere charge of crime.

To quote the language of the passage, subparagraph (4) of subsection (b) says that a person may be deemed not qualified to serve on grand and petit juries in a Federal district court if he "has a charge pending against him for the commission of * * * a crime punishable by imprisonment for more than 1 year."

Since any person may be falsely charged with crime, it has always been an axiom in our lexicon of freedom that a mere charge of crime should never be the basis for the infliction of any punishment or the application of any sanction.

Not even an administrative sanction may be applied without granting a fair hearing to the person charged; yet here before us is a bill which proposes to authorize disqualification for service on Federal juries because of a mere charge of crime, without any provision for any form of hearing whatsoever, and without any requirement for any conviction, or even for a finding of reasonable grounds to believe the defendant guilty, a finding such as would be a prerequisite to the actual trial in a criminal case.

This provision is not in coincidence with American theories of freedom, liberty, and justice. It is foreign to our system of jurisprudence, and it should be eliminated from this bill. At the appropriate time, I shall offer an amendment to accomplish this.

The remainder of subsection (b) of the proposed new section 1866 of title 28, United States Code, conforms generally to the provisions of existing law, which are found in the present section 1861 of title 28. Though the language in this bill is a little different, and no better, the effect is the same, except for the clause making the mere charge of crime grounds for disqualification from Federal jury service; and I am hopeful that the Senate will strike this from the bill when the time comes to vote on my amendment.

Subsection (c) of the proposed new section 1866 of title 28 begins on page 9 of this bill, at line 18. This subsection looks very much like a rewriting of existing law, but it has a gimmick in it which we shall have to take out if trouble is to be avoided.

The gimmick is the fact that the subsection does not provide for drawing the names of persons for grand jury panels, or petit jury panels, as and when needed. It looks as though it does this, but in fact it does not. What it really provides is that the jury commission shall "publicly draw such number of names of persons as may be required for assignment for grand and petit jury panels." This is not the same as saying that when a grand jury is called for, the commission shall draw the names of the persons to comprise the panel for that grand jury, and when a petit jury is called for, the jury commission shall draw the names of persons to be assigned to that petit jury panel. The language of the section is that the jury commission shall make its drawings "from time to time." It is left to the jury commission, or to the court—the bill does not say which one—to decide the period of time between one drawing and the next. When a drawing is held, it is not to be a drawing of names for a particular grand jury or a particular petit jury; it is only to be a drawing of a particular number of names—a number to be ascertained or estimated by the jury commission on the basis of the anticipated needs of grand jury and petit jury panels expected to be called before the next drawing.

Under this bill, it would be possible to have one drawing every 3 months, and to draw enough names to meet the anticipated needs of the court for both grand and petit jury panels during the period of 3 months following the drawing. Or the period between drawings could be 4 or 6 months. The longer the period, of course, the more names would have to be drawn.

The question of which individuals are to be assigned to which panels is not to depend, under this language, upon the order in which the names are drawn, but is to be made a matter of assignment by the jury commission. This is made clear by the language of the sentence beginning at the end line 23 on page 9, which provides that—

> The jury commission or the clerk shall prepare a separate list of names of persons assigned to each grand and petit jury panel.

Whether it is an intended result, I do not know; but clearly, the result of enacting this proposed subsection into the law as a part of title 28 of the United States Code will be to give jury commissions the right to take the names drawn from the qualified jury wheel and juggle them about as the commission sees fit, making assignments to individual grand and petit juries at the jury commission's discretion.

If 300 names are drawn, the jury commission could segregate from the 300 the names of all those persons who are Negroes, and then could assign two or three or four persons, or as many as might be desired, from among those whose names were thus segregated, to each jury panel in turn. Or perhaps the names of Negroes could be held back and assigned only to juries in cases having Negro defendants.

Furthermore, the subsection we are now considering does not require that the assignment to individual grand jury and petit jury panels of persons whose names are drawn shall be done immediately after the drawing, or even that all the assignments shall be made at once.

This is another place where the bill cries out for amendment, and at the appropriate time I shall offer an amendment designed to establish and protect the present system under which the names needed for each grand jury panel or petit jury panel are drawn as grand or petit jury panels are ordered by the court, and jurors are summoned for the particular panels for which their names have been drawn.

Subsection (d) of the proposed new section 1866 begins in line 3 on page 10 of the bill S. 14765. This subsection is identical in language with the present section 1867 of title 28, United States Code, which seems to have been operating satisfactorily; and, if the Senate adopts the amendment which I shall offer at the appropriate time to the preceding subsection, this subsection would not appear to require any change.

PROPOSED NEW SECTION 1867 OF TITLE 28, UNITED STATES CODE

The proposed new section 1867 of title 28, United States Code, which Senators will find beginning on page 10 of the bill, H.R. 14765, at line 12, contains provisions under which, in either civil or criminal cases, alleged failure to comply with the requirements for jury selection which are contained in the three preceding sections of title 28 may be made the basis for a motion to stay the proceedings or, in the case of a criminal trial, for a motion by the defendant to dismiss the indictment.

Subsection (a) of the proposed new section 1876 deals with motions by the defendant in criminal cases. It gives a defendant the right to support either a motion to dismiss the indictment, or a motion to stay the proceedings, by calling for the testimony of the jury commission. Where the defendant can bring in any evidence that there has been a failure to comply with the provisions of section 1864, section 1865, or section 1866, he is given the right to demand the production of any relevant records and papers used by the jury commission in the performance of its duties. If the defendant can establish that there has been a substantial failure of compliance, this subsection instructs the court to dismiss the indictment or stay the proceedings pending selection of a jury in conformity with the procedural requirements of title 28, as it will stand after enactment of H.R. 14765.

Subsection (b) of the proposed new section 1876 deals with the rights of the Attorney General in criminal cases. These rights parallel the rights given the defendant, except that, of course, the Attorney General is not authorized to move to dismiss the indictment.

Subsection (c) deals with civil cases, and grants to any party in such cases the same rights, with respect to a motion to stay the proceedings, as were granted in the preceding sections to the defendant and to the Attorney General, respectively.

Subsection (d) is not quite as easy to understand as the three subsections which went before it. The first sentence of subsection (d) declares that the procedures outlined in the preceding three subsections "shall be the exclusive means by which a person accused of a Federal crime or a party in a civil case may challenge any jury in his case on the ground that such jury was not selected in conformity with section 1864, 1865, or 1866 of this title."

Subsection (d) then continues:

> Nothing in this section shall preclude any person or the United States from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin, or economic status in the selection of persons for service on grand or petit juries.

What rights this second sentence of subsection (d) preserves for civil litigants, or for defendants in criminal cases, I cannot say. The report of the committee in the other body does not tell us, and the information was not supplied during debate in the other body, so far as I have been able to ascertain.

It is notable, however, that the beneficiaries of the saving clause which comprises this second sentence of subsection (d) are listed as "any person or the United States"; whereas the parties bound by the limitation expressed in the first sentence of the subparagraph are listed as "a person accused of a Federal crime or a party in a civil case."

Apparently the limitation is not intended to be imposed upon the Attorney General, though he is expressly mentioned in subsection (b), and is represented by a euphemism, "the United States," in the second sentence of subsection (d).

It does not appear fair to limit defendants in a Federal criminal action, or private parties in a civil case, to the particular procedure outlined in this section in connection with raising the point of nonconformity with the earlier provisions respecting jury selection, but to leave the Attorney General, who is in charge of the prosecution in the criminal case and who might be an adversary in the criminal case, the right to raise this point in any way he can devise.

In the interest of fairness, Mr. President, we should amend subsection (d) of the proposed new section 1867 so as to put the Attorney General, in this matter of challenging the jury for alleged noncompliance with the procedural provisions of sections 1864, 1865, and 1866, on the same footing as the defendant in a Federal criminal case, or other parties in a civil case. At the appropriate time I shall offer an amendment to accomplish this purpose.

Subsection (e) of the proposed new section 1867 of title 28 provides that records of papers used by the jury commissions, which are produced in a case in Federal court under the provisions of any one of the first three subsections of the proposed new subsection 1867, shall not be disclosed except as necessary in the preparation and presentation of the case, until after the master jury wheel, from which were drawn the names of jurors in the case, has been emptied and refilled, and after all persons selected to serve as jurors before that master wheel was emptied shall have completed their jury service. The subsection has a proviso that the parties in a case shall be allowed to inspect, reproduce, and copy the records and papers at reasonable times during the pendency of the case. The subsection provides a penalty of up to $1,000 fine or imprisonment for up to 1 year, or both, for any person who discloses the contents of any such record or paper, otherwise than as authorized.

This subsection, Mr. President, contains a built-in problem—a problem built in so tightly that I am not sure we can get rid of it without striking the entire section. This problem arises because of the fact that the Attorney General will be in charge of the prosecution in all criminal cases, and may be presumed to be either a party or an intervenor in all civil rights cases; whereas defendants in succeeding criminal cases will be different, and opposing parties in successive civil rights cases will, in all probability, be different.

When the records and papers of a jury commission have been ordered produced in one case to which the Attorney General is party, whether it be a civil or criminal case, the contents of such records and papers will, of course, remain known to the Attorney General, and this knowledge may be utilized by him as he sees fit, in connection with any subsequent case involving jurors drawn from the same master wheel as the jurors in the case in which the records and papers were first disclosed. But other parties in succeeding cases, not having knowledge of the contents of these records or papers, and being prevented from learning such contents by the criminal penalties against disclosure which are contained in subsection (e) of the proposed new subsection 1867, and being unable to require production of the papers and records in court without first bringing in separate evidence that there has been a failure to comply with the provisions of section 1864, 1865, or 1866 of title 18, will be at a distinct disadvantage vis-a-vis the Attorney General.

This disadvantage ought to be removed, but there is certainly room for argument as to how this can best be accomplished.

Obviously, the Attorney General cannot be forbidden to have knowledge of the records or papers if they are produced, nor can he be required by law to forget what he knows.

We might enact a provision of law containing such a requirement, but I doubt that it would be very successful. The Department of State issued new passport regulations in January 1962, which, in effect, required officials of the Department concerned with the issuance of the passports to forget anything they might know about the Communist background or connections of a passport applicant except where they were in a position to produce evidence which could be placed in a public record. That has not worked out very successfully. I think we may consider it a fact that it is not yet possible to brainwash a person either by law or by administrative order or regulation.

It would be possible, of course, to require that in any case where the Attorney General is in charge of the prosecution, or is a party, and in which the Attorney General has knowledge of the contents of any records or papers of the jury commission in connection with the selection of the panel for the jury which is sitting in the case, the Attorney General shall be required to make this information available to the defendant or his counsel, in a criminal case, or to all adverse parties in a civil case.

There might be objection to this, I realize, by those who would contend that it places an extra burden upon the Attorney General. Personally, I think this additional burden could be justified in the interest of fairness, but I do recognize that the objection can be made.

It would also be possible to provide that when it has been established in any case, whether civil or criminal, in any Federal court, that there was noncompliance with the procedure or provisions of section 1864, 1865, or 1866 of title 28, in connection with selection of jurors, all juries sitting in any subsequent case, whose members were among those whose names were drawn from the same master wheel as the names of the jurors in the case where noncompliance was found, shall be considered as challenged, and the records and papers of the jury commission with respect to the selection of such jurors shall be made available to all parties in such case.

This will appear to solve the problem of fairness in every instance except with respect to cases which might have been tried and disposed of before the particular case in which there was a challenge based on a charge of noncompliance, and in which the records and papers were first required to be produced. Whether, in such instance, the prior cases should be considered as res judicata or whether such case should be reopened or reargued, with the records and papers of the jury commission made available; or whether, as another alternative, the records and papers of the jury commission should merely be made available to counsel for the parties in the prior cases with an opportunity in each case either to enter a motion to reopen the case, or, in a criminal case, to file a writ in the nature of a writ of cosam nobis, with the right to have production of the jury commission's records and papers respecting selection of the jury; or whether still another and perhaps more desirable method of handling this situation can be found, I am not prepared to say with certainty.

I do believe that the Senate has an obligation in the interest of fairness to try to deal with this matter.

So that the Senate itself may have a chance to choose between or among the possible alternative methods of curing the obvious unfairness of this subsection as it now stands, I have in mind a somewhat unusual procedure, which I am advised by the parliamentarian is not objectional, and which I shall explain in advance if it appears desirable to use it.

I am trying to work out the best way to solve this problem, and Senators may be assured that at the appropriate time I shall move with respect to an amendment of this section, to cure the obvious unfairness of its provisions as it now stands.

PROPOSED NEW SECTION 1868 OF TITLE 28, UNITED STATES CODE

The proposed new section 1868 of title 28 requires preservation by each jury commission, for a period of 4 years or for such longer period as may be ordered by the court, of all the records compiled and maintained by the commission with respect to the selection of jurors from a particular master jury wheel.

The 4-year period specified is to begin to run after all persons selected to serve as jurors before that master wheel is emptied shall have completed such service. During the period in which records and papers are required to be maintained, they are to be available for public inspection.

PROPOSED NEW SECTION 1869 OF TITLE 28, UNITED STATES CODE

The proposed new section 1869 of title 28, which would be enacted into law under the terms of title I of the bill H.R. 14765, provides that no person or class of persons shall be excluded, excused, or exempt from service as jurors "except as provided in section 1872." But the first subsection of section 1869 carries a proviso that any person summoned for jury service may be excused by the court for not more than 6 months at a time upon a showing of undue hardship or extreme inconvenience, or may be excluded by the court upon a finding that "'such person may be unable to render impartial jury service or that his service as a juror would disrupt the proceedings," or upon the basis of a preemptory challenge as provided by law.

The provisions for exemptions contained in the existing law; namely, first, members in active service in the Armed Forces of the United States, second, members of the fire or police departments of any State, district, territory, or possession, or subdivision thereof, and third, public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, possession, or subdivision thereof, who are actively engaged in the performance of official duties, which provisions are found now in section 1862 of title 28 of the United

States Code, are carried forward as subsection (a) of the proposed new section 1872.

In addition to these specified grounds for exemption, subsection (b) of the proposed new section 1872 provides that the chief judge of the district may, by rule, exempt "other occupational classes of persons" from jury service based on a finding that—

> (1) Jury service would entail extreme inconvenience for such class of persons; and (2) requiring such persons to perform jury service may adversely affect the public interest; and (3) exemption of such persons from jury service would not be inconsistent with Section 1861 or 1862 of this Title.

The proviso in subsection (a) of section 1869, with respect to excusing a person summoned for jury service upon a showing of undue hardship or extreme inconvenience, is similar to language appearing now in subsection 1863 of title 18, United States Code, which provides that:

> Any class or group of persons may, for the public interest, be excluded from the jury panel or excused from service as jurors by order of the district judge based on a finding that such jury service would entail undue hardship, extreme inconvenience or serious obstruction or delay in the fair and impartial administration of justice.

Major differences in the proposed new law are these:

First, the proviso respecting the power of the court to excuse refers to "persons summoned for jury service" while the similar provision in existing law refers to "any class or group of persons";

Second, the proviso in the proposed new section 1869 refers to excusing persons from jury service "for not more than 6 months at a time upon a showing of undue hardship or extreme inconvenience" whereas the existing law contains no time limit, simply authorizing the district judge to excuse; and

Third, the proposed new language provides that "any person summoned for jury service" may be "excluded" on the basis of a finding that such person "may be unable to render impartial jury service or that his service as a juror would disrupt the proceedings."

No such similar provision is contained in the law as it now stands, though there is a provision in subsection (b) of the present section 1863 of title 28 that a class or group of persons may be excluded from the jury panel or excused from service as jurors on the basis of a finding that such jury service would entail "serious obstruction or delay in the fair and impartial administration of justice." The proposed new language does not appear intended to have the same result as the language which it replaces. The existing language is quite clear. But it is not at all clear upon what basis a court is expected to find that a prospective juror "may be unable to render impartial jury service" or that "his service as a juror would disrupt the proceedings."

Perhaps it is intended that the authority granted the court, in the proposed new language, to exclude a juror upon a finding that "such person would be unable to render impartial jury service" is intended to replace the provision in subsection (a) of section 1863 of title 28, as it now stands, that:

> A district judge for good cause may excuse or exclude from jury service any person called as a juror.

If this is the case, then the replacement is by no means the equivalent of the provision it is intended to replace.

The effect here is to limit the discretion of a district judge to excuse or exclude an individual from jury service for "good cause," and permit such exclusion only in the event the judge can and does find that the prospective juror "may be unable to render impartial jury service" or that "his service as a juror would disrupt proceedings."

How these proposed new provisions would be construed by the courts, we cannot say with certainty. However, no judge with whom I have talked about this matter has felt that under the proposed new language he would have the same freedom to both protect the public interest and deal fairly with prospective jurors as he has under the existing law.

At the appropriate time, I shall offer an amendment to this subsection for the purpose of restoring the right of a district judge to excuse or exclude a person from jury service for what he finds to be good cause. I shall also offer an amendment to remove the limitation of "6 months at a time" with respect to action by a district judge to excuse a person summoned for jury service. I believe district judges are competent to decide whether a prospective juror should be excluded for a period longer or shorter than 6 months, or for life of the jury panel.

Subparagraph (b) of the proposed new section 1869 provides that no person shall be required, during any 2-year period, to serve for more than 30 calendar days as a petit juror except when necessary to complete service in a particular case, nor required to serve on more than one grand jury, nor required to serve as both a grand juror and a petit juror.

PROPOSED NEW SECTION 1870 OF TITLE 28, UNITED STATES CODE

The proposed new section 1870 of title 28, which begins on page 14, line 11, of the bill H.R. 14765, contains four separate definitions, each in a separate subsection.

The first subsection defines "clerk" and "clerk of the court" to mean the clerk or any deputy clerk of a U.S. district court.

Subsection (b) defines "voter registration lists." Under this definition, the defined phrase means the official records, maintained by State or local election officials, of persons registered to vote in the most recent general election for candidates for Federal office, except that in the case of a State which does not require registration as a prerequisite for voting, the term is to include "such other official lists or persons qualified to vote in such election." Exactly what is meant by "such other official lists of persons qualified to vote in such election" is not clear, and at the appropriate time I shall offer an amendment to clarify it.

Subsection (b) also extends the term "voter registration lists" to include "the list of eligible voters maintained by any Federal examiner pursuant to the Voting Rights Act of 1965 where the names on such lists have not been included on the lists maintained by the appropriate State or local officials."

This latter provision, which Senators will find beginning at the end of line 22 on page 14 of this bill, does not appear to be aptly drafted. It is not possible to tell, on the basis of the language as we find it in the bill before us, whether this sentence would include within the term "voter registration lists" any list of eligible voters maintained by any Federal examiner if as many as two names on the list had not been included on lists maintained by the appropriate State or local officials, or whether it is intended that the list of eligible voters maintained by a Federal examiner shall be included within the term "voter registration lists" only where all the names on the Federal examiner's list are names that do not appear on the lists maintained by the appropriate State or local officials. On the basis of this uncertainty alone, the language is bad.

Furthermore, the implication of this provision is that State and local election officials will not comply with existing law with respect to the enrollment as voters of persons registered by Federal registrars under the Voting Rights Act of 1965. Already there is a penalty for noncompliance with that act. What right do we have to assume that southern officials will incur this penalty by deliberate violations, to such an extent that in any case of discrepancy the State and local officials are to be considered wrong without ever considering the possibility of an error by a Federal bureaucrat?

It is one thing to provide that a Federal registrar may register voters and that State and local election officials must enroll on their lists of eligible voters persons so registered by the Federal registrar; it is another thing altogether to say that any list maintained by any Federal examiner under color of the Voting Rights Act shall be considered an official "voter registration list" where the names on such lists have not been included on the comparable list maintained by the appropriate State or local officials. There is just as much ground, it seems to me, for concluding that if the names on such a list maintained by a Federal examiner have not been included on the list or lists maintained by the appropriate State or local officials it indicates that the examiner's list is in error, as there is for concluding that the examiner's list necessarily is right and that the State and local officials necessarily are in error.

For all of these reasons, I shall offer an amendment at the appropriate time to strike out this sentence which includes Federal examiner's lists within the definition of "voter registration lists" as that term is used in this bill.

Subparagraph (c) of the proposed new section 1870 of title 28 defines the term "division" in such a way as to make it possible for a Federal court in its discretion, to have separate jury commissions for particular counties or parishes, or for particular groups of counties or parishes, which do not constitute an actual statutory division of the judicial district. This is permitted under existing law, by other language, and the definition as it is found in the bill before us does not appear objectionable.

Subsection (d), which Senators will find beginning on page 15, line 9, defines the terms "district court of the United States," "district court," and "court" as all having the same meaning, and as referring to courts constituted under chapter 5 of title 28, United States Code, which is the chapter devoted to the district courts of the United States. Subsection (d) also provides for including the District of Columbia court of general sessions and the juvenile court of the District of Columbia within this definition, for the purposes of sections 1861, 1862, 1867, and 1869 of title 28.

Inclusion of the District of Columbia court of general sessons and the juvenile court of the District of Columbia within the provisions of the proposed new section 1867, where that section refers to "court," will have the anomalous result of authorizing defendants in criminal cases, and parties in civil cases, in these two District of Columbia courts, to move for a stay in the proceedings, and in the case of a criminal defendant, to move to dismiss the indictment, on the basis of alleged noncompliance with the selection procedures set forth in sections 1864, 1865, and 1866 of title 28, as proposed to be enacted in this bill, although these selection procedures themselves are not made strictly applicable to the two named District of Columbia courts on the same basis and to the same extent as with respect to U.S. district courts.

Why should the District of Columbia court of general sessions and the juvenile court of the District of Columbia be included under the provisions of the proposed new section 1867 with respect to challenges for noncompliance with the provisions of section 1866? No adequate answer has been given us, either by the committee in the other body, or by any supporter of this bill in either House of the Congress. In my opinion, trial lawyers in these District of Columbia courts would much prefer to keep their present jury system, which was enacted in December 1963. Therefore, at the appropriate time I shall move to eliminate the number "1867" where it appears in line 12 on page 15, so that the District of Columbia court of general sessions and the juvenile court of the District of Columbia are brought within the rewritten provisions of only sections 1861, 1862, and 1869 of title 28, and amending subsection (e) of the proposed new section 1872 so as to leave these two District of Columbia courts their present jury systems.

TITLE I, SECTION 102

Section 102 of the bill H.R. 14765 would operate to raise the fees paid to grand jurors and petit jurors for service in the U.S. district courts.

The new fee would be $20 per day for the first 30 days of jury service and might be increased to $25 per day for each day thereafter, in the discretion of the trial judge. Subsistence during necessary travel to and from the juror's residence would be raised to $16 per day; and reimbursement for travel would be held at 10 cents per mile, except that under the proposed new language, the total reimbursement for travel based on this mileage would be increased by the actual amount spent for tolls, for toll roads, and toll bridges.

Subsection (b) of section 102, which Senators will find beginning in line 3 on page 16 of the bill, would increase the fees for witnesses in Federal courts to $20 per day plus 10 cents per mile for necessary travel; and in the case of witnesses who are not salaried employees of the Government and who are not in custody, and who are required to attend at points so far removed from their respective residences as to prohibit them from returning to their home from day to day, the daily witness fee would be increased by an additional $16 per day for subsistence expense.

Subsection (a) of section 103 of the bill H.R. 14765 provides for renumbering the existing sections 1870, 1872, 1873, and 1874 of title 28, United States Code. These sections would be retained in the law under the new numbers.

Subsection (b) of section 103 provides for renumbering section 1862 of title 28 as section 1872, and then provides for amending it.

The existing section 1862 of title 28 provides for exempting from jury service members of the Armed Forces, members of fire and police departments, and public officers in the executive, legislative, or judicial branches of any Federal, State, or municipal government. The precise language of the present law is repeated in subsection (a) of the proposed new section 1872.

Subsection (b) of the proposed new section 1872 contains new provisions. This subsection reads as follows:

> The Chief Judge of the District may, by rule, exempt other occupational classes of persons from jury service based on a finding that—
>
> (1) Jury service would entail extreme inconvenience for such class of persons; and
>
> (2) Requiring such persons to perform jury service may adversely affect the public interests; and
>
> (3) Exemption of such persons from jury service would not be inconsistent with section 1861 or 1862 of this Title.

The present law does not contain any provision for exemption of "occupational classes of persons" from jury service by the operation of rules made by the chief judges of district courts. There is, of course, a provision in the existing law that a district judge for good cause may excuse or exclude from jury service any person called as a juror. This is subsection (a) of the existing section 1863 of title 28, United States Code. This provision has been dropped from the proposed new law and as I have already announced, at an appropriate time I shall offer, at another point in the bill, an amendment to preserve this authority of a district judge to excuse from jury service for good cause.

Subsection (b) of the existing section 1863 provides that "any class or group of persons may, for the public interest, be excluded from the jury panel or excused from jury service as jurors by order of the district judge based on a finding that such jury service would entail undue hardship, extreme inconvenience, or serious obstruction or delay in the fair and impartial administration of justice." It will be noted that under this language, the class or group of persons to be excluded or excused from jury service may be defined by the judge in any manner he considers proper to meet the circumstances of the case.

The proposed new language in subsection (b) of section 1872, as it appears in the bill, authorizes the judge to exempt "by rule" only "occupational classes of persons."

The bill before us does not contain a definition of "occupational classes," and the existing law does not contain such a definition, so we must assume that the phrase is to be given its ordinary or dictionary meaning. It appears, therefore, that under subsection (b) of the proposed new section 1872, the chief judge of the district would have to find some reason why all persons in a particular occupation should be exempt from jury service on the ground that such service would entail extreme inconvenience for that class of persons, and also on the ground that requiring persons in that occupation to perform jury service might adversely affect the public interest. Both grounds would have to be covered by express findings in order to justify the exemption by occupational class.

No examples have been given us by the committee of the other body, which considered this bill, regarding any occupational classes which it is thought would qualify for exemption under the subsection; and so far as I have been able to ascertain, no examples of that nature were given during debate on this bill in the other body. It is hard to think of one.

It is not clear that any exemption ever would be made effective under this proposed language, especially in view of the express requirement, in subparagraph (3) of the proposed new subsection 1872 (b), for a finding that the exemption to be made "would not be inconsistent with section 1861 or 1862 of this title."

Some of the results which would flow from enactment of this language are clear, however.

If the judge should wish to exempt telephone or telegraph operators, he would have to exempt all persons in those occupational classes. Similarly, if he exempted persons in a city water or sanitation department, he would have to exempt all persons of that occupational class. He would not be able to consider, as a judge may under the existing law, whether a person of a particular occupational class is a key man, whose services are more valuable to the community on his job than on a jury.

Under this proposed new subsection (b) of the new section 1872 of title 28, the chief judge of a district might be able, by rule, to exempt from jury service all radio announcers, or all newspapermen, or all mothers, on the ground that requiring jury service of persons in one of those occupational classes would entail extreme inconvenience for the members of the class. But could he also show adverse effect on the public interest?

If the judge exempted mothers, while he might be able to distinguish between working mothers and nonworking mothers, would he be able to distinguish between rich mothers and poor mothers, or between mothers who hired maids to care for their children and mothers who stayed home and took care of their own children? It appears the judge would not be able to exempt babysitters, because even assuming that jury service by babysitters might adversely affect the public interest, the extreme inconvenience that might be caused by requiring persons of that class to serve on juries would be inconvenience to the mothers, fathers, or other guardians or custodians of the children, not inconvenience to babysitters as a class.

Without laboring this subject further, it is easy to see that the provisions of this new subsection (b) are something less than adequate. The language in the existing law is much preferable; and while I am willing to go along with a restatement, which is what is proposed in the bill now before us, I do think we should change the subject of the judge's discretion, with respect to exemption, from "occupational classes of persons" to the phrase used in the existing law, "any class or group of persons." At the appropriate time, I shall offer an amendment to accomplish this.

No explanation has been given by the proponents of this bill as to why the authority to exclude classes of persons from jury service is proposed to be restricted to chief judges of district courts. Under the present law, and as far back as I can remember, this authority has been exercised by individual district judges.

I do not feel strongly about this proposed change, but I think it would be better if the authority remained vested in individual district judges; and in order that the Senate may have an opportunity to vote on this question, I shall at the appropriate time offer an amendment to restore the language of the existing law at this point in the bill.

There does not seem to be any good reason for requiring that the exemption of classes of persons from jury service be done "by rule," as would be required under the language proposed for enactment in subsection (b) of section 1872. This would mean that the judge would have to try to frame a rule that would meet all cases and all contingencies; and no matter how sagacious a judge may be, that would be asking a great deal of him. At the present time, under existing law, a judge has enough leeway to let him consider all the factors which have a bearing upon the situation, and to frame an exemption which meets the peculiar requirements of the time and the place. I believe our Federal judges should continue to have this much elbow room in the performance of their duties with respect to the choice of juries; and at the appropriate time, I shall offer an amendment to restore the same amount of leeway which is allowed under existing law.

The third numbered subparagraph under subsection (b) of the proposed new section 1872 of title 28 places a limitation upon the authority granted earlier in the subsection for the exemption of classes of persons from jury service, by providing that no such exemption may be made without a formal finding by the judge that "exemption of such persons from jury service would not be inconsistent with section 1861 or 1862 of this title." I mentioned this point a little earlier.

The reference here is, of course, to the proposed new sections 1861 and 1862 as set forth in title I of H.R. 14765.

The requirement for a finding of no conflict with section 1862 may not be difficult to administer, if a clear distinction is maintained between "economic status" and "occupational class" as applied to persons. There are, of course, areas where these two definitions necessarily overlap, for example, in the case of a self-employed businessman, which is both an occupational class and an economic class. However, it would not be overly difficult for a judge to avoid granting an exemption to any "occupational class" which also constituted an "economic class."

On the other hand, the requirement for a finding, in connection with any exemption of a class of persons from jury service, that the exemption of such persons "would not be inconsistent with section 1861" would appear to make it impossible to grant any exemptions at all.

The reason for this is that the question of inconvenience to persons called for jury service, or possible adverse effect upon public interest if they serve, has nothing to do with the question of whether such persons are qualified for jury service; and the second sentence of the proposed new section 1861 requires, as we have seen, that "all qualified citizens shall have the opportunity to serve." If a class of persons who are qualified for jury service are exempted therefrom, it is obvious that the number of "qualified citizens" having "opportunity to serve" is reduced, and it is equally obvious that this is by mere definition of terms, in conflict with a requirement of the proposed new section 1861.

I propose that this situation be resolved by striking out the requirement for a finding of consistency with section 1861, in connection with the exemption of a class of persons from jury service. This would not in any way invalidate section 1861, which would continue in effect, whatever that effect may be, for whatever it is worth; and at the same time, it would avoid completely invalidating subsection (b) of the proposed new section 1872. At the appropriate time I shall offer an amendment to accomplish this.

Subsection (c) of the proposed new section 1872 of title 28 provides for repealing certain sections of the District of Columbia Code.

The first of the sections which would be repealed in this way is section 13–701, a statute enacted in December 1963, which provides for special juries, known as "struck juries," in the U.S. District Court for the District of Columbia. Under the procedure provided by section 13–701, the clerk of the court prepares a list of 20 jurors from the panel of jurors in attendance, and each party or his counsel has the right to strike off the names of 4 persons from the list, the remaining 12 names thereupon being impaneled and sworn as the petit jury in the case. This is a mandatory procedure in any case, civil or criminal, in which either party insists upon it. The section protects the right to challenge the array, and any or all of the jurors may be examined on the voir dire before the list is prepared to determine their competency to sit in a particular case.

Sections 11–2301 through 11–2305—except for one paragraph of section 11–2302)—of the District of Columbia Code also would be repealed by enactment of subsection (c) of the proposed new section 1872 of title 28. These sections proposed to be repealed also were a part of the act of December 23, 1963, which has controlled jury procedures in the District of Columbia for nearly 3 years.

Contained in subsection (a) of section 11–2301 of the District of Columbia Code are the qualifications of grand or petit juries in the District of Columbia, which are substantially those provided in subsection (b) of the proposed new section 1866 of title 28, except that under section 11–2301 of the District of Columbia Code a person is not disqualified for jury service because of a mere charge of crime pending against him.

Subsection (b) of Section 11–2301 of the District of Columbia Code, which also is proposed for repeal, provides that while an otherwise qualified person is not disqualified from jury service by reason of sex, a woman may not be compelled to serve.

Section 11–2302 of the District of Columbia Code, all but the last paragraph of which would be repealed by enactment of subsection (c) of the proposed new section 1872 of title 28, lists the persons exempt from jury service in the District of Columbia. In addition to the categories of exemptions provided in subsection (a) of the proposed new section 1872 of title 28, this District of Columbia Code provision also exempts attorneys at law in active practice, ministers of the gospel and clergymen of every denomination, physicians and surgeons in active practice, keepers of charitable institutions created by or under the laws relating to the District of Columbia, and persons employed on vessels navigating the waters of the District of Columbia. All of these exemptions would, therefore, be wiped out by enactment in its present form of subsection (c) of the proposed new section 1872.

The last paragraph of section 11–2302 of the District of Columbia Code, which would be retained under the terms of the bill now before us, even though all the rest of the section would be repealed, contains an affirmative statement that all persons not falling within one of the exempt classes listed in the section now proposed for repeal, and otherwise qualified by law, shall be deemed qualified to serve as jurors in the District of Columbia, and are not exempted from jury service, whether or not employed in the service of the Government of the United States or of the District of Columbia.

This paragraph, scheduled to be retained even if the rest of section 11–2302 is repealed, also stipulates that officers and enlisted men of the National Guard of the District of Columbia, both active and retired, officers and enlisted men in the Reserve components of the Armed Forces of the United States, not on active service, all notaries public, all postmasters, and all who are the recipients or beneficiaries of a pension or other gratuity from the Federal or District Government, or who have contracts with the United States or the District of Columbia, are qualified to serve as jurors in the District of Columbia, and are not exempt from jury service unless they fall within one of the specifically named exemptions. Since all of these exemptions would be repealed by the enactment of subsection (c) of the proposed new section 1872 of title 28, it appears that if this subsection is enacted in its present form, all of these listed classes of persons in the District of Columbia will be unreservedly liable to jury service unless found unqualified by law; that is, by reason of conviction of a felony, or inability to read, write, speak, and understand the English language, or incapacity, by reason of mental or physical infirmities, to render efficient jury service.

Section 11–2303 of the District of Columbia Code, which would be repealed under the present provisions of subsection (c) of the proposed new section 1872 of title 28, deals with jury commissions. This is also a part of the new law enacted in December 1963. It provides for three-man jury commissions in the U.S. District Court for the District of Columbia, and fixes the requirements for appointment as a jury commissioner. These requirements include U.S. citizenship, actual residence and domicile in the District of Columbia for at least 3 years, and the ownership of real property in the District of Columbia, plus two negative qualifications; namely, that the person to be appointed shall not be engaged in the practice of law, and, at the time of his appointment, shall not be a party to any cause pending in any court in the District of Columbia.

This section also carries a provision that a woman may not be compelled to serve as a jury commissioner. It fixes the terms of jury commissioners at 3 years, and fixes their compensation at $10 per day, not to exceed 5 days in a month, nor a total of $250 in any 1 year. This secton also contains provisions authorizing summary removal of a jury commissioner at the discretion of the district court for absence, inability or failure to perform his duties, or misfeasance or malfeasance in office.

Section 11–2304 of the District of Columbia Code, which is another of the sections that would be repealed by enactment of subsection (c) of the proposed new section 1872 of title 28, contains provisions respecting the duties and procedures of the jury commission.

This section also was a part of the new law enacted in December 1963.

Section 11–2305 of the District of Columbia Code, also proposed for repeal, requires that the jury commission shall select jurors and commissioners in condemnation cases "as nearly as may be, from intelligent and upright residents of the District." This provision was also enacted in the December 1963 statute.

Remaining provisions of this statute which would be repealed through enactment of subsection (c) of the proposed new section 1872 of title 28 are found in section 11–2307 of the District of Columbia Code, which deals with substitution of newly drawn names for any names drawn from the jury box of persons who are dead or who have removed from the District of Columbia; in section 11–2308, which provides that the jury box shall be kept, in sealed condition, by the Clerk of the U.S. District Court for the District of Columbia between drawings of jurors; in section 11–2309, which provides for drawing new names to replace the names of persons drawn as grand or petit jurors who cannot be found, who prove to be incompetent, or who are excused from service by the court; in section 11–2310, which authorizes the summoning of tailsmen from the bystanders in the District of Columbia court of general sessions and the juvenile court when a sufficient number of petit jurors are not available; in section 11–2311, which relates to the summoning of petit jurors whose names have been drawn for the District of Columbia court of general sessions or juvenile court; and in section 11–2312, which provides that petit jurors summoned for service in a court in the District of Columbia may not be required to serve in the district court or the District of Columbia court of general sessions for more than 1 month, or in the juvenile court for more than 3 months, in any period of 12 consecutive months, and which also provides that jury service in one court in the District of Columbia does not exempt, exclude or disqualify a person from jury service in another court in the District of Columbia, except during his term of actual service, or as limited by the provisions of section 1869 of title 28, United States Code, relating to the frequency of petit juror service in district courts of the United States.

Subsection (c) of the proposed new section 1872 of title 28 also would repeal section 7–213 (a) of the District of Columbia Code, which provides for compensation at the rate of $10 per day for jurors in eminent domain cases instituted by or on behalf of the District of Columbia.

Subsection (d) of the proposed new section 1872 of title 28 is somewhat awkward in its language. What it would accomplish is the repeal of all but one paragraph of the existing provisions of law with respect to the manner of drawing the names of jurors for grand and petit juries in the District of Columbia, and substitution of a provision which Senators will find beginning in line 20 on page 17 of the bill before us, and which reads as follows:

> The jury commission for the District Court for the District of Columbia shall draw from the qualified jury wheel from time to time as may be required the names of persons to serve as jurors in the District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia and such persons shall be assigned to jury panels in the General Sessions and Juvenile Courts as those Courts shall direct.

The paragraph of the existing section 11–2306 of the District of Columbia Code which would be saved, because it is exempted from repeal under the provisions of subsection (d) of the proposed new section 1872 of title 28, authorizes the chief judge of the District Court of the United States for the District of Columbia or, in his absence, the presiding judge, to order the summoning of additional grand jury where the U.S. attorney has certified in writing that the exigencies of the public service require it.

Subsection (e) of the proposed new section 1872 of title 28, which Senators will find beginning at line 6 on page 18 of the bill H.R. 14765, would amend section 16–1312 of the District of Columbia Code, which deals with procedures in drawing the names of persons to serve as commissioners in condemnation cases, so as to refer to the proposed new section 1866 of title 28 as containing the criterion for the qualification of jurors to serve in the District of Columbia, and by making the proposed new provisions of chapter 121 of title 28 the statutory basis governing qualifications of jurors in condemnation proceedings and the duties and conduct of jury commissioners under the District of Columbia Code section, in lieu of the provisions of chapter 23 of title 11, nearly all of which would be repealed through enactment of the bill H.R. 14765 in its present form.

Subsection (f) of the proposed new section 1872 of title 28 would amend section 22–1414 of the District of Columbia Code so as to make the penalties there fixed, for fraudulent tampering with a jury box or its contents, applicable also to tampering with a jury wheel.

If it is the will of the Congress to make the provisions in title I of the bill H.R. 14765 applicable to the District of Columbia court of general sessions and the juvenile court of the District of Columbia, as well as to the U.S. District Court for the District of Columbia, thereby scrapping the very excellent provisions enacted only 3 years ago with respect to the District of Columbia jury system, there will still be need for an amendment to subsection (d) of the proposed new section 1872 of title 28, along the lines of the amendment offered previously to subsection (c) of the proposed new section 1866, in order to avoid authorizing the jury commission to shuffle the names drawn from the qualified juror wheel, and make assignments to particular juries at its discretion. At the appropriate time, I shall offer an amendment for this purpose, which will preserve the existing policy of assigning persons whose names are drawn for jury service to the jury for which their names are drawn, so that the assignment of any particular individual to a particular jury will be wholly a matter of chance and not in any sense a matter of the discretion of the jury commission.

Section 104 of title I of the bill H.R. 14765 deals only with the effective date of sections 101 and 103, and provides that these sections shall become effective 180 days after the date of enactment, with a proviso under which neither section 101 nor section 103 would apply to any case in which an indictment had been returned or a petit jury impaneled prior to the effective date as so fixed. Section

102, which Senators will remember makes provisions for increasing the fees for jury service in Federal courts, would become effective immediately.

Mr. President, once again the Senate of the United States is faced with the prospect of long debate on a civil rights proposal. Beginning with the year 1957, succeeding Congresses have had the annual free-for-all to amend the Constitution by legislative action to accord one segment of our citizenry certain enjoyments not granted to other groups. Each passing year in which civil rights legislation is enacted, succeeds in eroding more and more of what was once an immutable document. This Chamber well remembers the long constitutional debates of 1957, 1960, 1964, and 1965. Those debates brought out many and varied constitutional interpretations—some which I am sure our Founding Fathers would never recognize, nonetheless claim nor subscribe to.

The men who wrote our Constitution were wise and good. They realized that 13 sovereign States could not live so closely together and prosper unless each State surrendered a part of its sovereignty to a central government. And so, the Central Government was given the power to coin money and to establish post offices and post roads; to raise and support armies, to provide and maintain a navy, and to declare war; to lay and collect taxes in order to pay the debts and provide for the common defense and general welfare of the Nation; to regulate commerce with foreign nations and among the several States.

There were other enumerated powers of the Central Government, and the legislative branch was authorized to make whatever laws were necessary and proper to carry them out.

There were also prohibitions on the Central Government. Some of them were set forth, like the prohibition on suspending the writ of habeas corpus and on laying a tax or duty on articles exported from any State. Some of them were so well understood that it was not thought necessary to set them forth—the prohibition against establishing a religion or interfering with the freedom of religion, speech, or the press or interfering with the right of the people to assemble; the prohibition against infringing the right of a State to maintain a militia or of the people to bear arms; the prohibition against infringing the right of the people to be secure in their houses and against depriving the people of life, liberty or property without due process of law or if their property be taken for public use, without giving them just compensation. It was a condition for the consent of many of the States to ratifying the Constitution, however, that these prohibitions be set forth as soon as possible by amendment. And so they were, in the Bill of Rights. And in the ninth amendment there was set forth the principle that the enumeration of certain rights in the Constitution shall not be construed to deny or disparage others retained by the people. And in the 10th amendment it was provided that the powers not delegated to the Central Government by the Constitution, nor prohibited by the Constitution to the States, were reserved to the States or to the people.

This is the fifth civil rights bill that has been foisted upon the Congress since 1957. If this present proposal is enacted, one wonders if there are enough provisions of the Constitution left upon which succeeding civil rights measures can be based. From the laws the executive branch has been proposing which this branch has been enacting and the judicial branch holding constitutional, it seems obvious that we all need to become reacquainted with our once immutable Constitution.

Before discussing the provisions of the particular proposal we are now considering, there are a few more things we should know about the background of the constitutional provisions on which they are based. Take the 14th amendment first. As you know, the most litigated part of that amendment provides that:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Congress is given the power to enforce this amendment "by appropriate legislation."

As many cases as the Court has decided which depend for their results upon the validity of this amendment, the Supreme Court has never really considered a full-scale attack upon it. Though I do not intend to examine in detail the reasons many legal scholars consider that the 14th amendment was never properly ratified, I shall mention them in passing. There are three arguments, basically:

First. Congress unconstitutionally forced the seceding States to ratify the amendment as a condition upon their readmission to representation in Congress. If the unconstitutionally coerced ratifications are not counted, the amendment was not ratified by the necessary three-fourths of the States.

Second. Even if the ratifications of the seceding States be considered valid, the ratifications of Ohio and New Jersey were taken into account to meet the three-fourths requirement despite the fact that both States had withdrawn their ratifications before the three-fourths total had been reached.

Third. No matter how the ratifications are counted, no matter how many States ratified it, the amendment can never be valid since the 11 seceding States were not represented in the Congress which proposed it and it was therefore not proposed by the necessary two-thirds of both Houses of Congress.

I would suppose that a full scale attack on the validity of the amendment would be met by the Court with the determination that this was a political question; but with the low state into which the doctrine of stare decisis has fallen and the recent entry of the Court into the "political thicket" with its decisions in Baker against Carr and Reynolds against Sims, there may come a day when a court might listen to such an argument. Of one thing, however, we can be sure. Knowing what we now know about the lengths to which the 14th amendment has been stretched—about its effect on school prayers and Bible reading, about its effect on property qualifications for voters, about its effect on apportionment of State legislatures—it would not be ratified by three-fourths of the State legislatures today even if it could muster a two-thirds vote in both Houses for proposing it.

The erosion of the doctrine of stare decisis is a subject that deserves a little special treatment. In the first 148 years of its existence, from 1789 to 1937, the U.S. Supreme Court expressly overruled its own earlier decisions in only 29 cases. From 1937 to 1964, a period of less than 30 years, it has expressly overruled its own earlier decisions in at least 45 cases. As important as is the doctrine of stare decisis to stability in all relationships between men and men and men and government, I am not so much in favor of stability that I would want the Court to follow blindly a rule of law which was obviously wrong at the time it was made. I would insist, however, that the only way to amend the Constitution of the United States is by following one of the methods set forth in article V. The Constitution cannot be amended by time. The Constitution cannot be amended by custom. The Constitution cannot be amended by the Court. And yet it is. Regularly. Especially the 14th amendment.

Let me say at this point that I agree that our Constitution is a living document. It is not living, however, in the sense that at one moment it is a cocoon which becomes a caterpillar and then a butterfly. Not at all. It lives in the sense that, although its form and meaning were shaped at one moment in time, it was written in glorious generalities—generalities so broad that they could embrace specifics not dreamed of by its framers without doing violence to their meaning. It does no violence to the meaning of the Constitution to say that it gives the Congress the power to maintain an Air Force, though it mentions only an Army and a Navy. It does no violence to the Constitution to say that it gives Congress the power to extend copyright to motion pictures though the framers never dreamed of motion pictures.

I disagree violently, however, with the notion that at one moment in time the Constitution permits a State to impose a property qualification as a condition on the right to vote and that, without amendment, at some subsequent time it prohibits such qualifications.

I disagree violently with the philosophy expressed by Mr. Justice Douglas, speaking for the majority in Harper against Virginia State Board of Education, decided on March 24 this year. In that opinion, he said that:

> The Equal Protection Clause is not shackled to the political theory of a particular era. In determining what lines are

unconstitutionally discriminatory, we have never been confined to historic notions of equality, any more than we have restricted due process to a fixed catalogue of what was at a given time deemed to be the limits of fundamental rights. Notions of what constitutes equal treatment for purposes of the Equal Protection Clause do change.

Whose notions change? The nine men on the Supreme Court? Must we have a new Constitution every time we get a new Bench?

Whose notions change? The people's? Of course, the people's notions change. But how does the Court presume to identify those notions? It was because the framers of the Constitution knew that the peoples' notions—their notions of right and wrong—their notions of the appropriate roles for the Federal and State Governments would change that they built into article V a procedure for amending the Constitution to reflect their changing notions. And it is the branch of government most close to the people—at both the Federal and State levels—the legislature—which has the most significant role to play in the amending process which is the only way in which the changing notions of the people may be lawfully recognized.

Chief Justice Marshall in one of his opinions said in effect, "Remember, gentlemen, this is a Constitution we are expounding." Through some strange process the sense of this observation has been lost in translation. A majority of today's Court seems to think Marshall said:

> Remember, gentlemen, this is a Constitution we are expanding.

Mr. President, I have just started my speech on this matter, which I will conclude at a later time.

RIOTING AND THE CIVIL RIGHTS ACTS

Mr. ELLENDER. Mr. President, it has been my privilege to serve the people of my State in the Senate for almost 30 years. I have participated in many civil rights debates. I know of no bill which has ever been introduced and considered by the Senate which is more vicious and obnoxious than the civil rights bill of 1966.

The proponents of all the civil rights acts took the position that it was necessary for such legislation to be adopted if we were to have peace among the peoples of this country. I propose to elaborate on this contention. I will discuss briefly some of the riots that have been taking place all over the country, with the observation that it seems the more civil rights bills we enact to perfect the so-called civil rights of certain of our citizens, the more disturbances we have in our country.

There is no doubt in my own mind that many cases of civil disobedience which have prevailed all over the country resulted primarily because of the passage of many of these so-called civil rights bills.

While the so-called "open housing" provision is totally obnoxious, it is not nearly so subversive to our form of government as are the jury trial provisions, both State and Federal. Under this bill the sanctity of the jury box is violated every time a case is tried. No longer is a man entitled to a trial by his peers; now he must be tried by a "cross section of the community," whether they be his peers or not.

Mr. President, ever since the first of the modern civil rights acts was enacted, the proponents of these extreme measures have claimed each year—in 1957, in 1960, in 1964, and in 1965—that each new law was necessary to avoid violence and to take the demonstrators off the streets and put them into the courtroom.

This RECORD is cluttered by many statements made on this very floor by many of the proponents of these obnoxious so-called civil rights bills. Their claim has been made over and over again, especially in 1964, that "if this bill is passed"—that is, the 1964 act—"the contest will be taken from the streets and resolved in the courts of this land."

Nothing has been further from the truth. Negro demonstrations and acts of violence have increased a hundredfold since 1957. I recall so clearly the claim of the sponsors of the Civil Rights Act of 1964 that if that measure were enacted it would have the same effect upon the Negro as the Wagner and Norris-La-Guardia Acts had on labor; in other words, the comparison was made between civil rights demonstrators and the rights of organized labor to picket. It was claimed that, since the enactment of these labor laws in the 1930's, there has been very little violence in labor relations. The proponents of civil rights laws claim that the same thing would occur in regard to Negro riots.

In order to attempt to assist the Negroes in their rights, Congress has created several commissions and agencies not only to investigate conditions of the Negro but to enforce his civil rights.

As Senators know, under the act of 1957 we created the Commission on Civil Rights. I wish to quote just a few paragraphs from the report of this Commission in 1959. Bear in mind that this Commission was created in 1957.

I read from the first page:

> In 1957, the Congress of the United States was disturbed by allegations that some American citizens were being denied the right to vote, or otherwise deprived of the equal protection of the laws, because of their race, color, creed, or national origin.
>
> In Congressional committee hearings and later in floor debate, there were wide differences of opinion about the truth of these reports. From these differences arose strong bipartisan agreement that an objective, bipartisan commission should be created to conduct a comprehensive investigation.
>
> In presenting President Eisenhower's request for a "full scale public study," Attorney General Herbert Brownell, Jr. declared that it should be objective and free from partisanship, broad and at the same time thorough. The Attorney General further testified that such a study, fairly conducted—

Listen to this. I am quoting from the Attorney General—

> will tend to unite responsible people . . . in common effort to solve these problems.

Mr. President, the very reverse has taken place.

He continued—and I still quote from Mr. Brownell:

> Investigation and hearings will bring into sharper focus the area of responsibility of the Federal Government and of the States under our constitutional system. Through greater public understanding, therefore, the Commission may chart a course of progress to guide us in the years ahead.

It seems that the more these commissions hold hearings and give us advice as to what ought to be done, the worse are the conditions which exist.

Mr. ERVIN. Mr. President, will the Senator yield for a question on that point?

Mr. ELLENDER. I yield.

Mr. ERVIN. Does not the Senator from Louisiana agree with the Senator from North Carolina that these bills have been passed as a result of yielding to intemperate demands from pressure groups?

Mr. ELLENDER. No doubt. And a little intimidation at the polls.

Mr. ERVIN. Does not the Senator from Louisiana agree with the Senator from North Carolina that when an administration or a Congress yields to the intemperate demands of pressure groups, it is about as foolish as a man who pays blackmail?

Mr. ELLENDER. Yes.

Mr. ERVIN. Is not the Senator from Louisiana emphasizing the point, in substance, that when one pays blackmail he does not satisfy the demands of the blackmailer; he merely whets the appetite of the blackmailer to make more demands?

Mr. ELLENDER. There is no doubt about that. I am sure that a good deal of the trouble we have had in recent months and last year was due to the fact that many of these rabble-rousing civil rights organizations are drying up. They do not have the funds to go on. And they have the feeling, I am sure, that the more turmoil they can create in this country the more money they can collect.

I was glad to see recently that many of the contributors to SNCC and "SNACK" and other of these other organizations are getting so tired of the rabble rousing that they are refusing to contribute any more funds to keep them in operation.

Mr. ERVIN. On that point, will the Senator from Louisiana accept from the Senator from North Carolina the assurance that, in some way or other, the Senator from North Carolina has gotten on the mailing list of the SCLC. Every time the SCLC stages a demonstration, shortly thereafter the Senator from North Carolina receives a request for a donation in a letter from the SCLC stating that their funds have been largely depleted as a result of that demonstration.

Mr. ELLENDER. That is their method of operation. I noticed the other day in the paper that because of the difficulties which occurred in Atlanta, Ga., with SNCC and Carmichael, the leader, many of the former contributors have actually cut off their contributions. The paper mentioned specifically that many of the Jews of our country who formerly furnished money to this organization are beginning to see the light, and that they have cut off their contributions.

We have been seeing the light for a long time, and I am sorry that they are so late in seeing the truth.

Mr. ERVIN. Will the Senator from Louisiana accept the assurance of the Senator from North Carolina that the Senator from North Carolina has never made any contribution to these causes, because the Senator from North Carolina has always been convinced that these demonstrations are carried out in order to stir up the people and obtain contributions?

Mr. ELLENDER. There is no doubt about that, I am sure; and the Senator did not have to tell me that he did not contribute, because I know he did not.

The House Judiciary Committee reported that the need for a Commission was "to be found in the very nature of the problem involved. The complexity of the subject matter demands greater knowledge and understanding of every facet of the problem."

In the Senate, majority leader Lyndon Johnson—who is now President, by the way—observed that the proposed Commission "can be a useful instrument. It can gather facts instead of charges. It can sift out the truth from the fancies, and it can return with recommendations which will be of assistance to reasonable men."

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield.

Mr. EASTLAND. Does the Senator realize, as does the Senator from Mississippi, that we have got a bunch of revolutionaries heading up these organizations, who are going around preaching violence and murder, and who are intimidating their own race and their own people?

Mr. ELLENDER. I am sure some of them do, and I know that my good friend from Mississippi, who has conducted many hearings in the field, has great knowledge about these organizations.

Mr. EASTLAND. If the Senator will yield under the usual agreement——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. I should like to read into the RECORD transcripts of some recordings made by the Mississippi State Highway Patrol.

One of the leaders in the NAACP in Mississippi is named Charles Evers. On Tuesday night, March 8, 1966, Charles Evers addressed a group of 1,000 demonstrators at the Claiborne County Courthouse at Port Gibson, Miss., and made the following remarks:

> There is only one thing lower down than a white man and that is a low down negro or an Uncle Tom.

At this meeting Evers led a song which contained the words:

> When the spirit tells us to march we march—
> When the spirit tells us to fight we will fight—
> When the spirit tells us to kill we will kill.

Mr. President, I think that Congress would be doing a much greater service to the country if we were seeing to putting a stop to the interstate use of these agitators in promoting riots and bloodshed over this country.

There is one who goes around—Martin Luther King—who says he is nonviolent. One of his principal lieutenants is named Hosea Williams. Here is what Hosea Williams said on July 29, as recorded by Officer Richard H. Campbell of the Mississippi Highway Patrol. He is talking about a man named Cottonreader. He says:

> Cottonreader couldn't understand last Saturday why the Negro wanted to jump on him. Cottonreader just said we're not buying anymore segregation.
>
> Tell them one or two Uncle Toms, white folks—oh, we got one or two Uncle Toms, but we're gonna get rid of them. We gonna love them to death. We got a way of getting rid of them. Just love them and pat them on the shoulder. We got two or three Uncle Toms. I saw one or two—I saw one of them principals. God knows, they teaches with us. But I saw one of them principals. Brother, didn't we see him come out of the store? We gonna have to love that brother. Love him; love that brother. I know we're gonna have to love him because Uncle Tom's day is gone.

I wish to tell the Senator that after that, several Negroes were beaten up in this town where this Hoseah Williams representing Martin Luther King, preaching nonviolence, was in charge of demonstrations and riots. I think that Congress had better be addressing itself to that, rather than seeking to take rights away from the white people of this country.

Mr. ELLENDER. Does the Senator mean Congress, or the Department of Justice?

Mr. EASTLAND. Well, I think both.

Mr. ELLENDER. Principally the Department of Justice.

Mr. EASTLAND. I think that is true.

Mr. ELLENDER. Because, as I shall demonstrate in a few minutes, we have in the Department of Justice the Civil Rights Division, which should be enforcing these civil rights laws, and, of course, other laws that are violated. I shall show, in a few minutes, the cost to the taxpayers of the various commissions and departments that have been created in order to carry out this civil rights program.

Mr. EASTLAND. We must have more action from the Justice Department.

Mr. ELLENDER. The Senator is correct.

Mr. EASTLAND. Certainly, if a statute is needed to deal with people who engage in interstate commerce or cross State lines to promote riots, bloodshed, and murder, then we should address ourselves to that rather than to the proposed bill.

Mr. ELLENDER. In addition to more cooperation from the Justice Department, we should have more cooperation from the Supreme Court of the United States in promoting order, as the Senator knows.

Mr. EASTLAND. The Senator is correct.

Mr. ELLENDER. Mr. President, I am not going to take the time of the Senate unduly because statements have been made many times in the CONGRESSIONAL RECORD as to the infamous decisions rendered by our U.S. Supreme Court on these matters.

Mr. President, a while ago I was discussing what the proponents of the civil rights laws expect. I shall now continue with my prepared text.

Racial strife, violence, disorder, and riots have occurred in city after city across the United States. The intensity of the rioting has increased beyond belief.

In the past summer alone, military troops of the different State National Guards have been used to put down the riots.

In the vast majority of cases, the demonstrations which resulted in the riots or the particular acts of individuals which resulted in rioting had, in many cases, absolutely no bearing on the goals of the civil rights advocates.

Mr. President, civil disobedience and its sanction by Federal officials is the origin of the present rioting today. Unless something is done about it, it will lead to anarchy, in my humble judgment.

In the majority of cases, the riots erupted after an arrest had been made or a person taken into custody. In many other instances, riots have occurred as a result of demonstrations which were directed at a particular individual or business establishment.

Mr. President, as I stated a moment ago, in all of the civil rights legislation that has been enacted since 1957, we either created a commission or enlarged an existing commission or provided ways and means for the Department of Justice to handle civil rights case.

According to the budget estimates for 1967, Congress will be asked to provide $24,147,150 in order to pay the salaries of the employees of these various commissions and agencies. Think of it—over $24 million to investigate and enforce civil rights. If one can believe what the Negro agitators say, their efforts have not been worth 24 cents.

The Civil Rights Division of the Justice Department was created in 1957 by the Civil Rights Act of that year. The position of Assistant Attorney General, with a salary of $27,000 a year, was created. We also created the positions of First and Second Assistant Attorney General.

The Civil Rights Division of the Justice Department had 245 actual cases pending in 1964, 191 actual cases pending in 1965, and 289 estimated cases in 1966. It is estimated that there will be 259 cases in 1967. The Civil Rights Division of the Justice Department employs 94 lawyers.

Although the workload indicates that other matters are pending, the caseload per attorney for 1967 figures out to be approximately 2.6 cases per attorney.

I do not know what is included in the term "matters pending," but if a lawyer in private practice were to handle only 2.6 cases a year he would soon find himself out of business and probably starving.

Mr. President, we added 94 attorneys and 101 other employees to the Department of Justice for a total of 195 new employees since 1957.

The cost of this during fiscal year 1966 was $2,367,000. The Department of Justice is asking for $2,459,150 for the fiscal year 1967. I presume that is to take care of the pay increase that Congress granted to Government employees.

The Commission on Civil Rights which I discussed a moment ago was also created by the Civil Rights Act of 1957. The

Commission had 116 employees in 1966, and it spent $1,925,000.

The Commission is asking for 154 employees and $2,703,000 for 1967.

I wonder whether any Senator can tell me of any good that has come from this Commission. Each year the Commission proceeds to prepare very voluminous reports with many recommendations. However, as I indicated awhile ago, the worse things get. It means more legislation; and more legislation means, I presume, more demands by Negroes. We cannot satisfy the insatiable appetite of some of these so-called nonviolent organizations.

The RECORD will show that, in many cases, although the proponents of these measures took the position that they were attempting to assist the Negro, many of us who come from the South have said that, instead of assisting the Negro, it would harm him.

Mr. President, the animosity that now exists in this country between the Negro and the white man has increased many fold, and I am sorry to see this occur.

We of the South have been blamed for not doing a better job of educating the Negro. In most instances, as I have pointed out on many occasions, the main reason why we were unable to provide proper schools in many States was that we could not raise the money. Assessments were low. For many, many years the people in the South were considered peons by the people of the Northeast. It has only been in recent years that the States in the South have been able to provide more schools and better teachers in order to educate all our people.

Mr. President, 3 years ago I was invited to deliver the principal address in the little village where I was raised. The purpose of this meeting was to celebrate the 50th anniversary of the building of the first public school constructed by tax money.

Mr. President, when I went to public school, the school board did not have the funds to build schools as nice as they are able to construct now. I went to school most of my school years in more or less abandoned houses that were rented and repaired by the school board, with the consent of the owner. I also attended school in a dance hall. We could not raise enough funds to construct the schools. It was not until 1913 that the ward of the parish of Terrebonne, where I was born, could obtain sufficient funds to build a schoolhouse. As I said, that was only 53 years ago.

I return to the subject of the expenses now being provided in order to pay for the hundreds of employees to carry out these acts which are now on the statute books.

I mentioned the Civil Rights Commission: 116 employees in 1966; 154 in 1967; budget of 1966, $1,925,000; in 1967, $2,703,000.

The Department of Health, Education, and Welfare, Office of Education, Civil Rights Educational Activities: The number of employees in 1966, 90; in 1967, 92; budget for 1966, $8 million; budget in 1967, $11,115,000.

Equal Employment Opportunity Commission: This was a Commission that was very promising, so the proponents stated—that it would achieve equal treatment in hiring and firing irrespective of the color of their skin or of their religion. But it was soon to find out that many of the people who applied for jobs were not competent to fill the position. That is the case in many areas of our country.

The Equal Employment Opportunity Commission in 1966 had 171 employees, and it had a budget of $3,250,000. In 1967 the number of employees desired is 314, with a budget of $5,870,000. This Commission, of course, was created under title VIII of the Civil Rights Act of 1964.

Another commission that was created with the hope of assisting the drive to achieve better relations between the white people and the black people of the country is the Community Relations Service. That commission was supposed to do the job. Well, in fiscal year 1966 it spent $1,300,000 and has 67 employees; and in 1967 it is asking for 108 employees and a budget of $2 million.

Mr. President, it is interesting to note that the average GS salary in 1966 for employees of the Civil Rights Commission is $9,509; but on the Equal Employment Opportunity Commission, the average GS salary in 1966 is $11,130.

These five commissions will spend, as I said, if Congress gives them the money, $24,147,150 in fiscal 1967. We have additional costs in order to administer these programs.

Each executive department and agency has its own civil rights compliance section, usually created by a department regulation. For example, the Department of the Interior has a special section on contract compliance in civil rights matters. I do not have for the RECORD all the figures and the number of employees in each executive department, but they are there, and the money is being requested for their pay.

So that if we add all the money that is being spent for these five commissions to the amount that is being spent for each executive department, there is no telling how much is being spent of the taxpayers' money in order to carry out the provisions of these so-called civil rights acts.

Mr. ERVIN. Mr. President, will the Senator yield for a question on that subject?

Mr. ELLENDER. I yield.

Mr. ERVIN. I should like to ask the Senator whether section 802 of the bill, which appears on page 52 of the bill, does not provide:

> There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

I ask the Senator if that does not provide what we call an open-end appropriation?

Mr. ELLENDER. The Senator is correct.

Mr. ERVIN. And it means that Congress could appropriate untold millions of dollars in addition to what the Senator has mentioned, in the name of so-called civil rights.

Mr. ELLENDER. The sky is the limit. The Senator is correct. If we tried to put that in any other bill, the thunder would roll in the Senate.

Mr. ERVIN. I wish to ask the Senator an additional question. I wish to ask the Senator if in his State of Louisiana, in my State of North Carolina, and in many other States, the executive department and agencies of the Federal Government are not using untold millions of dollars of Federal money that were appropriated for the welfare of all the people such as educational improvement, medical needs, and antipoverty purposes in order either to bribe or to browbeat State and local officials into accepting the undefined notions which various Federal bureaucrats here in Washington have formulated in the name of race?

Mr. ELLENDER. The Senator is absolutely correct. I mention that very point a little later in my speech. Local officials are being crucified by the so-called civil rights compliance people.

If the money wasted on civil rights is added to the welfare waste one can readily see the narcotic effect upon some of our citizens.

It is a great pity that such programs are being put on the statute books. Mr. President, I have no objection to taking care of the needy, but we have many people who have never worked in their lives. If they can get enough money from the Federal and State Governments in order to take care of their daily needs they are not going to work. It is a great pity that such a thing should develop in our great country because it is the work done by the people of this country that has made us great. In this day and time one never hears of the term "productive person." Now it is the "disadvantaged person" which saps our energy.

We are one of the youngest nations in the world. We are the greatest nation in the production of agricultural products. All of that did not come about by anybody giving it to us. It meant hard work.

Mr. President, these civil rights and welfare programs that Congress has passed in recent years no doubt took root because of an attempt to assist or rectify some of the evils which the proponents of the bill say exist; but which do not exist. That has been the cause of many of these programs being put on the statute books. It is only a question of time, if this trend is continued, until we surely shall have a welfare state in our country.

Mr. President, if the laws which are presently in existence were used by both the Negroes and the Attorney General, no new legislation would be needed. I am going to briefly review the laws which we have put on the statute books since 1957 affecting so-called civil rights. There are a considerable number of civil rights laws which were enacted prior to 1957; however, I am not going to discuss those. I may at a future date.

On a personal note, Mr. President, I might mention the Voting Rights Act of 1965. After that law was passed and earlier this year, it was claimed that thousands of Negroes would immediately register to vote and that southern political leaders would either "heel to" or be forcibly retired from office. I recall very vividly two articles which were run by the Washington Post and which had the headline: "ELLENDER May Be First Political Casualty of Voting Rights Act." That headline appeared in the local newspapers and in many other newspapers.

Mr. President, on August 13, 1966, I was a candidate for reelection. I had two opponents. Although I have been in politics and in the political arena of Louisiana for nearly 53 years, I received the largest vote that I ever obtained in my career. I received just under 75 percent of the votes cast in my State. This will be my sixth term in office. I am sure that many Negroes voted for me. I am positive of that.

Mr. President, I return to the headline in the Washington Post. "ELLENDER May Be First Political Casualty of Voting Rights Act." Of course, I am proud that this prospect did not come to pass, but on the contrary, as I have said, I got more votes than I had ever received in my political career after being in politics in one way or another for 53 years. If I had received fewer votes than in my past elections, I would have said: I have been in harness so long I must have made quite a few enemies. But apparently I have not.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may make an observation with regard to the distinguished Senator from Louisiana, without his losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I should like to say that the result of the recent primary election in Louisiana shows, in my judgment, that an industrious, intelligent, intellectually honest, and courageous Senator does not have to fear when he faces his constituency.

Mr. ELLENDER. I thank my good friend from North Carolina for those remarks.

As I stated before, Mr. President, I will review briefly the laws now in effect which protect the Negro's civil rights. After reviewing the remedies which already exist, I intend to discuss in some detail civil disturbances and riots which have occurred in this country, particularly since the passage of the 1964 Civil Rights Act. I want to make it perfectly clear that those who claimed that they were taking the demonstrators off the street and putting them into the courtroom did not know what they were talking about any more than the present proponents of the present jury-rigging bill.

I will now discuss the remedies which were created by Federal law and are now on the statute books and available to any American citizen who feels his civil rights have been violated.

CIVIL RIGHTS ACT OF 1957

First. The Civil Rights Act of 1957, which is the first of the so-called modern civil rights bills, created a Civil Rights Commission and gave it the power to investigate alleged violations of rights and also the power to issue subpenas and hold hearings.

Second. The act created the position of Assistant Attorney General in charge of the Civil Rights Division of the Justice Department.

Third. This act also created a remedy for an aggrieved person to recover damages and other relief for infringement on his civil rights, including the right to vote.

Fourth. Interference with the right to vote was made a Federal crime.

Fifth. In criminal contempt cases the accused person was given the right to a jury trial if his penalty was in excess of a $300 fine and imprisonment for more than 45 days. The maximum penalty under the 1957 act was a $1,000 fine and 6 months in prison.

CIVIL RIGHTS ACT OF 1960

First. The Civil Rights Act of 1960 provided criminal penalties for obstructing court orders which were issued in civil rights cases.

Second. The act made it a Federal crime to transport explosives in interstate commerce and also made it a crime for flight to avoid prosecution of any person who damaged real or personal property by fire or explosives.

Third. The act required election officers to retain election records of all Federal elections for 22 months after such election.

Fourth. The powers of the Civil Rights Commission were extended.

Fifth. The act provided school facilities for members of the Armed Forces in States where that State would not furnish the necessary facilities.

Sixth. The act gave the Federal courts power to declare a person eligible to vote when he showed that he had been deprived of his right to register or vote when he was qualified under the State law.

During this time numerous Executive orders were issued prohibiting discrimination in the various executive departments and in contracts and in other areas where the President was able to exert the influence of his office.

CIVIL RIGHTS ACT OF 1964

The Civil Rights Act of 1964 contained more provisions affecting both public and private action than any previous legislation in the history of this Republic.

Almost every aspect of human endeavor and activity was included in the 11 titles of the act:

First. Title I of the 1964 act dealt with voting rights and prohibited the following acts:

Applying to new voting applicants standards different from those applied to other individuals previously qualified.

Denying an individual the right to vote in a Federal election for the omission or immaterial error on his voting application or record.

Use of a literacy test as a voting qualification unless the test is given in writing.

Second. Title II of the 1964 act prohibited discrimination and segregation in all kinds of public accommodations if their operations affect commerce or if the discrimination or segregation is supported by State action. Every kind of establishment from motion picture house to a barbershop used in a hotel was covered by the act.

Third. Title III of the 1964 act required desegregation of public facilities. This provision prohibited segregation or discrimination in any State or publicly owned facility other than a school. This provision covered every type of facility from public swimming pools to auditoriums.

Fourth. Title IV of the Civil Rights Act of 1964 required the desegregation of public schools. While this provision outlawed segregation in public education, it did not require the busing of students to overcome racial imbalance within a community. I do not doubt that a future civil rights bill may deal with this very subject of busing of students. There is already much discussion among educators and civil rights groups about the supposed desirability of hauling students all over town just to force race mixing.

Fifth. Title V of the 1964 act enlarged the scope and jurisdiction of the Civil Rights Commission which had been created by the 1957 act.

Sixth. Title VI of the act outlawed discrimination or segregation in any program or activity receiving Federal financial assistance. Any such activity or program would immediately lose the Federal funds to which they were entitled. Since its enactment in 1964, this provision of the Civil Rights Act has been used unmercifully by the Federal bureaucrats in their attempt to reshape the social practices of this country.

This title has been the big club which these bureaucrats have used without mercy on the small political subdivisions of the State governments.

Seventh. Title VII of the 1964 act made it unlawful for an employer to discriminate in the hiring and firing of his employees. This provision affected employers engaged in commerce who have 25 or more employees. The act went into effect with those employing 100 or more persons and the number was graduated downward on a yearly basis to 25. It is interesting to note that it is perfectly lawful when an employer with 25 or fewer employees discriminates among his employees if he so wishes. It is also interesting to note that State and municipal subdivisions are not covered in this provision nor are Indian tribes. Why Indian tribes should be exempt from coverage, I do not know. It is my understanding that this is one area where the Department of the Interior has had difficulty in trying to enforce equal rights regulations.

Eighth. Titles VIII, IX and XI are procedural provisions for maintaining registration and voting statistics and also provisions for removal of civil rights cases to Federal courts.

Ninth. Title X establishes the Community Relations Service which supposedly has for its purpose the assistance to communities and individuals in resolving problems which have grown out of discriminatory practices and which have impaired individual rights.

I am sure my friend from North Carolina [Mr. ERVIN] will remember how it was stated that if these civil rights bills were passed it would "clear the decks" and would bestow "first-class citizenship" upon them. But, somehow, as I shall show later, instead of using the remedies given to them to go to court to enforce these rights, the beneficiaries use the streets.

THE VOTING RIGHTS ACT OF 1965

The Voting Rights Act of 1965 was without any doubt the most vicious piece of legislation to come before the Congress up to that time and it was so completely politically inspired that this fact is obvious in every provision of the act. The 1965 act prohibited the use of literacy and educational tests in whose States and political subdivisions which used them in November 1964, and whose registrations and voting statistics at that time raised the presumption that such tests were being used to defeat the 15th amendment which protects voting rights. This act had the effect of suspending the literacy tests in all Southern States except Texas. This was accomplished by the mere determination that less than 50 percent of the persons of voting age were registered to vote in November 1964, or voted in the 1964 presidential election.

The Voting Rights Act of 1965 further provided that the Southern States could not adopt any new voter qualifications without the approval of a three-judge Federal court in the District of Columbia. The act further provided for the appointment of Federal examiners and registrars. The law also affected poll taxes, even though a constitutional amendment had been adopted to outlaw poll taxes in Federal elections. The upshot of the 1965 Voting Rights Act was that it permitted Federal registrars to register and make eligible to vote thousands of illiterate Negroes in the South. I am pleased to say that this fact has not had the desired result which the race-mixers and Federal bureaucrats had hoped it would have.

Mr. President, I would now like to go into a more detailed discussion of the race riots which we have experienced since the enactment of the 1964 civil rights law. We are no longer asked to legislate in behalf of Negro equality. Equality of opportunity has apparently gone out the window, and I will say that this is all this country has ever offered to any citizen. We can maintain stable political and social systems so that every citizen has an equal opportunity to succeed in life, but beyond equal opportunity there exist only hard work and individual initiative.

We are now told that we must accept the so-called Negro revolution, whatever that is. By some strange form of mental gymnastics, civil rights leaders would have us believe that there is a parallel between the condition of the American Negro and those in African countries which were formerly European colonies. These same self-professed experts on the so-called Negro revolution are also experts on American foreign policy. The same people who are making outrageous demands upon American society are also making ridiculous pronouncements on American involvement in southeast Asia. Some of these charlatans have even gone so far as to urge American Negroes to dodge the draft and refuse to participate in any kind of military activity.

The time has come, Mr. President, when fundamental principles must once again be embraced by the leaders of our Government. The time for making weak excuses for those who participate in riots and civil disturbances is over. The vast majority of American people are now prepared to demand from the leaders of our Federal Government that law and order be respected and that those who violate the personal and property rights of others are going to be dealt with as criminals.

A large segment of the Negro community has embraced violence as a method of obtaining its goals. There are others who, while professing to believe in nonviolent means, go about the country inciting riot after riot by inflammatory speeches. The concept of petitioning the Government for redress of grievances has never been so distorted as it is in this country at this time. As I have said from the beginning, official condonation of civil disturbances would only breed lawlessness and contempt for an orderly society. If the responsible political leaders of this country do not assume the responsibility of once again reestablishing law and order, I fear that the vast majority of American citizens will react to such an extent that relations between the races will suffer irreparable injury.

As I stated a moment ago, I shall refer briefly to a few riots that have been taking place recently in our country. I ask unanimous consent that excerpts from newspapers attached to each statement I shall make be inserted in the RECORD at the proper place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. These news articles show the causes of these riots. Let us take one of the most recent ones that occurred in Atlanta, Ga., on September 6.

ATLANTA, GA., SEPTEMBER 6, 1966

In Atlanta more than 1,000 Negroes rioted and attacked police officers with rocks and bottles, and knocked Mayor Ivan Allen from the roof of a police car as he attempted to quiet the mob. The riot was touched off as the result of police attempting to arrest a Negro accused of auto theft after he had been wounded while trying to escape. Most of the disturbance and the resulting riot was directly caused by Stokely Carmichael, the head of SNCC. The mayor of Atlanta, who has done a great deal for race relations in that city, and specifically has done a great deal for the Negro citizens of Atlanta, was completely shouted down and pushed to the pavement by the howling mob.

I ask unanimous consent that an article on this riot be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Sept. 7, 1966]

ONE THOUSAND RIOT AFTER ARREST IN ATLANTA—MAYOR IS FELLED PLEADING WITH MOB

(By Ann Mohr)

ATLANTA, September 6.—Police routed about 1000 rioting Negroes with tear gas and warning shotgun blasts today after they attacked officers with rocks and bottles and knocked the mayor, who was pleading for peace, to the ground.

Officers chased the fleeing Negroes down side streets, hurling tear gas canisters at their heels.

At least 25 persons were arrested and nine injured, including five Negro children in a tear-gassed building and a white boy cut when his father's car was stoned.

The outburst was touched off after police wounded a Negro suspected of car theft.

Leaders of the militant Student Nonviolent Coordinating Committee were in the forefront of the melee.

State troopers and all off-duty city policemen were summoned to help deal with the racial outburst—the worst this progressive Southern city has experienced in modern times.

Mayor Ivan Allen Jr. climbed atop a car in the riot-torn Negro district to try and reason with the crowd, but was greeted with aunts of "white devil" and "black power."

The Mayor was finally toppled from his perch when the crowd surged against the car, knocking him off. He landed in a kneeling position on the pavement, but climbed back onto the vehicle, apparently unhurt.

The rioters calmed down momentarily, but the disturbance started to spread again when a Negro man leaped atop another car and joined Allen in his plea for peace. About 15 Negroes pulled the Negro down and beat him.

It was then that Allen ordered the crowd dispersed.

"Tear all the houses down if necessary" said the usually mild-spoken Mayor. "I want the people dispersed. Tear the place up."

Allen gave the order calmly and without show of anger.

One police car was overturned at the height of the melee, and two others were badly damaged. The rioters also tried, but failed, to overturn two police paddy wagons.

The Negro car theft suspect, whose arrest touched off the violence, was identified as Harold Prather, 25. Police said they opened fire when Prather fled and ignored a warning to halt.

Although hit twice, Prather made it to his home and when police attempted to arrest him they found the way blocked by a large group of Negroes. The Negroes dispersed when reinforcements were summoned.

Later, Stokely Carmichael, chairman of SNCC, announced that there would be a demonstration in the Negro district to protest the arrest of Prather.

The crowd started gathering when a SNCC sound truck entered the area. Officers took the two men manning the truck into custody and charged them with operating the truck without a permit. The crowd tipped over the police cruiser and tried to overturn the wagon.

Up until this point, only 50 Negro officers had been on the scene, but 50 more policemen were summoned, including 30 Negro and 20 white officers.

The presence of white officers incensed the youths, who began shouting, "Kill the white bastards, kill the white cops."

It was at this point that Mayor Allen arrived and tried to reason with the mob, but he was shouted down.

Following the riot, Allen held a street corner news conference and vowed that police would keep the peace. Asked why he came to the scene personally, the Mayor replied:

"I am concerned with the problems of Atlanta. Any leader has access to the Mayor and I would welcome an opportunity to talk."

Allen can take much of the credit for Atlanta's previous racial peace, and has had almost solid Negro support at the polls. He was one of the few Southerners to testify for the 1964 civil rights bill. He further integrated the Atlanta police force. He has held personal conferences with Negro leaders and has worked to play down racial incidents.

Atlanta's schools were totally integrated. Business houses have many Negro employes. City facilities are totally integrated. The city has sent eight Negroes to the State legislature.

Only this morning, the progressive Mayor had welcomed Carmichael and about 20 of his supporters into his office for a conference. They came to protest alleged police brutality to SNCC members in the city jail.

The Rev. W. Clyde Williams and seven other Negro ministers approached Allen after the riot and promised to collect grievances and discuss them with Allen.

The Rev. Martin Luther King Sr., father of the nationally-known integration leader who makes his home in Atlanta, urged Negroes to stay in their homes.

"Nothing can be gained by this," he warned. "What do they want? The Mayor came down. He tried to speak to them. They wouldn't listen . . . What do they want?

Mr. ELLENDER. Mr. President, I had inserted in the Record, under date of September 9, 1966, at page 22169 of the Congressional Record, an editorial appearing in the Evening Star, published in the city of Washington, entitled "Rioting in Atlanta." This is an editorial that I hope has been read by many Senators.

It shows that no city in this country tried to do more for the Negroes than did Atlanta, through Mayor Allen; and it goes on to show that even Rev. Martin Luther King, Sr., who lives in Atlanta, who worked with the mayor of Atlanta, asked the question, "What do they want?"

That is Martin Luther King's father, who is also a minister, speaking, when this mob tried to hurt the mayor, when he was pushed off of the car. The mayor came down, he tried to speak to them, and they would not listen.

What do they want?

I repeat, that is the Reverend Martin Luther King speaking.

It was a good question, but hard to answer. For most of the members of the mob may not have known themselves what they wanted—unless it was an excuse to throw rocks and rant about police brutality.

Mr. President, I ask unanimous consent that this editorial, entitled "Rioting in Atlanta," published in the Washington Evening Star of Thursday, September 8, 1966, be reprinted in the Record at this point in my remarks.

The PRESIDING OFFICER (Mr. Proxmire in the chair). Is there objection?

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Rioting in Atlanta

The most surprising thing about the riot in Atlanta is that it should have happened there. For Atlanta, by general agreement, has been a model for southern cities in its race relations.

Mayor Ivan Allen Jr. has walked the last mile in search of racial peace. He had almost solid Negro support when elected. He was one of the few southerners to testify in support of the 1964 civil rights bill. He has added Negroes to the police force. Atlanta's schools and city facilities are totally integrated. Many Negroes are employed by business establishments and the city has sent eight Negroes to the state legislature.

All of this counted for nothing, however, when a suspected Negro car thief was wounded while trying to escape from arresting police officers. When some 500 or more Negroes took to the streets the mayor climbed on top of an automobile and tried to reason with them. He was shouted down. Taunts of "white devil" and "black power" greeted him. Finally the mob surged around the car and the mayor was jarred loose from his perch and fell to the street.

No, this didn't happen in a Birmingham or a Selma. It happened in Atlanta. Little wonder that the Rev. Martin Luther King Sr., who lives in Atlanta, was heard to ask: "What do they want? The mayor came down. He tried to speak to them and they wouldn't listen. What do they want?"

It was a good question, but hard to answer. For most of the members of the mob may not have known themselves what they wanted—unless it was an excuse to throw rocks and rant about police brutality.

The mayor says the riot was deliberately caused by some of Stokely Carmichael's SNCC henchmen, and he may be right. For the mob began shouting "kill the white cops" after SNCC representatives, according to the police, spread the false word that the suspected car thief "had been shot while handcuffed and that he was murdered."

Whatever may have been the case with the rioters, it seems clear that what the SNCC people want is trouble, trouble, trouble. And that is what they are going to get, though not in the form they want, if this sort of madness keeps up.

Mr. ELLENDER. I made this request just to show, as I said, that here was a city in which the mayor leaned backward in order to carry out the civil rights laws that were enacted by Congress; and with all he did, he was berated.

Mr. President, the next instance was in Milwaukee, Wis. I think that is where my good friend, the present occupant of the chair, hails from.

Negro demonstrators led by NAACP officers, and the Reverend James Groppi, a white Catholic priest, invaded the Milwaukee suburb of Wauwatosa for 11 nights, protesting the membership of Judge Robert Cannon in the Fraternal Order of Eagles. The Negroes claimed that the Eagles limits its membership to members of the white race. The demonstrators wanted Judge Cannon to either quit his membership in the Eagles or resign from the bench. They would not wait until the next election.

This is another instance in which street demonstration and civil disorders have nothing to do with the civil rights of Negroes.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Marchers Fail To Meet Judge," and an article entitled "Guardsmen Fear Possible Bloodshed in Wauwatosa," published in the New Orleans Times Picayune of August 30, 1966.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New Orleans (La.) Times Picayune, Aug. 30, 1966]

Marchers Fail To Meet—Judge Greeted Only by Police and Guardsmen

Milwaukee, Wis.—Negro demonstrators marched to the home of Circuit Judge Robert Cannon in suburban Wauwatosa for the 11th straight night Monday, after efforts to solve a tense racial dispute at the conference table collapsed. The marchers found the area wrapped in an orderly stillness.

Escorted by steel-helmeted National Guardsmen, some 200 demonstrators walked two miles to the fashionable neighborhood where they discovered the area chirping with crickets and virtually free of the jeering white crowds that had caused a tense confrontation on previous nights.

The Milwaukee Youth Council of the National Association for the Advancement of Colored People is demanding that Cannon either resign as a judge or resign as a member of the Fraternal Order of Eagles, an organization which it charges limits membership to whites.

MAKE CANNON TARGET

The council chose Cannon over other public officials, including some other judges, as the target of its protests because, a spokesman said, he is considered more liberal than others and more likely to resign.

Monday night's meeting in Wauwatosa's city hall had been called by Gov. Warren P. Knowles and was designed to bring Judge Cannon and Eagles club officials face to face with civil rights leaders.

But the meeting broke down when Cannon declined to enter the room with newsmen present, and demonstration leaders turned down an invitation to confer privately with the judge in the office of Wauwatosa Mayor Ervin Meier.

The demonstrators, who had arrived at the city hall in four buses and stood by until the projected meeting collapsed, decided to walk back to the Cannon home, where they were greeted only by police and guardsmen.

POLICE HALT MARCHERS

Some 300 white persons were halted by police barricades four blocks from the scene. The troops outnumbered both whites and Negroes.

Spurning police offers to allow their buses to meet them at the judge's home, the demonstrators' filed past the small white crowd and marched to their downtown headquarters.

Two white persons were arrested, although there was only scattered heckling in the area which had resounded with catcalls and anti-Negro slogans the previous night.

Ten of the demonstrators, led by the Rev. James Groppi, a white Roman Catholic priest, entered the city hall to attend the meeting, arranged by Gov. Warren P. Knowles in an effort to end the racial dispute. They sat around a conference table under the glare of television lights while Cannon remained in another room 25 feet down the hall.

NO MEETING ARRANGED

Joseph C. Fagan, chairman of Wisconsin's Industrial Commission, which enforces civil rights laws, shuttled from room to room to try to arrange a meeting in either place, but failed.

Nate Harwell, 22, spokesman for the demonstrators, insisted that Judge Cannon meet in public with representatives of the Youth Council. Describing the situation as "incendiary," Gov. Knowles ordered the guardsmen back to the fashionable Milwaukee suburb for the second straight night. He was joined Monday by Roman Catholic Archbishop William E. Cousins in a concerted effort to bring an end to the nightly marches and the picketing of Judge Cannon's home.

Judge Cannon, arriving at the meeting at Wauwatosa's modernistic stone city hall, said he had not changed his mind about refusing to resign from the Eagles. He said he would rather work within the organization to change its policies than to quit altogether.

LED HOTEL INTEGRATION

Judge Cannon had played a leading role five years ago in winning integrated hotel accommodations for Negro baseball players in Florida during spring training. He also has helped place Negro players in business positions and recalled that he helped obtain a public relations position for Dodger catcher John Roseboro with the Los Angeles Police Department after the Watts riots.

"So if I'm not color blind, I don't know it," said the judge.

Archbishop Cousins issued a statement appealing to "all citizens, to church groups, to all civil rights organizations for cessation of such marches and for effective discussion of the vital issue." He also asked priests from the inner city to meet with him Thursday.

The archbishop said he had called in Father Groppi to determine whether the priest, an assistant pastor of a church in Milwaukee's predominantly Negro area, is "actually calling the shots or is caught up in the movement."

Cousins said Father Groppi had been the spokesman for the demonstrators but largely because the press had gone to him for comment.

D. D. Billings, Ogden, Utah, national president of the Eagles, sent a telegram to the industrial commission offering to come to Milwaukee to explain the Eagles' position if Roy Wilkins, NAACP director, also was present to explain the viewpoint of the racial group.

Billings labeled the NAACP demonstrations in Milwaukee "unprovoked, unfair and unjustifiable."

[From the New Orleans (La.) Times-Picayune, Aug. 30, 1966]

GUARDSMEN FEAR POSSIBLE BLOODSHED IN WAUWATOSA—BUT NONE HAS FLOWED IN 10 NIGHTS

(By Dion Henderson)

MILWAUKEE, WIS.—After 10 consecutive nights of roaring demonstrations along the shady streets and among the stately homes of Wauwatosa, not a drop of blood has been shed, yet.

But National Guardsmen detailed to protect the demonstrators fear that it will come. "All it would take is a little spark," said the commanding officer, Adjt. Gen. Ralph Olson.

AREA GENTEEL

Wauwatosa is a pocket of oldline gentility, with Milwaukee hemming it in on two sides, and the factories and furnaces of West Allis on a third. Wisconsin Avenue, up which demonstrators march five miles from the central city, is one of the oldest and loveliest streets in the Midwest.

The demonstrators are demanding that Circuit Judge Robert C. Cannon resign from the Fraternal Order of Eagles, claiming that the order limits its membership to whites. Cannon was chosen from among several public officials as a target because, say demonstrators, they felt his "liberal views" would make him, "easiest to convince."

Before the crowds come—the young hecklers and the counterpickets and the stolid masses of the curious—Wauwatosans stand on their sidewalks and munch popcorn.

FRIENDS INVITED

Residents arrange chairs on the deep, soft lawns and invite friends to come watch the demonstrations.

Sunday night, while the National Guard gathered at Hawthorne Junior High School, a block from the intersection where the demonstrations have been concentrated, curbs were lined by children, keeping an alert eye for the ice cream vendor.

One demonstrator, a white professional on the staff of a civil rights group, asked a newsman if he had mingled in the crowd.

Yes, he was told.

"It's very much like a Southern crowd," the demonstrator said. "Cheerful on the surface but all that hate underneath."

Well, he was told, not exactly.

"I'm sure it is," he replied.

"Like Selma?"

"I wasn't at Selma myself, but I'm told it was the same kind of crowds down there."

National guard trucks rumbled through the intersection and the crowds cheered each truck.

Behind the young pickets and the spectators from other parts of the metropolitan area, a young couple sat on the steps of their home.

WOMAN NOT PROUD

"It doesn't make you very proud of your neighbors," said the wife, "to see them out in the street jeering."

She was asked how many neighbors she saw. She walked a hundred feet along the crowd and returned.

"I don't know anyone out there," she said.

"It doesn't really matter who's out there," said her husband. "Sooner or later there'll be bloodshed."

The young wife said softly, "isn't there any other way?"

"No other way seems to work," her husband said, "at least that's the story everywhere else."

Across the street, in a house that overlooked the main trouble spot, several young couples were sitting in a darkened living room eating popcorn and drinking beer when a newsman came to use the phone.

The crowds were breaking up. The wide green lawns outside the brick and stone houses were littered with popcorn boxes, napkins and trash.

A Guard patrol marched back toward the school, counting cadence.

One man watched from a window.

"Isn't it a hell of a thing?" he said.

Mr. ELLENDER. Mr. President, this simply confirms what I said a moment ago—that no matter what you do in order to assist these people, no matter what laws you enact, it simply brings on more and more race rioting all over the country. And, Mr. President, of the 12 or 15 instances that I shall cite, only one was from a southern city. The rest of them came from northern cities.

Of course, that confirms what many of us who have opposed the civil rights bills said would happen—that is, that the people from the North, in the large cities, would have much more trouble in dealing with the problems of the Negroes than the people from the South.

Our race relations have been open and above board; and in most instances, in strict accord with existing law. Our good friends from the North practiced as much segregation as was practiced in the South, but they did it under the table.

But soon after the enactment of these civil rights bills, they began to learn the evils of quick integration without knowing the problems.

Mr. HART. Mr. President, will the Senator yield for an observation, on condition that he not lose his right to the floor?

Mr. ELLENDER. Surely.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. I was coming to a few cases in the Senator's State.

Mr. HART. I was not anticipating them, but I think in fairness I should make a comment, and in a sense, confirm what the Senator has just said.

Racial discrimination exists in the North and South alike. Why blink at it? Nobody denies it. I would hope nobody would defend it. I would hope everybody would join in seeking to respond, whatever the circumstance and the region may be, to eliminate it.

That is what this bill seeks to do. As the Senator from Louisiana has stated, in the South it was a little more hard-nosed, and in the North it was a little more sophisticated. If you were on the receiving end of it, I am not sure which was more cruel to the spirit. Made white, I cannot answer that. But there are witnesses, North and South alike, who can tell us.

In the South, as the Senator stated, it was pretty much trying to get a crack at the ballot box, and, if you were hungry, a place where you could stop to eat. In the North, access to the ballot was available to all, and in most places—and certainly now in virtually every place—you did not have to drive 85 miles in the darkness to find some place that would let you come in and buy a cup of coffee.

But the problem in the North, then and now, is principally in the matters of jobs, employment, educational opportunities, and housing. The Senator is quite right; we all stand indicted, and perhaps the North has less excuse, because it has not been the captive of history or geography. We never could alibi it on the grounds that "a local law prevented me from serving the man," or that "overriding local traditions required of me that I discriminate."

This is all interesting history, none of which makes any of us proud, but all of which, I hope, will compel the Senate, on Monday, to permit us to get this bill up and do something with respect to at least some of it.

Mr. ELLENDER. Mr. President, I am glad to have yielded to my good friend.

Mr. HART. And I appreciate it.

Mr. ELLENDER. I think that probably I heard him, along with many of his colleagues in sponsoring all of these civil rights bills, say that the bill of 1965 would turn the trick, or the bill of 1964 would.

But it has not come about that way. The various commissions created and the various Executive orders issued by the President in order to devise and carry out ways and means of doing away with discrimination have not worked—not effectively, at any rate.

However, so long as these riots continue to erupt all over the country, it will further widen the chasm existing between the Negroes and the whites. It is very sad to see such a thing occur.

It would seem to me that we need no additional legislation. There is enough legislation already on the statute books. However, some people are prone to attempt to expand these laws and pass more laws in the hope that more can be done to help the Negro people.

I do not know of any Negro or white person in the area of the country in which I was born and live who is capable of doing a job and has been refused that job.

Sugarcane is the main crop that is planted in the parish in which I live. We have several large sugar mills. I assure the Senate that the Negroes have as much—if not more—chance of getting a job there as do the white people.

I know that on my brother's farm—on which he operates six or eight tractors—the majority of the employees are Negroes. They are very competent. No discrimination is practiced there such as has been alleged here.

When I was a member of the Louisiana Legislature in 1930, I fostered a bill to do away with poll taxes. I was not against Negroes voting. However, I was against a bill that would abolish qualifications. I still am.

Last year and this year a few Federal officials came to Louisiana to get people registered.

When I was visiting in West Feliciana Parish one day—incidentally, in my recent election West Feliciana Parish was the only parish that I lost of the entire 64 parishes—I watched the Federal official registering all applicants. He registered all who came.

Most of the applicants did not know the ward or precinct in which they lived. They had to be told.

I would say that the majority of those who applied for registration at the time I was there could not even read or write; and, the Lord only knows, they had opportunity. We had schools there, but many of them never attended school, not because they could not do so, but because they did not want to.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ERVIN. Mr. President, I ask the Senator from Louisiana if he does not agree with the Senator from North Carolina that Congress cannot legislate men of any race to economic or social heavens.

Mr. ELLENDER. I agree.

Mr. ERVIN. We had a great Negro citizen of North Carolina who was one of the founders of the North Carolina Mutual Life Insurance Co. at Durham, N.C.

This great Negro citizen of North Carolina stated, in substance, that if any man wants to drink from a cool spring on the top of the mountain, he must climb to the top of the mountain in order to do so.

I ask the Senator from Louisiana if he does not agree with the Senator from North Carolina that those who preach the doctrine that the Negro race can be lifted by legislation to economic and social heavens are preaching a doctrine which is, in reality, deceptive to the Negro race.

Mr. ELLENDER. There is no doubt about the correctness of that statement.

Mr. ERVIN. Mr. President, I ask if the Senator from Louisiana does not agree with the Senator from North Carolina that the only way men of any race can achieve a better way of life is by hard work, sacrifice, and a willingness to strive for self-improvement; that they should not wait for the Government, by some kind of legislative action, to transport them to the skies on the flowering beds of ease.

Mr. ELLENDER. The Senator is correct.

I can speak from a personal standpoint. Nobody gave me anything. I worked my way through college. I worked hard. I paid my way through. My father was unable to take care of my expenses.

I got along, and I am very proud of it. I pitched wheat in the fields of North and South Dakota to pay my way through school. I worked on the farm. I worked serving tables at college.

There is a very fine girls' college, Newcomb College, near Tulane University which I attended. Newcomb has an excellent fine arts department. One day while I was practicing on the track field, Professor Woodward, who was one of the teachers at the girls' college, was searching for a subject to pose for his class.

I was quite athletic at the time. Professor Woodward called on me, of all the athletes who were practicing that day.

He said, "My boy, would you like a job?"

I said, "Yes. What doing?"

The professor said, "I have a class in art, and the girls want somebody to pose for them."

I said, "Mr. Woodward, how much money will there be in it for me?"

He said, "$1 an hour."

I said, "I am hired."

I worked for over a year. I made $7 and $8 a week at times. That was big money for me at that time. It helped me to pay my way through college, and I am proud of that.

Mr. ERVIN. Mr. President, will the Senator from Louisiana agree with the Senator from North Carolina that, in the ultimate analysis, all of the bills of recent vintage designated as civil rights bills are really bills which undertake to rob all Americans of all races of some of the basic freedoms that Americans have always enjoyed?

Mr. ELLENDER. There is no doubt about the correctness of that statement. We cannot take any freedom away from one and give it to another without everybody losing.

Mr. ERVIN. Does not the Senator from Louisiana agree with the Senator from North Carolina that the very worst way in which to attempt to uplift Americans of any race is to rob Americans of all races of their basic freedoms?

Mr. ELLENDER. The Senator is correct. We cannot take anything away from one and give it to another without everybody losing. That is what happens.

Mr. President, there was a riot in Muskegon, Mich., on August 13, 1966. Several persons were injured after some 1,500 persons rioted. The disturbance started apparently with the report that an assault upon two white men by Negroes had occurred. It is quite bloody.

Mr. President, I ask unanimous consent that an article appearing in the New York Times on August 14, 1966, relating to this matter, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 14, 1966]

FIVE NEGROES HURT IN MICHIGAN RIOT—JEWELRY STORE IS LOOTED IN MUSKEGON DISORDERS

MUSKEGON, MICH., August 13.—Five persons were injured and 27 were arrested in downtown disorders early today after some 1,500 persons, mostly Negroes, closed in around a police car answering a hotel trouble call.

Seventy police and sheriff's men, armed with riot guns and rifles, took control of an area in front of the Occidental Hotel, Muskegon's main hotel, and dispersed the crowd.

A dance, attended by predominantly Negro group, was being held at the hotel at the time.

Following dispersal of the crowd, a jewelry store was looted. Seven men were arrested and charged with burglary and possession of stolen property. The loot included an $875 diamond ring.

The police said they had fired several warning shots. Police Chief Fred E. Castenho termed the outbreak "a riotous situation" and "a major disturbance."

SCENE OF RACIAL TROUBLES

Muskegon, a west Michigan city of 47,000, has experienced racial troubles in recent months.

Patrolman Rudy Ortquist, an off-duty officer, said today's trouble apparently began with the report of an assault on two white men by Negroes and this report circulated in the hotel.

Patrolman Lee Medema, who was in the first police car to arrive at the hotel, said he was hit in the face by a fist after he stepped out of his cruiser to order a crowd to go home. Patrolman Ortquist, going to the aid of patrolman Medema, fired two pistol shots in the air and called for reinforcements.

Officers said members of the throng smashed windows in three jewelry stores and looted display racks.

Most of those arrested were charged with disorderliness and disorderly intoxication. Twenty-six were Negroes, the police said. The 27th, a white man, was charged with disorderly assault.

Persons began streaming out of the hotel onto the street as police arrived. A shoving and pushing crowd was so thick in the street that traffic was halted.

William Allen, 29, a Negro, suffered a cerebral concussion and a four-inch laceration of the scalp. A hospital nurse quoted him as saying first he was struck by a police rifle butt and later saying he did not remember.

Officers arrested 15 Negroes who they said apparently broke away from the main mob, walked to the police station and stood outside, claiming two of them had been injured.

Only two officers were at the station at the time. One, Patrolman Howard Field, said he ordered the 15 men to leave but they refused and stood outside yelling. Patrolman Field stood at the door, riot gun in hand, while the other officer called for reinforcements.

Officers discovered later one of the 15 Negroes had suffered a minor knife wound.

Four Negro men were treated at a hospital for lacerations. C. J. Brooks, 18, suffered cuts on the cheek and both arms and bruised fingers. He told nurses he had been shoved through a plate glass window.

Mr. ELLENDER. In Waukegan, Ill., on August 28, 1966, there was a riot after a Negro police officer attempted to arrest a Negro youth for attacking him with a bottle. Mobs of young Negroes attacked cars and stores with rocks and Molotov cocktails and did a lot of looting. Of course, all this results from this civil disobedience that I have discussed before.

Mr. President, I ask unanimous consent that an article appearing in the Washington Post of August 29, 1966, in connection with this matter, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

Child, Four Others Burned in Waukegan Rioting

Waukegan, Ill., August 28.—Roving mobs of Negro youths attacked cars and stores with rocks and Molotov cocktails tonight. At least five persons, including a 6-year-old girl, were critically burned.

The riot area was just five blocks from the home where President Johnson's daughter Luci was weekending with her husband, Pat Nugent, and his parents. A Secret Service agent said no decision had been made whether Luci and Pat would leave Waukegan.

Policemen fought to cordon off a two-mile stretch of Illinois 42 on the south side of this town 40 miles north of Chicago. The neighborhood is predominantly Negro and Puerto Rican.

In the fashionable Milwaukee suburb of Wauwatosa, meanwhile, National Guardsmen used fixed bayonets to keep white crowds from attacking Negro pickets.

In Waukegan, white youths, packed into automobiles, were turned away when they tried to enter the trouble area.

A number of cars were set ablaze, as were several stores. Fire trucks scattered throughout the area.

At least 64 persons, most burned, five critically. Most of the victims were Puerto Ricans driving through the embattled neighborhood. A 25-year-old Negro was treated for stab wounds in the back.

At least 51 persons, most of them Negroes, were arrested.

It was the second straight night of racial violence, touched off Saturday when a Negro officer attempted to arrest a Negro youth for attacking him with a bottle. A crowd gathered and was dispersed, and youth mobs began prowling the area.

Only one store, a chain grocery firm, was seriously damaged, but several others suffered minor damages. Small fires loomed in the streets.

Mr. ELLENDER. Mr. President, in Chicago, Ill., 20 squads of policemen were required to quell a riotous situation which developed after police attempted to investigate an argument over a baseball game in the Puerto Rican section of town. When the police arrived at the apartment house, they were shot at by the occupants of the apartment. In returning the fire, the police killed one of the men. Many, many people were involved in this. When riots start this way, no one seems to obey the laws or listen to authorities who are trying to enforce the law.

Mr. President, I ask unanimous consent that an article appearing in the Washington Post of August 2, 1966, in connection with this matter, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Chacigo Police Seal Off Puerto Rican Section

Chicago, August 1.—Twenty squads of police raced to a predominantly Puerto Rican neighborhood of Chicago's Northwest Side tonight when residents poured into the streets following the shooting of one of their number by a policeman.

Police cordoned off the area, the same section involved in rioting last spring following a similar incident.

A Molotov cocktail was thrown about two blocks from the scene of the shooting, touching off a fire in a store. Across the street in an areaway, officers seized eight more Molotov cocktails.

The victim of the shooting was Ismail Leboy, 40, a father of eight.

Police said two Puerto Ricans occupying the second and third floors of an apartment building on the northwest corner of Division and Western avenues got into an argument over a baseball game. Police were called.

Officers said when they arrived a man fired a revolver through the door. The shot missed the police, who returned the fire, killing Leboy.

Mr. ELLENDER. In Cleveland, Ohio, a witness appearing before a grand jury testified that the recent rioting and fire bombing in Cleveland was planned by a gang of hoodlums called the "Black Panthers." This is an indication that the riots were not spontaneous as had previously been claimed by civil rights advocates.

Mr. President, I ask unanimous consent that an article that appeared in the Washington Post of July 23, 1966, in connection with this matter, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Grand Jury Is Told "Panthers" Planned Riots in Cleveland

Cleveland, July 27.—A 17-year-old youth told a grand jury that a 200-member gang known as the "Black Panthers" planned much of the systematic firebombing, sniping, and looting in Cleveland's slum riots, it was reported yesterday.

The Cleveland Press said the secret witness was a Negro boy who admitted being a member of the gang.

Testifying for an hour before the grand jury late yesterday, the youth gave jurors names of leaders and plotters and supplied dates and meeting places where acts of violence were planned, the Press said.

The boy said he saw Molotov cocktails made and he named those he saw make them. He admitted throwing several himself.

Mr. ELLENDER. Mr. President, as I have said, it seems that the civil disobedience which started in recent years partly because of these civil rights bills, has spread to the point where rioting is an every day occurrence. They want to take the law into their own hands. I am sorry that such a condition has erupted in our country. All this rioting has occurred since the enactment of most of these civil rights bills.

I return to the original statement that I made several years ago, that those who would suffer the most because of these bills would be the Negroes themselves.

This breach that has grown between the Negroes and the whites is growing wider and wider, and it will continue to grow if we continue to pass these civil rights bills and do not attempt to do an effective job of educating Negroes and white people and providing a better way of life for them by means of better housing and the like.

Mr. President, as is known by many of my colleagues, when I came here in 1937 I cosponsored the original Public Housing Act in order to take care of the poor people of our Nation, and I am proud of having done that. As will be recalled, later on this Housing Act was broadened, and I was successful in getting the late Senator Robert Taft to join me in the passage of the Public Housing Act.

In Cleveland, Ohio, racial violence flared for several days this summer. The trouble apparently had originated with a dispute between a white bartender and Negro patrons. The Ohio National Guard had to be called in to reestablish order. Gasoline bombings and shootings were the order of the day and the racial strife obviously had no connection with legitimate civil rights aims or goals.

Mr. President, I ask unanimous consent that an article appearing in the New York Times of July 20, 1966, and articles appearing in the Washington Post of July 21 and July 22, 1966, in connection with this matter, be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, July 20, 1966]

Negro Killed in Cleveland as Rioting Erupts Again

(By Walter Rugaber)

Cleveland, July 19.—A Negro man was killed tonight in an exchange of gunfire between the police and snipers as Ohio National Guardsmen called up by Gov. James A. Rhodes began moving into a riotous neighborhood on the city's east side. Two other persons were wounded.

The dead man, who was the second fatality of the widespread disorders that erupted last night, was identified by the police as Percy Giles, 36 years old, of suburban Cleveland Heights.

The riots resumed just before nightfall as snipers started firing on the police from the top of a four-story building. The officers had just arrested several Negroes, including a young boy.

SNIPER FIRE RETURNED

Patrolmen returned the sniper fire with pistols, shotguns, and teargas guns. Mr. Giles was hit in the head, and apparently died instantly. There was no report on where the fatal shot originated.

Shortly after the shooting occurred, there were rapid-fire reports of additional sniper activity, fire bombings and looting in a rundown Negro section of the east side.

Roving bands of Negroes ran through the area, smashing windows and forcing their way into a number of locked stores. They frequently jeered at whites and dared the Guardsmen to quell the rampage.

Mayor Ralph S. Locher appealed for the Guard late this afternoon following an all-day meeting at City Hall with municipal officials and local race relations authorities.

The troops assembled before nightfall at an outlying armory to back up the city's 2,100-man police force.

Mayor Locher was reportedly reluctant to call upon the troops, but he was evidently swayed by portions of the city's established Negro leadership.

The Mayor toured the riot area this morning and appealed to "all responsible people in the Hough area to cooperate fully in maintaining peace."

Mayor Locher subsequently ordered all bars and taverns in the Hough area to close tonight. The liquor stores, which are state-owned, ordinarily close at 6 P.M.

The police, wearing helmets and armed with riot guns, were working 12-hour shifts. Firemen, the target of assaults last night, were told to move in convoys tonight.

Last night's riot, considered the worst outbreak in Cleveland's rather turbulent racial history, had been brewing for some time. There were serious disorders in the Hough area last month, and officials had considered the situation explosive ever since.

The trouble last night began shortly after 9 P.M. There are several reports, none of them confirmed by the police, about how the rioting began.

The most popular version indicates that the turbulence stemmed from a dispute between a white bartender and his Negro patrons. Gasoline bombs exploded in scattered areas and the police quickly became involved.

Seven officers were treated for injuries they received during the subsequent rioting. Most of them were struck by rocks. The patrolmen shot out street lights to lessen the likelihood of being hit.

Firing tear gas at mobs of as many as 100 persons, the police forced many Negroes off the streets and into adjacent apartment houses. On other occasions, patrolmen swept through residential units, flushing out all the occupants to halt the random sniping.

One of those herded off the streets was Mrs. Joyce Arnett, 26 years old. While waiting in a strange apartment house, Mrs. Arnett evidently grew concerned about her small children at home. She stuck her head out of an upper window and yelled that she was coming out, but a bullet struck her in the head. She died at a nearby hospital shortly after 1 A.M.

The police indicated that they had not discovered the source of the shot. The incident occurred during the exchange of fire between patrolmen and snipers.

At least eight separate fires were attributed to the rioters. Two of them were major blazes, and one destroyed a drug store, a supermarket and an apartment building.

The Fire Department's efforts to extinguish the flames were hampered by harassment from rioters. Protection of the firefighters imposed a major drain on police manpower.

In a few instances the barrage of rocks and sniper bullets caused the firemen to withdraw altogether. Sometimes the rioters took over the abandoned hoses and aimed them at the fires. Sometimes they slashed the hoses.

Widespread looting was reported, with vandals tearing away heavy iron gates that guarded the fronts of some stores. A number of the hardest hit merchants bitterly declared that they would not reopen their business in Hough.

There are several militant Negro groups in the area, and the slogan "black power," recently popularized by the Student Nonviolent Coordinating Committee was reportedly heard a few times during the riot.

But a source in the Hough section attributed much of the trouble to "a question of dignity." Negroes, the source said, believe they are badly treated by the city administration, and the animosity centers on the police.

Hough, like the Watts section of Los Angeles, is not a slum of high-rise tenements and packed-in buildings. The area consists mainly of large houses built in a better era together with two-story and three-story apartment buildings.

It includes one of the largest urban renewal areas in the nation, yet the urban renewal program here is widely regarded as a failure because of the slow pace of development. Critics of the city administration have charged that Federal funds earmarked for many programs have been lost because of similar inactivity.

The United States Commission on Civil Rights, which conducted several days of hearings in Hough earlier this year, assailed the city's progress in urban renewal and also found that many Negro schools were segregated and inferior.

The racial problem here gained national attention in the spring of 1964, when a Presbyterian minister, the Rev. Bruce Klunder, was run over and killed by a bulldozer while demonstrating against segregation at a school construction site.

[From the Washington (D.C.) Post, July 21, 1966]

New Violence in Cleveland Is Sporadic—Incidents Reported Outside Riot Area Sealed Off by Guard

Cleveland, Ohio, July 20.—Sporadic violence broke out tonight in scattered spots outside the sealed-off Negro section patroled by National Guardsmen after two nights of riots.

Rock throwing and window smashing by a large crowd of Negroes started shortly after dark in an area about two miles east of the scene of earlier disorders that left two dead and 24 injured.

Guardsmen were summoned to the new trouble spot and helped disperse the crowd. Police raced from one spot to another following reports of crowds and minor disorders.

"They're throwing bottles at us," a policeman radioed from one location. Another officer said stones were hurled at a transit car in still another spot.

But in the original riot area of Hough (pronounced Huff), all was quiet in the first hours of darkness under the tight restrictions imposed by Guardsmen. Only residents or motorists on official business could get in or out.

More than 800 Guardsmen were on patrol at dark. Police Inspector Gerald Rademaker said Guardsmen and police patrols were ranging over an area 70 blocks wide.

"We are going to restore order," Mayor Ralph S. Locher said grimly after meeting with the commander of nearly 2000 troops called up yesterday.

Gov. James A. Rhodes in a proclamation signed late last night declared a state of emergency in the destruction-littered Hough section.

Negro Councilmen and property owners complained they had pressed Locher all day yesterday to call in the Guard. Locher acted at 5 p.m., and the first Guardsmen entered the city about 11 p.m.

The Greater Cleveland Council of Churches of Christ blamed the rioting on a lack of communication between Negroes and City authorities.

"Time and time again community leadership has been confronted with the statistics of unemployment, overcrowding, poverty level incomes and lack of city services—with inadequate effect," the Commission said.

"After days of soul-searching evidence reported to the U.S. Civil Rights Commission, the response frequently was to either ignore or deny the validity of the facts."

The Commission, headed by the Rev. Charles Rawlings, proposed a five-point program to prevent future riots. It called for improving the living conditions of Negroes, opening up channels for protest and including the Negro in all levels of employment.

Some businessmen complained that police stood by while looters emptied stores in the rioting.

City Safety Director John N. McCormick said he would investigate the complaints. He said police arrested nearly 130 persons on looting charges and that a policeman had to use his own judgment on whether it would be better to let a looter, especially a youngster, go unimpeded rather than risk an incident of violence.

Looters took little or no precaution to disguise their activity.

Men carrying rolls of room-length rugs walked brazenly down Hough Avenue. Others made no attempt to stop photographers from taking their pictures as they carried merchandise from window-shattered stores.

Some merchants arrived at their stores while they were being looted. Rather than face the possibility of injury in trying to prevent the plundering, they told the "bargain seekers" to take what they wanted.

There were these related developments around the nation.

In Jacksonville, Fla., a white-owned grocery was dynamited and gangs roamed the streets throwing rocks and firebombs in the third consecutive night of violence. No one was injured in the dynamite blast. Ten youths have been sentenced to jail terms and officials have announced plans to beef up the police force.

In South Bend, Ind., a meeting of 100 Negro youths produced a list of complaints on racial conditions. A man was beaten and left in critical condition by three Negro youths last night following outbursts of violence Sunday and Monday.

In New York 40 Negro tenants have moved from two Brooklyn apartment houses after a series of outbursts between Negroes and Puerto Ricans in the Brownsville section. Puerto Rican residents left a third adjoining building earlier.

[From the Washington Post, July 22, 1966]

Flames and Gunfire Hit Cleveland Area Again—Malicious Wave of Destruction Is Spreading

Cleveland, Ohio, July 21.—Flames and gunfire crackled again tonight in riot-damaged Negro slums and other areas in a spreading wave of malicious destruction. The fourth night of violence followed the early morning gunshot wounding of five persons at a fire.

"They've fired one unit and they're attempting to fire another," a policeman reported from one location. Firebombing—following the grim pattern begun with rioting Monday—was blamed for many fires.

Firemen were the targets of gunshot at one spot, police reported. Officers were dispatched to guard the firemen. None was reported hurt. Hundreds of National Guardsmen reinforced police.

The simmering strife has taken two lives, left more than 30 injured and caused heavy property damage over a spreading area.

Several persons were evacuated from three buildings when two garage sheds burst into flames.

A 50-year-old Negro guarding a service station from fire or vandals accidentally shot himself in the leg, Mount Sinai Hospital reported. A short distance away, there was a spectacular fire, roaring through a vacant apartment building.

Cleveland's continuing violence—ignited originally by a tavern dispute in the Negro area—resulted in a move for congressional investigation of the rioting here and in other cities. Rep. Michael A. Feighan (D–Ohio) said he had numerous appeals for such an inquiry.

"There have been reports that in many instances the riots seem to be planned and organized," Feighan said in Washington.

The wounded service station attendant, Homer Croft, was hit in the leg by a bullet when a pistol in his belt discharged while he worked on a car.

At a predawn blaze, a 16-year-old Negro mother and her two children were wounded in a hail of bullets as their car lurched toward police lines.

The wounded: Mrs. Diane Townes, 16, hit in the face and shoulder; Christopher Green, 4, shot in the back of the head; Emmanuel Townes, 7 months, nicked on the neck; Ernest Williams, 12, brother of Mrs. Townes, shot in the right leg, and Guard Capt. James A. Pletcher, 28, of Lake Milton, Ohio, shot in the left leg.

Elsewhere, there were these related developments:

In Washington, Sen. James O. Eastland (D-Miss.), said the James Meredith march in Mississippi was a "Communist invasion of the state. . . ."

EASTLAND, in a Senate speech, named 11 people he said took part in the march, and charged they were Communists or members of subversive organizations.

"These were the people who were behind the cries of black power in the State, which was nothing but a revolution against legally constituted authority," EASTLAND said.

KING WARNS NORTH TO AID NONVIOLENCE

(By D. J. R. Bruckner)

CHICAGO, July 21.—Dr. Martin Luther King challenged the power structures of the northern cities today either to cooperate with his nonviolent movement to achieve Negro equality or to prepare for further widespread racial rioting.

In a statement released by his Southern Christian Leadership Conference, Dr. King explored the motivation and results of four days of rioting and looting in Chicago last week and in other northern cities subsequently.

He said there was a real question whether Negroes would choose to achieve their ends nonviolently or whether they would turn to further violence.

King claimed that residents of the West Side ghetto where the Chicago rioting occurred gained more from a one-day riot in 1965 and a four-day riot last week than the city was willing to grant by negotiation with rights leaders.

"The nonviolent movement, when it has peacefully petitioned and logically presented its demands, has all but been ignored by the power elite," Dr. King said.

Dr. King appealed to the Negro community itself to support his movement. He said the white majority of the Nation could handily control racial rioting by armed force, even if it had to destroy itself in the effort.

Dr. King said he wanted to restate his own dedication to nonviolence. But he cautioned that "the power elite no longer can choose the forms by which the oppression and suppression of Negroes will take place. The power elite can only influence the means by which that oppression and suppression will be ended."

Asked whether he felt that nonviolence as a concept was in danger of being succeeded by more hostile ideas among the Nation's Negroes, Dr. King said "that danger is very great and growing."

Mr. ELLENDER. Racial tensions were inflamed in Troy, N.Y., after Negroes charged the police with brutality. The Negroes had set fire to a grocery store in Troy and also a clothing store.

Again, the racial disorders and disturbance had nothing to do with legitimate civil rights claims. The annual median income for Troy Negroes is $4,455.

Mr. President, I ask unanimous consent that articles appearing in the New York Times of July 23 and July 24, 1966, in connection with this matter, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 24, 1966]

THREE NEGROES SEIZED IN TWO TROY BLAZES—INCIDENT FOLLOWS A WEEK OF RACIAL UNREST—NONE HURT

TROY, N.Y., July 23.—Three Negro men—one a spokesman for activist young Negroes—were arrested early today, shortly after firebombs exploded in two buildings. They were charged with setting the two fires.

The incident came after a week of racial tension, sparked by a charge of police brutality in this industrial Hudson River city.

No one was reported injured in the fires, started around 1 a.m. by what firemen termed Molotov cocktails, pint jars filled with gasoline and plugged with rag wicks.

One fire, at a grocery store, caused extensive damage and forced several apartment dwellers above the store to evacuate the building.

SPRINKLER HALTS FLAMES

The other fire, at the Tiny Town Togs, Inc., caused minor damage before an automatic sprinkling system doused the flames.

Police said, when they arrested the trio, that they found a quantity of other homemade bombs inside the automobile in which the men were riding.

Arrested were David C. Venson, 19, Wilbur Carter, Jr., 21, and Leonard A. Wade, 26, all of Troy.

Mr. Venson was arraigned on charges of first-degree arson and possession of explosives with intent to use unlawfully, both felonies, before Judge Timothy Fogarty of Troy Police Court. Mr. Carter and Mr. Wade were arraigned on the explosives charge only.

[From the New York Times, July 24, 1966]

RACIAL TROUBLES A SHOCK TO TROY—CITY REALIZES IT HAD LOST CONTACT WITH YOUTHS

(By Jonathan Randal)

TROY, N.Y., July 24.—"It couldn't happen here, but it did," said a 40-year-old middle-class Negro who has lived all his life in this Hudson River industrial city of 67,000 residents.

What did happen was a week of racial disturbances set off by the controversial arrest of a 17-year-old Negro girl. The tension broke into the open last week with the explosion of Molotov cocktails and the arrest of three Negro youths.

White city officials are dismayed at the bad name they feel the disturbances have given their once quiet city. They blame "outside troublemakers," although all of those arrested are residents of Troy. One official muttered about a "Communist plot."

UNAWARE OF DANGER

To the Negro leadership, the trouble was even more embarrassing. The Negro leaders discovered they had no lines of communication with the relative handful of young, disaffected Negroes who sparked the disturbances.

Their consternation was understandable, for the vast majority of Troy's Negro community of 4,500 residents are employed.

But neither the Troy chapter of the National Association for the Advancement of Colored People nor the local antipoverty agency was fully aware of what one Negro called "the vestpocket Brownsville" along Federal Street.

Housing is bad in the six-square-block downtown area where most of Troy's Negroes live in harmony with many poor white families.

"The white community—and the middle-class Negroes—drive by every day on their way to and from work downtown," one Negro leader said, "but they don't see anything."

Francis S. Fitch, president of the Troy chapter of the NAACP, said it took him several days to find the amorphous leadership on Federal Street.

Mrs. Margaret Mochon, director of the Commission on Economic Opportunity, said: "Had we started two months ago to work on Federal Street we would have done better." But the commission's program in that area had been under way only a month and had concentrated on adults.

"BEHIND ON EVERYTHING"

In an attempt to link up with the teenagers on Federal Street, Mrs. Mochon decided last Friday to hire two local boys, David C. Venson, 19 years old, and Wilbur Carter Jr., 21.

But the two boys were among the three arrested early Saturday and charged with setting fires, in a grocery and a garment warehouse.

"We're behind on everything," Mrs. Mochon said later, echoing a complaint shared by many white and Negro leaders.

Nearly 85 per cent of this old manufacturing city's buildings are more than 60 years old and one-third of them were described as substandard in the 1960 census. Some 69 per cent of the Negroes live in substandard housing.

Yet the median annual income for Negroes in Troy is $4,455, more than 20 per cent higher than that for Negroes in nearby Schenectady or Albany. The white median in Troy is 10 per cent lower than in the two other cities.

Troy has not been as free from racial discrimination as some city officials would like to believe, Mr. Fitch said. Last summer it took a week of picketing by the N.A.A.C.P. to force Troy banks to hire Negro clerical workers, he said.

The N.A.A.C.P. has filed complaints with the local Board of Education charging that schools in the Negro area are substandard in plant, teaching staff, and supplies.

Since the recent tension began, Mr. Fitch said, while youths have driven through the predominantly Negro downtown area at night and shouted: "Riot, you niggers." Walls of Negro churches have been covered with anti-Negro inscriptions.

Nevertheless, both city officials and Negro leaders seem determined to look ahead with optimism.

Mrs. Mochon said: "The crisis was no doubt needed to identify the people and the problems involved." City manager Robert A. Stierer said: "We've learned a great deal about our problems." Mr. Fitch added: "I feel we have reached a closer working relationship with city officials than ever before."

Mr. ELLENDER. In Chicago, Ill., in a continuation of the trouble that had begun several days before when police had turned off a fire hydrant, Chicago Negro snipers fired away at police who attempted to restore order in a 4-mile stretch of Chicago's West Side. More than 160 Negroes, including 18 women, were arrested by the police before order was restored. Five thousand Negroes participated in the rioting, while more than 900 policemen attempted to maintain order.

Mr. President, I ask unanimous consent that an article appearing in the Washington Post of July 15, 1966, in connection with this matter be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, July 15, 1966]

CHICAGO NEGRO SNIPERS, POLICE TRADE GUNFIRE

CHICAGO, July 14.—Negro gangs and policemen exchanged shots in a series of gunfights as intense violence erupted along a four-mile stretch of Chicago's West Side tonight. A police captain was shot and wounded.

Armored vehicles and tear gas units were called to Lake and Wood streets, where police communications said a pitched battle was in progress.

Police Capt. Francis Nolan, watch commander of the Deering district, was reported in good condition in Mt. Sinai Hospital with a rifle bullet in his back. He was shot by a sniper on a roof.

Hospital authorities said at least 50 persons had been treated for injuries, including two other policemen.

Up to 5000 Negroes jammed the streets as more than 900 policemen attempted to restore order in the predominantly Negro neighborhood. It was the third successive night of violence.

Negroes fired from rooftops as policemen crouched behind squad cars and darted from doorway, to doorway, firing as they ran.

The windows of many businesses operated by white persons were smashed. Armed guards stood outside a neighborhood bank.

Motorists were pelted with rocks as they drove through the area and many car windows were broken. A car was overturned by one gang.

Residents threw pieces of glass from upper windows onto the police. A group of officers firing pistols from each hand chased a marauding gang of Negroes down a street. Other policemen aimed their shots at rooftops.

Negroes smashed through the plate glass window of a cleaning shop. Police said looting of stores was widespread.

More than 160 Negroes, including 18 women, were arrested, police officials said.

Newsmen driving through the area were pelted with rocks and bricks, but none was injured. Three Negro youths told reporters: "We're going to get some rocks. You know they're going to throw at any white man."

Hundreds of persons were hurling objects from windows and roofs.

Police Communications aid officers in the area called for more ammunition.

The violence on the city's West Side—near the area where several persons were injured in two nights of rioting last summer—erupted as policemen and clergymen attempted to calm the stricken area.

Disturbances had been kept to a minimum until midevening, when swarms of Negro gangs roamed along a strip on Roosevelt Road from Pulaski Road to California Avenue, about 16 blocks from the edge of downtown Chicago.

Clergymen and nuns dispatched by the Rev. Dr. Martin Luther King Jr. urged women and children to get off the streets.

The trouble started Tuesday night when Negroes protested that police turned off a fire hydrant that children had been using to cool off in the hot, muggy weather. A city ordinance prohibits opening hydrants. Eight persons were arrested.

Last night violence erupted for the second night in the Negro neighborhood as police exchanged gunshots with the Negroes and roving gangs tossed fire bombs into buildings. Firemen were stoned as they fought fires touched off by rampaging groups. In one block, four fires were blazing at once.

Dozens of stores were looted.

Both Mayor Richard J. Daley and Roman Catholic Archbishop John P. Cody blamed the outbursts on juveniles. Dr. King blamed the disturbances on Daley and the city administration.

Dr. King demanded that a Negro be appointed to the second highest position in the Police Department.

Mr. ELLENDER. Also in Chicago, in separate instances, two major disturbances were caused by roving gangs of Negroes in Chicago's West Side. Several fires were caused by Negroes throwing homemade gasoline bombs. The police and firemen were attacked when they attempted to put out the fire and restore order to the area.

Mr. President, I ask unanimous consent that an article published in the Washington Post of July 14, 1966, in connection with this matter be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOOTING AND FIRES MARK NEW CHICAGO OUTBREAKS

CHICAGO, July 13.—Two major disturbances erupted 3 miles apart tonight on Chicago's West side as police and Negroes exchanged gunfire and roving gangs started numerous fires. Two young Negroes were wounded.

Six shots were fired at police from a large public housing project in a near Southwest Side Negro neighborhood as authorities attempted to halt gangs of Negroes who were throwing rocks and homemade bombs.

Police returned the fire, but apparently no one was hit.

Two shots were fired from an alley at a police car on Roosevelt Road. Officers jumped from the car and three homemade bombs were thrown at them. They were not injured.

BOMBS START FIRES

A few doors away, fire bombs tossed onto the roof of a one-story garage set the structure afire. It was the fourth fire on the block.

Fire bombs landed in the midst of firemen fighting the blaze.

The violence had been quelled earlier by massive police, aided by a rainstorm. The violence erupted again after the rain stopped.

The West Side Organization, a community action group, put 24 of its members on the street, urging women and children to go indoors.

A city street-cleaning vehicle moved down the glass-strewn Roosevelt Road, clearing the boulevard of a mantle of glass shards.

One bomb tossed into a window above a store at 14th Street and Ashland Avenue, set the building afire. Youths crashed through the windows of a currency exchange, setting baskets of waste paper on fire.

Firemen were stoned as they fought the flames.

Eight persons were arrested earlier tonight as police attempted to break up rampaging groups. Ten policemen were treated for injuries and two motorists were injured by rocks thrown into their cars.

At least 20 shots were fired as a mob of 300 attacked the 10 policemen. It appeared the shots were fired by policemen into the air.

More than 150 policemen finally massed and drove more than 1,000 Negroes into their homes from the intersection of Roosevelt Road and Throop Street, shortly afterward the rain quelled the uprising.

Meanwhile, police reinforcements moved into an area near Pulaski Road and Gladys Street three miles to the west. The area is three blocks from the site of two nights of rioting last summer.

Negroes threw bricks and bottles. Policemen fired shots into the air in an effort to clear the streets. Windows of cars were smashed.

The disturbances were touched off earlier as policemen turned off a water hydrant in the area on another hot and muggy night. The temperature was 84.

As they turned the hydrant off, a group of 150 Negroes began throwing rocks, pop bottles and bricks. Police moved in with nightsticks as they swept down Throop Street moving the crowd ahead of them. Several Negro youths were knocked down during the sweep.

One Negro resident of the area said the high feelings were inspired, in part, by the shutoff of that hydrant without interference with open hydrants in an Italian-American area a few blocks north.

"I'd like to see them turn off a hydrant in a white neighborhood and then try beating a white kid over the head with a billyclub," said one resident.

It's a common practice, though against the law, for Chicagoans to open water hydrants during hot weather so children can cool off. The weather has been in the 90's all week.

"This (incident) has distilled something in these children they will remember the rest of their lives," a man said. "If they are brave enough to fight the police they are brave enough to do anything."

"All these people in this neighborhood were content with living piled up on top of stockyards—until the police closed one fire hydrant and they all got mad," another resident said.

Mr. ELLENDER. In Chicago, when police closed an open fire hydrant, a mob of about 300 Negroes began rioting. Homemade fire bombs and rocks were used by the rioters in destroying the buildings along Roosevelt Road, one of the major thoroughfares in the area.

In another incident the same night, 25 Negro subway passengers cheered as a heavily built Negro beat and robbed a slender white soldier on the train. Police said that the Negro demanded money from the GI, and then ripped off his glasses and beat him.

What do any of these incidents have to do with the legitimate goals of civil rights of Negroes? Absolutely nothing.

Mr. President, I ask unanimous consent that an article published in the Washington Post of July 13, 1966, in connection with this matter, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HYDRANT SHUTOFF STARTS RACIAL MELEE IN CHICAGO—41 ARRESTS ON A HOT NIGHT

CHICAGO, July 12.—Forty-one persons were arrested and several others were injured tonight in a disturbance in a predominantly Negro neighborhood touched off after police closed a fire hydrant on a hot, muggy night.

Police said several persons, including motorists, were injured when a roving band of Negroes, ranging up to 300 in sizes, threw rocks and homemade bombs.

The melee was touched off after police closed a fire hydrant in the near southwest side neighborhood.

The Negroes, who had opened the hydrant so children could cool off in the 96-degree heat, contended police were closing their hydrants, but were allowing hydrants in an Italian area two blocks away to remain open.

The Negroes opened the hydrants after police closed them, and the incident quickly developed into a major disturbance.

Eight persons were arrested during the hydrant episode. One was hospitalized and the others were released on their own recognizance.

Three hundred policemen patrolled the neighborhood.

The Rev. Columbus Ewing, pastor of the Greater Bethany Church, told newsmen the seven released had been beaten. Police denied it.

Late tonight a crowd of 150 gathered at a corner and started marching down the street. Eight police vehicles converged.

Five shots were fired. Police broke up the crowd.

A police car was set on fire by a homemade bomb.

Dr. Martin Luther King, chairman of the Southern Christian Leadership Conference, went to the area and attempted to restore order.

Residents met in a church with King and listed their grievances as the need for swimming pools and for libraries, and police brutality contentions.

King said the main reason for the disturbance following the incident over the fire hydrants was the belief by residents that the eight arrested were the victims of police brutality.

The area is 4½ miles south of a Puerto Rican neighborhood shaken by three nights of disturbances last month.

All traffic was rerouted from the area, about 26 blocks from downtown Chicago.

Police said all windows for four blocks along Roosevelt Road, a major thoroughfare, were shattered.

A huge shopping center was in shambles. Workmen perspired on the hot muggy night as they boarded up the windows. Most windows there, too, were broken. Some neon signs hung by one wire. Garbage cans littered the street.

Police cars prowled the area with their lights off. As soon as police gained control of one situation, they would leave and groups would form again.

In an unrelated incident last night, police said 25 subway passengers—mostly Negroes—cheered as a heavily-built Negro youth beat and robbed a slender white soldier on a train. Police said the youth demanded money, threatened to kill the GI, then ripped off his glasses and beat him.

Subway detectives with guns drawn finally rescued the soldier and arrested James Person, 18, who was charged with robbery and battery.

Mr. ELLENDER. All this, I repeat, has been occurring since Congress has been attempting to do something for the Negroes.

In Omaha, Nebr., the Nebraska National Guard was required to disperse crowds after the third straight night of violence in Omaha's Negro ghetto. The rioting was supposedly started by claims of police brutality by the Negroes.

Mr. President, I ask unanimous consent that an article published in the New York Times of Wednesday, July 6, 1966, in connection with this matter be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Forty-seven Arrested in Omaha After Third Outbreak in Negro Area, Raising Total to 133; Guard Units Stay on Call

(By Donald Janson)

Omaha, July 5.—National Guard units, called out early today to disperse crowds after a third successive night of violence in Omaha's Negro ghetto, were held on call tonight at the armory.

Other units were placed on duty at armories in nearby cities.

Forty-seven arrests this morning brought the total to 122. There was no shooting and nobody was seriously injured. Most of the arrests were on charges of malicious destruction of property, disturbing the peace, resisting arrest and unlawful assembly.

Twenty shops and stores on 24th Street, the principal business artery in the Negro section, suffered dozens of broken windows. All were patched with boards, canvas or tarpaper to prevent further looting.

NO NEW INCIDENTS

No new incidents were reported after a day of meetings between city officials and Negro leaders to determine the underlying causes of the disturbances.

Mayor A. V. Sorenson said at a news conference that talks with residents of the troubled area had forced him to change his earlier contention that the outbreaks were without racial overtones.

"They talked about police brutaltiy, lack of recreation facilities, lack of jobs," he said. "These are civil rights matters."

He said he now attributed the strife not simply to hot summer nights but also to "frustrations and tensions."

He said:

"It was an expression of discontent. It was a desire to be recognized and have all the nice things first-class citizens in America have."

He said he agreed with Gov. Frank B. Morrison, who described the ghetto yesterday as "unfit for human habitation" in many ways.

"EXPLOSIVE" PROBLEMS

Homer C. Floyd, executive secretary of the city's Human Relations Board, said joblessness, overcrowded housing, lack of playgrounds and questionable police methods were all "very serious and explosive" problems.

More than 30,000 Negroes, a tenth of Omaha's population, are jammed into a two-square-mile area on the city's Near North Side. Many live in rundown one, two and three story frame homes covered with imitation brick siding.

"Many homes built for one family house three," said Charles Washington of The Omaha Star, a Negro newspaper that serves the area.

He said that many damaged by a tornado half a century ago were still held together only by patching.

Substandard housing is aggravated, said Mrs. Thomas E. Hayes, secretary of the Governor's Commission on Human Rights, by the thousands of rural Southern Negroes still flocking into the teeming ghetto, the only area where they can rent living quarters in a city that lacks an open-housing ordinance.

Rodney Wead, community director for the Catholic Social Action Council, said thousands of children in the ghetto had no playground in their neighborhood. Many of the youths involved in the melees were teenagers.

Mr. Floyd said the city had no Negro joblessness figure but that it was far above the rate for the city as a whole.

He said the city's lack of equal employment opportunity and open housing ordinances severely hampered the work of the Human Relations Board. The 30-year-old Negro is the board's only full-time professional staff member.

Mr. Floyd said the Negro community also felt a "total lack of confidence" in procedures for grievances against police tactics. Complaints of unnecessary roughness and racial discrimination are relayed to the police through a neighborhood council.

"The police give no real consideration to the complaints," Mr. Washington said. "The situation in the ghetto is one of utter despair and frustration."

"For years," Mr. Wead said, "the Near North Side has been a forgotten area."

Mr. Floyd said he had not been consulted by the Mayor or police officials on underlying causes till today. Until the third night of disturbances, he said, these officials had insisted that the violence was a "law enforcement matter" rather than a civil rights problem.

At meetings twice this afternoon with the Mayor and other city officials, Mr. Floyd said he had advised that this "narrow view" overlooked "all the psychological and sociological problems involved that relate to racial prejudice."

He said his recommendation that "some kind of rapport" be established with the discontented majority had been accepted and he was optimistic that progress could be made.

"We won't tolerate lawlessness," Mayor Sorensen told his news conference, "but we would like to sit down with these people."

However, he said that his first meeting with about 100 persons shortly before the third outbreak had been less than satisfactory. The meeting was held at the Near North Side branch of the Young Men's Christian Association in the heart of the troubled area.

"It was a shouting, boisterous meeting," he said. "A few men got up and made very inflammatory remarks. They discussed police brutality. They demanded more recreation facilities. They wanted jobs. They wanted the people arrested the night before released. It was an emotionally charged meeting.

Samuel Cornelius, Negro director of the Y.M.C.A. who arranged the meeting, said only that "it was a start."

The incidents, followed the first two nights by looting, were touched off early Sunday when policemen sought to halt the shooting of illegal fireworks.

Much of the bottle-tossing that ensued was aimed at the police. In almost every case of broken store windows, Mr. Washington said, Negro-owned businesses were spared and white-owned concerns hit. One badly damaged drug store, he said, changed hands from white to Negro ownership only a month ago and the youths may not have known it.

In this morning's disturbance, only 128 guardsmen at the Omaha Armory were called up. By the time they arrived at 1:40 A.M., the police had virtually cleared the streets. To finish the job, 44 guardsmen with fixed bayonets formed a wedge and dispersed the few Negroes remaining on 24th Street.

The authorities estimated that no more than 300 persons had been actively engaged in the violence. Crowds milling about 24th Street, however, swelled to as many as 4,000.

Mr. ELLENDER. In Cleveland, Jacksonville, and New York City, on July 19, 1966, racial disorders occurred in three different cities remotely situated from each other. In New York, the racial violence resulted from a controversy which started in a tavern on 79th Street where the patrons objected to a sign in the establishment that no free ice water would be served. Infuriated by the sign, the Negroes proceeded to wreck the place.

Once again, the disturbance had no connection with legitimate civil rights issues.

Mr. President, I ask unanimous consent that an article published in the Washington Post of July 19, 1966, in connection with this matter be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Race Strife Breaks Out in Three Cities—One Killed, Several Injured as Rioters Set Cleveland Fires

Racial violence broke out last night in Cleveland, Jacksonville and New York City. In Cleveland, a Negro woman was shot and killed and another person wounded as gangs roamed the city's Hough district hurling firebombs and bottles.

In Jacksonville, two white youths were beaten, a store set afire, and shop windows smashed.

In New York, busloads of riot police moved into East Harlem and Brooklyn to break up brick-throwing gangs. A Negro woman was shot and wounded by one of the youths.

The dead woman in Cleveland was identified as Joyce Arnett, 25, who was shot in the head while apparently standing in a doorway.

About 300 police converged on the area, scene of four nights of unrest three weeks ago. A factory and at least two homes in the area were reported afire. Firemen were called back after they were fired upon and pelted with stones.

Police, under fire from a sniper, shot out some street lights and made motorists turn off lights to give the sniper less light to see his targets.

Widespread looting was reported.

At least four policemen were injured when struck by rocks and bottles. Police were checking an anonymous report that the fires were started by a band of organized arsonists riding in a canvas-topped yellow truck.

The trouble was said to have started in a tavern at 79th st and Hough ave., where patrons reportedly objected to a sign that said no free ice water would be served. A Negro policeman, Bill Alexander, said irate patrons wrecked the place. A crowd estimated at 300 gathered at the scene.

Two bus passengers were injured traveling through the area when youths threw a pipe and a brick through the bus window. William Napwaski, 53, suffered a gash on his right arm, and his wife, Stella, was bruised on the head by a brick.

The clash in Jacksonville followed a march on city hall by about 200 Negroes protesting alleged discrimination in hiring practices. Police said the marchers, straggling from City Hall back to the Negro section of Jacksonville, began hurling rocks at passing cars containing whites, and at stores and houses.

At the city hall rally, state NAACP president Rutledge Pearson listed Negro grievances and said "We are no longer requesting. We are demanding. We have given the city fathers enough time. Now we are going to take action."

Whites jeered the Negroes and waved Confederate flags at them.

Directly across the street from city hall two Negroes grabbed a white youth and beat him to the sidewalk. All three fled when police approached.

Negroes jerked a white youth out of a telephone booth and beat him. An elderly white woman, walking with her husband on a downtown street, was cut on the leg by a thrown object. A crowd of Negroes tipped over a small sports car.

The violence continued in the Negro district. A flaming Molotov cocktail was hurled in a car at the corner of State and Davis Streets and the car hurtled out of control, injuring the Negro woman driving it.

Two motorcycle policemen said a group of Negroes shot at them, and then escaped by running across a crowded expressway.

Police reported several arrests.

In New York City, the two disturbance areas were reported quiet early today. In the East New York section of Brooklyn the melee involved Negro, white and Puerto Rican youths. There were several injuries and five persons were arrested, police said.

* * * * *

Hardy Blake, a Negro, was arrested in the parking lot after a white youth reported his tires had been slashed.

Patrolman Paul Locski reported that Gladys Lee Clark, 22, objected to the arrest and began hitting the officers with her fists and a piece of auto grill. A crowd of 50 to 100 gathered and began throwing stones and bricks.

Police dogs broke up the group but it reassembled on another parking lot, began stoning passing cars, and then started a march toward the downtown area, before being dispersed.

Mr. ELLENDER. In Los Angeles, several hundred Negro teenagers rioted in Watts. This was the second time, Mr. President. This is the same section of town which was marked by rioting in the summer of 1965. In the new disturbance in Watts this year, 2 were killed and 25 hurt in the rioting, which started over the arrest of a Negro teenager, after he and others had been throwing rocks at passing automobiles.

Mr. President, I ask unanimous consent that an article published in the New York Times of March 16, 1966, in connection with this matter be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Two Killed, Twenty-five Hurt in New Watts Riot; Two Hundred Police Quiet Negro Teenagers

(By Peter Bart)

Los Angeles, March 15.—Hundreds of Negro teenagers rioted this afternoon in Watts, the poor section of this city that was torn by racial disorders last summer. Two men were killed and 25 injured.

By 7:30 P.M. a police inspector declared that the 12 square blocks hit by the rioting had returned to normal. But he added, "This could flare up in a second."

A short time earlier, policemen walking in ranks of 12 and armed with shotguns swept through the area, clearing it of the bands that had been throwing rocks and smashing shop windows since 3:20 P.M.

Gov. Edmund G. Brown, who was in Washington, was informed of the trouble and immediately flew home. He arrived shortly before 8 P.M. He made no statement, but aides said he would be driven to the riot scene.

In the meanwhile Acting Gov. Glenn M. Anderson ordered two units of the National Guard to be placed on a standby alert.

In the crowded special command post set up at police headquarters in downtown Los Angeles, top police officials were following the moves of the more than 200 policemen in the tense area around 103d Street.

A special riot squad was brought into Watts to reinforce the local 77th Street precinct. At the request of Mayor Samuel W. Yorty, Acting Chief Harold W. Sullivan put into effect "a maximum force plan of operations." This presumably is a troop deployment drawn up after the six-day riots of last summer.

The disorder began at the Lou Dillon Jordan High School at 103rd street and Armadillo street as classes were letting out. According to the police, a small group of youths began throwing rocks at passing cars. A brick struck an auto driven by a white teacher at the school.

The police arrived and arrested a youth for throwing the brick at the teacher. As they were leading him into the squad car, they were surrounded by taunting and jeering students. This mob grew to 200 and fanned out through the area.

A few blocks east of the school a gang set upon a truck delivering bottled water to offices. They turned the vehicle over. The truck's driver, Joseph Gomez, a white man, was shot and killed.

SUSPECT RUNS INTO STORE

As the police arrived on the scene they saw a suspect run into a liquor store. As they tried to bring him to the patrol car they were flailed with rocks and gravel.

The police said the second dead man was "a Negro named Cooper." They gave no further details on his death.

At the Oak Park Hospital in Watts, the emergency room treated 25 persons for knife wounds and cut faces.

At the height of the disorder, Jack Jones, a reporter for The Los Angeles Times, was walking on 103d Street toward the high school when he was met by some 200 youths.

"I asked one youth what was happening and he snarled, 'Why don't you find out.' "

"Then someone yelled at me 'there goes one now'," he said.

As Mr. Jones walked away others shouted, "Get out of here Whitey," and "You're not in white man country."

Another observer who had been in Watts during the rioting last August said that while then large mobs were roaming the streets, today there were small bands of five or six.

The police would not estimate how many rioters were active today, but estimates from others ranged from 400 to 1,500.

Five shops were looted and there was a report of one store being set afire. When asked about looting, one local storeowner said, "What can they take, they took everything last summer."

As the situation quieted down just after nightfall, Lieut. Frank Beeson of the police remarked:

"It's nothing like last time, comparatively, at this point.

"Last time we used motorcycle officers, who proved very vulnerable," he said. "This time we are sending everybody down in cars."

As of 7:30 P.M., coast time (10:30 P.M., New York time) the police reported that there had been seven arrests of rioters during the day.

Johnson Informed

Washington, March 15.—The Justice Department relayed to President Johnson tonight reports on the outbreak of violence in the Watts district of Los Angeles.

Robert H. Fleming, deputy White House press secretary, said the Justice Department was relaying "a steady flow" of information to the President. Mr. Johnson, however, had no immediate comment on the situation.

Mr. ELLENDER. With respect to Los Angeles, Calif., on March 18, 1966, the Washington Evening Star published an editorial entitled "The Second Watts Riot," which I believe points up the truth about the so-called second Watts riot. The same thing could be said for most of the other riots which have taken place in this country this summer. The conduct of those who participated in the riots and their actions prove beyond any doubt that racial discrimination has nothing to do with these disorders.

Mr. President, I ask unanimous consent to have printed in the Record the editorial from the Washington Evening Star of March 18, 1966, entitled "The Second Watts Riot."

The **PRESIDING OFFICER** (Mr. Byrd of Virginia in the chair). Without objection, it is so ordered.

The editorial is as follows:

The Second Watts Riot

The riot in the Watts area on Tuesday (two people killed, 26 injured, many cars burned or destroyed and 19 buildings looted or damaged) seems to have run its course. It was a minor repeat performance of the major riot which devastated Watts last year.

This latest violent flare-up, however, has brought forth a variety of irresponsible and, we think, unwarranted comments.

In Washington, spokesmen for the NAACP and SNCC have indorsed the notion that unless "drastic" action is taken soon the discontent of the Negro population here will explode into violence "that will make Watts look like a picnic." This view is not supported by any facts that we know of. More probably, if there should be a riot in Washington which will make Watts look like a picnic, it will stem from inflammatory statements which tend to incite rioting.

Other comments on the Los Angeles situation, while deploring violence, equate the most recent riot with civil rights, slums, underprivilege and the like.

There is no doubt that such things as these make for discontent and perhaps more among Negroes. But what actually touched off the Tuesday riot?

Los Angeles police think it had its roots in a gun fight on Monday between Negroes and Mexican-Americans, all residents of the Watts area. In any event, the riot reached its peak Tuesday when police arrested a Negro man who, for no apparent reason, was throwing rocks at cars being driven through Watts by white people. One white school teacher was injured by flying glass. When the rock-thrower was arrested, he began shouting: "Police brutality. Riot! Riot!"

A hundred or more Negro high school youngsters, just released from classes, took up the chant. Before the police moved in, and they moved quickly, a white truck driver had been shot to death, and the rest of the damage had been done.

Civil rights? Economic oppression? Slums?

The Negro youth who has been arrested for killing the truck driver is quoted as saying: "I'm sorry I shot that white dude. . . . I wanted to be the big man.' A white photographer for a Los Angeles newspaper was stoned by young Negroes who shouted: "Get out of here white man!" Some Negroes in Watts condemned the rioters. "They ought to be sent to Viet Nam," they said. And California's Governor Brown, who is anything but a racist, has said: "I am convinced that what took place Tuesday was an act of unprovoked lawlessness by a delinquent and criminal element."

This, in our opinion, is close to the truth. Much closer than the comments of those who seek to explain away this riot on some undocumented basis of racial discrimination. It is also an explanation which should be carefully examined by those who should know better, but who seem ready to light the torch in other cities.

Mr. ELLENDER. Mr. President, I could cite many more instances of rioting throughout the country, but I thought that I would simply allude to some of those which occurred in 1966.

We have had a chain reaction. First civil disobedience, then civil disorder, and now full-scale rioting. I have said all along that the encouragement of this doctrine of civil disobedience would lead to rioting and anarchy. Respect for law and order must be maintained. Our heritage of an orderly society was not built upon lawbreaking or countenancing civil disturbances. If the lawlessness goes unchecked in this country we will have succeeded in setting the English speaking world back a thousand years.

Unless something is done by the President, the Justice Department, as well as the Supreme Court, to try to curb this civil disobedience that has been growing more intense in the past few years, there is no doubt that we will have anarchy in our country. I can assure the Senate that the colored people will be the ones who suffer most from a continuation of present policy.

Mr. President, I yield the floor.

TITLE II OF H.R. 14765: A BRIEF ANALYSIS

Mr. ERVIN. Mr. President, on Wednesday I discussed in some detail the provisions of title I of the House version of the civil rights bill of 1966. Because of the impending vote on cloture, I had time to address myself to only a few of the many areas in which the text of the Federal jury title is defective, and to discuss only a handful of the nearly 80 technical amendments to the title which have been offered by myself and other members of the Judiciary Committee. There was no time to discuss title II even briefly. That is what I propose to do today.

I would like to state that this speech is a continuation of the speech which I made on a previous occasion and which I was unable to complete at that time. Therefore, I was permitted to resume on a later occasion by unanimous consent.

The objections which apply to title I must go double for title II. First, there are not only questions of poor drafting and doubtful policy, but fundamental issues of constitutionality as well. Second, because of the outrage of the Federal judiciary, there has at least been some attempt to clean up title I. But title II is as much or more a mess today than it was the day it was introduced.

There are three basic constitutional defects in title II, each destructive of judicial federalism, a fundamental principle of American jurisprudence.

First. Title II asserts a power in the National Legislature to establish rules of procedure in one area of State judicial responsibility. This assumes a congressional authority over State courts coextensive with its power over Federal courts.

Second. Title II authorizes the Federal judiciary to prescribe standards to be followed in selecting and qualifying jurors for State trials. This would establish the theory that Federal courts have general legislative authority over the procedure and administration of State courts.

Third. Title II allows the appointment of a Federal master to operate State jury selection machinery, thus supplanting and superseding the responsibility of State judges.

At the outset, one thing should be made clear. This is not a sectional measure, although it has been touted as such. It is written in general terms to apply to all States, and the coverage of title II will affect almost every standard of jury qualification and exemption in every State system. It repeals outright jury selection statutes of a majority of the States in the Union. It contains the potential for the repeal of all such laws. Federally created standards imposed by the claims of individual parties pursuing real or imagined grievances may replace the local rules in every State.

Like title I, this measure is considered "innocuous" by the proponents and their pundits. Like title I, this title has been overshadowed by the heat generated by open occupancy. Like title I, it threatens to be a political sacrifice to the civil rights movement.

But unlike title I, this revolutionary measure is before us today without meaningful consideration of its effects or implications. There has been no exhaustive expert analysis of its provisions. Few Federal judges have written us about this legislation which has to do with State jury systems. Little testimony has been received with which to judge its merits and demerits, its aims and its means. During 22 days of hearings by the Constitutional Rights Subcommittee only one witness discussed in detail the threat it poses to judicial federalism, the operational burdens of its administration, or the problems of its implementation.

When hearings opened on S. 3296 last June 6, I expressed this hope:

> I am most pleased to welcome to the cause of Federalism the prestige of the Chief Justice of the United States, who is not generally suspect as a "State's righter." His recent warnings that the balance of Federalism is being threatened by proposed legislation on State juries gives me great hope that the Senate will look closely and critically at the need and propriety of such legislation.

That hope has gone unfulfilled. Few of the 1,800 pages of the hearing record contain more than passing reference to title II. Of the over 60 letters received from the chief judges of U.S. Federal district courts, only 2 or 3 mentioned title II. No reports have been received from national legal organizations.

Therefore, I have studied the title carefully myself in the hope that during floor debate, I can convince the Senate that it should not be called up at all, or, failing this, that it should be struck from the bill; or failing even that, that it should at least be amended to conform to the Constitution.

Title II is apparently based upon the specious theory that the 14th amendment permits Federal administration of State courts. It establishes Federal rules of State procedure for challenging State juries sitting in State judicial proceedings. It sets forth the time for making the challenge and prescribes the discovery rules applicable in the State hearing. It declares the nature of the evidence admissible, the conditions required to introduce it, and the standards of judgment to be exercised by the State judge in evaluating this evidence. Curiously enough, it also allows the parties to receive testimony on the issue from the same judge who later must rule on that issue.

These provisions pervert the prohibitory language of the 14th amendment which reads:

> No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.

It rewrites this provision to read in effect:

> States shall administer justice as Congress shall by law direct, so that no person shall be denied the equal protection of the laws.

Mr. President, the Justice Department attorneys mistakingly conclude that because certain actions are prohibited by the 14th amendment as being violations of equal protection, they can transform this prohibitory language into mandatory language. This transformation not only flies in the face of the clear language of the amendment, it also literally hurdles almost a century of constitutional construction to the contrary. If we accept the Attorney General's logic chopping, we must assume a grant of plenary power to Congress over the administration of justice equal to the plenary power we now exercise with such abandon under the commerce clause.

Our dual system of justice has often produced difficult problems; it has often required delicate adjustments throughout history. But the integrity of the unique American system of jurisprudence has never before been challenged. My colleagues who are lawyers will recall that in our own generation the Supreme Court showed reverence for the system in the case of Erie against Tompkins by ruling, contrary to precedent, that Federal courts when considering non-Federal questions must act in accordance with State rules of decision.

The Justice Department does not share this reverence, for it would have the Federal Government use its heavy hand to erase the present delicate balance and impose rigid Federal rules in a matter of judicial administration uniquely the historical responsibility of the States.

Of course, impartiality of the courts of our States is required, not only by the Federal Constitution and the laws of the States themselves, but also by the imperatives of our civilization. Justice, however, must be administered by men, and despite their training, men are subject to human weaknesses. These weaknesses have and always will find their way into our courts. State courts, State officials, and State juries, may fail in their responsibilities from time to time. When they fail, or appear to fail in their constitutional obligations, State and Federal law should be and is available to vindicate fundamental rights. Neither State nor Federal courts have been lax in enforcing these rights.

Mr. President, title II is based upon the false premise that State courts are not as zealous in protecting State juries from racial discrimination in their composition and selection as are the Federal courts. I can assure the Department of Justice that judges of State courts which sit in the South have at least as much devotion to legal principles as does the Department of Justice. For this reason, title II is a wholly unnecessary legislative proposal.

The only reason given by the Attorney General for advocating the adoption of title II is the prevention of discrimination of a racial nature in the composition and selection of juries in the State courts of the South.

Mr. President, I would like to assert, and I do here assert without fear of successful contradiction, that the judges who sit on State appellate courts in the Southern States are just as zealous as are the appellate courts in any other area of the country in enforcing the decisions of the Supreme Court which provide that exclusion of Negroes from grand and petit juries solely because of race or color denies equal protection under the 14th amendment of the Federal Constitution.

The decisions of the State appellate courts in Southern States show that State appellate judges protect against any discriminaton in the composition or selection of juries. For this reason there is no occasion whatsoever for the Congress to enact title II into law.

When I had the privilege of being a justice of the State Supreme Court of North Carolina, I had occasion to write an opinion dealing with this subject.

Mr. President, I ask unanimous consent to have this opinion—*State* v. *Speller*, 230 N.C. 345—printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **ERVIN**. Mr. President, adequate means are available and have been for a long time to correct breakdowns in State judicial operations. Individuals can and do challenge the compositions of the juries in their cases under both Federal and State law. In addition, title 42 of the United States Code, section 1983 allows a general attack upon a State jury system alleged to violate the 14th amendment. Furthermore, a criminal provision, 28 United States Code 243, has been part of Federal law for 90 years and may be used against local officials practicing jury discrimination in violation of constitutional standards of equal protection. As far as I, or the American Law Division of the Library of Congress can determine, in the 90-year history of this provision it has been used only once—in 1879, in the case of ex parte Virginia.

Why do we need more laws when the ones we have are not being used? Certainly there is no claim that section 243 is unenforceable. Recent southern Federal juries have brought convictions for civil rights crimes. If convictions can be obtained in Federal courts under section 241 and section 242, then why have prosecutions for jury discrimination not been brought under these statutes and section 243? As a matter of fact, officials conspiring to discriminate in the selection of jurors would probably be guilty of violating all three statutes. Until it is demonstrated by clear evidence that present law is inadequate to deal with the problem, I challenge both the necessity and desirability of this legislation.

The Attorney General, however, apparently is faced with pressures that demand symbolic action more than real accomplishment. It may be that there must be an appearance of dramatic progress rather than a determined reliance on existing methods.

This drama—or farce—is apparent in the first section of title II which states the policy.

Originally, section 201 provided that no persons could be denied the right to serve on a jury, grand or petit, on account of race, color, religion, sex, national origin, or economic status. I will not belabor the elementary fact that there is no right to be a juror in either Federal or State law. In fact, there is not even a privilege to sit on a jury irrespective of national origin, since the privilege belongs only to citizens. The section is drafted to protect prospective jurors from being improperly denied the right to sit on juries. There has, to my knowledge, been no assault upon the courthouses by citizens demanding to be allowed to perform jury service. It is a sad but accepted fact that the citizens of this country view jury service, like paying taxes, as a patriotic obligation of citizenship, and one eagerly to be avoided.

If the original title II was really designed to confer a "right" of an equal opportunity to sit on State juries, the sections following do nothing to implement this goal. There are absolutely no procedures in the title which are designed to give rejected jurors the opportunity to challenge their exclusion.

It is evident from the rest of the measure that the real object of title II is to allow parties to vindicate their right to an impartial jury trial. This is an ancient and established right, but clearly not the one stated in either the original or in the House version of section 201.

Passing to the text of the policy section as it now reads, we find that no "distinction" can be made between "in the qualifications and in the selection of jurors," on the basis of race, color, religion, sex, national origin, or economic status. Once again, we find this right is mistakenly given "persons," not "citizens."

The original wording would abolish the laws of a number of States: First, those States that as a matter of law or of policy, select jurors who have at least a minimum of economic worth. These States use tax rolls of one kind or another as the basis for their jury selection. New York, and others, quite specifically require a minimum of taxpaying ability. The new wording retains the absolute prohibition against exclusions based on economic status, and consequently makes at least seven States subject to Federal administration of their jury processes.

A second group of some six States fall under the original wording of the section because three prohibited women jurors, and three others appeared to violate the section by requiring women to volunteer for service.

The amendment added by the House had a simple purpose: To abolish the laws of each of the 28 States which offer any kind of exemption to women. The reason for the exemption for women is the statutory recognition that many have familial responsibilities superior to their obligation for jury service.

But the reworking done to the section cuts deeper than the purpose of eliminating the good Lord's wise decision to distinguish male and female. And it does this in a manner which neither the Department of Justice nor the sponsors of the amendment perhaps intended. In all States, certain occupational groups are disqualified or exempted because of the service they render to the community or because jury duty would be a hardship on them, their occupation, or their family.

Since the present version of section 201 prohibits "any distinction" in the selection of persons on the grounds of religion, it seems quite likely that the common practice of not imposing duty on members of the clergy would have to fall. Further, the language chosen may be just as effective to abolish exemptions based upon economic status. If it is determined that the practice of exempting or disqualifying occupational groups amounts to a "distinction in the selection of jurors on account of economic status," then every State system of jury selection is actionable under title II.

The Constitutional Rights Subcommittee considered the confusing text of section 201 in executive session and, without objection being lodged, adopted an amendment which I have introduced as amendment No. 818 to H.R. 14765. Fourteen members of the Senate Judiciary Committee support this change. It would simply put some sense into the section and have it say what it means.

Section 202, to which I now turn, vests power in the Attorney General to enforce title II against the States. To this I can only ask: Why has he not used existing authority?

Section 204 lays down specific and detailed rules for the discovery of evidence in State courts. These rules are no less detailed and specific than those laid down by the Federal Rules of Criminal and Civil Procedure found in the United

States Code. These new discovery rules are applicable "in any criminal proceeding in any State court prior to the introduction of evidence at trial, or in any habeaus corpus, coram nobis, or other collateral proceeding in any court with respect to a judgment of conviction entered after the effective date of this title. . . ."

The challenge is based on an alleged abridgment of section 201 rights. The discovery rules become operable after the simple assertion of discrimination by a party. Without a requirement of good cause, or any showing whatever of a foundation for the assertion, the State jury officials are required to produce a written and sworn statement, in detail, of the nature of the sources used for obtaining prospective jurors, and their present location. Also, the statement must contain the procedures used to select the names of prospective jurors from these sources, and the means by which jurors are tested for qualifications, including the tests used for this purpose. Finally, the statement must disclose the means by which prospective jurors are called and how they are assigned to jury panels.

This statement is either a pro forma requirement which will do little more than require a mimeographing of State laws, or it is an extensive undertaking required anew of the officials each time a challenge is asserted. The title is unclear as to which.

The mere assertion of a violation of section 201 would also allow the cross-examination of any person having knowledge of the facts contained in the jury officials' statement, as well as testimony of the jury officials themselves, and the presentation of "other evidence."

In discussing title I, I stressed the open-ended, uncontrollable fishing expedition permitted by attorneys pursuant to section 1867 of that title. Section 204 (b) contains the same defect and is subject to the same arguments, with the additional feature that it expressly permits the receipt of testimony from an untold number of witnesses as a matter of right.

Moreover, the hearing allowed under section 204 is probably subject to more delay and obstruction than even the one authorized by title I. To prove discrimination, or a prejudicial exclusion, in violation of section 201 will require a more complicated hearing than the comparatively easier proof sufficient in title I to show a failure to follow detailed procedures. But like the provisions of section 1867, the judge has no governing power over the progress of this hearing. No standards of proof must be met and no probable cause must be shown in placing this case before the judge. It is all automatically available upon a mere "assertion" of a violation of section 201. After a finding of "evidence" supporting the assertion, all records and papers of the jury officials may be introduced into evidence in the hearing. But in all likelihood the records and papers will have to be used, even before being admitted into evidence, merely to facilitate the cross-examination of the witnesses.

Thus upon the mere assertion of a violation of section 201, the defendant may produce an inexhaustible supply of live witnesses, lists, records, papers, and "other evidence" to delay and confound the court.

Mr. President, title II is a legislative and procedural absurdity. I say this because any lawyer can prevent any criminal case from ever coming to trial in any State court, if title II is enacted into law and its constitutionality is upheld when tested in the courts. I say this because of the provisions of section 201 and section 204 of title II.

I read section 201 which appears on pages 18 and 19 of the bill:

> Sec. 201. It shall be unlawful to make any distinction on account of race, color, religion, sex, national origin or economic status in the qualifications for service, and in the selection, of any person to serve on grand or petit juries in any State.

Section 204 provides:

> Sec. 204. In any proceeding instituted pursuant to section 202 of this title or section 1983 of title 42 of the United States Code, or in any criminal proceeding in any State court prior to the introduction of any evidence at trial, or in any habeas corpus, coram nobis, or other collateral proceeding in any court with respect to a judgment of conviction entered after the effective date of this title, wherein it is asserted that any right secured by section 201 of this title has been denied or abridged—

Certain procedures must be followed and can be invoked, as a matter of legal right, by the party making the assertion.

For example, in any criminal case tried in a State court, under section 204, the defendant—who is always interested in preventing his case from coming to trial—can assert that the jury officials have not abided by the provisions of section 201 in selecting the names of men and women to go into the jury box in the jurisdiction where the court sits. When this bare assertion is made by the defendant, he can then, as a matter of right, require the court to suspend all the proceedings until the State jury officials of the jurisdiction prepare and submit written statements under oath describing in detail all of the procedures that are followed in selecting the names of the persons to go into the jury box. After these statements are made and filed with the court, the defendant, still without showing any basis whatsoever for his assertion, can then require that the State jury officials be brought into court so that he can cross-examine them at length.

I invite attention to the provisions of section 204 which begin on line 21, on page 22, and provide—

> that the complaining party shall be entitled to cross-examine any person having knowledge of relevant facts concerning the information to be contained in such statement and to present in addition the testimony of the jury officials, together with any other evidence.

The complaining party, who ordinarily is the defendant in a criminal case in a State court, can demand this as a matter of right. The State judge is powerless to control the actions of the defendant in invoking and using these absurd procedures.

What does this mean?

I can illustrate it by taking a case in my own county, which is an average county in North Carolina. We possibly have somewhere in the neighborhood of 23,000 or 24,000 persons 21 years of age and upwards who might conceivably be eligible for consideration as prospective jurors.

Under the procedures permitted by section 204 after the jury commissioners have made written statements under oath, and after the jury commissioners have been cross-examined in open court, the lawyer for the defendant can summon to the court and examine as a matter of right, every person whose name appears in the jury box. He can compel each one to disclose his race, his color, his religion, his sex, his national origin, and his economic status for the purpose of showing what manner of men or women have had their names selected by the jury officials.

To ascertain the mere matter of the economic status of the persons whose names appear on the jury lists, he can go into the most intimate detail. He can make inquiry as to title to real estate. He can make inquiry as to what chattels they own. He can make inquiry as to whether or not they have safe deposit boxes in banks. He can make inquiry as to the contents of those safe deposit boxes. He can even inquire whether they have any money in their pockets or hidden away in old socks.

After he disposes of this group, the defendant can bring in all the people in the county 21 years and older whose names have not been chosen at random and placed in the jury box. He can make inquiry of each one of them as to their race, their color, their religion, their sex, their national origin, and their economic status for the purpose of showing what manner of men or women have not had their names selected by the jury officials.

This is the procedure title II requires the presiding judge in the State court to follow when a defendant merely asserts a violation of section 201.

The Department of Justice asks that this absurd procedure be imposed upon the State courts by an act of Congress. The only reason it gives is the desire on its part to prevent racial discrimination in the selection and composition of grand and petit juries.

But unlike the decisions under the 14th amendment such as State against Speller, this bill as drawn is not confined to the question of discrimination on the basis of race. Section 201 prohibits discrimination on the basis of economic status. So, under the absurd provisions incorporated in title II, a millionaire who may be on trial in a State court on a charge of having played poker in violation of State law can go into this lengthy and protracted hearing, merely by claiming that hoboes and tramps and paupers have had their names excluded from the jury box.

Therefore, I say that any lawyer could, as a matter of right granted by title II of this act, prevent any State court from conducting the trial of a person charged with violating the State's criminal laws; and the State judge presiding over the court would be powerless, under title II to do anything to prevent such abuse.

In this respect, title II is even more absurd than title I in the provisions permitting interminable delay; and title I, I thought, had gone far beyond the bounds of reason in this respect.

There is another provision in title II which demonstrates that the Justice Department has no respect for State courts. Subsection 204(c) provides that if "probable cause" is found to support the assertion of discrimination, the burden of proof shifts to the State officials to disprove the probability. This innovation ignores the important historic rule which presumes validity in the actions of public officers. That presumption is an essential ingredient to an orderly and uninterrupted performance of public duties. To reverse it upon the slender burden of "probable cause"—a standard sufficient for arrest warrants—impugns the integrity of local officials, and is a legislative declaration that State court officials cannot be trusted to do their jobs honestly.

The repeal of the presumption of validity of official acts will require that court officials interrupt their other functions to prove that they have not discriminated.

Section 204 in its entirety contains a built-in bias in favor of the challenger and against the officials who administer the judicial systems of our States. Section 203, which sets out the relief permitted under title II emphasizes this. First it declares the categories of State jury selection procedures which are outlawed. Not only are qualifications plainly violating section 201 prohibited, but also "any subjective qualification for jury service or any basis for excuse, exemption, or exclusion from jury service which vests undue discretion in jury officials" may also be struck down.

In other words, if a State system depends upon the good judgment or discretion of its judicial officers and officials, it will fall under the proscriptions of this title because these officials are presumed not to carry out their constitutional obligations.

Relief, in addition to the prohibitions of these standards, can also take the form of an order of the Federal court requiring the use of "objective" criteria for jury selection. I remarked on the obscurity of this term "objective" as used by the Justice Department in title I. Here, in title II, it probably will be interpreted to mean criteria based upon the system set forth in title I, or some other automatic, unthinking, random selection method, which will bring State juries down to the level to be imposed on the Federal jury system.

Subsection (d) permits the assignment of a Federal master "to perform such duties of the jury officials" as the judge sees fit to give him. He could, in fact, transfer control of the entire system to one of these masters—to be operated completely independent of the State judge or State government.

These, then, are the counts in the indictment of title II. They add up to a heavyhanded disruption of all State judicial systems. Under the loose wording of the controlling policy section, this cannot be regarded as merely another piece of sectional legislation aimed at the South. Applying as it does to every State, it threatens the entire balance of judicial federalism.

I ask my colleagues to read title II independently of the emotional clamor of civil rights. Consider the plain meaning of its simple provisions, and the implications of its obscure passages. Consider the theory of power upon which it is based. I challenge anyone to cite any similar law passed by Congress. Imagine the full scope of the legislative power that could be claimed under this theory—what other laws might be enacted if we assume the authority to restructure State governments in order to insure against any possibility of 14th amendment violations.

I believe that such an analysis will convince every Member of the Senate that whatever evils it claims to correct, title II is not the way to go about it.

Until we are shown that title II is needed, or at least until a workable and constitutional alternative is proposed, the bill should not be called up.

I yield the floor.

EXHIBIT 1

STATE *v.* SPELLER

[230 N.C. 345 No. 147, Supreme Court of North Carolina, May 4, 1949]

1. Rape 🔑51(1): Evidence sustained conviction of rape. G.S. 15–173.

2. Criminal law 🔑404(4): In rape prosecution, articles of clothing identified as those worn by accused and prosecutrix at time of alleged rape, and which bore tears and stains corroborative of the state's theory, were admissible.

3. Criminal law 🔑412(2): Where evidence in rape prosecution indicated that incriminatory statements by accused to officers soon after alleged crime were voluntary, they were properly admitted.

4. Criminal law 🔑641(1): Constitutional guarantee that every man should have right to be defended in all criminal prosecutions by counsel whom he selects and retains amounts to nothing if counsel for accused are not allowed sufficient time to prepare defense, U.S.C.A. Const. Amend. 14; Const. N.C. art. 1, § 11.

5. Criminal law 🔑641(1): Constitutional guarantee of right to counsel contemplates not only that accused shall have privilege of engaging counsel, but also that he and counsel shall have a reasonable opportunity, in light of all attendant circumstances, to investigate, prepare, and present defense. U.S.C.A. Const. Amend. 14; Const. N.C. art. 1, § 11.

6. Constitutional law 🔑221: Principle that state exclusion of Negroes from grand and petit juries solely because of race or color denies Negro defendants in criminal cases equal protection of laws required by Constitution does not mean that jury must be composed of persons of Negro and white races in proportion to their respective numbers as citizens, nor that a Negro has right to demand that grand jury and petit jury shall be composed, wholly or in part, of Negro persons, but only that Negroes shall not be discriminated against or excluded. U.S.C.A. Const. Amend. 14.

7. Criminal law 🔑1158(3): Ordinarily, a trial court's findings, supported by evidence, that special veniremen were drawn and summoned in accordance with state laws and that there had been no discrimination against persons of a Negro defendant's race in preparing jury list, are conclusive on appeal.

8. Criminal law 🔑641(1), 1166½(1): Where, in prosecution of Negro for rape of white woman, court on its own motion and without prior notice directed that a special venire of 75 persons should be summoned from county 82 miles away, refusal of request of Negro's counsel for time to investigate matters in county from which special venire was to be summoned, to determine whether Negroes had been excluded from jury lists in that county solely on account of race or color, was reversible error because it denied Negro's fundamental right of representation by counsel. U.S.C.A. Const. Amend. 14; Const. N.C. art. 1, § 11.

Appeal from Superior Court, Bertie County; R. Hunt Parker, Judge.

Raleigh Speller was convicted of rape, and he appeals.

New trial.

This is the second time that this case has come to this Court on the appeal of the prisoner, a Negro man, from a sentence of death pronounced on a verdict of a petit jury finding him guilty of the capital felony of rape upon a white woman. On the former appeal, this Court reversed the conviction and judgment and remanded the action to the Superior Court of Bertie County for a new trial because it concluded that the prisoner had been denied his constitutional rights through the purposeful exclusion of members of his race from the grand jury by which he was indicted. State v. Speller, 229 N.C. 67, 47 S.E.2d 537. The prisoner was indicted anew on the same charge at the August Term, 1948, of the Superior Court of Bertie County by a different grand jury composed of members of both the white and Negro races. The validity of the second indictment is not challenged. When arraigned thereon, the prisoner pleaded "not guilty" and procured a continuance of the trial to the November Term, 1948, of the Superior Court in Bertie County.

On the opening day of that term, to wit, November 15, 1948, the presiding judge entered an order on his own motion under G.S. § 1–86 directing that a special venire of 75 persons should be summoned from Warren County, a county in the same judicial district as Bertie, to appear in the Superior Court of Bertie County at 3:00 o'clock P.M. on the following day as the jury panel for the trial of this case, and providing that the names of such persons should be drawn from the jury box of Warren County by a child under ten years of age in the presence of the Clerk to the Board of Commissioners of Warren County, the solicitor of the district, the prisoner, and counsel for the prisoner.

Neither the solicitor nor counsel for the defense had any notice that the jury panel would be called from Warren County until the trial judge read and signed the order therefor in open court on the first day of the term. Warrenton, the county seat of Warren County, is about 82 miles from Windsor, the county seat of Bertie County, where the prisoner made his home, and more than 50 miles from Durham and Raleigh, where counsel for the defense resided and ordinarily practiced law. The record does not indicate that the prisoner or his attorneys possessed any personal knowledge of Warren County or its affairs when trial was had in this case.

Pursuant to the order for the special venire, scrolls bearing 75 names were drawn from the jury box of Warren County in the courthouse at Warrenton about 5:00 P.M. on Monday, November 15, 1948, by a child under ten years of age in the presence of the clerk to the Board of Commissioners of Warren County, the solicitor, the prisoner, and counsel for the defense. As a result of absence or illness, 18 of those whose names were drawn did not receive a summons to serve on the panel; but the remainder, consisting of 56 white men and 1 Negro, appeared at the courthouse of Bertie County in Windsor at the appointed hour on Tuesday, November 16, 1948.

Before the trial jury was chosen, sworn, or impaneled, counsel for the prisoner lodged "a challenge to the entire array of petit jurors upon the ground of disproportionate representation of negroes on petit juries in Warren County and long, continuous and systematic exclusion of negroes from petit juries in Warren County, all contrary to the laws of the State of North Carolina and of the United States." When they interposed their challenge to the array, the attorneys for the defense moved "the Court to grant time to get evidence from Warren County on the issue of disproportionate representation of negroes on petit juries and long and continuous exclusion of negroes from petit juries in Warren County." The trial judge denied this motion, but announced that he would "hear any evidence that the defendant has," and that there were "at least 59 people from Warren County, one of whom is a negro, in the court room."

Counsel for prisoner thereupon undertook to support the challenge to the array by calling six witnesses at random from the special veniremen and other bystanders in the courtroom. One of these witnesses, to-wit, T. W. Sykes, the only Negro on the panel, testified that he had been a juror in Warren County "a time or two" in the 44 years he had resided there, but that he did not recall any other Negroes who had served on the grand jury or the petit jury in Warren County during that period. Three of the witnesses stated that "Negroes had served on petit juries in Warren County almost every term of court in the last 8 or 10 years." The other two disclaimed any knowledge of the matter in controversy. It was agreed, however, that many Negroes owned property in Warren County.

After these six witness had testified, the court temporarily desisted from hearing evidence on the challenge to the array and proceeded with the selection of a trial jury from the special venire of 57 persons so that members of the venire not chosen as trial jurors might not be detained in Bertie County overnight. In taking this course, the presiding judge announced that the trial jury would not be impaneled until he had ruled on the prisoner's challenge to the array. An all-white trial jury was selected after the prisoner had exhausted the 14 peremptory challenges allowed him by statute and had sought unsuccessfully to excuse one of the trial jurors by a challenge to the poll.

When the trial jury was thus completed, the prisoner moved the court that such jury be sent from the courtroom while the evidence of three Negroes, to-wit, A. V. Sykes, L. E. Sykes, and Freddie Hicks, was offered "in continuation of the motion challenging the array of petit jurors." This motion was denied, and these three witnesses were called to the stand in the presence of the trial jurors. A. V. Sykes, L. E. Sykes, and Freddie Hicks testified that they were aged 42, 41, and 39 years respectively; that they were Negroes residing and owning property in Warren County; that they had never been summoned to jury service in Warren County; and that they knew of only one or two Negroes who had ever acted as grand or petit jurors in Warren County. When the presiding judge made his findings of fact on the prisoner's challenge to the array, he found that "there is no evidence that these three Negroes, or any one of them, were qualified to be selected by the Board of County Commissioners of Warren County to be put into the jury box. The burden of proof to show this is upon the defendant, which he has not shown. The court takes judicial notice of the fact that thousands and thousands of taxpayers in the United States not only do not file and pay their taxes but cheat and defraud the Government in respect to the payment of income taxes—not only small tax payers but tax payers who are due to pay income taxes in the hundreds of thousands of dollars. In the face of such common knowledge it would be a rash presumption to assume that any man has paid all the taxes assessed against him for the preceding year.'

After presenting the evidence of these three witnesses, the prisoner rested in respect to his challenge to the array, and court adjourned for the day. On the following morning, to-wit, Wednesday, November 17, 1948, the State offered certain officers of Warren County as witnesses on this phase of the controversy. They testified, in substance, that at every biennial revision of the jury list during the 20 years last past the Board of Commissioners of Warren County had put into the jury box the names of all adult residents of Warren County, irrespective of their race or color, who were of good moral character and sufficient intelligence and who had paid all taxes assessed against them during the preceding year. The prisoner elicited evidence on the cross-examination of the State's witnesses to the effect that in 1940 Warren County had a population of 23,145 people, of whom 8,036 were white and 15,109 were Negroes, and that during the four years next preceding the drawing of the special venire in the case at bar 1,077 whites and 28 Negroes had been called to jury service in Warren County.

The court made voluminous findings of fact to the effect that during the 20 years next preceding the trial of this action the Board of Commissioners of Warren County had fully complied with all of the provisions of chapter 9 of the General Statutes relating to jurors by putting on the jury list and in the jury box the names of all adult residents of the county, without regard to race or color, who were "of good moral character and of sufficient intelligence" and who had made timely payment of "all the taxes assessed against them," and that no Negroes had been excluded from the grand or petit juries of the county during such period because of their race or color. On the basis of these findings, the court overruled the prisoner's challenge to the array, and thereupon the trial jury theretofore chosen from the special venire from Warren County was impaneled and charged with the case.

Both the prosecution and the defense offered testimony as to the merits of the action. No good object will be served by recounting the facts in detail. It will suffice for present purposes to note that the State's evidence tended to show that shortly after 10:30 P.M. on July 18, 1947, the prisoner assaulted and raped the prosecutrix with savage brutality in the yard at her home a mile and a half from Windsor, and the prisoner's testimony tended to establish an alibi.

The trial judge instructed the jury that it could return any one of the following four verdicts, to-wit: (1) Guilty of the capital felony of rape; (2) guilty of an assault with intent to commit rape; (3) guilty of an assault on a female person; and (4) not guilty. The jury found the prisoner guilty of the capital felony of rape, and the court pronounced judgment of death against him on the verdict. He appealed, assigning errors.

Herman L. Taylor, of Raleigh, and C. J. Gates, of Durham, for appellant.

Harry M. McMullan, Atty. Gen., and T. W. Bruton, Hughes J. Rhodes, and Ralph M. Moody, Asst. Attys. Gen., for the State.

ERVIN, Justice.

[1–3] The evidence of the State was sufficient to warrant a finding that the prisoner had unlawful carnal knowledge of the prosecutrix by force and against her will. Consequently, the motions for a compulsory nonsuit under G.S. § 15–173 were properly denied. State v. Hooks, 228 N.C. 689, 47 S.E.2d 234; State v. Hunt, 223 N.C. 173, 25 S.E.2d 598; State v. Vincent, 222 N.C. 543, 23 S.E.2d 832; State v. Harris, 222 N.C. 157, 22 S.E.2d 229; State v. Johnson, 219 N.C. 757, 14 S.E.2d 792; State v. Lewis, 177 N.C. 555, 98 S.E. 309; State v. Lance, 166 N.C. 411, 81 S.E. 1092. The articles of clothing produced at the trial by the prosecution were rightly received in evidence. They were identified as garments worn by the accused and the prosecutrix at the time named in the indictment, and bore tears and stains corroborative of the State's theory of the case. State v. Wall, 205 N.C. 659, 172 S.E. 216; State v. Fleming, 202 N.C. 512, 163 S.E. 453; State v. Westmoreland, 181 N.C. 590, 107 S.E. 438; State v. Vann, 162 N.C. 534, 77 S.E. 295. Since the evidence indicated that they were voluntary in character, the court did not err in admitting the incriminatory statements made by the prisoner to the officers of the law soon after the alleged crime. State v. Thompson, 224 N.C. 661, 32 S.E.2d 24; State v. Wagstaff, 219 N.C. 15, 12 S.E.2d 657; State v. Smith, 213 N.C. 299, 195 S.E. 819; State v. Tate, 210 N.C. 613, 188 S.E. 91; State v. Edwards, 126 N.C. 1051, 35 S.E. 540. The charge of the judge to the petit jury was noteworthy for accuracy and clarity, and the exception of the accused to it is without merit.

This brings us to a grave question presented by the record: Did the trial court commit error in refusing to give counsel for the defense time to investigate the facts and to procure evidence from Warren County in support of the challenge to the array?

[4, 5] Both the State and Federal Constitutions secure to every man the right to be defended in all criminal prosecutions by counsel whom he selects and retains. N.C. Const. Art. I, sec. 11; U.S. Const. Amend. XIV. This right is not intended to be an empty formality. It would be a futile thing, indeed, to give a person accused of crime a day in court if he is denied a chance to prepare for it, or to guarantee him the right of representation by counsel if his counsel is afforded no opportunity to ascertain the facts or the law of the case. As the Supreme Court of Georgia declared in Blackman v. State, 76 Ga. 288: "This constitutional privilege would amount to nothing if the counsel for the accused are not allowed sufficient time to prepare his defense; it would be a poor boon indeed. This would be 'to keep the word of promise to our ear and break it to our hope'" Since the law regards substance rather than form, the constitutional guaranty of the right of counsel contemplates not only that a person charged with crime shall have the privilege of engaging counsel, but also that he and his counsel shall have a reasonable opportunity in the light of all attendant circumstances to investigate, prepare, and present his defense State v. Gibson, 229 N.C. 497, 50 S.E. 2d 520; State v. Farrell, 223 N.C. 321, 26 S.E. 2d 322.

Since the prisoner was detained in custody on a capital charge, he necessarily relied on his counsel to look after his defense. The action pended in the Superior Court of Bertie County, and the attorneys for the accused were charged with knowledge that in the ordinary course of law citizens would be summoned from the body of that county to serve as jurors on the trial of the cause. Manifestly, they could not be expected to anticipate or guess that the presiding judge, acting on his own motion and without any notice to them, would enter an order subsequent to the convening of the term at which the case was calendared for trial calling a special venire from a distant and unfamiliar county to serve as jurors in the case, notwithstanding the order was authorized by a statute specifying that "upon suggestion made as provided by § 1–84 or on his own motion, the presiding judge, instead of making order of removal may cause as many jurors as he deems necessary to be summoned from any county in the same judicial district or in an adjoining district by the sheriff or other proper officer thereof, to attend, at such time as the judge designates, and serve as jurors" in any action in the event there are probable grounds to believe that a fair and impartial trial of such action cannot otherwise be obtained. G.S. § 1-86. Besides, counsel for the accused could not determine the desirability or the propriety of challenging the array until the panel was drawn and its character ascertained. For these reasons, the defense was justifiably unprepared to prove the validity of the challenge to the array when the special veniremen appeared in the Superior Court of Bertie County.

[6] When he lodged his challenge to the array, the prisoner invoked the principle enunciated by repeated decisions of the Supreme Court of the United States that state exclusion of Negroes from grand and petit juries solely because of their race or color denies Negro defendants in criminal cases the equal protection of the laws required by the Fourteenth Amendment to the Federal Constitution. Brunson v. North Carolina, 333 U.S. 851, 68 S.Ct. 634, 92 L.Ed. 1132; Patton v. Mississippi, 332 U.S. 463, 68 S.Ct. 184, 92 L.Ed. 76, 1 A.L.R.2d 1286; Aikens v. Texas, 325 U.S. 398, 65 S.Ct. 1276, 89 L.Ed. 1692; Hill v. Texas, 316 U.S. 400, 62 S.Ct. 1159, 86 L.Ed. 1559; Smith v. Texas, 311 U.S. 128, 61 S.Ct. 164, 85 L.Ed. 84; Pierre v. Louisiana, 306 U.S. 354, 59 S. Ct. 536, 83 L.Ed. 757; Hale v. Kentucky, 303 U.S. 613, 58 S.Ct. 753, 82 L.Ed. 1050; Hollins v. Oklahoma, 295 U.S. 394, 55 S.Ct. 784, 79 L.Ed. 1500; Norris v. Alabama, 294 U.S. 587, 55 S.Ct. 579, 79 L.Ed. 1074; Rogers v. Alabama, 192 U.S. 226, 24 S.Ct. 257, 48 L.Ed. 417; Carter v. Texas, 177 U.S. 442, 20 S.Ct. 687, 44 L.Ed. 839; Smith v. Mississippi, 162 U.S. 592, 16 S.Ct. 900, 40 L.Ed. 1082; Gibson v. Mississippi, 162 U.S. 565, 580, 16 S.Ct. 904, 906, 40 L.Ed. 1075, 1078; Bush v. Kentucky, 107 U.S. 110, 1 S.Ct. 625, 27 L.Ed. 354; Neal v. Delaware, 103 U.S. 370, 26 L.Ed. 567; Ex Parte Virginia, 100 U.S. 339, 25 L.Ed. 676; State of Virginia v. Rives, 100 U.S. 313, 321, 25 L.Ed. 667, 670; Strauder v. West Virginia, 100 U.S. 303, 25 L.Ed. 664. As the text writer in 16 C.J.S., Constitutional Law, § 540, has declared: "This does not mean that a jury must be composed of persons of each race in proportion to their respective numbers as citizens; nor does the equal protection of the laws give a Negro or other person the right to demand that the grand or trial jury, considering his case, shall be composed, wholly or in part, of persons of his own race or color, the only right to which he is entitled being that in the selection of jurors persons of his race or color shall not be discriminated against or excluded on that account." Various aspects of this question are considered in these North Carolina cases: State v. Speller, supra; State v. Brunson, 229 N.C. 37, 47 S.Ed.2d 478; State v. Koritz, 227 N.C. 552, 43 S.Ed.2d 77, certiorari denied, Koritz v. State, 332 U.S. 768, 68 S.Ct. 80, 92 L.Ed. 354, and rehearing denied 332 U.S. 812, 68 S.Ct. 106, 92 L.Ed. 390; State v. Henderson, 216 N.C. 99, 3 S.Ed.2d 357; State v. Walls, 211 N.C. 487, 191 S.E. 232, certiorari denied Walls v. State, 302 U.S. 635, 58 S.Ct. 18, 82 L.Ed. 494; State v. Cooper, 205 N.C. 657, 172 S.E. 199; State v. Daniels, 134 N.C. 641, 46 S.E. 743; State v. Peoples, 131 N.C. 784, 42 S.Ed.2d 814; State v. Sloan, 97 N.C. 499, 2 S.E. 666; Capehart v. Stewart, 80 N.C. 101.

[7] The trial court made findings that the special veniremen were drawn and summoned in accordance with the laws of the State, and that there had been no discrimination against persons of the prisoner's race in preparing the jury list. These findings were supported by evidence, and ordinarily would be conclusive on appeal in controversies of this nature. State v. Walls, supra; State v. Cooper, supra; State v. Daniels, supra; State v. Peoples, supra.

In the case at bar, however, the action of the presiding judge in calling trial jurors from a distant county took the prisoner and his counsel by surprise, and rendered them justifiably unprepared forthwith to sustain by testimony the challenge to the array, which was apparently interposed in good faith and on reasonable grounds.

[8] Attorneys for the defense asked the court, in substance, for time to investigate relevant matters in Warren County, and to secure evidence there to substantiate the validity of the challenge to the array. The court refused this request. By virtue of this ruling, counsel for the prisoner were compelled to resort at random to the special veniremen and to bystanders in the courtroom at Windsor, 82 miles from the county seat of Warren County, to sustain the proposition that the Board of Commissioners of Warren County had purposely excluded Negroes from the jury list of Warren County and from the venire in question solely on account of their race or color. Despite the handicap under which they labored, counsel for the defense elicited testimony from their witnesses and from witnesses called to the stand by the State indicating that the case for the State might well have been so weakened, or the case for the prisoner might well have been so strengthened as to have required contrary findings and an opposite order in respect to the lawfulness of the panel if they had been granted a reasonable time for investigation, preparation, and presentation of the prisoner's case on the challenge to the array. Thus, the record discloses not only that the prisoner and his attorneys were denied a reasonable opportunity in the light of prevailing conditions to investigate, prepare, and present his defense on the challenge to the array, but also that such denial of such opportunity prejudiced the prisoner's rights.

The declaration of the Supreme Court of Pennsylvania in Brown v. Hummel, 6 Pa. 86, 47 Am. Dec. 431, is apposite. "When the humblest citizen comes into court with the constitution of his country in his hand, we dare not disregard the appeal." Since it appears from the record that the prisoner has been denied the fundamental right of representation by counsel vouchsafed him by both the State and Federal Constitutions, the conviction and sentence are vacated, and the action is remanded to the Superior Court of Bertie County for a new trial.

GRAND CANYON DAMS ARE UNNECESSARY

Mr. PROXMIRE. Mr. President, the principal reason why I speak this afternoon is to oppose H.R. 4671, the Colorado River Basin project, as it is presently constituted.

I do not dispute the fact that the States of the Colorado's lower basin urgently need a solution to the problem of water shortages.

But, Mr. President, if this Government is to spend hundreds of millions of dollars to help these States we should design a water reclamation project which both meets the needs of the Southwest efficiently and also efficiently meets the needs of the entire country.

I want to examine this project closely from these two viewpoints. What are the prime needs of the Southwest, and how do we go about meeting these needs to the maximum benefit of all the people?

WHAT ARE OUR PRIME NEEDS?

Mr. President, I believe that the two hydroelectric dams proposed for the Colorado River as part of this bill would adversely affect the welfare of our country. The dams do not satisfy our prime needs: They would alter the Grand Canyon National Park and Monument, in violation of the principles of preservation of our natural wilderness areas, and rather than provding water, they actually would consume the water which proponents say is necessary for the livelihood of the residents of the States the bill is supposed to benefit.

DAMS VIOLATE THE GRAND CANYON

First, I want to answer those proponents of the dams who contend that because the dams would not be within the boundaries of the National Park or Monument, they will not affect the Grand Canyon. In my mind it is no less unthinkable to destroy the parts of the Grand Canyon outside those boundaries than it would be to encroach upon the park and monument; in fact, Marble Canyon, the site of one of the dams, is one of the most beautiful areas of the canyon. It is 12.5 miles upstream from the eastern boundary of the park. But a hydroelectric dam is not merely a large chunk of limestone thrown into the middle of a river; it is also the creator of a reservoir and the regulator of the river's flow below it. These two dams would irreparably alter the Colorado River, and consequently the great wonder created by that river for millions of years which Congress has decided to preserve as a national park.

The two dams would create 148 miles of reservoir in the Colorado River. Proponents of the dams say that these reservoirs would not appreciably raise the elevation of the river. That may be true, depending on how one interprets the meaning of an "appreciable" elevation. But these are the facts:

First. The reservoirs would submerge the inner gorges in parts of the canyon, areas which contain the vast majority of the plant and animal life of the canyon. Most of the wildlife habitat is near the narrow shores of the river—the canyon walls are too steep and too rocky to support wildlife of any sort. When the Sierra Club says these areas would be inundated, that is no exaggeration.

Second. The inner gorges contain the oldest geological formations in the canyon. One hundred and forty-eight miles of invaluable information about the history of the earth, as well as some of the most strikingly beautiful landscapes in the world, would be lost for the sake of these useless dams.

Third. Marble canyon reservoir is not in the national park or monument, but the reservoir behind Hualapai Dam, located at Bridge Canyon, would make a sterile lake out of the flowing river 80 miles throughout the length of the monument and 13 miles along the border of the park.

The river within the remaining miles of the park will not be immune to encroachment by these dams either:

Marble Canyon Dam would wreak its havoc upon the more than 100 miles of river within the park which proponents argue would remain "open" and "untouched." That dam, with a load factor of about 35 percent, would be primarily a peaking powerplant. That means, according to the Bureau of Reclamation, that water would be released at the highest possible flow 12 hours each day and at minimum flow the other 12 hours. Minimum flow would be 1,000 cubic feet per second; maximum flow would be between 25,000 and 30,000 cubic feet per second. The present flow rate through the park varies between 10,000 and 15,000 cubic feet per second. The results of such extreme changes, with the time period between maximum and minimum flow only 1 hour, are predictable: clear water released by the dam would scour out the channel, pick up all available sediment and deposit it in the first stretch of slack water. This would change the configuration of the channel and the slope of the streambed. The natural flushing action of the river which prevents rock and log jams from building up, especially where tributaries enter the river, would be permanently arrested. All these results caused by the construction of Marble Canyon Dam are ignored in this proposed legislation.

Title I says that the project is declared to be for the purposes of "regulating the flow of the Colorado River; controlling floods; improving navigation; providing for basic public outdoor recreation facilities"; and "improving conditions for fish and wildlife," among other things. Seasonal regulation of the river is already provided by Glen Canyon Dam; but the regulation provided by Marble Dam would contradict all of these other so-called purposes. The river elevation would vary about 15 feet just below the dam, and about 10 feet at the headwaters of the sterile Hualapai Dam reservoir. That is enough to make it impossible for much of the wildlife to survive at the shores of the river, which often rises no more than 10 feet before reaching the sheer cliffs of the inner gorge; it is enough to make it almost impossible to ride down that river and sleep on its low banks without running the danger of being drowned unexpectedly—I cannot imagine that this inevitable result of the dam could possibly be construed as a provision for "basic public recreation facilities."

The Bureau of Reclamation has attached the sugar coating of reservoir recreation facilities to this bill. The Bureau has stated that the boating and fishing facilities provided by these dams will make the Grand Canyon available to many more people than at present. But the Bureau of Outdoor Recreation, an agency of the Department of Interior, has replied:

> No additional recreation benefits can be claimed for the proposed Bridge Canyon Dam because of the unusual existing recreation values of the proposed reservoir area and the adverse effects the dam and reservoir would have on these values.
>
> Water-oriented recreation cannot be considered one of the primary purposes for constructing the Bridge Canyon and Marble Canyon Dams because less costly alternatives for expanding recreation facilities in this area are available.
>
> The types of water-oriented recreation which could be supplied by the reservoirs are available at Lake Mead and Glen Canyon National Recreation Areas. These recreation areas serve the same population centers, and facilities could be added as recreation demand expands.

In addition, Marion Clawson of Resources for the Future, probably the Nation's foremost expert on the statistics of recreation, predicts that, while the demand for use of recreation facilities such as the proposed reservoirs will increase perhaps 16 times over 1950 levels by the year 2000, the demand for use of scenic areas by sightseers will increase by as much as 40 times. The Outdoor Recreation Resources Review Commission, precursor of the Bureau of Outdoor Recreation, also predicted in 1962 that, given the opportunity, sightseeing will increase faster than boating and fishing. In this specific instance, it is worthy to note that although only 900 people have traversed the canyon at river level in the last 50 years, 600 of them did it in 1965 alone. Future trips down the river can be predicted on quite a steep curve, based on these figures, if the river is there to let them have this singular experience. It is almost beside the point to mention that "river-running," as the trip down the Colorado is called, is less expensive per day than renting a 28-horsepower outboard to fish for trout on a reservoir, and that the hike from the canyon rim to the river, made impossible if these dams are built, can be, and is, often made by people of both sexes, all ages and physical conditions, and not by just the hardy few, as proponents of the dams suggest.

The Bureau of Reclamation contends that many more people would have access to the inner reaches of the canyon as a result of the dams than presently. That in itself is a doubtful assertion. But the numbers game that the Bureau of Reclamation is wont to play in these matters is a double-edged knife: The natural Grand Canyon that 200 million people are being asked to abandon would be traded for two dams which the Bureau contends would finance a project to provide water for Arizona's 8,000 farmers.

Before I go further with that, I wish to point out that a few years ago, the Senate was asked to approve a project in Kansas called the Glen Elder project. At that time, I felt that the Glen Elder project could not be justified very well, and so I protested it before the Appropriations Committee. I anticipated that the farmers in Kansas whose lands were to be irrigated would be incensed at this protest on my part, and I would hear from them.

I heard from them, all right, but the astonishing thing, to me, was that they supported my position. They did not want that irrigation project. In fact, we were so interested in the number of letters I received that we decided we would make a survey.

We found that 90 percent of the farmers whose lands were to be irrigated opposed the project. We received affidavits from them to show it.

So the real "beneficiaries" of this proposed project may not want it, either. There are only 8,000; and the 200 million people in this country would be deprived of what many people feel is the most majestic, splendid, awe-inspiring, and beautiful natural monument we have in this Nation.

The population of Arizona is more than 1,300,000. Of that 8,000 farmers, or 0.6 percent of the population, annually use 95 percent of the water available for consumptive use. The remainder of the population, that is 99.4 percent, use 5 percent of the available water for domestic, industrial, municipal and recreational uses combined. As a matter of fact, the 100,000 acre-feet of water that the Bureau says would be lost annually through evaporation from the reservoirs is enough to supply the water needs of both Phoenix and Tucson. But this raw data does not tell half the story. Arizona's agricultural sector is a small and declining part of that State's economy, and the Bureau of Reclamation, in Commission Floyd Dominy's words, wants to preserve the present relative shares despite the natural trend of Arizona's growth. Dr. Dean E. Mann, in his well-documented book, "The Politics of Water in Arizona," has these carefully chosen words about the dynamic state of Arizona's economy:

> Perhaps the most important question affecting the basic resource policy in Arizona is that concerning the long-term direction of the state's economy. In this regard, water is the most important limiting factor. In the past, agriculture and mining have been the mainstays of the economy, constituting 20 percent of the total income of the state in 1953. But manufacturing has overtaken both of these, and agriculture will probably continue to decline in relative importance. In the long run, mining will probably also diminish in importance as the vital ore resources are depleted. Furthermore, both these industries are greatly dependent on the world market which has a history of marked instability and fluctuation.
>
> Nearly 20 percent of the state's income is derived from government payments. Such income is highly dependent on the international political situation and the willingness of the national Congress to support reclamation projects and the like. Some economists foresee the major opportunities for expansion in the fields of manufacturing and tourism, both of which have shown decided increases in the last decade. The advantages seen in diversification based on tourism and light industry is an economy more self-sufficient and less dependent on outside economic forces.

It is another matter of fact that agriculture, the declining part of Arizona's economy, is being subsidized by the American people not only directly for the production of surplus crops such as cotton but also indirectly in the price farmers pay for their water. Arizona farmers pay now, and would pay under this bill, $10 per acre-foot for water. Right now in Oregon, within sight of the Columbia River—which sponsors of this bill have their hearts set on for importation of water to the Colorado Basin—there are farmers paying $32.50 per acre-foot for water to irrigate their land. And within the State of Arizona, municipal and industrial users are paying $50 per acre-foot.

If the Congress sees fit to favor this project without the dams, which will maintain Arizona's share of 4 percent of the Nation's agricultural output, that is well and good; it would underscore my contention that this numbers game is just that when we are speaking about both water and the Grand Canyon—a game. I want to emphasize, Mr. President, that it is no less valid to give the highest recognition to the quality of civilization it requires to appreciate the meaning of a Grand Canyon unfettered by dams than it is to recognize how important a continued supply of water is to Arizona's farmers. Those who fight for a Grand Canyon, no more violated, are against these dams, to be sure, because it would mean the end of river-running, as it is now known, for all time, for the sake of a stopgap water project. The preservationists—river-runners, hikers, and those who prefer to view the splendor from the rim—do not have such selfish reasons in mind. They were against Glen Canyon Dam, too, even though it lengthened the river-running season, because it was a step toward conquering a canyon which is, to paraphrase the eminent conservationist Joseph Wood Krutch, so impressive partly because it has not yet been conquered. They are against Marble and Hualapai Dams because these dams would complete the conquest of the canyon—end in one manmade instant 280 miles of flowing river and millions of years of nature's work—make a fossil, if you will, of a living thing.

Mr. President, just as we do not measure the benefits of water by the number of farmers who use it, we do not measure the benefit of the Grand Canyon by the number of people who have run the river. Just as the whole Nation needs Arizona's agriculture, the whole Nation needs the Grand Canyon in its most natural state, to know merely that it is there, that we may see it at any time, to know that there remain in our country areas, in this case our most beautiful area, that have been touched as little as humanly possible.

This is the attitude that pervades the letters I and other Senators have received from thousands of constituents who have never been to the Grand Canyon, but who want to be assured that even if they never see it, they will know that the Nation has seen fit to protect it, to the greatest extent possible, from so-called civilization. Such "civilized" encroachment would change, but destroy rather than improve, our greatest natural wonder. This is also the attitude which is the foundation of the National Parks Act. The purpose of a national park, says the act, is "to conserve the scenery and the national and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

If this bill were passed, Congress would in effect be declaring by fiat that the construction and operation of these dams is consistent with those farsighted words, despite the fact that obviously, they contradict those words. If Congress desires to repeal the National Parks Act, if it wants to approve this project in violation of the primary purposes of the Grand Canyon National Park, then let it do that openly rather than surreptitiously as it would do here. We cannot authorize these dams and reaffirm our commitment to the National Parks System at the same time.

DAMS DECREASE WATER SUPPLY

One of the surprising, but all too true, results of these two dams is the loss of the very substance which this project is intended to provide—water. They would not increase the available water. Water would be lost.

H.R. 4671 recognizes that by the end of the century, at the latest, the Colorado River will no longer be able to supply the bourgeoning water demands of the area it serves. If we are going to spend $1.7 billion on a project which will satisfy the water demands of the Southwest for no more than 30 years, why go about wasting that precious water in the process? These dams would cause the loss of, at the very least, 100,000 acre-feet of water per year, which, as I said before, is enough to satisfy the present needs of both Tucson and Phoenix.

First, it is estimated by Floyd Dominy, Commissioner of the Bureau of Reclamation, that evaporation from the reservoirs, which would not be lost otherwise, would be about 100,000 acre-feet per year.

Second is the question of water lost to bank storage, commonly called seepage. Seepage is not an annual phenomenon, but occurs while the reservoirs fill up. There are no reliable estimates of how much water would be lost to the reservoir walls. The canyon walls at the sites of the reservoirs, according to William Bradley, professor of geology at the University of Colorado, are "moderately to very porous." This loss of water to the reservoir walls is dead storage—it can be recovered only when the reservoirs are emptied, a very unlikely possibility.

Third, the water remaining after construction of these dams is certain to be of lower quality than the water now available from the Colorado. Evaporation removes pure water, leaving behind salts and impurities it once contained. The concentration of salts increases, thus, in the water remaining. The higher elevation of the river increases contact of the water with saline rock, under increased pressure. Diversion of low-salt upstream water increases the salinity of downstream water. The wildlife destroyed by these dams includes salt-accumulating plants, such as the tamarisk. All this means that the water available for irrigation will be more salty, and irrigated lands will consequently require more frequent leaching, a costly process.

Mr. President, all that I have said so far can be summarized in one sentence—we need water in the Southwest, and we need the Grand Canyon unharmed by these two dams. These are our prime needs. How do we best meet these needs?

HOW DO WE BEST MEET OUR NEEDS?

I am going to show a little later that Congress does not need to make a choice between preserving the Grand Canyon and providing water for the arid Southwest. We can satisfy both needs. Furthermore, Mr. President, even if Congress were forced to provide the water without regard for preserving the Grand Canyon, it would not be necessary to violate the canyon in order to provide that water. I want to show now that there are serious doubts about the economic feasibility of these dams—that, if the power they would produce is considered so absolutely necessary to this project, an opinion which I believe has no basis in fact, then that power may be produced by more economical means.

THE DAMS ARE UNECONOMIC PROJECTS

First, I want to point out that the Bureau of Reclamation's economic analyses of reclamation projects are always biased to its own favor because of the fact that the Bureau borrows money from the Treasury at an interest rate lower than the rate the Treasury itself pays for money.

While that was true 6 months or a year ago, it is far more true today, because the interest rates have risen very rapidly. In fact, the Bureau pays no interest at all for money borrowed to finance irrigation projects. The result is that every reclamation project is subsidized by the Federal Government from the very start.

But we can almost accept that fact, because, on top of it, the Bureau violates the basic principles of economic analysis in its studies of economic feasibility. In its benefit-cost analyses, it applies a discount rate to future benefits which is far too low to reflect the real present value of future benefits. In estimating the benefit of a project, Mr. President, we must take account of the fact that, if we had all the money required for construction and maintenance today, we could invest it in alternative undertakings, or buy Government bonds and at some future date reap a profit. But since we do not have the project's benefits expressed in terms of money today but only in terms of benefits at the end of a 100-year period, we must estimate the present discounted value of future benefits. The same operation applies to costs.

The 3-percent rate used by the Bureau of Reclamation to calculate the benefit-cost ratio of the two dams is far too low since present investments, even in relatively low-earning, long-term Government bonds, yield a much higher rate of return. The real benefits are enormously and artificially exaggerated. The taxpayer is shoved by the low discount rate into commitments that cost far more for the dams than they are worth. In short, a low discount rate seriously underestimates the economic resources that are bound to be used up in the construction and maintenance of these dams.

Third, I want to point out that the Bureau of Reclamation has been bound by its own inner logic to a very limited imagination. In its study of alternatives to hydroelectric dams, it failed to consider the possibility of an atomic-powered generating plant. In testimony before the House Irrigation and Reclamation Subcommittee, Commissioner Dominy emphasized that a hydroplant produces peakload power, the type of power contemplated for sale, much more efficiently than any other known method of power generation. It is quite true that once the large initial investment in plant and equipment has already been made, falling water is more useful for generating peakload power because other methods, such as coal-fired or atomic-powered generation, are at their most efficient when generating a constant flow 24 hours per day rather than at alternating high and low loads. Thirty years ago, a hydro facility was the best choice for a new peakload generating plant, and today we are reaping the benefits of low power costs. But today's technology makes hydrogeneration obsolete where the problem is to start from scratch in the construction of a power-generating plant.

An alternative which the Bureau failed to consider is a nuclear reactor combined with a pumped water storage facility. The reactor would operate continuously. Thriving off-peak hours it would pump water from a lower reservoir to an upper reservoir, at the same time generating a constant flow of baseload energy. During peak hours, the electricity generated by the reactor would be sold along with electricity produced by letting the water fall from the upper to the lower reservoir. Since the reactor would be operating continuously, and since the pumped storage facility would have all the quick-start advantages of any conventional hydro facility, the combination would be unusually flexible in terms of rapid response to emergency demand. The idea of this combination power facility has been presented by Dr. Lawrence I. Moss, a nuclear engineer with Atomics International, and shown to be economically feasible by Rand Corp. economists Drs. Alan P. Carlin and William E. Hoehn. In fact, when Hualapai and Marble Canyon Dams were compared with this alternative, their benefit-cost ratios fell from 2 to 1 for Hualapai and 1.7 to 1 for Marble down to, at most, 0.95 to 1 for the two dams combined. In other words, they were not justified even on the basis of the biased economic analyses that are provided.

Mr. President, the Bureau of Reclamation made myriads of other faults when analyzing the economic feasibility of these dams. It assumed that alternatives would be located at the same sites rather than at the point of sale, or close to it, so that transmission costs for the alternative were drastically exaggerated. It assumed that peakload power from the dams, including transmission costs, would sell for 6 mills per kilowatt-hour, while peakload power from Hoover Dam after its costs are paid out would sell for 4 mills exclusive of transmission costs. Transmission costs alone cannot possibly exceed 1 mill. At 6 mills, power from the dams hardly seems competitive. This exaggerated the estimate of power revenues. These are just the more flagrant examples.

I am especially disturbed by the narrowminded attitude toward sound water management which is taken by the proponents of these dams. I would like to quote here from a recent report by a committee of the National Academy of Sciences and National Research Council. This committee of private businessmen, university professors, and representatives of the Federal Government commented on present water management policy:

> On the Colorado River and elsewhere in the nation, technological improvements in the production of power may affect both the value of hydroelectric power and the alternative value of power generated from coal or atomic fuels. . . . to assume that comparative power techniques will not change is to ignore both the prospect and the opportunity to shape it.

The report continues:

> We need to improve the decision process. . . . The Committee wishes to emphasize that there is a constant interaction of changing technology with human needs and desires. The planning process needs to be brought abreast of knowledge that is now available, and it needs to be altered toward the end of encouraging new knowledge and utilizing that knowledge as it becomes available.

The committee recommends, and I wholeheartedly agree, that all available alternative solutions to our water shortage problems should be studied in greater depth than they are now. All the choices need to be explained in equal detail. They should be presented to the public so they can be considered. The committee comments further:

> The broadening of thought and action recommended by the Committee would be a fundamental break with the rigid technological ("quick fix") outlook that has dominated U.S. water planning and management over the past century. In many instances, that outlook has been justified, because economic growth was a major aim. In other cases, this approach has been of questionable validity. . . .
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> The outlook that better expresses man's growing sensitivity to his environment and makes use of his expanding scientific insights is one that calls for careful weighing of the whole range of devices, both technical and social, there are open to him to support and refresh his body and spirit.

Mr. President, we can ask nothing less of ourselves than to use all the knowledge at our command to find solutions to our water problems. In the present case, it is clear that our best needs require a better solution than this bill offers them.

THE DAMS ARE UNNECESSARY PROJECTS

The most astounding aspect of these dams, Mr. President, is that the power they would generate and the revenues they would purportedly bring for the Colorado River Basin project are completely unnecessary, both for the financial feasibility and for the technical integrity of the project.

It is stated by the Bureau of Reclamation that the two dams have a single purpose: to generate power. Power is needed for the project to pump water to its irrigation facilities. Some of that power would be provided by the dams; some would be purchased from other sources during the times of the day when it would be more profitable to sell power from the dams to commercial customers than to pump it at a subsidized price to agricultural users. If the dams were not built, no other facilities would need to be constructed; the cost of building and maintaining the dams would be eliminated, as well as the revenues they would accumulate. The only additional cost incurred would be the added cost of buying pumping power that would have been furnished by the dams.

The next question is that of the economic feasibility of the project without the dams. First, let me state that in its calculations of the payout study done by the Bureau of Reclamation for the project including the dams, it was assumed that revenues from Hoover and Parker-Davis Dams, after they were paid out, would accrue to the payout fund of the Colorado River Basin project. I emphasize this because the same thing was done in payout studies for the project without the dams.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the Bureau of Reclamation's consolidated payout studies for the Colorado River Basin project, the first including the dams and the second excluding them.

There being no objection, the studies were ordered to be printed in the RECORD, as follows:

Consolidated payout study, Lower Colorado River Basin project (including Bridge and Marble Canyon Dams)

[In thousands of dollars]

Year of study	Year	Power							
		Net operating revenue	Interest-bearing investment			Non-interest-bearing investment		Allowable unpaid balance	Credit to development fund
			Interest at 3.222 percent	Unpaid balance	Plant in service	Unpaid balance	Plant in service		
	1971								
	1972			296,754	296,754	69,967	69,967	366,721	
1	1973	7,612	9,561	603,561	601,612	69,967	69,967	671,579	
2	1974	28,264	19,447	670,959	677,827	69,967	69,967	747,794	
3	1975	32,596	21,618	659,981	677,827	69,967	69,967	747,794	
4	1976	32,613	21,265	648,633	677,827	69,967	69,967	747,794	
5	1977	32,721	20,899	636,811	677,827	69,967	69,967	747,794	
6	1978	32,735	20,518	624,594	677,827	69,967	69,967	747,794	
7	1979	32,760	20,124	611,958	677,827	69,967	69,967	747,794	
8	1980	32,785	19,717	598,890	677,827	69,967	69,967	747,794	
9	1981	32,214	19,296	585,972	677,827	69,967	69,967	747,794	
10	1982	32,207	18,880	572,645	677,827	69,967	69,967	747,794	
11	1983	32,219	18,451	558,877	677,827	69,967	69,967	747,794	

***Consolidated payout study, Lower Colorado River Basin project (including Bridge and Marble Canyon Dams)*—Continued**

[In thousands of dollars]

Year of study	Year	Power							
		Net operating revenue	Interest-bearing investment			Non-interest-bearing investment		Allowable unpaid balance	Credit to development fund
			Interest at 3.222 percent	Unpaid balance	Plant in service	Unpaid balance	Plant in service		
12	1984	32, 214	18, 007	544, 650	677, 827	69, 967	69, 967	747, 794	------------
13	1985	32, 242	17, 549	529, 957	677, 827	69, 967	69, 967	747, 794	------------
14	1986	32, 237	17, 075	514, 795	677, 827	69, 967	69, 967	747, 794	------------
15	1987	32, 232	16, 587	499, 150	677, 827	69, 967	69, 967	747, 794	------------
16	1988	32, 224	16, 083	483, 009	677, 827	69, 967	69, 967	747, 794	------------
17	1989	32, 232	15, 563	466, 340	677, 827	69, 967	69, 967	747, 794	------------
18	1990	32, 227	15, 025	449, 138	677, 827	69, 967	69, 967	747, 794	------------
19	1991	44, 290	14, 471	419, 319	677, 827	69, 967	69, 967	747, 794	------------
20	1992	44, 377	13, 510	388, 452	677, 827	69, 967	69, 967	747, 794	------------
21	1993	44, 448	12, 516	356, 520	677, 827	69, 967	69, 967	747, 794	------------
22	1994	44, 521	11, 487	323, 486	677, 827	69, 967	69, 967	747, 794	------------
23	1995	44, 599	10, 423	289, 310	677, 827	69, 967	69, 967	747, 794	------------
24	1996	44, 663	9, 322	253, 969	677, 827	69, 967	69, 967	747, 794	------------
25	1997	44, 743	8, 183	217, 409	677, 827	69, 967	69, 967	747, 794	------------
26	1998	44, 785	7, 005	179, 629	677, 827	69, 967	69, 967	747, 794	------------
27	1999	44, 895	5, 788	140, 522	677, 827	69, 967	69, 967	747, 794	------------
28	2000	44, 963	4, 528	100, 087	677, 827	69, 967	69, 967	747, 794	------------
29	2001	44, 165	3, 225	59, 147	677, 827	69, 967	69, 967	747, 794	------------
30	2002	44, 165	1, 906	16, 888	677, 827	69, 967	69, 967	747, 794	------------
31	2003	44, 173	544	0	677, 827	43, 226	69, 967	747, 794	------------
32	2004	44, 172	544	0	677, 827	0	69, 967	747, 794	946
33	2005	47, 975	544	0	677, 827	0	69, 967	747, 794	47, 975
34	2006	47, 988	544	0	677, 827	0	69, 967	747, 794	47, 988
35	2007	47, 987	544	0	677, 827	0	69, 967	747, 794	47, 987
36	2008	47, 998	544	0	677, 827	0	69, 967	747, 794	47, 998
37	2009	47, 991	544	0	677, 827	0	69, 967	747, 794	47, 991
38	2010	48, 007	544	0	677, 827	0	69, 967	747, 794	48, 007
39	2011	47, 478	544	0	677, 827	0	69, 967	747, 794	47, 478
40	2012	47, 484	544	0	677, 827	0	69, 967	747, 794	47, 484
41	2013	47, 493	544	0	677, 827	0	69, 967	747, 794	47, 493
42	2014	47, 492	544	0	677, 827	0	69, 967	747, 794	47, 492
43	2015	47, 501	544	0	677, 827	0	69, 967	747, 794	47, 501
44	2016	47, 421	544	0	677, 827	0	69, 967	747, 794	47, 421
45	2017	47, 426	544	0	677, 827	0	69, 967	747, 794	47, 426
46	2018	47, 429	544	0	677, 827	0	69, 967	747, 794	47, 429
47	2019	47, 433	544	0	677, 827	0	69, 967	747, 794	47, 433
48	2020	47, 443	544	0	677, 827	0	69, 967	747, 794	47, 443
49	2021	46, 998	544	0	677, 827	0	69, 967	747, 794	46, 998
50	2022	47, 002	544	0	677, 827	0	69, 967	747, 794	47, 002
51	2023	47, 011	544	0	677, 827	0	69, 967	381, 073	47, 011
52	2024	47, 009	544	0	677, 827	0	69, 967	76, 215	47, 009
53	2025	47, 022	544	0	677, 827	0	69, 967	0	47, 022
	Subtotal	2, 174, 901	428, 573	0	677, 827	0	69, 967	0	998, 534
54	2026	46, 882	428, 573	0	677, 827	0	69, 967	0	46, 882
55	2027	46, 880	428, 573	0	677, 827	0	69, 967	0	46, 880
56	2028	46, 891	428, 573	0	677, 827	0	69, 967	0	46, 891
57	2029	46, 891	428, 573	0	677, 827	0	69, 967	0	46, 891
58	2030	46, 917	428, 573	0	677, 827	0	69, 967	0	46, 917
59	2031	46, 757	428, 573	0	677, 827	0	69, 967	0	46, 757
60	2032	46, 757	428, 573	0	677, 827	0	69, 967	0	46, 757
61	2033	46, 757	428, 573	0	677, 827	0	69, 967	0	46, 757
62	2034	46, 757	428, 573	0	677, 827	0	69, 967	0	46, 757
63	2035	46, 757	428, 573	0	677, 827	0	69, 967	0	46, 757
64	2036	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
65	2037	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
66	2038	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
67	2039	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
68	2040	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
69	2041	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
70	2042	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
71	2043	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
72	2044	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
73	2045	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
74	2046	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
75	2047	46, 738	428, 573	0	677, 827	0	69, 967	0	46, 738
	Total	3, 204, 003	428, 573	0	677, 827	0	69, 967	0	2, 027, 636

Year of study	Year	Municipal and industrial					
		Net operating revenue	Interest at 3.22 percent	Unpaid balance	Plant in service	Allowable unpaid balance	Credit to development fund
	1971	------------	------------	------------	------------	------------	------------
	1972	------------	------------	36, 576	36, 576	36, 576	------------
1	1973	521	1, 178	142, 890	142, 233	142, 233	------------
2	1974	2, 942	4, 604	150, 635	148, 316	148, 316	------------
3	1975	3, 316	4, 853	209, 567	205, 711	205, 711	------------
4	1976	3, 461	6, 752	212, 858	205, 711	205, 711	------------
5	1977	5, 176	6, 858	214, 540	205, 711	205, 711	------------
6	1978	5, 472	6, 912	215, 980	205, 711	205, 711	------------
7	1979	5, 773	6, 959	217, 166	205, 711	205, 711	------------
8	1980	6, 064	6, 997	218, 099	205, 711	205, 711	------------
9	1981	6, 384	7, 027	218, 742	205, 711	205, 711	------------
10	1982	6, 767	7, 048	219, 023	205, 711	205, 711	------------
11	1983	7, 078	7, 057	219, 002	205, 711	205, 711	------------
12	1984	7, 381	7, 056	218, 677	205, 711	205, 711	------------
13	1985	7, 685	7, 046	218, 038	205, 711	205, 711	------------
14	1986	8, 007	7, 025	217, 056	205, 711	205, 711	------------
15	1987	8, 334	6, 994	215, 716	205, 711	205, 711	------------
16	1988	8, 738	6, 950	213, 928	205, 711	205, 711	------------
17	1989	9, 064	6, 893	211, 757	205, 711	205, 711	------------

Consolidated payout study, Lower Colorado River Basin project (including Bridge and Marble Canyon Dams)—Continued

[In thousands of dollars]

Year of study	Year	Municipal and industrial					
		Net operating revenue	Interest at 3.22 percent	Unpaid balance	Plant in service	Allowable unpaid balance	Credit to development fund
18	1990	9, 387	6, 823	209, 193	205, 711	205, 711	
19	1991	9, 728	6, 740	206, 205	205, 711	205, 711	
20	1992	9, 993	6, 644	202, 856	205, 711	205, 711	
21	1993	10, 337	6, 536	199, 055	205, 711	205, 711	
22	1994	10, 681	6, 414	194, 788	205, 711	205, 711	
23	1995	10, 957	6, 276	190, 107	205, 711	205, 711	
24	1996	11, 307	6, 125	184, 925	205, 711	205, 711	
25	1997	11, 586	5, 958	179, 297	205, 711	205, 711	
26	1998	11, 939	5, 777	173, 135	205, 711	205, 711	
27	1999	12, 224	5, 578	166, 489	205, 711	205, 711	
28	2000	12, 586	5, 364	159, 267	205, 711	205, 711	
29	2001	12, 533	5, 132	151, 866	205, 711	205, 711	
30	2002	12, 554	4, 893	144, 205	205, 711	205, 711	
31	2003	12, 504	4, 646	136, 347	205, 711	205, 711	
32	2004	12, 525	4, 393	128, 215	205, 711	205, 711	
33	2005	12, 543	4, 131	119, 803	205, 711	205, 711	
34	2006	12, 495	3, 860	111, 168	205, 711	205, 711	
35	2007	12, 516	3, 582	102, 234	205, 711	205, 711	
36	2008	12, 472	3, 294	93, 056	205, 711	205, 711	
37	2009	12, 493	2, 998	83, 561	205, 711	205, 711	
38	2010	12, 448	2, 692	73, 805	205, 711	205, 711	
39	2011	12, 469	2, 378	63, 714	205, 711	205, 711	
40	2012	12, 425	2, 053	53, 342	205, 711	205, 711	
41	2013	12, 386	1, 719	42, 675	205, 711	205, 711	
42	2014	12, 407	1, 375	31, 643	205, 711	205, 711	
43	2015	12, 369	1, 020	20, 294	205, 711	205, 711	
44	2016	12, 390	654	8, 558	205, 711	205, 711	
45	2017	12, 351	276	8, 558	205, 711	205, 711	3, 517
46	2018	12, 375	276	8, 558	205, 711	205, 711	12, 375
47	2019	12, 340	276	8, 558	205, 711	205, 711	12, 340
48	2020	12, 381	276	8, 558	205, 711	205, 711	12, 281
49	2021	12, 305	276	8, 558	205, 711	205, 711	12, 305
50	2022	12, 273	276	8, 558	205, 711	169, 135	12, 273
51	2023	12, 240	0	0	205, 711	63, 478	12, 240
52	2024	12, 264	0	0	205, 711	57, 359	12, 264
53	2025	12, 235	0	0	205, 711	0	12, 235
	Subtotal	533, 081	225, 540	0	205, 711	0	101, 830
54	2026	12, 203	0	0	205, 711	0	12, 203
55	2027	12, 173	0	0	205, 711	0	12, 173
56	2028	12, 147	0	0	205, 711	0	12, 147
57	2029	12, 117	0	0	205, 711	0	12, 117
58	2030	12, 081	0	0	205, 711	0	12, 081
59	2031	12, 081	0	0	205, 711	0	12, 081
60	2032	12, 081	0	0	205, 711	0	12, 081
61	2033	12, 081	0	0	205, 711	0	12, 081
62	2034	12, 081	0	0	205, 711	0	12, 081
63	2035	12, 081	0	0	205, 711	0	12, 081
64	2036	12, 081	0	0	205, 711	0	12, 081
65	2037	12, 081	0	0	205, 711	0	12, 081
66	2038	12, 081	0	0	205, 711	0	12, 081
67	2039	12, 081	0	0	205, 711	0	12, 081
68	2040	12, 081	0	0	205, 711	0	12, 081
69	2041	12, 081	0	0	205, 711	0	12, 081
70	2042	12, 081	0	0	205, 711	0	12, 081
71	2043	12, 081	0	0	205, 711	0	12, 081
72	2044	12, 081	0	0	205, 711	0	12, 081
73	2045	12, 081	0	0	205, 711	0	12, 081
74	2046	12, 081	0	0	205, 711	0	12, 081
75	2047	12, 081	0	0	205, 711	0	12, 081
	Total	799, 179	225, 540	0	205, 711	0	367, 928

Year of study	Year	Irrigation						Recapitulation of development fund			
		Net operating revenue	Unpaid balance	Plant in service	Payment from development fund	Allowable unpaid balance	Credit to development fund	Power	M. & I.	Irrigation	Cumulative net balance
	1971										
	1972		23, 146	23, 146		23, 146					
1	1973	349	219, 760	220, 108		220, 108					
2	1974	343	248, 835	249, 527		249, 527					
3	1975	3, 353	267, 299	271, 344		271, 344					
4	1976	3, 357	263, 942	271, 344		271, 344					
5	1977	3, 133	260, 809	271, 344		271, 344					
6	1978	3, 095	257, 714	271, 344		271, 344					
7	1979	3, 065	254, 649	271, 344		271, 344					
8	1980	3, 025	251, 624	271, 344		271, 344					
9	1981	2, 985	248, 639	271, 344		271, 344					
10	1982	2, 874	245, 765	271, 344		271, 344					
11	1983	2, 834	242, 931	271, 344		271, 344					
12	1984	2, 801	240, 130	271, 344		271, 344					
13	1985	2, 749	237, 381	271, 344		271, 344					
14	1986	2, 706	234, 675	271, 344		271, 344					
15	1987	2, 670	232, 005	271, 344		271, 344					
16	1988	2, 557	229, 448	217, 344		271, 344					
17	1989	2, 512	226, 936	271, 344		271, 344					
18	1990	2, 469	224, 467	271, 344		271, 344					
19	1991	2, 343	222, 124	271, 344		271, 344					
20	1992	2, 271	219, 853	271, 344		271, 344					

Consolidated payout study, Lower Colorado River Basin project (including Bridge and Marble Canyon Dams)—Continued

[In thousands of dollars]

Year of study	Year	Irrigation						Recapitulation of development fund			
		Net operating revenue	Unpaid balance	Plant in service	Payment from development fund	Allowable unpaid balance	Credit to development fund	Power	M. & I.	Irrigation	Cumulative net balance
21	1993	2,142	217,711	271,344	-----	271,344	-----	-----	-----	-----	-----
22	1994	2,010	215,701	271,344	-----	271,344	-----	-----	-----	-----	-----
23	1995	1,933	213,768	271,344	-----	271,344	-----	-----	-----	-----	-----
24	1996	1,798	211,970	271,344	-----	271,344	-----	-----	-----	-----	-----
25	1997	1,725	210,245	271,344	-----	271,344	-----	-----	-----	-----	-----
26	1998	1,589	208,656	271,344	-----	271,344	-----	-----	-----	-----	-----
27	1999	1,510	207,146	271,344	-----	271,344	-----	-----	-----	-----	-----
28	2000	1,356	205,790	271,344	-----	271,344	-----	-----	-----	-----	-----
29	2001	1,350	204,440	271,344	-----	271,344	-----	-----	-----	-----	-----
30	2002	1,287	203,153	271,344	-----	271,344	-----	-----	-----	-----	-----
31	2003	1,281	201,872	271,344	-----	271,344	-----	-----	-----	-----	-----
32	2004	1,218	200,654	271,344	-----	271,344	-----	946	-----	-----	946
33	2005	1,148	199,506	271,344	-----	271,344	-----	47,975	-----	-----	48,921
34	2006	1,138	198,368	271,344	-----	271,374	-----	47,988	-----	-----	96,909
35	2007	1,085	197,283	271,344	-----	271,344	-----	47,987	-----	-----	144,896
36	2008	1,073	196,201	271,344	-----	271,344	-----	47,908	-----	-----	192,894
37	2009	1,010	195,200	271,344	-----	271,344	-----	47,991	-----	-----	240,885
38	2010	997	194,203	271,344	-----	271,344	-----	48,007	-----	-----	288,892
39	2011	925	193,278	271,344	-----	271,344	-----	47,478	-----	-----	336,370
40	2012	920	192,358	271,344	-----	271,344	-----	47,484	-----	-----	383,584
41	2013	895	191,463	271,344	-----	271,344	-----	47,493	-----	-----	431,347
42	2014	843	190,620	271,344	-----	271,344	-----	47,492	-----	-----	478,839
43	2015	824	189,796	271,344	-----	271,344	-----	47,501	-----	-----	526,340
44	2016	751	189,045	271,344	-----	271,344	-----	47,421	-----	-----	573,671
45	2017	743	188,302	271,344	-----	271,344	-----	47,426	3,517	-----	624,704
46	2018	671	187,631	271,344	-----	271,344	-----	47,429	12,375	-----	684,508
47	2019	659	186,972	271,344	-----	271,344	-----	47,433	12,340	-----	744,281
48	2020	640	186,332	271,344	-----	271,344	-----	47,443	12,281	-----	804,005
49	2021	566	185,766	271,344	-----	271,344	-----	46,998	12,305	-----	863,308
50	2022	551	185,215	271,344	-----	248,198	-----	47,002	12,273	-----	922,583
51	2023	530	51,236	271,344	133,449	51,236	-----	47,011	12,240	−133,449	848,385
52	2024	475	21,817	271,344	28,944	21,817	-----	47,009	12,264	−28,944	878,714
53	2025	449	0	271,344	21,368	0	0	47,022	12,235	−21,368	916,603
	Subtotal	87,583	0	271,344	183,761	0	0	998,534	101,830	−183,761	916,603
54	2026	443	0	271,344	0	0	443	46,882	12,203	443	976,131
55	2027	408	0	271,344	0	0	408	46,880	12,173	408	1,035,592
56	2028	381	0	271,344	0	0	381	46,891	12,147	381	1,095,011
57	2029	366	0	271,344	0	0	366	46,891	12,117	366	1,154,385
58	2030	324	0	271,344	0	0	324	46,917	12,081	324	1,213,707
59	2031	324	0	271,344	0	0	324	46,757	12,081	324	1,272,869
60	2032	324	0	271,344	0	0	324	46,757	12,081	324	1,332,031
61	2033	324	0	271,344	0	0	324	46,757	12,081	324	1,391,193
62	2034	324	0	271,344	0	0	324	46,757	12,081	324	1,450,355
63	2035	324	0	271,344	0	0	324	46,757	12,081	324	1,509,517
64	2036	324	0	271,344	0	0	324	46,738	12,081	324	1,568,660
65	2037	324	0	271,344	0	0	324	46,738	12,081	324	-----
66	2038	324	0	271,344	0	0	324	46,738	12,081	324	-----
67	2039	234	0	271,344	0	0	324	46,738	12,081	324	-----
68	2040	324	0	271,344	0	0	324	46,738	12,081	324	-----
69	2041	324	0	271,344	0	0	324	46,738	12,081	324	-----
70	2042	324	0	271,344	0	0	324	46,738	12,081	324	-----
71	2043	324	0	271,344	0	0	324	46,738	12,081	324	-----
72	2044	324	0	271,344	0	0	324	46,788	12,081	324	-----
73	2045	324	0	271,344	0	0	324	46,738	12,081	324	-----
74	2046	324	0	271,344	0	0	324	46,738	12,081	324	-----
75	2047	324	0	271,344	0	0	324	46,738	12,081	324	2,219,233
	Total	95,013	0	271,344	183,761	0	7,430	2,027,636	367,928	−176,331	2,219,233

Consolidated payout study, Lower Colorado River Basin project (exclusive of main-stream reservoir division)

[In thousands of dollars]

Year of study	Year	Power		Municipal and industrial						Irrigation					Recapitulation of development fund				Year of study
		Net operating revenue [1]	Credit to development fund	Net operating revenue [2] [3]	Interest, at 3.222 percent	Unpaid balance	Plant in service	Allowable unpaid capital investment	Credit to development fund	Net operating revenue [2]	Unpaid balance	Plant in service	Allowable unpaid capital investment	Payment from development fund	Power [4]	Municipal and industrial	Irrigation	Cumulative net balance	
	1972	-----	-----	-----	-----	36,576	36,576	36,576	-----	-----	23,146	23,146	23,146	-----	-----	-----	-----	-----	
1	1973	-----	-----	522	1,178	142,889	142,233	142,233	-----	349	219,759	220,108	220,108	-----	-----	-----	-----	-----	1
2	1974	-----	-----	2,715	4,604	150,861	148,316	148,316	-----	−2,513	251,601	249,527	249,527	-----	-----	-----	-----	-----	2
3	1975	-----	-----	3,063	4,861	210,054	205,711	205,711	-----	−4,107	277,615	271,344	271,344	-----	-----	-----	-----	-----	3
4	1976	-----	-----	3,162	6,768	213,660	-----	-----	-----	−3,979	281,594	-----	-----	-----	-----	-----	-----	-----	4
5	1977	-----	-----	4,783	6,884	215,761	-----	-----	-----	−3,927	285,521	-----	-----	-----	-----	-----	-----	-----	5
6	1978	-----	-----	5,038	6,952	217,675	-----	-----	-----	−3,845	289,366	-----	-----	-----	-----	-----	-----	-----	6
7	1979	-----	-----	5,301	7,013	219,387	-----	-----	-----	−3,759	293,125	-----	-----	-----	-----	-----	-----	-----	7
8	1980	-----	-----	5,565	7,069	220,891	-----	-----	-----	−3,683	296,808	-----	-----	-----	-----	-----	-----	-----	8
9	1981	-----	-----	5,827	7,117	222,181	-----	-----	-----	−3,607	300,415	-----	-----	-----	-----	-----	-----	-----	9
10	1982	-----	-----	6,244	7,159	223,096	-----	-----	-----	−3,678	304,093	-----	-----	-----	-----	-----	-----	-----	10
11	1983	-----	-----	6,506	7,188	223,778	-----	-----	-----	−3,603	307,696	-----	-----	-----	-----	-----	-----	-----	11
12	1984	-----	-----	6,776	7,210	224,212	-----	-----	-----	−3,523	311,219	-----	-----	-----	-----	-----	-----	-----	12
13	1985	-----	-----	7,046	7,224	224,390	-----	-----	-----	−3,463	314,682	-----	-----	-----	-----	-----	-----	-----	13
14	1986	-----	-----	7,314	7,230	224,306	-----	-----	-----	−3,394	318,076	-----	-----	-----	-----	-----	-----	-----	14
15	1987	-----	-----	7,591	7,227	223,942	-----	-----	-----	−3,322	321,398	-----	-----	-----	-----	-----	-----	-----	15
16	1988	-----	-----	8,007	7,215	223,150	-----	-----	-----	−3,399	324,797	-----	-----	-----	-----	-----	-----	-----	16
17	1989	-----	-----	8,283	7,190	222,057	-----	-----	-----	−3,336	328,133	-----	-----	-----	-----	-----	-----	-----	17
18	1990	-----	-----	8,552	7,155	220,660	-----	-----	-----	−3,267	331,400	-----	-----	-----	-----	-----	-----	-----	18
19	1991	12,592	12,592	8,860	7,110	218,910	-----	-----	-----	−3,230	-----	-----	-----	3,230	12,592	-----	−3,230	9,362	19
20	1992	-----	-----	9,030	7,053	216,933	-----	-----	-----	−3,069	-----	-----	-----	3,069	-----	-----	−3,069	18,885	20
21	1993	-----	-----	9,343	6,990	214,580	-----	-----	-----	−3,038	-----	-----	-----	3,038	-----	-----	−3,038	28,439	21

See footnotes at end of table.

Consolidated payout study, Lower Colorado River Basin project (exclusive of main-stream reservoir division)—Continued

[In thousands of dollars]

Year of study	Year	Power		Municipal and industrial						Irrigation					Recapitulation of development fund				Year of study
		Net operating revenue [1]	Credit to development fund	Net operating revenue [2] [3]	Interest, at 3.222 percent	Unpaid balance	Plant in service	Allowable unpaid capital investment	Credit to development fund	Net operating revenue [2]	Unpaid balance	Plant in service	Allowable unpaid capital investment	Payment from development fund	Power [4]	Municipal and industrial	Irrigation	Cumulative net balance	
22	1994			9,659	6,914	211,835				−3,014				3,014			−3,014	38,017	22
23	1995			9,852	6,825	208,808				−2,871				2,871			−2,871	47,738	23
24	1996			10,180	6,728	205,356				−2,854				2,854			−2,854	57,476	24
25	1997			10,381	6,617	201,592				−2,715				2,715			−2,715	67,353	25
26	1998			10,715	6,495	197,372				−2,704				2,704			−2,704	77,241	26
27	1999			10,928	6,359	192,803				−2,578				2,578			−2,578	87,255	27
28	2000	12,592	12,592	11,281	6,212	187,734				−2,596				2,596	12,592		−2,596	97,251	28
29	2001	12,080	12,080	11,194	6,049	182,589				−2,494				2,494	12,080		−2,494	106,837	29
30	2002			11,239	5,883	177,233				−2,517				2,517			−2,517	116,400	30
31	2003			11,157	5,710	171,786				−2,415				2,415			−2,415	126,065	31
32	2004	12,080	12,080	11,203	5,535	166,118				−2,438				2,438	12,080		−2,438	135,707	32
33	2005	15,873	15,873	11,242	5,352	160,228				−2,464				2,464	15,873		−2,464	149,116	33
34	2006			11,166	5,163	154,225				−2,374				2,374			−2,374	162,615	34
35	2007			11,211	4,969	147,983				−2,387				2,387			−2,387	176,101	35
36	2008			11,143	4,768	141,608				−2,299				2,299			−2,299	189,675	36
37	2009			11,188	4,563	134,983				−2,321				2,321			−2,321	203,227	37
38	2010	15,873	15,873	11,119	4,349	128,213				−2,238				2,238	15,873		−2,238	216,862	38
39	2011	15,533	15,533	11,161	4,131	121,180				−2,271				2,271	15,533		−2,271	230,124	39
40	2012			11,096	3,904	113,988				−2,180				2,180			−2,180	243,477	40
41	2013			11,039	3,673	106,622				−2,113				2,113			−2,113	256,897	41
42	2014			11,085	3,435	98,972				−2,125				1,125			−2,125	270,305	42
43	2015	15,533	15,533	11,031	3,189	91,130				−2,056				2,056	15,533		−2,056	283,782	43
44	2016	15,444	15,444	11,076	2,936	82,990				−2,089				2,089	15,444		−2,089	297,137	44
45	2017			11,019	2,674	74,645				−2,009				2,009			−2,009	310,572	45
46	2018			11,071	2,405	65,979				−2,041				2,041			−2,041	323,975	46
47	2019			11,022	2,126	57,083				−1,970				1,970			−1,970	337,449	47
48	2020	15,444	15,444	10,966	1,839	47,956				−1,900	331,400			1,900	15,444		−1,900	350,993	48
49	2021	15,124	15,124	11,018	1,545	38,483		205,711		−1,938	271,344		271,344	61,994	15,124		−61,994	304,123	49
50	2022			10,975	1,240	28,748		169,135		−1,873	248,198		248,198	25,019			−25,019	294,228	50
51	2023			10,932	926	18,742		63,478		−1,809	51,236		51,236	198,771			−198,771	110,581	51
52	2024			10,984	604	8,362		57,359		−1,829	21,817		21,817	31,248			−31,248	94,457	52
53	2025	15,124	15,124	10,948	269	0	205,711	0	2,317	−1,779	0	271,344	0	23,596	15,124	2,317	−23,596	88,302	53
	Subtotal	499,983	499,983	479,812	271,784		205,711		2,317	−142,654	0	271,344		413,998	499,983	2,317	−413,998	88,302	
54	2026	15,063	15,063	10,904	0		205,711		10,904	−1,723	0	271,344		1,723	15,063	10,904	−1,723	112,546	54
55	2027			10,868					10,868	−1,664				1,664		10,868	−1,664	136,813	55
56	2028			10,839					10,839	−1,614				1,614		10,839	−1,614	161,101	56
57	2029			10,802					10,802	−1,554				1,554		10,802	−1,554	185,412	57
58	2030	15,063	15,063	10,773					10,773	−1,528				1,528	15,063	10,773	−1,528	209,720	58
59	2031	14,903	14,903												14,903			233,868	59
60	2032																	258,016	60
61	2033																	282,164	61
62	2034									−1,528				1,528			−1,528	306,312	62
63	2035	14,903	14,903	10,773					10,773	−1,527				1,527	14,903	10,773	−1,527	330,461	63
64	2036	14,884	14,884	10,772					10,772						14,884	10,772		354,590	64
75	2047	14,884	14,884	10,772	0		205,711		10,772	−1,527	0	271,344		1,527	14,884	10,772	−1,527	620,009	75
	Total	828,421	828,421	717,127	271,784		205,711		239,632	−176,700	0	271,344		448,044	828,421	239,632	−448,044	620,009	

[1] Net operating revenue of power from Boulder Canyon and Parker-Davis projects after their respective payouts at same rates used in other studies.

[2] Pumping energy for Central Arizona project purchased commercially at 6.5 mills per kilowatt-hour. (See attached explanation.)

[3] Required charge for municipal and industrial water is $50.70.

[4] Power net operating revenues used to finance irrigation net operating deficiency after 1990.

An average cost for power of 6.5 mills per kwhr has been used throughout this study. Use of this figure has been based upon several considerations. During the period of purchase of power to offset Hoover capacity impairment (1964–1965), the best price the Bureau of Reclamation received in the area was $1.50 per kw month, plus 3 mills for energy. This equates to an average price of 5.3 mills per kwhr at 88 percent load factor. This price was once secured during a period of power surplus and is not expected to be available throughout the repayment period of the project. Nevertheless, if the $1.50 and 3 mill rate is projected throughout the payout period in relationship to the expected load factor on the project pumps, the rate in 2025 would be 7.4 mills. This rate does not include provision for any special transmission. However, transmission would be required from sources of power supply to the various pump sites. The cost of this transmission is estimated at $135.00 per kw of installed pump capacity. The annual cost of such transmission, considered as an irrigation cost, is equivalent to 0.7 mills per kwhr. If the above favorable rates could be obtained throughout the payout period, the cost of power delivered to the pumps would run, including transmission, from 6 mills in 1975 to 8.1 in 2025. However, it is recognized that technology is improving and is lowering costs of producing power. In recognition of the fact that the 6.0 mill rate is probably low at the beginning of the payout period and that the 8.1 mill rate is probably high at the end, a constant rate of 6.5 mills has been used throughout the study.

To cover the possibility that technical improvements may result in more favorable power rates in the future than assumed in the study, a separate payout analysis was run using a constant rate of 5.0 mills per kwhr throughout the study. A comparison of the results of the two studies is as follows:

	Development fund balance	
	5-mill energy	6.5 mill energy
Year 2025:		
Irrigation	[1] −$327,659,000	[1] −$413,998,000
Power	499,983,000	499,983,000
Municipal and industrial	56,102,000	2,317,000
Balance	228,426,000	88,302,000
Year 2047:		
Irrigation	[1] −346,158,000	[1] −448,044,000
Power	828,421,000	828,421,000
Municipal and industrial	307,228,000	239,632,000
Balance	789,491,000	620,009,000

[1] Total financial assistance required for irrigation, including assistance in meeting operation and maintenance costs.

Mr. PROXMIRE. The studies show money flowing into the development fund, which would contribute to the costs of augmentation of water to the Colorado Basin from other sources. The money enters the fund after the reimbursable costs of the project have been paid. With the dams, the project would be paid out by 2004 and by 2025. Without the dams, the project would be paid out by 1991, 13 years earlier, and the development fund would contain $88 million by 2025.

I want to point out that the Bureau's payout study for the project exclusive of the dams makes the most biased assumptions possible against the project. It assumes pumping power would be purchased at 6.5 mills per kilowatt-hour, when the two dams themselves would sell their most expensive commodity, peakload power, at 6 mills. Peakload power from Hoover and Parker-Davis after payout, not including transmission costs, would sell for 4 mills. Transmission costs for pumping power would be about 0.7 mills, according to the Bureau's payout study for the project without the dams. That adds up to 4.7 mills for a profitmaking operation. The 6.5 mills estimated by the Bureau is outlandish. Even 5 mills seems rather expensive for a 100-year average, considering the fact that power costs are declining rapidly as a result of technological progress. Incidentally, the Western Energy Supply and Transmission Associates plan construction of two 750,000-kilowatt generating plants, powered by coal, in the Four Corners area of New Mexico which by 1974 will sell power, based on an 85-percent load factor, delivered in Albuquerque for 4.24 mills—not at 6.5 mills or 5 mills or even 4.7 mills, but at 4.2 mills—indicating how the power costs are dropping in the area of Albuquerque, N. Mex., the State of the Presiding Officer. That is at the time construction of the dams would have been about completed.

It is argued that without the dams, reclamation policy is violated because power revenues from Hoover and Parker-Davis Dams would be used to pay irrigation costs. The difference in this case, and in the case where the dams would be built, is merely a difference in bookkeeping. Revenues from Hoover and Parker-Davis accrue to the development fund at the same rate whether or not the dams are built; they help pay for the dams, so that pumping power from the dams may sell for 2.5 mills to farmers, and 4.25 mills for other uses. The subsidization of irrigation costs by power revenues does not appear on paper when the dams are built, but the subsidy is nevertheless there.

The significance of the Bureau of Reclamation's payout study of the project exclusive of the dams cannot be overemphasized. It means no less than that the most ardent proponents of the dams admit that the project can pay for itself without the dams.

The Bureau of Reclamation understandably has not made a study of economic feasibility of the project exclusive of the dams. It is understandable because in its study including the dams, benefits were so exaggerated and costs so underestimated that even the exclusion of the two dams, which together would cost more than the entire remainder of the project, would not appreciably affect the benefit-cost ratio.

Mr. President, I ask unanimous consent that the RECORD include at this point my benefit-cost study of the Colorado River Basin project exclusive of Marble Canyon and Hualapai Dams.

There being no objection, the benefit-cost study was ordered to be printed in the RECORD, as follows:

Benefit-cost study, Colorado River Basin project (exclusive of Marble Canyon and Hualapai Dams)

[In thousands of dollars]

COSTS	
Construction	991, 219
Interest during construction	59, 141
Subtotal	1, 050, 360
Average annual equivalent (rounded) cost (4-percent discount rate, 50-year project period)	48, 894
Annual operation, maintenance and repairs	10, 591
Additional annual pumping power (at 6 mills per kilowatt-hour) (rounded)	5, 138
Total annual equivalent cost	64, 623
BENEFITS (ANNUAL EQUIVALENTS, 3-PERCENT DISCOUNT RATE, 100-YEAR PROJECT PERIOD)	
Irrigation	88, 366
Municipal and industrial water	15, 975
Flood control	787
Area redevelopment	792
Total annual benefits	105, 920

Benefits-cost ratio: 1.64 to 1.

Mr. PROXMIRE. All figures in this study are those published in the Bureau of Reclamation's Southwest water plan and supplemental reports, with the following exceptions:

On the benefit side, benefits from power, recreation, and fish and wildlife were excluded. According to the Bureau of Reclamation, recreation, fish and wildlife benefits accrue from other project units as well as from the dams, but these were not included.

On the cost side, all costs were included except that for power. Recreation, fish, and wildlife costs incurred by construction of the dams were not taken out. Pumping power costs were calculated as follows: The Bureau of Reclamation estimates the annual demand for pumping power will be 1,785,835,000 kilowatt-hours, assuming that augmentation will bring 1.2 million acre-feet annually to the Lower Colorado Basin over the whole project period. Assuming the power would be bought at the high price of 6 mills, the total annual cost would be $10,715,010. The Bureau's irrigation costs already include $5,577,000 for pumping power; the difference added to annual costs would be $5,138,010. Total costs were discounted at a rate of 4 percent over a 50-year period, rather than the Bureau's 3 percent over a 100-year period. For lack of data, benefits were calculated on a 3-percent, 100-year basis.

The net result of all these changes along with deletion of the dams is that if the Bureau of Reclamation has accurately estimated costs and benefits, then I have exaggerated the costs and underestimated the benefits. The benefit-cost ratio I calculated on this basis for the project without the dams is 1.64 to 1.

If the Bureau's original estimates exaggerate benefits so much that my cost-exaggerating changes do not compensate for the Bureau's bias, then not much can be said for a benefit-cost ratio of any sort. But if Congress is willing to accept the Bureau's 2.3 to 1 for the project including the dams, it must accept a favorable benefit-cost ratio for the project without the dams. If the project is economically feasible with the dams, then it is feasible without the dams.

Proponents of the dams will protest that notwithstanding the feasibility of the project without the dams, the dams bring in millions of dollars to the development fund, which supposedly will help finance the importation of water to the Colorado Basin. I said a little while ago that according to the Bureau of Reclamation, the development fund will have $917 million with the dams and $88 million without the dams by the year 2025. I have already shown how underestimated the $88 million figure is. But I want to underscore the Bureau of Reclamation and Secretary Udall's statements, which they have made over and over again, that even without any provision to satisfy all water demands after the turn of the century—without any augmentation of water to the Colorado Basin—the project is economically feasible. This bill calls for a reconnaissance study on water augmentation to be completed by the Secretary of the Interior no later than December 31, 1969; and if reconnaissance shows that a particular plan meets the requirements of repayment, that it has a favorable benefit-cost ratio, and that the area of origin of the new water is a water-surplus area—surplus for how long is not stated—then the Secretary is required to "proceed promptly thereafter with preparation of a feasibility report" on that plan. If, as is obvious, the dams would help finance augmentation but not the project itself, why not wait for the reconnaissance study to see if the dams are or are not the best way to finance augmentation? Why go ahead and build the dams now, when before they are half built, we might find a better method of providing funds for new water? Mr. President, we should not authorize these dams at this time. They are not related in any substantive way, either technically or economically, to the Colorado River Basin project. Congress, by passing this bill, would be authorizing a separate project before feasibility studies have been made to show that that project is worth undertaking.

In conclusion, Mr. President, Congress must take a closer look at the economic problems surrounding these two dams. Proponents of the dams have called them "cash registers" because of their purely monetary significance. I assure my colleagues that if the Nation's taxpayers would look upon these cash registers—piggy banks I would prefer to call them, because of all the pork between the ribs of this project—if they would look upon them from every angle: from the principles of conservation, from the principles of sound water management, and from their own pocketbooks—they would ring up "no sale."

UNEMPLOYMENT GROWTH, STILL THE NATION'S PRIME LONG-RANGE PROBLEM

Mr. PROXMIRE. Mr. President, for many years the prime economic problem of this Nation was unemployment. In my judgment it is likely to be our principal problem again and soon.

All of us are inclined swiftly to forget difficulties of the past when they are overcome and new inconveniences develop. This is especially true in matters of national economic policy.

We do now have relatively low unemployment. In many areas we have a shortage of workers. We are suffering from a further immediate inflationary threat from labor shortages and growing production pressing against plant capacity.

But, Mr. President, unless the Vietnam war escalates far beyond any present expectation, the present situation of low unemployment and plant scarcity is likely to be very short lived indeed.

The lead story in this morning's Wall Street Journal tells one vivid reason why this is true. In the article, which bears the headline "New Equipment Likely To Bring Big Reduction in Mills' Work Forces." It is pointed out that in 1953 the steel industry reached its peak employment when it employed 650,000 people. At that time the steel industry was producing 112 million tons of steel. Today they employ some 80,000 fewer people. They now employ 570,000 people instead of 650,000 people and they produce 134 million tons, or 22 million tons more, which is an increase of nearly 20 percent with far fewer workers.

Until recently—and by recently I mean the last 3 or 4 years—the steel industry was extremely reluctant to automate, but this has been immensely speeded up in the last few years. As the article to which I have referred points out, this automation, this speedup in the investment in efficient plant equipment, is going to continue very rapidly over the next few years.

Even in the last 5 years, the Council of Economic Advisers estimates an increase in productivity in industry of 4.9 percent per year. Productivity gains in the future are bound to be greater than that.

The president of the United States Steel Corp., Leslie Worthington, although he assumes that there will be an increase in production over that period, estimates that by 1975 there will be a loss of about 100,000 jobs in the steel industry.

Walter Burke—whom I know—who is the head of the Midwest Region of Steelworkers, and is now the secretary-treasurer of the United Steelworkers, estimates that one-half of the present jobs will be gone, or nearly 300,000 jobs will be lost.

Both men assume that steel production will continue to increase. But automation will make production so much more efficient that the greater production will be accomplished by fewer and fewer workers.

Mr. President, what is happening in steel is happening in many other American industries.

Last February, the Labor Department published an excellent study entitled "Technological Trends in Major American Industries."

Forty industries were analyzed in detail.

It was concluded that employment prospects in the industries studied were generally favorable. In 13 industries employing 26 million workers, or about 77 percent of all employees of those industries covered by the study, employment is expected to rise somewhat.

But in 13 industries employing about 3.7 million workers, even with higher output, employment is expected to decline, and in a third group employing about 4.1 million persons, employment is expected to change very little.

Conservatism, or perhaps I should say optimism, of the assumptions underlying this study is shown when we recognize that iron and steel are considered in this third category—that is, among the industries whose employment is likely to change very little, which contradicts what the president of the Steelworkers expects and what the study showed.

The Wall Street Journal indicates that there will be a sharp decline in employment, at least in the steel industry.

I ask unanimous consent to have a table showing employment patterns in the various industries between 1957 and 1964 printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Employment in 1957 and 1964 and prospects for 1970

Industry	Employment		
	1957 (thousands)	1964 (thousands)	Percent change
Industries where employment by 1970 will probably be higher:			
Air transportation	148.4	190.8	28.6
Apparel	1,210.1	1,302.0	7.6
Banking	602.9	764.4	26.8
Concrete, gypsum, and plaster products	[2]140.1	172.1	22.8
Contract construction	2,923.0	3,056.0	4.6
Electrical machinery, equipment, and supplies	1,343.8	1,548.4	15.2
Federal Government	2,217.0	2,348.0	5.9
Foundries	306.5	286.3	−6.6
Furniture and fixtures	374.0	406.0	8.6
Glass containers	54.3	60.4	11.2
Instruments and related products	342.1	369.3	8.0
Insurance carriers	[1]813.6	895.2	10.0
Motor freight	804.2	919.8	14.4
Printing and publishing	870.0	950.5	9.3
Pulp, paper, and board	226.4	220.9	−2.4
Synthetic materials and plastics products	[1]244.2	354.0	45.0
Wholesale and retail trade	10,886.0	12,132.0	11.4
Industries where employment by 1970 will probably be lower:			
Bakery products	302.5	289.9	−4.1
Bituminous coal	229.8	136.0	−40.8
Dairy products	[1]319.1	288.6	−9.6
Flour and other grain mill products	27.1	21.9	−19.2
Hydraulic cement	41.6	34.5	−17.1
Lumber and wood products	655.3	602.5	−8.1
Malt liquors	77.4	61.9	−20.0
Meat products	333.1	313.6	−5.8
Petroleum refining	153.9	113.9	−26.0
Railroads	985.0	665.0	−32.5
Textile mill products	981.1	891.1	−9.2
Tobacco products	71.5	62.9	−12.0
Water transportation	[2]231.7	222.3	−4.0
Industries where employment by 1970 will probably be only slightly changed, or is uncertain:			
Aircraft, and missiles and space vehicles	[1]848.0	790.6	−6.8
Aluminum	65.0	76.4	17.5
Copper ore mining	32.3	27.1	−16.1
Crude petroleum and natural gas	344.0	289.4	−15.9
Electric power and gas	581.8	575.9	−1.0
Footwear (except rubber)	235.0	213.3	−9.2
Iron and steel	719.9	629.4	−12.6
Motor vehicles and equipment	769.3	755.4	−1.8
Telephone communication	768.2	706.1	−8.1
Tires and inner tubes	96.9	85.8	−11.5

[1] 1958.

[2] 1959.

Mr. PROXMIRE. Mr. President, the big point is that right now some 1½ million people enter the labor force every year. That number may well increase. It will not decrease over the next 10 years. That means that conservatively, at least, 15 million more Americans will be seeking work 10 years from now than at the present time.

Even if we assume the unparalleled growth of the last 5 years continues for 10 more years—if we assume that it continues for 10 more years in this 5-year period of the longest period of economic power we have ever experienced—a happy but probably unrealistically optimistic assumption—even if we do have this expansion and growth and development—we are, in my judgment, going to have a serious problem of unemployment for years to come.

This is why the tendency to discuss and adopt fiscal and monetary policies simply to meet price and interest rate problems on a short-run assumption of labor scarcity can be most unwise.

I do hope, as the President's recent economic recommendations come before the Senate for action, that the long-run picture—the problem of an almost incredibly productive society of ours be recognized for what it is—over the long pull—and not simply as a matter of meeting last month's fluctuations in the Consumer Price Index or the latest stock market or bond market reaction.

I ask unanimous consent to have the article to which I have referred from the Wall Street Journal printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STEEL AUTOMATION: NEW EQUIPMENT LIKELY TO BRING BIG REDUCTION IN MILLS' WORK FORCES—CONTINUOUS CASTING, OXYGEN FURNACES LIFT EFFICIENCY; USW AIMS TO SPREAD JOBS—BARGAINING FOR SHORTER HOURS?

(By John Barnett)

ATLANTIC CITY.—Steel production is booming and mills are short of labor. But the men who run the United Steelworkers Union are growing increasingly fearful that large numbers of mill hands will start losing their jobs before long.

Automation and other technological advances, not an economic downturn, are the reason. The steel industry has been slow to automate, but the pace is picking up and the extent of the impact of new equipment on the mills' labor force is now becoming apparent. Even the limited automation to date has eliminated numerous jobs—over 80,000 since 1953 by one count. Over the next decade job losses are calculated at a minimum of 100,000 of the 600,000 jobs now existing in the steel industry, and some union officials believe the total will be far greater.

Such prospects are naturally alarming to the United Steelworkers, whose biennial convention starts at this seaside resort this weekend. About three-fourths of existing steel industry jobs are held by USW members. Since production jobs of USW members undoubtedly would be among the first to go, the union is doing its best to figure out ways to spread the remaining work among as many people as possible. In President I. W. Abel's words, the problem is "staggering and frightful."

SPREADING WORK

In its 1965 contract with the industry, the USW won a new pension plan that it hoped would provide at least some protection against automation's inroads on employment. The pension plan was designed to spread work by permitting voluntary retirement any time after 30 years' service. But the pension is proving too small to lure many members into early retirement. Thus, 1968 and subsequent bargaining years seem certain to bring a union push for greatly liberalized pension pay. Other work-spreading contract provisions, such as shorter work weeks and longer vacations, are also likely to become top bargaining goals.

Aside from the employment problems faced by individual steelworkers, the USW itself faces the task of maintaining its strength as an organization. The union can be expected to intensify its drive for members in new jurisdictions. White-collar employes of steel companies are potentially a huge source, though attempts to organize them have proved unrewarding thus far.

Mergers are also likely. The USW recently signed a peace pact with its old arch-enemy, the International Union of Mine, Mill & Smelter Workers, which was thrown out of the AFL–CIO in 1950 for alleged Communist ties. The union is now back in the AFL–CIO's graces, though it still doesn't belong to the federation, and an eventual merger of the 45,000-member union with the Steelworkers is in sight.

LAGGING BEHIND FOREIGN MILLS

Even though steelmaking jobs have been disappearing for some time because of automation, the USW did not develop a real sense of urgency about automation until fairly recently. One reason was that the steel industry's steps toward automation were so hesitant compared with what was happening in other fields. Besides trailing such domestic industries as chemicals, food-processing and coal-mining in automating, American steel mills have lagged behind foreign steelmakers. Now, however, U.S. steel companies are embarked on a mammoth capital spending program that will transform steelmaking into a continuous, nearly automatic process.

For the five years from 1965 through 1969, the steel industry's capital spending is expected to total $10 billion or more. By way of comparison, in the 1960–64 period steel mills spent $6.8 billion. Most of the current outlays are going for such up-to-date equipment as basic oxygen furnaces, continuous casting machines and computerized rolling mills—all of which make it possible to produce steel without the high concentration of skilled labor that has always characterized the industry.

What's more, this is just the start. F. L. Byrom, president of Koppers Co., which engineers and builds steelmaking facilities, predicts that in the next 20 years American steel companies will add 70 million tons of new oxygen steelmaking capacity, tripling present capacity of this type, and 100 million tons of new continuous casting capacity, a hundred-fold increase from the present one million tons or so. As the new facilities are built, of course, many old steelmaking furnaces and rolling mills will be torn down or "mothballed" for use only at times of extremely high demand.

SOFTENING THE BLOW

In recent years the growth in steel output has softened the impact of automation on employment. Currently, in fact, mills find it difficult to recruit enough help of the type they need, one reason being that many skilled workers let go in earlier years have moved into other fields.

All the same, the introduction of new equipment means that steel mills require considerably fewer employes to turn out today's record production than would have been the case a few years ago. In 1953, the peak year of steel industry employment, an average of 650,205 hourly and salaried workers were on the rolls. This is more than 80,000 above the average for the first six months of 1966. Yet only 112 million tons of steel were produced in 1953, compared with this year's expected record output of 134 million tons. The President's Council of Economic Advisers, in a special report on the steel industry last year, calculated that employe productivity had risen an average of 4.9% a year since 1961.

It seems certain that productivity gains in the future will be even greater. And the projections of steelmakers themselves make it clear that growth in output won't be great enough to prevent large-scale losses of jobs.

Leslie B. Worthington, president of U.S. Steel Corp., recently estimated that steel consumption in the nation will grow only about 24% to a total of 115 million tons by 1975. If productivity gains over the same 10 years amount to only 4% a year, a relatively modest figure compared to the recent increases of nearly 5%, well over 100,000 jobs would be lost.

One union man who considers the 100,000 estimate far too low is Walter J. Burke, secretary-treasurer of the USW. He has predicted that more than half of the present Steelworker jobs will be eliminated within the "not too distant future."

Jones & Laughlin Steel Corp. just the other day dedicated two new blast furnaces that illustrate the giant steps the industry is taking toward increased efficiency. The furnaces, named "Judith" and "Ann," are huge black structures towering 260 feet at J&L's Aliquippa and Pittsburgh works, respectively. Refined iron ore is fed into the furnaces, and heating and chemical processes within the furnaces produce molten iron.

CUTTING MANPOWER NEEDS

J&L's new furnaces each can turn out 2,500 tons of iron a day. With modifications, they can be made to produce 3,500 tons apiece. Yet their crews are no larger than those of nearby older, less advanced furnaces that turn out a third to a half as much iron a day. In effect, iron produced in the new furnaces requires only a third to a half the manpower needed to make iron in the older furnaces.

The contrast is even sharper in the case of the basic oxygen furnace, which is replacing the open hearth used for almost a century in the U.S.

About two-thirds of steel made in the U.S. at present comes from open hearth furnaces, in which molten iron and scrap are refined into steel with heat from burning gas. All major U.S. producers, however, are now installing basic oxygen furnaces, and the open hearth is swiftly losing ground to the BOF. Ten years ago BOF's accounted for about 2.5 percent of the nation's steel production; by 1964 the figure was 12 percent; this year it will soar to about 25 percent.

A basic oxygen furnace is a giant pear-shaped vessel in which molten iron and scrap are placed. A lance then is lowered into the furnace, and pure oxygen is blasted into the mixture, raising the temperature of the furnace and greatly speeding the refining process. With about the same number of crewmen, a basic oxygen furnace can turn out as much steel in 1 hour as a comparable-sized open hearth can produce in 6 to 8 hours.

CONTINUOUS CASTING

Most threatening of all from the Steelworker point of view, however, is continuous casting. A debate is under way in the steel industry over how fast technical problems involved in the process will be solved, but no one doubts that within a decade or so it will be widely adopted. In continuous casting molten steel is poured into an open-ended, water-cooled mold. As the steel passes through the mold, it is cooled just enough to harden the exterior, which forms a shell that contains the liquid metal in the center. The casting is drawn continuously from the mold, cooled further and cut into appropriate-sized lengths for further processing.

Continuous casting eliminates several processes—pouring molten steel into ingots, stripping the ingots from their molds, heating the ingots in soaking pits and rolling them into slabs, blooms or billets. Eliminated with these operations are the jobs of the soaking pit crew, the breakdown and roughing mill crews and various other workers who handle the ingots as they move from one process to another. Koppers' Mr. Byrom figures that "continuous casting requires significantly less than one-half the personnel that are required to operate conventional facilities."

A staff official of the Steelworkers Union says continuous casting could eliminate as many as 10% to 15% of the jobs in a typical steel mill. Such a mill might employ between 5,000 and 10,000 workers.

Computers are playing a big role in steel automation. They are being used to calculate metallurgical and timing factors in BOF operations and to help control the operations of some new blast furnaces. They are also expected to be used widely in the continuous casting process.

An important use of computers at the moment is for control of giant rolling mills that reduce huge steel slabs to coils of sheet steel. Frank C. Fennell, general manager of the systems control division at Westinghouse Electric Corp., a pioneer in the development of computer control for mills, says flatly that "any hot strip mill bought in the future will have a computer on it. And, he adds, "any cold mill of any size will have a computer as well."

Computer makers like Westinghouse are convinced this is just the start of their involvement in steelmaking. Ultimately, they believe, the entire steelmaking process will be transformed from the present "batch" operation, consisting of several relatively separate steps, into an unbroken computer-coordinated process. In theory at least, there would be a steady flow of materials through the steel plant—from the BOF to the continuous casting machine to the rolling mill to the finishing mill to the loading dock. The stops and storage between various steps that characterize present operations would be eliminated, along with a large share of the present expense for labor.

CONDUCT OF OFFICE OF EDUCATION REPRESENTATIVES IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, communications from school officials in my State, both written and verbal, have shown a clear pattern of harassment by many representatives of the U.S. Office of Education, which is headed by Commissioner Harold Howe II. These Education Office representatives have been inspecting school facilities to make a determination regarding compliance with the school integration guidelines.

In late August, I received a copy of a letter from T. C. Bristow, superintendent of Summerville School District No. 2, addressed to Mr. W. Stanley Kruger, of the equal educational opportunities program of the Department of Health, Education, and Welfare. I ask unanimous consent that a copy of this letter be placed in the CONGRESSIONAL RECORD at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. This letter contains some serious charges, and I immediately brought it to the attention of Secretary John W. Gardner, of the Department of Health, Education, and Welfare, and received in answer a letter which merely stated general policy and in no way addressed itself to my specific complaint. I have again asked that this specific incident be investigated and appropriate action taken. There is absolutely no excuse for representatives of this Department, or for any public official, to conduct themselves in other than a courteous and understanding manner. The school officials of my State are doing their best to meet the numerous problems facing them. I personally resent their intimidation by any representative of the Federal Government.

Just recently, Supt. Arnold W. Heiting, of the Blackville Public Schools in Blackville, S.C., sent me a report of an inspection by a Federal civil rights enforcement team. Superintendent Heiting's report indicates this team showed little interest in the real problems of education being experienced by the school except as they might apply to increased integration. I ask unanimous consent to have placed in the CONGRESSIONAL RECORD at this point in my remarks the report sent me by Superintendent Heiting.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. THURMOND. It is my understanding Mr. Kruger has been transferred from his position as director of Area II—Georgia, Florida, and South Carolina—of the Equal Opportunities Program and two new representatives, Mr. Hugh Brimm and Miss Louise Boswell, have been sent to Atlanta to handle the program in this area. While I hold the opinion that the so-called school guidelines exceed the authority granted in the Civil Rights Act and are unconstitutional, I think these new program directors in the Southeast would do well to first undertake a review of their staffs in order that those persons conducting themselves in an improper manner can be removed immediately.

The Charleston News & Courier at Charleston, S.C., editorialized on September 6, 1966, as follows:

> Charles F. Carroll, superintendent of schools for North Carolina, recently told a congressional committee of the harassment he had suffered at the hands of Mr. Howe's men. In one instance, he said, Mr. Howe's agents demanded a complete reorganization of a county school system, including construction of two new buildings, within 10 days.

It is time for America to sit up and take action when the taxpayers' dollars are being used to cajole, threaten, and otherwise harass our duly elected school officials. The evidence coming to me supports the opinion in the South that school board trustees and administrators are faced with becoming mere instruments to carry out the plans of a centralized all-powerful education czar in Washington.

Throughout South Carolina "freedom of choice" plans similar to those approved previously by the Federal courts are now being refuted by the Office of Education because enough race mixing has not been effected to satisfy the social planners. It appears people are free to choose only so long as their choice is acceptable to Washington.

The Office of Education has no authority whatever for the issuance of guidelines which specify minimum percentages of Negro pupils who should be enrolled in integrated schools in order for freedom-of-choice desegregation plans to be approved. This is the basis upon which scores of schools in my State and other States have been notified of fund deferrals for new federally supported education programs.

Just recently the Washington Daily News reported that Federal aid to education has increased fivefold during the past 4 years, from $701 million to $3.4 billion in the current request. Since there does not seem to be any shortage of the taxpayers' money in the Office of Education, it would seem they could employ people with enough bearing to perform their duties in a courteous and understanding manner.

My files contain many letters in which school officials writing about specific problems make note of the hostile attitude of these Office of Education inspectors. I have also often heard the complaint that it is nearly impossible to get that Office to put anything in writing. It seems they like to do all their business over the telephone, and their policy and advice shifts so frequently, school leaders do not know what course to follow.

In view of these complaints from Superintendents Heiting, Bristow, Carroll, and others, immediate consideration should be given to removing all Office of Education field representatives where proper investigation reveals conduct of an arrogant, militant, and hostile nature. Mr. Kruger's transfer was certainly a step in the right direction, but this action does not go far enough.

EXHIBIT 1

SUMMERVILLE SCHOOL DISTRICT
No. 2, COUNTY OF DORCHESTER,
Summerville, S.C., August 16, 1966.

Mr. W. STANLEY KRUGER,
Director, Equal Educational Opportunities Program, Department of Health, Education, and Welfare, Office of Education, Washington, D.C.

DEAR MR. KRUGER: At a school board meeting on Monday night, August 15, the trustees went on record expressing protest at the type of individuals sent to Summerville to interrogate the school board. They were arrogant, militant, hostile and showed obvious intent of intimidation toward the school officials. The school board had no alternative but to adopt a defensive attitude toward these men in order to maintain their moral obligations and respect to the people of this community, both Negro and white.

Sincerely yours,

T. C. BRISTOW,
Superintendent.

EXHIBIT 2

RÉSUMÉ OF RECENT VISIT OF HEALTH, EDUCATION, AND WELFARE TEAM

On 15–16 August, a team of four men from the Health, Education and Welfare Office visited Barnwell County School Districts 19 and 29. These men were Mr. John Perovick, Mr. Elton Wendell Ridge, Mr. Addison Wallace, and Mr. Reginal Lewis. At 5:30 p.m., 16 August they met with the following from our two districts: Mr. Horace Crouch, Barnwell County Superintendent, Mr. A. B. Cooley, Superintendent of District No. 29, Mr. Arnold Heiting, Superintendent of District No. 19, Mr. Charles Davis, Federal Coordinator of District No. 19 and No. 29, Mr. Eli Davis, Principal of Macedonia Schools, District No. 19, and Mrs. Amelia Martin, Secretary. This meeting lasted approximately two hours.

This meeting was arranged by telephone with Mr. Addison Wallace the previous week. The purpose of this meeting was to (1) check records, (2) discuss compliance progress, (3) and discuss any problems we may have. (See attachment No. 1.)

To this end the visiting team (1) checked no records or our choice forms for the 1966-67 academic year, (2) told us we were not in compliance and suggested forceable, unworkable, or unattainable methods to achieve this vague, undefined yardstick. To each method suggested, we pointed out that it could not be worked in our district because either of school plant layout or lack of money. When we asked just what would place us in compliance, they would offer us no set goal; but said that compliance would vary. (Must we chase shadows?) (3) We told the team the only problems we had were (a) lack of several teachers and would hire any qualified teachers regardless of race. When we asked about the Teachers Corps, they said our needs were to have been made known last March. Last March we had no teacher shortage nor a foreseeable teacher shortage, (b) lack of money to pay our teachers on an equivalent scale of the larger cities, and to better equip our schools with much needed supplies. They offered no solution to this.

During the team's stay in the county, these subjects were brought to mind of the team and discussed at the meeting.

(1) The team mentioned unequitable student distribution between the two elementary schools in district No. 19. They achieved their rough figures by the number of chairs in the rooms. Macedonia Elementary School has just completed a summer class for preschool children. In several rooms, chairs were so placed to sit between 40–50 children. The Blackville Elementary School does not have its desks arranged for the children enrolled for this forth-coming year. The team would not listen when we tried to explain to them that both schools would have close to the 30 students per classroom goal set by the state of South Carolina come the start of school.

(2) The team said the supplies in the Macedonia Schools were lacking, thus depriving those attending children. The team would not listen when we tried to explain that all three schools are lacking in supplies and that no one school is being given preference to the available supplies.

(3) Our agricultural teacher will be teaching classes in both high schools this coming school year. This is brought about by two reasons; lack of money to hire two agricultural teachers in our district and the smallness of numbers of students attending this course. The team's solution to this teaching of one teacher in two schools would be to transfer all agriculture students to one school. This is unworkable because it would eliminate the freedom of choice of schools by the students (or in other words, force students to attend one or the other school, or conflict with other courses desired by these students). Our solution gives students the freedom of choice, avails an agricultural class to all students and demonstrated the closeness our schools work together.

(4) The team suggested creating a three-school system in the district; that of one elementary, one junior high and one senior high. We tried to show the team this proposal was impossible because of the physical limitations of the present school plants; yet the team continuously mentioned this as a solution to total integration. This system is also unworkable by us because it would thus eliminate any freedom of choice. The student would be dictated where to go. We believe with complete freedom of choice that we now do have, there are no segregated schools.

(5) The team requested that I ask teachers from one elementary school to teach in the other elementary school. I told them I would not because of several reasons: (a) As long as a teacher is in a present position and happy there, I cannot move him because then I would begin to have a morale problem where I do not have one now. (b) This asking on my part, as the teacher's employer, would mean to him not a mere request, but a polite order. This would eliminate the freedom of choice of where the teacher desires to work. (c) Several teachers have already indicated they would quit if asked to relocate their teaching assignment, thereby compounding a local teacher shortage. The team would not listen.

(6) The team asked if we would arrange football games to be played—i.e.—Macedonia vs. Blackville High; to have an intermingling of races on the sports field. The team was surprised when we said there were three Negroes practicing for the Blackville High football team; and that rules prohibit sports teams from playing each other within the district; this is an indication of possible lack of prior study by this visiting team.

(7) The team mentioned the unequitableness in classes offered to the students of each high school. We told the team that with the "choice of schools form" sent to each student in April, 1966, in which were listed courses to be offered at one school and this should be taken into consideration when the selection of a high school was made by the student. This form letter was approved by the Health, Education, and Welfare Department before sending to the students. I also sent a duplicate copy to the Health, Education, and Welfare Department prior to the departure of this team from Washington, D.C. In my telephone conversation with Mr. Wallace, I mentioned by sending this form to his department urging him to look at it. The contents of this form letter sent to the students were not known by the team; again indicating a lack of prior preparation.

(8) The team mentioned a complaint, that of school carnivals. These are held by the P T A to obtain working funds for that organization. Without these funds most P T A's would be an ineffecting organization. The elimination of these carnivals would greatly hamper another mentioned complaint by the team—that of closer and greater contacts between the parents and teachers.

(9) The team discussed the fact that parents of two Negro transfer students were fired from their jobs as a reprisal for their children's choice of schools. I specifically asked the team if they talked with the individuals' employers to obtain both sides of the issue. I purposely said that without both sides, no definite conclusion can be made. The team said they did not talk with the former employers and would not. I don't know the reasons for the dismissals of these parents, but the team should find out exactly what these reasons were before reaching any conclusions.

(10) The team was discussing why three transfer Negro students in a particular school failed last year. Mr. Charles Davis asked the team to accompany him to show these children's classroom work papers which were still on file. Mr. Charles Davis was the principal of these three children last year. The team said they say report cards showing that these three students were 'B' level students. After questioning, the report cards were not of the last preceding year's work. Mr. Davis said he would also show the team the last grades these children received before transferring. The team was not interested in seeing these exhibits and closed the subject out with an insinuation that either these three students were discriminated against or that the former all-Negro school these students had been attending was substandard. The team could not realize that it might have been the students themselves, or that of other numerous factors.

(11) We listed for the team the great strides we have already accomplished and repeatedly emphasized that we shall do everything within our power, within the social framework of our community, and within our financial budget to give the best education possible to all children of our school district regardless of race, family background or personal abilities of the student.

These four gentlemen who entered our district did not come to help us. It was evident by their lack of prior research, their searching for half truths rather than the full truth, and their attitude of not listening to our limitations or explanations.

Federal funds could very conceivably be cut off for our school district; but, if the Federal Government sends or denies aid to schools by the findings of men, who under the guise of a helping hand, report their prearranged conclusions, then there is nothing we in our school systems can do.

ARNOLD W. HEITING.

ARE AMERICAN DEFENSE DOLLARS GOING TO COMMUNIST CHINA?

Mr. GRUENING. Mr. President, I want to call the attention of the Senate today to the failure of the Department of Defense to investigate fully all the facts surrounding the procurement of military supplies in Hong Kong by the Raymond-Morrison-Knudsen combine from Communist-affiliated firms. On the basis of information available to me, I requested the Department of Defense to undertake an investigation of the Navy's contract with Raymond-Morrison-Knudsen for the procurement of barges in Hong Kong to determine whether any violation of the Trading With the Enemy Act or of procurement regulations had occurred.

The report I have received from the Department of Defense seems to me to constitute an attempt to whitewash this matter, totally ignores the facts disclosed to date, and indicates that no effort has been made to uncover the full story behind this procurement.

In these circumstances I have no alternative but to make as full a disclosure to the Senate and to the American people as I am permitted to do by the security restrictions placed on much of the data by the executive agencies involved.

On April 21, 1966, I wrote the Secretary of Defense that I had learned that the U.S. Navy had been making substantial purchases of electronic and other equipment from two firms which were owned or controlled or otherwise affiliated with Communist China. These firms had been involved in the diversion to Communist China of items purchased from the United States, and these firms had been listed as "designated nationals" by the U.S. Department of the Treasury under the Foreign Assets Control Act.

I expressed my concern to the Secretary of Defense that this situation might be widespread in view of the failure of responsible officials to examine more closely into the sources of U.S. procurement, and of the obvious inadequacies of existing procedures and interagency coordination. I wrote the Secretary of Defense that:

> The seriousness of this situation is also heightened by indications that military procurements, other than those of the Navy Procurement Office in Hong Kong, are taking place without coordination with the U.S. Consulate and without its knowledge. For

> example, Raymond-Morrison-Knudsen, acting under contract with the U.S. Navy, has made extensive procurements in Hong Kong. A review of the pertinent contract files in Saigon by my staff director disclosed that the Navy had obtained no information on the subcontractors involved in the procurement. Discussions with consulate personnel indicated that no clearance had been obtained for these firms from the Consulate.

In the light of the foregoing, my letter indicated to the Secretary of Defense that it was imperative to review all procurements in Hong Kong immediately, including procurements from lower tier suppliers, and thereby to insure full compliance with existing statutes.

Mr. Paul Ignatius, Assistant Secretary of Defense, replied to my letter stating that an investigation had been completed and that the results indicated existing procedures had on the whole been effective in assuring compliance both with the Trading With the Enemy Act and with the implementing regulations. He stated that:

> The provisions of the Armed Services Procurement Regulation Section VI, Part 4, have been effectively implemented. Contracts placed by the Army, Navy and Air Force have consistently included the clause set forth in ASPR 6–403 prohibiting the acquisition of supplies a) originating in Communist China or b) transported from or through Hong Kong. The clause contains a flowdown provision to make it applicable to subcontracts at all tiers.
>
> Each of the military departments has established procedures to assure that the cognizant contracting officers are alerted to procurements placed in Hong Kong, including subcontracts, and that non-eligible lists are thoroughly screened before the procurements are approved. Review of recent procurements in Hong Kong establishes that there has been compliance with these procedures.

With regard to the two firms with which the Navy had contracted, even though they had been designated as Communist Chinese nationals, the Assistant Secretary of Defense advised that action had been taken to eliminate them from any further consideration for Government contracts.

This reply was so obviously unsatisfactory in not indicating a pursuit of the inquiry to other subcontractors that on June 16, 1966, I again wrote the Department of Defense calling attention to the information I had received from the Consul General in Hong Kong indicating a likelihood that Raymond-Morrison-Knudsen had made substantial purchases under its contract with the Navy from Communist firms in Hong Kong. While it was difficult for me to believe that the Department of Defense did not have the same information that I had obtained, I nonetheless offered to make such information available to the Department to assist it in its investigation.

On August 20, 1966, I received a letter from the Assistant Secretary of Defense which stated that an investigation had been made and no evidence was found that there was a violation of the law or of the Armed Services Procurement Regulations. The letter stated that:

> Considering the broad applicability of the Foreign Assets Control Regulations, it is conceivable that a portion of the materials going into the construction of four of the barges purchased by the prime contractor may have been handled (at some subcontract level) by a person who may have been determined to be a "designated national". However we do not have investigative reports which give evidence of this possibility.

These general replies of the Department of Defense constitute no attempt by the Department of Defense to uncover the real situation. They indicate an evasion of the Department's responsibility to investigate fully the Raymond-Morrison-Knudsen contract, and the possibility of links between this firm and the Hong Kong firms with which it has been involved.

Here is as complete a summary of the facts in this matter as far as I have been able to obtain them, and to the extent I can disclose them publicly in view of the security classification imposed on some of these matters.

An examination of the available records concerning the prime contractor, the subcontracts, the sub-subcontractors, and the sub-sub-subcontracts involved in this contract reveals curious and significant interlocking holdings.

On March 22, 1966, Raymond-Morrison-Knudsen, acting as purchasing agent for the U.S. Government under its prime contract with the Navy's Bureau of Yards and Docks, issued a purchase order—No. VN–6862—for 15 steel barges at a cost of $60,700 each, or a total of $910,000, to Compagnia de Navigacion Arrojo S.A. of Panama. This was a retroactive contract, since the barges were already under construction—some had even already been completed and delivered.

The total ownership interests in the Arrojo Co. are not entirely ascertainable, but it is definite that one William A. Doust, a former British naval captain now living in Hong Kong, is the president of this company. Captain Doust is a British subject with extensive experience in Shanghai and Malaya in dredging and shipping. The contract files of the Office in Charge of Construction in Saigon, in connection with contract No. VN–6862, show that Doust had obtained the endorsement of Department of Navy officials in Washington. The extent to which such endorsements were factors in Doust's being able to obtain this large, negotiated subcontract from Raymond-Morrison-Knudsen for the construction of barges in Hong Kong can only be conjectured. Also affiliated with the Arrojo Co. in some capacity is one Louis Suen of Hong Kong, concerning whom I will have more to say shortly. Who else may be connected with the Arrojo Co. is not known to me but, because of the intricate interlocking ownerships of the subcontractors, the total ownership of the Arrojo Co. should long ago have been the object of a searching investigation by the Department of Defense.

The address given for the Arrojo Co. on the Navy purchase order for the 15 steel barges was:

> c/o Federal Dredging and Reclamation, Ltd., Suite 7, 10th Floor, St. John's Building 3, Garden Road, Hong Kong.

Shares in the Federal Dredging and Reclamation, Ltd., are held by the following:

There are 74,000 shares held by William Alexander Doust, Hong Kong.

There are 82,500 shares held by Patty Suen, Hong Kong—sister of Louis Suen.

There are 74,000 shares held by Louis Suen.

There are 19,000 shares held by Navigation Enterprise Corp., Ltd.

There are 100 shares held by Linus Suen.

There are 300 shares held by Chao Ju Pi.

There are 100 shares held by Wen Chi Hsuan.

Total HK$2,500,000 paid up, 250,000 shares.

Chao Ju Pi, who holds 300 shares in the Federal Dredging and Reclamation, Ltd., is a director of and stockholder in Chinese Arts & Crafts, Ltd., of Hong Kong, which is a "national firm" designated as such by the Secretary of the Treasury under the Trading With the Enemy Act.

Another firm sharing that same office space in Hong Kong with the Arrojo Co. and the Federal Dredging Co. is the Navigation Enterprise Corp., Ltd., the shares of which are held as follows:

Shares held by Patty Suen, 28,000.

Shares held by Chao Ju Pi, 10,000.

Shares held by William Alexander Doust, 1,000.

Shares held by Louis Suen, 1,000.

Shares held by Wen Chi Hsuan, 100.

Shares held by Rodeny John Doust of Barranquilla, Colombia, 100.

Total HK$402,000 paid up, 40,200 shares.

Thus, in the three corporations sharing office space in suite 7 on the 10th floor of St. Johns Building in Hong Kong, there is a curious intermixing of shareholdings between Capt. William Alexander Doust, Patty and Louis Suen, and Chao Ju Pi, the latter having been found by the Secretary of the Treasury to have had business dealings with the Chinese Communists.

But the intermixture goes further.

The Arrojo Co., while it held the prime subcontract for the building of the 15 barges for RMK combine, did not itself construct the barges. The Arrojo Co. subcontracted with other companies for the actual construction of the barges.

Eight of the 15 barges were to be built by Wing Fat Development Corp., Ltd., another Hong Kong corporation. A look at the stockholders in this corporation discloses again the ubiquitous Mr. Chao Ju Pi is the principal stockholder of this corporation. According to official Hong Kong records, the stockholders in Wing Fat Development Corp., Ltd., are:

There are 3,500 shares held by Chao Ju Pi.

There are 500 shares held by Wen Chi Hsuan—also a shareholder in Federal Dredging.

There are 500 shares held by Chen Chi Chang.

There are 500 shares held by Kung Ching Loong.

Total HK$500,000, 5,000 shares.

The Wing Fat Development Corp., Ltd., built these eight barges at the yards of the Wise Investment Co. The shareholders of the Wise Investment Co., Ltd., another Hong Kong firm are:

Shares held by Chao Ju Pi, 4,840.

Shares held by Wen Chi, Hsuan, 120.

Shares held by William Alexander Doust, 10.

Shares held by Chen Chi Chang—also a shareholder in Wise Investment, 10.

Shares held by Kung Ching Loong—also a shareholder in Wise Investment, 10.

Shares held by Liu Hao Tsing, 10.

Total HK$500,000, 5,000 shares.

The last 2 named stockholders transferred their 20 shares to Wen Chi Hsuan on April 1, 1965.

This strange, repeated admixture of people involved as stockholders in the various corporations having a part in this contract for the building of these 15 barges should have given the Department of the Navy and the Department of Defense food for thought and an incentive to pierce the various corporate veils.

This the Department of the Navy and the Department of Defense have not done.

Are the profits excessive?

Are the individuals involved acting on their own behalfs or are they "fronting" for other individuals?

If so, for whom are they fronting?

Should not the fact that part of this contract is being farmed out to corporations controlled by an individual of known Chinese Communist involvements have been of interest to the Departments of the Navy and Defense?

Why was not competitive bidding used in letting the prime subcontract? A perusal of the contract files of the Navy in Saigon shows that the award of the barge procurement to the Arrojo Co. was made without obtaining competitive bidding and without any cost analysis to determine the reasonableness of the prices charged. The Navy and RMK made the award to the Arrojo Co. simply by comparing the prices quoted by that firm with prices quoted by firms in other countries and concluding thereby that the Arrojo Co.'s bid was reasonable. How can such a comparison be considered sufficient safeguard for the American taxpayer's dollar and adequate precaution against collusion?

What is the relationship between Doust and the Department of Defense officials who recommended him to RMK?

Why was he given endorsements by DOD officials enabling him to enter into arrangements with RMK?

Who are all the stockholders of the Arrojo Co. and do any of them have conflicts of interest?

Are the allegations made by responsible persons in Hong Kong that Chinese Communist banks have financed the construction of some of these 15 barges true?

Were any of the steel plates supplied by the Wise Co., the principal stockholder of which is a designated nation, of Communist China origin?

The profits accruing are also of considerable interest.

The RMK combine, operating on a prime cost-plus contract with the Navy, with a minimum fee of 1.7 percent and a maximum fee of 2.46 percent, merely by letting the contract to the Arrojo Co., earned a profit of between $15,470 and $22,386.

The Arrojo Co., under the contract, would collect $60,700—HK$333,850—for each barge. The Arrojo Co. paid its subcontractors HK$230,000 each, netting a neat HK$103,850 on each barge. The subcontractors themselves made enormous profits on these transactions.

Thus the Hong Kong paper South China Morning Post of March 11, 1966, reported that—

> Many small local shipyards have been flooded with orders to build flat-top barges for use in Saigan to cope with congestion in the port there. The orders were subcontracted through certain agents that have American backing, according to reliable sources. . . . The yards are said to be charging about $250,000 for a big barge. With careful construction planning, the yards could make a net profit of $100,000, or in some cases as much as $200,000 on each vessel.

It is evident from the foregoing brief summary that sufficient evidence exists to establish that the major subcontractor on the barge construction is owned and controlled by an individual affiliated with Communist China and that U.S. funds for this procurement have been received by him. I therefore am at a loss to explain the statement of the Department of Defense that it has no investigative reports which give evidence that the subcontracts may have involved a "designated national." The information which I have obtained, some of which I have now summarized, was readily obtainable by the Department of Defense. I can only conclude that the Department of Defense does not wish to ascertain the real situation and to disclose the facts which would show that it has been engaged in dealing with Communist Chinese firms and, through its procurement from such firms, has funneled U.S. appropriated funds to the Chinese Communists.

PROPOSAL TO EXCHANGE LANDS IN OREGON FOR PRIVATE LANDS IN POINT REYES PROJECT, CALIFORNIA

Mr. MORSE. Mr. President, I shall today place in the CONGRESSIONAL RECORD, for the full information of all concerned, a report I have just received from the General Accounting Office concerning a problem that arose in the State of Oregon with respect to the proposal to exchange certain public domain lands in Oregon, under the jurisdiction of the Bureau of Land Management, for private lands in the Point Reyes project, California.

Senators will recall that I discussed this matter before, on May 12, 1965, and on April 27, 1966, as set forth in the CONGRESSIONAL RECORD, volume 111, part 8, pages 10359–10362, of the 1st session of the 89th Congress and pages 9069–9073 of the 2d session.

Mr. President, because of the bearing of those remarks on the report, I ask unanimous consent that my remarks at that time be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, May 12, 1965]

PUBLIC LANDS FOR PARKS IN OREGON

Mr. MORSE. Mr. President, during the past several weeks a controversy has raged in my State involving the Bureau of Land Management relating to its policy on the exchange of public lands needed for the establishment of public parks.

In a controversy such as the one that has prevailed in my State there is a tendency for allegations to be made without the presentation of proof in support of the allegations.

Therefore, I wrote to the Department of the Interior and asked for a detailed statement as to the facts as the Department of the Interior understands them, making perfectly clear that I did not intend to involve myself in that controversy until I had all the facts.

I have received a letter from the Director of the Bureau of Land Management, together with a supplementary clarifying letter, setting forth answers to the charges that have been made against the Department, in particular against the Bureau of Land Management. These items have the approval of Secretary Udall and Under Secretary Carver. I ask unanimous consent that the letters and answers to allegations made in the press be inserted in the RECORD at this point in my remarks.

There being no objection, the letters and answers were ordered to be printed in the RECORD, as follows:

"U.S. DEPARTMENT OF THE INTERIOR,
"BUREAU OF LAND MANAGEMENT,
"Washington, D.C., April 30, 1965.

"Senator WAYNE MORSE,
"U.S. Senate, Washington, D.C.

"DEAR SENATOR MORSE: This is the additional background, beyond the Secretary of the Interior's statement, which you asked me to provide on any proposed exchange of Oregon land under section 3c of the Point Reyes National Seashore Act (Public Law 85–657, Sept. 13, 1962, 76 Stat. 538).

"First let me say this Bureau has not proposed any such exchange. It has been approached by a Mr. Sweet about the possibility. There is no pending formal application before the Bureau of Land Management under the section a(2) of the Secretary's regulations on Point Reyes exchanges (43 CFR 2244.5–6). No formal application may be made to this Bureau unless accompanied by a letter from the Park Service that 'the proposal appears feasible' which statement must accompany an application. No tentative approval letter has been sent by the Park Service to anyone preliminarily proposing an exchange in Oregon and no application has been filed with BLM.

"I do want to emphasize at the outset that this Bureau is an integral part of the Department. I am responsive to and responsible to the Secretary and I expect my staff to be.

"The only preliminary discussions I have conducted with the one known proponent of Point Reyes exchange in Oregon were conducted at a meeting arranged by State Director Getty in Portland, Oreg., on February 1965 with Mr. J. W. McCracken of WFIA in attendance, also at Mr. Getty's invitation.

"I also want to make it clear that Congress sets policy for the disposal and retention of public lands. All actions taken to date have been fully within this mandate and the Secretary's regulations.

"The Point Reyes Act states in section 3c that to acquire land in Point Reyes the Secretary may 'convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within California and adjacent States, notwithstanding any other provision of law,' the section further requires the use of fair market value in setting property values.

"As to the public domain lands in Oregon, a series of laws passed by Congress permit but do not command their disposal by sale, lease, or exchange.

"Congress has not yet directed that the public domain lands in Oregon as it has for the O. & C. lands, any strict limit on their disposal.

"Last year Congress enacted the Classification and Multiple Use Act (Public Law 88-607, Sept. 19, 1964, 78 Stat. 986). This law directs the classification of the public domain 'in order to provide for their disposal or interim management' (title).

"Under it the Secretary shall first develop criteria to reach this determination. Then 'shall, as soon as possible, review * * * the public lands, in the light of the criteria * * * to determine which lands shall be classified as suitable for disposal * * * and which lands he considers * * * more suitable for retention in Federal ownership for interim management.' The law requires public notice of such proposed action. The act expires on June 30, 1969. Thus it is clear that whatever is done under this act is temporary and interim.

"Collaterally Congress elected to create an independent Public Land Law Review Commission to make a comprehensive review of the public domain and other carefully enumerated lands (Public Law 88-606, Sept. 19, 1964, 78 Stat. 982).

"Neither of these acts repealed other laws including the pertinent provisions of the Point Reyes Act.

"In order to respond to all of these acts, I directed my staff last summer to begin an initial internal analysis of the BLM lands.

"In Oregon we have made an initial analysis which we believe places an outside limit of 490,000 acres out of 15,425,000 BLM acres which might fit a transfer criteria. Of this amount 50,000 out of over the 2,392,000 acres in western Oregon were in the transfer criteria.

"The analysis made by the Oregon office was designed to do these things. Initially identify our best blocked areas of over 50 percent BLM ownership—identify fragmenting areas with less than 50 percent ownership—and identify possible transfer areas consisting of badly scattered lands.

"This was an internal operation, a first step in a larger long-term effort to help the Congress, the public (including State and local governments) and us to plan a better course for the public lands future.

"When we have completed our staff work of these analyses, the law requires that they be formally brought before all types of public groups and private organizations concerned with the public lands. This will be independent of any pending requests to acquire public lands.

"Specifically in western Oregon, where we have 246,000 acres of public domain, the State director in Oregon has been directed to use the same basic criteria as elsewhere for his analysis. Lands which are badly fragmented I consider generally the more eligible for disposal than for retention. We would hope that in the final analysis the Congress would agree that after satisfaction of mandatory grants to States, exceptionally high priority also would be given to their use in a way that would permit us to better block up areas designated for retention.

"Working, for example, through the Association of Oregon Counties and especially Judge Lloyd Rea, who is on a National Advisory Board Council, we have endeavored to give wide information on what we are undertaking. Wide publicity has been given to these new acts of Congress and to the regulations proposed under the Classification Act.

"There is no secret plan afoot. Congress is preparing to get its Public Land Law Review Commission underway and we are carrying out publicly the initial intent of the Classification Act to define criteria. We also are preparing basic data for disposal for interim management so we can make recommendation to the Secretary so that these hearings to implement this part of the law can be set in perhaps 1966.

"Because of all of the misinformation in a small part of the press about the Point Reyes exchange procedure, I will outline what is involved. (43 CFR 2244.5-6 contains the pertinent regulations.)

"Step 1 is for the Point Reyes landowner to advise the Park Service informally of his interest. Sweet did this in 1960 on his unsuccessful California exchange proposal. He did this again in 1964.

"Step 2 is for the landowner to describe lands he may want to select in an exchange. Sweet did this on his California proposal in 1960. Thus, Sweet today is back at step 2 on his second effort to effect an exchange on lands in California and Oregon.

"Step 3 is for Park Service and BLM to consult and to reach agreement on BLM lands that may be studied, examined and classified. This was done in the 1960 California proposal. This has not been initiated in Sweet's current effort.

"Step 4 is for Park Service to notify applicant that he may file a formal application and he does. This was done in the 1960 California proposal.

"Step 5 is to value and examine the lands. Then the applicant and the United States try to reach a tentative agreement. After the valuation process in the 1960 proposal, Sweet and the United States agreed on the value of his property at Point Reyes but he placed a much lower value on the BLM property than we did. Sweet declined to accept the Government's values and the case was closed in 1963.

"Step 6 is for the Secretary to announce he tentatively accepts proposal and authorize advertisement and makes the entire record of proposed exchange available for public scrutiny.

"Step 7 is for the Secretary to receive views including protests.

"Step 8 is for the Secretary to hold a hearing, if requested and necessary.

"Step 9 is for the Secretary to decide whether to accept or reject the exchange.

"Step 10 is for the titles to land to be exchanged. An exchange having value over $250,000 must be reviewed and accepted by the Secretary and in an interbureau exchange he is automatically involved.

"The earliest possible time for a useful public discussion with a group such as the O. & C. board of an exchange would be at the point in step 4 where the applicant files for an exchange. Then there would be something reasonably solid. The general scope of the lands both parties have in mind for exchange will have been tentatively set and a policy review could be helpful. Until that time either party may not have concluded as to which lands it seeks to exchange. This was what I told State Director Getty. For example, Mr. J. W. McCracken, of Western Forest Industries Association, at this time would have an excellent opportunity to openly discuss a tentative agreement on lands and effect an allowable cut.

"The normal and proper time for public discussion is after step 6. This is the time Congress wisely has set by law for publication and full public discussion. Then the value data is complete and public scrutiny on all aspects can be meaningful. Valuation experts and even financial page writers would have something concrete to examine and discuss sensibly then.

"You asked that I answer the allegations in the press. These are both numerous and baseless and I am attaching a statement for your use.

"My principal regret is that this grandstand play for headlines has used both the Governor of Oregon, others in Oregon and this Bureau to secure selfish ends. A few misguided people have as their motto 'strike now, analyze later.'

"Not once since this controversy started, except for your inquiries and those of a few other Members of Congress and Washington press representatives of Oregon papers, have those in Oregon who have been making public statements and writing stories, called me to get my views. We have had nothing to hide nor have we hid anything. I never have before in my life and I don't intend to start now.

"I deeply appreciate the long and constructive interest you have shown in public land programs. Even more I appreciate the fact that you have asked for the facts before reaching a judgment. All of the records of the Bureau are open to public scrutiny and should you seek further facts, you need only ask.

"Sincerely yours,
"Charles H. Stoddard,
"*Director*.

"Enclosures."

"BLM ANSWERS TO ALLEGATIONS MADE IN THE PRESS

"ALLEGATION

"1. BLM 'is trading off public domain lands from western Oregon to pay for the creation of a new national park.' Already BLM has approved some 2,000 acres in Curry County for the exchange and there is more to come. (Oregonian April 25.)

"FACTS

"This is not true. No lands have been traded. No application has been filed with BLM as required by 43 CFR 2244.5-6(b) (2). Only preliminary discussions have occurred with an exchange proponent. Getty was advised to identify and submit to the SD, California a list of public domain lands in Oregon which he considered available for exchange. This he did on February 26, 1965. The list was prefaced with the comment that these lands 'appear available for exchange.' The criteria to be applied in the identification of these lands was to list all lands for which a good case could not be made for retention in Federal ownership for multiple-use management. This criteria was not applied. The SD, California, in his March 17 notification to the NPS of the identified lands, merely supplied status sheets without making a definite commitment. This is significant in that a week later when the SD, California, advised the NPS of the lands in California considered available for exchange, he specifically stated that the California lands are available for Point Reyes exchanges 'and have been so classified.' Such a specific statement has yet to be conveyed to the NPS concerning the Oregon lands.

"ALLEGATION

"2. 'At stake could be the entire sustained yield program of the O. & C. lands which have been integrated with the public domain being put up for grabs.' (Oregonian, April 25.)

"FACTS

"This is not true. The O. & C. and Coos Bay Wagon Road lands contain 46.079 billion board feet of timber with an allowable cut of 1.033 billion board feet harvested annually from this 2,145.550 acres. None of these lands or its allowable cut are in jeopardy. There are 242,000 acres of public domain in western Oregon, of which only 180,000 acres are commercial forest. They provide a .094 billion board feet allowable cut. State Director Getty said, '2,000 acres do not have a large and significant effect on the allowable cut.'

"No detailed examination has been made on any or all of the lands. Mr. Sweet expressed an interest for an exchange, thus the exact impact cannot be stated categorically. Site, age class, and stand composition affect allowable cut estimates. My present estimate based on the only figures used by my staff is that the lands sought might value at $3 million. If this is correct, the value is 50 percent above the present value of Mr. Sweet's land. Mr. Sweet is also interested in some BLM timberland in California. Thus at the most 1,300 acres would be needed, not all of which would be in Oregon. If as much as 1,000 acres were in Oregon the impact on the allowable cut would be about 500,000 board feet out of 1,127 billion board feet or one-half of one-tenth of 1 percent.

"ALLEGATION

"3. 'The reports have brought to light a situation that represents a potential danger to our whole program of sustained-yield timber in western Oregon' (Oregonian, Apr. 25).

"FACTS

"If the transfer of some public land to a private party so that timber can be cut by that party represents such a threat, I suggest that the Governor of Oregon has it within his power to require that all private timber be cut to the same high standard as is practical on Federal forests. Since Oregon laws do not require private sustained-yield management, I further suggest that the Governor present such a model law to his legislature for enactment. If such a course of action is followed there will be no threat to sustained yield in the event some Federal forest land should be shifted into private lands.

"On July 10, 1962, BLM filed a notice of intent to withdraw public domain land in western Oregon from disposal.

"On October 11, 1962, Governor Hatfield filed a vigorous protest to the withdrawal because the State wanted to select 8,000 of these acres for its own use. Both the selection and the protest were in his right.

"ALLEGATION

"4. 'Trading lands with the Government can be profitable if you can get the Government timberlands on the basis of Government appraisals, usually less than the value of the actual timber involved.

" 'The swapping of Oregon's public domain "could" make the late Al Sarena cry of public giveaway seem very small to Oregon' (Oregonian, Apr. 25).

"FACTS

"The timber industry complains that Government appraisals are too high. If there is competent evidence from Oregon officials that our timber is priced too low, I invite them to submit it within the next 60 days, and I promise to correct it within 30 days thereafter.

"It is interesting to note that on Mr. Sweet's first effort to exchange his Point Reyes land for BLM land in California, he failed to finally agree because he thought the Government placed too high a value on its property.

"Any exchange for Point Reyes is governed by the law and this says in section 3d (16 U.S.C. 459c–2(b)) that fair market value shall be used. This means but one thing: value based on current transaction evidence not a giveaway price or a discount price.

"Should this exchange proceed to a point where an application is filed and then go to a point where the valuation is made, the full appraisal is at the disposal of interested parties to make a factual analysis upon which to offer intelligent comments.

"ALLEGATION

"5. About 8 weeks ago, Charles Stoddard, Director of BLM, came to Portland and got into the final details of the swap. (Oregonian, April 25.)

"FACTS

"The final details of an exchange have not been reached; in fact it is only in the preliminary discussion stage. The first and only meeting Russ Getty and I had with Sweet was held 'about 8 weeks ago.' It was in Portland on February 10, 1965, arranged by S. D. Getty at the suggestion of J. W. McCracken of Western Forest Industries. Mr. Vladimiroff, district manager, Coos Bay also attended. I attended about 15 minutes out of 2 hours. It was an initial meeting and we discussed how Mr. Sweet might initiate an exchange under terms of the Point Reyes Act. At that time, application had not been made to BLM. On February 12, Mr. Kornelis, NPS, sent to BLM, Oregon, a list of BLM lands in Curry County presented by Mr. Sweet to NPS. No formal application has yet been filed with BLM by Mr. Sweet under the Point Reyes procedures. Exchange appraisal of BLM lands in Oregon has not been made nor has BLM made an on-the-ground examination to determine whether or not they should be used for exchange.

"ALLEGATION

"6. Complete secrecy imposed by BLM officials from Washington, D.C., kept the whole project from local officials until this past week. (Oregonian, Apr. 25.)

"FACTS

"No secrecy was imposed on BLM officials. Mr. Sweet's interest was known and discussed by him and others before BLM locally or nationally was ever aware of his interest in Oregon lands. An exchange cannot be conducted in secrecy. When and if Mr. Sweet filed an application after Park Service certification to us the public land office records would show this.

"Prior to acceptance of an exchange by BLM and the Department, public notice including newspaper advertisement is required, including a registered notice to any who may have filed another application on the lands or have an expressed interest therein.

"There are special situations on the western Oregon public domain such as the inclusion of these lands in the forest management plan and the protest by the State to a proposed withdrawal. The Classification and Multiple Use Act imposes new criteria on land actions.

"Normally, preliminary exchange developments are not brought before the advisory boards. In February S. D. Getty proposed to conduct an early discussion with the Board. My view was that this would be timely when we had all the facts.

"In retrospect, an earlier thorough review with the Board of all aspects of possible use affecting these lands would have been helpful.

"ALLEGATION

"7. 'The meeting at Portland with Stoddard was the first time anyone outside the BLM office had heard about disposable lands or about a proposed project to dispose of some 11 million acres in all, 646,000 acres of them in Oregon' (Oregonian, Apr. 25).

"FACTS

"My opening statement to the House Committee on Appropriations on February 3, 1965, discussed the analysis underway which was authorized and directed by the Congress under the Classification and Multiple Use Act (78 Stat. 986; 43 U.S.C. 1411). On numerous occasions since last November I have publicly mentioned that our horseback guess of the acreage of land that might be subject to disposal was 10 million acres.

"The Classification and Multiple Use Act directs this review. It directs that no classification for more than 2,560 acres, either for interim management or disposal, be made unless:

"1. Public notice is given in the press and the Federal Register for 60 days.

"2. Notice to the President of the Senate, and Speaker of the House is not mandatory but is always given.

"3. The Public Sale Act (Public Law 88–608) requires elaborate notice and work with local government and no land may be sold 'until zoning regulations have been enacted by the appropriate local authority.'

No lands have been determined as disposable under the Classification and Multiple Use Act. All BLM has done is make its own first initial analysis of lands in three categories.

"1. Best blocked holdings—50 percent or more BLM lands. Most manageable.

"2. Fragmented lands—less than 50-percent BLM land. Manageable but consolidations highly desirable for better management.

"3. Transfer land—scattered isolated lands more suitable for transfer to block up BLM holdings or for other similar purposes than for retention and interim management.

"All last fall and winter wide discussions were conducted with groups and boards all over the West to acquaint them with the requirements of the law. At each step local groups have been advised BLM will lay the entire situation out when the initial analysis is complete.

"Specifically, nearly all concerned agencies, organizations, and interested individuals in Oregon were consulted. No strong objections were voiced to any phase of the multiple use law. It received a broad and searching review by thousands of Oregon citizens.

"ALLEGATION

"8. 'Sweet was told to choose lands from those areas which had been pulled out of the public domain as disposable lands' (Oregonian, April 1925).

"FACTS

"Sweet had a perfect right under the Point Reyes Act to inspect and informally apply to NPS for BLM lands. BLM position is that it would not even consider requests in best blocked areas but would consider the possibility of an exchange in areas when ownership was fragmented and badly scattered.

"No commitment was made to Sweet by BLM that any of the lands he sought might be later approved for the filing of an application.

"ALLEGATION

"9. 'Stoddard ordered the local BLM officials to come up with this much (2,240 acres) disposable land ostensibly to improve land management' (Oregonian, Apr. 25).

"FACTS

"Local BLM officials were not told to come up with 2,240 acres for exchange nor was Getty directed to classify these lands for parks.

"ALLEGATION

"10. Getty said he was 'pretty well directed to classify the lands for disposal.' These lands were going to be used to trade for parks" (Oregonian, Apr. 25).

"FACTS

"Getty was repeatedly directed to make a more comprehensive review of all the western Oregon scattered public domain for disposal or retention for interim management. As to the identification of lands suitable for Point Reyes exchange, Getty was directed to list all lands for which a good case could not be made for retention in Federal ownership for multiple use management.

"Getty's position was that virtually every acre of the 246,000 public domain acres in western Oregon were needed for forest management despite the fact that 66,000 of these acres are not commercial forest.

"Getty wanted to keep every acre in BLM management but would not develop the type tract by tract justification required in the Classification and Multiple Use Act.

"Congress has directed us to look at the disposal retention issue squarely.

"My position was that the law set proper and reasonable limits. It gives us freedom to take either route but we must be equally able to defend a disposal or retention classification before a public hearing and public scrutiny.

"On the lands in question the State director, Oregon subsequently sent a letter to the State director, California which contained every tract sought by Sweet. He failed to provide any analysis or make any case for retention which would later enable the Secretary and me to have a meaningful and sensible discussion of the BLM position if Sweet's informal proposal came to the formal application stage. This is in contrast to the procedure the State director, California used on BLM land where he listed part of the lands and set forth his reasons for not listing others.

"ALLEGATION

"11. 'Sources within the BLM report that the entire Oregon lands swap has been turned over to Neal Nelson, the California director for BLM.'

"FACTS

"This is false. The State director, California was designated to coordinate activities between NPS and BLM only since an NPS man is in California. Up until February, 1965, the only informal talk had occurred between BLM officials and Sweet. In view of Sweet's interest in both States, the assignment of coordination to the man physically nearest the Park Service man was a proper and simple internal arrangement.

"This action in no way limited or reduced the authority of the Oregon State director over the lands in that State. Before and after this action this was discussed with both SD's and both were instructed to keep each other closely advised.

"ALLEGATION

"12. 'Public domain receipts are available to the Land and Water Resources Conservation Fund established by Congress to provide money for park development' (Oregonian, Apr. 25).

"FACTS

"This is incorrect. Public Law 88-578 makes funds available as follows:

"1. Collection of fees; that is user fees, entrance fees, and admissions fees.

"2. Net proceeds from sale of surplus Government property.

"3. Motorboat fuel tax.

"No public domain funds are included. Public domain income in Oregon distribution: 95 percent to the reclamation fund; 5 percent to the State of Oregon (31 U.S.C. 711 (17)). Public domain income in Oregon in fiscal year 1964 was $1,271,367.

"ALLEGATION

"13. 'Congress allotted $8 million for the land purchasers (Point Reyes)' (Oregonian, Apr. 25).

"FACTS

"Public Law 87-657 authorized $14 million for Point Reyes acquisition. S. 1607 by Mr. KUCHEL introduced March 25, 1965, and H.R. 7061 by Mr. CLAUSEN introduced April 1, 1965, pending in this Congress would provide a new total authorization of $44.5 million.

"ALLEGATION

"14 'Tacked on to the bill was a provision allowing the Interior Department to swap lands to help put the park together' (Oregonian, Apr. 25).

"FACTS

"Public Law 87-657 was enacted by the Congress as the bill was introduced. The exchange provision not tacked on. Pursuant to the act, one exchange has been completed in Arizona. About 20 proposals are in various stages of consideration or action. The only proposal that could involve Oregon is Sweet's informal one."

"U.S. DEPARTMENT OF THE INTERIOR,
"BUREAU OF LAND MANAGEMENT,
"Washington, D.C., May 4, 1965.

"Senator WAYNE MORSE,
"U.S. Senate,
"Washington, D.C.

"DEAR SENATOR MORSE: A review of my letter to you dated April 30 reveals possible need for clarification of step 1 on page 4 thereof. Step 1 in the Point Reyes exchange procedure was identified as the informal notification to the National Park Service by the Point Reyes landowner of his interest in consummating an exchange of lands. Sweet did this in 1960 on his unsuccessful California exchange proposal.

"This statement requires some explanation since the Point Reyes Act was not enacted until September 13, 1962.

"Seizing upon the recommendation of the Department of the Interior to establish a Point Reyes National Seashore, Mr. Sweet, in a discussion with NPS personnel on November 18, 1960, expressed an interest in effecting a land exchange involving Point Reyes lands.

"On December 18, 1960, the Secretary of the Interior, Seaton instructed the Bureau of Land Management and the National Park Service to proceed with an exchange of public lands for private lands within the proposed Point Reyes National Seashore, under section 8(b) of the Taylor Grazing Act (43 U.S.C. 315g). This was the authority to negotiate for an exchange on a priority basis using the equal value provisions of the Taylor Grazing Act. The appraisal for Sweet's Point Reyes holdings was to be on fair market value with the same standards to apply to the selected lands. Sweet had expressed an interest in selecting California lands.

"On February 16, 1961, Sweet filed a formal application for a private exchange, identified by serial number Sacramento 066016.

"During the next 18 months, the matter of the appraisal of the offered and selected lands precluded further action on the exchange application.

"On September 12, 1962, the Assistant Secretary, PLM, instructed the SD, California, to contact Sweet for the purpose of having him modify his application since our valuation was based on only 4,255.72 acres whereas Sweet had selected 9,679 acres of public domain lands. O & C lands were never considered at this time or subsequently for exchange.

"A series of extensions of time were granted to Sweet to amend his application. The final extension of time was granted to August 19, 1963. Having failed to take the necessary action, Mr. Sweet's application was finally rejected and closed effective August 19, 1963. Consequently, this application was always a Private Exchange application under the Taylor Grazing Act.

"The present negotiations are preliminary to a possible formal Point Reyes exchange application.

"Sincerely yours,
"CHARLES H. STODDARD,
"Director."

Mr. MORSE. Mr. President, the report speaks for itself. I hope the Department of the Interior will proceed, as I understand it intends to proceed, to discuss the controversy with the various individuals and groups in the State of Oregon who are concerned about it.

From a reading of the report I am satisfied that the Department of the Interior has acted in good faith, and that there is no basis for trying to compare this exchange matter with the notorious Al Sarena case of a decade ago.

Some may differ with the policies that the Department of the Interior has proposed. However, I do not think there can be any question as to the good faith of the Department of the Interior; and its report, in my judgment sustains its good faith.

[From the CONGRESSIONAL RECORD, Apr. 27, 1966]

THE GETTY CASE REVIVED

Mr. MORSE. Mr. President, under the heading "The Getty Case Revived," I wish to make certain brief remarks prior to requesting to have printed in the RECORD certain matters in connection therewith.

Mr. President, last week there occurred in Oregon the second edition of the serious controversy which erupted initially about a year ago, involving the status of State Director Russell Getty of the Bureau of Land Management.

Many charges concerning an alleged plot to have Mr. Getty transferred to a new Bureau of Land Management position out of the State of Oregon were headlined in the newspapers of Portland, Oreg. These stories were followed up in some quarters by demands that Director Stoddard of the Bureau of Land Management be either dismissed or suspended.

In respect to this controversy I wish to say that, I do not "shoot from the hip". I endeavor to get the facts before I take a position on any issue. Following this policy, I wrote to Secretary Udall on April 26, asking for a full report on the most recent allegations in this case.

I ask unanimous consent that my letter to Secretary Udall and copies of the relevant newspaper items be printed in the RECORD, together with a wire addressed to me under date of April 22, by Vernon S. White and my reply of that date to him.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"APRIL 26, 1966.

"Hon. STEWART L. UDALL,
"Secretary of Interior,
"Department of Interior,
"Washington, D.C.

"DEAR MR. SECRETARY: On April 21, 1966, an article appeared in the Oregon Journal of Portland, Oreg., under the caption, 'New Row Breeding on Getty.' This article indicated, in effect, that there have been conversations between Warne Nunn, assistant to the Governor of Oregon, Dean Arnold Bolle, of the University of Montana, and Lyle Baker, of Portland, Oreg., concerning the status of Russell Getty, State director of Portland, Oreg., Bureau of Land Management.

"The Journal article alluded to an alleged proposal by Bolle and Baker to have Getty transferred out of the State of Oregon to some other bureau of land management position. A copy of the Oregon Journal article is enclosed.

"On the following day, April 22, 1966, the Oregonian, of Portland, Oreg., contained a similar item under the heading, 'Current Attempt To Remove Getty Involves Behind-Scenes "Politics."'

"On April 23, the Oregonian published articles, entitled 'Land Swap Report Discussed by Baker,' 'Udall Denies Change in Status of Getty,' and a third item entitled, 'Three Oregon Solons Ask Office Rental Account.' In another portion of the Oregonian for April 23, there followed a story entitled, 'Hatfield Calls for Dismissal of BLM Head.' On April 24, an article entitled, 'Two BLM Officials Hear Getty Removal Slated,' appeared in the Oregonian. Copies of all of these items are enclosed.

"A reading between the lines of these newspaper stories creates the inference that Dean Bolle, as a friend of Bureau of Land Management Director Stoddard, sought an arrangement to bring about State Director Getty's transfer from the State of Oregon and that this proposal was in some way related to the report on the Point Reyes-Curry County land transfer proposal which is now being prepared by the General Accounting Office.

"In view of the seriousness of the charges set forth in these newspaper articles, as well as the demands for the dismissal of Director Stoddard which have emanated from Oregon sources, I would appreciate receiving a full report on this entire matter at your earliest convenience. I would like to have answers to all of the charges contained in the enclosed press items and, in turn, I shall place your report in the CONGRESSIONAL RECORD so that it will be available to the public.

"In supplying the report, I believe it is important that you include a statement by Dean Bolle so that we may have the advantage of his version of the stories that have appeared in the Oregon press with respect to him.

"A specific point which deserves particular attention is this: In the enclosed Getty Pratt article of April 22 appear these statements:

"'Getty has said Bolle offered him the job as assistant director of the BLM in Washington, D.C., with an increase in pay. The forestry dean then apparently returned to Missoula confident the deal had been made and called Nunn the following day to say Getty was on his way.

"'However, Getty reported the whole conversation to Stewart Udall, the Secretary of the Interior, and situation washed out.'

"However, an A. Robert Smith story of April 23, was also in the Oregonian and said this:

"'Informed of reports that Baker had advanced a scheme for shifting Getty to Washington, Udall said he had never heard of any such scheme from either Getty or from Charles Luce, whom Udall designated last year to intercede as a stabilizing force in the Stoddard-Getty dispute.'

"In my opinion, it is important that the conflicting reports as to what Mr. Getty did or did not say to you, as mentioned in the two newspaper extracts quoted above, would be particularly helpful in setting the record straight.

"In view of the fact that I have begun to receive a large volume of correspondence on this latest development involving the Bureau of Land Management in the State of Oregon, I would appreciate a full and detailed report so that it can be made available to the general public, as well as to the constituents who have communicated with me on this matter.

"Sincerely yours,

"WAYNE MORSE."

"[From the Oregon Journal, Apr. 21, 1966]

"NEW ROW BREWING ON GETTY

"(By Doug McKean)

"Another explosion within the Bureau of Land Management, again involving the controversy over Russell Getty, local BLM director, appeared in the offing Thursday as Oregon's Democratic congressional delegation asked for an accounting of funds to the University of Montana and to a local research office of the university.

"U.S. Representatives ROBERT DUNCAN, AL ULLMAN and EDITH GREEN, in a letter to Charles Stoddard, head of the BLM, asked for a complete accounting of funds or expenses allocated to Arnold Bolle, dean of the University of Montana School of Forestry and to Lyle Baker, who occupies an office in Portland.

"Friday's letter followed one sent April 13 by DUNCAN to Stewart Udall. The April 13 letter asked that Udall check rumors that Getty would be transferred out of his present position 'the day after the election.'

"Wayne Nunn, assistant to Gov. Mark Hatfield, said Baker, who runs the University of Montana timber marketing research office in the Terminal Sales Building, called on him, said that an audit report would be 'critical' of Getty, that this might reflect on Gov. Mark Hatfield and said it was important to get Getty out of the State.

"Baker said any conversations with Nunn were in the 'interests of the timber industry and the State of Oregon.'

"Nunn said later that both Bolle and Baker called on him and Bolle said the situation between Getty and Stoddard is deteriorating and that it would be to the interest of the State that he leave. Nunn quoted Bolle as saying he believed he could arrange a transfer.

"At Bolle's request, Nunn said, he arranged a meeting between Getty and Bolle.

"Getty, through a spokesman, said he was trying to keep the situation from causing more trouble and would have no comment.

"Professor Bolle said he knows Stoddard and merely hoped as a 'third and disinterested' party he might be able to help in a troublesome situation.

"He denied that he offered to get Getty a transfer and said no BLM funds are used in operation of the Portland office, which is run by Baker.

"Bolle denied that he had made any attempt to get Getty out of the State and that he merely asked Getty if there was anything he could do and what he (Getty) wanted to do.

"He said he has an 'informal' relation with Baker, who had told him he had connections in the big lumber companies of Oregon and could interest them in providing research money for the university's forestry school.

"The office which Baker occupies also has the names Montana real estate developers on the door and the building directory lists the Summit Turf Club as also occupying that office.

"The Montana Governor's office said the real estate developers are also interested in establishing a horse race track in Montana.

"A spokesman for the Governor said the university has no record of a BLM grant for Bolle and Baker but that the Montana BLM office does have a 'Bolle-Baker' account."

"[From the Oregonian, Apr. 22, 1966]

"CURRENT ATTEMPT TO REMOVE GETTY INVOLVES BEHIND-SCENES 'POLITICS'

"(By Gerry Pratt)

"The Washington, D.C., pressure to remove Russell Getty from his job as director of the Bureau of Land Management in Oregon is on again. This time it has come in a series of political dealings that have officials in Oregon and Montana involved.

"Getty is the BLM director who incurred the displeasure of BLM's Chief Charles Stoddard last year when Getty opposed a Stoddard project to swap off Oregon BLM timberlands for a parcel of Point Reyes, Calif., land in a deal later known as the 'Sweet Swap.'

"The attack on Getty began to simmer again about 3 months ago when an approach was made to Governor Mark O. Hatfield's office to make a deal to sit still about the removal of Getty from Oregon.

"Warne Nunn, administrative assistant to Hatfield, states that Lyle Baker, a Portland part-time television broadcaster, former advertising salesman, made the approach on behalf of Stoddard. His deal, according to Nunn, was that a General Accounting Office report on the 'Great Swap' was being made for Senator WAYNE MORSE and was about to come out with findings that would be detrimental to Hatfield and to Getty.

"'Baker said that if we would go along with a Getty transfer, the GAO report could be kept quiet,' Nunn said. The report, made at the request of Senator MORSE has not been made public.

"The University of Montana entered the Getty get-out picture when Dean Arnold Bolle of the university's school of forestry showed up in Salem with Baker for a second meeting. Baker had originally introduced himself to Nunn and presented a card identifying him as a special assistant to the dean of the University of Montana's forestry department.

"Bolle asked Nunn to introduce him to Getty and Nunn called Getty to say the dean was coming to see him. Bolle, introducing himself as a longtime and close friend of BLM Director Stoddard, then went to Getty and began discussing Getty's transfer.

"Getty has said Bolle offered him the job as assistant director of the BLM in Washington, D.C., with an increase in pay. The forestry dean then apparently returned to Missoula confident the deal had been made and called Nunn the following day to say Getty was on his way.

"However, Getty reported the whole conversation to Stewart Udall, the Secretary of the Interior, and the whole situation washed out.

"Of interest to the University of Montana officials now is how their forestry dean became involved in the Getty affair and how Baker is able to operate an office in Portland on the 13th floor of the Terminal Sales Building under the title: 'University of Montana.'

"There are several other names on Baker's office door under the university's; these include Lincoln Green of Montana, a California-backed real estate promotion in Montana.

"On the lobby index the office is also listed as the headquarters of the 'Summit Turf Club,' a horseracing organization Baker has told his friends he is working with to build a race track in Montana.

"Dean Bolle, who admitted Thursday: 'We are paying Baker out of some outside research funds,' said he was unaware of the University of Montana office in Portland and was at this time trying to contact Baker to remove the name.

"UNIVERSITY RECORDS SHOW PAYMENT

"Bob Pantzer, financial officer for the university, reported that the university had paid 'three or four thousand dollars,' to Baker.

"'These have been paid out of the university's foundation funds at the request of Dean Bolle who told us he expects to have the money restored from some other outside source,' Pantzer stated.

"However, a spokesman for Gov. Tim Babcock's office said Thursday, a search of the university's payroll and voucher system failed to reveal any record of payments to Baker.

"Dean Bolle admits he went with Baker to Hatfield's office to talk of the removal of Getty from Oregon. He said Baker had made the contact and that 'I was reluctant to follow up. But I was a third party and they felt I could put oil on troubled waters. You get the feeling you can play God a little bit,' he said.

"Bolle said he told Getty there might be some reasonable way to work out the conflict between Getty and Stoddard, the BLM director. 'Getty was feeling bitter and caught in the bind,' the dean recalls.

"'What he really wanted was a raise in the BLM at a raise in salary, not a lateral transfer because that would be a punishment. I told him I would pass the word on. But before I could do anything I found Getty had gone to Washington and told the Secretary

(Udall) that I had offered him the job of Deputy Chief of the BLM. I suppose he read into it what was not there.'

"Getty's version is that Bolle appeared as an oldtime close friend of Stoddard's and 'simply said he was hopeful he could work out some way to get me out of the State with an honorable promotion. He told me it would be embarrassing to the Governor and to Senator MORSE if I stayed.

"'I told him it was impossible,' Getty says.

"'I don't feel anybody but the Secretary should be offering me a promotion, even if he clearly represented himself as a friend of Stoddard's.'

"CONFLICT STILL UNSETTLED

"Evidence of the bitter conflict that still remains in Washington over Getty's sticking it out in Oregon was brought home a week ago by Ray Dorner, Douglas County commissioner and vice chairman of the O. & C. Association.

"Dorner said that while he was visiting Stoddard on O. & C. business, the BLM Chief called him aside and told him that he had had Gerry psychoanalyzed. He whispered in my ear, 'You know what, he's paranoiac. * * *'

"Getty, asked about the remark, said: 'If I have been psychoanalyzed, I'm not aware of it. That's the interesting part of it. I may need to be, but it hasn't happened, not to my knowledge.'

"Dorner was uneasy about recounting the incident Thursday: 'I did want to report this back to my association board as part of my analysis of the O. & C. situation,' he said.

"The O. & C. advisory board in Oregon was one of the organizations that opposed the swapping off of Oregon sustained-yield timberlands to pay off the California land owners. Their fear is that Oregon's timberlands could be used for further purchases of parklands around the country, upsetting the carefully planned sustained yield program of Oregon's public timberlands. It was on this basis that Getty originally opposed the 'sweet swap.'"

"[From the Oregonian, Apr. 23, 1966]

"LAND SWAP REPORT DISCUSSED BY BAKER

"(By Gerry Pratt)

"Lyle Baker, the contact man in the attempt to remove Russell Getty from his post as director of the Bureau of Land Management in Oregon, admitted Friday that he had discussed the contents of a General Accounting Office report on the 'sweet swap' before the report was even released to the Senator for whom it was intended.

"Baker called at the Oregonian Friday morning to tell his story of the dealings that led up to an attempt to remove Russell Getty from the BLM in Oregon. In this he recalled his visit to Salem and a conversation with Warne Nunn, Gov. Mark Hatfield's assistant who has said Baker tried to make a deal to suppress the report.

"'All I told Nunn was this,' Baker said, 'I understand the GAO report will reveal all the full facts and I don't think that which has come out in the newspapers previously will agree with the GAO report.'

"Asked how he managed to form that impression of a report which to this day is still a Government secret, Baker replied: 'That's a hell of a good question. That's all I got to say. You wouldn't sandbag me, would you?'

"Governor Hatfield vigorously opposed the removal of Getty from Oregon after the BLM director had incurred the wrath of the BLM Chief Charles Stoddard over a Stoddard deal to swap off BLM sustained yield timberlands in Oregon for the Point Reyes parklands in California.

"Getty and Hatfield's stand was that such tampering with the sustained yield timber harvest of Government holdings in the State would endanger the whole timber economy of Oregon.

"Baker, who came to the Oregonian with Jean Martin King (Mrs. Baker), whose name is on his office door along with the University of Montana's, said he entered the Getty affair at the request of Dean Arnold Bolle of the University of Montana, a longtime and close personal friend of BLM Chief Stoddard.

"FUNDS OFFERED FOR LABOR

"Bolle has arranged to pay Baker for his work in Oregon out of a University of Montana foundation which reported this week they were prepared to pay Baker up to $5,000 for his work on Dean Bolle's request. The dean had apparently promised the foundation that there would be some funds returning from Baker's work to the foundation.

"However Baker said Friday that fund raising was not part of his duties with the university and that he had not raised a nickel for the university. Asked how the university was to replace the foundation money being paid him, Baker replied: 'That is the university's problem.' He said, 'I don't think that's a fair question,' When asked how much money the university had paid him so far.

"Baker said Bolle is a member of Stoddard's National Advisory Board to the BLM and as such had realized the situation in Oregon was not only confused but perhaps there was something we could do to assist in straightening it out.

"'Dean Bolle told me 'Why don't you investigate it as long as you are down in Portland."' With these instructions Baker said he made his initial pass at the Governor's office where Nunn said Baker was told the Governor was more interested in having the GAO report published than he was in suppressing the report. Baker never did get to see Hatfield.

"A month later Baker appeared in Salem with Dean Bolle and then went to see Getty in a series of negotiations to get Getty out of the State.

"Dean Bolle told the Oregonian Thursday that he did not know Baker had an office in Portland and that he was attempting to contact him to have him remove the University of Montana sign from his door. An Associated Press story from Missoula Friday quoted Bolle as stating he had by then contacted Baker and asked him to remove the sign. Baker denied this.

"SIGN TO REMAIN ON DOOR

"Baker said he had talked with Bolle earlier Friday and that the dean had not asked him to remove the door sign and that it would remain on his door. Baker further objected to this column identifying him as a former advertising space salesman. 'I was assistant publisher and marketing director, and I would like that corrected.' he said.

"Asked about his activities with the Summit Turf Club and the Lincoln Green of Montana real estate promotion, also listed on that office door. Baker turned to Mrs. Baker and said, 'That's your particular activity, Jean. As you know, there are two names on that door, and as you know, my wife has been an active and effective public relations and advertising executive.'

"To which Mrs. Baker explained she was handling the publicity and public relations for both projects.

"As a team, both Bakers have also done public relations and promotion work for Secretary of the Interior Stewart Udall. This was in Montana a few months ago during Udall's appearance there. However, Baker insisted this was work he performed 'for my dean (Bolle) and it was done gratis.' The work included arranging press conferences and television appearances for the Secretary of the Interior during his stay in Montana.

"Udall was expected to hold a press conference in Washington Friday to discuss the Stoddard-Getty-Baker tieup and perhaps it will help explain Baker's calling card, left at the Oregonian: 'Lyle Baker, Special Assistant to the Dean, School of Forestry, Wood Products Marketing Institute, University of Montana, Missoula.' In the corner is the university seal which says it was founded in 1893."

"[From the Oregonian, Apr. 23, 1966]

"UDALL DENIES CHANGE IN STATUS OF GETTY

"(By A. Robert Smith)

"WASHINGTON.—Interior Secretary Stewart Udall, Friday disavowed any suggestion of a transfer or change in the status of Russell Getty as Oregon State director for the Bureau of Land Management.

"Udall told a news conference he had asked Assistant Secretary Harry Anderson to get the facts with respect to reports from Oregon of Government funds being used to underwrite Lyle Baker, a Portland public relations man, in an attempt to move Getty out of Oregon.

"Udall said he requested the investigation after receiving a telephone call on the matter about 10 days ago from Representative ROBERT B. DUNCAN.

"Anderson, in an interview after Udall's news conference, said he had not completed his investigation. He reiterated Udall's position concerning Getty's status, saying, 'My position is that I want Getty to stay in Oregon.' Anderson has jurisdiction over BLM and related land agencies.

"STATUS UNCHANGED

"Udall said he was 'surprised, even a bit amazed' that anyone should believe 'half-facts or rumors' about a change in Getty's status. He said that was settled last year, when he overruled BLM Director Charles Stoddard, who had given Getty an ultimatum to take another job in the Washington office or resign.

"Stoddard, Friday, in an interview, affirmed that Getty's status will not be changed. He said the Interior Department would have a formal statement on the matter in the near future.

"'This is a smear from start to finish,'' declared Stoddard. Both Udall and Stoddard spoke highly of Arnold Bolle, dean of the school of forestry at the University of Montana, who reportedly engaged Baker. Udall said Bolle 'is close to the Montana Senators' and well thought of in academic circles.

"Stoddard denied that he ever engaged Baker as a consultant. A check of BLM records showed no evidence that Baker has been on the BLM payroll in any capacity.

"BLM records Friday showed that the University of Montana has received five financial grants during the past year from BLM totaling $33,900. The university has reported paying Baker some $5,000.

"FUNDS UNCONTROLLED

"BLM officials said they had no control over the expenditure of these contract funds. BLM records show that the contracts with the university were granted for the following purposes and amounts:

"Thirteen thousand dollars for a study of the economic and social effects of multiple-use; $15,600 for research on club moss control; and $2,000 for a similar purpose; $3,000 for evaluation of fire protection methods; and $300 for 'Dog Creek waterspreader.'

"Interior officials, in a word disavow Baker and any activities he has undertaken respecting Getty.

"Informed of reports that Baker had advanced a scheme for shifting Getty to Washington, Udall said he had never heard of any such scheme from either Getty or from Charles Luce, whom Udall designated last year to intercede as a stabilizing force in the Stoddard-Getty dispute.

"AUTHORITY LACKING

"Anderson, on the same subject, said: 'I don't know where Baker has any authority to promote Getty.'

"Anderson, who took office since last year's timberland swap dispute that triggered the Stoddard-Getty dispute, said he had told both men, 'here is a job to be done in Oregon, and this job is bigger than personalities. Let's get the job done.'

"Asked whether he had succeeded yet in getting Stoddard and Getty to work together, Anderson smiled, puffed on his pipe, and declined comment.

"Meanwhile, Representative WENDELL WYATT, Republican, of Oregon, joined Oregon's three Democratic Congressmen in requesting an accounting of funds paid to the University of Montana, Bolle and Baker. WYATT also asked Udall to investigate a report that Stoddard had told an Oregon county official that Stoddard had had Getty psychoanalyzed."

"[From the Oregonian, Apr. 22, 1966]

"THREE OREGON SOLONS ASK OFFICE RENTAL ACCOUNT

"(By A. Robert Smith)

"WASHINGTON, D.C.—Three Oregon Members of Congress Thursday asked for an accounting of Government funds used to finance a Portland office occupied by Lyle Baker, 'under the apparent auspices of the University of Montana.'

"In a letter to Charles Stoddard, Director of the Bureau of Land Management, the Congressmen said they understood the Portland office was under the direction of Arnold W. Bolle, dean of the School of Forestry at Montana.

"While the letter made no mention of it, the Congressmen were reacting to reports from Oregon that Stoddard had used Government funds to finance Baker in an attempt to get Russell Getty, Oregon State director of BLM, out of Oregon.

"Stoddard and Getty were the principals in a major bureaucratic feud involving a proposed timberland deal a year ago.

"Thursday's letter was drafted by Representative ROBERT B. DUNCAN, and cosigned by Representatives EDITH GREEN and AL ULLMAN, Democrats. They asked Stoddard:

"'Will you please advise at the earliest possible time if Department (of Interior) funds have been or are being used directly or indirectly in the establishment and operation of this office or in the conduct of studies or research or of any other activities in the State of Oregon by the above individuals.'

"The congressional letter also asked for an exact accounting of all payments to Baker and Bolle during the past 2 years with a description of specific services rendered."

"[From the Portland Oregonian, Apr. 23, 1966]

"HATFIELD CALLS FOR DISMISSAL OF BLM HEAD

"Gov. Mark O. Hatfield Friday proposed that Charles Stoddard, chief of the Bureau of Land Management, be fired as a final solution in the long battle between the chief and his Oregon director, Russell Getty.

"Hatfield's blast came amid stories of a new attempt by Stoddard's friends to have Getty transferred out of the State of Oregon.

"Stoddard and Getty clashed first in May last year over a BLM attempt to swap off BLM sustained-yield timberlands in Oregon for Point Reyes, Calif., lands in a deal known as the 'Sweet Swap.' Hatfield opposed the swap as threatening the entire sustained-yield timber harvest program in Oregon.

"DETAILS REPORTED

"He said Friday after the Oregonian reported the details of the Getty-get-out scheme, 'I cannot believe the Secretary of the Interior (Stewart Udall) will wish to be a party to continued dealings of the type apparently engaged in by one of his chief administrators.'

"Naming Stoddard, Hatfield added 'there is need for a change in the Washington, D.C., office of the BLM.'

"Hatfield's administrative assistant, Warne Nunn, revealed earlier this week that Lyle Baker, a Portland public relations man who claimed to be acting on the advice of the University of Montana School of Forestry Dean Arnold Bolle, had approached the Governor's office seeking to make a deal to get Getty out of the State.

"DISAVOWAL GIVEN

"At the same time Hatfield was letting loose his blast, Udall in Washington disavowed any suggestion of a transfer of Getty from Oregon.

"Udall told a press conference he had asked his Assistant Secretary, Harry Anderson, to 'get the facts' with respect to reports from Oregon of Government funds being used to underwrite the plot. This apparently was the first suggestion made that Government funds may have been involved in the $5,000 the University of Montana said it was paying Baker out of university foundation funds.

"Udall said he was surprised, even amazed that anyone should believe 'half facts or rumors' about a change in Getty's status.

"Stoddard, in an interview of his own Friday said 'this is a smear from start to finish.' He said the Interior Department would have a formal statement on the matter soon.

"DENIAL MADE

"Stoddard denied that he had ever engaged Baker as a consultant.

"Baker, who came to the Oregonian Friday, said in a statement reported in Business Editor Gerry Pratt's column, that he had acted as a public relations man for Secretary Udall in Montana late last year.

"He said he did this 'gratis' at the request of Dean Bolle. Baker introduces himself still as a special assistant to the dean.

"It was with Dean Bolle that Baker visited Governor Hatfield's office to seek a deal to remove Getty. Baker stated, according to Nunn that there was a Government Accounting Office report to be issued for Senator WAYNE MORSE which would be detrimental to Hatfield and Getty.

"Later Dean Bolle himself called on Getty, posing as a close and longtime friend of Stoddard's, and proposed a Getty transfer to Washington, D.C."

"APRIL 22, 1966.

"VERNON S. WHITE,
"*Managing Editor,*
"*Western Timber Industry,*
"*Portland, Oreg.:*

"With reference to copy of your wire addressed to Secretary Udall, I assure you that I never base my actions, as a Member of the U.S. Senate, upon unconfirmed newspaper reports.

"Am requesting Secretary of Interior to supply the facts concerning the BLM matter mentioned in your telegram and in the Oregon press. As soon as Interior Department comments arrive, I shall make them available to the public through the CONGRESSIONAL RECORD.

"WAYNE MORSE."

"PORTLAND, OREG.,
"*April 22, 1966.*

"Senator WAYNE MORSE,
"*Senate Office Building,*
"*Washington, D.C.:*

"(Copy of telegram sent to Hon. Stewart Udall, Secretary of the Interior.)

"Again urge your immediate dismissal of BLM chief, Charles Stoddard. Exposure of Stoddard's surreptitious attempt to deprive Oregon of services of distinguished State Director Russell Getty cripples public support for BLM programs vital to economy of Pacific Northwest.

"WESTERN TIMBER INDUSTRY,
"VERNON S. WHITE, *Managing Editor.*"

"[From the Oregonian, Apr. 24, 1966]

"TWO BLM OFFICIALS HEAR GETTY REMOVAL SLATED

"(By Gerry Pratt)

"The Interior Department and its Secretary, Stewart Udall have disavowed 'any suggestion of a transfer or change in status' for Russell Getty, the Bureau of Land Management director in Oregon. But at least two Oregon BLM officials already have been advised Getty will be replaced 'after the election is over.'

"Getty has been the target of the BLM chief in Washington, D.C., since last May when he opposed the swapping off of sustained-yield Government timber units in Oregon to pay for a Point Reyes, Calif., park project in a deal known as the 'Sweet Swap.'

"At that time Getty, who was voted the outstanding Federal employee in Oregon by his fellow workers, was saved by the intervention of Udall.

"Udall's statement this past week that there was no intention of moving Getty out, came on the heels of an attempt to make a deal with Getty and with Gov. Mark O. Hatfield by Lyle Baker, a Portland man, and Dean Arnold Bolle of the University of Montana School of Forestry, a close and personal friend of Charles Stoddard, BLM's chief.

"The two Oregon officials who were advised Getty will be replaced are Theodore Conn, Lakeview attorney, and Henry Gerber, Klamath Falls cattleman. Conn is the wildlife representative on Oregon multiple-use board and Gerber is the chairman and cattle representative. Both act as advisers to the BLM as delegates to the bureau's National Advisory Council from Oregon.

"Conn explained how they became involved in the Getty affair.

"'OREGON GETTING SHORTCHANGED

"'We were concerned about how things were going in Oregon. We felt Oregon was getting shortchanged and things were not as they should be. The relationship between our State director and Washington was such that Oregon was suffering. So we made an appointment to see Under Secretary (Harry) Anderson and told him we felt things were not right in Oregon and Oregon people and Oregon property were suffering,' said Conn.

"'We wanted to get the train back on the track. Anderson assured us that was what they wanted also. That was on November 17. On November 18, Director (BLM chief) Stoddard told Gerber if there was anything we could do to get Governor Hatfield off his [Stoddard's] back, it would help.

"'Henry Gerber said, "Yes," we would be glad to get that job done if you would try in the Washington end to get us back on the track in Oregon * * *,' Conn recalled.

"Conn and Gerber then both made a point of explaining that they felt the 'lines are strained and we are not getting what we should and it's detrimental in Oregon.'

"Conn's concern is over the future of Oregon's public lands, not so much for any individual involved, he states. 'This public land is bigger than any individual and we want to see the hatchet buried,' he told Stoddard.

"'GET HATFIELD OFF MY BACK

"'Stoddard then told Conn and Gerber: "I'm willing if you will get Hatfield off my back."'

"Gerber then went to talk to Warne Nunn, the governor's administrative assistant, Conn says.

"It was more than 2 months later that Gerber and Conn faced Stoddard again, this time at the recent Riverside, Calif., meeting of the Advisory Council. Gerber and I arrived at Riverside and hunted Chuck Stoddard up, and said: 'We think we have the Governor off your back,' Conn recalls. 'How are things going?'

"'He [Stoddard] said "I think you have too. But the situation between the Washington office and the Oregon office are no better. The communications have fallen down. The only way I can work is through the district managers.'"

"Conn was startled. 'This disturbed me greatly,' he recalls. 'I told Stoddard, "I thought we had this worked out. Is there anything more that can be done?"'

"'He [Stoddard] then said, "You know this is in the hands of the secretary. I don't know what will be done, probably nothing, prior to the election."

"'I said, that bothers me,' Conn recalls.

"'He then said, "Don't worry too much. We will send you a good man, after the election." I think that is pretty nearly verbatim,' the Lakeview attorney said, "I then said that there was nothing more we could do now, and that was the end of the conversation."

"CLASH SAID HURTING STATE

"Conn, as the wildlife adviser on the National Advisory Council to the BLM representing Oregon, claims Oregon already has suffered because of the Stoddard-Getty clash. 'He [Stoddard] took the wildlife representative from the State office of the BLM and left Oregon without an employee in the wildlife field in the State office,' Conn claims. 'That is one of the things I complained about. I talked to Russ Getty about that. After I had been complaining, and I did complain, we most recently hired one,' Conn said.

"'Very frankly Mr. Pratt,' Conn added, 'I think the public land problem as far as the State of Oregon is concerned is bigger than any one of these individuals.'

"In the meantime, Getty remains on the job, so does his immediate boss Stoddard—and Stewart Udall, who has the final say, indicates things are going to stay that way, perhaps to the detriment of Oregon."

Mr. MORSE. Mr. President, I ask unanimous consent to have the GAO report included in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. The GAO report redeems the promise I made in April 1965, and January 1966, and later, to watchdog and to protect the interests of the people of Oregon and the taxpayers of the United States.

The report of the GAO was requested during the latter part of 1965; and on January 4, 1966, in response to press inquiries at the beginning of the 2d session of the 89th Congress, I issued a press release outlining the nature of the request I had directed to the General Accounting Office.

Mr. President, I ask unanimous consent that that press release be printed at this point in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Senator Morse Requests General Accounting Office Investigation of Charges Made in Oregon on Point Reyes-Curry County Public Domain Land Exchange Proposal

Senator Morse today issued the following statement:

"My office has been asked whether I have requested the General Accouting Office to investigate charges of alleged improper actions on the part of Department of Interior officials and others with respect to a proposal for the exchange of certain private lands within the boundaries of the Point Reyes, California, National Seashore, for public domain lands in Curry County, Oregon.

"The answer is yes, I have requested the General Accounting Office to make a thorough investigation of this matter.

"Early last year the Point Reyes-Curry County land exchange proposal assumed enormous proportions in the press of Oregon and became intertwined with charges against the Department of the Interior in connection with the then scheduled transfer of BLM State Director Getty to another post in the Bureau of Land Management.

"When the charges in both cases were hurled initially, I was asked by a number of people in Oregon, including members of the lumber industry, to join in protests against the Department of the Interior. I refused to 'shoot from the hip' and demanded that the facts be produced. I followed the orderly procedure of asking the Department of the Interior to respond to the charges which had been made against it on the land exchange proposal and the Getty matter. The Department supplied its item by item answer to these charges and I placed the answers in the Congressional Record on May 12, 1965 so that the response of the Department could be available to the public. When I inserted this material in the Record, I stated:

"'From a reading of the report I am satisfied that the Department of the Interior has acted in good faith, and that there is no basis for trying to compare this exchange matter with the notorious Al Sarena case of a decade ago.'

"It is interesting to note that to date I have not received one item of documented evidence to refute the answers supplied by the Department of the Interior.

"Despite the factual information I provided in the Congressional Record on May 12 my office has continued to receive letters containing general allegations that improper actions took place on the proposed land transfer. In addition, this fall, a new Republican magazine, Emphasis Oregon, rekindled the whole matter. Therefore, I asked the General Accounting Office to make a full investigation of the charges that have been hurled in the State of Oregon on the exchange matter. I specifically requested GAO to make a penetrating analysis which would disclose whether any improper or illegal activities were undertaken by officials of the Department of the Interior on the so-called Point Reyes-Curry County land transfer proposal.

"The wild charges made reflected not only on the Department, but on Mr. A. W. Sweet of Sixes, Oregon, who stated that as far as he knew, he proceeded in accordance with Departmental policy in expressing an interest in making an exchange.

"In due time, I expect to receive a full report from the General Accounting Office including an indication as to whether any actions on the part of any Department of Interior officials jeopardized the public interest in connection with this land exchange proposal. I shall then transmit the report to the Senate Interior Committee which has Senate jurisdiction over public domain land transfers."

Mr. MORSE. Mr. President, obviously, due to the fact that I have just received the report, I have only taken a brief look at the material contained. However, the GAO report will, I am sure, speak for itself and I present it in the Record for the information of my colleagues and the general public.

Mr. President, I ask unanimous consent that the letter of transmittal from the Comptroller General of the United States, addressed to me, dated September 16, 1966, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Comptroller General of the
United States,
Washington, D.C., September 16, 1966.

Hon. Wayne Morse,
U.S. Senate.

Dear Senator Morse: The accompanying report presents the results of our examination into two land exchange proposals filed by A. W. Sweet involving his property interests at Point Reyes, California, and public lands managed by the Bureau of Land Management, Department of the Interior, in California and Oregon. The lands in which Mr. Sweet had an interest are within the boundaries of the Point Reyes National Seashore, administered by the National Park Service, Department of the Interior. Our report also presents the results of our examination into matters pertaining to the controversy between Charles H. Stoddard, the former Director of the Bureau of Land Management, and Russell E. Getty, the former Director of the Oregon State Office, Bureau of Land Management, in Portland.

Our examination was made pursuant to your initial request of October 15, 1965, that we inquire into actions taken by officials of the Department of the Interior and others in regard to the land exchanges proposed by Mr. Sweet. We also examined into the matters relating to the questions and allegations attached to your supplemental request dated June 2, 1966. Congressman Robert B. Duncan, who stated that he was joined by Congressman Al Ullman, also has requested us to examine into selected matters relating to the controversy over the management of the Oregon State Office, Bureau of Land Management. Congressman Duncan's request for our examination was dated April 27, 1966. Later, on July 13, 1966, Congressman Wendell Wyatt also requested us to examine into the controversey. Each request that we received required that we consider essentially the same matters commented on in this report. Identical reports are therefore being sent on this date to each member of the Oregon congressional delegation who has made a request of us for an examination into this controversy. Copies of the letters of request which we received from you and the other members of the Oregon delegation are included as appendix I of this report.

The report contains (1) a summary of principal events and observations on major issues, (2) a synopsis of legislation and regulations, which we believe is essential to proper understanding of the matters discussed in this report, (3) an account of the negotiations and other matters pertaining to both land exchange proposals, and (4) an account of events pertaining to the Stoddard-Getty controversy.

We have attempted to obtain all evidence bearing on the various questions and allegations relating to the matters that we examined. However, we found instances of discrepancies and inconsistencies in information obtained from our interviews with individuals who were present at the same meetings or who participated in the same conversations. Such different versions of what transpired at these times could be the result of unclear or faulty recollections, honest differences of opinion as to what was said and took place, or an attempt to emphasize individual views.

We were unable to determine which of these factors was the cause in those instances where inconsistent accounts of meetings and conversations were given to us during interviews. Some of the information was not subject to corroboration from other sources. Accordingly, we could not ascertain the validity of many of the charges and countercharges and we cannot be certain that we have obtained all evidence essential to a complete understanding of the proposed land exchanges and the related Stoddard-Getty controversy. Also, conclusions regarding these exchanges involve assessing, to some extent, the relative values of the accomplishment of the Point Reyes National Seashore land acquisition objectives contrasted with continuation of the sustained-yield timber management practices which had been followed in the State of Oregon up to the point of time when this controversy evolved. We did not attempt to assess the relative importance of these objectives and accordingly did not draw conclusions which we believe involve a consideration of these relative values. To the extent deemed practical, however, we have been able to make certain observations which are expressed in the accompanying report.

We have not transmitted this report to the numerous individuals involved for their advance review and comment. However, during the course of our examination, we had extensive discussions with the individuals concerned in our attempt to obtain confirmation or comments on the data obtained.

We plan to make no further distribution of this report unless copies are specifically requested and public announcement has been made concerning its contents by a member of the Oregon delegation who requested our report.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

EXHIBIT 1

REPORT ON EXAMINATION INTO CERTAIN PROPOSED LAND EXCHANGES FOR THE POINT REYES NATIONAL SEASHORE IN CALIFORNIA, BUREAU OF LAND MANAGEMENT AND NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

INTRODUCTION

Pursuant to requests from Senator WAYNE MORSE, dated October 15, 1965, and June 2, 1966; Congressman ROBERT B. DUNCAN, dated April 27, 1966; and Congressman WENDELL WYATT, dated July 13, 1966, (app. I), the General Accounting Office has examined into matters pertaining to two land exchange proposals filed by A. W. Sweet involving his property interests at Point Reyes, California, which are within the boundaries of the Point Reyes National Seashore administered by the National Park Service (NPS) and public lands managed by the Bureau of Land Management (BLM). The public lands included in the proposals are in California and Oregon and are under the jurisdiction of the respective BLM State Offices located in Sacramento, California, and Portland, Oregon. We also examined into matters pertaining to the controversy between the former Director of BLM, Charles H. Stoddard, and the former Director of the BLM Oregon State Office, Russell E. Getty.

We have endeavored to compile a comprehensive account of (1) the negotiations conducted in connection with Mr. Sweet's land exchange proposals and (2) the Stoddard-Getty controversy, and to report the pertinent facts pertaining thereto. Our examination included a review of Department, BLM, and NPS records pertaining to the establishment of the Point Reyes National Seashore. We interviewed officials of the Department, BLM, and NPS and other interested persons. In conducting our examination, we attempted to be constantly alert to (1) circumstances which might be indicative of improper actions on the part of Federal employees and (2) any matters that might not have been in accordance with applicable laws and regulations. During our interviews and in making our examinations of Government files and other pertinent documents, we looked for indications that relevant information may not have been documented and that pertinent records may not have been made available to us for examination.

Some of the evidence we gathered was obtained through interviews with individuals having knowledge of the matters under examination, and their testimony was based in large part upon recollection of events and discussions that occurred as long as several years prior to our interviews. In most cases, statements that we prepared of the interviews were reviewed for accuracy and signed by those interviewed. Some of the information obtained during our interviews was not subject to corroboration from other sources and we could not ascertain the validity of many of the charges and countercharges. We found instances of discrepancies and inconsistencies in information obtained from individuals who were present at the same meetings or participated in the same conversations, and such different versions of what transpired at these times could be the result of unclear or faulty recollections, honest differences of opinion as to what was said and took place, or an attempt to emphasize individual views. We were unable to determine which of these factors was the cause in those instances where inconsistent accounts of meetings and conversations were given to us during interviews.

Although we cannot be certain that we have obtained all pertinent evidence bearing on the various questions and allegations made on the matters that we examined into, we believe that the evidence gathered is sufficient to permit us to make some observations on the major issues involved.

The land exchanges involve assessing, to some extent, the relative values of the accomplishment of the Point Reyes National Seashore land acquisition objectives as contrasted with continuation of the sustained-yield timber management practices which had been followed in the State of Oregon up to the point of time when this controversy evolved. We did not attempt to assess the relative importance of these objectives and accordingly did not draw conclusions which we believe involve a consideration of these relative values.

We have not transmitted this report to the numerous individuals involved for their advance review and comment. However, during the course of our examination, we had extensive discussions with the individuals concerned in our attempt to obtain confirmation or comments on the data obtained.

Our review was conducted at the Department, BLM, and NPS Central Offices in Washington, D.C.; the BLM State Office in Portland, Oregon; and the BLM District Office in Coos Bay, Oregon. The BLM California State Office records pertaining to the land exchange proposals were available at the Central Office for our review. We also interviewed persons in Oregon, Montana, and Washington, D.C., who are not Federal employees but who had indicated a knowledge or interest in the matters under review. A listing of the persons whom we interviewed during our review is included as appendix II. Several of these persons were interviewed a number of times.

The principal officials of the Department of the Interior, the Bureau of Land Management, and the National Park Service responsible for the administration of activities discussed in this report are listed in appendix III.

SUMMARY OF PRINCIPAL EVENTS AND OBSERVATIONS ON MAJOR ISSUES

Land exchanges proposed by Mr. Sweet

In February 1961, Mr. Sweet filed an application with BLM under the provisions of the Taylor Grazing Act (43 U.S.C. 315) for exchange of two tracts of land at Point Reyes—for which he had options to purchase—for BLM timber lands in California. BLM personnel appraised Mr. Sweet's offered lands consisting of 3,050 acres at a fair market value of $563,500 as of December 1960, considering the highest and best use of the lands to be for timber production and recreational use. The BLM appraisers did not consider the property appropriate for intensive residential development. Because BLM's valuation of the offered lands was substantially less than Mr. Sweet's option price of $2,027,000 for purchase of the lands, NPS hired a private fee appraiser, Edward P. Morphy to appraise the lands.

Mr. Morphy estimated a fair market value of $2,026,550 for the lands as of June 1961, not including timber. Mr. Morphy considered the highest and best use of (1) a 2,510-acre tract to be (a) for a-single-family gentleman's ranch or (b) for division into high-density residential tracts in some areas around the lakes and, in the balance, low-density gentleman's farm estates and (2) a 540-acre tract to be a recreational area or a development of gentleman's estates ranging in size from 25 to 50 acres. At the recommendation of BLM, John A. Carver, Jr., Assistant Secretary for Public Land Management, appointed George W. Mathis, Chief Appraiser, Bureau of Indian Affairs, to review the appraisals made by BLM and by Mr. Morphy. Mr. Mathis agreed with Mr. Morphy's appraisal, and in July 1961 Mr. Carver informed BLM that further negotiations pertaining to the Sweet exchange proposal were to proceed on the basis of a $2,026,550 evaluation for the properties at Point Reyes.

Mr. Sweet selected for exchange about 9,680 acres of public domain timberlands in California. In November 1961, BLM reported that 3.808 acres of the selected lands had an estimated fair market value of $2,014,900. In the BLM appraisal report, Neal D. Nelson, California State Director, stated that these 3,808 acres of selected lands were of equal value to the offered lands as appraised by Mr. Morphy. Mr. Sweet employed Frank and Dean Solinsky, Inc., to appraise the BLM lands that he had selected and additional acreage which had been cleared of conflicts by BLM. The Solinsky appraisal report, dated in January 1962, valued 9,916.5 acres at $1,956,032. Subsequently, BLM reevaluated its appraisal of the selected lands, and in July 1962 the BLM Director advised Mr. Carver that 4,256 acres of BLM land, with a total value of $2,023,067, were available for the Sweet exchange. The increase from 3,808 to 4,256 acres was made by BLM because it was recognized that inexperienced timber cruisers had been used originally for some tracts and that these tracts showed a lower timber volume after they had been recruised. In September 1962 Mr. Carver approved the valuation of $2,023,067 for 4,256 acres of the selected lands.

Federal officials and Mr. Sweet continued to negotiate for the proposed land exchange; however, since agreement could not be reached on the value of the selected lands, the exchange application was considered terminated in August 1963.

In summary, based on evidence that we obtained, Mr. Sweet became interested in the proposed land exchange through the suggestion of a non-Federal source, and there are no indications that Federal officials made improper commitments to Mr. Sweet prior to the filing of his land exchange application. Because of the complex nature of the various methods used for appraising timber lands and the many judgment factors involved in making such appraisals, we are unable to state with certainty whether the estimates of value for the offered and selected lands approved by the Department were the best estimates of the fair market value. BLM appraisers were apparently more conservative than the Sweet appraisers in estimating the value of the offered lands and more liberal in estimating the value of selected lands.

It was not until the Congress passed an act in September 1962 to establish the Point Reyes National Seashore (16 U.S.C. 459c) that authority was provided for the Department to exchange Federal lands in Oregon for private lands at Point Reyes. After negotiations to effect the exchange proposed under the provisions of the Taylor Grazing Act were terminated, Mr. Sweet expressed interest to NPS and BLM officials in exchanging his Point Reyes lands for timberlands in California and Oregon under the provisions of the Point Reyes National Seashore Act.

In December 1963, Gordan K. Patterson, an NPS realty officer, visited the BLM Oregon State Office to determine what public lands in Oregon might be considered suitable for exchange under the provisions of the Point Reyes legislation. Mr. Patterson was advised by Oregon BLM officials that all forested lands in western Oregon were under an intensive management program and that the disposal of any lands would reduce the sustained-yield allowable cut.

Sustained yield is the management of the forest to ensure continuous production with the aim of achieving, at the earliest possible time, an approximate balance between growth and harvest, either by annual or somewhat longer periods. The allowable cut is the volume of timber that may be harvested from a well managed and regulated forest property. Again, in February 1964, an NPS realty official, Thomas Kornelis, visited BLM Oregon offices and requested a listing of Oregon lands available for exchange under the provisions of the Point Reyes legislation. Mr. Kornelis was furnished a map showing the location of BLM lands, but he was told that no forest lands in western Oregon were available for exchange.

Mr. Sweet, at the suggestion of Mr. Kornelis, prepared a listing of tracts of timberlands in Curry County, Oregon, which he considered to be isolated and believed would not be essential to BLM's management program. In July 1964 Mr. Sweet filed an informal proposal with NPS for exchange of about 2,450 acres of land at Point Reyes, which he had purchased in January 1963, for about 4,968 acres of BLM timberlands in California and about 2,360 acres of BLM timberlands in Oregon. Mr. Sweet said that, prior to filing his informal exchange proposal, he had discussed the matter with the Curry County Court and that the Court had had no objection to such an exchange. This court administers the county business and is composed of a county judge and two commissioners.

It appears that, up to the time Mr. Sweet filed his informal exchange application in July 1964, NPS officials had actively promoted a possible exchange; whereas BLM officials had, on a number of occasions, shown reluctance to support an exchange.

In August 1964 Joseph W. McCracken, Executive Vice President of the Western Forest Industries Association (WFIA), called a meeting at Gold Beach, Oregon, to discuss the proposed Sweet exchange. It appears that Mr. McCracken was in opposition to BLM's transferring any of its lands in western Oregon to private ownership. Statements of various participants at the meeting indicated that local lumbermen and others were not opposed to the exchange. Mr. Sweet attended this meeting; however, we were advised that BLM officials did not attend. The events of this meeting were reported in local newspapers.

In August and September 1964, NPS was advised by several lumber companies in the Curry County area that they had no objections to the proposed Sweet exchange. In September 1964 the Curry County Court advised NPS that it favored the exchange because of the potential increase in revenue to the county from placing these lands on the tax rolls. The Court also pointed out that local loggers were overwhelmingly in favor of the exchange.

In summary, we observe that around September 1964 (1) several individuals and organizations in Oregon were aware of the Sweet exchange proposal, (2) the principal opposition to the exchange was voiced by an official of WFIA, and (3) certain local interests in the Coos Bay area were in favor of the exchange.

At the request of Mr. McCracken, Mr. Getty, Director, BLM Oregon State Office, arranged a meeting at the State office on February 10, 1965, to discuss Mr. Sweet's land exchange proposal. In attendance were Messrs. McCracken; Getty; Sweet; Vladimiroff, Manager of BLM Coos Bay District Office; and Stoddard, Director of BLM, who said that this was the first time he had met Mr. Sweet and that prior to the meeting he had not seen Mr. Sweet's informal land exchange proposal. In a memorandum of the meeting, Mr. Sweet commented that Mr. McCracken had expressed objection on the part of his organization to any land exchange that would reduce the allowable timber cut of lands administered by BLM in Oregon.

Mr. Stoddard, who said that he had stayed at the meeting for only about 15 minutes and that he had not been advised beforehand that Mr. McCracken had requested the meeting or would be present, pointed out that scattered lands outside the determined administrative units were available for exchange in keeping with BLM's overall policy. Mr. Getty said that he had not seen Mr. Sweet's informal proposal prior to the meeting. Memorandums concerning the meeting indicate that Mr. Getty and Mr. Vladimiroff were apprehensive with regard to the exchange.

The exact nature of Director Stoddard's instructions to Mr. Getty during the week following the meeting in Mr. Getty's office is not clear from the statements made. Mr. Getty contended that Director Stoddard instructed him to personally redraft boundaries to provide for a substantial selection by Mr. Sweet outside of areas that the Government intended to retain. Mr. Stoddard contended that he instructed Mr. Getty to redraft the boundaries in accordance with BLM instructions for the implementation of the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411), and that any lands that fell outside of such boundaries could be considered for exchange.

Mr. Getty submitted a list of Oregon lands to the BLM California State Director on February 26, 1965, and stated that they appeared available for exchange. This list consisted of 2,280 acres compared with 2,360 acres proposed for exchange by Mr. Sweet. During the following month NPS advised Mr. Sweet that, except for 160 acres, the 2,360 acres of Oregon lands selected in his informal application were available for exchange.

In the latter part of April 1965, numerous allegations were made in the Oregon newspapers concerning the Sweet land exchange proposals. After Under Secretary Carver held a public meeting in Portland, Oregon, in May 1965, Secretary Udall announced at a press conference that the Sweet exchange "is a dead-letter at the present time."

The critics of the proposed exchange of western Oregon public domain lands for private lands at Point Reyes presented a number of reasons for their opposition. However, the principal issue involved in the furor over the exchange appears to us to be the potential effect that the proposed Sweet exchange, or similar future exchanges, might have on the annual allowable cut from Federal timberlands in Oregon. The interests of that part of the timber industry—as represented by WFIA which depends generally on Federal timber for its operations and, to a certain extent, by the counties receiving a portion of the income from the sale of Federal timber—could be adversely affected by significant reductions in the annual allowable timber cut. It appears that some of those opposed to the proposed exchange believed that it was the policy of the Department that under no circumstances would the amount of the allowable cut be jeopardized by the disposal of Federal lands. Therefore they strongly objected to the proposed Sweet exchange, criticized Director Stoddard for considering such an exchange, and supported Mr. Getty because he opposed the exchange.

Our review of matters pertaining to the proposed land exchanges disclosed no evidence of secret meetings or what we would consider improper actions on the part of Federal officials in the conduct of the negotiations for the exchanges or in the establishment of values for the offered and selected lands. Our examination showed, however, that a number of statements were made and actions taken by several individuals, both within and outside the Government, which reflected the view points of these individuals, and which, in our opinion, had a bearing on the ability of the Department to consummate the land exchanges proposed by Mr. Sweet. We believe, however, that it is a matter of conjecture whether the public interest was served or jeopardized by such statements and actions except in those cases where the statements made were inaccurate, or half truths, and thus contributed to a misunderstanding of the issues involved.

Stoddard-Getty controversy

Personnel records show that Mr. Getty began work with BLM in October 1952 at Eugene, Oregon, and that from May 1954 until the time of transfer he was assigned to the Portland office. Mr. Getty served in the capacity of Oregon State Director from August 1959 until June 1966. Bureau records show that Mr. Getty was the only State director who had served his entire career with the Bureau in only one State. Also, at the time of our review, only one other individual, who has indicated that he might retire, had remained the director of the same State office for a longer period than had Mr. Getty. Since 1955 five State directors have served in that capacity in more than one State and during this time one has served as State director in four States.

Director Stoddard stated that several times during 1963 and 1964, in personal conversations that he had with Mr. Getty, Mr. Getty brought up the question of whether he (Getty) might be transferred and on these occasions he indicated a willingness to accept a transfer. In February 1965 Director Stoddard advised Department officials of plans for a reorganization of BLM. In the following month, Mr. Stoddard advised Secretary

Udall that, in connection with organizational planning, four State directors, including Mr. Getty, were being considered for appointments to different positions.

During a State directors meeting in Denver, Colorado, on April 5 to 7, 1965, Director Stoddard advised Mr. Getty and certain other State directors that, pending approval of the Secretary, they would be transferred to new assignments. Mr. Stoddard advised us that he first offered Mr. Getty a position at the BLM Central Office; however, Mr. Getty said that he would prefer to work in a field office. Mr. Getty was then offered the opportunity to be assigned as State director in Montana. At that time Mr. Getty advised Director Stoddard that he was considering a position as the head of the Forest Management Department, College of Forestry, at the State University of New York, Syracuse, New York.

After the Denver meeting, Mr. Getty said that he had notified key people in Oregon that he wanted to transfer to Montana. By April 11 Governor Hatfield and other Oregonians had protested Mr. Getty's transfer to members of the Oregon congressional delegation and Secretary Udall. Mr. Getty advised us that about that time Mr. Stoddard telephoned him and advised that his transfer to Montana had been canceled and that he was to be transferred to the BLM Central Office. On April 13 Mr. Getty advised Senator WAYNE MORSE that he was being transferred from Oregon because Director Stoddard wished to discipline him. Mr. Getty did not mention the Sweet exchange or land classification matters in his letter to the Senator.

Mr. Getty was on a special assignment to the BLM Central Office from about April 20 to 30, 1965. Mr. Stoddard advised Mr. Getty that during this detail he was to undertake several written assignments to aid in clarifying the misunderstandings and differences of view points which had allegedly made for difficult Central Office-Oregon State Office relations.

In a letter dated April 30, Harold R. Hochmuth, BLM Associate Director, informed Mr. Getty that during the continuation of his special assignment Garth Rudd, Assistant State Director, Oregon, was designated as Acting State Director. Mr. Getty said that after the May 14 public meeting in Portland, Director Stoddard advised him that he (Stoddard) and Mr. Carver had decided to leave him (Getty) in Oregon as State Director.

Mr. Stoddard advised us that there were meetings during the period May 30 through June 1, 1965, with Department officials to discuss the Getty matter and that it was concluded that Mr. Getty would be offered a job with the Bureau of Outdoor Recreation. Mr. Getty declined this job offer on June 9. Mr. Stoddard said that he held further meetings on the Getty matter with Department officials on June 10 and 11 and it was decided to offer Mr. Getty an opportunity to transfer to the BLM Central Office. Mr. Stoddard said that it was also decided at this time that, if Mr. Getty declined the offer and asked for early retirement, he was to be advised to consult with Newell Terry, the Department's Director of Personnel Management.

On June 14 at the Central Office, Mr. Getty was handed a memorandum by Mr. Stoddard offering him the choice of reassignment to the Central Office or resigning. Mr. Terry advised us that he assisted in drafting Director Stoddard's memorandum of June 14 to Mr. Getty. Mr. Terry stated that, in discussing this memorandum with Mr. Getty, he (Getty) told Mr. Terry that he did not want to transfer to the Central Office, that he preferred to stay in Oregon, and that he was seriously considering various other job offers, such as the position at the State University of New York. Mr. Terry said that he informed Mr. Getty that such a document (Mr. Stoddard's memorandum of June 14) was needed for Mr. Getty to retire involuntarily under Civil Service regulations. Mr. Terry said that he advised Mr. Getty that a Federal employee cannot ask to be involuntarily retired; therefore, in order for the Department to comply with Mr. Getty's wishes, a memorandum to Mr. Getty giving him a choice of transfer or resignation was necessary. Mr. Terry said that he emphasized to Mr. Getty that the June 14 memorandum was not to be considered by him to be an ultimatum but that it had been prepared to assist Mr. Getty in meeting his objective of involuntary retirement.

On June 16 Mr. Getty returned to Oregon without making a decision as to whether to accept the offered transfer or to retire. On June 17 Charles Luce, Administrator, Bonneville Power Administration, telephoned Mr. Getty at the request of Secretary Udall to find out if Mr. Getty would remain as State director in Oregon. Mr. Getty accepted and Secretary Udall publicly announced that Mr. Getty would remain in his position in Oregon.

We could not determine with certainty whether the proposed Sweet exchange and the proposed transfer of Mr. Getty were related, nor do we know the person or persons who initially concluded that the matters were related or the basis for such conclusions.

At the direction of Secretary Udall, during the period August 1965 through February 1966, Mr. Getty and the BLM activities in Oregon were under the immediate supervision of the Assistant Secretary for Public Land Management, Harry R. Anderson. Mr. Anderson advised us that he instructed Director Stoddard that he was to have no line supervision over Mr. Getty or BLM activities in Oregon.

In September 1965 Frank Lyle Baker, a lumber marketing consultant, attempted to arrange a meeting between a group of lumbermen and Director Stoddard. It appears that, in Mr. Baker's discussions concerning the meeting, a transfer of Mr. Getty from his post in Oregon was mentioned. Mr. Baker said that the purpose of the proposed meeting was to discuss solutions to the administrative stalemate in BLM's Oregon operations because it had become a cause for concern to the lumber industry in Oregon. It appears that the idea of such a meeting was entirely Mr. Baker's idea and that he took the initiative to implement the meeting after first discussing it with Director Stoddard and getting his approval. Director Stoddard gave Mr. Baker his Government telephone credit card number and authorized Mr. Baker to use it to relay information about irregularities in BLM's timber operations. We found no evidence that Mr. Baker offered inducements to industry representatives, such as favorable decisions by BLM on such matters as increasing allowable cuts or oral versus sealed bidding systems for BLM timber sales, when making his industry contacts. Mr. Baker was informed that certain industry representatives would not participate in the proposed meeting with Director Stoddard and a meeting was not held.

According to records of the University of Montana, Mr. Baker was hired effective November 9, 1965. We were advised that Mr. Baker's principal objective was to contact industry people on the west coast to identify probable sources of financial assistance for a proposed wood-products marketing institute.

In late December 1965 or early January 1966, Mr. Baker contacted Warne Nunn, Executive Assistant to Governor Hatfield, on several occasions to discuss possible solutions to the Stoddard-Getty dispute; and Mr. Baker arranged for Dr. Arnold Bolle, Dean of the School of Forestry, University of Montana, to meet with Mr. Nunn and himself on January 26, 1966, to discuss the matter.

Director Stoddard knew that Mr. Baker was going to contact the Governor's office and Mr. Baker kept him advised of what transpired at his meetings with Mr. Nunn. Mr. Stoddard was also aware that Dr. Bolle was going to meet with Mr. Nunn. Mr. Nunn had advised Mr. Getty about Mr. Baker's interest at the time of Mr. Baker's initial contact in late December or early January and Mr. Getty had asked Mr. Nunn to meet with Mr. Baker and try to find out what it was all about.

Apparently Mr. Baker and Dr. Bolle did not represent that they were working for Director Stoddard but did represent that they were associated with him in some way and that they could assist in working out a solution to the BLM situation in Oregon.

During a January 26 meeting between Messrs. Nunn, Baker, and Bolle, it was Mr. Baker who suggested that they take a direct approach in seeking a solution to the Stoddard-Getty dispute. He suggested that they tell Mr. Getty of their discussions and ask if he would meet with Dr. Bolle to discuss the matter. Mr. Nunn telephoned Mr. Getty and he agreed to meet with Dr. Bolle. Director Stoddard stated that he had not been aware that Dr. Bolle was going to meet with Mr. Getty.

Dr. Bolle and Mr. Getty met in Mr. Getty's office on January 27, and they related to us somewhat different versions of what transpired at the meeting. Dr. Bolle said that he introduced himself as a disinterested third party, advised Mr. Getty of his previous day's meeting with Mr. Nunn, and told him that he had known Director Stoddard for a number of years. Dr. Bolle said that he offered to mediate the dispute if Mr. Getty wished him to and that he gained the impression that Mr. Getty was upset with the present situation and was receptive to his offer to mediate.

Mr. Getty said that Dr. Bolle offered to arrange a promotion for him within BLM and that he had been requested by "those in authority" to see if Mr. Getty was receptive to such an offer. Mr. Getty said that Dr. Bolle indicated he felt he could perform a service by getting Mr. Getty's and Director Stoddard's situation off the stalemate at which they had arrived. Mr. Getty said that he went along with Dr. Bolle's proposals in the hope that he would reveal his motives more candidly.

Dr. Bolle telephoned Director Stoddard on January 28 and told him about his talks with Messrs. Nunn and Getty, and they (Stoddard and Bolle) agreed that they would meet with Mr. Getty in the near future to try to work out a solution to the problem. Director Stoddard said Dr. Bolle told him that Mr. Getty wanted a transfer and that he agreed to meet with Dr. Bolle and Mr. Getty if Mr. Getty's request for a transfer was in writing.

On January 28 Mr. Getty reported to Charles Luce, Administrator, Bonneville Power Administration, on what transpired at the meeting with Dr. Bolle. During the following week Mr. Getty advised Assistant Secretary Anderson of his meeting with Dr. Bolle.

Our examination shows that Director Stoddard and Dr. Bolle, through their activities in the field of natural resources, have periodically been associated in various projects and have become acquainted through these activities. On December 3, 1965, Dr. Bolle was made a temporary consultant to BLM to help develop a multiple-use management demonstration and training project which would involve joint use of the University of Montana's Lubrecht Forest and adjacent BLM lands. Dr. Bolle submitted a report to BLM on his study in March 1966, and BLM Central Office staff personnel visited the field site in May 1966 to study and evaluate the project.

For his work as a consultant on the multiple-use management demonstration and training project, Dr. Bolle was paid $65.60 per 8-hour day and was limited to a maximum of 60 days. Dr. Bolle charged and was paid for 30 days and received $1,552.98 net pay for these services. He advised us that he was not going to charge any more time to the consulting agreement. Dr. Bolle charged 8 hours a day to the BLM consulting agreement on January 26 and 27, 1966, when he was in Salem and Portland, Oregon, meeting with Messrs. Baker, Nunn, and Getty on the Stoddard-Getty controversy. He also charged 8 hours each day to the consulting agreement on December 28, 29, and 30, 1965, when he was in Berkeley, California, attending a meeting of the American Association for Advancement of Sciences. When questioned by us about the propriety of these charges, Dr. Bolle said that he had been careless in keeping track of the actual time he worked on the consulting project but that he works on the train and in his hotel room evenings while traveling. The travel costs for his January 26–27 trip to Portland were paid for from University funds and not charged to BLM. Also, University records indicate that Dr. Bolle's travel costs for his December 1965 trip to Berkeley, California, were not charged to BLM.

Dr. Bolle contributed his consulting fees to the University of Montana Foundation because, he said, he considered the consulting project a Forestry School project, not his personal project. Foundation records show that Dr. Bolle contributed $1,552.68, the net amount less thirty cents received from BLM for his consulting services. The Director of the Foundation, in turn, directed that the contribution be deposited into the "Market Research Bolle" account from which Mr. Baker was paid. Dr. Bolle stated that there could be no implication that the money he received as a BLM consultant was paid to him in order to pay Mr. Baker; that his contributions to the Foundation were not restricted or earmarked. However, the Foundation Director advised us that he designated Dr. Bolle's contributions to be deposited to the account from which Mr. Baker was paid on the basis of conversations with Dr. Bolle. The account 881.5, "Market Research Bolle," showed total expenditures of $8,132.89 through May 13, 1966, and total income of $1,552.68, leaving a deficit of $6,580.21 at that date. The total of net payments to Mr. Baker from this account was $5,335.00.

Our examination did not disclose any evidence that BLM grants to the University of Montana were used to finance the activities of Mr. Baker. The three grants awarded to the University Foundation were for relatively small amounts and related to BLM's land management functions; and we found no evidence of payments to Mr. Baker from the grant accounts.

It appears that Mr. Stoddard may have violated the intent of Assistant Secretary Anderson's instructions that he was to have no line supervision over Mr. Getty or BLM activities in Oregon. Mr. Stoddard did become involved in Oregon affairs through his knowledge and encouragement of the activities of Mr. Baker and Dr. Bolle in Oregon. Subsequently, however, the Assistant Secretary felt that the relationship between Mr. Stoddard and Mr. Getty had improved and put Mr. Getty back under Mr. Stoddard's supervision.

After a departmental investigation had been made of difficulties in the Oregon BLM operation, Secretary Udall announced on June 2, 1966, that Mr. Stoddard was being reassigned to the position of Director of the Secretary's Resources Program Staff, a position Mr. Stoddard had held prior to June 1, 1963, when he was named the BLM Director. Secretary Udall also announced the transfer of Mr. Getty to a position in Washington, D.C., as special assistant to Assistant Secretary Anderson on matters dealing with land and forest resources.

SYNOPSIS OF LEGISLATION, REGULATIONS, AND POLICY PERTAINING TO THE MATTERS DISCUSSED IN THIS REPORT

The following section of the report contains a synopsis of the legislation, regulations, and policy pertaining to the issues that are discussed thereinafter. Mr. Sweet selected public domain lands in each of his exchange proposals; therefore, we have summarized principal statutes pertaining to the management, protection, and classification of such lands and regulations for the exchange thereof. In addition to managing public domain lands, BLM also manages about 2.6 million acres of other Federal lands in Oregon known as the Oregon and California Railroad (O&C) and the Coos Bay Military Wagon Road (CBWR) grant lands. Since there are significant relationships between the management and tenure status of the public domain and O&C–CBWR lands, the statutes pertaining to the administration of the O&C–CBWR lands are summarized and the evolution of the policy for the joint management of Oregon public domain lands and O&C–CBWR lands is described. Included also herein are summarizations of the legislation establishing the Point Reyes National Seashore and the regulations for the acquisition, through exchange, of lands needed therefor.

Public domain land statutes

Principal statutes pertaining to public domain lands are the Taylor Grazing Act of June 28, 1934 (43 U.S.C. 315), the Materials Act of July 31, 1947 (30 U.S.C. 601), and the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411).

Taylor Grazing Act

The Taylor Grazing Act, as amended, is the basic legislative authority for the management and protection of the vacant public lands of the United States. The act confers broad powers upon the Secretary of the Interior for the multiple-use management of public lands and provides the Secretary with authority to exchange public domain lands. Section 8(b) of the act (43 U.S.C. 315g(b)) provides:

"When public interest will be benefited thereby the Secretary is authorized to accept on behalf of the United States title to any privately owned lands within or without the boundaries of a grazing district, and in exchange therefor to issue a patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than fifty miles within the adjoining State nearest the base lands."

Procedures for conducting exchanges of privately owned lands have been incorporated as subpart 2244.1 of title 43, Code of Federal Regulations. These regulations provide that applications for land exchanges are to be filed with BLM and that the applications must state that the value of the selected BLM land does not exceed the value of the offered private land. If BLM determines that the value of the selected land exceeds the value of the offered land, the applicant is to be so informed and afforded the opportunity of amending the exchange proposal.

The regulations provide further that, if BLM has no basis to determine (1) that the value of the selected land exceeds the value of the offered land, (2) that the exchange is not in the public interest, and (3) that there are other reasons not to make the exchange, the exchange applicant is to have a notice of the exchange published in a designated newspaper or in newspapers. The exchange notices are to be published once a week for 4 consecutive weeks in the counties in which the offered and selected lands are situated. The notices are to state that persons asserting a claim to the selected lands or having a bona fide objection to the exchange may file their protests or other objections at a designated place. The regulations provide further that BLM may, at any time prior to issuing a patent on the selected land, determine that the exchange should not be completed and that the applicant will have no contractual rights or other rights against the United States.

During the 5-year period ended June 30, 1965, BLM completed 298 private land exchanges under provisions of the Taylor Grazing Act, as shown in the following schedule:

Fiscal year	Number of land exchanges	Acreage received	Acreage patented
1961	28	9, 609	11, 655
1962	57	43, 126	44, 246
1963	41	28, 718	26, 759
1964	66	78, 537	65, 575
1965	106	109, 881	139, 603
Total	298	269, 871	287, 838

Seventy-four of the exchanges completed during the 5-year period concerned lands in Oregon. BLM received about 56,700 acres through these Oregon exchanges and patented about 56,800 acres.

Section 18 of the Taylor Grazing Act provides that the Secretary is to appoint an advisory board in each district established under the provisions of the act to offer advice and make recommendations on the various matters affecting the administration of the district. In addition, the Code of Federal Regulations, 43 CFR 4114, provides for the establishment of State advisory boards consisting of members representing interests such as livestock, wildlife, forestry, minerals, and outdoor recreation. The functions of the State advisory boards are to consider and make recommendations on resource administration policies.

Materials Act of 1947

The Materials Act of 1947 (30 U.S.C. 601) authorized the Secretary of the Interior to sell timber on the public domain forest lands and distribute the receipts therefrom. Five percent of the net proceeds of sales is distributed to certain States containing public domain lands. The remaining proceeds are distributed (1) to a reclamation fund if the proceeds are realized in designated reclamation States, of which Oregon is included, and (2) to the General Fund of the Treasury if the proceeds are realized in nondesignated reclamation States.

Classification and Multiple Use of Public Lands

The Bureau of Land Management has exclusive responsibility for the management of about 459 million acres of federally owned lands, which include about 15.6 million acres in Oregon. The forest lands under the jurisdiction of BLM are managed on a sustained-yield basis and a multiple-use basis. The principles of sustained yield involve the continuous achievement and maintenance of a high-level output of forest resources without impairing the productivity of the land. Under the principles of multiple use, renewable surface resources of the forests are managed and utilized for outdoor recreation, range, timber, watershed, and fish and wildlife purposes in a planned combination intended to best meet the needs of the United States.

The Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411), provided that the public lands and other Federal lands administered by BLM were to be classified by the Secretary of the Interior as being suitable for disposal or interim management under principles of multiple use. The Department held public hearings in several Western States on proposed regulations to implement the provisions of the act, and, on October 9, 1965, regulations were adopted and published in the Federal Register (30 F.R. 12913). These regulations stipulate the criteria and the procedures to be used to classify public domain lands and to provide that, pending the classification authorized by the act, all lands administered by BLM will continue to be administered under principles of multiple use and sustained yield.

Public Law 88-606, approved September 19, 1964 (43 U.S.C. 1391), established the Public Land Law Review Commission to perform a comprehensive review of public land laws and to determine whether, and to what extent, revisions thereof are necessary. The act provides that the Commission is to submit its final report to the President and to the Congress not later than December 31, 1968. The act states that it is the policy of the Congress that the public lands of the United States be retained and managed, or disposed of, in a manner providing the maximum benefit for the general public.

Oregon and California Railroad and Coos Bay Wagon Road grant lands

About 2.4 million of the 15.6 million acres of lands under the jurisdiction of BLM in Oregon are considered as western Oregon lands—west of the Cascade Range. The 2.4 million acres consist of about 243,000 acres of public domain lands and over 2.1 million acres of O&C-CBWR lands. The O&C-CBWR lands were originally part of the public domain that was granted by the Congress to private concerns. The rights to these lands were forfeited, and the lands were revested in the Government. BLM considers the O&C-CBWR lands, which are primarily timberlands, to be some of the nation's most productive and valuable commercial forest properties. The O&C-CBWR lands are excluded from the provisions of the Taylor Grazing Act and the Classification and Multiple Use Act.

The act of August 28, 1937 (43 U.S.C. 1181a), which is the basic authority for the administration of O&C-CBWR lands, provides that the timberlands are to be managed on a sustained-yield basis for permanent forest production and other stated multiple-use purposes. In accordance with the provisions of the act, the income from the O&C lands is distributed (1) 75 percent to the counties in which the lands are situated and (2) 25 percent to the general fund of the Treasury. In recent years, the Congress has appropriated one third of the counties' share of receipts (25 percent of the total receipts) for the development of Federal lands within the counties (access roads, reforestation, etc.), thus the counties receive 50 percent of the total receipts for uncommitted purposes.

The act of May 24, 1939 (53 Stat. 753), provides that the income from the CBWR lands is distributed (1) 75 percent to a fund from which payments in lieu of taxes are made to Coos and Douglas Counties, Oregon, at the same rate of taxation that is applied to privately owned property of similar character and (2) 25 percent to the general fund of the Treasury plus any balance of the former 75 percent that remains after the payments to counties have been made. About $20.3 million of fiscal year 1965 income was distributed to 18 Oregon counties entitled to O&C-CBWR funds. BLM records show that since 1916 over $214 million has been distributed to Oregon counties from receipts on the O&C-CBWR lands.

Exchanges of O&C-CBWR lands were authorized by the act of July 31, 1939 (53 Stat. 1144), for the purpose of consolidating and segregating the timberlands in order to improve the management of the lands. The act provides that all lands and timber obtained through such exchanges are to be managed in accordance with the same provisions of law which applied to the lands exchanged therefor.

To promote local interest and cooperation in managing the O&C-CBWR lands, the Secretary has established an O&C Advisory Board which comprises representatives of local interests who are appointed by the Secretary upon the recommendation of the BLM State director. The O&C Advisory Board functions in a manner similar to the State advisory boards and advises and makes recommendations to the Secretary, or his designee, on matters pertaining to the O&C-CBWR lands.

Policy for management of BLM forest lands in western Oregon

Department records dated February 20, 1961, indicate that the Assistant Secretary for Public Land Management, John A. Carver, Jr., made a commitment to a group of representatives of Oregon counties and the timber industry to consider the possibility of withdrawing the public domain lands in western Oregon for joint management with the O&C-CBWR lands. The principal effects of such a joint management program would be (1) to restrict the transfer of title to the public domain lands under the provisions of various public lands laws and (2) to compute the annual allowable cut on a combined basis.

By memorandum dated March 14, 1961, the Secretary of the Interior, Stewart L. Udall, instructed the BLM Director, Karl S. Landstrom, to examine the western Oregon public domain lands to determine which lands should be set aside permanently in the interest of forest management and to submit recommendations as to how to ensure permanence of land tenure. BLM Director Landstrom submitted the following memorandum, dated February 9, 1962, to Secretary Udall:

"This replies to your March 14, 1961 memorandum requesting our recommendations as to how to insure permanence of land tenure on the approximately 300,000 acres of public domain forest land in western Oregon which lie within the indemnity limits of the Oregon and California Revested Railroad Land Grant.

"Since any action which we could take is subject to change, there is no way in which 'permanence' of tenure, in the strict sense of the word, can be insured. Therefore, we have interpreted your memorandum as a request for our recommendations on how to prevent indiscriminate and unconsidered actions which could lead to the loss from the national land reserve of lands in fact needed for Federal sustained yield timber production programs.

"In compliance with your request, we have asked our Oregon State Director to study the situation and submit a report and recommendations. The State Director [Russell E. Getty], as a result of this study, has recommended that all these lands be withdrawn from application for title transfer under the nonmineral public land laws and be permanently managed in connection with the O&C lands. The study and report give no indication of any serious threat to continued stability of tenure. On the other hand, the State Director suggests that certain of the lands might be suitable for title transfer and should be kept subject thereto.

"We are convinced that the requirements and provisions of the Taylor Grazing Act and the provisions of the general executive orders assure tenure security, where needed, and, at the same time, allow the flexibility important to accomplish title transfers required in the public interest. We are confident that, by judicious exercise of delegated classification authority, we can minimize or eliminate ill-advised transfers of national land reserve proper for continued Federal programs, including timber management.

"The character of the lands is such that the chief interest therein is their timber values. Holders of scrip have been interested in acquisition of such lands in satisfaction of grants as has the State of Oregon in satisfaction of its school land grants. Scrip holders have not pursued their rights with sufficient diligence to warrant special consideration. Although the State of Oregon has not been as diligent as it should have been in the satisfaction of its grants, the fact that school funds are involved is worthy of some consideration. All in all, the situation seems to be such that a 'Caliente'-type withdrawal is appropriate.

"A 'Caliente'-type withdrawal, (1) withdraws lands from disposition under the agricultural laws (the lands are nonagricultural in character) and under the scrip laws (no special reason exists to disturb a Federal program to satisfy scrip), and (2) withdraws lands from applications under all nonmineral public land laws, leaving the lands open to disposition under the mineral laws and, on the motion of the Government, under the nonmineral laws other than agricultural and scrip. This type of withdrawal, as does others, states the objectives of withdrawal action.

"Your approval of this memorandum will be our authority to file an application for withdrawal which, if effected, would:

"1. Withdraw the lands in question from applications under the nonmineral public land laws.

"2. Withdraw the lands in question from disposition under the agricultural laws (homestead and desert land) and the scrip laws.

"3. State that the purpose of the withdrawal would be, in effect, to facilitate the management of the lands for multiple uses and sustained yield timber production."

On April 9, 1962, Secretary Udall informed BLM Director Landstrom that:

"The record shows that there are 243,342 acres within this proposed withdrawal, of which 180,345 acres are classified as commercial forest lands, and 62,997 acres are currently classified as noncommercial forest lands. It is recognized that much of the land now classified as non-commercial is probably not susceptible of segregation by legal subdivisions. However, it does not appear to be a reasonable proposition to withdraw all public domain lands in western Oregon for the purpose of sustained yield timber production when some of the land is clearly not suitable for that purpose. Accordingly, your request for approval to withdraw these lands is granted with the proviso that the actual acreage withdrawn be reasonably related to these lands susceptible to the sustained yield production of timber.

"It is noted in your report that no mention is made of the receipt formula by which revenues from these lands are distributed. It is my understanding that five percent goes to the State of Oregon and 95 percent to the Reclamation Fund. If these lands are to be withdrawn in the interest of sustained yield timber production, some consideration might have been given to a change in the receipt formula. Furthermore, I am not too certain that the withdrawal procedure adequately provides for permanence of land tenure, as contemplated in my memorandum of March 14. Therefore, you are directed to submit, as soon as possible, proposed legislation which will provide that these commercial forest lands be reserved for the production of forest products in perpetuity. This proposed legislation should also give consideration to a change in the receipt formula. However, it should be pointed out that any change in the receipt formula should not contemplate a formula identical with that now followed for the

O & C lands. The receipt formula, however, could give consideration to a more equitable distribution between the State and Federal Treasury, with possibly a portion going into the Land Conservation Fund, legislation for which is now pending."

By memorandum dated April 23, 1962, the BLM Director Landstrom requested Mr. Getty, the Oregon State Director, to promptly file an application for withdrawal of those lands that he (Getty) considered appropriate, with the qualification, "* * * that the actual acreage withdrawn be reasonably related to those lands susceptible to the sustained yield production of timber * * *."

On July 9, 1962, Mr. Getty filed an application with the Portland, Oregon, Land Office for withdrawal of approximately 242,417 acres of public domain lands, excluding only 925 acres of the western Oregon lands. The Oregon State Director cited as authority for the withdrawal the BLM Director's memorandum of April 23, and the Secretary's order of April 9. We were unable to determine from BLM officials, or records, the justification for applying for withdrawal of nearly all the public domain lands in western Oregon which according to the Secretary included some land clearly not suitable for sustained-yield timber production.

On August 28, 1962, BLM Director Landstrom announced that BLM was filing a request for the withdrawal of the western Oregon public domain lands. The announcement stated that the withdrawal would preclude further agricultural entries or scrip locations; however, it stated that the lands would remain open to use and disposition under the mining, mineral leasing, material, and right-of-way laws and, on the motion of the Government, could be opened to application under the nonmineral public land laws other than agriculture and scrip.

On July 11, 1962, Mr. Getty advised the Oregon State Land Board that its application dated March 9, 1961, for about 3,000 acres of public domain lands in western Oregon under the provisions of the act of February 14, 1859 (11 Stat. 383), admitting Oregon into the Union, would be rejected when the Oregon State Director's withdrawal application of July 9, 1962, was confirmed. By letter dated October 11, 1962, Oregon Governor Mark O. Hatfield objected to the proposed rejection of the State selections.

The Oregon State Office and the BLM Central Office periodically gave consideration to the State selections during the following 2½ years. During this period, the Oregon State Director submitted to the BLM Central Office a draft decision rejecting the State selections. In February 1965, Mr. Irving Senzel acting for the BLM Director, requested Mr. Getty to reconsider the State selections and noted that the unsatisfied State selections were outstanding obligations of the Government and the sooner BLM could satisfy them, the sooner BLM could eliminate them as a pressing management problem.

In regard to the withdrawal application of July 9, 1962, Mr. Landstrom, the Assistant to the Secretary for Land Utilization, advised Director Stoddard on April 7, 1965, that:

"The record of the case reveals that several apparent errors have occurred along the line, some of which may require corrective action. For example, the notice of the application, dated August 29, 1962, appearing in the *Federal Register* of September 7, 1962, pages 8928–9, did not reflect the fact, evident from the terms of the application itself, that the lands would remain open to disposition under the nonmineral land laws, except agriculture and scrip, on the motion of the Government. This, together with the contents of a notice from the State Director to the Clerk of the Oregon State Land Board, dated July 11, 1962, may have unduly alarmed the State government as to the effect of the proposal on its State selection program. The letter of July 11, 1962, advised the Clerk that the State's pending applications had been suspended, and that if the application were approved all of them would have to be rejected. The letter did not go on to say, as it might have said; that the question whether any of the lands proposed for State selection would properly be classified and opened thereto could nevertheless be considered, either during the segregation period or after the withdrawal goes into effect, and any of the lands could nevertheless be clear listed to the State in the Department's discretion."

* * * * *

"I also note that the Secretary in a reply memorandum dated April 9, 1962, directed the Bureau to submit as soon as possible proposed legislation to provide that commercial forest lands involved in the proposed withdrawal 'be reserved for the production of forest products in perpetuity.' I understand that the subject legislative draft has never been submitted.

"It may be recalled that the impetus for this proposed withdrawal and for the legislation came from the feeling that some had had for some time that 'public domain' under Bureau administration was unduly subject to uncertain tenure, defeating efforts at conservation use and management on the basis of long-range plans. This feeling was based, at least in part, however, on a misunderstanding of the actual status of the lands. Some advocates of this particular temporary withdrawal were unaware that all of these lands had already been temporarily withdrawn on November 26, 1934, 'from settlement, location, sale or entry, and reserved for classification, and pending determination of the most useful purpose to which such land may be put . . .' I think that some of these advocates were carried away with the idea of 'withdrawal' as a desirable abstraction, and were not fully aware of the practical fact that under the withdrawal as proposed the only forms of disposition to be barred were agriculture and scrip, neither form of which had been noted as a particular threat to any of the lands in question for a number of years.

"This same line of reasoning was brought out in the Bureau's original request of February 9, 1962, for permission to file the application, in which the following statement was made:

"We are convinced that the requirements and provisions of the Taylor Grazing Act and the provisions of the general executive orders assure tenure security, where needed, and, at the same time, allow the flexibility important to accomplish title transfers required in the public interest."

"The fact was that the headquarters office of the Bureau was reluctant to proceed with this proposal at the time it was submitted in 1962.

"In the meanwhile, of course, the Classification and Multiple Use Act has been enacted and is now applicable to the lands, and the matter of longer range tenure arrangements is before the Public Land Law Review Commission. As you know, under the Classification Act, any of these lands deserving temporary segregation while in a 'retention' classification may be given that status without requiring a withdrawal.

"I am sure you are aware of the necessity of prompt action on all public land cases, especially a case such as this where temporary segregation works against the interests of the applicants of record. I urge that the matter be given prompt attention, and suggest that consideration be given to cancelling the application followed by proceedings under the Classification Act to the extent necessary."

Robert E. Wolf, assistant to the BLM Director, and Irving Senzel, Chief of the BLM Division of Lands and Minerals Standards and Technology, advised us that the legislation requested by the Secretary's memorandum of April 9, 1962, was not submitted when requested by the Secretary because consideration was being given to the enactment of the Classification and Multiple Use Act. On July 6, 1966, Mr. Senzel informed us that BLM had not yet made its recommendations to the Secretary on the proposed withdrawal application of July 9, 1962, for the 242,417 acres of public domain lands in western Oregon.

In April 1966, public hearings were held by BLM in three cities in Oregon to discuss the overall land classification program of public domain lands in western Oregon under the Classification and Multiple Use Act. Mr. Senzel advised us that the general conclusions of the local BLM personnel from these hearings and the comments received were that it would be proper to classify for disposal the lands the State of Oregon selected in its application of March 9, 1961 (except for those which the State would have to transfer to private persons to satisfy claims), but no formal proposal for a transfer of these lands to the State had been issued as of July 1, 1966.

Department records show that in July 1962 a new allowable cut was calculated, based on the joint management of O&C-CBWR and public domain lands in western Oregon. The allowable cut was increased from 900 million board feet (MMBF) from O&C–CBWR lands and 77 MMBF from public domain lands to a total of 1,127 MMBF, an increase of 150 MMBF. This increase reflected advances in better forest management as well as improved industrial efficiency. In addition, a portion of the public domain allowable cut has been reallocated and taken from the O&C–CBWR lands. For example, the Oregon State Director reported that during fiscal year 1964 over 70 percent of the allowable cut on public domain lands was taken from the O&C–CBWR lands. The schedule below shows the changes since 1937 in the estimated annual allowable cut of BLM western Oregon timber lands.

Date	Annual allowable cut (millions of board feet)		
	O. & C.-C.B.W.R.	Public domain	Combined O. & C.-C.B.W.R. and public domain
1937	500.0	----------	----------
1947	523.5	----------	----------
1954	534.5	----------	----------
1955	588.2	----------	----------
1956 (February)	641.1	----------	----------
1956 (November)	660.7	----------	----------
1957 (September)	676.2	----------	----------
1957 (October)	692.2	----------	----------
1958	769.3	----------	----------
1959	874.2	75.2	----------
1962 (June)	900.0	77.0	977.0
1962 (July	1,033.0	94.0	1,127.0

Point Reyes National Seashore Act

The National Park Service initiated a survey in 1957 to identify undeveloped areas or areas with relatively limited development along the Pacific coast which would be valuable for recreation purposes. NPS believed that there was an imminent possibility of the Point Reyes area being subdivided for housing tracts and logged and therefore prepared a preliminary report on that area in 1958 before the entire survey of the Pacific coast was completed. In the preliminary report, NPS recommended more detailed studies.

In August 1958, the Committee on Interior and Insular Affairs, House of Representatives, favorably reported House Resolution 634, which called for the Department to complete detailed studies of the Point Reyes area. The Committee report stated:

"The purpose of this House resolution is to call upon the Secretary of the Interior to expedite completion of his report on the possibility and desirability of establishing a national seashore recreational area on Point Reyes Peninsula, Marin County, Calif. It also calls upon the Secretary to explore the likelihood of State and local contributions to the cost of acquiring the necessary land.

"A preliminary field report on this area was completed more than a year ago. Earlier studies date back to 1935. The present report needs to be supplemented by more detailed studies and to be fortified by the recommendations of the Secretary of the Interior.

"Point Reyes is an unspoiled, underdeveloped, and relatively isolated historic area of about 28,000 acres within 25 to 35 miles of San Francisco. Lying as it does within easy driving distance for 2,500,000 people, it appears to afford an outstanding opportunity for public acquisition and development. It includes nearly 45 miles of shoreline, 26 of which are beach. Of its 28,000 acres, 11,500 are in forest, 15,000 in grassland and sand, and 1,500 in chaparral.

"It is clear that Point Reyes will not long remain undeveloped unless it is acquired for public use. Indeed, it is understood that surveys for commercial development are already being planned. In this circumstance, it is important that the Department of the Interior complete its studies as soon as possible. * * *" (H. Rept. 2463, 85th Cong., 2d sess.)

During hearings in August 1961 before the Subcommittee on National Parks of the Committee on Interior and Insular Affairs, House of Representatives, on bills providing for the establishment of the Point Reyes National Seashore, NPS Director, Conrad L. Wirth, proposed that the initial cost of establishing the seashore could be reduced by not requiring that all the land within the designated area be acquired from the owners until such time as the owners voluntarily decided to sell their land, providing that the land would remain in its present state. Mr. Wirth estimated that 30,000 acres, mostly agricultural land, with an estimated value of $10 million, could be retained by the owners if his proposal was accepted. Mr. Wirth also commented on the possibility of acquiring land through exchanges and advised the Subcommittee:

"We have estimated that the cost reductions through exchanges—I think the estimate now is a little high, of $9 million. We do not have that much ahead of us, but we do now have this Sweet property which is a 3,200-acre exchange. We do have informal indications there is another person who has 1,500 acres who would make an exchange, also. There are several who would do it."

The Point Reyes National Seashore Act (16 U.S.C. 459c), approved on September 13, 1962, authorized the Secretary of the Interior to acquire the applicable lands and waters, about 53,000 acres, by purchase with appropriated funds, by donation, and by exchange of Federal lands. In exercising his authority to acquire property by exchange, the Secretary, under provisions of the act, was authorized to accept title to Point Reyes lands and convey to the grantor of such property *any federally owned property under the jurisdiction of the Secretary within California and adjacent States.* To carry out the land purchase provisions of the act, $14 million was authorized to be appropriated. The legislative history of this act indicates that the Congress considered that the $14 million authorization would be adequate, provided that (1) the Secretary acquire the land in a relatively short time, (2) a substantial amount of property be acquired by exchange, and (3) title to a substantial amount of the land remain with the owners as long as the land remains in its present state.

Regulations for land exchanges under authority of the Point Reyes National Seashore Act provide that all preliminary negotiations for exchanges of land are to be conducted with NPS (43 CFR 2244, 5-6). The regulations provide that any person holding an interest in property within the boundaries of the Point Reyes National Seashore who desires to negotiate an exchange with the United States must file with the NPS Regional Director, Western Region, an informal proposal in writing describing the offered private lands and the selected Federal lands. After consulting with the bureau of the Department of the Interior which has jurisdiction over the Federal lands selected, NPS must advise the proponent of the exchange whether the proposal appears feasible and of any differences in the estimated values of the lands. The proponents can then file a formal application for exchange with the BLM land office having jurisdiction over the State or district in which the selected lands are located.

The regulations provide that NPS is to arrange, by contract or otherwise, for the appraisal of both the offered and the selected lands. Upon determination by the NPS and the bureau with jurisdiction over the selected property (1) that the value of the offered property is approximately equal to the value of the selected property, (2) that provisions have been made for a cash payment sufficient to equalize the values of the properties exchanged, and (3) that the exchange is consistent with the law and regulations and is otherwise in the public interest, notice of the proposed exchange must be published in designated newspapers of general circulation in the counties in which the offered and the selected lands are situated. Such publication must identify the applicant and his application, describe the offered and selected lands, and advise as to where protests to the proposed exchange are to be filed.

After compliance with all laws and regulations, and if there are no objections, BLM can accept title to the property offered and issue a deed, or other instrument of transfer, for the property selected in exchange and can make any cash settlement necessary to balance the values. All property conveyed to BLM under provisions of the Point Reyes Act is to be transferred to NPS and becomes a part of the Point Reyes National Seashore.

Although there have been a number of land exchanges proposed under the provisions of the Point Reyes Act, only two exchanges had been consummated by May 1966. The completed exchanges involved (1) 1,407 acres at Point Reyes valued at $1 million for public lands of about 6,800 acres located in Arizona and (2) 300 acres at Point Reyes valued at $300,000 for public lands of about 110 acres located in California.

As of May 5, 1966, there were 26 proposals pending for possible land exchange under the Point Reyes Act. These proposals involve over 9,300 acres at Point Reyes for exchange of over 160,000 acres of Federal lands located in California, Nevada, and Arizona, with an estimated value of over $14 million.

At the time of our review, the $14 million authorized by the Point Reyes Act had been appropriated and $13.8 million had been expended. With these funds, NPS acquired about 14,850 acres at Point Reyes. On July 22, 1966, the Department requested that the $14 million authorized by the Point Reyes Act for the purchase of lands be increased to $57.5 million.

LAND EXCHANGES PROPOSED BY MR. SWEET

In February 1961, Mr. Sweet of Curry County, Oregon, filed an exchange application with BLM under section 8(b) of the Taylor Grazing Act for exchange of property at Point Reyes, for which he had options to purchase, for BLM lands in California. Because BLM and Mr. Sweet could not agree on a value for the selected and offered lands, the exchange application was considered terminated in August 1963. In July 1964, Mr. Sweet filed an informal proposal with NPS under the provisions of the Point Reyes National Seashore Act for exchange of his property at Point Reyes for BLM lands in California and Oregon. In April 1965, a furor developed in Oregon over the possible use of Oregon BLM lands to obtain lands for a national seashore in California. Numerous allegations were made in the Oregon newspapers concerning the propriety of the manner in which the negotiations for the proposed land exchange had been conducted. After Under Secretary Carver held a public meeting in May 1965, at which time the exchange proposed under the provisions of the Point Reyes National Seashore Act was discussed, Secretary Udall stated at a press conference that "this exchange is a deadletter at the present time."

Land exchange application filed under the provisions of the Taylor Grazing Act

This section of the report describes the events pertaining to the February 1961 land exchange application filed by Mr. Sweet under the provisions of the Taylor Grazing Act. The questions and allegations listed below relating to this exchange proposal were included either in Senator MORSE's letter of October 15, 1965, or in the attachement to the Senator's letter of June 2, 1966. (See app. I.)

1. When, why, and under what Department and Bureau officials and on whose initiative, in or out of Government, did the first interest develop for the Department of the Interior to acquire Mr. Sweet's property at Point Reyes?

2. Were the values assigned by the Department of the Interior for the Sweet property in the Point Reyes Park the fair market values? Who are the specific officers who conducted and approved these valuations?

3. Certain BLM lands in California were valued for exchange purposes. Were the values assigned by the Department of the Interior for this property the fair market value? Who are the specific officers who conducted and approved these valuations?

Events Prior To Filing of Land Exchange Application

Mr. Sweet advised us that he became interested in a land exchange in about August 1960 when a suggestion was made by Dr. Joel Gustafson, president of the Point Reyes National Seashore Foundation—a private organization which was interested in obtaining passage of the Point Reyes Act—that Mr. Sweet purchase lands at Point Reyes and exchange them for Federal lands.

On November 18, 1960, Mr. Sweet met with Lawrence C. Merriam, NPS Regional Director, Western Regional Office, to discuss the possibilities of a land exchange. Mr. Sweet advised us that this was his first contact with the Federal Government in regard to a land exchange. On November 22 and 23, 1960, Mr. Sweet obtained options to buy for $2,027,000 two tracts of land of about 3,050

acres at Point Reyes, known as the Tevis and Stewart properties. Mr. Sweet had been a timber operator in the Point Reyes area for several years, and he had obtained timber rights on two tracts of land in about 1956, which were within the boundaries of the area which was later designated as the Point Reyes National Seashore.

Mr. Merriam advised us that he could not recall any specific details of the November 18, 1960, meeting with Mr. Sweet. Mr. Merriam's recollection of Mr. Sweet's proposal was that initially Mr. Sweet proposed to NPS that he exchange his timber rights at Point Reyes for Government land. Mr. Merriam said that Mr. Sweet was advised that NPS had no authority to exchange timber rights for land and that, after Mr. Sweet learned this, it seemed logical to him (Merriam) that Mr. Sweet sought control of the land rights.

By letter dated December 1, 1960, Mr. Sweet was advised by Herbert Maier, the Acting Regional Director, Western Regional Office, NPS, in reference to the November 18, 1960, meeting that, although his office was informed that there was authority for the Department to proceed with a land exchange and the Department was sympathetic to the idea, "it can give no assurance at this time that an exchange can be worked out."

On December 6, 1960, Mr. Maier advised the BLM Area Administrator at Portland, Oregon, James F. Doyle, of Mr. Sweet's interest in effecting a land exchange that would involve BLM. The Area Administrator, who had supervisory authority over BLM operations in the States of California, Oregon, and Washington, was advised that Mr. Sweet had the timber rights on about 2,500 acres at Point Reyes and had offered to purchase this land and exchange it for public lands elsewhere in California, or near his lumber mill in Oregon, under authority of the Taylor Grazing Act. Mr. Maier also stated that NPS had informed Mr. Sweet that, in its opinion, public domain lands in Oregon could not be exchanged under the provisions of the Taylor Grazing Act since Nevada appeared to be the nearest adjacent State to the offered lands and, therefore, was the only State other than California with lands that could be exchanged for land at Point Reyes.

During the week of December 12, 1960, Mr. Sweet visited Washington, D.C., for further discussions with Federal officials in regard to an exchange. We were advised by Mr. Sweet that, at this time, he met with several officials, including the Assistant Secretary for Public Land Management, George Abbott; the Chief, Recreation Resources Planning Division, NPS, Robert W. Ludden; and BLM officials Harold R. Hochmuth and Irving Senzel. Mr. Sweet expressed interest in obtaining an appraisal to determine whether he could expect BLM to establish a value for the Point Reyes lands equal to that of his option price.

By memorandum dated December 14, 1960, NPS Director Conrad L. Wirth, with the concurrence of BLM Director Edward Woozley, advised Secretary of the Interior Fred A. Seaton of Mr. Sweet's proposal and requested approval of procedures for proceeding with the land exchange proposal. In a memorandum to Messrs. Wirth and Woozley, dated December 17, 1960, Secretary Seaton advised as follows:

"1. The Department of the Interior, through the Bureau of Land Management with the cooperation of the National Park Service, will undertake to determine at the earliest possible time whether there might be consummated an equal value exchange under Section 8(b) of the Taylor Grazing Act (43 USC 315g) involving acquisition by the United States of lands within the proposed Point Reyes National Seashore, California, in exchange for lands held or managed by the Bureau of Land Management.

"2. Acquisition of the offered Point Reyes lands at the earliest possible time is, in my view, clearly in the public interest because of the need for creation of the Point Reyes National Seashore area. Assistant Secretary Abbott advises me it is his conclusion that the proposal as outlined is consistent with the objectives of the anti-speculation policy statements issued on February 5 and 23, 1960 and not in conflict with them. He further informs me it is his conclusion that under the existing circumstances, the requirement of ownership of the offered lands at the time of the offer can and should be waived and the appraisal procedure outlined herein followed. Final consummation of the exchange should be reviewed with the Assistant Secretary, Public Land Management.

"3. The proponent should be asked to undertake immediately identification of the lands he wishes to select and after such identification the Bureau of Land Management should, of course, review selections so as to minimize conflicts, and to assure that the land pattern remaining after selection will be consistent with management programs of the Bureau and other Federal agencies. These selections, which must be promptly made, should be related insofar as possible to the species, age, and other relevant factors appertaining to the offered timber lands.

"4. The Bureau of Land Management will, with the assistance of the National Park Service, and on a priority basis utilize the most competent of these agencies' appraisal talent available for the purpose, make an appraisal of the Point Reyes lands to determine their fair market value as of the date of approval of this memorandum. The Bureau of Land Management and the National Park Service in their appraisals will follow the usual procedures and apply the usual standards and shall make their final determination based on these standards and procedures. Any information the proponent desires to submit, which he believes pertinent to the determination, may be received and independently evaluated by the Federal agencies.

"5. Upon the identification of the selected lands by the proponent, the Bureau of Land Management with the assistance of the National Park Service, following the same procedures and standards, will make an appraisal of the selected lands and, in turn, determine whether the overall proposal meets the value requirements of Section 8(b) of the Taylor Grazing Act (43 U.S.C. 315g).

"Because of the demonstrably high degree of public interest and benefit in acquisition of the Point Reyes lands, this constitutes my approval, subject to compliance with the foregoing described procedure and determination that the requisite criteria have been met, for the consummation on a priority basis of the proposed exchange."

In January 1961, Mr. Sweet and two associates met in Sacramento, California, to discuss a possible land exchange with several NPS and BLM officials, including officials from BLM's California State Office, California Land Office, and the Portland Area Office. The properties at Point Reyes for which Mr. Sweet held options were physically inspected, and rough estimates were made of the value and of the quality of Bureau lands needed to make an equal value exchange. These estimates were based on an assumption that Mr. Sweet's option price was the fair market value.

On February 16, 1961, Mr. Sweet filed a formal application with BLM for the exchange of the 3,050 acres at Point Reyes on which he held options for about 9,680 acres of BLM lands in Del Norte and Humboldt Counties, California. The offered lands at Point Reyes consisted of two tracts—the Tevis property, about 2,150 acres, and the Stewart property, about 540 acres—located about 35 miles by road north of San Francisco. (See app. IV.) The Tevis property consists of grasslands, brushlands, and timberlands and contains three fresh water lakes of from 12 to 16 acres each and several smaller lakes and ponds. In addition, there are about 2 miles of Pacific Ocean frontage composed mostly of steep bluffs, which a BLM report describes as appealing and very aesthetic. The coastline of this property is used by seals as a breeding ground. The Stewart property consists primarily of timberlands and does not border on the Pacific Ocean.

On the basis of the evidence that we obtained, it appears that Mr. Sweet became interested in a land exchange through the suggestion of a non-Federal source, and we found no indications that Federal officials made improper commitments to Mr. Sweet before the filing of his land exchange application.

Value Established for Offered Lands

BLM personnel appraised Mr. Sweet's offered lands during the period February 10 through 20, 1961. The appraisal report, dated March 20, 1961, by the BLM California State Reviewing Appraiser, Ralph W. Collings, showed an estimate of value of $563,500 as of December 17, 1960. This evaluation included $369,000 for land, $156,900 for timber, and $37,600 for improvements. The report stated that this was the fair market value, defined as:

"Definition of fair market value (or market value) as used in this appraisal, is the amount of cash, or on terms reasonably equivalent to cash, which a property could be expected to bring within a reasonable length of time in an open market transaction between an informed, able and desirous but not anxious seller, and an informed, able and desirous, but not anxious buyer each acting in a prudent manner and free of compulsion."

The appraisal report indicated that the highest and best use of the lands was as follows:

"Tevis tract: The lands on the Tevis property involves ocean frontage, scenic lakes, timber and a variety of other characteristics. The Stewart property is a separate tract most of which is timbered or is cut-over timber lands. The tracts corner.

"As pointed out in the 'Field Data' section of the report, the Tevis tract is located on the west slope of the Inverness Ridge. The land is not in the direction of growth of intensive land uses. Moreover, the topography is not favorable to intensive type development. The present use of the property is as a week-end retreat by a wealthy land owner which conforms with the uses being made of some of the adjacent similar holdings. The limited conditions of ingress and egress further reduce the likelihood of intensive development in the foreseeable future. It is, therefore, concluded that the highest and best use of the non-timbered portions of the Tevis tract is for recreation of an extensive nature. The indicated value of the standing timber on the Tevis tract is $76,300, which exceeds the top value in the market for open type hill lands as can be seen by reference to Sale No. 1, involving the sale of a tract of rough hill land in the vicinity of Stinson Beach. Thus, it is concluded that the highest and best use of 408 acres of the Tevis property, delineated as timber sites, is for timber production.

"As to the 465 acres of denuded, cut-over areas, it is doubtful if these lands will reproduce timber in commercial amounts in the foreseeable future due to the predatory deer population and the encroachment of recreational land uses into the area. Thus, these lands are considered primarily valuable for future recreational needs.

"Stewart tract: Consists of the rough, rugged breaks high on the slope of the ridge that are both inaccessible and unfit for any type of intensive use in the foreseeable future. Some 200 acres of the lands carries a commercial timber stand estimated at $80,600. These lands as in the case of the Tevis timber are clearly more valuable for their timber than for any other valuable supportable in the market. All of the Stewart tract is either timbered or clear-cut. The denuded, cut-over portions are prospectively valuable for recreation but too rough and inaccessible for intensive type development in the foreseeable future."

The BLM report cited as authority for the appraisal (1) the Secretary's memorandum of December 17, 1960, (2) a memorandum from the BLM Director to the BLM California State Supervisor dated December 28, 1960, and (3) various verbal instructions from BLM area and State office lands staff. The memorandum of December 28, 1960, to the State Supervisor, R. R. Best, which was signed by BLM Acting Director, Charles P. Mead, outlined the steps necessary to comply with the Secretary's directive of December 17 and stated that the value established would not necessarily be the value used by BLM for its final determination. We were advised by Jean Dubois, BLM appraiser, that the verbal instructions were in answer to questions from the appraisers, which arose during the appraisal. He stated that one of the instructions concerned the date to be used for the appraisal and another concerned whether mineral rights were to be considered.

In a memorandum to the files, L. T. Main, Chief of the BLM Division of Appraisals, stated that on May 19, 1961, he discussed the valuation of the offered lands with Secretary Udall. Mr. Main's memorandum states, in part:

"The Secretary was appraised of the situation. He finds it difficult to reconcile the wide difference between the Bureau's [BLM] figures and the Sweet option and he is, of course, most anxious to obtain the Point Reyes Area through exchange if possible. * * *"

Because BLM's evaluation of the offered lands was substantially less than Mr. Sweet's option price for purchase of the lands, NPS hired a private fee appraiser to appraise the lands.

About May 19, 1961, Edward P. Morphy, realtor-appraiser of San Rafael, California, was engaged by NPS at the recommendation of the United States Attorney's Office in San Francisco, California, to appraise Mr. Sweet's offered lands. Mr. Morphy, a senior member of the American Society of Appraisers, submitted a report to the NPS Western Regional Office on June 20, 1961, with the opinion that the fair market value of the offered lands and improvements as of June 20, 1961, was $2,026,550, not including timber. The report stated that the market value was defined as follows:

"Market Value is the highest price estimated in terms of money which the land would bring if exposed for sale in the open market, with reasonable time in which to find a purchaser, buying with knowledge of all the uses and purposes for which it was adapted and for which it was capable."

Mr. Morphy considered the highest and best use of the (1) Tevis property to be (a) for a single-family gentleman's ranch or (b) for division into high-density residential tracts in some areas around the lakes and, in the balance, low-density gentleman's farm estates (2) Stewart property to be recreational or development into gentleman's estates ranging in size from 25 to 50 acres.

On June 29, 1961, E. T. Scoyen, Acting NPS Director, submitted the Morphy appraisal report to BLM Director Karl S. Landstrom for consideration and study. On July 10, 1961, Director Landstrom and members of his staff held a conference with NPS Assistant Director Jackson Price and other NPS officials to discuss the BLM and Morphy appraisals. An agreement was reached to have the two divergent appraisal reports reviewed by someone outside BLM. In commenting on Mr. Morphy's appraisal report, Mr. Main, the Chief of the BLM Division of Appraisals, advised Mr. Price, in a memorandum dated July 12, 1961, that (1) the report contained little correlation of the comparable sales presented with the land being appraised, (2) terms of sales were not given enough consideration—there was no indication that sales prices were adjusted because sales were for something less than cash, and (3) the topography was not given the consideration it should have. Mr. Main concluded by stating that, in order to properly evaluate the Morphy appraisal report, the reviewer of the two appraisal reports should compare each of these categories pertaining to Sweet's offered lands with comparable properties.

At the recommendation of BLM, John A. Carver, Jr., Assistant Secretary for Public Land Management, appointed George W. Mathis (now deceased), Chief Appraiser, Bureau of Indian Affairs (BIA), in July 1961, to review the appraisals made by BLM and by Mr. Morphy. We were advised that Mr. Mathis visited the Point Reyes site during his review. He also considered supplemental data of the nature requested by Mr. Main, which was furnished by Mr. Morphy on July 25, 1961. In the Reviewing Appraiser's Statement of the same date, Mr. Mathis states that Mr. Morphy's "report and supplemental information offers proper justification and support for the appraiser's value conclusions" and is approved in the amount of $2,026,550. Mr. Mathis states also that the Morphy report and supplemental information met the technical appraisal standards of the Department of the Interior.

On July 25, 1961, Mr. Morphy formally furnished to Mr. Carver supplemental data to his appraisal report. The information was furnished in reply to a previous request by Mr. Carver and through instructions given to Mr. Morphy by Mr. Mathis. The information pertained generally to the points raised by Mr. Main in his memorandum of July 12.

Mr. Carver discussed the Morphy report and supplemental data with BLM Director Landstrom and Mr. Mathis in Seattle, Washington, and on July 27, 1961, Mr. Carver informed Harold Hochmuth, Acting BLM Director, by telegram, that further negotiations pertaining to Mr. Sweet's land exchange proposal should proceed on the basis of a $2,026,550 evaluation for the properties at Point Reyes. Mr. Carver advised us that he had seen no reason to question Mr. Mathis' judgment; therefore, he approved the use of Mr. Morphy's valuation for further negotiations.

Mr. Dubois, BLM appraiser, advised us that BLM had not been able to obtain justification for Mr. Mathis' evaluation and that the primary difference in the values established by BLM and Mr. Morphy was in the estimate as to the best use of the offered lands. Mr. Dubois said Mr. Morphy made his appraisal on the basis that the best use for the land was for subdivision purposes, whereas BLM did not consider the area to be suitable for that purpose. Mr. DuBois stated that at the time the appraisals were made there were no subdivision developments in the area, although some efforts had been made by developers, and that BLM believed that winds, fogs, and generally rough terrain would prevent successful developments. Mr. Dubois stated further that, if the land could be developed as subdivisions, Mr. Morphy's evaluation would have been appropriate.

During 1963 Mr. Sweet's offered lands were appraised by three private fee appraisers engaged by NPS. Mr. Kornelis, NPS Realty Officer, stated that the appraisals were made to update the appraisals completed about 2 years previously and that three appraisals were made because of the difference in the BLM and Morphy appraisals. Pertinent data relating to the three appraisals follow.

1. (a) Name of appraiser—Edwin F. Jordan, Napa, California.

(b) Fair market values as of March 6, 1963—Tevis tract $1,806,600, Stewart tract $259,300.

(c) Highest and best use designation—residential and recreational.

2. (a) Name of appraiser—R. Dean Stahr, Napa, California.

(b) Market values as of May 1, 1963—Tevis tract $1,900,000 plus timber, Stewart tract $270,000.

(c) Highest and best use designation—recreational and subdivision.

3. (a) Name of appraiser—Walter F. Willmette, Stockton, California.

(b) Fair market values as of August 25, 1963—Tevis tract $2,000,000, Stewart tract $300,000.

(c) Highest and best use designation—for investment in its recreational potential and subdivision into country estates.

It appears that the three appraisers did not include the value of the merchantable timber.

Since the appraisal of land values involves many judgment factors, we were unable to determine with certainty whether the estimated valuation of the offered lands that was approved by Mr. Carver was the best estimate of fair market value. Notwithstanding, in making our examination, we reviewed the comparable sales considered by Mr. Morphy in establishing his valuation, which was the primary basis for the appraisal estimate of fair market value, and we could find no objection to the rationale used by Mr. Morphy.

In regard to the BLM appraisal of the offered lands, we observe that BLM's appraisal may have been conservative in that the highest and best use of the lands was judged to be for timber production and recreational use. There is some evidence that the highest and best use for part of the offered lands may have been for certain types of residential development; such evidence includes (1) the Morphy appraisal report, (2) the Mathis appraisal review report, and (3) the reports of three private fee appraisers obtained by NPS in 1963. It appears that if BLM had considered the offered lands appropriate for residential development it would have appraised the lands at a higher value.

Value Established for Selected Lands

In July and August 1961, BLM foresters from the California and Oregon offices were assigned to appraise the BLM lands selected by Mr. Sweet and instructed to appraise the land and timber at current market value on date of appraisal. On August 16, BLM Director Landstrom instructed the BLM California State Director to base the appraisal on a 100-percent cruise[1] of the timber. The California State Director was also instructed to consider comparable land transactions involving BLM, BIA, Forest Service, and possibly the State of California in establishing the market value. Lawrence L. Montross, Land Examiner, was placed in charge of the timber cruise and appraisal, and R. G. Carte was placed in charge of the land appraisal portion of the work. Messrs. Montross and Carte had worked on the appraisal of Mr. Sweet's offered lands.

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[1] According to the Chief, Forestry Staff, BLM, "timber cruising" is a system or method for estimating the quantity and quality of standing timber on an area. It is also known as "tree scale cruise." Gross volume is determined by measuring the diameter of the tree trunk at breast height, the merchantable height of the tree in logs of a given length, and an intermediate measurement upon the trunk of the tree to determine form or taper and thereby permit selection of a suitable board-foot table. Gross volume is reduced to net merchantable volume by deducting for defect and for breakage. Defect is determined from external characteristics of the standing tree; breakage estimation requires an intimate knowledge of timber and logging.

Mr. Sweet had selected about 9,680 acres of BLM lands with the proviso that revisions or additions could be made if necessary to produce an exchange of equal value. The BLM statement of appraised value; signed by Mr. Montross on November 30, 1961, stated that 3,808 acres of the selected lands had a fair market value of $2,014,900. In the BLM appraisal report, Neal D. Nelson, California State Director, stated that these 3,808 acres of selected lands were of equal value to the offered lands as appraised by Mr. Morphy. The report recommended approval of the exchange of 3,808 acres of selected lands for the Sweet properties and that the remainder of the selected lands in the exchange application be rejected as exceeding the value of the offered lands.

About September 1961, Mr. Sweet employed Frank and Dean Solinsky, Inc., of San Francisco, California, to cruise and appraise the BLM lands that he had selected and additions which he stated had been cleared of conflicts by BLM. Mr. Sweet hired the Solinskys on the recommendation of his attorney, but he also wrote to others for their opinion regarding the integrity and ability of the Solinskys. Mr. Sweet forwarded to Mr. Carver the replies from these individuals who stated, in general, that the Solinskys were highly qualified appraisers.

The Solinsky appraisal, dated January 9, 1962, valued 9,916.5 acres at $1,956,032. The appraisal report, a copy of which was forwarded to the Department, advised in part:

"Our timber estimates are based on a four run, twenty percent cruise. Accuracy of such a cruise will be variable on a small area but, in our opinion, is at least as accurate as a hundred percent cruise on a large area, particularly on one as large as this. We cruised all trees 11.1 inches in diameter and larger but only trees 18 inches and larger were considered merchantable. Cull trees and trees that could not be reached in logging were considered unmerchantable and not included. Since logs are sold in the region on a long log basis, our volume tables were based on a thirty-two foot log. While defect was eliminated no attempt was made to improve quality in the low grade logs by reducing volume—the so-called 'rough cut' as practiced by Bureau scalers. In addition to determining volume, we also log graded each Douglas fir, and tree graded the other species.

* * * * *

"In analyzing the problems peculiar to a liquidation of the BLM lands and timber, and after careful consideration of transactional and other data, we determined that the highest values would be achieved by putting the timber on the log market in an orderly manner. Whereas there has been some fluctuation in stumpage, the log market in Douglas fir has been reasonably stable in spite of the depressed lumber market. To this end, we made detailed estimates of cost to market for each timber parcel, and the sales value thereof from our quality study of the timber. The difference was considered stumpage without any allowance for profit. To this result we applied an arbitrary thirty percent discount to cover time of liquidation, hazard and risk, and taxes. Although you had suggested, in your [Sweet] letter of September 8, that it might take ten years to sell all the timber, it is our opinion that this can be accomplished somewhat sooner, even though the forecast for the lumber market is not promising. A total discount of thirty percent recognizes a rather short period of liquidation, particularly when such discount is coupled with a very real fire hazard and the other risks inherent in owning and liquidating timber."

The Chief of BLM's Division of Forest Management, Eugene V. Zumwalt, advised the Division of Appraisals on January 19, 1962, that the Solinsky appraisal had been reviewed and that in his opinion, because of the cruising standards and procedures used by the Solinskys, it was "inadequate in establishing a true market value for the properties involved." Mr. Dubois reviewed the BLM and Solinsky appraisal reports and advised BLM Director Landstrom by memorandum on February 6 that "I feel that from the evidence presented, the Bureau of Land Management appraisal reflects the fair market value of these lands."

On February 13 Mr. Landstrom forwarded the BLM and Solinsky appraisal reports to Assistant Secretary Carver together with Mr. Dubois' memorandum of February 6. On February 26 Secretary Udall was advised by memorandum from Mr. Carver of the principal differences in the two appraisals. The differences were summarized as follows:

"1. The BLM cruise was conducted on a 100 percent basis, whereas Solinsky's was a 20 percent 4-run (i.e., four runs through a section). I would expect that the BLM cruise would be more accurate in this case, as the size, according to Solinsky, of any contiguous parcel of land varied from 40 to 1600 acres. The total number of separate parcels valued by Solinsky was about 50.

"2. BLM cruised and included all timber beginning with the 12 inch D.B.H. [diameter-breast-height] class. Solinsky cruised all timber beginning with 12 inch D.B.H. class, but valued only that above 18 inches as being merchantable. The record does not disclose what volume BLM found between 12 and 18 inches. The reasoning behind Solinsky's valuing only 18 inches and up may be related, in part, to the California Forest Practice Rules. Briefly, the pertinent part of these rules provides that not over one-half of the trees between 12 inch D.B.H. and 18 inch shall be cut in any 10-year period beginning from the date of initial cutting.

"3. BLM cruised on the basis of 16 foot logs, whereas Solinsky cruised on the basis of 32 foot logs. Thirty-two foot log cruises will always benefit the buyer. On the average, use of the 32 foot log rule will show approximately 16 percent less volume than the 16 foot rule. However, it is in common usage in northern California.

"4. Solinsky's appraisal appears, although this is not completely definite, to be based on log values rather than on lumber values. BLM, in common with other Federal agencies, has generally moved from log values to lumber values as the starting point in their appraisal procedures. In other words, the end product value less the various costs of manufacture, transportation, logging, etc., provide a better basis for appraisal of stumpage. The log markets which were in very active use over a decade ago are no longer considered to be reliable in determining stumpage values.

"5. Solinsky applied a 30 percent liquidation discount factor. There appears to be some evidence, although this is not too positive, to indicate that Solinsky considered the 9,916 acres as one transaction thereby requiring a rather heavy discount for risk. This might be a common procedure for a large acreage of land and timber. On the other hand, BLM applied its appraisal to each separate parcel as a separate transaction."

Assistant Secretary Carver suggested that a departmental representative meet with the BLM appraisers and Mr. Sweet's appraisers to review the cruise data to determine whether there was any possibility for reconciliation. Secretary Udall approved this plan and on March 15 and 16, 1962, Assistant Secretary Carver and members of his staff met in Washington, D.C., with Mr. Sweet and his appraisers and with Joseph Dose, BLM Central Office, Division of Forest Management, and Larry Gangle who had been chief of one of the cruising parties. Correspondence indicates that the differences in the two appraisals were identified and discussed.

On March 27 Mr. Sweet advised Mr. Carver by letter that he had requested the Brookings Plywood Corporation, Brookings, Oregon, to cruise a 40-acre tract of the selected land which had been cruised by both BLM and the Solinskys in making their appraisals. Mr. Sweet advised that the volume estimated by the Brookings cruise was even lower than the Solinsky cruise. Mr. Sweet's letter showed that BLM had estimated the merchantable volume at 2,093,000 feet, the Solinskys at 908,000 feet, and Brookings at 867,894 feet. In his letter, Mr. Sweet suggested to Mr. Carver that the selected lands be reappraised by a well-qualified private firm that would be acceptable to him and at the same time meet all the Department's requirements.

As a result of Mr. Sweet's letter of March 27, Assistant Secretary Carver requested by memorandum of April 30 that BLM recruise the 40-acre parcel, which had been cruised by Brookings, using experienced cruisers who had not participated in the previous BLM cruise. Cecil Smith, BLM Oregon State cruiser, was selected to head the cruising party. A report on the recruise was submitted to BLM Director Landstrom on May 23, 1962, and it showed a net merchantable volume of 1,432,000 feet. BLM, therefore, recruised six other tracts which, for the most part, had been appraised by the same BLM cruisers who had cruised the 40-acre parcel. In each of the seven tracts that were recruised, the original cruise had shown a greater timber volume than that shown by the recruise. However, the volume shown by the recruise was still substantially more than that shown by the Solinsky appraisal.

Edwin Zaidlicz, Chief, Division of Resource Program Management, advised us that it was apparent that the errors in volume found on the seven tracts were due to the inexperience of the cruisers. We were advised by Mr. Montross that BLM did not recruise the remaining tracts of selected lands because it was felt that the original cruise on these tracts was accurate because the cruise had been performed by cruisers with more experience than those cruisers used on the seven tracts.

On July 10, 1962, Eugene Zumwalt, Assistant Director, Range and Forest Management Division, advised the BLM California State Director, Neal D. Nelson, to recompute the value of the seven tracts on the basis of the recruise and select other tracts to make up the deficiency in value. After the requested recomputation was made, 448 acres were added to the original estimate of 3,808 acres that were available for exchange. In July 1962, BLM Director Landstrom advised Assistant Secretary Carver that 4,256 acres of land, at a total value of $2,023,067, were available for the exchange.

By memorandum dated September 12, 1962, to the California State Director, Assistant Secretary Carver approved the valuation of $2,023,067 for 4,256 acres of the selected lands. In his memorandum, Mr. Carver advised that "Should Mr. Sweet elect not to amend his application within a reasonably prescribed period of time, there would then be no recourse but to reject such unperfected application as not being in the public interest because of unequal values." On about September 19 Mr. Sweet was advised of Mr. Carver's decision.

Because of the complex nature of the methods used for appraising timber values and the judgments involved in making such appraisals, our review did not include an examination into whether the BLM or the Solinsky valuation of the selected lands was more appropriate. Consequently, we are unable to conclude that the BLM valuation approved by Mr. Carver which was higher than that estimated by the Solinskys for the selected lands was the best estimate of fair market value.

Termination of Land Exchange Application

On September 24 Mr. Carver and two NPS regional officials, Laurence C. Merriam and Robert Luntey, met with Mr. Sweet to discuss the appraisals and cruises of the offered and selected lands. In a memorandum of the meeting, Mr. Merriam stated that the Department and Mr. Sweet were unable to come to an agreement.

On September 25 Assistant Secretary Carver, the two NPS officials, and BLM California State Director Nelson met with Dr. Joel Gustafson, President of the Point Reyes National Seashore Foundation. Mr. Merriam stated in his memorandum of the meeting that Dr. Gustafson was interested in meeting with the Assistant Secretary to urge him to consummate the exchange because he believed that it would be valuable in establishing a reasonable price per acre for Point Reyes lands. Mr. Nelson advised BLM Director Landstrom of the meeting and stated that no commitments had been made.

By letter dated February 28, 1963, Mr. Sweet was advised by Mr. Nelson that, unless his application was amended within 30 days of receipt of the letter to select only those lands (4,256 acres) determined by BLM to be equal in value to the offered lands ($2,023,067), it would be necessary to reject the exchange application. In a reply dated March 15, 1963, Mr. Sweet expressed his disagreement with the values established by BLM and requested an extension of time before rejection of his application. Extensions of time were granted by BLM until August 19, 1963, when Mr. Sweet's exchange application was considered terminated.

Summary of Observations

In summary, on the basis of evidence that we obtained, it appears that Mr. Sweet became interested in the proposed land exchange through the suggestion of a non-Federal source, and there are no indications that Federal officials made improper commitments to Mr. Sweet before the filing of his land exchange application. Because of the complex nature of the various methods used for appraising timber lands and the many judgment factors involved in making such appraisals, we are unable to state with certainty whether the estimates of value for the offered and selected lands approved by the Department were the best estimates of fair market value. BLM appraisers were apparently more conservative than the Sweet appraisers in estimating the value of the offered lands and more liberal in estimating the value of selected lands.

Informal proposal for land exchange filed under provisions of the Point Reyes National Seashore Act

This section of the report describes the events pertaining to the informal proposal for land exchange filed by Mr. Sweet under the provisions of the Point Reyes National Seashore Act. The questions and allegations listed below relating to this exchange proposal were included either in Senator WAYNE MORSE's letter of October 15, 1965, or in the attachment to the Senator's letter of June 2, 1966. (See app. I.)

1. Certain BLM lands in Oregon were nominated for consideration for exchange. Were there any actions taken in the valuation of these lands which were inimical to their being appraised at fair market value? Who were the specific officers who conducted and approved these actions?

2. In comparison with past exchange procedures, did Department or BLM officials impose "complete secrecy" on the proposed exchange of Oregon lands?

3. Did any officers of the Department initiate and participate in secret meetings in connection with the proposed exchange of Oregon lands and, if so, who were they and how, if at all, did their actions compromise the public interest? In connection with any aspect of the proposed exchange of Oregon lands, were there secret meetings of any sort held by persons in the United States Government or outside the United States Government that dealt with this exchange? If so, in the period through May 14, 1965, who held such meetings? where and when were they held? and who organized such meetings?

4. It is a fact that "about 8 weeks ago (i.e. prior to April 25, 1965), Charles Stoddard of the BLM came to Portland and got into the final detail of the swap?" Was "Sweet then told to choose lands from these areas that had been pulled out of the public domain as 'disposable' parcels"?

5. Is it correct that as of either February 1965 or April 1965, "Getty opposed the exchange" to his boss? Did "Getty and his staff . . . argue against the deal" in the February meeting?

6. Is it true that the use of Oregon lands for an exchange will disrupt "an excellent plan for management of this great national resource"?

7. Is it true that the exchange was "not given ample public notice"? Did Mr. Stoddard direct "that there be no public hearings" and was he "afraid of public scrutiny"?

8. Was this "one of the biggest deals made behind closed doors" as characterized by the Governor?

9. Was Mr. Getty "pretty well directed to classify them" (i.e., the 2,200 acres Mr. Sweet sought) by Mr. Stoddard?

10. Was it a fact, as both Governor Hatfield and Mr. Leiken charged, that "the BLM was buying Port Orford Banker William Sweet's $2 million Point Reyes lands with $3 million in BLM timber"?

Events Prior to Filing of Land Exchange Proposal

At the time Mr. Sweet filed the land exchange application under provisions of the Taylor Grazing Act in February 1961, he was interested in exchanging Point Reyes land for either California or Oregon timberlands. Since Mr. Sweet was a resident of, and owned a lumber mill in, Oregon, he had inquired as to the availability of the Oregon lands for an exchange. It was not until the Congress passed the Point Reyes National Seashore Act in September 1962, however, that authority was provided for the Department to exchange Federal lands in Oregon for private lands at Point Reyes. After negotiations to effect the exchange proposed under the provisions of the Taylor Grazing Act failed, Mr. Sweet expressed interest in exchanging his Point Reyes lands for 7,328 acres of timberlands in California and Oregon under the provisions of the Point Reyes National Seashore Act.

In a letter dated June 13, 1963, to the BLM California State Director, Neal D. Nelson, Mr. Sweet inquired as to "What public domain lands having timber of commercial value which are located in the Coos Bay, Oregon area are available for exchange purposes?" On June 18, 1963, E. J. Petersen, the BLM Acting California State Director, informed Mr. Sweet that his office did not have information regarding the status or availability of lands for exchange purposes located in the Coos Bay, Oregon, area. Mr. Sweet did continue to discuss from time to time with NPS California officials the possibility of effecting a land exchange under the provisions of the Point Reyes National Seashore Act.

The Acting California State Director, Nolan F. Keil, advised Director Stoddard by letter dated January 31, 1964, that in September 1963 he had been advised by NPS officials that they were negotiating for the purchase of Mr. Sweet's property. Mr. Keil advised further that NPS had stated in a memorandum dated October 25, 1963, that its appropriated funds had been depleted to such an extent that it could not purchase Mr. Sweet's property. In his letter, Mr. Keil also advised the BLM Director that NPS had indicated that it intended to seek the acquisition of Mr. Sweet's property by a land exchange under provisions of the act establishing the Point Reyes National Seashore.

On November 19, 1963, two NPS realty officials, Thomas Kornelis and Gordon K. Patterson, met with Lawrence Montross and Harry M. Miwa, BLM California officials, to discuss the appraisals of the lands involved in Mr. Sweet's exchange application under the provisions of the Taylor Grazing Act. BLM furnished to the NPS officials information on the BLM appraisals and also informed them the BLM would submit to NPS a listing of public lands in California which BLM considered suitable for exchange purposes.

Early in December 1963, Mr. Patterson, Assistant NPS Realty Officer, visited BLM offices in Oregon to determine what public lands in Oregon might be considered suitable for exchange under the provisions of the Point Reyes legislation. On December 6, 1963, Mr. Getty informed BLM Director Stoddard of Mr. Patterson's visit. Mr. Getty said that, during his visit to the Oregon State Office, Mr. Patterson was advised that all forested lands in western Oregon were under an intensive management program and that the disposal of any lands would reduce the sustained-yield allowable cut. Mr. Patterson was also advised that the State of Oregon had certain lieu selection rights and that, if public domain lands in western Oregon could be made available for a Point Reyes exchange, it would be difficult to reject the State selections for the same or similar lands. While at the BLM Coos Bay District Office during his visit to Oregon, Mr. Patterson requested a list of Oregon lands that might be available for land exchanges. The District Manager, B. T. Vladimiroff, declined to prepare a listing because of the urgency of other work, but he has stated that he believes he offered him a map identifying public lands in the area.

In a letter to Director Stoddard dated December 19, 1963, Mr. Getty discussed the availability of Oregon lands for exchange of Point Reyes lands, as follows:

"The Point Reyes matter has been discussed with the western Oregon district managers. None of them are currently in a position to list specific tracts which might be available for exchange. All of the forested public domain lands in western Oregon are included in the management plans. When the O&C and public domain lands were combined for management purposes in 1962 each piece of forested public domain land became a part of the whole. As a consequence, removal of any one piece would have an effect on the allowable cut.

"Furthermore, most of the public domain lands are so situated geographically or silviculturally that little of the total allowable cut will be taken from them for some time. The net result is that the O&C lands are currently bearing the allowable cut for the public domain. As a separate unit, therefore, the O&C lands are being overcut to the extent of the allowable cut for the public domain lands. This further accentuates the need to retain the forested public domain lands in BLM management.

"There were some 1000 acres of non-forested public domain which were excluded from the forest management calculations. A large percentage of these are located immediately adjacent to the Pacific shoreline. These have recreational value in place and therefore should not be transferred to private ownership. It is anticipated that several other of the non-forested parcels will be found to have recreational value and, consequently, should be retained.

"The remaining few non-forested parcels we believe will be found to have such low value as to be unacceptable to exchange proponents. It is our feeling, therefore, that there are no parcels of public domain in western Oregon that might be acceptable Point Reyes exchange lands."

In a letter to Mr. Getty, dated January 10, 1964, Irving Senzel, Chief of the BLM Division of Lands and Recreation, in reference to Mr. Getty's letter of December 19, 1963, stated:

"Regarding the availability of lands for possible Point Reyes and other exchange proposals, lands which your detailed analysis identifies as proper for title transfer could be listed. Such a listing is not to be considered as 'reserving' such lands for exchange; merely that the lands were available at that time the list was prepared.

"I understand California has prepared such a listing, by District, for State-wide use. They propose to make the listing a basis for satisfying outstanding scrip and selection rights, as well as the basis for State and private exchange proposals.

"No instructions have been issued as to the 'precedence' of Point Reyes legislation. Such work must be consistent with our total program."

NPS officials continued to discuss a possible land exchange with Mr. Sweet, and on February 19, 1964, Thomas Kornelis, Point Reyes Realty Officer, NPS, visited the BLM Coos Bay District Office and requested a listing of lands available for exchanges under the provisions of the Point Reyes legislation. The District Manager, Mr. Vladimiroff, furnished a map showing the location of BLM land and advised that the data requested could be obtained from the BLM land records. The District Manager also advised Mr. Kornelis that he could not make selections for NPS or for any individual. Later that day Mr. Kornelis visited the BLM State office to inquire about lands available for exchange and was advised that all forest lands in western Oregon were included in the O&C-CBWR forest management program and, therefore, were not available for exchange.

Despite the position taken by Oregon BLM officials during his visit, Mr. Kornelis suggested to Mr. Sweet that he (Sweet) select the Oregon lands that he desired. Mr. Sweet visited the Coos Bay District Office to discuss the availability of Curry County lands for an exchange. Mr. Sweet prepared a list of tracts of timberlands in Curry County, Oregon, which he considered to be isolated and believed would not be essential to BLM's management program.

On April 7, 1964, Mr. Sweet advised Mr. Kornelis that he had selected 2,360 acres of public domain lands in Oregon. In his letter Mr. Sweet advised:

"There is so much resistance in BLM in Oregon to any exchanges that I believe that you would be battled severely on any more Oregon lands than I have selected. This selection is mostly isolated parcels which have fairly high value, but are not connected to any concentration of BLM lands."

Mr. Sweet advised us that he discussed the possibility of his obtaining Oregon lands with the Curry County Court and that it had no objection to such an exchange. Mr. Sweet stated that he was a resident of the county and that he believed it would benefit the county for the selected lands to be in private ownership. Mr. Sweet also discussed with BLM Associate Director, Harold Hochmuth, the position of the BLM Central Office on his selection of Oregon lands for a possible exchange. In regard to his discussion with Mr. Sweet, Mr. Hochmuth advised Mr. Getty on April 14, 1964, that:

"I received a phone call from Bill Sweet regarding selected lands in Curry County. Mr. Sweet was inquiring, I think, on what attitude this office was taking on Point Reyes exchanges. I explained to him that under the regulations, the National Park Service would approach the appropriate State Director and inquire whether the State Director would classify certain lands for exchange. If the answer was in the affirmative, Park Service would then have submitted an exchange application. If the reply was in the negative, this would end the matter and no exchange application would be filed.

"This memorandum is for purposes of informing you that the decision is yours on Point Reyes exchanges in the State of Oregon and information to the contrary is incorrect."

On the basis of the above letter, it appears that, in April 1964, Mr. Getty had support from the Central Office for his position that western Oregon lands were not available for exchange.

On July 7, 1964, Mr. Sweet filed an informal proposal with NPS for exchange of his property at Point Reyes, which then consisted of about 2,450 acres of the former Tevis tract, for about 4,968 acres of land in California and about 2,360 acres in Curry County, Oregon. Most of the selected lands in California had been previously selected by Mr. Sweet for the exchange proposal under the provisions of the Taylor Grazing Act. Mr. Sweet advised us that he had purchased the Tevis property but had dropped his option on the Stewart property at Point Reyes. NPS records show that, January 1963, Mr. Sweet purchased the Tevis property, about 2,450 acres, for about $1.63 million.

It appears that, up to the time Mr. Sweet filed his informal exchange application in July 1964, NPS officials had actively promoted a possible exchange, whereas BLM officials had, on a number of occasions, shown reluctance to support an exchange. This reluctance to the exchange by BLM is also illustrated by a memorandum of November 6, 1964, from the BLM California State Director to the Western Regional Director of NPS which stated that a high percentage of the BLM California lands listed by Mr. Sweet were not available for exchange but that the BLM Ukiah District Manager was developing a list of areas which could be used for an exchange.

Knowledge and Views of Private Individuals and Organizations on Exchange Application

On August 4, 1964, the Western Forest Industries Association (WFIA), which has opposed any exchange of Federal timberlands in western Oregon, held a meeting at Gold Beach, Oregon, to discuss the proposed Sweet exchange. According to certain members of the Association, which describes itself as an organization of independent timberland owners, loggers, lumber manufacturers, manufacturers, remanufacturers, and distributors, they had known of the negotiations between Mr. Sweet and the Department for several years. Joseph W. McCracken, Executive Vice President of WFIA and former employee of BLM, stated that the Association meeting at Gold Beach, which he called, was held for the purpose of ascertaining the views of the lumbermen in Curry County in regard to the proposed exchange. Mr. Sweet attended the meeting at Gold Beach; however, BLM officials in Oregon and the Central Office stated that they were not aware that the meeting had taken place until several months later. A report of the meeting was printed in the local newspaper on August 6.

Mr. McCracken, who is a member of the O&C Advisory Board, stated that he had known about Mr. Sweet's first exchange proposal being unsuccessful but that he was shocked to learn in August 1964 of the new exchange proposal involving Oregon timberlands. As a member of both the O&C Advisory Board and WFIA, Mr. McCracken had favored what he believed to be a departmental policy that the O&C-CBWR and public domain lands of western Oregon were to be managed for permanent forest production under the principles of sustained yield and multiple use. Therefore, it appears that he was in opposition to BLM's transferring lands in western Oregon to private ownership. Leonard B. Netzorg, attorney for WFIA and who was formerly a BLM employee, advised us that the central point of the WFIA's opposition to the proposed Sweet exchange, as well as land exchanges in general, was as follows:

"When Federal lands that are under sustained yield management or are susceptible of and ought to be under sustained yield management, are exchanged for private lands in the interest of federal acquisition of a park or scenery, there is no assurance that the lands so disposed of will be managed under sustained yield. At this point the nation will have paid out its sustained yield timber production for scenery or a park.

"Certainly the United States is not so impoverished that it must pay for scenery and parks with its sustained yield program. * * * An honest purchase for cash, the price if necessary to be fixed by a United States Court, would allow the concept of sustained yield timber management to continue, treat the landowner fairly, and provide a park."

In August and September 1964, NPS was advised by several lumber companies in the Curry County area that they had no objections to the land exchange proposed by Mr. Sweet. On September 23, 1964, the Curry County Court advised NPS that it favored the exchange because of the potential increase in revenue to the county from placing these lands on the tax rolls and that local loggers were overwhelmingly in favor of the exchange. The Court administers the county business and is composed of a county judge and two commissioners.

In summary, we observe that, about September 1964, (1) several individuals and organizations in Oregon were aware of the Sweet exchange proposal, (2) the principal opposition to the exchange had been voiced by an official of WFIA, and (3) certain local interests in the Coos Bay area were in favor of the exchange.

Review of Status of Western Oregon Public Domain Lands

In a previous section of this report (see p. 29) we discussed the 1962 policy for the joint management of Federal forest lands in western Oregon. Our evaluation of the evolution of the policy indicates that there was not a common understanding among Federal officials of the nature of the commitments made, or intended to be made, in establishing the policy and filing for the withdrawal of the public domain lands. The principal point of misunderstanding was whether the intention of the policy, and the subsequent land withdrawal application, was to make the tenure of western Oregon public domain lands inviolable.

During 1964 Director Stoddard initiated actions to review the tenure status of public domain lands in Oregon. An analysis of these actions was prepared by Dale E. Zimmerman, Assistant Chief, BLM Lands Minerals Program Management. In his analysis, Mr. Zimmerman stated:

"In response to various instructional memoranda predating the Classification and Multiple Use Act, [approved September 19, 1964] the State Director, Oregon, was directed to begin an initial analysis of the public domain lands. This preliminary analysis placed an estimated 50,000 acres in western Oregon in a transfer category, that is, badly scattered, isolated lands more suitable for disposal than for retention and interim management.

"During the course of the three-way designation process the SD [State Director], Oregon, was repeatedly directed to make a comprehensive review of all the western Oregon scattered public domain for disposal or retention for interim management.

"In November 1964 the Director advised the SD, Oregon, of his interest in a review of the land status of public domain in western Oregon to determine if there were not some tracts not needed for management purposes which might be used for exchange considerations.

"In December 1964 the Director again consulted with the SD, Oregon, regarding a need to consider the land use designations in western Oregon. The Bureau position was that various laws and Departmental policy permitted use of public land to advance other Departmental programs, including acquisition of lands within the Point Reyes National Seashore. A position paper dealing with the subject was developed to guide the SD, Oregon, in his land tenure adjustment program. Among other things the position paper noted that land tenure adjustments by means of exchange are critical for several reasons, namely, to (1) the BLM management program, (2) eliminate continuing situations of irritation involving States, local governments and other agencies, and (3) maintain mutual confidence among agencies as to the bona fides of the Bureau's cooperative efforts. Also, it is necessary that the Bureau's exchange programs give first priority to the primary purpose of the exchange laws, that is, to enable consolidation of (1) the public domain; (2) the intermingled holdings of the several States, and (3) the holdings of the users of the public domain. However, other objectives of the exchange program must not be overlooked and must be given such attention as each situation calls for."

Mr. Stoddard stated to us that he agreed with the information presented in Mr. Zimmerman's analysis.

A. Robert Smith, Washington correspondent for the Portland "Oregonian" and other Pacific Northwest newspapers, advised us that Mr. Getty, about April 26 to 30, 1965, gave him information as to his (Getty) understanding of the review of the tenure status of Oregon public domain lands. Mr. Smith made the following notes of the information given to him by Mr. Getty:

"In late November or early December 1964—Robert Wolf, Stoddard's assistant, arrived in Portland. While there was called by Stoddard and directed to find some land they might swap in Oregon for Sweet's Pt. Reyes property. Stoddard told him not to let Getty do it or it wouldn't be done. Wolf didn't follow it up. Getty was surprised at this directive, for previously when Stoddard was in Portland and was asked by BLM people about the Sweet exchange they were told to drag their heels and kill it that way.

"December 1964—Getty called to Washington. Stoddard told him that the Sierra Club and Nature Conservancy people had been in from California putting pressure on him to make a deal with Sweet in behalf of Pt. Reyes. He said they first went to Carver, the assistant secretary who was about to become undersecretary, and Carver blew his stack at their pressure. Stoddard was amenable and directed Getty to see if he could find some land for Sweet. Getty said he'd see what he could do, but he didn't intend to do much.

"Some background at this point is necessary. Earlier this year (1964) BLM state directors were told to work up a plan for placing all their lands into three categories: resource management units that were well blocked up; cooperative units which other agencies or the states or counties might agree to manage for them; and transfer lands to be used as trading stock with intermingled private or state holdings. The Oregon office submitted its report and map in October, 64. It listed 14,935,000 acres in management areas and 490,000 acres in transfer status. Of the transfer lands, 440,000 were in eastern Oregon: 160,000 acres in the Baker district; 50,000 Prineville, 75,000 Vale, 127,800 Burns, 30,000 Lakeview; and 49,620 acres in western Oregon—45,000 in the Medford district, 4500 in Roseburg district and 120 in Coos Bay.

"Getty says none of this transfer land in western Oregon was considered disposable by his office because they thought all their timberland, both O&C and public domain, should be retained under federal management. They understood that transfer meant possible exchanges with adjacent private owners to block up holdings; consequently some of the 50,000 acres of western Oregon transfer lands includes some O&C lands in the Medford district.

"This report and a map reflecting it were sent to Washington in October and approved in routine fashion, Getty says, and the map returned to his office. During preparation of this report a team from Washington visited Portland to see that it was being performed properly. He said the team agreed that no western Oregon lands were to be considered for disposal."

Considering in total the information that we obtained, it appears, at that point in time, December 1964, that Director Stoddard had taken the position that some western Oregon public domain lands were suitable for disposal rather than for retention. He apparently believed that lands placed in the transfer category, which was established by BLM to comply with the provisions of the Classification and Multiple Use Act, would be given consideration for disposal. BLM records indicate that lands in the transfer category were considered available for disposal for a number of purposes, including trading stock to block up existing BLM holdings; to acquire lands for other Federal purposes, such as parks; or to satisfy State land selections. Inherent in Mr. Stoddard's position was, therefore, an abrogation of the commitments of the 1962 joint management program for Federal lands in western Oregon, as understood by Mr. Getty and certain Oregon interests, since a decrease in the total acreage of public domain timberlands would result in a reduction of the joint annual allowable timber cut.

It appears also that at that time Mr. Getty did not believe that lands included in the transfer category would be used for any purpose other than for exchange to block up BLM lands. Therefore, if the lands in the transfer category were used only for block-up purposes, the total public domain acreage would remain stable and the allowable cut would not be jeopardized. Consequently, Mr. Getty believed that the commitments, as he understood them, of the 1962 western Oregon joint timber management program remained in effect.

On the basis of the information obtained during our examination, we are unable to evaluate the propriety of either the position taken by Mr. Stoddard or that taken by Mr. Getty.

Meeting of February 10, 1965, in Portland, Oregon, and Related Events

On February 10, 1965, Messrs. Stoddard, Getty, and Vladimiroff met with Mr. Sweet and Mr. McCracken in the State Director's office in Portland, Oregon, to discuss the land exchange proposed by Mr. Sweet. We were advised that the meeting was arranged by Mr. Getty at Mr. McCracken's request. Director Stoddard advised us that he had not known that Mr. McCracken would be present or that Mr. McCracken had initiated the meeting. Director Stoddard advised us also that at that time he had his first and only meeting with Mr. Sweet and that prior to the meeting he had not seen Mr. Sweet's proposal and was not aware of the lands that Mr. Sweet was interested in obtaining.

In a memorandum of the meeting, Mr. Sweet commented that Mr. McCracken expressed objection on the part of his organization, WFIA, to any land exchange that would reduce the allowable cut on lands administered by BLM in Oregon. The possibility of using lands in the State of Washington for exchange purpose was suggested by Mr. McCracken. Mr. Stoddard, who advised us that he stayed at the meeting for only about 15 minutes, pointed out that scattered lands outside determined administrative units were available for exchange in keeping with BLM's overall policy. Mr. Sweet also stated that it appeared there was strong resistance among BLM field personnel to any exchange of Federal forest lands, excepting perhaps public domain lands in Washington. Mr. Getty said that he had not seen Mr. Sweet's informal proposal prior to the meeting. Memorandums concerning the meeting indicate that Mr. Getty and Mr. Vladimiroff were apprehensive with regard to the exchange.

On February 12, 1965, Mr. Kornelis, the NPS Point Reyes Realty Officer, forwarded to Mr. Getty a copy of the informal proposal for land exchange which had been filed by Mr. Sweet in July 1964. Mr. Kornelis informed us that he had probably forgotten to send a copy of the exchange proposal to BLM officials in Oregon before February 1965 because he was hopeful that the lands selected by Mr. Sweet in California would be sufficient to make the exchange. Mr. Kornelis stated also that, because of the opposition in Oregon to exchanging Oregon timberlands, Mr. Sweet had agreed to give first priority to the California land and, therefore, negotiations had been conducted on that basis up to that time.

Mr. Getty forwarded Mr. Sweet's informal proposal to Mr. Vladimiroff on February 12, 1965, with a request that he check the land descriptions against the delineated resource management area units and give recommendations for reevaluating boundary lines for the units. Mr. Getty also advised:

"It may be necessary to have a conference on this matter before written recommendations are made. I would like to point out that Mr. Sweet advised that he has written a letter to the National Park Service indicating his first priority is the California lands. He will then be interested in Oregon selections adequate to balance out unsatisfied values."

Mr. Vladimiroff advised Mr. Getty by memorandum on February 16, 1965, that Mr. Sweet's informal proposal would substantially interfere with a balanced program of management unit planning under the resource management concept, as well as remove heavily timbered stands from the allowable cut. In addition, he advised Mr. Getty that the selected lands contained an estimated 90 million board feet valued at approximately $3 million, and all but 80 of the 2,240 acres selected by Mr. Sweet were within previously established planning unit boundaries. We were advised by Mr. Edwin Zaidlicz, Chief, Division of Resource Program Management, that the $3 million valuation was based on a BLM timber volume inventory, which is prepared every 10 years and which is updated annually on the basis of the estimated growth. The 10-year inventories are based on sample cruises and are made in order to estimate the total timber volume for use in determining the annual allowable cut. A BLM official stated that the inventories are not made for the purpose of determining values to be used in timber sales or land exchanges.

By letter dated February 18, 1965, Mr. Getty forwarded Mr. Vladimiroff's February 16 memorandum to the Central Office and advised Director Stoddard of his views on the Sweet exchange as follows:

"Enclosed is confirmation of our telephone conversation this date relative to the Pt.

Reyes National Seashore and copies of our correspondence with Mr. Sweet. Also enclosed is a detailed map showing the resource management area planning unit boundaries and the fragmentary land pattern boundaries both of which are considered by the district to be retention areas. It is a fairly simple matter to draw the boundaries as you instructed me to do to exclude a substantial part of the Bill Sweet selection. Also, I think it would be difficult to make a case for retention of these lands in Government ownership from the standpoint of their effect on the total allowable cut.

"I am enclosing the district manager's memorandum transmitting the map in which he advises that these lands are critical to the total management of the area. Also, I am enclosing a copy of a report received from the National Park Service with attached letters from the County Court and local mills subscribing to the Sweet proposal. The problem is a great deal larger than this immediate selection by Mr. Sweet.

"I feel that this whole matter could have been handled to the satisfaction of all parties concerned if this office were delegated full authority to negotiate it out through public hearings and some commitment relative to our management plans in western Oregon. It was my intent to use the hearing device to accomplish what I thought you and the Secretary required of us. However, with the somewhat obvious lack of confidence which has become evident to Mr. Sweet, our capacity to settle the matter is almost entirely negated. The State lieu selection is indirectly involved although it is in no way controlling. We have recommendatons on the State lieu selection and the proposed withdrawal of public domain lands of western Oregon for the purpose of integrating these lands with the O&C in your office at the present time.

"We would like an opportunity to discuss these two matters with your office before any definitive action is taken in case there is any lack of communication on how we plan to proceed in what we consider to be in the public interest."

In the confirmation of the telephone conversation that Mr. Getty referred to in his letter, Mr. Getty stated:

"The Director inquired about the outcome of the conference with Mr. William Sweet relative to his application for lands in Oregon in satisfaction of the Pt. Reyes National Seashore. I advised that Mr. Sweet preferred land in Oregon over land in California and was only mildly interested in the State of Washington if legislation could be changed to provide for it. I also advised the retention boundary lines drawn on the map by the district, approved by the State Office and confirmed by the Director's office left only two small parcels of land selected by Mr. Sweet outside the boundary lines. The Director advised me that this was unreasonable and instructed me to personally redraft the boundaries to provide for a substantial selection by Mr. Sweet outside retention areas and also advised that he did not intend to give Mr. Sweet the impression that these boundaries as now shown on the map are inviolate. We discussed a public hearing and the Director stated that a public hearing should not be held, since this was a matter on which an administrative decision will and should be made. The Director instructed me to send him copies of exchange of correspondence between Mr. Sweet and myself resulting from our meeting of February 10."

The exact nature of Director Stoddard's instructions to Mr. Getty concerning the redrafting of retention boundaries for western Oregon public domain lands is not clear from the statements given. Mr. Getty said that Director Stoddard instructed him to personally redraft boundaries to provide for a substantial selection by Mr. Sweet outside retention areas. Mr. Stoddard contends, however, that he told Mr. Getty that the boundaries were to be redrafted in accordance with BLM instructions for the implementation of the Classification and Multiple Use Act and said that any lands that fell outside of such boundaries could be considered for exchange.

In commenting on Mr. Getty's suggestion to hold public hearings on the Sweet exchange, Director Stoddard advised us that his position was that there was a proper time for public hearings and this should occur only after a firm proposal for an exchange had been made and reviewed, which was the accepted procedure. The BLM Director said that the administrative procedure is to advertise exchanges when negotiated, open the record, and hold public hearings if the facts warrant. Mr. Stoddard stated that in the case of exchanges involving over $250,000 in value, such as the Sweet exchange, hearings would be held only after secretarial approval had been obtained.

By memorandum dated February 18, 1965, Director Stoddard advised the California and Oregon State Directors as follows:

"Because there is some possibility that a satisfactory exchange may be arranged for the properties now held at Point Reyes by A. W. Sweet, involving isolated tracts in both California and Oregon, close coordination between the two State Directors and between the Bureau of Land Management and the National Park Service is essential. In order to effect this coordination at the least possible cost, I hereby designate the State Director for California to represent the BLM in negotiations with the NPS concerning any A. W. Sweet proposal.

"To enable the State Director for California to present to the NPS an official list of available lands, the State Director for Oregon will submit to the State Director for California, by March 1, 1965, a list of lands available for exchange in the following townships in Oregon:

"*Willamette Meridian:* T. 35 S., R. 13 W., Ts. 31 S.–39 S., Rs. 14 W. and 15 W.

"The identification of available lands will be based on the principles discussed in the December 1964 meetings in Washington, D.C., in which the State Director for Oregon; the Oregon Chief, Division of Lands and Minerals; and the Chief, Division of Lands and Minerals Standards and Technology participated. The discussions were based on the Position Paper for Discussions—State Director, Oregon, and Oregon Chief, Division of Lands and Minerals.

"By March 15, 1965, the State Director for California will transmit to the Superintendent, Point Reyes National Seashore the above list and lists of lands in northern California available for Point Reyes exchanges. All procedures thereafter will be consistent with the procedures prescribed for Point Reyes exchanges and with applicable regulations."

On February 26, Mr. Getty submitted to the BLM California State Director a list of Oregon lands, consisting of 2,280 acres, "which appear available for exchange in satisfaction of the acquisition of lands in the Point Reyes National Seashore." A list of Oregon lands, consisting of 2,200 acres, was forwarded to Mr. Kornelis by the California State Director on March 17. On March 23 Mr. Kornelis advised Mr. Sweet that, except for the 160 acres, the Oregon lands selected in his informal application were available for exchange under the Point Reyes Act. Mr. Stoddard stated to us that he had not known until it was mentioned in the newspapers in April 1965 that the list of Oregon lands sent to the BLM California State Director on February 18 by Mr. Getty consisted of most of the lands selected by Mr. Sweet.

One of the severest criticisms later made of Director Stoddard in regard to the proposed Sweet exchange was that the matter was not opened for public discussion. Since Mr. Sweet had not filed a formal land exchange application, the proposed exchange, in our opinion, had not progressed to a point where public discussion would have been useful. Critical unknown factors, in February 1965, were the current valuations of (1) the offered lands, (2) the selected lands in California, and (3) the selected lands in Oregon; in fact, it was not known how much Oregon lands, if any, would have been required to make the exchange.

Development of Furor Over Proposed Exchange

On April 25, 1965, an article by Gerry Pratt appeared in the Portland newspaper, "The Oregonian," which referred to the proposed Sweet exchange and indicated that it was part of a "move to 'dispose' of public domain lands in Oregon." The article stated that the move involved "some 464,000 acres and it threatens to upset the entire sustained-yield program of the public domain and O&C lands in the state." The following day allegations of improprieties in connection with the Sweet land exchange proposal appeared in Oregon newspapers. We were advised that the source of Mr. Pratt's story was Mr. McCracken. We did not determine if Mr. McCracken obtained this information at the February 10 meeting in Portland or from some other source or sources.

In a telegram to Secretary Udall on April 26, 1965, in regard to the proposed Sweet exchange, Oregon Governor Hatfield called on Secretary Udall for "a personal investigation into this matter and a revelation of the full facts of the case for public view." The Governor's Executive Assistant, Warne Nunn, advised us that the first notice the Governor's office had of the proposed Sweet exchange was on April 21, 1965, when Mr. Nunn attended a meeting at the invitation of Hardy Glascock, a member of the O&C Advisory Board. Mr. Nunn stated that among those in attendance at the meeting were AL ULLMAN, Member of Congress; Mr. McCracken, WFIA; Darrell Jones, President of the O&C Advisory Board; and other O&C Advisory Board members. Mr. Nunn said the meeting was devoted to discussing the announced transfer of Mr. Getty to another BLM duty station. He said that the full history of the proposed Sweet land exchange and its relationship to the transfer of Mr. Getty was discussed at the meeting and that these events were the basis for the Governor's telegram to Secretary Udall.

In a telegram to Governor Hatfield on April 27, 1965, Secretary Udall denied the allegations being made and pointed out how existing laws and Federal regulations would prevent the alleged secret deals from being made. He further stated:

"You further imply that proposed exchange is highly unusual and evidences undue burden on Oregon. This is but one of nearly twenty Point Reyes exchange proposals which are under consideration in the Department. California lands are primarily involved, but interest in Nevada and Arizona substantially exceeds that in Oregon. In fact, the only major transaction to date involved Arizona public domain area three times the size of Oregon proposals and was approved only after careful scrutiny by Department and responsible Congressional interests.

* * * * *

"What has happened to date is that a Point Reyes land owner and operator has inquired as to availability of Oregon public domain lands as basis for exchange under specific policy language of Point Reyes Act. In response, BLM has listed scattered partial sections which it has determined not to be essential to Bureau management programs in the area. If and when exchange proponent selects any tracts from list and files formal application, BLM must review and classify for disposal. Only then will an appraisal be made and determination reached as to whether values will support exchange on fair market value basis.

"Impact of disposing this relatively small acreage on total allowable cut from O and C and public domain lands in western Oregon will be a factor in ultimate determination whether exchange is in public interest. Tentative Bureau conclusion that it is will undergo further examination and certain tracts have already been withdrawn on basis timber sale plans, State selection application, etc."

The critics of the proposed exchange of western Oregon public domain land for private land at Point Reyes presented a number of reasons for their opposition. However, the principal issue involved in the furor over the exchange appears to us to be the potential effect that the proposed Sweet exchange, or similar future exchanges, might have on the annual allowable cut from Federal timberlands in Oregon. The interests of that part of the timber industry, as represented by WFIA, which depends generally on Federal timber for their operations and, to a certain extent, the counties receiving a portion of the income from the sale of Federal timber, could be adversely affected by significant reductions in the annual allowable timber cut. It appears that some of those opposed to the proposed exchange believed that it was the policy of the Department that under no circumstances would the amount of the allowable cut be jeopardized by the disposal of Federal lands. Therefore, they strongly objected to the proposed Sweet exchange, criticized Director Stoddard for considering such an exchange, and supported Mr. Getty because he opposed the exchange.

Termination of exchange negotiations

Allegations continued to be made in Oregon newspapers and on May 7, 1965, Under Secretary Carver announced that a public meeting would be held in Portland on May 14 to discuss Department land policies. Under Secretary Carver advised us that on the evening of May 13 he attended a meeting in Portland which he characterized as private but not secret. Mr. Carver said that he had requested this meeting in order to get some of the "cooler heads together to discuss the issue" and that he was the only departmental representative in attendance. He stated that among the other participants were former Oregon Governor Charles A. Sprague; members of the O&C and State Advisory Boards; a member of Governor Hatfield's staff, whom he believed to be Warne Nunn; and Mr. Pratt, Business Editor for The Oregonian. Mr. Carver stated that this meeting was not the type of meeting where decisions could be made and that it had no effect on later proceedings on the matter.

In the morning of May 14 a joint meeting of the O&C Advisory Board and the Oregon State Advisory Board was held in Portland. At this meeting statements were presented by Governor Hatfield, Director Stoddard, Mr. Getty, and others. After discussing the issues, the two advisory boards passed a joint motion that a recommendation be made to the Secretary that he reaffirm the publicly announced policy that the O&C–CBWR and public domain lands in western Oregon be managed as one under a common standard for permanent forest production and under principles of sustained yield and multiple use. Later in the day a public meeting was conducted by Under Secretary Carver, and all interested persons were invited to present their views.

In answer to a question at a press conference on May 27, 1965, Secretary Udall stated:

"Well, I think it's safe to say that as a result of the meetings that Secretary Carver and Mr. Stoddard held in Oregon two weeks ago that this exchange is a dead-letter at the present time."

He further stated that "we haven't made any long-term decisions with regard to exchange in Oregon or elsewhere under this program."

Summary of Observations

Mr. Sweet initially showed interest in exchanging his optioned lands at Point Reyes for Oregon lands in 1961. When NPS could not acquire Mr. Sweet's land by exchange under the provisions of the Taylor Grazing Act or by purchase with appropriated funds, NPS advised BLM that it intended to seek the acquisition of Mr. Sweet's property by a land exchange under the provisions of the Point Reyes National Seashore Act. This act provided authority for the exchange of Federal lands in Oregon for private lands at Point Reyes.

The question has been raised as to whether any actions were taken in the valuation of the selected Oregon lands that were inimical to their being appraised at fair market value. Our examination disclosed that the only action taken relating to land valuation concerned Mr. Vladimiroff's advice to Mr. Getty on February 16, 1965, that the selected lands contained an estimated 90 million board feet valued at approximately $3 million.

Mr. Vladimiroff's valuation, however, was based on the type of timber inventory that is made to estimate the total timber volume for use in determining the annual allowable cut and is not made, according to BLM officials, for the purpose of determining values to be used in timber sales or land exchanges. In our opinion, the furnishing of this information to Mr. Getty was not inimical to the lands' being appraised at fair market value at a later time.

We found no evidence, in comparing this exchange with past exchange procedures, that Federal officials imposed secrecy on the proposed exchange of Oregon lands. Public hearings were not held on the proposed exchange because Mr. Stoddard believed that there was a proper time for public hearings and that the hearings should occur in line with accepted procedures only after a firm proposal for an exchange had been made and reviewed. Regulations for land exchanges under authority of the Point Reyes National Seashore Act provide that a formal application for exchange be filed and that one of the subsequent requirements be a public notice of the proposed exchange. It is noted that Mr. Sweet had not, at the time the charges were made, filed a formal exchange application. In view of the aforementioned, we believe that a characterization of the proposed Sweet exchange as being "one of the biggest deals made behind closed doors" is not appropriate. In addition, our examination showed that, less than a month after Mr. Sweet filed his informal land exchange application with NPS, several individuals and organizations in Oregon were aware of the application and a local newspaper reported the events of a meeting at which the proposed exchange was discussed.

Relative to the various alleged "secret" meetings held on the proposed exchange, we have included in the text of this section a description of the meetings that came to our attention. We believe that none of the meetings could properly be characterized as secret. However, we have no way of knowing what additional meetings, if any, transpired.

We believe that the allegation that the final details of the Sweet exchange were to be completed during Mr. Stoddard's visit to Portland in February 1965 is invalid since Mr. Sweet had not, at that time, submitted a formal exchange application. Regarding the charge that Mr. Sweet was told in February 1965 to choose lands from areas that had been pulled out of the public domain as disposable parcels, our examination showed that Mr. Sweet had personally made a selection of lands that he had described during the previous year. This list was made at the suggestion of Mr. Kornelis of NPS. Our examination indicated also that Mr. Getty and Mr. Vladimiroff were apprehensive with regard to the Sweet exchange during the February 10 meeting in Portland.

The question as to whether the use of Oregon lands for an exchange would disrupt "an excellent plan for management of this great national resource" is a matter of subjective opinion. We believe that it is pertinent to consider that Mr. Getty advised Mr. Stoddard in his letter of February 18, 1965, that "it would be difficult to make a case for retention of these lands in Government ownership from the standpoint of their effect on the total allowable cut." It was possible that a precedent might have been set by the Sweet exchange which could have influenced additional exchange proposals affecting the management plans. There was also evidence that earlier (December 1963) Mr. Getty believed that a decrease in the total acreage of public domain lands would constitute an abrogation of the 1962 joint management program.

The exact nature of Director Stoddard's instructions to Mr. Getty concerning the redrafting of retention boundaries for western Oregon public domain lands is not clear from the statements made. Therefore we could not determine if Mr. Getty was "pretty well directed to classify them" (i.e., the 2,200 acres Mr. Sweet sought) by Mr. Stoddard. Mr. Getty contended that Director Stoddard had instructed him to personally redraft boundaries to provide for a substantial selection by Mr. Sweet outside retention areas. Mr. Stoddard contended that he had instructed Mr. Getty that the boundaries should be redrafted in accordance with BLM instructions for the implementation of the Classification and Multiple Use Act and that any lands that fell outside of such boundaries could be considered for exchange.

We believe that one of the major charges involved in this exchange was whether the Federal Government was exchanging $2 million worth of Point Reyes lands for $3 million worth of BLM Oregon land. This charge appears to be somewhat premature since (1) a formal exchange application had not been made, (2) the offered and selected lands had not been currently appraised, (3) it had not been known whether the selected lands to be exchanged would include part or all of the California lands, California lands and part of the Oregon lands, or all of the California and Oregon selected lands, (4) various other exchange procedures, including public notice, would have been necessary, and (5) the lands had been evaluated at over $250,000 and secretarial approval would have been necessary.

General questions pertaining to matters relating to the land exchange proposals

General questions pertaining to matters relating to the land exchange proposals listed below were included either in Senator MORSE's letter of October 15, 1965, or in the attachment to the Senator's letter of June 2, 1966. (See app. I.) Our observations follow each of the questions.

1. Exchanges, including the negotiations leading to their acceptance, are conducted according to established procedures or regulations. Were there any actions taken, and if so by whom, which, as of approximately April 15, 1965, jeopardized the public interest by compromising the ability of the Department of the Interior to subsequently either obtain fair market value or carry out authorized activities effectively?

Our review of matters pertaining to the proposed land exchanges disclosed no evidence of actions on the part of Federal officials which we consider improper in the conduct of the negotiations for the exchanges or in the establishment of values for the offered and selected lands. We believe, however, that it is a matter of subjective conjecture as to whether the public interest was served or jeopardized by the different positions taken by Mr. Stoddard and Mr. Getty, except in those cases where their actions may have contributed to a misunderstanding of the issues involved.

2. Is there any reason to characterize the conduct of Department officials, and if so which ones, as to the entire matter as "real smelly" as claimed by Darrell Jones?

We believe that subjective opinions are involved in such a characterization and therefore we have no comments to make.

3. Was the Department less than honest in its statement of events as of April 28, or later, to the Oregon delegation? If so, which Department officials made less than honest statements of events?

We believe that these questions are too broad in scope to attempt specific comments. However, we believe that most of the pertinent matters involved in the questions are discussed in this report.

4. Were BLM's answers to Governor Hatfield's "Questions and Statements" as found in appendix D of the May 14 meeting correct—or is the Governor correct?

Governor Hatfield's questions were generally in regard to the considered being given by BLM in classifying Oregon lands for disposal under the Classification and Multiple Use Act, to the State of Oregon lieu land selections, to the BLM policy of joint management of public domain and O&C–CBWR lands, and to the notification to a State of a land exchange. We reviewed BLM's answers to Governor Hatfield's questions and consider that the answers were essentially correct. Most of the principal elements of the Governor's questions are considered in this report.

5. Specifically and especially, was Mr. Stoddard's letter of April 30, 1965, to Senator MORSE essentially correct?

Mr. Stoddard's letter of April 30, 1965, contained background information on Mr. Sweet's proposal for exchanging his land at Point Reyes for BLM lands in California and Oregon and a statement of facts in answer to the numerous allegations that had appeared in the press. We have reviewed the text of the subject letter and it appears to be essentially correct. In addition, most of the principal matters discussed in the enclosures to Mr. Stoddard's letter are considered in this report.

6. Were there any actions on the so-called "Sweet swap" or related matters by any Department officials, and if so by whom, which form a basis for classifying their offenses as:

(a) Malfeasance in office.

(b) Corruption.

(c) Mismanagement of public business.

(d) Conduct unbecoming an official by either making or permitting false charges to be made about public business.

We noted no actions by Federal officials concerning the land exchange negotiations that we are in a position to characterize as malfeasance in office, corruption, mismanagement of public business, or conduct unbecoming an official by either making or permitting false charges to be made about public business.

7. Was "the meeting in Portland [February 10, 1965] with Stoddard the first time anyone outside BLM had heard about 'disposable' lands or about a proposed project to dispose of some 11 million acres in all, 646,000 of them in Oregon"?

In regard to the 11 million acres, Director Stoddard, in public hearings before the Subcommittee on Public Lands, Committee on Interior and Insular Affairs, United States Senate, stated, as early as June 29, 1964, that "At this time, our crude estimate, * * * [is] 10 million acres in the transfer areas." These hearings were held to consider matters pertaining to the enactment of the Classification and Multiple Use Act and the establishment of the Public Land Law Review Commission.

In regard to the 646,000 acres, which appears to be a numerical error, Director Stoddard, in a joint meeting of the O&C Advisory Board and the Oregon State Advisory Board on May 14, 1965, stated:

"These four hundred and ninety thousand acres were lands that fell outside of the blocks that our staff drew. That's all that has happened. There were scattered lands, outside. They have not been put up for anything except consideration of what do we do. This was our effort to try to respond to the Classification and Multiple Use Act, which said try to make some criteria for—for this classification.

"These lands are not disposition. They are lands that fell outside of our principal blocks."

8. Had the 11,000 acres of Oregon land, as claimed by the Governor, actually been declared disposable?

We were not able to identify specifically the 11,000 acres that the Governor referred to in this question; however, these acres could have been a combination of (1) Mr. Sweet's informal exchange application for 2,360 acres; of which 2,200 acres appeared available for exchange, and (2) State of Oregon indemnity selection applications for 8,706 acres. The status of these lands have previously been discussed in this report.

STODDARD-GETTY CONTROVERSY

In April 1965, BLM Director Stoddard advised Mr. Getty that he was to be transferred, pending secretarial approval, from the position of director of the BLM Oregon State Office. Subsequently, it was alleged that Mr. Getty was being transferred from his post in Oregon because of his opposition to the proposed exchange of Oregon timberlands for lands at the Point Reyes National Seashore. After Secretary Udall received several protests to Mr. Getty's transfer, he announced on June 17, 1965, that Mr. Getty would remain in Oregon. In April 1966, it was alleged that Mr. Stoddard, with the assistance of Dr. Bolle and Mr. Baker, had made further attempts to transfer Mr. Getty from Oregon. In addition, there were allegations regarding the propriety of Mr. Stoddard's association with Dr. Bolle and Mr. Baker. On June 2, 1966, Secretary Udall announced that, in the interest of good administration, Messrs. Stoddard and Getty were being transferred from their positions.

Events leading to Secretary Udall's announcement of June 17, 1965, that Mr. Getty would remain in his position as Oregon State Director

This section of the report describes the events leading to Secretary Udall's announcement of June 17, 1965, that Mr. Getty would remain in his position as Oregon State Director. An attachment to Senator MORSE's letter to us dated June 2, 1966 (see app. I), contained the allegations that (1) Mr. Getty's job was in jeopardy because he was not willing "to close his mouth and go along with a steal" and (2) Mr. Getty's opposition to the exchange cost him his job. In addition to examining into these allegations, we examined into the newspaper allegation that Mr. Getty had been given an ultimatum to transfer to the Central Office or leave the Government service.

BLM Personnel Practices

We were advised that, in May 1961, BLM reorganized its field office structure to abolish the area offices, thereby providing for the State offices to report directly to the Central Office, and changed the designation of State supervisors to State directors. As a result of the shifting of personnel in the reorganization, only 4 of the 10 State supervisors remained as State directors. Each of the four supervisors had tenures of less than 4 years at that time.

In a memorandum to the State directors on June 13, 1961, Acting BLM Director Hochmuth advised of the adoption of a rotation plan for nonclerical employees and stated, in part:

"An analysis of the personnel records reveals that, while a large number of employees have changed locations from time to time as a result of promotion, transfer or reassignment, others have served for an inordinate period at the same location. Normal opportunities for promotion through transfer plus the expanding activities of the Bureau operate to provide an interchange of talent in various assignments and locations.

* * * * *

"But I think we have to look at the whole picture. Men tend to become narrow when they stay overly long in the same job and in the same location. Basically they need and want an opportunity to develop further. Exposure to the same associates and the same members of the public who do business with us, often leads to stagnation and complications if pursued for too long a period. The Bureau has sizable investments in its staff. It has an obligation to the taxpayer to develop the ultimate talent in the people it recruits. We do some of this through training, mostly on the job. We can do more through a rotation plan. There is a dearth of well-qualified employees right now in some of our activities and the situation may become critical if anticipated program expansion materializes fully. Finally many technicians who were at first reluctant to take a new assignment elsewhere after serving several years in the same place have declared later that the new location is equally attractive and the job more satisfying.

* * * * *

"At the outset, there will be no hard and fast rule as to what constitutes 'too long a time in the same job or location.' With 75 separate series of positions, it would be impracticable to do so. Instead this determination will be left to the sense of the group in individual cases. Normally, however, incumbents of the following positions who have served in them at the same location for more than five years will be automatically considered at the annual meeting for rotation: District Managers, Land Office Managers, State and District staff personnel in GS–11, 12 and 13. Members of the Directorate will make determinations at least annually in respect to State Directors and Washington Division Chiefs and subordinates."

Edgar B. Carroll, Chief, Division of Personnel, BLM, advised us that the plan outlined in Mr. Hochmuth's letter was used until about the spring of 1963. He stated that at that time it was discontinued because of some criticism of the method used and because of a Central Office reorganization initiated by Director Landstrom which was completed by Director Stoddard in May 1964. BLM records showed that during 1964 there were several discussions between Director Stoddard and BLM Central Office officials concerning the reorganization of the field office structure and the rotation of State directors.

The Director of the Department's Office of Management Research, Arthur B. Jebens, advised us that he and other departmental officials were aware in July 1964 that Director Stoddard was considering changes in BLM's field structure. Mr. Jebens stated that he attended a meeting in Seattle in July 1964, at which reorganization plans were discussed. Subsequently, in a memorandum dated July 21, 1964, to all BLM employees, Director Stoddard advised that the Washington-State-District organization structure would be retained. He advised further that "Although we retain State offices, we are going to have to make some changes in Bureau organization structure to obtain better use of scarce technical and administrative personnel."

Mr. Hochmuth stated that, in about May 1963, he made a recommendation to Mr. Stoddard that Mr. Getty be transferred from his Oregon post. Mr. Hochmuth stated that he felt that Mr. Getty possessed considerable ability but needed a wider range of experience to further develop his career in BLM. On September 25, 1964, at the request of Director Stoddard, Mr. Hochmuth submitted to the Director a number of possible plans for personnel shifts which involved the transfer of several State directors, including Mr. Getty.

Director Stoddard advised us that he met with each State director in Denver in November 1964 and consulted with each in a general way on his availability for transfer. Mr. Stoddard said that at that time he consulted with Mr. Getty who indicated a willingness to accept a transfer, placing no conditions upon the location. Director Stoddard stated that, several times during 1963 and 1964, he had personal conversations with the Oregon State Director, in which Mr. Getty brought up the question of whether he might be transferred and indicated a willingness to accept a transfer.

Personnel records showed that Mr. Getty began to work for BLM in October 1952 at Eugene, Oregon, and that he had been assigned to the Portland Office in May 1954. Mr. Getty had served in the capacity of Oregon State Director since August 1959. BLM records showed that Mr. Getty was the only State director whose entire career with the Bureau had been served in only one State. Also, at the time of our review only one other individual, who indicated that he might retire, had remained the director of the same State officer for a longer period than Mr. Getty. Since 1955, there have been five State directors who have served in that capacity in more than one State and one of them has served as State director in four States.

In view of past BLM personnel practices, it appears that it would not have been inappropriate for Department and BLM Central Office officials to give consideration to the transfer of Mr. Getty from the BLM Oregon office in the early part of 1965.

Proposal To Transfer Mr. Getty to Montana

In February 1965, Director Stoddard advised the Department's Assistant Secretary for Administration and the Deputy Assistant Secretary, Public Land Management, of plans for a reorganization of BLM. These plans, which were developed in consultation with the staffs of the Assistant Secretaries for Administration and Public Land Management provided for the consolidation in three State offices of various functions of the 11 BLM State offices for the purpose of improving manpower utilization. Approval of the plan by the Assistant Secretary for Administration, D. Otis Beasley, on March 12, 1965, was subject to certain conditions. The conditions included the requirements that State offices retain their titles and locations and that the regionwide services and coordination responsibilities of the existing State offices at Denver, Portland, and Sacramento, be enlarged. On March 19, 1965, Director Stoddard advised Secretary Udall that "To move forward on our organizational planning, it is necessary that I designate key officials to fill positions in the field and in the Washington office" and that four State directors, including Mr. Getty, were being considered for appointments to different positions.

During a State directors meeting in Denver on April 5 to 7, 1965, Director Stoddard advised Mr. Getty and certain other State directors that, pending secretarial approval, they would be transferred to new assignments. Mr. Stoddard advised us that he first had offered Mr. Getty a position at the BLM Central Office; however, Mr. Getty had said that he would prefer to work in a field office. Mr. Getty was then offered the opportunity to be assigned as State Director in Montana. At that time, Mr. Getty advised Director Stoddard that he was considering a position as the head of the Forest Management Department, College of Forestry at the State University of New York, Syracuse, New York. Director Stoddard advised us that Mr. Getty had stated also that he had decided to leave BLM and that, if a firm offer was received from the State University of New York he intended to take the position.

Mr. Getty advised us that he had told Director Stoddard he was investigating a job possibility with the State University, which he wanted to pursue briefly before agreeing fully to the transfer. In regard to his proposed transfer, Mr. Getty said that, since he felt he could not work out the details for the State University position in a short time, he had advised that Director Stoddard could count on his accepting the transfer to Montana. Mr. Stoddard said that Mr. Getty had been advised that the proposed transfer had to be cleared with Secretary Udall, that it was likely that 2 or 3 weeks would elapse before the action was completed, and that none of the proposed transfers were planned to be made before July 1965. The plans included the transfer of Mr. Nelson, California State Director, to the position of Oregon State Director.

Mr. Getty advised us that, while he was at the Denver meeting, Director Stoddard asked him to help work out the transfer quietly so that the "excitable Oregonians" would not make any protests. Mr. Getty said that he therefore notified key people, who he thought might object to the transfer, that he wanted the transfer to Montana. Among those whom he talked to about his transfer, all of whom Mr. Getty said had previous knowledge of his proposed transfer, were Darrell Jones, President of the Association of O&C counties; Ken Tollenaar, Executive Secretary of the Association of Oregon Counties: and Wayne Gaskins, staff member of WFIA. Mr. Stoddard said that Mr. Getty, as well as the other State directors involved in the proposed transfers, were instructed at Denver meeting not to discuss the transfers.

After the Denver meeting, Mr. Wolf, Assistant to the BLM Director, telephoned Mr. Paul Graves, Associate Dean, College of Forestry, State University of New York, at the direction of Mr. Stoddard. Mr. Wolf stated that Mr. Graves had confirmed that Mr. Getty was being considered for a position with the University. According to Mr. Wolf, Mr. Graves stated that Mr. Getty was the sole candidate being considered, that he expected action in 2 or 3 weeks and that, as far as he was concerned, the University had already made a firm offer to Mr. Getty.

After the Denver meeting, by letter dated April 8, 1965, Mr. Getty advised Mr. Graves that, although his proposed transfer to Montana was attractive to him, he was still interested in the position with the University but he thought that a controversy that might arise in Oregon would make him less attractive for the University position. Therefore, Mr. Getty proposed "to sit on the situation for a short time to see what develops."

It appears that, at about that point in time (early April 1965), Mr. Getty had agreed to accept a transfer to the BLM Montana State Office but he was giving consideration to leaving the Government and taking a position with the State University of New York.

Protests to Mr. Getty's Transfer From Oregon

By April 11, Governor Hatfield; Mr. Sprague, Chairman of the O&C Advisory Board; and several members of the Advisory Board had protested Mr. Getty's transfer to members of the Oregon congressional delegation and Secretary Udall. Mr. Getty advised us that at about this time Mr. Stoddard telephoned and advised him that his transfer to Montana was canceled and that he was to be transferred to the BLM Central Office. Mr. Stoddard said that the decision to withdraw the proposed transfer of Mr. Getty to Montana was made during discussions with Secretary Udall. On April 12, Director Stoddard ordered Mr. Getty to come to Washington, D.C., on an extended detail.

We obtained from BLM files a copy of a letter that Mr. Getty sent to Senator Morse, dated April 13, 1965, explaining his viewpoint of his proposed transfer to Montana, part of which follows:

"Last Tuesday, April 6, Director Stoddard proposed to transfer me to Billings, Montana. The reasons given were that I had been too long in Oregon and I needed a change for my career development. Also, he was displeased with my very favorable relationship to the forest industry and the Congressional delegation. He represented the transfer as routine.

"As I mentioned to Mrs. Neuberger, I was confident he wished to discipline me by transferring me to a state with one-fourth the number of personnel, about one-half the BLM acreage, and only a fraction of the resource value. In many ways the proposal was attractive to me. In the first place, Oregon is a large operation with large earned income compared to other states and there is a great deal of jealousy by top staff that Oregon may be getting more than its share of money and attention. The forestry program in Oregon is twenty times as productive of income as all other BLM states combined. The Vale Project has demanded greater attention and funds than the average. Because of these things, there is a great deal of resentment on the part of the Director and his top staff against Oregon and the State Director which builds up with each passing year. It would be a great relief to walk away from such a job and such a childish attitude. Secondly, Billings is an attractive place to live and my wife and I both like it there, having spent two years as Forest & Range supervisor on the Crow Indian Reservation of Montana and six years as Senior Project Manager of the Oglala Sioux Indian Reservation of South Dakota where Billings was the Regional Headquarters.

"Regardless of the punitive aspects of the transfer, I was willing to accept it and my family was anticipating the prospect. I have 27 years of Federal service counting over 10 years with the Bureau of Indian Affairs and over 3 years with the Navy in World War II. I am anxious to continue my Federal employment with BLM since I will be 55 years of age in May and would only need 3 more years for minimum retirement benefits. Also, I have three children ages 13, 14, and 16, who expect a college education soon and I will not be in any financial situation to retire for several years.

"A very explosive situation developed when the Oregon people having an interest in BLM suddenly learned I was being transferred to a lesser job with no explanation when they considered my performance very good here. I had repeatedly advised the Director and his staff to let me help them when they wanted to move me by preparing the BLM public for it. We have built up a reputation of public responsiveness in the O&C over the past several years and in eastern Oregon in the past three years with due credit to you and Congressman Al Ullman. With ten district advisory boards, a 17-man multiple use board and a 17-man O&C Board together with the large sums we distribute to western Oregon districts, we have an unusual attachment to the local public which I am unable to make Director Stoddard or his top staff appreciate. By proposing my transfer with no warning or preparation he set them against him immediately, especially since many of the stockmen and lumbermen I know were very suspicious of him when he was appointed and considered him an eastern man opposed to *use* of natural resources. I've been unable to impress him with the seriousness of this situation and the need to correct it or offset it by a more responsive attitude and follow-up action. I'm confident he blames me for his own reputation and feels my removal will correct the matter."

On April 13, 14, and 20, Oregon newspapers reported rumors of proposed personnel transfers within BLM, which included references to Mr. Getty. On April 25, Mr. Pratt's story on the Sweet exchange was published. In the telegram to Secretary Udall on April 26, Governor Hatfield referred to the proposed transfer of Mr. Getty as follows:

"* * * It appears from evidence presented so far that Oregon's outstanding Federal Government employee is being pulled from his responsibilities because of his opposition to the secretive manner in which this whole affair has been carried out by BLM officials from Washington.

"I wish to protest against the proposed reassignment at this time of Russell Getty, the Director of the Bureau of Land Management in Oregon, and any further moves to remove him from his BLM authority in Oregon until we have been appraised of the full reasons behind this."

Secretary Udall replied to the Governor by telegram on April 27, 1965, and stated, in part:

"Your charge that Russell Getty being 'pulled' as direct result this incident is categorically denied. Getty transfer being considered in context of a general realignment of BLM personnel. My inquiries reveal no possible basis for relating proposed move to the possible exchange transaction. It is clear that Getty disagrees with policy of classifying lands in question for disposal, but no evidence that he has considered negotiations to date secretive or otherwise improper. In fact, Getty's only meeting with proponent of the exchange was also attended by an officer of the timber industry organization most likely to protest. This was hardly a secret conclave."

We believe that the evidence indicates that, as early as November 1964, Mr. Stoddard was considering the transfer of Mr. Getty and that Mr. Getty was agreeable to a transfer at that time as well as in April 1965. Because of Mr. Stoddard's and Mr. Getty's differences of opinion on various policy matters, including the proposed Sweet exchange, we do not know if Mr. Stoddard's motive, as of April 5, 1965, was (1) to transfer Mr. Getty in accordance with proposed BLM personnel practices regarding rotation of State directors, (2) to penalize Mr. Getty because of his differences of opinion with Mr. Stoddard, or (3) to have BLM policies carried out in Oregon and to maintain harmony within the Bureau. We could not determine with certainty whether the proposed Sweet exchange and the proposed transfer of Mr. Getty were related nor do we know the person or persons who initially concluded that the matters were related.

Mr. Getty Asked To Remain in Oregon at the Request of Secretary Udall

Mr. Getty was on detail to the Washington BLM office from April 20 to 30, 1965. Mr. Stoddard advised Mr. Getty that, during this detail, he was to undertake several written assignments to aid in clarifying the misunderstandings and differences in viewpoint which had allegedly made for difficult Washington office-Oregon State office relations.

During the weekend of April 24 and 25, Mr. Getty visited the State University of New York. While at the Washington BLM office during the following week, Mr. Getty received a letter from Director Stoddard dated April 27, 1965, which advised that he would be assigned as Chief, Division of Resource Management Standards and Technology at the Central Office. In a letter dated April 30, Mr. Hochmuth, BLM Associate Director, informed Mr. Getty that, during the continuation of his special assignment, Garth Rudd, Assistant State Director, Oregon, was designated as Acting State Director.

At a joint meeting of the O&C Advisory Board and the Oregon State Advisory Board on the morning of May 14, a joint resolution was passed which recommended to Secretary Udall that Mr. Getty be retained as Oregon State Director. This meeting was attended by Governor Hatfield, Under Secretary Carver, Director Stoddard, and Mr. Getty.

By letter dated May 17, Mr. Getty informed Mr. Graves of the State University of New York that, after the May 14 public meeting, Mr. Stoddard advised him privately that he (Stoddard) and Mr. Carver had decided to leave him in Oregon. In addition, Mr. Getty advised Mr. Graves that he was still interested in the University position since he had no assurance as to how long he would remain in Oregon or what the nature of the Oregon State Director's position would be in the future. Mr. Getty concluded his letter as follows:

"I am certainly in a difficult spot or dilemma in that I have had such terrific support from all interests in Oregon that I feel I owe the State and the Department an allegiance to stay if the Department decides they want me here. On the other hand, I am satisfied it would be to my great personal advantage to leave. Mr. Stoddard called this morning to urge me strongly to accept any outside position which might be offered. This does not coincide with the Secretary's desires I am sure and places me in a quandary. In other words, I still have a couple of big decisions to make."

Mr. Getty stated that on May 22 Mr. Graves telephoned him and advised that the board of trustees had cleared his credentials for appointment to the University staff. Mr. Getty said that he advised Mr. Graves that he could not accept the position until Secretary Udall made his decision as to whether or not he was to be denied a BLM field office position, as Mr. Stoddard wanted.

In May, during what he characterized to us as a routine trip to Oregon, Eldon Holmes, BLM Recreation Resource Specialist, discussed with Mr. Getty his dispute with Mr. Stoddard. By memorandum dated May 24, Mr. Holmes advised Mr. Stoddard of his discussion with Mr. Getty, and gave his (Holmes) comments and evaluation thereon, as follows:

"1. The W.F.I.A. segment does not intend to back away from the issue of the exchange; i.e., reduced allowable cut and disposal of BLM timber-producing lands in Western Oregon.

"2. Hatfield will continue to play the same issue, but primarily as McCracken feeds him the information. He does not want to diminish the political importance or potential of the issue. (More later.)

"3. Getty does not intend to resign (he told me so). If he is to leave, it will be up to the Department to 'fire him,' as he puts it. Getty indicated, if fired, he would retaliate by:

"a. Further public disclosure of events, differences between your views and his; targeting on the Department and you personally for what he calls 'personal abuse' and 'unfair treatment.' (Direct statement from Getty to me May 20);

"b. Implied support to the industry segment in opposition to BLM policies on classification, etc.;

"c. Implied encouragement of special interests to further attack the issues;

"d. Continuing to stress the following issues:

"(1) He was fired to defending public interest;

"(2) Failure of the Washington office to take advice or listen to recommendations at State level;

"(3) Failure of the Washington office to understand, or, willingness to understand the local situation;

"(4) The proposed transfer was punishment;

"(5) He was never given a chance to defend himself;

"(6) He was told what to say.

"Note 1. I appealed to Getty on a personal basis on several occasions during my discussion with him May 20, in his office, to not pursue the course he has charted. I cannot at this point evaluate the effectiveness of my appeal.

"Note 2. You might want to think about the psychology he is following of wanting to be 'fired' over his voluntary resignation.

* * * * *

"3. I do not know to what extent the Department is committed on the retention, transfer or dismissal of Getty, but it is quite clear that he prefers to force the Department to fire him over resignation. Should this be true, perhaps Secretary Carver's offer of a job in Washington should receive consideration.

"4. If Getty is to attend the State Directors meeting in Denver, someone should hold him down. There is danger of his 'blowing up' and perhaps hindering the program you have planned."

On May 26, while attending a meeting of State directors in Denver, Mr. Getty met with Mr. Hochmuth and Mr. Wolf. Mr. Wolf said that Mr. Getty had spoken of going to the State University of New York and had requested that he be permitted to resign and receive his retirement benefits upon resignation. Mr. Wolf said that he and Mr. Hochmuth advised Mr. Getty that his suggestion could be explored but that they did not know whether it was possible. Mr. Wolf stated that Mr. Getty again said that he was awaiting final word from the University and that he did intend, in fact, to take the position. Mr. Wolf said that, at Mr. Getty's request, he and Mr. Hochmuth explored the matter with Newell Terry, the Department's Director of Personnel Management.

In regard to the meeting in Denver, Mr. Getty advised us that, when he walked into the hotel, he was requested to go immediately to Mr. Hochmuth's room where Messrs. Hochmuth and Wolf detained him for about 30 to 45 minutes while the formal meeting was started elsewhere in the hotel. Mr. Getty said that he learned later that he was detained to give Director Stoddard time to tell the BLM officials in attendance that he (Getty) was mentally ill, that his mind was deteriorating, and that the job in Oregon was just too much for him. Mr. Getty stated that Mr. Rudd, his assistant, attended the meeting and advised him some time later of Mr. Stoddard's comments.

Mr. Stoddard advised us that the meeting in Denver on May 26 was his first conference with the State directors subsequent to the publicity in April 1965 regarding a controversy betwen him and Mr. Getty. He said that the BLM State directors were wondering what the controversy was about so, in order to maintain harmony within the Bureau, he thought he should call a meeting, at which time he could explain the situation between him and Mr. Getty without Mr. Getty being present. Mr. Stoddard said that he had explained to those present the background of the exchange proposal and had stated (1) that the facts regarding the exchange were in conflict with the newspaper stories and (2) that Mr. Getty had not denied any of those stories. He said that, in making an overall observation of why Mr. Getty would not deny those stories, he believed that he had said something to the effect that Mr. Getty was an "emotionally upset individual."

Mr. Getty stated that while he was in Denver, he was told by Mr. Wolf and Mr. Hochmuth that Secretary Udall was definitely going to support Director Stoddard in transferring him out of Oregon, that he should no longer hope to stay in Oregon, that the Washington staff would not trust him with any other field job, and that the congressional delegation from Montana had learned of his "bad reputation" and would not have him in the State Director's job in Montana. Mr. Getty stated that he was asked why he did not take the State University of New York position and make it easier for all concerned.

Mr. Stoddard said that there were meetings during the period May 30 through June 1, 1965, with Under Secretary Carver; Deputy Under Secretary Mangan; Mr. Hochmuth; Mr. Wolf; Mr. Terry; and Orren Beaty, Assistant to the Secretary, to discuss the Getty matter and that it was concluded that Mr. Getty would be offered a job with the Bureau of Outdoor Recreation. We were advised that Mr. Getty declined this job offer on June 9. Mr. Stoddard said that, at further meetings with the above-named officials on June 10 and 11, it was decided to offer Mr. Getty an opportunity to transfer to the BLM Central Office as Chief, Division of Resources Management Standards and Technology. Mr. Stoddard said that it was also decided that, if Mr. Getty declined the offer and asked for early retirement, he was to be advised to consult with Mr. Terry.

By letter of June 4, 1965, Director Stoddard requested Secretary Udall's approval to transfer Mr. Getty to the position of Chief of the BLM Division of Resource Management Standards and Technology. The request was subsequently approved by Assistant Secretary Beasley but the date of the approval is not indicated in the records.

Mr. Getty said that on Saturday, June 12, Mr. Stoddard ordered him to report to him (Stoddard) in Washington, D.C., on Monday, June 14. Mr. Getty stated that, when he reported, Director Stoddard gave him an undated and unsigned memorandum transferring him to the Division of Resource Management Standards and Technology. Mr. Getty said that he advised Mr. Stoddard that he would not accept a transfer to the Central Office. Mr. Getty said that he was then handed a second memorandum, which was signed and dated June 14, offering him the choice of reassignment to the Central Office or of resigning. A reply was requested in 5 days. Mr. Stoddard said that, when he declined the transfer to Washington, D.C., Mr. Getty asked for the opportunity for immediate retirement. Mr. Getty was advised by Mr. Stoddard that he could talk with Mr. Terry regarding the matter of retirement.

Mr. Terry advised us that he had assisted in drafting Director Stoddard's memorandum of June 14 to Mr. Getty. Mr. Terry said that, in discussing this memorandum, Mr. Getty told Mr. Terry that he did not want to transfer to the Central Office, that he preferred to stay in Oregon, and that he was seriously considering various other job offers such as the position at the State University of New York. Mr. Terry said that he informed Mr. Getty that such a letter (memorandum of June 14) was necessary for Mr. Getty to retire involuntarily under Civil Service regulations. Mr. Terry said that he advised Mr. Getty that a person could not ask to be involuntarily retired; therefore, in order for the Department to comply with Mr. Getty's wishes, a letter to Mr. Getty stating a choice of transfer or resignation was necessary. Mr. Terry said that he emphasized to Mr. Getty that the June 14 memorandum was not to be considered as an ultimatum because it was prepared to assist Mr. Getty in meeting his objective of involuntary retirement. Mr. Terry said that, at Mr. Getty's request, he showed a draft of the June 14 memorandum to an official of the Civil Service Commission to informally determine whether it would meet the Commission's standards for involuntary retirement. Mr. Terry was told informally that it would meet such standards and he so informed Mr. Getty.

Mr. Getty stated to us that, on June 14 and 15, Mr. Wolf gave him prepared memorandums as his reply to Director Stoddard's memorandum of June 14. The prepared memorandums were brief statements of resignation.

Mr. Getty advised us that he returned to Oregon on June 16 and that: "On Thursday, June 17, the 4th day of the five days allotted for my decision, Secretary Udall called Charles Luce, head of Bonneville Power Association, to inquire if I would stay on the job, if requested, in order to help restore the Oregon situation to normal. I agreed to do this, as I thought this was the only way to stop the public furor over my transfer."

Mr. Luce, Administrator, Bonneville Power Administration, advised us that Secretary Udall telephoned him in June 1965 and discussed a memorandum from Director Stoddard to the effect that Mr. Getty was to either transfer to the Central Office or resign. Mr. Luce said the Secretary told him he also had a number of recommendations supporting Mr. Getty and asked him (Luce) to (1) find out if Mr. Getty would remain as State Director in Oregon and (2) investigate the situation between Getty and Stoddard.

Mr. Luce said that he met with Mr. Getty the same day and that Mr. Getty told him that he was willing to remain as State Director in Oregon but was unwilling to accept a transfer to the BLM Central Office. Mr. Luce said he called Secretary Udall later the same day and informed him of his discussion with Mr. Getty. On June 17, Secretary Udall announced that he had decided that Mr. Getty should continue in his position as Oregon State Director.

Summary of Observations

In summary, it appears that the proposed transfer of Mr. Getty from the Oregon BLM office was not inconsistent with longstanding BLM personnel practices. In addition, the transfer was related to a reorganization plan that had departmental approval. Moreover, in November 1964 and April 1965, Mr. Getty was apparently agreeable to a transfer.

On the basis of available evidence, we could not determine with certainty Mr. Stoddard's motive for proposing Mr. Getty's transfer. Nevertheless, we believe that it is significant in making a judgment on this matter to consider that Mr. Getty, in discussing his proposed transfer, did not mention the Sweet exchange in his April 13, 1965, letter to Senator MORSE. In addition, no connection was made between Mr. Getty's opposition to the Sweet exchange and his proposed transfer until about April 25 or 26, at which time the stories of the Sweet exchange appeared in the newspapers and Governor Hatfield protested Mr. Getty's transfer in his telegram to Secretary Udall. We could not determine with certainty whether the proposed Sweet exchange and the proposed transfer of Mr. Getty were related, nor do we know the person or persons who initially concluded that the matters were related and the basis for such conclusions.

Events prior to Secretary Udall's announcement of June 2, 1966, that Messrs. Stoddard and Getty were to be transferred from their positions

This section of the report describes the events leading up to Secretary Udall's announcement of June 2, 1966, that Messrs. Stoddard and Getty were to be transferred from their positions. The first two questions listed below were included in Congressman ROBERT B. DUNCAN's letter of April 27, 1966. (See app. I.) The other questions and allegations listed were mentioned in various Oregon newspapers.

1. What, if any, efforts have been made to effect the removal of Russell Getty from Oregon, by whom, and at whose request or instigation? Elaborating further, were these efforts made at the request, directly or indirectly, of the Director of BLM, the Governor of Oregon, or any other public official or members of their staffs, and what, if any, Federal funds were used for this purpose?
2. Comment as to the propriety and purpose of any grants made to the University of Montana, and particularly to the School of Forestry or any official or employee thereof; any irregularities in the awarding thereof or certificate of expenditures thereunder; and what actual use was made of the funds.
3. Lyle Baker approached Warne Nunn about a possible transfer of Mr. Getty.
4. Mr. Baker told Mr. Nunn that the GAO report on the "Sweet Swap" was detrimental to Mr. Getty and Governor Hatfield but that the report could be kept quiet if Mr. Nunn went along with a Getty transfer.
5. Dr. Bolle offered Mr. Getty the job as assistant director of BLM; a promotion.
6. Dr. Bolle charged BLM for 8 hours each day on January 26 and 27, 1966, when he was in Salem and Portland to meet Messrs. Baker, Nunn, and Getty.
7. The money BLM paid to Dr. Bolle was then "donated" back to the tax-free foundation which paid Mr. Baker.
8. Dr. Bolle interceded in the Getty-Stoddard affair at the request of Governor Hatfield's office.
9. Bruce Cowan's story was that, if we (lumber industry) would go along with a transfer of Mr. Getty, Director Stoddard would in turn take care of our problems such as allowable cuts and sealed bids versus oral bids.
10. The University of Montana went to great lengths to point out that Mr. Baker was hired for his work in Oregon by the University Foundation, over which they had little control. Yet Mr. Baker now produces copies of a "University of Montana Employee Earnings Statement." Also, Mr. Baker was carried on one University of Montana document as a BLM "Special Investigator."
11. Mr. Baker had free use of Director Stoddard's Government telephone credit card.
12. Huge funds ranging from $100,000 to $1,000,000 were channeled through the university forestry school and through Dr. Bolle and through a Portland public relations man to remove Russell Getty from his post as Oregon director of BLM.

BLM Activities in Oregon Placed Under Direct Supervision of Assistant Secretary Anderson

Our review indicated that the relationship between Director Stoddard and Mr. Getty continued to deteriorate after Secretary Udall's announcement of June 17, 1965, that he had decided that Mr. Getty should continue in his position as Oregon State Director.

For example, Mr. Getty's notes of comments made by Mr. Stoddard during a telephone conversation on July 8 follow, in part:

"Listen, Buster, you are just heading for trouble—what kind of games are you playing—.

"You are going to get caught up in all your damn lies pretty soon, Mr. Getty.

"Who the hell do you think you are? Why did you contact all newsmen in Washington? (I told him only newsmen I contacted in D.C. came to me with Mr. Boatner and Bob

Wolf present). (By accident, I found Tom Stimmel [a] in DUNCAN's office.)

"You've got a lot of nerve to do these things. You haven't got guts to tell the truth; or nerve to talk to my face, but have to talk to T.V. and newspapers. You are disloyal and insubordinate.

"You are a publicity hound!

"You arranged for all these T.V. shows and news stories.

"You are a suspicious guy who has no respect for the truth and can't back your statements.

"What is this thing of going over to Luce and trying to trap us on this sealed bid situation?

"You go to newspapers and try to get headlines. I don't know what kind of lies we are going to get next.

"We have taken the Portland hearing transcript—May 14 minutes of the Hearing and made annotations and footnotes re facts.

"The truth will have a way of catching up with you, old boy!

"Will be sending copy to you early next week of May 14 footnoted minutes; and am sending same to Advisory Board and others.

"Why are you stirring up fuss about reorganization with Hardy Glascock and miners?"

Mr. Getty's comments follow:

"At this point advised I have almost no personal contacts with mining industry and could hardly be blamed for that.

"Parting shot reclassifying land in Western Oregon. Stoddard: 'Lands of western Oregon should have been handled just like rest of Oregon'.

"When told western Oregon was handled differently and his staff agreed it should be, Stoddard said: 'it should not, it's just like the rest of the United States'.

"The above was delivered in an angry tirade with long silences when waiting unsuccessfully for me to respond. I was surprised and shocked to find Director Stoddard rehashing so much of the old ground he has been over repeatedly with me before and in same manner."

Harry R. Anderson, Assistant Secretary for Public Land Management, told us that, when he was appointed to his office in August 1965, he was given direct supervision over Mr. Getty by Secretary Udall. Mr. Anderson said that Mr. Getty reported to him on matters of policy and operations, other than day-today administrative activities. Mr. Anderson said, also, that he had instructed Mr. Stoddard that he was to have no line supervision over Mr. Getty or BLM activities in Oregon. Mr. Anderson advised us that having BLM activities in Oregon under his immediate supervision was not a healthy situation and that he had worked to get Director Stoddard and Mr. Getty to forget their personal differences because their cooperation would result in a more efficiently managed BLM organization. He said that, sometime in February 1966, he had felt that the relationship between Mr. Stoddard and Mr. Getty had improved and that, with Secretary Udall's permission, he had put Mr. Getty back under Mr. Stoddard's supervision. Thus, during the period August 1965 through February 1966, Mr. Getty and the BLM activities in Oregon were under the immediate supervision of Assistant Secretary Anderson and Director Stoddard had no line supervision over these activities.

Mr. Baker's Efforts To Arrange Meeting Between Mr. Stoddard and Oregon Lumbermen

During the public meeting conducted by Under Secretary Carver in Portland on May 14, 1965, Director Stoddard and Frank Lyle Baker apparently met for the first time. Mr. Baker said that at that time he was a lumber marketing consultant and the editor and publisher of "Western Wood Week," a wood products newspaper and market report published in Eureka, California. Mr. Baker said also that he attended the public meeting to get a story for his newspaper and that he had a brief and incidental encounter with Director Stoddard on May 14 during a "cigarette break." He told us that he returned to Eureka and prepared an article which was critical of Director Stoddard. He told us that he had telephoned Stoddard, read the article to him, and advised him that he was not going to publish it because he didn't think the story was true, that the whole thing lacked logic, and that something about it was not right. Mr. Baker told us also that Mr. Stoddard had replied that, if he (Baker) did find something that was not right, he should let the BLM Director know about it.

Mr. Stoddard confirmed that Mr. Baker had telephoned him around June 1965, and he (Stoddard) stated that Mr. Baker had informed him of a story he had written and that Mr. Baker had read the article to him and then he had said he thought that Mr. Stoddard was being framed. Mr. Stoddard said Mr. Baker had told him that there were irregularities in Oregon timber practices and that he might be able to obtain some information for the BLM Director regarding such practices. Mr. Stoddard said that he gave Mr. Baker no authority but that he did ask Mr. Baker to convey to him any information he obtained suggesting irregularities in timber practices or undue pressures exerted by the Western Forest Industries Association (WFIA) on BLM personnel.

Mr. Baker told us that he had discontinued publication of "Western Wood Week" in June 1965; left Eureka in August; and, after spending a short time in Portland, arrived in Montana shortly after Labor Day 1965 to sell some private timber for a client, the Park Corporation of Eureka, California. He said that he had continued to think about the Stoddard-Getty dispute and that in September he had telephoned Director Stoddard from Montana stating that he would like to get several keymen in the lumber industry together to meet with Mr. Stoddard to discuss possible solutions to the administrative stalemate in BLM's Oregon operations because it had become a cause for concern to the lumber industry in Oregon. Mr. Baker advised us that Mr. Stoddard had replied that anything he (Baker) could do to help clarify the situation and bring administrative order to BLM operations in Oregon would be appreciated. Mr. Baker said Mr. Stoddard stated that he would go any place, at any time, to meet with any persons to help solve the problem. Mr. Baker said that Mr. Stoddard gave him his Government telephone credit card number and told Mr. Baker to use it to call him when Mr. Baker had information of interest about BLM operations. Mr. Baker said also that, after the first of the year (January 1, 1966), there was a change of credit card numbers and Mr. Stoddard had given him the new number and repeated the authorization to use it. Mr. Baker said also that he had used the credit card a great many times, keeping Mr. Stoddard informed of his contacts with members of the industry on BLM matters.

Director Stoddard confirmed that Mr. Baker had telephoned him and had said that he (Baker) was trying to get members of the Oregon timber industry to meet with Mr. Stoddard to help rectify the difficulty in Oregon. Mr. Stoddard said that he had told Mr. Baker this would be all right but that there were to be no secret meetings. Mr. Stoddard confirmed that he had given Mr. Baker his Government telephone credit card number and had said that Mr. Baker was to use it to report information regarding timber irregularities which Mr. Baker had said he was aware of and to relay such information to him.

Mr. Baker advised us that, after his September 1965 telephone discussion with Mr. Stoddard, he had contacted Bruce Cowan, then associated with the Paul B. Hult Timber Company, Dillard, Oregon, and three to five other industry representatives and explained that he had talked with Mr. Stoddard and was interested in getting a group of Oregon industry representatives together to meet with Mr. Stoddard in an attempt to find a solution to the Stoddard-Getty dispute. Mr. Baker said that all those he contacted had told him the suggested meeting was a good idea but that, before the meeting was arranged, Mr. Cowan had called him and said he (Cowan) had instructions not to participate in such a meeting. Mr. Baker said also that he had informed Mr. Stoddard of Mr. Cowan's message, that Mr. Stoddard's reply was that Mr. Baker should forget about trying to arrange the meeting and that, as a result, the meeting was not held.

On May 11, 1966, we interviewed Mr. Cowan and Aaron Jones, President of the Seneca Sawmill Company, Eugene, Oregon. Mr. Cowan confirmed that Mr. Baker had telephoned him from Missoula, Montana, in September 1965, seeking to organize a group of lumbermen to meet with Mr. Stoddard regarding the BLM situation in Oregon. Mr. Cowan said Mr. Baker stated that the was acting for, and with authority from, Director Stoddard and that Mr. Stoddard wanted the cooperation of the lumbermen in Oregon to help settle his dispute with Mr. Getty. Mr. Cowan stated also that Mr. Baker had said Mr. Getty would be made the Pacific Coast Advisor for BLM and remain in Portland in that capacity.

Mr. Cowan said he had told Mr. Baker that he would inquire into the interest of other industry people. Mr. Cowan said also that, when Mr. Baker had telephoned him again from Missoula a couple of days later, he had questioned Mr. Baker about the plans for Mr. Getty as Pacific Coast Advisor for BLM. Mr. Cowan stated that Mr. Baker had said Mr. Getty would not have anyone reporting to him and would have no authority but would serve only in an advisory capacity.

Mr. Cowan said that, since he had been unable to contact the industry people with whom he wanted to discuss the matter, he had made no commitments to Mr. Baker. Mr. Cowan told us that he became a little upset at this point about the apparent plans for Mr. Getty. He said he had told Mr. Baker that, if he (Cowan) was going to talk with Mr. Stoddard, he would rather talk about the industry problems, such as allowable cuts, scale sales versus cruise sales, and sealed bids versus oral bids, than talk about Mr. Getty. Mr. Cowan said Mr. Baker had replied that Mr. Stoddard was also prepared to discuss these matters with the lumbermen.

Mr. Cowan told us that a couple of days later he had telephoned Mr. Baker in Missoula and told him that he couldn't get enough people together who wanted to take part in a meeting and that he then turned down Mr. Baker's request to help form a group of lumbermen to meet with Director Stoddard. Mr. Cowan said he told Mr. Baker that many of the industry people with whom he had talked were quite strong in their convictions that the industry should not become involved in the matter. Mr. Cowan said also that the people with whom he had discussed Mr. Baker's request were Mr. Aaron Jones, Mr. Paul Hult, and Messrs. McCracken and Netzorg of WFIA.

Mr. Jones confirmed to us that Mr. Cowan had reported to him on Mr. Cowan's contacts with Mr. Baker and that Mr. Hult was also a party to the telephone conversation between Messrs. Jones and Cowan. Mr. Jones said that, after hearing what Mr. Baker had proposed to Mr. Cowan, he had strongly advised Mr. Cowan to refuse to help Mr. Baker arrange a meeting with Director Stoddard. Mr. Jones said that he had also contacted Mr. McCracken and Mr. Netzorg about the matter. Mr. Jones said also that he, and the others contacted, felt the industry should not become involved in the BLM matter and that he had told Mr. Cowan it sounded like Mr. Stoddard wanted the industry to "pull his chestnuts out of the fire for him." Mr. Jones stated that he had some prior indications of Mr. Baker's activities when Mr. McCracken had told him, 1 or 2 months earlier, that Mr. Baker had stated to him that he (Baker) was going to work for Mr. Stoddard in BLM.

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[a] Tom Stimmel, reporter from the "Oregon Journal", broke the story on June 15, 1965, concerning Director Stoddard's memorandum of June 14, 1965, to Mr. Getty.

We questioned Mr. McCracken about this matter, and he said that Mr. Baker had advised him by telephone sometime in July 1965 that he (Baker) had been talking with Mr. Stoddard. Mr. McCracken, did not recall that Mr. Baker had specifically said he was going to work for Mr. Stoddard, but he did recall that Mr. Baker had said he and Mr. Stoddard were discussing an arrangement which would put him on a consultant basis at $50 a day. Mr. McCracken said also that he had advised the WFIA Executive Committee of his conversation with Mr. Baker and that Mr. Jones was a member of that committee. Mr. McCracken said that he had received another telephone call from Mr. Baker in late July or early August and another in September and that, in both of these calls, Mr. Baker gave the impression that he was working with BLM without specifically stating that he was. Mr. McCracken said also that, in late July or early August he was talking with Mr. Getty and informed him of Mr. Baker's statements regarding a consulting arrangement with BLM or Mr. Stoddard. Mr. McCracken said he felt that Mr. Getty should know about Mr. Baker's apparent activities for Director Stoddard.

Mr. McCracken said that, during another telephone call about September 15, Mr. Baker had told him that he had met with Larry Hyland, a BLM investigator, and that they had talked about the BLM situation in Oregon. Mr. McCracken stated that Mr. Baker had asked him if he would go along with a transfer of Mr. Getty to a post in the BLM Washington Office. Mr. McCracken said that he had told Mr. Baker he didn't want to talk about the matter and suggested that Mr. Baker should not concern himself with it either.

We questioned Mr. Baker about the statements made to us by Messrs. Cowan and McCracken, and Mr. Baker stated that he did not tell either of them he was going to work for BLM or Director Stoddard. He stated that he had told them, in essence, that he had talked with Mr. Stoddard and was interested in helping resolve the Stoddard-Getty dispute. He said that he might have said something such as "I'm trying to help Chuck Stoddard," and that, from this, they apparently inferred that he was going to work for Mr. Stoddard, which he was not, and has not. Mr. Baker stated further that he might have mentioned an advisory position or something similar for Mr. Getty, as an example of a possible solution, that he had not offered the idea as the suggested solution, and that Mr. Stoddard had not proposed any specific solutions to him. Mr. Baker said that he had no authority to offer a position for Mr. Getty and that his purpose was to get people together to explore possible solutions.

Mr. Baker said that the idea to get a group of lumbermen together to meet with Director Stoddard to discuss the Oregon situation was completely his own, that he took the initiative to implement it, that he had called Mr. Stoddard and discussed the idea with him before contacting industry representatives, and that Mr. Stoddard had told him to go ahead and see what he could do. Mr. Baker said he was motivated by the belief that the Oregon situation was aggravated by a lack of effective communication and that it could be resolved if Mr. Stoddard and Oregon lumbermen could sit down and get to know each other and their respective problems better.

It appears that the proposal to have a meeting between Mr. Stoddard and the lumbermen was entirely Mr. Baker's idea and that he took the initiative to make the arrangements after first discussing the proposed meeting with Director Stoddard and getting his approval. We found no evidence that Mr. Baker, while discussing the proposed meeting, offered inducements to the lumber industry representatives such as favorable decisions by BLM on such matters as increasing allowable cuts or oral versus sealed bidding systems for BLM timber sales.

Events Relating to Dr. Bolle's Involvement in Controversy

Mr. Baker advised us that, when he arrived in Montana in early September 1965 to sell two tracts of private timber, he read in a newspaper that Secretary Udall would be in Missoula later in the month. Mr. Baker stated that he told Director Stoddard that he would like to meet the Secretary and asked how he should go about it. Mr. Baker said Mr. Stoddard advised him to contact Dr. Arnold Bolle, Dean of the School of Forestry, University of Montana, Missoula, Montana, because Dr. Bolle was handling the schedule of the Secretary's visit to Missoula. Mr. Baker said that he called Dr. Bolle, whom he had never met before, and that the Dean agreed to arrange for him to meet the Secretary. Mr. Baker said that he offered his assistance to Dr. Bolle in arranging a press conference for Secretary Udall and that the Dean accepted his offer. (Mr. Baker said that he received no pay for this assistance.) Mr. Baker also advised us that he did meet Secretary Udall but that they did not discuss the BLM situation in Oregon.

Mr. Baker told us, and Dr. Bolle confirmed, that during these contacts they discussed their mutual interest in wood-products marketing and the need for a university graduate-level program in wood-products marketing. Both men advised us that they had a number of discussions on the subject and that it was decided that Mr. Baker could help the University establish its proposed Wood Products Marketing Institute (WPMI) because of his wide acquaintance with and knowledge of the west coast timber industry. Mr. Baker and Dr. Bolle advised us they discussed the hiring of Mr. Baker with Dr. Robert Johns, President of the University of Montana, and that Dr. Johns approved their plan and told them that funds were available from the University Foundation to get the work underway. Dr. Johns advised us that Dr. Bolle was allowed wide latitude in his sphere of activity and that his approval of the arrangement with Mr. Baker was based upon Dr. Bolle's recommendation. Dr. Johns stated that the evaluation of Mr. Baker's qualifications was Dr. Bolle's responsibility.

According to University records, Mr. Baker was hired effective November 9, 1965, to work on the WPMI project. Mr. Baker advised us, and Dr. Bolle confirmed, that Mr. Baker's principal objective was to contact industry representatives to identify probable sources of financial assistance for the WPMI. In addition, Mr. Baker was to arrange for Dr. Bolle to talk to those industry people who expressed interest in helping with the project. Dr. Bolle confirmed to us that his agreement with Mr. Baker was verbal, not written, and provided for the payment of $1,500 monthly salary.

On May 3, 1966, Dr. Bolle advised us that he did not have a file of references on Mr. Baker as he had contacted only 2 or 3 persons in the industry regarding Mr. Baker's credentials and qualifications. At that time Dr. Bolle said that his research on Mr. Baker was, in retrospect, not too extensive. We later learned that Dr. Bolle did have a letter dated October 8, 1965, written to a member of his faculty in the School of Forestry in reply to a request for information on Mr. Baker's credentials and qualifications. This letter was made available to Dr. Bolle early in his negotiations with Mr. Baker and before Mr. Baker was hired for the WPMI project. The letter is from an alumnus of the University of Montana who has a responsible management position with a forest products industry association. The letter contains statements cautioning that Mr. Baker's credentials should be checked and the writer lists the names and addresses of nine suggested industry contacts.

We questioned Dr. Bolle again on May 24, 1966, and asked him why, in view of the information contained in the October 8, 1965 letter, he completed arrangements to hire Mr. Baker to assist the University in obtaining financial assistance for the WPMI project without further checking on his credentials and qualifications. Dr. Bolle advised that he talked to Mr. Baker about the contents of the letter and that Mr. Baker's reply was that, while he had made some enemies through publication of his industry newspaper, the people who counted in the industry were his friends. (Mr. Baker emphatically denied to us that Dr. Bolle had discussed any such letter with him.) Dr. Bolle advised us that he did not contact any of the nine people suggested in the October 8, 1965 letter. He stated that, upon reflection, he could not explain his actions now, even to his own satisfaction, particularly in view of the information he had cautioning him about Mr. Baker's qualifications and industry credentials. Dr. Bolle said that he supposed he wanted to be convinced because Mr. Baker had given him so much hope that he could help the University with the WPMI project. Dr. Bolle said that Mr. Baker was very convincing as to the quality and extent of his contacts in the west coast lumber industry.

In response to our question as to whether Director Stoddard had recommended or vouched for Mr. Baker's qualifications, Dr. Bolle advised us that he probably had talked to Mr. Stoddard during his visit to Missoula on November 6, 1965. Dr. Bolle said, however, that he had decided to hire Mr. Baker well in advance of Mr. Stoddard's visit and that Mr. Stoddard did not influence his decision in any way.

Our examination shows that Director Stoddard and Dr. Bolle, through their professional activities in the field of natural resources, have periodically been associated in various projects and have become acquainted through these activities. They first were associated about 6 to 8 years ago when Dr. Bolle was made a consultant to the Department of the Interior Resources Program Staff to work on a multiple-use planning project in the Missouri River Basin. At that time Mr. Stoddard was on the Resources Program Staff. Subsequently, Dr. Bolle was a member of the Montana State BLM Advisory Board and the BLM National Advisory Board. Dr. Bolle's appointment to the BLM National Council led to periodic contacts with BLM Director Stoddard.

During Director Stoddard's November 6 visit to Missoula, Dr. Bolle, Mr. and Mrs. Baker, and Mr. Stoddard made a trip to the University's Lubrecht Forest. Dr. Bolle and Mr. Stoddard both advised us that the trip was made to examine into the feasibility of using Lubrecht Forest lands and adjacent BLM lands for a multiple-use management demonstration and training project. Dr. Bolle advised us that the idea was to determine whether the combined use of University lands and BLM lands would constitute a satisfactory project unit for such a training project. Mr. Baker advised us, and Dr.

Bolle confirmed, that Dr. Bolle invited Mr. and Mrs. Baker to accompany him and Director Stoddard on this field trip when the three of them met at the Missoula airport while waiting for Mr. Stoddard to arrive. Mr. Baker advised us that he and Mrs. Baker were just along for the ride and that Mr. Stoddard and Dr. Bolle did most of the talking, much of which concerned a watershed project which involved both University lands and BLM lands. Mr. Baker said that he heard nothing mentioned about any BLM lands to be given to the University.

That evening, after the trip to the Lubrecht Forest, Mr. and Mrs. Baker, and Mr. Stoddard went to Dr. Bolle's house for dinner. In our interviews with him, Mr. Baker advised us, and Dr. Bolle confirmed, that the discussions that evening centered around research projects planned by the University. Mr. Stoddard told us that besides the proposed research projects he also discussed the BLM difficulties in Oregon with Mr. Baker and Dr. Bolle that evening. Mr. Stoddard said that Mr. Baker told him that he (Baker) was going to work for the University of Montana and that Mr. Baker again asked if he (Stoddard) would pay him (Baker) for information regarding BLM activities and timber irregularities in Oregon. Mr. Stoddard said that he told Mr. Baker that he could not pay him but that he was still interested in any information that Mr. Baker could obtain.

Before the Oregon Legislative Interim Committee on Public Lands hearing held on June 24 and 25, 1966, in Portland, Oregon, Mr. Baker was questioned under oath about the November 6, 1965, meeting at Dr. Bolle's house. At this time Mr. Baker stated that in addition to his duties for the WPMI he was told to look into BLM activities in Oregon for Director Stoddard, that Dr. Bolle was to be hired as a BLM consultant, and that Dr. Bolle's consultant fees were to go to the WPMI to help finance Mr. Baker's duties in Oregon. The portion of Mr. Baker's testimony concerning the November 6, 1965, meeting at Dr. Bolle's house follows:

"Rep. Robert Smith. Why did you go to Dean Bolle's home?

"Lyle Baker. For dinner.

"Smith. Who attended the dinner?

"Baker. My wife, myself, Dr. Bolle, his wife and young son, and Director Stoddard.

"Smith. So you had dinner. Did you have discussions about the trip to the Lubrecht Forest?

"Baker. As we went into the house, Director Stoddard handed Dr. Bolle a file. He said, 'Arnie I would like you to go over this. This is what I call my "Getty file."' And Dr. Bolle took the file and went to one end of the room and Director Stoddard and I went to the other end of the room. Dr. Bolle read the file and Director Stoddard and I discussed BLM affairs in Oregon.

"Smith. Dr. Bolle read the 'Getty file' and did he have a reaction to it when he was reading it? Is that right?

"Baker. He said, 'This is an incredible story. Something's got to be done about it.'

"Smith. Then what transpired that evening?

"Baker. We took Director Stoddard to the Airport. He had to catch a 9:30 or 10 o'clock plane.

"Smith. Did you discuss at any length with Dean Bolle or Director Stoddard the contents of the 'Getty file'?

"Baker. No.

"Smith. Do you have knowledge that Dean Bolle discussed the contents of the 'Getty file' with Stoddard?

"Baker. I do not recall any specific thing that they discussed.

"Smith. Did you know what was in the 'Getty file'?

"Baker. I did not read it at that time.

"Smith. Was that the so-called 'raw Getty file' that you furnished Mr. White along with your story?

"Baker. No, I didn't read that one, so I couldn't testify that this was the same file.

"Smith. Probably similar.

"Baker: I had no idea. I did not read the 'Getty file.'

"Sen. Edward Fadeley: Excuse me, Mr. Chairman. So I can understand the testimony better, we had talked about a 'raw Stoddard file'—is there a 'raw Getty file' also?

"Smith: I am sorry if I made a mistake in naming what I meant the 'raw Stoddard file.'

"Smith: Was there any discussion at that time between Dr. Bolle and Director Stoddard about Dr. Bolle being employed by BLM or in any way connected with BLM?

"Baker: There was.

"Smith: And what was that discussion?

"Baker: Director Stoddard told Dean Bolle, 'Lyle's going to Oregon on this University thing that you have put together and he can take a look into the Getty situation directly. I need more direct information than I am getting from my Oregon office and from my people like Hyland. It's not possible for us, or I think it is inadvisable, to employ Lyle to do this. You have been a consultant for us before, Dr. Bolle. We will make arrangements to put you back under a consultant contract which will assist you in financing the Wood Products Marketing Institute.'

"Smith: So this is the first time that you knew about the 'Getty situation' and that you will be in any way directed in your operations in Oregon to have yet another duty.

"Baker: Yes, as far as I recall.

"Smith: You were first hired in early November. Do you remember the day of the meeting at Bolle's house?

"Baker: No, I don't.

"Smith: Was that later on in November? [1]

"Baker: As far as I recall.

"Smith: So you were hired first to assist the Dean in general duties regarding the Wood Products Marketing Institute—this was a result of this dinner meeting—there was injected another duty and that was to get some facts regarding the 'Getty situation' in Oregon. Is that correct?

"Baker: That is right.

"Smith: So in order to finance that situation there was a discussion between Stoddard and Bolle as far as hiring Bolle as a consultant so as to assist Bolle and the University of Montana in paying you for your additional duties. Is that correct?

"Baker: That is correct."

We questioned Dr. Bolle about Mr. Baker's testimony and he told us that Mr. Stoddard did give him a file to look at during their meeting at his home on November 6, 1965. Dr. Bolle said that he could not remember everything that was contained in the file for he only saw it for a moment and then returned it to Mr. Stoddard and that he could not recall any remarks he may have made about the file. Dr. Bolle told us that what Mr. Baker said in his testimony about his (Baker's) being given duties in addition to those of the WPMI to obtain facts concerning BLM operations in Oregon was not true to his knowledge.

We also questioned Mr. Stoddard about Mr. Baker's version of the discussions that took place during the meeting at Dr. Bolle's home and he emphatically denied he had made any arrangement to pay Mr. Baker through Dean Bolle's BLM consultant appointment. Mr. Stoddard further advised us that Mr. Baker had asked him for money several times but that he (Stoddard) had told Mr. Baker that he could not be hired as a consultant.

Mr. Baker advised us that he went to Portland from Missoula in December 1965 to commence work on the WPMI project. He told us that, in a subsequent telephone conversation with Dr. Bolle, they agreed that Mr. Baker should look into the Stoddard-Getty controversy in Oregon. In regard to this matter, Dr. Bolle stated to us that Mr. Baker mentioned several times in his frequent telephone calls that the Getty-Stoddard dispute kept coming up in his contacts with industry representatives and that he believed something should be done about it. Dr. Bolle said that he did not specifically tell Mr. Baker to look into the matter because his interest was in the WPMI project. Dr. Bolle stated, however, that he may have unintentionally and unknowingly agreed to Mr. Baker's looking into the prospects of resolving the BLM problem in Oregon. Dr. Bolle stated that he was aware that Mr. Baker was making contacts with Mr. Warne Nunn, Executive Assistant to Governor Hatfield, but that he thought the primary purpose of Mr. Baker's contacts with Mr. Nunn related to the WPMI project.

Mr. Baker advised us, and Mr. Nunn confirmed, that Mr. Baker's first contact with Mr. Nunn was in late December 1965 or early January 1966, at which time Mr. Baker advised Mr. Nunn of his interest in helping find a solution to the Stoddard-Getty dispute. Mr. Nunn advised us that, after receiving Mr. Baker's initial telephone call, he telephoned Mr. Getty and advised him that Mr. Baker had asked for an appointment to discuss the Stoddard-Getty dispute. Mr. Getty confirmed to us that Mr. Nunn had called him in this regard and stated that Mr. Nunn had asked if he knew who Mr. Baker was. Mr. Getty said he told Mr. Nunn that he had received previous reports on Mr. Baker's activities in Oregon and that he asked Mr. Nunn to see Mr. Baker and try to find out what it was all about. Mr. Getty said that Mr. Nunn called him back later and said he had clearance from the Governor to meet with Mr. Baker to try to find out what was going on.

Mr. Nunn stated to us that his first meeting with Mr. Baker was shortly after January 1, 1966. Mr, Nunn said that Mr. Baker came to his office alone and introduced himself as a Special Assistant to the Dean of the School of Forestry, University of Montana, and gave him a business card which so designated his association with the University.

Mr. Nunn said that Mr. Baker established himself as having a close relationship with Director Stoddard and that Mr. Baker stated he was interested in obtaining, through the Governor's office, the cooperation of the people in Oregon to work out a solution to the Stoddard-Getty dispute. Mr. Nunn said that Mr. Baker did not directly represent himself as working for Director Stoddard but that he did represent that he was close to Mr. Stoddard and could assist in working out a solution to the BLM situation in Oregon. Mr. Nunn said that Mr. Baker made it clear that there was a job for Mr. Getty at the BLM Central Office and that the solution to the problem would involve Mr. Getty's transfer from Oregon. Mr. Nunn also said that Mr. Baker told him he had seen portions of a draft General Accounting Office (GAO) report on the Point Reyes land exchange investigation and that the GAO report was detrimental to Mr. Getty and, therefore, in view of Governor Hatfield's public support of Mr. Getty, would also reflect unfavorably upon the Governor. According to Mr. Nunn, Mr. Baker said that he had seen portions of the report but thought that he could keep the report quiet. (It should be noted that at this time a draft GAO report had not been prepared.)

Mr. Baker advised us that he did not tell Mr. Nunn that Mr. Getty was to be offered a post in Washington, D.C., or anywhere else. Mr. Baker stated that, to the best of his recollection, Mr. Nunn asked him if he had any knowledge of what was in mind for Mr. Getty and that he told Mr. Nunn he did not know but that Mr. Getty had been previously offered a position in Washington, D.C. Mr. Baker also stated that he did not tell Mr. Nunn he had seen parts of a GAO report on the Point Reyes land exchange matter. Mr. Baker told us that he did not have access to or knowledge of what was contained in the pending GAO report. Mr. Baker said that he was aware that GAO was investigating the proposed Point Reyes land exchange and that his comments to Mr. Nunn were to the effect that the report, if GAO's investigation was objective and complete, would have to be detrimental to Mr. Getty and Governor Hatfield. Mr. Baker said that his remarks were based upon his own suppositions, not on any direct or indirect knowledge of what would be in the GAO report. Mr. Baker said that he did not tell Mr. Nunn that the GAO report could be kept quite.

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[1] Our examination showed that the field trip to the Lubrecht Forest and the dinner meeting was on November 6, 1965.

Mr. Nunn advised us that he had two subsequent meetings with Mr. Baker during the couple of weeks following their first meeting and that he also talked with him on the telephone on several occasions during that period. Mr. Nunn said that it was during one of these contacts that Mr. Baker said that Dr. Bolle would like to meet with him regarding the BLM situation in Oregon, and that he (Nunn) agreed to meet with Dr. Bolle.

Mr. Baker advised us that he conferred with Mr. Stoddard by telephone several times during January 1966 and kept him advised of what transpired at his meetings with Mr. Nunn. Mr. Baker also said that Director Stoddard knew that Dr. Bolle was to come to Oregon to visit with Mr. Nunn in regard to the BLM matter. Director Stoddard confirmed to us that he was aware of the proposed meetings of Messrs. Baker and Bolle with Mr. Nunn, that he knew they were discussing the BLM situation, and that he had told them he thought the meetings were a good idea.

Meeting in Mr. Nunn's Office on January 26, 1966

Mr. Nunn advised us that, when Dr. Bolle and Mr. Baker met with him in his office on January 26, 1966, they discussed essentially the same matters that he (Nunn) and Mr. Baker had discussed in their previous January meetings. Mr. Nunn stated that Dr. Bolle, like Mr. Baker, represented himself as having a close association with Director Stoddard and that Dr. Bolle said he believed he (Bolle) could help resolve the BLM situation in Oregon.

Mr. Nunn said Dr. Bolle first suggested that he contact members of the State O&C Advisory Board to discuss, and seek agreement for, the transfer of Mr. Getty from his post in Oregon. Mr. Nunn said that he declined to arrange such a meeting. Mr. Nunn said that, after more discussion, either Mr. Baker or Dr. Bolle—he was not certain which—suggested that if Dr. Bolle, a disinterested third party, talked to Mr. Getty possibly a solution could be worked out. Mr. Nunn stated that they then asked him to telephone Mr. Getty and arrange a meeting for the following day between Messrs. Getty and Bolle. Mr. Nunn said that he was unable to contact Mr. Getty until the following morning and at that time Mr. Getty was agreeable to meeting with Dr. Bolle. Mr. Nunn said that he then called Dr. Bolle at his hotel and advised him that Mr. Getty would see him later that day.

Mr. Nunn told us that he did not know whose idea it was for Dr. Bolle to come to Oregon to meet with him, that Mr. Baker told him that Dr. Bolle wanted to see him in regard to the Stoddard-Getty dispute. Mr. Nunn stated that Dr. Bolle and Mr. Baker said that, if they could get support on the local scene, they believed they could arrange for Mr. Getty to be transferred to a post in Washington, D.C.

In regard to this January 26 meeting in Mr. Nunn's office, Mr. Baker told us that they talked some about the WPMI project, that they had a general discussion of the Stoddard-Getty dispute, and that the three participants agreed that it was a serious problem and not good for the timber industry in Oregon. Mr. Baker said it was he who suggested that they take a direct approach, tell Mr. Getty about their discussions, and ask him if he would be interested in talking with Dr. Bolle. Mr. Baker denied that he told Mr. Nunn that Mr. Getty would be offered a post of any sort, in Washington, D.C., or elsewhere.

Dr. Bolle stated, in regard to the meeting, that the three participants had a general discussion of the situation in Oregon and that everyone agreed it was an unfortunate situation. Dr. Bolle advised us that, when it was suggested that he—as a disinterested third party—should meet with Mr. Getty to search out possible avenues of solution, he agreed to such a meeting reluctantly. Dr. Bolle advised us that he did not tell Mr. Nunn that he could arrange a transfer for Mr. Getty or that it would be in the State's interest for Mr. Getty to be removed from Oregon. Also, Dr. Bolle advised us that he did not recall suggesting any meeting of State O&C Advisory Board members, and that he did not represent himself to Mr. Nunn as being close to Director Stoddard.

Mr. Baker and Dr. Bolle both advised us that they did not tell Director Stoddard that Dr. Bolle was going to meet with Mr. Getty, and Director Stoddard told us he was not aware of the meeting until after it was held.

Meeting in Mr. Getty's Office on January 27, 1966, and Related Events

Dr. Bolle advised us that on January 27, 1966, he met with Mr. Getty and no one else was present at the meeting. Dr. Bolle said that he introduced himself to Mr. Getty as a disinterested third party, advised him of the previous day's discussion with Mr. Nunn, and told him that he was familiar with BLM in general as he was a member of the BLM National Advisory Board and the Montana State Advisory Board. Dr. Bolle said also that he told Mr. Getty that he had known Director Stoddard for a number of years, that he was aware, in general, of the controversy between the two of them and that he was prepared to help mediate the dispute if possible. Dr. Bolle said he advised Mr. Getty that he would leave immediately if Mr. Getty preferred not to discuss the matter.

Dr. Bolle said that Mr. Getty seemed to want to talk about the matter and that he seemed quite bitter about his relations with the BLM Washington office as a result of the Point Reyes land exchange controversy. Dr. Bolle said Mr. Getty commented that, as a result of this situation, he felt that he was in a most difficult position and wished he had accepted the offer of transfer he had received a year ago. Dr. Bolle said that he gained the distinct impression that Mr. Getty had become sufficiently upset at his situation in Oregon that he was willing to move from his present position but that a lateral transfer within BLM, or a move to another Federal agency, would not be acceptable because it would appear to be punitive in nature. Dr. Bolle said that he gained the impression that Mr. Getty would accept, or at least consider, a promotion within BLM. Dr. Bolle said that, contrary to what had been reported in the newspapers, he did not offer Mr. Getty a specific job but that he offered only to mediate the dispute with Director Stoddard. Dr. Bolle stated that he left the meeting with the impression that Mr. Getty was receptive to his offer to mediate. In addition, Dr. Bolle said that they did not talk about the political situation in Oregon and that he did not say to Mr. Getty that it would be embarrassing to Senator MORSE and Governor Hatfield if Mr. Getty stayed in Oregon, as had been reported in the newspapers. Dr. Bolle said that he emphasized to Mr. Getty that he had no authority to offer him a position of any kind.

Mr. Getty advised us that he had received a telephone call from Mr. Nunn on the morning of January 27, 1966, at which time Mr. Nunn advised him that Dr. Bolle and Mr. Baker had visited him the previous day and that they had talked about the Stoddard-Getty dispute and the BLM situation in Oregon. Mr. Getty said that Mr. Nunn advised him that Dr. Bolle was proposing to offer him a position with BLM in Washington, D.C. Mr. Getty said that Mr. Nunn asked him if he wanted to meet with Dr. Bolle and he advised Mr. Nunn that he would like to meet Dr. Bolle to try to find out what it was all about.

Mr. Getty said that Dr. Bolle introduced himself as a very good friend of Director Stoddard's stating that his purpose in seeing him (Getty) was to arrange for a promotion for him within BLM, but outside of Oregon. Mr. Getty said Dr. Bolle indicated that he felt he could perform a service by getting the Getty-Stoddard situation off the stalemate.

Mr. Getty stated that he asked Dr. Bolle who was offering the promotion and that Dr. Bolle replied he could not say exactly but that he had been requested by "those in authority" to see if he (Getty) was receptive to such an offer. Mr. Getty said that Dr. Bolle asked if he would consider a transfer to some other department of the Government, to which Mr. Getty said he replied that he had not been offered any such position.

Mr. Getty said that he played along with Dr. Bolle's proposals in the hope that he would reveal his motives more candidly. Mr. Getty said that he tried to get Dr. Bolle to volunteer some information about Mr. Baker's investigative activities that had come to his attention but that Dr. Bolle would say only that, if they had found anything that could have been used against him (Getty), they would have used it before now. Mr. Getty said that upon parting he told Dr. Bolle that he would like to know more about the offer but that it should come from the Secretary rather than from Director Stoddard if it involved BLM. Mr. Getty said that Dr. Bolle stated he (Bolle) would probably contact him by telephone within the following 2 weeks.

Mr. Baker advised us that he did not accompany Dr. Bolle at his meeting with Mr. Getty but that he did drive him to the BLM office for the meeting and met him after the meeting and drove him to the train station. Mr. Baker said that Dr. Bolle advised him on the way to the train station that Mr. Getty had said he realized his career with BLM was ruined, that the controversy had been carried much farther than he had wanted, and that there was nothing he would rather have than a transfer with honor and without any tinge of punitive action. Mr. Baker said that Dr. Bolle told him he felt Mr. Getty was receptive to his offer to mediate with Director Stoddard. Mr. Baker said that on the day following the meeting he telephoned Mr. Nunn and advised him of what Dr. Bolle had told him about the meeting. Mr. Baker said that Dr. Bolle telephoned him a few days later and advised him that he had arranged a meeting between Mr. Getty, Mr. Stoddard, and himself (Bolle) to take place in about a week and that he was optimistic that progress would be made in finding a solution to the problem.

Dr. Bolle advised us that on January 28, 1966, after returning to Missoula, he telephoned Director Stoddard in Washington, D.C., and told him about his talks with Messers. Nunn and Getty. Dr. Bolle stated that Mr. Stoddard's initial reaction was a bit reserved and not very warm about his having met with Mr. Getty to discuss the matter. Dr. Bolle said that Mr. Stoddard did agree to meet with Mr. Getty and himself in the near future to try to work out a solution to the problem.

Director Stoddard told us that Dr. Bolle called him after his meeting with Mr. Getty and said that Mr. Getty wanted a transfer and asked if he would meet with Mr. Getty and Dr. Bolle in Denver, Colorado. Mr. Stoddard said that he agreed to meet in Denver if Mr. Getty's request for a transfer was in writing.

Mr. Nunn told us that Mr. Baker telephoned him and told him about Mr. Bolle's meeting with Mr. Getty, and that Mr. Baker seemed quite elated and said that Mr. Getty had agreed to transfer to Washington, D.C. Mr. Nunn said that he was quite surprised because on repeated occasions Mr. Getty had said he wanted to stay on his job in Oregon. Mr. Nunn said that a couple of days later he talked on the telephone with Mr. Getty, told him what Mr. Baker had said about Mr. Getty's meeting with Dr. Bolle and of his surprise at Mr. Baker's message that he (Getty) had agreed to transfer to Washington, D.C. Mr. Nunn said that Mr. Getty made it very clear that he had not agreed to a transfer and that he wanted to stay on his job in Oregon if he could.

Mr. Getty told us he contacted Mr. Charles Luce, Administrator, Bonneville Power Administration, on January 28, 1966, and told him what had transpired at his meeting with Dr. Bolle. Mr. Getty stated that Mr. Luce said he would advise Assistant Secretary Anderson about what had happened. Mr. Getty said that on the following day, January 29, Mr. Luce called him at his home and they discussed the meeting in some detail and that Mr. Luce advised him that he had been unable to contact Assistant Secretary Anderson but would do so early the following week.

Mr. Getty stated that he was scheduled to see Assistant Secretary Anderson on February 1 in Washington, D.C., regarding a timber cut matter they were working on in Oregon and that at that time he told Mr. Anderson about his meeting with Dr. Bolle. Mr. Getty said that Mr. Anderson received a telephone call from Mr. Luce with the same information while Mr. Getty was in Mr. Anderson's office. In response to our questions, Mr. Getty advised us that, except for Mr. Luce and Mr. Anderson, the only people he could recall telling about his meeting with Dr. Bolle were several of his key staff people in the BLM Oregon State Office; he did not tell anyone in the timber industry about the meeting. Mr. Getty said that sometime later—February or March—he received a telephone call from Mr. McCracken, WFIA, in regard to another matter and at that time he told Mr. McCracken about his January 27 meeting with Dr. Bolle.

We asked Mr. McCracken whether his first knowledge of the Getty-Bolle meeting on January 27 resulted from his discussion sometime later with Mr. Getty. Mr. McCracken advised us that he first heard about the meeting on January 29, when he received a telephone call from Joe Miller, WFIA representative in Washington, D.C. Mr. McCracken said that Mr. Miller told him that Mr. Luce had called him that day inquiring as to what he knew about Mr. Baker and that Mr. Luce had told him about the activities of Mr. Baker and Dr. Bolle in Oregon. Mr. Luce confirmed to us that he had called Mr. Miller in an effort to determine what he knew about an offer by Dr. Bolle to arrange a promotion for Mr. Getty.

The proposed meeting between Messrs. Stoddard, Getty, and Bolle to attempt to work out a solution to the dispute was not held. As previously mentioned, Mr. Getty was again placed under the immediate supervision of Director Stoddard in February 1966.

Meeting of March 11 and 12, 1966: Director Stoddard, Dr. Bolle, and Mr. Baker met in Portland on March 11 and 12, 1966. Director Stoddard was in Portland to participate in a BLM program for orientation of professional employees. Dr. Bolle advised us that he went to Portland on those dates to discuss the WPMI project with Mr. Baker and the multiple-use management project with Director Stoddard. Dr. Bolle and Mr. Stoddard were dinner and overnight guests of Mr. and Mrs. Baker on March 11.

Meeting of May 4, 1966: Director Stoddard made his next visit to Portland on May 3 and 4, 1966. He arrived in Portland late on May 3 and telephoned Mr. Baker to meet with him at the Washington Hotel. They met from about 2 to 4:30 a.m. on May 4—Bill Holmes, BLM public relations, and Mrs. Baker also being present. Mr. Baker told us that the discussion involved essentially whether or not Director Stoddard should hold a press conference while in Portland. Director Stoddard advised us that he wanted to see Mr. Baker to determine whether he had obtained any evidence regarding Oregon timber irregularities. Director Stoddard said that Mr. Baker wanted to see him because he was to meet with Department of the Interior investigators the following day and that Mr. Baker asked him how he should handle the situation. Director Stoddard advised us that he told Mr. Baker to tell the truth.

Investigation Ordered by Mr. Stoddard

One of the assertions voiced in this controversy concerns the alleged investigation of Mr. Getty by Director Stoddard. When asked if he had ordered an investigation of Mr. Getty, Mr. Stoddard told us that he had asked a member of BLM's investigation staff—E. Lawrence Hyland—to make an investigation of the so-called "Sweet Swap." Mr. Stoddard said that he had requested Secretary Udall and also Mr. Luce to make a full investigation so that the allegations made against him during the spring of 1965 could be cleared up. Also, Director Stoddard said that he received reports from Mr. Baker during the summer of 1965 alleging irregularities in BLM Oregon timber sale operations. When Mr. Luce failed to initiate an investigation, Mr. Stoddard said he decided to have Mr. Hyland investigate Mr. Sweet's land exchange proposal and the alleged iregularities in timber sales. Mr. Hyland told us that he initiated the "Sweet Swap" investigation at Mr. Stoddard's request in June 1965.

In September 1965, while in Montana on this assignment, Mr. Hyland interviewed Mr. Baker. In his first report titled "Allegations of Schemes to Allocate Timber Sales to Certain Purchasers," dated October 19, 1965, Mr. Hyland reported to Mr. Stoddard on Mr. Baker's allegations regarding the undue influence that several western Oregon timber industry representatives supposedly had with Mr. Getty and about questionable deals involving "allocation" of Government timber. Mr. Hyland's report also cautioned that, since he had obtained his information from only one source, it would be inadvisable to use it without thorough verification. However, Mr. Stoddard said he believed that Mr. Getty told Mr. Luce who, in turn, told Assistant Secretary Anderson that he (Stoddard) was having him (Getty) investigated, and as a result Mr. Anderson had Mr. Stoddard halt the investigation in September 1965.

Mr. Hyland advised us that, soon after he had returned from interviewing Lyle Baker, he was advised by Director Stoddard to discontinue his investigation of Mr. Sweet's land exchange proposal and to prepare a report on that part of the investigation he (Hyland) had completed. Mr. Hyland submitted a report dated September 29, 1965, to Director Stoddard concerning the administrative problems created by the charges made in connection with the Sweet exchange. Mr. Hyland said that he believed his investigation was only about half completed when he was told to discontinue the work. This report contained sections dealing with the background of Oregon problems, the proposed Oregon-Point Reyes exchange, and the proposed transfer of Mr. Getty from Oregon.

In February 1966 Mr. Hyland went to Oregon and on February 7 and 8, 1966, he again interviewed Mr. Baker. In his report dated February 23, 1966, Mr. Hyland reported to Director Stoddard information obtained from Mr. Baker on the January meetings between Messrs. Baker, Bolle, and Nunn and between Dr. Bolle and Mr. Getty. He reported also about Mr. Getty's continued backing by Oregon timber operators and the WFIA in particular. Mr. Hyland reported to Director Stoddard that Mr. Baker suggested that BLM records concerning the Sweet exchange be furnished to him for review. From these Mr. Baker proposed to write a series of articles designed to rebuild Director Stoddard's and BLM's image in Oregon. Mr. Hyland advised us that he told Mr. Baker that the records were for "Government use only" and that he would have to contact the Director to see if the records could be reclassified for release. Mr. Hyland said that he discussed Mr. Baker's request with Director Stoddard and recommended that the records not be given to Mr. Baker.

Notwithstanding, on March 3, 1966, Director Stoddard did send copies of certain BLM records and memorandums to Mr. Baker with the notation "Lyle—This is raw and needs some discussion before you do anything with it—Chuck." Mr. Stoddard advised us that Mr. Baker had informed him that he (Baker) had been in contact with certain newspapers in Oregon which wanted an objective view of the "Sweet Swap." Mr. Stoddard said that, since the Department was not doing anything in regard to his request for an investigation, he decided to give Mr. Baker copies of certain documents so that his side of the story would be printed in the Oregon newspapers.

We also asked Mr. Getty if he was aware of any investigations being made of his activities. Mr. Getty told us that, beginning last summer, he had receved reports that someone was investigating him; that Mr. McCracken told him around August 1965 that Mr. Baker had told him that he (Baker) had been hired by Director Stoddard to investigate Mr. Getty. About the same time—August or September 1965—Mr. Getty said that his staff began reporting to him that they had been hearing stories similar to the one conveyed by Mr. McCracken.

Mr. Getty also told us he received a report that Mr. Stoddard had ordered Mr. Hyland to investigate him. Mr. Getty said he had talked with Mr. Hyland in February 1966 and that Mr. Hyland told him that Director Stoddard had requested such an investigation but that, when he was about half through, he was told to discontinue the investigation.

April 1966 Newspaper Stories Concerning Stoddard-Getty Controversy

During our examination, we became aware that certain people had knowledge before

April 21, 1966, that a news story was imminent concerning the Stoddard-Getty controversy. Mr. Nunn advised us that he had talked to Gerry Pratt of "The Oregonian" prior to Mr. Pratt's release of the story in the April 22, 1966, edition of "The Oregonian." Mr. Nunn said that he did not recall that he had given anyone prior notice, but that Mr. Pratt's contacts in preparing his story could have resulted in the word getting around. Mr. Nunn said that he had directed Mr. Pratt to Mr. McCracken. Mr. Nunn said that the Governor's office did not release anything to the "Oregon Journal" which broke a story in its April 21, 1966, edition.

Dean Bolle advised us that, on or about April 15, 1966, Orren Beaty, Assistant to the Secretary of the Interior, telephoned him about a pending news release regarding the Stoddard-Getty dispute and about meetings that Dr. Bolle reportedly had held in Oregon with some of the principals to the dispute. Mr. Beaty asked Dr. Bolle about BLM grants to the University of Montana. Dr. Bolle said he then called Mr. Nunn and asked him about any pending news release. Dr. Bolle said Mr. Nunn told him that he was not aware of anything of that nature but would check it out and let Dr. Bolle know if he learned anything. Dr. Bolle said that Mr. Nunn did not call back. Dr. Bolle said he also called Mr. Baker to see if he knew anything about a news story. Dr. Bolle said that, in his return call, Mr. Baker told him that he had checked with the Portland newspapers and did not learn anything about a pending news release.

Mr. McCracken advised us that, about 7 to 10 days before the April 21 newspaper story, he learned that newspapermen were asking about the Baker-Bolle-Getty affair and that from this he surmised that the "pot was about to boil" again. He told us that he called Mr. Leif Erickson, an attorney in Montana, and told him of what he had learned about Mr. Baker's and Dr. Bolle's activities in Oregon and of the apparent involvement of the University of Montana. Mr. McCracken said that Mr. Erickson, who is retained by WFIA when it requires legal services in Montana, had Ron Richards, a Democratic Party official in Montana, call him. Mr. McCracken told Mr. Richards of the apparent involvement of Dr. Bolle and the University.

Mr. McCracken advised us also that he had instructed Bob Patten, a WFIA representative in Spokane, to go to Montana and find out about the BLM grants to the University of Montana. Mr. McCracken said that, on April 11, 1966, he met with Mr. Baker who had requested the meeting, at which time Mr. Baker brought up the Stoddard-Getty controversy. Mr. McCracken said that Mr. Baker identified two actual or potential BLM grants to the University of Montana, one for about $133,000 or $143,000 for marketing studies in which he (Baker) would be involved and the other for about $43,000 for a study of bidding systems on Government timber. Mr. McCracken said that, after Mr. Baker told him of the BLM grants to the University, he concluded that Mr. Baker's and Dr. Bolle's efforts to have Mr. Getty transferred from Oregon might be more serious and far-reaching than he had initially thought. Therefore, he decided he should know more about the BLM grants to the University.

Mr. Baker denied to us that he had told Mr. McCracken about any BLM grants to the University of Montana.

James B. Patten, administrative assistant to Governor **Tim Babcock** of Montana, advised us that Bob Patten came to his office about a day or two before the April 21 press release. James Patten said that Bob Patten related to him the story about Mr. Baker's and Dr. Bolle's involvement in trying to get Mr. Getty transferred out of Oregon, about huge BLM grants to the University of Montana or to Dr. Bolle, and about WFIA's having reason to believe that Baker's and Bolle's interests were being plotted by Director Stoddard and financed by dollars coming from BLM through the University of Montana. James Patten said that Bob Patten wanted to know the extent of the BLM grants to the University, so he (James Patten) called Robert T. Pantzer, financial vice president of the University, who told him that the University had two grants from BLM and that there was an account on the University's Foundation books set up for Mr. Baker and Dr. Bolle but there was no money in it. James Patten said that he sent Bob Patten over to the University and then called Mr. Nunn who explained the Oregon situation to him. James Patten said that Mr. Pratt called that same evening and said that he was writing a story on the matter for publication the next day. Mr. Patten said that he told Mr. Pratt what he had found out up to that point. He said also that he called Dr. Bolle who told him his side of the story.

Mr. Pantzer advised us that Bob Patten had contacted him and said that he had an interest in a matter having political implications in Oregon, that he wanted certain information which would be useful at the upcoming western Governors' conference in Las Vegas, and that the information which he wanted concerned BLM grants to the University. Mr. Pantzer said that he told Mr. Patten about the two grants that the University Foundation had received from BLM, but that he refused to give him a deposition concerning those grants.

University of Montana Matters

Grants made by BLM

Our examination disclosed no evidence that BLM grants to the University of Montana had been used to finance the activities of Mr. Baker or Dr. Bolle in Oregon. Three grants had been awarded to the University Foundation for relatively small amounts. The grants appeared to be directly related to BLM's land-management functions, and BLM records indicated that the University had made satisfactory progress in accomplishing the studies required under the grants.

As of May 12, 1966, the BLM had made three grants totaling $20,500 to the University of Montana Foundation. The Foundation is a nonprofit corporation organized primarily to accumulate and provide a fund to foster educational and research programs of the University of Montana. The three grant agreements were designated for specific projects to be conducted by the School of Forestry.

The first grant agreement was entered into on July 1, 1965, for a study of the possible economic and social effects of proposed multiple-use and land-disposition programs in Valley County, Montana. The financial commitment of BLM was $13,000 and an additional amount of $8,500 was to be furnished by the University Foundation. Under this grant agreement, BLM funds were disbursed to the University Foundation on the basis of itemized expense vouchers submitted by the Foundation to the Washington, D.C., office of BLM. As of April 7, 1966, the University Foundation had received $12,587.32 under this grant.

The second grant agreement was entered into on July 19, 1965, for a study of potential areas for preservation of primitive values on public lands administered by BLM. BLM's financial commitment was $4,500. The University Foundation billed BLM on August 30, 1965, and received the $4,500 on October 21, 1965. The University's report on the results of the study was issued to BLM in September 1965.

The third grant agreement was approved by BLM on May 12, 1966, for a study of contract fire protection versus force account fire protection in Montana. BLM's financial commitment was $3,000. At the time of our review, the University Foundation had not received any funds under this grant agreement.

The grants received for specific projects are accounted for by the University Foundation in separate accounts set up for each project. The project accounts are charged as project expenses are incurred and credited as project revenues are received. We examined the Foundation accounts for the two BLM grants then in existence to see if there was evidence of payments to Mr. Baker or Dr. Bolle. We found that, in November 1965, a salary payment of $1,050 to Lyle Baker was charged against one of the BLM grant accounts but then reversed out of the BLM grant account and charged to the Foundation account set up for the proposed Wood Products Marketing Institute. C. L. Murphy, the University controller, advised us that the salary payment to Mr. Baker was mistakenly posted to the BLM grant account and that the reversing entry was to correct the erroneous posting. The only other payment to either Mr. Baker or Dr. Bolle was a payment of $27.50 for per diem expenses of Dr. Bolle for a trip to Glasgow, Valley County, Montana, in July 1965, which was charged to the Valley County grant account.

In the late summer or early fall of 1965, Dr. Bolle proposed to BLM a project for research by the University of Montana Foundation on Montana wood products marketing. The proposal provided for an investigation of marketing arrangements and of their relation to demand, quality, and price of selected wood products and would have required a commitment of $8,700 from BLM. The proposal was turned down by Director Stoddard in January 1966, as not fitting BLM's mission.

Consulting fees paid by BLM to Dr. Bolle

On December 3, 1965, Dr. Bolle was made a temporary consultant to BLM to help develop a multiple-use management demonstration and training project which would involve joint use of the University's Lubrecht Forest and adjacent BLM lands. This project was the subject of Dr. Bolle's November 6, 1965, field trip to the Lubrecht Forest. The consultant agreement provided that Dr. Bolle be paid at the rate of $65.60 for each 8-hour day but was limited to a maximum of 60 days. Dr. Bolle charged, and was paid by BLM, for 10 days each month for the period December 1965 through February 1966, and he received $1,552.98 net pay for those 30 days. Dr. Bolle submitted a report on his study to BLM in March 1966 and BLM Central Office staff personnel visited the field site in Montana in May 1966 to further study and evaluate the project.

We noted that Dr. Bolle charged 8 hours a day to the BLM consultant agreement for January 26 and 27, 1966, when he was in Salem and Portland, Oregon, meeting with Messrs. Baker, Nunn, and Getty on the Stoddard-Getty controversy. Also, Dr. Bolle charged 8 hours a day to the consultant agreement for December 28, 29, and 30, 1965, when he was in Berkeley, California, attending a meeting on the American Association for Advancement of Sciences. When questioned about the propriety of these charges, Dr. Bolle said that he had been careless in keeping track of the actual time worked on the consulting project but that he had worked on the train while traveling and in his hotel room during the evenings. He said he did not intend to charge January 26 and 27, 1966, to the consulting work. He pointed out to us, and University records confirmed, that the travel costs for his January 26 and 27 trip to Portland had been paid from University funds and not charged to BLM. Also, University records indicated that Dr. Bolle's travel costs for his December 1965 trip to Berkeley had not been charged to BLM. Dr. Bolle pointed out also that all of his fees as a BLM consultant had been turned over to the University Foundation because he considered the consulting project a School of Forestry project, not solely his own. University Foundation records showed that Dr. Bolle made contributions in March and April 1966 totaling $1,552.68, the net amount, less 30 cents, which he had received from BLM for his consulting services.

Dr. Bolle has advised us that he does not plan to render any additional billings to BLM for work under the consultant agreement. In this connection, we found a penciled draft letter in a School of Forestry file, addressed to the Personnel Officer, BLM, Washington, D.C., requesting payment for 8 hours a day for 24 days in March 1966 and 1 day in April 1966, or a total of 25 days, which would have made a total of 55 days charged to the consultant agreement. We asked Dr. Bolle why the billing letter had not been sent and he said that he had decided not to claim payment because he and Director Stoddard had agreed that a maximum of about $1,500 should be charged BLM for his consulting work. We asked Mr. Stoddard about this $1,500 limitation and he said that he did not recall any such agreement. Dr. Bolle could have claimed up to 60 days at 8 hours a day for work on the consulting project.

Later, we received a letter dated June 2, 1966, from Dr. Bolle, in which he said that he had been trying to reconstruct his thoughts and actions in this matter and that, as nearly as he could recall, they were as follows:

"I had spent more time on this multiple use project than I had claimed—and still more time was going to be required. I had decided to claim more time, even though Mr. Stoddard had originally mentioned about $1,500.00 the amount he would devote to it. But, after writing the note, I had second thoughts.

"The project would be at least as beneficial to us at the School as it would be to BLM. I decided therefore that I would not request additional support from BLM and crossed out my note.

"I don't recall when this was done, but it was weeks before any troubles arose in Oregon."

Dr. Bolle advised us that there could be no implication that the money he received as a BLM consultant had been paid to him in order to pay Mr. Baker. He stated that any money contributed to the Foundation looses its identity and that his contributions were in no way earmarked. We found, however, that the $1,552.68 had been deposited in the Foundation account from which Mr. Baker was paid. The director of the Foundation instructed the financial vice president, by memorandum dated March 1, 1966, to deposit the amounts "in the special Foundation account from which Lyle Baker is being paid." His memorandum also stated: "This gift is in partial support of the payment to Mr. Baker for research and developmental work which he is doing." The director advised us that he had designated the contributions to be deposited to this account on the basis of conversations with Dr. Bolle.

University Foundation account 881.5, "Market Research Bolle," contained total expenditures of $8,132.89 from its inception in November 1965 through May 13, 1966, and total income of $1,552.68, leaving a deficit of $6,580.21 at May 13. An analysis of the total expenditures charged to the account follows.

Salary payments to L. Baker	[1,2] $7,050.00
Social security and industrial accident payroll costs	[2] 292.54
Travel expense payments to L. Baker	774.00
Other costs	16.35
Total expenditures	[3,4] 8,132.89

[1] $1,500 of this amount represented Mr. Baker's March 1966 salary held by the University Foundation pending receipt of final report from Mr. Baker on his marketing research activities.

[2] Charges not included for Mr. Baker's salary and related payroll costs for April 1–21, 1966. Mr. Baker's services were terminated by the Foundation on April 21, 1966.

[3] A travel expense voucher submitted by Mr. Baker in April for reimbursement of $1,308 had not been processed by the University and recorded in this account as of May 13, 1966.

[4] A travel advance of $697 paid to Mr. Baker in November 1965 from the University faculty travel account had not been repaid at May 24, 1966.

Termination of Mr. Baker's services

By letter dated April 21, 1966, Dr. Robert Johns, president of the University of Montana, instructed Dr. Bolle that, effective on that date, employment of Mr. Baker and any activity Mr. Baker was conducting in the name of the University, or any division associated therewith, was to be terminated forthwith and permanently. Dr. Johns' letter also requested Dr. Bolle to submit, within 7 days, a comprehensive and detailed report of all services rendered to the University of Montana Foundation by Mr. Baker.

Dr. Bolle advised Mr. Baker, by letter dated April 21, 1966, that, effective on that date, at the direction of the president of the University, Mr. Baker's employment was terminated forthwith and permanently. Dr. Bolle's letter also ordered Mr. Baker to remove the name of the University from his office door and to destroy such identification as he might have connecting him with the University and requested a comprehensive and detailed report of all services that he had rendered to the University of Montana Foundation.

Mr. Baker advised us that he had been dismissed by Dr. Bolle through a telephone call on the day following the first newspaper story in April and that a letter from Dr. Bolle dated April 21, 1966, had then been received confirming his release. Mr. Baker told us on June 9, 1966, that he had not submitted a final report to the University on the work he had done in organizing the marketing institute and that he would not submit his report until the University paid him all salary and expense money due him. He said that, when the news stories broke in April 1966, he had seven different groups of industry representatives lined up for 4 days of meetings with Dr. Bolle in May regarding financial support for the WPMI project. He told us also that he had prepared outlines for a textbook on wood products marketing and for the graduate study course on marketing as he envisioned it and had talked with many people about furnishing materials and lecturing in the proposed graduate study program. He said he had talked to the man whom he believed best qualified to be the director of the proposed marketing institute and had arranged for Dr. Bolle to interview him. Mr. Baker said that the University could have all this information in his final report after they paid him all amounts due him.

We asked Dr. Johns why he had ordered that Mr. Baker's services be terminated. Dr. Johns told us that, 1 or 2 days before the April 21 news story, Tom Collins, director of statewide services for the University, received a telephone call from Mr. James B. Patten who advised that Mr. Baker was representing himself as an employee of the University. Dr. Johns said that Mr. Baker had been a temporary consultant to the University Foundation and not a University employee. Dr. Johns said that, if Mr. Baker had been a University employee, he would have had a written contract with the State and that, even though Mr. Baker had been paid on University forms, it did not make him a University employee. Dr. Johns stated that, when the April 21 newspaper story confirmed that Mr. Baker was misrepresenting himself as a University employee through a sign on his office door and through the use of business cards, he had Mr. Baker's services terminated. Dr. Johns said that such misrepresentation was sufficient grounds for dismissal.

In this connection, our review showed that the business cards used by Mr. Baker had been printed by the University's printing plant and had been supplied him by the University upon Mr. Baker's statement that he needed the cards for his contacts on behalf of the WPMI project. The cards carried the University seal and identified Mr. Baker as a special assistant to the dean of the School of Forestry, Wood Products Marketing Institute, University of Montana.

Our examination of University records showed that several documents listed Mr. Baker as a "BLM Investigator" and that the original title of the University Foundation account from which Mr. Baker was paid was "BLM Bolle." In April 1966, this title was changed to "Market Research Bolle." The University controller, who is in charge of preparing these records, advised us that the "BLM" titles had been erroneous and had been the result of mistakes by clerical personnel.

Telephone Credit Card Account of Mr. Stoddard

Our examination of BLM records of phone calls charged to Mr. Stoddard's Government credit card account during the period September 1, 1965, through April 30, 1966, and of calls made collect to Director Stoddard's office during this same period indicated that Mr. Baker made about 186 telephone calls which were charged to and paid from BLM appropriated funds.

It appears that 33 of these telephone calls were made to Director Stoddard. There were 41 calls made to Dr. Bolle and 15 calls to the Park Corporation of Eureka, California, or to officials of that company. Telephone calls were also made to Reely Brothers in Missoula; Mr. Baker's attorney in Portland; the California Redwood Association in San Francisco; Leonard Netzorg, counsel for the WFIA; Warne Nunn in Salem, Oregon; and various other individuals and a number of lumber companies in Montana and the west coast States.

By letter of June 2, 1966, Secretary Udall advised Senator MORSE that the Department was reauditing these telephone charges and would require restitution as appropriate.

Secretary Udall's Action Transferring Messrs. Stoddard and Getty From Their Positions

On June 2, 1966, Secretary Udall announced that Mr. Stoddard was being reassigned to the position of Director of the Secretary's Resources Program Staff, a position Mr. Stoddard had held prior to June 1, 1963, when he was named the BLM Director. Secretary Udall announced also the transfer of Mr. Getty to a position in Washington, D.C., as special assistant to Assistant Secretary Harry Anderson on matters dealing with land and forest resources.

Secretary Udall said that a recently completed investigation of difficulties in the Oregon BLM operation led him to the conclusion that "their [Stoddard's and Getty's] usefulness in their present assignments has become seriously impaired," and that the moves were made in the interest of good administration. The reassignments were made effective June 15, 1966.

Summary of Observations

Much of the information we gathered concerning events prior to Secretary Udall's announcement of June 2, 1966, was obtained through interviews of individuals having knowledge of the matters under examination, and their statements were based largely upon recollections of events and discussions that occurred 4 to 12 months before our interviews. Much of this information was not subject to corroboration from other sources. We found instances of discrepancies and inconsistencies in information obtained from individuals who were present at the same meetings. Such different versions of what transpired at those meetings could be the result of unclear or faulty recollections, honest differences of opinion as to what was said and took place at the meetings, or an attempt to emphasize individual views. We were unable to determine which of these factors caused inconsistent accounts of events and meetings given us in oral interviews.

Mr. Stoddard advised us that, in the spring of 1965, he requested Secretary Udall and Mr. Luce to initiate an investigation of the Sweet exchange, an investigation which he (Stoddard) believed would clear his name. Mr. Stoddard said that neither the Secretary nor Mr. Luce undertook such an investigation and that he therefore initiated action on his own about June 1965. At about the same time, Mr. Stoddard received reports from Mr. Baker alleging irregularities in BLM timber sale operations in Oregon. Mr. Stoddard stated that he ordered Mr. Hyland to make an investigation of the Sweet exchange and contended that he did not order Mr. Getty investigated.

Mr. Getty advised us that he had received a report that Mr. Stoddard had ordered Mr. Hyland to investigate him. Mr. Getty was mentioned in the investigation reports prepared by Mr. Hyland. Assistant Secretary Anderson, in September 1965, had Mr. Stoddard halt the investigation.

Director Stoddard gave Mr. Baker his Government telephone credit card number and authorized Mr. Baker to use it to relay information about irregularities in timber operations. Our examination of BLM records indicated that Mr. Baker charged about 186 telephone calls to the credit card account during the period September 1, 1965, through April 30, 1966.

It appears that the proposal to have a meeting between Mr. Stoddard and the lumbermen was entirely Mr. Baker's idea and that Mr. Baker took the initiative in making the arrangements after first discussing the proposed meeting with Director Stoddard and getting his approval. We found no evidence that Mr. Baker, while discussing the proposed meeting, offered inducements to the lumber industry representatives in regard to favorable decisions by BLM on such matters as increasing allowable cuts or oral versus sealed bidding systems for BLM timber sales.

Mr. Cowan said that Mr. Baker had stated that he was acting for, and with authority from, Director Stoddard and that Mr. Stoddard wanted the cooperation of the lumbermen in Oregon to help settle his dispute with Mr. Getty. Mr. Cowan stated also that Mr. Baker said that Mr. Getty would be made the Pacific Coast advisor for BLM and would be remaining in Portland in that capacity. Mr. Baker stated that he may have mentioned an advisory position or something similar for Mr. Getty as an example of a possible solution but had not offered it as the suggested solution and that Mr. Stoddard had not proposed any specific solutions to him. Mr. Baker said that he had no such authority and that his purpose was to get people together to explore possible solutions.

Some of the discrepancies and inconsistencies in the information obtained are further illustrated in (1) Mr. Nunn's first meeting with Mr. Baker, (2) Mr. Baker's and Dr. Bolle's meeting with Mr. Nunn on January 26, 1966, and (3) Dr. Bolle's meeting with Mr. Getty on January 27, 1966.

In January 1966, Mr. Baker contacted Mr. Nunn on several occasions. At the time of Mr. Baker's initial contact in early January or late December, Mr. Nunn had advised Mr. Getty of Mr. Baker's interest and Mr. Getty asked Mr. Nunn to meet Mr. Baker and try to find out what it was all about. Mr. Nunn said that Mr. Baker made it clear that there was a job for Mr. Getty at the BLM Central Office, whereas Mr. Baker advised us that he did not tell Mr. Nunn that Mr. Getty was to be offered a post in Washington, D.C., or anywhere else. Mr. Baker stated also that he did not tell Mr. Nunn that he had seen parts of a GAO report on the Point Reyes land exchange matter. Mr. Baker did say that his comments to Mr. Nunn were to the effect that, if GAO's investigation was objective and complete, the report would have to be detrimental to Mr. Getty and Governor Hatfield. It is important to note that, at this time, no material of any kind had been made available to Mr. Baker by our Office and that a draft of our report was, in fact, not even in process. We had, however, prepared a "Statement of Facts" which we submitted to Mr. Getty in December 1965 to obtain his comments as to their validity.

The meeting of January 26, 1966, between Dr. Bolle, Mr. Baker, and Mr. Nunn, was arranged by Mr. Baker. Mr. Nunn stated that Dr. Bolle and Mr. Baker said that they believed that they could arrange for Mr. Getty to be transferred to a post in Washington, D.C., if they could get local support. Mr. Baker and Dr. Bolle denied to us that they had told Mr. Nunn that they could arrange a transfer for Mr. Getty.

The meeting of January 27, 1966, between Dr. Bolle and Mr. Getty was arranged by Mr. Nunn at Mr. Baker's suggestion. Mr. Getty said that, at this meeting, Dr. Bolle told him that his purpose in seeing him was to arrange for a promotion for him within BLM but outside of Oregon. Dr. Bolle told us that he had not offered Mr. Getty a specific job but offered only to mediate the dispute with Director Stoddard. Mr. Baker and Dr. Bolle both advised us that they had not told Director Stoddard that Dr. Bolle was going to meet with Mr. Getty, and Director Stoddard told us he was not aware of the meeting until after it was held.

The allegation in an Oregon newspaper that huge funds ranging from $100,000 to $1 million were channeled through the University's forestry school appears to be unfounded since the three grants awarded to the University Foundation were for relatively small amounts related to BLM's land management functions and since no evidence was found of payment to Mr. Baker from the land accounts.

Dr. Bolle, while employed as a temporary consultant to BLM, charged 8 hours a day to the BLM consultant agreement for January 26 and 27, 1966, when he was in Salem and Portland meeting with Messrs. Baker, Nunn, and Getty on the Stoddard-Getty controversy. Also, he charged 8 hours a day to the consultant agreement for December 28, 29, and 30, 1965, when he was in Berkeley attending a meeting of the American Association for Advancement of Sciences. Dr. Bolle advised us that he had been careless in keeping track of actual time worked on the consulting project but that he had worked on the train while traveling and in his hotel room during the evenings.

Dr. Bolle contributed his consulting fees to the University Foundation because he said that he considered the consulting project a School of Forestry project, not his personal project. Foundation records showed that Dr. Bolle had contributed $1,552.68, the net amount, less 30 cents, received from BLM for his consulting services. The director of the Foundation, in turn, directed that the contribution be deposited into the "Market Research Bolle" account from which Mr. Baker was paid. Dr. Bolle stated that there could be no implication that the money he received as a BLM consultant had been paid to him in order to pay Mr. Baker and that his contributions to the Foundation were not restricted or earmarked. The Foundation director advised us, however, that he had designated Dr. Bolle's contributions to be deposited to the account from which Mr. Baker was paid, on the basis of conversations with Dr. Bolle. The account 881.5, "Market Research Bolle," contained total expenditures of $8,132.89 from its inception in November 1965 through May 13, 1966, and total income of $1,552.68, leaving a deficit of $6,580.21 at May 13.

Dr. Robert Johns, president of the University of Montana, advised us that Mr. Baker had been a temporary consultant to the University Foundation and not a University employee. Dr. Johns said that, if Mr. Baker had been a University employee, he would have had a written contract with the State and that, even though Mr. Baker had been paid on University forms, it did not make him a University employee.

It appears that, during the period August 1965 to February 1966, Mr. Stoddard may have violated the intent of Assistant Secretary Anderson's instructions that he have no line supervision over Mr. Getty or BLM activities in Oregon. Mr. Stoddard did become involved in Oregon affairs through his knowledge and encouragement of the activities of Mr. Baker and Dr. Bolle in Oregon. Subsequently, Assistant Secretary Anderson felt that the relationship between Mr. Stoddard and Mr. Getty had improved and thus put Mr. Getty back under Mr. Stoddard's supervision.

APPENDIX I

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
October 15, 1955.

MR. FRANK WEITZEL,
Acting Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. WEITZEL: Early this year, allegations were made that certain improper actions occurred in the Department of the Interior in regard to a proposed exchange or exchanges involving lands of the Bureau of Land Management and land sought by the National Park Service.

I continue to receive letters which suggest that improper actions took place. Enclosed is an extract from a letter written by Mr. Leonard B. Netzorg, an attorney with the Western Forest Industries Association, Portland, Oregon, dated August 6, 1965, in connection with the Oregon Dunes legislation. Also enclosed is an extract from a letter in connection with another matter, prepared by Mr. Marshall C. Cheney, Jr., a Portland, Oregon attorney, addressed to a Mr. J. D. McCann, dated August 9, 1965.

Both letters suggest that the writers may have information which might provide substantial evidence as to whether or not there is substance to charges of Federal agency malfeasance which have been widely hinted at, but never proved by those making them, nor quieted by evidence supplied by the Department of the Interior.

In view of these developments I would appreciate your reviewing the three principal parts of what is known as the Sweet-Point Reyes-Bureau of Land Management exchange proposal. Various materials relative thereto are enclosed, but you will have to supplement these, I am sure, by further factual information to be supplied by the proper officials.

The aspects of this case upon which I would like to have specific information are set forth in the following paragraphs:

Were the values assigned by the Department of the Interior for the Sweet property in the Point Reyes Park the fair market values? Who are the specific officers who conducted and approved these valuations?

Certain Bureau of Land Management lands in California were valued for exchange purposes. Were the values assigned by the Department of the Interior for this property the fair market values? Who are the specific officers who conducted and approved these valuations?

I understand that the proposed exchange for Bureau of Land Management lands in California did not result in an agreement. Later, certain BLM lands in Oregon were nominated for consideration for exchange. Were there any actions taken in the valuation of these lands which were inimical to their being appraised at fair market value? Who are the specific officers who conducted and approved these actions?

Exchanges, including the negotiations leading to their acceptance, are conducted according to established procedures or regulations. Were there any actions taken, and if so by whom, which, as of approximately April 15, jeopardized the public interest by compromising the ability of the Department of the Interior to subsequently either obtain fair market value or to carry out authorized activities effectively?

Finally, did any officers of the Department initiate and participate in secret meetings in connection with a proposed exchange, and if so, who are they and how, if at all, did their actions compromise the public interest?

Your consideration and report on this request will be deeply appreciated.

Sincerely yours,

WAYNE MORSE.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
June 2, 1966.

Mr. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: I have just returned from a three day trip to Oregon and in all parts of the state that I visited I found growing concern about the whole controversy involving Bureau of Land Management in Oregon. As you know, this is the subject of a study I requested of the Comptroller General some time ago.

The people of my state want the facts on this case. Those to whom I talked presented certain questions to me which were repeated on many occasions. For your information I attach a memorandum containing these questions. The memorandum is captioned, "Major Allegations Raised About The Curry County-Point Reyes Land Exchange".

I would appreciate your reviewing these questions and I trust that the report which will be forwarded to me will cover each of them. In addition, I am sure your investigations produced other and equally important questions which your report will discuss in detail.

With appreciation,

Sincerely,

WAYNE MORSE.

MAJOR ALLEGATIONS RAISED ABOUT THE CURRY COUNTY-POINT REYES LAND EXCHANGE

1. In comparison with past exchange procedures, did the Department of the Interior or BLM officials impose "complete secrecy" on the proposed exchange? Pratt 4/25 Oregonian.

2. In connection with any aspect of the exchange, were there secret meetings of any sort held by persons in the U. S. Government or outside the U. S. Government that dealt with this exchange? Pratt 4/25 Oregonian.

2a. If so, in the period thru May 14, 1965, who held such meetings, where and when were they held and who organized such meetings? Pratt 4/25 Oregonian.

3. Is it a fact that "about 8 weeks ago (i.e. prior to April 25, 1965), Charles Stoddard of the BLM came to Portland and got into the final detail of the swap"? Pratt 4/25 Oregonian.

4. Was "Sweet then told to choose lands from these areas that had been pulled out of the public domain as 'disposable' parcels? Pratt 4/25 Oregonian.

5. Was "the meeting in Portland with Stoddard the first time anyone outside BLM had heard about 'disposable' lands or about a proposed project to dispose of some 11 million acres in all, 646,000 acres of them in Oregon"? Pratt 4/25 Oregonian.

5a. Had the 11,000 acre lands, as claimed by the Governor, actually been declared disposable? Journal 4/26.

6. It is correct that as of either February 1965 or April 1965, that "Getty had opposed the exchange" to his boss? Enterprise Courier 4/27.

7. Did "Getty and his staff . . . argue against the deal" in the February meeting? Statesman 4/27.

8. Is it true that the use of these lands for an exchange disrupt "an excellent plan for management of this great national resource"? Statesman 4/27.

9. Is it true that the exchange was "not given ample public notice"? Statesman 4/27.

10. Did Stoddard direct "that there be no public hearings" and was he "afraid of public scrutiny"? Statesman 4/25.

11. Is it true that Getty's job is in jeopardy because he was not willing to close his mouth and go along with a steal? Statesman 4/25.

11a. Did Getty's opposition "cost him his job" as stated by Governor Hatfield? Hatfield News Review 4/26.

12. Was this "one of the biggest deals made behind closed doors" as characterized by the Governor? News Review 4/26.

13. Was Getty "pretty well directed to classify them" (i.e. the 2,200 acres Mr. Sweet sought), by Stoddard? Statesman 4/27.

14. Was it a fact as both Hatfield and Leiken charged, that "the BLM was buying Port Orford Banker William Sweet's $2 million Point Reyes lands with $3 million in BLM timber"? Oregonian 4/28.

15. Was the Interior Department less than honest in its statements of events as of April 28 or later to the Oregon Delegations? Oregonian 4/28.

15a. If so, which Department officials made less than honest statements of events?

Specifically and especially, was Charles H. Stoddard's letter of April 30, 1965 to me essentially correct?

Also, were BLM's answer to Governor Hatfield's Questions and Statements as found in Appendix D of the May 14 meeting correct—or is the Governor correct?

16. When, why and under what Department and Bureau officials and on whose initiative, in or out of government, did the first interest develop for the Department of the Interior to acquire Mr. Sweet's property at Point Reyes?

17. Is there any reason to characterize the conduct of Interior Department officials, and if so, which ones, as to the entire matter as "real smelly" as claimed by Darrell Jones? Statesman 4/25.

18. Were there any actions on the so-called Sweet Swap or related matters by any Interior Department officials, and if so, by whom, which form a basis for classifying their offenses as:

(a) Malfeasance in office;
(b) Corruption;
(c) Mismanagement of public business;
(d) Conduct unbecoming an official by either making or permitting false charges to be made about public business?

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 27, 1966.

Hon. ELMER STAATS,
Comptroller General of the United States, Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: Once again, the controversy over the management of the Oregon Bureau of Land Management office has become a subject of concern. Once again, charges are being made that the State Director's job is in jeopardy and fantastic intrigues are alleged. I enclose such newspaper clippings as I have at my disposal. I am of the opinion that no one really knows what the facts are.

I know that other chapters in this bizarre situation have been made the subject of a General Accounting Office investigation and report. I respectfully request that your office conduct a further investigation and give me a report so that the people of the State of Oregon may know the facts in regard to this last transaction. Involved at one stage or another are the names of Russell Getty, Lyle Baker, Arnold Bolle, various members of the Oregon Governor's staff and the Director of the B.L.M. Please note that the Secretary of the Interior, at my request, is conducting his own investigation of this matter and has given public assurances both now and in the past that Getty's position is secure. While I have complete confidence that his report will be accurate and fair, in view of the prior connection of your office with this case, It occurs to me that your further investigation will be helpful.

I have no preconceived ideas or notions on this matter. Rumors are meeting themselves coming back from all directions. I hope that we can get the facts from your office.

For your further information, I am enclosing a copy of the letter which I wrote Secretary Udall on April 13, 1966. I think there are the same two basic questions involved that I outlined in my letter to the Secretary. I will re-state them:

(1) What, if any, efforts have been made to effect the removal of Russell Getty from Oregon, by whom and at whose request or instigation. Elaborating further, were these efforts made at the request, directly or indirectly, of the Director of B.L.M., the Governor of Oregon, or any other public official or a member of their staff and what, if any, federal funds were used for this purpose?

(2) The propriety and purpose of any grants made to the University of Montana, and particularly to the School of Forestry or any official or employee thereof; any irregularities in the awarding thereof or certificate

of expenditures thereunder, and what actual use was made of the funds?

Your prompt attention to this matter will be appreciated. Congressman ULLMAN of Oregon has authorized me to say that he joins me in this request.

Very truly yours,

ROBERT B. DUNCAN,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 13, 1966.

URGENT

Mr. FRANK H. WEITZEL,
Comptroller General, General Accounting Office, Washington, D.C.

DEAR MR. WEITZEL: I am writing to urge that you investigate thoroughly the land exchange proposal involving Point Reyes private lands (California) and Curry County Oregon public domain lands which proposal was made by the Bureau of Land Management.

I also urge that you investigate thoroughly the alleged reports that Dean Arnold Bolle of the University of Montana and Mr. Lyle Baker of Portland, Oregon, were sent to Oregon by the Bureau of Land Management for the purpose of getting Mr. Russell Getty, State Director, Bureau of Land Management in Oregon removed from his position there and transferred back to Washington, D.C., and for other purposes. Just as soon as you complete your investigation on these matters, I would like to have a detailed and complete report thereon. It is most urgent that I have your report at the very earliest opportunity.

I am enclosing herewith copies of news stories which appeared in the Oregon Journal and the Oregonian, both of Portland, Oregon, containing the allegations to which I have referred. I would appreciate your returning these when you have concluded your investigation. Thank you for your cooperation.

Sincerely yours,

WENDELL WYATT,
Member of Congress.

APPENDIX II

PERSONS INTERVIEWED DURING OUR REVIEW

DEPARTMENT OF THE INTERIOR

Name, title, and tenure of office

Stewart L. Udall, Secretary of the Interior, January 1961 to present.

John A. Carver, Jr., Under Secretary, January 1965 to present; Assistant Secretary, Public Land Management, January 1961 to December 1964.

Harry R. Anderson, Assistant Secretary, Public Land Management, July 1965 to present.

Frederick Fishman, staff assistant to Assistant Secretary for Public Land Management, September 1965 to present.

Arthur B. Jebens, Director, Division of Management Research, Office of Assistant Secretary for Administration, March 1952 to present.

Newell B. Terry, Director, Office of Personnel Management, Office of Assistant Secretary for Administration, July 1955 to present.

BONNEVILLE POWER ADMINISTRATION

Charles F. Luce, Administrator, February 1961 to present.

BUREAU OF LAND MANAGEMENT

Charles H. Stoddard, Director, June 1963 to June 1966.

Robert E. Wolf, Assistant to the Director, September 1963 to present.

Luther Hoffman, Assistant Director, Lands and Minerals Management, October 1964 to November 1965; formerly Assistant Director, Operating Services, May 1961 to October 1964.

Irving Senzel, Chief, Division of Lands and Minerals Standards and Technology, May 1964 to present; formerly Agricultural Economist, Land, 1960 to May 1964.

Edwin Zaidlicz, Chief, Division of Resource Program Management January 1965 to present; Chief, Division of Resource Standards and Technology, May 1964 to January 1965; Chief, Division of Forest Management (D.C.), June 1962 to May 1964; forester, Division of Forest Management (D.C.), May 1961 to June 1962.

James P. Pierce, Chief, Division of Internal Audit, November 1961 to June 1966.

Edgar B. Carroll, Chief, Division of Personnel, 1960 to present.

E. Lawrence Hyland, Inspection Chief, 1964 to July 1966; Chief, Branch of Inspection, 1962 to 1964.

Jean Dubois, appraiser, October 1961 to present; formerly agricultural economist, land, June 1959 to October 1961.

Dale Zimmerman, Assistant Chief, Land Minerals Program Management, July 1964 to present; Chief, Division of Appeals, September 1962 to July 1964.

Lawrence Montross, land classification specialist, Division of Lands and Minerals Standard and Technology, June 1964 to present; land examiner, northern field group, Sacramento State office, September 1961 to June 1964.

Oregon State office

Russell E. Getty, State Director, April 1961 to June 1966; State supervisor, Oregon, 1960 to April 1961.

Garth Rudd, assistant State director, December 1961 to present; field administration office, July 1961 to December 1961; budget and finance officer, 1960 to July 1961.

R. O. Fety, chief, Branch of Forestry Operations, July 1961 to present; program coordinator, Portland, 1960 to July 1961.

Virgil O. Seiser, Chief, Branch of Lands Management, 1963 to present; land office manager, Portland, 1960 to 1963.

Coos Bay district office

Richard Tindall, assistant district manager, 1962 to present; forester (administration), 1960 to 1962.

Montana State office

Harold T. Tysk, State director, July 1965 to present.

Edward Stauber, Missoula district manager, August 1963 to present.

NATIONAL PARK SERVICE

Donald E. Lee, Chief, Division of Lands and Water Rights, May 1956 to present.

C. A. Harpine, land acquisition coordinator (special project), March 1963 to present; legal assistant (general), October 1961 to March 1963.

Thomas Kornelis, realty officer (chief, Office of Land and Water Rights, San Francisco Service Center), February 1966 to present; realty officer, Point Reyes, June 1963 to February 1966.

NON-FEDERAL

1. Lucien Alexander, Forester; Mason, Bruce, and Girard, Consulting Foresters, Portland, Oregon
2. Frank Lyle Baker, Timber Marketing Consultant, Portland, Oregon
3. Arnold W. Bolle, Dean, School of Forestry, University of Montana
4. Marshall C. Cheney, Attorney-at-Law, Portland, Oregon
5. Bruce Cowan, formerly with Paul B. Hult Lumber Company, Dillard, Oregon
6. Robert Johns, President, University of Montana
7. Aaron Jones, President, Seneca Sawmill Company, Eugene, Oregon
8. Joseph W. McCracken, Executive Vice President, Western Forest Industries Association
9. Lawrence C. Merriam, Consultant, San Francisco, California
10. C. L. Murphy, Controller, University of Montana
11. Leonard B. Netzorg, Attorney, Western Forest Industries Association, Portland, Oregon
12. Warne Nunn, Executive Assistant to Governor Mark Hatfield of Oregon
13. Robert T. Pantzer, Financial Vice President, University of Montana
14. James B. Patten, Executive Assistant to Governor Tim Babcock of Montana
15. A. Robert Smith, Washington Correspondent, Portland "Oregonian" and other Pacific Northwest papers
16. A. W. Sweet, Coos Bay, Oregon

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF THE INTERIOR, THE BUREAU OF LAND MANAGEMENT, AND THE NATIONAL PARK SERVICE RESPONSIBLE FOR THE ADMINISTRATION OF ACTIVITIES DISCUSSED IN THIS REPORT

DEPARTMENT OF THE INTERIOR

Secretary of the Interior

Fred A. Seaton, June 1956 to January 1961.

Stewart L. Udall, January 1961 to present.

Under Secretary

Elmer F. Bennett, September 1958 to January 1961.

James K. Carr, January 1961 to July 1964.

John A. Carver, Jr., January 1965 to present.

Assistant Secretary, Public Land Management

Roger C. Ernst, June 1957 to September 1960.

George W. Abbott, September 1960 to January 1961.

John A. Carver, Jr., January 1961 to December 1964.

Harry R. Anderson, July 1965 to present.

Assistant Secretary for Administration

D. Otis Beasley, September 1952 to December 1965.

BUREAU OF LAND MANAGEMENT

Director

Edward Woozley, August 1953 to January 1961.

Karl S. Landstrom, February 1961 to May 1963.

Charles H. Stoddard, June 1963 to June 1966.

John O. Crow (acting), June 1966 to July 1966.

Boyd L. Rasmussen, July 1966 to present.

Associate Director

Earl J. Thomas, September 1957 to February 1961.

Harold R. Hochmuth, February 1961 to July 1965.

John O. Crow, March 1966 to present.

Assistant Director, Lands and Minerals Management

Charles P. Mead, September 1956 to February 1961.

Jerry A. O'Callaghan, August 1961 to November 1962.

James F. Doyle, November 1962 to May 1964.

Luther T. Hoffman, October 1964 to November 1965.

John O. Crow, November 1965 to March 1966.

Assistant Director, Resource Management [a]

Gerald M. Kerr, May 1961 to May 1962.

Eugene V. Zumwalt, June 1962 to present.

State director, California State office [b]

Raymond Best, September 1955 to May 1961.

Neal D. Nelson, May 1961 to January 1966.

J. Russell Penney, January 1966 to present.

State director, Oregon State office [b]

Virgil Heath, May 1955 to August 1959.

Russell E. Getty, August 1959 to June 1966.

James F. Doyle, June 1966 to present.

NATIONAL PARK SERVICE

Director

Conrad L. Wirth, December 1951 to January 1964.

George B. Hartzog, Jr., January 1964 to present.

Associate Director

Eivind T. Scoyen, January 1956 to January 1962.

George B. Hartzog, Jr., February 1963 to January 1964.

A. Clark Stratton, January 1964 to present.

Regional director, western regional office

Lawrence C. Merriam, November 1950 to July 1963.

Edward A. Hummel, July 1963 to present.

RECESS

Mr. ELLENDER. Mr. President, in accordance with the order previously entered, I move that the Senate recess until Monday noon.

The motion was agreed to; and (at 4 o'clock and 35 minutes p.m.), in accordance with the order of Wednesday, September 14, 1966, the Senate recessed until Monday, September 19, 1966, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate September 16 (legislative day of September 7), 1966:

ASSISTANT ATTORNEY GENERAL

Harold Barefoot Sanders, Jr., of Texas, to be an Assistant Attorney General, vice John W. Douglas, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 16 (legislative day of September 7), 1966:

UNITED NATIONS

Arthur J. Goldberg, of Illinois, to be representative of the United States of America to the 21st session of the General Assembly of the United Nations.

FRANK CHURCH, U.S. Senator from the State of Idaho, to be representative of the United States of America to the 21st session of the General Assembly of the United Nations.

CLIFFORD P. CASE, U.S. Senator from the State of New Jersey, to be representative of the United States of America to the 21st session of the General Assembly of the United Nations.

James M. Nabrit, Jr., of the District of Columbia, to be representative of the United States of America to the 21st session of the General Assembly of the United Nations.

William C. Foster, of the District of Columbia, to be representative of the United States of America to the 21st session of the General Assembly of the United Nations.

James Roosevelt, of California, to be alternate representative of the United States of America to the 21st session of the General Assembly of the United Nations.

Mrs. Eugenie Anderson, of Minnesota, to be alternate representative of the United States of America to the 21st session of the General Assembly of the United Nations.

Mrs. Patricia Roberts Harris, of the District of Columbia, to be alternate representative of the United States of America to the 21st session of the General Assembly of the United Nations.

George L. Killion, of California, to be alternate representative of the United States of America to the 21st session of the General Assembly of the United Nations.

Harding F. Bancroft, of New York, to be alternate representative of the United States of America to the 21st session of the General Assembly of the United Nations.

INTER-AMERICAN DEVELOPMENT BANK

W. True Davis, Jr., of Missouri, to be Executive director of the Inter-American Development Bank for a term of 3 years and until his successor has been appointed.

U.S. REPRESENTATIVE TO THE EUROPEAN COMMUNITIES

J. Robert Schaetzel, of Illinois, to be the representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

DEPARTMENT OF STATE

Reynold E. Carlson, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

Robinson McIlvaine, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Glenn W. Ferguson, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

John M. McSweeney, of Nebraska, a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Bulgaria.

EXTENSIONS OF REMARKS

C. & O.-B. & O. Railroad YMCA's System Council Holds Annual Meeting in Baltimore; Senator Randolph, of West Virginia, Says Parents Need To Discipline Selves and Children

EXTENSION OF REMARKS

OF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 16, 1966

Mr. RANDOLPH. Mr. President, on September 13, in Baltimore, Md., the Chesapeake & Ohio-Baltimore & Ohio Railroad YMCA's System Council met in sessions presided over by T. W. Grose, chairman of the council. It was my privilege to have been the speaker for the luncheon session. Mr. E. T. Rucker, assistant vice president for operations of the C. & O.-B. & O. system, was generous in his introduction.

For many years, the transportation department of the national board of YMCA's and the management of the Chesapeake & Ohio and Baltimore & Ohio railroad companies have been working partners in serving their employees through the Railroad Young Men's Christian Association.

Because of concern of management for employees and their interests, the officials of the C. & O. arranged for affiliation with the Railroad YMCA movement and a C. & O. YMCA System Council meets with YMCA secretaries and lay representatives to discuss and attempt to solve problems and plan for the future in their fields of mutual interest. The lay representation consists principally of C. & O.-B. & O. officials and employees. Of such nature was the meeting at Baltimore last Tuesday.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD excerpts from my remarks at the C. & O.-B. & O. Railroad YMCA's System Council luncheon.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS BY SENATOR JENNINGS RANDOLPH, DEMOCRAT, OF WEST VIRGINIA, RAILROAD YMCA LUNCHEON, C. & O.-B. & O. SYSTEMS, LORD BALTIMORE HOTEL, BALTIMORE, MD., SEPTEMBER 13, 1966

In the strengthening of the Chesapeake and Ohio and the Baltimore and Ohio rail system through merger and resultant reorganization and the infusion of more efficiency and economy, it is heartening to observe continuing emphasis on the Railroad Y.M.C.A.

This meeting is a positive indication of the attention accorded these splendid institutions of the system.

There is no greater need in America than for strengthening the home and the family. And of high priority, too, is the need to recognize and to enhance the values, the worth, and the effectiveness of such institutions as the Y.M.C.A., the Y.W.C.A., the U.S.O., Boy Scouts, Girl Scouts, and other related organizations—including, of course, the railroads' version of the Y.M.C.A.

* * * * *

I have been a consistent supporter of the principle that all citizens are entitled to equal treatment under the law, but even in the struggle for civil rights, I feel strongly that it is not a part of the struggle for those rights to hurl rocks or bottles at police or to throw fire bombs and bricks at stores. Sheer hoodlumism, vandalism, and looting must be treated for what it is—defiance of the law.

The news dispatches out of Grenada, Mississippi, demonstrate the other side of the coin of defiance of law. We must not countenance in this country the heinous condition described in these words in one dispatch: "A mob of angry whites wielding ax handles, pipes and chairs surrounded two schools that were integrated and attacked Negro children trying to leave when classes were over. At least 33 persons were beaten, including a 12-year-old boy whose leg was broken."

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[a] Prior to September 27, 1964, Resource Management was known as Range and Forestry Management.

[b] Designation changed from State Supervisor to State Director in May 1961.

Indeed, the wave of crime and rioting which has been sweeping across the United States is a repulsive condition. It must have more of our attention, even though apparently we would rather debate economic issues.

Fundamentally, the "public attitude" is blamed for causing crime to reach nearly out-of-control proportions. One report on an analysis of the problem noted that "a spirit of lawlessness" and "a contempt for law and order" seem to be growing among people in America.

There must be an awakening and a real striving for solutions to such a condition. The first corrective steps must be taken in the family, for it is here that the seeds of lawlessness too often are planted. Mobs which rove and plunder and destroy in the streets and chant "black power"—or others which behave in the fashion of the Nazis and the Ku Klux Klan—must be kept in check by law and order. And the despicable assembly of adults at schools for no purpose other than to molest, injure and intimidate children on a racial discriminatory basis demands corrective attention.

The place of correction primarily is in the homes. Families must be more closely knit. There must be more family life, more togetherness, and more and better counselling of children. Parents need to discipline their children—but they must first discipline themselves. When the heads of families engaged in mob violence in the streets or on school properties in defiance of the law, what can we expect of the children when such despicable examples of contempt for law and order are displayed? A high priority must be given now to realistic remedies to cope with this appalling condition.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 19, 1966

The House met at 12 o'clock noon.

Rabbi Emmet Allen Frank, Beth El Hebrew Congregation, Alexandria, Va., offered the following prayer:

They shall sit every man under his vine and under his figtree; and none shall make them afraid, for the mouth of the Lord of Hosts hath spoken.—Micah 4: 4.

Let us pray:

Our God is a God of love. He is a God of justice and a God of mercy. We praise His name from eventide to eventide. We thank Him for the noblest traditions which our Nation exemplifies and the blessings of freedom which we cherish. We pray that our Nation may be exalted in righteousness and represent the highest ideals of liberty. When injustice and wrong moisten the cheeks of men, let us turn unto Thee, the Fountainhead of charity, and from whom all goodness flows. Let our Nation be a tower of strength to the poor and the oppressed. May compassion for the suffering within our borders and abroad rule our hearts and make us steadfast to the principles of liberty and justice for all. May the time come speedily when all nations shall recognize that these United States stand as a light of hope—a ray of peace amidst the darkness of war. Let our Nation repudiate weapons that destroy and hasten the day when instead of bloodshed and death there will be a world of plenty and peace.

O God, bless our President, his advisers, and his counselors—you, the men and women entrusted with the fulfillment of our Nation's highest ideals. Let all come to know that ours is the Nation that has moved mankind to the time when *every man shall sit under his vine and under his figtree and none shall make them afraid.* Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 15, 1966, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 14026. An act to provide for the more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, and for other purposes; and

H.R. 16367. An act to extend the benefits of the war orphans' educational assistance program to the children of those veterans of the Philippine Commonwealth Army who died or have become permanently and totally disabled by reason of their service during World War II, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House requested, bills of the House of the following titles:

H.R. 483. An act to amend section 2056 of the Internal Revenue Code of 1954 relating to the effect of disclaimers on the allowance of the marital deduction for estate tax purposes;

H.R. 11216. An act relating to the tariff treatment of articles assembled abroad of products of the United States; and

H.R. 16330. An act to provide for extension and expansion of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2918. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0310090);

S. 3500. An act to authorize the President to advance Maj. Gen. Robert Wesley Colglazier, Jr., to the grade of lieutenant general; and

S. 3809. An act to authorize the Public Printer to print for and deliver to the General Services Administration an additional copy of certain publications.

THE TRAGIC DEATH OF VALERIE PERCY

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, every American is truly shocked by the tragic death of Valerie Percy. It is almost impossible to understand why anyone—and I emphasize anyone—should commit such a ghastly and dastardly crime.

Valerie was a charming, attractive, fine young lady. It has been my good fortune to know Chuck Percy and his fine family for a great many years. All of them in this tragic hour of grief deserve our deepest sympathy.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I should like to associate myself—and I am sure every Member of this Chamber would like to do the same—with the remarks made by the distinguished minority leader.

A crime of this magnitude, as dastardly as it was, is hard for anyone to realize.

Of course, I know words are very little consolation at a time such as this—for a man and his family when they lose such a lovely young woman at the beginning of her adult life. It is a tragic thing. I can only say I am sure that all of us join in deepest sympathy to this fine family in their grief and in prayers for this lovely child—the victim of a senseless and horrible crime.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

The Clerk called the Senate joint resolution (S.J. Res. 108) to amend the joint resolution providing for membership of the United States in the Pan American Institute of Geography and History and to authorize appropriations therefor.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WOLF TRAP FARM PARK, FAIRFAX COUNTY, VA.

The Clerk called the bill (S. 3423) to provide for the establishment of the Wolf

Trap Farm Park in Fairfax County, Va., and for other purposes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

BOND BORROWING AUTHORITY—VIRGIN ISLANDS

The Clerk called the bill (H.R. 15953) to amend section 8 of the Revised Organic Act of the Virgin Islands to increase the special revenue bond borrowing authority, and for other purposes.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

A 5-YEAR HYDROLOGIC STUDY OF THE DELMARVA PENINSULA

The Clerk called the bill (S. 2287) to authorize a 5-year hydrologic study and investigation of the Delmarva Peninsula.

There being no objection, the Clerk read the bill, as follows:

S. 2287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to make a comprehensive study and investigation of the water resources of the Delmarva Peninsula with a view to determining the availability of fresh water supplies needed to meet the anticipated future water requirements of the Delmarva Peninsula area, and with a view to determining the most effective means from the standpoint of hydrologic feasibility of protecting and developing fresh water sources so as to insure, insofar as practicable, the availability of adequate water supplies in the future. In carrying out such study and investigation with respect to the Delmarva Peninsula, the Secretary shall—

(1) appraise the water use, requirements, and trends, and determine the availability of water in the streams and underground sources for the entire peninsula;

(2) determine the depths, thicknesses, and permeabilities, the perennial yield, and the recharge characteristics of major aquifers, and the quality characteristics to be expected from each such major aquifer;

(3) determine with respect to ground water resources the continuity and extent of important waterbearing formations;

(4) determine the yield from stream systems under natural flow conditions and under varying degrees of storage and the amounts and quality of waters available from such systems during drought, flood, and intermediate conditions;

(5) determine whether sea water has moved inland into heavily pumped coastal aquifers;

(6) give special consideration to conditions which may invite the invasion of sea water into fresh-water supplies;

(7) compile and make available to appropriate State and local officials any results of this study and investigation that would be appropriate for their use in long-range planning, development, and management of water supplies;

(8) cooperate with State and local agencies for the purpose of using any information and data available to carry out the purposes of this study; and

(9) consider such other matters as the Secretary may deem appropriate to the study and investigation herein authorized.

SEC. 2. During the course of the study and investigation authorized by this Act, the Secretary may submit to the President for transmission to the Congress such interim reports as the Secretary may consider desirable. The Secretary shall submit a final report to the President for transmission to the Congress not more than six years after the date of enactment of this Act.

SEC. 3. The Secretary is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purpose of this Act, and each department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics, to the Secretary upon his or his designee's request.

SEC. 4. In carrying out the study and investigation authorized by this Act, the Secretary is authorized to cooperate with other Federal, State, and local agencies now engaged in comprehensive planning for water resource use and development in the Delmarva Peninsula area by making available to those agencies his findings and to cooperate with those agencies in the Northeastern United States Water Supply Study as authorized by the Act of October 27, 1965 (79 Stat. 1073).

SEC. 5. There is hereby authorized to be appropriated the sum of $500,000 to carry out the provisions of this Act.

With the following committee amendment:

Page 4, lines 13 and 14, strike out all of section 5 and insert the following:

"SEC. 5. There is hereby authorized to be appropriated the sum of $500,000 to carry out the provisions of this Act: *Provided,* That nothing in this Act shall prevent the expenditure of other funds appropriated to the Geological Survey for studies and activities performed under its general authority."

The committee amendment was agreed to.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, I rise in support of S. 2287, a bill to authorize a 5-year hydrologic study and investigation of the Delmarva Peninsula, through the Geological Survey of the Department of the Interior.

Mr. Speaker, this legislation is another example of the failure to recognize the water problems of the East. The bill is now before us in the form of emergency legislation.

The Delmarva Peninsula in the States of Delaware, Maryland, and Virginia is almost entirely dependent on underground sources to meet its present and future water needs. Present drought conditions in the East have made these underground sources subject to the intrusion of sea water. Information on the extent and quality of the water which can be safely withdrawn from these underground sources without contamination is extremely lacking. Presently, the States of Delaware, Maryland, and Virginia are conducting detailed studies of local water supplies. However, these local studies do not eliminate the clear and critical need for a regional or peninsula study.

The comprehensive study and investigation of the water resources of the Delmarva Peninsula to determine the availability of adequate future water supplies requires Federal interest and action.

I urge the passage of S. 2287.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MORTON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection

Mr. MORTON. Mr. Speaker, S. 2287 is similar to H.R. 9922, which I introduced and which was referred to the Committee on Interior and Insular Affairs, and also similar to H.R. 13924, introduced by the gentleman from Virginia [Mr. DOWNING].

This legislation authorizes the Secretary of the Interior, through a geological survey, to make a hydrologic study coupled with an investigation of the Delmarva Peninsula. The purpose is to study and investigate the fresh water resources of this tristate area.

We, on the Eastern Shore of Maryland, and our neighbors in Delaware and Virginia, comprising the people of Delmarva, depend entirely on the ground water for our fresh water requirements. Because of the nature of the terrain, and because our geography is tidewater in nature, other than ground water, additional fresh water resources are limited. In addition to our rapid growth of population, and the industrial development which we are now experiencing and which will inevitably require ever-increasing amounts of fresh water, the demand for water for irrigation purposes is increasing by leaps and bounds.

Traditionally, the Delmarva Peninsula has been an area of low population density. This situation is changing rapidly. The Chesapeake Bay Bridge crossing at Annapolis, the new bridge-tunnel complex linking the Eastern Shore of Virginia to the great metropolitan area of Norfolk, Portsmouth, and Newport News, as well as a new north-south dual highway system, linking the whole shore and beach resorts to the metropolitan areas of Philadelphia, Wilmington, Baltimore, Washington, Richmond, and Norfolk, all provide access that is changing and will inevitably continue to change the face of our land.

New industry is moving in and new techniques of agriculture are demanding greater use of fresh water. Historically, we have operated under the principle that our ground water was unlimited. However, in many areas of the Delmarva Peninsula during the last decade, we have seen a substantial drop in the fresh water table.

It is time that more is known about our fresh water supply. It is time that we plan for conservation and proper use of our regional water. It is time that we make available full technical knowledge of our fresh water resources to local subdivisions of government so that they can plan for better management and more careful use of available water supplies. This bill is drawn to do exactly that.

The bill authorizes the Secretary to complete this hydrologic study and investigation within a period of 5 years. The Secretary is also authorized to make interim reports, which may be desirable, to the President for transmission to the Congress. The Secretary is required to submit a final report not more than 6 years from the date of enactment of this act. The Secretary is authorized also by section 3 of this legislation to involve such other executive departments and agencies and secure from them information, suggestions, estimates, and statistics for the purpose of carrying out this work; and is authorized further to cooperate with Federal, State, and local agencies now engaged in some aspect in planning for the use of fresh water, as well as the development of the resource in the Delmarva area.

This bill is needed, and the work it involves is necessary to assist those agencies involved in the Northeastern U.S. water supply study as authorized by the act of October 27, 1965. For funding this work, the bill authorizes the sum of $500,000. In the funding authorization, the proviso has been added that nothing in this act shall prevent the expenditure of other funds appropriated to the geological survey for carrying out studies and activities performed under its general authority.

In summary, here is a case of stitch in time, saving nine. Here is a case where a modest investment and prior planning could save us from an overwhelming future expense brought about by a crisis of water shortage, when and if it should develop. The Bureau of the Budget has advised that there is no objection from the standpoint of the administration's program. I urge that my colleagues join me in support of the needed legislation.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CONNECTICUT RIVER NATIONAL RECREATION AREA

The Clerk called the bill (S. 3510) to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CLAIMS FROM EXPLOSION IN BOWIE COUNTY, TEX.

The Clerk called the bill (H.R. 2266) to provide for the settlement of claims resulting from an explosion at a U.S. ordnance plant in Bowie County, Tex., on July 8, 1963.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I am concerned that the bill would establish a dangerous precedent in settling explosive plant disaster cases. There is also a question of departmental objection and hence conforming to the House rules for the Consent Calendar. There have been similar incidents. I wonder if the proponent would have any further information?

As a member of the Armed Services Committee, I am familiar with the executive privilege and security classification involved in this defense installation, but I just hate to see such a precedent established especially with no cost determinable at this time.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Texas.

Mr. PATMAN. I thank the gentleman for yielding. The district referred to happens to be the district that I have the honor to represent, Dr. HALL, and I hope to convince Dr. HALL and his associates that the bill is justified and when it comes up next, he will be persuaded not to object.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection

Mr. PATMAN. Mr. Speaker, the Lone Star Ammunition Plant is a Government-owned installation located in Bowie County, Tex., near the city of Texarkana. Day & Zimmermann, Inc. operates the plant under a contract with the Government to load, assemble, and package ammunition.

On July 8, 1963, shortly after 1 p.m., an explosion occurred in the plant in a location where 23 employees were working. The explosion killed 1 individual and injured 14 others. Approximately 40 other employees, including persons who went to the rescue of the injured individuals, were examined and treated for shock and minor injuries resulting from the explosion or rescue operations.

This is a situation where due to the circumstances of the explosion, the facts of the matter have been classified as "secret defense information" by the Secretary of the Army and may not be disclosed. As a result, any recourse the injured parties might have for an action against the United States based upon the tort claims provisions of title 28, or against any other possible defendant on the basis of tort are not available. The Justice Department has made specific reference to this fact in its report, and stated that under the circumstances, the Department considers legislative relief to be the only equitable and feasible alternative. The Department of the Army recognizes the same considerations in its report and phrased its conclusion in this manner:

> Considering the unfairness to the claimants from this deprivation, the ultrahazardous nature of the activity, the clear presence of causation, and compassionate considerations, the Department of the Army would have no objection to enactment of the bill.

It was suggested, therefore, by the Department representatives, to the attorneys for the injured employees, that relief be sought through a private bill which I introduced, H.R. 2266, and which is awaiting House action in amended form.

In brief, the proposed legislation, as amended, will provide authority to the Secretary of the Army to receive, investigate, and settle claims against the United States based upon death or personal injury suffered in this explosion.

The Department of Justice has noted that this bill is substantially similar to that enacted for the settlement of claims resulting from the Texas City disaster.

In the Texas City bill, it was provided that the Congress recognized and assumed the compassionate responsibility of the United States for losses sustained by reason of the explosion and fire at Texas City, Tex. The bill, H.R. 2266, contains the same type of language. The explosion at Texas City occurred in connection with the shipment of fertilizer which was a part of a Government-sponsored program and in which the Government had a vital interest. However, in the Texas City case, the parties were not foreclosed from presenting their cases to court as they are in the explosion which is referred to in H.R. 2266.

As has been noted very clearly in both departmental reports, the parties in this case cannot even reach the trial stage of litigation because of the imposition of security restrictions. In other words it is to the interest of the United States that there be no disclosure of the basic facts concerning the explosion.

Further, the Committee on the Judiciary, in reporting this bill favorably, has observed that this point serves to emphasize the fact that the interest of the United States is very apparent in this situation. The plant was involved in furnishing ammunition to the United States under a contract arrangement whereby a private corporation operated a Government plant. Under these circumstances, it is apparent that there is a clear basis for the Congress to recognize a moral or compassionate responsibility on the part of the United States to compensate the persons who were injured or suffered the loss of a loved one as the result of the explosion. The results of the explosion should clearly not be imposed upon these individuals, and the Texas City legislation provides a clear-cut precedent for congressional action. In this connection it should be noted that the Texas City legislation, Public Law 378 of the 84th Congress, limited the amounts paid to $25,000 as to personal injury or death claims. The Committee on the Judiciary has recommended the same limitation for individual claims in this legislation.

Frankly, such an amount is all too inadequate for some of the injured involved, however, half a loaf is better than none and I urge passage of H.R. 2266 as amended.

Mr. HALL. Mr. Speaker, in the district that I am privileged to represent there has been a similar incident with total destruction, but not security classified, and there has been no call for settling it at Federal expense. I will be glad to await the insertion in the Record by the gentleman from Texas, who ably represents this district that he refers to, and I would also suggest that someone from the Ordnance Department of the Department of the Army visit with me, as a member of the Armed Services Committee, in the interim of the next 2 weeks. I am conscious of the referred-to Texas city disaster cases and similar legislation, but hasten to point out that on final reference to the U.S. Supreme Court it was ruled that there was no legal liability on the part of the Government.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CITY OF UMATILLA, OREG.

The Clerk called the bill (H.R. 6103) for the relief of the city of Umatilla, Oreg.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. Speaker, I reserve the right to object.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. HALL. Mr. Speaker, I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, I would like to ask of the gentleman from Missouri whether there might be any specific reason for the reservation.

I would like to point out to the gentleman that in the committee report on page 4, the adverse position of the Corps of Engineers is modified. It says; and I am quoting from the report of the Secretary of the Army:

> It should be added, however, that in this particular instance a question of equity may exist. Should the Congress so determine, the Department of the Army would nevertheless not be in a position to determine what amount of payment, if any, would constitute an equitable settlement. However, it would appear that an appropriate basis for determination of an equitable amount might properly be one which leaves the bonded indebtedness of the city in the same position per tax unit after the relocation as before.

The committee gave full consideration to this point, and in their judgment, the settlement does meet those specifications by the corps and leaves the bonded indebtedness of the city in very much the same position per tax until after the relocation as before.

I would hope, having met the criteria set by the Corps of Engineers, that the bill does meet the requirements for consideration under the Consent Calendar, and I hope the gentleman might reconsider and withdraw his reservation.

Mr. HALL. Mr. Speaker, I appreciate the statement of the gentleman. I certainly want to assure him I have no interest other than beneficial for or in the district that he represents, or in this project in particular. I assure him I want to see equity and justice done.

The sole reason for the request that it be passed over without prejudice, is because of the opposition of the Department of the Army as a whole and the Corps of Engineers in particular. Thus it does not conform to our own House rules for consideration on the Consent Calendar.

I would extend to the gentleman from Oregon the same reservation that I extended to the distinguished gentleman from Texas in the prior bill. I will be glad to visit with him in the next 2 weeks, before the next Consent Calendar. Inasmuch as the committee on which I serve, and particularly inasmuch as I have submitted a new bill on land acquisition by the Department of the Army and the Corps of Engineers in particular, if their representative will visit with me or give me a statement in the meantime, perhaps this can be cleared up. In the meantime, Mr. Speaker, I renew my request that this be passed over without prejudice.

Mr. ULLMAN. Mr. Speaker, I am pleased to furnish additional information to answer the question of our colleague from Missouri with regard to the position of the Corps of Engineers on my bill, H.R. 6103.

As originally introduced, the bill claimed damages in the amount of $147,600 caused the city of Umatilla, Oreg., by the construction of the John Day Dam on the Columbia River by the Corps of Engineers. This figure included actual damages to the city's fiscal system, compensation for the value of streets taken by the Corps of Engineers, and other intangible losses suffered by the city of Umatilla because the Corps of Engineers did not have the authority to alleviate all the consequences of such an unusual acquisition. Umatilla is a community of 605 people. The city had financed its water and sewer facilities through the issuance of revenue bonds. These bonds originally totaled over $200,000. When the Corps of Engineers acquired approximately 40 percent of the assessed valuation within the city limits and precipitated the departure of a large segment of the population, the remaining citizens were startled to discover that they were obligated to pay off not just their own share of the revenue bonds, but also the amount previously allocable to their former fellow citizens. Since the debt was not represented by a lien against the individual properties, the Corps determined that it did not have the authority to make compensation. The Department of the Army conceded that the remaining citizens of Umatilla were obligated to retire the bonded indebtedness, and recognized that a question of equity did exist. The Department did not, however, recognize an obligation by the Government to compensate the city for the acquisition of streets and other public property which was not being replaced in kind.

Thus, the Judiciary Subcommittee on Claims revised the dollar amount in the bill to comply with the recommendations of the Army.

Those recommendations were spelled out quite clearly in the July 14 hearings on the bill, at which Mr. Mark Gurnee, Chief of the Operations Division, Directorate of Civil Works, Corps of Engineers, testified in behalf of the Army.

Following are excerpts from the official transcript, page 23, line 14:

> The position of the Secretary of the Army in opposition to H.R. 6103 was premised on the view that the relative position of the city with respect to its bonded indebtedness should not be substantially improved because of the project by the complete retirement of the debt. The Secretary did recognize that the Congress might wish to consider the equity of making the per unit indebtedness the same after the completion of the project as before.

Page 27, line 8:

> Mr. McClory. As I interpret your testimony, the question is as to the amount, and not to the question of liability?
>
> Mr. Gurnee. That is correct, sir.
>
> Mr. McClory. It is a question of how much this committee should allocate under this bill?
>
> Mr. Gurnee. Yes, sir.

Page 25, line 7:

> Mr. Ashmore. In other words, you are not necessarily opposed to the principle involved in the bill, but you are saying that the Corps of Engineers or Secretary of the Army has no authority to bring about such an equitable adjustment, is that it?
>
> Mr. Gurnee. We believe that the city has suffered a loss because of the project. We do not think it should be measured in terms of the total amount of the indebtedness.
>
> Mr. Ashmore. Well, what should it be measured against?
>
> Mr. Gurnee. We think that the per-unit indebtedness should be the same after the project as it was before.

Page 34, line 7, in answer to question from Mr. McClory:

> Mr. Gurnee. Of course, we prepare our statement strictly on the basis of what we can do as a government managing agency.
>
> Now, if you ask us to evaluate this equity damage which we admit exists but for which we have no legal recourse, I have suggested to you the possibility of evaluating this equity on the basis of a per-unit tax indebtedness. There are other things that the committee may wish to consider with respect to the damages to city that we are not in a position to counsel you on, sir.
>
> One, as Mr. Ullman has already said, is that there have been some facility provided by the city for which they have not been

reimbursed and for which they cannot be legally reimbursed by us.

There are also other intangible losses to the city that the committee may wish to consider, but which cannot consider. They are such things as the business losses that have occurred by the fact that we have bought out certain industries that have seen fit not to relocate in the vicinity. There are those losses that have resulted from other people moving away and electing to take this opportunity of selling their property and moving to an entirely different location.

These are extremely difficult to evaluate.

Mr. Speaker, I think it is apparent from this testimony that the Corps of Engineers did not oppose the bill in its entirety—but, in fact, agreed that the city suffered an unusual loss for which the Government was unable to make payment under existing authority. In his report on H.R. 6103, the Secretary of Army suggested guidelines for determining the extent of compensation that would be equitable, and the committee accepted those guidelines in establishing the amount of $50,000. This is the amount that would now be authorized by the amended H.R. 6103.

I hope this will clarify the stated position of the Corps of Engineers and the Department of the Army, and I hope the House will see fit to approve this measure of justice for a small community that suffered serious economic consequences as a result of a Federal project.

The SPEAKER. It there objection to the request of the gentleman from Missouri?

There was no objection.

TO AMEND THE ACT OF AUGUST 24, 1935, TO REQUIRE CERTAIN CONTRACTORS WITH THE UNITED STATES TO GIVE AN AFFIDAVIT WITH RESPECT TO PAYMENT OF SUBCONTRACTORS

The Clerk called the bill (H.R. 4497) to amend the act of August 24, 1935, to require certain contractors with the United States to give an affidavit with respect to payment of subcontractors.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

EXECUTIVE POSITIONS IN THE SMITHSONIAN INSTITUTION

The Clerk called the bill (H.R. 15727) to establish rates of compensation for certain positions within the Smithsonian Institution.

There being no objection, the Clerk read the bill, as follows:

H.R. 15727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Smithsonian Institution Executive Salary Act".

SEC. 2. (a) The rate of compensation for the following positions within the Smithsonian Institution shall be the rate provided for level IV of the Federal Executive Salary Schedule under section 303(d) of the Federal Executive Salary Act of 1964:

(1) Assistant Secretary for Science; and

(2) Assistant Secretary for History and Art.

(b) The rate of compensation for the following positions within the Smithsonian Institution shall be the rate provided for level V of the Federal Executive Salary Schedule under section 303(e) of the Federal Executive Salary Act of 1964:

(1) Director, United States National Museum; and

(2) Director, Smithsonian Astrophysical Observatory.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALE OF GRAIN STORAGE FACILITIES

The Clerk called the bill (H.R. 12360) to amend the Agricultural Act of 1949 to permit the sale of grain storage facilities to public and private nonprofit agencies and organizations.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ALASKA EXPERIMENT STATION

The Clerk called the bill (S. 3421) to authorize the Secretary of Agriculture to convey certain lands and improvements thereon to the University of Alaska.

There being no objection, the Clerk read the bill, as follows:

S. 3421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of Agriculture is authorized to determine and to convey by quitclaim deed and without consideration to the University of Alaska for public purposes all the right, title, and interest of the United States in and to the lands of the Alaska Agricultural Experiment Station, including improvements thereon, and such personal property as may be designated, located at Palmer and Matanuska, Alaska.

The bill was ordered to be read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT OF THE STATE OF WYOMING

The Clerk called the bill (H.R. 4429) to provide for reimbursement to the State of Wyoming for improvements made on certain lands in Sweetwater County, Wyo., if and when such lands revert to the United States.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR ANNUAL, INSTEAD OF QUARTERLY, MEETINGS OF A NATIONAL ADVISORY COMMITTEE

The Clerk called the bill (H.R. 9147) to amend section 301 of title III of the act of August 14, 1946, relating to the establishment by the Secretary of Agriculture of a national advisory committee, to provide for annual meetings of such committee.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone why the advisory committee is not just abolished outright, instead of limiting the meetings of the advisory committee to once a year instead of quarterly?

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUDIT OF DISABLED AMERICAN VETERANS ACCOUNTS

The Clerk called the bill (H.R. 15358) to amend the act incorporating the Disabled American Veterans so as to provide for an annual audit of their accounts.

There being no objection, the Clerk read the bill, as follows:

H.R. 15358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Act of June 17, 1932, as amended (36 U.S.C. 901), is amended by adding at the end thereof the following:

"(b)(1) The said corporation shall as soon as practicable after the close of each of its fiscal years make and transmit to the Comptroller General a report of its proceedings for the preceding fiscal year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the Comptroller General.

"(2) The said corporation shall annually reimburse the Comptroller General for auditing its accounts, and the sums so paid shall be covered into the Treasury of the United States as miscellaneous receipts."

SEC. 2. The amendment made by this Act shall be effective with respect to each fiscal year of the Disabled American Veterans beginning after the date of enactment of this Act.

With the following committee amendment:

On page 1, line 4, after "is amended by" insert "(1) inserting '(a)' immediately after 'SEC. 9.' and (2)".

The committee amendment was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection

Mr. TEAGUE of Texas. Mr. Speaker, this bill, which was introduced at the request of the Disabled American Veterans, would amend the act incorporating that organization by providing that the Disabled American Veterans shall transmit each year after the close of each of its fiscal years a report of its proceedings including a full, complete, and itemized report of receipts and expenditures of whatever nature to the Comptroller General of the United States who shall audit such report.

The Disabled American Veterans shall reimburse the Comptroller General for auditing this report.

While not specified in this bill, the Comptroller General would make available the results of his audit to the Congress in accordance with existing law.

There would be no cost to the Government as a result of this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHING THE PAST AND PRESENT LOCATION OF A CERTAIN PORTION OF THE COLORADO RIVER FOR CERTAIN PURPOSES

The Clerk called the bill (H.R. 13955) to authorize the Secretary of the Interior to grant patents to certain lands under the provisions of the Color of Title Act.

There being no objection, the Clerk read the bill, as follows:

H.R. 13955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application at any time within one year after the date of enactment of this Act, the Secretary of the Interior shall issue a patent for any lands in the Palo Verde Irrigation District (as determined by such district from its records), under the provisions of the Act entitled "An Act to authorize the Secretary of the Interior to issue patents for lands held under color of title", approved December 22, 1928, as amended (43 U.S.C. 1068–1068b), upon a finding that the applicant has met the requirements of said "Color of Title Act" (43 U.S.C. 1068–1068b): *Provided, however,* That the Secretary shall not deny such applications on the grounds that (1) any claim by the Department of the Interior that such lands have been withdrawn for reclamation or other purposes, and (2) the fact that the predecessor in interest of any such applicant may have held such land as part of a tract in excess of one hundred and sixty acres: *Provided,* That nothing herein contained shall be construed to enlarge upon, diminish, or otherwise modify the rights of the Palo Verde Irrigation District in and to the waters of the Colorado River as set forth in that certain contract between the United States and the Palo Verde Irrigation District dated February 7, 1933.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That for the purpose of establishing any right, title, or interest of the United States in or to lands in the Palo Verde Irrigation District, in Riverside County, California, south of Ehrenberg Bridge, the location of the Colorado River as set forth between points 13 and 13.20 in the "Interstate Compact Defining the Boundary between the States of Arizona and California" (Statutes of California, 1963, chapter 959; Arizona Laws, 1963, chapter 77) and depicted in exhibit A thereto, is hereby recognized as the present location of such river and all changes in the course of the river prior to the effective date of this Act shall be conclusively presumed to be accretive changes."

The committee amendment was agreed to.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 13955, a bill to authorize the Secretary of the Interior to grant patents to certain lands under the provisions of the Color of Title Act.

The purpose of this legislation is to determine the right, title and interest of the United States in and to certain lands in Riverside, Calif.

Prior to 1935, the lower Colorado River was a constantly shifting stream resulting in very substantial changes in the channel. A dispute has existed since 1962 between the Department of the Interior and persons claiming ownership of some 2,100 acres lying along the west bank of the Colorado River in California. The question involved is whether or not these changes were caused by accretion or avulsion.

Detailed records of the river's location were not kept making it impossible to say with any certainty the exact location of the boundary between Arizona and California. The interstate compact between the two States has fixed the boundary and midchannel. The Committee on Interior and Insular Affairs is of the same accord and believes that adoption of the midchannel line for purposes of property ownership between the private claimants and the United States is a proper and fair solution under the circumstances.

This solution of the dispute is justifiable. The committee felt in view of the facts that no claim on these lands were made by the United States until 1962. Up until such time the claimants had exercised quiet and peaceable possession of these lands for more than 40 years. They or their predecessors had paid real estate taxes on these lands for over 20 years to the county of Riverside, Calif., and expended more than $1,500,000 to make otherwise wasteland capable of production.

Mr. Speaker, in view of these circumstances and the long period of inaction by the Federal Government in contesting these claims of ownership, the bill H.R. 13955 is a fair and equitable solution to the dispute.

I urge the passage of H.R. 13955.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to establish the past and present location of a certain portion of the Colorado River for certain purposes."

A motion to reconsider was laid on the table.

REPEALING THE "COOLY TRADE" LAWS

The Clerk called the bill (H.R. 825) to repeal the "cooly trade" laws.

There being no objection, the Clerk read the bill, as follows:

H.R. 825

Whereas the Congress of 1862 enacted so-called "cooly trade" legislation prohibiting certain activity involving the procuring, transportation, disposition, sale, or transfer of persons who are subjects of China, Japan, or of any other oriental country, as servants or apprentices, or to be held to service or labor; and

Whereas the circumstances which prompted the "cooly trade" legislation have long since ceased to be prevalent, and changed social, economic, and political conditions here and abroad have rendered that legislation archaic and anachronistic; and

Whereas the continued existence of the "cooly trade" laws is inconsistent with later policies of the Congress under which other statutes singling out oriental peoples have been repealed or modified; and

Whereas the continued existence of the term "cooly" in the laws of the United States is an unnecessary and disparaging reminder of a past historical period which may cause misunderstanding as to the present relationships between the people of the United States and the peoples of oriental countries: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2158–2163, Revised Statutes, and sections 1, 2, and 4 of the Act of March 3, 1875 (ch. 141, 18 Stat. 477) (8 U.S. Code 331–339), are hereby repealed.

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 825, a bill to repeal the "cooly" trade laws. I introduced this legislation, the enactment of which is long overdue.

The so-called cooly trade laws were enacted by Congress in 1862 and 1875 to correct the then widespread practice of exploiting persons of oriental descent, particularly Chinese and Japanese, in connection with their procurement abroad for importation into the United States to be held in service as servants or apprentices. Criminal sanctions were imposed on those who were found guilty of such practice. These laws have remained in our statute books to this day.

However commendable they may have been at one time, these laws are obsolete and, for all practical purposes, are of no effect under today's enlightened social, economic, and political conditions. In addition, the word "cooly" carries an unfortunate connotation in the Far East, a fact which it would appear we are deliberately ignoring as we perpetuate these laws in our statute books.

The State of Hawaii, because of its proximity to the Far East and its large population of Asian descent, is perhaps more sensitive than any other area of the country to the situation which exists as a result of these laws. Enactment of H.R. 825 would remove a possible source of public misunderstanding and promote better relations between the United States and Asian countries.

Mr. Speaker, I urge a unanimous vote in favor of the bill now on the floor.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE JUDICIAL CODE TO PERMIT INDIAN TRIBES TO MAINTAIN CIVIL ACTIONS IN FEDERAL DISTRICT COURTS WITHOUT REGARD TO THE $10,000 LIMITATION, AND FOR OTHER PURPOSES

The Clerk called the bill (S. 1356) to amend the Judicial Code to permit Indian tribes to maintain civil actions in Federal district courts without regard to the $10,000 limitation, and for other purposes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN THE STATE OF MAINE TO THE MOUNT DESERT ISLAND REGIONAL SCHOOL DISTRICT

The Clerk called the bill (S. 3261) to authorize the Secretary of the Interior to convey certain lands in the State of Maine to the Mount Desert Island Regional School District.

There being no objection, the Clerk read the bill, as follows:

S. 3261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may convey to the Mount Desert Island Regional School District in the State of Maine a portion of the Acadia National Park, formerly owned by John D. Rockefeller, Junior, comprising approximately sixty-six acres (lot 354), and in exchange therefor the Secretary may accept from said school district any property which in his judgment is suitable for addition to the park. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Any cash payment received by the Secretary shall be credited to the Land and Water Conservation Fund in the Treasury of the United States. A conveyance of the federally owned lot shall eliminate it from the park.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 285]

Albert
Andrews, Glenn
Arends
Ashbrook
Ashley
Aspinall
Bandstra
Belcher
Bell
Blatnik
Bolling
Brock
Broomfield
Brown, Calif.
Buchanan
Byrnes, Wis.
Callaway
Carter
Celler
Chelf
Colmer
Conyers
Corbett
Corman
Cramer
Davis, Ga.
Dickinson
Diggs
Dorn
Duncan, Oreg.
Dwyer
Dyal
Edwards, Ala.
Evans, Colo.
Farbstein
Fino
Fisher
Flood
Flynt
Fulton, Tenn.
Gray
Green, Oreg.
Grider
Gurney
Hagan, Ga.
Halleck
Halpern
Hanna
Hansen, Idaho
Hawkins
Hicks
Holifield
Howard
Hull
Hungate
Huot
Irwin
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Keith
Kelly
King, N.Y.
Kluczynski
Krebs
Landrum
Long, La.
McClory
McDowell
McEwen
McMillan
McVicker
MacGregor
Machen
Mackie
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Mathias
May
Minish
Mize
Moeller
Monagan
Morrison
Mosher
Murray
Nelsen
O'Brien
O'Neill, Mass.
Ottinger
Pool
Powell
Purcell
Rees
Reinecke
Resnick
Robison
Rodino
Rogers, Fla.
Roncalio
Rooney, Pa.
Roudebush
Roybal
Rumsfeld
Schisler
Scott
Senner
Sisk
Smith, Va.
Stephens
Sweeney
Thompson, N.J.
Todd
Toll
Trimble
Walker, Miss.
White, Idaho
Widnall
Willis
Wilson, Charles H.
Wright
Wyatt

The SPEAKER. On this rollcall, 308 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION AND EXPANSION OF THE PROGRAM OF GRANTS-IN-AID TO THE REPUBLIC OF THE PHILIPPINES FOR THE HOSPITALIZATION OF CERTAIN VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16330), to provide for extension and expansion of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, and for other purposes, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

On page 2, line 19, after "disabilities" insert "if they enlisted before July 4, 1946, and".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PICTURED ROCKS NATIONAL LAKESHORE, MICH.

Mr. ROGERS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8678) to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for the benefit, inspiration, education, recreational use, and enjoyment of the public a significant portion of the diminishing shoreline of the United States and its related geographic and scientific features, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to take appropriate action, as herein provided, to establish in the State of Michigan the Pictured Rocks National Lakeshore.

SEC. 2. The area comprising that particular land and water depicted on the map identified as "Proposed Pictured Rocks National Lakeshore, United States Department of the Interior, National Park Service, Boundary Map, NL–PR–7001A, July 1966," which is on file and available for public inspection in the office of the National Park Service of the Department of the Interior, is hereby designated for establishment as the Pictured Rocks National Lakeshore. An exact copy of such map shall be filed for publication in the Federal Register within thirty days following the date of enactment of this Act.

SEC. 3. As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage within the boundaries of the area which in his opinion is efficiently administrable for the purposes of this Act, he shall establish the Pictured Rocks National Lakeshore by publication of notice thereof in the Federal Register.

SEC. 4. (a) There is hereby established a Pictured Rocks National Lakeshore Advisory Commission. Said commission shall terminate ten years after the date the lakeshore is established pursuant to this Act.

(b) The commission shall be composed of five members, each appointed for a term of two years by the Secretary, as follows:

(1) Two members to be appointed from recommendations made by the county in which the lakeshore is situated;

(2) Two members to be appointed from recommendations made by the Governor of the State of Michigan; and

(3) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be chairman. Any vacancy in the commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the commission in carrying out its responsibilities under this Act on vouchers signed by the chairman.

(e) The Secretary or his designee shall, from time to time, consult with the commission with respect to the matters relating to the development of the Pictured Rocks National Lakeshore.

Sec. 5. In administering the lakeshore the Secretary shall permit hunting and fishing on lands and waters under his jurisdiction in accordance with the applicable laws of the United States and of Michigan. The Secretary, after consultation with the Michigan Department of Conservation, may designate zones and establish periods where and when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. The Secretary shall, after consultation with such department, issue regulations, consistent with this section, as he may determine necessary to carry out the purposes of this section.

Sec. 6. (a) The administration, protection, and development of the Pictured Rocks National Lakeshore shall be exercised by the Secretary, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b) In the administration, protection, and development of the lakeshore, the Secretary shall prepare and implement a land and water use management plan, which shall include specific provision for—

(1) development of facilities to provide the benefits of public recreation, including a scenic shoreline drive;

(2) protection of scenic, scientific, and historic features contributing to public enjoyment; and

(3) such protection, management, and utilization (subject to the provisions of sections 9 and 10 of this Act) of renewable natural resources, including forage and forest products, as in the judgment of the Secretary is consistent with, and does not significantly impair public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

Sec. 7. Nothing in this Act shall be construed as prohibiting any governmental jurisdiction in the State of Michigan from assessing taxes upon any interest in real estate retained under the provisions of section 11 of this Act to the owner of such interest.

Sec. 8. (a) The Secretary is authorized, subject to the limitations, conditions, and restrictions imposed by this Act, to acquire the land, water, and other property, and improvements thereon, and any interests therein (including easements) within the boundary described in section 2 of this Act by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or condemnation; except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically authorized in this Act.

(b) In exercising his authority to acquire property under this Act, the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property to the Secretary. In considering any such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(c) Any property or interests therein, owned by the State of Michigan, or any political subdivisions thereof, may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(d) The Secretary shall make every reasonable effort to acquire property through negotiation and purchase. Where agreement is not reached and condemnation proceedings are filed, the owner of such property shall be paid the fair market value thereof as determined in such proceedings.

(e) Nothing in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(f) In exercising his authority to acquire property by exchange the Secretary may accept title to any non-Federal property within the area designated by section 2 of this Act for inclusion in the lakeshore, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State of Michigan which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

Sec. 9. (a) The area hereinafter described in subsection (b) of this section is hereby established as an inland buffer zone in order to stabilize and protect the existing character and uses of the lands, waters, and other properties within such zone for the purpose of preserving the setting of the shoreline and lakes, protecting the watersheds and streams, and providing for the fullest economic utilization of the renewable resources through sustained yield timber management and other resource management compatible with the purposes of this Act.

(b) As used in this Act, the term "inland buffer zone" means that part of the lakeshore delineated as such on the map identified as "Proposed Pictured Rocks National Lakeshore, United States Department of the Interior, National Park Service, Boundary Map, NL–PR–7100A, July, 1966". The Secretary shall file the map with the Office of the Federal Register, and it may also be examined in the Offices of the Department of the Interior.

Sec. 10. The Secretary shall be prohibited from acquiring by condemnation any (1) improved property within the inland buffer zone, or (2) property within the inland buffer zone during all times when, in his judgment, such property is being used (A) for the growing and harvesting of timber under a scientific program of selective cutting and forest management, or (B) for commercial purposes, if such commercial purposes are the same such purposes for which such property is being used on December 31, 1964, so long as the use of such improved or other property would further the purposes of this Act and such use does not impair the usefulness and attractiveness of the lakeshore.

(b) As used in this Act, the term "improved property" shall mean any one-family dwelling on which construction was begun before December 31, 1964, together with so much on the land on which the dwelling is situated (such land being in the same ownership as the dwelling) as shall be reasonably necessary for the enjoyment of the dwelling.

Sec. 11. (a) Any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain, for a term of not to exceed twenty-five years, or for a term ending at the death of such owner or owners, the right of use and occupancy of such property for any residential purpose which is not incompatible with the purposes of the Act or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

(b) Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is incompatible with purposes of this Act, or which impairs the usefulness and attractiveness of the lakeshore and if it should be so used, the Secretary shall have authority to terminate such right. In the event the Secretary exercises his power of termination under this subsection he shall pay to the owner of the right terminated an amount equal to the value of that portion of such right which remained unexpired on the date of such termination.

(c) Any land acquired by the Secretary under this Act on which there is situated a cottage or hunting lodge which, on December 31, 1964, was under lease to any lessee or lessees shall, if such lease is in effect on the date such land is so acquired, be acquired by the Secretary subject to such lease and the right of such lessee or lessees to continue using the property covered by such lease in accordance with the provisions thereof. Upon the expiration of such lease, the Secretary shall have the authority to enter into a lease with such lessee or lessees authorizing them to continue using such cottage or lodge (as the case may be) for a term of not to exceed twenty-five years, or for a term ending at the death of such lessee or lessees, subject to such conditions as may be prescribed by the Secretary.

Sec. 12. The Secretary shall, at the request of any township or county in or adjacent to the lakeshore affected by this Act, assist and consult with the appropriate officers and employees of such township or county in establishing zoning bylaws. Such assistance may include payments to the county or township for technical aid.

Sec. 13. The Secretary shall furnish to any interested person requesting the same a certificate indicating, with respect to any property which the Secretary has been prohibited from acquiring by condemnation in accordance with provisions of this Act, that such authority is prohibited and the reasons therefor.

Sec. 14. There are hereby authorized to be appropriated not more than $6,873,000 for the acquisition of lands and interests in land in connection with, and not more than $6,348,000 for development of, the Pictured Rocks National Lakeshore.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROGERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Alaska [Mr. Rivers], the chairman of the subcommittee.

Mr. RIVERS of Alaska. Mr. Speaker, it is a pleasure for me to have this opportunity to present to the House the recommendations of the Committee on

Interior and Insular Affairs with regard to H.R. 8678—a bill introduced by our colleague, the gentleman from Michigan [Mr. CLEVENGER].

Mr. Speaker, H.R. 8678 calls for the creation of the Pictured Rocks National Lakeshore. It is one of three lakeshore proposals which the committee is recommending for the Great Lakes area this year. The two others which the committee has reported are the Indiana Dunes National Lakeshore and the Sleeping Bear Dunes National Lakeshore in Michigan.

In 1962, the Outdoor Recreation Resources Review Commission report indicated that the wise development of our shorelines—on the Atlantic, Pacific, and gulf coasts, as well as on the Great Lakes—is a first-order need. Since that exhaustive and constructive study was conducted, the Congress has made a major effort to fill the void. Until this year, however, it has been impossible to work into an orderly park program the proposals for the Great Lakes area. Now we have an opportunity to begin to meet these immediate recreational needs for the millions of people in the Great Lakes area—and in a larger sense, the great national demand for more outdoor natural and recreational areas.

While the proposed Pictured Rocks National Lakeshore is not as immediately accessible as the other lakeshore proposals being recommended by the committee, it is reasonably accessible to the millions of people living in Detroit, Lansing, and Grand Rapids and it is not too far from Chicago, Sault Ste. Marie, and Duluth.

This area will make an outstanding contribution to the national park system. Having visited it, as chairman of the Subcommittee on National Parks and Recreation, I can attest to its scenic values and to its virtually untouched natural state. For the acquisition and development of 67,000 acres of heavily forested land and unspoiled lakefront, as well as 6,320 acres of water surface on Lake Superior, the $13 million investment will be money well spent. In addition, Mr. Speaker, there is a remarkable spirit of cooperation between the Federal agencies involved and between Federal, State, and local interests.

In short, Mr. Speaker, this is an opportune time to add this truly outstanding, unspoiled scenic area to the national park system without great controversy and with a relatively modest Federal investment.

I want to point out, also, that the working relationships with the Cleveland Cliffs Iron Co., which owns a large timber operation in the area, have been exceptionally harmonious. Present plans for the area contemplate a cooperative program demonstrating to the public the methods and benefits of resource utilization and management. This kind of cooperation can be educationally beneficial and is certainly to be commended as in the best public interest.

The purpose of this bill, as stated in H.R. 8678, is "to preserve for the benefit, inspiration, education, recreational use and enjoyment of the public a significant portion of the diminishing shoreline of the United States and its related geographic and scientific features." To meet all of these equally important objectives and to make the legislation conform to past practices and policies, the committee is recommending substituted language which has made possible the generally favorable climate for this legislation.

One of the most important differences between H.R. 8678, as introduced, and the bill, as reported, involves section 8(f). The Department of Agriculture objected to the provisions which permitted owners of commercial forest lands within the lakeshore to obtain, at their option, title to equally valuable timberlands in specified areas of the national forests rather than making a money payment. To overcome this objection, the committee eliminated the exchange authority except with regard to the surplus lands in the State of Michigan which are under the jurisdiction of the Secretary of the Interior.

Another recommended revision involves the condemnation authority of the Secretary. This bill requires the Secretary to use every reasonable effort to acquire property by negotiation and purchase, but in the shoreline zone, described in the report, condemnation would be available as an alternative. Improved properties and qualifying timberlands in the buffer zone would not be subject to the Secretary's condemnation authority. In addition, State-owned lands would not be subject to condemnation—the bill provides that such lands can be acquired by donation only.

In accordance with similar provisions in other bills, the committee recommends that hunting and fishing be permitted in accordance with the applicable laws of the United States and Michigan.

Finally, as is customary, Mr. Speaker, the committee recommends that the amount authorized to be appropriated be limited to the amount of the estimated cost of the undertaking. Under section 14 of the bill, we establish that limit at $13,223,000 for both acquisition and development.

Mr. Speaker, this legislation affords the Congress an opportunity to protect an area with an excellent combination of natural and recreational values of exceptional quality. The committee feels that the authorization of the Pictured Rocks National Lakeshore at this time will help to prevent the Congress from being pressed and plagued with a future campaign to rescue—at much greater expense—this beautiful area for its outdoor values.

Speaking for the committee, I am pleased to recommend H.R. 8678, as amended, to the House and I urge its adoption.

Mr. SAYLOR. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I support and urge the passage of H.R. 8678, a bill to establish in the State of Michigan the Pictured Rocks National Lakeshore.

This proposed national lakeshore will contain 67,000 acres of scenic and recreational lands extending some 39 miles along Lake Superior in Alger County between Munising and Grand Marais on the northern shore of Michigan's Upper Peninsula. It is estimated that the proposed lakeshore lies within a 1-day drive of 40 million people and will attract at least 1 million visitors annually within 10 years.

The national lakeshore will contain 6,320 acres of water surface and includes two district zones or units. One zone is the shoreline zone along the edge of Lake Superior of 27,500 acres comprising most of the scenic and recreational features of the national lakeshore. The second unit is an inland buffer zone of 39,500 acres, chiefly a protective area to stabilize and protect the existing character and uses of lands, waters and other features. Within this buffer zone continued timber harvesting under sound, controlled renewal resource techniques will be permitted along with recreational use.

The shoreline or primary recreation zone contains three major features—the Pictured Rocks, Beaver Basin, and the Grand Sable Banks and Dunes. The Pictured Rocks display some of the most unique and picturesque scenery to be found in the Great Lakes region. These Pictured Rocks are multicolored sandstone cliffs from 50 to 200 feet high which stretch for 15 miles along the shoreline, together with beach and wilderness areas.

Beaver Basin is a huge amphitheater enclosed in a semicircle by an escarpment which was the shoreline of an ancient glacial lake containing the foremost natural and ecological unit of the proposed lakeshore.

The next feature of the shoreline zone is the Grand Sable Bank, composed of ancient lake bed sands and glacial till averaging more than 200 feet in height and topped by the Grand Sable Dunes, an outstanding scenic landmark.

A scenic road with 23 stops including a visitor's center, overlooks, contact stations, campgrounds, picnic areas, beach and dune access, nature trails, loop trails, and interpretive markers will provide visitors the principal means of enjoying the shoreline zone. A trail system will also provide opportunities for campers and hikers.

The proposed lakeshore will encompass many small lakes and ponds, three waterfalls, miles of cascading streams and quiet pools, and two large inland lakes. Together with its striking geological features, the proposed lakeshore area possesses opportunities to satisfy nearly every type of outdoor recreation desired in both winter and summer seasons.

The estimated cost of land acquisition for this national lakeshore will be $6,875,000 and $6,348,000 for development.

Mr. Speaker, the proposed Pictured Rocks National Lakeshore is an outstanding example of unspoiled scenic beauty, combining unusual topography and unique ecology. Establishment of this proposed lakeshore will provide a valuable addition to our national parks system. I urge that the rules be suspended and H.R. 8678 be passed.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I shall be happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Do I understand that this bill is going to cost $13½ million or thereabouts, and $422,000 a year, in perpetuity, to maintain this park?

Mr. SAYLOR. This is about correct.

Mr. GROSS. And, this comes at a time when the President is calling for prudence in spending?

Mr. SAYLOR. I might say to my colleague, the gentleman from Iowa [Mr. GROSS], that the executive finds itself on the horns of a dilemma. On the one hand it sends to our committee bills asking for authorizations. This is one of those bills. He, then, turns around and says to the press that he wants to have fiscal responsibility.

Mr. Speaker, you cannot have it both ways.

We, being a legislative committee, have taken him at his word and we have reported out of the committee a good bill.

Mr. GROSS. Mr. Speaker, if the gentleman from Pennsylvania will yield further, would the gentleman think that the President will veto this bill?

Mr. SAYLOR. I do not think he will veto this bill.

Mr. GROSS. And, Mr. Speaker, if the gentleman will yield further, so he can again blame the Congress for being spendthrift?

Mr. SAYLOR. In all probability the gentleman will find that you may get blamed. However, the gentleman and the Congress can always say to the President that it was at the request of the executive that this bill be passed.

Mr. GROSS. Then, the proper course would be to vote against this bill and, at least, as far as the individual Member is concerned, take himself off the horns of the dilemma.

Mr. SAYLOR. No; we can leave the President on the horns of the dilemma so he has the choice of vetoing the bill or not.

Mr. Speaker, I think that the bill should pass. I think this legislation is worthy of enactment.

Mr. GROSS. Mr. Speaker, if the gentleman will yield, the gentleman from Pennsylvania thinks that with the war going on that this is a priority until the President declares an emergency with respect to the war in Vietnam?

Mr. SAYLOR. I would say that that would be a proper procedure to follow since he has not said so yet.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I thought that was the intent of the President's message which was delivered to Congress a week ago last Thursday.

Mr. SAYLOR. Well, there has been no formal declaration of war as yet, although it may be his intent.

Mr. CLEVENGER. Mr. Speaker, I am most pleased to have been the sponsor of this legislation together with my colleague, the gentleman from Michigan [Mr. TODD].

The bill which is before the House would authorize the establishment of a 67,000-acre area on Lake Superior as a national lakeshore, in order to preserve and develop for public recreational use and enjoyment a 39-mile portion of our Great Lakes shoreline. Located in Alger County, on Michigan's Upper Peninsula, the proposed national lakeshore lies between the towns of Munising and Grand Marais, and is within 1 day's drive of the great metropolitan centers of Detroit, Lansing, Grand Rapids, Chicago, and Duluth.

The most outstanding features in this area are the many-colored sandstone cliffs which overlook Lake Superior from heights of 50 to 200 feet. These are the Pictured Rocks from whence the area got its name. Also included are a natural wilderness area, called the Beaver Basin, and the 200-foot-high Grand Sable Dunes.

The area is ideally suited for many types of outdoor recreation, and will be developed with facilities for camping and hiking. To fully interpret the beauty of this area, a scenic drive will be constructed the length of the shore, with parking overlooks and exhibits along the way.

This shoreline area was first identified in 1959 by the National Park Service in its Great Lakes shoreline recreation area survey, and the area has been the subject of bills in prior Congresses. I want to express my appreciation to the members of the Committee on Interior and Insular Affairs for the work they have done to bring the bill before us today. Members visited the area in October last year and saw for themselves the scenic beauty and the recreation potential. They took testimony from landowners and State and local officials in order to make a full and complete record. The bill before us reflects the careful consideration which was given that record by the committee. It also reflects the efforts of all parties—the major landowners, the National Park Service, the Forest Service, the State of Michigan, and the towns of Munising and Grand Marais—to recognize and resolve conflicting interests.

The concept embodied in the reported bill is somewhat different from other seashore and lakeshore bills that have come before the House, in that it establishes an area consisting of two zones—a shoreline zone and an inland buffer zone. The shoreline zone will be acquired, preserved, and developed for public recreation. The inland buffer zone, however, can remain in private ownership so long as the owner continues to use it for sustained-yield forest management. The two-zone concept will assure a protective buffer around the public-use shoreline area.

Other provisions of the bill have been adopted in recent major recreation area bills. The bill permits homeowners whose property is acquired to remain for up to 25 years or for life, at their election. It provides for hunting and fishing under State law. To assure local participation in the plans for development of the area, the bill provides for an advisory commission to consult with the Secretary of the Interior.

The SPEAKER. The question is on the motion that the House suspend the rules and pass the bill H.R. 8678, as amended.

The question was taken and the Speaker announced that the "ayes" appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 247, nays 70, not voting 115, as follows:

[Roll No. 286]

YEAS—247

Abbitt
Abernethy
Adair
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashley
Ashmore
Ayres
Baring
Barrett
Battin
Beckworth
Bennett
Berry
Bingham
Boggs
Boland
Bolton
Brademas
Brooks
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cabell
Callan
Cameron
Carey
Casey
Cederberg
Chamberlain
Clark
Clausen, Don H.
Cleveland
Clevenger
Cohelan
Conte
Conyers
Cooley
Craley
Culver
Daddario
Daniels
Dawson
de la Garza
Delaney
Dent
Denton
Diggs
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan, Tenn.
Edmondson
Edwards, Calif.
Edwards, La.
Ellsworth
Everett
Evins, Tenn.
Fallon
Farnsley
Farnum
Fascell
Feighan
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Green, Pa.
Greigg
Griffiths
Grover
Gubser
Hagen, Calif.
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Harvey, Mich.
Hathaway
Hays
Hébert
Hechler
Helstoski
Henderson
Herlong
Holland
Hutchinson
Ichord
Jacobs
Jarman
Jennings
Johnson, Calif.
Johnson, Okla.
Karsten
Karth
Kastenmeier
Kee
Keogh
King, Calif.
King, Utah
Kirwan
Kornegay
Kupferman
Laird
Leggett
Lennon
Long, Md.
Love
McCarthy
McDade
McFall
McGrath
Macdonald
Mackay
Madden
Mailliard
Matsunaga
Matthews
Meeds
Mills
Mink
Moorhead
Morgan
Morris
Morse
Morton
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Powell
Price
Pucinski
Quie
Race
Randall
Redlin
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Rogers, Colo.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schmidhauser
Secrest
Selden
Shipley
Sickles
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stalbaum
Steed
Stubblefield
Sullivan
Taylor
Teague, Tex.
Tenzer
Thomas
Thompson, Tex.
Tunney
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Waldie
Walker, N. Mex.
Watkins
Watts
Weltner
White, Tex.
Whitener
Whitten
Williams
Wolff
Wydler
Yates
Young
Younger
Zablocki

NAYS—70

Andrews, George W.
Andrews, N. Dak.
Ashbrook
Bates
Betts
Bow
Bray
Brown, Clarence J., Jr.
Broyhill, N.C.

Buchanan
Cahill
Clancy
Clawson, Del
Collier
Conable
Cunningham
Curtin
Curtis
Dague
Davis, Wis.
Derwinski
Devine
Dwyer
Edwards, Ala.
Erlenborn
Findley
Fulton, Pa.
Gathings
Gross
Haley
Hall
Hansen, Idaho
Harsha
Harvey, Ind.
Horton
Hosmer
Joelson
Jonas
Jones, Mo.
Kunkel
Langen
Latta
Lipscomb
McCulloch
Mahon
Marsh
May
Michel
Minshall
Moore
Pirnie
Poff
Quillen
Reid, Ill.
Schneebeli
Schweiker
Shriver
Smith, Calif.
Smith, Va.
Stafford
Stanton
Stratton
Talcott
Teague, Calif.
Thomson, Wis.
Tuck
Utt
Watson
Whalley
Wilson, Bob

NOT VOTING—115

Albert
Andrews, Glenn
Arends
Aspinall
Bandstra
Belcher
Bell
Blatnik
Bolling
Brock
Broomfield
Brown, Calif.
Broyhill, Va.
Byrnes, Wis.
Callaway
Carter
Celler
Chelf
Colmer
Corbett
Corman
Cramer
Davis, Ga.
Dickinson
Dorn
Duncan, Oreg.
Dyal
Evans, Colo.
Farbstein
Fino
Fisher
Flynt
Fogarty
Friedel
Fulton, Tenn.
Gray
Green, Oreg.
Grider
Gurney
Hagan, Ga.
Halleck
Halpern
Hanna
Hawkins
Hicks
Holifield
Howard
Hull
Hungate
Huot
Irwin
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Keith
Kelly
King, N.Y.
Kluczynski
Krebs
Landrum
Long, La.
McClory
McDowell
McEwen
McMillan
McVicker
MacGregor
Machen
Mackie
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Mathias
Miller
Minish
Mize
Moeller
Monagan
Morrison
Mosher
Murray
Nelsen
O'Brien
O'Neill, Mass.
Pool
Purcell
Rees
Reinecke
Resnick
Robison
Rodino
Rogers, Fla.
Roncalio
Rooney, Pa.
Roudebush
Roybal
Rumsfeld
Schisler
Scott
Senner
Sisk
Stephens
Sweeney
Thompson, N.J.
Todd
Toll
Trimble
Walker, Miss.
White, Idaho
Widnall
Willis
Wilson, Charles H.
Wright
Wyatt

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Albert with Mr. Halleck.
Mr. Rodino with Mr. Fino.
Mr. O'Neill of Massachusetts with Mr. Martin of Massachusetts.
Mr. Minish with Mr. Halpern.
Mr. Fulton of Tennessee with Mr. Mize.
Mr. Mackie with Mr. Bell.
Mr. Rogers of Florida with Mr. Gurney.
Mr. Monagan with Mr. Broomfield.
Mr. Machen with Mr. Glenn Andrews.
Mr. Morrison with Mr. Roudebush.
Mr. Thompson of New Jersey with Mr. Widnall.
Mr. Schisler with Mr. Mosher.
Mr. Dyal with Mr. Reinecke.
Mr. Farbstein with Mr. McClory.
Mr. Fogarty with Mr. Arends.
Mr. Roybal with Mr. Mathias.
Mr. Charles H. Wilson with Mr. MacGregor.
Mrs. Kelly with Mr. Byrnes of Wisconsin.
Mr. Hungate with Mr. McEwen.
Mr. Friedel with Mr. Corbett.
Mr. Pool with Mr. Cramer.
Mr. Gray with Mr. Wyatt.
Mr. Trimble with Mr. Belcher.
Mr. Corman with Mr. Robison.
Mr. Blatnik with Mr. Rumsfeld.
Mr. Celler with Mr. King of New York.
Mr. Senner with Mr. Carter.
Mr. White of Idaho with Mr. Broyhill of Virginia.
Mr. Evans of Colorado with Mr. Brock.
Mr. Stephens with Mr. Callaway.
Mr. Landrum with Mr. Keith.
Mr. Kluczynski with Mr. Johnson of Pennsylvania.
Mr. Howard with Mr. Nelsen.
Mr. Aspinall with Mr. Martin of Nebraska.
Mr. Dorn with Mr. Dickinson.
Mr. Hanna with Mr. Martin of Alabama.
Mr. Miller with Mr. Walker of Mississipi.
Mr. McDowell with Mr. McMillan.
Mr. Sisk with Mr. Scott.
Mr. Rooney of Pennsylvania with Mr. Irwin.
Mr. Holifield with Mr. Roncalio.
Mr. Hawkins with Mr. Hicks.
Mr. Bandstra with Mr. Chelf.
Mr. Brown of California with Mr. Krebs.
Mr. Davis of Georgia with Mr. Duncan of Oregon.
Mr. Rees with Mr. Resnick.
Mr. Wright with Mr. Willis.
Mr. Grider with Mrs. Green of Oregon.
Mr. Purcell with Mr. O'Brien.
Mr. Moeller with Mr. Murray.
Mr. Sweeney with Mr. Toll.
Mr. Jones of Alabama with Mr. Huot.
Mr. Hull with Mr. Todd.
Mr. McVicker with Mr. Flynt.
Mr. Fisher with Mr. Olsen of Montana.
Mr. Hagan of Georgia with Mr. Colmer.
Mr. Long of Louisiana with Mr. Jones of North Carolina.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The **SPEAKER** pro tempore. (Mr. BOGGS). Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the two veterans bills to be considered under a suspension of the rules today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

VETERANS' PENSION ACT OF 1966

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17488) to amend title 38 of the United States Code so as to increase the rates of pension payable to certain veterans and their widows, and for other purposes, as amended.

The Clerk read as follows:

H.R. 17488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Pension Act of 1966".

ENLARGING WIDOWS' ELIGIBILITY FOR BENEFITS

SEC. 2. (a) Paragraphs (2) and (3) of sections 302(a), 404, 532(d), 534(c), 536(c), and 541(e), title 38, United States Code, are amended to read as follows:

"(2) for one year or more; or

"(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.".

(b) Subsection 103(a), title 38, United States Code, is amended by striking out "cohabitated with him for five or more years immediately before his death," and inserting in lieu thereof "cohabitated with him for one year or more immediately before his death, or for any period of time if a child was born of the purported marriage or was born to them before such marriage,".

PERMANENT AND TOTAL DISABILITY AT AGE SIXTY-FIVE; AID AND ATTENDANCE ALLOWANCE FOR PERSONS IN NURSING HOMES

SEC. 3. (a) Subsection (a) of section 502 of title 38, United States Code, is amended by inserting immediately after "disabled if he is" the following: "sixty-five years of age or older or".

(b) Subsection (b) of such section 502 is amended by inserting "(1) a patient in a nursing home or (2)" immediately after "if he is".

EXCLUSIONS FROM ANNUAL INCOME

SEC. 4. (a) Paragraph (7) of section 503 of title 38, United States Code, is amended by inserting immediately after "amounts paid by" the following: "a wife of a veteran for the expenses of his last illness, and by".

(b) Paragraph (9) of such section 503 is amended by inserting "(A)" immediately after "amounts paid" and by inserting the following immediately before the semicolon at the end thereof: "or (B) by a widow or a wife of a deceased veteran for the last illness and burial of a child of such veteran".

PENSION INCREASES FOR VETERANS OF WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT

SEC. 5. (a) The table in subsection (b) of section 521 of title 38, United States Code, is amended to appear as follows:

"Column I		Column II
Annual income		
More than—	but Equal to or less than—	
	$600	$104
$600	1, 200	79
1, 200	1, 800	45".

(b) The table in subsection (c) of such section 521 is amended to appear as follows:

"Column I		Column II	Column III	Column IV
Annual income		One dependent	Two dependents	Three or more dependents
More than—	but Equal to or less than—			
	$1, 000	$109	$114	$119
$1, 000	2, 000	84	84	84
2, 000	3, 000	50	50	50".

(c) Subsection (e) of such section 521 is amended by striking out "$35" and inserting in lieu thereof "$40".

PENSION INCREASES FOR WIDOWS OF VETERANS OF WARS BEFORE WORLD WAR I

SEC. 6. Sections 531, 532(a)(2), 534(a)(2), and 536(a) of title 38, United States Code, are each amended by striking out "$65" and inserting in lieu thereof in each such section "$70".

PENSION INCREASES FOR WIDOWS OF VETERANS OF WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT

Sec. 7. (a) The table in subsection (b) of section 541 of title 38, United States Code, is amended to appear as follows:

“Column I		Column II
Annual income		
More than— but	Equal to or less than—	
	$600	$70
$600	1,200	51
1,200	1,800	29”.

(b) The table in subsection (c) of such section 541 is amended to appear as follows:

“Column I		Column II
Annual income		
More than— but	Equal to or less than—	
	$1,000	$86
$1,000	2,000	67
2,000	3,000	45”.

(c) Subsection (d) of such section 541 is amended by striking out “$15” and inserting in lieu thereof “$16”.

PENSION INCREASES FOR CHILDREN OF DECEASED VETERANS OF WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT

Sec. 8. Subsection (a) of section 542 of title 38, United States Code, is amended by striking out “$38” and “$15” and inserting in lieu thereof “$40” and “$16”, respectively.

AID AND ATTENDANCE ALLOWANCE FOR WIDOWS OF VETERANS OF ALL PERIODS OF WAR

Sec. 9. (a) Subchapter III of chapter 15 of title 38, United States Code, is amended by adding at the end thereof the following new section:

“WIDOWS OF VETERANS OF ALL PERIODS OF WAR

“§ 544. Aid and attendance allowance

“If any widow who is entitled to pension under this subchapter or the provisions of this title as in effect on June 30, 1960, is in need of regular aid and attendance, the monthly rate of pension payable to her under this subchapter or such provisions, as the case may be, shall be increased by $50.”

(b) The analysis of such subchapter III, after the heading of such chapter, is amended by adding at the end thereof the following:

“WIDOWS OF VETERANS OF ALL PERIODS OF WAR

“544. Aid and attendance allowance.”

THERAPEUTIC AND REHABILITATIVE DEVICES FOR CERTAIN VETERANS

Sec. 10. Subsection (b) of section 617 of title 38, United States Code, is amended by striking out “to any veteran” and all that follows through the end thereof and inserting in lieu thereof the following: “to any veteran in receipt of pension under chapter 15 of this title based on need of regular aid and attendance.”

PENSION FOR “OLD LAW” VETERANS WHO ARE HOUSEBOUND

Sec. 11. The Administrator of Veterans’ Affairs shall pay to a veteran who is entitled to pension under section 521 of title 38, United States Code, as in effect on June 30, 1960, and who—

(1) has, in addition to a disability rated as permanent and total, additional disability or disabilities independently ratable at 60 per centum or more, or

(2) by reason of his disability or disabilities, is permanently housebound but does not qualify for pension under such section 521 based on need of regular aid and attendance,

in lieu of the pension otherwise payable to him under such section 521, a pension at the monthly rate of $100.

EFFECTIVE DATE

Sec. 12. This Act shall take effect on January 1, 1967.

The SPEAKER pro tempore (Mr. Boggs). Is a second demanded?

Mr. CURTIS. Mr. Speaker, I demand a second.

Mr. ADAIR. Mr. Speaker, I demand a second.

Mr. CURTIS. Mr. Speaker, I am opposed to the bill. Mr. Speaker, I demand a second, as I am opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from Indiana [Mr. Adair] opposed to the bill?

Mr. ADAIR. No; Mr. Speaker I am not opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from Missouri opposed to the bill?

Mr. CURTIS. I am opposed to the bill.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. Curtis] qualifies and is, therefore, recognized for 20 minutes.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, our committee had pending before it 188 pension bills. A great majority of these bills would have cost anywhere from one-half billion dollars up to $1 billion.

Mr. Speaker, our subcommittee did a wonderful job on this bill and has worked on it for a number of months.

Mr. Speaker, the subcommittee and the full committee have come up with a bill that will cost something over $100 million. It represents a cost-of-living increase for veterans on the new law pension rolls. It gives Spanish War widows now receiving $65 a month a $5 increase, and every penny of this money goes to either veterans or their dependents who are just as much in need as any group of people could be in need.

Mr. Speaker, all of the veterans groups support this bill.

The bill was reported unanimously from the Committee on Veterans’ Affairs.

The bill would provide the following in the non-service-connected pension field:

First. A cost-of-living rate increase for all veterans alone, veterans with dependents, widows alone, widows with children, and children alone who are now receiving a pension under Public Law 86–211, as amended.

Second. A substantially greater increase for widows and widows with children in the lowest income category—approximately 8½ percent.

Third. A $5-per-month rate increase for approximately 56,427 Spanish-American and prior war widows, whose average age is 84 and who are now receiving the monthly pension of $65.

Fourth. An increase of $5 per month in the “housebound” allowance under current law for veterans, from $35 to $40 per month.

Fifth. The creation of a new “housebound” rate of $100 per month for veterans under the old pension law.

Sixth. A special aid and attendance allowance of $50 per month for widows receiving pension under Public Law 86–211, the old pension law, the Spanish-American War and prior wars, who are found in need of aid and attendance.

Seventh. Presumption of permanent and total disability for pension purposes on attainment of age 65.

Eighth. Presumption of need for regular aid and attendance for pensioners who are being furnished nursing care in public or private nursing homes.

Ninth. Reduction of the 5-year alternative marriage requirement for widows to 1 year—any period if there is a child born to the parties to the marriage. These liberalizations also apply to the service-connected death programs.

Tenth. Exclusion of income for pension purposes of amounts equal to the amount paid by a wife for the last illness of the veteran prior to his death.

Eleventh. Exclusion of income for pension purposes of amounts equal to the amount paid by a widow or a wife for the last illness and burial of the veteran’s child.

In the medical field it would provide for the furnishing of any type of therapeutic or rehabilitative device, medical equipment and supplies—except medicine—when medically indicated to pensioners entitled to pension based on need for regular aid and attendance unrelated to individual need for an invalid lift.

Our Subcommittee on Compensation and Pensions had referred to it and held hearings on 188 bills. These bills were in the following major categories:

First. Increases in rates and income limitations.

Second. Exclusions from income.

Third. Income limitation increases.

Fourth. Social security exclusions and waivers.

Fifth. Miscellaneous bills involving such things as the 90-day service requirement, definitions of widows and veterans for pension purposes, groups with service not heretofore considered war service, and so forth.

In its hearings, the subcommittee took testimony or received statements from approximately 57 Members of Congress, representatives of the major veterans’ organizations, and the Veterans’ Administration. Each of the major veterans’ organizations supported substantially different proposals, although in general they all recommended increases in rates and income limitations and, in some cases, additional income exclusions. The Veterans’ Administration recommended against enactment of all of the bills under consideration.

The members of the Compensation and Pension Subcommittee composed of our colleagues Messrs. DORN, KORNEGAY, ROBERTS, RONCALIO, HANLEY, FINO, CHARLES TEAGUE, and SAYLOR deserve our thanks for much effort on this subject and devising this legislation.

Everyone agrees that pension is a good program. Our present pension program is based on sound principles developed after long study by the Congress and many interested organizations and veterans.

In 1964 when President Johnson signed the first amendment to the new pension law, he cited the act that became Public Law 88-664 as an important improvement in the veterans pension program which adhered to the sound principle that veterans' pensions should be based upon need with graduated income scales paying the greatest benefits to those most in need. He termed that bill a substantial strengthening of our services to veterans.

Three weeks ago the administration testified favorably to a pending bill which would extend the pension benefits of this modern pension plan to all Vietnam era veterans.

Yes, it is the consensus of this Congress that ours is a good pension program and that the program should be maintained in basic integrity. This requires that it be strengthened and kept up to date to meet the ever changing demands of our times.

The Executive has the heavy burden of dividing and budgeting the available tax dollars. His is the problem of establishing priorities and weighing needs against available resources and of making his recommendations to the Congress.

He has said that now is not the time for pension legislation. Administration spokesmen have testified before the House Committee on Veterans' Affairs, saying that this is not the time for pension increases.

We realize his real concern when he is giving serious consideration to where we may spend our available dollars, to balance the overriding requirements in Vietnam with those of domestic programs.

So we have come now to a question of timing and priorities. After much study, we find that we must differ with our Chief Executive on the question of timing for veterans pension amendments.

I believe I speak for the Congress when I say the time is now, that a modest pension bill should become law now, not next year, and your committee has brought you such a bill, basically a cost-of-living increase bill.

This measure will give important strength to the whole pension program and fulfill a real and current need.

It will give added benefits of $100 million to more than 1,800,000 veterans, widows, and orphan children, and it gives the most to those most in need.

Important improvements it provides include added payments for widows in nursing homes and who are so helpless as to be in need of regular aid and attendance. It provides added payments to certain pensioners who are housebound. Most importantly, perhaps, it gives much needed cost-of-living increases to our poorest widows and to the Spanish-American War and earlier war widows, 96 percent of whom must live on no other income than their pension check brings them.

Why now? Now, because pension is a needs program rigidly governed by total family income. Pension dollars are dollars devoted to the basic necessities of life, the very dollars first to be eroded by inflation.

As to the matter of timing, I must point out to you that the administration has this year supported cost-of-living increases for the military, for the civil servant, and for employees of industry where these increases conform to the cost-of-living pattern. The pensioners' need is equally acute and equally urgent.

So I urge that we do it now. I commend to you this pension measure which will provide cost-of-living increases in pension to supplant the dollars taken away by what our President has so aptly termed the "cruel and unjust tax" inflation imposes.

I have seen considerable comment in the press recently regarding actions of the Congress which have unbalanced the administration's budget. Usually, when these actions are listed, the Veterans' Readjustment Assistance Act of 1966 which gave GI bill benefits to veterans serving after January 31, 1955, is listed as one of those actions. Undoubtedly this pension bill which provides a cost-of-living increase to low-income veterans, widows, and children, and which provides some additional benefits for sick and needy veterans and widows, will be added to the list, and will be pointed to as still another action by the Congress which is unbalancing the administration's budget.

Of course, Congress was not presented a balanced budget in the first instance, and if this Congress had taken no action at all other than appropriating the requested amounts and enacted the legislation requested by the administration, the budget would be out of balance by many billions of dollars. The administration has not been reluctant to request from the Congress appropriations and new programs costing billions of dollars for such things as medical benefits for those not necessarily in need, and who have made no contribution to the social security system to cover such benefits.

Requests have been made for funds to supplement the rent of many individuals who have a good deal more money than most of the veterans and widows receiving a pension. Funds for scholarship programs have been requested in amounts greatly exceeding the cost of the new veterans education and training program, and these funds will go to students without regard to their service in the U.S. Armed Forces, and in some cases without regard to their need. Many individuals have been shocked to find the so-called sleeper in the Medicare Act which permits payment of medical expenses in a joint Federal-State program to families with as much as $6,000 a year income. This presumably on the basis that the family is in need.

I would again remind you that the benefits in this bill are keyed to a $3,000 income limit for the veteran or widow with dependents, or $1,800 for a single veteran or widow. The top payment which can be made under this bill is $119 a month, and that would go to a veteran with three or more dependents who has less than $1,000 a year other income. With the pension payment this family of four would have at most $2,428. Contrast this with statements attributed to administration spokesmen to the effect that a family of four with less than $3,000 per year is considered to be at the poverty level.

I wish to emphasize that this bill deals with literally hundreds of thousands of individuals in the most destitute category. The 56,000 Spanish War widows who average 84 years of age are being given a $5 per month increase, making their total pension $70 per month. Surveys by the Veterans' Administration indicate that the vast majority have no other source of income. There are nearly a half million veterans and widows in the lowest income category; that is, 0 to $600 other income for the single and 0 to $1,000 other income for the married or those with dependents. The highest payment that any of these would receive under this bill would be a $6 per month increase, and that goes to nearly 200,000 widows who have less than $600 other income to live on. I expect to hear comments about this legislation unbalancing the administration's budget, but I think I speak the sentiments of my committee, and those of the whole House, when I say that Congress has always believed that this Nation should take care of its defenders, and that veterans and their widows and dependents of veterans who have fought the Nation's wars are entitled to at least equal consideration to certain of the groups which have been singled out as beneficiaries of spending programs in some of the new social programs which are being proposed.

I think that many of these programs go too far and too fast and are obscure in their purpose, and I have voted against many of these as they have been presented to the House of Representatives. Despite the opinion of some of us, most of these proposals have prevailed, and we are now reaching a point where the Federal programs are replete with examples of individuals receiving welfare payments, medical aid, education and vocational assistance, housing grants, and many other forms of benefits which exceed those available to veterans and their dependents, and to my way of thinking, in many instances are not as soundly based or as soundly administered as are veterans programs. With this in mind, I have directed the staff of the Veterans' Affairs Committee to initiate studies of improvements and innovations in veterans programs which should be made to keep those programs abreast, if not ahead, of the wide spectrum of benefits being planned for various other segments of the society.

Throughout its entire history the men of America have responded to their Nation's call to arms, and in return this Nation has always been generous with its veterans of its wars. If it is within my power as chairman of the Veterans' Affairs Committee, I intend to perpetuate

and protect that philosophy. It may cost some additional money, but after all, that has not seemed to impede the rise of a whole new concept of benefits for others.

BACKGROUND OF NON-SERVICE-CONNECTED PENSION PROGRAMS

The Veterans' Administration spent $1,905,328,000 in fiscal year 1966 on non-service-connected pension programs for veterans. widows. and children of the Spanish-American War, World War I, World War II, and the Korean conflict and for a few thousand individuals with eligibility accruing from wars prior to the Spanish-American War.

NON-SERVICE-CONNECTED PENSION PROGRAMS, SPANISH-AMERICAN WAR AND PRIOR WARS

Veterans: 53, at $67.73; 7,792, at $101.59; 1,657, at $135.45; 1,811, at $75 to $215.[1]

Widows: alone: 1,073, at $75; 55,513, at $65; 36, at $40.64.

Widows with children: 584, at $73 to $105.

"OLD LAW" PENSION CASES

June 1966, veterans:	
12,865, at $66.15:	
Korean conflict	1,497
World War II	11,156
World War I	212
421,359, at $78.75:	
Korean conflict	525
World War II	14,466
World War I	406,368
12,270, at $135.45:	
Korean conflict	231
World War II	2,399
World War I	9,640

Widows: 202,669, at $50.40: Widow only; $974, at $63 to $115.92; widow with 1 child, at $63, with $7.56 for each additional child.

Children: 585, at $27.30 to $99.96; 1 child, at $27.30; 2 children, at $40.95; 3 children, at $54; with $7.50 each additional child, equally divided.

Total "old law" pension cases:	
Veterans	446,494
Widows	213,228
Children only	585
Total	660,307

"NEW LAW" PENSION CASES

June 1966, veterans:	
Nonhousebound	736,764
Veteran alone	230,135
Veteran with dependents	506,629
Housebound	12,088
Veteran alone	4,023
Veteran with dependents	8,065
Aid and attendance	45,935
Veteran alone	15,744
Veteran with dependents	30,191
Hospitalized veterans	(¹)
Total "new law" veteran cases	748,852
Widows:	
Widows only	368,280
Widows with dependents	127,795
Total, widows	496,075
Children alone	206,332
Total "new law" cases	1,453,068

¹ Not available.

SUMMARY: ALL PENSION CASES

Veterans:	
Spanish-American War and prior wars	11,311
"Old law"	455,996
"New law"	750,661
Total, veterans	1,206,657
Widows:	
Spanish-American War and prior wars	57,205
"Old law"	213,228
"New law"	496,075
Total, widows	766,508
Children alone (no widows receiving pension):	
Spanish-American War and prior wars	1,571
"Old law"	585
"New law"	206,332
Total, children	208,488
Total, all pension cases	2,181,653

Prior to enactment of Public Law 86-211, which became effective July 1, 1960, the non-service-connected pension program for veterans of World War I, World War II, and the Korean conflict was based on annual income limits of $1,400 for the single person and $2,700 for the veteran or widow with dependents. A widow alone was paid $50.40 monthly and veterans with and without dependents received $78.75, or $135.45 per month if in need of aid and attendance. A few veterans younger than 65 years of age received $66.15. These rates were payable regardless of whether the veteran or widow had $0 in other income or near the maximum allowable limitations of $1,400 and $2,700. No consideration was given to dependency. In other words, a single veteran received as much pension as a married veteran or a married veteran with several dependents.

The program was considered deficient, since as indicated it gave no consideration to veterans with little or no income, and none to the dependency status of the veteran. It gave little consideration to the health status of the veteran, in that the only additional rate payable for health problems was the $135.45 rate for aid and attendance. Another committee had reported legislation which resulted in enactment of laws which permitted railroad retirees to waive, or not count their income from this source as income for pension purposes. Veterans' Administration regulations permitted certain recipients of civil service and other annuities to waive a portion of their annuity, although this privilege was not granted to most other types of annuitants. There were no restrictions on the income of the wife or the size of the veteran's estate or net worth. Investigations by the committee disclosed the growing practice of veterans shifting income producing assets into their wives' names to qualify for a pension where the veteran was otherwise ineligible.

Public Law 86-211 was recommended by the Veterans' Affairs Committee after lengthy study of the problem. This new pension program was specifically designed to remedy the deficiencies which had developed under the old pension law. The new pension program under Public Law 86-211—

First. Established the principle of higher payments to those most in need because of low income.

Second. Additional rates were made payable for dependency.

Third. Additional assistance for serious health problems was given. The aid and attendance allowance was raised substantially and aid and attendance pensioners were made eligible for invalid lifts.

Fourth. Special privileges for groups such as railroad retirees and civil service annuitants were discontinued.

Fifth. A corpus of estate, or net worth test, was established, and the wife's income, was required to be included in the veteran's income report.

The substantial effect of the changes brought about by Public Law 86-211 and subsequent amendments and additional programs recommended by the committee and enacted into law has been that the non-service-connected pension program has been made more responsive to the needs of the individual growing out of low income, serious health problems, or dependency of others. Under this philosophy, hundreds of thousands of sick and needy veterans and widows have received substantially increased payments. Certain others, considerably more fortunate, with some significant amounts of outside income, receive less.

All of the pensioners under the old pension law at the effective date of Public Law 86-211 were given the right to elect the higher benefits of Public Law 86-211, and hundreds of thousands did elect these higher rates. Veterans' Administration reports that there are still approximately 100,000 persons receiving benefits under the old pension law who could by their own choice receive higher benefits under Public Law 86-211 if they would make an election.

Effective January 1, 1965, Public Law 88-664, recommended by the committee and enacted by the Congress, granted a cost-of-living increase to all classes of pensioners under the new pension law. Those veterans in the lowest income categories received substantially more increase than the cost of living, and the aid and attendance allowance was raised from $70 to $100. Further, additional consideration was extended to the more seriously disabled by (a) creation of a "housebound" rate of $35 per month in addition to regular pension; and (b) an outpatient drug program for aid and attendance cases. Previously, in the same Congress, Public Law 88-450 made therapeutic or rehabilitative devices available to aid and attendance pensioners who are eligible for invalid lifts. A provision was included—Public Law 88-664—granting a 10-percent exclusion of social security rates and other retirement income. This action was taken specifically to cover the increase in social security rates which was under consideration by the Congress. Originally, the 10-percent exclusion of retirement income under the non-service-connected pension program and the social security rate increase were timed to become effective simultaneously.

The Ways and Means Committee encountered problems in enacting the social security rate increase and as a result the 10-percent exclusion of retirement income for non-service-connected pension programs became effective January 1, 1965, approximately 9 months before social security rate increases were paid. As a result of this 10-percent exclusion, a relatively small number of pensioners—approximately 29,000 according to Veteran's Administration—took advantage of their 10-percent exclusion and came on the rolls or moved from a higher income bracket to a lower income bracket and qualified temporarily for a higher pension rate. These individuals enjoyed this higher pension rate for approximately 9 months, until their social security rate increase became effective, at which time they reverted to the same income group and pension rate that they had enjoyed prior to the 9-month windfall.

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[1] Public Law 86-211 cases.

It should be emphasized that this same legislation which granted the 10-percent exclusion from retirement income also granted a rate increase in non-service-connected pension rates, so that when the social security rate increase became effective and the 29,000 individuals reverted back to their former status they were actually receiving a higher pension and higher social security payments than they had received the previous year. In addition to this, they had enjoyed a higher rate of pension for 9 months while waiting for their social security rate increase to become effective.

The combined effect of enactment of the two laws under discussion, on the estimated 1½ percent of pensioners who were affected, is demonstrated in the following case:

Veteran alone—Sole countable income is social security

	Social security (per year)	VA pension (per year)	Annual combined income (per year)
1964	$648	$840	$1,488
1965	696	[1] 1,125	1,821
1966	696	900	1,596

NOTES

[1] Veteran received a 9-month windfall in 1965, $225 (application of 10-percent exclusion in Public Law 88-664 preceding social security amendments produced the temporary eligibility for windfall rate).

Comparing 1964 with 1966—
He gets more social security: $48 per year.
He gets more VA pension: $60 per year.
His total income is increased by: $108 per year.

Comparing 1964 with 1965 and 1966:

1. Everyone gets more pension.
2. Everyone gets more social security.
3. A few (1½ percent) got an additional windfall in 1965.
4. And everyone continues to get more pension and social security in 1966 than they got in 1964.

The committee has, on three separate occasions, considered proposals added as amendments to House-passed bills by the Senate, which would grant a preferential position for the 29,000 cases which received a temporary higher payment as a result of the lag between the dates of the 10-percent exclusion feature from retirement income voted by the Congress and the effective date of the social security rate increase. The Congress sustained the position of the committee on each occasion, and rejected these proposals. In its hearings, the subcommittee had several bills of this type before it, and is again rejecting these proposals, which would give preferential treatment to a relative few. Obviously, there is no justification for singling out for preferential treatment a relative few peculiarly circumstanced veterans who also receive social security payments, while not granting this same consideration to pensioners receiving other types of retirement income. The 10-percent exclusion feature previously enacted by the Congress treats all alike, while proposals which single out certain special cases are discriminatory in their effect.

Under the committee's recommendation, 1,830,411 veterans, widows, and children would benefit from increases, at an additional first year cost of $101,433,000. A detailed summary follows:

Income	Monthly rate	Monthly increase	Proposed monthly rate	Cases	1st year cost
SEC. 2					
Liberalize definition of widow: Reduce 5-year marriage requirement for widows to 1 year cohabitation or any period if there is a child born to the parties to the marriage (extends also to deemed valid marriage)				(1)	(1)
SEC. 3(a)					
Presume permanent and total disability at age 65: Presume permanent total disability for pension purposes on attainment of age 65 without need for medical evidence and rating decision				(2)	(2)
SEC. 3(b)					
Presume need for aid and attendance: Presume need for regular aid and attendance for pensioners while being furnished nursing care in public or private nursing home				(1)	(1)
SEC. 4(a)					
Income exclusion: Of amounts equal to the amount paid by a spouse for the last illness of the veteran prior to his death				(1)	(1)
SEC. 4(b)					
Income exclusion: Of the amounts equal to the amount paid by a widow, or a spouse prior to the veteran's death, for the last illness and burial of the veteran's child				(1)	(1)
SEC. 5(a AND b)					
Veteran alone:					
0 to $600	$100.00	$4.00	$104		
$600 to $1,200	75.00	4.00	79		
$1,200 to $1,800	43.00	2.00	45		
Veteran and dependent:					
0 to $1,000	$105-110-115.00	4.00	$109-114-119		
$1,000 to $2,000	80.00	4.00	84		
$2,000 to $3,000	48.00	2.00	50		
Total				900,100	$45,032,000
SEC. 5(c)					
Housebound veterans	35.00	5.00	40	20,545	1,233,000
SEC. 6					
SAW and prior laws widows only	65.00	5.00	70	56,427	3,386,000
SEC. 7(a and b)					
Widows only:					
0 to $600	64.00	6.00	70		
$600 to $1,200	48.00	3.00	51		
$1,200 to $1,800	27.00	2.00	29		
Widows with child:					
0 to $1,000	80.00	6.00	86		
$1,000 to $2,000	64.00	3.00	67		
$2,000 to $3,000	43.00	2.00	45		
Total				579,260	33,878,000
SEC. 8					
Children, no widow—1st child or child alone: 0 to $1,800	38.00	2.00	40	92,200	2,213,000
Each additional child: 0 to $1,800	15.00	1.00	16	118,700	5,404,000
Total				210,900	7,617,000

See footnotes at end of table.

Income	Monthly rate	Monthly increase	Proposed monthly rate	Cases	1st year cost
SEC. 9					
Special pension of $50 monthly for widows in need of aid and attendance: $50 monthly in addition to current basic pension rate to widows * * * current pension law * * * protected pension law * * * SAW and prior wars * * * who are in need of aid and attendance				4,160	$2,496,000
SEC. 10					
Therapeutic or rehabilitative devices for pensioners: Furnish any type of therapeutic or rehabilitative device, medical equipment and supplies (except medicine) when medically indicated to pensioners entitled to pension based on need for regular aid and attendance unrelated to individual need for an invalid lift				49,169	5,246,000
SEC. 11					
Housebound rate of $100 for veterans (old law)	$66.15 78.75	$33.85 21.25	$100 100	9,850	2,545,014
Grand total				1,830,411	101,433,000

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[1] Not significant.

[2] Insignificant.

The chart below shows the pension rates and income limits originally enacted by Public Law 86-211, the changes made by Public Law 88-664, and the changes proposed by the committee's recommendation. It should be noted that in every instance the proposal of the committee exceeds the cost of living change from January 1, 1965—the date of the last cost-of-living increase—to present, which is 4.1 percent. It should be noted that under the committee's recommendation all veterans would receive an average increase of 4.4 percent, all widows an average of 8.2 percent, widows with children an average of 6.4 percent, with all pensioners—veterans, widows, and children—receiving an average increase of 5.4 percent and with the "housebound" veterans receiving an increase of 14.3 percent. If the proposal of the subcommittee is enacted, all pensioners will have received an average increase of 15.5 percent since Public Law 86-211 was enacted, effective July 1, 1960.

Pensioner	Increment	Public Law 211 rate	Public Law 664 rate	H.R. 17488	Percent of increase		
					Public Law 664	H.R. 17488	Over Public Law 211 if enacted
Single veteran	0- $600	$85	$100	$104	17.6	4.0	22.4
Do	$600-1,200	70	75	79	7.1	5.3	12.9
Do	1,200-1,800	40	43	45	7.0	4.6	12.5
Total, single veterans					13.7	4.4	18.7
Married veterans	0-1,000	90	105	109	16.7	3.8	21.1
Do	1,000-2,000	75	80	84	6.7	5.0	12.0
Do	2,000-3,000	45	48	50	6.7	4.2	11.1
Total, married veterans					11.3	4.3	16.2
Total, all veterans					12.0	4.4	16.9
Widow alone	0- 600	60	64	70	6.7	9.4	16.7
Do	600-1,200	45	48	51	6.7	6.3	13.3
Do	1,200-1,800	25	27	29	8.0	7.4	16.0
Total, widow alone					6.8	8.2	15.5
Widow with child	0-1,000	75	80	86	6.7	7.5	14.7
Do	1,000-2,000	60	64	67	6.7	4.7	11.7
Do	2,000-3,000	40	43	45	7.5	4.7	12.5
Total, widow with child					6.7	6.4	13.6
Total, all widows					6.8	7.6	14.9
No widow, 1 child	0-1,800	35	38	40	8.6	5.3	14.3
No widow, 2 children	0-1,800	50	53	56	6.0	5.7	12.0
No widow, 3 children	0-1,800	65	68	72	4.6	5.9	10.8
Total, children					6.4	5.6	12.3
Veterans and widows					10.3	5.4	16.3
All pensioners					9.6	5.4	15.5
Housebound			35	40		14.3	

The table below shows pension rates correlated to the cost of living:

Pension rates correlated to cost of living

Law	Effective date	Monthly rates, veteran and 3 dependents, minimal income	Consumer Price Index	Percent of change in monthly pension rate over July 1933 rate	Percent of change in cost-of-living index over that for July 1933
Veterans Regulation 1A	July 1, 1933	$33.00	46.6		
Public Law 601, 77th Cong	June 10, 1942	40.00	56.7	33⅓	24.3
Public Law 313, 78th Cong	May 27, 1944	50.00	61.0	66⅔	33.7
Public Law 662, 79th Cong	Sept. 1, 1946	60.00	71.2	100.0	56.1
Public Law 356, 82d Cong	July 1, 1952	63.00	93.0	110.0	103.9
Public Law 698, 83d Cong	Oct. 1, 1954	66.15	93.3	120.5	104.6
Public Law 86-211	July 1, 1960	100.00	103.2	233.3	126.3
Public Law 88-664	Jan. 1, 1965	115.00	108.9	283.3	138.8
	Jan. 1, 1965, to July 1, 1966	115.00	112.9	283.3	147.6
Proposed	Jan. 1, 1967	119.00		296.7	

Since many of the bills considered by the committee proposed increases in income increments and limitations, the committee studied the cost of raising income limits. Shown below is a cost estimate for each $100 increase over present income limits. It should be noted that a $200 increase in each of the income increments and the overall limitation would benefit only 185,001 veterans, widows, and children, at a cost of $141,012,244. This is to be compared with the recommendation of the committee, which will give some increased benefits to 1,830,411 veterans, widows, and children, some of whom would receive substantial increases, at a cost of $101,433,000. It is axiomatic that an increase in income limitations or the various other proposals considered by the committee for exclusion of income or waiver of income helps only those who cannot now qualify for a pension or who are receiving a reduced pension of substantial other income. Income limit increases and devices to waive or exclude income are not of any significant benefit to the very lowest income group of 1,102,962 of veterans, children, and widows, in the lowest income categories and obviously most in need.

Disability and death pension estimated costs for each $100 increase to present income increments, fiscal year 1967 projections

	Total cases	Annual cost	Additional over present—	
			Cases	Cost
Present income increments:				
Veteran alone	257, 747	$288, 908, 112		
Veteran with dependents	561, 103	643, 225, 908		
Widow alone	428, 700	277, 253, 760		
Widow with children	139, 709	153, 679, 968		
Total, present income	1, 387, 250	1, 363, 067, 748		
$100 increase:				
Veteran alone	275, 935	307, 614, 691	18, 188	$18, 706, 579
Veteran with dependents	583, 003	670, 774, 722	21, 900	27, 548, 814
Widow alone	480, 367	300, 656, 424	51, 667	23, 402, 664
Widow with children	142, 900	157, 738, 608	3, 200	4, 058, 640
Total, $100 increase	1, 482, 205	1, 436, 784, 445	94, 955	73, 716, 697
$200 increase:				
Veteran alone	294, 783	326, 179, 944	37, 036	37, 271, 832
Veteran with dependents	600, 523	694, 114, 684	39, 420	50, 888, 776
Widow alone	529, 045	322, 273, 116	100, 345	45, 019, 356
Widow with children	147, 900	161, 512, 248	8, 200	7, 832, 280
Total, $200 increase	1, 572, 251	1, 504, 079, 992	185, 001	141, 012, 244
$300 increase:				
Veteran alone	307, 202	$340, 125, 131	49, 455	$51, 217, 019
Veteran with dependents	616, 291	718, 079, 371	55, 188	74, 853, 463
Widow alone	561, 924	339, 076, 380	133, 224	61, 822, 620
Widow with children	154, 900	166, 212, 672	15, 200	12, 532, 704
Total, $300 increase	1, 640, 317	1, 563, 493, 554	253, 067	200, 425, 806
$400 increase:				
Veteran alone	317, 373	352, 250, 529	59, 626	63, 342, 417
Veteran with dependents	628, 555	741, 141, 317	67, 452	97, 915, 439
Widow alone	589, 039	354, 490, 776	160, 339	77, 237, 016
Widow with children	162, 900	171, 388, 212	23, 200	17, 708, 244
Total, $400 increase	1, 697, 867	4, 619, 270, 864	310, 617	256, 203, 116
$500 increase:				
Veteran alone	326, 860	363, 779, 007	69, 113	74, 870, 895
Veteran with dependents	639, 067	759, 609, 894	77, 964	116, 383, 986
Widow alone	615, 940	371, 359, 896	187, 240	94, 106, 136
Widow with children	171, 900	177, 006, 804	32, 200	23, 326, 836
Total, $500 increase	1, 753, 767	1, 671, 755, 601	366, 517	308, 687, 853
$600 increase:				
Veteran alone	336, 347	374, 895, 154	78, 600	85, 987, 042
Veteran with dependents	648, 703	774, 807, 856	87, 600	131, 581, 948
Widow alone	642, 200	387, 602, 412	213, 500	110, 348, 652
Widow with children	181, 900	183, 127, 428	42, 200	29, 447, 460
Total, $600 increase	1, 809, 150	1, 720, 432, 850	421, 900	357, 365, 102

This bill is fully supported by the veterans' organization as evidenced by the letters which have been written to me on this proposal, and which I will make a part of my remarks at this point in the RECORD:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., September 6, 1966.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN TEAGUE: This is in reference to the recommended pension bill which is scheduled for consideration by your full Committee on September 7, 1966.

It is noted that this bill will provide an increase in the rates of pension payable to all veterans, their widows and children. It also provides for other liberalizations including an aid and attendance allowance for widows; house-bound rate for veterans receiving pension under the "old law", presumed total and permanent disability at age 65, and other liberalizations.

While this bill does not fully carry out the recommendations of the Veterans of Foreign Wars, nor does it parallel the resolutions and mandates approved by the delegates to our recently concluded Convention in New York, New York, it nevertheless is a giant step in the right direction.

It is the hope of the Veterans of Foreign Wars that this pension bill, which is the end result of lengthy and comprehensive hearings, will be reported by your Committee and submitted to the full House at the earliest opportunity.

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

VETERANS OF WORLD WAR I
OF THE U.S.A., INC.,
Washington, D.C., September 8, 1966.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans Affairs, Rayburn House Office Building, Washington, D.C.

MY DEAR CONGRESSMAN TEAGUE: I wish to take this opportunity to express to you, and through you to your Committee, the appreciation of the Veterans of World War I of the U.S.A., Inc., for your favorable action taken on H.R. 17488, a bill designed to bring relief to thousands of veterans and their dependents, and the widows of veterans.

Even though it does not provide as much as we would have desired, we do feel it is a good bill and will support its passage in the Congress.

You may be assured you have the support of the Veterans of World War I of the U.S.A. in your efforts to guide its passing through the Congress.

With kindest regards, I am,

Sincerely yours,

HERBERT M. HOUSTON,
National Commander.

THE AMERICAN LEGION,
Washington, D.C., September 13, 1966.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. TEAGUE: As you know, the American Legion testified on July 26, 1966 before the Subcommittee on Compensation and Pension, House Committee on Veterans Affairs. At that time, we presented to the Subcommittee our comments on the many pension bills being considered, and our requests for improvements in existing disability and death pension law. I would like to take this opportunity to comment specifically on H.R. 17488, introduced by Mr. DORN of South Carolina and reported by your Committee, September 7, 1966.

It is reported that H.R. 17488, the Veterans Pension Act of 1966, will benefit directly 1,831,411 veterans, widows, and children. Pension payments will be raised an average 5.4 percent, with the largest increases—to widows—averaging 8.2 percent. In addition to these payment increases, the bill will make special provision for certain veterans and widows with severe disabilities and will authorize other liberalizations in existing law. The American Legion commends the House Veterans Affairs Committee for its action on H.R. 17488 and urges early, favorable action by the House of Representatives.

We are convinced that it is well within the nation's economy to support the added cost of the provisions of H.R. 17488. Our national economy has grown at a tremendous pace during the past 5½ years. The cost of goods and services has increased at a steady 5½ percent yearly during that time, and the spendable income of our consumers has increased by 41 percent. At the same time, the percentage of the Gross National Product used to support federal programs has dropped from 17 to 15 percent.

All recognize that we are presently enjoying the highest standard of living in the history of any people at any time. We must not ignore the plight of thousands and thousands of veterans, their widows, and their orphans, who must meet their daily needs of food, housing, apparel, and medical care from limited fixed incomes. Many of these people look to Veterans Administration disability and death pension as their only source of income.

The cost of living in the United States is increasing about 4 percent per year. Since the rates of disability and death pension were last increased, Consumer Price Indices on food have advanced from 106.6 to 114.3; on housing, from 108.1 to 111.3; on apparel, from 105.6 to 109.2; and, on medical care, from 114.5 to 127.7 (based on Bureau of Labor Statistics reports through July 1966).

In view of the economic and personal hardships being experienced by our pensioners in this growing and expanding economy, the American Legion urges early enactment of H.R. 17488. As President Johnson said while signing the Independent Offices Appropriations Act, September 7, 1966, "Our conscience tells us that the wealthiest nation on earth must help its elderly, its handicapped, and its poor to live with decency, and dignity, and hope—not with a handout but with a helping hand." H.R. 17488 will help elderly, handicapped, and poor veterans, widows, and orphans.

Sincerely yours,

John E. Davis,
National Commander.

Disabled American Veterans,
September 15, 1966.

Hon. Olin E. Teague,
Chairman, House Veterans' Affairs Committee, Rayburn Building, Washington, D.C.

Dear Congressman Teague: This is written to express our gratitude to you and your colleagues on the House Veterans' Affairs Committee who worked tirelessly to produce H.R. 17488.

The Disabled American Veterans, of course, is heartily in support of the bill, for it provides fair and equitable disability and death pension adjustments for those beneficiaries who are in the lowest level of economic need.

You deserve the thanks of all veterans and their survivors who will benefit from this meaningful pension legislation.

With all good wishes, I am

Sincerely,

Charles L. Huber,
National Director of Legislation.

AMVETS National Headquarters,
Washington, D.C., September 15, 1966.

Hon. Olin E. Teague,
Chairman, House Veterans' Affairs Committee, House Office Building, Washington, D.C.

Dear Mr. Teague: AMVETS is pleased to learn of the action of the House Veterans' Affairs Committee in reporting favorably H.R. 17488, a Bill which would increase the rates of pension payable to certain veterans and their widows, and for other purposes.

The liberalizing criteria affecting so many areas of special provision benefits to the older veterans and widows is an indication that the members of the House Veterans' Affairs Committee are combining both need and humanitarian consideration in their thinking and forward looking projections, and we highly commend this action.

With respect to the 5.4 percent overall increase in pension payments, we feel that this amount is not adequate in keeping with the rapidly increasing cost of living indices. However, we recognize that budget limitations are important factors in your deliberations and final actions.

AMVETS is deeply concerned with all provisions of the pension laws as administered by the Veterans Administration and we are most concerned with the fact that more pension recipients would receive higher benefits if they elected to receive these benefits under the provisions of the new pension laws. We feel that with the additional rate increases and other special and miscellaneous provisions available to beneficiaries, as provided for in H.R. 17488, that more of these people presently covered under the protected pension system will respond to an election that will give them the higher benefit payments.

In our presentation to the Committee on Veterans' Affairs April 9, 1964, AMVETS urged that "there should be an adjustment of the entire sliding scales of Public Law 86–211 in order that pensioners under the old law would benefit by election under Public Law 86–211." This continues to be the position of AMVETS.

Mr. Chairman, in supporting the intent of H.R. 17488, it is the hope of AMVETS that this bill will receive early and prompt enactment.

With warm personal regards, I remain,

Sincerely,

Ralph E. Hall,
National Commander.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. Adair].

Mr. ADAIR. Mr. Speaker, I join the distinguished gentleman from Texas [Mr. Teague] in very strong support of this bill. However, I have one regret concerning it, and that is that we were unable to do anything upon the matter of raising the income limitations.

Mr. Speaker, this measure will provide an average 5.4-percent increase in monthly pension rates for more than 1.8 million veterans, widows, and children now on the pension rolls. The increases range from 3.8 percent in one category to 14.3 percent in another.

Additionally, Mr. Speaker, the bill authorizes a new $100 monthly "housebound" rate for pensions under the so-called old pension law. It authorizes a special pension of $50 monthly to be paid in addition to the basic pension for widows who are so disabled as to require the aid and attendance of another person.

This is a good bill, Mr. Speaker, as far as it goes, and I hope my colleagues will support it. When one considers the atmosphere in which this legislation was considered, Members will appreciate the fact that we are extremely fortunate to have any bill, let alone one that provides increases for so many pensioners.

More than 180 bills to liberalize the pension program had been introduced in the House of Representatives and were pending before the Committee on Veterans' Affairs. During the course of the hearings on these bills, I questioned the Veterans' Administration spokesman on the position of the administration on legislation to liberalize the pension program. There follows excerpts from the printed hearings on this subject:

> Mr. Adair. Mr. Stratton, does the Veterans' Administration support any of the pending pension proposals?
>
> Mr. Stratton. No, sir.
>
> Mr. Adair. Does the Veterans' Administration support any liberalization of our pension programs at this time?
>
> Mr. Stratton. No, sir.
>
> Mr. Adair. Is it your feeling, as I gathered from the earlier part of your statement, that increases in pension payments made in the years—I think since 1960 was the year you used?
>
> Mr. Stratton. Yes.
>
> Mr. Adair. Have kept abreast of increases in the salary or payments to other segments of our population?
>
> Mr. Stratton. Yes, sir. I think on a comparison with social security and on a comparison with the Federal pay increases, and accepting as the base point 1960, it is my opinion that the veterans and their dependents have fared well. I do recall that since the inception of the pension program in 1933 that those veterans, particularly, that have little or no income have received increases that approximate 283 percent and that the cost-of-living increase since that time has been in the neighborhood of 150 percent.
>
> Mr. Adair. If this committee decides to liberalize the pension program and would come to you for assistance and recommendations in this respect, have you any idea what assistance you could give us?
>
> Mr. Stratton. Well, my mandate today would be technical assistance, Mr. Adair. We would have no recommendations because if we did I would have given them to you today. The position of the administration on any liberalization, I could not speak to until I would see it and others would see it.
>
> Mr. Adair. I did not hear the last.
>
> Mr. Stratton. I say any liberalization this year, we oppose. The position on an actual bill that would come to us and appear to have some chance of enactment. We would have to see it first before we could comment on it.
>
> Mr. Adair. But basically you are saying it is the position of the Veterans' Administration and of the Bureau of the Budget and of the administration that there should be no liberalization in these pension programs this year?
>
> Mr. Stratton. Yes, sir.

This colloquy, Mr. Speaker, clearly demonstrates this administration's determined opposition to any veterans' pension increase. We have also repeatedly heard and read the President's caution against expenditures that he had not requested in the budget being enacted into law. Despite the fact that the President's budget requested billions of dollars for so-called social welfare, not one cent was sought for pensions for sick and needy veterans.

I believe that some measure of relief should be provided for those who receive a modest increase in social security that causes the loss of a substantial part of a veteran's pension. I believe that the rising cost of living dictates that income limitations of existing law that have remained unchanged since 1960 be revised. I, therefore, offered an amendment in committee that would have increased the income limitations of existing law. This amendment, of course, was defeated. It was defeated because my colleagues felt that we were risking a veto by adding more unbudgeted dollars to the cost of the measure, however deserving it might be. It is most unfortunate, Mr. Speaker, that the Congress is placed in the role of being spendthrift or contributing to inflation because it has the temerity to authorize funds that were not requested by the President.

Because of this atmosphere, I repeat, we are fortunate to have any kind of pension bill, and I will support it. I urge my colleagues to do the same.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman.

Mr. FULTON of Pennsylvania. I strongly favor this legislation to increase veterans' pensions and widows' benefits. What does this bill do for the service-connected veterans who are completely disabled and require an attendant? Presently, under the law, the amount paid the veteran for an attendant is less than he can hire an attendant for under the economics in this particular day and age. The amount authorized for an attendant is actually under the amount the minimum wage law provides for the lowest wage earners in our U.S. economy. Would the gentleman from Texas [Mr. TEAGUE] care to comment on what the legislation does for that type of veteran attendant care?

Mr. TEAGUE of Texas. I will say to the gentleman that this bill deals only with non-service-connected veterans, widows, and children; it does not deal with service-connected veterans at all.

Mr. FULTON of Pennsylvania. So there is nothing in this legislation for veterans who require attendants. These are veterans who live and manage outside the veterans' hospitals, which is less costly to the Government, of course, than having a hospital bed and hospital care in a U.S. veterans' hospital. I hope the Veterans' Committee and the Veterans' Administration will look into the problem of the cost of attendants for veterans, under present wage and price conditions, as I believe the amount allowed veterans for attendants is completely unrealistic today.

Mr. TEAGUE of Texas. No; this is a bill for non-service-connected veterans.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman.

Mr. LATTA. Mr. Speaker, this bill does not do anything about the income limits affecting veterans, concerning the liability that we had previously passed and on which we had a lot of complaints from people who had actually taken a cut by reason of the fact that we had increased the veterans' pensions. I would like to inquire of the chairman what the logic was in the committee turning down a proposal toward doing something about them?

Mr. TEAGUE of Texas. The logic was that the last time we did this we tried to anticipate the actions of the Committee on Ways and Means. We exempt 10 percent of the retirement income to take care of a 7-percent increase in social security and then it happened that the Committee on Ways and Means did not increase the social security that year. So for 9 months because of this 10 percent, veterans who were in the top of the income bracket were allowed to receive a pension which they would not have received if the social security rates had been increased at the same time.

Now I have talked to the chairman of the Committee on Ways and Means and they are trying to determine what they are going to do on social security. When the Committee on Ways and Means takes some action as far as social security is concerned, then our committee will immediately consider the question of income limitation.

Mr. LATTA. What you are telling the House is that your committee cannot act in this field until the Committee on Ways and Means acts?

Mr. TEAGUE of Texas. If we did act, we would just further confuse the situation as was the case before because we acted 9 months before the Committee on Ways and Means raised social security rates.

Mr. LATTA. As soon as the Committee on Ways and Means acts, then your committee will take action?

Mr. TEAGUE of Texas. That is right.

Mr. DOLE. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman.

Mr. DOLE. Mr. Speaker, I am wondering if this bill does anything with reference to eliminating the disability requirement for entitlement to pension at age 65?

Mr. TEAGUE of Texas. This bill eliminates the 10-percent physical requirement. Last month of all the veterans who were examined two were turned down. Under this bill, we concluded it would cost more to conduct the physical examinations than it would to give this increase to the veterans, so we eliminated the 10 percent.

Mr. DOLE. I feel this will serve a good purpose and am pleased the committee eliminated this requirement.

Mr. Speaker, I also believe the chairman stated earlier that there were some 188 different bills considered by your committee. I know the tremendous amount of work the gentleman and his committee have done, and am confident that all of the bills were considered.

There is a tremendous amount of interest in the bill introduced by the gentleman from Florida [Mr. HALEY], H.R. 13499, which would exclude certain payments from income after age 72. I understand there is nothing in this bill with reference to that specific bill.

Mr. TEAGUE of Texas. That is correct. I would say to the gentleman that our subcommittee tried earnestly to reconcile 188 bills calling for a half billion to 1 billion dollars, against an administration proposal of no legislation at all and this is what we came up with. Of course, this will be less than what I would call a compromise. The committee would have liked to have compromised but money was a very important factor.

Mr. DOLE. I thank the gentleman.

Mr. Speaker, I appreciate the tremendous problem confronting the Committee on Veterans' Affairs in considering approximately 180 bills relating to non-service-connected pensions. In addition, I regret that the administration was, and continues to be, reluctant to do anything to assist veterans. This administration has finally recognized that we are in a period of inflation and, therefore, the leaders of the administration must be aware of the effect inflation has on those living on fixed incomes and certainly veterans receiving pensions or compensation enjoy no immunity from the recent increases in living expenses.

This bill has a number of shortcomings, but as has been indicated, it is perhaps better than nothing. Let me state as I did on July 19, 1966 before the Committee on Compensation and Pensions of the House Committee on Veterans' Affairs, that veterans, particularly veterans of World War I, deserve more. In my colloquy with the gentleman from Texas [Mr. TEAGUE] I mentioned the great interest in H.R. 13499, introduced by the gentleman from Florida [Mr. HALEY]. While I recognized that every bill introduced could not be incorporated in the bill now before us, I would urge the committee to seriously consider this particular bill as a priority item when the 90th Congress convenes next January. Briefly, H.R. 13499 would amend section 521 of the United States Code to exclude from the definition of income, all payments from all sources when a veteran reaches age 72.

I am pleased to note that the bill now under consideration, H.R. 17488, does eliminate the disability requirement for entitlement to pension benefits at age 65. This was one of the specific recommendations I made to the committee on July 19 of this year. It is still my contention that we must do more specifically. I would urge further consideration of the following:

First. Increase certain income limits and pension rates for veterans and widows.

Second. Serious consideration be given to reducing the 90-day service requirement.

Third. Eliminate all payments from any source as income when veteran reaches age 72.

Fourth. Provide veterans the option of electing to receive benefits under Public Law 86-211 or previously existing laws so that the veteran could receive the highest possible benefits. Many World War I veterans who did not reach the age of 65 on July 1, 1960 have been discriminated against.

Five. Revised present laws to protect those veterans who have become ineligible for veterans benefits because of slight increases in social security benefits.

There are other specific areas where changes should be made, but the important point is that something be done quickly because even now, the average age of veterans of World War I is above 70 years.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, of course I am assuming a very difficult task here in opposing a bill which does benefit our people and probably benefits a group of people who need it, and I am opposing it at a time before elections.

The problem is that this is another one of those unbudgeted items, about $110 million a year, and, incidentally, in this area there is no discretion in the executive department, once the bill is passed, to do other than to spend the money.

To further clarify the position, though, let me say that I have nothing but praise for the Veterans' Affairs Committee, and I mean that quite sincerely. As nearly as I can figure from reading the report and talking with the chairman of the committee and our ranking minority member, the gentleman from Indiana [Mr. ADAIR] and others, this committee has done a very careful job. My criticism, of course, is directed against the leadership of the House. Each committee, of course, has to come forward as best it can and present a program to the House that relates to what needs to be done in that particular area. But in times of fiscal crisis—and we are in a serious fiscal crisis—it becomes important that the leadership establish some priorities for these various programs. If this particular program we are considering here today deserves the highest priority—and I may say in my judgment it probably does, and I will talk about that a little bit later—if it does, then it behooves the leadership to do something about fitting it in ahead of other programs, and possibly even programs that are already in existence.

Before when I have taken the floor I think I have been misunderstood when I related the program to the President's budget. I asked the question, Was it in the President's budget? I then stated I thought it was important for the committee concerned to point out, if it was not in the President's budget, why in the committee's judgment it should be given some sort of preference. I have been misunderstood to this extent. People say, "Do you mean you are saying whatever the President says we must abide by in the House, in the Congress?" And I say, "No, that is not what I meant at all." In fact, I tried to make it clear that I thought it was the prerogative and the duty of the Congress to evaluate these programs themselves, to establish priorities, but inasmuch as we have never developed the machinery in the Congress to this date for developing a legislative budget—and, incidentally, our Joint Committee on Reorganization of the Congress has made a number of what I think are beneficial suggestions that might cause the necessary machinery to develop a legislative budget—but inasmuch as we do not have this, the one reference point we do have is the President's budget.

So we should refer to it, and then I would argue where we disagree on certain items, cut down on those. Where we disagree on other items that are not included, we include those, but then we end up with a net package that is within the fiscal competence of our society. This is what I think the leadership of the House could be providing when bills come out of committees.

The usual function of the Rules Committee, and a very proper one, is to consider whether or not there are reasons, in the judgment of the committee and the leadership, that a particular bill—and we are discussing one right now—a particular bill should be given priority.

Last week we had on the floor of the House—or maybe it was the week before—from the same committee, the question on some pension bill for the Philippines. I pointed out at that time that I felt that although this was not budgeted and, of course, this was just a personal judgment, that this did have high priority and should have high priority over a great many items that were in the budget, and I would have thought that the leadership would have done something about giving it this kind of priority.

Under my interrogation of the chairman of the Veterans' Committee, he pointed out that the President sent up a letter at least requesting that item, but notably the President did nothing about revising his budget.

Of course, that was not a major item. That was about $10 million approximately. This is an item of about $110 million a year and continuing.

May I ask the chairman of the committee, did the President send a message in respect to this item, so that he has said this is an item that ought to be budgeted?

Mr. TEAGUE of Texas. The administration opposed this bill in committee.

Mr. CURTIS. Did they oppose it on the grounds of fiscal problems, or because they felt the merits of it were lacking?

Mr. TEAGUE of Texas. I believe it was on the grounds of fiscal policy.

Mr. CURTIS. This is the point—and I am not urging, by taking this time, or asking that this bill be voted down—that we accept the President's judgment on this fiscal aspect, because we do have an alternative. If, in our judgment, this bill is high priority—and again, as I say, it may well be—then I believe we have some responsibility as a Congress to so state to the President and suggest to him where in his budget he should cut down to make way for it.

I would say further, that until that has been accomplished, this bill should not be brought on the floor of the House.

There is a second point. This bill is brought out under suspension of the rules. In my judgment, no bill costing as much as $110 million a year, and continuing, should be brought under this procedure, which allows 20 minutes' debate on each side, with no amendments. This is particularly true for bills with very popular labels, a bill such as this one for veterans' benefits.

Everyone in this House appreciates it is not easy for a Member of Congress, running for reelection, to take the onus of opposing a popular title. Twenty minutes on each side hardly gives the amount of time necessary to discuss the details of why one is not really against veterans or is not against improving the welfare of people by opposing a popular label.

This should be brought out on the floor under a rule, in my opinion. I would hope that in the future the suspension of rules will be used for those measures—and there are many of them—that appropriately fit this kind of technique.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, if the gentleman is as much concerned about the cost of this bill, there were 188 bills with half a billion to a billion dollars. If the gentleman wants to save money, would he rather vote on this with amendments, or would he want to vote on it as it is?

Mr. CURTIS. I want to say the gentleman is making a very practical political observation. That I recognize. Let me suggest to Members of the House what this means. This is saying to the House membership—and maybe it is true—that there is such a lack of understanding and discipline around election time with popular bills such as this, that there would not be the discipline in the House necessary to properly debate and amend a bill, to confine it to this.

I will say this, in the gentleman's behalf—because there were a great many bills and there were a great many compromises in bringing this out, as the gentleman has stated—this is the practical situation. But that is the kind of situation, I would argue, that members of the committee, plus the leadership on both sides, should seek to get across to the membership.

Sure, we can do all sorts of things by horsing around with the rules. That still does not justify that kind of procedure, just as I have argued within my own Committee on Ways and Means, which has a proclivity for bringing out measures under closed rules, that it does not provide the House with an opportunity of working its will on details, or on amending, which it should be permitted to do. The practical argument is always used that we cannot trust the House. In the long run this weakens the House and weakens the Congress. This is another reason for my taking the floor at this time.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield for a question?

Mr. CURTIS. Yes, I will yield to the gentleman from Louisiana for a question.

Mr. WAGGONNER. Mr. Speaker, I would argue there is some merit in the argument the gentleman makes, but does it not further weaken the Congress when Congress prohibits itself from considering any matter that they might themselves desire to consider, and take as a matter of fact only those proposals advanced by the executive branch of the Government?

Mr. CURTIS. Let me say that the gentleman obviously—and I regret this—was not listening to what I was saying, or perhaps I did not make myself clear.

Mr. WAGGONNER. I would prefer that the gentleman say he did not make himself clear, because I have been listening.

Mr. CURTIS. Then I am sorry, and I will try to restate what I said.

Regrettably, we have not developed the machinery in the Congress to prepare a legislative budget. I wish we would. The Joint Committee on the Organization of the Congress, on which I serve, has made some recommendations which would lead toward establishing our own legislative budget.

I said, because we have not, that one point of reference we do have is the President's budget. I pointed out that was not to say that we accepted what was in the President's budget, other than as a point of reference, but we should be prepared to point out where we believe some item in the President's budget should not be there and vote against it, or some item that was not in the President's budget we should vote for and put in. In turn, we should end up in a period of fiscal crisis—and we are in one—so that the net result would not be a larger amount. In fact, the President's budget right now is entirely too high, I would argue, in terms of fiscal problems it creates.

I am not arguing that the Congress should accept the President's budget as sacrosanct. I say we should accept it only as a point of reference, because we have not developed our own point of reference.

I hope that satisfies the gentleman.

Let me move on to another point. The Ways and Means Committee has, I believe everyone knows, held hearings last week, and is in hearings right now, on the President's message, in which the President at last, I say, has recognized that inflation is a serious problem facing the welfare of our people and, I might say, affecting the defense of this country.

The President has said he will cut back $3 billion in his expenditure levels, and has also asked that we repeal or suspend the investment credit and accelerated depreciation for certain types of building construction.

The testimony that was given before the Ways and Means Committee, because it was public, should have a sobering effect on this Congress as well as the executive branch of the Government. I must admit, in interrogating the Secretary of the Treasury and the Director of the Budget, we really could find out nothing in detail.

I said, "When you say you are cutting $3 billion of expenditures for fiscal year 1967, what level are you cutting from? Is it the $112 billion expenditure level that you gave us in your budget message of January 5 of this year, or the $123.6 billion expenditure level suggested by the first month of fiscal year 1967, namely $10.3 billion multiplied by 12, which gives us the $123.6 billion?"

The Secretary of the Treasury and the Director of the Budget said, "We do not think that July of 1966 is representative of all the 12 months of fiscal year 1967."

I said, "I could not agree with you more, because I believe it is too little. I believe it is very clear that these expenditures are going up, not down."

The net result was that the Secretary and the Director of the Budget had no estimate to give the Ways and Means Committee, or the Congress, or the people of this country, as to what their level of expenditure would be. So it became very obvious that this $3 billion cut was just so much talk.

They said, "$1.5 billion has actually been cut, and $1.5 billion is anticipated."

I said, "Where are the $1.5 billion of cuts?"

They said, "Well, we do not want to give you those cuts, for this reason"—and I ask Members to listen to this—"because if we said where we have actually cut expenditures those who are interested in those programs, those groups who are interested in those expenditures, would be in putting the pressure on to get back in the budget."

I said, "Very clearly if you actually have cut these items, we would be hearing from those groups right now, because they would know it. Inasmuch as you will not give us the itemization, I must conclude that there are no real cuts involved in here and all of this is a lot of window dressing."

With regard to the revenue measures, the Secretary of the Treasury said that he expected no new revenues or increased revenues from the cutting out of the 7-percent investment credit or from these other measures. This was not a revenue measure at all but essentially a psychological move to try again to create the impression among the people that the administration has taken inflation in a serious manner. It is very clear that the administration is only toying with this. Those proposals are not only too little but they are almost meaningless and they are obviously too late. We are in a serious fiscal situation. I just regret that I have to take the floor to expound these fiscal theories on a bill which again I say might well require the highest priority. I would submit that the procedure for this House to follow would be to try to get this budgeted in our own eyes and get the administration to agree to cut out $100 million somewhere else in its budget of immediate expenditures in order to make way for this item. We cannot afford any longer guns and butter. We have to take some of the good programs and put them on the shelf and defer them for a while in order for this country of ours to get over this very serious fiscal situation in which we are involved.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman.

Mr. RANDALL. Of course we know that the Committee on Armed Services recommended two increases for our military personnel. We know the classified civil service received an increase and also the recipients of social security. All were cost-of-living increases. I heard the gentleman say that he thought this program should go ahead of some programs which are already in existence. Would you care to comment on what programs we should be cutting out?

Mr. CURTIS. Oh, boy. I would just love to start on that.

Mr. RANDALL. I am sure you do not have the time.

Mr. CURTIS. I know we do not have the time to do this thoroughly here, but let us check off a couple. Foreign aid. I do not just mean the foreign aid that we have here coming from the Foreign Affairs Committee but Public Law 480, which is just as big a part as foreign aid itself. Instead of coming in at the $4 or $5 billion level, it should be around $1.8 billion as the Clay Commission recommended several years ago. The agriculture budget is another one. We do not have to touch the poverty bill to get into some of these programs. We are not just talking about butter here, but we are talking about rancid butter programs.

Oh, if the Congress would only exercise some leadership in this field. Yes, this bill is necessary if we have to do something for the veterans or for the employees of the Federal Government or the people on social security just to enable them to keep even with the inflationary effects on their living standards, but everything you grant them here may be taken away from the veterans and everyone else if rapid inflation takes further hold on our society.

I give priority to bills designed to minimize the effects of rising costs of living for veterans, social security beneficiaries, Federal employees, and so forth. Because this is the only way they can maintain their present standard of living. The last place the Federal Government should economize is in these areas. Yet if we fail to establish a system of Federal expenditure priorities we hurt the very people we say we are trying to help.

My plea is directed toward establishing a system of priorities, which if done would probably result in this bill receiving a high number.

With respect to the major issue of inflation and Federal policy under consideration of the Ways and Means Committee I insert an editorial appearing in the Saturday, September 16, 1966 Washington Post, "Fiscal Heat, Not Light":

FISCAL HEAT, NOT LIGHT

With prodding from Chairman MILLS the House Ways and Means Commitee, having completed three days of hearings, will soon report out a bill that would suspend the investment tax credit and the use of accelerated depreciation on commercial and industrial buildings. Passage through the House in record time will doubtless be saluted as another Administration victory. But a perusal of the proceedings before Ways and Means is not likely to dispel doubts concerning the wisdom of the Administration's fiscal policy. It is asking for measures that will lower the level of investment in late 1967 or 1968 without really facing up to the question of whether restraints will then be needed.

What was most disquieting about the hearings was the sorry intellectual performance of the Administration witnesses and their refusal, at almost every turn, to reveal to the Congressman the specific, quantitative assumptions on which the fiscal requests are based. Consider the following colloquy between Treasury Secretary Henry H. Fowler and Rep. THOMAS B. CURTIS of Missouri:

"Rep. CURTIS: The possibility exists that the United States will experience a sharp slowing growth, or even a recession next year, so . . . I assume that the Administration made a forecast on the over-all prospects of this nation which indicates a continuation of booming growth for next year. Now, is that the assumption the Administration has for the economic climate next year?

"Secretary FOWLER: If you are asking if we made a quantitative forecast of the amount of GNP for next year, the answer is no, but we have made a qualitative judgment in the light of all we know. The prospects for a continued rate of growth—as substantial a rate of growth—are very, very great, and indeed the risk in terms of the amount of growth is that it will be more on the excessive side than the recessive side."

After eliciting other equally profound answers to his questions, Mr. CURTIS remarked that:

"I regret to say that we have to translate what you euphemistically call quantitative judgments, but the more I try to delve into them the more I come up with vague generalities."

The Administration made much of the point that it is difficult to forecast the future costs of the war in Vietnam. But no effort was made to appraise the economic impacts of the defense effort. In fact, Mr. Charles L. Schultze, Director of the Bureau of the Budget, muddied the waters instead of clearing them.

Mr. Schultze assured Rep. JACKSON E. BETTS of Ohio that this newspaper had got its facts wrong when it argued, in its editorial of Sept. 12, that defense contract awards are leveling off. Mr. Schultze cited figures on total defense procurements which are rising steeply. But procurement includes wage and maintenance payments. Our purpose in calling attention to the behavior of prime contract awards was to suggest that defense pressures on productive facilities might abate in the near future. Prime defense contract awards increased by $13.8 billion in the second quarter of this year, up from $8.1 billion in the first. Does Mr. Schultze believe that that swift pace will be sustained? If not, military requirements will have a smaller impact on an economy whose productive capacity is expanding at a rate of 7 per cent annually.

It may be that the Administration is right, that they have careful forecasts indicating that the economic expansion will proceed at a dangerously rapid rate next year and that a general increase in income taxes will be necessary to contain inflationary pressures. But if that is the case, two questions are in order. Why dampen the incentives to invest and expand capacity if what is needed is a general reduction in aggregative demand? And why not make the electorate privy to the secrets of those forecasts?

Mr. TEAGUE of Texas. Mr. Speaker, I yield to the gentleman from California [Mr. BURTON].

Mr. BURTON of California. Mr. Speaker, I should like to commend the chairman of the Committee on Veterans' Affairs for giving to all Members of the House of Representatives an opportunity to vote at this session on an increase in veterans' pensions.

Mr. Speaker, I share what I am sure is the chairman's disappointment that in light of budgetary considerations, more could not be done at this time.

Mr. Speaker, I am particularly pleased that the bill eliminates the requirement that there be a finding of disability for pensioners over the age of 65. Eliminating this requirement will not only save money in the administration of this program, but it will also render valid for purposes of evaluating the income characteristics of veterans 65 years of age and over for the purpose of the development of a meaningful and comprehensive national pension program for veterans and nonveterans alike.

Mr. Speaker, I have previously brought to the chairman's attention, and would hope the Congress soon will have the opportunity to consider legislation that will disregard as income the $3 required to be paid for the supplemental health benefits under medicare.

This section of the medicare law was enacted subsequent to the last veterans' pension increase and is currently proving to be troublesome in a limited—but important—number of veterans pensioner situations.

Mr. TEAGUE of Texas. Mr. Speaker, everybody has permission to revise and extend their remarks, and I have no further requests for time.

Mr. CURTIS. Mr. Speaker, if I have any more time, I would like to yield it to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise in support of H.R. 17488. This bill will provide sorely needed increases in monthly pension payments to 1,881,411 veterans, widows, and children of World War I, World War II, and the Korean conflict. In addition, the bill will provide a monthly increase in the pension rates for approximately 56,000 Spanish-American War widows, whose average age is 84 and who are now receiving a monthly pension of $65.

The amount of increase will vary, dependent upon the category in which the veteran or widow find themselves. The greatest increase goes to the low-income veteran and widow with children. The increase will average 5.4 percent and in some cases run as high as 14.5 percent.

The bill also creates a new housebound rate of $100 monthly for veterans who are receiving pension under the so-called old pension law. A new supplemental pension of $50 monthly is provided for widows who are found to be in need of the aid and attendance of another person because of serious disability. These are but a few of the highlights of the bill before us today.

This bill, Mr. Speaker, deserves the support of every Member of Congress because it provides sorely needed cost-of-living increases in pension rates. It is most unfortunate that the bill did not increase the income limitations that control the amount of pension paid to veterans.

In an effect to alleviate the plight of pensioners who last year as a result of an increase in their social security benefits of some $4 per month, lost $35 per month in pension benefits, I offered an amendment to increase the income limitations to take care of this situation. If we can afford to spend some $15,000 per year on Job Corps enrollees; over $100 per month for each Cuban refugee in Florida, and billions in foreign aid, and other experimental programs, we can certainly afford to be more generous with the Nation's veterans, by raising pensions a few dollars each month. We owe a great deal to these veterans, their widows, and their orphans, yes, to those who fought a real war.

Mr. Speaker, I hope that all of my colleagues will support this bill.

Mr. PATTEN. Mr. Speaker, I am happy to join my colleagues in support of the Veterans' Pension Act of 1966. Many widows of veterans—especially those with children—have convinced me it is very difficult for them and the least we can do is approve this small increase to overcome the increased cost of living.

Mr. AYRES. Mr. Speaker, I rise in support of this bill which provides well-deserved and needed increases in pension payments for almost 2 million veterans, widows, and children. The increases range from 3.8 to 14.3 percent with an average increase for all pensioners affected of 5.4 percent.

In addition, Mr. Speaker, the bill creates several new rates of pension for certain categories of pensioners. A new "housebound" rate of $100 per month is established for veterans who are receiving payment under the old pension law. A special pension of $50 monthly to supplement the basic rate of pension is provided for widows who are seriously disabled and in need of aid and attendance. The bill also provides for the presumption of permanent and total disability for pension purposes on the attainment of age 65.

These are some of the provisions, Mr. Speaker. They are long overdue for the veterans affected.

I am pleased to note that the major veterans' organizations, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Veterans of World War I, and AMVETS, all endorse this bill, despite the fact that it does not go as far as they would like.

It has been estimated that the first year cost of this proposal is $100 million. Had we increased the cost of this bill by including more liberal provisions, I am told by my colleagues on the other side of the aisle, we would have jeopardized the chances of getting any pension bill signed into law this year. The same administration that has given the green light to spending billions of dollars in the poverty program and increasing the minimum wage by 12½ percent has refused to sanction even this modest expenditure on behalf of the Nation's veterans.

I shall support this bill and shall pray that the restraint exercised by the House of Representatives will encourage the President to approve the bill into law when it reaches the White House.

Mr. BOW. Mr. Speaker, I will support this bill to increase pensions for veterans, their widows, and children, even though I believe it is only a stopgap providing far less than these people need in order to keep up with the rising cost of living.

Inflation is with us, and it has had a particularly cruel and damaging effect upon everyone who lives on a fixed income, particularly those retired and dependent upon social security, veterans, and other pension programs. The committee report states that the average 4.4-percent increase provided for veterans is more than the increase in the cost of living since the last veterans legislation. But the fact is that the cost of living has been rising monthly, and the policies of this administration give us no reason to hope that it will level off. For once, just once, it seems to me that we should make provisions to help veterans anticipate the increased cost of living rather than come in here after the damage has been done and try to help them catch up with it.

I felt that my own bill providing a 20-percent increase in the income brackets would do this job. It would recognize that the income levels set in the new pension program several years ago are no longer realistic. Perhaps a man could get by on this level some years ago, but he cannot do so today. Even with the increase in this bill, a veteran with $1,800 of other income will fall several hundred dollars short of the $3,000 annual income established by the Johnson administration as the poverty level.

The first year cost of the bill is $101 million. The administration is opposed to any increase that would exceed this amount. Indeed, the testimony indicates that it is opposed to any increase. Yet tomorrow or the next day we will be asked to vote on an appropriation of $3,000 million for foreign aid. We are grudgingly providing for our veterans and their widows about one-thirtieth of the amount that the administration seeks for foreign aid. I will vote against that foreign aid appropriation, as I have in the past. I will vote for the veterans pension increase today, and I regret it is not a more generous increase.

Mr. EDMONDSON. Mr. Speaker, I strongly support the provisions of this much-needed legislation to increase the pensions being paid our disabled, non-service-connected veterans, their widows, and their widows with children.

The bill also contains some long-needed improvements in existing law for veterans, including, among others:

First. A presumption of need for regular aid and attendance for pensioners who are being furnished nursing care in public or private nursing homes.

Second. Exclusion of income for pension purposes of amounts equal to the amount paid by a wife for the last illness of the veteran prior to his death, or of the amount paid by a widow or wife for the last illness and burial of the veteran's child.

Third. Furnishing of therapeutic and rehabilitative devices and medical equipment and supplies—except medicine—to pensioners entitled to a pension or need for regular aid and attendance, unrelated to individual need for an invalid lift.

This is a good bill which should pass unanimously.

Mr. DORN. Mr. Speaker, since the inception of the present non-service-connected pension program, its purpose has been to grant financial assistance to veterans based upon disability and need. During the 86th Congress the Veterans' Affairs Committee made a lengthy study of the non-service-connected pension program as the program in effect at that time was considered to have certain deficiencies. As a result of this study, a pension program, under Public Law 86–211, was enacted which established the principle of higher payments to those most in need because of low income, additional rates payable for dependency, and additional benefits for veterans with serious health problems.

The Compensation and Pensions Subcommittee, which I am privileged to chair, has held extensive hearings and considered over 180 bills affecting the non-service-connected pension program. I believe, Mr. Speaker, that H.R. 17488, which was recommended by the Compensation and Pensions Subcommittee, is a good bill as it provides increased benefits for 1,830,411 veterans, widows or children and carries out the established principles of the non-service-connected pension program.

At this time, Mr. Speaker, I would like to pay special tribute to the members of this subcommittee, Hon. HORACE R. KORNEGAY, Hon. RAY ROBERTS, Hon. TENO RONCALIO, Hon. JAMES M. HANLEY, Hon. PAUL A. FINO, Hon. CHARLES M. TEAGUE, and Hon. JOHN P. SAYLOR, who have worked so diligently in our efforts to report a bill.

This bill not only contains a cost-of-living increase, that averages 5.4 percent, in the new pension law rates for veterans, widows, and children, but also increases the rates for widows of Spanish-American War veterans who now receive a monthly pension of $65, and provides new benefits in the non-service-connected pension program. It creates for the first time a housebound rate of $100 a month for veterans under the old pension law. It reduces from 5 years to 1 year the marriage requirement in order for a widow to be entitled to a non-service-connected death pension. In carrying out the philosophy of the pension program of providing extra assistance for the claimant with a serious health problem, it establishes for the first time a new and additional allowance of $50 per month for widows in nursing homes or in need of an aid or attendant because of a serious disability. This allowance is payable to eligible widows of veterans of all wars. I wish to emphasize also, Mr. Speaker, that this allowance is not only payable to eligible widows receiving their pensions under the program established under Public Law 86–211, but is also payable to eligible widows who still receive their pensions under the so-called old pension law. The bill further provides new income exclusions for widows in determining their income for entitlement to a death pension. It provides for the presumption of permanent and total disability for veterans when they attain the age 65. The bill further provides for the furnishing of medical equipment and supplies when medically indicated to pensioners entitled to pensions based upon need for regular aid and attendance unrelated to the individual's need for an invalid lift.

I wish to also express my appreciation to the representatives of the veterans' organizations for their assistance to the subcommittee and wish to quote excerpts from letters the committee has received from these organizations in support of this bill.

Mr. Herbert M. Houston, national commander, Veterans of World War I, U.S.A., Inc., stated:

> I wish to take this opportunity to express to you, and through you to your Committee, the appreciation of the Veterans of World War I of the U.S.A., Inc., for your favorable action taken on H.R. 17488, a bill designed to bring relief to thousands of veterans and their dependents, and the widows of veterans.
>
> Even though it does not provide as much as we would have desired, we do feel it is a good bill and will support its passage in the Congress.

Mr. John E. Davis, national commander, the American Legion, stated:

> It is reported that H.R. 17488, the Veterans Pension Act of 1966, will benefit directly 1,831,411 veterans, widows, and children. Pension payments will be raised an average 5.4 percent, with the largest increases—to widows—averaging 8.2 percent. In addition to these payment increases, the bill will make special provision for certain veterans and widows with severe disabilities and will authorize other liberalizations in existing law. The American Legion commends the House Veterans Affairs Committee for its action on HR 17488 and urges early, favorable action by the House of Representatives.

Mr. Charles L. Huber, national director of legislation, Disabled American Veterans, stated:

> The Disabled American Veterans, of course, is heartily in support of the bill, for it provides fair and equitable disability and death pension adjustments for those beneficiaries who are in the lowest level of economic need.

Mr. Francis W. Stover, director, national legislative service, Veterans of Foreign Wars, stated:

> It is the hope of the Veterans of Foreign Wars that this pension bill, which is the end result of lengthy and comprehensive hearings, will be reported by your Committee and submitted to the full House at the earliest opportunity.

Mr. Ralph E. Hall, national commander, AMVETS, stated:

> AMVETS is pleased to learn of the action of the House Veterans' Affairs Committee in reporting favorably H.R. 17488, a Bill which would increase the rates of pension payable to certain veterans and their widows, and for other purposes.
>
> Mr. Chairman, in supporting the intent of H.R. 17488, it is the hope of AMVETS that this bill will receive early and prompt enactment.

Mr. BARING. Mr. Speaker, I stand in support of H.R. 17488 the Veterans Pension Act of 1966 being considered here today.

Although I introduced identical legislation and I urge passage of this measure, I am fully aware that this bill does not meet the needs of many veterans and their dependents, nor does it fulfill the wishes of the several veterans organizations.

The bill does provide a cost-of-living increase to nearly all of those on the pension rolls at the present time, but the provisions of the bill were kept within certain guidelines laid down by the administration in connection with pay raises and I would say it is a moderate bill providing an overall increase of approximately 5.4 percent.

In the light of the tremendous commitments this country has both in Vietnam and on the domestic scene I would say that this is perhaps all we can hope for at the present time. However, time and time again we let our veterans down. When we want our men to serve we wave the flag and the bands play, but when it comes to helping the veteran who has given his life for our country we pull the flag down and put the drums away and become very miserly. I urge passage of H.R. 17488 today.

Mr. CRALEY. Mr. Speaker, in connection with the legislation proposed here today, H.R. 17488, I recommended a proposal not embodied in this bill to provide that monthly social security benefit payments to veterans shall not be included as income for the purpose of determining their eligibility for a pension under the laws administered by the Veterans' Administration.

I did so because in the months following enactment of the Social Security Amendments of 1965, which granted annuitants a 7-percent increase in benefits, I was contacted by numerous elderly veterans and widows of veterans whose pensions have been reduced because of that increase. I do not believe it to be fair to take away from the veterans something that has been given to him. His service has been indispensable to our Nation in times of crisis, as a preventive defense.

It was my intent in the legislation I proposed to assure that social security benefits should be excluded from the computation of income under the laws governing payment of pensions to veterans, widows, and children.

Conservatively speaking, about 30,000 veterans and widows of veterans will receive reduced pensions as a result of 1965 increases in the amount of social security benefits received by the pensioners or their spouses. On December 1, 1965, the Pennsylvania House of Representatives adopted House Resolution 146 recognizing this problem and requesting the Congress of the United States to amend the Veterans' Pension Act to provide that social security benefits received by pensioners and their spouses shall not be considered in determining the amount of pensions paid to veterans.

The reason for this is as follows.

Pensions are payable to veterans and to widows of veterans on the basis of financial need as prescribed in the pension laws. Financial need is determined by the amount of the annual income of the veterans or widows outside of the pension paid by the Veterans' Administration. Regardless of the source, with few exceptions, dollars reduce financial need. Social security payments are considered as real income and are counted in the determination of annual income for pension purposes.

The 88th Congress, recognizing that the contemplated increase in social security payments would cause the pensions of some veterans and widows to be reduced or terminated, enacted Public Law 88–664. This act provided that 10 percent of all payments to an individual under any private or public retirement program, including social security, would be exempt from the computation of income for pension purposes. The report with the House bill indicated that the intent was to "permit thousands of individuals who are receiving social security payments and who are on the borderline of the income limitation of the pension law to enjoy the increase in social security benefits recently voted by the House."

At that time, however, H.R. 11865, containing the 5-percent increase in social security payments, was not enacted into law. The 10-percent exclusion, nevertheless, became effective January 1, 1965. The Social Security Amendments of 1965, passed in July of 1965, increased benefits by 7 percent across the board retroactively to January 1, 1965. These benefits did not actually take effect until the early fall of 1965. For some 9 months, then, the veterans enjoyed the 10-percent exclusion provision before being affected by the increase.

During the past months, since the enactment of the Social Security Amendments of 1965, I have been contacted by numerous elderly veterans and widows of veterans whose pensions have been reduced because of the 7-percent increase in benefits granted annuitants by that legislation. This unfortunate situation occurred because the annual incomes of some veterans were thereby pushed above the plateaus established for pensions. By law the veteran is entitled to a benefit of $100 a month if income is $600 or less; $75 a month if income is $1,200 or less; $43 a month if income is $1,800 or less; nothing if income is over $1,800.

When and if the social security increase in the 1965 amendment pushed incomes above these plateaus of $600, $1,200, and $1,800, respectively, benefits were reduced, or, in the case of a veteran whose income went over $1,800, entirely eliminated. The following is a specific example.

Pre-1965: A veteran drawing $54 a month in social security—$648 a year but $582 after 10-percent exemption—prior to 1965 amendments would have been entitled to $100 a month in non-service-connected VA pension. Total annual entitlement under both programs would have been $1,848 a year.

Post-1965: After 1965 amendments, such a veteran's social security benefit would be raised to $58 a month—$696 a year but *$626 after the 10-percent exemption*—but his veteran's pension as a result would be reduced to $75 a month.

Total annual entitlement under both programs would be $1,596, or $252 less than if the social security increase had not been passed.

Mr. Speaker, Members of Congress, this is indeed, an unfortunate situation for our veterans. I believe there are two separate concepts involved here. The annuitants under the Social Security Act are based upon the contributions the individual made during his working years; the veterans pensions are based upon the sacrifice the individuals made, in finances and personal sacrifices, to protect our freedom, to serve his country. A grateful nation should justly reward its veterans; not penalize them for having contributed to the progress of the Nation during peacetime. Therefore, I feel very strongly that social security annuities should have no effect on a veteran's pension.

There are other compelling reasons for this legislation I propose. It seems to me unfair and unwise to take from the veteran something that has once been given. The 10-percent exclusion became effective, as I indicated before, some 9 months before the Social Security Amendments of 1965. Thereby many veterans got used to pensions, funds, income that had formerly not been possible before the 10-percent exclusion.

Some will argue that the increase in his social security benefits makes the veterans pension unnecessary. Mr. Speaker and colleagues, I believe that if pensions are based on need, then clearly this is not the case. Many of these veterans receive only about $2,000 a year income to support a man and his wife. If the criterion for determining poverty is an income of less than $3,000 a year, one can hardly oppose increasing veterans income by excluding the social security benefits when determining eligibility for veterans pensions. Need would still be the determining factor in assessing pensions.

I regret that my proposal was not accepted at this time. I remain dedicated to this principle and to the interests of the veterans, for whom we, as a grateful nation, cannot do too much.

Mr. LANGEN. Mr. Speaker, H.R. 17488, the Veterans Pension Act of 1966, provides for a much-needed cost-of-living increase in veterans pensions. As interest rates rise and purchasing power melts away, pensioners can use every last dollar to combat this inflation. But it is most unfortunate that this bill, approved earlier this month by the Veterans' Affairs Committee, fails to increase the income limitations.

The bill does not satisfy the needs of the 29,000 veterans, widows, and survivors who had their monthly pensions reduced or eliminated as the result of last year's increase in social security payments. It is indeed disheartening to learn that passage of this bill as presently drafted will mean continued financial hardship for these deserving citizens.

H.R. 17488 could have been significantly improved with the addition of an income limitations increase similar to the bill I introduced last January. At committee hearings in July, I submitted a statement in support of the Langen pension equity bill, which raised income limitations by 10 percent.

There is absolutely no reason why veterans pensions cut by the social security increase should not be fully restored.

Mr. ROBERTS. Mr. Speaker, as a member of the Compensation and Pensions Subcommittee which reported H.R. 17488, I am pleased to rise in support of this bill and urge its favorable consideration by my colleagues.

This bill provides an average cost-of-living increase of 5.4 percent in the new law pension rates and will benefit 1,831,411 veterans, widows, and children. It further provides a monthly increase of $5 for Spanish-American War widows who are now receiving monthly pensions of $65. Certainly one of the important features of this bill is the provision to create a new housebound allowance of $100 monthly for those veterans who are still receiving their pensions under the old pension law. In keeping with the philosophy of granting additional assistance to the claimant with serious health problems, this bill establishes for the first time a new allowance of $50 monthly for widows who are in need of aid or attendance or confined to a nursing home because they have serious disabilities. This bill will provide for the first time pension benefits to many widows who have previously not been eligible because it reduces from 5 years to 1 year the marriage requirement in order for a widow to receive a death pension. It further liberalizes certain income limitations for widows.

In the medical field it would provide for the furnishing of any type of therapeutic or rehabilitative device, medical equipment, and supplies—except medicine—when medically indicated to pensioners entitled to pension based on need for regular aid and attendance unrelated to individual need for an invalid lift.

I am pleased to note, Mr. Speaker, that this bill has the support of all the major veterans organizations.

Mr. KORNEGAY. Mr. Speaker, I rise in support of H.R. 17488 and urge its adoption.

I was privileged to serve on the Compensation and Pensions Subcommittee which reported this bill, which I might add was so ably chaired by the distinguished gentlemen from South Carolina, the Honorable W. J. BRYAN DORN.

Under the provisions of this bill, 1,831,411 veterans, widows, and children will receive increased benefits. It provides a cost-of-living increase of new law pension rates on an average of 5.4 percent. The bill provides $5 a month increase in the housebound allowance for veterans receiving benefits under the new pension program and establishes for the first time a housebound allowance of $100 monthly for veterans who are still receiving their pensions under the old pension law. Under the provisions of this bill, there are approximately 56,427 Spanish-American War veterans, whose average age is 84, who are now receiving monthly pensions of $65 will receive a $5 a month rate increase. It reduces from 5 years to 1 year the marriage requirement for a widow to receive a death pension. I think one of the most important provisions of this bill, Mr. Speaker, is the one establishing for the first time a new allowance of $50 monthly for widows now receiving pensions who are in nursing homes or in need of an aid or attendant due to serious health problems. I wish to emphasize this $50 allowance is in addition to the widows' regular monthly pensions and furthermore all eligible widows of veterans of all wars are entitled to it and this includes widows who are still receiving their pensions under the old pension law.

This bill contains a number of other provisions which are intended to liberalize the present pension program for both widows and particularly the seriously disabled veterans.

Mr. O'HARA of Illinois. Mr. Speaker, as the last veteran of the war with Spain in the Congress of the United States it is natural that I should have an especially warm concern in the welfare of the widows of my comrades of so many long years ago.

The average age of the Spanish-American War widows is 84 years, which happens to be my own age. Their number is diminishing with the rapidity and something of the likeness of leaves falling in the late autumn and early summer.

Perhaps it is more accurate to place the veterans of the war with Spain and their widows on the time schedule of December—the December of lives they have devoted to service to and love of country.

It now has been too many years ago that my colleagues in this historic body brought great happiness to me by passing a bill that I had introduced raising the pension of Spanish War widows to $65 a month. Since that time the cost of living has soared, and no class of our citizens has suffered more in the cruel struggle to keep soul and body together on a pittance than those included in our Spanish widow group. I know how agonizing has been the struggle, and I had hoped and I had prayed for the enactment of H.R. 7009 that would have increased the pension from $65 to $85 a month.

But under the circumstances, I as a Spanish War veteran accept the increase to $70 a month and am grateful. I wish it might have been more—goodness knows an increase to $85 was justified and would have met the plaudits of the angels—but I am realistic enough to know that when there were 188 veteran pension bills before the committee and the cost if all were enacted would have run much over a billion dollars a year, something had to give.

Mr. Speaker, the great Veterans Committee has done a magnificent job in putting as much as it has in this bill and it speaks volumes that the committee reported out the bill by a unanimous vote, despite the stout opposition of the Veterans' Administration on fiscal grounds.

For my comrades of the war with Spain and for myself I want to say that never have we had a better friend than the towering American veteran who is the chairman of the Veterans Committee, the gentleman from Texas [Mr. TEAGUE].

Mr. Speaker, an increase of $5 a month is not much, but when one is 84 years old and a widow trying to get by with food, medicine and shelter on $65 a month even $5 can mean very much, a little more sunshine, a little less want and gloom in the December time of life.

By the time another Congress has been elected and again has convened some of our widows of the war with Spain will be gone. In another year the average age of the survivors will be 85. I will be hoping and I will be praying that in the first session of the 90th Congress another boost will be given to the Spanish War widow pension, another boost bringing it to $85 figure in H.R. 7009. Such a boost I repeat would be justified and would be applauded by the angels.

Not to be overlooked in H.R. 17488 is the provision that gives a special aid and attendance allowance of $50 a month to Spanish-American War widows, among others in need of aid and attendance.

Mr. Speaker, during all my public life, starting with my election in 1912 as Lieutenant Governor of Illinois, I have fought and voted for recognition, for privileges and pensions, for the veterans of our wars. To those who have defended our Republic, to those who saved it for its destiny as the servitor of mankind, we owe so much that we never can begin adequately to pay. H.R. 17488 is a good bill. It is of the heart and it is in the finest traditions of our beloved country, the Republic that never has and never will turn the back of cool indifference and cruel neglect on our servicemen and women and their families.

I join with my colleagues in a salute of admiration to the great Committee on Veteran Affairs and to its peerless chairman.

Mr. FASCELL. Mr. Speaker, it gives me great pleasure to support H.R. 17488, the Veterans' Pension Act of 1966. I congratulate the Committee on Veterans' Affairs for their patience and sympathetic understanding of the plight of the older veteran. The veteran pension system of today is so complex that inevitably inequities can be discovered. The committee bill goes far to eliminate these, and to make the pension system a more fitting tribute to the men who have served in wartime and given years of their lives to their country.

It is plain that H.R. 17488 will not satisfy everyone. It would be impossible for any one bill to do so, since the committee held hearings on 188 different bills, all of which were sponsored by members sincerely interested in the welfare of the veteran. In some cases the committee had to reject measures which would give favorable treatment to small groups of veterans who, because of peculiar circumstances, had been temporarily hurt by previous changes in the pension system or in the social security law.

This bill, as is only fitting at a time when we are fighting a war on poverty, emphasizes benefits to those veterans and their families who, due to no fault of their own, are at the bottom of the economic ladder. The proposed legislation would provide a cost-of-living rate increase for 1,830,411 veterans, widows, and children, some of whom would receive substantial increases, who are now receiving a pension under the non-service-connected pension program. Under the committee's recommendations, all veterans would receive an average increase of 4.4 percent in benefits, all widows an average increase of 8.2 percent, widows with children an average of 6.4 percent, and housebound veterans would receive an average increase of 14.3 percent.

As the committee report noted, these increases are all greater than the increase in the cost of living, which at present is 4.1 percent since the last benefit increase. As a Member of Congress from Florida, the home of many retired veterans who receive these pensions, I am well aware that these increases are extremely necessary. All too often the veteran, sometimes unable to qualify for social security benefits, has been forgotten when there are general increases in wages and prices. He must struggle against a shrinking income, and finds many necessities beyond his reach. I hope that the increase proposed today will prove an indication that in future pensions will be more readily increased. The increase will cost a total of $101,433,000; surely a small price to pay for helping to raise so many veterans, children, and widows out of near poverty.

Many specific groups of veterans and their dependents receive recognition in this legislation. Widows and widows with children who are in the lowest income categories will receive a substantial increase in benefits. Other groups of widows and dependents also receive special increases. A major worry of the soldier in Vietnam is what will happen to his family: this has been the soldier's worry throughout history. We can, through this and similar legislation, make the life of veterans' widows a little less difficult. A $5 per month rate increase is provided for approximately 56,427 Spanish-American and prior war widows, whose average age is 84 and who are now receiving the monthly pension of $65. A special aid and attendance allowance of $50 per month is provided for widows receiving pensions who are found in need of such attendance. Also under the proposed legislation a widow may exclude from income for pension purposes an amount equal to the expense of a veteran's last illness, or the last illness and burial of the veteran's child.

These changes in the law need no explanation. They are required by common cannons of decency and fairness. No Congressman is unaware of the problems of these deserving constituents. We have all received pleas for help, and have seen the gaps in the present pension law.

Several revisions of present pension law would help deserving groups of veterans who are at present neglected by the law. The law would be changed to presume permanent total disability for pension purposes on attainment of age 65 without need for medical evidence and rating decisions. The Committee has calculated that relatively few veterans need this change in the law: but those that will be helped by the new classification need it desperately. The new law would also presume need for aid and attendance for pensioners while they are being furnished nursing care in public or private nursing homes, thus making them eligible for the special allowance. This simply corrects a present inequity in the law, since it is plain that these veterans are receiving aid and attendance and have need of the allowance.

The Veterans Pension Act of 1966 also provides that any type of therapeutic or rehabilitative device, medical equipment and supplies, may be supplied to pensioners entitled to aid and attendance when medically indicated. Approximately 49,169 veterans would therefore be entitled to necessary medical care.

In summation, I will only add that this bill deserves quick passage. After diligent study, the Committee on Veterans' Affairs has recommended a measure that every Member of this Congress can support. Noninflationary and relatively inexpensive, it is a must piece of legislation which will be thoroughly appreciated by those eligible for non-service-connected pensions. We have a particular obligation, especially now when we are fighting a war in Vietnam, to see that our veterans receive the most ample gratitude their country can offer. This legislation will go far to meet the needs of the older veteran. We owe him a debt we can never repay; but we can at least quickly pass the Veterans Pension Act of 1966.

Mr. RANDALL. Mr. Speaker, it is a privilege to raise my voice in support of H.R. 17488.

I feel so strongly there is a need for immediate passage of pension legislation to help our veteran population that, although I was in the home district this past weekend, I returned early this morning so I could be clearly on the record when the roll was called on this bill and to present these few brief comments. To honor commitments of several months standing, I must return to the home area tonight but the out-of-pocket expense to be here today to support this bill is well worth all the cost.

Mr. Speaker, the Committee on Veterans' Affairs deserve a compliment for its determination to report out a pension increase bill this year. Theirs was not an easy task. It is my understanding there were 188 separate bills pending before the committee. My own bill, H.R. 15222, was one of them, which provided that veterans of any period of war and their widows upon attaining the age of 65 should be entitled to a pension at the monthly rate of $101.59. The chairman of the Veterans' Affairs Committee reports that some of the bills provided such a great monthly increase in pension payments as to total one billion dollars annually.

It should be remembered this bill is opposed by the administration. They say they oppose this bill on grounds of fiscal policy. But this is not an extravagant bill and it is not an unreasonable bill. Its annual cost will be in the neighborhood of $110 million. True, it is an unbudgeted item, so far as the Presidential budget is concerned. However, it is a fair bill. It is a sorely needed bill. The Congress had no doubts or hesitation when it voted increases for the classified or civil service employees. There was no foot dragging when they voted increases for the postal employees. For 2 years in a row our military personnel have received pay increases. In 1965 Social Security recipients received an increase. Is it not about time all of us remembered that our veteran population deserves a cost of living increase also?

All veteran organizations are for this bill. For my own part the one great regret is that the committee did not see fit to raise income limitations. I mentioned this because it should be remembered that this bill deals only with nonservice pensions and not service-connected compensation.

The average increase is 5.4 percent for all nonservice-connected pensions. It is good news, however, to note there is a substantially greater increase for widows and widows with children in the lowest income category of approximately 8½ percent.

It was a big job for the Subcommittee on Compensation and Pensions to work through all the 188 bills. Some proposed to attack the problem by increasing exclusions from income or by income limitation increases. Others proposed liberalization of definitions of widows and veterans for pension purposes. But all had the common denominator of a modest increase in the amount of pension.

Looking over the bill, it is heartening to note it established a presumption of permanent and total disability for pension purposes at attainment of the age of 65.

There are many including myself who are disappointed that the increases are not larger. Someone has said the pension increases should go in ahead of other programs already in existence in these times when we cannot have both guns and butter. I fully agree. There are several programs that should not be accorded priority over an increase in veterans pensions. Why is this so? Because some veterans as well as widows of deceased veterans find themselves barely existing on the present pension payment. World War I veterans particularly have not been treated fairly. Long ago they should have been given an outright pension patterned after the Spanish-American War veterans without the penalizing effects of income limitations. It is for this reason I introduced H.R. 15222. All veterans on a pension with low income feel the pinch of spiraling prices, but even more so, the World War I veteran because of his age, finds his income is at the lowest ebb, while his expenses, especially medical, steadily increase.

It is a shame World War I veterans will still be handicapped with income limitations. This fine group of our elder citizens will receive a cost of living increase and liberalization of some of the other provisions including the presumption of permanent and total disability after age 65. Also provided is the presumption that a veteran in a nursing home is presumed to be in need of regular aid and attendance rather than the present showing they must be helpless or blind or so near helpless or blind as to require the regular aid and attendance of another person.

Mr. Speaker, on many occasions we have waved the flag and the bands have played at the end of our wars. But far too soon we have pulled the flag down and put the drums away and become miserly, yes far too miserly. Those who support this legislation today I am sure do so with regret that it is not more liberal because many of the aging veterans may not be with us to reap even these small rewards by the effective date of this legislation. But even our small effort is only half finished. Every Member who supported this legislation today should urge the other body to pass it promptly with the hope and prayer that it will not be lost or forgotten in the head-long rush toward adjournment sine die of this Congress.

Mr. CARTER. Mr. Speaker, as one who has long believed that the pension payable to our permanently and totally disabled war veterans, as well as the pension payable to the widows and minor children of those that are deceased, is extremely unrealistic on account of the month to month increase in the cost of living, it gives me much pleasure and satisfaction to join my friends and colleagues here today in supporting the Veterans' Pension Act of 1966, H.R. 17488.

It is my understanding that the minority members of the committee and perhaps members of the majority favored some liberalization of the "other income limitations" in the present law, but these changes were not adopted in the bill as reported by the Committee on Veterans' Affairs. It is my hope that the Members of this body will adopt these changes so that many of our war veterans will not be penalized, so to speak, because they may have a small income from some other source or sources, and that this bill will be promptly passed.

Mr. PUCINSKI. Mr. Speaker, I am very happy to rise in support of H.R. 17488, the Veterans' Pension Act of 1966, of which I am a cosponsor. My own bill, H.R. 17603, is identical to the measure before us today, which will give a cost of living increase to all veterans, widows and dependents now receiving non-service connected pensions.

This legislation provides a much needed cost-of-living increase to those who have made a great contribution to their country and to the cause of liberty, and to their widows and dependents.

As pointed out in its report, in approving this legislation, the Veterans' Affairs Committee continued the established principle of higher payments to those most in need because of low income, as well as additional rates for dependents and additional assistance for those with serious health problems.

It is a privilege to be a member of a committee which concerns itself with such humanitarian legislation, and it is my hope that in future sessions of Congress we will be able to further equalize such pensions against the rising cost of living.

Mr. Speaker, I believe that the measure before us is a realistic bill, deserving of the support of all of my colleagues, and I urge them to vote with me in support of this legislation.

Mr. DONOHUE. Mr. Speaker, I most earnestly hope that the House will promptly and overwhelmingly approve this measure before us, H.R. 17488, designed to increase the rates of pension now payable to certain veterans and their widows and children.

This proposal is currently being recommended by the esteemed House Veterans' Affairs Committee's distinguished chairman and industrious members in order to give added strength and better implementation to the recognized principle of higher payments to the most needy veterans, those bearing heavy burdens of dependency and those suffering great financial hardships because of serious health problems.

The overall effect of the provisions of this measure will simply and rightfully be that the veterans non-service-connected pension program will become more realistically responsive to the most urgent individual needs growing out of low income, grave health problems and difficulties of dependency.

In summary this bill will grant modest cost of living rate increases for qualified veterans alone, veterans with dependents, widows alone, widows with children, and children alone including a monthly increase of five dollars to approximately 56,427 Spanish-American and prior-war widows, whose average age is 84 and who are now receiving a monthly pension of $65.

Mr. Speaker, while the pension increases proposed in this bill may be considered overly modest by a great many here, because of constantly rising living costs, it is still a comprehensive gesture at the right time, in the right direction, toward those veterans and their families in greatest need and I urge its adoption without further delay.

Mr. WHITENER. Mr. Speaker, the House of Representatives has always shown great concern for the welfare of the American veteran and his dependents. This concern is very evident from the consideration that the House now gives to H.R. 17488, a bill to relieve some of the burdens borne by our veterans and their dependents due to the high cost of living.

I have always supported legislation to provide adequate pension benefits, hospitalization, and other necessary care for our veterans and their dependents. The Nation owes much to those who have served our country in time of war and great national emergency, and the least that we can do for these patriotic Americans is to provide for them and their loved ones whenever the necessity arises.

I support H.R. 17488. The time has arrived for the Congress to take positive action to relieve hundreds of thousands of our more needy veterans and their dependents from some of the financial burdens they are bearing due to our high cost of living. The chairman and the members of the House Veterans' Affairs Committee are to be commended on bringing H.R. 17488 to the floor for action. The bill will not upset the Nation's budget. On the contrary, it will stimulate the economy. The modest increase in benefits provided under the legislation will be devoted by the recipients to the basic necessities of life.

Mr. Speaker, I hope the legislation will clear the Senate and secure the approval of the President without undue delay.

Mrs. SULLIVAN. Mr. Speaker, I am delighted to vote for this bill to increase benefits for veterans and their dependents receiving non-service-connected pensions. I do not think this bill is overly generous. As a matter of fact, the assistance it will give to its beneficiaries is strictly minimal. On the other hand, I am conscious of the fact that even this limited amount of assistance will raise costs to the Federal Government by more than $101 million a year, a very substantial figure at a time when we are experiencing inflationary tendencies.

Actually, it is because so many prices have risen as a result of the inflationary factors in the economy that we must provide assistance to the veterans and their dependents who are subsisting on, or who desperately require, the very moderate monthly non-service-connected veterans' pension.

I wish we could do more. Of course, the House will be guided in this matter by the recommendations of the Committee on Veterans' Affairs which is certainly conscious of the needs of our veterans and which has always been alert to and sympathetic to those needs. I congratulate the committee for acting speedily on this measure and bringing it before the House for passage.

PROVISIONS OF BILL TO BENEFIT VETERANS AND WIDOWS

The bill would provide a cost of living increase for all veterans and their dependents or survivors who are now receiving pensions under Public Law 88-211, as amended, the so-called new law. The rate increase is substantially higher for widows and widows with children in the lowest income categories, reaching in those cases as high as 8½ percent. There is a $5 a month increase included for more than 56,000 widows of veterans of the Spanish-American and prior wars, whose average age now is 84. Their pensions would increase from $65 a month to $70. There is also an increase of $5 per month in the "house-bound" allowance under current law for veterans, from $35 to $40 a month. A new "housebound" rate of $100 per month is established for veterans under the old pension law.

Furthermore, a special aid and attendance allowance of $50 per month is provided for widows receiving pensions under Public Law 86-211, and also under the old pension law, the Spanish-American War, and prior wars, and who are found in need of aid and attendance. The bill also provides for presumption of permanent and total disability for pension purposes on attainment of age 65; for presumption of need for regular aid and attendance for pensioners who are being furnished nursing care in public or private nursing homes; reduction of the 5-year alternative marriage requirement for widows to 1 year; exclusion of income for pension purposes of amounts equal to the sum paid by a wife for the last illness of a veteran prior to his death, and also for the last illness and burial of a veterans' child. There are also some special medical benefits for pensioners entitled to regular aid and attendance.

INCREASES MADE NECESSARY BY HIGHER LIVING COSTS

Many of us are disappointed that no provision is made in this legislation to increase the income limitation imposed for qualification for non-service-connected pensions. Many veterans and widows have made excellent cases for the justice in increasing such limitations. I am, as I said, sorry that this bill does not do more than it does. Nevertheless, the additional $6 per month which many thousands of widows will receive under this bill, the $5 a month for more than 50,000 Spanish-American widows, and the $4 a month many veterans will receive should be of significant help in combating the increases in living costs, including the much higher prices these days for food.

FOOD STAMP PROGRAM TO OPERATE IN 733 CITIES AND COUNTIES

In connection with the price of food, I would like to make a suggestion, Mr. Speaker, which Members of the House may want to pass on to their constituents who are eligible for, or are receiving, non-service-connected pensions. The Food Stamp program is now operating in 331 areas and is about to be extended to 402 additional political jurisdictions—cities and counties—so that it will soon be serving about 1,800,000 needy people in 41 States and the District of Columbia. It is an excellent program for assisting low-income families to stretch their usual food budget far enough to assure an adequate and nutritious diet. Generally speaking and on the average, for every $6 which the participating family would normally spend for food, and which it must spend to purchase the monthly allotment of food coupons, or food stamps, it receives coupons worth $10 in the grocery stores—coupons redeemable only for food. The percentage of the Federal subsidy to the individual family varies according to the income and size of the family, but the average subsidy is 40 percent of the costs of the food sold for food coupons each month. We are now budgeting $140 million a year for the food stamp program.

That represents the difference between the amount of money the more than 2 million individuals who will eventually be included in the program this year would normally spend for food and the value of the food they will be able to purchase.

MEMBERS OF CONGRESS SHOULD URGE ELIGIBLE CONSTITUENTS TO APPLY FOR FOOD STAMPS

Since many new areas are coming into the program, I think it would be helpful to constituents whose incomes are low enough to make them eligible for non-service-connected veterans pensions if the Members will suggest to them that they investigate their eligibility also for the food stamp program. I know that in my own city of St. Louis, I have guided numerous families of low income, including veterans and their dependents receiving non-service-connected pensions into applying for participation under the food stamp program and when eligible they have invariably been grateful for the suggestion.

NOT NECESSARY TO BE ON PUBLIC ASSISTANCE

It is not necessary for a family to be on any form of public assistance in order to qualify for the food stamp program. All that is required is that the family have an income sufficiently low, in relation to the size of the family, to come within the limitations set out under the regulations issued by the Department of Agriculture in cooperation with the State welfare department in each of the States participating.

There are also limitations on the dollar value of liquid assets held by the family—bonds, cash, savings or checking accounts, etc. but not including the equity in a home.

As I said, the larger the family, the larger the income they are permitted and still qualify for food stamps; and the larger the family and the smaller the income, the more of a subsidy is given toward the purchase of a good diet. In St. Louis, for instance, the income limitations range from $135 a month and liquid assets of $750 for a single person to an income of $420 a month and liquid assets of $1,500 for a family of 10. Monthly income is computed after the deduction of all mandatory deductions such as Federal and State withholding taxes, city earnings tax, social security deductions, union dues, retirement or pension contribution, health insurance and hospitalization payments.

EXAMPLE OF INCOME AND PURCHASE REQUIREMENTS

A single person receiving net income or less than $20 a month would pay $4 of this amount for food stamps and receive $10 worth of coupons; one with an income of from $80 to $100 would pay $18 and receive $24 worth of coupons; a 5-person household with an income of about $200 a month, on the other hand, would pay $68 for food coupons and receive $100 worth of food stamps. These figures are just sample ones and would be different for other States depending upon the welfare standards, and so forth.

However, I would think that most families which are eligible for non-service-connected veteran pensions also would be eligible for the food stamp program in their locality, and it is certainly worth their trouble in investigating their eligibility and applying if they are eligible.

In conclusion, Mr. Speaker, I want to say again that I am grateful to the Committee on Veterans Affairs and to its chairman, Congressman Olin Teague, of Texas, for evidencing compassion for the plight of veterans and their dependents on non-service-connected pensions whose incomes have been eroded by the higher prices of necessities to sustain life. Modest as the increased benefits may be in individual cases, I certainly hope they will be of significant assistance to those families which are forced to live on these pensions.

The SPEAKER pro tempore (Mr. Boggs). The question is on the motion of the gentleman from Texas [Mr. Teague] that the House suspend the rules and pass the bill H.R. 17488, as amended.

The question was taken; and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. ADAIR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 315, nays 2, not voting 115, as follows:

[Roll No. 287]

YEAS—315

Abbitt
Abernethy
Adair
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Ashmore
Ayres
Baring
Barrett
Bates
Battin
Beckworth
Bennett
Berry
Betts
Bingham
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brooks
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cabell
Cahill
Callan
Cameron
Carey
Casey
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Cooley
Corbett
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
de la Garza
Delaney
Dent
Denton
Devine
Diggs
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Ellsworth
Erlenborn
Everett
Evins, Tenn.
Fallon
Farnum
Fascell
Feighan
Findley
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Green, Pa.
Greigg
Griffiths
Gross
Grover
Gubser
Hagen, Calif.
Haley
Hall
Hamilton
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hays
Hébert
Hechler
Helstoski
Henderson
Herlong
Holland
Horton
Hosmer
Hutchinson
Ichord
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keogh
King, Calif.
King, Utah
Kirwan
Kornegay
Kunkel
Kupferman
Laird
Langen
Latta
Leggett
Lennon
Lipscomb
Long, Md.
Love
McCarthy
McCulloch
McDade
McFall
McGrath
Macdonald
Mackay
Madden
Mahon
Mailliard
Marsh
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Mink
Minshall
Moore
Moorhead
Morgan
Morris
Morse
Morton
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price
Pucinski
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Roberts
Rogers, Colo.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Shipley
Shriver
Sickles
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, Tex.
Thomson, Wis.
Tuck
Tunney
Tupper
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Waldie
Walker, N. Mex.
Watkins
Watson
Watts
Weltner
Whalley
White, Tex.
Whitener
Whitten
Williams
Wilson, Bob
Wolff
Wydler
Yates
Young
Younger
Zablocki

NAYS—2

Curtis
Davis, Wis.

NOT VOTING—115

Albert
Andrews, Glenn
Arends
Aspinall
Bandstra
Belcher
Bell
Blatnik
Bolling
Brock
Broomfield
Brown, Calif.
Byrnes, Wis.
Callaway
Carter
Celler
Chelf
Colmer
Corman
Davis, Ga.
Dawson
Derwinski
Dickinson
Dorn
Duncan, Oreg.
Dyal
Evans, Colo.
Farbstein
Farnsley
Fino
Fisher
Flynt
Fulton, Tenn.
Gibbons
Gray
Green, Oreg.
Grider
Gurney
Hagan, Ga.
Halleck
Halpern
Hanley
Hanna
Hawkins
Hicks
Holifield
Howard
Hull
Hungate
Huot

Irwin
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Keith
Kelly
King, N.Y.
Kluczynski
Krebs
Landrum
Long, La.
McClory
McDowell
McEwen
McMillan
McVicker
MacGregor
Machen
Mackie
Martin, Ala.
Martin, Mass.
Martin, Nebr.

Mathias
Minish
Mize
Moeller
Monagan
Morrison
Mosher
Murray
Nelsen
O'Neill, Mass.
Pool
Purcell
Rees
Reinecke
Resnick
Rivers, S.C.
Robison
Rodino
Rogers, Fla.
Roncalio
Rooney, Pa.
Roudebush

Roybal
Rumsfeld
Schisler
Scott
Senner
Sisk
Smith, Calif.
Stephens
Sweeney
Thompson, N.J.
Todd
Toll
Trimble
Tuten
Walker, Miss.
White, Idaho
Widnall
Willis
Wilson, Charles H.
Wright
Wyatt

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Albert with Mr. Halleck.

Mr. Rodino with Mr. Fino.

Mr. O'Neill of Massachusetts with Mr. Martin of Massachusetts.

Mr. Minish with Mr. Halpern.

Mr. Fulton of Tennessee with Mr. Mize.

Mr. Mackie with Mr. Bell.

Mr. Rogers of Florida with Mr. Gurney.

Mr. Monagan with Mr. Broomfield.

Mr. Machen with Mr. Glenn Andrews.

Mr. Morrison with Mr. Roudebush.

Mr. Thompson of New Jersey with Mr. Widnall.

Mr. Schisler with Mr. Mosher.

Mr. Dyal with Mr. Reinecke.

Mr. Farbstein with Mr. McClory.

Mr. Hanley with Mr. Arends.

Mr. Roybal with Mr. Mathias.

Mr. Charles H. Wilson with Mr. Byrnes of Wisconsin.

Mrs. Kelly with Mr. McEwen.

Mr. Hungate with Mr. Derwinski.

Mr. Kluczynski with Mr. Smith of California.

Mr. Pool with Mr. Wyatt.

Mr. Aspinall with Mr. Belcher.

Mr. Holifield with Mr. Robison.

Mr. Corman with Mr. Rumsfeld.

Mr. Blatnik with Mr. King of New York.

Mr. Celler with Mr. Carter.

Mr. Senner with Mr. Walker of Mississippi.

Mr. White of Idaho with Mr. Brock.

Mr. Evans of Colorado with Mr. Callaway.

Mr. Stephens with Mr. Keith.

Mr. Landrum with Mr. Johnson of Pennsylvania.

Mr. Dorn with Mr. Nelsen.

Mr. Hanna with Mr. Martin of Nebraska.

Mr. Sisk with Mr. Martin of Alabama.

Mr. McDowell with Mr. Dickinson.

Mr. Hawkins with Mr. Hicks.

Mr. Rooney of Pennsylvania with Mr. Flynt.

Mr. Brown of California with Mr. Dawson.

Mr. Davis of Georgia with Mr. McMillan

Mr. Rees with Mr. Jones of North Carolina.

Mr. Sweeney with Mr. Bandstra.

Mr. Purcell with Mr. Howard.

Mr. McVicker with Mr. Hull.

Mr. Rivers of South Carolina with Mr. Roncalio.

Mr. Resnick with Mr. Scott.

Mr. Long of Louisiana with Mr. Trimble.

Mr. Hagan of Georgia with Mr. Willis.

Mr. Fisher with Mr. Farnsley.

Mr. Colmer with Mr. Chelf.

Mr. Irwin with Mr. Tuten.

Mr. Jones of Alabama with Mr. Duncan of Oregon.

Mr. Gibbons with Mr. Grider.

Mr. Gray with Mrs. Green of Oregon.

Mr. Wright with Mr. Todd.

Mr. Krebs with Mr. Toll.

Mr. Huot with Mr. Murray.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

NSLI REFUNDS—PHILIPPINE PESO PAYMENTS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16557) to provide for the refund of certain unearned premiums on policies of national service life insurance to former members of the organized military forces of the Government of the Commonwealth of the Philippines, and to amend title 38 of the United States Code to provide that certain payments under that title shall be made at the rate of 2 Philippine pesos for each dollar authorized, as amended.

The Clerk read as follows:

H.R. 16557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of any other law or regulation, the Administrator of Veterans' Affairs is authorized, under such terms and conditions as he may prescribe, to refund amounts erroneously deducted for National Service Life Insurance premiums from the arrears in pay paid by the United States Government to members of the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941. Such refund may be made only upon receipt in the Veterans' Administration of an application therefor filed with the Government of the Commonwealth of the Philippines within two years after the date of enactment of this Act and accompanied by a certification of an appropriate official of that Government that such amounts were so erroneously deducted and have not heretofore been refunded. Such refunds shall be made from the National Service Life Insurance appropriation. In the event of the death of any such member refunds may be made only to the following individuals and in the order named—

(1) to the widow or widower of such person, if living;

(2) if no widow or widower, to the child or children of such persons, if living, in equal shares; or

(3) if no widow, widower, child, or children, to the parent or parents of such person, if living, in equal shares.

No refunds under this section shall be paid to the heirs or legal representatives as such of such member or of any beneficiary. If such member is deceased, and in the event no individual within the permitted class survives to receive the refund, no payment of such refund shall be made.

SEC. 2. (a) The second sentence of subsection (a) and the second sentence of subsection (b) of section 107 of title 38, United States Code, are each amended to read as follows: "Payments under such chapters shall be made at a rate in pesos as is equivalent to $0.50 for each dollar authorized, and where annual income is a factor in entitlement to benefits, the dollar limitations in the law specifying such annual income shall apply at a rate in Philippine pesos as is equivalent to $0.50 for each dollar."

(b) The amendments made by subsection (a) of this section shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, this bill pertains to the refund of insurance premiums mostly collected from Philippine veterans and to the payment of Philippine veterans in pesos.

This bill has two basic purposes relating to veterans benefits provided for certain Filipino veterans.

The first section of the bill proposes to authorize the Administrator of Veterans' Affairs to refund to former members of the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, amounts which are alleged to have been erroneously deducted from the arrears in pay paid them by the U.S. Government for premium on national service life insurance—NSLI.

When the Commonwealth Army was called into the service of the U.S. Armed Forces, the Veterans' Administration held that the members were eligible to apply for NSLI. Some did so. Others were not able to complete and submit applications before World War II started and thereafter the Veterans' Administration utilized emergency radiogram procedures in an attempt to supply insurance coverage.

Later, the Congress granted certain gratuitous insurance protection to those military personnel who were captured, besieged, or otherwise isolated by the enemy early in the war.

It is easy to understand that confusion existed as to who had contract insurance before capture, or after liberation, and who were covered by gratuitous insurance. Similarly, it can be appreciated that when the U.S. Armed Forces, in computing backpay after liberation, deducted premiums for contract insurance coverage erroneous deductions were probably made in a number of cases.

Attempts were made to refund payments in various types of claims, including these erroneous NSLI premium deductions. Despite these efforts, however, the committee recognizes that the probability exists that some errors that were made remain uncorrected. The Veterans' Administration has advised that it would have no objection to the favorable consideration of this portion of the bill.

The bill would require an application for the refund and satisfactory proof that the erroneous deductions were made and have not been refunded. Refund will be made only to the former serviceman concerned or to certain limited survivors. We believe that the bill should require the application to be filed, initially, with the Philippine Government which would then certify to the Veterans' Administration those cases where the necessary eligibility criteria have been met.

It is difficult to estimate the cost of this section. It is possible that some 2,000 veterans who had premium deductions without having contract NSLI and another 1,200 veterans who, having insurance coverage, had double deductions made may file a claim for refund. On this basis, the Veterans' Administration estimated that the total claims cost would not exceed $500,000 and the administrative cost for processing the claims would add another $35,000.

Section 2 of the bill involves the peso-dollar payment rate of gratuitous veterans benefits for these Filipinos. After liberation of the Philippines in 1945, a congressional committee and the administration each began studies of responsibilities and problems facing the United States and Philippine Governments in the area of veterans benefits.

As a result of such studies, provisions were placed in the law which limited the veterans benefits that would be available to persons who served in the military forces of the Philippine Commonwealth while such forces were in the service of the U.S. Armed Forces, to compensation for service-connected disabilities and deaths and certain NSLI policies. Some time later the law was amended to also provide hospitalization for service-connected disabilities, an allowance to cover funeral and burial expenses, and a flag to drape the veteran's casket.

Because of the different financial and economic conditions existing in the United States and in the Philippines it was considered justified in 1946 to authorize payment of monetary benefits in Philippine pesos rather than in U.S. dollars. For the same known and obvious differences in the economy and standards of living, it was deemed proper to apply a ratio of 1 Philippine peso for each U.S. dollar. At that time the rate of exchange was 2 Philippine pesos for 1 U.S. dollar, or in other words, the value of the peso was approximately 50 cents.

Consequently, provisions were placed in the law which provided for the payment of gratuitous monetary benefits on a peso-for-dollar basis to veterans of the Philippine Commonwealth Army—including guerrillas—and the so-called new Philippine Scouts, and to the dependents of such deceased veterans. These provisions have continued in effect to the present time.

Section 2 of the bill has been amended to make it consistent with the provisions of H.R. 16367, which passed the House of Representatives on August 31, 1966. That bill provided that the payment of educational allowances thereunder would be in pesos at the rate of 50 cents for each dollar authorized and that provision has been incorporated into H.R. 16557.

The committee is fully cognizant of the frequent and minor, often daily, variations in the exchange rate in the Philippines. Accordingly, it is intended that the computation of the proper peso payments by the Administrator at any given time for the purpose of either law shall be made in such manner as he deems reasonable and administratively feasible.

The cost of the bill, as estimated by the Veterans' Administration, is shown in the table which follows:

Annual additional estimated cost

Fiscal year:	
1967	$12,524,000
1968	12,045,000
1969	11,639,000
1970	11,218,000
1971	10,887,000

Cumulatively such additional costs will approximate $276,735,000 by the end of fiscal year 2000. Through the end of the programs concerned—year 2060—there would be additional cumulative costs of $62,061,000 or an overall additional cost of $338,796,000.

Hearings were held on this subject on August 23–24, 1966, before a special subcommittee.

The bill is favored by the Bureau of the Budget and the Veterans' Administration.

This bill was the subject of hearings on August 23 and 24, 1966. Under the leadership of the subcommittee chairman, the gentleman from New York [Mr. Dulski], the reasons and desirability of this legislation were carefully reviewed by the gentleman from North Carolina [Mr. Kornegay], the gentleman from Virginia [Mr. Satterfield], the gentleman from Pennsylvania [Mr. Saylor], and the gentleman from New York [Mr. Halpern].

The Republic of the Philipines is probably the stanchest friend the United States has in the world. In this bill we are trying to correct an unequitable condition for our friends who fought beside us and with us during World War II and have stood shoulder to shoulder with us since. Many of the facts concerning the disputes between the United States and the Filipino veterans have been forgotten by some and never known by others. I have tried to set out the facts, pro and con, for the information of the Members of the House.

The issues in the Philippine veterans claims, that have been pressed by Philippine veterans for 20 years, generally arise both in the interpretation and the implementation of laws designed to aid World War II military personnel and veterans of the U.S. Armed Forces. In the Philippine Islands a special situation existed prior to and during World War II, which has had an adverse effect on Philippine veterans who fought in that war.

The Philippine Islands were a territory or "possession" of the United States after they were ceded to this Government by Spain in 1898. As citizens of an unincorporated territory Filipinos were "nationals" and not citizens of the United States. The act of March 24, 1934—Public law 127, 73d Congress—provided for the creation of a Commonwealth Government and a withdrawal of U.S. sovereignty over a 10-year period at the end of which complete independence would be granted to the Republic of the Philippines. Public Law 127 provided that, until complete independence was achieved, citizens of the Commonwealth of the Philippines owed allegiance to the United States. It was also provided that the President of the United States could order all military forces of the Philippine Government into the service of the U.S. Armed Forces.

On July 26, 1941, President Roosevelt, under the authority of section 2(a)(12) of the Philippine Independence Act of March 24, 1935, ordered the organized military forces of the Commonwealth of the Philippines into the service of the Armed Forces of the United States. The Philippine Forces had been under U.S. military command for more than 4 months at the time the war in the Pacific started on December 7, 1941, and continued so until released by a Presidential order, signed by President Truman on June 30, 1946.

On March 7, 1942, the Missing Persons Act—Public Law 490, 77th Congress—was enacted. It was an act to provide for continuing payment of pay and allowances of personnel of the Army, Navy, Marine Corps, and Coast Guard, including the retired and Reserve components thereof during periods of absence from post of duty, and for other purposes. This act provided, among other things, that "any person who is in active service and who is officially determined to be absent in a status of missing, missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged shall, for the period he is officially carried or determined to be in any such status, be entitled to receive or to have credited to his account the same pay and allowances to which he was entitled at the beginning of such period of absence or may become entitled thereafter." The act contained a proviso that there should be no entitlement to pay and allowances for any period during which the individual concerned might be officially determined absent from his post of duty without authority.

After the liberation of the Philippines in 1945, serious questions confronted the United States as to its responsibility to Filipinos who had served in the Armed Forces of the United States under the military order of the President. These questions were unique and without precedent since the Philippines would become an independent nation in a few months. The situation in the Philippines caused Filipino servicemen to be grouped into four major service groups, as follows:

First. Those who served in the U.S. Armed Forces—includes Army of the United States, Philippine Scouts, who were components of the U.S. Army and Navy personnel.

Second. Those who served in the Philippine Army called into the service of the Armed Forces of the United States under military order of the President of the United States, July 26, 1941.

Third. Guerrillas who were recognized and inducted in the Philippine Army, which had been called into the service of the U.S. Armed Forces.

Fourth. Civilians as in three next above who were not recognized as having served as guerrillas for one reason or another.

In administering the Missing Persons Act in cases of Philippine Army personnel who had been captured or missing in action, the U.S. War Department applied a so-called restraint policy to those Filipinos who had been captured and later were paroled by the Japanese. The operational directive held that:

> Determination or redetermination of whether or not military personnel or civilian employees are to be officially carried as missing or missing in action for any period requires consideration of the effects of enemy action upon the individual as to restraint imposed, separation from residence or family, lack of employment or means of livelihood, and other direct effects of hazards of war. A mere termination or suspension of official military or employment status by enemy occupation which has not deprived a resident of reasonable freedom of action and opportunity of livelihood, and has not caused him or his dependents to suffer serious deprivation by reason of his former official status, is not an absence occasioned by enemy action with entitlement during same to full pay and allowances of former employment, and hence does not warrant an official determination or redetermination of missing or missing in action.

Philippine servicemen found that they were not to be given full pay and allowances for the entire occupation period if they had returned to their homes, and had had an opportunity to lead "normal" lives after the surrender of the Philippines in 1942, or were released as POW's by the enemy and then returned to their homes and were able to lead "normal" lives.

The Navy paid Philippine personnel for the full occupation period under a more liberal interpretation of the Missing Persons Act and without taking cognizance of the War Department directive. This War Department policy is still subject to complaints by Filipino veterans, who argue that they were employees of the Armed Forces from enlistment to discharge; their absence from duty was not their fault; and that they could not lead normal lives because of the material restraint imposed upon Philippines Army personnel by the Japanese military forces. The United States has contended that while under parole and living at home they were under not significantly more restraint than their civilian countrymen.

Filipinos contend that the United States broke faith with Philippine servicemen who were in the service of the U.S. Armed Forces. In the surrender order from the U.S. Army headquarters in the Philippines, "Message to all Filipino officers and men" they were told in paragraph 5: "By surrendering you will draw full pay until you are mustered out of the service." They were, in fact, not mustered out of the service until after the Philippines were liberated.

The no pay for periods of parole policy at the time was applied equally to Philippine nationals who were members of the regular Philippine Scouts. It was determined that, although they were members of the regular U.S. Military Establishment, they were in their homeland and if, when paroled from POW status, they returned to their homes, they were a noncasualty or no-pay status during the period of parole. On August 29, 1957, Public Law 217—85th Congress was enacted to authorize pay and allowances to Philippine Scouts for the period of parole. In the Senate Armed Services Committee report on H.R. 5807—Public Law 85-217—it was stated:

> The sub-committee stresses that in reaching this conclusion it distinguishes between the status of the Philippine Scouts, a component of the United States Army, and the Philippine Army, which was not a component of the United States Army. The subcommittee emphatically rejects any suggestion that the Philippine Scout provision be considered a precedence for authorizing similar payments to members of the Philippine Army. The Philippine Scouts were under contract with the United States; the Philippine Army was not—rather it was in the service of the Philippine Government.

The Philippine Army veterans find it difficult to reconcile this statement. They have stated that the Philippine Army ceased to be in the "service of the Philippine Government" when called into the "service of the Armed Forces of the United States" by the military order of the President of the United States.

Another problem encountered in administering the Missing Persons Act was the acceptance and/or nonacceptance of evidence to prove service in the Philippine Army. The task of reconstruction of Philippine Army service records was difficult. The mobilization of the Philippine Army continued up to, and in some cases after, the attack on the Philippines was made. Some of the Philippine soldiers actually joined the colors in the face of the enemy. Because of that, and because of the chaotic conditions which accompanied the Japanese occupation, it was almost impossible to say who was or who was not in the Philippine Army.

There was very little data available after the Japanese occupation to determine the status of individuals in the Philippine Army. The Japanese Government made no report of the status of any such personnel as POW's or otherwise. There was the problem of identifying members, or alleged members, who returned to military control or whose deaths were alleged. Consequently, there was much confusion in determining whether or not a person had been a member of the Philippine Army prior to the surrender in 1942. Thousands of such claims have been denied by the U.S. Armed Forces because of insufficiency of evidence.

After the surrender of Bataan and Corregidor and for months thereafter, those men who had the strength and courage went to the hills with their weapons and in some cases radios. These men formed the nucleus of the resistance, or guerrilla, movement. This movement went along without much help for some time. In some instances direct radio contact was made between some guerrilla units and General MacArthur's headquarters. As U.S. military strength built up in the southwest Pacific, cargoes of arms, supplies, and medicine were shipped to the guerrillas by submarines. Prior to the U.S. reentry into the Philippines, guerrilla units and recognized guerrilla leaders were identified through radio and by contacts by agents.

Upon the landing of the U.S. forces the services of some of these guerrilla units were utilized by the U.S. Army. On October 28, 1944, the President of the Philippines issued an Executive order which read in part:

> 1. All persons, of any nationality or citizenship, who are actively serving in recognized military forces in the Philippines, are hereby considered to be on active service in the PA.
>
> * * * * *
>
> 4. The date of entry into active service in the PA will be that of joining a recognized military force.

The United States accepted this Executive order, and it was used as a basis for the recognition of guerrilla service. Under this order Filipinos, and others who had been in the guerrilla movement in the Philippines, were brought into the Philippine Army and made eligible for all pay and allowances accruing during the Japanese occupation from the time of induction into the Philippine Army In the process of guerrilla recognition the guerrilla commander submitted rosters of his organization to the U.S. Army unit to which he was attached. The records of these units could not be too good, if the roster of a guerrilla unit fell into Japanese hands it meant death for all concerned. Based on this General MacArthur's Headquarters would issue recognition orders. However, there were guerrilla units that were not attached to U.S. units. Many of these guerrilla units performed commendable service against the Japanese, and deserved recognition. Others did little but loot, pilfer, terrorize local communities, and impede military operations.

The problems encountered by the U.S Army in attempting to establish actual service of the unrecognized and unattached guerrillas were vast. Over 1,200,000 persons claimed to have been guerrillas. When the recognition program was closed in 1948, in excess of 260,000 had been recognized and their service certified by the U.S. Army. It was obvious that the guerrilla recognition would constitute an issue considering the number of individuals who claimed recognition and the number actually recognized. The preparation of rosters was the responsibility of the guerrilla unit commander. As a result, certain anomalies existed in the inclusion of names on the rosters. Certain guerrilla leaders used this privilege to further their political ambitions—others to enrich themselves. The U.S. Army while investigating the claims was beset with irregularities on the part of many who were seeking guerrilla recognition. The irregularities included bribery, manipulation of documents, forgery and perjury. This did not hold true for all guerrilla commanders, or guerrilla claims but the irregularities were sufficiently widespread to be a serious problem. As a result of the exaggerated claim irregularities, it is possible that some have not been recognized. The guerrilla recognition program was closed in 1948; the U.S. Army policy is that if a name is not on the official reconstructed roster it cannot be added at this or any other time.

Until February 18, 1946, all benefits available to veterans of the U.S. Armed Forces were also available to the Commonwealth Army and recognized guerrilla veterans. On February 18, 1946, the First Supplemental Recision Act, 1946—Public Law 301–79th Congress—was approved. The Recision Act provided that:

> Service in military forces of Commonwealth of the Philippines while such forces were in the service of armed forces of United States shall not be deemed service in forces of United States for the purpose of any law of the United States conferring rights, privileges, or benefits by reason of such service except existing National Service Life Insurance contracts, benefits on account of service connected disability or death.
>
> The latter benefits to be paid at the rate of one peso for each dollar authorized under the laws providing for such benefits.

In the Second Supplemental Surplus Appropriations Act, 1946—Public Law 391, 79th Congress—a similar provision was incorporated with respect to the so-called "New" Philippine Scouts who enlisted under the Armed Forces Voluntary Recruitment Act of 1945. These "new" Scouts were intended to perform occupation duty.

President Truman, in approving Public Law 301—the Recision Act—took exception to the limitations on benefits to the Philippine veterans; although, he recognized the existence of practical difficulties in administering certain veteran programs in the Philippines, such as loans for homes, farms, and businesses. President Truman stated, on February 20, 1946:

> I consider it a moral obligation of the United States to look after the welfare of the Philippine Army veterans.

At this time President Truman announced the creation of the Interdepartmental Committee on Philippine Veterans Problems to form plans to meet the difficulties in making payments to the Philippine Army veterans under the GI bill. The President appointed Gen. Omar N. Bradley as Chairman of the Committee.

A recommendation of the Interdepartmental Committee on Philippine Veterans Problems resulted in Public Law 241, 80th Congress, extending the Missing Persons Act of March 7, 1942, to members of the Armed Forces of the Commonwealth of the Philippines. To reduce discrimination against the Philippine Army veterans brought on by the Recision Act, the Committee further recommended grants for hospital construction; medical treatment for service-connected cases; burial allowance and American flags for those dying after separation from the service; and educational grants under limited conditions. With one exception, Congress has since enacted various laws embodying a degree of these recommendations.

Various bills for educational grants were introduced, but not enacted during the effective period of the educational program of readjustment training.

On July 1, 1948, Public Law 865–80th Congress was enacted. This law authorized $2.5 million for the constructing and equipping of hospitals in the Philippines. Also authorized was financial aid in the form of grants to the Republic of the Philippines for expenses incidental to hospitalization for Commonwealth Army Veterans for service-connected disabilities. The Congress appropriated $9.4 million for the construction and equipping of the Veterans' Memorial Hospital near Manila. The construction was completed in 1955 and on November 20 of that year the fully equipped 750-bed Veterans' Memorial Hospital was turned over to the Republic of the Philippines. Since that time the United States has provided funds for contract hospitalization and hospital operations totaling $9.5 million. The Veteran's Memorial Hospital is considered to be one of the finest in the Far East.

During the years since World War II the matter of extending to Philippine Veterans various benefits and payments granted to veterans of the U.S. Armed Forces has received continuing attention. In 1955 the Philippine economic mission to the United States presented a list of claims to the United States which are commonly called the omnibus claims. Most of the claims involved military pay claims of Philippine veterans of World War II. Although the total dollar value of the claims was not mentioned, the figures used unofficially ranged from $800 million to $1 billion. The main Philippine military pay claims in the omnibus claims package were:

First. Arrears in pay under Missing Persons Act. The factors involved have been detailed in an earlier paragraph.

Second. Claim under Executive Order No. 22. The Commonwealth Armed Forces were under a lower pay scale than the U.S. Armed Forces. On March 10, 1942, President Quezon issued an executive order increasing the pay of Philippine Army Officers to equal that of U.S. officers and, also, increasing the pay of enlisted men. From July 26, 1941, to June 30, 1946, the Philippine Army was paid with U.S. appropriated funds. The United States consented to the "Quezon pay schedule" and as of July 1, 1942, the Philippine Army was paid on the basis thereof. On October 28, 1944, after the liberation of the Philippines had begun, President Osmena issued Executive Order No. 22 which would have, for instance, raised the pay of a private from 18 pesos a month to 100 pesos. The United States held that the 600 percent increase in rates was not a proper charge to U.S. appropriated funds and, additionally, could have an adverse effect on the economy of the Philippines. The Philippine claimants contended that if the United States recognized the authority of the Executive order raising the pay of officers and the Executive order establishing and authorizing guerrilla service for pay, why then should not Executive Order No. 22 be honored equally? The matter of pay under Executive Order No. 22 was given consideration at the highest levels of the U.S. Government on several occasions and it was decided in the negative.

Third. Erroneous deduction of national service life insurance premiums from arrears in pay. The claim sought reimbursement to those members of the Philippine Army from whose arrears in pay NSLI premiums were deducted. They contended that in settling arrears in pay after the liberation premium deductions were made from individuals who did not have insurance. This claim has been previously denied. On the basis of evidence provided, legislation is pending to correct this matter.

Fourth. Deductions from arrears in pay of the equivalent of 3 months advance pay. It was realized that personnel recovered during the liberation would be in dire financial straits so the U.S. Army authorized payment of a 3 months advance in pay to all military personnel upon recovery. When records could be assembled and full arrears in pay computed and paid, the advance would be deducted from amounts due the soldier. The Philippine veterans contended that deductions were made from thousands of soldiers who never received the advance. They claimed that pay clerks presumed that everyone got the advance and, hence, deducted from everyone. Based on a sampling of Philippine records which indicated a less than 4 percent error rate, the United States denied the claim.

As indicated above, after exhaustive study by the Department of the Treasury, Defense, and State, the United States in 1959 informed the Philippine Government that the military pay claims, among certain others in the omnibus claims package, were denied as having no basis in law or equity. Despite this formal rejection by the U.S. Government, the Philippine Government has from time to time tried to reopen the subject. The Departments concerned believed that only through legislation could some of the claims be settled. There is also a strong belief that little or no support could be gained in Congress for reconsideration of the matters.

One claim that was not included in the omnibus claims, but has been an issue for 20 years, is the peso-dollar ratio of payment of Philippine veterans benefits. The Recision Act—Public Law 301, 79th Congress—contained a provision that stated:

> That such pension shall be paid at the rate of one Philippine peso for each dollar authorized to be paid under the laws provided for such pensions.

On what basis or factors the formula was developed is not known at this time. However, in testifying before a subcommittee of the Committee on Appropriations of the U.S. Senate during the 79th Congress, Senator CARL HAYDEN said:

> It would appear from a study of the legislative history surrounding the enactment of the Recision Acts that the pertinent restrictive language contained therein was based on known and obvious differences in the economy and standards of living in the United States and the Philippines * * * a peso in the Philippines will go as far as a dollar in the United States

The Philippine veterans have disputed the statement that in 1946 the peso would go as far in the Philippines as a dollar in the United States. The Philippine veterans feel that their benefit payments should be identical to those made to U.S. veterans—dollar for dollar. Since 1962, when the peso was devaluated, the discontent has intensified. In 1946 the exchange rate of the peso in relation to the dollar was 2 to 1, at present the rate is fairly stable at 3.9 to 1.

A joint communique issued October 6, 1964, by the President of the United States and then President Macapagal, of the Republic of the Philippines, announced:

> The two Presidents take cognizance of matters pertaining to Philippine Veterans of World War II and agree on the establishment of a Joint Commission to study this subject further.

In May of 1966, President Marcos announced the formation of the Philippine panel consisting of Gen. Eulogio Balao, chairman; Ambassador Eduardo Quintero, vice chairman: Senator Jose J. Roy; Senator Alexandro D. Almendras; Representative Simeon M. Valdez; Under Secretary of Defense, Manuel B. Syquio; Veterans' Administration Deputy Administrator, Juan L. Gacad; and Minister Ceasar Z. Lanuza.

Prior to the second meeting of the Joint Commission, Senator Almendras was replaced by Capt. Carlos J. Albert, P.N.

On May 12, 1966, President Johnson announced the formation of the U.S. panel. The panel consisted of Gen. George H. Decker, former Chief of Staff, U.S. Army, chairman; Representative OLIN E. TEAGUE, chairman, Committee on Veterans' Affairs, vice chairman; Senator RUSSELL B. LONG, chairman, Finance Committee; Representative CARL B. ALBERT, majority leader; Representative CLEMENT J. ZABLOCKI, Foreign Affairs Committee; Representative E. ROSS ADAIR, Veterans' Affairs Committee; William J. Driver, Administrator of Veterans' Affairs; Ambassador Samuel Gilstrap, former Deputy Assistant Secretary of State; and Robert M. McCurdy, chairman, National Rehabilitation Commission, American Legion.

The two panels constituted the Joint Commission.

By its terms of reference, the U.S. panel was authorized to make recommendations with regard to veterans benefits administered by the U.S. Veterans' Administration in the Republic of the Philippines. Additionally, the U.S. panel was authorized to consider and report on positions advanced by the Philippine panel with reference to claims emanating from World War II, such as areas in military pay and allied matters.

The Joint Philippine-United States Commission for Study of Philippine Veterans Problems held its first meeting in Manila during the period July 5 to July 8, 1966. The meetings resumed in Washington, D.C., on August 2, and adjourned August 4, 1966.

During the deliberations of the Joint Philippine-United States Commission in Manila, the Philippine panel presented 12 position papers detailing the following claims:

First. Hospitalization and medical benefits.

Second. Pay equalization—Executive Order No. 22.

Third. Straight payment for "no-casualty status" under the Missing Persons Act.

Fourth. Claim for pay and allowances of unpaid Philippine Army guerrillas.

Fifth. Claim for adjustment of peso benefit payments due to Philippine decontrol.

Sixth. Refund for emergency and/or guerrilla notes deductions.

Seventh. Unpaid quarters allowances.

Eighth. Refund of deductions of 3-month advance salary.

Ninth. Dollar-for-dollar benefit payments.

Tenth. Claim for Philippine Scouts.

Eleventh. Restoration of rights, privileges, and benefits denied.

Twelfth. Refund of NSLI premium deductions.

The U.S. panel reviewed the issues presented in a fully objective manner. Full consideration was given to all items, evidence, and documents presented in terms of the equities involved, and in light of current economic considerations. The U.S. panel recommended to the President and the Congress that favorable consideration be given to the broadening and/or extending of benefits to Philippine veterans in four instances, as follows:

> We recommend the broadening of eligibility for admission for hospitalization at United States expense at the Veterans Memorial Hospital, Manila, to include non-service connected Commonwealth Army veterans and service connected and non-service-connected "new" Philippine Scouts. Additionally, we recommend extending entitlement to out-patient treatment at Veterans Memorial Hospital for service-connected "new" Philippine Scouts and funds to upgrade equipment and facilities at Veterans Memorial Hospital.
>
> We recommend extension of the benefits of the War Orphans Educational Assistance Program to the children of those Philippine Veterans who died or have become permanently and totally disabled by reason of their service during World War II. (It is estimated that 8,000 children would be eligible.)
>
> Benefits now paid Philippine veterans in pesos are paid at the rate of one peso for each dollar authorized. We recommend that such veterans be paid in pesos at the rate of 50 cents for each dollar authorized.
>
> Erroneous deductions of NSLI Premiums were made from the arrears in pay of Philippine soldiers at the time of mustering out. We recommend that erroneous deductions be refunded.

The U.S. panel found no basis of merit in the claim for adjustment of peso benefit payments due to Philippine decontrol and recommended that it be rejected. The Philippine panel was advised that the decision by the Philippine Government to decontrol the peso was a unilateral decision to which the United States was not a party and the United States was not responsible for any adverse effects caused by that decision.

The Committee on Veterans' Affairs, House of Representatives, has reported three bills designed to extend veterans benefits in the Philippines, in accordance with the U.S. panel recommendations. Two of the bills have passed the House of Representatives and have been referred to the Senate. These bills were H.R. 16330, to extend and expand the hospitalization program in the Philippines; and H.R. 16367, to extend war orphans assistance. The House is considering H.R. 16557, which provides for refund of unearned NSLI premiums and payment of veterans benefits at the rate of 50 cents for each dollar authorized.

The Philippine panel presented seven claims which related to World War II active duty pay. On the basis of discussions with the Philippine panel and in light of the U.S. panel's study and investigation of the claims, the U.S. panel believed that there was an equitable justification for payment of several of the claims:

The findings of the U.S. panel and the Philippine and U.S. position papers on the claims were referred to the Secretary of Defense for consideration and appropriate action. The U.S. panel reported this action to the President.

The Recision Acts stripped the Philippine veterans of most of the benefits enjoyed by American veterans. Gradually over the past 20 years, the Congress has enacted various laws that have restored many of the benefits denied the Philippine veterans in 1946 by Public Law 301. The 1957 amendment of the Missing Persons Act created two classes of Filipino servicemen with regard to payment of arrears in pay for the period while on parole from prisoner-of-war status. The Philippine Scouts received back pay for the period, but payment was denied the Commonwealth soldier.

Veteran benefits payments are made to U.S. veterans by the USVA in dollars regardless of where in the world the veteran lives, what the economic situation is in the country of residence, or to what country he owes his allegiance. The Philippine Army veteran has always been paid in pesos on a peso-for-dollar authorized basis without regard to where he lives. Of course, Filipinos living in the Philippines or elsewhere who were members of the "Old" Philippine Scouts—considered U.S. service—or who served in the U.S. Army or Navy are paid in dollars.

In spite of past mistakes made by both the United States and the Philippines, the U.S. Government has always recognized the special relationship between the two peoples. The United States has met its responsibility to the Filipinos in a substantial manner even though the Philippine veteran has not achieved full equality with the American veteran. After the liberation of the Philippines, the United States expended more than $250 million in arrears in pay and other military pay claims. Considerable sums were expended by the United States for rehabilitation and war damage claims in the Philippines. Since 1946 more than $1 billion has been expended in veteran benefits payments.

In considering the inequities claimed, it should be noted that the United States has not had and does not now have a uniform or equal benefits program for all American veterans. Historically there has been a differential treatment not only of peace time veterans, but of the veterans of the different wars as well. Spanish-American War veterans had few, if any, of the postservice benefits that were awarded to veterans of the world wars. World War I veterans did not receive some of the benefits provided veterans of World War II and the Korean conflict. In the Philippines in World

War II the civilian guerrillas were recognized and paid for their service in accordance with the prevailing Philippine Army pay rates and receive veterans benefits. In all wars in which the United States has participated there have been many civilians and semimilitary individuals who served with but were not a part of the Armed Forces. In most instances these groups are not eligible for any veterans benefits.

Mr. Speaker, I yield such time as he may require to the chairman of the subcommittee, the gentleman from New York [Mr. DULSKI], who will speak on insurance, and then I will yield to the gentleman from North Carolina [Mr. KORNEGAY], who will speak on the peso question.

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 16557 which provides for refund of erroneous deductions of NSLI premiums to certain Philippine veterans and to provide that benefit payment to the Philippine veterans be made at the rate of 50 cents for each dollar authorized.

During World War II members of the Commonwealth of the Philippines Armed Forces, while in the service of the United States, were eligible for NSLI. These were forces that had been called into the service of the United States by a military order of the President of the United States prior to the fall of Bataan and Corregidor. Emergency radiograms were used to attempt to supply insurance coverage. Most of the records pertaining to the Commonwealth Armed Forces were destroyed in the fighting and during the occupation.

In the confusion that existed following the liberation of the Philippines it was almost impossible to accurately reconstruct personnel records and establish correct backpay due. It has been determined that erroneous deductions were made from the arrears in pay of about 2,000 members of the Philippine Army.

This bill would authorize the refund of these erroneous deductions and any double deductions made. With the submission of a claim supported by proof of the erroneous deduction, the Veterans' Administration could make the refund.

Section 2 of this bill concerns the rate of payment of veteran benefits to qualified Filipinos. In 1946 it was determined by the U.S. Congress that a peso would go as far in the Philippines as a dollar would go in the United States. Hence, at the rate of exchange of 2 pesos to 1 dollar the Filipino veteran received 50 cents for each dollar authorized by law.

In the years since this ratio was established the peso has devalued to the point that the current rate of exchange is 3.91 pesos to 1 dollar. For all practical purposes the rate is 4 to 1 and this means that the benefit payment is 25 cents on a dollar instead of the intended 50 cents.

This bill would correct the existing injustice to the Philippine veterans. This situation is not the fault of anybody, certainly the Congress intended the Filipino veteran to get 50 cents on the dollar and it is only fair that this legislation be enacted to assure this. The bill is needed to relieve these gallant veterans from their present economic plight.

Mr. TEAGUE of Texas. Mr. Speaker, I now yield to the gentleman from North Carolina [Mr. KORNEGAY].

Mr. KORNEGAY. Mr. Speaker, I rise to explain section 2 of the bill which concerns the rate of payment of veteran benefits to qualified Filipinos. In 1946 it was determined by the U.S. Congress that a peso would go as far in the Philippines as a dollar would go in the United States. Hence, at the rate of exchange of 2 pesos to 1 dollar the Filipino veteran received 50 cents for each dollar authorized by law.

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Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. KORNEGAY. I shall be delighted to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I do not know that I quite understand the workings of this exchange rate.

Do I understand that for veterans' benefits it is to be 1 peso per $1, but for educational benefits it is to be one-half peso to the dollar?

Mr. KORNEGAY. No, sir. We are talking now about section 2 of the bill which is now pending before the House and which brings in line this law with the same provision as was in the educational bill which was passed, I believe, about 2 weeks ago.

Mr. GROSS. And, Mr. Speaker, if the gentleman will yield further, that exchange rate is what?

Mr. KORNEGAY. The rate is 50 cents. In other words, 50 cents worth of pesos for each dollar's worth of benefits to American veterans.

Mr. GROSS. Yes.

Mr. KORNEGAY. And, this bill will pay Filipino veterans who are entitled to benefits under the law at the same rate as those dependents and orphans under the educational bill that we passed the other day.

Mr. GROSS. I seem to get from the report that there is a difference between the educational benefits—the rate of exchange—and the veterans' benefits.

Mr. KORNEGAY. The original bill was amended to provide for the 50 cents worth of pesos; yes. The original bill did provide 2 pesos for each dollar. The subcommittee, after it considered all of the testimony, amended the bill and provided that they be paid at the rate of 50 cents rather than 2 pesos for each dollar.

Mr. GROSS. So what the gentleman is saying is that the report does not conform to the bill as it is presently pending before us; is that correct?

Mr. KORNEGAY. No; it does conform, because the bill—here is the bill. Does the gentleman have a copy of H.R. 16557, Union Calendar No. 895, before him? If the gentleman does, the gentleman will see that all of the original bill was stricken out and section 2 of the bill has been amended to make it consistent with the provisions of H.R. 16367 which passed the House of Representatives on August 31, 1966.

This bill provided that the payment of educational allowances thereunder would be in pesos, at the rate of 50 cents for each dollar authorized, and that provision has been made and incorporated into this bill that we now have under consideration, H.R. 16557.

This language appears at the bottom of page 3.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, do I understand that the report accurately reflects the additional cost of this bill as being $276,735,000 projected over how many years, or is this an annual cost?

Mr. KORNEGAY. Projected through fiscal year A.D. 2000.

Mr. GROSS. In the meantime the annual cost would be what?

Mr. KORNEGAY. That is set forth on page 4 of the committee report under the information received in the letter from the Veterans' Administration. In the year 1967 the bill would cost $12,524,000. It would then be a little less each year as the veterans and their dependents die out.

Mr. GROSS. I thank the gentleman.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 16557. This bill relating to veterans' benefits for certain Filipino veterans has a twofold purpose.

Section 1 of the bill authorizes the refund of premiums on national service life insurance collected in error from the pay of certain Filipino veterans. Section 2 of the bill will change the dollar-peso relationship as it applies to monetary benefits paid to Filipino veterans who served with the U.S. Armed Forces.

Let me emphasize, Mr. Speaker, that section 1 of the bill does not grant any benefit or bestow any right upon Filipino veterans. It merely authorizes the United States to refund to Filipino veterans moneys that were collected in error, or if you will, moneys that did not belong to the United States in any event. The errors, we are advised, were the results of emergency procedures that were inaugurated to afford insurance protection to Filipino servicemen during the rapid mobilization of all our forces at the beginning of World War II. On July 26, 1941, the President of the United States called the Philippine Commonwealth Army into the service of the U.S. Armed Forces. The Veterans' Administration held that these 120,000 members of the

Commonwealth Army were eligible to apply for national service life insurance.

In many cases time did not permit the completion and submission of application forms. To facilitate the issuance of insurance, it was provided that applicants would be considered covered if they were identified by a radiogram to the Veterans' Administration. Some 22,000 members of the Philippine forces were thus protected by national service life insurance. The original radiograms, we are informed, have been reduced to microfilm and individual files were established for those who were granted insurance through this means or by submission of a formal application. In the 77th Congress, new legislation granting gratuitous insurance to active service personnel who were captured, beseiged, or otherwise isolated by the enemy between December 7, 1941, and April 20, 1942, was enacted. The right of Commonwealth Army members to purchase Government insurance terminated on February 18, 1946. Under policies issued prior to that date, allotments from current military pay were normally made to pay premiums.

Because of this complex situation, it was undoubtedly difficult to determine who had contract insurance before capture or after repatriation and who was covered by gratuitous insurance. In some cases when liberated prisoners of war were awarded back pay, insurance premiums were deducted where there was no insurance in force. In other cases, double deductions of premiums were made where insurance was validly in force.

Attempts were made to refund these erroneous insurance premium deductions and claims were received until December 31, 1949. Despite these efforts, the Veterans' Administration believes that the probability exists that some errors were made that remain uncorrected. Section 1 of the bill would merely authorize the Administrator of Veterans' Affairs to entertain claims and make refunds of erroneous insurance premium deductions for these Filipino veterans for a period of 1 year. The Veterans' Administration has estimated that the total claims costs would not exceed $500,000, plus an additional $35,000 in administrative costs for processing the claims.

Section 2 of the bill, Mr. Speaker, will authorize the payment of service-connected benefits for certain Philippine veterans who served with the U.S. Armed Forces and their survivors at a rate of 50 cents on the dollar instead of 1 peso on the dollar as is authorized by existing law.

Existing law, Mr. Speaker, permits the payment of certain veterans' benefits to members of the Commonwealth Army while such forces were in the service of the United States during World War II as well as recognized guerrilla forces and the so-called new Philippine scouts.

Payment is made at the rate of 1 peso for each dollar authorized by law to be paid to American servicemen for an identical benefit. For example, if a U.S. veteran has a service-connected disability evaluated as disabling to a degree of 10 percent, his monthly compensation payment is $21. The Commonwealth Army veteran, similarly disabled, receives 21 pesos monthly.

At the time this dollar-peso relationship was established, Mr. Speaker, the economy of the two nations differed considerably. It was then determined by those who were expert in these matters that 1 peso to a veteran residing in the Philippine Islands would mean approximately the same thing in the Republic of the Philippines economy as $1 would mean in the economy of the United States to the American veteran residing in the United States. In short, Mr. Speaker, an effort was made to equate the known differences in the economy and standards of living in the two nations. At the time this formula was established, the rate of exchange was 2 Philippine pesos for 1 U.S. dollar, or stated another way, the value of the peso was approximately 50 cents. The value of the peso has fluctuated considerably since 1946 when the present formula was established. Today the exchange rate, as established by the International Monetary Fund, is 3.9 pesos to the dollar, or stated another way, the value of a peso is approximately 25 cents.

It seems clear, Mr. Speaker, that in 1946 we established the principle that Filipino veterans entitled to benefits based upon service with the U.S. Armed Forces would receive a monetary payment equivalent to half the payment made to similarly entitled U.S. veterans. Because the relationship of the peso to to the dollar has changed considerably since 1946, we are now paying to Filipino veterans only one-fourth of the benefit paid to American veterans.

Section 2 of this bill will restore the ratio that existed in 1946 by authorizing a formula of 50 cents on the dollar in benefit payments. Mr. Speaker, equity and good conscience will be served by the approval of this legislation.

Aside from the equity involved, there are other equally compelling factors that should be considered. The bonds of friendship have never been stronger between two nations than those that exist between the Republic of the Philippines and the United States. Cemented in the wake of the aggression in the 1940's, this friendship has flourished and become stronger with the passing years. It is a friendship that is based on mutual respect. It is a friendship that has repeatedly expressed itself in support of U.S. foreign policy by the Republic of the Philippines. U.S. military bases in the Philippine Islands are of strategic significance to our national security. Even now, Filipino servicemen are standing shoulder to shoulder with their American comrades in arms in Vietnam as they did in World War II, in the 1940's and in Korea in the 1950's. These tangible evidences of the high regard in which we are held by our Filipino friends should be reciprocated. Certainly, if we can spend billions of dollars annually in foreign aid to nations whose affection for the United States is questionable, then we can afford this modest expenditure for a nation whose loyalty has so frequently been demonstrated. I urge my colleagues to support this bill.

Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker, if there was ever any bill that has come before the Congress in which they tried to correct an injustice, it is this bill. But, unfortunately, the administration is only willing to make half a correction. What we must look at are certain facts affecting the Veterans' Administration. The question is whether or not veterans' benefits are given to the men and women who served in the Armed Forces of the United States on the basis of their service, or are their place of residence after service. If the benefit is based on military service, then these Filipino veterans are entitled to full benefits.

That is the rule in 66 countries around the world. In 66 countries around the world, men and women who served in the Armed Forces of the United States are sent checks on the first of every month by the Veterans' Administration in dollars. But if you happen to be a poor veteran who served with the Army, the Navy, or the Air Force of the United States and you live in the Philippines, the Veterans' Administration's rules and regulations do not apply to you. A different set of half standards applied. If you lost an arm, a leg, or you were wounded in the defense of the flag of the United States and you live in the Philippines, you receive only half of the compensation paid to servicemen in the United States.

Certain Members of Congress in bygone days picked on these people who lived in the Philippines. They did not give them all their benefits. It has been a source of irritation in the Philippines from that day until now.

President Marcos of the Republic of the Philippines and President Johnson appointed a commission to look into this and to try to solve these inequities. All the people of the Philippines who visited our country recently, or who were hosts when our people went over to the Philippines, all they asked was that if a veteran served in the military forces of the United States, if he was a Filipino, he would be treated like every other veteran.

The committee then reported this half measure—because that is just what this is. This is a half measure. They say, "We will not give you a check in dollars like we do to everyone else, we will just give you half as much as we give everybody else."

It is not a case of what a peso will buy or a dollar will buy in the form of pesos in the Philippines. Does anybody ask how many lira it will buy in Italy? Does anybody care how much it will buy in Greece? Does anybody care how much it will buy in Iceland?

Does anyone ask how much it will buy anywhere in north Africa, Canada, Mexico, South America, or anywhere else? The Australians who fought with us get paid in dollars. Why not the Filipinos?

Do not forget that when this happened, it was not the independent Republic of the Philippines. When these men were taken into the Army of the United States, the Philippine Commonwealth was a territory of the United States of America. They belonged to the United States following the Spanish-American War, and remained ours until July 4, 1946. All the injuries which they are complaining about are rightfully our responsibility and all they are trying to do is to get equal treatment.

If this bill represents equity, if the United States is trying to look around the world and to do things that are right, then it is about time that we did the right thing by the Filipino veteran who served in the U.S. Armed Forces and are entitled to the benefits given to Americans.

Do not forget that many of the people taken into the service in Europe, in Italy and in Greece, were not American citizens. If you were living in this country and you were taken into the service, you are entitled to your benefits because you served the United States. If we do not make any other exception among the 66 nations, why do we do so in the Philippines? Why go half way? Why not give to the Filipinos, those brave men who served in our armies, the same benefits?

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. MILLER. When General MacArthur and President Roosevelt made an implied promise to those Filipino veterans that they would be treated as American veterans, they did not talk about discounting the dollar at that time, did they?

Mr. SAYLOR. They did not ask what their pay would be when they were taken in to defend Corregidor and Bataan and to lay down their lives and to provide the honorable service they did throughout World War II. We did not say that we were going to discriminate against them, but Congress in bygone days has done so, and we now have the opportunity to correct the situation. My only regret is that the rules under which this bill is being considered do not permit me to offer a motion to recommit with instructions loud and clear to the committee to report forthwith a bill providing a dollar for a dollar so that the people of the Philippines can be treated like every other man and woman who has served in the Armed Forces of the United States.

This bill is a step in the right direction, but it is only a half step. I only hope that the administration will see that, too, and not worry about the balance of payments. This is a cost of World War II, and it is going to be a continuing cost.

Let us treat the Filipinos, the citizens of that great nation who are now providing us with bases that money could not buy, in the same way that we treat other veterans. If we did not have Clarke Air Force Base, and if we did not have the bases at Cavite, if we did not have the great naval base at Olongapo, we could not be supporting our forces in Vietnam now.

These are our friends. This is where money should be spent. This is where we should be giving them dollar for dollar, because of the fact that their veterans served in the American military service.

I am going to support the bill, but I only hope that the committee will consider this issue again next year and give these valiant warriors the full benefits to which they are entitled.

Mr. ADAIR. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, on Thursday last, the House and Senate, in joint session assembled, listened to a speech which was as fine as some of us have heard in this Chamber, made by one of the strong men of Asia, a young man who spoke with frankness and with firmness to the conscience of this body, the voice of an ally which is firm, the voice of a people who served in our forces in World War II.

This voice simply called for us to live up to our responsibilities, to our own ideals and our own way of freedom. This ally spoke the dreams and aspirations not only of the Philippines, but of Asia and of the United States. He challenged us to maintain firmness of purpose and of commitment in Asia. He asked for nothing more than justice and equity.

We have dealt with generosity with enemies. It could be maintained that we have given of our aid to prop up, in some instances, tyranny, and have wastefully spent large sums in other instances, and certainly have strengthened enemies or erstwhile enemies in others; but have we dealt with such generosity, have we dealt with justice and equity with this strong ally in Asia?

I cannot claim expertise in this field, Mr. Speaker, but I can say that it is the responsibility of this body to recognize the friendship of the Philippines, to appreciate their friendship, and to determine that we shall do this and anything else which might spell equity for those who fought in our armed services and who now stand firmly by our shoulder as we confront the challenge of communism in Asia.

I believe all of us recognize that President Marcos of the Philippines, who spoke to us last Thursday, has in him the seeds of greatness. Mr. Speaker, men like this are the hope of Asia and of human freedom in our time. I believe it is very appropriate that, therefore, on this day we take a step toward justice and toward equity and toward reasserting the firmness of our friendship with this strong ally in Asia.

We need the Philippines as much as they need us.

I congratulate the committee for bringing this legislation to the floor, and I urge its passage this day.

Mr. TEAGUE of Texas. Mr. Speaker, I yield such time as he may require to the gentleman from Wisconsin [Mr. ZABLOCKI].

Mr. ZABLOCKI. Mr. Speaker, I rise in support of H.R. 16557.

Everything the gentleman from Pennsylvania [Mr. SAYLOR] and the gentleman from Alabama who just preceded me in the well have spoken is true. The failure by our Government to refund erroneously deducted national service insurance premiums has resulted in undesirable criticism of our country.

Certain elements in the Philippines have exploited and are exploiting this situation. The peso-dollar payment of gratuitous veterans' benefits for eligible Filipino veterans and their survivors is another element further damaging American-Philippine relations. Although dollar payment as suggested by the gentleman from Pennsylvania would be preferable, I believe the distinguished chairman of the Veterans' Affairs Committee has come forward with an adequate bill intended to remedy a glaring inequity.

The distinguished gentleman from Texas [Mr. TEAGUE] served as acting chairman of the American delegation to the Philippine-American Commission on Philippine Veterans' Problems. It was my great honor and privilege to serve with him. In keeping with his splendid record as chairman of the House Veterans' Affairs Committee, our esteemed friend demonstrated his leadership at the conference. I commend him and congratulate him for his accomplishments.

Mr. Speaker, the present bill has two purposes in regard to payments to certain Filipino veterans.

The first section of the bill would authorize the Administrator of Veterans Affairs to refund to former members of the military forces of the Commonwealth of the Philippines amounts which were deducted erroneously for premiums on national service life insurance—NSLI. On July 26, 1941, President Roosevelt issued a military order calling the Philippine Commonwealth Army into the service of the Armed Forces of the United States. These men were eligible to apply for NSLI. Approximately 22,000 did so and the policies of these individuals recorded with the Veterans' Administration were kept in force by the U.S. Government throughout the Japanese occupation.

However, some veterans applied for NSLI coverage but their applications were not sent to the Veterans' Administration or were lost or destroyed in Bataan. Deductions for NSLI premiums were made from their arrears in pay due to the fact that when they were being processed for discharge they stated they had filed for NSLI and believed they were covered. Other veterans, who were besieged or captured early in the war and had the coverage of gratuitous insurance, did not distinguish between that and contractual insurance when being processed. Although they had no liability for premiums, they stated they were covered by insurance and premium deductions were made from their pay. Also, certain veterans who had contractual NSLI and had authorized deductions for premiums from their pay, through error, suffered further deductions for the same premiums when being processed.

There is no doubt that considerable confusion existed during the periods these men were being processed for discharge. It is easy to understand that administrative and clerical errors could take place. The U.S. Army Command in the Philippines recognized that erroneous deductions had been made from the arrears in pay of members of the Commonwealth Army and took various steps to rectify the mistakes. However, on the basis of a recent sampling of available records, it appears that some of the errors are still uncorrected.

The bill would require an application for the refund be filed with the Government of the Philippines with 2 years after date of enactment of the bill.

Satisfactory evidence must be submitted proving that the erroneous deductions were made and have not been refunded. Upon certification to the Veterans Administration by the appropriate official of the Government of the Philippines, the refund would be made from the NSLI appropriation. Any refund approved would be made only to the veteran himself, his widow, children, or parents. While it is difficult to estimate the cost of this section, it is believed the total cost would not exceed $500,000 for payment of refunds with an additional $35,000 required for administrative expenses.

The second section of the bill involves the peso-dollar payment of gratuitous veterans benefits for eligible Filipino veterans and their survivors. It would provide first, payment of such benefits at a rate in pesos equivalent to $0.50 for each dollar authorized; and second, where annual income is a factor in entitlement to benefits, the dollar limitations of the law be applied at a rate in Philippine pesos equivalent to $0.50 for each dollar.

The existing laws which provide for payment of gratuitous benefits to eligible Filipino beneficiaries at the rate of 1 peso for each dollar authorized were enacted in 1946. Due to the different financial and economic conditions existing in the United States and in the Philippines, it was considered justified in paying veterans benefits to apply the ratio of 1 Philippine peso for each dollar authorized. At that time the official monetary rate of exchange was 2 Philippine pesos to 1 American dollar. This official rate of exchange remained at this level until 1960. From 1960 to 1961 it averaged about 2.60 to 1 and from 1962 to 1965 it varied from 2.75 to 3.90 to 1. Recently it has remained stable at about 3.91 pesos to 1 and the dollar value of the peso currently approximates 25½ cents.

The compensation program of the Veterans' Administration is intended, as far as is practicable, to compensate the veteran for the impairment of earning capacity resulting from injuries in service, and in the case of death to compensate the family to some extent for the loss of income resulting from the death of the individual who served. The present bill would restore the Philippine beneficiaries, insofar as the relative values of the two monetary units are concerned, to approximately the same position they had in 1946 when the peso-dollar provisions were enacted.

In computing the income of the parents of deceased veterans for the purpose of dependency and indemnity compensation the bill provides that the dollar limitations would be applied at a rate in Philippine pesos as is equivalent to $0.50 for each dollar. Parents of deceased servicemen in many instances would benefit from this provision by qualifying for a higher monthly rate of compensation.

There are no figures presently available in regard to the income of parents in receipt of dependency and indemnity compensation. The estimate of the cost of section 2 of the bill does not take into consideration that portion of the measure relating to income limitations. Assuming that the current 3.91 peso per dollar rate will remain constant the cost of the bill in the first year will approximate $12,525,000 with a total ultimate cost to the year 2060 estimated at $338,796,000.

I urge the approval of H.R. 16557 in order that an inequity to certain Filipino veterans and their dependents may be corrected.

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, I rise in support H.R. 16557, a bill which would provide for the refund of certain unearned premiums on policies of national service life insurance to former members of the organized military forces of the Government of the Commonwealth of the Philippines, and which would also amend title 38 of the United States Code to provide that certain payments under that title shall be made at the rate of 2 Philippine pesos for each dollar authorized.

Both sections of the bill relate back to the days of World War II and are intended to bring to our loyal brothers of the Philippines who fought under the Stars and Stripes, or certain of their survivors, the equity they so richly deserve. The first section would authorize the Administrator of Veterans' Affairs to refund amounts erroneously deducted for national service life insurance premiums from the arrears in pay paid by the U.S. Government to former members of the organized military forces of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941. Although attempts have been made in the past to refund payments in various types of claims, including these erroneous national service life insurance premium deductions, the probability is strong that some errors have gone uncorrected. This section would enable some 3,200 veterans to file applications for refunds to which they would be entitled.

The second section of this bill would restore a previously authorized payment of service-connected benefits to certain Philippine veterans and their survivors at the rate of 2 Philippine pesos for each dollar authorized. These benefits are presently being paid at the rate of 1 Philippine peso for each dollar authorized. The amount of present payments to these veterans and their survivors would therefore be doubled under this section. In consideration of the fact that the peso today is equivalent to only 25 U.S. cents, the new formula still falls short of full equity, but greatly improves the situation.

Mr. Speaker, President Ferdinand Marcos of the Philippines, who also fought under the American flag in World War II, in the recent joint meeting of the House and Senate said: "America does not forget."

And, in truth, the passage of H.R. 16557 will indicate to the Philippines, with respect to these brave and loyal veterans of World War II, that America indeed has not forgotten.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill (H.R. 16557) as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The title was amended so as to read: "A bill to provide for the refund of certain amounts erroneously deducted for national service life insurance premiums from the pay of former members of the organized military forces of the Government of the Commonwealth of the Philippines, and to amend title 38 of the United States Code to provide that certain payments under that title shall be made at a rate in Philippine pesos as is equivalent to $0.50 for each dollar authorized."

A motion to reconsider was laid on the table.

ADJUSTING THE STATUS OF CUBAN REFUGEES TO THAT OF LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES

Mr. FEIGHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15183) to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, as amended.

The Clerk read as follows:

H.R. 15183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 245(c) of the Immigration and Nationality Act, the status of any alien who is a native or citizen of Cuba who was inspected and admitted or paroled into the United States subsequent to January 1, 1959, may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, and (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence. Upon approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission for permanent residence as of the date of the approval of the application. The provisions of this Act shall be applicable to the spouse and child of any alien described in this subsection, regardless of their citizenship and place of birth, who are residing with such alien in the United States.

SEC. 2. Except as otherwise specifically provided in this Act, the definitions contained in sections 101 (a) and (b) of the Immigration and Nationality Act shall apply in the administration of this Act. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

The SPEAKER pro tempore (Mr. BOGGS). Is a second demanded?

Mr. MOORE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on January 1, 1959, Fidel Castro took control of the government in Cuba and shortly thereafter turned that island country into a Communist totalitarian state.

Since that time approximately 300,000 refugees from Cuba have come to the United States to seek asylum from Communist oppression. The United States, consistent in its traditional policy of offering haven to the refugee, accepted this host of unfortunates and for the first time in our history the United States became a country of first asylum for refugees.

Immediately after the Communist regime came to power, Cubans began fleeing to the United States. At the beginning of the exodus, when American consular offices were still open in Cuba, refugees applied for visas and, if successful, were admitted to the United States for permanent residence. Additionally, many more arrived with visitor's visas. When diplomatic relations were severed with Cuba, January 3, 1961, and U.S. consuls were withdrawn, increasing numbers of Cubans—an average of about 6,000 per month during 1962—continued to flee to the United States assisted by a visa waiver arrangement agreed to by the Secretary of State and the Attorney General, pursuant to the provisions of section 212(d)(4) of the Immigration and Nationality Act. Under this system, any person in the United States could fill out an application requesting the U.S. Government to admit a person from Cuba without the benefit of a visa. As a result, the majority of the refugees from Cuba entering the United States since the Castro takeover have done so in a status other than that of permanent residence.

Cuban refugees continued to flee until October 22, 1962, when commercial air flights from Cuba to the United States were suspended. Later, more than 10,000 refugees came from Cuba in the first half of 1963 on American Red Cross ships and planes involved in the Bay of Pigs prisoner exchange. Afterward relatively small numbers of refugees arrived in the United States by courageously crossing the straits in small boats to Florida. Those arrivals since 1961 approximate 8,500.

Then, on September 28, 1965, Castro accused the United States of refusing entry of persons wishing to leave Cuba to join relatives in this country.

President Johnson quickly responded to this challenge and on October 3, 1965, announced the new conditions under which the United States would accept all Cubans who sought asylum in the United States. As a result of this announcement, an orderly entry by airlift commenced on December 1, 1965; some 35,000 refugees have since arrived in the United States to be reunited with their families, a prime objective of our immigration policy.

Although proposals for adjustment of status of Cuban refugees were discussed in the course of our deliberations on the act of October 3, 1965, the recent amendments to the Immigration and Nationality Act, and were discussed during the conference on that legislation, it was the position of our committee that adjustment legislation at that time was premature. We were not then in a position to speculate on the precise arrangements that would be made to implement the agreement that refugees would be permitted to leave Cuba. Also, in view of possible diplomatic implications at that time, it was concluded that action be deferred until there was a clear and unequivocal expression from the Department of State that passage of such adjustment of status legislation would be purely for humanitarian and practical reasons and would in no way reflect any change in the attitude of the U.S. Government with regard to the present regime in Cuba.

This is the historical background that has led to the legislation which is before us today—legislation carefully considered and evaluated before it was brought to the floor.

The bill under consideration will simply permit a refugee from Cuba in the United States to obtain permanent resident status without the necessity of physically leaving and reentering the United States.

I wish to emphasize that this legislation is permissive and merely relieves the Cuban refugee, desirous of attaining permanent status, from the burden of following a circuitous route to that status.

Under the provisions of existing law, a Cuban refugee, like any native of the Western Hemisphere, is precluded from adjustment of status in the United States and thus must travel to a consular post and apply for an immigrant visa, be processed, and then reenter the United States as an immigrant. This procedure is not only a time-consuming and financial burden on the refugee but it places an unduly heavy workload on the consular posts in contiguous territory, particularly in Canada. Please bear in mind that natives of Cuba are classified as special immigrants under the Immigration and Nationality Act, and as such may enter the United States without numerical limitation if otherwise eligible. The fact that the United States no longer maintains diplomatic relations with Cuba has resulted in the inability of refugees to obtain immigrant visas in Cuba and has necessitated the parole of Cuban refugees into the United States.

The legislation recommended by the committee will permit a native or a citizen of Cuba who was admitted, inspected, or paroled into the United States to apply for adjustment to permanent resident status and have his status adjusted in the discretion of the Attorney General if he is otherwise eligible to receive an immigrant visa. The Attorney General is authorized to create a record of lawful admission for permanent residence as of the date of the approval of the application for adjustment.

The Immigration and Naturalization Service reports that as of August 1, 1965, 165,000 refugees from Cuba are in the United States without permanent status and would become eligible to apply for permanent residence if this legislation is enacted.

The committee was faced with the issue of whether the adjustment of status should be retroactive to the date of original arrival into the United States or whether the adjustment should be effective as of the date of petition approval. Testimony received, during the course of hearings, from representatives of the Department of State, Department of Justice, and the Department of Health, Education, and Welfare, established that the paramount needs of the Cubans is permanent residence. Consequently the committee unanimously agreed to recommend the latter proposal, that is, the date of the approval of the application.

The granting of permanent resident status, by enabling many refugees to more fully utilize and improve their skills, would further American policy objectives: by further demonstrating the desire of the United States to play a full and sympathetic role as a country of asylum to refugees for communism and by enabling the United States to benefit more fully from the skills and experience of the refugees.

The granting of permanent resident status would be helpful to the Federal Government in reducing Federal expenditures on behalf of the refugees. Although Federal responsibilities would not be automatically terminated by the enactment of such legislation, it would help reduce Federal expenditures more rapidly and would provide a legal basis for moving toward the eventual termination of the Federal program.

The refugees from Cuba have settled in each of our 50 States. They are attempting to reestablish their families and adjust to a new life in this country.

I urge approval of this legislation.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am very happy to yield to my distinguished colleague, the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I rise in support of this legislation, and I want to commend the chairman of the subcommittee, the gentleman from Ohio [Mr. FEIGHAN], for having brought it to the floor of the House today for consideration.

Mr. Speaker, a year ago, 1 week after the House of Representatives passed the Immigration and Nationality Act Amendments of 1965, I introduced similar legislation to bring about the adjustment of the status of Cuban refugees.

As the first congressional sponsor of legislation to make it possible for Cuban refugees to become American citizens, I am especially enthusiastic about this legislation.

More than 300,000 refugees from Cuba have come to these shores since January 1, 1959. However, the severance of U.S. diplomatic and consular relations with Cuba on January 3, 1961, has made it impossible for a Cuban to apply for an immigrant visa since that date. Consequently, the hundreds of thousands of Cubans who sought refuge in this country have been unable to obtain a change of status under normal procedures and to become permanent residents or citizens of the United States.

It has been possible, of course, for Cuban refugees to travel to Canada, or some other neighboring nation, and to apply for immigrant visas from there. To date, more than 75,000 Cuban refugees have become eligible for citizenship in that way. However, most refugees have not the resources or the time to make the necessary trip abroad. As a result, some 164,000 Cuban refugees are now in an indefinite and nonresident status in this country.

Mr. Speaker, I think that every Member of this body should understand the ways in which the lack of permanent residency affects the jobs, housing, and education of these people. The effects are both physical and psychological. It is impossible for them, or for their children, to become full members of our society.

Sometimes I think that personal stories can illustrate such points more dramatically than figures or statistics. To illustrate the hardship which this situation has caused refugees from Cuba, I would like to share with the Members of this House the words of a 13-year-old girl whose family came to the United States from Cuba in 1961. This is the letter she wrote to me:

> March 23, 1966.
>
> Hon. William F. Ryan,
> *House of Representatives,*
> *Washington, D.C. (Democratic).*
>
> My Dear William F. Ryan: I sincerely hope I'm not causing too much trouble or disturbing you. But I wish you could help me with our problem. I'm Teresa Caveiro. I am 13 years of age. My family and I have come from Cuba about 5 years ago. We like the United States very much. I have a brother that is 14 years old. My father is from Spain and my mother is Cuban.
>
> My father has worked very hard so he could maintain us. Because he is not able to speak English. He wishes very much he would have time to learn. Since he is not a resident he is not able to get a job that will pay him what he deserves.
>
> The other day I was reading the newspaper and said, that you were against the law that says that Latin people have to go out of the U.S. to become Residents. But my mother has to be a resident so then my father could be. That's because my Dad is a Spaniard. It cost them $600 to go out of the U.S. so he could be a resident. I know that there are many cases like this and I wish I were big enough to give you a hand. I wish like many people that you would speak to the other Representatives and so that the Latins would be able to become Residents without having to leave the U.S.
>
> I, like many others, will sincerely appreciate what you have done for us. I say again I am very sorry if I disturbed you or took some of your time. I think every one will really appreciate it very much.
>
> Sincerely yours, and thank you, for I know what you'll do for us.
>
> Teresa.
>
> P.S.—For this being my first letter to the public I hope it does some good. Thank you.

Mr. Speaker, there are some 164,000 Cubans in situations similar to Teresa's. Although Teresa lives in Miami, Fla., approximately 30,000 of the Cubans who have come to the United States now live in New York City. I know their problems well. Many of them live in my district.

It was precisely to assist people like Teresa that I introduced H.R. 10808 on September 1, 1965. I introduced it exactly 1 week after the House had passed its version of the Immigration and Nationality Act Amendments of 1965, since it had already become clear that the new law would not help the Cubans who were in this country to become permanent residents.

I was, of course pleased when, 9 months later, on May 23, 1966, my colleague, the gentleman from New York [Mr. Gilbert], who is a member of the Immigration Subcommittee of the Judiciary Committee, introduced the bill which we will vote on today, H.R. 15183. This bill, which is very similar to mine, would alleviate the problems of the Cuban refugees.

Moreover, I was gratified when, in the first week of August, the Departments of Justice and State expressed their support of the bill and said that there were no overriding diplomatic objections to its passage. As the Deputy Attorney General, Ramsey Clark, wrote to me on behalf of the Department of Justice:

> The Department favors and supports the objectives sought to be achieved by your bill, H.R. 10808.

If any doubts about the need for the bill or its propriety remained, they were certainly erased once and for all in the excellent set of hearings held by the committee on August 10, 11, and 17.

The effect of the bill, quite simply, would be to permit natives or citizens of Cuba who were inspected and admitted or paroled into the United States, subsequent to January 1, 1959, to apply for adjustment of status to permanent resident status and to have the status adjusted in the discretion of the Attorney General if they are otherwise eligible to receive an immigrant visa and be admissible into the United States.

It may be well to make clear at once that this bill is not designed—nor is it likely—to adversely affect the employment opportunities of American citizens who are currently unemployed, or who have difficulty finding work. This was stated explicitly in the hearings by both the Attorney General and the Commissioner of Welfare.

The bill will not have the effect of bringing new people into the United States. It is intended, simply, to make it possible to adjust the status of some 164,000 people who are already in the country. All of these people are already considered a part of the American work force, and most of them currently have jobs. Only 4 percent of these Cuban refugees who have been relocated outside of Miami, for example, are now receiving assistance—which is about the same rate as the country generally.

The critical fact about the Cuban refugees, indeed, is not that the are unemployed, but rather that they are barred from using their skills. By State law, most of those with real skills are prevented from working in the profession for which they were trained.

This fact becomes more dramatic when we consider that between 15 and 18 percent of the Cuban refugees in the work force who have come to the United States are trained professionals.

Yet these men and women are not now allowed to perform their real trade, because State laws often prevent nonresidents from doing so.

For example, there are at least 1,700 trained physicians among the Cubans who have come to this country. Most of them were trained at the University of Havana Medical School, which was one of the finest medical schools in the world. Yet 41 States require that a physician be either a citizen or a permanent resident in order to obtain a license. As a result, only 700 of the refugees have been licensed to practice in States, according to the Journal of the American Medical Association.

The obstacles which confront physicians also confront architects, dentists, lawyers, nurses, and teachers. It is extraordinarily difficult for a nonresident to get a professional job, whatever his qualifications.

The result of all of this has been hardship for the refugee who is forced to work at a job below his talents. And it has been a handicap for the American economy, which loses the benefit of people with talents which are in short supply.

Hopefully, this bill would make it possible for men and women to perform the jobs for which they have been trained.

Finally, I trust that in considering this legislation this afternoon, we will not overlook the broader implications of the issue of Cuban refugees. We will, I trust, pass the legislation because, among other reasons, Cubans cannot adjust their status without leaving the country. While Cubans can become permanent residents by traveling to Canada or Mexico or elsewhere—as 75,000 have already done—both the Judiciary Committee and the administration have concluded that it would be unfair to ask them all to do so. As Under Secretary of State George Ball said at the hearings:

> This is not possible for some applicants, either because their employment is such that they can't leave it or because of the fact that they simply don't have the money to make the necessary trip.

Mr. Speaker, while the situation of other Latin Americans with regard to the adjustment of status is not so drastic as that confronting the Cuban refugees, it is unfair in a similar way. While people from all other parts of the world can change their status without leaving the United States, all residents of the Western Hemisphere must go to another country in order to gain permanent residence.

Yet like the Cuban refugees who, as Secretary Ball said, "simply do not have the money to make the necessary trip," many of the immigrants from the Western Hemisphere cannot afford to travel from New York to Chile or another South American country and back simply to get a permanent residence visa. It is not fair that we ask them to do so.

I have introduced legislation, H.R. 13393, to remedy this problem by putting the people of Latin America on an equal footing with the people of the rest of the world. Now that the Select Committee on Western Hemisphere Immigration has been selected, and has begun to meet, I trust that it will make this inequity a first order of business. And I trust that in the very near future, the Members of Congress will help the other citizens of Latin America, much as we today have the opportunity to help the refugees from Cuba.

Mr. FEIGHAN. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. RYAN] for his contribution. The Cuban refugees cannot obtain an immigrant visa in Cuba because there is no U.S. consul there. They are now required to go to Canada or elsewhere to obtain such a visa.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am glad to yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Speaker, I would like to know if the chairman of the subcommittee of the Committee on the Judiciary, the gentleman from Ohio [Mr. FEIGHAN], who is bringing this bill to the floor, would go into a little bit more detail as to the responsibility and the discretion of the Attorney General on applications for adjustment of status by these Cubans and, specifically, any testimony that may or may not be in either the hearings—a copy of which I have read—or the report, first, as to the winnowing out of maybe the undesirables that have either been brought in by airlift or otherwise, since we do not have adequate opportunity prior to their arrival to screen these emigrees, many of whom we are happy to have, but with reference to whom range as high as 1 out of every 10 on the resumed airlift who might be undesirable.

Mr. Speaker, I wonder if the gentleman will develop that a little more in the time remaining?

Mr. FEIGHAN. Yes. The Cubans who enter the United States by the airlift are selected and screened in the following manner:

The Cuban Government submits to the Embassy of Switzerland in Havana a list of persons in Cuba who have relatives in the United States and who wish to leave Cuba for the United States. The United States, in turn, supplies a list of persons residing in Cuba, whose relatives in the United States have requested their entry into the United States. Those persons whose names appear on both lists are permitted to depart Cuba and will be admitted into the United States. However, the joint consolidated list is checked by the U.S. Government against the Caribbean index, as well as with all security agencies, prior to embarkation. It is understood, in the agreement between the two countries, that the final determination of eligibility into the United States will be completed at the point of embarkation by officers of the U.S. Immigration and Naturalization Service and the Public Health Service. Upon arrival in Florida, the refugees are again screened during their processing for relocation throughout the United States.

Of course, based on that, the Attorney General would make his decision. Of course, the applicants must qualify in every manner required by law.

Mr. HALL. Mr. Speaker, do we understand the gentleman to say that this is done prior to their departure from Cuba and before landing in Florida or in other parts of the United States?

Mr. FEIGHAN. The check in advance of the arrival is done for those who come on the established airlift. For them and for those who come in another fashion a check is made at the time of actual arrival in the United States.

Mr. HALL. In the event these people are grossly undesirable or they are subversive, or there is found, say a naval intelligence check against them, what is the procedure for ridding ourselves under this massive application concerning such individuals?

Mr. FEIGHAN. Well, when one of them comes to this country, if they are doubtful, they are then detained at Opalocka until those doubts may have been resolved. Some have been returned. But that is the procedure which is presently being followed.

Mr. HALL. In other words, the gentleman is telling me that there is a mechanism and some have actually been returned who have been found to be undesirable?

Mr. FEIGHAN. That is correct. They have been either returned or sent elsewhere out of the United States.

Mr. HALL. If the gentleman will yield further—and I appreciate his comments—do I furthermore understand that the primary purpose of this sort of massive application is to our Cuban refugees only, without relevance to whether the Castro regime has permanency, or without application to other nations of the world, it is simply a device so they will not have to exit the country to Canada and gain readmittance as under the present law.

Mr. FEIGHAN. That is very precisely correct.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am glad to yield to the distinguished gentleman from Florida.

Mr. HALEY. Do I understand the gentleman to say that there is some check on the refugees who have been coming in from Cuba and landing in various parts of Florida?

Mr. FEIGHAN. Yes; as I said before, the check is under the so-called Caribbean index which is an evaluation or digest of all the information available to the intelligence community of the United States.

Mr. HALEY. There is no check, however, on a boatload coming over here from Cuba and landing at some of the inlets or rivers of Florida. What happens to them?

Mr. FEIGHAN. The check, of course, was not made in advance because we did not know of their identity in advance. However, almost invariably they turn themselves over to Government officials and the check is made before they are dispersed elsewhere in Florida or throughout the United States.

It is certainly to the advantage of Cubans who arrive in the United States in small boats to report to the Immigration and Naturalization Service or to the Cuban Relief Center in Miami. These refugees, after possibly a long and hazardous trip from Cuba, usually need assistance, whether it be medical, clothing, or food. The refugees know that the U.S. Government is offering this assistance and, therefore, it is certainly not to their advantage to hide.

Mr. HALEY. I am afraid the gentleman is a little optimistic about the check we have on these people after they have arrived here by boat in the dead of night and scatter throughout the country. I know of no agency of the Government that is gathering those people up and putting them somewhere where they can really have a check on them. I think if you will check into it, you will find this is substantially correct.

Mr. FEIGHAN. From all the testimony received by our committee there is no history of any general attempt to evade or avoid the immigration officials at the time of their arrival.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am happy to yield to my very able and distinguished friend from West Virginia.

Mr. MOORE. I thank the gentleman for yielding this time to me in order that we might get the answers formulated here with respect to the questions that have been posed on the manner in which the Cuba airlift operates.

I think the Members of the House should understand that there is a very, very thorough opportunity for our Government to check those who are coming via the airlift into the United States.

As a matter of fact, the mechanics of it are very simple.

We have a list that we transmit to Castro of individuals that we know to be upon the island and wish to come to America. Likewise, Castro puts together a list which is transmitted to the United States. We have the opportunity to strike from his list any individual we feel is undesirable, following along the lines of the suggestions of the gentleman from Ohio. We have the opportunity to collect completely and take into consideration all of the vast security data that we have concerning individuals who are on the lists that are transmitted to us by Castro before they ever board a plane in Havana. Some 533 persons have been found inadmissible and been stricken from the list.

In addition, there have been some instances in which refugees have shown up at the Havana Airport that could not be identified by our immigration people as being the same person who is on the list which we have cleared. In fact, they have been about 223 in number, and they have been refused admission to the ship and refused admission to the United States, so for those who have troublesome questions in their minds as to how the airlift facility operates and whether or not the best interests of our Government are protected, I would represent to the membership that we have as close-knit control as our security will permit us. Very frankly, we have had on the list that has come to us from Castro individuals who for one reason or another he wants to put onboard the airlift, and we have the opportunity, and have exercised it many times, to remove from the list individuals who are objectionable either in terms that the gentleman from Missouri has described as undesirable, or because they are security risks, or whatever the case might be, relying upon the vast reservoir of security data that we have, taking into consideration the Caribbean file, and so on.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE. Mr. Speaker, having demanded a second, I would like to speak for about 5 minutes.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOORE. Mr. Speaker, in this area of legislation on the Cuban refugees, there are, I know, a number of questions in the minds of individual Members of this body that perhaps need answering. I would first say that the question of the Cuban refugees and the adjustment of their status came before us in the Immigration Amendments of 1965, wherein the other body amended the work of the House to provide for the adjustment of the status of the Cuban refugees that were in this country at that time.

In the conference, desiring to protect the position of the Members of the House, I objected very strenuously to the inclusion of the Cuban refugees and the adjustment of their status at that time.

Basically the reason for doing so was that I felt there were diplomatic implications involved, and that this could be construed as recognition of Castro, or at least this Nation resigning itself to the fact that Castro was a permanent fixture in the Caribbean. For that and other reasons the conference committee did strike the work of the other body, and the question of Cuban refugees remained to be handled in separate legislation.

We have gone over all the questions that I think perhaps might be in the minds of individual Members. There are a number of Cuban refugees who have been here since January 1959 that have already adjusted their status, approximately 75,000 of them. They have either adjusted their status during the period of time we still had diplomatic relations with Castro or they were of such affluence that they could go to Canada or any one of the adjacent nations on this continent and adjust their status.

Therefore, we were presented with the problem that there are a number of Cuban refugees who, by professional training and experience, could qualify to perform jobs, professional in nature, I should also say, in the United States, but by reason of the fact that they were only here in parole status, they did not or could not obtain sufficient funds to adjust their status. They were precluded from following their professions or following their vocations.

That was simply because a number of States made a requirement that individuals, before they could be employed, either had to be permanent residents or, in some instances, U.S. citizens.

Therefore, this legislation came to us, and the membership of the subcommittee reported unanimously that they felt that this should be a voluntary type of legislation, meaning that of some 300,000 Cuban refugees in this country, approximately 164,000 of whom have not yet adjusted their status could do so upon application to the Attorney General on a voluntary basis.

This legislation does not make one single Cuban refugee a permanent resident of the United States. It only gives him the opportunity to present to the Attorney General a petition requesting that he be adjusted to permanent residence in the United States. The Attorney General then must act on that petition, in the same manner as on any that would come before him, considering all the questions of qualification, all the security measures, and all the various requirements of the immigration law which must be met before the Attorney General himself can approve or adjust the status of any individual Cuban.

Therefore, I would say, Mr. Speaker, that initially I had very firm misgivings about this, simply from the standpoint of the diplomatic implications that were involved, no less, but the State Department has come before us and they have assured us they do not construe this as being in any way the recognition of the permanence of Castro.

Beyond this question, may I make this observation which I am certain is foremost in the mind of the average Member of Congress. Have we taken this step before? The answer is, certainly we have. We did it with respect to the Hungarian refugees to whom this country opened its doors in 1956. We did it in several other instances in which refugees have come to us within the mandate of the U.N. High Commission.

One of the interesting facts is that this would cost no additional sums of money. I would reiterate, it is a voluntary type legislative action. It is permissive. It is effective only if the Cuban desires and wants to adjust his status and makes application for it.

This bill would make it possible for natives or citizens of Cuba who were inspected and admitted or paroled into the United States subsequent to January 1, 1959, to apply for adjustment to permanent resident status without leaving the United States.

It would not mean that all Cuban refugees would automatically qualify for permanent resident status. Those who elect to apply may be adjusted at the discretion of the Attorney General, if they are otherwise eligible to receive an immigrant visa and admissible to the United States. This means they must meet the health and security tests for admission and are not disqualified by reason of any of the grounds for exclusion listed in our immigration law.

Approximately 300,000 Cubans have sought asylum in the United States since January 1, 1959, when the Cuban Government first began to enact agrarian reform laws and other measures to confiscate private property. Since President Johnson on October 3, 1965, announced that the United States would accept all refugees whom Castro would permit to leave, they have been coming in by air at the rate of approximately 4,000 a month.

This exodus from Cuba may well continue at this rate for several more years. Already we have spent more than $214 million for transportation, adjustment allowances, welfare payments, and so forth, for the Cuban refugees.

Passage of this bill would ameliorate the plight of thousands of Cubans who find it difficult to obtain suitable employment or to travel outside the United States because of the indefinite nature of their status as refugees. Present law places no limit upon the number of natives of the Western Hemisphere countries who may be admitted to the United States for permanent resident status—however, those who are here as visitors and in other nonimmigrant status are prohibited from applying for permanent resident status. They must leave the United States, apply at a U.S. consular office in another country for an immigrant visa and reenter the United States. This prohibition is designed to prevent visitors from misusing their nonimmigrant admission to gain admittance ahead of those applying for immigrant visas in the regular manner in their native countries.

However, the Cuban refugees obviously are unable to apply in Cuba for a visa since we have no U.S. consulate there. The trip abroad to Canada or Mexico after arrival in Florida as refugees is costly and unreasonably burdensome for those who have been stripped of their property by the Communist Cuban Government. Since only a small proportion of the refugees have been able to finance a trip abroad for reentry as immigrants, the result has been that a considerable number have been forced to take employment in lower paying jobs than those for which their training and experience qualify them. This is so because permanent resident or citizenship status is often a requirement for practice of a profession—medicine, dentistry, law, teaching, accounting, and so forth.

Accordingly this bill will assist many Cubans to make a greater contribution to our economic life and reduce the costs of our Cuban refugee program since it will permit a faster adjustment to self-supporting status for many families.

This bill creates no precedent for the same thing was done in 1958 for the Hungarian refugees; in 1960 for refugee escapees within the mandate of the United Nations High Commissioner for Refugees; and the 1965 amendments to the immigration law contain a provision for adjustment of status for refugees from communism from outside the Western Hemisphere.

For the foregoing reasons I favor enactment of this bill. I will repeat, however, that for some time I was hesitant to support such legislation because of the possible foreign policy implications inherent in our Cuban refugee program. Lyndon Johnson back in 1962 when he was Vice President, when spelling out our Cuban policy, announced that our aim is to get rid of the Castro regime and of the Soviet Communist influence in Cuba.

When President Johnson signed the 1965 Immigration Act at the Statue of Liberty he proclaimed a welcome for all those who would flee from Castro—but he spoke of the day when they would return to a homeland cleansed of terror and free from fear.

In hearings before the Immigration and Nationality Subcommittee we have been given the firm and unequivocal assurances of the Department of State and Justice Department that the policy of the United States, which we share with the other countries of the OAS, is one of opposition to the Communist regime in Cuba. It is our continuing goal and strong desire that Cuba shall be freed from Communist domination and shall return again to the free world family of nations.

Accordingly we were assured that passage of this bill should not and would not be taken as an indication that we believe that the Castro regime is here to stay. The OAS countries and the free world should understand that this special help to Cuban refugees is being given for purely humanitarian and practical reasons and in no way reflects any change in our attitude or any lessening in our determination.

I believe the legislation should receive the favorable consideration of the Members of the House.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. Pepper].

Mr. PEPPER. Mr. Speaker, I thank the able gentleman for yielding to me. The Greater Miami area, part of which I have the honor to represent in this House, has been the area most vitally affected by the whole Cuban refugee program.

I wish to commend in particular Secretary Gardner and all who have worked with him and the Dade County Task Force, led by the Honorable J. B. Turner for the splendid work they have done to lessen the impact of the Cuban program in the Greater Miami area.

I wish warmly to commend the able Committee on the Judiciary for what it has done under the able leadership of the distinguished gentleman from Ohio [Mr. Feighan] to provide this humanitarian aid for these people fleeing from Communist persecution and tyranny under Castro toward establishing permanent residence in our country.

I have two brief questions.

First, can the able gentleman estimate how long it will take the Attorney General to process the applications of the Cuban refugees who would qualify under this measure?

Mr. MOORE. May I say to the gentleman, we have no way of knowing, because we do not know in what numbers the applications will be made. We are assured that they will be treated expeditiously and that no labor certification is necessary because they are considered to be a part of the work force of this country at the present time. I assume they will be expeditiously handled.

Mr. PEPPER. May I and all those Cuban refugees seeking to take advantage of this remedial legislation express the hope that special provision will be made by the Department of Justice to expedite the processing of these applications.

Mr. FEIGHAN. I believe we can readily assume they will act as expeditiously as they possibly can.

Mr. PEPPER. I have one other question.

In the committee report there is carried a letter from the Honorable Wilbur J. Cohen, Under Secretary of the Department of Health, Education, and Welfare, in which he says:

> On the other hand, we believe that, whichever bill is made the vehicle for committee action, the concept, embodied in H.R. 15183, of making the adjustment of status, when granted, retroactive to the date of the alien's entry, commends itself as fair.

I have also a resolution of the Dade County Task Force, which worked with HEW upon this Cuban refugee problem.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. MOORE. Mr. Speaker, I yield the gentleman 1 additional minute, so that I may respond.

Mr. PEPPER. I appreciate that.

The resolution of the Task Force of Dade County also recommends that the status of permanent residence for the Cuban refugees be made retroactive to the date of their arrival in the United States under the parole program. I would be glad to have the gentleman's explanation as to why eligibility for permanent residence has not been made retroactive to the date of their admission for these parolees.

Mr. MOORE. We merely felt, in the wisdom of the committee, this would be a departure the nature of which we did not desire to make. We have never established retroactive residence in bills of this nature in the past, and did not do it in this instance.

Mr. PEPPER. It was not done for the Hungarian refugees?

Mr. MOORE. Not on a retroactive basis.

We placed on them a burden we did not place on the Cubans; that is, they must have been in this country 2 years before they could apply for permanent residence.

We felt we were giving the best we possibly could give in the permanent residence. They then must wait the period of time necessary and apply for citizenship.

Mr. PEPPER. Mr. Speaker, I submit herewith for inclusion in the Record several letters and resolutions from the Miami area strongly supporting this measure. I commend these expressions of opinion from those important and knowledgeable people who favor this bill.

National Catholic Welfare Conference, Department of Immigration,
Washington, D.C., May 16, 1966.

The Honorable Claude Pepper,
House Office Building,
The Capitol,
Washington, D.C.

Dear Congressman Pepper: We are writing at the specific request of His Excellency Most Reverend Coleman F. Carroll, Bishop of the Diocese of Miami, requesting that action be taken to provide legislation that would permit the Cuban refugees now in the United States on a temporary status to apply for permanent residence in this country.

These Cuban refugees, who have shown their opposition to the communist regime by giving up all their worldly goods, have in most instances been in the United States for 4–5 years on a temporary status. Through their education and training many of these Cubans have now assumed responsible positions in their respective American communities. Their children are serving in our Armed Forces and they have become a part of our everyday life. Yet they are only with us as temporary guests rather than members of our national family. Because of this temporary status, the job opportunities for which they may have excellent training are many times closed to them. In some States they are subject to a higher tax rate and they do not enjoy the tuition benefits of local colleges in that they are not considered residents even though they may have resided in a State for a number of years.

His Excellency asked me to forward you the enclosed copy of a resolution adopted by the House of Delegates of the American Bar Association with the thought that it might provide some background material for any legislation that may be introduced to grant these Cuban refugees permanent residence.

Since the National Catholic Welfare Conference is one of the major voluntary agencies participating in the Cuban Resettlement Program we will be glad to provide any additional facts that you may need in further consideration of the above.

With every good wish, I remain,
Very sincerely yours,
John E. McCarthy, *Director.*

American Bar Association Special Committee To Cooperate With Cuban Lawyers in Exile

RECOMMENDATION

The Committee recommends that the House of Delegates approve, in principle, legislation by the Congress that would facilitate converting the status of the present Cuban exiles in the United States from parolees to permanent residents, provided existing safeguards as to character and background are preserved.

REPORT: APPROVAL, IN PRINCIPLE, OF LEGISLATION CONVERTING STATUS OF CUBAN REFUGEES TO PERMANENT RESIDENTS

1. Under the present procedure, Cuban refugees who wish to become permanent residents of the United States are required to go to an adjacent country such as Canada,

and then re-enter as permanent residents. This practice is required only of immigrants from contiguous countries and island republics of the Caribbean.

2. The existing tests of proof of good moral character and satisfactory political background for permanent residency, in all events, should be preserved in any enabling legislation.

3. The designation "parolee" by which these Cubans are now officially entitled imposes some stigma.

4. Some employers are reluctant to hire an employee who does not have a permanent residency status, as the "parolee" must necessarily return to Cuba when the offensive political climate has cleared.

5. A number of states require the filing of a declaration of intent to become a citizen before a person may be hired to teach. With permanent residency status, some of the Cuban lawyers could qualify for teacher employment in public school systems, as they may then be eligible eventually for United States citizenship.

CONTINUATION OF COMMITTEE

1. By working with the former leaders of the Cuban Bar, who are now in the United States, the Committee will continue to encourage the unemployed Cuban lawyers in this country to improve their knowledge of English, and thereby open the door to employment as social workers (such as the New York City Civil Service Commission has done), as teachers of Spanish in public and private schools, as research assistants to lawyers, and in other dignified types of work compatible with their training and experience.

2. If permanent residence status is obtained, our efforts will be redoubled to persuade public school authorities to employ capable Cuban lawyers who qualify for employment as teachers.

3. In the event there should be a radical change in the Cuban Government so as to permit a return of the Cuban exiles, the Committee could well be of some service to our government and to Cuban lawyers returning to their homeland.

4. The renewed emphasis by the United States Government on resettlement of the Cuban refugees in areas outside of Miami, Florida, will afford further opportunities for this Committee to work with the Cuban Refugee Center in this deployment program, to the extent that it involves Cuban lawyers.

MEETINGS OF COMMITTEE

A very productive meeting of the Committee was held in Chicago in August at the Annual Meeting of the Association. Another meeting of the Committee is scheduled on February 16, 1964 in Chicago, just prior to the Mid-Winter Meeting of the House of Delegates.

Respectfully submitted.

C. Clyde Atkins, Chairman; John R. Burton, Vice-Chairman; William L. Shea, Vice-Chairman; Jonathan E. Ammerman, William S. Barnes, Miguel A. DeCapriles, Stephen P. Duggan, Jr., Thomas E. Monaghan, Samuel J. Powers, Jr., Vincent A. Rodriguez, Tom Whitaker, Jr.

LOCALS 415–475, INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL–CIO,
Miami, Fla., June 22, 1966.

Mr. CLAUDE PEPPER,
Congressman, House of Representatives, Washington, D.C.

DEAR CLAUDE: Enclosed you will find a resolution of Local 415 and 475 appealing to you to do everything you possibly can to put into effect enabling legislation to permit our Cuban fellow residents, to become permanent residents and citizens of the United States.

We would also appreciate if you would make our wishes known to the House Committee on Immigration and Naturalization.

Thanking you in advance and with best personal regards, I remain,

Yours very truly,
ROBERT GLADNICK,
Manager, Local 415 ILGWU.

RESOLUTION: LOCALS 415–475, INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL–CIO

As per meeting of Local 475 held on Tuesday, June 7th,

Whereas: Thousands of victims of Communist terror in Cuba, have found refuge in our homeland,

Whereas: These hundreds of thousands of refugees find themselves in a very peculiar status of non residents while residing in our country,

Whereas: In the past anyone seeking safety and freedom, that came to our shores, was always given asylum as well as the privilege of adding to the American melting pot by becoming an American citizen; this has been denied to the multitudes who have arrived from Cuba,

Therefore: Be it resolved that Local 475 at its meeting on June 7th, asks the Congress of the United States to pass special enabling legislation, giving Cuban refugees in the United States the same opportunities given the millions who have come to our Country previously, the right to obtain permanent residence and the right to obtain American citizenship, be it further resolved, that copies of this Resolution shall be forwarded to the Congressmen from the County of Dade in Florida and to the House Committee on Immigration and Naturalization.

GREATER MIAMI COUNCIL OF CHURCHES,
Miami, Fla., August 8, 1966.

The Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, Washington, D.C.

DEAR SIR: I am very happy to inform you that the Board of Directors of the Greater Miami Council of Churches has gone on record as endorsing the recent Resolution of the Dade County Community Task Force on the Immigration Status of Cuban Refugees. We feel that this Resolution says some very important things and offers solutions to what is getting to be a problem of real moral and ethical concern.

I am a member of the Date County Community Task Force and have been informed by Chairman John Turner that you have reported that there is legislation in process which will carry out the intent of this Resolution. We consider this very good news and urge that it be expedited, that these people who are contributing so much to our society may be allowed a legal membership in that society, if they so desire.

Sincerely yours,
LUTHER C. PIERCE,
Executive Secretary.

COMMISSION ON CUBAN REFUGEES OF THE GREATER MIAMI COUNCIL OF CHURCHES,
Miami, Fla., August 1, 1966.

Mr. CLAUDE PEPPER,
House Office Building, Washington, D.C.

DEAR MR. PEPPER: The Commission on Cuban Refugees of the Greater Miami Council of Churches at a meeting held on June 23, 1966, studied and adopted the attached resolution which was prepared and adopted by the Dade County Community Task Force on June 7, 1966.

The Commission strongly encourages all religious, civic and political leaders to actively support legislation which will make it possible for Cuban Refugees now in the status of "parolee" to adjust their immigration status to that of Resident Alien without having to go through the necessity and expense of leaving the Country.

Sincerely yours,
JOHN B. KELLEY,
Chairman, Commission on Cuban Refugees.

JUNE 17, 1966.

Hon. JOHN W. GARDNER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I am attaching a copy of a Resolution that was passed by the Dade County Community Task Force on June 7, 1966.

This Resolution was unanimously adopted after many weeks of study of the situation.

We also recognize there are some professional groups of Cubans in Dade County who need some immediate relief in order that they may qualify to practice dentistry and medicine.

We would appreciate your every effort to expedite passage of the necessary legislation in conformance with our Resolution.

Sincerely,
DADE COUNTY COMMUNITY TASK FORCE,
JOHN B. TURNER, *Chairman.*

RESOLUTION OF THE DADE COUNTY COMMUNITY TASK FORCE ON IMMIGRATION STATUS ON CUBAN REFUGEES

Whereas the Cuban Refugee is given the status of "parolee" (Indefinite Voluntary Departure) in this country, and

Whereas this status does not allow him to seek the status of Resident Alien (Permanent Resident) unless he leaves the country, and

Whereas under the Immigration Act of 1965 it is extremely difficult, time consuming, and expensive for a Cuban Refugee to receive a permanent resident visa from a Consular Office of the United States abroad, and

Whereas without Resident Alien Status he cannot begin to meet the requirements for U.S. citizenship, and

Whereas as a "parolee" he is denied many privileges normally granted to Resident Aliens, among others, Homestead Exemptions, in-state tuition rates at State-supported institutions of higher learning, and benefits that will shortly be available under Medicare, and

Whereas the lack of U.S. citizenship excludes a person from practicing certain professions, trades, and excludes one from employment in some industries, and

Whereas as a "parolee", though the Cuban Refugee youth is subject to the provisions of the Selective Service Act, nevertheless he is not accepted as a volunteer with the Air Force, Navy, or Coast Guard; and as a volunteer in the Army, he is treated as a draftee, and

Whereas many Cuban Refugees have established businesses, the majority are employed, pay taxes, and far from being public charges, contribute greatly to the general welfare of the community,

Therefore, be it resolved:

That the Dade County Community Task Force urges that the Cuban Refugees be given the opportunity to have the Immigration Status adjudicated without the necessity and expense of leaving the country so that they may enjoy the privileges granted by the laws of the United States to Resident Aliens, with the provision that the status of Resident Alien be retroactive to the date of their admission as "parolees" to the United States; and

Further:

It is understood that this Resolution does not constitute recognition by the Dade County Community Task Force of the Castro Communist Regime as an accepted permanent situation. While it is recognized that the vast majority of the Cuban Refugees await the liberation of their homeland and aspire to return to Cuba when it is free, this Resolution is aimed to provide those who may wish to apply for U.S. Citizenship to do so without undue hardship.

Adopted this 7th day of June, 1966.

SEPTEMBER 16, 1966.

Memo to: Congressman PEPPER.
From: Art Roberts.
Re: Judiciary Cuban bill.

The bill reported by the House Judiciary Committee is in a sense just as restrictive as the present immigration set-up. The bill would take all Cubans who lawfully entered this country as of January 1, 1959, and make them eligible to apply to the Attorney General for adjustment of their status. After the Attorney General has adjusted his status, each Cuban must then wait five years before becoming an American citizen. This could well mean that the Attorney General could take many years approving Cubans and I feel this is a very poor excuse for aid to a very major problem.

This bill will not help any Cuban who has already adjusted his status to that of a permanent resident and is waiting the necessary five years in this country before he can become an American citizen.

RESOLUTION OF LOCAL 415, INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO

As per meeting of Local 415 held on Thursday, June 16th,

Whereas: Thousands of victims of Communist terror in Cuba, have found refuge in our homeland,

Whereas: These hundreds of thousands of refugees find themselves in a very peculiar status of non residents while residing in our Country,

Whereas: In the past anyone seeking safety and freedom, that came to our shores, was always given asylum as well as the privilege of adding to the American melting pot by becoming an American citizen; this has been denied to the multitudes who have arrived from Cuba,

Therefore: be it resolved that Local 415 at its meeting on June 16th, asks the Congress of the United States to pass special enabling legislation, giving Cuban refugees in the United States the same opportunities given to the millions who have come to our Country previously, the right to obtain permanent residence and the right to obtain American citizenship, be it further resolved, That copies of this resolution shall be forwarded to the Congressmen from the County of Dade in Florida and to the House Committee on Immigration and Naturalization.

The SPEAKER. The time of the gentleman from Florida has again expired.

Mr. MOORE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, I thank my distinguished colleague from West Virginia.

Mr. Speaker, I commend the chairman of my Immigration and Nationality Subcommittee [Mr. FEIGHAN] for his presentation of the purposes of, and need for, H.R. 15183, a bill which I authored to provide for the adjustment of the status of Cuban refugees who have arrived in the United States since January 1959. I join Chairman FEIGHAN in stressing the need for this legislation and its benefits to both Cuban refugees and the United States.

I have long been interested in the welfare of Cuban refugees, many of whom have settled in my district. Over two-thirds of Cuban refugees in the United States are now on parole status. The majority of them are employed, they pay taxes and are far from being public charges but, rather, are contributing to the general welfare of the various communities where they have settled.

Enactment of this legislation would reduce our Government's expenditures in behalf of Cuban refugees and would extend to them the opportunities and responsibilities that accrue from permanent residence. Their lack of permanent status prevents them from accumulating the necessary residence to become citizens. My bill provides that, upon approval of the application, a record of admission for permanent residence would be created as of that date.

I remind you that the beneficiaries of this bill could have come to the United States as immigrants had diplomatic relations been maintained between our Government and Cuba. My bill merely relieves the refugee of the burden of following a difficult and often costly procedure to establish permanent residence.

As I have said, and as others noted during committee hearings, H.R. 15183 is in the interest of both our country and the freedom-seeking refugees from Castro's communism. Many skilled and professionally trained Cubans have found it impossible to practice their professions because the indefinite nature of their present status has prevented compliance with licensing and other requirements calling for citizenship or permanent resident status. Their gainful employment and self-sufficiency, a blessing to them, would also be a credit to our country.

As was brought out in our committee, this legislation should not be taken as any indication that we recognize the Castro regime. It would not alter our position toward the present Communist state existing in Cuba. The fact remains, however, that these people are here; they left Cuba because of the upheaval and chose, often at great risk, the United States for freedom and protection.

There is nothing new about Congress passing legislation to benefit persecuted persons of other countries. We have done it for Hungarian refugees and other refugee escapees. Certainly sufficient time has elapsed for us to know whether Cuban refugees are worthy of this legislation. They have adjusted, they have been accepted, and they have created no major problems. They should not be barred from the benefits of permanent residence if it is their wish to become American citizens.

Mr. Speaker, I am pleased that H.R. 15183 had the strong endorsement and support of the Department of State, the Department of Justice, and the Department of Health, Education, and Welfare. The Secretary of State recognized the adjustment of the status of Cuban refugees as an item of high priority. The whole matter has been given careful study and consideration by these three agencies, the Committee on the Judiciary, and by many voluntary and civic organizations.

I call on my colleagues in the House to support this legislation to give Cuban refugees the opportunity to move forward on their own and share the advantages and responsibilities of our great country.

Mr. GILBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RODINO. Mr. Speaker, I proudly associate myself with and support the humanitarian and meritorious legislation now under consideration. This legislation, which will permit the refugees from Cuba to apply, if they so elect, for permanent residence in the United States, clearly demonstrates once again the compassion that the United States has, and always has had, for those persecuted people who must leave their native countries to seek precious freedom.

The Cubans have demonstrated to the world, by leaving the Communist state of Cuba, their distaste for that form of government. The Cubans have proved to the world that they look to the United States as the land of freedom.

This legislation is not complicated; it is not far reaching, and it does not contain obscure ramifications. The bill simply and expressly relieves the Cuban refugee of the burden of leaving the United States to secure an immigrant visa abroad. The refugees are given an opportunity to become a permanent part of the communities in which they live and eventually become citizens of this great country.

The refugees have left their homes, and in most cases all of their possessions, in Cuba, but they come to this country with hope and industry. We have a responsibility to bring the best interest of the refugee and the best interest of the United States into alinement.

The United States can look with pride on the legislation that has been enacted over the last score of years to assist refugees. There was the Displaced Persons Act of 1948; the Refugee Relief Act of 1953; special legislation to permit Hungarian refugees to become permanent residents in the United States; special legislation to admit Dutch refugees from Indonesia; special legislation to admit Portuguese victims of the volcanic eruptions in the Azores; the Fair Share Act enacted by the Congress during World Refugee Year and directed toward the final elimination of the refugee camps in Europe; and the recent amendments to the Immigration and Nationality Act which set forth permanent provision for the admission of refugees from Communist and Communist-dominated countries.

The United States has responded quickly to the plight of the refugees from Cuba and, I may add, very effectively and efficiently in providing reception facilities, financial assistance when needed, education, and feasible relocation. I think, certainly, in keeping with our humanitarian American policy and for very practical reasons in our best interests, we must give these people every consideration, recognizing the many problems that have beset them and recognizing that they are victims of a system which they repudiate and reject. This certainly is another indication, if we enact this legislation, of the kind of thinking that America can be justly proud and hold out to the rest of the world. It is another indication of our American process in action.

Mr. MOORE. Mr. Speaker, I yield such time as he may require to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. Mr. Speaker, I rise in support of this legislation. I want to point out however one of the observations I made at the time of the subcommittee's hearings. Then I expressed the hope that the Cuban refugees will not lose their interest in or their desire to continue their fight to bring liberty and freedom to their fellow citizens who have remained in Cuba.

I hope that the opportunity being afforded these refugees to acquire permanent status to qualify for American citizenship will not mean a diminution of their desires and hopes to restore liberty to Cuba. I raised the question in committee as to whether giving the refugees this opportunity for American citizenship might in any way diminish this hope. I have been assured by the leaders of the refugees and by knowledgeable Members of the House who know these people personally that this is not the case. I would like to express today the sincere hope, recognizing as I do that most of the leaders of the Cuban people are part of this refugee group, that this opportunity to participate in the liberty and freedom of our country will increase rather than diminish their desires to help their fellow Cubans who have remained in Cuba.

This legislation carries out the American philosophy of extending a helping hand and a welcome to oppressed peoples. I support its objective and urge the passage of the bill.

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I thank the distinguished gentleman from West Virginia.

Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I should like to express my complete support for H.R. 15183, which would allow Cuban refugees in this country to acquire permanent resident status through the normal adjustment of status procedures of the Immigration and Nationality Act.

I welcome the opportunity to vote for a bill which, in addition to being justified on its merits, is designed to cut redtape and save money.

For many years we have had a provision in our immigration laws authorizing the Attorney General to adjust the status of nonimmigrant aliens in the United States to grant them the status of aliens lawfully admitted for permanent residence. In order to do this the alien must, of course, meet all of the regular eligibility requirements of the law.

The benefits of this provision, however, are denied to natives of Western Hemisphere countries and certain adjacent islands, including Cuba. The theory behind excluding Western Hemisphere natives from the benefits of the adjustment of status procedure—rightly or wrongly—is that they can return to their native countries to obtain an immigrant visa more easily than aliens from outside the Western Hemisphere.

This theory, whether it has any validity at all, certainly does not apply to natives of Cuba, since they could not obtain a visa if they did return to Cuba. No U.S. visas have been issued in Cuba since diplomatic relations were severed between the two countries in January of 1961. This is the very reason why this bill is needed.

There are about 165,000 Cuban refugees in the United States on temporary status. Not all of them want to become permanent residents of the United States. Many of them do, however, for one reason or another. Some of them wish to settle here permanently and become U.S. citizens. Some are barred from carrying on an occupation, such as a doctor or lawyer, because of State law provisions barring temporary residents from being licensed in such occupations. I have had numerous cases of this type called to my attention.

The only way these people can now acquire permanent resident status is to obtain an immigrant visa from a U.S. consular office abroad. This means that they must incur the bother and expense of traveling to a foreign country, in most instances to Canada, in order to obtain such a visa.

I think it is time we took a realistic attitude regarding the situation facing these Cuban refugees. Some consideration was given to legislation similar to that which is now being considered when the Immigration Act Amendments of 1965 were before the Congress last year. Action was postponed at that time, however, in view of the possible diplomatic implications of such legislation. This year the Department of State expressed its support for H.R. 15183 and its spokesman stated to the Judiciary Committee that the proposed legislation "would in no way reflect any change in attitude on the part of the U.S. Government with regard to the present regime in Cuba."

Enactment of this legislation will not only save a great deal of money for the refugees who are now forced to incur unnecessary travel expenses, it will also save a little money for the Government. It will also improve the employment prospects of many of the refugees and thus assist them in resettling in various areas of the country.

I am happy to express my unqualified support for this bill, which is at once humanitarian and practical in purpose.

Mr. DANIELS. Mr. Speaker, I rise in support of H.R. 15183, a bill which would adjust the status of Cuban refugees to that of lawful residents of the United States.

Mr. Speaker, I am very proud to be able to support this needed legislation today which will allow a very fine group of people who fled to these shores to escape the tyranny which has fallen over their native land.

In my own Congressional District there are a large number of Cuban nationals and I would like to assure every Member of this House that there is no group of people anywhere whom I would be more willing to welcome than these deserving people.

The bill which we are considering today would assist immeasurably those Cuban nationals who want to find suitable work but find this difficult because of the indefinite nature of their status in the United States. Under present law they must now go through the circuitous route of going to a foreign country and then seeking to enter the United States under the provisions of an immigrant visa.

Mr. Speaker, I urge every Member of this House to join with me in support of this bill. Simple justice demands its passage.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Ohio.

GENERAL LEAVE TO EXTEND

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. FEIGHAN] that the House suspend the rules and pass the bill (H.R. 15183) to adjust the status of Cuban refugees to that of lawful permanent residents of the United States.

The question was taken; and the Speaker announced that in the opinion of the Chair two-thirds had voted in favor thereof.

Mr. MACGREGOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 300, nays 25, not voting 107, as follows:

[Roll No. 288]

YEAS—300

Adair
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Ashmore
Ayres
Barrett
Bates
Battin
Beckworth
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brooks
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cabell
Cahill
Callan
Cameron
Carey
Casey
Cederberg
Chamberlain
Clancy
Clark

Clausen,
Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Cooley
Corbett
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Wis.
de la Garza
Delaney
Dent
Denton
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Ellsworth
Erlenborn
Fallon
Farnsley
Farnum
Fascell
Feighan
Findley
Flood
Fogarty
Foley
Ford, Gerald R.
Ford,
William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Green, Pa.
Greigg
Griffiths
Grover
Gubser
Hagen, Calif.
Haley
Hall
Hamilton
Hanley
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harsha
Harvey, Ind.

Harvey, Mich.
Hathaway
Hays
Hechler
Helstoski
Herlong
Holland
Horton
Hosmer
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Jonas
Karsten
Karth
Kastenmeier
Kee
Keogh
King, Calif.
King, Utah
Kirwan
Kornegay
Kunkel
Kupferman
Laird
Langen
Leggett
Lennon
Lipscomb
Long, Md.
Love
McCarthy
McCulloch
McDade
McFall
McGrath
McVicker
MacGregor
Mackay
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Mink
Minshall
Moore
Moorhead
Morgan
Morris
Morse
Morton
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins

Philbin
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price
Pucinski
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Rogers, Colo.
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Ryan
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Selden
Shipley
Shriver
Sickles
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stratton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, Tex.
Thomson, Wis.
Tunney
Tupper
Udall
Utt
Van Deerlin
Vanik
Vivian
Waldie
Walker, N. Mex.
Watkins
Watson
Weltner
Whalley
White, Tex.
Whitener
Wilson, Bob
Wolff
Wydler
Yates
Young
Younger
Zablocki

NAYS—25

Abbitt
Abernethy
Andrews,
George W.
Baring
Burleson
Duncan, Tenn.
Everett
Fountain

Gathings
Gross
Henderson
Jones, Mo.
O'Neal, Ga.
Passman
Rogers, Tex.
Satterfield
Secrest

Smith, Va.
Talcott
Tuck
Vigorito
Waggonner
Watts
Whitten
Williams

NOT VOTING—107

Albert
Andrews,
Glenn
Arends
Aspinall
Bandstra

Belcher
Bell
Bolling
Brock
Broomfield
Brown, Calif.

Byrnes, Wis.
Callaway
Carter
Celler
Chelf
Colmer

Corman
Davis, Ga.
Dawson
Derwinski
Dorn
Duncan, Oreg.
Dyal
Evans, Colo.
Evins, Tenn.
Farbstein
Fino
Fisher
Flynt
Fulton, Tenn.
Gray
Green, Oreg.
Grider
Gurney
Hagan, Ga.
Halleck
Halpern
Hanna
Hawkins
Hébert
Hicks
Holifield
Howard
Hull
Hungate
Huot
Johnson, Pa.

Jones, Ala.
Jones, N.C.
Keith
Kelly
King, N.Y.
Kluczynski
Krebs
Landrum
Latta
Long, La.
McClory
McDowell
McEwen
McMillan
Macdonald
Machen
Mackie
Martin, Ala.
Martin, Mass.
Minish
Mize
Moeller
Monagan
Morrison
Mosher
Murray
Nelsen
Pool
Purcell
Rees
Reinecke

Resnick
Robison
Rodino
Rogers, Fla.
Roncalio
Rooney, Pa.
Roudebush
Roybal
Rumsfeld
St Germain
Scott
Senner
Sisk
Stephens
Sweeney
Thompson, N.J.
Todd
Toll
Trimble
Tuten
Ullman
Walker, Miss.
White, Idaho
Widnall
Willis
Wilson,
Charles H.
Wright
Wyatt

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Albert with Mr. Halleck.

Mr. Rodino with Mr. Fino.

Mr. Hébert with Mr. Martin of Massachusetts.

Mr. Minish with Mr. Halpern.

Mr. Fulton of Tennessee with Mr. Mize.

Mr. Mackie with Mr. Bell.

Mr. Rogers of Florida with Mr. Gurney.

Mr. Monagan with Mr. Broomfield.

Mr. Machen with Mr. Glenn Andrews.

Mr. Morrison with Mr. Roudebush.

Mr. Thompson of New Jersey with Mr. Widnall.

Mr. Dyal with Mr. Reinecke.

Mr. Farbstein with Mr. McClory.

Mr. Fisher with Mr. Arends.

Mr. Roybal with Mr. Mosher.

Mr. Charles H. Wilson with Mr. Byrnes of Wisconsin.

Mr. Kelly with Mr. McEwen.

Mr. Hungate with Mr. Latta.

Mr. Kluczynski with Mr. Derwinski.

Mr. Pool with Mr. Wyatt.

Mr. Aspinall with Mr. Belcher.

Mr. Holifield with Mr. Robison.

Mr. Corman with Mr. Rumsfeld.

Mr. Gray with Mr. King of New York.

Mr. Celler with Mr. Carter.

Mr. Senner with Mr. Walker of Mississippi.

Mr. White of Idaho with Mr. Brock.

Mr. Evans of Colorado with Mr. Callaway.

Mr. Stephens with Mr. Keith.

Mr. Landrum with Mr. Johnson of Pennsylvania.

Mr. Dorn with Mr. Nelsen.

Mr. Hanna with Mr. Dawson.

Mr. Sisk with Mr. Martin of Alabama.

Mr. McDowell with Mr. Murray.

Mr. Hawkins with Mr. Hicks.

Mr. Macdonald with Mrs. Green of Oregon.

Mr. Rooney of Pennsylvania with Mr. Flynt.

Mr. Brown of California with Mr. Moeller.

Mr. Davis of Georgia with Mr. McMillan.

Mr. Rees with Mr. Jones of North Carolina.

Mr. Sweeney with Mr. Bandstra.

Mr. Purcell with Mr. Howard.

Mr. Ullman with Mr. Hull.

Mr. Resnick with Mr. Scott.

Mr. Long of Louisiana with Mr. Trimble.

Mr. Hagan of Georgia with Mr. Willis.

Mr. Colmer with Mr. Chelf.

Mr. Jones of Alabama with Mr. Duncan of Oregon.

Mr. Wright with Mr. Todd.

Mr. Krebs with Mr. Toll.

Mr. Huot with Mr. Grider.

Mr. Evins of Tennessee with Mr. Tuten.

Mr. St Germain with Mr. Roncalio.

Mr. PASSMAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CONNECTICUT RIVER NATIONAL RECREATION AREA

Mr. O'BRIEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3510) to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes, as amended.

The Clerk read as follows:

S. 3510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to consider preserving the Connecticut River area and appropriate segments of adjoining land in their natural condition for public outdoor recreation, and preserving the priceless natural beauty and historic heritage of the river valley, the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing all or parts of the Connecticut River Valley from its source to its mouth, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, as a Connecticut River National Recreation Area. The Secretary shall consult with other interested Federal agencies, and the State and local bodies and officials involved, and shall coordinate his study with applicable highway plans and other planning activities relating to the region. In conducting the study, the Secretary shall hold public hearings within any State involved, upon the request of the Governor thereof, for the purpose of receiving views and recommendations on the establishment of a national recreation area.

SEC. 2. The Secretary of the Interior shall submit to the President, within two years after the date of this Act, a report of his findings and recommendations. The President shall submit to the Congress such recommendations, including legislation, as he deems appropriate. The Secretary's report shall contain, but not be limited to, findings with respect to—

(a) the scenic, scientific, historic, outdoor recreation, and the natural values of the water and related land resources involved, including driving for pleasure, walking, hiking, riding, boating, bicycling, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(b) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and

(c) the type of Federal program that is feasible and desirable in the public interest to preserve, develop, and make accessible the values, set forth in subsection (a), including the consideration of scenic roads or parkways, and that also will have a minimum impact on other essential operations and activities in the area, and on private property owners.

SEC. 3. There is authorized to be appropriated $100,000 or such part of said sum as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. O'BRIEN. Mr. Speaker, I yield to the gentleman from Alaska [Mr. Rivers] such time as he may consume.

Mr. RIVERS of Alaska. Mr. Speaker, the purpose of this little bill—S. 3510—is merely to provide for a study by the National Park Service and the Bureau of Outdoor Recreation of the outdoor recreation potentials of the beautiful Connecticut River Basin, and a subsequent report to the Congress.

The Connecticut River is one of the great historic streams of the eastern United States. It was first navigated a few years after Jamestown was settled—in 1916, to be precise—and its water power was extensively developed before and during the American Revolution. Its valley is 400 miles long, drains 11,265 square miles, and has a population of nearly 1,700,000.

In spite of this dense population, large stretches of the river are in a virtually primitive state. They therefore offer a challenge to us—a challenge that can easily be met if some forethought goes into it. This is the challenge of preserving for ourselves and the future at least some of its great recreation potentials.

S. 3510 does not itself do more than call for a study. This is as it should be. As originally introduced, the bill called for the actual creation of a Connecticut River Recreation Area. That would have been premature. The study must come first. And it should be done now both because there is still time to see how the river and its valley can best be developed for recreation as well as for other purposes, and because the study can be carried on simultaneously with a navigation and flood control study which is being made by the Secretary of the Army.

This sort of a study is locally supported and it has behind it the recommendations of the New England Governors Council. It will be conducted in cooperation with local people and local agencies. It will cost not more than $100,000. Our colleagues, the gentleman from New York [Mr. Bingham], and the gentleman from Connecticut [Mr. St. Onge], will perhaps go into more detail than I have done. Meanwhile, I heartily recommend the enactment of S. 3510.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of Alaska. I yield to the distinguished gentleman from New York.

Mr. BINGHAM. Mr. Speaker, as a native New Englander and one who has spent a great deal of time near the Connecticut River, I do believe that that river is one of the most beautiful in this country.

Further, Mr. Speaker, I believe that this bill, if enacted, would make a start in the direction of preserving and developing the beauties and potentialities of the river, not only for the citizens of New England, but for the citizens of the entire country.

Mr. Speaker, I would like to commend those who have been instrumental in bringing this legislation to the floor that includes the distinguished chairman of the subcommittee, and I thank him for yielding.

Mr. RIVERS of Alaska. I thank the gentleman from New York for his contribution.

Mr. ST. ONGE. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of Alaska. I yield to the gentleman from Connecticut.

Mr. ST. ONGE. Mr. Speaker, as a sponsor of the companion House bill, H.R. 14546, I strongly support this legislation.

Mr. Speaker, my bill, H.R. 14546, provides that the Secretary of the Interior be authorized to study the feasibility and desirability of a Connecticut River National Recreation Area. Senator Ribicoff's bill, S. 3510, provides for the same. The purpose of the two measures is the same.

Mr. Speaker, allow me at this point a few references by way of background to this legislation. In the latter weeks of the 1965 session of Congress, Senator Ribicoff introduced a bill, S. 2460, in the Senate and I introduced the companion measure, H.R. 11091, in the House. The purpose of this legislation was to authorize the establishment of the Connecticut River National Parkway and Recreation Area in the four States through which the river flows: Connecticut, Massachusetts, Vermont, and New Hampshire.

The Connecticut River is the longest in New England, extending from the Canadian border down to Long Island Sound for a distance of over 400 miles. It passes through many towns and cities, through hills and valleys, woods and farmlands—most of it beautiful country and of great historic value associated with glorious events in our Nation's past.

In recent decades, however, the onslaught of modern industry has been taking a heavy toll of the scenic beauty and the natural resources of this area. Deep inroads have been made in many parts of the Connecticut River Valley. Industrial pollution, ugly junkyards, and the uprooting of wooded areas are gradually transforming the scenery. Some years ago, one observer referred to the Connecticut River as "the world's most beautifully landscaped cesspool" because of the sewerage, the waste and the industrial residues pouring into it.

On September 13, 1965, Senator Ribicoff arranged a boat trip along the Connecticut River to inspect the waterway and its shorelines with the idea of seeing the beauty of this area and the urgent needs for preserving its scenic beauty. Secretary of the Interior Stewart L. Udall, Gov. John Dempsey of Connecticut, Senator Ribicoff and I, as well as many State and local officials, participated in the tour. Needless to say, all of us were very much impressed with what we saw and with the possibilities of preserving this beautiful waterway, the rich valley through which it flows, and the future of the many cities, towns, and villages along its way. It was generally felt by all that much can still be saved and preserved, provided we take action now or within the coming few years; if we wait too much longer, it may be too late to save anything.

What needs to be done is to have the river cleaned up, its numerous coves and nearby wooded hills should be preserved, and the immediate vicinity along the banks of the river should be developed as national park and recreational area for the use and enjoyment of the people. Unfortunately, we do not have many national parks and recreational areas in the eastern part of our country. The Connecticut River Valley is one area that still can be preserved for such purposes, if we do not wait too long. Its value as a recreational asset for the people is inestimable. I am sure I need not emphasize too much for this House the need for park and recreational areas, which is bound to become greater in the future as our population increases. It would be a wise step for us, I am certain, to take the necessary precautions now to preserve as much of these assets as possible.

In the 19th century, Timothy Dwight, president of Yale University wrote that the Connecticut River was "everywhere pure, potable, everywhere salubrious." In the last 50 years, however, swimming in the river has been considered unwise because of the industrial residues and waste. As we completed our boat trip last September, which extended over a distance of some 80 miles from Old Saybrook at the mouth of the river to Hartford, Senator Ribicoff observed:

> The river is, for the most part, still a thing of beauty. But unless we act very soon, it will not be a joy forever.

And Secretary Udall added this comment:

> We have a chance here to do a model job of conservation. You already have a running start. But population is crowding in and time is running out. What we do in the next decade will be decisive for the river's future.

On February 23 of this year President Johnson submitted to Congress his message on conservation and the preservation of our natural heritage. Among the major outdoor recreation proposals which he recommended was the following:

> For a region which now has no natural park, I recommend the study of a Connecticut River national recreational area along New England's largest river, in the States of New Hampshire, Vermont, Massachusetts, and Connecticut.

Subsequently, the Department of Interior submitted its report on the bills which Senator Ribicoff and I introduced. It contained several interesting observations and suggested amendments. Let me quote a few passages from the report which was addressed to Congressman Wayne N. Aspinall, chairman of House Committee on Interior and Insular Affairs:

> We are sympathetic with the preservation and recreational use objectives of the bills

> which are greatly in need of accomplishment near urban population centers of the United States. At the present time, however, we do not have sufficient information to recommend the establishment of the proposed Connecticut River National Parkway and Recreation Area. We believe that a study should be conducted before bills of this kind are considered . . . the enactment of a bill to establish the area in advance of the study would be premature . . . we believe it would be appropriate, however, to enact a study bill as an expression of congressional interest and emphasis.

The subsequent paragraph of the report reiterates that "we strongly endorse a study for the purpose of examining the feasibility and desirability of establishing a Connecticut River National Recreation Area," and that statement is followed by several amendments.

In view of the recommendation of the President and the report of the Interior Department that a study is needed before the area can be established as a national park, I decided to revise my bill and to incorporate the amendments suggested by the Department. On April 20, 1966, I introduced H.R. 14546 which, as now worded, is a study measure. Senator RIBICOFF likewise introduced a similar bill, which, as stated, has already passed the Senate, that is S. 3510.

These bills authorize the Secretary of the Interior to undertake a study of the feasibility of establishing the area as a national park, in order to preserve its natural beauty, its historic heritage, and its recreational use for the public. It provides for the coordination of plans with other Federal and State programs, as well as consultation with local bodies and officials. The Secretary is to submit, within 2 years, a report to the President of his findings and recommendations with emphasis on the following: First, the natural values and recreational uses of the area; second, potential uses of the water and land resources; and third, the type of Federal program needed to preserve the values of the area in the public interest.

Under the circumstances, I believe that this is the best and quickest approach and the most logical way to obtain action leading to the eventual creation of a Connecticut River National Recreation Area. Such a study has never been made, and it would therefore be most helpful in many ways, including the establishment of the exact delineation of the proposed recreational area, its conservation and preservation, its economic potential, and other important aspects.

Mr. Speaker, I urge the Members of this House to approve the authorization of the proposed feasibility study. One body has already done so, now it is up to us to act. We would then have unanimity on all three major Federal levels: The White House, the Interior Department, and the Congress. This will enable us to proceed without any loss of valuable time to lay the groundwork for the realization of a Connecticut River National Recreation Area.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of Alaska. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I want to compliment the chairman of the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs for bringing this resolution, to provide a study of the Connecticut River, to the floor of the House.

Mr. Speaker, as the gentleman has indicated, a number of Members from New England have evidenced their interest in this river. It is a region that up to now has no national park.

Mr. Speaker, there is considerable interest on the part of the citizens of that area, and as the gentleman has so well said and as has been said by the distinguished Member from New York [Mr. BINGHAM], this is one of the most beautiful rivers in the United States. It has been so described by a great number of people.

Mr. Speaker, bills have been filed on this side by my colleague, the gentleman from Massachusetts [Mr. CONTE], the gentleman from New Hampshire [Mr. CLEVELAND], and a number of Members from the State of Connecticut, including the gentleman from Connecticut [Mr. GRABOWSKI], and the gentleman from Connecticut [Mr. ST. ONGE].

Mr. Speaker, it passed the other body unanimously, and bills were filed over there and sponsored by a great number of Senators, including the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Connecticut [Mr. RIBICOFF].

Mr. Speaker, as the gentleman from Alaska [Mr. RIVERS] has indicated, this resolution, if adopted, provides for a recreational study. The comprehensive study of the Connecticut River Basin going on now, is attuned more to the problem of pollution and to the problems of navigation and flood control.

Mr. Speaker, it would seem advisable and I believe the proper thing to do is to have a recreation study made in conjunction with this comprehensive study.

Mr. Speaker, I compliment the Committee on Interior and Insular Affairs for its judgment in bringing this particular study to the floor at this time so that the Corps of Engineers and Department of the Interior can go ahead and make a real comprehensive study of the entire Connecticut River Basin.

Mr. Speaker, the Connecticut River is one of the most historic and well endowed bodies of water in the United States, or for that matter, the world. It takes its start a mere 200 yards from the Canadian border and swells steadily as it meanders southward for 400 miles, until it makes its majestic sweep past the Massachusetts and Connecticut communities ranged along its lower reaches. By the time it opens onto Long Island Sound at Saybrook, Conn., it has attained a width of 5,000 feet.

The Connecticut drains 11,265 square miles of land in the States of New Hampshire, Vermont, Massachusetts, and Connecticut. Thus it is truly the central geographic feature of the whole region, and consequently the backbone from which the first settlers gradually developed western New England. Almost all the major cities of modern western New England are still arrayed along its shores.

Navigation on the Connecticut was first recorded in 1614 by Adrien Block, a Dutch explorer, and between that time and the latter half of the 19th century commerce and travel along the river reached amazing heights. As many as 24,000 passengers a year traversed the water to such ports as Hartford, Middletown, and Springfield, utilizing heavily the 2,500 vessels in service.

During this period of essential economic importance, the Connecticut retained its impressive beauty. Timothy Dwight, 20 years the president of Yale, said in his "Travels of New England":

> This stream may perhaps, with more propriety than any other in the world, be named the beautiful river. The beauty and grandeur are here more varied than elsewhere and they are longer continued.

Yet when other forms of travel rendered sidewheelers and barges obsolete, the people and industries along the banks mindlessly abandoned the Connecticut to sewage and factory waste. As the river was turned into one of the most intensely industrially developed waterways in the country, this neglect took a terrible toll in natural charm and recreational possibilities. The once picturesque shores are now strewn with litter and cramped with dilapidated factories and junkyards; and the naturally sparkling waters are befouled by sewage, chemical dyes, and refuse.

I do not think that any truly responsible citizen can help but be repulsed by this tragic history of decay and loss of natural beauty. Can we allow ourselves to be buried in the husks of our own great affluence, to have the gift of breathstopping scenery despoiled by our productivity? I assure you the 1,680,000 people living in the rapidly growing Connecticut Valley towns do not think so.

The facts in favor of the eventual establishment of a national park on the Connecticut River are impressive. It has been calculated that the number of national park visitors across the Nation has increased by one-third over the past 4 years. Also, the success and good will which has greeted the Cape Cod National Seashore, which I was happy to sponsor, is very encouraging. Many of the residents of that area who were originally skeptical of a Federal program have since become vociferous supporters of projects carried off with such excellence. Such an outstanding precedent is strong proof of the pleasures to be gained from a well conceived and thoughtfully conducted national park. Finally, the explosive growth of recreational boating on the river has turned it into a virtual aquatic highway. Docketing area, service facilities, and campsites are sorely needed to accommodate these pleasure crafts.

The assistance and cooperation Connecticut Valley private industries are willing to give to a national recreation area has been made known for some time. The western Massachusetts Electric Co., Hartford Electric Light Co., and Connecticut Light & Power Co., have offered to help finance a large and varied recreation area in conjunction with their proposed pumped storage hydroelectric facility on Northfield Mountain in Massachusetts. Officials of these companies have stated:

> The opportunity appears excellent for cooperative development of major public recreation facilities.

Together these companies have drawn up plans for 50 boat-picnic sites, a 30,000 acre multiple use trail system, and many other recreational developments. Plans for pollution and flood control are also considered related areas of joint concern by these forward looking utilities companies. As substantial proof of their sincerity, they have extended an offer of $1,350,000 on a $4 million scheme to create nine multipurpose recreation areas on the Connecticut River in Massachusetts.

Considering the need and desire of the residents of the Connecticut Valley for recreational facilities, I urge passage of this resolution. It can give the New England States the untampered natural beauty and leisure time activities so essential for tranquillity and inner peace in a bustling urban area.

Mr. RIVERS of Alaska. I thank the gentleman from Massachusetts.

Mr. GRABOWSKI. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of Alaska. I yield to the gentleman from Connecticut.

Mr. GRABOWSKI. Mr. Speaker, I am pleased to support the passage of S. 3510, which authorizes a 2-year study of the Connecticut River Valley as a national recreational area. This bill, of course, only authorizes to be appropriated $100,000 or such part of that money as is necessary to carry out the provisions of this act.

My pleasure and pride in voting for this bill is because it is similar to H.R. 15067, which I introduced on May 16 of this year.

There is no doubt in my mind that the Secretary of the Interior, who is authorized by this act to carry out the study, will determine that such a recreational area is not only feasible but justified.

This valley is the epitome of "Heaven on earth." Nowhere is there to be found a more beautiful, serene, and scenic wonderment as here in this drainage area of the Connecticut River—11,265 square miles. And it embraces four States—Connecticut, Massachusetts, Vermont, and New Hampshire.

But this study is important in view of the resident population of nearly 1,700,000. Parts of it are highly industrialized, others are rural, and still others are as close to being just as they were in 1614, when white man first navigated the river.

Furthermore, Mr. Speaker, other Federal agencies are currently involved in water pollution control and abatement as well as flood control. This study should, and I am sure it will, complement those investigations and activities.

We look forward, upon passage of this bill and its becoming law, to the public hearings, provided in this measure, to securing the views and recommendations of all interested parties. Let us hope that this day will be remembered as the day Congress gave New England the possibility of more recreational land for her citizens to spend their hours of leisure.

Mr. HOSMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, S. 3510 is another bill asking that a study be made. This legislation seeks to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area in the States of Connecticut, Massachusetts, Vermont, and New Hampshire. I rise in support of S. 3510 and add that this legislation adopts the correct approach for the determining of feasibility and cost of creating a Connecticut River National Recreation Area, composing an area so vast and varied in its development.

Originally this legislation sought to authorize the establishment of a Connecticut River National Recreation Area comprising areas of four States without sufficient information available to justify its establishment.

S. 3510 thus requires the Secretary of the Interior to study, investigate, and formulate recommendations on the feasibility and desirability of establishing all or part of the Connecticut River Valley as a national recreation area. The bill further requires the Secretary to submit his findings and recommendations to the President within 2 years from the date of the act and authorizes $100,000 to be appropriated for the completion of such study and investigation.

Mr. Speaker, I urge that the bill, S. 3510, be passed.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from New Hampshire [Mr. CLEVELAND].

Mr. CLEVELAND. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, the Connecticut River borders my Second Congressional District of New Hampshire for more than 200 miles. And, although I would have preferred, with some other of my colleagues, to perhaps move faster than this study calls for, I do feel that a preliminary and coordinated study is a good idea.

I commend the committee for taking prompt action on the subject, for it is one which needs and deserves immediate consideration.

In the Northeast United States, which has about one-fourth of the country's people, there is a need for additional recreational facilities. In contrast with the other regions of the country, the Federal Government has not contributed as generously as perhaps it should to meeting our recreational needs.

The recreational needs of the Northeast have not been entirely neglected. They have been met, in part, by the Federal and State Governments and by the communities, and the private sector. Although the record is impressive, the unmet needs of the coming years are even more so. With almost 50 million people living in the Northeast, and people demanding more recreational facilities each year, we need to utilize fully available resources. Our lakes, seashores, mountains, and streams have been called upon to meet these needs. The time has long since arrived to utilize the great potential of our rivers.

The Connecticut River flows through one of the most scenic river valleys in the country, for over 400 miles through the heart of New England. It is situated ideally to serve the needs of the whole Northeast. If the needs of this part of the country are to be met, the Connecticut River's great potential should be developed for maximum use.

It is with this concern for the wasted potential of the Nation's waterways that my own Committee on Public Works has in recent years passed landmark legislation in the fight against water pollution. I personally have fought to improve such legislation on all occasions, and will continue to do so. This is all part of the conservationist's battle to preserve and make available to the public the natural resources of our country. As a practicing conservationist, I am particularly pleased to support this bill.

Mr. HOSMER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of the bill S. 3510, calling for a feasibility study of the proposed Connecticut River National Recreational Area. As Representative to this body from the First Congressional District of Massachusetts through which the Connecticut River enjoys some of its most beautiful scenery, I am naturally very much interested in this bill.

In my judgment, it is probably the best plan so far advanced in search of a solution to a problem which plagues not only the Connecticut River watershed, but virtually every major river system in the country today. It is an intelligent approach in that it does not call for a headlong charge by mandated bureaucrats, armed with brush knives and bulldozers, to establish the recreational area without regard to present land and water use or to the many related local studies that are presently underway.

The approach suggested by S. 3510, and in several similar bills including H.R. 17430 which I have sponsored, calls for an orderly approach based on a thorough and penetrating study, both of the needs and the possibilities of the area. It would take into account the many public and private programs presently underway which relate directly to conservation and multiple land use in the Connecticut River watershed.

A study very much along the lines suggested in this bill is presently being made by the Army Corps of Engineers. If I have done my homework correctly, I believe there are funds included in the 1967 Public Works Appropriation bill which is scheduled for our consideration later in the week, to support a comprehensive Connecticut River Basin survey by the corps. If my understanding is correct, a portion of the funds budgeted for this study would be devoted exclusively to a study of recreation needs and possibilities along the river.

In order to make the most of this study, and of the various private studies being made, S. 3510 seems the best logical approach. It would integrate such individual studies into an overall program which the Congress could then consider on the basis of its merits and recommendations.

It would be most regrettable if the many sound and economically feasible private studies were to be brushed aside in our customary zeal and impatience to prove that only the Federal Government has the gift of omniscience and knows what is best for all.

One such study in which I have taken much interest and into which considerable private resources have been invested so far involves the so-called Turners Falls project and the Northfield Mountain pumped storage project of the Western Massachusetts Electric Co.

These two projects are based first on the initiative and enterprise of this fine power utility in seeking new and better power resources for its market area. They are based also on an almost suspicious degree of concern for the overall public welfare. I say suspicious because it is somewhat unusual to find so much detailed attention given to public needs in what is essentially a profit-motivated program.

A look at the plans Western Massachusetts Electric has for these projects shows a number of public recreation sites such as picnic areas, boating marinas, hiking trails, and scenic overlooks, campsites, and a host of other recreational features. Multiple use of both land and water resources has been stressed in virtually every phase of these projects.

Community reaction has been completely enthusiastic, I might add. As evidence of this, I ask unanimous consent to have placed in the RECORD at this point in my remarks a recent editorial from the pages of the Greenfield Recorder-Gazette in Greenfield, Mass., which boasts of some of the best scenery along the great Connecticut.

[From the Greenfield Recorder-Gazette, Aug. 12, 1966]

NEW RECREATION VISTA OPENS

Western Mass. Electric Co. proposes to play the role of good neighbor to the town of Montague in connection with improvement and expansion of its hydro-electric facilities on the Connecticut River in this region.

A $200,000 recreational development in Turners Falls admittedly is a "sweetener" devised by the utility which is seeking Federal Power Commission renewal of the utility's license to use the river at the falls. Nevertheless, the project would be of immense value to the town and its people.

Shortening of the work week has meant a great increase in leisure for the average American. Emphasis on recreation has been a major result. And in Turners Falls, located on a pond formed by the hydro-electric development dam, recreation means boating to a considerable extent.

Thus the proposal to redevelop Unity Park as well as improve the docking area nearby is both timely and attractive. The combination of boating and playground facilities would make the section a magnet for families for miles around. It would strengthen the position of the Franklin County Boat Club, making it a major recreational group comparable to the region's sportsmen's and golf clubs.

A surprise suggestion—but equally attractive and important—is the creation of a new park area in Turners Falls' South End. This could prove a rival to Greenfield's Municipal Pool during the outdoors life season. In combination with the Unity Park and docking facilities and the nearby Thomas Memorial Golf and Country Club, the layout would make Montague a recreational center of great attraction.

Taken as a whole, this week's proposals by WMEC open new vistas for Montague. Recreation's growing importance cannot be discounted. It is becoming a major industry in the expanding American society, and a development of such magnitude as that proposed at Turners Falls will mean much to this county's future.

Without going into detail on the many economic benefits which these projects would bring through less expensive and more reliable electrical power as well as a greater backlog of available power for an area of growing industry and population, I would like to make the point that such programs could, and should be incorporated in any overall national recreation area along the banks of the beautiful and historic Connecticut River.

I think, too, that it is fairly obvious that this proposed study would certainly take into account the present and increasingly critical pollution problem. This is certainly not unique to the Connecticut River. It is a problem common to virtually every river and stream in the Nation that drains through an urbanized and industrialized region.

Such a program as would be proposed in this bill would give much impetus to present pollution control activities at the State and local level.

I am pleased and proud to support this bill, not only for the obvious benefits it would bring to the citizens I am privileged to represent in this body, but in terms of the benefits it would bring to the economic and social health of the entire Nation. The Connecticut River figures prominently in American history. It was among the key arteries pumping life blood to our earliest pioneers and to the outposts and settlements that helped strengthen the bedrock upon which this Nation is founded.

It has long been a haven for sportsmen and outdoor vacationers, providing unparalleled camping and hiking country and some of the finest game fishing in the world. Because of uncontrolled pollution and a rather helter-skelter approach to community development and industrialization, the river has lost not only many of its resources but much of its appeal in this respect.

This study is vitally needed to restore the perspective we seem to have lost and to recommend the best and most comprehensive means to restore the resources as well.

Mr. DADDARIO. Mr. Speaker, I should like to commend the Committee on Interior and Insular Affairs for recommending this bill to the House, and urge its favorable consideration by the Members.

As a former mayor of a Connecticut River community, I am deeply conscious of the vast possibilities of this beautiful stream, and the need to do more about them. I participated, with the gentleman from Massachusetts [Mr. BOLAND], in bringing to the attention of the House in 1964 the potential for recreation which exists in this stream, and helped approve an appropriation which can secure study of a need for a 6-foot channel for recreational navigation between Hartford and Holyoke. In all, the State estimated, some 700,000 people can benefit by improvements along this segment of the river alone.

The exploding requirements for greater use of the river are reflected in the census counts of the communities which lie on the banks of the river. The stream is a magnificent natural resource. As the committee has noted, the study it proposes to endorse would complement the investigations of both recreational needs and of pollution abatement which committees of this House have already pointed up. One of the most beautiful of all streams on the Atlantic seaboard, the river is New England's largest, and I urge passage of this legislation.

Mr. GIAIMO. Mr. Speaker, I am pleased to have the opportunity to again express my support of S. 3510, authorizing a study of the desirability and feasibility of the establishment of a Connecticut River National Recreation Area.

This Congress has already authorized constructive programs to meet the problems confronting some of our major waterways. I am proud to have helped pass this previous legislation. In fact, several weeks ago we agreed to a resolution which I cosponsored authorizing a Hudson River Basin compact.

Today, Mr. Speaker, we again have the opportunity to pass legislation aiding development of a major waterway—the Connecticut River. The Connecticut River rises in the Connecticut lakes adjacent to the Canadian border. Flowing southward for more than 400 miles, the river forms the boundary between Vermont and New Hampshire and bisects the States of Massachusetts and Connecticut. The population of the river basin is estimated at approximately 2 million people.

More than 70 percent of the land area in the river basin is undeveloped woodland and forest, but it embodies an irreplaceable natural resource—open space in a primarily urban area. Agriculture remains one of the principle occupations along the riverway. Highly diversified industrial development has begun to encroach upon this natural beauty. This indiscriminate exploitation of the river has increased the necessity for comprehensive planning to develop the Connecticut riverway for beneficial uses. Perhaps the most beneficial use is developing the river area into a recreational site, emphasizing the need for the preservation and restoration of the river's natural beauty and historical heritage. To evaluate the possibilities of the establishment of such a recreational area is the goal of this legislation.

The need for action at this time is critical, lest we be responsible to future generations for the failure to preserve nature's gift. Mr. Speaker, I wholeheartedly endorse S. 3510 and urge its passage.

GENERAL LEAVE TO EXTEND

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill, S. 3510.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. O'BRIEN] that the House suspend the rules and pass the bill S. 3510, with amendments.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MANPOWER DEVELOPMENT AND TRAINING AMENDMENTS OF 1966

Mr. POWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16715) to amend the Manpower Development and Training Act of 1962.

The Clerk read as follows:

H.R. 16715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Manpower Development and Training Amendments of 1966".

SEC. 2. (a) Section 104(a) of the Manpower Development and Training Act of 1962 (hereinafter referred to as "the Act") is amended by striking out "1967" and inserting in lieu thereof "1968".

(b) Section 105 of the Act is amended by striking out "1967" where it appears in the first sentence and inserting in lieu thereof "1968", and by amending the last sentence thereof to read as follows: "Of the funds appropriated for a fiscal year to carry out this Act, not more than $300,000 may be used for purposes of this section."

SEC. 3. (a) Section 202 of the Act is amended by redesignating subsection (c) through (h), and all cross references thereto, as (d) through (i), respectively, and by inserting after subsection (b) the following new subsection:

"(c) The Secretary of Labor shall provide, where appropriate, a special program of testing, counseling, selection, and referral of persons forty-five years of age or older for occupational training and further schooling designed to meet the special problems faced by such persons in the labor market."

(b) Section 202 of the Act is further amended by striking out the last subsection and inserting in lieu thereof the following new subsections:

"(j) Whenever appropriate, the Secretary of Labor may also refer, for the attainment of basic education and communications and employment skills, those eligible persons who indicate their intention to and will thereby be able to pursue, subsequently or concurrently, courses of occupational training of a type for which there appears to be a reasonable expectation of employment, or who have completed or do not need occupational training but do require such other preparation to render them employable. Such referrals shall be considered a referral for training within the meaning of this Act.

"(k) The Secretary of Labor may enter into an agreement with the Secretary of Health, Education, and Welfare for the purpose of furthering the objectives of this Act by facilitating the provision of appropriate physical examinations, medical treatment, and prostheses for persons selected or otherwise eligible to be selected for training under this Act. The agreement may provide that where any such person cannot reasonably be expected to pay the cost of the services and the services are not otherwise available without cost to him from any other resource in the community, there may be expended (from sums appropriated to carry out this title and pursuant to arrangements made by the Secretary of Health, Education, and Welfare) not more than an aggregate of $100 to provide such services to that person. If the Secretary of Health, Education, and Welfare is unable to arrange for the provision of services under this section, the Secretary of Labor may expend not more than an aggregate of $100 to provide such services to any one person.

"(l) In order to assist in providing qualified workers in areas or in occupations in which there are critical skill shortages the Secretary of Labor shall, in accordance with regulations prescribed by him, provide an experimental program for part-time training of persons, including employed persons, to meet such skill shortages."

SEC. 4. (a) Section 203(c) of the Act is amended—

(1) by striking out in the first sentence "two years" and inserting in lieu thereof "one year",

(2) by striking out in the second sentence "not less than one year and" and inserting in lieu thereof "not less than one year or", and

(3) by adding at the end thereof the following: "Notwithstanding any provision to the contrary in this subsection or in subsection (h), the Secretary may refer any individual who has completed a program under part B of title I of the Economic Opportunity Act of 1964 to training under this Act, and such individual may be paid a training allowance as provided in section 203(a) of this Act without regard to the requirements imposed on such payments by the preceding sentences of subsection (c) or by subsection (h) of this section. Such payments shall not exceed the average weekly gross unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent four-calendar-quarter period for which such data are available. Such persons shall not be deemed youths for the purpose of applying the provision under this subsection limiting the number of youths who may receive training allowances."

(b) Section 203 (h) of the Act is amended by inserting before the period at the end thereof the following: "unless the Secretary determines that there is good cause to permit an individual referred to further training to receive training allowances so that he may be prepared adequately for full-time employment."

(c) Section 203 of the Act is amended by adding at the end thereof the following new subsections:

"(j) To assure the maximum use of training opportunities, the Secretary of Labor is authorized to make, or cause to be made, advance payments of training allowances or a part thereof to individuals selected for training who, because of immediate financial needs for the maintenance of themselves or their dependents pending receipt of training allowances, would otherwise be unable to enter or continue training. The total advance payments to a trainee under this subsection outstanding at any time shall not exceed the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the four-calendar-quarter period for which such data are available most immediately prior to the commencement of training by such trainee. Such advance payments shall be repaid either through deductions from training allowances or through other arrangements with such trainee.

"(k) Under such standards as the Secretary of Labor may find appropriate to achieve the purpose of subsection 202(l), an individual referred to part-time training under such section shall be paid an amount not to exceed $10 with respect to each week in which he is engaged in such training and such payment shall be in lieu of any other payments to which he may otherwise be entitled under this section.

"(l)(1) No training allowance shall be paid to any person for any period for which a money payment has been made with respect to the need of that person under a State plan which has been approved under title I, IV, X, XIV, or XVI of the Social Security Act and which meets the requirements of the first sentence of paragraph (2) of this subsection. The Secretary of Labor is authorized to pay to any such person (A) such sums as the Secretary determines to be necessary to defray expenses of that person which are attributable to training pursuant to the provisions of this Act, and (B) a training incentive payment of not more than $20 per week. Persons receiving payments under the preceding sentence shall be counted for purposes of the third sentence of section 203(c) as though they were receiving training allowances.

"(2) Notwithstanding the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act, a State plan approved under any such title shall provide that no payment made to any person pursuant to paragraph (1) of this subsection shall be regarded (A) as income or resources of that person in determining his need under such approved State plan, or (B) as income or resources of any other person in determining the need of that other person under such approved State plan. No funds to which a State is otherwise entitled under title I, IV, X, XIV, or XVI of the Social Security Act for any period before the first month beginning after the adjournment of the State's first regular legislative session which adjourns more than sixty days after the enactment of this subsection shall be withheld by reason of any action taken pursuant to a State statute which prevents such State from complying with the requirements of this paragraph."

SEC. 5. (a) Section 231 of the Manpower Development and Training Act is amended by striking out "vocational" in the first sentence, and by striking out the last sentence of such section and inserting the following in lieu thereof: "The Secretary of Health, Education, and Welfare shall give preference to training and education provided through State vocational education agencies and other State education agencies. However, in any case in which he determines that it would permit persons to begin their training or education within a shorter period of time, or permit the needed training or education to be provided more economically, or more effectively, he may provide the needed training or education by agreement or contract made directly with public or private training or educational facilities or through such other arrangements as he deems necessary to give full effect to this Act."

(b) The third sentence of section 231 is amended by adding, after the words "with respect to private institution", the words "or programs carried out in conjunction with programs or projects under section 102(6)".

SEC. 6. (a) Title II of the Act is amended by adding at the end thereof the following:

"PART D—CORRECTIONAL INSTITUTIONS

"SEC. 251. Without regard to any other provision of this title or section 301 of this Act, the Secretary of Labor shall, during the period ending June 30, 1969, develop and carry out experimental and demonstration programs of training and education for persons in correctional institutions who are in need thereof to obtain employment upon release.

Arrangements for such education and training shall be made by the Secretary of Health, Education, and Welfare after consultation with the appropriate area manpower development and training advisory committee. Programs under this part shall be conducted through agreements with officials of Federal, State, and local correctional institutions. To the fullest extent practicable, the Secretary of Labor shall utilize the available services of other Federal departments and agencies. Programs under this part may include vocational education; special job development and placement activities; prevocational, basic, and secondary education, and counseling, where appropriate; supportive and followup services and such other assistance as is deemed necessary."

(b) Section 304 of the Act is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

"(d) For the purpose of carrying out part D of title II, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1968, and for the fiscal year ending June 30, 1969, such amounts as may be necessary."

Sec. 7. Section 301 of the Act is amended by inserting "parts A and B of" before "title II" in the first sentence, by striking out the words "make such apportionment" in the first sentence and inserting in lieu thereof "apportion 80 per centum of the funds available for such purposes", and by inserting after the first sentence the following new sentence: "The remaining 20 per centum may be expended by the Secretary of Labor and the Secretary of Health, Education, and Welfare as they find necessary or appropriate to carry out the purposes of title II."

Sec. 8. (a) Section 309 of the Act is repealed.

(b) Part B of title II of the Act is amended by adding at the end thereof the following new section:

"ANNUAL REPORT

"Sec. 233. Prior to April first of each year, the Secretary of Health, Education, and Welfare shall make an annual report to Congress. Such report shall contain an evaluation of the programs under section 231, the need for continuing such programs, and recommendations for improvement. The reports shall also contain progress reports on the vocational training study which will be conducted under the supervision of the Secretary during 1966 and 1967."

The SPEAKER. Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. POWELL. Mr. Speaker, this marks, if the House agrees, the 56th piece of legislation to be passed by the Committee on Education and Labor since I have had the privilege of serving as the chairman. I have not lost one piece of legislation in 6 years.

I would like to say further for those who do not know, that this was probably the first piece of legislation to be conceived 6 years ago when the distinguished gentleman from Pennsylvania [Mr. Holland], called me the day after the election in New York and said, "I would like to get going on the Manpower Development and Training Act."

I said, "I will meet you in Washington tomorrow."

All during the balance of November and through December, the gentleman from Pennsylvania [Mr. Holland] and I worked on this piece of legislation.

The New York Times said on the front page of a Sunday edition that this might well be the most important piece of labor legislation in this session.

This is a much needed bill to amend the Manpower Development and Training Act of 1962. The provisions of this bill will broaden the scope of this program, increase the flexibility with which persons needing it can be referred to for training, both manual and educational, and make some administrative alterations which experience has shown to be necessary.

The bill began earlier this year when a number of Members, from both sides of the aisle, introduced legislation to amend Manpower Development and Training Act in various particulars. The Select Subcommittee on Labor, chaired by the able gentleman from Pennsylvania. [Mr. Holland], held 4 days of hearings on these bills, and met three times in executive session. At the conclusion of these deliberations, they reported, without dissent, a clean bill, the proposed legislation now before you, which was subsequently taken up by the full committee, amended in two minor particulars, and again approved by both the majority and minority.

The bill embarks on no violent new departures from what has already been tried, and what is, in large part, working out well under existing conditions.

Rather, these amendments, like the present act, are an attempt to build the foundations upon which a national manpower policy can—and someday it will—be built, so that the Nation's most valuable resources—the brains and muscles and ingenuity of its people—can be most effectively utilized in the context of a free economy.

I have not enough praise for Mr. Holland and his idea, the Manpower Development and Training Act, nor for the gentleman from Michigan [Mr. O'Hara], who has done a remarkable job backstopping this legislation during the past year.

Mr. Speaker, this is a bipartisan bill. My good friends on the other side of the aisle who are members of the Committee on Education and Labor have supported it. There are many weaknesses in it. The bill proposes today to strengthen those weaknesses, if not to eradicate them completely.

I yield now the balance of my time to the gentleman from Michigan [Mr. O'Hara].

Mr. O'HARA of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Holland] may revise and extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOLLAND. Mr. Speaker, I am gratified to see before this House once again—and for the third time since its enactment in 1962—legislation amending the Manpower Development and Training Act. The original bill creating that act resulted from public hearings of an ad hoc Subcommittee on Unemployment and the Impact of Automation, created by Chairman Powell and to which he appointed me chairman. As you remember, in 1961 the economy needed strengthening so that it would produce the large numbers of additional jobs that were needed to offset an unemployment rate of almost 7 percent. The Manpower Development and Training Act, at that time considered almost revolutionary, was one of the first in a series of measures—such as the Vocational Education Act, the Economic Opportunity Act, and so forth—enacted to help upgrade worker's skills, help match people to jobs and reduce unemployment.

As the economy and the manpower situation changed, the Manpower Development and Training Act was adjusted accordingly—in 1963 and again in 1965—each time becoming a more flexible instrument of manpower policy. The job situation has again changed, and I am pleased to see this legislation, of which I am so proud, be adapted to work in a period of skills shortages. Manpower policy is important in periods of rising employment and tightening job markets, and measures to improve manpower development and utilization become steadily more important in easing and preventing labor shortages.

The Manpower Development and Training Act has provided the base for a broad range of programs and activities directed toward these complex manpower problems. Since its enactment in 1962, the Manpower Development and Training Act has provided a nationwide occupational training program for unemployed and underemployed workers, including basic education instruction when required, for over 680,000 persons. Of the 480,000 approved for institutional Manpower Development and Training Act programs, nearly 75 percent of those receiving training were subsequently employed. On-the-job training authorized for 193,588 persons has resulted in employment of 94 percent of the trainees completing training. Special youth programs providing severely disadvantaged out-of-work, out-of-school youth—16 through 21—with counseling, testing, prevocational and basic education instruction, job training, placement, and followup services have been equally successful. Redevelopment area training, formerly functioning as a separate program, is now provided for as a part of the overall Manpower Development and Training Act manpower program of the Department of Labor.

The legislation we consider today, H.R. 16715, is designed to make certain we will be able to continue and broaden the battle to prevent waste of our human resources and to realize the full productive potential of the American people. H.R. 16715 amends the Manpower Development and Training Act by broadening the eligibility for referral to training, expanding training allowance provisions, providing for broader utilization of private educational institutions, authorizing experimental and demonstration training projects for inmates of correctional institutions, and making some necessary administrative adjustments. I will not go into further detail on these various amendments, but will let the able gentleman from Michigan [Mr. O'HARA] give you the details of these provisions.

This act was amended in 1963 and 1965 by large majorities in both Houses. The amendments proposed this year have received strong bipartisan support, both in subcommittee and in the full committee. H.R. 16715 was reported favorably from the Committee on Education and Labor with no dissenting vote.

The Manpower Development and Training Act can rightly be called one of the Nation's indispensable weapons in the attack upon manpower problems. I urge you to pass these amendments today so that this act may continue to do its effective job.

Mr. O'HARA of Michigan. Mr. Speaker, as the gentleman from New York has said, H.R. 16715 is a bill to amend the Manpower Development and Training Act of 1962. It comes before the House with the unanimous support of the members of the Committee on Education and Labor, and with the active support, as well, of Members not on the committee, of major segments of the business and labor communities, and, I believe, without major opposition from any quarter.

I cannot say that these amendments are minor ones, or merely technical adjustments in the act; though I can say with confidence that they do not represent any major changes in the direction of the programs that have proven so successful under this act since its inception.

The thread that runs through all these amendments is the wish to make skills training available on a broader basis, with greater flexibility as to the selection of trainees, the payment of training allowances, and the ways in which skills training or retraining can be utilized as a tool to meet the specific needs, not only of those to be trained, but of the community as a whole.

We would make a mistake, Mr. Speaker, if we looked upon the Manpower Development and Training Act as being primarily a service to those who receive the training—though it is such a service and a very important one. Manpower Development and Training Act training has been highly beneficial to industry, in enabling our private enterprise system to find the workers that unceasing technological change requires. Manpower Development and Training Act training has been helpful to the cause of equal employment opportunity. It has been helpful in the great war against poverty. It has helped whole communities recover from major industrial dislocation.

But, in a period in which technological changes are coming more rapidly than most of us begin to realize, in a period when the face of the economy is changing with every passing hour, manpower development and training, successful as it has been, must be continually updated and improved to meet changing needs. This bill is part of that continuing process. I assume, Mr. Speaker, that the committee will come before the House again in future sessions to request further changes. For my own part, Mr. Speaker, I will become suspicious of the manpower development and training program only when—if ever—it becomes a rigid, unchanging, self-satisfied institution.

Mr. Speaker, one of the questions that is often considered when a measure of this kind comes before the House is its cost. I have some very revealing figures about the true cost of manpower development and training. According to recent figures compiled by the Secretary of Labor, the Federal Government has thus far contributed some $95.8 million for training programs under this act, 53 percent of which has been returned to the Treasury already in the form of taxes paid by the very trainees who have been prepared for remunerative labor by the act. At this rate, the act will pay for itself every 2 years.

Here are some of the details, as they appeared in a story in the New York Times on Saturday, September 3, titled "Wirtz Says Trainee Repays U.S. Outlay in Income Taxes."

> President Johnson said in a statement today that the Labor Department's on-the-job training programs were paying for themselves. Labor Secretary W. Willard Wirtz reported to him that taxes paid by the average trainee in the programs of the Manpower Development and Training Act compensated the Government for the full cost of his education within two years.
>
> The average trainee earns $57 a week during his 14-week training program and $73 a week after training. This average income the first year amounts to $3,572, the Secretary said.
>
> The Government pays about $500 to train one worker under the program. The income taxes paid on an income of $3,572 range from $419 to $74, depending on the number of dependents. More than 45 per cent of the trainees are unmarried, and 15 percent claim only one dependent.
>
> The incomes of almost 163,800 of the 182,000 people involved in the program since its inception in 1963 are taxable after deductions, Mr. Wirtz said.
>
> The Government has contributed $95.8-million for the training programs, and the trainees have returned to date $50.5-million in taxes, or more than 53 per cent of the training expenses, he said.

Let me briefly explain the amendments.

Section 2 of the bill amends those sections of the act which establish the experimental relocation and bonding provisions, by extending the life of each for 1 additional year. These provisions are designed to enable the Secretary of Labor to help those trained under the act in finding employment. Under section 104, he may assist unemployed workers to find employment in areas where there is a market for their skills—through grants or loans for relocation purposes. This is an experiment which has shown great promise, and a provision to make it a permanent part of the program is embodied in a bill recently passed by the other body. It is the feeling of your committee, Mr. Speaker, that the experiment has not yet proven the case for a permanent program, and, therefore, we propose extending the authority for 1 year, at the same level as is now authorized.

Section 105 of the act allows the Secretary of Labor to assist persons retrained under the act to obtain bonding where necessary to find jobs. As in the relocation experiment, this is a hopeful undertaking, and it may, in the future, be shown that it should be continued on a permanent basis. As of now, however, we ask only that it be continued on a limited experimental basis for 1 more year.

Section 3 of our bill deals primarily with the selection and referral of workers to training under the act. Section 3 (a) establishes a new program of training to meet the employment problems of older workers. The evidence on which this provision is based goes beyond the testimony in the pages of the committee hearings on this legislation alone. Last year, the Select Subcommittee on Labor, under the chairmanship of the gentleman from Pennsylvania [Mr. HOLLAND] conducted several days of hearings on the employment problems of the older worker. Two volumes of testimony taken at that time have been printed and are available for Members. During those hearings, a number of witnesses explained the great many problems which face the worker who is too young to retire and too old to find a new job. These problems, and the solutions to them are too varied to discuss at length here. But a lack of skills is one of these problems, and retraining is certainly one of the answers. As the committee report says, this is no panacea. This simple provision will not eliminate arbitrary and wasteful job discrimination on the grounds of age. But it most certainly will help in one area. The older worker—the worker in his forties or fifties—has many productive years ahead of him. For him to be withdrawn from the labor force because prospective employers think he cannot learn new skills is a serious misuse of our brainpower, energy, and ingenuity. The older worker can be retrained where he needs it, and this bill directs the Secretary of Labor to get about it.

Section 3(b) adds three additional subsections to section 202 of the act—the section governing referral to training. Two stem from a bill, H.R. 14671, originally introduced by the gentleman from California [Mr. BURTON]. The first of these makes a minor but important addition to the present authority to refer persons to training for the attainment of basic education. This was added to the act in 1963, after it had become obvious that a great many potential trainees needed to develop simple skills in arithmetic and reading and writing in order to perform on the job, or even in order to benefit from the skills training itself. In recent years some rather remarkable work has been done at Howard University and elsewhere, in the area of communications and linquistics which tends to show that people, especially but not exclusively in ethnic minority groups, find difficulty in communicating with prospective employers and with the general public, not because of ignorance or illiteracy, but simply because they are raised to speak a distinct dialect from that spoken in the labor market as a whole. The same research has shown that this problem can be solved, once it is recognized. The amendment which will be designated as section 202(j) authorizes the Secretary to refer trainees to courses which will enable them to develop communications skills and other techniques necessary to secure, keep, and adequately perform in a job, as well as for basic education of a more orthodox kind.

This bill adds a new subsection—also in Mr. Burton's original bill—(k) authorizing the furnishing of medical examinations, treatment, and prosthesis for persons selected or otherwise eligible for training. The problem here has been that a number of prospective trainees have either been unable to enter training or unable to benefit from it because of minor physical defects, easily curable, but which are beyond the sometimes very limited financial resources of unemployed potential trainees. A trainee might need an inexpensive pair of glasses, a hearing aid, or simply a medical examination to determine if he was physically qualified to perform the work for which he is about to be trained. The benefits of the amendment are limited to those persons who cannot reasonably be expected to pay for such services themselves, and where the services are not available free from other community agencies. The amendment specifies that the Secretary of Health, Education, and Welfare should try to furnish the services—presumably through the Public Health Service or vocational rehabilitation program—and, failing this, the Secretary of Labor may spend not more than $100 to provide such services to a given trainee.

The final paragraph of section 3, taken together with section 4(c), makes what I consider, Mr. Speaker, one of the crucial amendments to the act. The Manpower Development and Training Act is not and was never intended to be purely a measure for providing skills training to the totally unskilled and entirely unemployed. From the very beginning, we recognized that skills upgrading was also an important aspect of the program. Persons who have some skills and have a job may find themselves able to benefit from further training in higher skills, so that they may move up the job ladder, leaving their jobs open for persons who can be trained for them, but who might not, without such background, be trainable for the higher level occupations.

Upgrading is beneficial to the employee, of course, but it can also be of real benefit to his employer, and to industry and the public at large. It can be, in many cases, a very economical way of improving the job prospects of two people at once—the upgraded worker and the unskilled applicant who can move into his job when he moves up.

This year's amendments, therefore, underscore the desirability of providing part-time training for persons, including employed persons, on an experimental basis, in areas of critical skill shortages. There are industries, there are States and cities, where some skills are in critical shortage. It is not always possible to train a totally unskilled worker for these jobs, but it is vitally necessary to train someone who can perform them. The second provision—in section 4(c)—authorizes a partial training allowance, not to exceed $10 per week, to enable such persons to take advantage of this program. This modest allowance will enable a full-time employee to take such training, to meet the costs of transportation, eating out, or what-have-you, without dipping into his existing earnings.

Let me add a personal note here. The Manpower Development and Training Act legislation has, especially in recent years become more and more a source of real bipartisan pride and cooperation. The provision I have just described meets with the unqualified approval of all members of the subcommittee, but I should mention that it originated in a bill introduced by the gentleman from Minnesota [Mr. Quie], who has been most helpful in the consideration of this and previous amendments to the act. I am delighted to be able to point the finger of credit to the other side of the aisle where, as in this case, it is so amply merited.

Section 4 of the bill makes alterations in the training allowance provisions of the act, primarily to eliminate some of the inflexible provisions which have caused what I sincerely believe to be unintended hardships facing some trainees. Ostensibly, these provisions could slightly raise the cost of the program. But, I recall the attention of my colleagues to the figures I have read earlier, to the effect that Manpower Development and Training Act training pays for itself in increased tax revenues. Additional training, made possible by more flexible training allowances, by the same reasoning will continue to pay for itself, and to return its cost over and over again to the Treasury.

Section 4(a)(1) reduces the present requirement for prior attachment to the work force from 2 years to 1. There is a good reason for requiring such attachment for eligibility for a training allowance. The act is primarily designed to provide for the retraining of mature workers, not to supplant or even supplement regular vocational education at the high school level. But 1 year's attachment to the work force meets this requirement amply. We have amended the act accordingly.

The act now permits the Secretary of Labor to pay a training allowance to a youth of 17 years or older who has dropped out of school only after every effort has been made to get the young person back into school, and proven unavailing, and a year has elapsed since he left school. The reason for this provision still enjoys the backing of your committee. As I have said before, the act is not supposed to compete with or supplant the orthodox vocational education institutions of which we are so rightly proud in this country. A high school dropout should have the benefit of every means at the community's disposal to persuade him to return to school, where he can get the kind of an education that can open up all kinds of new horizons for him. Only where this is manifestly impossible—only where it just is not in the cards for the young person to reenter the school situation with profit to himself—should he be encouraged to enter Manpower Development and Training Act training instead. This requirement remains in the present bill, with the enthusiastic blessing of the committee. But the present act also requires that the young man remain out of school for an entire year before he can enter a Manpower Development and Training Act program. This bill removes the word "and" and substitutes the word "or" before this requirement.

In the committee's judgment, if it becomes obvious that counseling, guidance, persuasion and all the other means available are not going to get a young man back into the classroom to learn, we are defeating the purpose of the entire provision by making him take a year's "training" in the skills of the streets and back alleys before he can enter into more constructive training. There are some young people who simply cannot benefit from a classroom environment. This may be unfortunate. This may be contrary to the conventional wisdom of the society. But he should be helped, not punished. We are all better off if such young people can be given occupational training as soon as it becomes obvious that this is the only useful road, than if they are made to wait on the doorstep for a year.

Section 4(a)(3) authorizes young persons who have completed a program under the Neighborhood Youth Corps provisions of the Economic Opportunity Act to enter immediately into Manpower Development and Training Act training without suffering a major loss of income by so doing. This subsection, incidentally, is identical to language in H.R. 15111, the poverty bill which has been reported to the House.

Section 4(b) seeks to solve the problem that exists because of the act's present ban on training allowances for a person who is enrolled in a second course immediately after completing one. It does so by allowing the Secretary to pay an allowance in such cases where he believes there is good cause to do so. This is primarily, but not exclusively, designed to meet those situations where a man drops out of a course for reasons beyond his control, or where he completes one and finds that because of economic shifts in his community the course has not in fact prepared him for employment. In such cases, your committee did not feel the trainee should have to wait an entire year before being eligible for a training allowance.

Section 4(c) adds three new subsections to section 203 of the act. The first, which originated as H.R. 14737, by the gentleman from New York [Mr. Powell], shall be designated section 203(j), allowing the Secretary to make advance payments of training allowances to trainees who cannot otherwise enter training because of immediate and pressing financial need. Section 203(k), I have already discussed. It is an integral part of the amendment allowing part-time training. Section 203(l), which originated with the gentleman from New York [Mr. Hanley], is an attempt to solve a very bothersome problem affecting persons on public assistance who are referred to Manpower Development and Training Act training. As the law now reads, the income that such persons receive must be subtracted from their income under public assistance, leaving no immediate financial incentive for the recipient to enter training. But what is worse is that the administrative arrangements between the two very different programs can become very complicated, and very bureaucratic, and it occasionally happens that either the public assistance people do not find out a trainee is receiving a training allowance—and he gets both—or they do not find out that he has completed his training—and he gets neither. In order to simplify the entire matter, and after consultation with the Social Security Administration of HEW, your committee has amended this bill to allow persons who—or whose families—are public assistance beneficiaries under the Social Security Act, to receive an incentive payment of no more than $20 per week in lieu of a training allowance. This incentive payment shall not be considered as income for purposes of the Social Security Act, and need not, therefore, be subtracted from public assistance payments.

Section 5(a) of the bill rewrites the last sentence of section 231 of the act, and deals primarily with the relationship between the Secretary of Health, Education, and Welfare and the State vocational education agencies. This amendment is more in the nature of a reemphasis of a previous decision of the Congress than an amendment. In the basic act, the Secretary of HEW is directed to make the actual arrangement for training with the States. It is visualized that the States, through their educational agencies will set up training courses, but that the Secretary can, where necessary or desirable, make contracts directly with other agencies or organizations for the provision of such training.

The existing law, in the committee's opinion, has in some cases been interpreted with excessive rigidity and strictness by both State agencies and the General Accounting Office. While there is a preference, as a matter of policy, for working directly through State public education agencies, the talents and resources of the private training institutions, and of private nonprofit agencies, should not be ignored. There is so much to do in this area that we cannot afford to have bureaucratic jealousies slow down the provision of training. In order to reemphasize our feeling on this matter, the committee has amended section 231. For the first time, we have spelled out the preference that is meant to be accorded to the public agencies. But we have also directed that the Secretary of HEW may make contracts for the providing of training with public or private training or educational institutions or agencies whenever it will speed up the provision of training, or permit the training to be given more economically, or more effectively.

The intent of your committee at this point, Mr. Speaker, is to give the Secretary of HEW whatever flexibility he needs to get on with the job, and to get people into training. Your committee is not interested in taking sides in the competition between public vocational education agencies and private training schools. This competition, to the extent that it makes both perform better, is a good thing. But neither type of institution has any area carved out for it in this act. Neither has any area of fenced-in range, which they can develop at their leisure because their competitor cannot get into it. That, Mr. Speaker, is the intention of the committee, and, I trust, of the House and of the entire Congress. On behalf of my colleagues on the committee, I ask that those responsible for the administration of this program take special note of this part of these remarks. Our subcommittee intends to carry out a continuing review of this program, and the interpretation of this section shall be central to our review.

Section 5(b) of the bill is here because we are keeping a promise that was made to this House in 1965, when this bill was amended. When the act was originally passed, in 1962, it provided for 100 percent Federal financing through June 30, 1964, and for Federal-State cost sharing thereafter. In 1963, and again in 1965, the 100 percent Federal financing was extended. In 1965, firm commitments were given that the States would begin to finance their share of this program after the end of fiscal year 1966.

That promise, Mr. Speaker, has been kept.

The States are now sharing the costs. No serious recommendation was made to the committee that the cost-sharing date be further delayed, with one very minor exception which is embodied in section 5(b) of the bill. This relates to the training cost increment of certain experimental and development programs carried on under title I. Hitherto, these programs have been carried on without objection by many of the States because the States were not contributing to them. Under the act's terminal date for 100 percent Federal financing, however, the States would have to bear 10 percent of the training cost increment of every project in a State, even if they were experimental and demonstration projects. This would give the individual States an effective veto power over E. & D. projects which might well have a major national impact, but which a State might understandably balk at helping, even in a minor way, to finance. The training costs of such projects, therefore, has been exempted from the otherwise all-inclusive provision that, beginning in this fiscal year, the States must contribute 10 percent of the training costs of all Manpower Development and Training Act projects within their respective borders.

Section 6, Mr. Speaker, is the only major addition to the act embodied in this year's amendments. Originating in a bill introduced by the gentleman from Florida [Mr. BENNETT], it adds a new part D to title II, authorizing the Secretary of Labor to conduct an experimental program ending June 30, 1969, of training for persons in correctional institutions. None of the proposed amendments to Manpower Development and Training Act this year have brought forth more comment, or more interest. Prison officials from States all over the country have testified or written to the subcommittee in support of this proposal. The Secretary of Labor has testified before the subcommittee with respect to the magnificent results that pilot projects at Federal institutions at Lorton and Riker's Island have shown. This amendment can be of major importance in reducing recidivism and in offering new hope to the men in correctional institutions, and to the taxpayer whose burden in maintaining such institutions can be materially reduced as inmates are encouraged and equipped to lead productive working lives upon their release.

Two problems were faced by the committee in considering this legislation, and the committee's report deals directly with them. The pertinent paragraphs read as follows:

> . . . the committee feels that great care must be taken to insure that such training does not result in any increase in the production of goods in competition with free labor. Your committee removed the phrase "on-the-job training" from this proposal because we were not prepared to see MDTA finance day labor by prison inmates in competition with free labor.
>
> Suggestions for special programs for parolees and probationers were not adopted since there is nothing in the act now which prevents the Secretary from referring a parolee or probationer to training. The bonding provisions of section 105 of the act which this bill extends for an additional year are designed, in part, to assist such persons. Your committee has also taken note of the phenomenon in which paroled prisoners have been helped to secure employment only to find that the employer uses his relationship with the parolee and with the parole officer to prevent legitimate union organizational activity. The Secretary of Labor is urged by the committee to make full use of this amendment, but, at the same time, to take great care that such abuses as those mentioned above are not carried out under the protective umbrella of MDTA.

Section 7 of the bill alters the apportionment formula in the act, making it applicable only to the first 80 percent of the funds appropriated under title II. The remaining 20 percent of the total appropriated is reserved for the Secretary of Labor and the Secretary of Health, Education, and Welfare, to apply as they see fit to carry out the purposes of the title. It is the committee's intention that such funds should be used primarily to set up training programs in States where there exist substantial and critical skills shortages, but where the basic apportionment formula does not adequately cover the situation. The existing formula—and it is a good one—concentrates the funds largely in areas where there is substantial unemployment. And, indeed, this is where a major portion of the money should go. But this act is not a relief measure. It is not strictly a grant-in-aid measure of the traditional kind. It is meant to help the Nation meet both problems of unemployment and problems of skill shortages. The reservation of this 20 percent of the funds, with the understanding set forth in these remarks and in the committee report, should help substantially in this area of concern.

Finally, section 8 of the bill repeals the requirement for an annual report on this act by the Secretary of Labor, largely because the Labor Department also participates in a major way in the preparation of the President's annual manpower report, and the Department report would be necessarily somewhat repetitive. The requirement that the Department of Health, Education, and Welfare make an annual report to the Congress on this act has been maintained.

Mr. Speaker, I have outlined the basic provisions of the bill before us. I think they are, in every case, reasonable and needed amendments to this vital and highly useful act. But, with the permission of the chairman of my subcommittee [Mr. HOLLAND], I wish to make a further commitment to this House, on behalf of the subcommittee. We are concerned over the lack of coordination between the Manpower Development and Training Act and related programs, including the war on poverty and others. At the beginning of the next Congress, it is the intention of the present members of the subcommittee to embark upon a thorough, detailed, professional study of the manpower training and work experience programs financed by the Federal Government, with a view to eliminating duplication, increasing efficiency and developing an overall policy in this vital area. In this study, as in the preparation of this present bill, we look forward to working in the closest cooperation with the minority members of the subcommittee. It is our hope that at some point in the next Congress, we may be able to present to the House a series of basic amendments to the legislation in question, if basic amendments are in fact required; recommendations for administrative rearrangements, if they are in fact needed; and a broad, overall report to the Congress on manpower policy for the years immediately ahead.

In conclusion, Mr. Speaker, let me say that I am very proud of having had the opportunity to work on this important legislation under the chairmanship of a good friend and wise counselor, the gentleman from Pennsylvania [Mr. HOLLAND]. The Manpower Development and Training Act can be said, if any bill can be said to be so, "ELMER HOLLAND's baby." This year's amendments, like those of previous years, bear his name, and his stamp. He presided over the deliberations of our subcommittee where we were able, with speed and without wasted motion, to give careful consideration to a host of proposals, sort out the good ones from the bad and come up with a bill which, once again, enjoys the unanimous support of the members of Mr. HOLLAND's subcommittee, the full Education and Labor Committee, and, I hope, of an overwhelming majority of the Members of this House.

Mr. QUIE. Mr. Speaker, I yield to the gentleman from Florida [Mr. CRAMER] such time as he may consume.

Mr. CRAMER. Mr. Speaker, I rise in support of the bill to amend the Manpower Development and Training Act, having supported the initial act, and having a particular interest in one phase of this bill; namely, the section providing for training of persons over 45.

It is apparent that persons over 45 are constantly being discriminated against in making job applications. It is further obvious that this discrimination is participated in most blatantly by the U.S. Government in its hiring practices.

It is futile to send an applicant for a civil service job to a Government agency whose age exceeds 45. I have tried on many occasions. Invariably such a person is met with a flat "no" or some lame excuse for nonhiring.

I applaud this step in this bill of directing the Secretary so far as manpower development training is concerned to formulate a program to meet the special employment needs of workers 45 years of age or more. However, as the report on page 3 indicates, hearings in 1955 before which I testified in the Subcommittee on Problems of Older Workers on August 31, 1965, showed that this is just a first step.

The report on page 3 states:

> This is only a first step, and while it is true that a long journey begins with the first step, it is also true that it does not end there. Suggestions for insuring vested pension rights, providing for pension portability, and for barring age discrimination all call for careful study.

I hope the committee will get on with these studies so that the 90th Congress can act on some of these proposals, in particular, my bill H.R. 6640, to amend the National Labor Relations Act so as to prohibit discrimination in employment because of age.

A first step should be an administrative order by the President that no discrimination against persons because of age should be permitted in Federal Government practices. Otherwise, what we do here today is a farce. We, in effect, are stating that private enterprise should not discriminate but that it is all right for the U.S. Government to do it. I call upon the President to follow up this bill's obvious sound objective by implementing a nondiscrimination because of age policy in Government hiring policies. Let us be candid in our approach—what is good policy for private enterprise and for the expenditure of Federal funds is good policy for the Federal Government itself.

I represent an area housing many retirees—St. Petersburg, Fla.—so I have had the opportunity to witness firsthand the serious effects of employment discrimination based on age. It is a problem of the most serious magnitude and one I have attempted to alert the Congress to for many years.

For example, I have long fought for legislation providing for the establishment of a Bureau of Senior Citizens within the Department of Health, Education, and Welfare. Thus, enactment of the Senior Citizens Act of 1965 which establishes such a bureau or administration is a measure I greeted with applause and one which I believe is a step in the right direction.

I am convinced that investigation by this new administration into the problems of the elderly will disclose that closely related to the mental and physical problems accompanying growing old is the problem of unemployment which results in forced idleness and insecurity.

An authority in the field of geriatrics, Dr. Edward F. Bortz, has said:

> Older citizens who are actively employed will be more healthy and better adjusted and consequently a less likely drain on the Public Treasury. Instead of being consumers, they will be producers and taxpayers. They will take pride in being self-supporting and in being able to provide for their own needs. It can be predicted that healthy and alert senior citizens, well utilized by the community, will make far fewer demands for medical services.

Unfortunately, the therapy Dr. Bortz recommends is too often frustrated by hiring practices which make it impossible for older Americans to keep actively employed. In short, older Americans are discriminated against in the arena of employment.

It is for this reason that I introduced and call attention to my bill, H.R. 6640, which amends the National Labor Relations Act so as to prohibit discrimination in employment because of age and on which I testified before the Subcommittee on Problems of Older Workers of the Education and Labor Committee on August 31, 1965.

I introduced this legislation, Mr. Speaker, because in my judgment and in the judgment of many experts in the field of geriatrics, the reasons for such discrimination on the basis of age are inherently defective.

I am sure this House recognizes that the problem of discrimination on the basis of age, so far as employment practices are concerned, is manifold.

First, there is the problem of the individual over 65 years of age who cannot afford to retire but cannot find employment because of his age.

Second, there is the problem of the individual between the ages of 45 and 65 who, due to any number of factors, must seek new employment but finds such new employment unavailable because of his age.

This category is directly related to the first I mentioned for when a person between the ages of 45 and 65 has difficulty finding suitable employment, he finds it equally difficult to financially prepare for his retirement years. Thus, upon reaching the age of 65, he must continue active employment. By this time, of course, his age compounds his problems.

There is a third category of senior citizen who, despite his advanced years, desires and is fully capable of continuing active employment. This individual still has much to offer society but because of his age, cannot find employment.

An examination of the reasons why older persons are discriminated against by prospective employers discloses a tremendous number of fallacies which I believe are well worth exploring at this time.

In 1960, the Institute of Industrial Relations of the University of California made a study of the employment problems of older workers. In discussing hiring practices, the following observations stand out:

First. The study reveals that while "older people are slower at organizing incoming data and acting on it in terms of new tasks," nevertheless, "older people generally tend to stress accuracy over speed."

Thus, in jobs where accuracy is more important than speed, older persons have proven themselves most capable.

Second. Illness, industrial accidents, and absentee rates are frequently cited as factors in not hiring older persons. The fact of the matter is that older workers have fewer accidents, although when they do have an accident, their recovery periods are longer. The net result, according to this study, is that the overall absenteeism rate falls steadily up to age 60, rises slightly thereafter, but nevertheless employees between 65 and 75 are absent only two-thirds as much as those less than 30 years of age.

Third. Industrial welfare policies are also cited as a factor employers cite as being against older persons, the claim being that the cost of health and welfare plans is higher for an older work force. This study brings out the fact that this depends on the terms and coverage of the plans. For example, while the incidence of long illnesses and hospitalization is greater for an older employee, maternity care for employees and dependents is costlier with a younger group.

The report concludes that while the cost of group life, hospital, and medical-surgical benefits is generally higher for older employees, "the difference is very minor when viewed in light of aggregate employment costs."

Fourth. Some employers have considered it uneconomical to train middle-aged applicants who have only 15 to 20 years remaining before retirement age. The study reveals that offsetting this is the high turnover rate among the younger workers. It concludes:

> If a company should hire and train 100 workers at the age of 20 and another hundred at the age of 45, total years of service might well be greater for the latter group.

Mr. Speaker, I cited these examples of employer misconceptions concerning older workers to dramatize the belief I hold that this is not a closed area where education and further study would be a waste of the taxpayer's dollar.

For these reasons, I also support H.R. 10634, introduced by the distinguished chairman of this subcommittee, the gentleman from Pennsylvania [Mr. Holland], which provides for a National Commission on Older Workers. A comprehensive study by such a commission will, I am convinced, prove invaluable in developing programs to deal with the increasingly serious problem of discrimination against older workers.

It is my objective to assure senior citizens an equal opportunity with others to engage in gainful employment which they are physically and mentally able to perform and to enable senior citizens to achieve a retirement income sufficient for healthful living on a reasonable standard and for participation in community life as happy, self-respecting citizens.

Passage of my bill outlawing discrimination in employment because of age will be a giant stride in obtaining these goals. For a permanent and lasting solution to this ever-increasing problem, the chairman's bill providing for a National Commission on Older Workers will be most helpful.

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Ayres] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. AYRES. Mr. Speaker, I strongly support this legislation, because I feel that it strengthens the Manpower Development and Training Act in several essential respects. One significant omission in the existing law is the lack of any training program for older workers. The bill we are considering corrects this omission.

I wish to commend the members of the subcommittee for the excellent work they have done in developing this proposal. I wish particularly to commend the efforts of my esteemed colleague, the gentleman from Minnesota [Mr. Quie], who played an important role in producing the measure. I hope the House will give its overwhelming approval to the bill.

Mr. QUIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say that when this bill was first reported from our committee and enacted into law, I was a strong supporter of the bill, I helped in its development, and I was pleased to see that our committee took expeditious action in perfecting a piece of legislation that will long be supported by people on both sides of the aisle.

Also, as was stated earlier, there have been some mistakes. There have been some defects which must be corrected. We have in this bill made some of these changes and amendments to the act that are required both for correction of mistakes and for improvement and expansion of the program.

I believe the changes are well drawn. The Members on our side of the aisle gave complete and wholehearted support to this legislation. There is no controversy in connection with it. Rather than take any more of the time of the House, I will just say that we will give wholehearted and complete support to it. We look forward to the development of further studies of manpower training in order that we can reach all of the people who have the capability but not the skills to hold down the job which everyone needs in order to have an adequate income.

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Fulton] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FULTON of Pennsylvania. Mr. Speaker, I strongly favor the Manpower Development and Training Act Amendments of 1966 as good advances in a good program. I have voted for the original Manpower Development and Training Act of 1962, and the amendments in 1963 and 1965. This act is necessary to adjust people to the new challenges of our scientific advances which suddenly make useless hard-learned skills and experience, of whole groups of our workers. We in Congress must provide further advances of this manpower training program.

I favor particularly the amendment directing the U.S. Secretary of Labor to prepare programs to meet the special employment needs of workers 45 years of age and older. Our U.S. society and our U.S. economy must prepare these workers by education and training for continued productive employment, gainful to them and their families, and to U.S. progress and U.S. industry as well.

It is clear that these workers 45 years of age and older are substantial, experienced, and productive. They are not too old to work, they are clearly too young to retire or face forced retirement, without productive use of their capabilities, experience, and judgment.

This legislation is a strong step in the direction of constructive action to meet technological unemployment in our changing U.S. economy. I favor quick passage.

Mr. POWELL. Mr. Speaker, I should like to compliment the gentleman from Minnesota, who has worked very hard and cooperatively on this legislation, on his remarks.

Mr. Speaker, I yield such time as he may consume to my distinguished colleague from Pennsylvania [Mr. Dent].

Mr. GROSS. Mr. Speaker, I make the point of order that the gentleman from New York [Mr. Powell] yielded his remaining time to the gentleman from Michigan [Mr. O'Hara] and that he therefore cannot yield time.

The SPEAKER. The gentleman from Michigan consumed 3 minutes.

Mr. GROSS. Mr. Speaker, the gentleman from New York yielded the remainder of his time to the gentleman from Michigan [Mr. O'Hara].

Mr. POWELL. Mr. Speaker, may I be heard?

The SPEAKER. The Chair will state, when that is done on either side, when a Member does not consume the remainder of the time, control of the remaining time reverts to the Member who has charge of the time.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. When the Member in charge of time yields the remainder of his time to another Member, Mr. Speaker, I would not know how he would then be able to yield time to any other Member.

The SPEAKER. The Chair will rule that when the gentleman in control of time yields the remainder of his time to another Member, and the other Member does not use up all the time, then the remainder of the time comes back under the control of the Member who originally had control of the time.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry.

How may a Member yield the remainder of his time and still control that time?

The SPEAKER. Well, that is not a parliamentary inquiry, but the Chair will assume, just making an observation, that every Member in the House is aware that happens, and has happened frequently.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry. Would that be in violation of the rules of the House?

The SPEAKER. The Chair sees no violation of the rules under those circumstances, but a protection of the right for full debate.

How much time does the gentleman yield to the gentleman from Pennsylvania?

Mr. POWELL. Mr. Speaker, I yield such time as the gentleman may consume.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. DENT. Mr. Speaker, I know the gentleman from Iowa and I are on very personal terms, so he did not mean anything, I am sure.

Mr. GROSS. Not at all.

Mr. DENT. Mr. Speaker, I join the members of our committee in supporting this legislation

I wish to take this time particularly to pay tribute to one of our colleagues in this House who has devoted his time to this legislation far beyond the call of ordinary legislative duties.

In 1958, after the election in November, my colleague from Pennsylvania [Mr. HOLLAND], who had served for many years in the State Senate of Pennsylvania and had distinguished himself in the field of labor legislation, particularly in the area of training and of apprenticeship programs, conceived the idea that one of the most needed pieces of legislation in the United States at that time was legislation which would make it possible for an untrained worker who was let out of a job because of automation or other reasons, who was not trained to do anything but the job he had been doing, who needed some way to equip himself for a newer type of job then needed in the United States, and today still needed, to so equip himself. It was this that caused the gentleman from Pennsylvania [Mr. HOLLAND] to come here and spend his time from November until the session opened in January, with the consent of and help from the gentleman from New York [Mr. POWELL], whom he had advised of his intention, who helped him staff a small committee. During that interim time between the election and January, when the Congress met, he prepared this legislation and had it ready for introduction in the House. From that time to this he has worked energetically on this particular legislation.

The gentleman from Pittsburgh has always been interested in trying to make it possible for workers to have employment regardless of age. I agree very much and agree in entirety, in fact, with everything that was said by the gentleman from Florida [Mr. CRAMER] on the question of workers 45 years of age and over. During this time when the gentleman from Pennsylvania [Mr. HOLLAND] had suffered a bad relapse a year ago with an old sickness which he has now, thank God, come out of, the gentleman from Michigan [Mr. O'HARA] took up this work, and he has worked diligently, tirelessly, and honestly on it. Today we have before us a piece of legislation amending a very worthwhile piece of legislation which makes it easier for unemployed workers who have worked for practically all of their working years in one given industry and then finding themselves in a position where their training is of no use to them, it makes it easier for them now to get training to equip them so that they will not become objects of charity.

To my mind, as has been said both by the gentleman from Minnesota [Mr. QUIE], the gentleman from New York [Mr. POWELL], and the gentleman from Michigan [Mr. O'HARA], this is one of the most important pieces of legislation that this Congress will deal with. I am happy because a small piece of this bill incorporates a bill which I introduced in which I was trying to make it possible for the facilities of private training schools in the United States to be used. There are thousands of these private training schools that have these facilities, and they can be used where public vocational schools are not available. Where the public vocational schools are available, if the private training schools are more useful at that particular time, then we will use those facilities. That is the section of the bill that I have been interested in and which is incorporated in these changes made here today.

Mr. Speaker, I am happy to add my support to the passage of H.R. 16715, a bill to amend the Manpower Development and Training Act. I am always happy to follow the lead of my distinguished and beloved colleague from Pennsylvania [Mr. HOLLAND], but in this case, I am doubly gratified since one of the provisions of this bill, section 5(a), is based on my own bill, H.R. 14637. This provision is designed to simplify the procedures involved in enabling the Secretary of Health, Education, and Welfare to utilize the expertise of the private sector of the vocational education structure. The act has been previously amended to relax what had become barriers against the use of such institutions, but the previous amendments seem to have been interpreted in some quarters in a most restrictive manner.

Mr. Speaker, section 5(a) of this bill should, when it becomes law, remove any doubts as to the propriety of utilizing qualified and available institutions outside the regular public vocational education structure. This act, we ought to remember, was not designed as an "aid to vocational education" act. It was designed and intended to make it possible to train people in new skills. The source of that training ought to be a secondary consideration, and ought to be determined entirely on a basis of what will get the training underway most rapidly and provide the best training. If public vocational schools are able to cooperate in a timely and effective manner, they should be used. If private trade schools are, in a given situation, better able to meet the needs of the trainees and of the program, then they should be utilized. The private institutions have performed splendidly so far, and under the terms of section 5(a), it is my hope, the Department of Health, Education, and Welfare will feel even more free to use their resources wherever it is appropriate and wherever it will accomplish the fundamental purpose of the act—to get workers retrained.

I urge passage of this bill.

Mr. POWELL. Mr. Speaker, I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I would like to ask a question of the gentleman from Michigan [Mr. O'HARA].

Mr. Speaker, in my area of Texas we have a difficult situation concerning an excess of unemployed people and an excess of what we call migrant labor. There are areas where they could possibly be trained, but jobs are not available in the immediate area or even in the State. For example, I have a situation where a canning company is willing to train individuals, but of necessity they would have to be hired without the State.

I want to ask my colleague, the gentleman from Michigan [Mr. O'HARA], if a situation like this is covered in the legislation.

Mr. O'HARA of Michigan. If the gentleman will yield to me in order to respond, the present act provides a priority for training for job opportunities within the local labor market. It provides a second priority for training for job opportunities within the State. However, the committee, when inserting this language in the original legislation, did not intend to say that you could not train persons under this act for a job that might be outside of the State. It simply recognized one of the facts of life, which was that there would naturally be a good deal more interest in training people for jobs in the locality first and in the State second. However, there is certainly no prohibition—express, implied, or intended—against training people for jobs that might be outside of the State. It is possible under the original Manpower Development and Training Act legislation and it is possible today to train persons for jobs that might be situated outside of the State.

Mr. DE LA GARZA. I thank the gentleman for that answer very much, for I certainly feel that there should be a way to help these people, and where they might find a job, should not be a restriction to their receiving training in order to better themselves. Again, I thank my colleague.

Mr. LONG of Maryland. Mr. Speaker, section 3(a) of the Manpower Development and Training Amendments of 1966, H.R. 16715, incorporates the provisions of H.R. 14802, which I introduced on May 2, 1966, to provide for a special program of testing, counseling, selection, and referral of persons 45 years of age or older for occupational training and for further schooling designed to meet the special problems faced by older workers in the labor market. This program will do two things for older workers: first, it will train them to do a job; second, it will train them in how to look for a job.

The Manpower Development and Training Act of 1962 provided training for 400,000 persons in 700 occupations, but its programs are not reaching the older workers. In 1964, only about 1 in 9 trainees was over 45; in the case of Negroes, 1 in 17. Clearly, there is a need for a program tailored to the older worker.

Only a systematic and sustained attack, led by the Bureau of Older Workers proposed in my bill, H.R. 2062, will lead to eventual solution of the older worker problem. The job of such a bureau would be to sell employers on the desirability of hiring older workers; to carry out research and demonstration programs; to develop new seniority and pension systems; to strengthen training and education programs; and to extend the do-it-yourself job-finding experiment that was tried so successfully in Baltimore last year.

The pilot program that I initiated in the Baltimore area brought together prospective older workers and experienced counselors in the late afternoons or evenings to learn lessons from the problems and experiences encountered during a day of job hunting. Results of the job clinic have been encouraging: by the end of the first year, two of every five participants were either in a job or in training for a job. Almost 60 percent of those supplying follow-up data indicated a desire for training, suggesting that the demand for such training far exceeds the scope of existing programs.

Although the barriers confronting older workers cannot be lowered completely without a specialized bureau to lead the attack, H.R. 16715 would play a vital role in tapping the economic and productivity potential of this appreciable sector of the labor force. Through special job counseling and training in actual skills, section 3(a) of the Manpower Development and Training Amendments of 1966 will make an essential step forward in the campaign to open up available jobs to the available older worker.

Mr. **FOGARTY**. Mr. Speaker, I wish to express my enthusiastic support for the amendments provided in H.R. 16715 to improve the effectiveness of the Manpower Development and Training Act.

There is an ever-increasing importance attached to legislation in this field even during a high-employment economy During periods of rising employment, measures to improve the marketable skills of our people become even more important to minimize labor shortages, with resulting production bottlenecks and inflationary pressures, and to enable State and local communities to develop positive programs to help the disadvantaged people of our society and to find and retain profitable employment.

There is an overriding need to train and retrain many of our people in the new skills necessary in this world of automation. This applies particularly to our older people and to the youth of our society.

I am keenly aware of and have personal knowledge of the great benefits this legislation has made possible and I want to continue it and strengthen it. Since its enactment several years ago it has provided occupational training and basic education for nearly 700,000 persons. One of its most significant achievements has been its placement record. Seventy-five percent of those who took training found jobs. In on-the-job training, this figure is over 90 percent. The benefits to Rhode Island's citizens under this law have been impressive.

In my own State of Rhode Island, training had been approved for over 3,000 persons. Training in a wide variety of occupations has been concentrated in the Providence and Newport areas. Employment rates for all graduates in Rhode Island approximate 80 percent and are appreciably higher than for the Nation as a whole. About 95 percent of those completing on-the-job training have been subsequently employed. A plan has been prepared which will provide for 1,200 trainees between now and June 30, 1967, and will include special programs for youth.

In my considered judgment the proposed amendments are further indications of the growing enthusiasm for this act. I supported the amendments in 1963 and again in 1965 which resulted in more versatility and flexibility. This legislation should not remain static but should be as a flexible piece of legislation responding to the training-skill needs of our society and economy as much as possible.

Significantly the features of the amendments are programs designed to meet the needs of older workers, and special training in communications and employment skills required by some workers who are extremely difficult to place in profitable employment. The bill has also wisely added a provision to provide limited medical services to aid persons to enter training and to stay in training once enrolled. The proposed amendments would also go a long way toward meeting skill shortages by providing part-time training to upgrade the skills of employed workers. A number of changes would remove restrictions on payment of training allowance which heretofore worked to the disadvantage of some unemployed workers, especially youth. One of the most essential amendments will enable our young people completing work training programs under the poverty bill to take advantage of skill training without loss of income. Heretofore a youth going from one program to another for his full employment rehabilitation suffered a loss in income which he could not afford. Another important change will permit trainees to get an advance on their training allowance to take care of personal needs which otherwise prevent them from accepting a training opportunity. A special provision for training inmates of correctional institutions to prepare them for return to their place in society has been strongly endorsed by penal authorities throughout the country.

I am certainly hopeful of favorable consideration of this legislation.

Mr. **HANLEY**. Mr. Speaker, I am privileged to join with my colleagues in support of H.R. 16715, the Manpower Development and Training Amendments of 1966. I believe that it is extremely significant that this Congress continues to be vitally concerned about unemployment at a time when the Nation's work force has never been higher. Unemployment now stands at 3.9 percent, down from 7 percent, and we still realize that it is necessary to strengthen and improve our national tools to fight hard-core unemployment. The specter of automation had much to do with the enactment of the Manpower Development and Training Act, and today the retraining of unemployed workers in new skills continues to be the most important aspect of our manpower training program. However, the Manpower Act is also playing a significant role in meeting the problems of the disadvantaged and the hard-core unemployed. It is toward this latter role of the Manpower Act which I would like to direct my comments now.

I represent Syracuse and Onondaga County, N.Y., and this community is particularly interested in these amendments to the Manpower Act. Syracuse has exhibited great interest in the problems of its disadvantaged youth, the boys and girls who dropped out of school, have no job and are down on their luck. I doubt if there is a person in this Chamber today who cannot recall an occasion in the past when a good break or a helping hand helped him over a very rough situation. The city of Syracuse participated in a program financed by the President's Commission on Juvenile Delinquency in 1964. Mayor Walsh of Syracuse established the Mayor's Commission for Youth to administer the $639,437 grant, and this commission was the nucleus of Syracuse's Crusade for Opportunity, the community action agency created under the Economic Opportunity Act. This community action agency was in a unique position to develop and administer a youth employment program designed to extend to the community's out-of-school and out-of-work youth the opportunity to find their way back into the mainstream of American economic and social life. Again I must point to the significance of the fact that a community—prosperous—with a solid expanding economy exercised the wisdom, the compassion and the good sense to commit itself to such a program. Like most progressive communities, Syracuse dedicated itself to the task of taking advantage of a number of Federal programs administered by different agencies in the formulation of a comprehensive youth employment program.

In March of this year, I received a letter from the chairman of the board of directors of the Crusade for Opportunity detailing some of the efforts being made in the youth employment program and setting out clearly a number of serious problems which had been encountered. Basically these problems developed out of Syracuse's efforts to make the best possible use of the Neighborhood Youth Corps and the Manpower Development and Training Act. The experience of Syracuse suggested certain amendments to the Manpower Act, amendments which, if approved, would go a long way toward making it possible to fully integrate on the local level these two important programs. I am delighted that H.R. 16715 contains the suggested amendments, and I know that they will make the difference.

What Syracuse had tried to do was make use of the Neighborhood Youth Corps as a basic work training and experience program. It provided willing youth with the opportunity to work, to hold down a job. The sociologists would say that the youth were exposed to the world of work, but we would say that they were given a job. Using what funds that were available, other services were provided like counseling, remedial education, and job referral. It was Syracuse's intention to graduate Neighborhood Youth Corps enrollees into intitutional and on-the-job employment training, a segment of the total program funded under the Manpower Development and Training Act. The 1966 amendments to the Manpower Act will make this graduated training scheme work.

Syracuse, and many other communities around the country, are to be congratulated for making effective use of Federal programs, for innovating with these programs, and for suggesting changes which will make them work more efficiently on the local level. It is very heartening to me to realize the needs and the suggestions of the local level are coming through so loud and clear. I was privileged to sponsor one of the amendments which I just alluded to.

With the enactment of this legislation, communities will be able to effectively open the doors of opportunity and employment training to the young sons and daughters of welfare families. Under a new approach, the manpower program will look upon these young men and women as individuals who are desirous of taking advantage of an opportunity to better themselves.

Also with the enactment of this legislation, those youth who are proceeding through a graduated employment training program and who are provided with the opportunity for institutional and on-the-job employment training will not be penalized in terms of wages or training allowances they receive when they move on from the Neighborhood Youth Corps into the more intensive, more rewarding forms of job training.

To my way of thinking this legislation represents the true spirit of the Congress in moving swiftly to meet the expressed needs of those who are manning the frontlines in the war against poverty, ignorance, and unemployment.

Mr. BENNETT. Mr. Speaker, I want to express my deep appreciation to the Select Subcommittee on Labor for allowing me to testify in the hearings on amendments to the Manpower Development and Training Act. I warmly thank and commend the committee for including in section 6 of its omnibus bill the provisions of my bill H.R. 16116, to develop and carry out experimental and demonstration programs of training and education for persons in correctional institutions. I will restrict my remarks to section 6 since I am most familiar with the problem to which this section relates.

The basic tool in the rehabilitation of criminals is education, and a discharged prisoner without the knowledge and training to earn an honest living will probably soon be in criminal trouble again. This is a tragedy to him and very expensive to society. Of particular importance is training for the types of jobs where there is at the same time a shortage of manpower.

With crime costing our country $27 billion annually, we must do all we can to deter lawbreaking and to train the lawbreaker to live a responsible life in society.

As I pointed out in my testimony before the Select Subcommittee on Labor, it is estimated that 50 percent of released Federal and State prisoners resort to recidivism, a falling back into prior criminal habits. This percentage can be greatly reduced by adequate preparation for self-support when the prisoner is released.

To attack this problem I first introduced H.R. 14341, which was drafted with the help of many corrections officials and the Department of Labor, and would have established a sweeping program in the field of vocational training and basic education in correctional institutions on the Federal, State, and local level. Although the Department of Labor has no objection to such a broad program they feel more experimentation is needed before such should be attempted. It is for this reason that I submitted to the committee a new bill, the provisions of which are included in the bill now under consideration, which would limit the scope of the program in correctional institutions to experimentation and demonstration programs. It is, of course, a much less expensive program than the one originally envisioned.

This section of the bill will be a forward step in the anticrime fight, and I am glad to see the committee has seen fit to include this in the bill now before us.

Mr. Speaker, I include some correspondence of interest in this issue:

U.S. DEPARTMENT OF JUSTICE,
BUREAU OF PRISONS,
Washington, March 7, 1966.

HON. CHARLES E. BENNETT,
Congress of the United States,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BENNETT: I have your letter of February 21, 1966, regarding the legislation you are proposing to amend the Manpower, Development and Training Act to provide programs for job training for inmates in correctional institutions.

In some of my earlier correspondence to you, I outlined my views on vocational training as this is related to the employment needs and problems of men confined in prisons. I feel sure that there is a critical need to enhance the employment opportunities for men in prison and also to improve existing training programs in spite of the fact that vocational training has made significant progress in recent years.

I think what is needed now is a universal plan to gear training with the needs of the labor market so we can assure ourselves that men who are being released have not been trained in obsolete skills which have negligible value in job placement. The MDTA, if amended, would be of tremendous help in this respect.

Training for vocational and technical skills is highly important in our complex industrial society but these skills alone are not the sole necessity in qualifying for employment. The rapid technological advancement in today's world of work requires almost every person to have adequate mental and academic capacity for sustaining successful employment and independent economic status.

We have in this latter area our most challenging task, namely the improvement of basic educational skills and the changing of delinquent behavior. Nearly 25 percent of all newly committed federal prisoners are functionally illiterate, a great many are educationally retarded four to six grades below their claimed grade level, and approximately 95 percent are school dropouts. All of this is compounded because the personal growth of these individuals has been characterized by hostility, ignorance, poverty and many emotional problems.

I believe the legislation which you are proposing will greatly assist prison administrators in doing a more effective job but I feel reasonably sure that we should attack the problem from all sides. There should be some provision to incorporate remedial instruction in basic education subjects and functional secondary education programs. In addition to these, there is a great need for practical literacy training and social education which could assist in the eradication of ignorance and help the individual in understanding his emotional problems as these are related to his relationships and responsibilities in the community.

In recent years, the Vocational Education Act, the Elementary and Secondary Education Act and the Economic Opportunity Act have contributed greatly to some of our most important community problems but these have never supported directly the programs in correctional institutions. If these legislative acts could be more closely coordinated with the MDTA so that funds could be made available to operate extensive programs in general education, vocational guidance, and remedial and social education, I believe correctional institutions could accomplish their missions more effectively and achieve more readily the goals of rehabilitation.

I have no specific recommendations for any further changes to the MDTA, but if my services are needed to support your amendments, please let me know.

Sincerely,

MYRL E. ALEXANDER,
Director.

NATIONAL COUNCIL ON CRIME AND DELINQUENCY,
May 10, 1966.

HON CHARLES E. BENNETT,
House of Representatives, 8113 Rayburn Office Building, Washington, D.C.

DEAR CONGRESSMAN BENNETT: We have received H.R. 14341, which would establish for the first time a broad program of federal assistance to correctional institutions on the federal, state and local level for basic education and vocational training of inmates.

The National Council on Crime and Delinquency, strongly commends the intent and respectfully urges action on H.R. 14341. Potential national manpower in state, local and federal institutions is presently ineligible for education and training under MDTA program. H.R. 14341 would, for the first time make such resources available and would open new training opportunities as adjuncts to all correctional rehabilitation efforts in institutions.

The NCCD has worked for over fifty years in the prevention, control and treatment of crime and delinquency, with a major share of its efforts directed toward the rehabilitation of prison inmates. We have observed that local, state and federal correctional administrators have been considerably handicapped in establishing necessary rehabilitative programs, especially in the education and vocational training areas, because of not having the funds available.

We have no question about the need for and value of basic education and vocational training in correctional institutions. Although some programs have been established in correctional institutions at all governmental levels, the number of inmates they reach, represent a very small percentage of the total inmates population who could benefit from such programs.

We believe that leadership by the federal government is not only appropriate but vital in providing funds and in developing programs of basic education and vocational training to inmates of correctional institutions at all government levels.

Please contact us if we can be of any further assistance.

Sincerely,

ROBERT E. TRIMBLE,
Executive Assistant.

CORRECTIONAL EDUCATION ASSOCIATION,
May 12, 1966.

Mr. CHARLES E. BENNETT,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: In answer to your letter of May 4th regarding H.R. 14341 may I congratulate you on recognizing and helping to solve one of our nation's greatest problems. I have been in correctional education for some 17 years and had the opportunity to see great strides being taken to improve this service. If your proposed legislation passes I think this would be one of the biggest steps towards effectively training academically and vocationally our correctional institution populations.

I am sure you have been furnished with reams and reams of statistics to back your legislation so I will not bore you with this type of information. I can, however, offer the strong backing of the Correctional Educational Association, myself as its president, all officers of the Correctional Education Association, and the full membership. If the Correctional Education Association or I, as its president, can do anything at all to assist you with this legislation we stand ready and willing.

I have for years been advocating this type of assistance to our correctional education programs. I hope we have a chance to assist with its development.

Very truly yours,

ROBERT A. FREEMAN,
President.

THE WARDENS' ASSOCIATION OF AMERICA,
May 6, 1966.

Hon. CHARLES E. BENNETT,
Member of Congress, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BENNETT: I have read your bill, H.R. 14341, and as President of the Warden's Association of America, I am sure that all of the wardens will be most happy for successful passage of this bill.

For a long time, we have had a great need for assistance in providing programs of education and job training for inmates in correctional institutions.

Sincerely yours,

ROSS V. RANDOLPH,
President.

INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE, INC.,
Washington, D.C., May 10, 1966.

Hon. CHARLES E. BENNETT,
U.S. House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: I have studied H.R. 14341 and your speech of April 6 relating to the need for providing programs of job training and education of inmates of correctional institutions.

This is certainly a very significant piece of legislation since there is no question that once a convict is returned to society his chances of reentering a life of crime are greatly diminished if he can make a decent living. The International Association of Chiefs of Police, of course, is very concerned with repeat offenders, and we believe that a man who serves time in a penal institution should be there not merely for punishment, but, most importantly, for rehabilitation. This concept, of course, helps to lessen our burden.

It was good of you to contact us in this respect.

Sincerely yours,

QUINN TAMM,
Executive Director.

STATE OF CALIFORNIA,
YOUTH AND ADULT CORRECTIONS AGENCY,
Sacramento, June 21, 1966.

Hon. CHARLES E. BENNETT,
Member of Congress, House of Representatives, Washington, D.C.

DEAR MR. BENNETT: This is in response to your letter of May 4, 1966, concerning H.R. 14341. I did not respond earlier because it did not come to my attention until after the scheduled hearing May 10th. I understand now the hearing was postponed, therefore, I should like to make the following comments in support of the proposals in your bill.

As you probably know, there are well over 200,000 prisoners confined at any given time in the correctional institutions for young offenders and prisons for adults in the United States. A substantial majority of these are between the ages of 17 and 32. The turnover rate in these facilities—again estimated in round numbers—is probably close to 100,000 per year.

The need for finding gainful employment for this vast pool of manpower is of great concern not only to the economy as a whole but to those of us concerned with the rehabilitation and resocialization of convicted offenders. California already carries on an extensive program of vocational training and job placement of the people in its system. Even though I am sure we put more of our effort and resources into this matter than do most other states, there is still a very great deal to be done.

I should particularly like to emphasize the importance of on-the-job training after release while still under parole supervision. Our experience is that preliminary instruction can be given in basic skills in the institutions, but that effective employability will usually only occur if such training is supplemented by on-the-job training after release.

I should also point out that there are many thousands of adjudicated offenders who have not been committed to State prisons and correctional institutions but who are placed on probation by the courts. In California alone there are close to 150,000 such cases at any given time. I feel it might strengthen the effectiveness of your legislation if specific reference were made to encouraging the development of special counseling and training programs for persons on probation and, also, for those who are participating in what is generally known as the "work furlough" program. This arrangement, as you no doubt know, is authorized in the federal jurisdiction and also by many states. It provides that convicted persons in jails and other kinds of institutions may be employed in ordinary employment in the community during work hours. It would greatly strengthen this work furlough program where it exists by also permitting or encouraging the placement of such work furlough inmates in training programs either in public vocational schools or in on-the-job training programs.

This Agency is enthusiastic about the proposals contained in H.R. 14341. If we can be of any further assistance, please call upon us.

Yours very truly,

RICHARD A. MCGEE,
Administrator.

AMERICAN JOURNAL OF CORRECTION,
May 5, 1966.

Hon. CHARLES E. BENNETT,
House of Representatives,
Washington, D.C.

DEAR MR. REPRESENTATIVE: Thanks for sending me the contents of H.R. 14341. In my judgment, your Bill will be of the greatest assistance to prison administrators in training and retraining prisoners for useful and constructive employment when released back to the community. Not only do prisoners need this kind of education, but prison administrators need such assistance and encouragement. However, I think that in your Hearings careful attention should be given to the kinds of employment for which they are being prepared, since, as you know, the conventional jobs of the past are being progressively automated. I believe the Department of Labor has analyzed certain categories of existing jobs and has estimated the "life" of such jobs before they become obsolete. This applies especially to clerical, typist, office work, and other areas where automation is feasible—printing is such an area.

I am in complete agreement with the objectives, purpose, and philosophy of your Bill, and hope it will be passed as soon as legislatively possible.

Best wishes.

Sincerely,

J. P. SHALLOO,
Executive Editor.

STATE OF NEW YORK,
DEPARTMENT OF CORRECTION,
Albany, N.Y., May 6, 1966.

Hon. CHARLES E. BENNETT,
Member, Second District, Florida, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BENNETT: This will acknowledge receipt of your letter of May 4th in regard to H.R. Bill 14341. First of all, let me commend you for the concern and attention you are obviously giving to the correctional field. I extend deep personal appreciation for the leadership you are taking in helping to provide ways and means by which more effective programs of delinquency and crime prevention and treatment may be effected. I am completely convinced that the most effective tool for rehabilitative work among inmates of correctional institutions is education and training.

It is a well-established fact that funds are distressingly lacking for providing adequate programs of rehabilitation at all levels of of a comprehensive youth employment program.

In March of this year, I received a letter from the chairman of the board of directors of the Crusade for Opportunity detailing some of the efforts being made in the youth employment program and setting out clearly a number of serious problems which had been encountered. Basically these problems developed out of Syracuse's efforts to make the best possible use of the Neighborhood Youth Corps and the Manpower Development and Training Act. The experience of Syracuse suggested certain amendments to the Manpower Act, amendments which, if approved, would go a long way toward making it possible to fully integrate on the local level these two important programs. I am delighted that H.R. 16715 contains the suggested amendments, and I know that they will make the difference.

What Syracuse had tried to do was make use of the Neighborhood Youth Corps as a basic work training and experience program. It provided willing youth with the opportunity to work, to hold down a job. The sociologists would say that the youth were exposed to the world of work, but we would say that they were given a job. Using what funds that were available, other services were provided like counseling, remedial education, and job referral. It was Syracuse's intention to graduate Neighborhood Youth Corps enrollees into intitutional and on-the-job employment training, a segment of the total program funded under the Manpower Development and Training Act. The 1966 amendments to the Manpower Act will make this graduated training scheme work.

Syracuse, and many other communities around the country, are to be congratulated for making effective use of Federal programs, for innovating with these programs, and for suggesting changes which will make them work more efficiently on the local level. It is very heartening to me to realize the needs and the suggestions of the local level are coming through so loud and clear. I was privileged to sponsor one of the amendments which I just alluded to.

With the enactment of this legislation, communities will be able to effectively open the doors of opportunity and employment training to the young sons and daughters of welfare families. Under a new approach, the manpower program will look upon these young men and women as individuals who are desirous of taking advantage of an opportunity to better themselves.

Also with the enactment of this legislation, those youth who are proceeding through a graduated employment training program and who are provided with the opportunity for institutional and on-the-job employment training will not be penalized in terms of wages or training allowances they receive when they move on from the Neighborhood Youth Corps into the more intensive, more rewarding forms of job training.

To my way of thinking this legislation represents the true spirit of the Congress in moving swiftly to meet the expressed needs of those who are manning the frontlines in the war against poverty, ignorance, and unemployment.

Mr. BENNETT. Mr. Speaker, I want to express my deep appreciation to the Select Subcommittee on Labor for allowing me to testify in the hearings on amendments to the Manpower Development and Training Act. I warmly thank and commend the committee for including in section 6 of its omnibus bill the provisions of my bill H.R. 16116, to develop and carry out experimental and demonstration programs of training and education for persons in correctional institutions. I will restrict my remarks to section 6 since I am most familiar with the problem to which this section relates.

The basic tool in the rehabilitation of criminals is education, and a discharged prisoner without the knowledge and training to earn an honest living will probably soon be in criminal trouble again. This is a tragedy to him and very expensive to society. Of particular importance is training for the types of jobs where there is at the same time a shortage of manpower.

With crime costing our country $27 billion annually, we must do all we can to deter lawbreaking and to train the lawbreaker to live a responsible life in society.

As I pointed out in my testimony before the Select Subcommittee on Labor, it is estimated that 50 percent of released Federal and State prisoners resort to recidivism, a falling back into prior criminal habits. This percentage can be greatly reduced by adequate preparation for self-support when the prisoner is released.

To attack this problem I first introduced H.R. 14341, which was drafted with the help of many corrections officials and the Department of Labor, and would have established a sweeping program in the field of vocational training and basic education in correctional institutions on the Federal, State, and local level. Although the Department of Labor has no objection to such a broad program they feel more experimentation is needed before such should be attempted. It is for this reason that I submitted to the committee a new bill, the provisions of which are included in the bill now under consideration, which would limit the scope of the program in correctional institutions to experimentation and demonstration programs. It is, of course, a much less expensive program than the one originally envisioned.

This section of the bill will be a forward step in the anticrime fight, and I am glad to see the committee has seen fit to include this in the bill now before us.

Mr. Speaker, I include some correspondence of interest in this issue:

U.S. DEPARTMENT OF JUSTICE,
BUREAU OF PRISONS,
Washington, March 7, 1966.

Hon. CHARLES E. BENNETT,
Congress of the United States,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BENNETT: I have your letter of February 21, 1966, regarding the legislation you are proposing to amend the Manpower, Development and Training Act to provide programs for job training for inmates in correctional institutions.

In some of my earlier correspondence to you, I outlined my views on vocational training as this is related to the employment needs and problems of men confined in prisons. I feel sure that there is a critical need to enhance the employment opportunities for men in prison and also to improve existing training programs in spite of the fact that vocational training has made significant progress in recent years.

I think what is needed now is a universal plan to gear training with the needs of the labor market so we can assure ourselves that men who are being released have not been trained in obsolete skills which have negligible value in job placement. The MDTA, if amended, would be of tremendous help in this respect.

Training for vocational and technical skills is highly important in our complex industrial society but these skills alone are not the sole necessity in qualifying for employment. The rapid technological advancement in today's world of work requires almost every person to have adequate mental and academic capacity for sustaining successful employment and independent economic status.

We have in this latter area our most challenging task, namely the improvement of basic educational skills and the changing of delinquent behavior. Nearly 25 percent of all newly committed federal prisoners are functionally illiterate, a great many are educationally retarded four to six grades below their claimed grade level, and approximately 95 percent are school dropouts. All of this is compounded because the personal growth of these individuals has been characterized by hostility, ignorance, poverty and many emotional problems.

I believe the legislation which you are proposing will greatly assist prison administrators in doing a more effective job but I feel reasonably sure that we should attack the problem from all sides. There should be some provision to incorporate remedial instruction in basic education subjects and functional secondary education programs. In addition to these, there is a great need for practical literacy training and social education which could assist in the eradication of ignorance and help the individual in understanding his emotional problems as these are related to his relationships and responsibilities in the community.

In recent years, the Vocational Education Act, the Elementary and Secondary Education Act and the Economic Opportunity Act have contributed greatly to some of our most important community problems but these have never supported directly the programs in correctional institutions. If these legislative acts could be more closely coordinated with the MDTA so that funds could be made available to operate extensive programs in general education, vocational guidance, and remedial and social education, I believe correctional institutions could accomplish their missions more effectively and achieve more readily the goals of rehabilitation.

I have no specific recommendations for any further changes to the MDTA, but if my services are needed to support your amendments, please let me know.

Sincerely,

MYRL E. ALEXANDER,
Director.

NATIONAL COUNCIL ON CRIME AND DELINQUENCY,
May 10, 1966.

Hon CHARLES E. BENNETT,
House of Representatives, 8113 Rayburn Office Building, Washington, D.C.

DEAR CONGRESSMAN BENNETT: We have received H.R. 14341, which would establish for the first time a broad program of federal assistance to correctional institutions on the federal, state and local level for basic education and vocational training of inmates.

The National Council on Crime and Delinquency, strongly commends the intent and respectfully urges action on H.R. 14341. Potential national manpower in state, local and federal institutions is presently ineligible for education and training under MDTA program. H.R. 14341 would, for the first time make such resources available and would open new training opportunities as adjuncts to all correctional rehabilitation efforts in institutions.

The NCCD has worked for over fifty years in the prevention, control and treatment of crime and delinquency, with a major share of its efforts directed toward the rehabilitation of prison inmates. We have observed that local, state and federal correctional administrators have been considerably handicapped in establishing necessary rehabilitative programs, especially in the education and vocational training areas, because of not having the funds available.

We have no question about the need for and value of basic education and vocational training in correctional institutions. Although some programs have been established in correctional institutions at all governmental levels, the number of inmates they reach, represent a very small percentage of the total inmates population who could benefit from such programs.

We believe that leadership by the federal government is not only appropriate but vital in providing funds and in developing programs of basic education and vocational training to inmates of correctional institutions at all government levels.

Please contact us if we can be of any further assistance.

Sincerely,

Robert E. Trimble,
Executive Assistant.

Correctional Education Association,
May 12, 1966.

Mr. Charles E. Bennett,
U.S. House of Representatives,
Washington, D.C.

Dear Sir: In answer to your letter of May 4th regarding H.R. 14341 may I congratulate you on recognizing and helping to solve one of our nation's greatest problems. I have been in correctional education for some 17 years and had the opportunity to see great strides being taken to improve this service. If your proposed legislation passes I think this would be one of the biggest steps towards effectively training academically and vocationally our correctional institution populations.

I am sure you have been furnished with reams and reams of statistics to back your legislation so I will not bore you with this type of information. I can, however, offer the strong backing of the Correctional Educational Association, myself as its president, all officers of the Correctional Education Association, and the full membership. If the Correctional Education Association or I, as its president, can do anything at all to assist you with this legislation we stand ready and willing.

I have for years been advocating this type of assistance to our correctional education programs. I hope we have a chance to assist with its development.

Very truly yours,

Robert A. Freeman,
President.

The Wardens' Association of America,
May 6, 1966.

Hon. Charles E. Bennett,
Member of Congress, House of Representatives, Washington, D.C.

Dear Congressman Bennett: I have read your bill, H.R. 14341, and as President of the Warden's Association of America, I am sure that all of the wardens will be most happy for successful passage of this bill.

For a long time, we have had a great need for assistance in providing programs of education and job training for inmates in correctional institutions.

Sincerely yours,

Ross V. Randolph,
President.

International Association of
Chiefs of Police, Inc.,
Washington, D.C., May 10, 1966.

Hon. Charles E. Bennett,
U.S. House of Representatives,
Washington, D.C.

My Dear Congressman: I have studied H.R. 14341 and your speech of April 6 relating to the need for providing programs of job training and education of inmates of correctional institutions.

This is certainly a very significant piece of legislation since there is no question that once a convict is returned to society his chances of reentering a life of crime are greatly diminished if he can make a decent living. The International Association of Chiefs of Police, of course, is very concerned with repeat offenders, and we believe that a man who serves time in a penal institution should be there not merely for punishment, but, most importantly, for rehabilitation. This concept, of course, helps to lessen our burden.

It was good of you to contact us in this respect.

Sincerely yours,

Quinn Tamm,
Executive Director.

State of California,
Youth and Adult Corrections Agency,
Sacramento, June 21, 1966.

Hon. Charles E. Bennett,
Member of Congress, House of Representatives, Washington, D.C.

Dear Mr. Bennett: This is in response to your letter of May 4, 1966, concerning H.R. 14341. I did not respond earlier because it did not come to my attention until after the scheduled hearing May 10th. I understand now the hearing was postponed, therefore, I should like to make the following comments in support of the proposals in your bill.

As you probably know, there are well over 200,000 prisoners confined at any given time in the correctional institutions for young offenders and prisons for adults in the United States. A substantial majority of these are between the ages of 17 and 32. The turnover rate in these facilities—again estimated in round numbers—is probably close to 100,000 per year.

The need for finding gainful employment for this vast pool of manpower is of great concern not only to the economy as a whole but to those of us concerned with the rehabilitation and resocialization of convicted offenders. California already carries on an extensive program of vocational training and job placement of the people in its system. Even though I am sure we put more of our effort and resources into this matter than do most other states, there is still a very great deal to be done.

I should particularly like to emphasize the importance of on-the-job training after release while still under parole supervision. Our experience is that preliminary instruction can be given in basic skills in the institutions, but that effective employability will usually only occur if such training is supplemented by on-the-job training after release.

I should also point out that there are many thousands of adjudicated offenders who have not been committed to State prisons and correctional institutions but who are placed on probation by the courts. In California alone there are close to 150,000 such cases at any given time. I feel it might strengthen the effectiveness of your legislation if specific reference were made to encouraging the development of special counseling and training programs for persons on probation and, also, for those who are participating in what is generally known as the "work furlough" program. This arrangement, as you no doubt know, is authorized in the federal jurisdiction and also by many states. It provides that convicted persons in jails and other kinds of institutions may be employed in ordinary employment in the community during work hours. It would greatly strengthen this work furlough program where it exists by also permitting or encouraging the placement of such work furlough inmates in training programs either in public vocational schools or in on-the-job training programs.

This Agency is enthusiastic about the proposals contained in H.R. 14341. If we can be of any further assistance, please call upon us.

Yours very truly,

Richard A. McGee,
Administrator.

American Journal of Correction,
May 5, 1966.

Hon. Charles E. Bennett,
House of Representatives,
Washington, D.C.

Dear Mr. Representative: Thanks for sending me the contents of H.R. 14341. In my judgment, your Bill will be of the greatest assistance to prison administrators in training and retraining prisoners for useful and constructive employment when released back to the community. Not only do prisoners need this kind of education, but prison administrators need such assistance and encouragement. However, I think that in your Hearings careful attention should be given to the kinds of employment for which they are being prepared, since, as you know, the conventional jobs of the past are being progressively automated. I believe the Department of Labor has analyzed certain categories of existing jobs and has estimated the "life" of such jobs before they become obsolete. This applies especially to clerical, typist, office work, and other areas where automation is feasible—printing is such an area.

I am in complete agreement with the objectives, purpose, and philosophy of your Bill, and hope it will be passed as soon as legislatively possible.

Best wishes.

Sincerely,

J. P. Shalloo,
Executive Editor.

State of New York,
Department of Correction,
Albany, N.Y., May 6, 1966.

Hon. Charles E. Bennett,
Member, Second District, Florida, House of Representatives, Washington, D.C.

Dear Congressman Bennett: This will acknowledge receipt of your letter of May 4th in regard to H.R. Bill 14341. First of all, let me commend you for the concern and attention you are obviously giving to the correctional field. I extend deep personal appreciation for the leadership you are taking in helping to provide ways and means by which more effective programs of delinquency and crime prevention and treatment may be effected. I am completely convinced that the most effective tool for rehabilitative work among inmates of correctional institutions is education and training.

It is a well-established fact that funds are distressingly lacking for providing adequate programs of rehabilitation at all levels of government. Funds for the operation of correctional systems are rarely given primary importance by those responsible for allocating funds for public service, particularly at the state and local level. If the battle against delinquency and crime is to be won, federal funds must be made available to supplement and encourage expenditures at the state and local level in amounts necessary to expand and improve all aspects of programs designed to prevent crime and rehabilitate criminals.

It has been a great source of concern of mine that so little attention has been given to this field by the various federal acts which are making available to state and local government large sums of money for corrective work, particularly in the field of education. We believe that H.R. 14341, if enacted into law, will provide the means for the establishment or expansion of educational programs for inmates of correctional institutions, in accordance with the objectives and goals for inmate education which cannot be achieved until large sums of money become available for use by correctional authorities in providing programs.

The provisions of your Bill have been discussed with the vocational authorities of the State Education Department, who have repeatedly expressed regrets that they could not assist us in expanding and improving our vocational and educational programs under the provisions of the Manpower Development and Training Act of 1962. They join me in enthusiastically endorsing your Bill. The New York State Department of Correction unquestionably has one of the most adequate correctional education systems in the country. Even so, recent studies show that our program should be at least doubled in order to adequately provide the education and training considered to be necessary and desirable. Included is a statistical report which will give at a glance the nature and scope of the program as it is now being conducted. Most inmates of correctional institutions are school dropouts. They are deprived in every way and in addition, they have a criminal record. It is nonsense to expect that they can succeed when they are returned to the community, unless they have greatly improved their education and training for employment while segregated from society.

Although a number of questions could be raised in regard to the regulations that will be developed for the administration of the funds, time does not permit giving attention to that aspect of the Bill at this time. For example, I am not sure what interpretation would be placed on Section 301-(b). For New York State, the Department of Correction is the agency that provides for the educational services in the 22 different institutions comprising the Department. In some states, outside school systems provide the educational programs for inmates. When the time arrives for establishing regulations for implementing the law, I strongly recommend that our Director of Education, Mr. Price Chenault, who has provided educational leadership in the Department for more than twenty-five years, be given an opportunity to participate in the deliberations for the establishment of such regulations.

The need for the kind of financial aid this Bill would provide for cannot be too strongly emphasized. More adequate rehabilitation programs, of which education is the primary force, must be provided in the all-out war against crime and delinquency. Please be assured that we want to assist in any way possible the efforts of Congress in providing the means for more effective programs of correctional education and training.

Sincerely yours,

PAUL D. MCGINNIS,
Commissioner.

FLORIDA PROBATION AND
PAROLE COMMISSION,
Tallahassee, July 6, 1966.

Re H.R. 14341.

Hon. CHARLES E. BENNETT,
House of Representatives,
Washington, D.C.

DEAR MR. BENNETT: In reply to your inquiry dated June 18, 1966, permit me to emphasize that individuals who are vocationally skilled would have a much better chance on parole in becoming useful, contributing, lawabiding members of society, thus the provisions of this bill could greatly benefit the state and nationwide rehabilitation programs.

I was particularly pleased with the amendment to include community based programs of probation and parole as those knowledgeable in the area of restoring lawbreakers as useful members of the community recognize the advantages of community based supervision, training and guidance programs.

In Florida today we have 9,106 probationers and parolees throughout the 67 counties living in what I choose to term our "invisible community prisons", some of whom are participating in vocational training programs under the Manpower Development Training Act and other vocational programs, all too limited in their availability to this agency in preparing such individuals for a more adequate life vocation-wise.

In this connection these 9,106 individuals are sustaining themselves and their families through employment programs and our records conclusively show they are paying taxes in an amount far greater than the cost of administering our probation and parole supervision to meet their individual needs which amounts to approximately 60¢ per man per day. This is in contrast to the 7,100 inmates of Florida's prisons who are being detained at a cost in tax dollars of approximately $5.00 per day each.

Regarding HR 15558, it would appear that the provisions of this bill would be only remotely beneficial to us in that prisoners being released from more modern, up-to-date institutions and programs more adequately meeting their individual needs which may be possible in a limited manner within the abnormal environment of prison would have an improved attitude toward their responsibilities as citizens when released under parole treatment and guidance programs.

I commend you for your efforts and wish you every success with the legislation.

Sincerely,

ROY W. RUSSELL,
Chairman.

FLORIDA DIVISION OF CORRECTIONS,
Tallahassee, Fla., May 6, 1966.
Hon. CHARLES E. BENNETT,
House of Representatives, House Office Building, Washington, D.C.

DEAR CONGRESSMAN BENNETT: I have followed the introduction of your bill to amend the Manpower Development and Training Act with great interest, and I strongly support passage of this legislation to provide for programs of job training and education for inmates in correctional institutions.

When I think of the academically and vocationally deprived individuals in our institutions and of their needs, I am reminded of the inmate committed initially for hog stealing. While confined he learned to read and write, only to be recommitted at a later time as a forger. It is evident that in addition to instruction in skills, something more is needed in correctional education. There is a need to place additional emphasis on counseling—to mold and develop socially acceptable attitudes while imparting proficiency.

By far the greatest number of inmates in our prisons are at the low educational levels. Many offenders have not satisfactorily progressed through public school systems and they did not respond to existing educational programs. This points to the need for the development of specialized curriculums designed to meet the needs of the criminal offender. The development and implementation of new techniques for helping slow learners and poorly motivated individuals who have not progressed adequately, should be expanded.

There should be a survey of current industrial practices to project future employment needs, and an assessment of present vocational training programs. Vocational guidance counselors are needed at admission centers, and representatives to the prisons from the Department of Labor might be desirable for purposes of liaison.

Correctional education is indeed a specialized field, and the importance of good academic and vocational training for inmates can not be overemphasized. I think that passage of your bill is very desirable, particularly if state and local systems are to achieve programs which provide more meaningful treatment for the offender.

Sincerely,

LOUIE L. WAINWRIGHT,
Director.

STATE OF NEW YORK, EXECUTIVE
DEPARTMENT BOARD OF PAROLE,
New York, N.Y., May 6, 1966.

[Personal and unofficial]

Re H.R. 14341 by Mr. BENNETT.

Hon. CHARLES E. BENNETT,
Member of Congress, Second District, Florida, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BENNETT: May I take this occasion to lend my full support to the above-noted bill introduced by you. On the basis of 34 consecutive years of correctional experience, involving long affiliation with the American Correctional Association, institutional warden, and currently a member of the New York State Board of Parole, it is my opinion that such a measure is urgently needed.

In your comments to the House on April 6th, you stated the situation well. One of the major causes of the crime problem is, indeed, the lack of education, and if such training is not available within all types of correctional institutions, then we, as society, not only fail in our duty but also, in a degree, complicate the problem even more than it is at present. There is nothing more stagnant than a correctional program devoid of a complete educational organization. A mere letter such as this can hardly be expected to convey the thoughts of career correctional personnel, of which I am but one, but I trust it will lend a sense of urgency and hope to the end that the Bill will be enacted.

Therefore, as a past president of the American Correctional Association, and as its current treasurer, may I urge the Congress to take this much needed and additional step toward the reduction of crime and recidivism.

We in correction are indebted to you, sir, and to the Congress for this assistance.

Respectfully,

ROBERTS J. WRIGHT,
Commissioner.

STATE OF CONNECTICUT,
OFFICE OF THE JAIL ADMINISTRATOR,
Hartford, Conn., May 6, 1966.
Hon. CHARLES E. BENNETT,
House of Representatives,
Washington, D.C.

MY DEAR MR. BENNETT: I have just received a copy of your Bill H.R. 14341 to provide for programs of job training and education of inmates of correctional institutions.

There are some states where there is statutory difference of correctional and penal institutions, and I trust that this will not preclude training for the inmates of the latter institutions.

Your Bill is one of the most progressive acts that has come to my attention during the 32 years I have headed correctional and penal institutions. It is a sad commentary on the public as well as local State and Federal Government that little has been done to provide a broad rehabilitation program such as your Bill provides.

It has been my privilege since the abolishment of County Government in Connecticut to administer for the state all former County Jails. This is where the first offender is brought and is necessarily mixed with the offenders of every type. Most of these first offenders are school dropouts who have never benefited from counseling or training.

While some progress has been made to eliminate idleness and provide a pilot project, the surface has hardly been scratched.

Your Bill is realistic and provides the most logical and practical method to meet the needs of those who have been largely repudiated by society.

Sincerely,

HAROLD E. HEGSTROM,
State Jail Administrator.

STATE OF NEW YORK, DEPARTMENT
OF CORRECTION, WALLKILL PRISON,
Wallkill, N.Y., May 9, 1966.

Mr. CHARLES E. BENNETT,
Member of Congress, Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. BENNETT: I have just examined H.R. 14341 which you have introduced and which has been referred to the Committee on Education and Labor.

In my opinion this is much needed legislation and, if passed, will greatly aid the inmates of correctional institutions throughout the United States in the matter of their rehabilitation. This group has too long been neglected by both State and Federal agencies. If this bill should become operative I am confident, after 35 years of correctional work, that it will become a strong and effective factor in attacking the crime problem and in rehabilitating those who need additional education and vocational training. By and large, the people confined in correctional institutions, particularly the youthful offenders, are certainly in need of additional education and training. Frequently it takes a jolt like a commitment to make some of these people realize their own need, and it is too bad, indeed, when they cannot satisfy this need in a so-called correctional institution.

I strongly endorse the bill.

Very truly yours,

WALTER M. WALLACK,
Warden.

Mrs. DWYER. Mr. Speaker, as the most successful program yet devised to help people become self-supporting, the manpower development and training program deserves and has received widespread support from our colleagues of both parties. The present bill updates and improves the basic program and will enable it to serve an even more useful role in the continuing effort to match our manpower with our technology in the best interests of all our people.

Among the most important and beneficial features of the bill is the way in which it recognizes the seriousness of the plight of the over-45 worker who cannot find a job and the way it utilizes the Manpower Development and Training Act as an ideal and proven vehicle for helping equip older workers to find new employment.

It does so by directing the Secretary of Labor to add to existing programs under the act a new program of testing, counseling, selection, and referral of workers 45 or older, a program designed to meet their special needs. Eligible workers, either unemployed or underemployed, would receive occupational training and further schooling in skills which will enable them to adjust to the different demands of the new technology. They would also receive training and subsistence allowances during the course of the program.

In this way, Mr. Speaker, we can help break down the myth that older workers cannot make the necessary adjustments and learn the new skills to find new jobs. By allowing over-45 workers to prove their capabilities and their worth, this new program can help open doors which have too long been closed by employers who have in the past refused even to consider applicants over 45 regardless of their qualifications. At a time when many employers, faced with serious manpower shortages, may be ready to shed outdated myths, this program can serve the needs of both employers and prospective employees over 45.

Few can deny that the problems faced by the middle-aged and older worker who finds himself without employment have grown more acute in recent years. Today, on a national basis, one-half of all job openings in the private economy are closed to applicants over 55, and one-quarter of them are unavailable to persons over 45. Once a person over 45 loses a job, the chances against finding another job like it are 6 to 1 against him. And the older the person is and the less education and training he has, the more difficult his situation becomes.

This is only a first step, Mr. Speaker, as the committee report realistically points out, but it can be a first step to what I hope will become a comprehensive effort by Congress to attack the problem in all its aspects and thereby open up new opportunities for older but capable workers by encouraging employers to hire people exclusively on their merits and skills.

As a first step, this bill should be followed by the enactment of complementary legislation. In addition to my sponsorship of a bill similar to that which the committee included in the pending legislation, I refer to six other bills which I have introduced and which I believe would comprise the kind of balanced and effective course of action the situation requires. Among other things, these bills would: ban discrimination in employment based on age, coordinate Federal activities in the field of age discrimination, authorize experimental projects to demonstrate the employability of older workers, aid nonprofit groups which help older workers find jobs, encourage employers to provide more on-the-job training opportunities, and provide tax credits for employers who hire older workers when it can be shown that such employment results in added costs of doing business.

In addition, as the committee wisely noted, more study should be given to suggestions for insuring vested pension rights and providing for pension portability. This is a wide and complex area, but present practices have clearly worked to the disadvantage of older employees, and in simple justice Congress must continue to explore potential remedies along lines, for example, already initiated by the Joint Economic Committee.

In the meantime, Mr. Speaker, I urge our colleagues to support the important bill now before us, and I add my own appreciation to the expressions of other Members for the great contribution the Select Subcommittee on Labor has made under the chairmanship of the distinguished gentleman from Pennsylvania [Mr. HOLLAND].

Mr. HATHAWAY. Mr. Speaker, I add my support to the comments already made on behalf of H.R. 16715, the Manpower Development and Training Act Amendments of 1966. As the gentleman from Michigan [Mr. O'HARA] has already pointed out, this bill really began with contributions from a number of Members of the House. Section 4(a)(2) constitutes my own contribution to this legislation, which originated as H.R. 15467. Simply stated, my bill, and the related provision in this bill, were an effort to make it easier for young people to avail themselves of the Manpower Development and Training Act training if they have, for some reason which can not easily be remedied, dropped out of school.

The existing law envisions admitting such people to the Manpower Development and Training Act training, but requires that a year elapse between their leaving school and their eligibility for a training allowance, and also requires that every conceivable effort be made to get them back into school.

No one, Mr. Speaker, objects to making such efforts. Counseling, guidance, and all of the persuasive talents of which the society is possessed ought to be utilized to get school-aged dropouts back into school. It is where they belong, and where they, in my judgment, can best be served. But there are cases where this is simply not possible. Young people, perhaps rashly, get married. Young people, tragically, may have to support parents. Young people, for reasons which only the experts can even begin to understand, may find themselves totally unable to profit from an orthodox school environment. In these cases, where the best efforts to get them back into the classroom have failed, it seems to me that it should not be necessary to wait a year before the Manpower Development and Training Act training, if it is what they ought to have, can begin, and training allowances begin, as well.

It is not my intention, and, I believe, not the intention of the committee, that this provision should be used as an easy escape valve for those who can profit from regular schooling, but want to make a quick buck instead.

I believe firmly that the requirement that the Secretary be certain—I emphasize the word "certain"—that the young man or woman cannot usefully return to the regular school system, should be fully complied with. But when it is complied with, let us not then wait 6 or 8 or 10 months before trying to see if that same young man or woman can benefit from the Manpower Development and Training Act training.

I support, of course, the remainder of H.R. 16715. These amendments to the act are, as the gentleman from Michigan has indicated, not monumental in their effect, but they are useful, and they serve the important purpose of maintaining the flexibility of an important part of our national machinery for coping with the economic and with the human problems of our growing and changing economy.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. Powell] that the House suspend the rules and pass the bill H.R. 16715.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. POWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

INTERNATIONAL CONFERENCE ON WATER FOR PEACE

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 167) to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor, which is identical to House Joint Resolution 1169 on the Suspension Calendar.

The Clerk read as follows:

S.J. Res. 167

Whereas there exists throughout the world a common problem in planning the use of water to meet adequately the needs of the world's rapidly expanding population; and

Whereas the President, in announcing the Water for Peace Program of the United States Government, recognized the great value of a mutual sharing of knowledge in this important field with other countries in a worldwide cooperative effort to find solutions of man's water problems; and

Whereas a worldwide conference would be the most effective means of bringing together representatives of all governments and agencies concerned, as well as experts on the varying aspects of the water problems; would focus attention on current and future water problems; and would contribute to the development of policies and programs necessary to meet these problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State and the Secretary of the Interior, in consultation with other concerned departments and agencies, are authorized to take all necessary steps to organize and hold an International Conference on Water for Peace in Washington, District of Columbia, in 1967.

Sec. 2. There is authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $1,200,000 for the purpose of defraying the expenses incident to organizing and holding such an international conference. Funds appropriated pursuant to this authorization shall be available for expenses incurred on behalf of the United States as host government, including personal services without regard to civil service and classification laws, except no salary rate shall exceed the maximum rate payable under the General Schedule of the Classification Act of 1949, as amended; employment of aliens, printing and binding without regard to the provisions of any other law; travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under the Travel Expense Act of 1949, as amended, of principal foreign delegates in the United States and of United States personnel and foreign technical experts; rent of facilities by contract or otherwise; hire of passenger motor vehicles; official functions and courtesies; and design, construction, and display of exhibits. Sums appropriated pursuant to this authorization shall remain available for obligation until December 31, 1967.

Sec. 3. The Secretary of State and the Secretary of the Interior are authorized to accept and use contributions of funds, property, services, and facilities, including the loan of articles, specimens, and exhibits for display, for the purpose of organizing and holding such an international conference.

Sec. 4. The head of any department, agency, or establishment of the United States Government is authorized, on request, to assist with or without reimbursement the Department of State and the Department of the Interior in carrying out the functions herein authorized, including the furnishing of personnel and facilities and the procurement, installation, and display exhibits.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, House Joint Resolution 1169, reported by the Committee on Foreign Affairs, is on the Suspension Calendar today. However, an identical resolution—Senate Joint Resolution 167—was approved by the other body on July 19 and has been resting on the Speaker's desk. In order to expedite matters, we are taking up the Senate joint resolution, and I urge that the House approve it.

Mr. Speaker, the legislation before us is designed to enable the United States to sponsor an international Conference on Water for Peace. The joint resolution authorizes the Secretary of State and the Secretary of the Interior, in consultation with other concerned departments and agencies, to organize and hold such a conference in 1967. In addition, it authorizes an appropriation of not to exceed $1.2 million for expenses incident to organizing and holding the Conference.

This resolution was reported without a dissenting vote by the Committee on Foreign Affairs. A companion measure, Senate Joint Resolution 167, was approved by the other body on July 19 without objection.

All of us know, Mr. Speaker, that water is one of our most precious natural resources—and one which is growing increasingly scarce under the pressure of a rapidly expanding population. Shortage of clean water is directly responsible for problems of disease, malnutrition, and economic underdevelopment which plague the lives of many millions throughout the world. To combat hunger, to conquer disease, to make possible progress in education and industrialization, we must first solve the problems of water supply.

These problems are not limited to any single nation or a group of nations. As the report of the Committee on Foreign Affairs on House Joint Resolution 1169 points out:

> Whether we address ourselves to the perennial floods in Waterloo, Iowa, the problems of the arid areas of California, the repeated shortages of water in New York City, or the job of assuring an adequate supply of potable water for the villages of India, Peru, and of many other countries—the resolution of these problems and the alleviation of existing needs will task the ingenuity, the resourcefulness, and the energies of men of different nations for years to come.

The purpose of the Water for Peace Conference is to advance the solution of water problems through a cooperative international effort. The Conference will provide a forum for the exchange of information and experience between experts and government officials of many nations. In addition, it will focus attention on current and future water problems and—hopefully—contribute to the development of policies and programs necessary to meet these problems.

As I mentioned earlier, Mr. Speaker, the Conference will be held in Washington, in May, 1967. It is expected that some 1,200 delegates from nearly a hundred countries, and some 2,800 observers, will attend. Most of these people will pay their own way in addition to contributing their time and knowledge to this undertaking. The funds which the joint resolution authorizes will be used to defray the normal expenses of the Conference—such as rental of space, employment of staff, publications, and the like. In addition, some of the attending experts may have part or all of their travel expenses paid if their participation in the Conference is important and if no other means will be available to cover such expense.

House Report No. 1742, submitted by the Committee on Foreign Affairs, and the printed record of the hearings held on this joint resolution, contain detailed information about the preparations for the Conference. Various executive branch committees have been working for several months, preparing the agenda for the Conference, identifying problems and issues which will be discussed, and attending to other tasks. Judging from these initial efforts, the Water for Peace Conference may prove a very significant and successful undertaking.

Mr. Speaker, I urge the passage of the joint resolution; and I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to emphasize that this resolution will provide for an authorization of $1,200,000 for an 11-day convention or conference in Washington, D.C.

Even by Washington standards this is pretty fair spending over an 11-day period. For the life of me I do not know how in the world it is expected to spend $1.2 million in 11 days. I have not found anyone yet who could give me a real good answer to that question. This is just a little bit too rich for my blood, although it may be all right for some of the rest of you. I may be the only one in the House against this resolution. If so, I will still vote against it.

It is proposed to invite some 95 countries of the world to come here and I assume from what I heard in the hearings that we will pay the transportation for most of them. Incidentally, the promoters are going to go back of the Iron Curtain to invite some people. They are not designated.

There is to be a representation allowance. I wonder if my friend from New York [Mr. ROONEY] is on the floor? There is to be a representation allowance of $25,000 for 11 days. This ought to provide a pretty good booze party in connection with this thing if "representation allowance" means what it does with respect to the State Department, and I presume that it does, because it is among the chief promoters.

How do you go about spending $25,000 on liquor and hors d'oeuvres in 11 days? I guess it can be done if enough people work at it. I wonder, too, whether this affair is high on the President's priority list? You know, we received a message from President Johnson only a week ago last Thursday telling us that we ought to exercise some prudence in spending. We ought to practice a little austerity and so on and so forth. I do not see very much prudence and austerity in a resolution that provides for the spending of $1,200,000 in 11 days on a convention, no matter what kind of a convention it is.

Nor does it look as though they are going to bring very much water. I did not know water was that scarce in Washington, especially at a meeting supposedly dealing with that liquid. Make no mistake about it, none of you should labor under any illusion here this afternoon that this is anything less than a big foot in the door. Let me read to you from the hearings:

> Mr. FRELINGHUYSEN. Can I assume that if there are some obligations developed as a result of the conference that it might involve the United States financially?

Mr. HAGAN of Georgia, the promoter of this deal for the State Department, replied:

> Yes: this is a likely outcome provided there is a proper legislative basis.

You can be sure there will be a legislative basis. I say to you that given time, this will cost U.S. taxpayers millions if not billions of dollars.

Mr. Speaker, I received a copy a day or two ago, a propaganda release in behalf of the International Conference on Water for Peace. It was put out by the Department of the Interior. And, believe it or not, the stage is all set for this affair even though they do not have the legislation, and they do not have the money. The publicity release says:

> Secretary of the Interior Stewart L. Udall today reported that major progress has been made on the work of planning for the International Conference on Water for Peace.
>
> "We are all tooled up and ready to go," Udall stated.

No money yet, not even the authorizing legislation, but "We are all tooled up and ready to go." Udall also said that there are 75 people from 8 departments of government working on this affair.

All we need is that $1,200,000 to do what Mr. Udall says, to eliminate water-based illness, floods, droughts, famine, and pestilence throughout the world. I suppose that if he had thought of it, he would have said that this Conference would also take care of falling arches.

Mr. Speaker, this bill ought not to be here. Being here, it ought to be sunk without a trace, with or without water.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to my friend from Missouri.

Mr. HALL. Is it not true that today we passed another bill providing for the study of water in the continental limits of the United States; that a couple of weeks ago we provided for the desalinization of the Rio Grande; that also today we passed a bill providing for a National Park Area Study Commission to study waters of the Connecticut River; and that 2 weeks ago we passed a bill relating to the Hudson River watershed? I think the gentleman would agree with me that we need to plan for water for the world, and obviously this agenda of the conference may be ready in the State Department—or did the gentleman say in the Department of the Interior?

Mr. GROSS. There seems to be a divided authority. The State Department is promoting it, but evidently Mr. Udall is running with the ball at the moment. I agree with the gentleman that there should be sane and reasonable planning with respect to water resources.

Mr. HALL. Mr. Speaker, if the gentleman would yield further, we are desalinizing water in Guantanamo Bay, and we are going to reinstitute the Pacific desalinization program of sea water for southern California, I read in the newspaper just this morning. I wonder if there is any real justification for studying water around the world; since the earth is three-fifths covered with water, it can be desalinized, and—there is no secret about it—any sovereign nation can desalinize water if, indeed, they cannot get it out of a creek. We do not do too well keeping our own water clean, pure, and cool.

We have a food-for-peace program. Now we are to have a water-for-peace program. International medicare has been recommended, foodcare, rentacare, judicare, and international antipoverty. Perhaps the problem is just the reverse, and instead of a water-for-peace programs we should have "peace on the waters."

Mr. GROSS. I think that is one of the most excellent suggestions I have heard today. We do not have peace anywhere else. Perhaps we might try having some peace in or on the water.

Mr. HALL. The gentleman is a member of the Committee on Foreign Affairs, and I presume whether it is in the State Department or in the Department of Interior, his committee will have jurisdiction over this legislation, if and when it passes. I certainly hope he will help us realize water resource development is important. It must start at home or where the water falls on the earth, and that international cooperation may be necessary in some areas. But it is a sovereign nation problem, and I suggest that we reverse the title, and instead of water for peace, let us have peace on the water.

Mr. GROSS. Earlier this afternoon, as the gentleman from Missouri mentioned, this House passed a bill to provide for a water study costing $500,000 in the three States of Virginia, Maryland, and Delaware. I think the best thing we could do would be to send this back to the committee, let it be cut to proper size, and try to salvage the $500,000 that we spent today on a study of water resources in this immediate three-State area.

Only a few days ago, the gentleman from Pennsylvania, a veteran member of the House Interior Committee [Mr. SAYLOR], said that there are 40 to 50 agencies and commissions in Government today spending millions of dollars studying water resources.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I certainly want to compliment the gentleman from Iowa, who has water problems in Iowa, I am sure, for putting his finger right on the problem of diffusion and dispersion of the funds in a time when we are supposed to be austere in these 40 or 50 areas, domestically as well as around the world, in an unbudgeted manner.

I concur in the gentleman's remarks and associate myself with them.

Mr. GROSS. I thank the gentleman. Does my friend from Missouri have any idea of how to go about spending $1,200,000 on an 11-day convention?

Mr. HALL. It would not be easy, but the gentleman has put his finger on the elements. It must be the party of all times, to end all parties; and I hope—"representation allowances."

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HOSMER].

Mr. HOSMER. Mr. Speaker, it is not often that I disagree with my fine friend from Florida on measures that are before the House, but on this one I must.

There are 1,200 representatives to this 11-day Conference, costing $1,200,000, that is, $1,000 apiece for the people who are going to attend the so-called Water for Peace Conference. What is this Water for Peace Conference? It is nothing more than one of those hollow slogans that have been generated by the public relations men at the White House, and it was turned into a $1.2 million message to Congress so the President could have a fine Monday or Sunday morning news story.

I sat in a joint committee just last week and listened to one of the Members of the other body on the opposite side of the aisle from me criticize this as one of these sloganeering efforts that is just a big ball of puff. It is a $1.2 million ball of puff, according to the legislation that is before us.

Who is going to attend that Conference? Who are these 1,200 people and 2,800 observers? Are they the people who are the technicians? Are they the fellows who are going out to put in the hardware and do something about organizing the water supply or cleaning it up? Of course not. They are the State Department fellows and politicians and all the people who traditionally run around the world attending conferences and making speeches and having a good time. Then they go home and nothing happens. These are the overhead people.

If we want to do something about water, let us give the money to the hardware people, not the overhead people.

Already we are spending *x* millions of dollars for municipal water supplies, *x* millions of dollars on water pollution, *x* millions of dollars on flood control, *x* millions more on reclamation and irrigation, and *x* millions more on weather modification, and *x* millions more on desalting, and, probably, as the gentleman from Iowa indicates, something more on water for whisky at this conference they are planning.

Soon we are going to be asked to spend $72.2 million to assist a half a billion dollar water desalting project out in California. We already have about $2 billion worth of authorizations on the books for water projects which are not even started yet in this country. The gentleman from Ohio [Mr. KIRWAN] will be in asking for $1 billion for a water canal in Ohio. These things go on forever.

In the International Atomic Energy Agency—which I might incidentally say is the traditional forum for the discussion of these water desalting matters—we are getting into talks with Mexico about water plants of some kind, and into talks with Israel about water plans, and into talks with the United Arab Republics about water. They all will come and ask for money and so will many more.

If we vote for this and have this so-called International Water for Peace Conference in Washington, every one of those 95 or so countries that come, will come with their hands out to the U.S. Treasury, looking for some aid for their own desalting purposes, because who is the big fellow in this whole deal? Who is the rich fellow? It is Uncle Sam, and he is sponsoring the occasion for their expectations. I believe we ought to shut this off now, and let the people stay home and write letters. It is easier to turn them down that way. We do not have the money to get into this operation on a worldwide basis.

There is one project right around the corner, $10 billion for water for southeast Asia, a gigantic water development plan over there. We are going to have to consider whether we are going to pony up that money, if we keep going as we are and these requests keep coming in from the White House as they are.

This water for peace is no more than a slogan. We have a peace ship, the *Hope*. Foreign aid comes in in a couple of days. That is more for peace. We have had food for peace and atoms for peace. I believe we have come about to the end of the string of these slogans for peace. It is up to us to turn this down, as we ought to turn it down, and let the White House know that every time they come up here with a great slogan for a headline, they should not expect Congress to pay out a million or so of the peoples' dollars to pay for White House publicity in the morning newspaper.

The place to talk about water for peace, if it is going to be talked about, is the United Nations, up in New York, a forum which already exists and does not need an extra $1.2 million to talk about water. They can talk about it up there if some of those countries will shut up criticizing the United States long enough to get some other subject on the agenda.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

I must say that the two gentlemen are consistent, at least.

If I followed the logic involved, it means to talk to nobody and then it will not be necessary to do anything and the problems of the world will go away, particularly the problems of water or the lack of water. Then we could do without any international conference.

So far as slogans are concerned, I would not want to pin anything on anybody, but a previous non-Democratic administration did coin a phrase—"atoms for peace."

The third conference on atoms for peace, which ran about the same period of time as the one contemplated in this resolution cost approximately $1.3 million. The estimated costs for this particular conference on water are pretty much in line with the costs for other international conferences which have been held or are planned.

I believe it must be conceded, whether one is for this or not, that the lack of water or the need for water around the world is a subject of major importance. It is estimated that at least 10 million people die annually solely because of lack of water.

Many water basins have been identified in the world, but technical know-how is lacking to control or produce water or to use it efficiently.

It is hoped that we could bring in the world's technicians and leaders from these various governments who have the responsibility for water needs, production, and control. We need to exchange ideas, identify problems, expose each other to the latest technical developments and generally focus attention on the problems of sufficient fresh water.

For example, desalting is fine, if one is on the ocean, but in an interior country it is a little difficult to get water from the ocean that way.

When one considers that need for water has been one of the major problems in the world; when one considers the disagreements, deaths, and even wars which have been fought to secure fresh water, I think we can see that an international conference on water is important and worth the expenditure, if some of the disagreements can be dissipated with attention and technology.

All I have to do to refresh the memory of Members is to mention the dispute on water in the Middle East, among Israel, Jordan, and Lebanon; and the Indus River dispute fortunately resolved between India and Pakistan; and the fight which actually took place between Algeria and Morocco, at the base of which was the claim to water.

I believe history would demonstrate almost conclusively even to the most biased individual that water, or the lack of water, or the ability to produce water, or the need for water, is one of the great problems of mankind worthy of our attention and effort.

Therefore, for the United States to take the leadership in the world, to bring about this international conference, to bring these delegates and these observers from all over the world to the United States, will give us the benefit of exchanging views, on a direct basis, on water and the related problems of water. This is an expenditure worthy of being made, and we should pursue this international conference.

Work at present is being paid out of departmental budgets and will not be reimbursable from funds authorized by the pending resolution. For the work which is done after the Conference is authorized, of course, any departmental people would be on a reimbursable basis.

I might conclude with one item. It seems to me kind of awkward and improper, really, to put an official dinner by our Government in the class which has been characterized here on the floor. I believe that is unfortunate. I believe an official dinner, a State dinner and reception, ought not be characterized in the manner in which it was.

As the host country, a reception and dinner is contemplated. I believe the United States is acting responsibly when we say we will put on an official dinner for the delegates, for the people who will come here for the Conference.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from California.

Mr. HOSMER. I gather the intimation from the gentleman's statement that this conference next year in the United States will do something toward cutting down an estimated number of 10 million deaths a year from lack of water, or will do something toward alleviating circumstances in which water is causing wars and great friction between countries.

I should like to ask the gentleman, how will this conference do that any better than or as well as the United States going in and taking care of its water problems and making the information available to these other countries in the usual channels?

Mr. FASCELL. First of all, the innuendo or the inference is that of the gentleman, and not mine. I made a statement of fact.

Second, I believe it would be helpful to have these people come over here and to give them an opportunity to see what we have done and how we have done it, and to learn.

That water production is really a local problem.

Mr. HOSMER. We are going to hear speeches in Washington. They are not going to see desalting plants or other examples of this problem on a hardware basis.

Mr. FASCELL. Again this is the gentleman's opinion and the inference that he draws, but it is not the case. It is hoped that part of the time while these gentlemen are here they will have an opportunity to go to different places in the United States and see some of these installations.

Mr. HOSMER. They can come here now at their own expenses and see these things just as well as they can later.

Mr. FASCELL. I think the gentleman has made his point. He is against the conference, and I am for it. I see something good in it and he does not. Of course, we could do what the gentleman suggests, but then it would not be an international conference and I doubt such procedure would save much money.

Mr. GROSS. Mr. Speaker, I wonder how the gentleman would keep them from the Potomac down here? The gentleman and I cross that bridge at least twice a day, and sometimes it is pretty hard to keep the car windows open.

Mr. FASCELL. I hope the gentleman will join me in authorizing the necessary funds to eliminate pollution not only in the Potomac but all around the country.

Mr. GROSS. I think this money would be much better spent in correcting pollution in the Potomac River than for a conference of this kind. It seems to me for the price of postage they can get all we know about water resources in this country. As I said before and as the gentleman from Pennsylvania [Mr. SAYLOR], said, there are 40 or 50 agencies engaged in this business now at a cost of Lord knows how many millions of dollars.

Mr. FASCELL. The United States has made fantastic progress, but we have a long way to go. However, when one compares it with what has been done around the rest of the world, we then realize how vital it is to have this international conference to focus scientific and political attention on the world's water problems.

Mr. RYAN. Mr. Speaker, I fully support House Joint Resolution 1169 which would enable the United States to organize and hold an International Conference on Water for Peace in Washington in 1967.

As I said in commenting on the proposed bill on August 15, no resource in the world is more highly prized than water. In the Middle East it is a continuing and basic cause of international strife. As I have pointed out before to the House, the Northeast has entered its sixth consecutive year of drought, and the District of Columbia Commissioners recently suggested voluntary restraint in the use of water.

Last session I introduced H.R. 10244, which would establish a Federal Water Commission to coordinate our national water resource development. The Nation needs a comprehensive, overall effort to attempt to solve our Nation's water problems. This same principle applies internationally. Planning for the use of water to meet the needs of the world's rapidly expanding population requires, as President Johnson has said, "a massive cooperative international effort."

Mr. Speaker, the proposed conference would help to encourage planning for water resource development at all levels of government, and would stimulate international cooperation and actions to solve water problems. I hope that it will lead to the establishment of a worldwide water for peace program. I heartily endorse it.

The SPEAKER. The question is on the motion of the gentleman from Florida that the House suspend the rules and pass Senate Joint Resolution 167.

The question was taken; and the Speaker announced that two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 161, nays 154, not voting 117, as follows:

[Roll No. 289]

YEAS—161

Addabbo
Annunzio
Ashley
Barrett
Beckworth
Bingham
Blatnik
Boggs
Boland
Brademas
Brooks
Brown, Clarence J., Jr.
Burke
Burton, Calif.
Byrne, Pa.
Cahill
Cameron
Carey
Clark
Clevenger
Cohelan
Conte
Conyers
Culver
Cunningham
Daddario
Daniels
Dawson
de la Garza
Delaney
Denton
Dingell
Donohue
Dow
Edmondson
Edwards, Calif.
Fallon
Farnsley
Farnum
Fascell
Feighan
Flood
Fogarty
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Giaimo
Gilbert
Gilligan
Gonzalez
Grabowski
Green, Pa.
Griffiths
Hagen, Calif.
Hanley
Harsha
Hathaway
Hays
Hechler
Helstoski
Irwin
Jacobs
Joelson
Johnson, Calif.
Johnson, Okla.
Karsten
Karth
Kastenmeier
Kee
Keogh
King, Calif.
King, Utah
Kirwan
Kupferman
Leggett
Long, Md.
Love
McCarthy
McDade
McFall
McGrath
Macdonald
Mackay
Madden
Mathias
Matsunaga
Matthews
Miller
Mink
Moorhead
Morgan
Morris
Morse
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Price
Pucinski
Race
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Rogers, Colo.
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Ryan
St Germain
Scheuer
Schisler
Schmidhauser
Schweiker
Selden
Sickles
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Steed
Stubblefield
Teague, Tex.
Tenzer
Thompson, Tex.
Tunney
Tupper
Udall
Ullman
Van Deerlin
Vigorito
Vivian
Waldie
Weltner
Wolff
Yates
Young
Zablocki

NAYS—154

Abbitt
Abernethy
Adair
Adams
Anderson, Ill.
Andrews, George W.
Andrews, N. Dak.
Ashbrook
Ashmore
Baring
Bates
Battin
Bennett
Berry
Betts
Bolton
Bow
Bray
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Cabell
Callan
Casey
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conable
Cooley
Corbett
Cramer
Curtin
Curtis
Dague
Davis, Wis.
Devine
Dickinson
Diggs
Dole
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Edwards, Ala.
Edwards, La.
Ellsworth
Erlenborn
Everett
Findley
Foley
Fountain
Fuqua
Gathings
Gettys
Goodell
Greigg
Gross
Grover
Gubser
Haley
Hall
Hamilton
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harvey, Ind.
Harvey, Mich.
Henderson
Herlong
Horton
Hosmer
Hutchinson
Ichord
Jarman
Jennings
Jonas
Jones, Mo.
Kornegay
Kunkel
Laird
Langen
Latta
Lennon
Lipscomb
McCulloch
McVicker
MacGregor
Mahon
Mailliard
Marsh
Martin, Nebr.
May
Meeds
Michel
Mills
Minshall
Morton
Natcher
O'Konski
O'Neal, Ga.
Pelly
Pirnie
Poff
Powell
Quie
Quillen
Randall
Redlin
Reid, Ill.
Reifel
Rhodes, Ariz.
Rivers, S.C.
Roberts
Rogers, Tex.
Satterfield
Schneebeli
Secrest
Shipley
Shriver
Skubitz
Smith, Calif.
Stafford
Stalbaum
Stanton
Stephens
Stratton
Sullivan
Talcott
Taylor
Teague, Calif.
Thomas
Thomson, Wis.
Tuck
Utt
Vanik
Waggonner
Walker, N. Mex.
Watkins
Watson
Watts
Whalley
White, Tex.
Whitener
Williams
Wydler
Younger

NOT VOTING—117

Albert
Anderson, Tenn.
Andrews, Glenn
Arends
Aspinall
Ayres
Bandstra
Belcher
Bell
Bolling
Brock
Broomfield
Brown, Calif.
Byrnes, Wis.
Callaway
Carter
Celler
Chelf
Colmer
Corman
Craley
Davis, Ga.
Dent
Derwinski
Dorn
Duncan, Oreg.
Dyal
Evans, Colo.
Evins, Tenn.
Farbstein
Fino
Fisher
Flynt
Ford, Gerald R.
Fulton, Tenn.
Gallagher
Garmatz
Gibbons
Gray
Green, Oreg.

Grider
Gurney
Hagan, Ga.
Halleck
Halpern
Hanna
Hawkins
Hébert
Hicks
Holifield
Holland
Howard
Hull
Hungate
Huot
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Keith
Kelly
King, N.Y.
Kluczynski
Krebs
Landrum
Long, La.
McClory
McDowell
McEwen
McMillan
Machen
Mackie
Martin, Ala.
Martin, Mass.
Minish
Mize
Moeller
Monagan
Moore
Morrison
Mosher
Murray
Nelsen
Passman
Pool
Purcell
Rees
Reinecke
Resnick
Robison
Rodino
Rogers, Fla.
Roncalio
Rooney, Pa.
Roudebush
Roybal
Rumsfeld
St. Onge
Saylor
Scott
Senner
Sisk
Smith, Va.
Sweeney
Thompson, N.J.
Todd
Toll
Trimble
Tuten
Walker, Miss.
White, Idaho
Whitten
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rodino and Mr. Minish for, with Mr. Bob Wilson against.

Mr. Celler and Mr. Farbstein for, with Mr. Fino against.

Mr. Resnick and Mrs. Kelly for, with Mr. Pool against.

Mr. Dent and Mr. Holland for, with Mr. Hébert against.

Mr. Garmatz and Mr. Machen for, with Mr. Long of Louisiana against.

Mr. Hungate and Mr. McDowell for, with Mr. Whitten against.

Mr. Monagan and Mr. St. Onge for, with Mr. Colmer against.

Mr. Roybal and Mr. Rees for, with Mr. Dorn against.

Mr. Holifield and Mr. Hanna for with Mr. Hagan of Georgia against.

Mr. Hawkins and Mr. Charles H. Wilson for, with Mr. Arends against.

Mr. Sisk and Mr. Aspinall for, with Mr. Reinecke against.

Mr. Corman and Mr. Dyal for, with Mr. Carter against.

Mr. Kluczynski and Mr. Sweeney for, with Mr. Wyatt against.

Mr. Gallagher and Mr. Krebs for, with Mr. Broomfield against.

Mr. Rooney of Pennsylvania and Mr. Senner for, with Mr. Brock against.

Mr. Thompson of New Jersey and Mr. Toll for, with Mr. Derwinski against.

Mr. Brown of California and Mr. Fulton of Tennessee for, with Mr. Gurney against.

Mr. Gray and Mrs. Green of Oregon for, with Mr. King of New York against.

Mr. Anderson of Tennessee and Mr. Howard for, with Mr. McEwen against.

Mr. Mackie and Mr. White of Idaho for, with Mr. Nelsen against.

Until further notice:

Mr. Davis of Georgia with Mr. Halleck.

Mr. Evins of Tennessee with Mr. Halpern.

Mr. Albert with Mr. Gerald R. Ford.

Mr. Fisher with Mr. McClory.

Mr. Evans of Colorado with Mr. Martin of Massachusetts.

Mr. Hull with Mr. Mize.

Mr. Roncalio with Mr. Ayres.

Mr. Rogers of Florida with Mr. Saylor.

Mr. Smith of Virginia with Mr. Rumsfeld.

Mr. Purcell with Mr. Belcher.

Mr. Flynt with Mr. Moore.

Mr. Gibbons with Mr. Bell.

Mr. Huot with Mr. Mosher.

Mr. Hicks with Mr. Robison.

Mr. Morrison with Mr. Walker of Mississippi.

Mr. Passman with Mr. Roudebush.

Mr. Grider with Mr. Callaway.

Mr. Moeller with Mr. Byrnes of Wisconsin.

Mr. Jones of Alabama with Mr. Andrews of Alabama.

Mr. Todd with Mr. Widnall.

Mr. Jones of North Carolina with Mr. Johnson of Pennsylvania.

Mr. Tuten with Mr. Martin of Alabama.

Mr. Wright with Mr. Keith.

Mr. Willis with Mr. Craley.

Mr. Landrum with Mr. Chelf.

Mr. Bandstra with Mr. Duncan of Oregon.

Mr. Trimble with McMillan.

Mr. Murray with Mr. Scott.

Messrs. JENNINGS and MILLS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

GENERAL LEAVE TO EXTEND

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

WOLF TRAP FARM PARK, FAIRFAX COUNTY, VA.

Mr. O'BRIEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3423) to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Va., and for other purposes.

The Clerk read as follows:

S. 3423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of establishing in the National Capital area a park for the performing arts and related educational programs, and for recreation use in connection therewith, the Secretary of the Interior is authorized to establish, develop, improve, operate, and maintain the Wolf Trap Farm Park in Fairfax County, Virginia. The park shall encompass the portions of the property formerly known as Wolf Trap Farm and Symphony Hill in Fairfax County, Virginia, to be donated for park purposes to the United States, and such additional lands or interests therein as the Secretary may acquire for purposes of the park by donation or purchase with donated or appropriated funds, the aggregate of which shall not exceed one hundred and forty-five acres.

Sec. 2. The Secretary of the Interior shall administer the park in accordance with the provisions of section 1 of this Act and the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

Sec. 3. There are authorized to be appropriated such sums as may be necessary, but not in excess of $600,000, to carry out the purposes of this Act.

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from California opposed to the bill?

Mr. HOSMER. I am not opposed to it, Mr. Speaker.

Mr. GROSS. Mr. Speaker, I am opposed to the bill and I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. O'BRIEN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TAYLOR. Mr. Speaker, the purpose of this bill is to enable the Secretary of the Interior to accept donations of nearly 100 acres of valuable, rolling land in Fairfax County, Va., and of $1,750,000 in cash in order to establish on the land a small park to be operated by the National Park Service and to be known as Wolf Trap Farm Park. The land and money which are to be donated have been placed in escrow for that purpose.

The donor of 58 acres of the land and of $1,750,000 cash is Mrs. Jouett Shouse, who for many years has been a patron of the arts and whose husband was a Member of this House during the 64th and 65th Congresses. The donor of the other 38 acres is the American Symphony Orchestra League. The Congress owes a great debt of gratitude to Mrs. Shouse and to the American Symphony Orchestra League for their generous offer, and I believe we will want to see that these offers are accepted.

The plan of the National Park Service is to develop the 96 acres which will be donated and an additional 45 or 50 acres which will be acquired as a cultural park. The cost to the Government of the additional land and of developing the entire area will not exceed $600,000. That is the extent of the appropriation authorized in the bill.

On the 140 or so acres in the park will be built an auditorium with the funds donated by Mrs. Shouse. This auditorium, along with a natural amphitheater seating 3,500 people, and to be developed with the donated funds, will be utilized for concerts, plays, ballet performances, and the like. Several small buildings that are already on the premises will be made available for composers and authors who wish temporary residence at a place where they can pursue their professions in a quiet, rural atmosphere near the Capital of the Nation. The American Symphony Orchestra League, which already has its national headquarters at Wolf Trap Farm, will continue to occupy a small portion of the land and to carry on its work there.

Federal funds will be used to develop a visitor center complex, parking facilities, trails, a picnic center, and a water system.

Wolf Trap Farm is located within 13 miles of the White House and is easily accessible by the Beltway and Route 7, or by Routes 123 and 193. Access could also be provided from the Dulles Airport

Road, but this is not contemplated at present.

The committee paid particular attention to the question as to whether the creation of this cultural park would be justified in view of the existence of Constitution Hall, Lisner Auditorium, and other facilities in Washington and the advanced plans for the Kennedy Cultural Center and the Columbia Center. In view of the fact that nearly 2,250,000 people now live in the Washington Metropolitan area, it was the opinion of the committee that there is a real need for the new park and that if reasonable care is taken in arranging programs, this park will complement the others and not be a competitor. The committee realized that national park areas in the vicinity of Washington are crowded at the present and will be more crowded in the future.

The committee found that the establishment of an advisory board by the Secretary of the Interior will not only serve to avoid conflicts which might otherwise be foreseen but will also assure the maintenance of artistic integrity in the selection and presentation of performances. As a matter of fact, the committee has been advised that the Director of the National Park Service has discussed Wolf Trap Farm with the head of the Columbia Center and we understand that there is mutual understanding of what each is seeking to accomplish.

Mr. Speaker, I believe that this summarizes the general provisions and purposes of this bill. I reiterate that we owe a vote of thanks to Mrs. Shouse and the American Symphony Orchestra League for their generous offers. I believe that Congress is getting a good bargain in this property, and I urge favorable action on this bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman.

Mr. GROSS. Were hearings held on this bill?

Mr. TAYLOR. Yes; hearings were held.

Mr. GROSS. Where are the hearing transcripts?

Mr. TAYLOR. They were written up by the Committee on Interior and Insular Affairs and transcripts are available.

Mr. GROSS. Are the hearing records available here?

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman.

Mr. O'BRIEN. I might say that the hearings were not printed but there were hearings and we could send and get the transcripts of the hearings.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. TAYLOR. I will be glad to yield to the gentleman.

Mr. GROSS. Would not the gentleman think that Members of the House of Representatives ought to have the benefit of printed hearings, to know how extensive they were; to know who was able to testify on this proposition, and so on?

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman.

Mr. O'BRIEN. Perhaps that is correct, but we were a little overwhelmed that someone wanted to give something to the Federal Government, and we thought that situation in and of itself was so unique that the transcripts were not necessary.

Mr. TAYLOR. Mr. Speaker, I would also like to state that in order to take advantage of this we need to act on it in this session of the Congress.

Mr. MATHIAS. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman.

Mr. MATHIAS. At the hearings that were held, would the gentleman advise who did appear as a proponent of this site?

Mr. TAYLOR. Representatives of the National Symphony League were heard. Representatives of the National Park Service were heard. No one appeared in opposition to the proposition.

Mr. MATHIAS. Was there any notice given to those who might have had some other views on this subject so that they might appear?

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman.

Mr. O'BRIEN. I might say that we handle a good many bills in the course of a session of this nature, not specifically of this nature, and it has been our policy not to go too much into printed hearings as a matter of practical economy.

We did not in this instance, I might say to the gentleman, beat the bushes looking for opposition. But I think it was pretty well known to anyone who was interested that Mrs. Shouse had made this offer. The hearings were scheduled as hearings are all scheduled in the RECORD. There was nothing secret about it. We just thought that it was a good bargain for the Federal Government.

Mr. MATHIAS. Mr. Speaker, if the gentleman will yield further.

Mr. TAYLOR. I yield to the gentleman.

Mr. MATHIAS. I did attempt to ascertain on several occasions when these hearings would be held. I made several calls and was unable to find out until I was finally advised that the hearing was over. I might say there were a number of people who did seek to be heard on this subject because there are several alternatives that were involved in this matter.

Could the gentleman advise us what the terms of the gift are? Is there a reverter? Under what conditions would the property revert from the Federal Government to the two donors?

Mr. O'BRIEN. Mr. Speaker, if the gentleman will yield further.

Mr. TAYLOR. I yield to the gentleman.

Mr. O'BRIEN. There is no reverter clause.

Mr. TAYLOR. That is my information, there is no provision for that.

Mr. MATHIAS. This is an absolute gift?

Mr. TAYLOR. Yes.

Mr. MATHIAS. With no strings attached of any sort?

Mr. TAYLOR. That is right.

The SPEAKER. The time of the gentleman has expired.

The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I should like to ask someone, since there are no hearing records available, what this is going to cost the taxpayers of this country by way of land purchase and by way of maintenance and so on and so forth.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. O'BRIEN. The estimate we had would be $600,000 for land acquisition and approximately $2,000 a year for maintenance.

Mr. GROSS. What about access to this cultural center?

Mr. O'BRIEN. I understand there is excellent access to the property now, and there will be even better access perhaps in the future from the Dulles area.

Mr. GROSS. As a cold matter of fact, you do not have the kind of access that would accommodate any sizable number of people; is that not about correct? As it now stands, somebody is going to have to put up a lot of money to provide for ingress and egress to the Dulles Highway. What consideration was given to the FAA in the hearings, and the Public Works Committee in the hearings with respect to tapping the Dulles Highway?

Mr. O'BRIEN. In response to the gentleman, I will state that no consideration was given because we have to assume in any project that will attract a large number of people there can be difficulties in connection with highways, and we did not see that there was any peculiar difficulty in this respect.

If the gentleman will yield further I might point out that in my own area in Saratoga Springs they recently opened a similar affair located 35 miles from any large city, and I thought it was going to be a complete failure in a town that is largely dedicated to $2 bettors, and they have been coming from as far away as New York City and New England.

Mr. GROSS. Can the gentleman give me any idea who is going to put up the money to tap the Dulles Highway?

Mr. O'BRIEN. No, I cannot at this point; and I do not know whether there will be that necessity.

Mr. GROSS. Of course, I think we all understand who then would be confronted with a bill for a costly entrance to and exit from the Dulles Highway, and I doubt very much if that should be permitted if we are going to keep it as a high-speed highway for traffic to and from the Dulles Airport.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I will yield briefly to the gentleman from Virginia.

Mr. BROYHILL of Virginia. It will not be necessary to tap the Dulles access road to get to this location, because it is only a few feet from the interchange between the Dulles access road and the circumferential highway, and about a mile from where Route 66 will come through. It will be the most accessible area in the entire metropolitan region.

Mr. GROSS. I do not think any of us are laboring under any illusions about who will put up the money for the highway to get into this place if this bill is passed, and I hope it will not be approved, because I do not think we are getting any gift at all.

Moreover, I do not understand the reason for the establishment of a so-called cultural center in Virginia, only a few miles from the new Kennedy Cultural Center that is being built, and in competition with what I understand to be a private enterprise symphony-play center in nearby Maryland. I do not see how the Maryland private enterprise operation can continue if there is to be this competition in Virginia in addition to the Kennedy Cultural Center.

Incidentally, I understand the gentleman from Kansas [Mr. SKUBITZ], a member of the Interior Committee, asked if there was "a memorandum of understanding with the Department of the Interior," and, if so, "Do you not think it ought to be made a part of the record?"

And the answer to him with respect to his question was: "There are certain things that are confidential about this transaction."

Now, what is classified about this transaction? What is confidential about it?

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. O'BRIEN. I do not believe there is anything classified about it, but I do think there are certain discussions which take place between the Secretary of the Interior and the lady who wants to give this land for public purposes that are not necessarily pertinent to the bill.

Mr. GROSS. What could it be that would be so confidential and so secret that we, who are going to have to put up increasing amounts of money for this deal, are not entitled to know?

Mr. O'BRIEN. I have not the vaguest idea, if the gentleman will yield. I do not know what conversations there were between the Secretary and Mrs. Shouse, but I do know the deal which is placed before us and on which this deal is based, if the gentleman will yield further, will not require any construction beyond widening nine-tenths of a mile.

Mr. GROSS. It is vaguely mentioned in the report; is it not?

Mr. O'BRIEN. That is true.

Mr. GROSS. It is stated that additional road service will be needed.

Mr. O'BRIEN. It might be. If there is such a great public demand, I believe it should be. Let us wait to see if there should be this enormous, overwhelming public demand.

Mr. GROSS. I understand that the gentleman from Maryland [Mr. FALLON] chairman of the House Public Works Committee—and I do not know whether he is on the floor—wrote a letter to the chairman of the Interior Committee. The letter is dated July 20, 1966. I do not know whether that was before or after the alleged hearings on this bill. In that letter he protests the establishment of this cultural center, or whatever you want to call it. He protested and raised the question of tapping of the Dulles Airport Highway.

I am surprised the chairman of the Public Works Committee was not called upon to give the benefit of his views and the advice of his committee in this matter.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I yield to the gentleman from New York.

Mr. O'BRIEN. Mr. Speaker, I understand such a letter was sent, and it was acknowledged by the chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL], and that subsequently Mr. George Hartzog, head of the Park Service, consulted with the gentleman from Maryland [Mr. FALLON]. At this point I am not in a position to say whether or not Mr. FALLON was satisfied, but I do know we heard no more about the matter.

Mr. GROSS. Mr. Speaker, in his letter to Mr. FALLON says:

> A comprehensive study ought to be made of the road problem and the probable demand for public funds in the future if the Wolf Trap Farm property is developed as a public park.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I yield to the gentleman from New York.

Mr. O'BRIEN. Mr. Speaker, I find myself in the same predicament as my colleague, the gentleman from Maryland [Mr. MATHIAS]. I talked with the gentleman who represented the Park Service.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. O'BRIEN. Mr. Speaker, I was not satisfied with the program that was outlined by him. I asked him if there would be further hearings. He told me yes. I said I would like to be notified and appear before the hearings. I was never notified.

Mr. GROSS. I thank the gentleman for his contribution.

Mr. Speaker, this bill ought to be soundly defeated. It is not a bargain. It is an unnecessary drain on an already deficit-ridden U.S. Treasury.

Mr. FALLON. Mr. Speaker, I rise in opposition to this bill. I oppose this bill as it is presented to us today for one, short reason: It is a bad deal for the Federal Government.

I regret deeply that I am forced to take this position of opposing the establishment of the Wolf Trap Farm Park as a cultural center. The 100 acres in Fairfax County would be devoted to fostering the performing arts. It is said to be the first cultural center proposed to be given to the Federal Government.

In studying this legislation I do not agree that it would be a gift.

If it is a gift, it has too many strings attached to it. These strings would haul it back at any time. It could be taken back after the Federal Government developed 100 acres with roads, bridges, building-parking areas, and landscape development.

The terms would give 40 acres for use by the American Symphony Orchestra League and retain ownership of 60 adjoining acres.

The terms are outlined plainly in the current newsletter of the league.

This novel and to me, unprecedented contract, has these provisions:

The donors will remain in substantial control of the land and its occupancy after it is conveyed to the Government agencies.

Congress must act in this session, is the demand.

If the donors decided at some later date that they did not approve of what the Government did for improving the site, or if they disagreed with governmental policies regarding its operations, the property would revert to the donors or their heirs.

An amazing number of other demands are contained in this proposal. Donors would retain 5 acres on the site and there are stern demands that an access road be built to connect Dulles Airport highway to the cultural park.

Another objection I have is that the Wolf Trap Farm Center would be in direct competition with the Kennedy Cultural Center, Constitution Hall and many other privately owned and operated cultural endeavors in and near the metropolitan area.

In summary, Mr. Speaker, to me this is an attempt to get Federal funds to develop what essentially is a private enterprise. It is a flagrantly unbalanced contract, with the scales weighted against the Federal Government.

Mr. O'BRIEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL of Virginia. Mr. Speaker, I do not understand why this legislation should be controversial. It will provide for the creation of a new cultural center or cultural area, or a theater for the performing arts, here in the metropolitan area of Washington. It is located in Fairfax County, approximately 13 miles from downtown Washington, in what I believe is one of the most convenient locations in the entire metropolitan area of Washington. It should not necessitate construction of any more highways or access roads. It is located very close to the interchange of the Dulles access road and the circumferential highway, a few thousand feet from Route 66, from Route 123, and the George Washington Memorial Parkway.

As I say, we could not find a more convenient location to make it accessible to a large number of people here in the metropolitan area of Washington.

This may make it appear that I am indulging in some "pork barrel" this afternoon. I am not above that when it is convenient to do so, but this property is not located at this time in my congressional district, although the people I represent, as well as all the people of Metropolitan Washington, D.C., would receive benefits from it.

It is a gift, a donation by a very fine, patriotic woman, Mrs. Jouett Shouse. She is contributing the land. The land she will give, under this legislation, and the land contributed before, amounts to 96 acres. She is also making a cash gift of $1,750,000.

We have previously passed legislation which would provide for millions of dollars of Federal contribution to encourage more participation in the performing arts.

The citizens of Fairfax County have organized their own cultural association, with their own funds. Yes, they will utilize this facility when it becomes available.

This does differ from the Kennedy Cultural Center, in that it is not paid for and bought with taxpayers' money. It will provide a large outdoor area, and an amphitheater, which the Kennedy Cultural Center does not have. It will provide cottages and shelter for people who will be out there working, writing plays, studying, and so forth.

I say that this is a wonderful asset to the Nation's Capital area. The land that is being made available for this offers a wonderful opportunity, because it will not be many more years when this much land, so attractive and so beautiful, could not possibly be made available for such an enterprise.

I cannot see how this could be competitive with the Kennedy Cultural Center or the Lisner Auditorium or Constitution Hall, since in this area now we have a population of almost 2½ million people. By 1980 we will have 3½ million people. By the year 2000 it will be more than 5 million people.

I say that we need all the facilities of this sort we can get.

Why should we look a gift horse in the mouth? This patriotic citizen wants to make this contribution. I say we ought to accept it and make the best of it.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from California.

Mr. HOSMER. Mr. Speaker, I rise in weak support of S. 3423.

The bill S. 3423, authorizes the Secretary of the Interior to establish the Wolf Trap Farm Park in Fairfax County, Va., as a unit of the National Capital Parks System.

This proposed park lies within a 13-mile driving distance of Metropolitan Washington, D.C., on property known as Wolf Trap Farm and Symphony Hill. Establishment of this park as proposed in this legislation is made possible by the generosity of Mrs. Jouett Shouse and the American Symphony Orchestra League. Mrs. Shouse has offered to donate 58 acres of Wolf Trap Farm and up to $1,750,000 for the construction of a 3,500 capacity amphitheatre and the American Symphony Orchestra League has agreed to donate 38 acres to the Federal Governmen for park purposes. The proposed park will not exceed 145 acres, requiring the Federal Government to acquire some additional acreage for proper development and acquisition of scenic easements to protect the scenic quality of the park.

Wolk Trap Farm Park will be a park for the performing arts in addition to providing educational and recreational programs. The park will be readily accessible to the nearly 2,250,000 people now living in the Washington metropolitan area and provide a unique cultural opportunity for visitors through concerts, ballets, plays, and suitable daytime educational and recreational facilities. The site will serve as the national headquarters of the American Symphony Orchestra League and development plans include several cottages for resident members and creative artists in the performing arts.

Development plans are estimated to cost approximately $476,500 and the estimated cost of acquiring the additional lands or interests therein is $107,500.

Mr. Speaker, the opportunities presented by this legislation are somewhat unique. Wolf Trap Farm will provide a complementary addition to other or proposed facilities for the performing arts in this area. It can be acquired on a ratio of approximately 1 Government dollar to 3 donated dollars. I would not be for legislation which would be entirely at Government cost or even at half cost. But at one-fourth cost, it seems proper to go ahead.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Speaker, I live 279 miles from the District of Columbia. I have absolutely no personal or political concern with this project.

I do have a concern, however, with the growth and development and the service of our national park system. Not often does the Federal Government have an opportunity to accept, by way of gift, such a valuable asset, and to translate that asset by a minimum investment into an important addition to the Nation's cultural growth.

That is what is involved here, an opportunity for cultural growth, Mr. Speaker.

Not only will this park contain an auditorium where concerts and plays will be performed, but a part of the total acreage will be set aside for the National Headquarters of the American Symphony Orchestra League.

For such a minimum investment—$600,000 for the acquisition of the land necessary to make it a composite and homogenous unit—and for the additional small investment of some $82,000 a year for maintenance, it seems to me this is a most generous offer the Government can ill afford to reject.

Mr. O'BRIEN. Mr. Speaker, I find myself in a position somewhat similar to that of the gentleman who has just spoken. I live a long way from this proposed park, also. I am surprised now, when we arrive on the floor, to find that there is sort of an act within an act; that is, there are forces objecting to this bill who did not object in front of the committee. One of the strange arguments raised today, at least from my viewpoint, is that if we develop something for the accommodation of the American public and it is popular, then there might result at some future date a need for greater egress and ingress to that particular area. As a consequence, we come here ill prepared unless we have first consulted with another committee having jurisdiction over highways.

Mr. Speaker, I say to you that if we followed that procedure we would never be able to come to this floor with a national park bill, a national seashore bill, or any bill for the public good that was not directly connected with highways. I say if an American citizen wants to pay more than two-thirds of the cost of a great development and if the public enjoys that to the point where they need more cement under their tires, then I say give it to them.

Mr. Speaker, I realize it is a very bad piece of casting for me to be speaking today for a cultural center. I do not care very much about ballet. I am sort of a peasant. I do not even like clambakes. However, Mr. Speaker, I have devoted a great many years in this House to supporting legislation which will provide recreation for the American people. I find it very strange at this 11th hour, when we have an opportunity near this great city of Washington to build something at minimum Government expense, that we are going to say to the donor, "We are going to throw your offer back in your teeth because some day we might need a new highway."

Mr. SCHEUER. Mr. Speaker, will my colleague yield to me?

Mr. O'BRIEN. I am glad to yield to the gentleman.

Mr. SCHEUER. About a year ago Congress passed the Arts and Humanities Act of 1965 establishing the National Council on the Arts. The philosophy of that bill was that the Federal Government would provide seed money which would be matched by private philanthropies and donors, to encourage activities in the arts and humanities. Congress established the National Council on the Arts to provide professional oversight in the planning of the programs and the spending of these funds. The President appointed the distinguished businessman, theatrical producer, and civic leader, Roger L. Stevens as his Special Assistant on the Arts and as Chairman of the National Council on the Arts. Mr. Stevens acquired a staff of highly professional experts, as well as a luminous roster of national leaders in the arts, to serve as consultants. May I ask my distinguished colleague from New York if there has been any consultation with the National Council on the Arts or any of the related agencies set up under the Arts and Humanities Act of 1965? Has there been any coordination or consultation to relate this proposed facility to other planned activities stimulated and encouraged by the National Council on the Arts?

Mr. O'BRIEN. No, not in this particular instance. This came to the committee as a sort of package with a generous offer. The committee is charged with the responsibility of providing facilities for the public. We saw a bargain and we reached for it. I did not know there was a mouse trap mixed up in the bargain somewhere. I came to this floor in complete sincerity to press on my colleagues what I regard as a bargain for the American Government. If my colleagues want to turn it down, for whatever reason, whether it is in competition with a private orchestra or for the need perhaps in the future of another road, then that is their privilege. But I have done my duty and presented what I consider to be a bargain to this House.

Mr. SCHEUER. Mr. Speaker, if the gentleman from New York will yield further, I think it might be appropriate to suggest to the lady that this contribution be made to the National Council on the Arts, where we have an established Federal presence headed up by the distinguished Roger Stevens, and a very adequate staff who could, perhaps, use her generous contributions more effectively and with more imagination, resourcefulness and wisdom than can the membership of this House dealing with this matter now pending on the floor of the House.

Mr. O'BRIEN. Mr. Speaker, I might say to the gentleman from New York that we also have an established national park system, and I think the lady—it is her money—has a right to decide whether she is going to donate it to a national park, which is a symphony too, or to the purpose which the gentleman from New York [Mr. SCHEUER] has in mind. But, unfortunately, she has not followed the suggestion that the gentleman has mentioned. On the other hand, she has made the offer that I am supporting today.

Mr. SCHEUER. I agree that if the lady plans a gift of a park or outdoor recreational facility, then the jurisdiction of the Department of the Interior would be appropriate. If, however, as I understand, the gift contemplates an auditorium, a natural amphitheater, a national headquarters for the American Symphony Orchestra League, and several cottages for authors, composers, and choreographers in residence, then I suggest that this promises to be a splendid center of artistic and cultural activity and creativity and should come under the jurisdiction of the National Council on the Arts whose very basic function is to stimulate private donations and coordinate creative programs for worthy projects in the arts and humanities. At the very minimum, there should be consultation and coordination with the National Council on the Arts.

It would appear to be an exercise in futility, frustration, and waste to set up such an agency, and then ignore and bypass it.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Speaker, I rise in opposition to this bill.

As has been disclosed before, we did make an effort to find out when the committee would act. We did make an effort to appear and we were unsuccessful in finding out when the hearings would take place.

Now, Mr. Speaker, I would like to preface everything I have to say by paying tribute to Mrs. Jouett Shouse, and to the work that she has been carrying on for a number of years in behalf of the American Symphony Orchestra in the Washington area.

I, certainly, in speaking here today in no way depreciate the generosity which she is now exhibiting or has exhibited in the past.

But, Mr. Speaker, I recall very well some discussions that I have had on the subject of the Kennedy Cultural Center, and where it should be located. I have very grave doubts to this moment, and they are renewed every day as I pass the site where the Cultural Center is being constructed that that is the best location for that center in the city of Washington. It is not easy to get to. It is not going to be an easy place to park and it is not likely that there will be rapid mass transportation facilities available.

Now, Mr. Speaker, when I raised these objections at various points when the Kennedy Center was under consideration, I was promptly told that it was too late, these these things had all been thought about by great minds earlier and it was too late to voice any doubts at this point.

Well, now, Mr. Speaker, I am voicing my doubts right now. Maybe they are resolved and maybe I will ultimately come around to agree with the committee, after a full hearing, that the Wolf Trap Farm is the place where the Government ought to make this investment. That may be true. But I believe at least there should be full committee consideration and full opportunity for the whole periphery of Washington to be considered in order to make sure that this is the right place to put the Center, a national park facility dedicated primarily to this cultural pursuit. I am all for it and I think we should have it. But even if it did not cost the Government a penny—and I am not quibbling at this point about the money—if it did not cost a penny, if this is going to be delivered free, wrapped up in a parcel with a red ribbon on it, I think we ought to be sure that the gift is going to be utilized and located at the right place.

Now, Mr. Speaker, the committee notes that there is a population of nearly 2,250,000 living in Washington. I believe this figure simply points out the fact that we are not considering Washington as a part of a megalopolis, the great belt of population that extends from Richmond to Boston. I am not at all sure that the location of this facility is ideally situated to be of the greatest service to the greatest number of people.

Mr. Speaker, we hear every day complaints by Members of the House about how difficult it is to get out to Dulles Airport, what an inconvenient location it is, and how difficult it is to get to Dulles Airport.

Well, are we accepting another "Dulles site" which is going to be inconvenient for people to get to? I do not know.

Mr. Speaker, I believe these are things that indicate to us that we have no evidence whatsoever that they have been given full consideration.

Now I think—and I know it has been represented that there is some pressure of time limits, that something should be done at this session of the Congress, but I would submit that there is no record before us today which would justify the passage of this bill on the basis of what we know about it, on the basis of information that has been available to the Members of the House.

Mr. Speaker, I am going to vote against the bill.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. O'BRIEN] that the House suspend the rules and pass the bill, S. 3423.

The question was taken; and on a division (demanded by Mr. GROSS), there were—ayes 66, noes 28.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 195, nays 105, not voting 132, as follows:

[Roll No. 290]

YEAS—195

Abbitt
Adair
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Ashmore
Baring
Barrett
Battin
Bingham
Boggs
Boland
Brademas
Bray
Broyhill, N.C.
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Callan
Cameron
Carey
Clark
Clausen, Don H.
Cleveland
Clevenger
Cohelan
Conable
Conte
Corbett
Cramer
Daddario
Daniels
Dawson
Delaney
Denton
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan, Tenn.
Edmondson
Ellsworth
Erlenborn
Farnsley
Farnum
Fascell
Feighan
Flood
Foley
Ford, William D.
Fraser
Fulton, Pa.
Gallagher
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Green, Pa.
Greigg
Grover
Hagen, Calif.
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Hathaway
Hays
Hechler
Helstoski
Henderson
Horton
Hosmer
Jacobs
Jennings
Johnson, Calif.
Johnson, Okla.
Karsten
Karth
Keogh
King, Calif.
Kirwan
Kupferman
Laird
Leggett
Lennon
Long, La.
McCarthy
McDade
McFall
McGrath
McVicker
Macdonald
Madden
Marsh
Martin, Nebr.
Matsunaga
Matthews
Meeds
Miller
Mills
Mink
Monagan
Moorhead
Morgan
Morris
Morse
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
O'Brien
O'Hara, Ill.
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pepper
Perkins
Philbin
Pike
Poage
Poff
Powell
Price
Pucinski
Quie
Race
Redlin
Reid, Ill.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Rogers, Colo.
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Ryan
Satterfield
St Germain
Scheuer
Schisler
Schmidhauser
Selden

Shriver
Sikes
Skubitz
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Steed
Stephens
Stratton
Taylor
Tenzer
Thomson, Wis.
Tuck
Tunney
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walker, N. Mex.
Watson
White, Tex.
Wilson, Bob
Wydler
Yates
Young
Zablocki

NAYS—105

Abernethy
Andrews, George W.
Ashbrook
Bates
Beckworth
Bennett
Berry
Betts
Blatnik
Bolton
Bow
Brooks
Brown, Clarence J., Jr.
Buchanan
Cabell
Cahill
Casey
Cederberg
Chamberlain
Clancy
Clawson, Del
Collier
Cooley
Culver
Cunningham
Curtin
Curtis
Dague
Davis, Wis.
de la Garza
Devine
Dickinson
Dwyer
Edwards, Ala.
Everett
Fallon
Fountain
Frelinghuysen
Friedel
Fuqua
Gathings
Goodell
Griffiths
Gross
Gubser
Haley
Hall
Hamilton
Hansen, Idaho
Harsha
Harvey, Mich.
Herlong
Hutchinson
Ichord
Irwin
Jarman
Joelson
Jonas
Jones, Mo.
Kastenmeier
Kee
Kornegay
Kunkel
Langen
Latta
Lipscomb
Love
McCulloch
MacGregor
Mahon
Mailliard
Mathias
May
Michel
Minshall
Natcher
O'Konski
Pelly
Pirnie
Quillen
Randall
Roberts
Schneebeli
Schweiker
Secrest
Shipley
Slack
Smith, Calif.
Springer
Stalbaum
Stanton
Stubblefield
Sullivan
Talcott
Teague, Calif.
Thomas
Utt
Vivian
Watkins
Weltner
Whalley
Whitener
Williams
Wolff
Younger

NOT VOTING—132

Albert
Andrews, Glenn
Arends
Aspinall
Ayres
Bandstra
Belcher
Bell
Bolling
Brock
Broomfield
Brown, Calif.
Byrnes, Wis.
Callaway
Carter
Celler
Chelf
Colmer
Conyers
Corman
Craley
Davis, Ga.
Dent
Derwinski
Diggs
Dingell
Dorn
Duncan, Oreg.
Dyal
Edwards, Calif.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Farbstein
Findley
Fino
Fisher
Flynt
Fogarty
Ford, Gerald R.
Fulton, Tenn.
Garmatz
Gray
Green, Oreg.
Grider
Gurney
Hagan, Ga.
Halleck
Halpern
Hanna
Harvey, Ind.
Hawkins
Hébert
Hicks
Holifield
Holland
Howard
Hull
Hungate
Huot
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Keith
Kelly
King, N.Y.
King, Utah
Kluczynski
Krebs
Landrum
Long, Md.
McClory
McDowell
McEwen
McMillan
Machen
Mackay
Mackie
Martin, Ala.
Martin, Mass.
Minish
Mize
Moeller
Moore
Morrison
Mosher
Multer
Murray
Nelsen
Nix
O'Hara, Mich.
Patman
Pickle
Pool
Purcell
Rees
Reid, N.Y.
Reinecke
Resnick
Robison
Rodino
Rogers, Fla.
Rogers, Tex.
Roncalio
Rooney, Pa.
Roudebush
Roybal
Rumsfeld
St. Onge
Saylor
Scott
Senner
Sickles
Sisk
Smith, Va.
Sweeney
Teague, Tex.
Thompson, N.J.
Thompson, Tex.
Todd
Toll
Trimble
Tuten
Walker, Miss.
Watts
White, Idaho
Whitten
Widnall
Willis
Wilson, Charles H.
Wright
Wyatt

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Rodino with Mr. Bell.
Mr. Minish with Mr. Widnall.
Mr. Celler with Mr. McClory.
Mr. Farbstein with Mr. Fino.
Mrs. Kelly with Mr. Byrnes of Wisconsin.
Mr. Garmatz with Mr. Roudebush.
Mr. Resnick with Mr. Brock.
Mr. Dent with Mr. Johnson of Pennsylvania..
Mr. Holland with Mr. Keith.
Mr. Machen with Mr. Moore.
Mr. Hungate with Mr. Belcher.
Mr. McDowell with Mr. Ayres.
Mr. Mackie with Mr. Reid of New York.
Mr. King of Utah with Mr. McEwen.
Mr. Roybal with Mr. Reinecke.
Mr. Rees with Mr. Rumsfeld.
Mr. Holifield with Mr. Saylor.
Mr. Hanna with Mr. Mize.
Mr. Hawkins with Mr. Hicks.
Mr. Charles H. Wilson with Mr. Broomfield.
Mr. Sisk with Mr. Halleck.
Mr. Aspinall with Mr. Findley.
Mr. Dyal with Mr. Robison.
Mr. Corman with Mr. Martin of Massachusetts.
Mr. Albert with Mr. Gerald R. Ford.
Mr. Dorn with Mr. Gurney.
Mr. Hagan of Georgia with Mr. Callaway.
Mr. Kluczynski with Mr. Derwinski.
Mr. Sweeney with Mr. Mosher.
Mr. Rooney of Pennsylvania with Mr. Nelsen.
Mr. Senner with Mr. Carter.
Mr. Thompson of New Jersey with Mr. Wyatt.
Mr. Brown of California with Mr. Halpern.
Mr. Gray with Mr. King of New York.
Mr. Fulton of Tennessee with Mr. Harvey of Indiana.
Mr. Morrison with Mr. Glenn Andrews.
Mr. Fisher with Mr. Walker of Mississippi.
Mr. Multer with Mr. Martin of Alabama.
Mr. Evins of Tennessee with Mr. Moeller.
Mr. Mackay with Mr. Scott.
Mr. Smith of Virginia with Mr. Roncalio.
Mr. Teague of Texas with Mr. Krebs.
Mr. Bandstra with Mr. Chelf.
Mr. Davis of Georgia with Mr. Sickles.
Mr. Watts with Mr. McMillan.
Mr. St. Onge with Mr. Long of Maryland.
Mr. Dingell with Mr. Nix.
Mr. O'Hara of Michigan with Mr. Todd.
Mr. Rogers of Texas with Mr. Tuten.
Mr. Trimble with Mr. Whitten.
Mr. White of Idaho with Mr. Colmer.
Mr. Jones of North Carolina with Mr. Purcell.
Mr. Hull with Mr. Jones of Alabama.
Mr. Landrum with Mr. Duncan of Oregon.
Mr. Edwards of California with Mr. Diggs.
Mr. Evans of Colorado with Mr. Edwards of Louisiana.
Mr. Fogarty with Mr. Flynt.
Mrs. Green of Oregon with Mr. Grider.
Mr. Pool with Mr. Murray.
Mr. Pickle with Mr. Cooley.
Mr. Patman with Mr. Willis.
Mr. Wright with Mr. Rogers of Florida.
Mr. Huot with Mr. Conyers.
Mr. Thompson of Texas with Mr. Toll.

Messrs. OLSEN of Montana, PASSMAN, ANDREWS of North Dakota, and REIFEL changed their vote from "nay" to "yea."

Mr. SHIPLEY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

CONSERVATION PROTECTION, AND PROPAGATION OF NATIVE SPECIES OF FISH AND WILDLIFE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9424) to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes, with Senate amendments thereto, and disagree to the Senate amendments and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. DINGELL]?

The Chair hears none and appoints the following conferees: Messrs. DINGELL, LENNON, HAGEN of California, PELLY, and MORTON.

AUTHORIZING INCREASE IN FEE FOR MIGRATORY HUNTING STAMP

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14136) to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to increase by $2 the fee for such stamp, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 2 of the Migratory Bird Hunting Stamp Act (48 Stat. 451), as amended (16 U.S.C. 718b), is amended to read as follows:

"For each such stamp sold under the provisions of this section there should be collected by the Post Office Department a sum of not less than $3 and not more than $5 as determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds."

SEC. 2. Section 401(e) of the Act of June 15, 1935 (49 Stat. 378, 383), as amended (16 U.S.C. 715s) is amended to read as follows:

"(e) Any moneys remaining in the fund after all payments under this Act are made for any fiscal year shall be transferred to the Migratory Bird Conservation Fund and shall be available to carry out the provisions of the Migratory Bird Conservation Act, as amended."

SEC. 3. Notwithstanding any other provisions of law, before any lands or interests therein located within the national wildlife refuge system are transferred to a State highway department, or its nominee, for the right-of-way of any highway, including, but not limited to, roads, streets, parkways, bridges, and tunnels, but excluding county roads, or as a source of material for the construction or maintenance of any such highway, such department or its nominee shall pay to the Secretary of the Interior the fair market value of such lands or interests therein as determined by the Secretary as of the date of transfer. All sums received by the Secretary pursuant to this section shall, after the payment of any necessary expenses incurred by him in administering this section, be deposited into the Migratory Bird Conservation Fund and shall be available to carry out the provisions of the Migratory Bird Conservation Act, as amended. Nothing in this section shall be construed to limit the authority of the Secretary to transfer lands within the system to other Federal agencies without cost for the construction or administration of roads by such agencies.

SEC. 4. Section 4 of the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (16 U.S.C. 718d), is amended by adding at the end thereof the following:

"(d) The Secretary of the Interior is authorized to accept any gift, bequest, or devise of property (both real and personal), including any interest therein, made to carry out any purpose for which the migratory bird conservation fund may be used, and to utilize such gift, bequest, or devise for such purposes."

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 14136 is to provide additional funds for the acquisition of lands for migratory bird refuges and waterfowl production areas.

Under present law, these lands are acquired with the proceeds from the sale of migratory bird hunting stamps, better known as "duck stamps." Over the years, the price of the duck stamp has been increased only twice—once in 1949, and again in 1958.

Section 1 of H.R. 14136 would merely authorize the Secretary of the Interior to increase the cost of the duck stamp from the present price of $3 to a maximum of $5 when in his discretion he deems it justifiable after taking into consideration, among other things, cost of lands, water conditions, bird populations, and the interests of sportsmen.

Since this authority is discretionary and in order to provide additional funds that are immediately needed, section 2 of the bill would authorize the utilization of the surplus receipts from areas within the national wildlife refuge system.

Section 3 of the bill would create more funds by authorizing the Secretary of the Interior to collect the fair market value of lands transferred to a State, or its nominee, for road purposes from areas within the national wildlife refuge system. Roads for counties, National Park Service, and national forest would be exempted.

Finally, section 4 of the bill would make it clear that any funds received by gift, bequest, or devise could be used by the Secretary for land acquisition.

Mr. Speaker, with the loss of valuable habitat through drainage—and subsequent use for agricultural, urban, and industrial development—continuing at a rapid pace, additional funds are needed immediately with which to acquire a sufficent number of acres of these lands if we hope to provide essential breeding, feeding, resting, and wintering areas to accommodate the needs of migratory waterfowl.

Mr. Speaker, I strongly urge the enactment of H.R. 14136 and sincerely believe that this legislation will provide the additional funds that are needed to acquire these lands while the opportunity to do so exists.

There were no objectional departmental reports filed on this legislation.

Mr. Speaker, the legislation concerned was unanimously reported by the Subcommittee on Fisheries and Wildlife Conservation, and was unanimously reported by the Committee on Merchant Marine and Fisheries to the House of Representatives. It was the consensus of the membership that this is an essential step in the preservation of migratory waterfowl as a continental resource and also as a measure to preserve the sport of migratory waterfowl hunters.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am pleased to yield to the gentleman from Iowa.

Mr. GROSS. Do I understand that there is latitude for the Secretary of the Interior to fix the price of the duck stamp?

Mr. DINGELL. The gentleman is absolutely correct. It may be fixed at any point between the authority limit presently authorized by law and $5, which would be the upward ceiling. It is the expectation that the level would probably be fixed at around $3.75 the first year, and then there might be small periodic increases until the $5 limit is reached.

Mr. GROSS. I hope the gentleman is correct in his expectation that this will not be increased all the way to $5 at this time.

Mr. DINGELL. It is the expectation of the gentleman from Michigan, speaking as the subcommittee, that this would not happen, and that the increases would take place in small orderly increments.

Mr. GROSS. If the gentleman will yield further, I will say to him that I have seen, as perhaps have many other Members of the House, the duck stamp go from $1 to now a possible $5. I am fearful that the day will come when the so-called little fellow will not be able to afford to buy a State hunting license and a duck stamp if the increases continue.

Mr. DINGELL. The concern of the gentleman from Iowa is shared by the subcommittee, the gentleman from Michigan, and also the committee. I would assure the gentleman that one of the reasons why discretion was vested in the Secretary was so that he would be able to fix the level of the cost of the migratory bird stamp at a point at which it would not discourage hunting by the little man and at the same time permit the acquisition of the maximum amount of funds which the Secretary could use to acquire badly needed public hunting areas and public habitat for migratory waterfowl, which is vanishing at a rapid rate.

Mr. GROSS. I thank the gentleman for the assurance he has given.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Missouri.

Mr. HALL. Will the gentleman inform the House with assuredness that the increase in funds returned to the Secretary or to the Treasury from this authorized increase would go to the use of additional land acquisition for hunters and fishers?

Mr. DINGELL. I will offer absolute assurance to the gentleman from Missouri based on two things: First, based on the continued scrutiny and supervision of the subcommittee of which I happen to be the chairman, and also based upon the clear requirement of public law. If the gentleman from Missouri will recall, a very few years ago it was the responsibility of this subcommittee, with the able assistance of my good friend from Washington, that required that all migratory bird hunting stamp receipts—in other words all proceeds from the sale of migratory bird stamps—would go for the acquisition of land, and as a result of that action, acquisition funds increased from a very low level to almost 100 percent, the only exception being that 15 percent may be, but is not always, used for printing, sale and distribution, so that this does not come out of the general fund, and we are now earmarking about 94 or 95 percent of these funds for land acquisition.

Mr. HALL. I appreciate the gentleman's comments. If the gentleman will yield further, will he advise me on this question. He appreciates the reason I ask this. There has been considerable confusion in the land and water conservation field as to whether the fees collected can be used for additional improvements for the benefit of users who pay the fees, or whether regular Government O & M appropriations would be necessary to improve the facilities with reservoirs where the fees are now charged for the first time.

I would be glad to get that clarified.

Mr. DINGELL. For the record, I have to state to my good friend from Missouri that receipts from this program are not in any way involved in the land and water conservation fund.

Mr. HALL. I understand that thoroughly. I am simply drawing an analogy between those funds and this. Under the additional land acquisition for duck flyways, et cetera, can there be right of condemnation or right of eminent domain under this authorization?

Mr. DINGELL. The original Bird Conservation Act, passed in 1934, provided for acquisition through right of eminent domain, but, as a matter of fact, this has proved so costly and has achieved the objection of the Migratory Bird Commission, which is opposed to this, that condemnation and right of eminent domain are not used. Lands are acquired through the cooperation of the owners. Practically none of the lands now in use have been acquired by eminent domain.

Mr. HALL. I thank the gentleman. Is it not true that the flyways are increasing, that there are more ducks, and that the recommendations of those in the Fish and Wildlife Service are that the season be extended, at the same time we are raising the fee?

Mr. DINGELL. The Department of the Interior has looked with favor on the increase in fee. The testimony of the Department was to that effect in the hearings held before the subcommittee.

Migratory fowl tend to rise and fall according to the nesting habitats available, and the amount of land available, and the water conditions. I believe this year, as a result of two factors, one being the increase in habitat as the result of waterfall, and another being the somewhat restricted season last year, the waterfowl are up. So for selected species there are seasons which are longer and which provide for significantly increased bag limits this year. Speaking as a duck hunter, I expect good hunting this year.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I am very much interested in the assurance of the gentleman from Michigan that the increase will be only about 75 cents under the subcommittee's understanding.

Mr. DINGELL. This is what I understand.

Mr. EDMONDSON. Was the testimony on this taken from the Secretary of the Interior, or anyone in authority in the Department of the Interior, to be a part of the record in connection with this bill?

Mr. DINGELL. I will say it was the expectation that the immediate full amount of the increase would not be exercised by the Department of the Interior. As a matter of fact, the most direct discussions which were held were of an increase on the order of 50 cents for a period of years.

Mr. EDMONDSON. The gentleman is talking about the expectations of the committee. If the gentleman will yield further, when we passed the land and water conservation fund bill, we provided for an entrance fee which would not exceed $7. Most of the testimony taken by the Interior Committee was that a $5 annual permit would be set. Most of the statistics that were supplied to us regarding the rivers were based on a $5 permit. Then, as soon as this became law, the Secretary of the Interior, the same one who is going to be administering this bill, put it at $7.

Now, what assurance does the gentleman have from the Secretary of the Interior, who has authority in this regard, that he will not be putting this at $5 for a permit to go out and shoot ducks?

Mr. DINGELL. I will advise the gentleman we are creating the legislative history here on this legislation. I will advise my good friend from Oklahoma that he is speaking to the author of this legislation. I believe my words and understandings and impressions, conveyed back and forth between the author of this bill, now speaking, and the Department of the Interior, were that there would be a series of orderly progressions. I have advised the gentleman I have spoken to the Department of the Interior subsequent to and during the hearings. The indications were the increases would be on the order I have indicated to the gentleman from Oklahoma.

Mr. EDMONDSON. I am satisfied the gentleman from Michigan has that intent, but does he have anything from the Department of the Interior that they would intend and agree and concur in his intentions? In the absence of such assurance, the bill seems questionable to me.

Mr. DINGELL. I would advise the gentleman that if he will consult the hearings he will find therein a considerable discussion involving the chief officials of the Department of the Interior present at the hearing. Mr. Gottschalk and others agreed with the chairman of the subcommittee that the increase would be on the level of 50 cents a year or something like that, and that there would not be any greater increase.

Speaking also as chairman of the subcommittee, it is my full expectation to police this matter very carefully and to assure that the increase in the cost of the migratory bird hunting stamp will not be in excess of the figure I have indicated, something on the order of 75 cents.

Mr. EDMONDSON. Is the authority to be exercised by Mr. Gottschalk, or by the Secretary of the Interior?

Mr. DINGELL. The authority with respect to migratory bird hunting stamps, under the Migratory Bird Hunting Act, is all conducted through and by the Secretary of the Interior, but also by Mr. Gottschalk under the direction of the Secretary of the Interior.

Mr. EDMONDSON. I thank the gentleman for yielding.

Mr. CASEY. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. CASEY. First I wish to commend the gentleman for the work he has done in the past in seeing to it that the funds from the migratory bird stamps were used to the fullest extent possible for the purpose for which levied; that is, for these new nesting grounds.

As we all know, this has shown great results, and the acquisition rate has increased. As mentioned a while ago, we are up to about the level we hoped to be when the bill was first passed.

Mr. DINGELL. The gentleman is correct.

Mr. CASEY. What I should like to know is why the urgency is such that we must give the Secretary the authority to raise this up to an additional $2, a two-thirds increase. The gentleman and I could afford it. There is no problem with respect to us. What I am thinking about are the fellows who get to hunt only 1 day a year, perhaps. They will have to put out whatever the Secretary says, up to $5, for that permission, just to hunt that 1 day.

I believe, since we are acquiring these wet lands—mind you, the gentleman from Missouri gave me the impression he thought we were acquiring hunting lands, but we are not. These are breeding grounds.

Mr. DINGELL. The gentleman is absolutely incorrect. Every nickel, with the exception of the cost of printing and distribution, of the receipts from the migratory bird hunting stamps is earmarked by statute for acquisition of migratory bird refuges and habitat.

Mr. CASEY. That is right.

Mr. DINGELL. This area is open, 40 percent, to hunting of migratory birds by hunters. This, in the opinion of the Department of the Interior and in the opinion of the subcommittee, is the largest percentage of a refuge area which may be opened, to still permit the preservation of the refuge.

Mr. CASEY. I will stand corrected on that point, but will the gentleman please answer my question as to why we need this much?

Mr. DINGELL. I queried Mr. Gottschalk, who appeared on behalf of the Department of the Interior. I will read to the gentleman what he said.

He said:

> There is no way to pattern this on a strict scientific basis because you are dealing with matters that haven't happened as yet, but we know, for example, that about 20 percent of the people who buy duck stamps never go out hunting.
>
> Another 20 percent, making a total of 40 percent, hunt only one or two times a year. These people are hunters who are fringe hunters. They are not dyed-in-the-wool waterfowl hunters. We think we would lose most of those people with a $5 increase.

Mr. CASEY. We would lose their money. They would probably hunt illegally. That would be my guess.

Mr. DINGELL. Then there was a question raised as to what would happen if we increased it 50 cents the first year, 50 cents the second year, and 50 cents the third and fourth years. We asked what would be the impact. The opinion of the Department of the Interior was that this would not significantly affect the sale of migratory waterfowl stamps.

The understanding of the subcommittee, the understanding of the committee, and the understanding of the Department of the Interior at the time this matter was discussed was that these were going to be increases which would not have adverse effect upon hunting, which would not have an adverse effect upon what we might call the "one gallus" duck hunter, which would merely provide for the maximum receipts which could be gotten into the migratory bird fund without injury to that kind of duck hunter, what we might call the fringe duck hunter.

Mr. CASEY. If the gentleman will yield further, I cannot follow all of that in my head, but if we are going to lose a lot of these hunters he is talking about, it sounds like we are going to come out just about even on the amount of receipts.

That means that fewer of us are going to pay the same amount of money.

Mr. DINGELL. Let me point out to the gentleman it is the understanding of the committee that this level will be fixed to provide for an increase but not to injure the duck hunters and not to maintain a smaller number of duck hunters but in order to obtain the same amount of money by providing for a larger per unit cost. This subcommittee of which I am chairman continuously superintends and scrutinizes the activities of the Department of the Interior. I can tell the gentleman that we will not relax in carrying out our responsibility.

Now, with regard to this matter, the cost of everything a duck hunter uses, such as shells, shotguns, gasoline, cars, hunting boats, and everything else, has risen on a statistical basis about 15 percent. There has been no increase in the migratory bird hunting cost in relation to ducks in the last years at least since 1958. We are simply trying to see to it that skyrocketing land costs are met with a maximum amount of acquisition funds so that there will be something to provide room for these ducks who have no other place to go.

Mr. CASEY. Have you not had an increase in the number of sales each year of stamps?

Mr. DINGELL. No. The number of sales rises and falls. I would like the gentleman to know this: If very rigorous steps—and this is the opinion not just of the gentleman speaking here but of the whole committee—are not taken, there will not be any migratory birds left to hunt. We are not keeping up with our acquisition goals here.

Mr. CASEY. I want the gentleman to know that I agree with your motives and commend you for them, but I cannot agree with the method by which you pursue them.

Mr. DINGELL. I am sorry to hear that.

Mr. PICKLE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Speaker, the 10th District of Texas is the very heart of the duck and geese country. I dare say there are more duck and geese hunters who visit Colorado, Austin, Fayette, Waller, and Wharton Counties than anywhere else in Texas—including the coastal areas. The hunters in and around these counties are great sportsmen and they earnestly maintain the duck and geese preserves so that these migratory birds will always find a good place to rest or roost. For the most part these are little hunters and they enjoy this sport with a fervor and enthusiasm, as most conservationists do.

These hunters, however, ought not to be required to pay $5 for a license as provided under H.R. 14136. Admittedly, the objectives of the bill are well-taken as I feel sure we need additional wet acres. But we have passed legislation in this field such as the land and water use measures and we are gradually getting more acres. While this bill gives the Secretary of the Interior discretionary authority to add $2 to each stamp and though the gentleman from Michigan assures us the fee might not be raised more than 50 cents—the chances are that this will be increased almost immediately to $5. I do not think that this is a good measure as I do not want to see the duck and geese hunters in my district have to pay $5 for an individual license. These fees have already been raised from $1 to $2 and then to $3 and if we put on another $2 I sincerely believe this will hurt the little duck hunter.

Mr. Speaker, I have seen the ducks and geese come into Eagle Lake and Garwood, and Waller and Wharton Counties by the tens of thousands. It is a beautiful sight to see. It gives a person a great thrill, and the privilege to hunt these ducks and geese should be extended to all hunters and not just those who can pay the higher price.

We have no assurance at all that these fees would be raised merely 50 cents. You and I know that the odds are strong that there would be an immediate jump to $5. I therefore hope that the House will not approve the measure in its present form.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to join my distinguished colleague on our Committee on Merchant Marine and Fisheries, the Honorable JOHN D. DINGELL, Democrat of Michigan, in urging favorable consideration of the bill, H.R. 14136.

Valuable habitat for migratory birds, especially migratory waterfowl, is being diverted rapidly to other uses. It is the purpose of this legislation to provide additional funds for the acquisition of such lands so as to preserve them for purposes of conservation. This is achieved by giving the Secretary of Interior discretionary authority to increase the cost of the migratory bird hunting stamp—the so-called duck stamp—from $3 to a maximum of $5. In addition, the bill would authorize a similar use of surplus proceeds derived from areas within the national wildlife refuge system; proceeds from the transfer of lands within the system to a State highway department or its nominee; and finally, the bill would make it clear that the Secretary of the Interior is authorized to accept gifts, bequests, and devises of both real and personal property to carry out any purpose for which the migratory bird conservation fund could be used.

The objective of this legislation is a laudable one. It must be achieved if we hope to preserve sufficient acreage for essential breeding, feeding, resting, and wintering in this country so as to accommodate the needs of migratory waterfowl. I therefore strongly recommend that the bill, H.R. 14136, be favorably considered.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House suspend the rules and pass the bill H.R. 14136.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title was amended so as to read: "A bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended, to authorize a maximum increase of $2 for each such stamp, and for other purposes."

A motion to reconsider was laid on the table.

STUDY LAWS LIMITING POLITICAL ACTIVITY

Mr. ASHMORE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1474) to create a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government.

The Clerk read as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF COMMISSION

SECTION 1. There is hereby established a commission to be known as the Commission on Political Activity of Government Personnel (in this Act referred to as the "Commission").

MEMBERSHIP OF THE COMMISSION

SEC. 2. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of twelve members as follows:

(1) Four appointed by the President of the United States, two from the executive branch of the Government and two from private life;

(2) Four appointed by the President of the Senate, two from the Senate and two from private life; and

(3) Four appointed by the Speaker of the House of Representatives, two from the House of Representatives and two from private life.

(b) POLITICAL AFFILIATION.—Of each class of two members appointed under subsection (a), not more than one member shall be from each of the two major political parties.

(c) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

ORGANIZATION OF THE COMMISSION

SEC. 3. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 4. Seven members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 5. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 6. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(b) The Commission may procure, without regard to the civil service laws and the Classification Act of 1949, as amended, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), but at rates not to exceed $50 per diem for individuals.

DUTIES OF THE COMMISSION

SEC. 7. (a) STUDY AND INVESTIGATION.—The Commission shall make a full and complete investigation and study of the Federal laws which limit or discourage the participation of Federal and State officers and employees in political activity with a view to determining the effect of such laws, the need for their revision or elimination, and an appraisal of the extent to which undesirable results might accrue from their repeal.

(b) REPORTS.—The Commission shall submit a comprehensive report of its activities and the results of its studies to the President and to the Congress within one year after the date of enactment of this Act at which date the Commission shall cease to exist. The final report of the Commission shall contain such proposed legislative enactments as, in the judgment of the Commission, are necessary to carry out its recommendations.

POWERS OF THE COMMISSION

Sec. 8. (a) Hearings and Sessions.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Supenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of section 102 to 104, inclusive, of the Revised Statutes of the United States (2 U.S.C. secs. 192–194, inclusive), shall apply in the case of failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(b) Obtaining Official Data.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

The SPEAKER. Is a second demanded?

Mr. LIPSCOMB. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASHMORE. Mr. Speaker, I do not think many words of explanation are necessary on this measure. I believe most of us understand what it is by reading the title. The Hatch Act has been with us for many, many years and it has been discussed and criticized and probably misunderstood by not only the public at large but also by Members of Congress. It has been investigated in years gone by even by congressional committees, but at no time was there ever an agreement reached by a committee. A bill has never been reported out to amend the Hatch Act. This bill simply provides for the appointment of a bipartisan committee consisting of 12 people, 4 to be appointed by the President, 4 to be appointed by the Speaker of the House, 4 to be appointed by the Vice President as the presiding officer of the Senate. These people will make a study of the Hatch Act and report back to the Congress their recommendations and findings within 1 year.

Mr. Speaker, no money is provided by way of appropriations. Those people who are appointed on the committee and who are not Members of either the House or the other body, will be paid at the rate of $50 per day for each day in which they are engaged in the study.

Mr. Speaker, Mr. Macy, the Chairman of the Civil Service Commission, is for the bill. A total of 15 witnesses appeared before the committee of the other body, which committee made a thorough investigation of the matter, and all of those witnesses represented labor, represented government, represented the Civil Service Commission, represented nonpartisan civic organizations, and the public at large.

Mr. Speaker, all these people testified in favor of the appointment of this committee.

Mr. Speaker, I have no further requests for time and insofar as I know there are no objections to this legislation.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ASHMORE. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, this legislation represents a splendid idea, its purpose being to set up this Commission to study the many problems of the Hatch Act, which act has been on the statute books for the last 27 years.

Mr. Speaker, as the gentleman from South Carolina [Mr. Ashmore] has pointed out, his distinguished subcommittee has held hearings on this subject on many previous occasions. It has been my honor and privilege to have attended some of those hearings and to have testified on legislation of this nature on those occasions. However, Mr. Speaker, it appeared to be extremely difficult to arrive at agreement in an effort to determine what should be done to revise or to amend the provisions of the Hatch Act.

Mr. Speaker, all of us know that one of the main objections to the Hatch Act is that it does treat a large segment of our population—2.5 million—as "second-class" citizens. Yet at the same time, we feel that it does provide a measure of protection to these citizens in that they will not be harassed by their superiors who may request them to participate in political activities.

Yet, Mr. Speaker, there are many inequities contained in the provisions of the Hatch Act. As the gentleman from South Carolina has discovered, we have in Arlington County not only the regular partisan parties but we have a third political party which has come into being as a result of the Hatch Act.

Mr. Speaker, here is a party that is, perhaps, better organized at the local level than either one of the major partisan political parties. A Federal employee can actively participate in that third party, can support its candidates, and make campaign speeches for the candidates thereof. However, they cannot support one of the partisan candidates, for the same office.

In other words, Mr. Speaker, they can participate in a campaign in opposition to a partisan candidate, but cannot campaign in support of a partisan candidate.

Mr. Speaker, that represents one of the many inequities now existing in the present law.

Mr. Speaker, it is my thought that through the creation of such a Commission as provided for in this legislation, we perhaps can arrive at some approach to improve the situation.

Therefore, Mr. Speaker, I support this bill.

Mr. ASHMORE. Mr. Speaker, all of us are hopeful that that will be the result. There are certainly many problems and we realize that.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASHMORE. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman from South Carolina, the chairman of the subcommittee yielding to me at this point.

Does this bill mean exactly what it says about a bipartisan Commission?

Mr. ASHMORE. It certainly does.

Mr. HALL. And, specifically, where it says on page 2, line 8: "each class of two members appointed under subsection (a) not more than one member shall be from each of the two major political parties."

Mr. ASHMORE. That is correct.

Mr. HALL. That is continuing the spirit of bipartisanship throughout.

Mr. ASHMORE. I believe it is well prepared in that regard.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, can the gentleman assure the Members of the House that as stated on page 2 of the report—

It is not intended—

First, though, the committee would only be advisory, or would it be empowered to introduce legislation through the gentleman's committee or the appropriate committees of the House of Representatives?

Mr. ASHMORE. It would be empowered to make recommendations to the committee as to what the committee feels should be done.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, it is a bipartisan study committee, with recommendation or advisory power; is that correct?

Mr. ASHMORE. Advisory power.

Mr. HALL. Then, it is the intent of the subcommittee that it will have jurisdiction, surveillance or oversight over this Commission and to whom it will report, that the statement on page 2 of the report will be true, that—

> It is not intended that such a Commission lose sight of the problems which made the Hatch Act necessary—

Some 27 years ago; namely, a cutback of salary, or locals working for the administration in fiscal or political crises; is that correct?

Mr. ASHMORE. The gentleman is correct; the gentleman is entirely correct. That is very wisely placed in the report, in my opinion, and, certainly, the committee will follow that idea.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I am sure the distinguished chairman of the subcommittee is aware of the fact that I am simply trying to make some legislative record here and in conclusion, if the gentleman will yield for a final comment only, I would certainly commend the committee for bringing out this legislation.

I have oftentimes told people who have sought advice that as far as the Hatch Act is concerned and participation in the mechanics of good government by those in the Federal employ, and particularly those in the armed services, that what they need to do is to read beyond page 1 of the Hatch Act as it is presently constituted. I think this Commission might well look into it. Page 1 on both sides tells you what you are not supposed to do as a Federal employee. People get tired of reading or they fail to read beyond what they cannot do and fail to read what they can do in the interest of good government by the simple exercise of good citizenship.

I commend the committee.

The SPEAKER. The Chair recognizes the gentleman from California [Mr. LIPSCOMB].

Mr. LIPSCOMB. Mr. Speaker, I believe the chairman of the subcommittee on elections has adequately explained the bill. The bill passed the committee without objection.

I think a study in depth of the Hatch Act will be beneficial, as long as the committee that is appointed keeps in mind the purposes the Hatch Act was originally set up for.

Mr. Speaker, we hope that all will support the bill.

Mr. SICKLES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SICKLES. Mr. Speaker, I want to express my wholehearted support for the pending legislation, S. 1474, which would establish a commission to study the Federal laws restricting the political activity of Federal employees and others who are paid largely with Federal funds.

Generally known as the Hatch Act, the Hatch Political Activities Act of 1939 has not been substantially amended during the 27 years it has been in force. The conditions of 1966 are not the same as those of 1939, and thus we need to look closely at the act in terms of today's circumstances. The principal difference between today and 1939 is, of course, that so many more people are affected by the act. These people are not only barred from any political activity in National and State elections, but in most cases in local elections as well. Where there are large concentrations of Federal employees and others covered by the act, the restrictions not only hamper the individual but deny the community a large reservoir of talent.

S. 1474, which is similar to legislation I introduced earlier this year, would provide the close look at the Hatch Act that is needed. It would create a 12-member, bipartisan commission to determine the effect of the Hatch Act on the lives of those persons covered by it, the need for revision or elimination of certain provisions, and an appraisal of the extent to which undesirable results might accrue from changes in the act. Of the 12 members on the Commission, 2 would be drawn from the executive branch, 2 from the Senate, 2 from the House and 6 from private life. The President, the President of the Senate, and the Speaker of the House would each be responsible for appointing four of the members. The Commission would be required to report to the President and to Congress within 1 year after this legislation is enacted.

The Hatch Act was enacted in 1939 largely because of widespread abuse of Federal employees by political candidates and parties. Elimination of this abuse is a sound basis for the act and any changes that are made in the act should not open the door to a possible return to the situation of the 1930's. As the House Committee on Administration commented in its report on this measure:

> It is not intended that such a Commission lose sight of the problems which made the Hatch Act necessary. There should be no reversion to the situation where federal employees are coerced into making political donations, kickbacks from their salaries, and doing political work for the administration in power. It was the grave abuses in these areas that caused the Congress to adopt the Act originally. If a commission is appointed that makes recommendations, those recommendations should preserve the original intent of the Hatch Act.

I fully agree. But at the same time, we should make sure that persons covered by the Hatch Act are not prohibited from exercising their prerogatives as citizens and voters to help bring about better government.

Mr. Speaker, there is near total agreement that this legislation is worthwhile and should be enacted. Since the Senate has already passed the bill in the same form as it appears before us, and the Civil Service Commission has given it its full endorsement, our vote of approval today will send it to the President and thus get this badly needed study underway.

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. ASHMORE] that the House suspend the rules and pass the bill, S. 1474.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ESTABLISHING A PROGRAM FOR THE PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES THROUGHOUT THE NATION

Mr. O'BRIEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3035) to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The Congress finds and declares—

(a) that the spirit and direction of the Nation are founded upon and reflected in its historic past;

(b) that the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(c) that, in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation; and

(d) that, although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

TITLE I

SEC. 101. (a) The Secretary of the Interior is authorized—

(1) to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, hereinafter referred to as the National Register, and to grant funds to States for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the Secretary, for the preservation, acquisition, and development of such properties;

(2) to establish a program of matching grants-in-aid to States for projects having as their purpose the preservation for public benefit of properties that are significant in American history, architecture, archeology, and culture; and

(3) to establish a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by act of Congress approved October 26, 1949 (63 Stat. 927), as amended, for the purpose of carrying out the responsibilities of the National Trust.

(b) As used in this Act—

(1) The term "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth, of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(2) The term "project" means programs of State and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in, and for the development of, any district, site, building, structure, or object that is significant in American history, architecture, archeology, and culture, or property used in connection therewith, and for its development in order to assure the preservation for public benefit of any such historical properties.

(3) The term "historic preservation" includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or culture.

(4) The term "Secretary" means the Secretary of the Interior.

SEC. 102. (a) No grant may be made under this Act—

(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved

by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

(3) for more than 50 per centum of the total cost involved, as determined by the Secretary and his determination shall be final;

(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this Act to the National Trust for Historic Preservation in the United States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

(c) No State shall be permitted to utilize the value of real property obtained before the date of approval of this Act in meeting the remaining cost of a project for which a grant is made under this Act.

SEC. 103. (a) The amounts appropriated and made available for grants to the States for comprehensive statewide historic surveys and plans under this Act shall be apportioned among the States by the Secretary on the basis of needs as determined by him: *Provided, however,* That the amount granted to any one State shall not exceed 50 per centum of the total cost of the comprehensive statewide historic survey and plan for that State, as determined by the Secretary.

(b) The amounts appropriated and made available for grants to the States for projects under this Act for each fiscal year shall be apportioned among the States by the Secretary in accordance with needs as disclosed in approved statewide historic preservation plans.

The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter for payment to such State for projects in accordance with the provisions of this Act. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given, and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection.

SEC. 104. (a) No grant may be made by the Secretary for or on account of any survey or project under this Act with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any survey or project with respect to which assistance has been given or promised under this Act.

(b) In order to assure consistency in policies and actions under this Act with other related Federal programs and activities, and to assure coordination of the planning acquisition, and development assistance to States under this Act with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable, and such assistance may be provided only in accordance with such regulations.

SEC. 105. The beneficiary of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

SEC. 106. The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under title II of this Act a reasonable opportunity to comment with regard to such undertaking.

SEC. 107. Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

SEC. 108. There are authorized to be appropriated not to exceed $2,000,000 to carry out the provisions of this Act for the fiscal year 1967, and not more than $10,000,000 for each of the three succeeding fiscal years. Such appropriations shall be available for the financial assistance authorized by this title and for the administrative expenses of the Secretary in connection therewith, and shall remain available until expended.

TITLE II

SEC. 201. (a) There is established an Advisory Council on Historic Preservation (hereinafter referred to as the "Council") which shall be composed of seventeen members as follows:

(1) The Secretary of the Interior.

(2) The Secretary of Housing and Urban Development.

(3) The Secretary of Commerce.

(4) The Administrator of the General Services Administration.

(5) The Secretary of the Treasury.

(6) The Attorney General.

(7) The Chairman of the National Trust for Historic Preservation.

(8) Ten appointed by the President from outside the Federal Government. In making these appointments, the President shall give due consideration to the selection of officers of State and local governments and individuals who are significantly interested and experienced in the matters to be considered by the Council.

(b) Each member of the Council specified in paragraphs (1) through (6) of subsection (a) may designate another officer of his department or agency to serve on the Council in his stead.

(c) Each member of the Council appointed under paragraph (8) of subsection (a) shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of from one to five years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not less than one nor more than two of them will expire in any one year.

(d) A vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment (and for the balance of the unexpired term).

(e) The Chairman of the Council shall be designated by the President.

(f) Eight members of the Council shall constitute a quorum.

SEC. 202. (a) The Council shall—

(1) advise the President and the Congress on matters relating to historic preservation; recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(2) encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservaton;

(3) recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments and the effects of tax policies at all levels of government and participation in historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation; and

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.

(b) The Council shall submit annually a comprehensive report of its activities and the results of its studies to the President and the Congress and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations.

SEC. 203. The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

SEC. 204. The members of the Council specified in paragraphs (1) through (7) of section 201(a) shall serve without additional compensation. The members of the Council appointed under paragraph (8) of section 201(a) shall receive $100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

SEC. 205. (a) The Director of the National Park Service or his designee shall be the Executive Director of the Council. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: *Provided,* That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Council: *And provided further,* That the Council shall not be required to prescribe such regulations.

(b) The Council shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

(c) The Council may also procure, without regard to the civil service laws and the Classification Act of 1949, temporary and intermittent services to the same extent as is authorized for the executive departments by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), but at rates not to exceed $50 per diem for individuals.

(d) The members of the Council specified in paragraphs (1) through (6) of section 201(a) shall provide the Council, on a reimbursable basis, with such facilities and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such facilities and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties.

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. O'BRIEN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR. Mr. Speaker, the Committee on Interior and Insular Affairs considered S. 3035 in detail before reporting it in an amended form. We think that this legislation is greatly needed and that, with the amendments recommended by the committee, it will serve a most useful national purpose.

S. 3035 establishes a program for the preservation of additional historic properties throughout the Nation. Much of the burden of preserving historic properties has been borne down through the years by private agencies and individuals, and they should be encouraged to continue this major role. It is, however, appropriate for the Federal Government to accelerate its program for the preservation of historic sites.

Congressional interest in protecting and preserving places of historic and national interest has long standing in the United States.

The Antiquities Act of 1906 authorized the President to establish national monuments on lands controlled by the United States. The Historic Sites Act in 1935 declared it to be a national policy to preserve for public use historic sites, buildings, and objects of national significance. This act directed the Secretary of the Interior to conduct various programs to promote historic preservation and establish the Advisory Board of National Parks, Historic Sites, Buildings, and Monuments. It was my pleasure to travel with members of this Board through Alaska last year, and I was impressed by the role which this Board is playing in the development of our national parks system.

As a further interest in preserving historic sites, Congress in 1949 chartered the National Trust for Historic Preservation in the United States. It operates entirely on donated funds or with donated properties.

Mr. Speaker, the Nation's interest in preserving places of historic significance has a been a continuing concern of Congress. Just last year we included in the Housing and Urban Development Act a provision in urban renewal projects for the relocation of structures determined to be of historic value.

Notwithstanding the progress which has been made, most existing Federal programs are limited to properties determined to be nationally significant. Only a limited number of properties meet this standard. Many others are worthy of protection because of their historic significance at the State or regional level.

These historic places important to local communities, States and regions are also a part of the Nation's heritage and they are less immune to the forces of destruction than nationally important properties. We need an additional means for preserving historic properties without the Federal Government assuming ownership or administration of them.

The bill, if enacted as recommended by the committee, aims first, toward a more effective historic preservation program and second, at the creation of an Advisory Council on Historic Preservation.

To encourage historic preservation, title I authorizes the Secretary to expand and maintain a national register of properties historically or culturally significant and to grant funds to the States to prepare surveys and plans for their preservation, acquisition and development. In addition, the bill authorizes 50-50 matching grants to the States for preservation projects based on the needs revealed by the statewide survey. Matching grants will also be available to assist the National Trust in carrying its responsibilities. But no duplicatory grants are to be made where assistance is given or promised under any other Federal program.

The Advisory Council, established by title II, will also advise and report to the President and the Congress on matters relating to historic preservation and help to encourage public interest in historic preservation. In light of the longstanding interest of the National Park Service in historic preservation, it was felt by the members of the committee that its Director should actively participate on the Advisory Council as its Executive Director.

The total authorized appropriation is $32 million—not more than $2 million in 1967, and $10 million per year for the next 3 years.

The full committee considered this legislation line by line. Our record is complete and the amendments which we are recommending have been fully discussed. During our deliberations, we benefited substantially from the advice and suggestions of two of the Nation's leading authorities on historic preservation: George Hartzog, Director of the National Park Service and Gordon Gray, Chairman of the National Trust for Historic Preservation in the United States—whom we also remember as the former president of the University of North Carolina, as Assistant Secretary of the Army and as a high-level defense adviser to both President Truman and President Eisenhower. I remember him as a person with whom I studied law in North Carolina, took the State bar examination and later served in the State legislature.

Mr. Speaker, I think your committee has made a real contribution to the preservation of historically and culturally significant properties in recommending this legislation.

Mr. Speaker, there was no opposition to the bill (S. 3035) in the committee. It came out of the committee with a unanimous vote, and I recommend it for favorable consideration.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I am glad to yield.

Mr. HALL. I appreciate the gentleman's yielding, the gentleman from Black Mountain in the State of North Carolina. I wish to inquire whether the $32 million in this time of austerity is in the budget projected and recommended by the administration.

Mr. TAYLOR. It is recommended by the administration. This is the authorization for it.

Mr. HALL. I know it is the authorization, but is it incorporated in this year's budget?

Mr. TAYLOR. The total amount to be authorized this year is $2 million.

Mr. HALL. I understand that there is a $10 million limitation for the next 3 years for a total of $32 million. In the first place, I must confess I cannot understand how an advisory council can spend $10 million a year when this is not operational funds. This is just for travel, per diem, the hiring of help and such as that well set out on pages 8 and 9 of the report.

Mr. TAYLOR. Let me state to the gentleman that the money is not to be spent by the Advisory Council. The bill sets up a program of matching grants with the States on a 50-50 basis. The money would be used to acquire historic sites to be owned and maintained by the States.

The bill provides that a State, in order to get this assistance, must set up a program and maintain it in the future at its own expense.

Mr. HALL. Has not the Congress this year just about established as a national shrine or monument almost every place a President was ever sworn in, born, or died, or any other thing that could be ascertained of national interest, without this additional Advisory Council? On page 5 of your report the statement appears that the 11-man panel now in existence is industrious and has played a vital role in the successful development of our park system. In other words, it seems to me the most of this $32 million, as dreamed up by the predecessors provided in the Antiquities Act in acquiring historic sites have spent nothing like that amount, to say nothing of the funds that we have voted here. They have done pretty well in dreaming up historic sites, monuments, and shrines. Why do we need to perpetuate this when, with the fertility of the minds of all Members in bringing in their individual projects that we have wanted commemorated or memorialized, action has been taken on those requests?

Mr. TAYLOR. Let me say to the gentleman that we have undertaken an effective program in preserving the sites of national significance, but there are many sites of State and local significance that have not been preserved. This is a program to encourage the States to step in and preserve those now before they are destroyed.

Mr. HALL. I know the gentleman is a firm believer in States rights. If these are vital even from a national concept of the States, why is it not the function of the various States and Commonwealths to step in and take over such sites in their own park systems? They can then memorialize, make shrines, and commemorate those places. In fact, many of them have done so.

Mr. TAYLOR. I join with the gentleman from Missouri as a believer in States rights. I also believe in cooperative programs whereby the States and the Federal Government join hands in doing a job. This is that type of program.

Mr. HALL. Does not the gentleman feel that most of the cooperation would be one sided, especially if we continue to put these projects under the Department of the Interior? I am thinking of the area where they even condemn private land for additional powerlines rather than going through the Forestry Service and areas of that kind.

We have 34 percent of the land of this Nation under the control of the Federal Government at the present time, and we are grabbing more all the time. I fail to see where this Advisory Council would be backed by the right branch of the Cabinet and, secondly, where we need additional land or where we should spend this kind of money in further perpetuity.

Mr. TAYLOR. I will say that the bill provides, in order for a State to get assistance, it has to put up half the cost of acquisition and agree to maintain the site at its own cost perpetually.

Mr. HALL. But it is not in the budget this year, as far as the gentleman knows, or in any previous year's budget?

Mr. TAYLOR. Not to my knowledge.

Mr. HALL. I thank the gentleman.

Mr. HOSMER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SPRINGER] such time as he may consume.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SPRINGER. Mr. Speaker, in the Historic Sites Act of 1935 Congress declared:

> It is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States.

Many places of exceptional interest have been identified under this act and today compose the Registry of National Historic Landmarks. Numerous other sites, however, have been left off the list because, under the criteria used by the advisory board to the Secretary of Interior, they are not considered of "national significance."

S. 3035 will enable the Secretary to identify sites of local, State, and regional interest as well as those considered of national significance. The bill before us this afternoon also creates an Advisory Council on Historic Preservation to advise the President and Congress on matters relating to the preservation of such places.

Several months ago, I introduced a bill to designate as a national historic landmark the graves in Shiloh Cemetery, Coles County, Ill., of Thomas and Sarah Bush Lincoln, the father and stepmother of Abraham Lincoln. In my judgment the Lincoln graves are of sufficient historical importance and public interest to receive this designation. However, the present criteria for national historic landmarks rule out graves and birthplaces except in the case of figures of transcendent importance. Lincoln's own tomb in Springfield, Ill., has been designated a national historical landmark but so far no Federal identification of any kind has been given to the resting place of Lincoln's parents who lay not far from the Illinois farm where they spent their last years.

I support S. 3035, Mr. Speaker, in the hope that it will lead to the development of less restrictive criteria in the future. A review of the present requirements for admission to the Registry of National Historic Landmarks should be the first task of the new Advisory Council on Historic Preservation.

Mr. HOSMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation to establish a program for the preservation of additional historic properties throughout the Nation is before us as a result of an Executive communication. The President, in his February 23 message dealing with the quality of our environment, said:

> Historic preservation is the goal of citizen groups in every part of the country.

The President then recommended a program of matching grants to States and to the National Trust for Historic Preservation in order to preserve buildings and sites of historic significance.

The Congress has long had an interest in the preservation of historic sites, buildings, and objects of national significance for the inspiration and benefit of people of the United States.

Present Federal programs and criteria for preservation are limited to "nationally significant" properties. Some people feel that the rapidly increasing development in urban centers of population requires the assurance that properties of local historical significance be preserved. This bill responds to that feeling.

Under the Federal criteria now in existence, very few properties meet the standard of "nationally significant." Historic places of importance to local communities, States, and regions can, in some instances, also be part of our Nation's heritage. It is these properties of local historic importance that are less immune to the forces of destruction caused by urban renewal projects and developments of an increasing population.

S. 3035 addresses itself to them and purports to make some kind of reasonable compromise between their preservation and progress in community development.

This legislation authorizes the Secretary of the Interior to make matching-fund grants to the States for the purpose of preparing statewide comprehensive surveys and plans for the preservation of historic sites and buildings; and to establish a national register of sites, structures, and so forth, significant in American history, architecture, archeology, and culture.

The bill also establishes a program of matching grants to the National Trust for Historic Preservation in the United States and to the individual States for the purpose of preserving properties that are significant in American history, architecture, archeology, and culture.

S. 3035 provides for the creation of an Advisory Council on Historic Preservation to advise and report to the President and Congress on matters relating to historic preservation and measures to coordinate the efforts of Federal, State, local agencies, and private parties in preservation of historic properties.

To meet the objectives of this legislation, S. 3035 authorizes the total appropriation of $32 million. Of this amount not more than $2 million is authorized to be appropriated in fiscal 1967 and not more than $10 million for each of the 3 succeeding fiscal years.

Preserving a selective worthy collection of local historic properties could insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation. I believe this to be, however, an obligation of the local communities and States. Washington cannot do everything. The Federal money barrel is not bottomless. I do not feel the Advisory Council, a national one, could possibly decide what should and should not be included. I feel the end result of this legislation would be the escalation of even the most unlikely properties of local interest into supposed historical significance. Congress would be subject to endless demands to boost the authorization ceiling and add to appropriations. The Land and Water Conservation Act does not work—neither will this.

Let us keep the hands of Washington, its resources, and its politics out of the arena of local historical interest. In short, if Jubilation T. Cornpone's birthplace is to be preserved, Dogpatch should do it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am surprised that this bill would be programed for action in the light of the President's message a week ago last Thursday. I cannot think of anything less necessary than a bill of this kind at this time, when we have a war on our hands and are trying to see some daylight with regard to critical fiscal conditions in this country.

Moreover, I do not know how much further we can go in the Congress of the United States in matching funds with the States of this Nation without matching them out of existence.

This is what we will be doing eventually if we continue this sort of thing; using matching funds to match the States out of existence.

This bill ought to be rejected out of hand.

Mr. HOSMER. I certainly agree with gentleman's recommendation, but after the history of the past few weeks of this Congress I am surprised by the gentleman's surprise that some legislation like this should be brought up.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Missouri.

Mr. HALL. Do I correctly understand that the original recommendation from the Department of the Interior or the administration, or from whencesoever this monstrosity came, was a recommendation for taking over and making it applicable to the White House, to the Supreme Court Building, and to the Capitol, with their related grounds and buildings, as to whether or not they would be national historic shrines?

Mr. HOSMER. No, this did not apply to things like that, to my knowledge. I could be wrong.

Mr. HALL. It is my understanding, from reading the report, on page 7, that the committee amendment under section 107 made inapplicable the inclusion of the White House, the Supreme Court Building, and the U.S. Capitol.

Mr. HOSMER. Well, there was some question about whether the language of the bill, as proposed, would include that, but I do not believe it was a recommendation from the administration that the bill be written in such terms as that.

Mr. HALL. Certainly it is to the committee's credit that they at least made it inapplicable to the three main buildings of the tripartite branches of government, on which tens of thousands of dollars are now being spent by their private associations.

The SPEAKER. The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill S. 3035, as amended.

The question was taken; and on a division (demanded by Mr. HOSMER) there were—ayes 41, noes 31.

So (two-thirds not having voted in favor thereof) the motion was rejected.

BIGHORN CANYON NATIONAL RECREATION AREA, MONT., AND WYO.

Mr. O'BRIEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2778) to provide for the establishment of the Bighorn Canyon National Recreation Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and lands adjacent thereto in the States of Wyoming and Montana by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, there is hereby established the Bighorn Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Proposed Bighorn Canyon National Recreation Area", LNPMW–010A–BC, November 1964, which is on file in the Office of the National Park Service, Department of the Interior.

(b) As soon as practicable after approval of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on the drawing referred to in subsection (a) of this section. The Secretary may subsequently make adjustments in the boundary of the area, subject to the provisions of subsection 2(b) of this Act, by publication of an amended description in the Federal Register.

SEC. 2. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise, lands and interests in lands within the boundaries of the area. The Secretary is further authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein outside of the boundaries of the area in the vicinity of Lovell, Wyoming, for development and use, pursuant to such special regulations as he may promulgate, as a visitor contact station and administrative site. In the exercise of his exchange authority the Secretary may accept title to any non-Federal property within the area and convey in exchange therefor any federally owned property under his jurisdiction in the States of Montana and Wyoming which he classifies as suitable for exchange or other disposal, not withstanding any other provision of law. Property so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Any property or interest therein owned by the State of Montana or the State of Wyoming or any political subdivision thereof within the recreation area may be acquired only by donation.

(b) No part of the tribal mountain lands or any other lands of the Crow Indian Tribe of Montana shall be included within the recreation area unless requested by the council of the tribe. The Indian lands so included may be developed and administered in accordance with the laws and rules applicable to the recreation area, subject to any limitation specified by the tribal council and approved by the Secretary.

(c) (1) Notwithstanding any other provisions of this Act or of any other law, the Crow Indian Tribe shall be permitted to develop and operate water-based recreational facilities, including landing ramps, boathouses, and fishing facilities, along that part of the shoreline of Yellowtail Reservoir which is adjacent to lands comprising the Crow Indian Reservation. Any such part so developed shall be administered in accordance with the laws and rules applicable to the recreation area, subject to any limitations specified by the tribal council and approved by the Secretary. Any revenues resulting from the operation of such facilities may be retained by the Crow Indian Tribe.

(2) As used in this subsection, the term "shoreline" means that land which borders both Yellowtail Reservoir and the exterior boundary of the Crow Indian Reservation, together with that part of the reservoir necessary to the development of the facilities referred to in this subsection.

SEC. 3. (a) The Secretary shall coordinate administration of the recreation area with the other purposes of the Yellowtail Reservoir project so that it will in his judgment best provide (1) for public outdoor recreation benefits, (2) for conservation of scenic, scientific, historic, and other values contributing to public enjoyment, and (3) for management, utilization, and disposal of renewable natural resources in a manner that promotes, or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) In the administration of the area for the purposes of this Act, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

SEC. 4. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the recreation area in accordance with the appropriate laws of the United States and of the States of Montana or Wyoming to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment, and except that nothing in this section shall impair the rights under other law of the Crow Tribe and its members to hunt and fish on lands of the Crow Tribe that are included in the recreation area, or the rights of the members of the Crow Tribe to hunt and fish under section 2(d) of the Act of July 15, 1958. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Montana Fish and Game Department or the Wyoming Game and Fish Commission.

SEC. 5. There is hereby authorized to be appropriated not more than $355,000 for the acquisition of land and interests in land pursuant to this Act.

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. O'BRIEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. BATTIN].

Mr. BATTIN. Mr. Speaker, the bill before us is a bill to create the Bighorn Canyon National Recreation Area, which includes the property around the Yellowtail Reservoir in Montana. The Yellowtail Dam was constructed, and at the present time is backing water up some 71 miles through Montana and the State of Wyoming.

The bill calls for an authorization of $355,000 to acquire some additional land. Most of the property presently is owned by the Federal Government and the

State of Montana, with a few inholdings. The inholdings are basically grazing land. The money in the bill would be to acquire those.

I know of no real objection to the bill.

Mr. RIVERS of Alaska. Mr. Speaker, will the gentleman yield?

Mr. BATTIN. I yield to the gentleman.

Mr. RIVERS of Alaska. As chairman of the subcommittee, I want to say that I am in favor of this bill. I think it is a good project. The gentleman from Montana succeeded in having all of us on this side acquiesce in having it added to the schedule of bills for consideration this afternoon. The hour is late, but nevertheless we have reached the gentleman's project. I am with him on this project, and as far as I know the full committee that passed this bill out is also in favor of this project.

Mr. OLSEN of Montana. Mr. Speaker, will the gentleman yield to me?

Mr. BATTIN. I yield to the gentleman.

Mr. OLSEN of Montana. I thank my colleague from Montana for yielding. I wish to join him wholeheartedly in recommending the project and congratulate him on his sponsorship. I also congratulate the chairman of the Committee on Interior and Insular Affairs for bringing this splendid project here. This is not only a splendid project for the benefit of the States of Wyoming and Montana but is an excellent project to assist in promoting the Indian population to achieve a modern economy in southeastern Montana.

Mr. HOSMER. Mr. Speaker, I rise in favor of the bill before us.

Mr. Speaker, I rise in support of H.R. 2778, the bill to provide for the establishment of the Bighorn Canyon National Recreation Area in the States of Montana and Wyoming.

The proposed Bighorn Canyon National Recreation Area will surround and run upstream from Yellowtail Dam now under construction. The recreation area will include approximately 63,300 acres of land and water. This area may be enlarged by the voluntary inclusion of portions of the Crow Indian Reservation by the Crow Tribe.

The location of this proposed national recreation area in the heart of rugged and deeply incised mountain country will afford fine opportunities for those seeking hiking and horseback activities. Further recreational opportunities such as fishing, boating and other water-based recreation will be afforded by the Yellowtail Dam and Reservoir. Additional recreational features of the area will include camping and hiking. The area is also one of great geological significance.

It is estimated that the proposed national recreation area will have 550,000-visitor days by 1970.

Mr. Speaker, I urge that the rules be suspended and the bill, H.R. 2778, be passed.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. O'BRIEN] that the House suspend the rules and pass the bill H.R. 2778.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill—S. 491—to provide for the establishment of the Bighorn Canyon National Recreation Area, and for other purposes, a similar Senate bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

S. 491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and lands adjacent thereto in the States of Wyoming and Montana by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, there is hereby established the Bighorn Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Proposed Bighorn Canyon National Recreation Area", LNPMW-010A-BC, November 1964, which is on file in the Office of the National Park Service, Department of the Interior.

(b) As soon as practicable after approval of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on the drawing referred to in subsection (a) of this section. The Secretary may subsequently make adjustments in the boundary of the area, subject to the provisions of subsection 2(b) of this Act, by publication of an amended description in the Federal Register.

SEC. 2. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise, lands and interests in lands within the boundaries of the area. The Secretary is authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein outside of the boundaries of the area in the vicinity of Lovell, Wyoming, for development and use, pursuant to such special regulations as he may promulgate, as a visitor contact station and administrative site. In the exercise of his exchange authority the Secretary may accept title to any non-Federal property within the area and convey in exchange therefor any federally owned property under his jurisdiction, which he classifies as suitable for exchange or other disposal, notwithstanding any other provision of law. Property so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Any property or interest therein owned by the State of Montana or the State of Wyoming or any political subdivision thereof within the recreation area may be acquired only with the concurrence of the owner.

(b) No part of the tribal mountain lands or any other lands of the Crow Indian Tribe of Montana shall be included within the recreation area unless requested by the council of the tribe. The Indian lands so included may be developed and administered in accordance with the laws and rules applicable to the recreation area, subject to any limitations specified by the tribal council and approved by the Secretary.

(c)(1) Notwithstanding any other provisions of this Act or of any other law, the Crow Indian Tribe shall be permitted to develop and operate water-based recreational facilities, including landing ramps, boathouses, and fishing facilities, along that part of the shoreline of Yellowtail Reservoir which is adjacent to lands comprising the Crow Indian Reservation. Any such part so developed shall be administered in accordance with the laws and rules applicable to the recreation area, subject to any limitations specified by the tribal council and approved by the Secretary. Any revenues resulting from the operation of such facilities may be retained by the Crow Indian Tribe.

(2) As used in this subsection, the term "shoreline" means that land which borders both Yellowtail Reservoir and the exterior boundary of the Crow Indian Reservation, together with that part of the reservoir necessary to the development of the facilities referred to in this subsection.

SEC. 3. (a) The Secretary shall coordinate administration of the recreation area with the other purposes of the Yellowtail Reservoir project so that it will in his judgment best provide (1) for public outdoor recreation benefits, (2) for conservation of scenic, scientific, historic, and other values contributing to public enjoyment, and (3) for management, utilization, and disposal of renewable natural resources in a manner that promotes, or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) In the administration of the area for the purposes of this Act, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

SEC. 4. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the recreation area in accordance with the appropriate laws of the States of Montana or Wyoming to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment, and except that nothing in this section shall impair the rights under other law of the Crow Tribe and its members to hunt and fish on lands of the Crow Tribe that are included in the recreation area, or the rights of the members of the Crow Tribe to hunt and fish under section 2(d) of the Act of July 15, 1958. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Montana Fish and Game Department or the Wyoming Game and Fish Commission.

SEC. 5. There is hereby authorized to be appropriated not more than $355,000 for the acquisition of land and interests in land pursuant to this Act.

AMENDMENT OFFERED BY MR. O'BRIEN

Mr. O'BRIEN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'BRIEN: Strike out all after the enacting clause of S. 491 and insert the provisions of H.R. 2778 as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks on H.R. 2778.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

UPDATE THE FEDERAL SEED ACT

Mr. JONES of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill—H.R. 15662—to amend the Federal Seed Act (53 Stat. 1275), as amended.

The Clerk read as follows:

H.R. 15662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 101(a)(1), 101(a)(8)(A)(ii), 101(a)(9)(A)(ii), and 101(a)(10) of the Federal Seed Act (53 Stat. 1275, 1277, 1278; 70 Stat. 908, 7 U.S.C. 1561(a)(1), 1561(a)(8)(ii), 1561(a)(9)(A)(ii), and 1561(a)(10)) are hereby amended by deleting therefrom the words "Alaska" and "Hawaii" and the commas appearing after such words.

SEC. 2. Section 101(a)(7)(A) of said Act (53 Stat. 1276; 72 Stat. 476, 7 U.S.C. 1561(a)(7)(A)) is amended to read as follows:

"(A) 'Agricultural seeds' shall mean grass, forage, and field crop seeds which the Secretary of Agriculture finds are used for seeding purposes in the United States and which he lists in the rules and regulations prescribed under section 402 of this Act."

SEC. 3. Section 101(a)(11) of said Act (53 Stat. 1278; 7 U.S.C. 1561(a)(11)) is amended by substituting for the words "wheat", "oats", "vetch", and "sweetclover" the words "soybean", "flax", "carrot", and "radish."

SEC. 4. Section 201(a) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)) is amended by changing the introductory portion thereof to read as follows:

"(a) Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information, except as provided in paragraph (j) of this section of seed mixtures intended for lawn and turf purposes, in accordance with rules and regulations prescribed under section 402 of this Act:"

SEC. 5. Section 201(a)(1) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)(1)) is amended to read as follows:

"(1) The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided,* That if any such component is one which the Secretary of Agriculture has determined, in rules and regulations prescribed under section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement 'Variety Not Stated:' *And provided further,* That in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be designated as hybrid on the label."

SEC. 6. Section 201(a) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)) is amended by adding at the end thereof a new paragraph (10), to read as follows:

"(10) The year and month beyond which an inoculant, if shown in the labeling, is no longer claimed to be effective."

SEC. 7. Section 201(b) of said Act (53 Stat. 1280, 72 Stat. 476; 7 U.S.C. 1571(B)) is amended to read as follows:

"(b) Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this Act:

"(1) For containers of one pound or less of seed that germinates equal to or above the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

"(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

"(B) Name and address of—

"(i) The person who transports, or delivers for transportation, said seed in interstate commerce; or

"(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce;

"(2) For containers of one pound or less of seed that germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

"(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

"(B) For each named kind and variety of seed—

"(i) the percentage of germination, exclusive of hard seed;

"(ii) the percentage of hard seed, if present;

"(iii) the calendar month and year the test was completed to determine such percentages;

"(iv) the words 'Below Standard'; and

"(C) Name and address of—

"(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

"(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

"(3) For containers of more than one pound of seed—

"(A) The name of each kind and variety of seed, and if two or more kinds of varieties are present, the percentage of each and, further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label;

"(B) Lot number or other lot identification;

"(C) For each named kind and variety of seed—

"(i) the percentage of germination, exclusive of hard seed;

"(ii) the percentage of hard seed, if present;

"(iii) the calendar month and year the test was completed to determine such percentages; and

"(D) Name and address of—

"(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

"(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce."

SEC. 8. Clause (b) of section 201(c) of said Act (53 Stat. 1280; 7 U.S.C. 1571(c)) is amended to read as follows:

"(b) a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials and under such other conditions prescribed by the Secretary of Agriculture as he finds will, during such longer period, maintain the viability of said seed under ordinary conditions of handling."

SEC. 9. Section 201(i)(4) of said Act (72 Stat. 477; 7 U.S.C. 1571(i)(4)) is amended to read as follows:

"(4) A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment."

SEC. 10. Section 201 of said Act (53 Stat. 1279; 7 U.S.C. 1571) is amended by adding at the end thereof a new subsection (j) to read as follows:

"(j) Any agricultural seed mixtures intended for lawn and turf seed purposes, in containers of fifty pounds or less, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

"(1) The headings 'Fine-textured Grasses' and 'Coarse Kinds', and specified in tabular form thereunder in type no larger than the headings, for each lawn and turf seed component present in excess of 5 per centum of the whole or named on the label:

"(i) the name of the kind, or kind and variety,

"(ii) the percentage by weight of each, in order of its predominance under the appropriate heading required above,

"(iii) the percentage of germination of each, exclusive of hard seed,

"(iv) the percentage of hard seed, if present, and

"(v) the calendar month and year the test was completed to determine such percentages.

"(2) The heading 'Other Ingredients', and specified thereunder in type no larger than the heading the following information:

"(A) Percentage by weight of weed seeds, including noxious weed seeds;

"(B) Percentage by weight of agricultural seeds other than those included under paragraph (1) of this subsection;

"(C) Percentage by weight of inert matter.

"(3) The following additional information:

"(A) Lot number or other identification;

"(B) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported, or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 101(a)(9)(A)(iii) he shall determine that weeds other than those designated by State requirements are noxious;

"(C) Name and address of—

"(i) the person who transports, or delivers for transportation, said seed in interstate commerce, or "(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce."

Sec. 11. Section 202 of said Act (53 Stat. 1281, 72 Stat. 477; 7 U.S.C. 1572) is amended by inserting the word "treatment" followed by a comma immediately preceding the word "germination" wherever said word appears in said section.

Sec. 12. Section 203(d) of said Act (53 Stat. 1282; 7 U.S.C. 1573(d)) is amended to read as follows:

"(d) The provisions of sections 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: *Provided,* That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the seeds to be that stated.

"(b) Section 203 of said Act is amended by adding at the end thereof a new subsection (e) reading as follows:

"'(e) The provisions of section 201(i) relative to the labeling of agricultural and vegetable seeds with the name of any substance used in the treatment of seeds shall not be deemed violated if the substance or substances used in such treatment could not be or were not identified because of their indistinguishability from the substance or substances intended to be used in the treatment of the seeds: *Provided,* That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclosed that said person has taken reasonable precautions to insure the identity of the substance or substances to be as stated.'"

Sec. 13. Section 301(a)(4) of said Act (72 Stat. 478; 7 U.S.C. 1581(a)(4)) is amended to read as follows:

"(4) Any seed containing 10 per centum or more of any agricultural or vegetable seeds, unless the invoice pertaining to such seed and any other labeling of such seed bear a lot identification and the name of each kind and variety of vegetable seed present in any amount and each kind or kind and variety of agricultural seed present in excess of 5 per centum of the whole, and unless in the case of hybrid seed present in excess of 5 per centum of the whole it is designated as hybrid."

Sec. 14. Section 301(a) of said Act (53 Stat. 1282; 7 U.S.C. 1581(a)) is further amended by adding at the end thereof a new paragraph (5) to read as follows:

"(5) Any agricultural seeds or any mixture thereof, or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

"(A) A word or statement indicating that the seeds have been treated;

"(B) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

"(C) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as 'Do not use for food or feed or oil purposes': *Provided,* That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as 'This seed has been treated with poison', in red letters on a background of distinctly contrasting color; and

"(D) A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment."

Sec. 15. Section 302(a) of said Act (53 Stat. 1283, 72 Stat. 478; 7 U.S.C. 1582(a)) is amended by inserting after the first sentence thereof the following sentence:

"The Secretary of Agriculture may apply statistical sampling and inspection techniques to said samples and screenings to determine whether the pure-live seed requirement of any kind of seed is being met, in which case, he shall advise the importer of each lot of seed not examined for pure-live seed percentage."

Sec. 16. Section 302(d) of the Act (72 Stat. 479; 7 U.S.C. 1582(d)) is amended by adding at the end thereof a new paragraph (3) reading as follows:

"(3) when seed not meeting the pure-live seed requirements of section 304 of this title will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided,* That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee."

Sec. 17. Section 302 of said Act (53 Stat. 1283, 72 Stat. 479, 7 U.S.C. 1582) is further amended by adding at the end thereof a new paragraph (e) reading as follows:

"(e) The provisions of this title requiring certain seeds to be stained shall not apply when such seed will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided,* That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee."

Sec. 18. Section 304 of said Act (53 Stat. 1284, 7 U.S.C. 1584) is amended to read as follows:

"Sec. 304. Seed subject to the provisions of section 301 is unfit for seeding purposes: (a) if any such seed contains noxious-weed seeds, or (b) if any such seed contains more than 2 per centum by weight of weed seeds, or (c) if any such seed contains less than 75 per centum of pure-live seed, or if any component of such seed present to the extent of 10 per centum or more contains less than 75 per centum of pure-live seed: *Provided,* That when the Secretary of Agriculture shall find that any such seed or any kind of seed present to the extent of 10 per centum or more cannot be produced to contain 75 per centum of pure-live seed, he may set up such standards from time for pure-live seed as he finds can be produced and seed conforming to such standards shall not be deemed to be unfit for seeding purposes."

Sec. 19. Section 101(a)(4) of said Act (53 Stat. 1275, 7 U.S.C. 1561(a)(4)) is amended by inserting the word "treatment," before the word "variety".

The SPEAKER. Is a second demanded?

There was no response.

The SPEAKER. The question is on the motion of the gentleman from Missouri that the House suspend the rules and pass the bill H.R. 15662.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRESIDENT'S PROPOSAL TO SUSPEND TEMPORARILY 7-PERCENT INVESTMENT CREDIT AND ACCELERATED DEPRECIATION ON NEW CONSTRUCTION

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, I endorse the President's proposal to suspend temporarily the 7 percent investment credit and accelerated depreciation on new construction. These are special incentives in the tax law, intended to stimulate investment. They are bonuses, if you will, for investment made in times of a sluggish economy. Today, however, the economy is overstimulated in these areas, leading to spiraling interest rates and a tightness of credit at any price. The results have been the imbalances and risks of inflation the President outlined in his message, and which all of us have seen growing in recent weeks.

The proposal to suspend these tax bonuses is equitable. It reaches only to new orders for equipment and new starts or purchases of buildings. Those who have already acted in reliance on the existence of these incentives will be protected. And even on such new investment as will be made, recovery of amounts invested through normal depreciation will of course continue.

This is a temporary measure. These incentives must be retained in the tax law, to be available in years ahead when, as the President said, changes in the economy will again make them needed to promote growth in business investment. Meanwhile, let us enact the brief suspension the President has recommended without confusing or inequitable exceptions, exclusions or other quibbles.

I do not suggest, of course, nor did the President, that the difficulties of the economy will be blown away with enactment of these changes in the tax law. They can be effective only as part of an overall program of restraint and balance, which will also include: First. Reductions in nonessential Federal spending, to be achieved by caution in appropriations and in the Executive's administration of programs. Second. Voluntary and legislative actions to hold interest rates down, and to distribute the supply of credit fairly throughout the economy. Third. Care by business and labor, to minimize price and wage increases, to raise productivity and to allocate resources wisely.

The Congress should move promptly, on its part, to take those modest legislative actions included in the President's program. These actions will foster the self-regulating aspects of our free economy in working out of its present difficulties.

HIGHER INTEREST RATES KNOCK OUT 444 HOUSING UNITS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, too often, the true effects of high interest rates are lost in the maze of percentages and decimal points which surround this subject.

However, my colleagues, only a small percentage change can bring tragic effects and tremendous added costs on any project.

I call attention to the recent increase in interest rates on Public Housing Administration bonds. On June 15, 1966, the PHA was able to sell bonds for 3.6448 percent. Last week, the PHA went to the market again with a $120 million bond issue and this time the interest rate was 3.8732 percent.

This increase may look small in percentages. But its effect is terrific.

This increase which took place over a 3-month period will cost $8.9 million in additional interest over the life of the bonds. This sum—which now must go for added interest costs—could have provided enough funds for the construction of 444 more public housing units. This is based on an average cost of $20,000 per housing unit. Now, these 444 units are lost to higher interest rates.

The figure is even more startling when compared to interest rates prevailing only 4 years ago. In 1962, Public Housing Administration bonds were going generally for a flat 3 percent interest. Now, of course, that figure is at 3.8732 percent.

On a $120 million bond issue—such as was sold last week—this adds $30 million in additional charges for interest. This $30 million could have paid for the construction of 1,500 additional housing units. Now these are lost to higher interest rates. These 1,500 housing units could have supplied housing for at least 75,000 people.

Mr. Speaker, I place in the RECORD the Wall Street Journal article of September 15, 1966 which outlines the recent PHA bond sale:

[From the Wall Street Journal, Sept. 15, 1966]

RECORD 3.8732% RATE IS ACCEPTED ON HOUSING BONDS—AGENCY SELLS 46 LOCAL ISSUES TOTALING $119,875,000 AT COST TOPPING 1959 MARK—BUYERS COMPRISE 12 GROUPS

The Public Housing Administration in Washington accepted a record 3.8732% overall net interst cost on its sale of 46 issues of local housing authority bonds totaling $119,875,000, up considerably from 3.6448% for $109.5 million of bonds sold June 15.

The previous record high rate of 3.8614% on local housing authority issues was reached on a $102,145,000 offering sold on Oct. 20, 1959.

The record net interest cost on the latest offering reflected the continuing tightness of the private money market, Washington officials said. It also indicated, they noted, that the market was still waiting for a "concrete demonstration" of the Government's intentions to limit its demands for new money in the coming months.

Last weekend, Treasury Secretary Fowler announced that several billion dollars of Federal agency securities would be withheld from the market for the rest of the year. However, he conceded that direct Treasury borrowings would increase as a result of the debt management revamping.

The record yields on the Treasury's offering of short-term bills Monday and the cost of yesterday's bond sale would seem to indicate, officials concede, that the Government's message isn't getting through to investors.

The large offering was divided among 12 separate buyers in a sale highlighted by unusually aggressive bidding. The largest slice of the offering, 15 issues totaling $36,010,000, was awarded to a group led by Morgan Guaranty Trust Co. of New York and First National City Bank.

Chase Manhattan Bank and associates placed second in the competition by winning eight issues totaling $27,045,000. A group led by Northern Trust Co. came in third by purchasing four issues totaling $21,510,000. Three issues amounting to $15,005,000 were awarded to Harris Trust & Savings Bank and associates.

Other winners included a group led by Hartford National Bank & Trust Co., which won three issues totaling $5,155,000. Four issues totaling $4,635,000 were awarded to Connecticut Bank & Trust Co. and associates. A Bank of America group won two issues totaling $3,170,000. Two issues totaling $3,165,000 went to Industrial National Bank of Rhode Island and associates.

A group led by Drexel Harriman Ripley Securities, Inc., bought two issues amounting to $1,625,000. A single issue for $1,160,000 went to National Shawmut Bank of Boston, one for $770,000 was won by a G. B. Gibbons & Co. group and one for $625,000 went to First National Bank of Memphis, bidding alone.

The 15 issues won by the Morgan Guaranty-First National City group ranged in size from $4,240,000 bonds of the East St. Louis, Ill., authority to $690,000 bonds of the agency at Mechanicville, N.Y. The group's bids for most of the issues named prices above 101 for 4% coupons.

The syndicate reoffered its 15 issues to investors on two closely related scales, the more liberal of which ranged yields from 3.80% for the 1967 maturities to 3.85% for bonds maturing 1997–2007.

Retail response to the offering was described as "fair." A spokesman late yesterday said the shorter maturities of the group's $36,010,000 portion of the offering were "going well" but the long end was "a little slow."

A spokesman for the Chase Manhattan group said it wouldn't have an estimate on the amount of bonds still unsold of their $27,045,000 portion of the offering until this morning.

The reoffering terms set by the Chase Manhattan group scaled the issues to yield from 3.70% for the 1967 maturities to 3.85% for bonds due in 2007.

The combined dealer-banker syndicate, which either jointly or as separate groups had won most of the more than $5 billion of housing bonds awarded since July 1951, didn't function at yesterday's sale. A group led by Chemical Bank New York Trust Co. and Phelps, Fenn & Co., which captured the major portion of the June sale, bid for issues totaling over $35 million but won none.

The bids of the Morgan Guaranty-First National City group for the issues it won

Authority	Amount	Bid	Coupon
			Percent
East St. Louis, Ill	$4,240,000	100,118	3⅞
Brevard County, Fla	4,220,000	100,112	3⅞
Paterson, N.J	4,220,000	100,108	3⅞
North Bergen, N.J	3,135,000	100,742	4
Summerville, Ga	3,085,000	101,796	4
Jackson County, Ill	2,950,000	101,639	4
Lane County, Oreg	2,680,000	101,580	4
West Palm Beach, Fla	2,135,000	101,542	4
Joliet, Ill	2,080,000	101,275	4
Reno, Nev	2,000,000	101,111	4
Buffalo, N.Y	1,390,000	101,547	4
Allegheny County, Pa	1,245,000	100,562	4
Watervliet, N.Y	1,000,000	101,107	4
Point Pleasant, W. Va	840,000	100,491	4
Mechanicville, N.Y	690,000	100,253	4

The bids of the Chase Manhattan group for the issues it won

Authority	Amount	Bid	Coupon
			Percent
New York, N.Y	$9,900,000	100.5321	3⅞
Cook County, Ill	4,870,000	100.3062	3⅞
Cincinnati, Ohio	4,030,000	100.3962	3⅞
Allentown, Pa	2,080,000	100.3104	3⅞
Camilla, Ga	1,710,000	101.2806	4
Chester County, Pa	1,630,000	100.3211	3⅞
Granite City, Ill	1,485,000	101.3145	4
Cass County, N. Dak	1,340,000	101.2941	4

The bids of the Northern Trust group for the issues it won

Authority	Amount	Bid	Coupon
			Percent
Puerto Rico	$9,235,000	100.4199	3⅞
Miami, Fla	7,820,000	100.4099	3⅞
Waynesboro, Ga	3,335,000	100.4299	3⅞
Wilmington, N.C	1,120,000	100.2199	3⅞

The bids of the Harris Trust group for the issues it won

Authority	Amount	Bid	Coupon
			(Percent)
Paducah, Ky	$10,645,000	100.3899	3⅞
Omaha, Nebr	3,480,000	100.3799	3⅞
Dover, Del	880,000	101.2799	4

The bids of the Hartford National group for the issues it won

Authority	Amount	Bid	Coupon
			(Percent)
Big Rapids, Mich	$1,770,000	101.169	4
Sault Ste. Marie, Mich	1,695,000	101.259	4
Battle Creek, Mich	1,690,000	101.229	4

The bids of the Connecticut Bank group for the issues it won

Authority	Amount	Bid	Coupon
			(Percent)
Burlington, Vt	$1,820,000	100.26	3⅞
Nashua, N.H	1,055,000	100.18	3⅞
Norwalk, Conn	905,000	100.13	3⅞
Willimantic, Conn	855,000	100.13	3⅞

The bids of Bank of America for the issues it won

Authority	Amount	Bid	Coupon
			Percent
Jicarilla Apache, N. Mex	$1,750,000	100.583	4
San Francisco, Calif	1,420,000	100.2067	3⅞

The bids of the Industrial National group for the issues it won

Authority	Amount	Bid	Coupon
			Percent
Central Falls, R.I	$2, 080, 000	100. 12	3⅞
Cranston, R.I	1, 085, 000	100. 01	3⅞

The bids of the Drexel group for the issues it won

Authority	Amount	Bid	Coupon
			Percent
Montour County, Pa	$820, 000	101. 478	4
Monroe County, Pa	805, 000	101. 12	4

The bid of National Shawmut for the issue it won

Authority	Amount	Bid	Coupon
			Percent
Boston, Mass	$1, 160, 000	100. 4714	3⅞

The bid of the Gibbons group for the issue it won

Authority	Amount	Bid	Coupon
			Percent
Huntington, N.Y	$770, 000	100. 569	4

The bid of First National of Memphis for the issue it won

Authority	Amount	Bid	Coupon
			Percent
Aberdeen, Miss	$625, 000	100. 82	4

HIGH INTEREST RATES ARE WIPING OUT THE NATION'S GAINS IN EDUCATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the tragic toll of high interest rates and tight money continues to spread across the economy.

One of the saddest consequences of our high interest policy is seen in the postponement of badly needed public projects because municipalities, school districts, counties, and State governments cannot sell their bonds at reasonable prices.

Mr. Speaker, this means that communities are unable, in many cases, to build water treatment plants, sewage lines, streets, arks, and other critically needed projects. In cases where local governmental units are able to market their bonds, they are paying tremendously high interest costs. This is burdening America's communities with fantastically high debts which must be met through higher taxes for years to come.

This means that in future years these communities, school districts, and other governmental units will have to forego other needed improvements because of the heavy interest rate burdens imposed by today's high interest rate policies.

These rising interest charges are hitting all governmental units throughout the country, but, the greatest toll and the greatest tragedy is found where the rising cost of money has stopped construction of classrooms. The country is already faced with critical shortages of classrooms and now the high interest policies are really slamming the lid down hard on our schoolchildren.

Overcrowding and poor quality education can, in many cases, be traced directly to high interest rates. In hundreds of cases, school boards have not even considered placing bond issues on the ballot because of the tight money market. In other cases, bond issues voted by the public are not being sold because of high interest rates. In some areas, the bonds are being sold but at such a high price as to handicap other activities of the school district.

Obviously, if the school district must pay out extra millions in interest, it cannot meet the demands for higher teachers salaries, better equipment, and the like. As a result, we are suffering educational losses which this country cannot recover for years and years. Once a child is cheated on his education, he suffers a permanent disadvantage in our society.

It must be brought home to voters in this country that high interest rates aggravate social ills. It enriches the rich and impoverishes the poor. And, as we can see in this instance, it cheats the young.

These rising interest rates are hitting our schools at a time of peak growth in our scholastic population. It is coming at a time when the schools must borrow record sums just to keep up with the expanding number of students.

Mr. Speaker, it seems ironic that we allow high interest rates to do this at a time when it is our announced national goal to provide quality education for all of our youth. It seems ironic that this great 89th Congress would vote magnificent programs for elementary, secondary, and higher education and then allow high interest rates to wipe out all of these gains. I urge those who are deeply interested in improving the Nation's education to take a hard, long look at what high interest rates are doing to our schools.

Recently, I had some statistics compiled showing the average net interest costs to schools on the bonds which they sell on the primary market. Taking all categories of rated bonds, the cost has jumped from 3 percent in mid-1963 to 4.4 percent in August 1966, an increase of 46 percent in the short space of 3 years.

From fiscal 1957 to 1962, there was a general trend downward in the cost of financing school bonds. This trend reversed itself in fiscal 1963 and has been going up rapidly since then.

Between August 1965 and August 1966 the average increase in interest cost of financing school bonds increased by 117 basis points. In other words, in the brief period of 1 year this amounted to a 36-percent increase in the cost of borrowing money to finance school construction.

Mr. Speaker, the cold hard figures do not really tell the story. We can pick up almost any newspaper and find evidence that high interest rates are crippling our schools.

For example, recently the Wall Street Journal carried an article with a headline entitled, "Kansas District Spurns Bid on $2,695,000 Issue." I quote the following excerpt which plainly points out the tragic situation facing the Kansas schools:

> School officials termed the lone bid offering a 4.535% effective annual interest, submitted by a group led by Harris Trust & Savings Bank, Chicago, "too high," and said they were "extremely disappointed that only one bid was made."
>
> Gerald Franklin, superintendent of schools, said he had anticipated bids of around 4.2%. "The 4.535% bid would have meant about $152,000 more in interest cost to us," he added.
>
> "The board feels we should reoffer the bonds again late this fall or perhaps in January," Mr. Franklin said. "We have no major alternative financing plans at present."

Mr. Speaker, the high interest, tight money problems are not limited to small districts like this one in Kansas. They are also hitting the largest school districts with triple-A bond ratings. I call particular attention to a recent sale of $30 million worth of Los Angeles school district bonds.

The winning bid was submitted at par for 5-percent, 4⅝-percent, and 4.30-percent bonds with maturities extending out to 1991. School supervisor Ernest E. Debs commented that it was "the highest price at which Los Angeles school bonds have ever been sold."

Another large school district, Cleveland, recently rejected four bids on a $15 million bond issue on the grounds that interest rates were too high. I place in the Record an article from the August 24, 1966, issue of the Wall Street Journal which deals with the Cleveland school bond situation:

> Tax Exempts: Cleveland School Board Rejects as Too High Bids on $15 Million Issue—Instead of Offering, District Plans To Borrow $6-$8 Million on Bond Anticipation Notes
>
> Cleveland.—The Cleveland Board of Education rejected four bids for a $15 million bond issue for permanent improvements for the Cleveland school district, holding that the interest rates offered were too high and that a better rate might be available later.
>
> Cleveland's school superintendent, Paul W. Briggs, termed the bids received the "highest interest rates in the history of the Cleveland school district." In lieu of the bond issue, he said, the school board will borrow funds on bond anticipation notes to cover anticipated immediate needs, probably in an amount of $6 million to $8 million, for which bids will be advertised for immediately.
>
> A group led by Chase Manhattan Bank and Harris Trust & Savings Bank had the apparent best bid of 100.5999 for the bonds with a 4¼% coupon, setting an annual net interest cost of 4.1989%. Second-best bid, proposing an annual net interest cost of 4.235%, came from First National Bank of Chicago, Bankers Trust Co. and associates. Other bidders included groups headed by Lehman Brothers and Blyth & Co.
>
> Prior to the rejection, the Chase Manhattan-Harris Trust group had been reoffering the bonds to investors to yield from 4% for

> the Dec. 1, 1968, maturities to 4.10% for bonds due Dec. 1, 1981–87.
>
> Mr. Briggs said the school board is authorized to borrow funds in anticipation of the sale of the bonds later. He said it is expected that the borrowing can be done for an interest rate about ½ percentage point under the best interest rate offered for the bonds, or 3¾%. In the meantime, he added, the borrowed funds can be deposited in today's money market to receive interest income above the borrowing rate.
>
> Authorization for the bond issue still has more than a year to run, he said, and it is expected the school board will "probe the bond market again in three to six months."
>
> Both Moody's and Standard & Poor's rated the bonds double-A.
>
> On May 11, 1965, Cleveland City School District sold $10 million building bonds, due Dec. 1, 1966–85, at an annual net interest cost of 3.037%.

In my own State of Texas, efforts to modernize some of our colleges and to meet expanding enrollments have run up against the brick wall of high interest rates.

Two schools, East Texas State University at Commerce and Southwest Texas State College at San Marcos, did not even receive bids on their bond issues because of the high interest rates.

I quote the following excerpt from the Dallas Morning News describing the situation at the East Texas State University:

> Absence of bidders on East Texas' 2.3 million-dollar bond issue represented serious delay on the institution's construction plans, according to one state official. The Commerce school has plans for building new classrooms and enlarging the library, audio-visual and science buildings.

Southwest Texas State College is President Johnson's own alma mater and it is unable to get financing in the market. Concerning this school's bond issue, the Dallas Morning News stated:

> President Johnson's alma mater in San Marcos unsuccessfully offered a 2.4 million-dollar bond issue under the 80 million dollars made available from the 5¢ state property tax increase. The "no bidder" response will slow plans for a high rise library-administration building costing nearly 4.5 million dollars. A 1.5 million-dollar federal matching grant already has been approved for the structure.

Many other Texas colleges are being forced to enter into special arrangements with banks in order to meet their construction needs. The Texas Constitution prohibits the schools from paying more than 4% on their construction bonds.

To circumvent this constitutional prohibition, the large banks in Texas are buying these bonds and getting prior commitments that the schools deposit the enire proceeds of the issue in their banks on a non-interest or low-interest bearing basis. In other words, the banks are playing the old game of "compensating balance" with a vengeance. They have full use of this money and it is part of their reserves on which they make other loans.

The Wall Street Journal recently noted the sale of bonds by the Stephen F. Austin State College at Nacogdoches, Tex. The Wall Street Journal said:

> Mercantile National Bank at Dallas won $2.6 million bonds of Stephen F. Austin State College on its bid setting an annual net interest cost of 3.99846%, with a stipulation that the proceeds be deposited with Mercantile in an open-time account drawing no interest.

On the same day, the San Angelo State College ran into the same situation and I quote again from the Wall Street Journal:

> Capital National Bank, Houston, purchased $1,215,000 Angelo State College bonds on its bid that set an effective interest rate of 4%. The bid stipulates that proceeds be deposited with the bank at 2% annual interest.

Mr. Speaker, I cite these only as examples. These problems are nationwide and they are affecting practically every school in the country. Time after time the financial pages carry stories of record interest rates being paid by school districts.

Mr. Speaker, the following chart shows what is happening to school bonds:

Average net interest cost of school bonds sold on the primary market, general obligation bonds, fiscal years 1953–66

Fiscal year:	*Percent*
1953–54	2.53
1954–55	2.32
1955–56	2.70
1956–57	3.50
1957–58	3.43
1958–59	3.55
1959–60	3.84
1960–61	3.48
1961–62	3.27
1962–63	3.03
1963–64	3.21
1964–65	3.21
1965–66	3.60
August 1966	4.43

Mr. Speaker, there was a time when schoolhouses costing a million dollars required another million dollars just to pay the interest charges. Now, we are approaching the time when a $1 million schoolhouse will cost an additional $1½ million in interest. This is shameful in a country that is striving so desperately to upgrade its educational facilities.

Mr. Speaker, the high interest rates are, of course, affecting all municipal bond issues. It is not limited to schools. It affects practically all public facilities. I place in the RECORD a random sampling of some recent news stories outlining the trouble faced by local governments seeking to finance sewage, water, park, and other badly needed facilities.

[From the Los Angeles Times, Aug. 18, 1966]

STATE BOND ISSUES SOLD AT HIGHEST COST IN 30 YEARS

SACRAMENTO.—The State of California Wednesday sold a $100 million block of bonds for the highest interest rate in more than 30 years.

State Treasurer Bert Betts, who conducted the sale, said he was "dismayed" by the interest cost on $50 million worth of veterans bonds and $50 million of a beaches and parks bond issue.

Both issues went to a syndicate headed by the Bank of America, which bid an average annual interest cost to the state of 4.3158% for the beaches and parks bond and 4.3212% for the veterans bond.

Betts said the interest on the veterans bonds would total $25.6 million and on the beaches and parks $24.6 million

The syndicate also included Crocker-Citizens National Bank of San Francisco, United California Bank of Los Angeles and Wells Fargo Bank of San Francisco.

Both issues were reoffered from a yield of 4% for the 1967 maturities to a dollar price of par for 4.20% bonds due 1977–87.

The only other bids for both issues came from a group led by Bankers Trust Co., First National Bank of Chicago, Halsey Stuart & Co. and Morgan Guaranty Trust Co. of New York, which offered annual net interest costs of 4.365% on the veterans bonds and 4.363% on the park bonds.

[From the Wall Street Journal, Sept. 16, 1966]

OMAHA ENDS BOND PLAN, BLAMES TIGHT MONEY

OMAHA.—The tight money market spiked a bond issue while it was still in the proposal stage.

At the request of Mayor A. V. Sorensen, the Omaha city council decided against putting an $8 million issue before voters at the Nov. 8 general election. Mayor Sorensen cited the tight money market as well as the many other matters on the ballot, including constitutional amendments dealing with revenue matters.

The $8 million of bonds were to be used to finance street construction and sewers.

Omaha city officials got firsthand knowledge of tight money on Aug 30, when $3,850,000 of general-obligation bonds were sold at an annual net interest cost of 4.136%. In March 1965, Omaha sold bonds at an interest cost of 2.836%.

TAX EXEMPTS: OHIO REJECTS ALL BIDS ON $50 MILLION NOTES; INTEREST COST TOO HIGH

COLUMBUS, OHIO.—Ohio rejected all bids received on $50 million of improvement notes because of the high interest costs offered, Richard L. Krabach, state director of finance, said.

Ohio will re-advertise for bids, probably in December, in expectation that lower interest rates on the notes will be available at that time, Mr. Krabach said.

The best bid for the Series D notes, dated Oct. 13, 1966, to mature Oct. 13, 1967, offered an effective annual net interest rate of 5.33% and was submitted by Salomon Brothers & Hutzler and Morgan Guaranty Trust Co. of New York. This was the highest interest rate yet to be submitted to the state, Mr. Krabach said, and was considerably higher than a 3.4% rate obtained on $50 million of notes sold a year ago.

"This is a problem being faced increasingly by states, municipalities and school districts," he added, "and is one that will have to be solved at the Federal level. There isn't anything we can do about it here."

Mr. Speaker, on Tuesday, September 13, the Daily Bond Buyer carried a significant story dealing with the sharp decline in the municipal bond market. The article is based on a speech by Dr. Henry Kaufman, an economist with Salomon Brothers and Hutzler. I place this article in the RECORD at this point:

[From the Daily Bond Buyer, Sept. 13, 1966]

BANKS WILL BE NET SELLERS OF MUNICIPALS OVER NEXT 12 MONTHS, DR. KAUFMAN SAYS

Dr. Henry Kaufman, economist with Salomon Brothers & Hutzler, analyzed the supply and demand for credit through mid-1967 in an address before the 17th Annual Investment Seminar of the New York State Bankers Association, held Sept. 9, 1966 at the Hotel Commodore, New York City. A portion of Dr. Kaufman's remarks follows:

"The furor over the demise of the mortgage market has overshadowed the mounting stringencies in the municipal market. These stringencies have only become really noticeable during August when long-term tax-exempt obligations fell nearly 5 points in price, bringing yields on good quality issues up to 4.25 per cent.

"If current economic and monetary trends persist, the retrenchment in municipal financing will eventually be relatively larger than the decline in the volume of mortgage financing. Thus far in 1966, the pace of municipal bond financing has matched the 1965 volume.

"During the first eight months of 1965 and 1966, the gross volume of municipal flotations totaled about $7.4 billion. However, the pressure on banks to liquidate tax-exempts started only lately. This selling should accelerate as the Fed slows down the expansion in bank reserves and banks strain to honor loan commitments.

"COMMERCIAL BANK ROLE

"The critical role played by the commercial banks in the municipal market can not be overstated. From 1961 through 1965, their average annual net purchases of tax-exempts have totaled $4.2 billion or 71 per cent of the average annual net volume of municipal bond flotations. Percentagewise, therefore, the commercial banks were bigger buyers of tax-exempts in these years than the savings and loan associations were of mortgages. Indeed, the commercial banks as a whole liquidated Governments in recent years in order to acquire tax-exempts. Even now, holdings of municipals exceed those of Governments at many key money market banks.

"There is no other institutional investor who can really replace the commercial bank in the municipal market.

"While fire and casualty companies do commit a high percentage of their net new funds in municipals, the absolute dollar commitment rarely exceeds $1 billion yearly.

"The tax-exempts feature of municipals has no merit for corporate pension and public retirement funds.

"Because of their special tax status, life insurance companies also have not been attracted to municipals. Even if municipals would rise sufficiently in yield to appeal to life insurance companies, it is highly unlikely that they would be net buyers of tax-exempts during the coming years. Life insurance companies have also been squeezed by a significant increase in policy loans. In fact, some life insurance companies have been forced to exercise their lines of credit at commercial banks.

"This leaves only the individual investor, either directly or through trust funds, to support the municipal market in the period ahead.

"CONGESTION TO CONTINUE

"Therefore, the consequences of the withdrawal of commercial banks as net buyers of municipals and their emergence as net sellers will continue to cause congestion in this market, resulting in not only higher rates but postponements and cancellations of municipal financing. This is the very dilemma which the Federal Reserve warned about in its letter to the banks a week ago. I have estimated that the net volume of municipal financing will drop from $3.5 billion in the first half of 1966 to $2.6 billion in the second half, and to $2 billion in the first half of 1967.

"In closing, I should like to make some general observations on the significance of these credit estimates. I indicated at the start that they are hypothetical and are based on what I regard as the standard economic model for the next twelve months. Remember also that I assumed that fiscal policy would remain unchanged during this period because this assumption would be helpful in judging the need for Governmental action. Based on these assumptions, my credit flow estimates suggest the further emergence of undesirable developments.

"HIGHER INTEREST RATES

"The credit estimates suggest that interest rates will rise more, even though we have already had a spectacular rise. Indeed, they imply a financial market in which the key question will not be the interest rate, but rather the actual availability of money.

"In this aggressive bidding for funds, there will be additional financial casualties. The pressure in the mortgage market will be only partially eased by the secondary market purchases of Federal agencies. The municipal market will feel even more than the mortgage market the shrinking availability of funds. Large corporations will continue to obtain funds but their financing alternatives will shrink.

"Large and profitable business corporations are in a strategic position to bid successfully for the moderating supply of new investment funds. The cost of money is an operating expense to them and therefore tax deductible. In addition, it seems unlikely that a business corporation would entertain a capital expenditure if the difference between profit and loss on a project was a half or even one percent in interest cost. In contrast, interest rates are an important factor in the purchase of a home and in the financing of state and local governments.

"BANKS TO WITHDRAW

"As monetary policy tightens my estimates show that the commercial banks would be forced to withdraw in varying degrees from key sectors of the financial markets. In the next twelve months, commercial banks will be net sellers of tax-exempts, cut back substantially their purchases of mortgages, sell additional intermediate and long Governments, and limit more of their business financing to short rather than to term loans.

"Thus Regulation Q will have been used throughout this economic expansion as an anti-cyclical device—first to encourage the banks to expand their role in the financial markets during the period of economic quasi-financial intermediary.

"The stringencies which are reflected in my credit flow estimates are too severe to endure for long. In normal times, they would lead to massive dislocations and economic retrenchment and in that way demands would decline sharply.

"However, these are not normal times. The Viet Nam war is making growing demands on our economy. These demands are pressing against a limited availability of new resources.

"As the war escalates in cost, there will also be the problem of financing these costs. Up to now, the war has been partly financed through the sale of financial assets. This type of financing will become increasingly expensive in the months ahead and may not be sufficient if there is a massive Viet Nam buildup.

"Therefore, I feel that the Administration will be forced to act soon to bring into balance our Viet Nam objectives with our domestic economic capability. In setting new priorities, the Administration will then ease the burden on the Federal Reserve and on the money market and thus prevent a sharp further increase in interest rates. It would also avoid the financial disturbances which are implied in my credit flow estimates. The developments in our credit markets lately suggest to me that the Government will have to act very soon."

FEDERAL TRUST FUNDS SHOULD EARN MORE INTEREST

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, in spite of the President's efforts to reduce interest rates, the yields on Treasury bills climbed to new heights last week. On 90-day bills the yield rate hit 5.6 percent—an incredible figure, and on 6-month bills the yield is 6.2 percent.

It is obvious that the Federal Reserve is tightening money in direct defiance of the President's urging the Federal Reserve and the big banks to cooperate with the President and the Congress to lower interest rates and to ease the inequitable burden of tight money.

In the face of the Fed's intransigence, the Treasury Department has now decided to keep Federal agencies from borrowing for the rest of the year, with the exception of necessary refinancing. This means that the so-called participations based on a pool of obligations of Federal agencies will not be sold for the rest of the year. Although this body devoted long hours to consideration of legislation to permit such participation sales and decided in its wisdom to authorize the pooling and sale of Federal agency obligations, all our efforts are nullified because of the high interest rates which made it prohibitive.

The New York Times report on September 15 makes dismal reading. It indicates that 46 local housing authorities sold their tax-exempt securities at a record interest cost of almost 3.9 percent. The State of Ohio had to withdraw a note issue because the interest costs would have been too high. The home loan banks had to pay 6.2 percent for refinancing bonds. Never in my long years in the Congress have I seen the Federal Government in such straitened circumstances by reason of tight money. And the problem is even worse for our States and municipalities which are being forced to cut back on housing, education, and other vital services to the public.

In the circumstances, Mr. Speaker, it is most important that consideration be given to a recommendation made last March by the Joint Economic Committee, which I have the honor to chair. In their report the committee stated that—

> Congress should consider providing authority for government administered trust funds to acquire such securites fully guaranteed by the government. This would add handsomely to their income.

The trust funds receive a lower rate of interest than prevails on other Government issues. Yet there is no basis in equity for this differential.

It is unfair to the beneficiaries of these funds who are for the most part people covered by the social security programs or members of the civil service and railroad retirement systems.

According to estimates in the President's budget message of last January, Federal trust funds will accumulate approximately $4 billion in the fiscal year ending June 30, 1967. These funds will be added to reserves and applied to the purchase of Government securities as required by law. If they were devoted in part to the purchase of participations it would increase their earnings and thereby inure to the benefit of the people covered by these trust funds.

At the same time, it would help to ease the Treasury's debt management problems and lessen the need to resort to the over constrained money market.

The New York Times report follows:

YIELD AT RECORD FOR TAX-EXEMPTS—LOCAL HOUSING AUTHORITIES SELL $119 MILLION OF ISSUES AT A COST OF 3.732 PERCENT

(By John H. Allan)

Prices of Government bonds and Treasury bills dropped yesterday in the first sharp downward move since the credit markets began to advance Aug. 30 in expectation of the Administration's program to fight inflation and curb high interest rates.

While this decline was taking place, 46 local housing authorities sold $119,875,000 of tax-exempt bonds at an over-all net interest cost of 3.8732 per cent, a record high in all 51 sales of housing issues.

The State of Ohio put $50-million of one-year notes up for sale at competitive bidding, but officials rejected all three bids received because the interest costs would have been too high. The lowest cost proposed was 5.3389 per cent.

In the first sale of Federal agency securities since President Johnson's program to hold down interest rates was made public last Thursday, the Federal Home Loan Banks priced $650-million of bonds dated Sept. 26 and maturing Sept. 27, 1967.

CONFORMS TO GUIDELINES

The Home Loan Banks bonds carry a 6¼ per cent interest coupon and are priced at 100.05 to yield 6.20 per cent. Of the total, $400-million will be offered publicly today and $250-million will be sold directly to Government trust accounts.

Since the proceeds of the $400-million public offering will be used to refund $500-million of maturing notes, the sale conforms to guidelines outlined by Treasury Secretary Henry H. Fowler last Saturday and may allow other Federal agencies to increase their borrowing by $100-million.

In the program made public by Mr. Fowler, the Treasury plans to let Federal agencies seek no additional money in the capital markets between now and the end of 1966 beyond those funds required for refinancing.

While the Home Loan Banks bonds were priced yesterday to yield about 6.20 per cent, Treasury bill dealers quoted one-year bills at prices that yielded the bond equivalent of about 6.15 per cent.

Bill rates rose yesterday as the Federal Reserve used four-day reverse purchase agreements to dry up funds available in the money market. Federal funds, the uncommitted reserve of commercial banks, traded between a high of 4¾ per cent to a low of 1 per cent at the end of the period banks settle—their reserve positions with the central bank.

RESERVE CRITICIZED

The move by the Federal Reserve to sop up excess funds in the market caused some wry comment among dealers handling new securities issues. Several noted President Johnson's plea to the Federal Reserve Board, urging cooperation to lower interest rates.

"The squeeze is coming again and the Federal Reserve is paying no attention to President Johnson," one trader remarked.

The rise in Treasury bill rates depressed the prices of longer-term Government securities, and some bonds dropped as much as 22/32 yesterday. Profit taking following the two-week advance also depressed prices, some dealers reported.

Probably the most common view of the bond market's outlook now is that prices will remain relatively stable. Many dealers say they think bond yields will not exceed the highs reached late in August, but they also say there is little reason for the post-August decline in yields to go much further.

Against this background, municipal bond dealers sought to purchase the $119,875,000 of housing bonds in bidding that was described as "relatively aggressive."

Twelve different syndicates purchased parts of the total, with a group managed by the Morgan Guaranty Trust Company and the First National City Bank buying 15 issues totaling $36.01-million.

The bonds were reoffered publicly to yield, tax-free, from 3.80 per cent in 1967 up to 3.875 per cent in 1999–2007. An unsold balance of $21,535,000 was reported early last evening.

A group managed by the Chase Manhattan Bank purchased eight issues totaling $27,045,000, including $9.9-million of New York City Housing Authority bonds. It priced the issues to yield from 3.70 per cent in 1967 up to 3.85 per cent in 2007. About half the total was reported sold yesterday.

A Northern Trust Company group won four issues totaling $21.51-million, and a Harris Trust and Savings Bank syndicate bought three totaling $15,005,000. About $11-million of the former remained unsold late yesterday, while no estimate of Harris Trust's sales was made available.

The Hartford National Bank and Trust Company reported that its syndicate, which purchased three issues totaling $5,155,000, was sold out of bonds yesterday.

In another tax-exempt bond market development, Harris Trust reported that the $20-million issue of Memphis, Tenn., bonds marketed Tuesday was down to an unsold remainder of $9,635,000.

The bonds, rated Aa by Moody's, were sold by the city at a net interest cost of 3.9513 per cent and were reoffered publicly priced to yield from 3.90 per cent in 1967–69 up to 4 per cent in 1973–76 and back down to 3.85 per cent in 1977–90.

Recent issues

Company	Issue	Original price	Asked quote	Change	Yield
NW Bell	6s2001	100.732	103	−¼	5.79
NatG Pipe	6¼s86	99	106¼	+¼	5.72
Trunk Gas	6½s86	100	106½	--------	5.94
Stand Ind	6s1991	100	105¾	--------	5.57
So Cal Ed	6⅛s91	100.96	103¾	−¼	5.84
Pitts PG	5⅝s91	100	103	+¼	5.36
Miss Pow	6s1996	101.398	100¾	--------	5.95
AT&T	5⅝s95	100.64	99⅝	--------	5.65
NorStPow	5⅞s96	101.50	100¾	--------	5.82
Jer C Pow	6⅛s96	101.729	103	+¼	5.91
Cons Pow	5⅞s96	101.777	103½	+½	5.61
SW Bell	5⅜s06	100	96	−¼	5.62

Although Ohio failed to sell its short-term issue of tax-exempt notes, the Housing and Urban Development Department in Washington announced a sale of $151,962,000 of tax-free housing notes averaging 5.8 months in maturity.

The notes were sold at an average interest rate of 4.335 per cent, down from the record high of 4.612 per cent set in August. The largest amount went to Morgan Guaranty and Salomon Brothers & Hutzler, which jointly bought $77,488,000.

CANADIAN DEBENTURES SOLD

Foreign dollar bond underwriting activity was heavy yesterday.

A $40-million offering of Quebec Hydro-Electric Commission 6¼ debentures maturing Sept. 15, 1991, was placed on the market priced at 100 through a syndicate led by the First Boston Corporation; Halsey, Stuart & Co., Inc.; A. E. Ames & Co., Inc., and Salomon Brothers.

The issue, which is exempt from the interest-equalization tax, was oversubscribed and was quoted in the afternoon at 100¼ bid, 100⅜ asked.

A foreign offering of $10-million of Cabot International Capital Corporation 7 per cent guaranteed notes due Sept. 15, 1971, was made by a group headed by Carl M. Loeb, Rhoades & Co. and White, Weld & Co., Inc.

The notes, subject to the equalization tax, were offered outside the United States. The company is a subsidiary of the Cabot Corporation, a producer of carbon black.

One fixed-income issue was canceled yesterday as the Randolph Computer Corporation asked the Securities and Exchange Commission to withdraw a statement filed Aug. 12 covering 100,000 shares of $50-par convertible preferred stock. Wertheim & & Co. was to have headed the offering group.

FREEDOM OF BELIEF IN A PLURALISTIC SOCIETY

Mr. RYAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, I have been troubled by recent press reports stating that the President has criticized the entire Jewish community because some individuals of Jewish faith have questioned the wisdom of the war in Vietnam.

As I wrote to the President last Wednesday, I am sure that he does not believe that one can speak of Jews as a monolithic group any more than one can speak of Catholics or Protestants as monolithic groups. Americans of every religion have, are entitled to have, and should be encouraged to have their own diverse views on all domestic and foreign policy issues.

Nor can I believe that any members of the administration or Congress think that U.S. citizens who are Jewish should avoid criticism of American foreign policy because of this country's friendly relations with Israel. Certainly Israel should not be held hostage to the administration's policy in Vietnam.

The diversity of the Jewish community on issues ranging from Vietnam to religion was deftly described by Irving Spiegel in the New York Times on September 16. The article, which is entitled "On Jewish Diversity," follows:

[From the New York Times, Sept. 16, 1966]

ON JEWISH DIVERSITY—VIETNAM FINDS JEWS DIVIDED, AS DO OTHER SECULAR AND RELIGIOUS ISSUES

(By Irving Spiegel)

"The moments are frequent in the life of the Jew when he feels that the tents of Jacob do not resound with harmony." The young rabbi had just heard a warm debate on the so-called Jewish position on Vietnam, and he was thinking of a Biblical verse, Numbers 24:5: "How goodly are Thy tents, O Jacob, Thy dwellings, O Israel." Certainly, disharmony has crept into the tents of Jacob over some remarks President Johnson is supposed to have made about the lack of Jewish support for his Vietnam policy.

Arthur J. Goldberg, chief United States representative to the United Nations, tried quickly to mollify Jewish leaders. Most significantly, he said the Administration recognized that the Jewish community was not monolithic, that it covered the political spectrum, and that the American Jew lived in a pluralistic society.

Time and again, in formal statements and in private conversations, Jewish leaders have decried the tendency to lump together Jews of all shades and opinion. The Vietnamese issue, for example, leaves Jews sharply divided, just as it has, though perhaps with not so much intensity, other religious and ethnic groups.

MULTIPLICITY OF GROUPS

But Vietnam brings into bold relief the relationship of more than 5.5 million American Jews to a bewildering multiplicity of organizations, and it shows the fragmentation of Jewish life on secular and religious issues.

There is a moot question of whether the leadership of the highly organized Jewish life bespeaks the hopes, desires and frustrations of their memberships.

Jewish leaders stress that they speak for the memberships of their organizations.

Privately, a member will say something like: "I don't agree with our official stand but after all we live in a pluralistic society. The majority opinion rules."

Bernard Richards, a noted observer of the American Jewish scene, and a founder of the American Jewish Congress, holds that "much of the fragmentation of Jewish life stems from sincerely held ideological differences among the different Jewish groups."

This fragmentation, he says, "has enriched Jewish life almost as much as it has detracted from its orderliness. Indeed there are significant similarities between specifically Jewish and American social and political life. Neither is monolithic. Both have been distinguished by a pluralism of organized interests and multiparty systems."

On the other hand, Philip M. Klutznick, former president of B'nai B'rith, whose more than 500,000 members cut across doctrine lines, once called for a "fresh non ideological forum to examine the whole gamut of American Jewish communal effort."

The "mass of our free community," Mr. Klutznick said, "aches to see improvement in orderliness consistent with creative freedom and the diversity of American Jewish life."

Others urge a greater centralization so that American-Jewish attitude can be better represented by a "single voice." They say such a body, democratically constituted, would reduce the duplication of activities and "the overorganized chaos," which they say, exists today.

Their opponents call this authoritarion, and say it cannot operate for voluntary groups that often differ in ideology and methods.

There are, however, several "umbrella" organizations, which have within them local and national groups with areas of common work or policy.

STILL SHARP DIFFERENCES

But even within these representative bodies there is often a sharp division of opinion on how to cope with problems affecting the American Jew.

The use of a phrase in a resolution set off a long and heated debate among Jewish leaders and thwart an official stand. For instance, most Jewish leaders agree that the right of dissent should be protected and preserved.

And yet, last June a resolution was introduced at a meeting of the National Community Relations Advisory Council a representative body of Jewish groups dealing with intergroup relations, to support this principle. Furthermore, the resolution quoted President Johnson's expressed view that "no American, young, or old, must ever be denied the right to dissent."

But the resolution fell short of formal adoption when the Jewish War Veterans objected to a portion that said action to stifle dissent "threatens to recreate the hysteria of the McCarthy period." The veterans said there was no such threat.

The issue of Government aid to sectarian education has also divided religious and secular groups. On the one hand, Orthodox groups support such aid, maintaining that it is the state's responsibility to assist in education and that in a pluralistic society the Jewish community would not be isolated by such aid.

On the other, Reform Judaism vigorously opposes aid, saying it threatens to help a majority religion at the expense of a minority religion and that it violates church-state relations.

This difference of opinion points to profound theological differences among the three wings of Judaism—Orthodoxy, Conversatism and Reform—and that, paralleling these differences, are many forms of conflict.

As among Christian churches, it is difficult to untangle the theological and doctrinal competition from the competition for membership, funds and organizational loyalties.

It is interesting that, while Christian communities are intensifying their ecumenical efforts, the state of ecumenicity in the Jewish religious community is less than satisfactory.

On rare occasion, the leaders of the lay and religious establishments of the three branches meet, but only on social, political and educational problems.

Rabbi Emanuel Rackman, a distinguished Orthodox scholar, has remarked that "all Jews might also learn that no matter how cherished their respective commitments are, it does not hurt to give them the benefit of a new examination and perhaps more correct and valid definitions, dogmas and practices may submerge."

Basically, American Jewish thinking is still cut to the ancient tradition of the Talmudic debate, sometimes described in a Yiddish aphorism as two Jews arguing three sides of the question. There are no precut patterns to Jewish life.

CHINA POLICY

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, it now appears that this Nation will continue its long successful and sensible policy of opposition to the seating of Communist China in the United Nations. Last Friday's Washington Post and New York Times both carried front page articles asserting that the administration had determined, after careful review, to again oppose any membership by Peking in the United Nations.

The decision, the New York Times reported, was based in large part on a "nose count" of U.N. members which revealed that the United States is probably in a more favorable voting position than last year when the proposal to admit Communist China fell far short of the two-thirds majority required.

The Times article stated that the United States may pick up a couple of votes among the African nations because of Chinese activities in their countries. This is one of the major points which I made in remarks delivered in the House 1 week ago.

I am delighted to learn that the administration has not succumbed to outside pressures, nor been beguiled by unrealistic appraisals. The administration need make no apology to anyone for our opposition to Communist China. It is, after all, a stand that has been endorsed by the administrations of Presidents Truman, Eisenhower, Kennedy, and Johnson.

That opposition to Communist China should look to be a winning policy in the United Nations again this year should come as no surprise. The cruel excesses of Mao Tse-tung and his extremist Red Guard have alienated almost every nation in the world. How absurd it would be if we had changed our policy in the face of these excesses.

Until such time, if ever, that Communist China demonstrates by deed and word that it is willing to honor the laws and traditions of civilized society, it must remain what it has been since it seized control of mainland China in 1949—an outlaw nation.

THE PROFESSIONAL NURSE—A PRECIOUS NATIONAL RESOURCE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. GUBSER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GUBSER. Mr. Speaker, among our most precious national resources is the roster of dedicated humanitarians who serve mankind as registered nurses.

In 1877, Disraeli stated a truth which we in the 20th century have fully embraced, that "the health of the people is really the foundation upon which all their happiness and all their powers as a State depend."

Industries, private health agencies, insurance companies, universities and our Government at the local, State and Federal levels have joined in a massive attack upon disease and sickness. From this combination of effort has resulted what is probably history's finest health and medical care.

But despite our great progress a crisis is upon us. Medical facilities must be improved and increased to meet the requirements of an exploding population. We can build hospitals and physical facilities; we can attract physicians into the reasonably lucrative practice of medicine; but unless we can train more professional nurses all these efforts will fail to produce their maximum benefits. Like the spoke in a wheel or the keystone in a bridge the professional and highly trained nurse is vital to the Nation's health and well-being.

We are in desperate need of more trained nurses. The Department of Health, Education, and Welfare estimates that 21 percent of the nurse requirement in our hospitals is unfilled. This means that we must have 21 percent more nurses in hospitals simply to meet present needs. In the near future the medicare program alone will create a demand for 25,000 additional nurses. We urgently need 125,000 now and will need an additional 194,000 nurses in the next 4 years.

As the first step in correcting this situation we must make a frank appraisal of its causes and analyze our present efforts. This is my purpose in addressing the House today.

Inadequate salary is certainly a deterrent to attracting more trainees to a career of professional nursing. The average general duty hospital nurse earns less than a secretary or factory worker, and nurses' salaries have not risen in proportion to the rise in hospital charges in the last 15 years.

Paradoxically, while their pay remained low, nurses' responsibilities have become more demanding and their role more vital. Today nurses must be familiar with increasingly sophisticated techniques of patient care. They are responsible for intensive care units and operate intricate machinery such as the automatic-breathing apparatus, electrocardiogram monitors, and artificial kidney devices. Moreover, qualified nurses are accepting broader discretion to act in emergencies—in giving oxygen, administering intravenous solutions, and even administering electric shock to stimulate failing hearts into activity. And furthermore, as anyone with experience around a hospital knows, nursing is also hard, hard work.

The life or death aspects of the nursing shortage cannot be ignored. It is time we matched the demands placed upon nurses, the responsibility they accept, and the sheer difficulty of their work with decent pay.

Our Federal Government is attempting to alleviate the shortage of nurses through several programs which support the education and training of nurses. At this point it might be helpful to summarize them.

NURSE TRAINING ACT

The most comprehensive legislation in this area, the Nurse Training Act provides assistance both to nursing schools and nursing students, graduate and undergraduate, and has five main provisions which I shall mention later. Full information regarding all parts of this act except the nursing student loan program may be obtained from the Division of Nursing, Public Health Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201. Further information regarding loans is available from the Training Resources Branch, Division of Community Health Services, Public Health Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201. Student applications for either a loan or traineeship should be directed to the school receiving the grant.

Construction grants are available for the building or rehabilitation of teaching facilities in collegiate, associate degree, and diploma schools of nursing. Public or nonprofit private schools are eligible for grants if their program is accredited by the National League for Nursing.

Project grants assist nursing schools in meeting the additional costs of projects for improvement, strengthening, and expansion of their educational programs. All types of accredited nursing schools are eligible to apply.

Payments to diploma schools are made as reimbursement for part of the cost of training students whose enrollment can be "reasonably attributed" to the provisions of the Nurse Training Act.

Professional nurse traineeships are offered as incentives for licensed graduate nurses to prepare for teaching, administrative or supervisory positions, and for specialized fields of nursing. Traineeships provide for either full-time academic study or short-term training. Applicants for traineeships should apply to the institution or agency giving the course. The Public Health Service's Division of Nursing maintains a list of participating institutions and agencies.

Long-term traineeships provide support for full-time study at a college or university for a maximum of 30 months to trainees in need of financial assistance. Traineeships provide tuition and fees, travel to the institution, monthly stipends beginning at $200 for trainees at the baccalaureate level, and an annual allowance of $500 for each dependent.

Short-term traineeships may be offered by public or nonprofit agencies, such as State health departments, as well as by schools of nursing, if the courses provide at least 5 days of full-time study. Trainees receive compensation for tuition and fees and a daily stipend of $12 if they must leave their own residence in order to attend. They must be either employed in or committed to a position in administration, supervision, teaching, or clinical nursing.

The nursing student loan program enables needy students to finance their education by long-term, low-interest loans. All types of nursing schools are eligible to participate provided they furnish 10 percent of the funds loaned, with Federal funds making up the remainder. Schools which cannot raise their share may borrow from the Federal Government. In awarding loans, preference must be given first year nursing students, and subsequent loans made to permit them to complete their studies. The maximum amount a nursing student can borrow is $1,000 per academic year, with additional amounts for students required to attend school more than 9 consecutive months. Loans are repayable over a 10-year period beginning 1 year after graduation. Starting with the repayment period, the loans bear interest at 3 percent annually or the "going Federal rate," whichever is higher. Up to 50 percent of the amount of a loan and interest will be cancelled, at the rate of 10 percent annually for 5 years, if the borrower after graduation works full-time as a professional nurse in a public or nonprofit institution or agency. It is estimated that 15,000 students will receive such loans in the next fiscal year.

PUBLIC HEALTH TRAINEESHIPS

Separate and apart from the Nurse Training Act, public health traineeships are available to registered nurses who are preparing for positions in public health nursing. A nurse must either, first, be able to complete requirements for the bachelor's degree in a year or less, or second, hold a bachelor's degree which did not include accredited preparation in public health nursing. Traineeships cover tuition and fees, transportation to the institution, and a basic annual stipend of $2,400 at the baccalaureate level in addition to $500 per year for each dependent. Applications should be made directly to collegiate nursing schools or schools of public health which hold a public health traineeship grant. A list of these schools and further information may be obtained from the Training Resources Branch, Division of Community Health Services, Public Health Service, Washington, D.C. 20201.

NURSING RESEARCH GRANTS AND AWARDS

The Division of Nursing of the Public Health Service administers three separate programs to foster nursing research. Inquiries regarding them may be made directly to the Division of Nursing, Research Grants Branch, Public Health Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

Nursing research project grants support studies dealing with all aspects of nursing practices; the organization and delivery of nursing services to the patient; nursing as an occupation; and ways of communicating research findings. Grants for such research projects are awarded schools of nursing, medicine, or public health, and clinics or hospitals.

Special fellowships in nursing research prepare nurses to do independent research, or to collaborate in or guide research. Fellowships are for advanced study at the predoctoral or postdoctoral level in the basic sciences and a variety of relevant fields, including biostatistics, health organization, health economics and human development. The special fellowships cover living and educational costs with no fixed stipend. Nurses with a baccalaureate degree are eligible to apply.

Nurse scientist graduate training grants are awarded to graduate schools of nursing to expand their own doctoral programs in the basic sciences and to award stipends to nurses studying for doctoral degrees in the biological, physical, or behavioral sciences. Purpose of this program is to increase the number of research scientists with a nursing background. Graduate schools must apply directly to the Division of Nursing, but nurses seeking individual stipends, covering educational and living costs, should apply to a school which has received a grant.

NATIONAL MENTAL HEALTH TRAINING PROGRAMS IN NURSING

The National Institute of Mental Health—NIMH—a division of the Public Health Service, conducts several programs to further the education and training of psychiatric-mental health nurses. Training grants are awarded to colleges and universities for a 1-year period, but may be renewed for longer periods. They cover both teaching costs and stipends for trainees, plus an allowance. Institutions should direct inquiries to the Chief of Psychiatric Nursing Training, Manpower and Training Branch, National Institute of Mental Health, Bethesda, Md. 20014. In all cases, trainees are selected by institutions receiving grants, and applications for traineeships are submitted to them.

Undergraduate training grants are made to improve the teaching of psychiatric nursing and behavioral sciences in collegiate programs leading to a bachelor's degree. This program supports selected undergraduate students who are interested in mental health nursing and plan to go on to graduate study after receiving their degree. Stipends, available to both collegiate nursing students and diploma school graduates, provide support amounting to $1,800 per year plus tuition and fees for up to 2 years needed to complete work for the bachelor's degree.

Graduate training grants provide support for specialized programs in psychiatric-mental health nursing at two degree levels: First, the master's program to prepare nurses for clinical or community mental health work and, second, the doctoral program to prepare nurses for teaching, research, and consultation in psychiatric nursing or a behavioral science related to mental health. Annual stipends amount to tuition and fees plus an additional sum beginning at $2,400 for the first year of graduate study. Trainees studying for the doctoral degree may receive an annual allowance of $500 per dependent.

Pilot and special projects: Exploratory pilot projects are designed to produce new and important information on mental health training practices. Some are short-term programs conducted during the summer months, and others are for periods lasting up to 5 years. Special project grants are awarded to training institutions or professional or voluntary organizations in the mental health field for various training activities such as workshops, conferences, institutes, demonstrations, or surveys. Grants support teaching costs and, where applicable, stipends for trainees.

Career teachers: A few grants are made each year to prepare nurses of exceptional ability who have completed a master's program for careers in teaching psychiatric-mental health nursing. Applications for career teacher grants are made by a university for a specific nominee.

Senior stipends, usually for postdoctoral study, are intended for specialists in one of the mental health disciplines who want to broaden their training, or for specialists from other fields who want training in mental health disciplines. Training periods may range from a few months to a year. Applications are made by institutions in behalf of a specific candidate, with the institution determining the amount of stipend.

REHABILITATION NURSING PROGRAMS

Three nurse training programs designed to increase the supply of nurses qualified to provide, administer, or teach rehabilitative nursing for physically or mentally handicapped persons are administered by the Vocational Rehabilitation Administration—VRA—a division of the Department of Health, Education, and Welfare. Inquiries regarding them may be addressed to the Division of Training, Vocational Rehabilitation Administration, Department of Health, Education, and Welfare, Washington, D.C. 20201.

Long-term teaching grants are awarded to accredited schools of nursing to prepare graduate nurses as specialists in rehabilitation nursing, or to become teachers, supervisors, administrators, or consultants in rehabilitation nursing. Grants may be used to start a new training program, or to expand the capacity and strengthen the quality of an existing program.

Traineeships for graduate study provide support for a maximum of 4 academic years to graduate students interested in becoming clinical specialists, supervisors, administrators, teachers, consultants, or research workers in rehabilitation nursing. Grants are awarded to schools, listed by the VRA Division of Training, which select trainees and administer stipends. Stipends include tuition and fees plus an amount beginning at $2,400 for the first-year graduate level.

Short-term training grants for training in rehabilitation practices are made to nursing schools and other public or nonprofit groups. Short-term courses consisting of workshops, seminars, and other training are approved and applications may be filed with the VRA. Nurses interested in short-term training should apply directly to an institution offering a course listed by the VRA's Division of Training.

NURSE TRAINING PROGRAMS OF THE CHILDREN'S BUREAU

The Children's Bureau, a branch of the Welfare Administration within the Department of Health, Education, and Welfare, provides support and stipends for the education and training of nurses in fields of nursing which especially concern mothers and children. These projects are at the graduate level and are operated under plans submitted by the college and approved by the Children's Bureau. Trainees participating in the project are selected by the college.

The Bureau also provides financial assistance for the operation of short-term workshops, regional conferences, institutes and seminars to improve the training of nurses in maternal and child health care.

Further information may be obtained from the Chief of Nursing Section, Division of Health Services, Children's Bureaus, Department of Health, Education, and Welfare, Washington, D.C. 20201.

VOCATIONAL EDUCATION PROGRAMS IN NURSING

Practical nurse training is federally financed under both the Vocational Education Act and the Manpower Development and Training Act through State vocational education boards. A variety of institutions offer programs enrolling more than 40,000 persons. In vocational education programs, the Federal Government may absorb as much as half of the allowable costs. Applications are made directly to the institution offering the program and a list may be obtained from the State Department of Education, Division of Vocational and Technical Education, 721 Capitol Mall, Sacramento, Calif. 95814. Under the manpower training program, the Federal Government may pay up to 90 percent of the costs. Trainees are selected by State employment services and arrangements are made through State directors of vocational and technical education.

Further inquiries about any vocational education program in nursing may be directed to the Chief of Health Occupations, Division of Vocational and Technical Education, U.S. Office of Education, Washington, D.C. 20202.

ARMED SERVICES NURSING EDUCATION PROGRAMS

The Army, Navy, and Air Force have varied programs to underwrite the education of nurses who will make a commitment for active service. All three branches conduct inservice training courses for their nurses and send selected nurses back to college for training in specialized areas. Further information may be obtained from local recruiting stations.

The Army offers four plans of assistance for students to complete or advance their nursing education. All include a monthly salary, allowances for room and board, and other benefits.

First. The 12-month diploma plan offers aid during the last year in a diploma school of nursing.

Second. The 24-month college plan gives aid for the last 2 years in a collegiate school of nursing.

Third. The 24-month plan for nurses recently graduated from diploma schools enables them to complete work toward a bachelor of science degree in nursing.

Fourth. The 12-month plan provides aid to R.N.'s who could complete a bachelor's or master's degree within a year.

In each program, 2 years of active-duty service is required for each year of educational benefits, and 3 years of service for each 2 years of education.

The Army recently initiated a program under which approximately 135 nursing students each year can receive nearly all their educational expenses for a 4-year college course. For the first 2 years, students attend an approved college or university of their choice, with the Army defraying the costs within specified limits. For the last 2 years the students transfer to the University of Maryland School of Nursing, but receive their clinical instruction at the Walter Reed Army Medical Center in Washington, D.C. Upon graduation they are obligated to serve on active duty for 3 years.

The Navy underwrites the costs of education for nursing students in the last 2 years of an accredited college course. Students incur an obligation of 2 years on active duty for 1 year of educational benefits and 3 years' service for 2 years of benefits. The Navy also sends a limited number of enlisted men and women to collegiate schools of nursing for 4 years, with all costs borne by the Navy. They receive a commission upon graduation and must serve 1 year on active duty for each year of education received.

The Air Force has no program for nursing students but provides educational benefits for Air Force nurses on active duty. Each year a selected number of nurses are sent to college to complete requirements for a bachelor's or master's degree in nursing with full financial backing from the Air Force.

VETERANS' ADMINISTRATION

The Veterans' Administration contributes to the education and training of nurses by making its facilities available to all types of schools of nursing. Additionally, regular employees of VA hospitals benefit from continuous programs of inservice education for both practical and registered nurses.

The Cold War Veterans Benefits Act, Public Law 89-358, offers educational aid to honorably discharged veterans who served on active duty for a period of more than 180 days, any part of which occurred after January 31, 1955. Information may be obtained from the Veterans' Administration Regional Office at 49 Fourth Street, San Francisco, Calif. 94103.

PENDING LEGISLATION

Bills in various stages of the legislative process would initiate new programs to encourage people to enter the nursing profession and provide facilities for their training; and improve conditions for nurses, both male and female, in the armed services. All of these bills have my active support.

SUMMARY

It is clear that the Federal Government has recognized the crisis developing from our national shortage of nurses and is taking every proper step to meet that crisis. Undoubtedly Congress will do more in the future.

But in the final analysis the force which can do most to attract new nurses into the service of mankind is the influence of those who already bear the title "R.N." Pride in their profession and their desire to share it with others can make today's nurses a powerful recruiting force.

If we in Government do our part by supporting fair salaries and working conditions, and if we continue to provide efficiently administered Government programs, the nurses of America will respond to this crisis as they have to countless others.

The preamble to the "Code for Professional Nurses" of the American Nurses Association says:

> Inherent in the code is the fundamental concept that the nurse subscribes to the democratic values to which our country is committed.

Professional nurses have faithfully lived by that code. By responding to the needs of others they have given expression to true democratic values. And in this crisis the nurses of America will respond again.

A WORLD PATENT SYSTEM—ADDRESS BY GEN. DAVID SARNOFF, CHAIRMAN OF THE BOARD OF RADIO CORP. OF AMERICA

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. YOUNGER. Mr. Speaker, Gen. David Sarnoff, chairman of the board of the Radio Corp. of America, gave a most interesting address at an award dinner of the 10th Annual Public Conference of the Patent, Trademark & Copyright Research Institute on Thursday evening, June 16, 1966, at which he received the institute's 1965 Charles F. Kettering Award in recognition of his outstanding contributions as communicator, electronics pioneer, industrial statesman, and public servant.

General Sarnoff's address on the World Patent System follows:

(NOTE.—The Kettering Award Address was given by David Sarnoff, Chairman of the Board, Radio Corporation of America, at the Award Dinner of the Tenth Annual Public Conference of The Patent, Trademark, and Copyright Research Institute on Thursday evening, June 16, 1966, at the Shoreham Hotel, Washington, D.C. General Sarnoff received the Institute's 1965 Charles F. Kettering Award in recognition of his outstanding contributions as Communicator, Electronics Pioneer, Industrial Statesman and Public Servant, and for meritorious work in Patent, Trademark, and Copyright Research and Education.)

(The introduction of David Sarnoff by Lloyd H. Elliott, president of the George Washington University, upon the occasion of the presentation of the Charles F. Kettering Award)

It is a great blessing that the word "pioneer" has not left this Nation's vocabulary. Fortunately, there are still seemingly limitless frontiers of knowledge to challenge today's pioneer, whether he be a solitary individual or a member of one of today's corporate, governmental or educational teams. As today's young pioneers struggle with new and complex frontiers, they can still be inspired by the kind of men and women who, with great heroism, brought us so well along the road of scientific and technological achievement. Such an inspiration was Dr. Charles F. Kettering, that wonderful human being whose name we honor through this annual award for Meritorious Work in Patent, Trademark and Copyright Research and Education. The George Washington University was honored to enjoy the leadership of Dr. Kettering as a founder of our Patent, Trademark and Copyright Research Institute and as a member of its Advisory Council.

From the same mold of giants comes tonight's distinguished honoree: Brigadier General David Sarnoff. We can see him in our mind's eye sitting alone at his wireless station atop Wanamaker's Store in New York that fateful night in 1912 when he received and transmitted to the world news of the sinking of the *Titanic*. We can see him soon thereafter creating corporate interest in what he called the "radio music box." The years that followed are a dramatic chronicle of communication advances that received his encouragement and direction. Today we can say he has literally colored our television lives. But, General Sarnoff, you have been more than a pioneer of technological progress: you have been one of the outstanding citizens of this Nation during more than one-half century. No scroll, and no recitation, can completely convey the salutary effect upon our national progress made evident by your dynamic corporate leadership and your unswerving devotion to the advancement of mankind.

In the light—yes, in the beam—of these achievements, as a pioneer of science and as a great man among men, The George Washington University is honored to present to you the Charles F. Kettering Award.

KETTERING AWARD ADDRESS—"A WORLD PATENT SYSTEM"

(By David Sarnoff)

I have come to Washington many times on patent matters, but this is the first time I have received a medal for doing so. I am most grateful for this distinguished award, and I am indeed honored by this association of my name with that of Charles F. Kettering.

It was my privilege to know Charles Kettering personally. I respected him as a distinguished scientist, inventor, industrialist, practical philanthropist and humanitarian. Above all, I admired him as a great American.

Boss Kettering personified the distinctive qualities of our country and its people—a spirit of enterprise and invention founded on the conviction that anything of value can be improved and that research must seek and find answers to problems impeding the flow of progress. He often said that the price of progress was trouble, but he insisted that it was not too high a price to pay.

His philosophy as well as his pioneering inventions have become part of our American heritage. One thought of his sums up the basic principle of his own life, which we share as a nation. "My interest is in the future," he said, "because I am going to spend the rest of my life there."

Although he always looked to the future, Charles Kettering was aware that the spirit of American invention and enterprise had deep roots in the past. The rights of inventors were established in Article One of the Constitution, and the Congress, in 1790, gave legal substance to those rights.

Since then, more than three million American patents have resulted from the Government's encouragement to "science and the useful arts." Taken as a group, they have contributed profoundly to America's technological, economic, military, and political leadership, and have reshaped the course of history.

The patent procedures which made possible this early flow of inventiveness were attuned to the requirements of individual artisans and inventors who worked independently on their own inventions. With their limited resources, they sought to create for a market that extended no farther than the boundaries of their region or nation, and the device or product they created could nearly always be clearly defined as their own.

Today, the character and scope of the inventive process has changed profoundly. The application of new ideas to practical uses has created new industries and stimulated the growth of old ones, giving new impetus to a growing economy.

The search for new ideas commands the resources of Government, education and private enterprise. Under the stimulus of new concepts, vast and complex facilities have been constructed and industries have grown up almost overnight. The development of new products, processes, and systems has engaged hundreds of thousands of our finest minds, and the fruits of their interlocking efforts are evident wherever civilization extends.

Against this backgorund of extraordinary technological growth, it is ironic that the very instrument designed to advance this progress has not kept pace with the progress it has stimulated. In this age of mass invention which has produced deep space probes, supersonic flight, and satellite communications, the patent structure of most nations is no longer capable of meeting the requirements imposed by technological change and economic growth.

The United States, for example, is the world leader in quantity and variety of invention, but an average of three years is still required for passage from patent application to patent issue. In some instances, both here and abroad, this time period is even longer. These delays have in some cases retarded the progress of an idea from the mind to the marketplace.

When we can transmit an idea around the world in less than one-seventh of a second, why must years elapse before that idea can be validated within or outside the country of origin? Why must an inventor still make separate application in every country where he wishes to protect his idea? Why should some countries make no provision at all for patent filings, or impose severely restrictive conditions upon the inventor?

The answers lie in the fragmented array of national patent systems, most of them working in isolation from the others. This condition inhibits the swift and equitable worldwide distribution of patent benefits—through new technology, new industry and expanded markets. The consequences are unfortunate enough in the industrialized nations, but they are even more damaging to the underdeveloped members of the world community.

As technology becomes more complex, the problem of sharing it with others becomes more difficult to solve. Today, material wealth is largely concentrated in a group of nations with only one-third of the world's population. The remaining two-thirds accounts for less than one-tenth of the world's industrial production, generates less than one-quarter of the world's energy, and produces little more than one-third of the world's food.

In the face of growing abundance induced by technology, the supreme paradox of our times is the fact that the gap between the have and have-not nations continues to widen. The imbalance obviously carries the seeds of new disorders and further violence in an uneasy world. In 87 percent of the nations classified by the World Bank as very poor—those with per capita income of less than $100 a year—there has been an average of two major outbreaks of violence per country during the last decade.

To help overcome this disturbing situation, I believe there must be a more equitable distribution of technical know-how and stronger encouragement of inventiveness in the nations that have been left behind in the wake of modern technology. True, the problem cannot be solved overnight, and it certainly will not be solved without the full cooperation of the underdeveloped nations themselves. But through an appropriate international patent structure, we can make an intellectual as well as a capital investment in these countries.

The input of know-how and ideas can be as great a stimulant to their progress as money and machinery. As Oliver Wendell Holmes said, "A man's mind stretched by a new idea can never go back to its original dimensions."

One of today's principal challenges is to design an international patent structure that can accommodate the revolutionary changes in technology and spread its benefits more evenly around the world. Through the tremendous advances that have been made in one aspect of this technology—in communications—the physical means are available to accomplish this purpose. It is now technically feasible to establish a universal patent system, utilizing the latest communications devices and concepts, to bring swiftness, order, and reasonable uniformity to the entire patent structure.

The concept of a global patent system has been proposed both here and abroad, but a combination of political and technical problems has until now prevented its achievement. Today, however, the mounting pressure of economic necessities may overcome the political obstacles. And a global patent system could now be accommodated technically in a worldwide communications service just as readily as global television, global weather reporting, and global computer services.

Hovering in synchronous orbit above the equator is the first stage of a worldwide system of high capacity communications satellites. Soon a complete system of such satellites and their ground terminals will link all points on earth with thousands of channels for simultaneous voice, data and message transmission.

A new generation of electronic data processing systems is emerging, capable of storing up to 100 million bits of information and retrieving them in fractional millionths of a second. These systems are beginning to provide central computing and reference services for subscribers scattered over large areas.

Other new electronic devices are being joined to computers to transmit, store and retrieve information by sight or sound, and by the display of words, diagrams, or pictures. It will become commonplace, for example, to speak directly over any distance to a computer and to receive the answer within seconds in either sound or sight, on a display screen or in electronically printed form.

These various systems can be combined to perform all of the technical functions for a world patent center that could receive and process applications from inventors everywhere. This center would be the focus of the world patent system, linked to all countries by high-capacity satellite communications and built around a large data-processing and information-storage system.

Incoming data on inventions, appropriately coded in the country of origin, would be compared with key data on prior patents in the same field, retrieved from the computer memory. The novelty and patentability of the idea could be determined within an infintely shorter time than is now the case—and it could be determined on a worldwide rather than simply on a national basis. In addition, the means of instant access to all data could speed immensely the comparison and adjudication of conflicting claims.

Since vast amounts of data accumulate over a short time in this area of growing invention, it has become increasingly difficult to keep track of the progress being made and the patents being issued. Therefore, the patent center also could serve as an international reference source of invention and technology. It could, upon request, provide copies of patents and distribute technical data to interested parties.

In a project of such magnitude, with its many potentialities for service, we cannot expect universal operation to begin overnight. Practical experience suggests that nations will move slowly toward the concept of a single world patent system. But it should be possible to begin applying such a concept on a limited scale among a few major patent countries, sophisticated in the use of technology and conscious of the need. Later, as its advantages became evident, other nations could join the project and its services would correspondingly expand.

Assuming that such an international agreement can be achieved, it is possible within the next several years to foresee an inventor, patent attorney or other interested party sitting in his office and submitting a patent application and the accompanying designs through a desk instrument linked by satellite to the central or regional computer of the world patent office. Should there be no problems, the inventor would be informed within a matter of days that his patent has been approved and registered in as many countries as requested.

With this transformation in the world patent process, we could expect many advantages to emerge. Among them would be:

A basic simplification of the total process. By providing quick and complete access to all of the relevant information in a patent search, the resolution of conflicting claims could be expedited. The result should be less costly and less time-consuming, and should produce a greater respect for the patent system;

The ready availability of know-how to people in all countries, through a swift and orderly system protecting the interests of inventor and user alike;

A spur to improved education in the underdeveloped nations, in order to take maximum advantage of newly available technology;

A greater incentive to intellectual investment by the governments and enterprises of the industrialized nations, leading to a climate more conducive to invention and innovation everywhere:

And, finally, a narrowing of the gap created by today's imbalance in technology between the have and have-not nations.

Certainly, there are numerous precedents for international cooperation in the distribution of ideas and knowledge. It exists, for example, in the orderly use of radio spectrum for message traffic, and in the written communication of ideas through the mails. Moreover, progress already is being made in the merging of national patent laws for common use by groups of nations, and in developing patent procedures for the non-industrialized countries.

These developments are moving forward on several continents, and through the United Nations. And, of course, two multinational organizations, the International Patent Bureau and the International Patent Institute, have long been active in the field.

Strong and imaginative steps have already been taken by the United States Patent Office to cut in half the time now required to handle patent applications. Last year, a further major advance toward modernizing our patent structure was made with the Executive Order establishing the President's Commission on the Patent System. These activities deserve the full support of all who are concerned with the problem—Government and the legal profession, science and invention, trade and industry.

The great challenge of our time is to match the capabilities of technology to the needs of humanity. A world patent system, functioning as I have suggested here, could play an important role in meeting that challenge.

In his mastery of the electron and the atom, modern man already has given us a glimpse of where technology can lead.

He has invented satellites to carry him through space and circle the globe at 24 times the speed of sound.

He has learned to walk in space around the world in approximately 90 minutes.

He has guided a satellite by remote control to a selected spot on the surface of the moon and televised its features back to earth.

With this remarkable record of achievement, and with his continuing acquisition of new knowledge, is it too much to expect that man can also find the ways and means to fulfill the elemental needs of life for everyone on this planet? Surely, there could be no greater contribution to human welfare and world peace.

REV. ELMER J. BROAD, SOUTH SAN FRANCISCO, CALIF., SPEAKS ON THE QUESTION OF COMMUNISM

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. YOUNGER. Mr. Speaker, Rev. Elmer J. Broad, a Methodist minister serving in South San Francisco, Calif., recently delivered a sermon on the question of communism which should be of interest to everyone. His sermon follows:

INTRODUCTION

There is a strong and wide spread movement among Methodist clergy calling for: Cessation of bombing of North Vietnam; reduction of military activities in South Vietnam to achieve a cease fire; and, a declaration necessity to negotiate with the opposing forces.

This program has peace as its motive, and presumes that:

1. If America were willing and would stop opposing the Communists, they would stop trying to conquer the world.

2. It presumes that only a few of the leaders are Communists, that the rank and file are not.

3. It perpetuates an ancient and pagan belief that any kind of life, however bad, is better than death.

It is my belief that the events of history emphatically deny that these assumptions are true.

I

In the first place, *is* any kind of life better than death?

This no doubt *is* true among groups of people who have no concept of the importance of the soul and spirit of Man. For such people, the material world is all there is to existence. When the TV breaks down, that's the end of the worth while life. When the body dies, that is the end of existence. However, in colonial America, large numbers of people thought they had to have a chance to chart their own course, free of the paternalism and despotism of a far away king. Their sacrifice in blood and treasure is our heritage today.

America of a later generation went a step farther. In the civil war, free men said that all men should be free, and they staked their life on the truth of their belief.

The Monroe Doctrine has told the world that America would stand between the new nations of the Americas and the imperial nations of Europe—which could only mean risking our life for the sake of the freedom of others.

It would be presumptuous indeed to assume that only America has a high regard for the soul and spirit of man, and it would not be true to the facts of history.

Take a look at what is happening in Europe since the end of World War II, thousands of East Germans have found life in East Germany so intolerable that they have abandoned all property and gambled their life on a chance to escape, and many have died in the attempt.

Every communist nation has been turned into a gigantic prison camp—they aren't trying to keep out a big rush of other peoples who want to enjoy the workers' paradise—they are trying to keep inside, like so many millions of criminals, thousands of people who find the workers' paradise insufferable.

When workmen are sent to repair the barricades, guards are sent along, not to protect them, but to prevent them from trying to escape. Other guards, in a different command, are also sent along—not to back up and relieve the first guards, but to keep *them* from trying to escape—the prison guards want out as much as do the prisoners.

Take a look at China—Last year, 1000 Chinese every month managed to escape from Red China. They escaped to Hong Kong, where there was no food for them, no work for them, no housing for them. And yet, it was better, so much better than staying in their home land. And we have this ridiculous situation developing—Hong Kong has entered into an agreement with Red China to lease the "New Territories" (actual Red China Property) that farmers who have escaped from China may have land to farm!!!

Everywhere the flood continues, from North Korea to South Korea, from Cuba to the United States, from Tibet to Nepal. These last people have fled from the liberating Chinese in such large numbers that they have built a completely new and previously nonexistent city in the land of Nepal. Everywhere there is a flood of humanity leaving everything behind and risking life itself in an effort to remain free men.

When Vietnam was partitioned in 1954, 860,000 North Vietnamese, about 7% of the population, fled to the South. In South Vietnam 700,000 peasants, about 5% of the population, have fled from the liberating Viet Cong; they have fled into the coastal cities behind the fortifications of the government and Americans. Week by week we receive news of more villages in South Vietnam burned to the ground by the Viet Cong. The target of Viet Cong has never been the government troops; it has always been the villages: Before the Americans took to the field, the Viet Cong hid in concrete bunkers during the day, safe from the government troops who couldn't find them; at night they came out to murder, steal and impress. Since Americans have destroyed their bunkers, they have been forced to fight soldiers. The past acts of the Viet Cong are an indictment of them that we cannot ignore if we are to consider the problem at all.

II

Is it true that only a few of the top leaders are communist, that the bulk of the troops and the people are not? We didn't believe that about the Nazi! We realized that Hitler and his high command MUST have been insane, but we never, in our wildest imaginings, believed that they could have done all the things we know they did. We knew that, somehow, they managed to hypnotize hundreds of thousands of other Germans into doing the terrible things of which the Nazi Party was guilty. We knew it, and it was only reasonable to believe it because millions of atrocities required hundreds of thousands of low rank individuals, lieutenants, sergeants, corporals and privates, to carry them out.

If we don't believe the Nazi leaders could be everywhere at the same time, why are we willing to believe the Communist leaders are super men? Or is it that we don't believe that the Communists *are* committing atrocities. If we are to believe that they are not, we are obliged to disbelieve everyone who has been in contact with them, except the Communists themselves!

About three years ago, a group of American clergymen came out of South Vietnam reporting that they had verified the murder, by the Viet Cong, of 4000 village mayors, police chiefs and other village chiefs whose crime was that they had refused to try to convince folks to help the Viet Cong. During 1965, these murders continued at the rate of 120 per month—every day that you live here safely behind American soldiers, four village chiefs are murdered for the sake of free choice. The government of South Vietnam estimates that the total to date is 10,000. Now, these were only the chiefs; it says nothing about the villagers themselves!

Every month or so, Christian missionaries call for aid. A typical situation is a village of Christians who had moved to the mountains to avoid the war. They have been hunted down and rooted out and pursued. Some have escaped to the south to areas controlled by the anticommunists. But they are forced, by the population pressure, to move to a jungle area. As a result, they can't farm. The missionaries need bulldozers to help them clear a farm area. How many are killed, how many die from the hardships? We don't know. This sort of thing is one of the reasons that the Saigon government won't talk with the Viet Cong. Of course, all this is hearsay, and I don't have to believe it if I want to believe only what the Communists have to say. But I *must* believe what *I* saw and what *I* learned from the people of Korea.

To begin at the beginning of the story as I know it, I was in a school of intelligence officers in January 1950, learning what the Communists had lined up against South Korea: tanks, cannon, jet aircraft, and all the rest of a modern army's equipment. We went on the assumption, which proved to be correct, that the South Koreans would have to oppose them with hand guns and shoulder weapons. From this assumption, we calculated the Communist jump-off date, and missed by only a couple of days. This wasn't really so wonderful—nature gave us the clue: the monsoons hit that part of the world like swallows returning to Capistrano: They would want time to sweep the country before the monsoons, but they would want the storms to hit before counterattacks could be launched. Well, a miracle of God occurred: the monsoons were late so we were able to establish the Pusan perimeter as a beach head from which to launch the counterattacks after the storms ended.

Because the South Koreans had nothing with which to oppose the Communists, there wasn't much evidence of warfare in the areas I visited on that first trip north. But a strange sight greeted me in every small village I saw: One building in the center of town was destroyed. It turned out that the Communists had taken time out to capture the Christian Church Roll, hunt down and murder the young men, destroy the church. After we had established some order in South Korea, women, children and old men began drifting back from the mountains, to rebuild their church. Very few young men were to be seen among the workers rebuilding the churches.

This is pretty much the same pattern as that established by the Soviets in Europe, so look out. They are pledged to wipe out the middle class, to destroy America and to desolate the Christian church. 1, 2, 3 strikes and this congregation is *out* if the Communists should succeed in liberating America!

III

Is it true that the Communists would give up their drive for world domination if America and the other nations of the world should stop opposing them? There's only one way of making an intelligent guess at that answer—take a look at history to see what has gone on in the past and project that to the future. That's not necessarily the way it would go, but the chances of being correct are a lot better than if we say the future will be completely different from the past! !

In the twelfth century, the very small duchy of Moscow started on the road to world conquest. In those days, the Mongals were in control of that part of the world; the dukes of Moscow were able to use the Mongal overlords to destroy some of Moscow's neighbors, and then they added those territories to the duchy. After 200 or 300 years, Moscow was strong enough to drive out the Mongals and continue the drive on its own. The drive continued until Moscow became Russia, Russia became the Russian Empire, and then a revolution changed the Russian Empire into the Soviet Empire. All of this was done by force of arms, never by invitation to join the Empire. In the west, they took the Baltic states and stopped at the Baltic Sea. A little to the north they ran into the Finns who stopped them cold. A little to the south they were stopped by the French, British and Americans. In the east, they were stopped by the Japanese in the 19th century. And in the south they were stopped by the Turks and the British in the 19th century.

The history of the Russian Empire has continued uninterrupted by the Soviet Union. Expansion has stopped once in a while as one state or another became strong enough to stop them or to roll them back, but relentlessly they push on until now they are surrounded by imperialistic nations looking for their down fall (that is to say, surrounded by nations which so far have been able to resist them). But this does not mean that they are finished trying.

In World War II we saved the Soviet Union from the Germans and then they looted East Germany. After that they began the attempt to take over Berlin. This didn't reach the point of war, but why? Because the West didn't oppose them? Hardly! Every time they increased the threat of force, Britain, France and the U.S. increased their opposition. This is about the time the Soviets began using the people of the nations they wanted to conquer—popular uprisings they were called from then on. Success of their armies, or defeat of their armies, these are the things which have stopped the Muscovite advances in the past 800 years. What's in the future for us?

The Soviets have brought out Lenin's body and put it on public display again. Why? The obvious explanation is that they are going to start emphasizing his teachings again. One of his most important is contained in this quote: "The Communist and the non-communist worlds cannot exist side by side, one or the other must die. In the ensuing conflict, what does it matter if three-fourths of the world is destroyed, so long as the remaining fourth is Communist?" It is very foolish indeed for us to think that they are lying about this when everything they have done for the last 800 years indicates that they really do mean what they are telling us.

Are the Chinese Communists a different breed? What stopped them in Korea? Nothing short of the destruction of their army in being, and the destruction of their hopes for an army during the following ten years—the inexhaustible manpower of China had been destroyed. What happened in Tibet? What stopped them there? Nothing but the destruction of the Tibetan ability to resist! What stopped them in India? The high mountains: Their soldiers get sick and die up there in the Tibetan mountains as they try to cross over into India. What stopped them in Indonesia? The army jumped before the Communists were ready. What stopped them in Brazil? Christian women nipped it in the bud—stopped it before it could get started.

With all this history behind us, why do we think the future will be different? The Chinese have not said that it will be. In fact, they've announced their time table! Vietnam is the first link in the ancient invasion route to India: it's easier to go around the mountains than to go over them. The Indians take this seriously, they are building their army for the specific and expressed purpose of opposing the Chinese. This is in sharp contrast to their former attitude toward the U.S. For years they have been castigating the U.S. for opposing the Chinese. The Australians take it seriously; they have a large force in Vietnam. The Koreans are taking them seriously. With all these neighbors taking the Chinese seriously, why shouldn't we?

IV

One last point needs to be considered today: Is this an invasion, or is it a civil war? In December 1961, before the rapid build up of American forces, the government published an estimate which put the North Vietnam regular forces in South Vietnam at 50% of the total anti-government forces. Almost immediately, Hanoi stated the correct figure was 75%. There is no doubt that the figure is considerably higher now. Defection from both the Viet Cong and the North Vietnamese regular units is on the increase. This is so for several reasons; one of them is that, as the U.S. and the government show an increasing willingness and ability to defeat the Communists, larger numbers of the impressed (South Vietnamese drafted by the Communists), and larger numbers of the Northern regulars, dare to go over to the anti-Communists.

Some recently published figures from the opponents of our policy in Vietnam indicate that the goverment forces of South Vietnam are less than 300,000. Other sources claim that the South Vietnam forces are 700,000, with about 95% of them being volunteers.

Further more, during the recent civil unrest, while the various factions expressed both dissatisfaction with each other and an inability to agree, as well as dissatisfaction with the government, all of the leaders seemed in agreement on two points: (1) The Americans must not go home, and (2) The Communists must not be allowed to take control of South Vietnam.

IN CONCLUSION

We are being asked by many people, including a few Methodist clergymen, to (1) stop bombing North Vietnam, (2) Reduce our activities in South Vietnam, (3) Offer to talk peace.

Considering the problem from the point of view of history, during the last 800 years, and the contemporary activities of both China and the Soviet Union, would these actions on our part lead to peaceful selfdetermination in South Vietnam? I believe not!

Stopping the bombing of North Vietnam would lead to greater quantities of munitions and larger numbers of intact military units reaching South Vietnam, all of which could then be available for use against the bodies of anticommunist men, as well as women and children.

In recent history, both China and the Soviet Union have declared their intention to destroy America and to control the world. A reduction of American armed forces in the South could not lead to a general reduction of military activity in South Vietnam, but only to a reduction in anticommunist activity. In history, neither China nor Russia have ever stopped a military adventure short of their own victory or defeat. If there were one exception, we might have hope, but we have no hope. For this reason, a reduction in anticommunist activity can lead only to a Communist victory. If they achieve that victory, from the evidence of history, we can expect to see the murder of everyone who has opposed them, and of every Christian they can lay their hands on.

Calling on our government to negotiate ignores two facts well known to everybody. It ignores our government's continuous pleas for unconditional talks. And it ignores the fact that if the invaders from the North were to withdraw, there would be no more war—the Viet Cong have been deserting in large numbers, and the numbers will increase once the North Vietnamese aren't there to keep them in line.—E. JACK BROAD.

TAX DEDUCTION FOR TEACHERS TO FURTHER THEIR EDUCATION

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. BOLTON. Mr. Speaker, I am introducing a bill today to permit teachers to continue deducting from income taxes those expenses incurred in course work or certain educational travel to improve their competency in their profession.

The passage of my bill, or similar legislation, would have the effect of reinstating an Internal Revenue Service policy that from 1958 to July 7 of this year permitted teachers to make such deductions. Proposed IRS regulations that will go into effect next January would no longer permit this deduction. To me this announcement by the Internal Revenue Service which makes this bill necessary is beyond comprehension.

Teachers who largely spend their own money for training should be encouraged in every way possible to increase constantly their knowledge which in turn is imparted to our youth. It is imperative that they be given every incentive to gain knowledge of new techniques and rapidly increasing and developing subject matters.

Business deductions are permitted generously for most expenses and I know of no more important business than that of training and developing the thinking of America's youth. Good teachers are one of this Nation's most important needs in order to attain educational excellence. The Congress must do what it can to encourage those in the teaching profession, and I am hopeful that prompt action will be forthcoming on this legislation.

AMERICAN FARM BUREAU FEDERATION RESOLVES AGAINST CONTINUATION OF LONG-TERM COTTON TEXTILE ARRANGEMENT

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, international trade in cotton textiles is of great importance to developing countries which count on being able to export it in order to earn hard currencies to pay for their imports.

Some of the largest foreign producers of textiles use U.S. cotton. They buy raw cotton in the United States in hope that they will be able to sell at least some of it back to us, in manufactured form. And with the money they make from these dollar sales, they are able to buy more U.S. products.

For these reasons the unusual program of quotas on imports of developing nations cotton textiles restricts trade. At the same time it damages markets for U.S. cotton, and it damages U.S. relationships with emerging nations.

The American Farm Bureau Federation has taken the uneconomic effects of the long-term arrangement—LTA—regarding trade in cotton textiles into consideration. In a declaration of policy expressed in a September 14 letter to the President's Special Representative for Trade Negotiations, Governor Herter, Farm Bureau President Shuman stated the bureau's formal opposition to the LTA, asking that it be terminated.

In the same resolution, the bureau expressed its opposition to a continuation of the agriculture negotions now in progress until the EEC agrees to present meaningful offers. Until that time, the bureau said, industrial and agricultural offers should be withdrawn. In light of the seeming inability of EEC to make satisfactory agriculture offers, this position would seem at present to be in the national interest, and is consistent with the Trade Expansion Act, and with stated U.S. policy.

With unanimous consent the September 14 letter of Charles B. Shuman and the bureau policy statement above referred to follow:

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., September 14, 1966.

Hon. CHRISTIAN A. HERTER,
Special Representative for Trade Negotiations, Executive Office of the President, Washington, D.C.

DEAR GOVERNOR HERTER: The Farm Bureau has given extensive consideration to the present situation with respect to current trade negotiations—especially as they relate to the European Economic Community. The enclosed policy statement was adopted by the Board of Directors of the American Farm Bureau Federation on September 13, 1966.

We believe that it is imperative for the United States to take prompt and decisive action if we are to protect the best interests of American agriculture and the United States as a whole.

Very truly yours,
CHARLES B. SHUMAN, *President.*

POSITION ON CURRENT TRADE NEGOTIATIONS

The American Farm Bureau Federation has supported trade negotiations designed to reduce trade restrictions and expand world trade.

For the current trade negotiations to be effective, the members of the European Economic Community must understand that they cannot obtain industrial concessions from the United States unless they are prepared to make agricultural concessions to the United States. This has been the stated position of the U.S. Government and is required by the Trade Expansion Act of 1962.

Unofficial reports indicate that the agricultural offers made by the European Economic Community are, in fact, trade restrictive and do not provide a basis for meaningful negotiations. Acceptance of this offer would—

Reduce substantially the U.S. export potential to the European Economic Community.

Limit significantly the ability of U.S. agriculture to increase further its contribution to U. S. export earnings and to a solution of the U. S. balance of payments problem.

Provide international approval to the trade restrictive policies and procedures of the European Economic Community.

Encourage the establishment of international commodity agreements which would be destructive of the best interests of world agricultural trade and U. S. farmers.

Farm Bureau recommends:

1. Withdrawal of U. S. industrial and agricultural trade negotiation offers which should not be resubmitted until the E.E.C. agrees to present meaningful offers.
2. Initiation of trade negotiations with other trading partners toward the reduction of trade restrictions, excluding E.E.C. countries from the benefits thereof.
3. Immediate announcement that the U. S. will not agree to further extensions of the International Wheat Agreement.
4. Termination of the international long-term textile agreement and all bilateral agreements initiated thereunder.

EUROPEAN INDUSTRY VIEWS EUROPEAN COMMUNITY'S AGRICULTURAL POLICY

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, I would like to call attention to an article on page 4 of the Agriculture Department's publication Foreign Agriculture for September 12, 1966. It summarizes an article by the counselor of the Federation of Belgian Industries, who spoke on behalf of the European industry in saying that the European Economic Community common agricultural policy should not stimulate overproduction:

Agriculture overproduction and insufficient industry diversification are among the economic vices of developing countries; Europe can do better.

The Belgian industrialist suggested that instead of reorienting European farmers from one branch of agriculture to another, the community should consider whether to orient them immediately toward industry and services.

With unanimous consent the article follows:

A BELGIAN INDUSTRIALIST'S VIEW OF THE EEC'S COMMON FARM POLICY

A prominent Belgian industrialist has raised some pointed questions about the protectionist trend of the European Economic Community's Common Agricultural Policy.

Writing in the Summer 1966 issue of *Revue française de l'agriculture* (published by the French Ministry of Agriculture), Xavier de Crombrugghe, counselor of the Federation of Belgian Industries, said, "Industry considers agriculture to be a partner in economic life, eligible for both the advantages and the disciplines of European integration." Thus, he remarks, the idea of the CAP has the support of European industry; but the machinery by which that policy would be carried out has aroused some apprehension among Europe's industrial circles.

The questions the author feels are of most concern to Europe's industry as it contemplates the emerging CAP are these: "How can we avoid agricultural overproduction, poor distribution of the working population, rising inflation, and a cost "squeeze" for the processing industries; and—most crucial of all—how can we contribute to the normalization of world trade?"

SURPLUS PRODUCTION, SURPLUS FARMERS?

M. de Crombrugghe, taking the common EEC grain price for his example, pointed out that eventually most of the Community's production will come from regions where the guaranteed Community-wide prices are higher than the previous national prices and where farmers will naturally tend to increase their output. If the common price—and the price-fixing authority—cannot respond flexibly to the demand situation, the result will be excessive grain production.

Among the possible solutions to the problem of grain surpluses, M. de Crombrugghe mentioned that of encouraging farmers to shift more toward beef production. But, he added, "We might ask ourselves whether, instead of reorienting farmers from one branch of agriculture toward another that perhaps might in the long run develop overproduction too, it might not be better to orient them immediately toward an industrial occupation or toward other 'services'—public or private.

"Agricultural overproduction and insufficient industrial diversification are among the economic vices of developing countries; Europe can do better."

PROBLEMS FOR PURCHASERS OF EEC FARM PRODUCTS

"Everyone realizes the inevitably inflationary effect of a rise in agricultural prices," the author commented, "with its impact on the competitiveness of all sectors of the economy as far as third countries are concerned." He stressed the especially difficult position of the processing industries, customers for half the Community's agricultural output in terms of value. They are squeezed tight between the higher cost of their raw materials and the difficulty of passing those costs on to purchasers of their products because their prices are kept down by government cost-of-living controls and the need of competing with third-country industries.

"The food processing industry in all its stages," he remarked, "is so important in increasing the value and facilitating the export of farm products that its expansion or contraction has an immediate impact on the welfare of the farmer." If prices are to be guaranteed for agricultural raw materials, he felt measures should be taken to neutralize their effect on the processing industry.

PROBLEMS OF RELATIONS WITH THIRD COUNTRIES

According to the author, European industry joins the Community's traditional suppliers—the United States in particular—in deploring some of the excesses of the EEC variable levy system. Necessary as industry feels the system itself to be, its inflexibility can endanger the EEC's cost of living "as well as (or as badly as)" its negotiating position in the Kennedy Round. Retaliation can penalize EEC industrial products; and if the farm commodities of third countries are rejected by the Community, they will compete with those of the Community in the markets of other countries.

MEDICARE: HELPS PEOPLE?

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, medicare—the Medicare Act, Public Law 89-97—was supposed to help people.

In my statement found at pages 11140-11141 of the CONGRESSIONAL RECORD of May 23, 1966, on my bill H.R. 15213, I pointed out the serious deficiency created by this law with respect to medical tax deductions for people over 65.

Other problems have also been raised. One has to do with the reimbursement formula with respect to nursing homes.

An analysis of this problem is set forth by Irwin R. Karassik, Esq., of the New York bar in the September 1966 issue of Nursing Home News published by the New York State Nursing Home Association, Inc.

The analysis follows:

SUPPLEMENTARY PAYMENTS: A PROPOSED SOLUTION TO MEDICARE'S REIMBURSEMENT PROBLEMS

(By Irwin R. Karassik, Esq.)

The reimbursement formula promulgated by the Social Security Administration under Medicare threatens the very existence of most nursing homes. It makes no provision for a return on invested capital or for the payment of a profit to providers of services. It fails to compensate the proprietary facility, and many nonprofit facilities which rely on institutional financing, for the cost of devoting capital to nursing home construction and operation. The principles of reimbursement purport to pay providers of services the "reasonable cost" of such services. It is questionable whether they succeed in even doing this.

Under the present Principles of Reimbursement there is no economic incentive for proprietary institutions, and many nonprofits, to participate in the Medicare program. Since 82 per cent of the country's nursing home beds are proprietary in nature, our senior citizens could be deprived of access under the program to much needed extended care facilities.

There are many things which could be done to amend the Medicare Act and the Principles of Reimbursement in order to assure participation in the program by all qualified nursing homes. The problem, however, seems to be one of money. The cost of the Title XVIII (Health Insurance for the Aged: "Medicare") and Title XIX (Grants to States for Medical Assistance Programs: "Medicaid") Amendments of 1965 to the Social Security Act appear to be exceeding by far even the most conservative official estimates. The pressure, therefore, is to resist any change that would tend to increase the cost of the government's health programs.

There is a technique available, however, that would provide a solution to this problem, either as a stop-gap, or a permanent measure. It would allow the patient, under certain circumstances, to supplement the government's payment to providers. While providing an increment above cost to the provider of services, it would cost the government nothing. Experience also indicates that the purchasing public favors this device.

The Medicare Act (Public Law 89-97) prohibits all types of supplementation (Section 1861(w)), except those specifically authorized by the Act, such as the provisions relating to private accommodations, deductibles, and coinsurance.

The Act only authorizes payment for semi-private accommodations (Section 1861(v)(2)), which are defined as two-bed, three-bed, or four-bed rooms (Section 1861(v)(4)), unless private accommodations are required for medical reasons. If an individual requests and receives a private room, he may be charged the difference between the amount customarily charged for private accommodations (Section 1866(a)(2)(B)). In fact, the Act permits supplementary payments for *all* "items or services which are in excess of or more expensive than the items or services with respect to which payment may be made" under the Act. In all such cases the amount which the provider may charge can not exceed the difference between its customary charge for the more expensive item or service and its customary charge for the item or service for which the Act will pay. It should be noted that this form of supplementary payment speaks in terms of the provider's *charges*, while the Principles of Reimbursement are predicated upon *costs*.

Other forms of supplementation are to be found in the coinsurance and deductible provisions of both Part A and Part B of the Act. Under Part A, for hospital coverage, there is a $40 deductible, and coinsurance of $10 per day from the 61st to 90th day; for extended care facility coverage there is coinsurance of $5 per day from the 21st to 100th day. Under Part B, for medical coverage, there is a $50 deductible, and coinsurance of 20% of reasonable charges by participating physicians.

Many established prepayment agencies base their payment upon charges and permit supplementation in the form of deductibles and coinsurance. Also of significance is the fact that eighteen state welfare agencies permit supplementation of the welfare rate by the patient or his sponsor (Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Iowa, Louisiana, Maine, Mississippi, Missouri, Nevada, Oklahoma, South Carolina, Tennessee, Texas, and Utah.)

The argument most frequently advanced in opposition to supplementation of state welfare rates by the patient or his sponsor, is that this practice tends to cause state agencies to depress their rates, pay less than full costs, and pass on greater burdens to the consuming public. This argument, however, loses its validity where the welfare agency pays the provider its full costs, and the technique of supplementation could then be utilized to compensate the provider for the difference between its cost and its customary charge.

Since Medicare will pay providers only their "reasonable costs," an amendment to the Act which would permit supplementation for two-bed and three-bed accommodations, as well as private accommodations, would provide proprietary and many nonprofit nursing homes with an increment over costs to pay their mortgages. Our experience in New York City indicates that the public is willing to make supplementary payments for more desirable accommodations. But this is only a partial solution. The complete answer would be to permit providers to be compensated on a basis similar to that employed to pay physicians under Part B of Medicare where, after a $50 deductible, 80% of the physician's reasonable charges are paid by the government, and 20% by the patient. The government could continue to pay reasonable costs to providers of nursing home services, and permit supplemention up to their reasonable charges.

More significant problems exist under Title XIX. The Medicaid Act only requires payment of reasonable costs for inpatient hospital services, and not for nursing home services (Section 1902(a)(13)). Accordingly, some states will continue to fix rates for nursing home services by negotiation. In most States this has historically meant a rate below reasonable costs.

The Medicaid Act should be amended to require the States to pay no less than reasonable cost to providers of nursing home services. The definition of "reasonable cost" should include the "cost" of capital, i.e., the cost of devoting capital to nursing home use, rather than an alternative productive use.

Provisions for supplementary payments should then be made to conform with the Medicare Act. Since Medicaid is intended to benefit the medically indigent, the Welfare agencies should make supplementary payments in an amount equal to the difference between reasonable costs and customary charges for larger than three-bed accommodations. Supplementary payments by the patient, his family, or his sponsor, should then be permitted where more desirable accommodations have been requested by them.

The principle of supplementary payments provides a relatively simple expedient for solving some of the reimbursement problems raised by the Title XVIII and XIX programs. While it is not the preferred solution, it is a step in the right direction. Its expansion would not add to the cost of these programs, and would enable proprietary and many nonprofit nursing home facilities, which otherwise could not participate, to lend their talents and facilities to the success of these most important health programs.

THE PRODIGAL DEPARTMENT

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, while the big spender, the Federal Government here in Washington, pleads with housewives to buy more judiciously, importunes labor to forgo wage increases, and cajoles business into forgetting about price increases, one Federal Department, Agriculture, continues on its merry way squandering the citizens' tax dollars.

Luckily, some restraint has at least temporarily been placed on this latest program.

The following editorial from the Chicago Tribune of September 19, 1966, provides the details:

EMPIRE SABOTAGED

Secretary of Agriculture Freeman had defended the proposed expansion of his department's rural anti-poverty program as a move to put industry in the countryside "so that meadow larks will fly over manufacturing plants and the call of the whippoorwill will blend with the cry of the factory whistle." But Congress now apparently has put an effective damper on all this poetic nonsense by refusing to sanction what some Democrats as well as Republicans called an attempt at empire building thru the rural community development service.

The service was set up early in 1965 with eight employes and a $90,000 budget. Earlier this year its administrator, Robert G. Lewis, sought congressional approval to expand to 2,492 employes with a budget of $3,468,000. But even before that, Freeman, impatient to get the empire going, drafted a memorandum enabling the service to siphon personnel and money from other branches of his department, so that it now is operating with 75 employes in Washington and many more in nine state offices.

The idea was to set up field offices in all 50 states where people in small towns and rural communities could go to find out how to tap the federal till for housing, water systems, conservation practices, small business loans, job training, medicare, social security—in fact, the whole array of welfare projects connected with the agriculture department's rural areas development program.

The Senate had approved 2.5 million dollars for the service, but a joint Senate-House conference report cut the appropriation back to the current $637,000. Meanwhile, because of lack of votes, the House agriculture committee failed to take scheduled action on the rural community development act, which would have created new regional agencies to coordinate federal activities in rural areas.

The expanded agency would have duplicated most, if not all, of the activities of other federal agencies already in existence and would have put an unneeded burden on already overburdened taxpayers. It is just as well that the meadow larks and whippoorwills are to be left to their natural devices. Their cries will blend, if not with factory whistles, with the plaintive pleas of a host of rural burocrats who will have to find other ways to stay on the public payroll.

DATA ON SUIT AGAINST HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the case of Krebs against ASHBROOK should become a landmark case and it will indicate the degree to which the courts still respect the separation of powers which is imperative to the proper operation of the legislative process. The plaintiffs represent a new breed of the left who are attacking the House Committee on Un-American Activities. Up to now there has been a trend whereby we first saw witnesses taking the fifth amendment in their refusal to cooperate with our legislative inquiries. They then took the step of rioting and endeavoring to break up our hearings or force us to stay in Washington. The most notable example of this approach was the 1960 San Francisco riots.

Now we see the next phase of their continuing fight against the bulwark of anti-Communist effort, the House Committee on Un-American Activities. In Chicago, Dr. Jeremiah Stammler strode out of our hearing room, refusing to be sworn and thereby hoping to bring the question of the constitutionality of the House Committee on Un-American Activities to ultimate focus once more before what they hope to be a more liberal Supreme Court. In the recent hearings on the Pool-Ashbrook bill, Dr. Allen Krebs in an action in Federal court sought to have our hearings quashed on the specious grounds that we were an unconstitutional committee.

In a mischievous decision, District Judge Corcoran gave them temporary comfort but the court of appeals quickly and property set aside his revolutionary edict.

The basic pleadings in question are quite interesting and provide an intelligent framework for those who are closely following this direct attack on not only the House Committee on Un-American Activities but the legislative process. I am including them with these remarks. They are plaintiff's trial memorandum, the temporary restraining order, and the Government's answer to plaintiff's motion for preliminary injunction:

[U.S. District Court for the District of Columbia—Civil No. 2157—1966]

DR. ALLEN M. KREBS, ET AL., PLAINTIFF, *v.* JOHN M. ASHBROOK, ET AL., DEFENDANTS

PLAINTIFFS' TRIAL MEMORANDUM

This is an action for temporary and permanent injunctive relief declaring void the mandate of the Committee on Un-American Activities of the House of Representatives of the United States Congress because it is in conflict of the provisions of the United States Constitution on the grounds, among others set forth in the Complaint, that it is in violation of the 1st Amendment, that it is overly broad and vague, that it violates the due process clause of the 5th Amendment, that it violates the privacy of citizens under the 1st, 4th, 9th and 10th Amendments, that the Committee has no legitimate legislative function, that it operates as a bill of attainder, and that the mere existence of this Committee creates such a chilling effect upon the lives and emotions of hundreds of thousands of citizens and residents of this country that they are deterred and inhibited in the free exercise of the rights guaranteed by the 1st Amendment.

Plaintiffs' have been subpoenaed to appear before a session of this Committee now pending and in progress and they will momentarily be called to testify. Unless this Court acts swiftly, the plaintiffs or some of them may very well have been compelled under threat of criminal prosecution for contempt of the Committee to have appeared and been held up to public obloquy and ridicule and otherwise been deprived of their rights and privileges by the Committee.

Now, before this three-judge Court certified by the District Court are plaintiffs' motion to quash the subpoenaes, to declare the process of the Committee void, to enjoin the current hearings before the Committee, to restrain prosecution for alleged violations of any process of the Committee, and to declare the entire mandate of the Committee void.

Plaintiffs expect to limit their proof altogether upon this combined hearing for temporary and permanent injunctive relief to a single issue of irreparable harm which plaintiffs are suffering and will continue to suffer unless the relief here sought is granted.

Plaintiffs have not, of course, seen any answer to the Complaint or any pleading or motion by defendants responsive to the Complaint other than their unsuccessful efforts to defeat the convening of the three-judge Court. Plaintiffs cannot imagine, however, that defendant will even attempt to raise any issue of fact other than to deny injury to plaintiffs and the irreparability thereof.

The function of this memorandum is not to be an exhaustive recital of law or argument of principle, but merely to serve as a convenient guide to the Court in receiving plaintiffs' evidence.

At this stage, it is not likely that defendants will once again attack the sufficiency of the Complaint which has been passed upon necessarily in the convening of this Court. Plaintiffs anticipate, therefore, that they will address their major effort to the injury issue.

First of all, plaintiffs ask the Court to take notice as judges of that which they must know as men, that he who is compelled unwillingly to leave his home to travel to a strange city, to await the ordeal of testimony before a body notorious for its high-handed treatment of "unfriendly witnesses" (*U.S.* v. *Grumman,* 227 F Supp. 227, 234 (D.C. 1964)) has suffered and continues to suffer injury as a matter of law.

We also urge that such injury is necessarily irreparable for who can return the time lost, the anguish suffered? Additionally, we shall establish that the issuance of subpoenaes, the publicity attendant thereon and the atmosphere in which hearings of the House Committee on Un-American Activities are conducted subject the party to such psychological pressure that inevitably he is deterred from that full and free exercise of the basic rights of expression and communication contemplated by the 1st Amendment that it follows that this Court must find that chilling effect proscribed by *Dombrowski* v. *Pfister,* 380 U.S. 479 (1965).

Testimony will be adduced from the members of the Committee, from its files and from other sources to lay before this Court, the infamous history and practices of the Committee over nearly three decades. We shall show the horror visited upon innocent people by the illegal practice (still in vogue in the chambers of this Committee) of exposure for the sake of exposure.

The Court will be convinced that the House Commitee on Un-American Activities is an instrument of oppression and suppression and he who is singled out for investigation by the Committee is inevitably and irreparably injured.

Plaintiffs respectfully move that the temporary and permanent injunctions requested herein be granted and that the plaintiffs be afforded the opportunity to submit to this Court such additional memorandum as the Court may require.

Respectfully submitted.

ALLEN M. KREBS,
WALTER D. TEAGUE III,
By WILLIAM M. KUNSTLER,
Counsel.

Counsel for plaintiffs: William M. Kunstler, 12 10th Street NE., Washington, D.C., John de J. Pemberton, Jr., American Civil Liberties Union, 156 Fifth Avenue, New York, New York 10010; Arthur Kinoy, 511 Fifth

Avenue, New York, New York; Jeremiah S. Gutman, 363 Seventh Avenue, New York, New York; Henry M. Di Suvero, c/o New York Civil Liberties Union, New York, N.Y 10010; Beverly Axelrod, 345 Franklin Street, San Francisco, California.

Of counsel: Robert L. Ackerly, 1625 K Street NW., Washington, D.C.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing pleading was hand delivered to the Office of David Bress, United States Attorney for the District of Columbia, United States Court House, Washington, D.C., on this the 17th day of August, 1966.

WILLIAM M. KUNSTLER.

[U.S. District Court for the District of Columbia, C.A. 2157–1966]

DR. ALLEN M. KREBS, ET AL., PLAINTIFFS, *v.* JOHN M. ASHBROOK, ET AL., DEFENDANTS

TEMPORARY RESTRAINING ORDER

Upon the verified complaint, the motion for a three judge court, the affidavits of Walter Teague, 3d and Allen Krebs, both duly sworn to August 14, 1966, and upon all the papers herein it is ordered that

The defendants and each of them be, and they hereby are, personally and through their agents, servants, employees and attorneys restrained and enjoined from proceeding with the hearings of the House Un-American Activities Committee scheduled for August 16, 1966, and from enforcing against the plaintiffs or either of them, or against any other persons subpoenaed to said hearings, any subpoena or other process returnable before them until the further order of this court or of the three judge statutory court to be convened herein.

H. F. CORCORAN,
U.S. District Judge.

WASHINGTON, D.C., *August 15th, 1966.*
Issued at 5:15 p.m.

[U.S. District Court for the District of Columbia, civil action No. 2157–66]

DR. ALLEN M. KREBS, ET AL., PLAINTIFFS, *v.* JOHN M. ASHBROOK, ET AL., DEFENDANTS

MOTION TO DISMISS AND TO STRIKE CERTAIN ALLEGATIONS OF THE COMPLAINT AND PLAINTIFFS' AFFIDAVITS—DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Comes now the United States Attorney in and for the District of Columbia in behalf of the defendant-members of the House Un-American Activities Committee and respectfully moves this Court to dismiss the complaint for the following reasons:

1. There exists no justicable case or controversy; and
2. The attack upon the constitutionality of Rule XI of the Rules of the House of Representatives (Legislative Reorganization Act of 1946; 60 Stat. 812, 828) is clearly frivolous.

In addition, the defendants, by and through their counsel, for the reasons stated in their supporting memorandum, move the Court to strike the conclusory allegations contained in paragraphs 10, 12 and 13 of the complaint and those contained in paragraphs 4 and 5 of each of the plaintiffs' affidavits.

The defendants file herewith their memorandum of points and authorities in support of their motions and adopt said memorandum as their opposition to plaintiffs' motion for a preliminary injunction.

Filed herewith and made part hereof are:

Gov. Ex. 1. Certified copy of resolution adopted by Committee on Un-American Activities of the House of Representatives on July 14, 1966 (with three pending bills: H.R. 12047; H.R. 14925 and H.R. 16175).

Gov. Ex. 2. Certified copy of opening statement of the Chairman, Committee on Un-American Activities, House of Representatives, dated August 16, 1966.

HARRY T. ALEXANDER,
Acting U.S. Attorney.
JOSEPH M. HANNON,
Assistant U.S. Attorney.
FRANK Q. NEBEKER,
Assistant U.S. Attorney.
GIL ZIMMERMAN,
Assistant U.S. Attorney.

Of counsel: Kevin T. Maroney, Lee B. Anderson, attorneys, Department of Justice.

CETIFICATE OF SERVICE

I hereby certify that service of the foregoing Motion to Dismiss and to Strike Certain Allegations of the Complaint and Plaintiffs' Affidavits, and Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction, and memorandum of points and authorities in support thereof, and Gov. Ex. 1 and 2, has been made upon the plaintiffs by delivering a copy thereof to William M. Kunstler and Arthur Kinoy, Esqs., Room 419, Congressional Hotel, Washington, D.C., on this 17th day of August, 1966.

FRANK Q. NEBEKER,
Assistant U.S. Attorney.

[U.S. District Court for the District of Columbia, civil action No. 1207–66]

DR. ALLEN M. KREBS, ET AL., PLAINTIFFS, *v.* JOHN M. ASHBROOK, ET AL., DEFENDANTS

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS AND TO STRIKE CERTAIN ALLEGATIONS OF THE COMPLAINT AND PLAINTIFFS' AFFIDAVITS AND DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Introduction

Plaintiffs seek to have this Court anticipatorily interfere by injunctive process with Congress' conduct of its legislative business. They were subpoenaed to appear at a hearing of the House Un-American Activities Committee, scheduled to start on August 16, 1966. When they commenced this lawsuit, they had not yet appeared pursuant to the subpoenas. No questions had yet been asked them. No refusal to answer specific questions had yet occurred. Citation of them for contempt of Congress is at the present juncture wholly speculative.

It clearly appears that the House Un-American Activities Committee hearing scheduled to begin August 16, 1966 has the proper legislative purpose of gathering information in aid of law-making and law-evaluation. See the authorizing resolution (Govt. Ex. No. 1), the Chairman's opening statement (Govt. Ex. No. 2), and three pending bills (attached to Govt. Ex. No. 1).

In the argument that follows, we begin with the delicate matter of proper relations between the Legislative and Judicial branches of the Government under the fundamental constitutional doctrine of separation of powers. We strongly believe that at the threshold proper application of this doctrine requires this Court to refuse all equity intervention and dismiss this litigation.

Under our constitutional system, it has been well stated, Congress "is as much the guardians of the liberties and welfare of the people as the courts." It is well established that Congress may not be interfered with in its process of enacting legislation, on a claim that such legislation would be unconstitutional; so too congressional debate may not be interfered with because of incidental disclosure of knowledge unconstitutionally acquired. Congressional power to make legislative inquiry—with process to enforce it—is equally essential to proper performance by Congress of its legislative function. It also may not be anticipatorily interfered with, to the end that this investigative power may continue to aid Congress "serve its indispensable function as one of the balance-wheels in the intricate operation of Constitutional government." See Professor Van Alstyne's article, *Congressional Investigations,* 15 F.R.D. 471, 483 (1954).

It is for this reason that we address ourselves to this doctrine first.

Argument

I. The Relief Sought Would Be an Unauthorized Interference With the Legislative Function in Violation of the Constitutional Separation of Powers Doctrine

The doctrine of separation of powers, which is fundamental to the constitutional system of the United States, arises not from Article III or any other single provision of the Constitution, but because behind the words of the constitutional provisions are postulates which limit and control. *National Mutual Insurance Company* v. *Tidewater Transfer Co.,* 337 U.S. 582. The validity of enactments committed under the Constitution to Congressional resolution and involving political or non-judicial criteria of decision does not come within the judicial grasp. *Coleman* v. *Miler,* 307 U.S. 433, 454–455.

Recently, in *Hutcheson* v. *United States,* 369 U.S. 599, at page 622, recognizing the doctrine of separation of power, the Court concluded with the following: ". . . it is appropriate to observe that just as the Constitution forbids the Congress to enter fields reserved to the Executive and Judiciary, it imposes on the Judiciary the reciprocal duty of not lightly interfering with Congress' exercise of its legitimate powers."

As the court said in *Barenblatt* v. *United States,* 360 U.S. 109, at pp. 132–133: ". . . 'It is, of course, true,' as was said in *McCray* v. *United States,* 195 U.S. 27, 55, 'that if there be no authority in the judiciary to restrain a lawful exercise of power by another department of the government, where a wrong motive or purpose has impelled to the exertion of the power, that abuses of a power conferred may be temporarily effectual. The remedy for this, however, lies, not in the abuse by the judicial authority of its functions, but in the people, upon whom, after all, under our institutions, reliance must be placed for the correction of abuses committed in the exercise of a lawful power.' These principles of course apply as well to committee investigations into the need for legislation as to the enactments which such investigations may produce. *Cf. Tenney* v. *Brandhove,* 341 U.S. 367, 377–378. Thus, in stating in the *Watkins* case, p. 200, that 'there is no congressional power to expose for the sake of exposure, we at the same time declined to inquire into the motives of committee members' and recognized that their motives alone would not vitiate an investigation which had been instituted by a House of Congress if that assembly's legislative purpose is being served.' "

In *Hutcheson* v. *United States,* 369 U.S. 599, affirming the conviction of a union official for refusing to answer questions when subpoenaed by the McClellan Committee of the Senate, the Court relied on *Barenblatt*, e.g., at p. 619: "Unless interrogation is met with a valid constitutional objection 'the scope of the power of [congressional] inquiry . . . is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.' *Barenblatt* v. *United States, supra,* at 111. And it is not until the question is asked that the interrogator can know whether it will be answered or will be met with some constitutional objection. To deny the Committee the right to ask the question would be to turn an 'option or refusal' into a 'prohibition of inquiry,' 8 Wigmore, Evidence (3d ed.) § 2268, and to limit congressional inquiry to those areas in which there is not the slightest possibility of state prosecution for information that may be divulged. Such a restriction upon congressional investigatory powers should not be countenanced."

A similar situation was presented in *Pauling* v. *Eastland*, 109 U.S. App. D.C. 342, 288 F. 2d 126 cert. denied, 364 U.S. 900 (1960), and our Court of Appeals held that the doctrine of separation of powers prevails and the court had no power to pass upon, either by injunction or by declaratory judgment, the validity of the order of the Senate subcommittee, where the plaintiff had not yet been cited for contempt for failure to comply and therefore had not been convicted of contempt by either the Senate or the Court.

In reaching its decision, the court, in *Pauling*, said: "It seems quite clear that as a matter of basic general principle a court cannot interfere with or impede the processes of Congress by proscribing anticipatorily its inquiries. (Citations omitted). This is so not only from the viewpoint of the constitutional separation of powers between two branches of the Government but also from the practical viewpoint of simple procedural efficiency."

Other cases have held that the courts have no jurisdiction to control the subject matter of Congressional investigation or the use of information or documents in the possession of Congress. *Mins* v. *McCarthy*, 93 U.S. App. D.C. 313, 87 F. 2d 68; *Methodist Federation for Social Action* v. *Eastland*, 141 F. Supp. 729 (D. D.C., three-judge court); *Fischler* v. *McCarthy*, 117 F. Supp. 643 (S.D. N.Y.) affirmed 218 F. 2d 164 (C.A. 2); *Trimble* v. *Johnston*, 173 F. Supp. 651. In *Mins* v. *McCarthy, supra*, where a Congressional committee had issued a subpoena *ad testificandum* to a witness to appear at a hearing without defining the questions to be asked, the court said that the judicial branch of the government should not enjoin in advance the holding of the legislative hearing, or suspend the subpoena, since the rights of witnesses in respect of any question actually asked at the hearing are subject to determination in appropriate proceedings thereafter.

In *Fischler* v. *McCarthy*, supra, a complaint was filed attacking a subpoena *duces tecum* issued by a Congressional committee requiring plaintiffs to produce certain documents. The complaint sought a declaratory judgment of plaintiffs' obligations and further sought to quash or modify the demand and subpoena. The District Court, relying in part on the *Mins* case, denied a motion for an injunction *pendente lite* and dismissed the complaint, saying (pp. 647–650):

"Apart from the defects of venue and jurisdiction, above noted, which of course in themselves compel dismissal of the complaint, it is clear that the 'type of question' presented and the nature of the relief sought the Judicial Branch of our Government. is in its present state beyond the purview of

* * * * *

"It is entirely clear, however, that neither this nor any other court may prescribe the subjects of Congressional investigation. Were a court empowered to limit in advance the subject matter of Congressional investigations, violence would be done to the principle of separation of powers upon which our entire political system is based.

* * * * *

"It would be difficult to hypothesize a case more completely beyond the orbit of this Court.

"The motion for an injunction *pendente lite* is denied. The cross-motion to dismiss is granted."

In *Hearst* v. *Black, supra*, where the Federal Communications Commission had without authority made dragnet seizure of private telephone messages for the purpose of securing to the Senate Committee knowledge of contents of the messages and had furnished copies of telegrams to the committee, the court held that it was without jurisdiction to restrain the committee from keeping the messages, or making use of them, or disclosing their contents, and that legislative discretion in the discharge of a constitutional function whether rightfully or wrongfully exercised, is not subject to judicial interference. In *Humphrey's Executor* v. *United States*, 295 U.S. 602, 629–30, the court said: "The fundamental necessity of maintaining each of the three general departments of government entirely free from the control of coercive influence, direct or indirect, of either of the others, has often been stressed and is hardly open to serious question. So much is implied in these departments by the Constitution; and in the rule which recognizes their essential co-equality. The sound application of a principle that makes one master in his own house precludes him from imposing his control in the house of another who is master there."

As appears from the foregoing precedents, the law is established that the courts have no jurisdiction to control or interfere with Congressional investigations.

II. The Complaint States No Basis for Equitable Relief, and this Court Is Without Jurisdiction

1. The complaint fails to state a justiciable case or controversy.

The use of compulsory process by the House Un-American Activities Committee to obtain testimony from plaintiffs in aid of its investigative function and the investigation itself are valid exercises of Congressional power that do not violate any Constitutional rights. Plaintiffs' basic contentions have been answered by the Supreme Court in *Watkins* v. *United States*, 354 U.S. 178; *Barenblatt* v. *United States*, 360 U.S. 109, *Wilkinson* v. *United States*, 365 U.S. 399, and *Braden* v. *United States*, 365 U.S. 431. Repeatedly the Supreme Court has held that, in circumstances comparable to the present case, Congressional investigation of Communist activities has a valid legislative purpose and committees conducting such investigations may compel witnesses to testify concerning their Communist activities, absent a claim of self-incrimination, without violating their rights under the Constitution. Thus, no substantial Federal question is presented by plaintiffs.

Court have no power to interfere with legislative duties unless and until some event such as arrest, indictment or conviction brings an actual controversy into the sphere of judicial authority and the courts cannot interfere upon the complaint of a person potentially liable to some such event. *Pauling* v. *Eastland*, 288 F. 2d 126 (D.C., C.A. 1960), *cert. denied* 364 U.S. 900. Also, the complaint fails to state grounds for equitable relief for the reason that plaintiffs have an adequate remedy at law. In the event a prosecution for contempt were instituted against them or either of them, any or all of the contentions in the complaint could be asserted as a defense. But any question as to whether any constitutional rights have been violated depends upon the precise nature of the questions asked and the exact context in which they occur. *Barenblatt* v. *United States*, 360 U.S. 109, 112; *Hutcheson* v. *United States*, 369 U.S. 599, 619.

Plaintiffs apparently seek to distinguish this case from *Barenblatt*, and other cases cited upholding Rule XI and the investigative power of Congress and its committees, by attempting to sue on behalf of countless hundreds of thousands of American citizens whose First Amendment rights are violated by Rule XI. (Complaint, p. 13).

It goes without argument that if plaintiffs do not present a justiciable controversy on their own behalf, they present none as to "others". For the same reasons we have shown the Court has no jurisdiction to grant equitable relief to these plaintiffs, it can grant none to unnamed "others".[1]

"Basically, the question in each case is whether the facts alleged, under all the circumstances, show that there is a substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." *Evers, et al.* v. *Dwyer, et al.*, 358 U.S. 202 (where the Supreme Court found that the requirements were met in the suit brought against city officials for a declaratory judgment as to the constitutional rights of a Negro ordered to sit in the back of a bus.)

Insofar as plaintiffs seek to enjoin their possible prosecution, the showing made in the complaint falls far short of stating a justiciable controversy. See *Zemel* v. *Rusk*, 381 U.S. 1; *Public Service Commission* v. *Wycoff*, 344 U.S. 237; *Beal* v. *Missouri Pacific Railway Corp.*, 312 U.S. 45; *Yakus* v. *United States*, 321 U.S. 414, 440–41; *Terrace* v. *Thompson*, 263 U.S. 197; *In re. Sawyer*, 124 U.S. 200.

In *Spielman Motor Sales Co.* v. *Dodge*, 295 U.S. 89, 95, the Court said: "The general rule is that equity will not interfere to prevent the enforcement of a criminal statute even though unconstitutional. *Hygrade Provision Co.* v. *Sherman*, 266 U.S. 497, 500. See, also, *In re Sawyer*, 124 U.S. 200, 209–211; *Davis & Farnam Manufacturing Co.* v. *Los Angeles*, 189 U.S. 207, 217. * * * We have said that it must appear that 'the danger of irreparable loss is both great and immediate'; otherwise, the accused should first set up his defense in the state court, even though the validity of a statute is challenged. There is ample opportunity for ultimate review by this Court of federal questions. *Fenner* v. *Boykin*, 271 U.S. 240, 243, 244."

If a criminal prosecution is brought under 2 U.S.C. 192 plaintiffs will have an opportunity for judicial review. *Watkins* v. *United States*, 354 U.S. 178, *Barenblatt* v. *United States*, 360 U.S. 109.

On the other hand, if the Committee should institute proceedings before the House of Representatives, they will be able to obtain judicial review. *Jurney* v. *McCracken*, 294 U.S. 125; *McGrain* v. *Daugherty*, 273 U.S. 135.

In our view *Zemel* v. *Rusk*, 381 U.S. 1, a recent decision of the Supreme Court, is controlling on this Court here. There, at pp. 19–20, the Court refused to make an exception "to the general rule that equity will not interfere with the criminal processes, by entertaining actions for injunction or declaratory judgment in advance of criminal prosecution." The Court found that the papers in the case presented no facts that would constitute a violation of the criminal statute (Section 215(b)) of the Immigration and Nationality Act of 1952, (8 U.S.C. 1185 (b)) upon which a criminal charge could be based, so the Court could not know whether Zemel would commit acts in violation of the statute, and in the event he did, whether the Government would prosecute. The Court said: "Whether each or any of these gradations of fact or charge would make a difference as to criminal liability is an issue on which the District Court wisely took no position. Nor do we. For if we are to avoid rendering a series of advisory opinions, adjudication of the reach and constitutionality of (the statute) must await a concrete fact situation."

Plaintiffs brought this suit prior to the hearings and prior to the time they were required to respond to the subpoenaes. It was not known then whether they would respond or whether they would answer questions of the Committee. In other words, as of the time plaintiffs instituted their suit for injunction and declaratory judgment on the constitutionality of the statute, Rule XI, no "concrete fact situation" was presented whereby this Court could determine whether there had been a violation of a criminal statute, whether the Government would prosecute therefor, or whether criminal liability would attach.

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[1] *Cf.*, *Lamont* v. *Postmaster General*, D.C.N.Y. 1964, (3 judges) dismissed as moot 229 F. Supp. 913, reversed on other grounds, 381 U.S. 301, the District Court holding that there was no justiciable issue as to plaintiff Lamont and therefore he had no standing to assert the rights of third persons.

The Court discussed the possible remedies available to a prospective witness in *Yellin* v. *United States,* 374 U.S. 109, at pp. 121–22:

"If the Committee ignores his request for an executive session, it is highly improbable that petitioner could obtain an injunction against the Committee that would protect him from public exposure. See *Pauling* v. *Eastland,* 109 U.S. App. D.C. 342, 288 F. 2d 126, cert. denied, 364 U.S. 900. Nor is there an administrative remedy for petitioner to pursue, should the Committee fail to consider the risk of injury to his reputation. To answer the questions put to him publicly and then seek redress is no answer. For one thing, his testimony will cause the injury he seeks to avoid; under pain of perjury, he cannot by artful dissimulation evade revealing the information he wishes to remain confidential. For another, he has no opportunity to recover damages, U.S. Const., Art. I, § 6; *Kilbourn* v. *Thompson,* 103 U.S. 168, 201–205. *Cf. Tenney* v. *Brandhove,* 341 U.S. 367, 377. Even the Fifth Amendment is not sufficient protection since petitioner could say many things which would discredit him without subjecting himself to the risk of criminal prosecution. The only avenue open is that which petitioner actually took. He refused to testify."

In *Barrenblatt* v. *United States,* 360 U.S. 109, Mr. Justice Harlan, writing for the Court, said, at p. 112: "The congressional power of inquiry, its range and scope, and an individual's duty in relation to it, must be viewed in proper perspective. *McGrain* v. *Daugherty, supra;* Landis, *Constitutional Limitations on the Congressional Power of Investigation,* 40 Harv. L. Rev. 153, 214; Black, *Inside a Senate Investigation,* 172 Harpers Monthly 275 (February 1936). The power and the right of resistance to it are to be judged in the concrete, not on the basis of abstractions."

Plaintiffs rely most heavily on *Dombrowski* v. *Pfister,* 380 U.S. 479, and similar cases dealing with state statutes.[2] But *Dombrowski* is not at all comparable to the case before this Court. There the Supreme Court was dealing with a state statute under which appellants had actually been indicted and were threatened with additional prosecutions, and appellants had alleged through affidavits and a written offer of proof that the statute was being used in bad faith by state officers, not to secure valid convictions but to deter appellants' civil rights efforts, thus violating their rights of free expression under the First and Fourteenth Amendments. The Supreme Court acknowledged that the mere probability of erroneous initial application of constitutional standards by a *state* court will not ordinarily constitute irreparable injury warranting federal interference with a good faith prosecution and the adjudication durng its course of constitutional defenses. However, the Court found that equitable relief should be granted in *Dombrowski* because (1) the state court's ultimate interpretation of the statute would not meet the claim that it was being applied to discourage civil rights activities, (2) defense of a *single* criminal prosecution would not assure ample vindication of First Amendment rights, and (3) the statute under attack on its face was unconstitutionally vague.

On the other hand, this Court now has before it a *federal* statute which the United States Supreme Court has held is not unconstitutionally vague, and does not unconstitutionally interfere with individual rights. See, *e.g., Watkins* v. *United States,* 354 U.S. 178, and *Barenblatt* v. *United States,* 360 U.S. 109. Moreover, the Supreme Court has held that the opportunity to present any defenses as to unconstitutionality of the Committee's authorizing statute and any attack on the Committee's conduct of the hearings *is in a criminal prosecution* for refusal to answer a specific question put by the Committee to the witness appearing under subpoena. See, *e.g., Barenblatt.*

We do not see that plaintiffs can rightly read into *Dombrowski,* supporting authority for the various arguments they now make on the issues presented to this Court. Similarly inapposite are the other cases cited by appellants wherein the Court had under consideration a state statue, *e.g., Baggett* v. *Bullitt,* 377 U.S. 360; *NAACP* v. *Button,* 371 U.S. 415.

The Declaratory Judgment Act, 28 U.S.C. 2201, is not a grant of jurisdiction to the Federal courts; it merely creates a form of remedy which may be applied in cases already within the court's jurisdiction. *Zemel* v. *Rusk,* 381 U.S. 1; *Skelley Oil Co., et al.* v. *Phillips Petroleum Co.,* 339 U.S. 667, 671; *Alabama State Federation* v. *McAdory,* 325 U.S. 450, 461–462; *Ashwander* v. *T.V.A.,* 297 U.S. 288, 324, 325; *Doehler Metal Furniture Co.* v. *Warren,* 76 U.S. App. D.C. 60, 129 F. 2d 43, 54, *cert. denied* 317 U.S. 663.

In a suit for declaratory judgment the plaintiff does not have to allege that he has no other adequate remedy (F.R.C.P., Rule 57, as amended) or that he will suffer irreparable injury if relief is not granted (*Aetna Life Ins. Co.* v. *Haworth,* 300 U.S. 227, 239), provided he alleges facts which make out a case of "actual controversy". But the judgment plaintiffs seek in the present case will, they hope, have the effect of forestalling a prosecution under 2 U.S.C. 192 if one ever is threatened. For that reason the considerations apply which in a conventional suit in equity would bar an injunction. See, *Great Lakes Co.* v. *Huffman,* 319 U.S. 293, 298–299; *Alabama State Federation* v. *McAdory,* 325 U.S. 450, 461; *Public Service Commission* v. *Wycoff Co.,* 344 U.S. 237, 243; *Ecceles* v. *Peoples Bank of Lakewood, California,* 333 U.S. 426; 431; *Bradley Lumber Co.* v. *N.L.R.B.,* 84 F. 2d 97, 100 (C.A. 5).[3]

In a suit such as this a court should not issue a declaratory judgment when it would not, under settled equity principles, issue an injunction. The considerations of policy underlying the denial of injunctions to prevent criminal prosecutions apply with equal force to suits for declaratory judgments, which aim at the same result, but stop short of a prayer for a coercive decree. To that extent the rule that an allegation of irreparable injury is not required in a declaratory judgment suit is limited. As a practical matter there will be little, if any, difference between an injunction against the bringing of a criminal prosecution and a declaratory judgment that the committee's actions were not valid, and deprived appellants of constitutional rights. The rule is well settled that, save in exceptional cases, equity will not enjoin a criminal prosecution.

"It is a familiar rule that courts of equity do not ordinarily restrain criminal prosecutions. No person is immune from prosecution in good faith for his alleged criminal acts. Its imminence, even though alleged to be in violation of constitutional guarantees, is not a ground for equity relief since the lawfulness or constitutionality of the statute or ordinance on which the prosecution is based may be determined as readily in the criminal case as in a suit for an injunction. * * *

"It does not appear from the record that petitioners have been threatened with any injury other than that incidental to any criminal proceeding brought lawfully and in good faith, or that a federal court of equity by withdrawing the determination of guilt from the state courts could rightfully afford petitioners any protection which they could not secure by prompt trial and appeal to this Court. *Douglas* v. *Jeannette,* 319 U.S. 157. 163, 164."

And, it would seem that, whether we speak of "jurisdiction" or of "discretion", the same considerations which bar an injunction preclude a declaratory judgment.

"The granting of a declaratory judgment, however, is a matter resting in the sound discretion of the court (*Aetna Casualty & Surety Co.* v. *Quarles,* 4 Cir. 92 F. 2d 321); and it is clear that the discretion ought not to be exercised in a case of this character where its only effect would be to decide matters, as pointed out in the quotation above [*Douglas* v, *Jannette, supra*], which could be better decided in the criminal courts of the state. *Spence* v. *Cole,* 137 F. 2d 71, 73 (C.A. 4).

"Public policy requires that no injunction be granted by a court to restrain prosecution of a single act denounced as criminal by the law. *Stone* v. *Christensen,* 36 F. Supp. 739, 741 (Ore.)

"Courts should avoid passing on questions of public law even short of constitutionality that are not immediately pressing. *Eccles* v. *Peoples Bank of Lakewood,* 333 U.S. 426, 432."[4]

See also, *Keegan* v. *State of New Jersey,* 42 F. Supp. 922 (NJ) (3-judge court); *Board of Trade of Kansas City* v. *Milligan,* 90 F. 2d 855, 861 (C.A. 8); *Sparks* v. *Mellwood Dairy,* 74 F. 2d 695, 697 (C.A. 6); *Pomeroy's Equity Jurisprudence* (5th ed., 1941), Vol. 4 § 1361 b, p. 978; Anderson, *Declaratory Judgments* (1951), Vol. 2, p. 1471. See also *Bradley Lumber Co.* v. *N.L.R.B., supra.*

A court of equity, however, *may* enjoin a criminal prosecution in a case where the plaintiff makes a sufficient showing of the danger of irreparable injury, and, by the same token, in such a case a declaratory judgment might issue In that context, a showing of "irreparable injury" appears to require that the criminal penalties of the statute be so severe, perhaps cumulative, or involving multiple prosecutions or forfeitures of property, as to deter the person affected from testing the application of the statute to him in a criminal court. *Hyner* v. *Grimes Packing Co.,* 337 U.S. 86, 98–99; *Douglas* v. *Jeannette, supra; Watson* v. *Buck,* 313 U.S. 387, 400; *Ex parte Young,* 209 U.S. 123, 146–148; *Terrace* v. *Thompson,* 263 U.S. 197, 211–212, 215; *Reed Enterprises, et al.* v. *Corcoran,* ——— U.S. App. D.C. ———, 354 F. 2d 519 (1965).

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[2] *Baggett* v. *Bullitt,* 377 U.S. 360; *NAACP* v. *Button,* 371 U.S. 415.

[3] Professor Bochard wrote that, "it [equity] could thus gradually *extend* its protective functions to try on the civil side questions whether an act is constitutional or applicable" (emphasis supplied). Borchard—*Declaratory Judgments* (2d ed., 1941), p. 1021. If that means more than that the danger of irreparable injury is not an indispensable element of declaratory judgment "jurisdiction", it is at variance with the decided Federal cases. To "extend" the jurisdiction of the Courts is for Congress.

[4] See also the recent case of *Poe* v. *Ullman,* 367 U.S. 497, 506: "The Court has been on the alert against use of the declaratory judgment device for avoiding the rigorous insistence on exigent adversity as a condition for evoking Court adjudication."

Generally, the cases hold that the possibility of *one* criminal prosecution does not state a danger of irreparable injury.[5] See *e.g., Douglas* v. *Jeannette, supra; Beal* v. *Missouri Pacific R. Corp.,* 312 U.S. 45, 49–50; *Southern Pacific Co.* v. *Conway,* 115 F. 2d 746, 749 (C.A. 9); *Stone* v. *Christensen, supra; Keegan* v. *State of New Jersey,* 42 F. Supp. 922 (N.J., 3-judge court).

It has been held, in several contexts, that the Declaratory Judgment Act does not warrant the granting indirectly by way of declaration of relief what the court in an equity suit could not grant directly. See, *Di Benedetto* v. *Morgenthau,* C.A. 148 F. 2d 223, 225, *cert. dismissed,* 326 U.S. 686; *United States ex rel. Jordan* v. *Ickes,* C.A. D.C. 143 F. 2d 152, 153, *cert. denied,* 320 U.S. 801. Otherwise appellants would, in the guise of a declaratory judgment, attain the result they could not attain in a suit for an injunction.

The Federal Civil Rights statutes (28 U.S.C. Sec. 1343 (3) and (4); 42 U.S.C. Sec. 1983) cited by plaintiffs as a basis for this Court's jurisdiction, confer no jurisdiction in this case. It is true that the Federal Civil Rights Act protects all rights secured by the Constitution and statutes of the United States. *Bradford* v. *Lefkowitz,* 240 F. Supp. 969 (D.C. N.Y. S.D.). But no one has a right to be free from being subpoenaed and required to give testimony before a Congressional investigative committee. *Watkins* v. *United States,* 354 U.S. 178.

Here there is a lack of justiciable cause of action and complete inappropriateness of the subject matter for judicial consideration. The Court should not interfere with the exercise of legislative power by Congress beyond determining that Congress was acting under color of legislative authority. *Baker* v. *Carr,* 369 U.S. 186, 198. "Want of jurisdiction" is controlled by "want of merit in the averments made in the complaint as to the violation of the federal right." *Baker* v. *Carr,* at p. 199.

Neither could there be a cause of action against any of the members of the House Committee as individuals. Under the Constitution, Article I, Section 6, members of both House of Congress have an absolute privilege as a defense to civil damage suits for defamation and kindred torts in respect to any action done in session. *Kilbourn* v. *Thompson,* 103 U.S. 168.

Recently, in *Barr* v. *Matteo,* 360 U.S. 564 at 575, the Supreme Court recognized the legislative privilege: "The claim of an unworthy purpose does not destroy the privilege. Legislators are immune from deterrents to the uninhibited discharge of their legislative duty, not for their private indulgence but for the public good. One must not expect uncommon courage even in legislators. The privilege would be of little value if they could be subjected to the cost and inconvenience and distractions of a trial upon a conclusion of the pleader, or to the hazard of a judgment against them based upon a jury's speculation as to motives. *Tenney* v. *Brandhove,* 341 U.S. 367, 377."

III. Plaintiff's Constitutional Arguments Have Been Rejected by the Supreme Court in Previous Decisions

It is now settled law that Rule XI is not constitutionally objectionable and the Committee's use of compulsory process to obtain testimony in aid of its investigation of Communist activities is a valid and constitutional exercise of legislative power.

Plaintiffs at this late date are attempting to question the legitimacy of the House Un-American Activities Committee's function. Plaintiffs contend that the statute creating the Committee is unconstitutional on a number of grounds, that the Committee's inquiry here is an unconstitutional exercise of a non-legislative purpose of exposure for exposure's sake, and that the investigation deters plaintiff's exercise of First Amendments rights. They are, in effect, contending the Congress has no power to investigate Communist activities. These contentions are foreclosed by *Barenblatt* v. *United States,* 360 U.S. 109, and cases following it, e.g., *Braden* v. *United States,* 365 U.S. 431; *Wilkinson* v. *United States,* 365 U.S. 399.

Those decisions are not outmoded.

In *Barenblatt* v. *United States, supra,* the Supreme Court held that the use of compulsory process in aid of Congressional investigations of Communist activities in circumstances comparable to the present case has a valid legislative purpose, and that the use of compulsory process to require witnesses to give testimony concerning Communist activities in aid of such an investigation does not violate the First Amendment. The holding was reaffirmed in *Wilkinson* v. *United States,* 465 U.S. 399 and *Braden* v. *United States,* 365 U.S. 431.

The underlying principles, that Congress is exercising an inherent power to investigate, and does violate the First Amendment in merely requiring a witness to testify concerning subversive Communist activities, is in keeping with our constitutional history. That principle is sustained by a score of precedents resting upon the same theory concerning the nature of the Comumnist conspiracy. Rule XI, the rule in question, was found constitutionally unobjectionable after full deliberation in 1959 (*Watkins* v. *U.S.,* 354 U.S. 178) and reaffirmed in 1961 (*Barenblatt* v. *United States,* 360 U.S. 109). It is settled constitutional law.

In *Watkins* v. *United States,* 354 U.S. 178, restating the extent and limit of the Congressional power to investigate, the Chief Justice wrote (at 187): "The power of Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes."

It was in *Watkins,* at pages 187–188, that the Court said: "It is unquestionably the duty of all witnesses to cooperate with Congress in its efforts to obtain the facts needed for intelligent legislative action." It is their unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and its committees and to testify fully with respect to matters within the province of proper investigation.

Barenblatt argued that Rule XI was unconstitutionally vague and objected to the right of the sub-committee to inquire into his "political" and "religious" beliefs or any "other personal or private affairs" or "associational activities", claiming protection under the First, Ninth and Tenth Amendments, the prohibition against bills of attainder and the doctrine of separation of powers (claiming the Congress attempted to exercise judicial power). Every argument raised by plaintiffs here was rejected by the Supreme Court in *Barenblatt* v. *United States,* 360 U.S. 109. The Court affirmed his conviction under 2 U.S.C. § 192 for refusal to answer questions put by the House Committee during the course of an inquiry into alleged Communist infiltration into the field of education. The Court rejected the argument that *Watkins* v. *United States,* 354 U.S. 178, held Rule XI ineffective because of vagueness. In dealing with the Subcommittee's authority to compel testimony, Mr. Justice Harlan said, at pp. 117–118: "Petitioner also contends . . . that the vagueness of Rule XI deprives the Subcommittee of the right to compel testimony in this investigation into Communist activity. We cannot agree with this contention, which in its furthest reach would mean that the House Un-American Activities Committee under its existing authority has no right to compel testimony in any circumstances. Granting the vagueness of the Rule, we may not read it in isolation from its long history in the House of Representatives. Just as legislation is often given meaning by the gloss of legislative reports, administrative interpretation, and long usage, so the proper meaning of an authorization, to a congressional committee is not to be derived alone from its abstract terms unrelated to the definite content furnished them by the course of congressional actions. The Rule comes to us with a 'persuasive gloss of legislative history', *United States* v. *Witkovich,* 353 U.S. 194, 199, which shows beyond doubt that in pursuance of its legislative concerns in the domain of 'national security' the House has clothed the Un-American Activities Committee with pervasive authority to investigate Communist activities in this country."

And at pp. 120–121 Mr. Justice Harlan continued: "In light of this long and illuminating history it can hardly be seriously argued that the investigation of Communist activities generally, and the attendant use of compulsory process, was beyond the purview of the Committee's intended authority under Rule XI."

In considering the constitutional contentions, the Court recognized "that Congress has wide power to legislate in the field of Communist activity in this country, and to conduct appropriate investigations in aid thereof, (p. 127) and said at pp. 127–128: "In the last analysis this power rests on the right of self-preservation, 'the ultimate value of any society,' *Dennis* v. *United States,* 341 U.S. 494, 509. Justification for its exercise in turn rests on the long and widely accepted view that the tenets of the Communist Party include the ultimate overthrow of the Government of the United States by force and violence, a view which has been given formal expression by the Congress".[6]

Since the decision in *Barenblatt* v. *United States,* 360 U.S. 109 the Court has not wavered in its view that Rule XI authorizes the Committee to investigate Communist activities. In two cases the Court found that the Committee, under Rule XI, was clearly authorized to investigate Communist infiltration in basic industry in the South and Communist propaganda activities in the South and that the Committee in conducting such investigation was pursuing a valid legislative purpose. *Wilkinson* v. *United States,* 365 U.S. 399; and *Braden* v. *United States,* 365 U.S. 431. Mr. Justice Stewart, speaking for the Court in *Wilkinson* pointed out that "the Committee on Un-American Activities is a standing committee of the House of Representatives, elected at the commencement of each Congress" whose authority derives from Rule XI of the standing Rule adopted at the beginning of the 85th Congress in 1957 (H. Res. No. 5, 85th Cong., 1st Sess.). Mr. Justice Stewart continued (at page 409 in *Wilkinson*):

"The question of basic congressional authorization was clearly decided in *Barenblatt* v. *United States, supra.* There we said, after reviewing the genesis and subsequent history of Rule XI, that "[I]t can hardly be seriously argued that the investigation of Communist activities generally, and the attendant use of compulsory process, was beyond the purview of the Committee's intended authority under Rule XI." 360 U.S. at 120–121. The subjects under inquiry here surely fall within "the investigation of Communist activities generally."

More recently, in *Gibson* v. *Florida Legislative Committee,* 372 U.S. 539, the Court again recognized that "membership in the Communist Party is a permissive subject of regulation and legislative scrutiny" (p. 547) and the Court acknowledged "the underlying legislative right to investigate or legislate with respect to subversive activities by Communists" (p. 557).

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[5] Contra: *Federal Trade Commission* v. *Millers' National Federation,* 23 F. 2d 268 (C.A. D.C.).

[6] See Subversive Activities Control Act of 1950, Title 1 of the Internal Security Act of 1950 § 2, 64 Stat. 987–989. See also *Carlson* v. *Landon,* 342 U.S. 524, 535, n. 21.

The recent case of *Yellin* v. *United States,* 374 U.S. 109 does not detract from any of the foregoing. *Yellin* involved a prosecution for a contempt of Congress violation under 2 U.S.C. Section 192. Thus a concrete situation was presented for the court to consider objections in context, and there was no question of jurisdiction. However, the Supreme Court did not find any defect in Rule XI.

Contrary to plaintiffs' oral argument previously made, no inference helpful to them can be drawn from the fact that the Court granted certiorari in *Gojack* v. *United States,* 382 U.S. 937, after the Court of Appeals for the District of Columbia Circuit upheld his conviction upon a second trial for refusal to answer questions of the House Un-American Activities Committee. 348 F. 2d 355. Of course, Gojack did make the same constitutional objections as appellants seek to make here. However, the Court reversed Gojack's conviction, not on the basis of Rule XI, but on the basis the specific hearings had not been authorized by the full Committee. 384 U.S. 702 (1966).

To support their argument that Rule XI is unconstitutionally "vague", plaintiffs rely on cases wherein state statutes have been held too "vague" to meet the tests as to constitutionality.[7] It is obvious that such cases are not relevant and do not support plaintiffs' arguments. In each case the particular statute being considered was measured against the constitutional requirements, including the legislative 'need". Of course, the "need" for a state statute would not be the same as the "need" for a federal statute. Here we are not dealing with a state statute but with a Federal statute, whose constitutionality the Supreme Court has upheld, being of the view that "Congress has wide power to legislate in the field of Communist activity in this country" and "this power rests on the right of self-preservation". There is a further fundamental difference in the issues from those presented herein that plaintiffs seek injunctive and declaratory relief to bar the Congress of the United States from acting under a Federal statute. As we have shown, the court has no jurisdiction to grant such relief in these circumstances.

IV. Plaintiffs' contentions that the Committee failed to follow its own rules are without merit; but, in any event, they are not properly before the court, being matters of defense in the event of criminal prosecution

All questions as to whether the Committee followed its own rules are premature and cannot be considered in this proceeding. As we have shown, they may be asserted in a criminal prosecution, if brought.

If the courts were to accept such a contention a Congressional Committee could be put on trial by every person subpoenaed who wished to avoid having to testify and Congressional investigation would be stymied. The Constitution does not empower the courts to so interfere with or impede Congress in the exercise of its legislative function.

As a factual matter, no credence can be given to plaintiffs' conclusory allegations (Complaint, p. 11) that the Committee "released" their names to various news media in advance of the hearings in violation of the Committee's Rule XVI. From the bare fact that the news media obtained information (which could just as probably come from recipients of the subpoenas), no conclusion can be drawn that the Committee released the information. The complaint alleged no specific fact showing that the release was by a named Committee member or by an authorized employee at a stated time and place or by some stated means. Unsupported conclusory allegations are insufficient to establish something as a fact. *Riley* v. *Titus,* 89 U.S. App. D.C. 79, 190 F. 2d 653 (1951).

V. Plaintiffs' Conclusory Allegations Set Forth in the Complaint and in Their Affidavits Should Be Stricken as a Matter of Law

From what we have shown *supra,* it is clear that the House Un-American Activities Committee hearings scheduled for August 16, 1966, which are challenged in this proceeding, serve a legitimate legislative purpose. The conclusory allegations set forth in plaintiffs' affidavits and in paragraphs 10, 12 and 13 of their complaint purport to contravene the fact that the hearings serve a valid purpose. However, even the most cursory examination of the enumerated paragraphs of the complaint and the affidavits will reflect the broad and all-encompassing sweep of plaintiffs contentions and logically, will demonstrate, as well, that their assertions can be predicated only upon conjecture and emotion and not upon personal knowledge as they represent in their verification to the complaint and in their affidavits.

Absent basic, factual allegations which would of necessity be exposed to the fresh air of examination by this Court, plaintiffs' conclusory assertions are insufficient as a matter of law to sustain their contentions that purposes, other than legitimate legislative inquiry, exist for the hearings now being conducted.

The rule controlling here arose out of *Riley* v. *Titus, supra,* where our Court of Appeals stated at pp. 654–55: "The appellant bases her suit for recovery under the Federal Tort Claims Act upon alleged misconduct of her superior officers prior to her discharge. For the most part, however, her complaint describes their action in only such general and conclusionary terms as 'arbitrary' and 'unlawful.' No factual allegations emerge from her voluminous pleadings and affidavits with sufficient clarity to show a basis for recovery on a theory of tort liability. At the most there are only remote references to a 'conspiracy' and 'threats' by two persons who were her superiors at different times in different states. In a parallel situation, this court has stated, 'Though it [the complaint] characterizes appellees' alleged conduct as wrongful, unlawful, and malicious, it does not sufficiently disclose the conduct to enable a court to judge whether or not it was tortious.' Burns v. Spiller, 1947, 82 U.S. App. D.C. 91, 161 F. 2d 377, certiorari denied, 1947 332 U.S. 792, 68 S. Ct. 101, 92 L. Ed. 373. See Rule 8(a), Fed. R. CivP. In that case the complaint was dismissed for failure to state a claim upon which relief could be granted there appearing no issue as to any material fact, the granting of summary judgment was proper in regard to this aspect of appellant's case for the same reason."

Similarly, in *Chung Wing Ping* v. *Kennedy,* 111 U.S. App. D.C. 106, 294 F. 2d 735 (1961) the Court concluded that an unsupported and nebulous allegation of criminal conspiracy was not a sufficient basis for allowing discovery to contest a motion for summary judgment. Because of supervening public policy need to free federal officers acting in accord with their responsibilities from vexatious suits the courts have made a like application of the rule to them and held that the "official immunity" doctrine is not affected by inclusion in the complaint of allegations of "malice", "conspiracy", "unlawfulness" and the like. See e.g., *Barr* v. *Matteo,* 360 U.S. 565, 569 (malice); *Norton* v. *McShane, supra,* 332 F. 2d at 357 (malicious arrest, abuse and mistreatment, and conspiracy); *Gager* v. *"Bob Seidel",* 112 U.S. App. D.C. 135, 140, 300 F. 2d 727, 732, *cert. denied* 370 U.S. 959 (1962) (conspiracy); *Ove Gustavsson Contracting Co.* v. *Floete,* 299 F. 2d 655, 657–659 (2d Cir. 1962), *cert. denied,* 374 U.S. 827 (1963) (wilfully, maliciously, with intent to harm and injure); *Bershad* v. *Wood, supra,* 290 F. 2d at 715–719 (malice); *DeBusk* v. *Harvin,* 212 F. 2d 143, 147 (5th Cir. 1954) (malicious acts and conspiracy); *Gregoire* v. *Biddle,* 177 F. 2d 579, 581 (1949), *cert. denied* 339 U.S. 949 (1950) (conspired and maliciously and wilfully entered into a scheme); *Laughlin* v. *Rosenman,* 82 U.S. App. D.C. 164, 166, 163 F. 2d 838, 840 (1947) (knowingly, wilfully and maliciously participated in an unlawful conspiracy); *Cooper* v. *O'Connor,* 69 U.S. App. D.C. 100, 102, 99 F. 2d 135, 137, *cert. denied* 305 U.S. 643 (1938) (wanton, malicious and unlawful acts).

For this reason plaintiffs' unsupported conclusory allegations both in the complaint and in their affidavits should be stricken.

Wherefore, for the reasons stated herein the Court is respectfully urged to strike paragraphs 10, 12 and 13 of the complaint and paragraphs 4 and 5 of each of the plaintiffs' affidavits and to dismiss the complaint.

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VIETNAM—A MIDDLE WAY

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, like the fluctuations of war itself, there is an ebb and a flow to the words and terms of the debates which accompany the decisions surrounding a war. The military, political, and rhetorical involvement of the United States in the war in Vietnam is less like an escalator smoothly carrying us from one level to another, than it is like a car caught in a traffic jam, sometimes at rest, sometimes creeping along slowly, but always trying to go as fast as it can without crashing into the cars in front of it.

During the past weekend the debate suddenly put on a spurt of energy. There was fresh evidence that the United States is prepared to get far more involved in the war than most Americans had dreamed possible. Former President Eisenhower announced to the 190 million Americans who have not read his memoires that the country was perfectly prepared to use nuclear weapons in Korea when our adversaries decided to call it quits. And the ranking Thai military officer announced that the United States is already at war in northeastern Thailand.

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[7] *Baggett* v. *Bullitt,* 377 U.S. 360; *NAACP* v. *Button,* 371 U.S. 415; *Cramp* v. *Board of Public Instruction,* 368 U.S. 278.

But those who urged restraint were no less vocal. Former White House Aid Richard Goodwin suggested the formation of a committee to oppose the escalation of the war in Vietnam.

In addition, the Sunday edition of the New York Times magazine section carried a devastating analysis of the war by Arthur Schlesinger, Jr., former assistant to Presidents Kennedy and Johnson, who concludes that—

> Deescalation could work, if there were the will to pursue it.

Perhaps Goodwin and Schlesinger will only convert those of us who are already convinced that the United States should follow this course. But I cannot believe that their comments would not influence the thinking of the "hawks" as well, if only they were willing to listen.

In the firm hope that Professor Schlesinger's comments will not fall on deaf ears, I am inserting his article, "A Middle Way Out of Vietnam," in the RECORD at this point. I hope that it will be widely read.

The article follows:

SCHLESINGER SUGGESTS THAT WE RECOVER OUR COOL AND FOLLOW A MIDDLE WAY OUT OF VIETNAM

(By Arthur Schlesinger, Jr.)

(NOTE.—Arthur Schlesinger, Jr., is a former special assistant to Presidents Kennedy and Johnson, author of "A Thousand Days," and Albert Schweitzer professor of the humanities, City University of New York.)

Why we are in Vietnam is today a question of only historical interest. We *are* there, for better or for worse, and we must deal with the situation that exists. Our national security may not have compelled us to draw a line across Southeast Asia where we did, but, having drawn it, we cannot lightly abandon it. Our stake in South Vietnam may have been self-created, but it has nonetheless become real. Our precipitate withdrawal now would have ominous reverberations throughout Asia. Our commitment of over 300,000 American troops, young men of exceptional skill and gallantry engaged in cruel and difficult warfare, measures the magnitude of our national concern.

We have achieved this entanglement, not after due and deliberate consideration, but through a series of small decisions. It is not only idle but unfair to seek out guilty men. President Eisenhower, after rejecting American military intervention in 1954, set in motion the policy of support for Saigon which resulted, two Presidents later, in American military intervention in 1965. Each step in the deepening of the American commitment was reasonably regarded at the time as the last that would be necessary; yet, in retrospect, each step led only to the next, until we find ourselves entrapped today in that nightmare of American strategists, a land war in Asia—a war which no President, including President Johnson, desired or intended. The Vietnam story is a tragedy without villains. No thoughtful American can withhold sympathy as President Johnson ponders the gloomy choices which lie ahead.

Yet each President, as he makes his choices, must expect to be accountable for them. Everything in recent weeks—the actions of the Administration, the intimations of actions to come, even a certain harshness in the Presidential rhetoric—suggests that President Johnson has made his choice, and that his choice is the careful enlargement of the war. New experiments in escalation are first denied, then disowned, then discounted and finally undertaken. As past medicine fails, all we can apparently think to do is to increase the dose. In May the Secretary of the Air Force explained why we were not going to bomb Hanoi and Haiphong; at the end of June we began the strikes against the oil depots. The demilitarized zone between North and South Vietnam has been used by North Vietnam units for years, but suddenly we have begun to bomb it.

When such steps work no miracles—and it is safe to predict that escalation will be no more decisive in the future than it has been in the past—the demand will arise for "just one more step." Plenty of room remains for widening the war: the harbors of North Vietnam, the irrigation dikes, the steel plants, the factories, the power grid, the crops, the civilian population, the Chinese border. The fact that we excluded such steps yesterday is, alas, no guarantee that we will not pursue them tomorrow. And if bombing will not bring Ho Chi Minh to his knees or stop his support of the Vietcong in South Vietnam, there is always the last resort of invasion. General Ky has already told us that we must invade North Vietnam to win the war. In his recent press conference, the Secretary of State twice declined to rule out this possibility.

The theory, of course, is that widening the war will shorten it. This theory appears to be based on three convictions: first, that the war will be decided in North Vietnam; second, that the risk of Chinese or Soviet entry is negligible, and third, that military "victory" in some sense is possible. Perhaps these premises are correct, and in another year or two we may all be saluting the wisdom and statesmanship of the American Government. In so inscrutable a situation, no one can be confident about his doubt and disagreement. Nonetheless, to many Americans these propositions constitute a terribly shaky basis for action which has already carried the United States into a ground war in Asia and which may well carry the world to the brink of the third world war.

The illusion that the war in South Vietnam can be decided in North Vietnam is evidently a result of listening too long to our own propaganda. Our Government has insisted so often that the war in Vietnam is a clear-cut case of aggression across frontiers that it has come to believe itself that the war was started in Hanoi and can be stopped there. "The war," the Secretary of State has solemnly assured us, "is clearly an 'armed attack,' cynically and systematically mounted by the Hanoi regime against the people of South Vietnam."

Yet the best evidence is that the war began as an insurrection within South Vietnam which, as it has gathered momentum, has attracted increasing support and direction from the north. Even today the North Vietnamese regulars in South Vietnam amount to only a fraction of the total enemy force (and to an even smaller fraction of the American army in South Vietnam). We could follow the genial prescription of General LeMay and bomb North Vietnam back to the Stone Age—and the war would still go on in South Vietnam. To reduce this war to the simplification of a wicked regime molesting its neighbors, and to suppose that it can be ended by punishing the wicked regime, is purely to misconceive not only the political but even the military character of the problem.

As for the assurances that China will not enter, these will be less than totally satisfying to those whose memory stretches back to the Korean War. General MacArthur, another one of those military experts on Oriental psychology, when asked by President Truman on Wake Island in October, 1950, what the chances were of Chinese intervention, replied, "Very little. . . . Now that we have our bases for our Air Force in Korea, if the Chinese tried to get down to Pyongang, there would be the greatest slaughter." Such reasoning lay behind the decision (the Assistant Secretary of State for Far Eastern Affairs at that time is Secretary of State today) to send American troops across the 38th Parallel despite warnings from Peking that this would provoke a Chinese response. In a few weeks, China was actively in the war, and, while there was the greatest slaughter, it was not notably of the Chinese.

There seems little question that the Chinese have no great passion to enter the war in Vietnam. They do not want to put their nuclear plants in hazard; and, in any case, their foreign policy has typically been a compound of polemical ferocity and practical prudence. But the leaders in Peking are no doubt just as devoted students of Munich as the American Secretary of State. They are sure that we are out to bury them; they believe that appeasement invites further aggression; and, however deep their reluctance, at some point concern for national survival will make them fight.

When will that point be reached? Probably when they are confronted by a direct threat to their frontier, either through bombing or through an American decision to cross the 17th Parallel and invade North Vietnam. If a Communist regime barely established in Peking could take a decision to intervene against the only atomic power in the world in 1950, why does anyone suppose that a much stronger regime should flinch from that decision in 1966? Indeed, given the present discord in Peking, war may seem the best way to renew revolutionary discipline, stop the brawling and unite the nation.

It is true that the Chinese entry into the Korean War had at least the passive support of the Soviet Union; but it would be risky today to rely on the Sino-Soviet split to save us from everything, including Soviet aid to China in case of war with the United States or even direct Soviet entry into the war in Vietnam. For the Soviet Union is already extensively involved in Vietnam—more so in a sense than the Chinese—and it would be foolish to suppose that, given Moscow's competition with Peking for the leadership of the Communist world, Russia could afford to stand by and allow Communist North Vietnam or Communist China to be destroyed by the American imperialists.

As for the third premise (that military "victory" is in some sense possible): The Joint Chiefs of Staff of course, by definition argue for military solutions. They are the most fervent apostles of "one more step." That is their business, and no one should be surprised that generals behave like generals. The fault lies not with those who give this advice but those who take it. Once, early in the Kennedy Administration, the then Chairman of the Joint Chiefs outlined the processes of escalation in Southeast Asia before the National Security Council, concluding, "If we are given the right to use nuclear weapons, we can guarantee victory." President Kennedy sat glumly rubbing an upper molar. After a moment someone said, "Mr. President, perhaps you would have the general explain to us what he means by victory." Kennedy grunted and dismissed the meeting. Later he said, "Since he couldn't think of any further escalation, he would have to promise us victory."

What is the purpose of bombing the north? It is hard to find out. According to Gen. Maxwell Taylor, "The objective of our air campaign is to change the will of the enemy leadership." Secretary McNamara, on the other hand, has said, "We never believed that bombing would destroy North Vietnam's will." Whatever the theory, the results would appear to support Secretary McNamara. The northern strategy, instead of driving Hanoi to the conference table, seems to have hardened the will of the regime, convinced it that its life is at stake, brought it closer to China and solidified the people of North Vietnam in its support.

"There is no indication," General Westmoreland said the other day, "that the resolve of the leadership in Hanoi has been reduced." In other words, bombing has had precisely the effect that the analyses of the United States Strategic Bombing Survey after the Second World War would have forecast. Under Secretary of State George Ball was a director of that survey; this may well be why he has been reported so unenthusiastic about the air assault on the North.

And, far from stopping infiltration across the 17th Parallel, bombing, if our own statistics are to be believed, has stimulated it. "It is perfectly clear," Secretary McNamara has said, "that the North Vietnamese have continued to increase their support of the Vietcong despite the increase in our effort. . . . What has happened is that the North Vietnamese have continually increased the amount of resources, men and material that they have been willing to devote to their objective."

Nor can we easily match this infiltration by enlarging our own forces—from 300,000, for example, to 500,000 or 750,000. The ratio of superiority preferred by the Pentagon in guerrilla war is 10 to 1, which means that every time we send in 100,000 more men the enemy has only to send in 10,000 or so, and we are all even again. Reinforcement has not created a margin of American superiority; all it has done is to lift the stalemate to a higher and more explosive level. Indeed, there is reason to suppose that, in its own manner, the enemy can match our every step of escalation up to the point of nuclear war.

U.S. News & World Report says in its issue of Aug. 22: "It's clear now to military men: bombing will not win in Vietnam." This is a dispiriting item. Why had our military leaders not long ago freed themselves from the illusion of the omnipotence of air power, so cherished by civilians who think wars can be won on the cheap? The Korean war, as Gen. Matthew B. Ridgway has said, "taught that it is impossible to interdict the supply route of an Asian army by airpower alone. We had complete air mastery over North Korea, and we clobbered Chinese supply columns unmercifully. . . .But we did not halt their offensive nor materially diminish its strength." If air power was not decisive in Korea, where the warfare was conventional and the terrain relatively open and compact, how could anyone suppose that it would be decisive against guerrillas threading their way through the hills and jungles of Vietnam?

The bombing illusion applies, of course, to South as well as to North Vietnam. Tactical bombing—bombing in direct support of ground operations—has its place; but the notion that strategic bombing can stop guerrillas runs contrary to experience. And we had it last winter, on the authority of the Secretary of State, that despite the entry of North Vietnamese regulars the war in South Vietnam "continues to be basically a guerrilla operation."

Sir Robert Thompson, who planned the successful British effort against the Malayan guerrillas and later served as head of the British advisory mission in Saigon, has emphasized that the defending force must operate "in the same element" as their adversaries. Counterinsurgency, he writes, "is like trying to deal with a tomcat in an alley. It is no good inserting a large, fierce dog. The dog may not find the tomcat; if he does, the tomcat will escape up a tree; and the dog will then chase the female cats. The answer is to put in a fiercer tomcat.

Alas, we have no fiercer tomcat. The counterinsurgency effort in Vietnam has languished, while our bombers roam over that hapless country, dumping more tonnage of explosives each month than we were dropping per month on all Europe and Africa during the Second World War. Just the other day our bombs killed or injured more than 100 civilians in a hamlet in the Mekong Delta—all on the suspicion that two Vietcong platoons numbering perhaps 60 men, were there. Even if the Vietcong had still been around, which they weren't would the military gain have outweighed the human and political loss? Charles Mohr writes in The Times: "Almost every provincial hospital in Vietnam is crowded with civilian victims of the war. Some American doctors and other officials in the field say the majority are the victims of American air power and South Vietnamese artillery."

The trouble is that we are fighting one war, with our B-52's and our naval guns and our napalm, and the Vietcong are fighting another, with their machine guns and ambushes and forays in the dark. "If we can get the Vietcong to stand up and fight, we will blast him," General Westmoreland has plaintively said; and when they occasionally rise to the surface and try to fight our kind of war, we do blast them. But the fact that they then slide back into the shadows does not mean that we are on the verge of some final military triumph. It means simply that we are driving them underground—where they renew themselves and where our large, fierce dog cannot follow.

Saigon officials have been reporting that Vietcong morale is declining as long as I can remember; these reports need not be taken seriously now. I know of no convincing evidence that the Vietcong lack the political and emotional commitment to keep fighting underground for another 20 years.

Our strategy in Vietnam is rather like trying to weed a garden with a bulldozer. We occasionally dig up some weeds, but we dig up most of the turf, too. The effect of our policy is to pulverize the political and institutional fabric which alone can give a South Vietnamese state that hope of independent survival which is our presumed war aim. Our method, in other words, defeats our goal. Indeed, the most likely beneficiary of the smashed social structure of South Vietnam will be Communism. "My feeling," Gen. Wallace Greene, commandant of the Marine Corps, has wisely said, "is that you could kill every Vietcong and North Vietnamese in South Vietnam and still lose the war. Unless we can make a success of the civic-action program, we are not going to obtain the objectives we have set."

Much devotion and intelligence are at present going into the programs of reconstruction, but prospects are precarious so long as the enemy can slice through so much of South Vietnam with such apparent immunity; and so long as genuine programs of social reform threaten the vested interests of the Saigon Government and of large landholders. In any case, as claimants on our resources, these programs of pacification are hopelessly outclassed by the programs of destruction. Surely, the United States, with all its ingenuity, could have figured out a better way to combat guerrilla warfare than the physical obliteration of the nation in which it is taking place. If this is our best idea of "protecting" a country against "wars of national liberation," what other country, seeing the devastation we have wrought in Vietnam, will wish American protection?

At the same time, our concentration on Vietnam is exacting a frightful cost in other areas of national concern. In domestic policy, with Vietnam gulping down a billion and a half dollars a month, everything is grinding to a stop. Lyndon Johnson was on his way to a place in history as a great President for his vision of a Great Society; but the Great Society is now, except for token gestures, dead. The fight for equal opportunity for the Negro, the war against poverty, the struggle to save the cities, the improvement of our schools—all must be starved for the sake of Vietnam. And war brings ugly side-effects: inflation; frustration; angry protest; attack on dissenters on the ground that they cheer the enemy (an attack often mounted by men who led the dissent during the Korean war); premonitions of McCarthyism

We also pay a cost abroad. Our allies naturally draw away as they see us heading down the road toward war with China. When we began to bomb the oil depots, James Reston wrote: "There is now not a single major nation in the world that supports Mr. Johnson's latest adventure in Hanoi and Haiphong." As nations seek to disengage themselves from the impending conflict, the quasi-neutralism of leaders like de Gaulle gains new plausibility.

On any realistic assessment, Western Europe and Latin America are far more significant to American security than South Asia; yet the Vietnam obsession has stultified our policy and weakened our position in both these vital areas. The war has clouded the hope, once mildly promising, of progress toward a *détente* with the Soviet Union. It has helped block agreements to end underground nuclear testing and to stop the spread of nuclear weapons. It has precipitated the decision of U Thant to resign as Secretary General of the United Nations and condemns the U.N. itself to a time of declining influence.

Our rejection of the views of our friends and allies—our conviction, as Paul H. Smith has put it, "that we alone are qualified to be judge, jury and executioner"—ignores Madison's solemn warning in the 63rd Federalist: "An attention to the judgment of other nations is important to every government for two reasons: the one is that independently of the merits of any particular plan or measure, it is desirable, on various accounts, that it should appear to other nations as the offspring of a wise and honorable policy; the second is that in doubtful cases, particularly where the national councils may be warped by some strong passion or momentary interest, the presumed or known opinion of the impartial world may be the best guide that can be followed. What has not America lost by her want of character with foreign nations; and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind."

The Administration has called the critics of its Vietnam policy "neoisolationists." But surely the real neoisolationists are those who have isolated the United States from its allies and raised the tattered standard, last flourished 15 years ago by Douglas MacArthur, of "going it alone."

How have we managed to imprison ourselves in this series of dilemmas? One reason surely is that we have somehow lost our understanding of the uses of power. Understanding of power implies above all precision in its application. We have moved away from the subtle strategy of "flexible response" under which the level of American force was graduated to meet the level of enemy threat. The triumph of this discriminate employment of power was, of course, the Cuban missile crisis (where the Joint Chiefs, as usual, urged an air assault on the missile bases). But President Johnson, for all his formidable abilities, has shown no knack for discrimination in his use of power. His technique is to try and overwhelm his adversary—as in the Dominican Republic and Vietnam—by piling on all forms of power without regard to the nature of the threat.

Given this weakness for the indiscriminate use of power, it is easy to see why the application of force in Vietnam has been surrendered to the workings of what an acute observer of the Johnson foreign policy, Philip Geyelin, calls "the escalation machine." This machine is, in effect, the momentum in the decision-making system which keeps enlarging the war "for reasons only marginally related to military need."

The very size and weight of the American military presence generate unceasing pressures to satisfy military demands. These may be demands to try out new weapons; the London Sunday Telegraph recently ran an informative article comparing the Vietnam war to the Spanish Civil War as a military testing ground and laboratory. Or they may be cries for "one more step," springing in part from suppressed rage over the fact that, with military power sufficient to blow up the world, we still cannot compel guerrilla bands in black pajamas to submit to our will. Whatever the reason, Sir Robert Thompson has noted of the American theory of the war: "There was a constant tendency in Vietnam to mount large-scale operations, which had little purpose or prospect of success, merely to indicate that something aggressive was being done."

The Administration has freely admitted that such operations, like the bombing of the North, are designed in part to prop up the morale of the Saigon Government. And the impression is growing now that they are also in part undertaken in order to smother doubts about the war in the United States and to reverse anti-Administration tendencies in the polls. Americans have become curiously insensitive to the use of military operations for domestic political purposes. A quarter-century ago President Roosevelt postponed the North African invasion so that it would not take place before the midterm elections of 1942; but today observers in Washington, without evidence of shock, predict a new venture in escalation before the midterm elections of 1966.

The triumph of the escalation machine has been assisted by the faultiness of the information on which our decisions are based. Nothing is phonier than the spurious exactitude of our statistics about the Vietnam war. No doubt a computerized military establishment demands numbers; but the "body count" of dead Vietcong, for example, includes heaven knows how many innocent bystanders and could hardly be more unreliable. The figures on enemy strength are totally baffling, at least to the ordinary citizen relying on the daily newspaper. The Times on Aug. 10 described "the latest intelligence reports" in Saigon as saying that the number of enemy troops in South Vietnam had increased 52,000 since Jan. 1 to a total of 282,000. Yet, "according to official figures," the enemy had suffered 31,571 killed in action in this period, and the infiltration estimate ranged from 35,000 as "definite" to 54,000 as "possible."

The only way to reconcile these figures is to conclude that the Vietcong have picked up from 30,000 to 50,000 local recruits in this period. Since this seems unlikely—especially in view of our confidence in the decline of Vietcong morale—a safer guess is to question the wonderful precision of the statistics. Even the rather vital problem of how many North Vietnamese troops are in South Vietnam is swathed in mystery. The Times reported on Aug. 7: "About 40,000 North Vietnamese troops are believed by allied intelligence to be in the South." According to an Associated Press dispatch from Saigon printed in The Christian Science Monitor of Aug. 15: "The South Vietnamese Government says 102,500 North Vietnamese combat troops and support battalions have infiltrated into South Vietnam.

"These figures are far in excess of United States intelligence estimates, which put the maximum number of North Vietnamese in the South at about 54,000."

But General Westmoreland told his Texas press conference on Aug. 14 that the enemy force included "about 110,000 main-force North Vietnamese regular army troops." Perhaps these statements are all reconcilable, but an apparent discrepancy of this magnitude on a question of such importance raises a twinge of doubt.

Nor is our ignorance confined to battle-order statistics. We have always lacked genuine knowledge of and insight into the political and cultural problems of Vietnam, and the more we press all problems into a military framework the worse off we are. The Administration in Washington was systematically misinformed by senior American officials in Saigon in 1962–63 regarding the progress of the war, the popularity of Diem, the effectiveness of the "strategic hamlet" program and other vital matters. It was not that these officials were deliberately deceiving their President; it was that they had deceived themselves first. Ordinary citizens restricted to reading the American press were better informed in 1963 than officials who took top-secret cables seriously.

The fact is that our Government just doesn't know a lot of things it pretends to know. It is not discreditable that it should not know them, for the facts are elusive and the judgments incredibly difficult. But it is surely inexcusable that it should pretend to know things it does not—and that it should pass its own ignorance on to the American people as certitude. And it is even less excusable that it should commit the nation to a policy involving the greatest dangers on a foundation so vague and precarious.

So now we are set on the course of widening the war—even at the cost of multiplying American casualties in Vietnam and deepening American troubles at home and abroad; even at the risk of miring our nation in a hopeless and endless conflict on the mainland of Asia beyond the effective employment of our national power and beyond the range of our primary interests; even at the risk of nuclear war.

Why does the Administration feel that these costs must be paid and these risks run? Hovering behind our policy is a larger idea—the idea that the war in Vietnam is not just a local conflict between Vietnamese but a fateful test of wills between China and the United States.

Our political and rhetorical escalation of the war has been almost as perilous as our military escalation. President Kennedy's effort was to pull Laos out of the context of great-power conflict and reduce the Laotian civil war to rational proportions. As he told Khrushchev at Vienna in 1961, Laos was just not important enough to entangle two great nations. President Johnson, on the other hand, has systematically inflated the significance of the war in Vietnam. "We have tried to make it clear over and over again," as the Secretary of State has put it, "that although Hanoi is the prime actor in this situation, that it is the policy of Peking that has greatly stimulated Hanoi. . . . It is Ho Chi Minh's war. Maybe it is Mao Tse-tung's war."

"In the forties and fifties," President Johnson has said, "we took our stand in Europe to protect the freedom of those threatened by aggression. Now the center of attention has shifted to another part of the world where aggression is on the march. Our stand must be as firm as ever." Given this view, it is presumably necessary to pay the greatest costs and run the greatest risks—or else invite the greatest defeat.

Given this view, too, there is no reason not to Americanize the war. President Kennedy did not believe that the war in Vietnam could succeed as a war of white men against Asians. It could not be won, he said a few weeks before his death, "unless the people [of South Vietnam] support the effort . . . We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it, the people of Vietnam." We have now junked this doctrine. Instead, we have enlarged our military presence until it is the only thing that matters in South Vietnam, and we plan now to make it still larger; we have summoned the Saigon leaders, like tribal chieftains on a retainer, to a conference in an American state; we crowd the streets of Saigon with American generals (58 at last count) and visiting stateside dignitaries. In short, we have seized every opportunity to make clear to the world that this is an American war—and, in doing this, we have surely gone far to make the war unwinnable.

The proposition that our real enemy in Vietnam is China is basic to the policy of widening the war. It is the vital element in the Administration case. Yet the proof our leaders have adduced for this proposition has been exceedingly sketchy and almost perfunctory. It has been proof by ideology and proof by analogy. It has not been proof by reasoned argument or by concrete illustration.

The proof by ideology has relied on the syllogism that the Vietcong, North Vietnam and China are all Communist states and *therefore* must be part of the same conspiracy, and that, since the Vietcong are the weakest of the three, they must *therefore* be the spearhead of a coordinated Chinese plan of expansion. The Department of State, in spite of what has struck most people as a rather evident fragmentation of the Communist world, has hated to abandon the cozy old clichés about a centralized Communist conspirary aimed at monolithic world revolution.

As late as May 9, 1965, after half a dozen years of public Russo-Chinese quarreling, Thomas C. Mann, then No. 3 man in the department, could talk about "instruments of Sino-Soviet power" and "orders from the Sino-Soviet military bloc." As late as Jan. 28, 1966, the Secretary of State could still run on about "their world revolution," and again, on Feb. 18, about "the Communists" and their "larger design." While the department may have accepted the reality of the Russo-Chinese schism by September, 1966, the predominant tone is still to regard Asian Communism as a homogenous system of aggression. The premise of our policy has been that the Vietcong equal Hanoi and Hanoi equals Peking.

Obviously, the Vietcong, Hanoi and Peking have interests in common and strong ideological affinities. Obviously, Peking would rejoice in a Hanoi-Vietcong victory. But they also have divergent interests and purposes—and the divergencies may prove in the end to be stronger than the affinities. Recent developments in North Korea are instructive. If any country was bound to Peking by ties of gratitude, it was North Korea, which was preserved as an independent state by Chinese intervention 15 years ago. If any country today is at the mercy of Peking, it is again North Korea. When North Korea now declares in vigorous language its independence of China, does anyone suppose that North Vietnam, imbued with historic mistrust of China and led by that veteran Russian agent Ho Chi Minh, would have been more slavish in its attitude toward Peking?

The other part of the Administration case has been proof by analogy, especially the good old Munich analogy. "I'm not the village idiot," the Secretary of State recently confided to Stewart Alsop. "I know Hitler was an Austrian and Mao is a Chinese. . . . But what is common between the two situations is the phenomenon of aggression." The Vietnam war, President Johnson recently told the American Legion, "is meant to be the opening salvo in a series of bombardments or, as they are called in Peking, 'wars of liberation.'" If this technique works this week in Vietnam the Administration suggests, it will be tried next week in Uganda and Peru. But, if it is defeated in Vietnam, the Chinese will know that we will not let it succeed elsewhere.

"What happens in South Vietnam," the President cried at Omaha, "will determine—yes, it will determine—whether ambitious and aggressive nations can use guerrilla warfare to conquer their weaker neighbors." The Secretary of State even described an exhortation made last year by the Chinese Defense Minister, Marshal Lien Piao, as a blueprint for world conquest comparable to Hitler's "Mein Kampf."

One thing is sure about the Vietnam riddle: it will not be solved by bad historical analogies. It seems a trifle forced, for example, to equate a civil war in what was for hundreds of years the entity of Vietnam (Marshall Ky, after all, is a North Vietnamese himself) with Hitler's invasion of Austria and Czechoslovakia across old and well-established lines of national division; even the village idiot might grasp that difference.

When President Eisenhower invoked the Munich analogy in 1954 in an effort to involve the British in Indochina, Prime Minister Churchill, a pretty close student of Munich in his day, was unmoved. The Chinese have neither the overwhelmingly military power nor the timetable of aggression nor, apparently, the pent-up mania for instant expansion which would justify the Hitler parallel. As for the Lin Piao document, the Rand Corporation, which evidently read it with more care than the State Department bothered to do, concluded that, far from being Mao's "Mein Kampf," it was a message to the Vietcong that they could win "only if they rely primarily on their own resources and their own revolutionary spirit," and that it revealed "the lack, rather than the extent, of Peking's past and present control over Hanoi's actions."

In any case, guerrilla warfare is not a tactic to be mechanically applied by central headquarters to faraway countries. More than any other form of warfare, it is dependent on conditions and opportunities within the countries themselves. Whether there are wars of national liberation in Uganda and Peru will depend, not on what happens in Vietnam, but on what happens in Uganda and Peru.

One can agree that the containment of China will be a major problem for the next generation. But this does not mean that we must re-enact in Asia in the sixties the exact drama of Europe in the forties and fifties. The record thus far suggests that the force most likely to contain Chinese expansionism in Asia (and Africa, too) will be not Western intervention but local nationalism. Sometimes local nationalism may call on Western support—but not always. Countries like Burma and Cambodia preserve their autonomy with American assistance. The Africans have dealt with the Chinese on their own. The two heaviest blows recently suffered by Peking—the destruction of the Communist party in Indonesia and the declaration of independence by North Korea—took place without benefit of American patronage or rhetoric.

In the unpredictable decades ahead, the most effective bulwark against "international" Communism in some circumstances may well be national Communism. A rational policy of containing China could have recognized that a Communist Vietnam under Ho might be a better instrument of containment than a shaky Saigon regime led by right-wing mandarins or air force generals. Had Ho taken over all Vietnam in 1954, he might today be enlisting Soviet support to strengthen his resistance to Chinese pressure—and this situation, however appalling for the people of South Vietnam, would obviously be better for the United States than the one in which we are floundering today. And now, alas, it may be almost too late: the whole thrust of United States policy since 1954, and more than ever since the bombing of the North began, has been not to pry Peking and Hanoi apart but to drive them together.

Is there no way out? Are the only alternatives widening the war or disorderly and humiliating withdrawal? Surely, our statesmanship is not yet this bankrupt. I think a middle course is still possible if there were the will to pursue it. And this course must begin with a decision to stop widening and Americanizing the war—to limit our forces, actions, goals and rhetoric. Instead of bombing more places, sending in more troops, proclaiming ever more ardently that the fate of civilization will be settled in Vietnam, let us recover our cool and try to see the situation as it is: a horrid civil war in which Communist guerrillas, enthusiastically aided and now substantially directed from Hanoi, are trying to establish a Communist despotism in South Vietnam, not for the Chinese but for themselves. Let us understand that the ultimate problem here is not military but political. Let us adapt the means we employ to the end we seek.

Obviously, military action plays an indispensable role in the search for a political solution. Hanoi and the Vietcong will not negotiate so long as they think they can win. Since stalemate is a self-evident precondition to negotiation, we must have enough American armed force in South Vietnam to leave no doubt in the minds of our adversaries that they cannot hope for victory. They must also have no illusion about the prospect of an American withdrawal. The object of the serious opposition to the Johnson policy is to bring about not an American defeat but a negotiated settlement.

Therefore, holding the line in South Vietnam is essential. Surely, we already have enough American troops, firepower and installations in South Vietnam to make it clear that we cannot be beaten unless we choose to scuttle and run, which will not happen. The opponents of this strategy talk as if a holding action would put our forces under siege and relinquish all initiative to the enemy. This need not, of course, be so. It is possible to slow down a war without standing still; and, if our present generals can't figure out how to do this, then let us get generals who can. Generals Ridgway and Gavin could doubtless suggest some names. Moreover, there is a South Vietnamese army of some 600,000 men which can take all the initiative it wants. And if we are told that the South Vietnamese are unwilling or unable to fight the Vietcong, then we must wonder all the more about the political side of the war.

The object of our military policy, as observers like Henry Kissinger and James MacGregor Burns have proposed, should be the creation and stabilization of secure areas where the South Vietnamese might themselves undertake social and institutional development. Our resources should go, in the Vietnam jargon, more to clear-and-hold than to search-and-destroy (especially when search-and-destroy more often means search-and-drive-underground). We should get rid of those "one-star generals who," in the words of Sir Robert Thompson, "regard their tour in Vietnam as an opportunity to indulge in a year's big-game shooting from their helicopter howdahs at Government expense."

At the same time we should induce the Saigon Government to institute generous amnesty provisions of the kind which worked so well in the Philippines. And we should further increase the incentive to come over by persuading the South Vietnamese to abandon the torture of prisoners—a practice not only horrible in itself but superbly calculated to make the enemy fight to the bitter end. In the meantime we must end our own shameful collaboration with this barbarism and stop turning Vietcong prisoners over to the South Vietnamese when we know that torture is probable.

As for bombing the North, let us taper this off as prudently as we can. Bombing is not likely to deter Hanoi any more in the future than it has in the past; and, given its limited military effect, the Administration's desire to gratify the Saigon Government and the American voter is surely not important enough to justify the risks of indefinite escalation. Moreover, so long as the bombing continues there is no chance of serious negotiation. Nor does the failure of the 37-day pause of last winter to produce a settlement refute this. Thirty-seven days were hardly enough to persuade our allies that we honestly wanted negotiation; so brief an interlude left no time for them to move on to the tricky job of persuading Hanoi. For Hanoi has substantial reasons for mistrusting negotiation—quite apart from Chinese pressure or its own hopes of victory. Ho has entered into negotiation with the West twice in the past—in 1946–47 and again in 1954—and each time, in his view, he lost at the conference table things he thought he had won on the battlefield.

For all our official talk about our readiness to go anywhere, talk to anyone, etc., it cannot be said that the Administration has pursued negotiation with a fraction of the zeal, imagination and perseverance with which it has pursued war. Indeed, some American scholars who have studied the matter believe that on a number of occasions when pressure for negotiation was mounting we have, for whatever reason, stepped up the war.[1]

Nor can it be said that the Administration has laid fairly before the American people the occasional signals, however faint, which have come from Hanoi—as in the early winter of 1965, when U Thant's mediation reached the point of selecting the hotel in Rangoon where talks might take place, until we killed the idea by beginning the bombing of the North. Nor, for all our declarations about "unconditional" negotiations, have we refrained from setting conditions—such as, for example, that we won't talk to the Vietcong unless they come to the conference table disguised as North Vietnamese. Though the Vietcong constitute the great bulk of the enemy force, they have been given little reason to think we will negotiate about anything except their unconditional surrender.

It is hard to see why we should not follow the precedent of Laos, when we admitted the Pathet Lao to the peace talks, and offer the Vietcong the prospect of a say in the future political life of South Vietnam—conditioned on their laying down their arms, opening up their territories and abiding by the ground rules of free elections. Nor is there reason to see why we have been so reluctant again to follow the Laos model and declare neutralization, under international guarantee, our long-run objective for Vietnam. An imaginative diplomacy would long since have discussed the ways and means of such neutralization with Russia, France, Britain and other interested countries. Unsatisfactory as the situation in Laos may be today, it is still incomparably better than the situation in South Vietnam.

On the other hand, negotiation is not an exclusive, or even primary, American responsibility. Along with a military stalemate, the other precondition of a diplomatic settlement is surely a civilian government in

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[1] See "The Politics of Escalation in Vietnam," by Franz Schurmann, Peter Dale Scott and Reginald Zelnik of the University of California; to be published in October by Fawcett Books (paperback) and Beacon Press (hardcover).

Saigon. Marshal Ky is one of those Frankenstein's monsters we delight in creating in our "client" countries, very much like the egregious General Phoumi Nosavan, who single-handedly blocked a settlement in Laos for two years. Like Phoumi, Ky evidently feels that Washington has committed itself irrevocably to him—and why should he not after the laying on of hands at Honolulu?—and that, whatever he does, we cannot afford to abandon him.

Robert Shaplen, in the August 20 issue of The New Yorker, reported from Saigon that the atmosphere there "is being compared to the miasma that surrounded Diem and his tyrannical brother Ngo Dinh Nhu" and that "many Vietnamese believe that the Americans, having embraced Ky so wholeheartedly and supported him so long, are just as responsible as his Government for the recent repressive acts."

I am sure that President Johnson did not intend to turn over American policy and honor in Vietnam to Marshal Ky's gimcrack. bullyboy, get-rich-quick regime. The time is bound to come when Ky must learn the facts of life, as General Phoumi eventually and painfully learned them.

But why wait? In our whole time in Vietnam, there has never been a Government in Saigon which had the active loyalty of the countryside. It might be an agreeable experiment to encourage one to come into existence. Instead of identifying American interests with Ky and rebuffing the broader political impulses in South Vietnam, we should long since have welcomed a movement toward a civilian regime representing the significant political forces of the country and capable both of rallying the army and carrying forward programs of social reform. We should give such a Government all possible assistance in rebuilding and modernizing the political and institutional structures of South Vietnam. And if it should favor the neutralization of its country, if it should seek negotiation with the Vietcong, even if it should release us from our commitment to stay in Vietnam, we should not think that the world is coming to an end.

It is not too late to begin the deescalation of the war; nor would the reduction of our military effort damage our international influence. "There is more respect to be won in the opinion of this world," George Kennan has written, "by a resolute and courageous liquidation of unsound positions than by the most stubborn pursuit of extravagant or unpromising objectives." France was stronger than ever after de Gaulle left Algeria, the Soviet Union suffered no lasting damage from pulling its nuclear missiles out of Cuba. And the policy of de-escalation recommended here is, of course, something a good deal less than withdrawal.

De-escalation *could* work, *if* there were the will to pursue it . . . This is the hard question. The Administration, disposed to the indiscriminate use of power, enmeshed in the grinding cogs of the escalation machine, committed to the thesis that China is the enemy in Vietnam, obviously could not turn to de-escalation without considerable inner upheaval. The issue in the United States in the months to come will be whether President Johnson's leadership is sufficiently resilient and forbearing to permit a change in the direction of policy and arrest what is coming increasingly to seem an accelerating drift toward a great and unnecessary catastrophe.

JUST NOT NEEDED

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. OTTINGER. Mr. Speaker, once again I am compelled to rise to speak against wasteful and unnecessary Federal spending.

This time I am concerned over the Tellico Dam project included under title IV in the Public Works Appropriation Act of 1967—H.R. 17787—which is scheduled to come before the House this week.

This project, which is mentioned on page 83 of the Public Works Committee report on the bill—House Report No. 2044—may seem innocuous. It calls for a $3.2 million appropriation for a dam on the Little Tennessee River in southeastern Tennessee for "multipurpose river development." Now that sounds like water resource development, flood control, and maybe even power development—in short, all the good things for which TVA has become famous.

Frankly, Mr. Speaker, that simply is not the case with Tellico Dam. Tellico Dam is purely and simply a "pork barrel" project that will have the taxpayers of the United States footing a $42 million bill for a risky 5,000-acre real estate speculation.

The so-called "general economic development" that TVA has in mind in the Tellico Dam project is really to lure industry from other sections of the country to this region and the way TVA intends to go about it is to condemn private land for resale at a "profit" to private industry.

I find it very hard to understand why TVA should ever be involved in this type of "pork barrel" project at any time. But, certainly, this Tellico Dam scheme is completely out of line now when restraint on Federal spending is so urgently needed.

On top of everything else, this is not a very sound business proposition. I am informed that TVA tried a similar venture once before in this area with no success. They acquired 1,000 acres on Melton Hill reservoir and, as of now, they have only been able to sell one 25-acre parcel.

TVA says that the Tellico Dam situation is different. They say that it has highway, rail, and water transportation resources that were lacking at Melton Hill. However, I am sure that they were just as confident at Melton Hill. Speaking as a businessman I would want to know a great deal more about the market before I would sink $42 million in a land speculation like this. I do not think that TVA ought to go into this kind of business, but if they do, then the stockholders—the U.S. taxpayers—must have better assurance of the soundness of the project than we have seen so far.

I doubt very much whether this Tellico Dam project would have gotten this far if TVA were required to come to Congress for authorization. Clearly the project is widely opposed by local groups and by national conservation organizations. I have received many letters from people in Tennessee asking my help in stopping TVA. The Chattanooga News-Free Press summarized their argument in an editorial last Friday, September 16:

Just Not Needed

Just below Chattanooga, work is progressing on the Nickajack Dam. This is an example of a dam that is needed, is fully justified, that is reasonable in concept and execution.

It is to replace the present Hale's Bar Dam, that has been undermined by water leaks through porous limestone formations. Nickajack also will provide huge locks to allow better use of the Tennessee River by shipping that currently is bottlenecked at Hale's Bar.

In sharp contrast with the demonstrable need for Nickajack Dam is the proposal for building the Tellico Dam on the Little Tennessee River.

Perhaps you have heard most about the Tellico Dam as a result of the protests of nature lovers, conservationists and fishermen who lament that the Tellico Dam would destroy one of the last natural rivers in our section. In addition, there is the stronger point that there is no real need for the Tellico Dam.

It is not justified by power production needs. It is not justified by navigation demands. It is not supported as a flood control measure. The only significant argument that is made for the Tellico Dam is that it would open new industrial sites. This is a poor argument when (1) there are many, many available industrial sites in the area that are not yet in use, and (2) it is not the business of the Federal Government to take the role of real estate developer.

It appears that the real reason behind the Tellico Dam is that its proponents just have run out of something else to do for the time being. Just yesterday, the House Appropriations Committee approved expenditure of three million dollars to start the project—a small forerunner of many millions of your dollars that would follow.

Here is one excellent example of a wise place to cut expenditures in this time of galloping inflation, wasteful Federal spending, deficit financing and costly war.

Mr. Speaker, I have inquired and found that more than 50 national and local organizations are strongly opposed to Tellico Dam. I would like to present a partial listing of these organizations for the RECORD:

Organizations Actively Opposed to the Tellico Dam Project

The Wilderness Society.
National Wildlife Federation.
National Audubon Society.
National Parks Association.
Wildlife Management Institute.
The Nature Conservancy.
American Forestry Association.
Izaak Walton League of America.
America Pulpwood Association.
Defenders of Wildlife.
Trout Unlimited.
Citizens Committee on Natural Resources.
Tennessee Society of the Daughters of the American Revolution.
Tennessee Game and Fish Commission.
Tennessee Conservation League.
Tennessee Outdoor Press Association.
Tennessee Farm Bureau Federation.
Tennessee Livestock Association.
Tennessee Federation of Garden Clubs.
Southeastern Outdoor Writers Association.
Association for Preservation of the Little Tennessee River.
The Eastern Band of Cherokee Indians.
Cherokee Nation, Tribe of Oklahoma.
Fort Loudon Association.
Monroe County Farm Bureau.
Monroe County Farmers Cooperative.
Monroe County Livestock Association.
McMinn County Farm Bureau.
Blount County Livestock Association.

Greenback Farmers Cooperative.
Vonore Lions Club.
Childhowee Rod and Gun Club.
Chattanooga Trout Association.
Highland Sportsman's Club.
Cherokee Sportsman's Conservation Association.
East Tennessee Historical Society, McMinn Chapter.
East Tennessee Duck Hunters Association.
Sweetwater Valley Feeder Pig Association.
Knox County Young Republican Club.
Southern Field and Creel Club.
West Knoxville Sertoma Club.
Knoxville Men's Garden Club.
Knoxville Retriever Club.
Cherokee Rifle and Pistol Club, Incorporated.
Association for Preservation of Tennessee Antiquities.
Ossoli Circle—Knoxville.
Middle Tennessee Conservancy Council.
Scout Troop 3057.
Y-Indian Guides.
Appalachian Anglers.
Society of American Foresters, Kentucky-Tennessee Section.
James White Chapter, DAR, Knoxville.
Chamber of Commerce, Athens, Tennessee.
Outdoorsmen, Inc.—Kingsport.

Knowing of this broad opposition, would a congressional committee have authorized this Tellico Dam scheme? I doubt it—certainly, not without a good deal more information.

Abuses such as this proposed dam indicate that new legislation may be necessary to bring agencies such as TVA back into the Federal Government and under the normal authority of Congress.

Mr. Speaker, I would not pretend to be an expert on the economics of this Tellico Dam project. I do not have to be one to see the dangers and the holes left by unanswered, and unasked, questions.

For example, TVA predicts that it will generate $15 million in economic benefits from the project. Almost $11 million of that total is to come from land sales, but what if those land sales do not materialize? If those land sales do not materialize—and they have not in Melton Hill—almost 75 percent of that economic benefit goes down the drain.

Mr. Speaker, I share the suspicion of the Chattanooga editor that the real reason for the Tellico Dam project is that the TVA has just run out of other things to do. We cannot afford this kind of "busy work" in this time of mounting inflation.

Futhermore, I do not believe that we can or should afford any busy work that damages and perhaps destroys valuable natural resources.

I have never fished in the Little Tennessee River and I consider it my loss, for the experts tell me that this is one of the great unspoiled stretches of river in that part of the country. They say that this dam will wreck this, and I believe them.

Along with the people of Tennessee, the numerous conservation agencies and the great newspapers of Tennessee, I urge my colleagues to support an amendment to the public works appropriations bill to delete the appropriation for the Tellico Dam project.

INTERVIEW WITH GEN. WALLACE M. GREENE, JR., U.S. MARINE CORPS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Keogh] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. KEOGH. Mr. Speaker, recently the Commandant of the U.S. Marine Corps, Gen. Wallace M. Greene, Jr., returned to the United States from the war zone in Vietnam, where he made a comprehensive survey of our military position and our relations with the Vietnamese people. General Greene, who is completing 3 productive years in the exacting role of Commandant, was interviewed by members of the staff of U.S. News & World Report.

His penetrating comments, as published in the September 5, issue of that magazine, should be read by every interested American:

General Greene Tells the Story of Vietnam War—Interview With the Commandant of the Marine Corps

(Note.—After a year of sustained U.S. effort in Vietnam, at a steadily rising cost, the returns are starting to come in—and they're mixed.

(The military picture is improving, but how rapidly? Will the Marines be able to link up their coastal beachheads? How about the Delta—will U.S. have to go after Reds there, too?

(Mainly: Can U.S. ever win a military victory?

(Then there's the pacification side of it. It's agreed that job is just starting. How long will it take—a year, or five, or 20?

(For authoritative answers, "U.S. News & World Report" invited to its conference room the Commandant of the Marine Corps, just back from the war zone. This is an exclusive interview with members of the magazine's staff.)

Q. General Greene, did you bring back any dominant impression from your latest trip to Vietnam?

A. The thing that impressed me most was the tremendous progress that's been made in the seven months since my last inspection—progress which to me augurs of a definite victory.

Q. What kind of progress?

A. The magnitude of the entire effort—the combat elements, the installations, the supporting establishments, storerooms, workshops, barracks for the men, recreation areas, and so forth—it is all just tremendous. That's No. 1. No. 2 is the progress made in the pacification of the countryside in the Northern Provinces where the Marines are located, and the success that we're having in the search-and-destroy operations. There is a very definite and noticeable progress.

Q. But aren't the Marines really prisoners in those beachheads that they are in along the coast?

A. No, they aren't—that's just the point. The beachheads are operating bases; they're combat bases on the sea from which we've not only been operating, but which we're gradually expanding. As you know, we went in there in March of 1965 and established three beachheads, with limited perimeters. We've been expanding the perimeters ever since.

Actually, as I tell a lot of our Marine officers, here you are seeing the influence of sea power on history, really.

Q. What are the three beachheads, General?

A. The principal one is at Da Nang, the first beachhead we established. The second is about 45 miles to the north, at Phu Bai, which is near the ancient city of Hue. The third is some 65 miles south of Da Nang at Chu Lai.

Q. How fast are you pushing out from these beachheads? Will you be able to link up all three before long?

A. This is the thing that really makes me feel optimistic. Some 17 months ago, when we first went ashore, we assumed responsibility for less than 10 square miles of real estate, with a very small number of Vietnamese living within the perimeters.

Today, inside the Marine Corps' area of responsibility, there are 1,620 square miles of ground and 900,000 Vietnamese civilians. I would call this progress.

More than that: The perimeters are growing, they keep expanding, and I feel that within a reasonable time we're going to be able to amalgamate these beachheads into a single beachhead, which will be proof not only to our own people that our programs are succeeding out there, but also a clear signal to Ho Chi Minh that he's losing.

Q. When would you estimate the linkup will come?

A. I'd say that part of the program should come within the next few months. Now, of course, this doesn't mean that the military campaign is going to be over, because, although we will have torn out the guerrilla infrastructure from the villages and hamlets and forced the enemy out where we can get at him in the jungles and mountains to the west, it simply will mean that we've done the preliminary surgery.

Next, we have to get on with the pacification program, which is going to take a considerable period of time and also is going to require U.S. military and civilian effort.

Q. For a long time?

A. For a long time. Look how long we have been in Europe—20 years. How long have we been in Korea? Fifteen years. The point is this is a long-term job. It is not necessarily a long-term military job. We may get over that part of it but the pacification job is going to take a long time.

Q. Do you have enough men to do the military job?

A. We have 56,000 Marines in South Vietnam, enough men to slowly expand our perimeters as we're doing now. However, of course, if additional forces were to be introduced, the action could be expedited, accelerated.

Q. How far from the sea do you intend to extend the beachheads?

A. From the sea westward to the mountains, back far enough to cover the great majority of people living in our area of responsibility.

Once you get to the mountains, you'll find very few people. There are 10,000 square miles in the First Corps area, but the bulk of the population—I'd say 90 per cent of the population—is actually centered in just one fourth of the total territory—in the sliver of flatland adjacent to the sea. We're talking about a region with a coastline 165 miles long and 8 to 14 miles in width.

Q. How many people are concentrated in this coastal area, altogether?

A. Some 2.7 million, plus some 200,000 refugees. Very few are in the mountains. It is very, very rugged country up there. In fact, they have what they call a "double canopy," with not only the ordinary tree-top-level growth, but an extension of this growth at a second level. This is no country in which anyone wants to live. It's tremendously rough.

We know that many of the enemy suffer from malaria and dysentery. It's hard to get food. They've had to execute forays toward the coast in order to get rice to eat, in many cases.

Q. Would you be in favor of going north as well as west, and extending a barrier parallel to the seventeenth parallel, south of the so-called DMZ—demilitarized zone—to stop infiltration?

A. In theory, this presents an inviting picture, but it becomes very questionable when you examine the logistics required, the engineers required, the time required and the troops who must keep it under surveillance. There's a serious question as to whether this would be the proper technique or not.

With the mobility that we have in the way of helicopters, and the ever-improving intelligence that we have, it would be much better, instead of having a barrier type of defense, to have a mobile, quick-reacting defense to hit the enemy wherever they may enter the country.

Furthermore, what do you really have when you have a barrier along the DMZ? The enemy can always make an end run around it. What are you going to do—extend a fence across the entire continent of Asia?

Q. Are the two Marine divisions in Vietnam actually enough to link up those beachheads, and do all the other things required of them?

A. If we were to put additional troops in there, we could hasten the effort.

Q. Do you have those in reserve, available somewhere in the world?

A. We have the newly organized Fifth Division on the West Coast. We've already started the deployment of one of its regiments, the 26th Regiment, to the Western Pacific.

Two battalion landing teams are already either in place or en route, along with the regimental headquarters. They'll come under the command of the Ninth Amphibious Marine Brigade on Okinawa. The other two regiments of the division are being organized on the West Coast, with one battalion in Kaneohe on Oahu.

Q. Those are regulars?

A. These are regulars, made up of volunteers. Now, in addition to this, of course, we have the Second Division and air wing on the East Coast of the U.S.—in North Carolina, at Camp Lejeune and Cherry Point. These are in a ready status to meet contingencies in the Atlantic Ocean basin and also in the Mediterranean or Europe. We could, if necessary, draw down on this air-ground team. We wouldn't like to do that. Then the third source would be our Fourth Marine Division and wing team, which is our Reserve outfit. I can say, based on my own experience, that the Reserve is in the best ready status that it's ever been in its history.

Q. How many men are there in the Marine Reserve?

A. We have about 48,000 in the Organized Reserve and about 56,000 in our Class 3 Ready Reserve.

Q. If you expand your forces in Vietnam, will you have to call up any of your Reserve units?

A. Since we've had a gradual intensification of effort in South Vietnam, we have been able to avoid calling up the Fourth Marine Division—the Reserve outfit—and, instead, we were able to organize the Fifth Division entirely out of volunteers. I thought that this was the proper thing to do and so recommended, because I want to keep that Fourth Division as a "Sunday punch." They're able to get under way within 60 days after they're called.

If we had a real serious escalation or emergency, we could call them up and move them quickly.

Q. How long does it take to form a new division like the Fifth and get it effective for operation?

A. The total organization of the Fifth Division will take approximately 12 months. We started organizing in March of this year.

As far as heavy equipment is concerned, I'd say it will take about 18 months to get everything we need in the way of tanks and artillery and trucks.

But remember, we're organizing it by small combat units—our battalion landing teams—and, as I said, we've already deployed the first of these. But the total process will not be completed, as far as people go, until March of 1967.

Q. Is the size of the Marine Corps itself going to have to go up in order to meet the planning?

A. We're authorized an end strength of 278,000, which we'll reach by end of calendar 1966. Unless there's an intensification of effort in South Vietnam, this is the level at which we expect to operate.

Q. Do you expect to get another division in Vietnam soon?

A. We don't necessarily have to have another Marine division in South Vietnam. We might get help from Vietnamese Marine units. As you probably know, there is a very fine Vietnamese Marine Corps, and also a Korean Marine Corps. The Korean marines are now in South Vietnam. Altogether, there are five battalions of Vietnamese marines. Both of these units are outstanding, and we'd be very happy to have them operating with us.

Q. What are they doing now?

A. The Vietnamese marines are in strategic reserve in the country. Actually, during our last two combat operations, "Hastings" and "Colorado," we've had at least two of their battalions operating with us. Many of their officers and men have been trained in our schools here in the States.

There are many, many Koreans and a great many Vietnamese officers and noncommissioned officers whom we personally know. This makes combined action on the battlefield an efficient operation.

Q. General, are the Marines spending as much time actually in combat in this war as they have in past wars?

A. This is not like many past wars. Actually, we have two programs under way, and we try to keep them in balance. As I mentioned, one is our search-and-destroy operation; the other is pacification. These programs, incidentally, apply throughout the country and are used by the Army as well as the Marine Corps.

Q. Exactly what do you mean by "search and destroy"?

A. The phrase really describes it very well. We search for organized units of the enemy until we locate them. Once they are located, we immediately get out there, usually by helicopter, and strike and try to destroy or fragment them. That's the first program: Find the enemy, fix him and kill him.

The second program—and in the long run the more important of the two—is our pacification program, which is also known under the terms of "civic action," "revolutionary development" or "rehabilitation." This program consists of pulling out of the village and hamlet structure the Viet Cong who have been living in these areas for years—identifying them, encouraging them to return to the Government side through the "open arms" defector program, capturing, killing them, or forcing them into the jungle and mountains to the west—and then starting on community programs to get people back on their feet.

Q. How in the world do you identify the enemy in any particular village?

A. Back in the 1940s the Marine Corps, which has had a great deal of experience in small wars, developed a "cordon system" for the pacification of small areas. We're actually using this method—we call it the "County Fair" operation. I saw one of these operations actually being conducted during my recent visit, and it was most interesting.

What we do: We select a hamlet, say of 500 or 600 people. We put a cordon around that hamlet, usually before daylight. Then, with South Vietnamese troops, we enter the hamlet, assemble all the people, screen each individual, move the people out of the hamlet into an enclosure where we can start giving them medical treatment, feeding them and issuing identity cards. This takes about three days.

Now, if any of the Viet Cong in the village attempt to escape, the cordon snares them. If they attempt to hide, we find out where they are and dig them out. In this particular village, we killed 10 Viet Cong and found a number of them hiding in the wells.

Q. In the wells?

A. It was a very clever procedure in which, just below the water level, they would dig into the side of the well and then upward, and hollow out an enclosure big enough for two men. Then they would build an air conduit into the well itself just above the water level.

When we entered the village, they'd dive into the well, go up into the enclosure and hide. We attempted to get them out by putting tear gas into the wells.

Q. Do you occupy these hamlets?

A. Yes, and that's an important thing. When this screening operation is over, we then leave one Marine squad, plus two squads of local militia.

Q. That thins out your forces—

A. That's the point I was going to bring out. In theory, this particular operation as soon as it's completed, should be taken over by the Vietnamese themselves, either by the local police and militia, or by South Vietnamese Army troops.

But the fact is there are not enough—and not enough trained—individuals to do this, so, for the past 18 months, we've had to divert marines from their normal search-and-destroy operations into the pacification program.

Q. Is anything being done in Saigon about this?

A. Everything possible is being done to expedite the training of Vietnamese civilians and military for the pacification program. Actually, while I was in Saigon I went on down to Vung Tau, which is the revolutionary-development, cadre-training center—a most interesting place where they had some 5,000 civilian Vietnamese under training, to be organized into 59-man teams to be inserted into these village and hamlet areas to take over after the "County Fair" screening operation has been completed. They are making progress.

Q. How do the Marines work alongside these South Vietnamese militia in the villages?

A. Very closely. We have what we call combined-action companies, which are rapidly growing in number in the First Corps area, consisting usually of a squad or a platoon of U.S. Marines, and then several squads or two or three platoons of Vietnamese militia. We work with them, train them, develop their leadership, actually operate with them against the Viet Cong. Eventually we'll be able to pull our units out, and they will operate by themselves. These people are good fighters. They're loyal, and they work with us in ambushes and operations at night. In fact, one company I saw was on such close terms with our marines that they were wearing U.S. Marine Corps insignia on one of the lapels of their pajamas as an indication of how they felt.

Another most interesting thing is the attitude of the young marines in these combined-action companies.

I talked with a tall, lean, lanky Texan. I'd say the boy, a corporal, is about 20 years old. He hardly let me go, he was so enthusiastic about what he was accomplishing.

He showed me his unit. He showed me where they were billeted. He introduced me to the village officials. He told me about their operations at night against the Viet Cong. He took me down and showed me the school they just got back into operation. They had six classrooms and about 200 kids. He took me in and introduced me to the teachers.

Then this happened: The corporal's next-in-command said he was going to extend his tour in Vietnam for six months, because he had been told he could have a unit of his own like this in the next village. You see, these men really believe in what they're accomplishing.

Q. Have you political stability in your area now?

A. Yes, we do have political stability. We had turbulence up there in April and May, in the vicinity of Hue. The city has quieted down. Da Nang has returned to normal.

But here is the vital thing: Even at the height of the political emergency up in First Corps, the fabric which we'd built over the period of a year in the countryside, among the people, held firm.

Q. The trouble was in the cities?

A. Absolutely. Out in the hamlets and villages, where we had our pacification program under way with the Vietnamese, the people continued to cooperate with us, and we had no difficulty at all. It was only in the urban areas, where the agitation was under way, that there was some difficulty.

Q. Do these people in the countryside have any feeling of allegiance to Saigon?

A. Their allegiance is principally to their own family, to their village or their hamlet, to their religion, or to small groups. This is a major problem, because the idea of voluntary allegiance to a government is new to them. In the past, governments have always been forced on them.

This is the problem that's going to take years. General Walt (Lieut. Gen. Lewis Walt), who is commanding the Marines out there, feels that one of the keys is in the young Vietnamese people. That's why he's spending so much effort on helping to get the schools re-established.

Q. Did you say the Marines are building schools?

A. Of course, and we're not only getting assistance from our Government through the AID program, but many thousands of people in the United States have made contributions to the Marine Corps Reserve civic-action program. General Walt has had over $350,000 made available to him, and most of this he's spending in the re-establishment of the schools. You can't go out there and see these children without realizing how important this project is. These are really fine-looking boys and girls. They're smart. I've talked with a lot of them. They're anxious to go to school. And here is the basis, I feel, of hope for the country.

Q. But that's a long-time proposition—

A. It is, but we should ask: Is it worthwhile or not?

Intertwined with our pledge and our help to this small country, which I personally don't feel we should welsh on, we have our own national-security interests, too, that we must remember. We didn't select this battlefield in South Vietnam; nevertheless, it's one on which we can adequately meet and cope with the enemy.

If we were to withdraw from South Vietnam, we'd not only lose tremendous prestige throughout the world, but it would only be a matter of time before we'd have to go in and meet the threat somewhere else, either on the Subcontinent, in the Middle East, maybe in Australia and New Zealand, perhaps Thailand, which is already threatened in the northeast corner, and, finally, perhaps even on our own doorstep, in Latin America.

We either have to choose to meet the enemy here, or face the almost certainty of having to meet him somewhere else, on another battlefield, where the price of admission will be many times what it's been so far.

WE CONTROL SEA AND AIR

Q. Isn't it true that the Joint Chiefs of Staff at one time opposed the idea of fighting another land war in Asia?

A. This problem came up, as you know, in 1961, when it looked as if we were going to become involved in Laos.

Of course, that would have been a most difficult problem, because you have in Laos a landlocked area, extremely rough country, very limited roads, practically no railroads, far from the sea. This would have been a most difficult operation to mount and to sustain.

But we can't always select the area in which we have to meet our enemy. Although we eventually didn't go into Laos, we found ourselves slowly slipping into the situation in which we find ourselves now in South Vietnam. Fortunately, we're fighting in a country where we have ready access from the sea, and we control the sea and control the air.

Q. Would it help the war much in the South if the port of Haiphong in the North were to be shut down tight, by mining the harbor or by other means?

A. You've raised a question that's not only military but also political. The political factor has to be measured, and this has been one of the determinants in examining the problem. We can get along—and are—without this action being taken.

Q. Is the flow of supplies slowing from the North?

A. Somewhat. I think where you notice it is in a drop-off of motorized vehicles, such as trucks, and also in boats that are propelled by motors. This is a result, of course, of our attacks on their oil-storage facilities in the North. However, infiltration of men still continues at about 4,500 to 5,000 men a month.

Q. General, what do you think of Prime Minister Nguyen Cao Ky's idea that we have to invade North Vietnam in order to end this war?

A. Well, several times the Prime Minister has made various statements which are his own personal opinions. I feel that the real key in this war is whether we have success or failure in ripping out the guerrilla infrastructure from these villages and hamlets. I think the North Vietnamese are watching this, because they know that, if they lose the people in the South, they lose the war.

Q. Just who is it that you're fighting—mostly Southern Viet Cong, or regular-army troops from North Vietnam?

A. When we went initially into South Vietnam, into First Corps area, our principal enemy was the "black pajama" guerrilla. Now, the interesting thing: During my last visit, Operation Colorado was in progress. We had just thwarted an ambush. There were some 200 bodies of the enemy scattered around this village in which the ambush had been set up. In looking over the dead, and also looking over a group of prisoners which our marines had taken, we found the bulk of these people were North Vietnamese, with only a sprinkling of guerrillas. To me, this is a significant indication—that they have found it necessary to introduce North Vietnamese into the country in order to get on with the campaign that the guerrillas are actually losing.

Q. Do the marines take many prisoners?

A. We aren't taking as many prisoners as we'd like. But I saw about 20 during this Operation Colorado. There had been 20 prisoners captured.

Q. Do they tend to fight until they're killed?

A. No, you find a variety. Some of them fight until they're so badly wounded that we can take them prisoner. Others surrender. Others, even at the early part of the fight, just desert and come over to our side.

Q. Don't the Communists have an endless supply of men?

A. They have a tremendous manpower pool in the North, of course, and they can decide, if they want to, to continue a war of attrition over a long period of time. But the point is: What are they going to gain in this sort of operation if they see, first, that they've lost the people and, two, that we're determined to see the effort through?

Q. Who are those "black pajama" guerrillas?

A. Most are local people, the people who were born in the villages and hamlets of South Vietnam, frequently led by cadres trained in the North and reinfiltrated into the South. By virtue of the fact that they are the only ones in a village that have arms, for example, they have taken over the village and they control the people.

Q. What's their motivation?

A. They have been sold the Communist idea—that's one motivation.

Q. Can the regular Northern troops be infiltrated into the Southern villages, into the infrastructure? Will they be accepted there?

A. No, that's just the point. We've taken a number of Northern-born prisoners who, in the first place, don't know the countryside and, secondly, are not accepted by the people. In fact, the Viet Cong themselves are not accepted by the people. Once the people are convinced that the Americans and the Vietnamese that come in—in the military units—are going to stay, then we start getting information from them as to where the Communist fighters are, who they are where they're hiding, where their caches are. This is, again, a most encouraging part of this whole operation.

MAJOR ELEMENTS FROM NORTH

Q. Would this suggest that the usefulness of the North Vietnamese forces is largely confined to uninhabited areas?

A. Northerners are alien in the South, but the Communist side—our enemy—would introduce them into any area where they felt that they could gain a military advantage. For example, in the Second Corps area, which is in the central part of South Vietnam, the plateau area around Pleiku and Kontum, they've been introducing major elements in order to meet the U.S. Army's airmobile division in battle.

Q. Where do they come from? How do they get there?

A. They come down through Laos, along the Ho Chi Minh Trail, and infiltrate across the border through innumerable ingresses. I've seen some of these. For instance, one is the Ba Long Valley up in the First Corps area. This is a deep valley that comes right across from Laos, right through the mountains into the area in the vicinity of Hue. This is a natural path—in a natural ingress.

Q. They come on foot?

A. They come on foot a good deal of the way. However, in their initial movement out of North Vietnam, they ride trucks. They ride until they get down to the place where there are only trails, and then they infiltrate by foot along the trails.

Q. How are they supplied?

A. They're supplied by truck and also—as they have been in many other previous wars—by pack, by coolie, by bicycle.

Q. Do you agree with the theory that this war might just fade away if the enemy gets the idea that he is losing?

A. I certainly think it's a possibility. I think Ho Chi Minh, as he watches the situation in the South and sees that he's losing control, may then decide that the easiest way is temporarily to fade out of the picture in hopes that we'll leave the country—or that at a later opportunity he'll be able to infiltrate with political teams and take over. This would be one prospect. It's happened before, and it's an easy way to do it without any loss of prestige.

WHY THE DELTA IS VITAL

Q. You are optimistic about the situation in the Northern Provinces, where the Marines have been located—but are things as bright in the Southern Provinces, in the Mekong Delta? What is the situation there?

A. The Delta, as all of us well know, is a tremendous area with a long seacoast, a network of waterways—the rice bowl certainly of South Vietnam and possibly of Southeast Asia—5 million people who offer not only a tax base for the guerrillas but also a recruiting base. It is an area of the utmost importance.

I heard one of the leading officials of South Vietnam say that the war started in the Delta and probably will have to finish there. Perhaps that is an accurate forecast.

Q. Is a pacification program under way in the Delta?

A. There is a program under way, but much remains to be done. The program being conducted now is under the auspices of South Vietnamese military units.

Also, of course, there are parts of the Delta area which are under the control of certain religious groups who are bitterly opposed to the Viet Cong. But there's a tremendous job to be done in the Delta area, because there's so much land to be covered and so many people and hamlets and villages to be pacified.

Q. Is that a different military problem from the one in the northern areas?

A. Yes. In the north, although we have rivers running down to the sea, we don't have the tremendous marshes and rice paddies you find in the Delta.

In the Delta, you have a multitude of rivers and streams throughout. Then, of course, you're on the ocean, with a very long coastline. In addition to that, you're next to the Cambodian border, which also poses a problem.

Q. How do you deal with this problem?

A. The job certainly can be done. There's nothing insurmountable about it. It's going to take people, it's going to take equipment, and it's going to take time.

Q. Do the Communists have organized units in the Delta, or do they operate as individuals pretty much?

A. They operate just as they do in the rest of the country—as individuals and as small guerrilla bands.

Q. How do they supply themselves?

A. Principally from the countryside, so far as food is concerned. Their ammunition has been brought in across the border or across the coast.

Q. Are we getting geared up for this kind of war in the Delta?

A. We're always planning ahead for possible operations, not only in the Delta, but throughout the country.

Q. Will it take the same sort of effort in the Delta as in the First Corps area—the occupation of villages?

A. Yes, the same two programs—search-and-destroy and pacification—apply here just as much as they do up in the mountainous northern portion of the country.

Q. Aren't those villages different in the Delta—very difficult to guard because they stretch for miles along canals?

A. Here, again, the problem essentially is the same as we have farther north. What was tried before, unsuccessfully, was to set up the so-called strategic-hamlet program in which the hamlets were fortified, but their defense was left to the people, or to very poorly trained militia.

Under the system we're using now, well-trained units are left in these areas to hold them. These units are not only our own military and the South Vietnamese military, but also the "revolutionary-development cadre" teams—the development teams that are being trained.

Q. As this develops, it's going to take tremendous manpower, isn't it?

A. It already is taking tremendous manpower. You have about 700,000 men under arms from South Vietnam itself, of course, and we've got about 290,000 of our own troops there. The Koreans have over 20,000. The Australians are represented, and so are the New Zealanders. A contingent from the Philippines is expected.

The one thing that comes out of any discussion of this situation is the magnitude of the task to be done.

Q. Is it going to take as many more people as we have over there now?

A. I wouldn't want to speculate on how long it would take or how many troops it would take. But let me say this: It will take a long time, and it will take a large number or troops.

Q. Are the South Vietnamese proving good soldiers?

A. Yes, they are. When you remember that these people have been fighting and dying for 20 years, to think that they're still in the fighting business is a remarkable thing.

We find that these people, if they're well led, will fight well. We've had scores of marines operating as advisers with their units, and they speak most highly of them. If they are led properly, they are good fighters.

Q. Are the Viet Cong good fighters, too?

A. Very good fighters—dangerous fighters. During Operation Colorado, the Viet Cong who were there fought until they were killed right in their positions. They didn't run away. They fought. They're good fighters. They are well-equipped. They have good weapons.

WEAPONS USED BY REDS

Q. What are the weapons—Chinese?

A. Most of the weapons that I've seen are of Soviet design, manufactured in China.

Q. These are small arms?

A. Small arms and some antiaircraft weapons. Of course, we know the surface-to-air missile equipment in North Vietnam is provided by the Soviet Union.

Q. What about the increase in casualties, General?

A. I don't think our casualties have been extraordinary. We've had about 1,350 men killed to date, and 8,000 wounded. That is just in the Marine Corps. The bulk of those wounded returned to duty.

The medical treatment our men are receiving now is really outstanding. We're losing less than 2 per cent of our wounded in this campaign out there, and it's due to the advances that have been made in military medical treatment. For example, we are getting people that are struck on the front line back in the States, undergoing final treatment, in five days' time.

One incident that struck me while I was at Chu Lai: We had a boy that had just come in from the front lines, badly wounded. I was in talking with him and decorated him with a Purple Heart. Two days later, when I was at Clark Field at the Philippines, I went into an evacuation plane that was about to take off for Andrews Air Force Base near Washington, D.C., and the first man I saw was this boy whom I had seen in the hospital at Chu Lai.

MORALE: HOW GI'S FEEL

Q. How is morale?

A. Again, on this trip, like on other trips, I never found a single wounded man—and I include many Army and Air Force and Navy—who ever complained to me over the fact that he was wounded.

When I got to Japan, I went down to Yokosuka to the naval hospital to see the wounded. As I was going along the wards, one of the nurses came to me and said: "There's a wounded man, a corporal over there, and he requests mast with you." Well, you know what mast is: It's a session a commander gives on request to any one of his men who wants to present a problem or complaint or ask for help.

So I went over to this boy. He was badly wounded in the stomach and in one leg. He was so badly hurt that he couldn't sit up in bed. He could just lie there. He couldn't speak very loudly, so I bent over. And he said to me: "General, I know I'm going to be all right. It's going to take a few weeks, and I have just one thing I want to ask you, and that is that, when I'm able to walk, I want to return to my unit."

Now, here was a boy 19 years old, making that kind of a request. You find this attitude everywhere in South Vietnam—a feeling that they've finally got the thing under way.

They know that they can whip this enemy that they face. They've done it every time that they've met them in any major operation of any sort. They know that the tremendous power of the United States is behind them, as evidenced by the ammunition, food and installations that are going into the country. They feel in their own minds that this campaign is going to be a success.

Q. General, are you confident—

A. Just two more points about morale that struck me:

I got to Okinawa, and I was really astonished to find out that they had a blood-donor campaign, and the marines who were going through Okinawa on their way down to South Vietnam were contributing blood.

The other thing that struck me was the fact we had lots of units in South Vietnam there were over 50 per cent—and some of them almost 100 per cent—in U.S. savings-bond purchases. In fact, in one place in Chu Lai I ran into a supply-support unit which had a sign listing its savings-bond activity—90 per cent—and down at the bottom it said: "We believe in the U.S.A." I thought that was something that people back here in the United States might think about.

Q. Are you satisfied that your men are getting the right kind of training before they are sent out to fight?

A. You bet I am. The marines who are going out to South Vietnam are going out there prepared to fight. They aren't going out there to learn on the job. They know their jobs before they go. We have a tremendous training system under way now, and we are introducing every scrap of information that we develop in South Vietnam into our training system, so that the marines that leave the United States, both the professionals and also the short-timers, are being given very detailed, thorough instruction in booby traps, mines, enemy techniques, methods of ambushes, and all the counters that are used by our own troops.

Q. How long is a Marine tour?

A. A Marine tour is 13 months, portal to portal—U.S. to U.S. It means 12 months out there and about two weeks out, two weeks back, including the processing.

Q. General Greene, are the military services given a rather free hand in the operation of this war? Or is there quite a bit of political direction?

A. This war, like all modern wars, is certainly a mixture of both military and political factors—and, as time goes on, the years pass by, this becomes even more evident and even more important. You can't look at any of these problems in Southeast Asia purely from the military point of view.

Q. When you analyze a problem, do you have a free hand or do civilians tend to override you?

A. We have a very free hand in analyzing a problem, and we try to do it not only from the military point of view, but also from the economic and political viewpoints, too.

We make recommendations to the officials in the Administration as to what our views are. Now, they aren't necessarily always followed, but we have freedom to make known our views—which we do.

Q. From the very beginning in this war, there have been so many optimistic statements that a good many people are saying they just don't believe them any more. Does that criticism bother you?

A. Not particularly. Any estimate that one makes hinges on the background and experience of the individual who makes it, plus his interpretation of what he sees if he actually goes into the country.

I know I sound optimistic to you, and I'm enthusiastic about what I see, because I'm convinced, if we keep on with what we're doing, that we can bring a satisfactory close to this conflict in South Vietnam.

I'm looking at it primarily from a military point of view, but I'm also keeping firmly in mind the problem of economics, the flow of gold, the cost, the casualties, the meaning of these things to our country—and also the political implications and our relationships with other nations who have an interest or are involved in this, too.

Q. What do you mean by a "satisfactory close" to the war?

A. I mean providing firm security to the people of South Vietnam and getting on with the pacification program.

Q. Once that's done, do you think that it is finished for all time?

A. Well, I wouldn't say it would be finished for all time. I'm just saying that it can be brought to the status to which we want it brought and to which the Vietnamese themselves want it.

WHEN TROOPS CAN LEAVE

Q. And our troops could then come home?

A. Then our troops could start to come home. As soon as the South Vietnamese people have started on the rehabilitation program—so that their own military forces, their local police and militia are able to protect them from any guerrillas that would be out in the countryside—then I would say that we could start withdrawing our troops.

I think it will be some time, however, before we will be able to do this.

INCOME TAX DEDUCTION FOR TEACHERS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. CRALEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. CRALEY. Mr. Speaker, of the many grave problems confronting us today, I know of none more immediate, serious, and of lasting significance than the critical shortage of teachers. The Elementary and Secondary Education Act and Higher Education Act will, like medicare, have the immediate effect of pointing up an already existing shortage; namely, manpower—teachers.

The rationale for supporting those bills and others improving educational opportunity in the United States, is also behind my present support of legislation to amend the Internal Revenue Code of 1954. The purpose of this amending legislation I support is to allow teachers to deduct from gross income the expense incurred in pursuing courses for academic credit and degrees at institutions of higher education and certain educational travel expenses.

As of July 7, 1966, the Internal Revenue Service indicated an intention to change certain tax regulations they have followed with regard to the deductibility of educational expenses. These changes would prohibit many teachers from deducting costs which they incur in bettering their abilities and skills.

The deductions have often been allowed on the basis that this was a business expense and under certain conditions, then, allowable.

My conviction is that it is incidental whether or not a teacher is required by his or her employer or board of education to pursue education further; that it is incidental whether such additional training would result in advancement or additional monetary recompense.

I speak from my own experience as a teacher and in light of changes education is undergoing at this time. The nature of teaching is such that a certain minimal amount of education is required to qualify as a teacher. Beyond that, however, I feel there cannot legitimately be imposed any restrictions on the amount of learning important for, even essential to, the growth of a teacher as a teacher.

We are today in the midst of a knowledge explosion. There are new ways of teaching math. Different approaches to language studies are in vogue. We must learn more about using educational TV and computers. History and many of the social sciences must be taught in new ways and made relevant to our society. All of this means a constant relearning process of our teachers.

Moreover, much of the aid to education today is predicated upon the belief that we are entering an age of constant learning, of continued education for everyone. Ours is an age of technology and rapid information growth, when advanced degrees and postdoctoral work become important, even imperative. Can we then justify reducing teachers' financial motivation? Should we not in every way possible seek means to encourage their learning?

We should, after all, think some about the "disadvantaged teacher," that individual who cannot easily afford to take special courses to advance his or her knowledge, but would like to do so. This tax deduction is simply an indirect subsidy to teachers whose salaries, although improved, are notoriously low in comparison to their public service.

It is my hope that this tax deductibility and other indirect forms of assistance may be devised and approved so that teachers may help themselves to achieve the education they desire and this country so desperately needs.

CONGRESSMAN SCHMIDHAUSER URGES TAX REFORM AS A SOUND CURB ON INFLATION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHMIDHAUSER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. SCHMIDHAUSER. Mr. Speaker, the elimination of longstanding tax loopholes would restore equity to our imbalanced tax system. The necessity for this worthwhile reform is even greater because of the necessity to curb inflation. By eliminating longstanding tax loopholes, the immediate needs of our Nation can be met in a manner which will enable us to balance our budget and take a decisive step toward annual reduction of the public debt in order to achieve the necessary goal of fiscal responsibility.

One of the more absurd tax loopholes which remain in effect has been continued because the Treasury Department and the Internal Revenue Service has failed to take decisive action to end special privileged exemptions. It is estimated that $110 million of advertising revenues go untaxed; approximately 700 publications enjoy a tax exempt "nonprofit" status in connection with advertising revenues.

The organizations which enjoy this status compete with tax paying publications for advertising accounts.

I pointed out on June 16 that the Treasury Department and the Internal Revenue Service have delayed their ruling on this important matter for 6 years, a delay which I believe can only be accounted for because of the unwillingness of these agencies to step on powerful toes.

Time is long overdue for action on this important matter. Such long-term delay weakens citizens' respect for Government at a very time when we should take every constructive step to enhance that respect.

The Federal Government's responsibilities have grown in meeting the Nation's problems, and it has become increasingly important that adequate steps be taken by the Congress to insure that every American citizen's basic constitutional rights are protected. It has become increasingly evident that bureaucratic empires have developed a case law and set of administrative procedures that are not always in the interest of the public which each and every official is legally required to serve.

Several months ago, I requested the Internal Revenue Service to issue an opinion on the question of the tax status of tax exempt groups which reap millions of dollars annually from advertising revenue derived from their own publications. In addition to permitting this tax giveaway while taking the hard-earned tax dollars of farmers, workers, and small businessmen, this administrative agency, by failing to act, continues to bestow special treatment upon certain publications to the detriment of others. Certainly, this is an act contrary to our traditional economic doctrine.

Since my original request to the Internal Revenue Service, I have received numerous letters either totally ignoring the issue at hand, or implying that Congress should mind its own business and permit the Internal Revenue Service to cope with the situation in true bureaucratic fashion. It is inconceivable to me that any issue can remain pending for over 6 years, during which time "extensive studies" are being conducted. How can any public servant of the people of this great Nation argue that such inexcusable delay is necessary? My files are full of letters assuring me of the difficulty of the situation and of the complicated nature of the questions. The Commissioner, the Chief Counsel, and a White House economist have all assured me that a decision will be given, but it takes time. I submit that time is not what is needed, but, rather, a little backbone is the necessary element required to bring about a decision.

FUND PRESERVATION BILLS ONLY AS NECESSARY TO NATIONAL INTEREST

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHMIDHAUSER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. SCHMIDHAUSER. Mr. Speaker, among the bills acted on today were several relating to the preservation and development for future generations of areas of distinctive beauty or historic interest. I supported these measures because they are worthy and may represent opportunities for preservation that should not be lost. These measures were sponsored by Members from both sides of the aisle. Because of our current financial situation, I urge the Executive to fund these programs only to the extent necessary to preserve our Nation's interest. When our immediate national obligations permit, the development of these worthy projects can then be undertaken in full.

MERITS OF FEDERAL LAND ACQUISITION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. DOW] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. DOW. Mr. Speaker, in connection with my involvement in the Hudson River legislation that recently passed the House, and my concern for a segment of the Delaware River that is named in the Wild Rivers Act, I want to raise two points for consideration in further legislation.

The first point relates to the rather helpless position of local governments and communities in those situations where the Federal Government or a State undertakes to secure land or easements for purposes of parks, recreational facilities, or wilderness areas. A great alarm is expressed by communities in my 27th Congressional District of New York when the Federal or State Government issues a map or declares an intention to take land for even the best of purposes. While the local fathers are, almost without exception, in favor of the broad purposes relating to parks, recreation, and natural preservation, they very positively desire to participate in the selections of the land to be reserved as it affects their communities. I believe that they could enhance the effort for preservation oftentimes if they were allowed to share in the choice of land to be preserved.

A second point that has become apparent to me through my activities on the preservation bills concerns the fact that certain Federal departments grant or withhold licenses for construction of hydroelectric or similar projects along our riverways. The Federal agencies granting the licenses have a certain mandate to weigh the merits of the projects applied for according to practical criteria as to feasibility, danger to the public, and so on. These criteria do not uniformly include scenic or historic values relating to the lands sought to be acquired.

Accordingly, I am today introducing a bill that would require the Attorney General of the United States to investigate and make recommendations regarding legal protections that might be made available to local communities against arbitrary decisions handed down by Federal or State agencies seeking to take land for preservation and like purposes.

The study would include evaluation of the merit of establishing an independent administration agency to review such land acquisition. A review by an agency of this type would deal with the desirability of land acquisition in the light of Federal, State, and local policies. Second, it would determine whether any acquisition would unduly mar the precious natural heritage of the Nation, represented in its mountains, forests, and streams; damage places deserving preservation for historic reasons, or third, abolish communities, businesses, or civic institutions in an arbitrary manner. In other words, there would be a finding by such agency that would take into consideration all of the broad factors relating to land takings, either for purposes of preservation or of power facilities. In this way, the acquisition could be justified or not on the grounds of good judgment and public necessity overall.

I believe that this subject is one which will become more critical in the course of time as civilization encroaches more extensively on our remaining natural treasures. The subject is very broad and therefore elusive. This is an area where specific precedent cannot be written easily. For that reason I recommend in my bill that the Congress authorize a study of the whole matter by the Attorney General.

It is the purpose of my bill to open the subject and introduce the question. I realize that in committee the bill may be vastly improved if other Members of Congress will lend their aid in solving this emergent problem.

THE FEDERAL GOVERNMENT'S INCREASING ROLE IN THE FIGHT AGAINST ALCOHOLISM

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. PEPPER. Mr. Speaker, in recent years the Congress and the Department of Health, Education, and Welfare have shown increasing interest in the alcoholism problem facing the country. Appropriations for various activities in research and rehabilitation have increased from $3,800,000 in fiscal year 1964 to $6,780,000 for fiscal 1966. Of this, $5,400,000 was spent by the Public Health Service for research projects and training programs. The remaining $1,380,000 represents the amount spent by the Vocational Rehabilitation Administration for training grants and the Federal share in the State vocational rehabilitation programs. In fiscal year 1965, a total of 1,136 persons who had been suffering from alcoholism received services under this program and were subsequently rehabilitated. In April of 1964 a Secretary's Committee on Alcoholism was appointed to coordinate the activities within the Department of Health, Education, and Welfare and to recommend an appropriate Department-wide attack on the problem.

The 89th Congress, too, is giving increased attention to the ways in which the Federal Government can assist States and voluntary groups in their efforts to combat alcoholism. To date, 16 bills have been introduced by 13 Members of the House of Representatives and 22 Senators. Hearings on these proposals were held before the House Committee on Interstate and Foreign Commerce on September 28 and 29, 1965. Further hearings are to be held during the current session of Congress. Although the proposals differ in certain details, they all provide for increased Federal activity in the field of treatment of alcoholics, specifically in providing aid to the States. These bills have been proposed in both the House of Representatives and the Senate, by members of both political parties, from many parts of the country.

The need for such legislation is evident when we look at the facts and figures depicting this growing problem. Current estimates place the number of alcoholics in the United States at about 5½ million persons. The National Council on Alcoholism estimates that an additional 250,000 persons become alcoholics each year. Alcoholism has been described as the fourth most prevalent public health problem, surpassed only by metal illness, cancer, and heart disease. Alcoholism affects persons in every social, economic and occupational group and causes untold suffering and hardship to the persons affected and to their families and communities as well.

A few States have developed outstanding and effective programs to provide many services to alcholics. I am proud to note that my State of Florida has one of the most progressive State alcoholism programs. Unfortunately, comprehensive and adequate programs are very rare. Half of the States have no State alcoholism program or have one of such small scope that it can undertake only educational coordinating activities. The total expenditures for State alcoholism programs in fiscal year 1965 was reported to be 10½ million dollars. This represents a considerable increase over the $6 million spent in 1960, but far below what might be considered a sufficient amount.

The fact that only half the States have been able to establish and operate programs which include treatment facilities is a good argument in favor of Federal legislation in this area. A primary aim of such legislation is to stimulate activity on the State level, through financial and technical assistance.

One of the bills under consideration was introduced by my good friend Congressman ELLIOTT HAGAN of Georgia who has been in the forefront of activity in this Congress. The bill he has introduced, H.R. 13724, begins with these words:

> The Congress hereby finds and declares that alcoholism is a disease and a national health problem requiring independent Federal action and Federal assistance for State programs.

The bill proposes to establish an Alcoholism Control Administration within the Department of Health, Education, and Welfare, under the direction of a Commission on Alcoholism who would be appointed by the President by and with the advice and consent of the Senate. This administration would perform a wide range of duties. It would administer grants, serve as a clearinghouse for information, develop and encourage plans and programs in the field of alcoholism, provide technical assistance to States and political subdivision, prepare educational material, gather statistics, and programs in the field of alcoholism, provide technical assistance to States and political subdivisions, prepare educational material, gather statistics, and perform other activities of this nature. It would act as a single office to coordinate all Federal efforts to deal with the problems of alcoholism and alcoholics.

Three types of grant programs are proposed in this bill. Title III provides for a program of grants to the States to be used for planning and establishing new programs or expanding existing ones. Among the types of activities which could receive aid would be treatment centers, halfway houses, and facilities to offer vocational and rehabilitation services for alcoholics. In Mr. HAGAN's proposal each State would be allotted a basic amount equal to 1 percent of the total sum appropriated for a given year. The remainder of the funds would be allotted to the States on the basis of population. In order to qualify for payment of funds a State would have to submit an approved State plan and provide matching funds. The Federal Government would pay up to 75 percent of the total cost of carrying out the State plan.

In order to place emphasis on treatment and rehabilitation services one section of the legislation provides that not more than 10 percent or $15,000, whichever is larger, shall be available for paying up to one-half of the administrative costs of the State agency. This provision enables the administration to give a larger share of support to those activities which provide services directly to the alcoholic, and less aid to the strictly administrative costs.

In the case of States lacking an alcoholism program of any kind, a grant of up to $50,000 would be given without the obligation to match with any State funds. This would act as a stimulus to encourage these States to begin the initial planning for a future program.

Since this legislation is designed to increase expenditures on alcoholism programs a section is included stipulating that funds will not be available to any State which reduces the amount of State funds committed at the time of enactment of this act.

H.R. 13724 authorizes appropriations under title III of $10 million for fiscal year 1967, $15 million for fiscal 1968, and $25 million each for fiscal years 1969, 1970, and 1971.

The second type of grant authorized by this bill is for demonstration projects, to be awarded to agencies, organizations, or individuals who are developing and demonstrating new approaches, techniques, and methods for the prevention and treatment of alcoholism and the rehabilitation of alcoholics. An example of the type of project which might be supported by funds under this title is the improvement of coordination of community sevices and facilities, including law enforcement facilities, for the handling and treatment of alcoholics. Two recent court decisions have maintained that since alcoholism is a disease, the person arrested for drunkenness or public intoxication should not be jailed, but rather should receive treatment for his illness. If this trend in court rulings continues, there will be an increasing challenge to State alcoholism programs to work with the courts toward rehabilitation of this group of alcoholics.

The proposed bill authorizes $2 million to be appropriated for demonstration projects for fiscal year 1967, $5 million for fiscal 1968, $7 million for fiscal 1969, and $8 million each for fiscal years 1970 and 1971.

A third area where assistance will be available is that of the training of personnel. Many State agencies have found that a serious lack of trained personnel has impeded their efforts to improve or expand their programs. Title V of this legislation would authorize grants to be made to agencies, institutions, or individuals for the specialized training of persons working in or preparing to work in programs related to alcoholism. This training would be available both to those who receive pay for their services and to those who would work on a volunteer basis. Such aid would enable training to be given not only to rehabilitation counselors, but also to such persons as law enforcement officials, clergymen, and social workers. The amounts authorized for training grants are $1 million for fiscal 1967, $3 million for fiscal 1968, $4 million for fiscal year 1969, and $5 million each for fiscal years 1970 and 1971.

This proposal also provides that a National Institute of Alcoholism be established within the Public Health Service. Such an Institute would be responsible for conducting research relating to the cause, prevention and methods of diagnosis and treatment of alcoholism. It would make grants-in-aid to universities, hospitals, laboratories, institutions, and individuals for basic research projects. It would coordinate the research conducted by the Institute and by other groups and individuals, and make available information obtained from research activities. The establishment of this Institute would consolidate the various activities undertaken throughout the Public Health Service which relate to alcoholism. It would mean that all research would be coordinated within one office, thus preventing any duplication of effort. This group of experts could provide invaluable assistance to those desiring to undertake research and to State authorities who could put research findings to practical use. In addition, the National Institute of Alcoholism could establish and maintain research fellowships and traineeships in the Institute and in other public and other nonprofit institutions. In this way future researchers in the field of alcoholism would receive training and experience. The authorizations for the establishment and operation of the National Institute of Alcoholism are $3 million for fiscal year 1967, $8 million for fiscal year 1968, $15 million for fiscal year 1969, and $20 million each for fiscal years 1970 and 1971.

Expenditure of Federal funds for the research under the National Institute of Alcoholism and for training and demonstration projects would be made only after approval by a National Advisory Committee, composed of the Commissioner on Alcoholism, the Director of the National Institute of Alcoholism, and 15 persons from the general population who have demonstrated particular interest in the special problems of alcoholism. This group would assume the role of liaison between Government and voluntary or private organizations throughout the country. It would make recommendations to the Secretary of Health, Education, and Welfare concerning the implementation of the provisions of the act. It would review the policy, work, and activities of the Administration on Alcoholism, the National Institute of Alcoholism, and the States, and submit annual reports containing suggestions and recommendations for improvements.

Mr. Speaker, this brief summary of the provisions of my bill whose author is my good friend from Georgia [Mr. HAGAN], I have today cosponsored it by introducing H.R. 17803. I think the time has come for a concerted national effort to confront this complex and growing problem. This legislation offers a well designed plan which will encourage State and local alcoholism programs and will give additional impetus to research and training activities. Continuation and expansion of State and local programs is of prime importance, because it is there that the actual work of prevention, treatment and rehabilitation must take place. It is my hope that passage of legislation will signify a renewed resolve on the part of the Federal Government to join with all groups and individuals, public and private, in the fight against alcoholism.

H.R. 17804, A BILL TO LIBERALIZE THE FEDERAL INCOME TAX TREATMENT OF BUSINESS DEVELOPMENT CORPORATIONS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. PEPPER. Mr. Speaker, I have introduced a bill that will provide a more equitable Federal income tax treatment of business development corporations. It will accomplish this objective by liberalizing the tax treatment of their reserves for bad debts.

Under present Federal income tax laws, no special provisions are applicable to the deduction for reserves for bad debts of this type of organization. In practice such reserves have been kept to nominal amounts, usually ranging from 1 percent to 4 percent of outstanding loans. My bill would provide a more realistic reserve. It would allow these organizations to deduct additions to reserves up to 10 percent of outstanding loans. This would be more in conformity with the financial risks under which, by their very nature, they operate.

A business development corporation is a company organized to promote, maintain and assist the economy and industry within a State. Its primary function in accomplishing this objective is the lending of funds to businesses that have been refused loans by banking and other lending institutions.

Business development corporations are organized in a variety of ways and also vary in their methods of obtaining funds for lending purposes. Typically, however, a corporation might be organized by private citizens, a local chamber of commerce, and other business organizations that are interested in the economic development and health of the State and community. Also typically, it obtains funds by issuance of stock and by borrowing from member organizations who are usually commercial banks and other financial institutions and business organizations. It operates for little or no profit. Dividends, where they have been distributed, have usually been small. The overwhelming purpose of development corporations is not profit, but lending to businesses who cannot obtain funds from a bank. In fact, my bill specifically applies only to those business development companies that make loans to those businesses that have been refused a loan from a bank—as defined in section 581 of the Internal Revenue Code of 1954.

Federal tax policy has customarily been liberal to various types of organizations which operate under a mutual effort similar to the business development corporation to promote the general economic welfare. Among such types of organizations receiving liberalized treatment are savings and loan associations, mutual insurance companies, cooperatives, and investment companies. Everyone is familiar with the remarkable contribution that savings and loan associations, for example, have made to the country, particularly in the field of home building through their home loan programs. Their liberal treatment of reserves for bad debts was unquestionably an important factor in their development and success. Although this tax benefit has been reduced in very recent years, they had operated under a liberal tax treatment during the entire period from the time when they were tiny institutions until they became lending giants.

The other type of organizations I would like to refer to is the small business investment company. Such companies have been established pursuant to the Small Business Investment Act of 1958. These investment companies are allowed to establish bad debt reserves equal to 10 percent of their outstanding loans for the 10-year period of 1959–68. Even the 10 percent is not a rigid limitation. If the facts warrant it, deductions for reserves may exceed 10 percent of the loans.

Thus, if nothing else justifies it, equity alone demands that the business development corporations be granted more realistic deductions for reserves for bad debts. This would be in accord with the more liberal treatment that has been recognized as equitable and sound for other types of organizations with similar objectives of performing a special function in our economy and promoting our business welfare.

The need for the business development corporation has been most acute in nonindustrialized areas and industrialized areas with persistent unemployment. However, there is also a demonstrative need for this type of organization throughout the country. Especially with the increasingly competitive demand for loans in all parts of the country, more and more businesses will find greater difficulty in raising adequate capital.

My own State of Florida, which has not been traditionally a manufacturing State, has shown a phenomenal growth in manufacturing in recent years. Thus, encouragement of business development corporations in my State will assure a continuing supply of capital to marginal borrowers, and thus, offset any possible abatement of economic growth in the State.

It is important that industrial activity continue at as high a level as possible in every State. This is necessary to insure a continuing healthy growth of the economy. One contributory measure to this assurance is to enact my tax bill which allows a more realistic deduction for reserves for bad debts of business development corporations.

SUPPORT FOR THE ESTABLISHMENT OF BISCAYNE NATIONAL MONUMENT

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. PEPPER. Mr. Speaker, I rise to add my cosponsorship to the proposed legislation to authorize the Secretary of the Interior to establish the Biscayne National Monument in our great State of Florida.

We are in the midst of our third great wave of conservation. Unlike the two major conservation efforts which preceeded, this one has tended to emphasize making the United States, and the world, a more satisfactory home for man, especially urban man. It stresses space and beauty for use and enjoyment—open spaces and greenbelts, parks and roadside beautification, scenic highways and wild rivers. It makes large provision for outdoor recreation. It stresses control, if not elimination of pollution of water and air. It stresses opportunity for solitude in a bustling civilization—wilderness and quiet, parks and monuments. It stresses the preservation in natural environment of plants and animals about to disappear from the face of the earth. We do have conservation problems, even with tracts which have been designated or set aside; witness the matter of roads in the Great Smokies, dams on the Colorado, lumbering among the redwoods, and water in the Everglades. But the major problem is to get samples of the best of our country designated as parks and monuments before destruction or engulfment by "civilization."

The proposed Biscayne National Monument would present a unique biological community. It would present for scientists and students to study, for conservationists to observe, and for our hundreds of thousands of natives and visitors to enjoy, living coral reef, both submarine and emerged, together with relatively undisturbed associated biological communities.

Though the area south of Miami is comparatively near centers of dense population, it has to date escaped a large part of the disturbance and overuse which has occurred in the South Florida Keys. There is some State development just to the south, but nothing comparable with the development herein proposed.

The boundaries proposed would include roughly 100,000 acres, much of it water. The proposal is not exactly new, having been discussed over a period of years. However, congressional hearings have not been held. Probable cost estimates are still being worked out.

This bill would provide for acquisition of lands, waters, or interests therein by donation, purchase with donated or appropriated funds, or exchange. Thus, it would appear that costs could be held down even during this period of rapidly inflating values.

Provisions are made for a headquarters site for not more than 80 acres of land on the mainland and a visitor contact site of not more than 40 acres on Key Largo.

Mr. Speaker, I am indeed proud and honored that I can cosponsor this legislation with my distinguished colleague, DANTE FASCELL, who represents the south end of Dade County and Monroe County. Mr. FASCELL's bill—H.R. 17647—is, in my opinion, a necessary step forward in the preservation of the South Bay area. My colleague has been highly praised in the Miami News—Miami's evening paper—for the introduction of this bill. At the same time, Jack Kassewitz, chief editorial writer of the Miami News, also commented on the Fascell bill. I would like at this time to enclose both of these articles for my colleagues' consideration.

[From the Miami (Fla.) News, Sept. 13 1966]

FASCELL'S COURAGE: LET'S PRESERVE ISLANDIA AND THE SOUTH BAY

Representative DANTE FASCELL showed courage yesterday in introducing a bill to preserve Islandia as a national monument.

Mr. FASCELL, as nearly everyone knows, is running for reelection to his seventh term in the U.S. House of Representatives. The lovely chain of South Biscayne Bay islands called Islandia lies within his district, which covers the south end of Dade County.

It is no secret that influential interests in South Dade favor the commercial development of the islands. These interests are telling the people of that area that the creation of a national monument, which is another name for a national park, would thwart the industrial development of South Dade.

Mr. FASCELL's Republican opponent, Mike Thompson, has aligned himself with this argument, and so has the Republican candidate for governor, Claude Kirk. Both are going all out for the development of Islandia by private interests. This would mean a causeway, among other things, and a causeway would mean the destruction of much of the bay.

Representative FASCELL has tried to make it clear that he does not oppose the further industrial growth of South Dade. Indeed, he compromised his original monument plan to allow room for a ship's channel north or south of the preserved area, should one be proved necessary.

But opponents of the plan are peddling the line that the mere proximity of a national park is a threat to the area. (It is at least strange that while communities all over the nation are pleading for national parks, an element in Dade County regards a national park as a threat.)

So it took political courage for Representative FASCELL to consider the interests of all the state, and of the nation, in the face of this opposition within his own district.

It is almost needless to say that we hope his bill will be successful. It would be tragic to see these islands and the bay lost to commercialism. Representative FASCELL has offered an exciting alternative.

[From the Miami (Fla.) News, Sept. 13, 1966]

A VIEW OF THE NEWS: AS ANCIENT AS TIME ITSELF

(By Jack Kassewitz, chief editorial writer of the Miami News)

The proposed national monument in Biscayne Bay is the result of an evolution which began a billion years ago. The ecology is most fascinating, not to say complex.

It all began with an arc of volcanic mountains across what we know as south Florida, which over the years eroded into a plain, to later sink beneath the sea. At the beginning of the Sangamon inter-glacial stage the Wicomico time, and less than 200,000 years ago, according to Durban Tabb, expert ecologist at the University of Miami's Marine Institute, this plateau lay beneath water as much as 100 feet deeper than the present sea level. Soon a coral reef, much later to be called Islandia, began to grow on the southeastern edge of the plateau.

By Talbot time (only 115,000 years, says Tabb) the sea dropped to 40 feet above its present level, a depth kindly disposed for growth of coral reefs. Then, says the U.S. Department of Interior, the Key Largo limestone reef grew upward until it was within 20 or 25 feet of the surface. Meanwhile the Miami oolite, a more gainly limestone, accumulated in shallow water behind the reef.

SUBMERGED AGAIN

When the sea fell during the Wisconsin glacial stage, the coral reef died. It was submerged once more during the mid-Wisconsin recession (Pamlico time, or 70,000 years ago) but soon emerged and has since remained above water except in the low passes between the present keys.

In its survey of the region, Interior engineers found that because the surface rocks of the mainland contain almost no quartz, they yielded little sand for the seashore. Beyond the entrance to Biscayne Bay very little sand drifted southward and as a result the ocean shore of Elliott and Rhodes Keys are mostly rough coral rock with little or no sand beaches. Only on Sands Key did Interior find any good beaches of any size.

Important and interesting birds make their breeding nests in the flats of Biscayne Bay. Elliott Key is believed to be the northern breeding outpost for such West Indies species as the white-crowned pigeon and the Cuban golden warbler. Others of the rare species which need protection include the reddish egret, the swallow-tailed kite and the short-tailed hawk.

ABUNDANT LIFE

Marine life is abundant and varied. The bay side of the keys is a marl mud with marine grasses forming dense feeding grounds for shrimp, spiny lobsters and many game and food fishes. The limestone also affords a settlement for sponges, many of commercial value. The underwater attractions in the Islandia area make the proposed national monument outstanding in this respect.

Interior's plan calls for preservation of 100,500 acres of which 4,000 acres would be land. Careful planning is dictated to preserve the underwater resources, so abundant today, but so threatened by tomorrow.

Mr. Speaker, no such points are more important than that to preserve for all the generations which follow us, this unique biological attraction which lies in Mr. FASCELL's district. It has the great advantage that it will be where people, plenty of people, can get to it, for study and for enjoyment.

If, as now seems likely, human population pressures continue to mold the generations ahead, they will be more thankful for the few priceless treasures of the world which we had managed to conserve for them.

THE ROLE OF THE CITIZEN IN THE WORLDWIDE FIGHT AGAINST MENTAL ILLNESS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. PEPPER. Mr. Speaker, as we all know, both the New Frontier and the Great Society administrations have been much concerned with the mental illness question. Until recent Federal interest in this area, a few loyal and dedicated groups had been doing an outstanding job of informing and educating the public of the need for a more adequate mental health program.

Mr. Speaker, one of my good friends Mike Gorman, the executive director of the National Committee against Mental Illness, located here in Washington, has called to my attention his speech of September 6 in Madrid, Spain. I find this address moving as well as informative and ask unanimous consent that this address be inserted following these remarks in the CONGRESSIONAL RECORD for my colleagues' and fellow countrymen's attention:

THE ROLE OF THE CITIZEN IN THE WORLDWIDE FIGHT AGAINST MENTAL ILLNESS

(Address by Mike Gorman, Washington, D.C., to luncheon meeting, International Committee Against Mental Illness, Fourth World Congress of Psychiatry at Madrid, Spain, September 6, 1966)

(NOTE.—Mike Gorman is executive director, National Committee Against Mental Illness; fellow, American Psychiatric Association (Hon.), fellow, American Public Health Association.)

Mental illness, like death and taxes, has been a constant consort of the human condition in all parts of the world.

In the earliest scrawlings of man, we find references to mental disorders and their treatment. Primitive peoples, who attributed the vagaries of the insane to spirits which governed their behavior, called upon medicine men and priests to exorcise these malevolent intrusions. Today, the high priests of psychoanalysis employ somewhat more sophisticated techniques to fish these primordial drives out of the subconscious ooze, while their colleagues in social psychiatry hunt for noxious vectors in the environmental sprawl which engulfs us.

In our strivings to understand and cope with the mentally ill, we in America have drawn heavily upon the European experience. In the turbulent years before we forged an independent nation, settlers to the New World carried to our shores the prevailing Continental vision of the mentally afflicted as victims of demonical possession and therefore proper subjects for the black arts of witchcraft. In a later, more enlightened age, we were influenced by Pinel in France and the Turke dynasty in England to embrace a philosophy of moral treatment which celebrated the worth and dignity of each mental patient.

We have struggled with the problem—as you have—but we are not yet ready to blare forth any Apocalyptic notes of triumph. Although we have reduced the census of patients in our state hospitals by 15% over the past decade, close to half a million people are still housed in these institutions and another half million are in general and private hospitals.

In the limited success we have achieved, we have drawn considerably upon research breakthroughs reported from other parts of the world. However, as a result of the managerial skills of the American pharmaceutical industry working in tandem with a few bold investigators, we have fashioned a widespread network for the screening, evaluation and dissemination of drugs which has been hailed as a singular contribution toward launching the era of psychopharmacology. Furthermore, in the fiercely difficult field of the depressions, American research workers have been in the forefront in devising and testing new treatment modalities.

These developments have taken place in an open, freely competitive system. In the search for more effective products, the American drug industry last year spent approximately $350 million in research and development in all medical areas. A significant percentage of this over-all expenditure was awarded in flexible grants to independent medical investigators in all parts of the country for either basic research or the testing of particular agents. Unlike the practice in some countries which I have visited, the American investigator does not go on the industry payroll; he receives a specific, and frequently quite large, stipend and he is then free to pursue the work and to report either positive or negative results.

The most unique, and most precious, characteristic of the American approach to mental illness is a fervent citizen identification with this vexatious social issue.

"That government is the strongest of which every man feels himself a part", observed Mr. Thomas Jefferson, who wrote our Declaration of Independence in 1776. The average American citizen truly believes in the perfectibility of man reached through a sweating steam bath of good deeds and noble works. Hypomanic servants of the Lord, we tirelessly propose sweeping solutions to age-old enigmas. This evangelical intensity is sometimes fearsome to behold—it reminds one of a famous American physician's admonition to be wary of any Scotch Presbyterian rising from his knees to execute the will of God.

Going back to the founding of our first public mental hospital in 1773, influential citizens perceived a duty and an obligation to serve on hospital boards and to advise our doctors, with or without solicitation. In the middle decades of the 19th century a frail, tuberculous former school teacher, Miss Dorothea Dix, let Christian duty propel her into a 30-year campaign against the incarceration of the mentally ill in jails and poorhouses.

Although these bursts of civic indignation generated cyclical waves of reform, the rapid growth of our population and the almost exclusive concentration upon building an industrial economy combined to negate the impact of these humane endeavors. In a country in which there has always been a savagely demarcated polarity between the absolutes of success and failure, those who fell by the wayside were quickly dispatched to institutions far from the eye and the heart of the community. As a consequence, we endure the dubious distinction of having some of the largest mental hospitals in the world—a number exceeding 5,000 beds, and a few in the megalopolitan 10,000 to 15,000 bed range.

Theoretically, the stultifying immensity of this psychiatric real estate should have dampened the fires of revolt; in actuality, it served as a goad to action.

During World War II, a very remarkable and quite affluent American citizen, Mrs. Albert D. Lasker, embarked on a most significant pilgrimage to our nation's capital. Her objective appeared insuperable—to convince the leaders of our democracy to invest an appreciable share of our national wealth in support of medical research targeted against all major diseases, including mental illness. She started from ground zero—governmental subsidies for research were not only miniscule, but we lagged far behind most European countries in the provision of social insurance to cover the costs of illness.

Despite these thorny obstacles, she persuaded the chairman of the Senate Wartime Committee on Education and Labor—Claude Pepper of Florida—to hold hearings in 1944 on this then obscure issue. Governmental health officials were summoned first; they testified that federal support to research investigators in all fields of medicine approximated two million dollars a year, and they contended that this was a satisfactory level in view of the limited personnel resources of the scientific community. They were followed by a glittering parade of distinguished doctors from universites and medical schools in all parts of our land who decried the paucity of research funds and took sharp issue with the governmental downgrading of the vast potential of medical research.

The pattern of aggressive, uninhibited testimony from those who were listed in the official hearings as "Citizen Witnesses" thus became established and, in the years after World War II, a running battle erupted between the governmental defenders of the status quo and the "outsiders" who constantly challenged the adequacy of their plans.

It is difficult to depict the free-wheeling nature of these kaleidoscopic public hearings. They open on a subdued note as serried ranks of federal officials file before House and Senate committees recommending respectable levels of expenditure solemnly screened and approved by our ever watchful Bureau of the Budget. Then, a few weeks later, the ornate, heavily paneled doors of the committee rooms swing back to admit an avalanche of a hundred or more doctors and lay leaders who, over the course of a week or more, appeal forthrightly for much higher sums for medical research. They do so in anything but a mendicant fashion—they attack the paltry dimensions of the Administration estimates and frequently carve out vast new areas of exploration not even hinted at by official witnesses.

The hearings are but the prelude to the real fireworks—the *Sturm und Drang* of an aroused citizenry.

We are a nation of voluntary health organizations, with antecedents reaching back to the turn of the present century when thousands of militant female members of the National Tuberculosis Association marched down our thoroughfares and barged into drugstores and saloons, posting "Don't Spit!" signs wherever hammer and nail encountered idle wall space. As the French historian Alexis de Tocqueville observed many decades ago:

"Wherever at the head of some new undertaking you see the government in France or a man of rank in England, in the United States you will be sure to find an association."

These association stalwarts, and their medical allies, agitate annually for an ever larger share of the federal bounty. They write, wire and phone their Congressmen and, in extremis, they descend upon Washington in awesome droves.

The results have been equally awesome. Twenty years ago, the National Cancer Institute resided on a barren campus in undernourished isolation; today, the federal National Institutes of Health encompasses nine well-staffed divisions charged with directing broad scientific offensives against the major afflictions of mankind. It is the largest medical research enterprise in the world. Its budget this year is $1.3 billion, as compared to the two million it had before the great awakening in 1944.

Over the years, the bulk of its funds for research, clinical training, fellowships and the construction of laboratory facilities have flowed from Washington in a steady stream to enhance the investigative capacities of both public and private universities, medical schools and hospitals. Awarding its grants on a competitive basis, it has expanded the substructure of inquiry and encouraged a fruitful diversity of approach among its scientific constituents.

Non-governmental doctors and lay leaders have contributed mightily to this emphasis upon innovation and program flexibility. By act of Congress, they serve regularly appointed terms as members of Advisory Councils which examine and pass upon research and training applications which come to the various Institutes. Furthermore, testifying along with their colleagues from the public sector, they succeeded in launching sweeping new spheres of endeavor—from a vast cancer chemotherapy project at one end of the spectrum to the exciting prospect of an implantable artificial heart at the other.

Similar citizen-medical pressures led to the creation of the National Institute of Mental Health in 1946.

The maiden budget of the NIMH was on the order of $4 million, hardly enough to shake the rock-ribbed complacency of the custodial fortresses which then incarcerated our mentally ill. However, the cumulative force of unconstrained citizen and medical testimony over the ensuing years placed the Congress and the public on due notice that our prime objective was the eventual replacement of these massive mental institutions.

The full impact of this non-governmental thrust is illustrated most vividly in the abrasive controversy over whether or not the National Institute of Mental Health had a responsibility for the support of research and clinical screening efforts in the relatively untrodden field of psychopharmacology. Government officials insisted that it did not, but those of us who had witnessed the electric repercussions of the drugs upon the stagnant backwards argued that the Institute could turn away from this mission only at grave peril to its viability. We therefore marshalled a handful of witnesses—most psychiatrists ran for cover when asked to defy the Institute—and we appealed to the Congress to establish a Psychopharmacology Service Center as a national command post for drug research and evaluation. We were not successful in 1955, but we marched back up the hill the following year and such a Center was ordered into existence by Congressional mandate. Today, with a budget of approximately $15 million, it is the major source of research support and information on all chemotherapeutic agents in the psychiatric domain.

A similar disputation between the government and the glandular legions of the uninhibited erupted over a proposal to train a selected group of general practitioners to become full-time psychiatrists. The Establishment fought this one bitterly, contending that there was neither the interest nor the competence in general practice for such an undertaking. The Congress initiated the experiment on a modest scale, but soon the flood of highly qualified generalists sponsored by reputable training institutions necessitated a rapid expansion. In less than a decade, this project has added close to a thousand psychiatrists to the thin ranks of the discipline, and 700 more are currently in training.

We have moved a fair distance in the 20-year history of the National Institute of Mental Health. Its current budget exceeds $300 million, with by far the largest slice of its funds going to medical schools, public and private hospitals and clinics scattered from coast to coast. From its inception, the Institute has served as the major catalytic force in preparing candidates for service in the core mental health disciplines of psychiatry, clinical psychology, psychiatric social work and psychiatric nursing; since 1948, it has subsidized the training of more than 30,000 of these professionals. Last year, with a training budget of close to $90 million, it awarded 9,000 stipends to initiates in the various fields.

We embarked upon our version of community psychiatry in the same driving manner—not with a whimper, but with a bang. Of course, we were aware that you in Europe had been cultivating this terrain for quite a long time. We therefore dispatched eager teams of mental health workers across the Atlantic to microanalyze the open hospital and the therapeutic community in England, the day hospital in Russia, neighborhood clinics in France, home "crisis" treatment in Holland, social rehabilitation in Denmark, the social service expediter project in Sweden, and so on. We picked up some very useful ideas, but we still insisted upon launching the new wave in our characteristically ecumenical manner, heeding the admonition of Mr. Abraham Lincoln to pursue "those means which will give the greatest good to the greatest number."

We therefore persuaded the Congress in 1955 to subsidize the work of a non-governmental Joint Commission on Mental Illness and Health charged with the formidable task of generating novel alternatives to the therapeutically and morally bankrupt custodial order. The Commission reported its findings to the Congress in 1961, and President Kennedy embraced its key recommendations in his historic 1963 mental health message in which he advocated federal participation in the building of a network of community mental health centers designed to return psychiatric care to the mainstream of the living experience.

In a rousing evangelical effort, we then shook the tambourines and carried the New Testament to the people. Our voluntary health organization, the National Association for Mental Health, convoked a series of regional leadership conferences to elicit strong citizen involvement in the Kennedy proposals throughout our forspacious land.

Prior to the enactment of the enabling legislation, the Congress voted planning monies so that each state could mark out its own course in devising a constellation of community facilities. Over a two-year period, more than 30,000 citizens participated actively in drawing up blueprints for centers reflecting capabilities and needs at the local grass roots level; public hearings were held, priorities were sifted, and a torrent of recommendations poured in upon state officials.

As a side effect of this cathartic popular ventilation, previously untapped segments of the democratic enterprise joined in the outcry for more abundant psychiatric services.

American labor called upon its unions to negotiate for increased psychiatric benefits through the bargaining process. In substantiation of their aggressive stance, a prominent labor leader quoted and updated Freud's 1919 observation that "at present, we can do nothing for the crowded ranks of people who suffer exceedingly from neuroses." So Freud and labor were coupled in mutual exhortation, and things haven't been quite the same since.

Then, too, we have recently discovered the dark subcontinent of the poor and we are now engaged, as some of you know, in a war upon the social and psychological ingredients which breed poverty. There is a rising clamor for intensified psychiatric implication in this crusade; the young Turks in the profession challenge their elders either to help them reach out to the poor or invite an allegedly constricted definition of their future usefulness in society.

In all that we do, we are an empirical people. You must remember that we gave you the philosophy of pragmatism even before we showered you with the blessings of color television. A distinguished practitioner of the metaphysical art recently noted that philosophy in America, while it has a technical name, is really every man's business. Until it touches the common man and answers his nettlesome questions, it is not doing its duty.

Dr. Adolf Meyer, canonized in the sacred literature as the patron saint of community psychiatry in America, celebrated the virtues of practicality in this pronouncement written in the opening decade of the present century:

"Thought at its very best is only a link in a chain of events leading to some final achievement. Its real and lasting fulfillment is found only in *action*."

In all of the countries represented here at this World Congress, the techniques of the American educational process can be replicated. First of all, you have to get over the notion that the quality of care of the mentally ill is solely the doctor's business and that, as a consequence, citizens have no right to criticize the adequacy of such treatment. On several tours of European mental hospitals in the mid-1950's I was really astounded at the number of countries which were quite puzzled that an American journalist—not a doctor—was interested in touring the wards of the hospitals. With the notable exceptions of England and The Netherlands, I had the greatest difficulty in penetrating the mystique deliberately nurtured by the medical profession.

If any significant improvements are to occur in the treatment of mental illness in your countries, you must open your enterprise to public scrutiny and public support. Relations with the press are particularly important; you should encourage visits by journalists who will interpret your problems to the general public. You should open your hospitals to volunteer workers who bring you a double bounty—they break up the stagnation of the custodial institution, and they return to their communities eager to convey your needs to their fellow citizens.

You also must do a much better job of applying pressure upon ministers of health and finance and other government officials who determine how much money you are allocated for psychiatric research, training and patient care. In most of the countries which I have visited, the proportion of the mental health budget devoted to research and training is miniscule as judged by American standards. You can speak up to change this but, having done so, you cannot achieve it unless the citizens who pay the taxes are allied with your efforts.

So the message is a very simple one—take the citizens of your countries into your confidence. Let them tour your hospitals, accept their invitations to speak to organizations interested in your work, and encourage them to lobby elected legislators and government officials on behalf of your cause. A legislator, particularly a threatened one, is a most responsive animal; if you turn an educated citizenry loose upon him anything can, and frequently does, happen.

We have a comparable urge to export concepts which "work." While some of us are interested in transcultural psychiatry—in the intriguing differences in illnesses which mirror reactive stresses to varying social milieus—we are more dedicated to the task of bypassing language and other barriers in order to bring effective therapies to people in need.

This conviction motivated a small group of leading psychiatrists and prominent laymen to found the International Committee Against Mental Illness in 1958. Many of our charter medical members had witnessed at first hand the tremendous impact of these drugs in increasing the discharge rates and enhancing the treatment potential of our under-staffed mental institutions. While personnel and other shortages endured as unbudging constants, the introduction of one variable—a relatively inexpensive and easily administered medication—had brought about an historic, unprecedented reduction in the patient load of these hospitals.

Here, they reasoned, was an eminently exportable commodity. If the American pharmaceutical industry, which had played a crucial role in supporting the basic, wide-ranging research conducted by so many independent investigators in the lean, early years of the pharmacological era, could be enlisted, and if several psychiatric training centers could be persuaded to provide supervisory personnel for limited amounts of time, would it not then be possible to seed some fallow ground?

On a trip to Haiti, Dr. Nathan Kline, President of the Committee and widely known as a pioneer research investigator in demonstrating the efficacy of the new psychopharmaceuticals, was taken to see the country's only mental facility—a reconverted Marine barracks at Point Beudet which housed several hundred inmates in unbelievable squalor and filth. To construct a modern hospital was out of the question, since Haiti is one of the most economically depressed islands in the Western Hemisphere. After a number of consultations with the distinguished Dr. Louis Mars, Haiti's only fully trained psychiatrist, Dr. Kline and he agreed upon a plan for a modest psychiatric center capable of administering drugs and providing the briefest kind of directive therapy to its clients. Three American pharmaceutical firms joined in contributing funds for the construction of the center, in addition to supplying the needed drugs. The Psychopharmacology Service Center provided a grant to defray the salary of a temporary foreign clinical director. The Haitian government pledged to underwrite its basic operating costs.

This prototype effort of the International Committee has been a heartening success. Completely staffed by native personnel, many of them trained in the United States and Canada under a special exchange program, the 20-bed *Centre de Psychiatrie* handles more than 700 patients a year and is now completely supported by the host country.

The Haitian experiment demonstrated both the feasibility and desirability of setting up inexpensive centers emphasizing drug therapy in under-privileged areas of the world where psychiatrists are scarce and the building of large hospitals is, fortunately, an economic impossibility. In its subsequent efforts, the Committee has concentrated on enlisting financial support for the construction and initial operation of the centers and, of equal importance, has worked out training arrangements whereby native personnel can either receive short-term instruction in North American facilities or on-the-job supervision under the aegis of visiting psychiatrists. McGill University in Canada and Rockland State Hospital in the United States have been most active in these international training endeavors.

The insistent cry for help from all parts of the world has strained the limited resources of the International Committee to the breaking point. Though our organization is essentially a small group of volunteers operating on a minimal budget, we have managed to provide the initial push required to set up pioneering mental health projects in Iran, Indonesia and Liberia. In doing so, the International Committee served as initiator, organizer, planner and developer, with some assistance from CARE–MEDICO and the host governments and very active financial support from various American pharmaceutical houses.

Each year in Haiti, our mental patients receive urgently needed treatment and maintenance therapy in hundreds upon hundreds of patient visits. A growing number of patients receive similar treatment in Liberia and Indonesia. In Iran, the Committee is lending its support to a narcotic clinic where 2,500 patients are seen annually. Also in Iran, we are helping to develop a mental health clinic which, when opened this fall, will serve the five million people in the northern part of the country who have never had any help whatsoever in the alleviation of mental disorders.

Currently, the International Committee has requests for assistance from Kenya, Sierra Leone, Dahomey, the Cameroons, Sarawak, British Honduras, Guyana, Jamaica, Thailand and many others. The waiting list is long, but not any longer than our willingness to help those countries who understand that our technical and financial aid is necessarily limited, and who will work toward the day when local funds and personnel are the primary support of the centers. This day will soon be coming, since we also teach the lesson of an informed citizenry.

In summary, our psychiatric missionaries carry on a brisk export business in operable notions. While it is true that we import many abstract ideas—to excess, some say—we do run them through the crucible of experience and send them forth as tested approaches to difficult problems. Unfortunately, in this sphere we don't have to worry about a favorable or unfavorable balance of trade—the mentally afflicted on every continent of this planet far exceed the capability of our skeletal therapeutic forces.

In our domestic and international exertions, we are rather tenacious and at times, I fear, a bit wearying to both ourselves and to those whom we seek to aid. However, we do not pretend to any absolute wisdom; disciples of relativity, we seek to ameliorate the sufferings of our brethren because we believe with Woodrow Wilson that "democratic institutions are never done—they are, like the living tissue, always a-making. It is a strenuous thing, this living the life of a free people: and we cannot escape the burden of our inheritance."

We would like therefore, to join with you who represent so many parts of the world and to have you join with us in a united effort toward reducing the incidence of untreated mental illness. This cannot be done in a short span of time, nor can it be done with our present limited financial and psychiatric resources. By the same token, it will not come to pass unless we take the first steps now. Perhaps you would be willing to contribute a modicum of your time and thought as consultants or members of one of our regional committees. To those who would characterize our ultimate goal as unattainable, I reply with the words of the distinguished American philosopher William Hocking:

"The extraordinary thing is this: That all of the important things of life are, before they are done, impossible."

PRESIDENT'S ECONOMIC PROGRAM SHOULD BE ENACTED

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. DENT. Mr. Speaker, the President of the United States yesterday delivered to us a sober program of action with which to deal with the state of our economy. I support and I urge the House to support that program, if only out of concern for the millions of Americans who still tread an uneven path despite this period of unprecedented growth.

Vast increases in the gross national product or other economic indexes mean little to the retired schoolteacher or the 20 million Americans like her who must live on a fixed pension if the enlargement of the economy is matched by enlargement of inflation.

These increases in the economy mean nothing to the unemployed and poor who are outside the economic mainstream in the first place.

As the President observed in his straightforward message yesterday:

> Inflation imposes a cruel and unjust tax on all the people.

What is the antidote to the inflationary dangers ahead? The President has outlined it for us in his program for action. It is our task now to seek to match his wisdom, his energy, and his urgency with wisdom, energy, and urgency of our own and to enact this economic program.

BIOGRAPHICAL SKETCH OF STEPHEN N. SHULMAN, NEW CHAIRMAN OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. DENT. Mr. Speaker, as chairman of the House Legislative Subcommittee which oversees the activities of the Equal Employment Opportunity Commission, I was pleased to note the Senate's favorable action in the President's nomination of Stephen N. Shulman as Chairman of that Commission.

So much remains to be done to insure equal employment opportunity to all our fellow citizens and we are relying on the Equal Employment Opportunity Commission to play a major role in this crucial effort. By selecting Shulman, the President has put at the Commission's helm, one of the executive branch's brightest young lights. His is a most impressive record and I am including the new Chairman's biographical sketch for the information of my colleagues:

BIOGRAPHICAL SKETCH OF STEPHEN N. SHULMAN, GENERAL COUNSEL OF THE AIR FORCE

Shulman received an A.B. degree from Harvard University in 1954. He then did industrial and labor relations work for Bendix Aviation Corporation, first at the Friez Instrument Division in Towson, Maryland, and later at the Utica Division in Utica, New York.

He received an LL.B. degree, *cum laude*, from Yale University in 1958. At Yale, he was Editor-in-Chief of the Yale Law Journal and a member of the Order of the Coif honorary society.

Shulman was Law Clerk to Mr. Justice Harlan, Supreme Court of the United States, for the October Term, 1958.

He was associated with the law firm of Covington & Burling in the District of Columbia until May 1960, when he became Assistant United States Attorney for the District.

In February 1961, Shulman was appointed Executive Assistant to the Secretary of Labor by then Secretary Arthur J. Goldberg. While in that post, he served for a time as Acting Executive Vice Chairman of the President's Committee on Equal Employment Opportunity. In November 1962, he was appointed Deputy Assistant Secretary of Defense in charge of Civilian Personnel and Industrial Relations by Defense Secretary Robert S. McNamara. In August 1964, Secretary McNamara added Civil Rights to Shulman's responsibilities.

On September 1, 1965, Shulman took office as General Counsel of the Air Force. He has served, in 1959, as Visiting Assistant Professor of Law at the University of Michigan and, in 1965, as Visiting Professor of Management at the University of Oklahoma. In May 1966, Shulman was awarded the William A. Jump Memorial Foundation Award for exemplary service in public administration in the Departments of Labor and Defense. He subsequently became a member of the Board of Trustees of the Foundation.

On August 30, 1966, President Johnson's intention to designate Shulman as Chairman of the Equal Employment Opportunity Commission was announced. His nomination was sent to the Senate the next day.

A native of New Haven, Connecticut, Shulman is 33 years old, and is married to the former Sandra P. Still, also of New Haven. They have three children: Harry, age eight; Dean Jeffrey, age five; and John David, age three.

LIBERTY THREATENED BY THE FOOD AND DRUG ADMINISTRATION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Utah [Mr. KING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. KING of Utah. Mr. Speaker, personal liberty in this Nation is facing a new threat from a Federal agency.

The course of this threat is a proposed regulation, recently published by the Food and Drug Administration, that would discourage, and in some cases prevent, Americans from buying salutary food supplements.

Fortunately, the publication of this regulation has triggered a storm of protests. I have done my best to stir up this storm. Because of this, the original effective date of the regulation—December 18, 1966—has been postponed, by operation of law, until such protests, and appeals, shall have been heard.

I hope the chorus of protests will continue to grow. I hope more Members of Congress will join in. The regulation must be killed.

My concern is expressed in detail in an address I gave last month to the National Dietary Foods Association, meeting in Los Angeles.

The address follows:

REGULATION OF FOOD SUPPLEMENTS: A MENACE TO LIBERTY

I am pleased at the honor to appear again before the National Dietary Foods Association.

In order not to be accused of flying false colors, let me make one or two points clear. I am neither a scientist nor a nutritionist. What I say about food carries no more weight than the statement of any other reasonably well-informed layman. Since I am, however, a lawyer and a United States Representative, I believe I do have the right to talk about some of our laws, as they affect nutrition. This is what brings me to Los Angeles, tonight.

Just a day or two ago I was looking at a comic strip, which, I confess, I occasionally do. This was the one called the "Wizard of Id." It showed the cruel and crafty King of Id telling two rather stupid looking peasants that he was conferring on them full-fledged citizenship. To further impress them, he handed them the documents they needed to prove they were citizens. The last picture in the strip showed the peasants trying to read the fine print at the bottom of the documents. It said something like this: "Beware, citizenship in Id may be dangerous to your health."

Well, this was pure nonsense, and quite appropriate to the comics. But about six weeks ago I came into contact with another document that also got into the subject of giving warnings about certain dangers to health. The author of this second document was not the mythical King of Id, but the U.S. Commissioner of Food and Drugs. If I had seen his statement in the funny papers, I would have laughed out loud. Imagine a responsible government official in America declaring it to be a crime to advertise that people ought to consume supplementary vitamins and minerals.

It was just too comical for words. But ladies and gentlemen: this humorous statement wasn't intended to make people laugh. It didn't appear in the funny papers. It appeared in the Federal Register. It bore the signature of the Commissioner of Food and Drugs, and the official seal of the Archives of the United States. In my opinion this regulation, issued by the Food and Drug Administration, is the most disturbing, and the most misguided regulation ever issued by them since the beginning of their history.

Before telling you why, however, let me make my position crystal clear with regard to the Food and Drug Administration. I readily concede to the FDA, and its allied agencies, the responsibility and the duty to keep deleterious foods off of the American shelves. Consistent with this responsibility, they are required to vigilantly examine, and approve, all products ingested as food. Those which are proven to be deleterious, or which are reasonably suspected of being deleterious, or which involve even the possibility of being deleterious, are to be withdrawn from the market forthwith. For the accomplishment of this purpose, summary powers must be exercised, consistent with the nature of the danger. To weaken the enforcement powers of the FDA in this field of activity would be to strike a blow at the safety and the health of the American people. The terrible experience encountered abroad with the drug thalidomide gives dramatic proof of this proposition.

In fact, with the advent of so many new chemical additives to the food which we customarily buy, my feeling is that the Food and Drug Administration may need even broader powers to cope with these incipient dangers.

Let me add the further thought that no one questions the right of the Food and Drug Administration to require truth in the advertising and labeling of food products. The public has the right to know that what it is buying is consistent with the representations made on the label or in the advertising media. I do not believe that any reasonable person would question this proposition. It was established by law over sixty years ago, and is not subject to serious question today.

But having said all this in favor of the Food and Drug Administration, now let me get back to this offensive regulation, which I shall hereafter refer to as the Regulation of June 18th. In my opinion it was wrong, both in its factual assumptions, and in the basic principles underlying it. It went further than the FDA is authorized to go. Unless rescinded, it will set the food industry on a course which will stifle nutritional progress, seriously cripple a great and meritorious industry, and deny to millions of people access to food supplements which should be theirs, both by choice and by right.

Let me get right to the heart of what I consider the portion which is the most dangerous and the most offensive of them all.

Section 80.1(f) provides as follows:

"Immediately following the name on the main panel of the label of each dietary supplement, the following statement shall appear in prominent type: 'Vitamins and minerals are supplied in abundant amounts by the foods we eat. The Food and Nutrition Board of the National Research Council recommends that dietary needs be satisfied by foods. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements.' Any statement in the label or labeling inconsistent with this statement shall be misleading and shall cause the product to be deemed misbranded."

In plain simple language, what they are saying is that unless you are sick and presumably under a doctor's care, you shouldn't be taking any vitamin or mineral or other food supplements whatsoever, in addition to what you get in your ordinary diet. Note the words "There is no scientific basis for recommending routine use of dietary supplements." What does that mean? It means simply that no responsible scientist can be found anywhere in the world who maintains that a person who eats a normal American diet could ever have dietary deficiencies. If this is a fair interpretation of the above passage, and I think it is, I can only say that it is deplorably unfactual. It peremptorily dismisses all the compiled evidence tending to show that depleted soils frequently do produce depleted foods. It ignores completely the fact that almost half the American people, even though most of them are getting what might be called a typical American diet, are nevertheless suffering from dietary deficiencies. In fact, just recently Assistant Secretary of Agriculture George L. Mehren said that based on studies conducted by the Department of Agriculture, forty-eight percent of the American households do not fully meet the approved intake of one or more nutrients.

Secretary Mehren recently wrote the FDA that its statement "will give the consumer a false sense of security." The average person would assume that regardless of his food habits, he will have an adequate diet. "Nutritional analysis of the national food supply indicates that foods available for consumption are sufficient in kind and amount to furnish each individual with nutrients recommended for good nutrition *if equitable distribution is assumed*. But the most recent nationwide survey indicates that 48 percent of households have diets that do not fully meet the National Academy of Sciences-National Research Council recommended dietary allowances in one or more nutrients."

Even more biting was the criticism of Dr. William H. Sebrell, Jr., of the National Academy of Sciences: "This statement (i.e., of the FDA) is objectionable and misleading, and uses the authority of the Food and Nutrition Board of the National Research Council to support a statement which, taken out of context, creates a false impression. The generalization that vitamins and minerals are supplied in abundant amounts in the foods that we eat has no relevance applied to a particular individual, and there is abundant evidence that many individuals in the United States do not get all of the vitamins that they need from the foods that they eat."

As I said in the beginning, I am not a scientist, and I do not attempt to pit my puny scientific knowledge against that of the Food and Drug Administration. But I can read. I can compare the statements of various learned scientists with the statement of the Administrator of Food and Drugs, and see that there is a sharp conflict among them. Why, then, does the Food and Drug Administration declare that there is no scientific basis—I repeat, *no scientific basis*—for an opposing point of view?

To make the record more complete, let me give further evidence to support the proposition that there is a respectable dissenting point of view. And whom do I select to give me this evidence? This may come as a shock. I select as my source none other than Dr. Homer Hopkins, who is a nutrition expert in the Nutrition Research Branch, Division of Nutrition, of the Food and Drug Administration. In other words, Dr. Hopkins is the Food and Drug Administration's own expert. He is their man. He is on their payroll. In a paper dated June 11, 1965, he discussed the question of whether the nutritional value of our crops was significantly affected by either the soil, or the kind of fertilizer used. The preparation of the paper had been occasioned by a statement of the FDA over a year ago which blasted the "so-called soil depletion myth." The FDA statement was as follows: "The facts are that research has demonstrated that the nutritional values of our crops are not significantly affected by the soil or the kind of fertilizer used. Only the yield is affected." Dr. Hopkins, knowing the statement to be untrue, and knowing from his own experiments that there is a connection between soil depletion and nutritional depletion, proceeded to expose the inaccuracy of the FDA statement.

Let me quote from his own paper on the subject: ". . . the statement that 'the nutritional values of our crops are not significantly affected by either the soil or kind of fertilizer used' cannot be defended."

He then goes on to point out many situations in which it has been proved, or at least reasonably substantiated, that the nutritional value of food *is* significantly affected by the quality of the soil, or of the fertilizer used.

Let me just give you a few random sentences from his paper:

"Addition of gypsum (calcium sulfate) to the soil had no effect on the calcium content of turnip greens grown at three different soil locations in Mississippi. Application of nitrogen fertilizers to these soils, however, significantly lowered the calcium content of turnip greens."

"A highly significant positive relationship was found between soil organic matter and iron content of turnip greens."

"Additions of calcium carbonate to North Carolina soils resulted in marked increases in the calcium content of crops grown there. In the very deficient soil, application of a plant nutrient will result in an increase in yield of a crop. As the supply of the deficient element in the soil was increased, a point was reached, ultimately, where both the yield of the crop and the concentration of the element in the crop increased."

"Application of large amounts of cobalt to a soil produced a lower manganese content of timothy plants growing on that soil. Addition of nitrogen fertilizer to a soil corrected an iron deficiency of crops growing thereon, and gave a higher carotene content in the leaves. Applications of boron to boron deficient soils resulted in an increase in chlorophyl and carotene content of alfalfa plants."

There is no point in my continuing. The report is replete with evidence, and is available for all to see. It contains many instances, scientifically proved, where deficiencies in soil resulted in substantial nutritional deficiencies in the food grown on that soil. If these facts are true, or even if there is reasonable ground to believe that they may be true, then how can the Food and Drug Administration take the position that there is no scientific basis—note, *no scientific basis*, for the position that regular dietary supplements may be beneficial to the human being? Suppose that a person lives in an area of deficient soil, or exhausted soil, or contaminated soil. Then as Dr. Hopkins pointed out, there is substantial evidence to indicate that his diet may reflect that deficiency.

What kind of a dialectical trap has the FDA fallen into? It seems to me their proposition is self-contradictory on its face. They admit, or imply, that supplements may be beneficial if a person has a special medical problem. Well, if supplements can help a person get well, by supplying the nutrition which is deficient, which deficiency led to his illness, then might they not also help prevent a person from getting sick, by preventing the deficiency from occurring in the first place? Can not nutrition be considered as preventive, as well as therapeutic?

I was visiting the home of a friend of mine recently. His lovely young wife had an entire shelf in her refrigerator filled with cod liver oil, vitamin C supplements, wheat germ oil, etc. Knowing of my interest in health food she said the following: "The other day my friend saw this array of supplements in my refrigerator. She said to me: 'My, are you planning to get sick?' My answer was: 'No, I'm planning to stay well.' "

For the life of me I can't understand why the FDA should start jumping all over vitamins and minerals, and other legitimate dietary supplements. In a nation where so much junk is being ingested by the human system—junk is an indelicate term but I can't think of a more descriptive one—and so little attention paid to the nutritional quality of food, I can't understand why the government should launch this ridiculous and uncalled-for attack on nutritional supplements. If they have so much zeal for reformation, why don't they devote their energies to correcting some of the atrocious nutritional habits of the American people, and pin a medal on those who have devoted their lives to making Americans a little more nutrition-conscious?

Now there is one further aspect to this business that deserves our attention. Up to this point, I have tried to show you that the scientific basis for the Regulation of June 18th was wrong, and I have cited scientists to prove it. But our case against the FDA doesn't require us to prove that they are scientifically wrong. Suppose, for the sake of argument (and I am conceding only for the sake of argument), that there were not one shred of evidence to support the proposition that dietary supplements are beneficial. I would still contend that that would not give to the FDA the right to require vendors of non-injurious supplements to put a label on the containers stating that supplements are not recommended. Title 21 of the United States Code contains 100 pages, in fine print, which give to the FDA a host of powers. But they all boil down to two simple ideas: first the FDA has the power to regulate, or prohibit the sale of harmful foods, drugs and cosmetics; and second, the FDA has the power to prevent fraud, deception, false labeling or misbranding, in the sale of these items, by requiring that the contents of a package of merchandise be fairly and accurately stated. Just that, and no more.

Now the Regulation of June 18th goes much further than this. By means of it, the FDA passes judgment on a particular nutritional philosophy or point of view. There are those whose philosophy of therapy is centered around traditional medical concepts of medicine and drugs. To them, diet is only of peripheral importance. There are others to whom diet is all important. To the latter, many, perhaps most, of the diseases which plague mankind, can either be avoided, or at least attenuated, by a proper emphasis on adequate, natural, non-devitalized food. The Regulation of June 18th simply says: "We don't agree with this theory of nutrition. It is a trap and a snare, causing the unenlightened to spend money uselessly, instead of spending it where it would do more good. Therefore, we will squelch this proposition, by making it unlawful to express it on the labels of the dietary-supplement containers." The FDA doesn't argue that nutritional supplements are harmful. They don't argue that their sale involves the perpetrating of a deception. Their only argument seems to be that the health food enthusiasts are misled, and that the authority of the United States government should be used to set them straight. At that point, I should like to ask the question: who gives the FDA the right to decide what I can spend my money on? On what statutory or Constitutional theory does the FDA have the right to tell me which nutritional school of thought I am required to follow, and which I am required to repudiate, under threat of going to jail?

The Constitution, by implication, gives to the sovereign power, that is the government, the authority to exercise the police power over its citizens. That means the state can take such action as is necessary to protect the life, the safety, the health, and the welfare of the people. No one questions this. But the police power does not extend so far as to authorize the government to tell people what they shall buy, or what they shall eat, or how they shall think.

Reduced to its simplest statement: if I want to sell some vitamins, then as long as I don't misrepresent the quality or the quantity or the properties of the vitamins, why should I have to put on the bottle a statement to the effect that vitamins are not recommended?

Let me read a few sentences from an article of James Jackson Kilpatrick, originally appearing in the Washington Star Syndicate:

"In New York, on the complaint of the FDA, marshals recently swooped down upon the Ohsawa Foundation at 317 Second Avenue, and there confiscated a large quantity of 'macrobiotic foods' and a large quantity of books and pamphlets on Zen cookery. Now, it is important to understand that the foods themselves were not contaminated in any way. They were not mislabeled. The barley flour was pure barley flour, the Azuki beans precisely as described; the roasted salt, soy sauce, rice cakes, millet seeds and sesame oil were not adulterated in any way.

"It was the ideas that were bad. The Zen philosophy holds that a certain diet is affirmatively good, and that certain of these goods will cure diseases ranging from apoplexy to trachoma. In the view of the FDA, and FDA is doubtless right, dandelion root tea bags are not adequate and effective treatment for anemia, appendicitis, arthritis, burns, cancer, cataracts, constipation, diabetes and so on down the line.

" 'Such diets are dangerous' says the FDA in a press release. Four persons are known to have died in New Jersey and one in California from following the Zen precepts religiously. So the food must be seized and the books condemned.

"Why? In all seriousness, why? If a relative handful of Zen Buddhists think they will make it to nirvana on soybean paste, why should the federal government say them nay? Is this a threat to the public health of such magnitude that the very idea of Zen dieting must be routed out by writs and injunctions? And if the federal bureaucracy has the power to condemn the religious diets of the Zen cultists, what of its power over the diets of orthodox Jews and Catholic monks?"

All I am pleading for, here is reasonableness. I do not take the position that every health food enthusiast is right, nor that the FDA is wrong. What I say is that this world is big enough to accommodate different points of view on nutrition, without the stronger (numerically speaking) using their muscle to crush the weaker.

The FDA is fond of pointing to the so-called "lunatic fringe" among the health food enthusiasts. But what does that prove? Admittedly there are extremists. Admittedly some are not sound. So is there a lunatic fringe in other movements of undoubted worth. I happen to be a Christian. I would be very much embarrassed if the entire Christian movement were to be judged by a few Christian extremists who allow their enthusiasm to run away from their reason. I would say the same if I were a member of the Jewish, or the Moslem, or the Buddhist faith.

I deplore the fact that the FDA has too often dismissed a serious and scientifically-supported point of view with jocose jibe, or caustic comment.

From time to time there have been conducted "Congresses against Quackery." These have been co-sponsored by the FDA. Some of them were carried on in a carnival type atmosphere designed to degrade, to cheapen, and to ridicule the work of many serious and dedicated nutritional scientists. It may be that the FDA does not agree with these gentlemen. But I see no propriety in their treating these serious subjects from such a partisan and obviously biased point of view, especially with taxpayer's money.

Showing bias and poor taste is bad enough. But when they go that extra step, as does the Regulation of June 18th, and actually try to legally shackle and hamstring the opposing point of view, then in my opinion they have acted indefensibly.

It was with this in mind that on June 29th of this year I introduced a resolution in the House of Representatives declaring it to be the sense of Congress that the regulation proposed on June 18, 1966, with respect to the labeling and content of diet food and diet supplements, should not be made effective or enforced until the Congress has by law conferred the authority to make such regulations on the Department of Health, Education, and Welfare.

I hope the day will never come when the Government of the United States puts a straitjacket on human thought. Over the past 100 years there have been some 40,000,000 persons who have left their homes abroad to come here to the Promised Land. The drawing force which brought them here was not alone the hope of sharing in America's fantastic productivity and wealth. What really brought them here was the Great American Dream. This dream was compounded of two simple but transcendently beautiful ideas: freedom, and equality before the law. Freedom included, not just physical, but intellectual and spiritual freedom.

Part of the American dream, in other words, consisted in the principle that no man should be discouraged by law from expressing himself, as long as that expression did no harm to others. The market place of ideas should always be kept a free market.

American history has demonstrated to what extent our fantastic progress has been due to the maintenance of this free market place of ideas.

One does not have to be a psychologist to understand that when a particular point of view finally achieves orthodoxy, and constitutes the basis for a billion-dollar establishment, those who stand to gain from the perpetuation of that establishment will strongly oppose any competing point of view. This is the way the human mind is put together. Scientific minds, alas, are no exception. The stubborn refusal of the scientists in the employ of the tobacco trusts to accept what every other knowledgeable scientist now holds to be beyond scientific refutation, relating to the deleterious effects of tobacco, is a case in point.

The struggle between orthodoxy and heterodoxy is as old as human thought. The traditional weapons employed by orthodoxy in this struggle are ridicule, ostracism, and legal restraint.

This has been the pattern during the course of American history. But not infrequently there has appeared on the scene a courageous amateur who, standing outside the "establishment" and condemned by the voice of orthodoxy, has succeeded in influencing the course of history by revealing to mankind a new and revolutionary truth. He was able to accomplish this feat because, being on the outside, he could more clearly see those things to which the insider was blind.

Dr. James Stephenson put it this way: New scientific breakthroughs often come from amateurs like Pasteur, a chemist, who founded the science of bacteriology; and Mendel, a priest, who founded the science of genetics. This paralleled a similar period of technological expansion in the United States of America, also inaugurated by amateurs, such as Morse's telegraph, Bell's telephone, McCormick's reaper, Shole's typewriter, and Fulton's steamboat.

George Washington, during his last illness, was bled repeatedly to lower his fever while the scientific though minority treatment was denied him because it was deemed quackery to keep pneumonia patients warm. Orthodoxy thus indirectly killed the father of our country, though life-saving treatment was already in existence, but vetoed by the majority of practitioners as "radical."

It is reported that Dr. Alexander Fleming, famous pioneer in penicillin, said: "Penicillin remained on my shelf for twelve years while I was being called a quack by orthodox practitioners." William James, father of American psychology, and himself a physician, has aptly described the three stages encountered by any new treatment:

(1) Entrenched orthodoxy calls it quackery and nonexistent.

(2) Then it is admitted to exist but is written off as unimportant, or useless.

(3) Finally, its foes exultantly claim "We helped to discover it."

Let me make it clear that I do not contend that heterodoxy has any virtue per se. History tends to fix attention on those relatively few cases where heterodoxy triumphs over orthodoxy, and ignores the vastly larger number of cases where orthodoxy proves heterodoxy to be absolutely worthless. But the whole point is that society will never know whether the heterodoxy is worthy of survival unless it is given a fair hearing.

Our founding fathers realized the importance of this. For that reason they made it so clear, and in language which the simplest could understand, that there should be no restraint by the national government upon a citizen's right to express himself freely and without fear of reprisal. In this way, America's intellectual stream was to be continually enriched and purified.

The framers of the Constitution recognized that the right to speak freely necessarily involved the risk to society of being subjected to error. But this risk they were willing to take. Jefferson made it very plain that he saw no danger in a man's propagating an untruth, as long as truth was left free to combat it. The antidote to error was not silence, but truth.

But since one could never tell beforehand what was truth and what was error until there had been a direct confrontation in the field of combat, it was most important that this field be left open to all combatants.

That is why I am so alarmed over the Regulation of June 18. What it in effect is doing is removing one of the combatants from the field of combat. It is stifling human thought and cramping experimentation.

May I wish you every success in your efforts to stimulate in the American people an awareness of the importance of good food. May I invite you to consider me as one of your allies. May I thank you for your patience, and wish you success in your self-imposed pilgrimage which will carry you, I hope, past the gates of despair, and into the beautiful kingdom of health.

VICE PRESIDENT SPEAKS AT HOWARD UNIVERSITY CENTENNIAL YEAR OPENING CELEBRATION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Conyers] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. CONYERS. Mr. Speaker, this morning I was privileged to attend the formal opening of the centennial year celebration of Howard University and to hear the Vice President of the United States, Hubert Humphrey deliver an address commemorating this occasion to the faculty, university presidents in the greater Washington area, Members of Congress, department and agency heads, Ambassadors, and other honored guests. He received an honorary doctorate of humane letters from Dr. Stanton L. Wormley, acting president of the university.

It was a great address delivered on an important occasion at a university which has played perhaps a more important role in providing Negro Americans with higher education and sending more of them into the professions in greater numbers than any other school in the country. The Vice President's speech left everyone in that distinguished audience deeply moved by his clear evaluation of our national objectives of bringing quality and equality to the educational systems of America. I heartily commend this speech to those of my colleagues who were not able to attend this ceremony.

Like President Johnson's historic speech at the 1965 commencement exercises at Howard University, which I also referred to my colleagues on June 14, 1965, Vice President Humphrey's remarks were the essence of realism because they raised basic questions and gave honest answers: What has been accomplished since President Johnson's commencement address? What progress is being made? Where have we been unsuccessful in making our democracy provide the maximum opportunity for every one of our citizens? Vice President Humphrey's message is one that has application far beyond the academic community, for it spells out one of the great truths of our day: that unless every American is trained to his highest potential the loss is not just personal to those individually affected, it is a loss to America which can never be redeemed.

I would also like to take this opportunity to extend my congratulations and best wishes for a great centennial year to the entire Howard University community to the Hon. James M. Nabrit, Jr., president of the university who is on leave serving the country at the United Nations, and to Dr. Stanton L. Wormley, acting president, who is very capably leading the university into its second hundred years.

Remarks of Vice President Hubert H. Humphrey at Howard University, Washington, D.C., September 19, 1966

Today we gather to mark the formal opening of the Centennial of Howard University.

Born out of the First Congregational Church's concern that a new institution be founded in Washington where "all races and both sexes have . . . in the pursuit of knowledge a fair and equal favor," Howard University has contributed beyond measure to the community, the nation and the world.

Several of your founders believed this institution should concentrate solely on the preparation of ministers and teachers, but General Oliver Otis Howard—then Commissioner of the Freedman's Bureau—objected and amended the original character to provide additional for the teaching of medicine, law, agriculture and the liberal arts.

And so Howard's tradition of growth and relevancy to contemporary problems was established even before the university was formally chartered. And this tradition has flourished ever since.

Yet, as I review this history, I feel, above all, a tragic sense of loss. This great university, for most of its existence, has been one of all too few institutions of higher learning giving an opportunity for advanced education and training to the Negro American.

Howard has produced about one-half of the Nation's Negro physicians, dentists, pharmacists, engineers, and architects.

This fact speaks volumes about the productivity of your teachers and students. But it also tells us of the denial of equal opportunity to most Negroes in our country—and it is a stark accusation that America has squandered, wasted, an irreplaceable part of its human resources.

The cost has been tremendous, measured by any criteria. And we are still paying the price—the price of doctors who never healed and teachers who never taught.

This inequality in educational opportunity, of course, is only a part of the inequality and denial which continue to rob our country of vast reservoirs of talent and ability.

As President Johnson said last year, in his historic address to the graduating class of this university: "The great majority of Negro Americans . . . are still another nation. Despite the legislative victories and the speeches, for them the walls are rising and the gulf is widening."

He went on to say that our goal must be that of ending "the one huge wrong of the American nation, and, in so doing, to find America for ourselves . . ." Never before has a President of the United States spelled out so precisely what this nation must do to fulfill the promise of the Emancipation Proclamation.

What has America accomplished in the year and a half since President Johnson addressed your Class of '65?

Where have we succeeded and where have we failed?

And what do the past months tell us about our future prospects? At this university's Bicentennial in the year 2066, will your speaker be able to point to Howard's many contributions to a society where achievement by Negro Americans is the *rule* rather than the exception?

It is possible, of course, to assemble facts and statistics demonstrating the remarkable progress which has taken place. Since June of last year, for example: 7,151 hospitals have been desegregated; 4,724 school districts have been desegregated; 450,000 disenfranchised Negroes have been registered; Federal investments in the war-on-poverty, education and health have been doubled; a higher and expanded minimum wage has been established; a rent supplements program has been established to expand the supply of decent housing available to persons of low income; and a Demonstration Cities bill has been proposed and will be enacted to enable us to mount the first concentrated, coordinated attack on urban blight in a way which respects and protects the rights of people.

This has been part of our response to the dual challenge voiced here by President Johnson just 15 months ago: ". . . it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates . . ."

But to you—as it is to me—the mere recitation of facts or statistics is not a sufficient portrayal of either our recent progress or our remaining problems.

Facts and statistics, taken alone, can never indicate the relief that sweeps over a Negro husband and wife as their sick child is taken to the newly integrated community hospital where first-class medicine is practiced . . . or the joy and hope that is born anew as a Negro family leaves a rat-infested tenement for a fairly-priced, clean apartment in a safe and attractive neighborhood.

And facts and statistics cannot convey the sense of anxiety and terror which grips the heart of a brave 9-year-old Negro girl attending a newly integrated school . . . or the hopelessness of an unemployed Negro father who realizes his family will receive more money on welfare than he can provide with his limited skills.

We know, moreover, that in every large American city we still encounter the shame of slumism—where apathy and resentment have strangled hope, and patience and faith have given way to outrage and despair.

There is poverty, illiteracy and disease.

There is danger on the stairs and violence on the streets.

There is segregated and inferior schooling.

There is high rent for dilapidated and unkempt housing.

There is discrimination and frustration and bitterness.

We realize that despite the progress of the past years, the reality of equal opportunity and achievement has not been fully won.

The federal government recognizes its obligations and is deeply and irrevocably committed to its responsibilities.

As a result of President Johnson's speech at Howard, a White House Conference was organized to devise and set in motion an action program for citizens and communities across the country.

The recommendations made by the White House Conference have been described as radical or as pie-in-the-sky proposals set forth only to allay criticism.

Similar words were used to describe the recommendations made by the U.S. Commission on Civil Rights in 1960 and 1961. And yet these recommendations, made in advance of their time, were not only translated into proposed legislation, but have been enacted into law in the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

I believe the same will be true for the Report of the White House Conference "To Fulfill These Rights." In ten years that report will be recognized as the master plan for all the major actions and programs begun after 1966 to advance the cause of civil rights and equal opportunity.

The report rightly emphasizes what must be accomplished on the state and local level—by local governments, business and labor unions, churches, universities, and individual American people.

All the federal legislation in the world will remain hollow and empty if it is not given substance at the local level.

It is in our cities and towns where men find jobs, or walk the streets unemployed.

It is there where children's minds are opened to the excitement of learning and accomplishment, or are deadened under the impact of second-rate, custodial education.

It is there where decent low-priced housing is available to all, or families are forced to live in over-priced, dilapidated tenements—afraid to complain because of retaliatory convictions.

And it is there where a community must decide whether it will respond affirmatively to the needs of *all* its citizens, or foolishly attempt to hold back the course of history which decrees that all men shall enjoy the right to life, liberty and the pursuit of happiness.

I have heard it said that the cause of civil rights has fallen backward in the past year. Those who are critical say that: Riots and violence have produced new waves of white resistance to further progress; the civil rights movement itself is rent by factionalism and extremism; vital civil rights legislation has apparently foundered in Congress for this session; and political candidates running on a platform of "Never!" have defeated men of moderate, progressive views.

To these persons I can only say what is in my heart: The morality of the struggle for freedom and human dignity is just as clear today as it was one or two years ago.

And ultimate victory is just as sure.

Victory is sure for many reasons.

Never before in history has a nation consciously acknowledged the reality of racial discrimination and set about to combat it. But America has made that commitment.

From all parts of our society an alliance has been forged, with common commitment to the dignity and equality of all men.

The handful of courageous persons who were marching to freedom ten years ago in Montgomery and Little Rock has today swelled to a mighty tide of humanity. And this tide will not be turned back.

Of course, the wrongs and evils of generations cannot be corrected easily or without sacrifice—just as a mighty storm cannot pass without creating turbulence and unrest.

But after the storm comes the brilliant sunshine of a new day—and with the sunshine comes renewed faith and strength.

America has been passing through a difficult period of turbulence. But if we hold true to our course, if we navigate with skill and courage, we shall break through into a bright new day of justice and opportunity.

This new day is coming.

This new day is visible in the deep concern, expressed by so many of our young people, for preserving human dignity and self-respect in an age of mass technology and industrialization.

It is visible in the attitudes of the people most affected by the war on poverty—Negroes who live in big-city ghettos—who back the war on poverty by a 5-to-1 margin because they believe these programs will help to alleviate the causes of racial tension and unrest.

It is visible in the steadily rising number of young Negro Americans, and members of other minorities, who are entering from almost every college campus the business and academic worlds, the professions, and other occupations previously closed to them.

And it is visible in the courage displayed by the young Americans who braved the attacks of bullies and bigots in Grenada, Mississippi, because they sought their education in an integrated school.

It is visible in the action of universities across America, following Howard's example, reaching out into the surrounding neighborhoods with programs of self-help and community action.

Yes, there are many ways our universities can move to the offensive against the ancient forces of poverty and prejudice. We have only begun to explore creatively how to release the intellectual energies stored up in our centers of higher learning—and how incidentally to inject these centers with a good dose of realism and social responsibility.

Universities should take the lead in organizing nonprofit housing corporations which, in turn, could take full advantage of special federal programs for low-income housing.

Universities, working closely with business, industry and labor, should seek new ways to train unskilled and hard-core unemployed workers—ways which instill in a worker a sense of motivation and hope and at the end of his training, provide him with a real job.

Universities should unite to promote more actively equal employment opportunity in their own hiring of professional and administrative employees—as well as requiring such standards from all firms with whom the universities do business. Churches of many denominations are doing precisely this through Project Equality, an equal employment opportunity program initiated by the National Catholic Welfare Conference for Interracial Justice. Can universities, above all, afford to do less?

Universities should become centers of educational excellence for the deprived children of our ghetto areas—providing them with the finest educational experience possible, and thereby, for the first time, offering real hope of overcoming the mammoth back-log of educational and cultural deprivation.

And our better universities should take far more seriously their responsibilities to work closely with smaller colleges and schools unable to develop or maintain high standards of teaching or research.

Student-faculty exchanges are only the beginning of the type of programs which creative and imaginative thinking could devise.

Why not sponsor joint research efforts? Or joint internship programs in government and industry? Or cooperative overseas study programs for students and faculty?

These are the kind of bold steps which should be taking place on every university campus in America—and I congratulate this university for a record which clearly demonstrates this awareness and concern over these vital social and economic problems.

The cry for freedom *now* will not be stilled—nor should it be.

Today the very concept of democratic government—implemented in an environment of justice and freedom—is undergoing one of its most critical tests, and also facing one of its greatest opportunities.

The task facing our democratic system today is to generate an ever-widening spectrum of people ready to welcome the new day with rejoicing and praise—rather than seeking refuge behind the walls of outworn prejudice and baseless fears.

Yes, the time has come to broaden the base of the civil rights movements—to reach out into the community and enlist vital new sources of energy and strength. We must strive to perfect one citizenship—one destiny for all Americans.

If democratic government is to survive—in America or elsewhere—we must be capable of responding to the cries of fellow citizens who have been living for two centuries as exiles and strangers in our midst.

If democratic government is to survive, we must be capable of binding our citizens together with a sense of shared responsibility for preserving the peace and tranquility of our communities—and this entails responding to the obvious and long-postponed needs of all our people.

We cannot acquiesce to those who would destroy our system of laws and justice through violence, riots and civil unrest . . . who fail to understand that rights and responsibilities are bound together in the tightly woven fabric of society.

But neither can we acquiesce to those conditions which have contributed so directly to the outrage we encounter among so many who believe themselves sentenced to lives of poverty, dependency and misery.

Yes, if democratic government is to survive, we must be capable of producing in the hearts of all men a realization that the door of economic and social progress is not marked "White Only." For to diminish the quality of freedom and justice for some is to mortgage irretrievably the sacred rights enjoyed by all.

The time has come to see our struggle for equal rights in proper perspective . . . to see that not only as a struggle to benefit the Negro American and other minorities, but primarily as this country's greatest challenge in building a system of self-government under which *every* American must live—and our greatest opportunity truly to "secure the blessings of liberty to ourselves and cur posterity."

If we fail, the loser will not be just the Negro American, but every American.

And even more than this: The failure of democracy in America would surely threaten fredom's growth around the world. For we know that racial prejudice and bigotry are worldwide phenomena, and that few nations are spared this ancient and brutal curse.

America—more than any other nation on earth—has committed itself to the liberation of all the children of God. We have sensed this priceless opportunity to demonstrate to all humanity that man need not be bound by the color of his skin.

And I profoundly believe that America will not squander this opportunity.

For one hundred years this university has been tending to the survival of our democracy—and whò can ever assess the magnitude of this contribution?

As we—one people, under God—strive to fulfill the vision President Johnson proclaimed here 15 months ago, Howard University will continue to send forth men and women dedicated to the final perfection of our democratic enterprise.

There is no higher duty, or more priceless opportunity.

And you will carry with you the blessing and appreciation of a proud nation.

IN LOUISVILLE'S RIVERVIEW, THE SKY DID NOT FALL AFTER ALL

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. Farnsley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. FARNSLEY. Mr. Speaker, I bring to the attention of my colleagues the following editorial which appeared in the September 12 issue of the Courier-Journal:

In Louisville's Riverview, the Sky Didn't Fall After All

A pleasant neighbood in Louisville's West End called Riverview has been signaled out for the first "All-America" neighborhood award. This recognition came from the Louisville Area Council on Religion and Race and the West End Community Council.

Riverview is on an Ohio River bluff between Shawnee and Chicksaw parks. It is an integrated neighborhood. About half of the residents are Negroes, the rest white. The families are mostly in the middle-income bracket.

Until about six years ago the neighborhood was entirely white. Unlike other areas, when Negroes moved in there was no great exodus of whites. About half of them stayed. Property values did not go down, despite the efforts of some real-estate agents to scare the whites into panic-selling when the first Negroes moved in.

Riverview was singled out for the award not just because it is an integrated neighborhood. The fact that the residents work together and are compatible was the overriding factor.

Riverview is also an illustration of how the actuality of open housing can overcome the fantasies and fear that are standing in the way of its spread. When the first Negro family moved into the neighborhood they were met with some hostility, but this soon passed. The point is that people *can* live in the same neighborhood in harmony, regardless of the color or their skins, and nothing proves it like doing it.

A few years ago, when the drive was on to outlaw racial discrimination in restaurants, hotels, and other public accommodations, the opposition raised all sorts of objections and acted in general as if the sky would fall if Negroes were permitted the same access to these places as whites. Discrimination was outlawed, the sky didn't fall, and looking back one wonders what all the shouting was about. When open-housing becomes a reality, the day will come when one will look back with the same sense of wonder.

MAIL SERVICE IMPROVED

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. Olsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, today Postmaster General Lawrence O'Brien announced a new fast and reliable parcel post service for Montana and the eight other Western States located in the Seattle and Denver regions. The States include Montana, Arizona, Colorado, New Mexico, Oregon, Utah, Washington, and Wyoming.

Zip coded parcel post will now be delivered on a regularly scheduled basis. The new service will enable a window clerk to tell a mailer when his package will be delivered to any city within this nine State area. For example, a package mailed from Helena to Billings, Miles City, Great Falls, Havre, Butte, or Missoula, will be delivered the following day. It will take 2 days from Helena to Wolf Point or Kalispell.

The fact that the package delivery can be established with a high degree of certainty will be very beneficial to the business community. A mailer will be able to tell his customer exactly when to expect his packages. Also mothers with children away at college can mail cookies and know ahead of time if they will arrive fresh.

This is the first scheduled parcel post service on such a wide basis covering many States. As chairman of the House Postal Facilities and Modernization Subcommittee, I heartily endorse the Postmaster General's further modernization of the postal service. It represents one of the most comprehensive and intricate planning of postal logistics ever attempted. Not only will Montana be greatly benefited, but this program will be a steppingstone to the inception of a nationwide service.

AMERICA'S USE OF FOREIGN AID

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Hansen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. HANSEN of Iowa. Mr. Speaker, foreign aid is not new to this generation, nor is it an American invention which began with lend-lease and the Marshall plan of the forties. Lending and granting funds to nations and governments in need extends back through many centuries of history, way before our Nation was ever born. And much of the history of this Nation is the history of assistance from wealthy countries of Europe, who helped us with grants and loans, materials and equipment, and technology.

France, Spain, England, and Holland were major contributors to U.S. economic growth from our earliest years into this century. Through foreign grants and loans, military aid and capital investments, our national independence was secured, our economic foundations established, and our economic development begun. And not until World War I did we finally repay our monetary debts to those who assisted us.

Today this is an important fact to remember—for our own national strength is a living example of what our foreign aid program to the developing countries is trying to accomplish. We know from experience that without the needed capital and technology, a country cannot grow and realize its full economic potential.

I insert in the Record at this point a very excellent paper on the history of foreign assistance to our country and hope this serves as a reminder of the value of foreign assistance to the security and economic development of young, threatened, and poor nations—and to the security and well-being of the free world:

America's Use of Foreign Aid

Foreign aid is not a new thing in the world, and its importance is not limited to today's underdeveloped countries. A great part of American history is the history of aid—technical, military, and economic—received by the colonies and by the young and growing Republic over two centuries. It came in the form of skills, customs, primitive equipment and livestock brought over by the early settlers and copied or reproduced here as the country moved West. It came in the form of machinery and materials that America imported, and though most of that was paid for by the products of the American soil, a portion—possibly a decisive portion—was financed in the early decades of the 19th Century with private loans from foreign, especially English, investors. And important military aid came directly from foreign governments—the enemies and rivals of England—to support the American Revolution. The United States is in a real sense the creation of European foreign aid, received in relatively small amounts at crucial points in our history applied with energy and ingenuity by Americans to American resources.

1. MILITARY AID FOR THE UNITED STATES

When the Colonies declared their independence in 1776, foreign military aid had already begun. Secret negotiations with France, and later Spain, led to early military and financial assistance (10. *Latane*, 3). On May 2, 1776, Louis XVI of France decided to ship munitions, money and supplies to the rebellious American colonies. The first formal diplomatic note in our history was addressed by Benjamin Franklin on December 23, 1776, to the Foreign Minister of France, leading to requests for financial aid and political support (10. *Latane*, 11). Aid arrived to the new United States in the form of loans, grants and military assistance. When the Peace Treaty of 1783 formally acknowledged America's independence, the nation had received *loans* from France, Holland, and Spain, totaling nearly $9 million. Grants, in the form of out-right gifts, from France equalled more than $2 million, and an additional $6 million was provided, without charge, by France's use of her army and navy in our cause (8. Jennings, 199). In addition, France had given the U.S. direct *military assistance* in the form of military clothing, gunpower, cannons, mortars and muskets (10. *Latane,* 7). Historians generally agree that without French foreign aid and French influence in enlisting the aid of other European nations, our national independence "could scarcely have been won . . ." (8. *Jennings,* 199). Ninety percent of the gunpowder the colonists used to fight the mother country was provided by the military asistance programs of the European powers (1. *Bailey,* 12–13).

From 1783 to 1814, foreign aid rescued the credit of the American government on several occasions. In the early years, loans from Holland made it possible for the nation to pay the principal and interest on its mounting national debt.

Military aid from Europe was not restricted to wartime alliances nor was it always confined to the recognized, constitutional government of the United States.

During the Napoleonic wars in Europe, the struggle among the interests of France, Spain and England was transferred to the American back country. West Point and the early work of the Corps of Engineers on American defense installations owe much to French example and to French military technicians, and the English furnished arms and powder to the Indians to attack the pioneer settlements. The South received significant support from British landed aristocrats and cotton manufacturers, at the time of our Civil War. The national government survived through the Strength of its own efforts, but that strength was formed and that nationhood established in the crucial years of the American Revolution with significant direct military assistance from abroad. There are few instances in history of so small an investment producing so enormous a result.

2. FOREIGN AID FOR THE AMERICAN ECONOMY

Many development loans from European investors in the next four decades went to state governments to develop basic economic functions at the local level. Loans to transportation projects, agriculture, public utilities, and new industries began the process.

Jefferson voiced the growing desire of Americans for internal progress in 1805 by calling for peacetime development of "rivers, canals, roads, arts, manufactures, education and other great objects within each state" (8. *Jennings,* 313).

Between 1800 and 1843 our foreign obligations had risen from $75 million to $225 million, by 1869 to $1½ billion, and at the end of the century our foreign debts reached $3.3 billion (11. *Taylor,* 109). Throughout the 19th Century, foreign capital, both public and private helped us achieve rapid economic development. Great Britain played the major foreign role in the economic development of the United States during the 19th Century, although many other countries shared in American investment. British capital supplemented Congressional land grants in financing the railroads and shared in mining and other basic industries (11. *Taylor,* 40). Almost no aspect of American society failed to benefit from foreign investments. Agriculture, railroads, land holdings, mines, petroleum, banking, fisheries, breweries, commerce, public utilities, securities, insurance companies, manufacturers, as well as the military materially benefited from foreign capital (11. *Taylor,* 21–8). Such significant waterways as the Erie and Ohio Canals were financed largely by European capital (8. *Jennings,* 341). Cotton and sugar plantations depended for working capital on foreign funds, loaned to the growers through local and state banks" (6. Fessenden, 1–2). As our industry grew and more economic functions were performed by the private sector of our economy, larger amounts of foreign capital were invested in corporations, and smaller amounts were loaned or granted to state and local governments. By 1919 more than 90 percent of the foreign capital was invested in private industry (6. Fessenden, 4). Throughout our entire westward expansion, foreign loans aided, inspired, and supported the economic development of the nation.

Nineteenth century America tells a convincing story about the positive relationship between foreign aid and rapid economic development.

3. THE BEGINNINGS OF AMERICAN FOREIGN AID

By 1870 Americans had developed their economy far enough to begin to buy back large quantities of securities held by foreign sources (6. *Fessenden,* 2). In fact, at the end of the century, America itself began to become a foreign lender, principally by helping to develop other regions in North America, Canada, Mexico and Cuba (14. *Young,* 498). Still as late as 1914, the United States was a net debtor nation, i.e., the Government and its people owed far more to Europe than was owed to us (7. *Hicks,* 583). Foreign investments in the United States totalled about $6 billion, although by this date, America had invested almost $2½ billion in foreign markets. This left the United States in 1914 a net debtor nation of more than $3½ billion.

The First World War changed all this. By 1919, the United States had turned from a net debtor to the world's leading creditor nation. This was accomplished in three ways, all of which were based on the strong foundation of 150 years of economic development as a recipient of foreign capital (14. *Young,* 498):

(a) Large amounts of foreign owned securities were sold in this country in order to obtain American dollars to finance the World War in Europe.

(b) American exports to Europe were stimulated due to the War, adding significantly to our capital strength.

(c) American loans to the governments of United Kingdom, France, Italy, Russia, Belgium, Serbia, and others, accelerated total capital accumulation (9. *Keynes,* 254).

Consequently, by the end of the First World War, "The United States, instead of being a debtor to other countries, was a net creditor to the extent of over $10 billion" (14. *Young,* 499). For the first time in our history, the economic development of the United States was a world-wide, visible accomplishment.

CONCLUSION

The early experience of the United States demonstrates the value of foreign aid for the military security and the economic development of a young, threatened, and relatively poor nation. With the help of foreign grants, military assistance, loans, and other capital investments, the national independence of the United States was secured, our essential economic foundations established, and our economic development begun. For us, foreign aid was a support to our own efforts to create national strength and wealth. Having created that wealth and strength, we were ready by 1919 to begin to export capital and technology to Europe and to new nations which stood where we had stood at the outset of our national history.

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"MEGALOPOLIS UNBOUND: THE SUPERCITY AND THE TRANSPORTATION OF TOMORROW"

The SPEAKER pro tempore (Mr. Fascell). Under previous order of the House the gentleman from Rhode Island [Mr. Fogarty] is recognized for 10 minutes.

Mr. FOGARTY. I want to call the attention of the House to an excellent and most interesting book which has just been published by my distinguished colleague in the other body, Senator Claiborne Pell.

The book, entitled "Megalopolis Unbound: The Supercity and the Transportation of Tomorrow," published by Frederick A. Praeger, Inc., of New York, sets forth in an interesting and graphic way Senator Pell's concern for preserving the freedom of all citizens to be mobile in our increasingly urbanized society.

Senator Pell's particular plea is that we make better use of our railroads. He cites as a particular case in point the deplorable decline of the New Haven Railroad which he says embodies all of the classic problems which have afflicted U.S. railroads in recent years.

I am particularly interested in this aspect of Senator Pell's fine work, because the New Haven serves the whole length of my district, and its preservation is, thus, of vital concern to my constituency.

The remedies which Senator Pell proposes likewise are of vital interest to all of us who represent urban areas. His concept, involving the modernization and updating of railroads to provide competitive high-speed service, has been embodied in the High Speed Ground Transportation Act of 1965. The history and evolution of this act is also described most interestingly in this book, and all readers will be interested to note that it is leading to the construction of some radically new high-speed experimental trains which should be in service next year.

Mr. Speaker, under unanimous consent, I insert at the conclusion of my remarks an excellent review of Senator Pell's fine book which appeared in the September 8 issue of the Providence Journal.

In Pursuit of Civilized Travel

("Megalopolis Unbound: The Supercity and the Transportation of Tomorrow," by Senator Claiborne Pell, 233 pages. Praeger, $5.95.)

(By James T. Kaull)

Fate gives few travel-weary riders the same chance to find a cure as she has given to Senator Pell, whose many sleepless nights on New Haven Railroad rattlers led, almost on a straight track, to the High-Speed Ground Transportation Act of 1965.

The act entails 90 million dollars, of which about 18 million is for improving railroad passenger service on existing routes in the Northeast. The balance is for research into new ways to move people rapidly by surface transportation.

The first product of Senator Pell's own study was his concept of an eight-state public authority that could take over rail passenger service. This is temporarily puffing on a siding, while the Johnson administration, with the Rhode Islander's hearty endorsement, chugs ahead with the 1965 act.

Over the years and the miles, Senator Pell has thought and worried much about transportation problems. With the aid of his staff, this book was written to set down the problems and the possible solutions. The senator gives prime credit, for "organizing and articulating" ideas, to his legislative assistant, Orlando B. Potter.

Here is an excellent, literate survey of the complex transportation dyspepsia that afflicts the northeast "Megalopolis," that continuously urbanized coastal strip containing only 1.4 per cent of the nation's land but 20 per cent of its people.

In jeopardy is our freedom to move about as we please, Senator Pell writes. The solution requires a "systems approach" to coordinate present and future modes of transportation. It requires also, the senator emphasizes, an exercise of public policy to make a "deliberate assignment" of transportation roles and priorities.

The costs of putting too many of our eggs into an automobile solution are becoming prohibitive, Senator Pell points out. A contemplated crosstown expressway in Manhattan would average 100 million dollars a mile, a sum sufficient to build 33 university libraries.

The air, too, is becoming so congested that drastic solutions must be found, the senator continues.

Soon, the public in the Northeast will have to pay dearly for something: a billion dollars worth of new air facilities, even more than that in ultra-highways or—or why not save the railroads and once again have them serve the traveling public?

Railroads, the senator says, are not obsolete but merely retarded; they have simply failed to exploit their natural technological advantages. These are efficiency, dependability and, perhaps most important, exclusive rights of way that already exist and can be used much more.

Senator Pell says the railroads are still being regulated as a profitable monopoly rather than being recognized as a costly public service that needs help and cooperation from regulating agencies.

He tells us that his own staff initially had doubts about his dream of a railroad renaissance, bureaucrats were skeptical and the president of one railroad (not identified) spent half an hour trying to dissuade him from so much talk about improving passenger service!

Of interest is Senator Pell's relation of the basic research being done by the Massachusetts Institute of Technology on new means of ground transportation. The M.I.T. researchers are willing to try on anything for size: pneumatic capsules, electromagnetic suspension, etc.

They are trying to avoid "convergent evolution," that is, development by imitation, in which one would endeavor to improve a railroad by making it more like an airline. Senator Pell says an airplane is not an "improved automobile," nor were plastics developed by the wood industry.

It is this kind of scientific and historical perspective that makes Senator Pell's book worthwhile. He reports, for instance, that the "right to mobility" is a pecularily American concept. We have a near-sacred right to indulge our "kinetic impulses."

And it would be difficult to disagree with the senator's warning that the alternative to a forward-looking solution is to accept strangulation, the complete anti-mobility.

James T. Kaull is a Journal-Bulletin staff reporter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Randall, for September 20, on account of official business in district to address National Convention of Carpenters.

Mr. McDowell (at the request of Mr. Waggonner), for today, on account of official business.

Mr. Adams, from September 20 through September 23, on account of official business.

Mr. Hungate (at the request of Mr. Ichord), from September 19 through September 23, on account of official business.

Mr. Foley, from September 19 through September 23, on account of official business.

Mr. Mackie (at the request of Mr. O'Hara of Michigan), for September 19, on account of official business.

Mr. Carter (at the request of Mr. Gerald R. Ford), indefinitely, on account of illness.

Mr. Roncalio, for the week of September 19, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Mathias (at the request of Mr. Watkins), for 30 minutes, on September 20; to revise and extend his remarks and include extraneous matter.

Mr. Fogarty, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Patman to extend his remarks in the Record on the bill H.R. 2266, and to include extraneous matter.

Mr. Curtis and to include extraneous matter during his remarks on the bill H.R. 17488.

Mr. Bennett to revise and extend his remarks on H.R. 16715 and to include extraneous matter.

Mr. Teague of Texas.

(The following Members (at the request of Mr. Watkins) and to include extraneous matter:)

Mr. Gubser.

Mr. Derwinski.

Mr. Fulton of Pennsylvania.

Mr. Cunningham in two instances.

(The following Members (at the request of Mr. Matsunaga) and to include extraneous matter:)

Mr. Rooney of New York.

Mr. Madden in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2918. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0310090); to the Committee on Interior and Insular Affairs.

S. 3500. An act to authorize the President to advance Maj. Gen. Robert Wesley Colglazier, Jr., to the grade of lieutenant general; to the Committee on Armed Services.

S. 3809. An act to authorize the Public Printer to print for and deliver to the General Services Administration an additional copy of certain publications; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3041. An act to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause;

H.R. 11979. An act to extend the authority for the payment of special allowances to evacuated dependents of members of the uniformed services, and for other purposes;

H.R. 13712. An act to amend the Fair Labor Standards Act of 1938 to extend its protection to additional employees, to raise the minimum wage, and for other purposes;

H.R. 14026. An act to provide for the more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, and for other purposes;

H.R. 15005. An act to amend title 10, United States Code, to increase the authorized numbers for the grade of major, lieutenant colonel, and colonel in the Air Force in order to provide active duty promotion opportunities for certain officers, and for other purposes;

H.R. 16330. An act to provide for extension of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, and for other purposes; and

H.R. 16367. An act to extend the benefits of the war orphans' educational assistance program to the children of those veterans of the Philippine Commonwealth Army who died or have become permanently and totally disabled by reason of their service during World War II, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 420. An act to amend title 10, United States Code, to authorize the commissioning of male persons in the Regular Army in the Army Nurse Corps, the Army Medical Specialist Corps, the Regular Navy in the Nurse Corps and the Regular Air Force with a view to designation as Air Force nurses and medical specialists, and for other purposes;

H.R. 3041. An act to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause;

H.R. 11979. An act to extend the authority for the payment of special allowances to evacuated dependents of members of the uniformed services, and for other purposes;

H.R. 13712. An act to amend the Fair Labor Standards Act of 1938 to extend its protection to additional employees, to raise the minimum wage, and for other purposes;

H.R. 14026. An act to provide for the more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, and for other purposes;

H.R. 15005. An act to amend title 10, United States Code, to increase the authorized numbers for the grade of major, lieutenant colonel, and colonel in the Air Force in order to provide active duty promotion opportunities for certain officers, and for other purposes; and

H.R. 16367. An act to extend the benefits of the war orphans' educational assistance program to the children of those veterans of the Philippine Commonwealth Army who died or have become permanently and totally disabled by reason of their service during World War II, and for other purposes.

ADJOURNMENT

Mr. MATSUNAGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 20, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2728. A letter from the Secretary of the Army, transmitting a report of the number of officers on duty with Headquarters, Department of the Army, and the Army General Staff on June 30, 1966, pursuant to the provisions of section 3031(c) of title 10, United States Code; to the Committee on Armed Services.

2729. A letter from the Comptroller General, transmitting a report of review of the maintenance of combat vehicles, Department of the Army; to the Committee on Government Operations.

2730. A letter from the Comptroller General, transmitting a report of potential savings through improvement in the management of materials handling equipment and commercial-design trucks, U.S. Marine Corps, Department of the Navy; to the Committee on Government Operations.

2731. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of September 14, 1966, the following bill was reported on September 16, 1966:

Mr. PASSMAN: Committee on Appropriations. H.R. 17788. A bill making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1967, and for other purposes (Rept. No. 2045). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted September 19, 1966*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COOLEY: Committee on Agriculture. H.R. 13669. A bill to amend title III of the Bankhead-Jones Farm Tenant Act, as amended, to provide for additional means and measures for land conservation and land utilization, and for other purposes (Rept. No. 2046). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of September 14, 1966, the following bill was introduced on September 16, 1966:

By Mr. PASSMAN:

H.R. 17788. A bill making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1967, and for other purposes.

[*Submitted September 19, 1966*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 17789. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 17790. A bill to provide that no further sales may be made under the Participation Sales Act of 1966; to the Committee on Banking and Currency.

By Mr. BOGGS:

H.R. 17791. A bill to authorize the merger of two or more professional football leagues, and to protect football contests between secondary schools from professional football telecasts; to the Committee on the Judiciary.

By Mrs. BOLTON:

H.R. 17792. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 17793. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

H.R. 17794. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. CRALEY:

H.R. 17795. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 17796. A bill to amend titles I, IV, X, XIV, XVI, XVII, and XIX of the Social Security Act to require that drugs provided by, or under programs receiving Federal financial assistance pursuant to, such titles must be prescribed and furnished on a nonproprietary or generic basis; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 17797. A bill to direct the Attorney General of the United States to study the feasibility of giving local communities more control over certain Federal land acquisitions, and providing for independent review of such acquisitions; to the Committee on Interior and Insular Affairs.

By Mr. DOWDY:

H.R. 17798. A bill to provide that a judgment or decree of the District of Columbia Court of General Sessions shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HANSEN of Iowa:

H.R. 17799. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. HATHAWAY:

H.R. 17800. A bill to amend title II of the Social Security Act to include Maine among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage for only those State and local employees who desire it; to the Committee on Ways and Means.

By Mr. MACKAY:

H.R. 17801. A bill to amend the Internal Revenue Code 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 17802. A bill to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 17803. A bill to provide a comprehensive program to combat alcoholism; to the Committee on Interstate and Foreign Commerce.

H.R. 17804. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. POFF:

H.R. 17805. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

H.R. 17806. A bill to amend the act of September 30, 1961 (75 Stat. 732); to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 17807. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 17808. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax to offset losses of retired pay sustained by certain individuals who retired from the Armed Forces before June 1, 1958; to the Committee on Ways and Means.

By Mr. ST. ONGE:

H.R. 17809. A bill to amend the act of March 3, 1899, to authorize the United States to recover by civil action the cost of removing certain obstructions from the navigable waters of the United States, and for other purposes; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 17810. A bill for the relief of the Borough of Ford City, Armstrong County, Pa.; to the Committee on the Judiciary.

By Mr. SECREST:

H.R. 17811. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degree at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 17812. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 17813. A bill to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 17814. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary,

By Mr. TUPPER:

H.R. 17815. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 17816. A bill to suspend, except for facilities to control air or water pollution, the investment credit and the allowance of accelerated depreciation in the case of certain real property; to the Committee on Ways and Means.

By Mr. VIGORITO:

H.R. 17817. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. WALKER of New Mexico:

H.R. 17818. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITE of Texas:

H.R. 17819. A bill relating to the Tiwa Indians of Texas; to the Committee on Interior and Insular Affairs.

By Mr. WHITTEN:

H.R. 17820. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 17821. A bill to amend the National Capital Planning Act of 1952 to provide that the Members of Congress who represent the counties of Maryland and Virginia adjacent to the District of Columbia shall be ex officio members of the National Capital Planning Commission; to the Committee on the District of Columbia.

By Mr. BURLESON:

H.R. 17822. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with the intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. MACGREGOR:

H.R. 17823. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. O'NEAL of Georgia:

H.R. 17824. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 17825. A bill to amend the Internal Revenue Code of 1954 to provide that a farmer shall have until March 15 (instead of only until February 15 as at present) to file an income tax return which also satisfies the requirements relating to declarations of estimated tax; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 17826. A bill to prohibit the shipment in commerce of electronic eavesdropping and wiretapping devices; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H.R. 17827. A bill to prohibit the shipment in commerce of electronic eavesdropping and wiretapping devices; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 17828. A bill to amend the joint resolution of January 25, 1923, to require employees of Members of the House of Representatives to make certain certifications with respect to compensation received by them from clerk hire funds; to the Committee on House Administration.

By Mr. CLEVELAND:

H.R. 17829. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. FARNSLEY:

H.R. 17830. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. SCHMIDHAUSER:

H.R. 17831. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 17832. A bill to authorize a preliminary investigation and survey to determine the need for a federally maintained channel at Mexico Beach, Fla.; to the Committee on Public Works.

By Mr. QUILLEN:

H. Con. Res. 1010. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON:

H. Con. Res. 1011. Concurrent resolution expressing the sense of Congress with regard to tariff modifications on certain kinds of papermaking machinery; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 17833. A bill for the relief of Miss Antonina Rondinelli Asci; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 17834. A bill for the relief of Francesca Noto; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 17835. A bill for the relief of Evanthia Psichopedas; to the Committee on the Judiciary.

By Mr. NEDZI:

H.R. 17836. A bill for the relief of Mrs. Wanda S. Stempniewicz; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 17837. A bill for the relief of Youssef El-Naggar (Brother Cyril); to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 17838. A bill for the relief of Miss Zaida Zapata deDios; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 17839. A bill for the relief of Israel Mizrahy, M.D.; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 17840. A bill for the relief of Nartey Emmanuel; to the Committee on the Judiciary.

By Mr. SENNER:

H.R. 17841. A bill for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee; to the Committee on Agriculture.

PETITIONS, ETC.

Under clause 1 of rule XXII,

432. The SPEAKER presented a petition of the Alabama League of Aging Citizens, Montgomery, Ala., relative to the high cost of living and creeping inflation, which was referred to the Committee on Banking and Currency.

SENATE

MONDAY, SEPTEMBER 19, 1966

(Legislative day of Wednesday, September 7, 1966)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

Rabbi Henry Okolica, Congregation Tephereth Israel, New Britain, Conn., offered the following prayer:

Almighty God, eternal Father, this is a new day, which the Lord has made. These are days of penitence, days of awakening; days which might bring about the kingdom of God on earth.

We pray for divine assistance in our task to make our lives more useful and charitable. Help us to remove the crust of selfishness and arrogance. Let us not cast away God's precious gift of love and kindness. Let us overcome fear with resoluteness, shame with inner pride. For in the fashion of greed do we reject these matters beyond the grasp of our immediate understanding.

As a nation, O God, we are as strong as the components of our character; as individuals, as honorable as the foundation of our total being.

Let us bear no malice, foster no strife, seek no vengeance, but execute justice and love mercy; for the world is mine, sayest the Lord. Give us a heart of wisdom, a mind of discerning discretion. Let our Nation's symbols shine brightly, the stars and the eagle reflect our pride, enlightened leadership brighten our skies, to fulfill the dream of our forebears, that we be a holy nation of free men and women, to lift the canopy of freedom to protect, lest mankind fall into the shadow of tyranny and enslavement; that our message may raise their hopes, as our flag shows its meaning; that we are not cowards, but honest men, not prude politicians, but valiant defenders. Help us, O God, toward this end. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 19, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Friday, September 16, 1966, was approved.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, under the unanimous-consent agreement of last week, there will be a brief period for the transaction of routine morning business, I understand, and during that time the unfinished business will not be displaced. Do I understand correctly?

The ACTING PRESIDENT pro tempore. The Senator understands correctly.

ROUTINE MORNING BUSINESS

Under the order entered on Wednesday, September 14, 1966, the following routine morning business was transacted.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair appoints the Senator from Rhode Island [Mr. PELL] and the Senator from Wyoming [Mr. SIMPSON] as congressional advisers to attend the 14th General Conference of the United Nations Educational, Scientific, and Cultural Organization, known as UNESCO, in Paris from October 25 to November 30, 1966.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 3041. An act to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause;

H.R. 11979. An act to extend the authority for the payment of special allowances to evacuated dependents of members of the uniformed services, and for other purposes;

H.R. 13712. An act to amend the Fair Labor Standards Act of 1938 to extend its protection to additional employees, to raise the minimum wage, and for other purposes;

H.R. 14026. An act to provide for the more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, and for other purposes; and

H.R. 15005. An act to amend title 10, United States Code, to increase the authorized numbers for the grade of major, lieutenant colonel, and colonel in the Air Force in order to provide active duty promotion opportunities for certain officers, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H. Con. Res. 416. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia (Rept. No. 1606).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment:

H.R. 14019. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes (Rept. No. 1607).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 3485. A bill to amend section 3 of the act of July 23, 1955 (ch. 375, 69 Stat. 368) (Rept. No. 1608).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRIFFIN:

S. 3838. A bill to amend the Internal Revenue Code of 1954 to exempt servicemen from the excise tax on transportation by air; to the Committee on Finance.

By Mr. METCALF:

S. 3839. A bill to amend the act entitled "An act to authorize the Secretary of the Air Force to establish land-based air warning and control installations for the national security, and for other purposes," approved March 30, 1949, in order to clarify the intent of Congress with respect to the procurement of communication and power services necessary to carry out the provisions of such act; to the Committee on Armed Services.

(See the remarks of Mr. METCALF when he introduced the above bill, which appear under a separate heading.)

CLARIFICATION OF INTENT OF CONGRESS WITH RESPECT TO PROCUREMENT OF COMMUNICATION AND POWER SERVICES

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill designed to assure that all suppliers of communications and electric power have an opportunity, within their service areas, to serve defense facilities.

Need for this legislation results from a strict interpretation placed by the Defense Department on Public Law 84–968.

That law grew out of a situation in which the military officials, seeking telephone or electric service in connection with the SAGE system, asked large investor-owned utilities to supply the service, even though the facility to be served was within the territory of a customer-owned cooperative. The Federal Government was discriminating against the cooperatives and abetting piracy of their territory by large, adjacent utilities.

Public Law 84–968 provided that in procuring communications and electric service, "the Secretary of the Air Force shall utilize to the fullest extent practicable the facilities and capabilities of communication common carriers, including rural telephone cooperatives, within their respective service areas and for power supply shall utilize to the fullest extent practicable, the facilities and capabilities of public utilities and rural electric cooperatives within their respective service areas."

The House Armed Services Committee, in its report—House Report 1890, 84th Congress, 2d session—stated that "only in the event that a carrier is unwilling or unable to furnish, required service within its service area shall another carrier be requested to provide such service."

Within recent months the Defense Department has again countenanced piracy of territory by large utilities. It awarded to an investor-owned electric utility a contract for electric service to Minuteman missiles within the territory of a rural electric cooperative. And it sought to obtain from the Bell system communications service for Autovon facilities within the territory of small investor-owned telephone companies and rural telephone cooperatives. The Bell system was asked to bid on service to Autovon sites not only within Bell territory but also in adjacent territory served by independents and cooperatives. The independents and cooperatives were asked to bid only on the sites within their service areas.

In the above instances, the electric utility was permitted by the Air Force to provide service within cooperative territory. In the other case, a number of conferences took place before the Defense Communications Agency recognized that little investor-owned utilities and rural electric cooperatives are entitled to provide service in their areas on the same basis that the large utility serves its territory.

Mr. President, in my opinion Congress intended, in approving Public Law 84–968, to assure that any supplier, big or little, investor-owned or customer owned, of electric or communications service to the Federal Government would have the right to do so within its service area. I believe that Congress intended the law to apply not only to the Sage system, but to the Minuteman, Autovon and subsequent systems. The amendment I propose would insure this.

Mr. President, although we are now coming to the close of the 89th Congress I am introducing the bill at this time so that interested agencies and organizations may review it and so that departmental reports can be prepared for the Armed Services Committee which will, I hope, be able to consider this bill early in the 90th Congress.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3839) to amend the act entitled "An act to authorize the Secretary of the Air Force to establish land-based air warning and control installations for the national security, and for other purposes," approved March 30, 1949, in order to clarify the intent of Congress with respect to the procurement of communication and power services necessary to carry out the provisions of such act, introduced by Mr. Metcalf, was received, read twice by its title, and referred to the Committee on Armed Services.

DESIGNATION OF OCTOBER 31 OF EACH YEAR AS NATIONAL UNICEF DAY—AMENDMENT

AMENDMENT NO. 930

Mr. DIRKSEN proposed an amendment to the joint resolution (S.J. Res. 144) to authorize the President to designate October 31 of each year as National UNICEF Day, which was ordered to be printed.

(See reference to the above amendment when proposed by Mr. Dirksen, which appears under a separate heading.)

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of September 1, 1966:

S. 3794. A bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights similar to those given by section 8(f) of such act to employers and employees in the construction industry: Mr. Kennedy of New York, and Mr. Nelson.

Authority of September 6, 1966:

S. 3801. A bill to amend the Social Security Act to assist the States in conducting continuing programs of planning for the need for health-care facilities in the State and for assuring that certain amounts payable to health-care facilities pursuant to titles XVIII and XIX of such act will be expended in accordance with such programs: Mr. Douglas, Mr. Hartke, and Mr. Kennedy of New York.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTION

Mr. PELL. Mr. President, at its next printing, I ask unanimous consent that the name of the Senator from North Dakota [Mr. Burdick] be added as a cosponsor of the bill (S. 3777) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that at the next printing of S. 3817, the football merger bill, the name of the senior Senator from Nebraska [Mr. Hruska] be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I ask unanimous consent that at the next printing of S. 3823, to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes, the name of the distinguished junior Senator from Idaho [Mr. Jordan] be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the name of the Senator from Wisconsin [Mr. Nelson] be added as a cosponsor of Senate Resolution 298, a bill to create a Select Committee on Technology and the Human Environment, at its next printing.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs and the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. DIRKSEN. Mr. President, I have been asked to object.

The ACTING PRESIDENT pro tempore. Objection is noted.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider the nominations on the Executive Calendar, beginning with the Department of Defense.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Patrick J. Foley, of Minnesota, to be U.S. attorney for the district of Minnesota.

By Mr. DIRKSEN, from the Committee on the Judiciary:

Henry S. Wise, of Illinois, to be U.S. district judge for the eastern district of Illinois; and

Alexander J. Napoli, of Illinois, to be U.S. district judge for the northern district of Illinois.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations will be stated.

DEPARTMENT OF DEFENSE

The Chief Clerk proceeded to read sundry nominations in the Department of Defense.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the Department of Defense be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

CIVIL RIGHTS CLOTURE MOTION

Mr. BYRD of West Virginia. Mr. President, I urge the Senate to again firmly reject cloture on the motion to take up the so-called Civil Rights Act of 1966. A better name for the "open housing" section of this bill would be "forced housing," because, were it to become law, every property owner would be subjected to the threat of governmental compulsion to sell, rent, or lease to persons other than those of his own choice.

I am opposed to the iniquitous and odious philosophy which would deny one's right to freely choose his associates or his neighbors, his tenant or his lessee or his grantee, and this is the philosophy which underlies the housing provision. It is a masterpiece of proposed governmental invasion of property rights and Federal interference in private property transactions, and I am irreconcilably and unalterably opposed to such legislation, now or at any time in the future, regardless of its form and regardless of what administration or party may be the advocate and sponsor thereof.

A vote against cloture is, in reality, a vote against the "forced housing" section of the bill.

Mr. KENNEDY of Massachusetts. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. KENNEDY of Massachusetts. As I understand, there is a 3-minute limitation during the morning hour. Do I understand correctly?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY of Massachusetts. I ask unanimous consent that I may be permitted to proceed for 7 minutes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? There being no objection, it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, a majority of the Senate last Wednesday expressed its will by voting to take up this year's civil rights bill, to debate it, to work on it, and then to vote on its merits. But a sufficient minority voted in the negative to block the normal workings of the legislative process—to nullify the will of the majority and to negate the principle of majority rule which is so basic to our democratic system.

The denial of majority rule is always extraordinary. In this instance it is more so—because the minority is denying the majority even the opportunity to have the bill come before the Senate—and because of the nature of this legislation.

This legislation, which opponents of the bill claim is so ill considered as not to justify even placing it before the Senate, was the subject of a Presidential message. It was originally drafted by the Attorney General of the United States, worked on for months by committees of both the House and Senate, debated at great length and passed by a substantial majority in the House of Representatives, and supported by a substantial majority in the Senate of both the Subcommittee on Constitutional Rights and the full Judiciary Committee.

It is incredible to me that any legislation involving this kind of preparation and support could be called ill considered or that the judgments of our House colleagues and Senate committees could be given so little respect.

Later in the day, we will have another opportunity to vote on whether this bill should be considered by the Senate. I hope the vote will be favorable, so that the Senate can work its will. For that reason, as a member of the subcommittee which heard the voluminous testimony on this measure, and as one of the 10 Judiciary Committee members who filed the equivalent of a report in support of this proposal, I want to respond to some of the arguments which have been made and indicate why I believe this legislation should be permitted to come before the Senate for debate, and then enacted into law.

Those who oppose the bill argue that it is politically unwise at this time to support civil rights legislation. Civil rights, we are told, is not a popular issue this summer. There is a white backlash, which can be seen in last week's vote in the Maryland gubernatorial primary. Consequently, we are advised that the better part of political wisdom would be to ride with the popular tide.

At least, that is the argument offered at times during this debate by opponents of the bill. But at other times they have taken quite contrary positions. They have spoken of the great pressure which has been put upon them to support the bill—pressure which they are withstanding because, as they say, a matter of principle is involved. This ambivalence is, to say the least, confusing, and with all due respect, seems somewhat disingenuous. I do not think one can have it both ways. And the major thrust of the arguments is based on the existence of the white backlash.

But this is nothing more than a blatant appeal to political expediency. There may be a white backlash as a result of this summer's violence. I do not believe, however, that because a racist slogan helped attract 30 percent of the Maryland primary vote, this indicates that the majority of Americans no longer support the cause of civil rights and equal justice. In any case, whatever the climate of the moment, our responsibility as legislators is to look beyond, to the longrun needs of our society and to the dictates of our conscience.

If this legislation is wise and necessary, it is no less so because the activities of a few misguided militants have alienated some elements of the white community. The great majority of the Members of this body do not permit their vision of a just and equal society to become obscured by the turbulences of the moment. As a Democrat, it is, therefore, gratifying to me to observe that more Democrats in this Chamber voted for cloture last Wednesday than at the time of the 1964 Civil Rights Act, when the climate for civil rights was far more sympathetic.

I have also heard it argued that opposition to this bill has nothing to do with color or racial discrimination. The real issue we are told, is one of conduct. There has been rioting and violence this summer. The conduct of some Negroes has been bad. Therefore, we are told, there should be no civil rights legislation this session.

This is really a frightening argument. Look at it closely. Because the actions of some Negroes deserve condemnation, no further action should be taken to afford our Negro citizens the full rights of American citizenship. It does not matter if Negroes are excluded from State and Federal juries, if they are the victims of violent and brutal acts which go unpunished, if they are forced to live in racial isolation, cut off from the rest of our society.

It does not matter, some say, because the Negro is pushing too hard, he must be kept in his place—in his ghetto—apart from white Americans who are better behaved, and cleaner and more law abiding. We must not be in a hurry to afford

Negro Americans full participation in American life. After all, it is our society, not theirs.

I condemn the violence of this summer as strongly as anyone here, but I do not believe we should legislate out of resentment, or frustration, or anger. And I do not understand how one can justify focusing only on the bad conduct of a few Negroes as grounds for opposing this legislation.

What about the sickening conduct of those white adults who beat and bloodied Negro schoolchildren in Grenada, Miss., for trying to attend a desegregated school? What about the mobs of whites who screamed obscenities and hurled rocks and bottles at peaceful demonstrators in Chicago? And what of the exemplary conduct of those Negro Americans who are fighting and dying for this country and for freedom in Vietnam?

We must reject the idea of a racial stereotype. Each of us, white or black, should be judged as individuals, not on the basis of the color of our skins. That is all that the housing title of this bill involves. It does not prevent those in the real estate business from choosing not to deal with an individual because of what he is or does as an individual; it simply requires that the individual be dealt with on his merits, and not discriminated against simply because of his color.

It is argued that this requirement of nondiscrimination violates a basic principle of freedom, and intrudes upon the absolute right of a private property owner to dispose of his property in any way he sees fit. But title IV in its present form does not even cover the average homeowner. It applies only to real estate agents, and others in the residential housing business. Like any business, they are rightly subject to regulations in the public interest and are already subject to far more severe limitations on the use of property through zoning laws and health and safety measures. All title IV would add would be to prohibit discrimination in operating this business. It is in no way coercive. It in no way dictates to a person when or to whom he must sell or rent. Freedom of contract is preserved, provided that freedom is not exercised from a foundation of bigotry or discrimination.

And it is ridiculous to speak as if the requirements of title IV imposed a revolutionary step in the law of private property. Many States and cities, covering half our population, already have fair housing laws—many far stronger than those contained in the bill before us.

Finally, as the Supreme Court has observed:

> Neither property rights nor contract rights are absolute; for Government cannot exist if the citizen may at will use his property to the detriment of his fellows, or exercise his freedom of contract to work the harm. Equally fundamental with the private interest is that of the public to regulate it in the common interest. *Nebbia* v. *New York*, 291 U.S. 502, 523 (1934).

So the only real questions we should be asking about title IV are whether there is the national problem of housing discrimination justifying national legislation and whether there is a sound and constitutional basis for such legislative action.

If this bill is permitted to come before the Senate, its supporters are prepared to make their case on these questions, and make it, I think, to the satisfaction of the great majority of the Members.

The question of constitutionality was explored at great length in the subcommittee. The Attorney General made an excellent presentation on this question. The majority of the Judiciary Subcommittee and I believe a great majority of of our most eminent constitutional lawyers, are satisfied that this legislation has a sound constitutional basis.

I believe the Federal Government has ample constitutional powers based on the commerce clause and the 13th and 14th amendments to act against discrimination in housing.

And in my judgment, we cannot afford not to act. Racial segregation in housing in America, fed by a system of discriminatory practices, is widespread and increasing. Largely as a result of it, the vicious cycle of racial poverty, unemployment, and inadequate educational opportunities work to perpetuate the slum ghetto. For as long as the Negro is isolated from other Americans and denied mobility and access to good housing, his children will go to segregated schools of inferior quality, he will pay more for inferior housing to which he does have access, and he will be cut off from the power structures of Government—unable to communicate or participate in the white society that surrounds him.

The country is dividing more and more into separate societies of the rich and poor, the white and the black, the complacent and the despairing, where the whites have jobs and the blacks have unemployment; where the whites live in suburbs and the Negroes in ghettoes.

We must act to correct this dangerous situation, not only because it is wrong in itself but because the division and social isolation breed contempt and distrust. The racial violence we are legislating against in title V, the discrimination in jury selection we are seeking to eliminate in titles I and II, the intimidation and coercion of those seeking to attend desegregated schools we are trying to prevent in title VI, all these things are a part of the whole fabric of discrimination and racial segregation.

And as long as the Negro is forced to live apart from the rest of the society, the contempt for the Negro as an individual and the contempt for his rights as an American citizen, which make this legislation necessary, will continue to plague our Nation.

I am not suggesting passage of this legislation by itself will eliminate the ghetto or racial segregation in housing. Of course it is not a panacea. But it is a first step to making possible exodus from the ghetto. It will represent a national commitment for equal treatment in housing and it will give the Negro American greater freedom and opportunity to live where he chooses.

The need for action in areas of jury reform and new Federal criminal legislation to deal with the problems of racial violence are equally clear. The testimony before our subcommittee and several court decisions indicate that the present system of selecting juries in the Federal courts often operates unfairly. Title I of this legislation seeks to provide, for the first time, uniform procedures for the selection of jurors in the Federal courts—procedures which will assure that jurors are drawn from a broad cross section of the community. Similarly, title II is designed to eliminate all forms of unconstitutional discrimination in the selection of jurors in State courts, while at the same time seeking to interfere as little as possible with traditional procedures.

Discrimination in jury selection is bad in several ways. It deprives a Negro defendant of a constitutionally fair trial. It may deny the victim of racial violence the equal protection of the laws by making it impossible to secure convictions even where warranted by the facts. And it serves to deny qualified Americans the right and the opportunity to participate in the operation of their government in one of the most significant ways open to the average private citizen.

There has been considerable work done on the technical details of these titles. Amendments in the House and here in the Senate have, in my judgment, met virtually all the objections raised to the procedural machinery contained in the original bill. Opponents of the bill propose still further amendments. But these amendments which deserve consideration and discussion, cannot be considered until this bill is permitted to be taken up by the Senate.

The need for title V is so apparent that it requires little elaboration. It suffices to say that recent Supreme Court decisions indicate there is now no Federal statute on the books which clearly prohibits, for example, a violent assault, by a private individual on a Negro child seeking to attend a desegregated school, or a Negro citizen seeking to use a public facility without discrimination on account of his race. Without enumerating here the many crimes perpetrated in the last few years against Negroes and civil rights workers which have gone unpunished, I need point only to the recent violence in Grenada, Miss., as proof of the need for legislation to correct this intolerable situation. Title V is needed to punish and deter acts of racial violence which, in part because of limitations and defects of present Federal law, and in part because of the failure to provide effective protection and prosecution at the local level, have too often gone unpunished and deterred the free exercise of Federal rights.

In my judgment, this legislation deserves the support of the Senate. I respect the right of those who feel otherwise and I will abide by the will of the majority. But a majority wants to take up and consider this legislation. They should be permitted to do so. The Senate must be permitted to work its will.

Mr. PROXMIRE. Mr. President, I am very happy that I was on the floor of the Senate when the junior Senator from Massachusetts [Mr. KENNEDY] delivered this concise and eloquent speech. The speech expresses my sentiments precisely and exactly.

I see no justification for refusing to give the majority of the Senate the opportunity to consider this bill, which is the only question that is before us for consideration in the vote on cloture.

INVESTMENT CREDIT SUSPENSION WOULD NOT STOP PRESENT INFLATION, MAY BRING ON LATER RECESSION

Mr. PROXMIRE. Mr. President, the evidence continues to build up that suspension of the investment credit and accelerated depreciation are the wrong weapons to meet the present inflationary and high interest rate problem.

The Secretary of the Treasury has established without any question that suspension of the investment credit will not have its prime effect for a year or so after its enactment.

And in appearing before the Ways and Means Committee last week, he disclosed that the administration knows nothing or will tell the Congress nothing about the kind of economic situation—whether booming and inflationary or receding and deflationary, that will confront the Nation when the suspension we are called upon to pass begins to take its big effect a year from now.

In response to questions from Representative Tom Curtis asking for a specific forecast, the Secretary of the Treasury was only able to generalize his optimism with the guess that conditions may be on the expansionary side next year.

Mr. President, this estimate runs counter to the performance of leading indicators, most of which are turning down or leveling off. I do not mean the economy, but the leading indicators from the past point to a turndown later next year.

Certainly the Secretary of the Treasury recommending this serious action by the Congress should document his position with some specific estimates of the year-from-now level of industrial production, employment in the capital goods industry, level of business loans, and so forth, if the Congress is to have the raw materials on which to base a sensible judgment in this area which we must decide.

The Secretary has not done this. And as a matter of fact I am not sure he could. Of course, he could give the Congress some definite guesses in these areas but they would be only that—guesses.

The status of economic forecasting of conditions a year hence is just not that good. To predict specific economic conditions on September 19, 1967, would probably be little more reliable than to predict whether it will rain a year from now and what the high temperature for the day will be.

This is precisely why the suspension of the investment credit is exactly the wrong medicine. We just do not know whether a year from now we may be in a recession or a boom. So it is foolish to take fiscal action that will not have its effect until then.

Furthermore Mr. President the inflation problem is here and now. And there is a weapon available for meeting the here and now inflation problem. It is the prompt postponement of Federal public works of all kinds. This would have an immediate effect on the interest rate because Federal borrowing can be reduced at once. It can have an immediate effect on prices in the capital goods industry, as it slashes demand at once. Of course, we have precedents in World War II and the Korean war.

Furthermore the postponement can be lifted whenever the President thinks it should be.

The Washington Post of September 17, 1966, published an excellent editorial entitled "Fiscal Heat, Not Light." As the editorial points out:

> The Administration is asking for measures that will lower the level of investment in late 1967 or 1968 without really facing up to the question of whether restraints will then be needed.

The editorial proves its point chapter and verse by quoting from the Curtis-Fowler exchange before the Ways and Means Committee.

I ask unanimous consent to have printed in the Record the editorial which was published in the Washington Post of September 17, 1966.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

> ### Fiscal Heat, Not Light
>
> With prodding from Chairman Mills the House Ways and Means Committee, having completed three days of hearings, will soon report out a bill that would suspend the investment tax credit and the use of accelerated depreciation on commercial and industrial buildings. Passage through the House in record time will doubtless be saluted as another Administration victory. But a perusal of the proceedings before Ways and Means is not likely to dispel doubts concerning the wisdom of the Administration's fiscal policy. It is asking for measures that will lower the level of investment in late 1967 or 1968 without really facing up to the question of whether restraints will then be needed.
>
> What was most disquieting about the hearings was the sorry intellectual performance of the Administration witnesses and their refusal, at almost every turn, to reveal to the Congressmen the specific, quantitative assumptions on which the fiscal requests are based. Consider the following colloquy between Treasury Secretary Henry H. Fowler and Representative Thomas B. Curtis of Missouri:
>
> Representative Curtis: The possibility exists that the United States will experience a sharp slowing growth, or even a recession next year, so . . . I assume that the Administration made a forecast on the over-all prospects of this nation which indicates a continuation of booming growth for next year. Now, is that the assumption the Administration has for the economic climate next year?
>
> Secretary Fowler. If you are asking if we made a quantitative forecast of the amount of GNP for next year, the answer is no, but we have made a qualitative judgment in the light of all we know. The prospects for a continued rate of growth—as substantial a rate of growth—are very, very, very great, and indeed the risk in terms of the amount of growth is that it will be more on the excessive side than the recessive side.
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> After eliciting other equally profound answers to his questions, Mr. Curtis remarked that:
>
> "I regret to say that we have to translate what you euphemistically call quantitative judgments, but the more I try to delve into them the more I come up with vague generalities."
>
> The Administration made much of the point that it is difficult to forecast the future costs of the war in Vietnam. But no effort was made to appraise the economic impacts of the defense effort. In fact, Mr. Charles L. Schultze, Director of the Bureau of the Budget, muddied the waters instead of clearing them.
>
> Mr. Schultze assured Representative Jackson E. Betts of Ohio that this newspaper had got its facts wrong when it argued, in its editorial of Sept. 12, that defense contract awards are leveling off. Mr. Schultze cited figures on total defense procurements which are rising steeply. But procurement includes wage and maintenance payments. Our purpose in calling attention to the behavior of prime contract awards was to suggest that defense pressures on productive facilities might abate in the near future. Prime defense contract awards increased by $13.8 billion in the second quarter of this year, up from $8.1 billion the first. Does Mr. Schultze believe that the swift pace will be sustained? If not, military requirements will have a smaller impact on an economy whose productive capacity is expanding at a rate of 7 per cent annually.
>
> It may be that the Administration is right, that they have careful forecasts indicating that the economic expansion will proceed at a dangerously rapid rate next year and that a general increase in income taxes will be necessary to contain inflationary pressures. But if that is the case, two questions are in order. Why dampen the incentives to invest and expand capacity if what is needed is a general reduction in aggregative demand? And why not make the electorate privy to the secrets of those forecasts?

SCHOOL MILK PROGRAM ONE KEY TO HEALTH OF AGRICULTURE IN UNITED STATES

Mr. PROXMIRE. Mr. President, according to the recent study by the National Commission on Food Marketing into organization and competition in in the dairy industry, 13.6 percent of cash farm income comes from the sale of dairy products. Consequently, when we take a close look at the health of our farm economy we must look at the dairy picture with special interest. Unfortunately, at this time the picture is not good.

Despite a modest increase in dairy prices at retail outlets, thousands of dairy farmers have had to leave the land for other pursuits because of inadequate income from their dairy operations. This Government simply cannot afford to let such an exodus continue. Both Congress and the administration must take steps to push from dairy income to reasonable levels to avoid a severe dislocation not only of the dairy industry, but of the farm economy as a whole.

One answer is an increase in price supports. This is a step the administration took earlier in the year when it increased the support price to $4 per hundredweight. Further support price increases should most certainly receive careful consideration.

However, a second step is in the hands of Congress. We can take action before the 89th Congress ends to extend the school milk program and further increase appropriations for the program. Congress was more generous than in former years in providing $104 million for the milk program for fiscal 1967. But more still is needed. I intend to offer an amendment to a supplemental appropriations bill before this Congress draws to a close to provide a further $6 million for the school milk program. This will keep the program in step with greatly increased program participation as well as the continuing growth in our school-age population.

The Senate now shoulders the burden and responsibility of extending the school milk program. The other body has acted. We can either acquiesce in that action or ask for a conference. Or we can kill the extension bill by inaction. In any event the decision is ours. We must move quickly if the program is to be extended before Congress adjourns.

CLOTURE: WHY?

Mr. ERVIN. Mr. President, for the second time in a week, the Senate is being asked to gag itself. I can only ask why: Why degrade the institution and its rules for the sake of politics—for the sake of proving to a minority in the country that a substantial minority of the Senate will defend the wishes of the majority of the country and the rights of all Americans?

I asked the reason for this farce before the cloture vote on Wednesday, and I have yet to receive an answer. In the brief period since that vote I have had an opportunity to deliver but one brief speech on the jury titles of the bill. I devoted considerable time and effort in that statement to show why the first two titles should not be called up.

Again, there was no answer.

Indeed, there has been almost nothing said by any of the proponents in defense of any of the provisions of the bill. None have told us why we should bypass the Judicial Conference and override the objections of the Federal judiciary on a measure peculiarly within their area of expertise; and none have attempted to explain the purpose, meaning, or syntax of title III.

To my knowledge about the only defense of any title has come from the bill's floor manager, the distinguished Senator from Michigan [Mr. HART], who has diligently sat throughout the debate while other proponents have been painfully conspicuous by their absence from the Senate Chamber. However, even the argument of the Senator from Michigan was largely irrelevant. He noted that the Constitutional Rights Subcommittee held exhaustive hearings on the administration's civil rights bill, much of the time devoted to the so-called open occupancy section. This is, of course, true. But he failed to mention that the bill which he has moved to call up, is different from that on which our hearings were held, and that not a single day of committee hearing has been given to this House-passed version.

Mr. President, no reason satisfactory to me has been given for this attempt to prevent the opposition from discussing why the bill should not be called up. I can only repeat what I said last week: This motion to gag an unborn, nonfilibuster is unconscionable; and it could establish a tragic precedent. Respect for the institution, respect for the spirit of the rules, and respect for the freedom those rules are meant to protect, demand that the resolution be rejected.

CLOTURE MOTION ON CIVIL RIGHTS

Mr. JAVITS. Mr. President, I wish to say a few words about the impending cloture vote and what it will mean to the situation in the Nation.

Naturally, the predictions on today's vote are not optimistic. The best information we have is that, again, the vote on cloture will fall short of the necessary two-thirds.

Mr. President, this is a very strong indictment of what a filibuster can do in this Chamber. The Senate cannot even take up and consider a bill.

Those who oppose amending rule XXII have insisted in recent years that, inasmuch as the Senate managed to take up and pass four civil rights bills, in recent years rule XXII has shown itself to be a fair rule. But, Mr. President, all that is crashing down upon the heads of those who swallowed that idea. Very likely, as a result of the vote today, I predict that come next January, the movement to amend rule XXII will begin again with real vigor and drive and be one of the key elements in the whole civil rights struggle.

Mr. President, I have said many times before that I think the President has made some serious mistakes in this matter. The 1966 Civil Rights Act was not sent to us early enough. It also contained the controversial section dealing with so-called open housing which had the strong opposition of the Senator from Illinois [Mr. DIRKSEN] who had, heretofore, been a friend of civil rights legislation and was one of the principal reasons why the comprehensive civil rights bill of 1964 was enacted into law.

I happen to think that the Senator from Illinois [Mr. DIRKSEN] is wrong about his opposition to the 1966 civil rights bill. I have said so many times. Seventeen distinguished lawyers agree with me today, in their survey of the constitutionality of title IV. But, whether I was right or wrong seems not to be material at this moment, in view of the indispensability of the Senator's support—which was not forthcoming—in the first instance because title IV was included in the bill. At least, for that reason, the President could, by executive order—as President Kennedy did—have done everything that title IV does, and more. Indeed, title IV is estimated to take care of 40 percent of housing. The conservative estimate indicates that a Presidential executive order could have taken care of 80 percent of housing. That would have relieved the bill of a load which it is, apparently, unable to carry in order to muster the necessary support in the Senate and to break a determined filibuster on the motion to take up.

Mr. President, the defeat of the opportunity to consider this bill shows, again, that the democratic process of constitutional government will be frustrated by a Senate rule which, in effect, amends the Constitution of the United States which gives each body the power to proceed by majority vote.

As I say, it will signal the opening of a fight to revise rule XXII, come next January.

There will be much tension and frustration created by the inability of this very reasonable civil rights bill to make any progress in the Senate after it was passed by the other body—a completely coordinate branch of Congress. This is serious business when a measure goes down the drain because it cannot even be considered in one of the Houses, after the other House has actually passed it, after long hearings, much consideration and much debate.

Though I shall not have been a party to the bill's frustration, I am a Senator and responsible—as are other Senators—for what happens in the United States. Instead of expressing resentment, or going into the deepest despair, I should like to make some suggestions now as to what might be done.

Mr. President, I suggest that the Nation needs to have, in the intervening period between now and next January when this civil rights struggle will reopen, the following four point program:

First. The President should sign an Executive order prohibiting discrimination in the sale or rental of all housing financed by federally insured banks and savings and loan associations.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this one move would cover 80 percent of all housing in the United States and is a logical extension of President Kennedy's 1963 order covering VA and FHA financed new housing.

Second. A concerted effort should be made by the Office of Economic Opportunity and by private industry to concentrate on job training for Negroes—particularly teenagers. Lack of training and equal job opportunities have been factors, along with housing discrimination, in the destructive rioting and violence we have seen this summer and which have been so harmful to the legitimate cause of civil rights. These riots, in my judgment, will never be prevented by police force or by retaliatory inaction by Congress—which will probably be consummated today—but will only be eliminated when their root causes are removed.

It is neither wise nor prudent, Mr. President, for Congress to say "Well, if they want to riot, we are not going to do anything about it until they quit."

It is the mission of government not to have to rely upon policemen and the National Guard. It is the mission of government to do justice, and to try to alleviate the causes which make people riot, while at the same time sternly and rigorously putting down the riots.

Third. Existing civil rights laws should be enforced conscientiously and firmly, and sufficient appropriations should be made available for these activities. I have in mind not only the Justice Department, but also the Department of Health, Education, and Welfare—which has a considerable responsibility—the Equal Employment Opportunity Commission and the Civil Rights Commission. Let me say to these agencies, make no mistake about it: strict enforcement of these laws will be supported vigorously in Congress and laxity will be criticized and condemned, not condoned.

Fourth. The Community Relations Service should organize meetings in key tension areas between the Negro community and officials at all levels of government. The defeat of this measure could cause grave trouble and resentment in Negro communities across the country. Every effort should be made to reassure these citizens that the Federal Government has not turned its back on their petition for the redress of grievances. It should be explained that a majority of the Senate favored this bill. I think they will show again today that they favor it, and will fight again next year to secure its passage, and revise rule XXII so that we do not find ourselves in this situation again. Existing programs of both State and Federal Government—and many States have far more effective housing laws than this bill would have provided including my own State of New York, should be publicized, and assistance given to those who have such laws available. State human relations commissions and the private National Committee Against Discrimination in Housing should take a particularly active role in this area.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, we have much to do between now and January, and more when Congress reconvenes. My hope is that the country can withstand the delay, and that the proposed efforts will not come too late.

As everyone knows, we are facing not just a single incident or a series of incidents, but we are facing a fundamental revolution. The Negro community in this country—and a majority of the white community—believe strongly that the social injustices and the deprivations of centuries shall be overcome in the current decade.

Thus, Mr. President, the civil rights advocates may have lost a battle in the Senate—I am afraid we will today—but I am deeply determined, with all of us, that we shall win the war to assert justice, and preserve the guarantees of the Constitution of the United States for every citizen of the United States whatever may be his color, his religion, or ethnic origin.

THIS IS A NATIONAL SCANDAL AND SHAME

Mr. YOUNG of Ohio. Mr. President, the constant rise in the cost of living and of interest rates is bringing hardship and discouragement to millions of Americans.

Businessmen who are engaged in what is termed "small business" are finding it increasingly difficult to borrow money that they vitally need for the normal week-to-week operation of their enterprises. Not only are they faced with exorbitantly high interest rates—7 percent and more is not at all unusual—but they are finding that even if they agree to pay skyrocketing interest rates they are frequently unable to obtain loans which were available 6 months ago.

For consumers—which means all Americans—the cost of purchasing homes, automobiles, home appliances, and all other consumer goods has risen sharply.

Perhaps the most hard hit industry is the homebuilding industry. New housing starts are at their lowest level in 6 years. Last year during the peak months of the building season, mortgage loans ran approximately $2 billion per month; for the current year they will run but slightly above $1 billion per month. As a result, young American couples starting out in life and desiring to rear their children in decent neighborhoods and in homes of their own are finding it increasingly difficult to do so.

Indeed, when people must pay an average of 6½ percent interest for a mortgage, house hunters and homebuilders are all prejudiced. With a 1-percent rise in interest charges, a family buying a $20,000 home under a 30-year mortgage pays over the period of the mortgage $4,700 in additional interest.

Mr. President, higher interest rates are an added burden at all levels of government—Federal, State, and local. Furthermore, they eventually end up as a further tax and hardship on the consuming public and families of moderate incomes. They only benefit the privileged few.

In 1960 American consumers paid out $7,300,000,000 in interest. In 1965, this figure rose to $11,100,000,000. Interest rates have risen so sharply this year that for the second quarter of 1966 interest payments by consumers are running at an annual rate of $12,500,000,000.

This is money out of the pockets of the average American workingman and workingwoman who, unable to pay out the requisite total cost and who needs an automobile, must buy this automobile on the installment plan, and for wives who must purchase washing machines and other necessary household appliances on time payments.

Consumers have a right to look to their government for protection from unconscionable interest rates. The Federal Government has the power over money and credit which should be used for the benefit of all the people.

Mr. President, in 1951, when the pressures of the Korean war began to be felt throughout the economy, the consumer price index rose by 6.7 points. President Harry S. Truman took action to protect the public from profiteering and maintained a reasonable interest rate structure throughout the Korean war. He refused to permit greatly increased interest rates which would have been an imposition of an additional nonproductive tax burden on the public.

It is noteworthy that former President Truman recently considered it necessary to make a rare public statement expressing his alarm at rising interest rates and warning that this could lead to "a serious depression." We would do well to heed this advice by one of the greatest Americans of all time.

The miserable war in Vietnam has now reached the proportions of the Korean conflict. More and more men of our Armed Forces are serving overseas in southeast Asia and the total of our men committed to combat and the loss of lives of these fine young men will soon exceed that of the Korean conflict. Action is needed both by the President and the Congress to stem inflationary pressures and to prevent a further increase in the cost of living and in interest rates which are now the highest that they have been in 45 years—the highest since the administration of President Warren G. Harding.

Mr. President, all Americans were greatly encouraged by President Johnson's recent announcement of proposed action to help stabilize the economy. I intend to support his recommendations for a temporary repeal of the 7-percent investment tax credit and for a suspension of the accelerated depreciation of buildings and other structures. I am hopeful that the President will use all the powers at his command to implement his request of the Federal Reserve Board and of our large commercial banks to lower interest rates and to ease the inequitable burden of tight money. If legislation in that regard is needed, then strong recommendations to the Congress are in order.

The big bankers and those with great accumulated or inherited wealth are the only ones who benefit from high interest rates. The public is becoming more and more aware of the real situation. The Chairman and members of the Federal Reserve Board are always claiming that they are combating inflation by raising interest rates. The fact is that this results in higher prices, not lower ones. The bankers benefit. Average Americans suffer.

Mr. President, I am hopeful that before Congress adjourns we will have taken forthright action, in cooperation with the President, to bring down the high interest rates which prevail and to curb the high cost of living. The failure to stem the threat of inflation which hangs like a specter over the land would be a tragedy of the highest magnitude.

THE FDA FIDDLES WHILE THE WORLD STARVES

Mr. BARTLETT. Mr. President, I am sure that most of us are familiar with the legend about Nero fiddling while Rome burned.

The legend is told to illustrate monumental indifference.

Mr. President, today the world faces a potential tragedy which, if not checked, will dwarf for all time the conflagration which consumed the great city of Rome. Indeed, if the problem is not solved, there will be no Romes, no Londons, no Washingtons for most of the people of the world—only starvation and malnutrition.

The most tragic aspect about the ever-growing problem of world hunger is that man, if he but uses it, possesses enough knowledge to alleviate if not to eliminate the hunger pangs which rob so many millions of persons of the opportunity to pursue life, liberty, and happiness.

I do not set myself up as an authority on this subject, but I will take the word of J. George Harrar, president of the Rockefeller Foundation, who was recently quoted as saying:

> We know enough today to transform the food production of the world. There is no longer any excuse for human starvation.

Mr. President, I do not know if Mr. Harrar included the development of fish protein concentrate in the pool of knowledge which can transform food production, but he could have done so.

The potential value of fish protein concentrate in the war against world hunger and malnutrition has been outlined on this floor by myself and other Senators time and again. The senior Senator from Illinois [Mr. DOUGLAS] has been in the forefront of those seeking authority to use this effective weapon in what may be the most important war in history.

The senior Senator from Washington [Mr. MAGNUSON] and I worked to secure appropriations for the Bureau of Commercial Fisheries to carry out a fish protein concentrate research and development program. The Senate has passed my bill authorizing construction of pilot manufacturing plants, the next step needed in the development of the concentrate.

However, Mr. President, one key action has not yet been taken.

The Food and Drug Administration has fiddled while the world starves.

Time and again the FDA has delayed or turned up some new reason why fish protein concentrate should not be approved as wholesome and safe for human consumption.

I do not know if the FDA's fiddling indicates indifference or deference to certain groups, but I do know the distinction is of no consequence to the billions of persons who could benefit from production of this product.

We who have pressed the FDA for the necessary approval are not pushing an untested product. On the contrary, since 1963 the Advisory Committee on Marine Protein Resource Development of the National Academy of Sciences has watched closely the development of fish protein concentrate by the Bureau of Commercial Fisheries.

One year ago next month the committee declared the product produced by the Bureau of Commercial Fisheries to be "wholesome and safe for human consumption, highly nutritious, and suitable at present for commercial production, distribution, and use in human nutrition."

In February the National Academy of Sciences emphasized its confidence in fish protein concentrate by adopting a resolution urging construction of a pilot plant to manufacture the product.

The same month the Secretary of the Interior petitioned the Food and Drug Administration asking the product be approved as a food additive.

Once again the FDA fiddled. It took a while, but the FDA finally came up with a new objection. The FDA asked for further research on the possibility of fluorides in the product mottling teeth if the concentrate were consumed in large quantities.

It seems that rather than picking at a fiddle as Nero did while Rome burned, the FDA is reduced to the more unsightly pastime of teeth picking while the world starves.

Mr. President, I am confident that any parent faced with a decision between using a food additive which could prevent the many illnesses associated with malnutrition and which might mottle the child's teeth would not hesitate a moment to use the additive. The fact that the FDA thinks such a decision worthy of discussion indicates a Nero-like indifference to the suffering of the world or a monumental deference to some bureaucratic prejudice.

In addition, I have been told by knowledgeable persons that there is little or no chance that the use of the concentrate as a food additive will cause mottling.

Perhaps there is a silver lining in this latest action by FDA. In being reduced to teeth picking it appears as if the FDA is running out of ideas on what next to find wrong with the product.

I hope the FDA is out of ideas, for the hour is late, and the world starves while the FDA fiddles.

Mr. President, an editorial dealing with this subject appeared in the September 14 edition of the Washington Post. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROTEIN FOR THE HUNGRY

The extraordinarily long time the Food and Drug Administration is taking to certify the new high-protein fish flour concentrate stands in curious contrast to the FDA's past haste in approving oral contraceptives, antibiotics as food preservatives and certain other drugs. No one can want the FDA to lower its standards or to approve the new fish flour developed by the Department of the Interior if there are real doubts about its safety. But the doubts seem to be concerned, not with basic safety, but with the possible effect of fluorides in mottling teeth if the flour is consumed in large quantities. This is a problem already encountered in the fluoridation of water supplies; in some places natural fluorides in water produce the same effect. If possible mottling is the only reason for withholding approval of the flour, it seems insufficient reason to delay a product that promises to make available a better diet for millions of undernourished people around the world for only a few cents a day.

THE METAL AND NONMETALLIC MINE SAFETY ACT

Mr. JAVITS. Mr. President, with the signing by the President of H.R. 8989, the Metal and Nonmetallic Mine Safety Act, we have the culmination of what I consider to be the best in the legislative process. The regulation of safety practices in the Nation's mines is, in principle, almost a universally recognized objective, but the precise techniques of such regulation—the standards, the procedural safeguards, and the jurisdictional lines—are sometimes extremely controversial. Thus, we had to place great reliance on the experts—the representatives of the labor organizations, the mine operators and the Federal and State regulatory officials who were most familiar with the field.

So I think it is important, Mr. President, to take note of those experts who were so helpful in the formulation of this legislation. The representatives of organized labor, including the United Steelworkers of America, the International Union of Mines, Mill and Smelter Workers, the International Brotherhood of Teamsters, District 50 of the United Mine Workers of America, and the International Brotherhood of Electrical Workers were of great help. Alexander K. Christie, legislative representative of the Steelworkers Union, was of outstanding help in presenting labor's point of view and translating it into specific legislative provisions. Although I could not always agree with him on certain aspects of the bill—particularly certain provisions dealing with State enforcement—he was most helpful in reconciling opposing contentions with respect to other provisions, and the bill's provision for safety standards, particularly the section giving finality to standards recommended by a mine safety advisory committee, bears his stamp.

On the management side, the representatives of the National Crushed Stone Association, the American Mining Congress, and the National Sand & Gravel Association, as well as other trade associations and individual mining operators, were of great assistance in their understanding of this complex field. Of great assistance was Charles L. Bucy, counsel for the National Crushed Stone Association, who on several occasions helped formulate compromise legislative language which proved so useful in avoiding an impasse, and generally in "tightening up" this legislation.

Finally, the representatives of the Federal and State regulatory agencies, particularly James Westfield, Assistant Director of Health and Safety of the U.S. Bureau of Mines, and representatives of various State agencies, like Jerome Lefkowitz, deputy industrial commissioner of the State of New York, helped greatly in improving this legislation.

Mr. President, there is hardly a line in this bill which did not undergo some change in the course of its consideration in the Senate. I sponsored some eight amendments which appear in the act as passed, and I think it fair to say that these amendments, as well as those proposed by other Senators, more often than not had substantial support from both labor and management—which, I think, is a real tribute to the spirit of cooperation which existed in the work on this important bill.

A NUCLEAR NONPROLIFERATION TREATY

Mr. GORE. Mr. President, there is widespread concern over the inability of the United States and the Soviet Union to agree on a nonproliferation treaty. In my own view, both of the draft treaties discussed at Geneva are notable largely because of their lack of realism. Nonetheless, Mr. President, I believe there is hope if the United States and the Soviet Union were to clarify their purposes and policies with regard to the nonproliferation treaty.

In the search for a means of breaking the present impasse we need the thoughts and suggestions of all interested parties. One such analysis was authored by the distinguished editor of the Saturday Review, Mr. Norman Cousins. I ask unanimous consent that this thoughtful article "The President and the Arms Race" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The President and the Arms Race

For almost nine months, delegates from eighteen nations met in Geneva under the auspices of the United Nations to try to find a way of giving reality to a proposition that all believed to be essential. The proposition was that the spread of nuclear weapons must be stopped. Yet the common purpose that brought these delegates together was not accomplished. They adjourned last week without the agreement that all had declared to be in their own stark self-interest.

One of the difficulties was that the nations with a potential nuclear capacity did not think it fair to be asked to forego making nuclear weapons unless the nations already making them would agree to stop doing so and would start to cut back.

This particular problem, however, was not the major sticking point at Geneva. The major sticking point was that the United States and the Soviet Union were deadlocked on the question of West Germany. The United States insisted that any treaty limiting the spread of nuclear weapons had to take into account existing U.S. commitments to its military alliances. The USSR interpreted this position to mean that the U.S. wanted a non-proliferation treaty that would make an exception for Germany.

As the Geneva deadlock continued month after month, the terrifying possibility of a world nuclear arms race became increasingly close. Finally, a possbile compromise was advanced—not in the Palais des Nations at Geneva but in the United States. Secretary of Defense Robert S. McNamara acknowledged, tacitly at least, that the concern over West Germany's access to nuclear force had to be met. He proposed a consultation procedure inside NATO which would give West Germany a voice in nuclear decisions but which would keep nuclear weapons out of German hands.

Many of the delegates at Geneva were encouraged by this proposal. They felt it represented a good test of Soviet sincerity; if the Russians really wanted to stop nuclear diffusion in the world, the McNamara formula offered a reasonable and workable way of getting on with the job.

But the Soviet position was never put to the test. Incredibly and inexplicably, the United States made no attempt at Geneva to put forward the McNamara compromise proposal. An apparent division among U.S. policy-makers had come to the surface. Confronted with an opportunity to break the deadlock, the United States backed away. The Geneva conference ended without the agreement that all agreed was imperative.

Why? Why did the United States shun the formula on West Germany that might have produced a treaty? A possible clue came last week when a U.S. State Department disarmament consultant, on a television program, asserted that the State Department didn't go along with the McNamara proposal because it would encourage the Russians to believe that they could vibrate American policy and impair our freedom of decision. That is, we should not give weight to Russian objections just to obtain agreement. With equal emphasis, he declared that the McNamara formula would offend West Germany.

The same day this interpretation of U.S. policy was being advanced, President Lyndon B. Johnson, speaking at Idaho Falls, made an eloquent and striking plea to the world's nations to stop the spread of nuclear weapons. He called on statesmen to rise above narrow, irrational approaches to world problems. He defined a larger interest than the old and cramped national ones. He urged the Soviet Union in particular to put aside the "dogmas and the vocabularies of the Cold War."

"While differing principles and differing values may always divide us," the President said, referring to the United States and the Soviet Union, "they must not deter us from rational acts of common endeavor."

The juxtaposition of the record at the Geneva Conference with the remarks of the State Department consultant and the President's talk at Idaho Falls raises somber and disquieting questions. Is the consultant's interpretation correct? For if it is, then the nation is faced with something far more serious than the matter of tactics in negotiating wtih the Soviet Union; it is faced with an issue bearing on the integrity of the Presidency. Nothing could undermine the President's position more than a situation in which he calls upon other nations to take action which the United States has actually rejected for itself in advance. Cynicism is not among the values that give distinction to American history.

The first essential both of policy at home and policy abroad is the total credibility of the President. Nothing could be more vital in the present situation than for the President himself to dispel any doubts that may have been raised by the record at Geneva or by official or semi-official spokesmen. The President can best do this by taking part in the effort to obtain vital agreement in the field of arms control, whether with respect to non-proliferation of nuclear weapons or a comprehensive ban on nuclear testing. He can eliminate existing confusion by putting into action the policies he has declared to be essential. If the McNamara proposal has virtue as a means of breaking the deadlock, he should say so.

Recent history has demonstrated it is only when the President himself takes direct part in negotiations that important breakthroughs and results are likely to be achieved. What happens otherwise is that the President's own announced purposes stand in danger of being nibbled to death by naysayers and cramped strategists in the operational branches.

The needs described by the President at Idaho Falls are the dominant needs affecting the safety and security of the American people. If we are to make substantial progress in meeting these needs, the President's role must be decisive.

ABOLITION OF CAPITAL PUNISHMENT—S. 3646

Mr. HART. Mr. President, on July 25 together with nine other Members of the Senate, I introduced S. 3646, a bill to abolish the death penalties under Federal law.

Since that time I have received many comments on the bill and have been pleased with the apparent widespread support for such a reform of our Federal laws. It is my hope that within the 90th Congress, which will convene next January, it will be possible for the Senate Judiciary Committee to undertake comprehensive hearings and study of this bill which we will reintroduce.

Recently there came to my attention a copy of the newsletter of September 1966 published by the Friends Committee on Legislation of California on the subject of capital punishment.

I ask unanimous consent that the text of this excellent statement of the need to abolish capital punishment be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Capital Punishment—Relic of the Past

". . . His first childhood memories were those of hunger and of continual arguments . . . Johnny's school attendance permanently ended somewhere during the middle of the eighth grade . . . At age seventeen he left home . . . He arrived in California a few days after his nineteenth birthday . . . Frustrated and unable to find work, Johnny embarked upon a one-man burglary career in order to support himself and his wife . . . Less than four months following the marriage he was apprehended . . . While in County Jail, Johnny Cain learned no trade other than how to sweep a jail corridor . . . He tried to find work once more, but the employment market was glutted with casual, unskilled labor . . . Inevitably he turned back to crime . . . Johnny was sentenced to five years in the State Penitentiary . . . Without skills, his parole officer was unable to find employment for him . . . The years passed, each one as aimless and as fruitless as the last . . . At thirty-two he found himself in Southern California. He was broke, hungry, tired . . . The thing to do, he thought, would be to pull a robbery . . . He found the gas station and cruised past several times . . . The attendant was inside the small office . . . Johnny walked up to the door . . . The attendant got to his feet, reached for a tire iron, and raised it over his head . . . The gun went off in his hand . . . The police apprehended Johnny Cain three days later . . . The Court, after deliberation sentenced Johnny Cain to death, commenting that crimes of this nature must be deterred . . . There was no executive clemency—no stay of execution—for Johnny Cain." ("The Johnny Cain Story," Issues in Criminology, Vol. 1, Fall 1965.)

Johnny Cain never existed as a real person, but parts of him can be found in the lives of 187 of the 194 men and women executed in California since 1938. Robert M. Carter, Research Specialist in Criminology at the University of California, who tells his story, remarks that "he represents an average nothing more or less." But in truth, he represents much more. In the life of Johnny Cain, the hardships, missed opportunities, frustrations, and fears of every man who makes the long journey from crime to Death Row to the gas chamber comes to light.

Some sixty Johnny Cains now await execution in California. Numerous court decisions over the past three and a half years have delayed executions and, as a consequence, filled Death Row to over-flowing. With no immediate hope of relief from the steady stream of death sentences, and with executions held in abeyance by court appeals, the Department of Corrections has been forced to build an annex to Death Row.

Although thirteen states, including New York, have abolished the death penalty, California—the most advanced state in the correctional field—retains it. In the three years preceding the last execution (Jan. 23, 1963), California with 28 executions had more than any other state; only Texas with 20 came close. Nationally, the percentage of people in favor of capital punishment declined from 51% to 45% from 1960 to 1965, but in California the drop was only from 55% to 51%. The latest nationwide Gallup Poll shows that for the first time in history more Americans oppose the death penalty (47%) than favor it (42%). (S.F. Chron. 7/6/66.)

The last two years have witnessed progressive action against the death penalty in other parts of the nation. Oregon abolished capital punishment in late 1964. By mid-1965, four more states stood in the abolition ranks: West Virginia, Vermont, Iowa, and New York. In July 1965, the United States Department of Justice formally declared its opposition to the death penalty in these words: "Modern penology with its correctional and rehabilitation skills affords far greater benefits to society than the death penalty which is inconsistent with its goals."

Over the years countless persons have contributed to the case against capital punishment. If we could bring some of them together to answer our questions about the death penalty, excerpts from a transcript of such an open forum might read as follows:

What is it like to be a condemned man waiting on Death Row?

. . . Dan Roberts (Death Row inmate, San Quentin): "It's like death itself. Death is all you think about. Every man up there is emotionally ill. Life and death is on your mind constantly. And as the death date approaches, it's common for a man to be scared to death." (Oakland Tribune, 6/5/66)

Governor Brown, as a man who once advocated the death penalty, why do you now think it should be abolished?

. . . Governor Edmund G. Brown: "I oppose capital punishment because it is more vengeful than punitive; because it is more an act of hate than of justice. We kill the murdered because we fear him, not because he is beyond rehabilitation or control. We kill him not for his crime but in the blind hope that others may not commit his crime." (Statement on Capital Punishment, 1/31/63)

But isn't the death penalty a deterrent to crimes of murder?

. . . Governor Edmund G. Brown: "Punishment is a deterrent to crime only if it is swift and certain. But of all major crimes, the punishment for homicide is most subject to the law's delay and to the inconsistencies of our courts." (op. cit.)

. . . Dr. Thorsten Sellin (Criminologist, Univ. of Pa.): "Within each group of states having similar social and economic conditions and populations, it is impossible to distinguish the abolition states from the others . . . The trends of the homicide rates of comparable states, with or without the death penalty, are similar . . . Anyone who carefully examines the data is bound to arrive at the conclusion that the death penalty, as we use it, exercises no influence on the extent or fluctuating rates of capital crimes. It has failed as a deterrent." (The Death Penalty, 1959)

Dr. Sellin, police feel that the death penalty protects them in their dangerous work. Can this be proven?

. . . Dr. Thorsten Sellin: "It is obvious from an inspection of the data that it is impossible to conclude that the states which had no death penalty had thereby made the policemen's lot more hazardous. It is obvious that the same differences observable in the general homicide rates of the various states were reflected in the rate of police killings." (op. cit.)

Is the death penalty applied to some groups in society more than others?

. . . Jack Johnson (Warden, Cook County Jail, Chicago): "Look at the people who were put to death in the U.S. last year and you will see that all of them were represented by court appointed attorneys . . . If there is enough money behind you, you can usually avoid the chair." (Newsweek, 3/8/65)

. . . Sara R. Ehrmann (Exec. Dir., Amer. League to Abolish Capital Punishment): "It is difficult to find cases where persons of means or social position have been executed." (Federal Probation, Mar. 1962)

. . . Governor Edmund G. Brown: "As for the poor of all races, it is clear we execute them in disproportionate numbers because they lack the resources to retain the most skillful counsel or to press their cases to the ultimate." (op. cit.)

Do members of minority groups get executed more frequently than other people?

. . . Jack Greenberg (Director-Counsel, NAACP Legal Defense Fund). "The entire history of capital punishment is one which hits with unusual severity at Negroes. (Sacramento Bee 4/24/66)

. . . Sara R. Ehrmann: " . . . most of the defendants sentenced to die and those executed are from minority racial groups, especially Negroes . . . During the years 1930 to 1959, a total of 3,666 prisoners were put to death. Of these, 1,972 were Negroes, 1,653 were white and 41 were from other groups." (op. cit.)

Don't the courts do all they can to assure equal treatment of condemned men?

. . . Dr. Hugo Adam Bedau (Author of The Death Penalty in America, 1964): "The whole pattern of treatment of capital convictions by the higher courts seem devoid of rhyme or reason. Thus a man proven guilty is saved from execution by the striking ingenuity of his counsel on appeal to the Supreme Court . . . But another man goes to death purely because his attorney neglected to raise a point of procedure at the trial, thereby barring the higher courts from touching the issue . . . One man is literally taken from the electric chair, after his counsel had the good luck to find a Supreme Court Justice who would issue a temporary stay of execution; upon rehearing the conviction was reversed . . . But another man is executed because the notice of stay of execution arrived seconds too late to halt the flow of lethal gas into the execution chamber . . . " (The Death Penalty in America)

Wouldn't it be a great financial burden on the state to keep murderers in prison for life?

. . . Richard A. McGee: "The actual costs of execution, the cost of operating the super-maximum security condemned unit, the years spent by some inmates in condemned status, and a pro-rata share of top level prison officials' time spent in administering the unit add up to a cost substantially greater than the cost to retain them in prison the rest of their lives." (Federal Probation Vol. XXVIII, June 1964)

Abolitionists worry a great deal about executing an innocent man, but are there any documented cases of this happening?

. . . Dr. Hugo Adam Bedau: "I have abstracted seventy-four cases occuring in the United States since 1893, in which a wrongful conviction of criminal homicide has been alleged and in most cases, proved beyond doubt . . . eight probably erroneous executions and an additional twenty-three erroneous death sentences have been discovered." (op. cit.)

But Dr. Bedau, why don't the state or federal appellate courts prevent these miscarriages of justice?

. . . Dr. Hugo Adam Bedau: "The main reason is that the scope of review of a criminal conviction, even where a death sentence is involved, is exceedingly narrow in almost all American jurisdictions . . . Never is the substantial issue of the convicted man's guilt or innocence squarely before the appellate court." (op. cit.)

Can convicted murderers be safely paroled?

A. LaMont Smith (Criminologist, Univ. of Calif.): "On January 1, 1945, there were 398 men on parole in California who had committed murder. In the following period 1945 to 1958, an additional 522 were placed under lifetime parole supervision for a total of 920. In this fifteen year period only one man was returned to prison with the death penalty or one-tenth of one percent of the total." (Statement to the Calif. Assem. Comm. on Crim. Proced., 4/10/61)

Is the death penalty in keeping with this country's constitution?

. . . Geral Gottlieb (ACLU Counsel): "The sentence of death violates the Eighth Amendment of the United States Constitution, and Article I, Section 6 of the California Constitution because the sentence and its execution are repugnant to the evolving standards of decency that mark the progress of our maturing society." (ACLU Open Forum, Feb. 1966)

These excerpts from history's open forum on the death penalty obviously only skim the surface of the great body of evidence against capital punishment. Cesare Beccaria, an eighteenth century Italian criminologist, summed it up when he said: "The punishment of death is pernicious to society from the example of barbarity it affords. Laws which are intended to moderate the ferocity of mankind, should not stimulate it by examples of barbarity." The question of retaining capital punishment in California will be considered by the reapportioned 1967 Legislature. We urge every concerned Californian to speak out during the coming months for abolition.

BUILDING CODE REFORM

Mr. MUSKIE. Mr. President, I am pleased to announce that two of the major organizations in the Nation representing local government officials have adopted resolutions calling for remedial action by all three levels of government in modernizing and updating building codes, encouraging uniformity, and improving the quality of administration. The U.S. Conference of Mayors urged governmental action for building code reform at its annual meeting in Dallas, Tex., on June 15, 1966. The National Association of Counties, at its annual meeting in New Orleans, July 20, 1966, adopted a policy statement concerning building code reform which is now a part of the American county platform. These resolutions call for action by the Federal, State, and local governments to carry out the recommendations made in the just-issued report of the Advisory Commission on Intergovernmental Relations entitled "Building Codes: A Program for Intergovernmental Reform." Copies of this Commission report and of model State bills designed to carry out many of these recommendations are available, upon request, from the Commission here in Washington.

I commend the U.S. Conference of Mayors and the National Association of Counties for their interest in working toward solutions of the many problems in this difficult field. I also wish to commend the staff of the Advisory Commission which prepared the report and background materials for the Commission's recommendations. As always, it has done a thorough and competent job and deserves special recognition for its efforts. I ask unanimous consent that the text of these resolutions be printed in the Record.

There being no objection, the text of the resolutions was ordered to be printed in the Record, as follows:

Building Code Reform

(Resolution adopted at the annual meeting of the U.S. Conference of Mayors, Dallas, Tex., June 15, 1966)

Whereas, obsolete building code requirements and a wide diversity of provisions among local jurisdictions unnecessarily add to the cost of housing in the nation's cities; and

Whereas, approval procedures for new building materials and systems by a myriad of public and private groups have made the introduction of new products difficult; and

Whereas, intergovernmental problems of code uniformity are greatest in metropolitan areas where builders must contend with a great many different building codes; and

Whereas, although the federal government is involved in direct construction, research, and housing guarantees, it has followed no consistent path toward modernization and uniformity of codes; and

Whereas, remedial action is needed by federal, state and local governments to accelerate the modernization and updating of building codes, encourage uniformity, and improve the quality of administration at the local level: Now, therefore, be it

Resolved by the U.S. Conference of Mayors, That the federal government is urged to authorize and finance the development of national performance criteria and standards, a continuing program of building construction research and development of an advisory national model building code considering local application; be it further

Resolved, That state governments are called on to formulate model state building codes with products approval procedures for permissive adoption by local governments and to improve the efficiency and technical competence of local building code administration by establishing professional qualifications, licensing, and training programs for building inspectors.

Building Code Reform

(American county platform, official policy statement of the National Association of Counties, approved July 20, 1966)

Obsolete code requirements and excessive diversity of building codes among local jurisdictions unnecessarily add to the cost of housing, particularly in metropolitan areas where builders must contend with a great many different building codes. In addition, the requirement for approval of new building materials and systems by a myriad of public and private groups has made the introduction of new products difficult. Remedial action clearly is needed by Federal, State, and local governments to accelerate modernization and updating of building codes, encourage uniformity, and improve the quality of administration at the local level.

NACO urges the Federal Government to authorize the financing of (a) the development of national performance criteria and standards for building materials, (b) an expanded program of building construction research, and (c) the preparation of an advisory national model building code. We further urge State governments to (a) prepare and issue model State building codes, including a products approval procedure, for permissive adoption by local governments, and (b) improve the efficiency and technical competence of local building code administration by establishing professional qualifications, licensing, and training programs for building inspectors.

THE FOREIGN ASSISTANCE ACT STRENGTHENS HEMISPHERIC DEVELOPMENT

Mr. FULBRIGHT. Mr. President, Dr. Carlos Sanz de Santamaria, Chairman of the Inter-American Committee on the Alliance for Progress, has indicated his strong support for the provisions of the recently enacted foreign assistance legislation which requires that development loans be made in accordance with the recommendations of the CIAP, the Alliance's coordinating mechanism. I think that Dr. Sanz de Santamaria's observations will be of interest to all Members of Congress and I ask unanimous consent to have printed in the Record at this point the complete text of the statement.

There being no objection, the statement was ordered to be printed in the Record, as follows:

New Foreign Assistance Act Strengthens Hemispheric Development, Says Alliance Chief

Washington, September 8, 1966.—The Foreign Assistance Act just approved by the U.S. Congress strengthens the multilateral character of the Alliance for Progress and will help Latin American governments to carry on more rational development planning, Dr. Carlos Sanz de Santamaría said today.

Dr. Sanz de Santamaría, Chairman of the Inter-American Committee on the Alliance for Progress (CIAP), said in a statement:

"We are encouraged by the strong bipartisan support and the constructive action of the U.S. Congress in the Foreign Assistance Act which governs U.S. assistance under the Alliance for Progress.

"By authorizing development lending over three years, the Act will make it possible for Latin American governments to carry on more rational development planning.

"It is also encouraging to see an increase in Alliance funds over the level of previous years, that the interest rate on development loans remains at 2½ per cent, and that the Inter-American Development Bank can receive additional funds for the purposes which the Bank has so successfully aided such as regional economic integration and social development.

"In keeping with the spirit of the Alliance Charter, the Act strengthens the multilateral character of the hemispheric development effort. It provides that U.S. development loans to Alliance member countries should be made for projects and programs that are consistent with the findings and recommendations of CIAP in its annual reviews of national development activities. The Act also takes into consideration the extent to which development financing will contribute to Latin American economic integration.

"To summarize, I feel that the unanimous decision of the Inter-American Conference at Rio de Janeiro to extend the Alliance beyond the 10-year term originally contemplated has been constructively reinforced by the action of the U.S. Congress in strengthening the Alliance's multilateral character by providing that development loans should be made in accordance with the recommendations of CIAP, which is the central coordinating mechanism of the Alliance."

JOHN ALCANTRA—A BIG MAN

Mr. BARTLETT. Mr. President, it is unfortunate but true that all too often deserving tributes to outstanding public servants are made too late for the recipient to hear.

Such is the case with this brief but sincere tribute to John Alcantra, a public servant who worked effectively to insure that government serve people.

As the Governor's representative in Anchorage he was the human link between government and the people. In John Alcantra's case, the emphasis belongs on human, for he was a man as big in heart and understanding as he was tall and broad shouldered.

John Alcantra, after a long illness, died last month from cancer. Still in his thirties, he had a bright future before him. But to mourn what might have been for John would be to overlook his many accomplishments. Many men who live out their three score and ten years would be proud to have done as much as John did in his short time to make the world a better place to live.

The esteem in which his fellow Alaskans held John Alcantra is communicated in a moving editorial written by Joe Rothstein, editor, in the Anchorage Daily News. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

John Alcantra: A Big Man

John Alcantra was a big man. And most of that bigness was heart.

It has been a long time since John Alcantra sat at his desk as Anchorage assistant to Governor Egan. Too long. Many operations and much suffering preceded his death yesterday from cancer.

Hundreds, possibly thousands of Alaskans read of his death with a personal sorrow. For he had aided them at a time when there was no place left to go. He had a deep compassion for his fellow man and he translated that into practical service.

They used to wait outside his door, those who were victims of most of life's petty and larger problems. He knew what to do. He knew what to say. He could sympathize with a worried mother or berate a truculant state official with equal success.

His heart was in his job. He understood that government exists to serve people and that often the higher goals and purposes and policy decisions of government have a startling impact on individuals. He was there to ease the burden or eliminate the source of unnecessary hardship.

In an increasingly catalogued world, no one ever successfully produced a job description for John Alcantra. Legislative finance committees would annually review his activities and ask exactly what he did. The answers never seemed satisfactory.

John Alcantra had created his own job, has own description of public servant.

And those he aided mourn today with his friends the loss of a big and generous man with a big and generous voice and smile whose stay on earth was all too short for his years and promise.—J.R.

BUREAU OF LAND MANAGEMENT EMPLOYEES ARE GOOD SAMARITANS

Mr. MOSS. Mr. President, it is national news when a hoodlum adult group in Grenada, Miss., demonstrates its capacity for hatred and un-Christian conduct by beating small children. Their despicable conduct gives them nationwide notoriety.

Far too often, however, we do not hear about some of the fine things other people do merely as part of the routine of their daily jobs. This was brought forcibly to my attention recently in three short articles which appeared in a recent publication about employees of the Bureau of Land Management of the Department of the Interior. In two instances, the "good Samaritans" were working in my State of Utah.

I ask unanimous consent that the three articles be printed in the CONGRESSIONAL RECORD and I extend to the employees named in them my warm appreciation for their concern for the welfare of their fellow man, for the animals that inhabit our forests and rangelands, and for their demonstrated concern for the well-being of our God-given natural resources.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BLM EMPLOYEES ARE GOOD SAMARITANS

FIREFIGHTERS RESCUE FAWN

While fighting a forest fire in the Henry Mountains of Utah, BLM firefighters rescued a 2-day-old fawn. It was alone in the burned rubble along a trail in the 700-acre burned-out area.

Following a natural instinct to escape, it darted toward the flames. Frightened by the fire, the deer allowed itself to be captured. It had burned hooves, cracked and charred by the hot ground, and the hair on its legs had been singed.

The firefighters cared for the deer, and took it to the home of Mack Camp, BLM conservation aide, where it seemed to respond to kind treatment. However, a few days later the fawn died—another victim of a forest fire.

DISTRICT EMPLOYEES WIN PRAISE

Don Gipe and Fred Howard of the Kanab District Office, Utah, won praise for helping two visitors stranded on public lands.

The BLM employees came upon Dr. and Mrs. M. R. V. Sahyun of California whose car was stuck in the mud some 10 miles from U.S. 89. Gipe and Howard drove them into town to get help in pulling the car out of the mud.

Later, Dr. Sahyun wrote Acting Director Crow that both men "took a great deal of personal time and went well out of their way to help."

Director Rasmussen said, "This type of extra effort by BLM employees can make us all proud."

GIRL SAVED FROM EXPOSURE

While driving through Melvin Dalton's sheep point allotment, Ray Lewis, range conservationist of the Durango District, Colo., found Dalton's teen-age daughter lying unconscious after being thrown by her horse. He first attended to the girl; then radioed the Durango Office asking them to call an ambulance.

Lewis was showing fence contractors, Bert Sale and Otto McCluskey, future fencing projects in this area.

As range aide Bob Reid searched the area for Dalton, Bert Sale intercepted the ambulance. The girl was taken to Southwest Memorial Hospital in Cortez and treated for concussion and bruises.

CONCLUSION OF MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Is there further morning business? If there is no further morning business——

Mr. STENNIS. Mr. President, if there is no further morning business, I suggest the absence of a quorum. If the Senate has further morning business, I withhold the request.

The **ACTING PRESIDENT** pro tempore. If there is no further morning business, morning business is closed.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

MARY T. BROOKS

The **ACTING PRESIDENT** pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3553) for the relief of Mrs. Mary T. Brooks.

CIVIL RIGHTS ACT OF 1966

The **ACTING PRESIDENT** pro tempore. The pending question is on agreeing to the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. ERVIN. Mr. President——

The **ACTING PRESIDENT** pro tempore. The Chair recognizes the Senator from North Carolina.

Mr. HART. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. ERVIN. I yield.

Mr. HART. Mr. President, is my understanding correct that a unanimous-consent agreement has been reached under which, beginning at the hour of 1 o'clock, discussion shall be on the motion to take up the civil rights bill, that the time from then until 2 o'clock shall be divided equally between the majority leader and the minority leader, and that the vote on the cloture motion shall occur at 2 o'clock?

The **ACTING PRESIDENT** pro tempore. The understanding of the Senator from Michigan is correct.

Mr. HART. I thank the Senator from North Carolina.

The **ACTING PRESIDENT** pro tempore. The Senator from North Carolina has the floor.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. STENNIS. I did not understand the unanimous-consent request of the Senator from Michigan.

Mr. HART. Mr. President, if the Senator will yield, we were not making a unanimous-consent request. We were making inquiry with respect to an agreement earlier reached.

Mr. STENNIS. I thank the Senator from North Carolina.

TITLE IV OF H.R. 14765: A BRIEF ANALYSIS

Mr. ERVIN. Mr. President, the open-occupancy provision of the bill which is the subject of the pending motion has deservedly become the most controversial and infamous title of the proposed Civil Rights Act of 1966. Among the bill's provisions, title IV has received the almost undivided attention of the news media and the public since the day it was first introduced in Congress. In addition title IV of the Senate bill was the subject of careful expert scrutiny during exhaustive hearings held by the Constitutional Rights Subcommittee. But that is not the title IV we are asked to call up.

The open-occupancy provisions of the House bill have not been the subject of a single day's hearings. Nor has there been time to study its provisions and to reflect upon their meaning and implications on the Senate floor. I hope to remedy that to some extent today by analyzing in some detail the provisions of title IV of H.R. 14765.

Before breaking it down section by section, however, I ask the Senate to consider what this legislation attempts to accomplish, how well it is designed to meet those goals and, most importantly, whether Congress has constitutional authority to take such action.

There must be no mistaking the meaning of title IV; it is the first direct Federal assault against the fundamental human right to own and use private property—the first opening wedge of its destruction. This title completely ignores the distinction between the private sector and the public sector.

Heretofore, whenever there have been proposals for further governmental control of the lives and property of citizens they have at least had some connection with the public sector; such as with public accommodations. This proposal, however, reaches the most nonpublic of all transactions, the sale or rental of one's home. It is a frontal assault on the right to own and use private property, the source of liberty, without which all other liberties succumb to tyranny.

From listening to the rhetoric of the proponents for 4 months, it is apparent that the principal goal of title IV is the elimination of what are mistakenly referred to as "ghettos," the slum areas of the Nation's cities. These slum areas breed violence, disease, social disorganization, and result in separating the ghetto inhabitants from the benefits of modern society.

The Attorney General has said—

> Only Congress—can fully commit the Nation to begin to solve the problem [of ghettos] on a national scale. That is the purpose of title IV.

I think it is now undisputed that all the evidence available shows that open-occupancy laws have little or no effect on ghettos in the Nation. Seventeen States, the District of Columbia, Puerto Rico, the Virgin Islands and some 26 municipalities have fair-housing laws. Yet the largest slums and ghettos of which we hear so much are in States with fair-housing laws; and no appreciable change in housing patterns ever followed their enactment. Housing is still inadequate and substandard. At best, the only ones who have benefited by these local laws, and the only ones who would benefit by the proposed national law, are the wealthy and the upper middle class.

On the day the bill was introduced, I noted that—

> If enacted, I fear that such a law would bring false hope and frustration to those who are deluded about its effect and purpose.

There is not a single provision in title IV which will provide better housing for a single American. To argue otherwise is dangerous, and it is cruel to those who are misled.

The proponents also say the Federal Government should go on record as being opposed to distinctions in housing based upon factors such as race, color, religion, and national origin. This is the principle set out in section 401, and it is against this declaration that the entire title must be measured.

The basic objection I have to title IV is to the attempt to force a supposedly moral principle upon private individuals by the power of the Federal Government. It matters not to me how noble the purpose may be said to be—Congress has no affirmative power and is prevented by the limitations written into its authority from coercing the people to behave as Congress deems moral. Among the fundamental rights of men are the rights to associate with whom one chooses, to make choices in one's private affairs as one pleases. Freedom implies the right to make foolish as well as wise choices; and it entitles a man to his prejudices as well as his allergies.

We may deplore the fact that men are not always wise, that they allow factors such as race to interfere with their judgments. But it is the essential freedom of an individual to make his own choices in his private affairs. Freedom to speak and to associate as one sees fit is fundamental not only to our Constitution but also to the very precepts of our society.

This freedom must be protected whether we approve of the way it is exercized or not. Freedom to speak one's thoughts is available not only to those thoughts we approve of, but also to those we despise. Words may be uttered or written as a matter of right—not only words which please our ears but also those which offend them.

My right to choose with whom I will associate is also basic. If I consider race, or religion, or national origin and not the individual merits of my fellows, I may be foolish. But government may not punish me, and may not force me to associate with those I reject.

The nobility of purpose claimed for title IV is no justification for the infringements on personal liberty that it contains. Fundamental private freedoms of speech, of association, of choice of companions—these may not be circumscribed because the purpose is said to be honorable.

There is no greater threat to human freedom than infringements on liberty which seem just and noble. What is considered noble and just is not static. If liberties can be trod upon in the name of "goodness," this claim can be raised for any purpose. There are nations in this world who have destroyed freedom for what they consider the highest morality.

This is my fundamental objection to title IV—the enactment of law and the enlistment of government power in an area which basically involves the free exercise of individual judgment. When government ceaselessly crusades it becomes despotic. When government dedeclares a holy war against social evil, the result inevitably is that freedom is lost for all, the good as well as the evil.

This is the reason freedom of speech prohibits even "good censorship." This is the reason freedom of religion prohibits even "helpful" government participation in religious life.

So it is with the individual right to choose one's neighbors, and to live or not to live in a community peopled with those of similar tastes, backgrounds, and outlooks. So it should be with an individual's right to dispose of private property as he chooses—to make these decisions not only on the basis of financial considerations, but also on the basis of factors which government may, in its wisdom, consider irrelevant.

My opposition to Federal legislation with respect to open occupancy is not swayed by claims that the Congress must go on record as opposing discrimination in housing. Even if the tyranny threatened by the implementing sections of title IV were not involved, I would oppose any attempt to legislate in an area where freedom of speech, conscience, and association, and the right to use private property are involved. For where the principle is established that government can legislate in these areas for good ends, there is no bar to legislation for bad ends. I might add, at this point, that the ballot box in numerous referendums, and the letters I have received, indicate that the vast majority of the Nation agrees with me.

Various constitutional arguments have been offered to support title IV. In fact, there have been so many that I am reminded of that old rule that when there is no good reason for doing something you will always find many bad ones.

The Attorney General has stated that the power granted to Congress by the commerce clause allows it to regulate all housing. He relies on these few words from the Constitution:

> Congress shall have the power to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes.

It should be obvious that real property does not move in the channels of interstate commerce. The very attribute of real property which distinguishes it from all other property excludes it from interstate commerce—its immovability. A house may be bought and sold, but, with the exception of the house trailer and in the absence of acts of God, it never crosses a State line. I fail to see how we can rely upon tornadoes and hurricanes as channels of interstate commerce; and the bill is not limited to the sale and rental of mobile homes.

It is suggested that the materials and furnishings which make up any physical structure once moved in commerce and so is enough to bring the whole into interstate commerce. Congress can, of course, regulate the materials and furnishings as they move in the channels of interstate commerce, but in this instance the flow has stopped and congressional power has ceased. The materials have, by legal definition, assumed the character of realty.

Although the Supreme Court has stretched the commerce clause to cover almost every human endeavor, the precedents relied upon by the proponents to support title IV are inadequate The case which is cited most for support is *Katzenbach* v. *McClung*—379 U.S. 294, 1964—which arose out of the public accommodations title of the Civil Rights Act of 1964.

In upholding that title, the Court relied upon the flow in interstate commerce of the food served by Ollie's Barbecue Stand. That case cannot sustain this title because in McClung the identical individual food items while still in the flow of commerce were the subjects of transactions; the building materials involved here have not only ceased to flow in the stream of interstate commerce but have lost their separate individual identity as they became incorporated in dwellings.

The Attorney General's interpretation of the limits of the commerce clause power is supported by references to the interpenetrations of modern society. But the constitutional fallacy of such scholastic reasoning as a basis for extending Federal power was long ago recognized by Justice Frankfurter in Polish Alliance against Labor Board:

> The interpenetrations of modern society have not wiped out State lines. It is not for us to make inroads upon our Federal system either by indifference to its maintenance or excessive regard for the unifying forces of modern technology. *Scholastic reasoning may prove that no activity is isolated within the boundaries of a single State, but that cannot justify absorption of legislative power by the United States over every activity.* (322 U.S. 643, 650 (1944)) (emphasis added)

If we accept the Attorney General's interpretations of the commerce clause, then this justification will support the absorption of legislative power by the United States over every activity.

To interpret the commerce clause to cover housing in the way suggested, swallows up the entire constitutional principle of a federal government of limited powers. It establishes the constitutional principle that the Federal Government has legislative powers as broad as that of the States. I challenge the proponents of this bill to mention any area of human activity not subject to Federal legislation under their interpretation of the commerce clause.

Those who argue that the provisions of title IV can be sustained under the power granted to Congress by the commerce clause do well to give careful thought to the consequences if their position is ultimately accepted.

It is elementary that this Nation was founded and has become great upon the proposition that the powers of government are derived from the governed, and that liberty is directly dependent upon the degree to which the individual is able to remain free from governmental control. A corollary to this idea is the restraint on governmental power embodied in the Federal system according to which the National Government has only those powers granted to it.

We should appreciate that "federalism" is not a meaningless platitude nor an outmoded cliche. It is not merely a happy accident of history; not merely a convenient tool of government. Rather, it is the foundation of our Government. The administration's interpretation of the commerce clause destroys this foundation. It is an interpretation of one constitutional clause concerning interstate commerce by which the Federal Government could ultimately control every activity of every American from the time he is born till the time he "shuffles off this mortal coil."

The 14th amendment reads:

> No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

But, says the Attorney General:

> Title IV is also sustainable as "appropriate legislation" to enforce the substantive guarantees of the 14th amendment.

He ignores the words, "No State shall." It is an easy matter of constitutional interpretation, according to the Attorney General, to reject the established and unquestioned judicial interpretation of almost a century which regarded the words "no State" as meaning "no State." According to the Justice Department, "no State" means "no person," and so, it follows quite easily that Congress may prevent private action which it considers in violation of the 14th amendment.

My mind cannot give assent to such distortion of simple words.

The Attorney General, however, also supports title IV under the 14th amendment with another argument, although this one too requires him to torture its words unmercifully.

Moreover—

He has claimed—

> it is highly relevant that government action—both State and Federal—has contributed so much to existing patterns of housing segregation. . . . With such a history of past governmental support, it can hardly be argued that present practices represent purely private choice.

Well, I think that present housing practices do represent private choice. People do tend to associate with persons of similar tastes, backgrounds, and outlooks. The housing patterns of this Nation and in every social grouping on the earth, bear testimony that people tend to associate with those who belong to their group and class, and this characteristic is demonstrated whether government encourages it, ignores it, or actively tries to oppose it.

What cannot be argued, however, is that the 14th amendment justifies governmental action wherever government influence is felt, which is the core of the argument propounded by the Attorney General. A more tyrannical theory could never be asserted.

From the beginnings of time until today, government has tended to assert its influence into every sphere of human endeavor. It was this tendency of government that was the source of the limitations written into the charter of Federal power in 1787. The Attorney General is really arguing that because Government tends to intrude upon areas of private endeavor where it has no authority, this very intrusion justifies additional coercion and additional intrusions. Government has no business in the private decisions of homeowners as to how they will use or dispose of their property. If in the past it has interfered in this area, this cannot be used as a justification for further inroads upon private rights.

Not only are there no constitutional sources of power, either in the commerce clause or the 14th amendment, for government coercion on these private rights, but there are also specific constitutional prohibitions on our legislative power to enact title IV.

Much has been said recently concerning human rights as opposed to property rights. This is nonsense. Property has no rights, only attributes. The right to property is a human right, a civil right—a right expressly protected by the Constitution. It is one of the basic rights of a free people. Conversely, failure to protect the human right to property is a typical characteristic of totalitarian States along with the denial of freedom of speech, press, and religion.

The basic human right not to be deprived of liberty or property without due process of law—the only right expressly mentioned in both the 14th amendment and the Bill of Rights—would be sacrificed by this title to a new so-called right of open occupancy. We are forbidden by the fifth amendment from making the sacrifice.

It is a fundamental canon of construction of written documents, whether they are contracts, statutes, or constitutions, that expression of one thing implies the exclusion of another. The fifth amendment provides "nor shall private property be taken for public use, without just compensation." The express goal of title IV is to deprive Americans of one right—the right to dispose of their property as they see fit. It does this in order that housing patterns conform to the public weal as the Federal Government sees it.

And to whom is this right given? The right deprived by title IV is for the benefit of certain classes of people. The buyer may use the powers conferred by title IV to obtain private property for his own private use. If the fifth amendment prohibits public taking of private property for public use without compensation, it is elementary that it prohibits absolutely the public taking of private property for private use.

The inevitable suppression of the American peoples' rights, liberties, and freedoms which would ensue should Congress enact title IV has been elucidated by Justice Harlan in his concurring opinion in *Peterson* v. *Greenville*—373 U.S. 244—1963:

> Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference. This liberty would be overridden, in the name of equality, if the strictures of the amendment were applied to governmental and private action without distinction. Also inherent in the concept of State action are values of federalism, a recognition that there are areas of private rights upon which Federal power should not lay a heavy hand and which should properly be left to the more precise instruments of local authority.

Furthermore, there are other human rights and freedoms protected from governmental interference which are placed in jeopardy by this legislation. Among those are the right to freedom of association, recognized in the case of *NAACP* v. *Alabama,* 357 U.S. 449—1958, and the right to privacy recognized in the case of *Griswold* v. *Connecticut,* 381 U.S. 497—1965. As Justice Douglas said in Griswold at page 484:

> The foregoing cases suggest that specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance. . . . The right of association contained in the penumbra of the First Amendment is one, as we have seen. The Third Amendment in its prohibition against the quartering of soldiers "in any house" in time of peace without the consent of the owner is another facet of that privacy. The Fourth Amendment explicitly affirms the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The Fifth Amendment in its Self-Incrimination Clause enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

And again at page 485:

> Such a law cannot stand in light of the familiar principle, so often applied by this Court, that a "governmental purpose to control or prevent activities constitutionally subject to state regulation may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms."

No one would contend that Congress may use the legislative power conferred by section 5 of the 14th amendment or by the commerce clause in a way which would invade those liberties specifically guaranteed by the 1st section of the 14th amendment, or by the 5th amendment, or by the first 10 taken together. But this is what title IV would do.

So weak and superficial is the constitutional justification for title IV that many advocates no longer seek to support it by constitutional argument. They direct our attention to the social and economic ends sought by the measure and they meet the constitutional argument only by suggesting that the Constitution belongs to the Supreme Court. They argue that we should pass the law, and leave these worrisome problems to the men across the street.

These advocates ignore the fact that each Senator takes an oath of office to uphold and support the Constitution. It is our first responsibility, not our last, to square all legislation with this obligation and to reject even the most appealing, if in our judgment, we conclude we have no power to act.

To suggest that we should not be too troubled by the constitutional doubts of title IV completely ignores the purpose of that oath, and completely disregards our most important function as legislators. It is totally unsupportable according to the traditions and decisions of American jurisprudence and the principle of separate coequal powers. The Supreme Court, according to its own rules of interpretation, is guided by one overriding presumption when undertaking its function of judicial review, a presumption which should dispel the notion of our abdicating congressional responsibility.

The Court assumes that the Congress is no less mindful than the judiciary of the restraints imposed upon the powers of the National Government by the Constitution, and that, prior to its approval of any measure, the legislative branch conscientiously appraised its validity and in perfect good faith concluded that the enactment met the test of constitutionality. Therefore, the Court will not consider the constitutional question if that can be avoided; and if it does consider the question, the burden is on him who challenges the act's constitutionality.

The Court has expressed this many times and recently as follows:

> This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power. (*U.S.* v. *Gambling Devices,* 346 U.S. 441, 449 (1953)).

Congress cannot shift its responsibility to the Attorney General and assume that a legislative proposal is constitutional because he asserts that it is. The duty and responsibility rests solely upon the shoulders of each Senator to determine whether a proposed measure is compatible with our Constitution.

Many of us, unfortunately, attempt to discharge this duty by predicting what the Supreme Court will hold when a given bill under consideration is ultimately reviewed. This may be a natural reaction, but it utterly fails to comprehend the nature of the responsibility we face.

Court decisions are, of course, useful tools which we may use to recognize legislative limitations and obligations. But we should not, by contenting ourselves with reading the tea leaves of past judicial decisions, escape the duty of deciding for ourselves what is constitutional.

This is not what the Constitution expects of us. On the contrary, it requires that we look to the language, the intent, and the legislative history of each of its provisions in determining whether a bill is consonant with that document.

The Court properly upholds the constitutionality of any Act of Congress unless it finds that what we have done is clearly repugnant to the words and spirit of the Constitution.

So, I ask that all Senators act as more than fortunetellers—that they judge the provisions of title IV against the mandates and prohibitions of the Constitution according to their own individual intellect and conscience and not abdicate that responsibility to the Court or to the Attorney General.

I have considered long and carefully the constitutional questions created by title IV. As chairman of the Constitutional Rights Subcommittee, I sat through 22 days of hearings and each day I heard supporters and opponents argue the congressional authority for title IV. I have studied the cases interpreting the commerce clause and the 14th amendment. I have heard the arguments of the Attorney General, and of professors of constitutional law.

I have made my own judgment according to my oath of office as a U.S. Senator, and I have concluded that the entire title is clearly beyond the constitutional authority of Congress—under either the commerce clause or the 14th amendment. Furthermore, I consider that it violates freedom of association, implicit in the first amendment, the individual right to own and use private property, explicit in the fifth amendment; and partially, the right to privacy within the penumbra of the Bill of Rights.

These constitutional arguments apply equally to the original version, and to the House version. The only difference is that the original bill is much more popular. President Johnson, Attorney General Katzenbach, Secretary Weaver, Dr. King, and Mr. Roy Wilkins, all say they much prefer the original administration version rather than the version which is sought to be brought up.

Among the opponents, the National Association of Real Estate Boards, many State associations and private realtors, the National Association of Home Builders, and several professors of law, feel that the House version is more offensive than the administration's proposal. It would seem that the only reason for seeking to bring up the House version is an attempt by compromise to obscure the destruction of fundamental principle proposed; it is an excuse for those who have neither the courage to stand for freedom nor the fortitude to stand for open occupancy.

What kind of useless exercise do we perform in calling to end debate in order to act on a bill which nobody wants?

The American people and I are in agreement in opposing this compromise with principle. In every single instance in which open occupancy has been put to the people, they have overwhelmingly rejected it. For instance, the people of the State of California, and the cities of Seattle, Tacoma, Akron, Omaha, Detroit, and Berkeley have defeated decisively by referendum such propositions.

In the recent primary election in Maryland, the candidate who steadfastly opposed any surrender of principle has apparently won the Democratic nomination for Governor. It is extraordinary that we should attempt to impose on every American what obviously the great majority do not want.

The provisions of title IV are anything but an excuse for the legislative circus in which we are engaged. The title states a broad policy. Then it proceeds to make ambiguous exceptions justified only on the grounds of political expediency.

The acts it prohibits are both vague and comprehensive. They stem only from the motive of the homeowner—an element at once easy to assert and difficult to disprove. In its willy-nilly proscriptions, title IV protects some rights not mentioned in its policy section; such as, "economic status" and "age and number of children," and at the same time it transgresses not once but twice on first amendment freedoms of speech and press.

Title IV empowers not one, but fully five different agencies of Government to enforce its provisions. State and Federal courts, the Attorney General, the Fair Housing Board, and Department of Housing and Urban Development, each would have a hand in implementing it. Perhaps this is a tacit recognition of the difficulties its loose and careless drafting will cause.

One need not have much experience with Government to foresee the confusing and contradictory welter of rules, decisions, regulations, and orders that will result as these 5 separate agencies struggle to apply title IV to 35 million homeowners across the Nation.

Section 401 states that—

> It is the policy of the United States to prevent discrimination on account of race, color, religion, or national origin in the purchase, rental, lease, financing, use, and occupancy of housing throughout the Nation.

After that sweeping statement, the authors provide in section 403(b) that the title shall not apply to an owner who sells or rents a portion of a building which contains living quarters for no more than four families if he occupies one of the quarters as his residence. And sections 402(d) and 403(a) taken together provide that a person who has participated in less than three transactions in the preceding 12 months is exempt.

There is no difference in principle between those who have four and those who have five, or six, or seven units. Upon what standard does "four" become the line between constitutional authority and none? On the same grounds, what is to prevent the title from later being amended to three units, then two, then one, then a room? The proponents make no secret of their dissatisfaction with section 403(d) and it will not be long before it is cast aside. The same question applies to the "three-transaction exemption" defined in section 402(d).

What is a "transaction"? Is it the rental of a room on a month-to-month basis? Is the sale of one's home and the purchase of another one transaction or two? Is the construction and management lease of a hundred-unit highrise 1, 2, or 100 transactions where the owner employs a rental agent who later violates the act? Will owners who are exempt and who do not violate the act be responsible for their agents who do? What will be the rules and regulations that will be born from this language? Nobody knows, for there have been no hearings on these sections.

None of the proponents like these exemptions—it is no secret that they were purchased for a handful of votes. No one should be misled that the time will be long before these words are stricken and title IV becomes once again, the blanket prohibition it originally was.

If we embrace the principle of title IV, as now written, we must agree to the principle without exception.

Section 403(a) contains eight subsections setting forth some 12 to 15 activities declared unlawful.

The scope and vagueness of these activities are apparent when they are translated into plain English. This is what subsection 403(a) prohibits when done because of one of the specified characteristics of the client:

To refuse to sell, rent, or lease.

To refuse to negotiate.

To make unavailable or deny a dwelling.

To discriminate in the terms or conditions of a sale, rental, or lease.

To discriminate in the provision of services or facilities.

To print or utter a preference or an intention to make a preference.

To fail or refuse to show a dwelling.

To fail to submit promptly an offer.

To fail or refuse to use one's best efforts.

To represent that a dwelling is not available for inspection when in fact it is.

To prevent access to multiple listing services.

To engage in any act which restricts housing to any group of persons.

To induce or attempt to induce the sale of a house by representations concerning the race, color, religion, national origin, or economic status of future inhabitants.

This enumeration covers almost every conceivable activity in which a party wishing to sell or rent a house could possibly engage. The authors are to be congratulated on their imagination.

There is no mention in title IV of the burden of proof that has to be met by the plaintiff. A prima facie case could be made in every case in which two people of different race, color, religion, or national origin are parties to an unsuccessful real estate transaction. This is so because every time a white man failed to sell to a Negro, or every time a Jew failed to negotiate with a Catholic, or a Methodist failed to submit promptly the offer of a Baptist, it could, with excellent chance of success, be alleged that race or religion was one of the reasons for his behavior.

The parties need only come from different classes and it could be alleged that a defendant failed to use his best efforts in consummating a given transaction.

How will the defendant meet such allegations? It will be a rare day when he gives as his motive one that is prohibited by section 403. Must the defendant point to his friends and associates and demonstrate to the court that some of his best friends are Negroes, or Jews, or Seventh-day Adventists, or couples with four children, or American Indians?

There can be no denying that, faced with the possibility of law suits involving matters as vague and obscure as this, the homeowner will find himself constrained to accede very quickly to the demands of the purchaser or tenant lest he be accused of discrimination and hauled before the courts or the Fair Housing Board.

The haphazard way in which the bill is drafted is illustrated by the language prohibiting discrimination because of "the number of children or the age of such children" which appears in subsections (1), (2), (3), and (7) of section 403(a), but not the other four.

Section 403(a)(4) could be considered as ludicrous if it were not so serious. The House added language to the original bill requiring realtors and homeowners to use their best efforts to consummate any sale, rental, or lease. The Attorney General has admitted that there are no comparable laws requiring any other profession or seller to use best efforts. Why does the Congress choose real estate brokers from all others for this dubious distinction? Why should not doctors, or lawyers, or politicians, or Senators not also be required by law to use their best efforts?

If homeowners are to use best efforts to sell their home, why should peanut vendors not also use their best efforts to sell their peanuts? This is a bill to promote equality, and all are to be treated equally, perhaps an amendment to this effect should be offered by the proponents.

The following amendment would be in harmony with the other provisions of the bill:

> On page 31, line 11, strike the period at the end of the subsection, inserting a semicolon and adding the following words: "or for any physician, attorney, architect, accountant, funeral director, or any other member of any other profession to refuse any client on the basis of race, color, religion, or national origin, or to fail to use his best efforts on the behalf of such client."

Subsection (3) would make it unlawful to make any oral or written statement that indicates any preference based on race, color, religion, national origin or number of children or the age of such children. Subsection (8) declares it unlawful to induce a sale or rental by making representations regarding the present or prospective entry into the neighborhood of persons of a particular race, color, religion, national origin, or economic status. These two provisions, in my judgment, violate the freedom of speech protected from abridgment by the first amendment. Subsection (8) was placed in the bill on the House floor after the hearing before the Constitutional Rights Subcommittee had closed. However, the House Judiciary Committee had reported out the bill with subsection (3) while the hearings were still in progress. Mr. Lawrence Speiser speaking for the American Civil Liberties Union agreed with me that subsection (3) was unconstitutional, and even the Attorney General conceded he saw problems with it.

We come now to the extraordinary enforcement provisions of title IV which deserve special scrutiny.

Briefly, the title provides that an individual without payment of fees, costs or security, and without regard to the amount in controversy, may have a court-appointed attorney bring a civil action. The court can grant a permanent or temporary injunction, or other order, and it may award actual damages without limit as to amount. The Attorney General may intervene in a private suit if he feels the action is of general public importance.

Additionally, he can on his own, institute suits when he believes a person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by the title. Federal courts are also encouraged to defer to State enforcement of local laws with similar application. There is also established a Fair Housing Board which will exercise judicial functions administratively, and the Secretary of Housing and Urban Development is given broad powers of investigation and is authorized to prosecute his or other's complaints before the Board.

Generally, section 406 grants enforcement powers to private persons and sets forth the appropriate relief. Section 406(c) provides that—

> The court may grant such a relief as it deems appropriate including a permanent or temporary injunction, restraining order, or other order, and may award actual damages to the plaintiff, or, in the alternative, if the defendant has received or agreed to receive compensation for service during the course of which the discriminatory housing practice occurred, the court may award as liquidated damages an amount not exceeding the amount of such compensation.

Because the court usually grants a preliminary restraining order ex parte merely upon the applicant's affidavit and without notice to the defendant, real estate transactions will be continually upset and frustrated.

As the court may issue any other order it could by mandatory injunction order a completed real estate transaction nullified and transfer of title to the plaintiff.

Section 406(a) allows the plaintiff 6 months to file his suit. By this time the house could already have been sold or perhaps taken off the market. What kind of relief would be forthcoming so long after the incident? Is the new occupant to be turned out? Must the owner now sell the house he still wants to keep? Or must he be smitten with damages and perhaps have to sell his house to raise the funds?

Section 407(a) authorizes the Attorney General to bring a civil action whenever he has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this title.

There is no necessity of his having received any complaint from anyone. Section 407(b) authorizes him to intervene in a private suit if he certifies that the action is of general public importance. These provisions grant to the Attorney General, who has behind him the vast power and resources of the Justice Department, broad and complete authority of investigation and prosecution against anyone whom he might suspect of having violated any right protected by this title. The Attorney General is not authorized to assist and defend homeowners in the same fashion.

But the most mischievous enforcement provision of the title is the Fair Housing Board which would be established by section 408. The Board is given authority to conduct hearings on complaints which the Secretary of Housing and Urban Development may file. There is no mention of authority to act on its own initiative or to process individual complaints received from disappointed purchasers. However, the Fair Housing Board was hastily drafted into the bill by reference to the National Labor Relations Board in title 29 United States Code, and there is no doubt it will have the same powers, the same energy, the same lack of objectivity, and the same nonjudicial approach that the National Labor Relations Board has now with respect to matters within its jurisdiction.

The authors of this section were apparently in such a hurry to have it passed that they did not take the time to write out the powers and duties of the Board or the Secretary. Section 408(e) simply provides that—

> For purposes of investigation the Secretary shall have, and for purposes of hearing the Board shall have, the same powers and shall be subject to the same conditions and limitations as are provided for the National Labor Relations Board under section 161 of title 29, United States Code.

Upon the receipt of a complaint from the Secretary and service upon the person charged with a violation, it is provided that a hearing shall be had. The Board shall conduct hearings and shall issue and enforce orders in the same manner and shall be subject to the same conditions and limitations and appellate procedures as are provided for the National Labor Relations Board and a violation of this title shall be treated in the same manner as an unfair labor practice under the Fair Labor Standards Act.

Not one of the supporters of this title has uttered one word to explain how or why a violation of this title should or could be treated as an unfair labor practice. The only analogy I see is this: In order to establish a prima facie case of an unfair labor practice, it is sufficient to show an individual was engaged in union activity and was discharged. If a frustrated purchaser can show he is the member of a minority group and was refused a sale, then the burden of proof falls on the defendant homeowner.

It is not these absurdities, however, which constitute the greatest mischief of this section. It is the creation of another administrative agency, among the dozens already in existence, charged with carrying out policy and given legislative and judicial powers to do so.

It is unwise to subject the rights of citizens to the determination of an agency which is not designed to administer justice but to carry out a policy on behalf of certain groups. Congress should provide that rights are to be determined by the courts—the only institution qualified to administer justice.

Taken together the enforcement provisions of title IV constitute a powerful tool for the harassment of property owners and real estate brokers. If this bill is called up not only will we be considering a vague and sloppy title IV, but we will also be asked to endorse the unknown, indeterminable regulations to be promulgated by the Fair Housing Board, and the as yet non-existent policies of the Secretary of Housing and Urban Development.

The policies of the Federal Trade Commission and the Antitrust Division of the Justice Department illustrate that different agencies charged with the same task inevitably view their functions and their objectives in conflicting ways. Our experience should at least dictate that we choose one forum, not five, so that the seller who must conform need not struggle to satisfy so many quarreling masters.

Today, I have tried to point up a few of the difficulties inherent in the language of title IV and the problems that would bedevil the Nation if it is enacted. The provisions constitute a destruction of liberty—the greatest and most fundamental value of civilization. If the American people by lack of vigilance allow their liberty to be narrowed in this way, the long struggle of mankind to secure freedom from governmental tyranny will be dealt a mighty blow.

Overall, title IV is a completely unworthy proposal. It will not accomplish its asserted purpose; it is poorly drafted and basically unjust; it creates another in the vast horde of Federal agencies, one with limitless authority to control the private activities of all citizens. It is clearly beyond the constitutional power of Congress. It tramples private rights to property use and a collection of first amendment rights as well.

For all these reasons, therefore, I urge the Senate not to call up title IV of H.R. 14765.

The ACTING PRESIDENT pro tempore. The time of 1 p.m. having arrived, the hour between 1 p.m. and 2 p.m. will be under the control of the majority leader and the minority leader, to be divided equally between them.

Who yields time?

Mr. DIRKSEN. Mr. President, I think that under the rule there is a requirement for a quorum call before debate can begin.

The ACTING PRESIDENT pro tempore. The Chair informs the Senator from Illinois that that will be at 2 o'clock.

Mr. DIRKSEN. Perhaps it has been waived.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a quorum call, without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I yield to the distinguished Senator from Alabama such time as he requires.

Mr. SPARKMAN. Mr. President, in many of the debates in which I have been engaged on the floor of the Senate on the subject of civil rights for a number of years, I have made the point that legislation is not the answer to the question. I warned that legislation enacted because there was disturbance would in all probability bring on more disturbance and violence, because people would gain the impression that a definitely proved way to get legislation enacted was by racial disturbance and violence.

In spite of my warnings, Congress has set the pattern of enacting legislation in times of great emotional feeling over racial matters as an apparent answer to the problem and as the politically popular thing to do.

We now see the results. One wave after another of disregard of the property rights of others, street demonstrations, racial ultimatums, violence, and even bloodshed, has struck various parts of our Nation.

I have reread an editorial in the Wall Street Journal of June 20, 1963, which I ask unanimous consent to have printed in the RECORD as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WRONG AND THE REMEDY

More than three months ago President Kennedy proposed additional civil-rights legislation, principally concerned with strengthening the voting privilege for Negroes. Presumably, after long consideration, this bill was the sum of what Mr. Kennedy thought necessary to meet the problem.

Yesterday Mr. Kennedy sent to Capitol Hill new and far more sweeping recommendations. His message is frankly a response, developed only in the past few weeks, to the increasing violence which is marring race relations. The fires of frustration and discord, he says, are burning hotter than ever; worse explosions are in store unless the Federal Government leads the way to immediate remedies.

We find this tone of haste, almost of political panic, deeply disturbing. This, if nothing else, raises the most serious questions about the proposed remedy, particularly as it applies to privately owned "accommodations" which serve the public.

It is true, at least in our opinion and that of most Americans, that a Negro traveler should be able to stop at a public inn and not be turned away solely because of his race. It is a fact that he is still denied that opportunity in many places. That is a wrong which, as the President says, calls for a remedy.

But it is also true, as the President acknowledges, that it is being rapidly remedied. Some 30 states, the District of Columbia and

> numerous cities have enacted laws against discrimination in places of public accommodation; in addition, merchants have done it on their own. In Mr. Kennedy's words, "many doors long closed to Negroes, North and South, have been opened."
>
> In those circumstances it is a question whether a Federal law is needed to remedy what is already being remedied. The President's only real justification is that the progress is not fast enough. That seems to us a dubious justification for a law of this nature.
>
> One of the proffered legal excuses for it is the Constitution's interstate commerce clause. Under this interpretation, almost every retail establishment in the nation, from the lowliest hot-dog stand to the grandest hotel, could be swept under new control, because almost all at some time use goods that cross state lines or serve people that do. Whatever else it may be, this is a swift and surging expansion of central authority.
>
> The other proffered Constitutional basis for the measure is the Fourteenth Amendment provision that no state law shall permit unequal treatment of any of its citizens. But the Amendment also says no state shall deprive any person of property without due process of law. Anti-discrimination legislation, whether local or Federal, must risk doing just that.
>
> Suppose a woman makes a meager living taking transients in her own home. If she does not want to accept Negroes, is she subject to the penalties of the law? If so and she refuses to comply, she has the choice of giving up her livelihood. Or the owner of a modest restaurant may not feel any personal prejudice and yet know that if he opens his doors his clientele will become exclusively Negro; if he doesn't want that, he also has the choice of abandoning his property.
>
> Does the Negro citizen's right to equality of treatment transcend another citizen's right to use his property as he sees fit? If so, it is not a very big step to decreeing that the private home-owner is no longer free to dispose of his property as he chooses.
>
> The sad part is that the clash of rights does not have to be brought to this point. With patience and a minimal amount of good will on each side, it can be resolved by individuals and within communities. The proof is that it is being resolved in so many places North and South.
>
> If nothing at all were being done to improve the Negro's position, the Federal Government's case for the course of compulsion would be more understandable. As it is, the nation should think hard about a legislative course conceived in such haste, with such highly political overtones, and proposed as a conscious concession to illegal mob violence.
>
> Most particularly we should all be concerned about the underlying attitude: That where there is a wrong, any remedy will do—no matter what fresh wrongs the remedy brings forth.

Mr. SPARKMAN. The above editorial was a rather strong warning against the legislation proposed in 1963 and enacted in 1964, and branded it as legislation "proposed as a concious concession to illegal mob violence."

This is even more true today than it was when the editorial was written. Concessions to the violation of the property rights of others and to a lack of respect for law and order should not be the basis of legislation. Cast it as one may, and one will still find that element in what is proposed to us at this time. I stand firmly against continuing this process.

I would add to this by saying that the present bill is more than a concession to these forces; it is an affirmative proposal to take away the property rights of our citizens and to restrict them in their use and disposition of their own property without any claim of a Federal interest being attached to the land other than the fact that the Central Government, the Federal Government, has decided to tell its citizens how they can and must rent or dispose of their property.

Mr. President, we are soon to vote a second time on cloture of debate on the motion to take up the House-passed civil rights bill of 1966, H.R. 14765.

I was pleased to see that the vote taken last Wednesday failed to receive the necessary two-thirds of those present and voting to close debate on this same subject. I see no reason to expect an increase in the votes for cloture today. The number of votes against it could be even greater.

I shall vote against cloture, consistent with my practice and legislative philosophy.

It is an accepted historical fact that the Senate has always been reluctant to invoke cloture and impose a gag on its Members. I regret that the tradition of the Senate against cloture was violated in 1964 and again in 1965 to allow passage without further debate, except within the time limitations of cloture, of the drastic civil rights and voting rights measures of those years. Time, I believe, will show that those decisions were not wise.

When cloture on a civil rights bill was finally voted in 1964, it was the result of the 12th attempt to invoke cloture on this type of bill. This illustrates the reluctance of the Senate to impose cloture on its Members.

Prior to voting cloture in civil rights measures, the Senate had invoked cloture only five times: in 1919 regarding the Treaty of Versailles; in 1926 regarding the World Court; in 1927 on branch banking; and again within 2 weeks on creating a Bureau of Customs and Prohibition; and in 1962 on debate on the Communication Satellite Act. In my opinion, we have already given this civil rights bill far more attention and status than it deserves in the effort to give it a place among these exceptions to the rule of unlimited debate in the Senate.

Anyone who reads Lindsay Rogers' book, "The American State," will note Mr. Rogers strongly contends that liberty of debate in the Senate acts as a salutary check on the administration of government, that it protects the right of the minority to be heard, and that it affords at least one forum in our Nation for the free consideration of issues which otherwise might never see the light of day.

It is my opinion that, if we throw aside tradition and move away from freedom of debate in the Senate, we will go against the fundamental purposes of the Senate as expressed from the days of Alexander Hamilton and the Federalist Papers right up to the present. I believe this is true particularly of civil rights legislation freighted with emotion and burdened with broad social and economic implications and legal complexities.

This measure is pregnant with defects. It was conceived in political need and social impetuosity. As I have said before, it is a product of social engineering, not of constitutional legislative deliberation. And we are faced with this bad bill here on the floor because it was not referred to committee and because the leadership moved to take it up before the customary legislative processes were fully used. Placed in this context, the Senate is under even stronger restraints than usual not to impose cloture. Senators on the floor must take the place of committees of the Senate on a measure that is extremely complex, and if it is passed in its present form, it will, in my opinion, occasion further disregard of law. Cloture under such circumstances would be arbitrary and extreme.

Let me point out just a few salient features of this bill that will illustrate the point.

The main objectives of this current omnibus proposal appear to be, first, to require the individual citizen to dispose of his own real property under conditions established and imposed by the Federal Government and, second, to find a vehicle by which the Federal courts and, in essence, the Federal executive could control State jury systems.

That these two objectives should be attained by law—by act of Congress—is inconceivable to anyone who takes the Constitution seriously and who believes that the States still retain certain inherent powers and the citizen certain inalienable rights. Yet they were proposed and they were placed in one bill, not in separate bills. They are titles II and IV of the present bill.

Title I, reform in the Federal jury system, was added as what seems to be a counterbalance or self-justification for attempting to tamper with the jury structure of the States. But title I has backfired. The existing Federal courts do not appear to be pleased with it, and it has pitfalls, such as the practically unlimited power of judicial councils to name any conceivable source or sources of names for jury service.

Title V, making interference with civil rights a crime with heavy penalties, and title III, for further civil injunctive powers to the Attorney General, are in themselves drastic and complicated legal steps. They are sweeping proposals which should be given vastly more congressional study than they have yet received before we even debate them. The same is true of title VI, which would allow the Attorney General to file school integration cases whenever or wherever he pleases throughout the Nation on the written complaint of only one disgruntled person. I am against this both in principle and in procedure. It alone would warrant prolonged debate.

I have expressed in earlier remarks my objections to the unconstitutional housing proposals of title IV, though perhaps not as fully as my concern warrants. I would like to point out at this time, however, and with emphasis, that title IV contains a new House proposal for a

Fair Housing Board to enforce the housing provisions of this bill. It would have powers comparable by reference in the bill to those of the National Labor Relations Board. The Secretary of Housing and Urban Development would have unusual investigative powers comparable to those of the National Labor Relations Board and could supervise the processing of alleged violations of the unwarranted provisions of this title.

As we know, the National Labor Relations Board deals with corporations and with labor unions, both powerful entities well able to defend themselves. Here the massive powers of a Cabinet officer and an executive department which would be enlarged even under the bill, would, in most foreseeable cases, be directed against the individual citizen. This is a dangerous proposal in a field wherein the Federal Government has no authority.

Mr. President, I am reminded of the comment of former Senator William Benton, of Connecticut, in 1951. He said:

> Personally, I don't believe there would be much talk about (cloture) if it weren't for the fact that it is standing in the way of civil rights legislation. I haven't heard anybody object to it on other grounds.

This is true, Mr. President. Demands for cloture invariably arise when civil rights legislation is before the Senate and almost never on any other legislation. Let me remind those who press so strongly for cloture today that they may have reason to preserve this practice, for they may someday need it themselves. They may someday be among the few, and have need of a check with which to counter the many.

Mr. President, I am opposed both to cloture and to the proposed Civil Rights Act of 1966 in toto and in its several very dangerous and unjustified parts. As I have indicated earlier, I am particularly concerned about title IV, commonly called the fair housing title, and expect to address myself to this subject in considerable detail because it would foist upon the American public an arbitrary attempt by governmental action to tell our citizens to whom they must sell their property. By and large, the average American looks upon his right to own and to sell real property as being fundamental. Not only is this attitude steeped in the traditions of our Nation, but also it is a part of our thinking and attitude toward the few remaining private rights that an individual has left to him free from governmental interference. It is not appropriate for Congress to take the unconstitutional action of attempting to deprive our citizens of this sacred right.

I might say that I am prepared fully to have much to say about the other parts of this bill, especially title II, the so-called elimination of discrimination in State court juries. At this point, and before moving more fully into title IV, I would like to observe that in these provisions the strong arm of the Federal Government would be thrust into the cradle of American democracy—namely, the jury system as it was devised and designed in our Constitution. This system should not be cast aside as though it were a passing dream instead of a bastion of protection of our form of government and a bulwark of defense for the individual against the ravages of an arbitrary government. These are factors which, in light of history and the birth of our Constitution, let the jury system see the light of day in this country and let it be reserved primarily to our State governments.

There are other parts of this bill that ignore completely our normal system of trial and the rules of evidence as well as the burden of proof. These are designed to clothe the Attorney General and parties litigant, particularly plaintiffs, with rather plenary powers that can rapidly lead to abuse. The evils and annoyances that can result could, and probably would, outweigh the so-called advantages they are designed to attain. I do not approve of sacrificing experience and the wisdom of our forebears for experiments in sociology.

On January 12, 1966, the President of the United States, in his address to the Congress—page 143, CONGRESSIONAL RECORD of that date—stated that he proposed:

> Legislation resting on the fullest constitutional authority of the Federal government to prohibit racial discrimination in housing.

When I heard that portion of the President's message, I wondered what the "fullest constitutional authority" actually was to which the President referred. I was familiar with the powers of Congress, as distinguished from those of the President, to impose open occupancy requirements in housing where Federal funds are used or where there is a substantial Federal interest, should it so desire. I was familiar also with the fact that Congress had provided specific exemptions in the Civil Rights Act of 1964, in the case of Government insurance or guaranty of a loan. I was not familiar, however, with any further or heretofore unused power of Congress to lay down broad open-occupancy housing requirements across the length and breadth of this Nation on purely private land and buildings without any Federal interest or any excuse for such an interest.

Accordingly, I gave the matter some thought and study, since housing has been a subject to which I have applied myself for many years in Congress. I found no such authority and I came to the definite conclusion that if such authority should exist in the light of the possibility of continued liberal trends in Supreme Court decisions, then proposed legislation along these lines would be bad policy—very bad indeed.

Therefore, I sought with interest to see the legal and policy justifications which the President would give for this bill in his message to Congress on April 28, 1966, on the forthcoming civil rights legislation.

THE PRESIDENT'S MESSAGE

To say the least, I was far from impressed with the President's message on this bill. In it the President merely stated that there was a need for compulsory legislation to enable people to buy homes or rent dwelling places in every State in the United States. He quoted an old statute, in fact a statute 100 years old, to show that Congress has been mindful of this problem heretofore and has taken action. That statute is section 1982 of title 42 of the United States Code:

> All citizens of the United States shall have the same right in every State and territory, as is enjoyed by white citizens thereof to inherit, purchase, sell, hold and convey real and personal property.

I have been familiar with this old law for some time. To be sure of my impression about it, I rechecked its legislative history. It was one of the early post Civil War statutes designed to assure Negroes the full rights of citizenship. It simply states general law and general privileges of citizenship in simple terms—namely that every citizen, regardless of race, can inherit property, and buy, lease, or sell it. Under its terms, the freedom of the individual citizen is not deprived of the right to sell or dispose of his property as he chooses to do.

It is obvious that the President and the Attorney General want a law that will go further and will give not only the equal rights which Congress said 100 years ago that every citizen shall have, but also special rights under title IV as proposed, substituting inequality for the principle of freedom of choice and of equality that Congress had in mind 100 years ago in the statute to which the President referred.

The President in his message next made reference to President Kennedy's Executive order on housing—Executive Order No. 11063 issued November 20, 1962—which order I opposed vigorously as an unconstitutional usurpation of legislative power by the President. The President seemed to indicate in his message that this order, as devoid of authority as it was, and is, was a precedent for the drastic action which he asked Congress to take and which is before us now. To this I take issue very strongly, even when I realize that the President used it in his message only to show the attitude and action of the executive branch of the Government on this subject. Let us put the record straight right now. The question before us is the almost unthinkable question of whether Congress wishes to attempt to arrogate to itself the right to tell any person or any group of persons or corporations in any part of this country that they cannot dispose of their property as they see fit. This bill makes no attempt to distinguish a situation where there is no Federal interest, but instead poses a blanket across the broad proposition.

This is the sort of thing wherein if you give 1 inch you have lost the battle. I propose to fight to the last ditch to keep from giving that 1 inch. The House-passed bill is totally unacceptable to me because it gives that 1 inch and more besides. It allows the drastic provisions of this bill to be applicable to all but owner-occupied single-family dwellings or owner-occupied property with not more than four families dwelling therein. Religious, charitable, and educational institutions are also excepted. In other words, the bill that passed the

House of Representatives opens the door. The floodgates would be open. If the House bill should become law, we would have crossed over the line. We would have said that Congress can legislate on this subject irrespective of whether there is an FHA loan or a Federal interest. We would draw an arbitrary line for some reason between four families and five families, and we would exclude real estate agents doing business for owner-occupied property clients but include them if it is shown that the owner is not actually occupying the property. It appears, also, that both the owner and the agent might be included if it is shown that the owner within the past 12 months participated as principal in three or more transactions involving the sale, rental, or lease of any dwelling or any interest therein—page 29, lines 13–18 of H.R. 14765 as passed the House.

These distinctions are both arbitrary and confusing. They are only conducive of trouble. They are discriminatory in themselves and make title IV an example of hypocrisy as well as of unconstitutionality.

The violation of the principle itself is the major wrong, however. The Federal Government has absolutely no right to enter this field. It is purely a field of private endeavor—a field of private and personal rights, and a field which it is not to be expected that the iron fist of the Federal Government will shatter.

As to the Executive order on housing, I have had very definite ideas on this subject for some time as many pages of the CONGRESSIONAL RECORD will attest; see CONGRESSIONAL RECORD, volume 108, part 17, pages 22908–22914; CONGRESSIONAL RECORD, volume 110, part 6, pages 7089–7092; my main speech on this point in the title VI debate of 1964, CONGRESSIONAL RECORD, volume 110, part 6, pages 7557–7574; and my concluding remarks on June 16, 1964, CONGRESSIONAL RECORD, volume 110, part 10, pages 13928–13933. The final action taken on title VI of the civil rights bill of 1964 by no means settled this issue. In the long and important debate on title VI, I made a rather extensive legal and constitutional analysis of the issues. It will be recalled that up until the last amendment was adopted to the then proposed title VI—which authorized the withholding of Federal funds until racial integration was duly certified—I had built up a legislative history in the Senate which clearly excluded FHA and VA housing from the coverage of the bill. This was predicated on the obvious legal situation which ensued once the House of Representatives adopted the Rains amendment excluding contracts of insurance or guarantee from the coverage of the bill. This would have nullified the unconstitutional Executive order on housing issued by President Kennedy. Regardless of the legality or illegality of this order as an attempt at legislation by executive or regulatory power, Congress at that point had preempted the field and had elected to exclude FHA and VA housing from forced racial integration.

Finally in the last stages of the debate in the Senate, the Ribicoff amendment was adopted to the effect that nothing in the 1946 act would take away from or add anything to the legality of the Executive order on housing.

This vitiated the preemption language of the bill which would have nullified the Executive order, but it left the order merely where it stood as related to FHA and VA before the 1964 act. To my mind that leaves it on very unsound constitutional grounds with a long background of Congress, the only branch of the Government with a legislative right to speak on this subject, having rejected time and again the Powell, Javits, and other amendments to accomplish this same purpose.

Following President Johnson's assumption of the Presidency, the conventional market faced a long period of uncertainty as to attempted governmental control of racial matters in housing because various groups petitioned the White House to expand the Executive order of 1962 to cover practically the entire conventional market. Governor Lawrence's Committee on Equal Opportunity in Housing went into this question at considerable length and recommended that the order be expanded. The means or proposed excuse for expansion, as I understood it, was through all banks insured by the Federal Deposit Insurance Corporation, both State and Federal, and all savings and loan associations insured by the Federal Savings and Loan Insurance Corporation. This, of course, would have covered a greater part of the conventional market.

Having had serious and well-founded doubts about the legality of President Kennedy's order, I had all the more grounds of opposition to this proposed act of legislation on the part of the President. The decision of the President against issuing this order was a sound one in my opinion, because he clearly lacks the authority to issue it.

I feel that the present bill is the result of this decision because the President decided to pass the matter on to Congress. He has not passed on to the Congress, however, what was before him for action. Instead he has made a request for an all-out blanket Federal fair housing law, applicable to all property owners irrespective of whether there is any Federal interest in their property.

Whereas I felt that the President did not have authority to issue what was proposed to him, I now feel that Congress does not have authority to do what he proposes. Moreover, if Congress should have this authority, I believe that it would be most unreasonable to exercise it. To add to the intensity of this situation, the President has made the question of fair housing only one title of another sweeping and ill-advised civil rights bill that should be defeated in its entirety.

The only other reference to law and authority which the President made in his message to Congress of April 28, 1966, was in a broad and general sense which reads as follows:

> I propose legislation that is constitutional in design, comprehensive in scope and firm in enforcement. It will cover the sale, rental and financing of all dwelling units. It will prohibit discrimination, on either racial or religious grounds, by owners, brokers and lending corporations in their housing commitments.

In referring to enforcement, the President stated that the bill will be "firm in enforcement." In other words, it is the intent of the drafters of this bill to provide a harsh and firm enforcement measure. That thought is certainly reflected in the blanket authority for the Attorney General to file suits for school desegregation, which could result in countless school lawsuits in any and all regions of the Nation wherein the authorities in Washington desired to cause more trouble. The enforcement thoughts of the administration are reflected also in the rigid penalties against interference with civil rights workers as provided in title V.

We must take the President at his word also as to enforcement intended in title IV for fair housing. While I doubt that this title could be enforced if it became law, I nevertheless recognize the intent for enforcement that was expressed and warn against it. The amount of lawsuits by individuals and the Attorney General to block otherwise usual private sales of property and suits for damages that could and might be brought under this bill are difficult to predict. To say the least, they may be numerous and they have a dangerous potential of harassing property owners and of casting clouds on titles to real property. Actions by the proposed Fair Housing Board also might be quite numerous and harassing for property owners.

I now turn to the President's reference to constitutionality regarding title IV. He stated in his April 28 message:

> I propose legislation that is constitutional in design.

And that is all that he said about constitutionality. In his previous general message to Congress in January, the President stated that he wanted fair housing legislation based on the broadest constitutional authority. These broad general references to constitutionality without any mention of where, how, and why, appear to me to be bold fronts for doubtful constitutionality in the hope that Congress will enact the legislation and lend its stamp of approval to the constitutionality issue.

The Attorney General in his testimony at the House and Senate hearings seemed to feel that Congress has authority under the commerce clause and the 14th amendment. I take sharp issue with the Attorney General regarding real estate being an item in commerce. As to the 14th amendment, I point out that one of the possible indications from the Supreme Court that the 14th amendment could be extended to the acts of individuals, without the necessity for determining any level of State action, was in a dictum in a concurring opinion in United States against Guest decided March 28, 1966, more than 2 months after the President advised Congress that this legislation would be sought. This was only a dictum and not a holding, and if it is to become law it would overturn a century of Supreme Court decisions on this point including the expressed intent of Congress and the States in the language of the 14th amendment.

Let us therefore go back to some fundamental values and reasoning in our constitutional legal thinking. In this regard, I can think of no better source than Chief Justice John Marshall.

JOHN MARSHALL'S ADMONITION

John Marshall of Virginia was our fourth Chief Justice serving from 1801 to 1835, a very long period of 34 years. Without a doubt, he was one of the great legal and constitutional law scholars of all time. He, like Thomas Jefferson, studied under Chancellor George Wythe at the College of William and Mary, although he did not always agree with Jefferson's actions in public life. Marshall raised the prestige and power of the Supreme Court and in many respects molded the Constitution. He is hailed as the father of the right of the Supreme Court to review State and Federal laws and pronounce final judgment on their constitutionality. Marshall viewed the Constitution both as a precise document setting forth specific powers and as an instrument which could be interpreted somewhat liberally to give the Federal Government the means to act effectively within its limited sphere. In this sense he opposed the States rights doctrine and was criticized for it. Accordingly, he is a most appropriate and powerful authority to quote against the bill which is now proposed and which is perhaps the most severe attempt yet made to expand Federal power.

The case of *Gibbons* v. *Ogden*, 9 Wheat 1, 22 U.S. 1 (1824), is cited freely as one of the great cornerstones of the power of Congress to regulate commerce. Marshall as Chief Justice wrote the opinion in this case. At page 206 he stated:

> Individuals who own lands, may, if not forbidden by law, erect on those lands what buildings they please; but this power is distinct from that of regulating commerce.

Therefore, we have the words of John Marshall himself telling us directly and clearly that the power to regulate commerce is completely distinct from real property matters. He tells use that an individual can erect buildings on his land as he pleases and the commerce clause of the Constitution can't be used against him because real property matters and the rights of ownership are not subject to regulation by the commerce clause.

In one stroke of the pen John Marshall answers this question for us and he treats the matter as a foregone conclusion. In so doing, he reflects the time-honored theory, handed down to us through the centuries in both common and statutory law back to the statute of "quia emtores" far back in English history—in the year 1290—establishing fee simple titles and the principle of alienation which led to the saying that a man's home is his castle.

Marshall also recognized in the above quotation the power of State governments to forbid or regulate the construction of buildings on land. He distinguished this quickly, however, from the power of Congress under the commerce clause and said that in no sense were they related. State powers in this field extend into everyday real property life quite extensively. Local zoning laws determine whether commercial or residential structures can be built on various properties, and these laws have quite an effect on the marketability of real estate. This power, however, as Marshall clearly recognized, was reserved to the States and was not delegated to the Federal Government in the express, or "limited" powers as Marshall called them, which are possessed by the Central Government.

In Gibbons against Ogden, Marshall discussed the commerce clause of the Constitution with clarity and in detail. It would be wise for us here today to consider his words and grasp the true meaning of what power Congress really possesses in this field. We have heard the expression that almost anything is commerce when it is defined in the terms of the power of the Federal Government. I do not believe that this is true and I am sure that if we adhere to John Marshall's clearly written and distinct definition this is not true. Marshall, in discussing the language of the Constitution, stated—22 U.S. at page 188:

> The words are "Congress shall have power to regulate commerce with foreign nations and among the several states and with the Indian tribes." The subject to be regulated is Commerce and our Constitution being as was aptly said at the bar, one of enumeration, and not of definition, to ascertain the extent of the power, it becomes necessary to settle the meaning of the word . . . Commerce undoubtedly is traffic, but it is something more—it is intercourse. It describes the commercial intercourse between nations, and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse.

The language quoted above is clear and concise. Chief Justice Marshall said that commerce was more than traffic but that it undoubtedly include traffic. Commerce, he said, was intercourse. Bear in mind that this definition was given in the same opinion in which he stated by dictum that real estate and ownership use were not commerce.

Real property is permanent. It does not move. How can it in and of itself become an item in commerce unless and until a part of it, such as iron ore, is removed and placed on railroads, in trucks or in ships and moved across State lines or to a foreign nation? The whole proposal that the mere ownership of real property subjects an individual to Federal regulation under the commerce clause ipso facto, is ridiculous. If the matter were brought before John Marshall, the real founder of our system and body of law, I daresay that he would throw the moving party litigant out of court promptly as though it were an insult to his intelligence.

There is another part of Marshall's opinion in Gibbons against Ogden which I wish to call especially to the attention of the Senate. It deals with the real responsibility of Congress to consider thoroughly and wisely the use of the commerce power. I do not mean by this that Congress has the power in this instance, but if we assume that it does, then there is a tremendous responsibility in the wisdom and discretion of Congress which should be shouldered and thought out carefully before exercising the power. Marshall made this quite clear at page 197 of his opinion when he stated:

> We are now arrived at the inquiry—what is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the constitution. These are expressed in plain terms, and do not affect the questions which arise in this case, or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations, and among the several states, is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are, in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied, to secure them from its abuse. They are the restraints on which the people must often rely solely, in all representative governments. The power of Congress, then, comprehends navigation, within the limits of every state in the Union; so far as that navigation may be, in any manner, connected with "commerce with foreign nations, or among the several states, or with the Indian tribes." It may of consequence, pass the jurisdictional line of New York and act upon the very waters to which the prohibition now under consideration applies.

In other words, Marshall is saying that if the commerce power extends into a certain area, use it wisely because it is an absolute and arbitrary power. Too often we hear debates in the Senate on constitutionality that reach the stage wherein the proponents of legislation leave the impression that if the proposal is constitutional, it should pass. This must always be refuted by calling attention to the primary responsibility of Congress; namely, to determine whether something is good or bad for the country.

Remember Marshall's words:

> The wisdom and the discretion of Congress, their identity with the people and the influence which their constituents possess at elections are . . . the sole restraints on which they have relied to secure them from its abuse.

I repeated John Marshall's words quoted above because they charge the Congress with a solemn responsibility. He was of course speaking about the broad use of the commerce power in a rather clear-cut case. His argument would have even a stronger application in a case of doubtful constitutionality. In a case such as title IV of the instant bill where, in my opinion, constitutionality is definitely lacking, his words are practically a mandate to the Senate to defeat it. I would add to this that we should defeat the whole bill—juries, schools, a new Fair Housing Board, and all.

Congress must remember its identity with the people. Marshall said that we must not only remember this identity, but must consider also the influence which our constituents possess at elections. I do not think that Congress needs advice from the Supreme Court about keeping in mind the influence which our constituents have at elections. It is significant, however, that the chief architect of Federal power under the Constitution specifically pointed this out as a warning to Members of Congress in passing or considering legislation that involves a proposed strong use of Federal power.

I feel that by and large a great majority of the people of my State of Alabama are against this bill. I feel also that certainly insofar as title IV is concerned, a large majority of the people of the entire Nation are opposed to it. What has happened with proposed fair housing laws when they have been submitted to the electorate by a referendum? In the main, they have been defeated. The people of the State of California went further than merely to defeat a proposed fair housing law. On proposition 14, which became article I, section 26 of the California constitution, they approved language prohibiting the State from abridging the right of any person to sell or refuse to sell or rent his property as he sees fit. The vote was taken on this referendum on November 3, 1964, and the amendment was approved by a vote of 4,526,460 to 2,395,747, a margin of 2,130,713 votes or a ratio of approval of 2 to 1. This was an overwhelming expression of popular opinion in what is now our largest State by population. It shows how people feel when they fear any interference with their time-honored right to dispose of their property or rent it to people of their own choice.

I should add, since I mentioned proposition 14, that the Supreme Court of California in the case of *Mulkey* v. *Reitman*, 413 Pac. 2d 825 (May 10, 1966), declared this new section of the constitution of California invalid as being State action contravening the 14th amendment of the Constitution of the United States.

On June 10, 1966, however, the Supreme Court of California, with the same Justice Peek writing the opinions in both cases, held in the case of *Hill* v. *Miller*, 415 Pac. 2d 33, that a landlord could serve notice on and oust Negro tenants purely on the grounds that he did not wish to rent to Negroes. In other words, despite Mulkey against Reitman, California property owners may discriminate in the sale or rental of real property when they do not violate the Unruh Civil Rights Act, the Rumford Fair Housing Act, or other legislative enactments which do not apply generally, I believe, to residential property.

I would like to quote from the opinion of Justice Peek in the Miller case cited above because it has a direct application to what we are now considering (415 Pac. 2d 33 at p. 34):

> The facts which plaintiff has alleged show only that defendant has discriminated and intends to further discriminate against defendant and negroes generally in the rental of defendant's residential property. The Fourteenth Amendment does not impose upon the State the duty to take positive action to prohibit a private discrimination of the nature alleged here.

This is an important quotation. The Justice states, and I repeat:

> The Fourteenth Amendment does not impose upon the State the duty to take positive action to prohibit a private discrimination of the nature alleged here.

If this be true as stated only 3 months ago by a justice of the supreme court of the largest State in the United States, then how under any reasoning can Congress be expeced to use the 14th amendment as authority to prohibit the same type of discrimination? The basic subject matter is not only a field of private housing, it is exclusively a State matter. Congress, under the express language of the 14th amendment can enact legislation to prohibit California or any other State from denying its citizens due process of law or the equal protection of the laws by State action, and I emphasize State action, but it cannot enact a fair housing law applicable to private property owners for the State of California. Judging by the way the voters of California feel, as attested in the 1964 proposition 14 vote, it appears that the only way that California can get a rigid fair housing law is through the legislature and not by the most democratic of all methods, popular referendum.

THE COMMERCE CLAUSE AND THE 14TH AMENDMENT

I have made several references thus far to the commerce clause and to the 14th amendment in connection with the general theme of the bad policy of this bill, and the fact that the admonitions of past and present thinking would guide us to kill this bill.

At this point, I would like to pursue an analysis of these provisions of our Constitution still further in a legal sense to show that the bill presents a bad case in these cateogries, on which the sponsors apparently rely. This will be followed if time permits, by a further legal analysis, as well as a policy analysis, to show that title IV is an invasion of property rights and a violation of due process of law.

Mr. President, one of these days we are going to stop expanding the commerce clause of the Constitution for lack of any further excuses to stretch that clause like a rubber balloon, and I believe that in the instant bill we have both the situation and the justification for doing just that. Before tracing some of the expansions of the commerce clause that have occurred for varying reasons—good or bad—I would like to make it clear that I am not satisfied with the "wheat" case which the Attorney General cited in testiying on this bill as an illustration of the power of the commerce clause over real estate.

That case was *Wickard* v. *Filburn*, 317 U.S. 111 (1942). It must be remembered that wheat growing on land is quite different from the land itself. This is true both in fact and at law. Wheat is a seasonal crop that is harvested and flows freely thereafter in interstate and foreign commerce both as a raw product and as a product for the manufacture of flour and other commodities. Once it is severed from the land it is most definitely an item of personal and not real property. A decision regarding wheat in my opinion is not a valid decision on the fee simple title to the land underneath it. Moreover, before the Supreme Court rendered this decision, the constitutional question had been resolved already that Congress had the power to regulate the production of wheat in order to stimulate trade in wheat at increased prices. This was a part of a reverse trend by the Supreme Court in applying the doctrine of Federal control over agricultural commodities after a series of decisions declaring many of the early enactments of Congress in the first term of the late President Franklin D. Roosevelt unconstitutional. Among these prior decisions was the famous Schecter Poultry Co. case often called the "sick" or "dead" chicken case.

Changes in the personnel of the Court brought a more liberal view of the Constitution and hence the line of decisions began to build up in favor of Federal control over agricultural production of crop items. The basic question involved in the Wickard against Filburn case was a violation of a Federal acreage allotment and more specifically whether disregarding the allotment would or could have an effect on interstate commerce.

The Attorney General seemed to place emphasis on the fact that all of the wheat was consumed on the farm for livestock or other purposes in this case, and that therefore there is an analogy to the land and home ownership to be drawn from the case.

The opinion of the Court itself answers the Attorney General on this point and refutes his argument directly. I quote (317 U.S. 111 at p. 128):

> One of the primary purposes of the Act in question was to increase the market price of wheat, and to that end to limit the volume thereof that could affect the market. It can hardly be denied that a factor of such volume and variability as home-consumed wheat would have a substantial influence on price and market conditions. This may arise because being in marketable condition such wheat overhangs the market and if induced by rising prices, tends to flow into the market and check price increases. But if we assume that it is never marketed, it supplies a need of the man who grew it which would otherwise be reflected by purchases in the open market.

In other words, the Supreme Court said in this case that the wheat itself being used as a commodity for home consumption and livestock feeding kept the farmer from going into the stream of interstate commerce and purchasing wheat at prices which were of great concern to the Government.

At no point in this case did I find a holding or a dictum that would indicate that the Court felt that under the commerce clause Congress could take jurisdiction over the title to the land itself. The question of growing a commodity which, right or wrong, is subject to regulation, is entirely separate from the right of a landowner to pick and choose as he sees best the people to whom he sells his land.

I am glad that the Attorney General mentioned this case so that it can be distinguished. At the same time it illustrates how desperate the administration is for precedents for the drastic action which has been proposed.

I am glad that this case was brought up for another reason as well. It contains a statement by Mr. Justice Jackson, who wrote the opinion to which there was no dissenting opinion, that may well be considered by us here today. In commenting on some previous decisions of the Court holding that mining production or certain types of manufacturing that are strictly "local" cannot be regulated under the commerce power because their effects in interstate commerce are only indirect, Mr. Justice Jackson stated—at page 120:

> Even today when this power has been held to have great latitude, there is no decision of this Court that such activities may be regulated where no part of the product is intended for interstate commerce or intermingled with the subjects thereof.

This is an important quotation because land is land, and we in this bill are not talking about anything but the sale or rental of that land and the structures on it which when affixed to the land become a part and parcel of it both in fact and at law. I would ask the simple question—where can land be intended for interstate commerce? There is no logical answer that it is. If the flooring and water pipes of a house are torn out when a building is razed and collected by resale merchants for shipment and sale elsewhere, then and at that point, there is a product that might be intended for interstate commerce. So long, however, as these pipes and flooring are affixed to the house and land, they are part of the realty.

Moreover, and I emphasize this, the bill as it was sent up to both the Senate and the House contained a definition—at page 25, line 19, of S. 3296—that a "dwelling" included, and I quote: "any vacant land that is offered for sale or lease for the construction or location of any such building, structure, or position thereof."

This shows the all-encompassing intent of the drafters of the bill to take in all land in one fell swoop. The House deleted the vacant land provision and restricted the bill to "dwellings," which word, under definitions in the present bill, has a broad meaning.

The bill in its entirety is a bad bill, and I could discuss it, if permitted, in considerably more detail.

Mr. President, at this stage we are nearing the time when we shall vote again on cloture of debate on the motion to take up the House-passed Civil Rights Act of 1966, H.R. 14765. I was pleased that the first attempt at cloture, on last Wednesday, failed to receive the necessary two-thirds vote of Senators present, and I see no reason to expect an increase in the votes for cloture today.

I shall vote against cloture, consistent with my practice and my legislative philosophy. The Senate quite properly rejected a petition for cloture a few days ago, and I am confident that it will do so again.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HART. Mr. President, I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan [Mr. HART] is recognized for 10 minutes.

Mr. HART. Mr. President, last week during our discussion of the Civil Rights bill of 1966, I placed in the RECORD a copy of a letter signed by 26 of the Nation's outstanding professors of constitution and public law. This letter was circulated by the distinguished professor of law at the University of Chicago School of Law, Prof. Soia Mentschikoff.

Since placing that letter in the RECORD, Professor Mentshikoff has written to me that an additional 15 professors and deans of schools of law have indicated that they wish to join in signing this letter.

I ask unanimous consent that there be printed at this point in my remarks the letters which Professor Mentschikoff and these several professors and deans have signed supporting the constitutionality of title IV, the housing section, of the bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF CHICAGO, THE
LAW SCHOOL,
Chicago, Ill., September 14, 1966.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Each of the teachers of constitutional or public law whose name appears at the end of the enclosed letter has authorized me in writing to include him as a signer. There would be more signatures, but a number of teachers who would undoubtedly join have been and remain away from their offices on vacation. As I hear from additional people, I will forward their names to you,

Sincerely yours,
SOIA MENTSCHIKOFF,
Professor of Law.

Enclosure.

AUGUST 29, 1966.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: The undersigned are teachers of constitutional or public law in law schools located in various sections of the country. Since the introduction last May of the proposed "Civil Rights Act of 1966" (H.R. 14765, S. 3296), which in Title IV would ban discrimination on account of race, color, religion, or national origin in the sale, rental and financing of residential housing, we have followed with interest the debate over the constitutionality of the housing provisions. It is our opinion that Title IV is constitutional, that authority for its enactment can be found in both the Commerce Clause and Section 5 of the Fourteenth Amendment as recently construed by the Supreme Court, and that neither the Due Process Clause nor any other provision of the Constitution forbids it.*

In the hearing before the Senate Subcommittee on Constitutional Rights and Subcommittee Number 5 of the House Judiciary Committee, facts were presented tending to show, and on the basis of which the Congress should reasonably find, that—

When persons are prevented from buying or renting housing because of their race, color, religion or national origin, the amount of housing being sold or rented, and therefore the amount being constructed, is reduced, which in turn significantly reduces the quantity of building materials moving across state lines;

Lenders of funds for residential housing construction and rehabilitation are frequently located outside the state where the construction and rehabilitation takes place, and the interstate flow of such financing is impeded by discriminatory practices; and

Businesses of all kinds rely importantly on the movement of labor from state to state, and that movement, too, is impeded, especially with respect to skilled and white collar employees, when adequate housing is denied because of race, color, religion or national origin.

We believe that if Congress were to conclude that these and other effects of discrimination on interstate commerce justify the enactment of Title IV, the courts would defer to that Congressional judgment and sustain the statute. That result seems to us to follow from *Katzenbach* v. *McClung*, 379 U.S. 294, 303–304 (1964), where the Court in upholding the validity of the public accommodations sections of the 1964 Act said:

". . . Congress has determined for itself that refusals of service to Negroes have imposed burdens both upon the interstate flow of food and upon the movement of products generally. Of course, the mere fact that Congress has said when particular activity shall be deemed to affect commerce does not preclude further examination by this Court. But where we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce, our investigation is at an end."

We also believe that Section 5 of the Fourteenth Amendment provides additional support for Title IV. We concede that a racially discriminatory refusal to sell or rent a dwelling to a Negro would not be found by the courts to violate the Fourteenth Amendment standing alone; but the Supreme Court has held that the power of Congress to implement the Amendment is not restricted to doing only what the courts would do in the absence of federal legislation. In *Morgan* v. *Katzenbach*, 384 U.S. 641 (1966), the court considered and rejected the argument (made with respect to the provision of the Voting Rights Act of 1965 banning New York's English-language literacy test) that the federal law "cannot be sustained as appropriate legislation to enforce the Equal Protection Clause unless the judiciary decides—even with the guidance of a congressional judgment—that the application of the English literacy requirement prohibited by the federal law is forbidden by the Equal Protection Clause itself. We disagree. A construction of § 5 that would require a judicial determination that the enforcement of the state law precluded by Congress violated the Amendment, as a condition of sustaining the congressional enactment, would depreciate both the congressional resourcefulness and congressional responsibility for implementing the amendment."

On this reasoning the Court said the question before it was whether, "Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, . . . Congress [could] prohibit the enforcement of the state law by legislating under § 5 of the Fourteenth Amendment." The question was answered in the affirmative.

Thus, we believe that Congress can properly consider whether it should exercise its power under the Amendment to eliminate housing discrimination where there is evidence showing that in the past such discrimination has been fostered by state laws and state enforcement of racially restrictive covenants and even by policies of federal housing agencies—actions which Congress might reasonably believe so fixed housing patterns that the effects are felt to this day. If Congress so concluded it would not matter that the title would reach private conduct in uprooting the effects of past governmental action. See ***Morgan* v. *Katzenbach*, *supra; United States* v. *Guest***, 383 U.S. 745; ***Burton* v. *Wilmington Parking Authority***, 365 U.S. 715; ***Evans* v. *Newton***, 382 U.S. 296.

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* We understand that the bill was amended to add to the forbidden grounds of discrimination, "the number of children or the age of such children." We express no opinion on the constitutionality of the amendment.

Some have argued that Title IV would unconstitutionally deprive owners of their property without due process of law, but there is no merit to this objection. See ***Atlanta Motel* v. *United States***, 379, 241, 258–560 (1964), where precisely the same point urged against the 1964 Act was rejected by the Court. See also ***Bob-Lo Excursion Co.* v. *Michigan***, 333 U.S. 28, 34 & n. 12 (1948); ***Massachusetts Commission* v. *Colangelo***, 182 N.E. 2d 595; ***Burks* v. *Poppy Const. Co.***, 57 Cal. 2d 463, 20 Cal. Rep. 609, 370 P. 2d 313; ***Colorado Commission* v. *Case***, 151 Colo. 235, 380 P. 2d 34; ***Levitt & Sons* v. *Division Against Discrimination***, 31 N.J. 514, 158 A. 2d 177, *appeal* dismissed, 363 U.S. 418; ***Jones* v. *Haridor Realty Co.***, 37 N.J. 384, 181 A. 2d 481.

It is, therefore, our conclusion that the Congress is free to consider whether to enact Title IV as a matter of policy, confident that it is constitutional.

Sincerely,

Robert F. Drinan, S.J. (Dean), Boston College Law School; Ira M. Heyman (Dean), Sanford H. Kadish, University of California School of Law (Berkeley); Geoffrey C. Harzard, Philip B. Kurland, Soia Mentschikoff, University of Chicago Law School; Louis Lusky, Telford Taylor, Columbia University School of Law; Melvin G. Shimf, William W. Van Alstyne, Duke University School of Law; Fletcher N. Baldwin, Jr., Stanley K. Laughlin, Jr., University of Florida College of Law; Jefferson B. Fordham (Dean), John Honnold, University of Pennsylvania Law School; Paul A. Freund, Harvard University Law School; Lawrence R. Velvel, Paul Wilson, University of Kansas School of Law; William B. Lockhart (Dean), University of Minnesota Law School; Ivan C. Rutledge (Dean), Ohio State University College of Law; Samuel D. Thurman (Dean), University of Utah College of Law; Donald A. Giannella, Harold Gill Rauschlein (Dean), Villanova University School of Law; Robert O. Dawson, Jules B. Gerard, Hiram H. Lesar (Dean), Frank W. Miller, Washington University School of Law.

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., September 14, 1966.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: This morning I received authorization to add the following names to the letter on constitutionality, dated August 29, 1966:

Jefferson Barnes Fordham (Dean), John Otis Honnold, Jr., University of Pennsylvania Law School.

C. Dallas Sands, University of Alabama School of Law.

Since I will be out of town for a few days it may be that I will not be able to send you the other signatories as they come in, but I will keep you informed.

Sincerely yours,

SOIA MENTSCHIKOFF,
Professor of Law.

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., September 17, 1966.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I have just received authorization from four additional teachers to have their signatures added to the letter of August 29, 1966, on the constitutionality of Title IV of the proposed Civil Rights Act of 1966. The names are as follows:

John W. Wade (Dean), Vanderbilt University Law School.

Michael D. Vevito, Gerald L. Kock, Albert M. Witte, Emory University Lamar School of Law.

If I receive additional names I will forward them to you.

Sincerely yours,

SOIA MENTSCHIKOFF,
Professor of Law.

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., September 16, 1966.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: The following have authorized me to state that they would like to have their signatures added to the letter on the constitutionality of Title IV of the Civil Rights Act of 1966:

Fred Cohen, Carl H. Fulda, George Schatzki, James A. Treece, Joseph P. Witherspoon, University of Texas Law School.

Hardy C. Dillard, Dean, Thomas F. Bergin, John Moore, Roy Schotland, University of Virginia School of Law.

Francis A. Allen, Dean, Yale Kamisar, University of Michigan Law School.

Alexander Bickel, Yale University Law School.

There may be more signatures as more people return.

Sincerely yours,

SOIA MENTSCHIKOFF,
Professor of Law.

Mr. HART. Mr. President, it will be noted that the additional signers include the dean of the Vanderbilt University Law School, the Emory University Lamar School of Law, the University of Texas School of Law, the University of Virginia School of Law, as well as the Schools of Law of Yale, Michigan, and other institutions of equal caliber.

Mr. President, Senator JAVITS and I have received over the weekend a strong and persuasive letter from 17 most prominent members of the Nation's bar urging enactment of the Civil Rights Act of 1966, and supporting the constitutionality of the provisions of the bill, especially the provisions of title IV.

I would quote one section of their letter which I believe bears on the key question before the Senate today on the question of whether we should proceed to debate the pending civil rights bill that has passed the House:

> Our free society is committed to the rule of law. If the rule of law is to prevail, the law itself must recognize and correct injustice before its victims conclude that the law will not protect them, and turn in desperation to other solutions. Despite great steps taken by the Congress in recent years, the law does not yet condemn many deep injustices still being inflicted on the Negro American.
>
> The vital battle is not the one being fought between the extremists on each side who are eager to do violence to one another. The battle that counts is the continuing one between the extremists on both sides and the moderates on both sides, the battle between the idea of force and the idea of law. This is a battle that a nation dedicated to the rule of law cannot afford to lose.

I ask unanimous consent that the text of this letter to Senator JAVITS, and myself, and the memorandum accompanying the letter, be printed at this point in my remarks.

There being no objection, the letter and memorandum ordered to be printed in the RECORD are as follows:

SEPTEMBER 17, 1966.

DEAR SENATOR HART AND SENATOR JAVITS: When the Civil Rights Act of 1964 was before the Senate, many of the undersigned lawyers responded to the request of Senators HUBERT HUMPHREY and THOMAS KUCHEL, as the Senate leaders sponsoring the bill, for advice as to the constitutionality of the bill in the light of the challenges raised at that time.

Now that the proposed Civil Rights Act of 1966 has come before the Senate and faces a similar constitutional challenge, you have asked, as the respective Democratic and Republican floor leaders supporting the bill, for our opinion as to the constitutionality of the present bill.

We attach hereto a brief memorandum setting forth our reasons for concluding that all six titles of the bill are constitutional.

Without expressing a view as to every detail of the bill, we would add these comments. Our free society is committed to the rule of law. If the rule of law is to prevail, the law itself must recognize and correct injustice before its victims conclude that the law will not protect them, and turn in desperation to other solutions. Despite the great steps taken by the Congress in recent years, the law does not yet condemn many deep injustices still being inflicted on the Negro American.

The vital battle is not the one being fought between the extremists on each side who are eager to do violence to one another. The battle that counts is the continuing one between the extremists on both sides and the moderates on both sides, the battle between the idea of force and the idea of law. This is a battle that a nation dedicated to the rule of law cannot afford to lose.

Sincerely yours,

Bruce Bromley, Warren Christopher, Lloyd N. Cutler, Norris Darrell, William B. Lockhart, Burke Marshall, William H. Orrick, Jr., Louis H. Pollak, Charles S. Rhyne, Samuel I. Rosenman, Eugene V. Rostow, Bernard G. Segal, Harrison Tweed, John W. Wade, James C. Dezendorf, Erwin Griswold, Charles P. Taft.

IDENTIFICATION OF SIGNATORIES

Bruce Bromley, Cravath, Swaine & Moore, New York City. Former Judge, New York State Court of Appeals.

Warren Christopher, O'Melveny & Myers, Los Angeles, California. Recently Vice Chairman, McCone Commission on the Watts Riots.

Lloyd N. Cutler, Wilmer, Cutler & Pickering, Washington, D.C. Former President, Yale Law School Association.

Norris Darrell, Sullivan & Cromwell, New York City. President, American Law Institute.

William B. Lockhart, Minneapolis, Minnesota. Dean University of Minnesota Law School.

Burke Marshall, Bedford Village, New York. Former Assistant Attorney General of the United States.

William H. Orrick, Jr., Orrick, Dahlquist, Herrington & Sutcliffe, San Francisco, California. Former Assistant Attorney General of the United States.

Prof. Louis H. Pollak, New Haven, Connecticut. Dean, Yale Law School.

Charles S. Rhyne, Rhyne & Rhyne, Washington, D.C. Former President, American Bar Association.

Samuel I. Rosenman, Rosenman, Colin, Kaye, Petschek & Freund, New York City. Former President, Association of the Bar of the City of New York.

Prof. Eugene V. Rostow, New Haven, Conn. Former Dean, Yale Law School.

Bernard G. Segal, Schnader, Harrison, Segal & Lewis, Philadelphia, Pennsylvania. Treasurer, American Law Institute. President, American College of Trial Lawyers.

Harrison Tweed, Milbank, Tweed, Hadley & McCloy, New York City. Chairman of Council and Past President, American Law Institute. Chairman, ABA–ALI Joint Committee on Continuing Legal Education.

Prof. John W. Wade, Nashville, Tennessee. Dean, Vanderbilt University Law School.

James C. Dezendorf, Portland, Oregon, past president of the National Conference of Commissioners on Uniform State Laws.

Erwin Griswold, Dean of Harvard Law School.

Charles P. Taft, Former Mayor of Cincinnati, Ohio, Cincinnati, Chairman of the Fair Campaign Practices Committee.

MEMORANDUM ON THE CONSTITUTIONALITY OF THE PROPOSED CIVIL RIGHTS ACT OF 1966, SEPTEMBER 17, 1966

This memorandum considers the constitutionality of the proposed "Civil Rights Act of 1966," which was passed by the House of Representatives on August 9, 1966, and which is currently before the Senate. Since the bill was originally introduced in the Congress last spring, certain questions have been raised concerning the constitutionality of the proposed Act, particularly Title IV, which would outlaw discrimination in the sale, rental and financing of residential housing.

In our judgment, the provisions of the proposed Act are constitutional. This memorandum summarizes briefly the bases for our views as to the constitutionality of Titles I through VI of the Act, as passed by the House of Representatives with amendments proposed by ten members of the Senate Judiciary Committee in their statement of September 6, 1966.[1]

TITLE I—FEDERAL JURIES

Title I of the bill would prescribe a uniform system for the selection of jurors in the Federal court that would assure that Federal juries represent a broad cross section of the community in terms of race, color, religion, sex, national origin and economic status. The title designates a uniform source of names from which potential jurors are to be taken and prescribes detailed procedures for each subsequent step in the selection process. The title also provides a ready means for determining whether the Federal jury officials are complying with its provisions.

The Congress has plenary power to prescribe procedural rules for the Federal courts, including procedures governing the selection of grand and petit juries. The provisions of Title I are authorized by clauses 9 and 18 of Article I, section 8 of the Constitution, which grant Congress the power to "constitute Tribunals inferior to the Supreme Court" and to "make all Laws which shall be necessary and proper for carrying into Execution" that power. See *Wayman* v. *Southard,* 10 Wheaton 1, 22; *Beers* v. *Haughton,* 9 Pet. 329, 360. The provision of the Civil Rights Act of 1957 which eliminated the requirement that Federal jurors be qualified to serve as jurors under the laws of the State in which the Federal court sits was enacted pursuant to this authority and has been upheld. *United States* v. *Wilson,* 158 F. Supp. 442 (M.D. Ala.), *affirmed,* 255 F. 2d 686 (C.A. 5), *certiorari denied,* 358 U.S. 865. Moreover, Title I is consistent with the constitutional requirements that Federal juries be impartial and represent a fair cross section of the population of the area from which they are drawn. See *Thiel* v. *Southern Pacific Railway,* 328 U.S. 217, 220.

TITLE II—STATE JURIES

Title II of the proposed Act is designed to eliminate all forms of unconstitutional discrimination in the selection of jurors in State courts. To accomplish these objectives, the title contains four principal features. *First,* it prohibits discrimination in State jury selection on account of race, color, religion, sex, national origin or economic status. *Second,* it authorizes the Attorney General to initiate civil proceedings for preventive relief against such discrimination and sets forth specific kinds of effective relief that the courts would be authorized to grant after a finding of discrimination. *Third,* it provides discovery procedures designed to facilitate determinations of whether jury discrimination has occurred. *Fourth,* it requires State jury officials to preserve the records that they prepare or obtain in the course of their duties for a period of four years.

It is established that defendants and civil litigants in State cases triable by jury are entitled to a jury selected without discrimination on account of race, color, or national origin. *Strauder* v. *West Virginia,* 100 U.S. 303; *Hernandez* v. *Texas,* 347 U.S. 475. See also, 18 U.S.C. 243. More recently, the courts have held that the Fourteenth Amendment bars a State from excluding persons from jury service on account of sex or religious belief. *White* v. *Crook,* 251 F. Supp. 401 (M.D. Ala.); *Schowgurow* v. *Maryland,* 213 A. 2d 475. The Supreme Court's recent decision invalidating the Virginia poll tax as a denial of equal protection of the laws (*Harper* v. *Va. State Board of Elections,* 383 U.S. 663) supports the view that the States may not follow jury selection procedures which exclude persons on account of economic status. See also, *Labat* v. *Bennett,* No. 22218, C.A. 5, 1966.

Thus, the prohibition of discrimination in Title II is for the most part a statutory declaration of what the Constitution itself requires. Beyond that, in the recent decision upholding Section 4(e) of the Voting Rights Act of 1965 (which invalidates the New York English-language literacy requirement as a prerequisite to voting) the Supreme Court expressly held that Congress, under Section 5 of the Fourteenth Amendment, has considerable latitude in defining the substantive scope of the Equal Protection Clause. *Katzenbach* v. *Morgan,* 384 U.S. 641. In our view the prohibition of discrimination in Title II, particularly in light of the *Morgan* decision, is well within the power of Congress to enforce the equal protection of the laws.

The provisions of Title II authorizing the Attorney General to bring suit against discrimination in State jury selection are plainly valid. Congress has previously granted the Attorney General such authority in the areas of voting, employment, public schools and facilities, and places of public accommodation. The comparable provision of the Civil Rights Act of 1957 has been sustained by the Supreme Court. See *United States* v. *Raines,* 362 U.S. 17. See also, *United States* v. *Mississippi,* 380 U.S. 128.

Section 203 of Title II, which spells out various kinds of relief that the courts would be authorized to grant following a finding of discrimination, raises no Constitutional questions. The Federal courts would have the power to grant such relief under general equitable principles in the absence of express statutory authority. *Louisiana* v. *United States,* 380 U.S. 145; *White* v. *Crook, supra; Mitchel* v. *Johnson,* No. 649 E M.D. Ala., 1966.

The provision of Title II requiring State jury officials to provide a description of their selection practices and, where there is evidence that discrimination may have occurred, placing upon the State jury officials the responsibility of showing that discrimination did not occur are likewise appropriate and, therefore, valid legislation under Section 5 of the Fourteenth Amendment. The due process and equal protection clauses of the Fourteenth Amendment govern numerous aspects of State judicial proceedings even in the absence of implementing legislation. See *e.g. Gideon* v. *Wainwright,* 372 U.S. 335; *Griffin* v. *Illinois,* 351 U.S. 12; *Jackson* v. *Denno,* 378 U.S. 368. Under the Supreme Court cases, where a defendant proves a *prima facie* case of discrimination in State jury selection procedures, the burden shifts to the State to rebut that showing. *Recce* v. *Georgia,* 350 U.S. 85; *Patton* v. *Mississippi,* 332 U.S. 463. The discovery provisions of Title II are reasonable and appropriate Congressional implementations of basic constitutional requirements. *South Carolina* v. *Katzenbach,* 383 U.S. 301, 325–328; *Katzenbach* v. *Morgan, supra.*

Similarly, requiring State jury officials to preserve their records is well within the bounds of Congressional power. This requirement is similar to Title III of the Civil Rights Act of 1960, which requires State and local election officials to preserve election records. That statute has been sustained. *Kennedy* v. *Owen,* 321 F. 2d 116 (C.A. 5). See also, *United States* v. *Louisiana, supra.*

TITLE III—CIVIL RIGHTS

Injunctive relief

Title III of the bill passed by the House of Representatives would grant the Attorney General fairly broad authority to initiate civil proceedings for preventive relief whenever any person is being denied a Federal right on account of his race, color, religion, or national origin. This title also expressly authorizes such proceedings against persons who interfere with the lawful exercise of the right to speak, assemble, or petition for the purpose of securing recognition of or protection for equal rights without discrimination on account of race, color, religion, or national origin. Proceedings may be initiated either against public officials or private individuals, or both. Aggrieved persons are also authorized to initiate such proceedings in their own behalf.

The authority granted the Attorney General to initiate proceedings under this title against public officials rests upon the same constitutional basis as the provisions of title II authorizing him to proceed against discrimination in State jury selection procedures. The authority to initiate such proceedings against private individuals follows that now granted in the specific areas of voting and public accommodations. Its constitutionality is established by the Supreme Court's recent decision in *United States* v. *Guest,* 383 U.S. 745, where a majority of the Justices agreed that Congress has the power to provide remedies against private interference with the exercise of Federal rights flowing from the Fourteenth Amendment. (Of course, it has long been settled that Congress can reach private action in the exercise of its commerce clause powers and other powers which are not in some way limited to activities involving "state action.")

The same rationale supports the authority granted by this title to private individuals to initiate civil proceedings against private interference with the exercise of Federal rights, including Fourteenth Amendment rights. Actions by private individuals against public officials to enjoin denials of Federal rights are already authorized by 42 U.S.C. 1983.

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[1] While all signatories of the latter concur that each title of the bill is constitutional on at least one of the grounds cited herein, they are not unanimous as to every ground cited in support of every title.

TITLE IV—HOUSING

Title IV of the proposed act outlaws discrimination on account of race, color, religion or national origin in the sale, rental, or financing of residential housing. The Title applies to real estate brokers, agents and other persons in the "business of building, developing, selling, renting or leasing dwellings."

In our judgment, Title IV is sustainable under the Commerce Clause. We also believe that the Title finds support under Section 5 of the Fourteenth Amendment, particularly in light of the Supreme Court's recent ruling in *Katzenbach* v. *Morgan, supra.*

Evidence adduced before the Senate and House Judiciary Subcommittees that held hearings on the proposed Act shows that the housing industry has substantial relationships with interstate commerce and that discrimination in housing burdens and obstructs interstate commerce. The evidence presented to the Subcommittee provides ample basis for a Congressional determination that discrimination in residential housing results in a reduction of the amount of housing that is sold or rented and, consequently, in a reduction in the amount of housing constructed. This in turn affects the quantity of building materials that moves interstate. The evidence also shows that business organizations engaged in the financing of residential housing are frequently located outside the State where the construction of such housing takes place, and that the interstate flow of such financing is obstructed by housing discrimination. Congress would also be justified in concluding that businesses of all kinds depend upon the interstate movement of labor, and that such movement is also impeded—especially with respect to skilled employees—when adequate housing is not available because of discriminatory practices.

In our judgment, if Congress were to find that these and other effects of housing discrimination on interstate commerce afford a justification for Title IV, the courts would not go behind that Congressional judgment. In upholding the public accommodations sections of the 1964 Act, the Supreme Court said (*Katzenbach* v. *McClung,* 379 U.S. 294, 303–304 (1964)):

"... Congress has determined for itself that refusals of service to Negroes have imposed burdens both upon the interstate flow of food and upon the movement of products generally. Of course, the mere fact that Congress has said when particular activity shall be deemed to affect commerce does not preclude further examination by this Court. But where we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce, our investigation is at an end."

Numerous other decisions of the Supreme Court support our view that Title IV is sustainable under the Commerce Clause. See, *e.g., Atlanta Motel* v. *United States,* 379 U.S. 241; *Labor Board* v. *Jones & Laughlin Steel Corp.,* 301 U.S. 1; *Wickard* v. *Filburn,* 317 U.S. 111.

The Fourteenth Amendment, standing alone, does not prohibit a private individual from refusing to sell or rent his home to another individual because of his race, religion, or national origin. *Shelley* v. *Kramer,* 334 U.S. 1. But it is now settled that in exercising its power to implement the Fourteenth Amendment, Congress is not restricted to reaching only activities that would be held by the courts to violate the Amendment. In *Katzenbach* v. *Morgan,* referred to above, the Supreme Court rejected the argument that a Federal law—"cannot be sustained as appropriate legislation to enforce the Equal Protection Clause unless the judiciary decides—even with the guidance of a congressional judgment—that the application of the English literacy requirement prohibited by the [federal law] is forbidden by the Equal Protection Clause itself. . . . A construction of § 5 that would require a judicial determination that the enforcement of the state law precluded by Congress violated the Amendment, as a condition of sustaining the congressional enactment would depreciate both congressional resourcefulness and congressional responsibility for implementing the Amendment."

A number of factors support the view that Congress has the power under Section 5 of the Fourteenth Amendment to ban discrimination in residential housing. It is relevant, for example, that the presently deeply entrenched patterns of discrimination in housing appear to be attributable in substantial part to past governmental action, including judicial enforcement of racially restrictive covenants in deeds (prior to the 1948 ruling in the *Shelley* case), past segregation in public housing (see *Detroit Housing Commission* v. *Lewis,* 226 F. 2d 180 (C.A. 6)), and past support for racially restrictive covenants by the Federal government itself. See *Federal Housing Administration Underwriting Manuals for 1935,* 1936 and 1938. Past unconstitutional State action in related areas—such as segregated public schools, facilities, and other areas of public activity—also contributed to the original formation of racially segregated neighborhoods which persist today.

We therefore believe that Title IV derives substantial support from the power of Congress to implement the Fourteenth Amendment.[2]

TITLE V—INTERFERENCE WITH RIGHTS

Title V of the Act is designed to deal with the problem of racial violence in the present-day context. It provides criminal sanctions for racially-motivated forcible interference with persons who seek to engage in nine specified kinds of activities. The areas of protected activity are voting, use of public accommodations, access to public education, public services and facilities, employment, housing, jury service, use of common carriers, and participation in federally-assisted programs. The statute protects not only members of minority groups seeking equal treatment, but also persons who urge or aid them to do so, and persons having duties to afford others non-discriminatory treatment with respect to the areas of protected activity. The statute would apply to interference by either public officials or private individuals.

We believe that Title V, in its several applications, is constitutional. The statute does not rest upon any single source of Congressional power. Rather, the constitutional bases for its various prohibitions depend upon the nature of the activity with respect to which forcible interference is proscribed.

It is clear that Congress may provide criminal sanctions for interference with the exercise of rights arising out of the relationship between the citizen and the Federal Government, or arising from statutes enacted pursuant to Article 1, Section 8, of the Constitution which grants various powers including the power to regulate interstate commerce. See, *e.g., Ex parte Yarbrough,* 110 U.S. 651; *United States* v. *Waddell,* 112 U.S. 76. These sources of Congressional power provide ample bases for the Title's prohibition of interference with such activities as voting in Federal elections, use of interstate carriers, employment, housing and access to public accommodations.

There remains the question whether Congress has the power to prohibit private interference with the exercise of Fourteenth Amendment rights. Such rights include, for example, the right to nondiscriminatory treatment in public schools and facilities. The Supreme Court's decision in *United States* v. *Guest,* 383 U.S. 745, dispels any doubt on this score. Six justices expressly declared that Congress has the power under Section 5 of the Fourteenth Amendment to reach interference with the exercise of the Fourteenth Amendment rights, whether by public officials or private individuals.

TITLE VI—PUBLIC SCHOOLS AND PUBLIC FACILITIES

Title VI of the proposed act (Title III of the bill as introduced) is an amendment to Titles III and IV of the Civil Rights Act of 1964. Those statutes authorize the Attorney General to initiate civil proceedings for desegregation of public facilities and public schools, respectively, under certain prescribed conditions.

As explained above with respect to Titles II and III of the House-passed bill, there is no question that Congress can authorize the Attorney General to bring civil proceedings against denials of Fourteenth Amendment rights. The only constitutional issue presented by Title VI of the Act relates to the authority which the Title would grant the Attorney General to proceed against private individuals who interfere with the exercise of Fourteenth Amendment rights with respect to public schools and facilities. But as we have already shown in our discussion of Titles III and V of the House bill, the recent *Guest* decision makes it clear that Congress can reach private interference with the exercise of Fourteenth Amendment rights.

Mr. HART. Mr. President, lest someone had arrived on this planet from outer space in the last several days he would have asked: What is this all about; what are we up to here; what confronts and confounds the Senate; is it the passage of the civil rights bill? No.

Let us tell our friend from outer space that what we are busy doing today is trying to get the Senate in a position where it will be able to act yea or nay on an issue, which the fellow from outer space, if he had been here for 5 minutes, would have discovered is of enormous concern to the whole society.

That is the problem which confronts the Senate today. Shall we be permitted to begin to work our will on a bill that caused the President to address to us a message months ago, followed within a day by the bill from the Attorney General, followed by many, many days of hearings conducted by committees of both Chambers, following which our coequal body, the House of Representatives, in 12 days of debate—and I have never served in the House of Representatives, but those who have tell me that it is equivalent to 2 months of debate in this body—passed the bill with amendments. That bill was then received here. It is that bill which, for a couple of weeks now, we have asked the Senate to permit us to take up and go to work on.

This is a society which we argue should proceed under the law. The one thing that is essential and critical if our communities are to respect that request and obey that rule is to be sure that the law is responsive to inequities and injustices.

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[2] See the attached letter from Professor Archibald Cox, recently the Solicitor General of the United States, further developing this point.

We serve only the fellow who has no desire to see the powder keg dismantled if we prevent the Senate from at least getting to the position where it could say: Yes, we looked at the bill.

There are those in our streets and our country lanes whose purpose is served best by permitting the continuation of conditions which cry out for redress. But we do not serve those voices of moderation who counsel the aggrieved to be patient and to await the orderly course of law each day, notwithstanding the desire of a majority of us to be able to address ourselves to this bill. Again, this body is prevented from taking up the bill. We serve only the fellow whose interest is in persuading arms to be raised and weapons to be taken up if the report goes out: Well, the President talked about this, and the House of Representatives did a lot of things, and sent the bill over, but the Senate has its own special rules. The bill was not beaten in open debate and discussion. There was some parliamentary technique that is responsible for having reached the end of the line this year without having done anything.

Somebody is going to get up and say: Is that any reason for passing the bill, because somebody is going to be angry or will exploit our failure? No, I do not say that is a reason for passing a bill. I say that it is an enormously persuasive reason for permitting the Senate to take up the bill.

I have listened most of the days that have intervened since the motion was made asking that we be permitted to take up the bill. I am not sure whether I was listening to reasons assigned against taking up the bill or against passing the bill. But, in large, there are three or four reasons.

First, there are riots and violence in the streets. There is disorder across the country. You do not pass a law because people are pressuring and rioting. I buy that argument. That is a very poor reason for passing a bill. I argue, of course, that we should pass the bill in spite of the riots, and because it is just, right, and very needful at this hour in history. I do not believe that to be a reason that can be assigned fairly against taking up the bill, and I suggest again today that is all that we are asking to be permitted to do.

Then we are told of the many civil rights bills that have been passed by this body in the last 7 or 8 years, and here is another civil rights bill. It is said, let the dust settle on the earlier bills and see where we stand; review the bidding; that we are feeding the appetite of an insatiable beast if we pass another bill.

We have in the last few years, I am proud to say, passed a number of civil rights bills. I think among other things we can say honestly that the discrimination in places of public accommodation has been reduced substantially. I think that feature of the 1964 bill has worked better than many of us would have predicted. Employment opportunities are opening more widely in many areas, and this is good. Discriminatory use in the management of publicly financed programs has been reduced. I have read recently of no one having to fight his way into a public library in order to get a book.

Included in those earlier bills were actions by Congress seeking to broaden the opportunity of all citizens to cast a ballot.

Here, too, we can see substantial advance, about which we should be grateful.

The ACTING PRESIDENT pro tempore. The time of the Senator from Michigan has expired.

Mr. HART. I yield myself 5 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 additional minutes.

Mr. HART. A very substantial increase is shown in the voting registration figures in the regions of the country where the problem is most acute. The presence of these voters will be a part of the shadow which will be cast in the years ahead with respect to the selection of public servants and the actions those public servants will take.

There are other areas where we cannot cite such progress. There are other areas where I believe there is clear documentation of continuing injustice. That is why we need another bill. The fact is, our society has been poisoned by the consequences of slavery for a long, long time. It has permeated every facet of our life. We need to apply remedial measures throughout the whole of our society.

Last week, the Senator from Louisiana made the point that, as he reads the papers, the problem is not unique to the South. I said then, and repeat—like Lincoln—that in the North and South alike, there is discrimination. In the South it is more hard nosed. In the North it is a little more sophisticated. But if we are on the receiving end, I am not sure which would be more damaging to the human spirit. Born white, I cannot testify. There are millions of Americans who can.

In the North, we have less of an alibi. We cannot cite history and tradition and geography. We cannot cite any local ordinance that prevents us from serving the man and giving shelter to the family. Let us not wrangle about where it is to be found or the degree of its intensity. Let us agree that no one defends it and that we should all join in eliminating it.

One practical step we can take in that campaign is to permit the Senate today to get the bill up here which is responsive to some of the problems that continue to burden our conscience.

I think we bear this responsibility to the most humble citizen, as well as to the coequal body which spent weeks getting the bill together. Looking at it either way, we owe this obligation and should not be distracted by reading any primary election returns, north, south, east, or west as to whether it is popular or unpopular. Or whether our immediate mail shows that people are upset. This is all interesting, and to the politically sensitive person obviously something that crosses one's mind, but we do not weigh our mail to determine how we vote. We do not tailor our consciences by anticipating next year's election returns.

I read the recent Maryland primary returns to mean that 70 percent of the people of Maryland rejected the "white man's campaign," if we wish to call it that. That is pretty good; 70 percent. I know that we are confronted with traditional competition between principles, both of them valid; namely, a person's right to property and the management of it, which is basic to our tradition.

However, it is also an American dream, a principle of our society, that after working hard, we shall be able to buy a home within our means. Let us, therefore, make that dream available not just to white Americans but to all Americans. The bill does not even go that far.

Mr. President, let me repeat, because there are other Senators who wish to state their opinions with respect to this matter——

The ACTING PRESIDENT pro tempore. The time of the Senator from Michigan has expired.

Mr. HART. I ask unanimous consent to proceed for 2 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 2 additional minutes.

Mr. HART. We have made progress. There is much ground to cover. Time will not abide by the minority preventing the majority from seeking to respond in the rather limited fashion which the bill proposes we respond to some of these identified needs.

The final argument we have heard is that provisions of the bill are unconstitutional.

I have entered into the CONGRESSIONAL RECORD the opinions of many nationally recognized and acknowledged experts in the area of constitutional law that the bill is constitutional. This argument repeatedly has been made in this Chamber against civil rights bills in these past few years. Repeatedly the Supreme Court has found the bills constitutional.

Remember, we are not debating the bill. We are asking leave that we may be permitted to consider the bill before the Senate, and demonstrate to those across this country—who do look over our shoulders—that the rule of law indeed is the right road, and that the law is responsive to the concerns, failures, and weaknesses in our society.

This demonstration we shall make today and I hope that we pass the test.

Mr. BARTLETT. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield 2 minutes to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized for 2 minutes.

Mr. BARTLETT. Mr. President, I intend to vote for cloture. If the vote were on cloture relating to the bill itself, I am not so certain my vote at this time would be in the affirmative—and I say that as one who has voted for every civil rights proposal to come before this body since I have been a Member. I retain a deep conviction, despite arguments increasingly presented to the contrary, that the right of free expression—unlimited debate, if you prefer it that way—is in the long term best interests of this Nation. I believe there should be opportunity in one parliamentary body in the world for those who have a case to present it without let or hindrance. The Senate is that body. We tend often these days and incorrectly to equate a filibuster with civil rights, and nothing else. An examination of history will quickly prove the error of any such assumption. It reveals many instances where a determined minority, granted the privileges of this body, prevented hasty action and action later demonstrated to be against the best interests of this country.

But this is not a vote on shutting off debate and thus permitting the civil rights bill itself to come to a vote. It has only to do with whether the bill will formally be brought before the Senate. In my opinion that is quite a different matter, so therefore without hesitancy I shall vote for cloture.

Mr. HART. Mr. President, I think the RECORD should show that the Senator from Alaska [Mr. BARTLETT] came into the Chamber today following a rather serious illness.

Everyone is delighted to see him and grateful that he feels so deeply the issue involved today that he would take this action.

Mr. BARTLETT. I am grateful to my friend, the Senator from Michigan.

Mr. SCOTT. Mr. President, will the Senator from Michigan yield?

Mr. HART. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, it would be politic—as some would say—to keep silent at a time like this, but it would also be wrong.

Therefore, I am going to vote to support the cloture motion.

There are two reasons why the Senate should approve the pending motion.

First, by delaying action on a motion to take up H.R. 14765, we would be denying the Senate an opportunity to debate the bill itself. Adoption of the pending motion in no way gags the Senate. Rather, it would end the dilatoriness taking place over the question of whether we should even take up the bill at all.

Second, despite public disquiet over incidents which have occurred this summer in such places as Cleveland, Omaha, Chicago, and Atlanta, there is a demonstrable need for this bill. One need only cite the recent tragic events in Grenada, Miss., last week in support of titles III—authorizing civil action to protect civil rights—and V—prohibiting interference with constitutional rights. Miscarriages of justice such as the Lemuel Penn murder case and a host of others over the past decade or so underscore the need for enactment of the titles designed to assure the fair operation of our Federal and State jury systems.

While I would have preferred the President to use his existing executive authority to achieve the objective of title IV in the first instance, this title as approved by the other body represents a significant step forward toward the objective of equal access to decent housing.

I think it should be stressed one more time that the President, by executive order, could bring about open housing in 80 percent of housing in this country, whereas the bill would achieve open housing in only about 40 percent.

The failure of the administration to use the stroke of the pen ought not to be used by this administration for the purpose of attacking any person or any Senator of either party who may, in his judgment, feel it necessary to oppose this bill.

While I support the bill, I can only point out that the President could have accomplished more by executive order directly than the bill itself will accomplish in title IV.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HART. I yield 2 additional minutes to the Senator from Pennsylvania.

Mr. SCOTT. Reluctance of the President to take this step has in itself contributed to the difficulty which this bill has encountered.

So I feel it incumbent upon the Senate to act affirmatively today on the pending cloture motion. Critics and opponents of the civil rights bill will have ample opportunity to debate the merits of the bill in great detail, but let us first give the Senate an opportunity to take up the bill.

I realize that the bill may require amendment for purposes of perfecting it before the Senate finally disposes of it, but first let us give the Senate an opportunity to work its will.

I ask unanimous consent that my remarks may be followed by an analysis of the constitutionality of title IV which was prepared for me.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

"Housing . . . seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay." *U.S. Comm'n on Civil Rights Report, Housing 1961*, p. 1. This memo considers the constitutionality of legislation designed to insure the equal access to housing by all racial groups, beginning with the housing provision in the Civil Rights Act of 1866 and proceeding to the fair housing legislation now before Congress.

I. THE CIVIL RIGHTS ACT OF 1866

A. The act

Federal fair housing provisions have their antecedent in the guarantees incorporated in the Civil Rights Act of 1866 (S. 61 in the 1st Session of the 39th Congress). That Act reads in part as follows:

"That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and *such citizens, of every race and color*, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, *shall have the same right*, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to *inherit, purchase, lease, sell, hold, and convey real and personal property*, and to full and equal benefit of all laws and proceedings for the security of person and property, *as is enjoyed by white citizens*, and shall be subject to like punishment, pains, and penalties. . . ." Act of April 9, 1866, c. 31, § 1, 14 Stat. 27 (emphasis supplied).

Section 2 of the Act made it a misdemeanor for any person acting under color of law, regulation, or custom to deprive persons of any right guaranteed in section 1. To what extent this applied to private actions is unclear, although it appears likely that private persons acting in an area where discrimination was common would be within the scope of the law. The remainder of the Act relates to questions of court jurisdiction and enforcement procedures.

This initial housing provision was virtually re-enacted by the Civil Rights Act of 1870 (16 Stat. 144) and remains law as 42 USCA § 1982 which reads as follows:

"All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property."

B. Legislative history

The 1866 Civil Rights Act was extensively, and heatedly, debated by Congress before its initial passage; it was subsequently vetoed by President Johnson on constitutional and policy grounds; and that veto was overridden by votes of 33 to 15 in the Senate and 122 to 41 in the House. Debate in both houses focused on the authority of Congress to pass such legislation and the wisdom of particular provisions. Proponents of the legislation found authority for the bill in the second section of the Thirteenth Amendment which empowered Congress to legislate in enforcement of the Amendment's abolition of slavery. According to Senator Lyman Trumbull, sponsor of the bill, the measure was "intended to give effect to that declaration (the Thirteenth Amendment) and to secure to all persons within the United States practical freedom." 71 *Congressional Globe* 474. Supporters of the Thirteenth Amendment also testified that it had been their intention in adopting the Amendment to give Congress the power over the incidents of slavery which the proposed bill exercised. (See e.g. the remarks of Sen. Howard, 71 *Congressional Globe* 503.)

In debate on the merits of the bill, much attention focused on its initial citizenship provision which proponents said was merely declaratory of existing law and opponents attacked as being beyond the power of Congress and as discriminatory against foreign immigrants. In that part of the debate which focused on the rights specifically guaranteed, little consideration was given to the housing provision or any other provision taken singly. Proponents emphasized the need to prevent the passage of a variety of state laws which would deprive freed Negroes of all the normal incidents of freedom, thus re-instituting a condition approximating slavery. The rights guaranteed in Section 1 of the Act were consequently those deemed fundamental and basic by the bill's sponsors, and Blackstone and Kent could be cited as authority for the proposition that the right to hold property was indeed a basic right. However, the extent to which its proponents felt the bill would control discrimination by individuals is not clear from the legislative history of the Act.

Opponents of the bill challenged the broad definition of slavery implicit in this defense and argued that Congress was entitled to act only insofar as legislation was required to prevent the actual re-enslavement of the Negro. It was also argued that the Act was a dangerous precedent, since where rights could be granted, they might also be taken away. Heavy emphasis was placed on the inadvisability, or unconstitutionality, of legislation by the federal government in areas traditionally reserved to the states. The possibility that these guarantees would in time be extended by judicial interpretation to the political area and ensure Negroes the right of suffrage or that they would overrule state laws on intermarriage was a further source of complaint. But while blanket denunciations were common, no consideration seems to have been given to the greater or lesser wisdom of a guarantee of access to real estate as opposed for instance to a guarantee of the general right to make contracts; presumably in the face of Armageddon, details are of small concern.

C. Judicial interpretation

The constitutionality and application of the Act have been the subject of subsequent court decisions. While it cannot be said in strict accuracy that the Supreme Court upheld the constitutionality of the Act, it has tacitly supported it in various decisions and dicta, and the constitutionality can scarcely be questioned.

In *United States* v. *Cruikshank,* 25 Fed. Cas. 707 (Case #14897, C.C., D. La., 1874), Mr. Justice Bradley sitting on circuit reviewed the case of persons convicted of violating the Civil Rights Act of 1870. The defendants moved to arrest judgment, and in supporting their motion, Bradley distinguished between those guaranteed rights which Congress can positively enforce and those rights which Congress can preserve from state infringement but cannot legislate directly in support of. The Thirteenth Amendment in Bradley's view gave the federal government power to legislate for the total eradication of slavery, and Bradley cited a conspiracy to prevent a Negro, because of his race, from leasing and cultivating a farm as an example of a violation of rights which the federal government could reach. The result of the *Cruikshank* case was subsequently affirmed by the Supreme Court, but no explicit decision on the constitutionality of the Civil Rights Act was rendered. *United States* v. *Cruikshank,* 92 U.S. 542 (1875).

Support for the constitutionality of the Civil Rights Act can be drawn from a number of other lower court cases. Mr. Justice Swayne wrote on circuit that "We entertain no doubt of the constitutionality of the (Civil Rights) act in all its provisions" in a case arising shortly after passage of the bill. *United States* v. *Rhodes,* 27 Fed. Cas. 785 (Case #16151, C.C., D. Ken. 1866). In the process of overturning an indenture agreement, Mr. Justice Chase, also on circuit, noted that the 1866 Rights Act had been passed pursuant to the Thirteenth Amendment and was wholly constitutional. *In re Turner,* 24 Fed. Cas. 337 (Case #14247, C.C., D. Md. 1867). In a later case (significantly decided after judicial attitudes on racial questions had stiffened) persons indicted for an attempt to interfere with Negroes leasing and cultivating land answered by a demurrer challenging the constitutionality of the Civil Rights Act. Congress was held to have power to protect Negroes against racial discrimination, because a denial of a citizen's fundamental privileges was an element of servitude. *United States* v. *Morris,* 125 Fed. 322 (E.D. Ark, 1903).

II. PROPOSED FAIR HOUSING LEGISLATION

It is presently proposed that Congress legislate against racial or religious discrimination by persons selling or renting housing or by persons engaged in financing such sales or rentals. Given the present state of judicial interpretation of Congress' powers, the constitutionality of such a proposal seems certain.

Proponents of fair housing legislation rely chiefly on the power of Congress to regulate interstate commerce; in view of recent decisions that reliance seems well-founded. The high-point of judicial tolerance of congressional action under the commerce power is, of course, *Wickard* v. *Filburn,* 317 U.S. 111 (1942) in which the Court held that: "even if (an) activity be local and though it may not be regarded as commerce, it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce. *Supra* at p. 125."

Moreover, Congress can regulate one whose acts have a trivial effect on interstate commerce, if the cumulative effect of his acts and the acts of others similarly situated is far from trivial. *Supra* at pp. 127–28.

More recently, the conditions necessary to justify congressional action have been examined in the cases supporting the public accommodations section of the 1964 Civil Rights Act. *Katzenbach* v. *McClung,* 379 U.S. 294 (1964) and *Heart of Atlanta Motel* v. *United States,* 379 U.S. 241 (1964). In the *McClung* case racial discrimination by a restaurant which received a substantial portion of its food from out-of-state sources was held to effect interstate commerce sufficiently to justify congressional regulation, even though the restaurant served a basically local clientele. Congress had determined that:

a. Negroes spent less per capita than whites in restaurants in areas where discrimination was common and that the resultant reduction in restaurant business restricted the general food market;

b. restaurant discrimination tended to discourage the interstate travels of Negroes; and

c. professional people and skilled workers were deterred from moving into areas where there was discrimination in public accommodations, and that industries were in consequence less likely to locate in such areas.

These factors were held to produce a sufficient effect on interstate commerce to justify remedial federal legislation. *Supra* at pp. 299–300.

Each of these factors, and many others, might be said to result from discriminatory housing sales, and the logic of the McClung case, therefore, supports congressional power over such discrimination.

A more general test of congressional action can be found in the *Heart of Atlanta* case. The Court held there that Congress' power over commerce is plenary and can be questioned only where there is no rational basis for finding that racial discrimination affects commerce or where the means selected to cure the evil are neither reasonable nor appropriate. It seems clear that neither test would present any real problem in the case of fair housing legislation, particularly in view of the generally sympathetic attitude of the present court.

If, however, additional grounds for congressional action are desired, two other supporting arguments may be suggested. That the Fourteenth Amendment's guarantee of equal protection operates only against state activities and does not impinge on individual acts has been clear since the *Civil Rights Cases, supra.* Nevertheless the so-called state action concept has recently led to an extension of these safeguards to areas in which private parties act with considerable support from or subsidy by state governments. Thus in *Burton* v. *Wilmington Parking Authority,* 365 U.S. 715 (1961) the Court applied the Fourteenth Amendment to a privately owned restaurant which was located in a publicly owned and operated parking garage, and held that racial discrimination by the restaurant constituted a denial of equal protection. In that case, the lease of space in the garage to various facilities was necessary for the financial integrity of the project, and the parking authority had made certain contributions, largely in the form of construction expenses to the restaurant. On this basis, the Court found that: "the State has so far insinuated itself into a position of interdependence with Eagle (the restaurant) that it must be recognized as a joint participant in the challenged activity, which, on that account, cannot be considered to have been so 'purely private' as to fall without the scope of the Fourteenth Amendment." *Supra* at p. 725.

While it is not altogether clear precisely what elements of the Burton transaction were determinative of state action, it is clear that an interdependence of private developers, lending institutions, and individual mortgagors with the federal or state governments frequently exists. Certainly the gamut of governmental activities affecting private housing is wide, including cash subsidies, guarantees of mortgage loans, tax exemptions, zoning restrictions and housing codes, and the exercise of eminent domain powers with the subsequent transfer of acquired properties to private owners, and we have the testimony of William Levitt that in view of the mortgage insurance program "we (large-scale builders) are 100% dependent on the Government. Whether this is right or wrong it is a fact." *Hearings on H.R. 5611, Before a Subcommittee on Housing of the House Committee on Banking and Currency,* 81st Cong., 1st Sess. 566 (1957). Consequently it could be argued with some force that the intertwining of government actions and programs with the acts of the private housing industry is sufficient to justify application of Fourteenth Amendment guarantees to housing sales.

A final possible ground for congressional action in passing open housing legislation is rather far-out. Nonetheless one might venture to resurrect the original rationale of the 1866 Civil Rights Act—namely that interference with the right to acquire property represents a form of slavery and is subject to federal legislation under the Thirteenth Amendment. It is ironic that an earlier, presumably less liberal age, found this position natural while in the present it has an aura of the implausible. Nonetheless it is a constitutional position which has never been explicitly rejected by the Court, and its resurrection may be more than academically interesting.

In summary then there seems little doubt that Congress has the authority to pass fair housing legislation in pursuit of its commerce power; the two additional supports of congressional authority seem so much additional frosting on the constitutional cake.

Mr. HART. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I spoke earlier this morning and laid before the Senate the weakness and inadequacy of the administration in bringing the bill up too late and then loading it with the open housing provision which, as I have said many times before, and as the Senator from Pennsylvania [Mr. SCOTT], has so eloquently said, could have been handled more adequately than had been handled even in the other body, by executive order, as President Kennedy did. I also pointed out that we would be faced with a necessity for cloture to deal with it, and that our efforts could go down the drain, and that there would be the resulting frustration and gnashing of teeth as a result of having the legislation discarded when this needed to be done.

This is going to signal a long fight on rule XXII, as a result of our now seeing the civil rights bill go down the drain, something that I thought was behind us.

In the moment or two that I have, I wish to address a plea to my colleagues on the Republican side. I hope my colleagues on the Republican side will vote for cloture, notwithstanding that they may have reservations, doctrinal or otherwise, about cloture. I repeat, this is the party of Lincoln, which was the architect of civil rights. On previous occasions, many bills were passed under the brilliant and inspired leadership of our minority leader. On this occasion he does not go along. But I hope it will not be said that the Republicans defeated the bill. The only answer to that kind of argument which may be made is for Members on the Republican side to give the maximum possible number of votes in favor of cloture.

Mr. President, there will be a civil rights bill next year. There may be one every year after that. The only way we reasonably can expect to get such civil rights bills is by a coalition between those on the Democratic side who believe in civil rights legislation and those on the Republican side who believe in it. I hope very much that this coalition will be restored. I think that will be done if the administration shows more wisdom in handling this bill next year, and if there is demonstrated a willingness on this side of the aisle to have this bill by employing the greatest possible number of votes to bring it up with respect to cloture.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. I thank the Senator from Illinois.

I just want to respond quite briefly to the point made this morning that a majority of the Senate voted the other day for cloture and that failure now to invoke cloture would be to thwart the will of the majority.

I raise the question, What majority are we talking about, particularly with reference to the housing provision, title IV, of the bill? What majority are we talking about?

I examined the 1964 platforms for the Democratic and the Republican Parties. Neither one of the parties, by my hastily examining the platforms—and I think I am correct—took any kind of stand one way or the other with reference to the subject matter of this housing title.

Now let us look to what the people have said upon this issue, when they have had a chance to express themselves on the question of housing. Every time this question has been submitted by ballot to the will of the qualified electors in a State and several cities, in scattered parts of this Nation, this proposal has been voted down.

That is the kind of an expressed will of the people that has been made, without exception, on this issue.

In Akron, Ohio, the people voted the proposal down on November 4, 1964.

In Berkeley, Calif., it was voted down by the people in 1963.

In Seattle, Wash., it was voted down by the people in 1964.

In Tacoma, Wash., it was defeated in a referendum by the people in 1964.

In the State of California, in a statewide referendum, on the same basic question, that proposal was voted down by a very striking majority vote against the proposal.

So this question goes to a vital question that the people understand; they are directly involved; they are the majority to be considered; they—not a mere temporary majority of those of us here—the people now are the controlling majority of this Nation.

So the voters have indicated how they feel on this question, and it is the people of the Nation who have caused this vote here last week. I refer to the people in every section of the Nation, not those of the South alone.

This is another attack on the State courts throughout the Nation. As my time is up, I yield the floor.

I thank the Senator for yielding to me.

Mr. DIRKSEN. Mr. President, how stands the time?

The ACTING PRESIDENT pro tempore. The proponents have 2 minutes remaining; the Senator from Illinois has 19 minutes.

Mr. DIRKSEN. Nineteen? Twenty. I yielded only 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has used 1 minute since then.

Mr. DIRKSEN. The Senator from Illinois had 23 minutes; he yielded 3. Twenty-three minus three leaves twenty.

The ACTING PRESIDENT pro tempore. While the inquiry was being made, time was used. The tally sheet shows 19 minutes remaining.

Mr. DIRKSEN. How does time disappear when one does not yield time?

The ACTING PRESIDENT pro tempore. The tally sheet shows 19 minutes.

Mr. DIRKSEN. I suppose I must equip myself with a slide rule to make certain that I know how the time gets away.

Before I address myself to the cloture motion, I wish to clear a misapprehension that may have arisen as a result of something I said last week on the housing title. I mentioned Federal judgeships, and almost at once there was a conclusion that the President might generously have offered me a judgeship. Nothing could be further from the truth. Nor did I mean to convey such an impression.

In all the years I have known the President as majority leader, as Vice President, and as President, we have always dealt at arm's length, as honorable people should. He has never sought to bribe, buy, or persuade me in that fashion, nor have I him. We have never found it necessary. We thought our major interest was the national interest, and we tried to serve it as gentlemen should.

I want to say, for the President, that when this information came to my attention, I called him immediately and told him about it. I said I wanted to be sure that he got no such impression from reading the RECORD.

Now, responding for a moment to the argument that there is an effort here, by our endeavors, to prevent this bill from coming to the Senate for attention and consideration: There is no inhibition, in this effort on the motion to consider, that prevents anyone from discussing the bill. I spent 2 hours discussing title IV last week. There were others who discussed titles I and II. So there is nothing whatsoever that prevents a discussion of the bill.

We have to use this device to get this message to the country—and I am of the opinion that we have to use it to get it to the Senate. Last week we had difficulty in bringing in a quorum to the Senate floor. We scouted around for hours, and technically sent people out to arrest Senators and bring them to the Senate Chamber and make them put in an appearance.

I sat here, Mr. President, until 4:30 in the afternoon, waiting to make a speech. I was to be preceded by the distinguished Senator from Texas [Mr. TOWER]. On that same night—that was Tuesday—he was to have a big dinner in Texas, and there announce his campaign for reelection. He never did get to make his speech. He waited and waited, patiently, and I did a share of watchful waiting myself. So he did not get on, and I did not get on, and finally we had to recess the Senate. It appears to me that if Senators had been here, we could have had a very considerable discussion of this bill.

Now, it is the undoubted right of 16 Senators or more to file a motion and ask for the imposition of cloture. But before the Senate is gagged—and that is what it amounts to, asking Senators to gag themselves; and I plead guilty to having done it before, on the 1964 act, when, with hat in hand, I went on bended knee to ask Senators on this side of the aisle to impose cloture, so that we might carry that long labor to fruition, so I know what that is—there ought to be some reasonable ground for it.

On the 1964 act, we spent 57 days, and on the Voting Rights Act we spent 37 days. How much time have we spent here? Well, anybody who is facile in arithmetic can figure it. The matter was called up on the 6th of September. That was the day after Labor Day. For 3 solid days, it was almost impossible to do business in this Chamber, because we could not get the Senators to come to the floor. That is what I call cyclonic enthusiasm for this bill.

There are two sides to cloture, and two sides to the argument. It is not only a case of giving somebody a chance to make his argument, but there ought to be a listener; and the listeners were not here. It reminds me of the father out home who wanted to send his girl to Wellesley; and when the dean sent an application, he filled it out. At the bottom it asked, "Is she a leader?"

He wrote, "Well, she is not particularly a leader, but she is a good follower."

About a week later, he received a letter from the dean, saying, "We are delighted to have your daughter. We now have 199 leaders and 1 follower."

There were no followers here. There was nobody to listen to the debate, and that is the reason this story has not gotten over. It has not been told. It has not been told even to the Senators, as a matter of fact.

That is the reason why I exhort everybody to oppose this cloture motion, on the ground that we have to get this story over before we let the bill come on for action and some final disposition.

As I said, it was called up on the 6th of September. Then we had the quorum problems, and then, of course, on Monday, September 12, the cloture motion. The vote came after our consideration of the minimum wage conference report. This floor fairly resounded with speeches and arguments on the minimum wage, and, at long last, probably in the circa of 6 or 6:30, we got around to a cloture vote. So now the motion is before us again.

Mr. President, there are seven titles in this bill. I wonder how many Senators have any knowledge of these titles. Title I deals with Federal juries. Senator ERVIN and Senator HRUSKA have done a monumental job on it; but there was nobody here to listen to the argument. The committee heard arguments from Federal judges and Federal clerks of courts who came here and said it would not work. The senior judge in Alabama wrote me the other day. He said, "As it stands now, only 50 percent of the nonwhites over the age of 21 are registered. Automatically, if you are going to the registration rolls to pick up your juries, you have disqualified 50 percent of the nonwhite adult population in the State of Alabama." I could go on and on, enumerating the difficulties here. Has that part of the story been told? Has the rest of it been told? Certainly not.

Then, when it comes to title III, there we have broad powers for the Attorney General to file civil actions for injunctive relief, where any right, under the Constitution, may be at issue. That has hardly been discussed. It has scarcely been explored. How, then, can Senators cast an intelligent vote on this matter, without knowing? Yet there is nothing in the motion to take up that prevents a discussion of anything that is in title I, in title II, or in title III.

I spent some 2 hours last week discussing title V. It is highly controversial, and contains sleepers galore. Here, for one thing, is the question of constitutionality. I have examined this list of lawyers. They are all law school deans, for the most part. I suppose that is the last word—except it is not the last word in my book. Because we had two professors of law from New York University, pretty artful in that field, come down and give the specifics with respect to constitutionality, and what this would do in liquidating the due process clause in the Constitution of the United States.

There is one thing about title IV. It was not even in the bill when the bill went to the Committee on the Judiciary. It was written in later. That deals with the housing board.

The administration did not want that board. The Attorney General, insofar as I know, did not want it, but they wrote it into the bill anyway. Just think of the power that is involved.

They use a residual clause and say that they shall have all of the power of investigation and subpena that the National Labor Relations Board has.

The National Labor Relations Board has authority to issue cease-and-desist orders. This is a broad grant of power in a highly emotional field.

Has it been properly explored? In my judgment it has not, because there has been only one major speech on the subject, and I am the one who made it.

Mr. STENNIS. Mr. President, will the Presiding Officer try to get the Senate to order so that we can hear the Senator?

The ACTING PRESIDENT pro tempore. Let the Senate be in order.

The Senator from Illinois may proceed.

Mr. DIRKSEN. Mr. President, I do not know whether the Senators have given adequate attention to title V, which appears on page 42 of the bill. The Attorney General would like to have those powers, but I remind the Senate that that is a criminal statute. It provides for up to a $10,000 fine and a year in jail. And what does it say? It says that:

> Whoever . . . injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person.

What does that relate to? It relates to the right to vote or qualifying to vote or qualifying or campaigning for public office or going to school, attending any public school or college, participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States.

Why, that is as wide as a 40-acre field. That is what they ask us to do.

It goes on and states that it relates to:

> Applying for or enjoying employment, or any perquisites thereof, by any private employer or agency of the United States or any State or subdivision thereof.

It also mentions:

> Selling, purchasing, renting, leasing, occupying, or contracting or negotiating for the sale, rental, lease or occupation of any dwelling.

The last clause of that section provides that anyone who injures or intimidates anybody "shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000 or imprisoned not more than 10 years, or both."

If that is not a criminal statute, then I do not know the meaning of criminality or a criminal statute.

This goes on at great length. It has several sections. However, it would take all day to go through this thing.

Mr. President, who has raised his voice on title V on the Senate floor? I have not heard title V alluded to as yet. However, that is what we are asked to do, to put the seal of approval upon a criminal statute that can cause no end of mischief.

I do not say it is right or wrong. I say it has got to be explored, studied, considered, argued, and debated. There ought to be more Senators present on the floor to listen to the debate.

To those anxious and very fine people who call me long distance to tell me how wrong I am, I simply say: "Have you read the bill? Have you seen it?"

They have not seen it. They have not read it. They do not know what is in it, and yet they have what I call the effrontery to call a Senator long distance from Michigan, California, my own State, or any State and say: "Get right with the Lord. I do not know what is in it, but you are wrong."

That is a great argument, is it not?

Title VI deals with schools and public facilities.

Title VII deals with election records.

Title VIII deals with the annual report of the Attorney General. I ought to allude to that, because that ought to be an awfully dry subject matter, until we take a good look at it. Then it begins to concern me some.

The Attorney General is expected to make an annual report. It provides:

> SEC. 801. (a) The Attorney General shall submit to the Congress and to the President an annual report concerning enforcement of, and activities undertaken pursuant to, this Act and all other laws of the United States designed to prevent discrimination on account of race, color, religion, sex, or national origin.

Here is a choice little section. It reads:

> Each department, agency, board, commission, instrumentality, and establishment of the United States shall cooperate with the Attorney General to effectuate and carry out the provisions of this section. Nothing in this section shall be deemed to preclude submission to the Congress of reports of activities under any other provision of law.

When the departments and agencies render their report, where are we going to get the information? We will get it from the people who work in those departments, and here we have a vast, sprawling bureaucracy and we say to everyone: From now on you will be a law enforcing officer. You will report to the Attorney General what you know, what you see and what you experience, so that he can put it all in his annual report.

That goes not only for this section, but also for all the other provisions of law.

What do Senators make of it? Where are the specifics that go with it? Why do they want to do this sort of thing? I do not know.

I would not say that they are going to try to embarrass anybody, but I would say that it is not in there for fun. They do not put provisions like that in a bill for fun.

It is noteworthy that the civil rights organizations are divided on the bill. They have their extremes. They are divided even as a lot of other people are divided.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Illinois has 1 minute remaining.

Mr. DIRKSEN. Mr. President, I just give the Senate the naked proposition: Let the Senate gag itself on a bill that carried 26 amendments by the House, that has scarcely been discussed on the merits, and that contains far-reaching provisions which have not been adequately explained. We are asked to give them consideration. That is a great kettle of fish.

Why, the cloture rule has been in effect here since 1917. It has been exercised rather judiciously. This is one time when there is no justification for the imposition of cloture, because Senators were not here to hear the story, for one thing, and there has been no opportunity to make an explanation, for another thing.

That is why cloture ought to be voted down.

Mr. HART. Mr. President, I yield 1 minute each to the Senator from Connecticut, the Senator from Hawaii, the Senator from New Jersey and the Senator from Illinois.

Mr. DODD. Mr. President, since the days remaining in the 89th Congress are so few and the list of important legislation still pending is so long, I do not want to consume valuable Senate time with a lengthy civil rights statement today.

As a cosponsor of the Senate civil rights bill and one of the floor managers of the House bill now before us, however, I do want to reaffirm my strong support for the enactment of a worthwhile bill this year.

Once again we are faced with a difficult situation in which a minority of the Senate, through the archaic device of the filibuster, is blocking the will of the majority.

For 2 weeks now, the Senate has been bogged down in empty debate on the motion just to take up the civil rights bill. Consequently, we have not been able to consider the bill on its merits, as any bill should be considered.

I supported last weeks' unsuccessful cloture motion, and I hope that the second cloture vote today will bring this delay to an end so we can start work on the substance of this important administration proposal.

If we can consider the legislation itself, the provisions of the House-passed bill and the many amendments which have been offered, I am confident that we will see needed civil rights legislation, approved this year.

Unfortunately, there is still a tragic disparity between principle and practice in this country, an inconsistency between words and deeds which undermines the strength and health of our Nation.

In these 12 years following the historic school desegregation decision, we have moved a long way toward realizing in our everyday lives those principles of equality which are the heart of our public philosophy.

The four vitally important civil rights bills enacted since 1957 are truly landmarks in the long struggle to provide all American citizens with equal rights, equal opportunity, and equal protection of the law.

Our work is far from done, however, and it will not be done until the last vestiges of segregation and racial discrimination disappear.

Unfortunately, a new and serious dimension has been added to this problem with the recent outbreak of violence in our streets.

For some time I have been very alarmed and deeply concerned over the unrest which has led to riots and other disturbances in many of our cities.

I can understand the feeling of frustration, particularly among young people, over what seems to be the painfully slow ascent of the Negro to his rightful place in American society. However, this cannot justify or condone irresponsible and lawless behavior or the violence and bloodshed of recent months.

I would like to remind the extremist minority among our Negro citizens, those who denounce all white Americans as enemies and openly advocate terror and violence, that there are many of us who were working to assure the rights of Negroes long before these advocates of terror were born.

We have seen, in this time, vast changes wrought in the pattern of American thought and life through responsible and peaceful means. I am confident that we will see the last barriers of segregation and racial discrimination broken down, not by knives, clubs, and broken bottles, but by the orderly processes of the law and by the conscience of the American people.

This is the responsibility of Congress, of the Senate here today. To succumb to the argument of those extremists at the other end of the spectrum, who say civil rights legislation has caused the recent riots, would be a folly of the highest order. If we refuse to seek the cure for the present ills, as they would have us do, we not only abdicate a position of responsibility but we also issue an open invitation for far more serious trouble.

The bill before us—which deals with discrimination in housing, in education, in the selection of Federal and State juries, and with civil rights crimes—could be of tremendous significance in advancing the cause of human dignity and individual rights.

I am very proud to point out that my own State of Connecticut already has an effective housing law on the books. This statute prohibits discrimination in the sale or rental of "any housing accommodation or building lot" with the exception of a room in a private home or an owner-occupied two-family dwelling.

Thus the fair housing provisions of H.R. 14765, certainly the most controversial section of the bill, would not be anything new to Connecticut, since our State law is considerably broader than this proposed bill.

Other States have also enacted fair housing laws. This is one reason I find the so-called great debate over this section of the bill to be far less weighty than the opponents claim.

I hope we will finally have a fair opportunity to consider all of the provisions of this proposed civil rights bill. Since I have been asked to be floor manager of title VI, the title dealing with school desegregation, I would like to discuss it very briefly now.

The purpose of this section as first introduced is to prevent violence and intimidation resulting from the desegregation of public schools and public facilities, and to give the Attorney General the same authority in school desegregation suits that he now has in other areas such as public accommodations, employment, and voting.

A very effective reply to critics of title VI is contained in the disturbing news reports of recent days. As children across the country are returning to school, we hear of a town in Louisiana which has no teachers for the Negro children who have enrolled in a formerly all-white school, of the bombing of homes of two Negro families in McFarlan, N.C., because their children have entered predominantly white schools, of attacks on schoolchildren in Mississippi, and of numerous other instances of open intimidation directly related to school desegregation.

This is only one of many points which I would like to discuss later, but for now I think it clearly demonstrates the need for this particular provision of the proposed bill.

I am one of the many Senators who wish to see this bill passed this year in a form similar to that endorsed by myself and nine other members of the Judiciary Committee.

Nonetheless, I hope that this will not have to be an all-or-nothing question. If the disagreement over the housing provision reaches an impasse and cannot be resolved in this session, I hope that some agreement can be worked out that will at least save the other important sections of the bill.

Racial prejudice and unjust discrimination are cancers which eat away at the foundation of our society.

The liberty and freedom of all men is threatened when some men are denied equal rights and equal treatment.

That is why it is morally imperative that we take every step, however small, within the limits of political feasibility, to rectify those injustices which we know still exist in our society.

Mr. FONG. Mr. President, our Republic is founded on the individual worth of each and every man. It is deeply rooted in the traditions of freedom, justice, and the theological conviction that the tint of skin, slant of eye, and accident of birth are irrelevant—that all men, in the eyes of God, are, indeed, equal.

Our Declaration of Independence so declares.

The Constitution of the United States so guarantees as inalienable the equality of rights and the equality of opportunity under law.

This is the charter of faith which is our heritage, and which is the moral foundation of our society.

The Congress has heeded well these moral imperatives, Mr. President, by enacting successively two profoundly historic civil rights laws in 1964 and 1965.

Though these laws have eliminated many blatant forms of discrimination throughout our land, there remain vestigial areas in which additional corrective legislation is badly needed.

We are now confronted with a proposed Civil Rights Act of 1966—H.R. 14765—to secure these constitutional rights—the right to serve on both Federal and State juries without regard to race, color, religion, sex, national origin, or economic status; the right to be protected when engaged in lawful activities; the right to protection against discrimination in public education and public facilities; the right to be protected against discrimination in the purchase, rental, lease, and financing of housing;

and the right to the preservation of election records.

Mr. President, on September 6, a group of 10 Senators representing a majority of the Committee on the Judiciary submitted a joint statement to the Senate setting forth the history of this legislation, and painstakingly analyzing each section of the bill.

I believe that the bill now being offered for consideration by the Senate is a wholly reasonable one. I am satisfied that it is constitutional. Moreover, in my opinion, there is a demonstrated need for this legislation.

Our moral imperative demands that the rights set forth in H.R. 14765 be fulfilled.

The enactment of this bill, together with the landmark laws of 1964 and 1965, would represent another forward step and continued progress in the implementation of the inalienable rights of justice, freedom, and dignity contained in our Constitution.

Mr. CASE. Mr. President, today's cloture vote is premature. Since, however, the leadership determined to have a cloture vote today, I joined in signing the cloture petition.

But I repeat this cloture vote is premature. Only a few days ago a majority of Senators indicated their desire to consider the civil rights bill. Not all agree with every provision in the bill as passed by the House; but each, by his vote, registered his concern that the Senate take up the bill and act on it.

But the majority leader reportedly said that if cloture fails today only 3 days since the first cloture vote, he will regard the vote as final disposition of the bill for this Senate session, and he will move to take up other matters. This is utterly unjustified. It amounts to throwing in the towel before the first round has begun.

Everybody knows the Senate will not vote cloture unless the right of fair and full discussion has been abused. No one claims that in this case.

Everybody knows, too, that the filibuster cannot be broken by halfhearted efforts, especially when the filibuster occurs at a time most advantageous to the opponents of civil rights.

For this the administration cannot escape responsibility.

Almost a year ago the President promised legislative recommendations to assure more effective protection of civil rights. But months and months went by before his proposals were submitted in late spring. Indeed they did not arrive until our bipartisan group introduced its own comprehensive bill.

It was easy to foresee the outcome of the delay. For inevitably Senate consideration would run into a filibuster operating under the protection of rule 22.

Some of us have waged a continuing fight over the years to change that rule. But in the 1950's our efforts were stubbornly opposed by the then majority leader, who used everything at his command to defeat any meaningful change.

When, in 1960, we were able to get a majority of the Senate favoring a change, the same man, then Vice President, refused to make a parliamentary ruling that is essential to enable the Senate to come to a vote on the proposed change.

No one has done more to protect the filibuster and no one is more aware of its power.

Mr. President, I recall these facts because it is important that the Senate and the country know where the responsibility for this failure of this civil rights bill really lies.

The bill a majority of us want to take up is not a radical bill. It fills in small but vital chinks in earlier civil rights legislation and, in additon, would make a start on the elimination of discrimination in housing. This provision has excited controversy which is hardly justified in view of the fact that a number of States, including my own State of New Jersey, have already enacted legislation going considerably further in the housing field. But opponents of open houisng have succeeded in obscuring the actual reach of title IV as passed by the House and only floor discussion at some length can dispel that confusion.

Congress should have passed this modest bill. But its failure does not have to doom the course of open housing.

The "stroke of the pen" that the late John Kennedy called to the attention of another President is just as available today. The President can and will, I hope, issue an Executive order barring discrimination in all housing federally assisted or federally supported in any way.

CHICAGO CIVIL RIGHTS ACCORD

Mr. DOUGLAS. Mr. President, on August 26, a highly representative group of community leaders in Chicago reached an accord on one of the most pervasive and troublesome difficulties facing cities in the United States today. A conference of the top business, labor, government, and religious leaders announced that day agreement on a program for progress in fair housing opportunities for people of all races and backgrounds in the Chicago area.

I want to call this agreement to the attention of the Senate, both because of the hope it offers for real progress and because the community leaders who brought about this agreement deserve high praise. I wish particularly to indicate my respect and gratitude for the active statesmanship of Mayor Richard Daley, Archbishop John P. Cody of the Catholic archdiocese of Chicago, Dr. Martin Luther King, Mr. Ben W. Heineman, chairman of the Chicago, North Western Railroad, who was chairman of the group which reached the accord, and Mr. Ross Beaty, head of the Chicago Real Estate Board. Officials of the Chicago Housing Authority, the Chicago Commission on Human Relations, the Cook County Department of Public Aid, and the United Auto Workers and other unions also deserve praise for their promises to actively participate in making the agreement work.

Not only did the groups I have mentioned develop an agreement and a statement of objectives, but they also agreed to establish a separate continuing body, consisting of "recognized leaders from government, commerce, industry, finance, religion, real estate, labor, the civil rights movements, and the communications media," to further in the Chicago area "the fundamental principle that freedom of choice in housing is the right of every citizen."

This is not a new effort in Chicago and some reference has been made in the Senate recently to one of the communities where a major effort has been made; namely, the Hyde Park-Kenwood area in which I reside. I am saddened that some would deride this effort and ignore the very real progress that has been made. I have never claimed that we had attained a paradise or an Eden in Hyde Park, but on the whole I believe that we have made a relative success there.

We must realize that some 20 million Negroes and 5 million persons of Latin descent are an integral and important part of our society. We have got to learn to live together. The question we face is on what terms shall we live together. Shall we give all people hope for a decent life or shall we arbitrarily impose despair on some? To all Americans, I make this plea: Let us be friends; let us be friends; let us be friends.

Mr. President, I ask unanimous consent that the Chicago agreement, the official title of which is the "Report of the Subcommittee to the Conference on Fair Housing," of August 26, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE SUBCOMMITTEE TO THE CONFERENCE ON FAIR HOUSING CONVENED BY THE CHICAGO CONFERENCE ON RELIGION AND RACE

For the last week, this subcommittee has been discussing a problem that exists in every metropolitan area in America. It has been earnestly seeking immediate, practical, and effective steps which can be taken to create a fair housing market in metropolitan Chicago.

In the City of Chicago itself, the policy of fair housing has been established by the clear statement of purpose in the Chicago Fair Housing Ordinance enacted in 1963. It provides:

"1. It is hereby declared the policy of the City of Chicago to assure full and equal opportunity to all residents of the City to obtain fair and adequate housing for themselves and their families in the City of Chicago without discrimination against them because of their race, color, religion, national origin or ancestry.

"2. It is further declared to be the policy of the City of Chicago that no owner, lessee, sublessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent or lease any housing accommodation, within the City of Chicago, or any agent of any of these, should refuse to sell, rent, lease, or otherwise deny or withhold from any person or group of persons such housing accommodations because of the race, color, religion, national origin or ancestry of such person or persons or discriminate against any person because of his race, color, religion, national origin or ancestry in the terms, conditions, or privileges of the sale, rental or lease of any housing accommodation or in the furnishing of facilities or services in connection therewith."

The subcommittee has addressed itself to methods of making the Chicago Ordinance work better, the action which can be taken by various governmental groups, the role of the Chicago Real Estate Board, and how to make further progress towards fair housing in the months ahead. It would be too much to expect complete agreement on either the steps to be taken or their timing. Nevertheless, the representatives at the meetings have undertaken specific and affirmative measures to attack the problem of discrimination in housing. Carrying out these commitments will require substantial investments of time and money by both private and public bodies and the wholehearted effort of all Chicagoans of good will, supported by the cooperation of thousands of others.

In the light of the commitments made and program here adopted and pledged to achieve open housing in the Chicago metropolitan community, the Chicago Freedom Movement pledges its resources to help carry out the program and agrees to a cessation of neighborhood demonstrations on the issue of open housing so long as the program is being carried out.

The subcommittee believes that the program can be a major step forward. It has confidence that this program, and the more extensive measures bound to flow from it, will achieve the objective of affording every resident "full and equal opportunity to obtain fair and adequate housing without discrimination because of race, color, religion, national origin or ancestry."

The participants in this conference have committed themselves to the following action:

1. The Chicago Commission on Human Relations is already acting to require every real estate broker to post a summary of the City's policy on open housing and the requirements of the Fair Housing Ordinance in a prominent position in his place of business. To obtain full compliance with the Fair Housing Ordinance, the Commission will give special emphasis to multiple complaints and will follow up on pledges of non-discrimination resulting from prior conciliation proceedings. The Commission will increase its enforcement staff and has already requested budgetary increases to support a significantly higher level of effective enforcement activity. This will include year-around inquiry to determine the extent of compliance in all areas of the City, but without placing undue burdens on any broker's business. The Commission will initiate proceedings on its own motion where the facts warrant. It will act on all complaints promptly, ordinarily initiating an investigation within 48 hours, as is now the case. In order to facilitate proceedings on complaints, it has changed its rule to provide for the substitution of attorneys for Commissioners to preside in conciliation and enforcement hearings. Where a formal hearing justifies such action under the ordinance, the license of an offending broker will be suspended or revoked.

The City will continue its consistent support of fair housing legislation at the State level and will urge the adoption of such legislation at the 1967 session of the State Legislature.

2. In a significant departure from its traditional position, the Chicago Real Estate Board announced at the August 17 meeting that its Board of Directors had authorized a statement reading in part as follows:

"As a leadership organization in Chicago, we state the fundamental principle that freedom of choice in housing is the right of every citizen. We believe all citizens should accept and honor that principle.

* * * * *

"We have reflected carefully and have decided we will—as a Chicago organization—withdraw all opposition to the philosophy of open occupancy legislation at the state level—provided it is applicable to owners as well as to brokers—and we reserve the right to criticize detail as distinguished from philosophy—and we will request the state association on Real Estate Boards to do likewise but we cannot dictate to them."

While not willing to dismiss its appeal from the decision of the Circuit Court of Cook County upholding the validity of the City's Fair Housing Ordinance, the Board has committed itself effectively to remind its members of their duty to obey the ordinance and to circulate to them the interpretation of the ordinance to be furnished by the Chicago Commission on Human Relations. The individual representatives of the Board also committed themselves to join other realtors to participate in a continuing organization, should one be formed, to promote effective action implementing the principle of freedom of choice in housing.

3. The Chicago Housing Authority will take every action within its power to promote the objectives of fair housing. It recognizes that heavy concentrations of public housing should not again be built in the City of Chicago. Accordingly, the Chicago Housing Authority has begun activities to improve the character of public housing, including the scattering of housing for the elderly across the city, and initiation of a leasing program which places families in the best available housing without regard to the racial character of the neighborhood in which the leased facilities are provided. In the future it will seek scattered sites for public housing and will limit the height of new public housing structures in high density areas to eight stories, with housing for families with children limited to the first two stories. Wherever possible, smaller units will be built.

In addition, in order to maximize the usefulness of present facilities and to promote the welfare of the families living in them, a concerted effort will be made to improve the opportunities for satisfactory community life in public housing projects. In order to achieve this improvement the participation of all elements in the surrounding communities will be actively enlisted and utilized.

4. The President of the Cook County Board of Commissioners has advised the chairman of the subcommittee by letter that the Cook County Department of Public Aid will make a renewed and persistent effort to search out the best housing for recipients available within the ceilings authorized by the legislature, regardless of location. Each employe of the Department will be reminded that no recipient is to be prohibited or discouraged from moving into any part of Cook County because of his race, color, or national origin. The Department will not be satisfied if recipients live in less satisfactory accommodations than would be available to them were they of a different race, color or national origin.

Department employes will be instructed to report any discriminatory refusal by real estate brokers to show rental listings to any recipient to the Chicago Commission on Human Relations or the State Department of Registration and Education through the Chief of the Bureau of Housing of the Public Aid Department. Department employes will also encourage recipients who encounter discrimination in dealing with brokers to report such experiences to the same agencies. The Chief of the Bureau of Housing will maintain a close follow-up on all matters that have been thus reported.

5. The Urban Renewal Program has had some success in achieving stable residential integration in facilities built in renewal developments, with the cooperation of property owners, property managers, community organizations, and neighbors to that end. The Urban Renewal Program will devote itself to producing the same results in its relocation activities and will earnestly solicit the support of all elements of the community in the City, County and metropolitan area in these efforts.

In relocating families, the Department of Urban Renewal will search out the best housing available regardless of location. Each employe of the Department will be reminded that no family is to be prohibited or discouraged from moving into any part of the Chicago metropolitan area because of his race, color, or national origin. Department employes will be instructed to report any discriminatory refusal by a real estate broker to show listings, to the Chicago Commission on Human Relations or the State Department of Registration and Education through the Director of Relocation. They will also encourage families who encounter discrimination in dealing with a broker to report such experiences to the same agencies. The Director of Relocation will maintain a close follow-up on all matters that have been thus reported.

6. The Cook County Council of Insured Savings Associations, by letter, and the Chicago Mortgage Bankers Association, at the Committee meeting on August 17, 1966, have affirmed that their policy is to provide equal service and to lend mortgage money to all qualified families, without regard to race, for the purchase of housing anywhere in the metropolitan area.

7. Assistant Attorney General Roger Wilkins, head of the Community Relations Service of the United States Department of Justice, has advised the chairman of the subcommittee that the Service will inquire into the questions raised, under existing law, with respect to service by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation to financial institutions found guilty of practicing racial discrimination in the provision of financial service to the public. While the matter is a complex one, it will be diligently pursued.

8. The leaders of the organized religious communities in the metropolitan area have already expressed their commitment to the principle of open housing.

The Chicago Conference on Religion and Race, which is co-sponsored by the Catholic Archdiocese of Chicago, the Church Federation of Greater Chicago, the Chicago Board of Rabbis and the Union American Hebrew Congregations, pledges its support to the program outlined and will enlist the full strength of its constituent bodies and their churches and synagogues in effecting equal access to housing in the metropolitan area for all people. They pledge to:

(1) Educate their membership on the moral necessity of an open and just community.

(2 Urge owners to sell or rent housing without racial restriction.

(3) Support local real estate offices and lending institutions in their cooperation with this program.

(4) Cooperate with and aid in the establishment of responsible community organizations and support them in the implementation of these programs.

(5) Undertake to secure peaceful acceptance and welcome of Negro families prior to and at the time of their entrance into any community.

(6) Use their resources to help make housing available without racial discrimination.

(7) Establish, within 30 days, one or more housing centers, with the assistance of the real estate and housing industry and financial institutions, to provide information and help in finding suitable housing for minority families and to urge them to take advantage of new housing opportunities.

9. The representatives of the Chicago Association of Commerce and Industry, the Commercial Club, the Cosmopolitan Chamber of Commerce, Chicago Mortgage Bankers Association, Metropolitan Housing and Planning Council, Chicago Federation of Labor and Industrial Union Council, and other secular groups represented in these discussions recognize that their organizations

have a major stake in working out the problems of fair housing. Each such representative welcomes and pledges support to the program outlined in this report. Further, each undertakes to secure the support of his organization and its members, whether individuals, corporations, locals or groups, for the program and their participation in it, including education of their members on the importance to them of fair housing throughout the Chicago metropolitan area.

10. The Chicago Conference on Religion and Race will initiate forthwith the formation of a separate, continuing body, sponsored by major leadership organizations in the Chicago metropolitan area and built on a nucleus of the representatives of the organizations participating here. This body should accept responsibility for the education and action programs necessary to achieve fair housing. It should be headed by a board consisting of recognized leaders from government, commerce, industry, finance, religion, real estate, labor, the civil rights movement, and the communications media. Its membership should reflect the diverse racial and ethnic composition of the entire Chicago metropolitan community.

The proposed board should have sufficient stature to formulate a strong and effective program and to provide adequate financing and staff to carry out that program. To the extent of available resources, it should carry forward programs such as, but not limited to, the convening of conferences on fair housing in suburban communities to the end that the policy of the City of Chicago on fair housing will be adopted in the whole Chicago metropolitan area. There must be a major effort in the pulpits, in the school systems, and in all other available forums to educate citizens of the metropolitan area in the fundamental principle that freedom of choice in housing is the right of every citizen and in their obligations to abide by the law and recognize the rights of others regardless of race, religion, or nationality. The group should assist in the drafting of fair housing laws and ordinances. It should make clear the stake that commerce, industry, banking, real estate, and labor, indeed all residing in the metropolitan area, have in the peaceful achievement of fair housing. The group should emphasize that the metropolitan housing market is a single market. The vigor and growth of that market is dependent upon an adequate supply of standard housing available without discrimination. The group should promote such practical measures as the development of fair housing centers after the model now being established by the Chicago Conference on Religion and Race. The group should in the immediate future set up specific goals for achievement of fair housing in the Chicago metropolitan area. Finally, the board should regularly review the performance of the program undertaken by governmental and non-governmental groups, take appropriate action thereon, and provide for public reports.

Although all of the metropolitan areas of the country are confronted with the problem of segregated housing, only in Chicago have the top leaders of the religious faiths, commerce and industry, labor and government sat down together with leaders in the civil rights movement to seek practical solutions. With the start that has been made, the subcommittee is confident that the characteristic drive of Chicagoans to achieve their goals, manifest in the Chicago motto of "I Will," will enable the Chicago metropolitan area to lead the rest of the nation in the solution of the problems of fair housing.

Respectfully submitted.

THOMAS G. AYERS,
Chairman.

Mr. HART. Mr. President, I yield 1 minute to the distinguished majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, I have listened with great interest to the distinguished minority leader in his discussion of eight titles of the bill which yet we are not even considering. The purpose of the cloture motion today is to give the Senate a chance to discuss the substance of the proposed bill and not the shadow.

If we are not given that chance, all the arguments that have been advanced will have been advanced for naught.

The Senator from Illinois is a man of courage and perspicacity. He has good arguments to present in behalf of the position which he holds. But I hold, Mr. President, that the Senate as a whole should not have to be involved with the question of taking up a bill; it should instead be considering the question of a bill—a bill which has substance and about which we have been doing nothing for the past 2 weeks.

So I hope that the motion for cloture will be agreed to and that the Senate can then get on to the main business of civil rights.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The hour of 2 o'clock having arrived, the Senate, under a previous unanimous-consent agreement, will now proceed to dispose of the pending cloture motion.

The pending question is: Is it the sense of the Senate that the debate on the motion to proceed to the consideration of H.R. 14765 shall be brought to a close?

Under rule XXII, the clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 255 Leg.]

Aiken
Bartlett
Bass
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. LONG of Louisiana. I announce that the Senator from Washington [Mr. MAGNUSON] is absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Oklahoma [Mr. HARRIS], and the Senator from Arizona [Mr. HAYDEN] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kentucky [Mr. COOPER] are necessarily absent.

The VICE PRESIDENT. A quorum is present. The question is, Is it the sense of the Senate that the debate on the motion to proceed to consider H.R. 14765 shall be brought to a close?

The yeas and nays on this matter are automatic under rule XXII, and the clerk will, therefore, call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK (when his name was called). Mr. President, on this vote my colleague from Colorado [Mr. ALLOTT] and I are paired with the Senator from Kentucky [Mr. COOPER]. If permitted to vote, I would vote "yea" and my colleague would also vote "yea." The Senator from Kentucky [Mr. COOPER] would vote "nay."

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Washington [Mr. MAGNUSON] is absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Oklahoma [Mr. HARRIS], and the Senator from Arizona [Mr. HAYDEN] are necessarily absent.

On this vote, the Senator from Oklahoma [Mr. HARRIS] and the Senator from Washington [Mr. MAGNUSON] are paired with the Senator from Arizona [Mr. HAYDEN].

If present and voting, the Senator from Oklahoma would vote "yea," the Senator from Washington would vote "yea," and the Senator from Arizona would vote "nay."

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kentucky [Mr. COOPER] are necessarily absent.

The Senator from Colorado [Mr. DOMINICK] has previously announced his pair with his colleague [Mr. ALLOTT] and the Senator from Kentucky [Mr. COOPER].

The yeas and nays resulted—yeas 52, nays 41, as follows:

[No. 256 Leg.]

YEAS—52

Aiken
Bartlett
Bass
Bayh
Boggs
Brewster
Burdick
Case
Church
Clark
Dodd
Douglas
Fong
Gore
Griffin
Gruening
Hart
Hartke
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Monroney
Montoya
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—41

Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Cotton
Curtis
Dirksen
Eastland
Ellender
Ervin
Fannin
Fulbright
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
McClellan
Miller

Morton
Mundt
Murphy
Pearson
Prouty
Robertson
Russell, S.C.
Russell, Ga.
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—7

Allott
Anderson
Cooper
Dominick
Harris
Hayden
Magnuson

The VICE PRESIDENT. On this vote, there are 52 yeas and 41 nays. Under rule XXII, two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

Mr. MANSFIELD. Mr. President, the vote on cloture, in my opinion, indicates that it would be futile to prolong "consideration" of this issue. I use the word "consideration" in quotes in the light of the experience with quorum calls over the past few days and the fact that we have not even been on the substance of the civil rights bill which was passed by the House but only on the procedural question of taking up the bill and making it the pending business. Until that question could be decided, it would not even have been in order to modify, to strengthen, or to delete the housing or any other provision. To spend days on the question of taking up, to compel a cloture vote on that question, is, in my judgment, a most delorable distortion of Senate procedures, but it does not alter the reality which confronts the leadership. The fact is—and the vote taken attests to it—the fact is that the Senate is not going to be permitted to come to grips with the real questions involved in the civil rights legislation. We have just tested the weakest point in the opposition's armor and the strongest point at which proponents could seek at least a clarifying decision as to the Senate's intentions.

The attitudes are clear. The vote on cloture on whether or not to take up can only be interpreted as a vote against civil rights legislation in this session.

In this connection, the RECORD should be clear insofar as the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] is concerned. He has acted from conscience as, indeed, I hope we all are acting.

Those of us who know the distinguished minority leader know that he is not to be expected to alter his view even for a Federal judgeship which, by the way, I can say that he was most certainly not offered by the President, in any way, shape, or form, either by hint or by inference, either directly or indirectly—reports in the press to the contrary notwithstanding. [Laughter.]

Even had he changed his view on this procedural question, there is no certainty that cloture would have been obtained. There would have only been, as I have pointed out heretofore, the possibility of cloture. While I regret our divergence on the procedural issue of cloture, no criticism attaches to him, and it ought not to attach to him for standing up earnestly and courageously for his viewpoint. Whatever blame there is attaches to us all.

I would hope that those who are interested in civil rights legislation would ponder the possibility of renewed efforts next year. If the prospects for passage are to be improved, the question of riotings, marches, shootings, and inflammatory statements which have characterized this simmering summer of 1966 in urban areas of the Nation, will have to be faced frankly and bluntly.

There are those who seek by legislative and other governmental activity, an equality of human status in practice, as well as in legal abstract, for all Americans. They have fought long and honestly and through orderly approaches to bring into law the kinds of civil rights measures which have been enacted into law in recent years. On the other hand, there are those who, in the name of racial equality or perhaps more accurately in the name of a new racial superiority, have not advocated further civil rights legislation but, in fact, have actively spoken and fought against measures such as the administration has been trying to have enacted. They have no patience with the processes of law. They have incited to riot and have stimulated situations which have made it difficult for legislation to be considered on an impartial and unemotional basis.

There are also groups who have participated in a vicious demagoguery and rioting and violence against minorities—groups who not only contribute nothing to the solution of the Nation's most agonizing inner difficulties but who would also undo what has been achieved through law in terms of the righting of ancient racial injustices.

These groups should know that there are civil rights bills on the Federal books. They will stay there. They will not be withdrawn. They will not be reconsidered. They will not be ignored. They will be enforced. The law is the law. Regardless of personal feelings, the law must and will be obeyed.

I am extremely happy and proud that those Senators who fought against civil rights legislation down through the years have been among the very first to say that once a law is enacted and on the books, it should be obeyed.

Citizens of good intent will recognize that acceptance of that principle is fundamental to the survival of free government in the United States.

I would urge that from now on people who are concerned with the present and future of this Nation and all its people, no matter what their personal feelings may be, will adopt an attitude of personal responsibility toward these critical racial issues. This is no place for mob mentality and its deliberate stimulation. That is not and cannot be a way to solution of the critical question of guaranteeing the constitutional equality of all Americans. In that realm, there is place only for insistence upon recognition of the rights of all; insistence upon obedience to the law; insistence upon the exercise of free speech without wild and violent license.

This Nation has already gone through too many hot summers. This Nation is up against an immensity of problems within and around its cities. This Nation needs the help of every citizen, regardless of race, color, or creed, if it is to find ways and means out of this viscous morass.

The Americans who come back from Vietnam come in all colors, creeds, and races. Let them not come back to a nation which flails in wild rages and counterrages at its grave domestic problems. Let them come back to a nation which moves with a quiet but unremitting determination against its difficulties, which moves in dignity but without surcease against the barriers of human inequity which have had no meaning for these men in Vietnam, and which cannot have meaning any longer for them anywhere in this Nation.

That means, in a sentence, a responsible nation and the word responsible, cannot be emphasized too greatly. It means responsibility in Congress, in the courts, in the executive branch and among all the private groups and organizations in the nation.

This is no time—there is never a time—to be tearing one another apart. There is ever a time, in the words of the President, to sit down and reason. If this principle is not recognized and acted upon, ahead lie grim days for all of us. If it is recognized and acted upon we will yet find the way to the fulfillment of this Nation's high purpose for all of its citizens.

TRIBUTE TO SENATOR HART AND OTHERS

Mr. President, the Senior Senator from Michigan once again has demonstrated so ably his unsurpassed leadership qualities. His faithful vigil on the floor of the Senate following his motion that the Senate proceed to the consideration of the 1966 Civil Rights Act, his forthright and articulate response to those opposing his motion and his undaunted and vigorous advocacy on its behalf all serve to mark Senator HART as a truly outstanding Senator.

It should be emphasized that a majority of the Members of this body agreed with him, which in itself is a great achievement. Indeed, the Senate's failure to invoke cloture can be laid only to the fact that, in the final analysis, Senators vote in accordance with the dictates of their conscience. And this is as it should be. Throughout the debate the views of the opposition were strong, but even more important, they were sincere.

Others are to be commended for assisting in the attempt to get the business of civil rights before the Senate. The Senior Senator from New York [Mr. JAVITS] was most helpful and typically articulate in this respect—as were the Senators from Massachusetts [Mr. KENNEDY], North Dakota [Mr. BURDICK], and Pennsylvania [Mr. CLARK]. There were, of course, many others, but above all we are today indebted to Senator HART for his indefatigable efforts in leading the fight for civil rights.

Mr. WILLIAMS of New Jersey. Mr. President, as a cosponsor of the civil rights bill, I am deeply disappointed at the defeat of this measure. Our failure to make adequate restitution to our colored citizens for the years of shame and degradation to which they have been subjected continues to be a national disgrace. To those who claim to defend the rights of States, I can only say that the jury selection provisions of this bill would only have strengthened the system of law which has protected those rights through the years. To those who deluded themselves and their constituents into thinking that the open housing provision were an invasion of sacred property rights, I can only say that in my own State of New Jersey, we have had a stronger housing law than envisioned by this bill for years, and it has served to strengthen and improve relations between the races. To those who oppose stronger measures of protection for civil rights workers, I can only say that we in the Senate must hang our heads in shame for condoning by default the bitter violence of distorted minds. I want to pledge myself here and now to continue this fight in this Congress, in the 90th Congress, and so long as I serve in this body. Until we give some modicum of justice and protection to our colored citizens, the phrase, "life, liberty, and the pursuit of happiness" will remain a hollow mockery. I am as determined as ever to make sure that the brilliant dream of the men who founded this Nation will become a reality for every American regardless of race, creed, or color.

Mr. RIBICOFF. Mr. President, just 2 weeks ago we began our consideration of the civil rights bill of 1966. During this time the attention of the Senate and the Nation has been focused primarily on the issue of open housing. This question is dealt in title IV of the bill. But it is only one of nine titles in the bill. The debate on this one proposal has obscured the other important provisions of this legislation. I think it would be worthwhile to review the other aspects of this bill so we may have them firmly in mind.

JURY REFORM

Long ago the Supreme Court declared discrimination in jury selection to be unconstitutional. Yet the practice still persists. In recent years there have been State court findings of discrimination in seven States.

It is beyond dispute that such discrimination constitutes the most rank injustice toward Negroes. It denies Negroes a fair trial. It deprives them of the opportunity to participate in the system of justice in their communities. It prevents Negroes and civil rights workers from securing the full protection of the laws to which they are entitled. The travesties of justice that have been perpetrated in some courts are too familiar to need repetition here.

Under present law the Federal Government may not initiate action to eliminate jury discrimination in State courts. The Justice Department may only intervene in jury discrimination suits brought by private litigants. Such suits, however, seldom have a salutary effect since they usually result in increased community prejudice against the Negro and his lawyer.

It is too late in the day to say that the States should be left to solve this problem. They have had more than enough time to do so and they have not. Now is the time for Federal action.

The civil rights bill of 1966 contains three basic provisions regarding the composition of juries in State courts.

First. It prohibits discrimination in State jury selection processes because of race, color, religion, national origin, sex or economic status.

Second. It authorizes the Attorney General to enforce this mandate by civil injunctive proceedings against State jury officials.

Third. It establishes a discovery mechanism to facilitate determination of whether discrimination has occurred in the jury selection process. This is a fair and reasonable means of insuring that Negroes enjoy one of the basic rights of citizenship.

The situation in the Federal courts is somewhat different. There, the problem is not so much discrimination, but lack of uniformity. The most common method of jury selection is key man system. Under this plan, the key man submits names of people whom he believes to be suitable for jury duty. Inevitably, he selects those with whom he is acquainted. This does not always guarantee a representative cross section of the community will be included in the jury lists.

To bring about the desirable uniformity in the Federal courts, the bill establishes a positive plan to assure fair selection of jurors. It specifies that voter registration lists will be the exclusive source of names for jurors. It then goes on to set out definite requirements for the selection of names from the voter rolls and details mandatory procedures for each subsequent step in the selection process. Finally, it provides a challenge mechanism for determining whether the proper procedures have been followed.

Mr. President, the right of a fair trial is basic to our free society. There can be no effective system of criminal justice which does not zealously guard this right. It is plain that millions of our citizens do not now enjoy this right. The bill provides a reasonable way to guarantee this right.

CIVIL RIGHTS INJUNCTIVE RELIEF

This title has been before us in every civil rights bill since 1957. It would grant the Attorney General authority to initiate civil proceedings for injunctive relief against public officials or private individuals who engage in a pattern or practice of resistance to the exercise of rights under the Constitution. In these suits the Attorney General would be seeking to vindicate the Federal interest in a civil rights controversy. For example, this title would permit the Attorney General to sue to protect the right of civil rights workers to engage in lawful protests and demonstrations. This title will fill an important gap in the authority of the Federal Government to deal with civil rights problems. Its inclusion in the law is long overdue and is responsive to a proven need.

TERROR AND VIOLENCE

Mr. President, for the past 5 years our national life has been marred by a series of crimes against civil rights workers and those seeking to exercise their rights. The brutal attacks on the children going to school in Grenada, Miss., are only the most recent example. Medgar Evans was shot from ambush in 1963. Andrew Goodman, James Chaney, and Michael Schwerner were killed in 1964. Mrs. Viola Liuzzo was slain in 1965. The present Federal law is inadequate to punish these crimes.

There must be a Federal remedy for this violence because Federal rights are involved. Our failure to provide it would be an invitation to further outlawry. Title V would make it a Federal crime for a private person to injure, intimidate, or interfere with a person while engaged in conduct related to the exercise of protected rights. Thus a child would be protected while going to school, attending school and on the way home from school. The bill provides a set of graduated penalties for those violating the law depending on whether bodily injury or death results from the crime.

Another feature of the bill is that its protection is extended to persons performing duties in connection with protected activities. For example, a school official involved in implementing desegregation plans would be covered by the bill.

I believe it would be impossible to overemphasize the importance of this title of the bill. Nothing is more disruptive of the peace and order of the community than unpunished violence against citizens. This is what leads people to extreme actions. This is what generates hatred and lasting bitterness between those who must live together.

PUBLIC SCHOOLS AND PUBLIC FACILITIES

It is more than 12 years since the Supreme Court handed down its decision in the school desegregation cases. Yet in the 1965–66 school year only about 1 out of 20 Negro children in the South attended desegregated public schools. Though Congress gave the Attorney General authority to bring school desegregation suits in the Civil Rights Act of 1964, plainly he still lacks tools to fully desegregate them. Title VI is designed to accomplish this. Unfortunately, the House thwarted this intent. But we have an opportunity to rectify this situation and restore the needed provisions.

First. We must give the Attorney General power to act on other than a written complaint. The written complaint requirement frequently subjects the complainant to various forms of retaliation. Moreover, Negroes are frequently unaware of the necessity of a written complaint and have difficulty in understanding the legal technicalities of the procedure.

Second. The House amendment describing suits against private persons who interfere with or intimidate others seeking to exercise equal protection rights as suits for desegregation is unclear. It should be clarified by an appropriate amendment. I pledge to support an amendment of the type intended to be proposed by Senators on the Judiciary Committee to do just this.

OTHER PROVISIONS

Title VII of the bill permits the destruction of certain election records prior to the time set forth in the Civil

Rights Act of 1960 if such action would not interfere with the purposes of the civil rights laws. Title VIII requires the Attorney General to submit an annual report to Congress on the administration of the civil rights laws by the Federal Government.

Mr. President, this bill is broad in scope, but moderate in application. This bill contains many valuable provisions which are responsive to glaring defects in our society.

It is unfortunate that the Senate has failed to carry this important bill to a definitive and final vote.

Mr. KENNEDY of Massachusetts. Mr. President, I would like to associate myself with the remarks of the distinguished senior Senator from Michigan.

It is a sad day, indeed, when a majority of the Senate are not permitted to work their will. It is doubly so when the legislation involved is as important as is this bill.

A great deal has been said about the violence of this summer, and rightly so. Liberty is not license and violence is not a part of our first amendment freedoms.

We are all, quite properly, concerned about the violence of this long hot summer. We all condemn it. We all implore, indeed insist, that there be a stop to the wildness and fury of the civil disorders which have swept across this country.

But I must reiterate again what I said earlier today. We cannot allow our legislative judgments to be determined by the actions of a few, and after all, it is only a few, misguided militants who have engaged in these disturbances.

The great majority of our Negro citizens have not contributed to these disorders. The great majority, quite the contrary, have displayed over the last great decade of change, remarkable forebearance and patience in the face of serious inequities and injustice.

They should not suffer for the errors of others, any more than the white citizens of this country should be judged by the behavior of some citizens of Grenada, Miss. And in any case, the basis of freedoms of American citizens do not depend on the turbulences of the moment.

Right now, Negro Americans—a great many of them are fighting in Vietnam, and serving with great distinction. I think the real question we have to ask ourselves today is whether these Negro Americans can come back to this country, to their country, and enjoy full freedom and opportunity as American citizens? I do not think they can.

That fact is the shame and challenge of American life in 1966. That is the issue which this legislation, which has now been shelved for this season, was addressed to. And that is the issue which will be before us and the Nation in the days to come.

It will not go away and in my judgment, it must be faced, if this Nation is ever to achieve the greatness that is its destiny.

SUBSTANCE OF LEGISLATION SHOULD BE DEBATED—CLOTURE SOUGHT THIS RIGHT

Mr. RANDOLPH. Mr. President, my vote again today to invoke cloture was made known throughout West Virginia. I announced my position on several occasions.

Failure to invoke cloture by a majority vote makes a mockery of the fundamental principle of majority rule under our democratic form of government. I am an advocate of meaningful debate instead of meaningless delay—no matter what the issue is before the Senate.

The invoking of cloture, rather than being a debate-stopper, allows it to begin on the bill itself and brings to a halt time-wasted maneuvering.

On civil rights and all other legislation, a Senator should have the right to debate the substance of the legislation, to offer amendments, to vote on amendments, and to vote for or against the measure itself. He should not have to see his rights to do so blocked by the undemocratic procedure of a minority of Senators talking against placing a bill before the Senate for formal action. Fundamental rights are denied under present Senate rules which need amending. Senators are elected by the rule of majority. Why should not the same rule prevail in the Senate?

Cloture, I repeat, to end a filibuster is not a gag procedure. Failure to invoke cloture when a majority votes in favor is the gag. When a majority of 54 Senators for to 42 Senators against a cloture motion on last Wednesday and the vote today of 52 for and 41 against, fails to bring a measure officially before the Senate for consideration, the result thwarts the democratic process and places shackles on the Senate's ability to do business. This is what happened. I have voted with a majority of Senators to end the filibuster so as to act positively in the Senate, rather than suffer negavitism through being blocked by a minority.

NATIONAL UNICEF DAY—CIVIL RIGHTS LEGISLATION—REVISION OF RULE XXII

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1283, Senate Joint Resolution 144.

Mr. JAVITS. Mr. President, reserving the right to object, I would like to ask the Senator a few questions, following his fine speech on this matter.

Mr. MANSFIELD. Surely.

Mr. JAVITS. As the Senator has said that a vote against cloture represents a vote against the bill, does the Senator feel that a vote for cloture represents a vote for the bill?

Mr. MANSFIELD. I do not.

Mr. JAVITS. Does the Senator have anything in the way of assurance from the President about proposing to enforce legislation which exists, and how such legislation will be enforced, and appropriations that will be provided for agencies so that these rights may be safeguarded?

Mr. MANSFIELD. I think the President answered that in his request for appropriations. I would suggest that any further questions be directed to the President himself.

Mr. JAVITS. I am not trying to fix blame. I think, as the Senator has said, it is sad enough that we have to engage in this exercise. But it is deplorable that the whole Negro people should stand indicted for the acts of some extremists. I would hope this point might be put in focus by none other than the President himself, because, as the Senator from Montana has said so properly and eloquently, there has been violence on both sides, regrettably.

I beg the Senate's indulgence only for a moment to say that I hope not only that the civil rights laws will be enforced, but that the President will use the great authority of his office—because I fear the results of the frustration resulting from this action; no matter how we voted, as the Senator said, we are all in this together—to see that American private enterprise can do something in respect to training for employment, and to alleviate the open-housing question as much as possible, and that it will alleviate the impatience and the strain which, as the Senator has indicated, may have produced this regrettable result on the floor of the Senate today.

Mr. MANSFIELD. I want to assure the Senator that the President is doing everything within his power, and has ever since he assumed the Presidency. I point out that even before he became President, while he was Vice President, he was head of an agency set up to promote equal opportunity both in the private and public field. So I think the President's record will speak for itself The fact that he had many meetings with both the minority leader and the majority leader on the question on which a vote was taken today also answers the question.

Mr. CASE. Mr. President, reserving the right to object, I do not agree that the Senate has completed its responsibility in regard to this matter at this time. I do not think we should set this matter aside on the argument that the decision of the Senate has been made and that, therefore, we should turn to another possible way to handle this matter.

I raise the point that another President, former President John F. Kennedy, by a stroke of his pen did it, and that the present President, by exercising his authority, could take care of the matter of housing.

Mr. MANSFIELD. Before I yield to the minority leader, let me say that the President has considered this matter, and acting on the best advice he received from the Department of Justice, he does not believe he has that authority.

I yield now to the minority leader.

Mr. DIRKSEN. Mr. President, first let me express my appreciation and gratitude to the distinguished majority leader for his tolerance, his sense of fairness, and his cooperation at all times on even a difficult bill like this.

My affection for him is as high as the sky and as deep as Mohole, if I have to pick out something mundane for comparison.

When there was a misinterpretation about my remarks with respect to a judgeship last week, I learned that the

President was slightly irked. I immediately called the President about it.

This afternoon, while there were not too many Senators present on the floor, I made a statement about it. Had the President offered me a judgeship, I would have looked at him with a baleful eye, because we have always operated at arm's length, as gentlemen should. The President does not want me to be a judge. I would be too old to go on the bench, anyway. I could point out a lot of things, but I want this to be understood. If I left a misapprehension, I want to correct it. I corrected it earlier today, because I think I owe it to the President of the United States.

Mr. President, sometimes I am excoriated and pilloried a little about positions I take. I went back and checked the record. I discovered that I introduced the first civil rights bill in the House of Representatives in 1945. In that session I introduced four civil rights bills. I have been pursuing that matter ever since. The record is there for all to see. But when conscience and conviction tell me that a bill is full of mischief, I will pursue any course I can in accordance with the rule book to prevent its enactment and even its being called up before the Senate.

I stated earlier it was a little difficult—and I know the difficulty it was for the majority leader—to see only one or two Senators present in this Chamber day after day.

Certainly speeches have only modest consequences unless there are listeners also. Perhaps Senators did not hear me tell the story about the father in Chicago who wanted to have his daughter go to Wellesley. He got an application blank and filled it out. At the bottom was a little space which asked, "Is she a leader? Give details."

The father wrote: "She is not a leader, but she is quite a good follower."

Pretty soon he got a letter from the dean, who said, "We are delighted to have your daughter. We now have 199 leaders and one follower in the new class." [Laughter.]

Well, we can all orate until the cows come home, but there will have to be some listeners, and the story of what is in the bill has not been told. That is why those who feel as I do were willing to conjoin their efforts in order to spar for time to get this story out to the country. I think we shall succeed.

Mr. MANSFIELD. Mr. President, in my opinion, the distinguished minority leader has been unfairly pilloried in the press and throughout the country. If it will make him feel any better, I want him to know that I also am getting a part of the blame for the defeat of the bill. So perhaps together we can shoulder the burden.

I yield to the distinguished senior Senator from Illinois.

Mr. DOUGLAS. Mr. President, reserving the right to object—and I do not intend to object—may I say that in my judgment, the vote of last Wednesday and the vote today point to the urgent necessity of modifying Senate rule XXII.

On each of these occasions, a majority of the full membership of the Senate—not merely a majority of those voting—voted in favor of limiting debate to 1 hour to a Senator, or a possible total of 100 hours and breaking the filibuster. But because we did not obtain the two-thirds presently required by rule XXII, the bill has been pronounced dead.

On the Senate Calendar——

Mr. MANSFIELD. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. DOUGLAS. Mr. President, may I be permited to proceed?

The VICE PRESIDENT. There will be order in the galleries as well as on the floor.

The Senator from Illinois may proceed.

Mr. DOUGLAS. On the calendar, we have Senate Resolution 8, which I, in conjunction with a very large number of other Senators, introduced at the opening of this Congress, early in 1965.

It provides that after approximately 2 weeks' debate, debate could then be limited to 1 hour to each Senator, with the time transferable on a motion, which would certainly permit ample time for discussion.

We also have Senate Resolution 6, introduced by the Senator from New Mexico [Mr. ANDERSON] and the Senator from Kentucky [Mr. MORTON], providing that limitation of debate could be invoked by 60 percent of the membership of the Senate.

Both of those resolutions have lain on the calendar ever since the 9th of March, 1965, and have not been motioned up. I grant that it probably would be impossible, with the present composition of the Senate, to obtain a vote on those measures.

The VICE PRESIDENT. Will the Senator suspend? It is impossible for the Senate to hear the remarks of the Senator from Illinois. The Senate will be in order.

The Senator may proceed.

Mr. DOUGLAS. I grant that with the present composition of the Senate, it would probably be impossible to get these measures voted upon, because they would be filibustered; and, once rule XXII has been adopted either implicitly or explicitly, it is difficult to break through.

There was, however, a general understanding when the resolutions were reported to the Senate that no rights possessed by the movers at the opening of the session would be abridged or denied. I shall not move to have them brought up during the current session of the Senate. But I do believe that when the next Congress convenes in January, these issues should not be swept under the rug once again, but that we will proceed to the question of whether we want to operate under the existing rule XXII, where one more than one-third of the membership of the Senate, or more precisely one more than one-third of those voting, can prevent a measure from even being considered.

I think this rule is archaic; it is a fundamental denial of democracy, and the Senate cannot permanently, in good conscience, permit it to continue. The recent experience should make this obvious.

Mr. MORSE. Mr. President, reserving the right to object to the unanimous-consent request of the Senator from Montana——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MANSFIELD. Mr. President, I have been informed that there will be further objections; so I should like at this time to rescind my unanimous-consent request.

Mr. President, I ask unanimous consent that the Hart motion to proceed to the consideration of the civil rights bill be withdrawn.

Mr. JAVITS. I object.

The VICE PRESIDENT. The mover has the right to withdraw the pending business. He does not have to have unanimous consent. The Senator from Michigan, who was in charge of the bill, may withdraw his motion to take up.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JAVITS. Who has the right to withdraw a motion, the majority leader or the maker?

The VICE PRESIDENT. The maker of the motion.

Mr. JAVITS. Then the request of the Senator from Montana is out of order, and I make the point of order.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I am afraid we are getting into technicalities. We are not accomplishing anything, and we are beginning to look a little foolish, at the same time.

I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 o'clock noon tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. This, as I understand it, will kill the motion to take up civil rights.

The VICE PRESIDENT. The Senator is correct.

Mr. JAVITS. Mr. President, reserving the right to object, and I do reserve the right to object——

Mr. MANSFIELD. Object to what?

Mr. JAVITS. To the unanimous-consent request just made.

Mr. MANSFIELD. It has been agreed to.

The VICE PRESIDENT. The Chair had orally ruled; the request had been agreed to.

Mr. JAVITS. That was not the understanding of the Senator from New York, Mr. President.

Mr. MORSE. Mr. President, the Senator from Oregon was seeking recognition to reserve the right to object. I did not intend to object. I have a very brief statement.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, then, in the interests of orderly procedure, that the unanimous consent to adjourn until tomorrow be rescinded.

The VICE PRESIDENT. Without objection——

Mr. MORSE. Mr. President——

The VICE PRESIDENT. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I was trying to say I did not intend to object to anything; I just wanted the Record to show my point of view.

I want the Record to show, Mr. President, that I respectfully disagree with my leadership in the laying aside of the civil rights bill. There is no issue of greater importance to the domestic tranquillity of this country than the issue of civil rights. This course of action will be misunderstood by millions of Americans; it plays right into the hands of the white extremists and the black extremists. I think it is going to arouse mistaken ideas on the part of many people, including some who will think that we are starting to develop, now, an apartheid policy in the United States.

Mr. President, a solution to the civil rights crisis that confronts this country—and it is a crisis—calls upon Congress to carry out its legislative duty and trust; and I do not think it should proceed with any other business until it fulfills that trust. In my judgment, the adjournment of this Congress without passing civil rights legislation will cause great strife within the commonweal, and I think that Congress will be rightly charged with the failure to carry out its obligations.

We are following a course of action that is going to encourage extremism in this country.

I agree with my majority leader. We have a duty to pass legislation to assure the maintenance of a system of government by law.

I speak most respectfully when I say that I think a great legislative mistake will be made by the Senate this afternoon if it goes along with laying aside what I consider to be the No. 1 domestic issue confronting us.

I want the Record to show that I do not associate myself with that program, but file this respectful dissent.

The PRESIDING OFFICER (Mr. Montoya in the chair). The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I have never engaged in maneuvers to disturb or embarrass the majority leader or in doing vain things.

Mr. MANSFIELD. The Senator is correct.

Mr. JAVITS. I would like to explain my position to the Senate. I think that the Senator from New Jersey [Mr. Case], the Senator from Oregon [Mr. Morse], the Senator from Michigan [Mr. Hart], I, and many other Senators, and the majority of the Senate having voted for cloture, have a right to express our protest to a course of action taken pursuant to the unanimous-consent procedure, for, unless somebody objects, it must be assumed that everybody agrees.

I feel that the Senate is engaging in a very unwise act for the country, to say the least, and presenting a new element of danger for the country in what I think the Senator from Oregon has properly called the No. 1 domestic issue facing the country.

We should take a minute to express our dissent and dissatisfaction. We are not children. We know that a rollcall will produce far more votes than ever.

The majority leader has the right to decide on calling up a bill. That is not my point.

I will not stand in the way of anything that the majority leader wants to do. However, we should have an opportunity to have our say and register our protest and not, by unanimous-consent determination, have our consciences charged with having stood silent on the question of displacing this business, when we know very well it is the wrong thing for our Nation to do.

I would not wish to stand in the way of whatever procedure the majority leader wishes to follow, other than unanimous consent of the Senate, to make the management shift which he feels is advisable and which I protest against.

I think we all bear a very heavy responsibility to see that this action which we are taking does not work out disastrously for many communities in our country.

I think it is a very small minority of Negroes which is preaching this idea that they cannot depend on the Government of the United States to do justice.

We have done a great deal by the passage of our laws. However, that minority can grow, and greatly, unless we give some redress to its grievances.

Mr. President, I do not stand here and say that what we are doing today will touch off more riots. That would be outrageous. It would be doing exactly what I condemn. However, I do say that this is not taking a step that will be helpful. I hope it is not a step that will hurt us.

The responsibility is a matter for all of us, including especially the President of the United States. The Senator from New Jersey [Mr. Case], I, and others have said there are many things the President can do to see that this does not hurt us.

We will be back in January for rule XXII changes and civil rights legislation, but let us not erode the ground upon which we stand today.

That is the reason why I hope the majority leader will not compel us to act by unanimous consent this afternoon.

Mr. HART. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Michigan.

Mr. HART. Mr. President, I want, first of all, to thank all of our colleagues for their patience these last 2 weeks, and to thank my colleagues on this side of the aisle for voting by a heavier vote for cloture in 1966 than we did in 1964. We obtained cloture on both occasions.

I thank those on the other side of the aisle who courageously supported that effort, notwithstanding the changed circumstances.

Most of all, I am grateful to the able Senator from Montana, our majority leader, for his understanding.

As the Senator from New York [Mr. Javits] said, let us not go home thinking that perhaps this will all go away and that there will not be any effort for a civil rights bill next year if, by the time we get back, all semblance of racial discrimination in the selection of juries has been eliminated, if there is a cross section in the composition of juries, if public facilities are opened more rapidly to all Americans who finance those facilities, if violence directed against Americans who seek to exercise their constitutional rights has stopped or if, where it does occur, there is effective sanction applied—and if the returning veteran finds that he can shelter his family without running a color test.

However, if these changes do not occur in the interval, there certainly will be and should be legislation. I hope that the parliamentary rule will enable the majority to express its will the next time, because I interpret the 54 votes for cloture as pretty largely a vote for the 1966 act.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CLARK. Mr. President, I endorse what the Senator from Michigan has just said and the comments of the other advocates of the civil rights bill of 1966.

I endorse the bill. I would like to stress particularly the need for senatorial reform as evidenced by the fact that twice within 1 week a majority of the Senate has been unable to act when it was ready.

I have said so often that it has become a cliche that ours is the only legislative body in the civilized world which is unable to act when the majority is ready for action.

I think those of us who support civil rights and, but more importantly, those of us who support the reputation of the Senate as an effective legislative body should give long, deliberate, and hard thought to the whole issue of congressional reform and come back prepared to act and act in a meaningful way next January, not only because of civil rights—a cause which is close to my heart—but also because of the shambles which has been made of legislation in the Senate day after day, month after month, and year after year, for almost 100 years because of our inability to discipline ourselves and to provide for the common rules of orderly procedure which are carried into effect by every other important legislative body in the civilized world.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment until 5 minutes after 3 o'clock this afternoon.

Mr. MORSE. Mr. President, reserving the right to object, I did not hear the request.

The PRESIDING OFFICER. The motion was that the Senate stand in adjournment until 5 minutes after 3 o'clock this afternoon.

Mr. MORSE. Mr. President, will the Senator explain the reason for that?

Mr. MANSFIELD. The reason is to get to a new legislative day. It will dispose of the pending motion.

The PRESIDING OFFICER. The motion is not debatable.

Mr. MORSE. It may not be debatable, but it is objectionable.

The PRESIDING OFFICER. The motion is not debatable.

Mr. MORSE. If it is a unanimous-consent request, I object.

Mr. MANSFIELD. Mr. President, I withdraw my motion so that the Senator can raise his question.

Mr. MORSE. I am just seeking to find out what the procedure is. I have my responsibility to protect myself under the procedure.

Mr. MANSFIELD. Mr. President, the leadership has been informed that if a unanimous-consent request is made to proceed to other business this afternoon, there will be an objection. In order to get on with the business of the Senate, I have moved that the Senate adjourn for 5 minutes in order to start a new legislative day and thus permit by motion the conduct of other business on the Senate Calendar.

Mr. MORSE. I think it is a wise procedure. I go along with it.

Mr. MANSFIELD. Mr. President, I renew my motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana that the Senate adjourn until 5 minutes after 3 this afternoon.

The motion was agreed to; and (at 2 o'clock and 59 minutes p.m., on Monday, September 19, 1966) the Senate adjourned until 5 minutes after 3 p.m., the same day.

AFTER ADJOURNMENT

MONDAY, SEPTEMBER 19, 1966

The Senate met at 3 o'clock and 5 minutes p.m., pursuant to adjournment.

Hon. WALLACE F. BENNETT, a Senator from the State of Utah, offered the following prayer:

Our Father in Heaven, we honor the custom of the Senate to open all its sessions with prayer, which on this occasion brings us to what might seem to be a useless formality. Touch our hearts and make it more than a formality.

This afternoon we find ourselves in the position where there has been sharp disagreement, some sharp disappointment. Help us in this condition, and whenever it is repeated, to broaden our understanding. Help us to see the point of view of the men who may have voted in a way opposite to the way we voted.

Help us to realize that we are Members of a body which is faced with the constant responsibility of resolving controversy; help us to take the sting out of the decisions that we must make; so that our service in the Senate, and our service to the people and to Thee, may be in the name of Thy Son, Jesus Christ. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 19, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOSEPH M. MONTOYA, a Senator from the State of New Mexico, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. MONTOYA thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 19, 1966, legislative day of Wednesday, September 7, 1966, was dispensed with.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

H.R. 15857. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries of officers and members of the Metropolitan Police force and the Fire Department, and for other purposes (Rept. No. 1609).

LIMITATION OF STATEMENTS DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 3261. An act to authorize the Secretary of the Interior to convey certain lands in the State of Maine to the Mount Desert Island Regional School District; and

S. 3421. An act to authorize the Secretary of Agriculture to convey certain lands and improvements thereon to the University of Alaska.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 16330) to provide for extension and expansion of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 16367) to extend the benefits of the War Orphans' Educational Assistance program to the children of those veterans of the Philippine Commonwealth Army who died or have become permanently and totally disabled by reason of their service during World War II, and for other purposes, and it was signed by the Vice President.

SEA-GRANT COLLEGES

Mr. BARTLETT. Mr. President, I would like to take this opportunity to commend the Senator from Rhode Island [Mr. PELL] for the fine work he has done in connection with the sea-grant college and program legislation recently passed by the Senate. The Senator from Rhode Island [Mr. PELL] took the lead in drafting the legislation, holding hearings as chairman of a special subcommittee and in managing the bill on the floor of the Senate.

Mr. President, we all have hopes that the sea-grant college bill will do for the development and exploitation of our marine resources what the land-grant colleges have done for our agricultural development. The legislation provides for Federal support of education of skilled manpower including scientists, engineers and technicians; applied research toward the necessary techniques, facilities, and equipment; and advisory services to disseminate findings to marine industries and other research or educational institutions.

This support will be provided in the nature of Federal "sea grants" to colleges and other qualified institutions for programs of education, research and advisory services. The institutions will create programs based upon their own ability to operate them and the National Science Foundation, the administering Federal agency, will determine which programs are feasible.

Under the Senate version, a program of $45 million over 3 fiscal years is authorized. The program will commence in 1967 at $10 million, continue in 1968 at $15 million, and reach $20 million in the third year, 1969.

The sea-grant program will not duplicate or overlap other Federal programs of assistance to marine resource industries and although colleges will be the primary base for these programs, any institution, agency, or industry, public or private, with a sound proposal is qualified to receive support either directly from the foundation or through a cooperative arrangement with an institution of higher education.

Mr. President, my State, Alaska, has vast marine resources ranging from salmon, halibut, and king crab to oil and gold. Alaska's future depends a great deal upon the development and exploitation of her water resources.

A short time after statehood, the Alaska Legislature charged the regents of the University of Alaska with setting up at the university a program of "research and education in biological, chemical, and physical oceanography and related topics." Although the Institute of Marine Science established was modest at first it has quickly expanded to the point where today the university is in a position to offer graduate degrees in biological, chemical, physical, and geological oceanography, fishery management, and in some aspects of submarine geophysics. The new sea-grant program will mean a great deal to the university's Institute of Marine Science.

Mr. President, I ask unanimous consent that a letter received from K. M. Rae, vice president for Research and Advanced Study at the University of Alaska and a report he provided me on the Institute of Marine Science at the university be printed in the Record at the conclusion of my remarks.

Mr. President, while the sea-grant program will be a benefit to institutions of learning in providing assistance in connection with various research programs, it goes beyond that.

The sea-grant program will directly help the fisherman and the industry by emphasizing the immediate application of technological advances and the imparting of knowledge of scientific discoveries to those actively engaged in all phases of marine work.

Mr. President, I am pleased by the favorable action taken on both sides of the Capitol on the sea-grant program. This measure, in my view, is one of the most meaningful bills to receive action in this Congress. The Senator from Rhode Island [Mr. Pell] and others who worked for and supported the legislation have made a significant contribution to our future as a maritime nation.

There being no objection, the letter and report were ordered to be printed in the Record, as follows:

University of Alaska,
College, Alaska, June 17, 1966.

Hon. E. L. Bartlett,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Bartlett: We have your letter about S. 2439, the National Sea Grant College and Program Act. We are sorry it has not been answered earlier.

Enclosed are some brief notes outlining the history and the present scope of our Institute of Marine Science. I hope these will provide the basic answers to your questions. We will be only too happy to provide supplementary information on any points you may wish to raise.

Many of us, who are interested in marine science in Alaska, have followed the concept of the Sea Grant College closely since it was first mooted by Spilhaus at the A.F.S. meeting in 1963. Indeed, we were represented at the Rhode Island meeting last fall and several of the faculty have been asked to comment on the idea and its implications by various scientific committees.

Geographically, of course, Alaska has a prime claim to support under the program if, or when, it is implemented. The huge extent of the coastline and adjacent shelf waters, the relatively high dependence on income from traditional fisheries, the new-found off-shore oil potential, are justification enough for concentration of education and technological research within the State. The newer concepts of marine exploitation are no less so. There is a tremendous backlog of research to be done in the Northern Pacific but even more so in the Bering, Chukchi and Beaufort seas. And there can be little argument against the wisdom of conducting training and research within the environment under which the results are to be used.

Again, we believe our present—and very rapidly growing—competence in the Institute of Marine Science, the Geophysical Institute and the Arctic Environmental Engineering Laboratory will stand us in good stead in national competition. I understand there are now about 70 schools in the United States offering curricula in oceanography and one can count a similar number of research institutions, private and state. However, there is a great diversity in the size of the activities involved and we can feel confident that we are now in the top quarter, despite the heavy concentration of federal support in the largest few.

We will, of course, be most grateful for your efforts on our behalf. And, please let us know if there is anything we can do towards providing more information.

Yours sincerely,
K. M. Rae,
Vice-President for Research and Advanced Study.

Enclosures.

University of Alaska Institute of Marine Science

The Institute of Marine Science came into being in 1960 when the State Legislature charged the Regents with setting up within the University a program of ". . . research and education in biological, chemical and physical oceanography and related topics." The first appointment, a director, was made in May 1961 and since then there has been rapid growth in these activities.

The present faculty comprises 16 full-time professional staff of whom 12 hold doctorates in relevant disciplines. In addition there are about 25 people on the support staff, and there is a growing enrollment of graduate students. The Institute is now under the direction of Dr. D. W. Hood who joined the University in 1965.

The shore facility, the Douglas Marine Station, is a converted school building of some 5,000 sq ft, now modified and well equipped for marine geology and biology. Recently a second building of 12,000 sq ft has been acquired, nearby, on Douglas Island. This is being converted to provide additional laboratory space, workshops, storage, and faculty and student accommodation.

Early in 1964, a new facility was completed on the campus with a matching grant from N.S.F. This involves some 8,000 sq ft of highly modern research space, entailing specialized laboratories for mass-spectrometry, radio-isotope work, and controlled temperature rooms. With a projected rapid expansion, plans are advanced for additional new laboratories and offices on the campus.

In the fall of 1964, the Office of Naval Research put the R/V ACONA at the disposal of the Institute. She is an 80-ft, specially designed, oceanographic vessel built only three years earlier. The cost of operation, about $150,000/year is shared by N.S.F. and O.N.R. through grants and contracts. In 1965 a second vessel, a 43-ft trawler, was obtained for inshore work.

A list of the current research projects receiving outside support is attached. Although these are not co-terminous, or applicable to a single fiscal year, they amount to something in excess of $½ million. To this the State adds $160,000/year as a line-item in the University appropriation.

Soon after the inception of the Institute a few graduate students were accepted. Because of shortage of space and the limited areas of specialization of the few faculty, only candidates who already had masters' degrees (or equivalent) were accepted. This permitted a tutorial system of education and reduced the need to set up formal course offerings in face of small enrollment. In 1965, the first two candidates received their Ph. D.'s in marine science.

Since then the increased faculty has permitted a more general program. Graduate courses have been set up in the various teaching departments and so full instruction can be offered to students holding a bachelor's degree in a relevant basic discipline. The consensus of the faculty is against establishing an undergraduate degree program in marine science (oceanography); while the topic is essentially interdisciplinary, a strong background in one of the contributing disciplines is, in our view, necessary.

Now, the University is in a position to offer the following degrees associated with the sea:

M.S. and Ph.D. in biological-, chemical-, physical- and geological-oceanography (although we tend to use the construction 'marine science').

M.S. in wildlife management (fisheries).

M.S. and Ph.D. in some aspects of marine geophysics.

Plans are under way for programs in Ocean Engineering and Marine Products Technology. The question of a Law School at the University is also under discussion and the need for training in maritime law has been prominent in this consideration.

However, in the 'Sea-Grant' concept, there are other activities at the University, outside the Institute of Marine Science, to be considered. The Geophysical Institute has plans to develop a strong program in physical oceanography and in air-sea surface interaction. There is already a program in underwater seismology. We have had a long-standing program on the properties of sea-ice in the Arctic Environmental Engineering Laboratory; the Institute of Water Resources Research has recently started an exciting project on desalination by natural freezing. Also in the general area of ocean engineering, the faculty has been providing consultant services on the design of offshore oil-rigs in the Cook Inlet.

The University has not heretofore been active in applied fishery research. This, of course, is not to say that our biogeochemical research is irrelevant to a better understanding of exploitation of marine biological resources; the reverse is the case. But under present arrangements, the responsibility for exploratory fishing, assembly of catch statistics, annual catch projections, processing technology, *etc.*, are vested in the State Fish and Game Commission and the U.S. Bureau of Commercial Fisheries. The University's role has been that of collaboration and the provision of the more basic background information. This situation may well change should different sources of non-State funding materialize. We do, nevertheless, provide advice to commercial fishermen through the Extension Service; lectures are given regularly by a full-time expert in the various fishing centers. We hope to add more people to the staff for this function.

NEW YORK CITY'S POOR EXCEL IN LEADING SUMMER ANTIPOVERTY PROGRAMS

Mr. JAVITS. Mr. President, the Economic Opportunity Act of 1964 embodied what was to some a startling concept—the idea that the poor should themselves participate significantly in the planning and administration of local antipoverty programs. It was an idea founded on the belief that massive social and economic improvement could best, and perhaps only, be achieved if the target communities became caught up in the effort and made the Government's program their program. Self help is the best kind of assistance, and examples of the success of this approach in the poverty field are accumulating rapidly.

In particular, Mr. President, I would point to the superb results achieved in New York City's special summer antipoverty program. As an article appearing in the New York Times of September 12, 1966, points out, 226 of the summer program's 332 projects were run by so-called indigenous groups—local neighborhood organizations. Some 5,591 poor people from the communities involved as well as many of the 4,367 impoverished teenagers employed by the Neighborhood Youth Corps provided the primary staff assistance; only 2,505 teachers, social workers and other professionals were hired.

The success of these programs is testimony to the value of the community action concept. Plans for the future have been drawn up by many of the numerous neighborhood groups which participated in these summer programs, and some flicker of hope and interest has been aroused in thousands of individuals never before reached by more traditional programs. Now that the program is underway, the Congress should see to it that sufficient funds are provided to keep it underway and to prevent the loss of hard-won ground.

I ask unanimous consent that this article by John Kifner in the New York Times be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CITY'S POOR EXCEL IN LEADING POOR—RAN MORE THAN HALF OF 332 SUMMER PROGRAMS, WITH 50 TO BE CONTINUED

(By John Kifner)

Mothers on welfare organized day camps; teenagers were trained as electricians, secretaries, nurses aides and commercial artists; children who had never ventured beyond their slum blocks stared wide-eyed at the Statue of Liberty, and the trees and caged porcupines at Bear Mountain state park.

These were some of the pieces of a quiet, sometimes faltering revolution in the city's antipoverty program this summer.

For the first time, city officials sought to put the program directly in the hands of the poor. Of the summer program's 332 projects, 226 were run by what antipoverty workers call "indigenous groups"—local neighborhood organizations.

The programs were staffed by 5,591 poor people working in their own communities and by many of the 4,367 teenagers employed for the summer by the Neighborhood Youth Corps. Only 2,505 teachers, social workers and other professionals were hired.

SOME WILL CONTINUE

The summer before, 33 programs were run by large, established agencies and city departments, with grants of $2.7-million. The rest were handled by Harlem's Haryou-Act with $3.5-million.

The city had more to spend this summer—$10.5-million in Federal funds—and was able to reach beyond the most publicized poverty areas of Harlem, Bedford-Stuyvesant and the Lower East Side to finance programs in more than a dozen deeply impoverished, but lesser known neighborhoods.

All told, this summer's projects reached 300,000 to 500,000 persons, antipoverty officials say.

"Their success," says Richard Buford, the special assistant to the Mayor who directed the summer programs, "shows that poor people can help themselves if they get half a chance."

With the summer over, however the programs, successful or not, had been scheduled to die. But now some of them will continue until December.

"The thing that's really painful," Mr. Buford had said, "is to see the whole damn thing fall apart just because you haven't got the money."

The prospect was painful for the people in the poverty projects as well, and many complained that the program's purpose was simply to head off summer riots.

The explanation by Federal officials that the September cut-off was necessary because of limited funds was undermined when a $400,000 grant was produced for fire-hydrant sprinkler heads and swimming facilities in mid-summer.

NOW AVAILABLE $400,000

The special program was hurriedly put together over a weekend after President Johnson learned that four days of racial violence in Chicago had been touched off when the police turned off a hydrant that slum children had turned on.

After considerable pressure on New York's new Human Resources Administration by local groups and by some of its own staff members to continue projects, officials agreed to use about $400,000 of Federal funds not used during the summer to extend the life of 50 small programs through December.

"There are all kinds of people now involved in real, meaningful community action for the first time," Mr. Buford said. "They don't understand the logic, and I don't think there is any, of building up a lot of hopes and good programs, and then letting them expire at the beginning of September."

The approach to the summer's projects was unorthodox from the start. Instead of following the usual procedure of parceling projects out to large agencies, city staff workers held hundreds of meetings in the spring with neighborhood groups, block associations, churches, and clubs in poor neighborhoods to find out what they wanted and worked with them in preparing programs.

"The programs really reflected what these people wanted to do," said Christopher Weeks, a former assistant to R. Sargent Shriver, director of the federal Office of Economic Opportunity, who ran the program's day to day operations.

"But it was so widespread and seemed so chaotic that Washington was really worried," he recalled. "They were afraid it was going to be one of the major disasters of the poverty program.

"What everybody underestimated was the capacity of these block associations and the poor people to run their own projects. This was a smashing success—and the people on the street did it themselves."

CONFLICT BETWEEN OFFICIALS

The program was still plagued with many of the difficulties and last-minute crises that have haunted the city's efforts to aid the poor. In the spring antipoverty officials were hampered in planning because they did not know how much money they could expect. When the program was finally submitted, its approval was delayed by the conflict between city and federal officials over how much antipoverty money the city could receive.

Approval came only three days before the program was to start, and despite frantic efforts by antipoverty workers to clear the money through a maze of city offices and regulations, most of the programs got under way two or three weeks late.

Antipoverty workers in the summer program obtained bank loans and advances for the troubled projects, and set up a system of consultants to help the inexperienced groups with their problems.

When Thelma Johnson, the program's staff director, was tearfully given bouquets of flowers at a performance of the Bronx Community Action Theater last week, it was a new departure: local groups are normally in a mild state of war with the city authorities.

"If it hadn't been for the banks, we would have been ruined," said Mr. Weeks. "But after we got going we had more problems with the establishment groups than the poor ones. The Archdiocese in Brooklyn was trying to charge admission to their day camps—we had to put a stop to that right away."

The archdiocese could not be reached for comment yesterday.

A SHOWCASE PROJECT

One of the projects the city is proudest of is on Fox Street, between Longwood Avenue and 156th Street in the Hunt's Point Section of the Bronx. Fox Street is regarded by Welfare, Housing and Police officials as one of the worst streets in the city. The project is five blocks from where touring Buildings Commissioner Charles G. Moerdler was solicited by prostitutes and attacked with a barrage of bottles Wednesday night.

Almost every window and fire escape of the normally grim brick buildings on Fox Street was festooned with brightly colored crepe paper and paper chains and lanterns the other day, as the project's day camp held a party. Hundreds of children and adults, many of them wearing T-shirts that said "Fox Street Concerned Youth," twisted to the Supremes' recording of "You Can't Hurry Love" over a loudspeaker.

The program, called the Concerned Parents of Fox Street, is directed by Mrs. Esmay Robinson, a former welfare client, and most of the staff is composed of mothers on welfare.

CYNICISM OF THE SLUMS

"I know there hasn't been 100 per cent improvement—the sickness is still there day to day—but we've reached so many people," Mrs. Robinson said, explaining that the group first had to overcome the natural cynicism of the slums and some hostility between Negro and Puerto Rican residents.

The day camp enrolled more than 400 children, and the group organized Welfare mothers and told them of their rights under the law—they have received more than 900 complaints against the Welfare department since the beginning of July—and provided information on birth control and better consumer buying methods.

As the organization became known, other activities developed. Narcotics addicts come in to ask for help, and 8 to 10 a week are brought to city hospitals for treatment, Mrs. Robinson said.

"There's a lot of small changes that are really big in a neighborhood like this," Mrs. Robinson added. "In my building there are usually 3 evictions a month; there haven't been any this summer. You see the supers out in the morning sweeping off the sidewalks—that's really a change. We made one super keep the garbage off the street and he was really surprised; he hadn't done it for 15 years.

"One man—he was sort of defiant—he ran a lottery on the street and everybody stood around drinking whisky and wouldn't move. After a few weeks, he came around and doesn't hold the lottery while we're running the day camp."

There are other changes. In the Corona-East Elmhurst section of Queens, the director of the local project was attacked early in the summer by a youth gang called the Enchanters. By the end of the summer, the Enchanters were circulating a petition asking that the program be continued.

BUILDING CONFIDENCE

In the basement of Public School 125, at 425 West 123rd Street, 43 teenagers tutored 90 younger children in remedial reading, writing and arithmetic. One of 152 projects stressing education, this one, called Youth Helping Youth, was directed by Miss Annie Brown, who has been tutoring local children in her apartment in the Grand housing project since 1963.

"I saw so many children reading far below level. I thought I'd better do something," she explained. "Many of the children broke down and cried when we gave them tests. We had to reeducate them and build their confidence."

African culture and history—and Latin American history in Spanish-speaking areas—were part of many of the programs in order "to give the children a sense of pride in what they are," one teacher said.

The Puerto Rican children at a day camp run by the United Students of the Americas, 341 West 25th Street, were also taught "the principles of American life."

"That is so they can understand the idiosyncrasy of the American people," explained Enrique Ochoa, a graduate student in economics from Ecuador. "The main thing here is, we're not too scientific—we let our emotions show."

BACK TO SCHOOL

Theater groups put on plays ranging from "The Boy Friend" to a rent-strike version of "Waiting for Lefty"; a puppet theater toured the children's wards of city hospitals; and in Bedford-Stuyvesant a series of weekend dances wound up with a concert by finger-snapping teenage rhythm and blues groups with names like the Del-Fives, the Imperialettes and the Uniques.

In the Far Rockaway Section of Queens, an hour and a half, 40-cent subway ride from Times Square, where Negro Shantytowns are separated from new middle-income cooperatives by cyclone fences, 60 mothers on Welfare—some of whom had dropped out of school 15 years before—learned typing, sewing and hatmaking and studied for high school equivalency tests.

"Its been a wonderful thing," said Mrs. Mary Kelly, as several mothers nodded agreement. "Now we can do things for our children and maybe make a better place out here.

"We might have a chance for a nice job now. We'd like to feel independent—who wouldn't?"

SOME ARE AFRAID

Mrs. Mary Rogers, a blockworker for the League of Autonomous Bronx Organizations for Renewal, which is seeking housing improvements in the Morrisania area sat in one of the group's five storefront offices at 1680 Washington Avenue the other night. She waited in vain for a group of tenants to come to a meeting.

"We go door to door and find out what complaints people have—some of the conditions are just awful" she said. "We see if tenants will get together and we tell them about their rights. But a lot of them are just afraid, and they want to see results before they'll do anything.

"Now, we'll just have to start again on this building."

"You really can't organize people on a ten-week basis," said Marshall England, the director of the group, which also provides free legal service. "First they have to find out that you're for real."

COORDINATION OF FEDERAL GRANT-IN-AID PROGRAMS

Mr. MUSKIE. Mr. President, Congress, in the past 6 years, has made the most wide-ranging and comprehensive attack on the problems of our cities and towns that has ever been made in the history of our country. Rarely has the Federal Government faced so many domestic problems and stimulated so many ideas and proposals for dealing with them.

We have, in the past few sessions of this body, set out on a broad attack on problems dealing with education, housing, urban renewal, air and water pollution, economic opportunity, conservation, mass transit, and community development. We have designed and initiated these programs in the belief that all of the resources of this great Nation should be marshaled for the creation of a society in which every citizen is given the opportunity to realize his aspirations and his highest potential.

But the success of what we have done and what we may do will be only as good as the machinery which carries it to the people in the most effective way possible. The effective administration of these programs is no less important than their substance. And when we talk about administration, we are talking about our Federal system of Government—that unique invention which provides a balance of powers and responsibilities between Federal, State, and local governments.

For some time, now, the Subcommittee on Intergovernmental Relations, of which I am chairman, has been conducting intensive studies of problems of coordination among all levels of government. At the same time, the Advisory Commission on Intergovernmental Relations continues to carry on in-depth studies of problems in this critical field of government.

In line with this growing concern for the problems of federalism, I was pleased to note a recent address by Mr. Harold Seidman, of the Bureau of the Budget, before the National Legislative Conference in Portland, Maine. Mr. Seidman has, it seems to me, clearly identified five key areas which call for a coordinated attack by the Federal Government, in cooperation with its State and local counterparts.

Mr. President, I ask unanimous consent that Mr. Seidman's address be printed in the Record for the benefit of Members of Congress who have not read it.

There being no objection, the address was ordered to be printed in the Record, as follows:

Coordination of Federal Grant-in-Aid Programs

(Address by Harold Seidman, Assistant Director for Management and Organization, U.S. Bureau of the Budget, before the National Legislative Conference, Portland, Maine)

In ancient times alchemists believed implicitly in the existence of a "philosopher's stone" which would provide the key to the of mankind. The quest for coordination is universe and, in effect, solve all the problems in many respects the twentieth century equivalent of the medieval search for a philosopher's stone. If only we can find the right formula for coordination, we can reconcile the irreconcilable, harmonize competing and wholly divergent interests, overcome the irrationalities in our government structures, and make the hard policy decisions.

We are prone to forget that coordination is not neutral. To the extent that it results in mutual agreement or a decision on some policy, course of action, or inaction, inevitably it advances some interests at the expense of others, or more than others. It assumes at least some community of interests with respect to basic goals. Without such a community of interests, there can be no effective coordination. Coordination contains no more magic than the philosopher's stone. It does contain, however, a good deal of the substance with which the alchemists were concerned—the proper placement and relationship of the elements to achieve a given result.

Coordination difficulties are merely the symptoms of much more deeply rooted problems. Unless we have the courage to face up to these basic problems, our efforts to produce cooperation and reduce tension and conflict through new or improved coordinating devices inevitably will be doomed to failure. The core of the problem, as described by Senator Edmund Muskie, Chairman of the Senate Subcommittee on Intergovernmental Relations, is "the difficulty of managing 170 grant-in-aid programs in the 21 different Federal departments and agencies and in over 92,000 units of government throughout our 50 States—counties, municipalities, townships, metropolitan areas, independent school districts and other special districts." If this complex system is to work and we are, in President Johnson's words, "to develop a creative Federalism to best use the wonderful diversity of our institutions", each of the partners in the Federal system must have the capability and the willingness to do his part of the job.

The Federal grant-in-aid is the means by which our system of government is distinguished from every other major power in the world. We have elected as a nation to finance and administer cooperatively with State and local governments a host of essential programs to achieve national objectives, rather than to rely primarily on direct Federal operations. This is no recent development but one which has its roots in the midst of the Civil War when the Morrill Act of 1862 established our present land grant colleges.

In part, our current problems are the natural consequences of rapid growth in the size, number and variety of Federal grant-in-aid programs. In the last ten years Federal aid to State and local governments will have more than tripled, rising from $4.1 billion in 1957 to an estimated $14.6 billion in 1967. In the same ten-year period, expenditures by State and local governments from their own funds will have more than doubled. State and local governments are hard put even to keep track of the almost 400 subcategories or separate authorizations for the expenditure of Federal funds under various grant-in-aid programs.

Size and complexity, however, will present problems only so long as we refuse to adjust to change and to provide the necessary management capability. We cannot expect to manage successfully a multi-billion dollar enterprise with a management system suited to a country store. Measures have been taken at the Federal level to modernize the executive branch structure and to give the chief executive and the principal department and agency heads under him the authority and staff resources to manage the programs for which they are responsible. Notable landmarks are the Budget and Accounting Act of 1921, which provided for an executive budget, the establishment of the Executive Office of the President in 1939, and the more than sixty reorganization proposals recommended by Presidents Truman, Eisenhower, Kennedy and Johnson which have gone into effect since 1949. Strong central direction and management are now indispensable not only in Washington, but also in the State capitals, city halls and county seats, if we are not to be trapped hopelessly in what Senator MUSKIE has aptly called "a management muddle."

A true partnership cannot exist if one partner is strong and the others are weak. If State and local governments are to be equal partners with the Federal Government in achieving a full and creative federalism, they must overcome the fragmentation of authorities within their jurisdictions and give their principal executives the necessary authority and resources to manage and bring some cohesiveness into the present system. The fragmentation of Federal grant programs in some degree mirrors the fragmentation of authorities at the local level. As a recent study of a northeastern State government phrased it, the view persists that "administrative fragmentation helps to make the executive agencies more responsive to legislative wishes and to popular needs."

There are actions the Federal Government can and must take to improve and modernize the present operation of the Federal system. But can such actions be fully effective if not accompanied by comparable actions by our partners at the State and local level? Can our current needs be met when 31 States continue to hold biennial legislative sessions; 61 percent of the mayors in cities of 100,000 to 500,000 population serve part time; only one county in 100 has a full-time county manager?

I do not share the pessimistic view expressed in the report of the Committee on Economic Development on "Modernizing Local Government" when it stated:

"American institutions of local government are under an increasing strain. Well designed, by and large, to meet the simpler needs of earlier times, they are poorly suited to cope with the new burdens imposed on all governments by the complex conditions of modern life. Adaptation to change has been so slow, and so reluctant that the future role—even the continued viability—of these institutions is now in grave doubt."

I have a deep faith in the strength and viability of our State and local government institutions, but we will postpone further urgently needed reforms at our peril.

Coordination of Federal grant-in-aid programs is a complex and continuing process involving vertical and horizontal communications among and between Federal agencies, State and local governments and their various agencies and actions at each level of government separately and in conjunction with other levels. I have stressed the need for improvements at the State and local level, because I believe the role of State and local governments in this process is crucial. Federal laws set the objectives and establish the ground rules, but the Federal Government cannot make a grant until a local agency initiates action either by providing matching funds or applying for Federal project funds. Without local initiative the programs are inoperative.

The function of establishing State, regional or local goals, developing comprehensive plans, and determining priorities among grant proposals in terms of these goals and their relationship to comprehensive plans and financial restraints is and should remain a local, not a Federal, responsibility. I am convinced that if this job is performed well at the local level it will contribute more to the effective coordination of programs at the Federal level than any other action that could be taken. I am aware of the enormous obstacles which confront State and local governments in performing this responsibility. Federal laws and regulations often complicate the problems. Many communities have no mechanism for collecting current information about the flow of Federal grant funds into their local agencies, much less for coordinating such programs.

I am encouraged, however, by a number of significant developments. Some 28 State governments have established means for an overall consideration of their participation in Federal grant programs. New Jersey, New York, Tennessee, Washington, Alaska and Rhode Island have established State Offices of Urban Affairs for continuing review and attention to problems of local government finance, structure, organization and planning. The National Association of Counties is actively engaged in persuading county governments to establish Federal aid coordinators, and over 150 have already done so. The effectiveness of these coordinators will be limited, however, if they conceive of their job solely as a device to facilitate access to the Federal Treasury and not, in the first instance, to coordinate and provide for the establishment of priorities among county applications for Federal grants. I understand that a number of cities are also creating offices to coordinate Federal aid programs. The establishment of Councils of Governments representing elected officials of general units of government within a region is also a hopeful development and is calculated to facilitate regional planning and coordination.

The Federal Government has a direct obligation, in turn, to scrutinize its policies, organization and operations from the viewpoint of their impact on State and local organization and administration. The studies of the Subcommittees on Intergovernmental Relations of the House and Senate Committees on Government Operations and the Advisory Commission on Intergovernmental Relations have made major contributions in this regard. Their findings provide no grounds for Federal complacency.

The Federal Government needs, in cooperation with its State and local partners, to develop a consistent and coordinated attack on several key problem areas.

1. We must clear some of the brush out of what has been called the Federal grant-in-aid jungle. The profusion of categories and sub-categories of Federal grants constitutes perhaps the single most important source of management and coordination problems. We can no longer afford to establish matching formulas on a case-by-case basis without regard to any general standards or criteria. We need greater consistency in the organizational and administrative requirements imposed by Federal law and regulations and should make certain that differences genuinely reflect special program needs, not merely historical preferences and administrative biases. Means must be devised to provide a more effective input by the general managers, not just the specialists, into the development of Federal regulations. The Bureau of the Budget is tackling the problem of competing and overlapping planning requirements, and we expect to complete our study early this fall. We are also working with the National Association of State Budget Officers to identify Federal grant-in-aid requirements impeding State administration and to simplify accounting and auditing requirements.

2. We are making progress, but much more needs to be done to improve communications both among Federal agencies and with the heads of general units of local government. The President has designated the Vice President and the Director of the Office of Emergency Planning to act as his liaison with mayors and governors, respectively. Federal Executive Boards established in our major Federal Centers are doing much to facilitate communication and are making a special effort to work closely with State and local governments. The Bureau of the Budget supports S. 561, the Intergovernmental Cooperation Act, which, among other objectives, provides for a more effective flow of data to governors and State legislatures.

3. The Federal Government can and should do more to support efforts to enhance the quality of State and local administration. The President has directed the Bureau of the Budget and the Civil Service Commission to advise him on measures to provide Federal support to programs for training State and local officials.

4. We need to adapt our Federal organizations structure and coordinating arrangements to current requirements. Peace treaties among overlapping and duplicating programs at best can offer only temporary relief. Government by committee is a danger to be avoided. The executive order issued only last week by President Johnson assigning to the Secretary of Housing and Urban Development the responsibility to act as a "convener" marks a significant new approach. The Secretary is given the duty to convene special working groups composed of the appropriate Federal agencies involved to identify urban development problems of an interagency or intergovernmental nature, and to promote cooperation among Federal departments and agencies in achieving consistent policies, practices and procedures. The "metropolitan desk" concept being developed by the Department of Housing and Urban Development also has considerable promise.

5. Finally, and by no means least, we must update our Federal field structure. As President Johnson stated in his Budget Message: "We must strengthen the coordination of Federal programs in the field. We must open channels of responsibility. We must give freedom of action and judgment to the people on the firing line."

Any partnership, like a marriage, can never be entirely free of stresses and strains. If kept within reasonable bounds, conflict and tension can be creative, not destructive. We all face some difficult tasks in making creative federalism a practical reality. Working together I am confident we can move forward toward President Johnson's goal of a "Great Society."

ANDREW JACKSON, SOUTH CAROLINIAN

Mr. RUSSELL of South Carolina. Mr. President, some days ago the distinguished senior Senator from North Carolina [Mr. ERVIN] favored the Senate and the Nation with an amusing, if inaccurate, lecture on the birthplace of Andrew Jackson, late President of the United States.

Senator ERVIN is laboring under the misapprehension that President Jackson was born in North Carolina, a notion which will be clearly disabused by a careful reading of "Andrew Jackson, South Carolinian," authored by a distinguished scholar and college president, Elmer Don Herd, Jr. I am forwarding to the North Carolina Senator a copy for his library.

I rise today to place in the RECORD a certificate of birth for Andrew Jackson, which clearly certifies that the late President was born in South Carolina on March 15, 1767, in the township of Waxhaws in Lancaster County.

The certificate of birth is on file in the office of the clerk of court in Lancaster County, Lancaster, S.C.

The certificate was issued by the clerk of court in Lancaster after due consideration of ample evidence which certified as to the circumstances of birth of Andrew Jackson.

Being the immensely able constitutional scholar which he is, I know that the Senator from North Carolina is intimately familiar with article IV, paragraph 1, of the U.S. Constitution, which declares:

> Full Faith and Credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Mr. President, I trust that our great sister State of North Carolina will abide by the Constitution, and give "full faith and credit" to the birth certificate of Andrew Jackson, which says plainly where he was born—in South Carolina.

I ask unanimous consent that the birth certificate be printed in the RECORD.

There being no objection, the certificate of birth was ordered to be printed in the RECORD, as follows:

CERTIFICATE OF BIRTH

STATE OF SOUTH CAROLINA, COUNTY OF LANCASTER

Office of clerk of court

1. Place of birth:
County of Lancaster.
Township of Waxhaws.
City of ———.
2. Full name of child: Andrew Jackson.
3. Boy or girl: Boy.
4. Color or race: White.
5. Nationality: American.
6. Date of Birth: March 15, 1767.
7. Full name of father: Andrew Jackson.
8. Maiden name of mother: Elizabeth Hutchinson.

I, Lee O. Montgomery, Clerk of Court of Common Pleas and General Sessions for Lancaster County, South Carolina, the same being a Court of record, and having by law a seal, and being the official custodian of vital statistics for Lancaster County, do hereby certify unto all whom it may concern, that there is on file in the office of Clerk of Court for said County the record of birth of the above named from which the above statistical data were obtained, and I further certify that the above date of birth, place of birth, and other information concerning the birth of the above named are true and correct as copied therefrom as filed May 23, 1962; and recorded in volume 65-D, of Births, at page 110.

Given under by Hand and Official Seal of Office at Lancaster, South Carolina, this 23rd day of May, A.D. 1962.

LEE O. MONTGOMERY,
Clerk of Court for Lancaster County, S.C.
By ——— ———
Deputy Clerk.

PENN-CENTRAL MERGER

Mr. KENNEDY of New York. Mr. President, I was pleased at today's action by the Interstate Commerce Commission in reaffirming its April 27 decision regarding the Penn-Central merger. The Commission's maintenance of September 30, 1966, as the effective date of the merger is particularly important to the future of the New Haven Railroad. Early consummation of the merger will insure that continuance of the New Haven's vital passenger and commuter services is not jeopardized by delays in the Penn-Central proceeding. Other problems may well lie ahead for the New Haven, but the ICC's action today assures that it will not be the stumbling block to a longrun solution of the New Haven's situation.

Today's decision is also commendable for its assurance that the ICC will consider further the question of indemnification of the Erie-Lackawanna, Delaware & Hudson, and Boston & Maine Railroads by the merging railroads, and that these three carriers will have an opportunity to seek ultimate inclusion within the Penn-Central system. As the Commission itself points out, further proceedings regarding these three carriers will be governed by the "fair and equitable" language of the Interstate Commerce Act. These three railroads provide important transportation services that must not be neglected, and the Commission's assurances regarding their future are a step forward in developing an approach to keeping these services in operation.

I have supported the concept of a merger between the Pennsylvania and New York Central Railroads since the time that I was Attorney General. It has been and is my belief that such a merger is the first step forward in the development of a modern and integrated transportation system in the eastern part of the United States. Such a system must exist if we are to satisfy the growing needs of this region's citizens for swift and efficient service from city to city and from city to suburb. That is why early consummation of the merger, with adequate provision for inclusion of vital service now being provided by other carriers, is so important to the public.

OTHERS ARE NOW ALSO REVEALING THE TRUTH ABOUT THE UNDECLARED WAR IN VIETNAM

Mr. GRUENING. Mr. President, little by little—trickle by trickle—the truth about the U.S. tragic and needless involvement in a large-scale land war in southeast Asia is coming to light.

Over this last weekend, four important statements appeared in the public press showing the growing fears of an ever-widening group of people concerning the quagmire in which the United States finds itself enmeshed in Vietnam because of its rigidity of position, its failure to face facts, and its consistent adherence to preconceived misconceptions.

Writing in the New York Times magazine for September 18, 1966, under the title "A Middle Way Out of Vietnam," the noted historian and former special assistant to both President Kennedy and President Johnson, Arthur Schlesinger, Jr., gave a striking analysis of the course open to the United States to extricate itself from its difficult position in Vietnam. Professor Schlesinger points out:

> The illusion that the war in South Vietnam can be decided in North Vietnam is evidently a result of listening too long to our own propaganda. Our Government has insisted so often that the war in Vietnam is a clear-cut case of aggression across frontiers that it has come to believe itself that the war was started in Hanoi and can be stopped there . . . Yet the best evidence is that the war began as an insurrection within South Vietnam which, as it has gathered momentum, has attracted increasing support and direction from the north. Even today the North Vietnamese regulars in South Vietnam amount to only a fraction of the total enemy force (and to an even smaller fraction of the American army in South Vietnam).

About U.S. attempts at reconstruction, Professor Schlesinger writes:

> Much devotion and intelligence are at present going into the programs of reconstruction, but prospects are precarious so long as the enemy can slice through so much of South Vietnam with such apparent immunity; and so long as genuine programs of social reform threaten the vested interests of the Saigon Government and of large landholders.

Professor Schlesinger's assessment of the reconstruction program is underscored by a report appearing in the New York Times this morning from Saigon by Charles Mohr stating:

> Top South Vietnamese officials have made varying assessments of the pacification or "revolutionary development" work done so far in 1966. The most optimistic was that performance was "not quite satisfactory," the bluntest that progress was "quite limited" and that "not much was achieved."

Commenting on administration statements that the real enemy in Vietnam is Red China, Professor Schlesinger warns:

> The proposition that our real enemy in Vietnam is China is basic to the policy of widening the war. It is the vital element in the Administration case. Yet the proof our leaders have adduced for this proposition has been exceedingly sketchy and almost perfunctory. It has been proof by ideology and proof by analogy. It has not been proof by reasoned argument or by concrete illustration.

As for the middle course for the future, Professor Schlesinger advises:

> I think a middle course is still possible if there were the will to pursue it. And this course must begin with a decision to stop widening and Americanizing the war—to limit our forces, actions, goals and rhetoric. Instead of bombing more places, sending in more troops, proclaiming ever more ardently that the fate of civilization will be settled in Vietnam, let us recover our cool and try to see the situation as it is: a horrid civil war in which Communist guerrillas, enthusiastically aided and now substantially directed from Hanoi, are trying to establish a Communist despotism in South Vietnam, not for the Chinese but for themselves. Let us understand that the ultimate problem here is not military but political. Let us adapt the means we employ to the end we seek.

In the same vein, speaking out against what he said was an idea fostered outside of Vietnam that the conflict there was a "kind of holy war between two powerful political ideologies," U Thant, Secretary General of the United Nations stated, as part of his annual report to the United Nations:

> The Vietnamese people, in particular, have known no peace for a quarter of a century. Their present plight should be the first, and not the last, consideration of all concerned.

Indeed, I remain convinced that the basic problem in Vietnam is not one of ideology but one of national identity and survival. I see nothing but danger in the idea, so assiduously fostered outside Vietnam, that the conflict is a kind of holy war between two powerful political ideologies.

Also, over the weekend, the Vatican announced that Pope Paul VI would urge prayers on a worldwide basis during the month of October as part of a peace campaign to end the war in Vietnam. It is to be hoped that the prayers of the multitudes will include one for those in positions of leadership in the administration to face up to the facts not only as they are but as they were so that our future course of action can be determined in the light of reality rather than fantasy.

Last Saturday, September 17, 1966, another former adviser to both President Kennedy and President Johnson, Richard Goodwin, speaking before the national board of the Americans for Democratic Action here in Washington, also asked that the American people face up to realities with respect to U.S. involvement in Vietnam. With his knowledge of the inner workings of the White House, Mr. Goodwin called attention to the growing credibility gap between the administration and the American people. Speaking to this point he said:

> The air is charged with rhetoric. We are buried in statements and speeches about negotiation and peace, the defense of freedom and the dangers of communism, the desire to protect the helpless and compassion for the dying. Much of it is important and sincere and well-meaning. Some is intended to deceive. Some is deliberate lie and distortion. But the important thing is not what we are saying, but what we are doing; not what is being discussed, but what is happening. . . . In this, as in so many aspects of the war, much of the information which feeds judgment is deeply obscured. Of course, in times of armed conflict facts are often elusive and much information, of necessity, cannot be revealed. By its nature war is hostile to truth. Yet with full allowance for necessary uncertainties I believe there has never been such intense and widespread deception and confusion as that which surrounds this war. The continual downpour of contradiction, mis-statements, and kaleidoscopically shifting attitudes has been so torrential that it has almost numbed the capacity to separate truth from conjecture or falsehood.

Calling for a return to the platform of the Democratic Party in 1964, "No wider war," Mr. Goodwin called for the formation of a "national committee against widening of the war." He said:

> I suggest this organization work with other groups and individuals to form a national committee against widening of the war. It will not be aimed at withdrawal or even a lessening of the war in the South, although individuals who oppose escalation may also hold those views. Thus it will be open to all groups who oppose escalation in the North regardless of their position on other issues, and will be open to the millions of Americans who belong to no group but who share this basic belief and apprehension. Such a committee can provide a constant flow of objective information about Vietnam. It can keep vigil over official statements and ask the hard questions which might help separate wishful thinking from facts. It will neither be against the Administration nor for it, neither with any political party or opposed to it, neither liberal nor conservative. Its sole aim will be to mobilize and inform the American people in order to increase the invisible weight of what I believe to be the American majority in the deliberations and inner councils of government. Its purpose is to help the President and others in government by proving a counter pressure against those who urge a more militant course; a pressure for which those in government should be grateful since it will help them pursue the course of wise restraint.

As more and more of the truth is revealed about the reasons for the United States becoming mired in the morass in Vietnam, many more people will join their voices with those who have been speaking out for years against the steady escalation of the U.S. commitment in Vietnam and demand a halt to this senseless escalation of a war we should not be in.

I ask unanimous consent that there be printed at the conclusion of my remarks the article by Mr. Schlesinger referred to from New York Times magazine for September 18, 1966, the article by Mr. Mohr from the New York Times for September 19, 1966, excerpts from the report by Secretary General U. Thant, the article from the New York World Journal Tribune for September 18, 1966, describing the Pope's proposed action, and excerpts from the speech by Richard Goodwin on September 17, 1966, before the Americans for Democratic Action.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Times Magazine, Sept. 18, 1966]

Schlesinger Suggests That We Recover Our Cool and Follow a Middle Way Out of Vietnam

(By Arthur Schlesinger, Jr.)

Why we are in Vietnam is today a question of only historical interest. We are there, for better or for worse, and we must deal with the situation that exists. Our national security may not have compelled us to draw a line across Southeast Asia where we did, but, having drawn it, we cannot lightly abandon it. Our stake in South Vietnam may have been self-created, but it has nonetheless become real. Our precipitate withdrawal now would have ominous reverberations throughout Asia. Our commitment of over 300,000 American troops, young men of exceptional skill and gallantry engaged in cruel and difficult warfare, measures the magnitude of our national concern.

We have achieved this entanglement, not after due and deliberate consideration, but through a series of small decisions. It is not only idle but unfair to seek out guilty men. President Eisenhower, after rejecting American military intervention in 1954, set in motion the policy of support for Saigon which resulted, two Presidents later, in American military intervention in 1965. Each step in the deepening of the American commitment was reasonably regarded at the time as the last that would be necessary; yet, in retrospect, each step led only to the next, until we find ourselves entrapped today in that nightmare of American strategists, a land war in Asia—a war which no President, including President Johnson, desired or intended. The Vietnam story is a tragedy without villains. No thoughtful American can withhold sympathy as President Johnson ponders the gloomy choices which lie ahead.

Yet each President, as he makes his choices, must expect to be accountable for them. Everything in recent weeks—the actions of the Administration, the intimations of actions to come, even a certain harshness in the Presidential rhetoric—suggests that President Johnson has made his choice, and that his choice is the careful enlargement of the war. New experiments in escalation are first denied, then disowned, then discounted and finally undertaken. As past medicine fails, all we can apparently think to do is to increase the dose. In May the Secretary of the Air Force explained why were were not going to bomb Hanoi and Haiphong; at the end of June we began the strikes against the oil depots. The demilitarized zone between North and South Vietnam has been used by North Vietnam units for years, but suddently we have begun to bomb it.

When such steps work no miracle—and it is safe to predict that escalation will be no more decisive in the future than it has been in the past—the demand will arise for "just one more step." Plenty of room remains for widening the war: the harbors of North Vietnam, the irrigation dikes, the steel plants, the factories, the power grid, the crops, the civilian population, the Chinese border. The fact that we excluded such steps yesterday is, alas, no guarantee that we will not pursue them tomorrow. And if bombing will not bring Ho Chi Minh to his knees or stop his support of the Vietcong in South Vietnam, there is always the last resort of invasion. General Ky has already told us that we must invade North Vietnam to win the war. In his recent press conference, the Secretary of State twice declined to rule out this possibility.

The theory, of course, is that widening the war will shorten it. This theory appears to be based on three convictions: first, that the war will be decided in North Vietnam; second, that the risk of Chinese or Soviet entry is negligible, and third, that military "victory" in some sense is possible. Perhaps these premises are correct, and in another year or two we may all be saluting the wisdom and statesmanship of the American Government. In so inscrutable a situation, no one can be confident about his doubt and disagreement. Nonetheless, to many Americans these propositions constitute a terribly shaky basis for action which has already carried the United States into a ground war in Asia and which may well carry the world to the brink of the third world war.

The illusion that the war in South Vietnam can be decided in North Vietnam is evidently a result of listening too long to our own propaganda. Our Government has insisted so often that the war in Vietnam is a clear-cut case of aggression across frontiers that it has come to believe itself that the war was started in Hanoi and can be stopped there. "The war," the Secretary of State has solemnly assured us, "is clearly an 'armed attack,' cynically and systematically mounted by the Hanoi regime against the people of South Vietnam."

Yet the best evidence is that the war began as an insurrection within South Vietnam which, as it has gathered momentum, has attracted increasing support and direction from the north. Even today the North Vietnamese regulars in South Vietnam amount to only a fraction of the total enemy force (and to an even smaller fraction of the American army in South Vietnam). We could follow the genial prescription of General LeMay and bomb North Vietnam back to the Stone Age—and the war would still go on in South Vietnam. To reduce this war to the simplification of a wicked regime molesting its neighbors, and to suppose that it can be ended by punishing the wicked regime, is surely to misconceive not only the political but even the military character of the problem.

As for the assurances that China will not enter, these will be less than totally satisfying to those whose memory stretches back to the Korean War. General MacArthur, another one of those military experts on Oriental psychology, when asked by President Truman on Wake Island in October, 1950, what the chances were of Chinese intervention, replied, "Very little. . . . Now that we have bases for our Air Force in Korea, if the Chinese tried to get down to Pyongyang, there would be the greatest slaughter." Such reasoning lay behind the decision (the Assistant Secretary of State for Far Eastern Affairs at that time is Secretary of State today) to send American troops across the 38th Parallel despite warnings from Peking that this would provoke a Chinese response. In a few weeks, China was actively in the war, and, while there was the greatest slaughter, it was not notably of the Chinese.

There seems little question that the Chinese have no great passion to enter the war in Vietnam. They do not want to put their nuclear plants in hazard; and, in any case, their foreign policy has typically been a compound of polemical ferocity and practical prudence. But the leaders in Peking are no doubt just as devoted students of Munich as the American Secretary of State. They are sure that we are out to bury them; they believe that appeasement invites further aggression; and, however deep their reluctance, at some point concern for national survival will make them fight.

When will that point be reached? Probably when they are confronted by a direct threat to their frontier, either through bombing or through an American decision to cross the 17th Parallel and invade North Vietnam. If a Communist regime barely established in Peking could take a decision to intervene against the only atomic power in the world in 1950, why does anyone suppose that a much stronger regime should flinch from that decision in 1966? Indeed, given the present discord in Peking, war may seem the best way to renew revolutionary discipline, stop the brawling and unite the nation.

It is true that the Chinese entry into the Korean War had at least the passive support of the Soviet Union; but it would be risky today to rely on the Sino-Soviet split to save us from everything, including Soviet aid to China in case of war with the United States or even direct Soviet entry into the war in Vietnam. For the Soviet Union is already extensively involved in Vietnam—more so in a sense than the Chinese—and it would be foolish to suppose that, given Moscow's competition with Peking for the leadership of the Communist world, Russia could afford to stand by and allow Communist North Vietnam or Communist China to be destroyed by the American imperialists.

As for the third premise (that military "victory" is in some sense possible): The Joint Chiefs of Staff, of course, by definition argue for military solutions. They are the most fervent apostles of "one more step." That is their business, and no one should be surprised that generals behave like generals. The fault lies not with those who give this advice but those who take it. Once, early in the Kennedy Administration, the then Chairman of the Joint Chiefs outlined the processes of escalation in Southeast Asia before the National Security Council, concluding, "If we are given the right to use nuclear weapons, we can guarantee victory." President Kennedy sat glumly rubbing an upper molar. After a moment someone said, "Mr. President, perhaps you would have the general explain to us what he means by victory." Kennedy grunted and dismissed the meeting. Later he said, "Since he couldn't think of any further escalation, he would have to promise us victory."

What is the purpose of bombing the north? It is hard to find out. According to Gen. Maxwell Taylor, "The objective of our air campaign is to change the will of the enemy leadership." Secretary McNamara, on the other hand, has said, "We never believed that bombing would destroy North Vietnam's will." Whatever the theory, the results would appear to support Secretary McNamara. The northern strategy instead of driving Hanoi to the conference table, seems to have hardened the will of the regime, convinced it that its life is at stake, brought it closer to China and solidified the people of North Vietnam in its support.

"There is no indication," General Westmoreland said the other day, "that the resolve of the leadership in Hanoi has been reduced." In other words, bombing has had precisely the effect that the analyses of the United States Strategic Bombing Survey after the Second World War would have forecast. Under Secretary of State George Ball was a director of that survey; this may well be why he has been reported so unenthusiastic about the air assault on the North.

And, far from stopping infiltration across the 17th Parallel, bombing, if our own statistics are to be believed, has stimulated it. "It is perfectly clear," Secretary McNamara has said, "that the North Vietnamese have continued to increase their support of the Vietcong despite the increase in our effort. . . . What has happened is that the North Vietnamese have continually increased the amount of resources, men and material that they have been willing to devote to their objective."

Nor can we easily match this infiltration by enlarging our own forces—from 300,000, for example, to 500,000 or 750,000. The ratio of superiority preferred by the Pentagon in guerrilla war is 10 to 1, which means that every time we send in 100,000 more men the enemy has only to send in 10,000 or so, and we are all even again. Reinforcement has not created a margin of American superiority; all it has done is to lift the stalemate to a higher and more explosive level. Indeed, there is reason to suppose that, in its own manner, the enemy can match our every step of escalation up to the point of nuclear war.

U.S. News & World Report says in its issue of Aug. 22: "It's clear now to military men: bombing will not win in Vietnam." This is a dispiriting item. Why had our military leaders not long ago freed themselves from the illusion of the omnipotence of air power, so cherished by civilians who think wars can be won on the cheap? The Korean war, as Gen. Matthew B. Ridgway has said, "taught that it is impossible to interdict the supply route of an Asian army by airpower alone. We had complete air mastery over North Korea, and we clobbered Chinese supply columns unmercifully. . . . But we did not halt their offensive nor materially diminish its strength." If air power was not decisive in Korea, where the warfare was conventional and the terrain relatively open and compact, how could anyone suppose that it would be decisive against guerrillas threading their way through the hills and jungles of Vietnam?

The bombing illusion applies, of course, to South as well as to North Vietnam. Tactical bombing—bombing in direct support of ground operations—has its place; but the notion that strategic bombing can stop guerrillas runs contrary to experience. And we had it last winter, on the authority of the Secretary of State, that despite the entry of North Vietnamese regulars the war in South Vietnam "continues to be basically a guerrilla operation."

Sir Robert Thompson, who planned the successful British effort against the Malayan guerrillas and later served as head of the British advisory mission in Saigon, has emphasized that the defending force must operate "in the same element" as their adversaries. Counterinsurgency, he writes, "is like trying to deal with a tomcat in an alley. It is no good inserting a large, fierce dog. The dog may not find the tomcat; if he does, the tomcat will escape up a tree; and the dog will then chase the female cats. The answer is to put in a fiercer tomcat."

Alas, we have no fiercer tomcat. The counterinsurgency effort in Vietnam has languished, while our bombers roam over that hapless country, dumping more tonnage of explosives each month than we were dropping per month on all Europe and Africa during the Second World War. Just the other day our bombs killed or injured more than 100 civilians in a hamlet in the Mekong Delta—all on the suspicion that two Vietcong platoons numbering perhaps 60 men, were there. Even if the Vietcong had still been around, which they weren't, would the military gain have outweighed the human and political loss? Charles Mohr writes in The Times: "Almost every provincial hospital in Vietnam is crowded with civilian victims of the war. Some American doctors and other officials in the field say the majority are the victims of American air power and South Vietnamese artillery."

The trouble is that we are fighting one war, with our B–52's and our naval guns and our napalm, and the Vietcong are fighting another, with their machine guns and ambushes and forays in the dark. "If we can get the Vietcong to stand up and fight, we will blast him," General Westmoreland has plaintively said; and when they occasionally rise to the surface and try to fight our kind of war, we do blast them. But the fact that they then slide back into the shadows does not mean that we are on the verge of some final military triumph. It means simply that we are driving them underground—where they renew themselves and where our large, fierce dog cannot follow.

Saigon officials have been reporting that Vietcong morale is declining as long as I can remember; these reports need not be taken seriously now. I know of no convincing evidence that the Vietcong lack the political and emotional commitment to keep fighting underground for another 20 years.

Our strategy in Vietnam is rather like trying to weed a garden with a bulldozer. We occasionally dig up some weeds, but we dig up most of the turf, too. The effect of our policy is to pulverize the political and institutional fabric which alone can give a South Vietnamese state that hope of independent survival which is our presumed war aim. Our method, in other words, defeats our goal. Indeed, the most likely beneficiary of the smashed social structure of South Vietnam will be Communism. "My feeling," Gen. Wallace Greene, commandant of the Marine Corps, has wisely said, "is that you could kill every Vietcong and North Vietnamese in South Vietnam and still lose the war. Unless we can make a success of the civic-action program, we are not going to obtain the objectives we have set."

Much devotion and intelligence are at present going into the programs of reconstruction, but prospects are precarious so long as the enemy can slice through so much of South Vietnam with such apparent immunity; and so long as genuine programs of social reform threaten the vested interests of the Saigon Government and of large landholders. In any case, as claimants on our resources, these programs of pacification are hopelessly outclassed by the programs of destruction. Surely, the United States, with all its ingenuity, could have figured out a better way to combat guerrilla warfare than the physical obliteration of the nation in which it is taking place. If this is our best idea of "protecting" a country against "wars of national liberation," what other country, seeing the devastation we have wrought in Vietnam, will wish American protection?

At the same time, our concentration on Vietnam is exacting a frightful cost in other areas of national concern. In domestic policy, with Vietnam gulping down a billion and a half dollars a month, everything is grinding to a stop. Lyndon Johnson was on his way to a place in history as a great President for his vision of a Great Society; but the Great Society is now, except for token gestures, dead. The fight for equal opportunity for the Negro, the war against poverty, the struggle to save the cities, the improvement of our schools—all must be starved for the sake of Vietnam. And war brings ugly side-effects: inflation; frustration; angry protest; attack on dissenters on the ground that they cheer the enemy (an attack often mounted by men who led the dissent during the Korean war); premonitions of McCarthyism.

We also pay a cost abroad. Our allies naturally draw away as they see us heading down the road toward war with China. When we began to bomb the oil depots, James Reston wrote: "There is now not a single major nation in the world that supports Mr. Johnson's latest adventure in Hanoi and Haiphong." As nations seek to disengage themselves from the impending conflict, the quasi-neutralism of leaders like de Gaulle gains new plausibility.

On any realistic assessment, Western Europe and Latin America are far more significant to American security than South Asia; yet the Vietnam obsession has stultified our policy and weakened our position in both these vital areas. The war has clouded the hope, once mildly promising, of progress toward a détente with the Soviet Union. It has helped block agreements to end underground nuclear testing and to stop the spread of nuclear weapons. It has precipitated the decision of U Thant to resign as Secretary General of the United Nations and condemns the U.N. itself to a time of declining influence.

Our rejection of the views of our friends and allies—our conviction, as Paul H. Smith has put it, "that we alone are qualified to be judge, jury and executioner"—ignores Madison's solemn warning in the 63rd Federalist: "An attention to the judgment of other nations is important to every government for two reasons: the one is that independently of the merits of any particular plan or measure, it is desirable, on various accounts, that it should appear to other nations as the offspring of a wise and honorable policy; the second is that in doubtful cases, particularly where the national councils may be warped by some strong passion or momentary interest, the presumed or known opinion of the impartial world may be the best guide that can be followed. What has not America lost by her want of character with foreign nations; and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind."

The Administration has called the critics of its Vietnam policy "neoisolationists." But surely the real neoisolationists are those who have isolated the United States from its allies and raised the tattered standard, last flourished 15 years ago by Douglas MacArthur, of "going it alone."

How have we managed to imprison ourselves in this series of dilemmas? One reason surely is that we have somehow lost our understanding of the uses of power. Understanding of power implies above all precision in its application. We have moved away from the subtle strategy of "flexible response" under which the level of American force was graduated to meet the level of enemy threat. The triumph of this discriminate employment of power was, of course, the Cuban missile crisis (where the Joint Chiefs, as usual, urged an air assault on the missile bases). But President Johnson, for all his formidable abilities, has shown no knack for discrimination in his use of power. His technique is to try and overwhelm his adversary—as in the Dominican Republic and Vietnam—by piling on all forms of power without regard to the nature of the threat.

Given this weakness for the indiscriminate use of power, it is easy to see why the application of force in Vietnam has been surrendered to the workings of what an acute observer of the Johnson foreign policy, Philip Geyelin, calls "the escalation machine." This machine is, in effect, the momentum in the decision-making system which keeps enlarging the war "for reasons only marginally related to military need."

The very size and weight of the American military presence generate unceasing pressures to satisfy military demands. These may be demands to try out new weapons; the London Sunday Telegraph recently ran an informative article comparing the Vietnam war to the Spanish Civil War as a military testing ground and laboratory. Or they may be cries for "one more step," springing in part from suppressed rage over the fact that, with military power sufficient to blow up the world, we still cannot compel guerrilla bands in black pajamas to submit to our will. Whatever the reason, Sir Robert Thompson has noted of the American theory of the war: "There was a constant tendency in Vietnam to mount large-scale operations, which had little purpose or prospect of success, merely to indicate that something aggressive was being done."

The administration has freely admitted that such operations, like the bombing of the North, are designed in part to prop up the morale of the Saigon Government. And the impression is growing now that they are also in part undertaken in order to smother doubts about the war in the United States and to reverse anti-Administration tendencies in the polls. Americans have become curiously insensitive to the use of military operations for domestic political purposes. A quarter-century ago President Roosevelt postponed the North African invasion so that it would not take place before the midterm elections of 1942; but today observers in Washington, without evidence of shock, predict a new venture in escalation before the midterm elections of 1966.

The triumph of the escalation machine has been assisted by the faultiness of the information on which our decisions are based. Nothing is phonier than the spurious exactitude of our statistics about the Vietnam war. No doubt a computerized military establishment demands numbers; but the "body count" of dead Vietcong, for example, includes heaven knows how many innocent bystanders and could hardly be more unreliable. The figures on enemy strength are totally baffling, at least to the ordinary citizen relying on the daily newspaper. The Times on Aug. 10 described "the latest intelligence reports" in Saigon as saying that the number of enemy troops in South Vietnam had increased 52,000 since Jan. 1 to a total of 282,000. Yet, "according to official figures," the enemy had suffered 31,571 killed in action in this period, and the infiltration estimate ranged from 35,000 as "definite" to 54,000 as "possible."

The only way to reconcile these figures is to conclude that the Vietcong have picked up from 30,000 to 50,000 local recruits in this period. Since this seems unlikely—especially in view of our confidence in the decline of Vietcong morale—a safer guess is to question the wonderful precision of the statistics. Even the rather vital problem of how many North Vietnamese troops are in South Vietnam is swathed in mystery. The Times reported on Aug. 7: "About 40,000 North Vietnamese troops are believed by allied intelligence to be in the South." According to an Associated Press dispatch from Saigon printed in The Christian Science Monitor of Aug. 15: "The South Vietnamese Government says 102,500 North Vietnamese combat troops and support battalions have infiltrated into South Vietnam.

"These figures are far in excess of United States intelligence estimates, which put the maximum number of North Vietnamese in the South at about 54,000."

But General Westmoreland told his Texas press conference on Aug. 14 that the enemy force included "about 110,000 main-force North Vietnamese regular army troops." Perhaps these statements are all reconcilable, but an apparent discrepancy of this magnitude on a question of such importance raise a twinge of doubt.

Nor is our ignorance confined to battle-order statistics. We have always lacked genuine knowledge of and insight into the political and cultural problems of Vietnam, and the more we press all problems into a military framework the worse off we are. The Administration in Washington was systematically misinformed by senior American officials in Saigon in 1962–63 regarding the progress of the war, the popularity of Diem, the effectiveness of the "strategic hamlet" program and other vital matters. It was not that these officials were deliberately deceiving their President; it was that they had deceived themselves first. Ordinary citizens restricted to reading the American press were better informed in 1963 than officials who took top-secret cables seriously.

The fact is that our Government just doesn't know a lot of things it pretends to know. It is not discreditable that it should not know them, for the facts are elusive and the judgments incredibly difficult. But it is surely inexcusable that it should pretend to know things it does not—and that it should pass its own ignorance on to the American people as certitude. And it is even less excusable that it should commit the nation to a policy involving the greatest dangers on a foundation so vague and precarious.

So now we are set on the course of widening the war—even at the cost of multiplying American casualties in Vietnam and deepening American troubles at home and abroad; even at the risk of miring our nation in a hopeless and endless conflict on the mainland of Asia beyond the effective employment of our national power and beyond the range of our primary interests; even at the risk of nuclear war.

Why does the Administration feel that these costs must be paid and these risks run? Hovering behind our policy is a larger idea—the idea that the war in Vietnam is not just a local conflict between Vietnamese but a fateful test of wills between China and the United States.

Our political and rhetorical escalation of the war has been almost as perilous as our military escalation. President Kennedy's effort was to pull Laos out of the context of great-power conflict and reduce the Laotian civil war to rational proportions. As he told Khrushchev at Vienna in 1961, Laos was just not important enough to entangle two great nations. President Johnson, on the other hand, has systematically inflated the significance of the war in Vietnam. "We have tried to make it clear over and over again," as the Secretary of State has put it, "that although Hanoi is the prime actor in this situation, that it is the policy of Peking that has greatly stimulated Hanoi. . . . It is Ho Chi Minh's war. Maybe it is Mao Tse-tung's war."

"In the forties and fifties," President Johnson has said, "we took our stand in Europe to protect the freedom of those threatened by aggression. Now the center of attention has shifted to another part of the world where aggression is on the march. Our stand must be as firm as ever." Given this view, it is presumably necessary to pay the greatest costs and run the greatest risks—or else invite the greatest defeat.

Given this view, too, there is no reason not to Americanize the war. President Kennedy did not believe that the war in Vietnam could succeed as a war of white men against Asians. It could not be won, he said a few weeks before his death, "unless the people [of South Vietnam] support the effort. . . . We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it, the people of Vietnam." We have now junked this doctrine. Instead, we have enlarged our military presence until it is the only thing that matters in South Vietnam, and we plan now to make it still larger; we have summoned the Saigon leaders, like tribal chieftians on a retainer, to a conference in an American state; we crowd the streets of Saigon with American generals (58 at last count) and visiting stateside dignitaries. In short, we have seized every opportunity to make clear to the world that this is an *American* war—and, in doing this, we have surely gone far to make the war unwinnable.

The proposition that our real enemy in Vietnam is China is basic to the policy of widening the war. It is the vital element in the Administration case. Yet the proof our leaders have adduced for this proposition has been exceedingly sketchy and almost perfunctory. It has been proof by ideology and proof by analogy. It has not been proof by reasoned argument or by concrete illustration.

The proof by ideology has relied on the syllogism that the Vietcong, North Vietnam and China are all Communist states and *therefore* must be part of the same conspiracy, and that, since the Vietcong are the weakest of the three, they must *therefore* be the spearhead of a coordinated Chinese plan of expansion. The Department of State, in spite of what has struck most people as a rather evident fragmentation of the Communist world, has hated to abandon the cozy old clichés about a centralized Communist conspiracy aimed at monolithic world revolution.

As late as May 9, 1965, after half a dozen years of public Russo-Chinese quarreling, Thomas C. Mann, then No. 3 man in the department, could talk about "instruments of Sino-Soviet power" and "orders from the Sino-Soviet military bloc." As late as Jan. 28, 1966, the Secretary of State could still run on about "their world revolution," and again, on Feb. 18, about "the Communists" and their "larger design." While the department may have accepted the reality of the Russo-Chinese schism by September, 1966, the predominant tone is still to regard Asian Communism as a homogeneous system of aggression. The premise of our policy has been that the Vietcong equal Hanoi and Hanoi equals Peking.

Obviously, the Vietcong, Hanoi and Peking have interests in common and strong ideological affinities. Obviously, Peking would rejoice in a Hanoi-Vietcong victory. But they also have divergent interests and purposes—and the divergencies may prove in the end to be stronger than the affinities. Recent developments in North Korea are instructive. If any country was bound to Peking ties of gratitude, it was North Korea, which was preserved as an independent state by Chinese intervention 15 years ago. If any country today is at the mercy of Peking, it is again North Korea. When North Korea now declares in vigorous language its independence of China, does anyone suppose that North Vietnam, imbued with historic mistrust of China and led by that veteran Russian agent Ho Chi Minh, would have been more slavish in its attitude toward Peking?

The other part of the Administration case has been proof by analogy, especially the good old Munich analogy. "I'm not the village idiot," the Secretary of State recently confided to Stewart Alsop. "I know Hitler was an Austrian and Mao is a Chinese. . . . But what is common between the two situations is the phenomenon of aggression." The Vietnam war, President Johnson recently told the American Legion, "is meant to be the opening salvo in a series of bombardments or, as they are called in Peking, 'wars of liberation.'" If this technique works this week in Vietnam, the Administration suggests, it will be tried next week in Uganda and Peru. But, if it is defeated in Vietnam, the Chinese will known that we will not let it succeed elsewhere.

"What happens in South Vietnam," the President cried at Omaha, "will determine—yes, it will determine—whether ambitious and aggressive nations can use guerrilla warfare to conquer their weaker neighbors." The Secretary of State even discribed an exhortation made last year by the Chinese Defense Minister, Marshal Lin Piao, as a blueprint for world conquest comparable to Hitler's "Mein Kampf."

One thing is sure about the Vietnam riddle: it will not be solved by bad historical analogies. It seems a trifle forced, for example, to equate a civil war in what was for hundreds of years the entity of Vietnam (Marshal Ky, after all, is a North Vietnamese himself) with Hitler's invasion of Austria and Czechoslovakia across old and well-established line of national division; even the village idiot might grasp the difference.

When President Eisenhower invoked the Munich analogy in 1954 in an effort to involve the British in Indochina, Prime Minister Churchill, a pretty close student of Munich in his day, was unmoved. The Chinese have neither the overwhelmingly military power nor the timetable of aggression nor, apparently, the pent-up mania for instant expansion which would justify the Hitler parallel. As for the Lin Piao document, the Rand Corporation, which evidently read it with more care than the State Department bothered to do, concluded that, far from being Mao's "Mein Kampf," it was a message to the Vietcong that they could win "only if they rely primarily on their own resources and their own revolutionary spirit," and that it revealed "the lack, rather than the extent, of Peking's past and present control over Hanoi's actions."

In any case, guerrilla warfare is not a tactic to be mechanically applied by central headquarters to faraway countries. More than any other form of warfare, it is dependent on conditions and opportunities within the countries themselves. Whether there are wars of national liberation in Uganda and Peru will depend, not on what happens in Vietnam, but on what happens in Uganda and Peru.

One can agree that the containment of China will be major problem for the next generation. But this does not mean that we must re-enact in Asia in the sixties the exact drama of Europe in the forties and fifties. The record thus far suggests that the force most likely to contain Chinese expansionism in Asia (and Africa, too) will be not Western intervention but local nationalism. Sometimes local nationalism may call on Western support—but not always. Countries like Burma and Cambodia preserve their autonomy without American assistance. The Africans have dealt with the Chinese on their own. The two heaviest blows recently suffered by Peking—the destruction of the Communist party in Indonesia and the declaration of independence by North Korea—took place without benefit of American patronage or rhetoric.

In the unpredictable decades ahead, the most effective bulwark against "international" Communism in some circumstances may well be national Communism. A rational policy of containing China could have recognized that a Communist Vietnam under Ho might be a better instrument of containment than a shaky Saigon regime led by right-wing mandarins or air force generals. Had Ho taken over all Vietnam in 1954, he might today be enlisting Soviet support to strengthen his resistance to Chinese pressure—and this situation, however appalling for the people of South Vietnam, would obviously be better for the United States than the one in which we are floundering today. And now, alas, it may be almost too late: the whole thrust of United States policy since 1954, and more than ever since the bombing of the North began, has been not to pry Peking and Hanoi apart but to drive them together.

Is there no way out? Are the only alternatives widening the war or disorderly and humiliating withdrawal? Surely, our statesmanship is not yet this bankrupt. I think a middle course is still possible if there were the will to pursue it. And this course must begin with a decision to stop widening and Americanizing the war—to limit our forces, actions, goals and rhetoric. Instead of bombing more places, sending in more troops, proclaiming ever more ardently that the fate of civilization will be settled in Vietnam, let us recover our cool and try to see the situation as it is: a horrid civil war in which Communist guerrillas, enthusiastically aided and now substantially directed from Hanoi, are trying to establish a Communist despotism in South Vietnam, not for the Chinese but for themselves. Let us understand that the ultimate problem here is not military but political. Let us adapt the means we employ to the end we seek.

Obviously, military action plays an indispensable role in the search for a political solution. Hanoi and the Vietcong will not negotiate so long as they think they can win. Since stalemate is a self-evident precondition to negotiation, we must have enough American armed force in South Vietnam to leave no doubt in the minds of our adversaries that they cannot hope for victory. They must also have no illusion about the prospect of an American withdrawal. The object of the serious opposition to the Johnson policy is to bring about not an American defeat but a negotiated settlement.

Therefore, holding the line in South Vietnam is essential. Surely, we already have enough American troops, firepower and installations in South Vietnam to make it clear that we cannot be beaten unless we choose to scuttle and run, which will not happen. The opponents of this strategy talk as if a holding action would put our forces under siege and relinquish all initiative to the enemy. This need not, of course, be so. It is possible to slow down a war without standing still; and, if our present generals can't figure out how to do this, then let us get generals who can. Generals Ridgway and Gavin could doubtless suggest some names. Moreover, there is a South Vietnamese army of some 600,000 men which can take all the initiative it wants. And if we are told that the South Vietnamese are unwilling or unable to fight the Vietcong, then we must wonder all the more about the political side of the war.

The object of our military policy, as observers like Henry Kissinger and James MacGregor Burns have proposed, should be the creation and stabilization of secure areas where the South Vietnamese might themselves undertake social and institutional development. Our resources should go, in the Vietnam jargon, more to clear-and-hold than to search-and-destroy (especially when search-and-destroy more often means search-and-drive-underground). We should get rid of those "one-star generals who," in the words of Sir Robert Thompson, "regard their tour in Vietnam as an opportunity to indulge in a year's big-game shooting from their helicopter howdahs at Government expense."

At the same time we should induce the Saigon Government to institute generous amnesty provisions of the kind which worked so well in the Philippines. And we should further increase the incentive to come over by persuading the South Vietnamese to abandon the torture of prisoners—a practice not only horrible in itself but superbly calculated to make the enemy fight to the bitter end. In the meantime we must end our own shameful collaboration with this barbarism and stop turning Vietcong prisoners over to the South Vietnamese when we know that torture is probable.

As for bombing the North, let us taper this off as prudently as we can. Bombing is not likely to deter Hanoi any more in the future than it has in the past; and, given its limited military effect, the Administration's desire to gratify the Saigon Government and the American voter is surely not important enough to justify the risks of indefinite escalation. Moreover, so long as the bombing continues there is no chance of serious negotiation. Nor does the failure of the 37-day pause of last winter to produce a settlement refute this. Thirty-seven days were hardly enough to persuade our allies that we honestly wanted negotiation; so brief an interlude left no time for them to move on to the tricky job of persuading Hanoi. For Hanoi has substantial reasons for mistrusting negotiation—quite apart from Chinese pressure or its own hopes of victory. Ho has entered into negotiation with the West twice in the past—in 1946–47 and again in 1954—and each time, in his view, he lost at the conference table things he thought he had won on the battlefield.

For all our official talk about our readiness to go anywhere, talk to anyone, etc., it cannot be said that the Administration has pursued negotiation with a fraction of the zeal, imagination and perseverance with which it has pursued war. Indeed, some American scholars who have studied the matter believe that on a number of occasions when pressure for negotiation was mounting we have, for whatever reason, stepped up the war.

Nor can it be said that the Administration has laid fairly before the American people the occasional signals, however faint, which have come from Hanoi—as in the early winter of 1965, when U Thant's mediation reached the point of selecting the hotel in Rangoon where the talks might take place, until we killed the idea by beginning the bombing of the North. Nor, for all our declarations about "unconditional" negotiations, have we refrained from setting conditions—such as, for example, that we won't talk to the Vietcong unless they come to the conference table disguised as North Vietnamese. Though the Vietcong constitute the great bulk of the enemy force, they have been given little reason to think we will negotiate about anything except their unconditional surrender.

It is hard to see why we should not follow the precedent of Laos, when we admited the Pathet Lao to the peace talks, and offer the Vietcong the prospect of a say in the future political life of South Vietnam—conditioned on their laying down their arms, opening up their territories and abiding by the ground rules of free elections. Nor is there reason to see why we have been so reluctant again to follow the Laos model and declare neutralization, under international guarantee, our long-run objective for Vietnam. An imaginative diplomacy would long since have discussed the ways and means of such neutralization with Russia, France, Britain and other interested countries. Unsatisfactory as the situation in Laos may be today, it is still incomparably better than the situation in South Vietnam.

On the other hand, negotiation is not an exclusive, or even primary, American responsibility. Along with a military stalemate, the other precondition of a diplomatic settlement is surely a civilian government in Saigon. Marshal Ky is one of those Frankenstein's monsters we delight in creating in our "client" countries, very much like the egregious General Phoumi Nosavan, who single-handedly blocked a settlement in Laos for two years. Like Phoumi, Ky evidently feels that Washington has committed itself irrevocably to him—and why should he not after the laying on of hands at Honolulu?—and that, whatever he does, we cannot afford to abandon him.

Robert Shaplen, in the August 20 issue of The New Yorker, reported from Saigon that the atmosphere there "is being compared to the miasma that surrounded Diem and his tyrannical brother Ngo Dinh Nhu" and that "many Vietnamese believe that the Americans, having embraced Ky so wholeheartedly and supported him so long, are just as responsible as his Government for the recent repressive acts."

I am sure that President Johnson did not intend to turn over American policy and honor in Vietnam to Marshal Ky's gimcrack, bullyboy, get-rich-quick regime. The time is bound to come when Ky must learn the facts of life, as General Phoumi eventually and painfully learned them.

But why wait? In our whole time in Vietnam, there has never been a Government in Saigon which had the active loyalty of the countryside. It might be an agreeable experiment to encourage one to come into existence. Instead of identifying American interests with Ky and rebuffing the broader political impulses in South Vietnam, we should long since have welcomed a movement toward a civilian regime representing the significant political forces of the country and capable both of rallying the army and carrying forward programs of social reform. We should give such a Government all possible assistance in rebuilding and modernizing the political and institutional structures of South Vietnam. And if it should favor the neutralization of its country, if it should seek negotiation with the Vietcong, even if it should release us from our commitment to stay in Vietnam, we should not think that the world is coming to an end.

It is not too late to begin the de-escalation of the war; nor would the reduction of our military effort damage our international influence. "There is more respect to be won in the opinion of this world," George Kennan has written, "by a resolute and courageous liquidation of unsound positions than by the most stubborn pursuit of extravagant or unpromising objectives." France was stronger than ever after de Gaulle left Algeria, the Soviet Union suffered no lasting damage from pulling its nuclear missiles out of Cuba. And the policy of de-escalation recommended here is, of course, something a good deal less than withdrawal.

De-escalation *could* work, *if* there were the will to pursue it . . . This is the hard question. The Administration, disposed to the indiscriminate use of power, enmeshed in the grinding cogs of the escalation machine, committed to the thesis that China is the enemy in Vietnam, obviously could not turn to de-escalation without considerable inner upheaval. The issue in the United States in the months to come will be whether President Johnson's leadership is sufficiently resilient and forbearing to permit a change in the direction of policy and arrest what is coming increasingly to seem an accelerating drift toward a great and unnecessary catastrophe.

[From the New York (N.Y) Times, Sept. 19, 1966]

Saigon To Reform Rural Efforts; Marines Break Trap at Dongh—Pacification Assessed

(By Charles Mohr)

Saigon, South Vietnam, September 18.—South Vietnamese officials have concluded that there have been serious deficiencies in the rural pacification program this year and that reforms are needed in 1967, highly reliable sources disclosed today.

Top South Vietnamese officials have made varying assessments of the pacification or "revolutionary development" work done so far in 1966. The most optimistic was that performance was "not quite satisfactory," the bluntest that progress was "quite limited" and that "not much was achieved."

In general, the South Vietnamese analyses were more critical and pessimistic than those by United States officials. The Vietnamese studies were not meant for publication but for policy planning.

Veteran observers in Vietnam found the South Vietnamese official pessimism a cause for optimism. Their reasoning was that shortcomings can be overcome only when they are honestly acknowledged.

TEAMS IMPLEMENT PROGRAM

Under the rural pacification program, trained teams of workers move into selected rural areas and attempt to bring them firmly under Government control by rooting out the Vietcong apparatus and improving life in the area, as well as through political propaganda.

Although there is a temptation to try, it is impossible to measure the program's progress statistically. The evaluation by the Vietnamese officials shows why.

They concluded, the reliable sources said, that more progress had been made this year than ever before. But in many areas the following faults were discovered:

Pacification planning at the start of the year by provincial officials was "unrealistic." Some teams were shifted from difficult and hostile areas to easy ones to make "better performance scores."

Statistics were unreliable because pacification operations were in some cases "carried out over again many times at the same number of hamlets" that had once been officially declared as pacified.

Physical security was not as good as expected and Vietcong underground agents continued in some cases to collect taxes and carry out propaganda activities.

The quality of pacification workers or "cadres," as they are called, was below expectations. Recruiting met requirements "in quantity but not in quality."

In some cases, team members were "not very enthusiatic toward their work" or toward the people's aspirations. The teams generally stayed in their assigned areas for too short a time and in some cases left and declared them pacified before such judgment was realistic.

NUMERICAL REPORT CITED

Those conclusions cast some doubt on the assertion made in a Washington report this week by Robert W. Komer, a special Presidential assistant assigned to the pacification program, that in the first six months of the year 531 hamlets containing 580,000 people had been brought into the pacification program.

The South Vietnamese Government, in planning for 1967, is stressing genuine pacification of hamlets now only "statistically" pacified.

This year each of the 59-man rural pacification teams was supposed to spend a minimum of two to three months in pacifying a hamlet. But in practice, that often was the maximum.

Under a new "rhythm" of pacification planned for 1967, each team is expected to work on no more than two or three hamlets in a year and may spend an entire year in one difficult hamlet.

Each team will be required to leave behind a small number of men to maintain stability. Thus, by 1968 each team will continue to support about two hamlets while undertaking the pacification of two more.

Emphasis will be on well-populated hamlets, on those especially susceptible to economic and agricultural development and those with strategic positions and reasonably good military security.

The new guidelines may lead to more solid achievements but will undoubtedly slow down—at least on paper—the already slow process of pacifying all of South Vietnam's 15,000 hamlets.

Few tasks in public administration anywhere in the world are so complex and difficult as those assigned to the 59-man pacification teams in Vietnam. And, in some cases, they have received poor support from other units and agencies.

The South Vietnamese army, is said to resent the teams as "unmilitary" and has sometimes withdrawn troops without warning, leaving teams exposed to attack by the Vietcong. Teams were sometimes expropriated by provincial officials who used them as regular troops or in guard assignments, leaving their hamlets unshielded.

EXCERPTS FROM "INTRODUCTION TO THE ANNUAL REPORT"

(By Secretary General U Thant of the United Nations, Sept. 15, 1966)

X. CONCLUDING OBSERVATIONS

This review of the most important developments within the United Nations during the last twelve months has the usual contrasts of light and shadow. The continued slow rate of progress in many of our fields of endeavor, and the setbacks which have been suffered in others, can only be a cause of disappointment to the peoples of the world in whose name the Charter of the United Nations was written. For this, however, they must not blame the Charter itself nor the institutions which it created.

The weaknesses and shortcomings of the United Nations lie not in its constitutional purposes, objectives and procedures but in world conditions at the present juncture of history. The proceedings of the Organization inevitably mirror the state of the relationships between different peoples and different nations and sometimes between the rulers and the ruled; the economic circumstances under which they live; the social conditions that surround them. It is in these realms, and not in the structure(s) of the United Nations, that the roots of the troubles of the world lie.

The troubles arising from present conditions are abundant. They are the prevalence of narrow nationalisms, the periodic reliance on crude power—whether political, military or economic—to serve or protect supposed national interests, the appalling rise in the quantity and destructive potential of nuclear armaments, the ever more serious gaps in economic development, the persistence of colonial domination over several million people, the continuing prevalence in many parts of the world of racial discrimination and suppression of human rights, and, among populations constantly increasing, the widespread inadequacies of education, food shortages verging on famine, and lack of medical care. These excesses, inequities and injustices—and the fears, tensions, frustrations, jealousies and aggressions which they breed among peoples and among nations—still too largely condition the state of the world, still too strongly and adversely influence the national policies which Member States bring to bear on the work of the United Nations, and still too seriously obstruct rather than challenge the capacity of the Organization to fulfill its purposes.

In the present difficult state of international affairs, I believe it to be the first duty of the membership to face up to the fact that the chances of fruitful international co-operation on many crucial issues in which the United Nations has a clear responsibility for decision and action—issues ranging from disarmament to development—have been steadily and seriously impaired over the past two years by a situation over which, for well-known reasons, the United Nations has not been able to exercise any effective control. This situation, of course, is the deepening crisis over Viet-Nam, where the dangerous escalation of armed force has been accompanied, in my view, by an increasing intransigence and distrust among Governments and peoples.

For my own part, I have tried by best to help in the efforts which have been made to reduce the escalation of the conflict in Viet-Nam and to move to the conference table the quest for a solution of the problem. In doing so, I have been increasingly distressed to observe that discussions of the matter have by and large been dominated by consideration and analysis of the power politics involved, and that there has been much less concern for the tremendous human suffering which the conflict has entailed for the people of Viet-Nam and also for the people of other countries involved in the fighting. My heart goes out to them. The Viet-Namese people, in particular, have known no peace for a quarter of a century. Their present plight should be the first, and not the last, consideration of all concerned. Indeed, I remain convinced that the basic problem in Viet-Nam is not one of ideology but one of national identity and survival. I see nothing but danger in the idea, so assidiously fostered outside Viet-Nam, that the conflict is a kind of holy war between two powerful political ideologies.

The survival of the people of Viet-Nam must be seen as the real issue, and it can be resolved not by force but by patience and understanding, in the framework of a willingness to live and let live. If this approach can be accepted on all sides—and the moral influence of Governments and peoples outside the immediate conflict can help to bring this about—I believe it should be possible to reach a settlement which would end the suffering in Viet-Nam, satisfy the conscience of the world at large and remove a formidable barrier to international co-operation.

Although Viet-Nam represents the most serious manifestation of the unsatisfactory state of international affairs, it is not the only point of open danger. The situation in the Middle East has shown no improvement, and dangerous tensions persist. I sincerely trust that the hopes newly raised for a settlement in Yemen will be fulfilled. I also hope that the involvement of the United Nations in the difficult question of Aden may help to bring about a peaceful solution there. Beyond these questions lies the longstanding conflict between Israel and the Arab States and the continuing need for passions to be restrained and the terms of the armistice agreements to be observed by all concerned.

I shall not conceal my distress at some of the happenings in Africa during the last twelve months—not only those which have hardened the colonial and quasi-colonial attitudes still entrenched in large parts of the continent, but also those involving sudden and violent political changes in newly independent States. They have created a sense of instability whch can easily be misrepresented or exaggerated to the disadvantage of Africa as a whole and, by causing an increase in tensions among African countries, they have produced a setback to African unity. By no means all of the many problems that the African peoples are facing are of their own making, but few, if any, of them can be solved except by the African countries themselves showing the qualities of maturity and restraint which they have often displayed, and using these qualities to endanger the greater spirit of co-operation and willingness to work together, which is essential to the fulfilment of Africa's destiny. This task is so important that Governments and peoples must put above everything else a willingness to sink their differences in the higher interests of Africa and of the world as a whole.

The situation in Latin America also gives cause for some concern. Notwithstanding the several factors which should enable Latin America to move forward in its economic and social development, the area as a whole is finding it very hard to consolidate satisfactory growth rates. Many of the difficulties encountered are home-made and must be eliminated by the Latin American countries themselves, while others stem from Latin America's economic relations with the rest of the world and their solution must be sought in an effective and continuous policy of international understanding and co-operation.

At the same time, I must make clear my belief that, while we face up to the existence of national and even international situations which are beyond the control of the United Nations and recognize the harmful effects which they may have on the progress of international co-operation within its sphere of activity, the United Nations should be enabled to act more effectively and decisively than it has done so far on many of the matters before it. We cannot wait for the world to right itself—for the great Powers, in particular, to adjust their differences—before applying greater determination and, if necessary, a larger sacrifice of time-honoured attitudes to the solution of urgent problems.

It has, of course, been partly because of the deterioration in the international situation that it has not been possible to make greater progress in regard to such basic issues as disarmament. The world disarmament conference still remains a somewhat distant goal. The problem of non-proliferation of nuclear weapons has gained added urgency and there is a greatly increased need for early action on account of the terrible prospect of more countries joining the "nuclear club". It is also, in my view, both necessary and feasible to agree upon a ban of all nuclear tests. I hope that the discussions at the forthcoming session of the General Assembly will demonstrate, above all to the nuclear Powers themselves, how essential it is to make speedy progress in regard to these matters.

Moreover, the international situations to which I have referred, the rise of tensions and the emergence of new dangers in so many parts of the world, point to the need for a stronger rather than a weaker United Nations, and one which can be relied upon to undertake peace-keeping operations wherever such action could help in the restoration of stable conditions. Unfortunately, although there seems to be a measure of agreement that these operations have been effective in the past and could prove useful in the future, we are still far from agreement on basic principles. I very much hope that, in the months to come, the general membership and in particular those Members who have a special responsibility with regard to the maintenance of international peace and security, may find it possible, within the Charter, to agree upon the procedures to be followed in launching such operations, the responsibility of the various organs in their actual conduct, and the financial arrangements by which the expenditures involved may be met. I must draw attention to the fact that the peace-keeping activities of the United Nations, perhaps more than any other part of its work, have enabled the Organization to gain a measure of public confidence which is in danger of being lost if the Member States remain deadlocked on the constitutional and financial questions involved.

I should like to add, in this connexion, that I believe that regional organizations will have an important role to play in future in reducing tensions within their regions and in promoting co-operative efforts to attain common ends. The work of the United Nations at the regional level in the economic and social fields has won universal acclaim; the original economic commissions have become increasingly effective in helping the developing countries not merely through research and studies but also by direct operational activities including those which have led to the establishment of economic and social planning institutes and development banks. The work of inter-governmental regional bodies outside the United Nations can also, I am sure, contribute to the solution of problems between countries within a region. However, there are certain questions of jurisdiction and competence which arise with regard to the maintenance of international peace and security, especially in the peacekeeping field, and concerning which the role of the regional organizations requires clearer definition. Some time ago, I suggested that a study of the functioning of regional organizations in terms of their respective charters might be useful, and I mention it again in the belief that Governments should wish to follow it up.

It is as important for a stronger United Nations to continue the long-term task of building the peace as it is to equip itself for helping countries to keep the peace. It is not enough, in my opinion, for the United Nations to deal where it can, and as the case arises, with each specific problem that threatens world peace. The causes of tension in the world have to be attacked at all of their many roots. We have the means of doing so, and we have made a start. While for example, the international activities in the fields of economic and social development and human rights do not figure in the headlines, the fact is that the greater part of the resources of the United Nations and its family of agencies is devoted to these tasks. The manner in which they are undertaken has a direct relationship to the reduction of tensions. I have said many times that it is essential that the gulf between the rich and the poor countries should be narrowed. I attach the greatest importance to the Governments of Member States taking seriously the goals of the United Nations Development Decade, and making deliberate progress towards the achievement of these goals.

There are other causes of tension which cannot be left to resolve themselves. In particular, I feel that the United Nations must make a sustained attack on the problems which we might, because of their origin or their nature, describe as the problems of colonialism. While recognizing that substantial progress has been made, we cannot afford to forget that the process of decolonization has not been completed. A hard core of actual colonialism still exists, particularly in Africa. It is coupled with the kindred problem of racial discrimination, and this evil in turn subjects the majority of the population of one of the largest independent States in Africa to conditions akin to the worst type of colonial subjection. I believe that in these situations there lies a great opportunity for statesmanship on the part of the colonial Powers—an opportunity which they must seize before it is too late.

It is impossible, moreover, to view some of these outstanding problems—whether it is the position of the United Nations in regard to the crisis in South-East Asia or the lack of progress in disarmament—without relating them to the fact that the United Nations has not yet attained the goal of universality of membership. In the long run the Organization cannot be expected to function to full effect if one fourth of the human race is not allowed to participate in its deliberations. I know that there are serious political difficulties involved in correcting this situation; but I hope that the long-term advantages may be more clearly seen and the necessary adjustments made.

This process may take some further time. Meanwhile, I feel that all countries should be encouraged and enabled, if they wish to do so, to follow the work of the Organization more closely. It could only be of benefit to them and to the United Nations as a whole to enable them to maintain observers at Headquarters, at the United Nations Office at Geneva and in the regional economic commissions, and to expose them to the impact of the work of the Organization and to the currents and cross-currents of opinion that prevail within it, as well as to give them some opportunity to contribute to that exchange. Such contacts and inter-communication would surely lead to a better understanding of the problems of the world and a more realistic approach to their solution. In this matter I have felt myself obliged to follow the established tradition by which only certain governments have been enabled to maintain observers. I commend this question for further examination by the General Assembly so that the Secretary-General may be given a clear directive as to the policy to be followed in the future in the light, I would hope, of these observations.

The United Nations is an experiment in multilateral international diplomacy. Governments maintain here Permanent Representatives who have to carry out instructions understandably designed to promote the political and other interests of the Governments concerned. At the same time, however, these Governments have subscribed to the principles and ideals of the Charter and they have to recognize that one of its basic purposes is to be "a centre for harmonizing the actions of nations" in the attainment of the common ends for which the United Nations was established. I am glad that in most cases the representatives of Member States do not, in their pursuit of national interests, forget the larger interests of humanity represented by this Organization. I personally believe that it should be possible for the Governments of Member States in all cases to use the United Nations as a centre for harmonizing their actions so that the interests of humanity may not suffer but may be properly served.

In these observations I have stressed some of the basic beliefs which I have held in the discharge of my functions as Secretary-General over the last fifty-eight months. I feel that this is an appropriate occasion for me to urge that the problems to which I have referred and the suggestions which I have made deserve careful consideration if the Organization is to be strengthened, if peace is to be preserved and promoted, and if we are to make real progress towards the goal of the economic and social advancement of all peoples. There are many ways of reaching these objectives of peace and well-being, and I do not believe that anyone should adopt a dogmatic approach to them. Conditions differ widely from country to country and each has the right, within the broad framework of the principles of the United Nations, to pursue its goals in its own way and by means which it judges most appropriate and fruitful. At the same time I believe that the ideological differences that have divided the world are beginning to show signs of losing their sharp edge, and I approach the end of my term of office with some confidence that, over the years, the United Nations will prove to be the means by which mankind will be able not only to survive, but also to achieve a great human synthesis.

[From the New York (N.Y.) World Journal Tribune, Sept. 18, 1966]

PAPAL PLEA FOR PEACE

VATICAN CITY.—Pope Paul VI will urge worldwide prayers in October as part of a new peace campaign to try to end the war in Viet Nam, the Vatican announced yesterday.

The Vatican said the Pope will issue an encyclical letter to the world's bishops Monday urging special prayers next month—the month of the Holy Rosary.

An authoritative source said world peace would be foremost among the subjects recommended for prayer and that the pontiff had given Viet Nam much serious thought during the two months he spent at his summer residence in Castel Gandolfo. He returned to the Vatican yesterday afternoon.

The source said the Pope felt this was the time for a new peace campaign, but his action is expected to be chiefly religious in nature rather than a specific suggestion to statesmen or a sensational gesture.

The Pope, who has been in Castel Gandolfo since July 16, returned to the Vatican yesterday afternoon. Some sources speculated he might start his push for peace in an informal speech from his window overlooking St. Peter's Square today.

"There has been a spate of rumors that something big is coming up," the source said, "but it would appear that a mediation offer or a peace-making trip to one of the countries concerned is out of the question for the time being. A call for worldwide prayer would seem more likely."

"If the Pope has some specific suggestion to make, beyond those he made in the past, he might do so later in a public speech or through diplomatic channels. But an appeal for prayers seems certain to be the first step."

APOSTOLIC LETTER

The call could take the form of an apostolic letter to the world's bishops or a message asking all Catholics to pray for world peace during October, the "month of the Holy Rosary."

The sources said the Viet Nam war and other threatening developments such as the great purge in Red China were one of the Pope's main concerns during his two-month stay in Castel Gandolfo.

Another was the question of possible changes in the church's ban on artificial birth control, on which a papal pronouncement may be forthcoming before the end of the year.

Pope Paul scored one victory by bringing about a short-lived Christmas truce in Viet Nam last winter.

In recent months, the Pope put aside his public pronouncements on Viet Nam to concentrate on such other problems as the famine in India. But Vatican sources said he was still quietly exploring all chances to end the southeast Asian war and was ready to act "whenever it appears a gesture on his part could prove helpful."

EXCERPTS FROM SPEECH BY RICHARD GOODWIN BEFORE AMERICANS FOR DEMOCRATIC ACTION, SEPTEMBER 17, 1966, WASHINGTON, D.C.

There is, however, another issue which has reduced discussions about domestic America to academic discourse, which has swallowed up the New Frontier and Great Society, and which is eroding our position throughout the world. That issue if, of course, the war in Vietnam.

The Vietnamese war is, I believe, the most dangerous conflict since the end of World War II: more dangerous than Berlin or even Korea. In those confrontations the danger was clear and sensibly appraised. The stakes were fairly obvious to both sides. Objectives were carefully limited; and power ultimately became the handmaiden of reason and final accommodiation. In Vietnam, on the other hand, the dangers are confused and unclear. Objectives are expressed in vague generalities which open to endless vistas. Moreover, from other cold war confrontations there evolved a set of tacit understandings designed to limit conflict even while it was being waged. That, for example, is the real meaning of the no-sanctuary policy carefully observed, we should remember, by both sides. Today those understandings are in grave danger of being swept away, and with them our most important protections against enlarging conflict.

The air is charged with rhetoric. We are buried in statements and speeches about negotiation and peace, the defense of freedom and the dangers of communism, the desire to protect the helpless and compassion for the dying. Much of it is important and sincere and well-meaning. Some is intended to deceive. Some of is deliberate lie and distortion. But the important thing is not what we are saying, but what we are doing; not what is being discussed, but what is happening.

And what is happening is not confusing or unclear or contradictory at all. It is not masked in obscruity or buried in secret archives. It stands in clear, vivid and towering relief against the landscape of conflict. The war is getting larger. Every month there are more men in combat, more bombs falling, greater expenditures, deeper commitments. It is the steady inexorable course of this conflict since its beginning. We have gone to the United Nations' and the war has grown larger. We have offered funds for development and talked of social reform; and the war has grown larger. We have predicted victory and called for compromise; and the war has grown larger.

There is therefore, little escape from the conclusion that it will grow larger still.

Nor is this steady pattern the consequence of inexorable historical forces. It flows from the decisions of particular men in particular places—in Washington and Hanoi, in Saigon and in the jungle headquarters of the Vietcong. It is in part a product of communist hope and drive for victory; but it is partly our decision too. And we must suppose those same decisions will continue to be made.

Nor is this, as we are sometimes told, because there is no alternative. There are dozens of alternatives. There are enclave programs, and programs to hold the centers of population. There are suggestions that we rely on pacification of the countryside rather than the destruction of the Vietcong. There are proposals to limit the bombing or to end it. There are proposals for negotiations, complete with all the specifics of possible agreement. The fact is the air is full of alternatives. They have simply been rejected in favor of another course; the present course. And we must also suppose they will continue to be rejected.

All prophecy is an exercise in probability. With that caution let us try to strip the argument of its necessary passion and discuss the probabilities which are compelled by the awesome logic of the course of events in Vietnam. Passion is important; it lies at the root of war and of hatred of war. Nor do I lack personal feeling; for only the strongest of feelings could impel me to discuss a subject with which I was so recently connected in so intimate a way. Yet we can perhaps now meet more productively on the common ground of reason. Rarely has there been greater need for such unity among men of good will.

In other places I have set forth my personal views on the conduct of the war in South Vietnam: The belief that we have an important stake in Southeast Asia, and that we must continue the battle in the South—although differently than we are now doing—until a political settlement is reached. And I have, like many others, discussed alternative routes to these objectives. Today, however, I would like to talk about the lengthening shadow of the war in the North; for in that war are the swiftly germinating seeds of the most grave danger.

In this, as in so many aspects of the war, much of the information which feeds judgment is deeply obscured. Of course, in times of armed conflict facts are often elusive and much information, of necessity, cannot be revealed. By its nature war is hostile to truth. Yet with full allowance for necessary uncertainties I believe there has never been such intense and widespread deception and confusion as that which surrounds this war. The continual downpour of contradictions, misstatements, and kaleidoscopically shifting attitudes has been so torrential that it has almost numbered the capacity to separate truth from conjecture or falsehood.

At one time we are told there is no military solution, and then that victory can be ours.

There are months when we talk about negotiations and months when we forget them.

There are times when dissenters give aid and comfort to the enemy and times when they are acting in the greatest of our traditions.

We have been reassured about efforts to reach a peaceful settlement when there is no plan or program for settlement in existence.

We are given endless statistics with a numerical precision which only masks the fact they are based on inadequate information, or guesses, or even wishful thinking. For example, if we take the numbers of enemy we are supposed to be killing, add to that the defectors, along with a number of wounded much less than our own ratio of wounded to killed, we find we are wiping out virtually the entire North Vietnamese force every year. This truly makes their continued resistance one of the marvels of the world. Unless the figures are wrong, which of course they are.

We are told the bombing is terribly costly to North Vietnam. Yet the increase in Soviet and Chinese aid, since the bombing, is far greater, in economic terms, than the loss through bombing. Except in human life, the North Vietnamese are showing a profit.

At the time of the Hanoi-Haiphong bombings last June we were told that in the first six months of 1966 enemy truck movement had doubled, the infiltration of supplies was up 150%, and infiltrated personnel increased 120%. However, the fact is we do not know, except in the most vague and general way, how much supplies are being brought in or how many men. They move at night, sometimes on trails we have not yet discovered, and the best intelligence gives only the most vague picture. We could not only be wrong, but enormously wrong. The swiftness with which we change our estimates helps show that seeming exactness conceals large uncertainties.

The statements which followed the Hanoi-Haiphong bombings are an illuminating example of this process in action.

It was said the raids would destroy a large proportion of North Vietnam's fuel capacity and this would help paralyze—or at least slow down—the process of infiltration. Yet these raids had been anticipated, alternative techniques of providing fuel had been developed, and the raids were destind to have little if any effect on the North Vietnamese capacity to make war. And this was clear at the time we bombed.

We were told, in an inside story in the New York Times, that the bombings would prove to Hanoi it could not count on its allies. The fact is that aid was stepped up as we anticipated it would be.

Within a few days a high official said fresh intelligence showed that Hanoi was now plunged in gloom, weary of war, and suffused with a sense of hopelessness, presumably at least in part as a result of the raids. Yet, there was no substantial intelligence of this kind. We have heard little about it since. And recent information indicates that the opposite was the case—the enemy's will was strengthened.

The truth is that this major and spectacular escalation in the war had had little measurable effect on the enemy's capacity or morale, and most of those who looked at the matter seriously in advance of the bombing knew it would probably be ineffective.

Yet despite confusion and misstatement, despite the enormous difficulty of grasping the realities on which policy must be based, I believe we can know that further escalation of the war in the North will only bring us farther from settlement and closer to serious danger of a huge and devastating conflict.

We began the campaign of bombing in the North as a result of the enormous and unresolved difficulties of winning the real war, the war in the South.

As predicted by almost every disengaged expert, from General Ridgway to George Kennan; and as taught by the whole history of aerial warfare, that bombing has neither brought the enemy to his knees or to the council table. It has not destroyed his capacity to make war, or seriously slowed down either infiltration or the flow of supplies. At each step it was claimed the bombing would make a decisive difference. Yet it has made hardly any difference at all. In fact, the tempo of conflict has increased.

The official statements justifying the Hanoi-Haiphong raids bore partial witness to the futility of bombing. We were told the raids were necessary because infiltration had increased enormously; and official admission of the failure of one of the most intensive bombing campaigns in world history. Despite thousands upon thousands of raids more men and supplies are flowing South and the routes of infiltration have been widened and improved. Despite the bombing, or perhaps because of it, all signs indicate the North Vietnamese will to fight has stiffened and the possibilities of negotiation have dimmed. Despite the bombing, or because of it, North Vietnam has become increasingly dependent upon Russia and China. Despite the bombing, or because of it there has been a vastly increased supply of aid to North Vietnam by Russia and China and a deepening world communist commitment to this war.

In short the bombing has been a failure, and may turn out to be a disaster.

Yet we once again hear voices calling for further escalation; just as each previous time that the bombing has failed we have been told that more bombing is necessary and new goals are articulated. First it was said we wanted to stop infiltration. Next, we would persuade the North Vietnamese to come to the Council table. Then we would punish them and force them to surrender. Now men are talking of the need to destroy their capacity to make war. And so we move inexorably up the ladder of failure toward widening devastation. And the latest goal, the destruction of enemy capacity, if ever adopted, will be the most vaguely ambitious of all. For such capacity rests on the entire society; and that whole society; factories, dams, power plants, cities themselves must be brought tumbling down.

All of this is possible despite the fact that each future escalation will probably have the effect of previous escalations. It will increase the dangers of wider war, lessen the chances of a negotiated settlement, drain away effort which should be concentrated in the South, and further alienate our allies, and have little damaging effect on the enemy's ability or will to fight.

We are sometimes asked what else we can do. I believe there are other things to do.

The war can be fought more effectively in the South. The search for a settlement can be given greater direction and brilliance. We can prepare ourselves, if necessary, to accept a long ground war of attrition leading ultimately to a political settlement. But that is not the question. If the bombing cannot win the war, if it does not work; and above all if it carries tremendous political and military risks, then it should not be increased, either out of frustration with the war or with the polls.

For the greatest danger of this course—the course of escalation—is not only in the extent of devastation and death, or the damage it does to the hope of peaceful solution, but the fact that each step of the way increases in vast proportion the danger of a huge and bloody conflict. If North Vietnam is devastated then all reason for restraint or compromise is gone. The fight is no longer a way for the South but a struggle for survival calling their still largely uncommitted armies and people into battle. Nor can China stand by and see its ally destroyed. I do not believe China wants to fight the United States, at least not yet; but it cannot stand by while we destroy North Vietnam. To do so would forfeit all its claim to moral and political leadership of militant communism. They would then be truly a paper dragon, stoking the fires of revolution only when Chinese blood and land was not at stake.

Nor is China's entrance likely to be signalled by a huge and dramatic sweep of armies across the frontier. It is far more likely that increasing destruction in the North will stimulate or compel the Chinese to accelerate the nature and kind of their assistance. Perhaps Chinese pilots will begin to fly air defense over Hanoi. The number of Chinese troops in North Vietnam may be greatly increased. Chinese anti-aircraft crews may be placed throughout the country. Thus, step by step, China acting in response to seeming necessities, may become involved in a war it did not fully contemplate, much as we have. And there are many signs that this process has already begun. This is the most likely and grave route to enlarging conflict. And if China does enter we must bomb them, for certainly we will not permit them sanctuaries or, if it comes to that, engage their armies solely in the jungles of Southeast Asia. And lastly is the Soviet Union, forced to choose between China and America.

None of this is certain. An entirely different course is possible. Yet the danger of such a chain of events grows by immeasurable strides each time we enlarge the war in the North: and if past is prologue we will continue that enlargement. Yet the fantastic fact, the truth that challenges belief, is that this is being done although virtually no one remains beside some of the engaged military and a few men in the State Department—virtually no one in the Administration or out—who believes that increased bombing will have a decisive effect on the war in South Vietnam. We are taking likely and mounting risks in pursuit of an elusive, obscure, marginal, and chimercial hope; a course which defies reason and experience alike.

Yet I believe this is the way we are going; that only beneficent and uncertain fortune can bar the way. This is not a belief born of personal fear. After all, we, or most of us, will continue to work and prosper, hold meetings and make speeches, unless all of our civilization is swallowed up. Even then enough will survive for the race to evolve and perhaps create something finer. It is rather a belief born of a fallible reason and analysis, always better able to describe our situation than guide our action, which seeks in the acts of our past and the attitudes of our present a guide for our future.

I do not wish however, to come with a counsel of despair. The surest guarantee of misfortune is resignation. Therefore, we must all make what effort we can. There are enormous differences among the critics of the war. There are those who believe we have no interest in Vietnam or even in all of Asia. There are those who wish us to withdraw. There are fierce debates over the history of the war, the nature of its participants, the goals of our enemies. There are those, like myself, who believe we should carry on the war in the South while intensifying, modifying and sharpening the search for peaceful compromise tied to some measures of de-escalation in the North. Yet our danger is so grave that those who fear the future even more than they distrust the past—a group which encompasses, I believe, the majority of the American people—must seek some common ground rather than dissipating energies in exploring the varieties of dissent. Without sacrificing individual views we must also shape a unified stand, a focal point of belief and action which can unite all who apprehend coming dangers. Only in this way can we create a voice strong enough to be heard across the country, bringing together men of diverse beliefs, adding strength to the views of those in government who share this apprehension. It must also be a clear and direct stand; one that fires response in those millions of our fellow citizens who glimpse through complexity, discord and obscurity the vision of something dark and dangerous.

I believe there is such a position. It is simply the victorious slogan of the Democratic Party in 1964. It is: No wider war. It is to oppose any expansion of the bombing. It is to speak and work against all who would enlarge the war in the North.

Such a stand will not end the war in South Vietnam. It may even prolong it. It will not fully answer the deep objections, feelings and fears of many in this room or across the country. But it can crystallize the inarticulate objections of many. It may well increase the weight and impact of the forces of restraint. Most importantly it strikes at the most ominous menace to the lives of millions and the peace of the world. Such a rallying cry requires compromise, the willingness to seek less than is desired; but that is the basic necessity of those who seek not self indulgence but to shape the course of this nation.

To be most effective this position will require more than speeches and resolutions. It will need structure and purpose. I suggest this organization work with other groups and individuals to form a national committee against widening of the war. It will not be aimed at withdrawal or even a lessening of the war in the South; although individuals who oppose escalation may also hold those views. Thus it will be open to all groups who oppose escalation in the North regardless of their position on other issues, and will be open to the millions of Americans who belong to no group but who share this basic belief and apprehension. Such a committee can provide a constant flow of objective information about Vietnam. It can keep vigil over official statements and ask the hard questions which might help separate wishful thinking from facts. It will neither be against the Administration nor for it, neither with any political party or opposed to it, neither liberal nor conservative. Its sole aim will be to mobilize and inform the American people in order to increase the invisible weight of what I believe to be the American majority in the deliberations and inner councils of government. Its purpose is to help the President and others in government by providing a counter pressure against those who urge a more militant course; a pressure for which those in government should be grateful since it will help them pursue the course of wise restraint.

Although I believe deeply in this proposal I do not wish to give the argument a certainty I do not have. The most important fact of all, the unknown which transcends all debate, are the thoughts and intentions of our adversaries and their allies. Yet skepticism born of imperfect knowledge cannot be permitted to dull the passion with which we pursue convictions or the fervor of our dissent. For we must fight against fulfillment of Yeats' prophecy which foresaw destruction if the time should come when "the best lack all conviction, and the worst are full of passionate intensity."

Some have called upon us to mute or stifle dissent in the name of patriotism and the national interest. It is an argument which monstrously misconceives the nature and process and the greatest strength of American democracy. It denies the germinal assumption of our freedom: that each individual not only can but must judge the wisdom of his leaders. (How marvelously that principle has strengthened this country—never more drastically than in the postwar period when others have buried contending views under the ordained wisdom of the state, thus allowing received error to breed weakness and even defeat. The examples are legion. The virgin lands settlement and the Great Leap Forward failed because experiment was made into unchallengeable law; while we began to catch up in space, modernized and increased our defenses, and started the Alliance for Progress because what began as dissent became national purpose). Of course the enemy is glad to see our divisions. But our concern is with America not Hanoi. Our concern is with those millions of our own people, and with future generations, who will themselves be glad to see that there were men who struggled to prevent needless devastation and thus added to the strength and the glory of the United States.

Among the greatest names in our history were men who did not hesitate to assault the acts and policies of government when they felt the good of the nation was at stake: Jefferson at a time when the integrity of the new nation was still in doubt, Lincoln during the Mexican war, Roosevelt in the midst of national depression, John F. Kennedy among cold war defeats and danger.

Only a dozen years ago, in 1954, another American leader assaulted our policy in Vietnam, saying "The United States is in clear danger of being left naked and alone in a hostile world . . . It is apparent only that American foreign policy has never in all its history suffered such a stunning reversal. What is American policy in Indochina? All of us have listened to the dismal themes of reversal and confusions and alarms and excursions which have emerged from Washington . . . We have been caught bluffing by our enemies. Our friends and allies are frightened and wondering, as we do, where we are headed . . . The picture of our country needlessly weakened in the world today is so painful that we should turn our eyes from abroad and look homewards."

It is in this same spirit of concern for our country that we should conduct our dissent as, on that day, did Lyndon B. Johnson then leader of the minority party.

It is not our privilege, but our duty as patriots, to write, to speak, to organize, to oppose any President and any party and any policy at any time which we believe threatens the grandeur of this nation and the well-being of its people. This is such a time. And in so doing we will fulfill the most solemn duty of free men in a free country: to fight to the limit of legal sanction and the most spacious possibilities of our constitutional freedoms for the safety and greatness of their country as they believe it to be.

The arguments of this speech have been practical ones founded, to the limits of my capacity and knowledge, upon the concrete and specific realities and dangers of our present situation. But there is more than that in the liberal faith. American liberalism has many faces. It pursues divergent paths to varied and sometimes conflicting goals. It cannot be captured in an epigram or summarized in a simple statement of belief. Part of it, however, is simply and naively a belief in belief. It is the idealistic, visionary and impractical faith that action and policy and politics must rest on the ancient and rooted values of the American people. It still believes that for a nation to be great, to serve its own people and to command the respect and trust of others, it must not only do something but stand for something. It must represent in speech and act in ideals of its society and civilization.

Some part of the conflict in Vietnam may have been unavoidable, some is the result of well-intentioned error, but some must surely flow from the fact we have bent belief to the demands of those who call themselves realists or tough minded.

It is not realistic or hard-headed to solve problems and invest money and use power unguided by ultimate aims and values. It is thoughtless folly. For it ignores the realities of human faith and passion and desire; forces ultimately more powerful than all the calculations of economists and generals. Our strength is in our spirit and our faith. If we neglect this we may empty our treasuries, assemble our armies and pour forth the wonders of our science, but we will act in vain and we will build for others.

It is easy to be tough when toughness means coercing the weak or rewarding the strong; and when men of power and influence stand ready to applaud. It is far harder to hold to principle, speaking, if necessary, alone against the multitude, allowing others to make their own mistakes, enduring the frustration of long and inconclusive struggles, and standing firm for ideals even when they bring danger. But it is the true path of courage. It is the only path of wisdom. And it is the sure path of effective service to the United States of America.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 16330) to provide for extension of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, and for other purposes.

DESIGNATION OF OCTOBER 31 OF EACH YEAR AS NATIONAL UNICEF DAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1283, Senate Joint Resolution 144. I do this so that the bill will become pending business.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 144) to authorize the President to designate October 31 of each year as National UNICEF Day.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DIRKSEN. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I expect to speak at some length this afternoon. I have conferred with the chairman of the Subcommittee on Constitutional Amendments, the Senator from Indiana [Mr. BAYH]. I think it is his hope that there will be no vote today, and that perhaps there might be a vote tomorrow, but preferably on Wednesday if the time is taken up tomorrow.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. BAYH. There are a few Senators who have expressed their desire to discuss this matter, not in a dilatory manner, but merely to express their opinion. For that reason, I think the Senator is correct. We would like to wait until tomorrow in order to give everyone an opportunity to discuss the matter; not drag out the matter, but so that everyone may express his opinion.

I hope that we can get to a vote tomorrow. I do not know whether we could get a unanimous consent to that effect or not, but I have no objection to directing our attention to accomplishing that end.

Mr. DIRKSEN. I appreciate that because there has been a great deal of inquiry as to whether or not there will be votes today or tomorrow because Members will want to repair home for the purpose of campaigns. Obviously, I can well understand why. We hope that we can get them all back when the occasion calls for it.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. DOMINICK. Because of the noise, I was unable to hear whether or not the Senator is anticipating that there will be votes this afternoon or tomorrow.

Mr. DIRKSEN. There could be votes tomorrow, but I venture that this will stimulate a considerable amount of interest, and the chances are that discussion will take most of the time.

Mr. DOMINICK. I am anxious to support the Senator from Illinois [Mr. DIRKSEN] in his position. I am obligated for a portion of tomorrow. I hope that we can vote today or after 4 o'clock tomorrow afternoon.

Mr. DIRKSEN. It may be that we can contrive a Senate agreement so that the vote could come on Wednesday. I am confident that there will be other requests for time on this matter.

Mr. President, I should explain that under the rule I propose to offer a complete substitute for the joint resolution that is on the calendar calling for an observation of the anniversary of the United Nations' Children Emergency Fund.

The fact of the matter is that that joint resolution was reported by the subcommittee of which I happen to be the chairman, and of which the distinguished Senator from Arkansas [Mr. MCCLELLAN] is the other member. We can get back on track without any great difficulty, but it offers an instrumentality under the rule for presenting this resolution for constitutional amendment. I shall withhold sending it to the desk until after my remarks because I do want to ventilate this whole case and lay it before the Senate.

Mr. President, on March 22, 1966, I introduced Senate Joint Resolution 148 to meet the challenge laid down by the Supreme Court with respect to prayer in public schools. This was the celebrated case of Engel against Vitale, better known as the Board of Regents case, which originated in New York. The board of regents caused the composition of a prayer to be used in the public schools of the State of New York. The board is an official State body. The use of prayer in public schools as laid down by the board of regents was contested by certain petitioners in their behalf and in behalf of their children. The case came up on appeal before the Supreme Court of the United States and Associate Justice Black wrote the decision. The decision was based on the thesis that prayer as outlined by the board of regents was in violation of article I of the Constitution which recites that Congress shall make no law respecting the establishment of a religion or the free exercise thereof. There was one dissenting opinion written by Associate Justice Potter Stewart and, in my judgment, the dissenting opinion was absolutely right and the majority of the Court was wrong.

One year after the decision in the Engel against Vitale case, the High Court repeated, in the cases of Murray and Schempp, the general decision which was rendered in the Engel case and for the same reason. Strangely enough, when the lawyers were preparing briefs for use in cases in the New York courts, where incidentally 11 of 13 justices had concluded that there was no establishment of a religion, the conclusions which they reached from these researches were: First, that the establishment clause of the first amendment does not prohibit a recognition of Almighty God in public prayer; second, that a recognition of God was indeed a part of our national heritage; third, that the establishment clause of the first amendment was intended to prohibit a state religion, but not to prevent the growth of a religious state; fourth, that the uttering of a prayer in public assemblies was traditional throughout the Nation; and fifth, that the authorities support the position that noncompulsory recitation of a prayer causes no pocketbook injury. One of the fruits of this case was to create consternation and confusion throughout the country, and that confusion continues to this good hour.

I turn to the action taken by the House of Representatives 2 years ago. Very quickly after the Engel decision, from 140 to 150 resolutions were introduced in the House of Representatives to deal with the problem created by the Engel case, and hearings were held in the House of Representatives in 1964. They began on April 22 and continued until June 3 of 1964 before the House Judiciary Committee. The printed hearings and exhibits and communications covered a total of nearly 2,800 pages, but because of civil rights and other matters pending before the House Judiciary Committee, no action was ever taken on any of the resolutions dealing with the question of voluntary prayer in public schools.

In March 1966, I introduced Senate Joint Resolution 148. It contains 47 Senators as sponsors. The amendment proper contains only 65 words. It was designed to clarify and to dispel confusion, and today I expect to offer that amendment as a complete substitute for the joint resolution which is now the pending business and which relates to the United Nations Children's Emergency Fund. Since the UNICEF measure deals only with commemoration of the work of this agency of the United Nations, it can be put on track at any time, but the question of voluntary prayer in public schools will not wait. Too much time has already been lost; too much confusion has been created; and too much damage has already been done.

The Engel decision must be read in the light of still another decision in the Federal courts of New York.

This was in the case of Stein against Oshinsky when 21 children and their parents petitioned the U.S. district court in New York to pass upon the right to have a voluntary prayer for the children in the public schools. The case was first heard in the district court where the court found for the petitioners. It then went to the Second Circuit Court of Appeals, where the district court was reversed. The petitioners' then asked for the issuance of a writ of certiorari so that the case might go to the Supreme Court of the United States. That writ was denied by the High Court and the meaning of this action is abundantly clear: the Supreme Court of the United States has definitely closed the door upon voluntary prayer in the public schools.

Mr. BAYH. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. BAYH. I should like to ask my good friend, the minority leader, how he would like to proceed on this full discussion. I do not like to interrupt his prepared remarks, particularly when they are so eloquent, but it is important that we confine debate to the cases as they actually were decided by the Supreme Court. I have a different interpretation of the Oshinsky case—which was never considered by the Supreme Court—than that which was just read into the RECORD by the Senator from Illinois. Perhaps he would rather wait and discuss this matter after he has presented his remarks, which will be fine with me, but I want to make sure that we do have some colloquy on this particular subject.

Mr. DIRSKEN. I would prefer to finish my remarks first, if the Senator will agree.

Mr. BAYH. Fine.

Mr. DIRKSEN. Mr. President, I reassert at this point—because we have got the U.S. district court and the circuit court's decision right here—that it was on the petition for a writ of certiorari, so that the record might go up and be reviewed by the Supreme Court. The Court said no and when it did, inasmuch as voluntary prayer was involved in the Stein against Oshinsky case, that simply meant in my language as a lawyer that the court closed the door on voluntary prayer in the public schools.

Mr. BAYH. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. BAYH. It is that very point that I should like to clarify in the RECORD, at a time the Senator from Illinois chooses, that it was not the matter of voluntary prayer that was in consideration but who was going to make the school curriculum, the parents association or the schools.

The Court decided that the curriculum should be decided by the school officials and not by the parents of the 13 children who wanted prayer incorporated within the curriculum. In fact, the Court said, for the sake of the outcome in the Oshinsky case, that they were willing to consider the voluntary prayer in question as consitutional. When the Senator has finished his remarks, I will be glad to read into the RECORD and compare with him the excerpts from the decision itself.

Mr. DIRKSEN. Well, Mr. President, all I can say is that the decisions have to speak for themselves. We have them here. But now, as I indicated before, the one sensible opinion in the Engel against Vitale case was that written by Associate Justice Stewart.

I ask unanimous consent to have this dissenting opinion printed in full in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[June 25, 1962.]

SUPREME COURT OF THE UNITED STATES—STEVEN I. ENGEL ET AL., PETITIONERS, *v.* WILLIAM J. VITALE, JR., ET AL., ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF NEW YORK—NO. 468.—OCTOBER TERM, 1961

Mr. Justice Stewart, dissenting.

A local school board in New York has provided that those pupils who wish to do so may join in a brief prayer at the beginning of each school day, acknowledging their dependence upon God and asking His blessing upon them and upon their parents, their teachers, and their country. The Court today decides that in permitting this brief nondenominational prayer the school board has violated the Constitution of the United States. I think this decision is wrong.

The Court does not hold, nor could it, that New York has interfered with the free exercise of anybody's religion. For the state courts have made clear that those who object to reciting the prayer must be entirely free of any compulsion to do so, including any "embarrassments and pressures." Cf. *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624. But the Court says that in permitting school children to say this simple prayer, the New York authorities have established "an official religion."

With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an "official religion" is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation.

The Court's historical review of the quarrels over the Book of Common Prayer in England throws no light for me on the issue before us in this case. England had then and has now an established church. Equally unenlightening, I think, is the history of the early establishment and later rejection of an official church in our own States. For we deal here not with the establishment of a state church, which would, of course, be constitutionally impermissible, but with whether school children who want to begin their day by joining in prayer must be prohibited from doing so. Moreover, I think that the Court's task, in this as in all areas of constitutional adjudication, is not responsibly aided by the uncritical invocation of metaphors like the "wall of separation," a phrase nowhere to be found in the Constitution. What is relevant to the issue here is not the history of an established church in sixteenth century England or in eighteenth century America, but the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government.

At the opening of each day's Session of this Court we stand, while one of our officials invokes the protection of God. Since the days of John Marshall our Crier has said "God save the United States and this Honorable Court."[1] Both the Senate and the House of Representatives open their daily Sessions with prayer.[2] Each of our Presidents, from George Washington to John F. Kennedy, has upon assuming his Office asked the protection and help of God.[3]

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[1] See Warren, The Supreme Court in United States History, Vol. 1, p. 469.

[2] See Rule III, Senate Manual, S. Doc. No. 2, 87th Cong., 1st Sess. See Rule VII, Rules of the House of Representation, H.R. Doc. No. 459, 86th Cong., 2d Sess.

[3] For example:

On April 30, 1789, President George Washington said: ". . . it would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to His charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States.

"Having thus imparted to you my sentiments as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the Human Race in humble supplication that, since He has been pleased to favor the

The Court today says that the state and federal governments are without constitutional power to prescribe any particular form of words to be recited by any group of the American people on any subject touching religion.[4] The third stanza of "The Star-Spangled Banner," made our National Anthem by Act of Congress in 1931,[5] contains these verses:

"Blest with victory and peace, may the heav'n rescued land
Praise the Pow'r that hath made and preserved us a nation!
Then conquer we must, when our cause it is just,
And this be our motto 'In God is our Trust.' "

In 1954 Congress added a phrase to the Pledge of Allegiance to the Flag so that it now contains the words "one Nation *under God,* indivisible, with liberty and justice for all."[6] In 1952 Congress enacted legislation calling upon the President each year to proclaim a National Day of Prayer.[7] Since 1865 the words "IN GOD WE TRUST" have been impressed on our coins.[8]

Countless similar examples could be listed, but there is no need to belabor the obvious.[9] It was all summed up by this Court just ten years ago in a single sentence: "We are a religious people whose institutions presuppose a Supreme Being." *Zorach* v. *Clauson,* 343 U.S. 306, 313.

I do not believe that this Court, or the Congress, or the President has by the actions and practices I have mentioned established an "official religion" in violation of the Constitution. And I do not believe the State of New York has done so in this case. What each has done has been to recognize and to follow the deeply entrenched and highly cherished spiritual traditions of our Nation—traditions which come down to us from those who almost two hundred years ago avowed their "firm reliance on the Protection of Divine Providence" when they proclaimed the freedom and independence of this brave new world.[10]

I dissent.

Mr. DIRKSEN. Mr. President, I pursue in a little more detail what Justice Potter Stewart referred to there as our tradition and that our tradition is a religious one.

On July 30, 1956, President Eisenhower signed a resolution which made "In God We Trust" our national motto. That was done in Public Law 851 of that year.

On July 11, 1955, Congress passed and the President approved Public Law 140, which placed the inscription "In God We Trust" on our coins and currency.

When the Pilgrims came to this country one of the first things they did was to enter into the Mayflower Compact on November 11, 1620, and the first words of that compact are: "In the name of God, Amen."

On May 19, 1643, the New England Confederation was entered into. There they gave thanks for "a wise Providence of God."

At the Constitutional Convention in September of 1787, Benjamin Franklin addressed the convention and noted the slow progress which had been made and reproved the members of the convention for their neglect of prayer and urged that the delegates by their prayers implore the assistance of Heaven and its blessings on their deliberations every morning in the assembly hall before they proceed to business.

On July 4, 1776, the Declaration of Independence was adopted and first signed by John Hancock. In it they wrote:

> And for the support of this Declaration, with a firm Reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Every President of the United States, from George Washington in 1789 to President Johnson in 1965, has found it comforting, inspiring, and useful to recite our dependence on the grace of God and to implore His wisdom, His guidance, and His blessings.

In the preamble of each State constitution is a statement regarding the faith in God of the people of their State in forming the constitution.

Our public buildings bear witness to our faith in God. One can find it in the

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American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so His divine blessing may be equally *conspicuous* in the enlarged views, the temperate consultations, and the wise measures on which the success of this Government must depend."

On March 4, 1797, *President John Adams said:*

"And may that Being who is supreme over all, the Patron of Order, the Fountain of Justice, and the Protector in all ages of the world of virtuous liberty, continue His blessing upon this nation and its Government and give it all possible success and duration consistent with the ends of His providence."

On March 4, 1805, *President Thomas Jefferson said:*

"I shall need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with His providence and our riper years with His wisdom and power, and to whose goodness I ask you to join in supplications with me that He will so enlighten the minds of your servants, guide their councils, and prosper their measures that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations."

On March 4, 1809, President James Madison said:

"But the source to which I look . . . is in . . . my fellow-citizens, and in the counsels of those representing them in the other departments associated in the care of the national interests. In these my confidence will under every difficulty be best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future."

On March 4, 1865, President Abraham Lincoln said:

"Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether.'

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

On March 4, 1885, President Grover Cleveland said:

"And let us not trust to human effort alone, but humbly acknowledging the power and goodness of Almighty God, who presides over the destiny of nations, and who has at all times been revealed in our country's history, let us invoke His aid and His blessing upon our labors."

On March 5, 1917, President Woodrow Wilson said:

"I pray God I may be given the wisdom and the prudence to do my duty in the true spirit of this great people."

On March 4, 1933, President Franklin D. Roosevelt said:

"In this dedication of a Nation we humbly ask the blessing of God. May He protect each and every one of us. May He guide me in the days to come."

On January 21, 1957, President Dwight D. Eisenhower said:

"Before all else, we seek, upon our common labor as a nation, the blessings of Almighty God. And the hopes in our hearts fashion the deepest prayers of our whole people."

On January 20, 1961, President John F. Kennedy said:

"The world is very different now. . . . And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God.

* * * * *

"With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

[4] My brother Douglas says that the only question before us is whether government "can constitutionally finance a religious exercise." The official chaplains of Congress are paid with public money. So are military chaplains. So are state and federal prison chaplains.

[5] 36 U.S.C. § 170.

[6] 36 U.S.C. § 172.

[7] 36 U.S.C. § 185.

[8] 13 Stat. 517, 518; 17 Stat. 427; 35 Stat. 164; 69 Stat. 290. The current provisions are embodied in 31 U.S.C. §§ 324, 324a.

[9] I am at a loss to understand the Court's unsupported *ipse dixit* that these official expressions of religious faith in and reliance upon a Supreme Being "bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance." See p. —, *supra,* n. 21. I can hardly think that the Court means to say that the First Amendment imposes a lesser restriction upon the Federal Government than does the Fourteenth Amendment upon the States. Or is the Court suggesting that the Constitution permits judges and Congressmen and Presidents to join in prayer, but prohibits school children from doing so?

[10] The Declaration of Independence ends with this sentence: "And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

Capitol, in the Prayer Room, in our national motto, in the Supreme Court Building, the White House, the Library of Congress, the Washington Monument, the Lincoln Memorial, the Tomb of the Unknown Soldier, and even on Union Station which stands not far from the National Capitol.

When the manuscript of Daniel Webster's speech at the dedication of the cornerstone for the new Senate and House wings was deposited in that cornerstone and subsequently retrieved, it concluded with these words among others:

> If, therefore, it shall hereafter be the will of God that this structure should fall from base, that its foundations be upturned and this deposit brought to the eyes of men, be it then known that on this day the Union of the United States of America stands firm, that their Constitution still exists unimpaired with all its original usefulness and glory; and all here assembled, whether belonging to public life or to private life, with hearts devotedly thankful to Almighty God for the preservation of the liberty and happiness of the country, unite in sincere and fervent prayers that this deposit and the walls and arches, the domes and towers, the columns and entablatures now being erected over it may endure forever. God save the United States of America.

Our national songs and anthems bear witness to our religious traditions.

The fourth stanza of "The Star-Spangled Banner" reads:

> And this be our motto: "In God is our trust".

In the fourth stanza of "America," we find the words:

> Our Father's God to Thee, Author of Liberty,
> To Thee we sing.
> Long may our land be bright, With Freedom's holy light,
> Protect us by thy might, Great God, our King.

In that lovely song "America The Beautiful" we find these words in the first stanza: "God shed His grace on thee."

In the second stanza we find: "God mend thine every flaw."

In the third stanza we find the words: "May God thy gold refine."

In the fourth stanza we find the words: "God shed His grace on thee."

These are but a part of the great religious tradition of our land.

Now, there are some destroyers of this tradition, and first on the list I would put the atheists, who do not believe in God. They differ from the agnostics. The atheists do not believe in God. The agnostics do not know whether to or not.

The basic atheist concept—those who do not believe in God—was revealed by a lady named Madalyn Murray, of Baltimore, Md., in a letter to Life magazine some time ago. She presumed to speak for all atheists as she unfolded that story and some of their plans for America. She said:

> We find the Bible nauseating, historically inaccurate, replete with the ravings of mad men. We find God to be sadistic, brutal and a representative of hatred and vengeance. We find the Lord's Prayer to be that muttered by worms groveling for meager existence in a traumatic paranoid world. The business of the public schools, where attendance is compulsory, is to prepare children to face the problems on earth, not to prepare for Heaven—which is a delusional dream of the unsophisticated minds of the ill-educated clergy. Fortunately we atheists can seek legal remedy through our Constitution. * * *

There, Mr. President, we have the atheists view. But there are other classes of destroyers. There are the free thinkers who assume a liberal posture.

Mr. J. Marcellus Kik, in an article in the April 26, 1963, issue of Christianity Today, enumerates the demands of liberalism as quoted from the Index of January 4, 1873, which was the organ of the Liberal League. There they set out a nine-point program of their demands. These included: taxation of church property; abolition of chaplaincies in Congress, legislatures, Army, Navy, prisons, asylums and all other institutions supported by public funds; abolish the use of the Bible in any form in public schools; prohibit recognition of religious festivals and feasts by the President of the United States or by the Governors; abolish the judicial oath in courts; abolish the oath in all departments of Government; repeal laws which call for enforcement of the observance of Sunday as the Sabbath; administer our entire political system on a strictly secular basis. Here then is the thesis of the free thinkers who would secularize and make completely worldly our civilization and our tradition.

But there is still another group in this trinity, and they are the Communists, who seek to communize this country. It should be observed that Karl Marx, the great apostle of communism, had actually only two basic theses: the first was to destroy capitalism and the second to dethrone God.

That is what Marxism finally adds up to.

J. Edgar Hoover, in his book entitled "Masters of Deceit" makes it quite clear that communism is the monumental enemy of any religion that believes in a Supreme Being. Khrushchev affirmed the fact when he said:

> Don't think that the communists have changed their mind about religion. We remain the atheists that we have always been. We are doing as much as we can to liberate those people who are still under the spell of this religious opiate.

Here you have some of the groups dedicated to the destruction of our religious tradition and that of course includes prayer in the public schools.

It is time to give thought, Mr. President, in these premises, to some spiritual education in this country. Where will we find the real answer to juvenile delinquency and to the strange aberrations and extremisms of the present day unless we find it in spiritual education? And one of the greatest forces in this arsenal of education is prayer. Freedom of voluntary prayer or participation in prayer is the fifth and perhaps the greatest of the freedoms and ranks high above those other freedoms that were announced so long ago.

The hearings before the subcommittee were quite interesting insofar as the witnesses were concerned.

Those who came to oppose Senate Joint Resolution 148 obviously resorted to the old cliche of separation of church and State, together with some other reasons which were assigned. The opposition included the executive secretary of one of the church denominations; the president of a theological seminary; an attorney from New York representing the Humanist Association; the director of social relations for one of the churches; the American counsel of one church group; two professors of law; the American Civil Liberties Union; certain public relations directors for churches; the associate secretary of the board of social concerns for one of the church groups.

The Board of Social Concerns. Maybe that is the trouble with the country and the world today—we are so given to social concerns that we have no time left for concern with the soul.

As I thought of these witnesses, I wondered where the pastors were; I wondered where the shepherds of the flock were; I wondered where the ministers were—all those who sit at bedsides to comfort the sick, who come to bereaved homes to comfort those who have been bereaved, those who have constant contact with their flock, those who minister to the spiritual needs of the common man. Where were they?

I do not know whether they were invited. What we had before the subcommittee were the professionals, who can be found at these hearings any old time to testify on matters of this kind.

At this point, Mr. President, I ask unanimous consent to have printed in the Record an article written by Charles E. Rice, entitled "Where Are the Clergymen?" and subtitled "If Senator Dirksen's Prayer Amendment Is To Have Any Chance of Passage, Clergymen Must Support It. Why Don't They? For Fear of Losing Federal Aid." It was published in the National Review of August 23, 1966. Mr. Rice does a pretty good job in that article, and I think this is the place to put it in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Where Are the Clergymen?—If Senator Dirksen's Prayer Amendment Is To Have Any Chance of Passage, Clergymen Must Support It. Why Don't They? For Fear of Losing Federal Aid

(By Charles E. Rice)

To the surprise of many, Senator Everett M. Dirksen announced last January that he would force a Senate fight for a constitutional amendment to undo the school prayer decisions handed down by the Supreme Court in 1962 and 1963. In the first decision, the Court invalidated the recitation in public schools of the state-composed Regents' prayer, and in the second ruling the Court forbade the recitation of the Lord's Prayer and devotional reading of the Bible in public schools. In neither case was any child compelled to participate in the exercise. Since then, a federal circuit court has ruled, in a case arising in Whitestone, New York, that public school teachers cannot even permit pupils to recite prayers in classrooms by themselves and on their own initiative. The Supreme Court refused to review this last ruling.

DORMANT ISSUE REVIVES

An earlier effort to gain congressional approval of a prayer amendment foundered in 1964 on the obstructionism of House Judiciary Committee Chairman EMANUEL CELLER, Democrat, of New York, the hostility of the press and, in part, a withdrawal of support for the amendment by leaders of the Roman Catholic Church. For the past year or so the issue has lain dormant.

The Dirksen prayer amendment provides: "Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer."

There are two issues here. First, is the amendment worth adopting? Second, what are its chances of success?

To judge the merits of the Dirksen amendment, we must remember that the Supreme Court's prayer decisions have generated two dangerous trends. One is the elimination of various religious manifestations from public life. The other is the threat to the tax privileges of religious organizations.

The first trend, toward the excision of religious manifestations, follows from the basic rationale of the decisions. For there the Court enjoined upon government a perpetual suspension of judgment on the very question of whether God exists. Thus it was that Justice William Brennan labored in a concurring opinion in the 1963 case to show that the ruling did not require such things as the erasure of God's name from our coinage, the repeal of the national motto, etc. And Brennan's rationale, which epitomized the basic meaning of the decision was that "The reference to divinity in the revised pledge of allegiance, for example, may merely recognize the historical fact that our Nation *was believed to have been founded under God"* (emphasis added). In short, the words "under God" can remain in the pledge only if they are not meant to be believed and are a mere historical commemoration of the fact that the founders, deprived of the insight of our ruling Justices, actually believed that this nation was "under God." The same reasoning would apply to the Declaration of Independence, which contains four affirmations of the existence of God. It does not seem to bother the Court that this suspension of judgment on the existence of God results in a governmental preference of agnosticism, which is now recognized by the Court as a non-theistic religion. In line with the Court's reasoning, Nativity scenes have been banned on public property unless presented purely in "a cultural vein." The kindergarten children in the Whitestone case were forbidden to recite, before eating their cookies and entirely on their own initiative, the "Romper Room" prayer: "God is great, God is good. And we thank Him for our food. Amen." In Maryland, every pending criminal indictment in the state was invalidated because the grand and petit jurors were required to take an oath affirming their belief in God. In New York City, Jewish teachers cannot wear the yarmulka in public school classrooms, although the Jewish code of Shulchan Aruch requires that it be worn. In public schools throughout New York State, pupils are forbidden to recite devotionally the last stanza of the national anthem, because it concludes with the hateful phrase, "In God is our trust."

SECULARIZING MANDATES

And so it goes. Moreover, we may fairly expect that the secularizing mandates are ultimately going to be applied to parochial schools receiving government aid where that aid entails substantial public supervision over the use of the funds. Thus, Roman Catholic schools in Brooklyn were allowed to participate in Operation Head Start last year only after they took the crucifixes off the classroom walls and eliminated sectarian and even moral instruction from the school day; it was only at the personal intercession of Sargent Shriver that the nuns were allowed to teach in their habits in their own schools. It is true that in Operation Head Start, unlike the ordinary case of public aid to religious schools, public school children came onto the parochial school premises. But this distinction has no enduring significance. For the courts are likely to hold before too long that parochial schools receiving substantial public aid are instrumentalities of the state to the extent that they cannot prefer their own parishioners in their admission policies and therefore must open their doors to the community at large. At that point, any difference between public and parochial schools will be of interest mainly to the bookkeepers.

The second trend created by the school prayer decisions is equally dangerous. The issue is whether churches will be exempt from taxation on their property and income and whether donors to churches will be permitted to deduct their contributions on their own tax returns. (Churches are already, and properly, of course, subject to taxation on commercial enterprises which they conduct for profit.) The Supreme Court has agreed to review a Maryland decision upholding the religious tax exemptions, and the issue may soon be resolved. It is fair to say that the logic and language of the school prayer decisions indicate that religious tax privileges will be sustained only insofar as they benefit the secular activities of religious organizations. Thus a church could be exempt from taxation on a hospital it conducts, because non-profit hospitals in general are exempt. But a church would have no exemption for its church building. Similarly, it would seem that a donor could deduct his contribution to a parochial school only to the extent that it was used for the teaching of secular subjects. One could not, it would seem, deduct a gift used by the school to buy catechisms rather than readers. But suppose the school teaches reading with stories of Christ and the saints?

In the real world today, any significant restriction of the existing tax privileges of churches would drive many out of existence and would greatly hamper the work of all of them. One further effect of the curtailment of tax privileges would be to make the churches increasingly dependent upon government subsidies, which in turn would accelerate the secularization of church-related schools. Incidentally, there is also language in the 1963 prayer decision which could foreshadow an elimination of military chaplains from the public payroll, thus putting an added financial burden on the churches.

The Dirksen amendment is limited in scope and deals only with prayer as such. It might be argued that the amendment creates an implication that because prayer alone is expressly permitted, all other religious practices and public aids to religion are forbidden. However, the negative language of the proposal ("Nothing in this Constitution shall prohibit. . . .") is sufficient to prevent the application of that technical rule of construction.

Senator DIRKSEN claims that his amendment is not designed "to reverse the Court" but rather is a "clarification." But regardless of his opinion, the amendment would reverse the Court on the central issue of the school prayer decisions. It would legitimize the official recognition of the existence of God. And while it would not specifically cover tax privileges, chaplains and miscellaneous matters, the Supreme Court has been known in the past to follow the election returns and it is a reasonable expectation that the present members of the Court would get the point. The last sentence of the amendment would not validate an officially-composed Regents' Prayer, but the limited meaning of the word "prescribe" would allow sufficient room for officials to leave the form and content of the voluntary prayer up to a local consensus. And, of course, the First Amendment's protection of the free exercise of religion would not be affected by the Dirksen amendment. No one could be coerced in any way to participate in any exercise. But the amendment would end the present ludicrous condition where a small minority of zealots is enabled to impose its dislike of prayer or of God upon the great majority.

The language of the Dirksen amendment is sound and it is worth supporting. But what are its prospects? Public opinion polls from 1962 to the present time have shown a great majority in favor of prayer in the public schools. The support, however, has been inarticulate and passive. But now, perhaps because of the Vietnam crisis, a groundswell appears to be developing. There is no doubt that, if the amendment reached the floor of the House and Senate, it would pass and would be ratified by the states. For what politician will vote against voluntary prayer? But the question is whether the existing popular support will be strong enough to break the parliamentary barriers in Congress.

There is one factor which may determine the outcome. If the churches, and especially the leaders of the Catholic Church, would support the amendment it would certainly pass. It was the withholding of support by Catholic leaders which played a crucial role in defeating the amendment in 1964. When the Senate Judiciary Committee held hearings in 1962, four Catholic spokesmen, including the representative of Francis Cardinal Spellman of New York, supported the amendment and no Catholic leader opposed it. Two years later, however, when the House Judiciary Committee held its hearings, there were nine Catholics in favor of the amendment (but no representative of the hierarchy, with the exception of Bishop Fulton J. Sheen, whose testimony was bracketed in press accounts with that of Governer George Wallace, who appeared the same day in favor of the amendment). But in those 1964 hearings, there were seventeen Catholic witnesses opposed, including spokesmen for many Catholic periodicals, the lay director of the Legal Department of the National Catholic Welfare Conference, and a couple of lawyer-priests.

The rise in Catholic opposition to the amendment was apparently due in part to an unfounded fear that a prayer amendment would upset the existing First Amendment balance on the matter of federal aid to church-related schools. It is not unreasonable to surmise that the opposition was also due in part tc a fear that Catholic support of the amendment would antagonize certain elements whose neutrality or support would be necessary for the enactment of a major program of such federal aid. Since then the Church has received its federal aid, through the Elementary and Secondary Education Act of 1965. But some Catholic school administrators are beginning to discover that there is no such thing as a free lunch and that government aid brings government control.

The Church's concern about aid to education is understandable. For it is true that a major program of federal aid to public schools only would tend to drive out of existence those private schools excluded from the benefits. But the Catholic Church lobbied informally but effectively for a massive program of federal grants to its schools, and ignored alternative proposals which would have benefited those schools through the allowance of tax credits or tax deductions to parents for tuition paid to the schools. The tax credit or deduction program would have enabled private schools to raise their tuition and would not have entailed significant government controls because the tuition money the schools would have received from the parents would never have been government money. There have been several proposals of this sort in the Congress, including a limited system of "G.I. Bill" type grants to parents whose income is too small to benefit from tax credits or tax deductions. When Senator Abraham Ribicoff proposed the tax deduction idea on the college level, former Commissioner of Education Keppel opposed it because, under it, "We could not accomplish our social objectives." The Catholic Church may be about to learn that the social objectives of the federal bureaucrats do not include an independent system of parochial schools.

The reality of government control as an incident to government aid should surprise nobody. The same tendency is operating in the racial area where among other things it is not overly visionary to forsee that parochial schools in New York State will be subjected, before long, to the arrogant system of artificial racial balancing instituted in the public schools of that state. But what is surprising is that the leaders of the Catholic Church torpedoed the school prayer amendment when it was quite obvious that the combination of the Supreme Court's prayer ruling and a massive program of federal aid would lead inexorably to the secularization of the parochial school.

It remains to be seen whether Catholic leaders will support Dirksen's amendment. Frankly, it does not appear likely that they will do so in significant numbers, although Cardinal Cushing of Boston and Bishop Bernard J. Flanagan of Worcester, Mass., among a few others, have spoken in support of it. The silken threads attached to the handouts are very strong. If support from the Catholic and other churches is not forthcoming the popular pressure on the Congress will have to be overwhelming to achieve success. As a matter of fact, there is a fair chance that it will be strong enough and that we will have a prayer amendment. If we do, and if it is adopted without the support of the leaders of the Catholic Church, the Church will have become irrelevant, and even a negative factor, in a central church-state issue of our day. It may be that some of the leaders of the Church are unduly preoccupied with the construction of buildings which the secularists will control and too little concerned with what is going to be taught to the children in those schools. Bishop Fulton J. Sheen once wrote: "One can almost formulate a law: in days of prosperity, the Church has administrators; in days of adversity, the Church has shepherds . . . When primacy is given to mortar in the Church, mortals lose their significance."

Those who support the Dirksen prayer amendment should insist that their clerics, of whatever denomination, declare themselves on the issue. And they should demand support from their representatives and senators. The effective groups supporting the amendment are, Citizens for Public Prayer, Box 1776, Rutland, Massachusetts, and Constitutional Prayer Foundation, 903 Munsey Building, Baltimore, Maryland 21202.

Mr. DIRKSEN. I also have an article entitled "Personally Speaking," and subtitled "Have Churches Lost Contact?" written by Woolsey Teller. I ask unanimous consent that that article, in its entirety, be printed in the Record as a part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Personally Speaking: Have Churches Lost Contact?

(By Woolsey Teller)

Whom do the religious leaders of the nation represent? Whom, in fact, do they lead? That's the pertinent question raised by Representative Barber B. Conable Jr. (R-N.Y.). He suspects that the leadership doesn't represent either the majority of churchgoers or the majority of clergymen—at least not in his own 37th Congressional District, considered a fairly typical American district.

Representative Conable notes that the National Council of Churches (NCC) and a number of other religious leader groups have testified against the proposed amendment of Senator Everett Dirksen (R-Ill.) which would permit voluntary prayers in public schools. The keyword is "voluntary." No one would be compelled to pray.

Skeptical as to whether these religious groups actually represent the rank and file clergymen, Representative Conable, working from phone books, mailed some 500 questionnaires to the identified clergymen of his district. The questionnaire gave the wording of the amendment and asked for reactions from the gentlemen of the cloth. The wording, short and simple, is:

"Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form and content of any prayer."

Of 137 answers to the questionnaire 120 clergymen favored the amendment and 17 opposed it.

The amendment would make possible, as a matter of right, the choice of participating in voluntary prayer. The stress here is on "choice." No one would be compelled to pray.

Generally ignored in the controversy raging over the amendment is the fact that the various states have compulsory education laws. A person is obligated to attend school up until a certain age, or until completing certain studies, varying from state to state. For the time that the youths are in school, approximately one-third of their waking hours, five days out of the week, they are now prohibited from overt praying. The U.S. Constitution after which the state constitutions are modeled, says in Article I of the Bill of Rights, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ."

As for the first part of the phrase, the Dirksen amendment obviously would not establish a religion. As to the second part, when a religious person is compelled to spend one-third of his waking hours in a building where he is prevented from praying is he not being prohibited from the free exercise of his religion?

No one has suggested that children be prohibited from attending to their physical needs when they are in school. There are regular lunch hours to satiate human hunger. Yet those who have spiritual hunger are prevented from assuaging it.

Some people fear that the Dirksen amendment would endanger the traditional American concept of separation of state and church. No one questions their right to that view. The question here is whether the religious leadership opposing the Dirksen amendment represents the sentiments of most religious people.

Representative Conable, in assessing the 120 to 17 returns he got from clergymen favoring the amendment said, "If this is typical, the national church group leaders should perhaps poll their members before descending too vigorously on Capitol Hill, the citadel of representative government."

Adding weight to Conable's views were the words of Rev. Dr. David Hunter, deputy general secretary of the NCC, who testified against the amendment. He said he thought church "leaders" are "ahead" of the thinking of their flocks on public issues.

Rather than being ahead of the people the religious leadership may simply have lost contact with them. That could be dangerous—for the leadership, that is. It is both a religious and a democratic concept that the voice of the people is the voice of God. Those who are so far "ahead" of the people that they can't hear the people's voice are surely deaf to the voice of God.

Mr. DIRKSEN. This article makes reference to a question raised by Representative Barber B. Conable, Jr., of New York, who suspected that the leadership does not represent either the majority of church-goers or the majority of clergymen, at least not in his own 37th Congressional District, considered a fairly typical American district.

He went to the trouble to carefully document all the ministers in that district. He wanted to find out how they really thought, or whether the National Council of Churches was speaking for them, because the national council came before the subcommittee.

He discovered, from 137 answers, from 137 clergymen of all faiths, that 120 favored the amendment that I introduced, and 17 opposed it.

Now, that is a strange kettle of fish, because I now get around to other items that I wish to have printed in the Record, and I think the next one should be the action taken by the Veterans of Foreign Wars, a farflung organization, not merely from coast to coast, but in nearly every country on earth.

They passed a resolution at their 67th national convention, held in New York, August 21, 1966, and here it is:

Whereas, there are those who would destroy all religion and erase all mentioning of God from our lives; and

Whereas, all prayers have been banned from our public schools, and

Whereas, legislation has been introduced in the United States Congress to allow voluntary prayers in our schools, and

Whereas, the Veterans of Foreign Wars firmly believes in God; now, therefore,

Be it resolved, by the 67th National Convention of the Veterans of Foreign Wars of the United States that we endorse and support the members of Congress in their fight to restore prayers in our schools; and

Be it further resolved, that the Veterans of Foreign Wars of the United States support legislation, introduced in the United States Senate by Senator Everett Dirksen, to restore voluntary prayer to our public schools; and

Be it further resolved, that every member of the V.F.W. actively support Senate Joint Resolution 148 by communicating with his Congressman, requesting that he aid us in our effort to return prayer to our public schools.

Now, Mr. President, I come to, first, Cardinal Cushing, a very eminent divine in the Catholic Church. In the Pilot, which is published in Boston, there appears regularly a section entitled "News Notes From the Cardinal."

There are two articles here that I think properly deserve a part in this discussion. The first one is entitled "The Sweetness of Prayer." The second is entitled "Prayer in the Schools."

I shall read only a portion at the conclusion of the second article. It reads:

> In the midst of the controversy over prayer in the public schools many honored public servants have voiced their belief that such prayer is not only useful, but necessary. For instance, Senator SALTONSTALL and Senator DIRKSEN, among the others. They do not share the shoddy opinions of self-constituted authorities on matters about which they have no authority to speak.

Mr. President, I ask unanimous consent that these two articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE SWEETNESS OF PRAYER

"There is nothing in the world sweeter than prayer!" So declared Senator DIRKSEN in a recent interview. He continued by stressing the injustice and loss to the nation by the act which removed prayer from the public schools . . . "Now there are those who want to delete the words, 'In God Is Our Trust,' from the Star Spangled Banner. There is but one country where God is so derided and excluded—the Soviet Union."

In time of joy and success the prayer of thanksgiving to the giver of all good gifts tells Him that His goodness is appreciated. Unfortunately, it seems probable that few pay Him this acknowledgement in comparison with those who do. In time of pain and grief, occasioned by the loss of a dear one, by the shattering of health, the loss of needed work and other burdens that at one time or another afflict people, prayer is most of all consoling and strengthening. It reminds us that we have not here a lasting city, but look for one to come.

One who meditates on the sufferings of the Redeemer with crucifix in hand, finds a wonderful help to the restoration of what may have been lost when the blow first struck. In this month of May, and in all the other months, we have a Model who, after Christ, suffered most. Mary, His Mother, shared all His Sacrifices. She wants to share with us the graces they brought. Mary is Queen of Sorrows. After her Divine Son's Ascension she was left a bereaved Mother, awaiting the time when He would call her to Himself.

"There is nothing in the world sweeter than prayer!" When a high government official so declares, we know that Jesus and Mary listen with joy!

PRAYER IN THE SCHOOL

Now and then the host of a program over the air gives his opinion in a manner which disedifies and troubles many of his listeners. Recently, one such individual professed that prayer in the public schools was a "useless thing." His remark was not only out of place but shocking to those who believe that such prayer is not only "useful" but necessary. There are those who tell us that children should be taught to pray in their homes. Therefore, no need for more! When parents who are godly see to it that their children give God His due before they start out for school, it is well. Yet, even such parents, in the whirl of distractions today, may not emphasize this as they should. And, what of those other parents who do not themselves pray, and never teach their children to recite morning prayers?

Many of generations of a few years back recall with nostalgia the recital of the Lord's Prayer in the schoolroom, with the reading of the exquisite Psalm which begins: "The Lord is my Shepherd. I shall not want." The children who listen could visualize the "green pastures" through which Christ leads His Own, and His promise to see that they do not "want."

"I am the Good Shepherd. I know Mine and Mine know Me!" Long after King David's time, Christ so described Himself.

In the midst of the controversy over prayer in the public schools many honored public servants have voiced their belief that such prayer is not only useful, but necessary. For instance, Senator SALTONSTALL and Senator DIRKSEN among the others. They do not share the shoddy opinions of self-constituted authorities on matters about which they have no authority to speak.

Mr. DIRKSEN. Mr. President, I now get around to the National Council of Churches. It is rather interesting that a full-page ad appeared in this morning's Washington Post. That ad is there because thousands of clergymen contributed to make it possible.

The same ad appeared in the New York Times of this morning.

There was one addition in the New York Times ad, and that was by way of explanation. It says at the top of the article:

> Because the New York Times gave a lead story position and almost a whole page to 198 academic experts on China, including a high school teacher and an assistant professor of Library Services, but gave only 6 inches to the following policy of 30,000 clergymen, we are paying for this space to bring the story to the American public.

What does it say? It says:

> 71.4% American Protestant clergymen polled vote "No"—to the admission of Communist China to the United Nations—to United States diplomatic recognition of Peiping.
>
> 93.7% of American Protestant clergymen polled vote "No"—to satisfying Red China's primary condition for joining the United Nations: the expulsion of our ally, Free China.

What do you think about this? I will tell you what it was about. It reads:

> On February 22, 1966, the General Board of the National Council of Churches, meeting in St. Louis, adopted a resolution calling for the admission of Communist China to the United Nations and the granting of United States diplomatic recognition to the Peiping regime.
>
> This widely-publicized resolution—and similar statements from other church bodies—has caused dismay in nations throughout the world who stand in firm opposition against Communist aggression and enslavement and who look to the United States as the leader in this crucial world struggle. Particularly tragic is the effect on the morale of young Americans battling Communism in Vietnam. If their own churches and church leaders favor accommodation with totalitarian, atheistic and predatory Communism, should they give their lives in resisting it?

They go on, and they show the rest of the story, but this is the answer to the National Council of Churches, which has pretended to speak on nearly every subject under the sun for an estimated 40 million people. They do not do anything of the kind.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. BAYH. Mr. President, I know that I promised not to interrupt the Senator, but since this is such a well-documented testimony of the opinion on the canvass of all of the churches; does one of the questions that is asked concern the position of clergymen on the issue we are now discussing?

Mr. DIRKSEN. No. We will get to that later.

Mr. BAYH. I thank the Senator.

Mr. DIRKSEN. Mr. President, I want to establish the fact that these social engineers have been giving too much time to things like the recognition of China instead of to a little soul saving. We might not have some of the riots in this country if we had prayer in schools and a little more religious tradition. Maybe that is where we split our moorings, and we will lament it, believe me, before we get through.

I have here a copy of Human Events, published April 9, 1966.

I know that people waive this to one side. However, one of my old classmates, a very capable person, from the University of Minnesota, had quite an interesting human event financially and otherwise.

He toured many sections of the globe in order to get information of an accurate character. They have devoted a part of an issue to this question.

Mr. President, the title of this article is—

> Does the National Council of Churches speak for you? Claiming to represent 40 million protestant and orthodox church members, the NCC has spoken out on such diverse topics as right-to-work, Medicare, reapportionment and the war in Vietnam. Invariably liberal, its opinions are often used in attempts to refute conservative arguments. Should anyone pay attention to the NCC?

This is a staff report.

Mr. President, one of the most significant parts of the issue is a vestry committee report.

It was one of the most comprehensive reports on the National Council of Churches. It reads:

> NCC DOES MORE HARM THAN GOOD
>
> One of the most comprehensive reports on the National Council of Churches was prepared in 1960 and 1961 by the Vestry Committee of St. Mark's Episcopal Church of Shreveport, La., the largest Episcopal church in the state. After a lengthy investigation, the committee unanimously found:

I shall read only two underlined portions, but I ask unanimous consent to have the entire article printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VESTRY COMMITTEE CONCLUDES—NCC DOES MORE HARM THAN GOOD

One of the most comprehensive reports on the National Council of Churches was prepared in 1960 and 1961 by the Vestry Committee of St. Mark's Episcopal Church of

> Shreveport, La., the largest Episcopal church in the state. After a lengthy investigation, the committee unanimously found:
>
> Theoretically, and perhaps practically, the NCC does many things which are good. It conducts foreign missionary work; it distributes food and clothing to many who need it overseas. It prepares and distributes church literature.
>
> But we have not discovered any so-called evangelistic activity of the NCC which is not also a function of the Protestant Episcopal Church. Our church also conducts foreign missionary work and publishes literature.
>
> Our investigation leads us to the following conclusions:
>
> The NCC has done and is doing a great number of things that we feel are not in the best interest of the Church. We have proved beyond a reasonable doubt that it has made a practice of speaking on behalf of all members of the 34 denominations comprising the NCC, when it is in fact not specifically authorized to do so. In this regard, it has been deceitful, in that it actually did desire the impression to be made on the public that it spoke officially for "the 39 million."
>
> The NCC has far exceeded its rightful role in speaking out, as the official voice of Protestantism in America, on such controversial issues as federal aid to education, the right-to-work laws, the ethical considerations of the steel dispute, the seating of Red China in the United Nations, etc.
>
> The NCC, although not Communistic, has been an aid to the Communist conspiracy.
>
> It has been hypocritical in assailing "guilt by association" and "name calling" in one breath and employing it in the next.
>
> It was deceitful in the manner in which it handled the Fifth World Order Study conference in Cleveland. It is deceitful in refusing to repudiate mistakes or to correct misinterpretations in the press, except when such mistakes or misrepresentations are harmful to what they (the professional core of the NCC) believe and profess. We believe that such deceit is not a proper Christian attitude.
>
> The NCC is in fact, if not in theory, dominated by a hard core of professionals, some of whom have never done pastoral work. We believe they may consider themselves leaders of what they would like to consider as a super church. They deliberately destroyed the Lay Committee of the NCC because the NCC could not effectively spread its propaganda with such a loud dissonant voice from within. We are of the opinion that there is something basically wrong with a religious organization which cannot bear to have within its framework a highly responsible group of the laity simply because it disagrees with the dominating clergy.
>
> It is wrong for the NCC to carry out lobbying activities with the federal government at all, and it is particularly erroneous for it to do so as the professed voice of Protestantism.
>
> There are only two choices available in reaching a conclusion in regard to the reading list, "The Negro American," which it published. Either the NCC displayed incompetence in allowing it to be distributed, or else it was distributed deliberately as a corrosive. In all charity we must conclude that it was a display of incompetence, which conclusion strengthens our conviction that the NCC should refrain from taking stands on highly controversial issues in politics and economics: besides not being so authorized, it is not competent to judge upon all of these matters.
>
> The most important point of all is this: far from being the great cohesive power it was intended to be, the NCC by its actions is splitting the churches wide open. We believe that it is doing much more harm than good; that its actions will restrict the attracting of new members to the church; that it will alienate and is now alienating many of the now faithful parishioners; that it is creating disastrous dissension in all Protestant Churches. We know for a fact that it is wreaking such havoc in individual churches that meeting of budgets is being impaired, and that life-long friendships between laity and clergy, and between laity and laity, are being strained.
>
> In summation, we conclude with firm conviction and only after long study and prayer, that the National Council of Churches as it is presently constituted and operated, is a harmful and highly dangerous institution.

Mr. DIRKSEN. Mr. President, the two parts I wish to read are:

> We have proved beyond a reasonable doubt that it has made a practice of speaking on behalf of all members of the 34 denominations comprising the NCC, when it is in fact not specifically authorized to do so. In this regard, it has been deceitful, in that it actually did desire the impression to be made on the public that it spoke officially for "the 39 million."

The last lines in the vestry committee report from the church in Shreveport read:

> In summation, we conclude with firm conviction and only after long study and prayer, that the National Council of Churches as it is presently constituted and operated, is a harmful and highly dangerous institution.

Yet they come to Washington and make it appear to Congress and to the country that they speak officially for 40 million people, when they do nothing of the kind. So it is high time that their testimony be adequately discounted.

Now I quote from the Episcopalian for September 1966. This article refers to Bishop Walter M. Higley. The title is: "Bishop To Side With the Angels, Senator Dirksen."

I am glad the angels are in my corner. The article reads:

> Episcopal Bishop Walter M. Higley of Central New York and other leading clergymen of the area have issued statements calling for support of the "Dirksen amendment" to the U.S. Constitution. The main force of Senator Dirksen's bill is to permit voluntary prayer in public schools, a practice ruled out as unconstitutional by the U.S. Supreme Court in 1962 and again in 1963, following suits emanating from New York and Maryland.
>
> Approximately half of the U.S. Senate is cosponsoring the Illinois Republican's measure. But even with this support, observers feel that should the measure make the floor, the necessary two-thirds vote of the Senate for its passage would still be difficult to obtain.
>
> Nevertheless, Bishop Higley said: "You can line me up on the side of Senator Everett Dirksen and the angels. May the habit of saying prayers in the public schools be resumed—and soon. Prayer never hurt anybody yet, and men and women have been praying to a Supreme Being for centuries."

Now I turn to an article entitled "Morehouse on Prayers," published in the Living Church for August 21, 1966. Dr. Morehouse is president of the House of Deputies of the General Convention of the Episcopal Church. The article relates to my proposal to permit voluntary prayers in public schools. It is scarcely necessary for me to read the article into the Record; I shall merely ask unanimous consent that it be printed as a part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Morehouse on Prayers

> Following is the text of a letter dated August 3d, sent by Dr. Clifford P. Morehouse, President of the House of Deputies of the General Convention of the Church, to Senator Everett M. Dirksen of Illinois, regarding the latter's proposal to permit voluntary prayers in public schools:
>
> Although I am writing this letter on my official letterhead as president of the House of Deputies of the Episcopal Church, I want to make it clear at the outset that I am doing so only for the purpose of identification and that the views expressed herein are my own and do not represent any official position of the Episcopal Church or its General Convention.
>
> I am concerned over the report in the *New York Times* about the testimony of certain Church leaders in the first day of hearings on your proposal to permit voluntary prayers in public schools. Specifically, I am concerned with the statement attributed to Dr. David R. Hunter, speaking for the General Board of the National Council of Churches, to the effect that your amendment would be the introduction of "state action and state power into the religious life of citizens where it is neither necessary nor effective."
>
> While the viewpoint expressed by Dr. Hunter may be that of the General Board of the National Council of Churches, it does not necessarily represent the view of the member Churches of the NCC, and I suspect that it by no means represents the opinion of a majority of the lay members of these Churches.
>
> So far as the Episcopal Church is concerned, no official action has been taken at the national level in regard to your proposed amendment, or the subject of voluntary prayers in public schools, with which it deals. There was a position paper prepared in opposition to the former Bricker amendment, but I understand that the particular point of objection there was the compulsory feature of that amendment, which I believe is not true of your proposed amendment. In any case, neither the General Convention of the Episcopal Church nor its executive body, the Executive Council, has taken any official action one way or the other, so far as I am aware.
>
> Speaking for myself, and I am sure that in so doing I am speaking for a great many lay people of all Christian Churches, I should welcome a proper method of permitting prayer and Bible reading in public schools, provided that it did not involve any compulsion or denominational indoctrination.
>
> It seems to me that the desirability of prayer and public worship under public sanction is amply borne out by the provision of a Chaplains' Corps in the Army, Navy, and Air Force; the practice of having an invocation or benediction at public meetings; and the opening of sessions of the Congress itself with public prayer by a publicly-appointed chaplain. If such prayers are permitted and encouraged in the Armed Forces, in public meetings, and in the courts of legislation, by what line of reasoning can they be said to be inappropriate for children and young people, and in a time when they are exposed to a wide-spread breakdown of morals and ethics, the voluntary recognition of a divine power and standard of conduct is highly to be desired.
>
> The Bill of Rights provides that "Congress shall make no law respecting an establishment of religion, *or prohibiting the free exercise thereof.*" Surely, this should include the free exercise of religion in the public schools as well as in other public places—always provided that it is done without denominational or sectarian overtones which might

constitute it in some sense "an establishment of religion."

If your proposed amendment would accomplish this aim, I am heartily in favor of it, and I am confident that the great majority of the American people would also be for it. We must, of course, protect the rights of minorities; but I believe that the majority also needs to have its rights protected. Insofar as your proposed amendment would help to accomplish this, I am in favor of it, and hope that it will be acted upon favorably by the Congress of the United States.

In conclusion, I must reiterate that I am speaking for myself and for other like-minded individuals, and not officially on behalf of the Episcopal Church or any other religious or secular body.

* * *

This is a correction to the fourth paragraph of my letter of August 3d, in regard to the action (or lack of it) taken by the Episcopal Church at the national level in regard to the matter of prayers in public schools. In that paragraph I stated that "neither the General Convention of the Episcopal Church nor its executive body, the Executive Council, has taken any official action one way or the other, so far as I am aware."

Although I made this statement after checking with reliable sources, I have subsequently found that the Executive Council of the Episcopal Church (formerly known as the National Council) did take such action in a resolution of May 16, 1964. The pertinent part of the resolution read as follows:

Resolved, That the National Council of the Protestant Episcopal Church record its considered opinion that amendments to the Constitution of the United States of America which seek to permit devotional exercises in our public schools should be opposed.

I feel that I must advise you of this action in order to keep the record straight. It does not, of course, affect my personal belief in and supoprt of your proposed amendment.

Mr. DIRKSEN. I think that for good measure I should give a fillip to my old friend Roscoe Drummond, who is a columnist for the Washington Post. He wrote a column entitled "Legislated Prayer," with the subhead, "'Tampering' With First Amendment Opposed by Most Denominations." Roscoe ought to be a little more careful about his facts.

But I like to get some testimony from the other side, so I shall put Roscoe in there with the clerics, and he can explain on his own time, wherever he is, with pen and typewriter, if he likes, because he will get the facts of life sooner or later.

I ask unanimous consent to insert the column in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

Legislated Prayer—"Tampering" With First Amendment Opposed by Most Denominations

(By Roscoe Drummond)

One of the most striking facts to emerge from the Judiciary Committee hearings on Senator Everett Dirksen's public school prayer amendment is that most religious denominations in the United States are against it.

It seems evident that Dirksen's move to rewrite the Bill of Rights is losing support among those he expected to be its backers—religious leaders.

The main thrust of their argument is that any attempt to amend the First Amendment and to "clarify" the Supreme Court decision banning prescribed prayers or Bible readings in the public schools would lead to confusion and religious conflict.

This is the substance of the testimony of the National Council of Churches, a Roman Catholic law school dean and a Harvard law professor.

On the basis of a Nation-wide survey, the Christian Science Monitor reports that leaders of 11 Protestant denominations and spokesmen for the Jewish faith "strongly disapprove of permitting even voluntary prayers in the public schools."

Important Catholic churchmen strongly favor the Dirksen amendment, but Catholic support of it is not monolithic.

Clergymen advise against the Dirksen amendment on four main grounds:

1. They don't want any "tampering" with the First Amendment by enlisting, even voluntarily, any arm of Government in behalf of the exercise of freedom of religion.
2. These churchmen believe that school officials are not acting in their proper sphere by providing for classroom religious exercises even if they do not decide their content.
3. They contend that in reality there can be no "voluntary" prayers in public school unless there is only silent prayer, and that to adapt or dilute such prayers to the conflicting wishes of differing groups in the community would either be unworkable or make such prayers meaningless.
4. Perhaps most important of all, these clergymen see public school religious exercises as not really conducive to spiritual growth, feel that the home and the church are the sources of spiritual nourishment and point out that no Supreme Court decision prevents any individual "from praying at any time and in any place." No amendment to the Constitution is needed to confer this right.

One Protestant spokesman said he knew of no Protestant denomination which officially favored the Dirksen amendment. Many national leaders of the Catholic Church, including Richard Cardinal Cushing, Archbishop of Boston, do favor it, but several Catholic educators question its value and its appropriateness.

Glenn L. Archer, executive director of the Protestants and Others United for Separation of Church and State, says that most prayer-amendment support comes from "individual campaigns," such as that waged by the Liberty Lobby, a conservative political action group.

These advocates are genuinely desirous of seeing more prayer in the Nation, but Archer replies—and I think rightly—that "the way to get it is not to legislate it. Prayer that is legislated is not prayer at all."

This view is shared by the American Jewish Committee, which believe that "religious training rests with the parent and his church or synagogue, not with the public school."

Mr. DIRKSEN. Mr. President, since colonial days, schools have permitted prayer, and no one for a moment thought a state church or a religion was being established as proscribed by the first amendment. Instead of the pastors and ministers for the common man, we had as witnesses the social engineers of the church, the world savers, those who are constantly advancing anesthesia for every ill and ache of the body politic, not only in this country, but in the whole wide world. The humble ministers and pastors and priests and rabbis had neither time nor money to come to Washington and present their views in behalf of this amendment; only the church hierarchy in the ivory towers of Washington and places close by were heard at the hearing. They have been referred to as the generals without armies. They brought no suggestions for any change in the language in the amendment. Their job was to knock down, not to amend, not to reconstruct; and there was not a suggestion out of any of them except in opposition. They came to oppose and that was it. They are out of touch with the people. They are the sematic theologians who long ago have forgotten the common touch.

Who were the witnesses for the proponents of Senate Joint Resolution 148?

First, a humble rabbi named Judah Glasner from Los Angeles. He is a ministering rabbi. He is identified with a good many causes and groups, but he is more than that. He is one of those who spent agonizing weeks and months in the prison camp at Dachau, and now he is the leader of a congregation in Los Angeles. He knows pain and the power and comfort of prayer. He knows that in totalitarian countries, prayer is interdicted. He quoted William Penn, who once said:

> Those people who are not governed by God will be ruled by tyrants.

We also brought before the committee the legislative chairman of the National Americanism Commission of the American Legion. His name is Daniel O'Connor. Without equivocation, he stated that the American Legion, millions strong, were in favor of the amendment, and said that the Supreme Court decision "is not in the interest of promoting the moral and spiritual values of American youth."

There came two young divinity students, representing the International Christian Youth Movement, who presented the names of 4,000 ministers, representing 40 denominations which favored this amendment.

Had I been so disposed, I could have taken the witness stand before the subcommittee and presented not the thousands, or hundreds of thousands, but millions of names from American citizens of all faiths and denominations in all walks of life who have signed petitions, newspaper ballots, and other entreaties to deal with this matter, dispel the confusion, and restore voluntary prayer to the public schools.

One interesting poll was that of Univac which examined 15,620 returns out of 18,996 which had been mailed, and it showed 80.6 percent of those who voted were in favor of the amendment and in favor of voluntary prayer.

I submit the findings of the Gallup poll and, likewise, the Harris poll, which indicate that more than 80 percent of the American people want to see this done.

I submit the resolutions adopted by the Organization of American Mayors, which made a strong plea for restoration of voluntary prayer.

I invited Bertrand Daiker, of New York, the attorney in the Board of Regents Prayer case, who presented the matter to the U.S. Supreme Court and who came out strongly for the prayer amendment.

I also invited Edward Bazarian, a New York attorney, who represented the petitioners in the Stein against Oshinskey case. He made it quite emphatic that when the Supreme Court of the United States denied the petition for certiorari in the Stein case, the High Court emphatically closed the door on voluntary prayer.

Mr. Clyde W. Taylor, who appeared as general director of the National Association of Evangelicals, representing approximately 30,000 churches, including 41 denominations and individual churches from 13 other denominations in the United States, made one statement in his formal remarks which went to the very nub of the question that is before us and makes it absolutely necessary that Senate Joint Resolution 148 be approved. Mr. Taylor said:

> The deleterious effects of this decision have been many and varied. Some are obvious and measurable, but unfortunately, a large number are not. Perhaps the most pronounced is the state of confusion in which so many school administrators find themselves.

That is precisely the case, and that confusion will escalate and grow until it is clarified by the amendatory language embodied in Senate Joint Resolution 148.

To all this I should add from the observations made by Dean Griswold, dean of the Harvard Law School, before the State University of Utah recently.

Mr. President, I shall not quote from Dean Griswold's speech now, but I shall add it to the Record because it is one of the most interesting comments that I have encountered in a long time on the cast of mind of a Supreme Court judge. He pays particular attention to Associate Justice Black, who reads his Constitution as an absolute. And so I thought that Dean Griswold's comments were most revealing.

Mr. President, I ask unanimous consent to have printed in the Record the comments of Dean Griswold.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[From the Utah Law Review, Vol. 8, summer, 1963, No. 3]

ABSOLUTE IS IN THE DARK—A DISCUSSION OF THE APPROACH OF THE SUPREME COURT TO CONSTITUTIONAL QUESTIONS†

(By Erwin N. Griswold*)

William Henry Leary was Dean of the School of Law of the University of Utah for thirty-four years, from 1916 to 1950. During this time he strongly influenced the legal education of a large proportion of the lawyers now active at the bar in Utah. It is fitting that this lectureship should be established in his honor. I greatly appreciate the invitation which has been given to me to give this third of the Leary Lectures, though I am conscious of the difficulty which I shall have in meeting the standard already set in the lectures given in earlier year by Justice Roger J. Traynor,[1] and by Justice William J. Brennan, Jr.[2]

I

For nearly a century and three-quarters, the Supreme Court of the United States has been a subject of fascination to lawyers, professors of law, political scientists, politicians, and to other citizens of this country. That is as it should be. The Court and its function are central to our system of government, a system which is unavoidably complex because of the size and diversity of our country. It is remarkable indeed that we have, for so numerous and diverse a people, a governmental system which works. The key to this success, I am sure, is the role which the Supreme Court was designed to play and has played in resolving the personal and governmental conflicts which inevitably arise. These conflicts are sometimes of extraordinary difficulty, both intellectual and practical, and it should hardly be surprising that their resolution is not always prompt or clear.

An institution charged with the role which the Supreme Court has successfully filled for so many years is entitled to our respect and understanding. If one criticizes the Court (as people have always done in the past, and should continue to do in the future), it should be essentially for the purpose of trying to contribute to that respect and to that understanding. The debt which we all owe to the Court is far greater than any individual can repay. Criticism of decisions of the Court or opinions of its members should be offered as an effort to repay that debt, and with the thought that conscientious criticism may be an aid to the Court in carrying out its difficult and essential task. It is in that spirit that my remarks this evening are offered for your consideration.

II

A number of years ago I saw in the *Saturday Review* a little item under the heading "Atomic Age Fables." It rather appealed to me and I cut it out. When I was preparing this lecture, I thought of it, and it may, in a way, serve as a text for my remarks. It reads as follows:

"In the land of Absolute, where everyone and everything is perfect, there is no light at night.

"The annals of the Absolutians record that they once discovered the electric light, but as is known, the perfect electric light burns in a perfect vacuum.

"Absolute is in the dark."

As this fable indicates, absolutes are likely to be phantoms, eluding our grasp. Even if we think we have embraced them, they are likely to be misleading. If we start from absolute premises, we may find that we only over-simplify our problems and thus reach unsound results. It may well be that absolutes are the greatest hindrance to sound and useful thought—in law, as in other fields of human knowledge. I would like to suggest, with great respect, and real concern, that the Supreme Court of the United States has, in recent years, been engaged, in certain types of cases, in a species of absolutism in its reasoning, which is more likely to lead us into darkness than to light. Absolutism is an easy and sometimes appealing mode of thought. It provides its own anodyne for the pains of reasoning. It states the result with delusive finality. But it is, I think, a thoroughly unsatisfactory form of judging.

The most extreme form of the absolutist position has been taken by Mr. Justice Black, particularly in certain extrajudicial pronouncements. Thus, in his James Madison Lecture at New York University, on February 17, 1960,[3] he said: "It is my belief that there *are* 'absolutes' in our Bill of Rights, and that they were put there on purpose by men who knew what words meant and meant their prohibitions to be 'absolutes.' "

And he reiterated this, and extended it in a widely publicized interview at the biennial convention of the American Jewish Congress, on April 14, 1962.[4] In this interview, he dealt specifically with the First Amendment, which you will recall, reads in the following terms: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Justice Black lays great stress on the words "no law" in the opening phrase which says: "Congress shall make no law . . ." In the interview referred to, he said, among other things:

"But when I get down to the really basic reason why I believe that 'no law' means no law, I presume it could come to this, that I took an obligation to support and defend the Constitution as I understand it. And being a rather backward country fellow, I understand it to mean what the words say. . . . It says 'no law,' and that is what I believe it means."[5]

Here we have both absolutism and literalism. Just to make it clear that he would not be misunderstood, he went on to say that laws about libel and slander are invalid. Here are his words: "I have no doubt myself that the provision, as written and adopted, intended that there should be no libel or defamation law in the United States under the United States Government, just absolutely none so far as I am concerned."[6]

And he added: "I have an idea there are some absolutes. I do not think I am far in that respect from the Holy Scriptures."[7]

Professor Kurland has recently suggested that further discussion of this absolutist point of view may amount "to thrashing a straw man."[8] I hope that this is true. But the eminence of those who have taken this position, and the influence which these views have already had in several areas of constitutional law lead me to think that consideration here may be appropriate.

III

Within the past year, a case came before the Supreme Court which directly involved the interpretation and application of the First Amendment. This was the New York school prayer case decided last June: its name is *Engel* v. *Vitale*.[9] It involved a prayer formulated by the State Board of Regents in New York, and recommended by them for use in the schools of that state. The prayer, in its entirety, was as follows:

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† Speech delivered as Third Annual William H. Leary Lecture in Salt Lake City, Utah, on February 27, 1963.

* Dean and Langdell Professor of Law, Harvard University; A.B., A.M., 1925, Oberlin College; LL.B., 1928, S.J.D., 1929, Harvard University.

[1] *Badlands in an Appellate Judge's Realm of Reason,* 7 UTAH L. REV. 157 (1960).

[2] *Federal Habeas Corpus and State Prisoners: An Exercise in Federalism,* 7 UTAH L. REV. 423 (1961).

[3] Black, *The Bill of Rights,* 35 N.Y.U.L. REV. 865, 867 (1960).

[4] Cahn, *Justice Black and First Amendment "Absolutes": A Public Interview,* 37 N.Y.U.L. REV. 549 (1962).

[5] *Id.* at 553–54.

[6] *Id.* at 557.

[7] *Id.* at 562.

[8] Book Review, 30 U. CHI. L. REV. 191 (1962), reviewing HOOK, THE PARADOXES OF FREEDOM (1962), which contends against the "absolutist" approach.

There are already many discussions of the absolute approach in print. In this situation, one may be bold to enter into the field, but the importance of the subject may warrant an effort to express another point of view.

Other treatments of the general topic include Frantz, *The First Amendment in the Balance,* 71 YALE L.J. 1424 (1962); Meiklejohn, *The First Amendment is an Absolute,* 1961 SUP. CT. REV. 245; Mendelson, *On the Meaning of the First Amendment: Absolutes in the Balance,* 50 CALIF. L. REV. 821 (1962); LEV., LEGACY OF SUPPRESSION (1960); C. L. BLACK, THE PEOPLE AND THE COURT 96–100 (1960); Reich, *Mr. Justice Black and the living Constitution,* 76 HARV. L. REV. 673 (1963); Kurland, *of Church and State and the Supreme Court,* 29 U. CHI. L. REV. 1 (1961), reprinted in KURLAND, RELIGON AND THE LAW (1962); Fried, *Two Concepts of Interests: Some Reflections on the Supreme Court's Balancing Test,* 76 HARV. L. REV. 755 (1963).

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country."

As you know, the Court, in an opinion by Mr. Justice Black, held that the reciting of this prayer in the public schools of New York violated the Constitution. It was, the Court held, an "establishment of religion," forbidden by the First Amendment. Of course, Mr. Justice Black did not do this all alone. Five of his colleagues joined with him. Mr. Justice Stewart dissented from the judgment, and two of the then members of the Court (Justices Frankfurter and White) did not participate. Justice Douglas wrote a concurring opinion, in which he made it largely a matter of finance. Though differing some in his reasoning, he, too, showed the absolutist approach. He recounted all of the ways in which governmental bodies now finance some activity with a religious element or overtone: "chaplains in both Houses and in the armed services"; "compulsory chapel at the service academies, and religious services . . . in federal hospitals and prisons"; "religious proclamations" by the President; " 'In God We Trust' " on our money; "Bible-reading in the schools of the District of Columbia"; and many other things, including exemption from "the federal income tax" and "postal privileges" for "religious organizations." [10] All of this is bad, according to Justice Douglas. After recognizing that "Our system at the federal and state levels is presently honeycombed with" such things, he said, summarily, and absolutely: "Nevertheless, I think it is an unconstitutional undertaking whatever form it takes." [11] It's as simple as that. They are all bad. And perhaps they are if the absolutist approach to such matters can be accepted as sound. These are the lengths to which absolutism takes us.

But is it all as clear as this? Do words convey such positive and overpowering meaning? Is there no room whatever for thought or consideration? Perhaps it would be worth while just to look carefully at the words of the Constitution. Just what does the First Amendment say? These are the words again, which like all words are not digits in a computer but are "the skin of a living thought": [12]

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

That is the First amendment, in all its majesty. I will not yield to any Justice of the Supreme Court in my respect for those words, or, indeed, in reverence to them and the thought that they express. Nor will I yield in my conception of their importance not merely in our history but in their present function and worth in helping us to preserve a free nation. But what do they say? "Congress shall make no law . . . ." Congress had made no law in the *Engel* case; no law of Congress was in any way involved. Of course we must look to the Fourteenth Amendment. At this point, though, the construction ceases to be a literal one, and becomes, indeed, a rather sophisticated one. What does the Fourteenth Amendment say? Here are its relevant words: "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Is there anything there about freedom of religion, or about an establishment of religion? Obviously not. But there is a reference to "liberty," and this has been construed to make effective against the states some of the provisions of the Bill of Rights [13]—though clearly not all of those provisions.[14] As Mr. Justice Black has put it: "My belief is that the First Amendment was made applicable to the states by the Fourteenth." [15] That may be; and within some limits, applied with proper care and restraint and understanding, I rather like the result. But it takes some rather broad construing. It cannot conceivably be regarded as required by the literal language of the First and Fourteenth Amendments. It is truly a far cry from saying with sweet simplicity that " 'no law' means no law."

But let us go on. What is it that Congress can make no law about? It is "an establishment of religion." What does that term mean? That takes some construing, too. Certainly there was much history behind the phrase. Not only did England (and Scotland) have an established church, but there were established churches in a number of the states at the time the First Amendment was adopted.[16] And they were something very different from a Regents' recommended prayer. It takes a measure of construction to bring this prayer within the no-establishment clause. "No law" may well mean no law. But "establishment of religion" might mean establishment of religion; and those who wrote the "establishment of religion" clause might be rather perplexed by the use which has been made of it in 1962. To say that this is an absolute is, I venture to say, to allow oneself to be deceived by the absolutist approach, and to deny oneself the opportunity to appreciate just what one is doing when the meaning one wants to put upon the words is first put into them, and then taken out with all the aura of the absolute approach. "No law" means no law. It is as simple as that—that is, if one ignores the other words which are involved in the task, such as "Congress," "establishment of religion," "the free exercise thereof," and "deprive any person of life, liberty, or property without due process of law." Of course, I do not say that these are meaningless words. I do suggest that they are words which require construction, which are by no means absolute in form or content, and that to ignore them under the guise of the absolutist approach is to fail to recognize and perform the most significant and fundamental part of the task of judging.[17]

One need hardly say here that a considerable portion of the history of this state involved a controversy over a question which many persons sincerely believed to be a matter of religion, I refer, of course, to the issue of polygamy. Congress did pass a law forbidding polygamy in the Territories, and in *Reynolds* v. *United States* [18] this was held constitutional. Similarly, in the statute admitting Utah to statehood, Congress legislated again on this subject,[19] and this has never been challenged. This example, and others that could be given, are enough, I think, to show that the words of the First Amendment, in its several clauses, require interpretation in their application to widely differing situations, and cannot be given sound meaning and effect merely through a mechanically absolutist approach.[20]

There has perhaps been some unfortunate use of nomenclature in dealing with this problem. The approach espoused by Justice Black, and followed by him and some of his colleagues, has, understandably enough, been called the "absolutist" approach. The other approach has been called the "balancing" approach, because it is thought to involve the balancing of various competing claims to the judge's attention. Both of these appelations may well be misleading.

The Black approach might better be called the "Fundamentalist theological" approach. A hint of this is given in Justice Black's reference, which I have already quoted, to "the Holy Scriptures." If one thinks of the Constitution as a God-given text stating fixed law for all time, and then focuses on a single passage, or, indeed, on two words—"no law"—without recognizing all the other words in the whole document, and its relation to the society outside the document, one can find the answers very simply. " 'No law' means no law." No more thought is required. Earlier this month, I was in New Orleans, and saw a large illuminated sign outside a church there which read: "God said it. We believe it. That's all there is to it." This seems a similar approach.

On the other hand, "balancing" may be a misnomer, too, as a description of the method followed by those who do not accept what I have just called the Fundamentalist approach. The "balancing" label makes the approach which Justice Black does not like more vulnerable to verbal attack than it merits, and the Justice has not failed to take advantage of this.[21]

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[9] 370 U.S. 421 (1962).

[10] *Id* at 437 n.l.

[11] *Id.* at 437.

[12] Holmes J., in Towne v. Eisner, 245 U.S. 418, 425 (1918).

[13] See Cantwell v. Connecticut, 310 U.S. 296 (1940); Schneider v. State, 308 U.S. 147, 160 (1939); going back to Gitlow v. New York, 268 U.S. 652 (1925).

[14] Twining v. New Jersey, 211 U.S. 78 (1908); Palko v. Connecticut, 302 U.S. 319 (1937); Adamson v. California, 332 U.S. 46 (1947).

[15] Cahn, *supra* note 4, at 558.

[16] It is said that in a number of New England towns the formal record title of the local Congregational Church has never been changed, and is still vested in the town, as it was in Colonial times, and when the Constitution was adopted.

[17] For Justice Black, too, his announced code of judicial philosophy has not proved to be a workable rule of judicial action. . . . In many memorable votes and opinions, [Justice Black] has in fact followed the course indicated as inevitable by Justice Holmes' comment on the necessity for judicial choice." ROSTOW, THE SOVEREIGN PREROGATIVE xvii (1962).

[18] 98 U.S. 145 (1878).

[19] Act of July 16, 1894, c. 138, sec. 3 (First), 28 Stat. 107, 108.

[20] Professor Kurland has suggested that cases decided under the religion clauses of the First Amendment are not a sound test of the absolutist argument, since there are two clauses in the religious portion of the Amendment (the "establishment" clause, and the "free exercise" clause) which must obviously be read together, or "balanced."

Thus, it is said, the Court could not have decided other than it did in the Reynolds case without having "established" a particular religious group in Utah. The argument is somewhat subtle, and has not been recognized by the absolutists. On the whole, it seems to emphasize that what is required here is a reading of the whole Constitution, in the light of its setting, purpose, and effective operation, in other words, the important, difficult and inescapable process of interpretation.

Compare White v. United States, 305 U.S. 281, 292 (1938), where in answer to the contention that taxing statutes must be construed in favor of the taxpayer—an essentially absolutist position—Mr. Justice Stone said: "We are not impressed by the argument that, as the question here decided is doubtful, all doubts should be resolved in favor of the taxpayer. It is the function and duty of courts to resolve doubts."

[21] The majority's approach makes the First Amendment, not the rigid protection of liberty its language imports, but a poor flexible imitation." Black, J., dissenting, in Braden

Rather than "balancing," the approach which appears to me to be sound might better be called the "comprehensive" or "integral" approach, since it involves looking to the text of all of the Constitution, and, indeed, in proper cases, to the "unwritten Constitution"[22] examining and considering fully all relevant texts and conditions of our constitutional system, and integrating all together in reaching the ultimate solution. Instead of focusing on a few words, and ignoring all else, including the effect and meaning of those words, as distinguished from their apparent impact when isolated from everything else, as the absolutist or "Fundamentalist" approach does, the comprehensive or integral approach accepts the task of the judge as one which involves the effect of all the provisions of the Constitution not merely in a narrow literal sense, but in a living, organic sense, including the elaborate and complex governmental structure which the Constitution, through its words, has erected. Under the Fundamentalist approach, the judge puts on blinders. He looks at one phrase only; he blinds himself to everything else. Can this approach really be preferable or sounder than one under which the Court examines all Constitutional provisions in a living setting, and reaches its conclusion in the light of all the relevant languages and factors? Of course, this comprehensive approach requires strong and able judges. Let us hope that we may continue to have such judges. Without judges of high ability, great character, and staunch courage, our constitutional system will surely suffer under any approach to Constitutional questions. As Professor Hamilton has said: "that Marshall was *there* and Taney and Cardozo—and not others—has shaped the very fabric of the Constitution."[23] And this may surely be said of Justice Black.

IV

Let me now turn to another aspect of the matter. I venture the thought, quite seriously, that it was unfortunate that the question involved in the *Engel* case was ever thought of as a matter for judicial decision, that it was unfortunate that the Court decided the case, one way or the other, and that this unhappy situation resulted solely from the absolutist position which the Court has taken and intimated in such matters, thus inviting such litigation in its extreme form.

What do I mean by this? I have in mind at least two separate lines of thought. One is the fact that we have a tradition, a spiritual and cultural tradition, of which we ought not to be deprived by judges carrying into effect the logical implications of absolutist notions not expressed in the Constitution itself, and surely never contemplated by those who put the Constitutional provisions into effect. The other is that there are some matters which are essentially local in nature, important matters, but nonetheless matters to be worked out by the people themselves in their own communities, when no basic rights of others are impaired. It was said long ago that every question in this country tends to become a legal question.[24] But is that wise? Is it inevitable? Are there not questions of detail, questions of give and take, questions at the fringe, which are better left to nonjudicial determination?

First, as to the long tradition. Is it not clear as a matter of historical fact that this was a Christian nation? Of the immigrants who came to previously British North America by the time of the adoption of the Constitution, virtually all were Christian, in all the degrees and types of persuasion which come within that term. Are the Mayflower Compact, Ann Hutchison,, Cotton Mather, Jonathan Edwards, and William Penn, and many others, no part of our history? It is true that we were a rather remarkable Christian nation, having, for various historical and philosophical reasons, developed a tolerance in matters of religion which was at once virtually unique and a tribute to the men of the seventeenth and eighteenth centuries who developed the type of thought which came to prevail here. But this was not a purely humanistic type of thought. Nor did it deny the importance and significance of religion.

It is perfectly true, and highly salutary, that the First Amendment forbade Congress to pass any law "respecting an establishment of religion or prohibiting the free exercise thereof." These are great provisions, of great sweep and basic importance. But to say that they require that all trace of religion be kept out of any sort of public activity is sheer invention. Our history is full of these traces: chaplains in Congress and in the armed forces; chapels in prisons; "In God We Trust" on our money, to mention only a few. God is referred to in our national anthem, and in "America," and many others of what may be called our national songs. Must all of these things be rigorously extirpated in order to satisfy a constitutional absolutism? What about Sunday? What about Christmas? Must we deny our whole heritage, our culture, the things of spirit and soul which have sustained us in the past and helped to bind us together in times of good and bad?

Does our deep-seated tolerance of all religions—or, to the same extent, of no religion—require that we give up all religious observance in public activities? Why should it? It certainly never occurred to the Founders that it would. It is hardly likely that it was entirely accidental that these questions did not even come before the Court in the first hundred and fifty years of our constitutional history. I do not believe that the contentions now made would occur to any man who could free himself from an absolute approach to the problem.

V

Jefferson is often cited as the author of views leading to the absolutist approach. His "wall of separation" is the shibboleth of those who feel that all traces of religion must be barred from any part of public activity. This phrase comes from Jefferson's reply to the Danbury Baptist Association, dated January 1, 1802.[25] It is clear that he wrote it deliberately, and with planned effect, as, before issuing it, he sent it to the Attorney General for comment with a note saying that he thought of answers to such addresses as "the occasion . . . of sowing useful truths and principles among the people which might germinate and become rooted among their political tenets." What Jefferson wrote was a powerful way of summarizing the effect of the First Amendment. But it was clearly neither a complete statement nor a substitute for the words of the Amendment itself. Moreover, the absolute effect which some have sought to give to these words is belied by Jefferson's own subsequent actions and writings.

This matter has been thoroughly investigated by a number of writers. The most recent, and perhaps the most dispassionate of these, is Robert M. Healey, whose book, entitled "Jefferson on Religion in Public Education," was published in 1962. Professor Healey shows that Jefferson denied "that the government was without religion." On the contrary, he contemplated that "those areas of religion on which all sects agreed were certainly to be included within the framework of public education." And he continues, "Jefferson was indeed against government support of any kind for any one or more churches," but "it is not true that he was against support of religion in general or against any form of religion in public education."[26]

These seeking of motives in such cases is dangerous and fraught with difficulties, especially when the motives are likely not to be clearly appreciated by the authors of statements or opinions, or by commentators. On this, Professor Healey may shed some light. He says: "Jefferson's attempts to relate religion to public education reflected his belief that his own religious persuasion was not only right but neutral, and therefore a constitutionally acceptable basis for developing moral adults and fostering religious freedom." And he adds that Jefferson's actions "reveal an unconscious but powerful drive to put his own religious beliefs in a position of unusual strength. . . . That his efforts to foster religious freedom in public education might result in the virtual establishment of his own beliefs . . . undoubtedly never occurred to him in any convincing fashion."[27] Might the same words be applicable to our present advocates of absolutism?

Similarly, though Catholic reaction to the *Engel* decision has been varied, it may be that some of it is motivated by the thought that if public education can be completely secularized (so that, as it has been said, "religion" in such quarters becomes "a dirty word"), then there will be an increased public demand for sectarian education which can combine religion with general education. This could then be an argument in favor of parochial schools, and as the public schools decline, the argument for public support of parochial schools can be advanced in one guise or another. Thus, as so often happens, the absolutist approach may be its own worst enemy, and may result in a situation which will in effect destroy public education, and thus go far to defeat the very results the absolutists want to achieve.

VI

Now let me turn to the other point—that there are some matters which should be settled on the local level, in each community, and should not become great Supreme Court cases. This can be presented on an essentially legal level, in terms of "standing to sue," and this has been thoughtfully developed by my colleague, Professor Sutherland.[28] What I have in mind is not really different, but I would like to consider it in less technical terms.

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v. United States, 365 U.S. 431, 445 (1961); in dissenting in Communist Party 1, Subversive Activities Control Board, 367 U.S. 1, 164 (1961), Justice Black said that history shows that "the dangerous constitutional doctrine of 'balancing' . . . has been the excuse of practically every repressive measure that Government has ever seen fit to adopt." See also Frantz, The First Amendment in the Balance, 71 Yale L. J. 1424 (1962).

[22] Hamilton, *Preview of a Justice*, 48 Yale L. J. 819, 825, n. 78 (1939).

[23] Id. at 821.

[24] "It is plainly true that we put upon the Supreme Court the burden of deciding cases which would never come before the judicial branch in any other country." Solicitor General Cox, "Understanding the Supreme Court," 7, being the Louis Caplan Lecture in Law, at the University of Pittsburgh, delivered September 26, 1962. The Solicitor General did not address himself to the question how far the Court itself is responsible for the scope of the questions which come before it for decision.

[25] The full text appears in 16 Writings of Thomas Jefferson 281–82 (Lipscomb and Bergh, eds. 1903).

[26] Healey, Jefferson on Religion in Public Education, 208, 256 (1962).

[27] *Id.* at 252–53.

[28] Sutherland, *Establishment According to Engel*, 76 Harv. L. Rev. 25 (1962). See also Jaffe, *Standing to Secure Judicial Review*, 74 Harv. L. Rev. 1265 (1961), 75 Harv. L. Rev. 255 (1962).

The prayer involved in the *Engel* case was not compulsory. As the Supreme Court itself recited, no pupil was compelled "to join in the prayer over his or his parents' objection." [29] This, to me, is crucial. If any student was compelled to join against his conviction, this would present a serious and justifiable question, akin to that presented in the flag salute case.[30] The Supreme Court did not give sufficient weight to this fact, in my opinion, and relied heavily on such things as the history of the Book of Common Prayer, which, under various Acts of Parliament, was compulsory on all.

Where there is no compulsion, what happens if these matters are left to the determination of each community? In New York, under the action of the Regents, this determination was made by the elected authorities of the School District. It was, indeed, a fact that a large number of the School Districts in New York did not adopt the so-called Regents' prayer. This may have been because they could not agree to do so, or because the situation in particular school districts was such that all or a majority did agree that they did not want to have such a prayer or that it was better to proceed without a prayer. Where such a decision was reached, there can surely be no constitutional objection on the ground that it was a decision locally arrived at, or that it amounts to an "establishment" of "no religion." But, suppose that in a particular school district, as in New Hyde Park, it was determined that the prayer should be used as a part of the opening exercises of the school day. Remember that it is not compulsory. No pupil is compelled to participate. Must all refrain because one does not wish to join? This would suggest that no school can have a Pledge of Allegiance to the Flag if any student does not wish to join. I heartily agree with the decision in the *Barnette* case [31] that no student can be compelled to join in a flag salute against his religious scruples. But it is a far cry from that decision to say that no School District can have a flag salute for those who want to participate if there is any student who does not wish to join.

This is a country of religious toleration. That is a great consequence of our history embodied in the First Amendment. But does religious toleration mean religious sterility? I wonder why it should be thought that it does. This, I venture to say again, has been, and is, a Christian country, in origin, history, tradition and culture. It was out of Christian doctrine and ethics, I think it can be said, that it developed its notion of toleration. No one in this country can be required to have any particular form of religious belief; and no one can suffer legal discrimination because he has or does not have any particular religious belief. But does the fact that we have officially adopted toleration as our standard mean that we must give up our history and our tradition? The Moslem who comes here may worship as he pleases, and may hold public office without discrimination. That is as it should be. But why should it follow that he can require others to give up their Christian tradition merely because he is a tolerated and welcomed member of the community?

Though we have a considerable common cultural heritage, there have always been minority groups in our country. This, I am sure, has been healthy and educational for all concerned. We have surely gained from having a less homogeneous population. Of course, the rights of all, especially those of minorities, must be protected and preserved. But does that require that the majority, where there is such a majority, must give up its cultural heritage and tradition? Why?

Let us consider the Jewish child, or the Catholic child, or the nonbeliever, or the Congregationalist, or the Quaker. He, either alone, or with a few or many others of his views, attends a public school, whose School District, by local action, has prescribed the Regents' prayer. When the prayer is recited, if this child or his parents feel that he cannot participate, he may stand or sit, in respectful attention, while the other children take part in the ceremony. Or he may leave the room. It is said that this is bad, because it sets him apart from other children. It is even said that there is an element of compulsion in this—what the Supreme Court has called an "indirect coercive pressure upon religious minorities to conform." [32] But is this the way it should be looked at? The child of a nonconforming or minority group is, to be sure, different in his beliefs. That is what it means to be a member of a minority. Is it not desirable, and educational, for him to learn and observe this, in the atmosphere of the school—not so much that he is different, as that other children are different from him? And is it not desirable that, at the same time, he experiences and learns the fact that his difference is tolerated and accepted? No compulsion is put upon him. He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own tradition, perhaps coming to understand and to respect what they feel is significant to them.

Is this not a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the majority group? They experience the values of their own culture; but they also see that there are others who do not accept those values, and that they are wholly tolerated in their nonacceptance. "Learning tolerance for other persons, no matter how different, and respect for their beliefs, may be an important part of American education, and wholly consistent with the First Amendment." [33] I hazard the thought that no one would think otherwise were it not for parents who take an absolutist approach to the problem, perhaps encouraged by the absolutist expressions of Justices of the Supreme Court, on and off the bench.

VII

It is appropriate here to say something about the problem of the Sunday Law cases.[34] Because of the absolutist approach, these cases were very hard for the Court, when I think they should have been quite easy—as is evidenced, I believe, by the fact that no such question was ever raised for a hundred and fifty years after the adoption of the First Amendment. It is true that many of the state statues were a hodgepodge, full of inconsistencies and contradictions. It is true that the Massachusetts statute, going way back to early Colonial days, was entitled: "An Act for the Observance of the Lord's Day." Why should that be important? By an Amendment adopted in 1962, it is now "An Act for the Observance of a Common Day of Rest." Is that really any better? It is perfectly plain that the observance of Sunday has religious roots and origins. This is equally plain as to the observance of Christmas and Thanksgiving. Is that bad? Are these things not all part of our history, our culture, our heritage, our tradition? Must we give them all up because of a newly found absolutist approach to a problem which cannot possibly be resolved wisely in absolutist terms?

The problem may be illustrated by a recent dissenting opinion of Mr. Justice Douglas, in another Sunday Law case, where he wrote: [35] "By what authority can government compel one person not to work on Sunday because the majority of the populace deem Sunday to be holy day? Moslems may some day control a state legislature. Could they make criminal the opening of a shop on Friday? Would not we Christians firmly believe, if that came to pass, that government had no authority to make us bow to the scruples of the Moslem majority?"

The question is a fair one, but I believe that the Justice implies a wrong answer. If I live in a state with a Moslem majority, and it passes such a law—not compelling me to *do* anything, I ask you to note, but only to refrain from work on a certain day—I would think that the law was appropriate and one which I should obey. Not long ago, I was in Tunisia, a country in which the overwhelming majority of the people are Moslem. While there, I expected to comply with their laws and customs. They are a tolerant people, and did not seek to compel me to participate in any of their religious observances. But it would have seemed most inappropriate to me to have taken advantage of their tolerance and to have sought to interfere with their customs simply because they were not mine. While they knelt and prayed in the street at the muezzin's call, I stood respectfully by—with a tourist's interest, no doubt, but also taking advantage of the opportunity to do some thinking of my own. It was quite clear to me that I did not feel religiously oppressed merely because my own freedom of action was slightly interfered with in order that they might have theirs.

A day of rest is very deeply seated in all societies. Generally, as in our culture, it has an origin which is at least partially religious. But it has a wider basis than that. It is also one of those things which is rather good in itself—even the Russians have a common day of rest, and after some experimentation, they have settled one day in seven. And it is a thing, good in itself, which loses much of its good unless it is observed by all on the same basis. If a majority of the people want to observe Sunday as a day on which ordinary work is not performed, even though there may be some religious motivation in picking that day, I find it hard to see that there is anything wrong or oppressive in making that law applicable to all members of the community—as long as the persons who do not care to observe Sunday themselves are not *compelled to do* anything.

Cannot much the same thing be said for Thanksgiving and Christmas, and Christmas carols in the schools, and simple, thoughtfully chosen Bible readings, and Christmas decorations in public places, and all the many other things which are a happy part of the culture and tradition of a large portion of our society? In Boston, where I live, the Christmas display on the Common is far too brash and gaudy for my taste. Some of my friends irreverently call it the Christorama. It is on public ground, and I assume that it is provided at public expense. But I should think it sheer arrogance on my part to object to it, either on grounds of taste or of expense, as long as it is clear that a large part of my fellow citizens get joy and pleasure and satisfaction from it.

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[29] Engel v. Vitale, 370 U.S. 421, 423 (1962).

[30] West Virginia Bd. of Educ. v. Barnette, 319 U.S. 624 (1943).

[31] *Ibid.*

[32] Engel v. Vitale, 370 U.S. 421, 431 (1962).

[33] "Acquainting the student with religious pluralism is part of democratic public education's duty to introduce future citizens to pluralism of all types: economic, political, ethnic, racial and others. Schooling should enable the student to face the actualities of free society. If instead it gives him only silly, sentimental notions concerning the unity of all Americans he will be an incompetent citizen." HEALEY, JEFFERSON ON RELIGION IN PUBLIC EDUCATION 270 (1962).

[34] McGowan v. Maryland, 366 U.S. 420 (1961); Two Guys from Harrison-Allentown, Inc. v. McGinley, 366 U.S. 582 (1961); Braunfeld v. Brown, 366 U.S. 599 (1961); Gallagher v. Crown Kosher Super Market, 366 U.S. 617 (1961).

[35] Arlan's Dep't Store, Inc. v. Kentucky, 371 U.S. 218, 219 (1962).

In a country which has a great tradition of tolerance, is it not important that minorities, who have benefited so greatly from that tolerance, should be tolerant, too, as long as they are not compelled to take affirmative action themselves, and nothing is done which they cannot wait out, or pass respectfully by, without their own personal participation, if they do not want to give it? Is it not a travesty that we have brought ourselves, through an essentially thought-denying absolutist approach, to the point where such things as chaplains in our prisons, or chapels in our military academies, can be seriously and solemnly raised as threats to the religious freedom which is guaranteed by the First Amendment—as made applicable to the States, in very general terms, by the Fourteenth Amendment? In saying this, I am fully mindful of the rights of those who have or profess no religion, and who are surely entitled to the same respect as any one else—and should themselves give the same respectful regard to the rights of other citizens, accepting reasonable arrangements made in this area by the majority, with no compulsion on them to participate.

VIII

The Court, of course, is not without its supporters on this matter. To me it is disappointing that so fine a legal scholar as Edmond Cahn has accepted and embraced, this view in what seem to be extravagant terms. In a recent address he calls the views I am trying to express "the 'ink-eradicator' philosophy." The "immediate objective" of this approach, he says, is "to erase the words of the First Amendment from the parchment of our Bill of Rights." [36] Of course this nonsense, and does not, I feel, with great respect, measure up to what we should expect from Professor Cahn. As I have said, I will not yield to any one in my belief in and reverence for the First Amendment. Nevertheless, accepting it in full, it still has to be construed and applied, with intelligence and judgment, to concrete cases. Professor Cahn chooses to ignore this, although it is the essence of Government under Law. Professor Cahn says: "We protest that the guarantees of the Bill of Rights are still meaningful, still worth the struggles, sacrifices and martyrdoms our ancestors underwent for them." [37] Of course we all agree. But does that advance consideration of the problem? We still have to determine the meaning of the Bill of Rights, and it application to actual, practical, human cases. This process is not helped by an absolutist or Fundamentalist approach which refuses to consider all factors which are relevant in the situation before the Court.

If any further proof were needed, Mr. Justice Black's assertion that the First Amendment makes libel laws unconstitutional would seem to be sufficient. As President Robert K. Carr has said: "Of what value is free speech to a man to whom others have ceased to listen because of a malicious blackening of his name? Is it quite so easy to conclude, as Justice Black does, that one man's freedom of speech must always take precedence over another man's right to protect his reputation? [38]

IX

When I planned this paper, I had expected to deal with a number of other areas in which it seems to me that an absolutist brand of thinking has led the Court to some conclusions which may yet be found to be erroneous. Having got myself so much involved in the problems of prayers and religion, I can do no more than suggest the other matters that I had in mind. Three illustrations will suffice to show that the problem of the absolute approach is not limited to the area of religion. The first two of these show, I think, the influence of an absolutist approach to the free speech clause of the First Amendment, while the third deals with what I would regard as a creeping absolutism as to the provisions of the Constitution relating to jury trial.

1. The first topic to which I allude is the question of the power of courts to deal with publications as in contempt of court, when the publications have occurred outside the courtroom. It is well known, of course, that the British courts exercise these powers quite widely, and that publications with respect to pending criminal cases are sharply restricted there. Here we have to reconcile the freedom of the press provisions of the First Amendment with the right to a fair trial which is implicit in the provisions of the Fifth and Sixth Amendments. The Supreme Court, however, focusing solely on the First Amendment, and applying what appears to me to be an absolutist approach, has held that publications outside the courtroom cannot be punished as contempt.[39] This has been carried to bizarre lengths, in my view, and the result has been seriously to impair the right to obtain a fair trial in this country in many cases.[40]

2. The Court has understandably had its difficulties in the area of obscene publications. The task of determining the line between permissible publication and those beyond the pale can be largely avoided if one focuses only on a dryly literal interpretation of the "free press" clause of the First Amendment. This approach has been urged by Justices Black and Douglas in a dissenting opinion in a recent decision.[41] It is hard to believe that such a result was contemplated by the framers of the First Amendment. It is very hard indeed to find it in the language used in the Amendment, which surely requires elucidation. Again, I do not yield in my regard for any part of the First Amendment. It still seems to me that it requires careful, thoughtful, vital, and not merely mechanical interpretation.

3. The other illustration I would give is in the area of jury trial. Here, too, in recent years, the Court has taken what seems to me to be an absolutist approach. It is true that the Constitution guarantees trial by jury in civil cases. But it is still necessary to interpret what was meant by trial by jury. At common law, and as understood when the Sixth Amendment was adopted, this clearly meant trial by jury under the guidance and instruction of the judge, and the Supreme Court has reaffirmed this view in modern times.[42] But the present Supreme Court goes to great lengths to uphold jury verdicts, and virtually eliminates the superintending power of the judge. This new approach of the Supreme Court, applied in the employers' liability and Jones Act cases, and elsewhere,[43] is not, I believe, sound historically, and is not required by a proper construction of the Constitutional provision. It is instead, as I see it, the consequence of an absolutist view which—as it says "no law" means "no law"—says that "trial by jury" means "trial by jury," without giving consideration or weight to the proper construction and application of that term.

Obviously, my treatment of these questions is inadequate. I mean only to suggest that the absolutist approach has made its way through much of our constitutional law. This is, to me, a serious matter. The absolutist approach involves, I submit, a failure to exercise the responsibilities—and indeed the pains—of judging. By ignoring factors relevant to sound decision, it inevitably leads to wrong results.

The taking of extreme positions leads too often to what may be in part self-inflicted wounds, which the Court can ill afford to endure when its task is so difficult at its best. The three dangerous Constitutional amendments recently proposed by the Council of State Governments may be cited as examples.[44] Though the force behind these are clearly diverse and mixed, the influence of absolutist doctrines in the Court should not be overlooked in their evaluation.

This is an area in which, as Professor Kurland has said, the questions are "too frequently ignored by the intellect and resolved by emotion." [45] It is, too, an area in which we are in constant need of light. That light can be provided by painstaking professional and judicial work which seeks to identify and appropriately to evaluate all of the relevant factors in the many difficult problems that come before the Court. Beyond that comes the extraordinarily hard task of judging in the light of all these factors. Under the absolute approach, no light is needed. We look to one text only. There it is: "no law" means "no law." Is this not a delusive way to certainty? On this basis, reason is abandoned. We can be fairly sure that, down that road, "Absolute is in the dark."

Mr. DIRKSEN. Mr. President, let me give some general observations. George Washington was inaugurated as our first President on April 30, 1789. Five months later the first amendment in the Bill of Rights was approved. On the same day that it was approved, Congress passed a joint resolution calling for a joint commission to wait on the President and request him to proclaim a day of prayer and thanksgiving. If and when such days are proposed now, shall we be confronted with this problem which is growing apace and discover that such a resolution would come under attack in the High Court?

Charles E. Rice, associate professor of law at Fordham University, and author of the book "The Supreme Court and Public Prayer, the Need for Restraint," in a chapter entitled "Solution by Legislation" deals specifically with the question of a constitutional amendment providing that nothing in the Constitution shall prohibit voluntary prayer in public places. In treating such constitutional amendments one must recognize the importance of protecting the nonbeliever's right to dissent but at the same time the nonbeliever or the doubter shall have no right to impose his nonbelief on the great majority of Americans.

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[36] Cahn, *The Parchment Barriers,* 32 AM. SCHOLAR 21, 36, 37 (1962).

[37] *Id.* at 38.

[38] Carr, *Those Wise Restraints which Make Men Free,* in Jones (ed.), THE CONSTITUTION OF THE UNITED STATES, 1787–1962 (University of Pittsburgh, 1962) 29, 44; also in 58 OBERLIN ALUMNI MAGAZINE 4, 7 (November, 1962).

[39] Nye v. United States, 313 U.S. 33 (1941); Times-Mirror Co. v. California, 314 U.S. 252 (1941); Pennekamp v. Florida, 328 U.S. 331 (1946); Craig v. Harney, 331 U.S. 367 (1947). See Donnelly and Goldfarb, *Contempt by Publication in the United States,* 24 MODERN L. REV. 239 (1961); Goldfarb, *The Constitution and Contempt of Court,* 61 MICH. L. REV. 283 (1962).

[40] Maryland v. Baltimore Radio Show, Inc., 338 U.S. 912 (1950).

[41] Roth v. United States, 354 U.S. 476, 508 (1957). "The First Amendment, its prohibition in terms absolute, was designed to preclude courts as well as legislatures from weighing the values of speech against silence." Douglas, J., dissenting, *Id.* at 514.

[42] Herron v. Southern Pacific Co., 283 U.S. 91, 95 (1931), in which Hughes, C. J., cited and relied on Capital Traction Co. v. Hof, 174 U.S. 1, 13, 14 (1899).

[43] See, for example, the rather sweeping statements of Justices Black and Douglas, dissenting from the recent order of the Court amending the Rules of Civil Procedure, January 21, 1963. — U.S. —.

[44] See *Amending the Constitution to Strengthen the States in the Federal System,* 36 STATE GOVERNMENT 10 (1963).

[45] Kurland, Book Review, 30 U. CHI. L. REV. 191, 197 (1962).

Only an amendment will solve the escalating confusion which will grow as time goes on.

Let us examine the resulting confusion referred to in the light of the Engel case and the Oshinsky case where certiorari was denied and the Court closed the door on voluntary prayer, everyone in authority now interprets the findings of the Court according to his own likes.

In Denver, Colo., seeking to comply with the Court decision became a ludicrous performance and no Nativity scenes were allowed in the schools, no reference to the Christmas story could be made, and only official singing groups like the school chorus could use the Christmas carols.

Strange business in the schools. What are we coming to? This is all a part of the pattern. Taking prayer out of the schools is part of the pattern, and they do not sleep, they do not rest, they do not tarry in their efforts. They mean business, while we are just a little asleep.

Grace said together before meals has been outlawed in some public schools, according to Mr. Clyde W. Taylor, of the National Association of Evangelicals, who appeared before the committee.

In the State of Minnesota they dispensed with all baccalaureate sermons which for so many decades seemed to be an intrinsic part of graduation. They were ordered to be suspended in all State schools in the State.

Is there any taint in a baccalaureate sermon? What, in the name of heaven, are they afraid of? But it is part of the pattern.

The Hicksville, N.Y., Board of Education by resolution adopted the last stanza of "The Star-Spangled Banner" as a prayer as part of its morning opening exercises. In that stanza occur the words:

> Blessed with victory and peace,
> May the Heaven-rescued land,
> Praise the power that hath made
> and preserved us a Nation!
> Then conquer we must,
> When our cause it is just,
> And this be our motto:
> "In God is our Trust!"

This was adopted because of a footnote in the Engle case to the majority opinion to the effect that schoolchildren were to be encouraged to express love for country, but the New York Commissioner of Education ruled that the action was illegal "in the designation of words of the national anthem for use as an official prayer."

Can you imagine that? When they attempted to use the last stanza of "The Star-Spangled Banner," our national anthem, as an opening exercise, and perhaps in a prayerful posture, the commissioner of education of the State of New York said "No."

The board of education in Levittown, N.Y., adopted a program suggesting alternative openings for schoolday, including the song:

> Our Father's God to thee,
> Author of liberty,
> To Thee we sing.
> Long may our land be bright,
> With freedom's holy light,
> Protect us by Thy might,
> Great God, our King.

The commissioner of education for New York held that while these words were not designated as a prayer, the words themselves were "prayerful" and therefore fell within the Engle ban.

That is great business, is it not? This song, so dear to the hearts of children.

The American Legion distributed a half million cards to the children of Legionnaires in the belief that if a prayer was not officially composed it could be used on a voluntary basis, but a public official asserted at once that it made no difference who composed the prayer.

A veterans' organization has been urging that enlistees cease taking an oath reading, "So help me God."

The general counsel to a corporation has issued an opinion to the effect that, in his judgment, "silent meditation" is barred under the decision.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. BAYH. Would the Senator please repeat the name of the individual who made that assessment?

Mr. DIRKSEN. Does the Senator mean the general counsel?

Mr. BAYH. Yes. That is the first time I have heard anyone say that.

Mr. DIRKSEN. And it was the first time that I had heard it. We shall supply the name for the RECORD.

In various parts of the country, teachers are now asserting the right to eliminate from the Pledge of Allegiance the words "under God."

On the basis of court decisions, a conscientious objector no longer need profess a religious belief in order to obtain deferment from military service. The suggestion has been made that as a substitute he offer evidence of membership or activity in a pacifist organization.

Efforts are underway in various quarters to end tax exemptions for religious institutions.

The question has been raised concerning the propriety of having prayer on board U.S. vessels.

One school board felt that to have invocation or benediction at a graduation exercise came within the ban.

Pupils in one Long Island school have refused to join in the Pledge of Allegiance on the ground that it has become meaningless by repetition.

Flying a pendant over a municipal building in New Jersey containing the words, "One Nation Under God," has been regarded as open to legal attack.

(At this point Mr. RUSSELL of South Carolina took the chair as Presiding Officer.)

Mr. DIRKSEN. Mr. President, this is my own experience. A schoolteacher in Dayton, Ohio, who sought in his own way to meet the challenge of juvenile delinquency by teaching the youngsters, "Honor thy father and thy mother," called me on the telephone on a Sunday morning.

I said, "What is wrong?"

He replied, "I have been called in by the superintendent. I have been advised that this has violated the prayer ban and that my contract for the rest of the school year would not be renewed."

Think of that. "Honor thy father and thy mother"—which came down from heaven in the lightning of Mount Sinai. But it comes within the ban, so it must be cast into outer darkness.

In the case of De Kalb, Ill., which went to the Federal court and was heard by a U.S. district judge, whom I nominated, a family went to court over the same prayer used in the local schools which generated the Stein against Oshinski case. The matter finally came before U.S. District Judge Robson and he rendered a long opinion, after which he sent the case back and told the families and school authorities to settle the matter at the local level.

They came up with a rather amazing suggestion that the prayer should go like this:

> We thank you for the world so sweet;
> We thank you for the food we eat;
> We thank you for the birds that sing;
> We thank you for everything.

Whom do they thank?

They are corrupting an ancient prayer, the last line of which reads, "We thank you, God, for everything." They just placed "you" in place of "God."

This reminds me of an experience I had with a minister a long time ago, when I was to play one of the leading parts in a passion play. The minister said that he could not imagine me in the role of the man of Galilee.

I said, "What is your idea of the Man of Galilee? How should He be portrayed?"

He puzzled for a while and then replied, "Well, He is a light. He is a light. He is a light."

"Well," I said, "you mean that to portray Him to thousands of people we would just hang up an electric light bulb and say 'This is He?' "

Mr. President, does that make sense? Does that dramatize and get the story across?

> We thank you for the world so sweet—

Who?

> We thank you for the food we eat—

Whom do they thank?

> We thank you for the birds that sing;
> We thank you for everything.

They do not say whom they are thanking.

That is really quite something.

There was objection even to this, notwithstanding the fact that the word "God" had been deleted from the last line of the prayer.

Now, already problems are developing with respect to the treatment of Christmas, Santa Claus, Christmas decorations, Christmas carols, the Nativity scene, and everything pertinent to Christmas.

Mr. President, in the suburban school district just outside Pittsburgh where they planned to use the Nativity scene in a public school, they went down to see an attorney to get an opinion. Finally, his opinion was, "Well, it will be all right if you present it in a cultural vein."

How in God's name do we present the manger in a cultural vein and have any significance left?

How ludicrous, how stupid, how silly are they getting, these destroyers who want to destroy the religious traditions of this country?

The same problem will arise with respect to the Easter holiday and the work done by children in reproducing colored eggs. I do not believe that children fully understand what that is all about. The Easter holiday comes in the Resurrection season. That is also when the warm zephyrs come, and these things take on a new kind of light.

The egg is a symbol of fertility, which will spring to life with a new, fluffy little chick. The whole thing fits as a great, dramatic, religious piece of tradition.

How enriched mankind has been by all this.

But, how long is it going to last at the hands of the destroyers who want to stop prayer in the public schools?

The same problem will arise with respect to Thanksgiving, for the whole day was ordained as one of rejoicing and thanksgiving prayers for the blessings which we enjoy.

Truly, Mr. President, brutal cynicism is on the march in this country today, rivaled only by the efforts made in the Soviet Union where they eliminated Santa Claus and called him "Grandfather Frost."

Will that satisfy the children of America? Will it?

Will that enrich them?

Will that inspire them?

Will that bring animation and happiness to their little faces, and warmth to the hearts of their parents in the wintertime?

This I have got to see.

Mr. President, this country belongs to the people and not to the courts. When the framers of the Constitution affixed the Preamble of that document, it began with the words, "We the People . . . do ordain and establish this Constitution for the United States of America."

The document provided that it could be changed only by the will of the people through the ratification process. I still believe that this is the people's country.

Interest is mounting in this matter of prayer in the public schools, and it will continue to mount. If I have anything to do with it, it will escalate and mount even faster. The tide is rolling. It will not be stopped by the social engineers, by the world savers, by the cynics, or by some professors—that strange kind of liberal who is bemused by the idea of prayer in the public schools where pupils and students spend more of their waking hours than they do at home or in church combined. Under the law, they are compelled to go to school. That is virtually the law of the land, from Dominion to Gulf and from the Atlantic to the Pacific.

Let these decisions stand without clarification and in due course, Christmas, Santa Claus, Christmas carols, and everything else which has been so deeply entrenched in American religious traditions will go by the board.

Let it stand without clarification and the oaths taken by jurors, the chaplaincies in Congress, in the Army, the Navy, the Air Force, the Marines, and elsewhere, the Chapel in the U.S. Capitol, the oaths administered to legislators, in all of which the word "God" is used, will come under attack.

Let that decision stand without clarification and the work of dethroning God will go forward.

Let that decision stand without clarification and every teacher who believes in God and who believes that prayer is a roadmap to God will be in danger of losing his job—because who is his superior, and what does he think about it?

Let that decision stand without clarification and every teacher and school authority who finds belief in God an amusing myth can use it as a club over pupils and other teachers alike.

Let that decision stand without clarification and we make a mockery of the religious tradition of our blessed land.

Let that decision stand without clarification and you will have secularized America and thereby actually established a religion; namely, a secular philosophy divorced from all religion and all faith.

As I think of the professional testimony of some of the witnesses who appear, I think of a great American by the name of Billy Graham. I hoped he could come, after he got back from England, but he went to California, for much needed recreation, and took his two boys with him to see Disneyland. I thought I could catch him when he came back to Montreat, N.C., but I did not manage to catch up with him. However, he has been on the networks on prayer in public schools.

I had a telephone talk with His Eminence Cardinal Spellman, who told me over the phone he would love to come; but I know of the difficulties that arise when one has to go from one to the other in the hierarchy. But I know how he feels.

I think of the countless ministers who are not ivory tower administrators, but, rather, pastors who live with their people, who sit at their bedsides and pray, who comfort them in illness and death, who officiate at baptisms and weddings, and who sense the heart of the people and their devotion to prayer. In the first place, they were not invited to come; and in the second place, it would have placed a considerable financial and time burden upon them to come to the Nation's Capitol and testify before a subcommittee.

I think of the millions who by petitions, by signing ballots which appeared in newspapers, and by letters have affirmed their desire that there be voluntary prayer in the schools.

I think of the children, the millions whose souls need the spiritual rehearsal of prayer.

Right now we are in the football season. I like the crack of a collarbone as well as anyone. I guess that is why I like the Chicago Bears and the Green Bay Packers. But imagine the Chicago Bears football team, made up of green, inexperienced, unpracticed, and unrehearsed players, undertaking a game against the Cleveland Browns. It would be unthinkable because they have not been disciplined by practice.

We are moving toward the world series. Imagine the Giants, or whoever wins, taking on a team of completely unknown, unrehearsed, inexperienced players on an opposing team. It would be a ludicrous spectacle, to say the least, because such a team was neither disciplined nor practiced.

Mr. President, the soul needs practice, too. It needs rehearsal. That is another reason why it is so frightfully important in this segment of American life.

I think of millions we have spent, the debate that is raised, the formulas and plans which have been contrived to meet the rising tide of juvenile delinquency in the country. How many of those have had the sweet sustaining force of prayer and the spiritual discipline of prayer? Had that been the case, the chances are that the problem would be whittled to its lowest dimensions.

Mr. President, I conclude my statement by going back to the testimony of Rev. Robert G. Howes, associate professor, the Catholic University of America, member of the board of governors of the Constitutional Prayer Foundation in Washington, D.C., representative of the Citizens for Public Prayer in Massachusetts. Not only did he testify in behalf of these organizations, but also officially in the name of the Most Reverend Bernard J. Flanagan, D.D., Roman Catholic bishop, of Worcester, Mass.; also the Diocesan Council of Catholic Women of Worcester, Mass.; also in behalf of His Honor George Wells, the mayor of Worcester, Mass.; also for many individuals, elected officials, and boards who have expressed themselves across the Commonwealth of Massachusetts supporting the people's amendment for public prayer.

Mr. President, I ask unanimous consent to place in the Record, and then I shall rest my case, the testimony of Rev. Robert G. Howes, associate professor, Catholic University of America, who so well refutes the arguments which have been made against this amendment.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Rev. Robert G. Howes, Associate Professor, the Catholic University of America; Member, Board of Governors, Constitutional Prayer Foundation; Washington, D.C., Representative, Citizens for Public Prayer, Massachusetts Area, Box 1776, Rutland, Mass.

(This testimony is the official statement of Citizens for Public Prayer, its Michigan and New York Area affiliates as well as its Massachusetts affiliate. Father Howes is also testifying in behalf of the Dirksen Peoples Amendment for Public Prayer officially in the name of (i) Most Rev. Bernard J. Flanagan, D.D., Roman Catholic bishop of Worcester, Mass., (ii) the Diocesan Council of

Catholic Women, Worcester, Mass., and (iii) the Honorable George Wells, mayor of the city of Worcester, Mass., as well as officially for those many individuals, elected officials and boards who have expressed themselves across the Commonwealth of Massachusetts supporting the Peoples Amendment for Public Prayer, August 5, 1966)

"Almighty God, we acknowledge our dependence upon Thee and we beg Thy blessings upon us, our parents, our teachers and our country."

These twenty-two simple yet beautiful words, says the United States Supreme Court, are unconstitutional. We come, with respect but also with a serious urgency, asking passage of a Peoples' Amendment for Public Prayer which will forever reverse this tragic judgment. We come, in the name of those many Americans who have joined us, to speak a loud thanks to Senator EVERETT M. DIRKSEN, Congressman FRANK J. BECKER, and those other Senators and Representatives who now and before have led this great grass-roots effort. We come before you today convinced that the two "prayer" decisions are very seriously wrong and that, quite beyond their apparent localization, they place precedents which must, if the Court is true to its own logic, destroy one by one each surviving instance of public reverence among us. We come, as Abraham Lincoln came once one hundred years ago to the bar of public opinion in the matter of Dred Scott, convinced that for all the fine words and nice dicta, what counts is the sheer deed of these decisions. And the deed of the decisions in present question is an absurdity, contradictory at once to the sustained national customs and the clear will of the American people! We come certain that unless and until a reasonable prayer amendment is proposed to the nation, democracy is mocked and Americans everywhere must continue to wonder if this Hill is indeed a place where their voices are responsively heard. Because, gentlemen, now as seldom before those voices are loud, and united, around us here.

TESTIMONY OF REV. ROBERT G. HOWES, ASSOCIATE PROFESSOR, THE CATHOLIC UNIVERSITY OF AMERICA, FOR MASSACHUSETTS CITIZENS FOR PUBLIC PRAYER

Perhaps one of the most important aspects of the matter now before us is its critical time dimension. Seldom have so many Americans been so patient and yet so insistent for so long in so basic an issue. Seldom has the nation, united as almost never in any previous peacetime, had cause to doubt the democracy as it has here. Four years ago on this side of the Hill, and two years ago on the House side, hearings were held to the same overall purpose for which we now meet. And yet still the clear national will to reverse the tragic precedents set down in the two Supreme Court "prayer" decisions has failed even to reach the floor in either chamber.

Two years back, when a nearly successful discharge petition forced hearings in the House Judiciary Committee, I was privileged to share very closely in the prayer amendment drive. I worked then with the two prayer defense attorneys, the Honorable Bertram B. Daiker of Port Washington, New York, and the Honorable Francis B. Burch of Baltimore, Maryland, and, especially, with Congressman FRANK J. BECKER of New York and his many associates in the House. Even more importantly, I talked to and corresponded with literally thousands of Americans who believe as I do in the right of public prayer. This I note in no sense of pride, because, while we certainly did not lose our case at that time, after an unconscionable lapse of two years, the House Judiciary Committee has still reported out no prayer bill. I put it down rather to suggest the context in which I now testify.

As the people of America rally once again for prayer, I believe these conclusions emerge from a time-view of the amendment effort:

1. Far from subsiding, the intention of the nation, tested in the usual fashion, remains very strongly pro-amendment. Two years ago, in our testimony before the House Judiciary Committee, we had detailed the wide extent of popular support for a prayer amendment.[1] The very day present hearings were announced, the same issue of the CONGRESSIONAL RECORD carried the results of a poll in the home district of Congressman McDADE. This poll evidences two important things.[2] Ninety percent of those responding favored a prayer amendment. There were fewer undecided votes on the prayer question than on any other matter. Senator DIRKSEN himself has said:[3]

"Insofar as I can determine, more than 81% of the people disagree with the courts. Two weeks ago, one man came to Washington and dumped 52,000 letters of protest on my desk. Prayer groups are organizing. Sooner or later Congress must come to grips with this matter."

In October of 1964, the nationally known Lou Harris Poll indicated that well over 80% of the American people favor a prayer amendment. There are these further indications:

(a) Polling his home district (the CONGRESSIONAL RECORD, April 6, 1966, pp. 7945–7946):

Do you favor a constitutional amendment to permit Bible reading in public schools? Yes, 81 percent; no, 19 percent. Almost everybody has an opinion either pro or con about Bible reading. Only 2.4 percent of the people * * * failed to answer this question.

The Honorable ROBERT J. CORBETT (MC, Pennsylvania).

(b) Polling his home district (the CONGRESSIONAL RECORD, May 16, 1966, pp. 10723–10724):

Do you favor a constitutional amendment to allow voluntary prayer and Bible reading in public schools?

Yes, 77.5%; no, 22.5%.

The Honorable JOEL BROYHILL (MC, Virginia).

(c) Polling his home district (the CONGRESSIONAL RECORD, June 2, 1966, p. 12224):

Do you favor a constitutional amendment permitting prayer in public schools?

Yes, 83.4%; no, 10.8%.

The Honorable E. C. GATHINGS (MC, Arkansas):

(d) Polling his home district (the CONGRESSIONAL RECORD, June 15, 1966, p. 13337).

For a prayer amendment, 81.22%.

The Honorable JOHN S. MONAGAN (Connecticut).

(e) Polling his home district (the CONGRESSIONAL RECORD, June 9, 1966, p. 12928):

"Do you favor a constitutional amendment to restore prayer in public schools?"

Yes, 81.2%; no, 16.8%.

The Honorable E. ROSS ADAIR (Indiana).

(f) Polling his home district (the CONGRESSIONAL RECORD, July 18, 1966, p. 16095–16096):

"Do you favor a constitutional amendment to allow voluntary prayer and Bible reading in public schools?" Yes, 82.8%.

The Honorable HASTINGS KEITH (Massachusetts).

In fact, on a recent national Columbia Broadcasting System TV Poll, the American people spoke with greater unanimity to a prayer amendment than to any other polled position: Clearly the nation at its grass roots has sustained its original conviction that the Supreme Court was seriously wrong in its "prayer" decisions and that radical remedial action is essential.

2. Once again here in the Senate, as before in the House, an unusually large and diverse number of members backs the prayer amendment effort. Once again, too, this impressive sponsorship is backed by a great many responsible Americans. In June of 1966, for instance, the National Conference of Mayors, meeting in Texas, resolved for the prayer amendment. On February 8 and February 14, 1966, respectively, the Massachusetts House of Representatives repeated its action of two years back, in conjunction with the Massachusetts Senate, and sent to the Congress this resolution:

"Whereas it is the will and desire of the majority of our citizens to recognize the existence of God and our dependence on Him; and

"Whereas the recital of voluntary prayers in our public schools will accomplish that purpose and will help maintain traditions cherished by so many of our citizens: Now therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation presenting to the States a proposed constitutional amendment permitting the recital of a non-sectarian prayer in our public schools."

In the CONGRESSIONAL RECORD, June 6, 1966, at pages 12326–12329, two detailed pro-amendment resolutions by the legislature or the State of Maryland are carried in full. I ask permission that the text of these resolutions be included as part of our testimony. In the CONGRESSIONAL RECORD, June 6, 1966, at page 12325, a similar concurrent resolution by the legislature of the State of Louisiana is carried in full. I ask permission that the text of this resolution be included as part of our testimony. In the daily CONGRESSIONAL RECORD, April 25, 1966, the Honorable HAROLD D. DONOHUE, of Massachusetts, spells out prayer amendment support on the part of the City and Council and Most Rev. Bernard J. Flanagan, D.D., Roman Catholic bishop, of Worcester, Massachusetts. I ask permission that the text of Congressman DONOHUE's remarks, at page A2223 of the said issue be included as part of our testimony. In the CONGRESSIONAL RECORD, June 2, 1966, at page 12231–12232, the HONORABLE THOMAS P. O'NEILL, JR., of Massachusetts, details support for the Dirksen amendment effort by that great Churchman, Richard Cardinal Cushing of Boston. I ask permission that the text of Congressman O'NEILL's remarks be included as part of our testimony.

Also recorded for a prayer amendment are, among others: (a) The National Governors Conference, (b) the National Jaycees, (c) Bishop Fulton J. Sheen, (d) Dr. Billy Graham, (e) the National Council of Catholic Youth, (f) the Disabled American Veterans, (g) the immediate past president of the Worcester, Massachusetts, Council of Churches, Dr. Malcolm Matheson, (h) the Baltimore, Maryland, Presbytery, (i) the National Conference of Mayors in its June 1966 convention.

3. Educators, parents and children across America continue in a quandary as to what can and what cannot be done to accommodate what some feel to be the ambiguous mandate of the Supreme Court in the "prayer" decisions. Usually, the decision is made to avoid rather than to dare, when any conceivable question arises as to this or that reverent practice in the public class-room. Can the 5th stanza of "The Star Spangled Banner" or the 4th stanza of "America" now be constitutionally sung by public school children? Is a simple kindergarten prayer which mentions the Deity constitutionally possible? What about Christmas, carols,

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[1] See School Prayers, House Judiciary Hearings 1964, Part II, pages 986–1032.

[2] "The CONGRESSIONAL RECORD," July 13, 1966, p. 15484.

[3] "The CONGRESSIONAL RECORD," May 24, 1966, p. 11243.

manger scenes? Must graduating classes hum when the word God occurs in a commencement song? The whole point is—there survives a serious confusion and the resolution of that confusion, even by well-meaning school boards, seems to be rather on the side of ruling God out rather than letting a controversial God into the public class-room.

4. The minimalists—many of whom have read but all of whom have seriously underestimated the two "prayer" decisions—contend that the Court actually decided only a very limited issue and that there are, in any case, valid alternatives to the moment of prayer which can be used in the public school. In fact, the Court decided a maximum issue, placed a fatal equation which, if developed logically and consistently applied, must operate to destroy every surviving instance of public reverence in the land. In sustaining their demand for a prayer amendment, the American people give clear evidence that they recognize this essential harm in the "prayer" decisions. In rallying once more to the cause of public prayer, the American people demonstrate again their ability to penetrate through the dicta, the high words, and the incidental remarks of these decisions and to discover their fundamental mistake. As the Superintendent of Public Education in a large State told us, if the conclusion is so ridiculous, there must be something seriously wrong in the premises. The American people do not understand the complexities of legal semantics. The American people cannot follow this debate in all its detail. But the American people know that free, non-denominational prayer has been barred to their children in the public school. And the American people know that this barring is a clear threat to those other practices of public reverence which they hold dear. Among those who concur with the nation:

(a) Henry P. Van Dusen, former President of the Union Theological Seminary, New York City (letter published in the New York Times, July 7, 1963):

"The corollary in both law and logic of the Supreme Court's recent interdictions is inescapable, prohibition of the affirmative recognition and collaboration by government at all levels with all organs of religion in all relationships and circumstances. A consistant application of such a policy would involve a revolution in the Nation's habitual practice in the matter of religion . . . Nothing less than this is at stake.

(b) Rev. Dr. D. Elton Trueblood, professor of philosophy at Earlham College, Richmond, Indiana, has written: "This is a ruling which affects deeply the whole of American life and represents a radical change in the cultural pattern in many parts of the Nation." Because Dr. Trueblood's remarks are so very pertinent, I ask that they be included in full as part of our testimony. Reference: "Presbyterian Life", issue of May 1964.

(c) In a fine editorial on June 18, 1963, the official publication of the Roman Catholic Archdiocese of Boston, Massachusetts, wrote under the heading:

"ALL PUBLIC LIFE AFFECTED

"The same tedious arguments emphasizing the 'establishment of religion' clause are brought forth to support a position which turns its back on the total American tradition and outlaws the present practices of 39 States. Let us suppose that the Lord's Prayer and the Bible are excluded from the American public schools, for precisely the reasons given by the Supreme Court. What is the next step? Clearly, all other expressions of religion in public life must now be deleted. Let us not wait for them to come up case by case, but in one single gesture let them be suppressed."

As for alternatives, two things must be noted. First, no matter how valid any so-called alternative may be, it does absolutely nothing, and this is critically important, to repeal the precedents which now stand in the law of the land. Second, we have discovered no regular provision in most of our public schools of any acceptable substitute for the moment of prayer. We shall talk to each of the proposed substitutes later in our testimony. Suffice it here to reiterate that even where initial efforts in this direction have been essayed, they remain so very extraordinary as to attract national attention. They are not in any case the rule, but clearly a limited exception. Again, it must be stressed even an almost perfect substitute for the moment of prayer would leave the tragic precedents of the "prayer" decisions untouched and this is where reversal is imperative.

In short, time adds a critical dimension to the matter now before us. First, a clear and increasingly serious challenge to the democratic process has been placed. Second, the fact is more and more evident as further court cases are brought, as well as from the statements of some of those who initially pushed for the prayer ban, that the two "prayer" decisions are by no means minimal, narrow judgments, but rather very fundamental precedents which (even with their pleasant dicta) can and will be used in a widening attack against other instances of public reverence. Third, the massive national will for a prayer amendment survives and is backed by many responsible Americans, as individuals and as organizations. Fourth, what is obviously now required is not the prolongation of debate, a debate long since fully joined, but the immediate proposition to the American people at their several State Capitals of a reasonably worded constitutional prayer amendment. What is now required is not an affirmative substantive vote in the Congress on the merits of school prayer, but rather a specific piece of enabling legislation which will permit the nation to decide this basic issue. We have no doubt whatsoever that, given their rightful chance, the American people will decide overwhelmingly for public reverence. We challenge our opponents to take their cause, as we have ours, to the people.

The question is repeatedly asked, sometimes in honesty, many times to confuse—but what is so important about the moment of prayer? Why are you fighting so hard to have this moment restored in our public schools? The answer of course is neither quick nor simple. But two things are clear. First, the effort here is not for school prayer alone but rather to arrest once and for all at the prayer point a process of secularism which, unless radically checked, must erode away all public reverence. Second, while the moment of prayer by itself will not change the face or the soul of America, it is strikingly evident to the great majority of the American people that it remains a most valuable experience in reasonable pluralism and must survive.

It is always difficult, as one examines the record of man through history, to decide just exactly when a process of deterioration sets in which could have been checked had responsible corporate action been taken, it is equally difficult to judge the instant in any such process at which a most effective intervention on the part of the public could have been mounted. If, God forbid, the time should arrive when the religious inheritance of this Nation must lie dead like Lenin in a cold mausoleum, when the children of this nation must divide their learning lives into two parts—a private part where God can come, a public part where He cannot come, when God has become only the Lares and Penates of Rome again—personal deities who stand in temples and sequestered domestic corners but is denied admittance to courts, legislatures and other civic assemblies and instruments—then surely these two "prayer" decisions must be ranked in the list of key precedents and the opinion must validly lie that a strong public intervention here could have halted the tragic process.

There are those who tell us—this is neither the time nor the place for remedial action. You should either (a) have attacked earlier (b) attack later or (c) object elsewhere—they continue. We rejoice of course, that this miniscule elite has somehow discovered a superior wisdom in these critical matters. For ourselves, we cannot believe that the American people have made a mistake by rallying, as they have seldom rallied before, to the cause of prayer in the public school. It is not for us to suggest to the nation that its legal expertise at this point is faulty. It is for us to recognize that, for better or for worse, upwards of 80% of our fellow citizens have reached a moment of basic decision. We deal here with the penny on the pound of tea. Undoubtedly, there were those in Boston 200 years ago who told the patriotic "Indians"—don't throw the tea into the harbor, don't fight the tax, it's not important, this is neither the time nor the place for remedial action! But the moment of decision had arrived in that great colonial Boston. How and why it did, at this particular instant in the night in Boston harbor, we don't presume to know. How and why the American people, so often distinct from those who should be leading them, have recognized that this is the moment when they must resolve once and for all the great issue of public reverence, we don't presume to know. One thing we do know—this is it. Minute Men from plain places across America have converged on the minute now before you.

What is so significant about the moment of prayer? In our Appendix I, we are proud to include pertinent excerpts from the splendid text "This Nation Under God," by Fordham Professor Rev. Joseph Costanzo S.J. Harvard Law School Dean Erwin N. Griswold adds this important dimension:

"The child of a nonconforming or minority group is, to be sure, different in his beliefs. That is what it means to be a member of a minority. Is it not desirable, and educational, for him to learn and observe this, in the atmosphere of the school not so much that he is different, as that other children are different from him? And is it not desirable that, at the same time, he experiences and learns the fact that his difference is tolerated and accepted? No compulsion is put upon him. He need not participate. But *he, too, has the opportunity to be tolerant* (emphasis supplied). He allows the majority of the group to follow their own tradition, perhaps coming to understand and to respect what they feel is significant to them. Is not this a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the majority group? They experience the values of their own culture; but they also see that there are others who do not accept these values, and that they are wholly tolerated in their nonacceptance. Learning tolerance for other persons, no matter how different, and respect for their beliefs, may be an important part of American education, and wholly consonant with the First Amendment. I hazard the thought that no one would think otherwise were it not for parents who take an absolutist approach to the problem, perhaps encouraged by the absolutist expressions of Justices of the Supreme Court, on and off the bench."

Because of their excellent statement of our own feelings in re the majority-minority aspects of school prayer, I ask permission that the full text of Dean Griswold's remarks be included as part of our testimony. See Griswold, "Absolute in the Dark", 8 Utah Law Review, p. 167 ff. (1963). But if the moment of prayer in a public school is important, its denial is also important. Seldom has this fact been more sensitively explored than in another excellent text "The Supreme Court and Public Prayer", authored in 1964 by Fordham University Law professor, Charles E. Rice, and published by the Fordham University Press. I ask that chapter IV of this text, "Can Government be Neutral?", pages 73–81, be included as part of our testimony.

The question—but whose prayer shall be used—is a question which has been again and again dragged across our path as we fight for the return of prayer to the public school. There are those who raise it honestly. There are others who keep raising it even after it has been repeatedly answered. The sincerity of these people is, most surely, open to doubt. Whose prayer? We might return the question—whose prayer was in fact used for decades in state after state across these United States in public classrooms with a minimum of objection? The whole point is that in this as in such other intricate issues as civil rights, loyalty, public economic—we must recognize the difficulty of exact language but not stop there. We have got, quite simply, to proceed here as we do in these other issues. The starting place is not language but the sheer need for action to accomplish a necessary purpose. There is no doubt whatsoever of the requirement for care and expert deliberation as we frame a prayer amendment. But what an utter tragedy it would be if for want of a reasonable consensus about words, the nation were to be deprived of public prayer! What an utter tragedy it would be if, after having found reasonable solutions to other complex problems, no reasonable solution could be found to this! Whose prayer? We remain convinced that the American people in their native good sense and through their traditional educational instrumentalities, will as they have in the past answer this question with a maximum of wisdom and a barest minimum of mistake. But, our opponents continue, suppose there should be a Buddhist majority in a given school district, or a Roman Catholic majority? Won't this majority elect for a Buddhist, or Roman Catholic prayer? Such a question represents, in our judgment, a pitiful underestimation of the American people. To suggest that a sectarian majority would be so callous, so unconcerned for the rights of its neighbors that it would enable a strictly denominational prayer in the public schools of its community is, in a very real sense, a slander on the record of the nation. We are certain, particularly in our day of generous pluralism, that the question of whose prayer will be answered wisely as the great rule in all our school districts. And, even where there might happen a rare exception, a remedy will still lie in the courts and in non-participation.

At the very base of our position here is the conviction that the two "prayer" decisions are seriously inimical to the interests and the explicit will of the reverent majority of this nation. Our opponents ask—but why then are so many men of "religious" identity supporting them? We respect, of course, honest difference of opinion. We do not respect the culpable ambiguity of some "men of religion" who have either (a) adverted to the admitted difficulty of wording a reponsible prayer amendment and then absented themselves, now for years from the counsel of those who, here on the Hill and elsewhere, have been patiently trying to come up with just such an amendment, or (b) spoken words of uncertainty to constituents who were desperately concerned for a clear trumpet in this critical matter.

We believe, too, it must now be strongly noted, that if our polls, as indicated in this testimony, are accurate, some of those who have come here with titles, ostensibly speaking for religious groups, are in fact generals without armies. They may have staffs and public relations offices. They do not have their own congregants with them. One of my most inspiring moments two years ago was to sit in Congressman Becker's office on the other side of the Hill and read the letters that poured in after one or another of the generals without armies had spoken to the House Judiciary Committee against prayer. Again and again, Americans everywhere protested—he did not represent me even though I am a member of the congregation whose title he bears! We submit, respectfully, that this is a matter of principal significance as the Committee weighs these days of testimony. It is simply impossible that upwards of 80% of the American people support our position and at the same time some so-called "religious leaders" are in fact representing that people in opposing this position.

Again, while respecting honest difference of opinion, we believe that the cause of religion in these United States is very seriously hurt by the two "prayer" decisions. When, as Mr. Justice Stewart strongly implies, and others have explicitly stated, a "religion of secularism," an official position favoring the non-believer over the believer, is blessed with government endorsement, then we have entered indeed into a game of Russian roulette with our reverent practices and tradition. There is simply no saying which must next take the fatal judicial shot. The greater tragedy, though, is that so-called "religious leaders" have blinded themselves to the danger and have gone chasing after pleasant dicta while the deed of the decision penetrates through to the most ordinary American who joins us in denouncing it.

We are asked also—but doesn't religion belong in the family and home and church, not in the school? The answer to this is so simple that those who keep asking it must now be suspect. Religion belongs, of course, in family, home and altar place; but it belongs also in the class-room where the bulk of America's young people approach the arts and sciences of life for the first time. Religion is not strengthened in the heart and head of a youngster by wiping it off his lips. There is no conceivable connection as between a public class-room barren of reverence and a resurgence of religion in other aspects of our life together. Besides, as we have indicated above, that brotherhood of prayer which for so long in so many places distinguished our people, is an important experience in pluralism which cannot be duplicated by a God cornered at the hearth and sectarian altar.

A number of supposed substitutions for the moment of prayer have been suggested. We talk to them here, briefly. Let it be clear from the beginning that, should the incredible happen and the will of the nation fail to survive here on the Hill in a matter of a prayer amendment, we shall require to gather the crusts which may for a time remain behind for reverent parents to feed their public school children on. Our attitude to the supposed substitutions, then is this. First, none is really adequate. Second, none, even the most perfect, will in any way eradicate the tragic precedent of the two "prayer" decisions. Third, even though some emasculated type of reverence may for a time survive, we are convinced that each meaningful experience of religion in public schools stands now under a shadow and must, if the Court is true to itself, be seriatim banned. One suggestion as replacement for school prayer is a silent moment of meditation. A quiet God is better than no God, that is true. But a quiet God removes that experience in pluralism which a spoken God encourages. Besides, meditation is a difficult thing even for adults. To suppose that grade school youngsters can accomplish it properly is at best illusive. Interestingly enough, the same session of the Massachusetts General Court (legislature) which permitted silent meditation petitioned the Congress for a prayer amendment, thus recognizing that its earlier action was purely a holding operation and not definitive in the case. Another suggested replacement is comparative religion class. We wonder if this can be really achieved. It is not difficult to foresee the need for Solmonian teachers to relate one religion to another, nor the rapidity with which enemies of our children's God will rise to challenge such a class in courts whose record is clear.

A third suggestion is religion as part of art and history. And religion belongs in art and history, but what a tragedy it would be if God could come into a public school only as a footnote in art and history classes! Still another suggestion is for a kind of moral assembly in which God might just possibly squeeze in between quotations from Ben Franklin, Einstein, Thoreau and others. But is this enough? Why must the reverent millions of American parents settle for this intermittent God? No, and the record is evident for all to see, no effective substitute has yet been proposed and widely practiced. Such cases as do exist are so very rare as to attract national attention. And, again, *no matter how valid the substitute, it would do nothing to repeal the tragic precedents now in place and the more valid it was the more chance there would be of its judicial denial.*

Perhaps one of the most curious arguments, used in at least one major church correspondence of my knowledge to forestall action in support of the Peoples' Amendment for Public Prayer, suggests that because the amendment does not solve all instant problems in Church-State relationships it is inadequate, even dangerous. But where or when in the public life of any modern nation has one single legislative bill satisfied totally all the need in any major subject area? Must we refrain from solving some problems because we simply cannot solve all problems? In any case, here as elsewhere, a savings clause, can be affixed to the prayer amendment to prevent any conceivable overlap from it on existing practices. The point is, though, again here as before—where were those who now object to the Dirksen proposal for reasons of language during all the long months when men of integrity worked to find the best possible wording for a prayer amendment?

It has, often, been said that so-called "legislated prayer" is no good, that in fact it demeans religion. And this would, of course, be true were government to decree a specific religion and inflict sanction on those who refuse to follow an official liturgy. But is this at all the case with free, non-denominational prayer in a public classroom? The answer would be obvious if, once more, responsible men were not answering otherwise. Government, in our belief, exists to do for men collectively what they wish done and cannot accomplish even by pooling their single capacities. The principle of subsidiarity suggests that there are times when a larger unit of society must accomplish what a smaller unit cannot accomplish, but which the citizens of that society deem necessary for their communal existence. Quite naturally, then, public school parents turn to public school boards and public school superintendents to assure reverence in the class-room. Quite naturally, while in no way imposing or dictating, those boards and superintendents have taken perfectly normal action to accommodate the will of their constituents. This is by no means legislated prayer. Far from demeaning religion, this is a process entirely consonant with our democratic traditions and with the best wisdom over time of this reverent people. Said

Vatican II in its "Decree on Education" (#7):

"The Church gives high praise to those civil authorities and civil societies that show regard for the pluralistic character of modern society and take into account the right of religious liberty, by helping families in such a way that in all schools the education of their children can be carried out according to the moral and religious convictions of each family."

Gentlemen, clearly the moral and religious convictions of the great majority of the nation's families include the right to free, nondenominational prayer in the public classroom. When government moves to recognize these convictions, it does a proper and right thing.

The Dirksen amendment, then, goes to the heart of the two principal purposes at stake here. It restores free, non-denominational prayer to the public school. It blocks any further erosion of public reverence. It does so, we believe, with adequate language, though, to satisfy the best need of the situation, we would accept the addition of a wise savings clause much as we did two years ago in our testimony in the House on the proposed Becker prayer amendment. The Dirksen amendment, let it be crystal clear, is restorative, clarifying of the First Amendment. The letter of the law, as the Court now spells it out, has gotten dangerously out of kilter with the spirit. We believe it is also out of kilter with the original letter. Far from attacking or rolling back the Bill of Rights, this Peoples Amendment for Public Prayer will lift it back to its first common sense. It is not we who call for amendment who weaken the Constitution. It is those who, in a false reading of that Constitution, now oppose the united will of millions of Americans who demand that the Constitution as they have always understood it be preserved once and for all.

Gentlemen, it would seem that the task before you is now clear. The issue has been canvassed. The will of the nation has not changed. The generals without armies have not been able to convince even their own congregants. Your job, in all respect, is not to decide the continuing debate. Your job is not to return prayer and Bible reading to the public class-room; although I am sure I speak for the massive majority of Americans when I applaud those Senators and those Representatives who here, and earlier, have testified to the value of such prayer. Your job is to enable a popular decision. Elected by the people and responsive to their conscience, your job is to put this question clearly and quickly to them for an ultimate judgment. If those who have come here dragging up the old red herrings of an attack on the Bill of Rights and minority rights are as confident of their logic as they seemed to be before you, why let them carry their case to the people, as we have done.

Gentlemen, once you complete your task, in fifty State capitals a splendid debate begins. Once again everywhere the nation must reflect on the role of God in its public life. We have no doubt whatsoever what the decision will be. In fifty States, the American people—while some of their so-called theologians quibble over whether God is dead and the city is secular, while some of their so-called religious leaders oppose—will re-affirm in one great voice that God lives, that the city is not secular, that religion must survive proudly central in our national heritage. "Religion," said the Roman Catholic hierarchy of these United States a few years ago, "is our chief national asset." Give them the chance, and the American people will repeat those words. Give them the chance and they will write again, as Boston wrote once in its proud motto—"**Sicut patribus, sit Deus nobis.**" **As God was with our fathers, so let Him be with us!**

Appendix I

One of the truly great books in prayer amendment literature is that authored by Rev. Joseph Costanzo, S.J., Professor of Historical Jurisprudence in the Fordham University Graduate School, New York City, and published as This Nation Under God by Herder and Herder, 1964. So that the Committee may have available to it some of the strong wisdom of these pages, we include the following excerpts as part of our testimony:

(a) "The more the context of the New York prayer (struck down in the first 'prayer' decision) and the circumstances attending its optional recitation are examined, the more can be discerned the vast possibilities it offered for the increase of friendly community life. First, the children and their approving parents of different faiths and church affiliations came together in a prayer based on the common bonds of their religious beliefs. Their religious sectarianism was in no way experienced as a barrier to the brotherhood of all men under the Fatherhood of God. . . . Secondly, it provided an opportune and excellent educational training and habituation to the exercise of individual choice in the midst of others according to the vaunted American boast of individualism and free self-expression. Religious differences are a very broad fact even for the most enlightened adults, and social adjustment in this matter is essential to good community relations. Should not the youngsters mature gradually in this delicate experience with civility toward one another without resentment and without inhibition? The circumstances for the corporate prayer provided an early schooling for both the dissidents and the consentients to advance in mutual reverence for one another's religious choices. Thirdly, the dissenter and the minority must surely be shielded from majoritarian imposition. So too must the majority be protected from the unilateral dictation of the absolute dissenter. It is a strange pathology that when people in increasing numbers freely choose to act agreeably in unison there is less cause for public gratification than in the uncompromising protestations of the dissenter. . . . No one can deny that public law is burdened with an almost insurmountable task when it is confronted with the problems of religious pluralism. The voluntary nondenominational prayer was possibly one of the best and, at that, a minimal resolution of this thorny moral-legal problem," pages 132, 133.

(b) "American believers are losing by default. They have taken their spiritual heritage for granted. They have allowed a creeping gradulism of secularism, under one specious pretext or another, to take over their public schools. A vociferous and highly organized pressure group is exerting its own form of indirect coercive pressure upon the American community. Determined to deflect American national traditions and heritage from their authentic historic course, this group is cutting a decisive swath across the nation, advertising for clients to challenge in court what is obnoxious to them. *Whoever works for the destruction of the positive doctrine of accommodation and mutual adjustment must shoulder the blame for uprooting the bonds of concord and friendship and for forcibly injecting bitter antagonisms into the nation's pluralistic society*" (emphasis supplied), pages 131, 132.

(c) "These religious truths, fundamental because they are formally part of the Jewish, Protestant and Catholic faith, far from dividing have drawn our students together in silent prayer in public school exercises and in the salute of allegiance 'under God' to the flag. Oddly enough and contrary to their protestations, it is the separatists, neutralists and secularists who are truly divisive for they have raised issues that in the past have not troubled the students in public school exercises; and they have pointed loudly to the differences between the various faiths which students in their generosity keep to themselves. It is their bond which is vague and threateningly dangerous monism, a mechanical unitarism in a spiritual and intellectual vacuum . . . There is nothing divisive in the idea of brotherhood of men by divine creation, of fraternity by divine commandment of charity and justice binding in conscience. Far from being vague, these are definite religious truths which have bound our nation in peace and in war and have aroused our consciences against injustices in our midst as well as in other countries. A purely secular education is false to the nature of man and to God; false to American history; false to that philosophy of life and education which refuses to departmentalize what is inseparately one—the continuity of the spiritual life and moral development of the whole person, whether at home, at church or synagogue, or at school," page 104.

Appendix II

We are delighted to include in our testimony these official expressions from elected officials in the Commonwealth of Massachusetts:

(a) Plymouth, Massachusetts, Board of Selectmen, on record for prayer amendment. Resolution, May 16, 1966. Mrs. Leona Asker, Clerk.

(b) Ashland, Massachusetts, School Committee, on record "In support of a Constitutional amendment which will permit voluntary retention of prayer and Bible reading in the public schools of our land." May 18, 1966. David Mindess, Superintendent of Schools.

(c) Stoughton, Massachusetts, School Committee, on record for the Dirksen amendment, May 17, 1966. Joseph H. Gibbons, Superintendent of Schools.

(d) Milford, Massachusetts. Re-affirmation of August 15, 1963 proprayer amendment resolution, in letter of May 23, 1966. David I. Davoren, Superintendent of Schools. School Committee.

(e) Palmer, Massachusetts. "Unanimously voted . . . in favor" of prayer amendment, Letter dated May 25, 1966, Joseph Molzenski, Secretary, School Committee.

(f) Rutland, Massachusetts. Board of Selectmen, "At the May 16th meeting . . . on record as favoring a constitutional amendment to safeguard public reverence in this nation and to bring prayer back to our public schools." George R. Griffin, Clerk.

(g) Southborough, Massachusetts. Board of Selectment. Pro-prayer amendment resolution May 3, 1966. Mary J. Firmin, Clerk.

(h) Truro, Massachusetts. Board of Selectmen. Amendment resolution notified in letter of May 13, 1966. Messrs. Horton, Benson, Perry.

(i) Granby, Massachusetts. Board of Selectmen. "The Board of Selectmen will go on record to support the return of prayer to the public school systems, where it justly belongs." Romeo N. Monat, Board of Selectmen.

(j) Stoughton, Massachusetts. Board of Selectmen. Resolution "in favor of the (prayer) amendment", June 15, 1966. Margaret E. Fitzpatrick, Clerk.

(k) Scituate, Massachusetts. School Committee. Pro-amendment resolution, June 8, 1966. W. A. Shannon, Superintendent of Schools.

(l) Waltham, Massachusetts. "Support the (prayer) bill introduced by Senator EVERETT DIRKSEN. June 1, 1966. James Fitzgerald, Superintendent of Schools.

(m) Athol, Massachusetts. School Committee. Pro-prayer amendment resolution.

June 1, 1966. Curtis F. Bumpus, Superintendent of Schools.

(n) Winthrop, Massachusetts. School Committee. Pro-prayer amendment resolution, June 1, 1966. Arthur W. Dalrymple, Superintendent of Schools.

(o) Wrentham, Massachusetts. "Unanimously on record in support of a Constitutional (prayer) amendment." May 24, 1966. William L. Burke, Superintendent of Schools.

(p) Westborough, Massachusetts. Board of Selectmen. Pro-amendment resolution. Letter of May 23, 1966. Deane Collins, Clerk.

(q) Westwood, Massachusetts. School Committee. Pro-prayer amendment resolution "voted unanimously." June 2, 1966. Erwin A. Gallagher, Superintendent of Schools.

(r) Worcester, Massachusetts. We have been asked (letter of July 27, 1966) to read this statement into the record of these hearings:

"Ever since this issue first arose, following the Supreme Court decision against public prayer, the Worcester City Government has been solidly in favor of an amendment such as the one now proposed. On two occasions resolutions have been passed by the Worcester City Council and the Worcester School Committee affirming this position. In the light of these resolutions, you may place the Government of the City of Worcester on record as being solidly in favor of the proposed amendment to the Constitution.

"George A. Wells,
"Mayor."

(s) Andover, Massachusetts. Pro-prayer amendment resolution. Board of Selectmen, November 18, 1963. William Stewart, Secretary.

(t) Shrewsbury, Massachusetts. Board of Selectmen. Pro-prayer amendment resolution. November 25, 1963. Ernest A. Tosi, Secretary.

(u) Tisbury, Massachusetts. Board of Selectmen. Pro-prayer amendment resolution. November 14, 1963. Thomas J. Rabbett, Chairman.

(v) Webster, Massachusetts. Board of Selectmen. Pro-prayer amendment resolution. November 15, 1963. Lester A. Magnant, Chairman.

We include, further, these resolutions:

(w) Worcester, Massachusetts. Diocesan Council of Catholic Women. 137 affiliated groups in Worcester County, Massachusetts, 35,000 members. Resolution of April 26, 1966, as follows "The Worcester Diocesan Council of Catholic Women strongly supports legislation to introduce a Constitutional Prayer amendment, * * *. As long as no action is taken by Congress, the democratic process is mocked, and the will of the great majority of the American people is thwarted."

(x) Springfield, Massachusetts. Pro-prayer amendment resolution. Letter June 10, 1966. Mrs. Evelyn Benedetti, President, Armory Street School Parent Teachers Association.

Appendix III

Because we believe with Senator Dirksen that it is "the voice of the common man" which must mostly be heard in these hearings, we reproduce herewith as an indication of the deep conviction of the people of Massachusetts a sampling of names of those who have asked us to speak for them here. Each of these names is attested by a written signature now in our possession. This list, again, is a sampling not by any means a total of supporting citizens on record in favor of a constitutional prayer amendment:

1. Edward F. Devanna, 20 Hartshone Street, Malden, Massachusetts.
2. James F. Forkin, 40 Tower Street, Jamaica Plains, Massachusetts.
3. Shirley Ponius, 8 Gleason Way, Leicester, Massachusetts.
4. Laura Marek, 675 Main Street, Shrewsbury, Massachusetts.
5. Sandra Credit, 12 Johnson Street, Millbury, Massachusetts.
6. John J. McCann, 6 Calumet Avenue, Worcester, Massachusetts.
7. John M. Shea, 237 Brigham Street, Marlboro, Massachusetts.
8. Laura R. Shea, 237 Brigham Street, Marlboro, Massachusetts.
9. Richard W. Smith, 15 Stevens Circle, Andover, Massachusetts.
10. Francis J. Brown, 296 Horse Pond Rd., Sudbury, Massachusetts.
11. Ronald M. Dagle, 4 Birch Circle, Hingham, Massachusetts.
12. Gordon S. Hemhaw, 62 Miles Street, Millbury, Massachusetts.
13. G. Albert Whittier, 64 Miles Street, Millbury, Massachusetts.
14. R. E. Peters, Winter Street, Medfield, Massachusetts.
15. Lillian Pulling, 8 Whittier Place, Boston, Massachusetts.
16. Bruce McDonald, 181 Chestnut Street, Wilmington, Massachusetts.
17. Russell C. Squires, Fairway Drive, Groton, Massachusetts.
18. Joseph A. Palner, 120 Essex Street, N. Quincy, Massachusetts.
19. William J. Hamilton, 15 Durant Road, Wellesley, Massachusetts.
20. Charles H. Keenan, 65 Brook Hill Rd., Milton, Massachusetts.
21. Clinton L. Pendleton, 49 Brookside Rd., E. Braintree, Massachusetts.
22. Muriel O. Knight, 50 Vincent Avenue, Belmont, Massachusetts.
23. Jeanette E. Morgan, 8 Garrison Street, Boston, Massachusetts.
24. Joseph F. Chisholm, 117 H Street, S. Boston, Massachusetts.
25. Robert V. Rooney, 26 Hodge Road, Arlington, Massachusetts.
26. Raymond G. Perigny, 100 Commonwealth Ave., Lowell, Massachusetts.
27. Alice E. Kimball, 131 Washington St., Brighton, Massachusetts.
28. Karen R. Beasley, 79 Norfolk Rd., Arlington, Massachusetts.
29. Susan D. Cook, 374 Chas. Hill Ave., Brookline, Massachusetts.
30. Marion D. Dalto, 1355 Washington St., S. Braintree, Massachusetts.
31. Katherine A. MacKinnon, 33 Bishop Rd., Walliston, Massachusetts.
32. Claire W. Butler, 68 Pontiac Rd., Quincy, Massachusetts.
33. Philip E. Johnson, 135 Lindbergh Ave., Needham, Massachusetts.
34. Delia H. Davis, Chatham Road, Harwich, Massachusetts.
35. Howard E. Needham, 19 Miller Street, Braintree, Massachusetts.
36. Mary F. Bell, South Street, Norwalk, Massachusetts.
37. Edwin N. Elliott, 360 Middle Street, Braintree, Massachusetts.
38. Edward F. Grimley, 90 Elmwood Rd., Needham, Massachusetts.
39. W. Frederick Luoma, 7 Harriman Rd., Hudson, Massachusetts.
40. Marjorie T. McGuiness, 66 Slade Street, Belmont, Massachusetts.
41. Sara L. Kinneen, 9 Gibson Street, Cambridge, Massachusetts.
42. Catherine M. Foley, 21 Fairbanks Street, Brighton, Massachusetts.
43. Kathleen R. Moore, 259 Beacon Street, Boston, Massachusetts.
44. Ann M. Hurley, 93 Rindge Avenue, Cambridge, Massachusetts.
45. Margaret F. Gallant, 35 Goldthwait St., Lynn, Massachusetts.
46. Elaine L. Goudrault, 1 Lymo Street, Salem, Massachusetts.
47. Daniel F. MacKillop, 62 Lovett Street, Beverly, Massachusetts.
48. Paul J. Martineau, 23 Sunset Avenue, Methuen, Massachusetts.
49. John J. Murphy, 44 Furber Avenue, N. Andover, Massachusetts.
50. Charles McDowell, 5 Maston Avenue, Chelmsford, Massachusetts.
51. Jack Ross, 31 Flint Street, Salem, Massachusetts.
52. Joseph R. Dolan, 286 Washington St., Salem, Massachusetts.
53. Sidney F. Hicks, 67 Adams Street, Haverhill, Massachusetts.
54. Fred Martin Jr., 9 Parsons Drive, Beverly, Massachusetts.
55. Mary E. Higgins, 116 Adams Street, Lynn, Massachusetts.
56. Mary F. King, 11 Jefferson St., Lynn, Massachusetts.
57. Ruth Boulanger, 309 Maple Street, Lynn, Massachusetts.
58. Angie Capomaccio, 42 Taylor Rd., Lynn, Massachusetts.
59. Forest A. Rogers, 10 Parramotta Rd., Beverly, Massachusetts.
60. Frederick W. Matthews, 538 Varnum Ave., Lowell, Massachusetts.
61. Raymond D. Whitney, 33 Halten Street, Danvers, Massachusetts.
62. Leo M. Michalski, 14 eBaver Park, Danvers, Massachusetts.
63. Alice M. Tobin, 50 Taft Avenue, Lexington, Massachusetts.
64. James M. Hogue, 225 Grove Street, Auburndale, Massachusetts.
65. Dorothy B. Shaw, 38 Dane Street, Beverly, Massachusetts.
66. Mary Barry, 48 Monument Square, Charleston, Massachusetts.
67. Horatio R. Selfridge, 41 Holden Street, Holden, Massachusetts.
68. David Hayward, 788 Circuit Street, Hanover, Massachusetts.
69. David E. Stuart, 18 Crestview Drive, Westboro, Massachusetts.
70. Arnold H. Turner, 26 Harrison Street, Framingham, Massachusetts.
71. Helen McNeil, 5 Wildwood Drive, Milford, Massachusetts.
72. Mrs. Clara Furbish, 25 Endicott Drive, Westborough, Massachusetts.
73. Margaret M. Collins, 460 Huron Avenue, Cambridge, Massachusetts.
74. Mr. and Mrs. Eugene O'Donnell, Broadmeadow, Rd., Marlboro, Massachusetts.
75. Margaret J. Murray, 43 Chesborough Rd., W. Roxbury, Massachusetts.
76. Laurent C. Jutras, 40 Congress Street, Amesbury, Massachusetts.
77. Evalyn Fitzroy, 41 Mechanic Street, Shelburne Falls, Massachusetts.
78. Mary Barry, 48 Monument Street, Charlestown, Massachusetts.
79. Henri J. Beauchemin, North Street, Norfolk, Massachusetts.
80. Arnold S. Gailey, 10 Idlewood Drive, Auburn, Massachusetts.
81. Frank R. Aspinwall, Upland Road, Southborough, Massachusetts.
82. Hugh T. McCann, Jr., Framingham Rd., Southborough, Massachusetts.
83. Roderick M. MacNeill, Woodland Road, Southville, Massachusetts.
84. Mr. and Mrs. Donald Hamelin, Winchester St., Southborough, Massachusetts.
85. Florence Fitzgerald, Turnpike Road, Southborough, Massachusetts.
86. Mr. and Mrs. Robert Delarda, 7 A Street, Southborough, Massachusetts.
87. Mr. and Mrs. Robert Williams, 8 Tara Rd., Southborough, Massachusetts.
88. Mrs. Nolia Beavis, Boston Road, Southborough, Massachusetts.
89. Mr. Ralph E. Gray, Stub Toe Lane, Southborough, Massachusetts.
90. Mrs. Mary E. McCann, Boston Road, Southborough, Massachusetts.
91. Cosmo D. Fabrizio, Flagg Road, Southborough, Massachusetts.
92. Mrs. William R. Nagle, Strawberry Hill, Southborough, Massachusetts.
93. Julia D. Fitzgerald, Marlboro Road, Southborough, Massachusetts.

94. Virginia L. Di Anzo, 28 Framingham Rd., Southborough, Massachusetts.

95. Mr. and Mrs. Jeanne Keefe, 10 Cross Street, Southborough, Massachusetts.

96. Mr. and Mrs. Wm. Colleary, Winchester St., Southborough, Massachusetts.

97. Mr. and Mrs. Richard Curran, Main Street, Southborough, Massachusetts.

98. Mr. and Mrs. David Pond, Upland Road, Southborough, Massachusetts.

99. Mr. and Mrs. David Schnare, Upland Rd., Southborough, Massachusetts.

100. Mr. and Mrs. Austin Maguire, Winchester St., Southborough, Massachusetts.

Mr. DIRKSEN. Mr. President, I merely want to tell the Senate and every Member of it that this issue will not die. This issue will not be diverted or subverted. It will not be settled until it is settled right, for when this session is over, another Congress will convene on the third of January of next year. That will be the 90th Congress. If we fail to act now, this resolution will be up again. I mean to have it back, because it is too important. Involved here is the moral future of America.

Mr. President, when I was a Member of the House of Representatives, I became acquainted with a young and attractive rabbi from Boston, Joshua Liebman. I shall never forget him. I learned to know him very well. He died at the premature age of 44. Coursing down LaSalle Street one day in Chicago, I stopped and gawked in the window of a book store. I saw a book written by Joshua Liebman, whose title was "Peace of Mind." I went in there and procured that book. It is a scintillating piece of literature, but one line in it I remember so well. He said: "You cannot reconstitute a society with unreconstituted individuals."

Mr. President, that is the story in a nutshell. It cannot be done. I think in proportion as we examine some of the mischief that is taking place in our country today, we had better conclude that what we are trying to do is reorder our whole social structure with individuals whose hearts have not been changed.

So that must be the goal. That must be the hope of America in the future.

How are we to achieve it? We learned long ago that as the twig is bent, the tree is inclined. That is what prayer means in the schools. Somehow, the children must get that orientation, each according to his own lights, each according to his own view, without compulsion or coercion, all on a voluntary basis. Then I think we shall begin to see some greater hope for a placid country.

I shall have occasion, I presume, to labor this subject again—perhaps tomorrow—but I shall close for tonight. I wish there were not a rule against printing cartoons in the CONGRESSIONAL RECORD, because I hold in my hand a cartoon that appeared in Church and State magazine. It shows what goes on in the ivory tower institutions.

Here is a cartoon showing me on a soap box. It is marked "soap." The cartoon even shows a crutch. There is a crutch in it, just like the one I now have. My mouth is open. There is a metal halo over my head. I am waving something. It says, "Prayer Amendment." It says, "Not a leg to stand on."

Yes; those are the people who occupy these ivory towers, who lost touch with the hearts and minds of our people long ago. They are no longer ministers of the flocks. No, they are these scintillating individuals and intellectuals who do not speak from the heart, and somewhere they lose all the blood, all the sentiment, and all the hope.

I may conclude this statement by thinking in terms of an experience I had with a man who ran for the Presidency of the United States. I was one of his speechwriters. At the end of the day we used to sit around after dinner and we would examine into our handiwork, good, bad, or indifferent.

But all hands went to the wheel, and we finally penned up the first speech to be delivered in the campaign.

There were a lot of scintillating personalities sitting around the table as that first effort was read. It was a gorgeous thing. There was not a comma or a period out of place. There was not a superfluous word in it whatsoever. There were no split infinitives. Never have I seen such etymological craftsmanship.

Then they went around the table to get the views of those who sat there. They got to me last. Finally, the man serving as chairman of the meeting said, "DIRKSEN, what do you think?"

"Why," I said, "it is a thing of sheer beauty. It is like an icicle shining in the light of a blue moon. But there isn't a teaspoon of blood in that speech."

It was as if I had dropped 10 tons of TNT on that group around the table that night. They went ahead and delivered it, and it turned out as I thought. It proved to be an absolute dud. There was nothing in it.

No; you are not going to take this away from the American people, because it is still their country. And as long as I have any breath left, and any energy, I am going to pursue that thesis, and I intend to do the best I know how to keep the nose of Congress to the wheel on every possible occasion until this prayer issue is settled, and settled right. Then we shall have shown a greater hope for this blessed country.

And so, Mr. President, I now submit my amendment as a complete substitute for Senate Joint Resolution 144, which is presently under consideration.

The PRESIDING OFFICER. Does the Senator wish to call it up at this time?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN's amendment is as follows:

AMENDMENT NO. 930

On page 2, beginning with line 1 strike all down through and including line 11, and insert in lieu thereof the following:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

" 'ARTICLE —

" 'SECTION 1. Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer.

" 'SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.' "

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PHILIPPINE PRESIDENT AND U.S. POLICY IN ASIA

Mr. MORSE. Mr. President, for the last week, and apparently for another week to come, the President of the Philippines will be a guest in the United States. But he is not here as a guest; he is here as a highly partisan advocate of more financial aid for his country in exchange for his support of U.S. policy in Vietnam. From the most prominent platforms the United States has to offer, he is encouraging us to keep fighting all over Asia. But nowhere does he tell the American people the price tag on his support of these efforts.

The 2,000 Philippine troops that will soon arrive in Vietnam will not do any fighting. Nor will they be the financial responsibility of their home country. They will be the financial responsibility of the United States, for we will pay their salaries, pay their upkeep, and provide their equipment.

I know the old term "mercenary" is unpopular when it is the United States that does the hiring, but that is what these Philippine engineers are.

And they are a new and more costly form of mercenary. We not only have to pay for the costs of the soldiers, we have to pay their Government for their use.

The price for this facade of help from an Asian country comes high. The United States since World War II has given the Philippines $1 billion of economic aid. The level of economic assistance for the current fiscal year is around $20 million. A great proportion of aid to the Philippines has gone, according to the program books furnished the Foreign Relations Committee each year, into rural development.

Yet the economy of the Philippines is in worse shape than it has ever been since the end of the war. It is described as "sagging," "stagnant," and in the rural areas, as giving rise to discontent and providing a seedbed for a new resurgence of communism. It is no wonder that its President needs some basis for which to lay claim to a doubling or a tripling of American aid.

He is willing to hire his soldiers out as mercenaries to the United States, and the sad reflection on the history of the United States is that the United States is willing to hire them.

So, in addition to paying the full cost of the 2,000 engineer troops out of our defense budget, the American people will give the Philippine Government an additional $55 million worth of economic aid on top of the ongoing program for the current fiscal year.

The sad state of the Philippine economy, despite considerable American aid over the years, bespeaks the impossibility of that country making a contribution to the Vietnam war out of its own economic resources. It has to supply those mercenaries at the expense of the American taxpayer. Economically, it can barely support itself without a war effort. This means that anything they contribute to Vietnam has to be paid for by the U.S. taxpayer.

In terms of its manpower contribution, the 2,000 troops are not for combat purposes. They are there to serve the appearance of support for the war by an Asian country, an appearance the United States desperately needs as it makes the war more and more an American war.

Recently, I have addressed a letter to William Gaud, of the Agency for International Development, concerning the nature of the additional aid to be extended and the prospects for its effectiveness.

Mr. President, I am also addressing a letter to the Department of Defense to seek its estimate of how much it will cost the United States to support the Filipino soldiers in Vietnam.

CURTAIN OF SECRECY AROUND THAILAND

A second element in our growing use of small Asian countries to serve as American bases and support elements against China is taking place in Thailand. Tomorrow, the Senate Foreign Relations Committee will seek to find out what is being done by American forces in Thailand, and what secret agreements and commitments have been made to that country.

Of course, all the American people are entitled to know what has been and is being done in their name. They are paying the bill, and our boys are bleeding as a result of this mistaken and unjustifiable immoral and illegal course of action of the United States in Asia. But the administration has drawn an iron curtain of secrecy around Thailand. Witnesses for the administration will be heard only in secret, at their insistence.

This administration continues, in my judgment, to perform a great disservice to representative government in failing to recognize that in a democracy there is no substitute for a full public disclosure of the public's business.

The American people are entitled to know and not be kept in the dark while the shocking war is perpetrated upon them.

This administration dares not to tell the American people just before an election what they are committing us to in Thailand. It will affect the pocketbook of every citizen, and it will affect the lives of many of our young men. One of the great ironies of secret diplomacy and secret commitments is that no matter how secretly they are entered into, there is no secrecy when the draft calls go up, the Reserves are called into action, and taxes are raised to pay the cost.

It is at that point that the people, and often the Congress, find out what the secret commitment really was. And then we are told we have no choice but make good on it or we will be letting down someone in the administration or letting down the boys in Vietnam.

I repeat, unpleasant as it is for my colleagues to hear again, that those who are letting down the boys in South Vietnam are those who are voting the money with which to kill them, and although those of us who are voting against the escalation of war are the subject of castigation and abuse in this country at the present time, we are satisfied that history will sustain us.

We believe in exercising the check of the purse strings written into the Constitution by farseeing Constitutional Fathers. If we do not agree with a President's policy, then we should not vote him the money with which to carry out his policy and he will have to change his policy.

That is why the senior Senator from Oregon intends, short of a declaration of war, to continue to vote against giving to this administration the money with which to kill American boys in South Vietnam, boys who should not be there at all.

Before the hearing is even held by the Committee on Foreign Relations, I can tell the American people approximately why the administration is thrusting the United States deeper and deeper into the territory of Thailand, which is anything but a democracy. It is ruled by a junta, and I suppose we can expect the administration to be telling the American people with its misleading propaganda that we are going to engage now in this activity to promote freedom in Asia.

Thailand does not understand the meaning of freedom. I am beginning to wonder whether my administration does.

It will be said that, geographically, Thailand bears a signficant relationship to the access to the Indian Ocean. Like South Vietnam, it abuts on the straits between the Pacific and the Indian Ocean, which is now a part of an American lifeline of empire extending from Hawaii to the Mediterranean.

What used to be the British "lifeline of empire" is now the American lifeline. Like Britain before us, we find it necessary to maintain a degree of control over all its approaches. Britain colonized India and Australia; and in order to guard the lifeline to those territories, she also colonized Burma and Malaya, and built her huge naval base at Singapore.

The American interest in these and neighboring territories is now the same as the British interest used to be.

It is only a matter of time before the British will be put out of Singapore; and in due course of time the United States will be put out of Asia. It may take several decades and the lives of tens of thousands of American soldiers and billions of American dollars, but it is bound to happen. In spite of our grandiose delusions as a people these days, we had better face up to the realities of what history is going to prove.

No Western power, including the United States, will be allowed by millions of Asians to establish any permanent, dominating foothold in Asia, any more than were the British, or the French, or the Dutch, or any other Western power. I wonder, Mr. President, whether if we were Asians we would feel any differently than the Asians do.

A reading of the articles appearing in various semiofficial military publications tells of plans now being considered in the Pentagon to replace with U.S. vessels the British naval forces in the Indian Ocean, and perhaps to build an American naval base on the western coast of Australia to supply and maintain them. But that means we also must maintain all the access to the Indian Ocean and the straits that connect it to the Pacific.

It is in the nature of things that all of this is dressed up in phrases about helping people to defend themselevs. The iron glove of military power must be covered with the velvet glove of rhetoric to salve our national consciences. But it is the same rationale of the white man's burden that we heard for generations from the British. Unfortunately for the truth, we will not be told that the U.S. buildup of bases in Thailand largely preceded the increased guerrilla activity there.

Those in northeast Thailand who are fighting this intervention on the part of the United States hold a political philosophy that I abhor. But that does not make our intervention right.

The real rationale that puts our forces into the Indian Ocean and into Thailand is one of military strategy. The rhetorical justifications about defense of freedom come after the military decision has first been made.

I predict that in these hearings, which will be secret, even Senators will be told nothing about the actual and potential cost of our involvement in Thailand. It represents another Vietnam. The one foot enmeshed in South Vietnam with 300,000 troops at a cost of $1½ billion a month will be matched with another foot equally enmeshed in Thailand.

No wonder the administration will not discuss this subject in public.

FIFTEEN-YEAR-OLD BUILDUP IN EUROPE SHOULD BE REDUCED

In the near future, Mr. President, another foreign leader is coming to the United States—Chancellor Ehrhardt. The press of yesterday and today reports that he has made statements in Germany that he is coming to press for a hard line. Apparently, by a hard line he means that he will continue to insist that the United States keep large American forces in Germany.

But I hope that the Chancellor of Germany will be prepared to tell the American taxpayers how much it will cost them, and why West Germany has never made good on commitments she has pledged in regard to maintaining troops for European defenses.

It may be easy for the Chancellor of Germany to take the position that we should keep approximately 400,000 American troops in Europe at the expense of the American taxpayer, while his own country, more prosperous than ever in the history of Germany, has failed to date to meet its manpower commitment under the European defense program to which West Germany is a party.

Of course, that applies to the Prime Minister of Great Britain, who gives lipservice to the United States in regard to our South Vietnamese program, but who does not have a British boy dying in South Vietnam, and who plans to withdraw many from Europe.

I state again that I am not at all interested in the professings of the Prime Minister of Great Britain in regard to his support of American policy in Vietnam, as long as the British are not willing to send troops there and do some of the dying. That applies to the Prime Minister of Canada, Mr. Pearson, as well. In fact, may I say that it goes for all our so-called allies who from time to time are willing, with their rhetoric, to egg us on as we involve ourselves more and more in the war in Vietnam.

Mr. President, I want to say again to all our so-called allies who from time to time give lipservice in regard to the war in Vietnam, and who, as I have said in the past, are what I call "egger-oners," perfectly willing for us to do the dying in Vietnam, perfectly willing for the American people to spend the billions of dollars that are being spent in this unjustifiable war in Vietnam:

> When are you going to live up to your signature, and your obligations under that signature, to the United Nations Charter? When are you going to proceed to call the United States to an accounting for its violations of the United Nations Charter? When are you going to decree that the United States must stop this war in Vietnam? Which means, of course, that you will have to carry out your obligation to enforce the peace. For that was what the United Nations was set up primarily to do.

And so may I say to Canada and Great Britain and France and all the other signatories of the United Nations on the so-called free side of the world, as well as to Russia and all the Communist nations on the enslaved side of the world:

> When are you going to keep your commitments?

A new session of the General Assembly of the United Nations is about to convene. I am sad that apparently there is no intention on the part of my Government to be represented at that General Assembly, with a plea—preferably from my President—calling upon the United Nations to proceed to enforce a peace and bring to an end the threat in Vietnam to the peace of the world.

History is of the making. The great danger facing mankind is that the failure on the part of our so-called allies, as well as the failure of our own country, to live up to the responsibilities of their signatures to the United Nations Charter is endangering mankind, by being involved in world war III, out of which will come no victory.

I think that is the great issue that faces the people of my country as well as the people of the world. That is why I rise once again on the floor of the Senate, as I have done many times the last 3 years, to protest the foreign policy of my country, to protest this afternoon the hiring of Filipino mercenaries, to protest this afternoon pouring additional millions into the Philippines in a form of repayment for the type of noncombat service that the President of the Philippines will give this country.

Mr. President, when will we return to our ideals? When will we return to keeping faith with the glorious past of this Republic? There was a time in the history of this great Nation when we were not following a course of action that threatened the peace of the world.

We, more than all other nations combined, stand today as the greatest threat to the peace of the world by the war which, for the most part, we are conducting on a unilateral basis in Vietnam.

I still have faith and I shall continue to have faith to my dying day that once the American people come to understand the true import of the foreign policy of the United States, at that time they will insist that whatever administration is in power at that time change that foreign policy by returning to that great professing of ours that we believe that threats to the peace of the world should be settled by the application of the rules of international law and not by the jungle law of military force.

MARY T. BROOKS

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). Two hours having expired since the Senate convened at 3:05 p.m., the Chair lays before the Senate the unfinished business.

The Senate proceeded to consider the bill (S. 3553) for the relief of Mrs. Mary T. Brooks, which had been reported by the Committee on Rules and Administration, with amendments, on page 1, line 3, after the word "That", to insert "(a)", and on page 2, line 5, after the word "erroneous", to strike out "separation." and insert "separation and the period January 13, 1966, through February 26, 1966, shall be deemed a period of creditable Federal service by Mrs. Brooks for retirement and related purposes. The Public Printer is further authorized and directed to pay out of the cited revolving fund the agency contributions for retirement, life insurance, and health benefits purposes which would have been required by law had Mrs. Brooks been in paid employment during the period of her erroneous separation."; so as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Public Printer is authorized and directed to pay out of the revolving fund of the Government Printing Office the sum of $742.40, representing salary due Mrs. Mary T. Brooks, an employee of the Government Printing Office, for the period January 13, 1966, through February 26, 1966, when she was separated from her employment due to the erroneous notification by the Civil Service Commission of approval of her application for disability retirement. After tax withholding, payment of group life and health insurance premiums, and deductions of amounts due the Civil Service Retirement and Disability Fund, the balance of the amount hereby appropriated shall be paid to Mrs. Brooks in full settlement of any and all claims against the United States arising out of her erroneous separation, and the period January 13, 1966, through February 26, 1966, shall be deemed a period of creditable Federal service by Mrs. Brooks for retirement and related purposes. The Public Printer is further authorized and directed to pay out of the cited revolving fund the agency contributions for retirement, life insurance, and health benefits purposes which would have been required by law had Mrs. Brooks been in paid employment during the period of her erroneous separation.
>
> (b) No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MORSE. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was read a third time and passed.

NATIONAL UNICEF DAY

Mr. MORSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1283, Senate Joint Resolution 144, the joint resolution to authorize the President to designate October 31 of each year as National UNICEF Day. I do this so that the joint resolution will become the pending business.

The PRESIDING OFFICER. The joint resolution will be read by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 144) to authorize the President to designate October 31 of each year as National UNICEF Day.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. Dirksen] to strike out all after the resolving clause on page 2, beginning with line 1 through and including line 11, and insert in lieu thereof the following:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article—

"Section 1. Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

CONSERVATION IN A TIME OF CHANGE

Mr. MORSE. Mr. President, on September 15, 1966, Mr. Boyd Rasmussen, Director of the Bureau of Land Management, spoke to the Western Wood Products Association's annual meeting at Portland, Oreg. I ask unanimous consent that his speech, "Conservation in a Time of Change," be inserted in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, this is a speech which deserves a careful reading. It is a speech directed toward responsible conservationists in all walks of life.

It is a speech which is frank. It is a speech that charts a course of cooperative conservation.

I take particular note of Mr. Rasmussen's constructive statements on forestry policy, especially sustained yield forestry, multiple use and allowable cuts.

I am pleased with Mr. Rasmussen's pledge to melt the forestry challenges on the Bureau of Land Management vital forests in Oregon and elsewhere in the West.

I am confident that responsible conservationists will join in supporting the constructive courses Mr. Rasmussen outlines.

Exhibit 1

Remarks by Boyd L. Rasmussen, Director, Bureau of Land Management, Department of the Interior, Before the Western Wood Products Association, Portland, Oreg., September 15, 1966

It is good to be back in Oregon. It's good to visit with old friends and to make new acquaintances. I grew up in Oregon, went to school here and started my conservation career here. Your own Ernie Kolbe was my first Forest Service boss. Great changes have occurred throughout the West since my youth. These changes represent efforts to meet the needs of a growing nation.

I am especially pleased to make my first formal talk as Director of the Bureau of Land Management before this group.

You have asked me here because you are wondering what new programs can be expected under my administration.

You can expect some changes, not because I am now the director of this bureau, but because events of our time are moving rapidly, and this in itself means change.

I want to talk honestly and frankly with you about BLM's programs. First, let's talk about the questions posed in your gracious invitation.

Will industry problems be considered when new BLM programs are developed? The answer is yes. So too will the problems of all who have an interest in the public lands.

We are going to seek solutions which help the greatest number of people and provide the most lasting public benefit. This is easy to promise in the abstract, but it is harder to do in the specific. So, the first thing I am going to assure you is that we will consult, we will welcome your views, and we will invite your counsel. At the same time, I promise we will try to reach decisions with reasonable dispatch.

Like those of you here who are responsible to a board of directors, there will be times when I have to implement the decisions of comparable Federal groups. In these circumstances, we will try to explain our actions to all concerned, because we know that good communications are absolutely essential.

Your invitation said that user groups on public lands have a fear that new regulations by government may overlook their needs and so make some real problems for them. I would hope that this has no basis. But I want, and expect, your concern about policy and program. It is this concern by the many user publics that helps chart the direction of public land management. It is our job as public land administrators to make sure that all groups are heard; that the needs of each are properly considered. For we manage these lands for people rather than for the lands alone.

Your invitation said some people fear I might adopt precipitously Department of Agriculture procedures in a way that would increase costs, or have other upsetting impacts on them. When I took the oath of office as Director of the Bureau of Land Management, I did so without any reservation whatsoever. I swore I would faithfully discharge the obligations I have assumed. I intend to do just that. When I assumed this job I went to work for the Secretary of the Interior. But let me say I am ready to beg, borrow and if need be, to steal the best techniques to get a good job done. It does not matter whether good ideas come from the forest industry, state or county government, the Forest Service, or the Department of Health, Education and Welfare. You'll find me receptive to new ideas and totally uncommitted to any past employer.

As I worked on this speech, I kept turning over in my mind the concepts involved in your concern over possible actions that might increase costs. I can see how we might adopt some ideas that you think, and we think, could increase *your* cost of doing business. It occurred to me that you, too, may urge us to adopt some changes that increase the Government's cost of doing business. Increased cost considerations to you or to us will not be the deciding criteria in my decisions. My scale has a place to weigh benefits as well as costs. We are under constant pressure to increase benefits and to reduce our costs, to make our dollar do more. So, I am not only going to be cost-conscious; I am going to be benefit-conscious.

One complexity in public land management is getting agreement on what is the public interest. Another is how to harmonize competing interests so that the public interest is truly met.

One of the first things that struck me as I dug into this new job is its multiple mission—to dispose of land and to retain and manage land. No other Federal agency has this sort of charter.

Next, I was struck by the gamut of means of disposal. Under some laws we have complete administrative discretion; in others we have far less. We don't have to accept an application by a state under the Recreation and Public Purposes Act, but on state selections the state can file and we must act one way or the other.

Then I was struck by the fact that interest in and competition over acquiring BLM lands largely centers on a few areas. In other words, we either have 3 or 4 people or entities seeking the same tract, or else no one.

We conduct the world's largest real estate operations. Last year we transferred over 700,000 acres from Federal ownership and we granted special use permits on another 870,000 acres. Yet, we don't have a single real estate salesman out drumming up business.

Leaving aside the quarter of a billion acres BLM administers in Alaska, here in the western states is an organization with 175 million acres of grass, timber, desert and swamp land. There are 4½ million acres of commercial forest land of which about half is in Oregon. About 15 million acres are under lease for oil, gas and other mineral development; 140 million acres are under grazing leases to 26,000 ranchers as a part of a complex of 270 million acres of closely intermingled other public and private land. This BLM land, with a big game population of some three million animals, is significant wildlife habitat for a great deal of the West. These lands are heavily used for hunting, fishing, rock collecting and all forms of outdoor recreation. They provided over 27 million visitor-days of recreation last year. Some is wilderness, not because we made it this or call it this, but just because it is. Virtually all of this land plays a vital watershed function.

On top of this, BLM is the nation's basic surveyor. One and one third billion acres have been survey and 470 million acres remain unsurveyed, mostly in Alaska. Last year 2½ million acres were surveyed.

From the vantage point of this podium, I see, hear and think about timber problems, but as soon as I leave here I am faced with the myriad of other resource conservation issues, too.

This Bureau has no idle lands. They are either adding to or substracting from our national wealth. The issue that confronts us, whether it's in forest lands or swamps, is how to increase the pluses and decrease the minuses.

For the great bulk of the land, the 1934 Taylor Grassland Management Act operates like a blanket with the other public land laws. Yes, you heard me correctly, the Taylor Grazing Act is a Grassland Management Act—and more—for since 1934 it has been the key to BLM's program of land classification, disposal and retention.

The 1964 Classification and Multiple Use Act is an act of even larger significance. It has set into motion positive classification steps. It has set into motion positive consultation on the ground. It has spelled out concepts of disposal and multiple use management for lands to be retained.

Coupled with the Public Land Law Review Act we are on the road to meeting the issues of our times—conservation in a time of change.

Years ago Alexander Hamilton secured the adoption of a policy of public land disposal by sale, the proceeds of which he envisioned would finance the national government.

Abraham Lincoln promulgated the free land policy as embodied in the Homestead Act. Cleveland, McKinley and Roosevelt fashioned the concept of land retention.

Each in his time was right, but now it's time to take another look ahead. Congressman ASPINALL's idea of a public land review was as timely as it was necessary. The Public Land Law Review is one of the most exciting steps taken in conservation in this century. It has my enthusiastic support and interest. We in BLM will be doing our part to assist. In the companion 1964 Classification Act that he fashioned, Congressman ASPINALL gave us a responsibility and the tools with which to meet it. In order to provide the Commission with the maximum amount of information, we are trying to complete, with full local participation, as much of the classification of BLM's land as possible. I want to make it clear that the authority of the 1964 Act expires in 1969.

Now, let's talk about timber, especially western Oregon. For it's here that lies the bulk of BLM's high productivity forest.

ALLOWABLE CUTS, EVEN FLOW AND SUSTAINED YIELD

BLM lands in western Oregon are producing timber sufficient to permit a harvest of 500 b.f. per acre per year, 150 per cent higher than the average net annual growth on forest lands in western Oregon. Our task is to improve this and still meet all other multiple use requirements. These western Oregon BLM lands have a wonderful capacity to produce timber, and we intend to realize it. Catastrophes such as the 1962 Columbus Day storm, the 1965 flood and this year's Ox Bow fire, which could hit half a billion board feet, complicate management. They require constructive caution and rapid adoption of tested new ideas to insure high and increasing forest productivity.

One aftermath of the 1962 havoc was the need to recompute allowable cuts. We had two alternatives: either apply existing systems, which would have produced reductions in some timber management units; or look at new concepts and criteria which researchers have been perfecting. We chose the latter and we are working to this end. To assure initial public understanding, a subcommittee from the O&C Advisory Board has been appointed to work with us. We intend to assure even broader public participation before we adopt changes. I am sure you appreciate that we view our Advisory Board as our first line of continuous consultation.

BLM's allowable cut rose from 200 b.f. per acre per year in 1948 to the present 500 b.f. per acre per year—and I'm going to go out on a forester's limb—let me say I think the eventual potential we can realize on these lands is much greater. More intensive timber management on these lands will help us fulfill our opportunity to make our pro rata contribution to this area's well being.

The goal is set—the route there requires markets for thinnings and salvage, advance roads on a timely basis, prompt stand regeneration, improved protection from catastrophes and an early fair trial of new techniques coming from research facilities, and finally funding.

What about "even flow?" I've already said BLM could increase its output by intensifying management. The mix of products will change as will log size, quality and species. Our goal is to do our part in providing a *permanent support* for the wood-using industry.

This is what sustained yield and dependent community stability are all about. Private timberland owners, too, must meet their obligations.

Proposals that are predicated on a timber supply adequate to meet the needs of the *installed* processing capacity cannot be effective where it exceeds the dependent land's productive capacity.

We have reached the point in American forestry where industry and government must both effectively practice sustained-yield timber management. Fortunately, there is no longer any argument on that score between a majority of timberland owners and government. Without public and private timber-growing enterprise operating on a continuous yield basis, timber-utilization enterprise cannot permanently survive.

In this, as in other elements of forest policy, public interest will keep all viable proposals under study and review.

Forest policy involves more than growing and cutting timber. It is the management of forested land for its water and soil values, for wood, recreation, wildlife and minerals. Scientific corridors and staggered settings must be managed to meet the multiple needs.

Earlier, I mentioned the fact that we both have others involved in our management. I, too, have auditors, budget officials and top management in the department. The cold hard fact is they, as well as BLM, were created by law and they like we have well-defined duties and responsibilities.

TIMBER BIDDING AND SALES

In February 1965, the Comptroller General made public some observations on timber bidding. Then in June 1965 the Budget Director who implements the President's user charge policy, suggested to the Secretaries of Interior and Agriculture that they should evaluate the results of timber pricing systems.

On the bidding, the Department had suggested that BLM use a sample of sealed bids. BLM people met with some of you in July 1965 and you expressed opposition to sealed bids. The Department then suggested we explore this subject with the O&C Advisory Board which recommended:

(A) that we use sealed bids "only where a careful study of all factors in a particular situation indicates that desirable competition will result without harm to the economy."

(B) that BLM insure for the Government "a fair return for its timber by maintaining appraisal procedures which reflect current conditions."

So on the bidding the Board's views paralleled the views expressed by the Comptroller General and on pricing the views expressed by the Budget Director.

What we got from the Budget Director was a request to review pricing procedures and what we got from the Comptroller was a suggestion on bidding for us to consider. The Bureau of the Budget study takes precedence. We are addressing ourselves to the question of whether our *appraised* prices represent an equitable return on timber offered for sale. We along with Forest Service and the Bureau of the Budget are looking at it against the background of what is bid for timber—currently in our case for the past fiscal year a figure which averaged 70% above appraised rates. We are looking at it in the light of profit data for the industry developed in a study the Forest Service made. We are also looking at our procedures in the light of differences in the ways federal agencies price the same product. And, finally, a part of the study involves bidding systems.

Since this is a study under the leadership of the Bureau of the Budget, we in BLM as well as Forest Service must operate it under their ground rules. I can assure you we have placed before them not only the background and results of earlier studies, but, also the views of industry, past and present. This study is still in process.

We have a significant completed action which culminates 3 years of joint efforts with industry—the new timber sale regulations and contracts that became effective this July. I hope these better meet our mutual needs. If they don't, we will be glad to sit down and discuss the situation after they have had a reasonable trial.

Also our current timber inventory, now in its second decade, incorporates the new 10-point sampling method. We are field testing the 3–P sampling system for timber sales. If it proves out we expect the benefits to you will be more accurate sale volume estimates and to us reduced operating costs.

Because of some of the things I've said about my attitudes and other things I've recited about cooperation between BLM and the Forest Service, let me recall a little history so it all stays in perspective.

Back in 1956, BLM Director Woozley and Forest Service Chief McArdle, sitting together before a joint congressional committee on timber and of their own free wills, proposed continued joint interagency efforts to achieve better resource management. They said then that relationships had never been better and they organized joint groups to tackle common problems. In 1961 Secretaries Udall and Freeman, citing progress made, outlined new goals. Each year since then, there have been joint BLM-Forest Service discussions, each Director with his principal staff in attendance. This doesn't mean we have reached uniformity, that we are about to, or that it is desirable in every case. But, I want to say that as one who has participated in these meetings, we are bridging the gaps as we learn from each other.

So, there is a long history now to this era of cooperation. It involves both Bureau heads and Secretaries under 2 administrations who for a decade now have practiced cooperation as the course to conservation progress.

Time does not permit me to talk even longer about some of the exciting things BLM is doing, for example, on its range lands east of the Oregon Cascades and in the other western states.

But I do extend to you an invitation. Whenever business or hunting or fishing takes you near any BLM office, drop in—you're welcome. You don't have to have a problem to come in our door. If you're at Vale, for example, look over what's being done there for the grasslands. While you're at it, you just might run into one of our people who know where the hunting is best or the fishing is good.

Let me summarize by saying that I have no plans for sudden changes; no plans for dramatic action. I do have plans for solid, constructive achievements, which we will work out cooperatively as we proceed to meet the challenges which confront us. It has been six weeks since I assumed leadership of the Bureau of Land Management. That's just long enough to know I have a tough job, but certainly not long enough to know all of the answers.

I can promise you that BLM will be tackling conservation problems on the public lands with vigor and determination. We look forward to a fine cooperative relationship with you members of the forest industry as with all others concerned with management of these lands. All we ask of you is your understanding of our problems. I pledge you my efforts to understand yours. As we achieve understanding, your needs will have our support and thus I hope our obligations will merit yours.

It has been a genuine pleasure to appear before you on this silver anniversary year of your tree farm program.

I cannot close this speech without taking this opportunity to say what I would have said from my previous position about tree farms. This 25-year sustained private effort has benefited the nation because it has built a forestry and conservation awareness in the industry at a far greater rate than occurred in the previous half century. I salute the progress you have made. I know that the next 25 years will show even greater progress in the goal we all share—wise land use.

Thank you.

ADJOURNMENT

Mr. MORSE. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 12 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 20, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 19 (legislative day of September 7), 1966:

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Werner A. Baum, of New York, to be Deputy Administrator, Environmental Science Services Administration (vice H. Arnold Karo).

U.S. ATTORNEY

Edwin L. Miller, Jr., of California, to be U.S. attorney for the southern district of California for the term of 4 years to fill a new position, to become effective September 18, 1966, created by Public Law 89-372, approved March 18, 1966.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 19 (legislative day of September 7), 1966:

DEPARTMENT OF DEFENSE

Paul C. Warnke, of the District of Columbia, to be General Counsel of the Department of Defense.

Russell D. O'Neal, of Michigan, to be an Assistant Secretary of the Army.

EXTENSIONS OF REMARKS

The 235th Anniversary of the Birth of Maj. Gen. Wilhelm von Steuben

EXTENSION OF REMARKS

OF

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1966

Mr. DERWINSKI. Mr. Speaker, Saturday September 17, marked the 235th anniversary of the birth of Maj. Gen. Wilhelm von Steuben, an outstanding German military leader who made invaluable contributions to the achievement of American independence. In this regard, it is significant that September 17 is also the anniversary of the signing of the Constitution. Our freedom was made possible, in part, to Von Steuben's achievements during the Revolutionary period.

Von Steuben came to our land to help Americans in their struggle for independence and gave his services to the Continental Congress without charge. He evidenced such ardent loyalty to the American Revolutionary forces and the ideals for which they were fighting that Gen. George Washington, learning of the practical knowledge and experience in military matters which Von Steuben possessed, chose him to be the Acting Inspector General of the American Army and put him in charge of training our troops.

In addition to distinguishing himself at the battles of Monmouth and Yorktown and in his work training the American soldiers, he wrote a basic training manual entitled "Regulations for the Order and Discipline of the Troops of the United States." The leadership and professional training he contributed to the American independence movement was indeed invaluable.

After achieveing independence, General von Steuben continued his service to our country, became a citizen, and aided George Washington in working out preparations for the defense of the United States and the mobilization of our Armed Forces. The letter of commendation for his services to the United States which he received from General Washington was our first President's last official act before relinquishing his command of the Army in 1783.

We join the members of the Steuben Society of America in paying tribute to this patriot whose principles, democratic spirit, and achievements serve as an inspiration to us to rededicate ourselves to the doctrine of the Constitution and the ideals on which this great country was founded.

Yom Kippur

EXTENSION OF REMARKS

OF

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1966

Mr. CUNNINGHAM. Mr. Speaker, Yom Kippur, the Day of Atonement, is the most solemn and holy of all Jewish religious observances. On this day, which this year begins at sundown, Friday, September 23, devout Jewish men and women observe a complete fast as they seek forgiveness for their sins. Even young children try to abstain from food for at least part of the 24-hour period.

Jews throughout the world seek forgiveness on this day not only from God, but also from their fellow men. This great religion teaches its followers that one cannot ask God's forgiveness for wrongdoing unless the foregiveness of those whom one has wronged has also been sought.

In their synagogues, the opening liturgy is the Kol Nidre, hauntingly beautiful, which asks the forgiveness of sins by the Almighty:

> For all our sins, Oh God of forgiveness, hear with us, pardon us, forgive us. For the sins that we have sinned against Thee under stress or through choice . . . in stubbornness or in error . . . in the evil meditation of the heart . . . by word of mouth . . . by abuse of power . . . for all these sins, Oh God, forgive us.

To all my Jewish friends, I wish a blessed Yom Kippur, and a Happy New Year.

Maj. Gen. Thomas G. Corbin, Director of Air Force Legislative Liaison, To Be Transferred

EXTENSION OF REMARKS

OF

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1966

Mr. GUBSER. Mr. Speaker, I have heard it said that if you want to know a man do business with him. But if you want to understand him take a trip with him.

Mr. Speaker, some weeks ago it was necessary for us to say goodby, with reluctance, to a man, Maj. Gen. Thomas G. Corbin, Director of Air Force Legislative Liaison, whom many of us are privileged to know and understand.

Of course, we were pleased that he was to be transferred to a new and more challenging position, but nevertheless we shall miss a good friend.

All of us who did business with General Corbin learned to respect him for the splendid service he rendered our constituents through us. His office was operated fairly and efficiently, with the best interests of the Nation as well as the Air Force in mind at all times. I found my constituents' problems considered with compassion and with a thoroughness that was all and more than any of us should expect. Doing business with General Corbin was a great source of satisfaction.

But I was to enjoy a special privilege—that of taking a trip with General Corbin and learning to know and understand him as a friend. In the fall of 1965, the Special Investigating Subcommittee of Armed Services, on which I serve, visited every major military supply center in an extensive 5-week trip around the world. Those of us who traveled with General Corbin appreciated his diligence in seeing to it that the information we needed in our work was available to us. Whether it was talking to a GI in the combat zones of Vietnam, pursuing a serious point in a top-secret hearing or briefing, fulfilling the important social requirements at official receptions and dinners in foreign lands, or expertly handling the controls of a fast jet while landing on some Asian airfield, all of us who had the privilege of traveling with Gen. Thomas Corbin remember him for what he is, truly a man's man, a great friend, a fine officer, and a gentleman.

Address of President Marcos of the Republic of the Philippines to Joint Session of Congress

EXTENSION OF REMARKS

OF

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1966

Mr. **TEAGUE** of Texas. Ferdinand E. Marcos, President of the Republic of the Philippines, has just completed his official visit to Washington. Although greeted by a deluge of rain, President Marcos and his lovely wife, with their charm and graciousness, brought warmth and light to our Federal City. Anyone who has had the opportunity to meet and know these charming people is richer for the experience.

President Marcos is the able leader of a proud nation. Throughout his relatively young life he has displayed great courage and intelligence. He survived the Bataan death march and then went on to build an outstanding record as a guerrilla commander against the Japanese in World War II. We can anticipate that he will guide the destiny of his country in a similar courageous and resourceful manner.

The freedom loving people of Asia need such a leader around whom they can rally. I am sure President Marcos will provide that leadership if properly assisted by the other free nations.

In his eloquent address before the joint session of the U.S. Congress on September 15, 1966, President Marcos presented a lucid insight into Asian politics and problems. Moreover, he clearly delineated America's role in helping to develop and strengthen the government posture of the free nations of Asia.

If some in this country don't know why the United States is committed to assisting South Vietnam in her struggle against aggression, it is clearly understood by the Asians. As President Marcos said:

> The war in Viet Nam agitates the whole world and has brought into sharp focus the problems of Asian security. We stand with America in maintaining that aggression, whether perpetrated openly or by proxy, must be deterred and defeated, that all nations, Asian or not, are entitled to freedom from fear of subversion or overt attack, that they should have the period of peace they need to attend, unmolested, to their urgent tasks of economic and social development.

I, for one, am grateful to President Marcos for his thoughtful and enlightening report to the people of America. As President Marcos so vividly pointed out, the United States is the leader nation of the free world and cannot resign or fail to meet her responsibilities in Asia. I sincerely share with our good friend, President Marcos, this conviction. As he said:

> America, the time has not yet come for you to lay down the heavy burden of leadership.

Von Steuben Day, 1966

EXTENSION OF REMARKS

OF

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1966

Mr. **ROONEY** of New York. Mr. Speaker, last Saturday was a particularly happy day for Americans of German ancestry as they celebrated the anniversary of the birthday of Freidrich von Steuben. I suppose all of us learned in school that it was Von Steuben who drilled the American Army at Valley Forge, but he was much more than that for he instilled into our ragtail Army a sense of devotion, pride, and loyalty that it cherishes to this day. It is hard to say what would have emerged from Valley Forge after that brutal winter had not Von Steuben provided the discipline that eventually meant victory. It is hard, too, to imagine what would have been the fate of the Revolution without the services of the many thousands of German volunteers. We think often of the great migrations of the middle 19th century and somehow equate all Americans of German ancestry with that time. Nothing could be further from the facts.

In 1766 Benjamin Franklin estimated that Pennsylvania was more than one-third German. In 1776 a census revealed that there were more than 150,000 Americans of German origin or descent. Von Steuben was not the only German name on the roles of valor in the Revolution. He shared those lists with others such as Peter Muehlenberg and Nicholas Herkimer just to mention two. German-Americans have been in the van of every concerted effort of this country be it pushing back the western frontier or settling the bloody Civil War.

It is estimated today that one American in six can trace all or part of his ancestry to Germany. The largest of the German migrations came immediately after the Civil War and in the 20 years following that war more than 2 million of them came to America. Their lot, like that of all immigrants, was not an easy one. In addition to the normal problems and suspicions they had to overcome, they had to learn a new language. But learn it they did and in short order the German immigrant community became a strong bulwark of America. Their influence was tremendous—John Roebling built the Brooklyn Bridge and in doing so invented wire rope.

Stories about that magnificent edifice were printed with type from machines invented by Otto Mergenthaler. George Westinghouse invented the airbrake and made hundreds of contributions to the field of electronics as did Charles P. Steinmetz. Studebaker and Chrysler are well-known names now but not too long ago they were just two more German immigrants.

R. H. Macy, the famous department store, was founded by a peddler named Lazarus Straus who had joined the ranks of his fellow peddlers—Guggenheim, Bloomingdale, and Seligman. It is even reported that Carl Schurz, a German-born Senator from Missouri, friend of President Lincoln, and stanch advocate of Negro and Indian rights, was one of the founders of a political party—the name of which escapes me right now.

The contributions of Americans of German ancestry are too many to even begin to list in these pages. And the list grows as our country continues to prosper. Mr. Speaker, our country owes much to its citizens of German descent and lineage. It is fitting then that we salute them on the occasion of the remembrance of Freidrich von Steuben.

Great Lakes Water Pollution Conference

EXTENSION OF REMARKS

OF

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1966

Mr. MADDEN. Mr. Speaker, on last Friday I spoke to the delegates from eight States bordering on the Great Lakes and also representatives from our neighbor Canada.

I am hereby submitting excerpts from remarks which I made to the assembled delegates:

EXCERPTS FROM SPEECH OF CONGRESSMAN RAY J. MADDEN BEFORE CONFERENCE OF GREAT LAKES WATER POLLUTION AT THE PALMER HOUSE, CHICAGO, ILL., SEPTEMBER 16, 1966

Mr. Chairman: Vice President HUMPHREY and his cosponsors are to be commended for calling this conference to further develop and decide upon executive action to curtail and eventually eliminate the pollution of Lake Michigan and the other great bodies of water commonly called the "Great Lakes" of our Nation.

This conference representing officials from the States of New York, Illinois, Wisconsin, Pennsylvania, Ohio, Minnesota, Indiana, Michigan and Canada are contributing a great deal of their time and services in coming to Chicago on this occasion to help solve one of the Nation's greatest problems—Water Pollution.

This conference will also consider the pollution problems of the Great Lakes and also the pollution problems pertaining to inland lakes, rivers, and streams located within the borders of the above-mentioned states.

In the last session of Congress I joined with a great number of other House and Senate Members in sponsoring resolutions to establish the Federal Water Pollution Control Administration and to provide grants for re-

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search and development, to increase grants for the construction of municipal sewage treatment plants, to authorize the establishment of standards of water quality to aid in preventing, controlling and abating pollution of interstate waters, and for other purposes.

I also participated in sponsoring legislation on clearing up water pollution along the shores of the great water bodies referred to as the "Great Lakes."

The legislation sponsored by our colleagues, Congressman JOHN A. BLATNIK, of Minnesota, as Chairman of the Subcommittee on Public Works, and Senator EDMUND S. MUSKIE of Maine, have made great progress in Congress.

The House legislation would provide $2.45 billion for sewage treatment plants for the next five years and establish a new concept of incentive grants amounting to 10 percent for the development of basin plans for water pollution control. It would also increase the Federal grant by another 10 percent or up to 50 percent under the basin plan, if the States matched to the extent of 25 percent of the total costs. It would also provide $228 million for water pollution research through the next three years as well as other progressive steps toward curbing water pollution.

The work that has been done in this session of Congress is merely a beginning of future plans to make an all-out effort to solve the water pollution problem. If not curbed, polluted water will, in a few years, jeopardize the health of millions of human beings as well as animal and plant life throughout our land. Economists estimate that in this generation we have suffered losses from water and air pollution that run into billions of dollars each year. Unless this program is pursued to a successful conclusion, the future cost to the American people in health, epidemics, and destruction of animal and plant life will be incalculable.

If this corruption and poison of our lakes and streams, our lands, our rivers and forests and the atmosphere itself is not eliminated the progress and future expansion of food production, health and agriculture itself will be curtailed. Pollution of our water resources affects every human being and form of life throughout the land. It has been reported by experts who have studied pollution that every river, stream and lake within our nation's borders has, in some degree, suffered from pollution. Pollution in our Great Lakes system and in our inland lakes and rivers has already destroyed millions of wild life, fish and other game.

Our nation, states, and local communities must organize and develop committees of experts to formulate long range plans to achieve cooperation with our national government and work out a unified and nationwide solution to clear up the waters of our country. Communities along with industry and business must be willing and able to contribute funds necessary for constructing and installing modern facilities to destroy industrial waste and sewage before it is released to enter our streams and lakes. Sewage and industrial waste, under modern scientific inventions, can be satisfactorily cured and eradicated before it enters the streams and lakes. The installation of the necessary machinery on the part of industry and municipalities can curb this nationwide poisonous health hazard and it must be done regardless of the cost.

The people of our nation are cognizant of the fact that Federal financial assistance will be necessary if this great program is to succeed. It is also necessary that every municipality, business and industry cooperate in this necessary effort. President Johnson has recommended, and I am satisfied the vast majority of Members of Congress are in favor of an all-out effort to master this problem but we must have the complete cooperation of local industry and municipalities to succeed in the effort. Federal grants for waste treatment plants now total more than $725 million. Almost 7,000 projects are now under construction or already completed. The president also requests an additional $150 million to continue this important and necessary effort.

The Federal Government already possesses authority to immediately bring suit to stop pollution when the pollution constitutes an imminent danger to public health or welfare. Our Government has the right to subpoena witnesses in administrative hearings and the Secretary has the right to initiate enforcement proceedings when pollution occurs in navigable waters, intrastate or interstate. The Government also has authority to demand registration of all existing or potential sources of major pollution and the United States officials have the right to inspect such sources. Private citizens also are allowed to bring suit in Federal Court to seek relief from pollution. These may seem strict and stringent measures nevertheless extraordinary steps must be taken to preserve health and human life as well as animal and vegetable production in our Nation.

The Federal Government has already taken effective steps requiring all new Federal installations to include adequate water pollution control systems. All Federal agencies are required to submit long-range plans to bring existing installations up to a high level of pollution control required by the new facilities.

If the destruction of our fresh water supply in certain sections of the United States continues it will be but a short time until the shortage of water will be the number one problem facing approximately 200 million people in our land. President Johnson is doing everything in his power and the Congress will cooperate in legislation and participating funds to expand methods to conserve existing water supplies and prevent complete destruction of our lakes, rivers and streams.

Conference of Indiana Independent Oil Marketers Association

EXTENSION OF REMARKS

OF

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1966

Mr. MADDEN. Mr. Speaker, on last Thursday I attended the annual meeting in Indianapolis of the Indiana Independent Oil Marketers Association.

The following are excerpts from the remarks I made on that occasion:

EXCERPTS FROM REMARKS OF CONGRESSMAN RAY J. MADDEN, BEFORE THE INDIANA INDEPENDENT OIL MARKETERS ASSOCIATION, MARIOTT HOTEL, INDIANAPOLIS, IND., SEPTEMBER 15, 1966

President Holmes, members of the Independent Oil Marketers Association of Indiana, it is a pleasure to be here with you today. I would like to express my appreciation for your invitation to appear before you. Your association has an enviable reputation. There is no question but that Indiana has one of the most effective groups within the National Oil Jobbers Council. You are fortunate in your choice of your Executive Director, Robert Oliger, and also in having such leaders available to you as Bud Braun.

I know that all of you are well versed in the intricacies of your industry. For that reason, I am not here to attempt an expert diagnosis of the problems you are encountering today. I frequently work with the National Oil Jobbers Council and together with most Members on the Hill have a very high regard for their effectiveness. I note that the National Oil Jobbers Council's Executive Director, Wilferd Hall, earlier this week speaking before the Mississippi Oil Jobbers stated that NOJC has never been stronger. I agree with him. I feel that the oil jobbers of the nation have indeed been successful in organizing one of the most respected trade associations in Washington.

I note from the trade press that price stability has been excellent for those engaged in the distribution of petroleum products. Profit levels have improved sharply for most segments of the industry. I want to say right here and now that I believe that this prosperity should be shared by *all* segments of the industry. Specifically, it seems very clear to me that you jobbers, if you are to continue your outstanding job of distribution, simply must have an increase in your margin. I know that all of you have been subjected to some cost-price squeezes. And while we feel that a good job is being done preventing inflation, still I know that your costs of doing business have increased. Therefore, it seems only fair that the new level of prosperity being achieved by the industry should be shared with those who have done so much to promote the use of petroleum products—the oil jobbers of America.

Another item that I have been interested in for a number of years is the program of subsidies being engaged in by the electric and natural gas utilities. I am for competition in the market place. This is the American free enterprise way—history has proven that it is the best way to achieve a strong economy with maximum results for all. However, I do not regard it as fair competition for public utilities to obtain what are literally captive customers by bribing them to install heating equipment which can use only the product marketed by that particular utility company.

I am pleased to report to you that the House Small Business Committee is actively studying this problem. The Committee is working closely with the national leadership of NOJC, and it is probable that hearings will be held on this subject early in the next Congress.

But I do not mean to stress the problems that you face. I know that, on the whole, things are good. This is partially because our economy today is strong and prosperous. But, I suspect that, even more, it is because the typical oil jobber is a strong, resourceful, self-reliant individual. I know that your national trade association and your state association have been extremely progressive. They have not attempted to retain the old ways but have instead adapted to change. I think that you are doing an outstanding job in supplying products which are so necessary to our way of life to all of the people of Indiana. I am sure that you will continue this task in the same progressive spirit that you have shown in the past, and if at any time my office can be of assistance to you I hope that you will let me know.

OIL JOBBERS AND COMPULSORY MOTOR VEHICLE INSPECTION

In the field of motor vehicle inspection, recent legislative developments on the home front in Indiana and at the federal level in Washington present Indiana oil jobbers with an opportunity for public service and, at the same time, a chance for increased business at their service stations.

The Federal Highway Safety Act of 1966, just signed into law by the President, requires states to establish highway safety programs meeting uniform federal standards and provides federal grants-in-aid for their support. These programs may include provisions for compulsory motor vehicle inspection.

Although the State of Indiana does not now have a periodic vehicle inspection law, a committee of the Legislative Advisory Commission has recently recommended the adoption of such a system by the General Assembly.

In view of this state and federal activity, it is likely that Indiana legislators will consider a bill on this subject during their 1967 session.

It appears that oil jobbers would have an interest in supporting a state program of this kind if it permitted the licensing of qualified service stations along with other qualified repair shops to conduct the required inspections. Jobber stations certainly have the experience in this field and would be making a contribution to the public welfare by supporting such a state program.

As always, the future lies ahead, and what a future it is. Our population is expanding at an unprecedented rate. Our economy is expanding even faster. The amount of money available for discretionary spending by the average individual has multiplied enormously. Science continues to produce new wonders. As we sit here today, our astronauts orbit above us. There is just no question that new products, new techniques, new inventions will produce even greater opportunities for you in the years ahead.

It is a joint task that we have—you and I—the Congress and executive arms of the Federal government—working with—local levels of government and private enterprise:

To find new and better ways of insuring prosperity in your sector and other areas of the economy.

To enable all of our people to share in the benefits of new technology and increasing prosperity.

It is no small task. It is a job that will call for cooperation and understanding and great individual effort. It is a task that will require what President Johnson has termed "creative Federalism", a partnership between Federal and local government, together with the best efforts of those in both the public and private sectors of the economy. I am sure, however, that you share with me the conviction that your industry—and America—will successfully meet this challenge and that—

Working together—

We will indeed harness the potential of the future for the benefit of all.

How Long Must We Wait for the Treasury To Close an Obvious Tax Loophole?

EXTENSION OF REMARKS

OF

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1966

Mr. CUNNINGHAM. Mr. Speaker, last August 15, I placed an article into the CONGRESSIONAL RECORD entitled "Publishing's Tax Freeloaders." There the editors of Printer's Ink assailed officials of the Treasury Department and the Internal Revenue Service for their failure to rule administratively that income which tax-exempt organizations realize from advertising published in their periodicals is subject to the unrelated business tax.

Subsequently, I forwarded a copy of this article to the Assistant Secretary of the Treasury, the Honorable Stanley Surrey, for his comments and observations.

As I found Mr. Surrey's comments to be incomplete, I have again written him in regard to this matter. Mr. Surrey's answer to my earlier letter and my response follow, as I think this should be called to the attention of my colleagues:

TREASURY DEPARTMENT,
Washington, D.C., September 1, 1966.

The Honorable GLENN CUNNINGHAM,
House of Representatives,
Washington, D.C.

DEAR MR. CUNNINGHAM: Your letter of August 25, enclosing an article which you have inserted in the CONGRESSIONAL RECORD, urges that the Treasury Department take action to make clear that income which exempt organizations realize from advertising published in their periodicals is subject to the unrelated business income tax. You ask when the Treasury Department will act on this matter.

We presently have the issue to which you refer under active consideration. I assure you that we are proceeding with our work on it as rapidly as possible. I cannot at this time predict precisely when a final decision will be reached. However, in the course of our examination of the issue, we shall give full consideration to the views which you express.

I understand very much your strong desire to have this matter resolved promptly. I can assure you that I share that desire, and that we are doing everything possible to see that it is realized.

Thank you very much for your inquiry.

Sincerely yours,

STANLEY S. SURREY.

SEPTEMBER 19, 1966.

Hon. STANLEY SURREY,
Assistant Secretary of the Treasury,
U.S. Treasury, Washington, D.C.

DEAR MR. SECRETARY: Thank you for your reply to my letter of August 25, 1966, in which I requested that the Treasury take immediate action to make clear that income which tax-exempt organizations realize from advertising published in their periodicals is subject to the unrelated business tax. As you will recall, you assured me that the Treasury is proceeding with its work on this matter as rapidly as possible.

Enclosed is a copy of an advertisement carried in a recent issue of Standard Rate and Data. As is obvious, this ad is very aggressively soliciting advertisers for a tax-exempt publication, Hardware Retailer, which refers to itself as "the Hot Book in hardware-housewares." In light of the blatantly commercial quality of the enclosed solicitation, which is typical of the solicitations of many other tax-exempt publications with which I am sure you are familiar. I cannot be satisfied with continuous assurances that "the matter is under consideration."

As I pointed out in my previous letter, this matter has been "under consideration" by the Internal Revenue Service or the Treasury for the past six years! It is now time for action. In my opinion, this is no matter on which reasonable men can differ. Rather, it is crystal clear that for the past six years the Internal Revenue Service and the Treasury have failed to take action to close a loop-hole which has been costing our Government millions of dollars in tax receipts.

In the recent decision of *Ginzburg, et al.* v. *United States,* the United States Supreme Court articulated the view that the tone of an advertisement may be determinative with regard to the character of the article sought to be sold. In this case, the article sought to be sold is advertising space in a tax-exempt magazine. The tone of the advertisement is manifestly competitive—the language used, the commercial appeals made, the competitive comparisons set forth, all indicate the aggressive character of a profit-making enterprise.

Under the Ginzburg criterion, or under any other criterion rationally applied, this is purely and simply a commercial activity. It is precisely the type of unfairly competitive activity that induced Congress to enact the unrelated business tax. Why, then, are the objectives of Congress being thwarted by Administrative inaction?

Again I must ask you to take prompt action to resolve this matter.

Sincerely yours,

GLENN CUNNINGHAM,
Member of Congress.

[Published by National Retail Hardware Association]

MAKE YOUR BASIC TRADE CHOICE TO MOVE MERCHANDISE HARDWARE RETAILER, THE HOT BOOK IN HARDWARE-HOUSEWARES

NO. 1 EDITORIAL QUALITY

Beginning with its exclusive full art covers, Hardware Retailer consistently leads the way among hardware publications in editorial content.

More than 1,000,000 reprinted pages of editorial content requested by readers in 1965 testifies to the fact that HR editors present materials responsive to reader needs and interests.

Hardware Retailer alone has been honored by 3 first place editorial achievement awards by Industrial Marketing.

Hardware Retailer leads in editorial pages per issue [1]

[Pages]

Year	Hardware Retailer	Hardware Age
1965	81.0	55.0
1964	74.6	52.5
1963	66.3	50.4

[1] Hardware Retailer research department.

Hardware Retailer leads in percent of editorial per issue [1]

[In percent]

Year	Hardware Retailer	Hardware Age
1965	37.2	37.0
1964	38.0	36.1
1963	36.8	34.1

[1] Hardware Retailer research department.

NO. 1 READER PREFERENCE

Hardware Retailer *exclusively* puts its reputation on the line with a *standing* "prove-it-yourself" offer to advertising agencies and their clients:

"Select a representative list of your hardware-housewares customers. Conduct a by-mail survey among them, asking which of the 3 national hardware publications they read and prefer. Hardware Retailer will print the survey forms and pay the postage."

This offer has been made and accepted by Hardware Retailer clients for more than five years.

If interested, contact your H.R. Regional Manager or the Publisher.

NO. 1 TOP QUALITY CIRCULATION

Hardware Retailer penetrates in depth the independent wholesale and retail market:

Circulation (November 1965) *

Hardware retailers and employees	29,800
Hardware wholesalers and salesmen	7,296
Manufacturers and salesmen	3,745
Miscellaneous	1,250
Total circulation	42,091

*ABC Publishers Statement covering period ending December 31, 1965, as filed with Audit Service of Circulation, subject to audit.

Current advertisers guaranteed coverage to more than 42,000 readers including 29,000 retail readers. These stories encompass the progressive merchants, including:

12,960 units who participated in NRHA Hardware-Housewares Week, 1965

Units which have enrolled more than 10,000 employees in the industry's advanced Course in Hardware Retailing

All units affiliated with the nation's major independent voluntary chains and franchise groups

More than 2,000 units using NHRA's Cooperative Advertising Service

All units who take part in service programs of the National Retail Hardware Association.

NO. 1 PRODUCTION ADVANTAGES

Exclusive: "Perfect" binding—no gutter loss—100% of page usable.

Exclusive: No charge for Bleed. 32% more space available at no extra cost in Hardware Retailer, and at 11% or more savings on rates in other hardware publications.

Exclusive: Advertising accepted in Four Regional Editions of every issue—offering maximum advertising flexibility and selectivity, at attractive rates.

100% web-offset printing provides economies in ad preparation. Ad plates not required.

Four-color process available—run-of-book at economical advertised rates.

NO. 1 ADVERTISER ACCEPTANCE

By the most meaningful measurements* of advertiser acceptance—advertising growth, advertising page volume per issue and advertising pages per issue placed by the most influential advertisers, Hardware Retailer leads the field:

Year	HR	HA	HM
Advertising growth:			
1966 (5 months)	+42	−90	+1
1965	+145	−12	−1
1964	+156	−82	+101
Total	+343	−184	+101
Ad pages per issue (average):			
1965	128	88	75
1964	116	88	75
1963	103	91	67
Ad pages per issue (by 50 leading advertisers in field):			
1965	47	30	28
1964	43	26	25

NO. 1 MARKETING DIRECTION

Backed by the full staff and facilities of the nation's foremost retail trade organization, the National Retail Hardware Association, Hardware Retailer provides unique and exclusive marketing assistance services:

(1) Manufacturer and agency consultation on any phase of hardware programming, packaging, display . . . by the most extensive staff serving the industry. More than 100 clients used this service during 1965.

(2) Merchandising laboratory store to test packaging and display ideas in preliminary stages.

(3) Market research and market test programs conducted by the industry's best qualified personnel.

(4) Direct mail service to top quality hardware stores in the industry.

(5) Industry leadership programs to help manufacturers-wholesalers-retailers move more merchandise.

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*Hardware Retailers Research Department, Regional Advertising adjusted—directories not included.

Interesting Results of August Questionnaire on Major Issues

EXTENSION OF REMARKS

OF

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1966

Mr. FULTON of Pennsylvania. Mr. Speaker, every one of the 125,000 families in my congressional district during August has received a copy of my regular August questionnaire on the major issues facing the Congress and our country today. It is a pleasure to announce the results of this poll and publish them in the CONGRESSIONAL RECORD for the Members of Congress and the American people.

Our 27th Congressional District of Pennsylvania includes the large steel mills, fabricating plants, manufacturing and industrial areas in four large wards in the southern part of the city of Pittsburgh, the powerful Neville Island industrial complex of manufacturing, chemicals, and shipbuilding, also industrial and fine suburban communities, coal mining towns and farming areas in the southern part of Allegheny County, Pa.

While our congressional district has a substantial Democratic registration majority, it is independent minded and often elects Republican candidates to various offices. A majority of the local officeholders in boroughs and townships are Democratic, as well as our members in the Pennsylvania State Legislature, and the municipalities. In the city of Pittsburgh, the mayor, city councilmen, and the ward alderman elected in each ward in my district are all Democratic.

The fine people of our district trace a heritage to every nationality and color; 65 nationalities among residents makes it a real Pittsburgh "melting pot." Many of our people are proud first-, second-, and third-generation immigrants among an older American stock. We all get along with each other very well, and treat each other as friends and neighbors. While we do have poverty and unemployment, there have been no civil rights riots, rock throwing, insults, teenage rampages, nor vandalism among our people.

From such diversity, as well as respect for law and order, it is always interesting to read and examine the results of our congressional opinion polls:

QUESTIONNAIRE RESULTS

[Results in percentages]

VIETNAM

Is Administration giving public adequate information regarding Vietnam? Yes 25, no 73, undecided, 2.

Should President seek Summit conference with Russia to stop their military aid and delivery of "Sam" missiles to North Vietnam? Yes 56, no 40, undecided 4.

Should Administration keep selling U.S. wheat to Russia on credit while their aid to North Vietnam continues? Yes 11, no 88, undecided 1.

Should U.S. ask Vietnam issue be placed before United Nations General Assembly in next session beginning Sept. 20? Yes 57, no 36, undecided 7.

Favor Senator BOB KENNEDY's proposal of conference and settlement including communist National Liberation Front and Vietcong military in new government? Yes 39, no 58, undecided 3.

Build barbed wire barrier on Vietnam borders? Yes 24, no 62, undecided 14.

Should U.S. troops in Vietnam be withdrawn? Yes 25, no 67, undecided 8.

Reduce to hold only key points and ports? Yes 26, no 59, undecided 15.

Maintain at present 300,000 level? Yes 38, no 44, undecided 18.

Escalate to 750,000 as urged at U.S. Defense Dept. military confab? Yes 40, no 44, undecided 16.

Will present Vietnam war lead to bigger war? Yes 31, no 57, undecided 12.

With Red China? Yes 27, no 54, undecided 19.

With Russia? Yes 17, no 64, undecided 19.

Lead to nuclear war? Yes 17, no 69, undecided 14.

Should Red China be recognized by U.S. now? Yes 20, no 76, undecided 4.

Be admitted to United Nations? Yes 41, no 49, undecided 10.

Favor U.S. marine landing in North Vietnam, as General MacArthur brilliantly did in North Korea? Yes 46, no 44, undecided 10.

U.S. POLICIES AND PROGRAM

Prices of food and necessities are climbing higher than ever. To combat inflation should Congress (a) increase taxes? Yes 32, no 68, undecided 0; (b) initiate wage and price controls? Yes 73, no 27, undecided 0; (c) reduce domestic spending? Yes 93, no 7, undecided 0; (d) just issue more bonds and increase national debt limit to $330 billion (up $45 billion)? Yes 17, no 83, undecided 0.

Should Administration stop DeGaulle withdrawing U.S. gold which endangers U.S. reserves until France pays on their debt to U.S.? Yes 81, no 15, undecided 4.

Interest rates are highest ever since World War II, should Congress pass law to reduce? Yes 41, no 40, undecided 19.

Favor Johnson administration's tight money policy? Yes 29, no 58, undecided 13. (Housing starts down 50%).

Is President fair in holding U.S. military, U.S. employees and postal workers to 3.2% raises while urging 16 to 18% raises for some industries and holding 3.2% wage and price guidelines in other areas? Yes 46, no 45, undecided 9.

Are Presidential guidelines poorly handled? Yes 74, no 15, undecided 11.

Do Selective Service regulations and statutes need revision? Yes 57, no 40, undecided 3.

Should 400,000 U.S. Reservists and National Guard be called by President for active duty for 18 months? Yes 56, no 42, undecided 2.

Favor Federal law for bus, auto & truck safety standards? Yes 73, no 21, undecided 6.

Favor "Truth in Interest" law—plain statement of interest rate? Yes 80, no 13, undecided 7.

Favor "Truth in Packaging"—requiring statement of weights & contents? Yes 64, no 24, undecided 12.

Is U.S. poverty program worth the cost? Yes 17, no 77, undecided 6.

Should Congress vote to complete 41,000 mile Federal interstate highway system? (½ finished now.) Yes 58, no 31, undecided 11.

Increase U.S. Food for Peace Program (to relieve hunger abroad) from $2 to $3.3 billion per year? Yes 42, no 52, undecided 6.

Do you favor my extra work on treaty of 28 nations to bar nuclear bombs in space, on appointment by President? Yes 86, no 8, undecided 6.

CIVIL RIGHTS

Favor my vote for strong penalties against rioting and mass civil disturbances under civil rights legislation? Yes 86, no 12, undecided 2.

Favor my vote for permitting owner and his real estate agent to sell home to whomever he wants? Yes 76, no 22, undecided 2.

Favor my vote to prevent discrimination in selecting juries? Yes 77, no 20, undecided 3.

Favor my position against policy of busing students over their parents opposition from suburban to city schools (and vice versa) to make same racial percentage in every school? Yes 85, no 11, undecided 4.

Favor my vote for compromise on moderate civil rights program at this time to avoid too sudden changes? Yes 74, no 21, undecided 5.

Will this cause more disturbances than strong civil rights laws or none? Yes 29, no 60, undecided 11.

Favor "black power" movement for Negro progress? Yes 19, no 73, undecided 8.

Should U.S. Constitution be amended to permit voluntary Bible reading and prayer in public schools? Yes 87, no 10, undecided 3.

I am also giving the form of letter I have used to advise my constituents of these results, and how we have asked our people to share the facts with their friends, office, and neighbors:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIENDS: We have had such a fine response to the Questionnaire I sent out each August, on the basic serious issues facing our Country, and the American people today. The citizens of our Congressional District want to have their say directly, and I am glad to be able to give this opportunity, not at government expense, as an added personal service to my District.

I am writing to you as one of the people on my personal lists to give you the results in our careful tabulation of the Questionnaire replies. As we have around 430,000 people in our District, it is not possible to write to everyone. So I would appreciate your sharing our letter with your friends, office, and neighbors.

Personal regards,

JIM FULTON.

SENATE

TUESDAY, SEPTEMBER 20, 1966

The Senate met at 12 o'clock meridian, and was called to order by Hon. JOSEPH M. MONTOYA, a Senator from the State of New Mexico.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, we would hush our thoughts to stillness, in sincerity and truth as we wait before Thee, who knowest the secrets of our hearts.

We pause at this wayside altar, not just to bow our spirits in a passing gesture of devotion and then go on our busy way with lives empty of Thee: rather, we come to ask Thy presence and Thy guidance as this day we face the strain of toil, the weight of burdens, and the call of duty. Keep love's banners floating o'er us as we march forward in the ranks of those who do justly and walk humbly with their God.

Keep us at tasks too hard for us, that we may be driven to Thee for strength.

Open our eyes to simple beauty all around us, and our hearts to the loveliness men hide from us because we do not try enough to understand them.

May the words of our mouths and the meditation of our hearts be this day, and always, acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 20, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOSEPH M. MONTOYA, a Senator from the State of New Mexico, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. MONTOYA thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 19, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on September 19, 1966, the President had approved and signed the following acts:

S. 112. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans by the Secretary of Agriculture on leasehold interests in Hawaii, and for other purposes;

S. 1684. An act to direct the Secretary of the Interior to adjudicate a claim to certain land in Marengo County, Ala.;

S. 2366. An act to repeal certain provisions of the act of January 21, 1929 (45 Stat. 1091), as amended;

S. 2747. An act to authorize conclusion of an agreement with Mexico for joint measures for solution of the lower Rio Grande salinity problem;

S. 2858. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies;

S. 3354. An act to amend the law establishing the revolving fund for expert assistance loans to Indian tribes; and

S. 3576. An act to amend section 2241 of title 28, United States Code, with respect to the jurisdiction and venue of applications for writs of habeas corpus by persons in custody under judgments and sentences of State courts.

REPORT OF THE CORREGIDOR-BATAAN MEMORIAL COMMISSION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 498)

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States, transmitting the report of the Corregidor-Bataan Memorial Commission. Without objection, the message will be printed in the RECORD, without being read, and appropriately referred.

The message was referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

Pursuant to the provisions of Public Law 193, 83d Congress, as amended, I hereby transmit for the information of the Congress of the United States the 13th Annual Report of the Corregidor-Bataan Memorial Commission for the fiscal year ended June 30, 1966.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 20, 1966.*

REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 499)

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States on the trade agreements program. Without objection, the message will be printed in the RECORD, without being read, and appropriately referred.

The message was referred to the Committee on Finance, as follows:

To the Congress of the United States:

This is the 10th annual report on the trade agreements program, as required by section 402(a) of the Trade Expansion Act of 1962. It covers calendar year 1965.

World trade in 1965 surpassed all previous levels, enriching the lives of peoples around the globe. Record levels of U.S. foreign trade contributed greatly to this advance, and the American people shared fully in its benefits.

However, the successes of 1965 also served to dramatize the vast unrealized potential of the world market and the importance of moving forward with the Kennedy round of tariff negotiations, the great multilateral endeavor to generate more rapid growth in trade. Recently, the pace of these talks has intensified. The major participants have shown renewed determination to conclude an agreement. The United States will continue to exert every effort to assure that

THE UNIVERSITY OF MICHIGAN LIBRARIES

these negotiations yield extensive reductions in restraints on trade in all classes of goods, including agricultural products.

The steady growth and freer flow of world trade are essential to full prosperity at home, economic growth and stability in the industrialized countries, and progress in the developing world. We shall do everything in our power to build in future years on the substantial progress in these directions achieved in 1965.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 20, 1966.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Breskin, one of its clerks, announced that the House had passed, without amendment, the bill (S. 1474) to create a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9424) to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DINGELL, Mr. LENNON, Mr. HAGEN of California, Mr. PELLY, and Mr. MORTON were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 3261. An act to authorize the Secretary of the Interior to convey certain lands in the State of Maine to the Mount Desert Island Regional School District; and

S. 3421. An act to authorize the Secretary of Agriculture to convey certain lands and improvements thereon to the University of Alaska.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Labor and Public Welfare, without amendment:

S. 2709. A bill to name the Veterans' Administration hospital located in Clarksburg, W. Va., the "Louis H. Johnson Memorial Veterans' Hospital" (Rept. No. 1611);

H.R. 7850. An act to amend section 1822(a) of title 38, United States Code, to extend the provisions for treble-damage actions to direct loan and insured loan cases (Rept. No. 1612);

H.R. 11927. An act to authorize the Administrator of Veterans' Affairs to permit deduction by brokers of certain costs and expenses from rental collections on properties acquired under the veterans' loan programs (Rept. No. 1613);

H.R. 12664. An act to retrocede to the State of Colorado exclusive jurisdiction held by the United States over the real property comprising the Fort Lyon Veterans Hospital reservation (Rept. No. 1614); and

H.R. 13012. An act to provide for the conveyance of certain real property to the city of Biloxi, Miss. (Rept. No. 1615).

By Mr. RANDOLPH, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 203. An act to amend title 38, United States Code, to set aside funds for research into spinal cord injuries and diseases (Rept. No. 1610).

By Mr. ROBERTSON, from the Committee on Banking and Currency, without amendment:

S. 3704. A bill to provide for the striking of a medal in commemoration of the designation of Ellis Island as a part of the Statue of Liberty National Monument, in New York, N.Y. (Rept. No. 1616).

By Mr. McCLELLAN, from the Committee on Government Operations, without amendment:

H.R. 12352. An act authorizing the conveyance of certain property to Pinellas County, Fla. (Rept. No. 1617).

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, without amendment:

S. 3823. A bill to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes (Rept. No. 1618).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9976. An act to amend the act of September 2, 1964 (Rept. No. 1619).

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 12119. An act to authorize the Commissioners of the District of Columbia to replace the existing 14th Street Bridge, also known as the Highway Bridge, across the Potomac River, and for other purposes (Rept. No. 1620);

H.R. 16863. An act to amend the act of June 10, 1844, in order to clarify the corporate name of Georgetown University, and for other purposes (Rept. No. 1621); and

H.R. 16940. An act to amend the provisions of the act of April 8, 1935, relating to the board of trustees of Trinity College of Washington, D.C. (Rept. No. 1622).

By Mr. BIBLE, from the Committee on the District of Columbia, with an amendment:

H.R. 16608. An act to amend the charter of Southeastern University of the District of Columbia (Rept. No. 1623).

By Mr. LONG of Louisiana, from the Committee on Finance, without amendment:

H.R. 5852. An act to amend title 38 of the United States Code with respect to the basis on which certain dependency and indemnity compensation will be computed (Rept. No. 1624);

H.R. 6958. An act to amend the Internal Revenue Code of 1954 to promote savings under the Internal Revenue Service's automatic data processing system (Rept. No. 1625); and

H.J. Res. 688. Joint resolution to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948 (Rept. No. 1626).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

S. 3840. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Finance.

(See the remarks of Mr. CURTIS when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 3841. A bill for the relief of Renato Geliza Ramil; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3842. A bill to amend the District of Columbia Fire and Casualty Act approved October 9, 1949, as amended, to provide that uninsured motorist coverage endorsements required by section 27 to be included in automobile insurance policies may be rejected by the owners of insured vehicles; and

S. 3843. A bill to amend the District of Columbia Motor Vehicle Unsatisfied Judgment Fund Act to provide to certain persons whose motor vehicles are registered elsewhere than in the District of Columbia and to certain nonresidents of the District protection against financial loss arising out of accidents involving uninsured motor vehicles; to the Committee on the District of Columbia.

(See the remarks of Mr. TYDINGS when he introduced the above bills, which appear under a separate heading.)

CONCURRENT RESOLUTION

EXPRESSION OF SENSE OF THE CONGRESS RELATING TO OPPOSITION TO DIPLOMATIC RECOGNITION OF CHINESE COMMUNISTS

Mr. THURMOND (for himself, Mr. DIRKSEN, Mr. MUNDT, Mr. CURTIS, Mr. SIMPSON, Mr. MURPHY, Mr. BENNETT, and Mr. COTTON) submitted a concurrent resolution (S. Con. Res. 108) expressing the sense of Congress that the United States should continue to support the people and the Government of the Republic of China as the representative of China in the United Nations; that the United States should continue to oppose the seating of the Chinese Communists in the United Nations; and that the United States supports the President in not according diplomatic recognition to the Chinese Communists, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. THURMOND, which appears under a separate heading.)

RESOLUTION

APPOINTMENT OF A SPECIAL SUBCOMMITTEE OF THE JUDICIARY COMMITTEE TO STUDY ENCROACHMENTS BY THE EXECUTIVE AND JUDICIARY BRANCHES UPON THE POWERS OF THE CONGRESS

Mr. DIRKSEN submitted the following resolution (S. Res. 305); which was referred to the Committee on the Judiciary:

S. RES. 305

Resolved, That (a) the chairman of the Committee on the Judiciary is authorized and directed to appoint a special subcommittee of such Committee which shall make a full and complete study of the separation of powers between the executive, judicial and legislative branches of Government provided by the Constitution, the manner in which power has been exercised by each branch and the extent if any to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch by the Constitution of the United States.

(b) The special subcommittee shall submit a final report to the Senate before the expiration of the 90th Congress, and may submit such interim reports as it deems advisable. Upon submission of its final report the subcommittee shall cease to exist.

SEC. 2. For the purposes of this resolution, the special subcommittee is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment for each three or final fraction thereof selected by the majority, and the person or persons so selected shall be appointed and the compensation of at least one such person shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee of the Committee: and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the special subcommittee under this resolution, which shall not exceed $100,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special subcommittee.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in connection with routine morning business be limited to 3 minutes, but that an exception be made in the case of the distinguished Senator from Kansas [Mr. CARLSON].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRAYER IN PUBLIC SCHOOLS

Mr. CARLSON. Mr. President, our schools here in America, as well as their counterparts in Europe, had their origin as offsprings of the church. The first schools in America were the fruits of the Protestant revolt in Europe.

Many Europeans, unable to realize their ideals of life and worship in their homelands, came to America, where they settled and began life anew. Many religious congregations, most of them embracing some form of Protestantism, left Europe and came as groups to America. Naturally, they brought with them their European ideas about religion and the education of their children. These ideas were to give a European background to the beginnings of American education.

Education was given serious attention by these early religious groups. Their chief aim was to train their young for righteous living, as they interpreted it, and to perpetuate an educated ministry for their congregations.

The early schools in America were clearly the instruments of religion. The story of how our schools have been gradually changed to instruments of the State is a long one indeed. The early religious leaders in America felt a moral obligation to educate their children. They apparently felt that there was no harm in appealing to the State, which was then their servant, to assist in compelling parents to observe their obligations.

There are those who assume that old relationships must be terminated simply because new trends and changes usher in new relationships and designate new points of emphasis. This is fallacious reasoning.

Granted our modern schools train the child physically, emotionally, and socially, as well as intellectually. But this does not preclude the preservation of positive moral and religious training which at one time characterized all education in this country.

In the early American schools, religion was not merely a part of the curriculum. Religion was the curriculum. Such an emphasis, to the neglect of everything else, would be absurd in our modern public schools. But is it not equally as absurd to completely eliminate religion from the curriculum?

Some spokesmen today seem to be endeavoring to convince us that freedom of religion means freedom from religion. Some would have us believe that separation of church and state means the abolition of all religion from civic undertakings.

Separation of church and state does not preclude religion, because no state can truly prosper unless its officials are motivated by religious ideals and purposes.

Civil government is the logical outgrowth of religion, and the religion of a nation determines the character of its government. Our civil liberties can be secured only by holding fast to the basic tenets of God's word.

We can realize our national ambitions and goals for our schools, our homes, our churches, and for ourselves as individuals only in loyalty and dedication to the religiously oriented ideals upon which our Nation was founded.

For our country was truly founded on belief in God as the giver of man's unalienable rights. It grew to greatness upon that foundation. "In God we trust" is a part of our country's past and should be a part of its future. With such a religious heritage and history, today's Americans surely must recognize the justification of expressions of faith in God in our many institutions.

VIETNAM

Mr. MANSFIELD. Mr. President, this afternoon the United Nations embarks on the 21st meeting of its General Assembly. There are just under 100 matters on the agenda, but one matter which is not listed is Vietnam—a subject in the minds of all the delegates to the United Nations, a subject in the minds of all Americans, including the President of the United States, and a subject very much, in my opinion, in the minds of the peoples of the world.

Of late, there have been a number of appeals for renewed effort to end the Vietnamese conflict via the path of negotiations. The Secretary-General of the United Nations, Mr. U Thant, for example, has been eloquent in his call for a new perspective. Indeed, the struggle in Vietnam ought to be seen in terms of the enormous and bloody human pain which is being inflicted on combatants and noncombatants in that country, rather than in the painless and sanitized detachment of a football field on which two ideologies clash. For similar reasons, Pope Paul VI has urged a redoubling of efforts to achieve a settlement by negotiations, and he has coupled an expression of human compassion with a warning to call a halt to the rising tide of conflict before it is too late to turn back, not only for Vietnam but also for all of Asia and the entire world.

Other informed persons have added their voices to the deepening concern over the trends of the war. Prominent among those is Arthur Schlesinger, Jr., a former special assistant to the late President Kennedy and to President Johnson. Mr. Schlesinger, writing in the New York Times magazine of September 18, addresses himself to the Vietnam dilemma in an article entitled "The Middle Way Out in Vietnam." Mr. Schlesinger looks back over the years of the Vietnamese involvement, not in a search for scapegoats, but rather with the eyes of the historian and in an honest and frank search for a new approach. He is persuaded that it is not in the interest of any nation and, perhaps, least of all, in the interest of the United States to extend the war deeper into Asia. But he is also convinced that it is not possible for the United States to walk off abruptly and forget the whole business. He urges, therefore, a new approach which will correspond to these dual national realities. In a sentence he calls for a new strategy of deescalation of military activity, coupled with political initiatives in South Vietnam which are aimed at conciliation of the people of that region with a government in Saigon rather than the domination of the Saigon government over the people of the region.

It is an essential of this approach, indeed, of any reasonable approach that there be a renewed effort to initiate negotiations with whomever may be necessary to bring the actual fighting to a halt. In the latter connection, it would be well to recall the three points which U Thant has stated are essential for the creation of "conditions conducive to the holding of a conference and conducive to the creating of conditions for a peaceful settlement of the problem in Vietnam."

First. An end to the bombing of North Vietnam;

Second. Reduction of all military activities in South Vietnam leading to a cease-fire on all sides;

Third. Willingness on all sides to enter into discussions with all who are actually engaged in the fighting.

There is, in my judgment, nothing in those points which is inconsistent with what the President of the United States has indicated he is prepared to do in the search for a just peace through negotiations. It would be my hope that U Thant, now that he has agreed to remain as Secretary General of the United Nations for this session, will go beyond the simple articulation of these three points and into specific recommendations to the parties concerned. In short, Mr. President, I would urge the Secretary General to set forth a timetable and a step-by-step procedure for the initiation of negotiations and request this Nation and all others involved in Vietnam to follow it.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to meet during the session of the Senate today.

Mr. KUCHEL. Mr. President, objection has been lodged with the minority leader. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

On request of Mr. KUCHEL, and by unanimous consent, the Committee on Interior and Insular Affairs was authorized to meet during the session of the Senate today.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO DEDUCTION OF CERTAIN EXPENSES BY TEACHERS

Mr. CURTIS. Mr. President, I am introducing, for appropriate reference, a bill to correct inequities in rulings by the Internal Revenue Service regarding tax deductions of teachers for educational expenses.

The mail I am receiving, Mr. President, indicates that these rulings have worked a hardship on many teachers in Nebraska at a time when this Nation and its Government profess to be placing new emphasis on educational quality.

Teacher training and preparation are fundamental requirements of improved education, far more important than the bricks and mortar which provide the place for teaching. This has been true through the years and it is still true today.

The Nation is experiencing a critical teacher shortage this fall from coast to coast. I have read articles citing statistics placing much of the blame for this on the Federal Government. We must take steps to encourage qualified teachers to improve their skills and remain in the profession. We must encourage them to work to improve their station in life and thereby the quality of the education provided for our children.

Under the Internal Revenue Service regulations, money spent for education is deductible on individual income tax returns if the expenditure is made to maintain or improve skills required in the taxpayer's job, trade or business or if it is required by the employer as a condition of retaining the taxpayer's job, salary, or status.

This has been interpreted by the IRS to mean that teachers are not entitled to the deductions if they return to college voluntarily, without being forced or required to do so. The deductions are not allowed teachers who go back to school merely to become better teachers or to improve their station in life or increase their salaries.

I believe, Mr. President, that our Government should encourage teachers to act on their own initiative, in the American free-enterprise way, to improve their status.

The bill I am introducing will allow teachers to deduct as business expenses educational expenses connected in any way with their work.

One group particularly hard hit by the IRS rulings, Mr. President, are persons preparing themselves for college teaching. The national effort to improve higher education needs all the encouragement it can get, and this bill would help on an individual basis.

The bill would eliminate the doubt and confusion that now exists by writing into the Internal Revenue Code certain provisions now left entirely to administrative regulations. No longer would teachers have to live under the threat that there might be a technical slip-up in reporting their income and deductions for tax purposes, causing them to run afoul of the Internal Revenue Service. No longer would they have to be threatened with the loss of their job before they could deduct the expenses of furthering their education in order to improve the education available to the children they teach.

This bill is offered in the sincere interest of improving education and clarifying tax deduction policies for teachers, Mr. President, and it should have broad support.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3840) to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel, introduced by Mr. CURTIS, was received, read twice by its title, and referred to the Committee on Finance.

AMENDMENT OF FIRE AND CASUALTY ACT AND THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, 3 weeks ago, just prior to the Labor Day recess, the Senate debated H.R. 9918, a bill to protect the residents of the District of Columbia from insolvent uninsured motorists. The Senate was unable to complete action on the bill at that time, because we lacked a quorum to do so. However, I am hopeful that now the Senate will be able to complete its action on H.R. 9918.

This is purely a local District of Columbia bill, but one which it is our duty to pass as the legislature for the District of Columbia and one which is essential, if Congress is going to fulfill its legislative duty to the District of Columbia to protect its residents' safety and welfare.

As I explained in the debate on the bill prior to the Labor Day recess, the parliamentary situation we face in considering this legislation is a rather unique one. H.R. 9918 was passed in the House over the objections of the leadership of the House District Committee. It is a much better bill than that committee reported. It is the only adequate bill considered by either House in this session of Congress to protect the victims of insolvent uninsured motorists.

Because the bill was passed over the objections of the leadership of the House committee, the word is out that if the Senate amends the bill by so much as changing a comma, and the bill must go back to the House, it will die there. It will die there not just for this session, but for the indefinite future because the leadership of the House District Committee is adamantly opposed to this legislation.

So in the debate prior to the Labor Day recess, I asked Senators who had amendments to this legislation to withhold them until we got the bill on the books. For to amend this legislation is not to improve it. It is to kill it.

For that reason, in the pre-Labor Day recess debate, I volunteered that immediately upon reconvening next January, I would, as chairman of the District of Columbia Subcommittee on Business and Commerce, hold prompt hearings and executive consideration of these amendments and report them to the Senate for action.

When this guarantee proved insufficient to the sponsors of the various amendments to this bill, I volunteered to hold hearings and executive sessions on the amendments during the pendency of the civil rights debate in order to report them during this session.

This guarantee also fell short of what was desired by the proponents of the amendments.

Now if I understand the proponents of the amendments accurately, they seek essentially four amendments to this bill.

First, they wish to have the uninsured motorist clause, required by H.R. 9918 to be inserted in every policy of automobile liability insurance issued in the District of Columbia, carry with it the right of rejection on the part of the policyholder.

Second, they wish to have residents of the District of Columbia whose cars, under District of Columbia law, are legitimately registered and licensed elsewhere brought under the protection of the bill.

Third, they also seek an amendment to include under the protection of the act out-of-State pedestrians who are injured in the District by insolvent uninsured motorists who have cars registered in the District of Columbia.

Fourth, they wish the bill to specifically spell out that any State with a similar fund which provides reciprocity for District of Columbia residents injured in that State will be entitled to similiar protection for its citizens when they are in the District of Columbia.

I have no basic objecion to these amendments. I think none of them are likely to jeopardize the solvency of the uninsured motorist fund created by this bill. However, as I have so frequently pointed out, to accept any of them as amendments to the bill before it is passed will send the bill to conference—a conference which will never be held. Thus to accept these amendments before the bill is passed is to kill those amendments and the bill.

So that there can be no question as to the willingness of the proponents of this legislation to accommodate the Senators who wish to offer amendments to it, but who do not actually wish to kill the bill, I am today introducing as separate legislation two bills which, when enacted by the Senate, will have the effect of amending H.R. 9918 in the manner in which the Senators who have proposed amendments have suggested.

My only request of the proponents of these amendments is that, in light of my introduction of this legislation and my promise to process it through the Senate District Committee as quickly as possible, that they do not insist on amending, and thereby killing, H.R. 9918 before it is enacted by the Senate.

There is no reason why H.R. 9918 and the two bills I am introducing today to accommodate the sponsors of amendments to it cannot be passed in this session of Congress. In fact, I would hope that by introducing these two bills today and processing them promptly through the District Committee, we can now proceed to pass H.R. 9918 by unanimous consent.

At the District of Columbia Committee meeting held last week, Chairman BIBLE assured me of his willingness to cooperate in reporting these two bills to the floor. I intend to hold an executive session in the Business and Commerce Subcommittee just as quickly as possible in order to report these bills to the full committee. It does not seem to me necessary to hold further hearings, in light of the fact that this subcommittee held hearings on the whole problem of uninsured motorist legislation last year.

In short, Mr. President, I hope, by the action taken today, to facilitate the prompt passage of H.R. 9918. I am confident that I will have the cooperation of all the members of the Senate District Committee in facilitating passage of this very important piece of legislation for the District of Columbia.

I ask unanimous consent that the text of these two bills and my introductory remarks upon H.R. 9918 be reprinted at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the bills and remarks will be printed in the RECORD.

The bills, introduced by Mr. TYDINGS, were received, read twice by their titles, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

S. 3842

A bill to amend the District of Columbia Fire and Casualty Act approved October 9, 1949, as amended, to provide that uninsured motorist coverage endorsements required by section 27 to be included in automobile insurance policies may be rejected by the owners of insured vehicles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of paragraph (1) of subsection (b) of section 27 of the Fire and Casualty Act approved October 9, 1949 (54 Stat. 1076), as added by section 4 of the District of Columbia Motor Vehicle Unsatisfied Judgment Fund Act, be amended by inserting immediately before the period at the end of such sentence the following: ", except that this coverage may be waived in writing by the insured on or before the effective date of the policy."

S. 3843

A bill to amend the District of Columbia Motor Vehicle Unsatisfied Judgment Fund Act to provide to certain persons whose motor vehicles are registered elsewhere than in the District of Columbia and to certain nonresidents of the District protection against financial loss arising out of accidents involving uninsured motor vehicles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (n) of section 3 of the District of Columbia Motor Vehicle Unsatisfied Judgment Fund Act is amended to read as follows:

"(n) QUALIFIED PERSON.—A resident of the District of Columbia, or a resident of another State or Territory of the United States or Province of the Dominion of Canada with which the Commissioners have entered into a reciprocal agreement concerning payment of claims from the Fund pursuant to the provisions of this Act, or a resident of any State or Territory of the United States injured as a pedestrian, but the term 'qualified person' shall not include (1) any collision insurance carrier or other insurer seeking indemnification by way of subrogation; or (2) any holder of a certificate of self-insurance within the meaning of that term as used in this Act; or (3) any person who at the time of the accident was operating a motor vehicle in violation of an order of suspension or revocation or without the permission of the owner thereof; or (4) a resident of the District of Columbia whose vehicle was not registered in the District of Columbia when so required under the laws of the District at the time such motor vehicle was involved in an accident within the purview of this Act."

SEC. 2. Section 41 of such Act is amended by adding the following new subsection:

"(f) The Commissioners are authorized and directed to enter into reciprocal agreements with any State under which residents of such State may make claims against the Fund. Such agreement may be made only with a State which by its laws has made provision for the payment of claims to its residents and to residents of the District of Columbia injured or damaged in such State under conditions which are substantially similar to those required by this Act. The term 'State' shall mean: Any State, Territory, or possession of the United States, or Province of the Dominion of Canada."

The remarks presented by Mr. TYDINGS are as follows:

Mr. TYDINGS. Mr. President, today the Senate addresses itself to one of the most pressing problems facing the District of Columbia today—the problem of how to cope with the rapidly rising number of uninsured motorists now cruising the streets of the District daily, inflicting countless thousands of dollars damage on innocent pedestrians, motorists, and property owners without the slightest ability to pay for the damage they do.

Existing law in the District of Columbia is hopelessly inadequate to deal with the uninsured motorist problem. That law allows any uninsured motorist to kill, injure, or maim an innocent pedestrian or motorist before the law even applies to him. Amendments to that law were proposed by the insurance industry, to impose more stringent penalities on an uninsured motorist who caused accidents, and are still totally defective in this regard. They allow the uninsured motorist to "one bite," to destroy one life, to cripple a child, to kill a breadwinner, to mangle a mother. Last February 24, for example, a 42-year-old father of five was struck by an uninsured motorist in the District of Columbia while he was crossing the street as a pedestrian. The uninsured driver was charged by the police for failure to yield the right of way. But this was no compensation to the injured man who lost 6 months' wages, with fractured legs and hips—and had to pay medical bills in the thousands—for the driver who struck him was uninsured.

Less than a year ago, an uninsured motorist ran through a red light in the District of Columbia and struck a husband and wife who were traveling through the intersection in their automobile. Both victims are still out of work because of their injuries. Both suffered severe fractures and disfiguring cuts. The wife received brain damage. But neither one of them will ever collect a dime for their injuries, because the uninsured motorist who hit them has no assets to pay for his wrongdoing. Three years ago, an uninsured 28-year-old struck a pedestrian while crossing Georgia Avenue, fracturing both of the victim's arms and legs, and rendering him totally and permanently blind. That victim also remains without any compensation for his injuries, because the motorist who hit him was uninsured and insolvent.

A week later, an uninsured motorist struck three parked cars in the District, killing a 38-year-old mother, who left a 7-year-old son and a husband, whose job in the construction trade does not allow him enough money to employ a substitute mother. Neither the father nor the child has ever received a cent for the heartache and financial loss that uninsured motorist caused them because he has no assets.

These are not rare cases. These cases occur hundreds of times a year in the District of Columbia. Neither present law nor the amendments to it which the insurance industry proposes will stop this kind of case, because both present law and the proposed amendments to it allow an uninsured motorist one accident such as those I described before he becomes subject in any way to the law. H.R. 9918, the bill we are considering here, will provide some remedy to these poor, hapless people who have no other recourse and whom present law and the insurance industry-proposed amendments to it do not help.

The purpose of the bill is to protect the 815,000 residents of the District of Columbia from financial loss due to the negligent operation of the tens of thousands of uninsured motor vehicles now registered in the District of Columbia.

I think it important that the Members of the Senate realize that in considering this bill they are legislating as a city council, for the benefit of the District of Columbia.

The bill would provide protection in two ways:

First, it would require the inclusion of an uninsured motorist clause in all automobile liability insurance policies issued on vehicles registered in the District. The uninsured motorist clause would provide insurance protection to the policyholder and members of his family anywhere, anytime, and to others when occupants of the insured's vehicle against financial loss due to the negligence of an uninsured motorist.

Second, the bill would require any uninsured motorist, as a prerequisite to automobile registration, to pay $40 into an uninsured motorist fund, out of which limited amounts may be paid to uninsured victims of the negligence of insolvent uninsured motorists.

In short, H.R. 9918 will provide a source of compensation for the victims of financially irresponsible motorists. A companion measure, S. 1713, which has also been favorably reported, will provide no such compensation but will impose more severe penalties on uninsured motorists who have accidents than present law provides.

THE NEED FOR THIS BILL

The 27,000 motor vehicle accidents which occurred in the District of Columbia last year injured 7,800 persons. More than 12,000 of these accidents involved uninsured motorists. As a result, between 900 and 1,200 of the accident victims remain uncompensated for their injuries, because the drivers who caused them were uninsured and insufficiently solvent to make legal action against the drivers for damages financially worth while.

Existing law in the District of Columbia provides absolutely no protection to motorists, their families, their passengers, or to pedestrians and property owners against financial loss from the negligence of financially irresponsible, uninsured motorists. The so-called Safety Responsibility Act passed by the Congress in 1955 does not require a financially irresponsible motorist to obtain automobile liability insurance until after he has killed or injured an innocent victim and has failed to satisfy a court judgement against him for his negligence.

Moreover, although insurance industry spokesmen in 1954 predicted that the passage of the present Financial Responsibility Act would result in the insurance of 90 percent of the vehicles registered in the District, it appears that the existing law actually encourages financial irresponsibility on the part of many District motorists. Indeed, the number of motor vehicle owners in the District who are insured at all has never reached 90 percent and has actually declined 19 percent in the last 2 years alone, from 86 percent of all registered owners to approximately 67 percent. Nearly one-third of all motor vehicle owners in the District of Columbia—driving about 61,000 vehicles—are now uninsured.

What I am saying, Mr. President, is that the argument which was presented by the insurance industry in 1954, and which will be presented now by those representing their interests, that all that need be done to combat this problem is to have a stiffer financial responsibility law, just does not hold water. They said that in 1954. They said, "When you pass the present District of Columbia financial responsibility law, 90 percent of your automobile owners will insure their cars."

That has not been true. As a matter of fact, the number of motor vehicles registered in the District which are now insured is all the way to 67 percent. Once it was as high as 86 percent.

Moreover, existing District legislation allows an uninsured motorist who has an injury-causing accident to begin driving again after 1 year, even if he is still uninsured and still insolvent, unless the injured party has filed suit for damages against him.

Since a reasonable person will not bear the trouble and expense of a suit against a negligent driver known to be both uninsured and without assets to pay a judgment, existing District law permits the uninsured and insolvent motorist chance after chance to injure others, but provides no way to compensate those injuries. In fact, 2,000 of the 12,000 uninsured motorists who were involved in accidents in the District of Columbia last year had had at least one known previous accident and some had had two or even three.

To prevent the financial tragedies caused victims of uninsured, insolvent motorists, a broadly based group of District of Columbia organizations drafted the bill your committee now reports. This bill is the product of years of study and many months of drafting by the District of Columbia government in close cooperation with the District of Columbia Bar Association, the District of Columbia chapter of the American Automobile Association, the Citizens Traffic Board and the Government Employees Insurance Co., the largest carrier of automobile liability insurance in the District of Columbia than all other insurance companies combined. The bill also carries the endorsement of the Metropolitan Board of Trade.

Four full days of hearings on this bill and alternative bills were held by the Business and Commerce Subcommittee of the Senate District Committee last year.

Your committee is convinced that H.R. 9918, as passed by the House, represents a sound approach to answering the grave problem of financial irresponsibility among uninsured motorists in the District of Columbia.

Enactment of H.R. 9918 will supplement existing law by providing a means by which the victims of uninsured motorists can be compensated for their injuries when the uninsured motorist is insolvent.

HOW THE BILL OPERATES

H.R. 9918 combines the best features of the laws of 28 States to provide a sound financial basis to protect the victims of uninsured motorists from financial loss.

The bill provides programs of protection similar, but superior to those now established by law in Virginia and Maryland, the District of Columbia's neighbors, for the protection of their citizens from financially irresponsible motorists.

Under the bill, a person wishing to register a vehicle in the District of Columbia would have two alternatives. He could purchase a policy of insurance containing the usual public liability and property damage coverage, plus an inexpensive clause protecting him, his family, and his passengers against the negligence of uninsured motorists. If he declined to purchase such insurance, he would have to pay $40 into the unsatisfied judgment fund established by this bill to compensate the victims of uninsured, insolvent drivers against whom the victims have secured a court judgment.

THE UNINSURED MOTORIST CLAUSE

The bill provides that every policy of automobile liability insurance issued on a motor vehicle registered in the District of Columbia must include an "uninsured motorist" provision insuring the owner of the vehicle and his family at all times and in all places, whether driver, passenger, or pedestrian, against injury by uninsured motorists. In addition, the uninsured motorist provision must also insure any nonmember of the insured's family when a driver of/or a passenger in the insured's motor vehicle.

Twenty-five States now require such provisions to be offered in all motor vehicle liability policies issued in those States. Several States including Virginia, require such clauses. The uninsured motorist clause this bill would require would cost a nominal—$4 to $8—but actuarially sound amount.

The limits of coverage provided by the uninsured motorist clause would be identical to the maximum amounts recoverable from the unsatisfied judgment fund created by the bill:

First. A maximum limit of $20,000 for all injuries or deaths arising out of a single accident. Within the $20,000 overall limitation, any individual might recover a maximum of $10,000.

Second. A maximum limit of $5,000 for all property damage arising out of a single accident.

By requiring the inclusion of the uninsured motorist provision in all insurance policies issued on motor vehicles registered in the District of Columbia, the bill provides an actuarially sound program of insurance for most District residents against uninsured motorists. It also helps insure the solvency of the "unsatisfied judgment fund" that persons not covered by an "uninsured motorist clause" must look in case they cannot collect a court judgment obtained against an uninsured motorist whose assets are insufficient.

THE UNSATISFIED JUDGMENT FUND

The "unsatisfied judgment fund" is, then, an essential complement to the uninsured motorist clause in providing the public a minimum financial protection against the depredations of negligent uninsured motorists. The "unsatisfied judgment fund" created by this bill guarantees the victim of a negligent uninsured motorist that, if the motorist proves to have insufficient assets to satisfy a court judgment, the judgment can be paid, at least in part, from the fund.

The limits of recovery from the unsatisfied judgment fund are equal to the protection provided by the uninsured motorist clause required in insurance policies under this bill.

The "unsatisfied judgment fund" will be financed by a charge assessed against any uninsured motorist who seeks to register a car in the District of Columbia. The charge can be adjusted administratively so as to insure the solvency of the fund. Your committee estimates that a charge of $40 for every uninsured motorist who hereafter seeks to register a car in the District, producing a fund of $2,440,000 under present conditions, will be sufficient to assure the solvency of the fund for the foreseeable future.

Further assurance of the solvency of the fund is provided by the following limitations in the bill:

First. Only uninsured persons injured by an uninsured motorist's negligence, who obtain a judgment against that motorist, can claim against the fund. No one covered by an "uninsured motorist clause" can also claim the unsatisfied judgment fund. His sole—but equal—recourse is against his own insurer. Nor do uninsured motorists have any recourse against the fund.

Second. No person otherwise eligible to claim against the unsatisfied judgment fund may do so until he has first sought and obtained judicial judgment of liability against the uninsured motorist and has made all reasonable efforts to collect the amount of that judgment and has failed to do so in part or in whole due to a lack of assets of the judgment debtor. Thereafter, the uninsured motorist's victim may recover the unpaid portion of his judgment from the fund, up to the limits provided by this bill.

UNSATISFIED JUDGMENT FUND NOT INSURANCE

The unsatisfied judgment fund is not insurance, nor is it a substitute for insurance for the uninsured motorist, who must contribute to it. The sole and limited function of the unsatisfied judgment fund is to provide a source of protection for uninsured passengers, pedestrians, and property owners against financial loss from the negligence of uninsured and insolvent drivers. No other proposal suggested to this committee provides that protection, or any protection for the residents of the District of Columbia against uninsured motorists, who kill, injure, or maim them.

SELF-INSURER EXEMPTIONS

Your committee took special note that the definition of "uninsured motor vehicle" in section 3(r) specifically exempts vehicles owned by holders of certificates of self-insurance under the Interstate Commerce Act. The committee was advised that this exclusion includes D.C. Transit, the Greyhound company, the Trailways company, and the North American Van Lines. Therefore, these interstate common carriers are not subject to the provisions of H.R. 9918.

However, the effect of the exemption on vehicles owned by these carriers does not preclude their passengers residing in the District of Columbia from being fully protected by this bill. Although D.C. Transit, as the major passenger carrier in the Washington metropolitan area, is exempt from the provisions of this bill, it is required to meet the self-insurer requirements of the Interstate Commerce Act providing protection for judgments rendered against it.

INSURANCE INDUSTRY-PROPOSED BILLS ARE INADEQUATE TO MEET THE UNINSURED MOTORIST PROBLEM

The insurance industry has proposed two bills, S. 1713 and S. 1714, to deal with the uninsured motorist problem in the District.

H.R. 9918, the bill your committee now favorably reports, includes the best features of S. 1714, but leaves off its defects. S. 1713, which is a useful complement to H.R. 9918, has been separately reported by the committee.

S. 1714 would require each motor vehicle liability insurance policy in the District to include an uninsured motorist clause, but would give every insured motorist the right to reject that clause as part of his policy. The uninsured motorist clause is a worthwhile feature of motor vehicle insurance. Its inclusion in every policy of motor vehicle liability insurance issued on an automobile registered in the District of Columbia is required by H.R. 9918, which your committee favorably reports.

But S. 1714 would provide no protection for the families, passengers, and person of an insured motorist who rejected the extra coverage of the uninsured motorist clause. Far worse, this insurance industry bill would under no circumstances provide any protection against uninsured motorists to the great number of District of Columbia residents who own no motor vehicle and cannot be covered by any known form of automobile liability insurance.

S. 1713, the second insurance industry-sponsored bill, would amend the present District of Columbia Motor Vehicle Safety Responsibility Act. Because the committee believes S. 1713 may serve as a useful compliment to H.R. 9918, by decreasing the number of uninsured motorists, it has unfavorably reported it separately. However, S. 1713 is no alternative to H.R. 9918. S. 1713 merely makes more burdensome some requirements of the existing law without remedying in any way the existing law's basic defect. For under both existing law and the insurance industry's proposed amendment to it, an insolvent uninsured motorist can have one accident which kills or injures one or more innocent persons before he is required to demonstrate any financial responsibility as a prerequisite to driving.

Neither industry-proposed bill, S. 1713 or S. 1714, would require any contribution from uninsured motorists for the protection of the public, such as the unsatisfied judgment fund H.R. 9918 would create. The insurance industry proposals, taken together or separately, perpetuate the certainty that District residents will be killed or maimed by insolvent uninsured motorists, just as they are today.

Thus, the industry-sponsored bills, like existing law, places a premium on irresponsibility and discourages the most irresponsible drivers from obtaining insurance. Why should an irresponsible, insolvent motorist pay for any insurance if he knows that a suit against him for his possible negligence would be worthless and thus most likely not undertaken? By contrast, H.R. 9918, the uninsured motorist bill, makes suit against the uninsured motorist worthwhile, by providing a fund from which judgment in the case can be satisfied if the defendant proves insolvent. As the likelihood of suit against the uninsured motorist increases, with the costs and trouble for the defendant such suits entail, the incentive for the uninsured to obtain insurance increases.

Moreover, H.R. 9918 also provides an incentive to the more responsible uninsured motorist to obtain insurance, since all insured motorists will have to contribute to the unsatisfied judgment fund. If one must pay $40 merely for the privilege of driving while uninsured, why not instead pay another $40 or $50 to buy a policy of insurance which will protect him as well as the public?

WHAT THE BILL WILL COST

The administration of this bill will not require expenditure of any appropriated funds.

The inclusion of the "uninsured motorist clause" in insurance policies issued on automobiles registered in the District will cost insurance companies nothing, since that clause, like any other, can be merely written into the insurance contract as an actuarially sound cost—about $4 to $8 a year. All policies now issued in Virginia must include such clauses.

The cost of administering the unsatisfied judgment will be paid out of the fund itself. No tax dollars will be spent for this or for any other purpose provided by this bill. Estimates place the annual administrative cost, payable from the fund, at approximately $195,000 per year.

The District's experience has been that when an innocent victim is hit by an uninsured motorist who is judgment-proof, because he has no assets to meet a judgment, the innocent victim will not go to the expense of a lawsuit, because there will be no assets to meet a judgment.

Look what has happened. Two thousand of the twelve thousand uninsured motorists involved in an accident last year were persons who had been involved in an accident before under the existing financial responsibility law.

To prevent the financial tragedy caused victims of uninsured motorists, a broadly based group of District of Columbia organizations has spent many months drafting the bill which the committee now favorably reports. The pending bill is the product of several years of study and many months of drafting, not to mention weeks of hearings in my subcommittee. It was drafted by the District of Columbia Government in close cooperation with the District of Columbia Bar Association, the District of Columbia Chapter of the American Automobile Association, the Citizens Traffic Board, and the Government Employees' Insurance Co., the largest carrier of automobile liability insurance in the District of Columbia. The bill carries the full endorsement of the Metropolitan Board of Trade.

We held 4 complete days of hearings on this bill and alternative bills proposed by the insurance industry.

The District of Columbia Committee is convinced that H.R. 9918, as passed by the House of Representatives, represents a sound approach in answering the grave problem of financial responsibility among uninsured motorists in the District of Columbia. Enactment of H.R. 9918 will supplement District of Columbia law by providing a means by which victims of uninsured motorists can be compensated for injuries when those uninsured motorists prove insolvent.

Mr. President, there is an unusual legislative history to this bill. It was passed by the House of Representatives over the objections of the House District of Columbia Committee. The House of Representatives was so persuaded by the merits of this legislation that its Members took the unique step of overruling a committee which had supported, in my judgment, a completely weak and ineffective insurance industry bill. The House of Representatives overruled the District of Columbia Committee and passed this bill, we are now considering, which would give some protection to the citizens of the District of Columbia.

The legislative fact is that we must pass the bill as the House passed it without amendments, if we are to have any type of decent financial responsibility legislation to protect the citizens of the District of Columbia, because if we were to amend it and send it back to the House, the conference committee would be controlled by Representatives who, without question, would see to it that the bill was killed.

One of my responsibilities on the District of Columbia Committee is to serve as chairman of the Subcommittee on Business and Commerce.

I can assure any Senator who has a meritorious amendment—and there may be some—a full hearing, and an opportunity to add such amendments to the financial responsibility law next year, assuming we enact this legislation into law.

The bill is as it stands, however, a thoroughly sound approach to this grave problem facing the District's residents.

Mr. President, there were 12,000 accidents last year involving uninsured motorists. Between 900 and 1,200 of the accident victims were uncompensated for their injuries.

Mr. President, I submit that if the Senator who asked the question had just one member of his family involved, as were those 900 to 1,200 persons last year who were accident victims of uninsured motorists, he would not ask me what the need is for the bill.

CONCURRENT RESOLUTION RESPECTING RED CHINA MEMBERSHIP IN THE UNITED NATIONS

Mr. THURMOND. Mr. President, I submit, for appropriate reference, a concurrent resolution expressing the sense of Congress that the Government of the United States should continue to meet its commitment to the people and the Government of the Republic of China and continue to support that government as the representative of China in the United Nations. The concurrent resolution further states that the United States should continue to oppose the seating of the Chinese Communist regime in the United Nations so long as that regime persists in defying the principles of the United Nations Charter and expresses the support of Congress for the decision not to accord diplomatic recognition to the Chinese Communist regime.

Mr. President, today the 21st session of the United Nations General Assembly convenes, and it is apparent that there will once again be efforts by the Chinese Communists and their following to oust the Republic of China from the United Nations and replace them with the Chinese Communist regime as the official representative of the Chinese people in the United Nations. The voice of Congress should and must be heard on this issue, and for this reason Congress should adopt a resolution which would fortify the hand of the administration in resisting the efforts of the Chinese Communists to be seated in the United Nations.

Mr. President, the Chinese Communists have consistently shown their utter disregard for the standard of conduct established in the Charter of the United Nations as desirable to insure the peace and tranquility of the world. Through the defiance of the principles and high ideals stated in the Charter of the United Nations and their constant antagonism toward individual freedom and freedom of choice for the people in surrounding nations, they have disqualified themselves from a seat in the United Nations. It is the duty and the privilege of the United States of America, as the bulwark of the free nations of the world, to lead the efforts in the United Nations to retain the representation of the Republic of China and resist the attempt to seat the Chinese Communists in that body. In order to lead a successful fight, the support of the Congress and of the American people is necessary.

Mr. President, I ask unanimous consent that a copy of my newsletter dated September 18, 1966, entitled "Year of the Tiger?" be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks, together with a copy of the concurrent resolution, which I have today submitted.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution and newsletter will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 108) was referred to the Committee on Foreign Relations, as follows:

S. CON. RES. 108

Whereas the Government of the United States enjoys close and friendly relations with the Government of the Republic of China, including treaty obligations which this Government honors; and

Whereas the Republic of China is an original and continuing member of the United Nations which has faithfully discharged its obligations under the Charter of the United Nations as a peace-loving member of the community of nations; and

Whereas the Government of the Republic of China has demonstrated that it is worthy of the great traditions and culture of the Chinese people; and

Whereas the Chinese Communist regime continues to proclaim its blatant defiance of the United Nations and its principles; and

Whereas the Chinese Communist regime committed open aggression against United Nations forces in Korea for which it stands condemned by the United Nations, and boasts openly of its "victory" over United Nations forces in Korea; and

Whereas the Chinese Communist regime has suppressed in defiance of United Nations resolutions the human rights of the Tibetan people; and

Whereas the Chinese Communist regime continues to threaten world peace by its military pressures and incursions against the territory of South Vietnam and other freedom-loving countries in Asia; and

Whereas the Chinese Communist regime since its beginning has maintained an attitude of unremitting hostility toward the people and Government of the United States; and

Whereas the Chinese Communist regime continues to hold Americans in prison despite commitments for their release; and

Whereas the Chinese Communists not only seek to impose upon the United Nations, arrogant contentions with respect to their own admission but also to expel the representatives of the Government of the Republic of China from the United Nations: Therefore be it

Resolved by the Senate (The House of Representatives concurring), That it is the sense of the Congress that the United States should continue to meet its commitments to the people and Government of the Republic of China and should continue to support that Government as the Representative of China in the United Nations; and be it further

Resolved, That the United States should continue to oppose the seating of the Chinese Communist regime in the United Nations so long as that regime persists in defying the principles of the United Nations Charter; and be it further

Resolved, That it is the sense of the Congress that the United States supports the President in not according diplomatic recognition to the Chinese Communist regime.

The newsletter, presented by Mr. THURMOND, is as follows:

YEAR OF THE TIGER?

On Tuesday, September 20, the Twenty-first Session of the United Nations General Assembly convenes and will once again be faced with the prospect of having the Red Chinese tiger put in the U.N. tank. To prevent these international bandits from being seated, a unity of purpose and resolution far in excess of our previous best efforts will be required, for the number of free world countries still committed to the lofty ideals upon which the U.N. was founded seems to have dwindled.

Confronted with a situation demanding firm action and a clear-cut policy, the chief spokesmen for the United States, which must provide the leadership for the forces of the free world in the U.N., seem hesitant and inconsistent. Our position is stated ambiguously at times, and contradictorily at other times, so that even our most firm allies must have grave doubts about our intentions.

Secretary of State Dean Rusk set the tone for what should be the firm position of the United States when he told a House Foreign Affairs Subcommittee last March that "talks have, so far, given no evidence of a shift or easing in Peiping's hostility toward the United States and its bellicose doctrines of world revolution . . . Today we and Peiping are as far apart on matters of fundamental policy as we were 17 years ago."

More recently, however, other U.S. officials have made statements which have cast the shadow of doubt that the firmness and conviction expressed by Secretary Rusk is the official view of the United States toward the Red Chinese.

Ambassador Goldberg recently spent several hours closeted with the President reporting on his "difficult and interesting" first year at the U.N. When questioned about Red China after the conference with the President, he is quoted in the press as having said: "We have not yet come to the view of what our attitude will be at the next General Assembly. Before the General Assembly convenes, of course, we will have to come to a view as to what our attitude will be." The U.N. Ambassador went on to say: "At the moment, American policy has not changed."

This response hardly rings with the conviction necessary to assure either the American people or our Allies that U.S. policy toward Red China is firm and resolute. Particularly is this true when this interview is interpreted in the light of previous observations of Ambassador Goldberg. For instance, the National Press Club was told by Mr. Goldberg that "this Administration is anxious to have Communist China join the mainstream of the international community"; and during a television interview, he said: "In handling this whole Chinese situation . . . what is needed is patience and fortitude, firmness and flexibility."

The United States has experienced increasingly narrow margins of victory in the battle against seating the Red Chinese, culminating in last year's tie vote. Since early this year, "trial balloons" have been sent up on a so-called "two-China" policy which would call for the admission to the U.N. of the communist government at Peiping, and the retention in the U.N. of the Nationalist Chinese government in Formosa. This trial balloon is designed to test the sentiment of the people of the United States toward such a policy; and, as is always the case with trial balloons, if it is not shot down, such a policy could become the official position of the United States.

What is needed is for the American people to make their opposition to the seating of the Red Chinese in the U.N. known to President Johnson, and for the Administration to formulate and carry-out a firm policy based on Secretary Rusk's assessment of Red China and fortified by the support of the American people. In the absence of such a public outcry, the United States' position in the U.N. could cave in to "world opinion" and result in either outright admission of the Red Chinese along with expulsion of Nationalist China, or some equally unacceptable compromise, such as the "Two-China" policy.

This is a fight which can be won, if it is waged with the necessary unity of purpose and resolve. On the other hand, too much wavering and flexibility could make this the year of the tiger.

Sincerely,

STROM THURMOND.

Mr. THURMOND. Mr. President, Senators MUNDT, CURTIS, SIMPSON, MURPHY, BENNETT, and COTTON have joined as cosponsors of the concurrent resolution. I ask unanimous consent that the concurrent resolution lie at the desk for 1 week for additional cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL UNICEF DAY—AMENDMENTS

AMENDMENT NO. 931

Mr. BAYH submitted an amendment, intended to be proposed by him, to the amendment (No. 930) proposed by Mr. DIRKSEN to the joint resolution (S.J. Res. 144) to authorize the President to designate October 31 of each year as National UNICEF Day, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 932

Mr. BAYH submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 144, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. INOUYE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wisconsin [Mr. NELSON] be added as a cosponsor of the bill (S. 3308) "to amend the act of October 4, 1961, relating to the acquisition of wet lands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, at the next printing of S. 3557, to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations. I ask unanimous consent that the name of the junior Senator from Maine [Mr. MUSKIE] be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I ask unanimous consent that at the next printing of S. 3823 "to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes," the name of the distinguished junior Senator from Arizona [Mr. FANNIN] be added as a cosponsor.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). Without objection, it is so ordered.

HEARINGS ON S. 3779, TO PROTECT CONSTITUTIONAL RIGHTS OF GOVERNMENT EMPLOYEES AND PROHIBIT UNWARRANTED INVASIONS OF THEIR PRIVACY

Mr. ERVIN. Mr. President, I wish to announce that the Subcommittee on Constitutional Rights of the Committee on the Judiciary has scheduled hearings on S. 3779, a bill to protect the constitutional rights of employees of the executive branch and prohibit unwarranted invasions of their privacy. The dates for the initial hearings are September 23 at 10:30 a.m. and September 28 and 29 and October 3, 4, and 5 at 10 a.m., in room 2228 New Senate Office Building.

At the hearing on Friday morning of this week, Mr. John Griner, president of the American Federation of Government Employees will testify. In the following weeks, the subcommittee will hear representatives of numerous organizations including the Bar Association of the District of Columbia, the American Civil Liberties Union, the Women's Bar Association, the National Association of Government Employees, the National Association of Internal Revenue Employees, the Federal Professional Association, the National Federation of Federal Employees, the United Federation of Postal Clerks, the National Letter Carriers Union, the Association of Customs Inspectors, and the Government Employe's Council. Members of the Civil Service Commission have also been invited.

Mr. President, the mail and telephone calls from employees all over the country indicate extensive concern about the problems S. 3779 is designed to remedy. I hope that the initial hearings will help us refine the language of the bill where necessary to provide additional protections for the basic constitutional rights and liberties of those several million American citizens who also are employees of Government. They should also assist us in developing any amendments necessary to assure the maintenance of a proper balance between the needs of Government and the rights of its employees.

NOTICE OF HEARINGS ON NOMINATIONS OF EDWARD J. BOYLE, SR. AND ALVIN B. RUBIN, OF LOUISIANA, TO BE U.S. DISTRICT JUDGES, FOR THE EASTERN DISTRICT OF LOUISIANA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Wednesday, September 28, 1966, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Edward J. Boyle, Sr., of Louisiana, to be U.S. district judge, eastern district of Louisiana, vice Robert A. Ainsworth, Jr., elevated.

Alvin B. Rubin, of Louisiana, to be U.S. district judge, eastern district of Louisiana, to fill a new position created by Public Law 89–372 approved March 18, 1966.

At the indicated time and place, persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. McCLELLAN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE OF RECEIPT OF NOMINATION

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Francis J. Galbraith, of South Dakota, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

PRODUCTION AND CONSTRUCTION SLOWDOWN IN AUGUST INDICATES SUSPENSION OF INVESTMENT CREDIT MAY BE WRONG MEDICINE

Mr. PROXMIRE. Mr. President, Senators should take a long look at the hard economic facts of life before voting for the President's program designed to slow down industrial production further.

Recently I pointed out on the floor of the Senate that there are increasing indications that the long economic boom may be coming to a close without any tax increase or suspension of investment incentives. I referred to the Government's daily index of 13 industrial raw materials which had declined from 125 last March to 109 in the past month.

Industrial raw material prices characteristically tend to edge off at the top of booms while other wholesale and most retail prices are still rising.

Economic indicators, a report for the Congressional Joint Economic Committee, issued this morning, reports that new factory orders for durable factory goods fell to a seasonally adjusted $23.1 billion in August, down 4.5 percent from July, and the smallest since last November. Incidentally, new orders for machinery and equipment dropped by $346 million or 6 percent on a seasonally adjusted annual basis. Senators should note that this was before the President asked Congress to cut investment incentives.

Machinery and equipment would be most directly hit by the President's recommendation. In fact, the effect would be to slow down investment in machinery and equipment, since the purchases would be of the kind to enable the businessman to take advantage of the investment credit.

But orders for equipment did fall sharply last month. Durable goods shipments also declined. The order backlog grew more slowly than in July. Construction spending in August slowed to a seasonally adjusted annual rate of $72.8 billion, a drop of half a billion from July, and a huge $5 billion below last March. This reduction brought the construction spending rate down almost precisely to the level of October, 1965.

All of this, Mr. President, raises serious question about action to end the investment tax incentive. For accelerated depreciation and the investment credit. This is especially true since the suspension of the tax incentives cannot have their prime effects for a year or more.

Certainly this recent slowdown in the industrial economy emphasizes the need for policies that will act swiftly to slow inflation now, and that can be promptly reversed to speed up economic activity if the slowdown deepens into recession or seriously growing unemployment.

This is what a sharp cutback in Federal spending will do. It is what suspension of the investment credit and of accelerated depreciation will not do.

FOOD-FOR-PEACE AGREEMENT PAVES WAY FOR SCHOOL MILK

Mr. PROXMIRE. Mr. President, the morning news contains the very gratifying report that Senate and House conferees yesterday agreed on a food-for-peace bill. The conferees are to be congratulated for resolving the differences on this legislation to help provide food for needy persons in other countries.

With the food-for-peace bill now out of the way, it is to be hoped that the same conferees can now turn their attention to the Child Nutrition Act. This is the bill that would extend the special school milk program beyond its present expiration date of June 30, 1967.

As Senators are aware, I have long urged that the special school milk program be made permanent. The Child Nutrition Act would not meet this need but it would extend the program for 3 year beyond next June. That is a satisfying beginning toward a permanent school milk program and a move which

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I heartily recommend to the conferees and to my colleagues in the Senate.

I am confident that this vital program to provide nourishing milk for our children will soon receive the attention of the conferees as we enter the waning days of the 89th Congress.

WE SHOULD TAKE A LARGE NUMBER OF OUR SOLDIERS AND THEIR DEPENDENTS OUT OF WESTERN EUROPE

Mr. YOUNG of Ohio. Mr. President, as early as April 1963 I spoke out, as I do now, urging the withdrawal of our troops from Western Europe. At that time, I remember I stated my views that we Americans had reason to be thankful that General de Gaulle was a farsighted leader of his nation and had been doing much to reestablish France as a strong nation; that he admittedly had a Napoleonic complex and dreams of France as she was in the 18th century, but I said at times that we should not take offense. He wants our soldiers to go home and we should be glad to bring them home.

De Gaulle and France, with the support of West Germany and other nations at a time two decades after World War II, should certainly be able to protect themselves. They are prospering as never before and can readily spend their own money for their own defense.

I recall again in November 1963, I spoke out in Ohio that our allies in NATO, particularly France and England, had utterly failed to fulfill their commitments. England, for example, obligated for 55,000 troops in West Germany had but a fraction of that amount. France had withdrawn troops. Operation Big Lift was to demonstrate to Khrushchev that in the short space of 70 hours we are able to transport a complete armored division by air to West Germany ready for combat against aggression. With the advance of science, hundreds of thousands of U.S. servicemen and their dependents now abroad are no longer needed. Our missile power and Polaris manned submarines made this unnecessary. Spending by men in our Armed Forces and their dependents overseas had contributed largely to our Nation's balance-of-payments problem. Operation Big Lift demonstrated to Red China as well as to the Russians our ability to place our military might very rapidly over great distances. We laid on the line to our allies exactly what we intend by Operation Big Lift and that we proposed to bring many servicemen home. They should be stationed where there is greater need for them or they should be permitted to return to civilian life.

Later, in April 1964, I recall speaking out about the good news of the Pentagon's announcement that 7,500 U.S. troops will be returning home from Germany beginning in May of that year. I said again that too many American servicemen were stationed abroad at great expense to our Government and causing undue hardship and separation for many families and spending too much money overseas, and that we had clearly demonstrated our tremendous airlift capability which allows us to fully back up a reduced force in Europe in a matter of hours. Also, new scientific technology and our tremendous fleet of Polaris missile submarines capable of roaming the seven seas and pouring nuclear warheads on enemy targets 2,000 and more miles distant made a cutback of troops feasible. The reduction would cut defense expenditures abroad and significantly ease the outflow of gold from this country. Our allies utterly ignored their responsibility to bear an increased share of their own defense. Neither France nor Britain met their NATO troop commitments. If more men were needed, why not Frenchmen, Germans, and Englishmen? We have no intention of abandoning Europe. However, it is only right that American servicemen be stationed where they are needed.

Early in 1965 I again spoke out, saying that we were making a mistake in maintaining 340,000 members of the Armed Forces and their dependents in Western Europe 20 years after World War II while at the same time increasing the draft to maintain our troop levels because of commitments to Vietnam. I said then, and I say again, that we should order returned to the United States at least half of our GI's now in Europe together with their dependents and thousands of American civilian employees. Not only would this make available more men for possible assignment to southeast Asia, but it would also help to solve our balance-of-payments problem. Duty tours in Europe should be limited to 1 year and dependents of servicemen should remain home. Instead of having the families of officers and enlisted men stationed with them in foreign countries—living like squawmen instead of well fighting men—we should seek to establish a mobile, lean fighting-man force. The grim and apparently increasingly desperate situation in Vietnam shows that now is the time for us to trim the fat from our troop assignments the world over. Then, we can meet our commitments in Vietnam and elsewhere without undue enlargement of our Armed Forces. It seems nit picking when Americans are asked not to take vacations overseas so as to ease the gold drain problem, while at the same time we maintain a million soldiers and civilians in foreign countries in nearly every part of the world, many in countries where the people and government officials evidence a great dislike for us. Furthermore, this is in reality foreign aid—spending American taxpayers' money helping the economy of West Germany and France, already at an all-time high.

Since World War II, Europe has left its defense up to us. We are there in force as a conquering power. Maintaining a million soldiers overseas in Asia, Africa and Europe has caused a burden on our economy. Is it not time for us to withdraw most of our GI's from Europe? The West German and French Governments should relieve us of some of this excess pressure. Why should not these highly prosperous nations defend themselves with their own soldiers from any threatened Russian aggression, which at the moment is nonexistent? They, our allies, have given us no aid whatever in Vietnam. Little Korea has sent more than 20,000 of its finest troops to fight alongside our soldiers. Also, maintaining a large force in Western Europe has resulted in bad relations with the civilian population. German and French Government leaders keep their own forces smaller. We bear their burden. The outflow of gold from our country is not really due to Americans tourists traveling abroad. Unfortunately, at this time we are maintaining nearly 400,000 men and officers of our Armed Forces in West Germany, France and Spain. In addition, we maintain approximately 370,000 dependents there. Also, we foolishly entered into an agreement with the West German Government to employ only German nationals as clerks in our commissaries, PX's, and so forth, thereby depriving some wives of GI's of an opportunity to be gainfully employed. The cost of maintaining our troops plus the expenditures of service families compelled to rent houses and apartments of German and French landlords at exorbitant prices have helped reduce our gold reserves. The Spanish dictator, Franco, also profiteers at our expense.

Following World War II, there was a bitter cold war raging with the Soviet Union and there was a threat of aggression which required the presence of our Armed Forces to deter the Russians. Stalin was then dictator of the Soviet Union. That threat of aggression no longer exists. The threat of military aggression by the Communists in Europe has all but vanished. The present rulers of the Soviet Union are no longer rattling their missiles. The Russians are veering toward capitalism. The Soviet Union is no longer a have-not nation. Its leaders now appear principally dedicated to the objective of raising the standard of living of their people. At the present time we are contributing up to approximately one-third of the manpower and almost 80 percent of the cost of defending Western Europe.

From 1945 to 1966 we gave France more than $9 billion, Italy more than $6 billion, and Western Germany more than $5 billion. These nations, which have become rich and prosperous, show anything but enthusiasm about coming to our aid and assisting us in Vietnam. Not one has sent even one soldier to South Vietnam.

Mr. President, at the very best our troops in France and in the NATO countries must be considered as a token force rather than an effective striking force. We can improve our military and financial situation greatly by bringing most of our Armed Forces and their dependents home.

CAN WE CONTROL THE WAR IN VIETNAM?

Mr. McGOVERN. Mr. President, Dr. Henry Steele Commager, one of the Nation's most thoughtful historians, has authored an article on the Vietnam conflict entitled "Can We Control the War in Vietnam?"

Writing in the September 17, 1966, issue of the Saturday Review of Literature, Dr. Commager observes:

> Wars rarely come because they are carefully planned and deliberately launched—not ours anyway—but because circumstances get out of control. They come, most of them, notwithstanding earnest and even sincere efforts to avoid them.

Referring to our involvement in Vietnam, Dr. Commager writes:

> Now, once again, we are involved in a war that began, quite fortuitously, as a minor action and developed into a major one. . . But the one thing that is inescapably clear is that nothing is really under control. . . . The record of no other war in our history is so littered with the bric-a-brac of miscalculations, misguided policies, and mistaken predictions.

I ask unanimous consent that this thought-provoking article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN WE CONTROL THE WAR IN VIETNAM? WHAT HISTORY TELLS US ABOUT "LIMITED CONFLICTS"

(By Henry Steele Commager)

It is in Vietnam that we are fighting, but the ultimate enemy—so we are assured with anxious eloquence—is China. The "aggression" we are called upon to stop is "Communist aggression," and the Communism we are asked to contain is Chinese Communism.

That China is Communist is not denied, and that it is militaristic and aggressive is taken for granted, for after all is this not the very nature of Communism? With every year China grows more powerful and more intractable. Already it has a population of 700 million; already it is well on the way to industrialization; already it has the atomic bomb. Clearly—so the argument runs—it is China that inspires and sustains the war in Vietnam, supplying, if not the men, all other necessities of war. If our intervention should fail of its objectives—whatever they are—it is not Vietnam that will win, but China. And if China is victorious in Vietnam what is to prevent it from moving on to Laos and Cambodia, Thailand and Burma, then to the Philippines and Indonesia, and ultimately—the imagination boggles—into Japan, Australia, and India?

Meantime, we carry the war ever closer to China. Now we bomb within a few miles of the Chinese border; now we engage in "hot pursuit" over Chinese territory; now we grimly warn that there is no sanctuary for enemy planes on Chinese soil. And China, in turn, feels itself surrounded and beleaguered: a hostile Soviet Russia pressing on the long boundary to the North and controlling territory historically Chinese; American bases in Japan, Okinawa, the Philippines, and Taiwan; the Seventh Fleet—most powerful on the globe—ruling the South China Sea; giant bombers based on Guam; almost 300,000 soldiers in Vietnam with more on the way.

We are alarmed—and so are the Chinese—and when two powerful and proud antagonists are alarmed, almost anything can happen. Senator FULBRIGHT and many of his Senatorial colleagues think we are on a "collision course" with China, a view which the Chinese themselves share. Meantime, Secretaries Rusk and McNamara assure us that our own government has no intention of broadening the war. And the military, in turn, however much some of its members might yearn for a showdown now rather than later, discount the notion that China is able to engage in a major war.

There is, alas, neither comfort nor reassurance in all this. Wars rarely come because they are carefully planned and deliberately launched—not ours anyway—but because circumstances get out of control. They come, most of them, notwithstanding earnest and even sincere efforts to avoid them. To assume that statesmen, or military men, sitting in distant capitals, can manipulate the great, seething, and tumultuous process of history as they might manipulate pieces on a chessboard is to ignore the lessons of the past. The lessons of the past are not those implicit in the arguments of a Kahn or a Kissinger; they are rather those explicit in the lines of Euripides:

"And the ends men look for cometh not,
And a path there is where no man thought
So hath it fallen here."

History, to be sure, tells us of wars that were quite deliberately planned. Napoleon knew just what he was doing when he renewed his war on Britain in 1803; so did Bismarck in his wars on Denmark, Austria, and France. Hitler planned his attack on Poland, Norway, the Low Countries, and Russia, and Japan carefully calculated its attack on Pearl Harbor. Such things, it will be said, belong to the bad Old World; they do not happen in the New. Indeed they do not. We do not plan our wars; we blunder into them. Doubtless this has its advantages: We can maintain to the end that we are a "peace-loving" people, even as we are locked in mortal combat with our enemies—who, of course, are not "peace-loving."

That is, in any event, the record of most of our wars. Let us see what light that record throws on the problem that confronts us now.

Begin with the first of our wars, the War for Independence. It is pretty clear that neither the Americans nor the British wanted war in 1775; it is equally clear that neither people followed policies designed to avoid it. Certainly Colonel Smith, who marched so bravely out on the Concord road to capture the gunpowder stored in that town, did not realize that he was inaugurating a great war, nor did the embattled farmers who fired the shot which Emerson later asserted was heard 'round the world. Neither George III nor Washington wanted war, and though Lexington and Concord were fought in April 1775, the Continental Congress was still debating war and independence a year later. And as late as 1776 Washington, John Adams, Thomas Jefferson, and other American leaders are on record as deprecating both independence and war. But war came.

Certainly few wanted and fewer expected war in 1812. That war is, indeed, a classic example of the role of chance and of blundering. The British were too absorbed in their war on Napoleon to give any serious thought to American grievances; certainly they had no desire to take on another enemy. Americans protested against illegal impressment and Indian depredations, but had little stomach for a fight. New England did not want war, and sabotaged it when it came; the belligerence of the West has been exaggerated, and it was in any event a belligerence against Indians. When, in 1812, war finally came, it was unnecessary, for the British had already repealed the odious Orders in Council, the ostensible provocation for war. Nevertheless the war came.

As for the next major war, that with Mexico, it is fair to say that it was ardently desired by some, bitterly opposed by others. Santa Anna probably did not want war, but he wanted to indulge in gestures that might provoke war. Polk did, no doubt, want war, and so, too, did a good many Texans, and, supporting them, a good many land-hungry Middle Westerners. The South was not enthusiastic; New England abolitionists charged that the war was fought merely to get "bigger pens to cram slaves in." Certainly there was no need for war; had reason and not passion been in control, the disputes that agitated Mexico, Texas, and the United States could have been negotiated. The Mexican War is a classic example of the way in which a determined President can maneuver the country into a war neither popular nor necessary.

The Civil War, greatest of our wars, was by no means that "irresistible conflict" which Seward predicted. Neither North nor South really wanted war; Southerners hoped to the end that the North would allow them to go in peace; Northerners hoped, to the end, that the "erring sisters" would in fact return to the fold. So said Oliver Wendell Holmes: in an appeal to "Caroline, Child of the Sun":

"Go, then, our rash sister, afar and aloof,
Run wild in the sunshine away from our roof;
But when your heart aches and your feet have grown sore,
Remember the pathway that leads to our door."

Lincoln put it more sadly in his second Inaugural Address:

"Both parties deprecated war, but one of them would *make* war rather than let the nation survive, and the other would *accept* war rather than let it perish, and the war came. . . . Neither party expected for the war the magnitude or the duration which it has already attained. . . . Each looked for an easier triumph and a result less fundamental and astounding."

When secession came, Lincoln allowed Sumter to fall rather than fire the first shot, and Seward contrived a fantastic plan to reunite the nation by warring on Britain and France. All in vain. Events ruled and overruled the plans of men.

The war with Spain was, if not planned, widely desired and widely popular, for American distrust of Spain was deep-rooted, and American sympathy with the heroic Cubans struggling for independence was ardent. President McKinley, to be sure, tried somewhat ineffectually to avoid war over Cuba, but lacked the backbone to put up any real resistance to the war-mongers. War might have been avoided—Spain was prepared to make almost any concessions—had it not been for the bad luck of the explosion of the battleship *Maine* in Havana harbor. There was no evidence at the time that the Spaniards had blown up the *Maine*, and there has been no evidence since, but the country was not interested in evidence. Spain was held responsible for the foul act, and "Remember the *Maine*" echoed across prairie and plain. That fortuitous event was the fuse which set off the war, just as the ineffectual firing on a U.S. destroyer in the Gulf of Tonkin was the fuse that set off the war on North Vietnam. In both cases an administration pledged to peace eagerly seized on a pretext to wage war.

It was, said Theodore Roosevelt, "a splendid little war." The war that grew out of it was not at all splendid, and took everyone by surprise. Indeed so surprising was it that—like the present enterprise in Vietnam—it was not really a war at all. The Americans had liberated the Philippines from Spanish rule, and the Filipinos, or a substantial number of them, assumed that they were now free. But not at all. McKinley was not prepared to hand the islands back to Spain, nor to set up an international protectorate, nor to leave them alone, exposed to the wicked designs of other nations.

But the Filipinos, like the Vietnamese in 1945, thought that they had helped win their independence, and did not want any foreign, certainly not any Western, power to take over. They thought that independence from Spain meant an end to colonialism, and they were outraged when McKinley calmly assumed that they had nothing to say about their fate. It did not, apparently, occur to McKinley that the Filipinos would oppose American rule of the islands, and when they did so, he reacted impulsively, almost instinctively, as we later reacted to Vietcong intransigence. He struck back, and we found ourselves engaged in just the kind of jungle warfare in which we are now once again embroiled.

That war dragged on for three years, and before it was over it had engaged 120,000 American troops—the equivalent then of our 300,000 now in Vietnam—and cost almost as many lives as the war with Spain. Like almost all wars between people of different races and colors, between a highly civilized and a more primitive people, this war speedily degenerated into the worst kind of guerrilla fighting, with barbarities and torture on both sides. Within a short time the United States found itself doing in the Philippines what it had condemned Spain for doing in Cuba, just as now we find ourselves doing in Vietnam what we condemned the Germans for doing in the last war.

The First World War affords the best—perhaps the only—example of a war which we entered upon deliberately. We moved toward war with our eyes open; we calculated the risks of fighting, and of not fighting; our decision to declare war was carefully weighed and calculated. Whatever the rights and wrongs of that decision—and looking back on it from the perspective of fifty years, there still seem to be more rights than wrongs—it cannot be alleged that this was an occasion where events overrode human judgment. We did not, of course, see the consequences of our involvement; even the eye of Woodrow Wilson could not penetrate that far into the future.

With the Second World War we were clearly back in the world of chance. Granted, Roosevelt had not been a passive spectator to the drama unfolding before us in Europe and in Asia; granted, too, that by 1941 we had moved, somewhat erratically, toward participation in a "shooting" war, with conscription swelling the ranks of our armed forces, our airplane and munitions factories working day and night, our protection extended to Iceland, and our Navy prepared to shoot submarines on sight. But the election of 1940, like that of 1916, had been fought on a platform that appeared to promise that the government would stay out of "foreign" wars. Public opinion was, in fact, unprepared for war in 1941. And when war came, it came not by our choice, but by the choice of Japan. Once again it could be said that we did not control events, events controlled us. We did not plan the war, controlling each move in a complex game; there were calculations, but they went awry; the moves and finally the game itself got out of hand.

The Korean War does not fit quite so neatly into this pattern of wars into which the United States blundered or strayed, but whatever else may be said of it, this can be said with certainty, that it was not a war we either anticipated or planned. The Korean War caught us by surprise as it caught most of the world by surprise, and so, too, did the ferocity of the fighting. The analogy to our involvement in Vietnam is not far-fetched: We plunged into what we took for a war of aggression; as we moved ever closer to the China boundary, China concluded that it was threatened (as indeed it was by MacArthur and the war hawks, though not by Truman) and itself plunged into the war. We are confident now that escalation of the Vietnam war will not bring in China, but our experience in Korea does not justify that confidence. Nor does it justify our confidence that we can, in the end, impose our will on all participants; in Korea we had to settle for something less than total victory, and to accept an armistice which still hangs over us.

Now, once again, we are involved in a war that began, quite fortuitously, as a minor action and developed into a major one. Because public relations, propaganda, and perhaps pride, are more insistent than ever before, we are assured, more persuasively than ever before, that everything is under control. No need to fear a further enlargement of the war; no need to fear war with China; no need to fear an atomic conflict. But the one thing that is inescapably clear is that nothing is really under control. Month after month, year after year, we have been misled and deceived. We have been told that the conflict in Vietnam was not a real war, that a show of force would bring it to an end; that the Vietcong were being decimated, and were deserting by the thousands; that a few days' bombing would bring North Vietnam to its knees; that we had at last set up a stable government; that the South Vietnamese army was a real fighting force; that the long-awaited social and land reforms were finally being fulfilled; that we had staunch allies who would surely come to our aid. But why go on? The record of no other war in our history is so littered with the bric-a-brac of miscalculations, misguided policies, and mistaken predictions.

Yet those responsible for this matchless record of confusion, self-deception, and error still have the temerity to assure us that everything is under control—their control. We are still asked to believe that the President and his advisors make all the decisions and direct all the actions, that they can calculate with certainty just how far the war will go and how far it will not go: that they can move the pieces on the chessboard of Asia with such deftness and skill that we need never fear that anything will go awry.

Confidence in our ability to control the war in which we are now so hopelessly entangled in part of that larger intellectual and moral vanity which is one of the most frightening features of the American character today. It is of a piece with those games theories which so fascinate the servants of the Rand Corporation, of a piece with Henry Kissinger's careful calculations of the tolerable limits of losses in a nuclear war—is it 50 per cent or 70?—of a piece with Herman Kahn's theory of controlled escalation of atomic warfare, all as neat and impersonal as a computer.

Those whom the gods would destroy they first make vain. To suppose that we are a special people, that we can not only foresee but control the future, that we can bestride the swift currents of history, that the choice of life and death for nations and even for Mankind has been delivered into our hands—this is a special and fearful kind of arrogance and pride. Nothing in our experience promises us that we can subdue the arrogance or conquer the pride.

NEAL S. BLAISDELL, MAYOR OF HONOLULU, ONE OF TRIMMEST FIGURES ON AMERICAN POLITICAL SCENE

Mr. INOUYE. Mr. President, Mayor Neal S. Blaisdell, of Honolulu, former chairman of the U.S. Conference of Mayors, is surely, at 64, one of the trimmest figures on the American political scene.

In an age when we are encouraged from all sides to remain physically fit, while at the same time we are artfully enticed to consume much of what is not good for us, Mayor Blaisdell remains an example for us all.

The mayor, a onetime athletic great, was featured in a recent column by Jim Murray, of the Los Angeles Times, one of this country's outstanding sportswriters.

I ask unanimous consent that Mr. Murray's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIS HONOR THE MAYOR

(By Jim Murray)

When we think of a big-city mayor, we usually think of a corpulent old party, his stomach straining against his belt, his jowly face obscured by cigar smoke, pudgy fingers bedecked with diamond rings.

His only form of exercise consists of poker with the boys from the Fourth Ward, or an occasional shove of a forefinger into a pearl pushbutton to summon a sycophant so he can dictate a release taking credit for the sun coming up that morning. His dietary habits consist of a daily freeload of lobster and thick steaks washed down with good brandy and thick coffee. His body is as corrupt as his administration. Hizzoner the Pig.

Which is why I was so fascinated the first time I played golf with Neal Shaw Blaisdell, the long-time mayor of Honolulu. The waistline was 32, the stomach hard and flat. The grip was firm. The weight was 160 and the ball left the tee with the crisp click of an Arnold Palmer takeoff. The turn was as effortless and coordinated as Sam Snead's. The score was something else because the putting was rusty, and the play in the sand traps showed he hadn't been neglecting City Hall.

The age was 64. He is one-eighth Hawaiian, which could account for the tawny color, and seven-eighths Yankee sea trader, which could account for the fact he didn't like to lose money. He had been born in the islands, and his father before him, which meant plenty of sunlight and distance swims and strong legs. But he had put in 16 years in a pineapple plant once, which meant a mild onset of tuberculosis.

He was so different from the Eastern seaboard mayors of my youth, whose symbol of office was a belch, that I made some inquiries of his administrative assistant, Brian Casey, a young man 25 years the mayor's junior, who didn't put me in mind of Palmer or Snead or even George Halas, and who has managed to live in the islands 20 years without once getting his hair wet.

PROOF NOT LONG COMING

Blaisdell, it appears, does 150 pushups every morning of his life. A doubter once accosted him at an official reception, and, before the shocked gaze of the diplomatic assemblage, His Honor whipped off his shirt and tie, and dropped to the carpet to do 150 right then and there.

He once challenged to a fist fight a rival for his office who was 20 years younger and was himself a three-letter sport star in college. I know, because I went to college with that rival.

Neal Blaisdell was a three-letter star himself at the University of Hawaii, a left-handed pitcher good enough to get signed by the Chicago White Sox. He pitched for the old Baltimore Orioles, later for the Detroit Tigers. He coached at Bucknell in Pennsylvania after graduation there, and he was football and baseball coach at several Hawaiian high schools.

He lost his first pitch at being mayor of Honolulu but his ERA was so good the party (sort of whispering Republican) started him again the next game. That was 1954. He's been throwing shutouts in elections ever since.

He runs a polyglot island metropolis which has grown from a ukulele-strumming little resort port to a harsh, strident, demanding strumpet of a city of nearly a million with all the problems of New York and where hardly anybody gets hit over the head with a falling coconut any more.

One son-in-law is Charles Ane, a mastodonic All-American lineman at USC and an All Pro with the Detroit Lions a few years back. Another is Jimmy Clark, another Hawaiian who ran for the Washington Redskins a few years ago.

The city is such a model of racial getting along with each other that I am prepared right now to recommend that other American cities scour the football and baseball locker rooms for guys who not only have curve balls or four-yards-per-carry averages, but who also have passed civics and have guts enough to straight-arm a city council once in a while as well as a defensive halfback. Then, instead of putting them on bubble gum cards, we can put them on ballots.

NEED FOR STRONGER GUN CONTROL LAWS

Mr. DODD. Mr. President, it has been a long and sometimes frustrating struggle to update and strengthen our Nation's gun laws. But I have always been able to take heart from the support of the general public and from State officials, police officers, and lawyers for an effective firearms bill such as S. 1592.

There have been attorneys general such as Thomas Lynch of California and Arthur Sills of New Jersey who against great odds have fought for stronger gun laws.

The National Association of Chiefs of Police, meeting in convention, almost unanimously supported the legislation now before the Judiciary Committee.

Also, one of the most distinguished of organizations, the American Bar Association, at its annual meeting in Montreal on August 8, for the second consecutive year adopted a resolution urging Congress to adopt this proposal.

Mr. President, I ask unanimous consent that the ABA resolution and an exchange of correspondence with me be printed in the RECORD at this point.

I hope that Senators will seriously consider the ABA's views when S. 1592 is brought up for a vote.

There being no objection, the resolution and correspondence were ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Chicago, Ill., August 29, 1966.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: At its meeting in Montreal on August 8, 1966, the House of Delegates of the American Bar Association, upon recommendation of the Section of Criminal Law, adopted the following resolution.

"Whereas, the House of Delegates in August, 1965 by an overwhelming majority approved federal legislation restricting the indiscriminate sale and transportation in Interstate Commerce of certain firearms; and

"Whereas, no action has been taken on this bill by the Congress of the United States; and

"Whereas, the need for this legislation is critical and of the utmost importance in the control of crime and violence; and

"Whereas, the President of the United States has urged the Congress to expedite action on this bill; Now Therefore Be It:

"Resolved, that the American Bar Association reiterates its approval, in principle, of the pending firearms control bill and urges the Congress to act upon this legislation at its present session."

This is being transmitted for your information and whatever action may be appropriate.

Very truly yours,
GIBSON GAYLE, Jr.,
Secretary.

cc: Gerald S. Levin, Esquire, Chairman, Section of Criminal Law; James V. Bennett, Esquire, Former Chairman, Section of Criminal Law.

SEPTEMBER 12, 1966.

Mr. GIBSON GAYLE, Jr.,
Secretary, American Bar Association,
Chicago, Ill.

DEAR MR. GAYLE: I appreciate your sending me the text of the American Bar Association's resolution urging enactment of firearms legislation now pending in the 89th Congress.

The Association's endorsement of S. 1592 in 1965 represented, I felt, a major stride forward in moving the bill through the legislative process. It is, therefore, encouraging to know of the Association's reaffirmation of support, in principle, for enactment of the legislation.

With strong support of this nature, I am certain it is only a matter of time before S. 1592 is enacted into law.

I intend to bring the Association's resolution to the attention of the membership of the Judiciary Committee at our next meeting, in view of the fact that S. 1592 is the pending order of business.

With every good wish, I am,
Sincerely yours,
THOMAS J. DODD,
Chairman.

PRESIDENTIAL VETO OF FEDERAL EMPLOYEES LIFE INSURANCE FUND BILL WAS UNJUSTIFIED

Mr. GRUENING. Mr. President, it was with deep regret that I noted the President had vetoed H.R. 6926 which would have increased life insurance coverage for Federal employees.

This bill was essentially a modest proposal.

As originally recommended by the President, the life insurance coverage for Federal employees would have been increased, at an annual cost of $12 million, for the upper echelon Federal employees with the maximum coverage raised from the present $20,000 to $30,000. This would have been of benefit only to a few thousand high-ranking Federal employees. It would have given no benefits to the 2½ million Federal employees who earn less than $20,000 a year.

After long and careful hearings, the Senate Committee on Post Office and Civil Service recommended and the Senate adopted an amendment to the House-passed bill, raising the coverage for all Federal employees at each level and raising the maximum coverage to $42,000. The additional annual cost would have been $78 million.

The President, in his veto message, objected to this additional $78 million cost as inflationary.

I am opposed to unnecessary Federal spending as much as anyone else but I cannot see economy being obtained at the expense of long-overdue benefits for Federal employees, to whom much is owed.

If $78 million stands between this country and runaway inflation then we are indeed in a sorry state. I cannot believe that this is so.

This proposal would not have been a gratuity to Federal employees. They themselves must pay part of the cost of the insurance premiums and to that extent the proposal would have been deflationary.

This veto must be ascribed to the ever-rising costs of the tragic involvement of the United States in an undeclared war in Vietnam, the costs of which in terms not alone of money but of injured and dead American servicemen are steadily escalating.

It is indeed unfortunate that the mounting costs of that undeclared war must be borne in disproportionate share by the lower paid faithful Federal employees.

It is unfortunate that there will be no attempt made during this Congress to override this veto. I hope that the able and distinguished senior Senator from Oklahoma [Mr. MONRONEY], the chairman of the Senate Committee on Post Office and Civil Service, will, early in the 1st session of the 90th Congress, report a measure to the Senate which will accomplish the objectives of H.R. 6926.

DANGERS FROM CIGARETTES

Mr. KENNEDY of New York. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Jane E. Brody and published in the New York Times of August 30, 1966. This article describes an experiment conducted by Dr. George E. Moore of the Roswell Park Memorial Institute in Buffalo. The experiment showed that none of the filters on the cigarettes tested completely removed tar and nicotine. The study also shows that some filtered cigarettes release more tar and nicotine than some unfiltered cigarettes.

As Dr. Moore has previously pointed out, lung cancer, emphysema, cardiovascular diseases, and other ailments are known to occur more frequently among smokers than among nonsmokers. The article leads me to question whether any cigarette can be regarded as safe.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEVERAL FILTER TIPS FOUND "INEFFECTIVE"

(By Jane E. Brody)

The filter tips of several brands of cigarettes are "ineffective" in screening out "harmful" tars and nicotine, according to a study released yesterday.

In two of the nine brands tested in the study, the filter tip cigarettes let through more tars and nicotine than did unfiltered cigarettes of the same brand.

The study was done at Roswell Park Memorial Institute, New York State's cancer research and treatment center in Buffalo. Dr. George E. Moore, director of the institute, said some filters were doing a better job than others, but none was really protecting smokers from lung cancer, emphysema, cardiovascular diseases and other ailments that are known to occur more frequently among smokers than among nonsmokers.

Despite a number of studies showing that smokers have higher death rates from all causes than do nonsmokers, tobacco companies have maintained that no substance in cigarette smoke has yet been shown to cause disease in humans.

However, studies on animals have implicated cigarette tars in the development of cancer and nicotine in the development of cardiovascular diseases.

Dr. Moore said in a telephone interview yesterday that the less tar that passed to the smoker the less likely he would be to develop cancerous tumors.

He noted that some filter tips allowed nearly three times more tars and nicotine to pass through than did others.

"Some smokers are getting some protection, but others are not getting any, and the consumer has no way of knowing which filter is better. It's almost fraudulent," Dr. Moore said.

Cigarette advertising has given smokers the "impression that just because a cigarette is filtered, then it is helpful in cutting down tars and nicotine. This is simply not true," the doctor added.

The study showed that Pall Mall filter tip cigarettes passed through more tars and nicotine than Pall Mall regulars.

For the filter tips, the smoke contained 43.3 milligrams of tar and 2.13 milligrams of nicotine for each cigarette. These unfiltered Pall Malls passed 32.7 milligrams of tar and 1.75 milligrams of nicotine. A milligram is .00003 of an ounce.

Dr. Moore said, "The reason for this is that the Pall Mall filter tip cigarette is a longer cigarette than the plain, thereby allowing the smoker to smoke more tobacco, and it apparently has a poor filter."

Although the filter tip and regular cigarettes have the same length of tobacco, the smoker tends to smoke more of the available tobacco in the filter cigarettes, he said.

A similar situation was found with Chesterfields, where the filter tip cigarette passed 27.6 milligrams of tar and 1.72 milligrams of nicotine and the regular passed 27 milligrams of tar and 1.18 milligrams of nicotine.

In addition, it was found that Lucky Strike filters allowed 27.3 milligrams of tar to pass through, while regular Lucky Strikes passed 27.2 milligrams of tar. However, Lucky Strike filters allowed 1.34 milligrams of nicotine to pass through, while the regulars passed through 1.42 milligrams.

Of the nine brands tested, True filter cigarettes was found to be most effective in screening out harmful substances. Smoke from one True cigarette contained 16.9 milligrams of tar and .79 milligrams of nicotine.

The other brands tested, in the order of the effectiveness of their filters, were Kent, Marlboro, Winston, Lark, Salem and Lucky Strike.

The tests were made by a "smoking machine," which automatically puffed once a minute with the same amount of pressure until each cigarette had reached the average length at which smokers usually discard them—slightly less than an inch. With extra-long filter tips, the throw-away length was about one inch.

Tars and nicotine were gathered by a Cambridge filter fitted into a holder behind each cigarette. This filter, commonly used by tobacco companies in their own studies, removes all visible particles from the smoke.

After removal from the smoking machine, each filter was weighed to determine the amount of tars collected. Nicotine content was determined by boiling the filter, collecting the condensate and analyzing it for nicotine content by ultraviolet light.

Dr. Moore declared that "the tobacco industry apparently realized that the public wants safer cigarettes." He noted that the production of filter tip cigarettes rose from 2 per cent of the total cigarette output in 1952 to 64.7 per cent in 1965.

Reaction to the study from cigarette manufacturers varied from pleasure to "no comment" to "our studies show differently."

P. Lorillard Company, makers of Kent and True, said it was "delighted" to learn that its brands had received "such a favorable report."

Philip Morris, makers of Marlboro, and R. J. Reynolds, makers of Winston and Salem, had no comment on the study. Liggett & Myers, makers of Lark and Chesterfield, said no one was available yesterday who could comment.

The American Tobacco Company, which manufactures Pall Mall and Lucky Strike, said that according to company studies, its filters cut down on tar and nicotine passing into the smoke.

"The effectiveness of the filter can be seen only when you compare the amount of tobacco and nicotine per inch of tobacco smoked of a filter and unfiltered cigarette," a spokesman explained.

American also noted that True cigarettes were listed as most effective but that "they have not used our brand of Carlton cigarettes. Our tar and nicotine numbers, printed on the package itself, are much lower than on True filter cigarettes."

F.T.C. STUDY URGED

WASHINGTON, August 29 (AP).—Senator WARREN G. MAGNUSON, chairman of the Senate Commerce Committee, urged the Federal Trade Commission today to investigate the report that certain filter cigarettes allowed more tar and nicotine to pass through than the same brands' nonfilter cigarettes.

The Washington Democrat has introduced legislation to require cigarette packages and advertisements to state tar and nicotine contents.

Finds of the tests on cigarette filters

Following are the findings of the Roswell Park study of filter tip cigarettes. The list runs from the least of the most effective filter. All figures are in milligrams:

Brand	*Tar*	*Nicotine*
Pall Mall filters	43. 3	2. 13
Pall Mall regulars	32. 7	1. 75
Chesterfield filters	27. 6	1. 72
Chesterfield regulars	27. 0	1. 18
Lucky Strike filters	27. 3	1. 34
Lucky Strike regulars	27. 2	1. 42
Salem filters	23. 6	1. 43
Lark filters	23. 1	1. 26
Winston filters	22. 9	1. 32
Marlboro filters	22. 4	1. 24
Kent filters	18. 8	1. 10
True filters	16. 9	0. 79

FEDERAL CONTROL OF SCHOOLS

Mr. ROBERTSON. Mr. President, yesterday a civil rights bill which contained a housing provision that was not acceptable to any section of the Nation was dropped, but only for the remainder of the current session. A similar bill undoubtedly will be introduced at the beginning of the next session of Congress, and according to Representative FINO, of New York—see page 22754 of the CONGRESSIONAL RECORD of Thursday, September 15—it will include, or be accompanied by, a far-reaching proposal of the U.S. Commissioner of Education to provide for compulsory integration through redistricting and busing metropolitan areawide public schools.

In connection with the latter bill, Representative FINO quoted the Commissioner, Harold Howe, as saying:

> If I have my way, schools will be built for the primary purpose of economic and social integration.

Mr. President, some in Virginia have called me a reactionary, because I have refused to support a Federal program of aid to public schools. When I was a candidate for the State senate in 1915, two major planks in my platform were better roads and better schools because, of course, in rural areas they of necessity go together. I have been for better roads and better schools ever since. The founder of the Democratic Party, Thomas Jefferson, was the great liberal of his day and time. I have been a student of and a firm believer in the Jeffersonian principles of representative democracy. He advocated a system of public schools for Virginia, but they were to be locally controlled. When the public school system of Virginia was finally established long after Jefferson's death, it was on the basis of local control.

In my opinion, a majority of Virginians still favor that Jeffersonian principle, but I have served in the Congress long enough to know that Federal control inevitably accompanies Federal funds. Anyone who says he favors Federal funds without Federal control is either ignorant of how the Federal Government operates in these matters or else is not intellectually honest about what is involved. In fact, Commissioner Howe has publicly stated that desegregation in public schools is but a start of his program for Federal control.

Under the proposed legislation, Federal control will cover the qualification and assignment of teachers, curricular specifications on a par with the interstate road specifications, the elimination from acceptable textbooks of any material to which a major pressure group objects, and surburban-inner city pupil exchanges.

The pending case of Hobson against Hansen, involving de facto segregation in the public schools of the District of Columbia, illustrates the potential of Federal controls for the adjoining States of Virginia and Maryland and eventually for the entire Nation. That case involves the right of District of Columbia school authorities to cross the State lines of Virginia and Maryland to increase the percentage of white children from the adjoining States in District schools and the percentage of colored students in the adjoining metropolitan areas of Virginia and Maryland.

The impact of the adoption of that principle upon the school systems of all States is illustrated in the leading editorial of the Richmond News Leader of September 19, 1966, entitled "The Judge Has Spoken."

Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

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There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Richmond (Va.) News Leader, Sept. 19, 1966]

THE JUDGE HAS SPOKEN

Usually when a case comes to court, the plaintiffs have some doubt about the outcome—for indeed, the very reputation of justice depends upon at least the outward appearance of objectivity upon the bench. But in the celebrated schools case of *Hobson* v. *Hansen*, now being argued in the Federal District Court in the District of Columbia, the appointed Judge already has committed himself publicly upon the issue under litigation; the Judge has spoken not only publicly, but spectacularly, vehemently, and precisely on the question at stake. Yet so far, the special Federal Judge, J. Skelly Wright, has not moved to disqualify himself.

Moreover if Judge Wright follows the recommendations he himself made a year and a half ago, the case will have a profound and direct effect upon the school systems of Northern Virginia and Maryland. On February 17, 1965, Judge Wright delivered the James Madison Lecture at the New York University School of Law. He spoke about legal remedies for "*de facto* segregation." He argued that the courts should abandon "judicial restraint," and outlaw any discrimination which might result from the lines of historic school districts, *even if it were necessary to cross the boundaries of political divisions*. His lecture alluded again and again to the situation in Washington, D.C. He left it clear that there was no way to provide "equal" education in Washington, without a court order to bring together the children of Washington and the children of the Virginia and Maryland suburbs into great, centralized "educational parks."

The unofficial speculations of Judge Wright before the NYU School of Law (since published in two law journals) suddenly took on a large significance last January when Julius W. Hobson and a group of white and Negro plaintiffs filed suit against the Washington public schools asking relief from *de facto* segregration in the system. Hobson, a civil rights militant, and his group also sought to dissolve the D.C. School Board, which, under the provisions of the D.C. Code (set by Congress), is appointed by the Federal District Court judges sitting together. The suit therefore was not only against Carl F. Hansen, the redoubtable Superintendent of Schools, but also against the School Board and the Federal District Court as well. Since Hobson therefore sought to sue the very judges who supposedly had jurisdiction in the case, the Chief Circuit Judge appointed another judge—J. Skelly Wright, who normally sits on the D.C. Court of Appeals.

The key factor in the case is that 90 per cent of the pupils in the D.C. system are Negro, and only 10 per cent are white. No matter what Superintendent Hansen were to do, he could not achieve "racial balance" in his schools. Yet since the *Brown* case of 1954, ideologues have held that all-Negro education is inherently inferior. And Hobson is beseeching the court to make the D.C. system provide "educational opportunities, advantages, and facilities . . . equal to [those] afforded and available to white children at public school age similarly situated in adjoining, adjacent, and contiguous areas of Maryland and Virginia." On the face of it, "equality" cannot be obtained without mixing students from the two States and the District.

Hobson's thesis is exactly what was propounded by Judge Wright in his lecture. "Negro children," he says, "suffer from lack of exposure to the middle class culture found in white but not in Negro schools." And again: "Thus children compelled by State compulsory attendance laws to attend the segregated Negro school are deprived of equal protection of the law. The fact that the classification to attend the school is based on geography, and not on race, does not necessarily make the school less segregated or less inferior."

Therefore he argues that school district lines may be unconstitutional no matter what the intent:

"Where the result is segregation, and therefore unequal educational opportunity, the classification used, whatever it is, is constitutionally suspect and a heavy burden is placed on the school board and the State to show, not only innocent intent, but also lack of a suitable alternative."

Judge Wright, in his lecture, specifically touched on the issue now under litigation.

"A judgment must be made in each case based upon the substantiality of the imbalance under particular circumstances. Once substantial racial imbalance is shown, however, no further proof of unequal educational opportunity is required. What may be substantial imbalance in Boston, where the Negro school population is relatively small, may not be in Washington, where the Negro population is approaching 90 per cent. Numbers alone do not provide the answer. The relevant population area is an important consideration. Is the relevant area the city alone or the suburbs as well?"

Judge Wright answers his own question:

"An even more difficult problem is presented by the flight of the white population to the suburbs. The pattern is the same all over the country. The Negro child remains within the political boundaries of the city and attends the segregated slum school in his neighborhood, while the white children attend the vastly superior white public schools in the suburbs. . . . Obviously court orders running to local officials will not reach the suburbs. Nevertheless, when political lines, rather than school district lines, shield the inequality, as shown in the reapportionment cases, courts are not helpless to act. The political thicket, having been pierced to protect the vote, can likewise be pierced to protect the education of the children."

Judge Wright envisions court orders not only to local school boards, but to State officials as well. If Hobson wins his case, therefore, one might expect to see Virginia education authorities instructed to prepare a plan of integration with the District; and Maryland likewise, even if this should require massive central parks and elaborate busing. U.S. Education Commissioner Howe doubtless will be there with his hand on the Federal pipeline.

Finally, Judge Wright foresaw the day when District Courts, such as his, would have power to direct the educational systems of the nation:

"Undoubtedly, if and when the Supreme Court tackles the suburban vis-a-vis the city slum school problem, in the event of a decision in favor of the complainants, it will again remit the remedy to the District Courts, with instructions to ignore the State-created political lines separating the school boards and to run its orders directly against the State, as well as local officials."

Clearly, Judge Wright was an acknowledged partisan in the Hobson issue long before he was appointed to hear the case. It is difficult to see how Superintendent Hansen and his associates can get an objective hearing. Thanks to this special assignment, Judge Wright need not wait for the Supreme Court; he is in a unique position to order his own theories into effect. Virginia's Congressmen ought to be protesting vociferously against this Judge who has already judged.

FREE SPEECH AT BERKELEY

Mr. DODD. Mr. President, for some time we have been faced with headlines from the University of California at Berkeley concerning what at one time was a free speech movement, which later became an anti-Vietnam war movement, and which has involved stopping troop trains on their way to the Oakland Army Terminal, and an attempt at physically taking over the university.

Month after month has been filled with such new items as a student sit-in at the university administration building, a demonstration against the appearance at Berkeley of U.S. Ambassador to the United Nations Arthur Goldberg, the growing use of various kinds of narcotics and drugs, and the general degradation of the academic atmosphere at this great American university.

Instead of advancing freedom at the University of California, student and faculty activists have, in reality, eliminated the entire atmosphere of free and open discussion and debate. This is the conclusion of Prof. Lewis S. Feuer who, after 9 years of teaching philosophy and social science at Berkeley, has left to become profesor of sociology at the University of Toronto.

What has happened to the concept of free speech at Berkeley? In this month's Atlantic Monthly Professor Feuer provides an answer:

> Freedom of discussion presupposes that the chief sides in any national debate will be represented. In Berkeley, the supporters of President Johnson's foreign policy are, in effect, denied a forum on the Berkeley campus. The New Left has made it nearly impossible for the national Administration's standpoint to be presented to Berkeley students. This was the effect of the last genuine debate which took place in Berkeley in May, 1965, at which Professor Robert Scalapino and William Bundy defended the Administration's policy in Vietnam against two critics. Although the critics were listened to courteously by Administration supporters, Scalapino and Bundy were almost shouted down. Some activist leaders have defended the onesidedness of the "free discussion." The time, they say, for equal discussion of all sides is over; now is the time for action, and discussion should be confined at Berkeley to alternative ways of stopping the war machine.

Professor Feuer concludes:

> The freedom of speech which emerged in Berkeley this past year was unilateral, a freedom for the new left which the latter was prepared to deny to others.

Among those he holds most responsible for this are the professors and teaching assistants who participated with those who sought to create such an atmosphere at the university:

> When teachers abandon their responsibilities, they become false teachers and sow confusion in their students' lives. Freedom of speech, freedom of debate have never been at a lower estate in any major American university in the last generation.

A total breakdown in morals has resulted. According to police reports, almost half the persons arrested in Berkeley during 1965 were students. In a 5-year period, burglaries increased from 147 to 1,164, and thefts from 305 to 664. The city of Berkeley had an 11-percent increase in crime, while the campus area saw an increase of 39 percent. According to Professor Feuer a "cult of dishonesty" has been growing at Berkeley, and it has been both intellectual and physical.

Professor Feuer quotes Bernard Shaw's statement:

> The most tragic thing in the world is a man of genius who is not also a man of character.

He notes that this "in a sense has been the tragedy of Berkeley" and he warns that it may become the larger tragedy of our society. He concludes with this eloquent warning:

> The problem of Berkeley is the problem of the American intellectual class. As it grows in power and numbers, wooed alike by the government, foundations, the publishing world, industry, and the universities, it demands for itself the privileges and prerogatives of a third chamber of government. It demands that government officials be especially accountable to it as the guardians of intellect and knowledge. Yet it has scarcely shown itself to possess the character which its pretensions would require.
>
> The twentieth century has shown how the intellectual class can become a primary force for an assault on democratic institutions, and we may yet witness this phenomenon in America disguised under such slogans as participatory democracy.

Lest anyone believe that the new left is not a force which will have to be dealt with and understood, Professor Feuer sounds a timely and important warning.

I wish to bring this article to the attention of my colleagues and request unanimous consent for its insertion into the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DECLINE OF FREEDOM AT BERKELEY

(By Lewis S. Feuer)

(After nine years of teaching philosophy and social science at the University of California at Berkeley, Professor Feuer will leave to become professor of sociology at the University of Toronto. His angry appraisal of the "free speech" explosion at Berkeley and its aftermath is both compelling and provocative, and the Atlantic is inviting others who are concerned over the implications of the Berkeley experience to comment on Professor Feuer's analysis. The author of "Spinoza and the Rise of Liberalism" and "the Scientific Intellectual," Professor Feuer was an Exchange Scholar at the Soviet Institute of Philosophy in Moscow for 4½ months in 1963.)

Berkeley has become a symbol for the world. To many Americans, it stands for a studentry in senseless rebellion; to the Communist government of North Vietnam, it is a faithful ally whose demonstrations against the United States government are the most valued propaganda; and to much of the academic community, it is the admired "best balanced" university (as of 1964) in the country. "Berkeley," they say on every American campus, "is where the action is." What sort of action has it been during the past academic year, the Year One in Berkeley after the Great Student Uprising? How has freedom fared in the aftermath of the famous Faculty Resolution of December 8, 1964, "that the content of speech or advocacy should not be restricted by the university"?

There was much to be said for the straightforward simplicity of the Faculty Resolution. It was categorical and plain; it made no exceptions. It enunciated a high-minded standpoint. It proposed to American universities that the only regulations concerning political activities on the campuses should be those of "time, place, and manner"—that is, only what was necessary to prevent interference with the normal functions of the university. Yet the very generality of the Faculty Resolution failed to take account of self-defeating consequences, which were altogether likely, especially in the context of the total commitment of some Berkeley activists. The faculty was promulgating a charter which could be used to safeguard the advocacy and planning of immediate acts of violence, illegal demonstrations, terrorist operations, interferences with troop trains, and obscene speech and action. University facilities became available for the organization of all such actions.

Perhaps in a less crisis-ridden atmosphere the Berkeley faculty could have contributed constructively to defining freedom of speech and thought for the university setting. As it was, they laid down an unqualified principle which in practice proved unworkable. My own understanding of the events which followed in the Year One will naturally reflect the fact that I was one of an unorganized minority which tried on December 8 to persuade our colleagues to affirm to the studentry that freedom of speech on the university campus did not extend to advocating and organizing immediate acts of force and violence.

What has happened in Berkeley during the past academic year has been in large part a consequence of that faculty resolution. For it in effect created a moral vacuum in the heart of the university. It founded an enclave which canceled the limits of any previously defined freedom of speech; on the University Plaza, with the university's microphones and amplification, students were to be allowed to advocate and plan any sort of political activity, legal or illegal, violent or nonviolent. Though the regents tried to safeguard the situation with provisos about constitutional limits, the moral effect of the overwhelming faculty vote was decisive. The university enclave was unique in the United States, the only one in which for all practical purposes political authority was excluded, for both the university and the civic powers renounced their responsibilities. On the one hand, the administration was morally bound by its faculty to refrain from all restraint over speech; on the other, the civic powers by long custom and usage were reluctant to enter the student terrain: they did not understand it, they feared it, and they felt it to be the university's business. Thus Berkeley began a most unusual experiment in unrestrained advocacy.

A migration of "non-students" descended on Berkeley. Already thriving in 1964, the non-student colony was reinforced as the news traveled of the Discovery of Freedom in California. Tired radicals came to be rejuvenated; lumpen intellectuals set out to found a Free University; Maoists arrived determined to "escalate now" on the campus; varieties of sexual reformers expounded their creeds by the Sproul Steps microphone. The New York *Times* estimated that there were twenty-five hundred non-students in residence. Some were in flight from stark personal tragedy; others were clinging to rebellion and adolescence, and required periodic transfusions of student vitality to sustain their stance against society. Some were American variants of Raskolnikov, Verkhovensky, and Nechayev. One functionary of the Viet Nam Day Committee (V.D.C.), the newspapers revealed, was a youth who a few years ago had murdered a seven-year-old child in New York; when the federal authorities arrested him for violation of parole, he told how he had come to Berkeley to make himself useful for humanity. Last year the student leaders and their faculty advocates used to become enraged at the mention of the role of the non-students; this year they frankly recognized their primary importance, and some were prepared to embattle the university for the right of non-students to be the officers of campus political groups. "Anyone who has been a student activist at Cal knows why active support from non-students is so often crucial," said the representative activist leaflet "What Do They Think About Student Rights?" in March, 1966. "There are quite a few young people who have dropped out of school to devote full time to such things as the anti-war movement or the civil rights struggle. We want to make use of them, and they are happy to be made use of."

What is a non-student? He is indeed defined negatively. He has no job, no calling, no vocation; he is a guerrilla fighter against society, whether he calls it the Establishment, the Power Structure, the System, or the Protestant Ethic.

It was inevitable that the university would have to resolve the anomaly of non-students as the officers and activists of "student" political organizations. The problem was especially brought home when non-students were in the forefront in between semesters in provoking a violation of the new university rules of procedure. A rally of the V.D.C. voted to defy the new "time, place, and manner" regulation which prohibited more than one rally a week on Sproul Steps by the same organization. Non-students did most of the speaking, and also took part in voting to defy the administration. The anomaly was real and evident; non-students, immune to the university's powers, were voting for acts of disobedience to the university for which students would bear the punishment. There were no occupational hazards for the professional revolutionary on the University Plaza.

Into this atmosphere of moral absolutes of commitment and nihilism came the new chancellor, Roger Heyns, author of *The Psychology of Personal Adjustment*. The chancellor's political ethics was refreshingly free from ideology. It was the ethics of adjustment; a response is "good," he wrote in his textbook, if it "(1) reduces tension, (2) without unduly interfering with the satisfaction of other motives of the individual, and (3) without interfering materially with the adjustment of other people." The chancellor approached the maladjusted with the spirit of a humane scientist. In another book, *The Anatomy of Conformity*, he wrote how "through the use of differential reward 'conformity can be induced' without the person being aware that his behavior is being influenced. . . ." As a practitioner of adjustment, Chancellor Heyns tended to avoid initiatives; he waited patiently till the configuration and relative strengths of opposing forces—faculty, students, regents, and public opinion—were clear; by temperament he tended to coincide in his own stand with the resultant.

When he took office, Chancellor Heyns acted to bring adjustment and conformity. He appointed as his Special Assistant on Student Affairs the popular leading younger activist on the faculty, Associate Professor John Searle. In November, 1964, Searle had stood before the students on the Plaza, and said: "The University is out to destroy the civil rights movement." He was the paradigm of the Faculty Rebel; he had brought back from Oxford the mien of an Angry Young Man, and though he neither sat-down with the students in Sproul Hall nor shared their jail sentences, he encouraged them with spirited words and admiration. From the standpoint of administrative logic, the warrant for the appointment of John Searle was a powerful one; it could scarcely fail, and might help bring peace of a sort to a university which needed it. If Searle succeeded in his job, he would have helped bring the students to their senses; if he failed, then the activists of studentry and faculty would have started quarreling among themselves. Whatever happened, the administration would emerge in a stronger position. Except morally.

The New Left thus began the academic year with a more dominating position in an American university than the Old Left had ever dreamed of. How did the intellectual climate fare?

In the first place the moderate liberal studentry was disoriented by the appointment of Searle as the chancellor's assistant; it signified in their eyes a capitulation to the student activists. Only about a fifth of the studentry voted in the fall elections which Searle helped arrange. Abetted by this apathy and one of the most cumbersomely devised ballots in the history of voting, the Communist student leader was elected to the rules committee, and acclaimed herself as the first American Communist to be elected to public office in many years.

Second, to the dismay of those who had foreseen a new "civility" in discussion, a university emerged in which the favorite term of discourse was "paranoiac." When student activists showed themselves suspicious of the new arrangements he was proposing, Searle said they were "paranoiac." When one professor attacked another for not endorsing the illegal tactics of the Viet Nam Day Committee, he called him in print "paranoiac." When student leftists were afraid that they would lose their new privilege of showing movies on the campus to raise money, the chancellor's legal consultant called them "paranoid." The Daily Californian, the student newspaper, editorialized on April 21: "We sense that student paranoia has given rise to administrative paranoia, neither of which is improving the atmosphere on campus."

Third, the alienated student left acquired a curious exemption in the university from any laws of morality. The Establishment Left of the administration therefore soon found itself sorely tried by the amorality of its erstwhile comrades in the Alienated Left.

Students' representatives stole a file which Searle brought to a meeting and photographed its contents; the students then claimed they had found evidence of a plot against them and disclaimed any feelings of guilt for either their theft or invasion of privacy. A leading young faculty activist, Acting Assistant Professor Reginald Zelnik, wrote in candid indignation: "Searle has been reviled and called a 'liar,' his personal files have been rifled, and all this without a word of protest from our 'student leaders.'" He complained that "there has been a serious degeneration within the Berkeley student movement recently, that the standards of last year's movement are not being unheld, and that some students have vastly exaggerated certain deficiencies which exist in our campus rules governing activity." He objected to the students' comparing their situation on campus with that "of oppressed Negroes in Mississippi"; their doing so, he wrote, was "an insult to the intelligence of our student body . . . and a cheap attempt to exploit antiracist sentiment by turning it into a situation where it is totally irrelevant." Such epithets as "liar" and "paranoiac" were, however, among the milder terms of the language of the New Left. When students of the Peace Rights Organizing Committee invaded the chancellor's office and were met by the affable vice-chancellor, Earl Cheit, they performed with gusto for the television cameras. They characterized the vice-chancellor to his face in vulgar terms; a gentler student interceded and said that maybe the vice-chancellor *was* a "son of a bitch," but they shouldn't say so.

The faculty activists, distressed by these developments, tried to explain them with a "two-stage" theory of the "movement." Last year, they said, it was noble and high-minded and was protesting real wrongs; this year, on the other hand, it was ignoble, low-minded, and seeking conflict for its own sake. This "two-stage" theory had little objective evidence to support it. Every student tactic this year had its counterpart last year, and if anything, the student leaders could claim with some force that this year they were "betrayed" by their closest faculty friends and hoodwinked by the administration.

The administration's policy of ambiguity, for all its advantages, was bound to involve it in a loss of moral stature among student activists. The special assistant spoke to the students in one way; the chancellor said the opposite to professors. Searle unqualifiedly assured students that the chancellor "fully" accepted "December 8th"; in practice, however, as well as in conversations, Chancellor Heyns professed otherwise. Conflict and misunderstanding were bound to evolve. The issue of the non-students became a locus for recriminations of bad faith. The students state in one of their leaflets (and their account was not challenged): "He [Searle] said he was aware of how important and useful non-students could be to student organizations. He would prefer it if the rules permitted non-students to sit at tables. But Don Mulford [the local Republican state assemblyman] and his sort were paranoiac about 'outside agitators,' so non-students would have to be excluded—*on paper*. Actually, he assured us, the Administration would be happy to wink at any violations. 'You can trust me,' he said. Some of the students believed they could, and others were too polite to say they couldn't. And so the gentlemen's agreement held—until the end of February when the Chancellor decided that the time had come to show who was boss."

What made the issue of the non-students momentous was the university's invitation to United Nations Ambassador Arthur Goldberg to deliver an address on Charter Day, March 25, and receive an honorary degree. Here, in the minds of the student leaders, was their greatest challenge and opportunity, more important than their parades and demonstrations through the streets of Berkeley and Oakland.

This was no skirmish with local policemen; this was a chance, as the most extreme activists saw it, to insult the spokesman for American foreign policy publicly. Berkeley, they hoped, would lead the way for the student movement to stand publicly with the Viet Cong. "To let Chancellor Heyns cripple student political activity at this moment would be more than a counterrevolution in campus politics; it could easily be an event with international consequences," wrote these student leaders. The Berkeley student movement had brought the university to a "grinding halt" last year; could it now pioneer in a counterpart technique which might bring the government of the United States into discredit and defeat?: "The ferment on this campus is unsettling not only for the Regents and the Governor, but for the President of the United States as well."

Several faculty activists spoke to the students on the Plaza at a meeting two days before the ambassador's address. Challenged by the student militants to lead a walkout from the Charter Day ceremony, the faculty activists talked about their disenchantment with the student movement, its lying leaflets and dishonesty. The students replied that to be parliamentary when the United States was engaged in "genocide" was immoral.

There was no Mario Savio present this time to stir the studentry to bring the machine to a grinding halt, nor was there a Joan Baez to sing the volunteers on to starry-eyed disobedience. So the student assemblage voted for a simple walkout, preceded by a display of protest signs, rather than for the physical disruption of the entire ceremony. Waves of multicolored protest signs, held high above the audience, greeted the ambassador as he rose to speak; they conferred their own dishonorary degree, "Doctor of War." Later several hundred students halted the proceedings for a few minutes as they filed to the aisles in secession. Afterward, a "confrontation" was arranged at the gymnasium between the ambassador and the director of the Center for Chinese Studies. Extremist students and non-student leaders later bitterly regretted that they had lost their opportunity to place their veto on the granting of the degree to Arthur Goldberg.

Moral ambiguity thus had had its costs as well as achievements. Major "confrontations" were avoided, and many persons were thankful that Chancellor Heyns had shown himself capable of outmaneuvering the student activists. Yet the plain fact was that freedom of speech in a meaningful sense had virtually vanished from the university, and the administration, despite all its brave phrases, continued to be cowed by several hundred student activists. Above all, no university administration can afford in the long run to acquire a reputation as Machiavellian. This, however, was precisely what was happening in Berkeley.

The concept of the university as a bastion for non-student "guerrilla warfare" against society was bound to provoke a defensive response on the community's part. In January, 1966, Chancellor Roger Heyns became probably the first university head in America to be taken to task by a county grand jury for condoning "the deliberate violation of criminal laws" on the campus. The Alameda jury charged that the Berkeley campus had become the "primary base" for violations of the law, and "a staging area for unlawful off-campus activities such as the attempts to interfere with the passage of troop trains through Berkeley and Emeryville in August, 1965." It cited thirty-four specific instances of such use of the university's facilities. The chancellor replied with a statement which captious newspapermen decried for its characteristic ambiguity: "The laws of the state and our rules cover the use of university facilities. . . . I know of no illegal use of our facilities, and President Kerr and I have requested law enforcement agencies to act if such illegal use occurs."

An incident in May toward the year's end indicated the extent to which suspicion and mistrust had become the norm in the Berkeley community. John Leggett, acting assistant professor of sociology, burst in one evening on his office in Barrows Hall and found the veteran janitor holding some papers in his hand. At once there were charges and innuendos: was the janitor a spy or agent for the chancellor? The aggrieved professor, a militant New Leftist, summoned the police to arrest the proletarian. The next day he enlisted the aid of his distinguished colleague, Professor Franz Schurmann, the director of the Center for Chinese Studies, and both proceeded to the district attorney's office. The following dialogue was reported verbatim in the non-student press:

"Director of Chinese Center: What is the legal status of an office used by a faculty member? Can it be assumed that my office is my private domain?

"Assistant District Attorney: From a legal standpoint, you, as an employee of the university, have no property rights to a room that the university has been good enough to assign for your use. . . .

"Assistant Professor: What about illegal trespass? Obviously the janitor was not conducting janitorial service. He was reading my files.

"Assistant District Attorney: I don't feel he was guilty of illegal trespass. A janitor

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is a kind of inspector who has the privilege of traveling about through the building as he sees fit.

"Director of Chinese Center: When a state is totalitarian, the state uses janitors to spy upon professors."

Such was the bizarre comedy played concerning the inquisitive old janitor, Mr. Riley. Almost all of us have had the experience of finding the clean-up men occasionally curious about the papers they pick up on desks. They take it for granted that if the document is secret, the professor will put it in his locked file. Poor Mr. Riley never tried to hide the fact that he had chanced to pick up a paper. Suddenly he was transplanted by the militant acting assistant professor and the director of the Chinese Center into a world of international intrigue. Alternately he was the chancellor's spy, an agent for the Central Intelligence Agency, a bondsman of James Bond, and finally a "fall guy" for unnamed sinister powers. Nobody stopped to think that he was Floyd Riley, janitor in Barrows Hall, the center of social sciences in the United States, where professorial backbiting is now elevated into higher domains of ideological skullduggery, and where a sane janitor wonders what sort of institution it is whose floors he is sweeping.

What meanwhile has happened to the whole concept of freedom of speech on the Berkeley campus? Freedom of discussion presupposes that the chief sides in any national debate will be represented. In Berkeley, the supporters of President Johnson's foreign policy are, in effect, denied a forum on the Berkeley campus. The New Left has made it nearly impossible for the national Administration's standpoint to be presented to Berkeley students. This was the effect of the last genuine debate which took place in Berkeley in May, 1965, at which Professor Robert Scalapino and William Bundy defended the Administration policy in Vietnam against two critics. Although the critics were listened to courteously by Administration supporters, Scalapino and Bundy were almost shouted down. Some activist leaders have defended the one-sidedness of the "free discussion." The time, they say, for equal discussion of all sides is over; now is the time for action, and discussion should be confined at Berkeley to alternative ways of stopping the war machine.

The University Plaza itself became dominated by the non-students. They came on behalf of a variety of causes and movements. Their finest persons were the representatives of the striking farm workers from Delano, telling of their efforts to build a union. At the other extreme were the proponents of "undiluted orgyism," the new "ideological sexuality" which is preached and practiced in Berkeley by the lunatic fringe of the second power. The nonstudents' principal publication, *Berkeley Barb*, described this development: "Berkeley is fast becoming the great experimental 'freedom lab' for the whole country and the world. In Berkeley, amidst all the other forms of rebellion afoot, there is very much a sexual rebellion in the making also. The rebellion here spoken of is not mere 'shacking'. . . . What is here being referred to as betokening a greater rebellion in Berkeley is the incidental rise of sheer, undiluted orgy-ism." The chief of the "orgiastic rebellion" spoke at a Sproul Hall noonday rally to secure recruits for their next session. One could scarcely believe that the faculty majority on December 8 had intended what was taking place in its name.

The administration and faculty representatives on the rules committee have begun to try to move the noonday rallies from the Sproul Steps to the less central Lower Plaza. The student activists, however, are prepared to defend their hold on Sproul Steps. To them it has an immense symbolic significance.. It signifies a standing threat to reoccupy Sproul Hall. "These are the Mario Savio Steps," they say, "the steps for which we laid our bodies on the line." At one public meeting of the rules committee several hundred of them hooted and hissed a professor of political science, Herbert McClosky, who last year had vigorously supported them. Now he found their rallies ridiculous and regretted that he had lost several weeks of his research time on this "silly business." At these words, the hooting and hissing became a grandiloquent reproach. Where were the tribunes of December 8? asked the student activists.

Thus the "freedom of speech" which emerged in Berkeley during this past year was unilateral, a freedom for the New Left which the latter was prepared to deny to others. The chief ideologist on the campus, Stephen Weissman, told John Searle bluntly at a public meeting that they even reserved the right to advocate sending "storm troopers" into the classrooms to disrupt them, that their first loyalty was to the "Movement," and that the university in their eyes was not a community but a field for conflict. So enfeebled had the meaning of liberal democratic values become among student activists that the audience passively acquiesced to a kinship with Nazi storm troopers. Indeed, the first day of the spring semester began precisely with an organized attempt to disrupt the large social science course by forcing the professor in charge, Nathan Glazer, into a "confrontation" on Vietnam; when he refused, the principal disrupters, an outside graduate student and a teaching assistant, called excitedly for a walkout. Political dialogue on the Berkeley campus tended to become one between factions of the New Left.

The aftermath of the Charter Day walkout left the university authorities exhausted. Its advisers said among themselves they would hesitate long before they proposed inviting another national Administration spokesman to the Berkeley campus. To be sure, the ever-effervescent John Searle stated to the press, "We clobbered them," an ill-considered remark, since, after all, he owed his administrative appointment to the activists' alleged confidence in him, as the chancellor said. The "clobbered" V.D.C. that evening was symbolically and actually befouling the university gymnasium in its own victory celebration. The lesson of Year One was all too clear. When teachers abandon their responsibilities, they become false teachers and sow confusion in their students' lives. Freedom of speech, freedom of debate have never been at a lower estate in any major American university in the last generation.

The studentry itself, however, has finally begun to take an initiative which may strengthen the administration's will. It rejected by a decisive vote the new constitution which an activist-dominated constitutional convention had proposed, and rescued the administration from the anxieties of another "confrontation" with a New Left student government. But the moderate liberal studentry, generally busy with their studies, was without leadership and lacked an auxiliary corps of fulltime, non-student activists.

What did the Berkeley uprising contribute to the improvement of education at the university? The so-called Educational Reform failed to impress the alienated student activists, who looked for inspiration principally to the writer Paul Goodman. They interpreted the much heralded Muscatine Report as a "power-play" on the part of one faction of the professors. Many moderate students were pleased and guardedly hopeful. But the overwhelming majority of the Berkeley faculty seemed unmoved by the committee's report and regarded with indifference its proposals for more concern with teaching, for one course a quarter on a "pass or fail" basis, and its gesture for smaller sections. Attendance at faculty meetings to discuss Educational Reform dwindled to record lows; at the meeting of the Academic Senate on May 5 which voted down one proposal, 89 persons were present to vote out of a faculty of more than 1500. At a similar meeting on May 10 of the College of Letters and Science, 37 members of a faculty of 900 were present.

Yet one of the proposals of the Educational Reform was, on the face of it, a striking one. Since the Reform committee could not agree on any common philosophy of education, it borrowed a leaf from the multiversity: it proposed to set up a Board of Educational Development which was charged to keep proposing and underwriting daring new experiments in higher education. It was as if a Great Bureaucratic State boldly authorized a Ministry of Revolution and Subversion. The multiversity's way of dealing with Reform is to institutionalize it, and the committee, lacking any basic plan for dealing with the multiversity, characteristically relapsed into its ways of thinking.

The one educational experiment which was begun under the immediate impact of the student uprising was after one short year close to foundering. Its director, Professor Joseph Tussman, chairman of the department of philosophy, was remembered as the professor who at a hectic Plaza meeting in December, 1964, told the massed students that they now had all the power. He was made director of a two-year "experimental college" which was modeled on the venture of Alexander Meiklejohn at Wisconsin more than thirty years ago. Perhaps because it lacked the teaching genius of a Meiklejohn to give it meaning, this latest quest for an educational utopia, to which so many students had attached a touching faith and hope, was by spring in a sorry pass. The director complained that his teaching assistants were "grooving with the students," and not acting as "islands of tranquillity and non-hysteria." He added: "In a very real sense the problem is one of authority. I find myself pushed more and more into a role that is generally described as authoritarian—and that's okay. I accept that." This was indeed a time of transition for many Berkeley professors; from libertarianism to authoritarianism in one short year.

Was the student uprising the harbinger, as so many persons hoped, of a higher student ethic? The facts provide a melancholy refutation. The aftermath of the student uprising brought to the city of Berkeley a period of unprecedented crime. According to the annual police report, almost half the persons arrested in Berkeley during 1965 were students. Close to 3,000 students of all sorts and schools were arrested in the year which followed the Student Uprising of 1964. In a five-year period, burglaries had increased from 147 to 1,164, and thefts from 305 to 664. While the city as a whole during the past year sustained an 11 percent increase in crime, the increase in the campus area was 39 percent. The chief of police reported that the most dramatic upsurge in crime took place at the end of 1964—that is, at the height of the student uprising.

Apart from all statistics and their possible inaccuracies and misreadings, what was most disquieting was that some segments of the New Left proclaimed their readiness to prey on the System. A cult of thievery was flourishing. The Maoist group was most vociferous of all in boasting about its achievements in shoplifting, but others shared its dishonor. This cult of dishonesty has been developing gradually in Berkeley. Three years ago the head of the New Left student party, Slate was found guilty of stealing from a bookstore; his defense was to blame it on the System. The non-student founder of the obscenitarian movement was also arrested for shoplifting. Guerrilla warfare was waged against small storekeepers, aged landladies,

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the university's grading system, and selective service.

The faculty and the students in Berkeley have within one year shown changes in their ranks which, if they persist, must affect in the long run the university's character. A process of political selection has gotten under way. Several of the leading moderates and liberals have resigned from the University at Berkeley—most notably, Seymour Lipset, director of the Institute for International Studies, Dwight Waldo, director of the Institute for Governmental Studies, and Paul Seabury, a former national officer of Americans for Democratic Action. According to a study in progress, the number of tenured professors leaving Berkeley has trebled during this time of troubles, with more than thirty resigning this year.

The applications for undergraduate admission for the fall of 1966 had dropped by more than 20 percent, it was announced in February. Whereas 5048 had applied by January 7 of the previous year, only 3672 had applied during the present year. Second and third choices would later raise the number, but the initial decrease was striking. Reports from various departments indicated too that the better graduate students were declining to come to the university. Berkeley has entered upon a process of ideological and moral self-differentiation. It may become a university whose tone will be set by students and teachers of the New Left.

Indeed, much of the Berkeley faculty itself is imbued with an ethos of generational revolt. More than any other in the United States it lacked the stabilizing force of tradition, probably because it was largely the product of an academic gold rush. As the university in the last decade burgeoned in size, with new departments, new centers, and new institutes, there came forward a whole new academic generation, shaped in the post-World War II period, with values which reflected that age of mobility and achievable wealth. The new university was virtually ahistorical, with few roots in the past; in the social sciences especially there was no sense of a continuity with the work of predecessors. Departments were riven by severe conflicts of generations, of personalities and politics—certainly nothing new in academic life. But perhaps only on a campus which had lost sight of scholarly dignity, honor, and courtesy could these episodes of ugly competitiveness and naked hostility have resounded so shockingly.

Berkeley, indeed, is the first "political university" in the United States. This is a development of the highest significance. For the first time the intellectual class of the United States is undertaking to enter politics directly, and to offer to the electorate, through the agency of faculty-student activists, something akin to an Intellectuals' Party. During the spring of 1966 in Berkeley, almost all faculty-student activism converged around the candidacy in the Democratic congressional primary of Robert Scheer, who, running on a platform of militant opposition to the Vietnam war, nearly defeated the liberal incumbent; he carried Berkeley by 14,625 votes to 12,165, but lost in the district as a whole, receiving 28,751 votes against the victor's 35,270. Robert Scheer is a typical product of the Berkeley student movement. In 1961, while a graduate student in economics, he was an editor and founder of a magazine of the New Left, Root and Branch.

"The college left," he wrote at that time in a vocabulary which had ugly connotations, "consists of a few thousand cultural freaks. Its membership is weighted heavily to New York Jews, children of older generation radicals, and Bohemians. For reasons of culture, personality, or choice, they are generally impervious to the normal rewards and concerns of American society." Because the intellectuals were alienated from society, he wrote, they clung to the university—"the University is 'home'; this is the world we understand, and the other one frightens the hell out of us."

Scheer was pro-Castro, anti-John Kennedy, and mildly pornopolitical. His studies came to grief. He grew a shaggy, Castro-like beard, and went to work as a salesman for the famed literary center, City Lights Bookshop, in San Francisco. Subsequently, the System, through the Center for the Study of Democratic Institutions, published a paper by him on Vietnam. He spoke at teach-ins, and according to V.D.C. spokesmen, during the mass demonstration in the Berkeley streets on the night of October 15 supported the breaching of the Oakland police formation. He had been using for some time the rhetoric of a seizure of power by the Oakland poor. Then he became a candidate for Congress. He trimmed his beard so that he looked like a New England whaling captain, and began to wear a bourgeois jacket, as befitted a well-groomed congressional candidate. Student and faculty activists gave time and money to the Scheer campaign. They availed themselves of all techniques, from exhaustive precinct work to demagogy and sexagogy. One day they brought a leading San Francisco go-go dancer to the Lower Plaza to lure the students into politics. She danced for the multitude, but embarrassed her sponsors by telling a reporter that she didn't know who Robert Scheer was.

The New Intellectual class in Berkeley is feeling its way toward a technique for exerting political power through a variety of devices—stopping troop trains, massive demonstrations open-ended toward illegality, and the more staid political primaries. And, of course, the university is in the strange position of being the "staging area" for all these actions. Two demonstrations, of October 15 and November 20, though in large part composed of non-students, assembled and marched from the university grounds. Public criticism indeed moved the chancellor to an agreement with the Berkeley authorities that he would henceforth deny the university grounds to illegal parades. This constituted a welcome departure from the unrestricted Faculty Resolution of December 8. The faculty counterposed no objection. The administration, however, never undertook a straightforward discussion with the students of the inadequacies of December 8. Rather, it rendered a continuing obeisance to the resolution, thereby always providing a basis for students' charges of "bad faith."

A great institution like Berkeley has, however, tremendous resources for recovery of integrity. It is likely that the moderate studentry will eventually assert itself and terminate the hegemony of the non-students on Sproul Plaza. The non-students themselves are an unpredictable segment; Berkeley might cease to be the fashion, and the guerrilla warriors would go elsewhere. Yet meanwhile the possibility remains of troubled days. The virus of violence is strong in Berkeley; in the spring the headquarters of the V.D.C. near the university was bombed and shattered beyond repair. To be sure, the V.D.C. itself included many who advocated or justified the rise of terrorism. But it was remarkable how little concern was shown by the Berkeley community.

In the last reckoning the problem of Berkeley is the problem of the American intellectual class itself, its sudden power, affluence, influence, and immaturity. Here was the largest aggregation of intellectual force in the United States, yet its dealings with basic political issues were often deflected by a congeries of slogans, fantasies, rancors. A whole group of vaguely conformist leftists were now enjoying a vicarious ideological fling in the form of the New Student Left. A cult of youth swept over faculty activists; somehow youth's idealism over faculty activists; somehow youth's idealism must have history on its side, even if it went wrong in particular instances. One could not help remembering that German professors in the nineteen thirties had apologized for their Nazi students in precisely this way, with precisely this faith in the redeeming sincerity of youth. One also remembered the American fellow-traveling professors of the thirties who had underwritten the idealistic Communist commitment of their students; the Berkeley Faculty Activists were their living replicas, using the same words, expressions, and arguments. Many professors were particularly affected by accusations of hypocritical inactivism, especially when such charges came from their students. The intellectual is as susceptible to fashions as any other part of the community, and intellectual fashions are insidious in a way others are not. To fall behind the vanguard is a kind of spiritual death for the intellectual. Thus the old men and the middle-aged men in Berkeley were curiously adrift, and failed to supply that balancing principle, that measure of experience, which was the duty of their years.

In this sense, the problem of Berkeley is the problem of the American intellectual class. As it grows in power and numbers, wooed alike by the government, foundations, the publishing world, industry, and the universities, it demands for itself the privileges and prerogatives of a third chamber of government. It demands that governmental officials be especially accountable to it as the guardians of intellect and knowledge. Yet it has scarcely shown itself to possess the character which its pretensions would require.

The twentieth century has shown how the intellectual class can become a primary force for an assault on democratic institutions, and we may yet witness this phenomenon in America disguised under such slogans as "participatory democracy." Bernard Shaw remarks that the most tragic thing in the world is a man of genius who is not also a man of character. This in a sense has been the collective tragedy of Berkeley.

INVITATION TO VISIT THE QUAD CITIES AREA OF ALABAMA AND THE TENNESSEE VALLEY

Mr. SPARKMAN. Mr. President, some weeks ago I mentioned the Helen Keller home at Tuscumbia, Ala., as one of the attractions which tourists ought to see in a tour of the Deep South country. I repeat the invitation to see Ivy Green, where Helen Keller began the training which overcame handicaps and set an example for people everywhere, but I would like to enlarge the invitation to include the whole Quad Cities area on both sides of the Tennessee River at Muscle Shoals.

I was reminded of this a few days ago when I crossed and recrossed the bridge between Florence and Sheffield and looked at the palisades along the Tennessee, a magnificent sheer cliff rising hundreds of feet above the waters of the river. This is beautiful country, but it is more than that.

This is the place which inspired TVA, a model of regional resource development for the entire world. This is the place at which the dangerous and treacherous Muscle Shoals in former days stopped steamboat traffic on the Tennessee River. It is the site of Wilson Dam, initial dam in the TVA complex of dams and powerhouses. This dam now has one of the highest single-lift locks in the world. Wilson Dam is a great tourist attraction.

This is the place from which Henry Ford envisioned a 75-mile-long industrial city, a vision which has come to pass in the Huntsville-Decatur-Quad Cities complex of great industrial plants—chemicals, shipbuilding, synthetic fibers, milling textiles, aluminum, and the new electronic space industries. Between the industries the wide Tennessee River lakes behind the dams offer wildlife refuge areas, boat-launching ramps, State parks, good motels, and many recreational opportunities. I recommend this entire area of the State.

At Decatur, the Ford idea has been realized for a dozen or more miles along the river, with handsome industrial buildings rising along the banks of the Tennessee River. An interesting landmark here is the old State bank, built almost a century and a half ago, a simple but handsome Greek building. A short distance from Decatur, on the north side of the river, is Mooresville, one of Alabama's oldest towns. It is famous for its fine ante bellum homes.

On up the river there are the great lakes extending past Guntersville and Scottsboro to the Tennessee line, but before one gets to this water playground area, there is Huntsville—my hometown—which I remember as a small and, some said, a sleepy town. Today it is a bustling city with the fastest growth record of any city in the Nation, and it is the center of America's rocket and space effort. The Huntsville area, with the space center and Redstone Arsenal, is a section which no visitor to Alabama ought to miss.

Good highways traverse this entire area. It is a pleasure to drive in Alabama. In many sections along the river the traveler can see the lakes without leaving the highway, but I suggest a stop for a more leisurely view of this Tennessee Valley country.

So this is another part of a great State. I invite you to see it, and to see all of Alabama. I promise you that you will enjoy a visit to this State in the heart of the Deep South.

THE VISTA VOLUNTEERS OF HAWAII

Mr. INOUYE. Mr. President, the State of Hawaii has an unusually large number of VISTA volunteers working in various communities throughout the United States.

One of these VISTA volunteers is a former resident of Kauai, Hawaii, who is now serving in Fairbanks, Alaska. The Honolulu Star-Bulletin recently described her activities in this community which is so far from her former home.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, July 7, 1966]

EX-KAUAIAN VISTA WORKER IN FAIRBANKS—GETTING USED TO COLD

The sole V.I.S.T.A. worker in Fairbanks, Alaska, is a former islander—Mrs. Billie Smith.

Mrs. Smith, a widow, used to live on Kauai.

Since her two sons are in college, she decided to "do something." The "something" she decided on was joining V.I.S.T.A. (Volunteers in Service to America).

In Fairbanks, Mrs. Smith has a multipronged job of being adviser-big sister-teacher-pal to young village girls who come to the city for schooling or to take jobs.

Headquartered at Hospitality House, a home away from home for these girls, she helps them to adapt to city living.

VISITS JAILS

In addition, she works with young girls who began as bar girls, eventually got into difficulty and landed in jail.

She visits the girls in their cells, brings them books and helps them to find jobs once they're released.

Mrs. Smith has been teaching them to sew and instructing them in nutrition and homemaking skills.

She pointed out that alcoholism, delinquency and unwed motherhood are grave problems in Fairbanks, as they are elsewhere.

BUSY AS BEAVER

She admitted missing the warm beaches and lush gardens of Kauai, but noted she's getting used to Alaska's sub-zero weather and learning to like moose meat, caribou steak and "squaw candy" (dried smoked salmon).

Asked whether she gets lonely there, she replied: "Lonely? I've been so busy I haven't a chance to think about it."

She hopes to open a dressmaking shop to provide jobs for some of the girls.

After her year with V.I.S.T.A., she said, "my sons and I have talked about starting a home for boys. Sort of a Boys' Town idea. If we do, my year with V.I.S.T.A. will be invaluable."

A MIDDLE WAY OUT OF VIETNAM

Mr. McGOVERN. Mr. President, I had scarcely finished reading Richard Goodwin's call for a united citizens front against a wider war in Vietnam when I came across a most important article authored by Arthur Schlesinger, Jr., in last Sunday's New York Times magazine, September 18, 1966.

Mr. Schlesinger, like Goodwin, a former White House assistant to Presidents Kennedy and Johnson, is one of the Nation's ablest historians. His article presents a most carefully reasoned case against the administration's continuous enlargement of the Vietnam war—followed by an appeal for a new effort to negotiate an end to the fighting.

Writes Mr. Schlesinger:

> Are the only alternatives widening the war or disorderly and humiliating withdrawal? Surely, our statesmanship is not yet this bankrupt. I think a middle course is still possible if there were the will to pursue it. And this course must begin with a decision to stop widening and Americanizing the war.

I believe it is a matter of national concern when two top-level former White House advisers with the recognized ability of Richard Goodwin and Arthur Schlesinger appeal on successive days for a halt in the growing U.S. involvement in Vietnam. These are tough-minded, realistic thinkers who have seen administration policy being shaped from the inside but who have had the opportunity in recent months for thoughtful reflection free from official pressures. I believe their sobering words of this past weekend deserve the most careful consideration.

I ask unanimous consent that Mr. Schlesinger's superb article be printed at this point in the RECORD.

There being no objection, the article was order to be printed in the RECORD, as follows:

[From the New York Times Magazine, Sept. 18, 1966]

SCHLESINGER SUGGESTS THAT WE RECOVER OUR COOL AND FOLLOW A MIDDLE WAY OUT OF VIETNAM

(By Arthur Schlesinger, Jr.)

Why we are in Vietnam is today a question of only historical interest. We are there, for better or for worse, and we must deal with the situation that exists. Our national security may not have compelled us to draw a line across Southeast Asia where we did, but, having drawn it, we cannot lightly abandon it. Our stake in South Vietnam may have been self-created, but it has nonetheless become real. Our precipitate withdrawal now would have ominous reverberations throughout Asia. Our commitment of over 300,000 American troops, young men of exceptional skill and gallantry engaged in cruel and difficult warfare, measures the magnitude of our national concern.

We have achieved this entanglement, not after due and deliberate consideration, but through a series of small decisions. It is not only idle but unfair to seek out guilty men. President Eisenhower, after rejecting American military intervention in 1954, set in motion the policy of support for Saigon which resulted, two Presidents later, in American military intervention in 1965. Each step in the deepening of the American commitment was reasonably regarded at the time as the last that would be necessary; yet, in retrospect, each step led only to the next, until we find ourselves entrapped today in that nightmare of American strategists, a land war in Asia—a war which no President, including President Johnson, desired or intended. The Vietnam story is a tragedy without villains. No thoughtful American can withhold sympathy as President Johnson ponders the gloomy choices which lie ahead.

Yet each President, as he makes his choices, must expect to be accountable for them. Everything in recent weeks—the actions of the Administration, the intimations of actions to come, even a certain harshness in the Presidential rhetoric—suggests that President Johnson has made his choice, and that his choice is the careful enlargement of the war. New experiments in escalation are first denied, then disowned, then discounted and finally undertaken. As past medicine fails, all we can apparently think to do is to increase the dose. In May the Secretary of the Air Force explained why we were not going to bomb Hanoi and Haiphong; at the end of June we began the strikes against the oil depots. The demilitarized zone between North and South Vietnam has been used by North Vietnam units for years, but suddenly we have begun to bomb it.

When such steps work no miracles—and it is safe to predict that escalation will be no more decisive in the future than it has been in the past—the demand will arise for "just one more step." Plenty of room remains for widening the war: the harbors of North Vietnam, the irrigation dikes, the steel plants, the factories, the power grid, the crops, the civilian population, the Chinese border. The fact that we excluded such steps yesterday is, alas, no guarantee that we will not pursue them tomorrow. And if bombing will not bring Ho Chi Minh

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to his knees or stop his support of the Vietcong in South Vietnam, there is always the last resort of invasion. General Ky has already told us that we must invade North Vietnam to win the war. In his recent press conference, the Secretary of State twice declined to rule out this possibility.

The theory, of course, is that widening the war will shorten it. This theory appears to be based on three convictions: first, that the war will be decided in North Vietnam; second, that the risk of Chinese or Soviet entry is negligible, and third, that military "victory" in some sense is possible. Perhaps these premises are correct, and in another year or two we may all be saluting the wisdom and statesmanship of the American Government. In so inscrutable a situation, no one can be confident about his doubt and disagreement. Nonetheless, to many Americans these propositions constitute a terribly shaky basis for action which has already carried the United States into a ground war in Asia and which may well carry the world to the brink of the third world war.

The illusion that the war in South Vietnam can be decided in North Vietnam is evidently a result of listening too long to our own propaganda. Our Government has insisted so often that the war in Vietnam is a clear-cut case of aggression across frontiers that it has come to believe itself that the war was started in Hanoi and can be stopped there. "The war," the Secretary of State has solemnly assured us, "is clearly an 'armed attack,' cynically and systematically mounted by the Hanoi regime against the people of South Vietnam."

Yet the best evidence is that the war began as an insurrection within South Vietnam which, as it has gathered momentum, has attracted increasing support and direction from the north. Even today the North Vietnamese regulars in South Vietnam amount to only a fraction of the total enemy force (and to an even smaller fraction of the American army in South Vietnam). We could follow the genial prescription of General LeMay and bomb North Vietnam back to the Stone Age—and the war would still go on in South Vietnam. To reduce this war to the simplification of a wicked regime molesting its neighbors, and to suppose that it can be ended by punishing the wicked regime, is surely to misconceive not only the political but even the military character of the problem.

As for the assurances that China will not enter, these will be less than totally satisfying to those whose memory stretches back to the Korean War. General MacArthur, another one of those military experts on Oriental psychology, when asked by President Truman on Wake Island in October 1950, what the chances were of Chinese intervention, replied, "Very little. . . Now that we have bases for our Air Force in Korea, if the Chinese tried to get down to Pyongyang, there would be the greatest slaughter." Such reasoning lay behind the decision (the Assistant Secretary of State for Far Eastern Affairs at that time is Secretary of State today) to send American troops across the 38th Parallel despite warnings from Peking that this would provoke a Chinese response. In a few weeks, China was actively in the war, and, while there was the greatest slaughter, it was not notably of the Chinese.

There seems little question that the Chinese have no great passion to enter the war in Vietnam. They do not want to put their nuclear plants in hazard; and, in any case, their foreign policy has typically been a compound of polemical ferocity and practical prudence. But the leaders in Peking are no doubt just as devoted students of Munich as the American Secretary of State. They are sure that we are out to bury them; they believe that appeasement invites further aggression; and, however deep their reluctance, at some point concern for national survival will make them fight.

When will that point be reached? Probably when they are confronted by a direct threat to their frontier, either through bombing or through an American decision to cross the 17th Parallel and invade North Vietnam. If a Communist regime barely established in Peking could take a decision to intervene against the only atomic power in the world in 1950, why does anyone suppose that a much stronger regime should flinch from that decision in 1966? Indeed, given the present discord in Peking, war may seem the best way to renew revolutionary discipline, stop the brawling and unite the nation.

It is true that the Chinese entry into the Korean War had at least the passive support of the Soviet Union; but it would be risky today to rely on the Sino-Soviet split to save us from everything, including Soviet aid to China in case of war with the United States or even direct Soviet entry into the war in Vietnam. For the Soviet Union is already extensively involved in Vietnam—more so in a sense than the Chinese—and it would be foolish to suppose that, given Moscow's competition with Peking for the leadership of the Communist world, Russia could afford to stand by and allow Communist North Vietnam or Communist China to be destroyed by the American imperialists.

As for the third premise (that military "victory" is in some sense possible): The Joint Chiefs of Staff, of course, by definition argue for military solutions. They are the most fervent apostles of "one more step." That is their business, and no one should be surprised that generals behave like generals. The fault lies not with those who give this advice but those who take it. Once, early in the Kennedy Administration, the then Chairman of the Joint Chiefs outlined the processes of escalation in Southeast Asia before the National Security Council, concluding, "If we are given the right to use nuclear weapons, we can guarantee victory." President Kennedy sat glumly rubbing an upper molar. After a moment someone said, "Mr. President, perhaps you would have the general explain to us what he means by victory." Kennedy grunted and dismissed the meeting. Later he said, "Since he couldn't think of any further escalation, he would have to promise us victory."

What is the purpose of bombing the north? It is hard to find out. According to Gen. Maxwell Taylor, "The objective of our air campaign is to change the will of the enemy leadership." Secretary McNamara, on the other hand, has said, "We never believed that bombing would destroy North Vietnam's will." Whatever the theory, the results would appear to support Secretary McNamara. The northern strategy, instead of driving Hanoi to the conference table, seems to have hardened the will of the regime, convinced it that its life is at stake, brought it closer to China and solidified the people of North Vietnam in its support.

"There is no indication," General Westmoreland said the other day, "that the resolve of the leadership in Hanoi has been reduced." In other words, bombing has had precisely the effect that the analyses of the United States Strategic Bombing Survey after the Second World War would have forecast. Under Secretary of State George Ball was a director of that survey; this may well be why he has been reported so unenthusiastic about the air assault on the North.

And, far from stopping infiltration across the 17th Parallel, bombing, if our own statistics are to be believed, has stimulated it. "It is perfectly clear," Secretary McNamara has said, "that the North Vietnamese have continued to increase their support of the Vietcong despite the increase in our effort. . . . What has happened is that the North Vietnamese have continually increased the amount of resources, men and material that they have been willing to devote to their objective."

Nor can we easily match this infiltration by enlarging our own forces—from 300,000, for example, to 500,000 or 750,000. The ratio of superiority preferred by the Pentagon in guerrilla war is 10 to 1, which means that every time we send in 100,000 more men the enemy has only to send in 10,000 or so, and we are all even again. Reinforcement has not created a margin of American superiority; all it has done is to lift the stalemate to a higher and more explosive level. Indeed, there is reason to suppose that, in its own manner, the enemy can match our every step of escalation up to the point of nuclear war.

U.S. News & World Report says in its issue of Aug. 22: "It's clear now to military men: bombing will not win in Vietnam." This is a dispiriting item. Why had our military leaders not long ago freed themselves from the illusion of the omnipotence of air power, so cherished by civilians who think wars can be won on the cheap? The Korean war, as Gen. Matthew B. Ridgway has said, "taught that it is impossible to interdict the supply route of an Asian army by airpower alone. We had complete air mastery over North Korea, and we clobbered Chinese supply columns unmercifully. . . . But we did not halt their offensive nor materially diminish its strength." If air power was not decisive in Korea, where the warfare was conventional and the terrain relatively open and compact, how could anyone suppose that it would be decisive against guerrillas threading their way through the hills and jungles of Vietnam?

The bombing illusion applies, of course, to South as well as to North Vietnam. Tactical bombing—bombing in direct support of ground operations—has its place; but the notion that strategic bombing can stop guerrillas runs contrary to experience. And we had it last winter, on the authority of the Secretary of State, that despite the entry of North Vietnamese regulars the war in South Vietnam "continues to be basically a guerrilla operation."

Sir Robert Thompson, who planned the successful British effort against the Malayan guerrillas and later served as head of the British advisory mission in Saigon, has emphasized that the defending force must operate "in the same element" as their adversaries." Counterinsurgency, he writes, "is like trying to deal with a tomcat in an alley. It is no good inserting a large, fierce dog. The dog may not find the tomcat; if he does, the tomcat will escape up a tree; and the dog will then chase the female cats. The answer is to put in a fiercer tomcat."

Alas, we have no fiercer tomcat. The counterinsurgency effort in Vietnam has languished, while our bombers roam over that hapless country, dumping more tonnage of explosives each month than we were dropping per month on all Europe and Africa during the Second World War. Just the other day our bombs killed or injured more than 100 civilians in a hamlet in the Mekong Delta—all on the suspicion that two Vietcong platoons numbering perhaps 60 men, were there. Even if the Vietcong had still been around, which they weren't, would the military gain have outweighed the human and political loss? Charles Mohr writes in The Times: "Almost every provincial hospital in Vietnam is crowded with civilian victims of the war. Some American doctors and other officials in the field say the majority are the victims of American air power and South Vietnamese artillery."

The trouble is that we are fighting one war, with our B–52's and our naval guns and our napalm, and the Vietcong are fighting another, with their machine guns and ambushes and forays in the dark. "If we can get the Vietcong to stand up and fight, we will blast him," General Westmoreland has plaintively said; and when they occasionally rise to the surface and try to fight our kind of war, we do blast them. But the fact that they then slide back into the shadows does not mean that we are on the verge of some final military triumph. It means simply that we are driving them underground—where they renew themselves and where our large, fierce dog cannot follow.

Saigon officials have been reporting that Vietcong morale is declining as long as I can remember; these reports need not be taken seriously now. I know of no convincing evidence that the Vietcong lack the political and emotional commitment to keep fighting underground for another 20 years.

Our strategy in Vietnam is rather like trying to weed a garden with a bulldozer. We occasionally dig up some weeds, but we dig up most of the turf, too. The effect of our policy is to pulverize the political and institutional fabric which alone can give a South Vietnamese state that hope of independent survival which is our presumed war aim. Our method, in other words, defeats our goal. Indeed, the most likely beneficiary of the smashed social structure of South Vietnam will be Communism. "My feeling," Gen. Wallace Greene, commandant of the Marine Corps, has wisely said, "is that you could kill every Vietcong and North Vietnamese in South Vietnam and still lose the war. Unless we can make a success of the civic-action program, we are not going to obtain the objectives we have set."

Much devotion and intelligence are at present going into the programs of reconstruction, but prospects are precarious so long as the enemy can slice through so much of South Vietnam with such apparent immunity; and so long as genuine programs of social reform threaten the vested interests of the Saigon Government and of large landholders. In any case, as claimants on our resources, these programs of pacification are hopelessly outclassed by the programs of destruction. Surely, the United States with all its ingenuity, could have figured out a better way to combat guerrilla warfare than the physical obliteration of the nation in which it is taking place. If this is our best idea of "protecting" a country against "wars of national liberation," what other country, seeing the devastation we have wrought in Vietnam, will wish American protection?

At the same time, our concentration on Vietnam is exacting a frightful cost in other areas of national concern. In domestic policy, with Vietnam gulping down a billion and a half dollars a month, everything is grinding to a stop. Lyndon Johnson was on his way to a place in history as a great President for his vision of a Great Society; but the Great Society is now, except for token gestures, dead. The fight for equal opportunity for the Negro, the war against poverty, the struggle to save the cities, the improvement of our schools—all must be starved for the sake of Vietnam. And war brings ugly side-effects: inflation; frustration; angry protest: attack on dissenters on the ground that they cheer the enemy (an attack often mounted by men who led the dissent during the Korean war); premonitions of McCarthyism.

We also pay a cost abroad. Our allies naturally draw away as they see us heading down the road toward war with China. When we began to bomb the oil depots, James Reston wrote: "There is now not a single major nation in the world that supports Mr. Johnson's latest adventure in Hanoi and Haiphong." As nations seek to disengage themselves from the impending conflict, the quasi-neutralism of leaders like de Gaulle gains new plausibility.

On any realistic assessment, Western Europe and Latin America are far more significant to American security than South Asia; yet the Vietnam obsession has stultified our policy and weakened our position in both these vital areas. The war has clouded the hope, once mildly promising, of progress toward a *détente* with the Soviet Union. It has helped block agreements to end underground nuclear testing and to stop the spread of nuclear weapons. It has precipitated the decision of U Thant to resign as Secretary General of the United Nations and condemns the U.N. itself to a time of declining influence.

Our rejection of the views of our friends and allies—our conviction, as Paul H. Smith has put it, "that we alone are qualified to be judge, jury and executioner"—ignores Madison's solemn warning in the 63rd Federalist: "An attention to the judgment of other nations is important to every government for two reasons: the one is that independently of the merits of any particular plan or measure, it is desirable, on various accounts, that it should appear to other nations as the offspring of a wise and honorable policy; the second is that in doubtful cases, particularly where the national councils may be warped by some strong passion or momentary interest, the presumed or known opinion of the impartial world may be the best guide that can be followed. What has not America lost by her want of character with foreign nations; and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind."

The Administration has called the critics of its Vietnam policy "neo-isolationists." But surely the real neo-isolationists are those who have isolated the United States from its allies and raised the tattered standard, last flourished 15 years ago by Douglas MacArthur, of "going it alone."

How have we managed to imprison ourselves in this series of dilemmas? One reason surely is that we have somehow lost our understanding of the uses of power. Understanding of power implies above all precision in its application. We have moved away from the subtle strategy of "flexible response" under which the level of American force was graduated to meet the level of enemy threat. The triumph of this discriminate employment of power was, of course, the Cuban missile crisis (where the Joint Chiefs, as usual, urged an air assault on the missile bases). But President Johnson, for all his formidable abilities, has shown no knack for discrimination in his use of power. His technique is to try and overwhelm his adversary—as in the Dominican Republic and Vietnam—by piling on all forms of power without regard to the nature of the threat.

Given this weakness for the indiscriminate use of power, it is easy to see why the application of force in Vietnam has been surrendered to the workings of what an acute observer of the Johnson foreign policy, Philip Geyelin, calls "the escalation machine." This machine is, in effect, the momentum in the decision-making system which keeps enlarging the war "for reasons only marginally related to military need."

The very size and weight of the American military presence generate unceasing pressures to satisfy military demands. These may be demands to try out new weapons; the London Sunday Telegraph recently ran an informative article comparing the Vietnam war to the Spanish Civil War as a military testing ground and laboratory. Or they may be cries for "one more step," springing in part from suppressed rage over the fact that, with military power sufficient to blow up the world, we still cannot compel guerrilla bands in black pajamas to submit to our will. Whatever the reason, Sir Robert Thompson has noted of the American theory of the war: "There was a constant tendency in Vietnam to mount large-scale operations, which had little purpose or prospect of success, merely to indicate that something aggressive was being done."

The Administration has freely admitted that such operations, like the bombing of the North, are designed in part to prop up the morale of the Saigon Government. And the impression is growing now that they are also in part undertaken in order to smother doubts about the war in the United States and to reverse anti-Administration tendencies in the polls. Americans have become curiously insensitive to the use of military operations for domestic political purposes. A quarter-century ago President Roosevelt postponed the North African invasion so that it would not take place before the midterm elections of 1942; but today observers in Washington, without evidence of shock, predict a new venture in escalation before the midterm elections of 1966.

The triumph of the escalation machine has been assisted by the faultiness of the information on which our decisions are based. Nothing is phonier than the spurious exactitude of our statistics about the Vietnam war. No doubt a computerized military establishment demands numbers; but the "body count" of dead Vietcong, for example, includes heaven knows how many innocent bystanders and could hardly be more unreliable. The figures on enemy strength are totally baffling, at least to the ordinary citizen relying on the daily newspaper. The Times on Aug. 10 described "the latest intelligence reports" in Saigon as saying that the number of enemy troops in South Vietnam had increased 52,000 since Jan. 1 to a total of 282,000. Yet, "according to official figures," the enemy had suffered 31,571 killed in action in this period, and the infiltration estimate ranged from 35,000 as "definite" to 54,000 as "possible."

The only way to reconcile these figures is to conclude that the Vietcong have picked up from 30,000 to 50,000 local recruits in this period. Since this seems unlikely—especially in view of our confidence in the decline of Vietcong morale—a safer guess is to question the wonderful precision of the statistics. Even the rather vital problem of how many North Vietnamese troops are in South Vietnam is swathed in mystery. The Times reported on Aug. 7: "About 40,000 North Vietnamese troops are believed by allied intelligence to be in the South." According to an Associated Press dispatch from Saigon printed in The Christian Science Monitor of Aug. 15: "The South Vietnamese Government says 102,500 North Vietnamese combat troops and support battalions have infiltrated into South Vietnam.

"These figures are far in excess of United States intelligence estimates, which put the maximum number of North Vietnamese in the South at about 54,000."

But General Westmoreland told his Texas press conference on Aug. 14 that the enemy force included "about 110,000 main-force North Vietnamese regular army troops." Perhaps these statements are all reconcilable, but an apparent discrepancy of this magnitude on a question of such importance raises a twinge of doubt.

Nor is our ignorance confined to battle-order statistics. We have always lacked genuine knowledge of and insight into the political and cultural problems of Vietnam, and the more we press all problems into a military framework the worse off we are. The Administration in Washington was systematically misinformed by senior American officials in Saigon in 1962–63 regarding the progress of the war, the popularity of Diem, the effectiveness of the "strategic hamlet" program and other vital matters. It was not that these officials were deliberately deceiving their President; it was that they had deceived themselves first. Ordinary citizens restricted to reading the American press

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were better informed in 1963 than officials who took top-secret cables seriously.

The fact is that our Government just doesn't know a lot of things it pretends to know. It is not discreditable that it should not know them, for the facts are elusive and the judgments incredibly difficult. But it is surely inexcusable that it should pretend to know things it does not—and that it should pass its own ignorance on to the American people as certitude. And it is even less excusable that it should commit the nation to a policy involving the greatest dangers on a foundation so vague and precarious.

So now we are set on the course of widening the war—even at the cost of multiplying American casualties in Vietnam and deepening American troubles at home and abroad; even at the risk of miring our nation in a hopeless and endless conflict on the mainland of Asia beyond the effective employment of our national power and beyond the range of our primary interests; even at the risk of nuclear war.

Why does the Administration feel that these costs must be paid and these risks run? Hovering behind our policy is a larger idea—the idea that the war in Vietnam is not just a local conflict between Vietnamese but a fateful test of wills between China and the United States.

Our political and rhetorical escalation of the war has been almost as perilous as our military escalation. President Kennedy's effort was to pull Laos out of the context of great-power conflict and reduce the Laotian civil war to rational proportions. As he told Khrushchev at Vienna in 1961, Laos was just not important enough to entangle two great nations. President Johnson, on the other hand, has systematically inflated the significance of the war in Vietnam. "We have tried to make it clear over and over again," as the Secretary of State has put it, "that although Hanoi is the prime actor in this situation, that it is the policy of Peking that has greatly stimulated Hanoi. . . . It is Ho Chi Minh's war. Maybe it is Mao Tse-tung's war."

"In the forties and fifties," President Johnson has said, "we took our stand in Europe to protect the freedom of those threatened by aggression. Now the center of attention has shifted to another part of the world where aggression is on the march. Our stand must be as firm as ever." Given this view, it is presumably necessary to pay the greatest costs and run the greatest risks—or else invite the greatest defeat.

Given this view, too, there is no reason not to Americanize the war. President Kennedy did not believe that the war in Vietnam could succeeed as a war of white men against Asians. It could not be won, he said a few weeks before his death, "unless the people [of South Vietnam] support the effort. . . . We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it, the people of Vietnam." We have now junked this doctrine. Instead, we have enlarged our military presence until it is the only thing that matters in South Vietnam, and we plan now to make it still larger; we have summoned the Saigon leaders, like tribal chieftains on a retainer, to a conference in an American state; we crowd the streets of Saigon with American generals (58 at last count) and visiting stateside dignitaries. In short, we have seized every opportunity to make clear to the world that this is an *American* war—and, in doing this, we have surely gone far to make the war unwinnable.

The proposition that our real enemy in Vietnam is China is basic to the policy of widening the war. It is the vital element in the Administration case. Yet the proof our leaders have adduced for this proposition has been exceedingly sketchy and almost perfunctory. It has been proof by ideology and proof by analogy. It has not been proof by reasoned argument or by concrete illustration.

The proof by ideology has relied on the syllogism that the Vietcong, North Vietnam and China are all Communist states and therefore must be part of the same conspiracy, and that, since the Vietcong are the weakest of the three, they must therefore be the spearhead of a coordinated Chinese plan of expansion. The Department of State, in spite of what has struck most people as a rather evident fragmentation of the Communist world, has hated to abandon the cozy old clichés about a centralized Communist conspiracy aimed at monolithic world revolution.

As late as May 9, 1965, after half a dozen years of public Russo-Chinese quarreling, Thomas C. Mann, then No. 3 man in the department, could talk about "instruments of Sino-Soviet power" and "orders from the Sino-Soviet military bloc." As late as Jan. 28, 1966, the Secretary of State could still run on about "their world revolution," and again, on Feb. 18, about "the Communists" and their "larger design." While the department may have accepted the reality of the Russo-Chinese schism by September, 1966, the predominant tone is still to regard Asian Communism as a homogenous system of aggression. The premise of our policy has been that the Vietcong equal Hanoi and Hanoi equals Peking.

Obviously, the Vietcong, Hanoi and Peking have interests in common and strong ideological affinities. Obviously, Peking would rejoice in a Hanoi-Vietcong victory. But they also have divergent interests and purposes—and the divergencies may prove in the end to be stronger than the affinities. Recent developments in North Korea are instructive. If any country was bound to Peking by ties of gratitude, it was North Korea, which was preserved as an independent state by Chinese intervention 15 years ago. If any country today is at the mercy of Peking, it is again North Korea. When North Korea now declares in vigorous language its independence of China, does anyone suppose that North Vietnam, imbued with historic mistrust of China and led by that veteran Russian agent Ho Chi Minh, would have been more slavish in its attitude toward Peking?

The other part of the Administration case has been proof by analogy, especially the good old Munich analogy. "I'm not the village idiot," the Secretary of State recently confided to Stewart Alsop. "I know Hitler was an Austrian and Mao is a Chinese. . . . But what is common between the two situations is the phenomenon of aggression." The Vietnam war, President Johnson recently told the American Legion, "is meant to be the opening salvo in a series of bombardments or, as they are called in Peking, 'wars of liberation.'" If this technique works this week in Vietnam, the Administration suggests, it will be tried next week in Uganda and Peru. But, if it is defeated in Vietnam, the Chinese will know that we will not let it succeed elsewhere.

"What happens in South Vietnam," the President cried at Omaha, "will determine—yes, it will determine—whether ambitious and aggressive nations can use guerrilla warfare to conquer their weaker neighbors." The Secretary of State even described an exhortation made last year by the Chinese Defense Minister, Marshal Lin Piao, as a blueprint for world conquest comparable to Hitler's "Mein Kampf."

One thing is sure about the Vietnam riddle: it will not be solved by bad historical analogies. It seems a trifle forced, for example, to equate a civil war in what was for hundreds of years the entity of Vietnam (Marshal Ky, after all, is a North Vietnamese himself) with Hitler's invasion of Austria and Czechoslovakia across old and well-established lines of national division; even the village idiot might grasp that difference.

When President Eisenhower invoked the Munich analogy in 1954 in an effort to involve the British in Indochina, Prime Minister Churchill, a pretty close student of Munich in his day, was unmoved. The Chinese have neither the overwhelmingly military power nor the timetable of aggression nor, apparently, the pent-up mania for instant expansion which would justify the Hitler parallel. As for the Lin Piao document, the Rand Corporation, which evidently read it with more care than the State Department bothered to do, concluded that, far from being Mao's "Mein Kampf," it was a message to the Vietcong that they could win "only if they rely primarily on their own resources and their own revolutionary spirit," and that it revealed "the lack, rather than the extent, of Peking's past and present control over Hanoi's actions."

In any case, guerrilla warfare is not a tactic to be mechanically applied by central headquarters to faraway countries. More than any other form of warfare, it is dependent on conditions and opportunities within the countries themselves. Whether there are wars of national liberation in Uganda and Peru will depend, not on what happens in Vietnam, but on what happens in Uganda and Peru.

One can agree that the containment of China will be a major problem for the next generation. But this does not mean that we must re-enact in Asia in the sixties the exact drama of Europe in the forties and fifties. The record thus far suggests that the force most likely to contain Chinese expansionism in Asia (and Africa, too) will be not Western intervention but local nationalism. Sometimes local nationalism may call on Western support—but not always. Countries like Burma and Cambodia preserve their autonomy without American assistance. The Africans have dealt with the Chinese on their own. The two heaviest blows recently suffered by Peking—the destruction of the Communist party in Indonesia and the declaration of independence by North Korea—took place without benefit of American patronage or rhetoric.

In an unpredictable decades ahead, the most effective bulwark against "international" Communism in some circumstances may well be national Communism. A rational policy of containing China could have recognized that a Communist Vietnam under Ho might be a better instrument of containment than a shaky Saigon regime led by right-wing mandarins or air force generals. Had Ho taken over all Vietnam in 1954, he might today be enlisting Soviet support to strengthen his resistance to Chinese pressure—and this situation, however appalling for the people of South Vietnam, would obviously be better for the United States than the one in which we are floundering today. And now, alas, it may be almost too late: the whole thrust of United States policy since 1954, and more than ever since the bombing of the North began, has been not to pry Peking and Hanoi apart but to drive them together.

Is there no way out? Are the only alternatives widening the war or disorderly and humiliating withdrawal? Surely, our statesmanship is not yet this bankrupt. I think a middle course is still possible if there were the will to pursue it. And this course must begin with a decision to stop widening and Americanizing the war—to limit our forces, actions, goals and rhetoric. Instead of bombing more places, sending in more troops, proclaiming ever more ardently that the fate of civilization will be settled in Vietnam, let us recover our cool and try to see the situation as it is: a horrid civil war in which Communist guerrillas, enthusiastically aided and now substantially directed from Hanoi, are trying to establish a Communist despotism in South Vietnam, not for the Chinese but for themselves. Let us understand that the ultimate problem here is not military but political. Let us adapt the means we employ to the end we seek.

Obviously, military action plays an indispensable role in the search for a political solution. Hanoi and the Vietcong will not negotiate so long as they think they can win. Since stalemate is a self-evident precondition to negotiation, we must have enough American armed force in South Vietnam to leave no doubt in the minds of our adversaries that they cannot hope for victory. They must also have no illusion about the prospect of an American withdrawal. The object of the serious opposition to the Johnson policy is to bring about not an American defeat but a negotiated settlement.

Therefore, holding the line in South Vietnam is essential. Surely, we already have enough American troops, firepower and installations in South Vietnam to make it clear that we cannot be beaten unless we choose to scuttle and run, which will not happen. The opponents of this strategy talk as if a holding action would put our forces under siege and relinquish all initiative to the enemy. This need not, of course, be so. It is possible to slow down a war without standing still; and, if our present generals can't figure out how to do this, then let us get generals who can. Generals Ridgway and Gavin could doubtless suggest some names. Moreover, there is a South Vietnamese army of some 600,000 men which can take all the initiative it wants. And if we are told that the South Vietnamese are unwilling or unable to fight the Vietcong, then we must wonder all the more about the political side of the war.

The object of our military policy, as observers like Henry Kissinger and James MacGregor Burns have proposed, should be the creation and stabilization of secure areas where the South Vietnamese might themselves undertake social and institutional development. Our resources should go, in the Vietnam jargon, more to clear-and-hold than to search-and-destroy (especially when search-and-destroy more often means search-and-drive-underground). We should get rid of those "one-star generals who," in the words of Sir Robert Thompson, "regard their tour in Vietnam as an opportunity to indulge in a year's big-game shooting from their helicopter howdahs at Government expense."

At the same time we should induce the Saigon Government to institute generous amnesty provisions of the kind which worked so well in the Philippines. And we should further increase the incentive to come over by persuading the South Vietnamese to abandon the torture of prisoners—a practice not only horrible in itself but superbly calculated to make the enemy fight to the bitter end. In the meantime we must end our own shameful collaboration with this barbarism and stop turning Vietcong prisoners over to the South Vietnamese when we know that torture is probable.

As for bombing the North, let us taper this off as prudently as we can. Bombing is not likely to deter Hanoi any more in the future than it has in the past; and, given its limited military effect, the Administration's desire to gratify the Saigon Government and the American voter is surely not important enough to justify the risks of indefinite escalation. Moreover, so long as the bombing continues there is no chance of serious negotiation. Nor does the failure of the 37-day pause of last winter to produce a settlement refute this. Thirty-seven days were hardly enough to persuade our allies that we honestly wanted negotiation; so brief an interlude left no time for them to move on to the tricky job of persuading Hanoi. For Hanoi has substantial reasons for mistrusting negotiation—quite apart from Chinese pressure or its own hopes of victory. Ho has entered into negotiation with the West twice in the past—in 1946–47 and again in 1954—and each time, in his view, he lost at the conference table things he thought he had won on the battlefield.

For all our official talk about our readiness to go anywhere, talk to anyone, etc., it cannot be said that the Administration has pursued negotiation with a fraction of the zeal, imagination and perseverance with which it has pursued war. Indeed, some American scholars who have studied the matter believe that on a number of occasions when pressure for negotiation was mounting we have, for whatever reason, stepped up the war.*

Nor can it be said that the Administration has laid fairly before the American people the occasional signals, however faint, which have come from Hanoi—as in the early winter of 1965, when U Thant's mediation reached the point of selecting the hotel in Rangoon where talks might take place, until we killed the idea by beginning the bombing of the North. Nor, for all our declarations about "unconditional" negotiations, have we refrained from setting conditions—such as, for example, that we won't talk to the Vietcong unless they come to the conference table disguised as North Vietnamese. Though the Vietcong constitute the great bulk of the enemy force, they have been given little reason to think we will negotiate about anything except their unconditional surrender.

It is hard to see why we should not follow the precedent of Laos, when we admitted the Pathet Lao to the peace talks, and offer the Vietcong the prospect of a say in the future political life of South Vietnam—conditioned on their laying down their arms, opening up their territories and abiding by the ground rules of free elections. Nor is there reason to see why we have been so reluctant again to follow the Laos model and declare neutralization, under international guarantee, our long-run objective for Vietnam. An imaginative diplomacy would long since have discussed the ways and means of such neutralization with Russia, France, Britain and other interested countries. Unsatisfactory as the situation in Laos may be today, it is still incomparably better than the situation in South Vietnam.

On the other hand, negotiation is not an exclusive, or even primary, American responsibility. Along with a military stalemate, the other precondition of a diplomatic settlement is surely a civilian government in Saigon. Marshal Ky is one of those Frankenstein's monsters we delight in creating in our "client" countries, very much like the egregious General Phoumi Nosavan, who single-handedly blocked a settlement in Laos for two years. Like Phoumi, Ky evidently feels that Washington has committed itself irrevocably to him—and why should he not after the laying on of hands at Honolulu?—and that, whatever he does, we cannot afford to abandon him.

Robert Shaplen, in the August 20 issue of The New Yorker, reported from Saigon that the atmosphere there "is being compared to the miasma that surrounded Diem and his tyrannical brother Ngo Dinh Nhu" and that "many Vietnamese believe that the Americans, having embraced Ky so wholeheartedly and supported him so long, are just as responsible as his Government for the recent repressive acts."

I am sure that President Johnson did not intend to turn over American policy and honor in Vietnam to Marshal Ky's gimcrack, bullyboy, get-rich-quick regime. The time is bound to come when Ky must learn the facts of life, as General Phoumi eventually and painfully learned them.

But why wait? In our whole time in Vietnam, there has never been a Government in Saigon which had the active loyalty of the countryside. It might be an agreeable experiment to encourage one to come into existence. Instead of identifying American interests with Ky and rebuffing the broader political impulses in South Vietnam, we should long since have welcomed a movement toward a civilian regime representing the significant political forces of the country and capable both of rallying the army and carrying forward programs of social reform. We should give such a Government all possible assistance in rebuilding and modernizing the political and institutional structures of South Vietnam. And if it should favor the neutralization of its country, if it should seek negotiation with the Vietcong, even if it should release us from our commitment to stay in Vietnam, we should not think that the world is coming to an end.

It is not too late to begin the deescalation of the war; nor would the reduction of our military effort damage our international influence. "There is more respect to be won in the opinion of this world," George Kennan has written, "by a resolute and courageous liquidation of unsound positions than by the most stubborn pursuit of extravagant or unpromising objectives." France was stronger than ever after de Gaulle left Algeria, the Soviet Union suffered no lasting damage from pulling its nuclear missiles out of Cuba. And the policy of de-escalation recommended here is, of course, something a good deal less than withdrawal.

De-escalation could work *if* there were the will to pursue it . . . This is the hard question. The Administration, disposed to the indiscriminate use of power, enmeshed in the grinding cogs of the escalation machine, committed to the thesis that China is the enemy in Vietnam, obviously could not turn to de-escalation without considerable inner upheaval. The issue in the United States in the months to come will be whether President Johnson's leadership is sufficiently resilient and forbearing to permit a change in the direction of policy and arrest what is coming increasingly to seem an accelerating drift toward a great and unnecessary catastrophe.

TRAFFIC IN FIREARMS

Mr. DODD. Mr. President, for 6 years, now, I have been investigating the very serious traffic in firearms sold through the interstate mails and delivered to juveniles, criminals, addicts, and others.

I have had proposed legislation pending before Congress for more than 3 years. Each attempt to pass a stronger gun-control law has been stymied by gun lobbyists, misled sportsmen, and spokesmen representing that portion of the gun industry which wants no further legislation whatsoever.

Although representing only a minority, these opponents have repeatedly demonstrated their effectiveness. No new gun law has been passed, and the present bill, S. 1592, which I introduced as a part of the President's crime bill package, has been stalled for weeks in the Committee on the Judiciary.

During these same years, a number of public opinion polls have been conducted by professional, respected opinion takers

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*See "The Politics of Escalation in Vietnam," by Franz Schurmann, Peter Dale Scott and Reginald Zelnik of the University of California; to be published in October by Fawcett Books (paperback) and Beacon Press (hardcover).

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on the question of stronger and more effective gun laws.

I have yet to see one of these polls register less than 70 percent of the public in favor of new laws to reduce effectively the flow of deadly weapons into the hands of potential troublemakers. I might add that in each of these polls the questions were based on proposals going far beyond any legislation under serious consideration, such as the registration of all guns and the fingerprinting of gun owners. Even so, 70 percent or more favored more effective controls.

A poll published in the Washington Post of September 14, 1966, finally drops below this 70-percent mark.

In this Gallup poll, based on a question which suggests that the legislation now before the Senate would require a record to be made of the gun and the name of the purchaser, only 68 percent of the non-gun-owning public favored stronger controls.

However, that same poll shows that 56 percent of the gun owners themselves favor such a strong law and would vote for its enactment.

I wonder what effect this revelation will have on the small army of self-styled spokesmen for the 20 million American hunters and gun owners who say they want no gun law at all.

Mr. President, I ask unanimous consent that the Gallup poll be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Sept. 14, 1966]

THE GALLUP POLL: GUN OWNERS THEMSELVES FAVOR CURBS

PRINCETON, N.J., September 13.—Few issues spark such heated reactions as gun controls, and few issues are so widely misunderstood.

Some of the opposition to the registration of guns comes from those who think that this would mean banning all guns. Actually, the law proposed would not prohibit a person from owning a gun—either for sport or protection—but would require that a record be made of the name of the gun purchaser. The purpose of such a law would be to keep guns out of the hands of persons with a criminal record, the mentally disturbed and others unqualified to handle weapons.

The mood of the public for nearly three decades has been to impose controls on the sale and possession of weapons.

The survey questions and findings:

"Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?"

[In percent]

	All persons	*Gun owners*
Yes	68	56
No	29	41
No opinion	3	3

Those who favor such a law:

1. Too many people get guns who are irresponsible, mentally ill, retarded, trigger happy, criminals.
2. It would save lives.
3. It's too easy to get guns.
4. It would be a help to the police.
5. It would keep guns out of the hands of teenagers.

Reasons of those who oppose such a law:

1. Such a law would take away the individual's rights.
2. Such a law wouldn't work—people would still get guns if they wanted to.
3. People need guns for protection.

"Which of these three plans would you prefer for the use of guns by persons under the age of 18—forbid their use completely, put restrictions on their use, or continue as at present with few regulations?"

[In percent]

	All persons	*Gun owners*
Forbid use	27	17
Restrictions on use	55	59
Continue as at present	15	22
No opinion	3	2

CURRENT AGRICULTURAL POLICY—SPEECH DELIVERED BY SENATOR PEARSON

Mr. SIMPSON. Mr. President, a speech delivered by the distinguished junior Senator from Kansas [Mr. PEARSON] to the national brand convention on July 16, 1966, at Dodge City, Kans., describes the actions of the administration which have generated the current agricultural political discontent.

The speech explores why the administration took these actions, what the political consequences may be, and finally attempts to evaluate not only where we are, but also where we are going in American agriculture.

Mr. President, I ask unanimous consent that this speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY SENATOR JAMES B. PEARSON TO THE NATIONAL BRAND CONVENTION, JULY 16, 1966

These comments are going to be critical of the Administration, of the agricultural policy of President Johnson and Secretary Freeman. Yet this is not to say that this shall be a partisan political speech. I emphasize that the growing volume of criticism of recent Administration actions has come from both parties.

The truth of the matter is that just as we need a non-political foreign policy we also need agricultural bi-partisanship.

The other day a rural North Dakota newspaper editor expressed this idea. He noted that there were a lot of strong Democrats and Republicans in his area and that they take their politics seriously. But the editor stated, "When a neighbor is in trouble partisanship ends and we all pitch in. When one of us is attacked all of us are attacked . . . be the attackers—elements, beast, man or government." And so after reviewing some of the highlights of the Administration's "war on farm prices" the editor closed by saying "We've been attacked, partisanship thus has ended, we've closed ranks and are fighting back."

Let me digress for one further word of explanation or definition. Should I hereafter use the word politics or political, once again I do not do so in a partisan sense. But a political attitude is an expression of democracy, is a manifestation of the attitude and the will of the people and it is in that meaning that the word is used.

Thus, let me make note that during the past two months there has been considerable talk in the press about political unrest among farmers and ranchers. It is this rural unrest to which I now direct my attention. Yet I shall not describe the adverse economic effects of recent administration actions or why such government action has been unjustified. Your knowledge concerning your own interest is greater than mine and it is not necessary for me to go over the arguments you have formed for yourselves or heard from others.

I want to approach the events of the past few months from a somewhat different perspective. I want to briefly describe the actions which generated the current agricultural political discontent. I should like to explore with you why the Administration took these actions; what the political consequences may be and finally to attempt to evaluate not only where we are but where we are going in American agriculture.

First, I think some historic background is necessary in order to keep matters in proper order.

Certainly the present Secretary of Agriculture is no stranger to controversy. In fact, if we look back over the past several decades one gets the impression that this is an inevitable occupational hazard of being the Secretary of Agriculture. As one astute political observer once stated: "Among the many mysteries which surround the government of the United States there is none more baffling than why anyone should want to be Secretary of Agriculture." Indeed, the very mention of the name of Charles Brannon, Truman's Secretary of Agriculture still generates heated debate in many circles.

The trials and tribulations of Ezra Taft Benson were endless and harrowing. But I suppose that if Benson proved nothing else he, at least, demonstrated an enormous capacity for sticking it out under intense political pressures.

Orville Freeman entered the office under a cloud of doubt due to the fact that he was almost totally lacking in agricultural experience. However, it is to Mr. Freeman's credit that during his first year in office he helped to improve the image of agriculture which had become somewhat tarnished in the minds of the urban public and particularly the big city press. Freeman launched a successful public relations effort which stressed the great successes and achievements of agriculture rather than its failures and problems.

He first began to get in real political hot water with his proposals for stringent and mandatory controls which he indicated he would like to ultimately see extended throughout agriculture. At about this time the increase in beef imports and his unconvincing efforts to explain them brought the cattlemen down on his neck.

Because of growing pressure from farmers and ranchers and with Congress in firm opposition, Mr. Freeman was forced to abandon many of his policies and proposals, several of which I believe were not only ill-conceived but—to a degree—dangerous.

After these rebuffs, the Administration in cooperation with Congress and the majority of the farm organizations put together a program in 1965 which no one found entirely satisfactory but which the majority, I believe, thought to be a reasonably satisfactory temporary compromise. Because of this and because there were signs of slight improvement in the agricultural economic picture the relations between the Administration and the country's agricultural interests had improved considerably by the fall of 1965.

However, between January and June of this year this situation was completely reversed.

The first signs of trouble appeared when the Administration, in announcing its proposed budget, recommended that major cuts should be made in federal funds to agriculture research and extension programs and to the school milk and lunch programs.

During this same time, the Department of Agriculture began to quietly dump millions of bushels of government-owned corn and wheat stocks on the open market. An action, by the way, which Secretary Freeman only two months earlier had stated would not be taken. As a result of these two developments, discontent and resentment were beginning to develop. And this criticism was brought to a high point in early May when the Department of Commerce announced that it was imposing stringent restrictions on the export of cattlehides. The uproar over this incident was loud—but I will refer to this matter later on.

It was also during March, April and May that the Secretary and other top Administration officials were talking a great deal about food prices and inflation. Gardner Ackley, Chairman of the Council of Economic Advisers, revealed that the massive dumping of corn was intended to encourage pork production which would in turn bring down pork prices. The Defense Department announced that it was cutting back on its purchases of pork and leather and was substituting margarine for butter. Also it became known during this period that the Administration was increasing the import quotas on such products as sugar and cheese.

Now the clear implication that emerged from all the public and off-the-record statements by officials was that the Administration was trying to blame the inflation on farm prices. And the picture that emerged from the various actions—such as the cattlehide embargo, the dumping of corn and so forth was that the Administration was actively pushing a policy of attempting to freeze or roll back farm prices.

The Administration got so carried away with this whole food-price inflation program that President Johnson claimed that he had instructed Mrs. Johnson to purchase cheaper cuts of beef and expressed the hope that housewives across the country would do the same.

All this was finally capped off when Secretary Freeman was reported as having expressed pleasure over the recent downturn in farm prices and as having predicted with considerable satisfaction that future decreases would be forthcoming.

Well, I don't have to tell you that farm prices have not been a significant factor in the current inflation. The error of the Administration's policy on the inflation's cause plus the fact that it was exercising price control without legal authority—and—was in fact manipulating existing laws to accomplish purposes contrary to the intent of Congress inevitably created a great political storm. The President and the Secretary finally got the message and last month they started doing some fast backpedaling. The USDA launched a massive public relations effort to win back the support of the farmer. but as one farm expert has noted, "the Administration really is in a corner. It keeps telling the farmer that it is his friend. But the farmer is still skeptical."

The reaction of farmers and ranchers is clear.

What was the reaction in Congress?

I can assure you that it was vigorous and intense. Except possibly for Vietnam and inflation, I don't think any other single issue has been subjected to as much debate as this one. Both Democrats and Republicans have taken part, and the debate has been almost entirely highly critical of the Administration's actions.

Let me cite a couple examples. The Congressional reaction to the cattlehide export embargo was so intense that the Commerce Department ultimately has to retreat, acknowledge that it had been wrong, and restore a portion of the cutback. In regard to this particular episode, I remember the day that Bill House dropped by my office after he had attended the hide hearings held by the House agricultural committee. Bill told me that the Secretary of Commerce John Connor got such a dressing down by the committee that he almost felt sorry for him. Now Bill was exaggerating, of course, because I am sure he could not really feel very sorry for Mr. Connor. However, the treatment that Connor and other Administration officials received is indicative of the Congressional reaction to the export embargo. I played a part.

Another example of Congressional attitude toward the Administration's efforts to roll back farm prices is the resolution recently passed in the Senate, which I and 42 other Senators had sponsored, declaring the intent of Congress that the Administration should be prohibited from further arbitrary actions to hold down farm prices which, as you know, are still considerably below parity.

Now an equally important question is what has been the reaction of the general public.

Specifically, has all the Administration talk about food prices and inflation aroused significant anti-farm sentiment among the consumers?

There is no doubt that it has caused a certain amount of damage. However, as far as I can tell from sampling city newspapers and from conversations with my Senate colleagues from urbanized states, it is my impression that while the Administration's actions certainly created opposition among farmers and ranchers, their actions won few friends among urban voters and opinion leaders.

One of the reasons for this is that responsible newspaper editors and urban political leaders know that farm prices have not been a significant cause of the current inflation. But there is another reason why the Administration's actions elicited little support from the urban areas. This is simply that a great number of people were appalled at the way the Administration has carried out these actions. For example, the cattlehide incident was spotted by fair observers as an irresponsible and heavy-handed affair.

By in large then, I would say that from agriculture's point of view the general reaction to the actions by the Administration in the past few months has been rather encouraging. However, the fact that the Administration made the decision to take these actions has potentially dangerous implications for the future of agriculture. There is no question that these actions were taken because the Administration made the judgment that they would gain more political votes than they lost. The fact that it apparently has not turned out this way is due to a certain extent to the manner in which these actions were taken.

But regardless of how they were handled, the fact remains that they were taken. In trying to explain why these decisions were made, I have heard a lot of people say that they are due to the fact that the Administration is against the farmer. Now this is a simple and easy answer, but I believe that it is a dangerously naive one. I shall defend the Administration against the charge that it is deliberately anti-farmer for the simple reason that both the President and the Secretary are experienced enough in politics to know that you don't make political hay by being anti-anybody except for extremist groups of both the right and the left.

Thus, the question is not whether the Administration is *against* the farmer but whether he really is *for* him. When the political chips are down is this Administration really prepared to stand up and do right by agriculture?

In this lies the most crucial question mark about agriculture's future. It is too early to answer with certainty. However, one thing is absolutely clear; the national political climate is changing dramatically and at a faster pace than many of us realize. The United States is a nation increasingly dominated economically, socially, and politically by a few giant cities such as New York, Detroit, Chicago, and Los Angeles. Thirty-five percent of the entire population lives in the 25 metropolises with populations of at least one million.

The danger presented is that in the making of national policies, the needs and problems of agriculture, and non-metropolitan areas as well, will be ignored. In some instances this might be unintentional and simply the result of unfamiliarity and lack of concern. In other cases it might be the result of deliberate political calculation. In either case the end result for agriculture could only be negative.

Thus, in assessing agriculture's long range future, I would first emphasize that farmers and ranchers have simply got to face the fact that they are becoming an extremely small minority. Now if a minority this small is to have any significant political influence, the members must be politically informed and active and above all they must be united in their common purpose.

One of the reasons why organized labor in this country has been politically successful is that when the union spokesmen come to Washington, they are pretty well agreed in what they are going to ask Congress to enact or oppose. But, unfortunately, when agriculture comes to Washington, it too often speaks with many different and often sharply conflicting voices. Given the extent of disunity among agriculture organizations, it is a wonder that agriculture is as well off today as it is. Complete unity is neither possible nor desirable, but the tensions and conflicts among agricultural organizations and spokesmen is a luxury that cannot be afforded in the future. Farmers and ranchers and their organizations and leaders must take heed of the changing national political climate and make a greater effort to find common ground and coordinated action.

In addition to the need for greater unity, I would also suggest that farmers and ranchers and all the individuals and groups whose own economic welfare is so closely tied to agriculture should make a much greater effort to work together than has been the case in the past. I am thinking particularly of the businessmen and workers in the thousands of towns and cities across the country whose welfare and interests are so closely tied to agriculture. I think there is great potential here for strengthening rural America's political power. There have been too few efforts in this direction in the past, there must be many more in the future.

WHO ARE THE REAL ISOLATIONISTS?

Mr. GRUENING. Mr. President, in an excellent article in the New York Times magazine for September 18, 1966, Mr. Arthur Schlesinger, Jr., famed historian and former adviser to President Kennedy and President Johnson, had this to say about the label "neoisolationists" which some seek to append to those who would speak out against the United States further enmeshing itself in a senseless, undeclared, and costly war in Vietnam:

> The Administration has called the critics of its Vietnam policy "neoisolationists." But surely the real neoisolationists are those who have isolated the United States from its allies and raised the tattered standard, last flourished 15 years ago by Douglas MacArthur, on going it alone.

A similar theme is developed in the leading editorial in The Nation for September 12, 1966, under the title "Who Are the Isolationists?" in which it is stated:

> In essential respects it is the Johnson Administration that is isolationist. Its opponents would favor a constructive foreign policy. Their opposition is to a policy of aggression that has alienated allies and hardened the resolution of opponents—policy

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that, in the view of such an experienced observer as U Thant, carries within the fulminate of a third World War.

The point made by many of us who for over 2½ years have advocated a changed position for the United States with respect to Vietnam is the direct antithesis of isolation. When the United States "goes it alone" it is isolating itself from the other nations in the world.

When the United States says to the community of nations: we will escalate, and escalate and further escalate our military actions in Vietnam—take it or leave it—it is not acting in concert with other nations but rather is isolating itself from all other nations.

The so-called nonisolationist says: form alliances and act together with your allies. In Vietnam we are in violation of our pledges to other nations under the Charter of the United Nations, under the Geneva accords, and under the SEATO Treaty. It is hard to contend that the administration—rather than its critics—is not assuming an isolationist posture before the entire world.

I ask unanimous consent that the editorial entitled "Who Are the Isolationists?" in the September 12, 1966, issue of The Nation be printed at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Who Are the Isolationists?

Santayana's oft-quoted saying that those who do not remember the past are doomed to repeat it needs a corollary: those who misread the past are even more inexorably doomed to reiterate ancient errors. The Johnson Administration's favorite stereotype—the identification of the advocates of de-escalation in Vietnam with the appeasers at Munich in 1938—is an example of how history can be distorted by politicians whose only use for the past is to justify their misdeeds in the present. A related inversion of the truth is lumping current critics of American foreign policy (Senator FULBRIGHT, for instance) with the pre-World War II isolationists, some of whom were pro-German, some pro-Fascist or both.

In essential respects it is the Johnson Administration that is isolationist. Its opponents would favor a constructive foreign policy. Their opposition is to a policy of aggression that has alienated allies and hardened the resolution of opponents—policy that, in the view of such an experienced observer as U Thant, carries within it the fulminate of a third World War.

Mr. Johnson and his aides give lip service to the United Nations while undercutting it at every turn. This is *de facto* isolationism—the sacrifice of international order to domestic political advantage. The reason U Thant is reluctant to accept another term as Secretary-General is the ambivalence which President Johnson, Secretary Rusk and Ambassador Goldberg have exhibited time and again in their relations with him. Why should he remain in an office in which he is powerless to restrain the continuing American probing of supposed Soviet and Chinese impotence to give significant aid to North Vietnam and the National Liberation Front? If it should turn out to be based on a miscalculation, this experimentation threatens to bring on a disastrous showdown—disastrous because the circumstances will permit neither a compromise between the belligerents nor retreat of either from hardened positions.

The headlines show the accelerating progress toward this kind of confrontation, as in "Strategists See Need in Vietnam for 600,000 GIs" (*The New York Times*, August 29), and in the same issue "Moscow Training Fliers for Hanoi." The correspondent reports on articles in three leading Soviet newspapers, stating that at least one detachment of Vietnamese pilots have completed a combat flying course under the direction of "Soviet battle veterans" and have returned to North Vietnam, while another group is under instruction. Inexperienced Vietnamese pilots in MIG–17s are not much of a menace to American fliers, but now there are suggestions that the Soviet Union may supply MIG–21s or the "all-weather" MIG–23s.

Should the Vietnamese prove unequal to the difficulties of their mission, rather than allow a sister Communist state to be destroyed the Russians may send their own pilots into combat. According to Donald Grant, the staff correspondent of the *St. Louis Post-Dispatch* at the UN, U Thant was told in Moscow recently that Russian pilots would be sent to fly MIG–21s in Vietnam, and Russian crews would man the Russian-built surface-to-air missile sites which, by whomever manned heretofore, have made a dismal showing against U.S. aircraft. Thant is said to have repeated this to Under Secretary of State George Ball and Sen. ROBERT F. KENNEDY, and presumably Secretary Rusk has been informed. But, Grant writes, UN diplomats "see no signs that Thant's view will have any real impact on U.S. policy." A familiar story.

Suppose, however, that the worst does not come to the worst, and a lethal confrontation between the two great powers is providentially avoided. This would not invalidate the predictions of a war lasting a decade or longer which have been coming from both sides. Ten years? One can hardly conceive of Johnson's predatory brand of internationalism surviving for even half that period. Either it will win a speedy victory—a happy ending which few competent observers expect—or he may have difficulty convincing a majority of the voters in 1968, a fact of which Mr. Johnson is keenly aware.

Alastair Buchan's comments on the Johnson gamble in the London *Observer* are worth noting in this connection. Precisely because our commitments are so far-flung (and, to date, so unsuccessful) while domestic difficulties continue to mount, Buchan sees a coming reversion to those international obligations that the United States could discharge effectively, such as deterrence of nuclear war and economic assistance to countries politically and industrially qualified. That kind of internationalism the critics of the Administration could and would support. It is Johnson's ventures abroad in search of monsters to destroy that the critics condemn and that Johnson himself, were he to reflect, could see leading only to disaster.

SARATOGA PERFORMING ARTS CENTER IN NEW YORK STATE—A SUMMER CULTURAL ATTRACTION

Mr. KENNEDY of New York. Mr. President, I would like to call attention to the conclusion of a successful first season of the Saratoga Performing Arts Center.

During this season more than 85,000 people visited Saratoga Springs to attend 21 performances of the New York City Ballet. An additional 83,000 visitors attended the 14 concerts of the Philadelphia Symphony Orchestra. These attendance figures reflect the enthusiastic public response to the programs offered by the center.

In commenting on the quality of the programs at the center, Mr. Paul Hume remarked in the Washington Post of July 31:

> The happy fact is that a superlative combination of excellences has come together at Saratoga . . . one of the world's greatest ballet companies and one of the world's finest symphony orchestras . . . At a single stroke the Saratoga Performing Arts Center has placed Saratoga in the very top circle of summer music centers.

The Saratoga Performing Arts Center provides a unique setting for the performance of these programs. The amphitheater at the center was designed and engineered with imagination and competence by Architect John MacFayden and acoustical consultant Paul Veneklasen. It seats 5,100 and is placed in a graceful natural locale which permits the seating of almost 2,000 more on the surrounding lawn.

Hotel, dining, and other refreshment facilities are within walking distance, at the nearby Gideon Putnam State Reservation.

The arts center adds a new dimension to the many attractions of Saratoga Springs, the renowned racetrack, the National Racing Museum, the spas, the Yaddo Gardens, swimming pools, and a series of golf courses for every player. The center's performances make a visit to Saratoga that much more enjoyable.

The Saratoga area is also interesting from a historical standpoint. Nearby is the Saratoga battlefield and museum where the tide of the Revolutionary War was turned by the defeat of Gen. John Burgoyne, who was attempting to capture the capital at Albany and cut the Colonies in two. Saratoga lay along the "road to empire"—the Hudson River—Champlain waterway. Along this route the French, British, Indians, and colonists warred for nearly 100 years to settle the destiny of the continent, and their fortresses and battlegrounds may still be seen today.

I join my fellow citizens of New York in saluting the Saratoga Performing Arts Center. It reflects the vigor and vitality of this historic area. I look forward to its growth as a national summer cultural center. I call the center to the attention of my colleagues as one of the new attractions that makes upstate New York an outstanding place to visit and enjoy.

THE DICKEY-LINCOLN SCHOOL POWER PROJECT

Mrs. SMITH. Mr. President, because of the very considerable opposition in the House of Representatives to the Dickey-Lincoln School Power Project—because the House Appropriations Committee has cut the President's proposed budget on the item by one-third from the requested $1,200,000 for fiscal year 1967—because the House Appropriations Committee placed a delaying restriction even on these reduced funds by imposing the restriction and condition of another study on this project—and because the House will vote on this project tomorrow, I deem it appropriate and urgent to place before the Congress the high points of the testimony given today by the Army Engineers before the Senate Appropriations Subcommittee on Public Works this morning.

These very pertinent points were made in the statement of General Leber and in answer to questions asked by myself and the chairman of the subcommittee, the senior Senator from Louisiana. Army Engineers witnesses testified that:

First. There was no need for further study and investigation of the project for it had been studied several times, citing studies in 1953, 1956, 1959, 1963, and 1965;

Second. That these studies had clearly established that the project met all three tests of comparability, financial feasibility, and favorable benefit-cost ratio;

Third. That the benefit-cost ratio was a very favorable 1.9-to-1 ratio—in other words, annually the benefits will be twice as great as the cost of the project;

Fourth. That the Army Engineers had a capability of $2 million of work on the project in fiscal 1967 even though the President had asked for only $1,200,000 and the House Appropriations Committee had cut the amount down to only $800,000;

Fifth. That the action of the House Appropriations Committee would delay the action program on the project by at least 1 year; and

Sixth. That the status of the treaty negotiations was that while all the details had been worked out, the treaty had not yet been ratified because of change in personnel handling the treaty, but was about to be ratified.

PROTESTANT CLERGYMEN OPPOSE ADMISSION OF RED CHINA TO U.N.

Mr. DODD. Mr. President, an advertisement appeared in yesterday's New York Times and Washington Post carrying the results of a nationwide poll of Protestant ministers concerning the question of admission of Communist China to the United Nations.

This poll and the story behind it is of significant interest, and I wish to briefly discuss the reason for this poll, and the nature of its conclusions.

On February 22, 1966, the General Board of the National Council of Churches adopted a resolution calling for the admission of Communist China to the United Nations and granting of U.S. diplomatic recognition to the Chinese Communist regime. These resolutions were adopted by a nearly unanimous vote.

As a result of these resolutions and other statements by individual churchmen, the impression has been created that the majority of American clergymen support both Communist China's admission to the United Nations and its recognition by the United States. Denominations belonging to the National Council of Churches have a total of more than 40 million members. Despite any disclaimers, the political impact of such resolutions is to encourage the impression that these sentiments are held by the great majority of Protestant church members and clergymen.

As the advertisement in yesterday's New York Times points out, the 30,000 replies to a nationwide poll of Protestant clergymen demonstrates that—contrary to the impression conveyed by the National Council of Churches resolution—the overwhelming majority of Protestant ministers oppose the admission of Red China to the U.N.

The poll was conducted by the Reverend Daniel A. Poling, chaplain of the Interfaith Memorial Chapel of the Four Chaplains in Philadelphia, and chairman of the board of Christian Herald magazine. The results indicated that 71.4 percent of American Protestant clergymen polled were opposed to the admission of Communist China to the United Nations or American recognition of that government. The same poll showed that 93.7 percent of American Protestant clergymen were opposed to the "expulsion of the Republic of China from the United Nations in order to satisfy Communist Chinese conditions for joining."

Commenting on what these results mean, Dr. Poling stated:

> This great reaffirmation of support of present United States policy toward Communist China was made in spite of the tremendous and continuing campaigns advocating appeasement of Red China which have been leveled at American clergymen. The results of this poll should set the record straight. Those church bodies or officials who may take a different point of view have every right to do so. However, it is now clear that they speak only for themselves and not for the Protestant community.

Following the poll, a clergymen's Emergency Committee on China was formed. The committee is backed by Reverend Poling, Dr. Walter Judd, and a number of other religious leaders, and it will combat the ideas concerning China which has been adopted by the National Council of Churches.

I wish to share with my colleagues the results of this poll, together with the text of an advertisement which is planned for use in a number of major newspapers.

I request unanimous consent for the insertion of this material at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Press release from the Clergymen's Emergency Committee on China, Rev. Daniel A. Poling, chairman; Rev. David C. Head, executive secretary]

Nationwide Poll of Protestant Clergymen Indicates 71.4% Opposed to U.N. Admission of Red China or U.S. Recognition of Peiping—National Protestant Clergymen's Committee on China Organized

New York, N.Y., August 31, 1966.—Reverend Daniel A. Poling, Chaplain of the interfaith memorial Chapel of the Four Chaplains and Chairman of the Board of Christian Herald magazine, today announced the results of a nationwide poll which indicated that 71.4% of American Protestant clergymen polled were opposed to the admission of Red China to the U.N. or American diplomatic recognition of Peiping. The same poll showed that 93.7% of American Protestant clergymen were opposed to the ". . . expulsion of the Republic of China from the U.N. in order to satisfy Communist Chinese conditions for joining."

Dr. Poling also announced the formation of the Clergymen's Emergency Committee on China to ". . . provide factual information and material on Red China to American clergymen and, whenever necessary, to articulate the sentiments of the majority on the question of concern."

In his statement announcing the results of the poll, Dr. Poling said: "On February 22, 1966, the General Board of the National Council of Churches, meeting in St. Louis, adopted a resolution calling for the admission of Communist China to the United Nations and the granting of United States diplomatic recognition of the Peiping regime.

"This widely-publicized resolution—and similar statements from some other church bodies—has caused dismay in nations throughout the world who stand in firm opposition against Communist aggression and enslavement and who look to the United States as the leader in this crucial world struggle. Particularly tragic is the effect on the morale of young Americans battling Communism in Vietnam. If their own churches and church leaders favor accommodation with totalitarian, atheistic and predatory Communism, should they give their lives in resisting it?

"In the belief that these resolutions and statements do not represent the American Protestant community—and that the great majority of Protestant clergymen are one with their fellow Americans in opposing any steps which would help strengthen Communist China—I undertook to poll individual American Protestant clergymen on this historic question.

"A master list of Protestant clergymen from every state of the Union was obtained through the Dunhill International List Co. of New York City, and 65% of these were selected at random and mailed a form containing three questions: are you in favor of the admission of Communist China to the United Nations at this time?; are you in favor of the expulsion of the Republic of China from the United Nations in order to satisfy Communist Chinese conditions for joining?; are you in favor of the United States granting diplomatic recognition to Communist China at this time? Nearly 30,000 clergymen mailed their completed forms back to Philadelphia. The services of John Felix Associates in New York were employed to make an independent tabulation of the results.

"The 'No's' were overwhelming. Of those responding: 72.9% were opposed to the admission of Communist China to the United Nations; 25.6% were in favor, the balance did not reply; 93.7% were opposed to meeting the basic Red Chinese condition for joining the United Nations; 2.9% were in favor, the balance did not reply; 71.4% were opposed to diplomatic recognition of the Peiping regime; 25.8% were in favor, the balance did not reply. This great reaffirmation of support of present United States policy toward Communist China was made in spite of the tremendous and continuing campaigns advocating appeasement of Red China which have been leveled at American clergymen.

"The results of this poll should set the record straight. Those church bodies or officials who make take a differing point of view have every right to do so. However, it is now clear that they speak only for themselves and not for the Protestant community."

Dr. Poling went on to announce the organization of the Clergymen's Emergency Committee on China by saying: "Well-financed and well-publicized pressures for appeasement of Red China still continue. It is therefore vital that clergymen be kept informed of the true facts—without illusion or wishful thinking—so that the will of the majority will not be overcome by a small minority through default. For this reason, the ad hoc Clergymen's Emergency Committee on China has been formed—to provide factual information and material on Red

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China to American clergymen and, whenever necessary, to articulate the sentiments of the majority on the questions of concern.

"We call on clergymen of all faiths to join with us in this emergency movement. We call on the American people of all faiths to support this movement. We have a transcendent moral and spiritual responsibility: to the young Americans who are daily giving their lives in Vietnam in the struggle for freedom against a ruthless Communist enemy; to the enslaved Chinese people who have no place to look for hope but to us; to the hundreds of millions more who live in Communist darkness throughout the world; and to the basic security and safety of our beloved country."

The Reverend David C. Head has been appointed Executive Secretary of the new Committee which will have its national headquarters at 342 Madison Avenue in New York City. Rev. Head served with the American Baptist Convention and was former pastor of the Grace Baptist Church in Brooklyn, New York. He was Vice President, Public Relations & Development of The King's College, Briarcliff Manor, New York and served as the Director of their National Freedom Education Center.

For further information contact: Rev. David C. Head, Telephone: 661–3375.

Because The New York Times gave a lead story position and almost a whole page to "198 academic experts on China," including a high school teacher, and an assistant professor of library science, but gave only six inches to the following poll of 30,000 clergymen, we are paying for this space to bring the story to the American public.

71.4% of American Protestant Clergymen polled vote "No" to the admission of Communist China to the United Nations, to United States diplomatic recognition of Peiping.

93.7% of American Protestant Clergymen polled vote "No" to satisfying Red China's primary condition for joining the United Nations; the expulsion of the Republic of China.

On February 22, 1966, the General Board of the National Council of Churches, meeting in St. Louis, adopted a resolution calling for the admission of Communist China to the United Nations and the granting of United States diplomatic recognition to the Peiping regime.

This widely-publicized resolution—and similar statements from other church bodies—has caused dismay in nations throughout the world who stand in firm opposition against Communist aggression and enslavement and who look to the United States as the leader in this crucial world struggle. Particularly tragic is the effect on the morale of young Americans battling Communism in Vietnam. If their own churches and church leaders favor accommodation with totalitarian, atheistic and predatory Communism, should they give their lives in resisting it?

In the belief that these resolutions and statements do not represent the American Protestant community—and that the great majority of Protestant clergymen are one with their fellow Americans in opposing any steps which would help strengthen Communist China—Dr. Daniel A. Poling, Chaplain of the Chapel of Four Chaplains in Philadelphia, undertook to poll *individual* American Protestant clergymen on this historic question.

Three questions were put to over 65% of the Protestant clergymen, selected at random from every state in the Union: are you in favor of the admission of Communist China to the United Nations at this time?; are you in favor of the expulsion of the Republic of China from the United Nations in order to satisfy Communist Chinese conditions for joining?; are you in favor of the United States granting diplomatic recognition to Communist China at this time?

The "No's" were overwhelming. Of those responding, 72.9% were opposed to the admission of Communist China to the United Nations; 93.7% were opposed to meeting the basic Red Chinese conditions for joining the United Nations; 71.4% were opposed to diplomatic recognition of the Peiping regime. This great reaffirmation of support of present United States policy toward Communist China was made in spite of the tremendous and continuing campaigns advocating appeasement of Red China which have been levelled at American clergymen.

The results of this poll should set the record straight. Those church bodies or officials who may take a differing point of view have every right to do so. However, it is now clear that they speak only for themselves and not for the Protestant community.

Well-financed and well-publicized pressures for appeasement of Red China still continue. It is therefore vital that clergymen be kept informed of the true facts—without illusion or wishful thinking—so that the will of the majority will not be overcome by a small minority through default. For this reason, the ad hoc *Clergymen's Emergency Committee on China* has been formed—to provide factual information and material on Red China to American clergymen and, whenever necessary, to articulate the sentiments of the majority on the questions of concern.

We call on clergymen of all faiths to join with us in this emergency movement. We call on the American people of all faiths to support this movement. We have a transcendent moral and spiirtual responsibility; to the young Americans who are daily giving their lives in Vietnam in the struggle for freedom against a ruthless Communist enemy; to the enslaved Chinese people who have no place to look for hope but to us; to the hundreds of millions more who live in Communist darkness throughout the world; to the basic security and safety of our beloved country.

It is our duty to face this responsibility. It is our duty to stand fast against those who would betray these principles by dishonoring our national commitments—and break faith with both the dead and the living—through advocacy of the policy of seeking to get good by appeasing evil. Will you, who read this, join with us?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NATIONAL UNICEF DAY—PRAYER IN PUBLIC SCHOOLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE CLERK. Senate Joint Resolution 144, to authorize the President to designate October 31 of each year as National UNICEF Day.

The Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I rise to oppose both the Dirksen amendment and the Bayh resolution.

I confess that it saddens me not to be in agreement with my good friend the Senator from Illinois [Mr. DIRKSEN] on the matter now pending before the Senate. The Senator from Illinois stood as firm as the rock of Gibraltar against the two most controversial measures to be considered by this Congress; namely, the proposal to repeal section 14(b) of the Taft-Hartley Act, and the proposal to enact a Federal forced housing law.

I stood shoulder to shoulder with him in both of these fights. I believe that he and I battled together on these two measures because we share a common devotion to local self-government and individual freedom.

Strange as it may seem, I believe that the motive which prompts him to offer his amendment and the motive which impels me to oppose it are identical. Each of us, I think, takes his respective position because of the realization of the importance of faith in God to our Nation.

It is impossible to overmagnify the importance of faith in God. It is, in my judgment, the most potent force in the universe. Faith in God gives men and women the strength to face the storms of life and their consequences with the peace which passes understanding. In times of greatest stress, faith in God has the miraculous power to lift ordinary men and women to greatness.

I oppose the Bayh resolution for a very simple reason. While each Senator or Representative may interpret Supreme Court opinions, Congress does not have authority as a collective body to do so.

The issues now before the Senate are concerned with the first amendment.

If we are to understand the first amendment, we must recur to history. This is so because we cannot understand the institutions and laws of today unless we understand the historical events out of which they arise.

As we recur to history, we will do well to remember that a nation which ignores the lessons history teaches is doomed to repeat the tragic mistakes of the past. Let us pray that America may not do this in respect to church and state relationships.

The most heartrending story of history is that of man's struggle against civil and ecclesiastical tyranny for the simple right to bow his own knees before his own God in his own way.

As one of America's wisest jurists of all time, the late Chief Justice Walter P. Stacy, of the Supreme Court of North Carolina, declared in the opinion he wrote in *State* v. *Beal* (199 N.C. 278):

> For some reason, too deep to fathom, men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth [and] It would be almost unbelievable, if history did not

record the tragic fact, that men have gone to war and cut each other's throats because they could not agree as to what was to become of them after their throats were cut.

The Founding Fathers who wrote the Constitution of the United States were acutely aware of these truths.

They saw with the eyes of history the cruelties of the Spanish Inquisition, the massacre of the Huguenots of France, the slaughter of the Waldensians in the Alpine Valleys of Italy, the hanging and jailing of English and Irish Catholics by Protestant England, the hunting down of the Covenanters upon the crags and moors of Scotland, the branding, hanging, and whipping of Quakers, and the banishing of Baptists by Puritan Massachusetts, and the hundreds of other atrocities committed in the name of religion.

The Founding Fathers knew, moreover, that even during their own lifetimes those who did not conform to the doctrines and practices of the churches established by law in the places where they lived, such as Scotch-Irish Presbyterians in Ulster, Catholics in England and Ireland, and dissenters in various American Colonies, had been barred from civil and military offices because of their faiths, had been compelled to pay tithes for the propagation of religious opinions they disbelieved, and had had their marriages annulled and their children adjudged illegitimate for daring to speak their marriage vows before ministers of their own faiths, rather than before clergymen of the established churches.

The Founding Fathers were determined that none of these tragic historical events should be repeated in the nation they were creating.

To this end they inserted two provisions in the Constitution of the United States.

The first of these provisions appears in article VI and declares that "no religious test shall ever be required as a qualification to any office or public trust in the United States."

The second appears in the first amendment, and states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

What did the Founding Fathers intend to do when they embodied these words in the first amendment? The answer to this question becomes clear when we consider the events which preceded the writing of the first amendment.

At the time of the settlement of the Thirteen Original Colonies, virtually every nation in Western Europe and the British Isles had what were known as established churches. Those churches were established by law, and the law compelled all persons, including those who dissented from their religious beliefs, to attend their services. The law furthermore required all persons to pay taxes for the construction of church buildings and the support of the clergy of the established churches.

An overwhelming number of the colonists who came from Europe to America came primarily to secure religious liberty and freedom from taxation for the support of established churches. Unfortunately, when those people came to America, they found that in many of the Colonies predominant groups had set up established churches here, and that in consequence they were compelled, in such Colonies, to pay taxes for the support of churches whose religious doctrines they disbelieved.

There is more than a modicum of historical truth in the statement of Artemus Ward to the effect that:

> The Puritans nobly fled from a land of despotism to a land of freedom, where they could not only enjoy their own religion, but could prevent everybody else from enjoying his.

The Colonies of Virginia, North Carolina, South Carolina, Georgia, and Maryland had established churches, and the Anglican Church was the favorite under their laws.

In the Colonies of Massachusetts, Connecticut, and New Hampshire, the Congregational Church was established by law.

In the Colony of New York, the Dutch Reformed and Anglican Churches, in turn, were established by law.

The people who lived in those Colonies were compelled to pay taxes for the support of religious institutions whose doctrines they disbelieved. Moreover, they were compelled to frequent the services of such religious institutions. They rebelled against those practices. They said, in the first place, that it was tyrannical for a government to attempt to regulate the relationship of worship between the individual man and his God. Then, as they pondered the words found in the 22d chapter of Matthew, verses 15 to 22, which declare that we are enjoined to "Render, therefore, unto Caesar the things which are Caesar's; and unto God the things that are God's," they also came to the conclusion that in addition to being tyrannical, the regulation of worship by government was also sinful. So they began to fight to separate church from state and to disestablish all churches. Their demand for the disestablishment of churches comprised two things: First, an end to the financial-legal connection between state and church; and second, a recognition of the rights of all persons to exercise freely their own modes of worship.

The process by which church and state became separated in the original States is an interesting story, and I wish time sufficed for me to detail it. However, the story has been told in a most accurate and most illuminating manner by R. Freeman Butts, in chapter 3, at pages 39–45, of his work entitled "The American Tradition in Religion and Education."

I ask unanimous consent that an excerpt from his book, in which he pictures how the people of the various original States secured the separation of church and state prior to the writing of the first amendment, be printed at this point in the body of the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The historical meaning of separation of church and state cannot be determined by a narrow analysis of any specific event in any one place at any one time. It must be seen as a developing principle and practice that had its roots in the past and that took form on an uneven front throughout the new Nation that was struggling to come into existence during the Revolutionary and early national periods. It was a principle that emerged more rapidly in some States and more slowly in others. But the trend was unmistakable.

In some States where establishment had never gained a foothold and the practice of religious freedom was strong, there was little or no problem of separation as in Rhode Island, Pennsylvania, and Delaware. In other States where the establishment was strong, where the religious population was highly homogeneous, and where the tradition of religious freedom was weak, the principle of separation was slower in formulation and in practice, as in Massachusetts, Connecticut, and New Hampshire. In still other States where the establishment was strong but where the religious population was rapidly becoming heterogeneous, the process of separation and the formulation of the principle of separation was relatively rapid, notably in Virginia. Thus it took Virginia scarcely 10 years from 1776 to 1786 to complete the process by legal enactment, whereas it took Massachusetts more than 50 years from 1776 to 1833 to arrive at virtually the same stage in its constitutional development.

It was in the midst of this unmistakable historical process that the first amendment was debated in Congress in 1789 and finally ratified in 1791. The meaning of the first amendment cannot be discovered by a narrow examination of the meaning of its specific words at a specific time, but those words must receive their meaning from the more inclusive process in which they were formulated, debated, and approved. Any sound historical interpretation of the meaning of the first amendment should be derived from the larger cultural setting in which it was developed. No narrow historicism will suffice. The indisputable fact, as we shall see in the next few pages, is that the American people were moving from establishment to separation in the Revolutionary and early national periods; they were moving in different States at different rates and it is fair to say from different motives, but they were moving.

The first amendment was an integral part of this movement. It was sponsored by and fought for by persons who had been through the process in their own States or who otherwise clearly saw the direction of the trend as did the followers of the enlightenment. The framers of the first amendment were in the vanguard of the movement. The first amendment thus reflected the most advanced thinking on the subject of separation at the time of its adoption, and it in turn not only showed the way but speeded up the process in the laggard States.

In general, the process of separation, from the pre-Revolutionary to the early national periods, went through three identifiable stages:

1. Toleration by the single establishments: Dissenting groups and the leaders who believed in religious freedom continued and speeded up the fight against the established churches in the effort to win the right to the free exercise of public religious worship. This right they wrung from the conservative groups in State after State in the form of concessions and the granting of privileges of free worship. Something of this process has been described in chapter 2.

2. Multiple establishments: The liberal groups believing in religious freedom discovered, however, that they were still in an underprivileged position because the legal support of taxes and property rights was still assigned by the state to the established

churches. They discovered that free exercise was still a shadowy grant of toleration so long as the established churches had the support of tithes and so they renewed the fight to disestablish more completely the favored churches. The established churches, on their part, tried to compromise by persuading the legislatures to open up the tax privileges to the dissenting groups one by one. This meant that gradually more and more churches were admitted into the establishment and given the legal rights of taxation for their own public worship.

Thus, establishment came to be applied, not just to one church, but to any or all churches that had legal and financial connections with the state. This extended meaning of establishment was widely recognized at the time of the passing of the first amendment. Any cooperation between the state and any or all churches was considered to be establishment. In some States this compromise was agreed upon and was maintained for a relatively long time, as in Massachusetts, Connecticut, and New Hampshire; in other States the compromise lasted for only a short time, as in Maryland and South Carolina. In still other States the effort to achieve this compromise was defeated, notably in Virginia. It was this expanded meaning of multiple establishment that the first amendment was designed to prevent on the national level as well as to prevent the narrow establishment of a single church.

At the time of the formulation and ratification of the first amendment in the period 1789–91 all States that still had some form of establishment in effect had moved into the form of multiple establishment. As described in chapter 2, Massachusetts, Connecticut, and New Hampshire all provided for their distinctive town form of multiple establishment, and Maryland and South Carolina had provided for their respective State forms of multiple establishment. These were the only States in which establishment was still recognized in the basic laws of the several States, when the debates over the first amendment began in 1789. South Carolina quickly dropped its elaborate provisions for multiple establishment from its constitution of 1790, whereas Maryland did not amend its constitution until 1810.

Thus, in 1789 five of the original States still had authorized establishments. They were all multiple establishments. Before the first amendment was ratified in 1791, South Carolina had eliminated its constitutional provisions for multiple establishment. After the adoption of the first amendment in 1791 there were only four States whose basic laws embodied the principle of establishment. The Massachusetts constitution of 1780 and the Connecticut codified laws of 1784 made multiple establishment compulsory; Maryland's constitution of 1776 and New Hampshire's constitutions of 1784 and 1791 permitted multiple establishments at the discretion of the legislatures.

It is this meaning of multiple establishment which has been forgotten, conveniently overlooked, or never understood by the various groups today who urge that cooperation between church and state is admissible so long as the state treats all religious groups equally and fairly. That was exactly the purpose of the several colonial provisions for multiple establishment as described in chapter 2, and it was exactly the purpose of the attempts made in Virginia to achieve multiple establishment, as will be described in the following pages. Of course, they would have ruled out some sects which the dominant churches did not consider to be "safe" or legitimate religious groups, but the principle of multiple establishment is the same whether few, many, or all religious groups are taken into it. The state would always have to decide what was and what was not a religious group if it set out to "cooperate" with them all.

3. Separation: It was soon discovered that the compromise of establishing all recognized churches even on an equal or impartial basis was not sufficient. It might be possible to reconcile this kind of establishment with the outward forms of free exercise of public worship, but it was soon clearly seen that it could not be reconciled with genuinely equal rights of conscience. So long as the state was in the position of determining which churches should have legal and financial privileges of support, there could be no real equality of religious conscience. It was still a grant of privilege by the state to a religious doctrine. Such a principle could not square with the growing belief fostered by the enlightenment that equal rights of conscience were natural and inalienable rights which the state could not infringe and which the state must protect.

Therefore, the struggle went on to sever all legal connections and to prohibit all financial support for any and all religious beliefs. It was recognized that if the state could grant a privilege, it could define which religious beliefs were entitled to that privilege. So the final stage in separation came when all forms of establishment were abolished. Thus, complete disestablishment of financial and legal support for religion by the state was necessary to achieve a genuinely free exercise of religion resting upon the solid grounds of equal rights of conscience.

This final step was clearly in the minds of those who proposed and struggled for the adoption of the first amendment of the Constitution. The first amendment was clearly an integral part of the larger definition of civil rights as contained in the other amendments which made up the American Bill of Rights.

The whole story of this historical process in the course of which the principle of separation of church and state emerged should be told in detail State by State, but the necessities of space limit us to presenting only one example of a State which had a strong establishment. This example, Virginia, shows the completion of the process before the first amendment was formulated, and is important because the leaders in Congress from Virginia were the ones who gave the primary form to the first amendment as it went through the various stages of debate and adoption.

Other examples among the original States could be given to show that the process of separation was well underway in a majority of States before the adoption of the first amendment. Separation had already been achieved in eight of the original States. This was accomplished in the constitutions of 1776 of New Jersey, Pennsylvania, Delaware, and North Carolina; in the constitutions of 1777 of New York and Georgia; by statute in 1786 in Virginia; and by original charter in Rhode Island.

The fact that some States did not complete the process of separation until after the first amendment simply means that they were somewhat later in a process of which the first amendment was at once a reflection and also a formative influence. The first amendment was the application on the national level of the same principle that was developing in the States.

Mr. ERVIN. Mr. President, I shall not undertake to add to this story further details of the movements in the various original States to obtain religious freedom and freedom from taxation to support religious institutions. Suffice it to say that by the time the first amendment was written, the original States of Virginia, North Carolina, Georgia, New York, Rhode Island, Pennsylvania, Delaware, and New Jersey disestablished religion, and did so under constitutions and laws which forbade the establishment of any religion and the levying of taxation for the support of any religion.

So, Mr. President, at the time when the first amendment was drafted, the only States in which any establishment of religion was still in existence were Massachusetts—which continued such establishment until 1833; Connecticut—which continued such establishment until 1818; Maryland—which continued such establishment until 1810; New Hampshire—which continued such establishment until 1819; and South Carolina—which abolished such establishment in 1790. But in those five States there was no single established church at that time. There was an establishment of all of the churches which the people who dominated those States deemed to be respectable churches. They provided for an impartial use of taxes for the support of all of the churches which, in their view, were respectable.

However, it is interesting to consider the specific events in the State of Virginia which preceded the writing and the ratification of the first amendment. This is true because those most responsible for the writing into our Constitution of the first amendment were two Virginians—Thomas Jefferson and James Madison. By referring to the events in the State of Virginia which preceded the writing of the first amendment, we can find exactly what was meant by the Founding Fathers when, in the first amendment, they provided that "Congress shall make no law respecting an establishment of religion."

This is true because the events in Virginia show exactly what James Madison meant when he insisted on writing into the first amendment the words "an establishment of religion."

In 1776, Virginia, as an independent Commonwealth, adopted a new constitution; James Madison was a member of the constitutional convention which drafted it. He succeeded in writing into the constitution of that great Commonwealth the proposition that all men are equally entitled to the free exercise of religion according to the dictates of conscience. After the adoption of that constitution, the Virginia Legislature met, and there ensued a great conflict between those who wanted religious freedom and freedom from taxation and those who wanted to retain an establishment of religion in that great Commonwealth. In the legislature of 1776, where the contest between those two groups began, Madison was able to persuade the legislature to provide that no dissenters should be compelled to pay any taxes to the established church of Virginia—the Church of England, which had been established there in 1629.

He also secured at that session the passage of a law which suspended for the time being the requirement that even members of the Church of England should pay taxes for its support. But the legislature of 1776 expressly reserved the most crucial question; namely, whether general taxes should be levied for the support of all of the denominations which the controlling element in the Virginia Legislature deemed to be respectable denominations. This ques-

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tion was reserved for subsequent legislatures.

In the Virginia Legislature of 1779 there occurred another great fight which centered around two bills. One was introduced by James Henry. It undertook to establish, by law, virtually all of the Christian churches as the established churches of Virginia, and to lay taxes for the support of all of them on an impartial basis. It is significant that in this bill references to an establishment of religion appear at a number of points, in contexts which clearly show that James Henry and the others of his day understood the term "an establishment of religion" to mean an official connection between the State and one or more churches, whereby the State recognized such church or churches and provided for taxation for its or their support.

In the same legislature, James Madison introduced Thomas Jefferson's bill for religious freedom in Virginia. It is one of the great documents which preceded the writing of the Constitution. It laid down two propositions: First, the proposition that there should be no religious qualification as a test for holding office; and second, the proposition that it is sinful and tyrannical to tax a man for the propagation of religious doctrine which he disbelieves. This document is of so much importance that it should be made available to all Members of the Senate before they vote on the amendment and the resolution. For this reason, I ask unanimous consent to have printed at this point in the body of the RECORD, as part of my remarks, Thomas Jefferson's bill for religious freedom in Virginia.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

THOMAS JEFFERSON'S BILL FOR RELIGIOUS FREEDOM

I

Whereas Almighty God hath created the mind free * * * to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness * * * therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow citizens he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it * * * to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil governments, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them:

II

Be it enacted by the general assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

III

The rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right.

Mr. ERVIN. Mr. President, the opposing forces in the Virginia Legislature of 1779 were so nearly equal in power that it was impossible to secure the enactment of either of those bills. So the contest, which had been renewed there, was renewed a third time in the legislature of 1784.

In that legislative body was introduced not only Jefferson's bill for religious freedom in Virginia, but also a new bill which was sponsored by Patrick Henry. That bill was entitled "A Bill Establishing a Provision for Teachers of the Christian Religion." It undertook to give official recognition to virtually all Christian churches and to provide taxes for their support. In order that we might understand what Madison meant when he used the term "an establishment of religion," it is necessary that the bill to which I have referred should be called to the attention of Senators. I ask unanimous consent that the bill may be printed at this point in the RECORD as a part of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A BILL ESTABLISHING A PROVISION FOR TEACHERS OF THE CHRISTIAN RELIGION

Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society; which cannot be effected without a competent provision for learned teachers, who may be thereby enabled to devote their time and attention to the duty of instructing such citizens, as from their circumstances and want of education, cannot otherwise attain such knowledge; and it is judged that such provision may be made by the legislature, without counteracting the liberal principle heretofore adopted and intended to be preserved by abolishing all distinctions of preeminence amongst the different societies or communities of Christians;

Be it therefore enacted by the general assembly, That for the support of Christian teachers—per centum on the amount, or—in the pound on the sum payable for tax on the property within this Commonwealth, is hereby assessed, and shall be paid by every person chargeable with the said tax at the time the same shall become due; and the sheriffs of the several counties shall have power to levy and collect the same in the same manner and under the like restrictions and limitations, as are or may be prescribed by the laws for raising the revenues of this State; and be it

Enacted, That for every sum so paid, the sheriff or collector shall give a receipt, expressing therein to what society of Christians the person from whom he may receive the same shall direct the money to be paid, keeping a distinct account thereof in his books. The sheriff of every county, shall on or before the —— day of ——— in every year, return to the court, upon oath, two alphabetical lists of the payments to him made, distinguishing in columns opposite to the names of the persons who shall have paid the same, the society to which the money so paid was by them appropriated; and one column for the names where no appropriation shall be made. One of which lists, after being recorded in a book to be kept for that purpose, shall be filed by the clerk in his office; the other shall by the sheriff be fixed up in the courthouse, there to remain for the inspection of all concerned. And the sheriff, after deducting 5 per centum for the collection, shall forthwith pay to such person or persons as shall be appointed to receive the same by the vestry, elders or directors, however denominated of each such society, the sum so stated to be due to that society; or in default thereof, upon the motion of such person or persons to the next or any succeeding court, execution shall be awarded for the same against the sheriff and his security, his and their executors or administrators; provided that 10 days previous notice be given of such motion. And upon every such execution, the officer serving the same shall proceed to immediate sale of the estate taken, and shall not accept of security for payment at the end of 3 months, nor to have the goods forthcoming at the day of sale; for his better direction wherein, the clerk shall endorse upon every such execution that no security of any kind shall be taken; and be it

Further enacted, That the money to be raised by virtue of this act, shall be by the vestries, elders, or directors of each religious society, appropriated to a provision for a minister or teacher of the gospel of their denomination, or the providing places of divine worship, and to none other use whatsoever; except in the denominations of Quakers and Menonists, who may receive what is collected from their members, and place it in their general funds, to be disposed of in a manner which they shall think best calculated to promote their particular mode of worship; and be it

Enacted, That all sums which at the time of payment to the sheriff or collector may not be appropriated by the person paying the same, shall be accounted for with the court in manner as by this act is directed; and after deducting for his collection, the sheriff shall pay the amount thereof (upon account certified by the courts to the auditors of public accounts, and by them to the treasurer) into the public treasury, to be disposed of under the direction of the general assembly, for the encouragement of seminaries of learning within the counties whence such sums shall arise, and to no other use or purpose whatsoever.

This act shall commence, and be in force, from and after the —— day of —— in the year ——.

Mr. ERVIN. The importance of the bill sponsored in 1784 by Patrick Henry becomes apparent when we recall that it provoked one of the greatest documents vindicating the cause of religious freedom ever penned on the face of the earth. There was a bitter contest between Madison and his opponents in the

Virginia Legislature of 1784. The legislature was on the verge of passing the bill sponsored by Patrick Henry, which would have recognized the legal interest of the State in virtually all the Christion churches then functioning in Virginia, and which would have imposed taxes on all Virginians for the support of such churches. But Madison, at the last moment, was able to persuade the Legislature of Virginia to put off the final vote on the bill sponsored by Patrick Henry until the next session of the legislature, which was scheduled for November 1785. Between that time and the time when the legislature next met James Madison made one of the greatest of all appeals for religious freedom. It was called "The Memorial and Remonstrance Against Religious Assessments." The memorial of James Madison is crucial in determining what the Founding Fathers meant when they yielded to the insistence of James Madison and wrote into the first amendment the provision that Congress shall make no law respecting an establishment of religion.

On a number of occasions in his remonstrance, which was a protest against the bill sponsored by Patrick Henry during the preceding legislature to levy taxes for the support of virtually all Christian churches in Virginia, James Madison used the word "establishment" at least five times in contexts which showed that in the mind of James Madison "an establishment of religion" meant an official relationship between the State and one church or many or all churches and the imposition of taxation for the support of one church or many churches or all churches.

Mr. President, I ask unanimous consent that the memorial and remonstrance of James Madison against religious assessments be printed at this point in the RECORD as a part of my remarks.

There being no objection, the memorial and remonstrance were ordered to be printed in the RECORD, as follows:

MEMORIAL AND REMONSTRANCE AGAINST RELIGIOUS ASSESSMENTS TO THE HONORABLE THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF VIRGINIA

We, the subscribers, citizens of the said Commonwealth, having taken into serious consideration, a bill printed by order of the last session of general assembly, entitled "A Bill Establishing a Provision for Teachers of the Christian Religion," and conceiving that the same, if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State, to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said bill:

1. Because we hold it for a fundamental and undeniable truth, "that religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." The religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable; because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men: It is unalienable also; because what is here a right toward men, is a duty toward the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of civil society. Before any man can be considered as a member of civil society, he must be considered as a subject of the Governor of the Universe: And if a member of civil society, who enters into any subordinate association, must always do it with a reservation of his duty to the general authority; much more must every man who becomes a member of any particular civil society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of religion, no man's right is abridged by the institution of civil society, and that religion is wholly exempt from its cognizance. True it is, that no other rule exists, by which any question which may divide a society, can be ultimately determined, but the will of the majority; but it is also true, that the majority may trespass on the rights of the minority.

2. Because if religion be exempt from the authority of the society at large, still less can it be subject to that of the legislative body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the coordinate departments, more necessarily is it limited with regard to the constituents. The preservation of a free government requires not merely, that the metes and bounds which separate each department of power may be invariably maintained; but more especially, that neither of them be suffered to overleap the great barrier which defends the rights of the people. The rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are tyrants. The people who submit to it are governed by laws made neither by themselves, nor by an authority derived from them, and are slaves.

3. Because, it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of [the] noblest characteristics of the late revolution. The freemen of America did not wait until usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much, soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects? That the same authority which can force a citizen to contribute 3 pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

4. Because, the bill violates that equality which ought to be the basis of every law, and which is more indispensable, in proportion as the validity or expediency of any law is more liable to be impeached. If "all men are by nature equally free and independent," all men are to be considered as entering into society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all are they to be considered as retaining an "equal title to the free exercise of religion according to the dictates of conscience." Whilst we assert for ourselves a freedom to embrace, to profess, and to observe the religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offense against God, not against man: To God, therefore, not to men, must an account of it be rendered. As the bill violates equality by subjecting some to peculiar burdens; so it violates the same principle, by granting to others peculiar exemptions. Are the Quakers and Menonists the only sects who think a compulsive support of their religions unnecessary and unwarrantable? Can their piety alone be intrusted with the care of public worship? Ought their religions to be endowed above all others, with extraordinary privileges, by which proselytes may be enticed from all others? We think too favorably of the justice and good sense of these denominations, to believe that they either covet preeminencies over their fellow citizens, or that they will be seduced by them, from the common opposition to the measure.

5. Because the bill implies either that the civil magistrate is a competent judge of religious truth; or that he may employ religion as an engine of civil policy. The first is an arrogant pretension falsified by the contradictory opinions of rulers in all ages and throughout the world; the second an unhallowed perversion of the means of salvation.

6. Because the establishment proposed by the bill is not requisite for the support of the Christian religion. To say that it is, is a contradiction to the Christian religion itself; for every page of it disavows a dependence on the powers of this world: it is a contradiction of fact; for it is known that this religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them; and not only during the period of miraculous aid, but long after it had been left to its own evidence, and the ordinary care of providence. Nay, it is a contradiction in terms; for a religion not invented by human policy, must have preexisted and been supported, before it was established by human policy. It is moreover to weaken in those who profess this religion a pious confidence in its innate excellence, and the patronage of its author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies, to trust it to its own merits.

7. Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of religion, have had a contrary operation. During almost 15 centuries, has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the clergy; ignorance and servility in the laity; in both, superstition, bigotry, and persecution. Inquire of the teachers of Christianity for the ages in which it appeared in its greatest luster; those of every sect point to the ages prior to its incorporation with civil policy. Propose a restoration of this primitive state in which its teachers depended on the voluntary rewards of their flocks; many of them predict its downfall. On which side ought their testimony to have greatest weight, when for or when against their interest?

8. Because the establishment in question is not necessary for the support of civil government. If it be urged as necessary for the support of civil government only as it is a means of supporting religion, and it be not necessary for the latter purpose, it cannot be necessary for the former. If religion be not within [the] cognizance of civil government, how can its legal establishment be said to be necessary to civil government? What influence in fact have ecclesiastical establishments had on civil society? In some instances they have been seen to erect a spiritual tyranny on the ruins of civil authority; in many instances they have been seen upholding the thrones of political tyranny; in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the public liberty, may have found an established clergy con-

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venient auxiliaries. A just government, instituted to secure and perpetuate it, needs them not. Such a government will be best supported by protecting every citizen in the enjoyment of his religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any sect, nor suffering any sect to invade those of another.

9. Because the proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every nation and religion, promised a luster to our country, and an accession to the number of its citizens. What a melancholy mark is the bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of citizens all those whose opinions in religion do not bend to those of the legislative authority. Distant as it may be, in its present form, from the inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign regions, must view the bill as a beacon on our coast, warning him to seek some other haven, where liberty and philanthropy in their due extent may offer a more certain repose from his troubles.

10. Because, it will have a like tendency to banish our citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration, by revoking the liberty which they now enjoy, would be the same species of folly which has dishonored and depopulated flourishing kingdoms.

11. Because, it will destroy that moderation and harmony which the forbearance of our laws to intermeddle with religion, has produced amongst its several sects. Torrents of blood have been spilt in the Old World, by vain attempts of the secular arm to extinguish religious discord, by proscribing all difference in religious opinions. Time has at length revealed the true remedy. Every relaxation of narrow and rigorous policy, wherever it has been tried, has been found to assuage the disease. The American theater has exhibited proofs, that equal and complete liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State. If with the salutary effects of this system under our own eyes, we begin to contract the bonds of religious freedom, we know no name that will too severely reproach our folly. At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the bill has transformed that "Christian forbearance, love and charity," which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased. What mischiefs may not be dreaded should this enemy to the public quiet be armed with the force of a law?

12. Because, the policy of the bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift, ought to be that it may be imparted to the whole race of mankind. Compare the number of those who have as yet received it with the number still remaining under the dominion of false religions; and how small is the former. Does the policy of the bill tend to lessen the disproportion? No; it at once discourages those who are strangers to the light of (revelation) from coming into the region of it; and countenances, by example the nations who continue in darkness, in shutting out those who might convey it to them. Instead of leveling as far as possible, every obstacle to the victorious progress of truth, the bill with an ignoble and unchristian timidity would circumscribe it, with a wall of defense, against the encroachments of error.

13. Because attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of citizens, tend to enervate the laws in general, and to slacken the bands of society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case where it is deemed invalid and dangerous? and what may be the effect of so striking an example of impotency in the government, on its general authority.

14. Because a measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens; and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its influence secured. "The people of the respective counties are indeed requested to signify their opinion respecting the adoption of the bill to the next session of assembly." But the representation must be made equal, before the voice either of the representatives or of the counties, will be that of the people. Our hope is that neither of the former will, after due consideration, espouse the dangerous principle of the bill. Should the event disappoint us, it will still leave us in full confidence, that a fair appeal to the latter will reverse the sentence against our liberties.

15. Because, finally, "the equal right of every citizen to the free exercise of his religion according to the dictates of conscience" is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature; if we weigh its importance, it cannot be less dear to us; if we consult the declaration of those rights which pertain to the good people of Virginia, as the "basis and foundation of government," it is enumerated with equal solemnity, or rather studied emphasis. Either then, we must say, that the will of the legislature is the only measure of their authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred; Either we must say, that they may control the freedom of the press, may abolish the trial by jury, may swallow up the executive and judiciary powers of the State; nay that they may despoil us of our very right of suffrage, and erect themselves into an independent and hereditary assembly; or we must say, that they have no authority to enact into law the bill under consideration. We the subscribers say, that the general assembly of this Commonwealth have no such authority: And that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it, this remonstrance; earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their councils from every act which would affront His holy prerogative, or violate the trust committed to them; and on the other, guide them into every measure which may be worthy of His [blessing, may re]dound to their own praise, and may establish more firmly the liberties, the prosperity, and the happiness of the Commonwealth.

Mr. ERVIN. I make the assertion without fear of successful contradiction that no man can read James Madison's Remonstrance without coming to the conclusion that what James Madison and the other men of his generation had in mind when they wrote the first amendment was that there should be no official relationship of any character between government and any church, or many churches, or all churches, and no levying of taxes for the support of any church, or many churches, or all churches or any institutions conducted by any of them.

Madison caused his remonstrance to be widely distributed throughout the State of Virginia. As a result of his remonstrance, when the members of the legislature which was scheduled to convene in November 1785 were elected, those who supported Madison in his fight for religious freedom were in an overwhelming majority. They enacted into law by a large majority Jefferson's bill for religious freedom. We cannot overmagnify the importance which Thomas Jefferson and James Madison attributed to Jefferson's Statute for Religious Freedom or their demand that people should not be compelled by law to support in an official manner or by taxes any religious institutions.

I believe the clearest proof of the transcendent importance which Thomas Jefferson attributed to that statute is shown by the epitaph on the gravestone which he is said to have written himself.

As one ascends the hill which leads to Jefferson's home at Monticello, he passes the burial ground of members of the Jefferson family. He passes the spot where the mortal remains of Thomas Jefferson rest in the tongueless silence of the dreamless dust. On the gravestone of Thomas Jefferson is the epitaph which speaks with as much eloquence as Jefferson used in writing the Declaration of Independence or the Statute of Virginia for Religious Freedom. The statement is as follows:

> Here was buried Thomas Jefferson, author of the Declaration of American Independence; of the Statute of Virginia for Religious Liberty; and father of the University of Virginia.

At the time that Jefferson decided that those were the words which he wished to have engraved on the stone which marks his last resting place, he had been a member of the Legislature of Virginia; he had been Governor of the State of Virginia; he had represented Virginia in the Continental Congress; he had served as American Minister to France; he had officiated as Secretary of State in George Washington's Cabinet; he had been Vice President of the United States under John Adams; and he had been twice elected to the highest office within the gift of the American people—the Presidency itself.

Yet Thomas Jefferson was not concerned that he should be remembered for the high offices which he had filled, but he was concerned that he should be remembered as the author of the Virginia Statute for Religious Freedom, one of the greatest documents ever penned by man. It lays down the proposition that it is sinful and tyrannical to compel a man to make contributions of money for the propagation of opinions that he disbelieves.

After the drafting of the Constitution of the United States, many Americans were dissatisfied with it because it did not contain any bill of rights, and particularly because it did not contain any provision which would guarantee religious freedom beyond the provision which merely specified that no religious qualification should ever be required as a test for holding public office in our Nation. When New York, New Hampshire, and Virginia ratified the Constitution, they adopted resolutions which insisted that the Constitution should be amended by incorporating into it a guarantee of religious freedom and a guarantee of freedom from taxation for the support of religious institutions.

My own State of North Carolina and the State of Rhode Island both postponed ratifying the Constitution, and their conventions stated in substance that they would not ratify the Constitution unless it were amended so as to provide for a total disestablishment of religion.

As a result of the demands of these five States, and the demands of thousands of other Americans throughout the other original States, the Constitution was amended in this respect. It was amended at the instigation of James Madison, who was elected to serve in Congress from the State of Virginia in the First Congress which met under the Constitution. As soon as this Congress convened, he began his great fight to have the first amendment written into the Constitution.

I wish I had sufficient time to detail the fight which occurred in Congress on this point. There were some who wished to maintain some vestige of religious support by Government, and some who merely wished to put in the restriction that there should be no single established church. But Madison insisted at all times that the first amendment should embody in it the provision that Congress should pass no law respecting an establishment of religion or prohibiting the free exercise of religion.

James Madison triumphed after much fighting. On September 23, 1789, Madison made a report to the House of Representatives concerning the action of the conference committee of the Senate and House, which had been appointed to reconcile varying views as to the language of the first amendment. This conference committee agreed with Madison and recommended the words which now are incorporated in the first amendment.

So we can say that James Madison, whom historians calls the father of the Constitution, was responsible for the phrasing of the first amendment. The meaning of the words of the first amendment that "Congress shall make no law respecting an establishment of religion" is crystal clear. By those words, James Madison and his contemporaries intended to prohibit the Government from establishing any official relation between Government and religion and to prevent the Government from using tax moneys to support or assist in the support of any religious institutions of any character whatsoever.

As Justice Black said in *Everson* v. *Board of Education,* 330 U.S. 1:

> The people there, as elsewhere, reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions, or to interfere with the beliefs of any religious individual or group.

I have attempted to set out as clearly as possible the conviction of James Madison and his contemporaries that there should be no establishment of religion, and the meaning which they attributed to the words, "establishment of religion." Those words clearly implied to them that there should be no official relationship between Government and any religious organization and no support of any religious organization by tax moneys.

It is interesting to note that the Supreme Court of the United States has consistently adhered to this meaning of this term, "an establishment of religion," when it has dealt with cases involving the first amendment.

I wish to read some excerpts from opinions of the Supreme Court dealing with this question. Justice Jackson declared in the Everson case.

> This freedom (i.e., religious freedom) was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the States' hands out of religion, but to keep religion's hands off the state, and above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse.

Justice Rutledge, declared in the Everson case:

> Not simply an established church, but any law respecting an establishment of religion is forbidden * * *. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion.

Justice Black, writing the majority opinion in *McCollum* v. *Board of Education,* 333 U.S. 203, said:

> For the first amendment rests upon the premise that both religion and Government can best work to achieve their lofty aims if each is left free from the other within its respective sphere. Or, as we said in the Everson case, the first amendment has erected a wall between church and state which must be kept high and impregnable.

Justice Frankfurther asserted this, in the McCollum case:

> The great American principle of eternal separation—Elihu Root's phrase bears repetition—is one of the vital reliances of our constitutional system for assuring unities among our people stronger than our diversities. It is the Court's duty to enforce this principle in its full integrity.
>
> We renew our conviction that "we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the State and best for religion.

Justice Douglas said in *Zorach* v. *Clauson,* 343 U.S. 306:

> There cannot be the slightest doubt that the first amendment reflects the philosophy that church and state should be separated. And so far as interference with the free exercise of religion and an establishment of religion are concerned, the separation must be complete and unequivocal. The first amendment within the scope of its coverage permits no exception; the prohibition is absolute.

So much for the statements of Justices of the Supreme Court of the United States in respect to the objective of the establishment clause of the first amendment. The greatest declaration as to the overall meaning of the provisions of the first amendment denying to Congress the power to make any laws respecting an establishment of religion, or prohibiting the free exercise thereof, is that contained in the majority opinion written by Justice Black in the Everson case. This is what he said:

> The establishment of religion clause of the first amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly, or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state.

It was not until 1940 that the Supreme Court of the United States held, in the case of *Cantwell* v. *Connecticut,* 310 U.S. 296, that the 14th amendment made the 1st amendment applicable to the States.

On June 25, 1962, the Supreme Court handed down the first of the so-called school prayer cases, *Engel* v. *Vitale,* 370 U.S. 421.

On June 17, 1963, the Supreme Court handed down the second of the so-called school prayer cases, *Abington School District* v. *Schempp,* 374 U.S. 203.

When the press reported that the Supreme Court had handed down these decisions, a great deal of consternation was aroused throughout the country with respect to the nature and the scope of the decisions. I believe that this consternation was aroused in large measure by the supposed logic of the concurring opinion of Mr. Justice Douglas, in the Engel case.

I will have to confess that I was one of those persons who was much disturbed by the opinions and particularly by the supposed logic of the concurring opinion of Justice Douglas. I felt that this was an area in our national life in which the Supreme Court well might have given some weight to the concept embraced in the very homey adage, "Let sleeping dogs lie."

Since neither the plaintiffs in these cases nor their children were required to participate in the exercises which gave rise to the cases, I felt originally that the Supreme Court might well have avoided entertaining jurisdiction of these cases on the theory that the plaintiffs and the persons in whose behalf the cases were instituted did not have standing entitling them to sue.

I also felt that since the Court had seen fit to exercise jurisdiction in these cases, it should have adopted the practical interpretation placed upon the first amendment in the various areas of our country which are dominated by one or another of various religious groups; and that was that the mere recitation of prayers or the reading of holy writings by State authority in the public schools was not outlawed by the establishment-of-religion clause of the first amendment if participation in such prayers and reading were voluntary, and if they were nonsectarian, and no effort was made to proselyte any student toward any particular religious belief.

Since that time I have read and reread the decisions in the Engel and Schempp cases on many occasions. I have also found much consolation insofar as the supposed logic in the concurring opinion of Justice Douglas in the Engel case is concerned in the aphorism of the great jurist, Oliver Wendell Holmes, Jr., who told us that the life of the law has been experience and not logic.

As a result of reading and rereading the majority opinions in these cases and pondering Justice Holmes' aphorism I have altered my views in respect to the decisions.

I have scrutinized with great care both of the majority opinions which represent the decisions of the Court, and I am unable to find anything in either one of the majority opinions which holds that the establishment-of-religion clause of the first amendment prohibits voluntary prayers or voluntary study of holy writings.

I realize that these majority opinions are not readily available to all Americans, and for that reason, Mr. President, I ask unanimous consent that the majority opinion in the Engel case, which was written by Justice Black, and the majority opinion in the Schempp case, which was written by Justice Clark, be printed at this point in the Record as a part of my remarks.

There being no objection, the opinions were ordered to be printed in the Record, as follows:

Supreme Court of the United States—Steven I. Engel et al., Petitioners, v. William J. Vitale, Jr., et al.—No. 468.—October Term, 1961

(On Writ of Certiorari to the Court of Appeals of New York)

[June 25, 1962]

Mr. **Justice Black** delivered the opinion of the Court.

The respondent Board of Education of Union Free School District No. 9, New Hyde Park, New York, acting in its official capacity under state law, directed the School District's principal to cause the following prayer to be said aloud by each class in the presence of a teacher at the beginning of each school day:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

This daily procedure was adopted on the recommendation of the State Board of Regents, a governmental agency created by the State Constitution to which the New York Legislature has granted broad supervisory, executive, and legislative powers over the State's public school system.[1] These state officials composed the prayer which they recommended and published as a part of their "Statement on Moral and Spiritual Training in the Schools," saying: "We believe that this Statement will be subscribed to by all men and women of good will, and we call upon all of them to aid in giving life to our program."

Shortly after the practice of reciting the Regents' prayer was adopted by the School District, the parents of ten pupils brought this action in a New York State Court insisting that use of this official prayer in the public schools was contrary to the beliefs, religions, or religious practices of both themselves and their children. Among other things, these parents challenged the constitutionality of both the state law authorizing the School District to direct the use of prayer in public schools and the School District's regulation ordering the recitation of this particular prayer on the ground that these actions of official governmental agencies violate that part of the First Amendment of the Federal Constitution which commands that "Congress shall make no law respecting an establishment of religion"—a command which was "made applicable to the State of New York by the Fourteenth Amendment of the said Constitution." The New York Court of Appeals, over the dissents of Judges Dye and Fuld, sustained an order of the lower state courts which had upheld the power of New York to use the Regents' prayer as a part of the daily procedures of its public schools so long as the schools did not compel any pupil to join in the prayer over his or his parents' objection.[2] We granted certiorari to review this important decision involving rights protected by the First and Fourteenth Amendments.[3]

We think that by using its public school system to encourage recitation of the Regents' prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause. There can, of course, be no doubt that New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer is a religious activity. It is a solemn avowal of divine faith and supplication for the blessings of the Almighty. The nature of such a prayer has always been religious, none of the respondents has denied this and the trial court expressly so found:

"The religious nature of prayers was recognized by Jefferson and has been concurred in by theological writers, the United States Supreme Court and State courts and administrative officials, including New York's Commissioner of Education. A committee of the New York Legislature has agreed.

"The Board of Regents as *amicus curiae*, the respondents and intervenors all concede the religious nature of prayer, but seek to distinguish this prayer because it is based on our spiritual heritage. . . ."[4]

The petitioners contend among other things that the state laws requiring or permitting use of the Regents' prayer must be struck down as a violation of the Establishment Clause because that prayer was composed by governmental officials as a part of a governmental program to further religious beliefs. For this reason, petitioners argue the State's use of the Regents' prayer in its public school system breaches the constitutional wall of separation between Church and State. We agree with that contention since we think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.

It is a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America. The Book of Common Prayer, which was created under governmental direction and which was approved by Acts of Parliament in 1548 and 1549,[5] set out in minute detail the accepted form and content of prayer and other religious ceremonies to be used in the established, tax-supported Church of England.[6] The controversies over the Book and what should be its content repeatedly threatened to disrupt the peace of that country as the accepted forms of prayer in the established church changed with the views of the particular ruler that happened to be in control at the time.[7] Powerful groups representing some of the varying religious views of the people struggled among themselves to impress their particular views upon the Government and obtain amendments of the Book more suitable to their respective notions of how religious services should be conducted in order that the official religious establishment would advance their particular religious beliefs.[8] Other groups, lacking the necessary political power to influence the Government on the matter, decided to leave England and its established church and seek freedom in America from England's governmentally ordained and supported religion.

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[1] See New York Constitution, Art V, § 4; New York Education Law, §§ 101, 120 *et seq.*, 202, 214–219, 224, 245 *et seq.*, 704, and 801 *et seq.*

[2] 10 N.Y. 2d 174, 176 N.E. 2d 579. The trial court's opinion which is reported at 18 Misc. 2d 659, N.Y.S. 2d 453, had made it clear that the Board of Education must set up some sort of procedures to protect those who objected to reciting the prayer: "This is not to say that the rights accorded petitioners and their children under the 'free exercise' clause do not mandate safeguards against such embarrassments and pressures. It is enough on this score, however, that regulations, such as were adopted by New York City's Board of Education in connection with its released time program, be adopted, making clear that neither teachers nor any other school authority may comment on participation or nonparticipation in the exercise nor suggest or require that any posture or language be used or dress be worn or be not used or not worn. Nonparticipation may take the form either of remaining silent during the exercise, or if the parent or child so desires, of being excused entirely from the exercise. Such regulations must also make provision for those nonparticipants who are to be excused from the prayer exercise. The exact provision to be made is a matter for decision by the board, rather than the court, within the framework of constitutional requirements. Within that framework would fall a provision that prayer participants proceed to a common assembly while nonparticipants attend other rooms, or that nonparticipants be permitted to arrive at school a few minutes late or to attend separate opening exercises, or any other method which treats with equality both participants and nonparticipants." 18 Misc. 2d, at 696, 191 N.Y.S. 2d, at 492–493. See also the opinion of the Appellate Division affirming that of the trial court, reported at 11 App. Div. 2d 340, 206 N.Y.S. 2d 183.

[3] 368 U.S. 924.

[4] 18 Misc. 2d, at 671–672, 191 N.Y. S. 2d, at 468–469.

[5] 2 & 3 Edward VI, c. 1, entitled "An Act for Uniformity of Service and Administration of the Sacraments throughout the Realm"; 3 & 4 Edward VI, c. 10, entitled "An Act for the abolishing and putting away of divers Books and Images."

[6] The provisions of the various versions of the Book of Common Prayer are set out in broad outline in the Encyclopedia Britannica, Vol. 18 (1957 ed.), pp. 420–423. For a more complete description, see Pullan, The History of the Book of Common Prayer (1900).

[7] The first major revision of the Book of Common Prayer was made in 1552 during the reign of Edward VI. 5 & 6 Edward VI, c. 1. In 1553, Edward VI died and was succeeded by Mary who abolished the Book of Common Prayer entirely. 1 Mary, c. 2. But upon the accession of Elizabeth in 1558, the Book was restored with important alterations from the form it had been given by Edward VI. 1 Elizabeth, c. 2. The resentment to this amended form of the Book was kept firmly under control during the reign of Elizabeth but, upon her death in 1603, a petition signed

It is an unfortunate fact of history that when some of the very groups which had most strenuously opposed the established Church of England found themselves sufficiently in control of colonial governments in this country to write their own prayers into law, they passed laws making their own religion the official religion of their respective colonies.[9] Indeed, as late as the time of the Revolutionary War, there were established churches in at least eight of the thirteen former colonies and established religions in at least four of the other five.[10] But the successful Revolution against English political domination was shortly followed by intense opposition to the practice of establishing religion by law. This opposition crystallized rapidly into an effective political force in Virginia where the minority religious groups such as Presbyterians, Lutherans, Quakers and Baptists had gained such strength that the adherents to the established Episcopal Church were actually a minority themselves. In 1785–1786, those opposed to the established Church, led by James Madison and Thomas Jefferson, who, though themselves not members of any of these dissenting religious groups, opposed all religious establishments by law on grounds of principle, obtained the enactment of the famous "Virginia Bill for Religious Liberty" by which all religious groups were placed on an equal footing so far as the State was concerned.[11] Similar though less far-reaching legislation was being considered and passed in other States.[12]

By the time of the adoption of the Constitution, our history shows that there was a widespread awareness among many Americans of the dangers of a union of Church and State. These people knew, some of them from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the Government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services. They knew the anguish, hardship and bitter strife that could come when zealous religious groups struggled with one another to obtain the Government's stamp of approval from each King, Queen, or Protector that came to temporary power. The Constitution was intended to avert a part of this danger by leaving the government of this country in the hands of the people rather than in the hands of any monarch. But this safeguard was not enough. Our Founders were no more willing to let the content of their prayers and their privilege of praying whenever they pleased be influenced by the ballot box than they were to let these vital matters of personal conscience depend upon the succession of monarchs. The First Amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support or influence the kinds of prayer the American people can say—that the people's religions must not be subjected to the pressures of government for change each time a new political administration is elected to office. Under that Amendment's prohibition against governmental establishment of religion, as reinforced by the provisions of the Fourteenth Amendment, government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity.

There can be no doubt that New York's state prayer program officially establishes the religious beliefs embodied in the Regents' prayer. The respondents' argument to the contrary which is largely based upon the contention that the Regents' prayer is "nondenominational" and the fact that the program, as modified and approved by state courts, does not require all pupils to recite the prayer but permits those who wish to do so to remain silent or be excused from the room, ignores the essential nature of the program's constitutional defects. Neither the fact the prayer may be denominationally neutral, nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment, both of which are operative against the States by virtue of the Fourteenth Amendment. Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment upon religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve coercion of such individuals. When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain. But the purposes underlying the Establishment Clause go much further than that. Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and degrade religion. The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrespect and even contempt of those who held contrary beliefs.[13] That same history showed that many people had lost their respect for any religion that had relied upon the support of government to spread its faith.[14] The Establishment Clause

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by more than 1,000 Puritan ministers was presented to King James I asking for further alterations in the Book. Some alterations were made and the Book retained substantially this form until it was completely suppressed again in 1645 as a result of the successful Puritan Revolution. Shortly after the restoration in 1660 of Charles II, the Book was again reintroduced, 13 & 14 Charles II, c. 4, and again with alterations. Rather than accept this form of the Book some 2,000 Puritan ministers vacated their benefices. See generally Pullan, The History of the Book of Common Prayer (1900), pp. vii–xvi; Encyclopedia Britannica (1957 ed.), Vol. 18, pp. 421–422.

[8] For example, the Puritans twice attempted to modify the Book of Common Prayer and once attempted to destroy it. The story of their struggle to modify the Book in the reign of Charles I is vividly summarized in Pullan, History of the Book of Common Prayer, at p. xiii: "The King actively supported those members of the Church of England who were anxious to vindicate its Catholic character and maintain the ceremonial which Elizabeth had approved. Laud, Archbishop of Canterbury, was the leader of this school. Equally resolute in his opposition to the distinctive tenets of Rome and of Geneva, he enjoyed the hatred of both Jesuit and Calvinist. He helped the Scottish bishops, who had made large concessions to the uncouth habits of Presbyterian worship, to draw up a Book of Common Prayer for Scotland. It contained a Communion Office resembling that of the book of 1549. It came into use in 1637, and met with a bitter and barbarous opposition. The vigour of the Scottish Protestants strengthened the hands of their English sympathisers. Laud and Charles were executed, Episcopacy was abolished, the use of the Book of Common Prayer was prohibited."

[9] For a description of some of the laws enacted by early theocratic governments in New England, see Parrington, Main Currents in American Thought (1930), Vol. 1, pp. 5–50; Whipple, Our Ancient Liberties (1927), pp. 63–78; Wertenbaker, The Puritan Oligarchy (1947).

[10] The Church of England was the established church of at least five colonies: Maryland, Virginia, North Carolina, South Carolina and Georgia. There seems to be some controversy as to whether that church was officially established in New York and New Jersey but there is no doubt that it received substantial support from those states. See Cobb, The Rise of Religious Liberty in America (1902), pp. 338, 408. In Massachusetts, New Hampshire and Connecticut, the Congregationalist Church was officially established. In Pennsylvania and Delaware, all Christian sects were treated equally in most situations but Catholics were discriminated against in some respects. See generally Cobb, The Rise of Religious Liberty in America (1902). In Rhode Island all Protestants enjoyed equal privileges but it is not clear whether Catholics were allowed to vote. Compare Fiske, The Critical Period in American History (1899), p. 76 with Cobb, The Rise of Religious Liberty in America (1902), pp. 437–438.

[11] 12 Hening, Statutes of Virginia (1823), 84, entitled "An Act for establishing religious freedom." The story of the events surrounding the enactment of this law was reviewed in *Everson* v. *Board of Education,* 330 U.S. 1, both by the Court, at pp. 11–13, and in the dissenting opinion of Mr. Justice Rutledge, at pp. 33–42. See also Fiske, The Critical Period in American History (1899), pp. 78–82; James, The Struggle for Religious Liberty in Virginia (1900); Thom, The Struggle for Religious Freedom in Virginia: The Baptists (1900); Cobb, The Rise of Religious Liberty in America (1902), pp. 74–115, 482–499.

[12] See Cobb, The Rise of Religious Liberty in America (1902), pp. 482–509.

[13] [A]ttempts to enforce by legal sanctions, acts obnoxious to so great a proportion of Citizens, tend to enervate the laws in general, and to slacken the bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case where it is deemed invalid and dangerous? and what may be the effect of so striking an example of impotency in the Government, on its general authority." Memorial and Remonstrance against Religious Assessments, II Writings of Madison 183, 190.

[14] "It is moreover to weaken in those who profess this Religion a pious confidence in its innate excellence, and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies, to trust it to its own merits. . . . [E]xperience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Reli-

thus stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its "unhallowed perversion" by a civil magistrate.[15] Another purpose of the Establishment Clause rested upon an awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand.[16] The Founders knew that only a few years after the Book of Common Prayer became the only accepted form of religious services in the established Church of England, an Act of Uniformity was passed to compel all Englishmen to attend those services and to make it a criminal offense to conduct or attend religious gatherings of any other kind [17]—a law which was consistently flouted by dissenting religious groups in England and which contributed to widespread persecutions of people like John Bunyan who persisted in holding "unlawful [religious] meetings . . . to the great disturbance and distraction of the good subjects of this kingdom. . . ." [18] And they knew that similar persecutions had received the sanction of law in several of the colonies in this country soon after the establishment of official religions in those colonies.[19] It was in large part to get completely away from this sort of systematic religious persecution that the Founders brought into being our Nation, our Constitution, and our Bill of Rights with its prohibition against any governmental establishment of religion. The New York laws officially prescribing the Regents' prayer are inconsistent with both the purposes of the Establishment Clause and with the Establishment Clause itself.

It has been argued that to apply the Constitution in such a way as to prohibit state laws respecting an establishment of religious services in public schools is to indicate a hostility toward religion or toward prayer. Nothing, of course, could be more wrong. The history of man is inseparable from the history of religion. And perhaps it is not too much to say that since the beginning of that history many people have devoutly believed that "More things are wrought by prayer than this world dreams of." It was doubtless largely due to men who believed this that there grew up a sentiment that caused men to leave the cross-current of officially established state religions and religious persecution in Europe and come to this country filled with the hope that they could find a place in which they could pray when they pleased to the God of their faith in the language they chose.[20] And there were men of this same faith in the power of prayer who led the fight for adoption of our Constitution and also for our Bill of Rights with the very guarantees of religious freedom that forbid the sort of governmental activity which New York has attempted here. These men knew that the First Amendment, which tried to put an end to governmental control of religion and of prayer, was not written to destroy either. They knew rather that it was written to quiet well-justified fears which nearly all of them felt arising out of an awareness that governments of the past had shackled men's tongues to make them speak only the religious thoughts that government wanted them to speak and to pray only to the God that government wanted them to pray to. It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance.[21]

It is true that New York's establishment of its Regents' prayer as an officially approved religious doctrine of that State does not amount to a total establishment of one particular religious sect to the exclusion of all others—that, indeed, the governmental endorsement of that prayer seems relatively insignificant when compared to the governmental encroachments upon religion which were commonplace 200 years ago. To those who may subscribe to the view that because the Regents' official prayer is so brief and general there can be no danger to religious freedom in its governmental establishment, however, it may be appropriate to say in the words of James Madison, the author of the First Amendment:

> "[I]t is proper to take alarm at the first experiment on our liberties. . . . Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?" [22]

The judgment of the Court of Appeals of New York is reversed and the cause remanded for further proceedings not inconsistent with this opinion.

Reversed and remanded.

Mr. JUSTICE FRANKFURTER took no part in the decision of this case.

Mr. JUSTICE WHITE took no part in the consideration or decision of this case.

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gion, have had a contrary operation. During almost fifteen centuries, has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy; ignorance and servility in the laity; in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy." *Id.*, at 187.

[15] Memorial and Remonstrance against Religious Assessments, II Writings of Madison, at 187.

[16] "[T]he proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. . . . Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous suffered under this cruel scourge in foreign Regions, must view the Bill as a Beacon on our Coast, warning him to seek some other haven, where liberty and philanthropy in their due extent may offer a more certain repose from his troubles." *Id.*, at 188.

[17] 5 & 6 Edward VI, c. 1, entitled "An Act for the Uniformity of Service and Administration of Sacraments throughout the Realm. This Act was repealed during the reign of Mary but revived upon the accession of Elizabeth. See note 7, *supra*. The reasons which led to the enactment of this statute were set out in its preamble: "Where there hath been a very godly Order set forth by the Authority of Parliament, for Common Prayer and Administration of Sacraments to be used in the Mother Tongue within the Church of *England*, agreeable to the Word of God and the Primitive Church, very comfortable to all good People desiring to live in Christian Conversation, and most profitable to the Estate of this Realm, upon the which the Mercy, Favour and Blessing of Almighty God is in no wise so readily and plenteously poured as by Common Prayers, due using of the Sacraments, and often preaching of the Gospel, with the Devotion of the Hearers: (1) And yet this notwithstanding, a great Number of People in divers Parts of this Realm, following their own Sensuality, and living either without Knowledge or due Fear of God, do wilfully and damnably before Almighty God abstain and *refuse to come to their Parish Churches and* other Places where Common Prayer, Administration of the Sacraments, and Preaching of the Word of God, is used upon *Sundays* and other Days ordained to be Holydays."

[18] Bunyan's own account of his trial is set forth in A Relation of the Imprisonment of Mr. John Bunyan, reprinted in Grace Abounding and The Pilgrim's Progress (Brown ed. 1907), at 103–132.

[19] For a vivid account of some of these persecutions, see Wertenbaker, The Puritan Oligarchy (1947).

[20] Perhaps the best example of the sort of men who came to this country for precisely that reason is Roger Williams, the founder of Rhode Island, who has been described as "the truest Christian amongst many who sincerely desired to be Christian." Parrington, Main Currents of American Thought (1930), Vol. 1, at p. 74. Williams, who was one of the earliest exponents of the doctrine of separation of church and state, believed that separation was necessary in order to protect the church from the danger of destruction which he thought inevitably flowed from control by even the best-intentioned civil authorities: "The unknowing zeale of *Constantine* and other Emperours, did more hurt to *Christ Jesus* his Crowne and Kingdome, then the raging fury of the most bloody *Neroes*. In the *persecutions* of the later, *Christians* were sweet and fragrant, like spice pounded and beaten in morters: But those *good* Emperours, persecuting some erroneous persons, *Arrius, &c.* and advancing the professours of some Truths of Christ (for there was no small number of *Truths* lost in those times) and maintaining their *Religion* by the materiall Sword, I say by this meanes *Christianity* was *ecclipsed*, and the Professors of it fell asleep. . . ." Williams, The Bloudy Tenent, of Persecution, for cause of Conscience, discussed, in A Conference betweene Truth and Peace (London, 1644), reprinted in Naragansett Club Publications, Vol. III, p. 184. To Williams, it was no part of the business or competence of a civil magistrate to interfere in religious matters: "[W]hat imprudence and *indiscretion* is it in the *most common affaires of Life, to conceive* that *Emperours, Kings* and *Rulers* of the earth must not only be qualified with *politicall* and *state abilities* to *make* and *execute* such *Civill Lawes* which may concerne the common *rights, peace* and *safety* (which is worke and businesse, load and burthen enough for the ablest shoulders in the Commonweal) but also furnished with such *Spirituall* and heavenly *abilities* to governe the *Spirituall* and *Christian Commonweale*. . . ." *Id.*, at 366. See also *id.*, at 136–137.

[21] There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that *the State of New York has sponsored in this* instance.

[22] Memorial and Remonstrance against Religious Assessments, II Writings of Madison 183, at 185–186.

SUPREME COURT OF THE UNITED STATES—NOS. 142 AND 119—OCTOBER TERM, 1962

SCHOOL DISTRICT OF ABINGTON TOWNSHIP, PENNSYLVANIA, ET AL., APPELLANTS, 142 *v.* EDWARD LEWIS SCHEMPP ET AL.

(On Appeal From the United States District Court for the Eastern District of Pennsylvania)

WILLIAM J. MURRAY III, ETC., ET AL., PETITIONERS, 119 *v.* JOHN N. CURLETT, PRESIDENT, ET AL., INDIVIDUALLY, AND CONSTITUTING THE BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY

(On Writ of Certiorari to the Court of Appeals of Maryland)

[June 17, 1963]

MR. JUSTICE CLARK delivered the opinion of the Court.

Once again we are called upon to consider the scope of the provision of the First Amendment to the United States Constitution which declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. . . ." These companion cases present the issues in the context of state action requiring that schools begin each day with readings from the Bible. While raising the basic questions under slightly different factual situations, the cases permit of joint treatment. In light of the history of the First Amendment and of our cases interpreting and applying its requirements, we hold that the practices at issue and the laws requiring them are unconstitutional under the Establishment Clause, as applied to the states through the Fourteenth Amendment.

I

The Facts in Each Case: No. 142. The Commonwealth of Pennsylvania by law, 24 Pa. Stat. § 15–1516, as amended, Pub. Law 1928 (Supp. 1960) Dec. 17, 1959, requires that "At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parents or guardian." The Schempp family, husband and wife and two of their three children, brought suit to enjoin enforcement of the statute, contending that their rights under the Fourteenth Amendment to the Constitution of the United States are, have been, and will continue to be violated unless this statute be declared unconstitutional as violative of these provisions of the First Amendment. They sought to enjoin the appellant school district, wherein the Schempp children attend school, and its officers and the Superintendent of Public Instruction of the Commonwealth from continuing to conduct such readings and recitation of the Lord's Prayer in the public schools of the district pursuant to the statute. A three-judge statutory District Court for the Eastern District of Pennsylvania held that the statute is violative of the Establishment Clause of the First Amendment as applied to the States by the Due Process Clause of the Fourteenth Amendment and directed that appropriate injunctive relief issue. 201 F. Supp. 815.[1] On appeal by the District, its officials and the Superintendent, under 28 U.S.C. § 1253, we noted probable jurisdiction. 371 U.S. 807.

The appellees Edward Lewis Schempp, his wife Sidney, and their children, Roger and Donna, are of the Unitarian faith and are members of the Unitarian Church in Germantown, Philadelphia, Pennsylvania, where they, as well as another son, Ellory, regularly attend religious services. The latter was originally a party but having graduated from the school system *pendente lite* was voluntarily dismissed from the action. The other children attend the Abington Senior High School, which is a public school operated by appellant district.

On each school day at the Abington Senior High School between 8:15 and 8:30 a.m., while the pupils are attending their home rooms or advisory sections, opening exercises are conducted pursuant to the statute. The exercises are broadcast into each room in the school building through an intercommunications system and are conducted under the supervision of a teacher by students attending the school's radio and television workshop. Selected students from this course gather each morning in the school's workshop studio for the exercises, which include readings by one of the students of 10 verses of the Holy Bible, broadcast to each room in the building. This is followed by the recitation of the Lord's Prayer, likewise over the intercommunications system, but also by the students in the various classrooms, who are asked to stand and join in repeating the prayer in unison. The exercises are closed with the flag salute and such pertinent announcements as are of interest to the students. Participation in the opening exercises, as directed by the statute, is voluntary. The student reading the verses from the Bible may select the passages and read from any version he chooses, although the only copies furnished by the school are the King James version, copies of which were circulated to each teacher by the school district. During the period in which the exercises have been conducted the King James, the Douay and the Revised Standard versions of the Bible have been used, as well as the Jewish Holy Scriptures. There are no prefatory statements, no questions asked or solicited, no comments or explanations made and no interpretations given at or during the exercises. The students and parents are advised that the student may absent himself from the classroom or, should he elect to remain, not participate in the exercises.

It appears from the record that in schools not having an intercommunications system the Bible reading and the recitation of the Lord's Prayer were conducted by the homeroom teacher,[2] who chose the text of the verses and read them herself or had students read them in rotation or by volunteers. This was followed by a standing recitation of the Lord's Prayer, together with the Pledge of Allegiance to the flag by the class in unison and a closing announcement of routine school items of interest.

At the first trial Edward Schempp and the children testified as to specific religious doctrines purveyed by a literal reading of the Bible 'which were contrary to the religious beliefs which they held and to their familial teaching." 177 F. Supp. 398, 400. The children testified that all of the doctrines to which they referred were read to them at various times as part of the exercises. Edward Schempp testified at the second trial that he had considered having Roger and Donna excused from attendance at the exercises but decided against it for several reasons, including his belief that the children's relationships with their teachers and classmates would be adversely affected.[3]

Expert testimony was introduced by both appellants and appellees at the first trial, which testimony was summarized by the trial court as follows:

"Dr. Solomon Grayzel testified that there were marked differences between the Jewish Holy Scriptures and the Christian Holy Bible, the most obvious of which was the absence of the New Testament in the Jewish Holy Scriptures. Dr. Grayzel testified that portions of the New Testament were offensive to Jewish tradition and that, from the standpoint of Jewish faith, the concept of Jesus Christ as the Son of God was 'practically blasphemous.' He cited instances in the New Testament which, assertedly, were not only sectarian in nature but tended to bring the Jews into ridicule or scorn. Dr. Grayzel gave as his expert opinion that such material from the New Testament could be explained to Jewish children in such a way as to do no harm to them. But if portions of the New Testament were read without explanation, they could be, and in his specific experience with children Dr. Grayzel observed, had been, psychologically harmful to the child and had caused a divisive force within the social media of the school.

"Dr. Grayzel also testified that there was significant difference in attitude with regard to the respective Book of the Jewish and Christian Religions in that Judaism attaches no special significance to the reading of the Bible *per se* and that the Jewish Holy Scriptures are source materials to be studied. But Dr. Grayzel did state that many portions of of New as well as of the Old Testament contained passages of great literary and moral value.

"Dr. Luther A. Weigle, an expert witness for the defense, testified in some detail as to the reasons for and the methods employed in developing the King James and the Revised Standard Versions of the Bible. On direct examination, Dr. Weigle stated that the Bible was non-sectarian. He later stated that the phrase 'non-sectarian' meant to him nonsectarian within the Christian faiths. Dr. Weigle stated that his definition of the Holy Bible would include the Jewish

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[1] The action was brought in 1958, prior to the 1959 amendment of § 15–1516 authorizing a child's nonattendance at the exercises upon parental request. The three-judge court held the statute and the practices complained of unconstitutional under both the Establishment Clause and the Free Exercise Clause. 177 F. Supp. 398. Pending appeal to this Court by the school district, the statute was so amended, and we vacated the judgment and remanded for further proceedings. 364 U.S. 298. The same three-judge court granted appellees' motion to amend the pleadings, 195 F. Supp. 518, held a hearing on the amended pleadings and rendered the judgment, 201 F. Supp. 815, from which appeal is now taken.

[2] The statute as amended imposes no penalty upon a teacher refusing to obey its mandate. However, it remains to be seen whether one refusing could have his contract of employment terminated for "wilful violation of the school laws." 24 Pa. Stat. (Supp. 1960) § 11–1122.

[3] The trial court summarized his testimony as follows:

"Edward Schempp, the children's father, testified that after careful consideration he had decided that he should not have Roger or Donna excused from attendance at these morning ceremonies. Among his reasons were the following. He said that he thought his children would be 'labeled as "odd balls" ' before their teachers and classmates every school day; that children, like Roger's and Donna's classmates, were liable 'to lump all particular religious difference[s] or religious objections [together] as "atheism" ' and that today the word 'atheism' is often connected with 'atheistic communism,' and has 'very bad' connotations, such as 'un-American' or 'anti-Red,' with overtones of possible immorality. Mr. Schempp pointed out that due to the events of the morning exercises following in rapid succession, the Bible reading, the Lord's Prayer, the Flag Salute, and the announcements, excusing his children from the Bible reading would mean that probably they would miss hearing the announcements so important to children. He testified also that if Roger and Donna were excused from Bible reading they would have to stand in the hall outside their 'homeroom' and that this carried with it the imputation of punishment for bad conduct." 201 F. Supp., at 818.

Holy Scriptures, but also stated that the 'Holy Bible' would not be complete without the New Testament. He stated that the New Testament 'conveyed the message of Christians.' In his opinion, reading of the Holy Scriptures to the exclusion of the New Testament would be a sectarian practice. Dr. Weigle stated that the Bible was of great moral, historical and literary value. This is conceded by all parties and is also the view of the court." 177 F. Supp. 398, 401–402.

The trial court, in striking down the practices and the statute requiring them, made specific findings of fact that the children's attendance at Abington Senior High School is compulsory and that the practice of reading 10 verses from the Bible is also compelled by law. It also found that:

"The reading of the verses, even without comment, possesses a devotional and religious character and constitutes in effect a religious observance. The devotional and religious nature of the morning exercises is made all the more apparent by the fact that the Bible reading is followed immediately by a recital in unison by the pupils of the Lord's Prayer. The fact that some pupils, or theoretically all pupils, might be excused from attendance at the exercises does not mitigate the obligatory nature of the ceremony for . . . Section 1516 . . . unequivocally requires the exercises to be held every school day in every school in the Commonwealth. The exercises are held in the school buildings and perforce are conducted by and under the authority of the local school authorities and during school sessions. Since the statute requires the reading of the 'Holy Bible,' a Christian document, the practice . . . prefers the Christian religion. The record demonstrates that it was the intention of . . . the Commonwealth . . . to introduce a religious ceremony into the public schools of the Commonwealth." 201 F. Supp., at 819.

No. 119. In 1905 the Board of School Commissioners of Baltimore City adopted a rule pursuant to Art. 77, § 202 of the Annotated Code of Maryland. The rule provided for the holding of opening exercises in the schools of the city consisting primarily of the "reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer." The petitioners, Mrs. Madalyn Murray and her son, William J. Murray, III, are both professed atheists. Following unsuccessful attempts to have the respondent school board rescind the rule this suit was filed for mandamus to compel its rescission and cancellation. It was alleged that William was a student in a public school of the city and Mrs. Murray, his mother, was a taxpayer therein; that it was the practice under the rule to have a reading on each school morning from the King James version of the Bible; that at petitioners' insistence the rule was amended[4] to permit children to be excused from the exercise on request of the parent and that William had been excused pursuant thereto; that nevertheless the rule as amended was in violation of the petitioners' rights "to freedom of religion under the First and Fourteenth Amendments" and in violation of "the principle of separation between church and state, contained therein. . . ." The petition particularized the petitioners' atheistic beliefs and stated that the rule, as practiced, violated their rights "in that it threatens their religious liberty by placing a premium on belief as against non-belief and subjects their freedom of conscience to the rule of the majority; it pronounces belief in God as the source of all moral and spiritual values, equating these values with religious values, and thereby renders sinister, alien and suspect the beliefs and ideals of . . . Petitioners, promoting doubt and question of their morality, good citizenship and good faith."

The respondents demurred and the trial court, recognizing that the demurrer admitted all facts well pleaded, sustained it without leave to amend. The Maryland Court of Appeals affirmed, the majority of four justices holding the exercise not in violation of the First and Fourteenth Amendments, with three justices dissenting. 228 Md. 239, 179 A. 2d 698. We granted certiorari. 371 U.S. 809.

II

It is true that religion has been closely identified with our history and government. As we said in *Engel* v. *Vitale*, 370 U.S. 421, 434 (1962), "The history of man is inseparable from the history of religion. And . . . since the beginning of that history many people have devoutly believed that 'More things are wrought by prayer than this world dreams of.'" In *Zorach* v. *Clauson*, 343 U.S. 306, 313 (1952), we gave specific recognition to the proposition that "[w]e are a religious people whose institutions presuppose a Supreme Being." The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself. This background is evidenced today in our public life through the continuance in our oaths of office from the Presidency to the Alderman of the final supplication, "So help me God." Likewise each House of the Congress provides through its Chaplain an opening prayer, and the sessions of this Court are declared open by the crier in a short ceremony, the final phrase of which invokes the grace of God. Again, there are such manifestations in our military forces, where those of our citizens who are under the restrictions of military service wish to engage in voluntary worship. Indeed, only last year an official survey of the country indicated that 64% of our people have church membership, Bureau of Census, U.S. Department of Commerce, Statistical Abstract of the United States, 48 (83d ed. 1962), while less than 3% profess no religion whatever, *Id.*, at p. 46. It can be truly said, therefore, that today, as in the beginning, our national life reflects a religious people who, in the words of Madison, are "earnestly praying, as . . . in duty bound, that the Supreme Lawgiver of the Universe . . . guide them into every measure which may be worthy of his . . . blessing . . . ." Memorial and Remonstrance Against Religion Assestments, quoted in *Everson* v. *Board of Education*, 330 U.S. 1, 71–72 (1947) (Appendix to dissenting opinion of Rutledge, J.).

This is not to say, however, that religion has been so identified with our history and government that religious freedom is not likewise as strongly imbedded in our public and private life. Nothing but the most telling of personal experiences in religious persecution suffered by our forebears, see *Everson* v. *Board of Education, supra*, at 8–11, could have planted our belief in liberty of religious opinion any more deeply in our heritage. It is true that this liberty frequently was not realized by the colonists, but this is readily accountable to their close ties to the Mother Country.[5] However, the views of Madison and Jefferson, preceded by Roger Williams,[6] came to be incorporated not only in the Federal Constitution but likewise in those of most of our States. This freedom to worship was indispensable in a country whose people came from the four quarters of the earth and brought with them a diversity of religious opinion. Today authorities list 83 separate religious bodies, each with memberships exceeding 50,000, existing among our people, as well as innumerable smaller groups. Bureau of Census, *op. cit., supra*, at 46–47.

III

Almost a hundred years ago in *Minor* v. *Board of Education of Cincinnati*,[7] Judge Alphonzo Taft, father of the revered Chief Justice, in an unpublished opinion stated the ideal of our people as to religious freedom as one of "absolute equality before the law of all religious opinions and sects . . . ."

. . . . .

"The government is neutral, and, while protecting all, it prefers none, and it disparages none."

Before examining this "neutral" position in which the Establishment and Free Exercise Clauses of the First Amendment place our government it is well that we discuss the reach of the Amendment under the cases of this Court.

First, this Court has decisively settled that the First Amendment's mandate that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" has been made wholly applicable to the states by the Fourteenth Amendment. Twenty-three years ago in *Cantwell* v. *Connecticut*, 310 U.S. 296, 303 (1940), this Court, through Mr. Justice Roberts, said:

"The fundamental concept of liberty embodied in that [Fourteenth] Amendment embraces the liberties guaranteed by the First Amendment. The First Amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. The Fourteenth Amendment has rendered the legislatures of the states as incompetent as Congress to enact such laws. . . ."[8]

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[4] The rule as amended provides as follows:

"Opening Exercise. Each school, either collectively or in classes, shall be opened by the reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer. The Douay version may be used by those pupils who prefer it. Appropriate patriotic exercises should be held as a part of the general opening exercise of the school or class. Any child shall be excused from participating in the opening exercises or from attending the opening exercises upon written request of his parent or guardian."

[5] There were established churches in at least eight of the original colonies, and various degrees of religious support in others as late as the Revolutionary War. See *Engel* v. *Vitale, supra*, at 428, n. 10.

[6] "There goes many a ship to sea, with many hundred souls in one ship, whose weal and woe is common, and is a true picture of a commonwealth, or human combination, or society. It hath fallen out sometimes, that both Papists and Protestants, Jews and Turks, may be embarked in one ship; upon which supposal, I affirm that all the liberty of conscience I ever pleaded for, turns upon these two hinges, that none of the Papists, Protestants, Jews, or Turks be forced to come to the ship's prayers or worship, nor compelled from their own particular prayers or worship, if they practice any."

[7] Superior Court of Cincinnati, February 1870. The opinion is not reported but is published under the title, The Bible in the Common Schools (Cincinnati: Robert Clarke & Co. 1870). Judge Taft's views, expressed in dissent, prevailed on appeal. See *Board of Education of Cincinnati* v. *Minor*, 23 Ohio St. 211, 253 (1872), in which the Ohio Supreme Court held that:

"The great bulk of human affairs and human interests is left by any free government to individual enterprise and individual action. Religion is eminently one of these interests, lying outside the true and legitimate province of government."

[8] Application to the States of other clauses of the First Amendment obtained even before *Cantwell*. Almost 40 years ago in the opinion of the Court in *Gitlow* v. *New York*, 268 U.S. 652, 666 (1925), Mr. Justice Sanford said: "For present purposes we may

In a series of cases since *Cantwell* the Court has repeatedly reaffirmed that doctrine, and we do so now. *Murdock* v. *Pennsylvania,* 319 U.S. 105, 108 (1943); *Everson* v. *Board of Education, supra; Illinois ex rel. McCollum* v. *Board of Education,* 333 U.S. 203, 210–211 (1948); *Zorach* v. *Clauson, supra; McGowan* v. *Maryland,* 366 U.S. 420 (1961); *Torcaso* v. *Watkins,* 367 U.S. 488 (1961); and *Engel* v. *Vitale, supra.*

Second, this Court has rejected unequivocally the contention that the establishment clause forbids only governmental preference of one religion over another. Almost 20 years ago in *Everson, supra,* at 15, the Court said that "[n]either a state nor the Federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another." And Mr. Justice Jackson, dissenting, agreed:

"There is no answer to the proposition . . . that the effect of the religious freedom Amendment to our Constitution was to take every form of propagation of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers' expense . . . . This freedom was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity." *Id.,* at 26.

Further, Mr. Justice Rutledge, joined by Justices Frankfurter, Jackson and Burton, declared:

"The [First] Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such as had prevailed in England and some of the Colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion." *Id.,* at 31–32.

The same conclusion has been firmly maintained ever since that time, see *Illinois ex rel. McCollum, supra,* at pp. 210–211; *McGowan* v. *Maryland, supra,* at 442–443; *Torcaso* v. *Watkins, supra,* at 492–493, 495, and we reaffirm it now.

While none of the parties to either of these cases has questioned these basic conclusions of the Court, both of which have been long established, recognized and consistently reaffirmed, others continue to question their history, logic and efficacy. Such contentions, in the light of the consistent interpretation in cases of this Court, seem entirely untenable and of value only as academic exercises.

IV

The interrelationship of the Establishment and the Free Exercise Clauses was first touched upon by Mr. Justice Roberts for the Court in *Cantwell* v. *Connecticut, supra,* at 303, where it was said that their "inhibition of legislation" had "a double aspect. On the one hand, it forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus the Amendment embraces two concepts—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be."

A half dozen years later in *Everson* v. *Board of Education, supra,* at 14–15, this Court, through Mr. JUSTICE BLACK, stated that the "scope of the First Amendment . . . was designed forever to suppress" the establishment of religion or the prohibition of the free exercise thereof. In short, the Court held that the Amendment "requires the state to be a neutral in its relations with groups of religious believers and non-believers; it does not require the state to be their adversary. State power is no more to be used so as to handicap religions than it is to favor them." *Id.,* at 18.

And Mr. Justice Jackson, in dissent, declared that public schools are organized "on the premise that secular education can be isolated from all religious teaching so that the school can inculcate all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion. The assumption is that after the individual has been instructed in worldly wisdom he will be better fitted to choose his religion." *Id.,* at 23–24.

Moreover, all of the four dissenters, speaking through Mr. Justice Rutledge, agreed that

"Our constitutional policy . . . . [D]oes not deny the value or necessity for religious training, teaching or observance. Rather it secures their free exercise. But to that end it does deny that the state can undertake or sustain them in any form or degree. For this reason the sphere of religious activity, as distinguished from the secular intellectual liberties, has been given the two-fold protection and, as the state cannot forbid, neither can it perform or aid in performing the religious function. The dual prohibition makes that function altogether private." *Id.,* at 52.

Only one year later the Court was asked to reconsider and repudiate the doctrine of these cases in *McCollum* v. *Board of Education.* It was argued that "historically the First Amendment was intended to forbid only government preference of one religion over another . . . . In addition they ask that we distinguish or overrule our holding in the *Everson* case that the Fourteenth Amendment made the 'establishment of religion' clause of the First Amendment applicable as a prohibition against the States." 333 U.S. at 211. The Court, with Mr. Justice Reed alone dissenting, was unable to "accept either of these contentions." *Ibid.* Mr. Justice Frankfurter, joined by Justices Jackson, Rutledge and Burton, wrote a very comprehensive and scholarly concurrence in which he said that "[s]eparation is a requirement to abstain from fusing functions of government and of religious sects, not merely to treat them all equally." *Id.,* at 227. Continuing, he stated that:

"The Constitution . . . prohibited the government common to all from becoming embroiled, however innocently, in the destructive religious conflicts of which the history of even this country records some dark pages." *Id.,* at 228.

In 1952 in *Zorach* v. *Clauson, supra,* Mr. Justice Douglas for the Court reiterated:

"There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And so far as interference with the 'free exercise' of religion and an 'establishment' of religion are concerned, the separation must be complete and unequivocal. The First Amendment within the scope of its coverage permits no exception; the prohibition is absolute. The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter." 343 U.S., at 312.

And then in 1961 in *McGowan* v. *Maryland* and in *Torcaso* v. *Watkins* each of these cases was discussed and approved. Chief Justice Warren in *McGowan,* for a unanimous Court on this point, said:

"But, the First Amendment, in its final form, did not simply bar a congressional enactment *establishing a church*; it forbade all laws *respecting an establishment of religion.* Thus this Court has given the Amendment a 'broad interpretation . . . in the light of its history and the evils it was designed forever to suppress. . . .' " 366 U.S., at 441–442.

And Mr. Justice Black for the Court in *Torcaso,* without dissent but with Justices Frankfurter and Harlan concurring in the result, used this language:

"We repeat and again reaffirm that neither a State nor the Federal Government can constitutionally force a person 'to profess a belief or disbelief in any religion.' Neither can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs." 367 U.S., at 495.

Finally, in *Engel* v. *Vitale,* only last year, these principles were so universally recognized that the Court without the citation of a single case and over the sole dissent of Mr. Justice Stewart reaffirmed them. The Court found the 22-word prayer used in "New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer . . . [to be] a religious activity." 370 U.S., at 424. It held that "it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by the government." *Id.,* at 425. In discussing the reach of the Establishment and Free Exercise Clauses of the First Amendment the Court said:

"Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment upon religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce non-observing individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve coercion of such individuals. When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain." *Id.,* at 430–431.

And in further elaboration the Court found that the "first and most immediate purpose [of the Establishment Clause] rested on a belief that a union of government and religion tends to destroy government and to degrade religion." *Id.,* at 431. When government, the Court said, allies itself with one particular form of religion, the inevitable result is that it incurs "the hatred, disrespect and even contempt of those who held contrary beliefs." *Ibid.*

V

The wholesome "neutrality" of which this Court's cases speak thus stems from a recognition of the teachings of history that powerful sects or groups might bring about a fusion of governmental and religious functions or a concert or dependency of one upon the other to the end that official support of the State or Federal Government would be placed behind the tenets of one or of all orthodoxies. This the Establishment Clause prohibits. And a further reason for neutrality is found in the Free Exercise Clause, which recognizes the value of religious train-

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and do assume that freedom of speech and of the press—which are protected by the First Amendment from abridgement by Congress—are among the fundamental personal rights and 'liberties' protected by the Due Process Clause of the Fourteenth Amendment from impairment by the States."

ing, teaching and observance and, more particularly, the right of every person to freely choose his own course with reference thereto, free of any compulsion from the state. This the Free Exercise Clause guarantees. Thus, as we have seen, the two clauses may overlap. As we have indicated, the Establishment Clause has been directly considered by this Court eight times in the past score of years and, with only one Justice dissenting on the point, it has consistently held that the clause withdrew all legislative power respecting religious belief or the expression thereof. The test may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. *Everson* v. *Board of Education, supra; McGowan* v. *Maryland, supra,* at 442. The Free Exercise Clause, likewise considered many times here, withdraws from legislative power, state and federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions thereof by civil authority. Hence it is necessary in a free exercise case for one to show the coercive effect of the enactment as it operates against him in the practice of his religion. The distinction between the two clauses is apparent—a violation of the Free Exercise Clause is predicated on coercion while the Establishment Clause violation need not be so attended.

Applying the Establishment Clause principles to the cases at bar we find that the States are requiring the selection and reading at the opening of the school day of verses from the Holy Bible and the recitation of the Lord's Prayer by the students in unison. These exercises are prescribed as part of the curricular activities of students who are required by law to attend school. They are held in the school buildings under the supervision and with the participation of teachers employed in those schools. None of these factors, other than compulsory school attendance, was present in the program upheld in *Zorach* v. *Clauson*. The trial court in No. 142 has found that such an opening exercise is a religious ceremony and was intended by the State to be so. We agree with the trial court's finding as to the religious character of the exercises. Given that finding the exercises and the law requiring them are in violation of the Establishment Clause.

There is no such specific finding as to the religious character of the exercises in No. 119, and the State contends (as does the State in No. 142) that the program is an effort to extend its benefits to all public school children without regard to their religious belief. Included within its secular purposes, it says, are the promotion of moral values, the contradiction to the materialistic trends of our times, the perpetuation of our institutions and the teaching of literature. The case came up on demurrer, of course, to a petition which alleged that the uniform practice under the rule had been to read from the King James version of the Bible and that the exercise was sectarian. The short answer, therefore, is that the religious character of the exercise was admitted by the State. But even if its purpose is not strictly religious, it is sought to be accomplished through readings, without comment, from the Bible. Surely the place of the Bible as an instrument of religion cannot be gainsaid, and the State's recognition of the pervading religious character of the ceremony is evident from the rule's specific permission of the alternative use of the Catholic Douay version as well as the recent amendment permitting nonattendance at the exercises. None of these factors is consistent with the contention that the Bible is here used either as an instrument for nonreligious moral inspiration or as a reference for the teaching of secular subjects.

The conclusion follows that in both cases the laws require religious exercises and such exercises are being conducted in direct violation of the rights of the appellees and petitioners.[9] Nor are these required exercises mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause. See *Engel* v. *Vitale, supra,* at 430. Further, it is no defense to urge that the religious practices here may be relatively minor encroachments on the First Amendment. The breach of neutrality that is today a trickling stream may all too soon become a raging torrent and, in the words of Madison, "it is proper to take alarm at the first experiment on our liberties." Memorial and Remonstrance Against Religious Assessments, quoted in *Everson, supra,* at 65.

It is insisted that unless these religious exercises are permitted a "religion of secularism" is established in the schools. We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." *Zorach* v. *Clauson, supra,* at 314. We do not agree, however, that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion.

Finally, we cannot accept that the concept of neutrality, which does not permit a State to require a religious exercise even with the consent of the majority of those affected, collides with the majority's right to free exercise of religion.[10] While the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to *anyone,* it has never meant that a majority could use the machinery of the State to practice its beliefs. Such a contention was effectively answered by Mr. Justice Jackson for the Court in *West Virginia Board of Education* v. *Barnette,* 319 U.S. 624, 638 (1943):

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to . . . freedom of worship . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment. Applying that rule to the facts of these cases, we affirm the judgment in No. 142. In No. 119, the judgment is reversed and the cause remanded to the Maryland Court of Appeals for further proceedings consistent with this opinion.

It is so ordered.

Mr. ERVIN. Mr. President, I take much consolation from the fact that my considered interpretation of the majority opinion in the Engle case, and the majority opinion in the Schempp case are shared by others.

One of the ablest constitutional lawyers in the United States is Phillip B. Kurland, who is professor of law at the Law School of the University of Chicago. I have followed the legal writings of Professor Kurland for some years, and I have found them to be sound, and I have such a high respect for them that I repose great confidence in any opinion which he expresses in respect to any constitutional question.

Professor Kurland has this to say about the majority decisions in these two cases:

> This, and only this, is certainly to be derived from the Engel and Schempp cases. The States may not prescribe the conduct of religious ceremonies in their public schools.

The correctness of my interpretation of the Engel case, and the correctness of the interpretation placed upon it by Professor Kurland is made manifest by reading these words in the majority opinion:

> We agree with that contention since we think that the total prohibition against laws respecting the establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by the government.

When all is said, that is what was held by the majority and all that was held by the majority in the Engel case.

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[9] It goes without saying that the laws and practices involved here can be challenged only by persons having standing to complain. But the requirements for standing to challenge state action under the Establishment Clause, unlike those relating to the Free Exercise Clause, do not include proof that particular religious freedoms are infringed. *McGowan* v. *Maryland, supra,* at 429–430. The parties here are school children and their parents, who are directly affected by the laws and practices against which their complaints are directed. These interests surely suffice to give the parties standing to complain. See *Engle* v. *Vitale, supra.* Cf. *McCollum* v. *Board of Education, supra; Everson* v. *Board of Education, supra.* Compare *Doremus* v. *Board of Education,* 342 U.S. 429 (1952), which involved the same substantive issues presented here. The appeal was there dismissed upon the graduation of the school child involved and because of the appellants' failure to establish standing as taxpayers.

[10] We are not of course presented with and therefore do not pass upon a situation such as military service, where the Government regulates the temporal and geographic environment of individuals to a point that, unless it permits voluntary religious services to be conducted with the use of government facilities, military personnel would be unable to engage in the practice of their faiths.

A like observation may be made in reference to the Schempp case. All that was held in this case by a majority of the Court was that the State could not require the recitation of prayers and the reading of a religious book as a part of a religious exercise carried on under the auspices of the State itself.

Mr. President, when I was privileged to be an associate justice of the supreme court of North Carolina, I worked very closely with the clerk of that court, Adrian Newton, who is an excellent lawyer as well as a devoutly religious man.

When I was a young lawyer practicing law in my hometown of Morganton, N.C., I came to know a young Baptist minister, W. Perry Crouch, who was the minister of a local church known as the Calvary Baptist Church. He has since risen to high rank among the ministers of my State. Adrian Newton and Perry Crouch joined a learned citizen of North Carolina, Dr. E. W. Price, in a statement concerning the Dirksen prayer amendment, which was inserted on page 644 of the hearings on the amendment.

They placed upon the Engel case and the Schempp case exactly the same interpretation which Professor Kurland and myself have placed upon them.

Here is what they said in part:

> The court has declared that Government agencies should not impose, regulate, or organize religious exercise in the schools. With this decision, our Baptist people are in full agreement.

Mr. President, I ask unanimous consent to have the complete statement of Adrian Newton, Dr. Price, and Perry Crouch printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONCERNING THE DIRKSEN PRAYER AMENDMENT

This statement is signed by Mr. Adrian Newton, an attorney of Raleigh, North Carolina and chairman of the Committee on Public Affairs of the North Carolina Baptist State Convention; Dr. E. W. Price, President of the General Board of our Baptist State Convention; W. Perry Crouch, Executive Secretary-Treasurer of the North Carolina Baptist State Convention.

Our Baptist State Convention is composed of 3,443 churches, with a membership of approximately one million people. We work very closely with our people and know something of their convictions and beliefs. Apparently there is little or no interest, or concern, for the Dirksen Prayer Amendment. We do not believe the Supreme Court has ever acted on any case involving the "free exercise of religion" in the public schools. The court has declared that government agencies should not impose, regulate, or organize religious exercise in the schools. With this decision, our Baptist people are in full agreement.

We have checked with our state office of Public Education, and have been told that no changes have been made in regard to religious activities in the schools of North Carolina as a result of the Supreme Court's decision concerning prescribed prayer.

It is our firm conviction that the majority of our Baptist people in North Carolina believe that the first amendment offers full and ample protection for our religious liberty, and that any amendments will only weaken its structure and lead to false interpretations and questionable practices. This belief of our Baptist people in North Carolina is in agreement with our nearly eleven million Baptists from 50 other states, as indicated by resolutions passed by various Baptist State Conventions and twice passed by the Southern Baptist Convention in annual session; first in 1964 and second in 1966.

We do not believe it is within the power of any government agency to "allow" or "not to allow" prayer. The first amendment guarantees religious freedom. We strongly believe that we have all of the guarantee we need in the first amendment and the Bill of Rights. We reaffirm our faith in these documents, and in the great American Principle of Religious Freedom and Separation of Church and State.

ADRIAN NEWTON,
Attorney, Raleigh, North Carolina, Chairman Committee on Public Affairs, Baptist State Convention of North Carolina.
President General Board, North Carolina Baptist State Convention.
W. PERRY CROUCH,
Executive Secretary-Treasurer, North Carolina Baptist State Convention.

(At this point Mr. CANNON took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, I wish to cite at this point another interpretation placed upon these decisions by a very profound commentator on the passing scene—James J. Kilpatrick. In so doing, I refer to an article written by him entitled "Ramifications of Proposed 'Prayer Amendment'," published in the Washington Evening Star for August 7, 1966.

Mr. Kilpatrick had this to say:

> The thing is, that given the facts in these particular cases, the court could not possibly have decided them any other way.

Mr. President, I ask unanimous consent to have the entire article written by Mr. Kilpatrick printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, Aug. 7, 1966]

RAMIFICATIONS OF PROPOSED "PRAYER AMENDMENT"

(By James J. Kilpatrick)

More than 130 years ago, John Randolph of Roanoke laid down a rule that many persons earnestly wish Senator DIRKSEN would take to heart today.

"A great cardinal principle that should govern all wise statesmen," said Randolph, "is never without the strongest necessity to disturb a thing at rest."

For the past several days, a Senate subcommittee has been holding hearings on DIRKSEN's proposed "prayer amendment" to the Constitution. The Senator has promised that regardless of the sub-committee's action, willy-nilly he will compel a vote on the floor. In violation of the Randolph precept, he is thus disturbing an issue that has been at rest for the past three years. There is no necessity for disturbing it; and nothing good will come of the fight.

The amendment sponsored by DIRKSEN (and 48 others) is intended to nullify two opinions of the U.S. Supreme Court prohibiting the States from providing for religious exercises in public schools. The first of these, rendered on June 25, 1962, knocked out the non-denominational "regents' prayer" that had been authorized for use in the schools of New York. The second, handed down a year later, killed the Bible reading statutes of Pennsylvania and Maryland. The court found it immaterial that participation in these exercises was theoretically voluntary. The practices were "wholly inconsistent" with the First Amendment, which prohibits the Federal government—and by extension, the States—from providing any establishment of religion, voluntary or otherwise.

The Dirksen resolution would prohibit public officials from prescribing "the form or content of any prayer," but it would leave State and local administrators free to "provide for or permit the voluntary participation by students or others in prayer."

To call up this proposal for floor debate will serve only to precipitate the very clash of unreason and emotion that the high court nervously foresaw in its two judgments. As Mr. Justice Brennan remarked in a concurring opinion, few constitutional issues are "more intricate or more demanding than that of the relationship between religion and the public schools." Fixing the permissible line between government and religion, Mr. Justice Goldberg added, "is a most difficult and sensitive task, calling for the careful exercise of both judicial and public judgment and restraint."

All this will go by the boards once the moment approaches when the clerk calls the roll. In the eyes of several million devout church-goers, it will be as if God were running for office in an August primary; you are for Him or against Him, and the Senator who publicly opposes the Dirksen amendment will be risking the kind of fundamentalist, Bible-quoting mail that makes a politician turn positively pale.

If the amendment should win a two-thirds majority in the Senate, a tremendous head of steam would be generated for immediate action in the House. If the resolution emerged from the House Judiciary Committee, a divisive floor fight would be precipitated there. Multiply these congressional conflicts by the debates of 50 state legislatures, and one winds up in a religious civil war that neither side could win.

But both freedom and religion would lose. The thing is, that given the facts in these particular cases, the court could not possibly have decided them any other way. In each of the three jurisdictions, the state actually was involving itself affirmatively in providing for a religious exercise. The involvement was limited: a 22-word prayer in New York, 10 Bible verses daily in Pennsylvania, a chapter from Scripture in Maryland. Yet if the involvement was small, the principle was large; for the power to decree the "voluntary" recital of an innocuous prayer is the power to decree the "voluntary" recital of prayers that are not so innocuous. It is a road that must lead to a weakening of free government, as school officials are subjected to the passions of competing religionists; and it is a road that must lead equally to a weakening of the church, as it becomes more and more dependent upon assistance from the state.

The high court acted with great wisdom in blocking the road at the first opportunity. In seeking to remove the barrier, Senator DIRKSEN and his well-intentioned colleagues are inviting new and wider controversy, for "school prayer" is only the beginning. What of tax exemption for churches? What of the words "under God" in the pledge of allegiance? What of the employment of legislative chaplains? What of the very motto on our coins? Do any of these serve either to advance or to inhibit religion? If so, then "the enactment exceeds the scope of legislative power as circumscribed by the Constitution."

The Dirksen amendment settles none of these peripheral questions—questions which the court itself sought to dampen with judicial rhetoric. They are controversies that surely will be aggravated if this amendment is pressed. There are times when Senators, even Senators as distinguished as DIRKSEN, should follow the rule of Randolph and leave well enough alone. This is one of them.

Mr. ERVIN. Mr. President, unfortunately, the exact holdings of the Supreme Court in the Engel and Schempp cases have not been widely understood in this country.

Some have said that the opinions are destructive of religious life in this country, and that the opinions prevent schoolchildren from engaging in voluntary prayers and voluntary readings from holy books. Others say that unless we have religious exercise required by the States in the public schools, we will have a religion of secularism.

I quote on this point from observations made by Supreme Court Justice Clark in the majority opinion in the Schempp case:

> It is insisted that unless these religious exercises are permitted a "religion of secularism" is established in the schools. We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." *Zorach* v. *Clauson, supra*, at 314. We do not agree, however, that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion.

The question of the relationship between the public schools and religion under the first amendment was considered by the Supreme Court in a case which antedated the Engel and Schempp decisions by more than a decade.

I refer to the case of *Zorach* v. *Clauson*, 343 United States 306. The holding in that case is accurately reflected in the headnotes, which I read:

> Under § 3210 of the New York Education Law and the regulations thereunder, New York City permits its public schools to release students during schools hours, on written requests of their parents, so that they may leave the school buildings and grounds and go to religious centers for religious instruction or devotional exercises. The same section makes school attendance compulsory; students not released stay in the classrooms; and the churches report to the schools the names of children released from public schools who fail to report for religious instruction. The program involves neither religious instruction in public schools nor the expenditure of public funds. Held: This program does not violate the First Amendment, made applicable to the States by the Fourteenth Amendment . . .
>
> By this system, New York has neither prohibited the "free exercise" of religion nor made a law "respecting an establishment of religion" within the meaning of the First Amendment.

Mr. President, I ask unanimous consent that the majority opinion of the Zorach case be printed at this point in the body of the Record.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

SYLLABUS

ZORACH ET AL. *v.* CLAUSON ET AL., CONSTITUTING THE BOARD OF EDUCATION OF THE CITY OF NEW YORK, ET AL.—APPEAL FROM THE COURT OF APPEALS OF NEW YORK—No. 431

(Argued Jan. 31–Feb. 1, 1952 decided Apr. 28, 1952)

Under § 3210 of the New York Education Law and the regulations thereunder, New York City permits its public schools to release students during school hours, on written requests of their parents, so that they may leave the school buildings and grounds and go to religious centers for religious instruction or devotional exercises. The same section makes school attendance compulsory; students not released stay in the classrooms; and the churches report to the schools the names of children released from public schools who fail to report for religious instruction. The program involves neither religious instruction in public schools nor the expenditure of public funds. *Held:* This program does not violate the First Amendment, made applicable to the States by the Fourteenth Amendment. *McCollum* v. *Board of Education*, 333 U.S. 203, distinguished. Pp. 308–315.

(a) By this system, New York has neither prohibited the "free exercise" of religion nor made a law "respecting an establishment of religion" within the meaning of the First Amendment. Pp. 310–315.

(b) There is no evidence in the record in this case to support a conclusion that the system involves the use of coercion to get public school students into religious classrooms. Pp. 311–312. 303 N.Y. 161, 100 N.E. 2d 463, affirmed.

The New York Court of Appeals sustained N.Y. Education Law § 3210 and the regulations thereunder permitting absence of students from the public schools for religious observance and education, against the claim that the program thereunder violated the Federal Constitution. 303 N.Y. 161, 100 N.E. 2d 463. On appeal to this Court, *affirmed*, p. 315.

COUNSEL FOR PARTIES

Kenneth W. Greenawalt argued the cause for appellants. With him on the brief were *Leo Pfeffer* and *Edwin J. Lukas.*

Wendell P. Brown, Solicitor General, argued the cause for the Commissioner of Education of the State of New York, appellee. With him on the brief were *Nathaniel L. Goldstein*, Attorney General, and *Ruth Kessler Toch* and *John P. Powers*, Assistant Attorneys General.

Michael A. Castaldi argued the cause for the Board of Education of the City of New York, appellee. With him on the brief were *Denis M. Hurley, Seymour B. Quel, Daniel T. Scannell* and *Arthur H. Kahn.*

Charles H. Tuttle argued the cause for the Greater New York Coordinating Committee on Released Time of Jews, Protestants and Roman Catholics, appellee. With him on the brief was *Porter R. Chandler.*

Briefs of *amici curiae* supporting appellees were filed on behalf of the States of California, by *Edmund G. Brown*, Attorney General, *William V. O'Connor*, Chief Deputy Attorney General, and *Howard S. Goldin*, Deputy Attorney General; Indiana, by *J. Emmett McManamon*, Attorney General; Kentucky, by *J. D. Buckman, Jr.*, Attorney General and *M. B. Holifield*, Assistant Attorney General; Maine, by *Alexander A. LaFleur*, Attorney General; Massachusetts, by *Francis E. Kelly*, Attorney General, *Charles H. Walters*, Assistant Attorney General, and *William F. Marcella;* Oregon, By *George Neuner*, Attorney General, *Robert F. Maguire* and *William E. Dougherty;* Pennsylvania, by *Robert E. Woodside*, Attorney General, and *Harry F. Stambaugh;* and West Virginia, by *William C. Marland*, Attorney General, and *Thomas J. Gillooly, T. D. Kauffelt* and *Eston B. Stephenson*, Assistant Attorneys General.

OPINION OF THE COURT

Mr. JUSTICE DOUGLAS delivered the opinion of the Court.

New York City has a program which permits its public schools to release students during the school day so that they may leave the school buildings and school grounds and go to religious centers for religious instruction or devotional exercises. A student is released on written request of his parents. Those not released stay in the classrooms. The churches make weekly reports to the schools, sending a list of children who have been released from public school but who have not reported for religious instruction.[1]

This "released time" program involves neither religious instruction in public school classrooms nor the expenditure of public funds. All costs, including the application blanks, are paid by the religious organizations. The case is therefore unlike *McCollum* v. *Board of Education*, 333 U.S. 203, which involved a "released time" program from Illinois. In that case the classrooms were turned over to religious instructors. We accordingly held that the program violated the First Amendment[2] which (by reason of the Fourteenth Amendment)[3] prohibits the states from establishing religion or prohibiting its free exercise.

Appellants, who are taxpayers and residents of New York City and whose children attend its public schools,[4] challenge the present law, contending it is in essence not different from the one involved in the *McCollum* case. Their argument, stated elaborately in various ways, reduces itself to this: the weight and influence of the school is put behind a program for religious instruction; public school teachers police it, keeping tab on students who are released; the classroom activities come to a halt while the students who are released for religious instruction are on leave; the school is a crutch on which the churches are leaning for support in their religious training; without the cooperation of the schools this "released time" program, like the one in the *McCollum* case, would be futile and ineffective. The New York Court of Appeals sustained the law against this claim of unconstitutionality. 303 N.Y. 161, 100 N.E. 2d 463. The case is here on appeal. 28 U.S.C. § 1257(2).

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[1] The New York City released time program is embodied in the following provisions:

(a) N.Y. Education Law, § 3210, subdiv. 1(b), which provides that "Absence for religious observance and education shall be permitted under rules that the commissioner shall establish."

(b) Regulations of the Commissioner of Education of the State of New York, Art. 17 § 154 (1 N.Y. Official Code Comp. 683), which provide for absence during school hours for religious observance and education outside the school grounds [par. 1], where conducted by or under the control of a duly constituted religious body [par. 2]. Students must obtain written requests from their parents or guardians to be excused for such training [par. 1], and must register for the training and have a copy of their registration filed with the public school authorities [par. 3]. Weekly reports of their attendance at such religious schools must be filed with their principal or teacher [par. 4]. Only one hour a week is to be allowed for such training, at the end of a class session [par. 5], and where more than one religious school is conducted, the hour of release shall be the same for all religious schools [par. 6].

(c) Regulations of the Board of Education of the City of New York, which provide similar rules supplementing the State Commissioner's regulations, with the following significant amplifications: No announcement of any kind will be made in the public schools relative to the program [rule 1]. The religious organizations and parents will assume full responsibility for attendance at the religious schools and will explain any failures to attend on the weekly attendance reports [rule 3]. Students who are released will be dismissed from school in the usual way [rule 5]. There shall be no comment by any principal or teacher on attendance or nonattendance of any pupil upon religious instruction [rule 6].

[2] The First Amendment reads in relevant part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

[3] See *Stromberg* v. *California*, 283 U.S. 359; *Cantwell* v. *Connecticut*, 310 U.S. 296; *Murdock* v. *Pennsylvania*, 319 U.S. 105.

The briefs and arguments are replete with data bearing on the merits of this type of "released time" program. Views *pro* and *con* are expressed, based on practical experience with these programs and with their implications.[5] We do not stop to summarize these materials nor to burden the opinion with an analysis of them. For they involve considerations not germane to the narrow constitutional issue presented. They largely concern the wisdom of the system, its efficiency from an educational point of view, and the political considerations which have motivated its adoption or rejection in some communities. Those matters are of no concern here, since our problem reduces itself to whether New York by this system has either prohibited the "free exercise" of religion or has made a law "respecting an establishment of religion" within the meaning of the First Amendment.

It takes obtuse reasoning to inject any issue of the "free exercise" of religion into the present case. No one is forced to go to the religious classroom and no religious exercise or instruction is brought to the classrooms of the public schools. A student need not take religious instruction. He is left to his own desires as to the manner or time of his religious devotions, if any.

There is a suggestion that the system involves the use of coercion to get public school students into religious classrooms. There is no evidence in the record before us that supports that conclusion.[6] The present record indeed tells us that the school authorities are neutral in this regard and do no more than release students whose parents so request. If in fact coercion were used, if it were established that any one or more teachers were using their office to persuade or force students to take the religious instruction, a wholly different case would be presented.[7] Hence we put aside that claim of coercion both as respects the "free exercise" of religion and "an establishment of religion" within the meaning of the First Amendment.

Moreover, apart from that claim of coercion, we do not see how New York by this type of "released time" program has made a law respecting an establishment of religion within the meaning of the First Amendment. There is much talk of the separation of Church and State in the history of the Bill of Rights and in the decisions clustering around the First Amendment. See *Everson* v. *Board of Education,* 330 U.S. 1; *McCollum* v. *Board of Education, supra.* There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And so far as interference with the "free exercise" of religion and an "establishment" of religion are concerned, the separation must be complete and unequivocal. The First Amendment within the scope of its coverage permits no exception; the prohibition is absolute. The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; "so help me God" in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: "God save the United States and this Honorable Court."

We would have to press the concept of separation of Church and State to these extremes to condemn the present law on constitutional grounds. The nullification of this law would have wide and profound effects. A Catholic student applies to his teacher for permission to leave the school during hours on a Holy Day of Obligation to attend a mass. A Jewish student asks his teacher for permission to be excused for Yom Kippur. A Protestant wants the afternoon off for a family baptismal ceremony. In each case the teacher requires parental consent in writing. In each case the teacher, in order to make sure the student is not a truant, goes further and requires a report from the priest, the rabbi, or the minister. The teacher in other words cooperates in a religious program to the extent of making it possible for her students to participate in it. Whether she does it occasionally for a few students, regularly for one, or pursuant to a systemized program designed to further the religious needs of all the students does not alter the character of the act.

We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary. We sponsor an attitude on the part of government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents and the appeal of its dogma. When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe. Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person. But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence. The government must be neutral when it comes to competition between sects. It may not thrust any sect on any person. It may not make a religious observance compulsory. It may not coerce anyone to attend church, to serve a religious holiday, or to take religious instruction. But it can close its doors or suspend its operations as to those who want to repair to their religious sanctuary for worship or instruction. No more than that is undertaken here.

This program may be unwise and improvident from an educational or a community viewpoint. That appeal is made to us on a theory, previously advanced, that each case must be decided on the basis of "our own prepossessions." See *McCollum* v. *Board of Education, supra,* p. 238. Our individual preferences, however, are not the constitutional standard. The constitutional standard is the separation of Church and State. The problem, like many problems in constitutional law, is one of degree. See *McCollum* v. *Board of Education, supra,* p. 231.

In the *McCollum* case the classrooms were used for religious instruction and the force of the public school was used to promote that instruction. Here, as we have said, the public schools do no more than accommodate their schedules to a program of outside religious instruction. We follow the *McCollum* case.[8] But we cannot expand it to cover the present released time program unless separation of Church and State means that public institutions can make no adjustments of their schedules to accommodate the religious needs of the people. We cannot read into the Bill of Rights such a philosophy of hostility to religion.

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[4] No problem of this Court's jurisdiction is posed in this case since, unlike the appellants in *Doremus* v. *Board of Education,* 342 U.S. 429, appellants here are parents of children currently attending schools subject to the released time program.

[5] See, *e. g.*, Beckes, Weekday Religious Education (National Conference of Christians and Jews, Human Relations Pamphlet No. 6); Butts, American Tradition in Religion and Education, pp. 188, 199; Moehlman, The Wall of Separation between Church and State, pp. 123, 155 ff.; Moehlman, The Church as Educator, pp. 103 ff.; Moral and Spiritual Values in the Public Schools (Educational Policies Commission, 1951); Newman, The Sectarian Invasion of Our Public Schools; Public School Time for Religious Education, 12 Jewish Education 130 (January, 1941); Religious Instruction on School Time, 7 Frontiers of Democracy 72 (1940); Released Time for Religious Education in New York City's Schools (Public Education Association, June 30, 1943); Released Time for Religious Education in New York City's Schools (Public Education Association, June 30, 1945); Released Time for Religious Education in New York City Schools (Public Education Association, 1949); 2 Stokes, Church and State in the United States, pp. 523–548; The Status of Religious Education In The Public Schools (National Education Association).

[6] Nor is there any indication that the public schools enforce attendance at religious schools by punishing absentees from the released time programs for truancy.

[7] Appellants contend that they should have been allowed to prove that the system is in fact administered in a coercive manner. The New York Court of Appeals declined to grant a trial on this issue, noting, *inter alia,* that appellants had not properly raised their claim in the manner required by state practice. 303 N.Y. 161, 174, 100 N. E. 2d 463, 469. This independent state ground for decision precludes appellants from raising the issue of maladministration in this proceeding. See *Louisville & Nashville R. Co.* v. *Woodford,* 234 U.S. 46, 51; *Atlantic Coast Line R. Co.* v. *Mims,* 242 U.S. 532 535; *American Surety Co.* v. *Baldwin,* 287 U.S. 156, 169.,

The only allegation in the complaint that bears on the issue is that the operation of the program "has resulted and inevitably results in the exercise of pressure and coercion upon parents and children to secure attendance by the children for religious instruction." But this charge does not even implicate the school authorities. The New York Court of Appeals was therefore generous in labeling it a "conclusory" allegation. 303 N.Y., at 174, 100 N. E. 2d, at 469. Since the allegation did not implicate the school authorities in the use of coercion, there is no basis for holding that the New York Court of Appeals under the guise of local practice defeated a federal right in the manner condemned by *Brown* v. *Western R. of Alabama,* 338 U.S. 294, and related cases.

Affirmed.

Mr. ERVIN. Mr. President, the Zorach case points out how the parents of schoolchildren can provide for religious instruction of their children in accordance with their religious beliefs without offending the provisions of the first amendment.

Since the school prayer cases, there has been a decision in the U.S. District Court for the Western District of Michigan, *Reed* v. *Van Hoven,* 237 Fed. Sup. 48, which points out another way in which schoolchildren can receive the benefits of religious instructions without offending the provisions of the first amendment.

For the sake of time, I shall read the analysis of this opinion, made by the publisher of the volume of the Federal supplement in which it appears. This analysis correctly reflects the ruling of the court. I read the analysis:

> Parents of public school children brought suit against superintendent of schools and members of board of education to enjoin religious exercises in the public schools. The District Court, Fox, J., held that public school students who wish to say prayer or read scripture according to their choice in morning before school day begins and after school day ends, should be permitted to do so, provided that they meet in room other than regular home room, and complete their exercise at least five minutes before regularly scheduled class day or do not begin until at least five minutes after completion of regular school class day, and no bell should signify start of prayer exercise, and if prayer is to be said during lunch period, it should be a silent prayer during moments of silence set aside for private meditation at start of that period.

Mr. President, I ask unanimous consent that the opinion in the case of Reed against Van Hoven be printed at this point in the body of the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

CHARLES E. REED, JOYCE REED, VERDA GOUDZWAARD, RUTH DYKSTRA, LORRAINE DYKHOUSE, TINO J. CAVIGGIOLA, JOAN CAVIGGIOLA AND ROBERT L. HULSEBUS, PLAINTIFFS *v.* JACK VAN HOVEN, JACK E. KALEE, CORNELIUS DODD, GRANT W. SILER, PAUL R. STEIMLE, GLENN NYKERK, AND JENISON PUBLIC SCHOOL DISTRICT NO. 30, DEFENDANTS

(Civ. A. No. 4787—U.S. District Court, W. D. Michigan, S. D., Jan. 8, 1965)

Parents of public school children brought suit against superintendent of schools and members of board of education to enjoin religious exercises in the public schools. The District Court, Fox, J., held that public school students who wish to say prayer or read scriptures according to their choice in morning before school day begins and after school day ends, should be permitted to do so, provided that they meet in room other than regular home room, and complete their exercises at least five minutes before regularly scheduled class day or do not begin until at least five minutes after completion of regular school class day, and no bell should signify start of prayer exercise, and if prayer is to be said during lunch period, it should be a silent prayer during moments of silence set aside for private meditation at start of that period.

Injunction denied.

1. Constitutional Law🔑84

The First Amendment to the Federal Constitution insures to parents the security that children attending public elementary schools are not officially taught tenets of religion other than that of parents, and such insurance is protection to both majority and minority, and it is essential safeguard to protection and free exercise of religion. U.S.C.A. Const. Amend. 1.

2. Schools and School Districts🔑165

When time of public grade schools is given over to religious practices, there is interference with fundamental right of parents to see to education of their children, for continued observances, being repetitive, when joined with authority of local school, can easily constitute a teaching of particular practices and beliefs involved. U.S.C.A. Const. Amend. 1.

3. Constitutional Law🔑84

When religion is included in regular program in public schools in such way as to become connected with learning process, other than within framework of general, objective course on religion as religion, parents have every right to object on constitutional grounds, for espousal of particular religious doctrine is not function of public grade schools. U.S.C.A. Const. Amend. 1.

4. Constitutional Law🔑84

School authorities in public grade schools and those accommodated must not violate rights of free exercise of religion of those not in accord with practices of the accommodated. U.S.C.A. Const. Amend 1.

5. Constitutional Law🔑84

Every individual in society has right to free exercise of his religion according to dictates of his own conscience, and there is corresponding duty on public authority as well as other individuals to recognize and respect that right in such way that individual is free from coercion of any kind. U.S.C.A Const. Amend. 1.

6. Constitutional Law🔑84

There need be no coercion on minorities in order for there to be a violation of provision of Constitution that Congress shall make no law respecting establishment of religion, and it is only necessary that practice or enactment have net effect of placing official support of local or national government behind particular denomination or belief. U.S.C.A. Const. Amend. 1.

7. Constitutional Law🔑84

If state or federal government espouses particular philosophy or secularism, or secularism in general, there is violation of provision of Constitution that Congress shall make no law respecting establishment of religion. U.S.C.A. Const. Amend. 1.

8. Schools and School Districts🔑165

As between theistic and humanistic religions, public schools must carefully avoid any program of indoctrination in ultimate values. U.S.C.A. Const. Amend. 1.

9. Schools and School Districts🔑165

Public school students who wish to say prayer or read scriptures according to their choice in morning before school day begins and after school day ends, should be permitted to do so, provided that they meet in room other than regular home room, and complete their exercise at least five minutes before regularly scheduled class day or do not begin until at least five minutes after completion of regular school class day, and no bell should signify start of prayer exercise, and if prayer is to be said during lunch period, it should be a silent prayer during moments of silence set aside for private meditation at start of that period. U.S.C.A. Const. Amend. I.

10. Schools and School Districts🔑165

During regular school day at public schools, there should be no reading from Bible, no Bible stories, and no assignment of themes on such topics as why student believes or disbelieves in religious devotions. U.S.C.A. Const. Amend. 1.

11. Schools and School Districts🔑164

Pledge of allegiance and patriotic songs or readings are permissible in public schools at any time, provided that they are voluntary. U.S.C.A. Const. Amend. 1.

12. Schools and School Districts🔑165

Role of teacher at preschool or postschool religious sessions is strictly that of one charged with responsibility of maintaining order, and no teacher shall be called on to select prayer which should be said, or to select readings which may be used, and students should determine what should be done. U.S.C.A. Const. Amend. 1.

Warner, Norcross & Judd, Grand Rapids, Mich., Harold S. Sawyer and Thomas J. McNamara, Grand Rapids, Mich., of counsel, for plaintiffs.

Varnum, Riddering, Wierengo & Christenson, Grand Rapids, Mich., Laurent K. Varnum, Grand Rapids, Mich., and Jon F. DeWitt, of counsel, for defendants.

Fox, District Judge.

Plaintiffs are parents of children currently enrolled in the public schools of the Jenison School District, Ottawa County, Michigan. Defendant Nykerk is the Superintendent of Schools for the Jenison Public Schools; the other defendants are members of the Board of Education of the Jenison Public Schools.

Plaintiffs instituted suit under the First and Fourteenth Amendments to the Constitution of the United States, claiming that certain practices in the Jenison Public Schools violate both the free exercise and establishment clauses of the First Amendment.

Subsequent to the filing of this suit, a new policy with respect to the religious practices was adopted and put into operation in the Jenison Public Schools. Defendants claimed that the controversy was ended by that policy, and moved for a summary judgment.

Plaintiffs have requested an injunction to prevent any exercises of a religious nature from being conducted.

At a hearing, this court denied the defendants' motion for a summary judgment, and did not grant plaintiffs' request for an injunction, suggesting to the parties a substitute policy which laid out the broad outlines of a program allowing an accommodation to those children who wished to pray, provided such exercises were conducted and completed outside the hours of the regular school day.

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[8] Three of us—THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS and MR. JUSTICE BURTON—who join this opinion agreed that the "released time" program involved in the *McCollum* case was unconstitutional. It was our view at the time that the present type of "released time" program was not prejudged by the *McCollum* case, a conclusion emphasized by the reservation of the question in the separate opinion by MR. JUSTICE FRANKFURTER in which MR. JUSTICE BURTON joined. See 333 U.S., at 225 where it was said, "Of course, 'released time' as a generalized conception, undefined by differentiating particularities, is not an issue for Constitutional adjudication. Local programs differ from each other in many and crucial respects. . . . It is only when challenge is made to the share that the public schools have in the execution of a particular 'released time' program that close judicial scrutiny is demanded of the exact relation between the religious instruction and the public educational system in the specific situation before the Court."

After a short period of time, the plaintiffs again appeared before the court, objecting to the substitute policy as implemented by the school board.

The board, in attempting to apply the policy, was faced with a school bus problem in allowing the exercises to take place in the morning, before school began.

The buses serving the Jenison School District also serve the neighboring school districts, and therefore, the bus schedules were rigid, and children attending the Jenison Schools continued to arrive at the same time as they had before the attempt to carry out the court-suggested policy.

Consequently, in order to provide for a working accommodation, the School Board changed "the bell and beginning of school timing" as illustrated by the procedure inaugurated in the Sandy Hill School: at 8:40 A.M. a warning bell sounds, followed by another bell at 8:45 A.M. to indicate that the home rooms are open for the use of those children desiring to pray. At 8:50 A.M. a third bell rings, signifying the end of the voluntary prayer period and additionally, that school is about to begin. At 9:00 A.M. a bell signifying the actual start of the class day is rung.

Plaintiffs object to these practices, claiming that they raise problems of excusal and segregation which are constitutionally prohibited.

By this opinion, the court will attempt to clarify its suggestion for an interim procedure.

The policy initially proposed by defendants purported to establish a position of neutrality on the part of the Board of Education with respect to religion.[1]

The Supreme Court of the United States, in the cases of Engel v. Vitale, 370 U.S. 421, 82 S. Ct. 1261, 8 L. Ed. 2d 601, and Abington School District v. Schempp, 374 U.S. 203, 83 S. Ct. 1560, 10 L. Ed. 2d 844, has been called to rule upon the constitutionality of prayers and Bible reading in the public schools

In the Engel case the court ruled that the recitation of a prayer composed by the New York State Board of Regents, at the direction of the local Board of Education, violated the establishment clause of the First Amendment.

In the Schempp case, the court held that a requirement that the school day open with a reading, without comment, of verses from the Holy Bible and the recitation of the Lord's Prayer by the students in unison, was also a violation of the establishment clause. This was so even though attendance at the exercises was not compulsory.

The establishment clause of the First Amendment has two important characteristics. First, the relationship between government and religion; by that relationship the First Amendment, by its position of neutrality, protects both religion and government. Secondly, the establishment limitation serves as an instrument to the second provision of the First Amendment, namely, the free exercise clause. It is designed in this respect to insure to all the free exercise of their religion, free from the influential interference of government.

Nothing in the Engel or Schempp decisions inhibits in the slightest way an individual in the free exercise of religion in his home, in his church, or in any assembly with the particular denomination to which he belongs, either in the practice or the teaching of that religion.

[1] On the other hand, the First Amendment insures to parents the security that children attending public elementary schools are not officially taught the tenets of a religion other than that of the parents. This insurance is a protection to both the majority and the minority, and it is an essential safeguard to the protection and free exercise of religion. In the fast-changing circumstances of our day, today's majority may be tomorrow's minority.

The natural right of the parents to educate their children was recognized by Mr. Justice McReynolds in Pierce v. Society of Sisters, 268 U.S. 510, 45 S. Ct. 571, 69 L. Ed. 1070.

"The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from the public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to prepare him for additional obligations." Id. at 535, 45 S. Ct. at 573.

[2] When the time of the public grade schools is given over to religious practices, there is an interference with this fundamental right of parents to see to the education of their children, for continued observances, being repetitive, when joined with the authority of the local school, could easily constitute a teaching of the particular practices and beliefs involved.[2]

[3] By sending their children to the public schools, parents tacitly approve of the education which the children will receive there. However, when religion is included in the regular program in such a way as to become connected with the learning process, other than within the framework of a general, objective course on religion as religion, the parents have every right to object on constitutional grounds, for espousal of a particular religious doctrine is not the function of the public grade schools in our society.

[4] Children attending public grade schools are effectively captives. Thus, in seeking an accommodation, school authorities, and those accommodated, must not violate the rights of free exercise of those not in accord with the practices of the accommodated.

[5] Each individual in society has the right to free exercise of his religion according to the dictates of his own conscience. There is a corresponding duty upon public authority as well as other individuals to recognize and respect that right in such a way that the individual is free from coercion of any kind.[3]

Mr. Justice Clark, in the majority opinion in the Schempp case, succinctly stated the basis for the belief in separation of government from any one form of religion when he quoted from the Engel case, supra: "* * * the 'first and most immediate purpose (of the Establishment Clause) rested on the belief that a union of government and religion tends to destroy government and to degrade religion.' (Citation omitted.) When government, the Court said, allies itself with one particular form of religion, the inevitable result is that it incurs 'the hatred, disrespect and even contempt of those who held contrary beliefs.' Ibid." (Abington School District v. Schempp, supra, 374 U.S. at 221, 83 S.Ct. at 1571.)

In Schempp, it was contended that to require the elimination of religious exercises in public schools was an interference with the religious liberty of those children who wished to participate. In this respect, Justice Clark said:

"Finally, we cannot accept that the concept of neutrality, which does not permit a State to require a religious exercise even with the consent of the majority affected, collides with the majority's right to free exercise of religion. While the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to *anyone* it has never meant that a majority could use the machinery of the State to practice its beliefs. Such a contention was effectively answered by Mr. Justice Jackson for the Court in West Virginia State Board of Education v. Barnette, 319 U.S. 624, 63 S.Ct. 1178, 87 L.Ed. 1628:

" 'The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to * * * freedom of worship * * * and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.'

"The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment." (Abington School District v. Schempp, supra, 374 U.S. at 225–226, 83 S. Ct. at 1573–1574.)

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[1] 1. Upon the request of any student or parent of a student in any particular class that the individual be allowed prayer and/or Bible reading as a regular religious exercise at the opening of school, the teacher must devise reasonable rules and regulations controlling such exercise.

2. The rules and regulations devised to implement the requested exercises may vary, depending on the number of children or parents so requesting, from allowing a moment of reverent silence to allowing prayers in unison, aloud. In the event the teacher finds that divergent requests preclude reasonable control, the teacher may always allow as a satisfactory substitute, a moment of reverent silence.

3. Depending upon the form of requested exercise permitted in the discretion of the teacher, those who object shall remain in the class, or be excused from the requested exercise, or may arrive at class late, as the teacher feels will best serve classroom procedures and minimize embarrassment. (Jenison Public Schools District No. 30, Statement of Policy, pp. 1–2.)

[2] See: Prayer, Public Schools and the Supreme Court, Kauper, Michigan Law Review, April 1963, Vol. 61, Page 1031, at Page 1065:

"Viewed with respect to the precise problem before the Court, the decision in Engel is not a disturbing one, when evaluated in terms of underlying policy considerations. Prayer, religious faith, and the freedom of religion are not damaged by the Court's holding. On the contrary, the decision maintains the dignity and religious significance of prayer by keeping it free from state compulsion and interference, and, by the same token, it preserves the freedom of both the believer and the non-believer in respect to prayer. Nor should it be of consequence that the prayer was 'nonsectarian.' Even such a prayer can be productive of religious divisiveness, not only because it is objectionable to non-believers or non-theistic religionists, but also because theistic believers may find it an offense to conscience to engage in prayer except in accordance with the tenets of their own religion. Moreover, religionists can have little enthusiasm for an officially sanctioned nonsectarian expression of religious belief which at most reflects a vague and generalized religiosity. Any usefulness of a prayer practice in public schools as symbolic of the religious tradition in our national life, of the values of religion to our society, and of religious ideas shared in common, must be weighed against the peril that the official promotion of common-denominator religious practices, conspicuous by their vagueness and syncretistic character, will contribute to the furtherance and establishment of an official folk or culture religion which many competent observers regard as a serious threat to the vitality and distinctive witness of the historic faiths."

[3] Brown, Observer in Rome, Appendix B, p. 261.

[6] An examination of the establishment clause in light of the Schempp and Engel cases, supra reveals that there need be no coercion upon minorities in order for a violation of the establishment clause to exist. *It is only necessary that the practice or enactment have the net effect of placing the official support of the local or national government behind a particular denomination or belief.* Abington School District v. Schempp, supra, 374 U.S. at 222, 83 S. Ct. 1560. See also Engel v. Vitale, supra, 370 U.S. at 430–436, 82 S. Ct. 1261.

[7] Similarly, were state or federal government to espouse a particular philosophy of secularism, or secularism in general, the establishment clause would be violated. Zorach v. Clauson, 343 U.S. 306, 314, 72 S. Ct. 679, 96 L. Ed. 954, Abington School District v. Schempp, supra, 374 U.S. at 225, 83 S. Ct. 1560.

However, there do exist areas in which the interplay between government and religion does not constitute an establishment of religion. This is the field of accommodation, first expressed in the Zorach case, and explored at great length by Mr. Justice Brennan in a concurring opinion in Schempp. Abington School District v. Schempp, 374 U.S. 203, 230, 83 S. Ct. 1560, 10 L. Ed. 2d 844, 862. It has also been noted in articles by leading commentators.[4]

As set forth in Zorach v. Clauson supra, the principle was stated:

"When the state encourages religious instructions or cooperates with religious authorities by adjusting the schedules of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs." Id. 343, U.S. at 314, 72 S. Ct. at 684, 96 L. Ed. at 962.

[8] It may well be that this court will be called upon to decide ultimately whether or not the actual operation of a particular practice is a permissible form of accommodation. However, for the present, it seems clear that, in light of the decided cases, the public schools, as between theistic and humanistic religions, must carefully avoid any program of indoctrination in ultimate values.

The touchstone in both Engel versus Vitale, supra, and Abington School District v. Schempp, supra, was the support given to the practices by the local school authorities. In both cases, the exercises were directed to be held at the opening of the school day. Students who chose not to participate were required to absent themselves at the start of the school period or remain and silently endure a ceremony which violated their constitutional rights.[5]

[9] Now, it is this court's proposal that the students who wish to say a prayer or read scriptures according to their choice in the morning before the school day begins and after the school day ends, be permitted to do so; provided, however, that they meet in a room other than their regular home room, and complete their exercise at least five minutes before the regularly scheduled class day, or at least five minutes after the completion of the regular school class day.

Furthermore, no bell signifying the start of a prayer exercise should be rung. This exercise is voluntary, and those wishing to avail themselves of the opportunity provided should learn the time when it is offered to them and appear at the designated location without the aid of a school bell. The first bell should signal that school is about to begin.

This plan is an attempted accommodation, and since it is an accommodation, it must in no way affect those who do not wish an accommodation. For this reason, the practices which are observed must be free of any possible elements of coercion. Those who do take the opportunity to participate in the program must be separated from the official activity of the school, as of course must be the program itself. This is the reason for the directed time gap between the end of the practices and the official start of school, and between the end of the school day and the beginning of the practices after the close of the school day.

Furthermore, to fully insure that separation, this court will require that at the completion of the morning exercises there be a general commingling of the entire student body on the way to class, just as there would be were there no exercises whatsoever. That is, all rooms will be empty before the bell rings for the start of the school day. Thus, home rooms, or whatever room students use to commence the official school day will be filled in the usual way, and no student will enter a room containing a group which has previously congregated there for the purpose of prayer—all students will enter simultaneously upon the signal for the start of the school day.

For example, those children wishing to pray before school begins, and who would ordinarily begin the class day in home room A, might meet for prayer in home room B; and, in like manner, those students from home room B who desire to pray might meet in home room A. Thus, when the first bell sounded, all students would proceed to their regular classrooms.

If a prayer is to be said during the lunch period, it shall be a silent prayer, during a few moments of silence set aside for private meditation at the start of that period.

If any reading is to be done, let it be a selection from one of our historical documents, such as the Declaration of Independence, or the Northwest Ordinance; or, for example, speeches of our martyred Presidents, such as Lincoln's Gettysburg Address, or John F. Kennedy's inaugural address; or any one of the Thanksgiving proclamations of any President, or of any Governor.[6]

These writings would be lessons in the impact of religion upon the men who were leaders of our nation, and in turn, through them, upon the nation's affairs and history. The annals of our nation are replete with indications of the essentially religious character of this country[7]—belief in a

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[4] See, for example, Religion and the Public Order, pp. 17–23, (edited by Giannela, 1963); Prayer, Public Schools and the Supreme Court, Kauper, Michigan Law Review, April 1963, Vol. 61, Page 1031, at pp. 1066–1068.

[5] See: Prayer, Public Schools and the Supreme court, Kauper, Michigan Law Review, April 1963, Vol. 61, Page 1031, at page 1066:

"The issue raised in Engel is symptomatic of the problem we face in a religiously pluralistic society. * * *

"Religionists have ground for complaint if the public schools by studied indifference teach that belief in God is irrelevant to life. The Engel decision does not require such indifference. Consistent with it the schools may follow practices and teaching programs that help to create awareness, appreciation and understanding of the religious factor in the life of the nation and its citizens. They may create respect for the moral values which reflect the community consensus and which illuminate the purposes and processes of our democratic society. But it is not their responsibility or function to cultivate an official faith or ideology, whether religious or humanistic in character, or to indoctrinate students in any system of beliefs and values that rests on a claim of insight into ultimate truth with respect to the meaning and purpose of life. Parents who desire religious instruction for their children as part of a school program have the option of sending them to parochial schools. One effect of the school prayer decision is to highlight the importance of private schools and of the parents' freedom of choice in our free and pluralistic society that does not recognize governmental monopoly of the educational process. But the majority of Americans who are concerned with the relevancy of religious teaching to the total educational program do not see the parochial school as the answer to the problem. Their interest may lie in the further development of dismissed- or released-time programs in connection with the operation of the public school systems. Moreover, in view of the present impasse with respect to the parochial school situation, it may well be that the shared-time plan offers the greatest promise for reconciling the felt needs for religious instruction with the secular limitations placed on the public school systems. All proposals of this kind deserve careful study. Needless to say, any constructive solution to the problem will require a generous measure of sympathetic understanding, good will and tolerance on the part of all concerned elements of the community.

"Whatever the merits of plans for accommodating the educational system to programs of formal religious instruction, they should not serve to obscure the fundamental consideration that the cultivation of religious faith is the responsibility of home and church. If secularism triumphs as the dominant American ideology, it will not be because of the Constitution or the Supreme Court or because the public schools have failed in their limited tasks, but because meaningful and vital religious faith has lost its place in the hearts and lives of the people. The Engel decision is a forceful reminder to parents and the churches that theirs is the task and responsibility of making prayer, worship and religious instruction rich and meaningful in the lives of their children."

[6] For an example of some of the past presidential speeches which would be acceptable for this purpose, see Footnote 3 to Mr. Justice Stewart's dissenting opinion in Engel v. Vitale, 370 U.S. 421, 446–448, 82 S. Ct. 1261, 8 L. Ed. 2d, 601, 617–618.

[7] See, for example, Abington School District v. Schempp, 374 U.S. 203, 213, 83 S. Ct. 1560, 1566, 10 L. Ed. 2d 844, 853: "It can be truly said, therefore, that today, as in the beginning, our national life reflects a religious people * * *" See, likewise, President Lincoln's Inaugural Address of March 4, 1865: "* * * Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether.'

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in to bind up the nation's

Supreme Being,[8] belief that the rights of man are not the creation of government[9]—and the pronouncements of the Supreme Court of the United States demonstrate that the nation is not hostile, nor are any of its governmental units hostile to religion as such.[10]

Those children who may themselves dissent, or whose parents may dissent from their participating in the exercises, would be required only to report for school at the regular opening time of school and would be permitted to leave school at the regular closing time.

Certainly the period of silent prayer before lunch affords the students an opportunity to say their own denominational prayer, and all would be privileged to say any prayer which their own denomination may have taught them. Those who do not share the prayer would be free to contemplate anything which they desired.

[10] During the regular school day, there will be no reading from the Bible, nor Bible stories, and no themes will be assigned on such topics as "Why I believe or disbelieve in religious devotions."

[11] Additionally, the pledge of allegiance and patriotic songs or readings are permissible at any time, provided they are voluntary.

[12] The role of the teacher at these pre- or post-school sessions is strictly that of one charged with the responsibility of maintaining order. No teacher shall be called upon to select the prayer which should be said, or to select the readings which may be given. The students would determine, by means of their own choosing, what should be done in this respect. The burden would not be cast upon the teacher to make the decision, nor to stand up and be counted.

This approach is by no means a final judgment of the court, nor should it be taken as a preliminary indication of a final judgment. In suggesting this plan, the court is merely trying to arrive at an interim accommodation, having foremost in mind the natural, God-given rights of each parent to determine the course of religious education for his child, but also considering the fact that the present proposal of the school board does relate to a serious effort to reconcile divergent opinions in an area where rigid, dogmatic positions too often abound, with the effect that a problem of continuing importance results in increased misunderstanding and bitterness, a situation which must certainly be regretted by all, regardless of religious affiliation, or lack of it.

The Engel and Schempp cases, supra, were decided on the basis of the establishment clause of the First Amendment. The accommodation suggested in this opinion is an attempt to avoid the nexus between official authority and religion which constitutes a violation of the establishment clause.

However, even should the program successfully escape the prohibitions of the Establishment Clause, as administered it may possibly result in abridgment of rights of free exercise, and for this reason testimony may be required to determine precisely the effect which such a program has.[11]

I direct that provision be made for the keeping of a record of the happenings during this interim period, as an aid to the court, in reaching a final judgment on the merits in this case.

There is available a vast store of examples of our national leaders lifting up their minds and hearts for worship, guidance, supplication, and thanksgiving—all of which would be permissible. But a program incorporating such examples into the school day does require conscientious effort on the part of teachers and students. It will have its own reward, in enhancing a knowledge of our history, informing sound moral tenets, and providing a true regard for man's individual relationship to God.[12]

In this sensitive area of constitutional law, our jurisprudence must be prudential. If there be a solution, it may be found only at the end of a period of patient trial, success, error experience. Ultimate results may be worth the irenic effort.

I am not granting the injunction requested in this case. I am setting forth this policy during the pendency of this suit, and I expect it will be followed. If it is not followed, I will then consider the granting of an injunction.

Mr. ERVIN. Mr. President, I am firmly of the opinion that the diversity of religions in America makes it imperative that we retain religious freedom for all men as a way of life. This can only be done in the manner pointed out by the first amendment, which declares, in effect, that the state must not undertake to control religion and religion must not undertake to control the state.

The history of man's struggle for political and religious freedom makes this clear. Political freedom cannot exist in any land where religion controls the state, and religious freedom cannot exist in any land where the state controls religion.

Justice Clark alluded to the reason why I say that the diversity of religions in America makes it imperative that we retain the separation of church and state decreed by the first amendment.

I refer to his opinion in the Schempp case, and I quote these words from it:

> This freedom to worship was indispensable in a country whose people came from the

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wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

And from the Inaugural Address of President Kennedy, January 20, 1961: "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

[8] "We are a religious people whose institutions presuppose a Supreme Being." Zorach v. Clauson, 343 U.S. 306, at 313, 72 S.Ct. 679, at 684, 96 L.Ed. 954, at 962.

See also, Joint Congressional Resolution of July 30, 1956, 70 Stat. 732, declaring the national motto to be "In God We Trust."

[9] See, for example, the Declaration of Independence: "When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, * * *."

See also, the Inaugural Address of President Kennedy, January 20, 1961: "* * * the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state but from the hand of God."

And, also, from the address of President Kennedy delivered in Dallas, Texas, November 22, 1963: "We in this country, in this generation, are, by destiny rather than choice, the watchmen on the walls of world freedom. We ask, therefore, that we may be worthy of our power and responsibility, that we may exercise our strength and wisdom with restraint, and that we may achieve in our time and for all time the ancient vision of 'peace on earth, good will toward men.' That must always be our goal—and the righteousness of our cause must always underlie our strength. For as was written long ago: 'Except the Lord keep the city, the watchman waketh but in vain.' "

[10] "But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence." Zorach v. Clauson, supra, 343 U.S. at 314, 72 S.Ct. at 684.

"It has been argued that to apply the Constitution in such a way as to prohibit state laws respecting an establishment of religious services in public schools is to indicate a hostility toward religion or toward prayer. Nothing, of course, could be more wrong. The history of man is inseparable from the history of religion." Engel v. Vitale, supra, 370 U.S. at 433–434, 82 S.Ct. at 1268.

"We agree of course that the State may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to religion, thus 'preferring those who believe in no religion over those who do believe.'

* * * * *

"Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment." Abington School District v. Schempp, supra, 374 U.S. at 225, 83 S. Ct. at 1573.

"The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home the church and the inviolable citadel of the individual heart and mind," Id. at 226, 83 S.Ct. at 1574.

[11] "Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause. * * *" Engel v. Vitale, 370 U.S. 421, at 430, 82 S.Ct. 1261, at 1266, 8 L. Ed. 2d 601. "Hence it is necessary in a free exercise case for one to show the coercive effect of the enactment as it operates against him in the practice of his religion." Abington School District v. Schempp, 374 U.S. 203, at 223, 83 S.Ct. 1560, 10 L.Ed. 2d 844.

[12] For a lucid comment on the problem generally, see Ramsey, "Teaching 'Virtue' in the Public Schools"—Religion and the Public Order, pp 37–8 (edited by Giannela, 1963).

"Voluntary or prescribed readings may be edifying without being devotional and no less educational than instruction about the history of religion.

* * * * *

"From Plato and Aristotle to our own time, one question that may never have been answered conclusively is: Can virtue be taught? Our achievement is no longer to ask the question, but to proceed upon the unexamined assumption that the way to teach virtue is to inform and discipline what we mistakenly called the 'intellect.'

"In response to the Court's prayer and Bible-reading decision, should there not be numerous and radically new experiments in public education on how to teach anybody to become someone? It is incidental that in the course of this the pupils might glimpse for the first time the meaning in the fact that one who has borne the human countenance became someone by first becoming and being religious. They might learn, in an entirely free, unimposed, and unembarrassing way, what religion is all about. Then the public schools could remain entirely secular, without secularizing."

> four quarters of the earth and brought with them a diversity of religious opinion. Today authorities list eighty-three separate religious bodies, each with memberships exceeding 50,000, existing among our people, as well as innumerable smaller groups.

We have today in America three major religious groups. One may be designated as Protestants, another may be designated as Catholics, and the third may be designated as Jewish.

Our country can derive great strength from our diversity of religious beliefs, if we maintain the principle that all men of all faiths are to enjoy freedom of religion without let or hindrance from government. On the other hand, the diversity of our religious groups may operate as a divisive force if, under our system of government, each of these groups may strive to control a State or a school board for the purpose of imposing its particular religious beliefs upon the schoolchildren attending public schools.

The decisions of the majority in the Engel case and the Schempp case remove this temptation from our three major religious groups and from all other religious groups by saying that the state must keep its hands off religion, and religion must keep its hands off the state.

When James Madison wrote his great "Memorial and Remonstrance Against Religious Assessments," he had something to say on this point. I quote these words of James Madison from his "Memorial and Remonstrance Against Religious Assessments":

> [I]t is proper to take alarm at the first experiment on our liberties. . . . Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

The great English poet, Alfred Tennyson, has his immortal character, Ulysses, say this:

> I am a part of all that I have met.

That statement, of course, is a recognition of the fact that each man is, in part at least, a product of his environment. I believe that each man is also, in part at least, a product of heredity. Hence we can say, and must say, that in addition to being a part of all that we have met, we are also a part of all that our ancestors have met.

Some of my ancestors were among the Scottish Covenanters who were run down and murdered upon the crags and moors of Scotland because they dissented from the doctrines of the established church in that land. Others of them were Scotch-Irish Presbyterians, who were denied political and religious liberty in Ulster. Some of them were among the Huguenots, who were massacred in France merely because they worshipped Almighty God according to the dictates of their own consciences instead of the dictates of the ecclesiastical and political rulers of France. Some of them were English Pilgrims, who were driven from their native England by way of Leyden, Holland, to Plymouth, because they did not want to use the prayers which the Church of England had inserted in the prayer book established by the act of Parliament. Some of them were Quakers, who were despised because of the simplicity of their religion and way of life.

All of them came to America to obtain the simple right to bend their own knees and raise their own voices to their own God in their own way. I believe their experiences had some relation to the creation of my abiding conviction that religious liberty is the most precious of all freedoms.

I think that the greatest book, from a literary as well as from a religious standpoint, ever made available to mankind, is the King James version of the Bible. As soon as my forebears obtained the King James version of the Bible, they adopted it as a guide for their religious faith, and they recorded within its covers their marriages, their births, and their deaths. They found something within that old Book which revealed to them the promises of God, and something which made them fear God and nothing else. I think that perhaps they found there what Annie Johnson Flint has described for us in her little poem entitled "What God Hath Promised":

> God hath not promised
>   Skies always blue,
> Flower-strewn pathways
>   All our lives through;
> God hath not promised
>   Sun without rain,
> Joy without sorrow,
>   Peace without pain.
>
> But God hath promised
>   Strength for the day,
> Rest for the labor,
>   Light for the way,
> Grace for the trials,
>   Help from above,
> Unfailing sympathy,
>   Undying love.

I covet freedom of religion for all men. Let them study their holy writings and meditate upon their teachings without let or hindrance from government. I cherish this freedom for myself as well as for others.

I find these words of the ancient Hebrew Psalmist in the King James version of the Bible:

> The heavens declare the glory of God; and the firmament showeth his handywork.

I look at the universe and behold with wonder the lifegiving sun, which rises in the east at morn, travels across the sky by day, and sets in the west at eventide; the galaxies of stars, which twinkle in the infinite heavens; the clouds, which bring the soil-refreshing rain; the majestic mountains with hills at their knees; the rivers, which water pleasant valleys and fertile plains and run endlessly to the sea; the tall trees, which lift leafy arms heavenward to pray; the arbutus and dogwood, which brighten springtime, and the marigolds and roses, which ornament summer; the glory of the leaves and ripened crops of autumn; the crystal snowflakes, which descend so gently in winter; and the other beautiful things past numbering, which adorn the earth.

I note with awe the order and regularity of the processes of life and nature as the tide ebbs and flows, as the harvest succeeds the seedtime, and as the heavenly bodies move in their orbits without mishap in conformity with natural laws. I observe with reverence that, despite the feet of clay on which he makes his earthly rounds, man is endowed with the capacity to obey conscience, exercise reason, study holy writings, and aspire to righteous conduct in obedience to spiritual laws.

On the basis of these things, I affirm with complete conviction that the universe and man are not the haphazard products of blind atoms wandering aimlessly about in chaos, but, on the contrary, are the creations of God, the Maker of the universe and man.

Religion adds hope to man's desire for immortality. This desire is not to be attributed simply to the egotism of men, or their fear of the unknown beyond the grave, or their repugnance to the thought of their nothingness after death.

The pessimistic philosopher Schopenhauer was sadly in error in his caustic comment that "to desire immortality is to desire the eternal perpetuation of a great mistake." The longing for immortality is prompted by most meritorious motives.

Life on earth at best is all too short and unfinished. Man entertains high hopes for an abundant life with his loved ones, and undertakes worthwhile things for them and his generation. His high hopes vanish as he is robbed of those he loves by death, and his hands drop the working tools of life while his undertakings are incomplete.

As a consequence of these things, our hearts cry out that there must be some place after life's fitful fever is over where tears never flow and rainbows never fade, where high hopes are realized and worthy tasks are accomplished, and where those we "have loved long since and lost awhile" stay with us forever.

I revere religion. I revere religion because it gives us these promises and this hope. I would protect and preserve the right of freedom of religion for all men.

In closing, I ask these questions: Why did the Founding Fathers incorporate freedom of religion in the first amendment? What purpose did the Founding Fathers have in view when they did this?

The answer to these questions, it seems to me, appears with great clarity in the opinion of the late Justice Jackson in *West Virginia Board of Education* v. *Barnette*, 319 U.S. 624, 638.

I read what he has to say on this point:

> The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to * * * freedom of worship * * * and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

Let us keep it that way. Let us preserve for all Americans of all generations the right to bow their knees and lift their voices to their own God in their own way.

We can do this by standing by the first amendment as it has been written and interpreted.

I close with a prayer that the Senate will do exactly this and no more.

Mr. President, I yield the floor.

Mr. HART. Mr. President, before the Senator yields the floor, will he yield to me?

Mr. ERVIN. I yield to the Senator from Michigan.

Mr. HART. Mr. President, I thank the Senator from North Carolina for discussing in the thoughtful, sound fashion that he has, a question that in long term perhaps overrides the subject matter that we have been engaging ourselves in for the last couple of weeks.

There is a lot less drama in our treatment of the 1st amendment than there is in our treatment of the 14th amendment in the area of civil rights. But I fear that there is apt to be just as much oversimplification of our responses to pressures in respect of the 1st amendment as there are, on occasion, in respect of the 14th.

I shall not detain the Senator from North Carolina more than to thank him and to say that I hope the counsel he offered will be accepted by the majority. It certainly is by me.

We, each of us, are our own judges of our consciences and the degree to which we can be identified as religious men and women. But I think we advance religion's cause and denominational causes and society not a bit by undertaking to issue advisory opinions here as to what the Supreme Court has told us the first amendment permits and prohibits.

I am grateful that the Senator from North Carolina should have given the time and thought that he has to this subject.

Mr. ERVIN. I express my deep gratitude to my good friend from Michigan. I know he shares my concern about the problem and the issue now confronting the Senate.

I have the highest respect for the good work which my good friend from Indiana [Mr. BAYH] has done as chairman of the Subcommittee on Constitutional Amendments. I trust that he will pardon me if I say that I agree with the observation made by the Senator from Michigan [Mr. HART] that even the resolution to be proposed by the Senator from Indiana ought not to be adopted because it is, in effect, a proposal that Congress in its collective capacity usurp and exercise a power it does not possess in such capacity, namely, the power to tell the people of America what the Supreme Court has decided. Each Senator has a right to express his opinion on that point, but I would question the authority of the Senate as a collective body to do so.

Mr. BAYH. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am glad to yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I should like to make the observation that the Senator in his recounting of the development of the first amendment provision has rendered the Senate a significant service.

There is a great feeling permeating the grassroots of this country that the bulk of our colonies were founded to establish freedom of religion, but, as the Senator from North Carolina pointed out, many of our colonists came here not to get freedom of religion, but freedom to establish their own religion.

The Senator from North Carolina has pointed out the fact that many of the original Colonies subsequently became States, but while they were Colonies, they did have colonial religion. Thus, it was our great forebear James Madison who insisted that we establish the first amendment, and to him we are deeply indebted, just as we are indebted to the Senator from North Carolina for pointing out this historical background of the first amendment. It is as lucid a recitation of the development of this amendment as I have heard.

Mr. ERVIN. I wish to thank my friend, the Senator from Indiana, who, as chairman of the Subcommittee on Constitutional Amendments, has given most serious thought to the proposed Dirksen amendment, and who has become in his own right an expert in this particular field of our national life.

Mr. BAYH. The historical development of the first amendment ranks high in the annals of the Senate, so far as enlightenment is an important area of our country's concern.

I shall not discuss at length the feeling of the Senator from North Carolina. However, I believe that Congress can make a contribution to clear the air, to try to undo some of the confusion which exists in the country today—and it cannot be denied that confusion exists.

I would be the first to say, as I did in conversation with the Senator from Michigan [Mr. HART], that Congress dare not jump into the arena every time there is controversy about a Supreme Court decision. But in the particular area of school prayer, an unusually sensitive spot has been struck, and we find a great deal of heat without much light. All I suggest in my proposal, which I shall ask the Senate to consider tomorrow, is that we shed a bit of light in this area.

I should like to ask the Senator from North Carolina, if he has the time to do so, to speak once again about one or two of the specific areas.

As a result of the Senator's study of the Schempp case and the Vitale case, which dealt with the New York Board of Regents, and the prescription by the Pennsylvania and the Maryland Legislatures of religious ceremonies—the courts said this shall not be allowed; this is the only thing involved—does the Senator feel that the holding of baccalaureate ceremonies around graduation time are prohibited?

Mr. ERVIN. I do not.

Mr. BAYH. I agree 100 percent. Yet, as the Senator from Illinois correctly pointed out, this is an interpretation that has been put on it. I think, erroneously so.

Mr. ERVIN. During the course of my remarks I stated that much of the consternation which had arisen in the country arose not out of the majority opinion in the Engel case and not out of the majority opinion in the Schempp case, but arose out of the concurring opinion of Justice Douglas in the Engel case.

I think that Justice Douglas, in his concurring opinion, went far beyond the scope of the case. Indeed, I think he went far beyond logic. If a man starts to travel north on a road that leads to an overhanging cliff down which he can only tumble, I do not think that logic compels him to continue his journey until he falls over the edge of the cliff. In fact, I think that logic such as that is somewhat illogical, if I may use that term.

Mr. BAYH. I must say that I agree wholeheartedly with my friend, the Senator from North Carolina.

Anyone who has read this decision, or who has read 20 pages of these almost 900 pages of our hearings, knows how ridiculous it is. But they have not had this opportunity.

The Senator from North Carolina mentioned that in his judgment voluntary prayer—certainly, I would say silent meditation—was not dealt with by the court.

I should like to have the Senator's thoughts concerning some other specific points that the Senator from Illinois raised yesterday:

First, the flying of a banner that contains "under God";

Second, the saying from this rostrum every morning of an invocation;

Third, the provision by the Federal Government, the U.S. armed services, of chaplains for the armed services.

The Senator from Illinois would lead us to believe that a logical interpretation of the Supreme Court decision would prohibit these things. What does the Senator from North Carolina have to say about this?

Mr. ERVIN. I would say in reference to chaplains for the armed services, that we have a situation in which men go from their homes and absent themselves from their customary places of worship in order to serve their country. The first amendment says, among other things, that Congress shall pass no law prohibiting the free exercise of religion. I think that when Congress makes provision for chaplains in the Armed Forces, all Congress is doing is making it possible for these men freely to exercise their religion. There is no compulsion for them to go to a chaplain, and each is free to go to the chaplain of his choice.

Therefore, Congress is merely recognizing their right to worship freely, even though they are in the Armed Forces.

Mr. BAYH. May I ask the Senator if he is familiar with the Stein against Oshinsky case, which was appealed in the Second Circuit?

Mr. ERVIN. I have read the case, but not with the care with which I have read the Engel and the Schempp cases.

Mr. BAYH. I have a copy of the report here. I should like to read some excerpts from it, because the Senator from Illinois and, indeed, many other thoughtful Senators and well-meaning school officials have based their fear in the outlawing of voluntary prayer on the Stein against Oshinsky case. This case was brought to the Supreme Court, and certiorari was denied. The Senator from Illinois said yesterday that because certiorari was denied, that means per se that the Supreme Court is going to outlaw voluntary prayer.

Permit me to reconstruct the case: In the school district in question, the principal ordered his teachers to stop the saying of any prayer in any classroom. The prayer was one of these milk-and-cookie prayers, such as:

> God is Great, God is Good and We Thank Him for Our Food, Amen!
>
> Thank You for the World so Sweet,
> Thank You for the Food We Eat,
> Thank You for the Birds that Sing—
> Thank You, God, for Everything.

Why he said that, I do not know. But the inference was that he interpreted the Supreme Court decision to outlaw this; and he, as the chief administrator in that school, said, "You shall not say the prayer."

The parents of 13 or 14 children in the school then brought a court action to require the principal to reinstate the prayer. In other words, the parents said that it is a violation of their right to free exercise of religion for the principal to deny it. Then the Court said:

> We shall assume, *arguendo,* in plaintiffs' favor that the Establishment Clause would not prohibit New York from permitting in its public schools prayers such as those here at issue. Nevertheless New York is not bound to allow them unless the Free Exercise Clause or the guarantee of freedom of speech of the First Amendment compels.

The Court stated further:

> Determination of what is to go on in public schools is primarily for the school authorities. Against the desire of these parents that their children "be given an opportunity to acknowledge their dependence and love to Almighty God through a prayer each day in their respective classrooms," the authorities were entitled to weigh the likely desire of other parents not to have their children present at such prayers, either because the prayers were too religious or not religious enough; and the wisdom of having public educational institutions stick to education and keep out of religion, with all the bickering that intrusion into the latter is likely to produce.

Given this brief excerpt, it would seem to the Senator from Indiana that the court was deciding in the Oshinsky case that the school officials would decide what the curriculum is going to be, and not a handful of parents; and that the fact that the court denied certiorari does not necessarily mean they would not rule the other way if the issue of voluntary prayer and its constitutionality was in question.

This has been only a sketchy recitation, but on the basis of this brief recitation, would the Senator from North Carolina give us his opinion?

Mr. ERVIN. I find myself in complete agreement with the Senator from Indiana [Mr. BAYH], on that point. Furthermore, I would say the fact that the Supreme Court declined to grant certiorari and review the decision of the court of appeal means nothing insofar as the Supreme Court is concerned. The Supreme Court has stated on many occasions that its refusal to grant certiorari does not mean that it expresses any opinion whatever with respect to the case it refuses to review. It is manifest that the Supreme Court could never complete its task if it had to review every case brought to it. This is so because there are 50 State supreme courts whose decisions are subject to review by it on constitutional grounds, and there are a multitude of U.S. circuit courts and three-judge Federal district courts throughout the United States whose decisions are subject to review by it on general grounds.

Mr. BAYH. Mr. President, will the Senator yield for one last question?

Mr. ERVIN. I yield.

Mr. BAYH. In considering the main reason for the constitutional amendment which is to permit voluntary prayer in public schools, does the Senator think that there is any reconcilable difference which would permit the Court to say, on one hand, that there is the right and authority of public school officials to determine the curriculum and still permit voluntary prayer?

Mr. ERVIN. As I interpret the opinions, none of them deal with the subject of voluntary prayer. All they do is to hold that under the establishment of religion clause, the State cannot require religious exercises to be conducted in the public schools. Under the decision in the Zorach case, parents of children who wish for their children to receive religious instruction at the hands of teachers provided by them can do so under a released time program; and under Reed against Van Hoven schoolchildren can engage in voluntary religious exercises before or after the termination of the regular curriculum for the schoolday.

Mr. BAYH. I suppose that one could take that great address that the Senator from North Carolina [Mr. ERVIN] made and with some difficulty compress it into one doctrine; namely, that the Supreme Court decisions have not outlawed voluntary school prayer.

Mr. ERVIN. I agree with the Senator from Indiana [Mr. BAYH] perfectly in that observation.

Mr. BAYH. I thank the Senator from North Carolina.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAYH. Mr. President, I would like to propose a unanimous-consent agreement.

The **PRESIDING OFFICER.** The unanimous-consent agreement will be stated.

The legislative clerk read as follows:

> *Ordered,* That on Wednesday, September 21, immediately after the prayer and during the further consideration of Senate Joint Resolution 144, time on the Bayh substitute amendment for the Dirksen substitute amendment to Senate Joint Resolution 144 be limited to 1 hour, the time to be equally divided and controlled by the junior Senator from Indiana [Mr. BAYH] and the junior Senator from Illinois [Mr. DIRKSEN] and that the time on any other amendment be limited to one-half hour, to be equally divided between the proponent of the amendment and the junior Senator from Illinois [Mr. DIRKSEN], or whomever he may designate, and that the time on the Dirksen amendment be limited to 1 hour, to be equally divided and controlled by the junior Senator from Illinois [Mr. DIRKSEN] and the majority leader, and that the vote on final passage of Senate Joint Resolution 144 be taken not later than 3 p.m.

The **PRESIDING OFFICER.** Is there objection? Without objection, the order is entered.

The unanimous-consent agreement later reduced to writing is as follows:

UNANIMOUS-CONSENT AGREEMENT

> *Ordered,* That immediately after the prayer on Wednesday, September 21, 1966, during the further consideration of Senate Joint Resolution 144 (authorizing the President to designate October 31 of each year as National UNICEF Day), debate on the substitute amendment offered by the Senator from Indiana [Mr. BAYH] for the substitute amendment offered by the Senator from Illinois [Mr. DIRKSEN] to the joint resolution (S.J. Res. 144) be limited to 1 hour to be equally divided and controlled by the Senator from Indiana [Mr. BAYH] and the Senator from Illinois [Mr. DIRKSEN] and that the time on any other amendments (except the substitute by Senator DIRKSEN) be limited to one-half hour to be equally divided and controlled by the proponent of the amendment and the junior Senator from Illinois [Mr. DIRKSEN] or somebody designated by him.
>
> *Ordered further,* That debate on the substitute amendment by Mr. DIRKSEN be limited to 1 hour to be equally divided and controlled by the Senator from Illinois [Mr. DIRKSEN] and the majority leader [Mr. MANSFIELD], and that the vote on final passage of the joint resolution be taken not later than 3 o'clock on Wednesday, September 21.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. YOUNG of Ohio in the chair). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, yesterday in this Chamber I had the great privilege of listening to our distinguished minority leader's words of conviction and of dedication to a cause of great concern to us and our Nation. I listened with respect—indeed, with admiration—to Senator DIRKSEN.

I follow his leadership, and cosponsor his proposed constitutional amendment which would allow for the spiritual growth and development of the young people of our Nation.

Since my election to the Senate in 1962 I have been greatly concerned about the Supreme Court's decisions that have denied our young schoolchildren the opportunity of acknowleding the presence of God by prayer in our public schools. It is not my purpose or intention to unduly criticize the Supreme Court; this distinguished body knows of the Court's decisions relating to school prayer. I will not review those facts with you. Rather, I think we should address ourselves to the need for change—and that change will, by necessity, have to come about through a constitutional amendment. Let me address myself to this need.

History is replete with evidence that our Nation is a nation founded because of a profound love of God and a desire to have freedom to worship him. The drafters of our Constitution, which has stood the test of time, supplicated for Divine guidance. And I believe with many Americans that our Constitution truly was inspired. The wording of our many historical documents and patriotic songs is further evidence of our reverence for God. We have all grown up under this great heritage; we have sung that song, "Our fathers' God to thee, Author of liberty, to Thee we sing," and "God bless America, land that I love." We have all approved with pride and uttered with sincerity the Pledge of Allegiance to our Flag, and have spoken along with our fellow Americans that this is truly "one nation under God."

Thomas Jefferson said:

> God Who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God?

And in 1798 John Adams made the following proclamation:

> As the safety and prosperity of nations ultimately and essentially depend on the protection and the blessing of Almighty God, and the national acknowledgement of this truth is not only an indispensable duty which the people owe to Him, but a duty whose natural influence is favorable to the promotion of that morality and piety without which social happiness can not exist nor the blessings of a free government be enjoyed.

We find expressions of reliance upon Divine Providence in the Mayflower Compact of 1620; in the Declaration of Independence of 1776; in the Constitutions of all but one of our States; in our national anthem, 1931; in the Pledge of Allegiance to the Flag, 1954; in the national motto inscribed upon our currency, 1955. Truly, we have been a nation that has trusted in God.

In addition to the abundance of evidence that clearly establishes this Nation as a religious one, the Supreme Court in 1952, in *Zorach* v. *Clauson* (343 U.S. 306, 313), recognized the fact, when it said:

> We are a religious people whose institution presupposes a Supreme Being.

The framers of our Constitution and the builders of our Republic wisely provided for our religious freedom and the separation of church and state, but not in the separation of God and state, or in the separation of God and the individual.

The first amendment now provides, in part:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

This amendment is held applicable to each State of the Union under the provisions of the 14th amendment. Thus, we are protected from the establishment of an official church on either the national or local level. But this does not mean that we are to create a spiritual vacuum or to deny the reference to God or reliance upon Him.

Mr. President, there can be no neutrality when it comes to a belief in and a reliance upon God. If the Government, through a decision of the Supreme Court, forces upon the people a "neutral position," to use the Court's words, we are then, in effect, denying the existence of the power and the influence of the Almighty. This is wrong, and will lead to the further decay of morality in this country.

The primary responsibility, of course, for teaching religious principles and truths must be in the home and in the church. I do not believe that the Government should teach theology; but neither do I believe that the Government should deny the spiritual growth of its people. I do believe that the Government must be neutral as between the denominations and sects of the religious. But the Government cannot be neutral as between those who believe in God and those who deny Him.

The proposed constitutional amendment that we are discussing today simply states that no entity shall deny the voluntary participation by students in prayer. This is consistent with the American dream, the fundamental freedoms which were granted to this country, and for which this country was created.

We are a nation which allows the individual the freedom to worship or not to worship, according to the dictates of his conscience. But since we are a religious nation, and since the great majority of Americans do believe in the sacred privilege of communicating with God through prayer, is it not truly desirable that this body of distinguished men and women representing all people of this great Nation, vote favorably upon this constitutional amendment which would allow voluntary participation in prayer in our public schools?

Are we becoming so weak that we cannot strive to retain the faith that has made America great? If so, then truly the old axiom applies:

> More harm is done by the weak than by the wicked.

"Faith without works is dead," the Bible tells us. Let us not only make our faith work, but let us work to restore faith to this Nation.

In this time, we are bombarded by the unhappy pronouncements of the "Deniests." "God is dead," we hear. But I have always been taught, both in church and in the schools of my youth, that if God is dead, then love, too is dead. I cannot believe this, and I cannot believe that our Nation will tolerate such denial.

I give you two views on prayer, two views which I consider particularly germane to this discussion. One is Lenin's view:

> We will never succeed—with Communism—until we have removed the myth of God from the minds of the masses.

Contrast this, if you will, with Evangelist Billy Graham, who said during a Los Angeles crusade in September of 1963:

> Some day there may be a march on Washington to put the Bible back in the schools. Our forefathers never meant freedom from God when they said religious freedom.

Mr. President, I have worked long and hard on this matter. I sponsored a Constitutional amendment in a previous Congress and I have spoken frequently on the subject. On April 5 of this year, I introduced Senate Joint Resolution 152, which would authorize the President of the United States to proclaim a National Day of Prayer.

Mr. President, the amendment before us will help satisfy the need which this Nation has for a return to the religious faith of our Founding Fathers. It will permit us to maintain separation of church and state without separating God and state. It will fill the existing vacuum and will restore a segment of our heritage. It will give America a new birth of freedom, now so sorely needed. It will help to perpetuate the rich religious heritage which this God-loving country has enjoyed.

As William Penn so eloquently observed:

> Unless man choose to be governed by God, they condemn themselves to be ruled by tyrants.

Mr. EASTLAND. Mr. President, it is indeed ironic that the U.S. Senate may open its sessions with a prayer and yet our school children are denied by the Supreme Court ruling this privilege.

Indeed, not only is prayer recognized by this august body, but we have set aside a place here in the Capitol to be used for prayer and meditation.

If the Supreme Court's ruling that prayer in public schools is unconstitutional, then it would appear that the establishment of a chapel in the Nation's Capitol is also an unconstitutional expenditure.

From the very beginning of this country a belief in God and the right of men to worship as they saw fit was the driving energy, not only behind the colonization, but was the guiding spirit in our war for independence.

Our pilgrim forefathers placed their trust in God and suffered great hardships to preserve their right to worship.

Mr. President, the signers of the Declaration of Independence felt in drafting that historic document that it could not be complete without a reference to God.

I do not believe there is one American who is not proud of the great traditions of our country and of the high moral fiber of its founders. I personally have always been inspired by the thought of General Washington kneeling in prayer at Valley Forge during that bitter winter when the fortunes of the American Army were at a low ebb.

Mr. President, we are now considering a proposed amendment which would allow our children the right of prayer on an individual and voluntary basis.

We live today in a world made terrible by technological progress, a world of great stress and of hectic routine. If ever people needed the comfort of prayer it is needed today.

The foundations of our country are without question in the youth of our Nation.

Certainly we would be remiss if we failed to give them the opportunity provided by the legislation we are considering. We are doing no more than preserving the right which so many Americans have died on foreign battlefields to preserve.

Mr. President, we must amend the Constitution to correct the Court's decision on prayer. It is necessary that we do so. The right of prayer is fundamental to our Government and to our civilization.

I have always believed in the people's right to exercise their will through legislative processes and I think the time has come to offer to them this long desired change.

Mr. President, I support the Dirksen amendment.

Mr. SALTONSTALL. Mr. President, as a cosponsor of Senate Joint Resolution 148, I should like to say a word or two about it. This proposed constitutional amendment would permit voluntary prayer by students in public schools. If Congress passes it, of course it will have to be ratified by three-fourths of the States. So unless there is widespread public sentiment in behalf of the proposal—and on the basis of my mail and what I read and hear, I am convinced that the public heartily endorses Senate Joint Resolution 148—it will not become part of our Constitution. It is an important matter, however, and one of interest and concern to us all. I am glad that the Senate is providing this opportunity to discuss it.

Let us be clear about what is involved. The Dirksen proposal, which I have cosponsored, says that nothing in the Constitution prohibits the authority administering any school, school system, educational institution, or other public building supported in whole or in part through the expenditure of public funds from "providing for or permitting the voluntary participation by students or others in prayer." It does not permit the administration, however, to prescribe the form or content of any prayer. Local administrators of schools and public buildings could decide for themselves whether prayer would be permitted and could provide for it. But the prayer would have to be voluntary. Students could not be forced to participate.

Recent decisions of the Supreme Court interpreting the first amendment to our Constitution have led to misunderstanding and confusion as to what the Court did and did not say and as to what is permissible and what is prohibited.

It seems to me that a constitutional amendment such as that proposed by the Senator from Illinois is highly desirable to clarify the situation. Of course, we want to be careful in amending our Constitution. We want to confine such amendments to fundamental principles. But I believe this issue to be fundamental. Certainly, I am not one of those who has attacked the Supreme Court of the United States. I believe in its integrity, and I believe in the position of the judiciary as a separate and equal branch of government dedicated to the preservation of our freedom and our way of life. I do not always agree with its judgment, but I respect the men who sit on the Court.

I personally do not think it wise to have a public authority prescribe the form or content of prayer, but I do believe an individual should have the right to participate in prayer. We know that important differences exist in the religious beliefs of the citizens of our country, and we would not want to make conformity part of our tradition. But as a boy in school I always started my day with a prayer and a reading from the Bible by the headmaster, and I believe it got us off to a good start. Further, I think it was a valuable experience which helped instill in those of us who participated the desire to do right and to carry forward in the best interests of our community and our country.

I believe in prayer and the strength and help it provides, and I believe that it is important for our young people in their formative years to be encouraged, although not required, to stop and reflect. A nondenominational prayer in the schools can be helpful, in my opinion. At the very worst, it would not be harmful. This proposal encourages our young people to believe in and to draw strength from spiritual worship, and Senator DIRKSEN is to be commended in advancing the proposal.

There have been many expressions of support from my own State. Cardinal Cushing has written in support of it and of the importance of prayer in our daily lives. Earlier this year, the Massachusetts State Legislature sent to Congress a resolution supporting it, just as it had done 2 years ago. I include that resolution at this point in my statement:

> Whereas it is the will and desire of the majority of our citizens to recognize the existence of God and our dependence on Him; and
>
> Whereas the recital of voluntary prayers in our public schools will accomplish that purpose and will help maintain traditions cherished by so many of our citizens: Now therefore be it
>
> *Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation presenting to the States a proposed constitutional amendment permitting the recital of a non-sectarian prayer in our public schools.

Dean Griswold, the highly respected dean of the Harvard Law School, has also written of the value of prayer in our schools.

Since the earliest days of our country, schools have permitted prayer, and there has been no thought that such activity was leading to a state church. I respect the argument of those who are concerned about this amendment, but I believe that their fears are unfounded, and I hope very much that the Senate will adopt this resolution.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BAYH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPORT DUTIES ON RUBBER FOOTWEAR

Mr. PASTORE. Mr. President, issues of great moment affecting the lives and the livelihood of the American worker are decided daily by Federal Administrative Agencies—often with scant publicity.

Hearings of such consequence were held this week before the U.S. Tariff Commission. Their outcome is of vital concern to the State of Rhode Island and the Nation as a whole.

These hearings were scheduled at the request of Governor Herter, our special representative for trade negotiations. Their purpose was to secure information for Governor Herter on the probable economic effect on the domestic rubber footwear industry of proposed changes in import duties imposed on foreign fabricated rubber footwear.

Governor Herter requested this information in order to advise the President on our future import policy with respect to this footwear.

The hearings raise two questions of concern to the domestic industry.

First. Should we eliminate the American selling price method of assessing duty on imported rubber-soled footwear—which has been the rule under law since 1933—and substitute a straight ad valorem rate of 58 percent?

Second. Should this type of footwear be subject to GATT bargaining and a possible duty cut of up to 50 percent?

The answer to both of these questions, to my mind, is an emphatic no, if we wish to affirm our support for an essential domestic industry—one that has already suffered from excessive imports.

I am concerned because two of the major manufacturers of rubber footwear in the United States are located in the State of Rhode Island. And I might say for the benefit of other Senators that representatives of these two firms have been in constant communication with my office over the years, because of the excessive importation of rubber wear.

One of them, of course, is the Bristol Manufacturing Co., which has a plant in the town of Bristol. The other is the U.S. Rubber Co., which produces rubber footwear in the city of Woonsocket. These companies are both vital to the Rhode Island economy—as a matter of fact, they are the largest employers in Bristol and Woonsocket, respectively, and the largest taxpayers as well.

Any decrease in the duty rate of rubber-soled footwear will flood the American market with the foreign-made products, and will do irreparable harm to our domestic rubber industry.

The Commission, Governor Herter, and the President, must realize the economic effect this will have on cities in the United States with rubber footwear plants, and what harm it will do to the economy of my own State.

In regard to the economic effect of these proposals, I think a review of the history of the American selling price method of evaluation would be helpful.

The American selling price method of imposing duty was first applied to imported rubber footwear in 1933. This action resulted from an investigation by the Tariff Commission into the cost of production in this industry both at home and abroad.

Over 30 years ago the Commission recommended that the differentials in cost of production—and I mean basic labor costs—were so great that a duty increase to the fullest extent then permitted under the law—50 percent—would not be adequate to allow the American manufacturer to compete fairly in our home market with products from abroad.

The wage differentials between American manufacturers and foreign producers are certainly as great today as they were 30 years ago. I cannot understand, therefore, how the Commission could justify the revocation of the policy which we adopted in 1933 to protect our domestic workers.

I am greatly concerned that in the proposed conversion from the American selling price, the American workers and the domestic industry will lose some of the protection Congress provided for them in the Tariff Act of 1930. Both the manufacturers and the unions believe that they will. They are not satisfied—nor am I—that the Commission has taken the proper base—or a broad enough base—in averaging applicable duties.

The proposed rate of duty is based on new procedures of the Treasury Department—which the Treasury admits have resulted in a reduction of 35 percent in duties collected.

As a result we have pending in Congress several bills which would reverse the action of the Treasury. Under the circumstances this is not the time to consider such a drastic change in the method of assessing duty on rubber footwear.

Now the Commission is considering also whether or not rubber footwear should be included in the Geneva tariff negotiations. I do not believe that the industry is in a position where it can withstand any further reduction in duties on competitive imports.

Foreign manufacturers have already captured a disproportionate share of the domestic market. Our American industry has long lost its export market. We can no longer compete abroad—not because of any lack of enterprise on the part of American manufacturers but simply because of American labor's high standard of living.

The basis of this high standard of living, of course, is our high wage level. Rubber footwear requires a greater ratio of labor in production than most industries. Wages represent between 45 and 50 percent of the cost of production of rubber footwear in the United States. It is true that a high ratio of labor is needed overseas to produce rubber footwear but the big difference is in the way we pay labor in this country.

I believe that it is essential that we preserve our high standard of living. We must protect the jobs of our American workers. Under the present import duties on rubber footwear the impact of imports has been immense.

We have already lost one manufacturer in Rhode Island—the Goodyear Footwear Corp.—and there have been losses of jobs in other companies. The details have been provided to the Tariff Commission by spokesmen for the labor unions.

We have only to scan the witness list at the Tariff Commission hearings to understand the problem. Representatives of the American footwear industry and American labor testified as did representatives of their foreign competition.

Let us this once resolve the question in favor of the American worker.

I hope that the Tariff Commission and Governor Herter, and all those responsible for making the decision, will consider very long and very deeply the interests of our American workers. There is no man, in my opinion, who should understand this problem better than Governor Herter, who used to be the Governor of the State of Massachusetts. I would hope that in our desire and our intent to obtain an agreement with GATT, we do not bargain away the birthright of the American worker.

I urge the Tariff Commission and Governor Herter to retain the American selling price method of valuation and to remove rubber footwear from any consideration for further tariff reductions.

Mr. President, I submitted a statement to the Tariff Commission, and I ask unanimous consent that that statement be printed in the Record at this point, as a part of my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator John O. Pastore, Democrat, of Rhode Island, Before the U.S. Tariff Commission, September 19, 1966

Mr. Chairman, your Commission has under consideration today a matter which is of serious concern to me and to the State of Rhode Island. The purpose of this hearing is to determine the probable effects of a proposed change in the method of assessing import duty on rubber footwear, and of a further reduction in the rate of duty on such footwear. The first part of your inquiry involves the elimination of the American Selling Price method of assessing duty on imported rubber-soled fabric footwear and the substitution of a straight 58 percent ad valorem rate. The second phase is directed to a determination of whether or not this type of footwear should be put on the GATT bargaining table where it would be subject to a duty cut of up to 50 percent, pursuant to the provisions of the Trade Expansion Act of 1962.

I appreciate this opportunity to submit to you my views on these points, and to explain my deep interest in your investigation. We have in my State two of the major manufacturers of rubber footwear, Bristol Manufacturing, of Bristol, and the United States Rubber Company. The latter has plants in both Providence and Woonsocket. Its rubber footwear producing facilities are located in Woonsocket.

These companies are vital to the Rhode Island economy. In both Bristol and Woonsocket, they are the largest employers and the largest taxpayers. It seems to me that it is important to keep in mind during your deliberations whether or not the rubber footwear industry and the general economy would be adversely affected by either of the two proposed changes in tariff treatment on imported rubber footwear.

Through a provision of the Tariff Act of 1930, the American Selling Price method of assessing duty was applied to imported rubber footwear in 1933. This action followed an investigation by your Commission into the costs of production in this industry as well as in the exporting countries. It was this Commission's recommendation at that time that the differentials in costs of production, chiefly labor costs, were so wide that a duty increase to the fullest extent then permitted under the law, 50 per cent, would not be adequate to allow the American manufacturers to compete on a fair basis in their home market with products from abroad.

Those costs of production and wage differentials between the American manufacturers and the producers in the leading exporting countries are as great today—possibly greater—than they were at the time of this Commission's investigation. Under these conditions, there appears to be no justification for revoking the policy you recommended more than 30 years ago.

I am greatly concerned that in the proposed conversion from American Selling Price to an ad valorem of 58 per cent, the domestic manufacturers may lose some of the protection Congress meant for them to have. The manufacturers feel they will. They are not satisfied that in its study of this matter the Commission took the proper base, or a broad enough base, in averaging the applicable duties.

Further, the proposed rate was based on new procedures of the Treasury Department, which, by the Department's admission, have resulted in a reduction of 35 per cent in the effective duties collected. Congress has before it now several identical bills seeking to reverse the Treasury action. With the atmosphere so beclouded, it hardly is the time to consider such a drastic change in the method of assessing duty on rubber footwear.

There is more clarity on the second question—whether rubber footwear could be negotiated for tariff cuts in Geneva.

This industry is in no position to withstand a further reduction in duties on competitive imports.

Importers already have taken over a disproportionate share of the domestic market. The American industry has long lost its export market and can no longer compete abroad. This is in no sense due to lack of enterprise or intelligence on the part of the American manufacturers. It is simply because of the high standard of living we have acquired in this country. The basis of that high standard is our high wage level. Rubber footwear requires a greater ratio of labor in production than most industries. Wages represent between 45 and 50 per cent of mill door costs in the United States. A high ratio of labor is needed also to make competitive rubber footwear abroad. But the big difference is in what we pay labor in this country and what they pay in foreign countries.

It is essential that we preserve our high standard of living. It is essential that we protect the jobs of American workers. Under the present import duties on rubber footwear, the impact of imports has been severe. One manufacturer of rubber footwear in my State has closed its doors—the Goodyear Footwear Corporation. There have been losses of jobs in other companies. Details on this were given to your Commission by spokesmen for the labor unions of several rubber footwear manufacturers at the hearings you held June 8 on your proposed conversion from the American Selling Price.

With the difficulties the American rubber footwear industry has been having with expanding imports for the past decade, it hardly seems necessary to comment on a proposal to subject the industry to further reductions in its tariff protection.

> But for the record, let me say that this industry needs more—not less—tariff protection. I urge you to recommend that rubber footwear *not* be considered for any further tariff reductions at the GATT conferences.

Mr. PELL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. PELL. Mr. President, I congratulate and commend my senior colleague on his leadership—just as he has already displayed it with respect to the question of textile imports—in seeking to stem the flood of foreign footwear, which can, unless braked, wash out two of the most important companies in our State of Rhode Island.

Mr. PASTORE. Mr. President, I wish to say we are developing a certain rationale in this country that some of our American industry is dispensable. And some of our foreign friends ought to know better, but that is the argument that they make. We have to understand that, bit by bit, they are chewing away at our American economy.

It is true that we are the most affluent society in the world. It is true that we probably have the largest gross national product of any country in the world. But the fact still remains that we have our share of poverty. We have our share of unemployment, although we have the largest employment rate today in the history of the country.

But we must take into account that we are fighting a war in Vietnam, and many of our workers are manufacturing the implements of war while some of our friends all over the world are manufacturing refrigerators, televisions, and radios—peacetime commodities.

The time will come, and I hope that the time will come soon, when we have peace in the world. At that time, our workers will have to be engaged in the manufacture of peacetime commodities. We might wake up to find that some of our domestic manufacturers have disappeared.

That has happened to the textile industry. It is now happening to the footwear industry.

Our boys in Vietnam need boots, shoes, and footwear of all sorts. I hope that we will not have to go scurrying around the world to buy this footwear from Japan, Italy, and other nations. We ought to insure that this footwear will continue to be manufactured right here in the United States of America.

I hope that we do not begin to bargain away, as I said before, the birthright of the American worker so that he will wake up and find that there is no job for him in our factories manufacturing peacetime goods rather than bullets and atomic bombs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO WIDER WAR

Mr. McGOVERN. Mr. President, for many months some of us in the Senate have expressed concern over the deepening involvement of American forces in the Vietnam war. The expression of that concern has been varied, unorganized, and sporadic. At times it has been timid and faltering. But it has for the most part represented the thoughtful questions and doubts of Americans deeply troubled by our Vietnam policy.

I believe that history will vindicate those who have warned against the course our Government is following in southeast Asia—especially since early 1965. Even in a great democracy such as ours, however, dissent is difficult and sometimes ineffective in competing with the din of battle and the avalanche of official pronouncements.

In 1964 the American people overwhelmingly endorsed the position of President Johnson who said: "We seek no wider war." Those who called for the bombing of North Vietnam, aerial interdiction of the jungle trails, defoliation, and a sharp U.S. troop buildup were rejected as irresponsible and trigger happy.

But for the past 2 years, we have been widening the war in virtually every conceivable manner. Our bombing planes are now hitting daily in both North and South Vietnam with a force equal to our World War II bombardment of Germany and Japan. We have 400,000 men in southeast Asia and that number is growing.

Where are we heading in Vietnam? Has the bombing worked? Are we moving toward an endless war in Asia involving eventually the Chinese and the Russians? Have we been given all the facts about the nature of our commitment and the alleged efforts to reach a settlement with the other side? What is the significance of reports this weekend that American forces are now engaged in a combat role in Thailand? Does this mean we are setting the stage for another Vietnam-type war? Was there an election mandate in 1964 against a wider war? If so, what are we to say of our fast spreading involvement since 1964?

There are questions that have been brilliantly considered by Mr. Richard Goodwin, former White House assistant to Presidents Kennedy and Johnson in a historic speech given at Washington's Statler Hotel, September 17. Mr. Goodwin, now associated with Wesleyan University, and the author of a highly discussed book on Vietnam, "Triumph or Tragedy," is one of the Nation's most brilliant young men.

His words are well worth considering. He has now called on Americans of every persuasion to unite on the proposition we accepted 2 years ago: "We seek no wider war." He advocates a national committee of citizens opposed to any further escalation of the war. In describing the purposes of such a committee, he said:

> It will not be aimed at withdrawal or even a lessening of the war in the South; although individuals who oppose escalation may also hold those views. Thus it will be open to all groups who oppose escalation in the North regardless of their position on other issues, and will be open to the millions of Americans who belong to no group but who share this basic belief and apprehension. Such a committee can provide a constant flow of objective information about Vietnam. It can keep vigil over official statements and ask the hard questions which might help separate wishful thinking from facts. It will neither be against the Administration nor for it, neither with any political party or opposed to it, neither liberal nor conservative. Its sole aim will be to mobilize and inform the American people in order to increase the invisible weight of what I believe to be the American majority in the deliberations and inner councils of government. Its purpose is to help the President and others in government by providing a counter pressure against those who urge a more militant course; a pressure for which those in government should be grateful since it will help them pursue the course of wise restraint.

Mr. Goodwin's proposal for the formation of a national committee opposed to any further widening of American military operations against North Vietnam would seem to make sense. I hope such a committee will be established. Those of us who question the wisdom of the war in the South have all the more reason to oppose its escalation in the North.

These are some of the observations advanced by Mr. Goodwin:

First. He believes that the Vietnamese war is "the most dangerous conflict since the end of World War II."

Second. He believes that our fast-spreading commitment in Vietnam "has reduced discussions about domestic America to academic discourse," and "has swallowed up the New Frontier and the Great Society" while "eroding our position throughout the world."

Third. He believes that "there has never been such intense and widespread deception and confusion as that which surrounds this war."

> The continual downpour of contradiction, misstatements, and kaleidoscopically shifting attitudes has been so torrential that it has almost numbed the capacity to separate truth from conjecture or falsehood. At one time we are told that there is no military solution, and then that victory can be ours. There are months when we talk about negotiations and months when we forget them. There are times when dissenters give aid and comfort to the enemy and times when they are acting in the greatest of our traditions. We have been reassured about efforts to reach a peaceful settlement when there is no plan or program for settlement in existence. We are given endless statistics with a numerical precision which only masks the fact that they are based on inadequate information, or guesses, or even wishful thinking. For example, if we take the numbers of enemy we are supposed to be killing, add to that the defectors, along with a number of wounded much less than our own ratio of wounded to killed, we find we are wiping out virtually the entire North Vietnamese force every year. This truly makes their continued resistance one of the marvels of the world. Unless the figures are wrong, which of course they are. We are told the bombing is terribly costly to North Vietnam. Yet the increase in Soviet and Chinese aid, since the bombing, is far greater, in economic terms, than the loss through bombing. Except in human life, the North Vietnamese are showing a profit * * *.
>
> As predicted by almost every disengaged expert, from General Ridgway to George Kennan; and as taught by the whole history of aerial warfare, that bombing has neither

brought the enemy to his knees or to the council table. It has not destroyed his capacity to make war, or seriously slowed down either infiltration or the flow of supplies. At each step it was claimed the bombing would make a decisive difference. Yet it has made hardly any difference at all. In fact, the tempo of conflict has increased.

The official statements justifying the Hanoi-Haiphong raids bore partial witness to the futility of bombing. We were told the raids were necessary because infiltration had increased enormously; an official admission of the failure of one of the most intensive bombing campaigns in world history. Despite thousands upon thousands of raids, more men and supplies are flowing South and the routes of infiltration have been widened and improved. Despite the bombing, or perhaps because of it, all signs indicate the North Vietnamese will to fight has stiffened and the possibilities of negotiation have dimmed. Despite the bombing, or because of it, North Vietnam has become increasingly dependent upon Russia and China. Despite the bombing, or because of it there has been a vastly increased supply of aid to North Vietnam by Russia and China and a deepening world communist commitment to this war.

In short the bombing has been a failure, and may turn out to be a disaster.

Fourth. To those who are afraid of honest dissent and courageous criticism in time of war lest it give encouragement to the enemy, Mr. Goodwin answers:

Of course the enemy is glad to see our divisions. But our concern is with America not Hanoi. Our concern is with those millions of our own people, and with future generations, who will themselves be glad to see that there were men who struggled to prevent needless devastation and thus added to the strength and the glory of the United States.

It is in that American tradition that Mr. Goodwin speaks as have earlier wartime dissenters including Abraham Lincoln who could not remain silent when his conscience told him that the campaign against Mexico was wrong.

I hope that every Member of Congress, every Government official and many American citizens will read Mr. Goodwin's thoughtful analysis of where we are heading in the Vietnam war.

I ask unanimous consent that his address be printed at this point:

There being no objection, the address was ordered to be printed in the Record, as follows:

Speech by Richard N. Goodwin at the National Board Meeting of Americans for Democratic Action, Statler-Hilton Hotel, Washington, D.C., September 17, 1966

This is a time when labels are unfashionable. Men hesitate to call themselves liberals or conservatives or radicals, fearing the complexity of their views will be swallowed up in some formal catechism of belief. Yet groups like this one are drawn together by a shared body of beliefs and values, and by common reactions to the sins and shortcomings of their society. They differ on many particular issues; but they do agree on the wisdom of a general direction and the urgency of certain purposes. In this sense, even in nonideological America, there are radicals and rightists, liberals and conservatives. In this sense the Americans for Democratic Action is the spearhead of American liberalism.

It can look back on a record of achievement unmatched in American political organization. It has elected dozens of members to high office, many of its early programs are now law, and its once theoretical notions are the daily staple of bureaucracy.

It is easy to blunt, answer, and even ignore the criticism of liberalism which is largely a reflex action from past battles. The ease of such refutation, however, should not be permitted to obscure real defects. If there is reason for doubt it is not that today's liberals are too progressive, but that they are often not progressive enough: not that they are radical but that they are sometimes mired in outworn outlooks and programs; not that they are impractical but they have occasionally let practical necessities override faithfulness to ideals and values. We have discovered the perverse principle that defeat can breed strength while victory often erodes will and creates intoxication with success. Success is the disease of American society, a disease which strikes impartially at businessmen, politicians, movie stars and intellectuals alike.

It is especially virulent when it attacks the politically concerned and passionate, making them more anxious to enact bad programs than fight for a good one, elect a mediocrity than lose with distinction, support a sympathetic office holder even when he is wrong, simply because he is sympathetic. We do not advocate a policy of defeatism or even political suicide. We are politicians and the object of politics is the acquisition and use of power. Pragmatism, the code word of today's liberalism, is a useful tool to carry you forward, remove obstacles, and solve problems. But it does not tell you where to go. Beliefs tell you. Values tell you. Common goals tell you. Once that distinction is obscured it is easy to forget where you are going and even who you are.

Let me give a few tentative thoughts about today's redefinition of liberal goals before proceeding to the principal obstacle to all those goals: the war in Vietnam.

Liberal thought in America has always been a confederation of diverse beliefs. But there have been certain, discernible, central strands in the fabric of the past thirty years. One is the once revolutionary idea that the national government has a direct responsibility for the welfare of the people: For their well-being as individuals—older citizens, poor or Negro—and for the general health of the economy. Another is the belief that private power must be compelled to act in the public interest, that through regulation America must be made safe for capitalism.

Those were the subject of wonderful, passionate engagements, but they are largely won. They have become the truisms of American political life, although there are many important skirmishes to be fought and the specter of Hooverism occasionally looms over the horizon only to be brushed casually away by a slightly surprised electorate.

It is this victory of important principle, and the changes it has helped bring the nation, which makes it necessary to rethink most of the old political beliefs and slogans as this organization, and others, have been doing.

At one time to be a liberal meant to be for federal action against states' rights. Particularly in civil rights this is still a vital question. Yet our major effort now is to find new ways to help states and local government assume responsibilities and burdens; and it was a Democratic liberal, not a Republican conservative, who proposed to turn over federal revenue to state government.

At one time to be a liberal meant to automatically favor the cause of labor over business. Yet the Chamber of Commerce is more willing to trade with China than the AFL–CIO; unions are often more concerned with protecting the established order than businessmen; and it was the liberals who helped pass laws against racketeering in labor. Even the most ardent liberal will prefer the activities of Tom Watson of IBM to those of Jimmy Hoffa.

At one time to be a liberal was to oppose big business. Yet it was the Administration of John Kennedy, not Eisenhower, that proposed and passed measures for business expansion to the benefit of all of us.

At one time to be a liberal was to fight for the principle that collective action did not diminish individual freedom. While we still go through the motions, the battle is over, for freedom has been enlarged as collective action widened. Rather we are now increasingly concerned about coercion from the center.

These old battle cries are largely a victim of success and of profound changes in American society. They were built on the assumption that rising wealth fairly shared was the key to the American dream. Of course, that dream has not yet come true for the chronically poor or the Negro. Still, in terms of the old values, most Americans have achieved greatly. They are well-fed, live in decent houses, own television sets, drive 90 million automobiles, and debate not whether but where to take a vacation. Yet even at the moment of victory for so many we know that shared prosperity is not enough. Modern man, with all his wealth and comfort, is oppressed by forces which menace and confine the quality of his life.

Increasingly American thinkers are discovering, describing, and attacking these forces. It is the responsibility of politics to translate this emerging awareness into political action.

The ancient desire to stretch one's talents to the limit of ability and desire now enters a world whose instruments grow in complexity, where understanding is more difficult as the possibilities of all encompassing knowledge disappear, and where leisure threatens many with boredom and futility. It is not enough to train people, we must do so through an educational system of a quality and daring of innovation past all our old objectives.

Even with knowledge and understanding at his command, however, man alone is not man fulfilled. He must be sustained and strengthened by the world around him, and by those with whom he lives and works.

He will not find that strength in cities scarred by slums, encircled by suburbs which sprawl recklessly across the countryside; where movement is difficult, beauty rare, life itself more impersonal and security imperiled by the lawless.

And even beyond education and the deterioration of our environment modern America assaults the deepest values of our civilization, those worlds within a world where each man can find meaning and dignity and warmth: family and neighborhood, community and the dignity of work.

Family ties grow weaker as the gap between the generations widens. The community disappears as the streets of our cities rush in upon each other. Work, once the principal support of self-respect, becomes more and more mechanical, each man a replaceable componency in an abstract task. Ahead lies the most terrible danger of all: a nation of strangers; each separate from his fellows, remote from his labors, detached from participation in the great enterprise of American life.

Underneath there is a single, overwhelming cause for the discontent which runs like a dark thread through the silver fabric of American life. It is cause and consequence of all the rest. It is the fear of the individual human being that he has become meaningless in the great human enterprise. Decisions of peace and war, life and death, are made by a handful of men beyond his reach. Cities and factories grow and spread seemingly powered by a force beyond the control of man.

Science describes our world, and life itself, in terms far beyond the reach of ordinary understanding. Computers and marvelous machines seem to make man unnecessary in the oldest stronghold of all, his work.

This is the motive power, the fueling force, behind the new right and the new left. They want to matter. And so do we all.

To glimpse the shortcomings of American life, to feel the weight of dark and obscure forces, even to illuminate with investigation and thought the wrongs of American life, it is not enough for any group dedicated to political action. That requires we translate passion, engagement, and a sense of injustice into concrete action; as individual groups, and through political institutions. Many of the proposals which fill liberal journals and meeting chambers are little more than logical extensions of old ideas and processes. The guaranteed annual wage, the organization of farm workers, national health insurance, and many other ideas, can stand on their own merits but they hardly represent a radical departure from our past. Most of the causes which engage us deeply—from civil rights to the war against poverty—flow from the historic drive to open the blessings of society to all people.

I do not pretend to have the answers or a dramatic new approach but it seems to me that certain guidelines are emerging which may help show the way.

First, is to devote more of our resources to common needs; from schools and playgrounds to blighted cities and poisoned air. History has proved that rising national wealth does not resolve social problems. Present experience proves that the old method of handing out federal grants will not rebuild a city or clean up pollution. The problems of the city, for example, are not simply problems of welfare or income. They demand technical skill, a network of subsidies and regulation, planning and engineering. More and more we will have to turn problems over to technicians, equip them with authority, and provide the funds to do the job. People are far more concerned with progress, with getting the job done, than they are with the ideology of change. The technician-politician—the man who regardless of party can resolve complex problems—is the man of the future.

Secondly, we will have to reshape the historic relationships of our federal structure so not to be completely dependent on Washington for comfort, help and skill. The problems are far too huge and varied to be solved from the top. Moreover, to attempt it is to strip people in communities and states of the chance to share in the solution of the great problems of society. It is essential to our spiritual health to develop structures which give people a chance to share in the American enterprise. It is essential to our national progress that we tap the enormous resources of mind and energy which lie unused, ignored and unwanted throughout America.

This means decentralization of government action; a decentralization which will take many forms and whose evolution is a challenge to our genius for political creation. Variety will be the hallmark of such a system, but I believe the basic pattern will be federal funds and guidelines with responsibility for action left to the community. For example, perhaps the best approach to the problem of our cities can be drawn from the theoretical patterns of foreign aid. The federal government would require the city to develop a master plan of development embracing basic services, housing and all the components of community life; providing federal funds on a large scale to carry the plan forward. As another example I have proposed turning a large part of the foreign aid program over to the states, involving communities and citizens directly in our relationship with the underdeveloped continents.

Even then individuals will have to fight City Hall; but it is far easier than fighting the White House.

We are worlds away from the old debate about federal power and big government. For underneath the rhetoric that was a debate whether we should tackle social and economic problems at all; or whether we should leave them to the impersonal workings of an unregulated society. Today decentralization assumes that many problems will yield to directed human intelligence; the question is how best to enlist the energies of Americans in that task. I have no doubt that citizen participation is the future direction of liberalism. It will permit us to do a better job with our society. It will allow our people to share the life of the nation; to contribute, to work, to be needed and to be heard. It is a key to salvation from the separation and human frustration which are a poisoning and unnecessary by-product of our civilization.

Thirdly, we who have often looked to Washington for protection of human rights must increase our guard against the coercive society. It is the nature of power to resent opposition to its exercise. That resentment is multiplied as power grows. When those who have such power are also convinced of the wisdom and beneficence of their views that freedom is in danger. The worst threat to liberty comes not from those who simply seek their own aggrandisement, but from those who seek the good of others, identifying opposition to their desires with harm to the nation. Already wiretapping, bugging, and manifold invasions of privacy are growing, I believe, far beyond the present knowledge of any of us. There are laws in Congress to give the Secretary of State arbitrary power to limit the travel of Americans. It has even been proposed that we draft all Americans—not simply to meet an immediate threat to our security—but as a matter of course. All of these have in common the frightening belief that individual action and freedom should be limited for the good of the state, according to some officeholders' view of what that good requires. That is the cause to enlist our energies, to bring us shouting into the streets against any who claim the right to tell us where to go, or listen to our private conversations, or prescribe how we must serve our society. The coercive society is no less obnoxious when coercion is masked in benevolence.

These are tentative steps toward redefinitions of difficult and shifting goals; but they are charged with a traditional faith in the capacity to reshape our society more to the needs of man.

There is, however, another issue which has reduced discussions about domestic America to academic discourse, which has swallowed up the New Frontier and Great Society, and which is eroding our position throughout the world. That issue is, of course, the war in Vietnam.

The Vietnamese war is, I believe, the most dangerous conflict since the end of World War II: more dangerous than Berlin or even Korea. In those confrontations the danger was clear and sensibly appraised. The stakes were fairly obvious to both sides. Objectives were carefully limited; and power ultimately became the handmaiden of reason and final accommodation. In Vietnam, on the other hand, the dangers are confused and unclear. Objectives are expressed in vague generalities which open to endless vistas. Moreover, from other cold war confrontations there evolved a set of tacit understandings designed to limit conflict even while it was being waged. That, for example, is the real meaning of the no-sanctuary policy carefully observed, we should remember, by both sides. Today those understandings are in grave danger of being swept away, and with them our most important protections against enlarging conflict.

The air is charged with rhetoric. We are buried in statements and speeches about negotiation and peace, the defense of freedom and the dangers of communism, the desire to protect the helpless and compassion for the dying. Much of it is important and sincere and well-meaning. Some is intended to deceive. Some is deliberate lie and distortion. But the important thing is not what we are saying, but what we are doing; not what is being discussed, but what is happening.

And what is happening is not confusing or unclear or contradictory at all. It is not masked in obscurity or buried in secret archives. It stands in clear, vivid and towering relief against the landscape of conflict. The war is getting larger. Every month there are more men in combat, more bombs falling, greater expenditures, deeper commitments. It is the steady inexorable course of this conflict since its beginning. We have gone to the United Nations' and the war has grown larger. We have offered funds for development and talked of social reform; and the war has grown larger. We have predicted victory and called for compromise; and the war has grown larger.

There is therefore, little escape from the conclusion that it will grow larger still.

Nor is this steady pattern the consequence of inexorable historical forces. It flows from the decisions of particular men in particular places—in Washington and Hanoi, in Saigon and in the jungle headquarters of the Vietcong. It is in part a product of communist hope and drive for victory; but it is partly our decision too. And we must suppose those same decisions will continue to be made.

Nor is this, as we are sometimes told, because there is no alternative. There are dozens of alternatives. There are enclave programs, and programs to hold the centers of population. There are suggestions that we rely on pacification of the countryside rather than the destruction of the Vietcong. There are proposals to limit the bombing or to end it. There are proposals for negotiations, complete with all the specifics of possible agreement. The fact is the air is full of alternatives. They have simply been rejected in favor of another course; the present course. And we must also suppose they will continue to be rejected.

All prophecy is an exercise in probability. With that caution let us try to strip the argument of its necessary passion and discuss the probabilities which are compelled by the awesome logic of the course of events in Vietnam. Passion is important; it lies at the root of war and of hatred of war. Nor do I lack personal feeling; for only the strongest of feelings could impel me to discuss a subject with which I was so recently connected in so intimate a way. Yet we can perhaps now meet more productively on the common ground of reason. Rarely has there been greater need for such unity among men of good will.

In other places I have set forth my personal views on the conduct of the war in South Vietnam: The belief that we have an important stake in Southeast Asia, and that we must continue the battle in the South—although differently than we are now doing—until a political settlement is reached. And I have, like many others, discussed alternative routes to these objectives. Today, however, I would like to talk about the lengthening shadow of the war in the North; for in that war are the swiftly germinating seeds of the most grave danger.

In this, as in so many aspects of the war, much of the information which feeds judgment is deeply obscured. Of course, in times of armed conflict facts are often elusive and much information, of necessity, cannot be revealed. By its nature war is hostile to truth. Yet with full allowance for necessary uncertainties I believe there has never been such intense and widespread deception and confusion as that which surrounds this war. The continual downpour of contradiction, misstatements, and kaleidoscopically shifting attitudes has been so torrential that it has almost numbed the capacity to separate truth from conjecture or falsehood.

At one time we are told there is no military solution, and then that victory can be ours.

There are months when we talk about negotiations and months when we forget them.

There are times when dissenters give aid and comfort to the enemy and times when they are acting in the greatest of our traditions.

We have been reassured about efforts to reach a peaceful settlement when there is no plan or program for settlement in existence.

We are given endless statistics with a numerical precision which only masks the fact they are based on inadequate information, or guesses, or even wishful thinking. For example, if we take the numbers of enemy we are supposed to be killing, add to that the defectors, along with a number of wounded much less than our own ratio of wounded to killed, we find we are wiping out virtually the entire North Vietnamese force every year. This truly makes their continued resistance one of the marvels of the world. Unless the figures are wrong, which of course they are.

We are told the bombing is terribly costly to North Vietnam. Yet the increase in Soviet and Chinese aid, since the bombing, is far greater, in economic terms, than the loss through bombing. Except in human life, the North Vietnamese are showing a profit.

At the time of the Hanoi-Haiphong bombings last June we were told that in the first six months of 1966 enemy truck movement had doubled, the infiltration of supplies was up 150%, and infiltrated personnel increased 120%. However, the fact is we do not know, except in the most vague and general way, how much supplies are being brought in or how many men. They move at night, sometimes on trails we have not yet discovered, and the best intelligence gives only the most vague picture. We could not only be wrong, but enormously wrong. The swiftness with which we change our estimates helps show that seeming exactness conceals large uncertainties.

The statements which followed the Hanoi-Haiphong bombings are an illuminating example of this process in action.

It was said the raids would destroy a large proportion of North Vietnam's fuel capacity and this would help paralyze—or at least slow down—the process of infiltration. Yet these raids had been anticipated, alternative techniques of providing fuel had been developed, and the raids were destined to have little if any effect on the North Vietnamese capacity to make war. And this was clear at the time we bombed.

We were told, in an inside story in the New York Times, that the bombings would prove to Hanoi it could not count on its allies. The fact is that aid was stepped up as we anticipated it would be.

Within a few days a high official said fresh intelligence showed that Hanoi was now plunged in gloom, weary of war, and suffused with a sense of hopelessness, presumably at least in part as a result of the raids. Yet, there was no substantial intelligence of this kind. We have heard little about it since. And recent information indicates that the opposite was the case—the enemy's will was strengthened.

The truth is that this major and spectacular escalation in the war had had little measurable effect on the enemy's capacity or morale, and most of those who looked at the matter seriously in advance of the bombing knew it would probably be ineffective.

Yet despite confusion and misstatement, despite the enormous difficulty of grasping the realities on which policy must be based, I believe we can know that further escalation of the war in the North will only bring us farther from settlement and closer to serious danger of a huge and devastating conflict.

We began the campaign of bombing in the North as a result of the enormous and unresolved difficulties of winning the real war, the war in the South.

As predicted by almost every disengaged expert, from General Ridgway to George Kennan; and as taught by the whole history of aerial warfare, that bombing has neither brought the enemy to his knees or to the council table. It has not destroyed his capacity to make war, or seriously slowed down either infiltration or the flow of supplies. At each step it was claimed the bombing would make a decisive difference. Yet it has made hardly any difference at all. In fact, the tempo of conflict has increased.

The official statements justifying the Hanoi-Haiphong raids bore partial witness to the futility of bombing. We were told the raids were necessary because infiltration had increased enormously; an official admission of the failure of one of the most intensive bombing campaigns in world history. Despite thousands upon thousands of raids more men and supplies are flowing South and the routes of infiltration have been widened and improved. Despite the bombing, or perhaps because of it, all signs indicate the North Vietnamese will to fight has stiffened and the possibilities of negotiation have dimmed. Despite the bombing, or because of it, North Vietnam has become increasingly dependent upon Russia and China. Despite the bombing, or because of it there has been a vastly increased supply of aid to North Vietnam by Russia and China and a deepening world communist commitment to this war.

In short the bombing has been a failure, and may turn out to be a disaster.

Yet we once again hear voices calling for further escalation; just as each previous time that the bombing has failed we have been told that more bombing is necessary and new goals are articulated. First it was said we wanted to stop infiltration. Next, we would persuade the North Vietnamese to come to the Council table. Then we would punish them and force them to surrender. Now men are talking of the need to destroy their capacity to make war. And so we move inexorably up the ladder of failure toward widening devastation. And the latest goal, the destruction of enemy capacity, if ever adopted, will be the most vaguely ambitious of all. For such capacity rests on the entire society; and that whole society; factories, dams, power plants, cities themselves must be brought tumbling down.

All of this is possible despite the fact that each future escalation will probably have the effect of previous escalations. It will increase the dangers of wider war, lessen the chances of a negotiated settlement, drain away effort which should be concentrated in the South, further alienate our allies, and have little damaging effect on the enemy's ability or will to fight.

We are sometimes asked what else we can do. I believe there are other things to do. The war can be fought more effectively in the South. The search for a settlement can be given greater direction and brilliance. We can prepare ourselves, if necessary, to accept a long ground war of attrition leading ultimately to a political settlement. But that is not the question. If the bombing cannot win the war, if it does not work; and above all if it carries tremendous political and military risks, then it should not be increased, either out of frustration with the war or with the polls.

For the greatest danger of this course—the course of escalation—is not only in the extent of devastation and death, or the damage it does to the hope of peaceful solution, but the fact that each step of the way increases in vast proportion the danger of a huge and bloody conflict. If North Vietnam is devastated then all reason for restraint or compromise is gone. The fight is no longer a war for the South but a struggle for survival calling their still largely uncommitted armies and people into battle. Nor can China stand by and see its ally destroyed. I do not believe China wants to fight the United States, at least not yet; but it cannot stand by while we destroy North Vietnam. To do so would forfeit all its claim to moral and political leadership of militant communism. They would then be truly a paper dragon, stoking the fires of revolution only when Chinese blood and land was not at stake.

Nor is China's entrance likely to be signalled by a huge and dramatic sweep of armies across the frontier. It is far more likely that increasing destruction in the North will stimulate or compel the Chinese to accelerate the nature and kind of their assistance. Perhaps Chinese pilots will begin to fly air defense over Hanoi. The number of Chinese troops in North Vietnam may be greatly increased. Chinese anti-aircraft crews may be placed throughout the country. Thus, step by step, China acting in response to seeming necessities, may become involved in a war it did not fully contemplate, much as we have. And there are many signs that this process has already begun. This is the most likely and grave route to enlarging conflict. And if China does enter we must bomb them, for certainly we will not permit them sanctuaries or, if it comes to that, engage their armies solely in the jungles of Southeast Asia. And lastly is the Soviet Union, forced to choose between China and America.

None of this is certain. An entirely different course is possible. Yet the danger of such a chain of events grows by immeasurable strides each time we enlarge the war in the North: and if past is prologue we will continue that enlargement. Yet the fantastic fact, the truth that challenges belief, is that this is being done although virtually no one remains besides some of the engaged military and a few men in the State Department—virtually no one in the Administration or out—who believes that increased bombing will have a decisive effect on the war in South Vietnam. We are taking likely and mounting risks in pursuit of an elusive, obscure, marginal, and chimerical hope; a course which defies reason and experience alike.

Yet I believe this is the way we are going; that only beneficent and uncertain fortune can bar the way. This is not a belief born of personal fear. After all, we, or most of us, will continue to work and prosper, hold meetings and make speeches, unless all of our civilization is swallowed up. Even then enough will survive for the race to evolve and perhaps create something finer. It is rather a belief born of a fallible reason and analysis, always better able to describe our situation that guide our action, which seeks in the acts of our past and the attitudes of our present a guide for our future.

I do not wish however, to come with a counsel of despair. The surest guarantee of misfortune is resignation. Therefore, we must all make what effort we can. There are enormous differences among the critics of the war. There are those who believe we have no interest in Vietnam or even in all of Asia. There are those who wish us to withdraw. There are fierce debates over the history of the war, the nature of its participants, the goals of our enemies. There are those, like myself, who believe we should carry on the war in the South while intensifying, modifying and sharpening the search for peaceful compromise tied to some measures of de-escalation in the North. Yet our danger is so grave that those who fear the future even more than they distrust the past—a group which encompasses, I believe, the majority of the American people—must seek some common ground rather than dissipating energies in exploring the varieties of dissent. Without sacrificing individual views we must also shape a unified stand, a focal point of belief and action which can unite all who apprehend coming dangers. Only in this way can we create a voice strong enough to be heard across the country, bringing together men of diverse beliefs, adding strength to the views of those in government who share this apprehension. It must also be a clear and direct stand; one that fires response in those millions of our fellow citizens who glimpse through complexity, discord and obscurity the vision of something dark and dangerous.

I believe there is such a position. It is simply the victorious slogan of the Democratic Party in 1964. It is: No wider war. It is to oppose any expansion of the bombing. It is to speak and work against all who would enlarge the war in the North.

Such a stand will not end the war in South Vietnam. It may even prolong it. It will not fully answer the deep objections, feelings and fears of many in this room or across the country. But it can crystallize the inarticulate objections of many. It may well increase the weight and impact of the forces of restraint. Most importantly it strikes at the most ominous menace to the lives of millions and the peace of the world. Such a rallying cry requires compromise, the willingness to seek less than is desired; but that is the basic necessity of those who seek not self indulgence but to shape the course of this nation.

To be most effective this position will require more than speeches and resolutions. It will need structure and purpose. I suggest this organization work with other groups and individuals to form a national committee against widening of the war. It will not be aimed at withdrawal or even a lessening of the war in the South; although individuals who oppose escalation may also hold those views. Thus it will be open to all groups who oppose escalation in the North regardless of their position on other issues, and will be open to the millions of Americans who belong to no group but who share this basic belief and apprehension. Such a committee can provide a constant flow of objective information about Vietnam. It can keep vigil over official statements and ask the hard questions which might help separate wishful thinking from facts. It will neither be against the Administration nor for it, neither with any political party or opposed to it, neither liberal nor conservative. Its sole aim will be to mobilize and inform the American people in order to increase the invisible weight of what I believe to be the American majority in the deliberations and inner councils of government. Its purpose is to help the President and others in government by providing a counter pressure against those who urge a more militant course; a pressure for which those in government should be grateful since it will help them pursue the course of wise restraint.

Although I believe deeply in this proposal I do not wish to give the argument a certainty I do not have. The most important fact of all, the unkown which transcends all debate, are the thoughts and intentions of our adversaries and their allies. Yet skepticism born of imperfect knowledge cannot be permitted to dull the passion with which we pursue convictions or the fervor of our dissent. For we must fight against fulfillment of Yeats' prophecy which foresaw destruction if the time should come when "the best lack all conviction, and the worst are full of passionate intensity."

Some have called upon us to mute or stifle dissent in the name of patriotism and the national interest. It is an argument which monstrously misconceives the nature and process and the greatest strength of American democracy. It denies the germinal assumption of our freedom: that each individual not only can but must judge the wisdom of his leaders. (How marvelously that principle has strengthened this country—never more dramatically than in the postwar period when others have buried contending views under the ordained wisdom of the state, thus allowing received error to breed weakness and even defeat. The examples are legion. The virgin lands settlement and the Great Leap Forward failed because experiment was made into unchallengeable law; while we began to catch up in space, modernized and increased our defenses, and started the Alliance for Progress because what began as dissent became national purpose). Of course the enemy is glad to see our divisions. But our concern is with America not Hanoi. Our concern is with those millions of our own people, and with future generations, who will themselves be glad to see that there were men who struggled to prevent needless devastation and thus added to the strength and the glory of the United States.

Among the greatest names in our history were men who did not hesitate to assault the acts and policies of government when they felt the good of the nation was at stake: Jefferson at a time when the integrity of the new nation was still in doubt, Lincoln during the Mexican war, Roosevelt in the midst of national depression, John F. Kennedy among cold war defeats and danger.

Only a dozen years ago, in 1954, another American leader assaulted our policy in Vietnam, saying "The United States is in clear danger of being left naked and alone in a hostile world . . . It is apparent only that American foreign policy has never in all its history suffered such a stunning reversal. What is American policy in Indochina? All of us have listened to the dismal themes of reversal and confusions and alarms and excursions which have emerged from Washington . . . We have been caught bluffing by our enemies. Our friends and allies are frightened and wondering, as we do, where we are headed . . . The picture of our country needlessly weakened in the world today is so painful that we should turn our eyes from abroad and look homeward."

It is in this same spirit of concern for our country that we should conduct our dissent as, on that day, did Lyndon B. Johnson then leader of the minority party.

It is not our privilege, but our duty as patriots, to write, to speak, to organize, to oppose any President and any party and any policy at any time which we believe threatens the grandeur of this nation and the well-being of its people. This is such a time. And in so doing we will fulfill the most solemn duty of free men in a free country: to fight to the limit of legal sanction and the most spacious possibilities of our constitutional freedoms for the safety and greatness of their country as they believe it to be.

The arguments of this speech have been practical ones founded, to the limits of my capacity and knowledge, upon the concrete and specific realities and dangers of our present situation. But there is more than that in the liberal faith. American liberalism has many faces. It pursues divergent paths to varied and sometimes conflicting goals. It cannot be captured in an epigram or summarized in a simple statement of belief. Part of it, however, is simply and naively a belief in belief. It is the idealistic, visionary and impractical faith that action and policy and politics must rest on the ancient and rooted values of the American people. It still believes that for a nation to be great, to serve its own people and to command the respect and trust of others, it must not only do something but stand for something. It must represent in speech and act the ideals of its society and civilization.

Some part of the conflict in Vietnam may have been unavoidable, some is the result of well-intentioned error, but some must surely flow from the fact we have bent belief to the demands of those who call themselves realists or tough minded.

It is not realistic or hard-headed to solve problems and invest money and use power unguided by ultimate aims and values. It is thoughtless folly. For it ignores the realities of human faith and passion and desire; forces ultimately more powerful than all the calculations of economists and generals. Our strength is in our spirit and our faith. If we neglect this we may empty our treasuries, assemble our armies and pour forth the wonders of our science, but we will act in vain and we will build for others.

It is easy to be tough when toughness means coercing the weak or rewarding the strong; and when men of power and influence stand ready to applaud. It is far harder to hold to principle, speaking, if necessary, alone against the multitude, allowing others to make their own mistakes, enduring the frustration of long and inconclusive struggles, and standing firm for ideals even when they bring danger. But it is the true path of courage. It is the only path of wisdom. And it is the sure path of effective service to the United States of America.

TAX TREATMENT OF TREBLE DAMAGE PAYMENTS

Mr. HRUSKA. Mr. President, if a person violates our antitrust laws, he may have to pay treble damages in private lawsuits under section 4 of the Clayton Act to the persons wronged by such violation. A certain amount of concern has been generated lately over the deductibility of these treble damage payments for Federal income tax purposes. The purpose of my remarks today is to place the tax status of these payments in proper perspective.

About 2 years ago, the Internal Revenue Service ruled that amounts paid as treble damages under section 4 of the Clayton Act are deductible as ordinary and necessary business expenses. The position adopted by the Internal Revenue Service in that ruling was the result of an intensive task-force study of the applicable law, including all of the Supreme Court decisions on the subject. Recently, the procedures followed, and the multitude of factors considered by the Service in arriving at its conclusion, has been fully and ably explained before the Antitrust and Monopoly Subcommittee by Mr. Mortimer M. Caplin, who was Commissioner of Internal Revenue when the Service was considering this problem.

Mr. Caplin, who is now engaged in the private practice of law here in Washington, testified before the Antitrust Subcommittee on July 29, 1966, in connection with the subcommittee's consideration of a bill which its proponents say would restrict the deductibility of treble damage payments (S. 2479). In my opinion, Mr. Caplin's testimony demonstrates the soundness of the present Service position, which allows a tax deduction for treble damage payments, and I ask unanimous consent, that his testimony be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, in regard to this subject, I would like to make two points. The first is that, in my opinion the Service position is a correct interpretation of present law. Because the ruling does reflect present law, we should recognize that any legislation which would prohibit the deductibility of treble damage payments would constitute a change of present law; it cannot be passed off as a clarification of original congressional intent made necessary by an erroneous administrative interpretation. I think we should proceed slowly before we change present law.

My second point is that, in addition to changing present law, legislation to disallow a deduction would have a harsh effect. It would result in the violator paying six times his after-tax gain, which is the same as the wronged party's after-tax injury. Thus, if the violator is taxed on his gain but disallowed a deduction for the damage payments, he will end up paying six times the out-of-pocket damages incurred by the wronged party.

The reason for this is explained by Mr. Caplin in a colloquy which followed his formal statement and can be demonstrated by a simple example.

Before giving that example, Mr. President, I observe that the treble damage statute was passed at a time when income tax was not a factor. Certainly it was not a factor such as that which we have now, inasmuch as the bracket for corporate profit is in the neighborhood of approximately 50 percent for corporations.

Assume that a corporate seller receives an extra $100 because of a price-fixing conspiracy. Its gain, and the other party's damage, after taxes is $50. If the seller has to pay $300 in treble damages, that is, three times the overcharge, without being able to take a deduction, it will be out of pocket six times its net gain or six times the other party's net injury.

On the other hand, if the seller is allowed to take a deduction, it will be out of pocket three times its net gain, which is the same effect that would have prevailed in 1890 when the treble damage provision was passed and before our income tax laws were enacted. In short, if we tax the violator on his gain, we must allow him to deduct his damage payments or else the damages become disproportionately and, in my view, unintentionally large.

Of course, if Congress decides that sextuple damages rather than treble damages should be imposed, fine and good. But we should recognize that this is what we will be doing if we enact legislation to disallow a deduction for treble damage payments.

EXHIBIT 1

STATEMENT OF MORTIMER M. CAPLIN (CAPLIN AND DRYSDALE) WASHINGTON, D.C., ON TAX TREATMENT OF TREBLE DAMAGES

Mr. CAPLIN. Mr. Chairman and Members of the Committee, I appreciate the invitation of this subcommittee to testify on Revenue Ruling 64–224 and S. 2479, dealing with the deductibility for federal income tax purposes of treble damages paid on account of violations of the antitrust laws. This issue is of interest to me as a student of tax law and as a lawyer engaged in tax practice. It also was of great concern to me during the period of my service as U.S. Commissioner of Internal Revenue from February 7, 1961, to July 10, 1964.

On July 24, 1964, the Internal Revenue Service issued Revenue Ruling 64–224 announcing its position on treble damage payments as follows:

1. Amounts paid or incurred in satisfaction of claims for treble damages under section 4 of the Clayton Act are deductible as ordinary and necessary expenses under Code section 162(a).

2. Amounts paid or incurred in satisfaction of damage claims by the United States under section 4A of the Clayton Act or under the Federal False Claims Act are not deductible.

I believe that has not been commented on.

3. Amounts paid or incurred for attorney's fees and directly related expenses in connection with private civil actions under section 4 of the Clayton Act are deductible under Code section 152(a).

4. Attorneys' fees and related legal expenses paid or incurred in cases in which the U.S. Government is the injured party as buyer of goods are not deductible.

In brief, Internal Revenue took the position that, where the plaintiff-claimant was a private party, treble damage payments to him were remedial and in the nature of reparation of a private injury; hence, no public policy would be violated if these payments were held deductible. If the damage payment was to a governmental body, however, the deduction would be denied.

As a matter of tax law, the proper answers to the questions raised were not readily apparent, but required extensive research and study. Among other things, Internal Revenue had to analyze a series of related U.S. Supreme Court decisions. None was squarely in point. The closest prior published precedent was Internal Revenue's ruling in I.T. 3627, issued in 1943, holding that treble damage payments to a private party by a violator of the Emergency Price Control Act of 1942 were tax deductible since the payments were considered remedial in nature.

Again, as a matter of tax law, and as good tax administration, I think the conclusions reached by Internal Revenue were sound and in accordance with the approach of the Supreme Court as reflected in its decided cases to date. Confirmation of the judgment of Internal Revenue is found in the rationale of the recent U.S. Supreme Court decision of Commissioner v. Tellier, decided on March 24, 1966.

In the Tellier case—despite, as the Court said, "considerable support in other administrative and judicial decisions"—the Supreme Court refused to apply the "public policy" exception to income tax deductions. Instead, it allowed as an "ordinary and necessary" business expense deduction the legal costs incurred by a convicted securities underwriter in his unsuccessful defense of a criminal prosecution.

The Court in Tellier carefully limited the "public policy" rule in the following terms:

"Deduction of expenses falling within the general definition of section 162(a) may, to be sure, be disallowed by specific legislation . . . The Court has also given effect to a precise and long-standing Treasury Regulation prohibiting the deduction of a specified category of expenditures . . . But where Congress has been wholly silent, it is only in extremely limited circumstances that the Court has countenanced exceptions to the general principle reflected in the Sullivan, Lilly, and Heininger decisions. Only where the allowance of a deduction would "frustrate sharply defined national or state policies proscribing particular forms of conduct" have we upheld its disallowance . . . Finally, the "test of nondeductibility always is the severity and immediacy of the frustration resulting from allowance of the deduction."

The Supreme Court has been quite reluctant to deny business expense deductions on the grounds that their allowance would "frustrate sharply defined national or state policies proscribing particular forms of conduct." It has viewed the federal income tax as "a tax on net income, not a sanction against wrongdoing." In Tellier, the court referred back to the 1913 Senate debate on the first modern income tax law, when the Senate rejected amendments which would have limited deductions for losses to those incurred in a "legitimate" or "lawful" trade or business. The court referred in the Tellier case to the floor statement of Senator Williams, who was in charge of the 1913 bill, to the effect that "the object of this bill is to tax a man's net income . . . It is not to reform men's moral characters; that is not the object of the bill at all."

As the late Randolph Paul, one of the leading tax authorities in the nation's history, stated:

"An exploration of relevant congressional debates indicates, section 23(a)(1)(A) (now section 162(a)) is not an essay in morality, designed to encourage virtue and discourage sin. It "was not contrived as an arm of the law to enforce State criminal statutes by augmenting the Punishment which the State inflicts. Nor was it contrived to implement the various regulatory statutes which Congress has from time to time enacted. The provision is more modestly concerned with 'commercial net income'—a businessman's net accertion in wealth during the taxable year after due allowance for the operating costs of the business."

With this history in mind, the Supreme Court in a number of significant cases has found the "public policy" argument inapplicable and has allowed tax deduction:

In Commissioner v. Sullivan (1958), the court sustained the allowance of a deduction for rent and wages paid by the operators of a gambling enterprise, even though both the business itself and the specific rent and wage payments were illegal under state law.

In Lilly v. Commissioner (1952), the court upheld deductions claimed by opticians for amounts paid to doctors who prescribed eyeglasses that the optician sold, although the Court was careful to disavow "approval of the business ethics or public policy involved in the payments."

In Commissioner v. Heininger (1943), the court upheld deductions claimed by a dentist for lawyer's fees and other expenses incurred in unsuccessfully defending himself against an administrative fraud order issued by the Postmaster General.

In contrast, to get the feeling of the Supreme Court, the Supreme Court has denied business deductions on the ground that they "frustrate sharply defined" public policies in only two categories of cases:

1. Payments of fines and penalties to governmental bodies. Tank Truck Rentals v. Commissioner (1958); Hoover Express Co. v. U.S. (1958).

2. Payments specifically prohibited by long-standing Treasury Regulations. Textile Mills Corp. v. Commissioner (1941); and Cammarano v. U.S. (1959) (lobbying expense Regulations, dating back to 1918).

I believe these Supreme Court cases illustrate the soundness of the much-quoted statement in the law that public policy is an "unruly horse to ride." Certainly it has only a sharply limited role in the determination of proper deductions under our income tax law. When used, it is best expressed through specific action of Congress by way of amendment of the Internal Revenue Code. In 1958, for example, Congress reversed Internal Revenue's ruling position which had allowed deductions for bribes or improper payments to foreign officials where the foreign government itself demanded or acquiesced in the payments. This was accomplished by adding Code section 162(c) which now bars a deduction for payments to officials or employees of a foreign government if in the United States such payments would be unlawful. Again, in 1962, Congress in effect overturned U.S. Supreme Court decisions and Treasury Regulations by providing tax deductions for certain lobbying expenses. See Code section 162(e).

As the Supreme Court has said a number of times and reiterated in Tellier, "since deductions 'are a matter of grace . . . Congress can, of course, disallow them as it chooses.' "

While publication of Revenue Ruling 64–224 took place on July 24, 1964, the development of Internal Revenue's position evolved during the preceding period of several years.

Mr. Colin P. Stam, the then Chief of Staff of the Joint Committee on Internal Revenue Taxation, had requested the Treasury Department to express its policy on the deductibility of treble damages. His inquiry grew out of a proposed refund being reviewed by the Joint Committee. In a letter dated October 18, 1961, Internal Revenue explained that the treble damage deduction was being allowed in that case because it was believed virtually impossible to forecast the illegality of the taxpayer's actions prior to a 1948 antitrust decision of the Supreme Court. However, Internal Revenue also stated that, as a general rule, it was taking the position that treble damage payments were not deductible.

Later, as an aftermath of the antitrust convictions of certain manufacturers of electrical equipment and their officers, Internal Revenue believed it advisable to take a public position on the treble damage issue. In that connection what proved to be a lengthy project was set in motion to consider all the facts carefully, to review existing law and to prepare a proposed Revenue ruling.

I might say as an aside, up to that point the Internal Revenue Service had never denied an individual taxpayer a deduction for treble damages, to my knowledge.

Early in 1963, a staff meeting was held in the Commissioner's office to bring him up to date on the project. At the time it was indicated that, although various staff members thought Internal Revenue had a weak position, the majority was inclined to recommend that no deduction be allowed. Before a final position was reached, the staff was requested to study the matter further, to consult outside experts, and to give interested parties the opportunity to express their views and answer questions which Internal Revenue might raise.

These meetings were later held with representatives of the Tax and Antitrust Divisions of the Department of Justice usually in attendance. Subsequently, the Chief Counsel of the Internal Revenue Service analyzed the key issues in a memorandum which served as the basis for the final position taken in Revenue Ruling 64–224.

I believe that this subcommittee has a copy of that memorandum.

On July 10, 1964, Secretary of the Treasury, Douglas Dillon, was advised of the position Internal Revenue was planning to take on the treble damage issue. On July 24, 1964, the formal Revenue Ruling was issued.

I would like to give credit to the Internal Revenue staff members who worked on the treble damage project. They were able, hardworking and dedicated professionals and were most mindful of the significance of their conclusions, both to the government as well as to the private plaintiffs and defendants in the treble damage actions. They reached their final conclusion and position only after lengthy study and meticulous legal analysis.

The fairness of legal interpretations by Internal Revenue goes to the heart of sound tax administration. This is expressed in Revenue Procedure 64–22, released after careful study on May 1, 1964, which states certain principles of Internal Revenue tax administration as follows:

"It is the responsibility of each person in the Service charged with the duty of interpreting the law, to try to find the true meaning of the statutory provision and not to adopt a strained construction in the belief that he is 'protecting the revenue.' The revenue is properly protected only when we ascertain and apply the true meaning of the statute."

Earlier in Rev. Proc. 64–22 it is emphasized that, "it is the duty of the Service to carry out that policy by correctly applying the laws enacted by Congress; to determine the reasonable meaning of various Code provisions in light of the congressional purpose in enacting them; and to perform this work in a fair and impartial manner, with neither a government nor a taxpayer point of view."

These principles are designed to encourage staff members to make honest and good faith judgments on all matters before them. If they are not followed there could be a tendency to consistently rule against taxpayers in close cases or cases involving large sums of taxes. Such an attitude would be unfortunate and would undermine taxpayer confidence in our entire revenue system.

I might add that between 20,000 and 40,000 private rulings are made a year. They are extremely important to individuals and to the business community. And this system would never attain the high level of compliance that it does without such an effective ruling process.

In closing, I would like to emphasize that my comments today are based on my study of the tax law over a number of years and my experience as a tax administrator. My comments are not oriented toward the nation's antitrust policy, which is the special responsibility of this subcommittee. Of course, the purpose of our tax laws do not necessarily coincide with the goals of other federal laws.

If Congress should decide to limit tax deductions for treble damage payments, I would suggest that an alternative approach be taken to that contained in S. 2479. There, the emphasis is on making it unequivocally clear that treble damages are penal in nature, not remedial. Apparently it is believed that this would be sufficient to foreclose an income tax deduction.

Until the Supreme Court passes on such an issue, obviously no one can provide a definitive answer to whether S. 2479 would accomplish its purpose. But I do question whether the bare label "penal" would control the Supreme Court's view that, in the circumstances, allowance of a deduction for treble damages would "frustrate sharply defined national . . . policies proscribing particular forms of conduct."

If complete or partial nondeductibility is the result desired by Congress, I believe a specfic amendment of the Internal Revenue Code would be more effective in accomplishing this end. In this connection, the Staff Study for the Joint Committee on Internal Revenue Taxation (Nov. 1, 1965) suggests a specific amendment to the Code worthy of careful consideration by Congress.

And such a bill is S. 3650 which follows the recommendation of the staff.

I thank you for the privilege of appearing before this subcommittee. I will be happy to answer any questions you may have.

NATIONAL UNICEF DAY—PRAYER IN PUBLIC SCHOOLS

The Senate resumed the consideration of the joint resolution (S.J. Res. 144) to authorize the President to designate October 31 of each year as National UNICEF Day.

Mr. HRUSKA. Mr. President, we are considering an item which is not often encountered in the Senate Chamber. We are debating the first step in the process of amending our Constitution, as provided for in article V. We are doing it by considering the approval of Senate Joint Resolution 144 in the substitute form proposed by the junior Senator from Illinois.

Mr. President, I ask unanimous consent that the substitute resolution be inserted at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> Section 1. Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer.
>
> Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Mr. HRUSKA. In essence, it provides that "Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution, or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer."

Then it provides "Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer."

It goes on to say, of course, what the Constitution itself requires:

> Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States . . .

It further provides something that is not in the Constitution, but which is the usual practice in matters of this kind, that such ratification must be effected within 7 years after the date of its submission to the States.

The occasion for this proposition being before the Senate today has been brought about by recent Supreme Court decisions. These decisions have effected radical changes in the interpretation and application of the Federal Constitution as we have known and recognized it for generations.

There has been widespread practice and custom in hundreds and perhaps thousands of schools for having a little prayer exercise, which normally opens the schoolday. The testimony in the record shows that this practice goes back as long as a hundred years—in some instances ever since the public school system was founded. It was a custom and a practice with which there was no trouble, no trouble at all, because it was executed in good faith and it was administered in proper, orderly fashion.

Suddenly, this was brought to an end. It was a practice that was denied from the time that the Supreme Court spoke when such a practice was held to be violative of the first amendment of our Constitution.

There has been a massive interest on the part of large segments of our population for the restoration of this practice and usage. The impact of the decisions is one thing, Mr. President, but the matter goes beyond that, as has already been pointed out on the floor of the Senate in the course of this debate.

What is particularly dangerous is not so much the decisions themselves, but rather the interpretations that are placed upon the decisions of the Supreme Court.

Perhaps the most extensive illustration of that was found in the opinion of the Attorney General of the State of Michigan, who went into this matter in great detail and in great depth. In his opinion he pointed out specific things which can and which cannot be done as a result of these Supreme Court decisions.

At another time, the attention of the Senate has been brought to the proposition that many school boards, for example, forbade the singing of the last verse of "America." They also forbade the singing of "God Bless America." They have forbidden, in some instances, the pledge to the flag because it contains the words "under God."

Also, included in the prohibitions, in the judgment of many of these school authorities, were the simple exercises and the folk ways in the observances of Christmas and Easter and Thanksgiving—all on the ground that the Supreme Court said, "No, you cannot do this any more."

Mr. President, when we consider these simple things, which were elaborated upon in great detail by the Senator from Illinois yesterday, going to their logical conclusion, we certainly can contemplate a very bleak place in the schools without this warming and very religious background and history. These activities on the various holidays, and the singing of songs, would bring warmth to the hearts and the minds and later on to the memories of the schoolchildren. The proposed amendment seeks to clarify this situation.

First of all, I should like to point out that it is permissive. It says that nothing in the Constitution shall prohibit the authority of a school from providing for or permitting the voluntary participation by students or others in prayer. School boards and authorities could not, of course, prescribe the form, but they could permit or provide for voluntary prayers by the students.

If this article became part of our Federal Constitution, school authorities or legislatures could still prohibit any religious exercises of any kind in their schools or in their public buildings.

In my own State of Nebraska, the supreme court has held that under our State constitution, it is forbidden that there be any religious ceremony in a school, even if it consists of the utterance of a prayer. Now, that is the business of the State. If the State is silent on it, then the school board or the school administrator, or whoever is the legal authority in charge of the school, would pronounce the judgment—yes or no. Voluntary prayers may or may not be allowed.

However, if he says that they may be given but he will not prescribe their form, then the Federal Constitution would not be interposed as an instrumentality by which his decision could be negated.

So I say that the proposed amendment is permissive and it would clarify. To that end, I believe it is wholesome and should be approved. It clarifies in that it provides that such practices or exercises shall not be considered "an establishment of religion," which are the words of the first amendment of our Bill of Rights, and which, of course, we want preserved.

We should have a separation of church and state, and certainly there should not be an establishment of religion by any act of Congress. By that, we stand firmly. The adoption of this amendment would not interfere with that.

Mr. President, I should like now to discuss particularly the amendatory process, because other facets of this matter have been covered very thoroughly by other Senators.

Article V of the Constitution provides:

> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

The key words are these:

> The Congress, whenever two-thirds of both Houses shall deem it necessary . . .

When is it necessary to propose amendments to the Constitution such as we are doing now?

First, I should like to point out, Mr. President, that the word "necessary" in that connection has never been construed as meaning "indispensably requisite."

Rather, in the context of our experience with amendments that have been proposed for consideration of the State legislatures it has been held to mean "reasonably necessary." I respectfully submit, that the Constitution simply means this: That when it becomes apparent to the Congress that a large percentage of the States want the privilege of passing on an amendment, and there is reasonable probability of its adoption if submitted, the opportunity should be afforded in the orderly manner prescribed by the Constitution itself.

It is further submitted that a more restrictive construction of the constitutional language involved would result in a denial of a fundamental right.

Mr. President, I shall not depend on that very simple and, I think, justifiable definition of when it is necessary to propose an amendment. I do believe that we have a stronger case than that in the instance of the series of decisions on school prayers rendered by the Supreme Court.

I submit that there are three conditions which are fulfilled in the present situation and because they are fulfilled, a duty imposed upon the Congress to submit a resolution to the several State legislatures for ratification.

The first of these conditions is:

The Supreme Court, through a series of decisions, has handed down an interpretation of the Constitution which is in direct conflict with earlier interpretations of the Constitution. The Supreme Court in those instances has handed down opinions which directly reverse longstanding pronouncements and applications of the Constitution.

The second condition is: There is a strong diversity of respectable opinion on the controverted point. A substantial number of able and respected leaders of political and legal thought, including Justices of the Supreme Court, are convinced that such a decision conflicts with the Constitution.

The third condition is: Large numbers of people, whose rights the Constitution was designed to protect, and not necessarily learned in the law, feel that the decision, even if it is legally and technically correct, produces a result of which they disapprove. They believe that in the public interest the decisions should be changed.

Mr. President, those are the three conditions which I believe are completely and fairly fulfilled by the situation we have before us today.

How do these conditions specifically apply in this situation? On the first point, in New York, wherein the case of Engel against Vitale arose, these had long been accepted as constitutionlly permissible the practice of prayer in schools. Cases in Pennsylvania and Maryland were also founded upon what had long been the understanding which was overturned by the Supreme Court. The longstanding practices in many other States are now being challenged. So, in effect, when the Supreme Court says that those practices and exercises may no longer be pursued, we have, in effect and substance, an amendment of the Constitution by the Supreme Court decision. Mr. President, that meets the first condition.

The second condition is the strong diversity of respectable opinion on the subject. The list of able and respected leaders of political and judicial thought, including the members of the Supreme Court, is an impressive one from the point of saying that this is an erroneous decision of the Supreme Court, or if it is not erroneous, certainly it is a reversal of the previous interpretation and application of that organic document.

In that connection let me point out, Mr. President, that nearly a majority of the Members of this body are cosponsors of Senate Joint Resolution 148, the text of which is sought to be substituted for the pending Joint Resolution 144. A substantial number of Members of the other body have introduced resolutions on this subject. Of course, there are many organizations which have endorsed the principle.

There has been other material submitted on this matter by a large number of citizens, the people whose rights the Constitution is intended to preserve, who feel that these decisions of the Supreme Court produce a result of which they do not approve. That bears on the third point. It bears on the proposition of whether or not there would be a reasonable chance that the amendment would be adopted if it were submitted to the several States.

Public opinion polls show that well over 80 percent of the American people favor a prayer amendment according to the testimony already given. Other sources of public opinion have reinforced the view that the people at the grassroots level continue to disagree with the result brought about by the Supreme Court decisions. Unless they are given an opportunity to speak on the issue, democracy will be thwarted. We will have substituted the Supreme Court's constitution for the people's Constitution.

The Constitution sets out a method by which its terms may be amended in article V, to which I have referred.

It is the belief of this Senator that when these three conditions are satisfied as completely as they have been in this instance, a duty is imposed upon the Congress to submit a resolution to the legislatures of the several States so that the people may then make known their will to the members of the State legislatures. That is as close as we can get to the will of the people unless a referendum is used; and in many cases referendums are held and that is perfectly proper, if they wish to pursue that course.

Whether the recent interpretations of the Constitution by the Supreme Court are correct is immaterial for the purposes of my presentation. The point I wish to stress is that these recent decisions bring about new law and, correct or not, many people believe that these results are not desirable. Nor is it necessary for Congress to count noses, because the answer to this question of grave importance can best be found by submitting the amendment to the people.

There should be, to be sure, evidence of a widespread expression on the part of the people that these decisions have brought about a result that is not desirable. But it is not necessary for the Congress to canvass the people in detail and depth, because we have to call upon our ability to judge public sentiment. In judging public sentiment we see the near majority of this body are cosponsors of the pending resolution, the numerous bills introduced in the other body, and we look at much of the testimony on the point and find that there are a substantial number of these people who do believe something should be done to give the people a chance to express themselves on the issue.

For Congress to do nothing on the matter of this amendment where there is such strong diversity of opinion is to tell the people of the country that no matter how sincerely they may petition their elected representatives for the opportunity to approve or disapprove the amendment, they are denied what is conceived to be a fundamental right. For Congress to do nothing on this issue is to leave immune from the popular will the decisions of the Supreme Court on political policies even though such decisions are contrary to the meaning and intent of the Federal Constitution.

This is not said in criticism of the Court. The Court acted conscientiously. It did the very best that it could. When one does take exception to that decision and interpretation of the Constitution, it is not to say that that person is anti-Supreme Court.

Certainly, I would not want to be categorized in those ranks. I have been a firm believer, a stout supporter, and defender of the Supreme Court as an institution. Yet, there is nothing that would be more in keeping with many of the decisions and some of the dicta of the Supreme Court which has often stated, "This is the way we interpret and construe the Constitution, and, fortunately, we are not the last voice." The Supreme Court has repeatedly said that if the people of the Nation differ with it, the people have avenues of amending the Constitution pursuant to article V.

Thus, when this position is taken, it is not in criticism of the Supreme Court but, rather, a desire to change what they have decided according to their best lights what the Constitution means.

The judicial pronouncements which give rise to the present problem are new, in the sense that there is read into the Constitution a meaning never before attributed to it. In practical application, the Constitution has been changed. The proposed amendment would merely give the States the opportunity to ratify or to disapprove that change.

Mr. President, after all, the Constitution starts out with these three words, "We the people." It does not say, "We the Senate" or "We the House" or "We the Congress." It does not even say "We the Supreme Court."

It says, "We the people."

There is no other way that the people can get a "crack" at this. There is no other way they can officially express their opinion except for the Senate, under these conditions, to refer the matter by a two-thirds vote to the House of Representatives where, we hope, there will be a similar favorable two-thirds vote, and then it will be passed on the legislatures of the 50 States.

There are ample safeguards in this process. Three-fourths of the States must approve this proposal within 7 years before it can become a part of the Constitution.

Thus, it is a process which is well safeguarded and one which allow people of this Nation the opportunity to speak on the meaning of the Constitution.

Mr. President, the hearings were held under the able chairmanship of the Senator from Indiana [Mr. BAYH], who is a fine chairman, an able lawyer, and a conscientious man. When he is an advocate of a cause, he is a formidable opponent or proponent, as the case may be. But when he is a chairman, he is a fair chairman. I have served under him in some matters of controversy which have demonstrated that fact to me in indelible fashion.

One of the most outstanding witnesses at our hearing was Rev. Robert G. Howes, who is an associate professor at Catholic University of America.

The text of his formal statement was placed in the CONGRESSIONAL RECORD on August 24, and will be found there beginning on page 20469.

However, I ask unanimous consent to have printed in the RECORD excerpts from that statement—two brief paragraphs to demonstrate the rationale behind the influences which seek to bring about the submission of this issue to the State legislatures.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> In short, time adds a critical dimension to the matter now before us. First, a clear and increasingly serious challenge to the democratic process has been placed. Second, the fact is more and more evident as further court cases are brought, as well as from the statements of some of those who initially pushed for the prayer ban, that the two "prayer" decisions are by no means minimal, narrow judgments, but rather very fundamental precedents which (even with their pleasant dicta) can and will be used in a widening attack against other instances of public reverence. Third, the massive national will for a prayer amendment survives and is backed by many responsible Americans, as individuals and as organizations. Fourth, what is obviously now required is not the prolongation of debate, a debate long since fully joined, but the immediate proposition to the American people at their several State Capitals of a reasonably worderd constitutional prayer amendment. What is now required is not an affirmative substantive vote in the Congress on the merits of school prayer, but rather a specific piece of enabling legislation which will permit the nation to decide this basic issue. We have no doubt whatsoever that, given their rightful chance, the American people will decide overwhelmingly for public reverence. We challenge our opponents to take their cause, as we have ours, to the people.
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> Gentlemen, it would seem that the task before you is now clear. The issue has been canvassed. The will of the nation has not changed. The generals without armies have not been able to convince even their own congregants. Your job, in all respect, is not to decide the continuing debate. Your job is not to return prayer and Bible reading to

the public classroom; although I am sure I speak for the massive majority of Americans when I applaud these Senators and those Representatives who here, and earlier, have testified to the value of such prayer. Your job is to enable a popular decision. Elected by the people and responsive to their conscience, your job is to put this question clearly and quickly to them for an ultimate judgment. If those who have come here dragging up the old red herrings of an attack on the Bill of Rights and minority rights are as confident of their logic as they seemed to be before you, why let them carry their case to the people, as we have done?

Mr. HRUSKA. Mr. President, there is one other point which I want to cover. It has been announced, that there will be a sense-of-Congress resolution submitted for the consideration of the Senate in due time.

I want to address a few remarks to that proposition.

My general view of a sense-of-Congress resolution is not a very charitable one. A sense-of-Congress resolution, when we look at it realistically, is a nullity. It starts out being a nullity. It is an exercise in futility. It is a gesture of nothingness—that is all it is. It has been so ruled, so held, and so applied.

Again, I pay my highest respects to the Senator from Indiana [Mr. BAYH], who will offer the sense-of-Congress resolution. He is conscientious, he is studious, he is diligent. He proposes the sense-of-Congress resolution in good faith and in good conscience. But, Mr. President, it means nothing. It will give a good many Senators a chance to vote for God, for country, and for home, so that they can return to their respective States and say, "Yes, I favored the sense-of-Congress resolution. Therefore, I am on the side of prayer and belief in God, and that this is a religious Nation," and so on. That it will do. But it certainly does not mean a thing legally; nor will it have any binding effect on anyone.

We have had some experience with sense-of-Congress resolutions. It was not too long ago—as I recall, it was only about 3 years ago next month—when the Senate was considering the sale of wheat to Communist Russia. A point was raised concerning a declaration of policy through a sense-of-Congress expression, which was made in July 1961, at the height of the Berlin crisis. An amendment to the Agriculture Act of 1961 expressed the sense of Congress to be in opposition to the exportation of subsidized agricultural commodities to unfriendly nations. "Unfriendly nations" at that time were defined to mean and include Communist nations.

When we had the debate on the policy of selling wheat to Communist Russia and other Communist bloc countries, that sense-of-Congress resolution was used and it was argued that it was something that should be taken into consideration to forbid and deny the sales that were then contemplated.

During the course of that debate or prior thereto, the question was referred to the Secretary of State. It was referred to the Attorney General, also. We have the opinion of the Attorney General, which was signed by ROBERT F. KENNEDY, who then held that office and is now one of our esteemed colleagues. He referred to the policy declaration to which I have alluded.

Mr. President, I ask unanimous consent that the text of section 2(c) of the policy declaration be printed at this point in my remarks.

There being no objection, section 2(c) was ordered to be printed in the RECORD, as follows:

II. SECTION 2(c) OF THE AGRICULTURAL ACT OF 1961

Section 2 of the Agricultural Act of 1961 (75 Stat. 294; 7 U.S.C. (Supp. IV) 1282) *declares it to be—*

"* * * *the policy of Congress to—*

"* * * * *

"(c) expand foreign trade in agricultural commodities with friendly nations, as defined in section 107 of Public Law 480, 83d Congress, as amended (7 U.S.C. 1707), and in no manner either subsidize the export, sell, or make available any subsidized agricultural commodity to any nations other than such friendly nations and thus make full use of our agricultural abundance * * *."

The adoption of this declaration of policy followed the announcement by the Department of Commerce in June 1961 of a change in existing export licensing policy to permit the sale of subsidized surplus agricultural commodities to the Eastern European Soviet bloc. The announcement indicated that consideration would be given to approval of export licenses for shipment of such commodities, including commodities acquired directly or indirectly from Commodity Credit Corporation stocks, to the Soviet Union and other Eastern European countries, provided the commodities were sold for convertible currencies ("Hearings Before the House Select Committee To Investigate and Study the Administration, Operation, and Enforcement of the Export Control Act of 1949, and Related Acts" (87th Cong., 1st sess.), p. 109).

Section 107 of Public Law 480 (Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 457; 7 U.S.C. 1707), referred to in the declaration of policy, defines the term "friendly nation" to mean "any country other than (1) the U.S.S.R., or (2) any nation or area dominated or controlled by the foreign government or foreign nation controlling the world Communist movement." Public Law 480 authorized, inter alia, export sales for soft currencies and for long-term credits. See 7 U.S.C. 1701, 1731. Sales of this character are authorized only with respect to "friendly nations," as defined in the act, but no restriction is imposed on commercial sales for cash or short-term credits.

During consideration by the House of the bill which became the Agricultural Act of 1961, Representative LATTA, referring to the change of policy announced by the Department of Commerce, proposed adding to the declaration of policy already contained in section 2(c) the language: "and in no manner either subsidize the export, sell, or make available any subsidized agricultural commodity to any nations other than such friendly nations." He objected to selling subsidized agricultural commodities to the Soviet bloc—even sales not involving any element of assistance under Public Law 480—because sales at the world market price would, in his view, give bloc countries the benefit of subsidies paid by the Commodity Credit Corporation to American producers and exporters.[1] He urged that this was objectionable "in view of the world situation." After some debate as to the meaning and desirability of the amendment, it was adopted (CONGRESSIONAL RECORD, vol. 107, pt. 10, pp. 13746–13748). The conference committee accepted the amendment (H. Rept. 839, 87th Cong., 1st sess., p. 28).

It is clear that the policy declaration contained in section 2(c) does not have the legal effect of prohibiting commercial sales of subsidized agricultural commodities to bloc countries at world market prices for U.S. dollars, gold, or convertible currencies. Declarations of policy in legislation, like preambles and other introductory material, do not alter specific operative provisions of law (*Sinclair Refining Co.* v. *Atkinson,* 370 U.S. 195, 202 (1962); *Lauf* v. *E. G. Shinner & Co.,* 303 U.S. 323, 330 (1938); *Price* v. *Forrest,* 173 U.S. 410, 427 (1899); *Yazoo R. Co.* v. *Thomas,* 132 U.S. 174, 178 (1889); Sutherland, *Statutory Construction* (3d ed.) § 4820). This rule is particularly relevant where, as here, the declaration of policy was not contemporaneous with the enactment or amendment of any of the basic pertinent statutes; the Export Control Act, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act.[2]

I have examined the history of the declaration with care and find no indication that Congress itself viewed the amendment as more than an expression of its policy, to be given consideration by the Executive in making decisions within the framework of authorizations and prohibitions established by prior law. Representative LATTA, who sponsored the declaration, himself stated that its purpose was to have the Department of Commerce know "what the sense of this Congress is" with respect to the transactions in question (CONGRESSIONAL RECORD, vol. 107, pt. 10, p. 13746). And Representative Hoeven, one of its supporters, pointed out that the amendment "pertains only to the policy section of this bill" (id. at 13747). At no point in the legislative consideration of the declaration was any effort made to revise or to repeal the statutes that would have to be deemed amended if the policy were to be given binding legal effect.

The Congress could, of course, have embodied its policy in a provision of positive law

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[1] Under sec. 407 of the Agricultural Act of 1949 (63 Stat. 1055, as amended; 7 U.S.C. 1427), the Commodity Credit Corporation is authorized to sell subsidized agricultural commodities owned or controlled by it for export at less than the domestic price. Representative LATTA stated that under the Department of Commerce proposal "the American taxpayer will now [be] picking up the difference between the world price and the domestic price. * * * The exporter would charge this difference to the taxpayer" (CONGRESSIONAL RECORD, vol. 107, pt. 10, pp. 13746-13748). In fact, as noted by Chairman COOLEY of the House Agricultural Committee in debate on the floor of the House, since the commodities in question are surplus, the American taxpayer in each case has already "picked up" not merely the difference between the world price and the domestic price, but the entire amount of the domestic price. Export transactions can be said to involve a "subsidy" only because the losses incurred in maintaining the domestic price support program are not deemed realized until a sale occurs. The net result of export transactions therefor is to reduce the loss to the taxpayer by the amount of the world market price. Id. at 13747.

[2] Export Control Act of 1949 (63 Stat. 7, as amended; 50 U.S.C. App. 2021 et seq. (authorizing the President to regulate exports, including their financing, transportation, and other servicing); Agricultural Act of 1949, sec. 407, supra (CCC authorized to sell agricultural commodities for export at less than support prices); Commodity Credit Corporation Charter Act, sec. 5, supra (CCC empowered to procure agricultural commodities for sale to foreign governments, and to export such commodities, or cause them to be exported, and to aid in the development of foreign markets for these commodities).

> to which the executive branch would have been bound to adhere. That it did not choose to do so is significant, not only in establishing that section 2(c) is without legal effect but in determining its proper interpretation and application as policy. Congress evidently contemplated that situations might thereafter arise in which the considerations of policy to which it was directing attention should not be decisive; that it would be necessary for the Executive to consider and appraise the policy thus declared and to determine whether its application would serve the national interest in particular situations. Both Congress and the courts have traditionally sought to avoid restricting the Executive unduly in matters affecting foreign relations because of the need for flexibility in this area and the fact that the Constitution entrusts the external affairs of the Nation primarily to the Executive (*United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 319–321 (1936); *Chicago & S. Air Lines* v. *Waterman S.S. Corp.*, 333 U.S. 103, 111–114 (1948)). If, therefore, the executive branch should determine that permitting the sales in question would serve the national interest at this time, its action would not only be lawful but consistent with the intention of Congress as to the manner in which section 2(c) was to be interpreted and applied.

Mr. HRUSKA. Mr. President, I quote from the opinion of the Attorney General of that time. The date of his opinion is October 1963.

> It is clear that the policy declaration contained in section 2(c) does not have the legal effect of prohibiting commercial sales of subsidized agricultural commodities to bloc countries at world market prices for U.S. dollars, gold, or convertible currency. Declarations of policy in legislation, like preambles and other introductory material, do not alter specific operative provisions of law.

Mr. President, what is he saying? He is saying that there are operative provisions of the law which are not overruled by declarations of policy. Here we have a specific operative provision of the Constitution itself. Certainly, if a sense-of-Congress resolution will not have any effect upon statutory provisions of law, it certainly will not have any on the organic law of our Republic.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HRUSKA. I am more than happy to yield to the distinguished chairman of the Subcommittee on Constitutional Amendments.

Mr. BAYH. I feel highly honored by the complimentary statements the Senator from Nebraska made about me. If I were as eloquent, I would like to make the same tribute to the Senator from Nebraska as an outstanding member of that committee and in conscientiously following the proceedings, sitting there, and analyzing the witness' testimony. Whether he was a proponent or an opponent, as the case might be, it has been a privilege to sit beside him in the various hearings we have held.

I do not want the Senator from Nebraska to think that the Senator from Indiana is so naive that he does not understand the limitations of a sense of Congress resolution, and for the RECORD, and anyone who may be listening who has doubts about who is going to propose that sense of Congress resolution, let me say I intend to do so.

There can be no dispute over the fact that seldom has there been more misunderstanding, confusion, and furor raised over a Supreme Court decision than that which is presently going on over the country. I believe that we have a common belief on that point. Have we not?

Mr. HRUSKA. Yes, and I tried to express some of my sentiments and thoughts in that regard. The Senator has been fair. This question has raised a great deal of interest and a great deal of compulsive thinking.

Mr. BAYH. I am concerned about this. The Senator from Nebraska and I differ on some aspects of this question. We differ on the amendment process. With respect to the obligation of Congress, I do not intend to debate that question at this time. I may do so later on, after the Senator from Nebraska completes his statement. So we differ on some aspects of this question, but I think we agree that there is a great deal of confusion and turmoil and we are concerned about it.

It is my feeling that a sense-of-Congress resolution would do two basic things. One, we are trying to outline, very specifically, what the Court said. I think any astute attorney—and the Senator from Nebraska is one of the best—can see what the Court said. We are also specifying what the Court did not say.

The argument that the Court has outlawed all baccalaureate services, and that the words "under God" cannot be said, the argument that it outlaws voluntary prayer, the argument that we in Congress cannot convene each day and have a chaplain lead us in prayer to God, are arguments that are ridiculous in terms of the Court's decision.

We say specifically that the Court did not outlaw those practices. We say that voluntary prayer and a period of silent meditation are wholesome and should not be and have not been prohibited by the Supreme Court decision.

So this proposal does not reverse the Supreme Court decision. The Senator from Indiana is not so naive as to think it does. It merely sets the record straight. It seeks to help a school principal who may be in doubt by giving him a sense-of-Congress declaration.

For those reasons, I feel the proposal would have a wholesome result as far as clarifying and stilling some of the confusion and controversy which have arisen. It is to this goal that we have been directing support for a sense-of-Congress resolution, not a desire for anyone to be able to say he is in favor of motherhood and God, although that might be the inference taken with respect to it. However, the express purpose of this resolution is to help still and clarify some of the controversy.

Mr. HRUSKA. Before we go further, let the Senator from Indiana be dispossessed of the thought that the Senator from Nebraska charged the Senator from Indiana with proposing the sense-of-Congress resolution with that motive. That was not my observation. My observation was that a sense-of-Congress resolution would afford the opportunity to many of our colleagues to say they voted in favor of God, motherhood, goodness, light, and so on; but that is not the motive from which the Senator from Indiana introduced the proposal. I wanted the Senator to be certain of that.

Mr. BAYH. If the Senator will allow me one more comment—he has been more than kind——

Mr. HRUSKA. Surely.

Mr. BAYH. I would not want to deny any of our colleagues the opportunity to vote in favor of God, country, and motherhood.

Mr. HRUSKA. I would not want to do that either, but I would not want to see us engage in a senseless and pointless exercise, and that is what a sense-of-Congress resolution is. I say, let us come to grips with this question. The Senator from Indiana says that his resolution proposes to draw out what the Court did say and did not say, that the Court did not mention voluntary prayer, that it has not been outlawed, and that a school principal can look at the resolution and be guided.

I submit that that is nonsense, and I will state why. The school principal will look to the school board. The school board will look to the attorney general of the State, and the State attorneys general will look at what? The State attorney will do as the attorney general of the State of Michigan did. So we will add this language to a long line of cases. The State attorneys will say, "We have all kinds of cases and interpretations of court decisions." Here is another interpretation by the Congress to add confusion and chaos to an already chaotic and confused situation.

So I say, when you get all through with it, when there is a breach of the law, it is the courts that will find that man guilty, and fine him or imprison him and order him not to do it any more. It is not the Congress. This resolution if it is adopted—which I fervently hope it will not be—will mean about as much as a resolution of the American Legion, the chamber of commerce, the Kiwanis, the Rotary, or any other organization.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HRUSKA. Surely.

Mr. BAYH. I did not seek the Senator's permission to speak to contest the last assertion he made, although I would not want my silence to testify that I agree with him, because I should hate to think that any action by this body had no more weight, in legal terms, than those of the fine organizations that he referred to, as far as resolutions are concerned.

But I should like to speak to the point as to the attorney general of Michigan. I should like to think, and I think it is justifiable, although we differ on this point, that giving a thorough hearing and debate on this floor such as we are now having, and giving the opportunity to blow some fresh air through these Supreme Court decisions, and then having Congress speak out in a sense-of-Congress resolution, could well change the opinion of the attorney general of the

State of Michigan, if he were called upon *to render a subsequent opinion.*

I do not, for the life of me—and I ask my friend from Nebraska to help elucidate and illuminate it for me—see how anyone can read those Supreme Court decisions and come to the ridiculous assertions that the attorney general of Michigan came to. The things he put in his opinion are as foreign to what was said in the Supreme Court decision as anything one could imagine.

I thank the Senator from Nebraska. I had not intended to interrupt him.

Mr. HRUSKA. I always welcome contributions from the Senator from Indiana, because he speaks to the point, and what he says does sharpen up the arguments pro and con.

I should like to blow a little fresh air into this thing if I can, and I should like to do it right now. This Chamber is sometimes known as the cave of winds. I do not know how fresh the air is, but we are trying.

Any attorney general, or any attorney for any school board, Mr. President, if he is going to canvass the law on this subject, including a sense-of-Congress resolution, will come to the opinion of ROBERT F. KENNEDY, who was Attorney General of the United States when he rendered his decision. What will he come across when he does that? Not only the language that I have already read, but this language:

> I have examined the history of the declaration (of policy) with care, and find no indication that Congress itself viewed the amendment as more than an expression of its policy, to be given consideration by the Executive in making decisions within the framework of authorizations and prohibitions established by prior law.

And then, in the following paragraph, here is what that opinion says:

> The Congress could, of course, have embodied its policy in a provision of positive law, to which the executive branch would have been bound to adhere. That it did not choose to do so is significant, not only in establishing that section 2(c) is without legal effect, but in determining its proper interpretation and application as policy.

Any careful lawyer who will canvass this situation for his school board, or for the school system of his State, will come across this, and he will state in his opinion—which he will sign without any hesitation—that there is no binding effect to this sense-of-Congress resolution. If it does anything, it adds more confusion and chaos than anything else. The place to look is to the courts.

What do they say? They have held that the saying of a simple prayer in a school is "an establishment of religion." This amendment is directed toward making it clear that that is not the fact.

Mr. BAYH. Will the Senator point to a single example where the Supreme Court of the United States has said that saying voluntary prayer is an establishment of religion?

Mr. HRUSKA. No; I agree with the Senator from Indiana that that question is partially open. The Supreme Court is not squarely on that point. I agree further that the element of a prescription by the school board was present in the New York case. So that made it *within the phrase "an establishment of religion," in the opinion of the Supreme* Court.

But, as I indicated in my principal statement a little while ago, the vice of those decisions by the Supreme Court is not confined to their text. The vice of those decisions is found in the interpretations made by the many school boards, their lawyers, the school authorities, the superintendents of instruction, and others.

Mr. BAYH. And it is to that particular issue that our sense-of-Congress resolution is directed. We are saying, "Wake up, Mr. School Board. Wake up. Here is what the Court said. It did not say anything about baccalaureate services."

Mr. HRUSKA. And who are we to say what the Court said? The Court speaks for itself, Mr. President. It is a coequal and independent branch of the Government.

If we are to have a caretaker, and the caretaker has a daughter, "who takes care of the caretaker's daughter when the caretaker is busy taking care?" That was a song of my boyhood days. In this case, are we going to have the Supreme Court interpret the laws, and then have Congress come along and say, "This is what the Supreme Court really meant to say"?

What a situation that would be. That is not what Congress is made for. Let us meet this issue squarely and fairly, and say, "This the schools may do; more they cannot do."

Mr. BAYH. If the Senator will yield——

Mr. HRUSKA. Surely.

Mr. BAYH. I did not say that the sense-of-Congress resolution would say, "This is what the Court intended to say," but "what the Court said." And, by the Senator's own admission, they did not outlaw voluntary prayer. All they have said is that the State Legislatures of Pennsylvania and Maryland, and the New York Board of Regents, cannot tell Johnny and Susie what prayer to pray and when to pray. I cannot object to that decision.

Mr. HRUSKA. That is right. But when we adopt that resolution, we will be saying, "In our opinion, this is what the Supreme Court said," and that would be laid before the school board, just like the opinion of the Attorney General or the lawyer for the State superintendent of instruction, or anyone else. So it is just another piece of evidence to be considered in an already very confused and chaotic situation. That is all it is.

I do not mean to downgrade or debase the quality of the work that we put out here in Congress. We are estimable gentlemen; we frequently admit it on the political stumps and elsewhere. But the fact is that it would be nothing but an expression of opinion on our part, and that is all.

Mr. President, by way of summary, I say we have a good case here, in the hearings as well as in the debate on the floor, that it is the duty of the Senate to refer this matter to the House of Representatives, in the earnest and optimistic hope that they will follow our lead *with a favorable two-thirds vote, and then refer the proposal to the States.* We say that because the decisions of the Supreme Court have been a departure from what the interpretation and the application of the Constitution was prior to those decisions on this point; second, because there is a strong diversity of respectable opinion on the point; and third, that there is a reasonable probability, with the widespread interest and persuasiveness on this issue on the part of many millions of people, that the proposed amendment will be ratified and made a part of our Constitution in due time.

After the Senator from Indiana does propose his sense-of-Congress resolution, perhaps we can engage in another little colloquy to sharpen up its place, or rather its nonplace, in these proceedings. But in the meantime, I suggest, Mr. President, that we have a good case for the proposition that it is the duty of Congress, under the case that is made, to approve the amendment and give the people a chance to really make this a people's Constitution.

Mr. President, I yield the floor.

AMENDMENT NO. 931

Mr. BAYH. Mr. President, so that the Senator from Nebraska and others might have the opportunity to zero in and to sharpen up the discussion, as he mentioned, I send to the desk at this time an amendment in the nature of a substitute to the amendment of the Senator from Illinois in the nature of a substitute.

My amendment will in turn become Senate Joint Resolution 144 if and when the Senate desires to go through these steps of substitution.

I submit the amendment so that it will be printed and the Senate will have a chance to look at it in the RECORD before we finally vote on it tomorrow.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The amendment will be received and printed and will lie on the table; and, without objection the amendment will be printed in the RECORD.

The amendment (No. 931) is as follows:

> In lieu of the language purposed to be inserted by the Senator from Illinois, insert the following:
>
> "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress that nothing in the Constitution or the Supreme Court decisions relating to religious practices in our public schools prohibits local school officials from permitting individual students to engage in silent, voluntary prayer or meditation; and be it further
>
> "*Resolved,* That the President of the United States is requested and authorized to issue annually a proclamation designating the week during which Thanksgiving Day is observed as National Prayer and Meditation Week, inviting the Governors and mayors of State and local governments of the United States to issue similar proclamations, and urging all Americans, both adults and children, to express, during this period, their thanks for the numerous blessings which have been granted to all the people of the United States."

Mr. BAYH. Mr. President, I point out that, inasmuch as the amendment will be offered as a substitute for the amendment of the Senator from Illinois, in the nature of a substitute for the resolution, only the resolving clause and the language following it will be technically considered when we vote. However, because of my colloquy with the Senator from Nebraska and the reason behind the amendment—namely, that I think it is important for us to do three things in the resolution—I feel that the whereas clauses of the preamble are extremely important. I read them, as follows:

> Whereas the Supreme Court of the United States has decided that it is a violation of the constitutional prohibition against the establishment of religion for a state authority to prescribe and require religious practices in public schools; and
>
> Whereas these decisions have been widely misrepresented, misinterpreted and misunderstood; and
>
> Whereas the Supreme Court decisions did not involve or prohibit voluntary prayer or silent meditation in our public schools, or spontaneous prayer in our public schools during time of tragedy; or public school programs commemorating religious events of traditional and historical significance; or the offering of prayer in various public ceremonies involving adults; or references to God on our coins or in our historical documents and patriotic songs; and
>
> Whereas the Supreme Court decisions acknowledged that we are a religious people whose institutions presuppose a Supreme Being: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress that nothing in the Constitution or the Supreme Court decisions relating to religious practices in our public schools prohibits local school officials from permitting individual students to engage in silent, voluntary prayer or meditation; and
>
> *Be it further resolved,* That the President of the United States is requested and authorized to issue annually a proclamation designating the week during which Thanksgiving Day is observed as National Prayer and Meditation Week, inviting the Governors and mayors of State and local governments of the United States to issue similar proclamations, and urging all Americans, both adults and children, to express, during this period, their thanks for the numerous blessings which have been granted to all the people of the United States.

We should first try to set the record straight, not as to what the Court thought, but as to what the Court did in so many words say, so that we can better point out some of the incongruities and ridiculous assumptions that have been read into the Court's decision. We should show what the Court did not say. We should resolve what the sense of Congress is.

I want to have this printed with the understanding that tomorrow when we get to the parliamentary business of substitution we can substitute only the resolving language therefor, and we would have to amend the preamble after the resolution itself is acted upon. I am also submitting an amendment to the preamble for printing.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HRUSKA. Mr. President, when the Senator does discuss this matter—and I look forward to his discussion of it with great anticipation—I do wish that he will cover the proposition in the first resolve, wherein it is stated to be the sense of the Congress that nothing in the Constitution or the Supreme Court decision relating to religious practices in our public schools prohibits local school officials from permitting individual students to engage in silent, voluntary prayer or meditation.

That point has not yet been decided by the Supreme Court. The Senator from Indiana is correct. The question of oral voluntary prayer which is permitted and authorized by school authorities has not been submitted.

The Supreme Court might say that is all right. We would then have the Supreme Court saying one thing and the sense-of-Congress resolution being more restricted.

I would think that the Senate would be interested, and certainly this Senator would be, in wherein all the world in the second resolve are the children that attend these schools. It reads:

> The President of the United States is requested and authorized to issue annually a proclamation designating the week during which Thanksgiving Day is observed as National Prayer and Meditation Week.

I think it is wonderful. He can do it now. In effect, he does it every time he proclaims Thanksgiving Day, but where are the schoolchildren who, for a hundred years more or less, in many areas have had the benefit of prayers given at the opening session of their schoolday?

Perhaps the Senator from Indiana will indulge me and dwell on those two points for my edification and for the edification of other Senators.

Mr. BAYH. If the Senator has some suggestion to make as to how the children can be better provided for in this, I would be glad to have his thoughts on the matter.

We are trying to do two things. We were trying to deal with completely voluntary prayer in schools, and we are trying to reassert the fact that the Congress of the United States has not been captivated by the devil, that we are God-fearing men.

This is important to me because some people have gotten the idea that because we dare to stand here and debate the subject we are automatically the servants of something evil and they are saying also, I might add, that the Court has gone down some devious path, which it has not.

I want to set the record straight. If the Senator has some thoughts on this, I should be glad to have them.

Mr. HRUSKA. Mr. President, I inform the Senator that he should have no misgivings as to the purpose and extent of any sense-of-Congress resolution. That is separate and apart from the very fine motivation of the Senator who proposes this measure.

I certainly would not want to compound an aggravation of nothing but an intellectual futility by offering any amendment to the measure. It would not be my purpose to do so.

Mr. WILLIAMS of Delaware. Mr. President, I support the Dirksen amendment to the Constitution of the United States, the purpose of which is to override the decision of the Supreme Court wherein they prohibited the reading of the Bible and the recitation of the Lord's Prayer in public schools.

In my opinion this decision is not in accord with the principles upon which our country was founded and upon which our Government was established. We as Americans have always prided ourselves upon being a religious nation and have ofttimes—perhaps too righteously so—pointed the finger of scorn at atheistic nations. The early founders of our Republic were men who while determined to maintain a separation of church and state were also men who recognized our dependence upon the Supreme Being.

Just a few years ago Congress added the words "under God" to our pledge of allegiance.

Our national anthem contains this reference to God:

> An this be our motto "In God is our trust."

The Senate of the United States under one of its established rules cannot open a session without first having a prayer by the Chaplain or his representative.

Our coins bear the inscription "In God we trust," and over the main entrance to the Senate chamber this same inscription appears in bold letters.

When a Member of the Senate takes his oath of office the last words in that oath are "So help me God."

Our whole system of government from its earliest establishment has been based on the fact that we do recognize ourselves as being a religious nation. This does not mean that we as a people do not respect the right of any individual to select his own religion. This does not mean that we do not extend to an individual his right to be an atheist; that is his individual right.

But we can respect those individual rights and still preserve our dignity as a religious nation, and certainly if the majority of the people in any school district wish to have the Bible read or the Lord's Prayer repeated in their schools that is an American heritage.

Much has been said about the importance of the American Government's portraying a good image to the nations of the world. There is nothing that could be more disastrous to the world's opinion of our country than to leave the impression that we who had prided ourselves upon being a religious nation are now renouncing our dependence upon our God.

I know of no stronger argument that could be made in support of the need of this constitutional amendment than to quote Mr. Justice Stewart, who in his dissenting opinion said:

> We err . . . if we do not recognize, as a matter of history and as a matter of the imperatives of our free society, that religion and government must necessarily interact in countless ways.

Continuing, Mr. Justice Stewart cited example after example of the interaction—from the use of prayer in the opening of courts and Congress to the state support of chaplains to minister to those in the Armed Forces who, of their own choice, seek such ministry.

Mr. BYRD of West Virginia. Mr. President, today, I wish to mark a date which future historians may recognize as the day the Supreme Court of the United States started moving from an attitude of neutrality toward religion to one of hostility. That date was June 25, 1962, the day the Court rendered its first "antiprayer" decision in Engel against Vitale.[1]

Though hostility was not intended—in fact the Court claimed to be preserving that neutrality—the Court failed adequately to understand the integral role that religion plays in our society and all facets of our lives. I agree with Justice Stewart's dissenting view in Abington School District against Schempp when he wrote:

> We err in the first place if we do not recognize, as a matter of history and as a matter of the imperatives of our free society, that religion and government must necessarily interact in countless ways.[2]

To think otherwise is to forget a primary foundation of our American society. As Justice Douglas observed in Zorach against Clauson:

> We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary. We sponsor an attitude on the part of government that shows no partiality to any group and lets each flourish according to the zeal of its adherents and the appeal of its dogma.[3]

Yes, we are a religious people. The youngest child in the grade schools of our land is taught of the formation and settlement of our great country. A schoolchild knows that the Pilgrims, the Puritans, the Mormons, the Quakers, and many others came to the wilderness of the new world to escape the religious persecution of the old and to secure to them the free exercise of their religious beliefs. Justice Stewart was correct when he wrote, in dissenting from the majority opinion in Engel against Vitale:

> [T]he Court has misapplied a great constitutional principle. I cannot see how an "official religion" is established by letting those who want to say a prayer say it. On the contrary . . . to deny the wish of these school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our nation.[4]

Senator DIRKSEN recently said that polls indicate that more than 81 percent of the people of this country disagree with the Supreme Court's decisions in *Engel* v. *Vitale*, 370 U.S. 421 (1962) and *Abington School District* v. *Schempp: Murray* v. *Curtlett*, 374 U.S. 201 (1963).

But despite this overwhelming public outcry, the Engel decision has stood for over 4 years and Abington for 3, nor has anything been done to allay the widespread concern generated by the implications of those rulings. More than 200 resolutions have been introduced in Congress to correct the Supreme Court's misinterpretation of the first amendment. Still Congress has not taken one vote.

I am one of the 47 sponsors of Senate Joint Resolution 148—the proposed constitutional amendment popularly known as the Dirksen amendment. Few proposals have ever been more maligned by critics. Perhaps it is the general misunderstanding of what this resolution does and does not do that is behind the delay.

Let us examine the proposed amendment. It is short and simple and not sinister and dangerous as critics would have us believe:

> Nothing contained in this constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds, from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer.

The reason this resolution is being offered is to correct what many of us believe is an erroneous interpretation by the Court of the 1st amendment requirement applied to the States through the 14th amendment:

> Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

I think we were all aware of the Court decisions that have caused heartfelt protest throughout the land. Since they have often been discussed on the floor of this Chamber and by Members of the other body, I do not wish to take further time this afternoon by dwelling on the factual situations involved in Engel against Vitale, Abington School District against Schempp, Chamberlain against Dade County Board of Public Instruction, and Stein against Oshinsky,[5] the latter case not considered by the U.S. Supreme Court. Instead, I would briefly like to offer some historical background concerning the first amendment. I feel this background is important in understanding the purpose of the prayer amendment and why, by enacting this resolution, we are returning that magnificent instrument, the Constitution, back to where it was in 1962 before the Engel case.

First, I think it is important that we stress the fact that the interpretation of the sometimes conflicting "establishment" and "free exercise" clauses of the first amendment is a difficult task. The interpretation given the first amendment in various situations is a matter over which reasonable men can disagree. It is because of this very vagueness and complexity that I believe an amendment, to clarify the meaning of the first amendment with regard to the freedom of children to pray in public schools, is necessary.

The amendment providing for freedom of religion was first proposed by James Madison on June 8, 1789, before the House of Representatives. It read in part:

> The civil right of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext infringed.[6]

The amendment was specifically enacted as a limitation upon the National Government alone. One commentator tells us that James Madison added the word "national" to the restrictions against the establishment of religion, because he was concerned over the reaction from many States which had an established church.[7] So, originally, the amendment was intended not only to prevent the National Government from establishing a religion but also to prevent that Government from interfering with the dominant religion of the various States.

The 14th amendment was adopted in 1868, but it was not until 1940 in Cantwell against Connecticut[8] that the Supreme Court held that the 1st amendment's restriction against the establishment of religion also applied, because of the 14th amendment, to the States. So the amendment which was originally intended to give each of the States freedom in the field of religion now became a restriction on their autonomy.

But until Engel, the Court stepped very lightly with regard to State laws which in some cases might be considered to represent State support of religion. Presumably, the Court recognized the sensitivity of the people when they felt their religious practices are threatened and more importantly, realized that in certain situations two clauses of the first amendment might be in conflict; and that a careful balance had to be maintained between the requirement that Congress and the States "shall make no law respecting the establishment of religion" and the requirement that Congress and the States not interfere with the "free exercise" of religion. The Court then understood that sometimes by doing nothing as well as by doing too much, Congress and State legislatures could interfere with the "free exercise" by the people of their religion.

Take, for example, the hundreds of Army chaplains risking their lives with our fighting men in Vietnam. If one wanted to overemphasize the establishment clause, the Government's activity in supplying uniforms and transportation to these chaplains could constitute state support of religion. But if the Government did nothing, it would be difficult, if not impossible, for these devoted servants of God to accompany our men overseas. If the U.S. Government did nothing, the religious soldier would have no priest to confess to or to give him last rites. This would constitute an interference with the "free exercise" of this soldier's religion and in many cases would constitute an absolute prohibition on his exercise of religion.

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[1] 370 U.S. 421 (1962).

[2] 374 U.S. 203, 309 (1963).

[3] 343 U.S. 306, 313 (1951).

[4] 370 U.S. 421, 445 (1962).

[5] 370 U.S. 421 (1962); 374 U.S. 203 (1963); 377 U.S. 402 (1964); 348 F. 2d 999 (1965).

[6] I *Annals of Congress* 434.

[7] 1 Stokes, *Church and State in the U.S.*, 541.

[8] 310 U.S. 296.

Let us bring the problem a little closer to the resolution before us. The Supreme Court in Everson against Board of Education,[9] upheld a New Jersey law requiring public funds to be used to provide transportation for children from their homes to parochial as well as public schools. The Court, since Pierce against Society of Sisters,[10] had recognized that the right of parents to send their children to nonpublic schools was closely related to their right to freely exercise their religious beliefs. With Everson the Court recognized that if they denied the States the right to supply schoolbuses to the parochial schoolchildren, the cost for children to attend parochial school when combined with the support their parents had to give public schools with their tax dollars, might make the cost of attending parochial school prohibitive. Justice Black, in delivering the Court's opinion, very nicely summarized the point I am trying to make today. He said:

> State power is no more to be used so as to handicap religions than it is to favor them.[11]

You may ask how has the Court handicapped religion by outlawing prayer or religious observance in the public schools? Should not religion be practiced in the homes and in the churches? Of course it should be, but to limit it to those places is to deny the formative and all pervasive influence the schools have on the formation of our children's attitudes and beliefs. I think Justice Stewart stated our concern over the absence of religion in these circumstances when in dissenting in the Abington case he wrote:

> A compulsory state educational system so structures a child's life that if religious exercises are to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism, or at the least, as government support of the beliefs of those who think that religious exercises should be conducted only in private.[12]

Justice Black in Zorach against Clauson,[13] enunciated the balance that we are trying to restore to the Constitution, particularly to the first amendment:

> Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person. But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence.

I read a very distressing report in the newspapers recently describing the transformation that has come over our Nation in attempting to comply with the Supreme Court's instructions for the removal of God from our schools. It was a nationwide survey by United Press International which reported that, outside of the South, most schools have now eliminated Bible reading and other devotional exercises. I am pleased to hear that most people are trying to obey the law, but I am distressed by the substitutes that have been found to fill the void, once God has been removed. In Pittsburgh, opening exercises feature readings of a specially selected collection of quotations from Aristotle, Plato, Shakespeare, Daniel Webster, and others. The collection includes some original poems by the students themselves as well as what the report describes as other "suitably secular opening exercises." The New York City Board of Education repealed a regulation on the books for over 100 years that required children to sing the fourth stanza of "America," a prayer set to music. Now all that is required is "the singing of any patriotic song, followed by the pledge of allegiance to the flag." The report continued:

> In some cases, public school officials are so fearful of getting involved in religious controversy that they give short shrift even to such major historical movements as the Reformation.[14]

I find this disturbing, not because I am opposed to the study of the classics in our public schools or the singing of patriotic songs. I am disturbed because people now are fearful of getting in trouble because of religion. They desperately want something to fill the void left by the ban on prayer and have to turn away from our religious heritage. It sounds ominously similar to the early days of communism in Russia when daily recitations from Marx and Lenin replaced prayer. How sterile the substitute.

I propose that it is now time to let the people vote on the matter. The Congress alone cannot amend the Constitution. The people do that usually through their State legislatures. But it is the duty of Congress to propose such amendments. As we observed earlier when I read the text of the proposed amendment, it does not force anyone to do anything. It does not change the Constitution. It clarifies the Constitution. It is permissive. It places the responsibility for deciding whether prayers shall be permitted in the public schools on a voluntary basis where it belongs—on the local school authorities, the people closest to the parents and communities. The resolution does not prescribe the form the prayer is to take or permit official prayers; nor does it authorize any government to prescribe the prayer; it provides only for voluntary participation in prayer.

I think an additional benefit in passing this resolution would be to demonstrate to the Supreme Court the overwhelming public discontent over the direction of recent decisions on prayer.

The Supreme Court does not make the Constitution nor, as Justice Jackson once observed, should it be "a super board of education for every school district in the Nation."[15] The people have spoken to us; we should let them vote on the amendment. Let us have the courage to stand for our religious heritage and eliminate the present hostility in relations between church and state.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Breskin, one of its clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 491. An act to provide for the establishment of the Bighorn Canyon National Recreation Area, and for other purposes; and

S. 2287. An act to authorize a 5-year hydrologic study and investigation of the Delmarva Peninsula.

The message also announced that the House had passed the bill (S. 3510) to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 825. An act to repeal the "cooly trade" laws;

H.R. 13955. An act to establish the past and present location of a certain portion of the Colorado River for certain purposes;

H.R. 14136. An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended, to authorize a maximum increase of $2 for each such stamp, and for other purposes;

H.R. 15183. An act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States;

H.R. 15358. An act to amend the act incorporating the Disabled American Veterans so as to provide for an annual audit of their accounts;

H.R. 15662. An act to amend the Federal Seed Act (53 Stat. 1275), as amended;

H.R. 15727. An act to establish rates of compensation for certain positions within the Smithsonian Institution; and

H.R. 16557. An act to provide for the refund of certain amounts erroneously deducted for national service life insurance premiums from the pay of former members of the organized military forces of the Government of the Commonwealth of the Philippines, and to amend title 38 of the United States Code to provide that certain payments under that title shall be made at a rate in Philippine pesos as is equivalent to $0.50 for each dollar authorized.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 825. An act to repeal the "cooly trade" laws;

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[9] 330 U.S. 1 (1947).

[10] 268 U.S. 510 (1925).

[11] 330 U.S. at 18.

[12] 374 U.S. at 313 (1963).

[13] 343 U.S. 306, 314 (1951).

[14] *Washington Post,* Sept. 10, 1966, p. B7.

[15] *McCollum* v. *Board of Education,* 333 U.S. 203, 237 (1948).

H.R. 15183. An act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States; and

H.R. 15358. An act to amend the act incorporating the Disabled American Veterans so as to provide for an annual audit of their accounts; to the Committee on the Judiciary.

H.R. 13955. An act to establish the past and present location of a certain portion of the Colorado River for certain purposes; to the Committee on Interior and Insular Affairs.

H.R. 14136. An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended, to authorize a maximum increase of $2 for each such stamp, and for other purposes; to the Committee on Commerce.

H.R. 15662. An act to amend the Federal Seed Act (53 Stat. 1275), as amended; to the Committee on Agriculture and Forestry.

H.R. 15727. An act to establish rates of compensation for certain positions within the Smithsonian Institution; to the Committee on Post Office and Civil Service.

H.R. 16557. An act to provide for the refund of certain amounts erroneously deducted for national service life insurance premiums from the pay of former members of the organized military forces of the Government of the Commonwealth of the Philippines, and to amend title 38 of the United States Code to provide that certain payments under that title shall be made at a rate in Philippine pesos as is equivalent to $0.50 for each dollar authorized; to the Committee on Finance.

EXECUTIVE SESSION

On request of Mr. INOUYE, and by unanimous consent, the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nominations in the Department of Justice.

The PRESIDING OFFICER. Without objection, the clerk will report the nomination.

The legislative clerk read the nomination of Patrick J. Foley, of Minnesota, to be U.S. attorney for the district of Minnesota.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Henry S. Wise, of Illinois, to be U.S. district judge for the eastern district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Alexander J. Napoli, of Illinois, to be U.S. district judge for the northern district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF STATE

Mr. INOUYE. Mr. President, I ask that the Senate proceed to the consideration of the nomination in the Department of State.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read the nomination of Robert R. Bowie, of Massachusetts, to be Counselor of the Department of State.

Mr. CLARK. Mr. President, the President of the United States has sent to the Senate, for its advice and consent, the name of Robert R. Bowie, of Cambridge, Mass., to be counselor of the State Department. The nomination was favorably acted upon by the Committee on Foreign Relations, by voice vote, one day last week, when it was impossible for me to be present because of my responsibilities as the chairman of the Subcommittee on Manpower, Employment, and Poverty, to mark up and bring to the floor the administration's poverty bill.

I had requested the chairman of the committee, in writing, to defer consideration of the nomination until this week, in order that I might be present; but for reasons to which I take no exception, the committee decided to pass on the nomination without availing itself of my views.

The nomination is now before the Senate for confirmation. I desire to indicate my doubts as to its wisdom. Before doing that, I would like to state that I have complete confidence in the integrity of Mr. Bowie. I also very much admire both his intelligence and his grasp of foreign affairs. My concern is with his philosophy and his judgment. On this point, I shall elaborate relatively briefly.

Mr. Bowie is a graduate of Princeton and the Harvard Law School. He practiced law for a short while in Baltimore, his native city. He served with the Army during World War II. On the conclusion of hostilities, he was appointed professor of law at the Harvard Law School.

He left that post to accept a temporary appointment in Germany. In 1953, upon the Eisenhower administration taking office, he was persuaded by Mr. John Foster Dulles, the Secretary of State—a gentleman whom, Mr. Bowie said, he had never met until he was asked to come to the State Department—to become Director of the Policy Planning Staff of the State Department, and a member of the Planning Board of the National Security Council. He served in that capacity from 1953 until some time in 1957, when he returned to Harvard to become professor of international relations and director of the Center for International Affairs. He remained in that post until he was appointed to his present position, although during 1960, still in the Eisenhower administration, he was commissioned by Secretary of State Christian Herter to write a report to the Secretary of State on the subject of the North Atlantic nations' tasks for the 1960's.

This document was then and is now classified, but we have had access to it in the Committee on Foreign Relations. Of course, because it is classified as secret, I am not at liberty to disclose its contents on the floor of the Senate. I may say that in my opinion the continued classification of this document is a typical example of the reticence of the State Department to permit the American people to know what individuals, whom they are endorsing for high office, think about matters within the scope of their intended duties.

I would also hope that the State Department would now give prayerful thought to removing the classified status of this report prepared by Mr. Bowie over 6 years ago. Without disclosing classified matter, I think that I can fairly say Mr. Bowie himself would be the first to admit that many of the views he set forth in that report are obsolete. They do cast an interesting light on his general philosophy and his view of the NATO-European-Soviet scene. I think those views would be of great interest to the public and to the Senate in particular.

The State Department, with a characteristic timidity, still classifies this report as secret, so I can say no more about it.

I reiterate my high regard for Mr. Bowie's integrity and intelligence. I have had an opportunity to meet with him on several occasions, because in addition to being the director of the Center for International Studies at Harvard, he is a professor in the Department of Government at Harvard, and, for all I know, still holds his title as professor of law at the law school. In that capacity he attends the annual meetings conducted by the Overseers Committee to visit the Department of Government of Harvard University. As I have for some years been a member of that committee I have had an opportunity to discuss with him and his colleagues the activities of the Department of Government of Harvard.

In addition, I am a fellow of the American Academy of Arts and Sciences, which is engaged in what ought to be, I think, a rather utopian study of what the world will look like in the year 2000. Mr. Bowie is on the task force of that committee. I had the opportunity of discussing with him the kind of report which might be written, in conjunction with his friend, Mr. Herman Kahn, the well-known hawk, during an all-day meeting of that committee earlier this year.

Mr. Bowie is unquestionably an expert in European affairs in general, and NATO in particular. However, I think he would be the first person to admit that he has no such competence in the areas of relations with the Soviet, except through NATO, or with Latin American affairs, or with Far Eastern affairs.

My reservations about Mr. Bowie are largely based on certain conclusions to which I have come as a result of my contacts with him and the rather extensive hearings conducted by the Committee on Foreign Relations on August 16 and 23, during the course of which I questioned Mr. Bowie quite closely about his views on the general subject of peace, a matter with respect to which I have busied myself perhaps unduly since I first came to the Senate.

A peace offensive was initiated in the United States shortly after the inauguration of John Fitzgerald Kennedy as President, and for some time I was optimistic about that peace offensive. Senators may recall that while Mr. Dulles was eloquent in talking about peace, his general views of our relationships with the Soviet bloc, his somewhat belligerent statements about massive retaliation at times and places of our own choosing, and his feeling that we were engaged in a war, perhaps to the death, with Godless, atheistic communism made efforts on our part to ameliorate the tensions of the cold war difficult during the years he served as Secretary of State.

During much of that time, Joseph Stalin was still the dictator of the Soviet Union, and therefore the attitude of the Soviet Union toward peace was at least as belligerent as that of the United States, probably more so.

Personally, I date the beginnings of the peace offensive in our country from the time when Christian Herter became Secretary of State in the dying days of the Eisenhower administration. By that time, Mr. Bowie had left the State Department and had returned to Harvard. It was Christian Herter who first committed our country, as a part of its foreign policy, to the principle of general and complete disarmament under enforceable world law.

When Dean Rusk became Secretary of State at the time of the inauguration of President Kennedy, the President was, to a rather substantial extent, his own Secretary of State. It was not until after his death that some of us came to appreciate that there was very little difference between the foreign policy of John Foster Dulles and Dean Rusk.

During that happy hiatus, when John Kennedy was in the White House, with the assistance of Arthur Dean, John McCloy, Grenville Clark, and a number of other individuals deeply interested in the cause of peace, the initiative first undertaken by Secretary Herter was continued and we had those three magnificent speeches by President Kennedy in 1961, 1962, and 1963 at American University and at the United Nations, in which he substantially advanced the cause of relaxation of tensions with the Soviet Union and advocated—with some success—an approach toward arms control and disarmament through agreement with the Soviet Union, and with many other countries whose accession to arms control and disarmament treaties would be essential.

We had the formation by Congress of the Arms Control and Disarmament Agency, in which I was proud to play a small part. We had the Zorin-McCloy agreement on eight principles of disarmament, which advanced very substantially, the efforts to negotiate in that area with the Soviet Union. We had the U.S. plan for world peace through world law, first in pamphlet form and then, in the spring of 1962, in the form of an outline of a treaty on general and complete disarmament. The Russians filed their own version of such a treaty.

After a while, we got the limited test ban treaty, and hope was high for further progress in the relaxation of tensions and the negotiation and—hopefully—ratification by the Senate of further treaties and agreements on arms control and disarmament.

Then President Kennedy was assassinated and it seemed as though our hopes slowly but surely faded. During all this period, of course, Mr. Bowie was not with the Government; he was at Harvard University. There were some remaining gestures toward peace of which perhaps the most important was the 20th anniversary celebration of the founding of the United Nations, one of the last formal occasions attended by that great advocate of peace and disarmament, the late Adlai Stevenson, and attended also by the President of the United States. We had the White House Conference on International Cooperation which met in November and early December of 1965, and the magnificent reports points the way toward peace made by its many committees of extremely distinguished American citizens. Those reports, at the moment, have been pretty well ignored in our foreign policy, although at that meeting, Secretary of State Rusk, in reply to a question from me from the floor, categorically stated that the United States did take disarmament negotiations very seriously.

Mr. SALTONSTALL. Mr. President, will the Senator from Pennsylvania yield for a question?

Mr. CLARK. I am happy to yield to the Senator from Massachusetts for that purpose.

Mr. SALTONSTALL. I thank the Senator very much for yielding to me. I should like to ask him one question.

Do I correctly understand his point of view, that he believes Mr. Bowie to be a man of integrity and character, that he does not question his personality at all?

Mr. CLARK. The Senator is correct.

Mr. SALTONSTALL. But the Senator from Pennsylvania does question Mr. Bowie's appointment, as I understand it, to be on the Planning Board of the State Department?

Mr. CLARK. No, that is not quite accurate. He is to be Counselor for the State Department. Mr. Henry D. Owen is the Chairman of the Policy Planning Council of the State Department. The job of Counselor and Chairman of the Policy Planning Staff were, at one time, telescoped and made one which, to my mind, was a most unfortunate decision, in that it downgraded efforts toward planning for peace.

Henry Owen is a very competent Foreign Service officer whose integrity and ability I do not question. But, he and Mr. Bowie were the two principal architects of the multilateral force concept, which involved the sharing of nuclear hardware through NATO with West Germany. Mr. Bowie, as Counselor for the Department of State—as I understand the hierarchy—would be, most likely, the No. 4 man in the Department. There would be the Secretary of State, the two Under Secretaries of State, and then the Counselor—except for this, that the Counselor would have no administrative responsibilities. He would be purely a planner, a thinker, and an adviser. In some ways, Mr. Bowie's status would be similar to that of former Ambassador to the Soviet Union, Mr. Thompson, who is now a free-wheeling adviser on Soviet bloc affairs, reporting to the Secretary and also to the White House; and also to that of Averell Harriman, who fills somewhat a "Sunday pitcher" capacity, if we can use the vernacular.

Mr. SALTONSTALL. The point I should like to bring out through the Senator from Pennsylvania is that while the Senator from Pennsylvania thinks that Mr. Bowie is a man of integrity and character, what the Senator objects to, or may object to, are his points of view, that in the State Department at this time the Senator from Pennsylvania believes there is not enough emphasis on working out solutions for peaceful means?

Mr. CLARK. The Senator is correct.

Mr. SALTONSTALL. But, is it not helpful to have different points of view in the Department, just as there are differences in points of view in this body, or in any body; and would not a man of integrity and character, known to have great intellectual capacity and knowledge of foreign affairs—whether the Senator and I agree with his points of view or not—be a helpful man to have in the State Department?

Mr. CLARK. I think it would be terribly helpful, Senator, to have men of different points of view in the State Department.

My objection is that we do not have men there with different points of view. All we have are individuals—and I do not say this in connection with Mr. Bowie—who, in the last analysis, when the chips are down, would rather fight than switch. These are no "doves" in the State Department. The only man around who takes a peaceful point of view, and speaks with authority, is United Nations Ambassador Arthur Goldberg. Those are strong words, but I mean them to be such.

My view of Mr. Bowie is that he is, in a sense, the spiritual successor of a man for whom the Senator had a higher regard than I did, John Foster Dulles; that he is representing that point of view, and that of Dean Rusk and to some extent, although to a lesser extent, of George Ball.

Now we are coming to the point where there is going to be a reorganization in the State Department at the higher levels, because so many of these dedicated men are exhausted and their places must be filled.

I shall not ask for a rollcall vote on this nomination. I am not sure I shall vote against the nomination. My reason for raising the point is that there is every indication that the President is filling these positions with men whose attitudes, in my opinion, will make it difficult to have our own country, represented by the State Department, take any position which will further the cause of peace.

Mr. SALTONSTALL. Personally, I have always felt that, regardless of their point of view, if we can have in the State Department men of intelligence, of education, with a knowledge of foreign affairs, whose patriotism is beyond doubt, we are better off, even though we may not agree with their point of view, than if we have men in the Department who do not have such a background.

Though I know very little about the nominee, from having looked at his qualifications I feel he has that background.

That is where the Senator from Pennsylvania and I do not agree.

Mr. CLARK. Yes. I must say I am not getting any pleasure out of making this statement. I am the first to admit that, within very wide limits, the President is entitled to appoint anyone he wants to these positions, and unless the Senate has reason to question one's character or unless certain Senators think that he may want to get us into war, the Senate should confirm the nominations. I have had previous occasion to oppose nominations, such as in the case of Scott McLeod, Clare Boothe Luce, and one or two others, whose nominations I felt it was my duty to oppose. I do not feel that strongly about Mr. Bowie. But I would like to believe there is still somebody in the State Department, and perhaps one or two in the White House, who read the CONGRESSIONAL RECORD.

Mr. SALTONSTALL. I thank the Senator for permitting me to interrupt him.

Mr. CLARK. I thank the Senator for his always helpful interventions.

Now, Mr. President, my fundamental objection to Mr. Bowie's nomination is that to me it is fresh evidence of the frozen status-quo outlook of our foreign policy. In my opinion, his nomination marks a turning point away from the hopeful, imaginative spirit of the era which produced the limited nuclear test ban treaty, the hot line agreement, and the various other initiatives taken by the United States since 1961 in the search for peace.

I believe it is up to me to document that belief, and I shall do so largely upon the basis of the extensive questioning which Mr. Bowie was subjected to in the Foreign Relations Committee.

Fundamentally—and this point I have raised on the floor time after time—I believe that a treaty to stop the spread of nuclear weapons should take a far higher priority in U.S. foreign policy than working out a nuclear sharing arrangement with West Germany, which would leave, in one form or another, directly or indirectly, the West German finger on the nuclear trigger.

Mr. Bowie and Mr. Owen were two of the architects of the concept of MLF. That concept centers around a nuclear fleet of Polaris submarines and surface vessels, internationally manned, which would wander around the North Sea, the Eastern Atlantic and the Mediterranean Sea, in a position to make belligerent moves toward the Soviet Union and with their nuclear weapons trained on targets within the Soviet Union.

Nobody wanted that in NATO, with the possible exception of two or three of those individuals in West Germany who are regarded, by their Soviet contemporaries, as "revanchistes."

Nobody wants that except the clique in the State Department which seems determined to prevent signature of and ratification of a treaty to stop the spread of nuclear weapons by requiring our negotiators at the 18 Nation Disarmament Conference to insist that the United States retain an option which would enable us at a later date, if we saw fit, to give to the West Germans, through NATO, a share in control over nuclear hardware.

I tried very hard during the questioning to get Mr. Bowie to indicate that he was prepared to abandon that concept. He was unable to do so. He is skeptical about the validity of a nonproliferation treaty. I think in this regard his appointment marks a step backward from a position which I had hoped the administration would be taking on the issue of nuclear sharing, and on the need for and desirability of a treaty to stop the proliferation of nuclear weapons.

Earlier this year I went to Geneva and talked to our representatives, representatives of the Russians, of our allies, of the Eastern bloc, and of other members of the 18-nation disarmament conference. I was convinced that if we changed three words, or perhaps one sentence, of our draft treaty, we could come to an agreement.

My conviction is based on the fact that the Russians, for reasons of their own—which relate to historic Russian fears of German aggression—are not going to sign any nonproliferation treaty which would permit the sharing of control over nuclear hardware by West Germany. This is a Rusk and Owen policy, and I think also a Bowie policy, and to some extent a George Ball policy. It is not a McNamara policy. Secretary of Defense McNamara has stated publicly that an adequate solution can be found by providing for consultation among all NATO nations, including West Germany. But the administration, for reasons obscure to me, rejects the position of Secretary McNamara and accepts the position of Secretary Rusk, which rests upon the advice rendered to the Department of State 6 years ago by Mr. Bowie.

Again I regret that the 1960 report to which I made reference earlier is classified, so that I cannot divulge its contents.

Mr. Bowie, in my judgment, will be a strong advocate of the Rusk policies all over the world—in Vietnam as well as Western Europe. To my way of thinking the principal flaw in that Vietnam policy is the quite unsustainable position that the war in Vietnam is not, basically, a civil war. It is this assumption which in many ways hamstrings President Johnson's desire to bring the Vietnamese war to a close.

I appreciate that Mr. Bowie was under some restraint when he testified before the Foreign Relations Committee. He could not very well say that he disapproved of the Asian policy of the man he was going to work for, Secretary Rusk. He was skillful, and is skillful and intelligent, in ducking questions intended to develop any possible split of views in these areas.

My conclusion is that Mr. Bowie has been revealed, by his former public service, by the work he has been doing inside and outside the Government, and by the questioning to which he was subjected before the Foreign Relations Committee, as an individual who has very little hope for meaningful peace initiatives by the United States; who is very suspicious—as of course we all are—of the intentions of the Soviet Union; who believes that American foreign policy can best be buttressed by a reinvigoration of the military strength of the NATO alliance; and who, in Asian affairs, is quite content to follow the present view that the Vietnam war is a civil war, that until Hanoi stops its aggression, we must continue our aggression, not only through the continued and, as far as I can see, quite ineffective bombings of North Vietnam, but also through the employment of "search and destroy" tactics by American troops.

On those terms, it seems hard for me to believe that Mr. Bowie's appointment is going to work toward that peace which I believe should be the major purpose of our foreign policy, a goal which will require continuous initiative on our part with both the Russians and the Chinese, and also with the French—and Mr. Bowie's distaste for General de Gaulle was very obvious, indeed, in the course of his questioning.

Mr. President, I can understand Mr. Bowie's enthusiasm for his nuclear sharing scheme, but in my view he is out of step with the mood of the Senate, the desire of the country, and the demands of the people of the world, in giving it a higher priority than a treaty to halt the spread of nuclear weapons. Despite the fact that the Senate voted 84 to 0 in favor of the Pastore resolution urging the President to take all necessary steps to halt the spread of nuclear weapons, Mr. Bowie freely told the Foreign Relations Committee that he does not place a high value on such a treaty, and indicated his preference for looking forward to some sort of an agreement, through NATO, with Germany, by which we could perhaps restrain German revanchism and German belligerence, by the curious method of giving the West Germans a share in control over nuclear weapons.

In my opinion, Mr. Bowie is at best passive and at worst downright hostile to arms control and disarmament measures. I believe his appointment will make it even more difficult to break the inertia which has kept the cold war alive, and has frustrated efforts—most of them outside our Government—to put East-West relationships on a permanently improving basis.

What we need in the State Department today is the kind of man who can point the way toward bold initiatives for peace. What we have instead is an able, articulate, intelligent alumnus of the John Foster Dulles State Department of the 1950's, whose considerable talents, I fear, will be employed, not in the pursuit of imaginative new ventures to halt and, indeed, to reverse the arms race, but in a stout defense of the status quo.

Mr. President, I think this is a good place to have printed in the RECORD the text of the Pope's Encyclical on Peace, as published in the New York Times this morning; and I ask unanimous consent that it be printed in the Record at this point in my remarks.

There being no objection, the encyclical was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 20, 1966]

TEXT OF THE POPE'S ENCYCLICAL ON PEACE

(Rome, September 19 (Reuters).—Following is the text of the encyclical letter issued by Pope Paul VI, as translated from the Latin by the Vatican:)

Venerable brothers: Patriarchs, primates, archbishops, bishops and other local ordinaries who are in peace and communion with the Apostolic See: During the month of October, prayers to the Blessed Virgin Mary are to be said.

Venerable brothers:

Health and apostolic benediction.

It is a solemn custom of the faithful, during the month of October, to weave, with the prayers of the Rosary, a spiritual garland to the Mother of Christ. This we heartily approve, following the example of our predecessors, and this year we call upon all the children of the church to perform these special exercises of devotion to the same Most Blessed Virgin. For we are threatened by a more extensive and more disastrous calamity that endangers the human family, even as a bloody and difficult war is raging, particularly in areas of East Asia, so, we are urged to continue working even more intensely, to the extent of our power, for peace.

THINGS THAT DISTURB MEN'S SOULS

Similarly, the souls of men are deeply disturbed by things which all know are taking place in other parts of the world: for instance, the increasing race for nuclear weapons, the unscrupulous efforts for the expansion of one's nation, the excessive glorification of one's race, the obsession for revolution, the segregations enforced on citizens, the iniquitous plotting, the murder of the innocent, all of which are potential material for the greatest possible tragedy.

It seems to us, as it seemed to our more recent predecessors, that a very provident God has committed to us a special task, namely, that we labour, with patient and persevering effort, for the preservation and the strengthening of the peace. This task, as is evident, arises from the fact that we have been entrusted with the governing of the whole church, which as a "sign raised to the nations" (Isaiah xi, 12), does not serve political ends, but should convey to the human race the truth and grace of Jesus Christ, its divine Author.

Actually, from the very beginning of our apostolic ministry, we have neglected no opportunity to use our prayers, entreaties and exhortations for the cause of world peace. In fact, as you well remember, last year we flew to North America in order to speak about the need for peace in the presence of the General Assembly of the United Nations, before that select body of representatives of almost all the nations. We then counseled all peoples that they should not tolerate some to remain inferior to others, but that no one should attack others, but rather that all should unite their zeal and their efforts towards establishing peace.

WARNINGS TO LEADERS CONTINUED

And after this, moved by a deep, apostolic concern for men, we did not cease to urge those who had the responsibility for such a momentous task, to ward off from men the monstrous catastrophe which perhaps was about to overwhelm them.

Now again, therefore, we lift up our voice, "with piercing cry and with tears" (Hebrews v, 7), very earnestly beseeching those who have charge of the public welfare to strive with every means available to prevent the further spread of the conflagration, and even to extinguish it entirely.

For we do not doubt that all men who sincerely seek what is right and what is just, no matter what their race, color, religion or social status may be, feel the same way we do.

Therefore, let all those responsible strive to bring about those necessary conditions which will lead men to lay down their arms at last, before it becomes too late to do so, owing to the mounting pressure of events. Those in whose hands rests the safety of the human family should realize that at this critical moment their consciences are bound by the gravest obligation. With their own country, with the world, God, and history before their minds, they should carefully examine their moral record and obligations, remembering that men will esteem their memory if they will have followed this exhortation with wisdom.

We cry to them in God's name to stop. Men must come together and work out concrete plans and terms in all sincerity. A settlement should be reached now, even at the expense of some inconvenience or loss, for it may have to be made later in the train of bitter slaughter and involve great loss.

PEACE BASED ON JUSTICE

But this peace must rest on justice and the liberty of mankind, and take into account the rights of individuals and communities, otherwise it will be shifting and unstable.

At the same time as we are moved to make this anxious declaration, our high responsibility as Pastor indicates to us that we must ask help from on high, since peace, whose "benefits are so great that even in earthly mortal affairs no more pleasing name is heard, nothing is desired with greater longing, nothing better can be found" (St. Augustine, De Civitate Dei), must be asked from Him who is the Prince of Peace. As the church in uncertain and troubled times used to turn for refuge to His mother Mary, a most ready intercessor, it is right for us to direct our attention, your, venerable brothers, and that of all the faithful to her, who as St. Irenaeus says, "was made the cause of salvation for the whole human race" (Adversus Haereticos). We can see nothing more appropriate or efficacious than for the whole Christian family to raise its voice amid its many stresses and difficulties to pray the Mother of God, whom we also address as Queen of Peace, to be generous, as a good mother, with her gifts. During the Second Vatican Council we gave our confirmation to a point of traditional doctrine when we gave her the title of Mother of the Church, a title acclaimed by the Council fathers and the Catholic world.

STS. AUGUSTINE AND ANSELM CITED

We must pray earnestly and unceasingly to her, for she is the mother of Our Savior, and "clearly the mother of His members," as St. Augustine teaches (De Sanctitate Virginis). St. Anselm, to mention no others, agrees with him: "Can you ever have a greater dignity than to be the mother of those whose Father and Brother Christ deigns to be?" Orationes et Meditationes). In fact, from our predecessor Leo XIII she received the same title: "truly the Mother of the Church" (Encyclical Letter "Adiutricem Populi Christiani, Sept. 5, 1895), hence in our distress at this terrifying upheaval we do not hope in her in vain.

If misfortunes increase, the dedication of the people of God should also increase, and for that reason we are anxious for you, venerable brothers, to give a lead, and urge by exhortation a more persevering prayer to the gracious Virgin Mary, by the devout recitation of the Rosary during the month of October, as we have already indicated. This prayer is well suited to God's people, acceptable to the Mother of God and powerful in obtaining gifts from Heaven.

The Second Vatican Ecumenical Council clearly referred to the Rosary, though not in express terms, when it reminded all the faithful that "practices and exercises of devotion toward her (Mary), recommended by the teaching authority of the church in the course of the centuries, are to be held in high esteem" (Dogmatic Constitution on the Church).

EFFICACY OF PRAYER ASSERTED

As the history of the church so frequently testifies, this duty of prayers, so abundant in its fruits, is efficacious in averting evils and calamities and greatly fosters Christian living. "Above all, it nourishes Catholic faith which, by timely meditation on the Sacred Mysteries, gains new strength, and it lifts the mind to the contemplation of divinely revealed truths" (Pius XI, Encyclical Letter Ingravescentibus Malis, Sept. 29, 1937).

And so during the month of October dedicated to Our Lady of the Holy Rosary our prayers and supplications should be redoubled, in order that through her intercession there may dawn for all men the light of true peace, of true religious peace also, for unfortunately at the present day not all are permitted to profess their religion freely.

We especially desire that this year, Oct. 4, the anniversary, as we have already said, of our visit to the United Nations in the cause of peace, be set aside by Catholics throughout the world as a day of prayer for peace.

It will be your task, venerable brothers, in keeping with your commendable religious zeal and your realization of the importance of this appeal, to prescribe the observances through which priests, religious and laity—and especially the innocent in the flower of youth and the sick in the midst of their sufferings—may be joined together in generous prayer to her who is Mother of God and the church.

CEREMONY PLANNED AT ST. PETER

On the same day, in St. Peter's Basilica, at the tomb of the Apostle, we also will hold a special ceremony of supplication in honour of the Virgin Mother of God, the protector of Christians and our intercessor for peace.

In this way, the one voice of the church will resound on all the continents of the earth and reach the very gates of Heaven. For as St. Augustine states, "amid the various languages of men, the faith of the heart speaks one tongue" (Enarratones in Psalmos).

Look upon all your sons with motherly love, o Blessed Virgin! Consider the anxieties of the bishops who fear the assaults of evil on their flocks, consider the anguish of so many men, fathers and mothers of families who are worried about their lot and that of their families and who are assailed with agonizing responsibilities. Calm the hearts of men at war and inspire them with "thoughts of peace." Through your intercession may the demands of God's justice, which have been caused by sin, be turned into mercy, may He bring mankind back to the peace it longs for, may He lead men to true and lasting prosperity.

Encouraged by the firm hope that the Most High Mother of God will in her kindness grant our humble prayer, we lovingly grant to you, venerable brothers, to the clergy and to the people entrusted to the care of each of you, the apostolic benediction.

Given in Rome, at St. Peter's, on the 15th day of September, in the year 1966, the fourth of our Pontificate.

Mr. CLARK. I quote this from the Pope:

Now again, therefore, we lift up our voice "with piercing cry and with tears," very earnestly beseeching those who have charge of the public welfare to strive with every means available to prevent the further spread of the conflagration, and even to extinguish it entirely.

And, again:

> We cry to them in God's name to stop.

To whom is he talking? He is talking to Dean Rusk. He is talking to Lyndon Johnson. He is talking to Ho Chi Minh. He is talking to Mao Tse-tung. He is talking to General Westmoreland. He is talking to the Vietcong.

I join, as I am sure many Senators, if not all, would join, in the Pope's cry, "In God's name, stop."

I ask unanimous consent that the text of a plea to the President to move forward toward a treaty of nonproliferation of nuclear weapons, accompanied by a letter from that stanch advocate of peace, Dr. Arthur Larson, signed by the distinguished list of members of the Educational Committee To Halt Atomic Weapons Spread, be printed, together with the names of the members of the committee, in the RECORD, at this point in my remarks.

There being no objection, the letter-statement and the list were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 15, 1966]

TEXT OF PLEA TO THE PRESIDENT ON NUCLEAR WEAPONS

(NOTE.—Following are texts of a letter to President Johnson from the Educational Committee to Halt Atomic Weapons Spread and a statement by the committee:)

LETTER

At the behest of a group of distinguished Americans, I submit to you the enclosed statement which they have signed, expressive of their views on the urgency of removing the obstacles which prevent an agreement on the nonproliferation of atomic weapons.

The signatories, whose names are appended, are both aware and approving of your initiative in seeking a nonproliferation treaty.

But the lack of such a treaty, after a year of discussion, increases the apprehensions of Americans, already profoundly disturbed by world developments, and provides incentive to the nonnuclear powers to devise their own nuclear programs.

Before world events foreclose the opportunity, it is imperative that new initiatives should be undertaken to assure a treaty.

The nature of these initiatives, reflecting the opinion of the signatories, is described in the statement. They are in accord with the highest security interests of the United States and of world peace.

"Firm policy" urged

We venture the judgment that it is in order now for the U.S. to adopt a firm policy, making it unequivocally clear, that it will not share its exclusive veto over the ownership and control of nuclear weapons with any other power, through NATO, or in any other form, so that Chancellor Erhard may be so informed upon his arrival in the U.S. and so that renewed negotiations can begin with the Soviet Union with a prospect of agreement.

The Educational Committee to Halt Atomic Weapons Spread is an ad hoc committee formed by a representative group of Americans, to bring about public understanding of what you have called "the gravest unresolved issue of our times," as preliminary to Administration action which U.S. citizenry can support. As a means of educating the public, now largely uninformed, it is our intention to make the statement public.

If you deem it in order, a delegation would wish to be received by you to elaborate on our plans for possible cooperation with Administration action.

Sincerely,

ARTHUR LARSON,
Chairman.

STATEMENT

While all eyes are focused on Vietnam, an even greater danger looms ahead. It is the imminent spread of atomic weapons among the non-nuclear powers, by manufacture or acquisition.

How to avert that danger before events nullify the opportunity for all time, is the gravest problem of our world.

This is the view of two Presidents of the United States, John F. Kennedy and Lyndon B. Johnson. It is the unanimous judgment of the United Nations, expressed by vote. It is the opinion of the United States Senate, formalized in resolution.

President Kennedy's prophetic warning three years ago is now on the threshold of grim reality. On July 26, 1963, in announcing the agreement initialed in Moscow for the limited Test Ban Treaty, he said:

"In the next several years a small but significant number of nations will have the intellectual, financial and physical sources to produce nuclear weapons and the means of delivering them, and the peril of nuclear war will be multiplied. If nuclear arms were acquired by other nations, large and small, stable and unstable, responsible and irresponsible, there would be no rest for anyone. No stability, no real security and no effective disarmament; there would only be increased chance of accidental war and an increased necessity for the great powers to involve themselves in what, otherwise, would be local conflicts."

Five nations already have their hands on the nuclear trigger. Sixteen nations stand in the wings, trying to decide if they must produced their own atomic fire to escape the role of hostages of the nuclear powers.

Twelve of these countries have the scientific and industrial capacity to produce nuclear weapons within three years. Three of them could do so within months, it is believed. Fifteen of these countries are either neutral, nonaligned or allies of the West. One is a number of the Soviet bloc.

Both the United States and the Soviet Union state that they want a nonproliferation agreement. The United States has done more. At President Johnson's initiative, the United States submitted the first draft treaty on nonproliferation last year. In announcing that draft treaty, President Johnson underscored then that atomic proliferation is "the gravest of all unresolved issues" and affirmed that "the time to halt the nuclear spread is before contagion takes root." He was supported by Defense Secretary McNamara who says "the possibility of further diffusion of nuclear weapons poses a severe threat to our national security."

Principal obstacle to agreement

Nevertheless, discussions of the Disarmament Committee in Geneva remain stalled. The principal and continuing obstacle to agreement is the unresolved issue of U.S. sharing of ownership and control of atomic arms with West Germany, through NATO. West Germany is enjoined from manufacturing nuclear weapons but not from acquiring them under the terms of its admission to NATO.

The U.S.S.R. interprets Article 1 of the U.S. draft as providing a loophole whereby Germany, through a NATO nuclear multilateral force, will acquire and share control of atomic weapons. With the memory still alive of 20 million Russians killed in World War II, the Soviet Union is apprehensive of Bonn's ultimate intentions. It has steadfastly maintained that it will not sign any agreement which permits Germany to become a nuclear power.

The U.S. and U.S.S.R. draft treaties agree that the nuclear powers should not transfer nuclear weapons or encourage their manufacture by the nonnuclear powers; the nonnuclear powers are pledged not to manufacture them or to acquire them. But the U.S. draft treaty does not prohibit nuclear sharing.

While the U.S. favors a nonproliferation treaty, it is also concerned with the stated desire of Germany to share in the control of nuclear weapons. It is this unresolved conflict over priorities, within the councils of our government, which has created the present deadlock in the negotiations.

The President must decide which of these objectives should be paramount.

There is already a preponderance of opinion which would give priority to a nonproliferation treaty as against German participation in the control of nuclear weapons.

Members of both houses of Congress oppose any U.S. sharing of nuclear weapons. Members of the Joint Atomic Energy Committee "have told two Presidents" that "they do not consider the multilateral force an effective force." Nor do significant segments of the German people favor Germany becoming a nuclear military power. It does not advance the cause of German reunification or reduce the tensions of confrontation. The majority of the members of NATO do not desire it, fearing that it will be a barrier to a more pacific detente in Europe, now possible. For a future jointly operated NATO nuclear force does not add to the existing massive nuclear deterrent power of NATO. Nor does it advance United States or European security.

"In the calculus of risk, to proliferate independent nuclear forces is not a mere arithmetical addition of danger," Defense Secretary McNamara warned on May 18 1966. "We would not be merely adding up risks. We would be insanely proliferating them."

And President Johnson told the Disarmament Committee that the U.S. seeks a nonproliferation treaty, "void of any loopholes which might permit nuclear or nonnuclear powers to proliferate, directly or indirectly."

Consistent with this view, it is our hope that the President will make evident that in the scale of importance, the U.S. places achievement of a non-proliferation treaty above the sharing of atomic weapons with West Germany or any other nonnuclear power.

Imperative first steps

The next weeks could well be decisive. The undersigned, therefore, urge the Administration to take the following firm decisions, now, in the interest of securing a nonproliferation agreement.

I. *To affirm that the U.S. will not give up* to any other power its exclusive veto over the ownership, control and use of U.S. nuclear arms through NATO, the European theater or anywhere else.

II. *To revise the U.S. draft* nonproliferation treaty to reflect this decision in language which is clear and unequivocal.

III. As a signal of its new approach, to name a top level delegation, to meet with ranking Soviet diplomats, at a time and place of mutual choice, and authorized to seek an early agreement on a nonproliferation treaty.

If, at the outset, the United States, the U.S.S.R. and Britain, among the atomic powers, sign that agreement, a giant step forward will have been taken. If they sign, France and the People's Republic of China may eventually find it in their interests also to do so.

The effectiveness of such an agreement is dependent both on the number of atomic powers who sign it and on the number of *non-nuclear states who adhere to it.* The non-nuclear powers must be convinced that they will gain in security and prestige by giving up the achievement of nuclear status.

Collateral measures

Therefore, we urge, as collateral measures:

a. Collective assurances of assistance be given by the signatory nuclear powers to the non-nuclear powers against nuclear attack or threats of attack.

b. Undertakings to strengthen the United Nations peacekeeping machinery and other international security agreements.

c. Affirmation of U.S. willingness to negotiate a treaty banning atomic weapons testing underground, possibly for a trial period only, with inspection by challenge and invitation.

Continued testing of atomic weapons by the nuclear powers—actually a proliferation of stockpiles already sufficient to destroy the world several times over—has no rationale, more particularly when we are urging other states not to proliferate. In the light of our improved seismological detection systems, which permit detection and identification of most undergound tests, this ban would involve minimal risks.

Once the door to the nuclear club has been opened, it may not shut again. Without a nonproliferation agreement, the direction of United States policy over the past 20 years to halt a nuclear arms race will be reversed. It is imperative, therefore, that we get down to the business of signing such an agreement.

The enormously difficult task of permanently halting the spread of atomic arms cannot be achieved in a single treaty. But the proposals suggested above constitute major first steps. Once accomplished, additional agreements become possible. A broad new approach is provided by the recommendations of the Arms Control and Disarmament Committee of the National Citizen's Commission to the White House Conference on International Cooperation.

To the attainment of these great objectives, we pledge the President our support.

GROUP'S MEMBERS LISTED

(NOTE.—Following is a list of members of the Educational Committee to Halt Atomic Weapons Spread:)

Chairman, Dr. Arthur Larson, Director, Rule of Law Research Center, Duke University Law School.

Chairman of the Executive Committee, Mrs. Josephine W. Pomerance, Chairman, Disarmament Issues Committee of the United Nations Association.

Dr. John C. Bennett, President, Union Theological Seminary;

Roy Bennett, Chairman, Foreign Policy *Commission, Americans for Democratic* Action;

Dr. Emile Benoif, Professor of International Business, Columbia University;

Dr. Eugene Carson Blake, General Secretary-elect, World Council of Churches;

Mrs. Catherine Drinker Bowen, novelist;

William J. Butler, Vice Chairman, International League for the Rights of Man; Dr. Walter C. Clemens Jr., Associate Professor, Department of Government, Boston University;

Benjamin V. Cohen, former United States Representative on the United Nations Disarmament Commission;

Dr. Robert S. Cohen, chairman, Department of Physics, Boston University;

Aaron Copland, composer;

Norman Cousins, editor, The Saturday Review;

Malcolm Cowley, former president, National Institute of Arts and Letters;

Dr. Bernard D. Davis, professor of bacteriology, Harvard University Medical School;

Oscar A. DeLima, chairman of the board, Roger Smith Hotels Corporation.

Dr. Freeman J. Dyson, *professor of physics*, Institute for Advanced Study;

Marriner S. Eccles, chairman of the board, First Security Corporation.

Dr. Bernard T. Feld, professor of physics, Massachusetts Institute of Technology;

Marion B. Folsom, former United States Secretary for Health, Education and Welfare;

Dr. Franklin Clark Fry, President, Lutheran Church in America;

Maxwell Geismar, critic and literary historian;

Dr. Walter Goldstein, professor of political science, City University of New York;

Bishop A. Raymond Grant, Bishop of the Methodist Church;

Walter Gropius, architect;

Dr. William A. Higinbotham, head, Instrumentation Laboratory, Brookhaven National Laboratories;

Dr. Hudson Hoagland, director, Worcester Foundation for Experimental Biology;

Dr. Gerald Hulton, professor of physics, Harvard University;

Archbishop Iakovos, Primate, the Greek Orthodox Church of North and South America;

Dr. David R. Inglis, senior physicist, Argonne National Laboratory;

Stanley Kunitz, poet and lecturer, Columbia University;

Dr. Arthur Kornberg, professor of biochemistry, Stanford University;

Mrs. Betty Goetz Lall, New York State School of Industrial Labor Relations, Cornell University;

Dr. Frederick A. Long, vice president for research and advanced studies and professor of chemistry, Cornell University;

Bishop John W. Lord, Methodist Bishop of Washington;

Stanley Marcus, president, Neiman Marcus;

Mrs. Lenore Marshall, author;

Dr. Robert E. Martin, professor of government, Howard University;

Dr. Hans J. Morgenthau, distinguished service professor, University of Chicago;

Mrs. Agnes Morley, treasurer, Educational Committee to Halt Atomic Weapons Spread;

Dr. Philip Morrison, professor of physics, Massachusetts Institute of Technology;

Bishop Reuben H. Mueller, president National Council of Churches of Christ of the United States of America;

Dr. Herman J. Muller, distinguished service professor emeritus, Indiana University;

Dr. William O'Brien, chairman, Institute of World Policy, Georgetown University;

Earl Osborn, president, Institute for International Order;

Bishop James A. Pike, Center for the Study of Democratic Institutions.

Hubson Pittman, artist and lecturer, the *Pennsylvania Academy of Fine Arts.*

Walter P. Reuther, president, United Automobile Workers of America.

The Very Rev. Lawrence Rose, Dean, General Theological Seminary, retired.

The Rev. Richard Spillane, S.J., director, Center for Peace Research, the Creighton University.

Max Stanley, president, the Stanley Foundation.

Bishop Anson Phelps Stokes, Jr., Episcopal Bishop of Massachusetts.

Mrs. Carolyn Tumarkin, president, Women United for the United Nations.

Dr. Jerome B. Wiesner, provost, Massachusetts Institute of Technology.

Mrs. James Willen, president, National Council of Jewish Women.

Mr. CLARK. I am delighted at two magnificent statements recently made, the first by Arthur Schlesinger, Jr., formerly on President Kennedy's White House staff, and the second by Richard Goodwin, also formerly on President Kennedy's White House staff. These statements *have been printed in the* RECORD earlier at pages 23054 and 23060—I think they should, without being printed again, be incorporated by reference in my remarks; because, to my way of thinking, these two extremely able gentlemen, both once high in the councils of a Democratic administration, have shown us the way which we should be proceeding.

I also make reference to the remarks of U Thant, the retiring Secretary General of the United Nations, which appear on pages 23059 and following of the CONGRESSIONAL RECORD. They are excerpts from his introduction to the annual report of the Secretary General of the United Nations, the report having been filed on September 15, 1966, and may be consulted by whoever undertakes to read this speech.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "22 Scientists Query U.S. on Chemical War Policy," which was published in the Washington Post of today, September 20, 1966.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWENTY-TWO SCIENTISTS QUERY UNITED STATES ON CHEMICAL WAR POLICY

A group of 22 distinguished American scientists want President Johnson to clarify America's policy on the use of chemical and biological weapons.

Though the scientists, including seven Nobel Prize winners, do not mean their plea to be an anti-Vietnam war protest, their proposed petition to Mr. Johnson cites the "dangerous precedent" being set there in the "large-scale" use of non-lethal chemical weapons. The scientists want these weapons banned in Vietnam.

Yesterday, the scientists began a nationwide campaign for the signatures of other scientists for their petition, which will urge the President to:

"Institute a White House study of overall Government policy regarding CB (chemical and biological) weapons and the possibility of arms control measures, with a view to maintaining and reinforcing the worldwide restraints against CB warfare.

"Order an end to the employment of anti-personnel and anti-crop chemical weapons in Vietnam.

"Reestablish and categorically declare the intention of the United States to refrain from initiating the use of chemical and biological weapons."

The scientists' argument amounts to this:

During World War II the United States maintained a firm policy that it would not be the first to use CB weapons. This policy has never been *categorically* reaffirmed. Rather, since the late 1950s Defense Department expenditures on developing new CB weapons has increased significantly (one estimate is from $8 million during the Korean *War to roughly $200 million annually today)*.

Making matters worse, in the scientists' view, U.S. forces in Vietnam now are engaged in "the large-scale use of anti-crop and 'non-lethal' anti-personnel chemical weapons in Vietnam."

The scientists plan to submit their petition to Mr. Johnson sometime after Nov. 1.

The 22 scientists are:

Felix Bloch of Stanford University, Nobel Laureate in Physics; Konrad E. Bloch of Harvard University, Nobel Laureate in Medicine and Physiology; James F. Crow of the University of Wisconsin; William Doering of Yale University; Paul Doty, Harvard; Freeman J. Dyson, *the Institute for Advanced Study;* John T. Edsall, Harvard; Bernard Feld, Massachusetts Institute of Technology; Irwin C. *Gunsalus, University of Illinois; Robert Hofstadter*, Stanford, Nobel Laureate in Physics;

Arthur Kornberg, Stanford, Nobel Laureate in Medicine and Physiology; Fritz Lipmann, Rockefeller University, Nobel Laureate in Medicine; Robert B. Livingston, University of California at San Diego; Matthew Meselson, Harvard; Severo Ochoa, New York University, Nobel Laureate in Medicine and Physiology; Ray D. Dwen, California Institute of Technology; Keith R. Porter, Harvard; Charles Price, University of Pennsylvania; Eugene Raboniwitch, University of Illinois; E. L. Tatum, Rockefeller University, Nobel Laureate in Physiology and Medicine; George Wald, Harvard; Paul Dudley White, Boston.

Mr. CLARK. Mr. President, I call attention to the statement of these scientists because it relates to a matter which I have had occasion to mention a good many times before on the floor of the Senate; that is, that while we are obsessed with the danger of nuclear war, we are not paying nearly enough attention to the hazards of chemical and biological warfare. We do not really know how much money our Government is spending in getting ready to engage in such a war, but we know it is a large sum. We know that napalm has been used almost indiscriminately in Vietnam. It may be, that in due course, we will trot out for trial runs a good many more of the insidious weapons of chemical and biological warfare. I am greatly troubled by this trend. Should we not be exercising our ingenuity instead toward framing and securing agreement on an international agreement to ban such weapons? I am one Senator who believes so.

Again, I am concerned at the course of the war in Vietnam and at the failure of the administration to be completely candid with Congress and the people. Accordingly, I ask unanimous consent to have printed at this point in my remarks an article, entitled "Vietnam: Correcting the Crucial Error," written by Everett C. Martin, and published in Newsweek magazine of September 12, 1966.

There being no objection, the article was ordered to be printed in the Record, as follows:

Vietnam: Correcting the Crucial Error

(By Everett G. Martin)

(Note.—Since his arrival in Vietnam seven months ago, Newsweek's Saigon bureau chief Everett G. Martin has acquired an uncommonly wide range of Vietnamese friends. Drawing on the insight into Vietnamese thinking which this has given him, he explains below what he considers to be one of the major U.S. errors of the Vietnamese war—and what can be done about it.)

Not long ago, as he stood on a muddy battlefield under the idling rotor blade of his helicopter, a U.S. Army pilot somewhat sadly told me: "If the Vietnamese would only enter enthusiastically into the war effort, all of us would be willing to stay for the duration and win. But no one wants to fight for three, four or five years when there is no chance for solid unity of spirit or effort among the Vietnamese people."

For that particular pilot there is no danger that the Vietnamese war will last so long; only a month after we spoke he was killed following a daring jungle landing which he made at night in a heavy ground fog to evacuate a wounded GI. But the sentiments which he expressed live on among many of the Americans serving in Vietnam. To them it appears that their Vietnamese allies show an alarming and remarkable indifference to the war. And it is indeed true that although the U.S. has put heavy emphasis on the need to win the support of peasants living in areas contested by the Viet Cong, we have yet to convince even those Vietnamese dwelling in the most secure areas of the country that there is a cause worth fighting for.

The Vietnamese, in fact, seem to be able to maintain an almost total impassivity in the face of constant reminders of the urgent struggle going on around them. Most of them have at some time either witnessed or felt the violence of Viet Cong terrorism. Even the inhabitants of Saigon each night see the ghostly orange glow of flares lighting the sky at the edge of their city and hear the repeated dull thud of artillery shells fired into the countryside on the off chance of hitting a guerrilla. Yet, for all this, most Vietnamese appear to be so many stoic islands, as immune to the war as they are to the monsoon rains. If an American soldier carries away any overriding impression from his leave time in a major Vietnamese city, it is of a people abnormally detached from the brutal reality he knows in the battlefield.

This insensibility extends not only to the sacrifices of U.S. soldiers fighting in defense of South Vietnam, but to the welfare of Vietnamese troops as well. A Vietnamese private is paid less than a Saigon housemaid, and, on top of that, he is charged for his field rations. His commissary is so indifferently stocked that it frequently lacks even the bare necessities of existence. Funds set aside for his entertainment are rarely spent on him. His promotions may never come through because they involve too much paperwork for his officers. And he often spends most of his leave time trying to find transportation home. In short, life in the Vietnamese Army is so frustrating men will exhaust every avenue of escape before they finally submit to serving their country. Sometimes, inevitably, they do not serve it well.

To Americans such callous unconcern for the fighting man is hard to comprehend—or excuse. As a result, thoughtful Americans find it unsurprising that the much maligned Vietnamese soldier is not an aggressive fighter and that desertions from the Vietnamese Army so far this year already total 61,000—the equivalent of fifteen battalions. What many Americans do find surprising is that while Hanoi has been able to put North Vietnam under at least partial mobilization, such measures are considered too drastic for the Saigon government to employ.

Perhaps even more disturbing than the state of the Vietnamese Army, however, is the fact that the greatest indifference to the war effort is found among Vietnam's young people. The Communist menace simply does not worry many of them. "At least the Viet Cong are Vietnamese," shrugged one young girl. The chief concern of young Vietnamese nowadays, in fact, is to prevent Vietnamese culture from becoming Americanized. With increasing shrillness, they rail against Americans who date and marry Vietnamese women. And in what was one of the unkindest cuts Americans here have yet received, the Saigon University Students Association last month demanded that the U.S. state exactly how long it intended to stay in Vietnam. No mention was made by the students of the conditions that might compel a long U.S. stay; their whole concern was for the inconvenience the U.S. presence was causing them.

As these incidents mount, relations between the allies have degenerated into a kind of ill-defined antagonism, which shows up daily in the local press and boils over into childish bickering between individual Vietnamese and Americans. Among the poorer classes, the Viet Cong slang term for Americans—"the big monkey men"—is in common use, and the dollar is called "monkey money." (It should in all fairness be noted that Americans call the Vietnamese "Gooks.") Things reached some kind of a nadir this week when American owners of Honda motorbikes—a number of which have been stolen lately—banded together to announce in the local press that they would henceforth blacken the eyes and break the noses of any local citizens they caught handling their machines.

This growing mutual disaffection, plus the repeated disappointment of witnessing the failure of one scheme after another that was to "solve" the Vietnamese problem, has driven many Americans serving here to cynicism. "You don't find any idealists around any more," commented one AID official. "They have either given up and gone home, or they are just serving out their time."

Does all this indicate that the Vietnamese would like the Americans to go home and forget about fighting the Viet Cong? Some do feel that way, of course, but for all the frictions, the desire for a U.S. withdrawal is not widespread. One of the country's top Buddhist lay leaders was shocked when, to test him, I suggested that perhaps the Americans should leave. "Why, you couldn't leave," he said. "It would be immoral to abandon us now."

If this is how the majority feels—and I think that it is—what then is wrong? Why the indifference? The fault, it seems to me, begins with the American assumption that the Vietnamese will fight for the same reasons the U.S. will: to defeat Communism and to stop the Chinese. It is vital to realize that while Americans have democratic institutions to defend, the Vietnamese have none. Says one astute observer of the Vietnam scene: "What the Americans fail to recognize is that, while fighting the Communists, the South Vietnamese must also face up to a more basic issue—the unchaining of their own society from the fetters of the past and the emergence of a new, open, democratic community based on justice and equal opportunity for all citizens."

It may not be strictly correct to say that the U.S. has failed to recognize this need, but it has certainly badly underestimated the urgency the Vietnamese place upon it. Time after time, the aspirations of the Vietnamese people have been postponed in the interests of an ephemeral political stability.

The opportunity that was lost at the time of the revolution against the dictatorship of the late President Ngo Dinh Diem is tragic to recall. In almost every aspect this seems to have been a truly popular revolt. The Buddhists, the intellectuals, the students—virtually every politically aware element of Vietnamese society—fully believed that their country was about to cross a threshold. They expected that officials who were honest and dedicated would take over government positions, that the debilitating corruption and graft would end in the countryside. A citizen's freedom would henceforth be protected, his rights respected, his voice heeded. For one fleeting moment, Vietnam had a single purpose.

But while the U.S. stood piously on the sidelines, military junta after military junta kept the people on their tiptoes—waiting and waiting for the new dawn. And they are still waiting. The only visible change has been that, with each new government, a new and larger group of military politicians gets a crack at the graft and corruption.

Matters are made no better by the fact that not once have the Vietnamese been given any voice in the decisions to escalate their war. As more U.S. troops continue to pour in—as they must because the job to be done is so far from accomplished—the feeling on the part of the Vietnamese that they are merely spectators of events in their homeland will inevitably become stronger. And so will their conviction that ultimately any negotiating to end the war will be done without participation on their part, that they will be left only with what each individual can salvage for himself.

Undeniably, it is a mark of some progress that now, at last, South Vietnam will have elections. Too much hope should not be placed in them, however. The voters, after all, are only electing a group to write a constitution, and, as one politician told me: "We have had four constitutions since 1945. Writing constitutions is not our problem."

The Vietnamese still need to be convinced that democracy is on the way—if needed it is—and therein lies the potential value of the current elections. They offer the opportunity to begin the process of convincing the Vietnamese people that their revolution may finally be realized—and, incidentally, an opportunity to demonstrate that they can be trusted with responsibility. But it should be noted that the reins are being loosened only a little, and the cynical expectation is that when new government emerges, most of the same men will be in the seats of power.

The great danger inherent in the election is that in the end, the whole performance will turn out to be just another cruel hoax on the people, giving them only a veneer of democracy on the top, but changing nothing. It is significant that no one has yet proposed to replace the system of government-appointed district chiefs and province chiefs—the structure on which the nation's corruption and injustice is based—with any kind of local democracy. Yet until district and province officials are locally elected and thus made responsible to the people rather than to the senior military commander in the area, the people will not be convinced that any real progress has been made.

To be convinced, the Vietnamese must experience the satisfaction of banding together, of forcing, a complaint through their local council and of seeing their wishes respected. A not insignificant side benefit to the U.S. would be that a local forum could quickly expose any official profiteering with U.S. AID goods before he could retreat to the protection of Saigon. More important yet, leaders would begin to emerge who had been tested in democratic procedures and politics.

This is the root of the problem. We Americans have wasted all the years since the revolution against Diem by not fostering local democracy in areas that were secure. Instead, we have allowed the Vietnamese corps commanders and their subordinates to become further entrenched as local war lords. The tread-lightly, legalistic policy of Washington in Vietnam exasperates no one more than it does the pro-American Vietnamese, because it has allowed the wrong kind of people to prosper. Many of my Vietnamese acquaintances have made it plain that they expect the Americans to steer their nation politically and they do not understand why such guidance is not forthcoming. "We can't solve our problems, and we know it," declared a prominent lawyer to me. "You've got to decide what you want for Vietnam and then make us do it."

This statement reflects a fundamental trust by South Vienamese that the U.S. intentions are ultimately to benefit the people. Yet the fact of the matter seems to be that Washington really regards the Vietnamese population as unready to manage its own political affairs. And thus, the exercise of the election appears designed to mete out as little democracy as possible.

Such an attitude overlooks the lessons learned from last year's elections for provincial advisory councils. In most cases, the councils were immediately relegated to impotence by the Saigon-appointed provincial officials. But where that couldn't be done, as in the province of Gia Dinh immediately surrounding Saigon, this tentative experiment in democracy worked surprisingly well. The Gia Dinh advisory council, for example, blocked an attempt by a wealthy woman to further enrich herself by taking over, with official sanction, a vital bus line. In this case the pedicab drivers and taxi drivers who led the fight had the experience—unique for Vietnamese—of standing up against authority and prevailing on legal grounds.

There is, of course, real danger that at the national level, democracy in Vietnam might dissolve into chaos resembling that of France's Fourth Republic. But at the local level—where it would do the most good—it might be an outstanding success.

It could, indeed, build the bulwark against Communism that no number of schools, toilets, roads and factories can ever do. For if the deserving people of Vietnam were finally convinced of the feasibility of democracy by their own small successes, South Vietnam might finally become a real country. Then, as a top Roman Catholic lay leader has commented, "the Viet Cong would at last be facing a nation." And the U.S. might be far closer to successfully concluding one of the most worthy and most ambitious international ventures it has ever attempted.

Mr. CLARK. Mr. President, this most provocative and interesting article points out what many of us have said on the floor of the Senate many times: that the war in Vietnam will not be won by military means. It will be won or it will be lost or it will be a draw as a result of a political settlement.

Speaking of the many Americans we have in Vietnam, Mr. Martin said:

> To them it appears that their Vietnamese allies show an alarming and remarkable indifference to the war.

The article further states:

> Desertions from the Vietnamese army so far this year already total 61,000—the equivalent of 15 battalions.

The article points out that the South Vietnamese army is becoming less and less effective every day, so much so that there is now talk of the American Army undertaking the mission of the South Vietnamese army, first to conquer, and then to pacify the Mekong Delta.

If we are to do that—and I do not know whether we are or not, but the newspaper reports that it is under serious consideration—this will, I believe, mark the almost complete withdrawal from combat of the South Vietnamese army and the turning of the war into an exclusively American war—a situation which I very much deplore.

Mr. President, I ask unanimous consent that an article entitled "How Many Bridges Were There? Intensified Bombing Shaken Off by Hanoi," written by Ward Just, and published in the Washington Post of September 20, 1966, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTENSIFIED BOMBING SHAKEN OFF BY HANOI—HOW MANY BRIDGES WERE THERE?

(By Ward Just)

SAIGON, September 19.—American pilots flew 117 missions over North Vietnam yesterday, hitting storage areas, bridges, railroads, trucks and roads. The bombing of the north is intensifying, often now exceeding 130 missions per day up to the record 171 missions one day last week.

A "mission may include anywhere from one to five aircraft, and the cumulative number over North Vietnam is greater now than at the peak of the air bombing during the Korean war. American military authorities have available about 1200 fixed-wing aircraft in Southeast Asia, from bases both in South Vietnam and in Thailand and from the Navy's three aircraft carriers on station in the South China Sea.

Each day, military briefers here release pilot reports of targets hit. Some of the definitions are vague ("staging areas") and others commonplace (road segments), and most have become routine—trucks, barges, POL (petroleum, oil, lubricants) storage areas.

The totals boggle the imagination. Literally thousands of trucks, barges, bridges and the like have been destroyed since the United States resumed bombing last Jan. 31. In the fortnight between Aug. 20 and Sept. 3, American military spokesmen announced that 344 trucks, 133 bridges, 481 barges, 133 railroad cars, and two locomotives have been destroyed.

As each day the bridges in North Vietnam came falling down, a journalist was moved to inquire how many bridges there were in North Vietnam. How many could there be if they were being destroyed at the rate of 133 a week?

It turned out that no one knew how many bridges there were in North Vietnam, only that the North Vietnamese were amazingly adept at repairing damaged ones. Military officials here point out that it is exceedingly difficult to knock down a bridge with a bomb. The hit must be direct and explode on the bridge itself. Often the bombs go through the bridge and explode relatively harmlessly underneath it.

OFTEN INACCURATE

Briefers here are careful to quote "pilot reports" in assembling information. These reports, which are visual, are often not accurate, due to the understandable tension of the moment and the fact that as one bomb hits, the debris obscures the area and the accuracy of the following bombs can only be guessed at.

In doubting the accuracy of pilot report, skeptics usually point to the celebrated Uongbi power station six miles north of Haiphong, Uongbi has been hit no fewer than six times, and each time reported "destroyed" or "damaged." But until the sixth raid the lamps remained on all over Haiphong. Now, military authorities say, the station is silenced, the lamps—or many of them—out.

What has interested many observers here is not the targets which are hit, but those which are not. These include the four major airfields of North Vietnam, including the largest, Phuyen, north of Hanoi, industrial complexes, including textile and chemical plants, hydro-electric power plants and the huge dam near Kepha, in northern North Vietnam.

The Hanoi regime has more than 100 Migs at its disposal, and these are kept at Phuyen, and at Kienan and Catbi airfields, both near Hanoi. The air war is growing greater over North Vietnam, yet there is no move to bomb the airfields (save, for some inexplicable reasons, the small field near Dienbienphu).

Two reasons are given, first, that the American pilots have more than proven their ability to deal with the Migs (19 shot down to date), second, that to destroy the airfields in North Vietnam might force the Hanoi regime to fly its planes from fields in Communist China, an arrangement which would present manifold political and military difficulties.

There are other military targets in Hanoi and Haiphong which are deemed too close to heavily-populated civilian centers. The dam is not viewed as a military target, and the Administration apparently does not have the stomach to smash what is called, with some exaggeration, the North Vietnamese "industrial establishment."

There are two types of bombing raids over the North, the strike and the armed reconnaissance ("armed recce"), and when the bombings began in earnest in February, 1965, almost all of the attacks were of the strike variety, with 30 to 40 aircraft hitting a preplanned target.

Now nearly all the attacks are armed recce, where a pilot has a target but approaches it in the spirit of a last resort. The pre-planned targets, given the terms of engagement in the North, are now very few. The POL areas, for example, are 60 to 70 per cent destroyed, and the POL that remains has been dispersed in 55-gallon drums in the cities.

SEEK OPPORTUNITIES

Most pilots now seek targets of opportunity, the truck convoy, barge train, pontoon bridge, possible Sam missile site. The big, fat targets like the POL storage areas are now all gone.

A third to a half of all missions in North Vietnam are now south of Vinh, in the panhandle north of the 17th parallel dividing North and South, and involve the interdiction of lines of communication—roads, bridges, barges.

Every day there is radar bombing in the Mugia Pass, one of the openings to the Ho Chi Minh trails leading to South Vietnam through Laos. There are often ten missions a day into the Demilitarized Zone along the 17th parallel, some of them B–52 strikes, hitting at fortifications and suspected staging areas.

It all requires enormous amounts of explosives: It took 11 missions by 40 airplanes last week to destroy a 50-car freight train near Hanoi. It was traveling on a track frequently and devastatingly hit by bombers, and yet it was still able to function, in part.

PRICE IS RISING

For this, the price is rising. Pilots are facing fire said to be as heavy as anything the Germans produced during World War II. In a single day not long ago, American pilots sighted 22 of the surface-to-air Sam missiles. The trick is to fly not too high (where the Sams are most effective) and not too low (where the ground fire from automatic weapons is most effective), but somewhere in a very small belt in between.

A total of 376 American aircraft have been lost in the North since February 1965. Many of the pilots have been recovered by the extraordinary efforts of the search and rescue helicopters, but many have not.

As for what good it has all done, military authorities here are cautious. The bombing has halted neither the infiltration of men or supplies. What it has done is made it immensely more difficult for the North Vietnamese to do now what they were doing before with ease.

Mr. CLARK. Mr. Just points out that if we add up the statistics which have been furnished the American people about the number of bridges which have been destroyed, the number of railroad cars which have been knocked out of commission, and the number of highways which have become inoperable, we find that the total amounts to about ten times the number of bridges, railway cars, and highways in Vietnam.

There is something wrong with the information we are being given, and I personally deplore very much the daily and, I think, the barbarous custom of reporting how many Vietcong were killed the preceding day. We find that the total over the years is astronomical.

We then find that, despite this wholesale slaughter, the Vietcong have more men under arms in South Vietnam now than they did a year ago. The same is true with regard to the North Vietnamese.

Both the search and destroy policy, and the bombing of the north, and of the south—where all too often we bomb our own people and destroy villages and kill helpless villagers—do not appear to be having any impact.

I speak as a neophyte, not as a military expert, but I have seen very little justification in the newspapers of the effectiveness of the bombings.

Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "Big Step-Up in War Seen After November 8," written by Murrey Marder from Saigon, and published in the Washington Post of September 14, 1966.

There being no objection, the article was ordered to be printed in the Record, as follows:

Big Step-Up in War Seen After November 8

(By Murrey Marder)

Saigon, September 13.—A major, across-the-board expansion of the American war of effort in Vietnam is now regarded here to be doubly certain to take place after the November elections in the United States.

Plans have long been in the making for a considerable increase in the input of American fighting and reconstruction personnel with the acceleration becoming more evident by autumn.

By the reckoning in Saigon, these plans have gained important psychological reinforcement in the United States by the highly successful outcome of Sunday's election here.

American officials here were obliged to learn long ago that the level of their activity turned on the Johnson Administration's assessment of what was politically tolerable in the United States.

That level of American political acceptability is now expected to rise, facilitating the expansion of forces that officials here regard as necessary to their task.

Well-informed sources in South Vietnam expect a green light from Washington that will expand virtually every kind of American activity. The size of American forces engaged in both "spoiling" and search and destroy fighting and those available for clear and hold operations will be increased as will the economic, political and psychological aid required to expand the size and effectiveness of pacification and reconstruction work.

STRINGENT BAN

At the most authoritative levels here there is a stringent ban on discussion of future force requirements as a result of woeful past repercussions on that supersensitive issue.

But when the objectives are outlined they appear to point unmistakably toward between a 50 per cent and a 100 per cent increase in the more than 300,000 American troops already here.

Talk of any visible prospect for negotiations to end the war at this stage is wholly dismissed by even the officials here most inclined toward a political solution.

Instead, the direction of planning at this end is focused entirely on a great intensification of pressure on the Communist forces during the coming year. Only after the enemy has been pounded heavily and continually on all fronts, according to the minority who can even envision a negotiated end to the war, will there be any chance of bargaining on terms the United States might accept.

While satisfaction is widely expressed with the military progress so far, that is counterbalanced by two readily admitted factors:

While "spoiling" attacks have upset numerous intended enemy offenses, the most difficult military task of rooting out and destroying large enemy concentrations is still ahead. So is the bulk of the fundamental work needed to establish true security and stability in a wide area under effective control of the Saigon government.

POLITICAL-MILITARY CONFLICT

There is no illusion here that turning out a vote count of more than four million ballots on Sunday means that the back of the struggle has been broken. Now, more than ever, military and political officials are gearing up to pursue this political-military conflict with heightened force.

One American source assessed the situation today in what has become the current favorite formulation. He said the word to be stressed in Vietnam is not so much stability as evolution. South Vietnam, he said, is not going to be stabilized in the American sense of the word for a long time to come.

Mr. CLARK. Mr. President, God grant that that may not be true.

All this may seem rather remote from the nomination of Mr. Bowie. Perhaps it is.

As one Senator, I merely want to call attention to the trend which has taken us further and further away from initiatives toward peace and closer and closer to the day when our Government will come to the American people and say: "War is inevitable. We have done all we could. It was not enough. Gird up your loins. Batten down your hatches. World war No. 3 is just around the corner."

Mr. President, I yield the floor.

Mr. SYMINGTON. Mr. President, on July 11 this year, the President of the United States sent up to the Senate the name of Dr. Robert R. Bowie to be counselor of the State Department.

At present Dr. Bowie is professor of international relations and director of the Center for International Affairs at Harvard University.

He has had a rather extraordinary career. He is a graduate of Princeton University, receiving a bachelor of arts degree in 1931.

His law degree was earned at Harvard University in 1934.

Following a period in which he engaged in the private practice of law, he became assistant director of the office of the Maryland Legislative Council and thereafter, assistant attorney general of Maryland. In 1942, he entered the U.S. Army and was highly decorated for meritorious action during his period of service.

He has the Legion of Merit with an oak leaf cluster.

In 1945, after leaving the Army, he returned to Harvard as a law professor.

In 1948 he became director of the task force regulatory commission, Committee on Reorganization of the Federal Government.

In 1949 he was appointed consultant at the Department of State.

In 1950 he was appointed a Foreign Service reserve officer, chief of office of general counsel in Frankfort on the Main, Germany.

In 1951 he was a consultant to the U.S. High Commissioner for Germany.

In 1953 he was named a member of the planning board of the National Security Council, director of the Policy Planning Staff in State.

In 1955 he was Assistant Secretary of State for Policy Planning. On February 7, 1956, he was nominated by President Eisenhower to be Assistant Secretary of State. He appeared before the Committee on Foreign Relations under the chairmanship of the late, great Senator George, and testified at considerable length. Many of the present members of the Committee on Foreign Relations interrogated him at that time.

Mr. President, I ask unanimous consent that that much of the testimony of February 7, 1956, be inserted at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Nomination of Robert R. Bowie

The Chairman. Are there any questions, gentlemen?

Senator Green. What parts of the world are you especially familiar with?

Mr. Bowie. I am primarily familiar with Europe. As a student, and afterward, I traveled a good bit in Europe. I have been out in the Far East and in south Asia, but I am not as familiar with that area. I never lived there.

FUNCTION OF POLICY PLANNING STAFF

Senator Green. In the State Department, has your work been particularly with Europe?

Mr. Bowie. No, sir. It is general. The Policy Planning Staff is responsible for, in effect, assessing the adequacy of the general line of our policy. It is not supposed to get into the details or the specific day-to-day issues, but rather to attempt to look at our basic policy in perspective and to try to anticipate the problems which are likely to develop, and try to assess the adequacy of the policy with respect to the different regions and the interrelationship between the policy in the different regions.

It is essentially an advisory staff. It does not have any operational responsibility. It has no responsibility to give orders to anybody. It reports to the Secretary, and it acts as an adviser to him.

Senator Green. Whom do you advise besides the Secretary himself?

Mr. Bowie. The Under Secretary.

And I serve on the Planning Board of the NSC, where the material is prepared for the consideration of the National Security Council.

Senator Sparkman. Is that your present position, or is that the one to which you are appointed?

Mr. Bowie. Both.

Senator Sparkman. That is right; you are serving already, are you not?

Mr. Bowie. Yes, sir.

Senator Sparkman. In a recess appointment.

Mr. Bowie. Well, I actually was appointed and started serving in May, I think it was, of 1953, and then the Secretary requested the creation of an additional Assistant Secretaryship last summer, and appointed me to fill that as a recess appointment.

Senator Sparkman. But to do the same work?

Mr. Bowie. The same work; yes, sir.

The Chairman. Any questions, Senator Wiley?

Senator Wiley. No. I might have a few later. I understand Senator Knowland has some.

The Chairman, Senator Hickenlooper, do you have any questions?

Senator Hickenlooper. I will defer to Senator Knowland.

ASSIGNMENT IN GERMANY

Senator Knowland. Mr. Bowie, could you tell us just what was your assignment in Germany, and what time period was covered? You mentioned that the first 3 years you were in Washington, and then, as I understood, a year or so in Germany.

Mr. Bowie. I was in Germany twice, sir. I was there a year with General Clay.

Senator Knowland. When was that?

Mr. Bowie. About April 1945, until, I think it was, around March 1946, pretty nearly a year.

Senator Mansfield. Were you in the Army at the time?

Mr. Bowie. I was in the Army at the time. I was—well, General Clay called me a "special assistant." I was sort of a handyman to do whatever jobs he passed me to do.

Senator Knowland. Was it legal work, or just general?

Mr. Bowie. No; that was just general work.

The second time, I was there with Mr. McCloy as a legal adviser.

Senator Knowland. I see.

COMPULSORY REPATRIATION TO COMMUNIST STATES

At that time, did you take any position relative to the return of the Soviet citizens, or former soldiers, whom the Soviet Union was trying to get back?

Mr. Bowie. I do not remember having any occasion, sir, to take a position, because as I recall it, this was governed by directives from Washington.

If you want my reaction to it, I was rather shocked at the fact we were using force to cause the return of people to the Soviet Union, but I had nothing to do with the policy.

Senator Knowland. I see.

Were any memos written at the time, in your capacity, to either General Clay or to Mr. McCloy, on that subject?

Mr. Bowie. Well, you see, sir my two periods of service were separate It was after the war, right after the war that I was there with General Clay. It was 1950–51 that I was there with Mr. McCloy. I do not recall, sir, any memorandum on that subject.

Senator Knowland. While the directive may have been a Washington directive, I was wondering whether the Americans who were in Germany, having seen, as you well know, the protests and even the suicides that were being committed by the Soviet people who did not want to go back, had attempted to get a change in the directives from Washington, and whether any memoranda had been prepared giving the facts to Washington of this tremendous reaction on the part of the Russians that were being returned against their will?

Mr. Bowie. That, sir, was not within the area of my responsibility.

Senator Knowland. I see.

Mr. Bowie. I have no personal recollection. On the other hand, I would feel sure there must have been reports to Washington by General Clay.

Senator Knowland. But there were none to your knowledge, at least?

Mr. Bowie. Not that I presently recall, sir.

COMPOSITION OF POLICY PLANNING BOARD

Senator Knowland. Could you tell us how many members are there on the Policy Planning Board?

Mr. Bowie. You are speaking within the State Department?

Senator Knowland. Within the State Department first.

Mr. Bowie. Well, it varies a little. Around 8, sir; around 8 or 9.

Senator Knowland. Who are the present members, outside of yourself?

Mr. Bowie. There is Mr. Fuller——

Senator Knowland. Could you designate whom he is with? Do they come from different sections of the State Department?

Mr. Bowie. No, sir; they are designated to this staff.

Senator Knowland. I see.

Mr. Bowie. As members of the staff.

Senator Knowland. I see.

Mr. Bowie. Charles Stelle, William Leonhart, Bert Mathews, Henry Owen, Richard Davis, Harry Schwartz, Carlton Savage.

Senator Mansfield. That is eight.

Mr. Bowie. I think that is all.

Senator Knowland. Are they selected by you, as Chairman of the Board, by the Secretary, or in some other way?

Mr. Bowie. It is my job to find appropriate people, but before appointing them I always check with the Secretary.

Senator Knowland. But the recommendation as to membership on the Board is normally yours?

Mr. Bowie. Yes. There may be recommendations from other sources, which I will then consider and report on to the Secretary.

Senator Knowland. On this other Board that you serve on with the National Security Council, how many constitute that planning staff?

Mr. Bowie. Well, sir, I could not give you precisely; it is something on the order of 10, 10 or 11.

Senator Knowland. Are they selected by the several departments, such as the Department of Defense and Department of State?

Mr. Bowie. Yes; and they are designated by the President on the nomination of the various departments.

OPERATIONS OF POLICY PLANNING BOARD

Senator Knowland. Going back to your Policy Planning Board in the State Department, could you give us a little something regarding its operations? Does it initiate recommendations? Do planning papers come down from the Secretary to the Board for study? Do they come from the various sections, such as the European Section, the Far Eastern Section, the Middle Eastern Section, to you, and then up to the Secretary? Could you give us a little indication as to how your Board actually functions?

Mr. Bowie. Well, it operates in really each of the different ways that you have indicated.

Frequently the Secretary will ask us to study something and make a report to him. Sometimes we will initiate studies of our own. Some studies are a result of things which are on the agenda of the NSC Planning Board.

Other matters may involve joint work between the Policy Planning Staff and one of the geographical bureaus. Frequently we may have to comment on a draft speech of the Secretary, or something like that.

That, in general, is the way things originate.

Senator Knowland. But the Board would then handle all matters of policy. It would not make much difference whether it affected South America, Europe, Asia, or any place in the world, as long as it deals with the foreign policy of our country. Is that substantially correct?

Mr. Bowie. Yes, sir. The only point I would make is, when you say "handle," I don't want to give the wrong impression. We are free to advise with respect to any of these matters.

Senator Knowland. No. I understand.

Mr. Bowie. Yes, sir.

Senator Knowland. Is the same thing true of matters coming before the United Nations?

Mr. Bowie. These tend to be more channeled in the U.N. Section, headed by Mr. Wilcox. But I wouldn't suggest that we are not free, if we wish to make suggestions and comments in this area. But, by and large, those matters tend to be handled within the Department pretty completely by the U.N. Section.

Senator Knowland. Now, specifically directing our attention to the recent so-called package deal involving the admission of Outer Mongolia and certain of the satellite states to the United Nations, did that come to the attention of the Policy Planning Staff?

Mr. Bowie. Only as information. We didn't have any part in that.

Senator Knowland. The Policy Planning Staff made no recommendation of any kind?

Mr. Bowie. No, sir.

Senator Knowland. Either that we vote affirmatively, or that we abstain?

Mr. Bowie. No, sir. That was handled, as I said, primarily through the U.N. and through the top officers of the Department.

ADMISSION OF COMMUNIST CHINA TO THE U.N.

Senator Knowland. Has the matter relative to the admission of Communist China into the United Nations come before the Policy Planning Board?

Mr. Bowie. Not as a separate subject, sir. But inevitably in the work on the papers for the NSC Planning Board, the question of policy toward Communist China has been involved, of course.

Senator Knowland. Could you indicate to the committee what your own views are relative to the admission of Communist China into the United Nations?

Mr. Bowie. Yes, sir.

I have never advocated the admission of Communist China to the United Nations. It seems to me this is a matter which should be dealt with solely in terms of the advancing of United States interests. And as I see it at the present time, and under present conditions, United States interests would not be advanced by the admission of Communist China.

Senator Knowland. What are the conditions which you believe should exist before you would be favorably disposed to the admission of Communist China? Has that been the subject of decision?

Mr. Bowie. No, sir. We have not tried to anticipate the precise conditions under which a different point of view would be justified.

Senator Knowland. Would the same answer hold for the recognition of Communist China by the Government of the United States?

Mr. Bowie. Yes.

LEGAL STATUS OF FORMOSA

Senator Knowland. What is your viewpoint relative to the legal status of the island of Formosa at the present time?

Mr. Bowie. My responsibility, sir, is not in the legal field. What do you mean by the——

Senator Knowland. Has there been a decision by your Board as to whether Formosa might be placed under trusteeship of the United Nations Organization eventually?

Mr. Bowie. In our analysis we are dealing essentially with the question of what is the United States interest in this matter. We are quite clear it is in our interest to see to it that Formosa remains outside of the Communist control and in the hands of a free government which is friendly to the United States.

Senator Knowland. Has there been a decision relative to the legal status of the offshore islands?

Mr. Bowie. Well, I think, sir, my position is a little awkward here, because I have been serving in this position for 2½ years. I want very much to give you frankly my views, my own personal views. But the Secretary asked me to tell the committee, if the problem came up, that he had requested me not to discuss any advice which I might have given, or any of the activities of the National Security Council or of the Planning Board.

As I see it—your question was really, what recommendations had been made. I don't feel, under his instructions, I can answer that. If you wish to ask me about my personal views, I would be glad to try to do that.

Senator Knowland. I will not press that point.

The Chairman. Senator Knowland, the Senate meets at 11 o'clock. Do you want us to proceed now, or ask Mr. Bowie to make himself available here at a little later hour?

Senator Knowland. I would suggest 3 o'clock.

(Whereupon, at 11 a.m., the committee recessed, to reconvene at 3 p.m. of the same day.)

AFTERNOON SESSION

(The committee reconvened at 3:10 p.m. Present: Senators George (chairman), Green, Mansfield, Barkley, Wiley, Hickenlooper, Knowland, and Aiken.

Senator Green (presiding). Mr. Bowie, welcome back.

Senator Knowland was questioning you when we adjourned and interrupted his questioning. We can go on from where we left off.

Senator Knowland, if you will proceed.

USE OF VETO TO KEEP RED CHINA OUT OF THE U. N.

Senator Knowland. Continuing where we were this morning, I would like to ask if you could give the committee your views relative to the use of the veto by the Government of the United States and its representative at the United Nations, if a veto were necessary to prevent the admission of Communist China into that organization?

Mr. Bowie. Sir, I really don't have any useful views on this. I have not really examined into the question. I know there is a difference of opinion among various people as to whether this is the kind of issue that we can use the veto on.

I simply have not checked into it, myself, this is not the kind of thing which would be in my responsibility; in fact, I never looked into it.

Senator Knowland. The Policy Planning Board does not advise the Secretary of the Department of State on matters of this substance and importance?

Mr. Bowie. It does not attempt, sir, to deal with the legal right to use the veto. That is dealt with by the Legal Division.

Senator Knowland. Assuming there was no question on the legal right—I have heard arguments both ways on it, as undoubtedly you have—would the policy of using the veto normally come before your Board?

Mr. Bowie. I can guess—I can only say, sir, so far we have not dealt with this issue. But, in all honestly, I should guess if this kind of issue became relevant, in practical terms, we might very well get into it.

Senator Knowland. But you, at least, do I understand, have never advocated that this country should not use a veto if it came to that?

Mr. Bowie. No, sir. I have never had occasion to deal with the subject.

Senator Knowland. Have you taken a position on whether or not it would be advisable for this Government, through its Secretary of State, to meet with the Foreign Secretary of Communist China? If not, are there any conditions under which you think that that would be desirable?

Mr. Bowie. I have never had occasion to take any position on the first part of your question.

Frankly, sir, this is another one of those cases where, if I were ever going to have to deal with it, I would have to deal with it in terms that seemed to me under all the circumstances to be in our interest.

I have never tried to formulate in the abstract any set of conditions which would seem to me to be necessary in order to make that in our interest; but I could not, in all candor, say that I would always oppose, no matter what the circumstances——

Senator Knowland. I am not suggesting that either you would or should do that. I am merely trying to develop whether, up to this point, you have expressed yourself as being favorable to such a meeting, and whether you have suggested certain conditions precedent which should be carried out before the Secretary of State met with the Foreign Minister of the alleged government of Communist China.

Mr. Bowie. No; I never have.

POSSIBILITIES OF TWO CHINAS

Senator Knowland. Have you ever expressed yourself as to whether you believe it is feasible to have two Chinas represented in the United Nations? Would you care to indicate to the committee what your views on that subject are?

Mr. Bowie. Well, if you wish me to express my personal approach to a problem like that, it would be this: As I said to you, I do not think that it is in our interest to have Communist China in the U.N. at the present time and under present conditions.

If, however, I felt that circumstances were going to develop in such a way that we might have the choice between having a one-China solution with Communist China as the only China, and having the possibility, on the other hand, of preserving the status of Formosa as a member of the U.N., even though Communist China came in, my own preference would be for the second solution.

Senator Knowland. Of course, that is where the question of the legality of the veto and, if that were solved, the policy question of the use of the veto might come into the picture.

Mr. Bowie. Yes, sir.

My understanding is, the problem of the veto would not arise with respect to, say, the General Assembly.

Senator Knowland. Except that the question might come before the Security Council where it would be subject to a veto.

Mr. Bowie. Well, I repeat, I am getting into an area which I have not investigated, but it was my impression that the General Assembly, if it chose, could seat a member, or not, according to its own decision.

Senator Knowland. Well, that is the theory of one group who have suggested that it might be possible to bypass the Security Council. But there is another substantial body of opinion that feels you cannot so bypass the Security Council if it is indeed a substantive matter; and, of course, I think a very strong case might be made that the admission of Communist China is certainly a matter of some substance.

EFFECT OF VANDENBERG RESOLUTION ON USE OF VETOES ON MEMBERSHIP QUESTIONS

Proceeding on the veto situation, have you ever held the viewpoint that the passage of the Vandenberg resolution, relative to the use of the veto on the admission of new members, foreclosed the use of the veto by the United States?

Mr. Bowie. Well, again, sir, this is not really within my general area. I have always felt that the problem of whether or not China took the seat was not essentially the admission of a new member, but the question of the credentials of a particular member; but this is not something on which my views would be primarily sought. I mean, this is a field in which Mr. Phleger, of the Legal Division, would be a person who would be expected to advise.

Senator Knowland. My understanding of the Vandenberg resolution—and I had some discussions with Senator Vandenberg at the time—was that the United States would be prepared to give up its veto on the admission of new members, provided all other nations would give up their use of the veto on the admission of new members. The intent was not unilaterally to disarm the United States in this area, while leaving the Soviet Union fully armed to exercise the veto. I think it was an effort to get a quid pro quo. We would be prepared to give up the veto in this particular case, if the other nations having the right to exercise it did also. So, since there was some discussion at the time of the package deal that the Vandenberg resolution would foreclose use of the veto by the United States, I did a little research on the background of the Vandenberg resolution.

POSSIBILITY OF RED CHINA RENOUNCING USE OF FORCE IN FORMOSA STRAIT

Has it been your viewpoint that we might be able to get from Communist China a valid renunciation of force in the area of the Formosa Straits?

Mr. Bowie. Well, it has seemed to me worth trying, and it has seemed to me the only way to determine it was to see what, in fact, they did.

I was skeptical that it would succeed.

Senator Knowland. Would you feel that it would be possible to advise the committee as to whether there has been any progress made in getting the Chinese Communists at the Geneva meetings to renounce the use of force?

Mr. Bowie. Well, sir, you have seen what was published in the papers. I would prefer that you address that question to the Secretary, because he has personally been handling the direction of those negotiations.

TRADE IN STRATEGIC MATERIALS WITH RED CHINA

Senator Knowland. What have been your views relative to the opening up of trade in strategic materials with Communist China?

Mr. Bowie. Well, my view is that we should certainly not make available strategic materials to Communist China.

You know, the definition of what is a "strategic material" is not always agreed to by everybody. It has seemed to me in connection with the question of complete embargo, we had to weigh on the one hand the damage which we were able to do to China, and on the other hand, the possible damage to our allies through the insistence on the complete embargo. And it seems to me that the principle was to try to strike a balance there so that the level of restrictions is one which serves the net interests of the free world.

Senator Knowland. Could you give the committee a thumbnail sketch, at least, of what your general views are as to what strategic materials would be?

Mr. Bowie. I don't think so, sir. This is a highly technical subject, and I have not been engaged in the efforts to settle on the lists or to define the commodities.

This is really an area in which there are specialists who attempt to analyze the value to China and the value of trade by our allies, and I just do not feel competent, I would not feel competent, to express a judgment on any particular commodity without having expert advice.

POLICY PLANNING BOARD CONSIDERATION OF RED CHINA TRADE

Senator Knowland. One may agree or disagree, but certainly the question of trade in strategic materials with Communist China, in the light of the circumstances in the Far East, is a very important question. They have been declared the aggressor in Korea.

Many people, at least some in our Government, I think, feel that the Chinese Reds are in violation of the terms of the Korean armistice, and have been making threats to take the offshore islands and Formosa by force of arms. They have been trespassing some in Southeast Asia. So it becomes a matter of high policy.

Would that subject not go to the Policy Planning Board of which you are the Chairman?

Mr. Bowie. The general question of the approach to this problem is one with which we have dealt in the past, and would expect to deal in the future; and I tried to state the principle or the basis upon which my own approach would be based, namely, that we should try to establish a level which will restrict Communist China as much as possible without undue costs in its effects on our allies, in particular Japan, and countries like Malaya.

I would have to say, though, sir, that in the effort to set the general lines of policy, it has not been our task, and we could not possibly discharge it if it were, to analyze the specific effects of trade in particular items.

We only attempt to make recommendations, really, regarding what we think is the proper approach in balancing the various considerations involved in this problem.

There are people, specialists, who analyze for the Department and for Commerce, and for Defense, the significance of particular items to China and the importance of trade in particular items to allied countries.

Senator Knowland. The Department of State, and the Policy Planning Board—it is assumed, perhaps, wrongly—keep abreast of the actions which Congress has taken from time to time in regard to matters affecting foreign policy. I refer particularly to two unanimous votes by both the House and the Senate against the admission of Communist China into the United Nations. I refer also to the provisions of the Battle Act, controlling the shipment of strategic materials to Communist countries and to the Far East.

I assume you are familiar with the fact that a committee under the chairmanship of Senator McClellan is now making a rather full inquiry into the shipments of strategic materials to Communist China.

Mr. Bowie. I was not familiar with the last point, sir.

Senator Knowland. But in any event, up to the present time, at least, it has not been your position that strategic shipments should be allowed to go to Communist China?

Mr. Bowie. On the contrary, I think we should maintain a level of control which is compatible with the total interests of the free world.

Senator Knowland. Of course, that gets to be, I am quite willing to agree, a matter of judgment on which honest men can have honest differences of opinion.

Mr. Bowie. That is right.

Senator Knowland. I can remember long before I came to the Senate, as a newspaperman, writing some editorials highly critical of the shipment of scrap iron and oil to the Japanese war lords in 1940 and 1941, almost up to the eve of Pearl Harbor, and some of it came back at us on the morning of December 7.

I think one of the concerns of the McClellan committee, of which I am not a member, and others who have gone into it, is that at the very time when there is still no peace treaty for the Chinese aggression in Korea, and when Chou En-lai, on behalf of the Chinese Communist regime, is making threats to take Formosa by force of arms, which would be contrary to our national policy, as you pointed out, there might be in fact a loosening of the shipments of strategic materials which we might find being used against American forces in that part of the world. I assume the Department is fully alive to the seriousness of that matter.

Mr. Bowie. I believe so, sir.

Allies trade in strategic materials with Communists

Senator Knowland. Have you made any recommendation on loosening the trade restrictions on strategic materials among some of our associates in the Pacific, such as Japan?

Would that come within the purview of your Policy Planning Board?

Mr. Bowie. I am afraid perhaps this question suggests that I may have misunderstood the tenor of your previous question. If your previous question was addressed to the issue of whether or not the United States should relax its controls on United States trade with Communist China, I see no reason why we should relax them at all at this time. It seems to me obvious that our economy can easily withstand the restrictions such as now imposed.

I apparently misunderstood. I thought you were talking in the previous question about the problem of the controls of allies under the Battle Act.

Senator Knowland. I was referring to both, as a matter of fact.

Mr. Bowie. I see.

I thought I covered pretty much my view on controls in the answer to what I understood to be the previous question. Namely, it seems to me, in taking full account of the undesirability of building up China's military capability, we still have to take account of the impact on countries like Japan, of certain forms of restrictions.

I am not talking about, really, any munitions or anything of that sort, but there are—the Japanese, at least, strongly believe there are forms of trade which they can engage in which do not have, as they see it, relative strategic significance.

DETERMINATION OF CONTROLS ON STRATEGIC MATERIALS

Senator Knowland Let's get a little specific along that line.

Would steel rails fit into that category?

Mr. Bowie. Well, sir, I just must repeat, I have no competence and I make no pretense of competence in judging particular items. The point I am making does not bear on particular items. It is a question, really, of whether there are any commodities which Japan might be able to trade in, nonmilitary, completely nonmilitary or not necessarily of any military significance, where the loosening of the control would give benefits to Japan which would outweigh the disadvantages which might result in terms of strengthening China.

All I am suggesting, really, sir, is that I do think that in connection with something like the restrictions on trade with China, you have to take account not only of the damage you do to China, but of the costs in terms of the damage you may do to your allies, like Japan, and to countries like Malaya.

I think that it is an equation which we must try to balance, giving full weight to the point you make, and at the same time trying to estimate whether the damage to your allies or to the other free world countries, from the maintenance of the particular level, is greater than the amount of injury you may do to China.

Senator Knowland. I think trade in strategic materials is a matter which ultimately, either in the foreign aid program or by some other means, the Congress itself may be deeply interested in.

You are chairman, as I understand it, of a Board which will advise the Secretary of State on high policies of the Government in the field of foreign relations, and you are before the Senate for the first time for confirmation, to which our consent is required by the Constitution.

DEFINITION OF STRATEGIC MATERIAL

Regardless of the fact that you may not in the first instance draw up the list of strategic materials, which I fully understand because you have technical experts doing it, when it gets up to the point whether only guns, war planes, and ammunition are strategic materials, or whether steel rails, locomotives, boxcars, and trucks by which an otherwise immobile army might move down to the area opposite the Formosa Straits are strategic materials, it becomes a high matter of policy, whether you are filling that job or whether somebody else is filling it, and your concepts of those questions are relevant.

I would like to explore with you as to whether or not you would classify such things as locomotives, steel rails, trucks, airplane engines as being strategic materials, as you generally understand the term, or whether you limit the term to military equipment of the type of tanks and guns and combat planes.

Mr. BOWIE. The answer to the second part of that is "No." I think nobody suggests that we are only talking about military equipment.

I think it is generally agreed that we are talking about things which would increase the military potential.

Certainly the list—and I certainly am not familiar with this in detail, but as I understand it, the list which applies to the Soviet Union includes a good many things over and above military items.

Nobody I have ever heard on the problem, foreigners or Americans, has suggested the idea of reducing the list against China so that it would not include all the items which are included against the Soviet Union. It is really a question only of whether or not there are items which would be of such importance to countries like Japan, and that could be considered to be of less importance to a country like Communist China in terms of its warmaking potential, so that the balance should be struck to allow trade in some of those items.

I am sorry, sir, but I do not have the knowledge or the competence to permit me to say what items those would be.

One factor which makes it very difficult is, of course, that China today can get a good many of these items which can be imported by the Soviet Union, that is, that are not included on the Soviet list, by transshipment from the Soviet Union. In these cases where the China list exceeds the Soviet list, it is not mainly a question of being able to deny them to China.

It is primarily a case of imposing additional burdens on China by making them pay the costs of transshipment, and so on.

Now, these issues involve very difficult problems of economic analysis and of judgment as to the actual significance for China of particular items. I am not talking about military items. Everybody agrees on that. Nor am I talking, really, about the items which relate to the military base of China.

But certainly there are items where there is room for dispute or discussion as to whether, on balance, the harmful impact on our allies is greater than the net advantage you get from denying them to China.

CONTROLS ON TRADE OF FREE-WORLD NATIONS

Senator KNOWLAND. But you will agree, will you not, that it does not do very much good for the United States to foreclose shipments to Communist China if those same items, or substantially the same items, flow to China as though through a sieve through our allies? All we are doing in that case is to deny American business and labor a chance to participate in the trade which we are in fact encouraging and abetting our associates to undertake.

Mr. BOWIE. But it still seems to me there might be a case to be made for this position, because the justification, to which I referred, would be the damaging impact on our allies of denying them this opportunity for trade.

Certainly the United States does not need this opportunity, and to the extent that you open the trade up to our people you only lessen the benefit which may go to the people on whose account you are trying to balance the equation.

The second thing is, again, I am no expert, but I have been told that in many ways the most important thing to China might well be the opening up of the United States market for disposition of some of its commodities. So you may very well be able to exercise considerable control over China by depriving it of the United States market.

So that I would not agree, therefore, that even if one decided that it was desirable to allow the CHICOM list to be modified to permit trade between, say, Japan and China in some items, which are not thought to be of strategic significance, that would necessarily justify a similar relaxation of United States control.

NO CONSIDERATION OF U.N. PACKAGE DEAL BY PLANNING BOARD

Senator KNOWLAND. Did I understand you to say in one of your answers to a question this morning that the question of the package deal relative to admission of Outer Mongolia and the satellite states to the U.N. had never come up for discussion in the Policy Planning Board of which you are a member?

Mr. BOWIE. That is my best recollection, sir. Certainly we did not have any real role in the decisions which were taken at that time.

Senator KNOWLAND. I see.

Do I understand that the recommendation, if there was a recommendation, to the Secretary and to Ambassador Lodge and the United States delegation to the U.N. would have come up from the division dealing with United Nations affairs of which Mr. Wilcox is presently the head, or at least the man in charge?

Mr. BOWIE. That would be the normal course, sir.

Now, I cannot speak from personal knowledge as to whether that was the actual course.

Senator KNOWLAND. But in any event, you, yourself, made no recommendation whether we should use the veto or whether we should abstain, on the first package deal which included Outer Mongolia, and the second package deal which included the satellite states minus Outer Mongolia, which was adopted with the United States abstaining.

Mr. BOWIE. That is my recollection, sir.

Senator KNOWLAND. I have no other questions at the present time.

Senator MANSFIELD. Mr. Chairman.

The CHAIRMAN. Senator MANSFIELD.

Senator MANSFIELD. Mr. Secretary, in this matter of Japanese trade with China, is it not true that even during the course of the Korean war, General MacArthur allowed a certain amount of trade to be carried on between those two countries?

Mr. BOWIE. Well, I can't speak from personal knowledge, sir, but that may well be. I do not know.

Senator MANSFIELD. You have no knowledge of it?

Mr. BOWIE. No.

FUNCTION OF POLICY PLANNING STAFF

Senator MANSFIELD. What, for the record, is the title of the department which you head?

Mr. BOWIE. You mean the Policy Planning Staff?

Senator MANSFIELD. Yes. Is it your job to make assumptions and to try to come up with answers to questions which you and your staff think may arise throughout various parts of the world?

Mr. BOWIE. Yes, sir.

Senator MANSFIELD. When you make these assumptions, and arrive at possible answers, who makes the final decision?

Mr. BOWIE. The Secretary of State.

DEPARTMENT OF COMMERCE ROLE IN DETERMINATION OF TRADE CONTROLS

Senator MANSFIELD. In the matter of trade, does the Department of Commerce, through its Foreign Trade Division or some such similar organization, play a more important part vis-a-vis embargoes, boycotts, and the like, than does the Policy Planning Staff of the State Department?

Mr. BOWIE. There is no question about that, sir. Yes.

Senator MANSFIELD. What individual is in charge of that particular division in the Department of Commerce?

Mr. BOWIE. Well, I cannot speak to that from personal knowledge. I have seen various individuals from time to time, but I don't know who has charge of it.

Senator MANSFIELD. There is no individual from the Department of Commerce in this particular field who serves with you on the NSC?

Mr. BOWIE. No. From time to time when an issue dealing with the general approach to trade controls arises, a representative of Commerce will come to the Planning Board and present their point of view or give a briefing or otherwise deal with it, but there is no regular member of the Commerce Department sitting.

RESPONSIBILITIES OF PRESIDENT AND SECRETARY OF STATE FOR FOREIGN RELATIONS

Senator MANSFIELD. Mr. Bowie, under the Constitution, is it not the responsibility and the obligation of the President of the United States either to recognize or to withdraw recognition from countries?

Mr. BOWIE. That is my understanding, sir.

Senator MANSFIELD. In that respect, I assume he is usually advised by the Secretary of State, who of course is his agent in the conduct of foreign policy.

Mr. BOWIE. I would assume so.

Senator MANSFIELD. And would it not be true that the same assumption would apply to our position on the admission of new countries to the United Nations? In that particular instance, I gathered from what you have said in answer to Senator Knowland's questions, that this would very likely be discussed, not only with the Secretary of State, but also with the bureau within the State Department having to do with United Nations affairs.

Mr. BOWIE. And I am sure many other parts of the Department, as well as the U.N. Division. I mean, the regional bureaus and others.

Senator MANSFIELD. That is all, Mr. Chairman.

The CHAIRMAN. Any further questions?

Senator WILEY. Mr. Chairman, I want to ask a few questions.

I am sorry that I missed the examination by Senator Knowland.

This is a very interesting phase of our Government that we have gotten into here. Let us assume a concrete case.

You are the Chairman of the Policy Planning Staff?

Mr. BOWIE. Yes.

LOW PLANNING STAFF WORKS

Senator WILEY. Your function, given a certain set of world facts, is to come up with certain recommendations to the State Department; correct?

Mr. BOWIE. To the Secretary of State.

Senator WILEY. Yes; the Secretary of State. And he, of course, would then make them to the Chief Executive.

Now then, let us take, for the sake of illustration, Cyprus. There we have a situation in which our Ally, the United Kingdom, is having considerable trouble not only with the Greeks, but with the Turks. The British consider Cyprus a very valuable defensive rampart for the Empire. Do we consider in relation to such cases, above everything else, the question of the self-preservation of the American people and the Republic? Is that not the basic idea or principle that we have to think about?

Mr. Bowie. Yes, sir. Certainly in our thinking, we start from the question of what is in the United States national interest; and then we try to analyze how particular sets of circumstances, particular situations, bear on that interest. And as in the case you have indicated, unfortunately, many times we have conflicting situations and have to strike a balance between the necessity of maintaining our defensive posture and alliances in relation to Britain on the one hand, with the problem of trying to maintain our traditional support for self-government on the other; and it is, over and over, a problem of trying to strike a balance which we conceive to be in the United States national interest on the basis of these different considerations.

May I make one other comment here. I want to leave the right impression as to the relative importance of this job. I do not want in any way to suggest that it is not an important job. I think it is. But it would be a grave mistake if you thought that the Secretary of State was getting policy recommendations only from the Policy Planning Staff.

Each of the regional offices, as to its own area, and the functional offices like the Economic Division, the U. N. Division, the Legal Division, all participate in the policymaking function.

Senator Barkley. Together, or separately?

Mr. Bowie. Well, both, sir. We may come up with joint proposals, or we may sharply conflict among ourselves as to what we recommend, and then it is up to the Secretary to conclude what he thinks is the proper answer.

The only point I want to make, sir, is that I think our function is an important one, but it is not to try to make recommendations on every problem, because there are just too many problems, and we have only got a staff of about 8 or 9 people. Our task is to try to pick out those areas or those problems which seem to us likely to have a long-run effect, and where the decisions may be more important for the general direction of United States policy, and to try to assess the adequacy of our policy as a whole, for the circumstances that we face.

But in terms of the actual policymaking within the Department, ours is only one part, and it is complemented or it complements the recommendations and studies by each of the regional divisions and by the other functional divisions.

GLOBAL FACTORS CONSIDERED IN MAKING RECOMMENDATIONS

Senator Wiley. May I carry on with a specific situation, because these things interest me and because I feel that too many of us get what you might call a localized view in a contracted globe?

Let us go to Cyprus again. All you are doing is to try to anticipate what is best for the future for the Government of the United States and our allies; is that right?

Mr. Bowie. Yes, sir.

Senator Wiley. But all those facts have to be considered.

Mr. Bowie. Yes, sir.

Senator Wiley. And in considering them, you do not consider only the local facts? You consider the situation in Africa, and over in the Far East. They are related matters; is that right?

Mr. Bowie. Yes, sir.

Senator Wiley. I guess all you do is do what the rest of us are trying to do, which is to see the light around the corner of tomorrow, and it is a pretty dark corner.

Have I got a picture now of your activity?

Mr. Bowie. Yes, sir.

Senator Wiley. You have not any decision to make.

Mr. Bowie. No, sir.

Senator Wiley. You just recommend.

Mr. Bowie. Yes.

Senator Wiley. All of us have in our offices persons whom we call in and ask for their judgment on a certain thing.

Mr. Bowie. Yes, sir. I think the purpose of the Policy Planning Staff when it was created was to try to bring a little more perspective into the policymaking processes, both on the impact of actions in different areas, the point you were making about the interrelation of so many things we do; and second, to try to look a little further ahead in trying to anticipate what would be the results of particular policies, and what problems we may have to face as a result of developing tendencies or trends.

I think if we make a specific or separate or different contribution, it is so far as we are able to bring a little wider geographic point of view than some of the geographic bureaus, and I intend no criticism of them; and also bring a somewhat little longer range view in terms of time.

In both cases, the effort is to project a little wider perspective into the making of our policy.

FUNCTIONS OF REGIONAL BUREAUS OF STATE DEPARTMENT

Senator Barkley. You speak of these regions. You have down there a division or bureau on European affairs?

Mr. Bowie. European Affairs, and Latin America, and Near East.

Senator Barkley. How many of those bureaus are there?

Mr. Bowie. We have four principal regions.

Senator Barkley. If any problems arise in any one of those regions, you ask the head of that division down there to look into it and to come up with some suggestion to your Planning Bureau in regard to that region?

Mr. Bowie. Well, or we may work with him in trying to——

Senator Bapkley. He may come in and sit with you?

Mr. Bowie. Yes.

Senator Barkley. And discuss those things in that region.

Mr. Bowie. Yes.

Senator Barkley. But there may be things in that region which also affect another region, so you work along with all these regional divisions to try to come to an overall conclusion as to what you recommend to the Secretary of State?

Mr. Bowie. Yes, sir.

Again, I want to emphasize that each of these regional divisions, of course, has direct access to the Secretary, and can present its point of view, so we are not any bottleneck or in any way foreclose the presentation of different points of view.

But we do attempt, as you say, to try to see whether we can take account of the different points of view and try to strike a reasonable balance.

Senator Knowland. Do you make use of various universities in certain area studies in your Policy Planning Board?

Mr. Bowie. We have not commissioned any, but various studies are made by a whole group of different agencies, and we try to take advantage of them.

Senator Knowland. Do you consult with experts outside of the Department when you have a particularly knotty problem?

Mr. Bowie. We have not done as much of this outside the Government, as I think would be desirable. I simply have not been able, in terms of time, to work out as much of this as I think would be useful.

Senator Knowland. In the field of far eastern affairs, for example, does the Policy Planning Board consult or has it consulted with Mr. Owen Lattimore on far eastern problems?

Mr. Bowie. No.

Senator Knowland. In going back to the problem of the return of the former Soviet citizens from Germany, you said you had no part in that decision and that it had come from Washington. Your personal reaction was rather a shocked one that people had been forced to return and that there were so many suicides.

MORGENTHAU PLAN

Did you deal with the so-called Morgenthau plan? Was that in your province when you were there with General Clay and Mr. McCloy?

Mr. Bowie. I had no connection, sir, with the policy toward Germany until General Clay asked me to go with him in about March of 1945, and I know nothing about the Morgenthau plan, as such, except what I read in the newspapers or subsequently read about it.

We were governed by a JCS document, I think it was 1067, which had been prepared in Washington by the Departments of State, War, and I guess Navy. So I had never had any contact with the Morgenthau plan, unless you mean that JCS 1067 had features which you would consider resulted from the Morgenthau plan.

Senator Knowland. You had nothing to do with the preparation of JCS 1067 when you were at the Pentagon before going——

Mr. Bowie. No, sir. I think I was at the Pentagon simply to be briefed for about 2 weeks, before leaving for Germany in 1945. When I had been at the Pentagon before, I was working entirely on procurement matters.

Senator Knowland. I see.

Mr. Bowie. Before the assignment in Germany, General Clay took me over with him to the Office of War Mobilization, under Mr. Byrnes, for about 3 months, I think it was from December of 1944, until about February or March 1945, and then General Clay was designated to go to Germany. He asked me to go with him, and I had about 2 weeks or so, maybe a little more or less, back in the Pentagon, simply being briefed about the work which had been done.

I think JCS 1067 was then in preparation, but I had no part in its preparation.

Senator Knowland. I have no further questions, Mr. Chairman.

The Chairman. Any further questions by any member?

FULL-TIME NATURE OF ASSIGNMENT

Senator Aiken. I have been trying to follow the discussion since I got here, and find out just what Mr. Bowie's job is.

How much time does it take? Is it full time?

Mr. Bowie. All the time I have got, sir. I get to the office at 8 and leave about 7 or 7:30.

Senator Knowland. Like a Senator's hours.

Senator Aiken. A professor of law at Harvard, too?

Mr. Bowie. I am not a professor of law at Harvard, too.

Senator Aiken. It says since 1945.

Mr. Bowie. Yes, sir; but I was on leave of absence when I came down here.

Senator Aiken. That is what I wanted to find out.

Mr. Bowie. And last year, since the university has a strict rule that it will not grant leaves of absence for more than 2 years, and at the request of the Secretary, I resigned as professor of law at Harvard.

Senator Aiken. This is a full-time job?

Mr. Bowie. That is right.

Senator Aiken. And as I read this description here, I gather it is sort of a brain trust of the State Department that advises the Secretary.

Mr. Bowie. Well, it attempts to advise the Secretary, sir, and as I said, perhaps before you got in, it is engaged in an effort to look at our policies as a whole, and to get perspective on them in terms of areas and in terms of time, and to criticize them as to their adequacy and to try to foresee problems.

TYPE OF MATTERS STUDIED BY POLICY PLANNING STAFF

Senator Aiken. For instance, did you have any part in the decision not to extend greater military assistance to the French in North Vietnam a year or so ago, or was that purely a military decision?

Mr. Bowie. I am not sure, sir, of the decision to which you refer. I am concerned, however, that we are getting into the area which I was asked by the Secretary not to get into, namely, the discussion of actual deliberations in the executive branch.

Senator Aiken. Well, in deciding whether to extend greater military assistance to Dien Bien Phu and the French in North Vietnam, was your Policy Committee concerned in that?

Mr. Bowie. Well, sir, we were concerned very much in the general problem of how to salvage the situation in South Vietnam.

Senator Aiken. In North Vietnam, that is where the decision was made not to——

Mr. Bowie. I misspoke myself. I mean in Vietnam.

Senator Aiken. Not to contribute greater armed forces and not to become involved in there in a military sense. Do you consider matters like that?

Mr. Bowie. As I said, sir, before you came, or I guess it was this morning—the Secretary asked me to tell the committee that he had instructed me not to discuss the handling of actual decisions within the executive branch. This kind of question, sir, is one kind of question which we do consider.

Senator Aiken. We know there was a difference of opinion as to whether we should put armed forces on the Asiatic mainland in greater numbers than in an advisory way.

You would not want to say whether you, in your Policy Committee, considered the action a year ago when the President asked the Congress to back him up in handling the crisis in the straits near Formosa? Would you consider things like that?

Mr. Bowie. Yes, sir; we would consider that type of thing.

Senator Knowland. I wonder whether it would be helpful, keeping in mind the instructions from the Secretary of State you came up here with, which I certainly think are proper ones, and without getting into the recommendations of the Policy Planning Board if you could indicate for the enlightenment of the committee the types of recommendations submitted in the last couple of months.

For instance, would they deal with trade, the Geneva meetings which were held, both at the summit and the subsequent Foreign Ministers meeting, or the Formosa question? What types of issues come up?

Mr. Bowie. I will try to answer that, sir, within the framework I have been instructed.

For example, we participated in preparations for the discussions at the summit meetings, and for the Foreign Ministers meeting. As you can imagine, that covers a whole range of subjects.

We have worked on the subject of disarmament, which is under study by Mr. Stassen, and we have participated in the Department on that subject.

Senator Knowland. Does he make use of your Policy Planning Board?

Mr. Bowie. Not directly, sir. Our advice is given to the Secretary of State. Actually, Mr. Stassen requested that a person be supplied for his staff from the Department of State, and one of my men was actually made available, but he is on loan.

Senator Knowland. I see.

Mr. Bowie. We have, for the Planning Board, the NSC Planning Board, been working on a review of the basic national security policy paper which attempts to set the general framework of our policy.

We have worked on papers for specific areas, such as the general policy toward Yugoslavia. We have worked on matters related to the talks with Eden, and some of the problems which were connected with that.

We have from time to time, either by commenting or otherwise, participated in work on such matters as major policy speeches of the Secretary, the State Department contribution to the state of the Union message, and that type of thing.

In general, since our resources are limited, we try to avoid becoming involved in the day-to-day decisions. We try to confine ourselves to those things which seem to have a broader significance.

It is not always easy or possible to do that, but we try to do it.

We worked recently, also, on the problem of an international agency for peaceful uses of atomic energy.

Many of these things are done in cooperation with or in conjunction with other parts of the Department. So I do not mean to imply that we are the sole people in the Department dealing with these things which I have enumerated.

Senator Knowland. Yes; that answers my question.

Senator Wiley. You are a diagnostician of the facts and the conditions as you see them. If the patient is sick, you try to get at the sickness and you make your suggestion on the remedy, but you do not prescribe it.

Mr. Bowie. That is right, sir.

Senator Wiley. All right.

The Chairman. If there are no further questions, Mr. Bowie, we thank you very much, sir, for coming down here.

Mr. Bowie. Thank you, sir.

Mr. SYMINGTON. Mr. President, at that time many letters were put in the Record praising the accomplishments up to that point of Dr. Bowie. There was one letter against him, which I think it would be in order to read at this point:

Senator Lyndon Johnson,
Senate Office Building,
Washington, D.C.

Dear Sir: My wishes are that you do all in your power to see that Mr. Robert Bowie is not appointed Assistant Secretary of State.

Reason for this is that Mr. Bowie favors the continuation of the United Nations and the placing of the United States under a world government.

Respectfully,

Bruce Dunn.

Mr. President, as everybody knows, some of the major positions in the State Department presently are not occupied.

On July 11, the President of the United States sent to the Senate the name of Dr. Bowie to be Counselor of the State Department. Over a month later, the Senate Committee on Foreign Relations took the matter up, Dr. Bowie appeared and was questioned at considerable length by the committee on August 16. The questioners included the chairman of the committee, Senator Fulbright, Senator Gore, Senator Church, Senator Clark, Senator Pell, Senator Case, and myself.

I ask unanimous consent that most of that testimony, on Tuesday, August 16, be inserted at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Nomination of Robert R. Bowie, of Massachusetts, To Be Counselor of the Department of State, Tuesday, August 16, 1966

The Chairman. Mr. Bowie, will you, for the record, state briefly the background of your experience. You have been associated with the Government before I believe?

STATEMENT OF ROBERT R. BOWIE, OF MASSACHUSETTS, NOMINEE TO BE COUNSELOR OF THE DEPARTMENT OF STATE

Mr. Bowie. I was educated at Princeton, and at the Harvard Law School. I practiced law from 1934 to 1942 in Maryland and served there as an assistant attorney general. Then I went into the Army for 4 years and served in the Pentagon, in procurement legal work. After the war for a year (1945–46) I was still in the Army with General Clay who was Deputy Military Governor in Germany. Then I went to the Harvard Law School to teach as a professor of law, until 1950, and then for 2 years I was in Germany with Mr. McCloy, 1950 and 1951, as his legal counsel and adviser. Then I went briefly back to law school, and in 1953 I came down to the State Department as the head of the Policy Planning Staff where I remained until August 1957. Since 1957 I have been at Harvard as the director of the Center for International Affairs.

The Chairman. You were in the State Department from 1953 to 1957?

Mr. Bowie. Yes, sir.

The Chairman. And you were Director of the Policy Planning Staff, all during that period?

Mr. Bowie. Yes, sir.

The Chairman. That was during the period of Secretary Dulles, I believe?

Mr. Bowie. Yes, sir.

Agreement with policies of Secretaries of State

The Chairman. Is it fair to say that during this period you would not have occupied such an important position if you had not agreed fundamentally with Secretary Dulles? Does your willingness to return to the Department in an equally important position under Secretary Rusk mean that you see little difference between the policies of Mr. Rusk and Mr. Dulles? Or have you changed your policies?

Mr. Bowie. Well, I think I would have to answer the question first by rephrasing it, sir.

My conception of the role of a Government official is a man who tries independently to give the best advice he can. When Mr. Dulles, whom I had never known, asked me to come down and head the Policy Planning Staff, I told him that I would only be interested in doing so if he wanted someone who was independent and prepared to speak his mind. He said that was perfectly satisfactory, that was what he wanted.

My conception of the role of Policy Planning Staff was mainly as a critic of policy, a group within the Government whose function was constantly to reappraise and ask questions and to make proposals. And that is the way I tried to conduct the office.

So that obviously meant that part of the time I was in disagreement with the policies which were followed.

My feeling was that I was entitled to remain as long as I felt I was getting a fair hearing for my views, and an opportunity to state what I thought.

I had that opportunity through the period which I was there. It does not mean my views were always adopted, by any means.

Similarly, if I come into the Department now, I would expect to play the same kind of role. I would expect to be my own man, and to speak my mind on policies, and to remain only as long as it seemed useful to perform that kind of role.

Obviously I feel that the general direction of our policy since 1945 or 1947 is one which I have supported. I served under Mr. Truman. I thought his policies were sound. I served under the Eisenhower administration, and generally thought the broad lines of the policy were wise or sensible, and similarly I think broadly speaking the general lines of the policy now are sensible. That doesn't necessarily mean agreement with certain aspects under any of these administrations.

Comparison of present Far East policy with that of Eisenhower

The Chairman. Do you feel that our present foreign policy, particularly in the Far East, is consistent with that of General Eisenhower?

Mr. Bowie. My goodness, sir. The situation today is 15 years removed, or 12 years removed from what I saw then. It seems to me the situation is very different than it was then.

As I understood the policy then, it was that it was necessary to contain China, and to try to build up other elements in the non-Communist part of the Far East. It seems to me basically that is the strategy today. I think that is a necessary strategy.

The Chairman. You see no difference in the Eisenhower policy in 1954 and 1955, and our policy now?

Mr. Bowie. I didn't say that, sir.

The Chairman. What do you say? I thought you meant that the policies were consistent.

Mr. Bowie. What I said, sir, was that it seemed to me that General Eisenhower's policy, as I understood it, was to try to see that China did not dominate the area, and do what was necessary to deter it from doing so, and second to try to build up Japan and the other areas around China, by more positive kinds of action, with the hope that they would gradually be able to redress the balance in the Far East. In that sense, the sense of the basic goals, it seems to me there is a continuity.

U.S. consideration of sending troops for French effort in Vietnam

The Chairman. President Eisenhower was not willing to respond with troops when he was requested to do so in southeast Asia, was he? He turned down that request from the French, did he not?

Mr. Bowie. The French never requested it under terms that he was prepared to contemplate, as I recall it.

The Chairman. That is an equivocal answer. You say "under terms." Did the French request troops at all?

Mr. Bowie. I don't remember that they did, sir.

The Chairman. Let us put it this way. Sending troops was discussed and was considered, wasn't it?

Mr. Bowie. Yes, sir. The United States would not consider bringing any forces into the area as long as the character of the operation was such as to seem to be an effort to reimpose a French colonial regime.

The Chairman. Would you repeat that, please? I lost you for a moment.

Mr. Bowie. In the discussions in the U.S. Government, one of the basic points was that the United States would not associate itself with the French effort as long as that was politically not on the basis of really bringing about an independent Vietnam, but had overtones of restoring a French domination in the area.

Senator Church. Mr. Chairman, may I ask a question at this point?

The Chairman. Yes, indeed.

U.S. assistance to French effort in Vietnam

Senator Church. I don't quite understand your response to the chairman's question, because we had financed or help finance the French effort for some time prior, had we not?

Mr. Bowie. Yes, sir.

Senator Church. Knowing that the effort had overtones of maintaining French colonial control in Vietnam, didn't we put in \$1½ to \$2 billion?

Mr. Bowie. Yes, sir.

Senator Church. Did you approve of that?

Mr. Bowie. Yes, I did. I thought that it was sort of a last ditch kind of effort.

Senator Church. You thought this was a place where French colonialism should be sustained by force?

Mr. Bowie. No; it was the choice among alternatives.

Senator Church. That is all.

The Chairman. Senator Hickenlooper, do you wish to ask any question?

Senator Hickenlooper. No questions.

Concept of an integrated Europe

Senator Church. Mr. Bowie, in October of 1963, you wrote an article in Foreign Affairs, entitled "Tensions Within the Alliance."

You wrote:

"In the United States in the efforts to organize the West, the position of Britain and its policies since 1950 has on the whole been a disruptive factor. Britain did not share the concept of an integrated Europe."

And in the same article, you then went on to say, with respect to France, "whereas the strains which we have been discussing are largely inherent in the attempt to construct an integrated Europe, and in a partnership, General de Gaulle's policies challenge the very concept itself."

Now, if Britain and France are opposed to our concept of an integrated Europe, as these quotations would seem to suggest, is the concept practical?

Mr. Bowie. Well, it seems to me you have to go back a litle further. It is not merely our concept. The concept originated with Schuman in 1950, and it was a French concept. It was based on the idea that Europe could not play the kind of part that it wanted to on the basis of the separate nation states, and second, that Europe could only be effectively made into some kind of a unit on a basis of essential equality among the participants. And the great step of Schuman, which I think will make him a place in history, was that he saw this point 5 years after the war, and was prepared to go forward on the basis of the Schuman plan toward a construction which was essentially designed to bring the European states together, bury the old rivalries, and to try to escape from nationalism.

Senator Church. You are refering specifically to the Coal and Steel Community and the Common Market?

Mr. Bowie. Yes.

Senator Church. Looking beyond that——

Mr. Bowie. Just a second. May I just finish the thought?

Senator Church. Surely. Take all the time you want.

Mr. Bowie. My feeling is that the British position has all along not been helpful, and there are a great many British people who agree, I should suppose, today, that you would find a majority of informed British opinion would feel that the British position has not been wise, and would like to see it changed.

Secondly, you will find a great many Frenchmen who do not feel that the policy of De Gaulle is in the French interests. So I don't feel myself that it is a fair summary to say that we are trying to push onto the Europeans a policy which is not theirs. The fact is that the European policy has been ambiguous, because despite De Gaulle's position they have gone forward, in fits and starts, perhaps, with the Common Market, and with the construction of the European Community in some degree to a considerable extent under pressures—in the recent crisis, for instance—of internal domestic French forces—French industry, the French unions, French agriculture.

So it seems to me that looking at Europe as an organic affair, which seems to me the right way to look at it, it would not be true to say that the attitude, so to speak, of France and Britain as entities or as political organisms is anywhere near as clear as was implied in the question.

Evolvement of the Europeanization process

Senator Church. How would you envision the continuing evolvement of the process that you have referred to, looking ahead for Western Europe?

Mr. Bowie. Well, I don't know—nobody knows—what the outcome will be.

Senator Church. What would be your view?

Mr. Bowie. But my own picture is that you have now a sort of contest going on—not in a personal sense, but in the sense of forces—between the forces which are making for some kind of European entity—and in saying that, I don't have any very clear picture of the shape of it, the form of it. I think a blueprint of it is a great mistake. But when I say an entity, I mean something which won't obviously supersede the nation states of Europe—they are going to be there for years—but will perhaps provide some way they can act as an entity in mobilizing resources, taking decisions, acting in foreign and economic affairs. It seems to me there are some very deep-rooted forces at work in that direction. And I think the way in which the Common Market crises have been surmounted, putting in place of the main elements of the agricultural policy, that is evidence of this. I think the London Economist was right about 2 or 3 weeks ago when it said that this putting in place of the agricultural policy would make the thing in that sense irreversible.

Senator Church. That is the Common Market?

Mr. Bowie. Yes. Now, I don't think there is any automatic step from that to a political entity. But I think it lays the foundation from which leaders can take that step if they so desire.

On the other hand, you have the forces of nationalism, which it seems to me—this is my main criticism of the present French policy—that it is reverting into nationalist policy, which has been so tragic in Europe, and I think will be tragic again, if that is the dominant force.

Is there a middle ground between supranationalism and militant nationalism?

Senator Church. What troubles me with this either/or argument, which is very familiar in presentations we hear from the Department on the question of Europe, is that it seems always to be couched in these terms—that, either Europe moves toward a form of supranationalism, on the one hand, or, it reverts to the pattern of militant nationalism that plagued Europe prior to the two World Wars, on the other.

Isn't there a middle ground possible between these two alternatives, which the Europeans might work out, that would prove satisfactory to them, and to us?

Mr. Bowie. Well, as I said, sir, I wouldn't for a minute say that I see the future with clarity. I only say that it does seem to me that Europe—the European attitudes, as I size them up, are these. They do not feel satisfied with simply not having any real role in the world, of being overwhelmed by American power, of being in the shadow, so to speak, of our enormous power. And if they really mean to rectify this, and if they really mean, for instance, to overcome things like the technological lag which worries them a great deal, and other things, which really depend on large markets, and large markets as you know well aren't just removing tariffs—they require really having a national policy, a regional policy. That means some kind of a governmental activity. Indeed, the agricultural policy is going to require governmental activity on a regional scale. There is no other way to manage it. And the same is true of any economic policy. We know that from our own experience.

Now, I think it is too bad to use phrases like supranationalism, because this has gotten identified with a particular structure. I don't know what the structure will be. I simply say the function has got to be performed if the Europeans want what they say they want. And the function is to provide some way by which they can indeed manage certain affairs as an entity—the economic affairs, the agricultural affairs, probably some way of conducting a foreign policy, and some way probably of playing their part in defense.

Now, I don't say this is going to happen within the next 6, 8, 10 years; I don't know when it will happen. But I see no way by which separate states of the sort that De Gaulle seems to contemplate, could possibly achieve these ends. Maybe they will not achieve them. And I don't say that then Europe will again go up in flames as in the Hitler period. I don't think it will.

Will Europe revert to patterns of past?

Senator Church. Would you contemplate, given the progress that has already been made toward effective economic integration, through the Common Market, that it is likely that Europe will in fact revert to the old patterns of the past?

Mr. Bowie. My personal belief is, and it is based on views, not of myself, but of friends in Europe—I have lots of friends that I try to keep in touch with, including French and others—is that these people believe that in some fashion Europe will find its way to become an entity and that means in the sense I am using it; that is to say, something which is able to make decisions, mobilize resources, and take action, as some kind of a unit. And this means getting well beyond the kind of national independence which is the current French policy as I see it. I think I am describing a middle ground.

Senator Church. My question was: Do you think, given the progress already made, that there is any real likelihood that Europe is going to revert to the highly nationalistic and excessively militant habits of the past?

Mr. Bowie. I don't think myself that it is likely that you will see in the near future the kind of thing like Hitler. I don't see the makings of it. But if you mean that you don't see the possibility that Europe could revert to a set of nations which were engaged in rivalries, which were engaged in competition with one another, which were essentially canceling out their influence in European and world affairs, I don't think this is out of the question. Indeed I think if De Gaulle remains long enough, it is conceivable this may happen.

I think—but I still don't think it is the probable outcome. I think the probable outcome is moving toward some kind of a European entity of some sort.

Senator Church. I think that we are probably more in agreement than we are in disagreement.

Mr. Bowie. That delights me, sir.

European problem should be settled by Europeans

Senator Church. I say this, because of the way you have answered my questions. I think you have laid emphasis upon the need for us to recognize that this is primarily a European problem, and that the Europeans must find an answer satisfactory to them, and that it would be a mistake for us to be too dogmatic, or to insist too much upon any particular blueprint that we think would be best for them.

Is that a fair statement of what your view would be?

Mr. Bowie. Yes, sir; with only this perhaps—and I don't think this is a difference, but I would add this, I think that we have no need to apologize for expressing an interest in what happens in Europe. We have, after all, participated in two wars, we have quite a lot of people killed because of the structure of Europe.

Senator Church. Of course, I would agree with that. But I think we should not try to put a blueprint forward; we shouldn't say this is the only way to do it.

European resistance to multilateral force

Let me explain why I am disturbed about this. When I was in Europe in May, trying to get a feel for present trends in the outlook of Europeans, I encountered many complaints about what some highly placed Europeans seemed to feel were high pressure tactics used by the United States in our campaign to sell the MLF scheme. The State Department feels that no such tactics were used, and has said so. But this clearly is not the impression I gathered from talking to many Europeans. They felt that such tactics had been used. Since there seemed to be very little European support for the MLF, I felt that we had caused serious strains within the alliance which were unnecessary. For this reason, I wanted to question you on your concept of how far the United States should go in insisting upon our particular solutions to problems, when there is very substantial European resistance to these solutions.

Mr. Bowie. Well, sir, I think that it depends on the problem. As I say, I don't think we need apologize for having views that some solutions are better than other solutions, and trying to work them out. On the other hand, it seems to me quite foolish not to realize that at this stage in history, the Europeans are going to be the ones who settle the structure of Europe. But I think it is important to realize that when you say "the Europeans," it is very misleading, because there are not "the Europeans." There are different groups of Europeans with different views. What reactions and impressions you get depends very largely on whom you talk to.

Did U.S. use pressure to sell MLF proposal?

Senator Church. Do you believe that high-pressure tactics were used to sell the MLF?

Mr. Bowie. I don't know intimately what was in fact done. I think that you would find that—I think this. In general terms you have got in every one of these countries some people who favor certain courses of action, you have other people who favor other courses of action. If you see the Atlantic area as I see it, everybody is mixing in everybody else's politics. Europeans are constantly trying to affect our politics, as we are constantly trying to affect their politics, internal politics. That is the nature of the relationship which has grown up.

Now, insofar as you are simply trying to strengthen the hands of one group as against another group, I see no reason why we shouldn't be involved. If we try to push things on the Europeans for which there is no support in Europe, then I think we are just being foolish, because they are bound to be ineffective. But I think you will find, sir, there are divergent views within the European countries, just as there are here, and the Europeans are constantly trying to strengthen what they think are good views here, by the way in which they manage public statements and declarations—if you look at the way in which Mr. Erhard, Mr. Wilson, or Mr. de Gaulle are constantly trying to affect our domestic politics. And I say that is the nature of the relationship we are in. That is the way life is. And I think we are engaged in the same kind of process in Europe. I don't see any escape from it.

Senator Church. Well, of course I think you are right. I don't think anyone on this committee would argue with that proposition.

But the nature of the controversy over the MLF is a little different. It is a question of whether we were wise, in the first place to propose the MLF, and secondly, whether we were too insistent on getting it after it became evident that there was such strong resistance to it in Europe.

Nominee's attitude toward MLF proposal

Now, you were very favorably disposed toward the MLF proposal, were you not?

Mr. Bowie. Well, sir, my original connection with this general idea of collective force was in a report I made in 1960 to Mr. Herter. You may not recall, but NATO decided in 1960 they should have a program for a decade. Mr. Herter asked me in the summer of 1960, or spring of 1960, to prepare a report. I prepared a report dealing with all the different tasks that it seemed to me the Atlantic nations would face over the next decade, including the problem of the developing countries, their own relations, relations with the Soviet Union, military strategies and so on. The nuclear proposal was merely one, as I considered it, at least, small segment of a larger program designed to knit relations within the alliance on a basis that would lead toward organized Atlantic relations.

I certainly don't want to be in the position of discussing in detail in a public meeting matters after that. But I certainly wouldn't want to be in a position of endorsing fully the way in which it was handled. For one example—I have no hesitancy here since I have already said it in print—I feel that to propose something like a collective force on the one hand, and then go ahead with the Nassau agreement on the other, this wasn't a consistent policy. One of the purposes of the MLF was to provide a collective solution instead of national solutions for nuclear sharing. And if you went ahead and built up the national British force, that would cut across the collective concept and strengthen the position of those who don't want to have an MLF or any other kind of collective force.

But that isn't to say there were not a great many people who thought it would be wiser for Britain to get out of a national force and join some kind of a collective force. That basic notion, it seems to me, still has validity. I think the problem is still there. The problem is, as I see it, how do you get a relationship within Europe in which there isn't the use of this atomic capability as a device for asserting primacy, either on the part of the French or the British, as against other members of the European community, and second, how you give the Europeans a more effective voice in the nuclear deterrent. Those are real problems. The idea of having some collective solution so as to ultimately lead away from national forces, also seems to me to have validity.

Now, the particular form is not so important in my view as the idea that national forces are a mistake, they are divisive, they are bound to be competitive, they will not lead us in the direction of an organized Europe or organized Atlantic community. And that is my basic notion.

Are U.S. actions nationalist?

Senator Church. Would you apply that to the United States, too? That is to say, would it apply to our own national nuclear force and our sovereign power over it?

Mr. Bowie. My feeling, sir, is that we are at a stage in which unless you look at these things in quite a long-term dimension, you cannot see them validly. I think we are in a very important historic stage here of transformation of relations. It would be a mistake, I think for the United States tomorrow essentially to try to give a committee control of the American capability. But if you are talking about the long haul, the relations between us and Europe, it seems to me during the long pull, Europe is either going to have some kind of a capacity for participation in its own defense, or it is going to share in real terms in our own capability. I don't see how, if Europe does move the way we both think if may, toward some kind of entity, that it is going to be content to be merely under our umbrella. But this is talking in terms of decades, or at least a decade. You are not talking about tomorrow.

Nuclear sharing solution for Europe

Senator CHURCH. Right. Given the present situation in Europe, and the decisions we now must make—and this will be my last question, Mr. Chairman—in regard to the nuclear-sharing problem, would you be inclined to favor a continuing effort to immediately secure some form of "hardware" solution, or would you think that trying now to find a solution along the lines of the consultative arrangement contemplated by the McNamara committee would represent the better course of action?

Mr. BOWIE. You might be interested to know, sir, in my report of 1960, I proposed we should first start with trying a consulting arrangement to see whether this would satisfy the Europeans. Only later would I have moved to some kind of collective force if necessary. So naturally I am in favor of doing all you can through a consultative group.

But I would be less than candid if I did not say in the long run I don't think this will be found satisfactory. But I don't think at all that the situation is right now to press for some form of collective answer at this moment.

Senator CHURCH. Yes. I think I agree with that.

Are sovereign nations apt to relinquish control over nuclear weapons?

One final question.

Assuming that we are both right in thinking that the Europeans will work toward increased cohesiveness in the years ahead, would you think that a central control over nuclear weapons would be one of the next things that national governments might relinquish to a developing central authority, or one of the last things that national governments might be inclined to relinquish?

Mr. BOWIE. I think that depends really very much on essentially French policy.

I think myself that if, for instance—if there had not been the Nassau agreement, that you might very well have seen the British moving toward acceptance of some kind of collective solution relatively earlier.

In any event, it seems to me—sorry I have lost the thread of the question.

Senator CHURCH. That is all right. I think you have already answered it. It was speculative.

The question I asked was, whether, given the attachment of governments to their sovereign rights, whether the relinquishment of sovereign control over a life-and-death matter like nuclear weapons might not be one of the last things that governments would yield, rather than one of the first, in this evolutionary movement.

Mr. BOWIE. It may well be, sir. On the other hand, there is a wide difference of opinion as to whether or not in Europe, among Europeans, as to whether, in fact, they have any sovereign control at this point of this life and death matter. If a person takes seriously the national forces as if they were really an independent capacity to wage war, then he looks at it another way.

Senator CHURCH. But even if it is only a trigger, it might be a very important one.

Mr. BOWIE. Yes.

Senator CHURCH. That is to say a trigger on our force or some other force.

Mr. BOWIE. If you are talking about, say, the present French Government, I think they would be a very long time in relinquishing that.

Senator CHURCH. Thank you very much.

The CHAIRMAN. Senator GORE?

Eisenhower's decision against sending troops to southeast Asia

Senator GORE. Professor Bowie, reference was made earlier today to the decision of President Eisenhower against the commitment of combat troops in southeast Asia. This decision was made, I believe, at the time you were an official of the State Department. Would you be able to recall to the committee your views of that question at the time; and second, your recommendation to Secretary Dulles at that time?

Mr. BOWIE. Mr. Chairman, I would like to get some advice as to the proprieties of testifying about these kinds of confidential relations in public session. I have no hesitancy talking about it with you in executive session, but I enjoyed at that point a confidential relation, and I don't want in any way to be lacking in candor with the committee. But on the other hand I don't know that I feel that it is proper to discuss these discussions within an administration or one's advice in a confidential capacity in public session. I would like your advice as to what are the proprieties. My own instinct is that it is doubtful.

Senator GORE. Mr. Chairman, I, too, would yield to the opinion of the chairman in this regard. But I would like to suggest, before the chairman rules, that some of the participants of that period, now 12 years ago, have written books about it. Professor Bowie is before this committee for confirmation to a very high post. So far as I am concerned, he is a very estimable gentleman. I shall view the confirmation in light of the great tragedy in which we and many others are involved in southeast Asia. It would seem that if he reached a conclusion in that regard, which could be a point of departure, to discuss our initial involvement there, let us solicit his views on it.

Mr. BOWIE. My only question, sir, is not whether I should try to answer your question, but whether I should try to do so in executive session.

Senator GORE. I, too, submit that to the chairman.

Senator CLARK. Before the chairman rules, may I make a short statement which may have some bearing on your ruling.

I, too, have a very high regard for Mr. Bowie's integrity and ability and expert knowledge of all aspects of foreign affairs. I know him well, and I have regard for him. I have a great many questions I want to ask him about his views on various aspects of foreign policy. It may well be that a good many of them should be asked in executive session. I don't know that that would necessarily deter Senator GORE from suggesting that the present question is entirely an appropriate one to ask in open session. But I personally don't see how we can get through the hearing this morning, because I have several hours of examination.

The CHAIRMAN. No one is trying to rush the committee. This is a very important assignment.

Nominee's attitude toward U.S. involvement in Vietnam

It is hard for me, Mr. Bowie, to see that there is any matter of security involved at this late date concerning your attitude at that time. You may feel that you are violating a confidence with the Secretary of State. As I said, much has been written about this matter by various people involved at the time. There may be some aspect of it which the Secretary confided in you which you would not want to reveal. I don't know that there is any way we can influence your judgment about that.

What I think the Senator wants to know—and I am very curious myself—is what is your general attitude toward our Government's involvement in the situation in southeast Asia, then and now. It is not irrelevant to know what your attitude was at that time. We recently held hearings on the situation in Vietnam. We had General Gavin, who was intimately concerned with this decision, I believe, as the head of planning for General Ridgway. You were there at the time. You are familiar with General Ridgway's recommendation, are you not?

Mr. BOWIE. Yes, sir.

Troop decision is now a matter of public record

The CHAIRMAN. You probably participated in the meetings. This is a matter of public record. And it is a matter that we have discussed here. I don't know that there is any way we can bring pressure on you to answer if you don't wish to. It is merely a matter of great interest to us as to what you wish to say.

Senator SYMINGTON. Mr. Chairman, I respectfully disassociate myself from that observation.

The CHAIRMAN. What observation?

Senator SYMINGTON. The witness has said he would be glad to testify in executive session. He is not withholding anything. He is simply asking whether the Chair feels it is proper for him to testify on this matter in open session, or in executive session. That is not withholding information.

The CHAIRMAN. I withdraw the way my statement was put. I think the Senator is quite right. I didn't mean to say he was withholding information. What I was trying to get at is that the question is whether to send U.S. troops to aid the French in Vietnam has been a matter of such great interest, about which books have been written, that I don't see any reason for a reluctance to discuss it in public. The judgment of this committee always has to be reinforced by the Senate. I had not anticipated any such question. It never occurred to me that a discussion of matters that took place that long ago would raise the question of security. If it raises a matter of your personal relations with Secretary Dulles, then I don't wish to embarrass anyone. But there has been long discussion pro and con about the wisdom of that decision at that time.

We all have a great respect for Mr. Bowie's integrity. I trust his judgment. If he says he thinks that a matter of this kind shouldn't be discussed, that he is unwilling to discuss it in public session, I think we have to abide by his judgment and pursue the matter in private session. However, I don't see why it cannot be discussed in public session.

Mr. BOWIE. Well, sir, if we are going to have an executive session, I would be more comfortable if I could have a full opportunity to express whatever views I have, either off the record or in executive session.

The CHAIRMAN. You mean to discuss events at that time?

Mr. BOWIE. Yes, sir. It has nothing to do with security.

The CHAIRMAN. What does it have to do with?

Mr. BOWIE. It was a confidential relationship which I enjoyed with the Secretary, and which it seems to me—I don't have in front of me all the records. I am going to have to testify from memory of 13 years ago.

The CHAIRMAN. I can understand that. If a fact is at all vague, you are at perfect liberty to say that you cannot recall.

Mr. BOWIE. I don't want in any way to withhold any information from the committee. But I would feel more comfortable trying to do it in executive session, sir.

The CHAIRMAN. I agree we would all be more comfortable if all of this were in executive session.

I don't wish to make too big a point of it. But it seems to me that our policies in this area are especially significant at this time. It is still a very important subject—how our vital interests are involved in southeast Asia now. And it was at that time as well it seems to me.

Mr. BOWIE. Let me just say in general that my feeling was that our interests were involved in southeast Asia, that I favored the support which we gave to the French, not because I liked the way the French effort was being conducted or not because I particularly liked the political basis on which it was being handled, but simply because it seemed to me that it was important, that if possible this area not be lost. It seemed to me then, it seems to me now——

The CHAIRMAN. What do you mean by "lost"?

Mr. BOWIE. Well, dominated by what are now the Vietcong and the North Vietnamese.

Senator GORE. Mr. Chairman, in view of the witness' preference for an executive session, and in view of the fact that the sole purpose of my question is to determine my position with respect to his confirmation, I defer to his wishes. I withdraw the question. I will submit such questions in executive session.

The CHAIRMAN. You don't wish to ask any more?

Senator GORE. Not under the circumstances.

The CHAIRMAN. Senator SYMINGTON?

Senator SYMINGTON. Thank you, Mr. Chairman.

Praise for background of witness

Mr. Bowie, I cannot imagine anybody having more experience than that which you bring to this position. It has been my privilege to serve in this town under five Presidents. Some may not agree, but I think all five made some mistakes.

The question of the past is a serious problem, especially if one remembers that old quotation of those who forget history being forced to repeat it.

I have known of you and your family for many years. I think it very fine, with the problems this Nation faces in the world today, that a man with your background—although you probably have made a few mistakes yourself—has agreed to take on the job. Foreign policy, many people often forget, is directed by the President of the United States, and perhaps at times, depending on conditions and personalities, delegated to the Secretary of State.

I can remember not too long ago, when a director of the policy planning staff was cut out of the herd and an effort was made to destroy him. I am impressed as to your qualifications by the fact you have been a director of the policy planning staff, an Assistant Secretary of State for policy planning, a professor of law at one of our great universities, at the present time a professor of international relations and director of the Center for International Affairs, and have been highly decorated by your country for meritorious service.

I am worried about slots in the Department of State not being filled. The fact you have written articles, and expressed your opinion, and made studies and reports on these matters, means to me that you are in an extraordinarily good position to advise the Secretary of State, and his assistants, and the President of the United States on policy.

So even though you may have done some things in the past which turned out to be wrong, that has happened to other people in government, on both sides—in the legislative and the executive, and also in the judiciary.

To me it is your experience that counts more than anything else.

Who suggested you take this position at this time?

Mr. BOWIE. Well, Mr. Ball, Mr. Rusk, and President Johnson.

Senator SYMINGTON. The President of the United States, the Secretary of State and the Under Secretary of State have all asked you to come down here and help them with the problems they have today with respect to our position in the world; is that correct?

Mr. BOWIE. Yes, sir.

Senator SYMINGTON. Well, I am sure in your background we will find some things we do not agree with, and I am also sure that if you were candid with us, as I'm sure you would be, in executive session you would say perhaps you yourself have made a mistake or two.

But again, I congratulate you on being willing to come back into this jungle to work for the position of the United States in the world. I want to tell you this morning that I fully intend to vote for you for confirmation; and in my opinion that will be the position of an overwhelming majority of the U.S. Senate.

Mr. BOWIE. Thank you very much, sir.

Senator SYMINGTON. Thank you, Mr. Chairman.

The CHAIRMAN. Senator CASE?

Senator CASE. Thank you, Mr. Chairman.

Can the United States revert to an isolationist policy?

A predecessor of yours in this post, George Kennan, was down before the committee last spring. He testified in a very profound and interesting way about a good many things. In the course of a colloquy that I had with him, I asked him his conception of the role of a great power in the free world today. He very frankly said that he was coming to be increasingly an isolationist—that is almost an exact statement of what he said. What is your feeling about this?

Mr. BOWIE. Well, I am afraid it is quite far removed from that sir.

Senator CASE. I think you are quite aware of what he said.

Mr. BOWIE. In general I remember. My feeling, sir, is this. I feel that we are in a period in history in which technology and science and various economic and other forces are pulling us all together whether we like it or not.

As the world has come out of the postwar, immediate postwar period, it seems to me that the degree of dominance or predominance of countries like the United States has necessarily declined, and it is a good thing.

But it seems to me we have to be concerned with the efforts to work out some kind of more viable order, international order, and that the problem is to do this by ways which engage the interests of other people, not trying to dominate them or not trying to tell them what they must do, but to find ways in which their interests and ours are parallel or similar, and then to try to work out ways, institutional procedures, and others, for trying to meet them.

It seems to me this is true whether you look at our relations with Europe, whether you look at our relations with the less developed countries, or whether you look at our relations with the Communist world. Each of these poses definite kinds of problems. Each requires us to find ways in which we can create some kind of a framework for action which will assure our own continued safety from the nuclear weapons, and from the disorders of the underdeveloped world, and from any continuing expansionist efforts on the part of the Communists—but we must approach it in a much more positive way, trying to create some sort of framework within which the positive aims of these different peoples can be met in a manner which will promote stability, promote growth, promote security.

So I don't see how we can disengage or revert to an isolationist kind of a policy. It just does not seem to me consistent with the role which history has thrust upon us.

In saying that, I don't feel either that we should think that we can call the tune all over the world, or that we can be the ones to prescribe all the answers, or require other people to do our bidding. It seems to me the trick is to find ways in which we evoke cooperative efforts in all these problems.

Senator CASE. Well, of course, I didn't talk with Mr. Kennan long enough to develop this, or find out his thinking on this. I didn't get the impression that he thought this was necessarily an ideal situation but rather was a matter of prudent judgment—that is to say, what was feasible.

Other nations must help carry the load

Isn't there great danger that the course we are involved in, for example, in Vietnam, may lead us to the position in which we are carrying the whole load. As a matter of tactics, isn't it necessary for us to be willing to say to the other countries of the world in Europe, in the Far East, in Africa, in Latin America, if you will—we are willing to help, but you have got to share and carry the load in your area, the main load?

Now, we have said this in words, but we are not doing it in fact in South Vietnam. And I happen to favor the objectives we are trying to follow in South Vietnam. If we can carry it out I want to see it done. I am not satisfied that it is very close to success or even is feasible, because among other things is this very natural human willingness of individuals and nations to let the other guy carry the load if he will.

Now, I wish you would comment a little bit on that.

Mr. BOWIE. Let me comment on the general point.

I agree, sir—what I tried to say perhaps inadequately—

Senator CASE. I don't think anything you said was inconsistent with this.

Mr. BOWIE. What we must do is find ways in which we do evoke a more cooperative kind of relationship. It seems to me, for example, that this means in Europe that we have got to accept the fact that the Europeans are going to have to carry a considerable part of their own load about their destiny and their relations and their structure, and so on.

It seems to me, I am pleased to say, under Mr. Bell, the AID I think moved very much in the direction that the only kind of effective aid was aid which reinforced self-help, which reinforced the actions by the local people themselves to try to develop. It seems to me quite clear that nobody can develop a country from the outside. What outside assistance can do is to help significantly in creating the conditions under which local efforts can be more likely to succeed. And I think that all around, we have got to try to make that the picture of the world that we are trying to develop, and we are trying to work toward.

Now, it is a fact, however, that in certain fields, like the military field, there isn't anybody else, any other country which at this point in time is in a position to take the part of the load which potentially, certainly, an area like Europe ought to be able to carry. And therefore in this period you have to see whether or not you can encourage or persuade some of these other countries which do have a potential to carry a better share of the load.

Senator CASE. All right.

Support for U.S. position in Vietnam

How about South Vietnam? I take it you would not be taking this job on unless you were in general support of the administration?

Mr. BOWIE. Yes, sir, I feel so.

Senator CASE. Even though you are not responsible for our position.

Mr. BOWIE. Let me be very clear I have never had any recent responsibility at all for this, and I only know about it from the newspapers. But my own basic feeling is that we cannot afford to simply withdraw from South Vietnam, we cannot afford to—on the other hand, I strongly favor the efforts to work out some kind of negotiated solution. I do think we must be on guard lest this preempt too much of our attention and focus. But I don't see any escape from the necessity of not walking away from it, and not merely for the effects in Vietnam, but for the effects elsewhere. In the spring I made a trip to the Far East, Japan, India, and I am struck by the fact that many of those people are split personalities. They are uneasy about the situation in South Vietnam, but equally uneasy that we should walk away from it. And so I don't think there is any doubt that if we gave the impression that we could be pushed out of Vietnam, it would have very profoundly damaging effects in much of Asia, and also I think elsewhere. So I think we are caught in the very awkward position which I would hope and pray we will find a way, by negotiation hopefully, to settle the thing as soon as possible.

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Committee procedure

Senator CLARK. Mr. Chairman, I would ask the chairman to enforce the 10-minute rule on me. I have so many questions that I know I will never get through with them.

The CHAIRMAN. We don't follow that rule, except when the circumstances indicate.

Senator CLARK. Let me say, to the three members of the committee still here, if at any time you desire to ask questions, please ask me to yield and I will be only too glad to do so.

The CHAIRMAN. In view of the late hour, I think we will not get to Mr. Schaetzel this morning. And I must go to the Capitol.

I am sure Mr. Bowie will be glad to come back again. We will be seeing a good deal of him. We might as well get acquainted now as later. We will have to set another date. You will be available for another date, won't you?

Mr. BOWIE. Yes.

Senator CASE. Couldn't we confirm him now and have him back, Mr. Chairman?

The CHAIRMAN. With that understanding, you may proceed as long as you like.

Senator CLARK. How long does the Chairman intend to sit?

The CHAIRMAN. I must leave at 12 for the Capitol. If you wish to continue for a few minutes, you may. If not, you may adjourn when you like, and we will have a later meeting arranged by the staff at Mr. Bowie's convenience.

Senator CLARK. I understand all committees have permission to sit this morning until the conclusion of the morning hour, is that correct?

The CHAIRMAN. That is correct.

Senator CLARK. I wonder if there has been any extension of the time we may sit.

The CHAIRMAN. It doesn't matter when you are only questioning. We are not taking votes.

Senator CLARK. I must get to the floor. Mr. Bowie, let me say again the high regard in which I hold you as an individual. I would concur with all the nice things Senator SYMINGTON said about you, except the last sentence. With respect to that I would reserve my own position on confirmation.

Political affiliation of nominee

Do you consider yourself a Republican or a Democrat?

Mr. BOWIE. I am an Independent, sir. I was registered in Maryland as a Democrat. Since I moved to Massachusetts, I am registered as an Independent. When I came down first about the job with Mr. Dulles—as I said, I had never met him before. When Bedell Smith who was Under Secretary, took me in, I said "There are two things you ought to know, sir. One is I am registered as a Democrat and the other is that I am rather cantankerous, and express my views rather forcefully." He said, "On the first, I don't care if you voted for Eisenhower," which I had, and on the second he said, "I want that." So I would consider myself as essentially an independent, but a bona fide independent, because I think if I went back from the time I first voted and tabulated the various candidates for President for whom I voted, it would come out about even. A little bit more on the Democratic side.

Senator CLARK. I assume, and contradict me if I am wrong, that you did not vote for Mr. Goldwater?

Mr. BOWIE. I certainly did not.

Office of Counselor of State Department

Senator CLARK. Now, I will make a short preliminary statement and then ask you a question. It is my understanding that some time ago, when Mr. Rostow was appointed the chairman of the Policy Planning Staff, the office of counselor for the State Department was abolished, is that right?

Mr. BOWIE. I am not too familiar with that. My understanding was the two were merged.

Senator CLARK. Yes, but I think there was only one individual, Mr. Rostow, carried both responsibilities, is that correct?

Mr. BOWIE. That is my understanding.

Senator CLARK. It is now my understanding that Mr. Henry Owen, a career Foreign Service officer, has been made the chairman of the Policy Planning Staff, is that right?

Mr. BOWIE. That is my understanding.

Senator CLARK. It is also my understanding—and don't answer this if you don't feel inclined to—that he is one of the principal protagonists in the State Department of the MLF. Are you in a position to answer that?

Mr. BOWIE. He was certainly in favor of it.

Senator CLARK. That is good enough.

Now, do you know why the office of counselor was split off from the office of chairman of the Planning Staff?

Mr. BOWIE. No; I don't, sir.

Senator CLARK. No explanation was made to you as to why this office was reinstituted when you talked with Secretary Rusk and Secretary Ball and President Johnson?

Mr. BOWIE. No, sir. What was said to me was that historically or traditionally these had been two separate functions, and that—I think it was about 1961 when Mr. Rostow was named, they had wished to economize on one assistant secretaryship, and so had combined the director of policy planning, which had been made an assistant secretary in 1956, with the counselor's job in order to pick up an extra assistant secretary. And that they were reverting to what has been the situation when I actually took the job in 1953, which was that the director of the Policy Planning Staff had never been an assistant secretary.

Nominee's attitude toward views of Mr. Rostow

Senator CLARK. Now, you and Mr. Rostow know each other pretty well, don't you?

Mr. BOWIE. Yes.

Senator CLARK. He was at MIT when you were at Harvard?

Mr. BOWIE. Yes.

Senator CLARK. Are you generally speaking familiar with his views on foreign policy?

Mr. BOWIE. I would prefer he express his own views on foreign policy, sir. What do you mean?

Senator CLARK. You have not discussed them with him?

Mr. BOWIE. Of course—on many topics. But I would not want to try to characterize them.

Senator CLARK. Let me tell you what I am getting at, and see whether you think you can help me or not. Let me say also that any time I ask a question that you think would be better answered in executive session, please don't hesitate to say so. I do not wish to press you for answers which you think would be better taken up in executive session.

My overall impression is that since the assassination of President Kennedy, both the White House, and to a substantially lesser extent the State Department, because they have not made very many new appointments, have increasingly come under the guidance of individuals who are skeptical about moves for cooperation and peace, and tend to give the President advice which, if I were to say is belligerent, I would be overstating the case, but which nonetheless indicate a very real skepticism of efforts toward international cooperation across the world, and that this point of view could well be epitomized by the views of that extremely able and dedicated and knowledgeable American, Mr. Rostow. And what I am trying to find out is whether you generally speaking, and philosophically, are sympathetic to the views which Mr. Rostow has quite candidly expressed.

Mr. BOWIE. I would be glad to answer any question about my views. But when you ask me whether my views correspond with somebody else's views, and I don't know what you have in your mind about what particular views—he has expressed views on quite a lot of subjects—I would rather testify about my own views, and let you you decide how much they parallel his.

Senator CLARK. I intend to ask you in some detail about your own views. I thought we might take a shortcut. But I realize the dangers of guilt by association. I certainly don't want to expose you to that possibility.

Senator CASE. Will the Senator yield?

Put another way, I expect the question is: are you a hardliner?

Senator CLARK. Yes. I think I want to know before we get through whether he is a hawk or dove. He may turn out to be an owl for all I know.

Mr. BOWIE. Why don't you ask me questions which you think will shed light on this. I don't try to characterize myself that way. I try to think about concrete problems as best I can, get as much information as I can get, arrive at a judgment knowing that it is full of human frailty, but nevertheless that you have to arrive at it. And there I am. I am delighted to tell you my views on any number of problems, and you can decide what I am in terms of slogans.

Senator CASE. May I make one other suggestion? I am running for office. This is always a good experience. It means you rethink. It pricks the pompousness. It also requires a person not only to distill his views, but to try to expound where he stands, and give guidance as well as answer questions.

Now, your job, of course, is to answer questions for the Government later. But your job now is to try and tell us and tell the world where you stand. And I want only to get to the bottom of your views, as does the Senator from Pennsylvania, both for our guidance in our vote on your confirmation, and in our dealing with the broad problems that we all face.

Senator CLARK. Before you reply, let me say to you, sir, that I have every intention of following your advice, and I do intend at some length to develop your views. But I thought it might be useful, and possibly a shortcut, since you and Mr. Rostow are not unknown to each other, to ask you to express a general feeling as to whether you are in accord with his views or not. But I am certainly willing to withdraw it. Now, if you care to say something, fine.

Views of Marshall Shulman

Mr. Bowie. All I was going to say, sir, was that I share the view of Marshall Shulman, who wrote an interesting book called "Beyond the Cold War." His basic point was that he felt shorthands like "hard" and "soft" policy were more misleading than helpful. I feel that way, too. I feel that we are really in a situation in which a good deal more nuance is required than those kinds of words suggest. I don't think personally that "hard liner" is a very helpful way to summarize the kind of policy which I think we need to pursue. It seems to me that all over the world we need a policy which embodies much more nuance than that, much more shading, indeed much more combining of differing approaches. My view, for instance, on how to approach the whole Soviet, Eastern European world is that we are going to have to combine two elements. We are going to have to combine the element of dissuasion, of deterrents, with the element of trying to promote cooperation. What do you call that? I don't know. It seems to me that a policy that is wise is going to have two elements, dual elements, which to a superficial view look as if they are inconsistent. I don't think they are at all. It seems to me they are necessary components of an adequate policy. I think this is true in many many parts of the world today. We are in a period of very major change, in which we are trying to influence to the limited degree we can the way in which change occurs. In doing so, we have got to have carrot and stick in many situations—toward the underdeveloped world, the Soviet Union, China.

So I am not trying to escape anything, I am just trying to be accurate about what my views are.

Problems of those who run for public office

Senator Clark. I agree with everything you say. But as Senator Case said, he is up for reelection; I am not. I may be 2 years from now, I may not. When the chips are down, those of us who go to the people for confirmation of our position, for reelection, we have to take sides, we have to decide which way to vote. We have to decide whether we, on the whole, support the President's foreign policy or don't. And in the act of doing that, we are awfully apt to fall into cliches—hawk and dove, hard line, soft line. You will have to indulge us. You have never had the privilege of running for public office. You are now being asked to move into a very high position in the Federal Government, and I suppose we bring some of our semantics into this examination.

Senator Case. For example, you have to answer the question—do you favor raising the number of American troops in Vietnam from 285,000 to 400,000?

Senator Clark. We have to vote on that.

Senator Case. You have to answer this on the radio and on television and to the public. "Well, suppose if you favor that, would you go to 700,000? Where do you draw the line?"

Senator Clark. Do you support the MLF or don't you?

Senator Case. That is right. And we need help in answering these questions, not only to the satisfaction of the public but to our own satisfaction, and in meeting our own responsibilities.

Senator Clark. Mr. Chairman, I ask your indulgence for about 30 seconds. I have a message here.

Mr. Chairman, I am told a critical vote to report out the minimum wage bill is due. I need only be gone for 1 minute. Will the Senator indulge me?

The Chairman. You go ahead.

Senator Clark. I will be right back.

The Chairman. I will fill in the gap.

Revolution in Yugoslavia

I don't wish to change the train of thought too abruptly, but I wonder if you would care to comment upon stories I have been reading, particularly one this morning, on Yugoslavia. Did you read the story this morning by Anatole Shub on Yugoslavia?

Mr. Bowie. No, sir.

The Chairman. It is very interesting. As you know, he is the correspondent for the Washington Post.

What is important is the tremendous revolution going on in Yugoslavia. You are familiar with that?

Mr. Bowie. Generally, sir.

The Chairman. Would you care to comment on it?

Mr. Bowie. I think it is very significant, sir, and very interesting. As far as I can see, Yugoslavia really is in the vanguard of the evolution that is going on in much of Eastern Europe. And I gather there is quite a lot of ferment in many directions, in the management of the economy, the role of the party, the degree of scope for the intellectuals, and that the movement is very marked.

This sort of thing there will perhaps transmit itself gradually to some of the other Eastern European countries, where there is also some ferment, but nowhere near as far reaching, and then perhaps in some degree also to the Soviet Union. We may see a series of transmissions of this experience and these attitudes to other countries.

The Chairman. If that is your hope, why doesn't this country encourage the movement more than it does?

Mr. Bowie. What sort of thing, sir, do you have in mind, trade?

Most-favored-nation clause with Yugoslavia

The Chairman. Our Government only a couple of years ago repealed the most-favored-nation clause with Yugoslavia, and it took an awful lot of work and pain and trouble to reinstate it. Do you remember that?

Mr. Bowie. No; I don't remember that.

The Chairman. Yes. It was repealed in the Trade Expansion Act. I was away, and I think others were caught unaware. The repealer originated in the House Ways and Means Committee. This is one of the reasons Ambassador Kennan gave for his resignation, that he could not work with the U.S. Government—these are my words—a Government that performs in this fashion. Here he was trying to cultivate and to promote what you said was your hope, and then the Congress took what I call a negative attitude.

As a matter of fact, I think our actions have been very neutral, if not negative. We have paid lipservice to East-West trade, and to better relations, but we have really done very little.

Do you agree with that?

Mr. Bowie. I don't agree, sir, that we have done very little. It seems to me that the amount of exchange, movement of people, is very considerable. We get a fair number of people through our Harvard center.

The Chairman. You probably get all there is, don't you?

Mr. Bowie. I don't know about that. We get as many as we can.

The Chairman. Well, I think our efforts have been very limited.

Eastern Europe is an area I am very interested in—the improvement of relations with these countries and the possibility of the evolution away from communism, which you referred to.

Mr. Bowie. Am I wrong in thinking that Congress has not been eager to provide the basis for the trade?

The Chairman. I think you are right. It was Congress that initiated the action I just referred to. And it is Congress that is refusing to move on the consular treaty. I may say that this has been influenced to a substantial degree by members of the executive, particularly Mr. J. Edgar Hoover. You are aware of that, are you not?

Mr. Bowie. Yes, sir. I read the newspapers.

The Chairman. I thought so.

I was just taking up the time. You go ahead.

Senator Clark. Mr. Chairman, I would like to yield to Senator Pell, who hasn't had a chance to question.

The Chairman. Fine. You go ahead. I must go to the floor now.

Senator Clark. Mr. Chairman, with your permission I would like to adjourn the session reasonably soon.

The Chairman. That is all right, whenever you wish. Mr. Bowie, the staff will get in touch with you to arrange a mutually convenient time for another meeting.

Senator Clark. I ask the staff now to give me a call, because I want very much to be here. I have some conflicting engagements. So let's find a time in the reasonably near future.

The Chairman. Mr. Lowenstein will consult with you.

Senator Clark. Senator Pell.

Senator Pell. Mr. Bowie, I have not been at the hearing. I have looked through your biography. I have followed your career through the years with considerable interest.

Nominee's reasons for leaving State Department in 1957

I have one question which I believe has not been asked. And that is, when you left the Department in 1957, did you leave with disaffection for the Dulles foreign policy? Did you leave because of the desire to return to the academic life? What was your basic reason for leaving?

Mr. Bowie. There were several, sir.

As I think I said before you came into the room, my conception of a role like this is that as a staff man, you are entitled to ask to be heard, and that you must—that is a right. That after you are heard, then it is up to the person that you are advising to make the decision, and you must take it as he makes it, but at some point you must decide whether or not the number of times at bat plus the number of hits scored is worth the effort and whether or not you have worn out your welcome. Any man who holds high office, who puts up with a man, as a staff man, who is critical, tries to be forceful, must at some point get tired of hearing critical comments. So I would not deny that by the time mid-1957 had been reached I felt that perhaps the time had come to leave. This wasn't due to disenchantment with any particular policy, nor was it a resignation in huff, or anything of the sort. My relations with Mr. Dulles afterward were friendly until his death.

Secondly, I have a strong feeling that after a certain number of years, a person in one of these jobs essentially uses up his intellectual capital. I was getting to the point where I had dug into positions on many things, and felt perhaps it was wiser to go back into academic life. I always assumed I could be most useful in a career which combined a considerable amount of public service with a considerable amount of private life. And that is what I have tried to do since about 1939.

And so it was entirely consistent with this that at some point I should conclude that it was time to go to the other field. And then the opportunity which was offered by Harvard to create a Center for International Affairs was a very interesting one from my point of view. It seemed to me that there was a real role that could be played by a research institution like that contemplated. And so I was very much tempted to go into it. I have enjoyed very much the 9 years I have spent in that effort.

Again, this was consistent with my feeling that the movement back and forth, intellectually, and of people, between the universities and private life, and the Government, plays a very useful and creative role.

So I would not want to give the impression that I resigned, because of some explicit disagreement. I did not. But for the various reasons I have given, I concluded that the time had come to go back to Harvard.

Senator Pell. Thank you very much.

Nominee's conception of counselor position

Senator Clark. Mr. Bowie, I would like to turn your mind back to the job for which you have been nominated, and ask you whether you would tell us, not only your own concept of the role and function of the counselor of the State Department, as the office has now been re-created, but also what conversations, within the limits of executive privilege, you had with the Secretary and the Under Secretary or the President which would define what they expect you to do?

Mr. Bowie. Well, as you know, sir, it is a job which does not have any administrative responsibility.

Senator Clark. It is a staff job?

Mr. Bowie. It is a staff job. My understanding, as the matter was presented to me, was that the Secretary wanted somebody who would be an additional person in the top levels of the Department, not in the administration of it, but in the policymaking side of it, and expected the job to be not confined to any particular region, or any particular field, but to be a general advisory kind of function.

Senator Clark. Will you have personnel serving under you?

Mr. Bowie. As far as I know, I will only have two or three people, just to be legmen and that kind of thing. I will not have staff such as I had when I was on the Policy Planning Staff, where I had a staff of 10 people, highly qualified, expert individuals.

Senator Clark. Would you expect to attend the Secretary's daily staff meetings?

Mr. Bowie. That is my understanding, sir.

Senator Clark. With the Under Secretary, the Deputy Under Secretary of the Department, who is there in an administrative capacity. I don't know of anybody else, do you?

Mr. Bowie. As I understand it, it is a small group. I don't know exactly who is in it. But my understanding was that I would be within this group.

Counselor's relationship to the Secretary of State

Senator Clark. And would you feel that your relationship with the Secretary in terms of policy advice would be roughly on a par with that of the two Under Secretaries? In other words, what do you see your role in the hierarchy to be?

Mr. Bowie. Well, my experience, sir, is that you have to earn your role in the sense that it depends very much—this kind of job depends very much on the kind of relation which you develop with the Secretary. Now, I have known Mr. Rusk over a period of years as head of the Rockefeller Foundation, and since. I believe that he has certain respect for me or wouldn't have asked me. I am proceeding on the assumption that I will work out a relationship of trust and confidence which will make it possible to have my views listened to, and from time to time even accepted.

I have assumed that I would have access essentially to the Secretary, the Under Secretary.

Senator Clark. Not through any intermediary?

Mr. Bowie. No, directly.

Counselor's relationship with policy planning staff

Senator Clark. How do you visualize your relationship with Mr. Owen and the other members of the Policy Planning Staff?

Mr. Bowie. Well, my expectation is that a person in this position will have to draw on all resources of the Department—the regional bureaus, the functional secretaries, the Policy Planning Staff. And I would expect to utilize those in the sense not of being entitled to direct anybody to do anything, but to request studies and utilize the output of these and the intelligence organization of the Department, and the regional bureaus.

Senator Clark. I can understand that. But I am deeply interested in the Policy Planning Staff, because your office has just been split off from it. It was attached to it at one time. What I am interested in finding out is whether in terms of hierarchical responsibility for the formulation of policy, you would consider Mr. Owen and his colleagues on the same level in terms of the relationship of the Secretary, or would you consider them to some extent a staff agency to which problems were referred by you to Under Secretaries, and the Secretary? Do you consider yourself on a par with the Assistant Secretaries?

Mr. Bowie. Well, I don't know what relations the current present head of the policy planning staff has or will develop with the Secretary or the future Under Secretary. I I cannot possibly testify as to that.

As to my own relation, I would expect to, as you put it—I certainly have no authority or responsibility over the Policy Planning Staff as the job was explained to me. But I would hope to have——

Senator Clark. The benefit of their advice?

Mr. Bowie. Yes—available as one of the sources of study and advice among many which would be coming up from the Department, so to speak.

Senator Clark. Wouldn't you have, regarding short-range policy as well as long range, a particularly intimate relationship with the Policy Planning Staff?

Mr. Bowie. Well, I would expect frankly to get very close relations with, say, Lincoln Gordon in the Latin American Affairs, or the head of the other regional bureaus, too.

I don't understand, sir. I hope, yes, to have very close working relationships with each of these.

Senator Clark. And with the Policy Planning Staff?

Mr. Bowie. Including the Policy Planning Staff.

Counselor's relationship with the White House staff

Senator Clark. What is your concept of your relationship with the White House staff, and your relationship with the President?

Mr. Bowie. I don't assume that a person who is a subordinate of the Secretary would normally have direct access to the White House or to the President.

Senator Clark. But you would expect to be taken in from time to time on matters in your matter of cognizance?

Mr. Bowie. What I was going to say was I would expect the Secretary would include me, as he would include other of his chief advisers, in particular things on which they had been working. And I would be disappointed if I didn't at least participate in that sense. But I would not expect to have any independent access.

Has Mr. Rostow taken over Mr. Bundy's position?

Senator Clark. I think I am accurate in saying while our mutual friend, Mr. McGeorge Bundy, was at the White House, he was the President's principal adviser in the field of foreign policy. It is a little obscure I think at the moment as to whether any one individual has succeeded Mr. Bundy in that area, or whether two or three individuals split up the staff responsibility for foreign policy at the White House level. But there have at least been some statements in the news that Mr. Rostow has moved into Mr. Bundy's spot. I guess my first question is, Do you think that is an accurate statement or not, from what you know?

Mr. Bowie. This really goes beyond my competence; I don't know what——

Counselor's relationship with Mr. Rostow

Senator Clark. Would you not think it likely, that in your new job, you would be dealing frequently on matters of policy with Mr. Rostow?

Mr. Bowie. Well, I don't know how it works, sir. On the basis of my prior experience, I would not expect that. I would have thought that I would work primarily with the Secretary, and where the Secretary wished me to do so, with him, with the President, or whoever was acting for the President. I would not think it was very good organization having staff people work directly, independently, and separately.

Senator Clark. Have you talked to Mr. Bundy about his experiences in the White House?

Mr. Bowie. Since he left; no, sir.

Senator Clark. It is my rather firm impression that while he was there—I have enormous regard for his ability—there were a great many problems in the general area of foreign policy, and foreign policy operations, which were screened through Mr. Bundy, who to some extent at least was the chief of staff for the President on foreign affairs.

Now, if I am wrong in that, I would be glad to have you tell me. And I also think—if to a very substantial extent Mr. Rostow was moved into that spot, and accordingly the State Department, not only through the Secretary, but through the Under Secretary, and through you if you are confirmed, would be dealing on a almost daily basis with Mr. Rostow. Or do you disagree with that?

Mr. Bowie. You are asking me, sir, something I cannot answer really. But my guess would be of course that insofar as the Secretary might ask me to handle things for him, I might very well have to be dealing with the White House staff including Mr. Rostow. But I thought you were asking a different question, and maybe I misunderstood. I thought you were asking about independent relations.

Senator Clark. No; I am talking about your official relationship. You have answered it. You say you don't know. I don't know; I am guessing. I think your guess it pretty close to mine.

It seems to me, Mr. Bowie, this is a good place to stop. With your permission we will recess the committee subject to the call of the Chair.

(Whereupon, at 12:15 p.m., the committee was adjourned, to reconvene subject to the call of the Chair.)

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SYMINGTON. I would rather complete my statement, if I may, and then I shall be glad to yield.

On another day, August 23, Dr. Bowie again was interrogated by the Senate Committee on Foreign Relations. This time he was questioned from 5 minutes after 2 until 5 minutes after 6. I ask unanimous consent that a large portion of that testimony be inserted at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

NOMINATION OF ROBERT R. BOWIE OF MASSACHUSETTS, TO BE COUNSELOR OF THE DEPARTMENT OF STATE—RESUMED—TUESDAY, AUGUST 23, 1966

Senator Clark. The committee will be in session.

Chairman Fulbright is presently making his opening statement on the floor of the Senate in support of the Peace Corps bill. He hopes to come down here as soon as he is able, and has asked me to preside at the hearing until either he, or someone else who has more seniority than I, can show up.

At the last hearing, Mr. Bowie, I was questioning you about your understanding of what your relationships would be with other members of the State Department and White House staff. I think we had disposed of that, at least to my satisfaction. I wonder, however, if there is anything else that you would care to add, having had a chance to think over our colloquy.

STATEMENT OF ROBERT R. BOWIE, OF MASSACHUSETTS, NOMINEE TO BE COUNSELOR OF THE DEPARTMENT OF STATE—RESUMED

Mr. BOWIE. I don't believe so, sir.

Senator CLARK. I gave you at the conclusion of the last hearing some of the documents which I had intended to question you about. I believe you had them reproduced and returned the originals to me. I hope this will help expedite this session.

Extent of difference between Rusk and Dulles foreign policies

At the last session the chairman indicated that he was concerned that you had served under Secretary of State Dulles, and presumably been generally responsive to his philosophy with respect to American foreign policy. You, I thought, had an excellent answer, that you didn't always agree with Secretary Dulles, but that you didn't disagree with him often enough to make you feel you should resign. I would like to ask you to respond to the question to what extent, if at all, you think that American foreign policy differs to any significant degree today under Secretary of State Rusk as opposed to that under Secretary of State Dulles.

Before you answer, the implication of the chairman's question was that there isn't any significant difference.

Mr. BOWIE. Well, I really do find it pretty hard to take the whole range of American foreign policy in two substantial periods of time and compare them. But my own feeling would be that in their basic elements both are seeking to create a viable world—to prevent aggressive expansion and domination of others, on the one hand, and to foster cooperative relations where possible, on the other hand, by the efforts to assist the developing countries in their modernizing, to foster Atlantic solidarity and European unity, to produce a stable situation in the Far East; and to develop better relations with the communist world.

If you are talking on lines as broad as that, of course, there is continuity for the period of Truman, Eisenhower, Kennedy, and Johnson, it seems to me. But if you get into more fine-grained analysis, if you compare the beginnings of the Eisenhower administration with the end of the Eisenhower administration you find great differences of emphasis, and to my mind, if you look at our policy in a historic sense, it has been gradually unfolding and developing in response to changing conditions through the whole 20 years. But in its basics, it seems to me, there is a continuity about it through all the administrations. That is the way I see it.

Senator CLARK. The chairman suggested in his question, that you see little difference, between the policies of Mr. Rusk and those of Mr. Dulles. I wonder if you do see any significant difference. I don't, myself.

Mr. BOWIE. Well, it seems to me, sir, that it really in part depends on what stage you compare, say, under Dulles. Dulles was there for, what was it, 7 years?

U.S. foreign policy under Eisenhower administration

Senator CLARK. Let's take it from the time just before the end of the period when Mr. Dulles became incapacitated; his last view.

Mr. BOWIE. It seems to me the important view was the President's view in each case as I saw the formation of foreign policy. In the Eisenhower administration, the final authority was held by the President. He had great confidence and placed great trust in Mr. Dulles, but he did by no means give him carte blanche.

As I saw the policies of the Eisenhower administration, say, the last year or so I was there, I would have said that there was a conscious effort to explore ways of reaching better relations with the Soviet Union in a wide variety of ways of which the visit of Khrushchev to this country was only the most dramatic.

I would have said that there was a determination at the same time to resist any expansion by force or subversion from whatever quarter. There was clearly a growing concern for the underdeveloped countries, and the need for increasing amounts of assistance to them. There was a real concern with trying to find approaches to disarmament. You remember the appointment of Harold Stassen and all that range of activities which was designed to see whether there was any way to move forward in that respect. I should suppose that you could certainly find parallels to each of those lines of policy in the present administration.

If you take the general atmosphere of, say, 1957 as compared to 1966, or 1956 as compared to 1966, there seems to me to have been inevitably an earlier stage in the movement toward more constructive kinds of actions in the 1956 period than there are now. I think there is an awareness that the range of things that we have to be working at includes quite a variety of constructive things which need to be done with the hope of moving toward a viable international order which would have a place in it for the differing countries, with different backgrounds, different interests, and different purposes.

In a thumbnail sketch that is the best I can do.

Senator CLARK. Did you remain in the Department after Christian Herter became Secretary of State?

Mr. BOWIE. No, sir, I left in August 1957.

Did Secretary Dulles repudiate Mr. Stassen's disarmament agreement?

Senator CLARK. You made reference to Governor Stassen.

Would you comment on this observation? It is generally thought, I believe, that Mr. Stassen had a meaningful and significant arms control and disarmament agreement within our grasp in London, and that his views were repudiated by Secretary Dulles. Is that not your recollection?

Mr. BOWIE. No, sir, that is not. This is one on which I think I have a fair recollection because I was very much concerned in 1954, 1955, 1956, with the whole disarmament problem. As director of the Policy Planning Staff, I tried to get this subject treated in a serious way, and I think I was as much responsible as anybody for the naming of a person in the White House to be active in this field, not that I chose Mr. Stassen, but that I pushed hard to get the naming of somebody who would have this as his principal responsibility working out of the White House.

I certainly wouldn't say that Mr. Stassen and Mr. Dulles got on well, I don't think they did, but I don't think that Mr. Stassen had any agreement within his grasp which was prevented by Mr. Dulles.

Secretary Dulles' views on disarmament measures

Senator CLARK. Do you believe that Mr. Dulles thought that major measures of arms control and disarmament in an agreement with the Soviet Union were feasible in his tenure of office?

Mr. BOWIE. My impression was that Mr. Dulles was skeptical of the possibilities of any such agreement. I think his skepticism partly flowed from the fact that his brother Allen had worked on the whole field of disarmament in the thirties in the League of Nations and had, I think, become pretty discouraged with the possibilities of working out an agreement in that setting.

Second, I think Mr. Dulles was not persuaded that the Soviets at that stage were interested in any agreement on disarmament. I think he felt that if anything was to be achieved it would require further evolution in Soviet attitudes before any agreement became feasible. So, I think it would be fair to say that he was skeptical as to the possibilities. But it is also true, I think, that he was the one ultimately who got the appointment of a White House man on disarmament, it was his recommendation. And so I think the other side of the coin is that he was quite prepared to see serious exploration of the possibilities by someone who certainly was deeply committed to this, as a feasible undertaking.

Senator CLARK. Senator SPARKMAN?

Mr. Stassen's disarmament proposals

Senator SPARKMAN. May I break in here and ask a question? I want to go back to the answer you gave preceding this last question. I am not sure I understand it fully.

Did you say that, in your opinion, Stassen never had within sight a disarmament program, or what did you say?

Mr. BOWIE. No, sir, he had a set of proposals. As a matter of fact a number of those proposals had been worked out in the Policy Planning Staff before he even took office. It was my conviction that he did not have within his grasp an agreement with the Soviets, that is what I said.

Senator SPARKMAN. I wanted to hear what you said. Yes.

Conflicting press reports of Mr. Stassen's progress

Senator CLARK. That answer, of course, is in some conflict to what has been reported in the press.

Mr. BOWIE. You, sir, asked for my recollection and that is what I tried to give you.

Senator CLARK. You agree, though, that the press reports indicated that he did not have an agreement?

Mr. BOWIE. You mean the press reports at the time?

Senator CLARK. Yes.

Mr. BOWIE. The press reports at the time, sir, were in part inspired by Mr Stassen.

Senator CLARK. So you think Mr. Stassen was disloyal to his——

Mr. BOWIE. I didn't say that, sir. He was an optimistic man who thought he was making headway and felt that he would increase his chances of making headway to the extent that it looked as if he had some momentum, that is my honest view.

Senator CLARK. You don't think he had any momentum?

Mr. BOWIE. I don't think there was an agreement within his grasp, is what I thought you asked me.

Senator CLARK. Senator SYMINGTON has a statement he wants to make.

Senator SYMINGTON. Thank you, Mr. Chairman.

Statement of Senator Symington

Mr. Bowie, I express my appreciation of your willingness to come down here to Washington. We have a conference with the House on the defense bill. So I can't stay, and asked Senator CLARK and Senator SPARKMAN if they would be good enough to let me make a statement.

Again many of us here are glad to see you back. If my memory serves me correctly, Senator Knowland gave you a pretty rough time in a hearing some years ago on the grounds you were perhaps a little too much on the liberal side; so I am glad to see some people feel perhaps you are a little on the conservative side.

I am grateful to my friend from Pennsylvania for yielding so I could again express my confidence in you, and also explain why it is not possible for me to be here longer.

Mr. Bowie. Thank you very much, Senator.

Senator Clark. Thank you, Senator Symington.

Senator Symington. Thank you, Mr. Chairman.

Skepticism about arms control agreements

Senator Clark. To return to the subject of the views of Secretary Dulles on arms control and disarmament, I think I correctly understood you to say that you thought he was skeptical of the feasibility of entering into meaningful arms control and disarmament agreements. Is that correct?

Mr. Bowie. That is right.

Senator Clark. Were you then skeptical, and are you now?

Mr. Bowie. Well, sir, my feeling then was best expressed by what I did. I inherited a situation in which our position was that we were for, essentially for, total and complete disarmament and the Pentagon was opposed to our deviating from that at all.

A disarmament program is only lately official U.S. policy

Senator Clark. May I interrupt you to return to the subject again? It was my understanding, and correct me if I am wrong, that there never was a public statement of America's willingness to sign an appropriate and clearly guarded treaty of general and complete disarmament until after Mr. Dulles left the State Department and Secretary Herter took over. My own recollection is pretty clear, and I think it is accurate, because I had a feeling of great rapport with Mr. Herter which I did not have with Mr. Dulles. I talked to him about this shortly after he took office and he was delighted to find I was prepared to advise the President that it should be American policy to advocate general and complete disarmament which he, I thought, did with great courage.

He didn't get too much support from President Eisenhower, but he certainly wasn't turned down. It wasn't until President Kennedy came in that it became the official policy of the U.S. Government in public statement. Perhaps you would like to comment?

Mr. Bowie. All I can say is that our official position, I don't know whether it was public or not, I thought it was, was essentially one in favor of a very far reaching program of complete disarmament.

Senator Clark. How early was this?

Mr. Bowie. This must have been 1953. And frankly, the Pentagon was the one that was opposed to moving from the position.

Senator Clark. It is rather amusing that the roles now seem to be reversed, Secretary McNamara seems to be more ready for arms control and disarmament than Secretary Rusk.

Mr. Bowie. In my position in the Policy Planning Staff, I felt that it was important to see whether or not progress could be made in this field. It was perfectly clear from the experience up to then that the line which was being taken was not going to yield to any agreement, and so we began to explore what possible smaller steps there might be, what partial measures might be feasible, for trying to get going, to test out whether or not the Soviets were at all interested in even, any form of trying to limit the arms race.

We developed a series, I don't remember them now, but things like cutoff of fissionable material production and controls of delivery of vehicles and things of that sort as partial steps, partial measures which would be worth exploring with sufficient kinds of safeguards, to see whether or not there was anything that could be done. There was a little committee which was composed, as I recall it, of Secretary Dulles, of the Secretary of Defense, I suppose maybe of Allen Dulles, I don't remember for sure which was supposed to come up with recommendations. The difficulty of getting this committee really to address these problems with sufficient attention because of the other claims on their time, was what ultimately led me to conclude that if this subject was going to be pursued with the kind of attention which I thought it deserved we had better have somebody whose only job it was to explore this area. That is the basis on which ultimately Mr. Stassen was appointed. I repeat, I didn't recommend Mr. Stassen but I recommended that such a post be created, and indeed, this little committee finally made the proposal as I remember, to the President that that be done.

The reason, therefore, for moving toward partial steps was a sincere interest in trying to see whether there was anything possible.

Senator Clark. On your part?

Mr. Bowie. On the part of the Government because the Government was what finally did it.

Nominee's view of U.S. disarmament proposals

Senator Clark. Yes, but I am interested in your view.

Mr. Bowie. Well, personally, yes. The Policy Planning Staff devoted quite a lot of effort to developing positions, papers, proposals which ultimately were made available to Mr. Stassen.

Senator Clark. What are your present views, Mr. Bowie, as to the desirability of the United States taking a greater initiative in terms of attempting to reach arms control and disarmament agreements?

Mr. Bowie. I don't know what greater initiative we could take, frankly. It seems to me we have had—since the appointment of Mr. Foster, of the ACDA, that we have had a considerable number of very dedicated people working on this subject. I think William Foster and Adrian Fisher are very sincerely interested in this subject, and are able people. They have a large staff working on it. They have been almost continuously in negotiations with the Soviets, so that as far as giving attention to it, I don't see how you could increase that.

Senator Clark. I quite agree with your appraisal of those gentlemen. In my own view, they have been constantly curtailed in what they could do, to some extent by the Defense Department, but to a greater extent by the State Department.

I regret, as I told you earlier, I must leave and will try to be back at 3:05. I am very apologetic.

Current discussion very helpful

Senator Sparkman. I will say this. This is a very interesting discussion we are having, and I think it may prove to be a very valuable one. I don't know that we ever had a time when we had a review of this situation and the conditions in the way that you are giving it now. I think it will be very helpful.

I wish I could stay here throughout the discussion but I must leave also. So, the only thing I know to do is just to call a recess until the chairman comes or until Senator Clark returns.

Mr. Bowie. All right, sir.

(Short recess.)

Should the United States propose further disarmament steps?

Senator Clark (presiding). I ask you to comment, Mr. Bowie, on my suggestion that the arms control and disarmament executives, Mr. Foster, Mr. Fisher, Mr. Bunn, would, if left to their own devices, propose substantially less rigorous restriction on both a nonproliferation treaty and a complete test ban. I would ask you also, not only whether you agree with the observation, but what your own views are as to whether we should not and could not go further in an effort to reach agreement, not only with the Russians, but with the neutral nations and those other nations which do not presently have a nuclear capability.

Mr. Bowie. Well, on the question of what Mr. Foster and his associates would do if on their own I can't honestly say.

Senator Clark. Well, I can.

Mr. Bowie. All right, I can't. I can state my own views about nonproliferation and test ban. On the test ban I have not simply studied it enough to know in fact what would be adequate safeguards, would be adequate inspection.

Swedish challenge proposal

Senator Clark. Are you familiar with the Swedish proposal?

Mr. Bowie. The challenge proposal?

Senator Clark. The challenge, plus a temporary go at it on a trial basis for perhaps 6 months, maybe a year.

Mr. Bowie. Just offhand it would seem to me this had some merit. I simply do not feel, as I say, that I have gone into it thoroughly enough to be prepared to say if I were President I would do it. But I thought it was an ingenious idea and a possible way around the difficulty.

On the nonproliferation agreement I personally feel that the position of the Government is the right one.

Nominee's role in the MLF proposal

Senator Clark. It was stated in the newspapers after our last hearing that you were the author of MLF.

Is there any truth in that?

Mr. Bowie. Not strictly, sir. But probably in substance. Let me explain. At the previous session, I explained that I had written a report for Mr. Herter in the summer of 1960 on the whole range of tasks which the Atlantic nations would face over the next decade, the decade of the sixties.

In the course of that I did make some suggestions about the problem, the military problem and the nuclear problem. My recollection is that in the report I suggested a two-stage proposal in which there would first be a NATO committee which, as I recall, was to have assigned to it some American subs as a basis for its action and advice.

Senator Clark. Mixed crews.

Mr. Bowie. Not at that stage. The first stage, no.

In the second stage, if this was not sufficient—if this did not meet the desires of the Europeans—there was to be the possibility of a collective force which would be mixmanned.

Now, the actual form of the MLF proposal was not in all respects what I had suggested, but I don't want to try to get into the details of it, sir, because I haven't read my own report for 5 years.

Senator Clark. I don't want you to go into detail. However, you would agree that you played a significant role in the formulation of MLF?

Mr. Bowie. I made this proposal, sir, and at that point it was bread on the waters. As I recall it, Mr. Herter made some suggestions of this sort in December of 1960, I believe it was, and then I believe that President Kennedy in Ottawa picked up the idea in a speech he made, but I had nothing to do with it at that stage. I had nothing really to do with the formulation of the actual proposal, for the 25 surface ships.

State Department's version of the MLF

Senator Clark. You still support the State Department's version of MLF?

Mr. Bowie. I still feel this, sir, that the problem of how to deal with nuclear sharing is still with us. I don't think it is necessary that it be solved tomorrow. I don't see how it can be solved tomorrow. But to my mind a collective solution is far better than national forces, and the national British force and the national French force exist, and if I could have my way, I would prefer to see some kind of joint force which these could be absorbed.

I think this would be a real contribution toward nonproliferation as I see it. If you are looking at it down the long road, the existence of these British forces and French forces are a real temptation and incitement to others to emulate them, and I think that it would be highly desirable to have some sort of a collective answer to take the place of these national forces.

Hardware solution versus consultative approach to nuclear sharing problem

Senator CLARK. I know you don't like to talk in cliches. You agreed earlier that Senator CASE and I, to a certain extent as politicians, have to talk in cliches. Would you prefer a hardware solution to the nuclear sharing problem as set forth in MLF, an option which is retained in the U.S. draft of a nonproliferation treaty, to the consultative approach which has publicly been suggested by Secretary McNamara which, in my judgment, the Russians would accept?

Mr. BOWIE. As I think I said in the last hearing, sir, I think that the McNamara approach ought to be pursued actively, and I would hope that it would mitigate the feelings of the Europeans that they don't have an adequate role in the management of the nuclear deterrent.

But I think I testified last time also that in my judgment this wouldn't ultimately remove the problem of how to deal with the British force and the French force and the temptation to have national forces.

Efforts at agreement with the Russians

Senator CLARK. My concern is with what appears to me, to be your preoccupation with Western Europe and NATO, as opposed to an effort to come to an accommodation with the Russians in an area which, to me, seems far more important than getting a NATO alliance working closely together on a multilateral force of some sort. I would like you to comment on the suggestion that we would be better advised to place a higher priority on coming to an agreement with the Russians on the relatively minor matters in dispute between us at Geneva, than to support the position of the West German Government.

Mr. BOWIE. I think this is broader, sir, than just Western Europe. I was in Japan and India this spring, and the attitude in very informed and intelligent quarters in both those countries toward proliferation is quite clearly affected by the existence of the British and French forces. The Japanese particularly resent the idea of having a treaty which would freeze the continuation of the French and British force and attempt to freeze them out of having any similar force, and the same attitude as far as I could discover was also fairly common in India.

In both cases their feeling was that they were exposed to the threat of the Chinese nuclear capability, that the nonproliferation treaty would do nothing to cope with that threat, and they didn't see why they should be frozen into a have-not status when the British and the French were on the other side and were really insisting on the necessities of retaining theirs and nothing would be done to remove the Chinese threat or mitigate it at all. I don't think that the problem is a strictly European one; certainly my interest in it is broader than that.

Senator Clark's disarmament recommendations

Senator CLARK. I have been to the Geneva Disarmament Conference a number of times. My last visit was on May 3 through 5 of this year. At that time I made a report on the then status of the 18-Nation Disarmament Conference to the Committee on Foreign Relations, including a summary of whom I talked to, what I had done, and a set of recommendations.

Have you had an opportunity to look at that?

Mr. BOWIE. No, sir.

Senator CLARK. I had a long discussion with the Indian Ambassador at Geneva. I have not talked to the Japanese but I have had reported pretty fully what their views are.

Now that you have been given a copy of the report, I will ask you to turn to page 8. I would like to ask you your reaction to the recommendations I made.

Abandonment of efforts of nuclear sharing by West Germany

As a result of my trip to Geneva—I am reading:

"I would recommend that the Foreign Relations Committee:

"1. Urge the executive branch to abandon efforts to provide for nuclear sharing by West Germany through NATO, a multilateral force, an Atlantic nuclear force, or otherwise."

Would you agree with that recommendation?

Mr. BOWIE. No, sir. I feel that the problem of proliferation has to be looked at in broader political terms. To my mind the treaty would provide only a very limited contribution to this. The Soviets quite clearly have no intention of proliferating or spreading nuclear weapons and their signature is of very limited value, it seems to me, in trying to deal with this very important problem.

To my mind the only way to deal with the problem is to deal with the motives, the reasons which cause nations to try to acquire nuclear weapons. And as I see it those reasons can be reduced to about two. One is the feeling of the need to protect their security and the other is the prestige argument.

The French and the British, in particular, have used both these arguments extensively, and their expressions of views have been picked up in many countries including Japan and India, and elsewhere. To my mind if you really hope to prevent the spread of nuclear weapons you will have to deal with the underlying political motivations, the drive which causes people in those countries to be interested in acquiring these weapons. I do not believe you are going to build a secure peace on a discriminatory basis. You are certainly on record in favor of the rule of law and techniques of law, but you would be the first, I am sure, to agree that you don't achieve a stable law if you have a highly discriminatory situation in which some people feel that they are being deprived and other people are being given special privileges. Now, that is in fact the way a good many people look on the situation which freezes the French, the British and the Chinese deterrents indefinitely, while attempting to prevent them from acquiring a similar degree of protection.

Frankly, I don't think you are going to build a secure peace on these kinds of bases. I think you have got to meet countries' legitimate concerns and to deal with countries on the basis of essential equality and fairness, and it does not seem to me that that is done by any system which attempts to freeze five powers with these weapons and to exclude all others for eternity from a similar situation.

Senator CLARK. I suggest in all humor you have set up a strawman and then effectively knocked it down, because perhaps due to the way I phrased the questions. I don't think any sensible man would disagree with what you said. The problem is that you have to proceed by stages in this regard, that you are not going to get the Russians to sign a nonproliferation treaty as long as you give West Germany a possible future option to get its finger on the nuclear trigger.

So, the first thing you have to do, in my judgment, is to eliminate that and hence my first recommendation.

Specifics for a nuclear nonproliferation treaty

My second recommendation was to—

"Urge the administration to support at Geneva a nuclear nonproliferation treaty which, (*a*) prohibits the ownership, control, or use of nuclear weapons by any non-nuclear powers and, (*b*) commits the nuclear powers not to assist in any way either through alliance or otherwise, directly or indirectly, any non-nuclear power in obtaining possession, control, or use of such weapons."

Now, really the most important part is this:

"The administration should also be encouraged in its efforts to obtain agreement on a freeze, subject to adequate verification, in the production of fissionable material by all nuclear powers, and arrangements for the verified mutual transfer to peaceful uses of agreed quantities of nuclear material, together with the verified mutual destruction of an agreed number of nuclear warheads."

Attitudes of nonnuclear powers toward a nonproliferation treaty

In other words, no nonnuclear power clearly is going to sign a nonproliferation treaty unless France, England, Russia, and the United States make a significant contribution to denuclearizing their own armaments as a condition to a treaty in which others would agree not to achieve them. Insofar as your views on England are concerned, having talked at some length with Lord Shalfont, there is no doubt whatever in my mind that England would cooperate wholeheartedly in that regard.

Now, you might have more trouble with France, but let's meet that when we come to it. In my opinion you won't have the slightest trouble with India and Sweden or even Japan. I suppose that is an argument on my part rather than a questioning of you. But I would like your comments on my second recommendation.

Mr. BOWIE. Well, as to the first part of it, sir, I think my original, my previous answer probably covers it.

My understanding of any kind of multilateral force that has been discussed, however, is that it would not, in fact, give any one of the participants control over the use or possession of the weapons on a national basis but rather would have the entire control joint and therefore not national.

Senator CLARK. What difference does it make from the Russian point of view whether it is joint or national?

Mr. BOWIE. It makes all the difference, sir, if they are really concerned about security, because in fact the Germans would be no more in a position to fire the weapons or to use them than they are now with the two-key system that they have, under which they have a very large number of weapons.

Senator CLARK. Well, I do not want to argue with you——

Cessation of production of fissionable material

Mr. BOWIE. On the second part of your recommendation, I think it is highly constructive and I would like to see it done, that is to say, the cessation of production of fissionable material and the transfer to peaceful uses. Actually, this was one of the proposals as I recall it, which was made in 1956 or 1955 within the Policy Planning Staff, but my understanding is that the Soviets have flatly refused to even discuss this.

Senator CLARK. I think the reason is because we are unwilling and again I do not want to argue with you, to make the change in our policy which they are quite insistent on, which is that we move to the McNamara consultative solution instead of the Rusk-State Department hardware solution.

Continued research into methods to detect nuclear explosions

Let's have it at that and go on to number 3:

"Urge the administration to continue research into methods of distinguishing among seismic events so as to increase our ability to detect and identify underground nuclear explosions, with a view to reducing our dependence on on-site inspection or seismic devices maintained on the territory of an adversary as a guarantee against clandestine violation of a comprehensive nuclear test ban."

Mr. BOWIE. I would fully support such research myself.

Tribunals for the settlement of nuclear disputes

Senator CLARK (reading):

"4. Urge the administration to refine and clarify its draft outline of a treaty of general and complete disarmament, with particular reference to the clauses in such treaty establishing (*a*) an international disarmament organization; (*b*) an international peace force; and (*c*) additional international institutions of law, equity, mediation, and conciliation to provide tribunals for the peaceful settlement of all disputes, political as well as strictly legal, including the granting to such institutions of the power to issue decrees enforcible by the international peace force under the supervision of the international disarmament organization.

"In this regard the administration should be urged to reactivate the Committee of Western Jurists and to charge the jurists with the technical task of drafting these treaty clauses."

How do you react to that?

Mr. BOWIE. Well, sir, I feel that the—I think I tried to suggest before our recess, that to my mind the great task that we face at this point is to foster the conditions under which we can move toward the substitution of peaceful methods for force in international affairs.

Senator CLARK. What is your view as to the priorities we should give in seeking to achieve that most desirable aim?

Mr. BOWIE. Well, as I see it, if you really want to move toward law or legal methods or peaceful methods as the means of dealing with disputes, it is essential to create a sense of community, a sense of shared interests among people, among countries, which really excludes their resort to force as a method by which they deal with one another. I think the experience of ourselves and Canada is an excellent one in which, I think, the progress—it is obviously unthinkable that we should ever resort to force against each other. To me, the great challenge of what is going on in Western Europe is the effort to achieve the same kind of relationship there, the feeling of community, the interrelation of interests and groups such that it would exclude the possibility of ever having to resort to war among these countries.

I think gradually this is happening in Europe. I think it has happened or is happening between the United States and these European countries.

I think that the basis of all this has to be a sense of common interests, common kinship, readiness to treat these people, the other people, as having claims which are recognized as being just as legitimate as your own.

This is a slow process. I do not think you can do this quickly. I think it is certainly, however, the challenge of our time and, therefore, we ought to apply ourselves to trying to broaden the arena, the area, the field, in which this state of things, this set of conditions, can be achieved.

Barriers to international understanding

Now of the great barriers to this at this stage—it seems to me there are three—one is the enormous disparity between the poor countries and ours. Inevitably there is disorder and turmoil and instability in these areas and an enormous gulf between them and us. So I think one of the big challenges is to do everything in our power to help these countries to achieve greater stability and progress and to overcome gradually, and it will be awfully gradual, the enormous gap between us and them.

Second, it seems to me we have the problem of the gulf, the ideological gulf, between us and the Communist world. It seems to me there again we should be working to try to bridge this by opening up all possible avenues of cooperation.

But as I see it what we need is a dual policy, a policy which effectively blocks the possibility of expansion by any means, military, subversive, or otherwise, while combining it with the offer of cooperative relations whenever they are prepared to pursue them.

The third obstacle is obviously nationalism. We can see this is still a potent factor all over the world, even in Western Europe, where, as I said, I feel great progress has been made since the war, to try to overcome past rivalries. It still, obviously, is not an accomplished thing. There still is lots to be done. But to my mind the work toward a European community is just as much a contribution in this direction as is the work toward an Atlantic partnership.

Fundamentally, it is because of this outlook—the belief that in order to have peaceful means used in place of violence you have to create the conditions which make this feasible—that I feel that we should not sacrifice the creation of a community in the West to the efforts for symbolic agreements with the Soviets. It is not because I am opposed to agreements with the Soviets, but I simply feel in each case we ought to be working for the creation of the conditions in which peaceful relations are possible.

Senator CLARK. I notice that the next three recommendations in my report are either directed solely to the Foreign Relations Committee or, with respect to the last one, have become obsolete. The last one urged the administration to continue strong support of the Disarmament Conference at Geneva, and it is about to break up with nothing accomplished.

State Department is preoccupied with Western Europe problems

In my opinion at least half the fault is with our State Department. If you want to comment on that, I would be glad to hear it. But I do not think that it is particularly pertinent to this inquiry.

Mr. BOWIE. Thank you.

Senator CLARK. The difference between us has very little to do with whether you should be confirmed as counselor for the State Department, but I want to state it for the record in order to give you an opportunity to comment on it. That is, that I think we are preoccupied in the State Department, with respect to our European foreign policy, with shoring up the NATO alliance, with our animosity toward General de Gaulle, our preoccupation with the military aspects, to guard against what seems to me is, at the moment, almost a non-existent threat. The first priority of our foreign policy should be an effort to arrive at meaningful agreements with the Soviet Union. If you want to comment on that statement, please do, but don't feel that you have to.

Mr. BOWIE. Well, I think much of my earlier statement reflects whatever differences there are.

Senator CLARK. Yes. I think it does, too.

Priorities in nominee's foreign policy philosophy

I draw the conclusion, which may be unfair, and if you think it is unfair, please say so, that your philosophy, of foreign policy puts the first priority on Western Europe and NATO, to the exclusion of the detente with the Soviet Union: a second priority is put on our assistance to underdeveloped countries, and a third and rather low priority is on taking an initiative to come to a meaningful agreement with the Soviet Union on a wide range of subjects. Is that an unfair statement?

Mr. BOWIE. I do not think it is unfair, sir, but I do not think it entirely reflects my views.

Senator CLARK. Do you want to correct it a bit?

Mr. BOWIE. My feeling is that you cannot quite rank these things in the order of one, two, three, four. As I see them they are an interconnected group of policies which tend to reinforce one another.

For example, on the question of the cohesion of the Western countries, I personally do not see this as in conflict with efforts to arrive at better relations with the Soviet Union, but as the route to do so.

Senator CLARK. Let me interrupt to say that it clearly is in connection with the MLF, don't you think?

Mr. BOWIE. If you placed as high a value as I gather you do, sir, on a signature to a treaty, yes, but I don't—in my mind there isn't this conflict because the achievement of a signature by the Soviets on a particular treaty which commits them only to do what they are going to do regardless of the treaty, is not a great contribution to detente. I am sorry, sir, I do not want to dispute your view. I am simply trying to explain why it is that I do not see my point of view as being in conflict with the effort to arrive at better relations with the Soviets. By the same token, I believe the effort to foster stability in the underdeveloped world is a contribution to our better relations with the Soviets and with China in the long run, because as I see it, the change in Soviet policy has been a result of the change in conditions which they face in the world, in very large part. To the extent that their approach of expansion by subversion or military means or otherwise is frustrated, this is what it is that turns them inward into a reexamination of their priorities and their purposes and so. To my mind this, therefore, again, is not in conflict with the effort to improve relations with the Soviets, but is a contribution to it.

It is also, I think, important in its own right. But I would see these several activities as all being important, mutually reinforcing, and all serving the ultimate purpose of trying to create the conditions in which a more peaceful and viable order will be possible.

Efforts to achieve agreements with the Soviet Union

Senator CLARK. The purpose of this inquiry is not to develop my views but yours. I think you have made yours abundantly clear. I doubt if you would, in your new office, be advising either the Secretary or the President to place a considerably higher effort and higher priority on efforts to achieve agreements with the Soviet Union, not, as you suggest, in order to get their signature to a piece of paper, but in order to do something to ease the pretensions and to point out to the Russians the fact, which I think their best diplomats now appreciate, that their economic, social and political future lies with us and not with the outmoded views of Marx and Engels, and that they are gradually coming that way, but we are not giving them much reason to do it.

Mr. Bowie. All I can say, sir, is that as far as I am concerned, I would try to give them every encouragement to arrive at that view.

Senator Clark. I am delighted to hear it. Senator Pell, do you have a question at this point?

Evolution in Communist philosophy

Senator Pell. Yes; just carrying that thought out for a moment more, I wonder whether the reason the Russians are changing is not because of changing conditions externally in the world, but because of the fact that, to misquote Marx, communism has the seeds of its own destruction and its own success. I wonder if you visualize your responsibility in our foreign policy as really being to keep the peace while communism in a sense burns itself out.

Mr. Bowie. Well, sir, I think that what you added is one important dimension of the problem. I think the evolution within Soviet society is going on and will continue to go on. But I do think also that in terms of the way in which the leaders of the Soviet Union use their power and make their choices and conduct their foreign affairs, that the external conditions are also an extremely important factor and in many ways the factor which we can make do most to affect. We cannot really affect very much what goes on directly within the Soviet Union. That is a matter of social evolution and social change which is largely organic.

Senator Pell. Do you think we recognize the fact that when people have consumer goods and a degree of education that communism does not meet their requirements and demands?

Mr. Bowie. Well, we start with a situation in which you have the Communist regime in power. I think that it is perfectly possible for a country, as in the case of the Soviets, to acquire more consumer goods and higher standards of living and a more complex industrial society, which is what they are doing, and still have the leadership committed for quite some time to what we would consider outmoded views of the world; and I think this is the case—there is a lag. But because there is a lag does not mean to me that it is static.

Senator Pell. No, no. But in the end governments have to be responsive to their people or they won't survive.

Mr. Bowie. I think we see this in its own way going on in the Soviet Union.

Senator Pell. Exactly, and in Eastern Europe, as well, where the process has taken less time because the people started out with a high literacy rate and consumer goods, which was not the case in the Soviet Union. This is probably a little theoretical.

Geneva Conference on Indochina

The other question I had in mind, also in connection with Geneva, is another conference that occurred, there, one at which you were an adviser in 1954. The Geneva Conference on Indochina.

Mr. Bowie. I was there only a brief time. I cannot remember myself how long I was there, but Mr. Dulles, as I recall it, went to the meeting and I believe I went with him, and then he came back and left, I believe, Bedell Smith there for the main negotiations. In that, am I wrong?

Senator Pell. I understood that you were a special adviser, but I realize that this may have been one of those titles.

Mr. Bowie. Well, I think I went when Mr. Dulles went.

Senator Pell. Right.

Mr. Bowie. But Mr. Dulles did not remain for most of the negotiations. He came back rather promptly and left in charge as I recall it either Bedell Smith or somebody else.

Change in U.S. attitude toward Geneva accords

Senator Pell. Ignoring your involvement in the conference, what has puzzled me is why the United States did not sign the agreements then; why we have more or less done our best to turn our back on those agreements and not encourage the holding of elections in 1956; and why we did not support the Geneva Accords even up to last year, 1965. Now we rather like the Geneva Accords as a basis for settlement. How do you account for this change?

Mr. Bowie. I will have to do my best to recall. My recollection is that at the Geneva meeting the U.S. representative, and I believe it was Bedell Smith, stated that the United States would not sign the accords but that it would abide by them, so to speak; that it would do nothing to upset them or contravene them. I think that was correct.

Senator Pell. Why wouldn't they sign them? What was the reason? I should know that. It is an unfair question probably at this time.

Mr. Bowie. I cannot remember well enough. I think as I recall it, Mr. Dulles did not want to be associated, in the sense of being a party to, the final accord. That is my recollection, but I do not remember.

Senator Pell. How do you account for our about face? Three or four years ago we were rather sniffy about the Geneva Accords and even De Gaulle's thoughts about neutralization of the area. Now we find a certain willingness to go along with the Geneva Accords.

Mr. Bowie. As I say, my recollection was that the United States stated at Geneva that it would abide by or not contravene or live up to them—something like that—even in 1954.

Elections in South Vietnam during Diem regime

Senator Pell. Then we changed our policy a couple of years later by doing our best to hold off the election, encouraging Diem to not go ahead with the election. The dividing line between the two countries was very temporary and we were in a sense contravening the spirit of the accords by helping to create two separate countries.

Mr. Bowie. But the South Vietnamese, as I recall, at the 1954 meeting made a reservation about their willingness to accept that part of the accord.

Senator Pell. Yes.

Mr. Bowie. I do not think the Diem regime was at all prepared to have an election because I think they did not feel that there was any chance at all that it could be properly supervised in the north. And therefore that it would not be a fair election but that it would be a rigged election in one-half and an open election in the south and that therefore this was sure to lose.

Forthcoming elections in South Vietnam

Senator Pell. Speaking of elections, one of the requirements of an election is that everybody who is affected should be able to participate, everybody who is affected should be able to run, and the governments that participate should agree to abide by the results. But all three of these requirements are violated by the elections being undertaken at the present time. This is an aside, but how do you see this election as having much of an impact? As I recall, the Vietcong are prohibited from participating. Neutralists are prohibited from standing for office and the chief of state has said he would fight the results if they were unfavorable.

Mr. Bowie. It is very difficult for me to visualize how you conduct an election under the conditions which must prevail in Vietnam. I do not see how you can really do it in a way which cannot fail to have many shortcomings. On the other hand, I do not feel that I know intimately the actual situation in Vietnam. I am simply saying that as a newspaper reader I find it very hard to visualize how you conduct an election under those conditions.

Senator Pell. It is a step in the right direction, but under conditions of combat I do not think we should have too much hope about the outcome.

Mr. Bowie. I think this is very wise, but to the extent that you can have a firmer popular base than what exists in Vietnam is so much to the good. That is my feeling.

Would the United States support elections based on Geneva accords?

Senator Pell. Going back to the Geneva agreements, would you consider that, as of now, they would be acceptable accords which we would support and go along with? Would we accept the results of an election, based on them, if it could take place?

Mr. Bowie. You mean in both parts of Vietnam?

Senator Pell. Yes.

Mr. Bowie. Again, I find it very hard to visualize how it gets done. But if you had a wholly fair election, I do not see why we should not be prepared to abide by it.

Senator Pell. That is all the questioning I have. Thank you.

Solution to nuclear sharing problem

Senator Clark. Let me take you on a rapid trip to the other side of the world. What do you believe is the best solution to the nuclear sharing problem in Europe in the light of our announced desire to complete a nonproliferation treaty with the Russians and other nuclear or nonnuclear powers?

What would you do?

Mr. Bowie. Well, as I said earlier, I would certainly utilize the McNamara committee to the maximum to see whether or not this would not improve the outlook of those who have up to this point felt that they did not have a sufficient share in the nuclear deterrent. Second, I would keep open, at least, the possibility of collective solutions for the future.

Senator Clark. Even if you were convinced that that would mean the Russians would not agree?

Mr. Bowie. Yes.

Senator Clark. I think that is clear enough.

Senator Church's recommendations

In May of this year, Senator Church, a member of this committee, at the request of the chairman, made a rather extensive tour of Europe. It was called a study mission. He went to Brussels, Paris, London, Bonn, Berlin, and the 18-nation Disarmament Conference in Geneva. When he came back, he prepared a report for the Foreign Relations Committee which has been printed. Have you had an opportunity to see it?

Mr. Bowie. I believe I read it, sir, but it was about the time it came out and I could not tell you now what is in it.

Recommended conduct of our relations with France

Senator Clark. I would like your comment on whether you agree with his seven recommendations which start on page 5. I see you have a copy of the report.

"1. In the conduct of our relations with France, our manner should be firm but correct. We must avoid over-reacting to French initiatives, even though we may regard them as undesirable. In no case should we disparage the greatness of France, our oldest ally, or engage in any sort of political guerrilla war against the French Government; such tactics should be reserved for our enemies. Above all, we should resist the temptation of interjecting our voice into the internal politics of France. Any American appeal, directed over, under or around the French President, would surely backfire."

There has been a great deal of vocal criticism of General de Gaulle, a good deal of which has emanated either directly from the State Department or in that form of public relations—which I deplore, and I suspect you do, too—the authorized leak. What do you think of Senator Church's first recommendation?

Mr. Bowie. I think in general, I would agree. In my testimony last time I indicated that it seems to me all of us are involved willy-nilly in each other's internal politics, but I certainly think that any explicit or conscious appeal to the French over the head of De Gaulle is a waste of time.

My own feeling is that we should make our policies in terms of the aims and purposes that we think serve our interests and not direct them toward individuals.

Nominee's past criticism of General de Gaulle

Senator Clark. In October of 1963, when you were not in public office you wrote an article for Foreign Affairs entitled, "Tensions Within the Alliance." I suggest that you would not, if you took public office, be as publicly critical of General de Gaulle as you were then. Would you care to comment?

Mr. Bowie. I hope, sir, that I will not have to carry on public discussion. That is not my role in the Government as I see it. I certainly do not retract as a private citizen anything I said in October 1963.

Senator Clark. I do not want to prolong this discussion but I would like to have printed in the record excerpts from Mr. Bowie's article in Foreign Affairs, dated October 1963. I ask him whether he stands on those statements today, and if not, to what extent he would modify them.

Mr. Bowie. Yes, indeed, sir.

(The excerpts follow:)

"EXCERPTS FROM 'TENSIONS WITHIN THE ALLIANCE,' ARTICLE BY ROBERT R. BOWIE, IN FOREIGN AFFAIRS, OCTOBER 1963

"In the efforts to organize the West, the position of Britain and its policy since 1950 have, on the whole, been a disruptive factor. Britain did not share the concept of an integrated Europe.

* * * * *

"Whereas the strains which we have been discussing are largely inherent in the attempt to construct an integrated Europe and an Atlantic partnership, General de Gaulle's policies challenge the very concept itself.

* * * * *

"De Gaulle's basic outlook poses an even graver danger to the new edifice in Europe. His deep faith in the nation-state as the ultimate reality could lead to undoing all that has been achieved since 1950. * * * If he persists in his course, however, he may well revive the nationalism and outmoded rivalries which so many have dedicated themselves to wipe out. * * * The outcome of De Gaulle's policy could be to demonstrate once more the bitter consequences of a misguided reversion to the past.

* * * * *

"The design of General de Gaulle would therefore negate the long-term goal of a unified Europe acting as a partner of the United States for constructive purposes. His Europe would not be an integrated community but a coalition of nations led by France. His Europe would not be a partner of the United States but as independent and separate as possible. Thus De Gaulle's policy demands a clear answer. Not to oppose his aims would be to abandon our main postwar goals.

* * * * *

"Our aim must therefore be to make sure that his concepts do not prevail: that the European Community is not subverted into an instrument of French predominance, and that a split of Europe and the United States does not jeopardize the interests of both.

* * * * *

"But this does not mean that his objectives cannot be changed. Algeria showed that he can recognize brute facts and modify his plans accordingly. The problem is to make sure that events convince him that his plans will not succeed. The United States and its European partners are not without means to influence the environment of General de Gaulle. The course he has embarked upon seems out of keeping with the basic forces of our time. The independent role he seeks will not serve the interests of Europe. Nor do the other European nations want French hegemony. Hence strong bases exist for concerted action to lead De Gaulle to recognize the necessity to revise his plans.

* * * * *

"The vital thing is to see that our actions do not enhance, but erode, the leverage of De Gaulle."

Senator Clark. What does that mean? Do you stand by them?

Mr. Bowie. I stand on what I had said before.

Senator Clark. You stand by the excerpts, and you have had no occasion to change your mind since October of 1963?

Mr. Bowie. I take it you are not asking me to parse it in detail, but the general line of it?

Senator Clark. Yes. Generally speaking, does the position you took then with respect to General de Gaulle and our relations with France accurately reflect your present thinking?

Mr. Bowie. Yes, sir.

Special emissary to act between Johnson and De Gaulle

Senator Clark. Let's get back to Senator Church's second recommendation, which is on page 5:

"2. It is crucial that effective communication be restored between the French and American Governments. If a summit meeting between the two Presidents is not now feasible, then consideration should be given to the appointment of a special American emissary, who would endeavor to act between President Johnson and General de Gaulle as Harry Hopkins acted between President Roosevelt and Winston Churchill. His purpose would be to reopen and develop a dialog to the point where a summit meeting between the two Presidents would seem likely to bear fruit."

Amplifying that, Senator Church's view and mine, and that of a number of other members of this committee, is that we ought to be looking not only toward a detente with Russia but toward a detente with France to establishing the cordial relations which at one time existed and to give General de Gaulle all due credit for his efforts to persuade the Russians to come into the communities of Western Europe. Do you want to comment on that?

Mr. Bowie. You mean on what you have just said or——

Senator Clark. Well, on the Church recommendation which I think I amplified without distorting.

Mr. Bowie. My own feeling is basically not sympathetic toward special representatives. The French have an excellent Ambassador here and I would suppose he is a very good channel.

Senator Clark. I agree with that.

Mr. Bowie. I think Mr. Bohlen is an able ambassador who has shown over a long career his capacity to deal professionally and unemotionally with a variety of people, including the Russians and the French. He has an excellent command of French and a very long knowledge of France and a very deep love for the French. I would suppose that there is really no lack of channels of communication.

My feeling is that the difficulty is not personal. I think it is not in keeping with General de Gaulle's stature to suggest that his policies are a result of pique or personal offense.

I think they basically reflect deep-seated views about the nature of foreign affairs and the role of France, and I do not think the problems or difficulties arise really from lack of communication. It is a difference of outlook, a difference of purposes, a difference of policies.

Senator Clark. This committee has information to the effect that meaningful communication between our Government and the French Government has broken down. It may not be correct, but I think it is correct.

Recent Franco-Russian communique

Did you have an opportunity to read the communique which was issued in Moscow as a result of General de Gaulle's visit there, to the chiefs of the Russian Government and Communist Party?

Mr. Bowie. I read it in the New York Times. I guess that was it.

Senator Clark. Yes. Did you take any exception to it?

Mr. Bowie. Oh, dear, sir, I do not remember it in sufficient detail.

Senator Clark. I am not trying to trap you. I do not have it here, but the general purport of it was that the French and the Russians would agree to cooperate in a wide variety of areas—economic, to some extent social, cultural, and to some extent political.

I, myself, was disappointed that we hadn't made such an agreement with the Russians, which I think we could have.

De Gaulle's policy toward Russia

What do you think is wrong with General de Gaulle's policy toward Russia, if anything?

Mr. Bowie. Well, sir, I thought that in our exchange agreements, we had sought ourselves to open up avenues of contact with the Soviet Union. I think we are a little bit inclined to lose proper perspective.

The first major steps toward opening up relations with the Soviets were American steps. They were the steps, for instance, of inviting Khrushchev to visit this country and tour it. This was 7 years ago. That was at a point when General de Gaulle's policy was exactly the opposite, and he was denouncing the U.S. efforts to work out any kind of contracts on the grounds that this was likely to result in a sellout of German interests. I do not think we are johnny-come-latelies in this effort. I think that the United States certainly under Mr. Kennedy, and I think under the present administration, has sought to widen these areas of possible contact and possible cooperation.

Senator Clark. There isn't any doubt that that was done while President Kennedy was alive. I think he was a very constructive influence on Secretary Rusk. I gather that you are not very sympathetic to General de Gaulle's efforts to close the breach, to build new bridges, toward the Soviet Union. Maybe I am misquoting you.

Mr. Bowie. I am sympathetic to any serious efforts to close the breach or open up avenues or to produce cooperation.

American efforts toward exchanges with the Soviet Union

Senator Clark. Do you think we have made serious efforts since President Johnson moved into the White House, and, if so, would you name one?

Mr. Bowie. I thought we were continuing on with the efforts toward exchanges, toward the efforts to arrive at a consular agreement, and other things of this sort, which are about all that seem to be open. I do not get the impression that the Soviets at this particular stage are really especially eager for new arrangements with the United States.

Senator CLARK. They stated their interest in the nonproliferation treaty. They stated their interest in the comprehensive test ban treaty. They stated their interest in the consular treaty. They stated their interest in advancing East-West trade.

Mr. BOWIE. Well, on the other hand, sir, I talked just last week with a man who was in our delegation in Geneva, which was negotiating or trying to negotiate this agreement about space, and his conclusion was that the Soviets, because of the particular kinds of obstacles which they raised preferred at this stage not to reach an agreement.

Senator CLARK. This is directly contrary to the information furnished to this committee last week by Ambassador Goldberg.

Mr. BOWIE. All right.

Steps to Europeanize NATO

Senator CLARK. Let's get back to Senator CHURCH's recommendations, and I refer you to No. 3:

"If the NATO structure is to be salvaged without France, the old architects must come up with new plans or new architects must be engaged. Clearly, SHAPE should be moved to a new site in the Benelux countries and streamlined, its bulk trimmed back in adjustment to the diminished danger. The European role in SHAPE should be sharply upgraded. Since the headquarters exists for the defense of Europe, I would recommend, among the specific steps that should be taken to Europeanize NATO, the following:

"(a) Appointing a European general to serve as SACEUR, under a command arrangement which would leave control of our nuclear weapons in the hands of the President of the United States.

"(b) Moving the Military Committee of NATO out of the Pentagon and relocating it in Europe in close proximity to SHAPE and the North Atlantic Council.

"(c) Establishing a hot line communications system, linking together the heads of the NATO governments, to enable immediate consultation in case of emergency."

Would you indicate, to the extent you desire, your concurrence or dissent from that recommendation?

Mr. BOWIE. In general, I should concur. I wonder, I am not sure though that the Europeans would necessarily favor a European general at this point, but if they wished to have a European general, certainly I would see no objection.

Senator CLARK. How about the Military Committee moving?

Mr. BOWIE. I think that would be a constructive move.

Senator CLARK. How about the hot line communications system?

Mr. BOWIE. That seems long overdue.

Senator CLARK. Generally speaking, you would agree with Senator CHURCH that the European role in SHAPE should be sharply upgraded?

Mr. BOWIE. To the extent that it can be done, sir, yes.

Senator CLARK. And to this extent diminishing the American hegemony?

Mr. BOWIE. I would not express it that way, but I do think that one of the crucial things that we ought to be trying to do in modifying, reforming NATO is indeed to increase the European role.

Atlantic union proposals

Senator CLARK. Would you prefer this to what is known as the Atlantic Union solution in which the United States would continue to be closely linked to European members of NATO, with what seems to me to be the almost inevitable result that we would dominate the weaker partners?

Mr. BOWIE. Yes, that seems to me to be the weakness of most of the proposals for Atlantic Union. So far as I can judge many of our best friends in Europe simply are not prepared to accept this kind of relationship. And again this is why I feel that some sort of a European entity which can hold up its end of the stick and can in fact be a self-respecting partner is an essential element of sound relations in the Atlantic area.

Positive aspect of NATO should be in quest for peace

Senator CLARK. Let's turn to Senator CHURCH's fourth recommendation:

"Another objective in the revision of NATO should be to make the alliance outward looking, an instrument concerned not only with the negative aspects of military defense but also with the positive aspects of the quest for peace. Here, it is De Gaulle who has seized the initiative. Yet, it remains the United States, not France, which possesses the size and power to engage in meaningful negotiations in the field of East-West relations. President Johnson has spoken of the need for 'building bridges' to Eastern Europe and the Soviet Union. De Gaulle's initiative makes it more urgent that we assume our natural position of leadership in this vital endeavor."

Do you agree with that?

Mr. BOWIE. I certainly agree with the positive side of that. I do not accept fully the appraisal of the relative degrees of initiative by ourselves and the French, but that is not important.

Rupture between France and European neighbors should be avoided

Senator CLARK. The fifth recommendation reads as follows:

"With regard to European integration, the Common Market appears to be weathering its way to success. This is, by all odds, the most significant achievement in the direction of European unity since the war. The economic cement binding the six members of the Common Market together is the best guarantee against any revision in Western Europe to the rampant nationalism of the prewar period. Accordingly, in lining up 14 to 1 against France in the current dispute over the command structure of NATO, we should strive to avoid any rupture between France and her European neighbors so bitter as to propel the French toward neutralism or vengeance. As between vindicating our position in favor of an uncompromised NATO command, and jeopardizing either the underlying Western alliance or the prospects for strengthening and enlarging the Common Market, the course of prudence should be clear."

Do you agree in general with this?

Mr. BOWIE. Yes.

Nuclear sharing agreement within NATO should be reached

Senator CLARK. His sixth recommendation is:

"As for Geneva, I recommend that immediate attention be given to pumping life back into these moribund negotiations. A decision should be delayed no longer on the issue of nuclear sharing within NATO. We must make up our minds whether to give priority to binding West Germany more tightly into the remnants of the NATO organizational structure, or whether to seek further agreements with the Soviet Union in the field of nuclear arms control. If a consultative arrangement, along the lines contemplated by the McNamara committee, is settled upon with West Germany, then the day may yet be open to reach agreement with the Soviet Union on a nonproliferation treaty. I strongly recommend this course as best suited to our highest national interests. But time is fast running out at Geneva."

It has in fact now run out. You have to some extent answered this question before, but because it is easier to have the question and the answer in the record consolidated at one point, I wonder if you would mind repeating what you said?

Mr. BOWIE. As you said, sir, I tried to fully develop my reasons for reservations on this point. I think that the principal point on which I would differ would be in the belief that it is not in our highest national interests to make any arrangement which freezes the discriminatory situation in Europe and freezes the national French and British forces and excludes the possibility of later including them in some sort of a collective force.

Attention should be given to "threshold" approach

Senator CLARK. Let me read number 7.

"Respecting a comprehensive test ban, I urge that immediate attention be given to the 'threshold' approach. It would limit the ban on underground tests to explosions above an agreed size which could be detected by seismic devices without need for on-site inspections. It is possible this may prove a feasible area for enlargement of the present treaty to correspond with the advances that have been made in detection techniques."

Would you support that?

Mr. BOWIE. Yes, sir, without having, as I said, knowledge of just what kind of threshold you could establish on the basis of the scientific competence.

Military approach to banning nuclear tests

Senator CLARK. I would state briefly for the record that the Pentagon is strongly opposed to that approach, and so is the Senate Armed Services Committee. Their view is that you cannot take the slightest risk of Russian cheating and that it is vitally important to keep our nuclear expertise hard at work in research and development and underground testing lest they drift off into private industry, and that, therefore, we should not move toward a comprehensive nuclear test ban treaty unless and until there is no possibility that Russian cheating is feasible. Their view is that we should take no calculated risk on political terms. We should make this decision entirely on military terms and be assured that there is no possibility of Russian cheating.

Would you have any expression, first, on Senator CHURCH's recommendation and second, on what I have just said?

Mr. BOWIE. As I understand it, Senator CHURCH recommends that you extend the ban to cover any size test which could be detected by seismic devices.

Senator CLARK. Right.

Mr. BOWIE. So I take it that his particular recommendation is not necessarily for an all-out or total ban unless it would be feasible to detect any violations by seismic devices.

Senator CLARK. Right.

Mr. BOWIE. As I said, I favor his proposal.

Recent White House Conference on International Cooperation

Senator CLARK. I have only one more major area of inquiry. This has to do with your reaction to the recommendations of the White House Conference on International Cooperation which was held November 28 to December 1, 1965. You will recall I gave you last week a rather comprehensive speech I made on the floor of the Senate on March 29 reporting on what had happened at that Conference. I hope you have had an opportunity to at least glance over it. I would ask you first did you participate in the ICY Conference?

Mr. BOWIE. No, sir.

Senator CLARK. Did you have an opportunity to read any of the reports?

Mr. BOWIE. I read some of them and I read the summary that was made of the reports, which I think it was in the Saturday Review a while back. I cannot remember when.

Senator **Clark**. On August 4, the White House issued a release which I would ask to have printed in the record at this point. The President has named a White House committee to oversee final review of the recommendations of last fall's White House Conference.

The Chairman will be Budget Director Charles Schultze. The other members will be Mr. Walt W. Rostow, Mr. Joseph A. Califano, Jr., and Mr. Raymond D. Nasher, of Dallas, who was the Executive Director at the conference.

(The announcement referred to follows:)

"The White House,
August 4, 1966.

"The President today named a White House Committee to oversee final review of the recommendations of the White House Conference on International Cooperation.

"The Conference, held in Washington November 28 to December 1, 1965, produced some 410 recommendations. More than 5,000 citizens participated in the Conference. Following the Conference the departments and agencies reviewed those recommendations, and many have already been carried out.

"Now the President has asked a group of his top personal advisers to oversee a final review in connection with preparation of the fiscal year 1968 budget and legislative program. This Committee will be chaired by Budget Director Charles Schultze and include Special Assistants Walt W. Rostow and Joseph A. Califano, Jr.

"Raymond D. Nasher of Dallas, Tex., will also serve on this Committee. He served as Executive Director of the Conference."

I also would like to have a copy of the memorandum from the President for the heads of departments and agencies, also issued on August 4, printed in the record at this point.

(The memorandum referred to follows:)

The White House,
August 4, 1966.

MEMORANDUM FROM THE PRESIDENT FOR THE HEADS OF DEPARTMENTS AND AGENCIES

We in the United States set aside the year 1965 as International Cooperation Year (ICY) to be spent in search of new ways of cooperation among nations.

To encourage that search, I called the White House Conference on International Cooperation, which met in Washington November 28 to December 1. That Conference was built on months of preparatory work by the ICY Cabinet Committee, which I had earlier formed, and the National Citizens' Commission. At the Conference itself some 5,000 Americans took part in discussing the reports of 30 panels of the National Citizens' Commission.

Now we in the Government are well advanced in following up many of these recommendations. In fact, a number of them are already before the Congress. Others are headed that way or are under review for other forms of implementation. A few we have found unworkable now. But all must enjoy the constructive review which the Secretary of State, the Vice President, and I promised.

To finish that review, I am appointing a White House committee this summer to oversee the final analysis in the context of preparing the FY 1968 Budget and legislative program. The Director, Bureau of the Budget, will serve as Chairman. He will be assisted by my Special Assistants, Mr. Rostow and Mr. Califano, and a private individual who was active in the work of the Conference. I ask you all to cooperate fully with them.

When the committee has finished its review, the Director, Bureau of the Budget, will give me a final report. Meanwhile, I have asked it to send to the National Citizens' Commission and each Chairman of a Citizens' Panel and appropriate letter outlining its plans for the review.

Equally important products of the Conference were the new channels of cooperation opened between experts in and out of government. I am determined that our government in its normal course of business continue to take advantage of the best thinking among our citizens. Therefore, I request each of you to encourage each Government Committee Chairman in your department or agency to carry on whatever contact with his citizen counterpart helpfully enlarges the scope of our own thinking. I am also asking the White House committee to report on the degree to which it has been possible to make this sort of contact a continuing and useful part of your regular business.

(S) Lyndon B. Johnson.

White House committee to oversee ICY recommendations

Senator **Clark**. To summarize what is in it, the President says, that to conclude the recommendations of the Conference, he is appointing a White House committee this summer to oversee the final analysis of these recommendations in the context of preparing the fiscal year 1968 budget and legislative program. The Director of the Budget who is to be the chairman, will give the President a final report when the committee has finished its review. The President says, and I quote,

"Equally important products of the Conference were the new channels of cooperation opened between experts in and out of government. I am determined that our Government in its normal course of business continue to take advantage of the best thinking among our citizens. Therefore, I request each of you to encourage each Government Committee Chairman in your department or agency to carry on whatever contact with his citizen counterpart helpfully enlarges the scope of our own thinking. I am also asking the White House committee to report on the degree to which it has been possible to make this sort of a contact a continuing and useful part of your regular business."

I take it you would support that stand of the President, would you not?

Mr. **Bowie**. Yes, sir.

The cause of peace most important pursuit

Senator **Clark**. With respect to the speech at the opening of the Conference, which was delivered for the President by the Vice President, which I would like inserted in the record. I ask you whether you concur with the sentiments he expressed?

(The statement referred to follows:)

"INTERNATIONAL COOPERATION, A NECESSITY OF OUR AGE

"(Statement by President Johnson, read by Vice President **Humphrey** at the opening plenary session of the White House Conference on International Cooperation on November 29, White House press release, Austin, Tex.)

"I have called this Conference for one reason: I am determined that the United States shall actively engage its best minds and boldest spirits in the quest for a new order of world cooperation.

"This Nation recognizes that international cooperation is not merely a lofty deal. It is a fact of life, a necessity of our age.

"The General Assembly of the United Nations has designated this year International Cooperation Year, and by proclamation of its President and resolution of its Congress, the United States rededicated itself in 1965 to the ideal and practice of international cooperation.

"Throughout its history, by word and deed, this Nation has always demonstrated its understanding of the wisdom of cooperative efforts to solve world problems. And we know that a great nation remains great because it remembers that it can always do better.

"I believe this Conference will show us specific ways to do better. I have directed the agencies of our Government to participate in your deliberations and to study your recommendations with a view to immediate action.

"Together we seek—

"New ways to raise the world's millions up from poverty;

"New policies to conserve and develop the world's resources;

"New methods to rid the world of destructive disease;

"New means to increase commerce between nations;

"New safeguards against the overriding danger of war;

"New avenues to world peace.

"This Conference is a town meeting of leaders of the Nation. Its purpose is peace and cooperation.

"Let us raise our sights to the limits of this goal.

"And let us free our imaginations to the tireless pursuit of this high ideal."

Mr. **Bowie**. Yes, indeed.

Senator **Clark**. And would you also agree with the President when he later said:

"The problem of attaining peace is by far the most important problem we face. It is the assignment of the century for each of you, and if we fail in that assignment, everything will come to naught."

You would agree with that, wouldn't you?

Mr. **Bowie**. Yes, I would.

Senator **Clark**. I am asking these questions because in my opinion there are an awful lot of people in the Government, probably a good many more in the Congress who do not agree with that at all. I think it is important for anybody who is going to be the counselor for the State Department to look at the pursuit of peace as the most important task on the agenda.

Mr. **Bowie**. I tried earlier, sir, in rather more detail to explain my feeling that this was the important task and the necessity of trying to create conditions for a viable and peaceful order, for a just peace.

Senator **Clark**. You did indeed, but we are making a record here which I think will be useful later.

(Senator **Clark**'s speech, hereinafter referred to, appears in the appendix.)

Recommendations of Conference on International Cooperation

I think if you will follow along with me in my speech, we can say that you have already expressed your views on nonproliferation treaty, and, on a comprehensive test ban treaty. I do not know that you have given your views on the control of fissionable material, but I would assume that, and I will ask to have the material printed under No. 3 in the record, I would assume that you would concur with those 10 recommendations, would you not?

Mr. **Bowie**. Well, the only one I do not feel at all sure about—it seems to me gets us much beyond this item of control of fissionable materials—is No. 10. Certainly, I am not clear in my own mind as to whether the International Atomic Energy Agency is the best way to move toward the creation of a disarmament organization or not. I simply haven't thought about it.

Senator **Clark**. You do not necessarily oppose it?

Mr. **Bowie**. No, I just simply have not given it any thought.

Nuclear-free zones

Senator **Clark**. The next is short and I will read the "nuclear-free zones" and ask you whether you concur in this recommendation of the ICY Conference.

"The United States should encourage the development of nuclear-free zones in Latin America, Africa, and the Near East, beginning with United States-Soviet treaty—"

Assuming one can be negotiated—

"establishing a zone of nuclear and conventional arms limitation under U.N. inspection in the Bering Straits and including comparable areas in Alaska and Siberia."

That recommendation comes from Jerome Wiesner's Committee on Arms Control and Disarmament. We had pretty good luck with the Antarctic Treaty and maybe the cold areas of the world would be a place to attempt to start with this type of United States-Soviet cooperation.

Can we have your comment on that?

Mr. Bowie. Well, I would not feel that I had thought enough about it to know whether there are unforeseen hookers, but I certainly would be sympathetic with exploring it. This sort of thing actually was one of the kinds of things that you will remember Mr. Stassen sought to explore at the time of his incumbency.

Senator Clark. We did actually get an Antarctic Treaty which has worked fairly well.

Mr. Bowie. Yes.

Reduction and limitation on the deployment of strategic hardware

Senator Clark. Now, No. 5, "The Reduction and Limitation on the Deployment of Strategic Hardware." I am reading:

"To limit and reduce strategic delivery capabilities, the United States should seek agreement with the Soviet Union and, if feasible, with the other nuclear powers on the following sequence:

"First. A moratorium of at least 3 years on the deployment of antiballistic missile—ABM—systems.

"Second. A freeze on the number of strategic delivery vehicles.

Third. A reduction in total numbers amounting to one-third of each party's medium- and long-range delivery vehicles, beginning with the destruction of obsolete stocks."

Would you support an effort by the United States to achieve that result?

Mr. Bowie. I was under the impression that the second and third of these had been a part of U.S. policy. I assume that each of the proposals assumes a system of adequate inspection or safeguards although it does not mention it?

Senator Clark. You are correct, and you would support Nos. 2 and 3?

Mr. Bowie. And I would certainly be prepared to explore even the first one. But I simply do not know to what extent you can—I mean I would want to know what system of inspection and safeguards you had in mind.

Senator Clark. Of course.

You are on safe ground in supporting No. 1 because Secretary McNamara and President Johnson fully support a moratorium on the deployment of antiballistic missile systems. But the Senate of the United States and the House of Representatives, under the urging of their Armed Services Committees, have put money into the military defense budget which neither the Secretary of Defense nor the President asked for, which would permit the preparation for deployment of such a system. But I take it you would go along with the President and the Secretary of Defense?

Mr. Bowie. Yes, I would on this point.

Curbing conventional arms races

Senator Clark. "Curbing Conventional Arms Races." The recommendation of the Conference was that—

"The United States should seek to have controls established over the traffic in arms by (*a*) major-power agreement to refrain from introduction of sophisticated weapons; (*b*) regional nonacquisition agreements; (*c*) U.N.-supervised agreements regarding sale and acquisition; (*d*) the establishment of a U.N. monitoring system to record the traffic in arms."

I point out that the Soviet Union has been a bad actor in this regard particularly in selling arms to the Middle East. We, however, have not been far behind.

The Pentagon is rather proud of the amount of money they make each year by selling obsolete American arms to various nations of the Middle East. What are your views on that recommendation?

Mr. Bowie. Well, let me just say that in general I would certainly favor efforts to avoid the diversion of resources, particularly, by less developed areas, into arms races. Second, I would be glad to see anything which would reduce the competitive efforts by the United States or U.S.S.R. or others to sell or dispose of weapons for whatever purposes. But, third, I have hesitancy about simply imposing a joint United States-Soviet hegemony on what the needs of these countries are. If they—I think they should be also free to reach judgments as to what they need for their own security. So I would not be sympathetic toward, necessarily toward, agreements which would look as if we were trying to coerce them in ways which they felt were against their own security interests.

Senator Clark. Only a few days ago the President urged all the Latin American nations to substantially curtail their military expenditures. The foreign aid bill for this year, as it passed the Senate, cut $100 million out of the furnishing of military assistance, largely arms, to our clients, the underdeveloped countries. Wouldn't you be prepared to go so far as to say that you would urge the negotiation of area disarmament in the conventional field and would support our efforts to seek agreement with the Soviet Union to reach such area agreements.

Mr. Bowie. As I said, sir; in the first part of my answer, I strongly favor anything which will reduce the amounts of resources which these countries divert into armaments. I think this is all to the good. It makes that much more available for their development and other needs. All I meant by my reservation is that I am skeptical not of trying to encourage them to do this, but in coercing them. I am not saying that is intended, I am not sure. I simply do not want to——

Senator Clark. You do not coerce another nation when you refuse to sell arms to it as a result of an agreement with the Soviet Union that neither of you sell arms, do you?

Mr. Bowie. No. It depends, however, on whether or not any one of these is disadvantaged as a result. I repeat, I think we have to let their countries have the same privilege we have of determining what in the final analysis they need.

Senator Clark. But that does not answer the question as to whether having made up their minds, they should find a ready market for the purchase of lethal weapons to kill their neighbors with, does it?

Mr. Bowie. No, but if, for example, to take an example, the Israelis find themselves in the position that they feel that they are at the mercy of armaments already in the hands of others, then it seems to me one has to consider how you can avoid this kind of race and at the same time not put any one of these countries at the mercy of others.

Senator Clark. I suggest that you are not really being responsive to my question. which is whether you agree with item 6.

Mr. Bowie. Well, I am sorry, sir; I tried to. I said that I favored attempting to keep to the minimum the expenditures of these countries on armaments by any legitimate means.

Senator Clark. Including major power agreements to refrain from the introduction of sophisticated weapons?

Mr. Bowie. Well, as I said, sir; I think that you would have to also take account of what may be imbalances or situations in which one of these countries would feel that it was left at the mercy of others. But insofar as you can avoid United States-Russian or other great power competition in the sale of these kinds of weapons or in promoting their introduction. I am sympathetic.

Senator Clark. If that is the way you want to leave the record, that is all right with me.

I am going to skip No. 7 because I think we have covered it.

Nonaggression pact between NATO and Warsaw Pact

I had better read this and then ask you seriatim your views. You realize, of course, that everything I am reading to you is a specific recommendation of one or more of the committees of the White House Conference of the International Cooperation Year. This is not Senator Clark expressing his own views; this is Senator Clark trying to find out whether or not you agree with the recommendations of the White House Conference. I will read:

"To further reduce tensions in Europe and move toward settlement of the outstanding East-West differences:

"First. The United States working with its allies, should seek a nonaggression pact between NATO and the Warsaw Pact Organization."

Parenthetically, that is the recommendation of the Wiesner Committee on Arms Control and Disarmament, which included among its membership Roswell Gilpatric, the former Deputy Secretary of Defense.

Would you agree with that recommendation?

Mr. Bowie. I have never seen, sir, what it adds to the U.N. commitment not to resort to force in the conduct of one's international policies. I do not think NATO has any intention of engaging in aggression, and its members are all pledged not to use force for any such purpose.

Senator Clark. I think that emphasizes a rather important difference of view between you and the recommendations of the ICY. Their view was that a high priority should be placed on trying to bring NATO and the Eastern European nations represented in the Warsaw Pact together; that while a nonaggression pact might not have much legal impact, it would be a most important psychological gesture toward a relaxation of tensions and, therefore, well worth being explored by our Government, the initiative to be taken by us.

I take it from the tone of your answer, and I do not want to be unfair to you, that you would put little emphasis on this.

Mr. Bowie. As I have said, sir, it seems to me to add nothing to existing commitments.

Reduction of troops in Europe as a step toward German reunification

Senator Clark (reading).

"Second. The United States should explore arms control, related security provisions, and other measures which would help lead to German reunification; and in this connection, the possibilities for balanced reductions of United States and Soviet troops and weapons in Central Europe should be examined."

Would you concur with that recommendation?

Mr. Bowie. I certainly have no objections to exploring the problem.

Senator Clark. I think I would like to give you an opportunity to disagree with me if you think I am misstating your position. My difficulty is that I think your approach to all of these matters is essentially negative, as indeed I think is that of most of the hierarchy in the State Department today, and probably was that of the State Department in the days of Mr. Dulles. While you have no objection to some of these measures, you view them with some skepticism and you are not particularly interested in having the State Department take further initiatives. Am I being unfair?

Mr. Bowie. Sir, I am sure you do not mean to be unfair. I do not think that it is a proper summary of my views.

I thought that in the previous discussion I had outlined what I considered to be a completely affirmative approach to the problems of our period. I have tried to indicate why I feel the United States and the other, particularly the Atlantic countries, which have so many resources, and are so central, should be playing an active, constructive role all over the world, and trying to lay the foundations and trying to create the conditions for a peaceful world order.

Senator Clark. Let us leave it that way.

Mr. Bowie. If this were done, it seems to me we would be engaged in a vast range of constructive activities, and would be alert to find all possible ways in which we could answer these affirmative claims.

Senator Clark. Let us leave it that way. [Reading:]

Efforts toward a confederation of East and West Germany

"Third. The United States should give consideration in consultation with other nations to a series of arrangements between West and East Germany covering such matters as trade and the movement of persons, which could lead ultimately to some kind of confederation of East and West Germany."

Then I will read the following paragraph: "I regret that the State Department has recently expressed its opposition to all three of these last suggestions, on the ground that the time is not ripe. Assistant Secretary of State Leddy, appearing before the Subcommittee on International Organization Affairs of the Foreign Relations Committee, which was conducting hearings on the subject of an Atlantic Union, in response to questions from me, indicated this opposition of the State Department earlier this week."

This date would have been toward the end of March of this year.

I would just like you to comment on the recommendation and on the paragraph I have just read.

Mr. Bowie. Well, my understanding is that West Germany already has extensive trade with East Germany, I think a very large volume of trade on the basis of agreements and, second, has sought through a variety of efforts to expand the movement of people between East and West Germany, but that this has been, in large part, hampered by the Ulbricht regime's atitude.

As to the idea that this would ultimately lead to a confederation of East and West Germany, I am frank to say I am baffled. It is impossible for me to see how you could have a confederation between a regime like the Ulbricht regime and the West German Government.

Senator Clark. Again, I do not want to argue with you. We will just leave that as your statement for the record.

Mainland China should be brought into world dialog

Now we come to the vexing question of mainland China. The recommendation of the White House Conference was that the—

"United States should attempt to bring the People's Republic of China into a genuine dialog on disarmament and other security matters: First, by seeking bilateral talks on arms control matters of joint concern; second, by ascertaining the conditions under which mainland China could qualify for and accept the responsibilities of membership in the United Nations; and third, by supporting efforts to bring mainland China into the Eighteen Nation Disarmament Conference or in the alternative, a World Disarmament Conference such as the one called by the resolution of the UN General Assembly by resolution adopted November 29, 1965."

That which I have just read was the recommendation of the Conference, and then I interpolate comments made by Senator Pastore on the floor of the Senate on January 18, 1966.

"Wherever there is a disarmament conference, wherever peace is the topic, let China be invited to come."

Would you tell us whether you agree with that recommendation and with what Senator Pastore said or not.

Mr. Bowie. Well, the recommendation seems to embrace quite a number of different things.

Senator Clark. Take them seriatim, first, and so forth.

Mr. Bowie. I doubt very much the feasibility of bilateral talks on arms control with the Chinese.

Senator Clark. Let me point out that they are to some extent going on in Warsaw now.

Mr. Bowie. What I was about to say was that to the extent that this is feasible, my assumption has been that they would have been explored in the Warsaw talks which have been going on for some years.

Senator Clark. Before we get off that, you are aware, are you not, that Communist China has consistently advocated general and complete disarmament with respect to nuclear weapons. You know that, do you not?

Mr. Bowie. I am aware that they have made statements to that effect, sir.

Senator Clark. All right. Go on. Now we get to the U.N.

Mr. Bowie. My feeling is that this is much too—it says here to ascertain the conditions under which it could qualify for and accept the responsibility. I do not know what that means, really.

Admission of Red China to United Nations

Senator Clark. Let us clarify it by asking you a separate question. What is your position with respect to the admission of Red China to the United Nations in view of the current situation where there is, I think, at least some chance that the United States migh be defeated in the United Nations in its continued efforts to prevent the admission of Red China?

Mr. Bowie. For me the question is the conditions under which Red China might come in. I would be absolutely opposed to letting Red China dictate the exclusion or dropping of Taiwan as a member as a condition of Chinese entry. And the Chinese have repeatedly said, in effect, that that would be their condition. So I would not be prepared to meet that condition.

Senator Clark. Nor I.

Should the United States support the two-China solution?

What would be your position with respect to the advocacy by the United States this fall of what is known as the two-China solution?

Mr. Bowie. Well, I have always felt that the China in the U.N. issue was one about which too much was made. I think those who feel that a great change would come over China because it was in the U.N. are mistaken. I think that the people who think that somehow the situation would be greatly worsened if China came into the U.N. are also mistaken. I think the issue has been inflated.

What I do think is important is the way in which the issue is handled. I think if it is handled in such a way that it looks as if we are capitulating to Chinese intransigence that it will be very damaging in Asia. Certainly, if we do anything which essentially defaults on our obligations to Taiwan it would be very damaging.

Senator Clark. Well, I can agree with everything you say, but I still do not think it meets the issue.

Let me make one more effort to get your views on what seems to me to be the practical problem which confronts us, which is very difficult from the theoretical one we have been discussing.

What should be U.S. policy toward the Red China problem?

We are going to be up, as I see it, against the gun this fall when an application is made for the admission of mainland China into the United Nations. We may lose and it has seemed to me the handwriting has been on the wall for some years. Our diplomacy has been curiously unimaginative in not facing up to that problem and coming up with some sort of a solution.

You are going to be, in all likelihood, in a very high policymaking staff position in the Department of State. I ask you what would you do in terms of handling this problem in the General Assembly which will be meeting soon in New York?

Mr. Bowie. Senator, Senator Symington referred to the fact that the last time I appeared before this committee in 1956 I was criticized by Senator Knowland because I had taken the view which I have just expressed, namely, that our China policy should be reexamined. At that time I did not favor either the recognition as of then of China nor admission into the U.N. as a policy which we should favor, but I certainly favored the reexamination of the question as to whether or not we should move much more toward a "two-China" approach.

Nothing has happened in the meantime which has changed my view in that respect.

Senator Clark. Except, Mr. Bowie, that this is a decision which has to be made by the U.S. Government in the next 60 days.

If you do not want to say what you advocate that is perfectly all right with me. I just want to give you a chance to do it.

Mr. Bowie. I prefer not to say what I will advocate when I get into government. I have tried to express what has been my view for 10 years.

NOMINEE'S VIEW OF UNITED STATES CHINA POLICY

Senator Clark. Would you mind restating what has been your view of China for the last 10 years with particular reference to what is your view today?

Mr. Bowie. I said, sir, that in my view the Chinese will, in fact, not be prepared to come into the U.N. if we insist, as we feel we should, that Taiwan must not be dropped.

Therefore, the issue is much more one of the relations between the United States and Asian powers and the United States and its allies and the United States and Taiwan than anything else.

I have felt for some time we have been using up unecessary amounts of diplomatic energy and capital in getting into the position that we were keeping China out of the U.N., whereas it seems to me China will, in fact, keep itself out of the U.N. on any kind of a two-China basis.

But, as I also said, it has seemed to me that what it was in our interests to do was to move gradually and in an orderly way toward a two-China approach.

Senator Clark. Could you be prepared to move gradually and in an orderly way toward the two-China approach by the time the next United Nations General Assembly convenes and pressure comes up for a vote on the floor?

Mr. Bowie. Well, sir, this involves certain things like the relations with Taiwan, and so on, that I am not in a position on the basis of present knowledge to assess.

Senator Clark. If that is the way you want to leave it, that is all right with me.

Peace settlement of disputes

Look under the recommendations for peaceful settlement of disputes, which is

Nos. 10 and 11, dealing with the peaceful settlement of disputes and United Nations peacekeeping. I would like to have those recommendations under 10 and 11 printed in the record at this point, and give the witness an opportunity to read them and then we will ask him to respond.

Mr. Bowie. All right, sir.

Senator Clark. This is a big bite, and I am doing it in the hope of expediting the hearing and so as not to hold you here too long.

Mr. Bowie. Let me see if I cannot dispose of a large part of this by saving that I have read the proposals of the Panel on the Peaceful Settlement of Disputes and, second, I read the items which you say were recommended by the Panel which you have under No. 11 of your speech.

In general, these, on both counts, seem to me to be constructive proposals.

While I am not expert in all the details, or all the proposals, I would personally feel that they are in the right direction.

Senator Clark. You see no need to raise a warning signal or to oppose any of them, assuming that you have read them quickly and no one would expect you to be an expert in all of them?

Mr. Bowie. Well, as I say, sir, in general, to me they look as if they are moving in the direction I think is constructive.

Repeal of the Connally amendment

Senator Clark. Now, turning your attention to item 12. Do you favor repeal of the Connally amendment?

Mr. Bowie. Yes.

Development of international law

Senator Clark. Thirteen, "The Development of International Law." I guess it is easier to read it because it is short. These are recommendations on the Panel on International Law:

"First. That the United States develop a program for legal assistance to new nations."

Would you support that?

Mr. Bowie. Yes.

Senator Clark. I would like to point out for the record that a friend and former constituent of mine, James Hall, has recently become the dean of a law school at Addis Ababa, Ethiopia, where I think, one might say, that legal skills are in short supply.

Next, we will read through those, we can probably save time. My guess is you would support all of those six recommendations which I will ask to have printed in the record.

Mr. Bowie. Yes, sir. In general, I am not too familiar with the possibility of a lower court, a lower level court, but in general, I see no objection.

Need for enforcible world law

Senator Clark. Now, 14, the need for enforcible world law.

May I point out that now we are dealing, not with recommendations of the ICY Conference, but with recommendations of my own which are listed here. I ask to have them printed in the record, and I ask you to read them and make whatever comment you may see fit since they are mine and not those of the Conference, and obviously do not carry the same weight.

Mr. Bowie. Well, I have read them rapidly, sir. If I get them, if I understand them, the main thrust of the proposals is essentially an endorsement of the Clark-Sohn proposals for revisions of the U.N. Charter. I think that is, in shorthand——

Senator Clark. Yes, I think that is a fair shorthand description.

Mr. Bowie. My feeling, sir, is that—and I think this follows from what I tried to say much earlier—that the Clark-Sohn analysis or study is a very interesting one, and I think a very searching study of what would be required to move toward the kind of complete disarmament which is included in their plan. As a goal, as a long-term prospect, it seems to me that it has much merit. But I would say insofar as you seem to propose that it be adopted as of now, the situation and the conditions do not seem to me to make this at all feasible.

I tried to explain my views about the necessity for overcoming some of the many divisions in the world in order to lay the foundation and conditions for an effective peace, and I personally feel that these must be tackled and dealt with first before it is at all feasible to move toward anything so far reaching as the Clark-Sohn ideas.

Should solution of political problems precede disarmament efforts?

Senator Clark. Would it be fair to say that in your view political problems should be solved before we move in any meaningful way toward disarmament?

Mr. Bowie. No, sir; I would not postpone efforts in that direction.

I wrote a long article some several years ago for Daedalus, in which I argued that it ought to be feasible to separate out arms control measures from the political conflicts which exist, at least to some extent.

There does seem to me to be an interest, a common interest, on the part of all countries in trying to prevent any outbreak of a major war even though they may be engaged in conflict with one another on a political plane. But I am bound to admit that since then, in practice, it doesn't seem very feasible to do this.

Senator Clark. We negotiated the test ban treaty and we established the hot line.

Mr. Bowie. All right. I would say insofar as it proves feasible to isolate or separate out arms control measures under proper conditions and safeguards. I do not think they need necessarily await the solution of all political problems.

Sixth committee of U.N. General Assembly

Senator Clark. Let me be a little more specific and call your attention to the first recommendation:

"The United States should take the initiative in prodding the Sixth Committee of the United Nations General Assembly, which has jurisdiction over legal matters, to get to work on its enormous agenda."

It has a huge agenda which has been piled up for years. There seems to be no initiative and no interest in coming to grips with any of these important problems of international law.

As far as I can make out our Government is taking no steps to prod this Sixth Committee to get to work. I have discussed this with Ambassador Goldberg, and he indicated some concern that we should be moving to get some of these matters on the table and some kind of agreement worked out.

I do not have the details, and probably you do not, either, but I take it you have no built-in objection to trying to get the United Nations committees to do their work.

Mr. Bowie. I am for everybody doing his work.

Senator Clark. Including Senators. [Laughter.]

U.N. Charter revision conference

Now, second, that a United Nations Charter revision conference should be called. This has consistently been opposed by the State Department on the ground—and I am somewhat oversimplifying it—that we are better off with the present charter than we might be with any revision. This is a view to which I take violent objection.

Have you any thoughts as to the desirability of at least starting work on bringing the United Nations Charter—which to my way of thinking is in about the same level of political development as the Articles of Confederation were—in an effort to bring it a little closer—to use the same analogy—to the Constitution of the United States?

Mr. Bowie. Well, sir, frankly, in view of the disputes about financing and peacekeeping and some of the other——

Senator Clark. Representation.

Mr. Bowie (continuing). Issues——

Senator Clark. Veto.

Mr. Bowie (continuing). I am not optimistic as to the feasibility of getting any major—improving the charter in any major way at this point.

Senator Clark. How can we tell unless we try? How can we tell unless the Policy Planning Staff, perhaps the counselor of the State Department, certainly the Assistant Secretary of State for International Affairs, obviously our Ambassador to the United Nations, take some sort of an initiative to start the work going on a revision for the charter, which seems to me to be inevitable unless the whole thing is going to collapse?

Mr. Bowie. I am uninformed, so I do not know, in fact, whether these agencies have not engaged in such studies.

Senator Clark. I take it you would have no objection to the sponsoring of conferences between Russian lawyers and American lawyers in an effort to bring legal thinking in terms of international law closer together?

Mr. Bowie. No.

Possibility of invitation to Russia to join World Bank

Senator Clark. Will you have any responsibilities so far as you know in the field of international and monetary cooperation and development of finance? I know there is an assistant secretary for economic affairs, that the State Department does get involved, to some extent, in the World Bank and the International Monetary Fund affairs.

If you expect to have any responsibility in that area I would like to ask you a couple of questions. If not, we can skip it.

Mr. Bowie. I do not have any assigned responsibility, but it would not surprise me if I became involved.

Senator Clark. Then let me ask you whether you have any views on the desirability of inviting Russia to join the World Bank.

Mr. Bowie. No, I have not given any thought to it. If the Soviet Union joined the World Bank like others, I should not think there would be any harm in it.

Senator Clark. Do you have any views as to the——

Mr. Bowie. I thought the Soviets had been invited to join the World Bank when it was formed.

Senator Clark. Fourteen years ago, and the invitation has never been renewed. They are also one of the major gold-producing countries of the world, as you know.

This, of course, is just typical of my position, which must be fairly clear from this colloquy, that the State Department is standing back on its heels, and, in effect, saying, "We asked the Russians to join the World Bank 14 years ago, and they would not come. So why bring that up?"

Mr. Bowie. Don't tar the State Department with my answers, sir.

Senator Clark. I will not.

U.S. efforts toward greater international liquidity

Are you, in general, sympathetic with the efforts being made by Treasury Secretary Fowler and his assistants to bring procedures and organization into being which will make for additional international liquidity, have some bearing on our solution to the balance-of-payments problem, bring forward the cooperation of the 10 central banks of the industrial nations, and work out an arrangement with the underdeveloped nations by which they would have access to greater credit facilities?

Mr. Bowie. Well, again, I am not familiar with the details but I am in general—I am in general support of this.

Senator **Clark**. You are in general sympathy with the objective?

Mr. **Bowie**. So far as I know, Mr. Fowler is perfectly competent and so I would probably support the principles.

Senator **Clark**. I take it that, as a normally well-read member of the academic community, you have followed, at least superficially, these very complex negotiations which are going on in this area.

Mr. **Bowie**. Yes, sir. You put a good deal into your question, though. If you ask me whether I am in favor of measures to try to improve international liquidity by international means, my answer is "yes."

Senator **Clark**. You would not be shocked if this involved some mild yielding of national sovereignty to an international institution which would control the monetary measures necessary to support an increasing world trade?

Mr. **Bowie**. No.

Solution to the U.N. fiscal problem

Senator **Clark**. Have you given any thought to a constructive solution of the fiscal problem of the United Nations, by which I mean its inadequacy to finance its requirements and what devices might be utilized to put it on a self-supporting basis?

Mr. **Bowie**. No, I have not, sir. You mean by some tax system?

Senator **Clark**. That would be one suggestion. But generally speaking, would you see any reason involving our own preoccupation with nationalism and limited sovereignty which would inhibit us from joining in a well-thought-out plan by which some form of international tax might be levied to assure adequate financing for the U.N.?

Mr. **Bowie**. I do not think so.

Senator **Clark**. One of the suggestions has been a very small tax on transactions in international trade, payable directly to the Treasury of the United Nations.

Mr. **Bowie**. Again I have not thought of the specifics but in principle I have no reason——

Senator **Clark**. You do not rise in anger and objection.

Mr. **Bowie**. No.

World population problem

Senator **Clark**. What is your general thinking with respect to the population problem and the need to encourage underdeveloped nations to seek voluntary methods of limiting their population growth?

Mr. **Bowie**. Well, I think anybody who has looked into this at all must be deeply concerned about the effects of the very rapid rates of growth on the prospects for improved living conditions.

Senator **Clark**. Would you support the position taken in this regard by AID under the leadership of David Bell?

Mr. **Bowie**. Very strongly.

Senator **Clark**. I will ask you to read the material under the heading of "Population," which I will ask to have printed in the record and ask you if you find anything in those recommendations which you would like to indicate your objection or dissent to. Take your time.

Mr. **Bowie**. No, I see nothing that——

Senator **Clark**. Shocks you?

Mr. **Bowie**. Shocks me, and I would feel that most of those proposals are useful and desirable.

State Department support of general and complete disarmament

Senator **Clark**. At the conclusion of the final speech made by Secretary Rusk to the members of the White House Conference on the last date of the conference I asked him the following question: "Does the State Department support a treaty of general and complete disarmament as proposed by President Kennedy?" He responded, "Yes, yes, and we have spent a great deal of time on it at conferences and bilateral discussions. We have a lot of reasons for being very serious about disarmament."

Would you concur in the Secretary's answer?

Mr. **Bowie**. Of course.

Senator **Clark**. That is good. I was not sure you would.

Mr. **Bowie**. Do I question the validity of it, the correctness of it, do you mean?

Senator **Clark**. Yes.

Mr. **Bowie**. No.

Senator **Clark**. There are some who do and a lot of them are in the State Department.

Mr. **Bowie**. You mean that we have reasons to be serious about disarmament.

Senator **Clark**. Well, I think you provoke me to a comment.

Mr. **Bowie**. Well, I am sorry; I withdraw it.

Senator **Clark**. I think I will make it. I think the State Department is loaded with individuals who are completely cynical about complete disarmament.

U.S. policy with respect to world law

Senator **Clark**. You recall I gave you a copy of a speech I made at Haverford College which included a quotation from a speech made by Dean Acheson. I would like to ask you a few questions involving it.

Dean Acheson, a gentleman whom I profoundly admire and think was one of our great Secretaries of State, but whose views in recent years I found myself unable to accept, made a speech at the University of Virginia, entitled, "The Lawyer's Path to Peace."

In that speech Acheson dismissed his own profession of law as a discipline useless to the cause of peace. He concluded that in these chaotic revolutionary and violent times world peace through law seems inadequate, if not sardonic slogan. So far I am paraphrasing, but I think I am paraphrasing accurately, and then I quote:

> "The conditions of today, require not only negotiations from strength but negotiations with strength. Societies in motion approach each other in fog without agreed rules of the road. In a pinch there is nothing better than a skillful navigator, a steady crew, and a stout hull."

Would you express your views as to whether you think Mr. Acheson is correctly stating the policy our country should follow with respect to world law?

Mr. **Bowie**. If I may, sir; I have not read Mr. Acheson's speech in toto, and I hesitate to comment on his views and just on the basis of an excerpt.

Senator **Clark**. Why do you not just assume——

Mr. **Bowie**. Why do I not just say again that—as I tried to indicate earlier in our conversation—to my mind it is certainly extremely important to move toward a world in which resort to force and violence will be reduced and in which the means, the methods of peaceful settlement and peaceful solution are the norm and are effective. In order to do so, it seems to me important to work at creating the conditions which will make that possible, and those seem to me to be the matters which call for our energetic, constructive effort over the period that I am going to be alive. I would hope that by doing this we would lay the foundations for a more peaceful world and a more lawful world.

Senator **Clark**. I think again we bog down with a question of priorities and initiative. But I take it that whatever priority you might give it, you would not abandon efforts to reach peace through the development of international institutions based on law.

Mr. **Bowie**. No, sir, but my view is wider than that. I, for example, feel that the development of something like the World Bank is a contribution toward an orderly, peaceful, lawful world, although strictly speaking it is not a legal institution; that is to say it is not an institution which is like a court or anything of that sort.

To my mind, to the extent we build up institutions like that, we are making a real contribution toward a more orderly world, a more peaceful world, a more constructive world and a world which can then be better able to still take further steps which are more like the constitutional sort of measures that seem to particularly interest you.

As to the question of priority, I feel as a lawyer—and as a citizen—that the laying of the foundation, the building of the basis, the creating of the conditions, is the first order of business that we face. This is not because I am not interested in the rest, but it is because I feel that we must first fulfill the conditions for an orderly world and a peaceful world before we can move to major constitutional kinds of structures.

International institutions based on rule of law

Senator **Clark**. I think you have very eloquently outlined the basic difference between us. My view is, of course, that accepting that these efforts to solve the political problems which you call conditions are important and should go forward, I feel very strongly at the same time that we should follow the lead of President Kennedy, John McCloy, Arthur Dean, Adlai Stevenson, and other very great Americans who have devoted a large part of their lives toward the building of international institutions based on the rule of law as opposed to the rule of force. I take it that you have no objection to that approach but you do not think it is particularly feasible at this time.

Mr. **Bowie**. On the contrary, sir, I have said, I thought, in our discussion that I strongly favor a number of moves to strengthen international institutions on every front; it seems to me to be feasible. I am less optimistic than you as to how quickly we can move to some of the things that you feel apparently are more within our grasp, that is all.

Senator **Clark**. Including, however, the repeal of the Connally amendment.

Mr. **Bowie**. Yes.

Senator **Clark**. Including the establishment of an international peace force under the auspices of the U.N.

Mr. **Bowie**. That would be fine with me.

Senator **Clark**. Including the establishment of an international disarmament organization as part of President Kennedy's program for general and complete disarmament under enforcible world law.

Mr. **Bowie**. It seems to me what we must first achieve is an effective agreement on arms control, on the things you want to accomplish, the results, the limitations. It is premature to create an organization until you have got something to administer.

Senator **Clark**. How can you have any reasonable inspection system without an international organization?

Mr. **Bowie**. I am for creating that just as soon as we have got something to inspect, inspections are agreed on.

International organs provided for in draft disarmament treaty

Senator **Clark**. You are aware of the fact in stage 3 of the U.S. treaty for general and complete disarmament, there are requirements, pretty fuzzy to be sure, but requirements for creating not only an international disarmament organization to supervise the process of disarmament, but an international peace force to enforce the supervisory institutions finding that there had been a violation, as well as series of tribunals, legal, equitable, arbitral, mediatory, and the like, which would transfer political disputes from the field of war to the area of peace. I take it that you not only have no objection to the study and development of those institutions in order to put some bones on the draft treaty which has been at Geneva ever since 1962, but you do not give it a very high priority.

Mr. Bowie. Well, sir, it is because I feel the urgent tasks are things in the next stage of trying to achieve this vast range of changes in conditions all over the world which lay the foundations on which we can then move to some of these more far-reaching kinds of steps. I strongly favor studies like Clark's and Sohn's efforts to work out the implications and the requirements for an effective complete disarmament, but I have to be honest and say that it seems to me the likelihood of being able to achieve or move to that in the time span that I will have any responsibilities in government is very small.

U.S. foreign policy should move on many fronts

Senator Clark. And you would think, I take it, and I hope I am not misstating your position, that the first thing we should do is to get NATO straightened out.

Mr. Bowie. No, sir.

Senator Clark. What is the first thing you think we should do?

Mr. Bowie. I consider that we should move on a whole range of fronts simultaneously. We do not have to choose to do only this or only that.

Senator Clark. I think it would be useful if you would define in general terms that wide range of fronts.

Mr. Bowie. Well, sir, I am repeating myself, but I will be glad to do so. As I said, to my mind you can group them into the following: It seems to me we should be concerning ourselves with improving relations with the Communists, which, as I said, to my mind requires a dual policy, a policy of both deterrence and cooperation.

Senator Clark. The carrot and stick.

Mr. Bowie. The carrot and stick.

Secondly, we should certainly be trying to improve conditions in the less-developed world through a whole variety of actions, aid and trade, technical assistance, all this.

Senator Clark. Foreign aid.

Mr. Bowie. Yes.

Senator Clark. You agree with Senator Fulbright to the extent that if we can make it multilateral instead of bilateral we are that much better off.

Mr. Bowie. Yes.

Third, I think we should be working toward the cohesion of the Atlantic world. As I see it, this means trying to promote, assist and cooperate in the emergence of some kind of a European entity which will speak for Europe and which can have a more self-respecting role in the world, which can act as a partner with us on a more equal basis.

Definition of "Atlantic world"

Senator Clark. Would the Atlantic world include Greece and Turkey?

Mr. Bowie. Well, obviously the Atlantic world includes Greece and Turkey.

Senator Clark. Would it also include any members of the Warsaw Pact?

Mr. Bowie. The Atlantic world as I was using the term does not, but as I tried to say at the very beginnnig, I would be working as much as I could to try to improve relations with the eastern European countries. I would be trying to draw them into multilateral relations with the western Europeans and the United States, if that were feasible, things like OECD and other instruments.

Senator Clark. When you say "Atlantic world," do you not mean substantially NATO?

Mr. Bowie. I mean substantially the countries which are within the NATO area but not exclusively those. You have the others who are in OECD but are not in NATO.

Senator Clark. All of the eight as well as the seven.

Mr. Bowie. Yes.

Senator Clark. Do you include the Scandinavian countries?

Mr. Bowie. Yes. As I see it, the advanced countries, the countries that are wealthy, have both the opportunity to be creative and the duty to be helpful—the opportunities to be creative in terms of relations with the whole world in the duty to try to work out ways of improving the situation and the two-thirds of the world which is so poverty stricken. And, as I see it, the developed, the advanced countries also happen to be countries which, because they have similarities of history and background and experience and political system and economic system, ought to be among the first able to create the kind of community in which the rule of law would be a reality and in which resort to force would be essentially outlawed.

Senator Clark. I quite agree. But that would include Japan, would it not, which is a long way from the Atlantic?

Mr. Bowie. Well, it certainly includes Japan for many purposes. Japan is in the OECD which is all to the good. I think Japan's interests are going to be, however, more in its own region, as the recent experience has shown. They are going to be trying to develop relations with a number of these south Asian and Asian countries, and I think that should be encouraged.

U.S. obligations under SEATO Treaty

Senator Clark. I have several questions here which were prepared for another member of this committee.

Do you believe that the United States is obligated under the SEATO treaty to take the course of action we are taking in South Vietnam and, if so, how are we obligated?

Mr. Bowie. My understanding is that under the SEATO treaty the Indo-China states were included under a sort of, what was the phrase, protocol.

Senator Clark. I do not remember the phrase, but essentially it was a protectorate setup.

Mr. Bowie. It was a protocol, I think, that extended the protection of the treaty to these areas although they were not parties to the treaty. I suppose, I do not know, that therefore the treaty by its terms purports to extend this protection to these countries.

Senator Clark. One viewpoint is that there was no obligation of the United States to move into South Vietnam under the treaty. Secretary Rusk's view is that there was. Do you want to put yours on one side or the other?

Mr. Bowie. Well, I think I had better be on the side of Mr. Rusk.

Senator Clark. I should think that once you are confirmed, that is right; pending confirmation, I am not so sure.

But you have not given this any serious study, have you?

Mr. Bowie. No; this is after all a nice legal question and I simply have not studied it, and I am sure as a fellow lawyer you would not want me to express an expert opinion without having given the thing proper study.

Senator Clark. Some of us on the committee are somewhat concerned, whether rightly or wrongly, is not for me to say, that this legalistic argument has been made to justify our intervention in Vietnam on grounds which he thinks is untenable. The Secretary of State disagrees. Why do we not say that prior to confirmation you are a little concerned about it? After confirmation, as a good loyal servant, you will side with Secretary Rusk.

Mr. Bowie. Well, let us just leave it that as far as I can see, the treaty was designed to embrace this area. Whether or not it involved an obligation to these states, I simply have not examined it.

Discussion of "domino" theory

Senator Clark. Do you believe if we do not fight the Communists in Vietnam we will have to do so later in Laos and Thailand? Do you believe if we succeed in Vietnam there will be no Communist insurgency problem in other countries of southeast Asia? It is a double-barreled question.

Mr. Bowie. Let me start with the second. Certainly I do not think that the success in Vietnam will eliminate the problem of insurgency or subversion in all of southeast Asia. I do not know whether you happened to see today's paper but there is an article about the situation in Thailand and the base which has been laid there for possible future insurrection, so I would not think, I would not expect, that success in Vietnam would eliminate the problem. I think failure in Vietnam will exacerbate the problem.

Senator Clark. I think I had better ask you to define a little bit more specifically what do you mean by "succeed"; what do you mean by "failure"?

Mr. Bowie. I was using the words of the question.

Senator Clark. Yes, you were as far as "succeed" is concerned. There no reference to "failure." But that is the second question and let me restate the first one. Do you believe if we do not fight the Communists in Vietnam, we will have to do so later in Laos and in Thailand? I guess this is the old domino theory.

Mr. Bowie. Well, I think that if we do not resist in Vietnam that the question of opposing subversion would raise itself, would arise in those other two areas.

Can the U.S. achieve a military victory in Vietnam?

Senator Clark. Do you believe we can achieve a military victory in Vietnam at an acceptable cost?

Mr. Bowie. Well, to my mind this is a political-military kind of problem. I cannot isolate the military aspect of it from the political.

Senator Clark. Let me ask this then. Do you think there is any prospect of military victory in Vietnam in the sense that we will defeat our adversaries and terminate the Communist aggression and leave South Vietnam free of any Communist elements, be they native and Vietcong or external, Hanoi and Chinese?

Mr. Bowie. My understanding of the strategy of the present effort is that with pressure on the North Vietnamese and Vietcong, it would be possible to cause them to desist from their effort to subvert South Vietnam. Second, that coupled with this is the effort on the ground in South Vietnam to defeat the insurgents and to pacify. As I understand it this is all a package but obviously the job of dealing directly with guerrillas is not an easy one.

Second, the problem of trying to pacify is an even more difficult one particularly in a war-torn country.

Senator Clark. It is particularly hard when you do not hold the real estate.

I take it, then, you do believe that military victory is feasibly at an acceptable cost in South Vietnam. What I mean by military victory is such crushing of the enemy there, the Vietcong and North Vietnamese, that they will desist from their aggression and be prepared to come to the conference table on the basis which will result in a settlement acceptable to us.

Mr. Bowie. You are asking me if I am sure of this. I do not see how anybody can be sure.

Senator Clark. Of course, you cannot be sure. Nobody can be sure.

Mr. Bowie. But to me the strategy of attempting to coerce the Vietcong into desisting from subversion is a rational strategy and is worth the risks which it entails.

Senator Clark. Including a constantly accelerating number of American casualties.

Mr. Bowie. Well, I do not know whether it is constantly accelerating.

Senator Clark. It has been, I can tell you, on a factual basis over the last 18 months.

Mr. Bowie. Well, along with the strategy go the casualties.

Senator Clark. And you support the strategy.

Mr. Bowie. Broadly speaking; yes, sir.

Economic destruction created by United States

Senator Clark. Are you concerned about the economic destruction which is being wreaked by our artillery and our bombers, possibly to the extent that we are (*a*) alienating the local population and (*b*) creating such economic havoc that it will be difficult indeed, if not impossible, to restore the economy after the war is over?

Mr. Bowie. Well, as to whether one is concerned about destruction in a war, I would say like everybody else, I would be. Whether this means what the second part of the question means; namely, that it will be impossible to restore the economy after the hostilities, I simply assume that this is probably not the case if we are prepared to devote sufficient resources to restoration which I gather we are.

Support for administration Vietnam policy

Senator Clark. I take it then that you support the present Vietnamese policy of the President of the United States and the Secretary of State.

Mr. Bowie. Yes, sir. When I say that, obviously I am not—I have not been privy to the details of either the planning to date or the data on which it is based, and I therefore cannot possibly express a judgment which is based on details or on this kind of appraisal.

Senator Clark. Like all good lawyers, and possibly like all good professors, you want to retain an open mind.

Mr. Bowie. I simply say, sir, as I go into the government I go with the intention of becoming more familiar than I am as a newspaper reader with the facts and with the conditions and with the limitations.

Senator Clark. And with no preconceived convictions.

Mr. Bowie. Oh, no; nobody can meet that criterion.

Senator Clark. With preconceived convictions only to the extent you stated them today and on your last appearance.

Mr. Bowie. That is right.

Is neutralization of southeast Asia a desirable goal?

Senator Clark. Another question: Do you believe that neutralization of southeast Asia is a desirable goal? This, is of course, is as opposed to an American hegemony.

Mr. Bowie. I was just going to say if one—let us leave out the question how one gets from here to there. It seems to me if one could imagine a southeast Asia which was not dominated by China and not dominated by the United States and was neutral in that sense, that is to say really free to pursue its own life in its own way, this would serve American interests perfectly.

Senator Clark. Even though there was a merger of North and South Vietnam.

Mr. Bowie. Well, it depends again on what basis and what terms, and so on.

Senator Clark. Free from Peking domination.

Mr. Bowie. You have injected another factor here, sir. As far as a neutral southeast Asia is concerned, as I have said, to my mind that would be entirely compatible with American interests.

Senator Clark. And under those circumstances, you believe the United States could withdraw?

Mr. Bowie. Well, I do not think you can achieve—we are now moving into the question of how do you achieve this kind of situation. I think——

Senator Clark. That is the last question. How can this be effective?

Mr. Bowie. Well, I do not know. But I do not think it will be effective if there is not some kind of balance in the area which does not imply necessarily the presence of American forces on the ground in southeast Asia. But I think that to have some kind of balance in which these countries feel they are not overwhelmed by China there is going to have to be a sense of presence of countervailing power.

Senator Clark. How about their feeling they are not overwhelmed by the United States?

Mr. Bowie. I think that is equally important.

How is the future of Vietnam developing?

Senator Clark. If events proceed ideally, how do you conceive the future of Vietnam developing? In what position, in your judgment, could we hope the country would be in 5 years and 10 years? This is not my question.

Mr. Bowie. Do you not think, sir, that is really asking for a kind of second sight which up to this point I have not claimed?

Senator Clark. No, I do not think it is, frankly. I think it is asking you to give your own well-informed and educated view as to whether we are getting so deep in South Vietnam that the economic and social costs of creating the kind of dream world which we are led to believe is a reasonable alternative, namely, a free, happy and democratic Vietnam is a possibility in 5 years or 10; I do not know.

Mr. Bowie. Well, it seems to me, sir, that southeast Asia, if there had not been any war, would not have met the criteria which you have described, and certainly given the damage and disruption that results from war, it will be quite some time before they can restore a more orderly kind of life.

Senator Clark. I do not blame you for not wanting to respond to that question.

Mr. Bowie. All I can say is that I am sure it would take a long time to restore an orderly society in South Vietnam.

Senator Clark. And a great many billions of dollars.

Mr. Bowie. Quite a lot of money.

Senator Clark. And a good many American boys will be killed in the process.

Mr. Bowie. In the war part, in the military aspect, yes.

Senator Clark. So then the critical question is, is whether the game is worth the candle, and I take it from your position you are almost impelled to say, yes, it is?

Mr. Bowie. I do not think impelled to, I do so.

Senator Clark. You do.

Recent history is a learning process

In your book "Shaping the Future," you suggested that the history of international affairs since World War II could be viewed as a gradual learning process. What lessons in this learning process drew us into Vietnam and what lessons, if any, are we learning from our involvement there? I stress again this is not my question. You may feel perfectly free to say you cannot answer.

Mr. Bowie. I do not feel I can respond effectively to the question.

Senator Clark. All right.

Containment policy toward Red China

Do you believe our policy toward mainland China should be containment without isolation or containment and isolation? This was a subject, as you know, of some rather intensive hearings by the Foreign Relations Committee.

Mr. Bowie. In general, I find myself in agreement with the views expressed by Doak Barnett and by John Fairbanks to this committee, which, as I understand it, have now been summed up under this phrase "containment without isolation."

Assistance by advanced nations to less developed nations

Senator Clark. This is the final question. In your book you asked the question: Why should the advanced nations assist the less developed to modernize? You then proceeded to give various answers, but not your own. How would you answer your own question?

Mr. Bowie. To my mind there are several different reasons for this. One is in terms of the more usual response of foreign affairs if these countries stagnate it seems to me that the prospects of disorder and instability will be increased and, therefore, it is in our interest to try to mitigate this instability as best we can. Now aid or assistance is not an automatic or patent solution for instability, but it seems to me that it increases the prospects for moving toward viable societies and more stable societies. And, second, I feel very strongly that there is a straight humanitarian basis which has been much too little recognized and accepted.

As I see it, as science and technology have made the world really into one big neighborhood, the implication of this is we just cannot decently pass by while we are living on the fat of the land and these people are on their uppers—they do not have any uppers to be on. I frankly feel—and I think the country would respond—that our values of human dignity and human worth require us to assist when people have to live under the conditions in which a billion and a half people are now living in vast areas of the world.

Senator Clark. I think it is said with some accuracy that a majority of the population of the world goes to bed hungry every night.

Mr. Bowie. Probably true.

Senator Clark. I wish you were right, and I hope you are. It is not the prevailing view in the Senate of the United States, and I find great objections, which I share, among my constituency to the views which you have expressed.

Mr. Bowie. I realize this, sir, and I think it certainly does us no honor to admit the fact.

Senator Clark. I agree.

Has the concept of our relationship to Vietnam changed?

Here is a final and loaded question. In September of 1963 President Kennedy stated with respect to the war in Vietnam:

"In the final analysis it is their war. They are the ones who have to win it or lose it. We can send our men out there as advisers but they have to win it."

Was he not right, and if he was right, have we not departed drastically from this concept of our relationship?

Mr. Bowie. Well, certainly the extent of American involvement or participation has increased. But I would certainly assume that the Vietnamese really have got to carry the brunt of trying to make this whole operation effective by helping to create an adequate Government structure and support for the government among the people by the pacification program and rebuilding. So it seems to me that basically, and I do not believe anybody would really differ with this, that basically this has got to be a joint affair in which ours is an assisting role and not the sole one.

Senator Clark. I would suggest to you we are long past that point. In the spring of 1965, the South Vietnamese Army was on the point of collapse. President Johnson had to make a terribly difficult decision; I am glad I did not have to make it. He decided to put massive American armed forces into South Vietnam to the tune of 200,000 men. Since that time, while we can no longer lose the war, there is no particular reason to think now, any more than there was then, that we can win it. The South Vietnamese Army has become less and less effective to the point where we are now even going to have to move in and take over the defense of the Mekong Delta. Accordingly, it has become an American war. This is what I deplore and what Senator Fulbright deplores.

The best thing we can do short of unilateral withdrawal, repeating the views I think were expressed to the members of this committee by former Ambassador Kennan, General Gavin and General Ridgway, would be to make do with what we have got, to make it perfectly clear we are not going to permit ourselves to be thrown out, to stop this "search and destroy" policy which is costing an incredible number of American lives, and to wait them out.

Do you want to make any comment on that?

Mr. BOWIE. No, sir, I think I have already expressed my views.

Nominee's views on Vietnam

Senator CLARK. Yes, you did. You said you supported the policy of the President and Secretary of State, and I guess that is good enough.

Mr. BOWIE. I feel, sir, this is a subject on which information which I have at my command now is limited. I have not in any way participated in the government on this subject. I have not in any way served as an adviser or consultant and, therefore, my knowledge is in fact limited to what I have read in the newspapers. And I would really want in terms of specifics or details or tactics to not express myself until I have had the access to the data which are available to the government but which are not available to me.

Senator CLARK. All right. But you have been the director of the Center for International Studies at Harvard University. I will not say your preoccupation, but your major interest, has been with Europe and not the Far East; is that right?

Mr. BOWIE. This is where I am more competent.

Senator CLARK. I would not say more competent; you are better informed.

Mr. BOWIE. Right.

Senator CLARK. And, therefore, you come to the job as counselor of the State Department with, I would hope an open, but not necessarily fully informed, mind with respect to the problems in southeast Asia and the Far East generally. But you are going to find, I would think, that the preoccupation of the President or Secretary of State is not with Europe but with southeast Asia. Therefore, you are going to have to inform yourself pretty quickly on the subject. I do not blame you for not wanting to make any comments on it now.

Mr. BOWIE. Thank you very much, sir.

Senator CLARK. Thank you; you have been most patient and I appreciate it.

(Whereupon, at 6:05 p.m., the committee adjourned.)

Mr. SYMINGTON. This testimony demonstrates the very careful investigation that was made of Dr. Bowie's activities in the past, despite the fact that the Senate had unanimously confirmed him on July 17, 1956, for a position at least as important as the present position.

Later, a group of nominations, including Dr. Bowie, were reported to the Senate for approval by the Committee on Foreign Relations. Unfortunately, Mr. President—at least, unfortunately so far as I am concerned, based on the superb record of this outstanding American—a hold was requested on the approval of Dr. Bowie's nomination. For some reason, action was not taken to hold up the entire list, which in similar circumstances, is characteristic of the functioning of other committees on which I serve. The rest of the list was passed, pointing up that there was some objection by the Senate to Dr. Bowie's confirmation at that time.

Then, in order, one might say, to compound what I consider an unfortunate development, a story appeared on the ticker yesterday that Dr. Bowie had been confirmed by the Senate; and that story had to be denied by the majority leader, the leadership of the Senate. So, again, we had a story in the paper this morning that Dr. Bowie's nomination was held up. I do not criticize anybody for this sad development.

I merely want to present for the record the fact that I believe that under these developments any man of integrity and ability will find it difficult to leave the pleasant shelter of academic life to take a position of this character.

Because of Dr. Bowie's outstanding record and because he says what he believes, and because I am sure he will not be intimidated by critical hindsight, it is a pleasure for me to defend this record on the floor this afternoon.

The views of Dr. Bowie in some matters vary from my own. But I do not think any disagreement he might have with me or any other Senators on a particular point should be the basis of questioning his nomination and service.

The important point is that he has had a great deal of experience in this field and is needed in the State Department, where it is fair now to say they are overworked and understaffed.

Without getting into a detailed discussion incident to multilateral force views which interest some Senators, I would quote from an address delivered by the former Special Assistant to the President, Mr. McGeorge Bundy, in Copenhagen, on September 27, 1962, entitled "Building the Atlantic Partnership: Some Lessons From the Past." Mr. Bundy said:

> It would also be wrong to suppose that the reluctance which we feel with respect to individual, ineffective, and unintegrated forces would be extended automatically to a European force, genuinely unified and multilateral, and effectively integrated with our own necessarily predominant strength in the whole nuclear defense of the alliance.

Later, Mr. President, Mr. Bundy, a Special Assistant to the President, stated:

> But it does seem right at least to say this: If it should turn out that a genuinely multilateral European deterrent, integrated with ours in NATO, is what is needed and wanted, it will not be a veto from the administration in the United States which stands in the way.

I felt it advisable to place in the RECORD the details of Mr. Bundy's position on two primary issues, which it might be said, were raised in Dr. Bowie's testimony before the committee.

First, as to the testimony itself, there apparently was a discrepancy in the testimony that Dr. Bowie gave in a comment in answering the Senator from Idaho [Mr. CHURCH]. This was really an aside in replying to the question as to whether the witness favored the McNamara consultative solution over the hardware solution. The substance of his answer was that he strongly favored pursuing the McNamara consultative group but did not think it would be found satisfactory as a solution in the long run. This aside comment about the 1960 report was an inadequate summary of the report, taken by itself.

Later, Senator CLARK asked specifically what the witness has recommended in the 1960 report regarding a collective force. In reply, the witness stated:

> My recollection is that in the report I suggested a two-stage proposal in which there would first be a NATO committee which, as I recall, was to have assigned to it some American subs as a basis for its action and advice.
>
> Senator CLARK. Mixed crews.
>
> Mr. BOWIE. Not at that stage. The first stage, no.
>
> In the second stage, if this was not sufficient,—if this did not meet the desires of the Europeans—there was to be the possibility of a collective force which would be mixmanned.
>
> Now the actual form of the MLF proposal was not in all respects what I had suggested, but I don't want to try to get into the details of it, sir, because I haven't read my own report for five years.

This answer gives a fair, brief summary of the tenor of the report.

Mr. President, in passing, I would say that I was neutral to the point of favoring the multilateral force or its corollary, the Atlantic nuclear force of 1952, 6 years ago. Since that time my views have changed. I oppose the multilateral force. Perhaps Dr. Bowie also views such matters differently now than then.

Moreover, in Dr. Bowie's testimony, the witness was wholly candid in stating his opinion that while consultation should be pursued actively, it would not fully solve the problem of nuclear sharing or of national forces, especially the British and French. He made this clear not only in this answer to Senator CLARK but at several other points in the hearing, including the initial reply to Senator CHURCH's question.

The other question is one of substance and has no relation to the correctness of the testimony. It concerns published writings of Dr. Bowie in which he expressed similar views.

No member of the committee asked any questions about this and it was not discussed in the hearing when Dr. Bowie came up.

In an article on the Atlantic Alliance, published in "International Organization," volume XVII, No. 3, page 728, Dr. Bowie states:

> If Europe moves toward unity, the United States should be willing to reorganize the force, if the Europeans desire, to permit its operation and use without the veto of the United States. In the Nassau Agreement we accepted the right of Britain to withdraw and use its Polaris force in an extreme national emergency. We should be ready to concede to a multilateral force the same degree of ultimate autonomy as has already been granted the British national force. The final outcome might take the form of either (1) an integrated NATO force in which the United States, without a veto, would be one member, or (2) an integrated European force (without the United States as a member) closely coordinated with United States forces, but under ultimate European control.

Either form has its disadvantages. But either would be far better than the continuance and spread of national nuclear forces, which involve serious problems in more intractable forms. Some have expressed concern that an eventual European force would split the alliance. But this would depend on whether Europe and the United States recognized the fact that their security was bound together by the facts of life. These perspectives are important, but they are in the future: the final form will depend greatly on the course of events, especially in Europe.

Mr. President, inasmuch as this statement by this intelligent and patriotic American was made in 1962, I would hope that it would be given full credence by those who are worried about the position he has taken on various issues.

The important point, again, however, is that he comes to this position with a wealth of knowledge and a wealth of experience. He is clearly a man of independent thought, and habit, and I am sure that consistently he will advise the Secretary of State and the other members high in Government of his opinions with respect to the issues in question.

Therefore, Mr. President, I would hope that the Senate would once again confirm Dr. Robert R. Bowie unanimously, this time as Counselor of the State Department.

I will be glad to yield to my friend, the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. The able Senator from Missouri [Mr. SYMINGTON] has cleared up all of my doubt. I have no desire to engage in colloquy.

Mr. SYMINGTON. I thank my friend from Pennsylvania.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. I am afraid that my last comment might be misconstrued in the RECORD. The Senator has not cleared up my doubt about the desirability of the nomination, but he has cleared up my doubt about the suggestion I wanted to question him about.

Mr. SYMINGTON. I thank my friend, the Senator from Pennsylvania [Mr. CLARK].

Mr. President, I move that the Senate approve the nomination of Dr. Robert R. Bowie.

The **PRESIDING OFFICER** (Mr. TYDINGS in the chair). The question is, Will the Senate advise and consent to the nomination of Robert R. Bowie, of Massachusetts, to be Counselor of the Department of State? [Putting the question.]

The nomination is confirmed.

Mr. INOUYE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. INOUYE, and by unanimous consent, the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Breskin, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8678. An act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes; and

H.R. 17488. An act to amend title 38 of the United States Code so as to increase the rates of pension payable to certain veterans and their widows, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 8678. An act to establish in the State of Michigan, the Pictured Rocks National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 17488. An act to amend title 38 of the United States Code so as to increase the rates of pension payable to certain veterans and their widows, and for other purposes; to the Committee on Finance.

PROPOSED LEGISLATION FOR CONGRESSIONAL REORGANIZATION

Mr. MONRONEY. Mr. President, the Special Committee on the Organization of the Congress met yesterday to consider its proposed legislation for congressional reorganization. The testimony of committee chairmen and ranking minority members—taken pursuant to the resolution authorizing the special committee—was considered in the light of the recommendations contained in the final report of the Joint Committee on the Organization of the Congress.

Tomorrow, I shall introduce the Legislative Reorganization Act of 1966. The act will be cosponsored by the six Senators who served on the Joint Committee on the Organization of the Congress. The special committee was granted legislative authority to consider this omnibus bill. It will report favorably on the bill tomorrow.

I shall have additional comments on this highly important legislation and the committee's report when they are introduced.

At this time, however, I ask unanimous consent to have printed in the RECORD another group of representative editorials on the subject of congressional reorganization.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Birmingham (Ala.) News, Aug. 1, 1966]

STREAMLINING CONGRESS

The Joint Committee on the Organization of the Congress has begun preparing a far-reaching omnibus reorganization bill based on its lengthy list of recommendations for improvement of operations.

The recommendations were contained in the bipartisan committee's just-released final report, calling for major changes in congressional organization and machinery. They include uniform rules of procedure for the standing committees, changes in committee jurisdiction, improved staffing and the use of modern management techniques in evaluating the ever-increasing federal budget.

When completed, the committee will seek permission to bring the Legislative Reorganization Act of 1966 directly to the floor of each House during the current session, a procedure that was followed in 1946, when the last comprehensive review of congressional organization was made.

The committee's recommendations, in the opinion of the News, generally offer a practical and realistic approach to revision of the often-cumbersome legislative operations.

This newspaper realizes that it is highly unlikely that Congress would rubber-stamp the recommendations of the committee. Congressmen almost automatically resist any tampering with hidebound rules and habits which have developed down through the years.

Nevertheless, the broad act designed to streamline congressional procedures merits the thoughtful and careful consideration of every member of the Congress.

The committee, of which Senator JOHN SPARKMAN of Alabama is a member, accepted the responsibility it was charged with and delved into all phases of congressional organization.

Its report, for example, proposes major revisions in the standing committee system, the basic working unit of the Congress. It recommends a committee "bill of rights" to permit a majority of the committee membership to call a meeting and report legislation if a chairman refuses to take such action.

It also recommends more frequent use of open hearings and suggests that committee deliberations be televised or broadcast at the option of the committee. The use of proxy voting in committees would be eliminated.

It is immediately apparent that many members of the Congress will oppose such procedures, with their almost natural preference for many closed meetings. The News feels, however, that Congress has a responsibility to conduct certainly most of its hearings in the open, and not behind closed doors which inevitably feed an atmosphere of suspicion.

The committee's recommendations for overhauling congressional machinery appear sound and should be considered an important first step towards overhauling standard procedures which, in many respects, have become outmoded. With the passage of time, during the 20 years since the Congress conducted a self-appraisal of its organization, government has become more complex, more complicated and more unwieldy. Modern day government demands a modern approach to legislative functions.

[From the Greenville (Ohio) Advocate, Aug. 6, 1966]

CONGRESSIONAL REFORM REMAINS TO BE SEEN

When critics flay the House, the Senate, or both, they are joined by some voices from both august bodies. But how sincere congressmen are in their desire for reform will be shown in the weeks to follow.

The Joint Committee on the Organization of Congress, representing both branches and both major political parties, has reported more than 100 proposals for streamlining Congress.

Will the congressmen vote to split the House Education and Labor Committee into two committees, despite the threatened potent opposition of Rep. ADAM CLAYTON POWELL of New York, the present committee chairman? Will it also split the Senate equivalent, the Labor and Public Welfare Committee, as proposed?

Will members of Congress remove from themselves the privilege of all patronage in the Post Office Department? Will it also eliminate patronage appointments on the Washington, D.C., Capitol Police Force?

Will they actually vote to schedule committee and floor business on a five-day workweek, eliminating the famous "Tuesday-to-Thursday Club" which delays official business but allows committee members to spend those nice, long week-ends away from Washington?

Will they actually open congressional hearings to the public?

These are only a few of the proposed changes. But many of these take away little islands of privilege which individual congressmen guard with great vigor.

It has been twenty years since Congress has made any attempt to reform itself, but if some of these proposals are adopted it will be in better shape. The question is: Will Congress adopt them?

[From the Sacramento (Calif.) Union, Aug. 9, 1966]

CONGRESSIONAL CHANGES NEEDED

Proposals by a special Senate-House committee to revise some of the procedures of Congress should do much to make Congress more efficient and to end some of the frustration the public feels at times over congressional procedures.

Congress has many traditions and is a great respecter of these traditions. There are times when some of these traditions appear to get in the way of a popular project, but many times these traditions have served the country well by preventing rash action.

Some of the traditions and congressional procedures, though, are out of date. It has been 20 years since there was a major revision in congressional procedures. Congress needs periodic examinations to make sure it can keep up with the demands placed on it.

One of the approximately 100 suggestions made by the committee is to put Congress on a five-day work week. At present, Congress limits most work to Tuesday through Thursday.

Sessions of Congress would not drag on so long if it stayed busy five days a week from the opening of the session. A full work week in Washington would also cut down on many trips and outside activities of congressmen.

Another recommendation would be to have congressmen lose the patronage privilege, or responsibility, of the appointments of postmasters and rural mail carriers.

The committee recommended that the main body of the CONGRESSIONAL RECORD be limited to verbatim remarks actually delivered on the floor of the House or Senate. Too many speeches have been inserted without being delivered.

Some of the other better recommendations are:

The creation of a committee in the House on the pattern of the Senate ethics committee.

The strengthening of the lobbying regulation act to provide better control of lobbyists.

The right for a majority of a congressional committee to call meetings and act on legislation if the committee chairman refuses to do so.

The granting to minority members of a committee at least three staff assistants.

These recommendations, though, if adopted should do much to help Congress do its job and to help the public appreciate that job.

[From the Boston (Mass.) Christian Science Monitor, July 25, 1966]

TIPTOEING TOWARD REFORM

There has been no widespread, articulate public demand for congressional reform. In the absence of such demand, legislators are reluctant to take a broom to the cobwebs lining the dingy corners of their own congressional house. Members frankly find it less unsettling to turn their passion for reform in the direction of others. The executive branch of government provides this passion a wonderful outlet.

But the time comes when the dust settles so thick that the old formula of sweeping it under the rug can no longer prevent embarrassment. Twenty years have passed since the last measure resulting in major congressional reform. Now congressmen are going to consider another.

The special bipartisan Joint Committee on the Organization of Congress, after extensive investigation and study, has unanimously come up with over a hundred proposals for reform. Relatively modest though they may be, their total impact could result in significant improvement.

The committee, when established, was specifically prohibited from making certain types of recommendations which would result in the sweeping reforms of Congress deemed necessary by a number of competent observers. Committee members deliberately steered clear of proposing any changes in the seniority system. And in spite of all that has happened of late, it rejected a proposal, which it would require of others, that members of Congress and their top staff be required to disclose their financial interests.

It did recommend that the power of committee chairmen to bottle up legislation be curtailed. Should the chairman refuse to call a meeting or take up a given measure, it would permit a majority of the committee to do so in his stead.

And it did propose to divest congressmen of some of their patronage, especially postal appointments, to tighten the lobby laws, and to eliminate secret committee hearings when there is no good cause for secrecy. These and many other of the proposed reforms are highly desirable. Some step on powerful toes, toes ready to boot them into legislative oblivion.

We hope that proposals so important to the effective operation of the legislative branch of the American Government will be approved and that it will not be another 20 years before Congress again thinks about reforming itself.

[From the Newark (N.J.) Star-Ledger, Aug. 3, 1966]

A BEGINNING

A joint committee studying the operations of Congress with an eye toward streamlining its operations has come up with a blueprint for some significant alteration and modification of its processes and committee system . . . but without the full thrust of basic reform.

The joint congressional committee was handicapped by the proscription of its mandate by a wary Congress, determined to resist any incursions on the fundamental structuring of procedures that the legislators hold near and dear.

Even with the pre-conditioned limitations of jurisdiction, the joint group has drafted a document that stipulates a number of changes that could be of considerable benefit in removing some ancient kinks from the cumbersome legislative machinery.

The major provisions include one that would prevent committee chairmen from resisting the will of the majority in getting legislation to the floor for a vote and another to throw open to the public most congressional hearings.

Another sweeping proposal is to separate Senate and House committees that are responsible for educational and labor bills. This would promote a more efficient operation for these important legislative jurisdictions; education has become a legislative area of considerable complexity and greater prominence in the interval since the dual committees were created.

There are a number of other proposed revisions in the committee's report that would be helpful in tidying up the legislative process . . . the Tuesday to Thursday Club would be eliminated and a five-day work week instituted in its place, cutting out long weekends for congressmen on committees, and an annual one-month vacation.

Unfortunately, the joint committee was not able to address itself to legislative areas that, political scientists maintain, are in need of basic reform . . . the seniority system on committees, rules of debate, proliferation of subcommittees, the absence of electronic voting tabulation, curbs on unethical conduct and unwieldy machinery for scheduling bills for floor consideration.

But even with these important areas cut off by congressional mandate, the joint committee has served a useful function in its proposal for general improvements of the cumbersome legislative committee structuring and procedures.

Mr. MONRONEY. Mr. President, as I have said many times before, it is my firm conviction that the eyes of the Nation will be on Congress during the closing weeks of this session. We should take decisive action on this omnibus bill before adjournment.

Tomorrow, I shall request that the leadership consider this bill as reported by the special committee for floor action at the earliest possible date.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. INOUYE in the chair). Without objection, it is so ordered.

HYDROLOGIC STUDY AND INVESTIGATION OF THE DELMARVA PENINSULA

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 2287) to authorize a 5-year hydrologic study and investigation of the Delmarva Peninsula, which was, on page 4, strike out lines 13 and 14, and insert:

SEC. 5. There is hereby authorized to be appropriated the sum of $500,000 to carry out the provisions of this Act: *Provided*, That nothing in this Act shall prevent the expenditure of other funds appropriated to the Geological Survey for studies and activities performed under its general authority.

Mr. TYDINGS. Mr. President, the amendment added in the House is a technical amendment. The language has been approved by the chief sponsor of the legislation, the Senator from Delaware [Mr. BOGGS], and also by the cosponsors.

I move that the Senate concur in the House amendment.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

NATIONAL UNICEF DAY—PRAYER IN PUBLIC SCHOOLS

The Senate resumed the consideration of the joint resolution (S.J. Res. 144) to authorize the President to designate October 31 of each year as National UNICEF Day.

(At this point Mr. Tydings took the chair as Presiding Officer.)

Mr. BAYH. Mr. President and Members of the Senate, I rise at this hour, somewhat reluctantly, to pursue and fulfill an obligation that I feel rests upon my shoulders—that of placing in the Record—almost at the midnight hour, so to speak—before the Senate moves tomorrow to consider an amendment to the Constitution, the rather thorough documentation of information which has been brought before that committee of the Senate which is duly charged with the obligation of studying proposed constitutional amendments.

I must admit that, as is the case with each of my 99 colleagues, I view this subject through my own two eyes.

My view of all that has gone before us and all that has been said is subject to the interpretation that I as an individual place upon it. However, I must say that in the hearings which we held, which fill this document of almost 900 pages which I hold in my hand, and in the hearings which were held by the House of Representatives in 1964, which fill 3 volumes of this size, and in studying this matter as objectively as I have tried to do as chairman of the subcommittee, the weight of the evidence is against a constitutional amendment.

I think it is extremely important for us tomorrow, when we get down to casting our votes, to recognize that the proposal which is offered to us by the distinguished junior Senator from Illinois [Mr. Dirksen] is not just an ordinary legislative matter. Indeed, he asks us to undertake a task of momentous significance—amending the Bill of Rights.

One of the great things about the Constitution is that provisions are contained therein whereby it may be changed. However, the infrequency with which this great document has been changed would lend a great deal of support to the widespread feeling that a change should not be undertaken lightly. Indeed, on only 24 occasions has a constitutional amendment received the necessary two-thirds votes of both Houses and has subsequently been ratified by the necessary three-fourths of the State legislatures or three-fourths of the State conventions convened for that purpose.

One amendment is now pending, an amendment of which I was one of the authors, and on which occasion we had an opportunity to study how a constitutional amendment is introduced, and the great burdens that rest on all who support it—to get it out of the subcommittee, out of the full committee, out of both Houses, and subsequently before the people of this great land.

It is a sober obligation, one not to be taken lightly. I think I do not need to repeat this, because most of our colleagues recognize this fact. I do not intend to argue at great length that the measure which presently comes before this body proposing a constitutional amendment has not yet been discussed in the Judiciary Committee to which it has been referred without recommendation by the Subcommittee on Constitutional Amendments.

I should like to dwell on one point before moving toward the constitutional amendment process as such. I do so because I take vigorous exception to the philosophy of my good friend and cocommittee member, the distinguished Senator from Nebraska [Mr. Hruska]. He pointed out that, in his judgment, the constitutional process, the amendment process, mandated, or should mandate, the Members of this body to refer to the people an issue when it became significantly controversial so that it was a matter of great national concern.

To paraphrase his words—these are not his exact words, of course—the Senator from Nebraska seems to feel that such provisions in the Constitution of the United States which do not satisfy the people should go to the people so they have a chance to ratify them. As a matter of fact, the amendments do not go to the people directly. The State legislatures vote on them. They never go to the people.

Before that happens, the Constitution specifically provides that two-thirds of the Members of both Houses of Congress must first say it is important enough to have the State legislatures vote on it. I think this is significant. Heaven help us if the U.S. Constitution could be ratified willy-nilly, overnight, by a national referendum. We have seen that take place in some States, when constitutional amendments were adopted by State referendums. The result would be that we would have referendums almost every year.

Let us not overlook the fact that if we are to fulfill our constitutional duty in this body, we will not automatically refer every controversial issue to the State legislatures. We have an obligation to see to it that these questions are important enough to submit to the States. We have an obligation to decide not only whether this matter before us is significant enough to join the 25 others that have left this body, but whether it is necessary. If we think so, we vote "yea." If we do not think so, we vote "nay."

During the hearings we had a substantial number of witnesses come before us who opposed the Dirksen amendment—in fact, the majority of witnesses were opposed to it. I take the trouble to mention this only because I think it is important that the record be set straight. The matter was brought into contention yesterday by the minority leader, to the effect that we did not have a significant number of members of the clergy come before our committee. Anyone who would peruse the record could not help but be impressed by the array of individuals who submitted statements opposed to the Dirksen amendment. For the sake of time, rather than read all the names—because the list is very long—I ask unanimous consent to have printed in the Record at this point the list of some of the significant religious leaders who came before us, men like Bishop Richard C. Raines, of the Methodist Church of Indiana, and Dean Robert F. Drinan, outstanding Catholic leader and legal scholar. I will let the record speak for itself.

There being no objection, the list was ordered to be printed in the Record, as follows:

Adams, Elder W. Melvin, associate director, department of public affairs and religious liberty, Seventh-day Adventist Church.

Alley, Robert S., associate professor, University of Richmond, representing Virginia Baptist Convention.

Bagby, Rev. Grover C., associate general secretary, General Board of Christian Social Concerns of the Methodist Church.

Barnhart, Rev. Arthur C., executive secretary, Department of Christian Social Relations, Episcopal Diocese of Pennsylvania; accompanied by Rabbi Arnold G. Kaiman, treasurer, Board of Rabbis of Greater Philadelphia; and Rev. Donald Grant Huston, First Presbyterian Church of Lower Merion, Philadelphia, Pa.

Carlson, Rev. C. Emanuel, executive director, Baptist Joint Committee on Public Affairs, Washington, D.C.

Cohen, Rabbi Seymour J., Rabbi of Anshe Emet synagogue, Chicago, Ill., and president of the Synagogue Council of America.

Drinan, Dean Robert F., S.J., dean of Boston College School of Law.

Halbert, Rev. Herschel, staff officer, executive council, Episcopal Church.

Hirsch, Rabbi Richard G., director, Religious Action Center of Union of American Hebrew Congregations.

Hunter, Rev. Dr. David R., deputy general secretary, National Council of Churches; accompanied by Dean M. Kelley, director, Commission on Religious Liberty, National Council of Churches.

Lowell, Dr. C. Stanley, associate director, Protestants and Other Americans United for Separation of Church and State.

Moors, Rev. William R., on behalf of the department of social responsibility, Unitarian-Universalist Association.

Moss, Rev. Robert V., Jr., president, Lancaster Theological Seminary; accompanied by Dr. Lewis I. Maddocks, Washington office director, Council for Christian Social Action, United Church of Christ.

Raines, Bishop Richard C., Methodist Church of Indiana.

Siegman, Rabbi Henry, executive vice president, Synagogue Council of America.

Sissel, H. B., secretary for national affairs, the United Presbyterian Church in the United States of America, representing Dr. William A. Morrison, general secretary, Board of Christian Education of the United Presbyterian Church in the United States of America.

Temme, Dr. Norman, director public relations, the Lutheran Church—Missouri synod.

Van Deusen, Dr. Robert E., Lutheran Church in America.

Mr. BAYH. Mr. President, the minority leader asserted yesterday that only those who were ivory tower figures, freethinkers, were the ones who came in opposition to the amendment. That is not the case. He asked yesterday why so few religious leaders opposed his amendment. The answer is, in fact that many religious leaders are opposed to it.

I do not think it is necessary for me to go to the defense of the National Council of Churches. Indeed, I agree with some of the positions it has taken, and I disagree with others, but I am not going to rely upon the magazine Human Events, as if they were the King James version of the Bible, to support my contention as the distinguished minority leader did yesterday to support his.

I shall let the veracity of the National Council of Churches and the editorial policy of Human Events stand on their own records.

But the record of the hearings—a volume of almost 900 pages—will show why the religious leaders overwhelmingly oppose the Dirksen approach.

First of all, they were concerned, as the distinguished senior Senator from North Carolina has expressed his own concern, about the need to be absolutely certain that we do not get the Federal Government or a State government into the area of establishing religion. As the distinguished Senator from North Carolina pointed out most eloquently earlier today, traditionally, before the Constitution was adopted, most of the States had prescribed religions. Although many of us still believe or would like to feel that our forefathers came here for religious freedom, what they really did was come here to set up their own religions; and people in the various Colonies were penalized if they did not follow the religion of the State. But with the development in the Constitutional Convention of the concern for individual guarantees of religious liberty, we did get the first amendment. Thanks to Madison and Jefferson and others the prohibition against the establishment of a State religion was included in that great document which safeguards the freedoms and liberties of individual citizens—the Bill of Rights.

Another concern expressed by the clergymen was that to them religion is a personal experience, one that is only degraded if it is relegated to official exercises in rote, such as the recitation of a nondenominational, perfunctory, short prayer. To them, and, indeed, to the junior Senator from Indiana, religion is a personal experience; and it is extremely important for those of us who are parents and those of us who are churchmen, laymen, and officials of a church, to recognize that we need to do a better job of following, practicing, and preaching our own religion where it is supposed to be preached and where it is supposed to be followed, and where these principles are supposed to be inculcated in the minds of our young people—namely, in our homes and our churches.

Reference was made by the distinguished minority leader to the fact that he had this very personal and pleasant conversation with Billy Graham. Billy Graham is an outstanding religious leader; and, indeed, he did talk with the minority leader. Indeed, Mr. Graham was in California, at Disneyland, and, indeed, he did come back across the country with his boys.

But the minority leader is not the only Member of this body who has had the good fortune, over the past few weeks, to talk with Reverend Graham. As chairman of the subcommittee, I also talked with him, and personally invited him to come before our committee. He would have done so, had it not been for a wedding in his family, and the fact that he had to go to London, where he is now ill, I regret to say. But I would certainly not want to bet very much on the contention, the inference that was left—not the statement that was made, but the inference that was left by the distinguished minority leader—that Billy Graham, coming before the committee, would have left with us an outright endorsement of the Dirksen amendment. I do not believe he would have.

I should like to make one reference to the number of ministers—it is a relatively small number, really, compared to all the ministers in the country; and the Senator from Maryland, who is now our Presiding Officer, did a rather perceptive job of analyzing the list of ministers who were included in the Maryland portion of the list that was presented to the committee by the Protestant Ministers for Prayer—and I should like to speak for just a moment as to why those ministers would petition us to support the Dirksen amendment.

Frankly, I must say that I think many of the ministers in this country are just like many of us as individual citizens, like many of us as Senators. Until we were compelled by our duty to investigate what the Supreme Court said on this issue, frankly, we just did not know what the Court had said; and, as a result, the first response of many of us was quite different from our studied response, after we had the chance to investigate the periods and the semicolons, the sentences and paragraphs of the decisions in question. In fact, I do not suppose it is being too harsh on members of the clergy, nor on Members of the Senate, to suggest that they may not be fully aware of the facts of the case. As the Senator from Maryland will remember, we had before our committee Mr. Edward J. Bazarian, who was one of Senator DIRKSEN's witnesses. Mr. Bazarian was one of the lawyers who argued the famed Oshinsky case before the Circuit Court of Appeals for the Second Circuit. And yet Mr. Bazarian had little idea whatsoever as to what the exact final holding of the second circuit court of appeals was on the Oshinsky case.

I shall speak briefly on that point in a moment, because my good friend, the Senator from Illinois [Mr. DIRKSEN] has relied on the Oshinsky case as a fundamental ingredient, to say that the Supreme Court has ruled out voluntary prayer. But I shall discuss the impact of the Oshinsky case following the other two cases, because I think that in this way we can better understand the development of the issue.

I wish to state here that almost all of the religious leaders who came before the committee, even the religious leaders who were for the Dirksen amendment, were of the opinion that if we could devise some means to clear up the controversy other than a constitutional amendment, they would support this position; that what they wanted to do was to clear the air and still permit truly voluntary prayer.

Now I wish to go quickly and succinctly, if I can, to the heart of the issue. The issue was raised in two decisions by the Supreme Court—one, the Vitale case, which dealt with a ruling by the New York Board of Regents which had prescribed and required a prayer to be said in the schools of New York; and the other, the Schempp and Murray cases, which dealt with legislative requirements by the State legislatures of Pennsylvania and Maryland requiring religious services to be held in the schools of those two States.

Now, after the smoke had cleared away, and after the misrepresentation has been separated from the fact, there is no way in which anyone can read the decisions that were handed down by the Supreme Court—and my friend the Senator from Nebraska agreed with this just a few moments ago—to say anything else but that the Supreme Court says it is a violation of the first amendment to the Constitution for a State to prescribe and require a school prayer.

I think most of us would agree that we do not want State legislatures to tell our children how and when to pray in school. That is what the Court said was wrong. That was the one point that was involved. The Court merely said that the Legislatures of Pennsylvania and Maryland and the New York Board of Regents could not tell the children of those States what to pray or that they must pray. The Court's decision had nothing to do with some of the rather ridiculous interpretations that have been placed on it.

I shall point out some of the things that have happened and are happening today that, in my estimation, are not based on fact. They are based on the way in which school boards have interpreted the cases. For example, the Supreme Court cases said nothing about voluntary prayer—though the Court did indicate the difficulties involved in having truly voluntary religious exercises in the public schools. Certainly it did not prohibit it. The Court said nothing about nor did not prohibit baccalaureate exercises in the public schools. It said nothing at all about spontaneous petitions to the Maker in times of great national crises, such as the assassination of President Kennedy. It said nothing at all about prohibiting the singing of the last verse of "The Star-Spangled Banner," or the last verse of "America" because they refer to God. The Court said nothing at all about the reference to God on our coins. It said nothing at all about the use of chaplains in the Armed Forces. All of these are extraneous issues that have been thrown into the melting pot and are not based on fact.

In fact, in the Vitale case, Justice Clark said, in no uncertain terms:

> There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance.

One of the issues raised by the distinguished minority leader involved Stein against Oshinsky. It is important that the RECORD be cleared on that point. I have before me the decision in Stein against Oshinsky, which is reported in

348 Federal 2d 999, 1965. This case involved a school district in New York, in which the children had been accustomed to saying the traditional milk-and-cookie prayers. I shall read two of them, as they appear in 348 Federal 2d, so that anyone who wishes to do so may compare them with the statement of the distinguished minority leader yesterday. One of them reads:

> God is great, God is good, and we thank Him for our food. Amen.

Another one reads:

> Thank you for the world so sweet.
> Thank you for the food we eat.
> Thank you for the birds that sing.
> Thank you, God, for everything.

I wish I had a nickel, Mr. President, for every time I said that particular prayer. It is nothing that I object to saying. It is nothing that I object to my fifth-grade son saying. However, in this particular instance, Mr. Elihu Oshinsky, principal of Public School No. 184, Whitestone, N.Y., said it was his judgment that the Supreme Court decision ruled out these prayers.

The previous Supreme Court cases did not even mention this type of prayer. However, Mr. Oshinsky thought it did. He said there would be no school prayers in Public School No. 184.

Thereupon, a group of parents—I think the parents of 12 or 13 students were involved—petitioned the court to mandate Mr. Oshinsky to let their children pray in school. That is the issue upon which the Oshinsky case was decided—whether Mr. Oshinsky should be required to let the children pray in school.

I read now from the Court's decision:

> We shall assume, in plaintiffs' favor, that the Establishment Clause would not prohibit New York from permitting in its public schools prayers such as those here at issue.

I want the RECORD to show that I repeat that quotation:

> We shall assume, in plaintiffs' favor, that the Establishment Clause would not prohibit New York from permitting in its public schools prayers such as those here at issue.

The Court continued:

> Nevertheless New York is not bound to allow them unless the Free Exercise Clause or the guarantee of freedom of speech of the First Amendment compels.

The Court continues:

> Neither provision requires a State to permit persons to engage in public prayer in State-owned facilities wherever and whenever they desire.

I go now to the last page of the holding to point out the real crux of the whole issue. The Court said:

> Determination of what is to go on in public schools is primarily for the school authorities.

Thus, we see that, quite contrary to the minority leader's contention that Stein against Oshinsky says they cannot engage in voluntary prayer, the Court really held that the school principal will decide what the curriculum in Public School No. 184 shall be, and not the parents of 12 or 13 children—or, for that matter, the parents of a majority of the children.

The fact that the Supreme Court denied certiorari on that matter does not have anything to do with possible decision on the voluntary prayer issue, which, in fact, it has not yet touched.

I ask anyone who might follow this dialog to read an earlier discussion in the RECORD of today in which the distinguished Senator from North Carolina [Mr. ERVIN] and I discussed this particular point, and in which discussion the Senator from North Carolina agreed with the Senator from Indiana unequivocally.

The Supreme Court did decide this matter on the basis of who shall determine the school curriculum, and it has nothing whatsoever to do with school prayer.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD brief excerpts from some significant cases to illustrate how various courts have handled some of the material which has been brought up as a result of interpretations of the Supreme Court decisions matters such as the use of the phrase "under God" in the pledge of allegiance.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Lewis v. *Allen*, 5 N.Y. Misc. 2d 68 (1957); 11 App. Div. 2d 447 (1960); Cert. denied 379 U.S. 923 (1964).

The Court dismissed a petition to compel the New York State Commissioner of Education to revoke a state regulation requiring the use of the phrase "under God" in the Pledge of Allegiance and reinstate the Pledge without the objectionable religious overtones.

The lower court ruling was affirmed by the Appellate Division, which noted in its decision that since the flag salute exercise was not compulsory, there was no violation of free exercise or any possibility of an establishment of religion.

In September, 1964, an identical action was filed in Hawaii by Mrs. Madelyn Murray. A federal judge dismissed the suit.

An American Civil Liberties Union suit in Los Angeles in June, 1963, claiming that the phrase "under God" was constitutionally objectionable under the guarantees of the First and Fourteenth Amendments was filed in Superior Court. The claim was made in behalf of a teacher who contended his rights were violated by the requirement that he participate. The regulation involved was a 1959 Los Angeles Board of Education ruling making the Pledge mandatory.

In October, 1963, the contesting parties reached an agreement which provided that the teacher would not be fired and would no longer be required to recite the Pledge. However, the Pledge would be continued with a student leading the class.

A somewhat different case involving the Pledge of Allegiance concerned a student's claim that the compulsion to recite the Pledge every day violated his "sacred conscience." The student said that he did not object to the requirement that he stand during the recital, but asked to be excused when the teacher required his participation. His request was denied.

A Superior Court in Santa Barbara ruled in favor of the student, holding that freedom of conscience is as sufficient a cause for refusal as a formal religious belief.

Among the various opinions rendered by States' Attorney Generals on this question are those of New Hampshire and Pennsylvania, advising that daily recitation of the Pledge of Allegiance is permissible. The Attorney General of West Virginia issued a 1963 opinion to the effect that a mandatory requirement that all students salute the flag and recite the Pledge of Allegiance is unconstitutional. He went on to say that "recital of historical documents and songs which make casual reference to the Diety" are valid exercises.

Mr. BAYH. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement concerning the Michigan case of Reed against Van Hoven, which statement shows that the Federal judge in Michigan has, indeed, created a workable arrangement regarding voluntary prayer in the public schools. And that this plan is wholly within the framework of the recent Court decisions.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REED *v.* VAN HOVEN, 237 F. SUPP. 48 (1965)

The plaintiffs in the instant action instituted a suit for an injunction alleging a violation of the free exercise and establishment clauses of the First Amendment.

The religious practices in question were effected under an order by the Board of Education for the Jenison School District, Jenison, Michigan. The Board had adopted this policy in an effort to remain "neutral". It held that:

"Upon the request of any student or parent of a student in any particular class that the individual be allowed prayer and/or Bible reading as a regular religious exercise at the opening of school, the teacher must devise reasonable rules and regulations controlling such exercise.

"The rules and regulations devised to implement the requested exercises may vary, depending on the number of children or parents so requesting, from *allowing a moment of reverent silence* to allowing prayers in unison aloud. In the event the teacher finds that divergent requests preclude reasonable control, the teacher, may always allow as a satisfactory substitute, a moment of reverent silence.

"Depending upon the form of requested exercise permitted in the discretion of the teacher, those who object shall remain in the class, or be excused from the requested exercise, or may arrive at class late, as the teacher feels will best serve classroom procedures and minimize embarrassment."

At a hearing the Court offered a substitute procedure and outlined its operation to the parties. The Court plan was designed to accommodate those children who desired morning prayer exercises. It provided, however, that these practices be held before the official school day began.

The plaintiffs reappeared at a later date, claiming that the Board of Education had failed to implement the Court's plan in a satisfactory manner—thus infringing on the free exercise rights of students who did not wish to participate.

Basically, the problem was one of transportation. The busses serving the Jenison School District also served a number of adjoining districts and Jenison students continued to arrive at the usual time. In an attempt to work out an acceptable arrangement, the School Board rearranged the bell schedule: a first bell at 8:40 was followed by a second bell five minutes later signalling the prayer period; at 8:50 a third bell noted the end of the prayer session and the impending beginning of the school day; at 9:00 a bell sounded indicating that regular classes had begun. Plaintiffs contended that as a result of the bell arrangement and the lack of adequate time intervals, those students not participating in the prayer were segregated; thus an element of coercion was present and students felt the need to join in and avoid ostracism.

Judge Fox, for the United States District Court, Western District of Michigan, S.D., rendered the opinion. He wrote, in general terms, that "when religion is included in the regular (school) program in such a way as to become connected with the learning process, other than within the framework of a general, objective course on religion as religion," there is a valid constitutional objection. Furthermore, grade school pupils are "effectively captives." In seeking a viable arrangement, therefore, the authorities must scrupulously avoid violating "the rights of free exercise of those not in accord with the practices of the accommodated."

Answering the contention that denying religious exercises to the desirous majority was equally a violation of free exercise, Fox reiterated the relevant phrase from Schempp:

"Finally, we cannot accept that the concept of neutrality, which does not permit a state to require a religious exercise even with the consent of the majority affected, collides with the majority's right to free exercise of religion. While the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to anyone, it has never meant that a majority could use the machinery of the state to practice its beliefs."

Accordingly, Judge Fox sought to effect a workable compromise—"an accommodation," as he termed it. The Court plan provided that the prayer exercise be held either before or after the regular school day; additionally, it stipulated that it be held "in a room other than the regular home rooms, and complete the exercise at least five minutes before the regularly scheduled class day," and that "no bell signifying the start of a prayer exercise should be rung." Filling in the fine points of his proposal, Judge Fox reasoned that during the time the prayer exercise ended and the home room began, there should be a general "commingling" of the student body. Thus, the first bell should signal the beginning of passage to the home room and those students who joined in the prayer would be required to pass in the halls to their regular home room.

After announcing this plan, Fox proceeded to point out that it was not a final answer—legally or philosophically; rather, he characterized it as a "interim accommodation." "Even should the program successfully escape the prohibitions of the Establishment Clause," he reiterated, "as administered it may possibly result in abridgement of rights of free exercise." In that case, of course, evidence would have to be taken to determine exactly where and how the coercive effect operated.

Mr. BAYH. Mr. President, in summary I have submitted, and will move tomorrow to substitute for the constitutional amendment of the Senator from Illinois, a sense-of-the-Congress resolution.

This resolution will do three things. First, it will specify in crystal-clear language what the Court said. It is easy to find out what the Court said. It is written in black and white.

Second, it will mention just a few of the specific items that the Court did not say, some of these ridiculous things about baccalaureate ceremonies and the use of the word "God" in songs, and even the constitutionality of the Senate Chaplain saying prayers in this public building.

Third, we will resolve that it is in the best interest of the country and of the children in our schools that they should not arbitrarily be prohibited from participating in silent voluntary prayer and meditation, provided, of course, the school authorities deem that to be feasible and consistent with their primary academic responsibilities.

Mr. President, we also asked the President of the United States to proclaim the week of Thanksgiving as a week of national prayer and meditation and to invite the Governors and mayors of State and local governments to issue similar proclamations and to urge all Americans, both adults and children, to express, during this period, their thanks for the numerous blessings which have been granted to all the people of the United States.

We are not deceiving ourselves—as the Senator from Nebraska [Mr. HRUSKA] was concerned that we might be—into feeling that this particular resolution is going to approximate the legal impact of a constitutional amendment. It is intended as a public notification to those harassed school officials and those worried parents that the Supreme Court has not outlawed voluntary prayer and silent meditation.

It calls to the attention of the American people the fact that the Senate of the United States, an extremely important body in the governmental structure of our country, still believes that each person should be permitted an opportunity to petition his Maker in the manner in which he or she sees fit. That applies to the boys and girls in our school system, as well as to the Members of the Senate.

I should like to say that at an early stage in the debate, the distinguished Senator from Illinois specified, and I quote as nearly as I can remember:

> It is not my intention or the intention of the supporters of this resolution to overthrow the decision of the Supreme Court.

In other words, the Senator from Illinois apparently agrees with the Senator from Indiana that it is not a healthy condition when a State legislature prescribes what prayers should be said in public schools. But the Senator from Illinois went on and said that all he wants to do in Senate Joint Resolution 148, which he now asks the Senate to vote upon, is to clarify the confusion which has resulted from the Supreme Court decision.

Strange as it may seem, I agree with the goal that the Senator from Illinois seeks. I too, want to clarify the confusion. I, too, want to permit the children of our schools to have the opportunity, in an orderly manner, to petition their Maker. I think that this can be done without a constitutional amendment, and tomorrow I intend to ask my colleagues to permit us to pursue this course.

(At this point Mr. BAYH assumed the chair.)

Mr. TYDINGS. Mr. President, I should like to take this opportunity to commend the responsibility and the diligence with which the distinguished junior Senator from Indiana has discharged his duties as chairman of the Subcommittee on Constitutional Amendments of the Committee on the Judiciary. The Senator from Indiana has performed a great public service by pointing out to the Members of the Senate and to the public at large the very grave deficiencies and dangers in the proposed constitutional amendment which the minority leader [Mr. DIRKSEN] would have the Senate pass.

As the Senator from Indiana has pointed out, the fact is that the overwhelming majority of the leaders of the established churches in the United States—Protestant, Catholic, and Jewish—oppose this legislation. The fact is that, almost without exception, the constitutional lawyers who testified before the subcommittee opposed it and law professors and constitutional experts from all across the country submitted statements for the record against the amendment. The fact is that this proposal could open the door to the establishment of state churches throughout the United States.

I think these are matters of grave concern and are matters properly brought to the attention of the Senate.

As a member of the Constitutional Amendments Subcommittee, I participated to some extent in the hearings and listened to the testimony on this proposal; and I was stunned when the two attorneys whom the minority leader could find to testify in favor of this amendment, when called upon to answer our questions, could not agree upon what the amendment meant, could not agree upon who would prescribe or authorize the prayers which would be said in the schools, changed their statements, and finally left the deeply disturbing impression that they were not really sure what the amendment meant, except that some majority group in the community could prescribe or establish the prayer which all schoolchildren attending a given school district would be called upon either to join in or to leave the room.

Any step the Senate took which weakened our sacred constitutional guarantees against the establishment of a state religion or a state church would be tragic and inexcusable. I think that the proposal and the approach which the Senator from Indiana has suggested is a wise and prudent course.

I fervently believe, as does he, in the need for and the power of prayer. But I am unalterably opposed to amending and weakening, for the first time in our Nation's history, the guarantees of freedom of religion contained in our Bill of Rights. I am unalterably opposed to breaking down the freedom-of-religion guarantees in the first amendment. I am unalterably opposed to the breaking down the separation of church and state in this country.

However commendable the objectives of the minority leader may be, the fact is that this amendment was sloppily, poorly, and dangerously drawn. Neither its sponsors nor its drafters know what it really means, except that it would permit the establishment of some sort of prayer by some sort of majority group in different school districts in this country.

I propose to support tomorrow the substitute proposed by the very able Senator from Indiana.

At this point Mr. Tydings assumed the Chair.

Mr. BAYH. Mr. President, I appreciate very much the remarks of my colleague, the Senator from Maryland. Accepting the thoughtful remarks that he has made toward me, I should like to say that on the subject of the Dirksen amendment he is in a good position to have observed, the complete record, inasmuch as he was one of the few members of the subcommittee—in fact, I think I could say one of the three members of the subcommittee—who were in regular attendance at almost all our hearings.

I must admit that I have never had an experience which has done more to enlighten me on any subject than the experience of sitting there and being completely immersed in and exposed to, this subject, with which I had not had the opportunity to become conversant prior to that time.

I want to publicly thank the Senator from Maryland for the studious way in which he helped to conduct the committee at times and the close attention that he has given to this matter.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BAYH. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 21, 1966, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 1966:

Diplomatic and Foreign Service

Francis J. Galbraith, of South Dakota, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Director of the Mint

Eva B. Adams, of Nevada, to be Director of the Mint for a term of 5 years. (Reappointment.)

Central Intelligence Agency

Vice Adm. Rufus L. Taylor, U.S. Navy, to be Deputy Director of Central Intelligence.

In the Navy

Lt. Comdr. Richard F. Gordon, Jr., U.S. Navy, for permanent appointment to the grade of commander in the Navy in accordance with article II, section 2, clause 2 of the Constitution.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 20, 1966:

Department of State

Robert R. Bowie, of Massachusetts, to be counselor of the Department of State.

Department of Justice

Patrick J. Foley, of Minnesota, to be U.S. attorney for the district of Minnesota for the term of 4 years.

Henry S. Wise, of Illinois, to be U.S. district judge for the eastern district of Illinois.

Alexander J. Napoli, of Illinois, to be U.S. district judge for the northern district of Illinois to fill a new position created by Public Law 89-372, approved March 18, 1966.

HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Great is our Lord and of great power: His understanding is infinite.—Psalm 147: 5.

O God, our Father, who dost reveal Thyself in numberless ways, deepen within us this day the sense of Thy presence as we wait upon Thee in prayer. Strengthen us by Thy spirit that no danger may overwhelm us, no difficulty may overcome us, no distress may overburden us, and no discouragement may cause us to turn aside from walking with Thee. May Thy grace sustain us in our labor, Thy hand uphold us when we fall, Thy joy make our hearts glad, and Thy presence give us courage to face the experiences of this hour unashamed and unafraid. Help us to grow in strength, in understanding, in never-ending good will; and may we ever commit our lives to goals great enough for freemen. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 12, 1966:

H.R. 2270. An act for the relief of the Moapa Valley Water Co., of Logandale, Nev.;

H.R. 3999. An act to provide the same life tenure and retirement rights for judges hereafter appointed to the U.S. District Court for the District of Puerto Rico as the judges of all other U.S. district courts now have;

H.R. 4665. An act relating to the income tax treatment of exploration expenditures in the case of mining; and

H.R. 15858. An act to amend section 6 of the District of Columbia Redevelopment Act of 1945, to authorize early land acquisition for the purpose of acquiring a site for a replacement of Shaw Junior High School.

On September 13, 1966:

H.R. 12328. An act to extend for 3 years the period during which certain extracts suitable for tanning may be imported free of duty; and

H.R. 12461. An act to continue for a temporary period the existing suspension of duty on certain istle.

On September 14, 1966:

H.R. 3671. An act for the relief of Josephine Ann Bellizia;

H.R. 10656. An act for the relief of Kimberly Ann Yang;

H.R. 11347. An act for the relief of Maria Anna Piotrowski, formerly Czeslawa Marek; and

H.R. 13284. An act to redefine eligibility for membership in AMVETS (American Veterans of World War II).

On September 16, 1966:

H.R. 399. An act to provide adjustments in order to make uniform the estate acquired for the Vega Dam and Reservoir, Collbran project, Colorado, by authorizing the Secretary of the Interior to reconvey mineral interests in certain lands;

H.R. 790. An act to rename a lock of the Cross-Florida Barge Canal the "R. N. Bert Dosh Lock";

H.R. 2349. An act for the relief of Robert Dean Ward;

H.R. 3078. An act for the relief of Lourdes S. (Delotavo) Matzke and Yusef Ali Chouman;

H.R. 4861. An act to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover;

H.R. 6305. An act for the relief of lessees of a certain tract of land in Logtown, Miss.;

H.R. 7141. An act for the relief of Ronald Whelan;

H.R. 7446. An act for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Norfolk Naval Shipyard, Portsmouth, Va.;

H.R. 7671. An act for the relief of Sophia Soliwoda;

H.R. 8000. An act to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes;

H.R. 8989. An act to promote health and safety in metal and nonmetallic mineral industries, and for other purposes;

H.R. 10990. An act for the relief of Maj. Alan DeYoung, U.S. Army;

H.R. 11038. An act for the relief of Mrs. Edna S. Bettendorf;

H.R. 12950. An act for the relief of Kazimierz (Casimer) Krzykowski; and

H.R. 13558. An act to provide for regulation of the professional practice of certified public accountants in the District of Columbia, including the examination, licensure, registration of certified public accountants, and for other purposes.

On September 17, 1966:

H.R. 4075. An act for the relief of John F. Reagan, Jr.;

H.R. 6606. An act for the relief of Li Tsu (Nako) Chen;

H.R. 11271. An act for the relief of certain individuals employed by the Department of Defense at the Granite City Defense Depot, Granite City, Ill.;

H.R. 11844. An act for the relief of Maria Giuseppina Innalfo Feole; and

H.R. 14514. An act for the relief of Vernon M. Nichols.

On September 19, 1966:

H.R. 8058. An act to amend section 4 of the District of Columbia Income and Franchise Tax Act of 1947;

H.R. 1066. An act to amend section 11-1701 of the District of Columbia Code to increase the retirement salaries of certain retired judges;

H.R. 11087. An act to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business Corporation Act, as amended, with respect to certain foreign corporations; and

H.R. 15750. An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

GEORGE M. ELIOPOULOS, SPRINGFIELD TECHNICAL HIGH SCHOOL SENIOR, RECEIVES NATIONAL SPACE CLUB AWARD

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I just came from the National Press Club where I had the honor and pleasure of meeting and being with a constituent of mine, George M. Eliopoulos, of 17 Beaumont Terrace, Springfield, Mass., a senior at Springfield Technical High School, who was honored by the National Space Club and received the Chemistry Award.

The National Space Club, formerly the National Rocket Club, honored six high school students who participated in the seventh summer research program from June 20 through August 11. The American University and the Joint Board of Science Education are the sponsors. The program is conducted by American University and is funded by the National Science Foundation, the National Space Club, the Goddard Space Flight Center, the Washington Academy of Sciences, and the Washington Junior Academy of Science.

Mr. Speaker, over 115 high school students participated. Students worked in research laboratories and participated in actual research projects under the direction of scientists at various laboratories such as the Goddard Space Flight Center, National Institutes of Health, Naval Medical Research Institute, Walter Reed Army Institute of Research, National Bureau of Standards, Melpar, Inc., Georgetown University, College of Observatory, and others.

Students experiences this past summer revealed a sense of job responsibility for the first time with working scientists and an insight into career opportunities. Many high school students learned to operate a variety of complex instruments that the student seldom sees in high school or college laboratories, thus affording an opportunity to work with unique research projects at an early age.

Mr. Speaker, George Eliopoulos did his research work at the Walter Reed Army Institute of Research, and his subject was "Anoxia as a Factor in the Toxicity of Certain Radiation Protecting Drugs." Dr. Leo Schubert, chairman of the Chemistry Department at American University, who was the summer program director, said that George Eliopoulos' research preceptor wrote up a most glowing comment on the level of the Springfield Technical High School senior's level of scientific sophistication. Dr. Schubert said that all concerned with the program at American University were in complete agreement that George Eliopoulos should have this award because he made a distinct contribution in a very important area of radiation research.

Mr. Speaker, Springfield Technical High School has produced many outstanding students. George Eliopoulos is a splendid example of the brilliant students at Springfield's Technical High School. He is a straight A student and is particularly strong in the fields of mathematics and science, which he intends to pursue as his career. Speaking on behalf of the people of the Second Congressional District of Massachusetts, I wish to commend George Eliopoulos and Springfield Technical High School for achieving this high honor and distinction.

THE HONORABLE SAM GIBBONS

Mr. OLSON of Minnesota. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OLSON of Minnesota. Mr. Speaker, recently one of our distinguished colleagues was verbally accosted by another Member and referred to as a "jerk."

Sam Gibbons' record speaks for itself and does not need my defense. His record of devotion to duty and responsibility, as a Members of this body, adequately reflect Sam Gibbons' character.

Most people in public life are familiar with the tactic of vilification and abuse and surely Members of this House can recognize these tactics for what they are.

I rise because, as I feel a responsibility to uphold the integrity of my Government and my office back home, I am even more aware of this responsibility here in this House.

I do not believe any Member of Congress with a record like that of Sam Gibbons should be attacked without our rising to his defense. I have taken part in the defense of other Members of this body when they were irresponsibly attacked.

An attempt to make civil rights a question as far as Sam Gibbons' record is concerned is irresponsible. During the debate in July of 1966 on the Civil Rights Act of 1966, the Record will show that Sam Gibbons was voting and present for the entire debate on that Civil Rights Act which lasted for over 2 weeks.

Congress is largely responsible for policing the activities of its own Members. This can only be achieved if we resolve our differences without demeaning the character of this body or its individual Members.

THE POWER OF THE CHAIRMAN OF THE COMMITTEE ON EDUCATION AND LABOR

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I for one will vote to strip Adam Clayton Powell, chairman of the Committee on Education and Labor, of the powers that he has exercised so arbitrarily in the past. I shall do this not because of any particular affinity for those who are belatedly coming to the forefront and belatedly getting disturbed about the apparent excesses of our chairman. I will not do this because of any personal opinions Chairman Powell might properly have about black power or racial concepts which affect education and labor.

I will certainly not do this because he is a Negro. I for one will vote to strip him of all powers as the chairman, or for any partial limitations on his power, because on the merits I believe they have been exercised in such a manner as to bring discredit to the entire House of Representatives.

Later today I will again address the House and place in the Record many of the reasons I have for taking this action. For now, I merely want to announce that, as one Member, I will vote to take Mr. Powell's committee chairman's power away.

FOREIGN AID PROGRAM

Mr. HALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, I certainly commend the Members of the House Appropriations Committee for its action in reducing the administration's foreign aid request by almost $300 million. A review of the committee's report nevertheless convinced me that this bill still contains a lot of fat which ought to be trimmed, considering the present state of our economy.

In view of inflationary pressures affecting our own economy and the present availability of over $16 billion in unexpended foreign aid funds, the Congress might well consider making no new foreign aid appropriations this year. Obviously funds for Vietnam for military and economical assistance should be excluded from any further cut for the situation there is entirely different and the urgency is obvious.

The committee report shows that foreign aid would suffer very little even if no new funds were approved this year. A further reduction would be the most effective step we could take to reduce the gold outflow and imbalance of payments.

The AID program since 1945 has cost American taxpayers over $100 billion. While effectively managed foreign assistance can, and has played a decisive role in maintaining free world strength, it has grown like "Topsy," to the point where 95 countries and 5 territories will receive some form of U.S. assistance. Surely the strain on our economy at the present time justifies a more prudent look at the foreign aid program.

Many public works projects in our own country are subject to closer scrutiny and supervision, than similar projects in the foreign aid program.

A total of 61 AID projects costing over $63 million were initiated this year without prior justification by the Congress. We do not allow that kind of leeway for similar projects at home, whether it be for highways or reservoirs.

Approximately 43 percent of the total number of projects initiated in the

Africa region alone, were started without prior justification to Congress.

I questioned the propriety of furnishing budget support for some of the less developed countries at the same time that our own Federal budget is being financed on a deficit basis. The fact is, that we are borrowing money at some of the highest interest rates in history in order to give it away or loan it at much lower rates.

NO WIDER WAR

Mr. RYAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, yesterday I pointed out that there have been a number of provocative recent pronouncements on Vietnam. Unhappily, they have emanated not from the administration, but from the university community, where many former members of the administration reside.

One of the most sensible recent commentaries on the war is the speech which Richard N. Goodwin, former assistant to President Kennedy and President Johnson, made to the national board of the Americans for Democratic Action on Saturday, September 17.

Perhaps the most noteworthy of Goodwin's comments—which ranged from domestic to foreign affairs—was his suggestion that concerned citizens form a committee to oppose further escalation of the war. He points out that the slogan of such a group could be the slogan of the Democratic Party in the 1964 campaign: "No wider war."

I hope that Goodwin's remarks will be read by as wide an audience as they deserve. His speech follows:

Speech by Richard N. Goodwin at the National Board Meeting of Americans for Democratic Action, Statler-Hilton Hotel, Washington, D.C., September 17, 1966

This is a time when labels are unfashionable. Men hesitate to call themselves liberals or conservatives or radicals, fearing the complexity of their views will be swallowed up in some formal catechism of belief. Yet groups like this one are drawn together by a shared body of beliefs and values, and by common reactions to the sins and shortcomings of their society. They differ on many particular issues; but they do agree on the wisdom of a general direction and the urgency of certain purposes. In this sense, even in non-ideological America, there are radicals and rightists, liberals and conservatives. In this sense the Americans for Democratic Action is the spearhead of American liberalism.

It can look back on a record of achievement unmatched in American political organization. It has elected dozens of members to high office, many of its early programs are now law, and its once theoretical notions are the daily staple of bureaucracy.

It is easy to blunt, answer, and even ignore the criticism of liberalism which is largely a reflex action from past battles. The ease of such refutation, however, should not be permitted to obscure real defects. If there is reason for doubt it is not that today's liberals are too progressive, but that they are often not progressive enough: not that they are radical but that they are sometimes mired in outworn outlooks and programs; not that they are impractical but they have occasionally let practical necessities override faithfulness to ideals and values. We have discovered the perverse principle that defeat can breed strength while victory often erodes will and creates intoxication with success. Success is the disease of American society, a disease which strikes impartially at businessmen, politicians, movie stars and intellectuals alike. It is especially virulent when it attacks the politically concerned and passionate, making them more anxious to enact bad programs than fight for a good one, elect a mediocrity than lose with distinction, support a sympathetic office holder even when he is wrong, simply because he is sympathetic. We do not advocate a policy of defeatism or even political suicide. We are politicians and the object of politics is the acquisition and use of power. Pragmatism, the code word of today's liberalism, is a useful tool to carry you forward, remove obstacles, and solve problems. But it does not tell you where to go. Beliefs tell you. Values tell you. Common goals tell you. Once that distinction is obscured it is easy to forget where you are going and even who you are.

Let me give a few tentative thoughts about today's redefinition of liberal goals before proceeding to the principal obstacle to all those goals: the war in Vietnam.

Liberal thought in America has always been a confederation of diverse beliefs. But there have been certain, discernible, central strands in the fabric of the past thirty years. One is the once revolutionary idea that the national government has a direct responsibility for the welfare of the people: For their well-being as individuals—older citizens, poor or Negro—and for the general health of the economy. Another is the belief that private power must be compelled to act in the public interest, that through regulation America must be made safe for capitalism.

Those were the subject of wonderful, passionate engagements, but they are largely won. They have become the truisms of American political life, although there are many important skirmishes to be fought and the specter of Hooverism occasionally looms over the horizon only to be brushed casually away by a slightly surprised electorate.

It is this victory of important principle, and the changes it has helped bring the nation, which makes it necessary to rethink most of the old political beliefs and slogans as this organization, and others, have been doing.

At one time to be a liberal meant to be for federal action against states' rights. Particularly in civil rights this is still a vital question. Yet our major effort now is to find new ways to help states and local government assume responsibilities and burdens; and it was a Democratic liberal, not a Republican conservative, who proposed to turn over federal revenue to state government.

At one time to be a liberal meant to automatically favor the cause of labor over business. Yet the Chamber of Commerce is more willing to trade with China than the AFL–CIO; unions are often more concerned with protecting the established order than businessmen; and it was the liberals who helped pass laws against racketeering in labor. Even the most ardent liberal will prefer the activities of Tom Watson of IBM to those of Jimmy Hoffa.

At one time to be a liberal was to oppose big business. Yet it was the Administration of John Kennedy, not Eisenhower, that proposed and passed measures for business expansion to the benefit of all of us.

At one time to be a liberal was to fight for the principle that collective action did not diminish individual freedom. While we still go through the motions, that battle is over, for freedom has been enlarged as collective action widened. Rather we are now increasingly concerned about coercion from the center.

These old battle cries are largely a victim of success and of profound changes in American society. They were built on the assumption that rising wealth fairly shared was the key to the American dream. Of course, that dream has not yet come true for the chronically poor or the Negro. Still, in terms of the old values, most Americans have achieved greatly. They are well-fed, live in decent houses, own television sets, drive 90 million automobiles, and debate not whether but where to take a vacation. Yet even at the moment of victory for so many we know that shared prosperity is not enough. Modern man, with all his wealth and comfort, is oppressed by forces which menace and confine the quality of his life.

Increasingly American thinkers are discovering, describing, and attacking these forces. It is the responsibility of politics to translate this emerging awareness into political action.

The ancient desire to stretch one's talents to the limit of ability and desire now enters a world whose instruments grow in complexity, where understanding is more difficult as the possiblities of all encompassing knowledge disappear, and where leisure threatens many with boredom and futility. It is not enough to train people, we must do so through an educational system of a quality and daring of innovation past all our old objectives.

Even with knowledge and understanding at his command, however, man alone is not man fulfilled. He must be sustained and strengthened by the world around him, and by those with whom he lives and works.

He will not find that strength in cities scarred by slums, encircled by suburbs which sprawl recklessly across the countryside; where movement is difficult, beauty rare, life itself more impersonal and security imperilled by the lawless.

And even beyond education and the deterioration of our environment modern America assaults the deepest values of our civilization, those worlds within a world where each can find meaning and dignity and warmth: family and neighborhood, community and the dignity of work.

Family ties grow weaker as the gap between the generations widens. The community disappears as the streets of our cities rush in upon each other. Work, once the principal support of self-respect, becomes more and more mechanical, each man a replaceable componency in an abstract task. Ahead lies the most terrible danger of all: a nation of strangers; each separate from his fellows, remote from his labors, detached from participation in the great enterprise of American life.

Underneath there is a single, overwhelming cause for the discontent which runs like a dark thread through the silver fabric of American life. It is cause and consequence of all the rest. It is the fear of the individual human being that he has become meaningless in the great human enterprise. Decisions of peace and war, life and death, are made by a handful of men beyond his reach. Cities and factories grow and spread seemingly powered by a force beyond the control of man. Science describes our world, and life itself, in terms far beyond the reach of ordinary understanding. Computers and marvelous machines seem to make man unnecessary in the oldest stronghold of all, his work.

This is the motive power, the fueling force, behind the new right and the new left. They want to matter. And so do we all.

To glimpse the shortcomings of American life, to feel the weight of dark and obscure forces, even to illuminate with investigation and thought the wrongs of American life, is not enough for any group dedicated to political action. That requires we translate passion, engagement, and a sense of injustice into concrete action; as individual groups, and through political institutions. Many of the proposals which fill liberal journals and meeting chambers are little more than logical extensions of old ideas and processes. The guaranteed annual wage, the organization of farm workers, national health insurance, and many other ideas, can stand on their own merits but they hardly represent a radical departure from our past. Most of the causes which engage us deeply—from civil rights to the war against poverty—flow from the historic drive to open the blessings of society to all people.

I do not pretend to have the answers or a dramatic new approach but it seems to me that certain guidelines are emerging which may help show the way.

First, is to devote more of our resources to common needs; from schools and playgrounds to blighted cities and poisoned air. History has proved that rising national wealth does not resolve social problems. Present experience proves that the old method of handing out federal grants will not rebuild a city or clean up pollution. The problems of the city, for example, are not simply problems of welfare or income. They demand technical skill, a network of subsidies and regulation, planning and engineering. More and more we will have to turn problems over to technicians, equip them with authority, and provide the funds to do the job. People are far more concerned with progress, with getting the job done, than they are with the ideology of change. The technician-politician—the man who regardless of party can resolve complex problems—is the man of the future.

Secondly, we will have to reshape the historic relationships of our federal structure so not to be completely dependent on Washington for comfort, help and skill. The problems are far too huge and varied to be solved from the top. Moreover, to attempt it is to strip people in communities and states of the chance to share in the solution of the great problems of society. It is essential to our spiritual health to develop structures which give people a chance to share in the American enterprise. It is essential to our national progress that we tap the enormous resources of mind and energy which lie unused, ignored and unwanted throughout America.

This means decentralization of government action; a decentralization which will take many forms and whose evolution is a challenge to our genius for political creation. Variety will be the hallmark of such a system, but I believe the basic pattern will be federal funds and guidelines with responsibility for action left to the community. For example, perhaps the best approach to the problem of our cities can be drawn from the theoretical patterns of foreign aid. The federal government would require the city to develop a master plan of development embracing basic services, housing and all the components of community life; providing federal funds on a large scale to carry the plan forward. As another example I have proposed turning a large part of the foreign aid program over to the states, involving communities and citizens directly in our relationship with the underdeveloped continents.

Even then individuals will have to fight City Hall; but it is far easier than fighting the White House.

We are worlds away from the old debate about federal power and big government. For underneath the rhetoric that was a debate whether we should tackle social and economic problems at all; or whether we should leave them to the impersonal working of an unregulated society. Today, decentralization assumes that many problems will yield to directed human intelligence; the question is how best to enlist the energies of Americans in that task. I have no doubt that citizen participation is the future direction of liberalism. It will permit us to do a better job with our society. It will allow our people to share the life of the nation; to contribute, to work, to be needed and to be heard. It is a key to salvation from the separation and human frustration which are a poisoning and unnecessary by-product of our civilization.

Thirdly, we who have often looked to Washington for protection of human rights must increase our guard against the coercive society. It is the nature of power to resent opposition to its exercise. That resentment is multiplied as power grows. When those who have such power are also convinced of the wisdom and beneficence of their views then freedom is in danger. The worst threat to liberty comes not from those who simply seek their own aggrandizement, but from those who seek the good of others, identifying opposition to their desires with harm to the nation. Already wiretapping, bugging, and manifold invasions of privacy are growing, I believe, far beyond the present knowledge of any of us. There are laws in Congress to give the Secretary of State arbitrary power to limit the travel of Americans. It has even been proposed that we draft all Americans—not simply to meet an immediate threat to our security—but as a matter of course. All of these have in common the frightening belief that individual action and freedom should be limited for the good of the state, according to some officeholder's view of what that good requires. That is the cause to enlist our energies, to bring us shouting into the streets against any who claim the right to tell us where to go, or listen to our private conversations, or prescribe how we must serve our society. The coercive society is no less obnoxius when coercion is masked in benevolence.

These are tentative steps toward redefinitions of difficult and shifting goals; but they are charged with a traditional faith in the capacity to reshape our society more to the needs of man.

There is, however, another issue which has reduced discussions about domestic America to academic discourse, which has swallowed up the New Frontier and Great Society, and which is eroding our position throughout the world. That issue is, of course, the war in Vietnam.

The Vietnamese war is, I believe, the most dangerous conflict since the end of World War II: more dangerous than Berlin or even Korea. In those confrontations the danger was clear and sensibly appraised. The stakes were fairly obvious to both sides. Objectives were carefully limited; and power ultimately became the handmaiden of reason and final accommodation. In Vietnam, on the other hand, the dangers are confused and unclear. Objectives are expressed in vague generalities which open to endless vistas. Moreover, from other cold war confrontations there evolved a set of tacit understandings designed to limit conflict even while it was being waged. That, for example, is the real meaning of the no-sanctuary policy carefully observed, we should remember, by both sides. Today those understandings are in grave danger of being swept away, and with them our most important protections against enlarging conflict.

The air is charged with rhetoric. We are buried in statements and speeches about negotiation and peace, the defense of freedom and the dangers of communism, the desire to protect the helpless and compassion for the dying. Much of it is important and sincere and well-meaning. Some is intended to deceive. Some is deliberate lie and distortion. But the important thing is not what we are saying, but what we are doing; not what is being discussed, but what is happening.

And what is happening is not confusing or unclear or contradictory at all. It is not masked in obscurity or buried in secret archives. It stands in clear, vivid and towering relief against the landscape of conflict. The war is getting larger. Every month there are more men in combat, more bombs falling, greater expenditures, deeper commitments. It is the steady inexorable course of this conflict since its beginning. We have gone to the United Nations and the war has grown larger. We have offered funds for development and talked of social reforms; and the war has grown larger. We have predicted victory and called for compromise; and the war has grown larger.

There is therefore, little escape from the conclusion that it will grow larger still.

Nor is this steady pattern the consequence of inexorable historical forces. It flows from the decisions of particular men in particular places—in Washington and Hanoi, in Saigon and in the jungle headquarters of the Vietcong. It is in part a product of communist hope and drive for victory; but it is partly our decision too. And we must suppose those same decisions will continue to be made.

Nor is this, as we are sometimes told, because there is no alternative. There are dozens of alternatives. There are enclave programs, and programs to hold the centers of population. There are suggestions that we rely on pacification of the countryside rather than the destruction of the Vietcong. There are proposals to limit the bombing or to end it. There are proposals for negotiations, complete with all the specifics of possible agreement. The fact is the air is full of alternatives. They have simply been rejected in favor of another course; the present course. And we must also suppose they will continue to be rejected.

All prophecy is an exercise in probability. With that caution let us try to strip the argument of its necessary passion and discuss the probabilities which are compelled by the awesome logic of the course of events in Vietnam. Passion is important; it lies at the root of war and of hatred of war. Nor do I lack personal feeling; for only the strongest of feelings could impel me to discuss a subject with which I was so recently connected in so intimate a way. Yet we can perhaps now meet more productively on the common ground of reason. Rarely has there been greater need for such unity among men of good will.

In other places I have set forth my personal views on the conduct of the war in South Vietnam: The belief that we have an important stake in Southeast Asia, and that we must continue the battle in the South—although differently than we are now doing—until a political settlement is reached. And I have, like many others, discussed alternative routes to these objectives. Today, however, I would like to talk about the lengthening shadow of the war in the North; for in that war are the swiftly germinating seeds of the most grave danger.

In this, as in so many aspects of the war, much of the information which feeds judgment is deeply obscured. Of course, in times of armed conflict facts are often elusive and much information, of necessity, cannot be revealed. By its nature war is hostile to truth. Yet with full allowance for necessary uncertainties I believe there has never been such intense and widespread deception and confusion as that which surrounds this war. The continual downpour of contradiction, misstatements, and kaleidoscopically shifting attitudes has been so torrential that it has almost numbed the capacity to separate truth from conjecture or falsehood.

At one time we are told there is no military solution, and then that victory can be ours.

There are months when we talk about negotiations and months when we forget them.

There are times when dissenters give aid and comfort to the enemy and times when they are acting in the greatest of our traditions.

We have been reassured about efforts to reach a peaceful settlement when there is no plan or program for settlement in existence.

We are given endless statistics with a numerical precision which only masks the fact they are based on inadequate information, or guesses, or even wishful thinking. For example, if we take the numbers of enemy we are supposed to be killing, add to that the defectors, along with a number of wounded much less than our own ratio of wounded to killed, we find we are wiping out virtually the entire North Vietnamese force every year. This truly makes their continued resistance one of the marvels of the world. Unless the figures are wrong, which of course they are.

We are told the bombing is terribly costly to North Vietnam. Yet the increase in Soviet and Chinese aid, since the bombing, is far greater, in economic terms, than the loss through bombing. Except in human life, the North Vietnamese are showing a profit.

At the time of the Hanoi-Haiphong bombings last June we were told that in the first six months of 1966 enemy truck movement had doubled the infiltration of supplies was up 150%, and infiltrated personnel increased 120%. However, the fact is we do not know, except in the most vague and general way, how much supplies are being brought in or how many men. They move at night, sometimes on trails we have not yet discovered, and the best intelligence gives only the most vague picture. We could not only be wrong, but enormously wrong. The swiftness with which we change our estimates helps show that seeming exactness conceals large uncertainties.

The statements which followed the Hanoi-Haiphong bombings are an illuminating example of this process in action.

It was said the raids would destroy a large proportion of North Vietnam's fuel capacity and this would help paralyze—or at least slow down—the process of infiltration. Yet these raids had been anticipated, alternative techniques of providing fuel had been developed, and the raids were destined to have little if any effect on the North Vietnamese capacity to make war. And this was clear at the time we bombed.

We were told, in an inside story in the New York Times, that the bombings would prove to Hanoi it could not count on its allies. The fact is that aid was stepped up as we anticipated it would be.

Within a few days a high official said fresh intelligence showed that Hanoi was now plunged in gloom, weary of war, and suffused with a sense of hopelessness, presumably at least in part as a result of the raids. Yet, there was no substantial intelligence of this kind. We have heard little about it since. And recent information indicates that the opposite was the case—the enemy's will was strengthened.

The truth is that this major and spectacular escalation in the war had had little measurable effect on the enemy's capacity or morale, and most of those who looked at the matter seriously in advance of the bombing knew it would probably be ineffective.

Yet despite confusion and misstatement, despite the enormous difficulty of grasping the realities on which policy must be based, I believe we can know that further escalation of the war in the North will only bring us farther from settlement and closer to serious danger of a huge and devastating conflict.

We began the campaign of bombing in the North as a result of the enormous and unresolved difficulties of winning the real war, the war in the South.

As predicted by almost every disengaged expert, from General Ridgway to George Kennan; and as taught by the whole history of aerial warfare, that bombing has neither brought the enemy to his knees or to the council table. It has not destroyed his capacity to make war, or seriously slowed down either infiltration or the flow of supplies. At each step it was claimed the bombing would make a decisive difference. Yet it has made hardly any difference at all. In fact, the tempo of conflict has increased.

The official statements justifying the Hanoi-Haiphong raids bore partial witness to the futility of bombing. We were told the raids were necessary because infiltration had increased enormously; an official admission of the failure of one of the most intensive bombing campaigns in world history. Despite thousands upon thousands of raids more men and supplies are flowing South and the routes of infiltration have been widened and improved. Despite the bombing, or perhaps because of it, all signs indicate the North Vietnamese will to fight has stiffened and the possibilities of negotiation have dimmed. Despite the bombing, or because of it, North Vietnam has become increasingly dependent upon Russia and China. Despite the bombing, or because of it there has been a vastly increased supply of aid to North Vietnam by Russia and China and a deepening world communist commitment to this war.

In short the bombing has been a failure, and may turn out to be a disaster.

Yet we once again hear voices calling for further escalation; just as each previous time that the bombing has failed we have been told that more bombing is necessary and new goals are articulated. First it was said we wanted to stop infiltration. Next, we would persuade the North Vietnamese to come to the Council table. Then we would punish them and force them to surrender. Now men are talking of the need to destroy their capacity to make war. And so we move inexorably up the ladder of failure toward widening devastation. And the latest goal, the destruction of enemy capacity, if ever adopted, will be the most vaguely ambitious of all. For such capacity rests on the entire society; and that whole society; factories, dams, power plants, cities themselves must be brought tumbling down.

All of this is possible despite the fact that each future escalation will probably have the effect of previous escalations. It will increase the dangers of wider war, lessen the chances of a negotiated settlement, drain away effort which should be concentrated in the South, further alienate our allies, and have little damaging effect on the enemy's ability or will to fight.

We are sometimes asked what else we can do. I believe there are other things to do. The war can be fought more effectively in the South. The search for a settlement can be given greater direction and brilliance. We can prepare ourselves, if necessary, to accept a long ground war of attrition leading ultimately to a political settlement. But that is not the question. If the bombing cannot win the war, if it does not work; and above all if it carries tremendous political and military risks, then it should not be increased, either out of frustration with the war or with the polls.

For the greatest danger of this course—the course of escalation—is not only in the extent of devastation and death, or the damage it does to the hope of peaceful solution, but the fact that each step of the way increases in vast proportion the danger of a huge and bloody conflict. If North Vietnam is devastated then all reason for restraint or compromise is gone. The fight is no longer a war for the South but a struggle for survival calling their still largely uncommitted armies and people into battle. Nor can China stand by and see its ally destroyed. I do not believe China wants to fight the United States, at least not yet; but it cannot stand by while we destroy North Vietnam. To do so would forfeit all its claim to moral and political leadership of militant communism. They would then be truly a paper dragon, stoking the fires of revolution only when Chinese blood and land was not at stake.

Nor is China's entrance likely to be signalled by a huge and dramatic sweep of armies across the frontier. It is far more likely that increasing destruction in the North will stimulate or compel the Chinese to accelerate the nature and kind of their assistance. Perhaps Chinese pilots will begin to fly air defenses over Hanoi. The number of Chinese troops in North Vietnam may be greatly increased. Chinese anti-aircraft crews may be placed throughout the country. Thus, step by step, China acting in response to seeming necessities, may become involved in a war it did not fully contemplate, much as we have. And there are many signs that this process has already begun. This is the most likely and grave route to enlarging conflict. And if China does enter we must bomb them, for certainly we will not permit them sanctuaries or, if it comes to that, engage their armies solely in the jungles of Southeast Asia. And lastly is the Soviet Union, forced to choose between China and America.

None of this is certain. An entirely different course is possible. Yet the danger of such a chain of events grows by immeasurable strides each time we enlarge the war in the North: and if past is prologue we will continue that enlargement. Yet the fantastic fact, the truth that challenges belief, is that this is being done although virtually no one remains beside some of the engaged military and a few men in the State Department—virtually no one in the Administration or out—who believes that increased bombing will have a decisive effect on the war in South Vietnam. We are taking likely and mounting risks in pursuit of an elusive, obscure, marginal, and chimerical hope; a course which defies reason and experience alike.

Yet I believe this is the way we are going; that only beneficent and uncertain fortune can bar the way. This is not a belief born of personal fear. After all, we, or most of us, will continue to work and prosper, hold meetings and make speeches, unless all of our civilization is swallowed up. Even then enough will survive for the race to evolve and perhaps create something finer. It is rather a belief born of a fallible reason and analysis, always better able to describe our situation than guide our action, which seeks in the acts of our past and the attitudes of our present a guide for our future.

I do not wish however, to come with a counsel of despair. The surest guarantee of misfortune is resignation. Therefore, we must all make what effort we can. There are enormous differences among the critics of the war. There are those who believe we have no interest in Vietnam or even in all of Asia. There are those who wish us to withdraw. There are fierce debates over the history of the war, the nature of its participants, the goals of our enemies. There are those, like myself, who believe we should carry on the war in the South while intensifying, modifying and sharpening the search for peaceful compromise tied to some measures of de-escalation in the North. Yet our danger is so grave that those who fear the future even more than they distrust the past—a group which encompasses, I believe, the majority of the American people—must seek some common ground rather than dissipating energies in exploring the varieties of dissent. Without sacrificing individual views we must also shape a unified stand, a focal point of belief and action which can unite all who apprehend coming dangers. Only in this way can we create a voice strong enough to be heard across the country, bringing together men of diverse beliefs, adding strength to the views of those in government who share this apprehension. It must also be a clear and direct stand; one that fires response in those millions of our fellow citizens who glimpse through complexity, discord and obscurity the vision of something dark and dangerous.

I believe there is such a position. It is simply the victorious slogan of the Democratic Party in 1964. It is: No wider war. It is to oppose any expansion of the bombing. It is to speak and work against all who would enlarge the war in the North.

Such a stand will not end the war in South Vietnam. It may even prolong it. It will not fully answer the deep objections, feelings and fears of many in this room or across the country. But it can crystallize the inarticulate objections of many. It may well increase the weight and impact of the forces of restraint. Most importantly it strikes at the most ominous menace to the lives of millions and the peace of the world. Such a rallying cry requires compromise, the willingness to seek less than is desired; but that is the basic necessity of those who seek not self indulgence but to shape the course of this nation.

To be most effective this position will require more than speeches and resolutions. It will need structure and purpose. I suggest this organization work with other groups and individuals to form a national committee against widening of the war. It will not be aimed at withdrawal or even a lessening of the war in the South; although individuals who oppose escalation may also hold those views. Thus it will be open to all groups who oppose escalation in the North regardless of their position on other issues, and will be open to the millions of Americans who belong to no group but who share this basic belief and apprehension. Such a committee can provide a constant flow of objective information about Vietnam. It can keep vigil over official statements and ask the hard questions which might help separate wishful thinking from facts. It will neither be against the Administration nor for it, neither with any political party or opposed to it, neither liberal nor conservative. Its sole aim will be to mobilize and inform the American people in order to increase the invisible weight of what I believe to be the American majority in the deliberations and inner councils of government. Its purpose is to help the President and others in government by providing a counter pressure against those who urge a more militant course; a pressure for which those in government should be grateful since it will help them pursue the course of wise restraint.

Although I believe deeply in this proposal I do not wish to give the argument a certainty I do not have. The most important fact of all, the unknown which transcends all debate, are the thoughts and intentions of our adversaries and their allies. Yet skepticism born of imperfect knowledge cannot be permitted to dull the passion with which we pursue convictions or the fervor of our dissent. For we must fight against fulfillment of Yeats' prophecy which foresaw destruction if the time should come when "the best lack all conviction, and the worst are full of passionate intensity."

Some have called upon us to mute or stifle dissent in the name of patriotism and the national interest. It is an argument which monstrously misconceives the nature and process and the greatest strength of American democracy. It denies the germinal assumption of our freedom: that each individual not only can but must judge the wisdom of his leaders. (How marvelously that principle has strengthened this country—never more dramatically than in the postwar period when others have buried contending views under the ordained wisdom of the state, thus allowing received error to bread weakness and even defeat. The examples are legion. The virgin lands settlement and the Great Leap Forward failed because experiment was made into unchallengeable law; while we began to catch up in space, modernized and increased our defenses, and started the Alliance for Progress because what began as dissent became national purpose.) Of course the enemy is glad to see our divisions. But our concern is with America not Hanoi. Our concern is with those millions of our own people, and with future generations, who will themselves be glad to see that there were men who struggled to prevent needless devastation and thus added to the strength and the glory of the United States.

Among the greatest names in our history were men who did not hesitate to assault the acts and policies of government when they felt the good of the nation was at stake: Jefferson at a time when the integrity of the new nation was still in doubt, Lincoln during the Mexican war, Roosevelt in the midst of national depression, John F. Kennedy among cold war defeats and danger.

Only a dozen years ago, in 1954, another American leader assaulted our policy in Vietnam, saying "The United States is in clear danger of being left naked and alone in a hostile world . . . It is apparent only that American foreign policy has never in all its history suffered such a stunning reversal. What is American policy in Indochina? All of us have listened to the dismal themes of reversal and confusions and alarms and excursions which have emerged from Washington . . . We have been caught bluffing by our enemies. Our friends and allies are frightened and wondering, as we do, where we are headed . . . The picture of our country needlessly weakened in the world today is so painful that we should turn our eyes from abroad and look homewards."

It is in this same spirit of concern for our country that we should conduct our dissent as, on that day, did Lyndon B. Johnson then leader of the minority party.

It is not our privilege, but our duty as patriots, to write, to speak, to organize, to oppose any President and any party and any policy at any time which we believe threatens the grandeur of this nation and the well-being of its people. This is such a time. And in so doing we will fulfill the most solemn duty of free men in a free country: to fight to the limit of legal sanction and the most spacious possibilities of our constitutional freedoms for the safety and greatness of their country as they believe it to be.

The arguments of this speech have been practical ones founded, to the limits of my capacity and knowledge, upon the concrete and specific realities and dangers of our present situation. But there is more than that in the liberal faith. American liberalism has many faces. It pursues divergent paths to varied and sometimes conflicting goals. It cannot be captured in an epigram or summarized in a simple statement of belief. Part of it, however, is simply and naively a belief in belief. It is the idealistic, visionary and impractical faith that action and policy and politics must rest on the ancient and rooted values of the American people. It still believes that for a nation to be great, to serve its own people and to command the respect and trust of others, it must not only do something but stand for something. It must represent in speech and act the ideals of its society and civilization.

Some part of the conflict in Vietnam may have been unavoidable, some is the result of well-intentioned error, but some must surely flow from the fact we have bent belief to the demands of those who call themselves realists or tough minded.

It is not realistic or hard-headed to solve problems and invest money and use power unguided by ultimate aims and values. It is thoughtless folly. For it ignores the realities of human faith and passion and desire; forces ultimately more powerful than all the calculations of economists and generals. Our strength is in our spirit and our faith. If we neglect this we may empty our treasuries, assemble our armies and pour forth the wonders of our science, but we will act in vain and we will build for others.

It is easy to be tough when toughness means coercing the weak or rewarding the strong; and when men of power and influence stand ready to applaud. It is far harder to hold to principle, speaking, if necessary, alone against the multitude, allowing others to make their own mistakes, enduring the frustration of long and inconclusive struggles, and standing firm for ideals even when they bring danger. But it is the true path of courage. It is the only path of wisdom. And it is the sure path of effective service to the United States of America.

TENTH ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 499)

The **SPEAKER.** The Chair lays before the House the following message from the President of the United States.

Mr. **HALL.** Mr. Speaker, I make the point of order that a quorum is not present. I believe the Members should hear the President's message.

The **SPEAKER.** Will the gentleman from Missouri withhold his request for a minute?

Mr. **HALL.** Mr. Speaker, I ask unanimous consent to withdraw the request.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

The **SPEAKER** laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed with illustrations:

To the Congress of the United States:

This is the 10th annual report on the trade agreements program, as required by section 402(a) of the Trade Expansion Act of 1962. It covers calendar year 1965.

World trade in 1965 surpassed all previous levels, enriching the lives of peoples around the globe. Record levels of U.S. foreign trade contributed greatly to this advance, and the American people shared fully in its benefits.

However, the successes of 1965 also served to dramatize the vast unrealized potential of the world market and the importance of moving forward with the Kennedy round of tariff negotiations, the great multilateral endeavor to generate more rapid growth in trade. Recently, the pace of these talks has intensified. The major participants have shown renewed determination to conclude an agreement. The United States will continue to exert every effort to assure that these negotiations yield extensive reductions in restraints on trade in all classes of goods, including agricultural products.

The steady growth and freer flow of world trade are essential to full prosperity at home, economic growth and stability in the industrialized countries, and progress in the developing world. We shall do everything in our power to build in future years on the substantial progress in these directions achieved in 1965.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 20, 1966.*

THIRTEENTH ANNUAL REPORT OF THE CORREGIDOR-BATAAN MEMORIAL COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 498)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the provisions of Public Law 193, 83d Congress, as amended, I hereby transmit for the information of the Congress of the United States the 13th Annual Report of the Corregidor-Bataan Memorial Commission for the fiscal year ended June 30, 1966.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 20, 1966.*

CALL OF THE HOUSE

Mr. YATES. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 291]

Adams
Albert
Anderson, Tenn.
Andrews, Glenn
Aspinall
Ayres
Belcher
Bolling
Brock
Broomfield
Brown, Calif.
Byrnes, Wis.
Callaway
Cameron
Carter
Celler
Cohelan
Conte
Conyers
Corman
Davis, Ga.
Dorn
Downing
Dyal
Edwards, La.
Evans, Colo.
Evins, Tenn.
Farbstein
Fisher
Flood
Fulton, Tenn.
Giaimo
Gray
Grider
Hagan, Ga.
Hanna
Hicks
Hosmer
Hungate
Johnson, Pa.
Jones, N.C.
King, N.Y.
Kluczynski
Landrum
McEwen
McMillan
Machen
Martin, Ala.
Martin, Mass.
Miller
Morrison
Murray
Nedzi
O'Hara, Mich.
Ottinger
Pool
Powell
Purcell
Randall
Rees
Reinecke
Resnick
Rivers, Alaska
Robison
Roncalio
Roybal
Rumsfeld
Scott
Senner
Sisk
Stafford
Stratton
Teague, Tex.
Thompson, N.J.
Todd
Toll
Walker, Miss.
White, Idaho
Willis
Wilson, Charles H.

The SPEAKER. On this rollcall 352 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

COMPENSATION FOR CANCELLATION OF GRAZING PERMITS

The Clerk called the bill (S. 1375) providing a method for determining the amount of compensation to which certain individuals are entitled as reimbursement for damages sustained by them due to the cancellation of their grazing permits by the United States Air Force.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FRED E. STARR

The Clerk called the bill (S. 1068) for the relief of Fred E. Starr.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HANSEN of Idaho. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MRS. RAISLA STEIN AND HER TWO MINOR CHILDREN

The Clerk called the bill (H.R. 1945) for the relief of Mrs. Raisla Stein and her two minor children.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ARLINE AND MAURICE LOADER

The Clerk called the bill (H.R. 2016) for the relief of Arline and Maurice Loader.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HANSEN of Idaho. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DEMETRIOS KONSTANTINOS GEORGARAS (ALSO KNOWN AS JAMES K. GEORGARAS)

The Clerk called the bill (H.R. 2146) for the relief of Demetrios Konstantinos Georgaras (also known as James K. Georgaras).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MRS. MELBA B. PERKINS

The Clerk called the bill (H.R. 3275) to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Mrs. Melba B. Perkins against the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ROBERT A. HARWELL

The Clerk called the bill (H.R. 6039) for the relief of Robert A. Harwell.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HANSEN of Idaho. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

JOHN T. KNIGHT

The Clerk called the bill (H.R. 8694) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight.

There being no objection, the Clerk read the bill, as follows:

H.R. 8694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon any claim of John T. Knight, of New Orleans, Louisiana, arising out of his claim againt the United States for disability retirement pay for a disability allegedly incurred or aggravated while serving in the Armed Forces of the United States.

SEC. 2. Suit upon any such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28 of the United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight."

A motion to reconsider was laid on the table.

EDWARD G. BEAGLE, JR.

The Clerk called the bill (H.R. 13909) for the relief of Edward G. Beagle, Jr.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CHARLES J. ARNOLD

The Clerk called the bill (H.R. 13910) for the relief of Charles J. Arnold.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DELMA S. POZAS

The Clerk called the bill (S. 146) for the relief of Delma S. Pozas.

There being no objection, the Clerk read the bill, as follows:

S. 146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Delma S. Pozas may be classified as a child within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in behalf of the said Delma S. Pozas by Mr. and Mrs. Luis Guevarra, citizens of the United States, pursuant to section 204 of the Immigration and Nationality Act subject to all the conditions in that section relating to orphans.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGES FRAISE

The Clerk called the bill (S. 196) for the relief of Georges Fraise.

There being no objection, the Clerk read the bill, as follows:

S. 196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time Georges Fraise has resided and been physically present in the United States since September 1956 shall be held and considered to meet the residence and physical presence requirements of section 301(b) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of section 301(b) of the Immigration and Nationality Act, and section 16 of the Act of September 11, 1957, Georges Fraise shall be held and considered to have retained his United States citizenship if he complies with the provisions thereof prior to attaining the age of thirty-two years."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 99) favoring the suspension of deportation of certain aliens.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. HALL and Mr. GROSS objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

PERMITTING THE USE OF THE VESSEL "JOHN F. DREWS" IN THE COASTWISE TRADE WHILE IT IS OWNED BY A CITIZEN OF THE UNITED STATES

The Clerk called the bill (H.R. 14517) to amend Private Law 86–203 to permit the use of the vessel *John F. Drews* in the coastwise trade while it is owned by a citizen of the United States.

Mr. HANSEN of Idaho. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

JULIETA GLORIA GALURA

The Clerk called the bill (H.R. 11254) for the relief of Julieta Gloria Galura.

There being no objection, the Clerk read the bill, as follows:

H.R. 11254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Julieta Gloria Galura may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in her behalf by Alejandro B. Bersamin, a citizen and national, respectively, of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Julieta Gloria Bersamin may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Alejandro B. Bersamin, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read a third time, and passed. The title was amended so as to read: "A bill for the relief of Julieta Gloria Bersamin."

A motion to reconsider was laid on the table.

ANTONIO JESUS SENRA (RODRIGUEZ) AND HIS WIFE, MERCEDES M. MIRANDA DE SENRA

The Clerk called the bill (S. 372) for the relief of Antonio Jesus Senra (Rodriguez) and his wife, Mercedes M. Miranda de Senra.

There being no objection, the Clerk read the bill, as follows:

S. 372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Antonio Jesus Senra (Rodriguez) and his wife, Mercedes M. Miranda de Senra, may be naturalized upon compliance with all of the requirements of title III of the Immigration and Nationality Act, except that no period of residence or physical presence within the United States or any State shall be required, in addition to their residence and physical presence within the United States since August 13, 1959.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. VICTOR M. UBIETA

The Clerk called the bill (S. 373) for the relief of Dr. Victor M. Ubieta.

There being no objection, the Clerk read the bill, as follows:

S. 373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Victor M. Ubieta shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

SEC. 2. That, for the purposes of section 316 of the Immigration and Nationality Act, no period of residence or physical presence within the United States or any State shall be required of Doctor Victor M. Ubieta in addition to his residence and physical presence within the United States since July 9, 1949.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "Beginning on page 1, line 6, after the words 'residence as of' strike out the remainder of the bill and insert in lieu thereof 'November 6, 1960.'"

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. OSCAR VALDES CRUZ

The Clerk called the bill (S. 993) for the relief of Dr. Oscar Valdes Cruz.

There being no objection, the Clerk read the bill, as follows:

S. 993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Doctor Oscar Valdes Cruz has resided in the United States since his lawful admission for permanent residence on December 19, 1961, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ORTELIO RODRIGUEZ PEREZ

The Clerk called the bill (S. 1120) for the relief of Dr. Ortelio Rodriguez Perez.

There being no objection, the Clerk read the bill, as follows:

S. 1120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Ortelio Rodriguez Perez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 13, 1960.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ENRIQUE RAMON DUCASSI

The Clerk called the bill (S. 1449) for the relief of Dr. Enrique Ramon Ducassi.

There being no objection, the Clerk read the bill, as follows:

S. 1449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Enrique Ramon Ducassi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 30, 1960.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DOROTHY EYRE

The Clerk called the bill (S. 1468) for the relief of Dorothy Eyre.

There being no objection, the Clerk read the bill, as follows:

S. 1468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any period of time during which Dorothy Eyre may visit in Great Britain between November 19, 1961, and November 19, 1966, shall not be deemed to interrupt the period of continuous physical presence in the United States of said Dorothy Eyre within the meaning of section 301(b) of the Immigration and Nationality Act, as amended.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, in the administration of section 301(b) of the Immigration and Nationality Act, and section 16 of the Act of September 11, 1957, Dorothy Eyre shall be held and considered to have retained her United States citizenship if she complies with the provisions thereof prior to attaining the age of thirty-three years."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOAQUIN U. VILLAGOMEZ

The Clerk called the bill (S. 2091) for the relief of Joaquin U. Villagomez.

There being no objection, the Clerk read the bill, as follows:

S. 2091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Joaquin U. Villagomez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, after the language "instruct the proper" on line 9, strike out the remainder of the bill and substitute in lieu thereof the following: "officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KONSTADYNA BYNI DELIROGLOU AND HER MINOR CHILD, ALEXANDROS DELIROGLOU

The Clerk called the bill (S. 2265) for the relief of Konstadyna Byni Deliroglou and her minor child, Alexandros Deliroglou.

There being no objection, the Clerk read the bill, as follows:

S. 2265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Konstadyna Byni Dediroglou, the fiancé of Arthur B. Weaver, a citizen of the United States, and her minor child, Alexandros Deliroglou, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided,* That the administrative authorities find that the said Konstadyna Byni Deliroglou is coming to the United States with a bona fide intention of being married to the said Arthur B. Weaver and that she and her minor child, Alexandros Deliroglou are found to be otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Konstadyna Byni Deliroglou, and her minor child, Alexandros Deliroglou, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Konstadyna Byni Deliroglou, and her minor child, Alexandros Deliroglou, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Konstadyna Byni Deliroglou and her minor child, Alexandros Deliroglou, as of the date of the payment by them of the required visa fees.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GUISEPPE RUBINO

The Clerk called the bill (S. 2295) for the relief of Guiseppe Rubino.

There being no objection, the Clerk read the bill, as follows:

S. 2295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Guiseppe Rubino may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition may be filed in his behalf by Mr. and Mrs. Luigi Rubino, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, at the end of the bill, change the period to a colon and add the following: "*Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARGARET LEE WEIL

The Clerk called the bill (S. 2451) for the relief of Margaret Lee Weil.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ELLSWORTH and Mr. HANSEN of Idaho objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

KIM KIN SOON

The Clerk called the bill (S. 2555) for the relief of Kim Kin Soon.

There being no objection, the Clerk read the bill, as follows:

S. 2555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c), relating to the number of petitions which may be approved in behalf of orphans, shall be inapplicable in the case of a petition filed in behalf of Kim Kin Soon by Mr. and Mrs. Thomas H. Johnstone, citizens of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IOANNIS A. VASILOPOULOS

The Clerk called the bill (S. 2621) for the relief of Ioannis A. Vasilopoulos.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GEORGE JOSEPH SAAD

The Clerk called the bill (S. 2800) for the relief of George Joseph Saad.

There being no objection, the Clerk read the bill, as follows:

S. 2800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, George Joseph Saad, the widower of Mary Elizabeth Saad, a United States citizen, shall be held and considered to be within the purview of section 201(b) of the said Act, and the provisions of section 204 of the said Act shall not be applicable in this case.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IRENE SNYDER

The Clerk called the bill (S. 2838) for the relief of Irene Snyder.

There being no objection, the Clerk read the bill, as follows:

S. 2838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Irene Snyder may be classified as a child within the meaning of section 101(b)(1)(F) of the said Act, and a petition may be filed in behalf of the said Irene Snyder by Sergeant and Mrs. Robert Snyder, a citizen and lawful alien resident, respectively, of the United States, pursuant to section 204 of the said Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIZELLA ERÉNYI

The Clerk called the bill (H.R. 1227) for the relief of Gizella Erényi.

There being no objection, the Clerk read the bill, as follows:

H.R. 1227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Gizella Erényi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Gizella Erényi. From and after the date of enactment of this Act, the said Gizella Erényi shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA ROSSI

The Clerk called the bill (H.R. 2129) for the relief of Maria Rossi.

There being no objection, the Clerk read the bill, as follows:

H.R. 2129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Maria Rossi shall be held and considered to be the minor natural born alien child of Mr. and Mrs. Carlo Maruzzi, citizens of the United States: *Provided*, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Maria Rossi shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Eugenio Carlo Maruzzi, citizens of the United States: *Provided*, That the natural parents or brothers and sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

AMENDMENT OFFERED BY MR. FEIGHAN

Mr. FEIGHAN. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FEIGHAN: On page 2, line 3 of the bill as amended, strike out the name "Maruzzi" and substitute in lieu thereof the name "Moruzzi".

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES S. KAHRIMAN

The Clerk called the bill (H.R. 3756) for the relief of James S. Kahriman.

There being no objection, the Clerk read the bill, as follows:

H.R. 3756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, James S. Kahriman shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, James S. Kahriman shall be held and considered to be the natural-born alien son of Mr. and Mrs. Spiros Kahriman, citizens of the United States: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERNEST BUILLET

The Clerk called the bill (H.R. 3879) for the relief of Ernest Buillet.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GLORIA ALESNA RELAMPAGOS

The Clerk called the bill (H.R. 10832) for the relief of Gloria Alesna Relampagos.

There being no objection, the Clerk read the bill, as follows:

H.R. 10832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Gloria Alesna Relampagos may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Francisco Relampagos, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Gloria Alesna Relampagos may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Francisco Relampagos, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KIM KAP YUNG

The Clerk called the bill (H.R. 12826) for the relief of Kim Kap Yung.

There being no objection, the Clerk read the bill, as follows:

H.R. 12826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kim Kap Yung may be classified as a child within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Raymond J. McCreight, citizens of the United States, pursuant to section 204 of that Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JORGE G. ECHENIQUE

The Clerk called the bill (S. 2348) for the relief of Dr. Jorge G. Echenique.

There being no objection, the Clerk read the bill, as follows:

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jorge G. Echenique shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 1, 1961.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. MARIO PRESMAN

The Clerk called the bill (S. 2376) for the relief of Dr. Mario Presman.

There being no objection, the Clerk read the bill, as follows:

S. 2376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Mario Presman shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 7, 1961.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ARTURO VICTOR FAJARDO-CARPIO

The Clerk called the bill (S. 2447) for the relief of Dr. Arturo Victor Fajardo-Carpio.

There being no objection, the Clerk read the bill, as follows:

S. 2447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Arturo Victor Fajardo-Carpio shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 7, 1960.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. FELIX HURTADO PEREZ

The Clerk called the bill (S. 2529) for the relief of Dr. Felix Hurtado Perez.

There being no objection, the Clerk read the bill, as follows:

S. 2529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Felix Hurtado Perez shall be held and considered to have been lawfully admitted to the United States for permanent residence on January 22, 1961.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ARGYRIOS A. TSIFUTIS

The Clerk called the bill (S. 2626) for the relief of Dr. Argyrios A. Tsifutis.

There being no objection, the Clerk read the bill, as follows:

S. 2626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Argyrios A. Tsifutis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 25, 1956, and the periods of time that the said Doctor Argyrios A. Tsifutis has resided in the United States since that time shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ALBERTO OTEIZA

The Clerk called the bill (S. 2789) for the relief of Dr. Alberto Oteiza.

There being no objection, the Clerk read the bill, as follows:

S. 2789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Alberto Oteiza shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 1, 1960.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. RAFAEL ANRRICH

The Clerk called the bill (S. 2796) for the relief of Dr. Rafael Anrrich.

There being no objection, the Clerk read the bill, as follows:

S. 2796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Rafael Anrrich shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 3, 1961.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. GOTTFRIED R. KAESTNER

The Clerk called the bill (S. 2854) for the relief of Dr. Gottfried R. Kaestner.

There being no objection, the Clerk read the bill, as follows:

S. 2854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Doctor Gottfried R. Kaestner has resided in the United States since his lawful admission for permanent residence on July 17, 1959, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act, as amended.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ALFREDO HERNANDEZ

The Clerk called the bill (S. 2865) for the relief of Dr. Alfredo Hernandez.

There being no objection, the Clerk read the bill, as follows:

S. 2865

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Alfredo Hernandez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 7, 1960.

The bill was ordered to be read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JOSE ENRIQUE DIAZ

The Clerk called the bill (S. 2869) for the relief of Dr. Jose Enrique Diaz.

There being no objection, the Clerk read the bill, as follows:

S. 2869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jose Enrique Diaz shall be held and considered to have been lawfully admitted to the United States for permanent residence on June 28, 1961.

The bill was ordered to be read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JAIME E. CONDOM VALERA

The Clerk called the bill (S. 2945) for the relief of Dr. Jaime E. Condom Valera.

There being no objection, the Clerk read the bill, as follows:

S. 2945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jaime E. Condom Valera shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 24, 1960.

The bill was ordered to be read a third time, was read the third time, and was passed, and a motion to reconsider was laid on the table.

DR. MARIO V. MACHADO ESPINOSA

The Clerk called the bill (S. 2946) for the relief of Dr. Mario v. Machado Espinosa.

There being no objection, the Clerk read the bill, as follows:

S. 2946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Mario V. Machado Espinosa shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 23, 1961.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ALONSO PORTUONDO

The Clerk called the bill (S. 3189) for the relief of Dr. Alonso Portuondo.

There being no objection, the Clerk read the bill, as follows:

S. 3189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Alonso Portuondo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 26, 1960.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JACOBO ALBO MAYA

The Clerk called the bill (S. 3272) for the relief of Dr. Jacobo Albo Maya.

There being no objection, the Clerk read the bill, as follows:

S. 3272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jacobo Albo Maya shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 19, 1961.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. RALPH D. CALDWELL

The Clerk called the bill (H.R. 1388) for the relief of Maj. Ralph D. Caldwell.

There being no objection, the Clerk read the bill, as follows:

H.R. 1388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Major Ralph D. Caldwell, United States Army, retired, service number O264373, is hereby relieved of liability to the United States in the amount of $9,750.37, the amount of overpayments of retirement pay made to him between September 22, 1943, and August 31, 1960. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said Major Ralph D. Caldwell, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 7, strike "in excess of 10 per centum thereof".

AMENDMENT OFFERED BY MR. ASHMORE

Mr. ASHMORE. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHMORE: On page 2, line 7, strike out "Act in" and insert "Act".

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MICHAEL P. BUCKLEY

The Clerk called the bill (H.R. 1890) for the relief of Michael P. Buckley.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

HERMAN FELDMAN

The Clerk called the bill (H.R. 4454) for the relief of Herman Feldman.

There being no objection, the Clerk read the bill, as follows:

H.R. 4454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herman Feldman, of Gary, Indiana, the sum of $880. The payment of such sum shall be in full settlement of all claims of the said Herman Feldman against the United States for amounts withheld from his pay as an enlisted man in the Army for payment as a portion of a monthly family allowance for the period from June 1, 1942, through September 30, 1945. Such payments were never made because of the fact that the said Herman Feldman's wife (the proposed recipient of such payments) was residing in Czechoslovakia and died before such payments could be made. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MISS SYLVIA KRONFELD

The Clerk called the bill (H.R. 7835) for the relief of Miss Sylvia Kronfeld.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. **TALCOTT**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

MILAN COMPRESS CO.

The Clerk called the bill (H.R. 8358) for the relief of the Milan Compress Co.

There being no objection, the Clerk read the bill, as follows:

H.R. 8358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Milan Compress Company, of Milan, Tennessee, the sum of $29,673.83 in full settlement of all its claims against the United States arising out of the termination by the Department of the Army, effective August 10, 1962, of a lease (lease contract numbered DA-40-058-Eng-3996) held by that company on two buildings situated within the confines of Milan Arsenal, Milan, Tennessee, which resulted in a sprinkler system, fence, and new roof, installed by that company, becoming the property of the United States without reimbursement to that company for the cost of installation. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 1, line 6, strike "$29,673.83" and insert "$29,221.96".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. M. PENDARVIS, JR.

The Clerk called the bill (H.R. 9036) for the relief of J. M. Pendarvis, Jr.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ELISABETH MANNINEN

The Clerk called the bill (H.R. 10249) for the relief of Mrs. Elisabeth Manninen.

There being no objection, the Clerk read the bill, as follows:

H.R. 10249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Elisabeth Manninen, of Kingsford, Michigan, the sum of $4,110.40. The payment of such sum shall be in full settlement of all claims of the said Mrs. Elisabeth Manninen for the portion of the accrued benefits payable because of an error in determining the rate of veteran's compensation applicable in the case of her deceased husband, Edwin E. Manninen, for the period from December 1, 1959, to the date of his death from service-connected disabilities on April 30, 1964, which the Veterans' Administration is precluded from paying because of lapse of time under the provisions of section 3021 of title 38, United States Code. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 6, strike "$4,110.40" and insert "$3,208.40".

On page 2, line 2, strike "April 30, 1964" and insert "April 3, 1964".

On page 2, line 6, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEONARD J. DALTON

The Clerk called the bill (H.R. 10662) for the relief of Leonard J. Dalton.

There being no objection, the Clerk read the bill, as follows:

H.R. 10662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Leonard J. Dalton, of San Diego, California, is hereby relieved of all liability to the United States in the amount of $9,588.72 based upon the compensation paid him for services rendered to the United States as an employee of the Treasury Department in the period from July 1, 1963, through November 30, 1964, inclusive, based upon a subsequent determination that his civilian employment was subject to the restrictions of the Dual Employment Act of 1894 (5 U.S.C. 62) and the Dual Compensation Act of 1932 (5 U.S.C. 59a) due to his retired status as a chief warrant officer.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leonard J. Dalton the aggregate of any amounts repaid or withheld from amounts otherwise due him by reason of the liability referred to in section 1 of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 3. For the purpose of the application and administration of the civil service laws, the service of the said Leonard J. Dalton in the period referred to in section 1 of this Act shall be held and considered to have been proper under applicable law, and to have been creditable service for the purpose of leave, seniority, and retirement credit.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CWO JOSEPH J. McGAVIN

The Clerk called the bill (H.R. 11467) for the relief of CWO Joseph J. McGavin.

There being no objection, the Clerk read the bill, as follows:

H.R. 11467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chief Warrant Officer Joseph J. McGavin, United States Air Force, retired, of Monroe, New York, is relieved of liability to the United States in the amount of $1,220.65, representing the amount of compensation received by him while employed as a civilian by the Department of the Air Force during the period September 8, 1964, through November 30, 1964, in violation of section 2 of the Act of July 31, 1894 (5 U.S.C. 62). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

With the following committee amendments:

On page 1, line 6, after "representing the" insert "net".

On page 2, after line 2, add the following section:

"SEC. 2. For the purposes of all laws, rules, and regulations conferrring rights and benefits on Federal employees, including civil service status, retirement, and retention rights, the service performed by Joseph J. McGavin from September 8, 1964, through November 30, 1964, as a civilian employee of the Department of the Air Force, shall be held and considered to be creditable Federal service."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHNNY R. BRADLEY ET AL.

The Clerk called the bill (H.R. 11676) for relief of Johnny R. Bradley and others.

There being no objection, the Clerk read the bill, as follows:

H.R. 11676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each individual named in section 2 of this Act is relieved of liability to pay to the United States the amount set forth opposite his name, which amount represents an overpayment of compensation received by him from July 5, 1964, through September 25, 1965, both dates inclusive, while employed at Tinker Air Force Base, Oklahoma. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The individuals referred to in the first section of this Act and the amount of the liability of each of them, are as follows:

Name	*Amount*
Bradley, Johnny R	$288.00
Derrick, Cecil K	268.80
Dillion, Robert D	288.00
Gorham, Charles R	276.00
Medley, Billy L	259.20
Miller, Larry C	268.60
Mollman, Theodore C	297.60
Ross, James W., Junior	268.80
Wilkins, Maurice L	268.80

SEC. 3. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each individual listed in section 2 of this Act an amount equal to the aggregate amount paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act. No part of the amount appropriated in this section for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, lines 6 and 7, strike "July 5, 1964" and insert "July 12, 1964".

On page 2, section 2, in the list of names of employees, after "Miller, Larry C.", strike "268.60" and insert "268.80".

On page 2, lines 12 and 13, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTHUR ANDERSON

The Clerk called the bill (H.R. 11946) for the relief of Arthur Anderson.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NORA AUSTIN HENDRICKSON

The Clerk called the bill (H.R. 13134) for the relief of Nora Austin Hendrickson.

There being no objection, the Clerk read the bill, as follows:

H.R. 13134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 3010 of title 38, United States Code, or any statute of limitations, the benefits payable to Nora Austin Hendrickson under the veterans benefits provisions of title 38 of the United States Code as the surviving widow of the late Edward Harold Hendrickson, who died September 20, 1962, shall be paid, effective from the first day of September 1962.

With the following committee amendments:

On page 1, line 5, strike "benefits payable to" and insert "application filed by".

On page 1, line 8, strike "September 20, 1962" and insert "September 30, 1962".

On page 1, line 9, strike "be paid, effective from the first day of September 1962." and insert "be held and considered to have been filed with the Veterans' Administration within one year after his death and shall be considered in accordance with the law applicable as of that date."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CECIL A. RHODES

The Clerk called the bill (H.R. 13459) for the relief of Cecil A. Rhodes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SP5C. RONALD J. OLSON, U.S. ARMY, RETIRED

The Clerk called the bill (H.R. 13800) for the relief of Sp5c. Ronald J. Olson, U.S. Army, retired.

There being no objection, the Clerk read the bill, as follows:

H.R. 13800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Specialist Fifth Class Ronald J. Olson, United States Army, retired (RA55676271), is relieved of liability to pay to the United States the sum of $170, representing the balance due on the total amount which, by reason of administrative error, the Department of the Army failed to deduct from his pay for the months of December 1964, and January 1965, in support of allotments from his pay. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Specialist Five Ronald J. Olson, United States Army, retired, an amount equal to the sum certified to the Secretary of the Treasury by the Secretary of the Army as the aggregate of amounts paid to the United States by Ronald J. Olson, or withheld by the United States from amounts otherwise due him, on account of the liability referred to in the first section of this Act. No part of the amount appropriated in this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, line 12, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THOMAS C. MACPHERSON, JR.

The Clerk called the bill (H.R. 14525) for the relief of Thomas C. Macpherson, Jr.

There being no objection, the Clerk read the bill, as follows:

H.R. 14525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the annual leave account of Thomas C. Macpherson, Junior, postal employee of Peekskill, New York, there shall be added a separate account of ninety-six hours of annual leave, in full settlement of all claims of the said Thomas C. Macpherson, Junior, against the United States for loss of ninety-six hours of annual leave to which he was entitled but which he forfeited in accordance with law as a result of administrative error in crediting him with such leave: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 2, line 1, strike "in excess of 10 per centum thereof".

On page 2, after line 8, add the following:

"SEC. 2. Section 203(c) of the Annual and Sick Leave Act of 1951, as amended (65 Stat. 680, 67 Stat. 137; 5 U.S.C. 2062(c)), shall not apply with respect to the leave granted by this Act, and such leave likewise shall not affect the use or accumulation, pursuant to applicable law, of other annual leave earned by the said Thomas C. Macpherson, Junior. None of the leave granted by this Act shall be settled by means of a cash payment in the event such leave or part thereof remains unused at the time the said Thomas C. Macpherson, Junior, is separated by death or otherwise from the Federal Service."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN INDIVIDUALS

The Clerk called the bill (H.R. 14864) for the relief of certain individuals.

There being no objection, the Clerk read the bill, as follows:

H.R. 14864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each individual named in section 2 of this Act is relieved of liability to pay to the United

States the amount set forth opposite his name in such section. Such amounts represent overpayments of compensation made as a result of administrative error to such individuals while they were employed at the Charleston Naval Shipyard, Charleston, South Carolina. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The names of the individuals referred to in the first section of this Act, the amount of overpayment made to each individual, and the period during which the overpayments were made, are as follows:

Name	*Amount of Overpayment*	*Period of Overpayment*
Carl B. Grayson	$1,395.20	December 11, 1962, to February 26, 1966.
Norman B. Keenan	473.60	September 11, 1955, to August 29, 1965.
John P. Hart	1,350.96	September 3, 1963, to February 26, 1966.
Francis E. McAlhany	747.46	May 19, 1957, to July 3, 1965.
John M. Dalton	148.53	July 21, 1963, to November 7, 1965.
James T. Jolly	72.80	April 11, 1965, to October 10, 1965.
James O. Ivey	1,497.06	January 21, 1962, to October 10, 1965.
Charles E. Collins	828.96	November 18, 1956, to June 25, 1960.
E. R. LaTorre	1,531.91	July 9, 1963, to February 26, 1966.
David H. Sandifer	793.10	December 18, 1955, to April 29, 1960.
Frederick C. Nolte, Jr.	183.60	November 18, 1956, to November 10, 1957.
James W. Grooms	1,578.16	November 18, 1956, to April 27, 1963.
Paul J. LaRoche	560.96	November 18, 1956, to June 25, 1960.
Welbourne T. Parrish	2,176.16	November 18, 1956, to February 15, 1964.
William F. Bendt	1,133.44	November 18, 1956, to November 24, 1962.
Julian B. Couturier	474.40	November 18, 1956, to February 1959.
George E. Brandt	518.96	November 18, 1956, to September 19, 1959.
Sidney J. Cooper	1,057.92	November 18, 1956, to February 4, 1961.

SEC. 3. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each individual listed in section 2 of this Act an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to his indebtedness to the United States specified in section 2 of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 3, after "individual", insert "or estate".

On page 2, line 3, strike "the individuals" and insert "each individual or estate".

On page 2, line 6, after "follows:", strike the remainder of section 2 and insert the following:

Employee	Period of overpayment		Amount overpaid
	From—	Through—	
Welbourn T. Parrish	Nov. 18, 1956	Feb. 15, 1964	$2,269.25
William F. Bendt	Nov. 18, 1956	Nov. 24, 1962	1,133.44
Julian B. Couturier	Nov. 18, 1956	Feb. 22, 1959	474.40
George E. Brandt	Nov. 18, 1956	Sept. 19, 1955	518.96
Sidney J. Cooper	Nov. 18, 1956	Feb. 4, 1961	1,057.92
Ernest D. Holtslander	Dec. 28, 1958	Mar. 21, 1959	42.98
Joseph V. Vlach	Dec. 28, 1958	Mar. 18, 1961	124.52
John K. Johnson	Dec. 28, 1958	Mar. 18, 1961	130.08
Thomas L. Cobb	Dec. 28, 1958	Sept. 2, 1961	184.74
Henry C. Shelley	Dec. 28, 1958	Mar. 16, 1962	171.44
Sidney L. Walker	Dec. 28, 1958	Mar. 18, 1961	116.68
Carl B. Grayson	Feb. 11, 1962	Feb. 26, 1966	1,395.20
Norman B. Keenan	Nov. 18, 1956 May 18, 1958 Nov. 15, 1959 May 14, 1961 May 12, 1963 May 9, 1965	Mar. 9, 1957 Sept. 6, 1958 Mar. 5, 1960 Sept. 2, 1961 Aug. 31, 1963 Aug. 28, 1965	473.60
John T. Hart	Sept. 3, 1963	Feb. 26, 1966	1,350.96
Frances E. McAlhany	May 19, 1957	July 3, 1965	747.46
John M. Dalton	July 21, 1963 July 18, 1965	Nov. 9, 1963 Nov. 6, 1965	148.53
Charles E. Collins	Nov. 18, 1956	June 25, 1960	828.96
Edward R. LaTorre	July 9, 1963	Feb. 26, 1966	1,531.91
David H. Sandifer	Dec. 18, 1955 Dec. 16, 1956 Dec. 15, 1957	Oct. 6, 1956 Oct. 5, 1957 Apr. 30, 1960	793.10
Frederick C. Nolte, Jr.	Nov. 18, 1956	Nov. 10, 1957	183.60
James W. Grooms	Nov. 18, 1956	Apr. 27, 1963	1,578.16
Paul G. LaRoche	Nov. 18, 1956	June 26, 1960	$854.86
Joseph S. Hart	Dec. 28, 1958	Mar. 19, 1961	126.56
Estate of John B. Priester, Jr., deceased	Mar. 23, 1958	Mar. 17, 1963	715.66
Walter H. Stello	Dec. 28, 1958	Apr. 18, 1959	67.20
James C. Stuart	Aug. 26, 1956	Oct. 4, 1959	41.19
Russell E. Perkins	May 25, 1952	May 18, 1958	789.69
U. Singletary	Mar. 28, 1958	Mar. 18, 1963	728.60
James O. Ivey	Jan. 21, 1962	Sept. 25, 1965	1,497.06
Charles R. Hiser	Apr. 26, 1964	Oct. 10, 1965	456.86
William G. Strozier	June 17, 1956	Oct. 4, 1958	134.40
Carlos L. Faught	Sept. 28, 1952	May 23, 1953	80.22
Melvin K. Church	Dec. 28, 1958	Mar. 18, 1960	83.68
Aaron H. Miller	Feb. 14, 1954	Feb. 23, 1957	39.00
Jesse E. McCoy	Dec. 7, 1952	Mar. 12, 1955	276.13
Wilmot E. Young	Dec. 10, 1956	Dec. 13, 1957	224.56
William O. McCue	Aug. 25, 1957	Sept. 8, 1957	42.00
Albert L. Freeman	June 3, 1956	Oct. 5, 1957	61.07
James C. Brown	Dec. 10, 1956	Dec. 13, 1959	224.92
John J. Dodds, Jr.	Sept. 26, 1955	Apr. 3, 1960	592.23
Frank P. Kanapaux, Jr.	July 15, 1956	July 14, 1959	62.28
Daniel L. Jenkins, Jr.	Mar. 27, 1955	Mar. 24, 1957	295.83
Rita W. Kent	June 2, 1957	Oct. 3, 1959	122.64
Eugene O. Moore, Sr.	May 20, 1956	Oct. 5, 1957	103.86
Harold J. Seabrook	Dec. 2, 1956	Nov. 29, 1959	590.73
James T. Jolly	Apr. 11, 1965	Oct. 9, 1965	72.80
George F. Groves	Apr. 15, 1951	Nov. 20, 1954	1,551.45
Marion L. Hanagriff	July 31, 1955	Oct. 4, 1958	30.40
Fred J. Meade	Sept. 15, 1965	Nov. 20, 1965	56.16
James H. Sims	June 9, 1963	Feb. 26, 1966	326.40

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HERMAN ADAMS, DOING BUSINESS AS THE ADAMS MANUFACTURING CO.

The Clerk called the bill (H.R. 14990) for the relief of Herman Adams, doing business as the Adams Manufacturing Co.

There being no objection, the Clerk read the bill, as follow:

H.R. 14990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herman Adams, of Charleston, Arkansas, doing business as Adams Manufacturing Company, the amount fixed by the United States Court of Claims (in its decision of April 15, 1966, in congressional reference case numbered 5–59) as the amount which that company is equitably entitled to recover in full settlement of all its claims against the United States for the losses it sustained in the performance of its contract with the United States (contract numbered DA–11–009–QM–23755, awarded on December 30, 1953) for the production of wood tent pins. The amount referred to in the preceding sentence is $42,952.04 less the amount due the United States on its counterclaims for unpaid excise taxes (including interest thereon) imposed under the Federal Unemployment Tax Act.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HENRY P. LEONHARDY

The Clerk called the bill (H.R. 15014) for the relief of Henry P. Leonhardy.

There being no objection, the Clerk read the bill, as follows:

H.R. 15014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 32(a)(2)(D) of the Trading With the Enemy Act, any notice of claim filed under such Act by Henry P. Leonhardy of Garmisch-Partenkirchen, Federal Republic of Germany, within one month of the enactment of this Act shall be deemed to be filed timely.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That, notwithstanding the limitations contained in section 33 of the Trading With the Enemy Act as amended (50 U.S.C. App. 33) with respect to the filing of claims for the return of property pursuant to section 32 of such Act (50 U.S.C. App. 32), any notice of claim filed under such Act by Henry P. Leonhardy of Garmisch-Partenkirchen, Federal Republic of Germany, within one month of the enactment of this Act shall be deemed to be timely filed."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALTER W. TAYLOR

The Clerk called the bill (H.R. 15251) for the relief of Walter W. Taylor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Walter W. Taylor, of Leachville, Arkansas, is relieved of liability to the United States in the amount of $391.68, representing the amount of an overpayment of his salary as an employee of the Post Office Department as a result of an administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter W. Taylor an amount equal to the aggregate of the amounts paid by him or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, line 8, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEONARD G. DUFFY, LIEUTENANT, U.S. NAVY

The Clerk called the bill (H.R. 15297) for relief of Leonard G. Duffy, lieutenant, U.S. Navy.

There being no objection, the Clerk read the bill, as follows:

H.R. 15297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized and directed to pay, out of current appropriations available for the payment of severance pay, to Leonard G. Duffy, lieutenant, United States Navy, who will be discharged from the United States Navy on June 30, 1966, an amount equal to the difference between (a) the amount of lump-sum severance pay which would have been paid to him upon his discharge from the United States Navy if the computation of such severance pay had been based upon his actual commissioned service in the United States Navy, and (b) the amount of severance pay actually to be paid him.

SEC. 2. No part of the payment made under the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 6, strike "will be" and insert "was".

On page 1, line 7, strike "June 30" and insert "June 8".

On page 2, line 4, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

H. FOSTER HUNTER

The Clerk called the bill (H.R. 1269) for the relief of H. Foster Hunter.

There being no objection, the Clerk read the bill, as follows:

H.R. 1269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That H. Foster Hunter, of Washington, District of Columbia, is hereby relieved of liability to the United States in the amount of $4,964.66, the amount owed by him to the United States on account of erroneous class E allotment payments received by his former wife without his knowledge between March 1, 1943, and August 31, 1948. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MATSUSUKE TENGAN

The Clerk called the bill (S. 153) for the relief of Matsusuke Tengan.

There being no objection, the Clerk read the bill, as follows:

S. 153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Matsusuke Tengan the sum of $2,013 in full satisfaction of all his claims against the United States as beneficiary of a life insurance policy (Numbered 1,650,373) of the Sun Life Assurance Company of Canada on the life of his son, Yoshio Tengan, a United States citizen, the proceeds of which were received by the Attorney General pursuant to Vesting Order Numbered 14,815 dated June 26, 1950, under the provisions of the Trading With the Enemy Act: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LT. SAMUEL R. RONDBERG, U.S. ARMY RESERVE

The Clerk called the bill (S. 766) for the relief of Lt. Samuel R. Rondberg, U.S. Army Reserve.

There being no objection, the Clerk read the bill, as follows:

S. 766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lieutenant Samuel R. Rondberg, United States Army Reserve, is hereby relieved of all liability for repayment to the United States of the sum of $240.30, representing the amount of overpayments of subsistence allowance received by the said Lieutenant Samuel R. Rondberg for the period from September 27, 1957, through June 10, 1958, while he was in the Reserve Officers' Training Corps serving at Washington University in the State of Missouri, such overpayments having been made as a result of administrative error.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Lieutenant Samuel R. Rondberg, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KERMIT WAGER, OF LEBANON, S. DAK.

The Clerk called the bill (S. 1571) for the relief of Kermit Wager, of Lebanon, S. Dak.

There being no objection, the Clerk read the bill, as follows:

S. 1571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $258.94, to Kermit Wager, Lebanon, South Dakota, in full settlement of his claims against the United States for reimbursement of the amount of expenses and other losses and damages occurred in resettlement as a result of his displacement in connection with the acquisition of land (tracts L–1259–1–2–3) due to the construction of Oahe Dam and Reservoir project, South Dakota: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD I. ABBOTT

The Clerk called the bill (S. 2177) for the relief of Donald I. Abbott.

There being no objection, the Clerk read the bill, as follows:

S. 2177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Donald I. Abbott, Captain, United States Army, retired, is hereby relieved of all liability to repay to the United States the sum of $5,466.84, representing overpayments of civilian compensation received by him for the period from May 5, 1963, through February 22, 1964, while he was employed by the Army Map Service, Corps of Engineers, in violation of section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), which prohibited the employment of certain retired military officers in a civilian position, the said Donald I. Abbott having advised Government authorities of his retired status prior to his employment with the Army Map Service and been assured that such Act was not applicable to him. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Donald I. Abbott, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. AND MRS. WILLIAM NUSSBAUM

The Clerk called the bill (H.R. 14819) the relief of Mr. and Mrs. William Nussbaum.

There being no objection, the Clerk read the bill, as follows:

H.R. 14819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitation of time contained in section 2680 of title 10 of the United States Code (which relates to reimbursement of owners of property acquired for public works projects for moving expenses), the application of Mr. and Mrs. William Nussbaum, of Bedford Hills, New York, for resettlement reimbursement in the amount of $1,457.65, filed with the Department of the Army in February of 1965 in connection with the acquisition from them by the United States of tract numbered 408 of the Littleville Dam and Reservoir project, Massachusetts, shall be considered on its merits and disposed of in accordance with the remaining provisions of such section 2680.

With the following committee amendment:

On page 1, line 9, strike "in February of" and insert "on or about January 25,".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

EUGENE G. PETERSON, HARRY E. BYERS, AND RUSSELL W. JORDAN

The Clerk called the bill (H.R. 16977) for the relief of Eugene G. Peterson, Harry E. Byers, and Russell W. Jordan.

There being no objection, the Clerk read the bill, as follows:

H.R. 16977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eugene G. Peterson, the sum of $405.40; to Harry E. Byers, the sum of $195; and to Russell W. Jordan, the sum of $102. The payment of such sums shall be in full settlement of all claims of the said Eugene G. Peterson, Harry E. Byers, and Russell W. Jordan against the United States for reimbursement of expenses and other losses incurred in 1963 in connection with the cancellation of certain duty assignments scheduled by the Federal Aviation Agency: *Provided,* That no part of the money appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DINO J. CATERINI

The Clerk called the bill (H.R. 17259) for the relief of Dino J. Caterini.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. **HALL.** Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROBERT A. JELLISON

The Clerk called the bill (H.R. 17260) for the relief of Robert A. Jellison.

There being no objection, the Clerk read the bill, as follows:

H.R. 17260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert A. Jellison the sum of $128.96 in full satisfaction of his claim against the United States for damage to certain household effects while being unloaded at his United States Information Service post in Oberammergau, Germany: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUGUSTUS J. THEODORE

The Clerk called the bill (H.R. 17261) for the relief of Augustus J. Theodore.

There being no objection, the Clerk read the bill, as follows:

H.R. 17261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Augustus J. Theodore the sum of $572.50 in full satisfaction of his claim against the United States for the loss of certain personal property after delivery to an authorized transfer and storage company for shipment to Katmandu, Nepal, his official post of duty, prior to his departure therefor from Washington, District of Columbia, for service as United States Information Service information officer: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMITTING EDWARD C. BOWER TO SERVE AS DIRECTOR OF THE VIRGIN ISLANDS NATIONAL BANK

The Clerk called the bill (H.R. 13612) to permit Edward C. Bower to serve as a director of the Virgin Islands National Bank prior to his obtaining U.S. citizenship.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 2973, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. BARRETT]?

There being no objection, the Clerk read the Senate bill, as follows:

S. 2973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 5146 of the Revised Statutes of the United States, as amended (12 U.S.C. 72), Edward C. Bower shall not, prior to January 1, 1971, be disabled by reason of his Canadian citizenship from serving as a director of the Virgin Islands National Bank.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13612) was laid on the table.

DR. ERIC J. LAZARO

The Clerk called the bill (H.R. 3526) for the relief of Dr. Eric J. Lazaro.

There being no objection, the Clerk read the bill, as follows:

H.R. 3526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Doctor Eric J. Lazaro shall be held and considered to have complied with the provisions of section 316 of that Act as they relate to residence and physical presence.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. MIGUEL ANGEL MARTINEZ Y CORPAS

The Clerk called the bill (H.R. 3530) for the relief of Dr. Miguel Angel Martinez y Corpas.

There being no objection, the Clerk read the bill, as follows:

H.R. 3530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Doctor Miguel Angel Martinez y Corpas shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States and, nothwithstanding the provisions of section 310(d) of that Act, he may be naturalized at any time after the date of enactment of this Act if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JULIO CESAR MUÑIZ Y SOTOLONGO

The Clerk called the bill (H.R. 3531) for the relief of Dr. Julio Cesar Muñiz y Sotolongo.

There being no objection, the Clerk read the bill, as follows:

H.R. 3531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Julio Cesar Muñiz y Sotolongo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 7, 1960.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JOSE A. G. MENDOZA, ROSA CENTURION MENDOZA, ROSA MARIA MENDOZA, JOSE ANTONIO MENDOZA, RAIMUNDO MENDOZA, AND ERNESTO MENDOZA

The Clerk called the bill (H.R. 6115) for the relief of Dr. Jose A. G. Mendoza, Rosa Centurion Mendoza, Rosa Maria Mendoza, Jose Antonio Mendoza, Raimundo Mendoza, and Ernesto Mendoza.

There being no objection, the Clerk read the bill, as follows:

H.R. 6115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jose A. G. Mendoza, Rosa Centurion Mendoza, Rosa Maria Mendoza, Jose Antonio Mendoza, Raimundo Mendoza, and Ernesto Mendoza shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 2, 1960.

With the following committee amendment:

On page 1, beginning on line 4, after the name "Doctor Jose A. G. Mendoza" strike out the comma and the names "Rosa Centurion Mendoza, Rosa Maria Mendoza, Jose Antonio Mendoza, Raimundo Mendoza, and Ernesto Mendoza".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Dr. Jose A. G. Mendoza."

A motion to reconsider was laid on the table.

DR. EMILIO V. SOTO

The Clerk called the bill (H.R. 7579) for the relief of Dr. Emilio V. Soto.

There being no objection, the Clerk read the bill, as follows:

H.R. 7579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Doctor Emilio V. Soto may be naturalized upon compliance with all of the requirements of title III of the Immigration and Nationality Act, except that no period of residence or physical presence within the United States or any State shall be required in addition to his residence and physical presence within the United States since March 21, 1962.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following language:

"That, for the purposes of the Immigration and Nationality Act, Doctor Emilio V. Soto shall be held and considered to have been lawfully admitted to the United States for permanent residence on August 21, 1960."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ANTONIO B. SANTILLANO

The Clerk called the bill (H.R. 10288) for the relief of Dr. Antonio B. Santillano.

There being no objection, the Clerk read the bill, as follows:

H.R. 10288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Doctor Antonio B. Santillano shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States and, notwithstanding the provisions of section 310(d) of that Act, he may be naturalized at any time after the date of enactment of this Act if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. LUIS ANGLO

The Clerk called the bill (H.R. 11516) for the relief of Dr. Luis Anglo.

There being no objection, the Clerk read the bill, as follows:

H.R. 11516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality

Act, Doctor Luis Anglo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 11, 1958.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NERMIN DEMIRBAG LAVAPIES

The Clerk called the bill (H.R. 13192) for the relief of Nermin Demirbag Lavapies.

There being no objection, the Clerk read the bill, as follows:

H.R. 13192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Nermin Demirbag Lavapies shall be held and considered to have complied with the provisions of section 316 of that Act as they relate to residence and physical presence.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RENATO CAMACHO CASTRO

The Clerk called the bill (H.R. 14984) for the relief of Renato Camacho Castro.

There being no objection, the Clerk read the bill, as follows:

H.R. 14984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Renato Camacho Castro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 20, 1958, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, beginning on line 6, after the date "February 20, 1958" change the comma to a period and strike out the remainder of the bill.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEY LANDS IN PLUMAS COUNTY, CALIF.

The Clerk called the bill (H.R. 3104) to remove a cloud on title to certain lands in California.

There being no objection, the Clerk read the bill, as follows:

H.R. 3104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to remove any cloud on his title, the United States hereby relinquishes and quitclaims to C. A. Lundy, of Blairsden, California, all of its right, title, and interest in and to lots 45 and 46, situated in sections 21, 22, 27, and 28, township 22 north, range 11 east, Mount Diablo base and meridian, California, consisting of three hundred acres, more or less.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language:

"That the Secretary of the Interior is hereby authorized and directed to convey to C. A. Lundy, Blairsden, California, all right, title and interest of the United States in and to a tract of land in the Plumas National Forest, Plumas County, California, more particularly described as follows: Lots 45 and 46, situated in sections 21, 22, 27 and 28, township 22 north, range 11 east, Mount Diablo base and meridian, California, consisting of three hundred acres, more or less. Such conveyance shall only be made if C. A. Lundy makes application therefor and, within one year after the date of this Act, makes payment of the fair market value of the land as of the date of this Act, less any enhancement in value brought to the land by C. A. Lundy or his predecessors on the land, as determined by the Secretary of the Interior. Such payment shall be considered as full satisfaction of all claims of the United States against C. A. Lundy for any acts by or on behalf of C. A. Lundy upon such land.

"SEC. 2. In the event C. A. Lundy does not elect to apply for and obtain conveyance of the land as provided in section 1, all claims of the United States against C. A. Lundy for any acts by or on behalf of C. A. Lundy upon such land shall be deemed to be waived upon the relinquishment by C. A. Lundy of all claims to such land."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to convey certain lands in Plumas County, California, to C. A. Lundy, and for other purposes."

A motion to reconsider was laid on the table.

The SPEAKER. That concludes the call of the Private Calendar.

VIETNAM AND ALL ASIA

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, on yesterday the columnist, Richard Wilson, published an article in the Evening Star in which he recounted the plus factors in the war in Vietnam. Mr. Wilson is not particularly sympathetic with this administration, but his column points out developments all over the world, and he makes the point that had we not taken the stand that we have taken in Vietnam, the whole area might now be under Communist control.

He points out developments in Indonesia, Burma, Thailand, and all that area involving many hundreds of millions of people who seek freedom.

This morning in the Washington Post there was published another article, this time talking about a so-called white paper issued by some organ of the Republican Party, I presume to serve as a piece of Republican campaign strategy in the upcoming election. This pamphlet offers no solutions. In reading it all I could find is that it attacks the President of the United States for carrying out his responsibilities as Commander in Chief of our Armed Forces.

It makes no mention of the fact that Members of the opposition party voted in this body, if I remember correctly, unanimously for the resolution on the Gulf of Tonkin just a year or so ago. The resolution was clear and unmistakable, but there is no mention of that.

I believe, Mr. Speaker, it behooves all of us to defend and help thousands of Americans who are fighting for this country in Vietnam, fighting for the freedom of freemen everywhere in the world. I do not believe what is happening in Vietnam should be the subject of partisan political attacks, particularly by those who offer no solution nor give alternatives.

The walls of this Chamber normally echo with debate. That is what this Chamber is for. That is what democracy is for. That is what the political liberty of freemen is for.

But in time of war, it is the perennial policy of this Nation to stand behind the fighting men of this Nation. That policy has now been breached by the appearance of an openly partisan attack on this Nation's longstanding commitment to assist in the defense of free choice in Vietnam.

This document presents itself as a chronicle of recent history.

But it is a curious chronicle indeed.

It is carefully selective.

It is not history as history happened. It is history as history is edited, and manipulated—and even omitted—in order to serve Republican campaign strategy.

This pamphlet attacks—and it attacks vigorously. But it does not attack the enemies of the United States.

It attacks the President of the United States for carrying out his responsibilities as Commander in Chief.

What is even more disappointing, it attacks the President of the United States for carrying out the very resolution that these same men voted for in the Gulf of Tonkin Resolution of 1964.

By the terms of that resolution, these same men charged the President to take whatever actions he deemed necessary to protect American interests in southeast Asia.

That resolution was clear and unmistakable.

It was discussed; it was debated; and it was overwhelmingly passed.

The men who now affix their names to this so-called white paper voted for that resolution.

But where in this white paper is that fact mentioned?

Where is there any discussion of that resolution whatsoever?

This pamphlet pretends to be history. But why is this particular bit of history omitted?

It is the most crucial item of the recent history of this conflict in Asia; for it is the very mandate that the Congress of the United States gave to the Commander in Chief to do whatever was necessary to protect our national interest in that beleaguered part of the world.

The men who drafted this pamphlet ask many questions. But they give us no answers.

They raise many objections. But they give us no solutions.

They make many attacks. But they offer us no alternatives.

Indeed, perhaps the authors of this pamphlet are to be congratulated on a magnificent piece of campaign strategy. For what they seem to be saying is this: here are the problems of the war—now go out on the stump and recount these problems—and give any answer that you think your particular constituency may want to hear.

The Wilson article follows:

[From the Evening Star, Sept. 19, 1966]

The War and the Plus Factors in South Asia

(By Richard Wilson)

Bangkok.—Optimism is cheap here, and thus to be regarded with some suspicion.

It is hard to go along with the experienced and philosophical diplomat who says that we are on the verge of an enormous victory in South Asia, but these factors are at least well worth examining:

Japan is returning to South Asia as the beneficent provider of capital and know-how, and not as the would-be conquerer that she was during her drive to the south 20 years ago.

Australia has begun to consider herself a part of Asia and thus a participant in its general development.

Indonesia has turned away from Chinese Communist influence.

While the war in Viet Nam is yet far from won, the shape of a new independent order there at some date not in the distant future can be visualized.

Thailand has, with U.S. help, created a western flank against the expansion of Chinese Communism.

Burma's attitude under Ne Win has faced toward the West after a decade of isolation.

The Philippines, Korea and Taiwan, with Japan, are cooperating in development plans and ideas yet to be translated into action but highly promising.

Unlike NATO, the SEATO organization is expanding its activities in cooperative health, educational, and cultural work, as well as in military cooperation. An imposing new SEATO headquarters is going up here. There are even projects going forward on the Mekong River for its ultimate development as an Asian TVA.

These favorable factors do exist and they are probably attributable mostly to a single factor—the massive and growing American intervention in South Viet Nam. The most important factor in this intervention aside from the exercise of power itself is that it is generally understood to be for the purpose of creating stability, and when that stability is created the Americans will go home. "We know that you are not here forever," says a prominent Thai official.

Behind us, when we can go home, we will leave immense shipping, transportation, and military facilities costing many billions, as we left behind us many billions in Europe for the successful creation of stability there.

What is not commonly realized is that a year ago we faced possible collapse in South Viet Nam and if that had happened we could have bid goodby to any vestige of influence in Asia. Today the military situation has vastly improved, although there is hard fighting ahead, and the whole political climate of Asia has improved with it.

The proposal for an Asian conference to devise a settlement for the problem in Viet Nam is important. While it is true that such a conference could bring to bear no more than moral weight, it would serve to illustrate that the nations of South Asia could agree on a settlement Peking would probably not accept. Thus the disparity of interest with the Peking government would be dramatized further.

It would be a wise man who, after a brief observation in South Asia, could weigh the validity of all the foregoing factors, but one conclusion comes out strong and clear: The stand we are making in Viet Nam has changed the whole outlook in this part of the world. It is not the wrong war in the wrong place, but it is a war at a time and place which can have a decisive effect on the future of 200 million people and our relation to them.

HOUSE GOP PAMPHLET HITS L.B.J.'S VIET POLICY

Mr. MAHON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I was disturbed and disappointed when I read in this morning's paper a front-page story entitled, "House GOP Pamphlet Hits L.B.J.'s Viet Policy." I shall insert the news story in the Record. I had thought that the war was nonpartisan and that this had been more or less established by our vote on the Gulf of Tonkin resolution in 1964 and confirmed by votes on defense bills and in various statements and positions since.

If it be true, as the story says—and I have not had an opportunity to peruse the report in full and complete detail—that the only positive suggestion made is that we have a blue ribbon committee appointed to study the situation and tell us what to do, this is most unfortunate because it could only be interpreted as a vote of "no confidence" in our elected officials in the legislative and executive branches who are supposed to speak for the American people. We cannot abdicate our responsibility.

In other words, few, if any, constructive suggestions are offered. The so-called white paper was issued, I note, by a "committee on planning and research." I must say that the paper appears to give evidence of research. It is fairly liberally footnoted. But a plan "to end this war more speedily and at smaller cost" or any other planning is not so evident—indeed, it is made most notable by its absence.

So this white paper seems most unfortunate. Coming at this time, it can only be interpreted as an effort to throw this war into partisan politics.

Last year, the Republican white paper on Vietnam—by the same committee that issued today's report—stated:

> The nation, by the President's admission, is now engaged in a war. All Americans must support whatever action is needed to put a stop to Communist aggression and to make safe the freedom and independence of South Vietnam.

Now, the new Republican white paper says:

> The urgent immediate question facing the nation is how to end this war more speedily and at smaller cost while safeguarding the independence and freedom of South Vietnam.

It would appear that emphasis is now placed on ending the war "more speedily and at smaller cost" rather than on support of "whatever action is needed to put a stop to Communist aggression." It would be most unfortunate indeed if the apparent shift should lead our opponents in the war to believe that one of the two major political parties of the United States no longer supports "whatever action is needed to stop Communist aggression." I am sure that this was not intended, but I am concerned about what our opponents might conclude.

I believe that any partisanship in the war will be resented in Vietnam by the men who slosh through the rice paddies and fight and hazard their lives for their country. I want to bespeak the support of the President's policy in Vietnam on both sides of the aisle by Democrats and Republicans alike.

The news story follows:

House GOP Pamphlet Hits LBJ's Viet Policy

(By Richard L. Lyons)

House Republicans issued a 36-page campaign document on Vietnam yesterday, pinning full responsibility on President Johnson for the big American troop involvement there.

An updating of a 1965 White Paper issued by the House Republican Conference's Committee on Planning and Research, the pamphlet charges the Administration with deceiving the American people on the facts of Vietnam and with pursuing zigzag policies which hold no promise for a satisfactory end to the conflict.

"The urgent immediate question," said the GOP document, "is how to end this war more speedily and at smaller cost while safeguarding the independence and freedom of South Vietnam."

Other than proposing creation of a blue ribbon committee to consider basic policies, the statement made no suggestions on what to do—thus leaving members free to go either way depending upon the climate of their districts. Purpose of the document, said GOP leaders, was to recite history, in hopes that a "clear perspective of the past helps toward making right decisions in the future."

The report contains charts showing that American casualties have climbed from zero to over 20,000 under Democrats, and that American troops in Vietnam have increased from 16,000 to 300,000 under President Johnson, while the Vietcong strength has increased by a similar amount.

Republicans said the Johnson administration's policy in Vietnam has been "uncertain and subject to abrupt change," its objectives "clouded" and its minimum peace terms "obscure."

It quoted the President and other top officials as saying or suggesting at various times that the American objective in Vietnam was victory, stalemate, independence for South Vietnam and a coalition government.

It quoted Secretary of Defense Robert McNamara's optimistic statements from 1961 to

1963 saying military operations were going well and his 1965 statement that "we have stopped losing."

It criticized President Johnson's "campaign oratory" of 1964 when he opposed carrying the war north and said "we are not about to send American boys 9,000 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves."

Now, 2 years later, said the Republicans, there are as many American troops in Vietnam as ever were in Korea.

Republicans accused the Administration of "studied deception" in failing to tell the American people "the truth about the military situation in Vietnam, about the mission of American troops, about casualties, about peace feelers."

Their only good word for President Johnson was that his policies have prevented a Communist takeover of South Vietnam.

But they completely disassociated the GOP from the step-by-step escalation that has put 300,000 American troops there.

The commitment of American troops, said the Republicans, was the decision of President Johnson. It was not forced upon him by the SEATO treaty or by any obligation entered upon by an earlier administration."

No mention was made of the Gulf of Tonkin resolution of 1964 by which Congress with no Republican defections backed the President in whatever actions he deemed necessary to protect American interests in Southeast Asia. In the context of that moment, this meant helping defend South Vietnam from a Communist takeover.

REPUBLICAN WHITE PAPER HITS L.B.J.'S VIETNAM POLICY

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, like my colleagues who preceded me, it was my thought, when an overwhelming majority on both sides of the aisle passed the Gulf of Tonkin resolution in 1964, that our policy in South Vietnam had passed out of the realm of partisan politics.

Now we have, in the resolution which has just been referred to, a piece of very obvious campaign political propaganda, which contributes practically nothing of a constructive nature to the situation that confronts us in Vietnam.

The authors of the pamphlet that has been issued say that they want a shorter war. Is there anybody in this Hall today who does not want a shorter war? Is there any American who does not want a shorter war today? They say they want fewer casualties. Is there anybody in this Hall who does not want fewer casualties in South Vietnam?

They say they want peace. Is there any American who does not want peace today?

I say to you, Mr. Speaker, what we need is not a restatement of these commonly held goals. What we need are practical alternatives to the narrow choices which now confront us in Vietnam. If the leadership of the opposition can give us such alternatives the whole Nation will be in their debt, but if they can do nothing more than carp at our Commander in Chief and our Secretary of Defense without offering any constructive ideas or alternatives, then the Republic is not well served—nor is the cause of freedom in Asia.

PAMPHLET PUT OUT BY REPUBLICAN COMMITTEE ON PLANNING AND RESEARCH

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I, too, read the article in the Washington Post, and I have had occasion to look at the pamphlet put out by the Republican committee on planning and research.

I know we will all note the charts in the back pages. The first one, of course, refers to U.S. combat casualties in Vietnam, showing casualties since 1961 of more than 20,000 people—some 3,218 deaths and 19,976 wounded.

Then this chart shows the growth of military personnel in Vietnam, showing it has gone up to around 300,000.

I have been on this floor a number of times when I have heard members of the minority party say that we should have a stronger effort in Vietnam. We are making a stronger effort. Of course, to make a stronger effort we must have more men involved. And if we are going to match the sterngth of the opposition we are going to have more casualties.

I believe this so-called white paper is a very cheap political effort to bring a matter which is of great concern to all the people of the United States—the casualties which have occurred in all of our districts, including my own—into the arena of partisan politics. I say that this type of attack upon the policy of the United States is a pretty weak attack. It offers no alternative except a blue ribbon committee.

We had about 75 or 80 blue ribbon committees during the regime of President Eisenhower, and they studied every subject to death.

The war over there is not going to be fought by a blue ribbon committee. It is going to be fought by men, by American soldiers and allied soldiers who are willing to go in and fight and to lose their lives, if necessary, to stop the onrushing tide of communism and to protect freedom and liberty in the world. There is no place for a blue ribbon committee in Vietnam.

HISTORICAL RECORD OF POSITION IN VIETNAM

Mr. GOODELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GOODELL. Mr. Speaker, I am surprised and I must say amazed by the comments of my colleagues with reference to this paper. All I can say is that at least one of the gentlemen who preceded me admitted he had not read the paper yet. I would say the comments indicate that none of these Members have read this paper. I believe they should read it.

We issued a scholarly white paper in August of 1965, which detailed step by step the progression of involvement in southeast Asia. This is an updating of that paper.

If the gentlemen have facts to disagree with, with reference to the historical record that is recited in this paper, name them and come forward, but do not come up and accuse us of making a partisan document, when we have presented a scholarly paper that recites the commitments which have been made, the deteriorating situation that has existed, and the failure to give the American people the full story as to our commitments.

This is the purpose of the paper—to give a perspective to the American people and the Congress of the United States as to where we stand today, so that we can make realistic decisions as to what the alternatives are for the future. This white paper does not make partisan recommendations or oversimplify serious issues. That is exactly why we make no specific recommendations for the future. We present it as a scholarly document showing the perspective of our position in Vietnam today.

THE WAR IN VIETNAM

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, we are all Americans and however we may differ about the best way to serve our country, all of us are conscientious in the discharge of our patriotic duty as we see it. However, today it would seem to me that the critical nature of the crisis which we face makes it necessary that all of us not only consider the sincerity of our utterances but how they may be interpreted by those who are the enemies of our country and of democracy and freedom in the world today.

I am sure that the opposing party, the Republican Party, under no circumstances could embrace the idea or the thought of giving encouragement to Hanoi to withhold any disposition toward conciliation that might bring this terrible war to an end. However, the question is: Will Hanoi interpret the Republican document as presenting the issue of whether the country supports the President in continuing the Vietnam war until an honorable peace may be obtained as an issue that is to be decided in the coming election between the two major political parties of the United States? Will that pamphlet and such utterances and such declarations give encouragement to Hanoi, no matter that it is not intended by the authors of it, to withhold any disposition to negotiate and thus let more Americans be killed perhaps between now and the time after the election? What is more logical than that such a document can give, however it may not be intended by the authors, encouragement to those on the other side that maybe, at long last, if they will hold out, the American people will repudiate our President and our policy and then they will win their evil end with the help of the people of the United States?

REPUBLICAN RESEARCH AND PLANNING COMMITTEE PAPER

Mr. LAIRD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAIRD. Mr. Speaker, I rise in support of the white paper published by the research and planning committee of the Republican conference, under the leadership of the gentleman from New York [Mr. GOODELL]. This scholarly paper is nothing more and nothing less than a factual account of the involvement of the United States of America in Vietnam. I think it ill behooves the gentleman from Louisiana [Mr. BOGGS] and the gentleman from Texas [Mr. MAHON], on the other side of the aisle, to quarrel with this document which is documented and footnoted as to every statement. The gentleman from Texas criticizes and in the next breath admits he has never read the document. I remind these two gentlemen that it has not been the minority party in this House of Representatives that has given aid and comfort to the enemy as far as the war in Vietnam is concerned; it has been the Democratic majority in this Congress both in the other body and here that have caused the North Vietnamese and the Communists to question the credibility and the intent of the United States of America in the prosecution of this war. We have given the President of the United States support on our side of the aisle because our country is involved and because the flag of the United States is involved. We have put our country above party. But the division which exists in the Democratic Party has prolonged the war in Vietnam. The division, the deep division, within the Democratic Party in this Congress has proven beyond a question of a doubt that this party does not deserve leadership today as it cannot unite its members behind the President of the United States. This paper, my friends, does not do anything to withdraw the support of the minority party to defend against Communist aggression any place in the world. I urge all of you: Read this report. And I caution the Members on the other side of the aisle about throwing stones at our house when you have such a divided house on your side of the aisle.

Mr. Speaker, the American people are a people that would do anything to bring about a lasting peace in the world. Yet, there is no question that American servicemen are fighting and dying again in a far-off place and many of our citizens are not sure why. Our objectives in Vietnam—long-term and short-range—have never been clearly spelled out by our President. His spokesmen—from Vice President to press secretary, from Secretary of State to Secretary of Defense—have issued conflicting statements of what our purpose is, of what our prospects are, of what our accomplishments have been.

Mr. Speaker, ours is a nation at war and for the first time in memory and probably in history, our President appears unable to unite his own party—much less the country—behind the war effort. This in itself is an underlying cause of the Communists' refusal to negotiate. So long as they believe that our country is torn by internal dissension, they will continue to hope that this dissension eventually will cause the United States to dishonor its commitment in Vietnam. As long as this belief persists, the possibility of a negotiated settlement will remain remote.

This is an issue in 1966. It was not made an issue by Republicans and it needs no assist from Republicans to remain an issue. It is, after all, a fact of life that a political party in power that cannot by its leadership rally its own people behind the country's cause in time of war cannot expect, does not deserve, and probably will not receive a vote of confidence from a majority of the American people of whatever political persuasion.

I repeat, this is not an issue created by Republicans. In fact, Republicans have gone the extra step in supporting our fighting forces in Vietnam—for to do otherwise in our view would contribute to a prolongation of the war and the possibility of a miscalculation on the part of the enemy.

It remains, however, an issue to a majority of Americans and a legitimate one. It is legitimate because those who seek political power and the mantle of leadership must, when they obtain it, demonstrate to those who have bestowed it the ability to use it wisely and well. The conduct of the war in Vietnam will be judged by the American people in these terms. If the people find the present leadership lacking, they will register this finding at the polls.

Perhaps the greatest concern in the minds and hearts of Americans about the war in Vietnam is one that has not been articulated very often or very well but that can be seen in the general mood of uneasiness that exists on this issue. In my view, that uneasiness has to do with the question: What have we learned in Vietnam? What policy have we evolved from our years of involvement in Vietnam that will find us prepared to prevent this kind of war in Thailand, in Latin America, in Africa? What policy have we evolved that will enable us to cope with such "wars of national liberation" in a fashion that will not lead to such a drain on our country's men and material?

Is this drift and the drain on America's manpower and resources that has been the hallmark of our policy in Vietnam the prospect for future "wars of national liberation"?

Or have our leaders been attempting to fashion new policies that will work better both in preventing aggression and maintaining peace?

These questions, these concerns, this uneasiness are in the minds of a great many Americans and they have not been satisfactorily answered for the American people.

Mr. Speaker, the white paper on Vietnam published by the research and planning committee of the Republican conference has attempted to set forth the historical record of our involvement in Vietnam for the American people. It has attempted to discharge one of the vital roles of a "loyal opposition": to elicit from the administration in power a clear definition of our short-term aims and long-term objectives in southeast Asia.

Mr. Speaker, I commend the Republican white paper on Vietnam to all of my colleagues on both sides of the aisle and to all American citizens as a factual, scholarly, and comprehensive assessment of how this Nation became involved in Vietnam.

DEBATE ON THE WAR IN VIETNAM

Mr. REID of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Speaker, I am glad today that we are having a brief debate on the war in Vietnam. It has been too long deferred in this House, and it is entirely proper that more should take place at this time, even though briefly. The clear point that is before us, I think, is the need for candor and the need for the absence of guile with regard to taking to the American people all of the facts that they should know short of national security. The clear fact of the matter is that there has been lack of clarity on the part of the administration.

Mr. Speaker, the American people do not have a full understanding of where we are headed, what our prospects are, or what our minimum terms are for an honorable peace.

Mr. Speaker, unless there is conviction based on knowledge of the facts—not just a partial or surface consensus here at home—we will lack that understanding and commitment in depth that is essential to unity of purpose in this country and respect in Peking and Hanoi.

Mr. Speaker, I believe that it is high time that the administration made a serious effort to more clearly present to all the American people the facts so that there will be deep conviction and commitment in this country based upon fundamental understanding.

REPUBLICAN WHITE PAPER

Mr. **HAYS**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. **HAYS**. Mr. Speaker, someone said they were shocked and surprised at this reported white paper. I was neither. It runs true to form. It is exactly what they did during the Korean war, except their timing is a little bad this time.

Mr. Speaker, the gentleman from Wisconsin [Mr. Laird] can stand up and talk about the deep division in the Democratic ranks.

Mr. Speaker, it is not very deep. It is a minority—a very small minority—of the Democrats who talk this way.

Mr. Speaker, I feel that it is too bad that my friend the gentleman from Wisconsin [Mr. Laird] and others could not resist the political opportunity to join these dissident Democrats at this late date, just before the election.

Mr. Speaker, I do not need any white paper to tell me who got us involved in Vietnam. I remember his name very well. It was John Foster Dulles, a part of his program of containment and massive retaliation, if you please.

But I am going to say this to you: I did not criticize him then and I am not going to second-guess him now, like you Republicans are doing.

PARTISAN INTERESTS IN NATIONAL DEFENSE

Mr. **WRIGHT**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. **WRIGHT**. Mr. Speaker, it is always to be regretted when partisan interest on either side of the aisle takes precedence over national interest. Particularly is this so when the matter at issue is claiming the blood of American servicemen abroad.

This has happened on various occasions, not only to our shame but to our national sorrow. Surely we should have learned from experience by now. World War I was fought, so Woodrow Wilson believed and said, to make the world safe for democracy. He said it was to be a war to end wars. The fruits of that victory were utterly thrown away by blind political partisanship, stark and selfish, and the seeds of another war were sown.

When President Wilson came back to this country from the labors of the peace treaty, he encountered a climate of cold political partisanship. A little band of willful men in the U.S. Senate were more intent upon embarrassing the President than they were upon building the foundations for a lasting peace.

Wilson said then, in a memorable prophecy uttered in Colorado, that another and more catastrophic war would come within the period of another 20 or 25 years if that policy of putting partisanship above peace were followed. Still they would not listen. And, Mr. Speaker, his prophetic utterances came true.

Partisanship in world affairs, following World War I, made World War II as inevitable as the setting of the sun. The world again was plunged into the darkness of war, cities were bombed, brave men died, and babies cried at breasts that oozed blood instead of milk. And that was the hollow victory of partisanship.

Mr. Speaker, we have tried assiduously since then to develop a bipartisan policy and a bipartisan spirit. We have endeavored to cultivate a spirit that partisanship must stop at the water's edge. May this not be undone in a moment of thoughtlessness for the mere sake of imagined partisan advantage.

The days and contributions of Senator Arthur Vandenberg should not be forgotten, I say to my Republican friends. He supported the Berlin airlift, the Greek and Turkish aid programs, the NATO alliance. He sought no expedient advantage through sniping at the President. I ask them to remember the works of Christian Herter, another distinguished Republican who, in our moment of national need, offered "constructive help instead of carping criticism." Do not sacrifice his example now upon the altar of expediency.

During the administration of President Eisenhower, we Democrats in Congress did not scuttle his efforts abroad by examples of disunity at home. We gave him the backing he needed as Chief Executive and spokesman for our Nation. We backed him on NATO and SEATO, on his aid and alliance programs, and no foreign nation could question our resolute unity. We passed by overwhelming margins resolutions of support for his efforts in the Formosan Straits and in the Middle East.

Mr. Speaker, I remember very well, only a few years back, in 1960, another election year when Mr. Eisenhower was President of the United States. We had then pending on the floor of the House a legislative matter in which the President was interested. That bill was designed to back him up right here in the Western Hemisphere. He had invited the nations of the hemisphere to construct here in Washington a permanent headquarters site for the Pan American Health Organization.

I was trying to think of something to say to prevent that bill from being rejected on the floor of the House because I did not want the President of the United States to be embarrassed. And I said at the time, if we were flying over the ocean in an aircraft and you may not have picked the pilot, and he may not have been the one we personally would have chosen, no man among us would pour water or sand in the gasoline tank just to embarrass the pilot.

The analogy is good. I think, today, all of us are in the same aircraft, and it is labeled "Vietnam."

I ask my colleagues on the Republican side to lay aside the temptation to seek petty partisan advantage from the war in Vietnam because it is a war for the freedom of man. It would be a cheap and tarnished advantage you would gain. It would be unworthy of your better moments. I ask my Republican colleagues to draw aside from these temptations to play politics with the war, even though it is an election year, and let us join hands together in the common cause outside our borders.

If you have constructive suggestions to offer as to how we might better achieve the common objective, then we will be glad to hear them. So also, I am sure, would the President. Tell us not only what you think has been done wrong, but what you think should be done right. Tell us exactly what you would do differently today if the responsibility were yours.

The President has asked for constructive ideas. But there appear to be no new ideas, no suggestions for improvement, in the pamphlet under question. Only criticism. And criticism for the sake of the critic alone rings sour in the Nation's ears.

CIVIL RIGHTS

Mr. **ANDERSON** of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. **ANDERSON** of Illinois. Mr. Speaker, in the political gamesmanship which currently surrounds the civil rights debate it is the tactic of the Democratic Party to blame Republican obstructionists for the demise of the Civil Rights Act of 1966.

Yesterday the chairman of the House Committee on the Judiciary went one better. He delivered a statement excoriating the opponents of this bill in the other body as listening to the voices of extremism from the right while exploiting the radicalism of the exponents of black power who stand over on the far left.

He went on to praise the courage of those in the House who supposedly disregarded the wrath of those whom they represent and voted for passage of this bill.

The inference is clear that those who opposed this bill committed a supreme act of political cowardice by cravenly submitting to the racist and extremist sentiment which opposed the Civil Rights Act of 1966.

Mr. Speaker, I read his statement carefully and he leaves no room for those who out of conscientious and constitutional scruples could not support this bill. I did not demean or impugn the courage or the motives of those who voted for this legislation.

By the same token I shall not remain silent and bare my back and be lashed by the false and baseless charge of racism or extremism. I deplore and I denounce this prevalent practice of equating opposition to a particular solution of the difficult problem of race relations as based on race hatred or some extremist philosophy. We hear people deplore the backlash. I also deplore the whiplash being wielded by those who are so intolerant of the opinion of others that they do not even recognize a contrary point of view as honestly conceived and founded in a deep reverence for the basic document on which all of our liberties depend—the Constitution of the United States.

Mr. Speaker, the distinguished minority leader of the other body does not need to have me defend him. When the history of our times is written, his contributions as a legislator have already secured for him many indelible pages in that historical record. One may have to search the footnotes to find any mention of his detractors. No, my purpose today is not simply to come to the defense of my distinguished colleague in the other body, much as I admire him for his constancy and courage. I do want, by these brief remarks, to focus attention on this growing tendency to charge opponents of Federal open-occupancy legislation as being bigots and blackguards.

This kind of argument will only serve to inflame passions and prejudice. It will blur the lines of necessary communication that must be established if we are ever to reconcile the wide differences of opinion that exist in this area. There are honorable men on both sides of this question just as there are extremists among integrationists and segregationists. But to listen to some of the statements being made at the present moment by the defeated proponents of the Civil Rights Act of 1966 you would be bound to conclude that the rejection of this bill is fatal to further progress in the field of civil rights and that the forces of satanic evil have prevailed. I reject this false interpretation, and I suggest that this attitude, if it continues to manifest itself, will permanently damage whatever prospects there are for healing the breach that exists among us.

NATIONAL SEA-GRANT COLLEGE AND PROGRAM ACT

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16559) to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea-grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

The Chair hears none, and appoints the following conferees: Messrs. LENNON, ROGERS of Florida, GILBERT, MOSHER, and PELLY.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS BILL, 1967

Mr. PASSMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17788) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1967, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill shall be limited not to exceed 3 hours, one-half of the time being controlled by the gentleman from Kansas [Mr. SHRIVER], and one-half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana [Mr. PASSMAN].

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17788, with Mr. PRICE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Louisiana [Mr. PASSMAN] will be recognized for 1½ hours, and the gentleman from Kansas [Mr. SHRIVER] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I yield myself whatever time I may require.

Mr. Chairman, this is my 20th year as a Member of Congress, my 19th year as a member of the Committee on Appropriations, my 14th year as a member of the Foreign Operations Subcommittee on Appropriations, and my 12th year as chairman of that subcommittee.

I would like to state at the outset that I stand in the well of this House representing the views of a majority of the subcommittee; not my own strong convictions about this proposed legislation. For those who have only been here a short while it may be worthwhile to refer them to the CONGRESSIONAL RECORD of some 19 years ago when this foreign aid program started. It required considerable courage on the part of the older Members of the House, well fortified with prestige and seniority, to come into the well of this House and dare advocate embarking upon a program that could conceivably require 5 years to complete, that could cost $15 billion, and that could take us into as many as 17 nations.

Members shuddered at such a suggestion some 19 years ago. A few of us believed at that time that we were embarking upon a program to which the bureaucrats would soon become addicted and which could never be stopped.

Let us contrast what happened 19 years ago to the facts of today. Not just a 5-year program, but we have been providing funds for 20 years; not just 17 nations, but 97 nations of the world; not a cost of $15 billion, but it is now $142 billion, if you include the interest on the money we have already given away.

I certainly have a conscience that I must live with. I have been concerned about this foreign aid bill a good part of 14 years—almost every day and a good many nights. I certainly would not be fair to myself if I did not point out some of the ills of this program.

Mr. Chairman, on the surface the bill before the Committee would appear to be the cleanest, purest, and most impressive bill of its kind ever presented to the Congress. I say "cleanest and purest" for these reasons:

During the hearings your committee endeavored to establish some facts about this worldwide wealth-distributing program. As we proceeded with the hearings, the transcript moved downtown to the AID, where it underwent a cleansing and purifying process. AID's interpretation of "cleansing and purifying" is to take everything out of the record that is substantially critical of the program.

Doubtless there are hundreds, if not thousands of bureaucrats who have a hand in this mythical purifying and cleansing process. It is known as the "3–C treatment"; namely, conceal, confuse, and classify.

Repeating, if I may, anything substantially detrimental, even though factual, about this worldwide wealth-distributing program, gets a "3–C" label.

So when the transcript finally goes to the printer, it is all dressed up with a beautiful, snow-white outside garment. When we attempt to have a peep underneath, we are quickly cautioned: "Be careful, intruder, the items carry a '3–C' label."

Mr. Chairman, the report also goes through another cleansing and purifying process. For example, at the conclusion of the committee's hearings, and according to my previous understanding of how a subcommittee chairman should function, I write the subcommittee report, and it is only after considerable pleading, disciplined begging, and smiling insistence, that I succeed in getting a limited number of galley proofs of my report.

Apparently my report goes to a semisecret session of committee staff experts, who give my report the 4–D treatment, known as defusing, deleting, diluting, and doctoring.

Subsequently another galley proof copy of the report is brought forward, and it gets a bit more of the 4–D treatment. There is such a significant similarity between the Agency's 3–C treatment, and the committee staff's 4–D treatment, that conceivably—conceivably, I said—the AID phrase-creating experts are asked for their comment.

Finally, we approach the final review of the so-called committee chairman's report. It is then sweetened up according to the taste of each member of the subcommittee. But I must quickly admit that I have extremely courteous subcommittee members. Not yet has any member of the committee objected to my putting my name on the report.

Therefore, I say that this report is not my report, but it is a report of the committee.

Mr. Chairman, may I say at the outset that I have never attempted to impugn the motives of any Member of this body, and especially of any member of my subcommittee. Each member pursues his own course and proceeds in his own way, according to his understanding of this worldwide wealth-distributing program. We have a hardworking subcommittee. They are all specialists in their own field. We have a great chairman in Congressman MAHON. Members of the committee do not necessarily agree with my position, but in some instances we disagree without being disagreeable.

The aid program is so diversified and mystifying, until the many distributors, in order to justify their program, take a remote germ of truth as to its accomplishments and through hysterical distortion, unconscious misinterpretation, and possibly unintentional misrepresentation, present a case all out of proportion to reality.

In fairness to my conscience, to my committee, to the Congress, and to my country, I must say that so far as I know there is not a single banker in the AID. Yet these same administrators are permitted to distribute our wealth throughout the world. In fact, during fiscal year 1967, some type of U.S. bilateral aid will be distributed in 97 nations of the world and 5 territories. Disappointing as it may be, there have been only two nations eliminated from the program during the past 2 years.

Mr. Chairman, if the AID program were to continue on this basis, it would require 102 years to finally phase out the program.

Now, Mr. Chairman, may we discuss the total foreign aid or foreign assistance request for fiscal year 1967. May I say that this is the largest foreign aid program in the history of the aid program. For emphasis, I will restate it. It is the largest foreign aid program in history.

Total foreign aid and assistance requested so far in 1966—not fiscal, but calendar year—amounts to $10,890,909,000. Unliquidated funds to the credit of the same agencies and items that make up this total amount to $16,925,154,000.

May I say, Mr. Chairman, that the total personnel under the Foreign Assistance Act, military and economic, including trainees, amounts to 77,525. If we add to that the Peace Corps and the personnel in the embassies in 97 nations of the world, and the recipients of this program, there are more than 100,000 lobbyists, promoting, either directly or indirectly, this ever-expanding fragmentized foreign aid program.

On account of the fact that the committee is only given justifications about 10 days prior to the beginning of the hearings, we thought the Members of the House would like to know something about the amount of money expended and the number of individuals involved in working up all these giveaway programs throughout the world. So as to make a very factual case for the committee, for the Congress, and for the country we asked each one of the area directors who came in—there are four directors of the different regions who are charged with responsibility for dissipating a certain amount of this total aid program—just how many people they used in getting up these justifications. Very much to our surprise, we learned that there are between 1,600 and 2,400 people working 6 months each year to put these programs together.

Your committee, with one staff member, gets these justification books 10 days before we start the hearings. That fact is in the printed hearings.

How ridiculous can we be, to appropriate billions of dollars to these people, to employ some 2,400 people who do nothing but "cook up" excuses as to why we should continue the aid program? If we take the projects and subprojects, it amounts to something like 4,280 in 97 nations and 5 territories around the world.

Mr. Chairman, I believe it is good to put in the RECORD at this point the net amount of aid we have given away since the inception of this program subsequent to World War II. I am not speaking of the gross amount. I am subtracting all repayments and interest. The actual net disbursements have been $103 billion. The interest we paid on the money we have borrowed to give away amounts to $39 billion. Therefore, the total amount of our wealth that has been disbursed as foreign aid, if we include the interest, amounts to $142 billion.

Now, Mr. Chairman, so that you will understand as I do, and as I believe the committee does, how little these people know about the program and what is really needed, then this is a constructive way to support this program. I am giving you the hard truth here. Make no mistake about that. Early this year the people downtown—and I like to refer to them as the people from downtown—submitted to the authorizing committees, the Committee on Foreign Affairs and the Foreign Relations Committee of the Senate, requests for $4,360,374,000. These programs are loose on either end and split in the center. So this wonderful committee said, "We want you to price out the cost of these programs." Reluctantly they finally priced out the cost of the programs that they wanted for fiscal 1967. This is only one title in this bill. We are talking about the so-called mutual security only. The authorization request amounted to $4,360,374,000. Then the great Committee on Foreign Affairs moved this bill to the floor of the House. The House approved $4,109,119,000. Subsequently the bill went over to the other body. They reduced it down to $2,852,762,000. In conference these two great committees reached an agreement to authorize $3,500,735,000. Your committee today in presenting this bill recommends $3,092,762,000 or a total reduction below the appropriation request of $293,200,000. However, the point I should like to make for the benefit of the committee would be that the same people who submitted a budget estimate of $3,385,962,000, at the same time asked the authorizing committees to authorize $4,360,374,000. It is obvious that they put in a $1 billion surplus in the authorizations request.

Now, if they would come down to the great Committee on Foreign Affairs and say, "We want you to authorize $4.36 billion," and then they come down to the Appropriations Committee and say, "We are only asking for $3,385 million," which indicates an inflation of $1 billion, then how do I know and how does this committee know but what there is a $1 billion inflation in the $3,385 million appropriation request? Give me the answer to that question, if you can.

Now, Mr. Chairman, I have said often—and I shall say it again, if I keep my voice, whether I am on the committee or off the committee, whether I am chairman of the committee or on the sidelines—that this bill has been fragmentized. It has been purposely fragmentized, so that the Members of Congress would have difficulty in adding up all the parts of this program so as to present to the American people exactly the cost of this worldwide giveaway program.

Now let us get into some of the programs that have never been mentioned in the President's message to the Nation. He presented a foreign aid program this year in the amount of, as I just stated, $3,385 million. That is only one item. I wonder whether the bureaucrats will ever get around to putting it all in one place and tell the Congress and the country that the total amount of foreign aid comes nearer being $11 billion.

My friends, we also have receipts from previous periods in the amount of $246,887,000.

Mr. Chairman, much is made of that fact. They show it in justifications.

Mr. Chairman, we also have the military assistance advisory groups. That is a part of the continuing program, because they do the military planning in the field. However, nothing is mentioned about the increase that is contained herein.

Mr. Chairman, this program started some 19 years ago on the pretext that we needed money with which to feed the starving people of Europe. A good part of that appropriation went to buy food, if not the largest part of it.

But today, Mr. Chairman, in this fragmentation, they have come up with a request in the amount of $1,617 million in agricultural commodities, the Public Law 480 program. That aid is just as much a part of the body as your head is a part of your body. That is never included in the total aid budget when the

President submits his budget to the Congress.

Then, Mr. Chairman, we have the $250 million request for the Inter-American Bank which for some reason or other they never include.

Then, Mr. Chairman, you have the International Development Association, known as IDA, which makes long-term loans and that request is $104 million.

Then, Mr. Chairman, you have the Peace Corps request, which is in here to the tune of $112,150,000.

Now, Mr. Chairman, let us proceed, if we may, to follow through as to how the bureaucrats are getting mixed up on their justifications that they bring to this Congress.

Mr. Chairman, these are factual figures: In addition the administration came in with various types of supplemental requests. The total amount of supplemental requests amount to $1,691 million.

Mr. Chairman, have the Members of the Committee of the Whole House on the State of the Union heard that figure mentioned anywhere? You cannot, when it comes up and moves so casually through the legislative process of the Congress.

Then, Mr. Chairman, it gets lost somewhere in the pipeline. Therefore, Mr. Chairman, I prefer to refer to the total amount requested in calendar year 1966 and shall leave you to pick the bill apart.

This bill does not include $633 million for Vietnam, which is now in the Defense Department appropriations. That has been transferred out of this bill into the Defense Department for the duration. It was, however, originally a part of this bill. It is going for the same purpose. It is foreign aid. It is military assistance, but is no longer in this bill.

Then, Mr. Chairman, you have the $300 million supplemental that went to replenish the military assistance program because of the use of section 510 special authority during fiscal 1966.

Then, Mr. Chairman, you had $315 million for supporting assistance and $140 million for the Far Eastern Bank which comes under foreign assistance.

Then, Mr. Chairman, you have another item that got lost in a supplemental in the amount of $100 million which was for the contingency fund.

Mr. Chairman, I need not apologize for having some knowledge of this bill. I have lived with it for many years. Certainly I think I would enjoy greater prestige with my subcommittee, the full Committee on Appropriations, and with the people downtown, and certain other people around town, if I could come in here and brag on this bill. However, Mr. Chairman, I know too much about this bill to brag on it.

Mr. Chairman, I am only a country boy, but I will yield to no one when it comes to explaining this foreign aid bill, because I have made it my life's work.

I am not in Congress to make friends, I am here to try to protect 195 million Americans. And I am getting tired.

You know as well as I do that the giving away of wealth is no new concept in foreign policy. This was practiced back in the Biblical days in the time of the Babylonians. If you go back to the time of Rome and Greece, and the early days of Turkey and Portugal, you will find that they, too, started out on one of these foreign aid programs, and they fell flat on their faces.

Now, what are the facts about this program?

This Nation became great, free, strong and wealthy, built upon trade, not the giving away of our wealth.

Please go back and read the debate of some 19 years ago and see how the older Members, fortified with seniority, pleaded for $15 billion for 17 nations over a period of 5 years, and contrast that, if you will, to $142 billion, 19 years later, and 97 nations and 5 territories. What has this actually done to us? Let us go to the record furnished by the people from downtown.

On December 31, 1952, we had gold reserves of $23,252 million. The gold holdings of the free countries on December 31, 1952, amounted to $13,028 million. Now let us move up to December 31, 1965. The gold flow to foreign countries from our stocks during that period of time reduced our gold holdings down to $13,733 million. By this outpouring of our gold, and purchasing the newly mined gold other nations built their gold reserves up to $28.2 billion.

You know and I know that the dollar is strong only so long as it has gold backing. The minute it loses its gold backing the dollar will no longer be the prestige currency of the world.

You know that from time immemorial the ultimate in security was nothing more than this yellow metal. When a country loses that, it no longer has a prestige currency.

So our gold holdings have fallen in this period to $13,733 million as of December 31. Today it is down to $13,247 million.

Listen to this, if you will. This is your country. Foreign governments held on December 31, 1952, $10,540,100,000 of short-term dollar claims—not long-term, but short-term—against our gold reserves. And while reducing our gold reserves, from dollars we gave them or that they earned from their exports, they not only reduced our gold holdings, but they increased their short-term dollar claims against our gold reserves to $29,071,800,000.

So, as we discuss this bill this afternoon let us not forget that there is outstanding approximately $30 billion in short-term claims against our gold reserves. It is not expected that all of these nations will make a demand for our gold for their dollars, but if that demand should come, according to my arithmetic, you cannot pay a debt of $30 billion with $13 billion.

We have been reprimanded recently by the International Monetary Fund to get our fiscal house in order. Many of the European bankers are also telling us to get our house in order, "You are getting in trouble. You are losing your world markets, you are going in debt."

May I say, Mr. Chairman, that from 1950 to 1965, inclusive, the U.S. dollar deficit balance of payments amounted to $31,262 million. Remember that while the nations were actually waxing fat with the aid that we gave them, they were able to reduce our gold holdings down to $13,723 million, and at the same time they built up their short-term claims against our gold to $30 billion.

It is in the hearings; it is in the printed record. Many years ago I stated to the House—I think it was the first year I brought this bill out—that we were giving too much aid to the European nations We still had substantial military aid going to the European nations. I said "While we are crediting these people with free dollars with which they may requisition our goods, they are accumulating short-term dollar credits, and the minute you stop aid, they will use the dollars they have accumulated to buy our gold." And during the 8-year period, 1958–1965, European nations bought $7.3 billion of our gold.

This is from the record. There is certainly nothing about this that the AID people should be ashamed of, because it is based on the Treasury's figures. From 1958 to 1965, inclusive, we made available some $31 billion in foreign aid to the European nations. You can look at the record and ascertain the amount of our gold they have purchased. You can also look at the record and ascertain the amount of short-term dollar credits they built up during that time.

Is that not worth considering, Christian though we may be, and charitable though we may be?

On the other hand, we have something in this country to protect, too, and that is our world markets. The intricate mechanism that operates our world markets is competition. We are moving out of a competitive basis. We have subsidized many of our commodities. Today, you could not sell a bale of cotton without subsidizing it at the rate of 6½ cents a pound. You can buy stainless steel commodities going into many refrigerators, and especially commercial refrigerators, at $34 a ton delivered at dockside cheaper than you can buy the steel at Pittsburgh. So, if you check into the amount of subsidizing we are doing to hold our world markets, you, too, will be somewhat frightened. If you have any real way of analyzing the situation, you may observe a world trade deficit. We make the claim of being a net exporter. But everything we give away, whether it is in the form of grant aid or long-term aid, we claim as an export. Everything except military aid is included as an export.

But to actually pin this thing down, look at the balance-of-payments deficit. You then see what has happened.

One of the appropriations in this bill is to IDA, and let me explain IDA to those of you who have been too busy on your own committees. IDA is one of the agencies developed by these spenders. Several years ago when they thought we were getting ready to phase out the AID program, they had these tens of thousands of fat cats, you understand, drawing big salaries flying all over the world, who did not want to lose those jobs, so they started cooking up fancy names such as Peace Corps, IDA, the IADB, and so forth, in the belief that if you put one of those fancy names on it, it would be easy to sell the idea to Mr. and Mrs. America. It is grant aid nevertheless.

What is IDA—it is the International Development Association. It is an arm of the World Bank to which we contribute about 40 percent of its resources. All of the other nations contribute about 60 percent. But when you actually go into it, you will find that practically every one of the contributing nations to IDA recognize that all this money goes to their former colonies where they have strong cultural and trade ties.

You ought to read some of the debates. They say, "If we put up 3 percent, we can get the United States to put up 40 percent, and all of the money will go to our former colonies."

But how do they operate? It is a supplement to the regular U.S. bilateral foreign aid program. If we cut $100 million here, they can fund the same projects out of IDA. IDA provides loans with a 50-year repayment and a 10-year grace period. They never pay over a quarter of 1 percent surcharge for 10 years, and they pay only 1 percent of the principal for 10 years, and then 3 percent a year for the remaining 30 years.

We also have the Inter-American Bank and the Far Eastern Bank. One window of the Inter-American is the "soft term window" and we have an appropriation in this bill of $250 million for that purpose.

What I endeavored to do—and I am not too sure all the members of the subcommittee appreciated this quite as much as some of the other members will—is to put all of these aid programs together in one place, so we will know what the total amount of aid and assistance we are giving away. Aid and assistance are synonymous.

The Export-Import Bank is a good agency, but some of their loans now have maturities of up to 25 years.

May I make this observation, and then I am going to yield and conclude. What brought about all this fragmentation of the program, all these agencies that were unheard of several years ago, is that we had a little different attitude back in those days in the Appropriations Committee and in the Congress. They said, "We want this program phased out. They promised it when we started the program. Let us start phasing this out."

I accepted that most difficult position and started the phaseout with the cooperation of this committee. In 1956, which was 11 years ago, we reduced this bill to $2,700,000,000. That was before we had all of these other agencies that cost billions of dollars. We brought it down to $3.7 billion, $3.2, $3.7, and $3.9 billion. We got it down in 1964 to $3 billion.

But now we have created the Inter-American Bank and the Far Eastern Bank, the Public Law 480 program, the Peace Corps, IDA, etc. But they found out that the new Members of Congress were a little bit more sympathetic and understanding and charitable. They found out that they could continue giving this so-called bilateral mutual security aid and get funds for all these other programs at the same time.

That is why, if we take the supplementals that fall in during the fiscal year and all the requests, including the Export-Import Bank, then we find we are dangerously close to $11 billion in the different brands of foreign aid.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I thank my colleague from Louisiana for yielding.

First, I want to express my appreciation and satisfaction that this appropriation bill is on the floor today. If past experience means anything, it means we are getting toward adjournment, because in the few years I have been here, I have found out we would only be getting this legislation shortly before adjournment. So this is some encouragement.

I want to say, too, that I appreciate the opposition the gentleman and his committee have offered to fragmentation of aid legislation. I feel that further fragmentation would certainly not work to the advantage of the United States in its efforts to assist those who are worthy of assistance in the eyes of whatever administration might be in power.

The gentleman spoke of IDA as being an arm of the World Bank. I would like to ask the question whether or not IDA, as an arm of the World Bank, is a primary source of financing for American-produced goods sold overseas as part of the aid program?

Mr. PASSMAN. It is secondary. But may I say to the gentleman even the AID people wear dark glasses today when they say, "Remember my friends, 90 percent of this money is spent in the United States."

My answer is that if all this money is spent in the United States and helps maintain our prosperity, then let us triple the program and triple our prosperity. What actually happens in many of these nations is that when we credit them with dollars by which they can requisition what they need, in many instances it releases to them the dollars they earn from their exports to buy our gold and securities. In many instances they would have spent the dollars they earned from their exports in buying these items. Something accounts for the dollar situation becoming worse, and something accounts for the gold continuing to be depleted.

The main thing is, I may say to the gentleman, with all due respect to these people who administer this program, there are Members of Congress who are doing everything within their power to channel all bilateral aid into international organizations, where it cannot be found.

We give these international organizations fancy names to justify more appropriations.

When we transfer $104 million this year over to the International Development Association, we lose the right to further detailed examination. If someone calls downtown and asks, "What is IDA's unexpended balance?" they tell us it is zero. Then we have to prod, plead, beg, and urge to get them to get in touch with the international organization to ascertain what is the amount of unliquidated funds.

Even though we have been putting only $104 million a year in—that is for 3 years—prior to that we put in about $424 million, if I remember correctly; nevertheless, IDA, on June 30 had an unexpended balance of $1,323 million.

Mr. WAGGONNER. The gentleman said earlier that the United States makes a contribution equal to about 40 percent of the amount of resources available to IDA, and other nations which participate supply 60 percent. For my own information, can the gentleman tell me whether or not that 40 percent which the United States contributes to the operating funds of IDA is more or less than what American free enterprise receives for financing goods for use overseas? How does the percentage of money we contribute compare with the amount of money made available to American industry for its products as a result of IDA's loans?

Mr. PASSMAN. There is no mandatory provision of the bill which would require IDA to spend any of its resources in the United States. However, I understand that about 80 percent of IDA's and the World Bank's procurement is in the United States.

May I also say that, many times, nations not too friendly to the United States are getting aid out of IDA or at least out of some of the international funds that this committee handles. I am not going to take the time to go into it, but when we mix our contribution with everyone else's money, and then we make an allocation, we cannot specifically say those are American dollars.

It is rather complicated. We could consume at least 2 weeks discussing this bill. We do not have that much time.

I trust I have answered the gentleman's question.

Mr. WAGGONNER. I appreciate, and I believe the other Members of the House also appreciate, the hours, weeks, and months of work which the gentleman and his committee have put forth in an effort to bring the best possible bill to the House.

Again I say I appreciate the opposition the gentleman and his committee have offered to fragmentation of this foreign aid legislation. I believe the authorization committee, the Committee on Foreign Affairs, is deserving of that same commendation in opposition to fragmentation of this legislation.

I believe we can all agree that the gentleman in the well is more knowledgeable about the matter of foreign aid than any other Member of this body.

Mr. PASSMAN. I would not say I have any greater knowledge, but the others have not convinced me that they have greater knowledge. Until they do, I shall have to support the conclusions of the gentleman from Louisiana on this bill.

Mr. GEORGE W. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I am happy to yield to the gentleman from Alabama.

Mr. GEORGE W. ANDREWS. I had the privilege of serving on the subcommittee with the gentleman from Louisiana for 10 years. I know of no harder worker in this Congress than the gentleman in the well. He knows his subject as well as any other Member knows any other subject. He works hard.

As he stated earlier, he lives with this bill 365 days a year.

No man has saved the taxpayers more money than has the distinguished gentleman from Louisiana. I congratulate him for the way he has handled the bill today.

Mr. PASSMAN. I thank the distinguished gentleman from Alabama.

Some people believe I am stubborn. I am not; I am just persistent.

May I say this, as I conclude. Our gold is disappearing rapidly. The balance-of-payments deficit continues to persist. In addition, we have $30 billion of short-term claims against our gold reserves. What kind of a position would we be in if we should get a demand to pay off the $30 billion in gold, and we only have $13 billion? Keep in mind always, if you are new Members, brilliant men with great wisdom, that this is a new concept in our foreign policy. Our country became great and free and powerful quickly because we operated on trade and not on semiappeasement and not on giving our wealth away every time a foreign dignitary visits our country.

One final statement. I will defend this bill against all amendments because I am representing the committee. It is a great committee with much wisdom, many degrees, and long tenures. They say that this is the minimum by which our commitments can be met. It is upon that basis that I will defend the bill against all amendments, even though the amendments may represent my personal views.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I am afraid that I am going to get a reprimand if I do not return to my seat and yield time to the ranking minority member and let him yield to the Members on that side. I thank the Members for their patience.

Mr. SHRIVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, during last year's debate on the foreign assistance appropriations bill the able and experienced chairman of our Foreign Operations Subcommittee [Mr. PASSMAN] told the House of his mother's beautiful Rhode Island rooster, whose desire to habitually fly the coop, eventually cost him his life. The gentleman from Louisiana told us that to avoid the fate of his mother's rooster, his wings had been clipped. He said he would not try to fly out of the yard, and he expressed the hope that his wings would sprout again.

During this year's subcommittee hearings on appropriations bill we have before us today, it was encouraging to hear our chairman state that "They are sprouting a little now." He explained to the subcommittee: "We can now hear a voice in the wilderness, occasionally that is, extremely encouraging."

Many of us in this House have been hearing voices speaking out very distinctly regarding foreign aid spending for some time. They are the voices of our constituents, American taxpayers, who have questioned many aspects of this multibillion-dollar program which like "Ole Man River" has just kept rolling along since the end of World War II.

The voice of the people is being heard in many congressional districts across America. We have succeeded in making necessary reductions in the administration's 1967 foreign assistance appropriations. In fact, total spending under this bill has been cut nearly 7½ percent under the administration's requests by the Appropriations Committee.

As we proceed with consideration of this foreign aid spending bill, we should keep in mind that the United States is involved in a costly war in Vietnam. We have a commitment to hundreds of thousands of American boys who are fighting there.

The Congress already has voted $58 billion in defense spending for fiscal 1967. And, although that bill is not yet on the President's desk, we were recently informed by our distinguished Appropriations Committee chairman, the gentleman from Texas [Mr. MAHON], that a sizable supplemental defense appropriations request will come up early next year. He estimated it could range anywhere from $5 to $15 billion—and it also raises the distinct possibility of an income tax increase for the American taxpayers.

Meanwhile, here at home we are wrestling with serious inflationary pressures, high interest rates, and tight money. Many of us, particularly on my side of the aisle, have been warning for some time that the Johnson administration must establish priorities for domestic spending programs, and postpone nonessential expenditures including deferring certain new Great Society programs. On April 28, 1966, when the fiscal 1967 budget for the Departments of Labor, and Health, Education, and Welfare was reported by the Appropriations Committee, additional views submitted by minority members of the subcommittee declared:

> Prudent Government fiscal policies—for example, a reduction in nonessential domestic spending, are a better, more equitable, and far more just method of bringing about restraint in an overheating economy.
>
> With prospects of an increase—not a decrease—in defense outlays for the foreseeable future, necessity dictates that the Federal Government must face up to the hard choices that lay ahead.
>
> This administration must face up to the need of setting a realistic set of priorities on nondefense spending programs so that the Congress, in its wisdom, can reduce dollar amounts in some instances and defer programs in other instances in order to bring inflationary pressures under control.

Mr. Chairman, the foreign assistance appropriation bill for 1967, as reported by the House Appropriations Committee, recommends appropriations of $3.6 billion, of which $2.3 billion is for the most publicized part of the foreign aid program—economic assistance—and $825 million for military assistance. The balance is made up of a quarter of a billion for investment in the Inter-American Development Bank, $104 million for the International Development Association, $110 million for the Peace Corps, and $93 million for the Ryukyu Islands and assistance to refugees.

I want to restate here the first paragraph on page 2 of the committee report:

> Not every member of the committee agrees with every recommendation in the accompanying foreign assistance bill. Some would favor further reductions in amounts.

As every Member of the House knows, the only way any bill becomes law is for each of us to make compromises. We frequently do not agree with every line in legislative bills, or every item in appropriation bills, but we accept the compromise nearest to our desires. Many of the cuts in this appropriations bill exactly follow my recommendations. I studied the program carefully during our lengthy hearings in the subcommittee. Although in many instances I would prefer to be here in the well of the House recommending smaller amounts, I am satisfied that the cut of $295 million was the highest that would be approved by our subcommittee and the full Appropriations Committee.

The President on September 8, 1966, sent to the Congress a message on fiscal policy and stable economic growth in which he said he proposes to take "strong measures to reduce lower priority Federal expenditures." He said his best present estimate that a reduction of 10 percent—approximately $3 billion—will be required from that portion of the budget.

On September 8, the day after the President signed the appropriation bill for the Department of Agriculture and related agencies he announced he would reduce expenditures for the programs covered by that bill. Following his promise to reduce domestic nondefense spending, I hope he will exercise his authority to control expenditures in the foreign aid programs as well.

Throughout our subcommittee hearings, there were repeated examples of certain programs within this foreign aid budget which were being given priority to progress while, at the same time, we were asked to reduce or eliminate similar programs in our own country.

It will be remembered when the President submitted the budget last January, there was a cut in the request for land-grant colleges in the United States. Agriculture research programs were reduced, too. Historically, these have been worthy programs.

The administration also made substantial cuts in other agricultural programs including soil conservation, extension services, the school milk and school lunch programs.

It was then quite a shock to receive requests from AID for appropriations for land-grant colleges in other countries, Brazil for example. We were told that "the development of a land-type system in which educational and governmental institutions share research findings is considered an important element in Brazil's efforts to improve its agricultural production."

After receiving testimony on the needs of India, we were surprised when the representatives of the Peace Corps, justifying 1,200 agricultural workers in India, said:

> India has had enormous help from the World Bank and others, but when the aid gets down to the peasant he doesn't know how to use it. The Peace Corps volunteers will be teaching basic rudimentary agriculture, the use of insecticides and pesticides, rodent and pest control.

We understood in annual hearings that was being done. In fact in the hearings many years ago—in the 82d Congress, 1st session, on the mutual security program appropriations for 1952, our committee was told in India:

> The food problem can be licked. Speaking broadly, it is possible to increase productivity in Indian agriculture faster than the population can increase. That has been established.

It is very discouraging that the Peace Corps, after all these years, needs to teach basic rudimentary agriculture in India.

This budget provides, too, for major efforts by AID to expand agricultural extension service activities in underdeveloped countries. On page 174 of part 2 of the printed hearings, I inserted the following paragraph from the AID budget justification:

> In fiscal 1967, AID will expand its cooperative efforts to improve the effectiveness of agricultural research centers in the less developed countries and particularly the agency will increase its support through the land grant universities and the Department of Agriculture to strengthen their participation in the development of agricultural research in Asia, Africa, and Latin America. Support will also be channeled through such regional and international centers as the International Rice Research Institute.

Here at home, and I know in my congressional district, there are many schools, colleges and universities, research organizations which find it difficult, often impossible, and are frequently frustrated in their efforts to secure through established Federal programs research funds. They often call on their Congressman to determine the status of their requests and the answer we get most often is that Congress did not appropriate sufficient funds for such projects.

However, during hearings, I was informed of research projects financed by AID ranging from a $400,000 research project for teaching English as a second language in sub-Saharan Africa to another project designed to develop a mathematics curriculum in Africa.

Here at home, our colleges and universities, both private and public, are struggling to provide quality educational opportunities in the face of increasing financial burdens. They have had to frequently increase tuitions. Taxpayers also are bearing a heavy burden to support public universities. Private institutions have expanded their fundraising programs.

However, through this foreign aid program American taxpayers will put up $3 million this year for the American University of Beirut, an increase of $1 million which I was informed will be used to pay operational expenses. When I asked why it is necessary to increase the operational contribution, Mr. Gaud, now Director of the Agency for International Development, replied:

> Basically, it is a matter of increasing costs to the college, and an inability to raise more funds either by subscription, or by raising tuition.

Here at home, homebuilders and homebuyers are experiencing a serious financial crisis. Tight money and high interest rates have posed a real economic threat to this important domestic industry. The Federal Government, which must go into the money market to borrow the necessary funds to finance this foreign aid program, the war in Vietnam, and many of the new Great Society programs, is paying nearly 6 percent interest on some of recent debentures.

However, in the foreign aid program we find that 74.7 percent of the dollar value of U.S. loan commitments of $7,122,200,000 had interest rates of less than 4 percent.

Mr. Chairman, what I am trying to get across here is not a condemnation of this program, but to declare that these are times which require the establishment of priorities for programs which are necessary both on the domestic and international fronts.

Many times during our hearings, I asked administration witnesses, "Is this a necessary expenditure during time of war?" I urge the President to weigh that question carefully before every commitment is made for additional nondefense disbursement. We know many of the projects funded by foreign economic aid do not meet this test.

Administration witnesses during our hearings admitted many times projects were not "necessary" but said they were desirable. We urge the administration to defer "desirable" projects and commit the American taxpayers only to those that are "necessary."

Tomorrow's headlines probably will inform the American people that the House of Representatives approved $3.6 billion in foreign aid spending for fiscal 1967. This is the appropriation that gets the attention and publicity. We know that this is only part of the foreign aid story.

The foreign aid program over the years has become spread throughout the Federal Government in many departments and agencies. Because it is so widely dispersed throughout the executive branch, it is considered piecemeal by Congress—scattered through 10 appropriation bills.

The American taxpayers should be made aware of the fact that this session of Congress has received total requests of $9.2 billion for fiscal year 1967 for programs involving international activities. They are itemized in our report on page 4. We also should note here that this year's total is $662,442,000 higher than in 1966.

In addition to the $9.2 billion referred to there are other programs in the foreign aid area. For example, there are the Sugar Act and the International Coffee Agreement which involve substantial foreign aid subsidies.

Also I want to call your attention to the table in the report on page 4. Listing unliquidated funds for those selected programs involving international activities on June 30, 1966, of a startling $16.9 billion. I want to emphasize that is in addition to the $9.2 billion that has been requested this year. Certainly in time of war this country is being most generous to the other countries of the world.

During our recent hearings we were amazed to learn in the economic aid program since March 31, 1964, the Agency for International Development has hired 2,828 additional employees who are U.S. nationals. The number consists of 835 who are on the AID payroll and 1,993 who are working for contractors and other agencies, making a total employment of U.S. nationals on June 30, 1966, of 13,219.

The President on May 20, 1966, sent a memorandum to heads of executive departments and agencies in which he said:

> I would like each department and agency to adopt formal programs of . . . deferring the filling of vacant positions.

The report of the U.S. Civil Service Commission for the next month—the month of June 1966—reported that AID employed 15,472 people, an increase of 493 over May—and further that 379 of those employees were right here in the Washington, D.C., metropolitan area. In July—the next month—AID employment again went up—by 197 employees—of which 134 were in this Washington, D.C., area. In other words, during the 2 months immediately after the President's order to stop filling vacancies, AID employment increased by 690, of which 513 were in this area.

There are two projects in Cuba which have been receiving assistance from the the United Nations development program. Because the United States contributes 40 percent of the money that goes into the entire program, I have been concerned that part of our contribution would make its way through the United Nations to Cuba. Because of testimony I developed during our hearings and my recommendation, the House Appropriations Committee added the following amendment to the language of the bill, as follows:

> *Provided*, That the President shall seek to assure that no contribution to the United Nations development program authorized by the Foreign Assistance Act of 1961, as amended, shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime.

Any budget prepared for the foreign aid program is an estimate of the broadest sort. It is based on conjecture of the number and extent of projects which will be approved by our Government and the host governments, development of worldwide situations, and the physical ability to spend the money appropriated.

The administration presents its requests for appropriations for foreign aid to the Congress on an "illustrative" basis. It tells the Appropriations Committee how it plans to use the money. However, it can spend the money in an entirely different manner, once the appropriation is made. For example, it would be entirely possible to request an appropriation for construction of a dam in one country but spend the money to build a bridge in another country. Testimony given during subcommittee hearings revealed a vivid example:

> Mr. PASSMAN. This is the extreme. You could justify funds for a hospital in Guatemala and build a summer resort in Algeria, couldn't you, and still be within the law?
>
> Mr. HUTCHINSON. We could submit, as part of our presentation to the Congress, an expectation that we were going to build a hospital.
>
> Mr. PASSMAN. In Guatemala?
>
> Mr. HUTCHINSON. Yes, and find we could could not build that hospital. We could, with funds that are appropriated to us, build the summer resort in Morocco if it contributed to the economic development of Morocco.

During our subcommittee hearings, I asked Mr. Hutchinson, Assistant Administrator, Bureau of Africa, for AID:

> Do you make the same kind of presentation to this committee or the Congress concerning the cost-benefit ratio and values to the United States of these projects?

He replied that no such review is made by anyone in the legislative branch. He told me with respect to loans it is a physical impossibility to make such a presentation. There are probably better than 600 projects in the African region alone. But with respect to loan projects, they do make an analysis of the cost-benefit ratio. He said they are required by law on water projects to make the same kind of cost-benefit calculations as are required in the United States. On nonwater projects they make a calculation of the internal rate of return or the present value method of calculating benefits. He said it is done administratively. It is reviewed by an interagency committee in the executive branch but it is not reviewed by the legislative branch.

On page 486 of part 2 of the hearings you also can read of ongoing projects in the African region not initially justified to Congress:

> There are 519 ongoing projects forecast to be active in the Africa region in fiscal year 1967. Of the $95.7 million proposed for fiscal year 1967 funding or technical cooperation and supporting assistance projects, $42.7 million will be used to fund 223 projects which were started over the past several years prior to being initially presented to Congress or are breakouts of projects which were started before being presented to Congress. All of these projects were subsequently presented to Congress.

This practice is widespread and has carried over into the State Department through which we funnel more than $140 million in contributions to voluntary organizations. One of the recipients of such contributions is the U.N. Institute for Training and Research. Last year this Nation contributed $300,000 to the regular budget of the Institute and in addition contributed $100,000 for the cost of fellowships established in memory of the late Ambassador Adlai Stevenson.

I hasten to declare that I have no objection to perpetuating the memory of this great American statesman through such a program. However, the $100,000 contribution had not been justified before our committee. We are called upon to make an appropriation after the executive branch has made a commitment. This is indeed poor budgetary practice, and completely different from justifications and reviews of public works projects in the States of this country.

Members of the House are well aware of the detailed justifications and investigations required before a construction project starts in this country. There is extended consideration of authorizing legislation, and then similar review and consideration is made before appropriations can be made. Such domestic projects are subject to approval or veto by the agencies in the executive branch and the Congress. The realization of such projects often takes many years. Foreign aid projects do not travel the same long, slow, carefully justified road.

Mr. Chairman, in this foreign aid appropriation bill we are commiting the American taxpayers to financing some form of U.S. aid to 97 countries and 5 territories.

As Members of Congress we receive a lot of mail from our constituents. We talk to them a lot in our frequent trips home. During my 6 years in Congress I have had many, many complaints of our foreign aid program, particularly from those who have been in foreign countries and have seen the results of giving away of our money and the apparent lack of knowledge on the part of the people in those foreign countries that there is participation by the American taxpayers in these programs.

Last year when I accompanied the chairman of our subcommittee, the gentleman from Louisiana [Mr. PASSMAN], and the very able subcommittee clerk on an inspection trip to the Near East and Far East, I found there were a number of construction projects which bore no recognition of the sizable contribution of the U.S. taxpayers. I suggested to our AID officials the need for proper identification of U.S.-financed projects.

Throughout our subcommittee hearings the chairman and myself brought this matter to the attention of AID witnesses. I recently received photographs from the American University in Beirut showing new signs which have been erected at the medical center under construction there. These signs state in English and Lebanese: "The Medical Center a Donation From the People of the United States of America to the Lebanese People and the Peoples of the Middle East."

Not that we are asking nor expect gratitude, but if part of the reason for our generosity is to improve our image and our relations in the world community, surely those who are recipients of our aid should know of it.

Mr. Chairman, it is true that the Appropriations Committee has reduced administration foreign aid requests in this bill by nearly 7½ percent, or $295 million. In view of the increasing costs of Vietnam war expenses and serious inflation here at home, consideration should be given to making further reductions in this program. Such economies could be made without hindering the effectiveness of the program.

We need to be mindful of the best interests of our own people and to maintain the strength and position of our economy and the strength of our great Nation.

The members of the subcommittee have devoted many hours, days and weeks to the extensive hearings and deliberations on this important bill. I particularly want to commend my two colleagues on this side of the aisle, Mr. CONTE of Massachusetts and Mr. ANDREWS of North Dakota, who have contributed immeasurably to the hearings and deliberations on this measure. The gentleman from Massachusetts [Mr. CONTE] has served on the subcommittee for 8 years and he is one of the knowledgeable Members in the House on this very complex subject of foreign aid. He has included in the report on the bill some additional views which are deserving of the careful attention of the Members of the House.

Finally, I wish to express appreciation to the gentleman from Louisiana [Mr. PASSMAN] who has been diligent, thorough and efficient in his responsibilities as chairman of the subcommittee. Speaking for members of the minority, we continue to be impressed by his dedication to protecting the taxpayer's interest. We share his devotion and concern for our beloved America.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I believe the gentleman has made an excellent point. In the field of foreign aid, of course, we constantly run into a double standard, a building up of certain specific areas of interest in foreign countries which we neglect at home.

The gentleman made an excellent point with reference to agricultural areas.

I should like to share with the House today a story which came off the United Press ticker in the House lobby for release at 6:30 p.m. today. It says:

> WASHINGTON.—The World Bank has arranged the Sale, entirely outside the United States, of a $100 million issue of U.S. dollar bonds.
>
> The sale, at par, was made by private placement with central banks and other governmental institutions in 35 countries and with one international organization.
>
> The new bonds, known as the "two year bonds of 1966, due October 1, 1968," bear interest at 6 per cent payable semi-annually, with the first payment due April 1, 1967. The issue is to be dated October 1, 1966.

So, as the Members of the House can see, this double standard extends even into the field of finance. Though the people here at home, our American people, are asked to buy U.S. savings bonds, carrying a coupon of 4⅛ percent interest, this administration goes around and in a back-door approach to foreign aid offers to foreign governments and foreign citizens U.S. dollar bonds at 6 percent interest. I suspect that within 2 years these bonds will be able to come back and be callable in gold, further draining our already low gold reserves.

I believe the gentleman has made an excellent point. I just wanted to broaden it into this field, which just came off the ticker.

Mr. SHRIVER. I thank the gentleman for a fine contribution.

Mr. PASSMAN. Mr. Chairman, will the distinguished minority chairman yield?

Mr. SHRIVER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. The Committee is indebted to the gentleman from Kansas, the minority chairman of the subcommittee, for having inserted on page 12 of the committee report, the total number of personnel involved in the Foreign Assistance Act program, military and economic. It is accurately stated.

The table states that this includes foreign national trainees, but those trainees do get a monthly subsistence check, do they not? In effect, there are 77,525 people in title I of the bill only, getting monthly subsistence.

Is that the gentleman's understanding?

Mr. SHRIVER. Yes.

Mr. PASSMAN. We would have to add to that figure all the lobbyists at the 97 embassies of the countries around the world receiving foreign aid and all other similar personnel. Then we would have to pick up the Peace Corps in addition, to even approach the grand total of all the people who are lobbying for foreign aid?

Mr. SHRIVER. That is my understanding.

Mr. PASSMAN. And the aggregate personnel could conceivably go over 100,000?

Mr. SHRIVER. It well could.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Florida.

Mr. HALEY. Let us see if I correctly understand what is really involved here.

On page 4 of the report the actual foreign aid in the various spigots, so to speak, through which they are siphoning money off into this program, amounts to $8,174 million, is that correct?

Mr. SHRIVER. That is right.

Mr. HALEY. The unexpended balance, then, is $16,925 million. Is that correct?

Mr. SHRIVER. Yes. And that is shown on page 4 of the committee report.

Mr. HALEY. As I understand it, there is also a supplemental estimate for this program on the President's desk now for about $1 billion. Is that correct?

Mr. SHRIVER. I will yield to my chairman on that.

Mr. PASSMAN. That is correct. The Export-Import Bank desires to increase their long-term loan program. I claim that program falls in the foreign aid and assistance category, because the terms go up to 25 years. They wanted to increase the program to $2.5 billion. So there is a supplemental budget request on the desk of the President, signed by the Director of the Bureau of the Budget, asking for an additional authority of $1.25 billion. You have to add that proposed estimate to the $25.099 billion total of the two items you have just mentioned.

I know that we all want to be completely fair about this, and I should state that the $16.9 billion of unliquidated funds, includes funds that have been previously obligated or committed to ongoing programs or projects, but the disbursement and real accomplishment of the work is yet to be done. So it is money yet to be spent.

Mr. HALEY. May I say this, then, to the chairman of the subcommittee: Actually, then, we have obligations here, when the bills are passed, to take money from the Treasury amounting to approximately $26 billion more.

Mr. PASSMAN. That is true.

Mr. HALEY. And if we add it to the amounts we have had to borrow to put into this foreign aid program, which runs approximately $5 billion a year, actually what the American people are asked to pick up here is a tab to be put into these ratholes throughout the world amounting to approximately $13 billion. Is that correct?

Mr. PASSMAN. Will the gentleman yield for this one observation?

Mr. SHRIVER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. If you take what we have previously given away, a net of $103 billion, and add the interest of $38 billion that we have paid to borrow that money in order to give it away, this year's total request of $8.1 billion and add the interest on that, you have a total amount in the neighborhood of $150 billion.

Mr. HALEY. I thank the gentleman.

Mr. PASSMAN. Mr. Chairman, will the distinguished gentleman yield further?

Mr. SHRIVER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I mentioned earlier the fact that I have served on this subcommittee of the Committee on Appropriations for a period of 14 years.

Mr. Chairman, I have worked with many wonderful Members of this House of Representatives but I have never known of a more dedicated individual than the gentleman from Kansas [Mr. SHRIVER].

Mr. Chairman, witnesses never brush off the gentleman if he asks a question, because the gentleman insists upon an answer.

Mr. Chairman, we have been overseas together on official committee trips and I can say to the Committee of the Whole House on the State of the Union that the gentleman from Kansas [Mr. SHRIVER] is one of the hardest working men I have ever known. The gentleman has a knack at getting at the facts of the matter. I have never known anyone who has been any more able to elicit information which contributes any more substantially to our hearing than does the gentleman from Kansas.

Mr. Chairman, it has been a genuine pleasure for me to work with the gentleman. I have a very strong affection for the ability of this great gentleman. I refer to him as the "minority chairman," because he is indeed just that.

Mr. SHRIVER. Mr. Chairman, I thank the gentleman from Louisiana [Mr. PASSMAN] very much, and perhaps, that is a good point for me to conclude my remarks.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. SHRIVER. Yes, I yield further to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, the gentleman from Kansas [Mr. SHRIVER] helped to bring this out—something which I mentioned earlier during the course of the debate.

Mr. Chairman, today we have attempted to discuss this bill in such fashion that the members of the Committee of the whole House on the State of the Union could fully understand it.

But, Mr. Chairman, several years ago I asked former Secretary Dillon: Mr. Secretary, would you actually call these things loans?

He said, "No, they are development credits."

Mr. Chairman, during the past years I have tried to keep this statement or answer alive. Granted, that whatever these things are, that if we should ever be repaid, we have this to look forward to as indicated on page 20 of the report:

> Mr. PASSMAN. You are only making a profit providing the loan is paid. How about the AID loans? If you admit they are actually a disguised grant——
>
> Mr. BELL. No, sir. There is a subsidy element in the loans.
>
> Mr. PASSMAN. Is there any subsidy other than the interest?
>
> Mr. BELL. The terms of the loans—taking maturity and interest together on a development loan which is made on minimum terms—which is a 10-year grace period on repayment of principal and 30 years thereafter to pay the full principal, 1 percent interest during the grace period, 2½ percent for the rest, taken over the period of that loan, there is approximately 40 percent subsidy. Therefore, you can say it is 60-percent commercial loan, 40-percent subsidy if you want to describe it that way.

So even if they live up to the contract, the so-called development loans are still a 40-percent subsidy.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from California.

Mr. LIPSCOMB. I would like to join in commending the gentleman from Kansas [Mr. SHRIVER] on his very detailed presentation in bringing all this information to the attention of the House.

On page 28 of the report, under the "General provisions," it says:

> The committee has reduced the limitation on research activities of the agency contained in section 113 to $10 million from the previous limitation of $12 million.

Mr. Chairman, I want to commend the Foreign Aid Appropriations Subcommittee for its action in reducing the limitation on research activities of the Agency for International Development to $10 million from the previous limitation of $12 million.

This limitation is contained in section 113 of the bill and is mentioned on page 28 of the report.

Certain of the research activities of the Agency for International Development have been a matter of concern to me for some time. I would like to bring to the attention of the House of Representatives an example of a contract the Agency for International Development has let for a research project, this one entitled, "The Interaction of Social Values and Political Responsibility," which I question.

This project is conducted by the University of Pennsylvania. It also involves a grant in foreign currencies received from the Department of State. The project involves research relating to social values and political responsibilities and behavior in India, in Poland, and in Yugoslavia.

For the information of the House I am setting forth here the texts of letters I received from the Agency for International Development and the Department of State concerning its participation in the project and the purpose:

DEPARTMENT OF STATE, AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, D.C., March 28, 1966.

Hon. GLENARD P. LIPSCOMB,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LIPSCOMB: Mr. Bell has asked me to reply to your letter of March 11 requesting information on the A.I.D. contract with the University of Pennsylvania for a research program on "The Interaction of Social Values and Political Responsibility."

The project is designed to find ways to ensure progressive, effective local leadership in the developing countries, both in terms of the economic progress it makes possible and because it is vital to the development of a free and open society.

The results of this study also will provide information useful to project administrators in A.I.D. Missions in their attempts to gain the assistance of local leadership in implementing development programs. It will provide valuable evidence for program planners about the effects of practices, such as decentralization of government, on local community life. It will also test some basic assumptions, on which policies are based, concerning relationships between levels of society, economic and political development, and a sense of political responsibility.

As Contractor for this project, the University of Pennsylvania, rather than any individual, is responsible for the end product. It has scheduled Professor Philip Jacob as Principal Investigator and over twenty other university personnel to participate. Arrangements have been made with institutions in four locations in India, where the field research is currently being conducted, involving cooperative commitments with both faculty and graduate students. In addition, there is a Planning Group at the University of Pennsylvania which provides inputs from all relevant departments on the campus.

The contract was signed by A.I.D. October 23, 1964. The duration of the contract is five years. Phase I of the project, for which $250,000 has been obligated under the contract, will take approximately two years. If phase I of the project turns out well, A.I.D. may decide to provide additional funds for expansion of the study to other countries. A.I.D. does not, however, have any obligation to do so, and will make no decision until the first results have been thoroughly evaluated.

We trust that this information is responsive to your query. We shall, of course, be glad to supply any further information you may desire.

Sincerely,

WILLIAM C. GIBBONS,
Director, Congressional Liaison.

DEPARTMENT OF STATE,
Washington, D.C. May 9, 1966.

Hon. GLENARD P. LIPSCOMB,
House of Representatives.

DEAR CONGRESSMAN LIPSCOMB: Thank you for your letter of April 27, in which you inquire about the Department's grants in foreign currencies to the University of Pennsylvania for a project entitled Program of International Cooperative Research on Social Values and Political Behaviour.

The total amount of the Department grants for this project, including contracts to be drawn up in amendment to present grant agreements, comes to $187,472. This represents grants to the University in three surplus foreign currencies, namely, Indian rupees, Polish zlotys, and Yugoslav dinars. In fiscal year 1964, the first agreements were drawn up for India, Poland and Yugoslavia, which are presently being amended in order to add additional funds. Of the total amount of $187,472, the University will have received $79,382 in Indian rupees, $53,984 equivalent in Polish zlotys and $54,106 in Yugoslav dinars.

The stated purpose of these grants is "to assist the University in carrying out a project designed to identify and measure social values influencing local political responsibility as a basis for cross cultural comparisons of political integration." In addition, it may be pointed out that these grants are not intended to replace private efforts in this field, but rather to supplement such efforts with financial assistance being limited in keeping with the nonprofit motive of the program.

This project has been supported by the Department in the conviction that such support is in the United States national interest. Last September the President sounded the keynote of his proposals for international education in a speech at the Smithsonian Bicentennial Celebration, at the conclusion of which he outlined five goals for the United States. The second of these was ". . . to help our schools and universities increase their knowledge of the world and the people who inhabit it." I believe, the Department believes, that the grant in question falls clearly within that aspect of our international education aims.

As a scientific investigation, the project presents an interesting program that is providing useful information about social values and public policy in the three foreign countries concerned. The development of political responsibility at the local level is of particular concern to American social scientists, and our scholars have been afforded unusual opportunities for interdisciplinary and international experience in the application of social research techniques to the analysis of the political development process. One of the most valuable parts of this program is that American scholars work in teams with foreign scholars, and it has created a network of continuing associations.

As a result of practical field experience, our participants have been able to acquire a deeper understanding of the political dynamics of developing societies. Graduate and post-graduate students associated with the project have been afforded advanced training in a unique setting. The University of Pennsylvania and other cooperating institutions are expected to increase their capacity to serve as political development training centers for American professional personnel, through changes in their curriculum and research programs stemming from participation in this project. Lastly, an Advisory Committee of outstanding social scientists from various disciplines has been formed in the United States not only to provide close guidance, but also to share the results of the research.

AID also gave a grant to the University of Pennsylvania for the same project, but we understand that they are writing to you separately.

I hope that the foregoing will provide a reply to your inquiry, but if I may be of further assistance in this matter, please do not hesitate to be in touch with me again.

Sincerely yours,

For the Secretary of State:

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations.

Mr. Chairman, it will be noted that AID states as a reason for the project:

> The project is designed to find ways to ensure progressive, effective local leadership in the developing countries, both in terms of the economic progress it makes possible and because it is vital to the development of a free and open society.

The Department of State indicates that:

> The stated purpose of those grants is "to assist the University in carrying out a project designed to identify and measure social values influencing local political responsibility as a basis for cross cultural comparisons of political integration."

What does all this mean? Also why should the taxpayers support a research program of this nature relating to Poland, Yugoslavia, and India? The responses from the Agency for International Development and the Department of State do not contain adequate answers.

Is it realistic to assume that Polish town councilors or village mayors, for example, most of whom are members of the Communist Party, will disclose their values to inquiring social scientists? Is it realistic to assume that Polish social scientists, for example, will discuss openly and candidly with American social scientists the values which they have determined from questionnaires completed by Polish people? The same questions would apply in the case of Communist Yugoslavia.

And how do you equate the values of Polish, Yugoslavian, and Indian persons working on or supplying information for the project with the values of those working on the project here? If equivalences in values cannot be established, and in view of the restraints which the political systems of Poland and Yugoslavia impose on all government officials and of the social and cultural complexities of India, it seems highly unlikely that any such equivalences can be established, the project would seem to serve no meaningful purpose.

I seriously doubt that this kind of fuzzy, ill-defined research project can produce anything of real value, especially since any information it would produce in Communist countries certainly would be suspect. This is not the type of activity for which we should be spending tax money.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Michigan.

Mr. CHAMBERLAIN. I want to join my colleagues in commending the gentleman from Kansas [Mr. SHRIVER] for his statement this afternoon with reference to this bill.

I have asked him to yield at this time in order that I may propound a question to the chairman of the subcommittee, if I may have his attention.

Mr. PASSMAN. The gentleman will always have my attention.

Mr. CHAMBERLAIN. I thank my friend.

It is my understanding that there are substantial sums of money in this bill before the House for Thailand; is that not correct, Mr. Chairman?

Mr. PASSMAN. That is correct.

Mr. CHAMBERLAIN. I would further say that when I was in Bangkok earlier this year with a subcommittee for the Armed Services Committee, I was quite surprised to be driven into town in a German-made Mercedes vehicle that was assigned to U.S. personnel in Bangkok.

I would advise my friends in the House, and members of the committee here, that upon inquiry I was shocked to discover that the military assistance group in Bangkok has 38 1958 Mercedes, 12 1958 Volkswagen buses, 17 1960 Consuls, 46 1960 Morris vehicles, 6 1960 Vauxhalls, 8 1960 Zodiacs, and 40 1964 Mercedes vehicles.

I ask the chairman of the committee, and our ranking minority member, is it good for the Government of Thailand, who is a substantial beneficiary under this bill, to be providing our mission there with 167 foreign vehicles, and have our people administering our military assistance program in Bangkok with vehicles that do not come from this country, when we have the gold flow problems that we are facing?

Mr. PASSMAN. May I say in response to the gentleman's question, first, that he is one of the greatest watchdogs of the U.S. Treasury that I know of. When he goes on these inspection trips he checks into these situations, very thoroughly, and then when he comes back with his findings he is on a solid foundation.

I want to commend the gentleman for putting together these figures.

I might say that I have been in Thailand several times, and I have registered the same complaints to the AID officials in Thailand. But I discovered that those automobiles that you have listed are paid for by the Government of Thailand. They purchased the automobiles themselves, and made them available for the AID programs. They are not purchased with our money, they are purchased with the Thailand Government's money.

I might say to the gentleman that in reading that list you will recognize, as I do, that most of those vehicles are what we call aged vehicles, some of them were manufactured in 1960, and I think the latest vintage is 1964.

I appreciate the gentleman's contribution to the committee. We are going to be ever alert, and if we return to Thailand on one of our inspection trips we will again check and see if they have not moved over, to a very large extent, to U.S. vehicles.

Mr. CHAMBERLAIN. If the gentleman from Kansas will yield further, I would like to say to the gentleman that I agree that the vehicles are growing old and aged, and that was why I put the list in the RECORD, because I expect that these vehicles are going to have to be replaced, and when they are replaced it would be my hope that by putting the spotlight on the situation here today that they will be replaced by U.S. vehicles.

The gentleman from Louisiana is fully correct in stating that these vehicles are made available by the host Government to us without expense. But the point that I tried to make initially is that we here today and in years back have made large sums available to help Thailand. These funds should not be used to purchase foreign-made vehicles, either directly or indirectly, for the purpose of providing transportation for U.S. personnel stationed in their country.

Mr. Chairman, I have asked for this time to bring to the attention of the Congress a matter which, while not of momentous dimensions, nevertheless deserves closer and more effective consideration by the executive branch. I speak of the situation whereby U.S. personnel are provided by the host governments to which they are assigned motor vehicles of other than American make.

Probably the best way to explain the situation would be for me to relate my own experiences while serving on special subcommittees of the Armed Services Committee assigned to southeast Asia. In the course of one such mission in June of 1965 our subcommittee upon arrival in Bangkok was met by our U.S. military personnel and, to my surprise, a number of foreign made automobiles for use during our stay.

Upon inquiry I was advised at that time our Government representatives in Bangkok were furnished by the Government in Thailand, under assistance-in-kind agreements, with a fleet of some 30 German-made vehicles for their transportation purposes. While this is a courtesy that is deservedly appreciated I was concerned about the impact of having Americans on official business in foreign countries not using American-made products. Not only is this regrettable in view of our present serious gold-flow problems but also because I believe that it is not unreasonable that we should insist on encouraging the export of U.S. products wherever possible and particularly in countries which have been over the years recipients of substantial American aid.

The response that I received a year ago to my proposal that diplomatic suggestions be made to the appropriate governments that we would much prefer to be provided with American cars was to the effect that, in the case of Thailand, 20 Chevy II vehicles were to be purchased as replacements for certain obsolete cars in this particular pool. As this seemed to indicate reasonable progress, I did nothing further. However, the problem was quickly recalled when I returned to Bangkok last April with another Armed Services subcommittee. We were met again at the airport by our U.S. military personnel and several foreign-made automobiles. My inquiries this time revealed that nothing had been done since my last visit. Maj. Gen. Richard G. Stilwell, commander, U.S. Military Assistance Command, Thailand, wrote me in part:

> Following your last visit to Bangkok, Maj. General Easterbrook advised you that twenty of the Motor Pool vehicles would be replaced with Chevy II models. Although the contract for these cars was never negotiated, I'm sure you will be pleased to know that a contract was recently signed for the purchase of fifty Ford Falcons. These vehicles will be delivered in the next 90–120 days. As other vehicles are replaced, or if our authorization increases, additional U.S. made vehicles will be purchased.

I have not had the opportunity to return to Bangkok to see if, in fact these vehicles have appeared. Nevertheless, I did conclude that this problem was not receiving as diligent attention as it should. Consequently, I wrote letters to the Department of State, the U.S. Information Agency, the Agency for International Development and the Department of Defense requesting a full inventory of all automobiles and trucks made available to U.S. missions throughout the world under assistance-in-kind agreements, and otherwise, together with an explanation of what efforts have been undertaken to induce such countries to procure American automobiles for these pools. The responses are as follows:

The Department of State informed me in a letter dated August 11, 1966:

> As of June 30, 1966 our vehicle fleet abroad consisted of a total of 1,588 vehicles of which 72 are foreign made. In the past, we have authorized the purchase of foreign made vehicles as an exception to policy in a limited number of cases where adequate parts and services for American vehicles were meager, not available, or where right-hand drive vehicles are required.
>
> We plan to replace 36 of the 72 foreign made vehicles now on hand during Fiscal Year 1967 and the balance in subsequent years unless lack of parts and services at certain posts completely justify otherwise.
>
> Host governments do not provide Department of State missions with vehicles under assistance-in-kind or otherwise.

In addition, conversations with State Department officials left me encouraged that they recognized this problem as one which deserved increasing efforts particularly in view of the gold-flow problem. The Director of the U.S. Information Agency, Leonard H. Marks, informed me that the inventory indicated that it had purchased a total of 16 foreign-made vehicles but there was no explanation attached.

In a letter dated August 8, William C. Gibbons, Director, Congressional Liaison, Agency for International Development, provided me with the following summary:

> 1. Twenty countries provide A.I.D. technicians with 243 U.S. manufactured vehicles.

2. Thirty-two countries do not provide any vehicles to A.I.D. technicians.

3. Fourteen countries provide both U.S. and foreign made vehicles to A.I.D. technicians. These totals show 230 U.S. made against 48 of foreign origin. Thirteen of the 48 are U.S. makes assembled in Brazil.

The climate for discontinuance of use of foreign origin vehicles for replacement by U.S. makes is very favorable. All fourteen countries reported continued efforts toward this objective with positive agreements achieved except in cases of:

Niger: French and British have favorable spare parts situation.

Jamaica: Strong prevailing British influence. No agreement-in-kind as such.

Malawi: U.K. financial aid requires British product procurement.

Brazil: Cannot abandon support of its own economy.

While I have been assured here again that progress is being made, I was at the same time impressed by the incongruity and inappropriateness of our AID officials traveling about foreign lands dispersing U.S. assistance in non-U.S. vehicles. This situation appears to have reached its ultimate absurdity in the fact that an African government has provided an American AID official with an automobile of Communist Czechoslovakian make.

However, the most disturbing statistics came with the response received from the Department of Defense which disclosed that of the 458 automobiles made available to U.S. missions throughout the world by host governments a total of 251 are of foreign manufacture. As it turns out the situation in Thailand is the worst example with 148 out of 243 vehicles being of non-American origin.

Mr. Chairman, in the case of Thailand, I have again been assured that all future replacements are to be U.S. makes. I would certainly hope that this will be the case. For that reason, Mr. Chairman, I make this information available to my colleagues in the House and to put the appropriate officials in the executive branch on notice that this is a matter which will be watched in the future with a view to the possible need for corrective language in future foreign aid bills.

At this point, I wish to include a copy of a letter I received from Maj. Gen. Richard Stilwell, dated April 15, 1966, together with tables indicating the number and manufacture of vehicles supplied to U.S. AID and military personnel as provided me by the Agency for International Development and the Department of Defense.

HEADQUARTERS, U.S. MILITARY ASSISTANCE COMMAND, THAILAND,
APO San Francisco, April 15, 1966.

Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR MR. CHAMBERLAIN: In reply to your query concerning the use of foreign made vehicles by the MACTHAI/JUSMAG Motor Pool, following is a list of the Thai Ministry of Defense owned vehicles now assigned to the Motor Pool:

United States

1962 Studebaker	16
1962 Studebaker S/W	10
1963 Chevy II	5
1963 Chevy II S/W	15
Total	46
Jeeps	69

Foreign

1958 Mercedes	38
1958–60 VW Bus	12
1960 Consul	17
1960 Morris	46
1960 Vauxhall	6
1960 Zodiac	8
1964 Mercedes 190	29
1964 Mercedes 300	1
1964 Mercedes Bus (17-passenger)	10
Total	167

Following your last visit to Bangkok, Maj. General Easterbrook advised you that twenty of the Motor Pool vehicles would be replaced with Chevy II models. Although the contract for these cars was never negotiated, I'm sure you will be pleased to know that a contract was recently signed for the purchase of fifty Ford Falcons. These vehicles will be delivered in the next 90–120 days. As other vehicles are replaced, or if our authorization increases, additional U.S. made vehicles will be purchased.

We were very pleased to have the opportunity to brief you and the other members of the House Armed Services Committee on our operations in Thailand and to show you some of the larger installations. Your interest in our activities is deeply appreciated.

Sincerely yours,
Maj. Gen. RICHARD G. STILWELL,
U.S. Army, Commander.

Department of Defense—Automobiles available to U.S. missions provided by host government

Country	Total quantity	Country of manufacture			
		United States	Germany	Japan	England
Argentina	4	4			
Brazil	1	1			
Congo	4	3	1		
Dominican Republic	2		1	1	
Ecuador	4	4			
El Salvador	1	1			
Ethiopia	11		11		
Germany	11		11		
Greece	2	2			
Iran	6	6			
Japan	19			19	
Liberia	4		4		
Netherlands	3		3		
Nicaragua	2	1	1		
Pakistan	1	1			
Panama	2	2			
Peru	12	12			
Saudi Arabia	100	56	11		33
Thailand	243	95	77		71
Venezuela	26	19	7		
Total	458	207	127	20	104

Agency for International Development—Host government-provided vehicles, mixed manufacture

Country	U.S. made		Foreign made			
	Passenger	Nonpassenger	Passenger		Nonpassenger	
			Number	Country	Number	Country
Iran	0	6	3	West German	0	
Burma	0	0	1	Japan	0	
Costa Rica	1	3	1	West German	0	
Niger	0	4	1	French	2	British.
Malawi	0	0	4	British	2	Do.
Jamaica	4	0	3	do	0	
Brazil	11	0	11	Brazil [1]	1	Brazil.[1]
Ethiopia	0	3	1	West German	0	
Ghana	0	0	1	Czechoslovak	8	British.
Laos	1	170	0		2 2	Do. Japanese.
Thailand	11	0	2	German	0	
China, Republic of	0	1	1	China	0	
Brazil (Recife)	0	0	0		1	Brazil.[1]
Pakistan	7	8	1	West German	0	
Total	35	195	30		18	

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[1] Willys, assembled in Brazil.

If we are going to do that, the least they could do, if they are going to provide transportation for our people to administer the program, is to furnish us with U.S. automobiles.

Mr. PASSMAN. The gentleman has made a very valuable contribution to this debate, which no doubt will be read by our friends in Thailand, and they will certainly know that we would prefer to have them buy American vehicles.

Mr. CHAMBERLAIN. I appreciate that statement. If the gentleman will yield for this further observation, apart from becoming interested in this particular subject, I have also checked with other agencies throughout the Government and I find that we have approximately 300 foreign-made vehicles made available to our personnel overseas by host countries. I make that statement with the hope that next year, when this bill comes before us and I raise the same question again, that we will have a better report for the American people.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Ohio.

Mr. BOW. I think the gentleman from Michigan [Mr. CHAMBERLAIN] has made an excellent point on the use of foreign vehicles abroad by our people. I would suggest that he widen his probe to determine how many foreign vehicles the Post Office Department has purchased for the distribution of mail in this country. I know in Ohio and Michigan we are now getting foreign-made vehicles to distribute the U.S. mail. So I would suggest to the gentleman from Michigan, if I may have his attention, that he widen this review to determine how many vehicles are being purchased by the American Government for delivery of mail in the United States.

I think this is equally as important as the use of foreign vehicles abroad.

Mr. CHAMBERLAIN. Mr. Chairman, if the gentleman will yield further——

Mr. SHRIVER. I yield to the gentleman from Michigan.

Mr. CHAMBERLAIN. I would like to say to my colleague from Ohio that this is another subject that I think demands our attention, and I have already introduced legislation to prohibit the Post Office Department from procuring foreign-made vehicles to deliver the U.S. mail in this country.

Mr. BOW. It seems a little strange to me that in the great State of Ohio, where we make so many parts for the people in Michigan to build automobiles, and also in the State of Michigan they are now using foreign-made vehicles to deliver the mail.

Mr. SHRIVER. I think in all fairness it should be pointed out that from time to time representatives of the aid Agency have testified as to the percentage of purchases of commodities in this country in their total AID program, and if I recall correctly, in excess of 80 percent of the commodities that are used by other countries in the AID program are purchased in this country. This should be mentioned as you are discussing the matter of automobiles.

Mr. Chairman, the bill contains a substantial reduction from the asking by the administration, and as the bill came to us earlier in the year, a $295 million reduction, a 7½-percent reduction. Further reductions could be made and the program would not be greatly hindered. The program has good aspects; it has some bad ones.

Congressmen hear from constituents about many of the bad features of the AID program, but this bill was a compromise and deserves the careful attention and consideration of all Members of the House.

Mr. PASSMAN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington [Mrs. HANSEN].

Mrs. HANSEN of Washington. Mr. Chairman, I am speaking in support of our committee's appropriations bill on foreign operations which includes a multiplicity of activities, some related directly to foreign assistance, others such as the Ryukyu Islands only indirectly.

I would like to express my appreciation as a newer member of the committee to our chairman for his courtesty and patience during the hearings and for his extreme fairness in presiding over these hearings. Each member has had the opportunity to participate at all possible times in the questioning so that we might have answers on the many-faceted programs of our almost worldwide operations. The final meeting was not peaceful but such is democracy.

May I urge that each Member of this Congress take the opportunity and the time to read these hearings. There is a wide range of discussion from Vietnam to the Cuban refugees. The committee has endeavored to secure accurate estimates of expenditures. Sometimes we were successful and sometimes we were not.

Because many programs are constantly under criticism, members requested information on the broadest possible base of these activities. For example: We have asked about highway and public works project expenditures. Were we using criteria that would make sure money was not squandered or thrown away in a jungle? Our committee has urged that when highway construction is agreed upon between our AID people and the country involved that project funds be allocated for maintenance. It seemed to us sheer folly that an expensive piece of road be constructed and that the country provide no financing for its maintenance so that in a very few years there would be the necessity for rebuilding.

In all AID-financed highway planning and public works planning, there should be first a complete and thorough study of needs with a cost-ratio benefits; second, these programs should be taken out of politics; third, priorities should be reached, and fourth, graft and corruption should be eliminated by the best possible accounting system operated jointly between the countries involved and ours.

There is a definite need for more imaginative and thoughtful planning in many of these public works fields. For example: In certain countries in South America where I visited last year, there are tremendous forest reserve potentials, yet road construction is almost impossible and the maintenance is even more impossible. What are South American nations doing and what is our own AID department doing in consulting with the U.S. Forest Service to explore programs which are under review by our own Interior Subcommittee on Appropriations? One such avenue may be balloon logging to minimize roads. Perhaps this will be feasible and perhaps it will not, but at least the AID department should take cognizance of the work that is going on in our own Nation.

I would like to pause right here and say that one of the saddest things in our bureaucracy is that one department seldom knows what other departments are doing. Many millions of dollars are spent on research by one department and for some obscure reason other departments do not utilize the information. It would seem to me that this is something correctable. Research should be utilized to the fullest.

There are some other comments that I would like to make on our AID program, not necessarily critical, but where we do need to have long and cautious looks. Military assistance to underdeveloped nations who all too readily wish to cover up their own national frustrations are sometimes only too eager to buy military hardware and rattle guns at a neighbor.

In one instance when the question was asked relative to an African nation, "What neighbors are you afraid of?" the answer was, "We don't know, but one may come along."

Also the relative amounts of money being poured by underdeveloped nations into military expenditures when basic needs are for highways, ports, schools, health programs, and plain well-trained tax collectors rather than machineguns, should be constantly evaluated.

I am glad to see in the program that this year education has a more planned approach. It has begun to lose the scattergun techniques.

In Africa I think the regional cooperation of nations is mandatory. More money can go down the drain without this approach than in any other place. For small neighbor nations with populations of only a few million each to operate expensive universities is almost out of the question. Highways could be built on a regional basis; where there are landlocked countries there need to be port agreements. Even agriculture needs additional planning; and health programs could certainly stand it.

Another facet of our AID operations relates to migrants and refugees. After 20 years of this program, there is still no long-range planning as to where they belong or what labor markets are open and what the world is eventually going to do about this problem.

I want to urge the continuation of better technical assistance, particularly in fields where the need is for public officials to understand their jobs. Administration in many countries will be a failure until this is completed.

There needs to be much more careful planning of all projects and the tightest possible kind of administration. This is not a criticism of the magnificent, dedicated foreign service people whom I have met abroad. All Americans can be proud of the people who serve them.

I would like to urge that every Member of this Congress read the committee's discussion with the U.N. representative, Mr. Sisco, which begins on page 928 of volume 2 of our hearings and which has extensive references to many of the problems that beset us today in Vietnam and around the world.

In conclusion, Mr. Chairman, I think my principal support for this program is because of the programs included that benefit the children of this world. The face of a child is the same in any nation, if it is pinched with hunger and fear. This can well be the look of the world tomorrow. Shining eyes and courage on children's faces can also be the look of tomorrow's world—a free world.

I am convinced after watching these eager faces of children in schoolrooms and at feeding centers in the countries I have visited, that these children of tomorrow who have been helped by us to have enough to eat, children who go to bed well and full, are the greatest insurance for a better world in which to live and are the strongest weapons against communism.

It will not happen immediately, but in the years of growth from childhood to adulthood, these young people hopefully, will have learned to love—not to hate.

In conclusion I would like to quote the chairman of our subcommittee who said one day at the conclusion of testimony:

> A man never stands so tall as when he stoops to hold a child.

I join him.

I am extending my remarks at this point in the RECORD with a further discussion of some of the programs in which we are now involved, principally education, agriculture, and health.

Mr. Chairman, the gross national product of the United States today stands at about $700 billion. That of the less-developed world totals $240 billion combined—or three times less than that of the United States alone. Our per capita income is $3,300 a year—that of a person in the less-developed world is $160 a year.

Today, the United States is spending about $56 billion—approaching $58 billion—a year on defense, or more than half our Federal budget. Two hundred and sixty-nine dollars and fifty-five cents per person is the actual cost to you and to me. In other words, the per capita cost of defense to each American is one and a half times the average per capita income of a person in the less-developed countries.

I am not criticizing the importance of our military expenditures, but I would remind this House that they are of their present magnitude because inequities exist in the world—where one man has two cars, a summer and a winter home, and eats twice the daily caloric intake of his brother 3,000 miles away who lives in a shanty of cardboard on the side of a garbage-strewn hillside, who can expect to live one-half the lifetime of his American counterpart, and who knows that two of his four children will die before the age of 5 because of malnutrition and lack of health care.

Poverty and frustration are seedbeds of unrest and an invitation to exploitation by aggressor nations. Both the President and the Secretary of Defense recently pointed out that one measure of the consequences of poverty, hunger, disease, and lack of opportunity to work for a better life is the number of incidences of violence and hostilities throughout the world that stagger the civil order. Referring to a statement of the Secretary of Defense, the President recently accounted for these incidences to the American Legion convention here in Washington:

> In 8 years there have been more than 160 such outbreaks . . . Thirty-two took place among the very poorest nations where per capita incomes are now less than $100 per year. So I submit the lesson could not be made clearer. The poor nations are on a road that is mined with potential turmoil . . . Poverty—and the hatred of poverty—can detonate those mines. The ranging search and quest for bread may bring on the reality of chaos.

Unfortunately, this threat also prompts the less-developed nations to spend for defense in proportionate magnitude to the United States. Many maintain defense establishments far beyond their means to the detriment of the economic development of their nation and the well-being of their people.

The United States, with the most powerful Defense Establishment in the world, devotes 7.8 percent of her GNP for defense—or $268 out of a per capita income of $3,300. But the threat of aggression from without, whether real or imagined, and the actuality of civil strife within which preys upon the poorer nations causes many of these countries to spend even further out of proportion for armies, weapons, and munitions. Jordan devotes 12.5 percent of her GNP, or $30.86 of her per capita income of $247, to maintain defenses. Malaysia, with a per capita income of $295, devotes $12.43 per capita toward defense, and Israel spends 11.3 percent of her GNP, or $160 of a per capita income of $1,417, toward a defense establishment. Pakistan spends $2.62 out of a per capita income of $85 for defense and India $3.76 out of a per capita income of $100.

Meanwhile, in Pakistan 96 children out of every 1,000 will die because of lack of nutrition and health facilities, and in India 24 percent of the people are literate and have a life expectancy of 47. In Jordan there is 1 doctor for every 4,700 and only 1 doctor for every 7,000 in Malaysia—in both countries only 35 percent of the people are literate. The populations of all these countries will double within the next 20 to 28 years, compounding their present poverty.

These nations will feel it is necessary to spend for defense at present rates at the expense of their economic betterment as long as the threat or actuality of aggression continues—and it will continue until the great potential poverty offers to aggression is alleviated.

In Latin America, the real threat is from within—the fertile field for turmoil of the poverty-stricken masses. Yet, Latin American governments continue to spend a proportionately high amount for military purposes at the expense of social and economic development. Peru, where there is a life expectancy of only 46 years of age, devotes $9.59 per capita to defense with a per capita GNP of only $367. Chile, where the infant mortality rate is 111 out of every 1,000 babies, spends $12.21 per capita for military purposes with a per capita GNP of $497. Brazil, whose population is growing at the rate of 3.1 percent a year will double in 23 years, spends $6.42 per capita on defense with an annual per capita income of $182. Likewise, in Bolivia only 32 percent are literate, there is 1 doctor for 5,270 people, life expectancy is 50 years of age, infant mortality 102 per every 1,000 babies, and the people average the lowest caloric intake in Latin America. Yet Bolivia, where the per capita income is $184, devotes $3.71 per person on defense expenditures.

Political turmoil and revolution will carry on until such people get enough to eat, have a chance for an education and a healthy life. The responsibility to stop this ugly cycle falls with both the underdeveloped countries and the developed, wealthy nations such as the United States. The underdeveloped nations must pay greater heed to the needs of their people or pay the price. To substitute defense for economic and social progress invites aggression, disorder and civil upheaval.

But it is also within the power and the self-interest of the United States to make the utmost effort to help these underdeveloped nations fight the very root of their problems and take a responsible place in the free world. And it is within the power of the United States to make a greater effort than she has done in the past.

As the President has reminded us in his American Legion address:

> Indeed, we know now that so interwoven is our destiny with the world's destiny, so intricate are the bonds between us and every continent, that our responsibilities would be just as real in the absence of a Communist threat. For every schoolboy senses—what some statesmen may not yet comprehend—that responsibility is the price of power and influence.

How much better to fight with the weapons of peace—education, health care, agricultural implements, bridges, and food—than to fight with young American men. How much less it will cost our Nation—and the nations we are assisting so that they can direct more of their resources to their children, their schools, their hospitals.

The AID program will receive $2,267,762 in economic assistance to help the less-developed nations help themselves toward a better life for their people. This means but 2 cents out of our tax dollar—2 cents to wage peace in the world while we spend about half our tax dollar on defense to pick up the pieces after hostilities begin—or to wield as a threat to aggressor nations.

With this request for economic assistance funds, AID reports that it has planned a program to help underdeveloped nations undertake the very difficult burdens of development. Its proposals will—

Increase programs for agricultural development by one-third over the previous year;

Expand health programs by 55 percent;

Increase programs in the field of education by almost two-thirds.

Let us examine why each of these areas is of vital importance.

AGRICULTURE

The need for agricultural action is clear. There are 3 billion people in the world, of whom two-third do not get enough to eat. Only 34 years from now—by the year 2000—the population of the world will double to 6 billion and the world must more than double its food production if these people are to stave off starvation.

More than half the world's population have a per capita income of less than $100 a year and cannot afford an adequate diet. Complicating the picture, many millions are migrating from the rural areas to the cities which will make it more difficult to feed the doubling populations.

These food deficits are of great magnitude. For example, if present food supplies of India were distributed as far as they would go at the rate of 2,300 calories per person per day, 48 million out of that country's 480 million people would be left totally without food. If these same food supplies were distributed at the U.S. consumption rate of 3,190 calories per persons per day, 153 million of India's people would be without food. Production is gaining—but so is population—and the comparative improvement is only about one-third of 1 percent a year.

This is not to say that agriculture in the less-developed countries has been stagnant. On the contrary, a recent Department of Agriculture survey has shown that many AID-assisted countries have been achieving agricultural growth rates of more than 4 percent a year.

But despite this growth, to feed their populations the less-developed countries must presently import 16 million tons of grain annually. If present conditions continue, this deficit will have grown to 88 million tons by 1985. But, if this amount must be imported—if there is too heavy a reliance on food imports—the economies of the receiving nations would stagnate, for they cannot afford to buy, so wealthier nations would have to continue to give on concessional terms.

If underdeveloped, predominantly agrarian countries continually fail to meet increased food demands their general economic growth will likely be curtailed by decreasing exports, now composed mainly of agricultural products, through diversion of an increasing part of their foreign exchange earnings from imports of needed capital goods to imports of food goods in greater demand, and through the effects of increasing food prices on labor costs in industry and on the size of income available for buying nonfarm goods and services. On the other hand, greater agricultural production will help supply some of the needed foreign exchange earnings of the less-developed countries.

Therefore, the food gap must be filled in each country itself and it remains for the less-developed nations to do the job themselves of feeding their hungry populations. The potential for food production does exist in these nations and can be developed if given priority attention.

This is a huge task, particularly since many of the less-developed countries do not have the land and many of the countries which do have the land are not utilizing it to the full yield potential. For instance, increases in the area of crops in Latin America and Africa offer the greatest potential for increasing agricultural production, while in densely populated Asia it is more important to increase yields.

Much of the secret of the United States great agricultural wealth is in acreage yield. The United States has increased yields by one-half acre since 1940, largely through selective fertilizer. Japan is the world's most intensive fertilizer user, averaging 250 pounds per acre. That small island produces four times as much rice as India which uses very little fertilizer.

Much of the success of the less-developed nations in food production lies in fertilizer use. Asia, to become self-sufficient in food, will have to increase its use of fertilizer from 3 to 30 million tons; Africa from 1 to 3 million tons; and Latin America from 1 to 4 million tons.

It is to help develop the potential for food production that the AID program proposes to increase its contributions to agricultural programs to a level of $512 million during fiscal year 1967. About one-third of the total would be used for fertilizer projects—to finance increased imports of fertilizer from the United States, to construct plants abroad, and generally to expand fertilizer production and distribution in the less-developed countries. In addition, AID currently has before it applications for investment guarantees covering $250 million in planned American private investment in fertilizer production in the less-developed nations. Dollar for dollar, increased supplies of fertilizer will work to provide food to almost three times as many people as would direct imports.

The remainder of the proposed funds would be devoted to the development of water resources, irrigation facilities, and farm-to-market roads; the distribution of pesticides and machinery; the establishment of farm credit systems; the development of additional manpower; to expand agricultural extension services; and encouraging sound programs of land reform.

With self-help reforms and sufficient outside assistance, most of the less-developed countries can be self-sufficient in food by 1985. Taiwan, Thailand, Israel, and Mexico are already examples of countries in which food production has been able to keep well ahead of population growth. Through concentrated effort, the example can become the rule.

I include two pertinent tables at this point:

Indicators of potential expansion of productive land area

Country	Year	Arable land expansion potential as related to currently used arable land [1] (rating) [2]	Currently used arable land as percentage of total land area
Group 1:			
Brazil	1957	I	2
Sudan	1954	I	3
Tanganyika	1960	I	10
Colombia	1960	I	4
Venezuela	1960	I	3
Argentina	1957	I	11
Iran	1960	II	10
Group 2:			
Egypt	1961	III	3
Malaya	1960	III	17
Thailand	1960	III	20
Chile	1956	III	8
Japan	1960	III	16
Netherlands	1961	III	30
Mexico	1950	III	10
Group 3:			
Philippines	1961	IV	23
Taiwan	1960	IV	22
Tunisia	1957	IV	38
Poland	1961	IV	53
India	1958	IV	49
Israel	1961	IV	20
Yugoslavia	1960	IV	32
Greece	1960	IV	28
Turkey	1961	IV	32

[1] Arable land defined as that which could be brought into crop production under reasonably good management including appropriate combinations of adapted crop varieties, water control methods, pest control, and methods of plant nutrient maintenance, including some chemical fertilizers.

[2] I—more than 150 percent; II—75 to 150 percent; III—25 to 75 percent; IV—less than 25 percent.

Consumption of commercial fertilizers per hectare of arable land, 19 countries, 1949–50 to 1960–61

[In kilograms]

Country	Consumption per hectare		Increase
	1949–50	1960–61	
Israel	28.1	80.5	52.4
Sudan	.6	2.7	2.1
Mexico	.4	9.4	9.0
Philippines	3.0	12.5	9.5
Tanganyika	.2	.3	.1
Yugoslavia	2.3	28.0	25.7
Taiwan	63.2	203.8	140.6
Turkey	.3	1.5	1.2
Thailand	.2	2.3	2.1
Brazil	2.2	13.0	10.8
Greece	16.7	38.0	21.3
India	.6	2.3	1.7
Poland	21.6	49.0	37.4
Chile	4.1	17.0	12.9
Japan	109.4	303.7	194.3
Spain	10.4	31.6	21.2
Egypt	43.8	87.0	43.2
Pakistan	.2	3.2	3.0
Tunisia	2.1	2.7	.6

Source: Fertilizers: An Annual Review and Production Yearbooks, FAO, Rome.

And the United States is making clear to less-developed nations that only through adequate investment in their own resources in agriculture can the goals of food production be realized.

To date, AID assistance in the field of agriculture has helped developing countries make strides in the past decade:

Now at work are 1,300 AID-financed agricultural experts in Asia, Africa, and Latin America, helping to train local counterparts in farm research, irrigation, farm-marketing systems, distribution and use of fertilizer and so forth.

Each year 1,500 foreign agricultural professionals come to the United States for advanced or specialized training. Two thousand students were enrolled in AID-assisted agricultural schools and colleges in 41 less-developed nations in 1965.

American land grant colleges and universities, under AID contracts, have made a major contribution in creating training institutions and centers or research in the less-developed countries. Iowa State developed a hardy strain of corn, now one of Thailand's largest export crops. University of Tennessee found that fertilizer and changes in cultivation could produce 10 times the existing yields of ragi in south India. Some 47,000 farmers have adopted the method in south India.

There are extension services through farmers' associations in Taiwan, farm cooperatives in Iran, farmers' clubs in Thailand and Nigeria and "4-H" clubs in Latin American nations.

Available credit to farmers has expanded in many countries. In Taiwan, 700,000 farmers benefit from credit facilities. In Mexico, 72 private banks are now cooperating in a program providing credit to 12,722 farmers.

Transportation facilities helped the farmers of Thailand earn the equivalent of $70 million in foreign exchange from corn exports alone in 1965. A third of the country's corn crop now comes from a new agricultural area opened by the 90-mile, AID-financed Friendship Highway, which enables produce to reach Bangkok markets in a few hours by truck.

The remarkable growth in rice output in East Pakistan demonstrates the complex of activities that can produce rapid farm progress even under severe handicaps. Since 1962, AID and the Government of Pakistan have cooperated to raise rice output in the area. AID financed imports of fertilizer and pesticides, trained 6,000 agricultural extension workers and the senior staff of the East Pakistan Agriculture Department. Between 1955 and 1965, the average production of rice in East Pakistan rose from 7.4 million tons to 11.5 million tons. Average production per acre nearly doubled. The use of improved seed is credited with 12 percent of the increase and regular spraying with pesticides with another 5 percent. Other major factors included: a tripling in the use of fertilizer, a sixfold increase in irrigation, largely through use of pumps shared by a few farmers, development of an effective extension service Government subsidy of fertilizer prices—roughly 50 percent of the purchase price, plus the cost of transportation—and a grassroots public works program run by local union councils and financed by U.S.-granted local currency which built thousands of miles of farm-to-market roads and made the rural labor force an immediate cash market for any added rice the farmers could produce.

A rapid rise in food output depends on a whole complex of factors, from the quality of farm research and extension services and the availability of transport and fertilizer to the impact of national policies on the incentives of farmers.

The responsibility is also with the developing countries themselves, and a number of countries undoubtedly must increase their own investment in food output. Many things farmers need do not take foreign exchange: rural road systems, country warehouses and storage systems, for example, can be built with local labor, local materials, and local currency. Many countries subsidize the initial inputs farmers need to begin producing more: fertilizer, pesticides and improved seed.

In fiscal year 1967, AID will increase its efforts:

To build institutions to help the less-developed nations create or expand extension systems, cooperative and farm credit associations, agricultural training schools, marketing outlets and rural transportation systems.

Plans provide technical assistance, some capital help and general support through local currencies generated through food-for-peace sales, a substantial increase in the number of technicians serving in agricultural development primarily through contracts with American land-grant universities and colleges, cooperative and farm marketing associations, and through cooperation with other Federal agencies such as USDA; in research to improve seeds, fertilizer, pesticides and production methods, expansion of cooperative efforts to improve effectiveness of agricultural research centers in less-developed countries, and increase support through land-grant universities and the Department of Agriculure to strengthen participation in agricultural research in Asia, Africa, and Latin America.

Expanding water resources for greater food production will require greater capital as well as technical assistance, but development of water resources can triple the number of crops on the same amount of acreage.

We have assisted 14 nations undertake first surveys of their resources. These projects have irrigated more than a million acres in India, a half million in both Pakistan and Korea, and 100,000 in Tunisia, Ecuador, Morocco, Taiwan, and Afghanistan.

AID financing has brought American steel, cement, machinery, and engineering services to the less-developed countries for dam-reservoir systems, and has helped to build terrace and catchment systems for irrigation.

In providing fertilizer and helping to build fertilizer plants in the less-developed countries. One-third of AID's agricultural assistance will go toward financing fertilizer exports and providing American equipment and engineering skill to build plant capacity in the countries themselves.

Our fertilizer exports now provide much of the nutrients in use in developing nations, including the output of local plants built with AID funds. All of the fertilizer used in Laos and Korea, 50 percent of Taiwan's and 15 percent of India's in 1965 came from this assistance.

In improving food quality for a more varied, healthy diet. Our technical assistance will emphasize the introduction of new crops for a more varied diet and will help local food-processing plants develop methods for using low-cost proteins in domestic oil-seed crops and exploit other sources of protein to replace the traditionally starchy diets of developing nations.

A number of large American food processors are experimenting with inexpensive, protein-rich cereal products. Priority consideration is given to investment-guarantee coverage for private American investment in food-processing improvements overseas. AID guarantees for food processing, farm machinery, and other food-related investment, amounted to $22 million in 1965. Our financing has developed a soybean substitute for milk, primarily used for preschool children in Latin America, which has now been turned over to commercial channels.

Commercial fisheries have been developed to begin exploiting the offshore wealth of India, Pakistan, Korea, the Somali Republic, and Nigeria, as well as the shores of other countries, to develop other sources of proteins.

Food aid will help to fill the gap until the less-developed countries can become self-sufficient in food production, or obtain the needed foreign exchange to buy at world market prices. Direct food aid under the proposed food-for-freedom program, however, will be closely coordinated with other food assistance to insure that the less-developed countries do more to raise their own food themselves. In recommending that food aid be included as a part of any country assistance program, administrators will take into account the country's efforts to help itself. In negotiation of food-aid agreements greater emphasis should be given to each country's commitment to rapid agricultural progress.

EDUCATION

Another critical and basic need in less-developed countries is in the field of education.

Educational skills are profoundly lacking. In Latin America and the Far East, literacy averages close to 60 percent, in comparison to the average literacy rate of the developed countries of 96 percent and 98 percent in the United States. But in the Near East and south Asia, where half the population of the less-developed world is concentrated, it averages only 25 percent—and only 16 percent in Africa.

Without a drastic expansion in basic educational opportunities, the prospects for popular self-government are extremely limited and insecure. Democracy as we know it requires a degree of sophistication which can come only with a major rise in educational levels.

Increased educational opportunities are also needed to develop the skilled manpower necessary to operate public health systems, cooperatives, credit unions, businesses, and modernized farms. Only through education can outdated customs be broken down and foundations for progress laid. In new African countries, a rapid increase in the basic supply of trained manpower remains a priority. In Latin America, the Near East and south Asia, and the Far East, an expanded educational effort is required to speed the development pace. In southeast Asia, more schools and the training of able leadership are central to every hope for stability.

Aid to education has always been a major field of U.S. technical assistance. During 1965 one of every five AID-financed experts abroad was working on an educational project. Much of the assistance, especially for projects in teacher training and institutional development, is carried out through contracts with private American institutions. Four of every five AID-financed educators at work overseas today are from American colleges and universities with whom the Agency contracts for technical assistance.

For fiscal year 1967, AID has requested funds to finance an increase of more than 50 percent in education programs in the developing countries. The 1967 proposal for education, $176 million, compares to $110 million committed in 1965 and 1966. Expanded programs for fiscal 1967 will concentrate on the improvement of popular participation in development and in government and the expansion of the technical and professional skills available to the developing societies. Programs will also concentrate on education planning and its relationship to national manpower requirements, on overcoming the most critical education and training bottlenecks, particularly preparation of teachers and textbooks, and on expansion of education for health and agricultural personnel. These two last fields of specialized education will account for an additional $60 million in fiscal year 1967 for programs in food and agriculture, and in health.

At the present time, the less developed countries are increasing their budgets for education at an annual rate of 15 percent. They now spend about $7 billion from their own resources for the education of their 1.3 billion people—compared with the $42 billion the United States spends for the formal education of 180 million people. The Latin American countries together spent the equivalent of $2 billion on education in 1965, while AID was devoting $32 million to assist education in Latin America.

The U.S. substantial increase in the field of education are planned for all four regions. How are these funds to be used?

FAR EAST

Seven million five hundred thousand dollars for specialized regional institutions for graduate study and research in engineering, agriculture, and tropical medicine and for general education development responsive to the needs of southeast Asia.

Four million three hundred thousand dollars to expand education in Laos, including establishment of an effective primary school system.

AFRICA

Twenty-two million six hundred thousand dollars for technical and secondary education throughout the continent.

Fourteen million six hundred thousand dollars for higher education.

Twelve million five hundred thousand dollars for short-term training and other educational projects.

Five million two hundred thousand dollars for teacher training programs.

Plans for expanded programs include teacher education in Liberia, Malawi, and Nigeria; technical education in the Sudan and Tanzania; industrial and vocational training in Guinea; rural education in Morocco.

New activities include a radio education program in Kenya and vocational education program in Upper Volta.

LATIN AMERICA

Education programs are expected to exceed the 1966 program level of about $30 million by more than 50 percent. Major program increases will take place in Bolivia, Brazil, El Salvador, Guatemala, Honduras, Nicaragua, Dominican Republic, Panama, Peru, Jamaica, and regional programs. Increased activities in Latin America include:

Guatemala: Course materials for a new Indian literacy program and assistance for the construction of elementary classrooms.

Brazil: A new university-to-university program to bring about basic academic and administrative reforms.

Dominican Republic: Concentration on short-term vocational needs of trained middle level people, teacher training, and primary education. AID will also help develop a comprehensive long-range education plan.

Regional: In Central America, the United States will support creation of a regional university system in collaboration with the National Science Foundation, and support production of elementary school textbooks at a regional center in Guatemala City.

NEAR EAST-SOUTH ASIA

Increased education activities in the NESA region will reflect the growing use of development loans for educational supplies and equipment. India is expected to complete negotiations on a $12 million loan for equipment and supplies for the expansion of the successful 6-week summer institutes program. This program—pioneered in India by AID—brings university professors to India to teach chemistry, physics, technology, and mathematics to college and secondary school teachers of these subjects.

Pakistan has requested AID to initiate a summer program in East Pakistan similar to the Indian program. In the summer of 1966, a pilot program to teach mathematics and physics to a selected group of Pakistani teachers will get underway. A full program is planned for the following summer.

Other NESA countries are interested in adapting the short-term, summer science institute to the problems of improving the quality of teaching in their colleges and secondary schools.

Teaching English as a second language will receive significantly greater emphasis. The Indian Government, with AID assistance, is initiating a new program to raise the quality of the English language being taught in its schools.

EDUCATIONAL PLANNING ASSISTANCE

Educational choices made today in the less-developed countries will determine in large part their character as self-governing nations tomorrow. Choices must be made during the planning process—how fast must teachers be trained to staff a given rate of primary and secondary school expansion? How many agronomists, veterinarians, midwives, engineers, managers, accountants, et cetera, will be required to maintain progress in the future? At what rate must primary and secondary education expand?

The experience of America's educational community is being made available to help other countries plan wisely for the future.

AFRICA

In Nigeria, AID is supporting an evaluation by education and world affairs of the scope and priority of education programs. A similar study is planned for Ethiopia. In Thailand, a three-party contract among AID, Michigan State, and the Thai National Economic Development Board provides for education planning assistance to the Ministry of Education.

LATIN AMERICA

With the assistance of the Council on Higher Education in the American Republics, AID has made a survey of educational planning facilities in Chile, Peru, and Guatemala. During the past 4 years AID has made it possible for over 100 Latin Americans connected with planning for educational development to attend seminars on this subject under the auspices of the U.N. Economic Commission for Latin America.

NESA

The prospect of joint planning for southeast Asia regional education programs was opened at a November 1965 meeting of southeast Asian education and planning ministers. Funds are proposed for regional education activities in southeast Asia in fiscal year 1967, as well as for a comprehensive development scheme for Laos.

Some of us issue one word of warning. Do not lose these programs in a pool of studies that set on shelves. Make them practical and down to earth.

TEACHER TRAINING, VOCATIONAL AND TECHNICAL EDUCATION

A critical bottleneck in expanding educational opportunity is a shortage of teachers and of institutions to train them in the developing countries. In fiscal year 1966, more than 210,000 students are enrolled in normal schools and teachers colleges established with AID assistance in 37 Asian, African, and Latin American countries.

More than 670,000 teachers have been graduated from colleges and schools established with AID assistance. These graduates today provide 70 percent of the teachers in Ethiopia, about 40 percent of Vietnam's, and 28 percent of Korea's, 45 percent of Iran's, 34 percent of Costa Rica's, and nearly 33 percent of the teachers in Turkey.

The following is an illustrative list of significant new or expanded educational activities in teacher training and vocational and technical education:

FAR EAST

Thailand: The National Economic Development Board, Michigan State, and AID officials have helped to develop a planning office under the Ministry of Education, as previously mentioned. During 1966–67, the Ministry expects to complete a study of secondary education; develop a 5-year plan; and begin training a national staff in planning procedures.

A 5-year vocational education program will begin in Thailand this month. It will establish an improved system for the training of agricultural, trade and industrial teachers, develop 20 technical high schools. Thailand will provide $16 million in addition to a loan of $6 million from the International Bank for Reconstruction and Development for buildings and equipment. The United States will contribute an estimated $1.6 million for 14 technicians.

Korea: AID has offered to sponsor an advisory group from a consortium of American universities to assist a Korean National Education Policies Commission for 5 years. The group would plan overall policy and develop the Korean Commission and its staff to self-sufficiency.

Korea is programed to receive $40,000 from AID in 1967 to help pay for the second phase of an expanded National Academy of Science book program, and will also receive assistance in revising secondary education texts during 1966–68.

An adviser will be named to facilitate liaison between Korea's higher education institutions and the new Korean Industrial Technology Institute to work with provincial science supervisors and with working committees of scientists.

Vietnam: A long-range look will be taken at Vietnam's higher education system by a survey of the Universities of Saigon and Hue scheduled for 1967. A team of seven experts will make the survey and help establish priorities for improving the institutions.

By the end of 1966, 11 advisers for Ohio University will be helping Vietnam's two new faculties of pedagogy. Teaching staffs are being trained in the United States and new curriculums are being developed.

By the end of 1966, Vietnam plans to provide every child in the primary grades with basic texts. The United States has already provided 7 million books to Vietnam and will expand its contribution by 5,800,000 additional books by the end of next year, at a cost of 22 cents each. Taiwan and Australia have supplemented our contribution with nearly 2 million additional texts.

Laos: Since there are only 90 high school graduates a year in Laos, past emphasis had been focused on elementary education, but the Laotian Government and AID are now discussing the establishment of a 4-year secondary school with both academic and vocational tracks. Preliminary planning should be completed by the end of this year.

Philippines: Two advisers will begin work with the Tarlac College of Technology, assisting with finance, personnel, business affairs, curriculum, extension activities and adult education.

AFRICA

Ethiopia: With AID assistance, Ethiopia is adding a vocational and practical arts teacher training curriculum to Haile Selassie I University. We will supply 7 teacher-advisers to the school, which will eventually enroll 270 students.

Nigeria: Funds will be needed in fiscal year 1967 to continue the programs of 11 American universities working to improve teacher education and other vocational aspects of higher education. These U.S.-financed American university teams are assisting 148 Nigerian educational institutions, including 5 of the country's 5 universities, 3 of its advanced teacher training colleges, and 50 colleges training elementary school teachers.

Now under intensive review is a $3.4 million development loan proposal to set up the first veterinary college in western Africa and a new agricultural college, both at Ahmadu Bello University in Nigeria.

Pilot experiments in the development of comprehensive secondary schools in Nigeria are being watched closely by other African countries. Both schools are to be coeducational, with enrollments up to 1,400, and will offer academic, agricultural, home economics, commercial and vocational training related to the needs of the area.

Nigeria is also receiving technical assistance in setting up regional aptitude testing and manpower selection techniques; a special program to develop northern Nigeria's teacher training systems and centers is expected to turn out more than 6,000 qualified teachers for primary schools in the next 4 years.

Sierra Leone: The program in vocational agricultural teacher training is being expanded to serve students from other West African nations as well. Sierra Leone is also developing pilot rural training institutes in vocational skills needed in rural villages and towns.

LATIN AMERICA

Dominican Republic: San Jose State College in California will develop a program to improve teacher training and the use of learning materials in the Dominican Republic.

Regional: Some 150 students in Central America, Colombia, Peru, and the Dominican Republic are being considered for a new scholarship plan which would bring them to the United States for 4 years of undergraduate study. They would then return home to strengthen faculties and basic studies programs in their native universities. The Partners of the Alliance for Progress will cooperate with AID in providing part of the students' living expense, beginning this academic year.

A major roadblock to educational reform in Latin America is the scarcity of high quality textbooks at prices the students can afford to pay. AID intends to take the initiative in establishing textbook rental libraries or co-ops at key institutions in each country. The Regional Technical Aids Center, which has sponsored the publication in Spanish of 180 titles suitable for use as university texts, will sponsor 100 more in fiscal year 1967.

NEAR EAST-SOUTH ASIA

Turkey: A university contract group will help the Turkish ministry of education with a new program to analyze the country's educational problems, prepare national education programs, work on budgeting for them, train the staff of a relatively new budget and planning department, and set up a system of evaluating the effectiveness of the department's work.

Afghanistan: Two National Science Foundation consultants are working on a survey which should result in a plan for introduction of a short-term science and mathematics institutes similar to those already underway in India and Pakistan.

Nepal: Nepal has established a vocational training school to increase the number of people who have the simple skills necessary for the first steps toward economic development.

A new contract team has been selected to assist in the development of administrative procedures at the school, institute modern techniques of curriculum development and course planning for its faculty, improve methods of inservice training of technical and vocational teachers in other schools, and demonstrate modern techniques for the teaching of building trades, agriculture, secretarial sciences and home economics.

DEVELOPING BETTER COLLEGE ADMINISTRATORS

Through a contract with the American Association of Colleges for Teacher Education, the United States is conducting a special program of internships in the administration of teacher training colleges, providing for an exchange of presidents of American colleges with the presidents of the colleges in the Philippines, Thailand, Nigeria, and Kenya.

U.S.-financed educational programs also train the staff for new centers of excellence in higher education in less-developed countries. In India, the Indian Institute of Technology is being established as the center of national scientific training and research with the help of an AID-financed consortium of nine American universities—California, Carnegie, Case, and Massachusetts Institutes of Technology, Ohio State, Princeton, and Purdue Universities, and the Universities of California and Michigan. Scientists from the American universities are teaching at the new Indian institution, while their Indian counterparts and successors complete advanced study in the United States.

IMPROVING THE QUALITY OF EDUCATION THROUGH INSERVICE TRAINING

In reply to my request for figures I learned that during the past 5 years, the United States has helped provide inservice training for more than 160,000 teachers in Latin America, almost 82,000 in the Near East and south Asia, nearly 24,000 in the Far East, and 33,000 in Africa. Much of this inservice training is provided by American university teams at work overseas on contract.

There are summer workshops for teachers in the developing countries through three major programs—the Teach Corps, Summer Science Institutes, and Educational Services, Inc., with American teachers and professors.

TEACH CORPS

NEA already has received about 2,000 responses in answer to a call for more American teachers to participate in the summer teaching program.

The Agency also has sent 42 countries information about the Corps program. Seven—Colombia, Kenya, Sierra Leone, Tanzania, Honduras, El Salvador, Dominican Republic—have signed contracts for programs this summer, as compared to five last year.

Korea, Thailand, and the Philippines are considering possible new programs of teacher training, including inservice summer programs. AID conducts summer workshops and short-term teacher training programs in most countries of the Far East. In Vietnam, for example, more than 2,000 teachers will be given 60-day training for teaching in hamlet schools.

Teach Corps projects are being readied for Kenya and Tanzania, both concerned primarily with English-language training of elementary school teachers. Projects also are planned for Latin America with 13 volunteers in the Dominican Republic, 5 in El Salvador, and 4 in Honduras.

SUMMER SCIENCE INSTITUTE

In India, the traditional method of teaching science, mathematics, and technology to secondary and college students places a premium on memorization. Consequently, graduates frequently cannot meet basic operational and research needs of a growing industrial society. To help correct this situation, each summer, since June 1964, U.S. educational consultants have conducted 6-week summer institutes to introduce new teaching methods. These are based on courses developed under auspices of our National Science Foundation. About 230 U.S. educators are participating in such institutes in India this summer. Another 50 or so will take part in a similar program arranged recently with Pakistan.

ESI SUMMER WORKSHOPS

Under an AID contract, Educational Services, Inc., holds summer workshops in 10 African countries to familiarize teachers with new mathematics and science textbooks and materials for African elementary schools with some 40 American educators participating. In addition, other types of summer workshops are in operation.

One in Arabia is conducted yearly by the American University of Beirut for 130 teachers and school administrators from about 8 countries of the Near East and North Africa. Another will be in Morocco, where 6 university staff members and 6 Moroccan educators will work with 336 rural elementary teachers.

In Central America, we began a free textbook program for 1.5 million children in 1963, which in turn has led to summer workshops for schoolteachers. In El Salvador, for example, supervisors and teachers from the country's 14 "districts" meet at a vacationtime workshop and receive instruction in proper use of the new textbooks. Last summer 431 teachers attended.

In Turkey, we have sponsored the establishment of an inservice teacher training bureau in Ankara whose chief function is to conduct special summer seminars for teachers.

U.S. HIGHER EDUCATION FOR FOREIGN STUDENTS

The steady expansion, through U.S. assistance, of excellent centers of higher education in the Far East and the Near East and south Asia has reduced somewhat the need to bring students from these areas to the United States even for advanced work, except for highly specialized fields.

The Graduate School of Public Administration of Thammasat University in Thailand, established with help from the University of Indiana on contract with AID, is now available not only to Thai students, but for students from nearby countries.

Grants to the American University of Beirut—AUB—under AID's program for American schools and hospitals abroad, have helped AUB expand as the outstanding educational center in the Middle East and to become a major training center for African leaders as well. As part of its own technical assistance programs, AID now sends about 600 students from other African and Middle Eastern countries to AUB for advanced or specialized education.

Elsewhere, however, we are increasing support for cooperative programs to bring students to U.S. universities for study. A Latin American scholarship program will make it possible for students to receive university training in the United States and return to their home countries as faculty members in the basic studies programs of local universities.

The Latin American universities pay the costs of student travel and English language training, the cooperating American universities provide scholarships, and the U.S. provides student maintenance costs. The first 150 students under the program will reach the United States in April or May for preliminary English language training.

Under the first such program of its kind—the United States African scholarship program of American universities—1,200 African students have been brought to American universities for undergraduate education. Another 100 have been brought here for graduate study. As the capacity of African universities increases, the undergraduate component of this program will decrease. Our assistance to higher education in Africa itself includes a regional program to provide scholarships in selected African universities for students from other African countries.

Since the beginning of the point 4 program in 1949, 94,000 foreign technicians and professionals have been brought to the United States for advanced education or training.

PROGRAMS FOR YOUTH LEADERS

Because students from developing countries frequently return to positions of unusual responsibility for their age and bear a unique leadership role in the development of their own country, our Government has begun a series of specially designed courses and activities for youth leaders studying in this country.

These programs make it possible to provide summer leadership experience and practical training for selected students, as well as fellowships to promising and needy foreign students who are not here on government grants but could complete their academic work more rapidly and effectively with a minimum of additional support.

In fiscal year 1965, 18 summer institutes for some 600 foreign students were organized, designed to increase their understanding of social and economic development and their practical ability to take community leadership on their return. At one 8-week institute, at the University of Pittsburgh for 18 students, mornings were devoted to seminars on communications, social change and leadership responsibilities, afternoons to observation and practical training in local industry, business, community organizations and government.

Another facet of the education program is in the application of new technology to eliminate critical bottlenecks, particularly illiteracy by:

First. Research and analysis of factors governing successful and economical use of the new methods of instruction under varying conditions;

Second. Technological adaptation of new methods of instruction to the economic, educational, cultural, and technical requirements of the less-developed countries;

Third. Demonstrations, through pilot projects of successful uses of the new technologies.

DEMONSTRATIONS AND PILOT PROJECTS

One example:

In Colombia, more than 400,000 children in 1,000 schools are receiving a better education through an educational television network that now covers 80 percent of the country's most densely populated areas. The network means hundreds of schools now have the advantage of special subject teachers, and of audio-visual teaching materials that would not otherwise be available. AID, the Peace Corps, and the Colombian Ministry of Education are cooperating on the program.

In Nigeria students in each of Nigeria's four regions are receiving televised instruction in science, English, history and civics.

TEACHING MATERIALS

In many countries, a shortage of teaching materials—beginning with texts—is a serious bottleneck.

In the Philippines, the United States financed the import of $4.2 million in paper so that local publishing and printing industries could meet 80 percent of the country's textbook shortage. To date, 27 million elementary and secondary school texts have been made available through the program. In Central

America, more than 8 million school textbooks have been published for use in the schools. A loan to Ecuador will provide nearly 2 million books for elementary school children, while counterpart funds in Brazil are to be used in that country's effort to provide free textbooks for all children.

In Africa, we financed a joint project under which African and American educators developed a new series of texts in mathematics and science including basic material on health, nutrition, and sanitation as related to the countries in which students themselves lived. Texts produced in this program are now in use on an experimental basis in Liberia, Ghana, Nigeria, Sierra Leone, Kenya, Ethiopia, Tanzania, Zambia, Uganda, and Malawi.

Through a contract with English Language Services, Inc., we have developed a self-teaching program that includes workbooks, films, soundtape, language master cards, and so forth, and is designed to cut the time needed to train English language teachers from 2 years or more to about 4 months.

ENGLISH LANGUAGE TRAINING

English-teaching projects are in over 25 developing countries at an annual expenditure of $2 million. In this fiscal year 1967 budget, a 50 percent or $1 million increase is planned for expansion of this activity.

Three hundred thousand dollars of fiscal year 1967 funds are earmarked for continued support of the Regional Center for English Language Research and Teaching at the American University of Beirut.

A recent Bureau of the Budget study showed that AID had trained more foreign teachers of the English language than all other U.S. Government agencies combined with expenditures of only $2 million a year compared with the $12 to $20 million combined yearly expenditures of the other agencies.

Specific English language teaching projects include:

AFRICA

Contracts with the National Education Association to help the Government of Kenya introduce English as the language of instruction in primary schools—grant, $295,000.

A contract with Southern Illinois University provides for an English-language program for 100 Malian teachers this summer.

In Somalia, English primers have been developed, and an English-teaching adviser has been stationed in northern Somalia to complement instruction provided at the teacher-training school.

An English-language instructional program designed to serve several of the French-speaking countries has been started in Upper Volta. An intensive program this summer will involve 90 participants from 7 West African countries.

FAR EAST

Vietnam: The AID mission in Vietnam is teaching English at the secondary level with International Volunteer Service personnel; making countrywide distribution of English-language books and texts; preparing Vietnamese teachers of English for secondary schools and universities; upgrading present English-language teachers through in-service training; and installing English-language laboratory equipment and training personnel to operate it.

Laos: Eight U.S. teachers are providing English-language instruction to 1,200 students at the National Teacher Training Center in Vientiane, and 10 teachers and instructing 2,500 students in the secondary schools, both college preparatory and vocational. Modern language-laboratory equipment has been installed at the National Education Center. The training program for teachers of English at the Center has been extended, and the enrollment quota increased to 70 students. Qualified graduates of this program will be sent abroad to continue their studies.

LATIN AMERICA

Relatively little is being done in Latin America on English-language training. Our efforts are primarily that of cooperation with the USIA's binational centers. Missions in the following countries have been authorized to contract with binational centers for special participant classes: Chile, Costa Rica, Guatemala, Nicaragua, Panama, and Paraguay.

English language training was one component of a contract with St. Louis University for work in Ecuador, and is now part of a similar contract with the university for work in the Dominican Republic.

ENCOURAGING NONGOVERNMENTAL EDUCATIONAL ASSISTANCE

Some of the most imaginative programs of educational assistance, particularly in the fields of literacy and rural development are being carried out by private American groups and organizations at work in the less-developed countries.

Registered American voluntary agencies, working with their counterparts in the less developed countries, are placing increased emphasis on community self-help programs designed to make villagers literate and teach them basic skills needed to establish rural industries—small shops to make simple farm tools, and other equipment; to produce such things as lumber, shoes, and cooking utensils.

To encourage this, our Government makes available a wide variety of excess Government equipment at minimum cost, including shipment to the country where it is needed.

Food is available under the food-for-peace program for use as an incentive or part wages in self-help school construction programs carried out under the leadership of private voluntary agencies.

In cooperation with the Peace Corps, voluntary agencies such as CARE, and citizen organizations in the less developed countries, we are encouraging "school-to-school" assistance, through which American PTA's and other private groups work directly with local communities overseas to help build new classrooms, and improve equipment and teaching materials.

PARTNERS OF THE ALLIANCE PROGRAM

"School-to-school" assistance to Latin America is channeled through the Partners of the Alliance program for which AID supplies staff services and a portion of the travel costs.

Fifteen public school districts in Oregon are providing inservice training for Costa Rican public school administrators and teachers; during their Oregon training, the Costa Rican educators help the Oregon districts with language and social studies courses.

High school students in Texas and Virginia have collected funds to help equip Peruvian Indian village schools and supply vocational schools in Peru with school supplies, vocational training tools, cement mixers, and handtools for self-help school construction projects.

An important additional means of promoting educational development in several less-developed countries would be to use U.S. Government-owned currencies which are excess to the needs of the United States to establish binational education foundations. The foundations, modeled on similar institutions in the United States, would draw upon the experience of their American counterparts. Through programs of assistance to local education, the foundations would be uniquely equipped to stimulate new initiatives in educational techniques, stimulate private educational activities, and focus local attention on such critical areas as literacy and the education and training of local populations, particularly the training of farmers in agricultural techniques.

HEALTH

In many of the developing countries, problems in the field of health have seriously retarded economic and social progress. Our Government has increasingly recognized that until some of these problems—malnutrition, debilitating diseases, infant mortality—are solved or controlled there can be little progress in other areas of medical education. For example, there can be no successful school programs if child mortality rates are so high that half of the children die before reaching their teens or if their minds are so stunted by years of undernourishment that they are unable to learn effectively. There can be little success in achieving significant growth in industrial and agricultural productivity if much of the labor force suffers from killing and debilitating diseases. Bigger rice crops or wheat harvests will contribute little to problems of malnutrition if population growth equals or exceeds the food output.

Clearly, assistance in the field of health is vital to sound economic development, and health programs can be an integral part of development programs. We should not be deterred from this "investment" because it may be difficult to measure in economic terms the value of health programs. It is simply commonsense to understand that the human factor is important to the production process and a healthy human element will mean a more efficient production process. However, we are not without indicators to show what improved health means for economic progress.

For example:

In the Philippines, a highway contractor was able to reduce his labor costs by $200,000 when he discovered that with malaria eliminated, two men could do the same work that required three men.

In Chile, where copper is the chief money earner, one company cut its costs for workmen's compensation by 90 percent by providing a low-cost program to improve the health of the miners.

In Costa Rica, road crews working on the Pan American Highway were given balanced meals. They gained weight and more than doubled the cubic feet of earth moved per man-day.

In Ecuador, people returned to a region where malaria-carrying mosquitoes had driven them away. The valley is now one of the richest crop-producing areas of the country.

These examples illustrate what can be accomplished in terms of economic progress when the work force in a developing country can be brought to fullest participation. Similar results are possible in countless activities in every country which, when looked at as a whole, make a major contribution to development.

However, such progress is not inevitable. The United States makes a substantial contribution but an even greater contribution must be made by the host country.

Problems to be overcome are staggering. For example:

The infant mortality rate of less-developed countries is five times that of the developed countries;

Seventy percent of the preschool children in Latin America, Asia and Africa are undernourished;

Life expectancy averages only 47 years of age in the underdeveloped areas of the world, while in the developed countries it is 70 years;

There is one doctor for every 4,300 persons in these less developed countries, while there is one for every 730 people in the United States.

These cold statistics only outline the problems. They do not tell the story of human misery or of the tragic waste of scarce resources that are the true meaning of these figures. For a long time many people have accepted these conditions as their immutable fate, but today they know it need not be so forever. They have seen in their cities and their villages what dramatic changes are possible. And this is the theme I want to emphasize today.

Statistics I cited earlier mean that millions of people are affected by crippling diseases, malnutrition, rapid rates of population growth, and so on. But a more striking factor is that today, more than ever before, we have the knowledge to prevent and control many of these diseases, to curb population growth and to produce greater yields of food crops. What is lacking is the money and the trained manpower. And this is where we can, and must, help the less developed countries. In many aspects of development, expectations are high but progress is inevitably slow. In the field of health, expectations are high and progress can be dramatic even in the short run.

Therefore, I wholeheartedly urge that AID be encouraged and supported in carrying out its programs in the field of health. Earlier this year, Mr. Bell, testifying before the subcommittee, stated that for fiscal year 1967 AID will spend $154 million for health activities. Another $24 million of its funds will be provided to various U.N. agencies and the Pan-American Health Organization. The stepped-up fiscal year 1967 program will be more than double the amount provided for health programs only 2 years ago. I will not tackle all the problems, but it is a big step.

This program will be focused on those problems where progress is essential; disease control and eradication; malnutrition, manpower needs, and rapid population growth.

Seventy-nine million dollars is allocated for purposes of disease control and eradication as compared to $36 million in fiscal year 1966.

We will continue our successful efforts to combat malaria. Over 500 million people have been freed from the dangers of transmission and nearly 400 million more are coming under the protection of eradication programs. The new target is to eradicate malaria within 10 years in Ethiopia, Jordan, Pakistan, India, Nepal, Thailand, the Philippines, and Latin America. In fiscal year 1967, $28 million is planned for that purpose in 17 countries.

[Dollars in thousands]

Region and country	Estimated terminal fiscal year U.S. dollar assistance	Estimated U.S. dollar assistance, 1966–69	Estimated U.S. dollar assistance, 1970–end
Ethiopia	1977	$4,425	$5,440
Brazil	1975	5,178	6,600
Ecuador	1969	2,000	
El Salvador	1968	1,635	
Guatemala	1968	1,550	
Haiti	1969	5,320	
Honduras	1968	1,170	
Nicaragua	1967	2,070	
PAHO grants	1967	3,490	
India	1973	5,610	1,480
Jordan	1969	690	
Nepal	1973	2,193	402
Pakistan	1975	21,847	5,337
Regional	1975	240	180
Philippines	1969	1,325	
Thailand	1972	6,610	1,920
Vietnam	(1)	4,335	(1)
Regional	1972	240	90
Training	1975	640	636
Research	1975	2,800	1,400
Technical staff and evaluations	1975	1,200	1,800
Total		74,568	25,285

[1] Continued assistance, subject to U.S. policy.

The Agency for International Development is currently assisting 15 countries as listed below, with the estimated terminal fiscal year of U.S. dollar assistance. Note that cost estimates are given separately for the period through 1969 and for subsequent years. The first figure has been closely estimated on a year-by-year basis and represents the order of magnitude of the present estimates. The second figure is the expected additional requirement. Two additional countries, Costa Rica and Panama, are in process of applying for loan support for malaria eradication, and thus do not appear in the fiscal year 1967 proposed funding which has already been determined.

Planned investment in malaria eradication has been and will continue to be substantial. However, this contribution is being matched or exceeded by host country performance. In India, the Indian national malaria eradication program—NMEP—is a joint effort by India, AID and WHO. The NMEP hopes to eradicate malaria from areas where 460 million people live. The cost of the program from fiscal year 1958 through January 1966 has been about $310 million, of which India financed nearly 45 percent. Cost of the program thus far for India and the United States has been 50 cents per person protected, or the cost to the United States has been only 25 cents per person. Twenty years ago there were 100 million cases of malaria a year in India and 2 million deaths. Today the disease is almost eliminated.

In Latin America over 50 million people, half of those exposed to the risk of malaria, now are free of this danger. A recent report of the Pan-American Health Organization shows the costs of this program.

The table below shows the amounts invested in malaria eradication in the period 1956–65. The figure for U.S. bilateral assistance does not include U.S. $16.3 million contributed to the PAHO special malaria fund.

The participating groups shared the costs in the following proportions:

	Percent
Governments	73.3
PAHO/WHO	6.3
UNICEF	10.5
U.S. bilateral	9.9

The approximate average annual unit costs, in terms of persons protected, were:

	Per person
Local costs	US$0.245
Imported commodities	.031
Advisory services	.019
Total	.295

Following is a summary of malaria eradication expenditures in the Americas, by source, from 1956 to 1965:

Year	Source of funds in U.S. dollars				
	Total	Government	PAHO/WHO	UNICEF	U.S. bilateral
1956	18,207,300	14,889,400	291,200	3,026,700	
1957	23,816,100	19,828,300	680,500	3,307,300	
1958	29,576,300	21,171,000	2,099,200	3,794,100	2,512,000
1959	34,706,000	22,947,000	2,256,200	5,269,800	4,233,000
1960	34,790,900	23,071,000	2,152,700	3,712,200	5,855,000
1961	20,217,100	22,256,600	2,432,500	2,675,600	2,853,000
1962	34,242,700	22,993,000	3,015,800	3,449,900	4,784,000
1963	45,171,900	31,248,000	3,095,500	3,409,400	7,419,000
1964	41,288,300	31,749,700	2,580,500	3,837,100	3,121,000
1965	45,278,900	36,878,000	[1] 2,812,900	[1] 3,013,000	[1] 2,575,000
Total	337,296,500	247,031,400	21,417,000	35,495,100	33,352,000

[1] Estimated.

In Africa we are undertaking a major project to eliminate measles and smallpox in Western Africa to control measles by 1971 and eradicate smallpox by 1975. Africa is an area of major incidence for both diseases.

Current estimates are that the total cost to completion of this activity will be $40.8 million. Of this amount $7 million is planned for fiscal year 1967 and $23 million in the next 5 years.

In Africa, smallpox kills 25 percent of those stricken. Mortality rates from measles in West Africa run as high as 20 percent and leave many children blind or deaf.

The measles campaign follows the successful AID-assisted experimental campaign initiated 2 years ago in which 730,000 children were immunized in Upper Volta. In the new campaign 32 million children will be immunized in the next 5 years.

The smallpox program is being carried out by AID in cooperation with the Public Health Service and the World Health Organization in a campaign to continue for 10 years. AID estimates it will assist in vaccinating over 80 million people.

MALNUTRITION

An estimated 450 million children in developing countries are undernourished or malnourished. Nutritional deficiencies are a major health problem in Latin America where one-half of the deaths are children under age 6. Malnutrition probably contributes to the high incidence of mortality resulting from certain diseases. For example, measles is a leading cause of childhood mortality in Latin America. This fact is probably related to the problems of malnutrition.

Our Government has recognized the magnitude of this problem and initiated programs to combat malnutrition. These programs are aimed particularly at preschool children.

Pilot projects are beginning in Brazil, Peru, Colombia, Central America, Morocco, Turkey, Thailand, and Korea.

Preliminary costs of this research and training program are expected to be $10 million in fiscal year 1967.

Enteric diseases caused by poor sanitation and polluted water supplies represent by far the biggest health problem facing developing nations around the world. In Latin American, in 16 of the 20 countries for which data are available to PAHO—Pan American Health Organization—diarrheal diseases are one of the five principal causes of death. These diseases are responsible for 11 percent of the deaths at all ages in these countries, although children are particularly susceptible. In Colombia 92 percent of the deaths from these diseases are children under 5 years of age. These diseases can be controlled to a large extent by sufficient supply of water and cleanliness.

We have recognized this problem and are giving increasing attention in this area through loans for cities to install or improve their water distribution and sewerage systems, among them Saigon in Vietnam.

In Latin America a major effort has been made to provide adequate water supplies. PAHO statistics show the following investment of funds from various sources:

National funds and international loans for construction of urban and rural water supplic in Latin America, 1961–65

[In millions of U.S. dollars]

Source	1961	1962	1963	1964	1965	Total
International loans	44.1	137.7	42.5	43.1	93.1	360.5
Inter-American Development Bank	25.6	106.3	28.6	39.3	89.4	289.2
Agency for International Development	3.5	17.4	11.0	3.6	1.3	36.8
International Bank for Reconstruction and Development			3.0			3.0
Export-Import Bank	15.0	14.0		0.2	2.3	31.5
National funds	59.7	156.5	59.1	74.0	119.8	469.1
Total	103.8	294.2	101.6	117.1	212.9	829.6

National funds and international loans for construction of rural water supplies in Latin America, 1961–65

[In millions of U.S, dollars]

Source	1962	1962	1963	1964	1965	Total
International loans:						
Inter-American Development Bank	1.0	10.0		5.2	16.3	32.5
Agency for International Development			1.1			1.1
National funds	8.5	20.0	16.0	22.0	36.2	102.7
Total	9.5	30.0	17.1	27.2	52.5	136.3

Substantial progress is being made:

From 1961 to 1966 in Latin America, 2,000 communities received better water and sanitation facilities including 1,170 portable water supply systems to serve 20 million people.

In Africa, 4,337 rural wells and portable water supply systems have been completed benefiting 1,412,000 people.

In the Near East, rural wells and portable water supply systems benefiting over 100 million people have been developed.

MANPOWER AND PHYSICAL FACILITIES

There is a tremendous worldwide shortage of people with the required skills in the field of health and a similar shortage of facilities through which health services can be performed.

The statistics reveal the critical need: in Vietnam there are only about 900 doctors and of these 700 are required for the Vietnamese armed forces. That means there are 200 doctors for the civilian population or 1 for 80,000 people. In Nigeria there is 1 doctor for every 27,000 people. In Thailand there is 1 doctor for 10,000 people. In Latin America the most serious shortage is in nursing personnel. In 14 Latin America countries there are fewer than 2 nurses per 10,000 people.

To meet some of these needs our Government is expanding its health training programs through means of exchange fellowships, consulting and advisory services, technical equipment and local currency support. This assistance is provided to overseas medical and health training institutions, serving both individuals and the institutions themselves. The costs of these AID programs are estimated at $14 million in fiscal year 1967.

An outstanding example of the type of activity AID supports is the assistance provided for Public Health College and Training Center at Gondar, Ethiopia, which is becoming a model for all African countries. It is a primary example of an effort to provide assistance to a level designed to derive maximum impact from available resources of the country at the present time. That is, although there is great need for more doctors in Ethiopia, there are too few people with adequate educational background to enter advanced medical training and it would take considerable time for the results to be visible. At this stage of Ethiopia's development and health needs, a program designed to utilize people with some education and to benefit the impoverished rural areas may be a better way of meeting health needs.

Therefore Gondar College, which is supported by a multilateral effort among AID, WHO, UNICEF, and the Ethiopian Government, has as its major objective to train people, most of whom have a primary and some secondary education, to serve as health workers who will work in the rural and small market areas of Ethiopia. The students are educated as health teams consisting of health officers, community nurses, and community sanitarians. Some are also trained as laboratory technicians and midwives. The current student body represents every area of the country. And approximately 500 rural health workers are staffing over 50 rural health centers. The school is now graduating about 100 workers a year, and their contributions to the health program in Ethiopia are substantial.

The American University at Beirut—Lebanon—serves as an educational center for the entire Middle Eastern region

and some parts of Africa. This respected university has trained over 3,000 AID supported participants since 1951. About 25 percent of these 3,000—750—graduates have been trained in nursing, pharmacy, and public health. Through fiscal year 1966, the university has received $19 million from AID for the construction and equipping of a medical center. Once completed the university should become one of the leading centers for medical education in that entire part of the world.

In Central America, AID has assisted 6 countries in the development of 60 mobile units which have provided health services to over 800,000 people within the framework of rural community development programs. In many locations the arrival of these units was the first time any medical services had been available to the people. Total AID contribution has been about $4 million.

The Central American governments have gradually assumed responsibility for the programs and by fiscal year 1967 will be financing over three-fourths of the annual costs. The principle of community self-help is established by voluntary payments for services and approximately $156,000 is raised annually and returned to the communities for other self-help projects.

In Pakistan U.S. local currency support has made possible a rural works program under which 102 rural health centers in West Pakistan and 25 rural health centers in East Pakistan were completed and in operation by July 1965. An additional 135 centers are in various stages of construction. These centers will, as in Central America, bring health services for the first time to thousands of people.

I include the following table as the conclusion of my remarks:

AID assisted transportation

[In thousands]

	Total, fiscal years 1960–65	Fiscal years					
		1960	1961	1962	1963	1964	1965
Total transportation	$1, 104, 177	$209, 964	$161, 336	$173, 332	$185, 109	$252, 233	$122, 203
Highways	559, 017	62, 637	91, 640	53, 921	97, 927	154, 874	98, 018
Railroads	334, 422	109, 089	20, 741	96, 746	38, 842	57, 275	11, 729
Port facilities and harbor improvements	46, 187	2, 055	1, 528	8, 696	19, 485	13, 512	911
Inland waterways	6, 482	38	2, 831	407	3, 600		106
Ship operations	2, 683	726	896	385	278	278	120
Air transportation	127, 981	25, 582	38, 533	10, 640	21, 979	21, 839	9, 408
All other	27, 405	9, 837	5, 667	2, 537	2, 988	4, 455	1, 911
Development loans	817, 145	141, 550	128, 100	95, 700	141, 475	213, 880	96, 440
Highways	395, 190	22, 200	74, 650	1, 300	69, 800	144, 250	82, 990
Railroads	305, 530	103, 750	19, 800	93, 200	38, 650	38, 830	11, 300
Port facilities and harbor improvements	31, 400				18, 600	12, 800	
Inland waterways	5, 900		2, 300		3, 600		
Air transportation	77, 125	15, 600	31, 350	1, 200	10, 825	16, 000	2, 150
All other	2, 000					2, 000	
Other	287, 032	68, 414	33, 236	77, 632	43, 634	38, 353	25, 763
Highways	163, 827	40, 437	16, 990	52, 621	28, 127	10, 624	15, 028
Railroads	28, 892	5, 339	941	3, 546	192	18, 445	429
Port facilities and harbor improvements	14, 787	2, 055	1, 528	8, 696	885	712	911
Inland waterways	582	38	31	407			106
Ship operations	2, 683	726	896	385	278	278	120
Air transportation	50, 856	9, 982	7, 183	9, 440	11, 154	5, 839	7, 258
All other	25, 405	9, 837	5, 667	2, 537	2, 998	2, 455	1, 911

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. Bow], the ranking minority member on the Appropriations Committee.

Mr. BOW. Mr. Chairman, at the appropriate time today I shall offer an amendment designed to cut the appropriations in this bill below the level recommended by the committee.

In his economic and fiscal policy message of September 8, the President made a further appeal to the Congress to exercise restraint with respect to the appropriation bills which had not cleared the Congress. On a number of earlier occasions this year, he appealed to the Congress to hold appropriations down to the level of his requests which, in my opinion, exceeded a prudent level when they were submitted last January.

Of course, we all know that the President's admonitions with respect to fiscal restraint have been ignored by the majority party in this body, and it has been necessary for those on this side of the aisle to press for fiscal responsibility. We willingly accepted that mantle of responsibility because some of us had enough foresight to read and understand those deceiving signposts which pointed the way to the grave inflationary situation which was developing in our economy.

Since January 24, when the President submitted his 1967 budget, I have come down here in the well of the House repeatedly to warn you of the folly of approving a level of Federal spending which goes beyond the realm of reason and even staggers comprehension.

Well, this folly came to full fruition on September 8 when the impact of Congress' excessive budget actions prompted the President to call upon us to suspend the 7-percent investment tax credit and the accelerated depreciation provisions for the next 16 months as a means of stabilizing the economy and containing the inflationary pressures which have been rampaging for most of this year.

These tax changes which are expected to lessen the demand for goods and services will have a deleterious effect upon the economy because they lessen demand rather than increase supply. If industry is to supply the jobs that are needed for our growing population, it certainly should not be impeded in doing so by these proposed tax roadblocks to expanded capacity. And if approved by the Congress, they may very well trigger a recession at a time when prices are still rising.

A more equitable and less drastic approach to lessening those inflationary pressures would have been the initiation of a policy many months ago of eliminating all nonessential Fedral spending until the war in Vietnam has been won. Of course, the administration and the majority party in this body could not or would not see the wisdom of such a policy and now we are asked to approve a tax policy which certainly will cripple the efforts of private enterprise to supply the jobs and the goods and services which are needed to keep our economy strong.

In his September 8 message the President clearly recognized the necessity for reducing the level of Federal spending as a means of lessening the competition of Federal funds with private funds for the goods and services that are in short supply. At that time he said he would cut Federal expenditures by about $3 billion or 10 percent of the approximately $31 billion of appropriations which are subject to immediate Presidential control.

I heartily commend the President for his great wisdom in taking this step to cut $3 billion of Federal spending in fiscal 1967. I do wish that he would furnish the Congress with the details of where these cuts will be made because I think we might be able to help him make further reductions if we knew precisely where he would apply the cuts.

I propose today to offer an amendment which would result in a total cut in economic aid in title I of this bill by $246,896,200 or 10 percent from the budget request of $2,468,962,000. The committee has already proposed a cut of $201,200,000 or 8.1 percent, so my amendment would provide for an additional cut of only $45,696,200 or 1.9 percent to bring the total cut to 10 percent of the request for economic aid. This total cut of $246,896,200 together with the $92 million reduction in military assistance and the $2,150,000 reduction in title II which the committee has already recommended will bring the total cut in the bill to $341,046,200, or only 8.6 percent of the total request.

In the 21 years since 1945, Congress has provided in excess of $122 billion of aid to our friends and enemies throughout the world. We have been overly generous and I do not think a single recipient country has reason to complain. In the 18 years since the initiation of the Marshall plan, Congress has made annual reductions in the President's foreign aid requests averaging 18.4 percent, and every year there were ample funds available to accomplish practically everything the bureaucrats downtown could dream up in the form of aid. These percentage reductions have ranged from a low of 6.2 percent in fiscal 1966 funds to a high of 33.7 percent in 1964.

Just in case some of our fiscal experts here call this a fiscally irresponsible approach, let me remind you that the President, himself, proposes a 10-percent cut in all budget spending under his direct control. So, I say to my friends, I am following the lead of the President in this regard and I would express the hope that you, too, can see the wisdom of his decision.

I want to remind you and make the point crystal clear that my amendment will apply only to the economic aid provisions of the bill and will in no way affect the level of military assistance funding recommended by the committee.

Therefore, Mr. Chairman, at the appropriate time, on page 13, I shall offer my amendment which will bring the total cut in economic aid to a total of 10 percent. My proposed cut on this item represents 1.9 percent, which makes an overall cut from the President's request, by accepting the committee's recommendation, and my amendment, of only 10 percent.

Mr. PASSMAN. Mr. Chairman, will the distinguished gentleman yield?

Mr. BOW. I am happy to yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, may I ask the distinguished gentleman from Ohio when he speaks of economic aid, you have technical aid, development grants, supporting assistance program, and other economic aid programs.

Does the gentleman from Ohio propose placing them together in making the cut, or does the gentleman propose to apply his amendment to some particular phase of it?

Mr. BOW. I am proposing to do as the committee has done. You have already made a proposed cut of $201 million, or 8.1 percent. My proposed amendment would make an additional cut of 1.9 percent, or $45 million, which makes a total altogether—overall—of 10 percent.

Mr. Chairman, I feel that this is a very mild cut. Probably, I should have asked for more on it, but having heard our distinguished chairman of the subcommittee over these years, I would hope that the gentleman would accept the amendment when I offer it.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. BOW. I yield further to the gentleman from Louisiana.

Mr. PASSMAN. I am sure the gentleman from Ohio would like to take into account the fact that the original budget request was for $4,460 million. This committee recommendation for appropriation is over $1 billion less than the amount requested in the authorization bill by the executive branch of the Government.

Now, in addition to that, if the gentleman will refer to the hearings, there has been a reduction of some $390 million, and of course——

Mr. BOW. Mr. Chairman, if the gentleman from Louisiana will permit an interruption, the gentleman has included in that item some military assistance items, has he not?

Mr. PASSMAN. Yes.

Mr. BOW. My proposed amendment does not go toward deleting military assistance. It goes to economic aid. I have made it specific in my amendment not to touch the military assistance program. I believe you have done an excellent job on the military assistance program.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. BOW. I yield further to the gentleman from Louisiana.

Mr. PASSMAN. As I stated earlier, I represent the committee views and not my personal views. I would like to see the entire foreign aid program phased out. But the committee members went over this bill for many hard days, studied the amounts requested, and the amounts by which it could be reduced.

This bill came out of the committee——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHRIVER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. BOW. I yield further to the gentleman from Louisiana.

Mr. PASSMAN. This bill came from the subcommittee, I believe, with the unanimous support of the minority members. All of them supported this particular figure. And if I remember correctly, it also was reported from the full committee without any amendment offered to reduce it.

There are many members of this subcommittee and the full committee who feel, on account of the commitments previously made and on account of the authorizing legislation, that those commitments could not be met if we were to make a further reduction.

Mr. BOW. The gentleman from Louisiana over the years has convinced me that more cuts could be made in this bill, and I have followed him over the years, and I am following him again. I am still convinced that the gentleman from Louisiana has sold all of us on this. It seems to me that a 10-percent cut in economic aid is in order. I am only asking for an additional 1.9 percent.

Mr. PASSMAN. I trust that the gentleman will continue to follow me.

Mr. BOW. I will follow your philosophy, but I may not follow your voting on this bill.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. PASSMAN].

Mr. PASSMAN. Mr. Chairman, I yield to the distinguished gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, I shall be brief. I do want initially to take a very few moments to say something of the appreciation which I feel and which I think most of the Members of Congress feel for the outstanding work done by the distinguished gentleman from Louisiana, the chairman of the subcommittee [Mr. PASSMAN].

No Member of Congress has worked harder or worked longer or worked with greater devotion to his country's interests than has OTTO PASSMAN in this field. He has attempted year after year to hold down nonessential costs, to save money which in his heart he did not feel should be spent; to spare the American taxpayers costs which they should not be called upon to bear.

Had his views prevailed I think that during most of the years in which he has been chairman of the subcommittee we would not have had a deficit in our Federal budget. Foreign aid has made the difference between balancing the budget and going in debt.

He has, indeed, built a monument to himself for his integrity and for his efforts in behalf of the American people.

Mr. Chairman, it seems to me that there should be much more interest here today in what the Congress is doing with the taxpayers' money; in what kind of program we are buying. We are talking about a big appropriation.

Mr. HALL. Mr. Chairman, I concur with the gentleman in that statement, and I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. PASSMAN. Mr. Chairman, will the distinguished gentleman withhold that point of order just momentarily?

Mr. HALL. I will withhold it until the Chairman counts.

Mr. PASSMAN. I would point out that the gentleman is just about to finish, and I wish the gentleman would withhold his point of order.

The **CHAIRMAN**. Does the gentleman insist on his point of order?

Mr. **HALL**. There would never be a better time to make a point of order than would be illustrated by the statement that the gentleman just made, Mr. Chairman. We are considering a $4 billion bill here, and there have been uniformly less than 36 people listening to this very outstanding debate.

Mr. **PASSMAN**. Mr. Chairman, will the gentleman withhold his point of order for just one moment? He has waited until we are within 6 minutes of concluding our general debate. But before that, as you may have noticed, I gave every kind of sign I could to get more Members in here. You probably thought that I was an Indian sending out some kind of fire signs. But I did not get that cooperation.

Now that we are almost at the end of our general debate, what good will a quorum call be?

The **CHAIRMAN**. Does the gentleman insist on his point of order?

Mr. **HALL**. I insist on my point of order, Mr. Chairman, yes.

The **CHAIRMAN**. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 292]

Adams
Albert
Andrews, Glenn
Ashley
Aspinall
Ayres
Barrett
Bolling
Brown, Calif.
Callaway
Carter
Celler
Clark
Conte
Cooley
Corman
Davis, Ga.
Diggs
Dorn
Duncan, Oreg.
Dyal
Evans, Colo.
Everett
Evins, Tenn.
Farbstein
Fisher
Flood
Fulton, Tenn.
Gibbons
Gray
Hagan, Ga.
Hanna
Hansen, Idaho
Hébert
Hicks
Holifield
Hungate
Johnson, Pa.
Jones, N.C.
King, N.Y.
Kluczynski
Landrum
McCarthy
McEwen
McMillan
Machen
Martin, Ala.
Martin, Mass.
Morrison
Murray
O'Hara, Mich.
Powell
Purcell
Randall
Rees
Reid, N.Y.
Reinecke
Resnick
Robison
Rogers, Tex.
Roncalio
Rosenthal
Roybal
Rumsfeld
St Germain
Scott
Senner
Sisk
Smith, Calif.
Stratton
Teague, Tex.
Thompson, N.J.
Toll
Walker, Miss.
Watson
White, Idaho
Willis
Wilson, Bob
Wilson, Charles H.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17788, and finding itself without a quorum, he had directed the roll to be called, when 353 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The **CHAIRMAN**. The Committee will be in order.

The Chair recognizes the gentleman from Florida [Mr. SIKES].

Mr. **SIKES**. Mr. Chairman, this is one of the big money bills of the year. It represents a very substantial expenditure of the taxpayers' money, and a goodly number of us are concerned about the way in which that money is being spent. A goodly number of us fear that we have got ourselves into a rut; that we are expending our Nation's money over and over again, and we do not see much coming back by way of benefit to the United States.

I happen to be one of those old-fashioned people who believes in helping those who help me. I believe that those nations which are aided by the United States should come to our assistance when they are needed.

We need help now, Mr. Chairman. We need help very badly. The United States is fighting a hard and lonely war. America's young men are fighting and dying.

There are precious few who are fighting on our side. There are almost none who are sending food or weapons or money to help the cause of the free world. And yet aid to most of the nations of the world, friendly or otherwise, goes on year after year after year. When is this going to become a two-way street? When are we going to get help from the people we have helped year after year after year?

This is a serious matter. It is a matter which should have the very strict attention of Congress and an appropriate paring down in foreign aid to those nations that never seem to realize that help and friendship are a two-way street. Surely most of those to be aided under the terms of this bill have the same interests that we have in maintaining the free world and in combating the spread of communism.

I seem to recall that it was only a few months ago when those in authority in the administration said that we intended to look more carefully to see who is helping us when foreign aid is disbursed. I do not know how effective the efforts have been to bring about this needed change in policy. I have seen little to indicate that there has been a significant change. But I sincerely hope that there will be an outpouring of expression from the Congress that there should be a change. I am confident it will reflect the feelings of the American people. If we are going to continue to help people in foreign countries, it is time for those nations to help us in time of need. This is a time of need. Americans are being killed. Billions are being spent. This is being done to preserve a world from communism.

Yes, Mr. Chairman, we are in a hard and lonely war and we need help today. We need men in uniform—not just ours. Not just the Vietnamese. And there are very few out there other than ours and the Vietnamese.

To be fair, let me give credit to those who are helping. There are the South Koreans. They have well over a division of first line troops in Vietnam. A second division is on the way. The Koreans are in combat. They have performed in an outstanding manner and they are due full credit.

The Australians have a fighting contingent in Vietnam. There will be more troops from this stanch friend of many years. Their resources have been stretched to help preserve the integrity of Malaysia. This is no longer a problem. Then there is a small noncombat group from the Philippines that just arrived. We can hope it will be increased. These are countries that in most instances have felt the heel of communism and know its dangers.

There is another nation which has no forces in South Vietnam through no fault of her own. But if the word were to go out tomorrow that this nation's forces would be welcome in South Vietnam, those forces would be on their way that very day to stand beside our troops and fight the common battle against communism. I am talking about Nationalist China. This nation has no delusions about communism. Here in a nation of 13 million people, is maintained an army of 400,000, an air force of 85,000, a navy of 60,000, a million men in militia and in reserve units. This is the most powerful free world force in the area which is not engaged and they are available when the common cause requires it. They would help now if their help were requested.

I would hope that this bill carries money that definitely is earmarked to help maintain the strength and the effectiveness of forces like these. I do not know whether we are providing enough assistance for the people who are standing by our side. I want to insure that their units are modern, and that their equipment is modern, so that they can do an effective job when they fight alongside American forces.

May I ask my distinguished friend, the chairman of this committee, are we providing sufficient money for the modernization of those forces who really stand with us?

Mr. **PASSMAN**. Let me say to the distinguished gentleman that I would like first to thank him for the very generous and gracious compliment that he paid to me at the beginning of his remarks. This is a difficult bill to handle and a little pat on the back, even occasionally, makes an individual feel good in his fight, even against tremendous odds, to keep the committee, and the Congress, and the country alert as to how far we have gone with this worldwide foreign aid program.

But with respect to the Republic of China, I have tried for many years to find some reason to criticize the aid that had gone to the Republic of China. In my many official trips to the Far East trying to find where our money had been poured down a rathole, I would finally arrive in Taiwan. I must say it is the one nation where we have made a good investment. Those people are extremely appreciative of our assistance. They have built a strong economy. Without a doubt, our investment in the Republic of China is paying and will continue to pay great dividends. They are loyal to our way of thinking. They have supported us in the past and I am sure they will support us in the future.

I can only hope that there are adequate funds in this bill to update the military forces, and especially the air force, of the Republic of China, because this is the one nation in the Far East—and as far as I know, up the present time, it has been the only one—that will stand up and stand firm regardless of the odds with which they may be confronted.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from South Carolina, the chairman of the Committee on Armed Services [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I am delighted to have the distinguished and knowledgeable gentleman from Florida express his concern about the keeping of the forces in Nationalist China in a readiness position. They have about 20 divisions over there, some of the finest troops on earth. They have a fine air force.

This year, for the first time in a number of years, I supported the foreign aid bill, and I plan to support this appropriation bill, because of friends like Nationalist China.

While we are counting our friends—and they are few, I am sure—let us remember our great friends in Korea. Already they have committed as many as 30,000 troops and they will go as high as 40,000 or more. It is important, even imperative, that we keep the Korean forces, 20 divisions of 600,000 men, updated. They too have some of the best troops on earth.

These are among the few allies I know who are ready to put their faith and future in America.

Mr. Chairman, I am delighted to hear the gentleman from Florida voice his concern, backed up by the very fine chairman of the subcommittee, who has done such a magnificent job on this bill. We cannot afford to see Nationalist China nor Korea lack for one thing, because they are two groups of people on whom we can rely in this day of so-called friends, when so many of them are merely fair-weather friends.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Louisiana, the chairman of the subcommittee.

Mr. PASSMAN. Mr. Chairman, certainly it is not my purpose earlier to say that there was only one country that would stand up with us. I meant to say one country that has appeared willing in the past, in the present and undoubtedly in the future. There are some indications now that other nations in the Far East are having a new look at the situation in Vietnam and may be willing to commit some of their forces to South Vietnam. We hope that this support will grow in proportion to the amount of aid which we have made available to those nations.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am delighted to yield to my distinguished friend from Ohio, the ranking minority member of the Committee on Appropriations.

Mr. BOW. I congratulate the gentleman from Florida for bringing this matter to the attention of the members of the committee. I have been very much concerned about the lack of help from other nations. It seems to me, Mr. Chairman, and to the gentleman from Florida, I am sure, that in the past, during the years I have been here, we have been urged to vote for foreign assistance, and particularly military assistance, on the ground that there would be a great reservoir of troops ready, able, and willing to come to the defense of the United States or of the free world wherever they might be necessary. This has caused many people to vote for this bill in the past.

We have been told that it would be much cheaper to do this, that we would have these forces all over the world ready to come in to any conflict in which we might be engaged.

I congratulate the gentleman. I wish we could call the roll on the many millions and billions of dollars spent for foreign aid, to see where we stand.

Mr. SIKES. This was one of the principal reasons for support for the foreign aid bills, and one of the principal reasons why there were enough voted in the past to insure its continuation. Year after year we were told that there would be a reservoir of trained men, of equipped men, of men equipped with modern weapons, who would stand with American forces when the free world was in jeopardy. Now, where are they?

Mr. BOW. We might call the roll, I say to the gentleman. They are not there.

Mr. SIKES. Many of the forces on which we counted are not even to be found in NATO any more.

Mr. BOW. I agree with the gentleman.

Mr. SIKES. The defense of Europe has been severely damaged, yet few stand with us with significant force levels, even among the Europeans.

Mr. BOW. If the gentleman will yield further, I should like to pay tribute to those who are there with us in southeast Asia, to the Koreans, and now the Philippines, coming in, as well as the Australians. That is such a minority among those we have been helping.

It seems to me the gentleman has made a great contribution to the debate today, by bringing to the attention of the Congress and of the country the fact that so much of this money over the years has been largely wasted from the purpose for which it was appropriated.

Mr. SIKES. The gentleman is an astute observer of the problems which confront us. I appreciate his kind mention of my own comments.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am glad to yield to my friend from North Carolina.

Mr. FOUNTAIN. I should like to commend my distinguished colleague from Florida for the very fine statement he has made, particularly as it relates to aid from those who are supposed to be our friends. I believe the time has come for those people in those nations to stand up and be counted on our side, particularly if they expect to continue to get help from the United States.

On Thanksgiving Day I had the opportunity, while preparing to interview some medical authorities in London concerning the operation of food and drug programs in that country, to see 20,000 "beatniks" and others marching down the streets of London toward Hyde Park singing, "Hey, hey, L.B.J., how many kids have you killed today?"

That was vilification against America. It shows anti-American attitudes.

It seems to me the time has come for the United States to stand up and be counted and to take a position that in the future we are going to help those who help us.

Mr. SIKES. It is time for the Congress of the United States to so stand up and be counted on this issue, and when we do, then and then only will we reflect the attitude of the American people.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Florida.

Mr. HALEY. I wish to associate myself with the remarks of the distinguished gentleman, who probably as well as any other man in this Congress knows the situation with which we are confronted in foreign fields today.

This has come home to us, as I have said time and time and time again. We cannot buy friends. We continue to pour out the wealth of this great Nation. Yet in time of crisis we have few friends because they do not believe in what we believe in. We have expended the wealth of this Nation to help others. Now, when we need help, we do not get it, and we probably will not get it in the future.

I thank the gentleman.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am delighted to yield to the gentleman from Ohio.

Mr. ASHBROOK. I certainly enjoyed the colloquy between the gentleman from Florida and others. Sitting back listening, however, I am constrained to ask at least one question.

Is there not aid in this bill which will go to countries which in no way express the attitudes that are shown by the gentleman and those who preceded him? In fact, will it not go to countries which have in the past permitted the pillaging of our embassies and libraries, the desecration of our flag, and so forth?

Is there any delineation between this type of nation, those which have spurned our requests for help in Vietnam and the others? Do we not treat them equally with the Philippines, Australia, Korea, and others? Would the gentleman shed some light on that subject?

Mr. SIKES. I am afraid that I cannot offer much that is helpful. That is one of the reasons I am on the floor now. I am seeking assurances there will be a change in policy. I am disturbed by the fact that there appears to be very little distinction made between friend and neutralist, or between stanch friends and those which would not stand up to be counted, very little distinction is made in this bill.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the chairman.

Mr. PASSMAN. Of course, every program in this bill is presented on an illustrative basis. Not only the economic grant aid program but also the military aid program is on an illustrative basis. The witnesses indicate during the hearings where they may allocate the money, but they do have a right to transfer it whenever they want to. For many years I have contended that the aid program should move away from the illustrative program basis and move to a line item bill. I hope to see the day when we can handle this bill on that basis.

Mr. SIKES. Finally, let me reiterate. Mr. Chairman, the concern I have is that so much money in this bill is going to people that as far as I can see are not helping us when we need help. I would gladly vote for a foreign aid bill in a reasonable amount which provides needed help for nations which help us.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman.

Mr. HALEY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Chairman, my opposition to "checkbook diplomacy" and the foreign aid program, which is the principal implementing instrument of that kind of foreign policy, is well-known to all of my colleagues in the House—and I will not belabor the reasons for my position.

I will content myself at this point in the debate on this wasteful misuse of the taxpayers' money—misuse which I believe, as I have pointed out in the past, is in violation of our powers under the Constitution—with this brief observation:

Any program of foreign policy which contemplates the use of U.S. dollars for the support of projects in Communist Cuba—which means for the support of Red Russia and Red China and all of world communism—should be rejected by this House, which supposedly represents the interests of the United States.

I refer, of course, to the disbursements of funds of the United Nations for the benefit of Communist Cuba, the tool of Red Russia and Red China. We contribute 40 percent of the funds of the United Nations—and thus contribute 40 percent of the United Nations disbursements in support of Communist Cuba projects.

The distinguished subcommittee which handled this appropriations bill questioned this use of the tax revenues extracted from American citizens. The subcommittee was told that the use of these dollars for support of Communist projects was "in the national interests of the United States."

I must say that I fail to see how the support of communism is in the best interests of the United States, and I am forced to question the wisdom of officials of the Agency for International Development who adhere to any such philosophy. If they can reach such a gravely erroneous decision on this matter, how can we expect them to be right in any other decision they may make regarding the disbursement of funds which belong not to them, but to the people?

At page 947 or part 2 of the hearings on this bill, it may be seen that United Nations expenditures in support of projects in Communist Cuba—Fidel Castro's Cuba but also Moscow's Cuba and Peking's Cuba—have amounted to $4.3 million since 1959. Of that amount, the United States, prime target of the Communist overlords, has contributed $1.72 million—that much in support of our mortal enemy.

I grant you that this is but a trifling sum in comparison with this $3 billion-plus bill. But to me, it is symbolic of the misguided philosophy and policies which underlie the entire foreign aid program. I shall, of course, vote against this bill.

Mr. CHAMBERLAIN. Mr. Chairman, as my colleagues know, I have long been concerned with the free world shipping to North Vietnam. I was much encouraged when I had an opportunity to read the language that was agreed to in the authorization bill that was passed not too long ago. Now, although I understand that the public law has recently been signed by the President—just yesterday, I believe—and the document room does not yet have a copy of that public law available—during the recent quorum call I went out to the document room and got a copy of conference report 1927 on the Foreign Assistance Act of 1966. In this report we find the language of the authorization bill as it was finally agreed to. And, I have made a copy of this report available to the gentleman from Louisiana, the chairman of the committee.

And, Mr. Chairman, I would call the gentleman's attention to the language which appears on page 12 thereof. I have discussed this with the gentleman. This language includes the restrictions, that the Congress, both the House of Representatives and the other body, in their wisdom sought to impose upon appropriations made pursuant to this authorization, to limit aid to countries who permit their ships to carry goods to North Vietnam.

Now, Mr. Chairman, this is strong language as contained in this authorization bill, very strong. But we will find in the bill itself that we now have pending before us today, on pages 8 and 13 thereof, a watered-down version of this limitation.

Mr. Chairman, I would like to ask the chairman of the subcommittee, the gentleman from Louisiana [Mr. PASSMAN], why it is that when both bodies have agreed to a strong limitation upon any aid to any country that permits its ships to go to North Vietnam that we now have in this legislation before us, a weakened version thereof.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, may I say to the distinguished gentleman from Michigan [Mr. CHAMBERLAIN] if he will refer to page 8 of H.R. 17788, the gentleman will find the following language:

> No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam, unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination.

Mr. Chairman, the committee felt that that represented just as strong language as we should have in an appropriations bill. We are dealing, more or less, in a legislative policy field.

Has the gentleman from Michigan [Mr. CHAMBERLAIN] read that language previously?

Mr. CHAMBERLAIN. Yes; I have it before me. And, I say to the chairman of the subcommittee that I have read that language. But may I say to the chairman that this determination—Presidential determination—and the authority to permit the President to authorize aid to those who are carrying goods to our enemy is a limitation that we do not have with respect to Castro Cuba.

And, Mr. Chairman, if the gentleman from Louisiana, the chairman of the subcommittee, will turn over on page 7, in section 107, the gentleman will find that there we have a limitation on aid to Cuba, but there is no discretionary clause. We have a flat prohibition contained therein as to Cuba. No one can get any aid if they are helping Cuba. But we say that if someone is helping North Vietnam then the President can say that we shall give them aid if he thinks it is in our interest.

Mr. Chairman, I would like to ask my friend, the gentleman from Louisiana [Mr. PASSMAN], this: Can he give me an example of a situation where the President would determine that it is in our national interest to give aid to a country whose ships are trading with North Vietnam?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SHRIVER. Mr. Chairman, I yield 5 additional minutes to the gentleman from Michigan.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. CHAMBERLAIN. I yield further to the gentleman from Louisiana.

Mr. PASSMAN. May I first commend the distinguished gentleman from Michigan [Mr. CHAMBERLAIN] for the great contribution that he has made, not only in this bill but in many others dealing with our foreign policy.

Let me also say that I am in sympathy with his objectives. However, I represent the committee today, not myself, and I support the committee's position that we should not tie the hands of our

President in this field of international relations.

I know the gentleman has certainly been a champion in this field for a long, long time, and I go to him often for advice and good counsel. He is one of my very good friends.

I shall reply more or less hypothetically to his question. I can picture a situation where we may have an extremely friendly nation, a good ally who is on our side, working on our side, but who may have had existing trade agreements with Cuba, unfilled commitments, and they only ask for a limited time in which to meet those commitments. Since we have not declared war on North Vietnam, and our allies have not declared war on North Vietnam, it is only natural that certain trade agreements have been in effect.

I can picture a situation where one of our good allies may want to live up to its commitments. They may have had possibly 50 ships going into North Vietnam, and they have reduced that total down to maybe as low as 2. Whereas, if this language had been in force, they may have had an overthrow of their government and we may have gotten one unfriendly to us.

In many instances there are reasons why we should not tie the President's hands when you are dealing with such situations.

On the surface, yes; I would quickly say let us put this language in, let us take this "right" away from the President. But I know of circumstances where it would be against the best interests of our Nation if we should just handle this situation as closely as we are handling it now with Cuba.

Mr. CHAMBERLAIN. Do I now understand that the gentleman is advocating a double standard insofar as those who are trading with Cuba, and those who are trading with North Vietnam? We have not given such authority to the President with respect to those trading with Cuba.

Mr. PASSMAN. My answer was in response to the gentleman's hypothetical question. I believe that the gentleman has missed the point. I say these people should be free to fulfill their agreements when they are justified.

Let me say to the gentleman that this committee is not supposed to make decisions for the executive branch.

Mr. CHAMBERLAIN. Mr. Chairman, I want to take this occasion to call the attention of my colleagues in the House to the language of the authorization bill. And I would ask, Where were the voices to be heard when we were adopting the language in this authorization bill?

The language on page 12 of the conference report—and again it is the public law:

> (n) In view of the aggression of North Vietnam, no assistance shall be furnished under this Act to any country which has failed to take appropriate steps, not later than sixty days after the date of enactment of the Foreign Assistance Act of 1966—
>
> (A) to prevent ships or aircraft under its registry from transporting to North Vietnam—
>
> (i) any items of economic assistance,
>
> (ii) any items which are, for the purposes of title I of the Mutual Defense Assistance Control Act of 1951, as amended, arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, or items of primary strategic significance used in the production of arms, ammunition, and implements of war, or
>
> (iii) any other equipment, materials, or commodities; and
>
> (B) to prevent ships or aircraft under its registry from transporting any equipment, materials or commodities from North Vietnam.

Sections 1 and 2 cover economic assistance, and strategic goods, but what about the trading by other countries that are shipping to Hong Kong and their goods are then transshipped in other vessels to North Vietnam?

This language of the authorization bill refers to any other equipment, materials, or commodities. Then, further, I would say to my colleague from Louisiana, that we go on from the language of the authorization bill:

> (B) to prevent ships or aircraft under its registry from transporting any equipment, materials, or commodities from North Vietnam.

Now, North Vietnam is exporting in free world vessels to other countries—and that is where they get their foreign exchange, and our authorization language would prohibit aid to any country that permits those vessels to carry goods from North Vietnam.

I say why do we not stick to the language of the authorization bill.

Mr. PASSMAN. Would the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman.

Mr. PASSMAN. Could the gentleman tell the gentleman from Louisiana the number of nations, that is, our allies, who are presently shipping to North Vietnam?

Mr. CHAMBERLAIN. I would say to the gentleman that my information is, and this is one thing I think is good, too, that since Congress expressed itself on this matter last year this trade has fallen off. I think we in the Congress have had a part in drying it up. So far this year there have been 58 vessels from free world nations that have gone to North Vietnam—and that is 58 ships too many—but last month there were only 3 vessels, and they were from the United Kingdom, Cyprus, and Malta.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman from Louisiana.

Mr. PASSMAN. All of this was accomplished under the exact language in the bill before the Committee at this time, and I am sure I can tell the gentleman—and it is a matter of fact—that it is now down to about two nations, and there will be only a few more ships going into North Vietnam. This bill contains the same language this year that it contained last year. I think the gentleman made a contribution to dry up this shipping, and I think the encouragement given in this bill will assist the Executive in indicating to our allies that more drastic legislation will be forthcoming if they do not abide by this. It is just about at an end, and I certainly hope the gentleman will be satisfied with the language in the bill, since it has accomplished so much up to this time.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman from Iowa.

Mr. GROSS. The fact is that there could be 50 ships tomorrow, is that true, under the language that you have read, but I believe you have omitted the words "if the President determines it to be in the national interest"?

Mr. CHAMBERLAIN. That is so. That is the language of the bill we are passing today.

Mr. GROSS. It is also in the authorizing legislation, is it not?

Mr. CHAMBERLAIN. No, it is not in the authorizing legislation. We did not give the President that authority. We in the Congress had a flat prohibition against giving aid to any country that permitted its ships to ship into North Vietnam. Now we have a bill stating that if the President thinks it is in the national interest, we have no objection.

Mr. GROSS. I thoroughly agree with the gentleman. If that was the language in the authorization bill and it did not include a grandfather clause giving the President the right to do thus and so, I am thoroughly in agreement with the gentleman that the bill ought to have an amendment to install that provision in it.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman from Illinois.

Mr. COLLIER. In reading section 109(a) of title I of the bill, and in attempting to determine, as I am trying to do, just how this would apply, how do we know whether a ship going into North Vietnam, or for that matter, into the port of any Communist country, bears the prohibited materials or supplies defined in that section of the act? Who inspects the ships? Who determines what is in the cargo and who in turn determines whether there is a violation of this section?

Mr. CHAMBERLAIN. The gentleman puts his finger on a very sensitive point. It is difficult indeed to know. There are ways and means, I presume, of finding out here and there, but this is most difficult. It is one of the things that I think is wrong with the shipping on the Mekong River to Cambodia. We do not know what is in the ships.

Mr. COLLIER. Does the gentleman feel that I am out of line in trying to determine what ways and means are used to comply with this act? It should be an obvious question.

Mr. CHAMBERLAIN. Perhaps there is someone here more knowledgeable than I. Of course, there would be a manifest for the vessel, but it is difficult for us to inspect the manifests of vessels that are going into Haiphong. I do not know how we could do so.

Mr. COLLIER. Do we inspect the manifests of ships going into not only the port of Haiphong but, if I read this section of the bill correctly, ships going into the ports of "any nation whose government is based upon that theory of government known as communism?" I just want a little light shed on the matter, that is all.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Are you talking about the North Vietnam limitation?

Mr. COLLIER. I am talking about section 109 as it would apply to North Vietnam, Cuba, or any other nation as defined in this section of the act. I did not write it; I am just reading it.

Mr. PASSMAN. It is a different section than the one about aid to North Vietnam.

Mr. COLLIER. That is correct, except that I do not think you can divorce completely one from the other, if I read correctly the definition as it applies to the purpose and intent of this section of the bill.

Mr. PASSMAN. Our objectives are identical. The question is how to accomplish them. We brought you the best bill we possibly could. We did what we believed was expected of the committee.

I believe it is legislation that the administration can live with, and I believe it is one that will very well serve our purpose. I do appreciate the gentleman not offering an amendment but merely entering into an exchange on this so we can make legislative history.

Mr. COLLIER. May I get back to my question? Who makes the necessary determination?

Mr. PASSMAN. What is it the gentleman is seeking to determine?

Mr. COLLIER. Based on this, who determines whether it is a violation?

Mr. PASSMAN. I cannot answer the gentleman's question exactly. The gentleman from Michigan said earlier something about a manifest.

Mr. COLLIER. I am still in an interrogative mood. It does not appear that the information is available.

Mr. PASSMAN. Of course, we do have our undercover services. There are agencies working day and night.

As chairman of this subcommittee, I assure you I will ask the AID agency to furnish me anything that is not classified.

Mr. COLLIER. May I say to the gentleman I do not believe it is a question of getting too far into it. It may well be in a matter of a few short months we may find ourselves in a position where we have not gone far enough into it.

Mr. CHAMBERLAIN. Mr. Chairman, I do not propose to yield further as I would like to conclude my remarks.

First of all, I agree with the gentleman from Louisiana. He does not want this shipping to go to Vietnam any more than anyone in this House. I know we are both seeking the same end.

I say to the gentleman from Illinois, how do we know what is in the ships? It is difficult. We are not going to know. What is important today is that we make it known to the world that we cannot tolerate shipping into Vietnam by our friends to whom we have given aid in the past or to whom we may be giving aid in the future. This is one time when we can make that well known.

I say further we should not have a dual standard, of being tough on those who trade with Cuba, but not being just as tough on those who trade with Vietnam.

Mr. SHRIVER. Mr. Chairman, I have no further requests for time.

Mr. PASSMAN. Mr. Chairman, I yield to the distinguished gentleman from California [Mr. COHELAN], a member of the committee.

Mr. COHELAN. Mr. Chairman, Members of the Committee, first of all I want to thank the chairman for this time and to say with all sincerity that my 2 years on the Subcommittee on Foreign Operations have been a very revealing and wonderful experience. I want to join those others who have complimented the chairman on his dedication and the intensity with which he attacks this particular foreign operations problem, even though we often differ.

Of course, as the chairman himself has admitted, we all do not agree on certain matters, but in terms of the principle of trying to get the most for our money and the biggest return for our buck, the most economic assistance and the most desirable results, our chairman is foursquare.

I believe, too, it should be said—and I say this with great pride—that the Members on the other side of the aisle, who serve on our committee, are Members of great distinction and dedication, as are all my colleagues on this committee. So our disagreements are honest disagreements.

I say to the Members present, that they should note we are all supporting this bill. I believe this needs to be emphasized, because with all the criticism we have heard this afternoon, one would think we were not supporting it. We do support this bill. We bring this bill to you with a "do pass" recommendation.

I am honestly glad the distinguished gentleman from Michigan, my former colleague on the Armed Services Committee, got into the discussion about shipping. I can only say—and if the Members will take the trouble to look through the hearings, they will see—that we have gone into this subject in great detail. The chairman has given some suggestions and indications as to why we should leave that subject and move on.

We all want to accomplish the same goal. There are so many ways one can approach this problem, I hardly know where to begin, but I believe it is time for some of us to speak out in strong support of this program.

I have had the opportunity to travel throughout the world on many occasions, both on the Armed Services Committee and on this hard working Subcommittee on Foreign Operations. Some of the most exciting and encouraging things I have seen have been the result of foreign assistance by this country.

We can quibble about semantics and we can go into the business about whether or not this is foreign assistance, technical assistance, or supporting assistance, or whether it is a part of our foreign policy, or whether it is foreign aid, a bank loan, or multilateral aid or what not, but the fact of the matter is that the agricultural program is indeed foreign aid and part of our foreign policy.

Incidentally, one should ask, Why is not Public Law 480 in the Foreign Operations Subcommittee? We know very well why it is not in the Foreign Operations Subcommittee. It is because it is an agricultural program. As an agricultural program, it serves the enlightened self-interest of this country. To say it is not also a foreign assistance program would, of course, be wrong.

Members will notice, if they read the report, that the report states this.

We had some argument about this because some of us feel the matter we are dealing with should be limited in scope to foreign assistance, technical assistance, and supporting assistance.

Every dime that is in this bill is in this bill for a very good reason. Some of us feel, in some of the areas of economic and technical assistance, we have cut too severely and that we should do more, not less.

Make no mistake about it. When we look at this vast array of activities which relate to our foreign operations, we must ask why do we do all this? What are we in the Ryukyu Islands for? What are we in Okinawa for? What are we in Korea for, with two American divisions in addition to military and economic assistance? We all know why. We can argue about this, but we are there for reasons of foreign policy well known to all of us.

Among other things, it is for our own self-interest. Let us hope it is our enlightened self-interest. But do not let anyone tell you otherwise.

I can remember the time when I came back to this country from Korea in 1961. I was terribly upset by what I saw, by the waste I witnessed, by the poor prospects I encountered. Anyone with any commonsense who saw what I saw would wonder how long it could go on. It did not. We tightened up the program.

Let me say something else. Ambassador Berger, now the Assistant Secretary for Far Eastern Affairs, who was there throughout the crisis in Korea, came before our committee and reminded me particularly of the Korea success story. Many of us would never have predicted then that Korea would have been capable of exporting any of its own commodities to compete on the world market. Members will be pleased to know that last year Korea, as a result of our aid, economic and technical assistance, to say nothing of our military assistance, exported some $280 million worth of commodities. Before that she was not an export nation.

The point is, it is a success story. Progress continues.

Taiwan is another economic success story, and there are others I could dwell on in detail if I had enough time.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. PASSMAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. COHELAN. I thank the gentleman.

I should like to say a word about "other people's quarrels," because I believe this confuses the issue of foreign aid from time to time. This is not hard to understand.

I want all Members to know that I stand in strong support of foreign assistance, but I do not stand for wasting a dime. I do not stand for the idea that other countries who are the recipients and beneficiaries of this program should play "footsy" with the objectives of this program.

I am going to name names.

I do not believe military assistance in Pakistan should have been used to attack India, nor do I believe than any military assistance to India should have been used against Pakistan. But it happened. Incidentally, one of the ways that matter was settled was because we did have a relationship with both countries that was positive.

These are negative things we hear. I should like to talk, if I had time, about what is going on in Pakistan, about the Mangla Dam, and about the Indus Canal project. This is a World Bank consortium which this foreign assistance program funds.

Many Cooley loan projects make it possible for our industry to trade and to carry on economic operations in these countries. This would not be possible if it were not for our foreign assistance and aid.

I would remind the Members that not only is it a question of being right, not only is it a question of being good foreign policy, not only is it a question of being humanitarianism, but, we must remember, it is a question of our own enlightened self-interest, because we are helping to create markets for our overseas products. If we are ever in the long term going to develop markets where we can export the great triumph of American enterprise, if you please, there must be countries who can buy our commodities. They have to have foreign exchange.

The enormous gap between the rich and the poor nations cannot be better illustrated than the fact that only 18 percent of the world's population control about 70 percent of the world's income, provide about 70 percent of the world's investment and carry on about 70 percent of the world's trade. And, in fact, this same 18 percent of the population control the fate of the 82 percent who live beyond the wealth and riches of the developed world.

The overabundance of wealth in one small section of the world has created such unbalances that the developing nations of Asia, Africa, and Latin America have produced societies that cannot run themselves. The Western World has controlled the flow of trade, has organized behind high tariff walls, and has managed to maintain demand and rising standards inside the Western community often to the detriment of the economies of the less-fortunate nations. And, because of this economic superiority of the Western World, the general development of Asia, Africa, and Latin America has been largely conditioned by the decisions and policymaking of the wealthy nations. In this context, the underdeveloped world is very much a situation of our own making.

But today we must not only look to our own prosperity—we must also look ahead to bringing the developing nations into the arena of what is now enjoyed by the privileged few.

To make a major effort to admit the billions in the underdeveloped countries to the fruits and opportunities enjoyed by the West, the developed countries must take united action. We must share the aid burden equitably, concert trade policies to assist the developing world and not hinder it, and inject greater capital and technical assistance in the fields of agriculture, education, and industry to begin the cycle of development.

Economic growth takes place only when all of the goods and services produced in a country increase over the year before. This growth is generally achieved if for no other reason than that the labor force is growing from year to year. But to achieve economic development, the economy must grow considerably faster than its population in order to increase the per capita income of its people.

Production cannot grow much faster than population unless the productivity of a single worker can be greatly increased, unless there is investment in industry and manufacturing, unless there are educational opportunities to provide the capable manpower, modern agricultural techniques, and adequate health care which will provide more man-hours. As long as most of an underdeveloped country's production—GNP—is in the unmechanized agricultural sector it cannot grow rapidly enough to improve the country's situation. But in order to expand all these sectors, an investment must be made which exceeds a poor country's means.

To invest in a business or an industrial activity requires the purchase of equipment and the capital to set up operations as well as to provide for the upkeep of equipment and eventual replacement costs. In underdeveloped countries, however, such equipment is usually not available, nor are the people with the skills needed to run an enterprise or to operate equipment available. All of these, unfortunately, must be obtained outside the country and imported. To do this, the less-developed nations must have foreign exchange—currency which will be accepted by the country from which it wishes to purchase these goods. To obtain such foreign exchange requires an increase in exports.

But most underdeveloped countries find themselves in the position of having to increase their imports to get the needed goods and services much faster than they can possibly increase their exports. And, in most cases these imports require more investment than their current exports can finance.

One way in which our foreign aid program increases investment in the less-developed countries is to extend credits to these countries in foreign exchange which increases that country's ability to import investment goods and thus improve its future ability to earn foreign exchange by itself. Other ways in which the aid program helps is to assist these nations to increase their manpower ability, and to improve their one potential commodity—agriculture.

Probably one of the most agonizing problems of the less-developed countries today is to create a dynamic agricultural system—for if there is no agricultural revolution, there will be no technological revolution. Japan is one of the best examples of adopting a modern agricultural system, which in turn created some of the needed foreign exchange and helped the country begin the cycle of industrialization, as well as provided efficiently for the food needs of the population.

By grassroots land reform, new methods of fertilizer use, better cropping procedures, improved seed, Japan was able to produce on 1 acre five times as much as she did before. The increase provided the surplus with which to feed the city dwellers—in fact, two-thirds of it went to the cities. As the farmers became more productive, and farming became more lucrative, farmers could afford goods and created a market for the city dwellers, expanding the cities' industrialization. Japan now enjoys a growth rate of about 9.5 percent over the last 12 years. Her growth program has been so successful, in fact, that her export earnings have exceeded her need for imports by a total of $1,300 million over the last 12 years.

Modern agriculture, by the example of one country, can be crucial to the process of development. Farmers take up a higher percentage of the population in the developing countries and there must be an active market in the countryside as well as in the cities to begin the cycle toward growing economies.

In Asia, particularly, the pressure of population tends to split the already small land holdings into even smaller holdings. Unemployment causes people to move to the cities where they are not prepared to enter the labor force, and remain unemployed. So in Asia, as well as in other developing regions of the world, there is a special need to produce more on a small amount of land. There must also be land reform to give inducements for change; there must be application of new technologies—greater fertilizer use, improved seed, insecticides, water supplies, modern machinery, and teachers to bring in the new techniques—and there must be credit for farmers.

Economic growth cannot be thought of strictly in terms of just capital to buy goods and services. To achieve development there must be a steady increase in education. The vast mass of people in the less-developed countries have no training at all. This is a crucial gap between the rich and the poor nations. Our own prosperity and that of the Western World is based on the contribution made by developed skills, administrative competence and trained minds. According to some estimates, as much as 60 percent of the growth that is now occuring in the West can be attributed to investment in minds.

Therefore, the type of economic and social structure in the less-developed countries today is unlikely to produce further growth itself: agriculture is caught in the pressure of population, industry is caught because the economies of the less-developed countries have been geared toward external trade and no internal market, education is caught because of the immense cost of acquiring skills, and even the export sector is caught by the fact that the world has gone through a deflation of primary prices.

There must be a momentum from outside which can be created by larger and wiser injection of Western aid to get the cycle underway.

The Western World, at the same time, must devise trading policies which stimulate the advance of the less-developed countries by stimulating local manufacture to build up export incomes. For it is in the economic self-interest of the wealthy countries to enable the less-developed nations to become partners in the dialog of world trade. As the needs of the developing world grow and consumers increase, so will this balance out the Western World's need for new markets.

And, each of the Western countries must meet its share of the aid burden. DAC recommends a 1-percent GNP input in foreign assistance from the developing countries. The bill which we are considering today is less than one-third of 1 percent of the U.S. GNP.

This is a very minimum amount we are considering today to help create the needed impetus for growth in the less-developed nations. But it will go a long way to help the poorer nations produce for themselves and enter the circle of developed countries which today occupy only 18 percent of the world's population.

The **CHAIRMAN**. The time of the gentleman has again expired.

Mr. **COHELAN**. Mr. Chairman, I wonder if the gentleman from Kansas [Mr. SHRIVER] can give me a little extra time.

Mr. **SHRIVER**. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. **COHELAN**. I thank the gentleman for his graciousness.

I want to speak about the Turkish program. I have personally witnessed programs at the Hacettepe Science Center which, incidentally, was funded in part by this program. They are making tremendous progress in the training of doctors and in the training or nurses. So too is the Admiral Bristol Hospital and its nurses training program which is funded by this bill. The Peace Corps and technical assistance projects are superb. We are helping them to set the kinds of standards that are essential to their development. We have helped to create an economic environment where it is possible to trade. If you look through an index of American industries operating in these areas, you will find out why. It is because of the Cooley project loans, World Bank operations, the development loan field, and technical assistance.

I want to say unequivocally, to all who listen and who read this, to any foreign country that does not recognize that some of us are trying to support a decent program—and this goes for everyone on this committee—when they misuse our assistance, we cannot support it.

There are some countries that the gentleman did not mention who are very friendly to this country but who have their own national interests. This is a perfectly legitimate thing, but the aid we give them is not always used well. Yet one could not say that the countries I have in mind are unfriendly countries. The Pakistani program is, in fact on the verge of an economic breakthrough which is remarkable.

Lady Jackson, a brilliant and world-renowned economist who has written extensively on the subject of foreign aid—and I commend two of her books to you, "Rich Nations and Poor Nations" and another recent book "Spaceship Earth"—has quite correctly pointed out that whether we like it or not we are on this planet together and we had better jolly well get along together and help one another maintain peace and decency in this old world.

We have a tremendous opportunity in the world today to meet some of these challenges, and we are doing it. Let us not shrink from our responsibilities. There has been enormous progress made in many of these countries which have been beneficiaries of our assistance. We should be justly and humbly proud of our achievements.

Now I want to turn from Pakistan to India. In India we have been trying to persuade the Indians for some time to keep their defense budget down and we have been urging them to try to close the food gap. Everything our chairman says in the subcommittee report is unfortunately right. We spent a lot of money in trying to help India. But remember, we have a very excellent relationship with India and a democratic and viable India is absolutely vital to the objectives of a free world and the objectives of the United States of America.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks. I also urge support for this bill without amendment.

The **CHAIRMAN**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **PASSMAN**. Mr. Chairman, I yield to the distinguished gentleman from Texas [Mr. GONZALEZ], for whatever time he may consume.

Mr. **GONZALEZ**. Mr. Chairman, we are discussing here today the worth and scope of a program that may well be the most valuable contribution we can make in our lifetime toward a secure and peaceful world. In fact, if it were up to me, I would increase, rather than decrease, the program.

Mr. Chairman, I submit that we are fortunate indeed to be able to make the investment here before us, and know that the funds will be so productive. We have an inspiring concept here, of the three initiatives enunciated by President Johnson—a worldwide war on hunger, through the carefully thought out and expertly planned new initiative in food and agriculture; a worldwide onslaught against killing, crippling and debilitating disease and ill health, through the new initiative in health; and a worldwide attack upon ignorance, through the new initiative of the best investment this or any other country in the world can make: education.

History may well record that the most constructive actions after World War II by any nation anywhere in the world were the test ban treaty during President Kennedy's administration, and the Marshall plan during President Truman's. If you look back at the CONGRESSIONAL RECORD for the late forties, Mr. Chairman, you will find voices of gloom about the Marshall plan; you will find "Maybe we had better not" and "We cannot afford it" and "Let us wait till next year." And yet, to the everlasting glory of this country, we went ahead; the Congress did vote it, and it was the most resounding success we now have to our credit. Europe did not go Communist; Europe did get back on its feet, and today the countries of Western Europe that we helped are themselves pouring out foreign aid at an increasing pace.

Mr. Chairman, I am not in the least dismayed that we are here proposing to spend a small fraction of what we spend on military security to help tear out the roots of war: poverty, hunger, ignorance, disease, and despair. I do not blush to say that I am enthusiastic about this opportunity; it is perfectly obvious we can afford it, and I marvel not at what it will cost, but at the fact that, relatively speaking, the cost is so little.

What, in fact, do the new initiatives in foreign aid mean?

In the area of food and agriculture, I will not weary you with a repetition of the figures; you know them well. In a few years—unless we act—the world food shortage will far outstrip our capacity to do much about it—even if we put all possible acreage back to work. The answer is obvious: the underdeveloped countries themselves must increase their capacity to take care of their own—and that is exactly what those countries and our Agency for International Development have in mind. The battle is already joined, and with our help, in 26 developing countries that have had our assistance over the past decade and a half, the increase in crop output has exceeded the burgeoning birth rate in all but 5 countries. Our Department of Agriculture has found that it is practical and possible for most developing countries in the next decade or two not only to meet their own food needs, but to achieve a surplus, which they can then use for export or investment.

Let me give you a couple of examples of what we are doing in this area, and can continue to do:

Last year, there were 200,000 students enrolled in Asia, Africa, and Latin America in agricultural schools and colleges which our AID funds helped to establish. If you want to know what that means, ask any county agent in any State of the United States.

We can ship half a ton of wheat abroad, and it will feed 70 people for a year. That may be admirable. But if we ship half a ton of fertilizer to the same place, the country can grow enough wheat itself to feed 200 of its own people. AID in the coming year wants to use about a third of its agricultural assistance funds for fertilizer—to finance exports of our fertilizer, and more important in the long run, to provide U.S. equipment and engineering skill to build fertilizer plant capacity where it is desperately needed.

In the food-for-peace program conducted by AID and the Department of Agriculture, America's voluntary relief agencies are operating rural development programs around the world, with food serving as part wages, part incentive. Food aid obviously has played and will continue to play a vital part in disaster relief, and I do not need to emphasize its necessity for child-feeding programs. The food-for-peace program is a wide-ranging and most valuable one, and I mention here only a fraction of its benefits.

Agriculture in our time has come to include farming of oceans, rivers, and ponds. With AID assistance, thriving commercial fisheries have begun to harvest protein in India, Korea, and the Somali Republic—to name a few of many countries. In East Pakistan, villagers now take a ton of fish from ponds where 3 years earlier they got only 70 pounds.

Our new initiative in world health contemplates the eradication or control of the killing and weakening diseases that sap the human resources of the developing countries; the slow but sure elimination of malnutrition among mothers and children; assistance in the worldwide effort to reduce the pressure of uncontrolled population growth, and the establishment of training and research centers in the developing nations so that they themselves may improve and widen their own health programs.

A sampling of the programs in this area might include:

The wide-ranging war on malaria is releasing long-wasted reserves of manpower and land. In Ecuador, for instance, malaria-carrying mosquitoes had driven away practically the whole population from one region. The mosquitoes have now been controlled, the people are back, and the region is producing some of the richest crops in the country.

In the Philippines, a highway contractor found that after malaria was eliminated, two men could do the work that formerly took three men. His labor costs dropped by $200,000.

In Africa south of the Sahara Desert, smallpox kills one out of every four persons who catch it. Among the survivors, adults and children, there is a tragic toll in blindness and disfigurement. In West Africa, the mortality rate from measles runs as high as one out of every five, and measles in that area leaves many surviving children blind or deaf for life. AID aims to control measles in Africa by 1971, and eradicate smallpox for good by 1975.

President Johnson has observed that vitamin and protein deficiencies are robbing many countries of the productive capacities of their people. Malnutrition hits hardest in the first 5 years of life, retarding the physical growth of children and often their mental capacity as well. This is an irreversible process, and where food shortages are chronic and widespread, every other child is so affected. The answer is not simple or easy, and developing nations must be willing to devote their energy and facilities to the problem. Education for doctors, health workers, and mothers is needed; homegrown food commodities must be enriched. AID has pilot projects in this area underway, and hopes to reach 150 million children in the next 5 years.

Early last year, the President announced a determination "to seek new ways to use our knowledge to help deal with the explosion of world population and the growing scarcity of world resources." AID has begun its response to requests for help in family planning programs. South Korea and Taiwan have established clinics. Honduras is seeking training, educational materials, and other assistance to family planning efforts in rural health centers. Tunisia and India want technical assistance, transport vehicles, education aids, and training to support family planning programs. The need has spurred research in this country in universities, governmental facilities, and other institutions, and AID is ready to put more advisers in the field to meet the rapid increase in requests for help with national programs.

Finally, Mr. Chairman, the new initiative in education is attracting the best efforts of leading American universities under contract with AID and of the Agency's own employees. In the educational area, as in others, we have problems to challenge us and accomplishments to make us proud, and I would like to recall a few:

Literacy averages about 60 percent in Latin America and the Far East, but only 25 percent in the Near East and south Asia, and only 16 percent in Africa. Progress, self-government, and independence demand citizens who can write their own names, who can reason, who can analyze experience and courses, and who can make their own choices and contributions. We have made impressive beginnings in the education area, and we have much more to do.

In India, the Indian Institute of Technology has been established as a national scientific and research center, with the help of nine American universities: Caltech, Carnegie Tech, Case, and MIT; Ohio State, Princeton, and Purdue, and the Universities of Michigan and California.

In Colombia, more than 400,000 children in a thousand schools are getting better education through a television network that covers 80 percent of the country's most densely populated areas. Television is a valuable tool while more teachers are being trained in this country and others.

There is a real need for better teaching of English in the developing countries, where in many cases English is the only common language in lands of many dialects, and where in every case English is a major language of international communication. AID with contract help has developed a self-teaching English program, including workbooks, films, soundtape, and language cards, to train English teachers in 4 months instead of 2 years.

In the Partners of the Alliance program for Latin America, high school students in Virginia and Texas have collected funds to provide schools in Peru with school supplies, tools for vocational education, and cement mixers and hand tools for do-it-yourself school construction projects.

This brings me to the subject of self-help in the developing countries. President Johnson has said that we will help only those countries which show that they will help themselves. This is occurring in those countries, in education as in other vital fields. The less-developed countries, with a total population of 1.3 billion people, have been increasing their own budgets for education an average of 15 percent a year. For every American dollar that goes into education in Latin America, the Latin Americans themselves contribute the equivalent of 63 U.S. dollars. Our AID dollars do not do the lion's share of the work—but in country after country, they do provide the extra little bit, the vital margin between success and failure.

Mr. Chairman, as you are well aware, I have touched only a few spots in the vast and complex terrain of foreign aid. Yet I hope my remarks have been indicative of the whole. This is a program that has been studied and restudied, presented and re-presented. It is a 100-percent, sure-fire bargain that we cannot afford to pass up. The prospect of doing so much for so little, in behalf of ourselves and our children, should be irresistible. I urge that we approve forthwith the continuation of this surpassingly valuable work.

Mr. CONTE. Mr. Chairman, this is the eighth year I have sat on the Subcommittee on Foreign Operations and examined the foreign assistance appropriations request. This service has been a privilege for me. Its challenges and responsibilities have been appropriately described by former AID Administrator David E. Bell, who, in concluding an article in the July 1966, volume of Foreign Affairs, wrote:

> Whatever part of the aid business one examines, wherever one looks in the developing countries, one sees large and challenging opportunities for improving the administration of aid so as to achieve more rapid economic, social and political progress. Our mood should be restless, inquiring, impatient—for there is much to be done.

I believe that my 8 years of service have not sated my mood of restlessness, inquiry or impatience. There is, indeed, much to be done. We can improve the administration of aid.

So, too, much has been done and many improvements have been made. If, in any small part, the accomplishments and improvements in our aid effects in the past year have been motivated or hastened or encouraged by the additional views I joined in in this committee's report 1 year ago, I am proud to have had that opportunity. Briefly, I want to add my comments on this year's programs to those already expressed by the majority of the committee herein.

I continue to believe that a soundly managed economic aid program is a valuable tool of U.S. foreign policy. Because our aid programs around the world reflect and support a variety of U.S. interests and, hence, are directed to a number of objectives, it is not always easy for the U.S. public to appreciate their role and importance.

The objectives of our aid are sometimes relatively immediate, as for example, the containment of serious inflation in Vietnam or the recent provision of budget support for the Dominican Republic to help prevent economic and political chaos.

But the focus of most of our programs rightly is on the years ahead. We invest in our own future and our children's future by helping to build a world of independent and secure nations who increasingly provide their people the elemental economic and social decencies of the 20th century. Frustrated societies are all too frequently hostile and aggressive societies, and we do well by influencing constructively the course of their development, at least to the point where they can stand on their own and maintain growth without concessional aid.

The proper question in my mind is not whether we can afford a sound aid program. Properly framed, the issue would seem to be whether we can afford not to maintain an adequate assistance program.

Can we afford to ignore two-thirds of the world's people?

Can we afford to turn our backs on the wretched poverty and explosive turmoil of the less-developed world?

When one recalls that since World War II, with one or two exceptions, the world's crises have arisen geographically in less-developed areas, I assume the answer to these questions must be "No." Our Ambassador at Large, W. Averell Harriman, speaking before the Associated Harvard Alumni in Cambridge in June, answered these questions in this way:

> We cannot survive as an island of safety and prosperity, aloof from poverty, wretchedness and strife elsewhere on this small planet. We must offer a helping hand to those who ask our aid to fulfill their hopes for a better life, in freedom from outside interference.

It was at this same gathering 19 years years ago that General Marshall pointed to the needs of a war-torn Europe and proposed a cooperative plan for European recovery.

Attending the extensive hearings this year, I was particularly impressed by three things:

First, I believe that under David Bell the foreign aid program has reached a kind of maturity. In the 3½ years of his leadership, management was tightened and made more effective. Program guidelines were developed which sharpened the role and, consequently, the value of our aid programs. Most important of these is the emphasis now on self-help measures as a condition of U.S. assistance.

The most vital determinant of progress is the effort made by the less-developed countries themselves. These efforts are often difficult and sometimes unpopular. But they are the sine qua non of real development. Because our own resources are not unlimited, they are rightly provided in significant amounts only to those countries that have shown they are determined to make the best use of them.

Second, I am impressed with the continuing efforts by AID officials to encourage the participation of U.S. businesses and other non-Government bodies in the development process. The investment guarantee and investment survey programs are moving along especially well. More needs to be done, though, and the "Report of the Advisory Committee on Private Enterprise in Foreign Aid"—known as the Watson report—continues to be the most comprehensive and authoritative source of recommendations and guidelines, based on an extensive and thorough study by the committee, in this area.

I repeat my endorsement of the Watson report, filed with last year's report:

> While the eventual success or failure of our foreign assistance programs may not be determined by the contributions made by American private initiative, we are convinced that the earliest possible successful accomplishment of the goal depends upon their participation.

AID is now acting on many of the recommendations of the Watson report. For example, AID is conducting detailed studies of investment climates in six countries, prefatory to formulating programs to improve investment incentives.

Third, I am encouraged by the new emphasis in the AID program on spurring agricultural production. I think we have been slow in facing the serious and related problems of growing population and declines in per capita food output. We did not realize soon enough that the problems of industrialization were not as complex or severe as the problems of increasing agricultural productivity. Nor did we know that the road of industrialization was more seductive for the less-developed countries, even though roughly 80 percent of their people dwell in rural areas.

I think we are moving in the right direction now and that many of the less-developed countries understand the seriousness of their food problems.

In these and all of our economic assistance efforts, I shall look for AID to continue to pursue the best means for attacking the most serious obstacles to progress in the less-developed areas and in ways that effectively touch the lives of as many people as possible in these areas.

The military assistance program, continued this year as a part of the foreign aid package, has always enjoyed a greater popularity in the Congress than that of the program of economic assistance. This popularity must not serve, year after year, as a vehicle giving a free ride to a program in need of reappraisal and redirection. In so doing, a disservice is done to the developing nations we are seeking to assist and the programs of economic assistance in particular countries also receiving military assistance.

Our program of military assistance to the American Republics—the nations of the Western Hemisphere—involves us in a potentially threatening and defeating cycle—unnecessarily.

The programs are admirably defined, their objectives honorably set forth and their justifications persuasively presented. In part these materials read:

> Our major objective in Latin America is economic and social development, toward which the entire Alliance for Progress effort is directed. But we cannot hope to attain that objective unless governments throughout the area have efficient and adequate security forces to thwart elements interested in blocking that progress for their own ends.
>
> * * * * *
>
> Accordingly, the specific objectives of the Military Assistance Program for Latin America are to encourage and support the development of indigenous forces capable of maintaining internal security against threats of violence and subversion, dealing effectively with guerrilla warfare and the clandestine movement of men and armaments across land, sea and air borders for subversive purposes.

However, our control is not adequate enough nor our involvement, as is appropriate, intensive enough, to insure that the assistance we have initially made available, particularly in the sale of military hardware, does, in fact, go to meet the objectives established for the program.

It is not a difficult situation to grasp. The less-developed nation finds itself embroiled in the economic frustrations of poverty, the wretchedness of hunger, and the suffering of disease. The restlessness and dissatisfaction of the people can only be met by extensive countrywide programs of health, education, and agriculture. As we know too well, there is no instant formula for these programs. They take time. The hope for a better life is not maintained. The spirit of nationalism is weakened. The country is ripe for outbreaks of violence and subversion. The object of the military assistance program is to cope with these problems.

But, in encouraging the development and buildup of security forces to thwart these threats, the military may soon become the symbol of the nation, establishing its position of power relative to its neighbors, feeding its flagging spirit of nationalism. It becomes an easy choice to divert the nation's resources from the economic development programs to military development. In so doing, the plight of the people is worsened by the setback to all phases of economic development and the door opens wider for the success of the subversive elements which the nation seeks to overcome by the military force. One short step further in this intricate pattern brings us to the obvious possibility of open armed revolt and military aggression, developing nation pitted against developing nation.

We are presently in the position of enhancing these possibilities through our military assistance programs, particularly with regard to the supply of military hardware to these developing nations. I do not underestimate the essential need of maintaining a mutual defense capability of the Latin American nations. I do believe there is a way of maintaining this capability without our involvement in the intramural squabbles and military activity of these nations that disrupt U.S. relations throughout the hemisphere and threaten the peace and stability of the American Continent. I believe, as I have consistently advocated during my 8 years of service on this committee, that a regional military organization for the American Republics, similar to NATO—possibly under the aegis of the OAS—is that means.

Without being overly optimistic, it appears that the possibility of such an avenue for military assistance in this hemisphere is finally being given serious consideration. For the first time, during the hearings on this year's budget request, Secretary McNamara indicated to me that—

> We hope we can move toward that (the integration of planning for military forces that exists in NATO).

Admiral Heinz, Director of Military Assistance since September 1965, reported to the committee:

> What we would like to do is to promote more military cooperation among the countries (of Latin America) and to progress from there to some type of coordinated plan.

I commend the action of the Foreign Affairs Committee in providing, in the authorization bill for this program, language indicating their interest in insuring that programs for providing defense articles to the developing countries "shall be administered so as to encourage regional arms control and disarmament agreements and so as to discourage arms races."

In the report of that committee, it is stated:

> It is important that less developed countries not be encouraged to divert their limited resources from programs of economic and social development to building military establishments larger than are necessary to maintain internal security and defend against border incursions.

At the urging of the Subcommittee on Foreign Operations, added emphasis is being accorded regional programs of economic assistance; their assets are obvious. Regional programs of military assistance should also be investigated.

I am encouraged by the formation of the Central American Defense Council, made up of the five countries of Central America, with Panama as an observer. These countries, through this organization, are planning—in a coordinated military sense—means of control of subversion within their area and movements of subversive forces from country to country across their borders. I intend to follow CADC developments quite closely and have every hope for its success. It could well serve as the basis for similar organizations in Latin America—and Africa as well.

The broad purpose of foreign assistance is "to help other countries develop the ability to grow on their own and to help protect their independence while they do it." To fulfill that purpose, our economic and military assistance efforts must be mutually complementary; neither can detract from the other.

To encourage, as the primary concern of the leaders and the people of the developing nations, the economic development of their country;

To encourage a cooperative mutual defense effort to meet the common foe of every Latin American nation—Communist infiltration and subversion;

To discourage the diversion of essential resources from economic development to the buildup of a military force; and

To discourage the possibility of a nation arming to battle its neighbor;

I cannot urge too strongly the immediate investigation and implementation of a regional military organization for the nations of this hemisphere.

Mr. CHAMBERLAIN. Mr. Chairman, I cannot think of a more appropriate time or place to express what I believe to be the overwhelming sentiment of the American people, than on this bill, which undertakes to provide military assistance to 52 countries and economic assistance to 72 countries. They should be with us or they should not get a dime of our taxpayers' money. I would not dispute the level of support recommended for our friends in South Vietnam for even while I realize that our program there is in great need of more effective surveillance which could and should be provided forthwith, I want the record to show that I would support such aid if it were before us today as a separate item just as I supported the supplemental Vietnam aid authorization passed earlier in the session. However, I have grave reservations about the remainder of this bill. When we weigh the aid we have given to more than 100 nations over the years against the help we have received from these same countries in our efforts to defend freedom throughout the world I can only question the worth of much of our aid program. It is time we started to measure the quid pro quo and let the whole world know we are going to continue to measure the quid pro quo. In their hour of need the South Vietnamese people are scarcely getting sympathy from those who have been beneficiaries of our aid programs for decades. These countries should realize that if they accept our help we expect that they should be willing to render whatever assistance they can in return to defend freedom wherever it is threatened throughout the world. Until we have more tangible evidence of a return on our investment I cannot support this legislation.

Mr. LONG of Maryland. Mr. Chairman, as a member of the Subcommittee on Foreign Operations of the House Committee on Appropriations, I spent many hours this year listening to and questioning the different witnesses who appeared before our subcommittee to testify on behalf of the administration's budget for foreign aid. I strongly supported the subcommittee's decision to reduce the foreign aid appropriation from the budget estimates of $3,945,095,000 to $3,649,745,000, a cut of $295,350,000. Much of this reduction was in the military construction program.

Although I support the foreign aid program, I should like to register my reservations concerning certain aspects of the military assistance program, which has again been included as part of the foreign aid package. The primary aim of our military aid program is to resist external Communist aggression throughout the world. Another aim, which is often cited to support military aid to nations far removed from any threat of external Communist aggression, is the establishment of internal security. Proponents of this aim claim that internal security is necessary for orderly political, social, and economic stability. I seriously question the validity of the equating of military support of a regime with stability of any sort.

Months before the June coup d'etat in Argentina, I had doubts as to the advisability of providing millions of dollars in military aid to the Illia regime. Supporters of this aid cited the military support of the regime, a factor which proved unfounded when General Onganía led the military in revolt against the constitutional government.

The United States is now in a position of having provided assistance to a faction which is oppressing the populace and subjugating social needs to the establishment of a power position relative to its neighbors. Our desire to support "internal security," a vague term at best, can easily lead to support of governments hostile or at least apathetic to the real needs of the country.

Another facet of our military aid program which requires serious consideration is the very real possibility that the developing nations which we are attempting to protect against Communist aggression will use U.S. military aid against one another. Last December I was in India and Pakistan, where U.S. tanks, weapons, and ammunition had been used by both nations to further nationalist ambitions. Although Pakistan and India have been excluded from the list of countries eligible for military aid in fiscal year 1967, there is no assurance that African or Latin American nations will not utilize U.S. military assistance in a struggle of developing nation against developing nation.

Military assistance to developing nations, while it can serve a vital role in curtailing Communist aggression, must not be administered indiscriminately. The Subcommittee on Foreign Operations shall continue to give close scrutiny to budget requests for our military aid program, in order to insure that it is planned, conducted, and administered in a manner consistent with our foreign policy objectives.

Mr. COLMER. Mr. Chairman, today for the umpteenth time this House is engaged in the process of appropriating more billions for foreign aid. My position on this question of the expenditure of the taxpayers' money to unappreciative people abroad is so well known that I hesitate to again emphasize my opposition to foreign aid. However, while others who have supported this legislation for these many years are now apparently awakened to their mistake, I would like to again reiterate my opposition to this waste of American taxpayers' money in a policy that has proven to be wrong.

Today this country is involved in a serious shooting, if undeclared, war in far-off Vietnam. American boys are dying over there. American planes are being shot down daily and billions of American dollars are being used to carry on this war. And yet the very nations to whom we have expended more than $100 billion worth of foreign aid over the past 20 years are sitting on their hands, as it were, and taking a hands-off attitude generally. This is their war as much as if not more than it is ours. And this, Mr. Chairman, calls to mind that on May 13, 1958, in addressing this body, I said to you then and I quote from the CONGRESSIONAL RECORD of that date the following:

> Finally, Mr. Chairman, permit me to say to you with all the emphasis I can summon that there is a limit beyond which we cannot go without destroying this last haven of refuge—America—of freemen in this world. I want to repeat what I have said to you on the floor of this House 50 times or more in the past 11 years. "The Kremlin masters have set out, following the mandate of their idol, Lenin himself, to destroy America by requiring it to spend itself into bankruptcy; and then to take over in the ensuing confusion and chaos that results." Should that unfortunate day come, which of these beneficiaries of American aid is coming to our assistance? Who is going to play Santa Claus to the United States?
>
> Mr. Chairman, Members of the House, I beseech you to take heed before it is too late.

I regret, Mr. Chairman, that my prediction then has come true. These nations are not coming to our aid but are seeking further assistance from us.

Yes, even France, who has been the beneficiary of our financial assistance under this program to the tune of many millions of dollars, is now openly opposing its benefactor through the present head of the French Government, General de Gaulle.

Mr. Chairman, I hope I may be pardoned for again referring to another statement that I made in the nature of a storm warning back in 1949 when I offered an amendment to that bill to substantially cut the 1949 appropriation and urged applying the brakes and in fact the termination of the program at the end of that fiscal year. At that time, Mr. Chairman, I called attention to the dangers ahead as follows:

> So my purpose in rising here this morning is to raise the storm signal, to call the attention of the membership of this body again to the dangers ahead if we keep embarking upon these undertakings * * * They endanger the solidity, the solvency and the future of this country * * * I do not think, Mr. Speaker, that we can go on indefinitely with this type of program * * * In my humble judgment, the time has come when we must stop, look and consider the future of this country as well as the future of the peoples of other countries * * * I still believe that the faith and credit of these United States cannot be continuously extended without reaching the crashing point. We cannot go on like drunken sailors spending and spending without some day reaching the reckoning point. I am more concerned about the loss of this, the greatest Republic, from our own unsound financing, than I am about the foreign situation. I shall, therefore, vote against this bill (foreign aid).

Again, Mr. Chairman, I quote the following from that speech I made on the floor of the House as follows:

> And what, Mr. Chairman, I ask you in all fairness, has this unbridled spending of the wealth of America's resources brought us? Today American prestige, after expenditure of over $100 billion in trying to buy friendship abroad, is possibly at its lowest ebb since the Spanish-American War. These funds so lavishly expended most often are not appreciated. In fact, the people of the beneficiary country rarely know of the source of the money. The aid extended usually goes through the hands of the heads of the respective governments, who do not even bother about advising their subjects, the rank and file of the people, about the United States' generosity. We have seen only in the last few days instances of the fact that this aid is not only not appreciated but in many instances is not welcome. Our embassies and other American buildings are being sacked and burned while the Vice President of the United States was just a few days ago stoned and spat upon. I ask you, is this loss of prestige abroad due to the fact that America gives so generously of its wealth and resources while the masters of the Kremlin out manuever us with their strategy and promises?

Finally, Mr. Chairman, one would think that after the experiences we have had with this foreign aid program that the Congress, composed of the representatives of the people, would awaken to the fact that we cannot fight the military battles of the world and at the same time continue economic aid to the peoples of the world. I shall again register my protest by voting against this bill.

Mr. FASCELL. Mr. Chairman, I have supported our country's efforts to give military and economic assistance to other nations, those far less fortunate than we, and those in need of aid on a temporary basis. I have voted in the past to continue this program because I have felt that the overriding purpose has always been in our own national self-interest. I again support this aid bill appropriating $295,350,000 less than the amount requested.

We all know how selective our aid program is at present. We are helping those who are trying to help themselves to enhance their own security and to insure a reasonable measure of economic advancement. This is fully in line with our own national self-interest.

Both Houses have shown that they are in agreement on the continuation of the program. Both have heard the extensive justifications for our assistance. Both have had time to state objections to certain programs and totals. Both have ironed out their differences. Now is the time to go forward with the total program and to vote the funds for our President to continue the work.

I support the full total called for in this bill and trust my colleagues will join me in voting for that sum without any further cuts.

Mr. Chairman, I now want to discuss a part of this bill which is vitally important to the district which I represent.

I refer to the appropriation of $51 million to finance the Cuban refugee program. This figure reflects an increase of $8.4 million over the amounts appropriated last year to carry on the program of assistance to Cuban refugees in the United States.

This increase in appropriations is necessitated, of course, by the increased influx of Cuban refugees under the airlift that was commenced in response to the declaration President Johnson made when signing last year's immigration bill that "those who seek refuge here in America will find it." An average of around 1,000 refugees have been admitted each week since the airlift was initiated on December 1, 1965.

Along with the airlift a policy of increased emphasis on resettlement of Cubans outside of the Miami area was adopted. I am pleased that this policy has been so successfully applied.

For every four Cuban refugees admitted by the airlift, three have been resettled in areas throughout the country. This is a remarkable record, for which many people are to be congratulated. Among them are the personnel of the U.S. Cuban refugee program in the Department of Health, Education, and Welfare, the voluntary agencies that have offered their assistance in arranging for the actual resettlement of refugee families, and the people of America who have responded so generously to the call to welcome these strangers into their midst.

The Cuban refugee program is not a dole. It is, rather, a well-coordinated program designed to offer a temporary helping hand to the refugee in his effort to achieve self-sufficiency as well as freedom from tyranny.

In addition to the sum of $51 million to finance the Cuban refugee program this fiscal year, the bill before us also provides specifically that the sum of $1,032,997 of unobligated balances be used to reimburse the government of Dade County for medical services rendered in past years to Cuban refugees. I should like to describe the justification for this item of the bill.

The Dade County Department of Hospitals has provided extensive medical care, both inpatient and outpatient, to the exile community since it first began arriving. Although the very earliest of the refugees were from the middle and upper socio-economic strata of the Cuban population, considered medically average or above average by Cuban physicians practicing in Miami, this has not been true of the refugee population post-1961. This latter group has been characterized as a medically high-risk group, with a "higher than average percentage of elderly, chronically ill, children, and individuals who, in the judgment of the Cuban Government, could not make a contribution to its welfare." Consequently, and as might be expected, the medical care which this group has required has been substantial. The refugee center itself is equipped to handle such procedures as screening, immunization and vaccination, and medical care for ambulatory patients. Refugees requiring further medical care are referred to local hospitals. Because Jackson Memorial Hospital is the largest teaching hospital in Dade County and offers a comprehensive program of medical services, the vast majority of Cuban refugees were referred to it. Between 1961 and September 1965 approximately 69,000 Cubans were treated at Jackson as either inpatients or outpatients. The peak was reached in 1962–63, but the more stable current patient load is nevertheless considerable.

During the period from October 1960, to September 30, 1965, close to $3.8 million was spent on the medical treatment of the Cuban refugees. Jackson Memorial Hospital has experienced difficulty in obtaining full reimbursement for this care provided the exiles despite the fact that, in establishing the original program, the Federal Government recognized that medical care of Cuban refugees was a national rather than a local problem. The Federal Government currently administers its assistance to the county hospitals through the Florida State Welfare Department. The hospital has been paid a per diem rate in accordance with the current State reimbursable per diem cost formula, for the first 30 days of care per admission. Initially no payments were made for more than 30 days a year, but later the Cuban refugee program agreed to pay the hospital $22 a day for additional hospitalization.

These figures become especially meaningful, however, when the inequity inherent in the State cost formula is brought to light. This formula does not include interest on capital indebtedness; it is not based on current operating costs but on costs of a period perhaps 2 years prior. Moreover, the average Cuban admitted has required more medical and nursing services than the average non-Cuban admission. All of these factors, as well as some which I have not mentioned, mean that Jackson Memorial Hospital has provided services to the Cuban refugees at a cost much higher than that reflected by the per diem reimbursement rate.

As of January 1, 1966, the per diem reimbursement rate for inpatient admissions has been paid at the increased rate of $40 for the first 30 days and $24.80 for the 30th through the 90th days. Payment for outpatient clinic visits was raised from $10 to $12.50. This is considered an interim arrangement pending the introduction of assistance formulas provided for under title 18 and 19 of the Social Security Amendments of 1965, Public Law 89–97. Therefore, there is reason to hope that the annual deficit which Jackson Memorial Hospital has incurred as a result of treating Cuban refugees will be greatly reduced if not eliminated in the future.

The problem which remains, however, is that whatever agreement is reached in the future under Public Law 89–97 will not take care of the sizable loss—a net loss of $1,032,997 between October 1, 1960, and September 30, 1965—which has already been borne by Dade County residents. The item contained in the bill will reimburse the taxpayers of Dade County for the expenses they have borne in discharging an obligation which is national rather than local in character.

I should like to express my appreciation to the Commiittee on Appropriations and to each member of the Subcommittee on Foreign Operations for the understanding consideration they have given to the problem of financing the Cuban refugee program.

Also I particularly want to express my deep thanks to the chairman of the Subcommittee on Foreign Operations, the distinguished gentlemen from Louisiana [Mr. PASSMAN], for his courtesy, but more than that for his willingness to face the difficult responsibility of his task and his leadership in carrying it out.

Mr. SMITH of Iowa. Mr. Chairman, although foreign economic aid is a program including some self-interest to this country, we also provide foreign aid for reasons of simple humanity, a case which the current head of AID, William Gaud, has correctly described as one in which American self-interest and the morally right thing to do nicely coincide.

Today I want to talk about a subject which those who support foreign aid on the two grounds to which I have already alluded sometimes speak of only in whispers. And this is that foreign aid is also designed to use, and good for American business. It is not why we provide it, of course. We would have provided it if there were not a penny of profit for business in the process. But the fact is it does help American businessmen in two distinct ways which, in the parlance of the times, might be called fringe benefits.

First of all, there is business to be done in supplying the goods and the services which go overseas. In the last fiscal year AID financed some $1.2 billion in commodities for the developing world. And out of that amount $1.1 billion, an impressive 90 percent, went to the American firms which produced and shipped the goods—at a profit. Beyond that, American firms, organizations and universities held at the end of the fiscal year more than $478 million in contracts for a variety of services. Universities and colleges have built competence in this area. Finally, although not paid for from the appropriation we are discussing here, nearly $2 billion in farm commodities were shipped under food for peace.

To illustrate what I mean, here is what a spokesman for United States Steel told the Christian Science Monitor:

> It is largely due to the operation of our foreign aid program that the steel industry has managed to escape the full effects of the forces at work in the market place.

And here is what the American Iron & Steel Institute had to say:

> The fact that American exports did rise . . . was attributable, insofar as can be determined, to enlarged export opportunities opened up by the government's foreign aid program.

Thus it is clear that foreign aid being spent right here in this country, plays a part in the American economy of today. Tomorrow, however, is where the real prospects are, because of a simple, demonstrable fact. This is that prospering, growing nations are better customers than poor ones.

The Marshall plan nations of Western Europe, where exports have doubled since the plan ended, is a familiar but perhaps not the best example. Japan, of course, where U.S. export trade has quadrupled since the end of aid is both a more relevant and more spectacular case. Even better illustrations, however, are seen in Taiwan, whose purchases for good green dollars doubled over a recent 2-year span. Or in Israel, where our commercial exports tripled over a 5-year period.

This proposition—that prospering countries buy more than poor countries—is self-evident. And if it is not there is the testimony of Eugene Black, formerly of the World Bank, who says that "foreign aid provides a substantial and immediate market for U.S. goods and services." Or, if you prefer the kind of hard look that American journalists like to take at matters of this sort, here is the respected Engineering News-Record in a recent editorial headlined "Foreign Aid Is No Giveaway Program."

> Foreign aid, as it is administered and after it is invested, creates markets for U.S. goods and services . . . where none could otherwise exist. For after roads come industries—agriculture, manufacture or mining. To support any such industry there must be power, water. Expanded trade and investment opportunities are inevitable.

My point with reference to the issue before the House is a plain one. A cut might not affect the national security. But a cut is also a reduced investment in a rich potential market which, I assure you, has not failed to attract our competitors on either side of the Iron Curtain.

Mr. McFALL. Mr. Chairman, whenever we participate in a discussion on the foreign assistance program of this country, we are likely to hear someone call our help to other countries "the foreign aid burden."

Too often people forget the sacrifices that the developing countries are making in their own behalf. Let us look, for example, at the 20 countries that are to receive 92 percent of the total aid disbursed in this fiscal year by the Agency for International Development. Their gross national products average out to only $120 per capita a year—compared with $3,000 in the United States. Yet these nations are now contributing $6 to their own development for every $1 that reaches them through the U.S. aid program.

U.S. development loans are now negotiated almost exclusively on the basis of what the recipient countries will do to help themselves. This is what President Johnson meant when he said in his budget message to this Congress that "although we recognize the shortsightedness of isolation, we do not embrace the equally futile prospect of total and endless dependence." The United States, he added, "can never do more than supplement the efforts of the developing countries themselves. They must supply most of their own capital, the know-how—the will to progress."

This "will to progress" is taking many forms that enhance the effectiveness of the American contribution.

Breaking away from an overly protected economy operating far short of its productive capacity, India has recently set a courageous example for other developing countries by liberalizing imports for Indian agriculture and industry. In effect, she is now giving the free competitive system a chance to help her win her agricultural and industrial race with a runaway population.

India is a country with great expectations—and great frustrations. In her determination to overcome the frustrations and get on with the work of raising the living standards of her people, we may well have the key to the long-run stability of all South Asia.

The Indians need our continued help.

In our own hemisphere, we have the inspiring example of 20 nations that have committed themselves to sweeping reforms through the Alliance for Progress.

Nine Latin American nations have adopted legislation for more modern and equitable tax systems. Comprehensive agrarian reform programs have been carried out in three Latin countries—Mexico, Bolivia and Venezuela—and nine others are taking important steps forward in agrarian reform. Education reforms are in evidence nearly everywhere in Latin America. Chile alone has increased its public school enrollments by better than one-fifth.

Latin America is the key to peace in our hemisphere. The Latin American nations need our continued help.

And let us look at Africa, a restless and changing continent that is literally starting from scratch to build the economic and political institutions for advancement. Yet the African countries receiving help from us are also demonstrating their will to progress.

Tunisia accepted devaluation and stabilization measures recommended by the International Monetary Fund. Liberia has undertaken an austerity program preparing the way for renewed development efforts. Morocco is improving its balance of payments within the framework of new development policies. The new government in the Congo at Leopoldville also appears determined to take the unpopular steps necessary for economic stabilization and growth.

Africa continues to need our help.

On all three continents—Africa, Asia, and Latin America—the newly developing economies are learning from the experiences of those who have already made their way to self-supporting growth with the help of the United States. They are learning from countries like Greece, Lebanon, Israel, and Taiwan. It is estimated that it would have taken the people of Taiwan at least 40 years, without our help, to achieve a level of self-sustaining growth. With our help, Taiwan accomplished that goal in 15 years. But the key element in the Taiwan success story was what the country did for itself in land reform, in taxation, and in the encouragement of free enterprise.

By insisting on this kind of self-help in all the nations we are aiding, the Agency for International Development is shortening the period during which they will require our aid. These nations have shown plainly that they do have the will to progress. Our own security—and the security of the free world—demands that we help them along the path to independent self-fulfillment.

Mr. PASSMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

> Alliance for Progress, technical cooperation and development grants: For expenses authorized by section 252, $87,700,000.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I was much interested in the colloquy that occurred not so long ago with respect to free-world shipping into Vietnam.

Last year, Mr. Chairman, some 256 so-called free-world ships put into North Vietnam ports with cargoes. At least 136 of the 256 were British-flag ships. At the very same time the President of the United States, Lyndon Johnson, was joining with the British in a boycott of Rhodesia.

Now, if anyone can tell me how the President of the United States can permit free-world ships—256 in number—to deliver cargo to North Vietnam and at the same time join in a boycott of Rhodesia—a friendly country—join with the British in stopping ships on the high seas and searching them—join with the British in turning ships away from Rhodesia—if anyone can explain to me this standard of morality, I would like to hear it.

Mr. PASSMAN. May I say——

Mr. GROSS. I really arose to ask the gentleman from Louisiana this question:

Does the gentleman know whether the authorizing legislation gives the President discretionary power to invoke economic penalties against so-called free-world countries that trade with and supply Communist North Vietnam?

Mr. PASSMAN. As far as I can determine; no.

Mr. GROSS. The gentleman from Michigan [Mr. CHAMBERLAIN] says there is no such discretionary authority in the authorizing legislation, and I would like to be certain that is the case.

Mr. PASSMAN. If I might respond, the gentleman from Iowa made a correct statement. There is no discretionary authority for the President of the United States in the authorizing legislation.

Mr. GROSS. I thank the gentleman.

In connection with the previous discussion, I would say to the gentleman that there is one way to determine what is in the cargoes of the so-called free world ships that call at Communist Vietnam ports, and that is to do exactly what we supported the British in doing with respect to Rhodesia; and, that is to stop these ships at sea and find out what is aboard or turn them away from the ports, one or the other.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I am glad to yield to the gentleman from Louisiana.

Mr. PASSMAN. First, I am sure that the gentleman from Iowa does not mean to place me in the position of defending shipping into North Vietnam.

Mr. GROSS. Not at all.

Mr. PASSMAN. I merely indicated that this is a policy question, that it must be left to the discretion of the President of the United States. I am not charged with the responsibility of administering the laws. I believe we should have some leeway not to let these friendly allies—let me say "allies"—work their problem out and in due time if they continue the shipping, then it is time to tighten it up.

Mr. GROSS. I do not agree that such discretion should be left to the President. Neither would I refer to them as allies when they support a government which, up to this point, has killed more than 5,000 Americans and wounded at least 25,000 more. They do not deserve to be treated as allies of this country.

Mr. Chairman, let me ask of the gentleman from Louisiana this question:

In the absence of the language which appears on page 8 of the bill—the language in the authorization act would control; is that not correct?

Mr. PASSMAN. The answer would be "Yes."

Mr. GROSS. I thank the gentleman from Louisiana.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> (b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam, unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 8, beginning with line 8, and running through line 22.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 8, beginning with line 8 and running through line 22, as being legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. PASSMAN] desire to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Louisiana concedes the point of order.

The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. CHAMBERLAIN

Mr. CHAMBERLAIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Chamberlain: On page 8, line 8, insert:

"(b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam."

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. CHAMBERLAIN. Mr. Chairman, I too was prepared to offer a point of order directed at that portion of the language in section (b) beginning on line 13—"unless the President determines that the withholding of such assistance would be contrary to the national interest"—

And so forth. Since the gentleman from Iowa made his point of order, this whole section has now been stricken. The amendment that I would offer would reinstate the precise language contained on page 8 of the bill beginning with line 8, and it is just six lines long, and it says that:

No economic assistance shall be furnished under this Act to any country which sells, furnishes or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam—

So this is a flat prohibition of any aid to any country who permits its ships to sail to North Vietnam. I feel no further explanation is required.

Mr. JOELSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New Jersey rise?

Mr. JOELSON. Mr. Chairman, I rise to a point of order. It is already ruled that section (b) is legislation in an appropriation bill. Is not this amendment subject to the same complaint? And I make the point of order, Mr. Chairman, that it is subject to the same complaint.

Mr. BOW. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BOW. Mr. Chairman, I would suggest that the point of order comes too late. The amendment has been offered and debated and the point of order comes too late.

The CHAIRMAN. The Chair was just about to rule that the point of order comes too late.

Mr. JOELSON. Mr. Chairman, I was on my feet seeking recognition.

The CHAIRMAN. The Chair had already recognized the gentleman from Michigan, and the gentleman from Michigan was speaking on his amendment before the gentleman from New Jersey rose to his feet.

The Chair holds that the point of order made by the gentleman from New Jersey comes too late.

For what purpose does the gentleman from Louisiana [Mr. Passman] rise?

Mr. PASSMAN. Mr. Chairman, since this language has already been stricken, what is he seeking to amend?

The CHAIRMAN. The gentleman from Michigan has offered an amendment providing new wording beginning on line 8 of this paragraph.

Mr. PASSMAN. It is the law anyway, so we have no objection to it if it is germane.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. Chamberlain].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 116. No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes, or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this Act unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress.

Mr. CHAMBERLAIN. Mr. Chairman, I make a point of order against the language in section 116, page 13, beginning on line 5, specifically the words "unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress", on the basis that this is legislation on an appropriation bill and it creates additional duties for the President.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard?

Mr. PASSMAN. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Louisiana concedes the point of order. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Sec. 117. None of the funds appropriated or made available in this Act for carrying out the Foreign Assistance Act of 1961, as amended, shall be available for assistance to the United Arab Republic, unless the President determines that such availability is essential to the national interest of the United States.

AMENDMENT OFFERED BY MR. BOW

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bow: On page 13 following line 14, insert a new section as follows:

"Sec. 118. Notwithstanding any other provision of this Act, the aggregate total amount appropriated for Economic Assistance under Title I of this Act shall not exceed $2,222,065,800."

Mr. BOW. Mr. Chairman, this is the amendment that I discussed earlier in general debate. The amendment would result in a total cut in the economic aid provided in title I of this bill in the amount of $246,896,000, that is, including the cuts already made by the committee. This would make it an overall total of 10 percent from the budget requests of $2,468 million for economic aid. The committee has already proposed a cut in the amount of 8.1 percent, so my amendment provides for an additional cut of only 1.9 percent, or $45 million. This is to bring the total cut to the 10 percent request for economic aid.

The amendment would not affect the military aid.

This is in line with the suggestion made by the President in his message to us several days ago that future appropriation bills would have to be cut by approximately 10 percent.

I yield back the balance of my time.

Mr. PASSMAN. Mr. Chairman, this is about the most painful assignment I have ever had to assume. As I have indicated earlier today, I represent the views of the committee, not my own views, in presenting this bill. I am sure that we should like to be completely factual in discussing the effect of the amendment.

The executive requested an authorization of $3,443,374,000 for economic aid only. During the processing of the bills there has been a reduction of $1,175,612,000. It is one of the largest percentage-wise reductions ever made when you compare the request for the authorization and the actual House recommendation for the appropriation.

It is perfectly obvious the minute the authorization bill passes the Congress and is signed by the President, it establishes more or less the guidelines as to what our commitments shall be in the ensuing fiscal year. The amount that the conference committee recommended is $2,625,735. In addition to the amount of reduction below the authorization request, the Appropriations Committee has made an additional reduction of $201,200,000. So it is a question as to whether we want to follow the recommendations or the request of the executive, that they need this amount of money.

They say this is the bare minimum on which they can carry out our commitments. Whether we agree with those commitments, or whether I agree with those commitments, I think it is a bare minimum—I will not use that second word "bones" because I do not like the expression "barebones"—but inasmuch as the authorization bill recently passed and there has been a further reduction below that authorization, it may well be this is the minimum amount they can use and need to carry out our commitments.

Furthermore, as it has been said in the past 2 years, AID stated that if this is not sufficient, they will be coming in with a supplemental request.

For the many years I have had the honor of chairing this foreign aid committee, supplementals have more or less been unheard of. We have gotten by, essentially, without supplementals. But look at the record. I mentioned earlier they came in between fiscal year 1966 and 1967 and acquired, by transfer and supplementals, $1,609 million.

Let us not open the door and give these people an opportunity to come in and ask for five times the amount the gentleman's amendment calls for in reducing the bill.

Mr. COLLIER. Mr. Chairman, I rise in support of the amendment.

Mr. BOW. Mr Chairman, will the gentleman yield?

Mr COLLIER. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, I would like to ask the gentleman from Louisiana if he will advise the committee how much the unobligated funds are in the pipeline?

Mr. PASSMAN. Mr. Chairman, if we take the categories of aid which are in this bill, just military and economic, the total pipeline is $6,757 million.

Mr. BOW. So if we adopted this amendment, and took off $45 million, we still would have what amount?

Mr. PASSMAN. The gentleman is asking about unobligated funds? I had reference to the amount of unliquidated funds.

Mr. BOW. I said "unobligated in the pipeline."

Mr. PASSMAN. Unexpended in the pipeline?

Mr. BOW. In the pipeline.

Mr. PASSMAN Total unliquidated, or just the amount of unobligated funds?

Mr. BOW. Unobligated in the pipeline. I believe it is something like $125 million, as I recall.

Mr. PASSMAN. The amount that is only on a 1-year basis is only $55 million.

Mr. BOW. How about that which is more than a 1-year basis? Is it not $125 million?

Mr. PASSMAN. The total is about $119.5 milion, but we are dealing here with two items. We are dealing with funds with 1-year availability, and we are also dealing with no-year funds. We took this into account in marking up the bill.

Mr. BOW. I know the gentleman did, but it seems to me if we make this 10-percent cut in economic aid, as I have suggested, and take out $45 million, they would still have—I am not as good at figures as the gentleman is, but they would still have a good many millions unobligated and in the pipeline, and it would cause them to cut out some of the frivolous items and be more frugal.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, the Agency says this is the bare minimum with which they can carry out our commitments. The Members know my position. There are not any reservations made at the time we marked up the bill and went into the full committee. If the gentleman would make these amendments known earlier, as to what his aims are, and I assume his aim is to save money—with which I agree, but we may wind up giving these people, in all probability, a license to come in and ask for a supplemental appropriation of about four times what the gentleman is suggesting we cut now.

I hope the amendment will be voted down. I thank the gentleman for yielding.

Mr. COLLIER. I make this final observation: If the fiscal situation of this country is what it is obviously going to be at the turn of the year, the chances of getting a supplemental in an area like this, I would say, would be pretty remote come next year.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I am happy to yield.

Mr. PASSMAN. I would have agreed with the gentleman if he had made that statement at this time last year. When I look at all the supplemental appropriations which have passed through this House or this Congress one way or another during calendar year 1966, I am not too enthusiastic in believing it will be any different when we come back next year.

Mr. COLLIER. I disagree with the gentleman.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

The United States is at war. We have many problems. Our spokesman and Commander in Chief has many responsibilities. He has asked the Congress for $3,385,962,000 for this foreign aid program. I am speaking now of what is known as the foreign assistance program. He has said that he needs this money in order to represent the best interests of the United States around the world in matters involving our security and stability.

The Committee on Appropriations tried to yield to the demands and pressures for as much economy as possible in Government. We all favor economy in Government. So, despite the appeal of the President for $3,385,962,000, the Committee on Appropriations made a reduction of some $293 million. That reduction has already been made.

There are those who say, "Well, the Executive always asks for too much money for foreign aid, knowing there will be a cut." But, as all Members know, President Johnson has brought down the requests for foreign aid authorizations and appropriations much lower than his predecessors. There are several reasons.

One of the reasons is that he wanted to submit the lowest possible budget to the Congress. So he held the figure low. He got in touch with members of the authorizing and appropriating committees and said in effect: I am submitting a low estimate, as low as I can afford to submit. I hope you can stay with the figures I am submitting.

But, nevertheless, we have made a reduction of some $293 million in reporting the bill.

Let me say that in this item which would be reduced by the gentleman's amendment, there is $550 million for aid to Vietnam. We are in war in Vietnam, and we are trying to win it. We declare we are trying to win it. There is $550 million in this category for aid in Vietnam, yet it is proposed to cut the sums available. Perhaps there will then be the complaint that we are not doing enough to pursue the war in Vietnam.

I believe it is time for Democrats and Republicans, and Americans all, to stand up together and put our votes where our statements have been, that we are supporting the war effort in Vietnam. The war effort is inevitably linked here, because, as I say, more than a half billion dollars of this money is for use in Vietnam.

And it is for other areas of the world—for Latin America and various other areas of the world where our interests are involved.

We are in a very critical period. Why vote to strike down a program which the President is trying to use to promote success in the war and secure stability and peace?

I appeal to the members of the committee to stand by the committee, realizing that we have already made a very substantial cut—more than a quarter of a billion dollars.

I appeal to Members to stay with the committee and accept the recommendations of the chairman of the subcommittee, the gentleman from Louisiana [Mr. PASSMAN]. He is not a man who is enamored of foreign aid, but he has supported the position of the committee. There has been a lot of give and take, and I certainly hope at this stage we may all stand by the bill as it has been written and not make a further slash. A further cut should not be made; it is contrary to our best interests in the war now in progress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BOW].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

Ryukyu Islands, Army

Administration

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government of the Ryukyu Islands, as authorized by the Act of July 12, 1960 (74 Stat. 461), as amended (76 Stat. 742); services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), of individuals not to exceed ten in number; not to exceed $4,000 for contingencies for the High Commissioner, to be expended in his discretion; hire of passenger motor vehicles and aircraft; purchase of four passenger motor vehicles, for replacement only; and construction, repair, and maintenance of buildings, utilities, facilities, and appurtenances; $14,893,000, of which not to exceed $2,893,000 shall be available for administrative and information expenses: *Provided*, That expenditures from this appropriation may be made outside continental United States when necessary to carry out its purposes, without regard to sections 355 and 3648, Revised Statutes, as amended, section 4774(d) of title 10, United States Code, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the Secretary of the Army to pay ocean transportation charges from United States ports, including territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency, without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Bureau of the Budget shall determine to relate primarily to any function or functions so transferred: *Provided further*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the chairman of the committee a question or two. I am sure we all know that there is maintained in the Department of Defense an agency for the sale of U.S. military equipment around the world. This is an outright sales agency, headed by a salesman, and with a staff. Do I understand that it is possible to borrow from one of the numerous lending agencies, financed by this bill—that is, for a foreign country to borrow money to buy military equipment from this country?

Mr. PASSMAN. That is a statement of fact, even including the Export-Import Bank.

Mr. GROSS. The Export-Import Bank included?

Mr. PASSMAN. Yes. That is true.

Mr. GROSS. Would this borrowing be at a soft-loan window?

Mr. PASSMAN. No. It is hard loans. There is no soft-loan window at the Export-Import Bank.

Mr. GROSS. I wonder if the gentleman will agree with me that this Government is embarked on a pretty immoral business when it maintains a sales agency for military equipment in the Pentagon and loans the taxpayers' money to foreign governments so that they can buy military equipment and, at the same time spend millions of dollars a year on a U.S. disarmament agency that holds forth over in Geneva, Switzerland. Just how immoral can you be with that kind of operation? How much longer are the citizens of this country going to be duped by their Government?

Mr. PASSMAN. The committee tells me that I cannot agree with the gentleman.

Mr. GROSS. I beg your pardon?

Mr. PASSMAN. I say I do not agree with the gentleman. I have been so instructed by my subcommittee. On a personal basis we have a lot in common.

Mr. GROSS. Oh. The committee told you you could not agree. Well, that is a different story. I believe I can understand that.

Mr. PASSMAN. I am just trying to be a little humorous today at the end of the discussion of the bill with a gentleman who has made so many contributions. I will repeat what I said. I represent the committee. These are not my personal views. If I get some frowns from the committee members, they are not my personal views but the committee views I am defending here.

Mr. GROSS. I thank the gentleman. I think I know what he is talking about.

Mr. PASSMAN. I know you do.

Mr. GROSS. Mr. Chairman, let me emphasize that the $3.6 billion to be appropriated in this bill is less than half the new money that will be made available through various programs, devices, and gimmicks for foreign aid spending during this fiscal year of which two and a half months are already gone. And it should be kept in mind that there is almost nothing in this bill for the war in Vietnam. Billions more will be made available later this year or early in 1967 for the latter purpose.

President Johnson says he wants prudence in spending. If there is any substance whatever to what he says, here is his opportunity to exercise a meaningful veto. He should send this bill back to Congress and demand that it be sliced to the bone.

Mr. Chairman, the President is notoriously long on words and short on performance in the matter of fiscal sanity. For that reason I will vote against the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

None of the funds made available because of the provisions of this title shall be used by the Export-Import Bank to either guarantee the payment of any obligation hereafter incurred by any Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended) or any agency or national thereof, or in any other way to participate in the extension of credit to any such country, agency, or national, in connection with the purchase of any product by such country, agency, or national, except when the President determines that such guarantees would be in the national interest and reports each such determination to the House of Representatives and the Senate within 30 days after such determination.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I expect to offer the amendment just voted down by the committee as a motion to recommit, but I should like to say to my distinguished friend, the chairman of the committee—and, Mr. PASSMAN, I am talking now about the chairman of the full Committee on Appropriations—the gentleman has said that there is $550 million in here for Vietnam and for the war in Vietnam.

I say to you, Mr. Chairman, and I say to my colleagues, I do not propose to take one single dollar out of anything that goes for the war in Vietnam. It is not the intent of this amendment to do so, and when the gentleman says I am striking $550 million from this proposed appropriation for Vietnam, or funds which would affect our efforts in Vietnam, this is not what this proposed amendment would do. This amendment, if adopted, would take 1.9 percent from the total of economic aid which can be apportioned wherever they want to apportion it. The $550 million remains in for Vietnam.

Mr. Chairman, there is not one dime under this amendment which would come from military aid. It relates completely to economic aid, and it can be applied to these figures other than the proposed aid for Vietnam.

I might say, Mr. Chairman, that if this procedure were going to affect the war in Vietnam, if it would take a dime away from the fighting men there and from the effort in which they are involved, I would not offer such an amendment.

But, Mr. Chairman, this amendment—this motion to recommit—does not affect our fighting men in Vietnam. It is a 1.9-percent cut in economic aid only.

And, Mr. Chairman, if you look at the figures, there is a total in this of $2,267,762,000, as recommended by the committee for economic aid.

Now, this amendment of mine takes out $45 million from economic aid. And the amendment does not have to be applied to the $550 million intended for economic aid to Vietnam. It could be applied to technical cooperation which has in here $200 million. It can be applied to American hospitals and schools which are represented in this bill to the tune of some $200 million; it could be applied down to UNICEF which is in this bill to the extent of $40 million.

Mr. Chairman, there are a number of items where this $45 million could be applied.

We do not propose, nor do we ask, nor will you find any effort, to take a dime out of our effort in Vietnam.

So, Mr. Chairman, when the Members of the Committee of the Whole House on the State of the Union vote on the motion to recommit, do not accept the emotional appeal that this affects the $550 million for Vietnam. It is still in the bill. We do not propose to take a single dime away from the fighting men or our ability to make war in Vietnam.

Mr. Chairman, I suggest to the Members of the Committee of the Whole House on the State of the Union that this represents a modest cut.

Mr. Chairman, the distinguished chairman of the Committee on Appropriations referred to the fact that the President of the United States sent a message to this House last week, on September 8, in which he said that in the appropriations items under his control he wanted to cut $3 billion, or approximately 10 percent.

Mr. Chairman, I would support the President here by asking this Committee to make a reduction of 10 percent, rather than the 8.1 percent, because the President asked us to do that.

So, Mr. Chairman, I join with my friend, the gentleman from Texas [Mr. MAHON], my distinguished chairman of the Committee on Appropriations, in supporting a fellow Texan, the President, the Commander in Chief.

Mr. Chairman, let us give him the 10-percent cut. It is just 1.9 percent greater than recommended by the committee. Let us give him the 10-percent cut and adopt the motion to recommit.

Mr. JOELSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly agree that we should not extend foreign aid to countries that trade with Cuba and North

Vietnam. Although I support the foreign aid program, I believe that no country should be allowed to accept our aid and at the same time to assist our enemy. It is unthinkable that such a thing should be permitted.

The **CHAIRMAN.** The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. **PASSMAN.** Mr. Chairman, I move that the Committee do now rise, and report the bill back to the House with an amendment with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. PRICE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17788) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1967, and for other purposes, had directed him to report the bill back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The previous question was ordered.

The **SPEAKER.** The question is on agreeing to the amendment.

The amendment was agreed to.

The **SPEAKER.** The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The **SPEAKER.** The question is on the passage of the bill.

Mr. **BOW.** Mr. Speaker, I offer a motion to recommit.

The **SPEAKER.** Is the gentleman opposed to the bill?

Mr. **BOW.** I am, Mr. Speaker.

The **SPEAKER.** The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Bow moves to recommit the bill to the Committee on Appropriations with instructions to that Committee to report it back forthwith with the following amendment: On page 13 following line 14, insert a new section as follows:
>
> "SEC. 118. Notwithstanding any other provision of this Act, the aggregate total amount appropriated for Economic Assistance under Title I of this Act shall not exceed $2,222,065,800."

The previous question was ordered.

The **SPEAKER.** The question is on the motion to recommit.

The question was taken.

Mr. **BOW.** Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 186, nays 183, answered "present" 1, not voting 62, as follows:

[Roll No. 293]

YEAS—186

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bow
Bray
Brock
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Corbett
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Wis.
Delaney
Derwinski
Devine
Dickinson
Dole
Dowdy
Duncan, Tenn.
Dwyer
Edwards, Ala.
Edwards, La.
Ellsworth
Erlenborn
Everett
Findley
Fino
Flynt
Ford, Gerald R.
Fountain
Fulton, Pa.
Fuqua
Gathings
Gettys
Goodell
Gross
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hamilton
Hansen, Idaho
Harsha
Harvey, Ind.
Harvey, Mich.
Hébert
Hechler
Henderson
Herlong
Horton
Hosmer
Hull
Hutchinson
Ichord
Jarman
Jennings
Johnson, Okla.
Jonas
Jones, Mo.
Keith
Kornegay
Kunkel
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
Love
McCarthy
McClory
McCulloch
McDade
MacGregor
Marsh
Martin, Nebr.
May
Michel
Mills
Minshall
Mize
Moeller
Moore
Morris
Morton
Mosher
Nelsen
O'Konski
Olsen, Mont.
O'Neal, Ga.
Pelly
Pike
Pirnie
Poage
Poff
Pool
Pucinski
Quie
Quillen
Race
Redlin
Reid, Ill.
Reifel
Rhodes, Ariz.
Roberts
Rogers, Fla.
Roudebush
Roush
Satterfield
Saylor
Schisler
Schneebeli
Schweiker
Secrest
Selden
Shipley
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stanton
Steed
Stephens
Sweeney
Talcott
Taylor
Teague, Calif.
Tenzer
Thomson, Wis.
Tuck
Tupper
Utt
Waggonner
Walker, N. Mex.
Watkins
Watson
Weltner
Whalley
White, Tex.
Whitener
Whitten
Widnall
Williams
Wyatt
Wydler
Younger

NAYS—183

Addabbo
Anderson, Tenn.
Annunzio
Ashley
Bandstra
Barrett
Beckworth
Bingham
Blatnik
Boggs
Boland
Bolton
Brademas
Brooks
Broomfield
Burke
Burton, Calif.
Byrne, Pa.
Cabell
Cahill
Callan
Carey
Casey
Celler
Chelf
Clark
Clevenger
Cohelan
Conyers
Cooley
Craley
Culver
Daddario
Daniels
Dawson
de la Garza
Dent
Denton
Diggs
Dingell
Donohue
Dow
Downing
Duncan, Oreg.
Edmondson
Edwards, Calif.
Fallon
Farnsley
Farnum
Fascell
Feighan
Flood
Fogarty
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Gallagher
Garmatz
Giaimo
Gilbert
Gilligan
Gonzalez
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Hathaway
Hawkins
Hays
Helstoski
Holifield
Holland
Howard
Huot
Irwin
Jacobs
Joelson
Johnson, Calif.
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Krebs
Kupferman
Leggett
Long, Md.
McDowell
McFall
McGrath
McVicker
Macdonald
Mackie
Madden
Mahon
Mailliard
Mathias
Matsunaga
Matthews
Meeds
Minish
Mink
Monagan
Moorhead
Morgan
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Powell
Price
Rees
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Ryan
St Germain
St. Onge
Scheuer
Schmidhauser
Sickles
Slack
Smith, Iowa
Staggers
Stalbaum
Stubblefield
Sullivan
Thomas
Thompson, Tex.
Todd
Trimble
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waldie
Watts
Wolff
Wright
Yates
Young
Zablocki

ANSWERED "PRESENT"—1

Morse

NOT VOTING—62

Adams
Albert
Aspinall
Ayres
Bolling
Brown, Calif.
Callaway
Cameron
Carter
Conte
Corman
Davis, Ga.
Dorn
Dulski
Dyal
Evans, Colo.
Evins, Tenn.
Farbstein
Fisher
Fulton, Tenn.
Gibbons
Gray
Hagan, Ga.
Hanna
Hicks
Hungate
Johnson, Pa.
Jones, N.C.
King, N.Y.
Kluczynski
Landrum
McEwen
McMillan
Machen
Mackay
Martin, Ala.
Martin, Mass.
Miller
Morrison
Murray
Passman
Purcell
Randall
Reinecke
Robison
Rogers, Tex.
Roncalio
Roybal
Rumsfeld
Scott
Senner
Sisk
Stratton
Teague, Tex.
Thompson, N.J.
Toll
Tuten
Walker, Miss.
White, Idaho
Willis
Wilson, Bob
Wilson, Charles H.

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Fisher for, with Mr. Farbstein against.

Mr. Bob Wilson for, with Mr. Dyal against.

Mr. Walker of Mississippi for, with Mr. Adams against.

Mr. Reinecke for, with Mr. Roybal against.

Mr. Murray for, with Mr. Conte against.

Mr. Davis of Georgia for, with Mr. Aspinall against.

Mr. Ayres for, with Mr. Morse against.

Mr. Johnson of Pennsylvania for, with Mr. Sisk against.

Mr. King of New York for, with Mr. Hanna against.

Mr. McEwen for, with Mr. Gray against.

Mr. Carter for, with Mr. Thompson of New Jersey against.

Mr. Robison for, with Mr. Albert against.

Mr. Rumsfeld for, with Mr. Kluczynski against.

Mr. Callaway for, with Mr. Corman against.

Mr. Martin of Alabama for, with Mr. Cameron against.

Mr. Hungate for, with Mr. White of Idaho against.

Mr. Randall for, with Mr. Miller against.

Mr. Brown of California for, with Mr. Senner against.

Mr. Willis for, with Mr. Machen against.

Mr. Dulski for, with Mr. Mackay against.

Mr. McMillan for, with Mr. Charles H. Wilson against.

Mr. Jones of North Carolina for, with Mr. Evins of Tennessee against.

Mr. Teague of Texas for, with Mr. Hicks against.

Mr. Scott for, with Mr. Landrum against.

Mr. Tuten for, with Mr. Fulton of Tennessee against.

Mr. Dorn for, with Mr. Evans of Colorado against.

Mr. Rogers of Texas for, with Mr. Toll against.

Until further notice:

Mr. Gibbons with Mr. Roncalio.

Mr. Purcell with Mr. Morrison.

Mr. ROBERTS changed his vote from "nay" to "yea."

Mr. TEAGUE of California changed his vote from "nay" to "yea."

Mr. TUPPER changed his vote from "nay" to "yea."

Mr. MORSE. Mr. Speaker, I have a live pair with the gentleman from Ohio [Mr. AYRES]. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Chair recognizes the gentleman from Louisiana [Mr. PASSMAN].

Mr. PASSMAN. Mr. Speaker, pursuant to the action just taken, I report the bill H.R. 17788 back to the House with an amendment which is at the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 13 following line 14, insert a new section as follows:

"SEC. 118. Notwithstanding any other provision of this Act, the aggregate total amount appropriated for Economic Assistance under Title I of this Act shall not exceed $2,222,065,800."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 234, nays 141, not voting 57, as follows:

[Roll No. 294]

YEAS—234

Addabbo
Anderson, Tenn.
Annunzio
Arends
Ashley
Bandstra
Barrett
Bates
Beckworth
Bell
Bennett
Bingham
Blatnik
Boggs
Boland
Bolton
Brademas
Brooks
Broomfield
Burke
Burton, Calif.
Byrne, Pa.
Cabell
Cahill
Callan
Carey
Celler
Clark
Cleveland
Clevenger
Cohelan
Conable
Conyers
Cooley
Corbett
Craley
Culver
Daddario
Daniels
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dow
Downing
Dulski
Duncan, Oreg.
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Fallon
Farnsley
Farnum
Fascell
Feighan
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Hagen, Calif.
Halleck
Halpern
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Herlong
Holifield
Holland
Horton
Hosmer
Howard
Huot
Irwin
Jacobs
Joelson
Johnson, Calif.
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Krebs
Kunkel
Kupferman
Leggett
Long, Md.
Love
McCarthy
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
MacGregor
Mackie
Madden
Mahon
Mailliard
Mathias
Matsunaga
Matthews
May
Meeds
Minish
Mink
Monagan
Moorhead
Morgan
Morse
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Powell
Price
Pucinski
Quie
Rees
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Ryan
St. Onge
Scheuer
Schisler
Schmidhauser
Schweiker
Selden
Sickles
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stubblefield
Sullivan
Sweeney
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, Tex.
Todd
Trimble
Tunney
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waldie
Watts
Weltner
White, Tex.
Widnall
Wolff
Wright
Wydler
Yates
Young
Zablocki

NAYS—141

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Ashbrook
Ashmore
Baring
Battin
Belcher
Berry
Betts
Bow
Bray
Brock
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clausen, Don H.
Clawson, Del
Collier
Colmer
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dole
Dowdy
Duncan, Tenn.
Edwards, Ala.
Ellsworth
Everett
Findley
Fino
Flynt
Fountain
Fuqua
Gathings
Gettys
Goodell
Gross
Grover
Gubser
Gurney
Haley
Hall
Hansen, Idaho
Harsha
Harvey, Ind.
Harvey, Mich.
Henderson
Hull
Hutchinson
Ichord
Jarman
Jennings
Johnson, Okla.
Jonas
Jones, Mo.
Kornegay
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
McClory
McCulloch
Marsh
Martin, Nebr.
Michel
Mills
Minshall
Mize
Moeller
Moore
Morris
Morton
Mosher
Murray
Nelsen
O'Konski
O'Neal, Ga.
Poage
Poff
Pool
Quillen
Race
Redlin
Reid, Ill.
Reifel
Rhodes, Ariz.
Rogers, Fla.
Roudebush
Roush
Satterfield
Saylor
Schneebeli
Secrest
Shipley
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, Va.
Stanton
Steed
Stephens
Talcott
Taylor
Thomson, Wis.
Tuck
Tuten
Utt
Waggonner
Walker, N. Mex.
Watkins
Watson
Whalley
Whitener
Whitten
Williams
Wyatt
Younger

NOT VOTING—57

Adams
Albert
Aspinall
Ayres
Bolling
Brown, Calif.
Callaway
Cameron
Carter
Conte
Corman
Davis, Ga.
Dorn
Dyal
Evans, Colo.
Evins, Tenn.
Farbstein
Fisher
Fulton, Tenn.
Gray
Hagan, Ga.
Hanna
Hicks
Hungate
Johnson, Pa.
Jones, N.C.
King, N.Y.
Kluczynski
Landrum
McEwen
McMillan
Machen
Mackay
Martin, Ala.
Martin, Mass.
Miller
Morrison
Purcell
Randall
Reinecke
Robison
Rogers, Tex.
Roncalio
Roybal
Rumsfeld
St Germain
Scott
Senner
Sisk
Stratton
Thompson, N.J.
Toll
Walker, Miss.
White, Idaho
Willis
Wilson, Bob
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Albert for, with Mr. Fisher against.

Mr. Farbstein for, with Mr. Hagan of Georgia against.

Mr. Evins of Tennessee for, with Mr. Davis of Georgia against.

Mr. Conte for, with Mr. Hungate against.

Mr. Ayres for, with Mr. Randall against.

Mr. Kluczynski for, with Mr. Brown of California against.

Mr. Miller for, with Mr. Willis against.

Mr. Robison for, with Mr. McMillan against.

Mr. Martin of Massachusetts for, with Mr. Jones of North Carolina against.

Mr. Aspinall for, with Mr. Scott against.

Mr. Gray for, with Mr. Dorn against.

Mr. Mackay for, with Mr. Rogers of Texas against.

Mr. Senner for, with Mr. King of New York against.

Mr. Adams for, with Mr. Bob Wilson against.

Mr. Dyal for, with Mr. Carter against.

Mr. Fulton of Tennessee for, with Mr. Johnson of Pennsylvania against.

Mr. Machen for, with Mr. McEwen against.

Mr. Stratton for, with Mr. Rumsfeld against.

Mr. Thompson of New Jersey for, with Mr. Walker of Mississippi against.

Mr. Hicks for, with Mr. Reinecke against.

Mr. Cameron for, with Mr. Martin of Alabama against.

Mr. Charles H. Wilson for, with Mr. Callaway against.

Until further notice:

Mr. Purcell with Mr. Hanna.

Mr. White of Idaho with Mr. Sisk.

Mr. St Germain with Mr. Roybal.

Mr. Corman with Mr. Roncalio.

Mr. Landrum with Mr. Evans of Colorado.

Mr. Morrison with Mr. Toll.

Mr. LAIRD changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

INCREASING POSITIONS IN GS-16, GS-17, AND GS-18

Mr. OLSEN of Montana (on behalf of Mr. DULSKI) submitted a conference report and statement on the bill (S. 2393)

to authorize additional GS–16, GS–17, and GS–18 positions for use in agencies or functions created or substantially expanded after June 30, 1965.

THE CONSUMER AND THE FEDERAL TRADE COMMISSION

Mr. ROSENTHAL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include an article.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, over the past several years I have devoted considerable time and energy to the proposal to establish a Department of Consumers. My bill, H.R. 7179, which is currently pending before the Committee on Government Operations, would give to the American consumer an effective voice within the Federal Government, at the Cabinet level.

The Department would be commissioned to protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States. At the present time, Federal consumer protection activities are distributed among 33 departments and agencies of the Government. My bill is not to be interpreted as an indictment of current practices within these Federal offices, but I do believe the meaningful question to ask is whether the consumer protection activities of the Federal Government are, on the whole, efficient and effective.

The committee has referred my bill to the Executive and Legislative Reorganization Subcommittee, which has already held several hearings on the same—in Washington on April 19, and again on August 15 and 16; and in New York City on April 29.

At the August 16 hearings, Prof. Daniel J. Baum, formerly associated with the Federal Trade Commission, and now a professor of law at Indiana University School of Law, testified. He had done particular research into representation of the consumer interest before the Federal regulatory agencies, and recently authored an article on "The Consumer and the Federal Trade Commission." His article merits our serious consideration, and I am taking the liberty of including it in the Record at this point:

The Consumer and the Federal Trade Commission

(By Daniel Jay Baum, professor, School of Law, Indiana University; B.A., LL.B., University of Cincinnati; LL.M., J.S.D., New York University)

I

The poor as an emerging political force, reflected in the war on poverty, have given context and strength to the otherwise diffused interests of the consumer.[1] Nowhere is this better reflected than in the renewed proposal to establish a Federal Department of Consumers,[2] a cabinet-level office where consumers may find self-awareness through institutional representation.[3] In 1959 the late Senator Kefauver introduced a bill to achieve the same end. It found some support; it generated interesting discussion; and, it was never brought to a vote.[4] In 1965 Congressman Benjamin Rosenthal of New York City, citing the plight of the consumer in relation to the producer, emphasizing the role of the poor as consumers, reintroduced the Kefauver proposal.[5]

Appropriately, the first hearings were held in New York City. Not representatives of business, but rather those of consumer groups appeared as the first witnesses.[6] Somewhat more significant than either the testimony of Consumers Union or Wisconsin's Attorney General [7] was that of the National Urban League. Said its director, Cernoria D. Johnson:

"Naturally, the Negro, who is the league's primary concern as it works in the interest of all, becomes the greater victim. Therefore, let us view the need for better controls and protection of consumer interest from this lower vantage point in our society. We are talking about a group of people 60 percent of whom have a family income under $3,000; 75 percent have a family income under $4,000. For instance, in cities like Chicago, 85 percent of the welfare caseload happens to be Negroes though they certainly don't represent much more than 22 percent of the population. In Detroit, 60 percent of the unemployed happen to be Negro citizens.

* * * * *

"Thanks to poor education, they may not be able to read labels or advertisements. They lack the training which would lead to comparison shopping, price comparison, and the effective questioning of the practices of retail purveyors. Bound to local neighborhoods, they do not travel in search of better bargains, nor are they exposed to information such as newspaper advertisements which would inform them of the possibility of better bargains. Compensating for lack of achievement, they oftentimes aspire to consume highly visible status-giving goods, and so become susceptible to fraudulent or high-powered advertising, with consequent ensnarement in heavy installment debts, legal entanglements, and repossession claims.

"Lacking the ability to consume wisely, the impoverished are subject to a variety of exploitative forces. Retail goods are marked up in price, often to higher levels than in more affluent communities. Unlabeled and outdated merchandise is sold to purchasers who do not exercise quality control.[8]

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[1] Representative Benjamin Rosenthal (D. N.Y.) summed up rather well the plight of the consumer. Hearings on H.R. 7179 before a Subcommittee of the House Committee on Government Operations, 89th Cong. 2d Sess. 31–32 (1965), hereafter referred to as Consumer Hearings. Mr. Rosenthal said: "The reduced influence of the American consumer has a complex origin. To begin with, we now have, in this country, a disproportionate influence exercised by producer groups over economic policy. It is, of course, natural that such groups should organize and finance powerful lobbies. Equally proper is their representation by Cabinet-level Departments—Agriculture, Commerce, Labor, and perhaps, Transportation. What troubles many of us, however, is the absence of any equivalent and countervailing political power for the consumer. It is no secret that the consumer interest and the producer interest are often in conflict. In the past 10 years, there has been considerable legislative study and documentation of that record. But where each group is assumed to pursue self-interest, and where there is an equitable distribution of power among these groups, we have reason to start asking basic questions about our economic institutions . . .

"We all know the effect of special interest groups on policymaking and administration. I am speaking now of pressure we designate as proper or inevitable. But just how well organized is the consumer acting in his own interest? How many consumer groups direct effective communication campaigns to Congress? How many groups do we hear of as being active in the inevitable behind-the-scenes discussions which precede major economic decisions? How often do we get studies of consumer needs under the auspices of the Government? And isn't it usually only in the case of blatant fraud that we get organized initiative and exposure for the consumer point of view?

"In traditional terms, the regulatory agencies are intended to be the real agents of the consumer interest in our Government. Yet they too have fallen victim to changes in the distribution of political power exercised by economic groups. Any study . . . of regulatory agencies will reveal their preoccupation with settling the conflicting claims of rival producers. The Interstate Commerce Commission mediates a dispute between railroads and trucks. The Civil Aeronautics Board adjudicates the claims of large certified carriers and smaller airlines. The Federal Communications Commission referees the battle of the networks or the rivalries of television and radio. The Federal Power Commission is caught between gas producers and public utility companies. And the Tariff Commission must arbitrate free trade and protectionist squabbles.

"Where is the consumer in all of this? More often than not, he is the lowest common denominator in a process which has been carried out in his name though not in his presence.

"He can, of course, look to the Federal Government for support. And, in many cases, he receives it. But there, too, representation of the consumer is distributed through something like 33 agencies and departments.

"The situation is further complicated by the consumer's difficulty in organizing on his own behalf. The simple fact is that consumers have not, do not, and apparently will not look upon themselves as a distinct group which can either profit or suffer by various economic policies and procedures. In many circumstances this position becomes particularly poignant, as in the case of economically disadvantaged consumers who are often subjected to brutally unfair trade and commercial practices. Their power to react to such practices is reduced by their failure to think of themselves as a distinct bloc. Nor is there any easy outlet for such grievances" . . .

[2] H.R. 7179, 89th Cong. 1st Sess., 1965 was introduced by Mr. Rosenthal. For reasons later stated the essence of the bill is set forth in note 24, infra. The late Senator Kefauver, as Senator Javits noted, several years before had introduced a similar bill. Consumer Hearings, supra note 1 at 134.

[3] Id. at 31.

[4] Id. at 134.

[5] At least four of the witnesses called devoted their remarks entirely to the poor as consumers. Much of what they said is distilled in the text.

[6] Not a single "business interest" witness was called. This was a hearing solely for the consumer. From Wisconsin and New York, consumer-minded states, came statements from the attorney general. From the AFL–CIO came the legislative representative and the research economist. The list of witnesses, 16 in number, was not long, but they all spoke for the consumer. This was not to deny business access to the record, however. Statements from such organizations as the Chamber of Commerce of the United States were incorporated. See, Consumer Hearings, supra note 1 at 200.

[7] Consumer Hearings, supra note 1 at 36, 83.

From the poor has come a response: There is an unwillingness to abide any longer a situation that finds the poor in the nation's capital paying more than those living in affluent suburbia and receiving in return shoddy merchandise.[9] "The Office of Economic Opportunity has funded programs for consumer education recognizing and trying to do something about the fact that the poor always pay more."[10] Out of this federal program have come specific projects. Consider by way of example the activities in New York City of Bedford-Stuyvesant Youth-In-Action, Inc., a consumer education and action antipoverty agency.[11]

Eighty consumer aids, poor themselves, were trained to survey neighborhood prices and pass on the information gathered to the residents. What they found was revealing. There were meaningful price fluctuations on the 1st and 16th of each month, "which coincides with the delivery dates of regular welfare checks".[12] Of 50 items checked (evidently food staples) increases of 2 to 15 cents for this period were found in 27 items.[13] The checking and sifting of complaints by the eighty consumer aids has demonstrated that the consumer, particularly the poor, is not a sophisticate, but often ignorant of the very terms of an agreement.

"Mrs. Aponte (of Youth-In-Action, Inc.). Well, the experience I have had is that, for example, when you are dealing with the Negro that is coming from the South—that is, the uneducated Negro—as well as the Puerto Rican, the main problem is the language barrier. You can see that when a merchant or a salesman knocks on the door. And because of their traditionalistic patterns of behavior, they send the man in, and they are more receptive because, let's say, their alertness to the city life is not so as the educated consumer.

"For example, we have found cases wherein a person signs a contract for some high-cost durables like, for example, a bedroom suite without knowing what he is signing for.

"In many cases, especially when you have Spanish names, a Mr. Juan Perez lives in apartment No. 5 and another Mrs. Juan Perez, lives in apartment No. 3. You have installment contracts signed by one person and the garnishee received by the other person.

"Mr. Rosenthal. And what does the other person who gets the garnishee do about it?

"Mrs. Aponte. The other person that gets the garnishee—that is the problem—does not know, because he is ignorant of the law and of his rights."[14]

Out of such antipoverty groups as Youth-In-Action, Inc., particularized experience has allowed for problems to be articulated and generalized, a mighty first step in framing curative legislation. So it was that the director of the Harlem Consumer Education Council cited some of the problems the people of Harlem have to live with every day:

"1. Consumer frauds: (a) Misrepresentation of quality of merchandise; (b) Excess credit and carrying (other than credit) charges; (c) Undue sales pressure; (d) Deception in sales pricing; (e) Violations of due process of law.

"(1) Default judgment.

"(2) Service of summons (commonly known in the poor as sewer service).

"2. Deception and false advertising as the poor know it: (a) Misleading advertising; (b) Bait advertising; (c) Special appeals to minority groups in low income brackets; (d) Deceptive labeling; (e) Inferior food."[15]

The force of the urban poor has been felt by their representatives in Congress, of both parties. Mr. Rosenthal's bill was not shelved; it was referred to the Committee on Government Operations, and from there to the Executive and Legislative Reorganization Subcommittee.

This is the same committee and subcommittee that considered and reported out the bill which established the Department of Housing and Urban Development.[16] And it is the same committee and subcommittee that has developed the proposal for a Department of Transportation.[17] Both measures were not only a response to the poor[18] but to the plight of the city generally.

All of the members of the subcommittee are from industrial states; many from metropolitan areas; and some from the inner-city ghetto.[19] Those who supported the principle embodied in Rosenthal bill included both Senators Javits and Kennedy of New York.[20] It is true, said Senator Kennedy, that regulatory agencies were brought into being to protect the consumer. It is also true, he continued, that the consumer's interests before these agencies is drowned out by competition of more particularized interests.[21] So it was that the Senator asked:

"Why shouldn't young people who will be enticed to smoke by cigarette advertising be spoken for when the tobacco interests are heard so clearly?

"Why shouldn't the users of electricity be heard when the giant utilities are spoken for so effectively?

"Why shouldn't those who borrow from banks be heard as well as the financial institutions themselves?

"Why shouldn't the purchasers and viewers of the television sets be heard as well as the spokesmen for the networks and the manufacturers?

"Why shouldn't those who pay exorbitant prices for drugs be heard as well as the drug manufacturers?

"And why shouldn't the airline passengers be heard as well as the airlines?

"It is not easy to organize the consumers so that their point of view can be consistently and effectively set forth, but a Federal department specifically charged with that obligation could give the consumer the voice he needs in the regulatory process."[22]

While the Rosenthal bill is rather specific[23] it must be emphasized that its sponsor is

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[8] Id. at 114.

[9] Id. at 116. Yet, fairness demands that this generalization be qualified. Following the 1966 riots in Cleveland, Ohio, I interviewed executives in a well-known firm of certified public accountants who serviced many of the "ghetto" stores. Economics, they told me, forced some of the increases in prices. The poor, by way of example, ask not for cartons of a dozen or even a half dozen eggs, but rather for three eggs. This involves added expense. Moreover, the "ghetto" stores have a significantly higher incidence of shop-lifting than those of suburbia. The businessman must make up the loss not only through direct price increases, but also indirectly through employment of guards. Because of the confidential nature of the interview neither the firm nor its location can be identified.

Congressman Wydler (R. N.Y), member of the subcommittee, noted: "Many of us have suffered in one way or another through our inability to be properly informed. But, without question the poor are the ones who suffer the most from such practices. And, their suffering does not result merely in chagrin or inconvenience. Since the average family, earning $3,000 or less a year, pays one-third of its money on food and other large proportions on clothing and consumer products—the latter frequently on installment plans—we come to realize that false and misleading practices can cause them physical and mental hardship. Because of lack of education, shopping skills, and bargain stores, the poor are not only more likely to be taken advantage of but actually forced to pay more for their merchandise than people in middle income areas". Id at 121.

[10] Testimony of Senator Robert Kennedy, id. at 125.

[11] Id. at 173.

[12] Id. at 174.

[13] Id. at 174–75. For further examples see, id. at 182.

[14] Id. at 175.

[15] Id. at 180. The director continued, "In fact, do you know that on 125th Street, there is a price for blacks and a price for whites; and this is not so only in Harlem but practically everywhere in New York City, when a black or Puerto Rican appears". Ibid.

[16] Id. at 30.

[17] Ibid.

[18] It would be incorrect to think that the proposed Department of Transportation has no relationship to the problems of the poor. Consider this recent observation of an Indianapolis, Ind., columnist who studied the Watts area of Los Angeles, the scene of violent social unrest: "Only six percent of the region's jobs are for unskilled workers, which leaves a narrow employment market for most Negroes.

"This market, like almost everything else in Los Angeles, is most available for people with cars—but only ten percent of Watts' residents have cars.

"And the bus ride from Watts to the aerospace plants may take two hours and half a dozen transfers." Indianapolis Star, p. 1, col. 2, Aug. 28, 1966.

[19] The members of the subcommittee include: William L. Dawson (D. Ill.); Chet Holifield (D. Calif.); Henry S. Reuss (D. Wis.); Benjamin S. Rosenthal (D. N.Y.); Edward A. Garmatz (D. Md.); Cornelius E. Gallagher (D. N.J.); John N. Erlenborn (R. Ill); John Wydler (R. N.Y.); Clarence J. Brown (R. Ohio).

[20] Consumer Hearings, supra note 1, at 123, 130.

[21] Id. at 124.

[22] Id. at 124–25.

[23] Mr. Rosenthal, in his testimony, highlighted the bill's more important provisions: Section 6 "attempts to increase the effectiveness of the regulatory agencies by giving them more power and resources to identify and promote the consumer interest. The Secretary of the proposed new Department, acting through a special consumer counsel, would be authorized to intervene as a party before any U.S. regulatory agency in nonadjudicative matters when the Secretary determines such matters may substantially affect the economic interest of consumers. This purpose may be executed by the filing of a certified copy of the finding made by the Department, or presentation of oral argument before the agency itself. Section 6 (c) of the bill also authorizes the Department to appear before any appellate court of the United States as amicus curiae in a proceeding involving the review of any order by any regulatory agency, or any civil judgment, decree, or order entered by a district court relating to trade and commerce.

"The consumer needs representation in such critical matters. Section 6 of H.R. 7179 gives it to him.

"Likewise, provision is made to allow the Department to receive and evaluate complaints concerning commercial and trade practices injurious to the consumer interest. The Department would then transmit to the appropriate producer, distributor, or supplier written notification of this complaint and could, of course, take appropriate action within its own authority. Where the complaint came under the authority of another agency or department, the Department of not wed to any single approach.[24] Rather, he is concerned with achieving certain goals: Existing consumer programs need vigorous coordination and enforcement. Equitable regulatory agency decisions require more effective presentation of the consumer interest. Disproportionate producer power must be countervailed. And the American consumer should have his own spokesman at cabinet level in the federal government.[25]

Few question the ultimate objective of the Rosenthal proposal: protecting the consumer. Many, however, question the means used to achieve this end. Why give to the Executive power already exercised by 33 federal agencies administering more than 296 activities designed to shelter the consumer?[26] After all, isn't the administrative agency superior to the Executive, or, for that matter, even the legislature, as an instrument for social change? And it is social change, even social revolution, that characterizes the American society today.[27]

II

This nation is not without history. There is a past that can be studied to determine how best to shape the future. There is experience which will allow for making a choice, if such is needed, between the administrative agency and the Executive as the best means for forwarding the well being of consumers.

Almost thirty years ago the Congress faced the problem of defining consumer interest. The Supreme Court, interpreting that portion of the Federal Trade Commission Act allowing the agency to condemn "unfair methods of competition," in a false advertising case required the FTC to prove that competitors might be injured; consumer deception did not suffice.[28] By implication the Court held: (1) Competition, not protection of the consumer, was the overriding thrust of the prohibition against "unfair methods of competition." (2) Consumer deception does not necessarily result in injury to competition.

"To the Commission's great credit it was not unduly discouraged by this decision and it made the most of the clear opportunity presented by forcefully seeking Congressional approval of a consumer protective function.[29] And the Congress to its credit reacted; the Wheeler-Lea Amendment of 1938 was enacted.[30] The statute offered no itemization of those wrongs which the FTC was to attack in the interest of the consumer. To do so would by inference "exclude those things which are not cataloged." [31] The approach rather was to declare unlawful "unfair or deceptive acts or practices in commerce."

From the Congress came an expansive grant designed to allow the consumer a voice, indeed even a vested interest, through the enforcement machinery of an independent agency, The Federal Trade Commission. The difficulties that subsequently arose were such that could not be anticipated by the Congress or the agency.

In the first instance the Commission, perhaps from the very beginning, was unable to understand that consumer interests were not necessarily the same as those which further competition. Indeed, one wonders whether the Commission in seeking the assistance of the Congress endeavored merely to overrule the Court's decision which drew a line between the interests of business as contrasted to those of the citizenry. Did the Commission attempt to remove a procedural burden, or reach toward a new goal in going to the Congress? The answer is found in this exchange between Senator Wheeler and Commissioner Davis:

"The Chairman (interposing). In other words, a concern might be carrying on deceptive and unfair practices and might not have any competitor who would be affected by it in dollars and cents. And the Court held in that Raladam case as I understand it, that unless a competitor were absolutely losing money you could not stop him.

"Mr. Davis. . . . Since then the Commission has taken to always develop a showing of competition and of injury to competitors. It has constituted an onerous burden upon the Commission and the Government and that is true even in a case where it is obvious that a member of industry by unfair methods of competition, induces the buying public to purchase his product—I say even if it is obvious that to the extent those methods bring trade to him they take away from his competitors, it is necessary to show that." [32]

For an agency initially charged with the responsibility of preventing "unfair methods of competition" the mistake was pardonable. It is a difficult enough task to maintain conditions of fair dealing between competing businesses. Nevertheless, the lines of difference, of separation of consumer from business exist and must be realized. Choices must be made; and the Congress in the Wheeler-Lea Amendment authorized the agency to make those choices. The only condition imposed was that in the event of conflict between competing interests there be a balancing, and an articulation of the rationale of decision.

Let generalization give way to specifics. It is well to set forth some examples of competing interests. We can begin with something as minuscule as a pricing representation. To tell a consumer that an item will be sold for $10.00 when in fact it will be parted with only at $15.00 is deceptive. It is just as wrong, just as misleading to tell a consumer that an item usually is sold for $20.00, when in fact it is sold for $15.00 and then offer a "bargain" clearance for $15.00.[33]

These are simple observations to which few would object in principle. It is the application that becomes difficult. Take the

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Consumers would transmit the matter, perhaps with its own advisory recommendation.

"The Department would also receive, evaluate, act upon, and disseminate information helpful to consumers, including information concerning commercial and trade practices adverse to their economic interest.

"The Department would also be responsible for conducting surveys relating to the economic interest of consumers.

"Section 9 of H.R. 7179 authorizes the Department to conduct and make public detailed economic surveys and investigations which relate to the economic interests of consumers. The authority extends to surveys and investigations of the market operations of broad sectors of our economy as well as to the operations of specific corporations. Information received by the Department concerning the cost of production or distribution of any product by any corporation may be made public only in a form which does not disclose such information with respect to any particular corporation. This section also prohibits the Department from engaging in any program of testing for the purpose of determining, as among the products of different producers, the relative merits of suitability of products of any class or type.

"Section 8 of the bill transfers the consumer responsibilities of certain agencies to the new Department where their activities may be more effectively pursued. These include—

"(1) Food and Drug Administration of the Department of Health, Education, and Welfare;

"(2) The Division of Prices and Cost of Living of the Bureau of Labor Statistics, Department of Labor;

"(3) Home Economics Research Branch and the Human Nutrition Research Branch of the Agricultural Research Service of the Department of Agriculture; and

"(4) Those elements of the National Bureau of Standards which the Director of the Bureau of the Budget shall determine to be engaged primarily in research with respect to, or the testing of, articles intended for use by consumers". Id. at 33–34.

[24] This was made clear in two interviews with Representative Rosenthal.

[25] Id. at 34.

[26] Id. at 202 (statement by Edwin S. Rockefeller on behalf of the Chamber of Commerce of the United States). Mr. Rockefeller stated, in addition, "Some 65,000 employees were said to be involved in these programs at an annual cost of almost $1 billion". Ibid.

[27] Address by Commissioner Mary Gardiner Jones, Federal Trade Commission, "The Role of Administrative Agencies As Instruments of Social Reform," before the American Political Science Association, New York City, Sept. 7, 1966, at pp. 8–9 (mimeo.), hereafter referred to as Commissioner Jones' address: "The two most significant developments affecting our society today are the new status which the ordinary affluent citizen is demanding and assuming in our marketing economy, and at the same time the almost total alienation and exclusion from the cultural, economic, social and political life of our society of our racial minorities and poverty-stricken citizens. The consumer is beginning to emerge as a positive factor in his own right, who does not want to be a mere passive, pliant beneficiary of business' goods and services, but who wants in fact to be an active participant in the process of selecting the goods for purchase on the market. Such clarion calls as 'the consumer's right to know' are a direct response to what in the past has too often been too cavalier a disregard by business of consumers as anything more than objects toward which to direct their advertising messages, and in whose purported interest—as seen by business—their goods were designed, fashioned and, indeed, created.

"It is unlikely that the reorientation in thinking which is required to deal effectively with the new self-awareness and demands of consumers will create violent controversy. Rather, the major problem will be to make certain that the shift occurs and that the consumer is in fact permitted to take a larger share of responsibility for the many activities which are directed towards his welfare".

[28] FTC v. Raladam Co., 283 U.S. 643 (1931). For an excellent discussion of Commission litigation in this area see, Weston, Deceptive Advertising and The Federal Trade Commission: Decline of Caveat Emptor, 24 Fed. B.J. 548 (1964).

[29] 24 Fed. B. J. at 551.

[30] 52 Stat. 114 (1938), 15 U.S.C. 52 (1965).

[31] Hearings on H.R. 3143 before the House Committee on Interstate and Foreign Commerce, 75th Cong., 1st Sess., at 15 (1937).

[32] Hearings on S. 3744 before the Senate Committee on Interstate Commerce, 74th Cong., 2nd Sess., at 6 (1936).

[33] Much of the discussion that follows is based on Baum, Memorandum to the Federal Trade Commission of Deceptive Pricing, 8 Antitrust Bull. 949 (1963).

automotive industry. None deny its importance to the economy. All know the annual game of price comparisons, of confusion springing from a law sought and improperly used by the industry.[34] Manufacturers are required to place a suggested list price on each car sold; and dealers are forbidden to remove the stickers. Yet, in all save a few situations[35] the sticker price is unrealistic; it is not the selling price, but rather a convenient tool for the purpose of bargaining. Put another way, the sticker denies the consumer the truth, the knowledge of the price at which the car is sold in his trade area. He is met with confusion that the dealer frequently compounds.

The false bargaining, however, stimulates sales; consumers believe they are the recipients of discounts. Where they might hesitate if the truth were known; they rush to accept the baseless sticker deduction. They are deceived, but the fruit of their deception feeds the nation's economy. False price advertising stimulates sales; it allows cutting prices. In turn, pressure is eased on manufacturers to reduce prices; volume increases while the unit price is stabilized. From false advertising, it can be argued, all derive benefit; the success of the manufacturer means higher wages to employees who also are consumers. Similarly the success of the manufacturer means success for his suppliers and their employees.

The argument for deception is not without merit. That this is so may be indicated by the inaction of the Federal Trade Commission. Not a single complaint has been issued to test the legitimacy of the auto "sticker". Not a single public statement has been made formally challenging the right to use a specific piece of Federal legislation in contravention of a firm public policy against deceptive advertising embodied in the Federal Trade Commission Act.[36]

The difficulty in drawing lines, in delineating the interests of the consumer as contrasted to the business community, in fathoming the difference between "unfair methods of competition" and "unfair or deceptive acts or practices", is one that goes beyond a single industry. It is one that so expert an agency as the FTC with an accretion of more than 50 years experience has sometimes allowed to be forgotten.

Again, consider the area of pricing representations and, more specifically, list prices. Slowly, painfully over a period of several years the FTC evolved a pattern of detailed regulation over list pricing. The result was freedom to advertise the truth, and denial of the right to speak falsely. In framing the controls, the criteria for measuring right from wrong, the agency relied upon the spirit of a Supreme Court decision antedating the Wheeler-Lea Act: "There is no duty resting upon a citizen to suspect the honesty of those with whom he transacts business. Laws are made to protect the trusting as well as the suspicious. The best element of business has long since decided that honesty should govern competitive enterprises, and that the rule of caveat emptor should not be relied upon to reward fraud and deception."[37]

The regulations formulated by the agency were promulgated in Guides Against Deceptive Pricing. List prices, the most frequently used form of comparative pricing, had to reflect "the usual and customary" or the "prevailing price in the trade area" where the representation was made. To advertise a list price required the businessman to ascertain what the greater volume of goods sold for in his trade area.[38] And the courts accepted this ruling by the agency, which had the duty to sift facts, and on the basis of its expertise render an interpretation.[39] Yet, it was not long after the courts backed the FTC that the very same agency reconsidered its long developed position. Henceforth, list price comparatives could be used so long as they reflected "substantial sales by principal retail outlets."[40] So long as some important stores sold at the list price, regardless of the greater volume index, that sufficed. Why the Commission switched positions can only be a subject for speculation. We suggest that one reason must have been the constricting effect of the old regulations on comparative pricing representations.[41] The effect, however, on those who could deceive was made clear in *Revco D.S., Inc.*[42] The Commission concerned itself with list price claims by a retail drug chain. The staff argued that the "list" used did not reflect either the usual or customary prices of the goods sold in the trade area, or, for that matter, even accounted for "substantial" sales under the new guides. For the Commission majority neither test was relevant; the list was permitted:

> "Unless and until discount selling in a particular area has become so prevalent as to produce a breakdown in the retail price structure, and what were formerly the regular prices are adhered to by only a few isolated, atypical sellers and are no longer representative of the general price level in the area, retail price comparisons cannot be presumed to be deceptive . . ."[43]

The Commission in the matter of list prices failed to remember the danger of false advertising in its concern for promoting competition. The agency failed to recall what a reviewing court said as recently as 1962: "Its vice is its deception and the understandable inability of the price conscious consumer to control his urge to make a 'good buy'."[44] The fault found with the FTC is not that it decided in favor of a kind of competition, but rather than it evidently did not weigh consumer interests in arriving at a decision.[45]

III

There is still a second area of difficulty that is less easy to document. The Congress afforded the Federal Trade Commission a broad grant of power: Unfair or deceptive acts or practices in commerce were declared unlawful. Falling upon the FTC was that wide discretion to strike or affirm questioned activities. It was not unusual, therefore, when matters of great moment were being weighed, for political influences to make themselves felt.[46]

Let the recent story of cigarettes serve to illustrate. In 1955 the Commission promulgated Cigarette Advertising Guides[47] designed for the use of its staff, and released to the public in the interest of obtaining voluntary, simultaneous, and prompt cooperation by those affected. It was through implementation of the Guides that the then Chairman, Earl W. Kintner, was able to announce on February 5, 1960: ". . . (T)here will be no more tar and nicotine claims in cigarette advertising. . . . (T)hese claims are being eliminated simultaneously and on an industry-wide basis because the individual claims were confusing to the public and possibly misleading in view of the absence of a satisfactory uniform testing method and proof of advantage to the smoker."[48]

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[34] The Statute, known as the Monroney Bill, the Disclosure of Automobile Information Act, 72 Stat. 325 (1958), 15 U.S.C. 1231–33 (1963), compels manufacturers to label new cars with, inter alia, "the retail price of such automobiles suggested by the manufacturers. . . ." The primary purpose of the act was "to prevent misbranding, abuse of caravan car prices and . . . 'packing' . . ." Plymouth Dealers' Association of Northern California v. United States, 279 F. 2nd 128, 134 (9th Cir. 1960), rehearing denied.

[35] This is not intended to deny the fact that some lines of automobiles are sold at the manufacturers' suggested list price.

[36] In at least two Commission matters appellate courts touched on the relationship of the Disclosure of Automobile Information Act and the Federal Trade Commission Act. Giant Food, Inc. v. FTC, 322 F. 2nd 977, 982 (D.C. Cir. 1963); Baltimore Luggage Company v. FTC, 296 F. 2nd 608, 611–12 (4th Cir. 1961).

Not the agency, but the respondents raised the disclosure act as a defense to their own false pre-ticketing. Both circuits rejected the argument not on the grounds that the disclosure act allowed for fictitious pre-ticketing, but, on the contrary, that it was designed in part to prevent that very thing: "It is quite obvious that the Automobile Information Disclosure Act was enacted in the effort to remedy a situation peculiar to the automobile industry brought about by widespread fraudulent or deceptive practices principally indulged in by retailers. *The Act does indicate that pre-ticketing per se is not illegal, but the Commission does not so contend. There is nothing in this Act to indicate that fictitious or deceptive preticketing has Congressional approval.*" (Emphasis added) 296 F. 2nd at 612; see also, 322 F. 2nd at 982.

[37] FTC v. Standard Educational Society, 302 U.S. 112, 116 (1937).

[38] See, 2 CCH Trade Reg. Rep. #7897 (Jan. 8, 1964).

[39] Giant Food, Inc. v. FTC, 322 F. 2nd 977 CD.C. Cir. 1963; cf. Weston, Deceptive Advertising and the Federal Trade Commission: Decline of Caveat Emptor, 24 Fed. B.J. 548, 567, nte. 138.

[40] Commissioner MacIntyre's lucid dissent in Revco D.S., Inc. Dkt. 8576 (June 28, 1965) makes the point with some force. See, pg. 6, nte. S. of his dissent.

[41] See, Baum, Memorandum to the Federal Trade Commission or Deceptive Pricing, 8 Antitrust Bull, 949 (1963).

[42] Dkt. 8576 (June 28, 1965).

[43] Majority opinion at pg. 14. Commissioner MacIntyre in his dissent asked: "Does the majority here mean that a price cannot be fictitious unless an overwhelming majority of the sales in the trade area in question are below the higher comparative price? Perhaps the majority here is equating "substantial" with "overwhelming" or, conceivably, it is simply eliminating the concept of substantiality which was introduced in the Revised Pricing Guides. If this sentence signifies what it seems to mean, then in effect the word "substantial" has been read out of the Guides, for, as a practical matter, a finding of fictitious pricing is precluded unless none, or only minuscule percentage, of the sales in a particular area are at a higher comparative price. That is a stringent standard, indeed." at p. 7.

[44] Helbros Watch Co. v. FTC. 310 F. 2nd 865, 869 (1962), cert. denied, 372 U.S. 976.

[45] See, Baum, Antitrust Functions of the Federal Trade Commission: Area Discrimination and Product Differentiation, 24 Fed. B.J. 579, 600–08 (1964).

[46] See, Baum and Baker, "Enforcement, Voluntary Compliance, And The Federal Trade Commission," 38 Ind. L.J. 322, 376 (1963). "The Commission, though characterized as an independent agency, is buffeted by congressional and business pressures each with a view as to how the agency might better meet its statutory obligations. The end result of multafaceted pressures might well blunt effective Commission action."

[47] CCH Trade Reg. Rep. ¶ 7853.53.

Health claims were struck; the way was paved for the action finally taken by the FTC on June 22, 1964: Disclosure was ordered in advertising and on cigarette packages of the danger of smoking.[49] Pressured, however, by Congress, which, in turn, reflected to some extent the influence of the tobacco lobby, the Commission relented. It postponed the operative effect of its ruling. Congress filled the void; on January 1, 1965, the Federal Cigarette Labeling and Advertising Act was passed. Until July 1, 1969, the cigarette industry which spends approximately $190 million annually on advertising was to be left untouched; in advertising no affirmative disclosure of harmful effects from smoking could be sought by the FTC. All that was demanded was an innocuous legend unseen by the impulse buyer: "Caution: Cigarettes may be harmful to your health."[50]

Congressional interdiction of agency action did not end after the question of affirmative disclosure was resolved. The impact of partial rejection by the Congress as a body softened the Commission. Individual, powerful Congressmen pressed for what must be described as a further weakening of those regulations affecting cigarette advertising. They asked and caused the Commission to reopen the tar and nicotine derby.[51] Their argument was that competition would force manufacturers to strive for less tar and nicotine content once disclosure was permitted.[52] In this regard it is well to note what one representative of a major cancer research center said: ". . . tests have shown that the smoke of certain filter brands introduced during the past year has almost identical tar and nicotine contents as their nonfilter namesakes."[53]

The point of the cigarette story is not whether the Congress or the Commission was correct. Rather, the object of the narration is to demonstrate that when consumer and business interests clash, even in the context of a statute, political considerations may become dominant. The question is whether an independent agency has the capacity to make political determinations.

Commissioner Jones of the FTC in a most revealing speech indicated that any independent administrative agency lacks such capacity: "Unlike an Executive department, an agency does not act with the power of the Administration behind it. Indeed, one of its most significant characteristics is its relative isolation from the body politic—in other words, its essential political loneliness. This, agencies must operate always in the knowledge that when they engage in a course of action which may encounter opposition from within their parental body, they must face the Congressional ire without any political backing. If an agency should decide to initiate a new policy or a new interpretation of its enabling statute, or even to apply an old interpretation to a new set of facts, it must make that decision in the knowledge that if the issue backfires or creates a controversy, it will stand alone in defense of its action. By the same token, if the agency takes a position which evokes the ire of the Executive branch, its members must reckon with the fact that Executive displeasure could reflect itself in a refusal to reappoint them on the expiration of their terms".[54]

Political neutrality is a demanding state. It compels an agency not to vary from the norm, to implement only those policies which reflect a "national consensus".[55] Agencies must not offend those groups possessing significant political representation. Perhaps it was this feeling which led Commissioner Jones to say that the FTC's "responsibilities are not directly involved in the promotion of the welfare of the individual, in the protection of minority rights or in the elimination of poverty".[56]

By statute the FTC is very much involved in each of the areas mentioned by Commissioner Jones. Indeed, as the Commissioner, herself, later said: "The war against poverty has revealed in a shocking and dramatic fashion the extent to which the low-income consumers are unsophisticated in the ways of the marketplace, completely unaware of their legal rights, wholly dependent on the seller for the credit which they need in order to purchase the goods they want, and psychologically and financially helpless to cope with the high-pressure salesmanship and glowing promises which are daily directed to them in a barrage of advertising messages and by the door-to-door peddler or glib, fast-talking salesman".[57]

The facts and the confession of an FTC Commissioner make this clear: A means must be found at the enforcement level to make political decisions on behalf of the consumer. Independent agencies, like the Federal Trade Commission, lack the support necessary to do this. Yet, it would be erroneous to dismiss independent agencies, like the Federal Trade Commission, from playing a major role in consumer protection. Not always need the threat of "politics" assume reality.

IV

One approach to shaping the form and substance of a Department of Consumers is to understand and better those programs initially designed for the consumer. By bringing the Federal Trade Commission to a level of efficient operation it will be possible to fathom with some specificity those areas beyond the reach of the agency, though technically within its jurisdiction ambit.[58]

Study of a rather precise type is needed.[59] With the consumer, and more particularly the poor, as the focal point of investigation the study assumes a context. What the poor need, to illustrate, is action at the local level, not general consumer conferences in the cloistered halls of Washington, D.C.[60] What has the FTC done to bring its power over deceptive and unfair practices to bear in the city, in the neighborhood, in terms of individual ghetto stores? What kind of machinery exists for reaching the hundred major metropolitan markets where the consumer does most of his buying?[61]

The answer to the questions can be found. To illustrate, in 1959 furniture dealers in the District of Columbia were invited to a meeting where comparative pricing claims were discussed. Following a rigorous question and answer period, the FTC "then solicited voluntary agreements to comply with the Guides (Against Deceptive Pricing)". It was then said: "The results of this meeting have been such that we (the FTC's then Bureau of Consultation) are now considering plans for continued use of the same procedure in the District of Columbia and other areas of the country which appear to offer similar opportunities for success".[62]

The hopes verbalized were never pursued. What could have had a meaningful impact on the poor[63] was crushed by a new Commission. From a new Chairman, Paul Rand Dixon, came this explanation for the elimination of local, city-wide enforcement programs: ". . . (T)he city-wide meetings necessarily involved the Commission very deeply in business practices at the retail level, often in situations where our jurisdiction was questionable, if it existed at all. (Further,) these meetings brought together such a diverse group of businessmen that often the problems raised by one group bore no relationship to the problems of others in attendance and logic dictated that more effective action could be taken along industry lines, as we are now attempting."[64]

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[48] Reprinted in CCH Trade Reg. Rep. ¶ 7853.51. The primary support for the Commission's position in preventing the tar derby came from P. Lorillard Company v. FTC, 186 F. 2nd 52 (4th Cir. 1950).

[49] The moving force for extended regulation was the report and findings of the Surgeon General's Advisory Committee on Smoking and Health. Of this report a Senate committee noted: ". . . no permanent medical or scientific body undertaking a systematic review of the evidence has reached conclusions opposed to those of the Surgeon General's Advisory Committee" which found that, "cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action". S. Rep. No. 195, 89th Cong., 1st Sess., p. 3 (1965).

[50] See, CCH Trade Reg. Rep. ¶ 7939.

[51] BNA Antitrust and Trade Reg. Rep., April 12, 1966, p. A–6; id., June 14, 1966, p. A–13.

[52] Id., June 14, 1966, p. A–13.

[53] Ibid.

[54] Commissioner Jones' address, supra, note 27 at pp. 22–23.

[55] Id. at p. 29.

[56] Id. at p. 32.

[57] Id. at p. 39. The Commissioner added: "The low-income consumer has very special needs with respect to the information which he needs to have in order to venture into the marketplace and protect himself from being deceived, particularly about the terms of a bargain which he is purportedly making of his own free will. Without some rudimentary marketing know-how, including, as a minimum, the know-how as to what questions to ask, and what his basic rights as a consumer are, the less advantaged segment of our population is left an easy prey for those who would be unscrupulous." Ibid.

[58] For certain purposes the FTC may serve as a study model. From an investigation in some depth we may learn what questions to ask other agencies administering consumer-protection programs.

[59] Senator Harrison A. Williams (D. N.J.) evidently had this in mind when he proposed the establishment of a Citizens Advisory Committee to the FTC. See, News Release from Senator Williams' office, June 22, 1964. (mimeo.); see also, Baum, FTC Citizens' Advisory Committee, 17 Ad. L. Rev. 201 (1965).

Senator Williams indicated that the FTC was reacting with some favor to his proposal. The Chairman of the Commission is "seeking opinions from representative groups on the proposed Citizens Advisory Committee . . ." And there was recently created within the agency an Office on Federal-State Cooperation. Letter from Senator Williams to Prof. Daniel Baum, April 20, 1965.

[60] See, Statement by former Chairman, Earl W. Kintner, "Some Matters of Current Common Interest to Furniture Retailers and to The Federal Trade Commission," before the National Retail Furniture Association, Chicago, Ill., Jan. 6, 1960, at p. 2 (mimeo.).

[61] Note, 38 Ind. L.J. 455, 457 (1963).

[62] 1960 FTC Ann. Rep. at 82.

[63] At this point it is well to recall that the role of the FTC is to protect "the public—that vast multitude which includes the ignorant, the unthinking and the credulous," . . . quoted in Charles of the Ritz Corp. v. FTC, 143 F. 2nd 676, 679 (2d Cir. 1944).

It is doubtful that the Chairman spoke only for himself. In 1962 the Commission dismissed a case which would have given it jurisdiction for local action. It refused to rule whether the mere dissemination of advertising in interstate commerce sufficed for the Federal Trade Commission Act to come into play.[65] And it was after this ruling that the city-wide programs were no more.

Yet, if the Commission had attended to deceptive practices such as pricing claims on an industrywide basis, all would not have been lost. But this the Commission did not seek. Instead, it so diluted the Guides Against Deceptive Pricing that manufacturers were afforded a wide discretion in how truthful they could be.[66]

The recited illustration points to the kind of study which those concerned with the consumer could initiate. It would allow for agency effectiveness to be gauged. It might point the way not only for new direction, but also institutional reform. Thus, it can be asked: If there had been an independent general counsel, possessing the right of appeal at least to a Court of Appeals, would the 1962 dismissal have stood?[67] Or, for that matter, would the Commission have dismissed the case in the first instance? Further, if, let us say, the President's Committee on Consumers' Interests had the power and intervened in those proceedings leading to a dilution of the Guides Against Deceptive Advertising, what would the agency have done?[68]

The Rosenthal bill may permit a responsible body of Congress to ask not only these questions, but many more. The bill provides the opportunity for a re-examination of existing consumer legislation. And the antipoverty program, the poor, provide the catalyst for action now.

OPENING OF THE 21ST GENERAL ASSEMBLY OF THE UNITED NATIONS

Mrs. **KELLY**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. **KELLY**. Mr. Speaker, I am taking the floor this morning to call to the attention of the House the fact that the 21st General Assembly of the United Nations Organization is convening today at the U.N. headquarters in New York City.

Mr. Speaker, I had the honor of serving as a member of the U.S. delegation to the 18th General Assembly which met during the fall of 1963. I regret to say that many of the problems which confronted the United Nations at that time are still with us today, facing the delegates to the 21st General Assembly.

The paramount problem continues to center on the issue of financing. Because of the refusal of some members to pay their assessments, the United Nations Organization is in serious difficulties: its immediate working deficit has been estimated at between $32 and $52 million, while the overall delinquencies were in excess of $150 million at the beginning of this year.

Even though a number of countries have made special payments to the United Nations, in an attempt to help the Organization out of its financial difficulties, the deficit in the current accounts is sizable and seriously impairs the Organization's ability to fulfill its vital missions, particularly in the field of peacekeeping operations.

Mr. Speaker, 3 years ago, in addressing myself to this subject, I pointed out that the United Nations cannot discharge its functions in advancing the cause of peace and economic and social improvement in the world unless all of its members fulfill their responsibilities to the Organization. What I said then is still 100-percent valid. I hope, therefore that the nations which are delinquent in paying their assessments will reconsider their positions and pay up their arrears.

Mr. Speaker, the challenges which face the United Nations today are graver than ever. Such issues as Vietnam, the nuclear test ban, disarmament, nuclear proliferation, peacekeeping operations, and "apartheid," will be discussed during this General Assembly. There is little prospect that the United Nations will be able to make headway in resolving some of these issues until its financial house is put in order.

The need for effective and responsible U.N. presence in the world needs no elaboration on my part. The United Nations is a forum in which the cause of peace can be advanced. The United Nations also provides the means for reconciling international differences, for mediating conflicts, for championing human rights, and for improving the material condition of man. Its achievements during the past two decades have been impressive. Its accomplishments in the years to come can be even more significant. But the Organization must be furnished with the means to do its work.

Mr. Speaker, I trust that the countries of the world which are truly interested in world peace will not allow the United Nations to falter at this crucial juncture of history. If the United Nations fails, this will be a much more dangerous and unhappy world. I hope and pray that we will not allow this to happen.

BANK EARNINGS SKYROCKET WITH HIGHER INTEREST RATES

Mr. **PATMAN**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. **PATMAN**. Mr. Speaker, on December 6, 1965, the Federal Reserve Board followed the recommendation of the bankers and raised interest rates to the highest level in about 40 years. It is now possible to see how the bankers have fared under the interest rate increase as compared to the public and the remainder of the economy. The earnings reports for 73 leading banks reveal that these banks increased their earnings an average of more than 13¼ percent in the first 6 months of 1966 as compared to the first 6 months of 1965.

BANK PROFITS INCREASE AS RESULT OF DECEMBER FEDERAL RESERVE ACTION

While these banks were increasing their profits more than 13¼ percent as a result of the Federal Reserve Board action, 11 leading savings and loan organizations listed in the Standard & Poor's Stock Guide showed a decrease of 45½ percent in earnings for the first 6 months of 1966 as compared with the first 6 months of 1965. Those who desired to purchase homes have been required to postpone the purchase or to obligate themselves to pay unreasonable interest rates for years into the future, thereby resulting in the expenditure of thousands of dollars in additional funds that would not have been required in the absence of the Federal Reserve action. This same home buyer has been caught in the middle on consumer prices. The Associated Press has recently reported that wholesale food prices climbed 1.3 percent in the month of August. In addition, the consumer and home buyer will be required to pay even larger sums in taxes to pay the higher interest rates which are being paid by the Government on Government obligations.

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[64] See, Baum, "Programs of Enforcement: Comment and Correspondence Between Congressman ROUSH and the Federal Trade Commission," 16 Ad. L. Rev. 42, 49 (1963).

[65] By this time President Kennedy had appointed a majority of the members of the Commission. S. Klein, 3 CCH Trade Reg. ¶ 15752 (Feb. 23, 1962). From ruling two Commissioners dissented.

[66] Supra, note 50.

[67] It may be that political influences always will bear upon agency decision-making. Through an independent general counsel, however, there may be the opportunity to preserve somewhat the position of the consumer—for the general counsel would be required to act as an advocate, not an impartial decision-maker.

[68] Both Senators KENNEDY and JAVITS endorsed this proposition on a much broader scale. See, Consumer Hearings, supra, note 1, at 126. Senator KENNEDY said: "There is one feature of Congressman ROSENTHAL's bill which I believe deserves special mention. I speak of the provision that would permit the Secretary of the proposed new Department, acting through a special consumer counsel, to intervene as a party before any Federal regulatory agency when the economic interests of the consumer are involved.

"I believe that we should not wait for the enactment of this bill before experimenting with that concept.

"Perhaps the President by Executive order could authorize a special assistant for consumer affairs to appear in administrative proceedings so that we could have some experience by which to judge the value of this proposal. I think, Mr. Chairman, that it is most worthwhile".

CONSUMERS AND HOMEBUYERS SUFFER FROM FEDERAL RESERVE ACTION

Yet, if these consumers and home buyers were fortunate enough to have made some small investments in securities considered to be safe over the years, and had selected bonds and utility stocks, they would have suffered severe losses as a result of the action taken by the Federal Reserve Board in raising interest rates to these high levels. Bonds and utilities have been widely held by retired people, widows and orphans, and those who could not afford losses. If American Telephone & Telegraph stock had been purchased on the last day of November 1965, just prior to the interest rate increase on December 6, 1965, the purchaser would have seen this stock drop 19.1 percent as the direct result of this action. I have compiled a list of the electric utility stocks listed in the Standard & Poor's Stock Guide that are listed on the New York Stock Exchange. If one share of each of these electric utility stocks had been purchased at the end of November 1965, just prior to the interest rate increase, the purchaser would have seen his investment drop an average of 22.7 percent. Investments which have afforded safety to people of limited means over the years have not been safe investments under the high interest rate policy, for the first consideration in an investment is the preservation of capital.

Although the interest rate increase served to upset the economy and to cause losses of millions of dollars for persons with small savings, the August report of the Department of Commerce reveals that the Federal Reserve action did not control inflation. The Department of Commerce states that price increases in the first half of 1966 were larger and more widespread than in any comparable timespan in the current economic advance. The Department of Commerce reports that industrial prices showed a sustained rise throughout the first half of 1966, and that in July the wholesale price index registered one of the largest monthly increases of 1966—0.5 percent seasonally adjusted. The Federal Reserve Board has never explained how they concluded that these industrial companies would reduce their prices while paying higher interest rates, or how they concluded that these companies would not continue to borrow funds and pass the increase on to the consumers.

PRICE INCREASES DUE TO INCREASE IN MORTGAGE INTEREST RATES

The Department of Commerce reports that the rise in wholesale industrial prices has been more pronounced in 1966 than in 1965 and has been widespread among major industrial groups.

The Department of Commerce states that rising prices of consumer services have been noteworthy for their magnitude in the past few months. The Department of Commerce concludes that—

> Prices of household services are being pushed upward primarily by increasing mortgage interest rates.

The Department of Commerce further reports as follows:

> Total loans and investments combined, seasonally adjusted, rose nearly $3 billion as loans increased sharply and the liquidation of holdings of U.S. Government securities persisted.
>
> Operating with restricted reserves, member banks have become more frequent visitors to the Reserve Banks' discount windows. In July, borrowings averaged $770 million, as compared with $670 million in June. With excess reserves kept at very low levels, net borrowed reserves, which are often watched as a rough measure of monetary policy, climbed sharply to $445 million during the second half of July. This indicator averaged $130 million and $325 million for the first and second quarters of this year.
>
> Interest rates and bond yields have responded to the credit shortage by rising to highs not seen, in many instances, in more than a generation.

The September 1966 report of Data Digests, Inc., sets forth a list of banks with earnings figures for the 1st 6 months of 1966 and the 1st 6 months of 1965; the average increase in earnings was 13.28 percent in the 1st half of 1966 over the 1st half of 1965

	Earnings 1st 6 months	
	1966	1965
Bank of New York	$2.63	$2.29
BT, New York	2.37	2.24
Charter, New York	1.66	1.52
Chase Manhattan	2.30	2.17
Chemical Bank New York Trust	2.07	2.00
Empire Trust	12.10	10.08
Federation Bank	1.33	1.30
First National City	1.89	1.70
Franklin National	1.46	1.26
Kings County, Lafayette	--------	--------
Manufacturers Hanover	2.10	1.96
Morgan Guaranty	3.31	3.31
United States Trust	2.53	2.30
First National (Boston)	2.44	2.13
New England Merchants	2.35	2.05
States Bank & Trust	1.80	1.62
Continental Illinois National	1.56	1.45
First National (Chicago)	2.50	2.18
Harris Trust & Savings	2.29	1.85
Northern Trust	3.60	2.99
Central National	1.82	1.54
Cleveland Trust	6.41	5.08
National City	2.07	1.79
Union Commerce Bank	1.90	1.67
Detroit Bank & Trust	2.88	2.37
Manufacturers National	2.98	2.47
National Bank of Detroit	2.73	2.50
Bank of America N.T. & S.A	1.77	1.59
Bank of California N.A	1.67	1.47
Crocker-Citizens	1.28	1.19
First National (Oregon)	1.71	1.51
Seattle-First National	2.08	1.89
Security-First National	1.68	1.47
Union Bank (Los Angeles)	1.43	1.40
U.S. National Oregon	1.20	1.08
Valley National (Phoenix)	.65	.60
Wells Fargo Bank	1.39	1.16
Fidelity-Philadelphia Trust	3.47	3.16

The September 1966 report of Data Digests, Inc., sets forth a list of banks with earnings figures for the 1st 6 months of 1966 and the 1st 6 months of 1965; the average increase in earnings was 13.28 percent in the 1st half of 1966 over the 1st half of 1965—Continued

	Earnings for 6 months through June	
	1965	1966
First Pennsylvania Banking	$1.42	$1.25
Girard Trust Bank	2.27	2.12
Philadelphia National	2.32	2.10
Provident National	3.15	2.80
Bank of Southwest N.A. (Houston)	1.17	1.06
First City National (Houston)	.96	.87
First National (Dallas)	1.22	1.16
Republic National (Dallas)	.67	.65
American Fletcher (Indianapolis)	2.24	2.02
Citizens & Southern (Georgia)	1.44	1.12
Connecticut Bank & Trust (Hartford)	2.87	2.61
County Trust (White Plains)	1.44	1.37
Fidelity Union Trust (Newark)	2.23	2.05
First Bank Stock (Minneapolis)	1.64	1.51
First & Merchants (Richmond)	1.73	1.51
First National (Atlanta)	2.08	1.68
First National (Maryland)	2.27	2.01
First National (Memphis)	1.72	1.56
First National (St. Louis)	1.78	1.66
First National State (Newark)	1.57	1.42
Hartford National	1.50	1.39
Indiana National Bank	2.21	2.06
Industrial National (Providence)	2.35	2.11
Lincoln Rochester Trust	1.88	1.63
Manufacturers & Traders (Buffalo)	1.01	.92
Maryland National Bank	2.32	1.94
Mellon National (Pittsburgh)	2.80	2.64
Mercantile Trust (St. Louis)	2.73	2.54
National Newark Essex	1.84	1.64
North Carolina National	1.42	1.25
Pittsburgh National	2.13	1.91
Riggs National (Washington, D.C.)	2.63	2.51
State Bank of Albany	3.28	2.45
Union Planters (Memphis)	--------	--------
Union Trust (Maryland)	3.72	2.72
Wachovia Bank & Trust	1.10	.95
Western Pennsylvania National (Pittsburgh)	.86	.93
Total	161.38	142.46

Although there were substantial increases in the earnings of banks during the first 6 months of 1966 as compared with the first 6 months of 1965, following the increase in interest rates by the Federal Reserve Board on December 6, 1965, there were substantial decreases in the earnings of the savings and loan organizations. The earnings figures which follow for the first 6 months of 1966 as compared with the first 6 months of 1965, were obtained from the Standard & Poor's Stock Guide, and show a decrease of 45.5 percent in earnings for the period:

	Earnings for 6 months through June	
	1965	1966
Financial Federation	$1.29	$0.33
First Charter Financial	1.26	.92
First Financial Corp. of the West	.46	.38
First Lincoln Financial	1.14	.30
First Surety Corp	.19	.25
Gibraltar Financial of California	1.26	.80
Union Financial Corp	.73	.64
United Financial of California	.44	.29
Imperial Corp. of America	.45	.42
Far West Financial Corp	.09	.03
Trans Coast Investment	.95	.14
Total	8.26	4.50

Price drops in electric utility stocks following interest rate increase of Federal Reserve Board on Dec. 6, 1965 (New York Stock Exchange stocks listed in Stock Guide of Standard & Poor's Corp.)

	Price, Nov. 30, 1965	Price, Sept. 12 1966	Lows of 1966
Arizona Public Service	$36⅜	$24¾	$24
Atlantic City Electric	33¼	28	26¼
Baltimore Gas & Electric	38¼	33¼	30⅛
Boston Edison	44¼	36	35
Carolina Power & Light	50¼	44	41
Central Hudson Gas & Electric	36⅜	29⅜	28
Central Illinois Light	29¾	22¾	20½
Central Illinois Public Service	26	21½	20⅛
Central Maine Power	21	17½	16⅝
Cincinnati Gas & Electric	27¾	25	22¾
Cleveland Electric Illuminating	41¼	36⅝	35½
Columbus & Southern Ohio Electric	41⅝	32½	31⅝
Commonwealth Edison	53	45¼	40⅜
Consolidated Edison	41¾	32⅝	31½
Consumers Power	56	44⅞	40⅞
Dayton Power & Light	31⅞	26¾	26⅛
Detroit Edison	37½	29¾	28⅛
Duquesne Light	32⅜	28	27⅜
Empire District Electric	34	27⅞	27
Florida Power	50	44¾	39½
Florida Power & Light	77	71⅛	63⅛
Gulf States Utilities	26⅝	25¾	20⅞
Hawaiian Electric	30⅞	22½	22
Houston Light & Power	55	43¼	39
Idaho Power	37¼	28¾	28¾
Illinois Power	45⅝	36½	35⅝
Indianapolis Power & Light	34¼	29¼	27¼
Interstate Power	28	23¼	22⅛
Iowa Electric Light & Power	30¾	24	23
Iowa-Illinois Gas & Electric	34¼	28½	26
Iowa Power & Light	41⅛	30	27¾
Kansas City Power & Light	44⅞	33	31
Kansas Gas & Electric	36¼	27⅜	27
Kansas Power & Light	27	20	19⅛
Kentucky Utilities	33¼	27	26¼
Long Island Lighting	33½	27¾	25
Louisville Gas & Electric (Kentucky)	$38½	$27¼	$27⅛
Minnesota Power & Light	31¼	22½	21⅞
Missouri Public Service	28½	23½	22⅝
Montana-Dakota Utilities	41⅜	30¼	29
Montana Power	38½	28½	28
Nevada Power	45⅝	30⅛	29
New York State Electric & Gas	46⅞	34¾	34½
Niagara Mohawk Power	26⅛	21⅞	20⅝
Northern States Power (Minnesota)	34⅝	29¾	27¾
Ohio Edison	28⅝	25¾	23⅛
Oklahoma Gas & Electric	30	24⅝	23⅜
Orange & Rockland Utilities	32⅛	26½	24½
Pacific Gas & Electric	37⅛	29½	27
Penn Power & Light	36⅛	29⅞	29⅛
Philadelphia Electric	36⅞	31¼	28
Public Service of Colorado	28½	21⅜	19⅛
Public Service of Indiana	51¼	41⅛	39⅞
Public Service Electric & Gas	39⅞	31½	28¼
Puget Sound Power & Light	36½	33	31½
Rochester Gas & Electric	36¼	26	25
St. Joseph Light & Power	19⅝	17⅛	17⅛
San Diego Gas & Electric	44⅞	36¾	33⅝
Savannah Electric & Power	26¾	19¼	17¼
South Carolina Electric & Gas	32¾	29	27
Southern California Edison	40¾	31¾	31⅛
Southern Indiana Gas & Electric	34¾	29⅜	26⅜
Tampa Electric	28¾	27	24½
Toledo Edison	40¼	29⅝	28⅞
Union Electric of Missouri	28½	22½	22
Utah Power & Light	41⅞	30⅜	28
Virginia Electric & Power	47⅛	41⅞	38¼
Washington Water Power	23¾	21⅞	20⅛
Wisconsin Electric Power	33	24¼	22⅝
Wisconsin Public Service	21¼	17½	17¼
Total	2,524.87	2,076.07	1,949.76

SMALL BUSINESSMEN HIT HARDEST BY HIGH INTEREST RATES, WALL STREET JOURNAL SAYS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, who suffers when high interest rates are imposed on the economy?

I have always contended that it is the small man, the consumer, the farmer, and the small businessman, who gets hit first and the hardest.

Today, the Wall Street Journal carries an excellent survey of small businessmen throughout the country. This survey establishes beyond a doubt that it is the small businessman who is pushed to the wall by high interest rates and tight money.

It is the small businessman who must borrow to meet practically every need of his business. He does not have massive sums of retained earnings, as do most big businesses, to meet the cost of inventory and modernization and expansion. Unlike the big businesses, he does not have the friends among the directors of the big banks. Unlike the big businesses, he cannot pay the under-the-table premiums to obtain the necessary loans.

Many small businesses today are on the verge of collapse because we have done nothing in this Congress about high interest rates.

I hope my colleagues will read carefully this Wall Street Journal article.

[From the Wall Street Journal, Sept. 20, 1966]

FEELING THE SQUEEZE: TIGHT MONEY IS HURTING SMALL BUSINESS; WILL CHRISTMAS SALES SUFFER?—NEW TV DEALER CAN'T OBTAIN LOAN; DALLAS GROCER DROPS PLANS TO SPRUCE UP STORE—THE PRESIDENT'S IRATE COUSIN

Any easing of the nation's money squeeze won't come too soon for many small businessmen.

For many, the big time of the year—the pre-Christmas selling season—lies just ahead. If money remains very tight in coming weeks, many fear they will irretrievably lose precious sales. Small businessmen, of course, generally are harder hit by tight money than their large competitors, who normally can obtain bank loans more readily and more cheaply.

Many of the dozens of small businessmen interviewed by The Wall Street Journal report that tight money already is hurting their operations.

Among those affected is Walter Vining, a Dallas grocer who reports he is a fourth cousin of President Johnson. ("My sister figured it out," he says. "My mother's maiden name was Johnson.")

Mr. Vining reports he was planning recently to spruce up his store, built in 1937 and little changed since then. "I was going to clean out some of this junk—buy a new frozen food box and a dairy case, and do some remodeling," the grocer recalls, "but I just stopped. I went to the bank and they wanted 7½%."

Rightly or wrongly, Mr. Vining blames the high cost of money on his famous relative. "You know that big man, that LBJ?" he asks. "That big man is my fourth cousin, but I figure that blood is not as thick as reasoning. Something's got to level off—maybe the President's popularity."

Arthur Suroski, who owns two pet shops in Cleveland, has run into similar difficulty.

"A STATE OF LIMBO"

"I decided last January to open a new shop," says the pet dealer. "But now the whole project is in a state of limbo—I'm not going ahead with it until I see what this money market is going to do." He estimates he would have to borrow $8,000 to $10,000 to open a new shop, and says he is "not worried" about the shop making a profit. "But," he adds, "I'm concerned that I may not be able to get all the money I would need, or that I may have to shell out a terribly high interest rate if I do get it."

One worry Mr. Suroski does not have is any fear that tight money will prompt his customers to cut back their purchases. "People will spend money on their pets," he declares, "regardless of what else happens."

However, not all businessmen interviewed are so fortunate. Bud Corrigan, vice president of Noll Equipment Co., a Cleveland dealer in used machinery, gives this report: "I had a small machine shop operator in here this morning. He wanted to buy a $30,000 grinding machine from us, but his bank told him flatly they wouldn't lend him any more money. He couldn't find any other lender either."

The manager of a New York jewelry-store chain that sells mostly on credit reports that "collections are getting more difficult." He suggests that many of his customers are finding it more difficult to obtain personal loans, often used to pay off their credit purchases of jewelry and other merchandise. "Everyone is complaining," the jeweler says.

Phil Frank, part-owner of a Houston toy-store chain, says that fully 50% of his annual business comes between Thanksgiving and Christmas, and he is concerned about the possible effect of tight money on toy buyers. "If somebody shoots down Santa Claus, we're all sunk," he says. Adding to his worries, Mr. Frank says, is the fact he stocked up for the holidays back in early spring, before the money squeeze became so severe, and he must begin paying for the merchandise next month.

UNEASY SKI DEALER

Another uneasy entrepreneur is William Wright, owner of Viking Sports, a ski shop on San Francisco's Market Street. Mr. Wright is beginning to take delivery now of orders placed last May and June for the traditionally busy weeks just ahead. He will have to pay for the equipment in November, December and January, he says, and plans to begin approaching banks for loans in December. "I expect (the tight money situation) to be straightened out by then," he remarks, adding that if it isn't he could face a difficult time.

The money squeeze seems particularly troublesome for neophyte small businessmen.

Richard Anderson of Marion, S.D., is a case in point. The 30-year-old Mr. Anderson, a former creamery employee whose wife works to help support their family of three children, set up shop eight months ago as a television dealer in Marion, a farming community of 800. Business was brisk at the beginning; credit rating services considered Mr. Anderson a reasonably good risk and suppliers noted with satisfaction that he was prompt in paying his bills.

Thus it came as a jolt to Mr. Anderson when a routine loan application several weeks ago for $3,000 to finance fall and Christmas inventories was rejected out of hand. The story was the same wherever he went. "With money so scarce, we can make better use of our funds elsewhere," he was told by one finance company in a nearby town. "It's bad, but nobody is willing to stick his neck out for a new businessman these days."

The impact of tight money is severest, perhaps, where small businessmen not only are new but also Negro. Aubrey H. Edwards, executive director of the New York Chapter of the Interracial Council for Business Opportunity, a nonprofit group to aid Negro businessmen, said yesterday that "Negro small businessmen are having an even tougher time getting loans than their white counterparts. A major reason for this is that many are new in business." To help ease the pinch, he said, his chapter plans to guarantee bank loans to Negro entrepreneurs.

NATIONAL POSTAL UNION DEMANDS REFORM OF THE FEDERAL RESERVE SYSTEM

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the need to return our monetary system to the control of the people of the United States is gaining growing recognition throughout the country.

Today I have received a letter from Sidney A. Goodman, president, National Postal Union, outlining his organization's emphatic stand in support of the concept that our monetary system should serve the people.

As the National Postal Union recognizes, the Federal Reserve System today operates as a separate government in Washington. It is not accountable to anyone except the banking industry which controls its policies and actions.

The Federal Reserve does not come to the Congress for appropriations as do all other governmental agencies. Instead, it finances its operations from interest on $42 billion worth of U.S. bonds which it holds in the New York Federal Reserve Bank. These are bonds which the Federal Government has paid for once. Yet, the Federal Reserve continues to demand and receive $1.7 billion in interest annually on these paid-up bonds. If these bonds were taken away from the Federal Reserve Bank of New York and marked paid, since they have already been paid once, our national debt would be $42 billion less.

The Federal Reserve finances its far-flung and ofttimes secret operations out of this massive sum. It does not account for this sum of money and it does not have any type of independent audit. So the Congress, the President, and the American people are left completely in the dark.

This is why the Federal Reserve can operate in a manner which benefits the few against the needs and the wishes of the many. This is why we have such destructively high interest rates today. This is why the pleas of the consumer, the small businessman, the farmer, and groups representing the little man in our society, fall on deaf ears at the Federal Reserve Board.

I commend the National Postal Union for speaking out in the public interest against the machinations of the Federal Reserve System. I hope that all their 70,000 members will take an active role in getting this message before the American people and the U.S. Congress.

I place in the Record a resolution on interest rates adopted unanimously by the National Postal Union at its national convention in Washington, D.C., August 15–18:

A RESOLUTION ON INTEREST RATES BY THE NATIONAL POSTAL UNION

Whereas Wright Patman, Chairman of the House Banking and Currency Committee has declared that the Federal Reserve Banks have spent many thousands of dollars as membership dues in the private American Banking Association, and

Whereas the policy of the Federal Reserve invariably seems to be in opposition to the welfare of the average consumer and user of money, and

Whereas the Federal Reserve Board has time and time again shown that it considers itself completely independent of anyone, under present laws, and

Whereas its latest policies have resulted in the highest level of interest rates that consumers must pay, thus resulting in increased inflation; Therefore be it

Resolved, That National Postal Union in convention assembled at Washington, D.C., is opposed to this independence of the Federal Reserve System, and urges Congress through Constitutional powers and responsibility to curtail this independence as outlined in various proposals of Chairman Patman, in order to make the money creating monopoly of the banking system a servant of the people, rather than the master.

NEW U.S. AMBASSADOR TO JAPAN MAKES "MAIDEN" SPEECH BEFORE JAPAN-AMERICA SOCIETY

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, the climate of relationship between two nations is often determined by the Ambassadors who represent their respective countries. I should therefore like to direct the attention of my colleagues to the speeches that were delivered by the Honorable Ryuji Takeuchi, Ambassador of Japan, and the Honorable U. Alexis Johnson, newly commissioned U.S. Ambassador-designate to Japan. The highly lauded speeches, one of which was Ambassador Johnson's "maiden" speech as U.S. Ambassador to Japan, was eloquently delivered at a dinner held in their honor by the Japan-America Society of Washington. It was my distinct pleasure to be present at the affair and to hear them both.

Ambassador Takeuchi's address was received very warmly by the society members as was his introduction of Ambassador Johnson in which he said:

> It is my firm conviction that in Ambassador Johnson we have the right man, at the right time, and in the right place.

Having had the pleasure of previously traveling together with Ambassador Johnson from Washington to Hawaii on the presidential plane and of listening to our new Ambassador to Japan, I can appreciate and agree with Ambassador Takeuchi's esteeming introduction. Indeed, Asian-American relationships, as well as Japanese-American partnership should continue to improve under the capable diplomacy of America's new Ambassador to Japan, U. Alexis Johnson, although he is faced with the monumental task of filling a void left by the resignation of our former Ambassador to Japan, Edwin O. Reischauer.

The Japan-America Society dinner which was capably chaired by Mrs. Charles Hodges was held at the International Inn, Washington, D.C., on Wednesday, September 14, 1966. Composed largely of distinguished people who resided in both countries, the society is headed by honorary trustee, U.S. Secretary of State Dean Rusk; and honorary president, Ambassador Takeuchi. Lt. Gen. Clovis Byers, retired, is president and Mr. Mike Masaoka is vice president and chairman of the executive committee.

Because there is much substance in them, I submit the speeches of Ambassadors Takeuchi and Johnson before the Japan-America Society for inclusion in the Congressional Record, in the hope that my colleagues will take the time to peruse them.

ADDRESS BY HIS EXCELLENCY AMBASSADOR RYUJI TAKEUCHI BEFORE THE JAPAN-AMERICA SOCIETY OF WASHINGTON, SEPTEMBER 14, 1966

General and Mrs. Byers, Ambassador and Mrs. Johnson, ladies and gentlemen, it is always a great pleasure for me to be able to meet my fellow members of the Japan-America Society of Washington.

This summer has been a very busy time for me, starting with my attendance at the U.S.-Japan Committee on Trade and Economic Affairs in Kyoto, Japan, in early July. Since that time, I have travelled to Okinawa, Alaska and South America, and have only just returned to Washington.

During this time I have been more and more impressed by the close ties that bind our two countries in a Pacific partnership, and more and more convinced of the importance of continued efforts to maintain friendship and understanding between our two peoples. Though the role that each of us has to play in the world of today is of necessity different, the main objectives of our respective policies are strikingly similar for two countries separated by the wide Pacific.

The Japan-America Society of Washington is an important link in the chain of friendship and understanding that we are striving to establish between our two peoples. The core of the membership is the dedicated group we have here tonight, most members of which have had the happy opportunity of living in both of our countries at one time or the other in their careers. It is my sincere hope that this nucleus will attract more and more citizens who are interested in learning to know and to understand Japan and the Japanese.

Tonight is a very happy occasion for me for another reason. Quite often, on occasions such as tonight, I am the main speaker, and that consciousness does not allow me to really enjoy my dinner. Tonight I have enjoyed an excellent meal, secure in the knowledge that somebody is to speak after me, and that I am merely, so to speak, the herald who announces the arrival of the hero on the scene.

I refer, of course, to my old friend and distinguished colleague, the Honorable Alexis Johnson, the new Ambassador to Japan. As many of you may already know, Ambassador Johnson started his distinguished career as a Language Attache at the American Embassy in Tokyo in 1935. My own career with the Japanese Foreign Office started in 1927, but in 1935, I was back in Tokyo, and our paths began to cross from that time. After other missions in Seoul, Korea; Tien-Tsin, China; Mukden, Manchuria; Rio de Janeiro and Manila, Ambassador Johnson returned to Japan in 1945. Before his departure in 1950, the Ambassador served as American Consul-General in Yokohama. It was during this period that I came to know and to admire Ambassador Johnson's deep knowledge of Japan and the Japanese people, his great professional ability, and, above all, his warm, sincere personality.

As a Japanese national myself, it gives me great pleasure to be able to say that the United States has been most fortunate in its choice of Ambassadors to my country. Ambassador Johnson, with his long and intimate acquaintance with Japan, and his present status as one of the top-ranking career diplomats in the United States Foreign Service, is another fine illustration of this rule.

As I have mentioned earlier, relations between our two countries are currently at an unprecedentedly high level of friendship and understanding. Nevertheless, it goes without saying that such relationships require constant care and nourishment to insure continued growth in the right direction. It is my firm conviction that in Ambassador Johnson we have the right man, at the right time, and in the right place.

Ladies and gentlemen, it is my honor and privilege to introduce to you the new Ambassador to Japan, the Honorable U. Alexis Johnson.

JAPAN AND ASIAN PROGRESS

(An address of the Honorable U. Alexis Johnson, Deputy Under Secretary of State and Ambassador-Designate to Japan, before the Japan-America Society, Washington, D.C., September 14, 1966)

I feel especially honored this evening not only to have been asked to join you here but very especially by the honor of having been introduced by Ambassador Takeuchi. He is not only one of the most able diplomats I have ever known, but for now many years he has been a close friend. I know that each of you will agree with me that Japan is indeed fortunate to have such an able representative here in Washington. From a selfish point of view, it is also most fortunate for me as this business of diplomacy is very much a two-way street and Ambassador Takeuchi's able representation of Japan here and his interpretation of the American scene to his own Government will do much to ease my own task.

I had not and do not think in terms of delivering a formal address or solemn political pronouncements to a group of such close friends as you who are here this evening. I would rather like to think of this in terms of simply sharing with you a few very personal thoughts and observations as Mrs. Johnson and I look forward to renewing our service in Japan.

The first observation I want to share with you is my own pleasure and I should also say even amazement at the number of threads, both official and non-official, that have been and are in the course of being woven between the United States and Japan, many of them unique in relations between two great countries. Although I have of course been generally familiar with and participated in the broad aspects of our relations, it was only when I began to prepare myself for this job that I fully realized how much has taken place in the years since I was last associated in detail with our relations.

At the Governmental level we have a novel relationship in the annual Cabinet-level meetings which are held alternately in the United States and Japan each year. In these meetings, the last one in July in Kyoto, not only Foreign Ministers, but Ministers of Commerce, Finance, Labor, Agriculture and other areas come together for really frank and full discussions in a highly informal atmosphere. We and the Japanese meet regularly on the Security Consultative Committee in Tokyo with the participation of both diplomats and soldiers. We have other regular consultative committees involving our common interests in Okinawa. There is the Committee on Scientific Cooperation, which for the past five years has facilitated a constantly expanding exchange of ideas and information between scientists of our two countries that has contributed greatly to the exploration of our environment. This committee, in fact, will hold its next meeting here in Washington next month. We also hold regular meetings of a joint committee on cultural and educational affairs to discuss together common problems in this field and ways in which our scholars, artists and educators can expand their cooperation. Our governments also maintain an active program of meetings and exchanges of information on common problems relating to the utilization of natural resources. These official channels for contact, as well as the countless unofficial ties of friendship that seem to grow each year, form a truly unprecedented skein of relationships between our countries.

Besides such an international forum as the United Nations and its associated agencies and organizations, we are also meeting regularly in such groups as the OECD, the DAC, the ICFTU, the IMF and IBRD, the Asian Development Bank, various groups concerned with assistance to Southeast Asia, and the group of Indonesian creditor nations. Our close consultation and cooperation with Japanese representatives in these and other international groupings have not only underscored the important role Japan is playing in them, but have unmistakably highlighted the parallelism of our international goals.

At the non-governmental level, I have been astonished at the number of groups of various kinds scattered throughout this country which are devoted to one aspect or another of Japanese-American relations. Your own Japan-America Society here in Washington is of course only one of the best-known and most distinguished of such groups. As a footnote, I did not know, for example, until I began my detailed briefings on Japan, that each year some 200 Japanese working farmers are coming to the United States for a 2-year association on the job with American farmers.

I know I do not need to recount to this group the enormous growth and complexity of our economic relations. You all know that Japan is our second largest over-all customer, the biggest customer for our agricultural produce, and that we are Japan's best customer. Last year the total trade between the two countries was about 4½ billion dollars. I have had some small indication of the interest of American business in trade with Japan in the number of requests to see me that I have received from businessmen all over the United States since my appointment.

However, in considering what I might say to you this evening, it seemed to me that we could talk not just about Japan and the United States but rather about Asia as a whole. Of necessity, both countries are concerned with all of Asia and our relations cannot be considered apart from the environment in the rest of Asia. I proceed to my position in Tokyo with the conviction that we and the Japanese are broadly seeking the same kind of Asia—that is, an Asia formed of a community of free and independent states living at peace with both of us and with each other. It is perhaps understandable that our preoccupation with events in Viet-Nam tends to blind us to the very real progress that is being made in beginning to build that kind of an Asia. While there have been and will continue to be many problems, I myself feel that we and free Asia are entitled to take a considerable degree of confidence in what has thus far been accomplished.

The picture of course has its dark areas and its bright areas, but I know of no free area that I would call black. I am sure that most of us would list Japan as the brightest area of all. Its phenomenal post-war record is of course due primarily to the genius of the Japanese people themselves, but I feel that we Americans are entitled to take some credit for whatever contribution we were able to make during the immediate post-war period as well as for the peace settlement, which has truly turned out to be what it was called at the time, that is, "A Treaty of Reconciliation". I take much satisfaction in having had a small part in the negotiation of that treaty.

Somewhat less noted, but to my mind almost equally encouraging, has been what could now be called a "takeoff" of South Korea, both in the economic and political spheres. Out of the political turmoil which understandably followed the war and ouster of President Rhee, Korea has now emerged into a period of increasing political maturity and stability. Preparations are under way for new elections to be held a year from now. Political activity has picked up in anticipation of the election. It now appears that the election will be strongly and responsibly contested. Ten years ago, when Korea was just emerging from the ravages of war, one could scarcely have imagined such a development.

On the economic side Korea has emerged from a period of economic stagnation and despair following that war to achieve one of Asia's highest growth rates.

Moving south, the economic record in Taiwan has also been notable. In the last ten years its per capita income has increased almost 50 percent, and in the last five years its exports have approximately tripled. Our economic assistance program was entirely terminated at the end of the last fiscal year.

On the political side, the Mainland Chinese and Taiwanese have been gradually finding an accommodation and are reaching a more meaningful relationship with one another, with the Taiwanese assuming an increasing role in the administration of the island.

I feel that we are entitled to take some pride in the fact that the Philippines is one of only two or three former colonial countries stretching from Taiwan to Morocco which can boast of having changed its government by means of peaceful elections, and certainly the only one to have done so three times.

Thailand, along with Japan, enjoys the great advantage of never having been colonized and having a respected monarchial institution that provides a focus of loyalty for the nation. Its record since 1958 demonstrates that the lack of a constitutional structure and the domination of a government by men in uniform is less important than the attitudes of the governing group. What some would term a military government in Thailand has been able to avoid repression, and achieve a remarkably high degree of "consent of the governed" while pursuing progressive economic policies.

I will not take time to discuss Burma, Cambodia, Malaysia, Singapore and Laos except to say that there are those who have since 1954 been saying that "we are losing Laos" but, for the moment putting aside the role of the Ho Chi Minh trail in the Vietnamese war, Laos itself is no worse and in many ways better than it was twelve years ago. Real economic progress is now being made there.

I have left Indonesia and Viet-Nam to the last. The reversal of the Communist tide in the great country of Indonesia, with its 100,000,000 population, has been an event that will probably rank along with the Vietnamese war as perhaps the most historic turning point of Asia in this decade. It has been accompanied by great loss of life and bloodshed, and difficult political and economic problems remain. The upheaval appears to have been essentially a recognition by Indonesian nationalism of the fact that Communist domination was not compatible with true independence. In this connection, it is to me a significant fact that of the more than 50 free countries that have become independent since the end of the second World War, thus far not a single one has turned to Communism.

The elections last Sunday in Viet-Nam mark a most encouraging point in the political development of that war-torn country. It took real courage and confidence to try to carry out elections in that country during the midst of a savage war. The results confounded the pessimists and surprised even the optimists. For more than five million persons to register to vote out of a possible total voting population throughout the entire country of probably around 7½ million, and for more than 80 percent of those who registered to have voted in the face of Viet-Cong threats and armed efforts to sabotage the elections should once and for all set to rest whatever doubts there may have been with regard to the attitudes of the overwhelming majority of the Vietnamese people toward the Viet Cong and the so-called National Liberation Front.

In addition to the growth of political maturity and economic stability of individual countries in Asia, one of the most encouraging developments has been the degree to which the free Asian nations are recognizing their common interests by increasingly moving toward the formation of communities having the same interests. You will recall that, when I set forth our own objectives, which I stated I believed were shared by the Japanese, I spoke not just of free and independent states in Asia but of a community of free and independent states. This word "community" has great importance, and Japan is contributing much to its realization.

I first want to note the forward-looking settlement between Korea and Japan under which those two countries have now moved from sterile contention to productive cooperation in both the economic and the political fields.

Another fundamental development was the agreement on the founding of the Asian Development Bank. This Bank, of which the majority of the capital is subscribed by Far East countries themselves, is important not only in and of itself, but it can form the nucleus around which can be grouped a wide range of economic development projects of interest and benefit to various groupings of Asian states. Its headquarters will be located in Manila but its inaugural meeting will held in Tokyo in November.

Another encouraging development has been the reactivation of the Association of Southeast Asian States (ASA), again bringing together Thailand, Malaysia and the Philippines, with the expectation that Indonesia may in time also participate.

Last April Japan sponsored a highly successful meeting on Southeast Asian Development in Tokyo. Cabinet Ministers of 8 Southeast Asian nations contributed to this highly constructive discussion of regional development problems and plans. Japan underscored the importance it attached to regional cooperation in solving Southeast Asia's economic problems by committing itself to expand its aid to the developing countries up to one percent of its national income. In following up on the April meeting, Japan has agreed to host an Asian Agricultural Conference in Tokyo this coming December. We understand all of the countries invited to the April meeting will be invited to this one as well, in addition to ECAFE and the FAO.

In mid-June the Foreign Ministers from nine Far Eastern states met in Seoul under the name of "The Asian and Pacific Conference" (ASPAC). Japan and the other states established machinery for the continuation of their objective of strengthening solidarity and cooperation among themselves, for what they term safeguarding their national independence and integrity and developing their national economies.

Except for our contribution of some capital to the Asian Bank, all these developments have been solely by and for the free Asian countries themselves. Thus I feel that encouragement can be taken from these early steps to establish a true "community" of free Asian countries. We Americans have nothing to fear from such a development, which can only encourage and hasten the day when the area can stand on its own feet with less direct military and economic support from the United States. In all of this, one of the most encouraging factors is the degree to which Japan is assuming, and the other countries are accepting, its increasing leadership. It is also remarkable that, during these years of political and military strife in Southeast Asia, the four countries of South Viet-Nam, Cambodia, Laos and Thailand have continued to meet and cooperate together in the work of the Mekong River Coordinating Committee.

The direct contributions by the SEATO members—Australia, New Zealand, Thailand and the Philippines—together with the contribution of Korea, to the defense of South Viet-Nam are also major recognition of the community of interest of these Far Eastern countries. Incidentally, on the basis of population, the Korean force contribution to South Viet-Nam will soon be even greater than our own.

On the other side of the coin is the overwhelming fact of Communist China. I want to note just a few elements in that situation.

First, on the economic side, the disastrous failure of the "Great Leap Forward" and China's slow recovery from its excesses, as compared with the credible performance of the economies of most of the free Asian countries, has, I believe, long since dispelled in the area the notion that Peking holds the key to economic development. Our best, and most objective, judgment is that, although there have been great improvements in distribution, Communist China is one of the very few countries in the world in which there has been no increase in Gross National Product in recent years.

However one interprets the events now going on in Communist China, it seems clear that it is related to a growing division of view both within and without the leadership on how to cope with their overwhelming domestic problems, as well as with the serious setbacks the Peking regime has received in the foreign policy field. This, of course, does not mean that the regime is in any danger of collapse but one can hope that, over the long term, a China less committed to belligerence toward its neighbors and hostility toward the rest of the world will emerge. In the short term, however, it appears that the forces of belligerency and hostility are now in the ascendancy.

In closing, I simply want to say that, while we have in the past and undoubtedly will in the future make tactical mistakes, I am convinced that the broad lines of our policy are fundamentally sound and that we can have confidence that we are running with the tide of history, a tide favoring a community of free and independent states in Asia. With ever-growing relations of confidence and respect between Japan and the United States as the keystone, both countries will, each in its own best way, contribute to that development. We are more and more becoming neighbors united by the Pacific rather than strangers separated by a broad ocean. As neighbors, I am sure that we will continue to work together to build in the Pacific the kind of a community in which both our peoples want to live. I am confident that, with the help of people such as yourselves we will be able to do so.

A SALUTE TO THE AMERICAN TREE FARM SYSTEM PROGRAM

The SPEAKER pro tempore (Mr. Olsen of Montana). Under previous order of the House the gentleman from California [Mr. Don H. Clausen] is recognized for 60 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, as you recall, my distinguished colleague, Bob Sikes, and I journeyed to Spain in June of this year along with Congressman Wyatt and Senator Montoya, to attend the Sixth World Forestry Congress in Madrid. While in Spain we had the opportunity to see some of the vast reforestation projects now being undertaken by the Spanish government and private industry in that country.

Over the centuries about three-fifths of Spain's forests were destroyed by ill-advised forest and land use practices. Now the attempt is being made to restore Spain's forests by planting seedlings on those barren soils at tremendous costs, ranging up to $135 per acre. Fortunately most of those plantings to date are meeting with success but much remains to be done. Of Spain's some 67 million acres of forest land, about 40 million are more or less wasteland whose sprouts, brush and eroding hillsides are more accountable than any other single factor for the traditional poverty and backwardness of rural Spain.

Viewing these lands and Spain's planting program to restore its rural economy, improve its wildlife habitat, better its watersheds and the amenity of its landscape, Bob and I realized how fortunate we are here in the United States. Our forests are thriving and are now growing 61 percent more wood than we are harvesting. This is a sharp reversal of the situation in 1941 when we were harvesting 50 percent more wood than we were growing.

Much of this remarkable change can be credited to the voluntary, industry-sponsored American tree farm program of growing trees as a crop on private lands which this year is celebrating its silver anniversary. Undoubtedly it is the most comprehensive and constructive tree-growing program ever undertaken by our forest industries or, for that matter, the forest industries of any country.

In the past quarter of a century the United States has made more forestry progress than it did over its entire previous history. Losses to forest fires have been reduced from 26,404,000 acres in 1941 to 2,652,000 acres in 1965. The Nation's timber balance has been brought back into balance after a continuing deficit throughout the 20th century. Up to 1941 we had planted less than 5 million acres in the United States but since then we have planted almost 22 million acres. Truly this is the golden age of American forestry and the tree farm program has been a major factor in this accomplishment.

Tree farming reaches deeply into the fiber of American economy. It touches the lives of all citizens with its multiple benefits of essential wood products, outdoor recreation, wildlife food habitat, soil stabilization, water and, in pine forests, forage for domestic animals. It is playing a major role in maintaining a permanent floor under an industrial complex that employs nearly 1,500,000 persons with an annual payroll of more than $7 billion.

Prior to 1941 there was only a handful of forest industries that were practicing intensive forest management. The whole industry employed only about 1,000 professional foresters and most of them were not working on forest management. Today the forest industries employ more than 8,000 foresters, have over 91 percent of their acreage enrolled in the American tree farm system, and are accredited with more intensive forest management than is practiced on the Federal and State-owned lands.

Prior to 1940 there had been little incentive to grow trees as a crop. Timber supplies were abundant; stumpage, that is, trees available for harvest, was cheap; and taxes were high. In fact, timber growing as a business was such a low margin and high-risk venture that it could attract few investors. Predictions of timber famine were commonplace and many people were clamoring for the regulation of all private timber cutting. It was in this atmosphere that the tree farm program was born.

In 1941 a lumber company in the Grays Harbor area in Washington was studying the feasibility of putting a 120,000-acre cut-over area under intensive forest management. The initial costs of building roads, tree planting, telephone lines, fire towers were high. It was a long-range investment and its financial success was threatened by one primary risk—fire. The company had estimated that fire losses could not exceed more than one quarter of 1 percent a year over the growing harvesting cycle. This was a low-loss factor and the answer lay not in an effective fire-control system. The number of fires had to be reduced.

Up to that time most of the fishermen, hunters, picnickers, and berry pickers who roamed the area regarded logged-off land as a little value and were correspondingly careless with fire. Something had to be done to obtain public support and understanding of what the company was trying to do or the project was doomed to failure.

The public relations department of the company explored methods of publicizing the project which would gain public support and understanding of what the company was trying to do on these lands. Such terms as "reforestation area" and "forest management area" had little meaning to the man on the street. A new name was needed.

The company foresters and public relations officials took their problem to the editor of the Montesano Vidette, a small newspaper in the heart of the area. He insisted the property should have a new and distinctive name which was indicative of what the company was trying to do. After a series of discussions they reached the conclusion that everyone knew that a farm was for growing repeated crops of agricultural products and what they were trying to do was grow repeated tree crops. So they agreed why not call it a "tree farm."

From the time of the first publicity the response to the term "tree farm" was readily apparent. The number of man-caused fires was sharply reduced.

The Montesano Chamber of Commerce and the Montesano-Elma-Oakville Soil Conservation District invited the public to a dedication of the tree farm and on June 12, 1941, the Montesano theater was packed with people for the ceremonies. The late Governor Arthur B. Langlie, in his dedicatory address proved to be quite prophetic when he said:

> The Clemons Tree Farm may form the experimental basis that may mean a great deal to the entire state. It may set the pace for millions of acres of such lands throughout the state.

Actually, he was very conservative for it set the pace for tens of millions of acres throughout the Nation.

That fall, on October 28, the Joint Committee on Forest Conservation which later became the Industrial Forestry Association met at Portland, Oreg., with a special Tree Farm Committee of the Willamette Valley Lumberman's Association to begin studying the feasibility of a "tree farm movement." They asked the National Lumber Manufacturers Association to start an "American Tree Farm League" on a national scale.

After consideration by the Forest Conservation Committee of the NLMA its board of directors of November 11, 1941, agreed to undertake a tree farm program with the adoption of the following resolution:

> Recognizing that continuous production of lumber and other forest products is basic to the national welfare, and that there is a vital relation of forest conservation to the permanency of all forest using industries and the people dependent upon them for employment, the Forest Conservation Committee of the National Lumber Manufacturers Association assumes responsibility in cooperation with other responsible agencies and forest land owners, to encourage the establishment, development and maintenance of tree farms. In doing so it takes responsibility for working with the several regional associations, in promoting, registering and recording tree farms, and looks to the Public Relations Committee of the American Forest Products Industries toward publicizing them so as to encourage wider application of the principles of sound forest management to properties in private ownership.

Another resolution set forth the definition of "timber" as a "crop," a "tree farm" as "an area dedicated to the growing of forest crops for commercial purposes, protected and managed for continuous production" and obligated the tree farm owner to: First, dedicate his land to the growing of tree crops; second, protect his trees from fire, insects, disease and destructive grazing; third, harvest his timber so as to provide for repeated forest crops; and, fourth, furnish information, when requested, on his tree farm. The size of the tree farm, the committee states, might range from areas producing 100 million board feet per year, to the wood lot which furnishes one cord of wood per year as a cash crop.

Over the years the definition of a "tree farm" went through a series of changes until today it is defined as "an area of privately owned, taxpaying forest land, protected and managed for repeated forest crops."

Early in 1946 American Forest Products Industries, Inc., was divorced from the NLMA and became the independent, nonprofit, educational arm of all the forest industries. At the same time it inherited full responsibility for tree farms. Up to that time the program, because of the war, had spread rather slowly but included 945 tree farms with 11,134,590 acres in 10 States.

Today the American tree farm system operates in every one of the 48 contiguous States and on August 1, included 30,342 tree farms with 68,083,250 acres. This is a forest area equal to the total land area of all the six New England States plus the State of Pennsylvania. It is almost 1 acre out of every 5 of all the privately owned commercial forest land in the United States. Every one of these acres is dedicated by its owner to the growing of crop after crop of trees just as the farmer grows wheat or corn.

Before any areas are certified as a member of the tree farm system, the area is inspected by a qualified forester and the objectives of the owner are ascertained. A statewide or regional committee then reviews the detailed inspection record to determine whether or not the area meets the tree farm standards. If it does not, the owner is advised of the reasons and of the additional improvements needed. If the committee does approve, the owner receives a tree farm sign and certificate as his emblems of sound forest practices. All properties are reinspected every 3 to 5 years to see that the owner continues to meet the tree farm standards.

The high standards and reinspection system are major reasons for the great respect of the program. Nearly 3 million acres have been decertified for failure to live up to tree farm standards or change of ownership. Because of its recognized value, particularly in influencing owners of small woodland tracts to become a tree farmer, State foresters, extension foresters and some Federal foresters assist the industry foresters in the operation of the program.

It is of interest to note that more than 90 percent of the Nation's tree farmers are owners of tracts less than 500 acres in size. Tree farms range in size from a 3-acre shelterbelt in the Great Plains to more than 1 million-acre industrial unit in the northeast. With most industry lands in tree farms the sponsors give special emphasis to work with the small woodland owners who own three-fifths of the Nation's commercial forest land. What is done with these lands will, in a large way, determine whether or not we will meet our future timber needs in this country.

In recent years, with the emphasis on outdoor recreational opportunities, scenic beauty, wilderness, and the like, many people seem to have forgotten how essential our forests are to just everyday living. Lumber, paper, rayon, plywood, hardboard, poles, railroad ties, furniture, posts, and containers of all kinds are only a few of the more than 5,000 wood products we get from trees. Wood products are also essential to our national defense. During the last worldwide conflict the tonnage of wood products produced by the forest industries exceeded that of steel. The strength of our Nation is dependent upon how well our natural resources are developed and used.

Fortunately our Nation has been blessed with abundant natural resources and trees are one of our major renewable natural resources. We can grow repeated crops of trees in 30 to 125 years depending on the species and end product.

The future of our forests is related directly to the future of other resources and outdoor assets. For instance, how the forests are managed determines the quantity and quality of much of the water needed for homes, agriculture, and industry. We must have tree farming to grow the wood needed for thousands of products, like lumber and paper. But, while serving this primary purpose, tree farming opens opportunities for recreation, including hunting and fishing, and it provides the ideal habitat for most species of wildlife.

In the 50 States are about 759 million acres of forest land. Of this area, 509 million acres—an average of less than 3 acres for every man, woman, and child—are classified as "commercial" forest land—land available for the growing and harvesting of trees. The remaining 250 million acres include wilderness areas and lands which are either unavailable or incapable of growing trees of commercial size and quality.

In other words, about seven-tenths of all forest land is used to grow wood for the manufacture of useful products. The remaining three-tenths of our forest land is left in its natural state, except for park development, trails, and a few other restricted uses.

Today our commercial forest lands are growing all the wood we need for wood products. More and more forest land is being placed under tree farming. Over a million acres are being restored to timber products each year through tree planting and direct seeding. We are making progress. But what does the future hold? Every day we are losing more commercial forest land to super highways, urban sprawl, utilities rights-of-way, parks, reservoirs, recreation areas, military reservations, game preserves and industrial expansion, all of which take land out of commercial timber production.

While we are losing commercial timberlands to uses other than the production of tree farm products, the population is soaring. This means more consumers of wood products; naturally, it means more wood products consumed. The population of the United States has now passed 190 million people. Estimates indicate our population will be about 350 million or more by the turn of the century. This expanded population will create unprecedented demands on our forests for wood and wood fiber.

Speaking at the first Forest Land Use Conference in Washington, D.C., in September 1961, George A. Garratt, dean, Yale University School of Forestry, said:

> Conservative estimates indicate that by the year 2000 the consumption of all industrial wood is likely to be 70 to 114 percent higher than at present.

Speaking before pulp and paper industry officials in New York City on February 20, 1963, Edward P. Cliff, Chief of the U.S. Forest Service, said:

> Most forest managers agree that to meet the nation's growing demand for all products and services of the forest, they must harness every acre and put it to work doing as many jobs as possible and frequently doing several of them at the same time. They must multiply the uses their lands afford.

It is thus apparent that we need to practice tree farming on every acre of our existing commercial forest land. The alternative might be to accept more imports or to ration newspapers, books, lumber, plywood, and other necessary wood and paper products by the turn of the century.

Tree farmers are encouraged to manage their tree farms for all their multiple benefits—not just the production of wood. The multiple use policy adopted by the trustees of American Forest Products Industries in 1963 reads as follows:

> Continuous growing and harvesting of crops of trees is the primary objective of Tree Farm management. Other multiple use benefits, including the protection of watersheds, maintenance of desirable wildlife populations, and recreational opportunities are the natural results of well managed forest lands. Multiple use is encouraged on Tree Farms and other private ownerships consistent with the primary objectives of the owner.
>
> A few facts not recognized by many people are:
>
> 1. The managed and harvested forest provides the best food and habitat for most wild animals and birds. Dense, dark overmature forests are veritable deserts of many animals and birds.
>
> 2. Forests can be manipulated and harvested so as to increase water storage and yields without damage to the watershed.
>
> 3. Recreation is readily harmonized with tree farming which has resulted in thousands of miles of forest roads opening up millions of acres to recreationists.

I suppose many of you have seen recent publicity which might lead you to believe that the famous coastal California redwoods in the area where I live will soon be gone. Nothing could be further from the truth. I am pleased to advise that, in the redwood region, about 815,000 acres are now certified in the American tree farm system and according to the best scientific estimates this region will be operating on a sustained-yield basis by 1985—that is we will be growing annually just about the same volume as is being harvested. Some redwood companies are already on a perpetual redwood basis.

You may not know it but redwood is just about the fastest growing tree in the United States and coast redwoods are easily capable of attaining 240 feet of height in 100 years. They now support a $400 million forest products industry in the region and the industry is expected to grow with a developing pulp and paper industry which uses logging and mill leftovers.

Six of the major redwood companies have set up a system of redwood demonstration areas to which they are inviting the public where people can see how industrial tree farms are managed for the continuous production of timber in harmony with other resource values. Too often people see a newly harvested area and fail to realize that within 2 or 3 years the area will again be clothed with a luxuriant new growth of redwoods and their associated species.

The redwood industry is also providing ample proof that outdoor recreational opportunities are the natural results of tree farming. A year ago our industry developed a system of redwood industry recreational areas on their tree farms and opened 260,000 acres to public recreation. This year they added another 100,000 acres and have developed 22 recreation areas which include 5½ miles of ocean beaches and 410 miles of fishing streams. During the first year 20,000 anglers, hunters, and hikers visited the areas.

Looking to the distant future our redwood tree farms are perhaps more assurance that we will have redwoods forever than are the more than 100,000 acres which have been set aside in the 28 California State parks. The tree farmers have dedicated their lands to the growth of repeated crops of redwoods which come in readily on the harvested areas whereas scientists find that redwoods do not reproduce in the unharvested old groves where the heavy ground litter prevents the seeds from getting down to the mineral soil where they can germinate and take root.

I believe we should all recognize the fact that a new concept of conservation is sweeping America—a concept that has serious implications for all of us. With more and more of our people getting further and further removed from the land and crowding into our big cities we are rapidly becoming a nation of people who believe that milk comes from a cardboard container and meat is produced in a supermarket. They believe that almost anything can be made from synthetics.

I heard a description of these typical 20th century Americans recently. They live at 424 Elms Dell Acres. But there are no elms, there is no dell, and the acre really is a 50 by 100 foot lot. To his company, he is employee No. 279540. To the Post Office, he is ZIP code 20767. And if you want to talk with him, you dial 717-322-3099. Instead of being an individual—a human with an immortal soul, he is just part of the Great Society—a consumer, a member of a viewing audience, a driver in a traffic jam 3 miles long. He is only a statistic—a faceless number occupying a glass and plastic box on a barren plot of ground facing an asphalt jungle. His wife buys their food in plastic cartons and polyethylene bags from a supermarket that looks just like hundreds of others. She serves year-old "garden fresh" peas that come out of a deep freeze and are dyed green. The children think milk is something made in a machine. They all believe the only kind of a happy vacation is a weekend trip to a reconstructed historical site like Williamsburg or an artificial playground like Disneyland. They belong to the "Pepsi" generation and their only image of nature is "Marlboro Country."

Perhaps this satire sums up part of the reason people are beginning to strongly object to the harvest of trees, birds, and animals. But there is another reason—an esthetic reason. More and more Americans apparently have concluded that logging operations are not very pretty, that catching fish or killing game is somewhat gory, and insect control is quite painful to the poor insects. This belief, of course, is founded on a moral philosophy but, today, I have the feeling it goes somewhat beyond any personal code of ethics. Today there is new emphasis on preservation of natural beauty. In the public mind, perhaps, preservation of natural beauty means only mountains clothed in virgin green forests, wild meadows and rangelands covered with wild flowers, and throughout it all a beautiful bird singing from every bush.

The result, unfortunately, may be a growing public outcry against consumptive uses of our natural resources—at least our living natural resources like trees, game birds, animals, and fish.

Coupled with this great wave of protecting natural beauty—this feeling that the harvest of non-cultivated crops may be morally wrong and most certainly is esthetically bad—is still another, and much greater public attitude which I believe we face today—and will face even more during the next 25 years.

This is the public attitude concerning private versus public ownership of land and water resources. History seems to teach us that as any civilization grows in human numbers—as countries and nations begin to crowd more and more people into their allotted geographical boundaries—public pressures on remaining open spaces are accelerated and become more complex. Here in America, it seems to me we are facing a controversy of tremendous proportions, a basic difference of opinion over the question of public versus private development and ownership of natural resources. Although many people claim this is a fight between big government and big business, may I suggest that really the argument involves public opinion. For if you still believe, as I do, that the American democracy basically functions on the "will of the people," then you must look to the people and their collective attitudes or thinking to determine why things are going in any given direction. In short, I suggest that we who believe so strongly in private enterprise somehow must convince the public that it is to their advantage to keep public ownership and development of land and water resources to the minimum essential.

I agree with my colleague WAYNE N. ASPINALL who at a dinner before the rededication of the Clemons Tree Farm said:

> It is neither un-American nor sinful to utilize our natural resources under the private enterprise system in appropriate instances for the future development of our nation.

I know that some of you are owners of tree farms and nearly all of you have tree farmers in your districts. This is true even in urban areas for a growing number of our city dwellers have purchased forest land either as an investment, for outdoor recreation, or for both, and are now certified tree farmers. Therefore, I have arranged with American Forest Products Industries, Inc. for each one of you to receive one of these attractive paperweights commemorating the silver anniversary of the American tree farm system. I shall welcome your comments.

It has been my firm belief, as we look around the world, that "our international purpose will be judged by our domestic performance."

The delegates from the 94 countries attending the Sixth World Forestry Congress, demonstrated more than a passing interest as the various speakers and panel members delivered their message to the technical and general plenary sessions.

It could be said, they literally hung on every word—knowing full well that the information presented was based on the successes of our domestic forestry programs and experiments.

While the representation of technical people present was excellent, it was my observation that future world congresses should include a broader participation of ministers, parliamentarians and legislators.

Needless to say, it was one of the very thrilling experiences of my life when the delegates attending the general plenary session broke into spontaneous applause when I asked for closer working relations between parliamentarians and foresters.

To you and me in America, this is commonplace because it represents the working relationship of our system of government and our way of life but to other countries this seemed to be a novel experience or recommendation.

Again, this is what I mean by suggesting that "our international purpose will be judged by our domestic performance." Other countries are hungry for information as they awake to the opportunities for progress available to them.

I sincerely believe the American tree farm system program is one of America's lead conservation examples that we can proudly recommend to the developing countries of the world.

We, in the Congress recognize the founders and participants for helping to create a better image of America in the curious eyes of our international population.

In closing, we salute the American tree farm system and the forest industries of the United States for their foresight in adopting and directing this great tree-growing program. It has contributed so much not only to our economic growth and material wealth but to the protection of our watersheds, the wildlife in our forests and the beauty of America.

Mr. SIKES. Mr. Speaker, will my distinguished friend yield?

Mr. DON H. CLAUSEN. I would be pleased to yield to the distinguished gentleman from Florida [Mr. SIKES], whom I am pleased accompanied me to Madrid to the World Forestry Conference.

Mr. SIKES. Mr. Speaker, as my good friend and distinguished colleague from California [Mr. DON H. CLAUSEN], has indicated, it was my pleasure to attend as a member of the U.S. delegation the Sixth World Forestry Congress at Madrid in June. I would first like to take a moment or two of my friend's time, if I may, to tell what very outstanding work he did as a member of the U.S. delegation.

I do not think that any member of any delegation at this very important conference worked harder or contributed more than the distinguished gentleman who occupies the well at this moment.

He made a special effort to make friends with delegates from other countries, to talk with them about their own forestry programs—and their problems—and about the things that we in the United States are seeking to do in forestry improvement. The beneficial effects of his fine contributions were, I think, among the highlights of the conference.

I must also speak in equally cordial and complimentary terms of the very fine work done by the distinguished gentleman from Oregon [Mr. WYATT], and that of the distinguished Senator from New Mexico [Mr. MONTOYA]. They, too, were members of our delegation. Each worked tirelessly for the advancement purposes of the conference and toward a significant contribution by the U.S. delegation to the conference. Their work was outstanding throughout.

Mr. Speaker, it was difficult for me to comprehend in advance how important the forestry conference would be to so many of the nations of the world. This was reflected in the attendance which was had there; 94 of the world's 127 nations were represented at the conference; 2,700 persons were in attendance. That means they were working day after day and night after night to learn more about forestry while the work of the conference was being carried on.

There is a great deal of interest in forestry worldwide, and this conference certainly pointed up the great importance of forestry to the nations of the world. The conference gave the U.S. delegation an opportunity to express to the world something of what the United States is doing in the field of forestry. When I heard the statements and saw the interest of other delegations, I realized how important our own forestry program has been to this country, and how significant are the efforts of those who have been engaged in forestry and conservation.

The conference brought out very clearly that there are many nations of the world which no longer have forests, even though forests and forest products are the lifeblood of many parts of the world. Many of the nations that now have no forests were once forested, and they are desperately anxious to find a way to regain their forests. There are others who have forests, but they have not been able to develop their forest resources.

We in the U.S. delegation shared our views, shared our knowledge, and shared our experience with other delegations. We encouraged them to discuss with us their problems and to share with us their knowledge and experience. In all of this I believe a great deal was accomplished which will be beneficial for the future.

I think we in the United States can be very proud of the progress in forestry made by our country. This is reflected today in the fact that we are emphasizing the significance of the tree farm program. This is the 25th anniversary of the tree farm program. It has truly been one of the highlights for the advancement of America's outstanding forestry programs. And I congratulate all those dedicated persons who have contributed to the stature which it now enjoys.

Mr. DON H. CLAUSEN. I certainly want to thank the gentleman from Florida for those very cordial and kind remarks. Coming as the head of our delegation to the World Forestry Congress, I, too, would feel that I should reciprocate by pointing out the great value of his prestige and his associations with tree farm activities in his own district in Florida and the great contribution he has made to the Congress.

I would say that each of the fellows in attendance felt, as we have suggested before, that the U.S. delegation, I really believe, made an impact upon other foresters and parliamentarians in attendance at the Forestry Congress.

Mr. O'NEAL of Georgia. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Georgia.

Mr. O'NEAL of Georgia. Mr. Speaker, as a member of the Forests Subcommittee of the House Committee on Agriculture, I consider it a privilege to join with my distinguished colleagues in saluting the American tree farm system, the most comprehensive and constructive tree-growing program ever undertaken by private industry in any country.

This year marks the 25th anniversary of the dedication of the first tree farm in America—the Clemons Tree Farm in Grays Harbor County, Wash. The program has spread to all 48 contiguous States, including 30,146 certified tree farms with more than 67 million acres of productive forest land as of June 1, 1966. Obviously the program's contribution to the forest conservation movement in America cannot be overstated.

Prior to the inauguration of the American tree farm system, only a few forest-products companies were attempting to practice forestry on their properties Just 25 years ago we were removing 20 percent more timber in the Nation than we were growing, and fire in 1 year alone, 1941, destroyed 26 million acres of forest land.

Such ominous signs pointing to future timber shortages sparked the program of constructive forest management which we honor today. On June 12, 1941, a 120,000 acre tract of timber owned by the Weyerhaeuser Co. was dedicated as the first American tree farm. The program's success is evidenced by the fact that in 25 years the Nation's timber supply has improved from a 20-percent excess of removal over growth to a 61-percent excess of growth over removal. It is important to note that such a remarkable trend has developed along with the spectacular growth of the southern pine plywood industry and the booming pulp industry.

It is therefore fitting that we pay tribute on this silver anniversary year to an important milestone in American forestry. The past 25 years provides historical evidence that private enterprise, working hand in hand with the U.S. Forest Service and related agencies of State governments, can meet the challenge of a nation's growing need for forest products without sacrificing her wealth of natural resources.

Mr. WYATT. Mr. Speaker, I am proud to join in commemorating the 25th anniversary of the American tree farm system. This is a highly important milestone not only in American forestry, but in the entire history of the United States. It is a source of great pride to me that our forestry industry in Oregon has been in the forefront of this great conservation movement which insures for posterity an abundance of forest products, and the perpetuation of our forests.

What could have been tragic for us and future generations instead has been developed to the stage where growth exceeds harvest. In the United States today, we are growing 60 percent more timber each year than we are cutting. And this is not so because of a lack of demand for forest products. On the contrary, it is so because 25 years ago at a critical period in forest management dedicated and concerned people in the forest industry in the Pacific Northwest launched the first so-called tree farm. Tree farming is conservation at its best. The industry has planted or seeded some 22 million acres of forest land during the last 25 years. More than 90 percent of the forest industry's timberlands have been enrolled in this forest management system. Tree farming is not only conservation but it also means better and more wood products at reasonable costs.

The founding fathers of the tree farming system were bold and courageous men of the time. They were in every sense pioneers because they dared break with tradition and embark upon a forestry management program that had been little tried or tested in the United States. It is to their eternal credit that they did not flag in their efforts to develop and strengthen the American tree farm system.

I wish to congratulate our great forestry industry on the 25th anniversary of the American tree farm system. The entire Nation owes much to this enlightened industry which is constantly working for better forests and better wood products.

Mr. MORTON. Mr. Speaker, I wish to commend my colleagues for taking this special order commemorating the 25th anniversary of the American tree farm system.

Reforestation throughout our land is an essential part of a balanced conservation program. The wilderness areas designated by Congress, our great national forest system, and the programs of individual private organizations dedicated to the proposition of reforesting are all significant and are a recognition of the need to conserve our great timber resources.

There is an aspect, however, of reforestation—or better, the lack of it—that concerns me and should concern everyone. There are varying examples of what I am talking about here in the East. Every day we see more land being developed into residential suburbs and industrial parks. We see farms being subdivided, and when this occurs, the bulldozer soon follows.

As we have observed this situation, and as we have become more conscious of the need for outdoor recreation, especially for our city dwellers, all echelons of government—municipal, county, State and Federal—have become aware of the need for open space. This awareness is a healthy sign. I only wish that we would proceed in the establishment of parks and open space areas with more dispatch. I am convinced that an investment today in land for outdoor recreation and for the conservation and preservation of our natural beauty will reward us in substantial savings, when you speculate on what that same land will cost a decade hence.

Where we are even more shortsighted is in the area of reforestation and the preservation of wooded areas in and around our densely populated megalopolis. There is more evidence of the bulldozer than there is of seedling trees. Many cities and towns have done a good job of planting trees in some of their neighborhoods, but by and large, we are not breaking even. Preservation of woodlots, of forest areas, even though they may be small, is most important to our environment.

There is a place for the tree in the city, in the suburb, on the farm, in the park, as well as in the forest. Let us encourage every echelon of government and every individual citizen not only to protect the trees we have, but also to seize every opportunity to enhance our environment through the planting and culture of new trees in their proper relationship to our other efforts to make our land more beautiful and more meaningful to every American.

Mr. CLEVELAND. Mr. Speaker, I am very pleased to join my colleagues in saluting this silver anniversary of the American tree farm system, not the least because I am a tree farmer myself and belong to the system. My State of New Hampshire has long recognized the value of and participated actively in the system, being now No. 2 in New England in tree farm participation.

Twenty-five years ago when the original concept of farming trees, of treating them as a crop rather than a wasting asset, came into being, our country faced the critical likelihood that we would soon have used up our timber resources. Now, as a result of the conservation practices developed and taught by the American tree farm system, it is safe to say that we in America have enough timber to meet all our needs in the foreseeable future.

Tree farming, now encompassing more than 67 million acres in the continental United States has produced valuable byproducts in that all the land is paying taxes and much of the land is open to the public for recreation at little or no charge.

America's forest products industries are to be congratulated for turning what was an approaching economic disaster into a major national asset supporting thousands of jobs, paying increased taxes, and adding tremendously to our resources of natural beauty and conservation. The tree farm system is not limited to the large producers, however, but includes a great many small holdings such as my own tree farm in New London, N.H.

I know from experience how important the system is and it is with a sense of personal pride that I congratulate the tree farmers of America on the silver anniversary of the American tree farm system.

For a very interesting discussion of the development of the tree farm system, I refer my colleagues to page A2986 of the daily CONGRESSIONAL RECORD for June 1, 1966, where I inserted an article from the June bulletin of the National Wildlife Federation. This article, by Ernest Swift, describes the history and background of the system in a perceptive, well-written manner.

Mr. FUQUA. Mr. Speaker, I appreciate very much the opportunity to present remarks at this time commemorating the 25th anniversary of the American tree farm system. Reforestation is playing a prominent role in the economic welfare of the southern United States and in our fine State of Florida. More and more tree farms are seen throughout the South, and Florida is contributing its sizable share to our Nation's economic health through this means of agricultural progress.

Florida has seen the day when the planting of seedlings was considered visionary and impractical. But in 1927 our State legislature created the Florida Board of Forestry to push reforestation and to work with landowners, industry, and the Federal Government to further forest conservation in Florida. In time a few courageous farseeing individuals started to plant, to protect, and at least to envision the possibilities of reforestation. The farsightedness of a few has now increased to the extent so that next to tourist income the sale of forest products rings Florida's cash registers for more dollars than any other industry. Furthermore, in payrolls as well as in the value of its end products the trees that are converted into pulp and paper put more wealth into Florida's economy than all the other forest products combined.

The promising future of tree farming has become as a fever and everywhere there is a new appreciation of the permanent value of our woodland heritage, of the importance not only of using completely the products of the forest but of replacing and restoring them. Perhaps the biggest thing in the forest products industries today is the forward look, the planning for the future, the reforestation, the protection of this vulnerable resource against fire, disease, insects, and waste.

My sincere interest in the commemorative purpose of today arises not only because of the forestry in our great State of Florida, but in my district alone the U.S. Forest Service has administration over 556,404 acres of forest lands. This acreage places over half of the national forest lands in Florida in my congressional district. Of course, the privately owned tree farms of individuals and companies abound in our area, as well.

Phenomenal progress has been realized in the field of reforestation. The planting of pine seedlings and good timber management have come along to change the whole picture of less than 50 years ago. Thinning, selective cutting, site preparation, control of insects and disease, wise harvesting—all are now common practices throughout this country. From what was believed to be a bleak and declining industry we now have a most prosperous expanding industrial complex.

I join with my colleagues to extend congratulations upon the observance of 25 years of progress and success of the American tree farm system.

Mr. FOGARTY. Mr. Speaker, the American tree farm system, sponsored by the American Forest Products Industries, Inc., Washington, D.C., has continued to grow since its beginning in June 1941, at the Clemons Tree Farm near Montesano, Wash. At the present time there are 30,146 tree farmers in 48 States with 67 million acres.

The objectives of this outstanding voluntary program are to improve forest management practices on privately owned forest lands. This included:

> Adequate protection from fire, insects, diseases and destructive grazing. All Tree Farms have one thing in common; they are growing crops of timber for harvest under a planned program that provides for periodic crops of merchantable trees.

No property may be certified as a tree farm until it has been carefully inspected by a professional forester assigned by a State tree farm committee. The property must meet the requirements for the program before it is certified as a tree farm.

There are about 4 million private forest landowners in the United States, with 366 million acres. This indicates that there is a need for continued efforts in the tree farm system. The State and Federal forestry agencies have given excellent support to this industry-sponsored program. In many States the State foresters, through cooperation with the U.S. Forest Service, provide technical help through the cooperative forest management program in qualifying private timberland owners for membership in the tree farm program. They also serve on State forest industries committees, administering the program at the State level. This is an excellent example of cooperation between industry, public, and other forestry interests in developing sound forestry practices on private lands.

These efforts should be continued at an accelerated rate. Public and private forestry interests should continue to support and promote this very worthwhile forest industries-sponsored program. It has my full support.

GENERAL LEAVE TO EXTEND

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of this special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

STUDY OF PARALYSIS STRIKES: THE PRELUDE TO REFORM

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Maryland [Mr. MATHIAS] is recognized for 30 minutes.

Mr. MATHIAS. Mr. Speaker, on September 8 I addressed the House on the primary labor-management problem, and one of the major economic problems, confronting us today: the problem of paralysis strikes. In that speech, I reviewed the increasing cost of these crippling strikes, the inadequacies of present law, the tendencies toward informal and ad hoc governmental intervention, and the resulting damage to our free enterprise system. I also reviewed the President's promise to submit remedial legislation to Congress, and the long record of apathy and inactivity in the Labor Department which has apparently frustrated fulfillment of the President's pledge.

The problems posed by paralysis strikes are neither simple to summarize nor easy to solve. The causes of such labor-management disputes may be relatively clear, classic disagreements over wages and benefits, or they may be far more intricate and untractable differences produced by technological changes, alterations in the nature and size of an industry, or other qualitative shifts in our economic structure. A particular union's decision to strike, in a particular situation, may result from the exhaustion of other means of bargaining, the expiration of all legal barriers to a strike, or other strategic considerations. The impact of a particular strike, as we have seen too often, can spread throughout our entire economy—but the actual damage caused by any single strike, and its bearing on our national strength and security, are not always easy to measure at the time. It is still harder to make comparative judgments between past and present strikes in various industries, and to reach sensible decisions as to which require emergency or extraordinary remedies.

Our failure to assess all of these basic factors, systematically and objectively, has greatly hindered our efforts to reform our labor laws to enable us to prevent paralysis strikes, or to protect the public against their economic dislocations. Recognizing the overwhelming need for facts, I have advocated for 5 years the establishment of a National Commission of Inquiry to review our recent experience, weigh many basic questions, and make recommendations for congressional consideration. I regret that the Labor Department, while failing to present any adequate analyses of its own, has consistently rejected or ignored these recommendations.

Today I would like to present to the Congress a document which is a valuable first step toward real understanding of paralysis strikes, and should serve as a spur to further study. The Ripon Society, a progressive research organization with headquarters in Cambridge, Mass., has prepared detailed case histories of three recent major disputes: the railroad controversy of 1963, the airline strike of 1961, and the maritime strike of 1962. These case studies review in detail the causes of the disagreement, the course of negotiations, the legal and informal tools applied, and the eventual means of settlement. By reviewing the facts, these analyses make it possible for us to note similarities and differences, to observe the successes and failures of existing law, and to see far more clearly the questions which must be resolved.

Mr. Speaker, I hope that the work of the Ripon Society will encourage the Labor Department to undertake similar reviews of other strikes, including the New York subway strike of last winter, the series of newspaper strikes in New York City and other areas, and the recent airlines strike. In the absence of any Labor Department initiatives, I believe that these three case studies can help all students of labor-management relations gain a deeper understanding of our current problems, and will stimulate further inquiry and recommendations.

The Ripon Society's paper follows:

INTRODUCTION

Following are three case studies of federal intervention in labor disputes directly affecting the public interest. The sampling is not a complete one. All three studies relate to strikes affecting instrumentalities of commerce; the Railroad controversy of 1963, the Airline Strike of 1961 and the Maritime Strike of 1962. Nonetheless, a sufficient variety of problems is presented that some general observations may be made.

The studies are primarily descriptive of federal intervention in the various disputes. A few general propositions emerged as a result of the analyses which will be presented at the end of the paper.

THE RAILWAY LABOR DISPUTE: 1959–64

Preliminary remarks

The railroads were among the first management groups in the nation to recognize the legitimacy of the union movement. During the 1920's and even earlier, the unions and management established work rules that were quite liberal and reasonable for that period. However in the 1950's these work rules had become outmoded due to advancing technology. It was the determination of management to alter these work rules that brought on this labor crisis.

The railroad industry is virtually unique today in that a general strike is likely to be considered a national emergency as soon as it is begun.[1] When food and other essentials are cut off from their markets, it is no longer a matter of economics whether or not a national emergency exists. Fortunately, there are no strike statistics to report in this labor dispute. The primary issue in this dispute was 30,000 to 45,000 jobs, mainly firemen, which the railroads claimed were superfluous, and which coupled with other work practices were costing the railroads $600,000,000.00 per year.[2] For the purposes of this report, the economic aspects of this dispute as well as the individual points of contention are important only to the extent that they affected the actions of the parties and government officials involved.

Since the material to be culled from an investigation of this dispute is truly massive, this report must primarily focus on the roles played by the various government officials and their effect in bringing about the settlement of this dispute. Since the role of the government is of primary concern, it is important to examine here the Railway Labor Act of 1926[3] which provided the legal framework for much of the government activity in this dispute. The Railway Labor Act provides essentially three steps that can be taken by the government in major negotiations if the union and management are unable to settle their differences privately. It created the National Mediation Board which on request of the parties or its own initiative may enter the negotiations and try to mediate a settlement.[4] If this fails, the Board is to attempt to induce the parties to submit to voluntary, binding arbitration.[5] The procedure to be followed in arbitration is established by the Railway Labor Act.[6] If the parties refuse to submit to arbitration, the Board then notifies the President the dispute has not been settled and that essential transportation services are threatened (the Board may also order the status quo be maintained for thirty days).[7] The President then may create an Emergency Board to investigate and report its findings to him within thirty days. After the Board has been created and for thirty days after its report is delivered to the President, each side must maintain the status quo.[8] Furthermore, the railroad must give the union thirty days notice before instituting changes in the work rules or pay scales; the union may then demand negotiation.[9] This is to give the National Mediation Board time to get into the act.

There is one further preliminary note. In the early stages of the dispute, there was serious disagreement over wages that accounted in part for the actions and pronouncements of the parties. This dispute was soon split off by agreement of the parties and submitted to voluntary arbitration.[10]

Review of the dispute

In early 1959, the railroads began a campaign against "featherbedding" practices in the industry and called on President Eisenhower to create a Presidential Commission to study the situation. The five operating unions opposed this move. Eisenhower rejected the railroads' proposal on the ground that it would interfere with normal collective bargaining and contract negotiations which were to begin on November 1, 1959.[11]

On October 24, the National Mediation Board, on its own initiative, announced it would intervene in the upcoming contract negotiations and would begin meeting separately with the parties on October 26.[12] The railroads put forth their proposals for changes in the work rules and pay cuts on the first day of negotiations. The proposed work rules changes involved displacing firemen on diesel freight trains, changes in work crews (these were to become the key points of contention), changes in interdivisional runs, more flexibility in assigning work to train and yard crews, and more freedom for management in introducing new technology.[13] The unions replied the next day calling for substantial pay raises and stating the present work rules were necessary for safety purposes.[14]

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[1] Two conditions are essential for a national emergency to exist when a strike commences: a. The strike must be virtually industry wide. b. The product cannot be stored or held in reserve by other industries.

[2] Of course each side presented widely varying figures but those presented here seem to have been generally accepted as reasonably close to the actual figures involved. See "Report of the Presidential Railroad Commission" in the March 1, 1962 edition of the New York Times, 1:8.

[3] 45 U.S.C.A. 151–160.

[4] 45 U.S.C.A. 155.

[5] 45 U.S.C.A. 155.

[6] 45 U.S.C.A. 157, 158.

[7] 45 U.S.C.A. 155, 160.

[8] 45 U.S.C.A. 160.

[9] 45 U.S.C.A. 156.

[10] New York Times, April 23, 1960, 46:2.

[11] New York Times, Sept. 12, 1959, 11:6.

With this beginning the parties began negotiating with the aid of the National Mediation Board. Negotiations continued until April, 1960 without much progress. In April, the railroads and the Brotherhood of Locomotive Engineers agreed to arbitrate the wage issue with the understanding that the result would provide the basis for wage contracts with the other four operating unions.[15] With this split off of the wage issue, the parties proceeded to discuss the work rules issue in earnest.

On September 6, 1960, with negotiations bogged down and the railroads accusing the unions of refusing to negotiate, Secretary of Labor Mitchell called a meeting of the parties and with an apparent turnabout in the administration's position, proposed a Presidential Study Commission.[16] The following day, the parties agreed in principle to Mitchell's proposal but disagreed on whether or not the Commission's proposals should be binding with the railroads asserting that they should be.[17] After an agreement between the parties that the proposals would not be binding, that President Eisenhower would appoint all fifteen members with five recommended by each party, and that the report would not be due until December 1, 1961, President Eisenhower signed Executive Order No. 10891 creating the Presidential Railroad Commission on November 1, 1960.[18] On December 22, President Eisenhower appointed Secretary of Labor Mitchell to head the Railroad Commission.[19]

With the pressure temporarily off for a year while the Commission was making its study, the only thing of note that occurred during 1961 was that Federal Judge Rifkind replaced James Mitchell as head of the President's Railroad Commission because Mitchell resigned to run for Governor of New Jersey.

On February 28, 1962, after a two month voluntary extension of the deadline, the Presidential Railroad Commission, with the five union members dissenting, presented its report to the President.[20] The Commission recommended, among other things, the elimination of 30,000 to 45,000 jobs (primarily firemen), that the railroads be allowed more flexibility in the assignment of work between train and yard crews, that the railroads be permitted to introduce new technological advances with binding arbitration to determine what course to follow if current work rules would be affected, that the railroads be allowed to alter the makeup of train crews, and that they be permitted to adjust the present system on which the pay of operating employees is based.[21] With the Presidential Railroad Commission Report strongly in favor of their position, the railroads called on the unions to resume negotiations on March 20, 1962, with the Commission report to serve as a basis; the unions objected to the Commission report as a basis.[22] Negotiations were resumed in Chicago with no agreement as to whether or not the Commission report would serve as a basis for the negotiations.[23]

Negotiations having been broken off on May 17 by the railroads, who declared that the unions refused to negotiate over the work rules issues and threatened to unilaterally change the work rules, the unions invoked the services of the National Mediation Board. The railroads and unions then agreed to resume the talks with the aid of the National Mediation Board.[24] The railroads again broke off the negotiations on June 22, 1962; [25] and the National Mediation Board recommended voluntary arbitration of the issues involved which the unions rejected.[26]

On July 17, 1962, the railroads announced they would unilaterally put the recommendations of the Presidential Railroad Commission into effect on August 16; the unions announced they would then strike on that date.[27] On August 10, 1962, Federal District Judge Samuel Perry granted the unions a temporary injunction prohibiting the railroads from instituting the new work rules; this temporary injunction was granted to permit the unions to appeal his decision of August 7 not to intervene in the dispute.[28]

This temporary injunction remained in effect until April 1, 1963 while the unions appealed to the Court of Appeals and the Supreme Court and lost in both courts. When the Supreme Court handed down its decision on March 4th, the railroads proposed that negotiations resume on March 13th, and the unions accepted.[29] The railroads walked out of the negotiations on the first day rejecting a letter from the President of the Brotherhood of Locomotive Firemen and Enginemen agreeing to negotiate job reductions because it called for reduction by attrition only and not by laying off any firemen immediately.[30] On April 3rd, President Kennedy created Emergency Board No. 154 2 days after the Supreme Court ruling became effective;[31] the Board was to commence hearings on April 11th. The Emergency Board presented its report on May 14th; it called for the arbitration of special cases involving firemen where safety is a question and for the protection of more firemen jobs that proposed by the Presidential Railroad Commission's Report.[32]

The railroads and unions resumed negotiations during the thirty-day period in which the status quo had to be maintained, and at the end of the thirty day period both parties agreed to a special request from Pesident Kennedy to continue negotiation efforts until July 10th. If there was no agreement by then, he planned to make recommendations to Congress to avert a strike.[33]

On July 10th, the railroads submitted to President Kennedy's request to delay putting the new work rules into effect until July 29th; [34] and as that deadline approached, they agreed to a further extension until August 29th.[35] In addition to these delaying tactics, the administration proposed a flurry of devices to bring about a settlement of the dispute as the crisis stage drew near. On July 5th, Secretary of Labor Wirtz proposed a two-year test plan that involved negotiation, mediation, study, and arbitration with the results to be in effect for two years.[36] The unions rejected this plan because it would result in compulsory arbitration.[37] On the 9th of July President Kennedy suggested the dispute be submitted to Justice Goldberg for final settlement; the unions rejected this plan also.[38] On July 10th after obtaining the postponement until July 29th from the railroads, President Kennedy convened a six-man subcommittee of the President's Advisory Committee on Labor-Management Policy to study the dispute. The President's recommendations for settling the dispute as well as the subcommittee's report were to be submitted to Congress by July 29th.[39]

On July 22, President Kennedy submitted his recommendation in the form of a joint resolution, to Congress that the Interstate Commerce Commission be given authority to arbitrate the dispute. The ICC would have the authority to determine how the work rules would be altered and its decision would be in effect for two years during which period any strike or lockout over any ICC ruling would be prohibited.[40]

On August 2nd, while the joint resolution was before the Senate and House Commerce Committees, Secretary of Labor Wirtz presented a plan to the parties for settling the two key issues: abolition of firemen's jobs, and the make up of train crews. Neither side accepted his plan which contained substantive proposals.[41] On August 16th, the railroads and unions announced that they had agreed in principle to submit the two key issues to binding arbitration after much behind the scenes pressure had been applied by Secretary of Labor Wirtz and other government officials. Lawyers for both sides were to meet and try to draw up an arbitration agreement.[42] The discussions between the parties on the procedure for arbitration collapsed on August 21st; there were irreconcilable differences over the issues to be submitted to arbitration.[43]

Meanwhile, the Senate Commerce Committee made two important changes in the joint resolution submitted to Congress by President Kennedy. The dispute would be submitted to an independent arbitration board of seven members rather than to the ICC,[44] and the secondary work rules issues such as interdivisional runs would be submitted to arbitration if negotiations were unsuccessful after a six-month period.[45]

On August 27th, the Senate passed the joint resolution but separated the secondary issues from its compulsory arbitration provisions. However, a strike or lockout over these issues was prohibited for six months.[46] The House passed the resolution the next day and later that day President Kennedy signed it.[47]

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[12] New York Times, Oct. 25, 1959, 51:1.

[13] New York Times, Oct. 2, 1959, 20:1.

[14] New York Times, Nov. 3, 1959, 19:1.

[15] New York Times, April 23, 1960, 46:2.

[16] New York Times, Sept. 7, 1960, 22:5.

[17] New York Times, Sept. 8, 1960, 28:1.

[18] Executive Order #10891, New York Times, Nov. 2, 1960, 23:4.

[19] New York Times, Dec. 23, 1960, 1:2.

[20] New York Times, Mar. 1, 1962, 1:8.

[21] Presidential Railroad Commission Report, Feb. 28, 1962; New York Times, Mar. 1, 1962, 18:1.

[22] New York Times, Mar. 6, 1962, 28:3.

[23] New York Times, April 3, 1962, 48:6.

[24] New York Times, May 24, 1962, 22:1.

[25] *New York Times*, June 23, 1962, 1:4.

[26] *New York Times*, June 28, 1962, 19:1. The Railway Labor Act requires the National Mediation Board to recommend arbitration as its last measure before reporting failure to the President. 45 U.S.C.A. 155.

[27] *New York Times*, July 18, 1962, 17:7.

[28] *New York Times*, Aug. 11, 1962, 1:5.

[29] *New York Times*, March 5, 1963, 1:8.

[30] *New York Times*, March 16, 1963, 4:8.

[31] *New York Times*, April 4, 1963, 1:8.

[32] Emergency Board #154-Report to the President; *New York Times*, May 15, 1963, 1:8.

[33] *New York Times*, June 16, 1963, 1:4.

[34] *New York Times*, July 11, 1963, 1:8.

[35] *New York Times*, July 26, 1963, 1:1.

[36] *New York Times*, July 6, 1963, 1:1.

[37] *New York Times*, July 8, 1963, 1:8.

[38] *New York Times*, July 10, 1963, 1:8, 16:3.

[39] *New York Times*, July 11, 1963, 1:8, 12:1.

[40] *New York Times*, July 23, 1963, 1:8.

[41] *New York Times*, Aug. 3, 1963, 1:1.

[42] *New York Times*, Aug. 17, 1963, 1:8.

[43] *New York Times*, Aug. 22, 1963, 1:2.

[44] *New York Times*, Aug. 23, 1963, 1:6.

[45] *New York Times*, Aug. 25, 1963, 1:1.

The Arbitration Board handed down its award to be in force for two years on November 26, 1963. It sent the train crew make up issue back to the parties for local negotiation; and provided for arbitration procedures if this failed. The Board then held that 90% of the firemen's jobs on diesel freights were unnecessary. All firemen with ten years seniority must be retained; those with two to ten years seniority must be retained unless they are offered comparable jobs; and those with less than two years seniority may be discharged with severance pay and rehire preferences. The unions announced they would challenge the award and the joint resolution establishing the Arbitration Board in court.[48]

The Court of Appeals for the District of Columbia affirmed the District Court's decision sustaining the validity of the Arbitration Board's award on February 20, 1964.[49] With this major issue out of the way, the railroads and unions signed an agreement ending the dispute over the secondary issues on April 22, 1964.[50] However this accord was not achieved without intensive pressure applied to both sides by President Johnson and Secretary of Labor Wirtz and a one day strike on the Illinois Central Railroad.[51] On April 27, the Supreme Court denied the unions' petition for a writ of certiorari and the railroads announced they would begin discharging firemen on May 7.[52]

Analysis of the dispute

The most striking feature of this dispute is that it concerned matters of such basic importance to the parties that its resolution would have a profound effect on their relationship. The railroads felt, apparently justifiably, that they were being forced to carry an incredible burden in order to make work for thousands of employees who were performing superfluous services. The two unions to which the firemen belonged realized that if the railroads were successful in changing the work rules, their potency and viability—if not their existence—would be threatened. Also, both parties were aware that the "winner" of the dispute would hold the advantage in their future relations. The problems of advancing technology are not unique to the railroad industry. It would be interesting to contemplate what effect the "human relations" approach would have had in the course of this dispute. Adopted by other industries, notably steel and mining, this method establishes a bipartisan group to devise solutions to problems before they become too serious.

Another interesting feature of this dispute is that the relative equities of the parties were so apparent; the railroads realized that any reasonably neutral tribunal would grant the majority of their demands. This undoubtedly accounts for the fact that the railroads almost always agreed to the suggestions and recommendations of the administration officials while the unions in turn usually rejected the suggestions. With both the Presidential Railroad Commission and the Emergency Board reports supporting their position, the railroads were able to force the government to act when negotiations broke down by constantly applying pressure (announcing they were going to institute the new work rules unilaterally) and by taking no outrageous steps, for they knew the government could not tolerate a strike. This is not to say the railroads actively sought compulsory arbitration but they certainly preferred it to maintaining the status quo. On the other hand, the unions would have preferred a strike either to the institution of the new work rules or to compulsory arbitration.

With all the cards in one hand, the roles played by the administration officials both formally, as under the Railway Labor Act and the Presidential Railroad Commission, and informally, as in private mediation efforts and attempts to put pressure on the parties, seemed to take on a ritualistic aspect that inevitably resulted in the compulsory arbitration resolution by Congress. There was just no room to negotiate; the unions were going to defend their existence against all pressures; and the railroads with the government reports behind them were not to be denied. There were just no routes open to the government.

AIRLINE CONTROVERSY OF 1961

The Airline strike of 1961 differs from most national paralysis strikes in that it was primarily a jurisdictional dispute between two unions contending for representation rights to a class of workers. Also, there was little cohesion on the national or industry wide level within either the unions or the airline companies. Each company handled the dispute differently, some completely avoided the strike, and sometimes the local unions disregarded their national leadership.

The nature and origin of the strike[53]

During the 1930's and 1940's, when the airlines were in their early development and the airplanes themselves were relatively simple, the flight crew consisted of the pilot and co-pilot. As the airlines began turning to four-engine aircraft in the late 1940's, a third member of the flight crew was added. Given the title of Flight Engineer, he became a federal requirement under the Civil Aeronautics Board. The Flight Engineer's function was to ensure the proper monitoring of the four piston engines and the functioning of certain auxiliary mechanical systems (hydraulic, air conditioning, etc.). In this way, the pilot and co-pilot were able to concentrate solely on flying the plane presumably improving the safety factor.

To qualify as a Flight Engineer, a person had to acquire a Flight Engineer Certificate, the requirements of which were established by the CAB in 1947. The qualifications set up were so broad and minimal that two classes of personnel could qualify easily: (1) ground based non-pilot personnel whose background was derived from aircraft repair and was mainly mechanical. (2) Pilots with minimum knowledge of the mechanical aspects of the airplane and whose background was primarily piloting.

The pilot and co-pilot members of the flight crew had always been represented by the Air Line Pilots Association (ALPA), but they had refused to admit flight engineers to their ranks. Thus grew up the Flight Engineers International Association (FEIA), which represented solely the flight engineers and established itself at a majority of the Airlines. As the ALPA observed this, they reversed their previous policy and began to compete with the FEIA for representation rights of the flight engineers. In 1958, the ALPA had representation rights at five airlines, and the FEIA had the rights at eight. Thus, at some airlines the cockpit personnel was represented by one union (ALPA) and at others by two unions (2 pilots by the ALPA and 1 flight engineer by FEIA). At this time the ALPA membership was 15,000 and the FEIA membership was 3200.

Through the 1950's, both unions attempted to solidify their position with regard to the third seat in the cockpit. The ALPA attempted to negotiate contracts requiring a flight engineer to have a Pilot's License and Instrument Rating Card *in addition* to the standard Flight Engineer Certificate. Such a requirement would effectively rule out all the then qualified flight engineers who were non-pilot trained, whose background was mainly mechanical, and who were represented by the FEIA. It would make the cockpit crew all pilot trained, represented by the ALPA. The FEIA, at the same time, was attempting to negotiate contracts requiring an Aircraft Mechanic Rating in addition. Such a requirement would exclude most pilots as prospective flight engineers, thus closing the ALPA out of the flight engineer position.

The overall results were as follows: Panagra, Capitol, Delta and Northeast staffed the flight engineer position solely with pilot personnel represented by the ALPA. No strike occurred at these airlines. Continental, Eastern, National, Northwest, TWA and Pan American staffed the position with non-pilot personnel (some requiring an Aircraft Mechanic Rating) represented by the FEIA. These generally fared the worst during the strike. American, United and Western used both pilot and non-pilot personnel. They were able to recover relatively quickly from the strike.

Although the manning pattern stabilized in the large piston aircraft as above, the same dispute and eventually the strike was to arise between the two unions in regard to the manning patterns of the new jet aircraft which was to begin operation in 1959–60. The ALPA argued for three pilot-trained crew members, the FEIA for one mechanically trained engineer. Because of the competition among the companies to begin the jet age, seven major carriers initially attempted to avoid this jurisdictional battle and staffed their jet equipment with three pilots *and* a mechanical flight engineer. It was soon apparent that this four man crew was expensive and unneeded, and the airlines began steps to reduce the crew to three. The strike in 1961 occurred at this point.

The jet airplane differed from piston in that it was more automatic and was much simpler to operate, but traveled at higher speed. On primarily this basis, a number of companies concluded that the flying of the airplane was more important in jets and thus proposed to use three pilots as its flight crew. The usual transition plan offered to the FEIA was as follows: the company would train nonpilot engineers at company expense so they could qualify for a pilot's license and their names would be placed on the seniority list as they began training. A strike by the FEIA at Continental occurred from May 29 to Oct. 10, 1960 over this general plan, the result being that the flight engineers finally capitulated and were absorbed by the ALPA.

The strike

Under the Railway Labor Act, the National Mediation Board (NMB) has the power to determine the appropriate group of employees which will be represented by a particular union. In 1959, the ALPA at United Airlines petitioned the NMB to make this determination at United. Essentially it involved two steps: (1) Is the personnel termed the flight deck crew (pilot and flight engineer) one class or two classes for representation purposes? (2) If one class, an election would be held to determine which union (ALPA or FEIA) would represent that class of employees. And if the NMB ruled the flight deck crew as one class, it was a foregone conclusion that the ALPA would win the election because the pilots outnumbered the flight engineers by 2 to 1.

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[46] *New York Times*, Aug. 28, 1963, 1:8.

[47] *New York Times*, Aug. 29, 1963, 1:1, 13:2. The joint resolution can be found in the annual pocket part supplement to 45 U.S.C.A. 157.

[48] *New York Times*, Nov. 27, 1963, 1:3. The arbitration award is filed with the District Court for the District of Columbia.

[49] *New York Times*, Feb. 21, 1964, 16:8.

[50] *New York Times*, April 23, 1964, 1:1.

[51] *New York Times*, April 10, 1964, 1:8.

[52] *New York Times*, April 28, 1964, 1:4.

[53] The source for most of the background material in this section is Assistant Professor John M. Baitsell of Harvard Business School.

United, perhaps more than other companies, had cross-trained and cross-utilized its pilot and mechanical personnel, which had resulted in a number of mechanics with pilot's licenses and a number of pilots who were qualified mechanics. Primarily on this basis, the NMB ruled the flight deck personnel at United as a single class on January 17, 1961 and the ALPA won the subsequent election on February 6, 1961.[54] As a result the FEIA saw itself threatened in three ways: (1) Its existence as a union if like rulings were made at other carriers by the NMB. (2) Its members would be placed at the bottom of the pilot seniority lists. (3) If represented by the ALPA, mechanical flight engineers would eventually lose their jobs to pilots or at least their interests would be subordinated.[55] For the engineers, it was an issue of job security.

The strike began at Pan American where FEIA negotiations were under way. The union struck because they had reached no agreement at Pan Am on the subject and as a protest to the NMB ruling at United. Quickly the unions at TWA, Eastern, American, Western, and National walked out in sympathy on February 17, 1961.[56] It lasted five days.

The consequences of the strike reached fairly large proportions. Six of the carriers had laid off approximately 91,000 workers; half a million travelers had their travel plans disrupted; TWA, Western, and Eastern had been completely shut down; the airlines estimated that they had lost $40 million in revenue and maintenance costs.[57] Miami estimated it had lost $3 million a day and no doubt other communities lost.[58]

Federal laws: The Railway Labor Act[59]

The Railway Labor Act governs air carriers despite its name, and was important in its provisions for the determination of bargaining representatives and its limits on permissible conduct in a dispute between carriers and employees over wages, rules, and working conditions. The following sections are relevant:

A. Class Determination and Representation. Section 2 ninth authorizes the NMB on the request of either party to investigate disputes where there is a conflict as to who is the representative of the employees, and to certify one party as the appropriate representative. One such method of certification is by secret ballot. But preliminary to this, the NMB must designate who may participate in the election, which entails the class determination mentioned above (and which was done at United). In the United case, the NMB established a neutral three man committee to investigate and designate the voter class, a procedure authorized by Section 2 ninth also.

B. General Function of the NMB. By Section 5 first, "The Mediation Board may proffer its services in case of any labor emergency found to exist at any time." In specific disputes over pay, rules or working conditions, the NMB is to use its best efforts by mediation to bring about an amicable and voluntary settlement. If such efforts fail, the Board shall endeavor to induce the parties to submit their controversy to arbitration (which is covered in Section 7, 8, 9). If the arbitration proposal is refused, "the board shall at once notify both parties in writing that its mediation efforts have failed and for *thirty days* thereafter, unless in the intervening period the parties agreed to arbitration, or an emergency board shall be created under Section 10, no change shall be made in the rates of pay, rules, or working conditions or established practices in effect prior to the time the dispute arose."

Thus there is a thirty day status quo period after the Board makes its announcement. Section 2 seventh forbids any changes in pay rules or working conditions contrary to the above procedures.

C. Notice Procedures. By Section 6 the parties must give 30 days' notice of any intended change in the pay rate, rules or working conditions. Conferences must begin within 30 days of receipt of notice and the functioning of the NMB may be called into the dispute as described in B. above as it is needed.

D. Emergency Board Procedure. Under Section 10, when the dispute "threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service," the President may appoint an Emergency Board. The Board shall make a report within 30 days, during which time the parties may make no changes, except by agreement, in the conditions out of which the dispute arose. After the report of the Board, there is a similar 30-day period. Thus, from the time of the appointment of the Board, there is a 60-day status quo period. The Board is to investigate and report recommendations to the President.

Action of Government officials

The FEIA contracts with Pan American, Western, American, Eastern, TWA and National had all expired by early 1961. The flight engineers at these airlines had thus been working without formal contracts and the mediations procedures described above had been going forward in varying degrees with each carrier in regard to the double question of the jurisdictional battle between the ALPA and the FEIA and the efforts of the airlines to reduce the jet flight crew from four to three. According to the Railway Labor Act, no strike can occur until the procedures of the act have been exhausted through the status quo periods. Conditions had progressed the furthest at Pan American, where the 30-day status quo period was to end on February 17 and the FEIA had given notice that it expected to strike. On that day President Kennedy created an emergency Board under the Act about two hours before the union formally called the strike.[60] Presumably this action should have set in motion the 60-day status quo period mentioned above, but the FEIA still struck. At the other airlines, the Unions had not given notice of strike nor had any of the 30-day status quo periods ended, but they also struck. Four airlines were immediately able to obtain temporary restraining orders against the FEIA (American, Eastern, Western, and Pan American), but the unions ignored these also.[61]

A. The Emergency Board. Aside from the class determination at United and general mediation efforts by the NMB, the Emergency Board was the first formal action of the government as the strike began. Since its work was restricted to the Pan American dispute and a few days later a Presidential Commission was created to assist in the settling of the industry-wide dispute, its effectiveness was somewhat limited. It was careful in its recommendations so as not to disturb the work of the Commission.

B. Secretary of Labor. Secretary Goldberg entered on February 18 and held almost continuous mediation and negotiating sessions for the next several days. On February 21, he announced that President Kennedy had created by executive order a Presidential Commission to consider the overall dispute of six of the seven carriers struck (Western was not included).[62] By February 23, Goldberg had been able to gain an uneasy settlement: (1) The FEIA members would return to work while the Presidential Commission investigated the dispute. (2) Six carriers agreed to take no disciplinary actions against the returning strikers. (Western had already fired all strikers and was replacing them with pilot trained personnel). (3) The NMB decision on class determination at United would stand, but Goldberg assured all that it applied only to United. (4) The Presidential Commission was to take the major burden for the government in the dispute, and the Emergency Board was to operate only in a "limited sphere".[63] Thus, by February 23, although the central issue of job qualifications for the flight engineer was no closer to solution, the informal work of the government had resulted in an uneasy interim settlement returning the men to work.

C. The Presidential Commission. Its specific job was to consider the differences that had arisen regarding the performance of flight engineers' functions, the job security of employees performing such functions, and related representation rights of the two unions. Once the engineers were back to work, the Commission and Secretary Goldberg continued through 1961 and on into 1962 to mediate and assist the parties in attempting to reach a voluntary accord; they also attempted to get the two unions to merge. Because past manning patterns and employment histories varied with each carrier, an industrywide solution was extremely difficult. The Commission appeared to have its greatest effect when it concentrated its efforts on one particular airline and its individual problems. Because of the lack of uniform national practices in this area, the ultimate solutions varied from airline to airline.

Pressure brought to bear and factors involved in settlement

This should be considered in two steps: First, the factors important to the ending of the walk-out *per se* (without gaining settlement of the job requirement controversy), and second the factors in obtaining the later lasting settlement between the FEIA, and the ALPA, and the airlines.

A. Ending the Walkout. (1) The readiness of the courts to issue restraining orders and to assess stiff fines against the union if its members did not return to work. (2) The informal agreements with the carriers that they would drop disciplinary action against the strikers if they would return to work immediately. (3) The moral suasion of the Administration through the Secretary of Labor. However, it does not appear that the government was able to use any economic levers against the parties. (Such as the switching of government contracts to the disadvantage of companies who don't observe the price guidelines.) (4) The weakness of the FEIA. Since some of the airlines had trained their pilots to obtain the standard Flight Engineer Certificate or were in the process of training them, they would eventually be able to operate completely free of the mechanical flight engineers represented by the FEIA. The example of Western is interesting. It fired all the strikers immediately, and began replacing them with retrained pilots or pilot trained mechanics and gradually were able to reinstitute their service. (5) The Presidential Commission and Emergency Board. It is difficult to assess their value. But it appears they were useful in creating an immediate and prestigious grievance board for the parties, which was particularly important to the FEIA because of their weak position and outstanding court orders.

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[54] *New York Times*, Feb. 9, 1961, :62.

[55] *New York Times*, Feb. 9, 1961, :62.

[56] *New York Times*, Feb. 18, 1961, :1.

[57] *New York Times*, Feb. 24, 1961, :20.

[58] *New York Times*, Feb. 24, 1961, :20.

[59] 45 U.S.C.A. Sec. 151–188.

[60] *New York Times*, Feb. 18, 1961, :1.

[61] *New York Times*, Feb. 19, 1961, :1.

[62] *New York Times*, Feb. 22, 1961, :1.

[63] *New York Times*, Feb. 24, 1961, :20.

B. Resolution of the Broad Dispute. Over the next year, each company worked out its own separate agreement with its corresponding union. Because of the separate way in which each carrier brought about a stable solution, this section cannot be dealt with in much detail. Basically, at all the airlines the jet flight crew was reduced from four to three; the third crew member was to be eventually pilot trained under various training and phasing arrangements; the mechanical flight engineers were to be protected through preference arrangements on seniority lists and training courses. The following factors appeared to influence the broad long range settlement: (1) The past manning patterns of each airline. As mentioned before, those airlines who had initially staffed their flight engineer position with pilots were able to avoid the dispute. United was not hurt by the strike because it had cross trained its personnel. Western was able to fire all the strikers because it was in the process of cross-training. Thus, the most important factor seemed to be what the individual company had done in the way of mixing pilot and non-pilot personnel in the flight engineer position and it appears that this difference in manning pattern, stage of retraining, etc. produced the variety of agreements which ultimately resulted. (2) Technological change introduced by the jets. Jets were simpler and more automatic, and consequently there seemed less of a need for a mechanic to monitor all systems. Furthermore, a Canadian airline company had been flying identical jet equipment with a crew of two without any reduction in safety, demonstrating the needless inefficiency and expense of a four man crew. (3) Government mediation. The Presidential Emergency Board and Commission have no power to order settlement or to order terms of the settlement. It is therefore difficult to assess the weight of their work. But it often appears that an important function is just to keep the parties together and talking until they wear down, a service which should not be minimized. The Commission made two reports and two sets of recommendations which served as a basis for bargaining and guidelines for the final settlements, but there was considerable bargaining and maneuvering within each carrier as they tailored the Commission guidelines to their own situation.

Dockworkers represented by the International Association of Longshoremen struck the ports on the east and gulf coasts during two period in 1962 and 1963. The original walkout began on Oct. 1, 1962 when the basic contract expired. It continued until Oct. 5, when a temporary restraining order issued by a federal judge, pursuant to the Taft-Hartley act, ended the strike. At the end of the eighty day injunctive period the strike resumed and lasted until January 28, when the last of the longshoremen returned to work. The strike tied up 712 ships.[64] Thirty three working days were lost.[65] The monetary loss was estimated at $800,000,000.[66]

The general pattern of settlement in these disputes is that the accord in New York is closely paralleled by New Orleans, and the New Orleans settlement, in turn is patterned on the New Orleans agreement.[67] Thus, concentration on the New York settlement is appropriate. In the New York dispute, there was a substantial disparity between the parties on wage and benefit aspects of the dispute. However, the major issue separating the parties was an intractible dispute over the size of the various work crews which actually unloaded vessels. The shipper's association wanted to reduce crew size substantially. The Longshoremen did not want to discuss the issue at all.[68]

Federal intervention in the dispute took four forms. The Federal Mediation & Conciliation Service participated in the negotiations from long before the strike until a final settlement was reached. The President invoked the injunction provisions of the Taft-Hartley Act, with the concomitant Presidential Inquiry Board. The executive branch of the government intervened without formal statutory authorization at several junctures. A Presidential Commission headed by Senator Morse, participated in the negotiations, and drafted a settlement which was accepted by the parties.

The Federal Mediation & Conciliation Service. The Service interjected itself into the dispute as early as January 17, 1962, suggesting to both sides that, in light of the fact that the contract would expire in nine months, that they both undertake factual analyses of their positions, and prepare for early negotiations.[69] Despite these urgings, the parties did not actually meet together until June 12, 1962.[70]

From that time until the onset of the strike at the end of September,[71] the mediators spent a good deal of time trying to get the sides to meet jointly, and actually get down to bargaining. These efforts met with little practical success. They were not always able to get the parties together. When this was accomplished, the work crew issue, on which agreement could not be obtained, occupied the center of attention, preventing the resolution of issues where agreement was possible.[72]

On September 19, 1962 the mediators actually withdrew from the negotiations saying that bargaining was impossible.[73] On September 22, they came back with a formal settlement proposal. That consisted of a one year contract leaving the work crew issue to one side for settlement during the period. This was promptly rejected by the Longshoremen.[74] From then until the first of October, the Service continued to participate in the negotiations, but with no success.

During the 80 day Taft-Hartley "cooling off" period, the activities of the Service split into two distinct parts. The Presidential inquiry board took over the negotiations from October 11 until October 31. During that time, the Service was represented at all meetings, in the status of an observer. They did not participate in the substance of the talks.[75]

When the Presidential board withdrew on November 1, the Service again took over as the active mediating force.[76] Indeed, they seemed to be able to take something from their "new" entry to move the course of discussion in a new direction. They were able to get the parties to discuss the existing contract point by point, thus avoiding the work crew issue.[77] By November 14, both sides had drawn up a list of requests and demands which were to serve as a basis for future bargaining. Whether this denoted progress in the talks is hard to tell, but any progress that was made was short lived. At the end of November an impasse was again reached. The Taft-Hartley act called for a "final" management offer twenty days before the end of the eighty day period.[78] This was presented on November 28, and was immediately rejected by the union representatives. The talks broke down at this time. It is a fair inference that the arbitrary finalization of positions required by the Act, precipitated a needless crisis in the talks. Negotiations never really picked up again during the eighty day period. The mediators were able to get the representatives back together for another meeting, but that resulted in an adjournment *sine die* on December 6.[79]

The Service continued to participate in the negotiations until a settlement was reached. However, from mid December, they acted in conjunction with the Secretary of Labor, and no longer occupied an independent role.

In evaluating the performance of the Service, it becomes plain that their techniques were unavailing when the parties are intransigent. The role of the Service was simply to get the parties to the table at the same time. They were able to do that with intermittent success. They were not able to move the parties off the issues which deadlocked the negotiations, nor were they able to reduce outstanding differences between the parties. There is every indication that the Service moved promptly and with diligence to solve this dispute before a strike erupted.

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[64] Report of the Federal Mediation & Conciliation Service, 1962–63 at page 21.

[65] *Ibid.*

[66] New York Times, (hereinafter NYT) 2/14/63 p. 6 col. 5.

[67] FM & CS supra note 1.

[68] *NYT*, 9/19/62 p. 76 col. 3.

[69] *Id.* at 19. 29 U.S.C. sec. 173 (a) It shall be the duty of the Service, in order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, to assist parties to labor disputes in industries affecting commerce to settle such disputes through conciliation and mediation. (b) The Service may proffer its services in any labor dispute in any industry affecting commerce, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption of commerce. The Director and the Service are directed to avoid attempting to mediate disputes which would have only a minor effect on interstate commerce if State or other conciliation services are available to the parties. Whenever the Service does proffer its services in any dispute, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

[70] *NYT*, 6/17/62 p. 67 col. 3.

[71] *Id.* 8/24/62 p. 50 col. 4. four days later state and local mediators joined the group.

[72] 9/11/62 p. 87 col. 3, and 9/12/62 p. 78 col. 1.

[73] *Id.* 9/19/62 p. 76 col. 1.

[74] *Id.* 9/25/62 p. 74 col. 5.

[75] *Id.* 11/1/62 p. 65 col. 1.

[76] *Ibid.*

[77] NYT, 11/8/62 p. 66 col. 6.

[78] 29 U.S.C. 179 (b) Upon the issuance of such order, the President shall reconvene the board of inquiry which has previously reported with respect to the dispute. At the end of a sixty-day period (unless the dispute has been settled by that time), the board of inquiry shall report to the President the current position of the parties and efforts which have been made for settlement, and shall include a statement by each party of its position and a statement of the employer's last offer of settlement. The President shall make such report available to the public. The National Labor Relations Board, within the succeeding fifteen days, shall take a secret ballot of the employees of each employer involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him and shall certify the results thereof to the Attorney General within five days thereafter.

[79] NYT, 12/6/62 p. 87 col. 6.

The point is that where the parties have taken firm positions, all the best efforts of the Service are unable to force an agreement, for the Service is without coercive power.[80] This is most dramatically illustrated by the refusal of the ILA to accept the compromise solution to the dispute. But, it is equally evident in other ways as well. On September 5, the mediators appeared to have made significant progress when the parties agreed to meet daily. The first meeting, was boycotted by the shipper's association.[81] In mid-November, a major breakthrough appeared to have been made, when the parties agreed to go through the existing contract point by point. That was to no avail, however, as the talks ended abruptly at the end of the month.

The activities of the service cannot be criticized. They were diligent in the pursuit of settlement. However, it seems clear that they were unsuited to work a resolution of this dispute.

The Taft-Hartley Injunction. On October 2, the President declared the strike to be contrary to the national interest, and appointed a Board of Inquiry to investigate and report to him on that issue.[82] The Board summarily found that the strike did, indeed, imperil the national interest and reported that fact to the President.[83]

Pursuant to that finding, the Justice department sought a preliminary injunction against the strike. On October 5, a temporary restraining order was granted on the strength of affidavits from the Secretaries of the Treasury, Labor, Commerce and Agriculture, and the head of the Agency for International Development, the Commissioners of the ICC and the Federal Maritime Commission that the continuation of the strike imperiled the nation.[84] The preliminary order was finalized on October 11, when the strike was enjoined for the full eighty days.[85]

The Presidential inquiry board was then ordered by the President to find the facts in the dispute, and to participate actively in the negotiations. The board conducted the negotiations from October 11 until October 31, when they submitted a plan of settlement to the bargainers.[86] During this period the Federal Mediation & Conciliation Service limited their participation to the status of observers. No substantial progress was made during this period. The evidence indicates that the board was able to meet with the parties only sporadically. Indeed, the ILA stated subsequently that the professional mediators were much more effective than the Taft-Hartley panel. It was felt that they had a better understanding of the basic issues, and had more time to devote to the negotiations.[87]

The participation of the Inquiry Board ended, when their compromise settlement was rejected by the ILA. On November 1, they withdrew from the negotiations, declaring the dispute to be insoluble, in what was said to be an unprecedented action.[88]

The remaining activity under the Taft-Hartley act consisted simply of completing the procedural panorama required by the statute. The Board's final report was submitted to the President on December 4. A vote rejecting the employer's final offer was conducted under the direction of the NLRB. On December 23 the 80 day period ended, and the strike resumed.

The Taft-Hartley machinery did not aid the resolution of this dispute. Indeed, it is commonly thought that the 80 day injunction had become an expectable part of negotiations between longshoremen and shippers. The act had been invoked in four previous maritime strikes.[89] Both sides in the dispute made statements prior to the strike that they expected the Taft-Hartley period to be invoked, and that perhaps it would give them time to settle the dispute.[90] Nonetheless, when the injunction was ordered, it was felt by some that nothing really meaningful would take place during the eighty days.[91] This seemed to mirror the feeling that a strike was the only thing which would induce settlement.

In practical effect, invoking the Act did not further the negotiations, and may have set them back in small ways. The Presidential Inquiry Board is, of course, empowered to do no more than find the facts. It cannot make recommendations.[92] This tends to undermine its authority. In this dispute, the Board did no more than to serve as a substituted mediator for the period from October 11 to October 31. Even this function was not performed as well as it might have been by federal mediators. The union complained, not about the good faith of the Presidential appointees, but that they did not have the working understanding of the issues possessed by the professional mediators, and that their schedules were such as to make regular negotiations very difficult.[93]

It is arguable that the presentation of a final offer by management 20 days before the end of the injunctive period interjected an undesirable finality into the proceedings, at a time when continued communication and flexibility were needed. There is some evidence that the negotiations were proceeded in an orderly fashion in late November. Yet they were suddenly broken off near the first of December when the company made its "final offer." There is no evidence that the suspension of the meetings at this time was caused other than by the intransigence of the parties. Nonetheless, it is significant that no meaningful negotiations were conducted after that final offer. No meetings were held during the three day period when the longshoremen were voting to reject the offer.[94]

Informal Intervention of the Executive Branch. The participation of the Executive branch was sporadic until the Taft-Hartley injunctive period was over. On September 13 both sides telegraphed the President asking that he intervene to settle the dispute.[95] The invitation was promptly rejected. The parties were warned by Assistant Secretary of Labor Reynolds that the government would not settle their dispute for them.[96]

On December 14, with the end of the injunctive period in sight Secretary Wirtz began to take an active part in the negotiations.[97] He made intensive efforts to head off the walk out at the end of the period. The primary bargaining point used by the government was that the work crew issue should be laid aside for a year of study, and that bargaining should go forward on the wage issues.[98]

On December 24, the President issued a special appeal to the parties that the strike be postponed for ninety days.[99] The work crew issue was to be put to one side, and a panel of experts was to be appointed to work on the other issues. This was rejected by the union, on the ground that it would only postpone the crisis for another ninety days.[1]

The talks then languished for another five days. On December 29, Secretary Wirtz reentered the negotiations personally, with the standard invocations of the national interest.[2] Apparently, the combined pressure of the highest ranking officers of the government, and the mounting economic loss began to have an effect on the parties.[3] On December 31, the pivotal work crew issue was put aside for two years of special study by a panel to be agreed upon.[4] For the next ten days intermittent talks continued pressed by Secretary Wirtz and Assistant Secretary Reynolds. Despite the aid of expert studies on the wage and welfare issues, little progress was made.

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[80] 29 U.S.C. 173(c) If the Director is not able to bring the parties to agreement by conciliation within a reasonable time, he shall seek to induce the parties voluntarily to seek other means of settling the dispute without resort to strike, lock-out, or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the Director shall not be deemed a violation of any duty or obligation imposed by this chapter.

[81] *NYT*, 9/6/62 p. 62 col. 1.

[82] *Id*. 10/2/62 p. 1 col. 4. 20 U.S.C. 176. Whenever in the opinion of the President of the United States, a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States, or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position but shall not contain any recommendations. The President shall file copy of such report with the Service and shall make its contents available to the public.

[83] *NYT*, 10/4/62 p. 77 col. 6.

[84] *Id*. 10/5/62 p. 1 col. 5. injunction sought pursuant to 29 U.S.C. 178 (a) Upon receiving a report from a board of inquiry the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof, and if the court finds that such threatened or actual strike or lock-out—

(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof, and to make such other orders as may be appropriate.

(b) In any case, the provisions of sections 101–115 of this title shall not be applicable.

(c) The order or orders of the court shall be subject to review by the appropriate United States court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in sections 346 and 347 of Title 28. June 23, 1947, c. 120, Title II, 208, 61 Stat. 155; June 25, 1948, c. 646, 32(a), 62 Stat. 991; May 24, 1949, c. 139, 127, 63 Stat. 107.

[85] *Id*. 10/11/62 p. 78 col. 5.

[86] *Id*. 10/31/62 p. 73 col. 6.

[87] *Id*. 11/5/62 p. 61 col. 6.

[88] *Id*. 11/1/62 p. 61 col. 5.

[89] *Id*. 10/2/62 p. 1 col. 4.

[90] *Ibid*.

[91] *Ibid*.

[92] See 29 U.S.C. 176 *infra* note 19.

[93] *Supra*. note 24.

[94] *NYT*, 12/6/62 p. 87 col. 2

[95] *NYT*, 9/13/62 p. 74 col. 1.

[96] *Id*. 9/14/62 p. 62 col. 1.

[97] *Id*. 12/14/62

[98] *NYT*, 12/24/62 p. 1 col. 1.

[99] *Ibid*.

[1] *Ibid*.

[2] *Id*. 12/29/62 p. 1 col. 2.

[3] The last week in December evidenced a good deal of sentiment for compulsory arbitration on the parts of Congress, the Federal government, and private groups. See generally NYT, 12/31/62, p. 1, col. 5; p. 10, col. 5; p. 12, col. 6.

On January 9, Secretary Wirtz began to talk about asking Congress for compulsory arbitration of the dispute.[5] The President met with George Meany, President of the AFL–CIO, in an effort to bring pressure to bear from the private sector.[6] Meany in turn, met with the top officers of the ILA on January 14.[7] However, all of this informal activity seems to have had little effect. The President felt it necessary to appoint a three man board to mediate the strike.

He acted after a report by Secretary Reynolds that the negotiations were hopelessly deadlocked on the wage and benefit issue.[8] The board was empowered to mediate the strike, and if that was not successful, to recommend a means for settlement, which would then be embodied in the President's recommendations to Congress for settling the dispute. The recommendation of action to the Congress is embodied in the Taft-Hartley Act.[9]

Then the board began to flex its own muscles. Senator Morse warned the parties that this offered the last chance of private settlement, before official action was taken.[10] Apparently this imprecation also had their effect. Two days later the Morse group submitted a plan of settlement to the parties.[11] This was promptly accepted by the ILA,[12] and after some complaint about the inequity of the solution, by the shippers.[13]

The informal intervention of the Federal government was ultimately effective to bring a setlement. But it is not so plain that the public interest was adequately served. Substantial losses were sustained by the public at large, before federal intervention became effective. This is the central dilemma of federal participation in such a dispute, without formal sanctions. While the public interest is thereby represented in such disputes, there are no weapons at hand to make representation meaningful. Public leverage in such disputes arises only because the public suffers severe economic loss or dislocation. Yet that is the very evil to be avoided. The damage is done before the sanctions become available.

The Federal government put the full force of personal suasion on the parties to bring a settlement. But as with the efforts of the Federal Mediation and Conciliation Service, it was to no avail, until heavy losses had been sustained. The maritime strike illustrates most pointedly the price which must be paid for free collective bargaining.

CONCLUSIONS

These studies raise the common questions whether collective bargaining is an effective tool for settlement of disputes which center on loss of jobs and in some cases, the extinction of the union itself. Not only are the issues presented intractable, but it well may be that a party cannot be expected to take a rational position with regard to the dispute. A union might choose to strike rather than go out of existence; or in a less extreme situation may choose to strike rather than acquiese in a settlement resulting in a loss of jobs. Moreover, technological change has greatly increased the incidence of disputes raising this issue. A thorough review of the roll of collective bargaining in these situations is called for.

Collective bargaining is justifiable not solely on the ground that private settlement is to be preferred to official action, but also because it is often an accurate test of the economic worth of the competing claims involved.

Assuming merit in a management position that technological efficiencies require a reduction in manpower, the economic power of the union reflected in its ability to strike outweighs its economic utility. The strike power distorts utility. Thus, in such a situation a central justification for private settlement disappears.

At the same time in those situations where a strike results, the public interest is likely to be unrepresented in any substantial sense. The study of the maritime strike illustrates that public power in a dispute results from harm to the public. Thus, under existing methods of public intervention, a gap is created during which substantial public injury will result.

This gap may be justified in many cases, because of the interest in private settlement, and the belief that the economic worth of the parties is accurately reflected in the bargaining process. A basic question is whether even when these factors are present, the government should be without the means adequately to intervene. But whatever the resolution of that issue, surely the described situation—where the strike power distorts the economic worth of a party—is a much stronger case for government intervention. Indeed, it is often the most profound wish of the parties that the government intervene.

Three basic questions remain: 1) Given the plain conflict between private choice on the one hand and adequate representation of the interests of the public at large, on the other, where ought the balance to be struck? This turns on an evaluation of the public interest which this paper has not undertaken. 2) In how many cases where a potential conflict exists, does a strike occur? 3) Assuming that a need exists in some disputes, may a statute be drafted which will effectively discriminate between those situations which require intervention and those which do not?

Even if the balance is struck in favor of private service, with only sporadic public intervention, these studies show the common flaw in official intervention. The government is not able to control its own effectiveness. Persuasion and mediation are, at best, uncertain tools. If a class of labor disputes is set aside for special treatment, then it is submitted that the official action must have the sanction of enforced settlement to back it up.

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[4] *Id.* 1/3/63 p. 7 col. 2.

[5] *Id.* 1/10/63 p. 1 col. 5.

[6] *Id.* 1/12/63 p. 1 col. 2.

[7] *Id.* 1/15/63 p. 7 col. 5.

[8] *Id.* 1/17/63 p. 1 col. 6, Panel members were Senator Wayne Morse, Theodore W. Khell, and James J. Healy.

[9] *Ibid.*, see 29 U.S.C. sec. 180.

[10] *Id.* 1/18/63 p. 1 col. 7.

[11] *Id.* 1/21/63 p. 1 col. 8.

[12] *Id.* 1/22/63 col. 8.

[13] *Id.* 1/23/ p. 1 col. 1.

REPORT TO MY CONSTITUENTS ON THE 89TH CONGRESS, 2D SESSION

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. Bolton] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. BOLTON. Mr. Speaker, although it appears that this session of Congress will continue for some weeks, it is time to reflect on some of the major legislation and issues we have discussed during the almost 9 months since we reconvened last January.

Usually I wait until the end of the session to give my report, but this year the date of adjournment is very indefinite. As of this writing, we still have several appropriation bills to consider. Among other issues still pending are the Economic Opportunity Act Amendments, Elementary and Secondary Education Act Amendments, the Housing and Demonstration Cities Act, water pollution control legislation, as well as others.

The 89th Congress, 2d session has already produced much legislation—some good, some bad. Although we Republicans are outnumbered by better than 2 to 1, the soundness of the two-party system has been demonstrated by the fact that many bills, when finally adopted, were improved very much over the original versions presented by the administration. A key example is the Foreign Assistance Act of 1966 which came out of my own committee. This is a result of Republicans working with responsible Democrats to oppose or amend bills which were ill conceived.

While it is impossible to list all legislation considered in this second session, here are some of the major issues and a summary comment on them:

PEACETIME VETERANS BENEFITS BILL—PUBLIC LAW 89–358

As a longtime sponsor of legislation to provide a GI bill for our "peacetime" veterans, I was happy to give my support to this bill which may well be one of the most significant achievements of this Congress.

In the field of education it provides for a permanent program of educational assistance for individuals serving in the Armed Forces, discharged after January 31, 1955. College level and below-college-level training in trade, vocational, and technical schools is provided. Part-time training is permitted. Eligibility accrues at the rate of 1 month of training for 1 month of service, not to exceed 36 months. A minimum of 180 days' active service is required to establish eligibility unless the individual is discharged for a service-connected disability. The education and training allowance set by this bill for full-time training is $100 per month for a single veteran, $125 a month for a veteran with one dependent, and $150 a month for a veteran with more than one dependent. Proportionate rates are paid for three-quarters and half-time training. The monthly cash payment would be to help pay all expenses—tuition, living costs, fees, supplies, books, and so forth.

The bill also includes housing benefits. It permits the Veterans' Administration to guarantee the repayment of home mortgage loans made to eligible veterans, up to a maximum of $7,500. If private financing is not available, the VA can make direct loans up to $17,500. At the present time veterans serving after January 31, 1955, are eligible for medical care in Veterans' Administration facilities only for service-connected disabilities. Under this act, this group is made cal care on the same basis as veterans of earlier wars. This is based on availability of a bed and inability to pay. War veterans are now covered by certain presumptions of service connection for a long list of chronic and tropical diseases. These presumptions are now extended to to this group of "peacetime" veterans.

I have long felt that so long as we continue to draft young men into the service they are entitled to an expression of our gratitude upon discharge. Since 1955—when the Korean conflict officially ended, along with the GI bill—our servicemen have faced such crucial periods as the Middle East crisis, the Berlin situation, the Cuban missile crisis, and the crisis in the Dominican Republic, as well as Vietnam. This GI bill is designed to recognize and show our gratitude for the dedicated service of our military personnel. Approximately 8,000 persons in the 22d District are potentially eligible for assistance. One thousand are expected to take advantage of this GI bill in the first year, receiving some $638,000 in direct benefits.

TAX ADJUSTMENT ACT OF 1966—PUBLIC LAW 89–368

This is the administration proposal to provide additional revenues for the Vietnam war and domestic spending. I voted for the recommittal motion designed to eliminate the section reimposing the 10-percent excise tax on telephone service and the 7-percent tax on automobiles. Both of these excises had been reduced on January 1, 1966. The recommittal motion failed and I voted against the bill on final passage.

The fact that I opposed this legislation does not mean that I am against responsible financing of Government obligations. On the contrary, my vote was against the fiscal irresponsibility which brought this bill before us. Certainly our support for our boys and our objectives in Vietnam should receive first priority. But it seems to me that what this bill does is to ask the taxpayer to tighten his belt while allowing the Federal Government to let its belt out. In other words, it appears that the real purpose of this tax bill is to seek congressional approval for new and expanded domestic and welfare programs while at the same time waging a costly war of indefinite duration abroad.

The current fiscal difficulty does not stem so much from a lack of revenue as from a lack of control over Government spending. This is a time for both the Congress and the administration to establish real priorities. Unless this is done, we will soon have other bills calling not only for new tax increases but for more economic controls as well.

Although there was no particular objection to the several adjustments in stepped-up tax collection procedures, there is a serious question concerning the wisdom of singling out telephone service and automobiles as the two items on which to raise this additional revenue. Certainly in this day and age, telephones and automobiles are more often absolute necessities and not luxuries. On my annual opinion poll, 62 percent of the people opposed restoration of these taxes, while 31 percent favored it and 7 percent expressed no opinion.

A rider was added to this bill in the Senate by Senator PROUTY, Republican, of Vermont, over administration objections, to bring persons 72 years of age or older under the Social Security Act whether or not they had previous coverage. Under this provision persons 72 or older who have no other pension coverage receive $35 per month. In the case of couples, the husband gets $35 a month and his wife $17.50—or a total of $52.50.

FREEDOM OF INFORMATION BILL—PUBLIC LAW 89–487

Years of effort to give the public greater access to Federal agency activities reached substantial success this session with the passage of S. 1160, the freedom-of-information bill. The broad outlines for legislative action to give the public more information on Government activities were laid out in 1953 in a study prepared for the American Society of Newspaper Editors. Public hearings were held more than a year ago by a subcommittee of the House Government Operations Committee. The Senate approved a bill last year. However, the House leadership was reluctant to call it up for action. Significantly, the greatest outcry against the proposed legislation came from administration witnesses.

This legislation clarifies and protects the right of the public to essential information. Subject to certain exceptions relating mainly to specified types of information involving national defense, foreign policy, investigatory files of law enforcement agencies such as the FBI, personnel and medical records, trade secrets and confidential data obtained through authorized governmental inquiries, it would require every executive agency to give public notice or to make available to the public its methods of operation, public procedures, rules, policies, and precedents.

The bigness of the Federal Government and its remoteness from the people have made it increasingly difficult for the public to secure information. The American Newspaper Publishers Association, the professional journalism society, the National Editorial Association, the American Bar Association, and others worked closely with Members of Congress in urging enactment of this legislation. Americans have always taken great pride in their individual and national credibility. We have recognized that men and nations can be no better than their word. This new law should help blaze a trail of greater truthfulness and accurate disclosure in the Federal Government.

RENT SUPPLEMENT PROGRAM

This program was passed last year as a part of the administration's Omnibus Housing Act. The House Appropriations Committee, which had refused to authorize supplemental funds to begin the program last year, was asked to provide funds to implement the administration program.

Efforts to delete the money in the committee were successful. However, when the bill came before the House the administration forces went to work and managed to restore the rent subsidy during floor debate. Under heavy administration pressure, the House passed the bill by a mere four votes. I voted against it. This question on my opinion poll brought forth the greatest opposition. It showed that 71 percent of those responding opposed a Federal rent subsidy program, with only 19 percent favoring such subsidies, and 10 percent having no opinion.

ANOTHER INCREASE IN DEBT LIMIT

Once again the administration came to the Congress for an increase in the national debt limit. In making the request, Treasury Secretary Fowler said that the higher debt limit "is needed to operate the financial affairs of this Government in a prudent manner." Webster's dictionary gives this meaning to the word "prudent": "Shrewd in the management of practical affairs." Many of us here fail to see the connection between going overwhelmingly into debt and prudence or shrewdness of management.

Raising the debt limit, which could be prevented if the administration exercised restraint in its fiscal policies, has become an annual ritual. The budget has not been balanced in any year since President Eisenhower left office. This year the Government has had the largest tax take in our history. Added to this, Congress recently passed a bill permitting the administration to increase further its income by selling some $4 billion participation certificates in Government-held assets—loans to farmers, veterans, and so forth. Tacked onto that piece of monetary manipulation is the new speedup of tax collections to bring more dollars into the Treasury. If the debt cannot be reduced under these circumstances, when will it ever be?

When Secretary Fowler made his request, the debt limit stood at $328 billion. The administration asked that it be raised to $332 billion. The bill reported by the Committee on Ways and Means sets the limit at $330 billion or an increase of $2 billion. This means that in the past 6 years the debt has been increased by $41 billion. During these 6 years the interest on the national debt alone has totaled about $77 billion. That interest now costs us $12.5 billion a year—an average of about $250 per taxpayer.

A further increase in the debt limit could be avoided this year if the administration would face the financial facts of life. I could not support a further increase in the national debt limit. Sooner or later, for the sake of America's future and the generations as yet unborn, we have got to think sanely about our national spending. We have got to become really "shrewd in the management of practical affairs."

PARTICIPATION SALES ACT—PUBLIC LAW 89–429

Passage of this bill was an example of pressure tactics on the part of the administration to pass legislation without adequate committee consideration. It received less than 3 hours' consideration by the Committee on Banking and Currency. Opposition witnesses were not given an opportunity to testify, in spite of protestations by minority members.

Briefly, this act would permit the Federal National Mortgage Association—FNMA—to sell participations in a pool of Government-held financial assets or loans, which total $33.1 billion. The purchaser will not acquire title to the pooled asset—all he will get is the right to have his investment repaid with interest at the rate stated in the participation certificate. The shares purchased would pay the investors a higher interest rate than the Government receives on the loans they represent. Thus, the Government is put in the position of paying a subsidy to the investors of about $20 million for the $4.2 billion in shares to be sold under H.R. 14544. Republicans in the House were unsuccessful in efforts to amend the bill to limit the interest ceiling to 4.25 percent.

The money derived from sales of shares will be used to offset expenditures that normally appear in the budget. The administration's budget for fiscal 1967 contemplates a drop in the deficit to "only" $1.8 billion. But, if the $4.2 billion of participation sales authorized under this bill had not been approved, the budget deficit would be $6 billion. In reality such income should not be used as ordinary income for it represents the sale of assets. If these assets are to be sold, the proceeds should be applied to the national debt. The plan was denounced by many as a hoax, a simple attempt to cover up the true fiscal deficit.

This bill opens another door—a back door—for the administration to enter a whole new field of deficit financing. It will be able to finance its various new programs simply by refinancing the billions of dollars in assets the Government now owns without having the true total reflected in the budget. In this manner, the administration could launch a spending spree of heretofore unheard of proportions and at the same time conceal huge budgetary deficits.

All Republicans in the House voted in opposition to this legislation and we were joined by 62 Democrats.

MINIMUM WAGE

As passed by the House, this bill would raise the minimum wage for presently covered employees to $1.40 an hour on February 1, 1967, and to $1.60 an hour 2 years later on February 1, 1969. Those brought under the act for the first time—persons engaged in retailing, laundering and dry cleaning, restaurants and food service establishments, hotels and motels, logging, and hospitals and related institutions—would receive $1 per hour next February 1 and yearly increases of 15 cents per hour each year for the succeeding 4 years until it reaches $1.60 per hour on February 1, 1971.

When the bill reached the Senate, it was changed to increase the $1.40 rate for presently covered employees to $1.60 after only 1 year instead of 2 years. This was upheld in conference and subsequently by vote of the House. Although I preferred the 2-year provision, I voted for the bill on final passage as an increase is needed by our lower income groups who spend at least 70 percent of their annual income on food, clothing, and shelter, the necessities which have experienced the greatest cost of living increases. On my 1966 opinion poll, 50 percent of the people favored an increase in minimum wages, with 43 percent opposed, and 7 percent having no opinion.

UNEMPLOYMENT INSURANCE AMENDMENTS

As passed by the House this legislation represented a constructive attempt to make needed improvements in our Federal-State unemployment compensation system. The action of the Committee on Ways and Means in tabling H.R. 8282, the recommendations of the Johnson administration which would have federalized our unemployment compensation system, was a victory for commonsense and responsibility. Many of my constituents have written over the past year expressing concern about H.R. 8282 and all its ramifications. The administration bill would have ignored 30 years of successful experience with our Federal-State unemployment insurance system by imposing Federal, rather than State, standards relating to benefit amount, duration, and disqualification. A cardinal principle of the original law passed in 1935 was the provision that reduced the tax rate applicable to employers with favorable employment records as an incentive to stabilize their employment—the so-called experience rating provision. The administration proposal would have undermined experience rating.

The bill finally enacted by the House represents the most comprehensive review of the system since its inception in 1935. About 3.5 million additional workers will be covered by the bill, bringing the total to about 53 million on the effective date, January 1, 1969. A permanent program of 13 weeks of extended benefits will be established to be triggered in during times of high unemployment at the State or National level. In 1958 and 1961 Congress recognized the necessity of providing additional protection to our workers during periods of high unemployment. This measure establishes on a permanent basis—a program analogous to the temporary extended benefits provided during those years. It is following the old adage of "providing for a rainy day while the sun shines."

One of the most worthwhile features included in the House bill was the provision that provides for judicial review of the Secretary's determination that a State plan is not in conformity with the law. Under present law, if the Secretary of Labor determines that the State's unemployment compensation plan is not in conformity with Federal law, the State has no alternative but to accept the Secretary's determination. Under H.R. 15119 the States may take the decision to U.S. courts of appeals. Thus, while the administration bill (H.R. 8282) would have taken authority away from the States and placed it in the Federal Government, the bill finally passed by the House (H.R. 15119) will increase the role of the States in developing sound unemployment insurance programs adapted to meet local conditions. I was very glad to vote for this legislation when it passed the House. The opinions of my constituents on this subject were very evenly divided with 45 percent favoring, 43 percent opposing, and 12 percent having no opinion on Federal standards for unemployment compensation. Unfortunately, the Senate reimposed the administration proposals as of this writing and the matter is now stalemated in conference.

AUTOMOBILE AND HIGHWAY SAFETY—PUBLIC LAW 89-563 AND PUBLIC LAW 89-564

The House considered and passed two bills aimed at helping to prevent loss of life on our highways, the Traffic and Highway Safety Acts. There are three major phases of accident prevention. One is the automobile, how it is made and whether it is constructed with prevention of accidents in mind. The second area is the driver, whether he is properly licensed and to what extent his education has trained him to meet the hazards of modern day driving. The third area is driving environment—the best construction and maintenance of our highways in terms of safety requirements. The Traffic Safety Act (H.R. 13228) deals with the first of these problems; the Highway Safety Act (H.R. 13290) with the latter two.

The major thrust of the Traffic Safety Act is the establishment by the Secretary of Commerce of safety standards for all automobiles. The General Services Administration, which purchases vehicles for most Federal agencies, already has established safety standards for the vehicles it buys. These standards will be used as a starting point for developing the new national program. Another feature of the act sets safety standards for automobile tires to insure that they will be capable of performing under the demands placed on them. The legislation also establishes a National Driver Register as an aid to more effective enforcement of bans against unqualified drivers. Anyone who has had his license revoked or been refused a license will have his name so recorded in this register. This will make it easier for any jurisdiction to check the background of a driver applying for a license.

The Highway Safety Act complements the Traffic Safety Act by requiring the Secretary of Commerce to set standards for highway safety programs and authorizes grants to the States for carrying out such programs. This would include measures designed to improve driver performance such as high school courses and refresher courses for experienced drivers, improved pedestrian performance, effective record systems of accidents, central motor vehicle registration, titling and inspection systems, highway designs and maintenance, traffic control and laws, and emergency services.

Because of the rising carnage on our highways and the anticipated increased use of the automobile in the years to come as our population mounts and more individuals purchase cars, it is necessary that we take steps to launch effective traffic safety programs. I had previously introduced my own bill on this subject, and of course supported the bill.

THE CIVIL RIGHTS DEBATE

After an unusual 12-day debate, the House finally passed H.R. 14765, the Civil Rights Act of 1966. This is the fifth civil rights bill in 9 years to be considered by the Congress.

Although most public attention was focused on the one section of the bill—title IV—regarding "fair housing," the other titles were the subject of lively discussion as well.

Titles I and II provide for reform of methods used to select juries in Federal and State courts, giving them a broader base and guaranteeing that Negroes will be adequately represented. One amendment adopted to title II would prevent discrimination against women serving on juries.

Title III provides the Attorney General with new civil injunctive powers to prevent persons from trying to deprive others of any constitutional rights because of race, color, religion, or national origin. Title V gives the Federal Government jurisdiction over civil rights crimes. An amendment to this section, known as the antiriot amendment, was adopted to make it a Federal offense for persons to travel in interstate commerce for the purpose of inciting or encouraging riots. Title VI arms the Government with new weapons to combat racial discrimination in public education and public facilities. As originally written, this section would have given the Attorney General almost unlimited authority to act, but an amendment was adopted authorizing him to act only after he has received a written complaint. Title VII cases provisions of the 1963 act covering election records. It provides that such records may be destroyed after a certain time.

These sections are areas in which a need has been identified and reasonable legislation to meet this need has been fashioned. On the other hand, title IV—the so-called fair housing section—has created confusion and bitterness. It has divided the country and fostered discord and animosity when calmness and a unified approach to the civil rights problems are desperately needed. As finally passed, its provisions are vague and ambiguous, but it will, in effect, set aside local and State law and invoke a maze of Federal procedures ostensibly to remedy discriminatory housing practices. Within the last year, Ohio adopted a fair housing statute which seems to be working very well. This is as it should be for fair housing solutions should be developed and encouraged at the community level. The Civil Rights Acts of 1964 and 1965, which I supported, affirmatively encouraged State and local action. This section of the 1966 bill, I am afraid, will reverse that trend. In view of this, I voted for the motion to recommit designed to strike section IV.

I have always supported civil rights for all people and opposed discrimination in any form. It was with great regret that with title IV in the bill I could not vote for H.R. 14765. There is so much in it that is contrary to our Constitution that I could not sanction it. On my 1966 opinion poll 57 percent opposed Federal legislation to prohibit discrimination in sale or rental of housing, 32 percent favored it, and 11 percent expressed no opinion.

When a motion to invoke cloture—shutting off debate—in the Senate failed, the bill was doomed for this session.

DEPARTMENT OF TRANSPORTATION

In this session we voted to establish a Cabinet-level Department of Transportation. This will bring together under one roof major Federal agencies and functions involved in aviation, highway, and railway transportation, and the U.S. Coast Guard.

For many years it has been apparent that there was a need for better coordination among the various governmental agencies that deal with transportation. As a result, various proposals have been advanced to coordinate the vast transportation bureaucracy which uses, promotes, regulates and operates transportation in the United States and throughout the free world. The Hoover Commission Task Force recommended the creation of a department in 1946. And in his final budget message to Congress, President Eisenhower stated:

> A Department of Transportation should be established so as to bring together at Cabinet level the presently fragmented federal functions regarding transportation activities.

In setting up the 12th Cabinet-level Department, this year's bill provided for three Federal Administrations under the Secretary concerned with aviation, highway, and railway functions.

In the House most of the 3-day debate centered on a plan to keep the Maritime Administration currently under the Commerce Department, out of the new Department and eventually to make it an independent agency. The plan was opposed by the Johnson administration but backed by both labor and management interests of the maritime industry. The House accepted by a vote of 261 to 117 an amendment to exclude the maritime activities from the new Department. I voted for this amendment believing that the present plight of the American Merchant Marine demands action which will be taken only if it is established as an independent agency. On final passage I voted for establishing a Department of Transportation.

On my opinion poll 43 percent favored the establishment of this Department, 37 percent opposed, and 20 percent expressed no opinion.

DEFENSE APPROPRIATIONS—VIETNAM

Early in the session, the House authorized additional supplemental appropriations in the amount of $4.8 billion for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, research, development, test, evaluation, and military construction.

In these matters of providing funds for our Defense Establishment, the issue is not whether we should or should not be in Vietnam. The fact is there are over 300,000 young Americans in Vietnam today. It is incumbent upon us to furnish them with all necessary military equipment that is at our command so that they will not be lacking in anything necessary to protect themselves and to achieve the goals for which they have been sent.

The President, who under the Constitution has the responsibility for foreign policy and is designated as Commander in Chief of the Armed Forces, has made the decisions which commits our Nation to this struggle in southeast Asia. The Congress has the constitutional responsibility of providing the funds to give our boys the weapons, food, clothing, and other equipment to sustain them in their dangerous mission. I supported this bill, as well as other defense measures, wholeheartedly.

PEACE CORPS—PUBLIC LAW 89-572

On August 31 the House approved, by a record vote of 322 to 15, H.R. 16574, to extend the operation of the Peace Corps. I served as minority floor manager and voted for this bill, which authorizes an appropriation of $110 million to finance Peace Corps operations through June 30, 1967. Although this amount is $5 million less than last year's authorization, because of the decrease in the cost of processing volunteers, it will permit expansion in the total number of volunteers and trainees to 16,000 by the end of the program year 1967.

When one reflects upon the geographic scope of Peace Corps programs, the variety of skills it is making available, the continual recruitment of personnel and their training, and the exemplary conduct that characterizes most of them, I think we can take great pride in this organization.

Today there are almost 15,000 volunteers and trainees in the Peace Corps. More than two-thirds of them work in community development programs, education, health, and agriculture. They are bringing to the people of less-developed countries, not to governments, skills and attitudes that are in short supply and leaving a fresh, wholesome image of the American people.

In addition to the benefits the Peace Corps has brought to overseas neighbors, there are dividends for the United States. Returned volunteers offer a wide range of experience. They have been called upon to show initiative and use judgment which many of our citizens could not match, and they convey an infectious enthusiasm for living that is bound to enrich our Nation.

FOREIGN ASSISTANCE—H.R. 15750

As a longtime friend of foreign aid, I have always tried to keep a close watch on this program. Those of us who support foreign assistance are keenly aware that deficiencies constantly creep into it, that it gets off the track now and then, and that Congress has a legislative responsibility to focus on both the means and the ends no less than the administration.

For these reasons many of us were perplexed and shocked that the Executive this year should send up two bills—one for economic aid and one for military aid—and should request a 5-year authorization with no dollar amounts specified for most portions of the program for the next 5 years.

Few of us took kindly to this request, and our hearings reflected the basis for our concern. Our irritation was conveyed to administration witnesses in clear words and sharp questions.

It seems quite obvious that the executive branch does not need a long-term authorization to engage in long-range planning and that only an appropriation will enable it to carry out any programs it devises. I have never found it necessary to have authority in order to think ahead.

From the jumble of explanations offered on behalf of a 5-year authorization, I can only conclude that it is not only unnecessary but is an abdication of a vital congressional function. I am not impressed with the argument that other agencies of Government have permanent authorization for their programs. Perhaps none of them is as susceptible to as much public concern as is foreign aid. As for the reactions of foreign governments, I am unaware of any uneasiness arising from a failure to authorize for a long period.

The committee did not adopt the Executive proposal for a 5-year authorization. Instead it accepted a compromise for a 2-year program. In place of the open-end requests for money it inserted specific amounts for each of the 2 years. It should be noted that the amounts for the second year were almost identical with those for the first year. We had ample evidence to justify making a decision of the authorization for fiscal year 1967 but none to help us make a judgment on the amounts recommended for fiscal year 1968. Nobody knew whether we were recommending too much or too little. Given all the uncertainties in the international situation, it was the considered opinion of a number of us that the committee was making a serious mistake in bringing out a bill for 2 years and that is why five of us signed supplemental and opposing views that appear in the report on this bill.

On July 14, the House passed H.R. 15750 by a record vote of 237 to 146. The Senate version was quite different, and for the next month conferees from both Houses met to work out a compromise bill.

Not until August 30 did the conferees reach agreement. They settled on a 1-year authorization of $3,500,735,500. Exceptions were made in the case of development loans and Alliance for Progress programs, which were funded for 3 years. The compromise version which I supported passed the House on September 1—217 to 127—and by the Senate on September 7—33 to 25.

Since then a House Appropriations Subcommittee has slashed the actual money bill to carry out the authorization by another $290 million.

MY OWN BILLS

Among the bills I have sponsored this session have been the following:

H.R. 415, to amend Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 5763, authorizing the Secretary of the Army to establish a national cemetery in Ohio.

H.R. 9408, to provide tax credits against certain expenses of higher education.

H.R. 11320, "Human Investment Act," to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees.

H.R. 11865, to establish a Commission on Noxious and Obscene Matters and Materials to study ways and means of eliminating pornographic materials.

H.R. 12203, to restore non-service-connected veterans pensions which have been reduced or eliminated because of the receipt of increased social security benefits.

H.R. 11866, to provide economic incentives for industries to install air and water pollution control equipment.

H.R. 12921, to establish a National Traffic Safety Agency to provide national leadership to reduce traffic accident losses—included in Automobile Safety Act.

H.R. 13346, to regulate dealers of animals used in scientific research—similar bill passed.

House Joint Resolution 1067, to authorize the President to proclaim the first week of August each year as "American Youth Week."

H.R. 417, to amend Social Security Act to permit dependent children in school to continue receiving benefits to age 22, this was included in Public Law 89–97—Social Security Amendments of 1965.

H.R. 416, cold war GI bill—Similar bill passed.

H.R. 4226, to repeal retailers excise taxes on jewelry, furs, toilet preparations, luggage, and handbags—included in General Excise Tax Act of 1965.

H.R. 16599, to amend Social Security Act to provide automatic cost of living increases in the benefits payable thereunder to protect retirees against inflation.

H.R. 17732, to amend Federal Criminal Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent disturbance.

H.R. 17792, to permit teachers to deduct expenses incurred in furthering their education.

CONCLUSIONS

These are exciting times and it is a very great privilege to serve the 22d Ohio District in the many areas of national life that grow increasingly important. May I express my appreciation to all of my constituents for the support given me during this present session of the Congress. The wonderful response to my annual opinion polls, letters, and other communications and personal contacts are all of very great value.

I do thank you all.

BILL HELPS VETERANS MEET RISING COST OF LIVING

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GURNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GURNEY. Mr. Speaker, I wish to applaud the action of the House of Representatives yesterday in passing the urgently needed legislation to increase veterans' pension rates.

I was unavoidably absent at the time of the voting, but had I been present I would have joined the 315 of my colleagues who voted in favor of the bill.

My yea vote, however, would not have indicated my complete satisfaction with the bill. I am disappointed that the Veterans' Affairs Committee did not see fit to include at this time provisions to liberalize the unrealistic income limitations. While the cost-of-living increase is essential, an equally pressing problem is that of income limitations which prevent veterans who are now living on grossly inadequate retirement benefits from receiving veterans pensions.

In the face of the rising living costs, the income which was once considered adequate is no longer enough. If an increase in rates for those receiving benefits is needed, and I firmly believe it is, then an increase in the eligibility is equally necessary. There were many bills considered by the committee, my own included, in this recent hearing, and I am disappointed that the committee chose to ignore so many of our aging and disabled veterans who have given so much to their country.

VALERIE PERCY SLAYING SHOULD SPARK FIGHT AGAINST CRIME

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MCCLORY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McCLORY. Mr. Speaker, the shocking and brutal slaying of Valerie Percy, the attractive 21-year-old daughter of Charles Percy, early Sunday morning in Kenilworth, Ill., has aroused the entire Nation to the continuing incidence of murder and brutality that appears to be rampant across the country. This talented and dedicated young woman was within the protection of the family home, where every appropriate precaution had been taken against intruders of every type—yet the slayer was able to commit his unbelievably brutal crime and escape detection up to this time.

My thoughts are twofold today, Mr. Speaker. First, grief for the bereaved family, coupled with a warm and prayerful compassion that may somehow comfort those who knew and loved her most. And next, Mr. Speaker, is a plea to every citizen of this land to renounce lawlessness and violence of every type, and to reject and repudiate those who countenance use of violence for whatever reason. It is also my hope that more effective enforcement of our criminal laws may become the pattern, and that such statutory changes as are required will be enacted promptly by our State legislatures and by this Congress.

THE HORTON MISSION TO ISRAEL—A SPECIAL REPORT

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HORTON. Mr. Speaker, I want to thank you personally, in the presence of our colleagues, for giving me the opportunity to represent the Congress of the United States at the dedication of the new Parliament Building in Israel on August 30. It was both an honor and a privilege to join with legislators from nearly 50 free nations as a representative of the United States at this inspiring event.

Our mission to Jerusalem was such a moving and enlightening experience, that I would like to share the highlights of the trip with my colleagues in the House.

The U.S. delegation, including Congressman GALLAGHER, of New Jersey, Congressman MURPHY of Illinois, Senator CASE of New Jersey, Senator RUSSELL of South Carolina, and myself, arrived in Tel Aviv on Monday afternoon, August 29. En route, we stopped briefly in Rome where Mrs. Horton and I had spent part of our honeymoon during the war 21 years ago. It was our first visit to the City of Seven Hills since that time.

Upon arrival in Israel, we met with Israeli officials, whose hospitality was wonderful during our entire 4-day stay. It did not take long for us to feel the deep sense of history and destiny of this modern Holy Land. Our drive from Tel Aviv to Jerusalem on Monday was the first of what was to be a series of moving moments.

JERUSALEM: A DIVIDED CITY

Once in Jerusalem, now the capital of Israel, we met with the city's renowned and capable mayor, Teddy Kollek, at the municipal building. Mayor Kollek described to us in some detail the problems that are faced by his city, which is over 40 centuries old. This exchange was of particular interest to me, since I served for many years on the City Council of Rochester, N.Y., a city not yet a century and a half old.

The most pressing and compelling problem facing Jerusalem is the fact that it straddles a hostile border between Israel and Jordan. The old city, which holds considerable historic and scenic interest, is inaccessible from Israel. Although Mrs. Horton and I and members of other delegations would have liked to visit the old city, the barbed-wire border prevented our doing so. This stark division of Jerusalem is demonstrative of the dangerous situation existing in the Middle East today. Israel stands alone in the Asia Minor desert, an excluded neighbor with her back to the Mediterranean; yet she is the flower of freedom in this region which is otherwise desolate of tolerance and the many other characteristics of a democracy. Throughout our stay, the hostility at the Jordanian frontier hung like an unforgettable cloud over the otherwise festive and hopeful events of the week.

After our visit with Mayor Kollek, we toured the highlights of Jerusalem. First, we visited Mount Zion, where we stopped at King David's Tomb and at the scene of the Last Supper.

Because of the large number of parliamentarians present from countries around the globe, all speeches and explanations that were made were repeated in three languages: English, French, and Spanish. As you might imagine, this necessity kept most speeches and introductions very brief.

TREE PLANTING IN JUDEA

From Mount Zion, we proceeded to Mount Herzl where we were greeted by representatives of the World Zionist Organization. Dr. Theodore Herzl, who in 1896 rekindled the Zionist dream for a State of Israel, is buried there in the hills of Judea. After laying a wreath in his memory, I planted a tree to mark our visit to Israel.

While the planting of a tree has relatively little significance in the United States, with our richly forested land, tree plantings have meant a great deal to the Israeli people. At the founding of the State of Israel in 1948, much of the country was a desolate, barren desert—practically useless for agricultural settlements. Since that time, however, great orchards, forests, and irrigated lands have sprouted up—thanks to the work of immigrants to Israel from nearly every corner of the earth, and thanks to generous help from the governments and the Jewish communities of the United States and other nations.

SYMBOLIC GIFTS

Later, we visited the blossoming Hebrew University, where we met briefly with its president. Then we had lunch at the Israel Museum. At this point of our tour, I had the honor of presenting Mayor Teddy Kollek with several books describing the history and the art of the U.S. Capitol Building. As I told the mayor, these books were being presented on behalf of the people of the United States to show the rich heritage of our Capitol, in the hope that the Knesset Building would grow to mean as much to the people of Israel.

I said:

> I know your Knesset Building's beautiful design and historic location high in the Hills of Judea will be a symbol to your people; just as our beautiful Capitol, standing on a scenic hill overlooking Washington has been a symbol for Americans of our democratic way of life.

On Tuesday afternoon, we were privileged to attend the dedication of the Knesset Building—the new home of the Israeli National Legislature. It was a very moving ceremony from the moment it was begun by five trumpeters sounding a fanfare from the top of the structure—overlooking a crowd of 5,000 people—to the moment it closed with the lighting of a beacon which signaled the lighting of a chain of beacons all across the land of Israel.

A TEMPLE IN THE SKY

I do not think I have ever been so moved by any ceremony as I was by this. One stood in awe at this beautiful new building dedicated to democracy, the symbol of the hopes and aspirations of every man, woman, and child in this 18-year-old nation. As the searchlights symbolically formed a temple high overhead in the dark blue sky, the new building in its purpose seemed to be searching heavenward. At the conclusion of the ceremony, Mrs. James de Rothschild, who is the widow of the donor of the building, cut the symbolic ribbon—officially opening the new Capitol.

It was truly a moving and emotional experience. I think it was very well summed up in the Jerusalem Post the next morning when it was stated that the new Knesset is for the third Jewish Commonwealth—as historians have termed the State of Israel—what Solomon's Temple was for the first commonwealth and what Herod's Temple was for the second. As Mrs. Rothschild so ably stated, this was a very symbolic ceremony not only for Israel, but for all the world because it demonstrates the rising again of this new nation. As Speaker Luz of the Knesset said:

> We dedicate today the Knesset's permanent abode, 18 years after the re-establishment of the State—our supreme institution. Henceforth all authority, government and law in Israel is to have a home of its own. We have fulfilled the prophecy in full.

PRESIDENT SHAZAR'S CHALLENGE

Israel's President Shazar said:

> We welcome with blessings and joy the speakers and members of the world parliaments coming to be present with us at this dedicating ceremony which bears witness to the emergence and vitality of this nation after 18 years. It has sprung from full and vigorous roots, and has proven its vitality for these 18 years, and now at last has been given its permanent abode.

At the conclusion of his speech, President Shazar gave this challenge to all legislative bodies, and I am pleased to bring his message to the floor of the House today. He said:

> It is our prayer that hatred among brothers shall never reach the threshold of this house, or that of any assembly of the people's chosen representatives. Let this house be a house of hope for the scattered children of our people.

Later, it was my privilege to meet with President Shazar, and to discuss with him the international problems faced by his country. I was honored to present to him symbols of the U.S. Capitol, as well as a symbolic gift from the 36th Congressional District—an Eastman Kodak Instamatic camera.

Following the dedication ceremony, the delegations from parliaments and legislatures from around the world were received by Knesset Speaker Luz. At that time, our delegation presented a gift to the Speaker from the Speaker of the House of Representatives and the Vice President of the United States—parchment copies of the U.S. Constitution and Declaration of Independence. Afterward, it was my privilege to present to Speaker Luz an American flag which had flown over our Capitol in Washington, and several books about our Capitol. At the same time, I conveyed to the Speaker the good wishes of my constituents in the 36th Congressional District of New York.

Before leaving for the Middle East, I had met with leaders of my home community of Rochester, N.Y., many of whom had traveled to Israel and were able to give me a valuable briefing before my trip. These leaders, many representing Rochester's large Jewish community, expressed to me their deep interest in the progress and well-being of the new nation on the Mediterranean. I was pleased to convey their interest and their blessings for the new Knesset to Speaker Luz and other Israeli officials.

ISRAEL: LAND OF CONTRASTS

I also spoke with Speaker Luz about the division of Jerusalem—with the old city and many places of historical and religious significance on the other side of barbed-wire fencing in Jordan. I expressed to the Speaker my hope that the Knesset with patience and wisdom could find a way to bring about a relaxation of these restrictions so that people in Jerusalem and throughout the world could freely pass into all parts of the city, and that the barbed wire and warning signs could be removed forever. In this effort, I expressed by own determination to win the full support and assistance of the U.S. Government in finding a workable formula for peace in the Middle East.

I gained immeasurable perspective on the situation of this beautiful land of contrasts after the dedication ceremonies were over and we had a chance to visit other sections of the country. We visited the shrines at Nazareth and then proceeded to Tiberia on the Sea of Galilee. One of the most spectacular sights was the first view of Galilee. It came as we rounded the curve about 1,500 feet above the sea, which is about 680 feet below sea level. The only way to describe it is "breathtaking." The sea was calm, located in a natural bowl, and you felt a sense of history as you viewed it.

Israel is truly a land of contrasts. Motorboats and water skiers on the Sea of Galilee; orange and banana groves growing profusely in a land which has not felt rain since last February; a calm, peaceful and fertile Jordan River valley where only a short time ago an incident involving Syrian Migs threatened to ignite a serious conflict. In the midst of these contrasts, serious problems are faced by this relatively new nation. Hostile neighbors, a water source which is not plentiful threatened to be cut off, economic difficulty, inability to open trade routes, yet the nation is forging ahead—wielding and welding a democracy and bringing hope to countless thousands.

DISCUSSIONS WITH BEN-GURION

The morning after the dedication, Mrs. Horton and I spoke with former Prime Minister David Ben-Gurion and his wife during breakfast. It was quite an honor to meet with Mr. Ben-Gurion, since he is principally responsible for maintaining the stability and vitality of the new Government during its formative years. Much of the groundwork which enabled the Israeli people to dedicate a permanent home for their Knesset must be credited to Mr. Ben-Gurion's wise and farsighted guidance of the new state a decade ago. We expressed to him the gratitude of all Americans for his role in forging this haven for democracy and freedom in the Middle East. The former Prime Minister's descriptions of those first years were among the highest moments of our entire mission to Israel.

Later the same day, the American delegation and parliamentarians from 15 European nations, 15 African nations, and from elsewhere in the world attended the opening session of the Knesset in its new quarters. I should mention here, Mr. Speaker, the fine service the Israeli Government performed when it brought together lawmakers from around the world on this occasion. It was apparent to all of us as we witnessed the opening debate in this new structure that free men are governed by law. Every lawmaker present felt the importance to all peoples of devoting more attention to the rule of law as a means of bringing peace to the world, so that we all can enjoy the rich benefits the world holds for us.

During the opening session of the Knesset, I was particularly impressed by the large number of African countries represented. Like Israel, many of the African countries represented are new nations, and it was inspiring to meet with democratically elected representatives of these newly independent and free peoples. At one of the largest gatherings of world legislators ever held, it was indeed encouraging to see so many new and vibrant democratic nations represented.

Throughout the opening session, we listened closely to the Knesset's debate concerning the new form of Israel's government and legislative procedures. I was reminded, as I know my American colleagues were reminded, of many of the full and fair debates held here on the floor of the House of Representatives.

ROCHESTER'S ROLE IN ISRAEL

After the meeting of the Knesset, Margie and I visited the Hadassah Memorial Hospital, which is located just outside the city. It was a special privilege for me to visit this facility, since one of my constituents and a close friend, Mrs. Julia Berlove, serves as a member of its board of directors. The Hadassah Hospital complex includes a medical school, a dental school, a school of pharmacy, and a school of nursing. There are nearly a dozen medical schools in Israel, but only one dental school—and Hadassah's people throughout the world are primarily responsible for its establishment.

While we were there, we also had a chance to tour the new John F. Kennedy wing, which is now under construction. I had the opportunity to meet a former president of Hadassah, Mrs. Rose Halprin, and others in charge of the hospital. At the close of our visit there, we saw the beautiful stained glass windows in the synagogue designed by Marc Chagall.

After a brief visit to the John F. Kennedy Peace Forest, we proceeded to the Hebrew University, which, like the Hadassah Hospital, bears many marks of the interest and contributions of the American Jewish community. I was particularly proud to visit the Samuel Sturman Building on the main campus, named after a former leader of the Jewish community in Rochester. In the physics building, we visited the Julius Simon room, also named for a Rochesterian. We also had a chance to visit with Miss Debbie Norry, a student in Israel, who is the daughter of Irving Norry, of Rochester—a man as well known on the shore of the Mediterranean as he is in his home community in America.

A NEW SISTER FOR ROCHESTER?

At this point, Mr. Speaker, I should like to quote from one of my recorded reports from Israel to my congressional district:

> Last Sunday before I left Rochester, Irving Norry, who is well known here in Israel, suggested a sister-city relationship between Rochester and a city in Israel. He suggested particularly the City of Ashdod, a new city located south of Tel Aviv which is being developed as Israel's second port. I have talked with Israeli officials, businessmen, the American Ambassador and others about his idea, and I have concluded that it is a sound suggestion. I expect to receive a letter soon from the Mayor of Ashdod and in the meantime, I have cabled Rochester Mayor Frank T. Lamb, and Vice-Mayor Hyman B. Freeman suggesting that Rochester proceed to establish such a relationship. Also, I have just been informed that Rochester has received the Reader's Digest Award for its sister-city program, and I want to extend my congratulations to the city, at the same time that I offer it an opportunity to expand this program.

THE TASK AHEAD

Mr. Speaker, just as the people of Israel in their New Year season, are beginning anew to build a lasting home for freedom in the new Knesset, we in the United States must reassert our determination to support and assist countries like Israel, which are fighting to maintain their freedom in the midst of nations hostile to their very survival. One means of extending our support and our aid is to build meaningful and lasting bridges between Israel's citizens and Americans. Judging from what I saw and heard in the State of Israel, no American city and no American Jewish community has done more than the citizens of Rochester to further the progress and well-being of this new nation. Speaking for the citizens of my home city, I offer a challenge to other cities around our land to establish ties to other peoples as close and as lasting as those Rochester has established with Israel. It is my hope that a new sister city relationship with Ashdod will serve to strengthen these ties, and to promote greater common interest and understanding between Americans and Israelis.

Such people-to-people bridges, when coupled with a determined and meaningful foreign policy directed at the bolstering of free nations like Israel, will insure the continued progress of emerging democracies, and will inspire the dedication of many more centers of democratic government around the world.

All Americans can be proud of this new democracy in Israel, and we can be proud that in this setting as old as time, it has one of the most exciting futures of any country in the world.

NATIONAL 4-H CLUB WEEK

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Langen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LANGEN. Mr. Speaker, it is with great pride and pleasure that I note the coming celebration of National 4-H Club Week. During the week of September 24, our country will be paying tribute to this outstanding national organization, and the many contributions and achievements of its young members.

All of us familiar with 4-H legislative history will recall that in 1914 Congress enacted the Smith-Lever Act which established the Cooperative Extension Service, the genesis of the official 4-H program. Because the 4-H movement has been so very successful in the United States, we now find that 76 foreign countries have instituted similar programs for their young men and women.

Having been a member of the local 4-H Club in my younger years, and Mrs. Langen was a 4-H Club leader for many years, we now maintain an active interest in the laudable objectives and programs of the national 4-H movement, and can truly attest to the worthiness of 4-H training and activities.

Therefore, as National 4-H Club Week approaches, let us salute the 2,500,000 members who, by virtue of their participation, are acquiring new technical knowledge, broadening their horizons, and developing the leadership talents and skills to become better citizens. And let us also recognize the invaluable assistance rendered by thousands of public-spirited adults who serve as volunteer local leaders, and the many county extension agents, who are ever helpful in the operation of the praiseworthy 4-H program.

WASHINGTON SLIPPED HERE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Nelsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NELSEN. Mr. Speaker, the August issue of Nation's Business carries a revealing article about "the clumsy and often bumbling procedures for implementing the flood of new laws from the Nation's Capital."

The incredible bureaucratic snafu encountered by one Vermont town in trying to deal with the Federal Government should be brought to public attention. The need for more careful and reasoned laws—along with sounder administration of those we have—is starkly apparent.

I include the article, "Washington Slipped Here," at this point in my remarks:

Washington Slipped Here

(A case history of today's Federal aid snafu and how any town could become tangled in it)

The question seemed simple enough and Vice President Hubert H. Humphrey seemed the right man to ask.

George Megrath, town manager of West Rutland, Vt. (pop. 2,302), had come "down country" to New Haven, Conn., with a problem.

The Vice President was there with Cabinet and sub-Cabinet officials to tell a New England conference of small-town public officials how Washington could help with their problems.

Mr. Megrath is a balding 46-year-old former owner of an auto repair business. As the town manager, he knew that West Rutland needed funds for sewer, water and flood-control projects.

He had tried for months to determine whether the federal government would help.

Mainly, his problem involved designing and scheduling of the flood-control project to avoid extra costs and complications of laying sewer lines in a cattail-covered marsh.

He figured it would save some $40,000 if the marsh could be dried up first.

Could this be arranged? Mr. Megrath wanted to know.

Assistant Agriculture Secretary John A. Baker handled the question for Humphrey:

"It will be our effort to assist you, to be sure that your water system, your sewer system, and your sewage treatment plant are all developed in accordance with a comprehensive plan, together with the watershed developments that are involved, including land treatment, the city water supply, future industrial water supply, as well as flood prevention."

The community would have to undertake some pretty extensive planning to qualify, he added, but Uncle Sam had another little program to help with that, too.

That's the kind of meeting it was—reassuring to local officials struggling to finance town improvements. It looked as if some of those federal tax dollars were coming back home.

The ebullient Mr. Humphrey, in his role as President Johnson's man with the mayors, acted as master of ceremonies as the others from Washington catalogued the virtues of aid programs pouring out of a Great Society Congress.

Regional officials of various federal agencies were pointed out, town officials were urged to put the heat on them and anybody who still had problems was encouraged to write to the Vice President himself.

Mr. Humphrey, who has been holding a series of such meetings around the country, was warmly praised for getting the federal bureaucrats from Washington out to small-town America where the problems grow.

That was in October, 1965. A reassured Mr. Megrath went back home loaded with the names of contacts in regional federal offices only to get increasingly tangled in bureaucratic confusion. The problems of Mr. Megrath and his town of West Rutland, in fact, point up a significant trend boiling up in government affairs today: The clumsy and often bumbling procedures for implementing the flood of new laws from the nation's capital.

RED FACES IN WASHINGTON

It soon became clear to Mr. Megrath that the federal agencies responsible were not on top of their own programs and weren't aware of what other agencies were up to. Now, many months later, it's still unclear whether West Rutland will ever get all the federal aid it sought, much less get the projects coordinated. But there's some speculation in Vermont that it will, if only because Washington is thoroughly embarrassed.

Says a spokesman for Mr. Humphrey: "Our concern has been attracted to this [as correspondence with Mr. Megrath has proliferated] and we can't turn it loose. . . . This guy [Mr. Megrath] has publicly involved the Vice President in his problems."

Here's what happened:

Late last October, after the meeting with federal officials, Mr. Megrath set about applying for his sewer project assistance under a newly enacted program administered by the Agriculture Department's Farmers Home Administration.

He asked the advice of Henry F. Lowe, a New England official of the agency, and James Wood, then a field representative of the Rural Community Development Service, another Agriculture Department agency set up to serve as broker between rural communities and federal agencies administering local aid programs.

Mr. Lowe promptly replied, with regrets, that "no material is yet available regarding the administration of the act," but advised him to contact the agency's office in nearby Rutland.

"I do not understand how the different agencies can sell their projects," Mr. Megrath later wrote the Vice President, "when the rules and eligibilities terms are not available yet."

Mr. Wood advised him to go ahead and file his application with Farmers Home Administration, which Mr. Megrath did, including a preliminary plan describing the facilities. Though the law requires that such communities must abide by a regional plan, this requirement somehow got lost in the shuffle. The application was duly referred to Washington.

A couple of months later it bounced. No explanation.

It wasn't until early April that Mr. Megrath unearthed in the files of the agency's Rutland office a memorandum explaining that West Rutland was ineligible under the program. It couldn't qualify, not for lack of planning, but because it was judged to be too urban.

In a memorandum nobody had bothered to send Mr. Megrath, the Washington office ruled that West Rutland was too close to Rutland to be considered rural. "Since we are limited in our loan assistance to towns of less than 5,500 and Rutland's population is over 15,000, these nearby towns seem to form a populated area that would not be eligible for Farmers Home Administration assistance."

This prompted Mr. Megrath to note in a letter to Mr. Humphrey in April that "we are at the same place we were last October 27, 1965."

Meanwhile, Mr. Megrath had heard informally that in November, 1965, the Rutland area had been designated a depressed area under the Economic Development Agency in the Commerce Department because of high unemployment in 1964.

P.S.—YOU'RE INELIGIBLE

Though he was also president of the Rutland County Development Association, he was not informed, he says, until early March, 1966, that the area therefore was eligible for federal public works grants. The official notice had gone instead to an assistant judge in the community.

A possible explanation: The official Vermont state manual carries assistant judges at the top of the list of officials for each town. They were the officials notified, although their responsibility for public facilities and economic development is not clear. EDA is making up for it now, though. The agency is sending Mr. Megrath notices of eligibility conditions from Alaska to Jessamine County, Ky. "They tell you everything but your own business," he says.

Along in March, a local committee began work on an over-all economic development plan for Rutland County, a requirement for eligibility for EDA funds.

A new problem arose: The Rutland area's eligibility for EDA aid appeared likely to be ended because of a drop in the unemployment rate. The U.S. Agriculture Department's Rural Community Development Service set up meetings of local officials with newly arrived EDA field men to crash through a batch of the required economic development plans and applications before the cutoff deadline.

Mr. Megrath and the town's consulting engineer, Robert Dufresne of Springfield, Vt., met with EDA men in Montpelier repeatedly to rehash their application. Each time they were given different instructions, according to the town manager.

"I think they were almost trying to scare you out," he told Nation's Business. "What makes me suspicious is that they never showed up until May. Hell, we wouldn't have gotten anywhere if I hadn't stuck to it."

The application seemed in good shape after five or six drafts, says Mr. Megrath, but then he was told it might not be accepted for lack of economic justification.

EDA must be convinced that the facilities it finances enable a community to attract new business or industry it otherwise would not get, or retain business or industry it might lose in the absence of a proposed project.

West Rutland had statements from Roland A. Loveless, Jr., director of the industrial development division of the Vermont State Development Department, that at least five industries had eliminated West Rutland from consideration for plant location because of its sewer and water problems.

These included a proposed plant to employ 55 men, with an annual payroll of $235,000 and a total investment of $775,000, which would yield some $13,000 in local taxes annually.

The EDA men were insisting that West Rutland furnish the names of companies seeking plant sites—a virtual impossibility, since many businesses keep their location plans under wraps for a variety of reasons.

Personal intervention by Mr. Loveless finally straightened that out, according to Mr. Megrath, and along to Washington went the development plan and the town's application.

It seeks $311,000 from EDA, to be supplemented by $163,800 from the Federal Water Pollution Control Agency and some $500,000 from the town.

EDA has a policy of considering applications from areas no longer eligible under its unemployment criteria provided the application's were submitted before the eligibility ended.

Once it was filed, Mr. Megrath learned from Washington that his request may be too low. He says EDA field men told him to base estimates on current construction costs, which are rising steeply. But Washington said he should have included estimated increases in cost over the 20 months that would elapse before construction started.

COMING FULL CIRCLE

Next, he was asked to file another application, for a flat 50 per cent of project cost. Then he got blank application forms to sign (EDA would fill them out and send them in).

Late last month, a confused but tenacious Mr. Megrath was to be in Washington to see what he'd signed and again listen to Mr. Humphrey and his team give their pitch to town officials at yet another Vice President's regional conference.

Through the months, confusion has been followed by befuddlement.

Last December, the Vice President's office was in touch with Mr. Megrath to check on progress. The following month, Mr. Megrath wrote to Mr. Humphrey detailing some of his problems and noting that RCDS had sent a man up from Washington "which did not help very much."

In late January, Neal Peterson, an assistant to the Vice President, wrote to David J. Humphrey, assistant administrator of Rural Community Development Service, asking him to coordinate the various programs available to West Rutland and to report back.

On April 5, the RCDS official wrote the Vice President's office, apologized for the delay in his reply, and reported that "some order has been restored to the confusion which seemed to be prevalent in the administration of the water and sewer programs at the time of Mr. Megrath's writing."

On April 26, Mr. Humphrey of RCDS was asked for a report on the West Rutland situation. The following day he bucked the information request to Howard Bertsch, administrator of Farmers Home Administration, on the grounds it was strictly an FHA affair.

This was well after Mr. Megrath had been told finally that he was ineligible under FHA's limitations.

The same day, the Vice President's office asked Assistant Commerce Secretary Eugene P. Foley for a raft of answers to specific questions from Mr. Megrath regarding available programs and eligibility under them.

Mr. Foley wrote back within a week with the answers, adding that West Rutland appeared likely to lose its eligibility for his agency's aid program because of the improved unemployment picture.

RCDS replied to the Vice President's office in mid-May, quoting the old FHA memorandum declaring West Rutland ineligible. Added Assistant Administrator Humphrey:

"It would appear from this response to West Rutland's request that it has been decided that West Rutland is to be considered a part of the metropolitan area surrounding Rutland.

"Therefore, in accordance with the agreement between the Department of Housing and Urban Development and the Department of Agriculture, administration of water and sewer programs in this community would be the responsibility of the Community Facilities Administration in the Department of Housing and Urban Development."

Not a word about EDA, which his own field representative in Vermont was promoting.

True enough, HUD has some public facility aid available. But it requires extensive community planning to qualify, just as FHA does for its rural programs.

In fact, Paul Guare of Montpelier, Vt., the field representative under Mr. Humphrey at RCDS has been declaring West Rutland and surrounding communities ineligible for HUD assistance for this precise reason.

At the time of David Humphrey's reply to the Vice President's office, Mr. Guare was well along in the rush to beat the eligibility cutoff and was getting EDA men in touch with communities like West Rutland. Even then there was some wheel-spinning. Sources in other communities told Nation's Business they had been encouraged to file applications though they strongly doubted their own eligibility.

Throughout recent months still another federal agency, the Agriculture Department's Soil Conservation Service, independently has been surveying the Upper Castleton River watershed, which lies partly within West Rutland, for a flood-control project estimated to cost some $600,000.

The project includes extensive dredging of the river bed, where years of silt accumulation have raised the level of the river and the surrounding underground water table.

This has caused septic tanks in the town to back up, flooding stores and homes with raw sewage. Some have had to be abandoned.

Mr. Megrath hopes the channel-dredging project, if approved, will include a river tributary within West Rutland so as to lower the water table in the town and ease the town's flooding problem. Whether it is included or not will depend on whether the additional tributary work is defined as flood control (eligible for full federal financing) or merely drainage (ineligible).

He hopes also that if the government ever approves it, the area can be drained before the sewer project gets under way, if it ever does.

GOING WHOSE WAY?

Are the projects being considered as a whole? "They [the Soil Conservation Service] are going their way; we're going ours," he reports.

West Rutland's misadventures with federal bureaucracy dramatize what Sen. Edmund S. Muskie of Maine, chairman of the Senate Subcommittee on Intergovernmental Relations, found in a study. "We learned that many federal officials . . . were just not interested in—in fact, were hostile to—coordinating programs within and between their departments."

Warning that "we are headed for trouble," the Senator has proposed nothing less than a top-level National Intergovernmental Affairs Council, headed by the President, to serve as a "working secretariat" to knock heads together in running federal programs. Others, including some mayors, governors and independent experts on government, have been urging as alternatives reforms whereby the federal government would share its revenue or revenue sources with the states or localities and let them solve their own problems.

The Administration doesn't think much of this idea.

But the Great Society will have to devote more time and attention to how the raft of new laws are actually administered or it will surely face more and more Mr. Megraths of West Rutland.

BATTLING POVERTY TAKES PERSONAL EFFORT

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Nelsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NELSEN. Mr. Speaker, I have recently received a short article written by the Reverend John Paul Eddy, a former constituent, which appeared in the August 31 issue of the nationally respected publication, the Christian Century. The Reverend Eddy describes the inspiring work done among a group of impoverished American Indians by a fellow Methodist, Donald J. Greve of Anadarko, Okla.

Certainly, I believe this account demonstrates the value of individual initiative, personal compassion and private enterprise in combating problems of poverty. I therefore include the article at this point in my remarks:

A "Private-Plus" Plan To Ease Poverty

HONOR DESERVED

As one who has worked in self-help projects with minority groups on Indian reservations and in city slums only to see more failure than progress result, I was heartened by something that happened at the 11th annual conference of the National Council for Small Business Management Development, held at Southern Illinois University where I am a graduate student. What happened was that the council gave its "outstanding small businessman of the year in America" award to Donald J. Greve of Anadarko, Okla., an area of extreme poverty populated to a large extent by American Indians.

Four years ago most of the poverty stricken Indians were living on government-supplied welfare aid. Some held temporary odd jobs, but 80 per cent had never been in one occupation for more than six months. Today, thanks to Mr. Greve's efforts, 276 Indians hold regular employment in a modern carpet factory, and their way of life has been transformed.

Born in 1933 in Oklahoma City, Mr. Greve became a licensed Methodist preacher at 16, a city council member at 21. Later he was a member of the chamber of commerce as well as president of a local service club. When only 20 he had been made general manager of a home furnishings company in Oklahoma City; nine years later he was full owner of the firm.

HELPED TO SELF-HELP

In 1962 Mr. Greve began plans that resulted in establishment of the Sequoyah Carpet Mills. He enlisted four Oklahoma City businessmen in the project. Together they raised $150,000, then successfully applied for aid from the Area Redevelopment Administration to build a factory in the Anadarko area. Within the context of a private business operation, the enterprise not only provides jobs for the Indians but offers training in skills, a profit-sharing plan, free hospitalization, life insurance, free legal counsel, a fund for short-term loans, a scholarship fund for employees' children, and a department through which more than 100 homes have been built on a nonprofit basis.

The talents and methods Mr. Greve and his associates have employed amply deserve commendation and analysis in a day when many people look to and sometimes misuse the services offered by government agencies in an effort to solve all of society's ills. Here is an enterprise whose initiation and development have been motivated by individual effort and the Christian ethic. Hopefully, both church and state may find in the Greve approach suggestions for exploring and experimenting with methods to wage and win the war on poverty in America.

JOHN PAUL EDDY.

CARTERVILLE, ILL.

OLD MYTHS, NEW REALITIES ABOUT RUSSIA

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, on October 7–9, 1966, the Ukrainian Congress Committee of America, a national organization representing over 2 million Americans of Ukrainian ancestry, will be holding its Ninth Congress at the New York Hilton Hotel. The occasion will be one of celebration, for the convention will also mark the 25th anniversary of the founding of this organization.

Most Members are familiar with the educational efforts of UCCA in the field of the captive non-Russian nations in the U.S.S.R. Among many other accomplishments by UCCA, the historic unveiling of the Shevchenko statue in the Nation's Capital will long be remembered. But for the long run the constant literary output of the group—its "Ukrainian Quarterly," "Ukrainian Bulletin," books and monographs—will prove to be of the greatest value to our national interests because it has, in many sectors of our society, revised our conception of the Soviet Union and the forces and components that make up this fundamental empire.

On the eve of UCCA's Ninth Congress each Member of Congress has received the pamphlet titled "Old Myths, New Realities About Russia — Freedom Through Understanding." Written by Dr. Lev E. Dobriansky, the president of UCCA and also professor of economics at Georgetown University. The documented work systematically enumerates the dominant myths that still becloud the thinking of some of our leaders, even at the highest level of our Government, as concern Russia, the Soviet Union, the captive non-Russian nations in the U.S.S.R., and Soviet Russian imperiocolonialism. This lucidly written work deserves the widest circulation and should be read by every American citizen who still thinks that the U.S.S.R. is "Russia." To further this end, I include the full contents of "Old Myths, New Realities About Russia" in the RECORD:

OLD MYTHS, NEW REALITIES ABOUT RUSSIA—FREEDOM THROUGH UNDERSTANDING

(By Lev E. Dobriansky)

How often in the course of your life have you heard the old Christian adage "The truth shall make you free?" What has been your response to it? Some have devoted sober reflection to it and have philosophically concluded that truth leading to freedom means in the end a measure of necessity—necessity of conviction, of purpose, and responsible action. Others have misinterpreted the adage as a license for any kind of action, even where the truth is manipulated and abused for self-seeking interests. Most, however, with a flair for easy relativism have viewed it solely for its rhetorical flavor and have never really grasped its essence, which is freedom through understanding. An understanding of truth in a given sphere; thus freedom to pursue the necessary in that situation.

Truth, understanding, freedom, and necessity of purposive action have perhaps no greater objective meaning for our nation's interests today than in the crucial area of U.S.-USSR relations. Indeed, it can easily be argued that the future state of the world hinges chiefly on the outcome of these relations. On the basis of all the power components—economic, military, scientific, and political—the USSR occupies the same survival-strategic position in the Red Empire as does the U.S. in the Free World. The collapse of either would mean the disintegration of the type of world it ultimately supports.

Pointing to these relations, not too long ago the eminent and affable chairman of the Senate Foreign Relations Committee, the Honorable J. W. FULBRIGHT, delivered a provocative address titled "Foreign Policy—Old Myths and New Realities." The address stirred the minds and emotions not only of Americans but also of allies and foes in many quarters of the world. Regarding the one most vital sphere of the globe, "Russia" itself—which still is and for some time will continue to be the strategic base of so-called world communism and a main source of global trouble—the address was in a fundamental sense a re-assertion of old myths and a pathetic neglect of new realities. But at this late stage of history Senator FULBRIGHT is certainly not alone in espousing myths about "Russia."

Myths negate facts, exclude truth, and unquestionably militate against freedom through understanding. Drawn from nearly every major area of popular discourse in this country, innumerable examples can be offered to demonstrate how deeply steeped we are in myths about "Russia." Obviously a basic myth expressed by a college professor or a columnist has little meaningful bearing on our national policy as does an identical one entertained by a high-ranking public official or leader with policy-making influence. It is for this reason, and this reason alone, that the following examples are presented here. The intention of crystallizing this pressing problem in this manner is completely and thoroughly one of constructive criticism. The casual reasons explaining why such myths are nurtured both by policy-makers and those with little or no influence are much the same; the effects and results make the vast difference.

Speaking of the Soviet Union, Senator FULBRIGHT states that "Insofar as a great nation mobilizes its power and resources for aggressive purposes, that nation, regardless of ideology, makes itself our enemy."[1] As we shall see, the USSR is not a nation, and any "higher" thoughts based on this old myth can only be seriously questioned and even safely discounted. Not to mention other less rudimentary matters, the Senator is also tied to a population myth. For instance, challenging a colleague in the Senate, he posed a question in this form: "Would we undertake a military occupation of Russia and China and launch a massive program to 're-educate' 200 million Russians and 600 million Chinese in the ways of Western democracy?"[2] The fact is that there are no 200 million Russians in the universe, let alone in "Russia." If myths are used for supposed facts, what can we expect with regard to the quality and validity of higher opinions and generalizations? Indeed, what can we anticipate in terms of policy determination?

Former President Eisenhower also clings to the population myth, which is an indication of a certain misconception of the USSR. For example, in an interview with Walter Cronkite of CBS, the general gave some observations on Nikita Khrushchev and said, "but he couldn't possibly just have 200 million Russians hating him and wanting to kill him, including the army and everything else."[3] "Know your enemy," or at least his environment, has been a fundamental principle of military education, but somehow it falls short of application in the more complex sphere of psycho-political education.

How comforting it must be to Cold War strategists in the Kremlin to view the conception of an American Secretary of State which reinforces their imperio-colonialist position. In an unforgettable letter to the Honorable HOWARD W. SMITH, chairman of the Rules Committee in the House of Representatives, Secretary of State Dean Rusk opposed the establishment of a Special House

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[1] J. W. FULBRIGHT, "Foreign Policy—Old Myths and New Realities," CONGRESSIONAL RECORD, vol. 110, pt. 5, p. 6227.

[2] "FULBRIGHT Asks Details of Goldwater's Views," The Evening Star, Washington, D.C., July 25, 1961.

[3] David Lawrence, "Eisenhower Shows No Bitterness," syndicated column, February 1962.

Committee on the Captive Nations partly for this reason: "The United States Government's position is weakened by any action which confuses the rights of formerly independent peoples or nations with the status of areas, such as the Ukraine, Armenia, or Georgia, which are traditional parts of the Soviet Union. Reference to these latter areas placed the United States Government in the undesirable position of seeming to advocate the dismemberment of an historical state."[4] With one stroke of the pen in this stage of the Cold War our Secretary of State brushes aside all the historic events of the 1917–23 period, when each of the above nations regained its independent statehood, and transforms the USSR into "an historical state," one that has been in existence for only forty-two years, scarcely an instant in historical time.

The unprecedented references made to the above areas by our late Ambassador to the United Nations are sufficient to show the intellectual emptiness of Rusk's conception of the USSR.[5] To appreciate the sharp contradictions between Rusk's letter and Adlai E. Stevenson's historic memorandum on Soviet Russian imperio-colonialism, one has to read both in detail. Significantly, the Stevenson memo was released three months after the Rusk letter had been publicized. This study in contrast is truly one of myth and fact about "Russia."

Stevenson precisely cites the record of Soviet Russian imperio-colonialism, which Rusk prefers to sweep under the fabricated rugs of "traditional parts of the Soviet Union," "an historical state," and similar conceptual myths. Just consider these few excerpts from the unusual Stevenson memo: (1) regarding Ukraine, "An independent Ukrainian Republic was recognized by the Bolsheviks in 1917, but in 1917 they established a rival Republic in Kharkov. In July 1923, with the help of the Red Army, a Ukrainian Soviet Socialist Republic was established and incorporated into the USSR"; (2) concerning Armenia, "in 1920, the Soviet army invaded, and Armenian independence, so long awaited, was snuffed out"; and (3) on Georgia, "In 1921, the Red Army came to the aid of Communists rebelling against the independent State of Georgia and installed a Soviet regime."

Little wonder that Khrushchev and Gromyko shared a joke over our Secretary of State a few years ago. Rusk couldn't distinguish between a Ukrainian shirt, which the Russian chief was wearing, and a Georgian one. Being in Gagra in Georgian SSR, he thought that the occasion necessarily called for a Georgian shirt. "Foreign Minister Andrei Gromyko jokingly explained to Mr. Khrushchev: 'He is trying to find out all about Georgia because he is from the American State of Georgia.' "[6]

Mythical notions uttered by high-ranking American officials are obviously prime propaganda fodder in "the war for peoples' minds and hearts." This cold war is waged not only on the terrain of the Free World but also within the Red Empire, particularly between imperio-colonialist Moscow and the nations in the USSR. Thus, when a President of the United States erroneously declares that "no nation in the history of battle ever suffered more than the Russians suffered in the course of the Second World War," he not only contradicts fact with his mythical notion that the USSR is Russia, but he also affords Moscow heavy leverage in its persistent propaganda among Lithuanians, Byelorussians, Ukrainians, and North Caucasians, who also lost millions of lives in World War II.[7] Of the 25 million mililitary and civilians killed, it is safe to say that probably more than half were non-Russian since most of the fighting was waged in the non-Russian countries within the USSR. Moscow has paid tribute to these heavy non-Russian losses; through the lips of our Head of State we don't even recognize them.

Similar examples of top-level American myth and all their possible consequences for our war to win peoples' minds and hearts can be readily multiplied. Before examining the dominant myths, let us view a couple more. For a one-sentence hodge-podge of concepts President Johnson's address in June, 1965, surpasses all expressions of so-called policy toward the USSR. He states: "The common interests of the peoples of Russia and the United States are many—and this I would say to the people of the Soviet Union: There is no American interest in conflict with the Soviet people anywhere."[8] Whoever wrote this for the President should be fired. Too much is at stake to tolerate such gross incompetence.

For an American President to revive an old Czarist Russia usage, "the peoples of Russia," is at this stage of history well nigh incredible. Even Soviet Moscow, which consistently poses as the just successor to evil and reactionary Czarism, abstains from the loaded use of this reviled phrase. Furthermore, no accurate map of the USSR shows any area in this empire-state as "Russia." The Russian Soviet Federative Socialist Republic is obviously not just plain Russia. And, in reality, there is no "Soviet people" and all this fallaciously implies. Logically, many distinctive and very proud nations do not add up into a single, homogeneous people. On the subject of interests and conflicts, what is all the fuss about the Cold War, Communism, billions in foreign aid, Western democracy vs. Sino-Soviet Russian imperio-colonialism, and Americans dying in Viet Nam?

An example from another level of government in the United States should be cited. Several years ago a number of Governors toured the USSR under the illusion that they were meeting their counterparts in the Presidents of the Presidiums of the Union Republics. This misleading impression was reflected in their report to the White House. Reporting on the USSR and the U.S., the Governors observed, "ways must be devised for the people of these two major nations to understand each other better in order to achieve permanent world peace."[9] Peace, not to speak of freedom, can never be attained permanently through misunderstanding. Evidently, the Governors went, saw, but didn't understand. For basic knowledge and understanding, they could have saved a great deal of time, money, and energy had they just read in an hour or two the Constitution of the USSR and its disclosures about the many peoples and nations in the USSR.

These are only a few of countless examples that can be quoted to show the state of our understanding the USSR, particularly in a cold war context. They are adequate enough to warrant a brief but close analysis of the dominant U.S. myths about "Russia."

OLD MYTHS, NEW REALITIES

Remember, concepts are essentially the reflectors, the eyes, of our understanding. Blurred eyes, of course, symptomize certain underlying defects or deficiencies. No matter in what field of thought, the circulation of improper and ill-founded concepts reflects to a marked degree a defective understanding of the given subject. One may accumulate considerable bits of knowledge about a subject and yet fall short of a working understanding of it. The governing concepts in use will readily indicate this. Perhaps in no other field is this condition so glaringly evident than in our discussions about "Russia."

To be sure, much progress has been achieved over the past ten years in our knowledge and understanding of the subject called "Russia."[10] Evolving and pressing circumstances have compelled us to respond with intellectual report. Nevertheless, despite this progress, we continue to suffer from a serious intellectual lag caused by nine lingering myths concerning "Russia." A reading of the daily newspapers or some ostensibly expert work on the USSR or a number of official statements on foreign policy will easily show the marks of these lingering myths.

We cannot repeat this reminder too often. The gravity of this intellectual lag must be emphasized when we soberly recognize that as a nation we are confronted by a challenge and threat which pose the utter destruction of our democratic institutions, indeed, our existence as an independent national state. It follows, too, that to meet this mortal threat successfully, we must possess the most accurate and comprehensive understanding of the enemy. Lacking in some respects in this, we cannot but be deficient in a considered appreciation of his points of strength and weakness, with incalculable detriment to ourselves. Therefore, so long as many of us, in high places as well as low, official as well as private, continue to perpetuate these mythical notions about "Russia," we are really contributing in diverse ways to a distorted conception of the enemy.

The myths which distort our image of "Russia" have deep roots. They can, in part, be sympathetically understood against a broad phasal background of U.S. relations with the Russian Empire. Prior to the Bolshevik revolution in 1917 and down to recent date, power relations between the United States and the Russian Empire, both Czarist and Soviet, were at best remote, with little cause for serious friction or major conflict and thus with minor stimulation of thought and concern about the nature and make-up of "Russia." What serious interest developed between the two wars was mainly confined to so-called liberal intellectuals who viewed the Russian totalitarian enterprise chiefly as a novel socio-economic experiment, about which much tinctured information was transmitted by those who hopelessly lost faith in our institutional norms of living. Later, the war alliance between the United States and the Soviet Union produced on both sides, but for different reasons, fanciful propaganda which only served to inflate to incredible proportions many of the prevailing myths about "Russia."

Following the war, the political vacuums in both Europe and Asia, and also accelerated technologic progress, brought the power relations between the United States and the Soviet Union into unusual direct line, precipitating with equal unusualness widespread interest and study relating to the Soviet Union. The supposed initiation of the Cold War in this period also contributed heavily to this development, although in truth it merely represented an actualization of what was in steady growing potentiality since 1917.

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[4] Rusk Communication, Committee on Rules, House of Representatives, U.S. Congress, August 22, 1961.

[5] U.S. Ambassador to the United Nations. Memorandum to U.N. Delegations, The United Nations, November 25, 1962.

[6] Associated Press, Gagra, USSR, August 9, 1962.

[7] "Text of Kennedy Speech to Class at American U," The Washington Post, Washington, D.C., June 11, 1963.

[8] "Text of President's Speech on U.S. Aim to Keep Peace," The Washington Post, Washington, D.C., June 4, 1965.

[9] Governors' Report On Soviet Visit, The White House, July 31, 1959.

[10] E.g., for a view of Soviet Russian imperio-colonialism in the USSR, see The Soviet Empire, Committee on the Judiciary, United States Senate, GPO, 1965, p. 197.

Underlying all of these phases, however, was the almost exclusive reliance by American scholars and students, trained in the Russian tongue, upon source material processed under the political censorship of either the former Czarist government or the present totalitarian Russian regime. In the past decade, misnomered "Russian institutes" have cropped up at numerous American universities and, in so many unfortunate instances, have produced graduates who, whether consciously or not, transmit in their writing and activities the imprint of imperial Russian ideology. On lower levels of education, the minds of our youth are still being conditioned by myths enumerated here.[11]

This background goes a long way to explain why our understanding of what many loosely and carelessly call "Russia" has been deficient. In time, doubtlessly we shall overcome the deficiency, but the question is "How much time do we have?" As we have seen, in too many places the myths still continue to circulate and to mislead. Some in perpetuating them are unaware of doing so. Others for plausible emotional reasons find it difficult to recondition their behavioral patterns of thought. And, as the evidence shows, a third category deliberately engages in it for political and even imagined financial objectives.

I repeat, it is far from my intention to become involved in the criticism of personalities as such. Where, as above, unavoidable mention is made of persons or groups in connection with any of the lingering myths, it is done in an objective vein and solely for purposes of concrete exemplification. A knowledge of the persistence of these myths on "Russia" should prove to be exceedingly valuable, if for no other reason than the real possibility that militarily we might have to fight "Russia" for our own survival. If, as some think, we may be joined with the USSR in a war against Red China, this knowledge will be equally important to calculate the political costs we would be prepared to pay. At present, whether many are aware of it or not, we are very much in a crucial cold war with "Russia" and the entire Red Empire.

I. THE RUSSIA/SOVIET UNION MYTH

Surely the most common myths arises from the interchangeable use of the terms "Russia" and "the Soviet Union," as though they were identical with reference to territory and peoples. In the light of accurate and uncensored history—which to the greatest degree was no more respected by the past autocratic Czarist regime than it is by the present Soviet Russian one—it is even misleading to identify Russia with the past Czarist Russian Empire, again in terms of ethnographic territory and peoples. The Union of Soviet Socialist Republics, conceived by the ever expedient Russian Bolsheviks after their military conquest of the independent non-Russian Republics of White Ruthenia, Ukraine, Georgia, Armenia, Azerbaijan, Cossackia, Turkestan and others, in the early period of 1918–23, is at least nominally more in conformity with the facts of distinctive nations, cultures, and religions that essentially characterize the present totalitarian Soviet Russian Empire than had been the previous Czarist Russian Empire. This in part refutes the mythical notion of one well-known columnist who, with reference to a presidential candidate, wrote: "The Senator is historically wrong to imply (April 25, 1962) that Soviet arms seized Azerbaijan, Byelorussia, Turkestan, Georgia, the Ukraine and North Caucasus."[12] If some, as our touring Governors above, would even take the trouble to glance at the constitution of the USSR, they would find that what they call "Russia" is only one national, and at that federated, area in the USSR, known as the Russian Soviet Federative Socialist Republic.

Now, what is the significance of this myth in its obstruction to a clear and just understanding of the Soviet Union and the many nations held captive within it? Is it, as some impulsively contend, a mere quibble on words, a play of semantics? First, definition and classification are indispensable to true scientific and philosophical knowledge. Where differentiation is objectively observed, be it with regard to matter, species, man, nations, or societies, concepts are found to coincide with such features of differentiation. When concepts arbitrarily confuse different objects, they lead to error, which in turn exacts its price once projected into action. By language, history, culture, and religion, the non-Russian nations in the Soviet Union are as different from the Russian, in some respects more so, as the French are from the German or Spanish, or the Chinese from the Japanese. Thus, from a scientific point of view alone, to subsume these non-Russian nations under the concept of "Russia" does violence to objective fact. It makes as much sense as identifying the British Isles with England.

Moreover, this misidentification weakens our evaluation of the supposedly internal problems of this empire and impedes a full appreciation of its major sources of weakness. The monistic and homogeneous concept of "Russia" does not easily permit an operational understanding of the existence of empire, colonialism, nationalism, patriotic underground activity and similar phenomena that glaringly characterize the Soviet Union. Instead, it breeds uninformed doubt and skepticism in the face of even overwhelming evidence. This was perhaps best illustrated by western correspondents in the late forties who could not digest the existence of a Ukrainian Insurgent Army until it was necessary for its command to provide flesh-and-blood evidence on West German soil.

A third point of significance regarding this myth is not only the basis for misdirected psycho-political warfare that it erects, but also the adverse psychological reaction that it inevitably produces among the peoples in the various nations so misidentified. As individuals possess the instinct for proper and true identification, so do groups of people and nations.[13] The reaction of a Ukrainian or Georgian being called a Russian is similar to that of an Irishman being misidentified as an Englishman. To refer to these non-Russian nationals as "peoples of Russia," or to Ukraine as the "Texas of Russia," or to Armenia as "Russian Armenia" is in the minds of these different peoples tantamount to a stamp of approval placed on the present totalitarian Soviet Russian empire, which secures their bondage. In these trying times, marked by close competition for the minds of men everywhere, including those in the USSR, let us not forget that we, as rightly proud Americans, possess no monopoly on love of country, its rich heritage, its hopeful future.

Finally, this myth of Russia/Soviet Union is, as we shall see, a basic breeding ground for several other myths. It is a striking fact that adherence to this basic myth forms the preconceptual framework for the incurrence of other myths, distorting the picture of the USSR's economy, political environment and history. This is most observable among American journalists who, by all evidence, are notorious in this misidentification. One prominent writer for an internationally known newspaper argued the point that the term "Russia," no matter how inaccurate and misleading, was necessary to conserve line space. The simple answer to that, with benefit of further space conservation, is the convenient use of USSR. If one reads works on the subject, he will find that even State Department experts, past and present, such as George F. Kennan, perpetuate this myth.[14] Fortunately, the monumental hearings and reports on the Soviet Union by the Select House Committee to Investigate Communist Aggression have contributed in great measure to dispel this common myth.[15] Much more remains, however, to eliminate its lingering character.

II. MYTH OF USSR/USA PARALLELISM

Another outstanding myth in American circulation is the parallel myth which spreads the fiction that the Soviet Union is a federal union of states like the United States of America. This myth underlies the present usage of the term "the Soviets." It also leads to many practical errors. Actually, the parallelism is as spurious as those drawn between the constitutions of the two entities or the secession problems associated with the two. This superficial parallelism indicates a conspicuous lack of historical knowledge with regard to the forcible origin of the Soviet Union and its multinational composition, which in themselves are sufficient to destroy the parallelism.

The federal union of the United States came into being and expanded through the free will of previously independent and autonomous states and territories; the Soviet Union originated and developed entirely on the basis of armed conquest and forced incorporation of the conquered countries. The United States represents the prime example of democratic and free federalization; the Soviet Union is the prime example of a totalitarian empire disguised as a federal union. The United States is a single, integrated and united nation; the Soviet Union, as the original but now primary sphere of the Soviet Russian Empire, is a forcibly contrived structure holding in captivity many different nations, with different languages, customs, histories and distinctive peoples.

Quite plainly, then, these essential, general facts adequately explode the parallel myth. Yet, on record, one finds Mr. Kennan equating Ukraine to Pennsylvania, former Senator Wiley paralleling it to Texas, Ambassador Lodge comparing Byelorussia with Massachusetts, and a score of newspaper editors committing the same mistake.[16] Is it any wonder that our people still cannot comprehend the tremendous fact that the Soviet Union, behind its nominal facade, is the greatest and worst empire in the pages of human history? From the viewpoint of the functional import of this myth, it should be evident why we continue to fail in our psycho-political efforts to the degree that millions in Asia, Africa, and Latin America are of the Moscow-inspired belief that the United States and its allies are the chief symbols of imperialism and colonialism. The prime representative of contemporary imperio-colonialism is, on the other hand, thought to be a paradise of happy peoples as well as prosperous workers. Most ironical, isn't it? And yet a supreme irony capable of moulding our own destruction.

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[11] E.g., "That (UN) Certain Feeling in Moscow," World Week, a scholastic magazine, New York, October 21, 1965, p. 12. ("Until World War II, the Soviet Union had remained the world's only Communist-governed nation.") The USSR is no nation, and poor Mongolia, a nation, is overlooked.

[12] C. L. Sulzberger, "Barry's Brinkmanship," San Francisco Sunday Chronicle, July 19, 1964.

[13] E.g., Ill-briefed Benny Goodman and his troupe were virtually run out of the capital of Georgia for mistaking Georgian for Russian. Associated Press, June 9, 1962, Tiflis, Georgian SSR.

[14] George F. Kennan, on Dealing with the Communist World, New York, 1964, p. 14.

[15] Investigation of Communist Takeover and Occupation of the Non-Russian Nations of the USSR, select Committee on Communist Aggression, House of Representatives, 1964.

[16] Review of the United Nations Charter, Committee on Foreign Relations, U.S. Senate, 1955, p. 1832.

In a remarkable address before the American Legion convention in Miami a decade ago, Secretary of State Dulles pointed in the direction of demolishing the parallel myth when, on the matter of forging a vast domain, he stated, "The Union of Soviet Socialist Republics is itself a multinational state consisting of 16 so-called republics, several of which were once independent nations."[17] The fact is that most of them were once independent, and when later the Secretary pointed out that, "the Soviet bloc represents an amalgamation of about 900 million people, normally constituting more than 20 distinct national groups," he necessarily implied Ukraine, White Ruthenia, Georgia, and the other non-Russian nations in the USSR to arrive at this figure.

Strange as it may seem, many competent observers were at the time ready for a forthright, operational policy toward the Soviet Union as an empire within an empire. For example, a diplomatic correspondent for Newsweek stressed that "serious American thought also must be given to the nationally conscious Soviet components such as the Ukraine and Byelorussia. The fact that these two nations have their own representatives in the U.N. has never been properly utilized by the United States. To encourage their independence and to strive for the decentralization of the Soviet Union into its separate though not necessarily unfriendly components is likely to become one of the chief United States objectives."[18] Of course, the sooner this objective is established, the sooner we shall begin to overshadow and dwarf Moscow's current propaganda on American imperialism and colonialism.

III. THE POPULATIONAL MYTH

Despite Moscow's 1959–60 census disclosures, a third myth, closely associated with the first basic one, is the populational myth. This subsidiary myth is usually reflected in such phrases and terms as "the national minorities of Russia," "the 177 nationalities in the USSR," and "the nationality problem in the Soviet Union." It seeps into much economic and political literature on the Soviet Union and only serves to misguide the reader in his perspectival understanding of this area.[19]

Those conditioned by this myth are obsessed with the baseless fear that should this empire colossus collapse, it would invite unmanageable chaos: others are led into the fiction that the situation in the Soviet Union is similar to the "minorities set-up" in the United States. Another fiction related to this myth parallels the territorial expansion of the Russian Empire with that of the United States, with the gifts of civilization meted out by Moscow to the "Indians" of Eastern Europe and Asia. In passing, it should be noted that many individuals in this country, nurturing a mystical pro-Russian bias for the eternity of "Holy Mother Russia" and its vast colonial domains, not inadvertently but deliberately circulate this populational myth in order to discourage thinking and action directed at the freedom and independence of the non-Russian nations in the Soviet Union.[20]

Again, stubborn facts explode this myth and each of its created fictions. Taking the Soviet Union as a whole, it is a reasonable estimate that about 54 percent of the population is non-Russian.[21] More important than this is the overriding fact that fourteen of the Soviet republics are populated in the greatest majority by their natives, and if one correctly combines the five central Asiatic republics into the Moslemic country of Turkestan, there are already ten integrated, unified nations. With distinctive cultures and histories in this empire of many countries, these nations could scarcely be reduced to the level of national minorities, no more than the Polish people could be in the event of Poland's incorporation into the Soviet Union.

Furthermore, the "177 nationalities in the USSR" is clearly a statistical fraud since a multitude of small tribal units, misclassified as nationalities, are lumped with a dozen non-Russian nations that alone account for over 90 percent of the approximately 120 million non-Russian people in the USSR. Although a favorite phrase with Moscow and Stalin, there is really no "nationality problem" in the Soviet Union—the problem is one of colonial empire or free and independent nations. And lastly, since the dozen non-Russian nations possess such large populations and territories and since the continuous histories of some go as far back as 4,000 years, the fear of unmanageable chaos and the parallels with the minorities and territorial expansion of the United States are clearly imaginary.

IV. THE IDEOLOGICAL MYTH OF SOVIET COMMUNISM

One of the most befogging myths which is sustained by a number of our governmental agencies is the ideological myth. It holds that the real enemy confronting the Free World is Soviet Communism or international Communism. Those embracing this myth argue that we must not use the term Soviet Russian imperio-colonialism because this would implicate the Russian people and thus a particular nation would seem to be responsible for the crimes of Communism; in short, we should not appear to be anti-Russian. Others inebriated by this myth go so far as to write about "the Soviet man" or "the Soviet people."[22] This also is a favorite Moscow usage fashioned to conceal the real facts.[23] In the meantime, others dwell on the absurdity of "a Soviet nation." It would seem from all this that the enemy is some enigmatic phenomenon dangling from the sky, without any roots in the soil or bone and blood of history.

The ideological myth is a most dangerous one because we are prone to lose sight of the real enemy and thus lose ourselves. History teaches that the real enemy is totalitarian Soviet Russian imperio-colonialism.[24] In the past, the empire-building of imperialist Russian autocracy was pursued under the banners of "The Third Rome" and Pan-Slavism; today it is Communism, and for the world. Briefly, the behavior of the Soviet Union doesn't bear the remotest relation to the fundamental doctrine of historical materialism in Marxist philosophy, not to mention other outmoded Marxian ideas. If anything, Communism is a weapon of deception aimed at the uninformed and frustrated.

Clearly, with reference to the USSR, the use of the term "Soviet Communism" or "international Communism" is meaningless for our purposes, especially when thought of in terms of imperialist aggressions. We recall that a *Soviet*, by definition, is a representative workers' council. Are we, in response to Moscow's propaganda, in effect telling the peoples of Asia, Africa and elsewhere that what they have to oppose are the economic forms of the Soviet Union or the imperialist aggressiveness of its workers? Semantically, these terms imply just this and, needless to say, we make little impression on them. The concrete threat of totalitarian Soviet Russian imperio-colonialism, with its impeccability of the State, colonialism, ultimate Moscow control over foreign territories and empire absorption, not only conforms with indisputable facts but also possesses flesh and blood meaning in the stream of human events.

V. THE HISTORICAL MYTH OF "FIRST VICTIMS"

Objectively to identify the real enemy as such does not mean by any stretch of logic or imagination the indictment of the Russian people for the crimes of imperialist Russian totalitarianism; nor does it give the appearance of being anti-Russian. We had no qualms in characterizing German Nazism and Italian Fascism for what they were, without imposing common guilt upon the underlying populace. Nor today does our characterization of Chinese Communism imply the guilt of 650 million mainland Chinese. The mass of the Russian people is in enslavement as any other within the expanded empire and, perhaps more than any other, stands in the greatest need of democratizing growth which it really has never experienced. Autocratic machinery has always prevailed in Russia, and it is here that the source of responsibility rests.

Although one cannot but morally assume this just position, it surely does not follow that he must uncritically accept the circulated historical myth that the first victims of Bolshevik aggression were the Russian people. Scholars of the stature of Father Edmund Walsh, George Fedetov and many others are in complete agreement that without the broad support of the Russian people, induced by the Bolshevik platform of "bread, peace, land," Lenin couldn't possibly have established his regime in 1917, regardless of the coup that took place.[25]

Here, again, history amply shows that the first true victims of totalitarian Soviet Russian aggression are the non-Russian nations whose independent republics of Ukraine, White Ruthenia, Georgia and others were devastated by the Red Russian armies under Trotsky in the period of 1918–23. This set the intelligible pattern of aggression against the Baltic states and those of Central Europe some twenty years later. In short, traditional Russian totalitarianism, for which the nonvested masses of the Russian nation are scarcely responsible, simply acquired in 1917 the messianic cloak of a new crusade to beguile the still unconquered peoples and nations of the Free World.

VI. THE SEMANTIC MYTH ON DISMEMBERMENT OF RUSSIA

There is also in circulation the semantic myth on the dismemberment of Russia which transports the foolish notion that the liberation and independence of the non-Russian nations in the USSR would mean the division of the ethnographic territory of the Russian nation. One confused writer concocts a fable which is made to order for Soviet Russian propagandists. He writes, "I can think of nothing more catastrophic than that the policy of our government should be committed to the break-up of the traditional Russian state," meaning, as Rusk does, the Soviet Union.[26] He goes on to say that this would engender the "dismemberment of Russia."[27] What is so catastrophic about breaking up an empire, he of course doesn't say.

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[17] The New York Times, October 11, 1955.

[18] Edward Weintal, Newsweek, August 29, 1955.

[19] E.g., Tensions within the Soviet Union, Senate Document No. 41, 1951, p. 32.

[20] See L. E. Dobriansky, "Captive Ukraine and 'Holy Mother Russia' Complex," The Evening Star, Washington, D.C., February 14, 1963, p. A-10.

[21] Reasons for this estimate are presented in Nations, Peoples, and Countries in the USSR. Study of Population and Immigration Problems, Committee on the Judiciary, House of Representatives, GPO, 1964, p. 105.

[22] For the earliest exposition on this see Isaac Don Levine, Life magazine, March 23, 1953.

[23] E.g., "Theses on the Tercentenary of the Reunion of the Ukraine with Russia," TASS, January 13, 1954.

[24] Lev E. Dobriansky, "Soviet Russian Imperio-Colonialism and the Free World," NATO's Fifteen Nations, The Netherlands, August-September 1963, pp. 92–97.

[25] See George Fedetov, "The Fate of Empires," The Russian Review, New York, April 1954, p. 91.

It is evident that this is an inferential argument of error stemming from the first myth which finds currency in many popular writings. What is not accurately stated is the truth that such liberation and independence would necessarily mean the wholesome division and disintegration of an empire, which is something entirely different from the alleged division of the ethnographic territory and habitat of the Russian people.

Now, in the empire framework of the USSR, Russia is itself a part of a federated republic which, as far as the record shows, no one seeks to dismember, except perhaps the Siberyaks, or Russian and non-Russian separatists, in Siberia, for whom the centralized control of Moscow has always been exasperating. In the earliest period of Russian Bolshevism, the maritime provinces in the Far East, making up the Far Eastern Republic, succeeded in gaining their own political independence on April 6, 1920 and, ever since, the real possibility of this division of the RSFSR has existed. However, this is clearly distinguishable from the broader issue of dividing an empire, as constituted by the Soviet Union, through the natural forces of enlightened nationalism and patriotism. These forces are operative in each of the distinct non-Russian countries which have been forced into this uneasy federation. Even the possibility of the break-up of the RSFSR is distinguishable from any dismemberment of Russia, which again is only a part of it.

VII. THE BIG-BROTHER MYTH

Those who study both Russian totalitarian and Russian emigré literature are also impressed by the big-brother myth. The myth maintains, among other things, that the non-Russian nations in the USSR do not desire their real independence and those who advocate it are "separatists," "extremists," and, as the Kremlin puts it, "bourgeois nationalists." Only recently Moscow restated it in this fashion: "We consider the Russian nation the cementing force that unites the nations of the Soviet Union."[28]

At first sight this myth should be recognized as an insult to the intelligence of any interested audience—peoples not wanting their independence! Yet, it is skillfully used to the extent of rewriting the early distinctive histories of Ukraine, White Ruthenia, and Muscovy (Russia) on the basis of a brotherhood-of-peoples notion, with the supposedly great Russians invariably the big brothers. It appears incessantly in Russian propaganda as, for instance, in the Tass footnote earlier we find, "With the great brotherly assistance of the Russian people, in all national republics a highly developed industry was built."[29] One of the major indictments against Beria was based on his attempt to undermine this big brotherly relationship.[30] The expensive fanfare of the Pereyaslav celebration in the entire year of 1954 was staged on this theme.[31] And a dubious gift by Moscow of non-Russian Crimean territory to Ukraine was transacted as an overt token of this relationship.[32]

In actual fact, of course, there is no special brotherly relationship between the peoples of Ukraine, White Ruthenia, Georgia, and so forth, and Russia than what exists between these and peoples of other nations. It is plainly a propaganda theme with many deceptive ramifications. If one takes the utterances of Stalin and the several orations at Stalin's bier, for example, the myth is magnified to racial proportions, with the "great Russians" as the chosen people of history. Behind the myth, however, the invincible struggle persists in order to arrive at sound neighborly relations by abolishing the colonialist and imperialist yoke of Moscow from the non-Russian territories and countries in the USSR.

VIII. THE SATELLITE MYTH

Perhaps more widespread and damaging than several of the preceding myths is the long belabored satellite myth upon which, curiously enough, a number of official undertakings have been based. According to this myth, the beginning of totalitarian Russian imperialist aggression is dated as of the 1940's with the destruction of the national independence of the Baltic States and those of Central Europe. It spawns the specious argument that an enduring and just peace could be established with the removal of the Iron Curtain eastward to the prewar borders of the Soviet Union.

Upon reflection, one should have no difficulty in perceiving the correlative significance of this myth with the other outstanding ones. In over 90 percent of political addresses and journalistic pieces on the subject, the satellite myth is invariably expressed against the background of the others. From an analytical viewpoint, this is of little wonder when the Soviet Union is viewed merely as Russia, a fictitious nation of over 200 million Russians, or an alleged "federal union" such as ours with foreign language minorities.

Adherence to this myth, as evidenced by such terms as "the satellite countries," "the satellites of the Soviet Union," or "the satellite peoples," produces a number of unfortunate and backfiring results that the adherents are usually unaware of. One, quite obviously, is the fact that it serves to conceal the greater part of the entire and full record of imperialistic Russian aggression since 1917. This scarely helps our own propaganda cause.

Second, the inexcusable lack of historical background upon which the myth thrives, objectively makes sham of our ceaseless professions on the indivisibility of freedom for all nations. The longer experiences under the yoke of Moscow of most of the non-Russian nations in the Soviet Union are substantially repeated in the so-called satellite countries, pitted now in similar captivity. But when their peoples hear that we are interested only in liberating the "satellite peoples," what could be their reaction to our espousal of freedom everywhere? Are they the lost segment of humanity, despite a total population well in excess of that in the "satellites"?

In addition, the satellite thesis detracts seriously from our power of argument on the issues of colonialism and imperialism. The Soviet Russian empire is far greater in geography than that represented just by the "satellite areas." Its greatest base is the long and broad non-Russian territories of the Soviet Union itself, but the satellite usage only helps to hide this fact, with evident benefit to the enemy. Also, even if it were more than academic in character, the notion of prewar border withdrawal would not secure the type of peace we all seek, based on freedom with justice for all nations. Although it might bring desired freedom and independence to one part of the empire, it would still fall short of eliminating the powerful source of world tension and peril.

The one great lesson of the past forty-seven years that history teaches is that the surest guarantee of the independence of the Baltic States, Poland, Czechoslovakia, Hungary, Bulgaria, and Rumania is the sustained independence of Ukraine, White Ruthenia, Georgia, and other non-Russian nations now held captive in the Soviet Union.

In the realm of historical reality, had this real possible course to what actually happened been realized, the former would not be in captivity today. Despite the current illusion of weaning these captive nations from Moscow's domination, as though any totalitarian Red government in Central Europe were representative of the given captive nation, their state is one of mutual captivity.[33] They all fall in the category of captive and occupied nations. And the Captive Nations Week Resolution (Public Law 86-90) which Congress passed in 1959, stresses this important point—much to the chagrin of Mikhail Suslov, chief Russian ideologist, who on the eve of the 1965 Captive Nations Week viewed it this way: "Especially disgusting is the villainous demagogy of the imperialistic chieftains of the United States. Each year they organize the so-called Captive Nations Week, hypocritically pretending to be defenders of nations that have escaped from their yoke."

IX. THE MYTH OF PEACEFUL COEXISTENCE

The final myth is that of peaceful coexistence. The term was originally used by Lenin before the conquest of the non-Russian nations now in the USSR. The term has been exploited in a variety of ways: as a propaganda prop to the shortsighted containment policy, as the hopeful theme to the misapplied doctrine of evolution, as the inspiration to the now lost "spirit of Camp David," as the ticket for superficial trips to Moscow, and as part of the horrendous slogan "coexistence or co-destruction." Further, we have been told that peaceful coexistence and preventive war are the only alternatives open to us in our policy toward the Soviet Union. Its slogan value can hardly be denied. The basis of such value is the natural yearning of all of us for peace and the avoidance of global military conflict.

The ideal of peaceful coexistence among nations presupposes, by its very nature, a free cultural intercourse of peoples, a liberal exchange of ideas and information, a minimum of government restriction on the universally contributory activities of individuals. The political realities of the present don't even permit a faint approximation to this ideal. The blunt fact is that so long as the Iron Curtain exists, whether at its present location or at the prewar borders, whether with some controlled sieves or none, these requisite conditions for peaceful coexistence cannot possibly be realized. A further blunt fact is that the Iron Curtain, as to some notable degree in the past, is an institutional necessity to the conserved power of imperialist Russian totalitarianism. To remove the Iron Curtain means to undermine the regime, not to mention all its fundamentally dependent associated Red regimes, and its vast covert operations. But, needless to say, the imperio-colonialist Russian regime is determined to remain in power indefinitely.

Logically, then, peaceful coexistence stands only as a myth, the retention of which can be of practical benefit only to Moscow. With it, Moscow lulls the free world into a state of false security; behind the smoke-screen, it feverishly pursues its planned work to subvert, divide, and eventually physically destroy the remaining free nations of the world. In short, containment, evolution, and peaceful coexistence constitute passive variants that afford Moscow the invaluable asset of time to achieve the goals of this sinister work. As the former Russian chief, Nikita Khrushchev, defined it, "Liberation wars will continue to exist as long as imperialism exists, as long as colonialism exists. These are revolutionary wars. Such wars are not only admissible but inevitable . . ."[34] By "imperialism" and "colonialism" Moscow means primarily American power.

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[26] George F. Kennan, On Dealing with the Communist World, p. 13.

[27] Ibid, p. 14.

[28] Pravda, Moscow, USSR, July 8, 1965.

[29] Ibid., p. 12.

[30] The New York Times, December 17, 1953.

[31] "Ukraine and Russia," editorial, The New York Times, December 20, 1953.

[32] The New York Times, February 27, 1954.

[33] See "Captive Nations vs. Red States," Washington Report, American Security Council, July 19, 1965.

There is a grave long-run danger in this gamble for ourselves. Material power alone, for mass retaliation or limited wars, will not save us. A relentless spirit of revolution in our global struggle for independence is the basic requirement of the day. Unfolded by peaceful means, and in a realistic context of psycho-political engagement this necessary spirit can find compatible expression only in a strong policy of emancipation which is the third and soundest alternative open to us. The Cold War never subsided with "the spirit of Camp David," nor will it with "bridges of understanding" the Red regimes. Always the finest and most skillful instrumentalists, the imperialist rulers of Moscow exploited this spirit to the nth degree in pursuit of their own objectives, and will surely exploit "the bridges" to bolster the economies of the Red Empire. The one was an integral part of the Cold War as indeed, will be the other; everything is in the eyes of the Soviet Russian totalitarians, who for over forty-five years have trained themselves in the science and art of psycho-political warfare.

These enumerated myths likewise are a part of the Cold War. Their potency and breadth of circulation work to our weakness and, thus, to the relative advantage of the powerful enemy. They confuse, disinform, hinder, and impede, causing much needless waste in our endeavors to defeat the dedicated enemy in a war that is essentially psycho-political. In this struggle for keeps, lest we delude ourselves, the only alternative to victory over Soviet Russia imperio-colonialism—which is far superior to Red Chinese imperio-colonialism—is disastrous defeat for ourselves. The historical dynamics of our times disallow any middle ground. It is thus necessary to dispel and destroy these myths that incubate the ingredients of possible defeat for our nation. Freedom can be preserved and expanded through genuine understanding. Let's indeed, build bridges of real understanding of the peoples and nations in the USSR.

THE ADMISSION OF RED CHINA INTO THE UNITED NATIONS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. Watson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WATSON. Mr. Speaker, at no time in the history of the United Nations has that world Organization been under so much pressure to admit Red China as one of its members. The admission of Red China to the U.N. will be one of the principal topics discussed by that body during the 21st session of the General Assembly which opens today.

Although this Nation will continue to oppose the admitting of Communist China to the U.N. again this year, dangerous signs have appeared recently that would indicate that certain administration officials are hedging in opposing the membership of Red China to the U.N.

This trend is indeed alarming. It is becoming increasingly obvious that Red China has no intention of accepting any role as a responsible member of the hierarchy of nations. Rather than even considering the seating of Red China in the United Nations, this country should go on record as strongly opposing the belligerent, overt aggression of this sinister nation in its territorial designs in southeast Asia.

To seat Red China would be to recognize barbarianism and acts of international banditry unsurpassed in modern history. It would be a betrayal of thousands of Americans who gave their lives in Korea and who are continuing to give their lives in Vietnam to repel Communist aggression. It would represent an overwhelming diplomatic victory for the Communist regime and would result in a label of legitimacy for an outlaw government.

Let us make no mistake about it. If Red China is rewarded for its crimes against humanity by receiving recognition in the U.N., it will further impose its obstreperous demands with respect to expelling the representatives of the Government of the Republic of China from the U.N. In addition, such action will forever destroy the hopes of the Chinese people that their nation can be liberated from the Communist oppressors.

I am aware that the foreign aid appropriations bill contains a separate provision reaffirming the position of Congress that the United States will continue to oppose the seating of Red China in the U.N. But, we must go further than reiterating this position. We should by separate action spotlight this feature of the bill by adopting a resolution that would put this body unqualifiedly on record as opposing any move to give membership to Red China in the U.N.

In this regard I am today introducing a resolution setting forth the reasons why we should fight any move to seat Red China, and I would like to invite my colleagues to introduce comparable resolutions. Our colleague in the Senate, the senior Senator from South Carolina, is also introducing such a resolution today.

The position of Congress should be unalterable in this matter. Since 1951, Congress has passed on some 20 occasions various resolutions opposing the admission of Communist China to the United Nations, and yet there are some who argue that these resolutions are no longer in effect. Let us remove all doubt as to the intent of Congress regarding this matter. We have an obligation to the freedom-loving people of this Nation and to our allies who have stood by us in opposing the admission of Red China to support this resolution with unremitting firmness.

TRUTH IN LENDING

The SPEAKER pro tempore (Mr. Olsen of Montana). Under previous order of the House, the gentleman from New York [Mr. Halpern] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, it is lamentable that the Congress has not yet enacted legislation to protect borrowers of money from misleading and inadequate disclosure of credit terms.

For several years now, I have been privileged to cosponsor the so-called truth-in-lending bill, pioneered by Senator Paul Douglas, of Illinois.

This legislation is urgently needed to protect consumers against loan sharks and conscious or unwitting deception in credit transactions. The basic purpose is to require that anyone who lends money or extends credit must supply the consumer with two essential facts: a statement of the total finance charge in dollars and cents, and secondly, a statement of the true annual rate of interest on the unpaid balance of the loan.

The object of the bill is to provide all borrowers, and all those who buy on an installment plan, with a full accounting of the terms of the obligation, in dollar-and-cents language. Too often, we find that buyers are confronted with confusing sets of finance charges which are all but impossible to comprehend. The Senate has collected volumes of testimony pointing to the need for accurate and intelligible disclosure of credit charges on time buying.

The Department of Defense, in May of this year, issued a directive which, in effect, applies the bill's disclosure requirements to all commercial credit enterprises located on military bases.

The Department also stated that the military services would no longer be responsible in assisting in the collection of servicemen's debts unless the loan companies concerned complied with the directive.

Today interest rates have soared, to such an extent that the homebuilding industry is in acute distress. Interest rate policy inevitably affects the individual borrower eventually, as well as those who buy on credit.

However, consumer debt continues to rise. July figures show that outstanding consumer credit rose to an alltime high of $90.7 billion, compared to $87 billion last April. The trend will continue upward, although money is very tight, and this situation underlines the urgency of providing effective safeguards against loan sharks and misleading installment terms.

Certainly the House should move to consider this important legislation. It is time that Congress acted to protect all consumers by insuring that they be supplied with a full accounting of all interest charges when borrowing money or buying on an installment plan.

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[34] American Bar Association, Peaceful Coexistence, A Communist Blueprint for Victory, Chicago, 1964, pp. 58–59.

REPRESENTATIVE ASHBROOK TO SUPPORT DRIVE TO STRIP CHAIRMAN POWELL OF POWERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 10 minutes.

Mr. ASHBROOK. Mr. Speaker, I for one will vote to strip Chairman ADAM CLAYTON POWELL of the powers he has so arbitrarily misused in the past. I will do this not because of any particular affinity for those who are belatedly coming to the forefront in this battle and belatedly getting disturbed about the apparent excesses of our committee chairman. I will not do this because he flouts the legal order of New York courts. I will not do this because of any personal opinions Chairman POWELL might properly have about "black power" or racial concepts which affect education and labor. I most certainly will not do it because he is a Negro.

I for one will vote to strip him of all powers or for any partial limitations on his powers because, on the merits, he has exercised them in such a manner as to bring discredit on the entire House of Representatives. Time and time again, as I have pointed out before, Mr. POWELL merely states that he is doing what every other Member of Congress does and he will not be a second-class Congressman. To sully our reputations along with his is to do great harm to the legislative branch of our Federal Government. I will vote for restricting his powers because, on the merits, I believe the seniority system should not be so blind as to accommodate the flagrant excesses and abuses of our chairman which are of record and which I have repeatedly pointed out since 1961.

It is argued by some that the Powell problem is peculiarly the problem and burden of the Democratic Party. This is partially true. Were there a Republican-dominated Congress, Mr. POWELL would be minority leader and probably spend even more time in Puerto Rico or away from these Halls. This would be the obvious answer to the Powell problem. The people can ultimately accomplish this reform but it does not divest us of the immediate responsibilities we have.

Credibility to the argument that this is a problem of Democratic Party housecleaning is given by their 1965 actions. The Democrats did not hesitate to strip Representative JOHN BELL WILLIAMS of his seniority last year because of Mr. WILLIAMS' support of the 1964 Republican presidential candidate. Again, we see a curious double standard. Mr. POWELL supported President Eisenhower in 1956 and his actions since that time have surely brought more injury to their party than did Mr. WILLIAMS' efforts on behalf of Mr. Goldwater.

Yet, he is also our problem and Republicans cannot shirk from their responsibilities merely because the Democrats choose to shun theirs. The record of the Congress has been one of majority party indifference to this type of questionable conduct. Will they now add Mr. POWELL to this same list of glaring omissions in their clear duty to the American people to act? Several points should be considered carefully by the Congress and the American people.

First, among the so-called reformers who are now out to get Mr. POWELL are those who have out-Powelled POWELL in gaveling down Republicans who want fair and open hearings on vital national questions. They are the same people who stood by while Mr. POWELL used his position to accomplish an ungentlemanly discourtesy to one of our distinguished Members of the fairer sex, Representative EDITH GREEN. In the heat of debate last year he moved to close debate "right now" while she was on her feet and seeking to be recognized to speak against portions of the bill over which he was the floor leader. They stood by then, smiling, and they have stood by through all of the sins of omission and commission in the past until now they sound an uncertain trumpet to rally an army to overthrow a tyrant. Their unexplained tardiness in rising to duty in the past detracts from any luster that might be due them for now making this effort which is entirely in order and urgently needed.

Second, our chairman has been openly accused of a number of violations of House Rules. Why are they not investigated? It is rumored that Mr. POWELL's wife gave him a power of attorney to sign checks. Is this true? A House rule apparently makes it illegal for Mrs. Powell to be paid for work in Puerto Rico. Why does the Democratic leadership not do something about this? Are the so-called reformers not saying "Let us not investigate charges against Mr. POWELL; let us just dethrone him and sweep the whole mess under the carpet"?

Third, and most important of all, Why are we not talking about real reform? Why do we not consider electing committee chairmen from the top three ranking members of the majority? Why do we not forbid hiring of relatives—many of us, including myself, have bills introduced on this subject which are before committee but we cannot get a hearing—or why do we not at least forbid the hiring of wives of Congressmen?

Mr. Speaker, it would appear that some Democratic members of the committee want to deal with their political problem, which is Mr. POWELL, rather than deal with the real problem of adopting stringent rules of ethics for Members of Congress. With perhaps a few exceptions, Members of Congress are ethical and honest. We are all being discredited but not just by the actions of one man. We are being tainted, and rightly so I believe, by our unwillingness to enforce the highest ethical standards on all of our Members. The blame for this must necessarily be placed at the door of the Democratic majority which has the clear duty to act and has refused to.

There is a decided possibility that things are getting too hot on the other side of the aisle so our Thursday morning vote will be put aside or this motion will not be offered. The Democratic leadership should cooperate with this move by Education and Labor Committee Democrats. Were this effort, halfhearted though it is, to fizzle now the American people would once again be confronted with the callous disregard of the Congress for doing the right thing. This must necessarily reflect on the Democratic leadership of this body. Time and time again we see examples of laws and standards which are rigidly applied to the general public but then are not equally applied to Members of Congress. If the Democrats do not follow through on this proposal they will most certainly be enhancing the growing feeling in America for disrespect of law and order. All too many people have reason to believe that the old advice to a Congressman that "to get along you must go along" rules our conduct here. Fortunately, we do not have to "go along" and I for one will not, even if it means joining those who may have been reluctant or negligent in the past or may have curious motives now.

I am confident Republicans will join any movement for true reform. Several weeks ago our minority leader called for a full investigation of the allegations against Mr. POWELL. Many are hesitant to join the reluctant reformers who have soiled hands themselves in terms of protecting minority rights. They seem to be saying, "Let's not investigate facts. That might involve other Members of Congress and require modernizing of House rules generally. Let's just punish POWELL. He's vulnerable." Because "black power" has been mentioned by these so-called reformers, they have unfortunately mixed racism with reform that should include all Members of the House. Yet after all of these arguments have been made, we still have one clear duty—strip Congressman POWELL of the power which, on the merits, he has lost the right to exercise by his own actions and by his own derelictions.

THE UNITED STATES AND THE WAR IN VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. GOODELL] is recognized for 60 minutes.

Mr. GOODELL. Mr. Speaker, on August 25, 1965, the planning and research committee of the House Republican conference issued a white paper on Vietnam. At that time I said the purpose of the report was to present a clear perspective on the past in order that right decisions might be made in the future.

More than 12 months have passed. The Vietnam conflict has now become the third largest war in U.S. history. Again, in order to keep the perspective clear, an updated version of last year's study is being issued today. It is entitled "The United States and the War in Vietnam." It is factual and scholarly. I have requested that the report, along with statements made by the gentleman from Michigan [Mr. FORD], the gentleman from Wisconsin [Mr. LAIRD], and myself at this morning's press conference, be inserted in the RECORD at this point.

The material follows:

[Congress of the United States, Republican Conference, House of Representatives]

The United States and the War in Vietnam

Committee on Planning and Research: Charles E. Goodell (New York), *chairman;* Catherine May (Washington), Thomas B. Curtis (Missouri), Glenard P. Lipscomb (California), Robert H. Michel (Illinois), Robert T. Stafford (Vermont), Samuel L. Devine (Ohio), William E. (Bill) Brock (Tennessee).

Chairman: Melvin R. Laird (Wisconsin).

Vice Chairman: William C. Cramer (Florida).

Secretary: Richard H. Poff (Virginia).

Chairman, Republican Congressional Campaign Committee*:* Bob Wilson (California).

Ranking Republican, Rules Committee: H. Allen Smith (California).

Minority Leader: Gerald R. Ford (Michigan).

Minority Whip: Les Arends (Illinois).

Chairman, Republican Policy Committee: John J. Rhodes (Arizona).

Chairman, Committee on Planning and Research: Charles E. Goodell (New York).

Research Director: William B. Prendergast.

FOREWORD

One year ago the Committee on Planning and Research of the Republican Conference of the House of Representatives issued a study entitled "Vietnam: Some Neglected Aspects of the Historical Record."

This revised and updated edition of the study has been prepared to take account of the drastic change in the role of the United States in the conflict in the past year. It is being issued at the time when the size of the American troop commitment to Vietnam has reached the maximum level of American troop strength committed in Korea in the 1950's, when the war in Vietnam is on the verge of becoming the third biggest war in our nation's history, and as the flames of war are spreading ominously into Thailand.

The study has been revised to take into account these significant developments as well as the Administration's revision during the past year of its explanation of American involvement in Vietnam, emphasizing the SEATO Agreement as the reason for its present actions in Vietnam.

The purpose of this new edition is the same as that of the original report—to show how the nation arrived at the present crisis and to evaluate past policy. A clear perspective on the past helps toward making the right decisions in the future.

Gerald R. Ford,
Minority Leader.
Melvin R. Laird,
Chairman, Republican Conference.
Charles E. Goodell,
Chairman, Committee on Planning and Research.

September 20, 1966.

SUMMARY AND CONCLUSIONS

The involvement of the United States in Vietnam after World War II began with the decision of the Truman Administration to provide economic and military aid in May 1950.[1]

A fragile peace was brought to Vietnam by the Geneva Agreements of 1954, partitioning Vietnam into a Communist North and a non-Communist South. Contrary to most expectations, South Vietnam survived. Indeed, with generous aid from the United States, it achieved what the late President John F. Kennedy called a near miracle between 1954 and 1960. Secretary McNamara spoke of the history of South Vietnam in this period as a "success story."

When President Eisenhower left office, there was no crisis in South Vietnam. There were problems, arising particularly from a renewal of sporadic guerrilla activity by the Vietcong. The dimensions of the problems then compared with the present situation can be gauged from these facts:

1. In 1960, there were fewer than 700 American military personnel stationed in South Vietnam to train South Vietnamese; today (late August 1966) 300,000 American troops are there to fight.
2. In 1960, there were 5,000–6,000 Vietcong regulars in South Vietnam; today 282,000 enemy troops are there.[2]
3. In 1960, no Americans had been killed in combat; as of August 20, 1966, 4,832 have been killed and almost 27,000 have been wounded, taken prisoner or are missing.
4. In 1960, and in 1962, more than 80 per cent of the land area of South Vietnam was under the control of the South Vietnamese Government; today it is about 30 per cent or less.
5. In 1960, the cost of aiding South Vietnam to the United States was $250 million—72 per cent of it economic aid; as of the spring of 1966, it was more than $13 billion on an annual basis, of which less than 3 per cent was economic aid.[3]
6. In 1960, 2,000 South Vietnamese civilians were killed or kidnapped by the Viet Cong; in 1965, 14,673 were the victims of a similar fate.[4]
7. In 1960, the physical volume of exports from South Vietnam (a good barometer of economic activity) had dropped to 46 per cent of the 1960 level of exports.[5]

President Truman and President Eisenhower sent American military personnel to Vietnam solely as advisors. During the Kennedy Administration, American airmen began to participate in combat. In 1965, American ground forces began to fight. This commitment of American troops to combat was the decision of President Johnson. It was not forced upon him by the SEATO Treaty or by any other obligation entered into by an earlier administration. Under the Johnson Administration, American forces have begun to assume the major part of the burden of fighting the Communists in Vietnam.

The policy of the current Administration has been uncertain and subject to abrupt change. The objective of the United States in Vietnam has become clouded. By proposing the Geneva Agreements as a basis for peace and by refusing to reveal its attitude toward the proposed coalition government including Communists for South Vietnam, the Administration leaves dangerously obscure the minimum peace terms which it will insist on. Is it willingto accept in Vietnam the kind of settlement reached after World War II for the satellite states of Eastern Europe and in 1962 for Laos?

To what degree miscalculation on the part of the enemy brought about the present war, no one can be sure. Miscalculation must have been encouraged by the failure to match words with deeds throughout the Geneva negotiations of 1961–62 over Laos, by the withdrawal of support from the Diem regime, by the 1964 campaign oratory of President Johnson promising that American boys would not be sent to do the job that Asian boys should do.

The Administration has consistently held off needed military action until the situation in South Vietnam reached a state of acute deterioration. It has failed to use the economic power of the nation in the conflict.

The Administration has not told the American people the truth about the military situation in Vietnam, about the mission of American troops, about war costs, about casualties, about peace feelers. This studied deception strikes at the vitals of the system of popular government.

The result of President Johnson's policies in Vietnam, according to leading administration spokesmen, has been a stalemate with neither victory nor a satisfactory peace in prospect. Secretary McNamara, usually the optimist, assesses the present situation in the words, "We have stopped losing the war," and David Bell, until recently AID Director, says there has not been "significant progress for the last 3 or 4 years" in establishing security and economic progress in the areas in which the Vietcong exercise some influence.

I. THE TRUMAN ADMINISTRATION

The involvement of the United States in the struggle in Vietnam that followed World War II dates from the Truman Administration. It began with a decision announced by Secretary Acheson on May 8, 1950, to send "economic and military equipment to the Associated States of Indochina and to France in order to assist them in restoring stability and permitting these states to pursue their peaceful and democratic development."

The decision to aid the French in Vietnam was taken after the fall of China to the Communists when the Truman administration moved tardily to apply a policy of containment to some parts of Asia.

Aid to Vietnam under that policy implied no commitment to put more than arms and equipment and dollars into the conflict. This was clear from the authoritative statement of the Truman administration's Asiatic policy given by Secretary Acheson on January 12, 1950. The mild and equivocal warning which Mr. Acheson gave to the Asiatic aggressors in that speech drew a line in the Pacific Ocean marking the outermost limits of the defense perimeter of the United States. The islands east of that line were said to be vital to the security of this country and, Mr. Acheson implied, would be defended by the United States by force. The Asiatic mainland, including Indochina (and Korea) lay beyond the defense perimeter where, according to

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[1] The State Department has issued three useful documents on Vietnam:

"A Threat to Peace" (Dept. of State Publication 7308, December 1961) referred to herein as "A Threat"; "Aggression from the North" (Dept. of State Publication 7839, February 1961) referred to herein as "Aggression"; "Why Vietnam" (August 1965). A handy compilation of speeches and documents has been prepared by the Senate Committee on Foreign Relations, "Background Information Relating to Southeast Asia and Vietnam" (2d Revised Edition, March 1966) herein referred to as "Background."

[2] Vietcong strength in 1960 extrapolated from figures given in "A Threat," pp. 9–10. Present strength reported by Department of Defense, New York Times, August 10, 1966.

[3] "Background," p. 289. Determining the cost of the war in Vietnam involves difficult accounting problems. In using the figure of more than $13 billion, we rely on Secretary McNamara's estimate of May 11, 1966 that "the incremental costs of the war are on the order of $12 billion a year at the present time," and that military aid to South Vietnam amounts to "about $795 million in the current fiscal year." (Senate Foreign Relations Committee, Hearings, Foreign Assistance 1966, p. 672.) Economic aid to South Vietnam came to $590 million in fiscal year 1966. McNamara's estimate is close to the $13.7 billion estimate of military costs by expert accountants outside the Defense Department. (William Bowen, "The Vietnam War: A Cost Accounting," Fortune, April 1966.) This article predicts a cost of $19.3 billion annually when American forces in Vietnam increase to 400,000.

[4] "A Threat," p. 13; Senate Foreign Relations Committee, Hearings Supplemental Foreign Assistance, January 28-February 6, 1966, p. 128.

[5] International Monetary Fund, International Financial Statistics, Vol. XIX, no. 8 (August 1966), p. 308.

Secretary Acheson, an attack should be met by action of the United Nations.[6]

Although the policy enunciated in January was reversed in Korea 6 months later by the commitment of American forces in warfare, the Truman administration never considered providing manpower in Indochina. In fact, it twice rebuffed appeals from the French for a pledge of air and naval support in the event that the Chinese Communists provided manpower for the conflict in Indochina.[7] In response to such appeals, the Government of the United States said only that Chinese Communist aggression in southeast Asia "would require the most urgent and earnest consideration by the United Nations."

Involvement in a costly war in Korea did not, however, prevent the Truman administration from supplying substantial aid to save Indochina from Communist conquest. Approximately $375 million of military and economic assistance was channeled to southeast Asia by the American taxpayer through fiscal year 1953.

In August of 1950, an American military assistance advisory group of 35 personnel was sent to Indochina to advise on the use of American equipment.

Despite this assistance, the situation of the French and their native forces continued to deteriorate. When President Truman left the White House, all of Vietnam above the 17th parallel except Hanoi, a narrow corridor connecting to a coastal strip around Haiphong, and a part of the northeastern T'ai Highlands were under control of the Communist Viet Minh. In addition, Viet Minh forces were in effective control of large areas south of the 17th parallel—the central highlands and the tip of the Camau Peninsula, the southernmost part of the country.

II. THE EISENHOWER ADMINISTRATION

President Eisenhower continued the program of military and economic aid to France and the Associated States of Indochina at levels set by the previous administration until the fall of 1953.[8] In September 1953, increased aid of $385 million through 1954 was promised by the United States after two modifications of French policy had been decided on—both of them measures designed to avert impending disaster.

Under the twin pressures of military reverses in Indochina and the prodding of the United States, France agreed on July 3, 1953, to take steps "to complete the independence and sovereignty of the Associated States * * * within the French Union." Although France, in 1949, by the Elysee Agreement had conferred a measure of self-government on the Associated States of Vietnam, Laos, and Cambodia, too little was given to satisfy the thirst for independence. Secretary Dulles, hailing the belated French decision of July 1953, said, "The peoples of these countries needed something of their own for which to fight."[9] There was hope that the war, even at this late date, could be cleansed of the appearance of colonialism and would no longer seem to Asiatics to be an effort by France to hold on to her possessions.

The second significant decision was incorporated in the Navarre plan—a plan of aggressive military action with increased French and native forces.

With these two conditions realized—a promise of independence for Indochina and the decision to intensify the military effort—the Eisenhower administration increased American assistance.

After the conclusion of the Korean armistice on July 27, 1953, keeping the Chinese Communists from active military participation in Indochina became one of the concerns of American policymakers. On the day of the armistice, the 16 members of the United Nations that had helped to defend South Korea issued a joint warning against Chinese Communist action in southeast Asia.[10] On September 2, Secretary Dulles warned that such aggression in Indochina "could not occur without grave consequences which might not be confined to Indochina."[11]

In the spring of 1954, as the French situation became desperate, the Eisenhower administration sought to persuade other nations with interests in southeast Asia to engage in a joint undertaking to stave off collapse. On April 4, President Eisenhower sent a letter to Winston Churchill suggesting "united action" on the part of the United States, England, France, the Associated States, Australia, New Zealand, Thailand, and the Philippines. "The coalition," Mr. Eisenhower wrote "must be strong and must be willing to join the fight if necessary."

If the forces of the United States were sent to southeast Asia, the President made it clear that they would go principally for purposes other than ground warfare. He told Churchill, "I do not envisage the need of any appreciable ground forces on your or our part." Shortly thereafter, in a letter to General Gruenther at NATO, President Eisenhower reaffirmed his intention to avoid commitment of American forces to ground warfare, writing, "Additional ground forces should come from Asiatic and European troops already in the region."[12]

On June 11, 1954, Secretary Dulles, in a speech delivered at Los Angeles, detailed the conditions under which the United States would have considered additional help to the French: (1) a request for assistance from the states fighting the Communists; (2) clear assurance (from France) of complete independence to Laos, Cambodia, and Vietnam; (3) an indication of concern and support on the part of the United Nations; (4) assurance of collective action by other nations along with the United States; and (5) a guarantee that France would not withdraw from the conflict once a further commitment was extended by others.

The last two conditions laid down by Secretary Dulles were the decisive obstacles to the formulation of any plan for intervention. Negotiations to bring about the formation of a coalition of nations to support the French failed because England was unwilling to participate and because France was unwilling to continue a fight which had cost more than 140,000 French casualties.

The Geneva Conference of 1954

In these circumstances the Geneva Conference opened. On May 6—the eve of the negotiations on Indochina and of the fall of Dien Bien Phu—Lyndon B. Johnson, Harry S. Truman, and other leading Democrats issued ill-timed statements condemning administration policy in Southeast Asia on vague grounds. The New York Times on May 7, under the headline, "Democrats Open All-Out Assault on Administration Foreign Policy," reported:

"An all-out Democratic attack on the Eisenhower administration's foreign policy, the first such attack since the President took office, was opened tonight.

"The effect was to put the administration on dual notice (1) that the bipartisanship of the last 16 months was breaking up and (2) that the congressional Democrats could not be counted upon for unquestioning general support in the field of world affairs."

The article quoted Mr. Johnson as saying:

"It is apparent only that American foreign policy has never in all its history suffered such a stunning reversal.

"We have been caught bluffing by our enemies. Our friends and allies are frightened and wondering, as we do, where we are headed.

"We stand in clear danger of being left naked and alone in a hostile world."

Despite this effort by the loyal opposition to pull the rug out from under the Eisenhower administration as the critical Geneva Conference opened, the United States attempted to salvage what could be saved.

Representatives of nine governments assembled at Geneva to ring down the curtain on the French empire in Asia—Great Britain, the Soviet Union, France, Communist China, the United States, the Democratic Republic of Vietnam (north), the State of Vietnam (south), Cambodia, and Laos. Three similar armistice agreements were concluded relating to Vietnam, Laos, and Cambodia, and a declaration was issued.

Besides stipulations on the cessation of hostilities and pledges against resumption, the armistice agreements provided for withdrawal of foreign troops and prohibited Laos, Cambodia, and the two parts of Vietnam from joining any military alliance or granting military bases to foreign powers.

The Geneva Agreements in effect recognized as Communist territory Vietnam north of the 17th parallel and two provinces in northeastern Laos—Phongsaly and Sam-Neua.

Presenting the agreements to the French Parliament, Premier Mendes-France characterized them as "cruel because they sanction cruel facts." They reflected, he declared, "losses already suffered or made inevitable by the military situation."[13]

If anything, the territorial settlement reached at Geneva was better than the non-Communist nations deserved on the basis of the existing military situation.

Vietnam, north of the 17th parallel, had already been almost totally occupied by the Viet Minh forces. The treaty provisions formalized this conquest, but they also required the Viet Minh to withdraw from South Vietnam, vast areas of which were under their control. Some 80,000 to 90,000 Viet Minh troops were moved out of South Vietnam in the execution of the agreement.[14] Perhaps 5,000 to 6,000 melted into the civilian population and remained in violation of the Geneva Agreement.[15]

The territorial arrangements contained in the agreements were, on their face, temporary. North and South Vietnam were ostensibly established for primarily military reasons as zones for the orderly liquidation of hostilities and the beginning of peaceful reconstruction.

The armistice agreement relating to Vietnam reads that the 17th parallel "should not in any way be interpreted as constituting a political or territorial boundary." The conference declaration envisaged the reunification of Vietnam, providing for the selection of a government for the entire country by free general elections to be held in 1956.

Similarly, the assignment of two northeastern provinces of Laos as sanctuaries for troops of the Communist Pathet Lao not wishing to be demobilized was, by the terms of the agreement, temporary—"pending a political settlement."

The United States did not sign any of the three treaties concluded at Geneva nor the conference declaration. Nor did South Vietnam.

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[6] Department of State Bulletin, January 23 and March 27, 1950.

[7] New York Times, September 14, 1951; January 14, January 29, 1952.

[8] "Background," p. 34.

[9] New York Times, July 18, 1953.

[10] New York Times, August 8, 1953.

[11] New York Times, September 3, 1953.

[12] Eisenhower, "Mandate for Change," (1963) pp. 346, 347, 353.

[13] New York Times, July 23, 1954.

[14] "Aggression," p. 26.

[15] Bernard B. Fall, "How the French Got Out of Vietnam," New York Times Magazine, May 5, 1965, p. 113.

At Geneva the United States issued a unilateral declaration pledging not to use force to disturb the agreements and warning that renewed aggression in violation of the agreements would be viewed as a threat to international peace and security. At the same time President Eisenhower announced that steps would be taken to establish collective defense against Communist aggression in southeast Asia.

The attitude of the U.S. Government toward Geneva was summarized by the President, "The agreement contains features which we do not like, but a great deal depends on how they work in practice." [16]

The chief flaw of the Geneva settlement lay in provisions relating to the International Control Commissions, set up to supervise the execution of the agreements. The Commissions, composed of representatives of Canada, India, and Poland, could act only by unanimous vote in cases involving violations of the territory covered by the agreements. A veto in the hands of a Communist representative was an instrument for sabotage.

Reaction to Geneva

The negotiations at Geneva produced a flood of criticism of the Eisenhower administration's foreign policy.

Yet all of the critics flatly opposed the only step which remained to undo the Communist conquest in Indochina—the commitment of American troops to a long and costly war. General Ridgway estimated that 5 to 10 American combat divisions would have been required at the outset to win such a war.[17]

Critic MIKE MANSFIELD said, "Almost all opinions converged on one point: The United States should not become involved alone in a shooting war in Indochina." At another time, he said:

"No, I was never in favor of intervention and I am opposed to it now. I think it would be suicidal. I believe the worst thing that could happen to the United States would be to have our forces intervene in Indochina and then bog down in the jungles there." [18]

Senator John F. Kennedy said:

"I am frankly of the belief that no amount of American military assistance in Indochina can conquer an enemy which is everywhere and at the same time nowhere, an enemy of the people which has the sympathy and covert support of the people * * *. I do not think Indochina can be saved unless the other Asiatic nations * * * are willing to take their fair part in the struggle * * *. For the United States to intervene unilaterally and to send troops into the most difficult terrain in the world, with the Chinese able to pour in unlimited manpower, would mean that we would face a situation which would be more difficult than even that encountered in Korea. It seems to me it would be a hopeless situation." [19]

Senator Estes Kefauver had this to say:

"But if the decision is to be made to intervene, I say this Nation needs more than the help of Great Britain, of Australia, of New Zealand, and of France. It must have the moral and physical support, in addition to the Philippines and Thailand, of Burma, Indonesia, Ceylon, Pakistan, and if not the help, at least the understanding of India." [20]

Senator HUBERT HUMPHREY said, "We have had our bluff called two or three times in the last month. We have been defeated at Geneva." Somewhat illogically, since he opposed military intervention by the United States, Senator HUMPHREY attributed the defeat at Geneva to cuts made by the Eisenhower administration in the defense budget.[21]

The critics were not in agreement on the basis for their attacks on the administration. Adlai Stevenson thought the United States was too rigid and inflexible in negotiations.[22] MIKE MANSFIELD thought the United States should not have negotiated at all but should have stayed away from the Geneva Conference,[23] ignoring the fact that such provisions as that permitting Vietnamese who wished to escape Communist control to move to South Vietnam were the result of the bargaining effort of the representatives of this Nation.

Finally, the critics undermined their case by conceding that the war in Indochina was lost because of French colonialism and not because of anything the United States did or failed to do. Adlai Stevenson made the point when he declared, "Had France * * * granted genuine independence in orderly, sincere stages to Vietnam, there very likely would have been no war in Indochina."

The disputed election of 1956

The final declaration issued at Geneva in 1954 (subscribed to by neither the United States nor South Vietnam) called for free elections to unify all of Vietnam in 1956. Recently Senator FULBRIGHT and others have deplored the fact that the election was not held.

At Geneva the representatives of what was to be South Vietnam "vainly protested against the partition of the country and against the principle of general elections being agreed upon when more than half of the voters would be north of the 17th parallel. It vainly asked that the whole territory and population be placed under the control of the United Nations until the reestablishment of peace and security would permit the holding of really free general elections." [24]

The reasons for the refusal of South Vietnam to acquiesce in the holding of the election were stated by Prime Minister Diem on July 16, 1955:

"We did not sign the Geneva agreements. We are not bound in any way by these agreements entered into against the will of the Vietnamese people. Our policy is a policy of peace, but nothing will divert us from our goal: the unity of our country—a unity in freedom and not in slavery.

"We do not reject the principle of elections as a peaceful and democratic means to achieve unity. But elections can be one of the foundations of true democracy only on the condition that they are absolutely free. And we shall be skeptical about the possibility of achieving the conditions of free elections in the north under the regime of oppression carried on by the Vietminh." [25]

There was clearly no legal obligation on the Government of South Vietnam to abide by the terms of the final declaration. The position of South Vietnam on this point was sustained by the United Kingdom, one of the co-chairmen of the Geneva Conference, in the following statement:

"Her Majesty's government has always regarded it as desirable that these elections should be held and has advised the Government of the Republic of Vietnam to enter into consultations with the Vietminh authorities in order to insure that all the necessary conditions obtained for a free expression of the national will as a preliminary to holding free general elections by secret ballot. Nevertheless, Her Majesty's government does not agree that (South Vietnam) is legally obliged to follow the course: * * * It may be recalled that at the final session of the Geneva Conference on Indochina * * * the Vietnamese Government formally protested 'against the hasty conclusions of the Armistice Agreements by the French and Vietminh high commands only' * * * and 'against the fact that the French high command was pleased to take the right, without a preliminary agreement of the delegation of (South Vietnam), to set the date of future elections.' " [26]

Among the staunchest opponents of the holding of the 1956 election was Senator John F. Kennedy, of Massachusetts. He issued "a plea that the United States never give its approval to the early nationwide elections called for by the Geneva Agreement of 1954. Neither the United States nor free Vietnam was a party to that agreement—and neither the United States nor free Vietnam is ever going to be a party to an election obviously stacked and subverted in advance, urged upon us by those who have already broken their own pledges under the agreement they now seek to enforce." [27]

Even Hans Morgenthau spoke against action to carry out the provisions of the Geneva declaration relating to elections:

"Free elections are very subtle instruments which require a dedication to certain moral values and the existence of certain moral conditions which are by no means prevalent throughout the world, and certainly not prevalent in either North or South Vietnam." [28]

Conditions in South Vietnam, 1954–60

As South Vietnam began its existence, the prospects for its survival were minimal. Independence was thrust upon a people without political experience and without political leadership. It had no sense of nationhood. It had no industry. And, by the Geneva declaration, it seemed doomed to being swallowed up by the Communist rulers of North Vietnam in 2 years.

Some of the difficulties facing the newly selected Prime Minister Ngo Dinh Diem were outlined by one observer in these words:

"The circumstances under which the man came to power were unbelievable. He faced the opposition of the Communists * * * he also had to deal with the open hostility of French military men and the remnants of the French colonial service, who regarded him as anti-French, and who expected him to last only a few weeks at the most. Then, as a consequence of a provision of the Geneva accords, authorizing free movement between the north and south zones for a limited period, more than 850,000 refugees came into South Vietnam from the Communist North Vietnam during the next 300 days, to be fed, clothed, and housed. In addition, he found that his 'full powers, civil and military,' an extraordinary grant which Bao Dai had conceded him as a condition of his acceptance of office, existed principally on paper." [29]

Yet when the Eisenhower administration left office, South Vietnam had a stable and established government.

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[16] "Background," p. 68.

[17] CONGRESSIONAL RECORD, vol. 100, pt. 8, p. 9999.

[18] CONGRESSIONAL RECORD, vol. 100, pt. 8, p. 10007.

[19] CONGRESSIONAL RECORD, vol. 100, pt. 4, p. 4673.

[20] CONGRESSIONAL RECORD, vol. 100, pt. 6, p. 7919.

[21] CONGRESSIONAL RECORD, vol. 100, pt. 6, p. 8342.

[22] New York Times, October 17, 1954.

[23] CONGRESSIONAL RECORD, vol. 100, pt. 8, p. 9997.

[24] "Vietnam at the Crossroads of Asia," Embassy of Vietnam, Washington, D.C. (1960) p. 17.

[25] Francis J. Corley, "Vietnam Since Geneva," Thought, vol. 33, No. 131 (winter 1958–59), p. 564.

[26] "Vietnam and the Geneva Agreements," London, May 1956, p. 9.

[27] "A Symposium on America's Stake in Vietnam," American Friends of Vietnam, New York, 1956.

[28] Ibid.

[29] Wesley R. Fishel, "Free Vietnam Since Geneva," Yale Review (autumn 1959), p. 70.

Senator John F. Kennedy called the development "a near miracle." In his book, "Strategy of Peace," published in 1960, he said:

"In what everyone thought was the hour of total Communist triumph, we saw a near miracle take place . . . Today that brave little state (South Vietnam) is working in free and friendly association with the United States, whose economic and military aid has, in conditions of independence, proved effective."[30]

Senator MIKE MANSFIELD, on February 26, 1960, reported as chairman of the Subcommittee on State Department Organization and Public Affairs of the Senate Committee on Foreign Relations:

"By any measure Vietnam has made great progress under President Ngo Dinh Diem in the improvement of internal security, in the creation of the forms and institutions of popularly responsible government where before few existed, and in the advancement of the welfare of the people of Vietnam. The U.S. aid program has been an important factor in that progress. It is still an important factor."[31]

The State Department's white paper of December 1961, "A Threat to the Peace," contains the following analysis of progress in South Vietnam:

"The years 1956 to 1960 produced something close to an economic miracle in South Vietnam. Food production rose an average of 7 percent a year and prewar levels were achieved and passed. While per capita food production in the north was 10 percent lower in 1960 than it had been in 1956, it was 20 percent higher in the south. The output of textiles in the south jumped in only 1 year from 68 million meters (in 1958) to 83 million meters. Sugar production in the same 1-year span increased more than 100 percent, from 25,000 metric tons to 58,000 metric tons.

"Despite the vastly larger industrial plant inherited by the north when Vietnam was partitioned, gross national product is considerably larger in the south. In 1960 it was estimated at $110 per person in the south and $70 in the north. Foreigners who have visited both north and south testify to the higher living standards and much greater availability of consumer goods in the latter.

"The record of South Vietnam in these recent years is written in services and in improved welfare as well as in cold economic indexes. A massive resettlement program effectively integrated the 900,000 refugees from the north into the economic and social fabric of the south. An agrarian reform program was designed to give 300,000 tenant farmers a chance to buy the land they work for a modest price. Under the Government's agricultural credit program aimed at freeing the farmers from the hands of usurers, loans to peasant families increased fivefold between 1957 and 1959.

"Thousands of new schoolrooms were built and the elementary school population in South Vietnam increased from 400,000 in 1956 to 1,500,000 in 1960. A rural health program installed simple dispensaries in half of South Vietnam's 6,000 villages and hamlets. An elaborate malaria eradication program was launched to rid Vietnam of its most important infectious disease. Doctors and nurses went into training in South Vietnam and abroad to serve their people's health needs.

"This is a part, a very small part, of the setting against which the Viet Cong launched their campaign of armed action, subversion, and terror against South Vietnam. It is a record of progress over a few brief years equaled by few young countries."[32]

Secretary McNamara added his testimony on March 26, 1964:

"The United States * * * provided help—largely economic.

"On the basis of this assistance and the brave, sustained efforts of the Vietnamese people, the 5 years from 1954 to 1959 gave concrete evidence that South Vietnam was becoming a success story. By the end of this period, 140,000 landless peasant families had been given land under an agrarian reform program; the transportation system had been almost entirely rebuilt; rice production had reached the prewar annual average of 3.5 million metric tons—and leaped to over 5 million in 1960; rubber production had exceeded prewar totals; and construction was underway on several medium-size manufacturing plants, thus beginning the development of a base for industrial growth.

"In addition to such economic progress, school enrollments had tripled, the number of primary school teachers had increased from 30,000 to 90,000, and almost 3,000 medical aid stations and maternity clinics had been established throughout the country. And the South Vietnamese Government had gone far toward creating an effective apparatus for the administration of the nation. A National Institute of Administration had been established with our technical and financial assistance—a center for the training of a new generation of civil servants oriented toward careers of public service as opposed to the colonial concept of public rule."[33]

The progress which, by all this testimony, was made in South Vietnam between 1955 and 1960, was due in no small part to the assistance of the United States.

Without the support of the United States, South Vietnam would have been stillborn. During fiscal years 1955 through 1961, $2.3 billion—63 percent of it for economic purposes—was provided by the Eisenhower administration. Technical assistance was given on a large scale to increase and diversify the output of the country's economy and to spur the achievement of far-reaching social reforms, notably in the fields of education and diffusion of land ownership.

But a viable Vietnam also required security from outside aggression and from terrorism and guerrilla activities within the country. To increase security, the Eisenhower administration proceeded promptly to form a regional defense organization, the Southeast Asia Treaty Organization, and to bring South Vietnam, as well as Laos and Cambodia, within its protective cover.

Specifically to meet the threat of infiltration from North Vietnam and the depredations of guerrillas in the South, the United States provided military equipment and training to the forces of South Vietnam.

There can be no question that only the help of the United States made possible the survival of South Vietnam. Without it, everything south of the 17th parallel would have fallen to the Communists a decade ago.

No commitment of troops by Eisenhower

There is no merit in President Johnson's repeated explanation of the Nation's present military involvement in Vietnam as the result of President Eisenhower's letter of October 1, 1954, to Prime Minister Diem. The letter, as Secretary McNamara admitted on March 26, 1964, was in response to a request for "economic assistance."[34] It promised American help for the resettlement of refugees from North Vietnam and an exploration of "ways and means to permit our aid * * * to make a greater contribution to the welfare and stability of the Government of Vietnam." * * * In the even such aid were supplied," President Eisenhower wrote, the United States would expect "assurances as to the standards of performance." The purpose of this conditional offer, he said, was "* * * to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means." This was the extent of the commitment made in this letter.[35]

More recently, the administration has deemphasized the Eisenhower letter to Diem and has argued that the present military involvement in Vietnam results from the Southeast Asia Collective Defense Treaty signed at Manila on September 8, 1954.

This Treaty contained no advance commitment to send American troops to fight in Southeast Asia. It carefully avoided the kind of automatic response to aggression embodied in the NATO agreement, summarized in the principle, "An attack upon one is an attack upon all."

Section 1 of Article IV of the SEATO Agreement reads:

"1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes."

Secretary Dulles, testifying before the Senate Foreign Relations Committee on the SEATO Treaty, declared,

"The agreement of each of the parties to act to meet the common danger 'in accordance with its constitutional processes' leaves to the judgment of each country the type of action to be taken in the event an armed attack occurs."

Further, Mr. Dulles said, the treaty "does not attempt to get into the difficult question as to precisely how we act . . ."[36]

In the Senate debate on ratification of the SEATO agreement, on February 1, 1955, Senator H. Alexander Smith, a delegate to the Manila Conference who signed the agreement on behalf of the United States, clearly explained the nature of the commitment in these words,

"Some of the participants came to Manila with the intention of establishing an organization modeled on the lines of the North Atlantic Treaty arrangements. That would have been a compulsory arrangement for our military participation in case of any attack. Such an organization might have required the commitment of American ground forces to the Asian mainland. We carefully avoided any possible implication regarding an arrangement of that kind.

"We have no purpose of following any such policy as that of having our forces involved in a ground war.

"Under this treaty, each party recognizes that an armed attack on any country within the treaty area would endanger its own peace and safety. Each party, therefore, agrees to act to meet the common danger in accordance with its constitutional processes. That means, by implication, that if any such emergency as is contemplated by the treaty should arise in that area it will be brought before the Congress by the President and the administration, and will be considered under our constitutional processes. We are not committed to the principle of NATO, namely, that an attack on one is an attack on all, calling for immediate military action without further consideration by Congress.

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[30] "Strategy of Peace," pp. 61–62.

[31] U.S. Aid Program in Vietnam, report of the Subcommittee on State Department Organization and Public Affairs, Senate Foreign Relations Committee, February 26, 1960, p. 1.

[32] "A Threat," pp. 5–6.

[33] Department of State Bulletin, April 13, 1964, pp. 563–564.

[34] Ibid.

[35] "Background," pp. 75–76.

[36] Hearings before Senate Committee on Foreign Relations, concerning Southeast Asia Collective Defense Treaty, 83d Congress, 2d Session, November 11, 1954, Part I, p. 4.

"For ourselves, the arrangement means that we will have avoided the impracticable overcommitment which would have been involved if we attempted to place American ground forces around the perimeter of the area of potential Chinese ingress into southeast Asia. Nothing in this treaty calls for the use of American ground forces in that fashion." [37]

One academic authority, W. McMahon Ball, has written, "The treaty does not oblige the United States either legally or morally to take any course in Southeast Asia than the course it might be expected to take if the treaty did not exist." [38]

Article IV of the Southeast Asia Collective Defense Treaty clearly reserves to each signatory the right to determine the nature of its response to armed aggression and does not obligate any signatory to use its armed forces to deal with the aggressor.

Recognizing this fact, the Kennedy administration did not use American forces to repel Communist aggression in Laos. The legal commitment of the United States to Laos was the same as its commitment to Vietnam. Both of these countries of southeast Asia were brought under the protection of SEATO.

Lyndon Johnson as Vice President made it clear in 1961 that the United States had not up to that time made a commitment that obligated it to employ its military forces in Southeast Asia. In a memorandum to President Kennedy dated May 23, 1961, right after his return from a tour of Asia, Johnson wrote:

"The fundamental decision required of the United States—and time is of the greatest importance—is whether we are to attempt to meet the challenge of Communist expansion now in Southeast Asia by a major effort in support of the forces of freedom in the area or throw in the towel. This decision must be made in a full realization of the very heavy and continuing costs involved in terms of money, of effort, and of U.S. prestige. It must be made with the knowledge that at some point we may be faced with the further decision of whether we commit major U.S. forces to the area or cut our losses and withdraw should our efforts fail. We must remain master of this decision." [39]

Finally, General Maxwell Taylor in testimony before the Senate Foreign Relations Committee on February 17, 1966, demolished the argument that the Eisenhower administration made any commitment to employ American troops in combat in Southeast Asia:

Senator HICKENLOOPER. "Now, up until the end of the Eisenhower administration, we had only about 750 military personnel in South Vietnam, did we not?"

General TAYLOR. "It was very small, something like that."

Senator HICKENLOOPER: "I think that is within 25 or 30 of the number, either way, and they were entirely devoted to giving technical advice on training to the South Vietnamese troops."

General TAYLOR. "That is correct."

Senator HICKENLOOPER: "To your knowledge, did we have any commitment or agreement with the South Vietnamese up to that time that we would put in active field military forces to conduct a war along with them?"

General TAYLOR: "No, sir. Very clearly we made no such commitment. We didn't want such a commitment. This was the last thing we had in mind." (Emphasis added)

Senator HICKENLOOPER: "When was the commitment made for us to actively participate in the military operations of the war as American personnel?"

General TAYLOR: "—Insofar as the use of our combat ground forces are concerned, that took place, of course, only in the spring of 1965." [40]

The New York Times of August 19, 1965, correctly stated the case when it said, "The shift from military assistance and combat advice to direct participation by American combat troops in the Vietnamese war has . . . been a unilateral American decision . . . by President Johnson."

The beginning of the Communist offensive

Although the Government of South Vietnam never established unchallenged authority in the entire countryside, a period of relative peace and stability extended from 1955 to 1959. Late in the latter year the tempo of guerrilla attacks began to assume significant proportions.

During 1960 the armed forces of the Vietcong began to increase from the level of 3,000 at the beginning of the year. During this year the Vietcong assassinated or kidnaped more than 2,000 civilians. Acts of terrorism were directed particularly against local officials in rural areas to leave the countryside leaderless.

The signal from North Vietnam for intensification of the conflict came on September 10, 1960, at the Third Congress of the Communist Party of North Vietnam with a call for the liberation of the south from the "rule of the U.S. imperialists and their henchmen." In December the National Front for Liberation of South Vietnam was formed by Hanoi.

III. THE KENNEDY ADMINISTRATION

The Democratic administration which took office in January of 1961 was confronted not only with problems in South Vietnam but with far more acute difficulties in the neighboring nation of Laos. In Vietnam sporadic guerrilla attacks were going on. In Laos, Communist Pathet Lao forces were engaged in a full-scale offensive that threatened the government of Premier Boun Oum.

Laos

Recognizing the seriousness of the situation in Laos, President Kennedy addressed himself to this subject in a news conference on March 15, 1961. The President said:

"Recent attacks by rebel forces indicate that a small minority backed by personnel and supplies from outside is seeking to prevent the establishment of a neutral and independent country (of Laos). We are determined to support the government and the people of Laos in resisting this attempt." [41]

On March 23 the President warned, "* * * if there is to be a peaceful solution, there must be a cessation of the present armed attacks by externally supported Communists * * *. No one should doubt our resolution on this point * * * all members of SEATO have undertaken special treaty responsibilities toward an aggression in Laos." [42]

Sixteen months later the Government of the United States acquiesced in a settlement which terminated any responsibility which the SEATO powers had toward Laos and imposed on that country a coalition government including Communist representation. Acceptance of this settlement by the government of Laos recognized by the United States was brought about by suspension of American aid.

Although American spokesmen said that the United States would not negotiate on the subject of Laos until a cease-fire was in effect, on May 16, 1961, Secretary Rusk appeared at the opening of the Geneva Conference ready to negotiate. A cease-fire had, it is true, been proclaimed on May 3 but the Communists kept on fighting. How spurious the announced cessation of hostilities was can be judged from the fact that the United States on May 30 submitted to the conferees at Geneva a list of 38 Communist breaches of the cease-fire agreement. Throughout the 14 months of the Geneva Conference, violations continued. On May 7, 1962, the Pathet Lao captured the city of Nam Tha after a siege of 4 months. By May 12, the Communist forces completed the ocupation of northwest Laos in a 10-mile advance beyond the cease-fire line that compelled the United States to send 5,000 military personnel to Thailand because of the "grave threat" to that country.

The United States continued to negotiate at Geneva. It no longer even protested violations of the cease-fire.

At the outset of the Geneva Conference on May 17, 1961, Secretary Rusk said that the United States would insist on "effective controls, effectively applied to maintain a genuinely independent Laos." As a "yardstick which will influence the attitude of the United States toward the work of this conference," he laid down five principles dealing with the operation of the body which would supervise the execution of the agreement.[43] They were inspired by unhappy experience with the international control commissions established to police the Geneva agreements of 1954.

In summary, Secretary Rusk's principles boiled down to these: that no member of the supervisory commission should possess a veto power by which it might prevent the execution of decisions of the majority of the commission and that the commission must enjoy full freedom of action and of movement throughout the territory in which it was to function.

The Declaration and Protocol on Neutrality in Laos, signed July 21, 1962 (the anniversary of the 1954 Geneva Agreement) proclaimed the neutrality of Laos, required the withdrawal of foreign troops, established a control commission composed of Poland, India, and Canada, but it showed no trace of the principles laid down by Secretary Rusk when the Conference opened. Each member of the Control Commission was to possess the power to veto any decision except a decision to initiate an investigation.

Six months before the Geneva Agreement of 1962 was signed, the State Department issued an anguished complaint about the failure of the Control Commission in Vietnam to function in dealing with 1,200 incidents of alleged Communist violations of the 1954 agreement.[44]

Nevertheless, Averell Harriman called the 1962 agreement "a good agreement—better than I thought we would work out." [45]

Mr. Harriman's appraisal makes interesting reading in the light of the following remarks by Secretary Rusk two years later on June 14 1964:

"What happened? The non-Communist nations complied with the agreements. North Vietnam and its Pathet Lao puppets did not. We promptly withdrew our 600-man military aid mission. North Vietnam kept several thousand troops and military technicians in Laos. North Vietnamese cadres are the backbone of almost every Pathet Lao battalion. This was, and is, of course, a major violation of the Geneva accords.

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[37] CONGRESSIONAL RECORD, vol. 101, pt. 1, p. 1053.

[38] "A Political Reexamination of SEATO," International Organization (winter 1958), p. 20.

[39] Johnson memorandum appears in William S. White's "The Professional: Lyndon B. Johnson" (1964), p. 243.

[40] Hearings before Senate Committee on Foreign Relations concerning Supplemental Foreign Assistance bill (S. 2793), 89th Congress, 2d Session, February 17, 1966, Part I, p. 450.

[41] "Public Papers of the Presidents, John F. Kennedy," 1961, p. 185.

[42] Ibid., p. 214.

[43] "Documents on American Foreign Relations 1961," Council on Foreign Relations, 1962, pp. 311–318.

[44] "A Threat," p. 24.

[45] Washington Post, July 25, 1962.

"Later, North Vietnam sent additional forces back into Laos—some of them in organized battalions—a second major violation.

"The North Vietnamese have continued to use, and improve, the corridor through Laos to reinforce and supply the Vietcong in South Vietnam—a third major violation.

"The Communists have continued to ship arms into Laos as well as through it—another major violation.

"The Pathet Lao and the North Vietnamese Communists have compounded these international felonies by denials that they were committing them.

"But there was another major violation which they could not deny. They barred freedom of access to the areas under their control, both to the Lao Government and to the International Control Commission. The Royal Lao Government, on the other hand, opened the areas under its control to access not only by the ICC but by all Lao factions.

"The Communists repeatedly fired at personnel and aircraft on legitimate missions under the authority of the Royal Lao Government. They even fired on ICC helicopters. They repeatedly violated the ceasefire agreement. And this spring they launched an assault on the neutralist forces of General Kong Le, driving them off the Plaine des Jarres, where they had been since early 1961.

"This, in bare summary, is the Communist record of aggression, bad faith, and deception in Laos." [46]

Laos today is ripe for picking by the Communists whenever they choose to use the force necessary to take over the entire country.

Communist control of large areas of Laos has had a direct bearing on military operations in South Vietnam. The State Department noted that Laos "provides not only a route into South Vietnam but also a safe haven from which Vietcong units operate." It also asserted that "the pace of infiltration of officers and men has jumped markedly since Pathet Lao victories in Laos have assured a relatively safe corridor through that country into western South Vietnam." [47]

The importance of Laos arises less from its military significance, however, than from the fact that it tested the resoluteness of the Government of the United States. When the administration retreated repeatedly from its announced positions in the case of Laos, the Communists might well have concluded that the United States would in time back down in South Vietnam.

Averell Harriman drew a distinction between the two nations, pointing out that Laos was landlocked and could be defended only by ground forces. "In Vietnam, on the other hand," he said in a statement that has an ironic ring today, "a decision to assist the Republic of Vietnam to defend itself against the sort of attack being waged in that country would not involve the deployment of U.S. combat forces and would not require the occupation of foreign territory by the United States or other Western forces." [48]

Vietnam

In May of 1961 Vice President Johnson was sent to Vietnam. There he lavished praise on Prime Minister Diem, comparing his host to Washington, Jackson, Wilson, Franklin D. Roosevelt, and Winston Churchill. He assured Diem that the United States was with him "all the way." [49]

The result of the Vice President's trip was a substantial increase in American aid for military, economic, and social purposes. American manpower, the Vice President reported, was not needed.

The Vice President's trip to Vietnam was the first of several by important administration figures. It set a pattern which was to be followed without variation by the others—a rash of optimistic statements on the status and future prospects of the military struggle and an extension of American involvement either in the form of aid or manpower or both.

The year 1961 saw the development of the conflict in Vietnam from covert guerrilla action to open, if still small-scale, war. In that year for the first time the Vietcong committed forces of battalion size to combat. For the first time they launched an attack on a community as important as a provincial capital. The infiltration of Communist troops from the north, facilitated by unchallenged Communist control of eastern Laos, increased. By the end of 1961, the State Department estimated that between 8,000 and 12,000 regular Vietcong troops were in South Vietnam—at least double the number present there 1 year earlier. The United States doubled its forces of military advisers in South Vietnam from fewer than 700 stationed there when President Eisenhower left office to 1,364.

In the period 1961 to 1963 the number of American troops in South Vietnam grew from 1,364 to 16,575. The amount of aid, military and economic, was increased substantially, although the exact figures for military aid are classified after fiscal year 1962.

In the late summer and fall of 1963, the internal crisis in South Vietnam arising from conflict between the Diem regime and the Buddhists produced a deterioration of the military situation and a decision by the U.S. Government to encourage a change of horses. American aid was cut back. Official statements indicating lack of confidence in the Diem government and calling for a change of personnel and policy were issued. Diem was removed in a military coup and was assassinated along with his brother Ngo Dinh Nhu.

There is general agreement now that the coup of November 1963 led to chaos in South Vietnam and resulted in substantial Vietcong gains.

Strangely, the setbacks that occurred at the end of 1963 and the beginning of 1964 began only 1 month after Secretary McNamara and General Taylor returned from South Vietnam with an optimistic report. So strong was their optimism that an immediate reduction of the American force in South Vietnam by 1,000 men was announced and the prediction was made that virtually all American troops would be withdrawn by the end of 1965.

The text of the White House announcement of October 2, 1963, follows:

"Major U.S. assistance in support of this military effort is needed only until the insurgency has been suppressed or until the national security forces of the Government of South Vietnam are capable of suppressing it. Secretary McNamara and General Taylor reported their judgment that the major part of the U.S. military task can be completed by the end of 1965, although there may be a continuing requirement for a limited number of U.S. training personnel. They reported that by the end of this year, the U.S. program for training Vietnamese should have progressed to the point where 1,000 U.S. military personnel assigned to South Vietnam can be withdrawn." [50]

IV. THE JOHNSON ADMINISTRATION

During the administration of President Johnson the United States has become a full-fledged combatant in a conflict that is becoming bigger than the Korean War.

President Johnson has raised American troop strength in Vietnam from 16,000 at the end of 1963 to approximately 300,000 in late August 1966.

Today at least 85,000 other American service personnel are offshore or in bases in nearby countries supporting the military effort in Vietnam, making total troop strength in the area approximately 385,000.

Reliable estimates indicate that the nation's forces in Vietnam will increase to between 375,000 and 400,000 by the end of 1966 and will continue growing thereafter.

The maximum number of American ground forces at any time in Korea in the last Asiatic war in which this country was involved was 302,483.

Thus far in 1966, American casualties are running at a rate of 35,000 a year—still below the annual rate of 46,000 in the Korean War.

More and more, under President Johnson, the United States has assumed the major responsibility for the war despite the President's pledge not to commit American troops. In Akron, Ohio, on October 21, 1964, Mr. Johnson promised ". . . we are not about to send American boys nine or ten thousand miles away from home to do what Asian boys ought to be doing for themselves." [51]

Since President Johnson assumed his present office, the fringes of the war have spread in Laos and into Thailand.

Sporadic ground fighting goes on in Laos as Communist forces push toward Thailand where 25,000 American servicemen are stationed, most of whom are engaged in air operations in Laos and North Vietnam.

Thailand has been subject over the past year to small-scale but growing Communist infiltration and subversion. In the words of a top U.S. official on the scene, it "could be another Vietnam." [52] The subversion, which increasingly takes the terroristic form used in Vietnam—murder of village officials, school teachers, and police—is confined mainly to two areas—the Northeast, along the extended Laotian border, and the South, along the short border with Malaysia.

The more ominous Communist activity is carried on in the Northeast by Pathet Lao from Laos and infiltrators from North Vietnam. They seek support not only among the ten million peasants in the area, for whom Lao rather than Thai is the predominant language, but also from among 40,000 North Vietnamese refugees who migrated across Laos in the early 1950's to escape the war with the French.

Besides the commitment of a large force to ground warfare, the Johnson administration has escalated the activity of the Air Force. In February 1965 it began sustained bombing of large areas of North Vietnam. In late June 1966 it began to attack oil storage facilities in areas around Hanoi and Haiphong which had been off limits to American bombers before that time.

Along with intensification and expansion of its military activity, the Johnson administration has taken extraordinary steps to bring bout negotiations to end the fighting. In March 1965 the President announced willingness to enter unconditional negotiations, reversing the policy proclaimed by Secretary Rusk two weeks earlier barring negotiations until Hanoi showed readiness to cease aggression.[53]

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[46] Department of State Bulletin, July 6, 1964, pp. 4–5.

[47] "A Threat," p. 10.

[48] "What We Are Doing in Southeast Asia," New York Times Magazine, May 27, 1962, p. 54.

[49] Saigon Times, May 11–14, 1961.

[50] "Background," p. 110.

[51] "Public Papers of the Presidents, Lyndon B. Johnson," 1963–64, Vol. II, p. 1391.

[52] Baltimore Sun, August 8, 1966. The American official quoted was Tracy S. Park, Director, U.S. Operations Mission in Thailand.

The Johnson administration suspended bombing of North Vietnam for 6 days in May of 1965 and again for 37 days from December 24, 1965 to January 31, 1966. With a flamboyance rarely used in diplomacy, it then unleased a "peace offensive," sending several emissaries on a whirlwind tour of non-Communist world capitals to advertise the administration's desire for peace. It has blessed the efforts of other nations and of public and private intermediaries to bring about a conference to discuss peace. As the bombing of North Vietnam was resumed, it turned to the Security Council of the United Nations on January 31, 1966, requesting that it call a conference.

The administration has dangled a carrot before the enemy by offering "a billion dollar American investment" for the regional development of Southeast Asia, including the development of the Mekong River—a plan similar, except for the cost, to one proposed by the Eisenhower administration 10 years earlier. At the Honolulu Conference of February 1966, the administration pledged American aid in creating a new social and economic order in South Vietnam—a pledge which Vice President HUMPHREY expanded into "realizing the dream of the great society in the great area of Asia." [54]

While promising lavish use of American economic resources for Asian development, the administration has been strangely unwilling to use American economic power in support of America's fighting men. It has moved slowly to restrict the trade of North Vietnam with other nations, to end the use of free world shipping to North Vietnam, and to prevent the scandalous diversion of a substantial part of its own economic aid into illicit and hostile hands in South Vietnam.

Deescalation of the objective of the United States

As the military effort of the United States in Vietnam has burgeoned and as peace offensives have waxed and waned, the pronouncements of President Johnson defining the objective of the United States have been progressively watered down.

On December 31, 1963, the President, in a letter to Gen. Duong Van Minh, said the objective was "achieving victory." [55] On July 28, 1965, the President said "our goal . . . [is] . . . to convince the Communists that we cannot be defeated by force of arms." [56]

In more specific terms, the President on April 20, 1964, expressed willingness to accept "any settlement which assures the independence of South Vietnam and its freedom to seek help for its protection." [57] His speech of April 7, 1965, at Johns Hopkins University seemed to discard the freedom of South Vietnam to seek help for it protection, for on that occasion the President defined the objective in contradictory terms as "an independent South Vietnam—securely guaranteed and able to shape its own relationships to all others—free from outside interference—tied to no alliance—a military base for no other country." [58] Clearly South Vietnam would not have freedom to shape its relationship to other countries if it were barred from ties with alliances or from providing a military base to another country. Experience suggests that without an ally South Vietnam would not be securely guaranteed.

On July 28, 1965, the President seemed to discard the independence of South Vietnam as an objective. Declaring that the "purposes" of the 1954 Geneva agreements "are still our own," he asserted that "the people of South Vietnam shall have the right to shape their own destiny in free elections—in the South or throughout all Vietnam under international supervision." [59]

Again, in January 1966, the State Department, outlining American peace terms in Fourteen Points, called the Geneva Agreements "an adequate basis for peace in Southeast Asia." There is room for doubt that a third Geneva Agreement would succeed in bringing peace when two such agreements have failed.

The point here, however, is that to propose a third Geneva Agreement is to water down the announced objective in Vietnam. The Geneva Agreement of 1954 did not provide for "an independent South Vietnam," which President Johnson earlier declared to be the objective of his policy. It envisaged the unification of North and South Vietnam and its effect, through an election which, in the words of John F. Kennedy, would have been "stacked and subverted in advance," would have been Communist control of all of Vietnam.

The call for a return to the Geneva Agreements raises the disquieting possibility that the present administration is ready to accept in Vietnam the type of election which the United States rejected a decade ago.

Further, the arrangements for supervising the execution of the Geneva Agreements of 1954 and 1962 do not meet the standards set by the President that South Vietnam must be "securely guaranteed." A supervisory commission including a Communist member armed with the power to veto decisions of the majority will never provide a secure guarantee.

In early 1966 the objective of the administration in Vietnam became murkier. Senator ROBERT KENNEDY then proposed a settlement of the war which would admit the Viet Cong to "a share of power and responsibility" in South Vietnam. This proposal in effect looked toward settling the problem of Vietnam as the problems of Poland, Rumania, Bulgaria, and Czechoslovakia were settled after World War II and as the problem of Laos was settled in 1962.

Although HUBERT HUMPHREY denounced the Kennedy proposal as ". . . putting a fox in the chicken coop . . . an arsonist in a fire department," President Johnson refused to endorse his Vice President's stand, and White House Press Secretary Moyers declined to rule out as unacceptable the inclusion of Vietcong in a South Vietnamese government selected at a peace conference.[60]

If placing Communists in a South Vietnamese government as part of a peace settlement is acceptable to the President—as it is to many influential members of his party, all the fighting in Vietnam—all the sacrifices—all the bloodshed—make no sense.

The silence of the President on the issue in the Humphrey-Kennedy disagreement suggests abandonment of the objectives stated by Secretary Rusk on January 21, 1966, "the government of South Vietnam is a matter which should be determined by the people of South Vietnam themselves. We ourselves have supported and continue to support the idea of free elections in which the South Vietnamese people can make these decisions rather than have these decisions made for them by imposition from the outside." [61]

MISCALCULATION

The President has told the Nation, "This is really war."

To what degree miscalculation on the part of the enemy has brought about this state of affairs, no one can be sure. It is clear, however, that many of the words and deeds of the past few years could only have encouraged underestimation of the constancy and firmness of the Nation in the pursuant of its foreign goals.

The whole handling of the problem of Laos could have no result other than the conclusion that the United States would not match its words with deeds.

The administration said that it would not permit aggression against Laos to succeed, but it did.

The administration said that it would not begin negotiating about Laos until a ceasefire had been put into effect, but it did.

The administration indicated that it would not accept a peace settlement in Laos which granted a veto to any member of the Commission established to supervise the peace, but it did.

Miscalculation was the natural result of the withdrawal of American backing for the Diem government. For the United States had pledged its support to Diem "all the way," in Lyndon Johnson's phrase in 1961. Abrupt reversal of policy leading to the overthrow of the leader whom the Government of the United States had been ardently supporting and whose downfall was a major Vietcong objective could appear only as evidence of weakening of the resolve of this Nation. Whether the error was the commitment to support Diem "all the way" or connivance in Diem's downfall, the net effect was to cast doubt on the value and durability of a pledge of support by the United States.

Miscalculation was encouraged by President Johnson's campaign oratory of 1964. In order to make his opponent appear reckless and trigger happy, the President in several statements set limits to American participation in the Vietnamese conflict which were to be exceeded after the election.

Philip L. Geyelin, foreign affairs expert of the Wall Street Journal, summarized the President's campaign theme in these words, ". . . it was not his [Johnson's] commitment to Vietnam, it was Dwight Eisenhower's; while he intended to honor it, he also intended to avoid a deeper U.S. involvement in the fighting." [62]

For example, on August 12, 1964, the President said:

"Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job that Asian boys should do." [63]

Again, on August 29, the President declared:

"I have had advice to load our planes with bombs and to drop them on certain areas that I think would enlarge the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land. And for that reason, I haven't chosen to enlarge the war." [64]

On September 25, the President said,

"There are those that say you ought to go north and drop bombs, to try to wipe out the supply lines, and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to get involved in a nation with 700 million people and get tied down in a land war in Asia."[65]

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[53] Rusk, News Conference, February 25, 1965, Department of State Bulletin, Vol. LII, No. 1342, March 15, 1965, p. 370.

[54] New York Times, April 20, 1966.

[55] "Public Papers of the Presidents, Lyndon B. Johnson," 1963–64, Vol. I, p. 106.

[56] "Weekly Compilation of Presidential Documents," August 2, 1965, Vol. I, No. 1, p. 15.

[57] "Public Papers of the Presidents, Lyndon B. Johnson," 1963–64, Vol. I, p. 498.

[58] "Background," p. 207.

[59] "Background," p. 241.

[60] Presidential News Conference of Feb. 26, 1966, New York Times, Feb. 27. Moyers comment: New York Times, Feb. 23, 1966, pp. 1, 12.

[61] Rusk News Conference, Department of State Bulletin, February 7, 1966, Vol. LIV, No. 1389, p. 190.

[62] Geyelin, Philip L., "Lyndon B. Johnson and the World." New York 1966, p. 195.

[63] "Public Papers of the Presidents, Lyndon B. Johnson," 1963–64, Vol. II, p. 952.

[64] Ibid., p. 1022.

On September 28, the President said,

"Some of our people—Mr. Nixon, Mr. Rockefeller, Mr. Scranton, and Mr. Goldwater—have all, at some time or other, suggested the possible wisdom of going north in Viet-Nam.

". . . We are not going north and we are not going south; we are going to continue to try to get them to save their own freedom with their own men, with our leadership, and our officer direction, and such equipment as we can furnish them."[66]

On October 21, the President said,

"We are not about to send American boys 9 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves."[67]

Two days before the 1964 election, as though to put the President's campaign promises to the acid test, the Vietcong directly attacked the U.S. airbase in Bien Hoa, killing five Americans, wounding 76 and destroying several aircraft. This was a more serious challenge than the attack in Tonkin Gulf, which caused no American losses but which was met by an aerial attack on North Vietnam. This time, however, there was no response from the United States.

". . . the failure of the United States to respond to the Bien Hoa provocation," Philip Geyelin wrote, "coming on the heels of a conciliatory Vietnam line in the campaign, in which Lyndon Johnson plainly made manifest his profound disinclination to widen the war, must certainly have encouraged Hanoi and Peking in the belief that Tonkin had been a special case, and that U.S. installations could be attacked with impunity."[68]

"Perhaps," Secretary Rusk was quoted in the New York Times as saying, "the Communist world misunderstood our Presidential campaign."[69] Perhaps, indeed, it did. Perhaps the Communist world expected the President's policy after the election to conform to his campaign speeches.

One respected White House correspondent Charles Roberts of Newsweek, has written, ". . . The President . . . told me in May 1965, that he had made the decision to bomb [North Vietnam] . . . four months before Pleiku."[70] The time of decision, then, would have been October 1964 at the height of the Presidential campaign.

Whether the decision to strike at the North was made then or not, it is clear that throughout the campaign South Vietnam was perilously close to collapse. The President must have known, even as he offered assurances of no further involvement that South Vietnam would go down the drain unless the military effort of the United States was drastically augmented.

Describing the campaign, Philip Geyelin has written, "What developed was a deadly race against time; increasingly the question agonizing the war-planners in Washington and Saigon was whether South Vietnam could be kept from crumbling without a much more vigorous U.S. effort before November 3."

"Meanwhile, there were clear signs of growing anxiety, if not at the highest official level, at least at the lower working levels of the government; the experts could read the signs in the increased political shambles in Saigon, in the increased rate of infiltration, in the tide of war that was running unmistakably against the South Vietnamese. 'It is going to be close,' said one of the State Department's most reliable authorities as the U.S. election day approached."[71]

It is impossible to measure the cost of the President's deceptive campaign oratory of 1964 and the postponement until after the election of a step-up in the military activity of the United States in Vietnam. How many American casualties and how much expenditure of American economic resources might have been avoided by telling the truth in 1964 and by earlier use of American air power against important military targets will never be known.

Lack of candor on the part of the administration

The lack of candor of the administration encourages the enemy to miscalculate. It also misleads and confuses the American public. Thus it strikes at the vitals of our system of government, for, without reliable information, public opinion cannot wisely guide and restrain public policy.

The examples of lack of candor about Vietnam are legion.

The administration, for example, has consistently concealed difficulties and dangers with optimistic pronouncements and predictions.

Consider such statements as the following by Secretary McNamara:

"Actions taken there [in Vietnam] have proved effective and will prove more effective as time goes on." (Jan. 17, 1962.)

"Progress in the last 8 to 10 weeks has been great. The Government has asked only for logistical support. Nothing but progress and hopeful indications of further progress in the future." (May 12, 1962.)

"Our military assistance to Vietnam is paying off. I continue to be encouraged. There are many signs indicating progress." (July 25, 1962.)

"There is a new feeling of confidence that victory is possible in South Vietnam." (Jan. 31, 1963.)

"The major part of the U.S. military task can be completed by the end of 1965, although there may be continuing requirement for a limited number of U.S. training personnel." (Oct. 2, 1963.)

"We have every reason to believe that [U.S. military] plans will be successful in 1964." (Dec. 12, 1963.)

"With these further measures, we felt that a start could be made in reducing the number of U.S. military personnel in Vietnam as their training missions were completed. Accordingly, we announced that about 1,000 men were to be withdrawn by the end of 1963, and expressed the hope that the major part of the U.S. military task could be completed by the end of 1965, although we recognized that there might be a continuing requirement for a limited number of U.S. advisory personnel." (Jan. 30, 1964.)

"We are confident these plans point the way to victory." (March 1964.)[72]

It would be tedious to detail the facts that showed how remote each of these pronouncements was from grim reality. Two examples will suffice.

Secretary Rusk declared in the course of a visit to Vietnam on April 20, 1964, that things were showing "steady improvement." The headline in the New York Times 2 days later read, "Reds inflict heaviest toll on South Vietnam Army." It had been the bloodiest week of the war, the Times reported, with 1,000 Vietnamese Government and 23 American casualties.

On November 29, 1965, Secretary McNamara said "we have stopped losing the war."[73] Yet, during the period when, according to the Secretary, we were losing the war, he made statements acclaiming "progress" and exuding optimism on no less than 14 separate occasions.

Neither the Congress nor the public has been accurately and fully informed about the Nation's involvement in Vietnam. American military personnel were called advisers long after they became combatants.

As American ground forces were introduced into Vietnam, the Nation was told that their "primary mission . . . is to secure and safeguard important installations like the airbase at Da Nang . . ."[74] Secretary McNamara added assurances that "they should not tangle with the Vietcong."[75]

The President announced on July 28, 1965 that the movement of 125,000 American troops to Vietnam did "not imply any change in policy whatever."[76]

The able Saigon correspondent of the Los Angeles Times, Jack Foisie wrote:

"Although the decision to commit large-scale American combat units in Vietnam is apparent, and is obvious to the enemy through the buildup of logistical bases on the central coast, authorities in Washington try to pretend that we really are not committed to land warfare in Asia, to casualties as large or larger than suffered during the Korean War."[77]

There has been a lack of candor about the casualties in Vietnam. The figures fed to the public by the Administration contradict each other and surpass belief. In June of 1965, Secretary Rusk gave a figure for South Vietnamese casualties since 1960 that was 50 per cent higher than the figure General Wheeler gave 1 month earlier. It is hard to believe that casualties in 1 month in 1965 increased so dramatically.[78]

On May 5, 1966, Representative Otis Pike, Democrat of New York, charged that the Department of Defense had "surreptitiously" reduced the total of Viet Cong wounded claimed since 1961 in the Vietnam war. The enemy casualty claim was cut by about half, he asserted.

Representative Pike said the figure of 365,000 wounded was replaced with one of 182,000 in figures given the House Armed Services Committee at a secret briefing. He said the lower figure was "slipped in" because, apparently, the old one was growing so large as to be unrealistic.[79]

On April 4, 1966, President Johnson gave the startling figure of 50,000 as the number of enemy dead in Vietnam since the beginning of the year.[80] It is impossible to reconcile this figure with Defense Department estimates of changes in enemy strength. As of July 1, 1966, the Defense Department reported there were 271,000 enemy troops in Vietnam, up 41,000 from January 1. If the President's figure on deaths is accepted, the enemy's strength on July 1 could have been achieved if the enemy added 15,000 men a month to its forces and if not a single enemy soldier died in the second quarter of 1966. Secretary McNamara, however, has testified that the enemy is capable of adding no more than 9000 troops a month to its forces in South Vietnam.[81]

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[65] Ibid., p. 1126.

[66] Ibid., p. 1164.

[67] Ibid., p. 1391.

[68] Geyelin, Philip L., "Lyndon B. Johnson and the World." New York 1966, pp. 200, 201.

[69] Henry F. Graff, "How Johnson Makes Foreign Policy," New York Times Magazine, July 4, 1965, p. 16.

[70] Roberts' "LBJ's Inner Circle," New York 1965, p. 21.

[71] Philip L. Geyelin, "Lyndon B. Johnson and the World." New York 1966, pp. 193, 198.

[72] McNamara's statements were reported in the New York Times on the dates indicated in the above text.

[73] Hearings of House Committee on Foreign Affairs concerning Foreign Assistance Act of 1966, Part II, March 30, 1966, p. 313.

[74] White House statement, "Background Information Relating to Southeast Asia and Vietnam" (first revision, June 16, 1965) Senate Committee on Foreign Relations, p. 230.

[75] Wall Street Journal, June 17, 1965.

[76] "President's News Conference of July 28," Washington Post, July 29, 1965.

[77] Los Angeles Times, July 25, 1965.

[78] Rusk speech, American Foreign Service Association, Washington, D.C., June 23, 1965—"From 1961 to the present * * * South Vietnamese armed forces have lost some 25,000 dead and 51,000 wounded." Wheeler speech, San Francisco, May 7, 1965, "More than 50,000 South Vietnamese soldiers have been killed or wounded in battle since 1960."

[79] Washington Post, May 6, 1966.

[80] "Weekly Compilation of Presidential Documents," Vol. 2, No. 13, p. 483.

A correspondent of the Washington Post, Howard Margolis, after surveying casualty figures released by the administration, concluded:

"The impression all this leaves is that the publicly released statistics are more a selection of numbers intended to paint a picture that supports whatever the official view is at the moment than a realistic indication of how things are going." [82]

There has been a lack of candor about the cost of the war in Vietnam. In 1965 and again in 1966 the Administration's initial request for defense appropriations was based on outdated estimates of military needs. Congress, in January of 1966, thus had to appropriate an additional $13 billion needed for defense in fiscal year 1966. As it acted on defense appropriations for fiscal 1967, informed Members of the Congress predicted a supplementary request for $5 to $15 billion in defense funds in January 1967—after the 1966 election.

When State Department spokesmen asserted that the widespread civil disorders in South Vietnam following the Honolulu Conference had no effect on military operations, they were less than candid.

How false this war is clear from the ominous statistics released two days after such a statement was made [83]—statistics indicating that American troops sustained more than twice as many casualties during the preceding week as did the South Vietnamese.

Secretary McNamara on April 20, 1966, gave the Senate Foreign Relations Committee an appraisal of the military situation during the civil disturbances that flatly contradicted that of the State Department. The Secretary of Defense testified:

"The military operations have been at a lower level because of the political disorders in the last approximately 2 weeks . . . the number of Vietcong killed is off 40%, the number of Vietcong killed per week last week was 600, it averaged a thousand and five for the first three months of the year. The number of weapons lost by Vietnamese forces, the number of weapons captured is also off by substantial amounts.

"This reduction in military activity is customary under conditions of political disorder. It has happened every other time we have had political disorders." [84]

There has been an inexplicable lack of candor about peace feelers. On May 7, 1965, President Johnson said:

"For months now we have waited for a sign, a signal, even a whisper, but our offer of unconditional discussions has fallen on unreceptive ears. Not a sound has been heard. Not a signal has been sighted." [85]

Again on July 13, 1965 the President declared:

"I must say that candor compels me to tell you that there has not been the slightest indication that the other side is interested in negotiation or in unconditional discussions although the U.S. has made some dozen separate attempts to bring them about." [86]

But in November, 1965, the respected reporter Eric Sevareid in a Look magazine article [87] recalled an interview with the late Adlai Stevenson on August 12, two days before his death in London. Ambassador Stevenson told Sevareid that U.N. General Secretary U Thant had secured the agreemnt of North Vietnamese authorities to meet with a representative of the United States in Rangoon in late 1964. After the election, Sevareid wrote, U Thant renewed the offer, and this time it was Secretary McNamara who reportedly vetoed it.

The greatest shortage which the Vietnamese war has so far produced is a shortage of candor and accuracy and purpose.

RESULTS OF THE JOHNSON ADMINISTRATION'S EFFORTS

The measurable result of 300,000 American troops, 30,000 American casualties, and several billion American dollars since 1961 in Vietnam is a stalemate.

The administration's own assessment of the result is expressed in such phrases as "We have stopped losing the war" and "Our forces and those of our allies will not be defeated by the Communists in Vietnam."

The amount of territory controlled by Saigon today is far less than it was when Diem was overthrown. No marked progress has been made in extending the control of the Saigon government in the past two years. Estimates of the percentage of land area of South Vietnam under government control given in 1966 by Members of Congress with access to classified information range from 20 to 40 per cent.

The shrinkage in control of the population is apparent in the turnout in the two most recent national elections, 6,300,000 voted in 1963 under the Diem regime, 4,200,000 are reported to have cast ballots in the election of September 11, 1966 for the Constituent Assembly. The official estimate claims that 54 per cent of the population is under control of the Ky government.[88]

Enemy forces, despite reports of heavy casualties, have increased in South Vietnam at a rate of one half that of the American buildup. In the first 7 months of 1966, enemy forces grew by 52,000; American forces by 100,000. In August 1966, the Defense Department estimates put enemy forces at 282,000 or 177 combat battalions—far in excess of the prediction Secretary McNamara made on March 3, 1966, when he said that 155 enemy battalions "could be in South Vietnam by the end of 1966." [89]

South Vietnamese forces have been plagued by a high rate of desertion. In 1965 there were 113,000 deserters in a military force in the neighborhood of 600,000. In the first six months of 1966—a period of internal disorder—the number of desertions was 67,000, an increase of 20 percent.

The incidence of terroristic activity by the Vietcong has risen steadily. In 1964, the Vietcong killed or kidnaped 11,349 civilians in South Vietnam. In 1965, the comparable figure was 14,673.

The lack of progress in wresting territory from the Vietcong has meant lack of progress in economic development. David Bell, AID Director, testified on January 28, 1966:

"It has been evident to us, to the AID people, who have been living and working in the countryside these past several years, that the problem of establishing security and economic progress in areas which are either contested or under Vietcong control is the heart of the effort to bring about a successful solution in South Vietnam, and that that effort has not made significant progress for the last three or four years." [90]

A good indicator of economic activity in South Vietnam is its export trade. In terms of physical volume, exports in 1965 were 40 per cent of the level of 1960. The index of exports (based on 1958 as 100), which reached its high point of 163 in 1960, declined from 156 in 1963 to 75 in 1965. This nation, until recently a major exporter of rice, now has to import rice to feed its people. Inflation is rampant. In one year the cost of living has risen almost 60 per cent.[91]

In the fight in South Vietnam the United States receives no military help from its allies except for 22,000 troops from South Korea, and smaller forces from Australia, New Zealand, and the Philippines. In the Korean War, by contrast, Belgium, Canada, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, Turkey, South Africa, and the United Kingdom all sent forces to fight side by side with American troops. None of these nations has sent a single soldier to South Vietnam.

Again, unlike the Korean War, the United States does not command the open support and confidence of most of the non-Communist world. In the Korean War the United Nations overwhelmingly condemned Communist aggression, placed its moral influence on the side of resistance to aggression, called on its members to cease trade with the aggressors. By contrast, the effort of the United States to secure United Nations support for its call for peace talks (not for approval of its resistance to aggression) failed miserably. The nine votes needed to place the subject on the agenda of the Security Council were barely attained. Having placed the subject on its agenda, the Security Council found itself unable to proceed further with even a formal discussion of the resolution offered by Ambassador Goldberg.

Today a satisfactory peace in Vietnam is not in sight. A member of the Joint Chiefs of Staff in August 1966 revealed in a background briefing for the press in Saigon that some in the Pentagon believe that the war will go on for eight years if American forces in South Vietnam remain at a level of 300,000 and could be shortened to five years if the United States put 750,000 men in the conflict.[92] Without significant aid from its major allies, the United States is moving toward a conflict that in terms of time and casualties will exceed the American effort in the Korean War.

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[81] Washington Post, March 4, 1966, p. A–12.

[82] Washington Post, August 16, 1965.

[83] Despite "the political turbulence in South Vietnam," Undersecretary of State George W. Ball said, "there has been no particular reduction in" military operations. "Face the Nation," CBS, April 10, 1966.

[84] Hearings before the Senate Committee on Foreign Relations on S. 2859 and S. 2861, Foreign Assistance, 1966, April 20, 1966, p. 202.

[85] *Washington Post,* May 8, 1965.

[86] *Washington Post,* July 14, 1965, p. A–18.

[87] "The Final Troubled Hours of Adlai Stevenson," *Look,* November 30, 1965.

[88] Richard Wilson, *Washington Star,* Sept. 12, 1966.

[89] Hearings before Senate Foreign Relations Committee, March 3, 1966 reported in *Washington Post,* March 4, 1966, p. A–12.

[90] Senate Foreign Relations Committee Hearings Supplemental Foreign Assistance, January 28-February 6, 1966, p. 99.

[91] International Monetary Fund, *International Financial Statistics,* Vol XIX, No. 8, August 1966, p. 308. The cost of living index was 131 in the second quarter of 1965 and 203 in May 1966 (1958=100).

[92] *New York Times,* August 8, 1966. Marine Corps Commandant General Wallace M. Greene held a background news conference in Saigon August 7, 1966 which led to stories in several major newspapers. Although later denied, "the stories written from the session . . ." the *Washington Post* observed (August 15, 1966) "generally agreed that peace studies made in the Pentagon forecast a long war in Vietnam—perhaps eight years. Another study, it was said, estimated it would take 750,000 U.S. troops in Vietnam to end the war in five years." The *Post* also reported, " . . . some observers here suggest that the Marine Commandant spoke with Administration knowledge to pave the way for heavy troop movements there after the election."

QUESTIONS ABOUT THE FUTURE

Administration policy has prevented Communist conquest of South Vietnam. However, peace or victory or stability there are still remote. Faced with a prospect of war for five to seven years, of the spread of conflict to Thailand and perhaps other parts of Southeast Asia, of Communist China equipped with nuclear weapons, the United States must give attention to basic questions about its future political and military strategy in Asia.

A five-year war in Vietnam would, at the present rate, involve the frightful cost of 125,000 American casualties. This high cost is dwarfed by the catastrophic losses which South Vietnam would suffer in five more years of fighting. To the South Vietnamese and other threatened people of Asia, this type of limitless war may come to be an unattractive alternative to Communist domination.

The urgent immediate question facing the nation is how to end this war more speedily and at smaller cost while safeguarding the independence and freedom of South Vietnam.

Simultaneously, the nation must give sober thought to the means of preventing the spread of this war and the eruption of similar wars in other places in Asia.

Among the many specific questions that need to be considered are the following:

1. How can effective agencies for the peaceful settlement of disputes be developed.

2. How can the talents and resources needed for stability and progress in Asia be mustered.

3. How can the economic power of the United States and other advanced free nations be used in a strategy designed to deter and defeat aggression.

4. How can an effective collective security system be fashioned for Asia which will increase the power of non-Communist nations and include the support of the United States and major free nations of Europe.

5. What mix of military forces and weapons should the United States develop to do its part to deter or defeat aggression.

6. Where and in what circumstances should the United States use military measures to turn back aggression.

7. What military measures—what weapons, against what targets—should the United States be prepared to use in order to deter or defeat aggression.

Many of these questions could be considered by the Blue Ribbon Commission proposed by the Republican Coordinating Committee on June 28, 1966 to evaluate the defense posture of the nation.

The nation needs a clear and consistent policy toward Asia to guide it through a turbulent period. Improvisation from crisis to crisis will not do. There are stormy seas ahead in Asia, and there are dangers in any policy the United States may pursue in that part of the world. But the greatest danger is to drift on without a policy.

U.S. combat casualties in Vietnam

Wounded:	
1961	1
1962	74
1963	411
1964	1,038
1965	5,300
1966	[1] 19,976
Deaths:	
1961	1
1962	31
1963	77
1964	142
1965	1,363
1966	[1] 3,218

[1] As of Aug. 20.

Total U.S. military personnel in Vietnam by year

[All figures approximate]

Dec. 31, 1960	-------
Dec. 31, 1961	4,000
Dec. 31, 1962	15,000
Dec. 31, 1963	15,000
Dec. 31, 1964	20,000
Dec. 31, 1965	180,000
Sept. 1, 1966	300,000

U.S. Government estimate of Vietcong strength

[Approximate]

1959	(1)
December 1961	20,000
April 1963	55,000
March 1964	90,000
January 1965	100,000
February 1965	100,000
April 1965	135,000
August 1965	170,000
January 1966	230,000
August 1966	280,000

[1] No figures given.

U.S. military and economic aid to South Vietnam

	Million
1965	$250
1966 (as of May 11):	
Economic	590
Military	795
Support for U.S. Forces	12,000

STATEMENT BY REPRESENTATIVE GERALD R. FORD (R-MICH.), MINORITY LEADER, HOUSE OF REPRESENTATIVES, SEPTEMBER 20, 1966

The report of the House Republican Planning and Research Committee, "The United States and the War in Vietnam," is being released at a time when this war is becoming as big for the United States as the Korean War ever was.

This report is a factual and objective recital of the relationship of our nation with Vietnam since 1950.

The facts which it contains raise questions which are on the minds of the public. Even as staunch a Democrat as Richard N. Goodwin, foreign policy adviser to both Presidents Kennedy and Johnson, recognized public concern about the aspects of Vietnamese policy criticized in this document when he said, ". . . there has never been such intense and widespread deception and confusion as that which surrounds this war."

What Mr. Goodwin calls "deception and confusion" in relation to Vietnam is an issue of the 1966 campaign.

At the mid-term election, the voters will decide whether they want the Congress to exercise its responsibilities in the field of foreign policy more vigorously or want the Congress to be a docile instrument of the President—neither effectively questioning, nor investigating, nor checking and restraining the executive branch.

The decision of the voters on these matters will have an important effect on future policy.

STATEMENT BY REPRESENTATIVE MELVIN R. LAIRD, CHAIRMAN REPUBLICAN CONFERENCE, HOUSE OF REPRESENTATIVES, SEPTEMBER 20, 1966

Consensus politics does not work well in the field of foreign policy. A President cannot seek to agree with everybody and provide clear leadership.

In an attempt to satisfy the irreconcilable wings of the Democratic Party, the President has failed to make clear what we are fighting for in Vietnam.

The prerequisite for ending the Vietnamese War on honorable terms is a clear statement by the Administration of the short term aims and the long term objectives of our country.

The Administration speaks of the Geneva Agreements of 1954 and 1962 as a basis for settling the war. Does the Administration mean that it would agree to an election in both North and South Vietnam, as provided in the Geneva Agreement of 1954—an election which John F. Kennedy said would have been "stacked and subverted in advance?"

The Administration dodges the question of whether it would settle for a peace that imposed a coalition government including Viet Cong representatives in South Vietnam.

Whether the sacrifices that Americans—particularly young Americans—are making are for any purpose depends on what kind of peace the Administration wants. If we end up with a Southeast Asia Yalta Agreement, the objective is not worth fighting for.

The "White Paper" on Vietnam clearly sets forth the deception practiced by the Democratic spokesmen during the 1964 campaign. The same approach is being followed in this 1966 election period by withholding information concerning the costs of the war and the planned escalation of the war within the next year.

With a few weeks after the November election the President will request an additional $13.5 billion appropriation for the Department of Defense and will unveil major plans to escalate the war on the ground further, particularly in the Delta area of South Vietnam.

STATEMENT BY REPRESENTATIVE CHARLES E. GOODELL, REPUBLICAN, NEW YORK, CHAIRMAN, COMMITTEE ON PLANNING AND RESEARCH, REPUBLICAN CONFERENCE, HOUSE OF REPRESENTATIVES, SEPTEMBER 20, 1966

The use of calculated and persistent deception by government strikes at the vitals of our system of popular government.

The public cannot responsibly discharge its functions of filling elective offices and guiding and restraining public policy unless it has the truth and nothing but the truth. A government which falsifies and misleads reduces the franchise to something akin to the empty ritual that passes for voting in totalitarian states.

Anyone who surveys the instances of deception cited in "The United States and the War in Vietnam" will see that it was usually the American public, not the enemy, that was deceived. The only time that the enemy may have been deceived was in 1964 when the President repeatedly and categorically announced that he would not send American boys 9 or 10,000 miles away to do the job that Asian boys should do. In this instance deception could only encourage the enemy to step up aggression. The Johnson campaign of 1964, as surely as the Acheson speech of January 1950, was a signal to aggressors that they could proceed with impunity.

No one can make wise decisions for the future without the ingredient that has been denied so far to Congress and the public—constant and accurate information about the situation in Vietnam. The flow of reliable information needed by Congress and the public will be obtained if better balance between the major parties is established in the Congress.

A better balance in Congress will also be a check on the tendency to let considerations of domestic politics influence military decisions.

It is now well known that the Democratic campaign tactics of 1964 involved a gamble which left South Vietnam near collapse.

Arthur Schlesinger has noted the "use of military operations for domestic political purposes" and has spoken of the "impression" that the military policy of the Johnson Administration is "in part undertaken in order to smother doubts about the war in the United States and to reverse anti-Administration tendencies in the polls."

It is not wise to time military actions to the exigencies of domestic politics. The enemy does not observe the same time-table. It is unjust to almost 400,000 fighting men now directly involved with the Vietnam war.

PROBE OF GUN GAP NEEDED

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. FINDLEY] is recognized for 60 minutes.

Mr. **FINDLEY**. Mr. Speaker, why is it that the United States—with the world's greatest technology and an annual outlay for military purposes exceeding $60 billion—is badly outgunned year after year in a highly critical Army weapon system on which our soldiers depend? What went wrong? Who mismanaged and bungled?

These and related questions are left unanswered by a 23-page white paper issued September 10 by the Department of Defense, and by a letter of August 30 to the gentleman from South Carolina [Mr. RIVERS], chairman of the House Armed Services Committee, from Secretary of the Army Stanley R. Resor.

Both documents arose from statements I have made and questions I have raised concerning procurement from West Germany of the substandard Hispano Suiza H.S. 820 automatic gun.

As a result of the total inadequacy of the Army's explanations, I am today submitting to the House Armed Services Committee a list of 24 serious questions about the H.S. 820 procurement and the gun gap which I believe the record shows the Pentagon has failed to answer satisfactorily. And I am asking that a full congressional investigation of the procurement be launched, to obtain the badly needed answers to those questions.

The Army's white paper has not been publicly circulated. It has instead been handed to a few Congressmen and appropriate committees, in hopes—I believe—that its misinformation and misimpressions will discourage further congressional interest in the malodorous H.S. 820 affair, and head off support that is mounting for my criticisms of the procurement.

However, today, in the course of my presentation, I am putting in the record myself the Army's white paper—in full—along with a section-by-section demonstration of its inaccuracy and inadequacy.

Although the "white paper" seeks to do so by deception, omission, and wrong impression, it refutes in no significant way the central charges I made in my remarks to this body on September 1.

At that time I charged that, in going ahead with the gun procurement, Defense Secretary McNamara:

Compromised military needs to the advantage of German political expediency. The gun purchase became a fixed part of a deal under which Germany will buy U.S. missile destroyers;

Reversed the recommendations of high-ranking military officials and forced them to accept lowered test standards so the gun could be classified as satisfactory; and

Misinformed and misled Congress about the performance of the gun and weapon system of which it is a part.

It also reinforces the recommendations I made on September 1 that:

A crash program be undertaken to produce a workable interim weapon;

A crash program be undertaken to speed the development of the long-delayed successor weapon; and

The long and costly effort to make the H.S. 820 work be abandoned.

Indeed the "white paper," despite the clever way in which it sought to cover up facts, actually reinforces my charges and recommendations.

If this document is the best that can be said for our effort to close the gun gap, then the United States is indeed in a bad way.

Five years ago our Government determined that the Soviets had army vehicles equipped with a 14.5-millimeter automatic gun superior to our .50 caliber, a weapon dating from World War II days. We were badly outgunned and, therefore, a successor weapon was critically needed.

The Department of Defense decided on a two-phase approach to the problem: first, purchase the best immediately available weapon for interim purposes; second, proceed simultaneously on a crash basis with the development of a successor weapon.

The sad and cruel truth is that today—after 5 years have elapsed and over $6.3 million spent—a satisfactory interim weapon is still nonexistent and the development of a successor weapon by the Army itself has not advanced beyond the paper stage.

Our soldiers are still depending on weapons the Soviets surpassed years ago. This fact is all the more shocking when one recalls that Hitler used superior army vehicles to make a lightning conquest of Europe in World War II. If the gun gap was critical in 1961, it is the more so today.

"WHITE PAPER" FORMAT

The "white paper" is set in the form of "allegations" versus "facts," obviously intended to give the impression that my September 1 statement was nothing but incorrect charges which were demolished or set right by Army "facts."

In reality, most of the "facts" are merely commentary, clarification, or amplifications of my statements. In no important way do they diminish the force of my allegations.

In fact, the "white paper" does not mention all of my allegations—including several very important key ones—although it claims to be comprehensive.

In many instances where the first sentence of two of the "facts" sections promises to refute my allegation, the material ends up supporting it instead.

In only a few of the 32 "facts" sections does material presented by the Army directly contradict my charges. The rest are noncontroversial or are, upon careful reading, either indirect affirmations of my statements or outright admissions of the accuracy of what I had stated.

In reading the text of the "white paper"—and the complete text will appear in the course of these remarks—you will note that the Army conveniently decided on its own which of the allegations were my "key points."

Thus, they used the old debating trick of setting up a "straw man" in order to make rebuttal seem more impressive. The points they chose as my "key" ones were important but certainly did not adequately point up my charges.

GAPS IN "GUN GAP" ANSWER

The gaps in the "white paper" are as notable as the material it contains. To conserve on space, I will not repeat the information in my September 1 statement to which the Army made no response but simply pinpoint it briefly.

I do so for two reasons: first, for the information of Members of Congress; second, to prove that the "white paper" was incorrect and misleading in stating as it does that "each allegation has been covered in the detailed fact sheet which follows."

Here are some of the unanswered allegations:

RECORD, page 21682: The procurement was pushed partly because "Mr. Von Hassel—German Defense Minister—demanded some U.S. business to ease political problems at home."

Same page: "Mr. Von Hassel argued persuasively that the gun purchase was essential for German political reasons. From the viewpoint of German officials the guns quickly became an essential part of the destroyer-purchasing agreement—not an optional feature—and Germany kept up the pressure on Mr. McNamara to purchase them."

Page 21683: "The purchase of the gun was preordained regardless of how well the gun performed in tests."

Same page: In August 1961, CONARC was "instructed to draw up requirements for a new weapon." This shows that requirements for the interim weapon were ordered as early as 1961, and one may reasonably conclude from this that the order was carried out and test standards matched against the requirements. Combat Developments Command took over this function of CONARC in 1962 and test reports prepared as late as this year made reference to the CDC standards as well as to the lowered standards which were finally approved in February of this year.

Page 21684: "At this very time the Department was negotiating to purchase six additional guns for further test." The availability of only six guns was later used as the excuse for not trying out the parts replacement schedule, in a test which would have required the gun to work. Why was not an adequate supply of test guns purchased?

Same page: "In November 1965 long before tests were completed, Kendall Barnes, AMC general counsel, began procurement contract negotiations." This supports the contention that procurement was "preordained" regardless of tests.

Page 21685: "By then—1965–66—the Rheinmetall 'hot base' had cooled off.

Production lines were down and space used for other work." This was important because it meant that the gun then met neither of the flat requirements established in 1962 for the interim weapon; namely, that it be either "off the shelf," that is, in stock and ready for purchase; or, "hot base," that is, available from a firm with production facilities set up and ready to go.

Same page: Secretary McNamara's categorical statement to the Armed Services Committee that "This weapons system meets all requirements for durability, reliability and accuracy and is considered suitable for U.S. Army use without further modification," and my charges detailing the weapon system deficiencies at the time Mr. McNamara gave the committee this unqualified assurance that none existed:

"The high-explosive ammunition was substandard.

"The recoil and low-temperature problems on the gun persisted.

"Mounting deficiencies were causing deficiencies in fine lay.

"Single-shot accuracy continued to be a problem."

Same page: Mr. McNamara's denial, under questioning by Congressman PHILBIN, that the U.S. was "trying to give them—the Germans—some business," and my charge that this response was misleading in view of the close tie-in "which actually existed between the gun procurement and the German order for the missile destroyers."

Same page: My charge that I was misled by the Pentagon team regarding opposition to the gun within the Pentagon, and my charge that "CDC officials have consistently opposed the gun and opposed lowering the test standards."

Instead of meeting this head-on, the "white paper" ducks and dodges, in one place by declaring that test standards were "based on recommendations" by CDC and other agencies, and in another that "views" of CDC were "considered." Why the attempt at coverup? Obviously, the "white paper" attempts to leave the impression that CDC approved the change in test standards, which it did not.

Page 21686: My call for a crash program for development of a successor weapon. That this charge brought no response shows that no crash program is underway, and that is disheartening.

Of these omissions, perhaps the most significant are those dealing with the deep involvement of the gun purchase with the German order for missile destroyers. At no point was the thrust of this charge met, although opportunities were frequent.

This is significant because it makes clear the underlying motive for this procurement: because of our reciprocal deal we could not back out even though the gun could not be made to work properly.

Text of the "white paper" general comment:

General Comment:

Statements by Representative PAUL FINDLEY (R-Ill.) made on the floor of the House of Representatives on 1 September 1966 concerning the purchase of a new 20mm automatic cannon for use on the Army's M-114 armored personnel carrier carry serious allegations. These allegations appear to be the result of misinformation gathered by Representative FINDLEY or the misinterpretation of facts that have been furnished him.

The true facts concerning this weapon are as follows: The weapon, designated the HS-820, is being purchased pending development of a successor system. It has gone through an extensive modification and check-test program and in its present version is considered by the Army to have met all essential requirements for durability, accuracy and reliability. The final decision to classify the weapon Standard-A was made by the Army. The decision came about as the result of a recommendation from the Army Materiel Command which was in turn based on a favorable recommendation from the Army Test and Evaluation Command at Aberdeen Proving Grounds, Maryland.

In his speech, Congressman FINDLEY made numerous incorrect allegations. In particular his key points, as follows, are absolutely incorrect and have no foundation in fact.

1. *Allegation:* General Creighton Abrams, the Army Vice Chief of Staff, announced on 13 November 1964 that he had decided that the project to make the HS-820 a suitable Army weapon be terminated and gave instruction that this be done.

Fact: The Army Vice Chief of Staff did not hold a meeting of any kind regarding the HS-820 on 13 November 1964 and never made a decision to terminate or cut back on the modification program for the HS-820. On 3 November 1964, the Army Chief of Staff, General Johnson, did hold a command briefing on the weapon but at the conclusion he decided to recommend to the Secretary of the Army that the HE-820 be procured to meet the Army's urgent requirement for an interim system of this type. This recommendation was approved and formally transmitted by the Secretary of the Army in a memorandum to the Secretary of Defense on 4 November 1964.

2. *Allegation:* On the day following the alleged meeting conducted by General Abrams, the Secretary of Defense, in order to satisfy a politically based demand by the German Minister of Defense, reversed General Abrams decision and ordered the Army to proceed with a full scale program for the HS-820.

Fact: Instead of reversing the Vice Chief of Staff on political grounds, the action of the Secretary of Defense in signing the tentative agreement with the Germany Minister of Defense regarding procurement of the HS-820 was at the request of and satisfied an urgent requirement previously stated by the Department of the Army.

3. *Allegation:* The Army was never able thereafter to make the gun meet Army performance standards but that it will nevertheless be procured because of Mr. McNamara's agreement with the German Minister of Defense.

Fact: As a result of a test and modification program, a greatly improved HS-820 gun has met all essential requirements for durability, accuracy and reliability.

Congressman FINDLEY, whose speech was released simultaneously with an article of similar content published in a Chicago newspaper, was apparently misinformed of the facts. With respect to the performance of the HS-820, however, the Congressman asked for and has received from the Department of the Army reports prepared by the Army's testing agencies which conclude that the weapon meets the standards set for it and which recommend that it be classified Standard-A. This information, too, has apparently been misinterpreted.

A large number of very technical allegations were made, some of which refer to an older version of the HS-820 which the Army will not procure. Each allegation has been covered in the detailed fact sheet which follows.

The Army's "general comment" states that my speech "made numerous incorrect allegations. In particular, his key points, as follows, are absolutely incorrect and have no foundation in fact."

The Army then decides, on its own whim, just what are my key points, two of which have nothing directly to do with performance characteristics of the gun, which is really what the controversy is over. On the third one, in answer to charges that the gun has never worked but is being bought anyway because of the U.S. commitment, the Army offers a simple statement that the gun does work, and ignores the allegation concerning the unpublicized, firm tie-in between the guns and the missile-firing destroyers.

In the next to the last section of general comment, after the first 3 "key" allegations have been cited, the Army seeks to give the impression that I have built my case on material that I asked for, and obtained from, the Army—and that this material has been misinterpreted. Just the opposite is true. Virtually all material came from private sources, and material was requested from the Army only to verify that information. As a matter of fact, the Army has been less than cooperative in furnishing documents requested—taking weeks to comply with requests—and Army representatives have been less than candid and accurate in their personal conversations with me on the weapon.

The last paragraph of "General Comment" states that "each allegation has been covered in the detailed fact sheet which follows." Anyone reading both the speech and the fact sheet, comparatively, will find that all my allegations have not been answered, including several key ones that the Army obviously cannot answer, and therefore ignores instead.

The last "Fact" in the general comment section states that the gun now meets "all essential requirements, and so forth." When Secretary McNamara testified before Congress, and in other presentations, the word "essential" was not used. It was just "The weapon system meets all requirements, and so forth." "Essential" has now been added, but the requirements that the Combat Developments Command—CDC—the "user agency," believed were essential have not been met. "Essential" has been redefined. Also, the word is clearly used for protection: It is not all requirements that have been met, but all essential requirements. The requirements that were scrapped or downgraded can now be conveniently deemed "nonessential."

The "fact" portion obviously seeks to convey the impression that I was confused over the November 3, 1964, and November 13, 1964, meetings on the H.S. 820. I do not dispute that the Army Chief of Staff, Gen. Harold K. Johnson held a command briefing on November 3 and recommended that the H.S. 820 be procured. Nor do I question that the recommendation was approved and formally transmitted to Secretary McNamara on November 4.

I do, however, question whether this recommendation was based on accurate information. On October 19, 1964, a joint letter was signed by the commanding generals of CDC and Army Materiel Command, recommending against type classification of the gun and raising the question of whether the project should be terminated. In the letter they indicated that if higher authority insisted that work on the gun continue they could not predict that another year's effort would bring the failure rate down to the desired level of one per thousand.

In a memorandum prepared to summarize this joint letter for higher authority an erroneous interpretation was drawn, under which it was suggested that another year's work on the gun would suffice. This erroneous memorandum temporarily caused higher authority to misinterpret the attitude of CDC/AMC and perhaps led Secretary McNamara to make firm procurement commitment to the Germans.

It is noteworthy I have heard stated from four different sources in the Pentagon the belief that Secretary McNamara's decision to buy the weapon in one year was based on faulty information.

The denial of General Abrams' role may be a play on words, as the word "decision" is open to varying definitions and the precise day of the meeting may be open to question. But such a meeting did occur. I am also aware that the Defense Department justifies many things in terms of national security.

It should be noted that this meeting was only part of the evidence that Secretary McNamara overruled high-ranking officers in ordering the gun.

4. *Allegation:* Later the Armory (Springfield Armory) said the gun (T220 20 mm. cannon) could be brought to the point of production with one additional year of development.

Facts: The T220 weapon was designed to engage aircraft, not armored vehicles. No armor piercing ammunition was developed for the T220 and the fuze for its high explosive round was not suitable for ground targets. The Army estimated that completion of gun-ammunition development for the required role, conduct of associated engineer design testing, and completion of engineer/service type testing would have taken considerably longer than one year.

Perhaps so. But it has been nearly 6 years since the Army began working on the H.S. 820—and the Army still has not come up with a weapon that performs as it should. Why was not some alternative weapon program begun, with either domestic or foreign base, when it became apparent—as it was in late 1962—that the H.S. 820 might take years to bring up to U.S. standards—if, indeed, it could ever be done?

5. *Allegation:* The Oerlikon, a Swiss-made gun which had superior penetration, was of simpler design than the HS–820 and was relatively easy to maintain. However, the Swiss firm was unable to fill large orders without establishing a new centralized production line. It could fill small orders through a decentralized-subcontracting system typical of Swiss industry. Lacking a "hot base," this gun too was rejected.

Facts: In addition to the reasons cited, the Oerlikon was heavier than the HS–820. The weight factor was critical with respect to a system which was to be mounted on an amphibious vehicle.

This is the first time, in 3 months of examining this weapon system, that the Army has raised the problem of an amphibious mission.

6. *Allegation:* The Hispano-Suiza HS–820, then being manufactured under license by Rheinmetall company at Dusseldorf, was selected because it had a "hot base" and had the desired high explosive power.

Facts: In addition to the reasons cited, the HS–820 gun was selected because it had the best potential of any gun considered or evaluated for meeting the armor penetration requirement.

7. *Allegation:* Germany bought about 3,000 units under circumstances that later caused a storm. A leading German periodical Der Spiegel alleged that the procurement team failed to follow instructions and made the purchase without advance testing. In any event, German experience with the weapon proved to be unsatisfactory.

Facts: Germany experienced essentially the same deficiencies in the old, unmodified HS–820 gun as did the U.S. in its early evaluation and tests of the weapon. Germany has maintained close monitorship of the U.S. modification and retest program, however, and recent information indicates that the German Army is ordering more HS–820 weapons of an improved configuration similar in design to the weapon which has resulted from the U.S. modification program.

Yet Secretary McNamara denied to the Armed Services Committee on March 9, 1966, that the Germans considered the gun defective and had decided it would have to be replaced. A different version was given on March 24, 1966, to the House Defense Appropriations Subcommittee by General Chesarek. He quoted an Army technical bulletin which said two new German guns had been under development for about 5 years before because of "numerous deficiencies" experienced with the H.S. 820.

8. *Allegation:*

The gun itself has had a dismal history since it was first designed over 20 years ago.

It had the basic handicap of requiring lubrication of ammunition which up to the time of the German purchase, had made it unacceptable everywhere for army field use. So far as I can determine no army has ever had a satisfactory field weapon which required lubricated ammunition. Italian and Japanese weapons of this type were not satisfactory in World War II. The U.S. Army, until it decided to test the HS–820 in 1961, had always rejected field weapons which required lubricated ammunition.

The reason was obvious. Oil inevitably attracts dirt and leads to malfunction in the feed and ejection mechanism of the gun.

Lightweight dust covers were later added in an effort to meet this problem. The gun had other features which proved to be basic handicaps.

Facts:

The HS–820 basic mechanism was designed in the late 1930's, and was widely used in World War II in aircraft and ground-mounted weapons. For the current HS–820 weapon, the old basic mechanism was adapted to the high-pressure ammunition and the rates of fire which gave it the capability, particularly with respect to defeat of armor, which the United States was looking for to meet the urgent interim requirement to replace certain vehicular mounted caliber .50 machineguns.

The caliber .50, which does not require lubricated ammunition, is a machinegun, not an automatic cannon like the HS–820. The HS–820 requires lubricated ammunition primarily in order to eliminate malfunctions due to failures to extract. The lubrication is done automatically just prior to the round's entering the feeder on its way into the chamber. No malfunctions reported in the results of the final check-test of the HS–820 were attributed to dirt or dust attracted by the round lubricant. The dust covers are installed to keep dirt and dust out of the basic mechanism, and not because the gun uses lubricated ammunition.

The Army did not challenge the statement that no nation—including Germany—has ever successfully used as a field weapon a gun that required lubrication of its ammunition. Furthermore, the undesirability of lubricated ammo is acknowledged by official Army and Defense Department spokesmen in conversations on the gun. Because they admit that the Army tried, up until the end, to get along without the liquid lubricant—first trying to make the ammo work dry; then trying to get along with a slippery lacquer or "dry" lubricant. Both failed and it was only after McNamara gave the Army a 1-year deadline to get the gun working that AMC, in desperation, approved use of the pressure lubricator on the weapon.

The Army also claims that the dust cover is used to keep dust and dirt from the basic mechanism "and not because the gun uses lubricated ammunition." This is misleading at best, and a direct falsehood at worst.

The basic mechanism of this weapon must be protected from dust and dirt at all costs because it uses lubricated ammo. And if dust and dirt are permitted to reach either the ammo or the basic mechanism, they mix with the ammo lubricant and cause malfunction. As an added testament to the need to protect the ammo and the gun mechanism from dust and dirt, the Army now has out three contracts for the development of modification kits to adopt the HS–820 to the M–114 vehicle. All three contractors have been told: "We don't care what design you use—just make the gun work." As a result, all three contractors are addressing themselves to the most pressing, basic problem of the gun: How to keep dust and dirt out of the ammo and the basic mechanism. Thus, although the Army seeks to give the impression that the dust-dirt problem has been solved, all three contractors are coming up with the new design features that one way or another completely shroud the gun from the outside elements.

These new design approaches range from shrouding the entire weapon and the ammunition feed chute in a zippered canvas cover—making the gun even more difficult to get at, to clear malfunctions—to a redesign of the gun's cradle so that the cradle, which does not recoil with the barrel-receiver group, surrounds the weapon on the top as well as the bottom.

Does that sound like the dust-dirt problem stemming from the use of lubricated ammo has been licked?

9. *Allegation:*

Fumes were one of the main reasons the guns were mounted entirely on the outside of the US vehicle armor.

Exterior mount of the gun creates problems. In a gun with high malfunction rate, as later became evident with the HS–820, the means and time required to clear stoppages are critical. With exterior mount, the gunner must expose himself to correct any stoppages.

Exterior mount exposes the complex gun feed and firing mechanism to the hazard of stray bullets. Even a small rifle shot or shell fragment striking any of a dozen points could disable the gun.

Facts:

Exterior mounting of the weapon is less desirable than mounting inside a protective cupola. However, it was not considered possible to install this type of cupola on the M114A1 Command and Reconnaissance Vehicle because of weight limitations. M114 vehicle design requirements, to include the swimming capability, dictated that the vehicle combat loaded weight not exceed 15,500 pounds. This constraint precluded use of the relatively heavy closed armored cupola design which would have been necessary for an internally mounted weapon.

Fumes generated by burning propellants are a problem common to all automatic cannons of this type. Development on turret designs which have a practical system for exhausting the fumes from an internally mounted automatic cannon is under way, but such designs are not being considered for the HS–820 on the M114A1. An early solution to this problem would not have altered the mounting position of the gun on the M114 because of the weight considerations set forth above.

The crew can deal with some malfunctions by simply recharging the weapon. This requires very little exposure. Other malfunctions, such as a failure to extract, require a longer exposure time to correct. The Army has placed considerable emphasis on eliminating possible causes of malfunctions (e.g., use of the forced feed ammunition lubricator) with the view toward reducing crew exposure time to a minimum.

The 20mm HS–820 gun is mounted on the M114A1 Command and Reconnaissance Vehicle in the same manner as the caliber .50 machine gun which it replaces. Both weapons are mounted externally and both are vulnerable to small arms fire and shell fragments. No requirement was established for mounting the HS–820 in any other manner than externally. To mount the weapon internally would have required using a heavy and large cupola design, which was rejected for the reasons set forth above.

This lengthy answer in no way refutes the allegation that clearing the H.S. 820 can take lengthy periods, during which the gunner is fully exposed to enemy fire because the weapon is externally mounted. Nor does it refute the contention that the external mount makes the gun susceptible to enemy small arms fire or shell fragments—particularly because the gun is dependent for successful operation on its ammo lubricator which is installed in an exposed position atop the weapon, protected only by a thin metal and plastic dustcover.

The best the Army can do is to relate that it "has placed considerable emphasis on eliminating causes of malfunctions with the view toward reducing crew exposure time to a minimum." That is a finely stated "goal" and that is all it is.

On fumes, the Army admits the fumes problem and acknowledges that there is as yet no known solution to the problem. It says that research and development on that problem is underway—but contends that it would not have been applicable on this vehicle anyway, because an internal mount on the gun would have required a heavy cupola. Just why that is so, and just what the amphibious characteristics are that this vehicle is supposed to possess are not given.

10. *Allegation:* Another basic weakness was the use of recoil as the power source for feeding ammunition into the chamber. Recoil varies depending on the position on the gun in relationship to the vehicle and the movement of the vehicle. This variation frequently causes erratic feeding and therefore malfunction. Erratic feeding is a severe problem on guns like the HS–820 which have a rapid rate of fire.

Facts: Failure to feed is a critical problem on all guns with a high rate of fire. Power operated feed mechanisms, as used in many aircraft weapons, have alleviated this problem. However, power and space limitations preclude using this solution on most ground or vehicular mounted weapons used by the Army in the field; a feed system, like the HS–820's which uses recoil as its source of power is conventional to these type weapons and has proven satisfactory in Army testing of the HS–820.

The Army contends that a recoil-powered feed system "is conventional to these types of weapons and has proven satisfactory in Army testing of the H.S. 820."

Recoil-powered feed is indeed conventional on such weapons—when they are on a fixed base, or mounted on a trailer, or with a ring-mount or in some other mode where a fairly uniform recoil is possible. But the M–114 provides neither the more stable ring mount nor a fixed base for firing and recoil.

The fact that the H.S. 820's recoil and feed problems are "unconventional" are attested to by the fact that this problem of uniform feed was one of the most difficult involved in the long modification program. And Army weapons engineers acknowledge that the problem is basic to the weapon in the M–114 mode, and may never be fully corrected. It had not been corrected by August of this year.

The fact that this recoil-feed system remained a problem is further proven by the Army's own "white paper," in "allegation and facts," section 23, the last two sentences. This reveals that as late as the final tests in 1965–66, the Army was working with yet another "experimental recoil adapter," and that its use was the cause to which a number of malfunctions were "attributed," conveniently allowing them to be "discounted" in the final manipulation of the test figures.

11. *Allegation:* The US Army has established 30 seconds as the maximum allowable time to clear a stoppage. Beyond that it's a malfunction. In US tests, clearing the HS–820 often took 10 minutes or more.

Facts: US Army Combat Developments Command requested that the HS–820 test procedures differentiate between malfunctions on the basis of time-to-correct. Those malfunctions which could be overcome by the gunner in 30 seconds or less were to be called "stoppages". Malfunctions which took over 30 seconds to correct were to be called "failures".

Inability of the weapon to extract produced the majority of the failures. This has been corrected by the use of lubricated ammunition in the final accepted modified gun system.

The main thrust of this allegation was that clearing the H.S. 820 often took up to 10 minutes in tests. The "facts" answer material is a complete nonsequitur, leaving the allegation unchallenged. This is particularly serious, of course, when it is remembered that the personnel have to get outside the vehicle to clear serious malfunctions, which would be impossible to a combat situation. Thus, the vehicle would have to "run and hide" from enemy action to clear such a complicated malfunction.

12. *Allegation:*

In 1962, the US received eight of the guns on loan for test purposes from Germany. Tests were performed at the Proving Grounds at Aberdeen, with very unsatisfactory results. The performance was so bad that, at the request of German officials, no official test report was compiled. German officials asked that the guns be returned for inspection and sent a replacement batch.

The replacement batch, like the first, was tested with unsatisfactory results. Eleven major deficiencies were noted.

A third batch, consisting of 20 guns, was then tested. During this testing, ammunition coated with a slippery lacquer was used, with the usual lubrication of the ammunition omitted. Aberdeen tests gave the lacquer a good report, but field tests elsewhere reported frequent malfunctions. For later testing, lubrication of ammunition was resumed with the lubricant applied by an automatic device which replaced the hand-oiling procedure.

When the testing was completed in the summer of 1964 the total list of deficiencies had risen to 43. Several related to ammunition and mount, but most of them directly concerned the gun.

Facts:

During initial evaluation of the 8 guns furnished on loan by Germany, gun functioning was so poor that the guns were returned to Germany and replacement guns were provided. The German explanation that the original guns were not up to production standards was accepted. Insufficient data was obtained during evaluation of the original guns to warrant preparing and publishing a report. However, the available data was not suppressed, nor did German officials request suppression or nonpublication of reports.

Initial evaluation and testing had the purpose of determining specific performance characteristics of the gun and to ascertain any deficiencies which should be corrected so the gun would satisfy the Army requirement. This evaluation and testing was completed in 1963. Next, the gun system (gun, cupola and fire controls) mounted on the M114 Command and Reconnaissance Vehicle was tested to determine performance characteristics of the overall system. These tests were completed in 1964. In each of the above described evaluation and test phases, certain deficiencies were observed and reported on, and modifications with the view toward correcting the deficiencies undertaken. A final modification and check-test program was accomplished in 1965–1966.

In the first evaluations, due to the lack of suitable test standards for automatic cannons, test standards for the caliber .30 and caliber .50 machine guns were used. It became apparent that these standards were unrealistic as applied to automatic cannons and that particular standards would have to be provided against which a system of the

HS-820 type (to include the gun, fire controls, and cupola) could be tested. These standards were developed based on recommendations of the user agency (Combat Developments Command), the developing agency (Army Materiel Command) and the test agency (Test and Evaluation Command). In the final modification and check-test program, these standards were used as the performance criteria against which the modified HS-820 system was check-tested. At the conclusion of the check-test, the gun was considered to have met all essential requirements for durability, accuracy, and reliability, and was, therefore, Type Classified Standard-A.

Here, I contended test results from the first batch of guns were so bad that Germany replaced the guns and asked that the results be suppressed—which I said they were. The Army's "refuting" facts, first, acknowledge that the results were horrid, second, that Germany asked for and got the guns returned, and replaced them—with the unexplained "explanation" that they were not up to production standards—third, and no normal test results were prepared and published. All this the Army admits. The reason nothing was published—and "published" is their word—is that incomplete data was obtained, the Army contends. That is not my information. It is noteworthy that the Army at first contended in Secretary Resor's letter of August 30 to Chairman RIVERS of Armed Services, that all test firings had been followed by normal test reports—and that such reports had, indeed, been sent to committee members, on request. Now it develops, as originally charged, that no normal test report was prepared. Again the Army admits the validity of my facts.

This section also contains one of several Army attempts to show that standards were not lowered to permit the acceptance of this weapon. What the Army succeeds in doing, however, is to make amply clear that the standards were, indeed, lowered.

It should be evident to any perceptive, logical reader that despite the Army's efforts to blur the picture through semantical tinkering, the H.S. 820 was tested against "standards" from the outset of its trials and evaluations in 1961–62. I have stated that the first standards were prepared by the Continental Army Command—CONARC—in 1961–62, and that "allegation" has gone unchallenged. CONARC was a "user" agency, to use the Army's expression, and it prepared requirements that it believed the weapon should meet if it was to perform the mission set out for it. After the Combat Development Command was originated in 1962, with one of its express purposes to recommend requirements that weaponry should meet, it took over as the "user agency" from the CONARC and remained as such. It added its recommendations and thoughts to those of CONARC on the H.S. 820.

When the H.S. 820 was tested and found unsatisfactory in 1962–63, it was tested against something—the applicable standards at that time. And it failed miserably, which the Army admits. It was then modified and tested again in the summer of 1964. Again it failed—after being tested against something, namely the CONARC-CDC requirements, as translated into standards.

The Army would have readers believe that no real, proper standards existed until the final tests run from November 1965 through January 1966. But the lie is put to that position by the fact that the summer 1964 tests were—like the 1965–66 tests—conducted in an effort to win the weapon type classification and acceptance for procurement. If the weapon had passed those tests—as the Army hoped it would—you would never have had a later revision of standards downward. But the weapon did not pass those tests, so it was decided that—as the Army euphemistically puts it—"these standards"—the ones used so far—"were unrealistic as applied to automatic cannons, and that particular standard would have been developed" for the H.S. 820.

Indeed, the Army and Navy had had 20-millimeter cannons for years—although not in a ground mode. And the Army had at that point—late 1964—been working with the H.S. 820 for 4 years. Why did no one realize until then that the previous standards—which in some respects resembled requirements for the .50-caliber machinegun—were suddenly nonapplicable? The answer is, of course, that it was realized then because Secretary McNamara had just ordered that the gun be made acceptable within a year—and it could never be made acceptable if the old standards were adhered to.

The fact that CDC had indeed recommended "standards" and not just "performance characteristics" desired or "performance criteria" is demonstrated further by the final test reports which have separate comparative columns for "CDC standards" and AMC-TECOM standards. The reason both columns are listed is that while the actual testing was underway—November 1965–January 1966—the question of which standards would be used was still under debate between AMC, CDC, and Army staff—all of which the Army staff readily admits. AMC had put down its proposed standards in November 1965. CDC had objected, and—as the Army staff spokesman describes it—the Army staff was "adjudicating" the dispute. That dispute over standards was not finally resolved until General Creighton Abrams signed his approval to the AMC letter setting forth those standards on January 25, 1966. When it became official exactly what the standards to be used for grading were, it became possible to "grade" the weapon. As a result, on January 28, the TECOM preliminary report went up to AMC, recommending type classification, and AMC's recommendation to Department of the Army went up February 10. If the Department of the Army had ruled that the CDC standards should have been followed, the weapon would not have been approved. Thus the recommendations of the "user agency" were ignored or downgraded.

That is why the Army is being unconscionably deceptive when it makes the statement, in "facts" section 12, that the final standards were "based on recommendations of the user agency—CDC—the developing agency—AMC—and the test agency—TECOM." It might be slightly more accurate to say—as the Army does at another point—that the CDC standards were "taken into consideration." They were indeed considered: "Considered" and then ignored.

13. *Allegation:* Test reports were evaluated in late August. They showed substandard performance to such a degree that Major General Roland B. Anderson, Commanding General of the Weapons Command (WECOM) wrote to Lieutenant General Frank Bessen (sic), Commanding General of Army Materiel Command (AMC) recommending no further consideration be given to the HS-820 and that the project be terminated.

The recommendation was forwarded in late August. General Bessen (sic) arranged a briefing in depth with General Anderson and a representative of the Test and Evaluation Command (TECOM) at Aberdeen. After the briefing he expressed agreement with the recommendation but said he wanted a full report on the German Army experience with the gun before reaching a final decision on the proposal to terminate.

Facts: Test reports were evaluated after the summer 1964 test of the HS-820 weapon. The Weapons Command prepared and presented to Commanding General, AMC, alternative courses of action concerning the requirement for a improved weapon for the M114 vehicle. Among the courses of action considered were the termination of effort on the HS-820 weapon, or a one year development and test program to improve the weapon system performance. Commanding General, AMC, directed that effort continue on the HS-820 weapon because no other system could be available to meet the need in the same time frame as the HS-820.

The main thrust of my allegation is that after the unsatisfactory summer 1964 tests, the Weapons Command recommended—in its reports and in a briefing for AMC's chief, Gen. Frank Besson—that the H.S. 820 project be discontinued. And I said General Besson indicated his agreement at the briefing, but said an inspection crew should first be sent to Germany to see how the Germans made their guns work, or what they did differently.

The allegation about Besson's affirmation of the WECOM recommendation goes unchallenged. And the Army attempts to give the impression that all the Weapons Command actually did was to present AMC with a series of alternatives. It is true that a series of alternatives were presented—but the one put forth most strongly urged discontinuation of the program. AMC spokesmen acknowledge this, and describe in detail just what the Weapons Command's reasoning was. It was, that in any program for improvement of the weapon, the projection of expected results follows a parabolic curve that rises for a while then starts to decline. After you pass the high point of benefits achieved, you are in an area of "steadily diminishing returns."

WECOM pointed out that a certain amount of improvement had indeed been accomplished during the modification program thus far, but noted that many problems remained. However, WECOM noted, the succeeding lengths of time invested in an improvement program would not, from then on, bring proportionately greater improvement—because the program had now passed the "point of diminishing returns." It was doubtful that the weapon could be brought up to standard in 1 or 2 years, but that this might be accomplished in 3 years, WECOM reported.

But by saying that "among the courses considered were the termination or a 1-year development and test program," the Army hoped to give the impression that WECOM favored several alternatives—which it did not—and that it considered it possible to bring the gun up to standard in 1 year—which it did not. What the Army obviously hoped to do was lay the groundwork in the reader's mind for Secretary McNamara's later order to buy the gun after only 1 year's further improvement.

14. *Allegation:*

He (commanding General, Army Materiel Command) ordered a team to go to Germany to make the study, designating Colonel Jackson Laurence, a member of the research and development staff of AMC as captain. On it with him were representatives of Combat Developments Command, a command established in 1962 for the specific purpose of setting weapons standards, the Army Tank-Automotive Command (ATAC), TECOM and WECOM.

In Germany the team visited the Armor Center at Munster Lager and the Rheinmetall Company proving ground at Unterlooss. Their report confirmed that the German army had experienced much the same shortcomings in the gun as were shown in US tests. Failure rate was 4 to 8 per thousand rounds fired. Parts breakage was so heavy a regular parts replacement schedule was followed.

Even though the ammunition used by German gunners was coated with slippery lacquer, additional lubricant was applied by hand with a paint brush in order to keep the gun from jamming. Fumes were so excessive the gunner used a gas mask.

Facts: The team was sent to Germany to determine German experience with the gun and to investigate possible ways of making the system more suitable for US use. The Germans were having essentially the same problems with the weapon as was the US at that time. In addition, they were having fume problems inside the "KUKA" cupola on the HS–30 personnel carrier, which fumes were a result of propellant gases, however, and not the ammunition lubricant. The US version of the weapon will not be mounted internally and fumes are therefore not a consideration.

This "facts" statement is typical in that it contains nothing that contradicts my "allegation." The closest it comes to raising contention is to state that the weapon's fumes problem encountered by the Germans stemmed from propellent gasses—the ammo explosion—and not from the ammo lubricant—thus seeming to imply that I had contended the fume problem was related to the lubricant, and thus that I again did not really understand what I was talking about. Nowhere, of course, do I suggest that the fume problem is related to the ammo lubricant—it is the old technique of setting up a strawman and then knocking him down. It is an effort that is hardly worthy of the U.S. Department of the Army.

Incidentally, this section does contain further admissions by the Army that Germany was having troubles with her weapon which McNamara denied to Congress under direct questioning.

15. *Allegation:*

Based on this report and the US tests, the Commanding Generals of CDC and AMC signed a joint letter dated in October 1964 and addressed to the Department of the Army. In it they recommended against type classification of any kind for the gun and further recommended that the project be terminated.

In the same letter they said that if higher authority insisted that work on the gun continue, they could not predict that another year's effort would bring the failure rate down to the desired one-per-thousand level. They estimated that two years could be required to develop further improvements on the gun and test them. Even then they doubted the failure rate would drop as low as 3-per-thousand. At a minimum, the letter said, a third year would be needed to get the failure rate as low as two or one per thousand.

Facts:

These statements are not correct. The CDC/AMC letter of 19 October 1964 recommended that:

a. The 20mm Hispano Suiza 820 gun not be type classified at that time.

b. Efforts to successfully mount the weapon be continued.

c. A redesign and improvement program be initiated immedately (at that time).

d. A priority effort to develop a successor be undertaken.

The letter did not, either categorically or by implication, recommend terminating the project, nor did it predict future gun failure rates.

This is one of the few sections where the Army appears to be genuinely at odds with much of my presentation. The differences may be explained by the memo misinterpretation—which I mentioned earlier—of the joint CDC/AMC letter.

In any case, the Army says of my allegations, that "these statements are not correct." Then the "white paper" authors start out by flatly admitting the accuracy of my first statement, regarding the recommendation against type classification. They are careful not to reveal what length of improvement program was recommended in the letter, and thus leave unchallenged and unanswered my contention that the letter states that at least 2 and probably 3 years would be required to bring the gun up to standard—which is a crucial question, in light of Secretary McNamara's decision less than a month later to order the gun purchased after just 1 more added year's work.

As a matter of fact, official AMC spokesmen admit that the October 19 letter contained alternative improvement programs running up to 3 years, which is an indirect acknowledgment that 3 years was necessary to attain acceptable performance.

The "facts" also acknowledges that AMC recommended that "a priority effort to develop a successor be undertaken," which I also recommended on September 1 of this year.

This means that no such crash effort had been undertaken by October 19, 1964—3 years after the critical gun gap had been identified.

Indeed, as will be shown later, no such priority program has since been undertaken despite that recommendation.

16. *Allegation:* This letter led to a conference on 13 November 1964 chaired by General Abrams, Vice Chief of Staff, U.S. Army. Also present were representatives of the Department of the Army, CDC and AMC. The group reviewed the unsatisfactory test reports. At the conclusion of the conference, General Abrams announced that he had decided the project should be terminated, and gave instructions that this be done.

The next day, 14 November 1964, Secretary of Defense McNamara and German Defense Minister von Hassel issued the communique mentioned earlier.

It became an entirely new ball game. Instead of being terminated, in line with the decision of the Army's Vice Chief of Staff, the gun was placed by Secretary McNamara on a full-speed-ahead procurement schedule.

Facts: The statements relating to the "conference . . . chaired by General Abrams" and to the Secretary's implied reversal of a decision reached therein are completely incorrect. The first conference took place on 3 November 1964, not 13 November 1964, and was chaired by the Army Chief of Staff, General Johnson. General Abrams was present, but was not the decision maker. At this conference, General Johnson approved the following:

a. A requirement existed for mounting an Hispano Suiza type weapon on the M114 Command and Reconnaissance Vehicle.

b. The HS–820 gun system was not acceptable for procurement in its (then) present state.

c. The HS–820 gun system would be procured when deficiencies had been corrected.

This Army position was relayed to the Secretary of the Army and in turn to the Secretary of Defense on 4 November 1964. Based on this position, Secretary McNamara stated in an agreement with Minister von Hassel of the FRG on 13 November 1964 that:

"In light of the Army estimate that principal development problems would be resolved in one year and particularly in light of the 6 to 9 month period for redesign of selected parts, the US will plan to procure initial quantities of the HS–820 20mm Gun during CY65, assuming adequate progress is made on the solution of the problems noted in the Army presentation."

General Abrams at no time made a decision on the gun, nor did he ever give instructions to terminate the project.

I have dealt earlier with the play on words which may explain the apparent differences over events of November 13, 1964.

17. *Allegation:* Mr. McNamara's office issued orders to AMC that the gun improvement program must be completed by November 1, 1965, at which time Mr. von Hassel was expected to return to the US to wrap up the procurement agreement.

Facts: No orders were issued by Mr. McNamara's office to AMC.

Department of the Army approval action, forwarded to AMC in November 1964, contained a desirable completion date for the improvement program of 1 November 1965.

The Army states that "no orders were issued by M. McNamara's office to AMC." But, in the next breath it admits that AMC was handed by DA a "desired completion date" of November 1, 1965, for completion of the modification program. And that "desired date" date was, in turn, required by Mr. McNamara's office since the secretary had—as the Army admits in "facts" section 16—agreed to buy the H.S. 820 "in CY—calendar year—1965." Technically, Mr. McNamara probably never deals directly with AMC.

18. *Allegation:* In late November, 1964, a conference attended by representatives of the Department of the Army, AMC and CDC was held. During the discussion the AMC rep-

resentative announced that the only way to get the gun classified Standard-A and suitable for procurement would be to lower the standards. AMC listed 12 major standard requirements which would require either waiver or adjustment. The CDC representatives objected to relaxing any requirements and opposed further testing of the gun, declaring that none of the military characteristics established for the gun could safely be modified. The Department of Army representative ruled that the standards would have to be lowered and gave AMC the go-ahead.

Facts: On 19 November 1964, a staff level meeting was held at CDC between representatives of CDC, AMC, Weapons Command, Test and Evaluation Command, and Office Chief of Research and Development. The purpose of the meeting was to discuss the approved improvement program for the HS-820, and the relationship of the gun's anticipated performance thereafter to the stated system requirements. AMC representatives felt that no high velocity, rapid firing cannon could meet the performance criteria desired by CDC. However, the staff representatives agreed that the improvement program would point toward achieving the best performance possible, and did not establish any lowered standards of performance.

This is another case where the Army purports to answer an allegation but instead ends up ignoring some of the key allegations and agreeing with others. Ignored are statements involving strong CDC opposition and AMC's belief that 12 major standard requirements would have to be waived or adjusted to win approval of the gun. Admitted are the facts that the November 1964 meeting occurred; that AMC believed CDC's requirements could not be met, and that the Department of the Army staff gave the go-ahead to AMC.

Indeed, in the Army's wording there is the clear admission that there was agreement at the meeting on the fact that the standards would have to be lowered. The Army says that its staff agreed with AMC that the improvement program—of 1 year, dictated by DOD—would point toward "achieving the best performance possible"—within that 1 year. What kind of standard is that to be following? It is true, as the Army contends, that no lowered standards were specifically set at that meeting. But I never said they were set at that time—merely, that AMC got the go-ahead to start making the revisions. Instead, the lowered standards themselves were first outlined by AMC for DA in January 1965, and were written down in full for the first time in the November 27, 1965, AMC letter approved by General Abrams on January 25, 1966. Thus the entire thrust of the Army's "facts" section, directed toward the contention that the Army "did not establish any lowered standards of performance," is aimed at misrepresenting the facts and deceiving the reader.

19. *Allegation:* In April, 1965, the funds were unfrozen, the additional test guns were purchased and improvement efforts were resumed. Throughout this period AMC kept insisting that the deadline of November 1, 1965 could not be met, and CDC remained critical of the gun and of the decision to lower test standards.

Facts: 1 November 1965 was the desired completion date of the improvement program for the HS-820. The completion date was predicated on early approval of the program and the furnishing of necessary funds to carry out the program. The delay in making funds available did set back the completion date of the program as finally undertaken. However, every effort was made to reduce administrative portions of the program, such as preparation and processing of test reports, without sacrificing any required technical effort or compromising the test plan, which was followed explicitly. The program was completed by 1 February 1966.

Nothing is contradicted from my "Allegation." "Facts," however, do contain an admission that "every effort was made to reduce the administrative portions of the—test—program, such as the preparation and processing of test reports." This squares with my charge, made later, that "unprecedented" steps were taken to expedite the tests and to influence the outcome.

The statement that the H.S. 820 improvement program was completed by February 1, 1966, is misleading. It was still in progress in August 1966.

20. *Allegation:* Under pressure from Mr. McNamara's office to keep it posted on progress, in October 1965 AMC notified channels that modifications of the gun were expected to be satisfactory in most respects and the gun, upon testing, could soon be classified Standard-A. CDC protested to Secretary McNamara's office that the gun was still substandard.

Facts: There was no pressure from Mr. McNamara's office to keep it posted on progress. In October 1965, the Deputy Commanding General, Weapons Command, presented a briefing to Department of Defense officials on progress of the improvement program. The briefing provided background information for Mr. McNamara's planned discussions with German government representatives, and was only one of several agenda items.

No protest that the gun was still substandard was made by CDC to Mr. McNamara.

This "Fact" section contends that there was no pressure on AMC by the Secretary's office to keep it posted. Doubtless the Army would say, upon being pinned down, that any pressure exerted was on Department of the Army, which in turn relayed it to AMC. However, does the Army suggest that it is not obvious pressure when the DOD makes its interest known and emphasized by having the Weapons Command—which was the AMC organization in charge of the H.S. 820 project—present a briefing on the gun directly "to Department of Defense officials"—not to AMC, and not to the Department of the Army, the two normally intervening channels, but directly to DOD?

21. *Allegation:* On November 27, 1965, AMC put in writing the revised standards based on the November, 1964 discussion at which time AMC, over the protest of CDC, decided to make the changes. Once again, CDC—the command established for the express purpose of defining the proper standards of weapons performance—protested vigorously. Despite this, on January 25, 1966, the revised standards as proposed by AMC were approved by General Abrams.

Facts: The finally approved standards against which check-testing of the gun was conducted in 1965–66 were based on recommendations of the user agency (CDC), the developing agency (AMC) and the test agency (Test and Evaluation Command). CDC's recommendations concerned performance criteria which they (the user) desired the gun system to meet. A major portion of AMC's recommendations concerned the modifications which could be made to the system and the improved performance which would result therefrom. The views of the three agencies were considered by the Department of the Army Materiel Requirements Review Committee which approved the standards against which the gun was check-tested.

The "facts" in this section are about as specious as they could possibly be, without being outright flagrant misstatements of fact.

The allegation has been made that CDC, the user agency, opposed the lowering of standards and the procurement of the gun. The Army declines to meet that contention head-on, although that point is made repeatedly. Instead, the Army sets out to create a misimpression directly opposite to the facts, by saying that the "finally approved standards—which are actually the downward revised standards—were based on recommendations of CDC, AMC, and so forth."

The truth could not be stretched much further without snapping. Being charitable, it may be possible to say that the final standards were "based on the recommendations of CDC" and other agencies—but it is possible to say that only insofar as it is fair to say that CDC's pleas for higher standards were "considered"—as a later sentence describes it. "Considered" and then ignored, for the most part, would be the proper way to state it.

It is noteworthy that the Army says AMC's recommendations "concerned performance which would result therefrom." The letter containing those standards was dated November 27, 1965, after final tests of the modified gun had already begun. And the letter was approved January 25, 1966, after the bulk of the test firing was completed—and after all the firing on which the recommendation for approval would be based had been completed.

Yet, by the Army's description, AMC in that letter was talking about "modifications that could be made and the improved performance that would result." That doesn't seem to make sense. Is the Army talking about even further modifications after the final tests? And toward what purpose would such modifications be directed, as far as improving the weapons for the final tests, if the tests were already completed?

It is also noteworthy that in the past, on the question of lowered standards, the Army has said it was only the AMC that set the "performance criteria" for the gun and the tests, while CDC just recommended "performance characteristics." Yet here the Army acknowledges that CDC recommended "performance criteria," which contradicts the Army's own semantical obfuscation perpetrated earlier.

22. *Allegation:* Meanwhile tests commenced at the three test centers, the Armor Board at Ft. Knox, the Infantry Board at Ft. Benning and the Proving Ground at Aberdeen, Maryland. Each center provided preliminary teletyped reports to TECOM. On the basis of these incomplete informal reports, TECOM made a favorable interim evaluation and forwarded on January 29, 1966 to AMC the formal recommendation that the

gun be classified Standard–A. AMC recommended it to the Department of the Army on February 10, 1966.

Facts: These reports were informal but they were substantially complete. At the time the TECOM interim evaluation was prepared, there was a portion of the test firing to be completed at Aberdeen Proving Ground, and maintenance evaluations at Fort Knox and Ft. Benning were not quite completed. Further, there was a certain amount of data reduction to be completed. However, it was the position of TECOM that completion of this work would result in only minor changes to the quantitative data available, and that valid recommendations could be made at the time of submission of the interim evaluation report. This position proved to be correct as borne out in the final test reports.

These "facts" do nothing except confirm the allegation. They make clear that despite the weapon's history of problems, and despite the protests of the user agency, final approval of this weapon was given on the basis of preliminary reports.

23. *Allegation:* Unprecedented test evaluation procedures were adopted. Under them malfunctions by the dozen were "adjusted" as being due to excessive wear of gun parts or discounted for other reasons, such as gunner error—although test gunners are the best in the Army. Ordinarily, a weapon would be required to perform satisfactorily without arbitrary adjustments and discounts. Without these adjustments test reports in the spring of 1966 would not have come close to meeting even the lowered standards.

As I have reported previously in the CONGRESSIONAL RECORD, the first interim report from Aberdeen tests dated April 8, 1966 and prepared by W. A. Gross, covering the period December 1, 1965 to February 28, 1966, showed a malfunction rate of 4.7 rounds per thousand. On April 19, 1966 a report prepared by Major William Farmer of Ft. Knox showed a malfunction rate of 7.1 per thousand but these were "discounted" to bring the rate to 1.3.

Facts: The adjustment or discounting of certain malfunctions is a normal procedure in weapons testing. This is necessary because certain required test procedures will cause more malfunctions to occur than would occur if the gun were in use under field conditions. As an example, a number of malfunctions during durability tests were caused by the breaking of parts which ordinarily would have been replaced in the field, under a parts replacement schedule, long before they reached the point of failure. In addition, an immediate on-site evaluation of each malfunction is made. If it is determined that the malfunction is a result of some external cause that is not the fault of the gun, the malfunction is discounted and not charged against the gun's performance. Also, during a portion of the HS–820 tests, certain malfunctions were attributed to an experimental recoil adapter which was used for some 3000 rounds of firing. These malfunctions were discounted in the final evaluation of the weapon.

The Army contends here that the "discounting" of malfunctions is a normal process in testing, which is true to a degree. But the circumstances of the discounting here were unusual.

Why, after years of trouble, was the gun not tested just once to see if it would actually work? And is it not typical of the Army's headaches with this weapon that—as the Army admits—the continuing difficulties with the weapon were so severe that the Army was still experimenting with a new recoil adapter even after the tests were underway—noted earlier—and that the equipment under test was changed in midstream, after the experimental recoil adapter would not work?

It is also worth remembering that earlier the Army said that it had no problems with the feed mechanism due to varying recoil, and that the recoil-powered feeder proved "satisfactory" in tests. Yet here is an outright admission that integrating the recoil to the rest of the system continued to be a problem, and that the Army was still experimenting with ways to correct the problem as late as the final tests.

24. *Allegation:* Single shot accuracy still could not meet the lowered requirements. The requirement had been reduced from 1.5 to 2 mils, a 33 percent relaxation. The test results were 2.16 mils.

Burst accuracy tests were conducted at 500 meters. After three rounds the accuracy pattern was firm, but unhappily malfunctions were frequent in bursts exceeding five rounds.

Facts: Accuracy of the weapon, as evidenced in the 1965–66 check-tests, did slightly exceed the accuracy requirements approved as the check-test criteria. The magnitude of the deviation was not significant, however, and the gun was considered satisfactory from the accuracy standpoint.

The plan of check-test was designed to simulate the operational conditions under which the gun would be employed in the field. Consequently, the majority of test firing was done in the burst fire mode. The malfunction rate, as reported in the results of the check-test, was based on data obtained from these firings and was not excessive.

The first part of this "Facts" section is a flatout admission that the gun did not meet the standards for single-shot accuracy—even after the accuracy requirement had been relaxed by one-third, from 1.5 mils to 2 mils. There was only a "minor deviation," the Army says, which is true, after the reports were fiddled with. But is a standard—even after it has been lowered—not a standard, ever? How much do we bend or ignore standards? What are standards for?

No note was taken by the Army about my observation that the burst-accuracy tests were conducted at 500 meters. The reason, of course, is that the standards set for accuracy in 10-round bursts and 20-round bursts—which were supposed to be fired at 1,000 meters—were so lenient that—according to the statement of an official AMC spokesman—the Army did not have a target big enough to conduct the tests on. The requirement was 12 mils for 20-round bursts, and 6 mils for 10-round bursts. Twelve mils at 1,000 meters is 12 meters or about 40 feet—about the size of a 4-story building. That is some requirement. Six mils at 1,000 meters is 6 meters, or about 20 feet—the size of a 2-story building—or of the proverbial "broad side of a barn." Some standards. And after years of preparation and work with this gun, why were we not equipped with targets big enough to conduct these vital tests when:

First. The burst mode will be the most common fired under field conditions.

Second. The main reason we are acquiring the weapon is to give us the capability of engaging the Soviets' comparable vehicle at the 1,000-meter range.

One reason the targets may not have been available is that it is easier for a gun and a gunner to pass a test at 500 meters than at 1,000 meters.

The Army claims that it really makes no difference, that it is just as fair to test for accuracy at 500 meters as it is at 1,000 meters, if you use a required target area only one-half as large.

Ballistics experts may debate that contention, particularly in the case of this gun. Personally, if an accuracy test for a weapon with this many problems is supposed to be conducted at 1,000 meters, I would like to see it conducted at 1,000 meters, not at half that distance.

25. *Allegation:* From earlier tests AMC devised a parts replacement schedule, but this was not used in the tests. Therefore the question whether malfunctions would actually have been prevented by parts replacement was left unanswered.

Facts: One of the objectives of the November 1965–January 1966 check-tests was to confirm or correct the projected parts wear-out and breakage rates upon which the parts replacement schedule was based. To have made the parts replacements on schedule during the check-tests would have precluded the accumulation of necessary data to carry out this objective.

One of the most serious deficiencies of this test program—and one of its most incredible aspects—was that despite this weapon's long history of trouble, and despite the many modifications made on this off-the-shelf item, the gun was never actually required to work in its final tests, demonstrating an acceptably low level of malfunctions. Instead, it was permitted to suffer parts breakage—a problem that occurs at an extremely high frequency with the H.S. 820—with the resulting malfunctions then discounted on the theory that if the parts had been replaced under the projected parts replacement schedule, the malfunction would never have occurred.

The fact that this particular, trouble-plagued gun needed to be tested under conditions that actually required it to work was acknowledged by an AMC spokesman. And the weapon's project officer has admitted that this need for actual performance free of a high malfunction rate was the subject of "considerable debate" between AMC and TECOM before the tests were conducted.

The debate was specifically on the question of whether or not the six available test guns should be split up, three and three, with one group tested using the parts replacement schedule, and the other group not using the schedule, to test the accuracy of the parts replacement schedule. But this three and three split was not made, supposedly because there was a question of whether valid statistical results could be had from just three guns. Yet other governments obtain valid results from test quantities as low as three weapons, and so do weapons producers in private industry. Why cannot Uncle Sam?

And why were only six guns procured for the final tests?

26. *Allegation:*

Therefore, the so-called final tests left in doubt whether the gun would actually pass even the lowered test standards.

In other respects the weapon system was deficient.

Penetration never did measure up to the desired level.

Its fine lay capability—the final aiming in which the gunner zeroes in on his target—was imperfect. This would seem especially important in light of the other problems on accuracy.

The high explosive round was still substandard despite five years of testing. The round—once overly-sensitive—was now too insensitive. It did not explode until after graze impact. The explosion occurred yards away from the target point.

The manufacturer, Diehl, one of three firms involved in the procurement, is still working on this problem.

The recoil problem persisted. Recoil power is used to operate ammunition feeder. This is critically important because erratic recoil will cause erratic feeding of ammunition and therefore malfunction. The type mounting of the HS–820 on the M114A1 vehicle aggravates this problem. Originally intended to be a more rigid ring mount, it was redesigned with ball-bearings, which cause troublesome play. Although it was classified Standard–A six months ago, technicians are still having trouble getting the weapon to perform well at low temperatures.

Facts:

Based on the results of the modification and check-test program, the modified gun was considered to have met all essential requirements for durability, accuracy and reliability. In particular, penetration capability met the original criteria. Consequently, Army Materiel Command in February 1966 recommended that the modified gun be considered suitable for Army use and that it be Type Classified Standard–A. Department of the Army approved the recommendation. Army Materiel Command did recommend certain improvements in the fine lay capability of the system, and to the high explosive ammunition and its fuze. However, these improvements concerned components of the system external to the gun itself, and were considered readily correctable within the lead time for delivery of guns and ammunition. Provisions were made to incorporate appropriate corrective modifications in the production systems.

The plastic ball bearing support for the cupola is of conventional design for this type installation. A certain amount of play is inherent if the system is to rotate easily. The degree of play in the M114A1 cupola is not considered excessive.

The low temperature performance of the gun meets applicable performance criteria.

It should be noted, again, that while McNamara flatly guaranteed Congress—erroneously—that the gun "met all requirements and so forth," the Army now says only that the weapon was considered to have "met all essential requirements and so forth." There has, of course, been a rather liberal determination of what is and is not "essential." Requirements that CDC, the user agency, believed were "essential" were downgraded.

The Army attempts to pass off the continuing problem with the "fine lay"—aiming—capability and with the HE ammunition by saying that these were "parts of the system external to the gun and were considered readily correctable within the leadtime for delivery." As a matter of fact, neither problem had been corrected by the first week in September and there is no guarantee that an adequate degree of improvement will be attained by the time the gun comes off the production line, ready for testing with the entire "system."

The Army's stressing of the fact that these problems are with "a part of the system external to the gun" might well make it appear, to the unsuspecting reader, that the problems are less severe, or even peripheral. Quite to the contrary, one of the big problems with this gun has been getting the overall system to work. And if all the components of the system don't work together, nothing works effectively—which is one reason it is called a system.

The "Facts" note that the "degree of play in the M–114A1 cupola—turret—is not considered excessive." Which is true, to a degree. But there is play there. And in combination with this gun, on this mount, with this vehicle, the play represents serious problems when taken in conjunction with the system's other characteristics. That is, a recoil-operated feed mechanism; a sharply recoiling, blow back operated weapon on a vehicle with an insufficient suspension for such a weapon; and mounted in a cupola that is additionally erratic in recoil response because it is off-center from both the front-to-rear and the side-to-side axes of the vehicle.

It might be noted that there is little comment on the allegation involving the HE—high explosive—round of ammunition, except to say that this problem is being worked on—implying that it is minor in nature and no impediment to the system's classification as standard A. But will our armored troops believe it is a minor problem when they fire an HE round, at enemy troops or at emplacements, and the round literally bounces off the target area at grazing angle, before exploding, yards away?

If this is a minor problem, then why was not the HE ammunition—an integral part of the weapons system—classified standard A like the rest of the system, instead of "limited production" only.

What kind of a weapon do we have when a key element to the system is so deficient even by the Army's lowered standards that it is not acceptable for full production?

The Army, in "selling" Congress on the need for the H.S. 820, has made much of the fact that the gun is needed to give our armored scout vehicle the capability of defeating or standing off the Soviet vehicles mounting the 14.5-millimeter gun, at 1,000 meters.

Despite the Army's contention that "penetration capability met the original criteria," the facts—if they were disclosed—would show that the H.S. 820 must get up to within 800 yards before it has the capability of defeating a vehicle with the Soviet BTR–50's thickness of armor—and that, furthermore, the Russian 14.5-millimeter gun, which employs one of the most efficient armor-piercing rounds ever developed, can defeat the armor of the M–114 at 1,100 meters, not just at 1,000 meters. That leaves the M–114 naked and vulnerable for 300 crucial meters—more than the length of three football fields—before it could start getting in its licks effectively—if indeed the gun worked dependably.

It is stated that "low temperature performance of the gun meets applicable performance criteria." The fact is, however, that high performance guns of both higher and lower caliber are routinely required to work at temperatures down to minus 65 degrees.

As of the first week in September, the Army was still trying to get this gun to work at temperatures below minus 35 degrees. And the only lubricant they could find that would begin to do the job was diesel oil—which AMC itself acknowledges is less than ideal, and which it is seeking to replace by developing a synthetic oil that will "do the job better," an AMC spokesman said.

Meanwhile, AMC states that a heater is being designed for testing with the weapon, in an attempt to meet the problem of required performance at low temperatures—adding yet another "Rube Goldberg" device to a gun already loaded down with modifications. It is now so modified that it is known, with the Weapons Command and TECOM, as the "monster" and "the monstrosity."

27. *Allegation:*

The statement (by Mr. McNamara on 9 March 1966 before the House Armed Services Committee) was not only premature but incorrect and highly misleading.

When Mr. McNamara spoke, the final test report issued by Major Farmer was still more than a month from completion, and in it Farmer was to report specific deficiencies and recommend further gun modifications and tests.

Facts:

As indicated above, informal reports based on substantially completed testing had been submitted prior to Mr. McNamara's testimony, which was neither incorrect nor misleading.

In order to expedite completion of the final modification and check-test program of November 1965–January 1966, every effort was made to reduce administrative portions of the program, such as preparation and processing of test reports, without sacrificing any required technical effort or compromising the test plan. Further, Type Classification action was taken based on the recommendations of an interim report (28 January 1966) when it was determined that there would be no significant changes in quantitative data in the final report, and no change in recommendations in the final report. The recommendations of the interim report were based on performance data submitted by Aberdeen Proving Ground, US Army Armor and Engineer Board and US Army Infantry Board, and did not set forth any deficiencies in the gun which needed to be corrected.

The cited final test report by Major Farmer was the final test report of the US Army Armor and Engineer Board. Only one gun deficiency was cited. This deficiency pertained to rapid single shot dispersion and was based on firings conducted at the Armor and Engineer Board. When results of similar firings at the Infantry Board and at Aberdeen Proving Ground were taken into account, the averaged dispersion figure did not exceed the standard to a significant degree and the gun's performance was therefore, considered acceptable in this regard.

In an attempt to explain away the misleading and inaccurate nature of Secretary McNamara's testimony before Congress this year—when he said the improvement program "for the system" was complete and no further modifications were necessary—which was patently untrue—the Army now contends simply that McNamara based his testimony on the preliminary report from TECOM, which the Army says did not go into the question of the need for further modifications. That does not lessen the fact that McNamara's testimony before Congress was inaccurate. It merely pleads that the Secretary was ignorant of the facts at the time of his testimony, which is an interesting defense to offer for a Secretary reputed to be always accurate. It should be noted too that Mr. McNamara's statement was supplied in writing. It was not extemporaneous.

It is also noteworthy that after it became known to McNamara and the Army that this testimony was flagrantly in error, no effort apparently was made to correctly inform the committee of the error or the true status of the gun. Similarly, the committee was never apprised of the fact that the gun "met all requirements" only because those requirements had been lowered.

Indeed, the committees were never told that the standard A decision had been made on the basis of a preliminary report. Instead, members of congressional committees were simply told that the "tests have been completed"—which they were not then and are still not today—and the "gun has been found acceptable—which it has not been—implying that a complete test and evaluation process had been followed to yield that decision.

It might further be remembered that on rapid single-shot accuracy, the test agency representing the troops that will use the gun; namely, U.S. armored units—the testers who put the gun through trials most closely approximating the conditions of actual anticipated use—gave the weapon its poorest scores.

It was only after those bad scores from the Armor Board at Fort Knox were diluted by reports from the Infantry Board at Fort Benning and the Test and Proof crews at Aberdeen—where expert gunners are employed—that the accuracy rate could be approved. And even then, the lowered standard of 2 mils could not be met. Yet the gun was approved anyway.

28. *Allegation:* The vehicle itself had been tried and rejected as unsatisfactory in Vietnam operations.

Facts: It is true that the Army does not intend to use the M114 in Southeast Asia. However, this is because the M114 lacks the overall mobility and agility of the M113 in marginal terrain. The possible use of the HS-820 in Vietnam has not yet been addressed. Experience with the M114 in Europe indicates that the vehicle is doing a satisfactory job in our reconnaissance units in that theater. It is these units which will meet the heavily mechanized Soviet and Eastern European Forces in case of hostilities. We still have an urgent requirement to upgun the M114 Command and Reconnaissance Vehicle in our European Oriented Force.

In these "Facts" the Army makes at least two misstatements of fact. It says that "the possible use of the H.S. 820 in Vietnam has not yet been addressed," and it says that present plans call only for the employment of the H.S. 820 in Western Europe, which is what Congress has repeatedly been promised would be the only use of this marginal, interim system. However:

Use of the H.S. 820 in Vietnam is already under consideration, which AMC personnel have openly acknowledged.

Plans are under consideration for the alteration of sizable quantities of another existing armored vehicle, to receive the H.S. 820 experimentally.

A new amphibious landing vehicle is being designed to carry the H.S. 820.

Such added uses will be possible because the number of guns being purchased exceeds the number realistically needed for our existing inventory of M-114's—an inventory that is not going to get larger because the M-114 is now out of production and a successor vehicle is being developed successfully. The weapons will go on the oldest, most quickly depreciating M-114's last, making it likely that when the cannons are finally produced for the oldest one-third of our M-114 inventory—toward the end of our 3-year contract—there will not be vehicles left to mount them. However, by that time the Army may have decided not to mount the guns on either the oldest one-third of the M-114 inventory, or on the middle one-third either, since cost studies by the Weapons Command have indicated that it will not be feasible—from the standpoint of economy and cost-effectiveness—to mount the H.S. 820 on the oldest M-114's, and it may be only marginally feasible on the middle group.

If those studies are followed, a huge inventory of unused H.S. 820's will remain, and the Army will doubtless look around for even more vehicles on which to mount this marginal, "interim" weapon, and hunt more guns to fire its ammunition—thus institutionalizing this supposedly stopgap gun, a process that is already underway.

29. *Allegation:* The Army Scientific and Technical Intelligence Bulletin reported that there were numerous deficiencies in the HS-820, and that West German firms were developing new weapons at the request of the West German government.

Facts: The gun reported on in the Bulletin was the old, unmodified HS-820, which did have many deficiencies, and not the version being procured by the Army. Several US and German commercial firms are developing automatic cannons which may be considered as follow-on items to the HS-820. However, final development, test and production of these guns could not be completed in time to meet the urgent requirement being fulfilled by the HS-820. Available information indicates that despite the new developmental efforts by Rheinmetall and Mauser, the German Army is ordering more HS-820 weapons of an improved configuration similar in design to the weapon which has resulted from the US modification program.

I never contended that the Army's Scientific and Technical Intelligence Bulletin had reported on the modified U.S. version of the H.S. 820—yet that is what the Army's "Facts" section 29 seeks to imply. Instead, I quoted the bulletin—and noted that the Army's chief procurement officer himself had quoted it—to point out that by my estimate McNamara had additionally misled the committee when he said, under direct questioning, that the Germans had had no real troubles with their version of the gun.

It is noteworthy that the Army here again acknowledges—contrary to McNamara's testimony—that the gun "did have many deficiencies."

The Army here also reveals that the 1,000 new H.S. 820's that Germany is buying actually will be models similar to the U.S. modified version, and not the old H.S. 820's as was implied on the floor earlier, in comments made about my September 1 speech.

I might also note at this point, for the Record, that my presentation today answers fully those earlier comments made on the floor, and points out the inadequacy of those comments and the material that was inserted in the Record to support them.

30. *Allegation:* Is it better to have the substandard HS-820 than wait for a better weapon? Obviously General Abrams answered the question in the negative in 1964, although Mr. McNamara the next day reversed the decision. CDC, the Command charged with setting the standards for weapons, has not budged from a negative answer.

Facts: These statements are incorrect. General Abrams did not answer in the negative. He did not answer at all. The Chief of Staff answered in the affirmative for the Army in November 1964. Mr. McNamara did not reverse the decision, but accepted the affirmative position as given. It should be noted that CDC does not set "standards", it specifies "requirements" from the user standpoint. These may or may not be met during development of any given system.

The Army attempts, it would appear, to ease the seriousness of the problem represented by CDC's opposition by contending that CDC actually "does not set 'standards', it specifies 'requirements'."

However, the final test reports show the H.S. 820 was fired against two sets of standards, the more rigorous, higher standards requested by CDC, and the lower standards which AMC authored. AMC's standards, approved by the Army Materiel Board, were not "based" on what the user agency, CDC, stated were the requirements to be met if the gun was to fulfill its mission and protect our troops. They were based instead on *what it was believed the gun could do*, upon modification. Thus literally, the standards were brought down to the performance level of the gun—which still flunked key tests—instead of having the gun brought up to the performance standards of the Army.

The Army, here and in verbal explanations, seeks to create the impression that lowering the standards below what CDC believed was needed was a normal process in the development of a gun. Such a normal process, which indeed can occur, is called "trade-off." One or more of the desired goals is "traded off" against other requirements, to get a workable weapon within the limitations imposed by the particular circumstances at hand. Thus on an airplane, higher firepower may have to be traded off against weight. And on a tank, added armor or a new weapon may have to be traded off against the need for speed or a low silhouette, or vice versa. What the Army claims it was doing with the H.S. 820 was merely "trading off" a few of the always-too-high requirements sought by CDC against a requirement sought by AMC—time. But officials of CDC itself make clear that this was not the case.

Officially, officers of CDC have been gagged. They have been ordered not to talk to the press, and reporters have been refused permission to officially discuss the H.S. 820 with them—just as they have been barred from interviewing members of TECOM at Aberdeen who ran the H.S. 820 tests and who are familiar with the real conditions and orders under which the tests were conducted.

Despite this "gag," however, officials of CDC are still talking—to their fellow officers, to members of the press who contact them directly and informally, and to other interested parties. Here are the comments of three CDC officials:

"It was never a question of 'tradeoffs' with the H.S. 820. That gun has been marginal at best, even after modification. And you can't indulge in 'tradeoffs' when there's nothing left to safely trade off."

Said another: "Let me draw you a parallel phrased in layman's terms: What would you think of a guy who came up to you and said: 'I just bought a new sailboat. It's really great. It has just one problem: It sinks'?"

Said another: "If anyone ever tells you that the personnel at CDC favored lowering the standards, or accepting this gun for procurement, they'll be lying. And if anyone ever claims they can show you in writing a CDC 'position' accepting that gun—and I don't know that they would claim that—but if they did, it would only be because Department of the Army would have put a gun at our heads, handed us a 'position,' and said: 'Here, endorse this whether you like it or not.' Because the people at CDC would never change their mind on that weapon. It's a lemon. It's just plain no good."

It would seem relevant for the Armed Services Committee, or some other, to bring in all the CDC officials concerned with the H.S. 820 problem, and question them under oath. It is hoped that despite the gag and the threat to their security, some of them might testify with candor.

For the problem with the H.S. 820, they stress, is not that it is marginal in one area, or two areas—which might be compensated for by strengths in other parts of the system. Instead, the entire system is marginal at best, and clearly substandard at worst.

31. *Allegation:*

It is true that the gun—when operated under closely-controlled conditions and by the Army's most skilled gunners—can come close to meeting the lowered standards, but how often will these conditions prevail in the field? Is it wise to put in the field—in the hands of gunners with limited training—so marginal a weapon?

A detailed parts replacement schedule for guns on ships, aircraft and fixed ground emplacements is one thing, but is it practical on a gun which may be operated for indefinite periods far from supply depots and in circumstances of extreme personal hazard like exist in many areas of Vietnam today?

It seems to me, in these circumstances, it would be better to have no weapon—or one of lesser power but proven dependability—and thus not be tempted to undertake certain optional military risks, rather than act on a false sense of security and power based on a marginal weapon.

Facts:

During service testing of the HS-820 weapon system at Fort Knox and Fort Benning, the system was operated under the adverse field conditions that it might expect to experience on the battlefield. As an example, of the thousands of miles of road testing of the system, almost two-thirds was done cross-country or on unimproved roads and trails; firing tests were interspersed throughout the road tests to determine system performance under field conditions.

Parts replacement schedules are common to most large caliber guns and to major items of equipment such as vehicles, all of which are operated under extreme environmental conditions in combat.

After the modified gun was check-tested in 1965–66 and found to meet all essential requirements for durability, reliability and accuracy, it was considered suitable for Army use and Type Classified Standard–A. The Standard–A Classification indicates that the gun is suitable for procurement and issue to troops. The classification is not assigned to weapons with unacceptable performance characteristics.

The Army states that all large caliber weapons have parts replacement schedules. But two points must be made:

No higher caliber weapon has a parts breakage problem like the H.S. 820, and thus the need for extraordinary logistics support.

The higher caliber weapons with parts replacement schedules are, for the most part, either fixed emplacement guns—or on ships or aircraft—or are rear echelon artillery-type weapons, much more easily served by logistical support units—not frontline, or advance-of-frontline weapons, like the one aboard the M–114. And even combat systems such as self-propelled guns of various calibers have nothing like the breakage rate of the H.S. 820, and none is more likely, under combat conditions, to be more consistently remote from supply points than the M–114 and H.S. 820.

32. *Allegation:* I question whether all alternatives other than the HS–820 have been adequately explored. For example, if the Soviet 14.5 gun put us at such a critical disadvantage in 1961, why did we not simply copy the Soviet weapon for the interim while a successor was being developed and built? The US has had the Soviet gun for several years. One weapon expert estimated to me that a crash procurement-based on an extract copy job without changes—could produce 5,000 of these guns within one year.

Facts: A realistic program to copy and produce the Soviet 14.5 mm gun would be essentially as follows: 8 months to reverse engineer the weapon and produce a set of production drawings; 12 months to provide production tooling and establish a production line; a minimum of 10 months to produce 5,000 production line weapons, dependent upon the production facilities established. The total elapsed time, therefore, for the production would be at least 2½ years and would not include engineering design testing and engineer service testing which are normally accomplished before any weapon is considered for troop issue. The only testing included in the above outlined 2½ year program is testing of the production item against the production drawings.

The Army contends that 2½ years would be needed to retroengineer and produce 5,000 copies of the Russian 14.5 gun. Qualified weapons experts with long experience both in the military and in private industry say that the 1-year figure is more nearly accurate and that the 2½-year estimate is ridiculously inflated.

However, one cannot escape asking this question: If we had such a critical need for such a weapon way back in 1961, why have we not developed or copied something by now? In reality, our intelligence sources reported the presence of 14.5's on Russian personnel carriers as early as 1959, not 1961. Nineteen hundred and sixty-one was just the date—2 full years later—when our Army got around to deciding to do something about the problem.

Who is responsible for the continuation of that gun gap? Whose fault is it that nearly 6 years after we avowedly set out to ameliorate a critical problem, we have only a marginal "interim" weapon—at best—and have, as far as the Army staff is concerned, only a newly approved QMR on paper for the successor weapon.

When it became clear that the H.S. 820 would take a long time to work into shape—if indeed the job could ever be done—why was not some other avenue pursued, such as further development of the T–220E1 gun and its ammunition?

QUESTIONS

I am today suggesting that appropriate committees of Congress immediately seek answers to these questions:

First. The development of a successor weapon to the H.S. 820 was not and is not on a priority or "crash" basis, as evidenced by the recommendations in the AMC/CDS joint letter of October 19, 1964, despite the fact that the Government had officially determined in 1961—if not before—that a critical need existed.

Was any private firm—or firms—ever given authority and funds for a priority or "crash" basis development of a successor weapon. If so, give date and details.

Was any Government facility—armory or otherwise—ever given authority and funds for this same purpose?

How much Government money has been expended in the development of a successor weapon? Over what period of time did the expenditure occur?

Has the Department of Defense ever sought authority and funds for the priority or "crash" basis development of a successor weapon? When? Was any such request for authority or funds rejected? If so, by whom? If rejection occurred, what appeal effort was made?

Second. In the critical situation in which our Government found itself in 1961, it would seem logical to have proceeded with several alternatives simultaneously as a means of dealing with the crisis at the earliest possible date.

The United States has the Soviet 14.5 weapon, ammunition molds, and production capability. Was consideration given to a fast unmodified copy job of the Soviet weapon to give us assurance of standoff firepower at least, if other interim alternatives did not work out? If not, why not? Was authority for this alternative sought? If not, why not? What other fallback alternatives to the H.S. 820 were undertaken, if any? Give details.

Third. Was the Congress notified that the standards against which the H.S. 820 would be tested had been lowered? If so, when and in what manner? If not, why not?

Fourth. On March 9, 1966, Secretary McNamara informed the Armed Services Committee by written statement that the gun and the weapon system of which it is a part "meets all requirements for durability, reliability, and accuracy and is considered suitable for U.S. Army use without further modification."

In reality, the fine lay capability was deficient, the high explosive round was deficient, the gun had not passed low-temperature tests satisfactorily, mounting problems persisted, and single-shot accuracy was a deficiency.

Mr. McNamara's statement was obviously inaccurate. Was the Armed Services Committee notified of the inaccuracy of the testimony and was an attempt made to correct the record? If so, when and in what form?

Fifth. Why was the gun approved when the single-shot accuracy tests failed to measure up even to the lowered requirement, which had been eased by one-third?

Sixth. As of August 1966, no QMR—qualitative material requirements—had been established for the successor weapon. This was at least 5 years after the gun gap was first recognized. Why the 5-year delay?

When did WECOM begin pressing for the QMR on the successor weapon? What were the reasons for delay?

Seventh. Did the Department of Defense or Department of the Army at any level actively discourage the successor program? Why was it not practicable to undertake actively both the successor and interim programs simultaneously? To what extent, if at all, did the interim program impede the successor program? Explain.

Eighth. Why was no malfunction test run in which the gun was actually required to work?

Why was the "parts replacement schedule" not tested out as a working theory, in at least one test during the 2½ months of final trials, particularly when the gun had the history of trouble that this one did?

"If experience" and data on the accuracy of the projected parts replacement schedule was needed—the excuse given for running the tests without changing parts on schedule—why was not the German parts replacement schedule used or at least referred to? AMC says it was not.

Why does the Army maintain that it had to run all six of its test guns under the no-parts-replacement schedule in test, instead of splitting them up three and three, with one batch as a "control," when other weapons experts—in both private industries and with other governments—maintain that valid statistical test results can be had from just three weapons—and are often so obtained in weapons tests?

If the H.S. 820 were actually an "off the shelf or hot base" weapon, why did the United States secure only six guns for the final tests? Why were not replacement parts used?

Ninth. Why was the requirement of a burst accuracy test at 1,000 meters waived, with the burst accuracy test run instead at 500 meters?

The Army maintains it had no targets big enough to accurately test the gun at 1,000 meters:

What kind of commentary is that on the gun's accuracy?

Why did not a government that sets up elaborate test procedures and equipment to test rockets and missiles contrive, during the year of preparations that preceded these final tests, a simple target big enough to test this gun?

Why was not the standard 20 by 20 target big enough at 1,000 meters? Is it not true that the 25 millimeter successor weapon to the H.S. 820 has shown in demonstrations to the Army Weapons Command, NATO, and other agencies, that it can invariably hit a target only half that big at 1,000 meters—yet 20 by 20 was too small for the H.S. 820?

Tenth. Secretary McNamara informed Congress that no further modifications were necessary or contemplated on the H.S. 820 weapons system. Why did the Secretary not tell the Congress that in reality:

The gun's "fine lay"—final aiming—capability was deficient and that AMC was even contracting out for last-minute improvements of the gun turret's hydraulic system, to cure this serious problem—made doubly serious by the gun's other accuracy problems?

The HE—high explosive—round was still deficient despite a long improvement program. It was so insensitive that it literally "bounced" on impact instead of exploding immediately, and that both the German ammomaker and the Frankfurt arsenal, in cooperation with American industry, were still trying to correct the problem—and still are?

The gun had not passed—and still has not—the "cold room" tests at Aberdeen Proving Ground, which are routinely required of—and usually easily passed by—other weapons?

Is it true that, first, the gun cannot get along with just the two grades of lubricant that other weapons utilize in the temperature ranges of required operations—that, second, at least three additional grades of oil will be needed, and that diesel oil is now being used experimentally as a lubricant at low temperatures for testing?

Is it now also true that a heater—yet another "Rube Goldberg" modification—is now being considered for use on the gun, in an attempt to make it work at low temperatures?

The problem of dirt and dust gumming up the weapon's lubricated ammunition system continues to represent such a problem that now, virtually the entire weapon has been shrouded in a zippered, canvas bag, as has the ammunition belt, making the gun further inaccessible and adding even longer to the abnormal amount of time required to clear the frequently jamming weapon, during which time the gunner must expose himself outside the turret, since the entire weapon is externally mounted—because of the fume problem.

Eleventh. Is it not true that Secretary McNamara further made misstatements to Congress in repeatedly asserting that this trouble-plagued weapon would only be used on M–114 command and reconnaissance vehicles when in reality an amphibious landing craft is being designed to mount the weapon, and plans are underway to install the gun in another armored vehicle?

Twelfth. Is it not true that the number of H.S. 820's being bought is so large—4,000 to 4,600—in relation to the size of our inventory of effective M–114's, that:

Since the M–114 is now out of production, and since our inventory of 114's is experiencing steady depreciation by the time the last batch of H.S. 820's is delivered—at least 3 years from now—we will have bought far more H.S. 820's than we need or have vehicles for, even considering the requirement for spares and replacements.

Is it not true that there are three configurations of M–114—the oldest, with a pintle for 50-caliber machineguns; a middle-aged group, that has a crank-powered turret, and a newer group, that has—or will have—a hydraulic-powered turret—and that the first H.S. 820's will go into the newer hydraulic-turret M–114's, that later batches will go into the crank-powered turret groups, and that the oldest M–114's, with the pintles, will not receive their H.S. 820's until the final shipments of guns arrive—thus, the depreciation problem with the vehicles will be compounded, because the oldest vehicles, those in poorest condition, will be the last to receive these guns.

Is it not true that from the standpoint of outright cost, as well as cost-effectiveness, modifying the middle group of M–114's—crank operated—is a marginal proposition at best, while modification of the oldest group has been deemed by the Weapons Command to be economically unwise and impractical?

Thirteenth. Is it not true that the procurement of H.S. 820's was "preordained" in November 1964 because Secretary McNamara agreed to the procurement in return for the Germans buying three missile-firing destroyers from the United States—and is it not true that the German Government threatened us with cancellation of the missile-destroyer order when Congress dragged its feet in the spring of 1965 on appropriations for further testing of the weapon?

Fourteenth. If the final tests of the H.S. 820 were "valid" and not prearranged or meaningless, why were U.S. negotiations on the weapon begun by the Army Materiel Command, with the German Government and the firms involved, in November 1964, before the final tests—which supposedly would determine whether the weapon could be bought—had hardly begun?

And why was Rheinmetall, the German manufacturer, obtaining commitments from its suppliers on this gun's production, in early February 1966, before the gun had been designated standard A by the Defense Department?

Fifteenth. Is it not true that the Russian's 23-millimeter automatic cannon, which we have long known that country possessed, was exhibited in Moscow's May Day parade earlier this year in a ground role? And doesn't this render the 20-millimeter H.S. 820 obsolete even before it has begun production, since we were pushing the weapon into production to counter Russia's highly effective 14.5-millimeter cannon on the BTR–50. And doesn't that make its procurement even more questionable?

Sixteenth. Is it not true that while the Pentagon has told the Congress that the H.S. 820 could knock out a BTR–50 at 1,000 yards, the H.S. 820's armor-piercing ammunition capabilities have proved effective on that thick an armorplate at only approximately 800 yards, while the BTR–50's old 14.5 could actually defeat ours at 1,100 yards—300 yards further away. And of course, the 23-millimeter weapon can defeat the M–114 at 1,300 to 1,500 yards or more.

Seventeenth. Is it not true that the Army Weapons Command, after the summer 1964 tests—and shortly before McNamara announced his purchase intentions—not only recommended that the H.R. 820 not be approved for procurement at that time, but also recommended that—or, at a minimum, "raised the question" of whether—the H.S. 820 improvement project should be abandoned because the gun was still too far away from being acceptable?

Is it not true also that the parent Army Materiel Command recommended to Department of the Army, on October 19, 1964—less than a month before McNamara's announcement—that, first, the gun not be approved for procurement and, second, that further improvement programs were possible to cover 1-, 2- and 3-year periods, but only through the 3-year program might the gun be brought up to the standards at that time in use—standards which were, of course, later downgraded to come closer to the performance capabilities of the weapon.

Eighteenth. Is it not true that as late as February 1966, the Army Weapons Command—even after seeing the final, "improved" version of the H.S. 820 and its test results—recommended that the H.S. 820 program not be continued, that the gun not be purchased, and that instead, a crash program be launched to compress the time schedule for the successor weapon?

Nineteenth. Is it not true that the Rheinmetall Co. very probably will not be able to meet the original schedule of first production in March 1967, but instead will be at least several months delayed because, first, the H.S. 820 production line was "down"—mothballed—at the time we agreed to buy the gun, and because, second, the 34 or more modifications that we are requiring in the weapon—including major ones, like changing the receiver which requires major retooling?

Is it not true also that the Army Materiel Command has been told that the American-made "modification kits," to be used in adapting the M–114 to receive the H.S. 820, will probably not be available until October 1967 or later ?

Does this not mean, when taken altogether, that combined with the Army's announced intention of testing the first produced weapons thoroughly before accepting mass production, these delays will result in the H.S. 820's not getting into the hands of our troops until the first quarter of 1968, at the earliest?

Twentieth. Is it not also true that our successor weapon, a .25-caliber automatic cannon:

Can outshoot the Russian 23-millimeter cannon, and of course far outperform the Russian 14.5-millimeter gun?

Can, according to a recent estimate of the weapons command, begin to be available for installation on vehicles in the first quarter of 1969?

Is so far advanced that in reality, if the word were given out by the Pentagon now, or in the immediate future, the weapon's test, debugging and production schedule could be sufficiently compressed to make the gun available in the final quarter of 1968 or sooner—only 6 months after the substandard, less effective H.S. 820, which the successor weapon is to replace, would be available?

Twenty-first. If the foregoing is true, why should we—for the sake of 6-months' advantage invest $150 million or more in a substandard weapon which, experience has shown would hang on interminably in our supply system once it is introduced?

Twenty-second. Is it not true that the weapons command, which has been monitoring closely the development of a successor weapon, is aware that due to our foot dragging in the development of the successor weapon—a foot dragging caused by McNamara's determination to go ahead with the H.S. 820, for political reasons—the successor weapon, an American-designed, American-made 25-millimeter cannon, is probably going to be tested, bought, and in the hands of troops in at least two European countries and probably a third before we have it in the hands of our own troops?

Twenty-third. If the Army's weapons standards for this type of gun were not lowered, as the Pentagon contends, and if the results of H.S. 820 tests were not preordained and—where necessary—manipulated, then why has the press been barred from interviewing any officers of the Combat Development Command, which originally set the standards that the gun was tested under—until the Army Materiel Command received permission to lower the standards for the final tests—and why has the press been barred from interviewing officials of the Army Test Command—TECOM—at Aberdeen, who were in charge of the tests?

The press has been barred, and these officers have been gagged. What is the Pentagon trying to hide?

Twenty-fourth. How much H.S. 820 ammunition inventory does West Germany possess? Is it about $100 million worth? Does the agreement provide any way in which the United States might purchase any portion of the German inventory?

ANOTHER PARTISAN USE OF THE KENNEDY FILM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Minnesota [Mr. QUIE], is recognized for 30 minutes.

Mr. QUIE. Mr. Speaker, when I spoke in the House on September 7 relative to partisan showings of the John F. Kennedy film I did not believe that I would be forced to speak again on the same subject after so short an interval.

However, an article which appeared in the September 12, 1966, edition of the Dallas, Tex., Morning News gives evidence of further nonpartisan use of the film, "Years of Lightning, Day of Drums." The newspaper article follows:

NO DIFFICULTIES EXPECTED ON SHOWING OF J.F.K. MOVIE

Greater Dallas Democrats do not expect difficulties in their plans for a Sept. 22 showing of a film on President John F. Kennedy even though a political organization in Milwaukee, Wis., ran into trouble.

When the Milwaukee Democratic Club announced it would show the film, "Years of Lightning—Day of Drums!" it drew a Justice Department ruling that circumstances of the showing were against the intent of a Congressional Act which enabled the movie to be shown to American audiences.

The film originally was made by the U.S. Information Agency for showing overseas.

Myron Hauser, president of Greater Dallas Democrats, said Friday the Milwaukee group was showing the movie in an attempt to raise funds for a particular candidate, congressional candidate James P. Buckley.

"The funds we raise by showing the movie will go to support all Democratic candidates here," Hauser said, "and a portion of the funds will go to the John F. Kennedy Center for Performing Arts."

The United Nations of Dallas Association will sponsor the same movie Sept. 21. Both showings will be made at the Festival Theater.

Norm Levinson, theater manager, said the film will later be shown commercially. It is now scheduled to open Sept. 23, but Levinson said the commercial showing might be delayed a week or two, depending upon public demand for continuation of his current movie.

You will note that Myron Hauser, president of the Greater Dallas Democrats, boldly said:

> Funds we raise by showing the movie will go to support all Democratic candidates here and a portion of the funds will go to the John F. Kennedy Center for the Performing Arts.

Mr. Hauser laid it on the line: The showing of the Kennedy film in Dallas is explicitly political in intent, designed to raise money for the campaign chests of Democrats.

Mr. Hauser appears to believe that there is a difference in using the film to raise funds for one candidate—ruled illegal earlier this year by the Department of Justice—and for a number of candidates.

In my view, there is no difference. If it is illegal to use the film to raise money for a candidate in Wisconsin or Iowa, it is just as illegal to use it for several candidates in Dallas. I refer you to my speech of September 7, 1966, when I reviewed the attempts by Mr. James P. Buckley, Wisconsin Democratic congressional candidate, and Mr. E. B. Smith, Democratic candidate for the Senate from Iowa, to use the film as a fundraising vehicle. They both canceled the screenings.

I therefore call on the Greater Dallas Democrats to likewise cancel their September 22, 1966, screening of the film. That is just as political as the incidents in Wisconsin and Iowa.

In my September 7, 1966, speech in the House I showed that the Kennedy film was never intended for domestic showings, much less to raise money for political parties. It was produced for viewing only by oversea audiences by the U.S. Information Agency.

When, however, the Congress was asked to make an exception, and make it available in the United States, I was among those Congressmen who feared it might be used as a political tool. We were, however, assured that the film would be shown on a strictly nonpartisan basis. The domestic showings were allowed by the passage of House Concurrent Resolution 285 on June 9, 1965.

We had every right to believe the film would remain out of politics. For example, House Report No. 1093 read in part:

> The film ought not be used, for example, for partisan political fund raising.

I have been informed this morning by a telephone call by a member of my staff to Mr. Hauser that the Dallas club plans to use 50 percent of the profits for the Kennedy Center and retain 50 percent of the profits to support the campaign efforts of Democratic candidates in the Dallas area. Whether they retain 50 or 10 percent of the profits for political purposes, the club is still violating the intent of Congress. Mr. Hauser may claim that all the public is invited, but the use of the funds are what is important.

I therefore call upon the administration to take firm action about the use of the Kennedy film for partisan purposes. If the administration will take firm action, this practice would be brought to a halt.

I have been in contact with the Department of Justice. While the Department is making an effort to halt these illegal showings, I do not believe they have been aggressive enough.

I call on the administration to take action so the American people will be assured that the Kennedy film will not be used in a partisan manner, either as a public attempt to raise money for Democratic candidates or to accomplish the same ends by the use of subterfuge.

The scheduled showing in Dallas is arrogantly contrary to the intent of Congress.

I wonder in how many other places the film is being used for political purposes? I hope that anyone who has such information will send it to me immediately. It is a disgrace to our late President to use the film for any purpose other than the sponsors of House Concurrent Resolution intended.

PANAMA CANAL: ATTEMPT TO GIVE AWAY CANAL ZONE—FURTHER REMARKS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FLOOD. Mr. Speaker, in a statement to this House in the RECORD of August 31, 1966, under the title "Panama Canal: Attempt To Give Away the Canal Zone Unconstitutional and Worse Than a Crime—A Blunder," I quoted an unusually forthright editorial from the August 19 issue of the Richmond, Va., News Leader on "Our Flag Goes Down." This editorial in turn quoted a public statement by Governor Robert J. Fleming, Jr., of the Canal Zone published in the August 3 issue of the Panama, Republic of Panama, Star & Herald.

The Governor's public utterance was one of the most astonishing to come from a responsible official of our Government that I ever read. In it, he explains how he was appointed as Governor of the Canal Zone for the purpose of scuttling U.S. control and how he set about doing it.

The occasion for his statement was the announcement by the executive branch of our Government that Governor Fleming's appointment had been extended beyond the normal period of 4 years, apparently without the advice and consent of the Senate.

In view of this Governor's well-known and documented record as a participant in undermining U.S. authority over the Panama Canal enterprise, many informed citizens of our country, including distinguished Members of the Congress, have wondered why he should have been continued in such an important position instead of being summarily removed. Now I have learned from sources believed to be authentic that his time was extended in an effort to prevent the appointment by the President of a civilian to head the civil agency known as the Canal Zone Government, who also serves as president of the Panama Canal Company.

In the light of their legislative history, the Panama Canal Reorganization Act of 1950 as well as the basic Panama Canal Act of 1912 clearly authorize such civilian appointment and this has been increasingly recommended in recent years by Members of the Congress familiar with Panama Canal problems.

Accordingly, Mr. Speaker, I reiterate the recommendation in my August 31 statement for a full and complete investigation by the Congress into what has occurred as regards the Panama Canal. This investigation should include consideration of whether the projected giveaway of the Canal Zone, which proposal is in line with resolutions of the 1966 Tri-Continental Conference of Communist Parties at Havana, can yield better protection for the United States and Latin-American nations.

CARIBBEAN TRIANGLE: PANAMA CANAL, GUANTANAMO AND PUERTO RICO—OBJECTIVES OF SUBVERSIVE ATTACK

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FLOOD. Mr. Speaker, in previous addresses of mine dealing with Panama Canal and Caribbean policy questions, I have stressed the long-range Communist program for conquest of the strategic Caribbean basin through the processes of infiltration, subversion and revolutionary violence. This program is now far advanced with proved Cuban complicity in student riots, guerrilla operations, and political assassinations in Panama, Colombia, Guatemala, Venezuela, Honduras, and Nicaragua. In fact, one avowed aim of this organized terror is to create in Colombia and Venezuela a vast Vietnam in the Western Hemisphere. As a matter fact, we should expect such a development as a diversionary effort to force withdrawal of our forces from Vietnam.

Lest there be any doubt as to its objectives, I shall quote the resolutions passed by the pro-Communist Tri-Continental Conference of African, Asian, and Latin American Peoples in January 1966 at Havana in Castro's Cuba. One is a general resolution emphasizing that the "struggle is to the death" and "with revolutionary violence," another concerns Puerto Rico, a third the Canal Zone, and a fourth Cuba in which our naval base at Guantanamo is located. These three points, the Canal Zone, Guantanamo, and Puerto Rico, form what the resolutions describe as the Caribbean triangle.

For those who may wish to have fuller information on the objectives of the Communist program for Caribbean and Latin American countries attention is invited to the staff study on "The Tri-Continental Conference of African, Asian, and Latin American Peoples" recently issued as a committee print by the Senate Subcommittee on Internal Security.

From a reading of this alarming document, I can draw no other conclusion than that those in our Government who, whatever their purposes may be in advocating the retrocession to Panama of our treaty-based sovereignty over the Canal Zone, are, in effect, actually aiding and abetting the spread of communistic terrorism and power throughout all countries of the Western Hemisphere.

Section 5 of the indicated staff study, which summarizes the resolutions adopted by the Tri-Continental Conference, follows:

THE TRICONTINENTAL CONFERENCE OF AFRICAN, ASIAN, AND LATIN AMERICAN PEOPLES

(A staff study prepared for the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, U.S. Senate)

5. RESOLUTIONS ADOPTED BY CONFERENCE

The general resolution adopted by the Tricontinental Conference represented a major victory for the philosophy of Maoism, in the sense that it rejected all possibility of peaceful reform and declared revolutionary violence to be the only road to the future. These were the words of the resolution:

"One cannot accept the first small step as an alternative to those that follow. * * * We cannot permit ourselves to be deceived or frightened. * * * The struggle is to the death. * * * The peoples of the three continents must reply to imperialist violence with revolutionary violence to safeguard hard-won national independence, as well as to achieve the liberation of the peoples who are fighting to shake off the colonialist noose."

The general declaration of the Tricontinental Conference covered the following significant points:

1. Condemned Yankee imperialism for allegedly "carrying out a policy of systematic intervention and military aggression against the nations of the three continents."

2. Referred to Yankee imperialism as the "implacable enemy of all peoples of the world."

3. Referred again to Yankee imperialism as constituting "the basis for oppression; it directs, provides, and upholds the worldwide system of exploitation."

4. Proclaimed "the right of the peoples to meet imperialist violence with revolutionary violence."

5. Vigorously condemned "the Yankee imperialists' aggressive war in South Vietnam."

6. Proclaimed "its solidarity with the armed struggle of the peoples of Venezuela, Guatemala, Peru, Colombia."

7. Condemned "the aggressive policy of the U.S. Government and its Asian agents against peaceful and neutral Cambodia and calls for the rejection of all political, economic, diplomatic, and cooperation with the Yankee imperialists and with all puppet governments which help the U.S. Government in their aggressive policy against the Indochinese peoples."

8. Condemned "the North American imperialists' blockade on Cuba."

Another resolution read in part:

"North American imperialism is at the fore of the imperialists' aggressive policy. The most desperate actions against peoples, as in Vietnam and the Dominican Republic, lie at the door of the Yankee imperialists. North American states girdle the globe. Aggressive pacts in which the United States is the leading power cover every continent and sea. The United States is found behind every aggressive action committed by the other imperialists."

Another resolution read:

"This conference is convinced that, in view of the imperialists' violence, the peoples of the three continents must reply with revolutionary violence. The latter (people's) must make use of all the most vigorous forms of struggle, among which armed battle is one of the higher forms to obtain final victory."

The resolution dealing with Vietnam said:

"The conference sets forth clearly that to the imperialist tactic of limited wars the effective reply is the development of liberation wars in every region where conditions are ripe. The best example is Vietnam, where the United States by stepping up its intervention is creating the conditions for a more complete defeat later."

Again Vietnam was dealt with in these terms:

"It is necessary to multiply solidarity with the Vietnamese people throughout the world and support their heroic battle in every manner, even by sending armed volunteers if that be necessary. * * * The conference supports the four points laid down by the Government of the Democratic Republic of Vietnam and the five points stated by the South Vietnam National Liberation Front, and calls on all peoples to struggle to see this applied as the sole settlement for the Vietnam case. Defense of the Vietnamese people's just cause has become a central task for the revolutionary strategy of the peoples of Africa, Asia, and Latin America."

A resolution on Puerto Rico said in part:

"Puerto Rico remains occupied by U.S. imperialism, which not only denies her the right to independence, but has converted her into an enormous military base that includes atomic weapons."

Another resolution stressed the importance of Cuba:

"Special mention is due solidarity with Cuba, whose people are defending and carrying forward a revolution only ninety miles from the United States. Her choice as the site of the first solidarity conference of the peoples of Africa, Asia, and Latin America is the highest recognition of the importance of her revolution and the significance it has for the peoples of the three continents. Cuba, because of her relatively small size, her geographical position near the United States and in a zone surrounded by Governments which are puppets of the Yankee imperialists * * * proves with her revolution, triumphing over all aggressions perpetrated or fomented by the United States, that * * * revolution is possible and invincible."

A resolution on the Panama Canal Zone said:

"The Panama Canal Zone is being used as a base for attack on peoples fighting for their liberation, it forms the Caribbean triangle with the military bases at Guantanamo and on Puerto Rico. This is done against the will of the Panamanian people."

The resolution on the United Nations denounced it as being manipulated by the United States.

The Conference's "Declaration on the OAS" said:

"That the Organization of American States has no legal or moral authority to represent the Latin American nations. That the only organization that will be able to represent Latin America will be the one composed of the democratic and anti-imperialist governments that are the genuine product of the sovereign will of the Latin American peoples."

The Conference proposed:

"That the revolutionary movements of Colombia, Venezuela, Peru, Panama, Ecuador, and others in the Caribbean area and southern part of the hemisphere take prompt steps to make a joint study of this military situation, with a view to finding means to counteract the effects of this aggressive attitude of imperialism."

* * * * *

The Conference resolved:

"To give the most determined support to the revolutionary movements of Colombia, Venezuela, Peru, Panama, Ecuador, and other countries of the Caribbean area and the southern part of the hemisphere in order to respond to the overall aggressive policy of U.S. imperialism with the most effective measures to counteract its effects.

"To denounce before all the countries of the three continents the Yankee intervention in the armed struggles of Colombia, Venezuela, and Peru, and to promote the militant solidarity of the combatants of those countries with each other and with the peoples of the continents in the great battle for national liberation.

"To give decisive support, in all forms, to the armed struggle undertaken in Peru, the path valiantly chosen by the Peruvian people to achieve its definitive and total economic and political independence."

Such was the atmosphere and the general political character of the Tricontinental Conference in Havana.

SCHERING FOUNDATION ENDOWS CHAIR IN PHARMACOLOGY AT GEORGETOWN UNIVERSITY

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RODINO. Mr. Speaker, on September 15 I had the great pleasure of attending a luncheon at which the Schering Foundation presented to Georgtown University a gift of funds to establish an endowed chair in pharmacology.

The Schering Foundation is a philanthropic organization supported by the Schering Corp., a leading pharmaceutical manufacturer with headquarters in my congressional district, in Bloomfield, N.J. The foundation's chairman, Francis C. Brown, presented the gift, which he described as "one of the most significant grants made by the foundation in its 10-year history of support to higher education in the United States." Schering's gift marks a milestone in philanthropy in the field of pharmacology, for it is the first corporate sponsored foundation chair to a medical center in the United States.

The Reverend Gerard J. Campbell, president of Georgetown, accepted for the university the gift which represents the first chair in Georgetown's 177-year history. The chair will provide in perpetuity for the teaching services of a leading pharmacological scholar and staff assistants in a vital area of the health sciences, and it is expected to play an important role in expanding the curriculum of the university's medical-dental center.

Mr. Speaker, I am proud that this outstanding firm from my district has led the way in the effort to improve medical teaching facilities which are so increasingly needed throughout the country. This is, as Dr. John C. Rose, dean of Georgetown's Medical School, has stated, a gift that "will benefit future generations of citizens." I would like to include at this point the fine statement Dr. Rose made on this occasion on the significance of an endowed chair in pharmacology.

THE SIGNIFICANCE OF AN ENDOWED CHAIR IN PHARMACOLOGY

(Remarks prepared for delivery upon announcement of grant for endowed chair in pharmacology from Schering Foundation by Dr. John C. Rose, dean, Georgetown Medical School)

As you know, ladies and gentlemen, pharmacology is one of the traditional six basic sciences of medicine along with anatomy, biochemistry, physiology, pathology and microbiology. In our schools of medicine, and in our schools of dentistry, pharmacology is a course usually taught in the first or second year of the four year curriculum. But pharmacology is much more than that. It far transcends a course for sophomore medical students and dental students. It is the science of the basic mechanisms of drugs at the cellular level, and at the same time it is the science of the application of drugs in the treatment of human disease. It is a science which concerns itself with the chemical structure of pharmacologic agents and their biochemical interactions, and at the same time it is the science which concerns itself with adverse clinical reaction to drugs such as abnormalities of the fetus, depression of the formation of blood cells, and skin rashes. And so, the science of pharmacology draws on all of the other basic medical sciences—medicine, pediatrics, obstetrics, psychiatry and surgery.

The Department of Pharmacology at Georgetown University was one of the first five departments of pharmacology in the United States. It has had a distinguished history, particularly under Dr. Theodore Koppanyi, its Chairman since 1930. Dr. Koppanyi has served as Chairman of the Department of Pharmacology at Georgetown longer than any other Professor of Pharmacology in the United States. This year, Dr. Koppanyi will relinquish his chairmanship of the department, giving up his administrative duties to devote his full-time to teaching and research. And so, a new chairman is being sought. The members of the faculty at Georgetown who are engaged in this research are well aware of the importance of their task. They are aware of the increasing significance of pharmacology in the curriculum of the University, in medical research, and in the health of the nation's citizens. They are aware of the enormously increased public interest in drugs. In fact, they are aware that pharmacology is now a science not only of medical and scientific significance, but also of social and economic import.

It is most fitting that the first endowed chair in Georgetown's Medical Center is the chair in pharmacology. The Chairman of the Department of Pharmacology is an important administrator of the University, a vital planner and teacher in our educational programs, a leader of our research effort, and an essential link between the University and those private and federal agencies that are concerned with the nation's health.

The wisdom and farsightedness of the Schering Foundation is most evident. With this gift, Schering is setting an example for all potential givers in what we now commonly refer to as the "private sector." Medical education and research have benefited enormously from federal programs and appropriations. But, essential to the survival and the growth of medical education, particularly in the private universities, are the interest and the material support of private industry. I am sure that many of you are familiar with the efforts of the National Fund for Medical Education in martialing the forces of private industry in support of medical education in the United States. This effort has occasionally faltered in the past. I cannot emphasize too strongly the importance of private giving for the survival of medical education as we know it today.

The Schering Foundation is to be congratulated on this far reaching decision. Its gift will benefit future generations of citizens. On behalf of the faculty and students of Georgetown University, may I say we are grateful, and we are proud to be numbered among your friends.

STRATTON BILL TO PROVIDE FARMERS MORE TIME IN FILING THEIR INCOME TAX RETURNS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. STRATTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STRATTON. Mr. Speaker, on yesterday I introduced legislation, H.R. 17825, to provide farmers additional time in filing their income tax returns. Under section 6015(f) of the Internal Revenue Code, farmers who elect to file their income tax in the early part of the year and to make at the same time a declaration of estimated tax, are required to file that document by February 15.

As a practical matter many farmers find this date unduly restrictive, since many farm cooperative organizations meet after the first of the year to fix their returns for the preceding year, and in some cases they have not completed their determination in time for the February 15 deadline.

My bill, therefore, postponed this deadline to March 15.

This recommendation, incidentally, is in line with a recent recommendation of the American Bar Association. I believe it will be extremely helpful to all farmers and I urge prompt action on the legislation.

OPERATION GREEN THUMB

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am pleased to commend to my colleagues an excellent article on "Operation Green Thumb," which appeared in the Thursday, September 15, edition of the Washington Evening Star. In the article, Oscar A. Doob describes how ex-farmers are being given the opportunity to assist our State highway departments in useful work beautifying highways and roadside parks.

Mr. Speaker, I think the National Farmers Union and the Office of Economic Opportunity are to be commended for launching this project and I would hope that it continues on a vigorous level.

Mr. Doob's article is as follows:

"GREEN THUMB" PROJECT CATCHES ON

(By Oscar A. Doob)

One of the most picturesque and possibly one of the most successful experimental projects in the "war on poverty" is called "Operation Green Thumb." Eventually, it is hoped, this activity will provide part-time jobs for thousands of needy retired farmers.

The only criticism one hears about this project is that it is not expanding rapidly enough. Everybody seems to like the idea, including the retired, low-income farmers who are itching to make a little money by putting their green thumbs to work.

Last spring, "Operation Green Thumb" was launched in the rural areas of Arkansas, New Jersey, Oregon and Minnesota. It got off to a fine start. Recently, it was extended into 10 counties of southern Indiana. Wisconsin may be next. Many other states are expected to come into the plan in 1967 because of the success of the pilot demonstration projects.

If you happen to be motoring in any of the test states and you see a small, happy group of hard-working oldsters, busy planting trees, trimming shrubs, and otherwise beautifying the highways and roadside parks, you will probably be seeing "Operation Green Thumb" in action. The ex-farmers are being paid the prevailing local wages—$1.25 to $1.50 an hour.

The U.S. Office of Economic Opportunity gave $768,000 to Green Thumb, Inc., a subsidiary of the National Farmers Union. The state governments and local groups involved in the pilot projects are putting up another $683,000, making a first-year budget of $1,451,000. The most recent grant was for $172,000 for the Indiana project, with the state underwriting about $50,000 of that.

The pace at which "Operation Green Thumb," will grow depends on the cooperation of the various states and appropriation of additional federal funds for 1967. According to Henry E. Wilcox, national director of Green Thumb, Inc., the response from retired farmers and state highway departments has been most enthusiastic. There are often more applicants than jobs. About 400 farmers have been employed so far, a drop in the bucket. "There probably are a million old people of the type we would like to reach," explains Wilcox. "We have a long way to go to make a real dent in this situation. Next spring, I hope we will have thousands at work in many states."

While the green thumb jobs are more or less seasonal, efforts are being made to place these experienced farmers in regular work as gardeners, nursery workers, and highway maintenance men. "These rugged old fellows are hard, capable workers who love their jobs," said a state highway supervisor who plans to employ them regularly.

If you want to encourage your own state to set up a Green Thumb project, it could help a little if you wrote to your state highway commission or to the regional office of the National Farmers Union in your area. Every state and county has some of those displaced patriarchs of the soil who can still do a good job if their green thumbs are given a chance.

PROPOSAL TO RAISE TARIFFS ON PAPERMAKING MACHINERY

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. STALBAUM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STALBAUM. Mr. Speaker, I submit for appropriate reference a resolution urging the President to raise tariffs on papermaking machinery through procedures prescribed by Article XVIII of the General Agreement on Tariffs and Trade.

Ample justification for increasing the import duty on this product can be found in figures illustrating the impact of the first 2 years of the currently effective reduced tariff. From 1962 to 1965, U.S. imports of papermaking machinery rose 211 percent while exports dropped 20 percent. In this period, the Nation's favorable trade balance in this item slumped by 42 percent and our share of the world's export trade in it declined from 24 percent to 17 percent.

Although domestic papermaking machinery manufacturers do not allege that the industry is in desperate straits, the figures I have cited represent a $22 million loss which cannot be sustained lightly. Furthermore, deeper inroads into the U.S. market and consequently greater economic distress for manufacturers and employees are inevitable if the threat posed by low-cost foreign competition is not blunted.

The industry is seeking a restoration of the pre-GATT tariff on papermaking machinery. This is a moderate adjustment which would not appreciably affect other countries, whose volume of trade in this item is only a paper-thin slice of their total export trade with the United States. In 1964, paper industry machinery exports to the United States from the principal foreign suppliers in no case equaled as much as one-tenth of 1 percent of its total export trade.

The United States can secure the proposed modification simply by exercising the prerogative of all GATT contracting parties to withdraw or revise a tariff concession at the expiration of its 3-year assured life. Adjustments must be initiated by a notification to the other GATT contracting parties in the 6 months' "open season" prior to the terminal date and they should be accompanied by efforts to preserve the overall balance of trade advantages.

The terminal date for the current GATT concessions is December 31, 1966. However, if the action called for in the resolution I introduce today is not taken before the concessions lapse, they will automatically resume on January 1, 1967. I hope that the President will not ignore this opportunity to check a slipping trade balance and benefit U.S. production and employment.

COLLECTIVE BARGAINING WORKS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the Communications Workers of America and the Bell System's Western Electric Installation Division recently signed a labor agreement. This contract, entered into without the benefit of scare headlines and dire warnings of economic disaster, demonstrates once again the success of the principle of collective bargaining.

On July 18, during the early stages of the airline strike, I delivered a speech on the floor of this House in support of the right to strike and of the airlines strike in particular. I stated in that speech:

> Let labor and management work out their own difficulties within the framework of collective bargaining.

Unfortunately, the free operation of collective bargaining was not permitted to go forward unobstructed. It was obstructed by bills, resolutions, congressional hearings, and countless speeches on the floors of both Houses of Congress to the effect that if labor did not go along with management's demands the legislative branch would force it to go along. The advocates of this curious view did not understand that collective bargaining is based upon the freedom of laborers to withhold their labor or give it, as they see fit. We do not compel men to work in America, especially under conditions which they consider are unfair. Thus, laborers have the right to organize themselves into unions and to bargain collectively with management over their working conditions. When both sides are in agreement they may enter into a written contract for a specified time. If the contract expires before a new one is entered into, the laborers may refuse to labor, that is strike, until a new agreement is reached. The strike is the only effective device which the laborers have. It is an integral part of collective bargaining. It is perfectly proper and protected by law. That in abbreviated form, is what collective bargaining is all about.

In my judgment, if the process had been allowed to work, the airlines strike would have been settled several weeks earlier than it was. But management in that dispute was offered a hope which turned out to be false. It was led to believe that if it refused to compromise its position or make any further concessions labor would be forced to give up under the threat of congressional action. The threats ran the gamut from verbal onslaughts to compulsory arbitration. The latter, of course, would destroy collective bargaining and amount to a reactionary economic revolution. It could very well lead to corporate statism in America.

Happily, the pending legislation was not enacted and a voluntary agreement was reached by the airline companies and the airlines unions. However, all is not behind us.

The fact is that only a few airlines were involved in the dispute this summer. Several other airlines' labor-management contracts are about to expire and the parties are now negotiating for new ones. The question is, will they be allowed to work out their differences within the framework of collective bargaining? The most imminent case involves American Airlines and its employees in the Transport Workers of America. Their labor-management contract expires on September 27. That is only 1 week away. There has not been much written yet about this dispute. But if it is not settled in the next few days the chances are that it will begin to appear in the newspapers. Inevitably this will trigger off the traditional antiunion forces throughout the country, including within Congress, and the voices of reaction will begin to make themselves heard once again.

The present situation represents a potential dangerous one, not because a perfectly legal strike may occur, but because this summer's legislation is still pending and could conceivably be revived to apply here. I would like to urge those of my colleagues who did not panic this summer at the sight of a real and legitimate strike, to not be scared at the prospect of a new one. There will be new threatened strikes and new strikes. That is the nature of our system. Surely the scaremongers are dusting off their wrecking tools at this moment, ready to begin popping away at the unions in the next few days. They are already convinced that labor is wrong, and if labor will not concede this then the whole system needs to be changed.

It is time for those who do not scare easily and who want to preserve the good that exists in our economy to begin to gird themselves.

With unanimous consent I am inserting in the RECORD a copy of the letter I received today from Joseph A. Beirne, president of the Communications Workers of America, concerning the agreement it entered into with the Bell System on September 7, 1966:

COMMUNICATIONS WORKERS OF AMERICA,
Washington, D.C., September 20, 1966.

DEAR REPRESENTATIVE: As you are undoubtedly aware, a labor contract between the Communications Workers of America and the Bell System's Western Electric Installation Division was arrived at on September 7, 1966, a few hours before a strike deadline. Since I wrote you earlier about these talks, I want to tell you now what genuine collective bargaining has achieved.

This non-inflationary contract, which I believe to be the best ever negotiated in the communications industry, will set the pattern for the entire Bell System. It provides for substantial wage increases, a marked improvement in the pension system, a modern vacation schedule, and a more equitable sharing of health and hospital insurance costs. It will keep the skilled and loyal employees of our vital communications system abreast of the nation's economic advances and will assure them a fair share of rising productivity.

We are, naturally, gratified by this achievement. But equally gratifying is the demonstration by the Communications Workers of America and the Bell System that, given responsible attitudes by labor and management, collective bargaining does work. It is confirmation of our contention that the basic labor laws of the country are sound and that, given the opportunity and the freedom that our present democratic system provides, free collective bargaining is the most efficient and satisfactory road to economic progress and is, deservedly, the objective of emulation throughout the free world.

Respectfully yours,
JOSEPH A. BEIRNE,
President.

DEDUCTIONS FOR TEACHERS FROM GROSS INCOME FOR EDUCATIONAL PURPOSES

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. GILLIGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GILLIGAN. Mr. Speaker, today I have introduced legislation to clarify Internal Revenue laws and regulations to permit teachers to deduct from their gross income any proper expenses for educational purposes relating to teaching activities.

The announced regulations of the Internal Revenue Service to drastically curtail further the deductions allowable under the Federal income tax for educational expenses is beyond my comprehension. While the regulations pertain to any individual pursuing educational courses, my principal concern is their effect on teachers.

Probably there is no professional group that participates in a continuing educational program more than the teaching profession. Most teachers, either through their own initiative or because of State or institutional requirements, take postgraduate courses to keep abreast of the changes in their profession and the subjects they teach.

The continuous improvement in the quality of education in the United States has been a commendable objective of the President of the United States, the Congress, the States, and other public-spirited organizations. Important legislation that was enacted in past years has encouraged more and better education. Thus, it is incongruous that one of the agencies of the Federal Government, namely, the Internal Revenue Service, has issued rules which will discourage additional education. Whether it is the Service's intention or not to retard education, that is precisely the effect the regulations will tend to have.

Everyone is aware of the low salaries that generally prevail among schoolteachers. Their salaries are in many cases lower than unskilled or semiskilled workers with a minimum of training. Yet the teaching profession is filled with unselfish dedicated individuals. A good teacher must continue his training with unrelenting perseverence and patience. He must keep pace with the dynamic changes in knowledge and in his professional skills. It is unquestionably the overwhelming desire to help others that is the basis of success of our teaching profession. Yet, the Internal Revenue Service will further restrict deductions for those dedicated teachers who are spending considerable sums of money and time to improve their professional competence.

The modest gains that the teaching profession attained under the 1958 regulations on educational expense deductions will be virtually wiped out by these new rules. Admittedly, the regulations have resulted in some confusion and also in inconsistent interpretations by the courts. Thus, I recognize a need for more precise and definitive rules. But, there is certainly no justification to restrict the allowable deductions so severely that they will almost eliminate deductions by teachers.

The regulations allow a deduction under certain circumstances. However, these requirements do not coincide at all with the type of formal programs that teachers usually follow. Under the new regulations, expenses incurred by a teacher who takes summer work that will be counted eventually toward a degree would be totally disallowed. Moreover, if the teacher obtains a substantially better position or increase in salary after taking the additional courses, he will be denied the deduction for the expense of the courses. If new minimum requirements are imposed on a teacher after he obtains a teaching position, he will not be allowed a deduction for expenses incurred to meet these new requirements. These are illustrations of the restrictive nature of the proposed regulations. Thus, I say again, whether the Internal Revenue Service intends to or not, they will certainly tend to discourage additional training by teachers.

There is no doubt in my mind, however, that many teachers will continue to take additional studies. Some will because of their almost insatiable desire for self-improvement in order to help others more effectively. Others, through a combination of desire for improvement in their skills and to fulfill requirements of a State or school, will pursue postgraduate courses. But this will be a financial hardship on them. For out of their meager salaries they must provide enough income to finance the courses. And as a result of the callous attitude of the Internal Revenue Service, they will usually receive no tax relief. This Congress must not allow our great body of teachers to be denied a legitimate deduction for expenses they incur to improve their professional competency. We must oppose the proposed regulations, and enact this much needed legislation.

I call upon Congress to enact this legislation immediately.

ANTIRIOTING BILL

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HAMILTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HAMILTON. Mr. Speaker, today I have introduced a bill similar to the provisions of the antiriot amendment to the Civil Rights Act of 1966. The defeat of the cloture motion Monday in the Senate made it clear that the 1966 Civil Rights Act is not going to be passed by the other body.

This should not prevent the antiriot amendment from becoming law. In view of the fact that the House has already approved this legislation by a vote of 389 to 25, I feel that it should be considered as a separate piece of legislation.

My bill would make it a criminal offense for any person to travel in interstate commerce or to use the mail with the intent to incite or encourage a riot or other civil disturbance. The penalties provided in this bill are stiff. I feel they should be.

There are those who feel that the American public and their representatives will react to their demands only if they create a civil disturbance. They must learn that this is a government under law, and that the best path to follow in seeking to achive their goals is a straight and peaceful one, not one crisscrossed with riots and pillage.

TEACHER EDUCATIONAL EXPENSES AMENDMENT ACT

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. MACKAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MACKAY. Mr. Speaker, yesterday I introduced H.R. 17801 to amend the Internal Revenue Code so as to guarantee that teachers would be able to deduct legitimate expenses incurred in improving their skills and status as teachers.

In my Fourth Congressional District and in the State of Georgia we have been giving education top priority for the past few years and have made very significant advances. Even so, one of the most difficult problems remains that of attracting enough people to the teaching profession.

Now it seems to me that the regulation issued by the Internal Revenue Service, on July 7, 1966, with regard to nondeductible educational expenses will provide a serious obstacle to our efforts to attract new teachers and to encourage present teachers to improve their professional skills. These new regulations bring teachers under the provisions which apply to profitmaking occupations, which seems farfetched, to say the least. Let me summarize a few of the kinds of deductions which will no longer be available to teachers if Congress does not act.

First. If a teacher gets a promotion as a result of having taken summer courses—even though this promotion was not contingent upon the course or even pending at the time—this expense will not be deductible.

Second. If a teacher has a temporary certificate because of failure to meet minimum requirements for certification, it will not be permissible to deduct expenses of courses taken to qualify for minimum standards.

Third. If a teacher takes courses as a part of a program leading to a degree, this is considered a capital expenditure and is not deductible.

We all know that teaching is a nonprofit making profession. We know too that the only real chance for promotion is through upgrading degrees and certification. Longevity of service alone no longer brings much remunerative increase.

Any step which will discourage people from going to teaching is wrong now. Let me illustrate this point by citing a few facts about my own State.

Despite the dramatic progress Georgia has made in advancing education in recent years, we still have more overcrowded classrooms than 30 other States. With additional teachers we could perhaps overcome some of this handicap until new classrooms can be built. The 1966 average pay for teachers in Georgia is $5,350, compared to $6,792 in the Nation as a whole, which places Georgia 39th in the ranking of States. We rank 48th in terms of the numbers of men teachers—with only 21.1 percent of the teaching force being men.

Clearly then, we need in my district and State to take every step possible to encourage qualified people to go into education, to stay in the field, and to work constantly to improve their knowledge, understanding, and skills. I think this tax incentive act would make one important step in that direction.

EDUCATIONAL EXPENSE DEDUCTIONS FOR TEACHERS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Tunney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. TUNNEY. Mr. Speaker, today I introduced a bill to provide that persons employed as teachers in schools and colleges may deduct the expenses incurred in taking courses, or pursuing other approved programs of professional self improvement, from their Federal income tax.

This legislation is necessitated by the proposal of IRS on July 7, 1966, to amend existing regulations concerning educational expenses in such a manner that teachers would be virtually deprived of this tax adjustment if the new regulations are enforced.

At a time when schools and colleges are hard pressed to find enough teachers to staff the classrooms the proposals of IRS are ironic indeed. As a matter of fact, even under existing regulations the situation has been confused to say the least. It is for this reason that I believe the Congress should act during this session to clarify the issue once and for all by establishing, by law, a national policy of encouraging teachers to upgrade their professional competency.

LABOR RELATIONS PROGRAM

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Tunney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. TUNNEY. Mr. Speaker, one of the great programs initiated by the late President Kennedy was the Federal Government's labor relations program under Executive Order No. 10988. This Executive order was signed on January 17, 1962.

Although this program was a distinct improvement and recognized the fact that a strong union movement in Government or anywhere else is an instrument for harmony between employers and employees, the program has had uneven success. The Civil Service Commission plays a major role in the present program, which for the Commission is a very difficult task.

The reason for this is that the Commission has to wear too many hats within the Federal Government. The Commission today has a basically personnel or management orientation. Its Chairman is the chief management talent scout for the President. The main function of the Commission today is the formulation of personnel policy and when these policies are challenged through union activity the Civil Service Commission is in the position of acting as judge in its own case.

On the other hand the Department of Labor today often acts in the private sector as a mediator. It is an agency which as a body has a feeling for the collective bargaining process. The Labor Department has a single minded commitment to the success of collective bargaining.

Since Government workers do not have the right to strike and properly so, there is a greater burden on the Federal Government to be a fair and just employer. Therefore to make the original Kennedy policy of Executive Order No. 10988 truly effective I have today introduced a bill which would put into statute form the provisions of the order defining unions, agreements and collective bargaining procedures. It would authorize the Secretary of Labor to promulgate rules and regulations to be followed by departments and agencies in administering the labor management programs provided for. It would also require the agencies to extend to all civil service employees in adverse actions the same rights as those now provided preference eligibles under the Veterans' Preference Act.

My bill would also set up a grievance procedure under which either the union representing the employee or the agency or department may invoke the services of the Federal Mediation and Conciliation Service, and in the event the Mediation Service is unsuccessful a Government Labor-Management Relations Panel, which would step into the dispute. Lastly the Department of Labor would be allowed to step in where an agency had an inadequate employee relations program and set up a proper one.

The most important quality the Government service has is the intangible quality of high employee morale. It takes years to build morale and only a few short weeks to destroy it. There is no system of personnel management that is so elaborate that can obtain a 10th of the effort and work that employee morale can produce and why. Morale helps an organization go beyond the book of rules to meet the emergency, the unexpected and to do what needs to be done where "they say it couldn't be done." It takes more than a collection of expertise to run an organization, it takes the will to make a success out of any job assignment by employees. What builds morale? In my opinion, it is the feeling on the part of employees that they share in some respect in the decisions which affect their lives. Most Americans today work for large organizations. If we are to retain the individualism of the past that has made such a great contribution to our present, we must develop institutions through which every mans voice may be heard about the things that affect him. In political life we do this through the ballot, in the business world we do this through trade associations and Chambers of Commerce and in the employees world the union or employee organizations serves as a channel of expression. I do not think that the Government can do less than private industry in its employee relations. For this reason I have introduced this bill which will improve the employee relations in this country's most important business, our Federal Government.

CITIZENSHIP DAY AND CONSTITUTION WEEK

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Howard] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HOWARD. Mr. Speaker, all America has been asked to honor the date of September 17 which is designated as Citizenship Day. On this date in 1787 the Constitution of the United States was signed by delegates then present at the Convention and the resolution was adopted.

We have just cause to be proud. For nearly two centuries we have maintained a representative form of government based upon the divine rights of man. We have carved out of a wilderness a national abode, with the highest standard of living ever enjoyed by any people in history. But it is essential that intelligent people constantly prepare and equip themselves for citizenship.

The Constitution which we honor today commands our unlimited energies in order that we, and those who follow, may derive the rights of freedom inherent in that Constitution.

We, in the United States, recommend democracy to the entire world. However—and we cannot emphasize this point too strongly—the basic faith in our form of government has to emanate from the citizens themselves. The process of citizenship must not falter among any of us.

We must remind ourselves of the necessity of living together harmoniously, with consideration, tolerance, and respect for each other. Citizenship is not a remote thing, but is our heritage which must be made familiar. The kind of life made possible by the Constitution will be maintained only if all, as citizens, accept day-to-day responsibilities.

We must support our laws, honor our flag, and cling to the ideals of America while moving forward, so that we may continue "to secure the blessing of liberty."

STATEMENT OF HON. HORACE R. KORNEGAY, OF NORTH CAROLINA, BEFORE THE GENERAL SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON EDUCATION AND LABOR, SEPTEMBER 20, 1966

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Whitener] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WHITENER. Mr. Speaker, the textile industry is our Nation's oldest and one of our Nation's greatest industries. It has made great progress despite many hardships it has faced in its long history.

Today, the textile industry is still confronted with a problem which has beset it for a period of several years. My distinguished and illustrious colleague from North Carolina, the Honorable Horace R. Kornegay, very cogently pointed to this problem in an appearance today before the General Subcommittee on Labor of the Committee on Education and Labor.

My very able colleague, who shares my interest in and concern for the many thousands of North Carolina textile employees, made an excellent presentation of the facts regarding importation of foreign-made textiles to the subcommittee, which is now holding hearings on the impact of imports on our economy. I commend the gentleman from North Carolina [Mr. Kornegay] for his well-prepared testimony and I would like to share his comments with other Members, so that they may have the benefit of his knowledge in this vital matter. His statement follows:

Statement of Horace R. Kornegay, Member of Congress, Sixth District of North Carolina, Before General Subcommittee on Labor of the House Committee on Education and Labor, September 20, 1966

Mr. Chairman, may I express my appreciation for the opportunity to appear before you today to present some of my views on the vital matter of imports to which you are now addressing your attention.

My name is Horace R. Kornegay. It is my privilege to represent the Sixth District of North Carolina in the U.S. Congress. The district which I have the honor to represent is one with a fortuitous blend of agriculture, education, and business. One of the most heavily industrialized areas of the Southeastern United States, the Sixth District of North Carolina has a long and historic identification with the textile industry. Although there is a healthy diversification of industrial firms, the great preponderance of manufacturing in the region remains in textile production.

Almost half—approximately one in every two persons—of our industrial employees are engaged in the production of textiles and apparel. The home office of the largest textile concern in the world, Burlington Industries, is located in my district. The synthetics division of J. P. Stevens & Co., the world's second largest textile producing firm, is headquartered there. Cone Mills, the largest denim producer and one of the nation's leading textile organizations, has its headquarters there, as do many other outstanding textile producers whose names are familiar household words. The nation's largest producer of work clothing, Blue Bell, makes its home there. One of the first textile plants erected south of the Potomac River was constructed along the banks of Alamance Creek. Since then, textiles have been the mainstay of the area's economy.

In short, Mr. Chairman, the Sixth District is among those in the forefront of American textile production. I do not wish to prevail upon the Committee's time, for I appreciate its courtesy and indulgence, but I would like to briefly mention the position the textile industry occupies in our country.

Historically, the textile industry is our nation's oldest. Textiles triggered the American industrial revolution. The textile industry is one of the largest employers of labor in the United States, employing almost 1,000,000 people. With its principal customer, the apparel industries of our nation, the two employ a staggering total of approximately 2⅓ million Americans—or one out of every eight engaged in U.S. manufacturing.

Any industry with this amount of our total labor force certainly is an important segment of our economy which should not be ignored when considering the health of our general economy.

The textile industry's 3,000 plants are located over most of the nation, in small towns and large cities. In hundreds of instances, the textile mill is the only industrial employer and the economic life of the community is dependent upon it.

The textile industry is one of the largest purchasers and users of goods and services produced by other important American industries. The textile industry, for example, consumes two-thirds of the annual U.S. cotton crop and *all* of the U.S. wool clip. In addition, its purchases of man-made fibers and dyestuffs and other chemicals produced by the American chemical industries make these chemical industries importantly dependent upon the continued good health of their textile customers.

The textile industry is essential to our national security. It has been depicted by the U.S. Quartermaster General as second only to steel in time of war and during World War II furnished the armed services with 10,000 different items of supply. In peacetime, the industry supplies about one-third of all defense personnel procurements. Now, with the increased military activities in Southeast Asia, textiles are accounting for about 40 per cent of the defense dollar.

Textiles supply all of one of man's three basic needs—clothing—and contributes substantially to another basic need—housing.

All of this, I submit, Mr. Chairman, adds up to a very impressive complex of reasons why this Committee should give serious consideration to the maintenance and continuation of a strong and healthy textile industry.

The late President John F. Kennedy recognized the importance of the American textile and apparel industries to the economy. His "Seven Point Program for Textiles" announced in May, 1961, is a specific acknowledgement of his concern for the textile industry.

The textile industry traditionally has been a cyclic industry, with its ups and downs—and unfortunately with more drastic downs than ups. However, the Kennedy program, subsequently ratified by President Johnson, who has declared that the U.S. textile industry must be restored to good health, has provided the incentive for substantial investment by the industry for plant modernization and expansion. The results have been impressive.

The industry's general condition and that of its employees is immeasurably better than it was in the late 50's and the early 1960's. For eight years prior to August, 1964, the cotton segment of the American textile industry was forced to operate under a two-price cotton system—one for domestic mills and a lower price for cotton shipped overseas to foreign manufacturers. This unfair system took its toll and the foreign-made textile products took over much of the U.S. market from American producers.

There are several contradictory legislative and regulative ground rules under which the American textile industry must play the international trade contest. For instance, legislation limits the annual importation into this country of raw cotton to 30,000 bales of cotton of types grown in the U.S. This is equal to American mills' spinning requirements for just one day. Also, we have enacted recently the one-price cotton law intended to stimulate U.S. cotton mill consumption of American cotton fiber.

Contradicting these laws are the repeated reductions of U.S. tariffs and sundry foreign aid programs intended to help other countries to establish textile industries to export their products to the U.S.

The Long Term Textile Arrangement was entered into by 19 countries, including the United States, and went into effect in October, 1962. Briefly stated, the arrangement provided for an increase in cotton—and only cotton—textile imports into the U.S. of roughly 5 per cent each LTA year. The purpose of the arrangement was to stem the heavy flood of imported textile products into America. However, in not quite four years of the arrangement, textile imports have doubled the high rate in existence prior to the adoption of the agreement.

Let us keep in mind that this agreement involves only cotton textiles. We must consider the importation of textile products and apparel made of synthetic fibers, wool and blends thereof. In the case of wool textile imports, for example, the contradiction between government policy and Congressional legislation is apparent in that a tariff is maintained on imported raw wool as a device to encourage domestic wool growing, while at the same time the rising level of imports of fabrics and apparel made of wool is accepted. The level of imports of worsted textiles is now almost completely out of hand, equal to more than 50 per cent of domestic production.

Let's take another look at the LTA, which I must in all candor say has helped to stem the tide of huge amounts of imported cotton textiles—and this agreement, unless extended, will expire in another year. By an unfortunate choice of words in the agreement, a textile containing by weight more than 50 per cent of cotton fiber is subject to the import controls of the arrangement. A textile containing only 50 per cent by weight of cotton, the balance being synthetic fibers, is completely unregulated. This circumstance is particularly unhappy in view of the tremendous market acceptance of a whole new host of textile products made of blends of cotton and manmade fibers. As a matter of fact, one of the most popular blends is 50 per cent cotton and 50 per cent of man-made fibers, a blend unregulated by the LTA, leaving exporting nations free to ship unlimited amounts into this country.

Before the LTA became effective, cotton textile imports totaled 813 million square yards a year. Presently, cotton textile imports are running at an annual rate of 1,634 million square yards—double the base established just four years ago. Before LTA, imports were supplying just over 5 per cent of U.S. cotton textile consumption. In the year ending April 1966—the last period for which official data are available—imports supplied almost 8½ per cent of an even larger domestic market. The current ratio is about 10 per cent. We should remember that we are talking about cotton only and not the almost endless variety of other textiles not covered by LTA.

Take wool imports, which supplied 13.2 per cent of domestic consumption prior to 1961, when the Government's textile program was formulated. In March of this year, the ratio had risen to an astounding level of 21.3 per cent. As I said earlier, worsted fabric imports are currently supplying more than half of the domestic market in men's regular weight suits. Imports of all wool products reached an all-time high of 98.4 million pounds in 1965. This was a 54 per cent increase over 1964 and figures for 1966 show still further increases. Since the wool manufacturers of the U.S. are the only customers of the domestic wool growers, it might be emphasized that the 1965 level of wool product imports is equal to 87 per cent of the

U.S. production of last year. I might note here that wool is grown in every state of the union and there are wool manufacturing establishments in 32 states.

Take man-made fibers! A decade ago, in 1956, a total of 34 million square yards of man-made fiber textiles were imported into the U.S. In 1966, they are running at an annual rate of 679 million—a 20-fold increase in 10 years; and triple the amount of the figure just since 1962. I might point out that the ratio of imports to domestic consumption of man-made fiber textiles is an important figure not yet calculated by the Government. Perhaps this is because no specific attempt at achieving international import control of these products has yet been made, in contrast to the cotton textile area where we have the LTA, and in the wool area where none of several efforts has been successful.

The tremendous increase in man-made textile imports takes on added significance when the market and consumer demand for more man-made textiles is examined. Just after World War II, man-made fibers held 21 per cent of the total U.S. fiber market. In 1965, man-mades held 53 per cent of the market. There has been a rapid shift to man-mades and blends over the past few years.

Imports of textile products of cotton, man-made fiber and wool totaled approximately 934 million square yards five years ago. Today, these imports are running at the annual rate of 2,473 million square yards.

The history of U.S. textile imports shows a close correlation between the development of demand in the U.S., built up by U.S. advertising, promotion, improved technology and research and development, and the increase in the volume of imports. Simply stated, foreign producers are feeding upon a demand created by the domestic industry, satisfying this demand on a pure price basis, underselling the U.S. item. The overseas manufacturer can in some instances offer similar goods at below U.S. manufacturing costs. This is so because foreign wage scales, often a major part of the U.S. manufacturing cost, are as much as a tenth of the wages paid to the American textile worker—who has received three and four wage increases in the past four years.

The foreign manufacturer exports his products to the American market. Often, these textiles, which compete with U.S. goods, are manufactured with money sent overseas by a benevolent America.

The United States has had a balance of payments deficit every year since 1950, with the exception of 1957. The textile industry has run a deficit in its international trade account each year since 1958. In just the past two years, the annual textile deficit has increased by a quarter of a billion dollars and is currently running at an annual rate of $644 million. This is a significant figure, Mr. Chairman, for in 1965 the textile trade deficit of the U.S. was half as large as the total deficit in the U.S. balance-of-payments.

The textile industry over the past few years has made great progress, even in the face of such unfair foreign competition. Profits have increased; yet textiles rank only 17th out of 20 in the rate of corporate profits of major U.S. industries. The textile industry has made the best record of any U.S. industry in combatting inflation. Textiles are still the "best buy" in the market, when today's cost is considered in comparison with the consumer price index. Many textile products today are selling below the 1947–49 index base of 100. This is a remarkable achievement since the textile product today is far superior to the same product of just 10 years ago. And, many of the textile products which are commonplace today were not even on the market 10 years ago.

The textile industry has not asked and does not want a subsidy from the Government. All it has asked for and asks for now is fair and equitable treatment in order to compete in the market place against foreign-made goods. The textile industry is proud of its accomplishments in the face of extreme adversities through the years. It is proud of its employees, who produce the world's best textiles. It does not wish to give up completely its markets here at home to foreign products, nor does it wish to export its jobs to overseas manufacturers.

The textile industry does not want to erect a barrier against international trade. It does, however, want to hold at reasonable levels the importation into the U.S. of textile products and apparel made of any and all fibers, natural and man-made, and blends thereof. How much of its market and how many jobs should the textile industry give away to foreign firms?

Mr. Chairman, I submit that in the district I represent—and in countless others—the textile industry is the lifeblood of our economy. And, every boatload of foreign textiles which reaches our shores is another leech dissipating the strength and energy of the American textile worker.

I support legislation such as H.R. 16831 which provides that the Secretary of Labor shall undertake an investigation to gain full information whenever any employer, or group of employers, employing a substantial number of workers in an industry, or a labor organization informs him that competition of foreign producers in United States markets or markets abroad or both has resulted or is likely to result in increased unemployment.

Again, Mr. Chairman, I wish to express my thanks to the Committee for its generosity in allowing me to come here today in behalf of over 2,000,000 textile and apparel workers and state our case for fair play for American industry.

WISDOM OF THE PRESIDENT'S COURSE IN VIETNAM

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico [Mr. MORRIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MORRIS. Mr. Speaker, there is always a temptation to look for political or personal advantage in the actions of government.

That temptation is particularly acute in an election year.

Yesterday, our Republican colleagues here in this House gave in to that temptation.

They have tried to make personal—and political—the determined effort of this country to help the brave South Vietnamese retain their freedom, their independence, and the right to choose their own future.

In doing so, they have ignored facts.

They have slandered brave allies.

And they have paid no attention whatsoever to the actions of a determined aggressor.

They say, for example, that American forces have taken over the major burden of the fighting in Vietnam.

What are the facts?

I grant you, Mr. Speaker, that if one reads only our newspapers and looks only at our television, he gets an impression of an almost totally "American" effort.

But I would remind my colleagues that what we read—and what is really happening—are often two very different things.

We have about 300,000 American troops in Vietnam. They are fighting bravely. They are probably the best trained, best conditioned, and most highly motivated forces we have ever put into the field. And they deserve our full support, our highest praise, and deepest gratitude.

But this is only part of the story, Mr. Speaker.

First, the majority of these forces are not engaged in direct combat. As in any military operation, large numbers of men are required for other duties—for logistics and supply, for construction, for repair and maintenance—and for the thousands of other jobs that are part of a military effort.

Second, the Vietnamese have about 600,000 men in uniform and under arms. About half of them are in the regular military forces. Others are in such units as regional and popular forces, in the irregular defense forces, and combat police.

And this large force is based on a population of 15 million—not 190 million.

I have the figures here of combat casualties for last week.

Let me remind this House that 44 Americans were killed in action in that week.

But 174 Vietnamese soldiers were killed during the same period—4 times as many as the brave Americans who made the ultimate sacrifice.

And let me remind ourselves, too, that these are people who have been fighting for many years.

Yet still they fight, still they die, still they struggle on.

And I would remind the House that we and the Vietnamese are not fighting alone. Our Korean allies have a division in Vietnam and are sending another. On a per capita basis, they will soon have more men in Vietnam than we have.

The Australians have sent a regiment. The New Zealanders are helping. And in the past week, Filipino forces have begun to arrive. Thailand—even though it is fighting its own battle against Communist subversion—is helping with air transport and training.

It is quite true—as we all know—that our effort in Vietnam has expanded.

But why has it been necessary, Mr. Speaker?

The truth is that the North Vietnamese aggressors have greatly expanded their efforts over the past year to conquer the south. Regular units of the North Vietnamese Army have been moving into the south.

And our President has expanded our efforts to meet that increased threat. He has acted in response to the request of our commander in the field—General Westmoreland—who has asked for more.

And we have responded, too, to the request of our Vietnamese allies.

They have seen the increased danger. They have acted to repel the attack. And they have asked for help.

We have given it.

In short, our President and our Government have acted to meet a grave threat. They have done no less than was necessary—and no more.

For the President's policy has been—is, and will remain—to do what is required to beat back aggression and to leave the South Vietnamese free to make their own future.

He has acted with firmness—but he has acted with restraint.

And in time the wisdom of this course will be apparent to all.

SPORTSMEN BUSY AS BEAVERS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Dow] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DOW. Mr. Speaker, during the past weekend I had the privilege to visit the first annual Sullivan County Sportsman's Show which was held at Grahamsville, N.Y. This show is the newest in a long list of successful ventures undertaken by the Federation of Sportsmen's Clubs of Sullivan County.

Sullivan County, internationally famous as a resort area, is equally as well known for the outstanding fishing and hunting it provides visitors to the beautiful Catskills. The Federation of Sportsmen's Clubs of Sullivan County has over the years been the leader in projects to make hunting and fishing even better for both residents of, and visitors to, the Catskills, while at the same time promoting conservation policies to preserve this wonderful heritage of our fields, streams, and forests for future generations.

Here are some of the achievements of this worthy organization:

Organized the Catskill Deer Forum held annually since 1960;

Instrumental in opening Sunday pheasant hunting in Sullivan County.

Brought about legislation permitting the hunting of hen pheasants in Sullivan County;

Worked toward the installation of radios in conservation officers' cars;

Pressed for additional conservation officers in Sullivan County;

Brought about the marking of forest preserve lands;

Had maps made showing the location of forest preserve lands through the Fish and Wild Life Management Board;

Instrumental in having the New York State Conservation Council meet in Sullivan County in 1962 for the first time in the Catskills in 30 years;

Promoted the purchase of State lands under the $100 million bond issue;

Helped bring about the provision favoring the land owner in the party permit system;

Fought against the indiscriminate use of insecticides and for the use of a water base, rather than an oil base, in spraying programs;

Built up a 5,000-acre farmer cooperative area in the county under the Fish and Wildlife Management Act;

Supported the National Rifle Association in its fight against unfavorable firearms legislation;

Instrumental in establishing several duck marsh ponds in Sullivan County;

Brought the needs for deer management before the public by holding field trips.

Instrumental in getting a deer trapping program started in wintering years to determine their place of origin;

Worked for salary increases and reclassification of fire observers and forest rangers;

Organized, with county assistance, the first stream-improvement program in the county, on Callicoon Creek;

For the past 20 years has urged the purchase of the Mongaup Pond area for State campsite purposes, and

Assisted the conservation department in stocking 800 pheasants, 275 white rabbits, over 30,000 trout during 1966.

Organizations such as the Federation of Sportsman's Clubs of Sullivan County deserve our highest praise.

Here is local initiative at its very best, and I am sure you and the Members of this Congress join me in a hearty "well done, and keep up the good work."

REMARKS BY PRESIDENT JOHNSON AND RALPH NADER AT THE SIGNING OF THE HIGHWAY SAFETY ACT AND TRAFFIC SAFETY ACT

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. Farnsley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FARNSLEY. Mr. Speaker, I would like to include in the Record an article from the New York Times of September 10, 1966, containing the texts of remarks by President Johnson at the signing of the Highway Safety Act and Traffic Safety Act and a statement issued by Ralph Nader:

Text of Remarks by President Johnson and Ralph Nader on Safety

BY PRESIDENT JOHNSON

Over the Labor Day weekend, 29 American servicemen died in Vietnam. During the same Labor Day weekend, 614 Americans died on our highways in automobile accidents—20 on the battlefield; 614 on the highways.

In this century, more than one and a half million of our fellow citizens have died on our streets and highways—nearly three times as many Americans as we have lost in all our wars.

Every 11 minutes, a citizen is killed on the road. Every day 9,000 are killed or injured—nine thousand. Last year 50,000 were killed and the tragic totals have mounted every year.

It makes auto accidents the biggest cause of death and injury among Americans under 35.

And if our accident rate continues, one out of every two Americans can look forward to being injured by a car.

This is not a new problem. Ten years ago in the Senate I told my colleagues that "the deadly toll of highway accidents" demanded action. And that this was a responsibility Congress must face. Now, finally, we are facing it.

What is the answer to this shocking problem?

No magic solution

There are those who tell us better roads are the answer, or safer cars. Or tougher licenses. Or stricter judges.

We know there is no one answer, no magic solution. But we are determined to examine every answer.

We are going to cut down this senseless loss of lives.

We are going to cut down the pointless injury.

We are going to cut down the heartbreak.

Today, I sign two bills into law:

First, to protect the driver—the Traffic Safety Act will insure safer, better-protected cars in the event of accident.

Second, to achieve safer driving—the Highway Safety Act will set up a national framework for state safety programs.

The first act we sign into law is the Traffic Safety Act.

It calls for nationwide Federal vehicle safety standards to be developed first under the direction of the Secretary of Commerce, and, soon I hope, under the Secretary of Transportation.

Starting with 1968 models, American and foreign,

We are going to assure our citizens that every new car they buy is as safe as modern knowledge can make it.

We are going to protect drivers against confusing and misleading tire standards.

We are going to establish Federal research and testing centers to probe the causes of traffic accidents.

Seeks cure for disease

For years, we have spent millions of dollars to understand and fight polio and other childhood diseases. Yet until now we have tolerated a raging epidemic of highway death—which has killed more of our youth than all other diseases combined.

Through the Highway Safety Act, we are going to find out more about highway disease—and we aim to cure it.

In this age of space, we are getting plenty of information about how to send men into space and how to bring them home. Yet we don't know for certain whether more auto accidents are caused by faulty brakes, or by soft shoulders, or by drunk drivers or by deer crossing the highway.

Local and state information has been too meager. The Highway Safety Act will create a Federal-state partnership for learning these facts.

We are going to establish a national driver register to protect all our citizens against drivers whose licenses have been revoked or suspended.

We are going to support better programs of driver education and licensing and auto inspection.

We are going to ask every state to participate in safety programs—and to conform to uniform driver and pedestrian safety performance standards.

There is nothing new or radical about all this. Every other form of transportation is covered by Federal safety standards. The food we buy has been under Federal safety standards for years.

Not a luxury item

The automobile industry has been one of our nation's most dynamic and inventive industries. I hope—and I believe—that its skill and imagination will be able to build in more safety—without building on more costs.

For safety is no luxury item, no optional extra. It must be a normal cost of doing business.

But no matter how hard we try, no matter how well we work together, the full impact of these bills can be achieved only if we create a cabinet level department of transportation. So today, I call on the Congress to enact—this year—the bill which will give us that department.

We owe a great deal to many people for this historic legislation.

Today I salute them. I would like to signal out the distinguished leader, Senator [WARREN G.] MAGNUSON [Democrat of Washington]; the Senate Commerce Committee [which Mr. MAGNUSON heads]; Representative HARLEY STAGGERS [Democrat of West Virginia] and the House Interstate Commerce Committee [which Mr. STAGGERS heads], and all the members of Congress who worked so effectively.

Their leadership has given us this program. Now we need the talent to make the program work.

I am happy to announce today that one of the nation's leading traffic safety experts has already responded to our call for help: Dr. William J. Haddon Jr.—a graduate of M.I.T. [Massachusetts Institute of Technology] and Harvard Medical School, author of more than 40 publications on accidents and safety, and a distinguished public administrator.

I am nominating Dr. Haddon to be administrator of the new National Traffic Safety Agency. He and his colleagues will be working with the automobile industry to establish reasonable and realistic safety standards.

I am proud of these bills.

I am proud of the 89th Congress which took my proposals and brought forth these laws.

And I'm proud at this moment to sign these bills—which promise, in the year to come, to cure the highway disease, to end the years of horror and give us years of hope.

BY RALPH NADER

With the signing of the traffic and highway safety acts, President Johnson launches the Federal Government on a great life-saving program. For the first time, the potential exists for finding the remedies to reduce the tens of thousands of deaths and millions of injuries arising from automobile collisions every year.

To translate potential into reality will require competent and vigorous administration of the law and new manufacturing priorities by the auto industry.

While the Government goes about setting minimum safety standards for cars, the auto companies should compete dynamically to give the people the maximum safety standards, without unjustifiably raising prices.

The humane technology needed to bring safer automobiles to the public will require not just the spur of Government action but the operational stimulus of industry conscience. Hefty doses of safety research and development by auto companies, in vibrant competition, will do wonders for highway safety.

The new National Traffic Safety Agency will require the services of dedicated and highly skilled scientists, engineers, physicians and other specialists. The agency will require leadership which administers these laws forcefully and in open public view.

Traffic safety is no place for secrecy. Above all, the new agency will require the support and the understanding of government, industry and the public. For all three should be the ultimate benefactors of this historic legislation.

GREAT WORDS OF PRESIDENTS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 10 minutes.

Mr. FEIGHAN. Mr. Speaker, a few days ago I had the privilege of attending a preview of an important display in the State Department Building which was prepared by a major company located in my congressional district.

Irving I. Stone, president of the American Greetings Corp., has long been a keen student of American history, as well as a devotee of the graphic arts.

The exhibit, "Great Words of the Presidents," includes more than 75 works by senior art students at the Cooper School of Art in Cleveland, the California Institute of Art in Los Angeles, the Layton School of Art in Milwaukee, and the Minneapolis School of Art.

Each student made a visual interpretation of some statement by a President of the United States in public speeches, inaugural addresses, and official papers.

Some of the statements quoted and depicted are of special significance in this period of multitudinous national and international problems. They state the philosophy of the people of America—the way of thinking that has made our Nation great, and will keep it great.

For example, Andrew Jackson:

> Eternal vigilance by the people is the price of liberty.

James Garfield:

> The printing press is the most powerful weapon with which man has ever armed himself for the fight against ignorance and oppression.

William McKinley:

> The strength and safety of this great nation of ours do not rest in armies or in navies, but in the love and loyalty of its people.

Woodrow Wilson:

> I would rather belong to a poor nation that was free than to a rich nation that had ceased to be in love with liberty.

Franklin D. Roosevelt:

> Books may be burned and cities sacked, but the truth, like the yearning for freedom, lives in the hearts of humble men and women.

Harry Truman:

> The basic proposition of the worth and dignity of man is not a sentimental aspiration or a vain hope or a piece of rhetoric. It is the strongest, the most creative force now present in this world.

Dwight D. Eisenhower:

> We seek victory not over any nation or people, but over the ancient enemies of us all; victory over ignorance, poverty, disease and human degradation whenever they may be found.

John F. Kennedy:

> All our material riches will avail us little if we do not use them to expand the opportunities of our people.

Lyndon B. Johnson:

> Yesterday is not ours to recover, but tomorrow is ours to win or lose.

This exhibit will remain at the State Department Building for a month. It will then be placed on view in the Pan American Building in New York, taken about this country and Europe as a traveling exhibit, and eventually housed in the Lyndon Baines Johnson Library at Austin, Tex.

I hope that millions of Americans will see this exhibit.

I know that they will find in it something of the spirit and traditions of our great Nation.

And I am especially proud that this exhibit was produced and presented to the Nation by the American Greetings Corp., with headquarters in the 20th Ohio Congressional District.

REDWOOD CREEK IS THE PLACE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. COHELAN] is recognized for 5 minutes.

Mr. COHELAN. Mr. Speaker, time is running out on our efforts to save the redwoods. We must act soon if we are to preserve some of the few remaining redwood giants in a national park.

Only 10 percent of the original redwood forest remains today. With the exception of those trees now within the boundaries of a few isolated State parks, even these will fall to the lumberman's ax within the next few years.

The redwoods are the world's tallest living thing. They are a proud and unique natural resource of this country. They deserve to be enjoyed by future generations of Americans in the proper setting of a great national park. Only quick action on our part will make this possible.

When Congress convenes next January, I believe the crucial question will not be "whether" to establish a Redwood National Park, but "where."

The administration called this year for a limited park at Mill Creek in Del Norte County. Backed by 53 Members of the House and Senate, I have proposed a 90,000-acre park centered around the Redwood Creek Valley in northern Humboldt County.

REDWOOD CREEK IS THE PLACE

To answer this important question of "where," I am including with these remarks the thorough and thoughtful testimony of the Sierra Club's vice president, Dr. Edgar Wayburn, and its conservation director, Mr. Michael McCloskey. Dr. Wayburn and Mr. McCloskey testified with me at the Senate Interior Committee's hearings in both Crescent City, Calif., and Washington, D.C.

In addition, I am including a study prepared by Gordon P. Robinson, on the impact of the Redwood Creek Park proposal on the forest industry, and a timely article by William Bronson entitled "Behind the Redwood Curtain."

These statements answer many of the questions I have heard raised. I hope they will be considered carefully by all Members.

Redwood Creek clearly is the place for this national park.

Let us act before it is too late.

The material referred to follows:

TESTIMONY PRESENTED BY REPRESENTATIVES OF THE SIERRA CLUB ON LEGISLATION TO ESTABLISH A REDWOOD NATIONAL PARK; CRESCENT CITY, CALIF., JUNE 17, 1966

STATEMENT OF EDGAR WAYBURN, VICE PRESIDENT, THE SIERRA CLUB

Mr. Chairman, my name is Edgar Wayburn. I am a doctor of medicine and Vice-President of the Sierra Club and its Director on matters relating to redwoods. I live in San Francisco. As you may know, the Sierra Club is a national organization founded by John Muir in 1892 to protect the scenic and wilderness resources of the United States. During its 74 years it has helped with the establishment of many of America's national parks. Today it has over 40,000 members in chapters across the country.

Mr. Chairman, we appreciate your action scheduling hearings on bills to establish a Redwood National Park so soon after their introduction. We are gratified that you recognize that a special situation of urgency exists in this case.

I would like to divide the time allotted to the club today for its presentation between myself and Michael McCloskey, the club's conservation director. I will describe the natural characteristics of the area which we propose be made a national park; and Mr. McCloskey will discuss the economic impact of this proposal.

The need for a national park

The reasons for having a Redwood National Park at all indicate the kind of park that should be established. The case for a park is rooted in the nature of the National Park System and the expectations that the American people have concerning it. Our National Park System is our national gallery of the great natural phenomena of our country. The American people rightfully expect to find the best representations of these phenomena in the system. The people know that it is worthwhile to come thousands of miles to see what is in a national park. They want the system to be as complete as possible. It is clear that great natural phenomena should have the best possible protection. The legal protection afforded by state parks is often uncertain, at best. In California highway authorities can unilaterally decide to build freeways through state parks, and legislatures can manipulate boundaries to accommodate commercial pressures. The best that nature has to offer should have the full force of the protection of federal law.

It is beyond dispute that the coastal redwoods (*Sequoia sempervirens*) of California are among the most impressive of nature's achievements. Clearly they are the kind of phenomena that the National Park System was designed to display and protect. As the world's tallest living thing, certainly the best surviving representation of the species should be accorded the best protection available: that of a national park. The establishment of a Redwood National Park will fill a major vacant niche in the National Park System: a forest of the world's tallest growing species. Since 1911, public officials have recognized that these species belong in the system. Three historic federal studies (in 1920, 1937, and 1964) have recommended inclusions. But Congress has never responded, and today the only redwoods in the system are in Muir Woods National Monument. But Muir Woods Monument is obviously unable to fill the vacant niche. Although it includes redwoods, it contains only 485 acres, with only 12 acres of flat land and trees which are pigmies compared with those here on the north coast. The redwood unit in the National Park System must be a forest which, as nearly as is still possible today, shows the full capacity and variety of the species. For national parks are living museums. The detail of a complete scientific display should be present, as well as the spectacular specimens. Thus an adequate Redwood National Park should contain not only the tallest measured trees, but also the varied habitats characteristic of the species: slopes as well as flats, mixed stands as well as pure stands, stands of mixed age classes as well as even age classes, areas of high elevation as well as low elevation, inland areas as well as coastal areas, areas of light fog and heavy fog, areas with associated flora of dryer types and wetter types, areas at the edge of the range as well as at the center. A park with this variety has the capacity to adjust to the changing life cycles and circumstances of individual trees and groves. It will keep faith with those who come thousands of miles: it will be worth seeing. It will keep faith also with other nations of the world who, by treaty, expect us to protect adequate examples of important natural habitats. And it will be worth a major national investment.

The case for Redwood Creek

Only in the drainage of Redwood Creek in northern Humboldt County can all of the essential characteristics for an adequate Redwood National Park still be found. This is the area where the National Geographic Society found the world's first, second, third, and sixth tallest known trees. This is the area recommended as a national park by the National Park Service as a result of its field survey of 1964—the most thorough and recent professional study done of the park potentials of the redwood region. This is the area where there is the largest concentration of virgin redwoods outside any existing state park. This area has the spectacular features and the inherent variety to constitute a truly worthy addition to the National Park System.

Amendment 487 by Senator LEE METCALF, to S. 2962, would bring this unit into the National Park System. This amendment embraces the proposal we have advanced for a Redwood National Park of 90,000 acres on Redwood Creek, and we support it most enthusiastically. Under the terms of the amendment, some 22 miles of the valley of Redwood Creek would be placed in the park, as well as most of the coastline between the mouth of Redwood Creek and the Klamath River. The 13,000 acres within the existing Prairie Creek Redwoods State Park would be incorporated within the national park if the Secretary of the Interior were able to acquire it from the state of California. The resulting national park, oriented on a north-south axis, would be about 33 miles long and would average six miles in width. Acquisition of 15 miles of scenic easements along Highway 101 from south of Orick to Patricks Point State Park would also be authorized by this legislation. This route along attractive lagoons is the primary approach to the park.

About 42,000 acres of the total acreage of this proposed park is still covered with unbroken stands of forest of the redwood type. In addition, there are about 38,000 acres which support other types of cover or which have been partially logged. On about 3,400 acres all of the timber has been removed by the commercial timber companies which own the land. Although it would be ideal to have a national park with completely unbroken stands of virgin redwood, this is not possible today. Only broken fragments of major forests remain any longer. Some are in state parks, and very few exist outside—as on Redwood Creek. If a national park is to have size and diversity and be something more than a holding unit for memorial groves, it will have to include cut-over lands. Though many of these areas look bad now, if we can believe the lumber companies, they can be rehabilitated so that some attractiveness can be restored. Of course, for centuries to come they will not bear trees of record dimensions. But these cut-over lands are the matrix for binding together the record-breaking stands that have survived into a diversified park. It is important to have these intervening lands to provide protection to the adjoining virgin stands against erosion and windthrow. Moreover, some of the restored areas may provide suitable sites for campgrounds and other developments that should not be placed under the great trees.

The Redwood Creek area, including Prairie Creek, contains some of the world's greatest redwood flats and some of the best examples of slope stands. The stands are distinguished by differing growing conditions, differing stand compositions, and differing stimuli to reproduction. The best flats along the mainstem of Redwood Creek are found in the general vicinity of the Tall Tree Grove. Magnificent even-age stands of slope redwood, dating from about 400 years ago, are found along the east slopes of lower Redwood Creek. Other fine slope stands are found in the largely virgin drainages of Lost Man Creek, Little Lost Man Creek, Skunk Cabbage Creek, and Devils Creek.

Redwood Creek presents the vista of the last large valley where forests of virgin redwood rise from the river's edge to the horizon line, with the canopy substantially unbroken. Tragically, a major break occurs along two miles of river front immediately across from the Tall Tree Grove. But from there upstream and downstream, with a few minor exceptions, the forests flank the creek in a wall of massive timber in a fashion that cannot be found anywhere else in the world today. One has to move along the creek to truly understand part of what Redwood Creek has to offer. It cannot be seen from the slopes or from a distance.

In a national park, of course the area would be developed so that the public could appreciate what it has to offer. At various points, roads would come down to the creek's edge and trails would front the length of the creek. When the water is high in the spring, the supreme experience of floating down the river is possible. Along the creek the public would see nearly pure stands of redwood, with mixed stands of redwood and douglas fir sweeping up the hillsides. Stands of mixed ages front the stream, with stands tending more to be of even age classes moving up the slopes in back. The slopes along the creek rise to elevations of 2,500 feet where redwoods can be seen along the upper elevation of their range. Along the ridgetops to the east, the public will see redwood in association with broadleaf plants such as tanoak, madrone, and California laurel, which characteristically are found on drier sites. From roads running along this ridgetop, great meadows called "balds" provide openings which afford vistas of the valley below. As these balds are at the edge of the fog line, visibility is usually good. But six miles to the west, fog hangs along the coastline. There beneath the redwoods there is a thick understory of vine maple and rhododendron, with ferns and moss covering the ground. In contrast, the associated flora here is that which seeks wet sites.

A national park along Redwood Creek would offer other attractions in addition to the redwoods themselves. On the west border of Prairie Creek State Park, the striking Gold Bluffs rise above the coastline for 11 miles. A broad beach, where herds of Roosevelt Elk gather, runs along the base of these bluffs. Midway along the beach, Home Creek penetrates the bluffs and has carved a narrow canyon walled with ferns, which is already famous as the most beautiful area of its kind. This would be an important attraction in the national park. Many are now drawn to the beach for surf fishing, which could continue in a national park. Fishing in the Klamath River at the northern end of the proposed park is, of course, world renowned. Signs of archeological interest could be developed near river mouths where Indian artifacts can be found. Displays of waterfowl and marsh phenomena on the lagoons south of Redwood Creek would also interest visitors.

The Redwood Creek area offers a variety of features of natural, scenic, and scientific interest that cannot be matched by any other area now proposed as a Redwood National Park. Eighteen miles of scenic highway now exist for displaying these features to the public, as well as 76 miles of other display roads—some of them paved. The long dimensions of this proposed park provide ample space in which to disperse visitors. They would not tend to concentrate in a few fragile areas. The features of interest are widely distributed. Good sites for many campgrounds exist too, as on the open flats along the lower valley of Redwood Creek, along the Bald Hills Road and upstream in Redwood Creek, out of the fog belt.

It would be possible to provide further recreation enjoyment immediately outside the Redwood Creek Park, on private lands, with a proposed loop road beginning at Orick, heading southward on U.S. 101 to U.S. 299, along U.S. 299 to Blue Lake and then into Redwood Valley along Redwood Creek. It could then climb out of the valley to join the Bald Hills Road which runs back to Orick. This loop drive of approximately 90 miles could provide recreational facilities outside the park, such as motel accommodations, saddlehorse concessions, restaurants, laundry services, service stations, and other tourist facilities. This loop road could bring prosperity to the surrounding communities such as Trinidad, Orick, and Blue Lake.

Not only, though, can the Redwood Creek area stand the pressure of human visitation, it can also be protected from natural disasters such as floods and erosion, and those not so natural that man has precipitated. Our proposal would include about one-third of the entire drainage basin of Redwood Creek. It would include the largest part of the surviving virgin redwood stand of significance in the basin. It would include all of 12 major tributary basins, including Prairie Creek, May Creek, Lost Man Creek, Little Lost Man Creek, McArthur Creek, Bond Creek, Forty-four Creek, Bridge Creek, and Tom McDonald Creek. The slope and bottom stands within these tributary drainages would be completely protected against the effects of aggravated erosion and storm runoff caused by further logging. Only a few major flats exist where bank erosion and channel changing might be a problem. This problem can probably be handled through the use of local protective works. A low catchment dam could also be installed upstream from the park to allow some silt to settle out of the stream. Moreover, the legislation introduced to establish a park on Redwood Creek provides that watershed easements can be acquired on upstream lands to control the character of logging and other land treatment practices "to improve the supply, quality, and reliability of water in the park and to protect the park from flooding, channel erosion, and gravel movement" (Sec. 2(f)). Thus, sufficient authority is provided to protect the forests within the park without acquiring the entire watershed in fee and without stopping all timber operations here.

Comparison

On the grounds of inherent characteristics, variety and interest, capacity to sustain use, and susceptibility to protection, the Redwood Creek area is clearly superior to any other area proposed as a park. It is far superior to the Mill Creek area proposed as a park in S. 2962. The Redwood Creek area has the largest concentrations of surviving redwood forests, the world's tallest trees, and the widest variety of growing conditions for the trees. The Mill Creek area has none of these. The Redwood Creek area has other recreational features of great interest: major concentrations of wildlife, many varied panoramas, features such as Fern Canyon, and a broad, wild, ocean beach. The Mill Creek area has none of these. Whereas visitors would be dispersed widely in the Redwood Creek area, in Mill Creek they would tend to concentrate in groves along the highway and along the fragile lower valley of Mill Creek. Whereas one-third of the watershed of Redwood Creek would be acquired outright and the rest of it will be subject to watershed easements, the groves along the Smith River and its confluence with Mill Creek would be protected by the acquisition of only one-tenth of the watershed of the Smith River under the terms of S. 2962.

To facilitate comparison of these two areas on a point-by-point basis, we have prepared a table which graphically demonstrates the preferability of Redwood Creek.

A comparison of the suitability of the Redwood Creek and Mill Creek areas as locations for a Redwood National Park

	Amendment 487, Sierra Club plan: Redwood Creek-Prairie Creek Redwoods State Park area	S. 2962, administration plan: Mill Creek-Jedediah Smith Redwoods State Park area, including Del Norte Coast Redwoods State Park
1. Total acreage (prospects for perpetuation improve with greater acreage).	90,000 acres in Sierra Club proposal	43,392 acres (an additional 1,000 acres may be donated).
2. Virgin acreage	42,000 acres in Sierra Club proposal	18,415 acres.
3. Conservation opportunity (privately owned virgin acreage to be protected).	32,000 acres in Sierra Club proposal	7,815 acres.
4. Record displays	World's tallest trees; world's best example of redwood slope types (fairly even-aged stands of 400-year-old redwoods); World's largest mountain covered with redwoods, near Bridge Creek.	No record displays; fine bottom stands are displayed along the Smith River and lower Mill Creek.
5. Elevational contrast	Slope types extend up hillsides to an average elevation of 2,000 feet, with a better demonstration of the variation in redwood types as elevation and distance inland increase.	Slope-type redwoods here reach an average elevation of 1,000 feet.
6. Notable views	Lower Redwood Creek Valley from Bald Hills Road, unbroken panorama of last, large valley of virgin redwoods; Northern Gold Bluffs from Highway 101; Gold Bluffs beach from the beach road; Elk Prairie from Highway 101 at south edge of Prairie Creek Redwoods State Park.	Del Norte Coast Redwoods State Park coastline.
7. Additional recreational attractions	18 miles of coastline	14 miles of coastline.
	11 miles of usable beach (Gold Bluffs Beach)	3 miles of usable beach (Enderts Beach).
	22 miles of river frontage along Redwood Creek on which spring float trips can be made down a canyon enclosed in virgin redwoods.	6 miles of river frontage along the Smith River.
	18 miles of scenic highway through the park (at least 8 more miles south of Orick should be protected by scenic easements); 76 miles of additional display roads are now available.	16 miles of scenic highway; 30 miles of display road available.
	Associated features include herds of Roosevelt elk at Elk Prairie and at the beach, Fern Canyon, waterfalls over the Gold Bluffs, nearby lagoons with waterfowl and marsh displays, sites with Indian artifacts at the mouths of Redwood Creek and the Klamath River, and renowned Klamath River fishing.	Smith River fishing and swimming.
8. User impact patterns	Over a 33-mile-long area available for recreational use; thus there should be no tendency to concentrate impact on fragile areas. Ideal site for park headquarters exists near Orick. Good sites for new campgrounds exist on open flats along lower Redwood Creek.	21-mile-long area available for recreational use, with a tendency to concentrate impact on the fragile lower valley of Mill Creek. This narrow valley is marred by the primitive road that is already there.
9. Flood protection	(1)	(1).
	22 miles of land along the main stem of Redwood Creek is proposed for acquisition, embracing ½ of the creek's drainage area; 12 named tributary drainages will be entirely within the park (including Prairie Creek, May Creek, Lost Man Creek, Little Lost Man Creek, McArthur Creek, Bond Creek, Forty-four Creek, and Tom McDonald Creek).	6 miles of land along the main stem of the Smith River is proposed for acquisition, embracing ⅒ of the entire drainage area of the Smith River; 3 named tributary drainages are entirely within the proposed park (Mill Creek, Clarks Creek, and Cedar Creek).
	Complete flood protection will be provided to the stands in the tributary drainages. Control of ½ of the entire drainage will also appreciably help in controlling main stem flood problems. As Redwood Creek features mainly slope types, there are only a few major flats with bottom stands (about 4) to protect. These stands should be protectible by agreements (easements) to control land treatment practices in the remainder of the drainage and by local protective works.	As the Mill Creek-Jedediah Smith area features primarily bottom stands along the Smith River (Simpson Grove and Stout Grove), flood protection is a major problem. Although acquisition of the entire Mill Creek watershed would provide protection of lower Mill Creek, protection would not be provided against flooding by the largely uncontrolled Smith River.
10. Feasibility	Preliminary professional report of the National Park Service identified this area as the most outstanding. National interest has centered on it (both as a result of the report and the discovery of the tallest trees). Considerable support is developing for a national park here, including support from a local citizens group (Citizens for a Redwood National Park).	Not recommended by the professional report of the National Park Service for Federal acquisition. No local support group exists.

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[1] Park proposals for both areas include parts of mainstem streams and tributary drainages.

Though many of the points of preference for Redwood Creek in this table are stated statistically, the case for Redwood Creek is not based just on the statistics of size. Even if a park were designed in this area which is not larger than that proposed at Mill Creek, it would have characteristics which are still inherently superior to those of Mill Creek. It would have the world's tallest trees and the main valley of Redwood Creek. and the Gold Bluffs beach and Prairie Creek. Now, the bill for Mill Creek purports to include the Tall Tree grove on Redwood Creek as a separate unit within the national park. However, it should be noted that it can be obtained only by donations. And even then what is obtained cannot be sustained. The 1000 acre plot would become an island surrounded by logged-over eroding slopes. Its upslope edges would be exposed to the hazards of moving soil and gravel and wind-throw. It is an illusion to think that the administration bill protects the Tall Trees. And it is incredible to think that these trees and the valley where they were found—the valley of Redwood Creek—are now essentially being ignored completely in the administration bill. It is these trees and this area that have revived national interest in the whole idea of a Redwood National Park. Are we to overlook this?

Some say the choice must go to Mill Creek because acquisition of that area raises fewer local political problems. This is completely fallacious. First of all, it should be quite clear that this is a national issue, not a local issue. Though local interests must be considered, the national interest is at stake and must be the guiding consideration. The people of the eastern seaboard and the middle west have as much at stake as the people of California's North Coast counties. But the issue of local political feasibility should be examined more closely. It has been suggested that as only one large timberland owner is involved at Mill Creek, whereas three such owners exist in the case of Redwood Creek, that land acquisition problems are much less troublesome at Mill Creek. What this suggestion ignores is that, once authorization occurs, transactions with large consolidated landowners should not be a problem in either case. The problems arise in connection with a multiplicity of small private, residential ownerships. Over one-hundred such ownerships exist within the administration's bill along the Smith River. Hardly any exist within the area we have proposed along Redwood Creek. Moreover, prior to authorization such small residential owners can often provide much more persuasive opposition to park acquisitions than can large industrial operations. The re-direction of business investments is a much less touching problem than the dislocation of people living on the land and liking it.

While the purchase of timberlands would produce temporary economic dislocations, these would be absorbed in the much larger economy of Humboldt County, in the case of Redwood Creek, than in Del Norte County, in the case of Mill Creek. Again, then, the weight of feasibility seems to lie on the side of Redwood Creek.

Finally, there is the question of the feasibility of proposing an area as a national park that was thoroughly studied by the National Park Service and was not their first choice, that was not the first choice of most national conservation groups, and that lacks almost any local support. This sounds like a prescription for political disaster rather than a description of feasibility. Yet this is just what the administration proposes at Mill Creek.

Current threats

The nation can have any size national park on Redwood Creek that it thinks it can afford—and it will have the best that is available. The nation can afford the best. But to have anything at all, a choice must be made soon. The parklands that we have proposed for acquisition are being logged while we talk. The second best large flat in Redwood Creek was logged last summer, the flat opposite the mouth of Bond Creek. In the drainage of Elam Creek, logging is now nearing the mainstem of Redwood Creek. At the mouth of McArthur Creek a virgin hillside has been stripped to provide a quarry—only to find that the rock is of inferior quality. The virgin cover downstream from the Tall Tree Grove is now broken in three places—and more breaks are coming. The residual cover left after selective cutting across from the Tall Tree Grove is now being stripped away.

An estimated 1,500 to 2,000 acres are being cut each year in the portion of Redwood Creek that we have proposed be made a park. At this rate, in a few years all of the forests of Redwood Creek will be gone. The area now is already becoming badly scarred. In another two to three years, it can become irreparably scarred. To save the best of it, action within the next year is imperative.

The opportunity to have a meaningful Redwood National Park is fleeting. The customary time for deliberation on proposals of this magnitude is just not possible in this case. Those who own the land and who are converting its forests into planks and pulp are dictating a new speed for deliberation. If Congress cannot match this speed, the opportunity is gone—and gone for all time. For this is the last chance; a hundred years of hopes and proposals is all at an end. This is the last fragment of great redwood forest. An opportunity for all time must now be grasped or be forgotten forever.

STATEMENT OF MICHAEL MC CLOSKEY, CONSERVATION DIRECTOR, THE SIERRA CLUB

Mr. Chairman, my name is Michael McCloskey. I am the Conservation Director of the Sierra Club. My statement complements that of Dr. Edgar Wayburn, who testified in favor of Amendment No. 487 (to S. 2962), which is a substitute bill authorizing the establishment of a 90,000 acre Redwood National Park on Redwood Creek. I will discuss some of the economic implications of this proposal.

Acquisition

The land that we propose be acquired as a national park is physically defined by the following characteristics: it includes all of the tributary drainages of Redwood Creek downstream from Panther Creek, excluding areas of local runoff around the town of Orick; it includes most of the coastline between the mouth of Redwood Creek and the Klamath River, excluding only the first mile and a quarter south of the mouth of the Klamath River (we would suggest that the substitute bill be amended to move the boundary three-eighths of a mile south of the present beginning point to avoid some Indian lands); it includes the existing Prairie Creek Redwoods State Park; and it includes a quarter mile wide strip along most of old highway 101 north of Prairie Creek State Park to near the Klamath River. The following table shows the types of cover on this acreage.

TABLE 1.—*Types of cover (by acres)*

	Private land	Prairie Creek State Park	Total
Virgin timber:			
Slope	32,510		
Flats	160		
Total	32,670	10,000	42,670
Residual timber: Young growth, woodland, and noncommercial timberland	36,070	2,420	38,490
Clear-cut timberland	3,400		3,400
Grassland	3,160		3,160
River bottoms and flat meadows	300	180	480
Beach	1,400	400	1,800
Total	77,000	13,000	90,000

Public records in the office of the assessor of Humboldt County indicate that this acreage is owned principally by three major timber companies. Though there are some small miscellaneous holdings, very few, if any, are occupied as residential properties. For any such properties that do exist, amendment No. 487 provides (section 2(a) that those that conform to zoning bylaws, under regulations of the Secretary of the Interior, will not be subject to condemnation. Essentially, though, land acquisition problems in Redwood Creek are confined to title transfers from three principal landowners. The following table shows the acreage held by each company.

TABLE 2.—*Landownership*

	Acres
Georgia-Pacific Corp	30,200
Arcata Redwood Co	22,500
Simpson Timber Co	16,100
Lyons	2,800
Miscellaneous	5,400
Total private holdings	77,000
Prairie Creek SP	13,000
Grand total	90,000

During the period last fall while the Department of the Interior was studying a variety of proposals for a Redwood National Park, estimates were made of the cost of acquiring the land for the national park advocated by the Sierra Club. Estimates were prepared both by the National Park Service and the Resources Agency of California. The estimates were very close. The National Park Service estimated acquisition costs of the private land at $140 million, and the Resources Agency estimated the costs at $142 million. Our own estimates were also close to these.

Unlike most national parks involving private lands, the cost of acquisition in this case may actually decrease rather than appreciate during the interim between proposal and beginning acquisition. As logging continues to remove high value virgin timber from these lands, its value becomes less. Thus, by the time acquisition might actually begin, the total cost might be considerably less—perhaps $10 to $20 million less. Hence, the eventual federal outlay might only be $120 million. Moreover, the pattern of cutting between now and the moment of acquisition may necessitate changes in the acquisition pattern. Some proposed units may no longer have enough attractive timber to justify acquisition. The authorizing legislation should be flexible enough to allow park planners to adapt their pattern of acquisition to changing circumstances. In any event, with the deletion of some units in the light of future developments, the final cost could be even less yet.

If the total eventual cost were to be about $100 million, this would be only twice the current cost of the more expensive recreation areas, such as the Delaware Water Gap and

Point Reyes. With a declining opportunity to create needed new parks out of the public domain, expensive acquisitions of privately owned areas will become more and more common. Acquisitions of the order of magnitude that we propose here will probably occur in other places in the not too distant future.

Admittedly, the Land and Water Conservation Fund may not be sufficient to finance acquisitions of this magnitude. Because the principal of user changes to finance acquisition may be more appropriate for high intensity recreation areas than it is for natural wonders, perhaps the federal portion of this fund ought to be used then primarily for national recreation areas. In view of the fact that national parks are really capital investments in national treasures, financing for them could properly come from the federal treasury. Thus, we think that general revenues could be appropriated to purchase a Redwood National Park that is truly appropriate for our national park system. Amendment 487 (Sec. 5) provides for $100 million of direct federal appropriations toward land acquisition costs, with appropriation of another $50 million possible on a basis of matching state and private contributions.

Impact on local taxation

If the same ratios of tax revenue to land value are applied to the Redwood Creek area that the National Park Service has applied to the Mill Creek area, an estimate can be derived of the tax revenue that would be foregone by local taxing districts as a result of removal of land from the tax rolls for a national park in Redwood Creek. This amount would appear to be about $619,000 per year. Some decline in this amount of revenue, though, should occur even if a park is not created, as the continuing removal of old-growth timber will leave more and more low value bare land to be taxed at only a nominal rate for at least 40 years (under the rules of California's laws on timber taxation). If a park is established, experience has shown that the value of surrounding property soon appreciates as a site for tourist service facilities and summer homes. This appreciation often more than compensates for the initial loss of tax revenues from land taken for park purposes.

However, as this compensating appreciation may take a few years to occur, we think it is entirely equitable for the federal government to provide transitional financial aid to local taxing districts. Section 5 of S. 2962 provides such aid for a five year period at the rate of three-fifths of one percent of the fair market value of the land acquired, as determined at the date of acquisition. This formula, which is already in use as an alternate formula with respect to national wildlife refuges, actually will pay local governmental bodies a bit more than they are losing. In the case of Redwood Creek, they will get $840,000 per year, which is $221,000 more than the taxes lost. If this amount seems excessive, a rate of one-half of one percent of the value of the land acquired would result in payments closer to actual losses ($700,000 per year). However, the higher amount may be justified as county services may have to increase during the transitional period. In any event, we completely endorse the principle of economic adjustment payments, and we urge that they be continued until such time as remaining appraised values do in point of fact exceed original total appraised values. We would, thus, suggest that Amendment No. 487 be amended to include a provision similar to Section 5 of S. 2962.

Impact on employment

There is no doubt that termination of logging on the land acquired for park purposes would displace some local employment in the woods' products industry. All of the holdings of one company, Arcata Redwood Company, would be acquired under the terms of Amendment No. 487. Though this company would be paid fair market value for its lands, its employees would have to look elsewhere for employment. It employs 300 people. The two other major companies affected would retain most of their local timberland: Georgia-Pacific 74% of its holdings and Simpson 92% of its holdings. Thus, these two companies would be able to continue to operate for quite some time. Both have been active in expanding their holdings. One would expect that they could use the proceeds from sale of their holdings in Redwood Creek to purchase other scattered holdings in the county that are not now under intensive management for timber purposes. Moreover, if these two companies are actually liquidating their saw-timber holdings in the county, as some suggest, federal acquisition of these lands will merely hasten the closing of their lumber mills by a few years. If their interest is primarily in pulp, the economies of that business are allowing chips to be shipped increasingly greater distances.

One would expect, then, that the only appreciable effect on employment of a park in Redwood Creek would be the displacement of the 303 employees of Arcata Redwood Company. From other studies, it is reasonable to use a secondary employment multiplier of 1.3 to estimate the total employment impact. Applying this ratio would suggest that a total of 394 persons would be displaced as a result of Redwood Creek park acquisitions. This number would amount to less than 1% of the work force of Humboldt County. This number is well within the normal fluctuating rate of unemployment in the county.

Many reliable studies have shown that national parks stimulate increased tourist income. They tend to attract more visitors than do state parks, particularly out-of-state visitors; these visitors tend to spend more per day than do state park visitors; and they tend to stay longer. For the administration's proposal for a national park in the Mill Creek area, the National Park System Service has estimated visitation of 1.2 million visitor-days by the fifth year after establishment and 2.5 million visitor-days by the fifteenth year. With this level of visitation, the Arthur D. Little Company has estimated that a growing new tourist industry will support a sufficient employment to offset losses in the woods' products industry by the seventh year after establishment. If the same level of visitation were assumed for a park in Redwood Creek and the same level of stimulated employment in the tourist industry is assumed, the employment displaced as a result of a park in Redwood Creek should be offset between the seventh and tenth years after establishment. If visitation to the park on Redwood Creek exceeds estimates for the Mill Creek park, which is only half the size, the time of offsetting employment might even come sooner.

It is sad that any proposal for a park must cause human discomfort. But dislocations seem to be a concomitant of our crowded industrial age. Families in the west are reported, on the average, to move every four years. We accept the dislocations that new reservoirs and freeways cause, and the opening and closing of defense plants based on shifting technology. Parks are no less important in this day to the general welfare than these other public works and programs. The costs of parks are real, but so are the benefits. To get the benefits, we must pay the costs. The costs, however, will pass, but the benefits of parks will keep on coming, generation after generation.

In summation, the values of a national park on Redwood Creek are worth their cost, and the costs may not prove to be what they now seem. Through economic adjustment payments, local taxing districts should actually benefit from a park from the outset. And the period of transition to a favorable employment balance as a result of a park should be relatively short.

TESTIMONY ON AMENDMENT NO. 487 TO S. 2962 OFFERED BY DR. EDGAR WAYBURN FOR THE SIERRA CLUB TO THE SUBCOMMITTEE ON PARKS AND RECREATION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE U.S. SENATE, WASHINGTON, D.C., AUGUST 17, 1966

PART I

Mr. Chairman, I am Edgar Wayburn, a San Francisco physician. I am the vice-president of the Sierra Club and am in charge of the club's program on redwoods. I appreciate the opportunity today to appear again before you. In the two months since your committee held field hearings in Crescent City there have arisen certain points which, I think, need clarification. In addition, we have completed further important research, and my colleague, Michael McCloskey, would like to summarize the results briefly.

At the field hearings we presented a detailed explanation of the proposal that we have made for a Redwood National Park on Redwood Creek. You have that in the record and it needs no reiteration, but I would like to emphasize two key points about our recommendation of this area. First, it is the product of exhaustive study on the relative merits of the areas under consideration. The Redwood Creek area is that recommended by the National Park Service field study team after one and one half years of continuous study of the entire redwood region. We, too, have personally studied the areas under consideration in detail on the ground. Our information does not come second hand, nor is it the result of a quick or partial look. We have walked, paddled, driven or flown over every part of these areas.

The second point that I would like to emphasize is the fact that the Redwood Creek proposal is the only one which has attracted widespread public approval. This area was supported by thousands of people in their letters to the National Park Service during the period for public comment in late 1964, and it drew overwhelming backing at the Crescent City hearings from those who wanted a Park. This is the area that has substantial local support and also is endorsed by most conservation groups and editorial writers across the entire country. The Mill Creek area is supported mainly by one group of limited membership and by certain public officials who have embraced it as a necessary compromise.

How necessary is this compromise? We have been compromising on the preservation of primeval redwoods for some 115 years, and we do not yet have a national park. And even as we are talking here, the possibility of an adequate park continues to be compromised. Our research indicates that the volume of old growth redwood within the proposed park will be 17 per cent less in 2 years (the earliest possible date that land could be acquired for a park) than it is now, if the present rate of cutting continues. To consider further compromise is to court disaster.

It has been said that the Sierra Club's Redwood Creek proposal is "too closely"; that it "would consolidate opposition and provide the means of raising substantial amounts of money to oppose the proposal by propaganda, by lobbying, and by recourse to the courts." It has been said that the opposition of industry "would be joined by most local supervisors and other local officials and, of course, businessmen in fear of the effect on the economy. In addition, the state would oppose it." It has been said that our plan is too ambitious. But are these charges valid?

The facts say "no". Certainly the American people deserve the biggest and the best possible Redwood Park—an optimum park for themselves and their children. We believe the American people are willing to invest in such a park, and the only real remaining choice for an optimum park is on Redwood Creek. We think the park should embrace 90,000 acres as outlined in Senator METCALF's proposal. If we do not have the money for a park this size, we still believe we should put our funds to the biggest park possible on Redwood Creek. Dollar for dollar, the values are infinitely greater there. The money spent will buy virgin forests, and not summer homes. The money will purchase trees and land, not the newest and most efficient lumber mill in the redwood region.

Let us be realistic and dispense once and for all with the illusion that the issue here is money. It is not. The issue is *site*. It is amazing to us that officials of the Interior Department who first selected the Redwood Creek area now suggest that only the Mill Creek area can be tailored to fit a figure of $56-million. In 1964 and 1965 the National Park Service itself presented six different alternate plans showing how parks of different size and price could be designed in the Redwood Creek area. Plans 1, 2, and 3 and A, B, and C all had varied designs for Redwood Creek.

Now consider the allegation that our Redwood Creek proposal alone would consolidate local opposition. Let's be honest: there will be local opposition to the creation of any national park in any region where a single industry has vested and controlling interests. This is well illustrated in the present case by the well-financed campaign which has been under way since the first park proposals were offered—a campaign directed against both the Mill Creek proposal and the Redwood Creek proposal. No one should have any illusions about the fact that the lumber industry will continue to oppose any proposals for a national park which go beyond existing state park boundaries.

It is noteworthy, however, that the industry has been joined by almost unanimous opinion in the local community in its opposition to the Mill Creek park proposal. Chambers of commerce, city and county officials and private citizens all voiced their opposition to Mill Creek in the Crescent City hearings. On the other hand, there was strong local support for Redwood Creek evidenced by many local citizens. In fact, there is enough local support for a Redwood Creek Park to warrant formation of an organization to push for this park. (I refer, of course, to Citizens for a Redwood Park.)

And finally, there is the question of the state's position. The Governor has endorsed the administration plan. But we have well-founded reason to believe that the Governor would be equally ready to endorse the investment of the same amount of money in the Redwood Creek area, if the administration should propose that instead.

The sponsors of the Mill Creek proposal do not deny that the Redwood Creek area has attractions. Nor do we deny that the Mill Creek area once had values that deserved national park status. In the 1930's, when the National Park Service first studied the area, a fine national park might have been established. Most of the area was then virgin. But today most of the area, beyond the state park boundary, has been logged. The little virgin timber that remains just south of the state park boundary is even now—as Senator KUCHEL has pointed out so eloquently, being felled. The company that owns it has refused to stop logging. As the corridor of virgin timber connected to Jedediah Smith Redwood State Park is being severed, the residual National Park values in Mill Creek are disappearing. In effect, the lumber company there may well resolve the dispute as to where the national park should be.

Because of this grim reality, we hope this committee will address itself to the more promising task of shaping an acceptable proposal for a park in Redwood Creek. Although liquidation of the primeval redwoods is proceeding there just as fast as it is in Mill Creek, enough virgin timber remains to give Congress a reasonable opportunity to act. The importance of the area has been enhanced by the recently announced discovery of the world's tallest specimens of five different species of trees—a redwood of 385 feet, a douglas fir of 285 feet, a grand fir of 250 feet, a western hemlock of 217 feet and a red alder of 126 feet. Verification of this announcement will establish the paramount significance of this area beyond any doubt. We think it is clear that the American people want this area preserved as a park. We believe that the Congress will keep faith with them.

TESTIMONY ON AMENDMENT NO. 487 TO S. 2962 OFFERED BY MICHAEL MCCLOSKEY FOR THE SIERRA CLUB TO THE SUBCOMMITTEE ON PARKS AND RECREATION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE U.S. SENATE, WASHINGTON, D.C., AUGUST 17, 1966

PART II

Mr. Chairman, my name is Michael McCloskey. I am the Conservation Director of the Sierra Club. At the field hearings in California in mid-June, I presented a statement to your committee outlining the economic impact of the proposal the Sierra Club has made for a Redwood National Park on Redwood Creek in northern Humboldt County. That statement drew in large measure on preliminary studies done for us by a professional consulting forester, Mr. Gordon Robinson. Since the time of that hearing, Mr. Robinson has completed his studies. I would like to summarize his findings for you here today and request that his report, which contains some revised as well as new figures, be published as an appendix to my remarks.

Mr. Robinson's study finds that the 90,000 acre national park which we propose "will have little adverse effect on the forest industries of Humboldt County." He bases this finding on two facts: (1) that the three timber firms affected are liquidating their sawtimber supplies in the next decade or so in any case; and (2) that the two new pulp mills in the county will have to look far beyond the county's borders for their permanent chip supplies. These facts indicate that it is only a matter of a few years timing in any event before the county loses the employment in sawtimber that these firms provide. And they indicate that the loss of the park lands as potential chip producers will not significantly affect the outlook for supplying raw material for the two pulp mills.

His study shows specifically that only one firm would have to cease operations immediately, Arcata Redwood Company. Georgia-Pacific would have enough old-growth timber to continue operations for 6 more years at its current level of production. Thus, instead of liquidating in 13 years, it would liquidate 7 years sooner. The Simpson Timber Company would be affected only slightly. Proposed park acquisitions of its lands would shorten the lifespan of its old-growth sawtimber operations by perhaps only 1 year, reducing the liquidation time from 12 years to 11 years. The study also shows that these firms do not have enough young-growth timber in sufficiently advanced age classes to sustain their operations when they have exhausted their old-growth. Thus, in 20 years all three firms will no longer be operating sawmills even if a park is not established. Establishment of a park will merely hasten the inevitable, but it will also leave the county with a substantial asset that will continue to return annual dividends in the form of increased tourism. If a park is not established now, this asset will be destroyed; and in 20 years, the county will still find itself without these mills to support its economy. In economic terms alone, it makes good sense to move now to establish a Redwood National Park on Redwood Creek.

PROPOSED REDWOOD NATIONAL PARK—H.R. 11723, COHELAN—IMPACT OF THE SIERRA CLUB'S PROPOSAL FOR A REDWOOD NATIONAL PARK ON THE FOREST INDUSTRIES OF HUMBOLDT COUNTY—SAN FRANCISCO, CALIF., AUGUST 5, 1966

(By Gordon P. Robinson, consulting forester)

The Sierra Club has asked me to prepare a statement of basic statistics concerning the proposed Redwood National Park on Redwood Creek (H.R. 11723—COHELAN), to help draw into late focus the impact such a park would have on Humboldt County's forest industries.

The general character of the proposed federal acquisition, as of March 1, 1966, is shown in the following table:

Table 1

	Private land	Prairie Creek State Park	Total acres[1]
Virgin timber:			
Slope	32,510		
Flats	160		
Total	32,670	10,000	42,670
Residual timber, young growth, woodland, and noncommercial timberland	36,070	2,420	38,490
Clear-cut timberland	3,400		3,400
Prairie (grassland)	3,160		3.160
River bottoms and flat meadows	300	180	480
Beach	1,500	400	1,800
Total	77,000	13,000	90,000

[1] Estimated from 1-inch scale topographic maps.

TABLE 2.—*Total old growth timber in Humboldt County as of Mar. 1, 1966*

Firm	Net volume (Humboldt scale long logs) (in million feet board measure)	Annual cut (in million feet board measure)	Estimated years life of old growth logging
Georgia-Pacific	2,400	165	15
Arcata Redwood	1,100	50	22
Simpson Timber Co.	1,100	77	14

TABLE 3.—*Private old growth timber in Humboldt County affected by proposed park as of Mar. 1, 1966*

Firm	Inside park			Outside park			Total	
	Acres	Volume	Percent	Acres	Volume	Percent	Acres	Volume
Georgia-Pacific	30, 200	1, 460, 000	61	99, 700	930, 000	39	129, 900	2, 390, 000
Arcata Redwood	22, 500	1, 060, 000	98	400	20, 000	2	22, 900	1, 080, 000
Simpson Timber [1]	16, 100	120, 000	11	140, 300	980, 000	89	156, 400	1, 100, 000
Total	68, 800	2, 640, 000	58	240, 400	1, 930, 000	42	309, 200	4, 570, 000

[1] This firm also has extensive holdings in Del Norte County and a mill at Korbel not considered here. Life of their Del Norte County operations is presumably similar to that in Humboldt County.

TABLE 4.—*Old growth timber in Humboldt County belonging to firms affected by proposed park as of Mar. 1, 1968*

Firm	Inside park (M ft. B.M. net long log scale, Humboldt rule)		Outside park (M ft. B.M. net long log scale, Humboldt rule)		Total volume
	Volume	Percent	Volume	Percent	
Arcata Redwood Co	960, 000	98	20, 000	2	980, 000
Georgia-Pacific Corp	1, 160, 000	55	930, 000	45	2, 099, 000
Simpson Timber Co	72, 000	8	870, 000	92	942, 000
Total	2, 192, 000	55	1, 820, 000	45	4, 021, 000

About half the land to be acquired is virgin timber. Most of this belongs to three firms in table 5.

For practical purposes the proposed park affects the forest products industries of Humboldt County only as it affects the three main ownerships in the area. Estimated total volume of old growth timber belonging to these firms, and life of their old growth logging is shown in table 2.

These timber volumes were estimated by determining the assessed value of each firm's properties and the corresponding acreages from Humboldt County tax records, subtracting the estimated assessed value of cutover lands to determine the timber value, and dividing the result by estimated assessed value per M. ft. B.M.*

By inspection of the tax rolls it is evident that bare land is assessed at about $5.00 per acre. The assessed value of timber is about $2.00 per M ft. B.M. for both Redwood and Douglas fir. This figure falls midway in a fairly narrow range of possibility determined from use of current stumpage prices and appropriate discount factors presented in the *Assessor's Handbook*.[1]

The annual cut of these same firms was taken from published material.[2]

Estimated life of old growth logging was determined by dividing estimated volume by annual cut.

Not all of this timber is within the proposed park however. Table 3 shows the distribution of this timber as to location within the park or outside of it.

TABLE 5.—*Land to be acquired by ownership and type as of Mar. 1, 1966*

	Virgin timber	Cutover and other land	Total acres [1]
Georgia-Pacific Corp	16, 030	14, 170	30, 200
Arcata Redwood Co	15, 310	7, 190	22, 500
Simpson Timber Co	1, 330	14, 770	16, 100
Lyons	100	2, 700	2, 800
Miscellaneous [2]	220	5, 180	5, 400
Total private land	32, 990	44, 010	77, 000
Prairie Creek State Park			13, 000
Grand total			90, 000

[1] Estimated from 1-inch scale topographic maps.

[2] Includes some Humboldt County property.

The three firms have been continuing to log while proposed legislation is being debated. Probably the earliest date by which a bill could be passed and logging stopped is March 1, 1968, two years beyond the date of the above figures. Assuming the three firms continue to log their lands both inside and outside the boundaries of the proposal at the same rate they logged within the area 1965–66, their old growth resources will then be about as shown in table 4.

So far as old growth timber is concerned if the Redwood National Park is not established in Redwood Creek, timber volumes, rate of cut and life of old growth lumbering of the three affected firms will be about as shown in Table 6:

TABLE 6.—*Total old-growth timber of affected firms in Humboldt County as of Mar. 1, 1968, assuming the park is not established*

Firm	Net volume (Humboldt scale long logs)	Annual cut	Estimated life of old growth logging
	M ft. B.M.	*M ft. B.M.*	*Years*
Arcata Redwood Co	1, 000, 000	50, 000	20
Georgia-Pacific Corp	2, 090, 000	165, 000	13
Simpson Timber Co	940, 000	77, 000	12

But if the park is established, their old growth volumes and life expectancy will be about as in Table 7:

TABLE 7.—*Total old growth timber of affected firms in Humboldt County as of Mar. 1, 1968, assuming the park is established and logging therein stops as of that date*

Firm	Net volume (Humboldt scale long logs)	Annual cut	Estimated life of old growth logging
	M ft. B.M.	*M ft. B.M.*	*Years*
Arcata Redwood Co		(1)	(1)
Georgia-Pacific Corp	930, 000	165, 000	6
Simpson Timber Co	870, 000	77, 000	11

[1] Nil.

In short the life expectancy of old growth logging by the affected firms in Humboldt County with and without the park will be approximately as shown in table 8:

TABLE 8.—*Old growth life expectancy of affected firms as of Mar. 1, 1968*

Firm	Without the park	With the park	Drop
	Years	*Years*	*Years*
Arcata Redwood Co	20	0	20
Georgia-Pacific Corp	13	6	7
Simpson Timber Co	12	11	1

So far we have been discussing only old growth timber belonging to the three firms affected by the proposed park in Redwood Creek. It is also important to understand the status of the forest products industries in Humboldt County as a whole. For convenience this will be considered under two headings: the outlook for continued old growth lumbering, and prospects for a second-growth economy based on Humboldt county's resources.

Old growth lumbering

The Pacific Southwest Forest and Range Experiment Station is making a study of Humboldt county's timber resources at the present time. However, their report will not be released for a year or two. The best presently available source of information appears to be a report by John G. Miles, Consulting Forester, dated March 10, 1966.[3]

According to Miles the major companies in Humboldt County own 75% of the private mature and residual timber in the county, and they have a combined mill capacity of 421 million ft. B.M. per year, or 36 percent of the whole. He also states that the major companies cut more than required for their own mills and sell the excess to minor producers. He estimates that the minor companies have a life of 4½ years on the average at their present rate of production, starting with 1966. The implication is that 64% of the capacity existing at the start of 1966 will be shut down for want of timber by the end of 1970 although their life may be prolonged somewhat by purchase of public timber. This is independent of any consideration of the proposed park.

Miles does not identify the major firms. However the Humboldt County Assessor releases an annual statement of timber depletions of the Big Six companies. These comprise: Arcata Redwood Company, Georgia-Pacific Corporation, Simpson Timber

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* *The Humboldt County Assessor has an excellent inventory of old growth timber from a recent survey by nationally known consulting foresters.*

[1] *The Appraisal of Timber Property* issued by The California State Board of Equalization, Sacramento.

[2] *Forest Industries*, V. 93, No. 6, May 1966 and V. 93, No. 1, Jan. 1966.

[3] *Miles Report of Humboldt Timber* published by the Humboldt Beacon, Eureka, March 10, 1966.

Company, The Pacific Lumber Company, U.S. Plywood Corporation, Weyerhaeuser Co.

Of these, it is estimated that U.S. Plywood Corporation has timber resources in Humboldt County to last only about five years at the present rate of production, and Weyerhaeuser cleaned up their timber and sold out last year.

The only major concern not already considered therefore is The Pacific Lumber Co. A reliable observer informs us that this firm has sufficient timber resources to almost sustain itself permanently at their present rate of production. That is in the neighborhood of 120 MM ft. B.M. per year, according to trade journals.[4]

The only other old growth timber available to Humboldt County industry is the allowable cut from national forest and other public forest. Miles[3] estimates that 203 MM ft. B.M. of the allowable cut from these sources will go to Humboldt county mills. (The figure is stated in Humboldt long log scale to conform with the other figures quoted above.)

Five years hence, the old growth industry in Humboldt county should be about as follows in table 9:

TABLE 9.—*Anticipated old growth timber production, Humboldt County 1970*

Firm	Without the park	With the park
	M ft. B.M.	*M ft. B.M.*
Arcata Redwood Co	50,000	----------
Georgia-Pacific Corp	165,000	165,000
Simpson Timber Co	77,000	77,000
The Pacific Lumber Co	120,000	120,000
National forest and other public forest	203,000	203,000
Total	615,000	565,000

In fifteen years the situation will be very different. See Table 10:

TABLE 10.—*Anticipated old growth timber production, Humboldt County 1980*

Firm	Without the park	With the park
	M ft. B.M.	*M ft. B.M.*
Arcata Redwood Co	50,000	----------
Georgia-Pacific Corp	----------	----------
Simpson Timber Co	----------	----------
The Pacific Lumber Co	120,000	120,000
National forest and other public forest	203,000	203,000
Total	373,000	323,000

The second growth economy

The emerging second-growth forest industry in Humboldt County so far consists principally of a rash of stud mills and two pulp mills. The stud mills require a minimum investment and are designed primarily to make green 2 x 4's out of young sawlog sized timber. They may be regarded as transient. In contrast the pulp mills require heavy investment in the neighborhood of $40,000,000 each. Our concern with the effect of the proposed Redwood National Park on industry therefore mainly concerns the latter.

First let us consider what raw material is available. From a survey conducted in 1962, Miles estimates that the present total volume of young growth is somewhere between 4,840 MM ft. B.M. and 7,713 MM ft. B.M., about one third of which is below sawlog size. However, Miles makes no mention of the fact that stud mills have been operating on merchantable sized young growth between 1962, the date of the survey, and 1966, the date of his estimate.

We have no information as to distribution of this timber among the many ownerships. Table 11 is developed by prorating his estimates according to acreage.

TABLE 11.—*Young-growth timber on private commercial timberland—Humboldt County, 1966*

Firm or class of ownership	Acres (thousands)	Percent	Young growth (million feet board measure net Scribner scale)	
			Minimum	Maximum
Arcata Redwood Co	22	1.7	82	131
Georgia-Pacific Corp	118	9.1	440	702
Simpson Timber Co	163	12.6	610	970
The Pacific Lumber Co	139	10.7	518	825
Miscellaneous timber concerns	285	22.0	1,062	1,702
Ranches and farms	473	36.6	1,775	2,820
Recreation, reservoir sites, residences, etc	94	7.3	353	563
Total	1,294	100.0	4,840	7,713

Requirements of the new industries

Each of the two pulp mills, Crown-Simpson and Georgia-Pacific, one operating and the other under construction, has an estimated capacity of 180,000 tons per year. At 40% efficiency,* their annual requirement is estimated to be 450,000 tons of wood chips, each.

Experience shows that 1000 board feet log scale will produce 1000 board feet of lumber and 1000 lbs. of chips; or 2,300 square feet of plywood and 1,000 lbs. of chips; or 4,600 lbs. of chips.

Raw material to supply these mills will come principally from some combination of mill residues and young growth cut specifically for the purpose. Woods residues are considered the least practicable source of wood fibre at this time. Estimates of the source of material may therefore be made by applying the above conversion factors to production figures in tables 6, 7, 9 and 10, and young growth in table 11.

It does not appear that these mills can supply themselves with chips from their own lands.

While the proposed park would take 25% of Georgia-Pacific's land and 10% of Simpson's Humboldt county holdings, this would have little affect on the above estimate because the lands to be acquired are mostly either virgin timber, or too recently logged to provide much merchantable young growth even as pulp logs for the next 20 years. See table 5.

It is even questionable whether the whole of Humboldt County can supply these pulp mills. It all depends on how much of the sawlog sized young growth goes to chips. A high estimate assumes 75%, and a low estimate 25%. Both estimates include mill residues from all Humboldt County manufacturing of lumber and plywood, from both old growth and young growth.

TABLE 12.—*Chips available from pulp operators' own lands and manufactures (assuming table 11 is approximately correct)*

	Tons per year	
	Simpson	Georgia-Pacific
Mill residues:		
Humboldt County	75,000	83,000
Korbel mill (using Del Norte County timber)	35,000	----------
Young growth: (20-year liquidation or sustained yield at 5 percent):		
Humboldt County lands	112,000	80,000
Del Norte County lands	30,000	----------
Total	252,000	163,000
Share of requirements (percent)	56	36

TABLE 13.—*Chips available from all timber in Humboldt County*

[Tons per year]

	Low estimate	High estimate
1966	1,040,000	1,220,000
1970	758,000	938,000
1980	638,000	818,000

Requirements for the two mills is estimated to be 900,000 tons per year.

In all probability, these mills can not be operated at capacity without importing chips from Del Norte and western Trinity counties, and possibly by sea from more distant places, at least for a long time to come. In any event, the proposed Redwood National Park in Redwood Creek will have little effect on the future of the developing second growth timber economy of Humboldt County.

Conclusion

The proposed Redwood National Park (HR 11723-COHELAN) will terminate the operations of one firm which has only about 20 years to go. Also it will shorten the life of the old growth lumbering of two other firms by a few years. However, Humboldt county is faced with inevitable reduction of old growth lumbering in the immediate future in any event. The two firms whose operations will be moderately affected are just getting started in the pulp business, but they will not be seriously affected by the park proposal because the park won't take much of their young growth and they can not supply themselves with chips from their own lands anyway. They could just barely supply their mills if they obtain the entire production of Humboldt county's private commercial forest land, and will most likely depend heavily on imports. The park therefore will have little adverse effect on the forest industries of Humboldt county.

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[4] *Directory of the Forest Products Industry* published annually by Miller Freeman Publications, Portland, Ore. Figures above from 1964 edition.

*100 lbs. of dry chips contains 40 lbs. of lignin and 60 lbs. of cellulose. Typically a sulphate mill recovers about 40 lbs. of fiber per hundred lbs. of chips.

[From Cry California, fall 1966]

BEHIND THE REDWOOD CURTAIN

(By William Bronson)

In October, 1965, Representative JEFFERY COHELAN introduced legislation in the House to authorize the purchase of 77,000 acres of timberlands in Humboldt County, north of Eureka, which would be joined with 13,000-acre Prairie Creek State Park to form a long awaited Redwood National Park. On these splendid lands, lying largely in the Redwood Creek watershed, stand the last, best remnants of California's "inexhaustible" redwood forest.

Of the 90,000 acres proposed, 33,000 acres of privately owned virgin redwoods would be returned to public ownership to be kept for the centuries. Of these 33,000 acres of old growth, 15,400 are owned by Arcata Redwood Company, 16,000 by Georgia-Pacific Corporation, 1,330 by Simpson Timber Company and the balance by minor landholders. The remaining privately owned acreage is largely cutover land needed to protect the watershed.

Responding to the proposal, the redwood logging industry, led by these three companies, has fought back with every weapon, fair and foul, it could lay its hand on. Their spokesmen have railed incessantly about the awful damage the parks would wreak on the local economy. They chant on and on about sustained yield logging and tree farming, and how the parks would destroy the industry. They talk about the rights of private property and invoke the Constitution and even God Almighty.

But beneath all the shouting lies one basic question: who gets the old giants? Does the American public, which foolishly allowed itself to be defrauded of these incomparable lands before the turn of the century, or do three large corporations which stand to make many more millions of dollars in the long run if they keep the lands? Make no mistake: the standing old growth timber is pure gold.

The purpose of this essay is not to attack free enterprise or to condemn large profits: it is simply to clear away the smoke screen that has been thrown up in panic by the threatened companies. Their front organizations—the California Redwood Association (annual budget, $600,000) and the Redwood Park and Recreation Committee, which was formed solely to fight park plans (annual budget, $50,000)—are attempting to block creation of a park of sufficient size and quality to meet National Park Service standards for a single reason: money, plain old money, in the form of dividends and capital accumulation.

Their basic argument, told with many variations, is that the local economy and the North Coast forest products industry will be badly damaged or destroyed. In a widely published advertisement, the Redwood Park and Recreation Committee states:

"If these irresponsible redwood park plans were to be adopted, the economy of the northern half of our Congressional District would be irreparably damaged. The growth of the forest products industry would be choked off. *Every* business in the Redwood Region would suffer. Thousands more acres would come off our Congressional District's tax rolls. Drastic unemployment and higher taxes would be the result."

It is a normal reaction to fear change, to fear the unknown, and I suppose such statements can be laid to these fears. But no study yet conducted supports the industry's contentions with the exception of one: a qualified report by economist H. Dewayne Kreager done on commission for the industry's Redwood Park and Recreation Committee. Every other reliable study shows the park will greatly add to the local economy and that logging at today's rate will end in a handful of years as the last of the old trees go, park or no park.

Gordon Robinson, who spent 27 years with Southern Pacific developing their forest management program and is now forest consultant to the Sierra Club, projects old growth timber production in Humboldt County for 1970 as follows: 615 million board feet if the park is not established and 565 million board feet with a park. In 1980, his figures are 373 million and 323 million board feet respectively. The effect of a park on second growth operations will be negligible.

Richard Q. Siegel, in his 1965 economic study for the Bank of America on the forest products industry in Humboldt, Del Norte and Mendocino Counties, reached the conclusion that employment would be off 25 percent in 1975, *without a park*. . . . "Employment in the industry will approximate around 13,000 people compared to the 17,116 in 1960. The industry, in this event, will offer a good employment foundation, but it will not be a stimulator of growth. The people of the North Coast may have to look to other sources for expansion if that is what they want."

It is true that if the park were created, Arcata Redwood Company would be put out of the lumber business, but the owners would be fully compensated for their property at the fair market price. Georgia-Pacific and Simpson Timber, however, operate a total of 286,000 acres in Humboldt County. Only 46,000 acres of the latter's would be acquired and of these, only 17,330 acres are virgin stands. Their operations would continue. The total inventory of conifer forest lands in Humboldt County, preponderately redwood, is well over a million acres. As David Brower, director of the Sierra Club, said:

"If the 90 percent of the redwood land they have already logged won't sustain the industry, it won't help them as much as it hurts all of us to let them log the National Park fraction of the last 10 percent."

Even the study of local forester John G. Miles, which was published in the anti-park Humboldt *Beacon* on March 10, 1966, confirms the bleak outlook for lumbering:

"In short, maintenance of the present level of cutting for 20 years, principally through liquidation of second-growth, would seriously reduce the sustained yield capacity of the major timber owners. A gradual reduction of the total log usage, from the level of 1280MM (million board-feet) per year in 1966 to 900MM per year in 1975, with a further reduction to 750MM per year by 1985, would permit continuous operations at the latter level until 1995 and beyond."

Clearly, the Humboldt County logging industry will be greatly cut back in the next decade or two whether a park is established or not. And once the trees are gone, there will be no possibility of a park.

The simple truth is that Humboldt County can have its trees and eat them too. A national park will provide an economic base greater than the present logging industry provides and far greater than the projected logging base 10 to 20 years hence.

We will create the national park in Humboldt County, if it is to be, for the nation and the generations, but no group in the country will gain more than the people of Humboldt County itself.

But the violent opposition to the park remains. The gentlemen who manage the three big companies would, I am certain, like to see the local economy flourish and are sincere when they talk of sustained yield as a desirable goal of the North Coast timber industry. In fact, as in most companies, the managers undoubtedly have personal affection for many of their employees and draw satisfaction from the fact that they furnish jobs and security for others. But the single driving motivation of these companies, like all businesses, is financial success, first, last, and forever. If it can be done advantageously by selective cutting on a sustained yield basis, all to the good. But if the economics indicate "cut and get out," that is what will be done.

If the people of Humboldt County believe that their welfare is identical with the owners of Arcata Redwood Company, Georgia-Pacific and Simpson Timber, then let them consider the following: Georgia-Pacific showed net sales of $575 million in 1965, only a fraction of which was produced in Humboldt County. Georgia-Pacific is a worldwide organization with tens of thousands of shareholders, most of whom probably never heard of Humboldt County. Simpson Timber Company is tightly held by a Seattle-based firm with extensive holdings in the Northwest. The wages of both companies may be spent locally, but virtually all of the profits leave the county.

But for a fuller understanding of the values and interests at stake, the case of Arcata Redwood Company (ARCO) is most instructive. The company was formed solely to cut and mill old growth redwoods. Whereas Georgia-Pacific is an international lumbering and manufacturing organization, and Simpson Timber Company's operations are scattered all over the map, ARCO consists of one holding, most of it in old growth redwood. With the exception of the interest it draws on its large cash reserves, all of its profits are directly accountable to its redwood lumbering activities. And in these profit figures can be found an explanation for the industry's frantic anti-redwood-park campaign.

ARCO was founded in 1939 with a capital investment of $50,000 to which $24,250 was added in 1940. In 1958, ARCO issued 116,690 shares to the Hill-Davis Company, Ltd., a Michigan partnership association which was at the time ARCO's sole stockholder. Thus were ARCO's mill operation and the Hill-Davis timberlands merged. As of March, 1966, the company owned 22,000 acres, of which approximately 4,500 were logged over, 15,400 were virgin forest and the balance was in natural meadows and upland grass.

As can be seen in the table at the bottom of this page, the company's financial performance in recent years has been nothing short of spectacular. (All of the figures I quote here, other than my own estimates, have been taken from ARCO's annual reports, 1963 through 1965, and the public records in the Humboldt County tax assessor's office in Eureka and the California State Division of Corporations' offices in San Francisco and Sacramento.)

The sales and net income figures show a trend of tremendous growth—the 1965 earnings were 2.6 times that of three years prior. The ratio of net income to sales has been rising and it's extremely high by any standard. None of the 500 largest industrials in the U.S. show as high a return on sales as ARCO's 29 percent. There are very few over 15 percent, the highest being 18 percent, and the median for the paper and wood products industry was six percent in 1965.

Over and above the remarkable increase in net assets witnessed in the past, at today's rate the stockholders realize every six years a return, in the form of cash dividends, equal to their original invested capital of $3 million.

It should be noted that the capital gains tax, which was designed to encourage investment of risk capital, is one of the reasons ARCO's profits are as high as they are. The corporate tax rate on earnings of more than $25,000 is 48 percent, but because ARCO is allowed to pay the 25 percent capital gains rate on the difference between the original cost of the standing timber and current timber market value, their taxes range between 30 to 35 percent.

Arcata Redwood Co. selected financial data

	1965	1964	1963	1962
Sales	$8, 933, 342	$8, 112, 345	$7, 390, 068	$5, 571, 885
Net income	$2, 639, 472	$2, 234, 726	$1, 903, 133	$1, 034, 536
Net income as percentage of sales	29. 5	27. 5	25. 8	18. 6
Net income as percentage of original invested capital	89	75	64	35
Net income per share	$22. 60	$19. 20	$16. 30	$8. 90
Dividends	$583, 450	$495, 932	$495, 932	$408, 415
Dividends per share	$5. 00	$4. 25	$4. 25	$3. 50

Howard A. Libbey has been president of ARCO from the beginning. He is the only director of the company who lives in Humboldt County. The other directors live in Washington, Nevada, Michigan, and Pasadena, San Marino and Atherton, California.

C. Davis Weyerhaeuser of Tacoma is chairman of the board of directors and is reputed to be the largest single stockholder in the company. Weyerhaeuser is a director of the Weyerhaeuser Company and several of the other large companies which make up the Weyerhaeuser timber complex. In the monumental history of the Weyerhaeuser family, ***Timber and Men*** by Ralph Hidy, Frank Hill and Allan Nevins published in 1963, C. Davis Weyerhaeuser is quoted at length only once, and this was on the subject of sustained yield, a principle to which ARCO gives great lip service today. In 1935, he . . . warned that sustained yield must not be thought a panacea for timber management problems. He believed it had "become a fetish, almost worshipped for its own sake," and that it was practicable only when favoring circumstances could be established. "Too much," he asserted, "cannot be sacrificed today in the way of curtailed income, purely for the sake of assuring a complete continuity of operations."

The company has made the claim that it has enough old growth timber to sustain its operations for 43 years. According to Gordon Robinson, the inventory of ARCO's standing timber described on the Humboldt County tax assessor's rolls indicates that if ARCO cuts 50 million board feet per year, the supply will last approximately 21 years. In 1965, the actual cut was 57.5 board feet and at that rate, the supply will last 19 years. If ARCO's cut is increased five percent per year (which was the increase between 1964 and 1965), then all the old growth will be down in 15 years.

There are several ways the discrepancy between ARCO's claim and the public record might be accounted for.

First, ARCO may have plans to reduce its annual "harvest" by half in order to fulfill its own prediction. But since the annual cut has increased in the last four years, this seems unlikely. There is every indication that the annual cut will be increased rather than held at a static rate.

A second possibility is that the true extent of ARCO's and other lumber companies' timber holdings are not accurately expressed in the tax assessor's books.

The third possibility is that the company dreamed up the 43-year figure for public relations purposes, and this, I suspect, is the reason.

But it makes no difference whether ARCO cuts all of its trees in 15, 19, or 21 years, for the new growth of which ARCO boasts will sustain no logging of any consequence until at least 50 or 60 more years have passed.

In 1964, Arcata National Company, a wholly-owned subsidiary formed by ARCO, engaged Robert O. Dehlendorf II, who had recently sold a prosperous electronics company which he had developed, to search around the country for investment opportunities. In November, 1965, on his findings, Arcata National purchased outright with ARCO's money the J. W. Clement Company, one of the nation's largest printing firms, for something in excess of $13 million. The company, operating through several subsidiaries, including Pacific Press of Los Angeles and Phillips & Van Orden of San Francisco, prints *Readers Digest* and most West Coast editions of major national magazines.

It's interesting to note that the Clement Company, whose earnings are *not* included in Arcata's earnings reports, showed a net profit of more than $950,000 for the fiscal year ending June 30, 1965, and approximately $300,000 in the first six months of the 1965–66 fiscal year.

As the millions pour into ARCO's treasury, it is likely that further "diversification" will be undertaken. In the four-year period between 1962 and 1965, the company sold more timber and timberlands than it purchased. It is odd that such an ardent believer in the sustained yield principle as ARCO should not invest its surplus funds in cutover lands which could be re-seeded and re-forested for future timber supplies.

The question of how much a park will cost has been tackled by several interested parties—the National Park Service, the Sierra Club, the Save-the-Redwoods League, the redwood industry, and the State of California, among others. The difficulty in negotiations of this sort is finding a basis for establishing a fair market price. In this regard, a most useful figure was established at noon, March 15, 1966, at the Hilton Inn at the San Francisco Airport. The following note appears in the official minutes of the Arcata Redwood Company's board of directors meeting:

"*Resolved,* That, on the basis of all facts known to the Board of Directors, including Appraisal of the Arcata Redwood Company Common Stock, dated January 14, 1966, addressed to the Chairman of the Board by Donaldson, Lufkin & Jenrette, Inc., the Board of Directors does hereby determine that on this date the fair market value of the common shares ($10 par value) of the corporation is not more than $360 per share."

It was further resolved that 4,000 of these new shares would be offered to Dehlendorf over the next five years at the $360 price. If we multiply the 116,690 shares outstanding by this fair market price, which must be considered the company's true evaluation of its assets, the total is approximately $42 million. Of this, the J. W. Clement Company, which would not have to be acquired for park purposes, accounts for $13 million, which would mean Arcata's timber and timberlands, plant and machinery, inventory, and other assets and good will are worth about $29 million. Since more than $4 million of that is working capital, the net outlay for park purchase would be about $25 million.

Assuming, as we must, that ARCO's self-evaluation is correct and by applying that evaluation as a rule of thumb to the other 17,600 acres of old growth and the additional cutover lands proposed in the Cohelan plan, we find that the total acquisition cost may be something in the neighborhood of $65 to $70 million. It would thus appear that the Redwood Creek-Prairie Creek park might be established for considerably less than the $150 million previously estimated.

When Arcata and Hill-Davis merged in 1958, capital and paid-in surplus amounted to something in the neighborhood of $3 million. If the company were purchased today at a price of $30 million, this would mean a ten-time gain on the stock itself, plus the dividends which have been paid out at a generous scale over the years. Furthermore, the stockholders would still own the J. W. Clement Company, which, with its current multi-million dollars plant expansion program, aims at becoming second only to R. R. Donnelley & Sons of Chicago in the contract printing business. Not a bad return by any standard.

But what if the lands are not purchased for the park? Assuming that the company will continue to cut at its 1965 rate and that its profits will remain stable, ARCO will, in the next 20 years (including 1966), realize profits of $52 million. This does not take into account any increase in price for redwood products which may be anticipated as the supply of old growth diminishes. The upturn in redwood prices over the last few years indicates such a trend.

When the last tree is down, the company will still own the cutover land which will be worth, at today's prices, at least $100 an acre (2,200,000). What they will be worth 15 to 20 years from now is anyone's guess.

And so the picture emerges. ARCO's own appraisal of its worth indicates a fair market price of about 30 million today, and if the park is authorized, they'll have a hard time proving it's worth more. But if the park is not created, the company will conservatively earn $50 million, probably within the next 15 to 20 years; and they will still own the land. Either way, they'll still have J. W. Clement Company, which may turn out to be a gold mine in its own right.

One would think the shareholders could be happy in the knowledge that whether the park is created or not they will have made a fortune.

So Congress deliberates. As each day passes, more of the old giants fall, and the fundamental question remains: who will get the redwoods?

LEAVE OF ABSENCE

By unanimous consent (at the request of Mr. BOGGS) leave of absence was granted to:

Mr. ST GERMAIN, for an indefinite period, on account of illness in the family.

Mr. HANNA, for the remainder of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN (at the request of Mr. EDMONDSON), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. COHELAN (at the request of Mr. EDMONDSON), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. HALPERN (at the request of Mr. WATKINS), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK (at the request of Mr. WATKINS), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. CURTIS (at the request of Mr. WATKINS), for 1 hour, on Wednesday; to revise and extend his remarks and to include extraneous matter.

Mr. MATHIAS (at the request of Mr. WATKINS), for 30 minutes, on Wednesday; to revise and extend his remarks and to include extraneous matter.

Mr. GOODELL (at the request of Mr. WATKINS), for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. FINDLEY (at the request of Mr. WATKINS), for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. QUIE (at the request of Mr. WATKINS), for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. QUILLEN.

Mrs. HANSEN of Washington to include extraneous material and tables with her remarks made during debate in the Committee of the Whole.

Mr. CHAMBERLAIN to include extraneous matter and tables in his remarks made in Committee today.

Mr. SAYLOR, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $357.50, and to include extraneous matter.

(The following Member (at the request of Mr. WATKINS) and to include extraneous matter:)

Mr. CRAMER.

(The following Members (at the request of Mr. EDMONDSON) and to include extraneous matter:)

Mr. BROOKS.

Mr. PIKE.

Mr. FOGARTY.

SENATE ENROLLED BILLS SIGNED

The **SPEAKER** announced his signature to enrolled bills of the Senate of the following titles:

S. 1474. An act to create a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government;

S. 3261. An act to authorize the Secretary of the Interior to convey certain lands in the State of Maine to the Mount Desert Island Regional School District; and

S. 3421. An act to authorize the Secretary of Agriculture to convey certain lands and improvements thereon to the University of Alaska.

ADJOURNMENT

Mr. **EDMONDSON**. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 21, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2732. A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting a report on title I, Public Law 480, agreements signed during July and August 1966, pursuant to the provisions of Public Law 85–128; to the Committee on Agriculture.

2733. A letter from the Comptroller General, transmitting a report of potential savings to the Government through increased purchasing from General Services Administration supply sources by contractors which operate facilities of the Atomic Energy Commission; to the Committee on Government Operations.

2734. A letter from the Comptroller General, transmitting a report of review of procurement and utilization of security covers for nuclear weapons, Atomic Energy Commission, and Department of Defense; to the Committee on Government Operations.

2735. A letter from the Comptroller General, transmitting a report of long-term leasing of buildings and land by Government contractors, Department of Defense; to the Committee on Government Operations.

2736. A letter from the Comptroller General, transmitting a report of need for effective controls over timber-cutting practices in Pacific Northwest region, Forest Service, Department of Agriculture; to the Committee on Government Operations.

2737. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report of visa petitions approved according certain beneficiaries third preference and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper severally referred as follows:

Mr. DULSKI: Committee of conference. Conference report on S. 2393. An act to authorize additional GS–16, GS–17, and GS–18 positions for use in agencies or functions created or substantially expanded after June 30, 1965 (Rept. No. 2047). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN of Tennessee:

H.R. 17842. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 17843. A bill to place deputy U.S. marshals under the competitive civil service, and for other purposes; to the Committee on the Judiciary.

H.R. 17844. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to certain veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 17845. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 17846. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. GILLIGAN:

H.R. 17847. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 17848. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 17849. A bill to provide criminal penalties for incitement or riots and civil disturbances, and for other purposes; to the Committee on the Judiciary.

H.R. 17850. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 17851. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Ways and Means.

By Mr. LAIRD:

H.R. 17852. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. MACKIE:

H.R. 17853. A bill making an appropriation to enable the Post Office Department to extend city delivery service on a door delivery service basis to postal patrons now receiving curbside delivery service who qualify for door delivery service; to the Committee on Appropriations.

By Mr. MURPHY of Illinois:

H.R. 17854. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 17855. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. WALKER of New Mexico:

H.R. 17856. A bill to amend chapter 141 of title 10, United States Code, to provide for price adjustments in contracts for the procurement of milk by the Department of Defense; to the Committee on Armed Services.

By Mr. CAREY:

H.R. 17857. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. FOUNTAIN:

H.R. 17858. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. GRABOWSKI:

H.R. 17859. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. MACKIE:

H.R. 17860. A bill to amend title 39, United States Code, to provide for door delivery service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHALLEY:

H.R. 17861. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 17862. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 17863. A bill to provide that the Foreign Claims Settlement Commission shall adjudicate the claims of certain persons against the Government of Hungary for certain World War II losses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MACKIE:

H.R. 17864. A bill making recommendations to the States for the enactment of legislation to facilitate and assist the registration of voters, and for other purposes; to the Committee on House Administration.

By Mr. TUNNEY:

H.R. 17865. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'BRIEN:

H. Con. Res. 1012. Concurrent resolution to modify certain tariff concessions by the United States on papermaking machinery and parts thereof; to the Committee on Ways and Means.

By Mr. STALBAUM:

H. Con. Res. 1013. Concurrent resolution urging the President to increase tariffs on papermaking machinery; to the Committee on Ways and Means.

By Mr. CLEVENGER:

H. Con. Res. 1014. Concurrent resolution to provide for a permanent U.N. peacekeeping force; to the Committee on Foreign Affairs.

By Mr. WATSON:

H. Con. Res. 1015. Concurrent resolution urges that the United States continue opposition to admission of Red China to the U.N.; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

498. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to amendment of the Federal Water Pollution Control Act, which was referred to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 17866. A bill for the relief of Helen and George Andreakos (Mr. and Mrs.); to the Committee on the Judiciary.

By Mr. FINO:

H.R. 17867. A bill for the relief of Carmine Buffolino; to the Committee on the Judiciary.

H.R. 17868. A bill for the relief of Irene Kehayias; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 17869. A bill for the relief of Frank William Edlin; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 17870. A bill for the relief of Mr. Donald D. Lambert; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 17871. A bill for the relief of Ethel Bukri; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Tree Farming in Texas

EXTENSION OF REMARKS
OF
HON. JACK BROOKS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 20, 1966

Mr. BROOKS. Mr. Speaker, vast areas of Texas have today a rich blanket of towering pines and spreading hardwoods. We southeast Texans are vitally concerned with timberland and forest conservation. Therefore, we take pleasure in observing today the 25th anniversary of the establishment of a highly successful conservation method, the American tree farm system.

Since 1941, when the Clemons Tree Farm was dedicated in Washington as the first privately owned woodland practicing forest conservation, "tree farm" and "Smokey, the fire prevention bear" have become household terms to east Texans and most Americans.

Our protective cover of trees, in itself a valuable resource, shelters other resources such as plentiful game, flowing streams, and numerous recreational facilities. East Texans grow trees not only as a money crop but also as an adjunct to other farming activities. Texas forest lands support expansive paper and wood industries, providing large industrial payrolls.

In the past two decades the beauty of my home area, its growth and prosperity have been enhanced by our efforts to conserve our woodlands. The tree farm system and fire prevention campaigns have had undeniable success in our area. Our American forestry methods have been accorded international recognition. It is only fitting and appropriate that today we pause to pay thanks to the establishment of that system and to the woodland owners, industrialists, and dedicated members of the State and National forest services who made that success possible and profitable.

Veterans' Pension Act of 1966

EXTENSION OF REMARKS
OF
HON. JAMES H. (JIMMY) QUILLEN
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 20, 1966

Mr. QUILLEN. Mr. Speaker, yesterday we passed with overwhelming support H.R. 17488, the Veterans' Pension Act of 1966, which I supported and voted for on final passage.

I congratulate the members of the Veterans' Affairs Committee, and particularly the chairman, for the outstanding bill which they evolved out of the nearly 200 bills which they had to consider. I know that our veterans are deeply appreciative of their efforts.

It has been realized for some time that changes were needed in the veterans' pension laws, and the committee did a great service to our veterans, but I feel that more benefits are in line.

We can all take pride in the passage of this legislation for through it we have continued our duty to "care for him who shall have borne the battle and for his widow and his orphan."

I am especially pleased that the committee included in H.R. 17488 the provision that a veteran who is 65 years of age will now be considered disabled for pension purposes, because I introduced, along with several of my colleagues, H.R. 13939 which also sought to have this regulation made.

My only regret is that through H.R. 17488 we did not raise the benefits of those veterans who are under the old part III law. I hope that we can do something for these very deserving veterans in the near future.

Cramer Calls for Halt to Reckless Federal Spending

EXTENSION OF REMARKS
OF
HON. WILLIAM C. CRAMER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 20, 1966

Mr. CRAMER. Mr. Speaker, the recent revelation that the wholesale price index increased 1.3 percent in the month of August compels me to once again take the floor and call upon this Congress and the administration to exercise fiscal restraints.

Unless restraints are imposed, this Nation will be caught in the grips of an inflationary spiral that will create even greater hardships on the American consumer and place more serious pressures on an already overheated economy.

If, for example, the wholesale price index increases at the present rate, it will reflect a 12.36 percent increase in just 1 year. By comparison, the wholesale price index only increased about 2 percent during the entire 8 years of the Eisenhower administration.

Because the greatest increases continue to be in food products, and because retail grocery establishments work on a small profit margin, we can expect that the increase in the wholesale price index will be passed along to the consumer and be reflected in still higher prices for essential foods.

As far back as January I warned that the freespending policies of the Great Society would cause runaway inflation. Hand-over-fist Great Society spending, supported at every step by this Democratic Congress, continues at a reckless pace. Runaway inflation is hurting everyone. It hurts most the senior citizen pensioner and social security recipient living on a small, fixed income. I will continue fighting against the programs and policies that are causing inflation. I will vote "no" on nonessential spending.

I would urge my colleagues to join in this effort. The first step is to vote against all nonessential spending.

The integrity of the dollar must be preserved.

Congressman Pike Reports to His Constituents: 2d Session, 89th Congress

EXTENSION OF REMARKS

OF

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1966

Mr. PIKE. Mr. Speaker, every year of the 6 years I have been in Congress I have about this time of year reported to the people of eastern Long Island on the activities of the Congress, and of their Congressman, during the year. Sometimes these reports have been favorable, sometimes these reports have been critical, and sometimes they have just been average. This one is critical.

Before going into the accomplishments—or lack thereof—of this particular session, and the way these activities have affected the people of the First Congressional District, it might be useful to put the district itself into perspective. From its suburban and industrial west end to its agricultural and tourist-oriented east end, the district is booming. Population is increasing at a tremendous pace. In 1960 the population of the district, which includes all of Suffolk County except Huntington and Babylon, was determined by the census of that year to be 398,254 persons. On January 1, 1966, the Long Island Lighting Co.—a very accurate source—estimated our population at 583,723, and today it is certainly well over 600,000. No place on the east coast is growing more rapidly.

Two years ago, our greatest headache was the unemployment of skilled workers at Republic and at other defense plants. Today our daily papers are full of advertisements seeking such skilled workers. If there is a soft spot in our local economy, it is in the housing industry, where the lack of money available for mortgages and the high interest rates have had some depressing effect. Despite this, building permits issued in Suffolk County for the first 6 months of 1966 were 10 percent above those issued during the same period in 1965. Along with the rest of the Nation, we are plagued by the symptoms of inflation, particularly in rising food prices, and along with the rest of the Nation we are deeply concerned over the undeclared, but very real, war in Vietnam.

So much for the district itself. Now, how has Congress itself met its responsibilities toward such a district, and toward the Nation as a whole? Last year I was able to report to my constituents in glowing terms that—

> Its greatest detractors will have to admit that this Congress has done more this year than any Congress in the history of our Nation.

Two years ago, I was able to say:

> This has been an outstanding Congress . . . it has been a real joy to work in such a Congress.

This year the language would have to be almost exactly the reverse. Its greatest advocates would have to admit that this Congress has, as of this date, spent more time and accomplished less than almost any Congress in recent years. As far as the time we have spent—it is inexcusable. As far as our lack of accomplishment, there are many reasons, and not all of them are bad. The very fact that we did do so much last year in the fields of education, civil rights, poverty, health insurance, tax reform, and so forth, left the Nation and the Congress gasping, and many people thought we very properly should take a breather. The fact that many of the programs we started last year are going to be very expensive and the bills are just beginning to come in certainly had the effect of encouraging caution on new programs. Election years are not notoriously good for passing controversial legislation—quite the contrary. Finally, of course, the cost of the war in Vietnam has been staggering, and despite the protestations of those who say we can have both guns and butter, there are those of us who think that we might be wise to spread the butter a little thinner

Regardless of the reasons, the hard fact remains that Congress has done a lot less acting than talking this year. Convening on January 10, we did not have a single record vote until January 27, when we started our activities on a relatively lowly plane by voting $425,000 for the expenses of the House Committee on Un-American Activities. The first important measure of the session, and one of the most important of the entire Congress, came on February 7, when the House unanimously passed a bill called the cold war GI bill, extending educational and other benefits to those who had served in our Armed Forces after January 31, 1955. This bill will be tremendously important to the young men and women serving their country today.

During the balance of February we provided for American participation in the Asian Development Bank, amended the withholding provisions of the tax law to bring withholdings in line with actual earnings, and authorized a supplemental $415 million foreign aid program for southeast Asia and the Dominican Republic.

In March we came face to face with the cost of the struggle in Vietnam. On March 1 we passed a bill authorizing almost $5 billion additional in defense appropriations for aircraft, missiles, and ships for fiscal 1966 and on March 15 we passed another bill authorizing over $13 billion more for all other defense purposes in southeast Asia during fiscal 1966. Despite this tremendous burden the month of March also saw such ill-timed new expenditures as a Senate amendment on our withholding tax bill which provided social security benefits to people over 72, whether they had ever contributed to social security or not, a plan to build a new home for the Vice President, and an appropriation for the controversial rent supplement program. We did pass some other legislation which was not only useful, the price was right. There was a bill to make daylight saving time uniform throughout the country, and there was a bill to provide special rates for mailing small packages to servicemen in Vietman. Nothing earthshaking, but good.

After March the Congress slipped softly into deep doldrums. On April 6 we had six votes on normal appropriation bills for the Interior Department and the Treasury and Post Office Departments, after which we had only seven other votes during the entire month, and only one of these generated any interest whatsoever from our district. This was a bill which empowered the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation. This one generated a fantastic amount of mail. Animal lovers may be the most articulate group in America.

May, too, was a calm month. We passed the annual bills providing normal appropriations for the Departments of Labor and Health, Education, and Welfare and for the National Aeronautics and Space Administration for the fiscal year beginning July 1. We did the same for the Department of Housing and Urban Development. We passed an important bill increasing the Federal minimum wage by stages from $1.25 an hour to $1.60 effective February 1, 1969. The big fight—and the real pressure—came on a bill called the Participation Sales Act of 1966. In my opinion this was one of the worst measures we have enacted since I have been in Congress, amounting to a sale of the Government's capital assets in order to meet current operating expenses. Despite the heavy Democratic majority in the House, the bill passed by the narrow margin of 206 to 190.

In June the House got moving a little and voted on 21 measures during the month, some of them of real significance. Since we had only cast 60 votes in the whole first 5 months of the session, the difference in pace was obvious. In June we covered such far-ranging ground as a bill to aid in the rehabilitation of narcotics addicts and a bill to ease bail requirements for defendants charged with lesser Federal crimes. We made it easier for self-employed persons to establish their own retirement funds, extended and increased the program of Federal aid to libraries and increased the "temporary" debt limit from $328 billion to $330 billion.

We extended the food-for-peace program—which for some reason we felt obliged to rename the food-for-freedom program—and we passed a bill authorizing almost $18 billion for the procurement of aircraft, missiles, ships, and tracked combat vehicles, and for defense research in fiscal 1967. We extended the coverage of the Federal-State program of unemployment compensation, created a new program for Federal aid in the training of badly needed technicians in the field of health, changed parcel post sizes and rates and, among other assorted trivia, decreed that common-law marriages would no longer be recognized in the District of Columbia. June was quite a month.

Exhausted by our June efforts, we had exactly six record votes in the entire month of July. The major item was an appropriation of $58.6 billion—more than half our entire national budget—for the Department of Defense. The Senate passed a different version, and the differences have not been settled yet. We authorized a 2-year foreign aid program for the first time—which I thought was a poor idea—and authorized $14.1 billion in both military and economic aid for that program in fiscal 1967. Other than that we did little but start debate on the Civil Rights Act of 1966. That debate started on July 25 and did not end until August 9, when we had five separate votes on the bill and amendments to it. Contrary to the misconceptions contained in a great many letters we received on the bill, it had no effect whatsoever on the sale of his home by any individual. In any event, the bill is currently being filibustered to death in the Senate.

August was a month in which we had a lot of votes—34—but most of them were repetitious, technical, or minor. Fiscal 1967 started on July 1, and because we had not completed action on many of the appropriation bills necessary to keep our Government going by that date, it has been necessary to have votes on interim measures which do nothing more than provide just enough money to keep the ponderous machinery of government in motion.

August was a month which involved transportation more than anything else. We passed a bill extending the program of Federal aid for highway construction, essential to our major Long Island highways. We passed a bill requiring the Secretary of Commerce to establish standards for safety features in automobiles, another bill creating a safety program for highway construction, and a bill extending the urban mass transportation program for 1 year. We passed a major bill creating a new, Cabinet-level Department of Transportation. In addition to transportation, we passed a bill appropriating almost $7 billion for the Department of Agriculture in fiscal 1967, and a bill allowing the Federal National Mortgage Association $3.65 billion to use as loans for home construction—the Senate added over a billion dollars above this last amount and the final figure was $4.76 billion—and so went August.

Now it is September, and the end is not in sight. With fiscal 1967 almost one-fourth gone, and with a war going on, we have not even completed action on the Defense appropriation bill. Six other appropriation bills for fiscal 1967 involving over $68 billion are still up in the air This is a very sick situation. The poverty program is tied up in massive political infighting as are various education bills. We have labored mightily, but as a Congress our production has been very limited. The House has passed things the Senate has failed to act on—the Senate has passed things the House has failed to act on. The net result is disappointing at best.

So much for the Congress. Your Congressman has had a much better year. My activities on the Armed Services Committee have increased in tempo and in responsibility. I have been made chairman of three separate special subcommittees during the 89th Congress, two of them dealing with tactical aircraft performance and procurement; the third went to Vietnam. I am the ranking—second—member of the Special Investigating Subcommittee which has held several important hearings pointing out poor contracting practices and the waste of money. My Subcommittee on Tactical Aircraft Procurement is holding hearings right now. The report which we filed in February 1966 on close air support in Vietnam was printed as an official document, received nationwide attention, and, hopefully, had some effect on the Department of Defense.

For Long Island, too, this has been a good session. The Appropriations Committee has just approved a bill providing almost $46 million for improvements in the accelerator at the Brookhaven National Laboratory. The same bill provides $200,000 for construction work to improve Montauk Harbor, and $100,000 for advanced planning on the stabilization of the Moriches Inlet. The committee, at my request, added the last item despite the fact that they cut over $56 million from the bill as presented by the President.

After a lot of political infighting, the Veterans' Administration announced that their new hospital for veterans would be built at Stony Brook. With the help of a well-organized effort by Long Island farmers and produce houses we were able to restore to the Agiculture Department appropriation the program for fighting the golden nematode potato parasite.

We are currently doing everything we can think of in cooperation with other east coast Representatives and Senators to point out the advantages of the Brookhaven National Laboratory as a site for the huge new accelerator to be built at one of six sites now under consideration by the Atomic Energy Commission. These efforts have involved industry, labor, our universities, and the press, and culminated in a meeting on August 30 with the entire Atomic Energy Commission.

Another field of great interest and concern to eastern Long Island is the field of oceanography. With the passage in the House of the sea-grant college bill—by voice vote—this month, an opportunity exists for the creation of a center for intensive study of the vast frontiers of the sea and the marine sciences. This is an exciting challenge and I believe that eastern Long Island is ideally suited for such a center.

These might be classified as major problems and major issues but they represented a minor part of the work of our office. As always, the bulk of the work consisted of the thousands of individual requests handled through the mail, by phone, by wire, and through personal interviews. We receive approximately 200 letters a day during the busy season and they never stop coming, even when Congress is not in session. Included are every problem imaginable in which the Federal Government is involved. The cases involving men and women in the service have increased tremendously. There have been complaints about poor mail service, lost social security checks, unfair tax audits. There are petitions for the appointment of postmasters and against dredging projects. There are people who just do not know where else to turn for help. In the 6 years I have been in Congress we have handled over 50,000 requests. We cannot accomplish everything people want. All we can do is try.

I have six full-time secretaries in Washington and Riverhead and three part-time assistants on Long Island. We all try like crazy. Our batting average is pretty good. I am proud of my staff. They are professionals, not politicians, and we do our best for everyone. We have kept in close contact with the people of the district, not only through the mail, phone, and personal visits, but through the newspapers and radio stations. For 6 years I have mailed a weekly column, commenting on events important and unimportant in Washington, to every weekly newspaper in the district every single week. An increasing number of the papers print them regularly although there is some tendency on the part of the more stanch Republican press to lose them as election time approaches. I understand their problem—philosophical, political, and financial—and I deeply appreciate the fact that most of them cooperate fully through the year in this major effort to maintain close communication between the Representative and the people he represents.

For coverage of doings in the Nation's Capitol in greater depth, we have made a 15-minute radio broadcast every Sunday for 6 years. This enables a comprehensive discussion of the bills before us and other problems facing the Nation as a whole and Congress in particular and I am especially grateful to the radio stations which have donated the time to make this possible. While the regulations of the Federal Communications Commission make it impossible to continue these broadcasts during the weeks immediately preceding an election, they will, I hope, be resumed in January when the 90th Congress in the history of our Nation convenes.

Finally, of course, a Congressman is a legislator. As of this moment, there have been 142 votes in the House of Representatives this year. I have been present and voting on 137 of them, including all of the major ones. Over the 6-year period in which I have been in Congress there have been 813 votes, and I have been present and voting 798 times. This is a record of which I am quite proud, and believe it is unsurpassed by any other Congressman in the State of New York. It requires a combination of health, luck, and desire. I have had all three.

The number of times a man votes is less important than the manner in which he votes. The following is a list of the major votes we have had this year. None of my constituents will agree with every one, neither does my wife. There are probably a couple on which I would vote differently if they were to come up again today. All that anyone can do is try to represent his district, his Nation, his conscience, and call them the way he sees them. This I have tried to do.

The tabulation follows:

Date	Issue	Vote
1966		
Jan. 27	Authorize $425,000 expenses, Un-American Activities Committee. (Yea 299, nay 24.)	Yea.
Feb. 3	Provide permanent program, educational and other readjustment assistance for veterans of service after Jan. 31, 1955, cold war GI bill. (Yea 381, nay 0.)	Yea.
Feb. 9	Provide for U.S. participation in Asian Development Bank. (Yea 293, nay 80.)	Yea.
Feb. 23	Provide system of graduated withholding tax on scale according to income. (Yea 246, nay 146.)	Yea.
Feb. 24	Authorize $415,000,000 supplemental appropriations for foreign aid, southeast Asia and Dominican Republic, fiscal 1966. (Yea 350, nay 27.)	Yea.
Mar. 1	Authorize $4,857,450,000 fiscal 1966 supplemental defense appropriations for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, research and military construction. (Yea 393, nay 4.)	Yea.
Mar. 2	Promote economic development of State of Alaska through U.S. participation in centennial exposition in 1967. (Yea 202, nay 173.)	Nay.
Mar. 3	Provide for referendum on $1 a bale assessment on cotton farmers, funds to be used for cotton research and promotion. (Yea 189, nay 183.)	Nay.
Mar. 15	Conference report providing for graduated withholding of income tax from wages, accelerated corporate tax payments, temporary suspension of telephone and automobile excise tax cuts, including social security coverage without any contribution to social security for persons over 72. (Yea 288, nay 102.)	Nay.
Mar. 15	Provide supplemental appropriations, fiscal 1966, of $13,135,719,000 for U.S. operations in southeast Asia. (Yea 389, nay 3.)	Yea.
Mar. 16	Provide uniform daylight saving time throughout United States. (Yea 292, nay 93.)	Yea.
Mar. 21	Provide special mailing privileges, members U.S. Armed Forces overseas. (Yea 304, nay 0.)	Yea.
Mar. 22	Provide official residence for Vice President of United States. (Yea 197, nay 184.)	Nay.
Mar. 29	Appropriate $2,564,872,568, 2d supplemental funds for fiscal 1966 including rent supplements. (Yea 269, nay 122.)	Nay.
Apr. 6	Provide 2.9-percent pay increase, Federal and postal employees. (Yea 393, nay 1.)	Yea.
Apr. 27	Prohibit discrimination in employment because of race, color, religion, sex, or national origin. (Yea 300, nay 93.)	Yea.
Apr. 28	Authorize Secretary of Agriculture to regulate transportation, sale, and handling of dogs, cats, and other animals to be used in research or experimentation. (Yea 352, nay 10.)	Yea.
May 11	Authorize improved health benefits program for retired members and members of uniformed services and their dependents. (Yea 358, nay 0.)	Yea.
May 12	Authorize Interstate Commerce Commission to establish "incentive" freight car rental charges. (Yea 306, nay 27.)	Nay.
May 18	Authorize Government to sell participations in pools of assets acquired by Federal agencies in various lending programs. (Yea 206, nay 190.)	Nay.
May 26	Amend Fair Labor Standards Act of 1938 to extend protection to additional employees, raise minimum wage. (Yea 303, nay 93.)	Yea.
June 1	Authorize civil commitment of narcotic addicts for treatment up to 3 years if charged with a Federal crime; up to 10 if convicted. (Yea 367, nay 1.)	Yea.
June 2	Extend Library Services and Construction Act through fiscal 1971. (Yea 337, nay 2.)	Yea.
June 6	Provide financial aid for international studies at U.S. colleges and universities. (Yea 195, nay 90.)	Yea.
June 6	Permit pension and profit-sharing plans to provide contributions or benefits on nondiscriminatory basis for self-employed without special limitations on amount of contribution. (Yea 291, nay 0.)	Yea.
June 8	Increase temporary debt limit and extend it for 1 year. (Yea 199, nay 165.)	Yea.
June 9	Extend food-for-peace program. (Yea 333, nay 20.)	Yea.
June 14	Authorize fiscal 1967 appropriations of $17,858,059,000 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, research, etc. (Yea 356, nay 2.)	Yea.
June 16	Provide President with standby authority to issue regulations to control extension of consumer credit. (Yea 73, nay 275.)	Nay.
June 20	Provide for greater public access to Federal Government records. (Yea 307, nay 0.)	Yea.
June 22	Extend and improve Federal-State unemployment compensation program. (Yea 375, nay 10.)	Yea.
June 23	Provide $78,000,000 3-year program of grants to expand and improve training of persons in the health professions, and a $77,000,000 2-year program to assist health students. (Yea 364, nay 0.).	Yea.
June 27	Increase parcel post rates and liberalize weight restrictions. (Yea 222, nay 148.)	Yea.
July 14	Recommit Foreign Assistance Act of 1961 with instructions to shorten the 2-year authorization to 1 year. (Yea 191, nay 193.)	Yea.
July 14	Foreign Assistance Act. (Yea 237, nay 146.)	Yea.
July 20	Appropriate $58,616,445,000 for Department of Defense for fiscal 1967. (Yea 393, nay 1.)	Yea.
July 21	Increase small reclamation projects program. (Yea 136, nay 204.)	Nay.
Aug. 9	Adopt amendment to Civil Rights Act of 1966 permitting real estate broker to comply with instructions of property owner in sale, rental, or lease of dwelling. (Yea 237, nay 176.).	Yea.
Aug. 9	Adopt amendment to Civil Rights Act of 1966 making it Federal crime to incite riots or commit acts of violence. (Yea 389, nay 25.)	Yea.
Aug. 9	Civil Rights Act of 1966. (Yea 259, nay 157.)	Yea.
Aug. 10	Authorize military construction for fiscal 1967. (Yea 390, nay 1.)	Yea.
Aug. 11	Authorize $3,034,000,000 for Federal highway construction. (Yea 341, nay 1.)	Yea.
Aug. 15	Provide additional $3,650,000,000 to FNMA for mortgage capital for home financing. (Yea 315, nay 1.)	Yea.
Aug. 16	Extend Urban Mass Transportation Act of 1964 for 1 year. (Yea 236, nay 127.)	Yea.
Aug. 17	Establish Federal safety performance standards for motor vehicles and tires. (Yea 371, nay 0)	Yea.
Aug. 18	Establish highway safety program to assist States in reducing traffic accidents. (Yea 317, Nay 3.)	Yea.
Aug. 30	Establish a Cabinet-level Department of Transportation. (Yea 336, nay 42.)	Yea.
Sept. 1	Recommit (kill) bill providing $10,000,000 U.S. participation in HemisFair Exposition in San Antonio, Tex. (Yea 147, nay 184.)	Yea.
Sept. 6	Establish 12-member National Commission on Reform of Federal Criminal Laws. (Yea 259, nay 0.)	Yea.
Sept. 8	Permit regulation of maximum rates of interest. (Yea 271, nay 68.)	Yea.
Sept. 13	Appropriations for government of District of Columbia. (Yea 320, nay 3.)	Yea.
Sept. 14	Appropriate $1,000,000,000 for Department of Defense in fiscal 1967 for military construction. (Yea 346, nay 3.)	Yea.
Sept. 19	Establish Pictured Rocks National Lakeshore in Michigan. (Yea 247, nay 70.)	Yea.

Golden Anniversary of the National Park Service

EXTENSION OF REMARKS
OF

HON. JOHN P. SAYLOR

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 20, 1966

Mr. **SAYLOR.** Mr. Speaker, 50 years hence those to follow us in this Chamber will be participating in the celebration of an important anniversary, for the year 2016 will be the centennial of the National Park Service. In the current golden anniversary year, America has noted with gratitude and esteem the value of the National Park Service, and as time moves into another century the country's appreciation will continually rise.

As population grows—and with it the tempo of an industrial society—the contributions of the National Park Service will increase in importance on every tomorrow. The confidence of the Congress in the parks system and the devoted personnel responsible for its efficiency and accomplishments has been indicated through our expansion of their activities, and as the years go by a progressively greater number of our people will be grateful for the opportunities that we have made available to them.

While ceremonies marking the golden anniversary were modest in comparison with the significance of the event, a number of outstanding tributes came from men of prominence who—with the others among us who are close to the operations of the National Park Service—are grateful for its excellent performance. I include the following remarks, all dedicated to the observance of the golden anniversary, in the RECORD. The material will serve as a handy reference when another landmark is reached in 2016 and in between time for all who wish to know something about the good life of a good and necessary function of government.

The remarks follow:

Opening Remarks, Golden Anniversary Dinner for National Park Service, Statler-Hilton Hotel, Washington, D.C., August 25, 1966, by C. R. Gutermuth, Toastmaster, Vice President of Wildlife Management Institute

It is a pleasure and a privilege to greet these many friends of our great National Park System. In behalf of the 22 sponsoring organizations, I wish to welcome and thank each of you for helping to make this Golden Anniversary celebration such an outstanding success. We have a good program arranged—not too long, but with variety, short speeches, and special entertainment.

Similar 50th anniversary meetings are being held in other parts of the country today. A dinner at Yosemite National Park tonight deprived us of the pleasure of having one former director of the Service here—Newton B. Drury had agreed to be the banquet speaker in Yosemite before our invitation reached him.

We were overwhelmed by the response, however, by those who wanted to be here for this Golden Anniversary celebration. Believe it or not, we had to return checks and express regrets to more than 300 people who could not be accommodated in this large Presidential Ballroom. Even success has overtones of disappointment.

The program here this evening, is being carried live, by direct wire to a group assembled in Yellowstone National Park, the first national park in the world, where, today, the Post Office Department issued a commemorative 50th anniversary National Park Stamp. We will have a few words from Yellowstone later. The new stamp, with a first-day cancellation, appears in your dinner program. That will be a cherished keepsake. It will become more precious as the years pass.

National Park Vistas

(An address by Anthony Wayne Smith, president and general counsel, the National Parks Association, at a dinner commemorating the 50th anniversary of the establishment of the National Park Service, August 25, 1966)

This evening's delightful celebration, which is the climax of a series of events marking the fiftieth anniversary of the establishment of the National Park Service, is truly a great occasion.

Looking back to the famous campfire in Yellowstone in 1870, we can marvel at the stupendous growth of the national park idea, in America and around the world.

Reviewing the 50 years since the birth of the Service, we can feel both pride and gratitude in having been able as a Nation to retain and protect this magnificent system of nature reserves for the benefit of all people for all time.

The primary purpose of the founders of the great primeval parks of America was the protection of nature in its original condition: the preservation of at least a few grand specimens of the original North American landscape and wildlife as they were when the pioneers came.

The founders intended also that the wilderness in the parks should be available for access, but for access compatible with protection.

The national park idea has spread around the globe. At the recent Congress of the International Union for the Conservation of Nature in Switzerland, men and women of all races and almost all nations came together for a single purpose: the protection of the animals, plants and scenery which are threatened everywhere by uncontrolled technological development and exploding populations.

No one who has attended such a meeting as this recent IUCN Congress can fail to recognize the powerful worldwide undercurrent of human sentiment for the protection and restoration of the natural environment, despite all pressures.

It was for this purpose, that Stephen T. Mather led the movement in the second decade of this century in the United States for the establishment of the National Park Service; in that spirit he became its first Director.

Mr. Huston Thompson, President Wilson's Assistant Attorney General, who had a long and distinguished career thereafter in the Federal Government, initiated at Director Mather's suggestion, in 1919, the establishment of the National Parks Association, of which I have the honor to be President.

The Association was charged, in Director Mather's view, with rendering independent support for, and constructive criticism of, the work of the Service.

The Association is happy to sponsor this event and to express its great admiration for those outstanding public officials who are charged by law with safeguarding the system: the Director of the Service, the Secretary of the Interior, and above all, the President of the United States, whose zeal for the protection of the natural scene has given so many of us the encouragement to persevere in our work.

And I think we should pay special tribute here tonight to that relatively small band of devoted civil servants who have constituted the heart and mind, and if you please the spinal column, of the National Park Service over the years; those superintendents of the several parks who sometimes had to fight like cougars for the protection of their charges; those naturalists whose knowledge and dedication enabled them to preserve within the parks many of the otherwise vanishing plants and animals of the North American continent; and those rangers whose courtesy and skill taught increasing numbers of crowding visitors how to enjoy the parks without wrecking them.

These are the men and women, often wholly anonymous, who are so typical of Government service in America. They are the people who do their work from day to day, and hew to their assigned tasks with a devotion for which the Nation should be humbly grateful.

It is these people in all branches of the National Park Service who have sustained the morale of the Service against enormous odds down the years; who have sustained, and we trust shall continue to sustain, the tradition of nature protection within the parks which is essential to the very core of the national park idea.

Call this tradition a mystique if you please; it is none the less the stuff of which good government is made, and our prime hope for the survival of the parks.

As against the overwhelming pressures of population, urbanization, mechanization, and transportation, which are imposing such heavy burdens on our parks these days, we may all take pause.

If we consider the overcrowding in Yosemite and Yellowstone, just as two examples, the situation is both ridiculous and tragic.

Visitors travel hundreds, even thousands of miles, to escape the big cities and enjoy the beauties of unmolested nature; they find themselves in the erstwhile wilderness, breathing the fumes of their neighbor's car, and falling over his tent pegs.

The problem is to protect the people who visit the parks against the overwhelming flow of the traffic; in the interests of all people, particularly the park visitors, and particularly the tourists, it is imperative that solutions be found.

Some of us feel that the statutory keys to the problem are already in our hands; the Bureau of Outdoor Recreation has the authority to recommend comprehensive planning on an inter-bureau and inter-departmental basis for large regions around and including our major national parks.

The President's Council on Recreation and Natural Beauty has developed a practice of approving recommendations of this kind and making them mutually binding on the several departments by agreement.

The National Park Service Act contemplates that the big primitive parks be maintained mainly as trail and campfire country, not for heavy occupation by roads and facilities. The Wilderness Act makes it plain that the wilderness areas of the National Forests are to be kept roadless permanently.

But in the multiple-use areas of the national forests—and here I speak of the national forests, whose areas is many times that of the parks—there are vast open spaces available for excellent camping and other outdoor recreation; the ecological harvesting of timber and the development of these areas for recreation are completely compatible; and much of the overcrowding which threatens our parks these days could be dispersed into these multiple-use timber-harvest areas.

And there are the public lands administered by the Bureau of Reclamation, the Tennessee Valley Authority, and the Bureau of Land Management; there are the Indian Reservations and the Soil Conservation Servic projects; comprehensive top level Federal Government planning is the tool by which the crowds can be guided to uncrowded places, where the tourists can find what they sought when their journeys began: the beauty and the quietude of nature which has been lost in the cities.

The States are developing their state-wide recreation plans to obtain grants from the Land and Water Conservation Fund; these plans are subject to approval by the Bureau of Outdoor Recreation; a great expansion of state facilities for the absorption of heavy visitation is in prospect; the machinery is available within the Federal Government for the coordination of these programs into comprehensive Federal regional planning.

And not only can the crowding be ameliorated by dispersal throughout the ample areas of the public lands, but it could also be mitigated by public aid to well financed private enterprise which will undertake to found and operate vacation resorts outside but near the public lands; this aid could take the form, as a minimum, of commitments by the Government that recreation facilities in the national parks and forests will not be overdeveloped.

Such resort operators could be invited and assisted to provide the highest quality public transportation into the parks, helping to reduce the flux of private automobile traffic, the parking lots, the congestion, and the fumes.

There is a remarkably broad consensus on this regional planning approach to the problem of national park congestion. Many of us are confident that the Government will adopt some such method for the protection of the parks in the interest of all the people in due course; if so it will have powerful and widespread support from many quarters.

Looking ahead, the national parks establish a magnificent standard for a potentially Great Society; they typify the grandeur of the general outdoor environment which an industrially based, technologically oriented world community could enjoy almost everywhere if it wished; provided, of course, that populations can be stabilized soon enough, and a determined effort be made to preserve a few examples of the great free open spaces of the earth, so that the very memory of them shall not be lost.

To the task of the preservation of this wild country, the wild creatures within it, and these long vistas, for the benefit of all people everywhere, this meeting tonight must necessarily be dedicated.

Remarks of Frederick C. Belen, Deputy Postmaster General at the Golden Anniversary Dinner for the National Park Service, August 25, 1966

Today, in a ceremony at Yellowstone National Park, our new National Park Service commemorative postage stamp was officially launched. I am happy to be with you tonight and to take part in this companion ceremony.

Many of you—perhaps all of you—are professionally concerned with the conservation of our natural resources and our wildlife. Over the years, the Post Office Department has been very sympathetic to your objectives. We have issued, in the past ten years, a number of postage stamps intended to remind Americans that conservation is everybody's business and that the problems of preserving our natural wealth are ever-increasing.

To name just a few conservation postage stamps, and perhaps you may recall these, there have been wildlife stamps for the whooping crane, the pronghorn antelope, the king salmon and the wild turkey. There have also been stamps for forest conservation, range conservation, water conservation, and soil conservation. There were also a series of national park stamps.

Earlier this year we issued a stamp commemorating the 50th anniversary of the signing of the treaty that protects migratory birds in Canada and the United States. Two years ago we brought out a stamp for John Muir, the naturalist. And in October we shall issue a stamp to focus attention on the Great River Road, which stretches from Canada to the Gulf of Mexico on both sides of the Mississippi—and which has opened a vast recreational area of natural beauty to the visitor. All in all, I would say the conservation movement has been considerably boosted by the Post Office Department.

Americans take a very lively interest in postage stamps and each year we receive hundreds upon hundreds of requests that certain new stamps be issued. Some of these requests have been for a stamp to honor that great American conservationist, Smokey Bear.

The stamp we are issuing today, as you know, marks the 50th anniversary of the National Park Service of the Department of the Interior. It reproduces the Park Service's new symbol, a design that represents the three categories of parks—natural, historical and recreational. The green angular elements suggest nature, through mountains, and recreation, through tents. The three black dots in the center signify cannon balls, to be found in historic areas, such as Ft. McHenry and Gettysburg.

During this golden anniversary for the Park Service some 137 million visits will be made to the areas it administers. Because of the Park Service, millions of acres of unspoiled land will be held in trust for the enjoyment of future generations.

The Park Service—and other conservation agencies—have bent every effort to protect the whooping crane and the pronghorn antelope and the wild turkey.

It is time now—high time now—for us to begin to show the same solicitude in protecting people. For we are now facing a serious problem in conservation, not conservation of natural resources and wildlife—but conservation of people.

Air pollution and water pollution impose grave threats to our nation. Unless we act, and act fast, poisonous air and filthy water could one day destroy this country with the same finality that decadence put an end to the Roman empire.

At the turn of the century our major conservation problem was timber. Our great western forests were being recklessly destroyed by wasteful harvesting methods. The lumber industry finally woke up to the fact that it was killing the goose that laid the golden egg, and began to practice scientific forestry.

Meanwhile, we have been destroying our rivers and our lakes even more recklessly than did the timber barons ravage our forests. It is time to wake up. And President Johnson has rung the alarm clock on the Congress.

In his State of the Union message last January, President Johnson said:

"We must undertake a cooperative effort to end pollution in several entire river basins—making additional federal funds available to help to draw plans and construct the plants that are necessary to make the waters of an entire river system clean—and make them a source of pleasure and beauty for all of our people."

The Senate responded to the President's plea in a remarkable display of bipartisan cooperation. By a vote of 90–0, the Senate passed a bill to provide $6.4 billion, over the next 5 years, to aid states and local governments in abating water pollution. Also, without an opposing vote, the Senate passed a companion bill granting $196 million, over the next 3 years, to combat air pollution. The forecast is that the House of Representatives will consider these two measures shortly. We need both acts of legislation.

On this note, I would like to present to the individuals who have had a great impact on the Park Service an official commemorative album of the stamp which was issued today at Yellowstone National Park. First of all, to Secretary of the Interior Udall. I also have an album for George B. Hartzog, Jr., Director, National Park Service. It is a great pleasure to present the final album to the Grandson of the President who signed the 1872 Act creating the first National Park, U. S. Grant III.

Remarks of George B. Hartzog, Jr., Director of the National Park Service, at the 50th Anniversary Banquet, Statler Hilton Hotel, Washington, D.C., August 25, 1966

Toastmaster, distinguished guests, ladies and gentlemen: I stand before you with a heart full of thanks for your presence here this evening, for the support of your organization and for this tremendous representation from our Congress. Indeed I am grateful to each and everyone of you. I regret very much that the Honorable CARL HAYDEN cannot be here with us this evening because Horace Albright was just sharing with me a recollection that Senator HAYDEN is the only Member still in Congress who was in Congress when the National Park legislation was enacted. Horace Albright, I might add since he is still a collaborator and a member of our Executive Committee, Mr. Secretary, is the only member of the Interior Department who is still here and on active duty at the time the National Park legislation was enacted.

All across our land the National Park Service represents America at its best. At Grand Canyon, Glacier, the Great Smoky Mountains, and other great natural areas one may observe the slow process that has carved and shaped our earth and clothed it with plant and animal life. In the mesa top pueblo's of Mesa Verde National Park, in the strange images of Effigy Mounds, in the ten thousand year-old relics at Ocmulgee, one may learn of people living here long before the coming of the first European.

The span of our Colonial and national history is represented in your National Park System. There is Fort Raleigh where an English settlement was first attempted. And not far away is Jamestown, where English settlement first succeeded.

There is Independence National Historical Park where our nation was born and our Constitution was written, and your children and mine can still touch the Liberty Bell. Most of the significant battlefields of the Civil War are preserved in the National Park System. At areas such as the Jefferson National Expansion Memorial in St. Louis, Fort Clatsop in Oregon, and at other significant landmarks of our West are told the heroic epic of Westward expansion.

And here in the historic buildings and memorials of our Nation's Capitol we can learn of the institutions of our Government that support the greatest Nation on the face of the earth. At all of these places the visitors can review the stirring events of other days and other times and be caught up in the deeds and words and acts of a people who forged a new heritage which we proudly call our American way of life.

The vitality of the National Park Service derives, however, not alone from the priceless resources which we are privileged to manage, but also from the creativity, the devotion, and the talent of its employees.

By precept and example, Steve Mather and Horace Albright set high standards which continue to guide and inspire the tradition of our career service. This tradition has been continuously supported by each Secretary of the Interior since its founding in 1916.

These uniformed employees who serve the visitors at the great places of nature and culture across our land are indeed, as Tony remarked, the backbone and the framework of the National Park Service. I have had the privilege and opportunity of serving with many of them in the field areas of the Service and it was brought home to me very clearly, on one occasion, how much indeed they have done to forge a proud and heroic tradition.

I was invited to attend a ceremony in Grand Lake, Colorado, Chairman ASPINALL, when Fred McLaren who was our District Ranger on the west side of Rocky Mountain National Park was retiring, and was made an honorary Rotarian by the Grand Lake, Colorado, Rotary Club. Our good friend Johnny Holzworth was introducing the program that night. Johnny got up and made a speech considerably longer than the speech that I had planned to make—the subject of which was Fred McLaren.

And, as he finished, he turned to me and said, "Now, young fellow, we'd be pleased to hear from you." "But, I want to say to you that while I think you fellows on the other side are now doing a pretty good job at Rocky Mountain, it was Fred McLaren who made you respectable over here."

I think the point of my story is well illustrated in a letter which I received a few months ago from a friend whose son worked as a seasonal employee in one of our national parks this past summer. This youngman writing to his father said, in part: "I think I should tell you something about the working conditions here. The staff here is extremely competent, highly experienced and knowledgeable in its field. There is an esprit de corps which I thought was reserved for the British or Pakistanian civil service. There is an efficiency which I thought was reserved for big corporations. There is a pride the employees take in their work which I had thought only appropriate to the creative artist."

It is in the name of all of these employees that I humbly accept the honor that you pay us tonight. And it is in their name that I express to all of you our deep and grateful appreciation for this outpouring of support and understanding.

Our colleagues in Yellowstone are listening with us this evening. In 1870 Yellowstone had 19 visitors, in 1916 it had 35,800 visitors, and in 1965 there were more than 2 million visitors, yet there have not been any roads added in Yellowstone National Park since 1908. Obviously, if we are to continue to preserve these priceless resources of your National Park System, we need to devise new tools and new programs for our day.

Innovation is always difficult and provocative. The bonds, however, that have sealed our common cause are stronger than the abrasive details that would erode our joint efforts, with all of those pledged to the cause of conservation.

We continue to need your understanding, your patience, your wise counsel, and your valuable assistance. We pledge you responsiveness, creative effort, and continuing hard work in service to all.

Two people cannot be here with us tonight because of the special ceremonies in Yellowstone National Park commemorating the issuance of the special stamp by our Post Office Department. We are indeed grateful for this fine gesture by the Post Office Department.

One of these is our Associate Director, the talented Clark Stratton. The other is our distinguished Assistant Secretary of the Interior for Fish, Wildlife and Parks, the Honorable Stanley Cain, who will bring us greetings by telephone hook-up at this time.

Thank you so very, very much.

EXCERPTS OF REMARKS OF SECRETARY OF THE INTERIOR STEWART L. UDALL, AT THE GOLDEN ANNIVERSARY DINNER OF THE NATIONAL PARK SERVICE, STATLER-HILTON HOTEL, WASHINGTON, D.C., AUGUST 25, 1966

If one were to write the history of the American National Park idea these five red-letter years would be singled out for special comment and celebration:

1872: the year the Yellowstone became our first National Park;

1906: the year the Antiquities Act was passed which enabled Presidents to carve National Monuments out of the public domain;

1916: the year the National Park Service was chartered;

1935: the year the Historic Sites Act was enacted; and finally,

1964: the year the Land and Water Conservation Fund was established to finance the acquisition of new parklands.

We are here this evening to celebrate the third of these landmark occasions—the Golden Anniversary of the National Park Service. But before I have my say about Steve Mather and Horace Albright and Franklin K. Lane, I would like to dwell for a moment on the world significance of the National Park idea which we originated and have nurtured now for nearly 94 years.

The inspired idea which sprang from the Yellowstone campfire had had its roots in the far-sighted thinking of men like George Catlin and Henry Thoreau. It was uniquely American—a democratic concept for a people who believed that governments should do for the Nation as a whole those things no individual or group of individuals could accomplish. The kernel of the Yellowstone idea was that the scenic wonders of any country should be preserved for all time, for all of the people, as special sanctuaries where Nature's most eloquent statements would remain unspoiled and unimpaired.

It is, I think, correct to say that this idea is a dynamic one: each generation gains new insights and insists that standards of protection and management be raised to even higher levels.

This very year trained experts of the National Park Service are at work in many countries in all parts of the globe explaining the American National Park idea and training others to copy it. It is not immodest to say that this uniquely American idea has influenced, and is influencing, land use planning on every continent.

I am convinced that when the history of the earth's human stewardship is written, no plan or conservation concept developed in the past century has done more to preserve the virgin splendor of the planet than the American National Park idea.

At the turn of the 20th Century, the National parks were administered on a part-time basis by employees of the Secretary of the Interior engaged in "miscellaneous work." The National monuments were divided among three departments of the Government—the War Department, the Department of Agriculture, and the Department of the Interior.

Interested citizens espoused a unified administration for the National parks, and none with more ardor than Dr. J. Horace McFarland, President of the American Civic Association, who spearheaded a movement to establish a new Federal agency with sole responsibility for the National parks. As early as 1912, McFarland said: "Nowhere in official Washington can an inquirer find an office of the National parks or a single desk devoted solely to their management."

About this same time, Stephen T. Mather, Chicago industrialist, was in Washington and visited his former classmate at the University of California, Secretary of the Interior Franklin K. Lane. Mather voiced his displeasure at the way some of the National parks were being run. Secretary Lane is said to have turned to his old friend and remarked: "Steve, if you don't like the way they are running the parks, you take them over."

Mather, practical man and idealist, was given the challenge to which he was to devote the rest of his life. He was appointed Assistant to the Secretary of the Interior for National Parks. In keeping his promise to help Mather on Government red tape, Secretary Lane found an able assistant in Horace Albright, whom we are deeply honored to have with us this evening. The Mather-Albright partnership was to lay a foundation and chart a long course for the progress of the National Park System.

A few months later, August 25, 1916, President Woodrow Wilson signed a bill creating the National Park Service to "promote and regulate the use of" National parks and monuments. The act also specified that the fundamental purpose of the parks was: "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such matter and by such means as will leave them unimpaired for future generations."

The act of 1916 emphasized two broad objectives: to conserve the irreplaceable for the enjoyment of the people. Conservation and use are, in one sense, conflicting; however, this dual obligation of conservation and use has actually given dynamic thrust to the growth and improvement of the National Park System. In the general interest of the public and in consonance with the purpose of the 1916 act, conservation and use must be joined together in balance and in harmony.

Shortly after Stephen Mather began his tenure, Secretary Lane outlined these National park management principles—

First, that the National parks be maintained in absolutely unimpaired form for the use of future generations as well as those of our time;

Second, that they are set aside for the use, observation, health, and pleasure of the people;

Third, that the National interest must dictate all decisions affecting public or private enterprise in the park.

In a directive of July 10, 1964, to the Director of the National Park Service, I reaffirmed these principles laid down 48 years ago by Secretary of the Interior Lane.

The noted philosopher, Alfred Whitehead, once said: "The art of progress is to preserve order amid change, and to preserve change amid order." The changing conditions and times that are reflected today and which could hardly be viewed 50 years ago to require certain new policies.

Recognizing three distinct types of areas in the National Park System—natural, historical, and recreational—I directed that, while all areas would be governed under the same general policies, each classification would have its own particular policies and purposes.

In the natural areas, like the National parks, the primary purpose is preservation of the natural environment, including restoration of indigenous plant and animal life, and providing for appropriate use and enjoyment of the parks without impairment to the prime natural values.

The principal effort with respect to the historical sites will be the maintenance and restoration of their historical integrity. For National recreation areas, the primary objective will be outdoor recreation. The natural and scientific areas within National recreation areas will be conserved insofar as possible, compatible with the primary emphasis on outdoor recreation.

With respect to all parks, regardless of category, a master plan recognizes the purpose of each area, and will zone portions of the park to provide areas for intensive visitor-use, those with limited facilities, other areas on the threshold of wilderness, and finally wilderness itself.

Wilderness preservation was, in 1916 and will remain a keystone of National park policy. The wilderness concept has, in fact, undergirded the management of National parks for nearly a century. The National parks were set aside to preserve areas of pristine natural beauty, history, and havens of wildlife.

A strong research program in natural history and history will stand behind the planning and management of each park. The need was pointed out by the Advisory Board on Wildlife Management in the National Parks which I appointed in 1963.

We must never forget that the two greatest attractions drawing people to the National parks are superlative scenery and wildlife in abundance. Both must be protected.

In the early years of National Park administration, wildlife management stressed the obvious need of protection. Animal populations were protected from hunting, habitats were controlled from wildfire, and predators were eliminated. The tragedy of exterminating the wolf and cougar from the National parks is today realized. Cougars were effective in controlling the deer population, which, in the absence of natural enemies, expands far beyond the capacity of its food supply. There is a greater awareness today that a suitable habitat is vital to the sustaining of healthy animal populations. This habitat need not be of immense size in terms of area. Although important in National parks, protection cannot be a substitute for sufficient habitat.

The image of the National Park System today is connected in the minds of many people with Yellowstone and other National parks are a priceless heritage. But there is another important National Park Service responsibility that is often overlooked—that is the broad responsibility for historic preservation and the administration of historic sites. More than 150 sites—in fact, the majority of all areas in the National Park System—are primarily of historic significance. These sites are connected with the full range of our history with all its human interest and dramatic import to every American.

If we want to preserve some of the finest and best mementos of America, its grace and charm, we need to preserve some of the buildings that take us back through the years and chart the appealing story of American history. For those sites of National significance, the National Park Service may recommend preservation under the Historic Sites Act of 1935.

Progress causes inevitable change in the handiwork of Nature and threatens some of the physical remains and evidences of our culture, constituting the lifeblood of the historic veins of America. We must, of course, accept some of this change, for it is in the public interest, but Government officials at all levels must unceasingly strive to find and define the public interest. To do so, they need the help and communication of an informed public.

During the past ten years, almost 600 million dollars has been expended in the construction of needed visitor facilities. Designed properly with a view toward aesthetics, these facilities can help to protect the primary park values. Designed poorly, they can contribute to the erosion of these same features. Park design is then a vital and most important tool.

The objective of every master plan is, in fact, to design the visitor facilities with the least impact or intrusion on the most significant features and yet design them in a way and in a location so that reasonable opportunity is afforded to all visitors to observe these striking and significant features. These are the very values for which the park was set aside. We are committed to preserve them unimpaired for future generations.

These values reflect the whole gamut of American history, the most magnificent scenes of natural beauty and astounding feats of Nature which cannot be observed elsewhere in the world—in Yosemite Falls, 1,430 feet equal to nine Niagara Falls; Crater Lake, the deepest and the bluest volcanic lake in the world; Mt. McKinley, a towering giant nearly four miles high.

I would be the last to tell you that any park system as diverse as our own National Park System, with 120 million recorded visits last year, has no problems. There are problems, but they are not insurmountable, and we believe that with the active management program now under the direction of George B. Hartzog, Jr., we can meet these problems and maintain in its finest sense the world's outstanding National Park System.

What about the future? As the National Park Service is poised to begin another 50 years of service, we might recall the advice of the novelist-playwright John Galsworthy, who said: "If you do not think about the future, you cannot have one."

I am confident that George Hartzog and the members of his staff will think deeply about all phases of park management in the immediate years ahead. I hope they will relieve overcrowding and congestion in the few National parks where it occurs. I hope that they will plan and think about the manner in which we, as a Nation and with other nations, may commemorate the 100th anniversary of the creation of the world's first National park, Yellowstone, in 1972. I hope that they will think and plan about the way in which we can play a significant role in commemorating in 1975 the 200th anniversary of the birth of this Nation as the Declaration of Independence was signed.

The National Park Service will continue to retain as a policy keystone the dual obligation to preserve the principal park features and make them available for the use of the public. The key will, of course, be a proper balance between what is to be preserved and how it can be enjoyed and used by the public. Proper planning, prudent judgment, and timely decisions affecting improvements within the parks will follow logically from a careful study and analysis of the original purpose of each area as contained in the legislation creating same.

National parks play a part in helping to enrich the human spirit, the minds and bodies of our citizens. Consequently, we are dealing in a very fragile area which is concerned as much with the conservation of human resources, as well as with natural resources, for, after all, America not only depends on its natural resources, but even more greatly upon human resources of the people—all races, religions, and nationalities who make up this great Nation that we call America—a Nation that still lifts out the torch of liberty and the warm welcome to freedom-loving people throughout the world and which does represent, in the words of Abraham Lincoln, "the last best hope of the world."

Congressman Fogarty Reports Important Advances Meeting Rhode Island's Health and Education Needs

EXTENSION OF REMARKS
OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 20, 1966

Mr. FOGARTY. Mr. Speaker, the 89th Congress has passed more significant social legislation than was passed by all the combined Congresses in which I have served since I first became the Representative from the Second District of Rhode Island in 1941. Today I would like to review some of this legislation—and some from earlier Congresses—and cite instances from my home State which illustrate the results of congressional action in providing a better life for all our people.

This legislation, much of it the culmination of many years of hard study, planning, and debate, has set in motion programs that have no equal in American history for their far-reaching impact on the health and welfare of the people.

Twenty-five separate pieces of landmark legislation were enacted by the 89th Congress in the area of health, education, and social economic welfare—any one of which would have received banner attention in any ordinary congressional session.

Heading the list of these great achievements is of course medicare—the long-sought-for national program of hospital and medical insurance for the aged. The passage of this legislation was a grand triumph for those of us who had worked for many years to secure its passage. The launching of medicare typifies the courage and bold, forward thinking of the 89th Congress. Yet, medicare is only one of that body's remarkable achievements. The Congress also created programs to help strengthen our colleges and universities; to help the Nation's health institutions and professions plan and operate regional health programs aimed at bringing the latest medical advances to all Americans; to enrich education programs for disadvantaged elementary and secondary school children; to act against air and water pollution; to provide better housing for the poor; to expand vocational rehabilitation programs; to assist the States in planning for the welfare of the elderly and to conduct research on the social and health problems of the aged; to provide better economic opportunities for the underprivileged and unskilled; to endow the arts and humanities; and to improve State and local law enforcement.

For these inspired programs, the 89th Congress will surely be known to history. Taken individually, each of these creative legislative actions is an important milestone in social jurisprudence. Yet, taken in concert, the impact of the entire body of these laws is greater than the sum of its separate parts.

For the 89th Congress has constructed a massive health and welfare program which touches nearly every aspect of our Nation's social needs. Its provisions deal with research, training of skilled professionals, prevention of disease, cure of disease, rehabilitation of the handicapped and underprivileged, provision of better health and educational services, increased opportunity for the poor, strengthening of our academic institutions, better law enforcement—in short virtually every major area of social concern.

Yet, such a broad scope of legislation might easily dissolve into hopeless chaos were it not for another important aspect of the 89th Congress' actions: coordination. These great programs have not been enacted one after another in a haphazard fashion. They have not been developed piecemeal as unrelated attempts to patch holes here and there. In deliberations on these programs Congress has not considered individual acts, but rather the total impact of all the acts. Each separate bill was judged in the broader context of its contribution and relationship to the whole sweep of social legislation, not just of this Congress but of previous Congresses.

As an example, medicare was enacted with Congress quite mindful of the many needs and gaps in our Nation's provision of health services. To help fill these gaps, training programs were also created, regional planning measures enacted, construction and renovation programs authorized, and research into better ways of providing health services provided for.

This concern for total impact, this comprehensive overview of the broad social picture, this insistence upon coordinated action, is at the heart of the greatness of the 89th Congress.

For a legislative body to act with such efficiency and wisdom it must be kept fully abreast of pertinent facts. Its knowledge of problems must be accurate, up to date, and comprehensive. It must keep in the forefront the significant national purposes to which we are all dedicated.

To keep thus informed, Congress turns to its committees and subcommittees. As the eyes and ears of the House of Representatives on matters of health, education, and welfare, the appropriations subcommittee which I have had the honor to chair for 17 years was privileged to continue to play its important role in advising the 89th Congress. It functioned both in determining and recommending to the full House the funds to be appropriated to support programs that were authorized by the Congress, and in calling the Congress' attention to important new health, education, and welfare problems which require legislative action.

The subcommittee's hearings over the past quarter of a century have elucidated much information on the problems of the elderly in obtaining adequate medical care, thereby adding greatly to the strength of such movements as medicare.

During the past two congressional sessions, the subcommittee also received very heartening testimony regarding the progress which is being made by the vocational rehabilitation programs throughout the country. A new high mark of 135,000 persons successfully rehabilitated was reached in 1965. The record was broken again in 1966 when 154,000 were rehabilitated. During the 12 years the vocational rehabilitation program has operated under the 1954 amendments to the act, over 1 million persons were rehabilitated.

In Rhode Island 3,000 persons were rehabilitated during the past 2 years, an outstanding record which makes Rhode Island sixth in the Nation for the number of physically and mentally handicapped persons made fit for useful, productive jobs. This record is good but not good enough. I think Rhode Island should lead the Nation.

The new social security amendments passed by the 89th Congress provide for increased benefit payments in a number of categories, in addition to the program of medical care for the aged, and will have a significant impact on Rhode Island. The welfare administration has estimated that during the 1966 calendar year the new provisions will add 21 million to benefits for Rhode Islanders, bringing the total to $121 million. During calendar year 1967, the medicare program will probably add another $35 million worth of benefits to our State.

The new elementary and secondary school program will mean $5 million in aid to Rhode Island schools to improve education for children of poor families and provide special supplementary educational services.

In another area, our subcommittee recommended the reinstatement of funds for the health research facilities program, a vital effort now marking a decade of outstanding accomplishment. The program is helping greatly to remedy our Nation's lack of adequate laboratories and other facilities for the conduct of medical research. Last year, Congress acted without delay to extend the program for 3 more years. The committee reminded the Congress that not only was the program a tangible investment in the Nation's future health but, because of its 50-50 matching formula for funding, the effect of the Federal investment is doubled—actually, more than doubled: experience has shown that for each $100 contributed by the Federal Government, $150 is contributed by others.

A nationwide Federal expenditure of more than $52,500,000 was made for health research facilities constructed in fiscal year 1966. Rhode Island institutions submitted applications for which over $1 million was approved to support construction projects at Brown University, the University of Providence, University of Rhode Island, and the Rhode Island Hospital. During the decade of the health research facilities program, Rhode Island has merited over $3,200,000 of a nationwide expenditure of more than $390 million. With matching funds this has resulted in more than a billion dollars' worth of total construction.

In another construction program, the 89th Congress amended the 1963 Community Mental Health Centers Construction Act to include an authorization of funds to pay for the initial staffing of such centers. Our committee was pleased to learn that 42 States, with over 90 percent of the Nation's population, have submitted plans for the construction of such centers.

As of the end of the past fiscal year, grants totaling $57 million had been made for the construction and/or staffing of 128 new centers in these 42 States. Rhode Island's application for a construction grant for a community mental health center at Newport has recently been approved, totaling nearly $300,000. The Newport center will serve more than 81,000 people in the Middletown, Newport, Tiverton, Portsmouth, Jamestown, and Little Compton area.

Now, as most of you know, our subcommittee, ever since the end of World War II, has been deeply committed to the support of medical research. It was in large part responsible for the tremendous postwar expansion of inquiry into the causes and cures of man's illnesses and the science of health. Along with its continuing support of research, the subcommittee early called attention to the growing manpower shortages—not only in the traditional medical, dental, and nursing fields—but in the hundreds of new and developing health professions which are essential to the practice of mid-20th century medicine.

During the 89th Congress our subcommittee again strongly advocated the continued and increased support of the Federal research grant program for biomedical research. During the 2 years ending June 30, 1966, over 30,000 research grants amounting to more than $1 billion were awarded to public and nonprofit private institutions across the country to support projects inquiring into virtually every aspect of human health and disease. It was heartening for me to see that institutions in Rhode Island merited nearly 160 research grants totaling nearly $4,800,000. These institutions have included Barrington College, University of Rhode Island, Dr. Joseph H. Ladd School, Our Lady of Fatima Hospital, Brown University, Providence Child Guidance Clinic, Rhode Island Hospital, and the Rhode Island State Department of Social Welfare.

Nor was increased support for research training overlooked. During the 89th Congress our subcommittee recommended—and the full membership approved—expanded training programs in the health sciences. Over 9,000 training grants were awarded nationally, totaling over $402 million. Rhode Island institutions were able to win 39 of these grants, which totaled nearly $2 million. For individual fellowships and traineeship awards Rhode Island scientists won 57 of the 10,000 national awards accounting for nearly $400,000 of the $103 million awarded across the country during the past 2 fiscal years. In all, 11 Rhode Island institutions have benefited from training funds.

A broad attack on the problem of medical manpower was begun in 1963 with the launching of the health professions educational assistance program. By 1965 it was clear that the program had contributed significantly to an increased enrollment at medical and dental schools. The 89th Congress saw fit to continue and expand this valuable program by overwhelmingly approving the 1965 amendments to the establishing act. Students at schools of pharmacy and podiatry may now obtain educational loans under the program. A new 4-year program of basic and special improvement grants to medical and other health professions schools has been authorized. And the amendments also have established a 4-year program of grants to health professions schools from which scholarships may be awarded to students in amounts up to $2,500 per year. It was the scholarship provision that my subcommittee had strongly advocated—and which I personally supported—for inclusion in the original program. It is another tribute to the farsighted thinking of the 89th Congress that the scholarship provision is now included.

One of the most hopeful legislative accomplishments—not only of the 89th Congress but of all Congresses—has grown out of the recommendations of the 1964 President's Commission on Heart Disease, Cancer, and Stroke. Throughout the Nation, regional medical programs are being organized to launch all-out cooperative attacks on the problems represented by these diseases which account for 7 out of every 10 deaths in the United States annually and bring untold disability. At the same time, smaller scale community planning grants are being awarded for activities related to heart, cancer and stroke problems. One of the first of these—for about $47,000—has been awarded in Rhode Island. These grants are not of the magnitude of a regional medical program which I would envision for the people of Rhode Island, but they will contribute significantly to the total impact of Federal programs against the killer diseases. Groups within Rhode Island and adjacent areas meanwhile are considering how to join the region's great medical institutions and members of the health professions in a more comprehensive regional program. The regional medical programs promise to bring the latest in diagnosis and treatment of heart disease, cancer, stroke, and related diseases to all of the people of Rhode Island and surrounding States more rapidly and more extensively than ever before possible.

Great progress has been made in the past year in the development of an artificial heart and the related appliances which hold the promise for normal life expectancy for additional thousands of people each year. I am deeply proud of the stimulus given this program by increased funds recommended by our subcommittee in the past 2 years.

In another and equally important field, the Congress has accepted the recommendation of our committee stepping up the pace of the Nation's effort to improve and make more widely available machines to extend the lives of people whose kidney function has been impaired or lost. Funds made available for this program will hasten the day when enough machines will be available so that all who suffer from kidney failure may benefit from this treatment, instead of some being kept alive and others being denied the right to live simply because enough artificial kidneys are not available, as is the situation now. Our committee has been in the forefront in kidney research for years and we are pleased with the results so far.

There is no doubt of our progress toward the control of killing diseases and premature death. It is not unreasonable for us to be concerned about improving the quality of life in the added years promised by our success against the major killing and crippling diseases. I am therefore especially pleased that this Congress passed into law a bill which I introduced—the Older Americans Act. This legislation provides the first real framework—including establishment of the Office of Aging Administration in the Department of Health, Education, and Welfare.

Remarkable as these accomplishments and new programs are, they do not mark an end to our dealings with social and health problems. Rather, they have opened new doors, have blazed new paths, which will challenge future Congresses to major expansion and improvement.

Such further development is already foreshadowed in bills that have been introduced late in the 89th Congress and which—if they do not pass this session—will emerge as major bills in sessions to come.

One of these is my bill to assist the establishment and operation of regional and community adult health protection centers. These centers would specialize in the early diagnosis of the chronic diseases of older Americans. In the area of chronic disease it has become axiomatic that early detection assures the best chance of curing or arresting the disease.

This bill would enable the proven swiftness and accuracy of computerized diagnosis to be brought to regional centers across the country. Use of automatic, semiautomatic techniques of diagnosis by a qualified medical specialist or technician aids significantly in obtaining an accurate and comprehensive diagnosis, at the same time dealing, to a considerable extent, with the problem of scarcity of professional health personnel.

At the health protection centers, tests would be made to check for the early stages of heart disease, cancer, deafness, arthritis, rheumatism, kidney disease, glaucoma, and other chronic disorders. These services would be made available to any person over age 50 who resides in a geographic area served by one of the centers.

The adult health protection centers are not intended to replace full examinations but to place in the hands of the examining physician a summary of basic health data. Any person found with indications of disease would be urged to seek the advice of a physician of his choice.

Training in the operation of the technical disease detection procedures and research into new methods of diagnosis is also among the provisions of this bill.

Another bill which I have introduced would increase benefits under the social security system and make other needed improvements in the system.

Even at the upper levels the present system of benefits is barely sufficient to provide subsistence in most parts of the country. Because of age, disability, or being a widow or an orphan, more than 1 out of every 10 Americans depends on social security for their economic well-being.

Among the important provisions of the bill are an average of a 50-percent increase in cash benefits; setting the earnings base at a higher and more realistic level so that workers at average and above-average earning levels will receive social security benefits in retirement that compare reasonably with their accustomed levels of living; keeping benefits up to date with economic conditions once people start getting their benefits; automatic adjustments of the contributions and benefit base to increases in earning levels; health insurance protection to persons at any age who receive disability benefits; other improvements in the provision for determining realistic benefits for elderly and disabled persons.

A third bill I have introduced would extend and improve the Federal-State program of child welfare services under the Social Security Act. Under the provisions of this bill the Federal Government would be able to provide an expanded program to assist State public welfare agencies in meeting the costs of child welfare services—including the crushing costs of foster care—and to provide special project grants for developing new and necessary child welfare resources.

Finally, I have introduced two other bills aimed at meeting our great needs in the field of health education. One would amend the National Defense Education Act to strengthen instruction in health education and to provide for training institutes for personnel engaged in health education. The other would amend the Public Health Service Act to make school health educators eligible for traineeships under its provisions.

These as well as other measures yet to be introduced by me and other of my colleagues both in the House and the Senate will spur succeeding Congresses to carry on in the great tradition of the 89th.

Mr. Speaker, whether or not these Congresses will equal or surpass the number of important accomplishments of the last 2 years is immaterial. What is important is whether our successors, who will in many instances be ourselves, will be able to match the noble vision of the 89th Congress and its unshakable determination to make America a safer, happier, and healthier place in which to live.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 21, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O give thanks unto the Lord, for He is good: for His mercy endureth forever.—Psalm 107: 1.

Eternal God, our Father, who are the source of wisdom and beauty and goodness, whose spirit ever seeks to arise within our hearts and in the hearts of men everywhere—make Thyself known to us as we bow in prayer before Thee. We thank Thee that Thou art everywhere—that no condition and no distance can ever separate us from Thee and from Thy love. We thank Thee that Thy mercies never fail and Thy loving kindness never ceases. We are grateful for our lives which are in Thy hands and for Thy continuous goodness which blesses us all our days. Help us to be worthy of Thy gifts and to use them for Thy glory and for the welfare of our Nation and of our world. Grant that each one of us may do our part to bring about, on these shores, an order of society in which there will be no injustice, no bitterness of spirit, and one in which each person may come to the fullness of life for which he was made, through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2287. An act to authorize a 5-year hydrologic study and investigation of the Delmarva Peninsula.

The message also announced that the Senate had passed a bill of the following title, in which concurrence of the House is requested:

S. 3553. An act for the relief of Mrs. Mary T. Brooks.

ADDITIONAL PROGRAM FOR THE BALANCE OF THE WEEK

Mr. **GERALD R. FORD**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished gentleman from Louisiana as to the program for today and the rest of the week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. BOGGS. Mr. Speaker, in response to the distinguished minority leader, today we hope to finish the Public Works Appropriations Act, which will be called up immediately. After we dispose of that bill, we hope to finish the Reserve bill, which is on the calendar for today. On tomorrow we will call up the Chamizal Memorial Highway bill and we plan to add two bills to the program for tomorrow: first, H.R. 13825, to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes, and H.R. 12047, to amend the Internal Security Act of 1950.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Louisiana tell the Members from what committee does the former bill come?

Mr. BOGGS. The former bill comes from the Committee on Foreign Affairs.

Mr. GERALD R. FORD. Is it the intention of the leadership to finish this schedule tomorrow or Friday, or what do you hope and anticipate?

Mr. BOGGS. We hope to finish this schedule by tomorrow night. If we do, we hope to go over until Monday.

Mr. GERALD R. FORD. When will the schedule for next week be announced? Tomorrow?

Mr. BOGGS. Sometime tomorrow afternoon.

CALL OF THE HOUSE

Mr. YATES. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 295]

Adams
Albert
Andrews, Glenn
Aspinall
Bolling
Callaway
Cameron
Carter
Casey
Conte
Conyers
Corman
Davis, Ga.
Dorn
Dyal
Edmondson
Ellsworth
Evans, Colo.
Farbstein
Farnsley
Fisher
Flood
Ford, William D.
Goodell
Gray
Hagan, Ga.
Hanna
Hansen, Idaho
Hungate
Johnson, Okla.
King, N.Y.
Kluczynski
Long, Md.
McDade
McEwen
McMillan
Mackay
Martin, Ala.
Martin, Mass.
Mathias
Miller
Morrison
Morton
Murray
O'Brien
O'Konski
Patten
Powell
Purcell
Race
Rees
Reinecke
Rogers, Tex.
Roncalio
Roybal
Rumsfeld
St Germain
Senner
Sickles
Stratton
Teague, Tex.
Toll
Watts
Willis
Wilson, Bob

The SPEAKER. On this rollcall, 367 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DISCUSSION OF REPUBLICAN PROPOSALS ON CONGRESSIONAL REORGANIZATION

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, I have a special order today for 1 hour to discuss the Republican proposals on congressional reorganization. Congressmen DURWARD HALL, JAMES CLEVELAND, and I will start off on the basis of our joint findings in the congressional reorganization report. Today I have introduced in the House enabling legislation, H.R. 17873, which is an identical bill to one being introduced by Senator MONRONEY, the chairman of this joint committee. I hope that some of those interested in congressional reorganization and how to make Congress more effective will have the opportunity this afternoon to participate in this special order.

SUBCOMMITTEE ON GENERAL LABOR

Mr. DENT. Mr. Speaker, I ask unanimous consent that the Subcommittee on General Labor be permitted to sit this afternoon in hearings on the impact of imports as related to the minimum wage. I have discussed it with the ranking minority member, and it is agreeable to him.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CLAYTON L. EVENS—100 YEARS YOUNG

Mr. CAHILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, last Saturday I had the privilege of meeting and congratulating Clayton L. Evens on the occasion of his 100th birthday.

There were many things that inspired me in my brief talk with Mr. Evens, but the most inspiring was his dedication to his American citizenship as evidenced by his insistence at the age of 100 of walking to the polling place and casting his vote in a primary election. This, I think, illustrates the value that Clayton L. Evens places upon his American citizenship and should be a challenge and an inspiration to those of our citizens who fail to exercise their franchise even on general election day.

Clayton L. Evens is a delightful person, the product of hard work and clean living. He still is hail, hearty and healthy, and interested in family, friends, and community at the age of 100.

I know the Members of this House will be interested in his background. He was born September 18, 1866, the son of Jacob L. and Agnes Lippincott Evens, and grew up on a farm located in Marlton, N.J., not far from his present residence.

After attending the Pine Grove School and the Westtown Friends Boarding School in Pennsylvania, he farmed with his father and brother. In 1893 he settled in Denver, Colo., and engaged himself in the hardware business.

After several years in Colorado he returned to his first love, his father's farm, and continued as a farmer until his retirement in 1949. He now resides with his nephew, Howard J. Evens, on Main Street, Marlton, N.J.

He has 1 niece, 6 great nieces and nephews, and 10 great-great nieces and nephews.

Sunday, September 18, was open house in Marlton at the Evens' home. Together with many of his friends, I had the pleasure of joining in "happy birthday" to a great American and a fine gentleman.

I wish for Mr. Evens many more years of good health, happiness, and God's blessings.

INCREASING POSITIONS IN GS-16, GS-17, AND GS-18

Mr. DULSKI. Mr. Speaker, I call up the conference report on the bill (S. 2393) to authorize additional GS-16, GS-17, and GS-18 positions for use in agencies or functions created or substantially expanded after June 30, 1965, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2047)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2393) to authorize additional GS-16, GS-17, and GS-18 positions for use in agencies or functions created or substantially expanded after June 30, 1965, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That (a) section 5108(a) of title 5, United States Code, is amended to read as follows:

"'(a) A majority of the Civil Service Commissioners may establish, and from time to time revise, the maximum numbers of positions (not to exceed an aggregate of 2,577, in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in these grades, and in addition to 240 hearing examiner positions under section 3105 of this title which may be placed in GS–16 and 9 such positions which may be placed in GS–17) which may be placed in GS–16, 17, and 18 at any one time. However, under this authority, not to exceed 25 percent of the aggregate number may be placed in GS–17 and not to exceed 12 percent of the aggregate number may be placed in GS–18. A position may be placed in GS–16, 17, or 18 only by action of, or after prior approval by, a majority of the Civil Service Commissioners.'

"(b) Section 5108(b) of such title is amended by inserting '(1)' immediately following the subsection designation, and by adding the following new paragraph:

" '(2) In addition to the number of positions authorized by subsection (a) of this section and positions referred to in paragraph (1) of this subsection, the Librarian of Congress, subject to the procedures prescribed by this section, may place a total of 28 positions in the Library of Congress in GS–16, 17, and 18.'

"(c) Section 5108(c)(1), relating to positions in GS–16, 17, and 18 for the General Accounting Office, is amended by striking out '39' and inserting in lieu thereof '64'.

"(d) Section 5108(c)(2), relating to positions in GS–16, 17, and 18 for the Federal Bureau of Investigation, is amended by striking out '75' and inserting in lieu thereof '110'.

"(e) The Act entitled 'An Act to provide certain administrative authorities for the National Security Agency, and for other purposes', approved May 29, 1959 (50 U.S.C. 402, note), as amended, is amended—

"(1) by striking out, in section 2 thereof, 'sixty-five such officers and employees' and inserting in lieu thereof 'seventy such officers and employees'; and

"(2) by striking out, in section 4 thereof, 'sixty civilian positions' and inserting in lieu thereof 'ninety civilian positions'.

"(f) Section 3301 of title 39, United States Code, relating to personnel requirements of the postal field service, is amended by striking out '70 employees assigned to salary levels 18, 19, and 20' and inserting in lieu thereof '55 employees assigned to salary levels 19 and 20'."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
H. R. GROSS,
Managers on the Part of the House.
MIKE MONRONEY,
RALPH YARBOROUGH,
JENNINGS RANDOLPH,
FRANK CARLSON,
HIRAM L. FONG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2393) entitled "An Act to authorize additional GS–16, GS–17, and GS–18 positions for use in agencies or functions created or substantially expanded after June 30, 1965", submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill, which passed the Senate on September 1, 1965, amended section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), so as to increase the maximum number of positions in GS–16, GS–17, and GS–18 of the General Schedule of such Act allowable under such section 505(b) from 2,400 to 2,500 and further provided that 100 of such positions shall be available only for allocation, with the approval of the President, for agencies or functions created or substantially expanded after June 30, 1965.

The House amendments to the Senate bill struck out all after the enacting clause and inserted a substitute text and provided a new title for the bill.

With respect to the House amendment to the text of the Senate bill, the committee of conference recommends that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment which is a substitute for both the text of the Senate bill and the text provided by the House amendment and that the House agree to the same.

Subsection (a) of the House amendment to the text of the Senate bill amended section 505(b) of the Classification Act of 1949 to the following effect:

First, the House version increased from 2,400 to 2,700 the maximum number of positions which may be placed at any one time in GS–16, GS–17, and GS–18 of the General Schedule of such Act.

Second, the House version removed certain limitations on the position allocation authority under section 505(b) by eliminating certain provisions which provided that—

"(1) not to exceed 25 per centum of such maximum number of positions may be placed in GS–17 and not to exceed 12 per centum of such maximum number of positions may be placed in GS–18;

"(2) fifty of such positions shall be available only for allocation, with the approval of the President, for agencies or functions created after the date of enactment of this provision;

"(3) fourteen of such positions shall be available only for allocation to the United States Arms Control and Disarmament Agency;

"(4) six of such positions shall be available only for allocation to the Immigration and Naturalization Service, United States Department of Justice; and

"(5) four of such positions shall be available only for allocation to the Federal Home Loan Bank Board."

The conference substitute increases such maximum number of positions from 2,400 to 2,577.

In addition, the conference substitute eliminates the existing limitations on the positions referred to in paragraphs (2), (3), (4), and (5), immediately above, with respect to the President, the United States Arms Control and Disarmament Agency, the Immigration and Naturalization Service, and the Federal Home Loan Bank Board, but retains the existing 25 per centum limitation with respect to GS–17 and 12 per centum limitation with respect to GS–18, referred to in paragraph (1) immediately above.

Subsection (b) of the House version amended section 505(c) of the Classification Act of 1949 to authorize the Librarian of Congress to place a total of 35 positions in the Library of Congress in GS–16, GS–17, and GS–18 of the General Schedule of such Act, in addition to the number of positions otherwise authorized by law to be placed in such grades but subject, however, to the procedures prescribed by section 505. Under the House version, it was contemplated that the actual increase in the number of positions for the Library of Congress in such grades would be 13 positions because of the legislative intent of the House that the existing number of such positions assigned or to be assigned to the Library by the United States Civil Service Commission under section 505(b)—that is, 22 positions—would henceforth be authorized for the Library under section 505(c), as amended by the House, leaving 13 additional positions to be filled by the Librarian of Congress under the new limitation of 35 positions for the Library proposed by the House.

The Senate version had no such provision for the Library of Congress.

Subsection (b) of the conference substitute proposes an authorization for the Library of Congress of a total of 28 positions in GS–16, GS–17, and GS–18 of the General Schedule, subject, however, to the intent of the conference substitute that the existing number of positions in the Library assigned to GS–16, GS–17, and GS–18 by the United States Civil Service Commission under its general authority—that is, 22 positions—will henceforth be authorized for the Library out of the total of 28 positions authorized by the conference substitute, making a total of 6 additional positions for the Library under the conference substitute.

The above-mentioned 22 positions formerly allocated by the Civil Service Commission to the Library of Congress under section 505(b) of the Classification Act of 1949 will constitute a part of the maximum number of 2577 positions authorized for future allocation by the Commission under section 5108(a) of title 5, United States Code, as set forth in the conference substitute.

Subsection (c) of the House version amended section 505(d) of the Classification Act of 1949 so as to increase from 39 to 70 the number of GS–16, GS–17, and GS–18 positions authorized for the General Accounting Office in addition to the number otherwise authorized to be allocated by law to such grades.

The Senate version contained no such provision.

Subsection (c) of the conference substitute amends section 5108(c)(1) of title 5, United States Code, so as to increase from 39 to 64 the number of GS–16, GS–17, and GS–18 positions authorized for the General Accounting Office in addition to the number otherwise authorized to be allocated by law to such grades—an increase of 25 positions.

Subsection (d) of the House version amended section 505(e) of the Classification Act of 1949 to increase from 75 to 125 the number of positions for the Federal Bureau of Investigation of the Department of Justice in GS–16, GS–17, and GS–18, in addition to the number of positions otherwise authorized by law to be placed in such grades.

The Senate version contained no such provision.

Subsection (d) of the conference substitute amends section 5108(c)(2) of title 5, United States Code, so as to increase from 75 to 110 the number of positions for the Federal Bureau of Investigation of the Department of Justice in GS–16, GS–17, and GS–18, in addition to the number of positions otherwise authorized by law to be placed in such grades—an increase of 35 positions.

Subsection (e) of the House version amended sections 2 and 4 of the Act of May 29, 1959 (50 U.S.C. 402, note), relating to additional positions of a GS–16, GS–17, and GS–18 level for the National Security Agency and additional positions of such level for the National Security Agency involving research and development functions with salaries not in excess of the maximum General Schedule rate. Subsection (e)(1) of the House version increased from 65 to 75 the number of positions of the GS–16, GS–17, and GS–18 level for the National Security Agency. Subsection (e)(2) of the House version increased from 60 to 90 the number of positions for such agency involving research and development functions.

The Senate version contained no such provisions.

Subsection (e) of the conference substitute provides for the National Security

Agency 5 additional positions of the GS-16, GS-17, and GS-18 level, and 30 additional positions involving research and development functions with salaries not in excess of the maximum General Schedule rate.

Subsection (f) of the House version amended section 3301 of title 39, United States Code, which provides that the Postmaster General shall determine the personnel requirements of the postal field service and fix the number of supervisors and other employees in that service, with the exception that there may not be at any one time more than one assistant postmaster employed at any post office or a total of 70 employees assigned to salary levels 18, 19, and 20 in the postal field service.

Subsection (f) of the House version eliminated salary level 18 from the above limitation of 70 employees and, in effect, applied the limitation only to salary levels 19 and 20.

The Senate version contained no such provision.

Subsection (f) of the conference substitute, like the House version, removed salary level 18 from the employee limitation but reduced such limitation from 70 to 55 employees, thus providing, in effect, a limitation of 55 employees for salary levels 19 and 20 in the postal field service.

In addition to the foregoing substantive changes, the conference substitute makes certain technical changes which eliminate references to the Classification Act of 1949 and provide, in lieu thereof, references to the appropriate provisions of title 5, United States Code, recently enacted as positive law by Public Law 89-554.

With respect to the House amendment to the title of the Senate bill, the committee of conference recommends that the Senate recede from its disagreement to the amendment of the House and agree to the same in order to provide a title for the conference substitute which reflects the coverage of the conference substitute.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
H. R. GROSS,
Managers on the Part of the House.

Mr. DULSKI (during reading of statement of the managers on the part of the House). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

PUBLIC WORKS APPROPRIATION BILL, 1967

Mr. KIRWAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17787) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that the general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Arizona [Mr. RHODES] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17787, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. KIRWAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the Committee, yesterday we approved here on the floor a bill appropriating over $3 billion to provide assistance to foreign countries. Today we will consider the public works appropriation bill which, excluding funds for the atomic energy program, providing only $1.8 billion for the water resource development of our own Nation.

I think it is important that we make this comparison for we must guard against unwise action that would unduly retard our own future development at the expense of helping others. I have supported foreign aid down the years, but I am concerned at the tendency to practice greater economy at home than we do in some of our foreign programs. I am likewise concerned at the tendency to place greater emphasis on some of the newer, more glamorous domestic programs and neglect the programs basic to the development and preservation of our great natural resources. We must maintain a reasonable balance in the allocation of our budgeted resources or we will see the day when we will pay a far greater price in an effort to meet the expanding needs of our own Nation for water, flood control, irrigation, and transportation.

I fully support efforts to economize on the Federal expenditures and we are doing it in this bill—it is $214.6 million below last year's appropriations and $56 million under the budget request. But compared with the appropriations we are providing in other areas, I cannot help but feel that, on balance, we are allocating far too little of our Nation's budget to reducing the great backlog of work in the essential water resource development of our Nation.

Let us look at some comparisons that make me wonder if we are wise in the allocation of our Federal budget resources:

We recently appropriated $58 billion for the Department of Defense, just for this year—this is more than four times the funds expended by the Corps of Engineers since 1824 for all the new work—flood control, water supply, navigation, and so forth.

We just appropriated $5 billion for the space program for this year; this is four times the appropriation in this bill for the Corps of Engineers. We are not making even a dent in the $6 billion backlog of authorized projects needed for flood control, water supply, navigation, and so forth. Is the space program four times as important as preventing flood damages and providing urgently needed water supply here at home?

It just happens that the $5 billion for space for 1 year is about the same amount we have spent in 64 years on the reclamation program since it was started in 1902. And that $5 billion is being repaid by the water users and from power revenues.

Yesterday we approved $2.3 billion for economic assistance to foreign countries; yet this bill includes only $1.8 billion for water resource development of our own country.

We are spending over $2 billion for research and development of a supersonic airliner so we can get to Paris in 3 hours instead of 7 hours; this money would finance one-third of the total cost of the backlog of 399 authorized pending projects of the Corps of Engineers on which construction has not been started. The money we appropriated this year for the supersonic airliner—$280 million—is $30 million more than the funds in this bill for the entire construction program for the current year of the Bureau of Reclamation.

I noted in the report on the foreign aid bill that AID claimed in fiscal year 1965 alone that over 1 million new acres were irrigated and more than 650,000 acres were reclaimed.

The best we can claim in our report is 9 million acres and that is not for fiscal year 1965 but rather represents all we have accomplished in the 64 years since the reclamation program started in 1902.

The same foreign aid report states that AID claims that "more than 90 million people benefited from water supply facilities" in fiscal year 1965 alone.

The best we can claim in our report on this bill is that the projects of the Corps of Engineers and the Bureau of Reclamation help meet the water supply needs of 14.4 million people.

I am not opposed to these other programs, and I could cite many many more examples, but I think we must stop and ask ourselves "Are we operating on two sets of standards to the detriment of the old line programs which have been and remain so basic to the development of our economy?" In the years ahead, with our exploding population, a successful space program, a supersonic airliner, or the economic development of our friends in foreign countries is not going to be a very satisfactory substitute for the flood control, water supply, water quality control, irrigation, and the many other essential requirements of our home economy.

So I do not think we should try to balance the budget on this bill—maybe we can afford all the programs; but certainly we should not neglect or sacrifice our own vital water resource development programs.

I would like to take a few moments to outline for the RECORD some of the benefits which have resulted from the appropriations which have been made for the programs covered by this bill.

FLOOD CONTROL

Flood damages prevented by Corps of Engineer projects in operation reached a new high of $1.5 billion during fiscal year 1965. It is estimated that over the years the accumulative flood damages prevented by all corps projects already exceeds $14 billion. This is more than has been appropriated to the corps for construction of all types of projects since it was established in 1824 and is more than double the appropriations made for flood control. The Bureau of Reclamation estimates that its reservoirs in the flood-stricken areas also assisted in the prevention of an estimated $850 million in flood damages during 1965.

However, the large flood damages sustained during the recent floods shows that much remains to be done. For example, the disastrous 1965 spring floods in the upper Mississippi and Red River of the North basins resulted in the loss of some lives and damages amounting to about $178 million. Completed and partially completed projects of the Corps of Engineers prevented damages estimated at over $30 million. However, it is estimated that authorized projects not yet built would have prevented an additional $124 million in damages.

The flood of June 16, 1965, caused damages in the Denver, Colo., metropolitan area estimated at $325 million. The corps' Cherry Creek Reservoir, which cost only about $15 million to construct, prevented damages estimated at $130 million. Had the authorized Chatfield Dam been in operation at the time of the flood, practically all of the damages in the Denver metropolitan area would have been prevented and substantial damage reduction achieved in the stream reaches downstream from Denver.

In the Trinity and Brazos River Basins of Texas, $16 million in damages occurred during the April–May 1966 floods, but another $52 million worth was prevented by corps projects. In these basins, construction of projects already authorized would have eliminated most of the flood damages.

Flood damage emergency expenditures by both the Federal, State, and local governments have become excessive in recent years, totaling over $205 million just in the last 4 years. A large portion of these expenditures would have been unnecessary had authorized flood control projects been completed and in operation.

The present value to the Nation of completed projects for navigation, reclamation, water supply, recreation, and power development is also evident.

NAVIGATION

The navigation system of harbors and waterways constructed by the Corps of Engineers now carry almost 1¼ billion tons of traffic annually principally in those commercial items which do not require rapid movement but which are essential to the growing industrial economy of the Nation. Prominent among these commodities are 462 million tons—about 137 billion gallons—of petroleum and its products, 206 million tons of coal and coke, 146 million tons of iron ore, iron and steel, and 106 million tons of sand, gravel, and stone. The waterways now carry annually about 250 billion ton-miles of freight traffic, continuing their increasing trend, and account for the movement of approximately one-sixth of the total ton-mileage of the Nation's intercity traffic.

At the same time, the more than 240 million acre-feet of storage space provided in nearly 300 Corps of Engineers reservoirs completed or under construction constitute a significant national resource for conserving the water and controlling the flows of our rivers to help meet the growing water supply requirements of thousands of industries and hundreds of American communities. It is estimated that from 1952 through 1965, a total of 5,882 new industrial plant projects were established in the United States on the inland river banks to obtain the increasingly important advantages of water transportation, water supply, and other water uses.

RECLAMATION

Bureau of Reclamation facilities have been provided to serve over 9 million acres of arid western land. Reclamation harvests have added some $23 billion in crop income to the economic development of the West.

WATER SUPPLY

The corps now provides over 4 million acre-feet of storage for water supply in 38 reservoirs, which supplements the water supply for more than 2 million people. A dependable water supply estimated at 2 billion gallons a day is developed from storage now in operation. In addition, in 1965 water deliveries from Bureau of Reclamation projects involved a daily water supply of 1.5 billion gallons from 98 reservoirs to meet the domestic and industrial needs of 12.4 million people.

RECREATION

Corps of Engineers and Reclamation projects also provide ever increasing outdoor recreation benefits. It is estimated that attendance at 446 recreation areas totaled over 200 million visitors during 1965.

POWER REVENUES

Installed hydroelectric capacity of major Federal agencies covered by the bill totaled 30 million kilowatts at the end of fiscal year 1965 with a net generation of 130 billion kilowatt hours. Electric operating income for fiscal year 1965 totaled $534 million.

AUTHORIZATION PROCESS

It should be noted that public works projects, before they are eligible for funding, are subject to a most exhaustive review process to assure they are economically justified. After thorough study by the responsible agency and clearance with all other agencies involved, they are carefully reviewed by the legislative committees of Congress before they are authorized by law. Each project must meet stringent criteria to assure benefits will fully justify the cost. A large percentage of the projects also require assurance of local cooperation, including repayment of the benefits derived from water supply and irrigation, before construction is initiated.

FUNDING REQUIREMENTS BACKLOG

The urgency of expediting the funding of public works projects to the greatest extent feasible is evidenced by the fact that the Corps of Engineers has estimated that new work at a cost of $28.2 billion will have to be undertaken if water development needs are to be met by 1980. This will require annual expenditures more than double the current rate. There are currently over 724 authorized projects in the active civil works program which will require about $11.6 billion to complete. Of this group, construction has not yet been started on 399 projects with an estimated cost of $6.4 billion. This latter group includes 254 projects for which initial planning funds have not as yet been appropriated.

UNBUDGETED REQUESTS

The committee heard testimony from over 1,600 witnesses requesting funds for unbudgeted projects and to increase the amounts on budgeted projects. This included over 180 Members of Congress who proposed increases in the budget for fiscal year 1967 totaling over $181 million involving 326 projects. The total cost of these projects is estimated at over $2.5 billion. Due to the present budgetary situation, the committee felt that it was justified in implementing only the highest priority requests for new construction starts. Emphasis has been placed on funding of projects in the study and planning stage because of the small current expenditures involved and in order that they might be ready for the initiation of construction as soon as larger capital expenditures in the economy are warranted.

Although the committee has included funds for 24 unbudgeted new construction starts, they involve appropriations of only $23,633,000 for fiscal year 1967 and have a total estimated cost of only $364.7 million with a balance of $332 million to be funded over a period of years after fiscal year 1967. Of the added new starts, 14 have a total cost of less than $10 million. The highest cost, $74 million, involves the Chatfield Dam project at Denver, Colo. In this instance the Bureau of the Budget advised the committee it would have no objection to the appropriation of funds in the bill to initiate construction. As the Corps of Engineers is completing 36 projects in fiscal year 1967 with a total estimated cost of $463.5 million, the unbudgeted construction starts added by the committee, together with the new budgeted starts, add only $151.5 million to the level of the construction pipeline of the corps. In addition, the committee has recommended funds for 28 unbudgeted surveys and for initiation of planning on 29 unbudgeted projects.

The budget request, which is also recommended by the committee, includes 38 new studies, 27 planning starts, and 25 construction starts under the Corps of

Engineers. The committee has also approved four new construction starts budgeted for the Bureau of Reclamation and the two budgeted for the Tennessee Valley Authority.

INCREASED COSTS OF RELOCATIONS

The committee is concerned over the increased construction costs being incurred on projects for highway, railroad, and other relocations. Although the committee fully appreciates that required relocations should result in no loss to the parties involved, it is not convinced that in many instances they are being accomplished in the most economical and reasonable manner possible. For example, on the John Day lock and dam project, in Oregon, relocations estimated to cost $64.9 million in 1958 are actually costing in excess of $160 million. The railroad relocations alone on this project are now estimated to cost about $107 million compared with the earlier estimate of $45.7 million. Railroad and road relocations on the Libby Reservoir project, Montana, are now estimated to cost over $177 million.

As the projects have widespread benefits in the areas concerned, the committee feels that the Federal Government should receive the fullest cooperation from State highway departments, the railroads, and other parties involved to assure that the relocations are affected at the lowest cost possible. In the future, the committee will expect to receive more detailed justifications of relocation costs and directs that the plans on major relocations hereafter be submitted to the committee prior to the initiation of construction.

RECREATION AND FISH AND WILDLIFE FACILITIES

Although the committee supports the policies making adequate provision in projects for recreation and fish and wildlife facilities, it is concerned at the tendency in many project plans to reflect higher costs for these aspects than appear to be justified. The committee expects to carefully monitor estimates for these facilities in the future review of the estimates and will expect detailed justifications of any revisions of project plans.

LAKE ERIE-OHIO RIVER WATERWAY

While I am here, I would like to say a few words about the Lake Erie-Ohio River Canal project, illustrated on this map. We have included $500,000 in the bill to initiate planning. The map shows it is 2,400 miles from Buffalo to Pittsburgh by water, through the Great Lakes. But with this canal, connecting up the Ohio river near Pittsburgh to Lake Erie, a distance of only 120 miles, the route is only 400 miles.

Now, if someone were coming out of the Congo, who could not read or write, he would realize the advantages of the shorter route compared with the present 2,400 miles. Two interesting events occurred in 1824, 144 years ago. The Army Corps of Engineers was organized in that year and the first railroad was built in the United States between Baltimore and Washington. And down through the 144 years the railroads have opposed this project just as they have every major waterway we have built.

In my hand I have a recommendation from the Army Engineers. It was for this canal and it is one of the first projects they recommended in the United States. This paper is dated February 14, 1825.

I have heard some say this project is for Youngstown, Ohio. Yet, Youngstown, Ohio, was not even there when the project was first recommended.

Down through the years the railroads have fought every effort to build the project and they are very active now. They have maintained high freight rates for moving coal and ore in the area and at the same time have fought the canal which would make cheaper transportation available.

I have dedicated my efforts over many years to make the waterway a reality, for it is vital not only to the economy of the Beaver-Mahoning Valley but to the Nation. Without the transportation advantages the canal will bring to the Beaver-Mahoning Valley, this great steel producing area will continue to decline—being unable to compete favorably with areas enjoying cheap water transportation for the movement of coal and iron ore.

Many misleading figures, distortions, and false claims have been put out concerning this project by the opposition so I would like to set the record straight on a few facts.

First, using the valleys of the Grand River on the Lake Erie side, and the Mahoning and Beaver Rivers on the Ohio River side, the 120-mile-long canal would cross the divide between the 2 basins by means of 10 dams with dual locks. The Lake Erie terminus would be about 30 miles east of Cleveland, and the Ohio River terminus at Rochester, Pa., about 25 miles below Pittsburgh. At the summit of the divide, the Grand River would be dammed to form a reservoir from which the canal would draw its water.

For most of its length, the depth of the waterway finally recommended by the Board would be 12 feet; and the width, 300 feet. However, in certain constricted reaches, the depth would be increased to 15 feet and the width reduced to not less than 200 feet. The 10 navigation dams, 3 on the Lake Erie side of the divide and 7 on the south slope, would each have dual locks 84 feet wide and 720 feet long.

PROJECT AUTHORIZATION

The project was authorized by the River and Harbor Act approved August 30, 1935, in the following terms:

> The following works of improvement of rivers, harbors, and other waterways are hereby adopted and authorized, * * *: "Beaver and Mahoning Rivers, Pennsylvania and Ohio; of the width and depth provided in House Document Numbered 277, Seventy-Third Congress, as a Federal project and to continue to Lake Erie at or near Ashtabula, Ohio, subject to the final approval of the whole project from the Ohio River to Lake Erie by the Board of Engineers for Rivers and Harbors; * * *"

In its report of December 20, 1938—House Document 178, 76th Congress, 1st session—the Board of Engineers stated that—

> The Board now concludes that the whole project from the Ohio River to Lake Erie, with certain modifications of the plans proposed in House Document No. 277, Seventy-Third Congress, Second Session, is economically justified.

After a careful review of the matter, Congressman Joseph J. Mansfield, then chairman of the River and Harbor Committee of the House, in a letter dated April 15, 1939, to the Chief of Engineers, stated:

> It is obvious, likewise, that the Board did approve the whole project from the Ohio River to Lake Erie via the Beaver and Mahoning Rivers, and consequently the authorization enacted by Congress in the 1935 River and Harbor Act has been fully met, and the approval and authorization by Congress are complete.

A current economic reevaluation of the Lake Erie-Ohio River project has been completed by the Board of Engineers for Rivers and Harbors. It has again concluded that the project is fully justified. The Board's recommendations in its report dated September 7, 1966, are as follows:

> The Board concludes that the whole project from the Ohio River to Lake Erie is economically justified and accordingly recommends it for construction substantially in accordance with the plan of the District Engineer, with channel depths of 12 feet, except in the restricted reaches through Youngstown and Warren, Ohio, where a depth of 15 feet would be provided, and with such further modifications as in the discretion of the Chief of Engineers may be advisable.

Opponents have claimed that the project should be reauthorized before being eligible for funding. There is no precedent for requiring a project, once authorized, to be reauthorized. The long established practice on projects which have been inactive for a period of years is to require a detailed current economic restudy by the Corps of Engineers and if the final report is favorable to proceed with appropriations to initiate planning. This course has been followed on many occasions and in the 1967 bill over 30 projects are being funded which were authorized prior to 1940.

ECONOMIC RESTUDY

The economic restudy of the Lake Erie-Ohio River Canal was financed by Congress in 1961 and the corps has spent over 5 years conducting an exhaustive reanalysis of all aspects of the project. In making its favorable report, concluding the project was economically justified, and recommending it for construction. the U.S. Board of Engineers for Rivers and Harbors stated:

> In arriving at its decision, the Board had before it the favorable recommendations of the Corps' Pittsburgh District and Ohio River Division, both of which had extensively studied the proposal and compiled a voluminous record of testimony. The Board not only studied this record and additional information furnished by interested parties during the period of review, but also sent its own staff members to the field for on-the-spot investigations, and thoroughly scrutinized and rechecked all engineering and economic calculations.
>
> Particular attention has been given to all questions which might materially affect the engineering feasibility or the economic justification of the project, and adjustments have been made where appropriate.

The division report consists of 5 volumes and over 700 pages.

The engineering record of the Corps of Engineers speaks for itself. Since 1824 they have had the responsibility for waterway development in the Nation. There are now over 19,000 miles of waterways carrying commercial traffic and the benefits have exceeded the cost by over 3 to 1.

The engineering record of the corps in the construction of flood control facilities is also outstanding. The corps has spent about $4.4 billion on its flood control program and the projects have already prevented flood damages amounting to more than $14 billion—a ratio of benefits over costs of 3.2 to 1.

BENEFIT-TO-COST RATIO

The Corps of Engineers estimates that the ratio of average annual benefits for the Lake Erie to Ohio River Waterway to average annual costs will be 1.3 to 1. For every dollar spent, the benefits will be $1.30. The corps estimates benefits at $66 million per year based primarily on savings in the movement of iron ore, coal, limestone, and steel mill products. There will also be substantial recreational and flood control benefits, according to the corps. No benefits have been allocated to area redevelopment.

Experience shows that the Corps of Engineers has actually been far too conservative in its estimates of the traffic to be attracted to the major waterways it has investigated. For example, in 1908, the corps based its recommendations on the Ohio River navigation project upon traffic of only 9 million tons; the waterway wasn't completed until 1929, but by 1950, the tonnage was close to 49 million tons. The latest estimate shows the waterway carried about 102 million tons in 1965—better than 11 times the corps' original estimate, and this has taken place less than 40 years after the project went into full operation. In 1930, the traffic estimate for the upper Mississippi River improvement was only 9 million tons. It was opened to traffic in 1940 and by 1950 the tonnage was over 11 million. By 1965 it was up to about 35 million—or four times the corps' original estimate.

PROJECT COST

The Federal cost, as estimated in detail by the corps, is $917 million. Local interests must pay $95 million, or about 10 percent. This is a far greater local assessment than on most Federal navigation projects. The Federal cost is high, but not in comparison to Federal expenditures on many other projects. We are now spending, for example, $1.2 billion to develop the Arkansas River. Over $1 billion has been spent by the Federal Government on water projects in California, just in the last 10 years. The Central Valley project in California has a total Federal cost of $1.7 billion. The Columbia River Basin development program of the Bureau of Reclamation and the Corps of Engineers has a total cost of $4.8 billion, including $750 million in new power facilities now underway as a result of the Canadian treaty. The total cost of the Mississippi River and tributaries project is $2.3 billion. The upper Colorado River storage project is costing $1.2 billion.

It is not intended that the project will be constructed during the current period of inflation. Rather, it will take at least 4 years to plan at a small annual cost. Construction, which would be spread over at least an 8- to 10-year period, would not be undertaken until larger public works expenditures are warranted in the economy.

CAPACITY OF WATERWAY TO CARRY ESTIMATED TRAFFIC

The U.S. Board of Engineers for Rivers and Harbors states the following, after its 5-year review, concerning the capability of the canal to carry the tonnage on which the transportation savings are estimated:

> The capability of the Lake Erie-Ohio River Canal to carry the tonnage for which transportation savings were estimated was carefully considered. It was estimated that 50 million tons, out of the 62 million tons per year anticipated in the 50th year of project life, would move through the most critical reach. Based on the preliminary design of project features presented by the District and Division Engineers the projected tonnage could be passed. This is supported by recent experience on existing comparable waterways within the Pittsburgh District which has demonstrated that tonnages of the magnitude anticipated could move over the Lake Erie-Ohio River Canal. In the final design, modifications can be made in the project features which would assure dependable capability of the waterway to carry the projected tonnage.

EFFECT ON LAKE ERIE

The U.S. Board of Engineers for Rivers and Harbors made a special study of the question of possible effects of the canal on the water level of Lake Erie and Corps stated in the report as follows:

> Since the water supply for the canal will be taken not from Lake Erie but from the summit reservoir on the Grand River, the effect of the canal on the level of Lake Erie is believed to be insignificant. The Board noted that the 1909 treaty with Great Britain governing the international-waters aspects of the Great Lakes stands as a guarantee against operations injurious to the lake.
>
> On occasion, it might prove advantageous to pump water up to the summit pool from Lake Erie. However, such water would be returned to the lake as it carries vessels down through the locks. Water could be pumped up to the reservoir and subsequently released from the reservoir down to the lake, generating power en route with reversible pump-turbines. The Board recommended further study of this aspect of the project proposal.

EFFECT ON WATER QUALITY

In regard to the effect of the project on water quality, the Board of Engineers for Rivers and Harbors concluded in the report as follows:

> The District Engineer, in estimating the effects of the proposed project on water quality, used data on streamflow requirements furnished by the United States Public Health Service in its report included in Appendix V of the District Engineer's report. He concluded that additional flows under canalized conditions would result in temperature reduction in the Mahoning River the value of which would slightly exceed the adverse effect resulting from the reduction in the assimilation ability of the river under pool conditions. A restatement of the United States Public Health Service's position subsequently furnished the Division Engineer concludes that if the storage in Grand River Reservoir is used to increase the average minimum flow in the Mahoning River at Youngstown by approximately 200 cubic feet per second, the proposed waterway would not have an adverse effect on water quality. The Division Engineer believes that this condition can be met. Therefore, the analysis concerning water quality contained in the District Engineer's report is considered to be acceptable.

Now these are a few facts which I hope will set the record straight. They are not my facts, but rather the findings of the U.S. Army Corps of Engineers who have studied this project for years. They are the recognized authorities on waterway engineering and economics in this country.

So I ask you to support this project and the entire bill. These funds are to be expended only in and on America.

What will happen if we do not build up this country? Stop to think of the 13 million tons of steel, for example, coming into this country this year. It was only 10 million tons last year. Foreign imports are increasing annually and we must conserve and develop our great natural resources if we are to continue to compete favorably in the world.

That is why I am asking you here today to do some thinking—and I mean thinking. It is essential that we guard against unduly retarding the reasonable steps that must be taken to conserve and develop the water resources of the Nation. Fundamental to the continued growth of our Nation is adequate provision for water supply, flood control, navigation, reclamation, and power development. Without the investment that has been made to date in these programs, it would not have been possible to achieve the great progress that this country has enjoyed and reasonable program expansion must be fully supported in the future if the Nation is to continue to develop and prosper.

This is a very reasonable bill—it is $56 million under the budget and $214.6 million under last year. Yet we have made every effort to make provision for the highest priority requirements so that our water resource development program will move forward.

So I ask you to support the committee and vote against any amendments that may be offered to cut the bill. Every project in the bill is authorized and well justified. It is a good bill and deserves your full support.

Mr. RHODES of Arizona. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, in my opinion and in the opinion of most of the minority of the committee, this is a good bill, a bill which should be supported by the Members of this House. I want to express my personal gratitude to and admiration for the gentleman from Ohio who has preceded me in the well for the hard and effective work which he has done. These felicitations also go to the majority members of the committee, but more particularly to the minority members. The gentleman from Wisconsin [Mr. DAVIS], and the gentleman from New

York [Mr. Robison], who have given me their good will, their loyalty, and their effective, intelligent support.

Mr. Chairman, we have had good hearings. I think if you look at the records of the hearings, you will see that every question which is a reasonable question has been answered. There is a great amount of data and factual information which would stand any Member in good stead who wants to understand this program better.

I think it is interesting to note on page 5 of the report of the committee the status of the public works program of the United States as compared to the needs of the country for public works. You will notice on page 5 that the Corps of Engineers alone estimates that they have a $28.2 billion requirement for water development needs to be met by 1980 in order for the United States of America to have a sufficient water supply. There are currently over 724 authorized projects in the active civil works program which will require about $11.6 billion to compete. Of this group construction has not yet been started on 399 projects with an estimated cost of $6.4 billion. Very considerable sums in addition will be required by the Bureau of Reclamation, the Department of Agriculture, and the antipollution program.

I suggest to you, Mr. Chairman, if this committee can be criticized for anything, it can be criticized for not going as far to catch up with the needs of the country, as we should have gone. I recognize the financial situation of the country today. I recognize the needs for great expenditures for military equipment and activities such as our requirements in Vietnam in particular and in the rest of the world in general. Again I know there are good, sufficient, and valid reasons why we cannot go any further than we have in this bill. We were certainly urged to do so.

There were requests from 180 Members of Congress for unbudgeted starts involving 326 projects which would have cost $181 million this year. The total cost of these projects would be $2.5 billion. Of these requests we have actually granted 24 new starts which will add to the expenditures for fiscal year 1967 the sum of $23,633,000 or a total expenditure of only $364.7 million. Of this $364.7 million, $74 million goes for one project, the Chatfield Dam in Colorado, which was taken into this bill over the budget but with the tacit agreement of the Bureau of the Budget because of the ruinous flood which was experienced in the Denver, Colo., area last year.

The bill, Mr. Chairman, adds up to something like this: On unbudgeted starts there is the figure of $364.6 million. On budgeted starts there is the total of $250 million. Thus, the input into the pipeline of the Corps of Engineers is $615 million. The Corps of Engineers will, this year, complete projects totaling $463.5 billion. Thus, the total addition to the pipeline as a result of this bill is only $151.2 million.

Now, Mr. Chairman, this is to be compared with the fact that $28.2 billion must be spent by the year 1980 in Corps of Engineers activities alone in order for this country not to have a water crisis.

So, Mr. Chairman, to me this bill merely holds the line. It is not progressing as far as we should progress on the things which we need to do in order to insure for the future of this country a plentiful supply of that product of nature most needed by man—other than clean air—and that is clean water.

Mr. Chairman, we have some controversial items contained in this bill.

We have items such as the Idaho Power Line which the Bonneville Power Administration seeks to build and it is in controversy for the third year. We expect it to be settled this year.

Mr. Chairman, we have included in the committee report our general ideas as to the form this contract should take.

It is our hope that reasonable men will be able to get together and conclude this agreement long before this bill comes up again for consideration next year. We do not expect it to be necessary for the Federal Government to construct this line.

Mr. Chairman, we have also increased the budget in the Mississippi River Basin. We did this in order to try to get at a level of expenditure in that great area of this country commensurate with the results which must be accomplished. We have only recommended the appropriation of money which we feel can be expended wisely on these projects in this fiscal year.

Mr. Chairman, it is a little difficult to cut too much in any given area, because if you do, then you get the construction pace down below an economic level. We feel that it would be penny wise and pound foolish to do this—especially in the Mississippi Basin which has been ravaged by floods so often in the past. So, we raised the appropriation to a level which in our opinion is proper.

Mr. Chairman, it is not easy to cut a public works appropriation bill. It is not easy to save money in such a bill and thereby really further governmental economy by doing so. It is not true that the easiest thing to do is to cut public works. It has been my experience over the period of time which I have served in this Congress that if you cut back, below an economic level, you end up by spending more money in the long run than should have been expended for the particular project.

As far as I personally am concerned, I do not know of any activities other than defense expenditures which are of higher import to the whole country than those we find represented in this bill. This is an important bill. As the gentleman from Ohio [Mr. Kirwan] has so ably said, this bill is taking the American taxpayers' money and using it to build up this country.

I cannot help but point to the words which are above the Speaker's desk, the quotation from Daniel Webster—"Let us develop the resources of our land and call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our own time and generation may not perform something worthy to be remembered." I think he spoke wisely, and gave advice which is as worthy of consideration today as it was when the words were uttered.

The accomplishments of this program are worth recounting.

The waterways which have been built over the years now carry 1¼ billion tons of freight annually. Mainly this is bulk freight which does not need to be moved in a hurry. The economy of the country certainly has been well served by the fact that there are cheap ways of transporting large, bulky items of supplies throughout the country.

As far as reclamation is concerned, there are 9 million acres which are now under irrigation and these lands have furnished crops which have been worth $23 billion to our economy.

The M. & I. water supply which has been furnished by the activities of the Corps of Engineers amounts to about 4 million acre-feet of clean water annually. The Bureau of Reclamation has furnished about 3 million acre-feet of clean water annually for a total of 7 million acre-feet of clean water now available through the activities which are represented in this bill.

In the Corps of Engineers' reservoirs alone recreational facilities have been used by 200 million people in the year 1965 alone.

So there is a great amount of good being engendered by this bill. It is a bill which is, in my opinion, well within the limits of propriety. I think all of us must look ahead in the years to come to the need to expand this activity greatly to put our country in position to take care of the physical needs of the population which we will have in the future. I hope we will be able to do it gradually, looking ahead and planning wisely, so that we can do it both economically and expeditiously. The time for starting these plans has now arrived. As far as I personally am concerned, when we are able to get the international situation stabilized to a point where such a large share of our national wealth must not be used in national defense, then I, for one, will be leading the charge for more adequate efforts to satisfy the needs and desires of our people for development of our water resources.

Mr. TEAGUE of California. Mr. Chairman, when legislation of the magnitude of the public works appropriation bill reaches the floor of the House, there is ample testimony available as to what the bill will do. But what of the things that the bill will not do?

A request was made to the House Appropriations Subcommittee on Public Works to include in this bill an appropriation of $250,000 to meet a sacred commitment to men who are dying in Vietnam. It is the law of the land that national cemeteries shall be established and shall be expanded according to need. It is the law of the land that such need will be determined by officials of the executive establishment and acted upon by them. They are charged with responsibility for burying the dead of our wars and the veterans of those wars.

Mr. Chairman, that responsibility is not being met. We cannot explain away the fact that men who have given their lives in Vietnam have been denied burial in a national cemetery. These denials are continuing and they will increase.

It might be thought that these denials are happenstance, that they could not result from a conscious act or omission. But the fact is that this administration has continued a policy affirmed in 1961 that the national cemeteries are to be closed. Members might well ask who it was it who decided that certain of our dead servicemen should continue to receive the honor of burial in a national cemetery while others would be effectively denied such honor.

Time has run out for the New Jersey serviceman and his family. Time ran out in February of this year. Since then more than 31 servicemen killed on active duty have been denied burial at Beverly National Cemetery. During that same period 17 servicemen killed on active duty were buried at Beverly—after it closed.

The natural question is, How was it decided who would be interred at Beverly and who would be turned away? As to this, Mr. Chairman, it was mere chance. Actually the administration policy on national cemeteries is of the character of a lottery. If a serviceman or veteran has his home in Minnesota, Oregon, or Washington, D.C., burial in a national cemetery is assured—for the next 50 years or more. If the serviceman or veteran is from New England or Wyoming or many other States, there is no national cemetery in the area. If the deceased is from New Jersey he may be buried in a national cemetery near his home or he may not—the chances are he will not. But it all depends on whether a vacant burial site is available at the time of burial. Many burial sites are reserved, even in a closed national cemetery. On occasion these reserved sites are released by survivors. If a family's request for burial of the serviceman's remains reaches the cemetery immediately following release of a reserved site, their request will be approved. More often than not it is denied.

Time has run out in New Jersey and it is fast running out in California. In the next few months the two national cemeteries still open in California will be closed. Fort Rosecrans National Cemetery in San Diego is expected to close before the end of this year. Golden Gate National Cemetery in San Bruno is expected to close this winter. When these two closures occur, the families of servicemen killed in Vietnam will be effectively denied the right to bury him in a national cemetery. The closest national cemeteries to California will be in El Paso, Tex., and Portland, Oreg.

Mr. Chairman, this lottery system of burial cannot be permitted to continue. The Congress has been remiss in permitting the situation to develop. The Appropriations Subcommittee, which has an opportunity to provide funds to reopen Fort Rosecrans and Golden Gate National Cemeteries, has failed to offer appropriations to correct a serious wrong. The Congress cannot permit the situation to continue.

The President knows of the situation. It has been brought to his attention. Let us pray that the killing in Vietnam shall soon stop. But it is fair to ask how great the casualty list would have to grow to insure that this matter gets the attention it deserves. If, instead of 31 servicemen having been denied burial, the number were 310, would there be a policy change? If the number were 3,100, no one in this body would doubt but that a change would ensue.

It is past time for the President and his administration to stop dragging their feet on this matter of meeting our commitment to our honored dead. It is past time also for the Congress and its leadership to act. To reopen Beverly National Cemetery and to keep open Fort Rosecrans and Golden Gate National Cemeteries involves no more than an act of simple duty.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, I must take a moment to compliment the gentleman in the well, the gentleman from Arizona [Mr. RHODES], the members of the committee, and, in particular, the chairman of the committee, the gentleman from Ohio [Mr. KIRWAN].

I have traveled throughout the country as a member of the subcommittee on flood control of the House Public Works Committee. I have observed disastrous floods at firsthand, and I believe that you gentlemen have demonstrated very clearly, with an exceptional display of patience, your great and genuine concern for flood and disaster problems throughout the land, and I can point out the fact on the north coast of California, in my district alone we spent $15 million on flood recovery work alone, because of the floods that occurred in December of 1964. Certainly, we can all agree, this bill represents an investment in America, and again I want to compliment the gentleman from Arizona [Mr. RHODES], the gentleman from Ohio, Chairman KIRWAN, and all members of this important committee for helping to solve the many problems relating to floods and water conservation in the country.

We are all deeply indebted to you for your patience, understanding, and the personal consideration given to our many requests. The same compliments should be extended to the very able staff of the committee, who have gone out of their way to assist me. On behalf of the people of my First Congressional District, I want to express my deep appreciation for all your efforts in our behalf.

Mr. KIRWAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, I want to compliment the chairman of the Subcommittee on Public Works, the distinguished and able and dedicated Member from Ohio [Mr. KIRWAN]. I know of no subcommittee chairman who spends as much time working in the interests of this Nation in the matter of public works and conservation than does he.

The bill which he brings to this floor I think emphasizes rather dramatically what that type of interest has done, and how much he has done to preserve and protect this great Nation of ours.

What I have said about the chairman, of course, goes as well for the other members of the subcommittee.

I also include a very brilliant, hardworking, and dedicated staff. In the person of Gene Wilhelm, chief of staff of this subcommittee, I think I can say without fear of contradiction this committee is privileged to possess one of the most able and one of the finest subcommittee executive staff members on the full Appropriations Committee.

The task of this committee is nowhere better emphasized than in a statistical rundown of what the committee hearings developed during the consideration of this appropriations bill. One thousand six hundred witnesses requested funds for unbudgeted projects and to increase the amounts on budgeted projects. Over 180 Members of Congress proposed increases in the budget for fiscal year 1967 totaling $181 million involving 326 projects.

Mr. Chairman, the urgency of expediting the funding of public works projects to the greatest extent feasible is evidenced by the fact that the Corps of Engineers has estimated that new work at a cost of $28.2 billion will have to be undertaken if water development needs are to be met by 1980. This will require annual expenditures more than double the current rate. There are currently over 724 authorized projects in the active civil works program which will require about $11.6 billion to complete. Of this group, construction has not yet been started on 399 projects with an estimated construction of $6.4 billion. This latter group includes 254 projects for which initial planning funds have not, as yet, been appropriated.

Faced with these staggering and disturbing statistics and facts, and conscious of the necessity of budget limitations, this committee felt that it was justified in implementing only the highest priority requests for new construction starts. Emphasis has also been placed, by committee action, on funding of projects in the study and planning stage because of the small current expenditures involved and in order that they might be ready for the initiation of construction as soon as larger capital expenditures in the economy are warranted.

Mr. Chairman, the vast majority of the public works projects in this bill deal with the problems of flood control and a determined effort to protect lives and property and to save the hundreds of millions of dollars of damages that floods cause.

Under general investigations, our committee recommended $31,730,000. Within this item, 168 of these investigations are concerned with flood control.

Under construction, $953,715,000 is recommended for fiscal year 1967. Two hundred and sixty-six of the projects are for flood control and these projects are spread all over the Nation.

For the Mississippi River and tributaries, $84,950,000 has been approved. And all of these projects are concerned with flood control.

In most of the Bureau of Reclamation recommendations, there is some element of flood control. However, the large flood damages sustained during the recent floods shows that much remains to be done. For example, the disastrous 1965 spring floods in the Upper Mississippi and Red River of the North Basins resulted in the loss of some lives and damages amounting to about $178 million. Completed and partially completed projects of the Corps of Engineers prevented damages estimated at over $30 million. It is estimated that authorized projects not yet built would have prevented an additional $124 million in damages.

The flood of June 16, 1965, caused damages in the Denver, Colorado metropolitan area estimated at $325 million. The corps' Cherry Creek Reservoir, which cost only about $15 million to construct, prevented damages estimated at $130 million. Had the authorized Chatfield Dam been in operation at the time of the flood, practically all of the damages in the Denver metropolitan area would have been prevented and substantial damage reduction achieved in the stream reaches downstream from Denver.

In the Trinity and Brazos River Basins of Texas, $16 million in damages occurred during the April–May 1966 floods, but another $52 million worth was prevented by corps projects.

So it is no wonder, Mr. Chairman, that Members of this Congress and this committee are concerned about what happens in their districts. I take this opportunity to pay tribute to all Members—and floods, of course, know no party lines—for the support that this bill does enjoy and has enjoyed by Members from all over the Nation.

I see the gentleman from Colorado on his feet. I am delighted to yield to him because the gentleman from Colorado and his colleagues did as persuasive a job in asking this committee to add additional funds for the construction of the Chatfield Dam as did any delegation in the House.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I want to pay my compliments and respect to the chairman of the subcommittee and to the ranking minority member thereof, together with all the members for their kind consideration given me and the citizens of the city and county of Denver, and others who appeared before the committee to explain the tragic disaster that hit Denver, Colo., on June 16, 1965, and to point out that a number of years ago there was a dam constructed on what is known as the Cherry Creek River, known as the Cherry Creek Dam, which was able to hold back much of the water and helped save Denver in many particulars.

Unfortunately, the South Platte, which has its headwaters at the beginning of Pike's Peak, had a big flood which caused damage to the extent of at least $325 million in the city and county of Denver alone. If it had not been for the Cherry Creek Dam, there would have been additional damages. Therefore, I want to compliment the committee for seeing this problem and recognizing that the best interests of the country were served by the construction of the Chatfield Dam to prevent the disaster that occurred there a year ago. I thank them.

Mr. BOLAND. Mr. Chairman, I compliment the distinguished gentleman from Colorado and his distinguished colleagues, Mr. McVicker and Mr. Evans, for what they have done with and their constant concern on this project. May I also add, that the people from Colorado, from the areas affected by this project, made a magnificent case for Hatfield Dam.

Mr. Chairman, I have said this before, but it bears repeating. This is the bill referred to as the "pork barrel" and writers and cartoonists have a field day lampooning the Members of Congress who are seeking to protect their districts.

This bill helps protect—to guard and develop its resources; to spread waters on the land to green and bloom our deserts; to engineer our waterways and harbors, enabling food, fiber, minerals, and the sinews of our industrial capacity and might to be shipped from their basic and naked origin to areas of manufacturing, development, and consumption.

This bill is for the realization of all this, and it is far more than this. It harnesses the tremendous, magnificent, potential power of water and spreads it, as energy, to lift the daily burdens of mankind and to ease his way with comfort and convenience.

It is the instrument by which our Nation curbs the ravaging, devastating consequences of uncontrolled and rushing water. This is the bill, Mr. Chairman, that has built the reservoirs, the dams, floodwalls, jetties, breakwaters, pumping stations to stop floods—to protect property and to save lives. All of these that have been constructed are eloquent monuments to the wisdom of the responsible agencies and to the Congress. For these projects have saved millions of dollars and many human lives. There is not a section of this country that has not felt and appreciated the value of the flood control projects that sprinkle this land.

This is a bill, Mr. Chairman, as has been so eloquently stated by the distinguished chairman of this subcommittee, the gentleman from Ohio [Mr. Kirwan], that "is an investment in America." I trust members of this Committee will support the action of the subcommittee.

Mr. RHODES of Arizona. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. Davis].

Mr. DAVIS of Wisconsin. Mr. Chairman, I am cast in an unpleasant role today, one which no one would covet, and yet I believe sincerely a necessary role. I have undertaken it in spite of the charge that we have heard in the cloakrooms, or that Members will hear there or here on the floor before this day is over, that what I seek to do in connection with this bill would scuttle our public works program, would submarine our resources development—yes; that it would doom certain Members of this House to certain political oblivion.

But I speak as a friend of this program. For 15 years, since I first became a member of the subcommittee here involved, I believe I have been a knowledgeable supporter of this program. I speak today not to harm it, but to preserve it for the years ahead.

For a country in deep fiscal and economic trouble cannot adequately support this or any other program for the benefit of the people of this country in the years that lie ahead.

There will be some who will say, "Oh, I agree. I know we are in deep fiscal trouble. I know that civilian programs in this country need to be cut back. But my project is important to my people and I must fight for it."

I can sympathize with and understand that point of view.

There is a time for public works expansion, but I submit this is not that time. Within the next few months our involvement in Vietnam will exceed the involvement in Korea. Inflation is here. The fires are lighted, and they are fueled and fanned each day by the spending of this Government, the spending which is the jet of oxygen which sends the flames higher and higher.

Some will console themselves by saying, "Oh, there is really no harm done in appropriating this money. The President will not spend it. He is going to cut back on expenditures. He told us so."

Perhaps they are right. If we could be certain of that, then I believe there ought to be no hesitancy at all, because it would be easy to say, "Oh, we are not cutting out anything, really, so we ought to vote for reductions in the new money with alacrity, because by so doing we would help to melt down that $110 billion sitting there under the control of the people of the executive branch of this Government over which we in this legislative branch of Government have lost all control."

It is a sad enough plight in which we find ourselves—this once proud legislative body of our Government, in which we appropriate each year a great deal more money than the President says he will spend. We turn it over to the bureaucracy, and then we go downtown to those same bureaucrats to compete for their favor in the doling out of the funds we have previously appropriated and turned over to them to spend at a time they see fit to do so.

So if this money is not going to be spent, if Members console themselves about appropriating money here that will not be spent because the President is not going to spend it, I cannot think of a better reason to fail to appropriate this additional money.

If you think it is not going to be spent, then we ought not to appropriate it to the people in the executive department to pile up the $110 billion already there. But if you think it will be spent, then I think it is the responsibility of this Congress to assure that it will not be spent. I do not intend to dwell on the critical fiscal condition of this country. Others have done it. If, as the President assured us, there is going to be a $3 billion reduction in expenditures in this fiscal year, where do you think that money is going to come from? It must come from the civil programs of this Government. Those are the only ones that are subject to deferment. It cannot come from the critical defense requirements of this Nation in the difficult position in which we find ourselves today. This has been tradititionally so.

You will recall when World War II broke out that the President announced—and the Congress went along with it—that we were going to cut back and there would not be any new projects of this kind until the war had been won. I can remember Korea. The present distinguished minority floor leader of this House and I represented the minority on this subcommittee at that time. Some of you will recall that in the years 1951 and 1952, when the present majority controlled this House, the budget was adhered to with respect to these programs because of Korea. Then in 1953 and 1954 when the present minority controlled this House, the same rules were appplied because of Korea. Then in 1955 some of the members of this committee, and of the Committee on Appropriations will recall that there was a general feeling that the bars were down and the bill was heavily loaded with unbudgeted projects the first time around, but the gentleman from Massachusetts will well recall, for he and the gentleman from Michigan, the late beloved Mr. Rabaut, stood with those of us who felt that this was not the time to load that bill with a great number of unbudgeted projects. That bill was sent back to the subcommittee for the kind of cleaning up job that was needed.

Mr. KIRWAN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the chairman.

Mr. KIRWAN. The gentleman said that the President of the United States, on the night of Pearl Harbor, said that there would not be a dam or a reservoir built in America for the duration of the war. However, he built two dams in my district in Ohio. They worked three shifts around the clock in order to build them in a hurry. Thank God for those reservoirs, because right after they were built water flooded into the area and would have run into the open hearth furnaces and would have blown them up. The loss of steel production would have seriously retarded our war effort. We have to keep building in order to keep abreast of acts of God such as floods, and so forth and protect and promote our economic development.

I thank the gentleman for yielding.

Mr. DAVIS of Wisconsin. Now, in 1966, in spite of Vietnam and in spite of inflation, there is involved in this bill the general atmosphere that the bars are down. So nearly half of the Members of this House appeared before the subcommittee and asked for almost $1 million apiece, on an average, for money to be inserted in this bill this year outside of the budget. They asked for not so much money individually in many cases, but those projects involve a commitment in this year and in years in the near future of $2.5 billion. This subcommittee and the full committee went a long way down this unbudgeted road. Some 85 new projects are included here. Of course, as the chairman pointed out, the distinguished gentleman from Ohio, there are already a substantial number of new projects included in the budget, and carried in this bill.

Mr. Chairman, I can hear some of the Members of the Committee of the Whole House on the State of the Union ask, mentally, "Well, if this is true; if there has been all these additions, how come this bill is under the budget?"

Well, Mr. Chairman, I will answer the Members of the Committee frankly—it is under the budget.

But, Mr. Chairman, look at the manner in which it was done.

In the first place, this bill is under the budget overall to the extent of $4.1 billion by $56 million.

Well, $64 million was taken out of the Atomic Energy Commission's budget, which leaves a net plus of $8 million in the other and less critical portions of this bill.

And, then, Mr. Chairman, if the Members of the Committee would take a look at page 48 of the report, I can give to them another example as to how this bill is under the budget. Incidentally, this is one of the most informational reports that you will see on this or any other appropriation bill. But there you will note, in the next to the last item, "Reduction for anticipated savings and slippages and availability of carryover balances, after listing the amounts for all of the projects planned and constructed in civil works," then it shows $95,700,000 carryover.

Mr. Chairman, the Bureau of the Budget in its efforts to bring down the total amount requested, subtracted this amount from the total, and the committee added another $32 million of subtraction.

So, if you will take a look at that, you will notice that these reductions, so-called, do not represent an elimination of a number of projects nor a retrenchment of the program. And, further in the report, you see these latest projects beside which there have been placed fixed sum, and do not bank on it, because the total amount of money is not sufficient to carry out 100-percent budgeting for many of the projects that are herein listed.

Mr. Chairman, at the proper times I shall offer several amendments which have been placed on the Clerk's desk. They are designed to follow a pattern of which I would like to advise the Members of the Committee in this general debate.

No. 1, they are designed to strike the unbudgeted projects from this bill. And, Mr. Chairman, I know that this may seem unfair and that this may lead some of the members of the Committee to say, "What are we doing—we should not do this—we are letting the people downtown decide this pattern rather than the Congress, which had this responsibility."

But, Mr. Chairman, I think all of us are practical in our understanding that if the President means what he says about reducing expenditures, he is going to clear funds for the projects that he put in his budget, and the others, unbudgeted, are going to be the first ones to be deprived of funds.

And I suggest this—that since this budget was submitted by the President, and if there are critical projects I submit that there is an obligation on the part of the Corps of Engineers and on the part of the Bureau of Reclamation to go to the Bureau of the Budget. And, there is a further obligation on the part of the Bureau of the Budget to come up and advise this subcommittee with respect to critical needs so that we will not be subjected to the charge, as we are now being subjected, that we are exceeding the President's budget in a number of these matters.

Mr. Chairman, I feel that there is a responsibility on the part of the interested parties involved and on the part of the administration to come forward to the subcommittee in an effort to explain their respective needs.

Second, the amendments would cut out projects which are primarily recreational in their purposes.

I do not think this Congress can with good faith, when this country is involved halfway around the world, appropriate money for recreational projects, new recreational projects in this country at this time.

Thirdly, there is a list of projects included in the budget, new starts which, in my opinion, without reflecting in some of these upon their essential merit, could very well be deferred until our country is in a better fiscal condition.

In order that Members may be advised, I will read into the RECORD at this point a list of budgeted projects of marginal value or easily deferrable:

Calumet River—turning basin.
Illinois waterway deepening, 12 feet.
Prairie du Rocher and vicinity.
Shoal Creek.
Bayou Grand Caillow.
Black River.
Marquette County.
New Rochelle and Echo Bay Harbors.
Lake Erie coast, Michigan and Ohio.
Lake Erie coast, Ohio, Pennsylvania, and New York.
Mill Creek.

There are certain planning and construction projects:

Eel River.
Lytel and Warm Creeks.
Ponce de Leon Inlet.
Richland Creek.
Paintsville Reservoir.
Atlantic City reimbursement.
Lukfata Reservoir.
Virginia Beach reimbursement.
Burnsville Reservoir.
R. D. Bailey Reservoir.
Dickey-Lincoln School project.
Martins Fork Reservoir.

Trinity River.
Trinidad Reservoir.
England Pond Levee.

There are five newly budgeted starts where the justification is for 50 percent or more recreational benefits.

These would include:

Virginia Key and Key Biscayne, Fla.
Haleiwa Beach, Oahu, Hawaii.
Honokahau Harbor, Hawaii.
Ocracoke Island, N.C.
Smithville Reservoir, Mo.

Then, finally, as a catchall at the end of the bill, I shall offer an amendment to add a new section 511 which would reduce the appropriated funds in all portions of this bill by 5 percent. This is not the Bow amendment as it has been called because the Bow amendment applies to expenditures. It traditionally has. This amendment applies to new money, to appropriations in this bill.

Mr. Chairman, my suggested amendments should not be interpreted as a blanket criticism of this committee nor of the bill itself. I certainly pay tribute for the great amount of careful work that has been done in connection with this bill. I pay tribute for the duplications which have been ferreted out of the bill. I pay tribute for the instructions for the solution of a number of knotty problems which are included in this report: tribute for the committee's sound backing of the Secretary of the Army in regulations which he issued in connection with premium pay for those who work in the Panama Canal Zone; tribute for the elimination of some ambitious empire buildings that were included in some phases of this bill.

At any time, this is a most difficult appropriation bill and I suggest that the high caliber of my colleagues who serve upon the subcommittee will attest to the recognition of that. But at this time of critical competition for available dollars, it is indeed more difficult than usual.

I strongly believe that if we are to keep faith with those who depend upon us for fiscal responsibility in this Congress, then there must be a retrenchment of the appropriated dollars included in this public works appropriation bill.

The amendments which I have outlined and which I intend to offer at the proper places as the Clerk reads the bill for amendment, would reduce this bill overall by approximately $260 million, between 6 and 7 percent of the amount of money otherwise appropriated.

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to my colleague from Minnesota.

Mr. MacGREGOR. The gentleman has very helpfully called to the attention of the members of this Committee from page 48 of the hearings a $32 million difference between the budget estimate and the House allowance for an item entitled "Reduction for Anticipated Savings and Salvages at Availability of Carryover Balances."

May I ask the gentleman from Wisconsin what justification there is either in the experience of the subcommittee or in the hearings for this additional $32 million in indicated savings under the column "House allowance"?

Mr. DAVIS of Wisconsin. I believe the major justification for the additional amount credited as a reduction here was this: In this program there were about $50 million more in carryover into the fiscal year than the Bureau of the Budget had anticipated; so that this $30 million more was taken as a swipe at the additional $50 million carryover, in addition to what appeared in the budget's estimated balance.

Mrs. SULLIVAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Chairman, in the report on H.R. 17787—page 55—is a direction by the committee that none of the appropriated funds be available to pay a Canal Zone differential in excess of 15 percent of the basic compensation.

I call the attention of the House to the fact that the basic legislation authorizing payment of this differential was reported originally by the Committee on Post Office and Civil Service and is within its legislative jurisdiction.

I also call attention to the fact that there is now pending in the circuit court of appeals an action by the Canal Zone employees on this very point.

Under the circumstances, I suggest that the inclusion of this language in the report is inappropriate since the Appropriations Committee does not have jurisdiction over the subject matter.

Mr. KIRWAN. Mr. Chairman, I yield to the gentleman from Mississippi as much time as he desires.

Mr. WHITTEN. Mr. Chairman, I am proud to serve on the Appropriations Committee and particularly on this subcommittee under the chairmanship of our good friend, the gentleman from Ohio, Mike Kirwan. I know that the statements about public spending, made by those who have preceded me, are sincere and from the heart. I could not help but think, however, that now that we have all of these problems facing us, how much worse off we would have been had it not been for the gentleman from Ohio [Mr. Kirwan] who in earlier times has stood here and fought to see that we, in the stress of circumstances or agitation, did not let our own country down.

As we consider this bill providing for our own country, I cannot help but think a little more about being here yesterday when this body voted by a vote of 234 to 141 for an appropriation of $3.6 billion in foreign aid—over my opposition, may I say—practically all of which goes to foreign governments, and they in turn sell to their own people. I agree that today we need to put first things first, and we certainly need to hold down governmental spending. But I do not believe in cutting the necessary food to the same degree that you forgo a vacation. I do not believe that we can afford to let this country, with fewer people to work and with many, many problems, lack for attention to flood control and development because we are spending billions of dollars on less worthwhile activities.

PRESIDENT EISENHOWER'S VETO

May I say again that in 1959 we faced this issue, and at that time, on the second try, we overrode President Eisenhower in his veto of the public works bill. We did that on my motion, with the support of the gentleman from Ohio.

The reason given at that time for vetoing the public works bill were that in view of our serious situation, in view of our commitments around the world and in view of our involvements, we could not afford 62 new starts to protect and develop our own country. In the argument on that motion, I used the President's own statement in presenting our case:

> The very fact that we are involved around the world, the very fact that we have this war, the very fact that we have many obligations makes it imperative that we not let our country go to pot when we can protect it.

OHIO-LAKE ERIE PROJECT

Mr. Chairman, one of the major actions taken by the committee was to provide planning funds for the Ohio-Lake Erie project. This is a fine project with great value to a nation that is expected to have 340 million people by the year 2000. Not only is it important because it will join the St. Lawrence Seaway and the Ohio, but with the Tennessee-Tombigbee Waterway from the Tennessee River to the Gulf of Mexico we would have about two-thirds of an inland waterway from the Great Lakes to the gulf.

Our committee, in its report, made provision for the committee to initiate planning on the Tennessee-Tombigbee Waterway from funds in this bill, as soon as we have a favorable report which we have urged the Corps of Engineers to expedite. I know of nothing that would be a greater lasting tribute to the work of Mike Kirwan than this great inland waterway.

TENNESSEE-TOMBIGBEE

Action on Tennessee-Tombigbee navigation: With regard to the Tennessee-Tombigbee navigation project, one of our major problems was the fact that in November 1964, the Bureau of the Budget suddenly changed the rules—after 140 years—and in determining the cost-benefit ratio refused to credit to navigation projects the potential benefits of the effect of water transportation on other freight costs. After we developed these facts during our hearings on public works this year—volume 3, pages 1274 to 1325—and after considerable delay, I am glad to say the Budget Bureau returned to the original formula, where such effects are counted in the cost-benefit ratio.

Subsequently, the Corps of Engineers was unable to complete its reanalysis of the economic report in time for final action by the committee. The committee has therefore provided the language in the report which should gain us a year's time. The language is as follows:

> The Committee has had to defer action to provide funds in the bill for the Tennessee-Tombigbee Waterway pending completion of the current economic re-analysis being conducted by the Corps of Engineers. The Committee urges that the study report be made available at an early date and has approved the use of such additional funds as may be necessary to expedite its completion. Upon

the availability of the final report for review and approval, the Committee wishes to point out that it would then be in a position to allocate available funds in the bill to resume planning of the project during the current fiscal year.

Approximately 253 miles in length, the Tennessee-Tombigbee would provide a major link in water transportation from Lake Erie to the Gulf of Mexico. It would be immensely valuable for the future growth in national population, with the resulting increase of industry and need for transportation facilities. Low-cost water transportation is so vital to the industries most basic to economic growth: petroleum, steel, coal, chemicals, electric power, and food products, for example.

Under leave to extend my remarks I shall go into further detail as to merits of the Tennessee-Tombigbee Waterway and its relationship to the Ohio-Lake Erie project.

I have a high regard for persons in the Bureau of the Budget, but in the years I have been here they have, on occasion, yielded to political pressure, or at least so it seemed. At any rate, it would be a serious mistake to leave final decision to the Bureau of the Budget, anonymous people whom you cannot find, especially when we see them recommend to the President that he make major cuts in funds for REA, school lunch, soil conservation, and other programs of the Department of Agriculture—as they did this year. We restored funds for these programs, as we should have done, but I say it would be a serious mistake to let our country go to pot under present conditions.

None of us on this committee has a personal interest here. We wrote this bill at the instance of our colleagues, as the spokesmen for people in areas who know what the needs are, with due consideration for the Bureau of the Budget. I hope, my friends, we will stay with the committee as they proceed with consideration of this bill.

CONGRESS EXERCISES ITS OWN JUDGMENT

Our committee heard testimony from 180 of our 435 colleagues in support of projects, most of which were recommended by the Bureau of the Budget, though their submissions differed somewhat in detail from those of officials of the Budget Bureau.

Though we have modified budget recommendations, in the overall we have reduced the budgeted amount by more than $50 million. At the same time we have authorized 29 new starts in planning and 23 new starts in construction. In addition we have made many restorations in areas where we felt the budget was not putting first things first. We have made every effort to take care of the needs of this Nation within reasonable limits. After all we spend in this bill for public works only about one-fourth of what we spend trying to get a man to the moon.

MISSISSIPPI RIVER AND TRIBUTARIES

Since my colleagues have covered the general provisions of this bill, I shall discuss the Mississippi River and tributaries and other projects in my general area in more detail. Insofar as the Midsouth is concerned, we have restored the $7,850,000 cut from funds available this year for the Mississippi River and tributaries. Thus, our action will provide the same money for next year that we have had this year. We must remember that the Mississippi must take the brunt of the flood problems of the entire Missouri Basin, the Ohio Basin, plus the upper Missouri Basin and others. The Mississippi River simply will not wait. If we are to handle the flood problems of the area, we must keep current in meeting them; otherwise, you may create a dangerous situation, and in the long run it would prove to be far more expensive.

CROWDER, PADUCAH WELLS AND UPPER CHANNEL

Within the funds available, we have provided $50,000 for the upper auxiliary channels, $75,000 for planning road crossings of the Panola-Quitman Floodway at Crowder and at Paducah Wells, and $10,000 for planning on the Ascalmore-Tippo Bayou project. Our committee in its report states: "It expects that the requirements of local cooperation on the Big Sunflower River project shall be the same as those required in the St. Francis and Yazoo Basins, pursuant to the 1946 Flood Control Act."

RESERVOIRS

The bill provides further for expediting work on Gin and Muddy Bayous by $100,000. The bill carries funds for the development of recreation facilities at Sardis, Enid, Arkabutla, and Grenada Reservoirs; and may I say here I appreciate the support of my committee in getting the Corps of Engineers to retract their earlier decision to charge for the use of these reservoirs where no special services are provided. It is my understanding charges are being made at three points, however, and the matter as to whether these three come within the intent of the act is under study by the legislative committee.

This restoration of funds includes items I have mentioned and in addition will more adequately take care of Mississippi levees, channel improvements, the Memphis Harbor project, the west Tennessee tributaries, the Yazoo Basin, and other points in this area.

WATERSHEDS

Mr. Chairman, the counties of Alcorn, Itawamba, Lee, Pontotoc, Prentiss, and Tishomingo, have recently been added to my district. This is an area with which I am very familiar, having many ties there and having represented the adjacent counties of Tippah and Union through the years.

For this area, our subcommittee increased funds for the Tennessee-Tombigbee watershed by $100,000 to expedite work, making a total of $850,000 available. This is of special value to Twenty Mile Creek and to Itawamba County. Other watersheds come under my Subcommittee on Appropriations for Agriculture. These include the Tuscumbia watershed in Alcorn County, the Chiwapa Creek, the Chuquathee, the Lappatubby and the Upper Skuna watersheds in Pontotoc County, the Town Creek and the Chiwapa in Lee County, and the Tuscumbia watershed in Prentiss County. In Itawamba and Tishomingo the problems are being met by projects mentioned. These are in addition to those in my original district.

HATCHIE RIVER

We have provided $60,000 for the corps to carry on its share of the planning work with the Soil Conservation Service on the Hatchie River in Mississippi and Tennessee.

YELLOW CREEK

We have provided funds to initiate construction of the Bear Creek project and have urged the TVA to "continue its cooperative tributary area development program in the Yellow Creek area and to provide all technical assistance possible to the Yellow Creek Watershed Authority, including agricultural resource development, forest management, industrial site management, and development, recreation, and cooperative planning of port facilities near the mouth of Yellow Creek."

REA

Mr. Chairman, our Appropriations Committee also followed the course we have followed here in handling the appropriations bill for the Department of Agriculture.

In the bill my subcommittee and Senator HOLLAND's subcommittee, in addition to restoring certain programs, agreed on increasing authority for crop production loans by $50 million and for rural electrification and telephone loans by $187 million. This is authority to make loans which will be repaid with interest. With the shortage of labor, the increasing need for electric power as a replacement, and the need for increased food production to offset inflation, these loan funds are believed to be highly necessary.

We more than made up for these increases by reducing other funds, leaving a total of $28.5 million below the budget request.

The President signed that bill into law, though according to newspaper accounts, he objected to a provision in the bill that "would automatically bar American food aid to any country engaged in trade or shipping with North Vietnam."

Here, as there, Mr. Speaker, the committee has put the protection and development of our own country first, for it is the base upon which all the rest must stand.

Mr. Chairman, I would like to submit further detail from the Corps of Engineers on the Tennessee-Tombigbee Waterway:

TENNESSEE-TOMBIGBEE WATERWAY, ALA. AND MISS.

Summarized financial data

Total estimated Federal cost	$263,000,000
Appropriations to date	1,129,000
Balance to complete	261,871,000
Amount that could be utilized in fiscal year 1967	[1] 1,000,000

[1] See the following:

Preconstruction planning	$184,000
Detailed design	316,000
Complete planning	500,000

Authorization: 1946 River and Harbor Act.

Location and Description: The project is located in west central Alabama and northeastern Mississippi, in Marengo, Sumter, Greene and Pickens Counties, Alabama and Noxubee, Lowndes, Clay, Monroe, Itawamba, Prentiss and Tishomingo Counties, Mississippi. The project consists of a 253 mile long waterway for navigation connecting the Tennessee River at mile 215 (Pickwick Pool) with the Warrior-Tombigbee Waterway at Demopolis, Alabama, 217 miles above Mobile by means of 10 locks, 5 dams and a deep cut through the dividing ridge between the two river systems.

Proposed Operations: If the economic reanalysis indicates a favorable benefit-to-cost ratio for the project, the amount of $1,000,000 could be used to initiate project construction.

Justification: The Tennessee-Tombigbee project would provide a shorter, more direct connecting waterway between the eastern Gulf Coast and the Tennessee, Ohio and upper Mississippi River valleys. The lowering of production and marketing costs resulting from this shorter and less expensive transportation route would benefit a major segment of the nation's population. The five reservoirs created by the project would provide significant recreation benefits to the area. Thirty-eight counties within commuting distance of the project area have been designated for assistance under the Public Works and Economic Development Act of 1965 (PL 89–136 approved August 26, 1965). Project construction and operation would afford employment opportunities in the area. An economic reevaluation is expected to be completed by February, 1967.

THE TENNESSEE-TOMBIGBEE WATERWAY

Mr. Chairman, throughout history, man has strived to devise a shorter and quicker method and an alternate way of doing things. The idea of another way has always presented a challenge to man's thinking and a test of his ingenuity. The field of water transportation has been no exception.

A navigation project which has stirred the imagination of men for more than 150 years is the connection of the Tennessee and Tombigbee Rivers. This new waterway, which is the major missing link in the 10,000 mile inland waterways of the midcontinent would provide a shorter route to the eastern gulf, and would open up a vast area to accelerated economic and industrial growth. The proposed route for the waterway will also provide a tremendous fish and wildlife refuge plus providing outstanding potential for recreational development.

Frontiersmen of the Tennessee Valley had the dream of a connecting link between the two rivers in the early 1800's, and the idea has been kept alive through the years by determined citizens who believed that a water connection between the Tennessee and Tombigbee Rivers would provide the missing link in the great waterways of the Eastern, Middle-Western and Southern United States.

The proposed 253-mile Tennessee-Tombigbee Waterway is one of the most fascinating projects ever considered by the Army Engineers for construction. It is a big, bold, exciting venture that stimulates the imagination of men. This is true for two reasons: because of what it will accomplish and because of what it will involve to construct the waterway.

The proposed waterways presents another challenge to a nation which is being revolutionized by use of nuclear energy. It presents the challenge of an engineering feat because Tennessee-Tombigbee could be a pilot project in the use of nuclear energy in the excavation of the land divide between the Tennessee and Tombigbee Rivers.

While the use of nuclear energy in the construction of the waterway might be considered not feasible economically, the "divide cut" of the Tenn-Tom could serve as a pilot project for the proposed new Panama Canal. No project has been found yet that can surpass Tennessee-Tombigbee in this and most nuclear scientists concede that such is a necessity.

By connecting the north-flowing Tennessee River near Pickwick Landing, Tenn., with the south-flowing Warrior-Tombigbee system at Demopolis, Ala., the waterway would link mid-America's 10,000-mile-plus inland waterway system with the southeastern gulf area and bring sea and foreign markets as much as 700 miles closer to much of the Nation's heartland.

It would connect the Mississippi, Illinois, Missouri, Ohio, Cumberland, and Tennessee Rivers into a navigable system that would rival any of the highly developed European systems of canals. It would also provide a link to the proposed Ohio River-Lake Erie Canal.

With our Nation's most important space and defense installations in the Tennessee-Tombigbee area—Redstone Arsenal in Alabama, Cape Kennedy in Florida, the NASA test site in Mississippi, and the space center in Houston—the Tennessee-Tombigbee Waterway would provide, not only an alternate route for the transportation of space and defense vehicles, but would bring them to their destinations much faster.

The Tennessee-Tombigbee Waterway would make possible a more economically feasible method of low-cost transportation for agricultural and mineral resources in the States adjoining the waterway and those in the "fringe" and tributary areas. It would provide industrial sites for manufacturers who need an abundance of water. These new industries would provide thousands of jobs to people who can no longer make a living in agriculture.

The waterway would provide an alternate route to the Mississippi system in case of disaster, low water, lock failure, floods, and other similar emergencies.

DESCRIPTION

To connect the Tennessee River and the Warrior-Tombigbee system would involve making over a large portion of the Tombigbee River and then creating an almost entirely new waterway connecting it to the Tennessee. The proposed waterway, when completed, would be 253 miles in length.

A series of locks and dams would overcome the difference in elevation from 70 feet at the Demopolis pool on the Warrior to 412 feet at the Pickwick pool on the Tennessee or a difference in elevation of 342 feet.

Specifically, the job of building the Tennessee-Tombigbee Waterway could involve improving 170 miles of existing river channel, building 45 miles of canal, constructing 5 dams and 10 locks, and making a 27-mile-long cut through the dividing ridge between the Tennessee and Tombigbee watersheds. It would include the excavation of 112 million cubic yards of material in the divide cut alone and an additional 55 million cubic yards of material in the river and canal sections.

The waterway is authorized to be 170 feet wide and 9 feet deep, but indications are it likely will be between 250 and 300 feet wide. Consideration is being given this extra width in the present restudy being conducted by the Corps of Engineers. In the divide cut, the channel is proposed to have a depth of 12 feet and a width of 150 feet. Passing places 240 feet wide will be provided at intervals in the canal and divide sections.

The waterway will be divided into three sections:

First. The river section from Demopolis, Ala., north to Aberdeen, Miss., with locks and dams at Gainesville and Aliceville, Columbus and Aberdeen, Miss., a distance of 162 miles.

Second. The canal section consisting of a hillside lateral canal from Amory, Miss., to Bay Springs, Miss., with five locks from an elevation of 190 feet at the Aberdeen Dam pool to 330 feet at Bay Springs for a distance of 45 miles. This canal section would bypass numerous sharp bends of the east fork of the Tombigbee River and Mackeys Creek. It will be constructed by excavations and by building levees on one of its banks, while the hill would serve as a bank on the other side.

Third. The divide cut section from Bay Springs, Miss. to the Pickwick pool on the Tennessee River with an 84-foot lift lock and dam at Bay Springs to lift traffic from 330 feet to the 412-foot elevation of the Pickwick pool.

In order to cross the divide ridge it will be necessary to excavate 90 million cubic yards of earth requiring a minimum centerline cut of 175 feet, and it will be about 1,000 feet wide at the top. The cut will have a minimum depth of 75 feet for 5 miles. The elevation of the dividing ridge is 562 feet above mean sea level.

Army Engineers, in cooperation with the Atomic Energy Commission, are studying the possibilities of excavating the divide cut section by "nuclear cratering," the setting off of a string of small nuclear explosives deep underground, causing the topsoil to collapse, in the free world's first such use of nuclear energy.

Preliminary reports show that the use of nuclear energy in the "divide cut" will not be determined economically feasible but its use will be feasible from an engineering point of view. This site is still considered by many authorities the best possible potential pilot project for the proposed transisthmian canal which has been recommended by President Johnson for construction in the very near future.

Cost estimates of building a new transisthmian canal range from $2½ billion and up by conventional methods but only $800 million by using nuclear devices.

Each dam on the waterway will raise the waterway an average of 30 feet, except at the northernmost site at Bay Springs where an 84-foot lift will be required to carry the waterway over the divide and into the Tennessee River. Locks will be of standard dimensions, 100 feet wide and 600 feet long, a size sufficient to permit most barge tows to pass in a single locking.

The river section between Demopolis, Ala., and Aberdeen, Miss., will be shortened by 21 cutoffs reducing the present river length by 31 miles.

Construction of the waterway, by conventional means, will take about 8 years and will begin on the southernmost section with first work scheduled on the 36-foot lock installation at Gainesville, Ala. At Demopolis, at the confluence of the Tombigbee and Warrior Rivers, there is a lock and dam, which was completed in 1956, and it is now in operation. The Tombigbee River is navigable from Demopolis to the Gulf of Mexico at Mobile.

The locks are being so designed that they are 13 feet over the miter sill which would allow the construction of a 12-foot-deep channel rather than a 9-foot channel as authorized. It is believed that when the waterway is built it will be of this depth.

The waterway is planned for future enlargement so as to accommodate larger tows of deeper draft including perhaps shallow-draft seagoing vessels.

All work will be supervised by the Corps of Engineers with the Mobile District, South Atlantic Division, in charge of the river section and the Nashville district, Ohio River division, in charge of the lateral canal and divide cut sections.

In a study completed in June 1960, the cost of the waterway was estimated to be $281 million, and it is estimated to be about $300 million at the present time, because of rising construction costs. However, the new cost figure would provide a wider and better waterway than the one proposed in the 1960 study. Alabama and Mississippi would be required to finance about $18 million of the total cost for the relocation of roads and bridges over the waterway with Mississippi bearing more than two-thirds the required costs.

Currently there are no plans for the production of hydroelectric power on the waterway.

BENEFITS

The Tennessee-Tombigbee Waterway will provide benefits that would enrich and create industrial growth throughout a large part of the Nation. It will give low-cost water transportation to commerce that flows from the interior of the Nation to the gulf and points in between. It would serve as an alternate route to the Mississippi River in case of emergencies, floods and disasters. It would move the Nation's space and defense vehicles to their destinations faster. It would open up large new areas for recreational pursuits. The waterway would quicken the pulse of a throbbing nation on the move.

The Corps of Engineers has determined that 23 States will share in the navigational benefits, with at least 55 percent of the economic returns accruing to States other than Alabama, Mississippi, and Tennessee, thus establishing the project's national impact.

Annual commerce, as estimated by the Corps of Engineers, is fixed at 12,481,000 tons, which will move over the waterway at a savings of $13,484,000.

The waterway would connect the southeastern gulf and the midcontinent river systems. It would bring Tennessee River ports upstream from Pickwick more than 800 miles closer to salt water ports. Nashville and Cumberland River ports would be almost 400 miles closer to seaports.

Noted economists have said that the construction of the Tennessee-Tombigbee Waterway will attract many new, heavy-type industries to locate along its course. The increased commerce and easier availability of raw materials would provide an outlet to the sea for finished products and would speed industrial development along the Tennessee River as well as parts of the Ohio, Cumberland, and Green Rivers and other water courses in Kentucky.

The waterway would be a favorable factor in helping to correct the Nation's unfavorable balance of payments.

This industrial growth resulting from the construction of the Tennessee-Tombigbee will be from new capital investment-type heavy industries which would not exploit other areas by pirating their plants. The manufacturers drawn to the Tennessee-Tombigbee Waterway today would add to the overall industrial expansion of all America. A clear example of industrial growth along navigable streams is in Alabama during a recent 6-year period, 75 percent of industries locating in the State have chosen sites on or near navigable streams.

The project would enhance the regional economy by encouraging the stepped-up exchange of commerce, thus promoting the Nation's expansion program and putting more money into circulation, thereby aiding underdeveloped sections, including the lower portion of the hard-hit Appalachian region.

In addition to industry, the Tennessee-Tombigbee Waterway could bring enormous benefits to the agricultural interest of the area. It would mean lower transportation costs for raw materials used in agriculture and provide a stimulus for the lagging agricultural economy in the proposed tributary area.

Phosphate used extensively in fertilizers comes mainly from Florida which produces three-fourths of the Nation's output through vast deposits in central Florida near Bartow, located about 40 miles east of the port of Tampa. This phosphate could move in bulk into Alabama, Mississippi, and Tennessee if the low-cost transportation that Tennessee-Tombigbee could provide were available.

In an area where the beef industry potential is unlimited, the waterway could provide a boost for cattle growers. Grain in bulk could be shipped at very low rates from the Midwest into Alabama and Mississippi to "top out" feeder cattle that are currently being bought by Midwestern cattlemen and transported to the Midwest. The cattle are then topped out, slaughtered, and much of the meat is shipped back into the South for sale at a higher cost to the consumer.

Doane Agricultural Services of St. Louis conducted a recent survey which showed that more than 900,000 tons of grain will move into 42 counties adjacent to the waterway in Alabama each year for consumption by the livestock and poultry industries.

In an area rich in untapped mineral resources, a lowcost mode of transportation as provided by the Tennessee-Tombigbee could open vast new field of economic endeavor. Geologists believe the waterway will bring the fuller development of many valuable mineral resources, including tripoli, high-calcium limestone, bentonite, bauxite, expandable shale, aggregate, various clays, asphalt, gravel, copper, zinc, and iron ores in addition to coal, by making them more competitive on the open market as the direct result of cheap water transportation. Many of these minerals are now imported and some from overseas.

Such basic chemicals as sulfur, industrial salt, petroleum, and petroleum products, largely produced along the gulf coast could be shipped into the industrial complexes in the Tennessee, Ohio, and upper Mississippi Valley on the Tennessee-Tombigbee.

The oil and chemical industry, which relies heavily on barge transportation, is in strong support of the waterway as an incentive to regional development and economic growth. Standard Oil which has in operation a 100,000 barrel-a-day refinery at Pascagoula, Miss., has a market area coinciding with the direct tributary area of the Tennessee-Tombigbee.

Other potential shipments include sand, gravel, crushed limestone, pulpwood, logs, and iron and steel products.

The waterway could revitalize the east Tennessee and Alabama coal industries allowing the export of Tennessee Valley coking coal through the port of Mobile. Coal could move out of these two States at a rate of 2 million tons per year for export to foreign steel mills, probably Japan, because Mobile is 1 full day closer by freighter to the Panama Canal. This means the shipper could save about $1,600 per freighter. Several million tons of western Kentucky coal now moving down the Mississippi for use in steam electric generating plants on the eastern gulf would move on the Tennessee-Tombigbee at a savings.

The gulf coast suffers from a lack of good construction type sand and gravel. Vast deposits of good sand and gravel are found near the Tombigbee River in northeast Mississippi and Tennessee River in north Alabama and could move along the river and to the gulf coast if the waterway were constructed.

North Alabama has millions and millions of tons of limestone that could move to the gulf coast for use as riprap, crushed aggregate for construction, building stone and many other uses.

Construction of the waterway could push this country closer to a landing on the moon in the accelerated space program. The Saturn missile would be 1,200 miles closer to its launching pad at

Cape Kennedy from the giant NASA facility in Huntsville, Ala. The waterway could directly connect the Nation's four most important space installations in Alabama, Mississippi, Florida, and Texas. The booster rockets built in Huntsville are now transported 2,200 miles down the Tennessee, Ohio, and Mississippi Rivers to the Gulf of Mexico and around Florida to Cape Kennedy. The Tennessee-Tombigbee could save money as well as about 2 weeks time in the space program.

Jet fuel, now carried overland, could be shipped much more economically by the waterway to Columbus Air Force Base and Meridian Naval Air Station in Mississippi.

The great nuclear energy installations, such as Oak Ridge, Tenn., could have closer access to the sea.

The pools created by the dams on the waterway would greatly increase all water sports in the Tennessee-Tombigbee area It would provide a safe, slackwater route for small craft and privately owned pleasure vessels between Florida and the Tennessee, Cumberland, and Ohio Rivers at greatly reduced mileage. The trip up the Mississippi River is hazardous at certain times of the year for pleasure craft due to swift currents, flooding, floating debris, and ice in the upper areas of the river.

Fishing would be a year-round activity and waterfowl hunting more rewarding especially since the waterway is expected to create a new flyway for ducks migrating south.

Not to be overlooked are the many other recreational opportunities such as water skiing, speed boating, and just plain picnicking.

THE TENNESSEE-TOMBIGBEE WATERWAY AND THE LAKE ERIE-OHIO RIVER WATERWAY AS MUTUALLY SUPPORTIVE PROJECTS

The Lake Erie-Ohio River Waterway, as a public works undertaking, is strikingly similar to the Tennessee-Tombigbee Waterway in a number of respects. Considerations which justify the one tend very strongly, therefore, toward justification of the other.

Both of these waterways are connecting links between established navigation systems. Both of them join with the Ohio River system, the Tennessee-Tombigbee on the Tennessee River, a tributary of the Ohio, and the Lake Erie-Ohio River project on the upper main stream of the Ohio. Both of them connect inland communities with deepwater ports, the Tennessee-Tombigbee with Mobile, and the Lake Erie-Ohio River project with Fairport Harbor and the port of Cleveland. As connecting links, both of these waterways will cross continental divides between separate drainage basins and possess, therefore, common engineering and design features. Thus, the justification of either of these two waterways establishes an initial presumption favoring justification of the other.

The two waterways are, in fact, segments of a common long-haul waterway system and might well be conceived as twin features of a single program. Their completion will establish an unbroken waterway connection between Lake Erie and the Gulf of Mexico. Shipment in a single vessel, without rehandling of cargo, will then become possible for the entire distance between Cleveland, Ohio, and Mobile, Ala., or for any segment of this distance. In addition, the Tennessee-Tombigbee will connect Mobile directly with the upstream Mississippi River system, and the Lake Erie-Ohio River Waterway will unite Cleveland and northeast Ohio similarly into the upper Mississippi.

The congressional approval of one of these two waterways will strengthen the position of the other. Eighty percent of the cross-continental waterway between Cleveland, Ohio, and Mobile, Ala., is already in existence—the Ohio, Tennessee, and Tombigbee Rivers. Only the two links are missing. Decisive action toward completion of either one of these two projects will leave the remaining one as the sole missing link. The argument to close a single remaining gap in the cross-continental system is more compelling than an argument to close one of two remaining gaps.

The vital appeal of either of these waterways is its role in a more extensive waterway system. Both of them depend for justification on large volumes of traffic originating or terminating, or both, on connecting waterways. The completion of either of these two waterways adds greatly to the territorial extent and number of shipping and receiving points which might be served by the other. Thus, completion of the Lake Erie-Ohio River Waterway would introduce the potential movement via the Tennessee-Tombigbee notably of various mineral products between the Warrior-Tombigbee Basin and Lake Erie. This potential for the Tennessee-Tombigbee project would constitute an additional point in its favor. The converse argument may be offered for early completion of the Tennessee-Tombigbee.

It may be noted that the greater the distance of points which originate or terminate shipments which transit the Tennessee-Tombigbee from the actual location of this waterway, the less is it a local or purely regional project, and the more its benefits become nationally distributed. For example, shipments via the Tennessee-Tombigbee between Lake Erie and the gulf coast would endow far-distant communities with an interest in this waterway. For a project financed with Federal funds, the more broad the geographical distribution of the benefits over the extent of the Nation, the more is Federal financing justified.

For these reasons, the Tennessee-Tombigbee and the Lake Erie-Ohio River Waterway projects may be considered as entirely harmonious and mutually supportive. Action to advance either of these two lends strength to favorable action on the other.

Mr. RHODES of Arizona. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. ROBISON].

Mr. ROBISON. Mr. Chairman, first let me again acknowledge my pleasure at the opportunity of serving on this subcommittee and express, of course, my gratitude to our chairman [Mr. KIRWAN] for the courtesies extended to me as a junior member of the subcommittee, and also my appreciation to my other colleagues on either side of the subcommittee aisle for their cooperation.

Personally, Mr. Chairman, with certain exceptions to which I might address myself in a moment, I believe this to be a pretty good bill, responsibly considered and carefully prepared. As the report will show, and as has already been explained, it is true the bill contains funding for 24 unbudgeted new construction starts, funding for beginning 28 unbudgeted surveys, and for the initiation or planning of 29 unbudgeted projects. All of this is summarized on page 5 of the report, if those who just came into the room care to look at it.

In addition to these add-ons, it is true that we have also gone above the budget estimate on a number of budgeted items. In most cases, we have come up to, or close to what is called the "capability" of the Corps of Engineers for that particular project. Since these add-ons, and the additions to budgeted items that we agreed upon, have already been discussed, and since this is evidently to become the focal point for such opposition as there is to the bill, let us take a closer look at our action.

Again, for those who were not here earlier to listen to the previous speakers, let me point out that the bill itself, in calling for an appropriation of slightly over $4.1 billion does represent—even with all these so-called "add-ons"—a reduction in the overall budget estimates of over $56 million. Also, if it has not been mentioned before, the $4.1 billion in the bill is over $214 million less than the appropriations for all these same items for fiscal year 1966.

It is true—as our colleague [Mr. DAVIS], has charged—that we did make a reduction of approximately $64 million in the budget estimate for the Atomic Energy Commission whose needs, as usual, represent by far the largest agency item in our bill. Since our net reduction—and I stress the word "net"—is only $56 million, then we have indeed provided for about an $8 million increase in excess of the budget estimates for the remaining agencies in the bill.

But, Mr. Chairman, even acknowledging, as I certainly do, the heavy responsibility this Congress is now under to get Federal spending under better control—and I agree this must be done—is it still necessary for us to always use only the President's budget estimates as our one and only guide?

Mr. Chairman, I for one believe that the answer to that has to be "no"—at least if this Congress, or any Congress, is to preserve its right to review and, if need be, to reassess the budgetary priorities as handed down to it by the Chief Executive and his Bureau of the Budget.

We have exercised that right and that responsibility earlier this year in connection, for instance, with the school lunch program, the special milk program, funds for land-grant colleges and what not. There may be other examples which may come to your mind, but I believe we should continue to protect that right and to exercise that responsibility, even though it may put the President in a position where, if he wishes to, he can be critical of the Congress.

For, if our subcommittee—and then the Congress—were only to consider and approve budgeted items, and were always to hold to budget estimates, then it seems to me we would have accepted something like a one-sided "no new starts" policy, binding on Congress but not on the President, whereunder we would be totally subordinating our judgment of the Nation's needs in flood control and so forth to the President's judgment.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I am sure the gentleman would not mind if at this point we were to point out the fact that the total bill, including appropriations for the Corps of Engineers, the Bureau of Reclamation, and the Atomic Energy Commission, is some $56 million below the budget estimates and $214 million below the appropriations for these activities for the past fiscal year.

Mr. ROBISON. I am glad the gentleman has again pointed out that fact.

Mr. Chairman, those of my colleagues who are here listening might assume, from what I had been saying, that I am the beneficiary, or that the people in my congressional district are the beneficiaries, of one of these unbudgeted "add ons"—either a new survey or a planning or construction start. But that is not the case. And, while I might disagree with the relative priority of certain of the "add-on" items vis-a-vis the overall priorities of the tremendous job of water management we have in this country, a problem that gets worse as time goes by, I would have to say, as the report states on page 5, that I believe we did our best, given the conditions under which we had to operate, to make sure that all these "add-ons" were of a high, relative priority.

Let us consider, for instance, the new and unbudgeted construction start for the Chatfield Dam project in Colorado, mentioned earlier today. I doubt if I got more mail on all of the rest of the items in the bill than I did on this one project, all by itself, and the testimony I heard on it convinced me that it is an urgently needed project—needed now.

Or, as an example of an instance in which we increased a budgeted item, one was for a Potomac River project affecting Washington, D.C. The budgeted item for advance engineering and design on the so-called Bloomington Reservoir, was $665,000, though the capability of the corps was $1,265,000. When the subcommittee "marked up" this item there was great concern in this area, and great doubt as to whether or not the Potomac River would have sufficient water in it to supply the needs of the people of this metropolitan area. The subcommittee in its wisdom increased that figure to the full capability of the corps, as I believe we should have.

Another such item, of more parochial interest to me, was the budgeted item for beginning the so-called Northeastern U.S. Water Supply Study. This was only $76,000, which I thought this was ridiculously low, in view of the water resource problem faced by the citizens of this drought-ridden area of our Nation. The corps capability here again was $325,000. Thanks to the action of the subcommittee, this item was increased to that amount, so that we can at least make a more reasonable beginning on this project.

Let me say in conclusion: Can this bill still be cut? Can it be cut in a responsible fashion? Should it be cut?

I believe the answers to all those questions are "yes." I believe that this bill should be cut by applying to it a somewhat modified version of what we have all come to know the Bow amendment, named after our friend from Ohio [Mr. Bow]. The form that that amendment might take in connection with this bill would be to direct a reduction of 5 percent across the board—and let me stress that "across the board" concept—on all the items or projects funded in this bill except, perhaps, the items in title III for the Atomic Energy Commission, which agency's budget already has been rather severely cut and which has such a relation to defense that I personally would question whether we ought to cut it further.

I believe this would be an entirely reasonable proposition for each and every one of us to accept; that it is in the national interest that this much of a slowdown or a stretchout in the Federal construction programs financed under this bill—in your district as well as in my district, and in all the districts of this Nation—be ordered.

Actually, when you consider that the President is now trying to find ways and means to make a 10-percent cut across the board in all domestic spending, a 5-percent cut here would seem to be too reasonable, although I doubt that we have the votes to hope to go any further than that.

It may be said in answer to this proposition that the bill has already been cut severely by the subcommittee by virtue of its having applied a little more than what we might call normal "slippage," a technical term which is more or less explained in the report. Actually, though, this was only a nominal addition to normal slippage, and available for us to take by virtue of the fact that we are already 2 or 3 months into the present fiscal year, so we knew what the carryovers were better than we usually do.

I think the subcommittee did a pretty good job in reducing this bill under normal circumstances, but I do not think we are operating under normal circumstances now. Nor has this bill been cut beyond the point of normal fiscal responsibility.

Mr. Chairman, in summary I think this bill should be cut further by the application of an amendment along lines I have suggested. I hope this committee will be given the opportunity to do it, and that it will vote to do so at the appropriate time.

Mr. Chairman, I have a few remaining thoughts on this measure that I would now like to present for the committee's consideration.

As we know—with the exception of the funds for the Atomic Energy Commission, and even it is engaged in some useful research work in connection with the desalting of water—most of the other moneys in this bill will be used in some fashion, to promote the better utilization, control, or conservation of water which, as the Secretary of the Interior reminded us "is our most indispensable natural resource."

As Secretary Udall further said, it is certainly true, and tragically so, that:

> We have been casual and careless about (water's) management and use (but) . . . there is a growing national awareness that our water supply cannot be taken for granted, and that we must take every feasible step to conserve and protect it.

Such a national awareness has, indeed, been overlong in coming, but it is here, and it is reflected in the work of our subcommittee as well as in the items contained in this bill.

But, Mr. Chairman, I venture to suggest that we have yet, as a government or as a people, to develop a firm and balanced, comprehensive national policy on water resources.

One of the reasons why this is so—probably the main reason—was suggested by the gentleman from Pennsylvania [Mr. Saylor], some weeks ago, when he inserted in the Congressional Record—and this appears on page 20730 of the Record for August 25 of this year, if you had not noticed it—a compilation prepared for him by the Library of Congress of the far too numerous Federal agencies, bureaus, and whatnot having some jurisdiction or responsibility over some part of our national problems with water.

As Mr. Saylor pointed out, the permanent Federal agencies having such jurisdiction or responsibility are no less than 27, scattered in 8 different Cabinet departments, plus 8 independent agencies with some responsibilities. In addition to this, there are three agencies operating within the Executive Office of the President exercising responsibility in the same field, making a grand total of 38 agencies each of which has some specific responsibility for some aspect of Federal water resource activity.

To this has to be added the work of a variety of temporary committees and commissions down through the years and, of course, the water resource interest and activity that is engaged in by Congress, itself.

As Congressman Saylor noted, it is little wonder that the water resource field insofar as the Federal Government is concerned, is "confusion compounded"—and this is why I believe it is so difficult to find that we have, yet, any sort of firm, balanced water resources policy.

Now, of course, the Water Resources Council—which is a Cabinet-level agency composed of the Secretaries of Agriculture; Army; Health, Education, and Welfare; and, Interior, as well as the Chairman of the Federal Power Commission, and which was established by the Water

Resources Planning Act of 1966—may well become the one group out of whose work such a national policy may develop.

Certainly, we can all hope so—for that policy is badly needed.

Let me give you at least one example of why: As you know, funds are included in this bill for such agencies as TVA, the Army Engineers, Bonneville Power Administration and, of course, the Atomic Energy Commission. All of these—and others as well—are engaged in some way with the development of waterpower facilities and projects for the production of electric energy except the AEC which, during our hearings, told us that the sources for the development of electrical energy by use of atomic power are steadily growing.

At that point in the hearings, I attempted to find out what—if anything—was being done at some higher level of Government to correlate these two potential sources of electrical power so that we on our subcommittee, at least, might know that we were not going beyond what the Nation would eventually need in waterpower projects for the production of electricity.

The answer I got was not very satisfactory beyond the fact that some sort of energy study was ordered a couple of years ago, and that the study has been a long time aborning because—to quote from the witness for the AEC: "It has been a very difficult thing to put together."

Until that study is picked up and completed—as I hope it will be—I would express the hope that those in charge of deciding whether or not to build hydro or atomic power sources with Federal moneys would more directly relate their activities, one to the other, than they now seem to be doing through some vague sort of informal "consultation" process. Mr. Chairman, I believe this to be essential if our Nation is to be developed in something other than a haphazard, and probably wasteful, manner.

In a different area of concern, I also believe the Congress should make a thorough review of the method by which we now determine the supposed benefit-cost ratios of the types of projects for which funds are provided in this bill, and especially for navigational or waterway projects with respect to which the Bureau of the Budget switched signals on us between the end of our hearings and the date of our delayed "markup."

For this, and other reasons, I do have reservations about the $500,000 unbudgeted item added in "markup" to resume planning on the so-called Lake Erie-Ohio Canal project in Ohio and Pennsylvania. However, this project has a strong and convincing advocate in the person of our subcommittee chairman so that I assume it will survive any amendments offered against it, today, even as it survived subcommittee and full committee action. I would hope that next year we would take a closer look at this project and its economic justification.

I have reservations, too, about the $800,000 we have allowed to continue planning on the so-called Dickey-Lincoln project, in Maine. As the report shows—page 49—we are indicating here our intention to have a further staff study made of this project's merits before going on with it and I, personally, believe that this study should be made before we appropriate any more planning money for it for, even if the staff's study casts further doubts on its justification, it is going to become increasingly difficult to stop it.

Finally, I also have reservations—and grave ones—about the $3,200,000 item included in the TVA's budget for the so-called Tellicoe Dam and Reservoir, in Tennessee. This project attains only a very doubtful benefit-cost ratio without the use of the questionable device of including, as a benefit, the sum of nearly $11 million to be obtained by TVA, at some remote time in the future, as the net proceeds from the sale of some additional acreage around this reservoir that it plans to acquire for eventual industrial development.

I think this is a questionable practice—though there is precedence for it in TVA's Melton Hill Reservoir project, where the device has yet to prove its true feasibility.

I cannot conclude without mentioning my regret that, once again, we have made no progress toward breaking that impasse which for years has stalled any further progress toward completing the Corps of Engineer's plans for developing the North Branch of the Susquehanna River above the Triple Cities area in the district I have the honor to represent.

However, there is money in this bill to move substantially forward on the corps' resurvey of the whole Susquehanna River Basin—the authorization for which stems from a resolution approved by the Committee of Public Works on my motion back when I served on that committee.

We can anticipate that, at sometime in the near future, the corps will be in a position to release at least an interim report on its work on this resurvey—and I hope that then we will have a chance for all concerned to take a new and objective look at the need for those upstream structures that were authorized on the Susquehanna many years ago but never yet built, and I have received the assurance of the chairman of our subcommittee that he will be most willing to do so during the hearings next year.

I trust we will be able to do this, for there is a renewed interest in our Susquehanna River—for which the outline of a river basin compact has been drafted, the same to be submitted to the legislatures of the three States involved—New York, Pennsylvania, and Maryland—sometime next year.

Mr. Chairman, for the residents of this river basin the Susquehanna is a great natural resource, but one that has been sadly misused and abused. The hour is late, but there is still time to save this river of ours and to develop it to its full potential, not only for those privileged to live alongside it now but for those generations yet unborn who, some day, will have the opportunity to use and enjoy it as we have not been able to do.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, I want to take this opportunity to commend the Committee on Appropriations and the distinguished and knowledgeable gentleman from Ohio, Representative Mike Kirwan, and the members of his subcommittee for the excellent report and bill appropriating funds for public works projects during fiscal year 1967.

The committee was faced with the difficult task of weighing today's public works needs against the resources available at this time. In its wisdom, the committee has brought out a bill which reduces public works funds below the level of the preceding year. I am sure that the committee, as well as others in this body, would prefer to see an increase in this type of investment for the future prosperity of our Nation. However, the great demands on our public funds for immediate defense efforts prevent the desired level of participation in needed public works developments.

I am particularly gratified by the manner which the Appropriations Committee, in its report, held open the funding of the important Tennessee-Tombigbee Waterway. The report notes that the committee, in the bill, had to defer action on the request to provide funds for the Tennessee-Tombigbee Waterway pending completion of the current economic reanalysis being conducted by the Corps of Engineers.

The committee urges that the study report be made available at an early date and has approved the use of such additional funds as may be necessary to expedite its completion.

The committee points out that upon the availability of the final report for review and approval, it would be in a position to allocate available funds in the bill to resume planning of the project during the current fiscal year.

This favorable report by the committee is very good news to the 23 States which will share in the navigational benefits of the Tennessee-Tombigbee Waterway, a proposed 253-mile waterway connection to provide the vast midcontinent area with a shorter, more economical route to the eastern gulf and thence to developing foreign markets. Initiation of construction for the Tennessee-Tombigbee Waterway will also be good news to the other 27 States. As the distinguished gentleman from Ohio [Mr. Kirwan] has pointed out so well, you do not help 1 State without lifting the other 49.

The Tennessee-Tombigbee Waterway proposal has stirred the imigination of men for more than 150 years. It is more exciting today because of what it will accomplish in the way of accelerated economic and industrial growth, for the national defense and for improved recreation.

The 253-mile waterway is the major missing link in our 10,000-mile inland waterways. The proposal involves 170 miles of channel improvements and 45 miles of canal construction.

Congressional action for this waterway was first requested in 1810 by a group of residents in Knox County, Tenn. Congress authorized study of the proposed waterway in 1874, 1913, 1923, and 1932. The Corps of Engineers approved the project in 1938. Congress authorized the Tennessee-Tombigbee Waterway in the Rivers and Harbors Act of 1946.

The project was deferred in 1952 but interest in this vital waterway continued.

The Public Works Appropriation Act of 1957 authorized another restudy of Tennessee-Tombigbee. This resulted in a favorable report from the engineers.

In 1964, the Bureau of the Budget recommended that the Corps of Engineers update the budget of the previous favorable report and funds were appropriated for a new study in the 1965 appropriations bill.

Additional funds for this study were appropriated last year and the report is now in the final stages of review by the corps. It is this review to which the Appropriations Committee referred in the report on H.R. 17787 which we have before us today.

The favorable reception of the Tennessee-Tombigbee Waterway in the committee's report is a tribute to the insights and vision of the chairman of the Appropriation's Subcommittee on Public Works, the gentleman from Ohio [Mr. Kirwan]. He personally inspected the route of the Tennessee-Tombigbee Waterway in a weeklong tour in November 1965. The chairman noted that the Tennessee-Tombigbee project must be constructed for the continued growth of America. He looks ahead to a truly great America of tomorrow. He is one of the real builders of a better America.

Supporters of the Tennessee-Tombigbee Waterway are pleased to have the endorsement of the Appropriations Committee for the missing link in the Nation's midcontinent waterways system.

We are gratified by the report from the committee and look forward with great anticipation to the favorable study report by the Corps of Engineers.

This important project has been too long delayed and the whole Nation has been the loser for the delay in construction of the Tennessee-Tombigbee Waterway.

Mr. KIRWAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. Evins].

Mr. EVINS of Tennessee. Thank you, Mr. Chairman.

I had not intended to speak on the overall provisions of this bill, because I think the measure has been rather fully covered by the distinguished chairman of our committee and others. I would like to associate myself with the members of the majority of our committee who support this bill in its entirety without reduction or without being cut. I want to commend the distinguished chairman of the subcommittee, Chairman Kirwan, for his patience and his diligence and his great work. We think this is a good bill. We think this bill represents an investment in America.

Mr. Chairman, let me also commend to my colleagues of the House our committee report, which is a most extensive report, and which will answer all or most of the questions that you may have on this bill. There are nine members of our subcommittee, and I believe that we are almost unanimous, with perhaps one or two exceptions, in urging the House to support the committee bill and to support the committee report. By way of comparison, in summary, as was pointed out, it is much less than the foreign aid bill that the House passed yesterday, which does not have any critical benefit-cost ratio established at all. It is much less than the NASA bill for our space exploration program, which annually soars to approximately $5 billion annually. Again I say that this bill represents an investment in America. It carries an appropriation of $4,110,942,000. This is a reduction of $214.5 million from fiscal year 1966. So we have cut this bill already by more than $214.5 million. It is $56 million less than the budget recommended. Now, you may say how can you do that and have it less than the budget recommended and still have new starts. The committee exercised its own judgment and did what we thought was right. We did not let the people downtown or the Bureau of the Budget write the ticket for us. We have added some items which we thought were of a higher priority and we have cut and reduced others which we did not think were of such high priority. This is a committee bill and represents our collective judgment. There are three volumes of hearings on the table here having some 4,000 pages of testimony, with several thousand witnesses. There were 100 Members of Congress who appeared before our subcommittee recommending that items be included in this bill. We did add 24 unbudgeted new construction starts. As has been pointed out by the chairman earlier, all of these projects, with one exception, are small. The new starts are small in amount of money and will be funded over a long period of years. In other words, the projects approved are small in amounts of funds needed. We have approved 28 unbudgeted planning starts. Now, why should we not plan before the Vietnam crisis is over? We should plan to have these projects ready to move into construction so at the time when they are needed we will have them available. We approved some 28 surveys and there were requests for hundreds of surveys to be made. Surely we can provide for surveys throughout this great country of ours this year.

The Panama Canal proposal has not been discussed here today. This survey calls for a sea-level canal. This bill carries $4 million for this study together with the work which the Atomic Energy Commission in its "plowshare" proposal will perform on this matter to see if it cannot be built at a reduced cost.

Mr. Chairman, there is the total of $2 million in carryover funds. So, the Corps of Engineers will have some $6 million for the sea-level canal study by the Panama Canal Commission.

While we will discuss today the Ohio-Lake Erie Canal project—included in this bill—I look forward to the time when our committee can and will provide substantial appropriations to begin construction of the Tennessee-Tombigbee Canal which will contribute greatly to the inland waterway system of America.

We are providing some funds for planning in the bill we are discussing today but this project—I repeat—eventually will contribute greatly to the inland waterway system of our Nation.

Again, Mr. Chairman, I state to the Committee that we should not cut this bill and I urge that all members of the Committee of the Whole House on the State of the Union support the committee.

Mr. Chairman, reference has been earlier made to recreational expenditure. However, permit me to point out that wherever there are recreational appropriations carried in this bill they are designed to be applied on a local matching contributional basis and for reimbursement. They are, in effect, I O U's.

In other words, we have contracted with the cities and others to reimburse this expenditure upon this basis for which we are proposing appropriations therefor.

Mr. Chairman, the authorizing legislative committee, again, has said that we have reduced this by $56 million below the budget.

Mr. Chairman, we urge the support of all members of the Committee of the Whole House on the State of the Union of the Committee on Appropriations.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I shall be happy to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I want to compliment the gentleman and the members of the committee, as well as the full Committee on Appropriations, for the statesmanlike approach which they have taken to the problem of water resource development in the United States.

Mr. Chairman, I certainly want to commend them for not simply rubberstamping the Bureau of the Budget decisions downtown. I believe the Committee on Appropriations has done the right thing in making these decisions with independence in this legislative field. They have cut the budget substantially while recognizing merit in some projects which for one reason or another did not win administration backing.

Mr. Chairman, it is my opinion that the committee has done an outstanding job and I wholeheartedly support this bill.

The funds which are provided today for continuing the Arkansas River development program are more important to the economic growth and health of the Ozarks region than any possible poverty program or regional economic legislation.

This is the bill that assures for millions of Americans along the Arkansas River an equal break in the competitive age in which we now live.

With navigation, control of flood water, and abundant water storage—all essential parts of this great program—the people of the Arkansas River Basin can see the industrial development and job opportunities that have marked the Ohio, the Tennessee, the Columbia, and the other great river basins of America.

Congressman Mike Kirwan, as chairman of the subcommittee in charge of this bill, will rank forever as one of the great builders of America, through the statesmanship and foresight which he has brought to water development.

For people who will be served by the new Shidler Reservoir, for which planning money is provided in this bill, the legislation means the difference between growth and progress in the future, or indefinite stalemate due to a chronic water problem.

This program not only means an estimated 5,000 jobs for workmen engaged in construction, but tens of thousands of jobs of a permanent nature in the years ahead.

I wholeheartedly support the committee bill, and urge its approval.

Mr. EVINS of Tennessee. I thank the gentleman from Oklahoma for his remarks.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. Of course I yield to the gentleman from California.

Mr. TUNNEY. Mr. Chairman, I think that the Public Works Subcommittee of the Committee on Appropriations has come out again, with a typically fine bill, balancing the needs of our Nation against the avoidance of unnecessary public expenditure.

Mr. Chairman, I would like particularly to publicly express the respect I have for the chairman of that subcommittee for his wisdom and vision based upon my observations during the 2 years in which I have come to know him in the Congress of the United States.

Mr. Chairman, flood damages prevented by the Corps of Engineers projects has reached a new high of $1.5 billion during fiscal year 1965. The committee estimates that over the years the accumulative flood damages prevented by all corps projects already exceeds $14 billion.

That much remains to be done is undeniable. Last year, Riverside County in California was hit by heavy rains and resulting flood damage was high. In fact, the county was declared a national disaster area. The city of Palm Springs was particularly hard hit.

In this bill today is a $100,000 planning grant for the Tahquitz Creek flood control project in and around the city of Palm Springs. This project, when completed, will alleviate many of the fears of Palm Springs residents about future floods.

I want to thank the members of the House Appropriations Committee for their foresight in approving funds so that the Tahquitz project can begin. I hope that the House will approve this bill today.

Mr. CALLAN. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. Of course I am glad to yield to the gentleman.

Mr. CALLAN. Mr. Chairman, as a result of a power failure out in Nebraska, general interest has developed in a 345-kilovolt powerline from Fort Thompson, S. Dak., to Grand Island, Nebr.

Mr. Chairman, this request was made after the committee had held hearings. However, I had discussed and talked with the gentleman from Tennessee [Mr. Evins] about this project.

I would now like to ask the gentleman if it might be possible for us to consider this powerline in the supplemental appropriation bill later, after this bill is passed.

Mr. EVINS of Tennessee. Mr. Chairman, I know that the gentleman from Nebraska [Mr. Callan] has spoken to me and to other members of the committee about this project. However, the request came after the hearings of the committee were closed.

However, there is a substantial appropriation requested. It has not been budgeted. Therefore, it has not been possible to consider it. However, if the request is seasonally presented, I am sure the Committee on Appropriations would be pleased to entertain the request.

Mr. KEE. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from West Virginia.

Mr. KEE. Mr. Chairman, I thank the gentleman from Tennessee [Mr. Evins] for yielding.

Mr. Chairman, I wish to highly commend the members of the Committee on Appropriations for their excellent work.

Mr. Chairman, I highly commend our valued friend, the gentleman from Ohio, Congressman Michael J. Kirwan, chairman of the Subcommittee on Public Works Appropriations, and the members of his committee for their dedication and thorough manner in conducting the hearings prior to reporting H.R. 17787. Therefore, I rise to enthusiastically support this measure exactly as reported by the committee.

Mr. Chairman, I equally oppose the amendments which Mr. Davis has announced that he will offer.

For example, in one of his amendments he proposes to delete several new construction projects which have been approved by the full Committee on Appropriations and are included under the provisions of H.R. 17787. This list includes the R. D. Bailey Reservoir, which is located on the Guyandot River in Wyoming County in the Fifth Congressional District of West Virginia. The committee has recommended an expenditure of $800,000 in order that construction may be started during fiscal year 1967 for this vitally needed flood control protection project. The ultimate cost of the R. D. Bailey Reservoir is estimated to be $82,600,000.

Mr. Chairman, I respectfully call to the attention of my colleagues the fact that this project has been found qualified in every respect and it does have a favorable benefit-cost ratio. It would appear to me that the R. D. Bailey Reservoir which, when completed, will afford adequate flood protection in an area of 117 square miles in the entire Guyandot River Basin and other justified projects should be constructed at the earliest possible moment. The residents in this and similar areas who have been plagued by constant flood losses are deserving of this flood protection.

Therefore, I strongly recommend that H.R. 17787 be approved as recommended by the Appropriations Committee.

Thank you.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my colleague, the distinguished gentleman from Massachusetts [Mr. Boland].

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. RODINO. Mr. Chairman, I regret very much that the public works appropriations bill before us today does not include the $250,000 requested by my distinguished colleague the gentleman from New Jersey [Mr. Joelson] to reopen the Beverly National Cemetery in New Jersey and to keep open four national cemeteries now scheduled to be closed in fiscal year 1967. It is shocking to realize that brave young Americans who have sacrificed their lives for their country in Vietnam are now being denied the right of burial among their comrades in our national cemeteries. I hope it will still be possible to amend the bill to include these urgently needed funds. This is the final honor and tribute a grateful Nation owes to our fallen servicemen who have defended our security and the cause of freedom throughout the world.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my friend, the gentleman from Minnesota [Mr. Nelsen].

Mr. NELSEN. Mr. Chairman, I want to congratulate the members of the Appropriations Committee for their painstaking efforts which are evident in the report of the public works appropriation bill of 1967. The committee has succeeded in cutting through much of the fat of the administration's requests with the result that over $65 million has been trimmed from the 1967 budget estimates. At a time when this country is faced with growing inflation, it is important that the Congress face its responsibility in eliminating all unnecessary Federal spending.

The committee should be especially commended for its work in the field of flood control. The report notes that control projects of the Army Corps of Engineers and the Bureau of Reclamation prevented flood damage estimated at more than $2.3 billion in 1965. Over the years corps projects alone have prevented more than $14 billion in flood damages, which is more than twice the amount of money allocated for flood control. The long-range economy of these projects is most gratifying.

I am pleased to note that this bill includes $150,000 for comprehensive planning purposes for the Minnesota River Valley. This valley covers nearly 17,000 square miles of which 14,000 are in Minnesota with the rest in South Dakota and Iowa. There are 206 incorporated municipalities in Minnesota within the river's watershed. The area is inhabited by almost half the population of the State, and some of the best farmland is found there. The area has tremendous untapped potential from both economic and recreation standpoints. As the scope of this potential became evident to the residents of southern Minnesota, the State legislature was contacted for assistance and counsel. The Minnesota River Valley Development Interim Commission, in cooperation with the legislative research committee submitted a report to the legislature in January 1965. The report expressed the desire of interested individuals and the interim commission to assist in and cooperate with a basin study to arrive at the best use of all resources of the area. This local initiative is commendable. However, to fully comprehend the scope of the organizational difficulties involved in a project of this sort, it is necessary to remember that over 20 Federal agencies, about 30 State agencies, private agencies, and many organizations and groups, and the utilities and news media are all involved in one way or another.

When the magnitude of the proposals became known, it was decided to contact the Federal Government for advice and assistance. After being in contact with several local citizens and groups, I presented a statement on April 30, 1964, before the House Appropriations Subcommittee on Public Works in support of a request for funds for a comprehensive survey of the Minnesota River Valley. Prior to that time there had been broad and general authority for such a study in the form of a House Public Works Committee resolution adopted in May of 1962, which requested a review of previous findings of the Chief of Engineers. In 1964, I asked that former studies be updated with a view to determining the advisability of further improvements in the Basin for navigation, flood control, recreation, and other related land and water resources. In that statement I pointed out that in order to avoid waste and duplication of effort it is necessary that a basic overall study be made. The subcommittee, and subsequently the Congress, granted the requested $50,000 for the study.

In April and May of 1965, the Minnesota River Valley was struck by the most devastating flood in 84 years. The Office of Emergency Planning estimated that the valley suffered some $43 million in damages from these floods. Only the quick action of many volunteers prevented additional damages estimated at $34 million. After this disaster it was obvious that the project would have to be speeded up to prevent a recurrence of the tragedy. We went to work. Appearing before the Public Works Committee for the second year in a row, I asked that the survey time of the Corps of Engineers be reevaluated, and that consideration be given to the utilization of outside private and public agencies under the overall supervision of the Corps. I remarked that the only feasible means of ultimate flood control is to be found in comprehensive measures directed toward headwaters drainage management, control of runoff, soil management, upstream water impoundment, channel improvements and sanitation controls. When the Public Works Act of 1965 was signed by the President, it contained $150,000 for expanding and accelerating the Minnesota River Basin project.

The 1965 act also included an item of $100,000 in planning funds appropriated to the Corps of Engineers for the flood control project on the Minnesota River at Mankato and North Mankato. This appropriation was in accordance with the project authorization which was passed by the Congress in 1958. During congressional consideration of the omnibus flood control and rivers and harbors authorization bill last year, I was successful in securing the adoption of an amendment, the purpose of which was to modify the flood control project at Mankato-North Mankato. This amendment authorized the Corps of Engineers to take into consideration flood control work being done by the local municipalities as an offset against the requirement for local contributions as set forth in the original project authorization. The city of Mankato found it necessary to construct certain flood control features during 1965 as protection against possible flooding in the spring of 1966 and future years. Since the corps had not yet commenced its construction project, it became necessary to provide that the cost of local construction in 1965 be taken into account in the corps' project. There is no request in the present bill for additional planning funds for this Mankato-North Mankato project in this fiscal year. Due to technical problems, project planning has been delayed, but I have been assured by the corps that the appropriation for the 1966 fiscal year will be sufficient for planning activities during the 1967 fiscal year.

The groundwork has been laid. The Minnesota Basin study is part of the upper Mississippi River region study which is one of 18 regional studies comprising a nationwide program of comprehensive basin surveys being undertaken on an interagency basis to provide general guides to future water resources development. This study must be continued to provide protection against the devastating floods such as those which ravaged the area last year and to provide a solid basis for the continued economic development of southern Minnesota.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Chairman, I yield 3 minutes to the gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. Mr. Chairman, I rise to extend my congratulations and commendations to the members of the Appropriations Committee and particularly to the distinguished chairman of the Public Works Appropriations Subcommittee, the gentleman from Ohio [Mr. KIRWAN] for what I consider to be a good public works appropriations bill.

I know the committee had a most difficult task this year because the administration's recommendations for individual projects reflected some serious underfunding in many areas, but at the same time recommended funding for some projects which might best be described as of questionable urgency or decidedly controversial nature. The committee's task was to rewrite the administration's proposed program so as to present to the House a realistic bill which meets our national needs and obligations and yet is noninflationary. I believe the committee has admirably fulfilled its responsibility in both instances.

The bill before us involves a total appropriation which is $56,141,000 less than the administration proposed. At the same time, it recognizes deficiencies in the administration's proposal which, if allowed to stand as had been proposed by the administration, would have seriously curtailed some vital construction. The Columbia Basin project in the State of Washington is an excellent example.

In this case the administration's proposed budget would have stopped entirely any new construction of this now half-completed project. The administration's recommendation was entirely unrealistic, especially at a time when our Nation is being called upon to assume a leading role in the world food and population crisis and in which the crops from reclamation projects are expected to play an increasingly important role.

The bill before us today reflects an increase of $2.5 million over administration recommendations in the area of new construction on the Columbia Basin project. I commend the chairman, the gentleman from Ohio [Mr. KIRWAN], the gentleman from Arizona [Mr. RHODES], and the entire committee for this action that makes it possible for us to continue orderly development of this important reclamation project.

Mr. BATES. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Massachusetts.

Mr. BATES. Mr. Chairman, I am delighted that after a year of acrimonious debate and confusion of facts that the full Appropriations Committee, in its wisdom, is seeking a full and open study of the proposed Dickey-Lincoln School hydroelectric project in Maine.

In this time of spiraling inflation and growing Federal expenditures such a move for a study could not be more appropriate. It is my judgment that the rapid strides of progress in the nuclear power field will make it more than evident next year, when we will be called upon to make a further decision on this project, that the project should not be built. I have recently submitted to the House various newspaper articles supporting this contenton.

There has been a near-revolution in the economics of the nuclear power business, and that has never been more evident than the selection by the Tennessee Valley Authority, a Federal agency with access to low-cost funding, of a large nuclear powerplant.

Further evidence is the fact that, to quote Prof. Manson Benedict of Massachusetts Institute of Technology:

> In the last few months of 1966, 40 to 50 percent of all new power generating capacity in the United States has been nuclear. There

> have been 29 large nuclear powerplants placed on order in the past 2 years. Some 20,000 megawatts of electrical capacity. This is about 10 per cent of the entire generating capacity of the United States at the present time.

Such impressive statistics can lead one only to the conclusion that the electric industry in the New England area has been right when it has been insisting before our committees that nuclear power, along with efficient conventional plants and pumped-storage electric plants, is the answer to the area's problems. They are, at this very moment, backing up that opinion by spending a billion and a half dollars for just such sources of power. This, I believe, confirms that there is no need for additional Federal spending in this area.

However, now that we are to have a complete examination of the Dickey-Lincoln project by the Appropriations Committee staff, all of the evidence will be heard, including that of the Atomic Energy Commission, the Federal Power Commission, and the private companies as well. When all of that evidence is in, the Congress will finally be in a position to reach a decision on this project.

Mr. KIRWAN. Mr. Chairman, I yield to the gentleman from Alabama [Mr. SELDEN], whatever time he wishes.

Mr. SELDEN. Mr. Chairman, I thank the gentleman from Ohio [Mr. KIRWAN] for yielding to me.

I would like to take this opportunity to express my appreciation to the distinguished chairman of the Public Works Subcommittee [Mr. KIRWAN] and the chairman of the Appropriations Committee, the gentleman from Texas [Mr. MAHON] for their foresight in approving funds for Alabama's river projects. The passage by the House of the legislation under consideration will assure that orderly construction on the Warrior-Tombigee and the Alabama-Coosa River systems continues on schedule.

Mr. Chairman, we in Alabama are also indebted to the chairman of the Public Works Subcommittee [Mr. KIRWAN] for taking time out from his busy schedule last year to visit our area to personally inspect our waterway projects. The people of Alabama sincerely appreciate his interest in the navigation projects of our State.

Included in the public works appropriation bill are the following funds for projects on the Warrior-Tombigbee Waterway: $3 million for the Holt Lock and Dam, $1.3 million for the John Hollis Bankhead lock and dam, and $26,000 for flood control investigations. Also included in the measure are funds for the following construction projects on the Alabama-Coosa River system: $7.5 million for the Claiborne Lock and Dam, $3 million for the Jones Bluff lock and dam, $13.5 million for the Millers Ferry lock and dam, and $800,000 for channel work on the Alabama River.

Mr. Chairman, in addition to the above projects, House Report No. 2044, which accompanies the public works appropriation bill now under consideration—H.R. 17787—contains the following language:

> The Committee has had to defer action on the requests to provide funds in the bill for the Tennessee-Tombigbee Waterway pending completion of the current economic reanalysis being conducted by the Corps of Engineers. The Committee urges that the study report be made available at an early date and has approved the use of such additional funds as may be necessary to expedite its completion. Upon the availability of the final report for review and approval, the Committee wishes to point out that it would then be in a position to allocate available funds in the Bill to resume planning of the project during the current fiscal year.

Mr. Chairman, if I interpret the above language correctly, it states that upon approval of the pending Engineers' report, the committee then will be in a position to allocate funds available in the bill to resume planning on the Tennessee-Tombigbee Waterway during the current fiscal year. Since I am hopefully optimistic that the Corps of Engineers report will be favorable, the language in House Report No. 2044 is extremely encouraging to those of us who have worked through the years to secure from Congress the funds necessary to begin this vital waterway.

Since, then, there is the possibility that planning on the Tennessee-Tombigbee can be resumed during the present fiscal year, I wish to call to my colleagues' attention the vital importance of the Tennessee-Tombigbee Waterway and to point out that our Nation—and not Alabama only—has a big stake in connecting the Tennessee and Tombigbee Rivers.

While I am intensely interested, of course, in the great economic benefits the waterway will bring to my neighbors at home, this body should be aware that 76 percent of the traffic would terminate outside of Alabama and that 69.9 percent would originate outside of Alabama.

The giant share of the economic benefits, then, would accrue to other States. Moreover, our Defense Department and space program will enjoy substantial benefits when these great rivers are connected.

The Tennessee-Tombigbee Waterway would make the Tombigbee navigable from the Gulf to where it would connect with the Tennessee. Vessels entering the Tombigbee at Mobile could make their way all the way to Pittsburgh, as far west as Omaha and Sioux City, as far north as Minneapolis-St. Paul, to Chicago and the Great Lakes, and numerous other points.

By closing this relatively tiny gap divorcing two great rivers, the Nation's economy and citizens from a farflung portion of the country would benefit.

It is as if the Almighty had built an interstate highway thousands of miles long and connected it with other nature bestowed highways, then said to His children: "Use them as you wish, but to enjoy the full benefit, finish 253 miles of it yourself."

I earnestly hope the Congress will see fit to enhance the Nation's interest in the river highways God has given us by adding this portion—this connecting link—ourselves.

While the completed waterway is of national importance, west Alabama will reap benefits from the project almost from the day construction begins. Construction will start at the lower end, so that the Gainesville lock and dam will be built first. Other facilities near Aliceville and Columbus, Miss., will follow. The construction of these multimillion-dollar works will require the employment of hundreds of workers and pump new life into dozens of west Alabama communities.

And the waterway will also be opened to navigation in the lower reaches while work is still in progress in north Mississippi. Thus, the fertilizer, grain, and paper industries of west Alabama and chemical plants in the Columbus area will have access to a navigable channel—serving Tuscaloosa and Birmingport to the northeast as well as Demopolis, Mobile, and points on the Gulf Intracoastal Waterway—within 3 or 4 years after start of construction. It will take 8 or 10 years, of course, to finish the entire project.

When we speak of waterway improvements, thoughts of particular cities and industries come to mind. We see a great increase in employment in many cities, which is good. Yet, the Tennessee-Tombigbee link will enhance the value of thousands of miles of useful waterways by providing a much-needed connection between major segments of the waterway system. As a consequence, the farmer, housewife, the businessman, industry, and commerce will all share in the benefits.

Not only would this be a crucial link in the 10,000-mile network of midcontinent rivers, but the new water transportation advantages would directly induce industrial expansion along river banks in four States—Alabama, Mississippi, Tennessee, and Kentucky. The U.S. Army Engineer district in Mobile, on whose study I base the assertion that the Nation as a whole would enjoy economic benefits exceeding that of Alabama, has reported that 3.6 percent of the traffic would originate in Mississippi and 4.8 percent would originate in Tennessee, and these same States would have 10 and 19 percent, respectively, of the terminating traffic.

The low-cost water transportation for raw materials and finished products that would result from this project is, as an economic certainty, bound to expand commerce. This would mean increased dollars for the economy. Those dollars would go to consumers in the form of lower prices—of each dollar paid for an item, 20 cents goes to transportation of the product—and workers, industry, and farmers would enjoy the lower shipping rates. The list is endless. It is virtually impossible to find the person who would not benefit, in some way.

This project is no new idea. For more than 150 years, men have dreamed of improving and connecting the Nation's great resources of inland waters, with which Alabama is richly endowed. By making useful the natural river highway that almost connects the Tombigbee with the Tennessee River, Congress can do much, in a permanent and lasting way, to combat, the evils of underdevelopment and the resultant unemployment.

The U.S. Corps of Engineers estimates that, by connecting the Tennessee and the Tombigbee, the annual commerce on the system would be about 12½ million tons with total yearly benefits of nearly $13.5 million.

These dollars would find their way into widely scattered cities in at least 19 States along the waterways of mid-America. With new and expanding industry and greater employment, countless localities would enjoy broader tax bases. Undoubtedly, the costs of welfare benefits would diminish.

This, broadly, is what putting barges and towboats on this strip of water would accomplish for a vast region—and, to some degree—the whole of the United States.

Alabama records show that during the 1950's $500 million was invested in new and expanded industrial plants along the Tombigbee and Warrior Rivers. This is remarkable in itself, but it stands as a mere indicator of the flood of private dollars that would be released for industrial expansion, not only when the project is completed, but the moment it is assured. Heavy industry would not wait out the years when the locks and dams are being constructed, moving north up the waterway from Gainesville, but the effects would be felt almost immediately.

I place no strain on truth when I say that investing the estimated $281 million—of which almost $19 million would be incurred by local interests for relocation of highways, bridge construction and other adjustments—would be at least as great an investment in the prosperity of our people as any other Federal program that has come before this body since I have been a Member.

The project would provide a 9-foot channel, with a minimum width of 170 feet, extending from Demopolis on the Warrior-Tombigbee to Pickwick Lake on the Tennessee River. Locks in the waterway will be 600 feet long and 110 feet wide, permitting barge tows of standard size to pass without breaking formation.

Four of the 10 locks and dams will be placed in the 168-mile river section between Demopolis and Amory, Miss. There will be five locks on the 45-mile canal section immediately to the north. The divide section providing the Tennessee River connection will have one 84-foot lift lock and dam.

This would complete the waterway, rising from 73 feet above sea level at Demopolis to 412 feet at the Pickwick Pool elevation. The Southeastern Gulf area would then be connected with the 10,000-mile river system of the mid-United States. It would shorten the distance from Tennessee River cities to the Gulf of Mexico by nearly 700 miles. The distance from Cumberland River cities, such as Nashville, to the Gulf would be reduced by 300 miles.

These shortcuts will, of course, reduce transportation costs for all users who must move their products through these cities and to the Gulf.

A study by business research analysts from three universities—Alabama, Tennessee, and Mississippi—tells us that $5 billion has been invested in new industry in the direct Tennessee-Tombigbee tributary area since 1950. We cannot gage the ultimate harvest of dollars the economy will sustain from this project.

Industry is already mushrooming along these waters but the rate will increase rapidly when this project is approved. This would be new capital from large industries that would not exploit other areas. The type of industry that seeks waterway locations is the type that contributes to the overall economy.

In the section of Mississippi where the proposed waterway runs, 116 new industries representing an investment of $16 million have already located and 19 others have expanded during recent years.

Among the diverse benefits to the Nation's space and defense efforts is the fact that the Saturn missile, constructed in Huntsville, Alabama, will be 700 water miles closer to its launching site at Cape Kennedy, and the Nation will have an alternate inland route to the Gulf in the event of military necessity.

The Corps of Engineers estimates that conservation and recreation benefits of $419,000 will increase the commercial benefits resulting from the project to almost $14 million annually. Pools created by the dams will provide water sports and recreation facilities for tens of thousands of people.

Further enhancing the space program's interest in this project is the location, on waterways, of the National Aeronautics and Space Administration's installations concerned with designing, testing, fabricating and launching missiles. These are the Marshall Space Flight Center at Huntsville, on the Tennessee River; Michoud Operations at New Orleans, on the Gulf Intracoastal Waterway; Mississippi Test Operations in Hancock County, Miss., on the Pearl River and the Kennedy Space Flight Center at Cape Kennedy on the Atlantic Intracoastal Waterway.

The Tennessee-Tombigbee Waterway occupies a strategic position by offering a direct water link between Huntsville and the other three installations. A saving of one-third in time and travel between Huntsville and Cape Kennedy would be affected by the project. By present water routes, they are 2,140 miles apart; the distance would be reduced to only 1,420. Engineers estimate this would save $8,000 to $13,000 per trip, and numerous trips are made annually.

The Tennessee-Tombigbee project would also save 650 miles in the trip from Huntsville to Michoud or Mississippi Test Operations.

Having an alternate route for the missile barges would be especially desirable in time of war. But the peacetime advantages of an alternate route were illustrated by the recent instances of lock failure on the Tennessee and low water of the Mississippi.

The importance of transportation by water and other means during time of war is elementary to all. We can recall the frantic building of the Alaskan Highway in the early days of World War II, and the Tennessee-Tombigbee would also take on significant, grim urgency should the Nation again be confronted by threat of war.

The construction of the Tennessee-Tombigbee Waterway would have considerable impact on agriculture in America's heartland. A new annual demand of 2.28 million tons of grain from the Midwest would result from the Tennessee-Tombigbee project, the Doane Agriculture Service of St. Louis has reported. This grain purchased from the farmer in the Midwest would be used in the Middle South. Any relief that can be afforded the farmer, who has long been caught in the jaws of a cost-price squeeze is, of course, most welcome.

The commercial effects are also numerous. Coal is one example. More coal, possibly from north Alabama, would be used to generate electricity. Alabama coal of coking quality would go into foreign trade—affecting at least to some degree the balance-of-payments deficit. A mining consultant has estimated that at least a million tons of this type would be sold abroad each year when the waterway project is completed.

The new water link would make many other products of this region competitive in the open market by greatly reducing transportation costs. These include bentonite, oolitic limestone, tripoli and similar minerals, as well as the finished products of mills and factories.

I would not commend this project to the Congress simply for recreation purposes, but the incidental result of creating many beautiful, impounded lakes should not be overlooked. Preservation of recreation areas is crucial today and will become critical as the population continues to grow. But these lake areas will ever be a haven for the conservationist, the hunter, fisherman, boater, camper, and all who enjoy water sports. As our society becomes more urbanized, and it can take no other direction, these oases of pleasure will be a legacy of this Congress to unborn generations.

It is for these reasons, and the specifics of the advantages mentioned are too numerous to detail today, that this project has widespread support throughout the many affected States and a broad breadth of support from economists and others who see it as a stimulant to the Nation's prosperity.

An interstate compact composed of Alabama, Kentucky, Mississippi, and Tennessee is urging this project. It has a mutual assistance pact with Florida. Many waterway development organizations—the Mississippi Valley Association, the Ohio Valley Improvement Association, Tennessee River and Tributaries Association, and the Mississippi Rivers and Harbors Association, among others—are supporting this project.

Tennessee-Tombigbee is also compatible with what is generally called the war on poverty. It would offer a major breakthrough for many areas with troubled economies. It would put many men to work in the underdeveloped Appalachian region. The Tennessee-Tombigbee direct tributary area includes 60 counties in the east Tennessee portion of Appalachia. The economic snowball that would be caused by bringing dollars and employment to these counties would roll big and for a long distance from the water itself. Many tax recipients now on welfare would become taxpayers instead.

The late President Kennedy heard the words "pork barrel" wrongfully pinned on certain waterway programs in which the entire Nation holds a vested interest. In October of 1963, when he visited Arkansas to dedicate Greers Ferry Dam, President Kennedy replied to such criticisms.

The President, whose voice was so soon to be forever silenced, answered the critics with a question. He asked:

> Which is more wasteful, to let the land lie arid and unproductive, and resources lie untapped, while rivers flow unused—or to transform these rivers into natural arteries of transportation, reclamation, power, and commerce with billion dollar benefits?

Mr. Kennedy continued:

> These projects protect and create wealth—new industries, new income, new incentives and interests. And the wealth they assure to one region becomes a market for another—so that the benefits of this project also help those who manufacture automobiles in Detroit, and those who produce steel in Pittsburgh (and Birmingham too, I would think) and those who make shoes in Massachusetts and Tennessee.

President Kennedy, just days before he was assassinated, had agreed to hear our plea for Tennessee-Tombigbee funds. He had visited the area only 8 months previously and had expressed great interest in the possibilities of a canal to the sea.

The advice of Daniel Webster is as sound today as in his own time:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also, in our day and generation, may not perform something worthy to be remembered.

This project will, indeed, be remembered by the men who receive jobs and the human dignity incident to employment; by their children who know the pain of want; by the farmer who will earn more; by the consumer who will pay less; by the vast regions where the economic benefits will be affected directly; and by the families who enjoy the byproduct of recreation benefits years after we have passed from the scene and other men occupy these seats and ask themselves: what, in the year 1966, did Congress accomplish? The answer can be: "Very much"—if this is the year Tennessee-Tombigbee finally gets a green light.

The estimates presented today are not abstract theories. They have stood the stern test of experience. Canalization of the Ohio River, from its origin at Pittsburgh to its junction with the Mississippi, was completed in 1930 when the Corps of Engineers estimated future tonnage at 13 million tons per year.

But time proved the Engineers' estimate to be extremely low. Commerce moving on the Ohio increased from 10 million tons in 1930 to 80 million tons in 1960. Just since 1950—and this is even more significant—more than 350 major industrial plant locations or expansions have been recorded on waterside sites along the Ohio River at an estimated capital outlay of more than $22 billion.

This is dollars-and-cents proof of the wisdom of Tennessee-Tombigbee. Where else can our Government, for so long concerned with the prosperity of her citizens, make a wiser investment? Literally thousands of jobs and the welfare of countless families are at stake in this project. Not only jobs now, or 5 years from now, but jobs for unborn children who would otherwise crowd cities already burdened with unemployment. This two-way highway will open a new market for any number of products for mid-America.

The project is more than worthy in itself, but I must note that we look with no disfavor on suggestions that nuclear demolition be used to dig the divide-cut section. The Corps of Engineers has expressed interest in employing this device.

Using nuclear demolition techniques at home has a secondary advantage of promoting favorable worldwide opinion. It would be a dramatic demonstration of the employment of nuclear energy for peaceful purposes. Moreover, if we must build a new canal to replace or supplement the Panama Canal, use of nuclear energy will effect a savings of many millions of dollars there. Wherever and whenever we build this interoceanic canal, which is certain some day, it will of geographic necessity be outside our own borders. If we have already used nuclear energy in construction projects inside the United States, our Central American friends should have fewer qualms about using the same fearful but effective energy to build a canal through their region.

Both time and need have met on this issue. We can greatly enhance the economy of our Nation and the prosperity of our people with the Tennessee-Tombigbee project, and we can effect great savings through the practical use of energy previously associated in the public mind only with disaster, tragedy, fear, and tears.

I said earlier that the Tennessee-Tombigbee survey was authorized. The project was rejected then, mainly on the basis of a question posed by the engineer who conducted the survey: "Whence is the trade to come that will support it?" The Nation was recovering from a terrible civil war; there was little industry and few farm crops. The project lay dormant for many years.

Other surveys were made and several possible routes were considered. After weighing all factors, including the movement of potential commerce, the U.S. Corps of Engineers concluded that the best route was to join the Tennessee and Tombigbee in northeast Mississippi, where the dividing ridge is only about 150 feet above Pickwick Pool and has very little rock.

That is precisely what we propose in the Tennessee-Tombigbee project.

After conducting half a dozen more surveys, Congress finally authorized the project in 1945. Babies born when the Congress first authorized the project are voters today. But appropriations were not forthcoming, and a restudy was undertaken in 1956.

This was the most painstaking, thorough examination of the waterway ever made. The final report was not presented until 1962. This report showed the Tennessee-Tombigbee project economically feasible, and it was officially declared ready for construction.

Our Nation's policy of improving our rivers as a commonsense investment in nature's great gift of river highways dates back to the Northwest Ordinance. It has been enunciated again and again by our statesmen, including Abraham Lincoln who made a forceful speech on Federal improvements when he sat, as a Congressman, as we do today. Presidents of the United States whose philosophies of government were as diverse as Herbert Hoover and Franklin Roosevelt have both spoken with fervor in favor of improving our waterways.

I can think of no further assurances that man could devise that would better show the wisdom of this project than what has already been demonstrated again and again, and only briefly reviewed by me today.

Without reservation, I commend this project to the Congress.

Mr. KIRWAN. Mr. Chairman, I yield to the gentleman from Utah [Mr. KING] whatever time he desires.

Mr. KING of Utah. Mr. Chairman, the State of Utah and other States of the Rocky Mountain West have reason to be very grateful for the provisions of the bill before this Committee, and particularly grateful for the distinguished chairman [Mr. KIRWAN], who has come out to Utah and who has familiarized himself with our problems. He has been fair and equitable in every way. This bill appropriates $7,500,000 for immediate construction of the Bonneville unit of the central Utah project, as well as $99,500 for advance planning on the Jensen unit, and $188,350 for the Upalco unit. For Utah this is a great leap forward. The central Utah project recently celebrated its 10th anniversary, having been authorized in 1956. As of today, however, none of its principal units have passed beyond the planning stage. The money here appropriated will enable the dirt to fly, and actual construction to commence. This, in turn, will bring water to parched soil, and electric power to fill the power needs of burgeoning communities. Ten years of legislative effort find culmination in this bill. This is a red-letter day for Utah. I thank the gentleman from Ohio [Mr. KIRWAN] and the committee members for making it possible.

Mr. RHODES of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROUDEBUSH].

Mr. ROUDEBUSH. Mr. Chairman, I asked for this time so that I could pose some questions to the distinguished chairman of the committee relative to the Big Pine Reservoir in Indiana. This project has been authorized by the House of Representatives and the Congress of the United States. It is a very worthwhile project, and has an excellent economic feasibility. It is a key project in the water control problem that we face in the Wabash Valley, Big Pine River being a tributary of the Wabash. I wonder if the chairman could tell me why funds were not allocated to this most necessary project in Indiana? The project has long been studied by the Corps of Engineers and provides an excellent natural site for a reservoir. Its economic ratio feasibility is splendid, and the communities involved strongly support its immediate construction.

Mr. KIRWAN. There was no budget request for the project. Of the limited number of unbudgeted items that the committee could add to the bill, Indiana got three. I am sorry we could not do better than that, but that is the best we could do.

Mr. ROUDEBUSH. Thank you, Mr. Chairman, and I would direct further remarks to the chairman of the committee. I understand there is only so much money to be spent for water control projects. I am grateful that the committee saw fit to include funds for the Greenfield Bayou levee project, which is in the district that I currently represent. But I must admit a great deal of regret that the committee could not see fit to include also initial funds for Big Pine Reservoir, because this reservoir is an important project to the whole system of water and flood control for the Wabash Valley.

Mr. KIRWAN. We will certainly give the project every consideration in future bills.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I am happy to yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I want to say for the record that the gentleman from Indiana [Mr. ROUDEBUSH] has been very diligent in pushing for this project. Certainly I share the opinion of the gentleman from Ohio, the chairman of the committee, that in the future we will try to look at all worthwhile projects such as this with favor. My great respect for the gentleman from Indiana will certainly enhance the favor with which I regard Big Pine. He is a valuable Member of Congress.

Mr. ROUDEBUSH. I certainly thank the gentleman. I would like to remark further that on several occasions I have appeared before the committee in behalf of this project, Big Pine Reservoir; the Wabash Valley Association, which has been very diligent in studying the water problems of the Middle West, also has utilized a great deal of effort in support of Big Pine. I regret the lack of funds for initial work on the project and hope that it will not be further delayed.

Mr. KIRWAN. Mr. Chairman, I yield whatever time he may consume to the gentleman from North Dakota [Mr. REDLIN].

Mr. REDLIN. Mr. Chairman, I rise to express my deep appreciation to the distinguished chairman, the gentleman from Ohio [Mr. KIRWAN], and the members of his committee for the excellent way in which this bill has been brought before this House, and particularly for including in it a great new start for water development in North Dakota by providing funds for the Garrison diversion project. I am also very pleased that the bill contains funds to complete the Bowman Haley Reservoir project.

The development of our water resources is most important at all times to maintain the strength of our Nation. North Dakota is proud to be a part of this great national effort.

I urge my colleagues to support the public works appropriation bill of 1967 without amendment.

Mr. KIRWAN. Mr. Chairman, I yield to the gentlewoman from Washington [Mrs. HANSEN] as much time as she consumes.

Mrs. HANSEN of Washington. Mr. Chairman, I would like to commend the chairman of the Committee on Public Works and the members of the subcommittee who have worked so diligently to recognize the needs of some of our districts whose economies are not based upon defense, but upon the development of natural resources, and depend upon shipping and the development of our rivers and harbors to solve their problems.

From the district which I represent we give you our deepest appreciation for your understanding and your kindness.

Mr. KIRWAN. I thank the gentlewoman.

Mr. RHODES of Arizona. I have no further requests for time, and I reserve the balance of my time.

Mr. KIRWAN. Mr. Chairman, I yield such time as he may require to the gentleman from Colorado.

Mr. McVICKER. Mr. Chairman, may I express the appreciation of Colorado to Chairman KIRWAN and the committee? As the distinguished gentleman from Utah [Mr. KING], has said, all of the people located in the Rocky Mountain area have the deepest appreciation for the courtesies and the expenditure of time and interest that members of this committee and its distinguished chairman have shown in understanding the problems that we have.

Certainly, we know what floods are, with the experience we have had in Colorado last year. We have every reason to know what this bill can mean to the future of our area as it embodies the Chatfield Dam. Certainly the gratitude of all those in Colorado should be expressed to the gentleman from Ohio [Mr. KIRWAN] and his committee.

Mr. CLARK. Mr. Chairman, I would like to join some of my other colleagues in commending the Appropriations Committee for the action that it has recommended to the House on the Dickey-Lincoln School project.

By ordering a full, complete, and independent study of this project they have vindicated my motion for such a study last year and have once again supported the action last year of the full House in voting for my study motion. I have only several brief further comments to make at this time.

I am confident that a study conducted by the Appropriations Committee staff will include any and all sources of information. I assume that they will seek out a number of Federal agencies for facts, including the Federal Power Commission, the Federal Reserve Bank, the Atomic Energy Commission, the Commerce and Treasury Departments as well as the Interior Department and the Corps of Engineers. I assume as well that the full investigatory powers of the committee will be used to seek after information from the private electric companies of the region and any other sources of pertinent information.

I am certain as well that the full powers of the committee staff will be used in thoroughly examining alternative methods of producing this power such as large conventional electric plants, atomic power plants and pumped-storage electric plants that are now well underway in the New England area as part of the privately-financed $1½ billion building program of the investor-owned electric companies, who incidentally paid $177,000,000 in taxes last year.

Mr. BURKE. Mr. Chairman, I rise in support of this legislation, I want to commend the distinguished chairman of the subcommittee, the gentleman from Ohio, the Honorable MICHAEL KIRWAN and the other members of the Appropriations Committee for doing a good job.

I want to thank the members of the House Appropriations Subcommittee on Public Works for allowing $190,000 in the omnibus public works bill for planning for the Weymouth Fore and Town River Project. The budget request for this project was $90,000. In my testimony before the Public Works Subcommittee during hearings on the bill, I urged an increase in planning funds for Weymouth Fore and Town Rivers because the Army Corps of Engineers had indicated that it was in the position to accelerate planning of this project.

Mr. POFF. Mr. Chairman, the Gathright Dam, to be constructed on the upper reaches of Virginia's James River, is not specifically included in the fiscal year 1967 budget. However, it must not be thought that the Gathright Dam is some sudden, fanciful, frivolous project, conceived as an afterthought by some overzealous civic-minded citizen organization.

Mr. Chairman, the Gathright Dam was authorized by this Congress two decades ago. Restudy and redesign, which have consumed much of the intervening period, have only reinforced the original judgment of the Congress. Increased population, increased water utilization, increased water pollution, and increased drought conditions have combined to make the project not merely feasible, not merely desirable, but absolutely essential.

In the past, there has been considerable organized and unorganized opposition to this project. There still remains some. However, with the increased needs and the new design features, most of the opposition has been withdrawn or abandoned. Indeed, some of its most vigorous opponents have become some of its most enthusiastic advocates.

Accordingly, Mr. Chairman, I urge that this House ratify the action the Committee on Public Works has taken and retain the appropriation item which will enable this project to take its first giant step forward.

Mr. SATTERFIELD. Mr. Chairman, I rise in support of H.R. 17787. I can think of no projects that we will consider in this Congress entitled to greater priority than those contained in this bill, especially those which are essential to the relief of the serious shortages of adequate water supply to metropolitan communities.

I wish especially to call to the attention of Members one item in particular which is vital to the people of my district and, for that matter, to a large portion of the population of Virginia. I refer to the item appropriating $1.5 million to commence construction of the Gathright Dam, which will insure relief to those who rely upon the James River as their source of water.

Our problem in Virginia is not primarily one of an insufficient annual supply of water, but rather one of an irregular supply, with the result that we are besieged, on the one hand, by damaging floods and on the other by a critical lack of water in times of drought. Only by controlling the average flow of water by artificially retaining the surplus when it is available we can hope to solve the problem that confronts the James River basin.

Already the flow of the James River at Richmond has at times practically ceased and stagnant pools then created not only constitute a health hazard, but support the growth of microorganisms which frequently spoil the taste of drinking water during these critical periods. Present projections indicate that within the next half decade the increased demand for water, as a result of population growth alone, will create for our metropolitan area an emergency due to a lack of water for consumption and, more seriously perhaps, a lack of water for sanitary and other needs. Although efforts are attempted to reflect by numerical designation the relative value of some projects, I believe we will all agree that no such measurement can reflect with any degree of accuracy the basic needs of people. It is on this basis that we have sought this facility and because time is running out for us, I ask the Members of the House to act favorably upon this bill and to leave these needed funds intact.

Mr. McDOWELL. Mr. Chairman, the bill before the House will provide funds for national cemeteries. Unfortunately that does not go far enough. Efforts were made here in the House to have a small sum of $250,000 appropriation added to this measure for the express purpose of reopening Beverly National Cemetery in New Jersey and to keep open four other national cemeteries scheduled to close in the next few months. Two of these four are major cemeteries in California, the only two national cemeteries serving the California area. These efforts were supported by the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, the Catholic War Veterans, the Jewish War Veterans, and the Veterans of World War I.

Beverly National Cemetery in New Jersey served the State of Delaware until it was closed in February of this year. Since Beverly closed, this House should know that 31 of our dead from Vietnam have been denied burial in that cemetery. This number is continuing to grow each month as the war goes on. No more than six of these dead of the conflict in Vietnam were subsequently buried in Arlington National Cemetery. The families of the other 25 were forced to accept the denial of the honor due these men and they were buried in private cemeteries.

The $250,000 appropriation sought to reopen Beverly would have put an end to this injustice to our honored dead. It is tragic that in a bill of this magnitude, which provides millions of dollars for less worthy purposes, no place could be found for a provision that would end the discrimination that has taken effect with the closing of Beverly. The closing of Beverly affects servicemen and veterans and their families who have their homes in Delaware, Pennsylvania, and New Jersey. Servicemen from these States are effectively denied burial in a national cemetery near their homes. At the same time there are national cemeteries in other areas that will remain open for the next 50 years.

Mr. Chairman, the national cemetery problem must be solved. Until it is possible to bring an end to the present closure policy of the Executive, it is incumbent upon the Congress to insure that no further inequities be built into the system. I would hope that before this Congress goes home, action will be taken to reopen Beverly National Cemetery, and keep the other cemeteries open as well.

The Veterans of Foreign Wars have sought this action and they have been supported all the way by the other veteran organizations in a united front. The New Jersey congressional delegation has pressed for correction of the grave injustice I have reported to you and they have been supported by colleagues from Pennsylvania and, I may say, from California. Unfortunately, the day is not far off when the dead who are returned from Vietnam for an honored burial will not find a last resting place in the national cemeteries in California, as is now the case with Delaware's war heroes at Beverly National Cemetery.

An indication of the concern among veterans organizations with respect to the national cemetery crisis is seen in the fact that at the recent national convention of the Veterans of Foreign Wars in New York no less than 21 resolutions were approved which dealt with the need for solving this growing problem.

I understand, Mr. Chairman, that there may have been a reluctance to approve the requested $250,000 appropriation for Beverly National Cemetery and for Fort Rosecrans and Golden Gate National Cemeteries in California because of the possibility that such action might encroach upon the functions of legislative committees. Mr. Chairman, there is no merit to this concern. The Secretary of the Army is fully authorized to establish and to expand national cemeteries according to need.

The need is clear, and the need is great. This House may yet have an opportunity to act to reopen Beverly, and to act with justice. If and when that time does come, I would urge all of my colleagues to give their support to this worthy purpose. We speak often of rights these days, Mr. Chairman. A man who gives his life on the battlefield in Vietnam has a right to be buried in a national cemetery. Some of these brave men have been denied that right. And there is no end in sight to this injustice until and unless this body acts.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 17787. This bill carries funds for many projects which are now under construction, for new starts, and for planning. This bill probably takes more criticism than any bill that comes before us, being referred to as "logrolling," "pork barrel," and many other unflattering names. However, I believe that these projects are needed and they have been authorized after long and extensive studies.

About 10 years ago a study of hurricane damage and measures to protect our coastlines and the citizens was authorized. The report of the Chief of Engineers on certain areas included in this study was made last year and the authorization was included in the omnibus rivers and harbors bill which passed the House last September. I have specific reference to the project titled East Rockaway Inlet to Rockaway Inlet and Jamaica Bay for which the bill before us provides $200,000 for planning. It has taken a long time to get this far and much more time will elapse before the protection which it is designed to give will become a reality.

While I am interested in all these projects which are designed to bring direct benefits to our citizens, I shall confine myself to that one which directly affects my own congressional district, the Seventh of New York, hurricane protection in Jamaica Bay.

Mr. Chairman, each time that we have a report of a hurricane, my constituents who live on or have businesses on Jamaica Bay literally "quake in their boots" for fear they may have a repetition of serious storms and damages of the past.

Jamaica Bay is 8 miles long, 4 miles wide, and covers an area of approximately 26 square miles. Communities in my district which border on the bay are Howard Beach, Rosedale—reached by Hook Creek—and the John F. Kennedy International Airport, a city unto itself.

Howard Beach, which has experienced an enormous growth since 1960, is constantly under the threat of flooding in the shore area from any abnormally high tides.

Rosedale, which is not physically on the Bay, experiences floods of up to three feet at times through Hook Creek, which runs into the bay.

The John F. Kennedy International Airport, located entirely within my congressional district, occupies approximately 4,900 acres of land bordering on

Jamaica Bay between Bergen Basin and head of bay—we might even say that it is in the bay as the airport expands its runways into the bay. Flooding from severe storms causes disruption to flight activities and delivery of necessary fuel and supplies which reach the airport by way of Jamaica Bay.

Adequate hurricane protection will bring untold benefits to untold numbers of people. Jamaica Bay has the potential for becoming a great recreation area bringing jobs and other outlets so greatly needed in this area of New York.

This detail on this one project is given because I am so vitally interested in it, and I am confident that an equally good case could be given for the other projects carried in H.R. 17787 and, for this reason, I urge its approval.

Mr. MOORE. Mr. Chairman, I very much appreciate this opportunity to express my appreciation for the work of the Appropriations Committee and its chairman, the gentleman from Ohio [Mr. Kirwan] of the Public Works Subcommittee, on H.R. 17787.

The appropriation bill contains funds for several much-needed projects in the State of West Virginia. I wish to say that I have had a number of conversations with gentleman from Ohio [Mr. Kirwan] with respect to the Burnsville Reservoir project, and am pleased to note that this bill carries $290,000 which will complete its planning. I am certain that next year, we will obtain a much larger appropriation for the Burnsville Reservoir because this will be the initial year of its construction. The Burnsville Reservoir is located in Braxton County on the Little Kanawha River, 123.5 miles above its confluence with the Ohio River, and nine-tenths of a mile above Burnsville, W. Va. This proposed reservoir is much needed because of the frequent minor floods and periodic major flooding that occurs. The project consists of three reservoir systems, one to be located at Burnsville, one at Steer Creek, and one on the West Fork. The construction of this project should greatly enhance the use of the flood plan for industrial and small business development. By controlling the flood waters, the project when completed would add materially to the prospects of industrial development of the area which already has adequate market and transportation facilities.

The total cost of Burnsville Reservoir is estimated to be $21 million, and I acknowledge the help of the chairman of the subcommittee [Mr. Kirwan] in seeing to it that the rest of the planning funds have been included in this appropriation bill, together with the firm commitment that construction funds will be included for fiscal year 1968.

Also included and of major importance to the First Congressional District is the Rowlesburg Reservoir project. While this reservoir in itself is not situated in the First Congressional District of West Virginia, the reservoir would have a gross storage capacity of 831,700 acre-feet, and will control a drainage area of approximately 936 square miles, which area does touch parts of the First Congressional District of West Virginia.

The project as originally submitted to the Congress provided for an expediture this year of $400,000 for the purpose of continuing the planning of the project. I was pleased that after a number of conversations with the chairman [Mr. Kirwan] that he and the other members of the committee have seen fit to add an additional $380,000 to the $400,000 that was previously budgeted so that today, by passing this bill, we are providing $780,000 for the Rowlesburg Reservoir project. The total estimated cost of this reservoir is $92,700,000, but it represents an effort to control the Cheat River which has a drainage area of 1,424 square miles and is the largest uncontrolled tributary in the headwaters of the Ohio River. I have been in the past and continue, as evidenced by my representations to the chairman [Mr. Kirwan] interested in seeing to it that the Rowlesburg Reservoir project is realized as quickly as possible. I appreciate very much the members of the subcommittee and the full Committee on Appropriations responding to my request that additional funds be placed in this year's budget for the planning of Rowlesburg Reservoir project. This will permit the Corps of Engineers to reach the construction stage somewhat earlier than originally planned.

In closing, Mr. Chairman, I desire to again express my sincere thanks to Mr. Kirwan for his many kindnesses during the period of my service in the Congress, and also to the members of the committee for including funds in the amount set out in this appropriation bill.

Mr. EDWARDS of Alabama. Mr. Chairman, after many many years of effort on the part of farseeing people, the proposed Tennessee-Tombigbee Waterway now is at a crucial stage.

Following a 1962 report of the Corps of Engineers, a report favorable to the project, a new study is being completed. The result is expected later this year.

The purpose of my statement today is to support action which will enable the project to begin during fiscal year 1967 provided, of course, that the Corps of Engineers presents a favorable report.

It has been established that the Corps of Engineers will have a capability during fiscal year 1967 to commence work on the project assuming that the upcoming report will show the project to be economically feasible.

Enthusiasm for the project has reached a peak in recent months as interested people throughout the South and elsewhere in the Nation have expressed interest and approval.

In November 1965, I was able to participate with the subcommittee's able chairman, Congressman Kirwan, of Ohio, as he toured the Tennessee-Tombigbee area and met with interested people in the port city of Mobile.

His very definite and informed opinion, expressed many times in the course of that tour, was summed up when he said:

> The Tombigbee project must be constructed for continued growth of America.

There are few public projects in the United States which would have the dramatic impact of the Tennessee-Tombigbee project. Together with the proposed Ohio River-Lake Erie project, the vision involved here is one of connecting the Great Lakes and the Gulf of Mexico with direct water transportation.

The two items are the missing links in this plan which has been the hope of transportation men for many years. It would provide an economic boost of mammoth proportions to all of the Eastern United States.

The proposed Tennessee-Tombigbee Waterway would be 253 miles in length. A series of locks and dams, plus 45 miles of canal, would be constructed.

Let me merely say that this project is clearly in the national interest. It is vital that we recognize the need for building the Tennessee-Tombigbee as a means of realizing the gigantic benefits which will accrue to ours and succeeding generations.

People of vision have been seeking to make this project a reality for 100 years, and it is certainly my belief that we are on the threshold of a major breakthrough.

I join with the committee in urging the Corps of Engineers to expedite the approval of this project. I thank the committee for its interest in and concern for the Tennessee-Tombigbee Waterway project. It is my great hope that during fiscal year 1967, this very important undertaking can become a reality and that the dreams of man for 100 years can be realized.

Mr. SPRINGER. Mr. Chairman, the rains that in the recent days have ended the drought for the time at least, in many sections of our country were certainly helpful but did little to improve the long-range water shortage situation. The problem will be with us for a long time to come. In fact, there is every prospect that water will continue to be a major domestic problem for Congress to deal with throughout the remaining years of the 20th century.

I commend wholeheartedly the members of the Committee on Appropriations and particularly the members of the Public Works Appropriation Subcommittee for facing up to this problem during their consideration of the bill before us today. While I appreciate that the $56 million savings under the President's budget estimate results mainly from a reduction in the appropriation for the Atomic Energy Commission, it is nevertheless true that the amount recommended for Army Corps of Engineers projects is more than $50 million less than last year's appropriation and $6.5 million below the budget request. Despite the fact that the committee has provided funds for 24 unbudgeted new construction starts on flood control and navigational projects, we have the committee's assurance that only the highest priority requests for such projects were approved. As the committee notes in its report, before public works projects are eligible for funds they are subject to an exhaustive review process to assure that they are economically justified. Each project must meet stringent criteria to assure that the benefits will fully justify the cost. Local and State governments must provide assurance of their willingness to meet their share of the cost, including repayment for that portion of any project dedicated to local water supply use.

From my own experience I can affirm that the justification process is most thorough. This bill contains funds for three projects vital to the continued growth and economic prosperity of a large part of central Illinois. They are the Shelbyville Dam and Reservoir, on the Kaskaskia River, for which $6.3 million is provided to continue construction; $240,000 to complete the preconstruction planning of Oakley Reservoir near Decatur, and $220,000 for the second year's planning work on Lincoln Reservoir near Charleston. I am confident that the first construction money will be budgeted for Oakley in January, thus making it possible for the actual work on the dam to begin no later than the spring of 1968. The estimated total preconstruction planning cost of Lincoln Reservoir is $480,000. The $220,000 in this bill plus the $100,000 with which planning was initiated during fiscal 1966, will leave only $160,000 in planning work needed to be done. We anticipate this amount will be budgeted in January, making it possible for construction to start in the summer of 1968.

Valuable and vital flood control, recreational and water pollution control benefits will result from the Lincoln and Oakley projects but the most urgent reason for completing them in the shortest time possible, is the critical need of both Charleston and Decatur for more adequate water supplies. Both cities are experiencing the problems that usually accompany economic growth. The threat of acute water shortages hangs over Charleston and Decatur and will continue to dangle until the Lincoln and Oakley Reservoirs are completed.

Mr. HALPERN. Mr. Chairman, I am pleased that the public works appropriation bill for fiscal 1967 contains funds for a very important Long Island project which today is soundly underway.

Under the bill, $550,000 is to be allocated toward dredging and other work undertaken by the Corps of Engineers. Last year, the Congress appropriated $200,000 in initial funds. The project was authorized by the 1962 River and Harbor Act.

Both the city and State of New York are meeting their obligations under the terms of this project, which requires 50 percent non-Federal participation.

This program provides for dredging a 350-acre anchorage to a depth of 7 feet in the southern part of Little Neck Bay, Long Island, with an entrance channel 7 feet deep and 200 feet wide from water in the northern part of the bay.

On April 22, 1966, the Engineers awarded a contract to the Great Lakes Dredging & Docking Co., of Manhattan, to initiate the first phase of the project.

It is of great importance to the efficient continuation of this project that the Congress approve the item of $550,000 for Little Neck Bay appearing in this year's public works bill. After several years of surveys and the 1962 authorization, funds are now desperately needed to prevent further catastrophic deterioration of the bay and reclaim it for public use. I commend the committee for including these funds.

Mr. WIDNALL. Mr. Chairman, I know that I echo the feelings of many millions of veterans and their families around the country in expressing my disappointment that the public works appropriations measure being considered today does not contain an additional $250,000 to maintain and expand our national veterans' cemetery system. On July 15, my New Jersey colleagues, Representatives FLORENCE DWYER, PETER FRELINGHUYSEN, WILLIAM CAHILL, and I wrote to the chairman of the Appropriations Subcommittee for Public Works urging the inclusion of this amount to reopen Beverly national cemetery in New Jersey, and to keep open four other cemeteries scheduled to close in fiscal year 1967. These other four are Golden Gate National Cemetery, San Bruno, Calif.; Fort Rosecrans National Cemetery, San Diego, Calif.; Fort Harrison National Cemetery, Richmond, Va., and Camp Nelson National Cemetery, Nicholasville, Ky.

In each of these cases, land is available for transfer from surplus Federal needs or for purchase. The need for additional space is obvious. In the case of returning war dead from Vietnam, the number of incidents where families have been unable to inter their loved ones in a place of national honor within the national cemetery system are increasing. I understand that as of the end of June, more than 24 had been turned away at Beverly National Cemetery in New Jersey. While the ratio is one out of every four families choosing national cemetery burial for their deceased servicemen, a higher ratio than for veterans generally, I am sure that it would be even higher if the opportunities were available.

It may be that the request for the added $250,000 to reactivate our national cemetery policy has been left unconsidered on the grounds that action by the Appropriations Committee would have encroached on the jurisdiction of a legislative committee. This assumes the need for some additional authorization. There is no indication in the law or in the attitude of the Department of the Army that such additional authorization would be necessary. Chapter 7, title 24, section 271 of the United States Code reads:

> SEC. 271. MANNER OF ACQUISITION OF LANDS.—The Secretary of the Army shall purchase from the owners thereof, at such price as may be mutually agreed upon between the Secretary and such owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions for national cemeteries, and obtain from such owners the title in fee simple for the same. And in case the Secretary of the Army is not able to agree with any owner upon the price to be paid for any real estate needed for such purpose, or to obtain from such owner title in fee simple for the same, the Secretary is authorized to enter upon and appropriate any real estate which, in his judgment, is suitable and necessary for such purposes.

A later section, 271a, authorizes the Secretary of the Army to accept title from any State land to be used for national cemetery purposes. The only instances where a specific authorization has been used has been in the case of making surplus military property available for national cemetery use at specific cemeteries. The purchase of privately owned land is not involved in these instances.

On the other hand, there is precedent for an appropriation for the development of national cemetery property without any specific authorization. In the late 1940's Congress appropriated $50,000 in connection with the establishment of the Black Hills National Cemetery in South Dakota. In fiscal year 1951, the Department of the Army asked for appropriations to expand six active cemeteries, receiving from Congress funds for expansion of three such cemeteries.

Only last December 4, 1965, the Chief of the Memorial Division, Col. James C. MacFarland, told the committee on legislative programs of the Veterans of Foreign Wars:

> On July 1, 1953, the Assistant Secretary of the Army reviewed the entire policy on establishing national cemeteries. He was convinced that the Secretary of the Army still had authority to establish national cemeteries on nonmilitary land without specific legislative authority in each case.
>
> While the Army thus chose not to exercise its authority to establish new cemeteries, it continued up until the 1960's to initiate and vigorously support actions to expand existing cemeteries when it was desirable and feasible, generally by the purchase of adjacent private property or the transfer of suitable contiguous Government land.
>
> In the same period, the Army was successful in expanding Beverly, Long Island, Fort Gibson, and Santa Fe by the purchase of land; Barrancas, Fort Leavenworth, Rock Island, Fort Rosecrans, Jefferson Barracks, and Fort Snelling by the transfer of Government property; and Keokuk by the acceptance of donated land.

There is ample authority, therefore, for action by Congress through the appropriation process. Land is available at each of the cemeteries I have mentioned. Any delay will simply increase the costs which are presently reasonable.

At Golden Gate National Cemetery, San Bruno, Calif., 5 additional acres could be developed at the cost of $50,000. Golden Gate National Cemetery is expected to close about December 30, 1966. Thirty acres of available surplus Navy property lies contiguous to the cemetery by means of a corridor across private property.

One additional acre, purchased and developed from private land reported to be available, would cost $12,500 at Fort Harrison National Cemetery, Richmond, Va.; the same is true at Camp Nelson National Cemetery, Nicholasville, Ky. Surplus naval property is also contiguous to Fort Rosecrans National Cemetery, San Diego, where 5 acres could be transferred under specific existing legislative authority, and developed for a sum of $50,000.

With respect to Beverly National Cemetery in New Jersey, 10 acres could be purchased and developed from available land for $125,000. In each situation, estimates have been made of the probable number of requests for interment from July 1, 1966 to June 30, 1967. While this would be no substitute for the reestablishment and reaffirmation of a consistent, complete national cemetery policy, it would allow the Congress and the administration time to decide upon such a policy, while preserving the existing system.

The crux of the matter is not encroachment upon some committee's legislative jurisdiction. It is the attitude of the executive branch toward the national cemetery system. As Colonel MacFarland wrote to the VFW national legislative service director, Mr. Francis W. Stover, August 5, 1966; regarding Beverly Cemetery:

> No effort has been made to determine the suitability of the parcels of land mentioned above for cemetery use in view of the present administration policy on nonexpansion of the National Cemetery System.

The bankruptcy of the present policy was clearly indicated by a letter of May 4, 1966, from Secretary of the Army Stanley R. Resor, to Mr. L. Eldon James, national commander, the American Legion. Secretary Resor wrote that he could not "conceive of any arguments in favor of a piecemeal expansion," and that any expansion "should be orderly, systematic and with the object of providing a nationwide distribution of cemeteries so that all eligibles could truly be said to enjoy the same entitlement." Certainly no Member of Congress, no veteran would disagree with the preference for this latter type of expansion. But they have and should disagree with the Secretary's conclusion that the nonexpansion policy should be continued.

I understand that an amendment will be offered in the Senate by the senior New Jersey Senator to provide for the $250,000 in appropriations for expansion of the cemetery system. My purpose this afternoon is to bring to the attention of the House the facts concerning the national cemetery system, and to underline the appropriateness of Congress acting in this fashion. I am confident that should such a Senate amendment be accepted and go to conference, that it will have the full support of this body, particularly the 90 or more Members who have introduced legislation to further the national cemetery system. We are buying more than land; we are buying time to allow the Congress, through such a device as the special committee I have suggested, to fill the void left by the indifference of the administration and establish a coordinated, complete national cemetery system policy. We can do no less for our honored dead.

Mr. MATHIAS. Mr. Chairman, one specific item in this bill has particular importance for Maryland, and for all of us who live and work in the Metropolitan Washington area. This is the appropriation of $1,265,000 in planning funds for the Bloomington Dam and Reservoir on the North Branch of the Potomac River in Garrett County, Md., and West Virginia.

As our experience in the past few summers clearly shows, this great and growing region can no longer afford to depend solely on the weather for a fully adequate water supply. Water consumption in western Maryland and in the Washington area is increasing every year, and the Potomac River, our primary source, cannot supply our residential, industrial, and municipal needs during periods of low flow. Voluntary restrictions on water use were ordered here in Washington earlier this month, and compulsory restrictions have been in force most of the summer in several Maryland cities which also rely wholly on the Potomac. This situation promises to grow more acute in every future year, and the one existing upstream reservoir, the Savage Reservoir in Garrett County, cannot alone provide the low-flow augmentation we will need.

The Bloomington Dam, authorized in 1962, has great promise both as a source of additional water supply in low-flow periods, and as an instrument of flood control. When completed, this great dam will permit us to moderate the "feast-or-famine" water situation we on the Potomac have so long endured, and by "we" I include the entire National Capital area. It will greatly reduce damages to valuable flood-plain lands, and will encourage industrial development along the North Branch and the main stem of the Potomac by insuring adequate water supplies at all times. Designed to meet predictable water needs through 1985, the Bloomington Dam will be an economic asset to us all.

Mr. Chairman, this bill appropriates $1,265,000 for the last stages of preconstruction engineering for the dam. I am pleased that, in making this appropriation, the committee has recognized the great importance of completing the dam as soon as possible, and has provided $600,000 above the $665,000 included in the budget. The Corps of Engineers has testified that the additional funds will permit them to complete now certain engineering tasks which, if done now rather than later, will accelerate completion of the project by at least a year, moving its completion date forward to 1973 rather than 1974.

While I cannot predict the water situation in 1973, and thus cannot predict what economic losses from either floods or shortages will be precluded by acceleration of this project, I am convinced that it is in the public interest to invest $600,000 more this year, in order to save perhaps many times that amount in the future.

I am pleased that this appropriation has gained the support of the entire Maryland congressional delegation, and especially appreciate the committee's and subcommittee's understanding of its exceptional merit.

Mr. Chairman, I urge the passage of H.R. 17787, as reported by the Public Works Committee.

Mr. O'NEILL of Massachusetts. Mr. Chairman, the action taken by the Appropriations Committee in calling for a thorough study of the Dickey power project is worthy of our support and our thanks. It offers us the opportunity finally to gain a better view of all the facts concerning this controversial project and will enable us to make a clearer decision when the Appropriations staff reports back to us.

The committee deserves our thanks for finding this course of action to better guide the House. Further thanks are in order as well for many of my colleagues, like the gentleman from Pennsylvania [Mr. Clark], the gentleman from Massachusetts [Mr. Bates], and the gentleman from Massachusetts [Mr. Boland], who joined so many of us in persistently seeking out the real facts on a bipartisan basis.

It is interesting to note that so many of us in New England, who have consistently supported public power projects in other parts of the country, did not support this project because we did not feel there was sufficient information available to do so. Recent rapid developments in the art of nuclear power would seem to indicate that our reservations concerning this project were well founded. We are indeed fortunate that so many of our Members in New England and elsewhere have persisted in their demands for a full and independent examination of the project. My personal feelings are such that I still am opposed to the Dickey-Lincoln School Dam but will go along with the proposal offered by the committee.

It is amazing that a first-term Member, William Hathaway, of Maine, is able to get a project of this size, $303 million without a feasibility study ever having been made. Recently I visited the St. Johns River; there was not enough water in the flow of the river to go for a canoe ride. It would take 20 years to fill this reservoir which would be the sixth largest in the world. I believe it will be obsolete before it is completed. By 1980 more than 25 percent of the electric power of America will be nuclear generated. I have been a public power supporter all my life. What New England needs is about five nuclear plants; this should be our goal and we would have cheaper rates in our area.

Between the Maine project for beet sugar, and the Dickey-Lincoln Dam, both of which I oppose, but I must confess—I know Bill Hathaway is a hard worker and able—I cannot understand the administration supporting these meritless projects. It is apparent that Congressman Hathaway has set a record as a first-term Congressman, getting money for the State of Maine. I respect his intelligence, zeal, and ability and support the committee report which spells out a study will be made and reported back to Congress.

Mr. DADDARIO. Mr. Chairman, at long last we are to find the true facts on the Dickey-Lincoln School project. The action taken by our Appropriations Committee in ordering a full and complete study of the project is a big step forward.

We must, of course, make sure that the study is full, complete, and independent to avoid a recurrence of the sound and fury heard on this project so far. I have every confidence that the Appropriations Committee will pursue the facts wherever and whenever they can find them and in so doing will bring back to this House a true picture of the project.

The Appropriations Committee wording, which states that this study is in order before any further acceleration of preliminary engineering, marks the first official indication by a House or Senate committee that the project is open to serious question. I think there has been little question in the minds of many of the Members that it has been open to question, if for no other reason than the fact that we have been unable to get answers to our many questions. Now perhaps we will.

Mr. FRASER. Mr. Chairman, I shall vote against this appropriation. Among all the substantial Federal expenditures which Congress has been asked to authorize this session, those funded by this bill appear to be the lowest in priority and the most easily postponed.

Some of the projects included in the public works appropriation bill should go forward now; but others should be deferred until the economy has been restored to a better balance.

Shortly we will be asked to vote for two measures aimed at slowing down capital investment in the private sector. One would suspend the 7-percent investment tax credit, and the other would suspend accelerated depreciation.

Yet through the bill before us we would authorize billions of dollars in new capital investment. I am sure that the committee has sought conscientiously to recommend only worthwhile projects. But inflationary pressures on the economy call for even further restraint with respect to projects which can be postponed without serious harm.

I want to renew my plea that Congress accept its share of the responsibility for enacting fiscal measures appropriate to the circumstances in which we find ourselves. Until this is done, we have an obligation to all those who are harmed by inflation to exercise increased restraint.

Mr. DUNCAN of Oregon. Mr. Chairman, I am very pleased to support this bill funding public works projects which will protect and enhance the resource values which have made this Nation great.

I can appreciate the problems encountered by the subcommittee in deciding which of the many worthwhile and needed projects to fund for the coming fiscal year. Witnesses asked for budget increases of over $181 million involving 326 projects. The final cost of these projects would exceed $2.5 billion.

Although I cannot help expressing my disappointment that two vital projects in my district, Lost Creek and the Siuslaw dredging project, were among those not funded, I am pleased that two of the 24 unbudgeted new construction starts approved are projects in the Fourth District of Oregon. One is the breakwater extension in Port Orford. The people of this independent community have built and rebuilt their port facilities and have built a breakwater; all without ever receiving any Federal financial assistance. Only when the people found that they would not be able to solve their own problems did they ask their Federal Government to give them a hand.

The second new project is the Reedsport dike construction at the mouth of the Umpqua River. This diking project is needed to protect the city from flooding when high river flows combine with high tides.

I know that some persons will question the wisdom of spending $4.1 billion on Federal projects during this time of taut economic conditions, however, the funds appropriated through this bill can not be characterized as unnecessary expenditures. Every one of these projects will return to the people many times their costs over the years. Floods are going to be paid for, whether by repairing damages or by building water control structures. I personally favor the prepayment method; it does not cost as much, and it is devoid of human misery.

I hope that the Senate will see fit to include funds to begin construction on the Lost Creek dam and on the Siuslaw River dredging. If they do not, I shall continue my efforts in the coming year to gain support for the start of construction of these two badly needed projects.

Mrs. DWYER. Mr. Chairman, the pending bill presents questions which our colleagues should consider most carefully. On the one hand, we have an obligation to pursue essential public works planning and construction, to provide the navigation facilities our economy requires, to furnish the protection from disastrous and costly floods our people have a right to expect, and to develop the water supplies, especially in the drought-stricken Northeastern United States, which are so fundamental in all our lives. And these are obligations which clearly belong to the Federal Government.

On the other hand, we are directly responsible for exercising an unusual degree of restraint in spending the taxpayers' money during this time of inflation. We cannot be as generous today as we have been when the price level was more stable or when the economy needed the stimulation of Government spending.

In brief, I believe we must be particularly selective—approving those projects which can only be delayed at the risk of further human or economic loss or of substantially higher costs, and postponing those which do not qualify as top priority projects.

In undertaking this responsibility, Mr. Chairman, I think we should be aware of the fact that the Appropriations Committee and its Subcommittee on Public Works have performed the difficult and commendable feat of reducing the total funds appropriated in this bill by $56 million below the administration's budget requests and $214.5 million below last year's appropriations.

Again, however, I am convinced that the times require even greater prudence. For this reason, I intend to support an amendment or amendments providing for one or a combination of the following actions: the elimination of specific projects of relatively low priority, the striking out of all unbudgeted items, or an across-the-board reduction of all projects by from 5 to 10 percent. Such actions would save an additional $200 million to $400 million, without doing irreparable harm to our public works program. The last of these three alternatives would have the added value of affecting all the projects in the bill equally, including those in which each of us is personally interested.

As I have indicated, I do not believe we would be justified in voting against this bill in its entirety. The times and the state of the economy call for firm anti-inflation action, not for the radical rejection of progress in areas of such direct and lasting concern to so many of our people.

Of the items in this bill, Mr. Chairman, there are four to which I should like to devote individual attention because of their great significance to the people I represent, although I repeat that I believe a reduction in these as well as the other projects in the bill is desirable.

The first, Mr. Chairman, is the Elizabeth River project, for which funds will enable the Corps of Engineers to proceed with advance planning and design of a flood control project which will protect residents and businessmen long plagued by high water and contribute greatly to the redevelopment of the city of Elizabeth. As one who was instrumental in obtaining the first funds for this project, I am most anxious to see the work progress.

The second project is the widening of the entrance channel to Kill van Kull from Upper New York Bay, the scene of many costly accidents, and an area whose continued development is vital to the further growth of commerce in Newark Bay, especially in Port Elizabeth and Port Newark, both of which have contributed thousands of jobs and hundreds of millions of dollars to the region's economy.

The third is continuation of the comprehensive study, including reclamation, of the Jersey meadows, the largest undeveloped area in the world's greatest center of commerce and industry. The development of the meadows will have an enormously beneficial influence on the area's economy.

Finally, Mr. Chairman, I refer to the special study, initiated last year by the Corps of Engineers, of the water-supply problems of the Northeastern United States. The authorization of this study last year represented what I believe can be the most significant single step in assuring a solution to the problem of drought in our intensively populated and heavily industrialized part of the Nation. For approximately 5 years, the area has suffered from inadequate supplies of clean water, and this study, hopefully, can point the way to a remedy.

Mr. KIRWAN. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, $31,730,000, to remain available until expended: *Provided*, That $441,000 of this appropriation shall be transferred to the

Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

Mr. KIRWAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. JONES].

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, I rise in support of H.R. 17787, the Public Works Appropriation bill of 1967, and I want to specifically endorse the appropriation of funds to start construction of the Bear Creek multipurpose water control system in northwestern Alabama and northeastern Mississippi.

H.R. 17787 provides $1,500,000 to start construction of this vitally needed project during the current fiscal year. The Congress has previously appropriated some $756,000 for planning and design of the multipurpose system. It is estimated that the total cost to complete the project over the next 5 years will be about $26 million.

Extensive investigations have demonstrated the engineering feasibility and economic justification for multipurpose development of the water and related land resources of the Bear Creek watershed. Bear Creek is the eighth largest tributary of the Tennessee River. Its watershed extends over portions of Colbert, Franklin, and Marion Counties in northwestern Alabama and Tishomingo County in northeastern Mississippi.

The marginal productivity of many farm and forest holdings and a labor force concentrated primarily in low-wage industries and services limit the average income, average educational levels, and living standards of Bear Creek people. A few examples might be noted: The median family income of $2,845 in Bear Creek Watershed is only about half the national average. More than 60 percent of the people over 25 years of age dropped out of school before the ninth grade—although this ratio does not apply to the younger generation—more than 4 out of 10 families live in houses classified by the census as either dilapidated or deteriorating. Over 2,000 families or individual units in Franklin County alone receive public assistance.

It is against this background that TVA has been working for several years with the leadership of the Bear Creek area to plan and bring into being a cooperative program for economic development. This program is as broad as the resources of the area, rural and urban, physical and human.

Indigenous physical resources with potential for significantly enlarging economic opportunities are sharply limited. One of the few having such potential is the water resource, which is now underdeveloped.

The stream rises in the Bankhead National Forest of northwestern Alabama, flows about 135 miles in a general northwesterly course, and for its last 60 miles roughly follows the Alabama-Mississippi State line to the Tennessee River. In an average year Bear Creek empties 1,100,000 acre-feet of water into Pickwick Lake, enough to fill that major TVA impoundment to the top of the gates. Flow is poorly sustained during dry seasons, however, and many of the smaller streams cease entirely.

Relatively productive farmlands along creek bottoms, particularly in the western or lower half of the watershed, are subject to damage annually from one or more crop-season floods. Floods also have caused severe damage to highways and bridges, but no urban areas are in the flood plains. Rainfall averages 54 inches a year, yet the typical crop season suffers from 50 to 60 drought days.

The waters of Bear Creek at present make a rather small contribution to the watershed economy. Only 11,300 acre-feet of both ground and surface water are used. Most of the surface water used is by self-supplying mining industries; municipal use is more commonly from wells and springs which often prove inadequate for industrial or municipal expansion. During drought seasons, neither surface nor ground-water supplies are dependable for meeting any large user requirements that might develop in the upper portion of the watershed.

The 1967 estimate of $1,500,000 provides for beginning construction work on the Bear Creek multipurpose water control system. The system will include four retention dams and reservoirs and will have flood relief for agricultural lands in the lower Bear Creek valley as its major function, but it will also be capable of a significant degree of control over Bear Creek's contribution to floods on the lower Tennessee River. Two of the reservoirs will provide needed municipal and industrial water supplies for several communities in the area. In addition, the reservoir complex is expected to provide a new base for recreation activities in the watershed.

The system is scheduled to be completed by the fall of 1970. On the basis of present plans and schedules, the estimated total cost of the system is $26 million. Net capitalized benefits are estimated to exceed $32,800,000.

Local interests will be expected to participate responsibly in development and management of the project, thus helping to assure that it produces the intended economic benefits to the region. Also resulting will be reductions or partial recovery of the Federal capital outlay.

I urge approval of the appropriation for Bear Creek watershed.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Wisconsin: On page 3, line 22, strike out "$31,730,000" and insert in lieu thereof "$29,613,000".

Mr. DAVIS of Wisconsin. Mr. Chairman, the amount of the proposed reduction in investigations for this portion of the bill, totaling $2,117,000, is made up of two categories of projects. One of the categories is a group of investigations which were not included in the budget submitted by the President, and they number 29. There are five additional projects which were included in the budget, but for which the committee added additional study funds. So this first category of what might be termed unbudgeted investigative funds would affect 34 projects and would reduce the bill by $1,890,000.

The second category included in this amendment is a group of projects which, in my opinion, can very well be deferred until after the Vietnam crisis has passed and when we are in a better position to proceed with this water resources development program for our country.

In the general debate on this bill, I did not list the projects which were unbudgeted but which would be affected by this amendment, since in the committee report there are footnotes which clearly identify these projects. This is one of the illuminating and fine things about the report on this bill as prepared this year.

However, the report does not set forth those projects in the budget to which I referred, and although I did list them by project in the general debate, I believe that I should repeat the list so that Members may be advised. There are 11 such projects, for which I believe investigative funds could well be deferred:

1. Illinois, Calumet River (Turning Basin).
2. Illinois, Illinois Waterway, 12 feet.
3. Illinois, Prairie du Rocher & vicinity.
4. Illinois, Shoal Creek.
5. Louisiana, Bayou Grand Caillow.
6. Michigan, Black River (Port Huron).
7. Michigan, Marquette County.
8. New York, New Rochelle and Echo Bay Harbors.
9. Ohio, Lake Erie Coast, Mich., and Ohio.
10. Ohio, Lake Erie Coast, Ohio, Pa., and N.Y.
11. Tennessee, Mill Creek.

Mr. Chairman, these projects were singled out for a number of reasons.

In one case, for instance, the project has been inactive since Korea. The study is now to be resumed. I submit to my colleagues that the same conditions which dictated the suspension of the studies at the time of Korea now prevail in this country by reason of Vietnam.

With respect to another one, which requires some explanation, Marquette County, Mich., this is a new study of water supply, water quality and recreational problems. This, I submit to my colleagues, is not a strictly Federal responsibility at this time.

There are others for which the benefit-to-cost ratio is very low. The Eel River in California and the Lytel and Warm Creeks projects are examples of this, since they barely exceed unity as a benefit to cost ratio. It would seem to me that at this time, for sure, we ought to be talking in terms of projects which can justify themselves on a very favorable benefit to cost ratio if they are to be considered for funding at this time.

The England Pond levee, for instance, has a benefit-to-cost ratio of less than one-half to 1, with a very small local contribution.

These projects, it seems to me, could well be deferred until our fiscal condition is much more favorable than at the present time.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the gentleman from Vermont.

Mr. STAFFORD. Mr. Chairman, I find, with regret, that I cannot support H.R. 17787, the Public Works Appropriation bill for 1967. This is the bill, much of which is carried out by the U.S. Army Corps of Engineers, that is commonly called the "pork barrel" bill.

It appropriates $4,110,932,000.

We are face to face with a very grave threat of ruinous inflation.

Under the circumstances the expenditure provided in this bill will simply help bring the fire of inflation to white hot heat.

Oh, I appreciate that the bill contains a great many worthwhile projects. But colleagues, while we are engaged in the costly struggle in Vietnam, while the dollar is under international attack, while our gold reserves are falling, while prices for necessities at home are skyrocketing, cannot these projects be deferred for a year in the interest of a more stable economy.

It is only out of the deepest concern for the welfare of the economy of the United States and the dangers which threaten it that I have become convinced I must vote against a bill which contains funds for studies in at least two projects I have favored—the Connecticut River Recreational Area Feasibility Study and that also for the so-called Dickey-Lincoln School Reservoirs project.

Most of us have become somewhat accustomed to the great danger to our country inherent in the war in Vietnam. Inflation creates an equally serious and much more insidious danger. It has been creeping up on us for sometime. Suddenly it is in our midst. The housewife feels its presence with prices up 2 percent for food in August alone. The Consumer Price Index rose 3.5 percent between January and August. It is still rising. The price of new cars will apparently be substantially increased. Interest rates on borrowed money are headed for the stratosphere.

Who is being hurt?

All Americans will suffer from the effects of this inflationary spiral but those who will be hurt first and hardest will include retired people on fixed incomes, social security beneficiaries, families of civil service and military personnel, families of low-wage income.

My colleagues, putting off the projects in this bill to a more propitious time will help curb the ruinous effects of inflation which hurt us.

This bill, amongst other things, contains 24 new construction starts not contained in the President's budget.

We have, as has the administration, asked management and labor to exercise restraint in the pricing and wage structure of the private enterprise system. I say it is time for us to demonstrate restraint in the expenditure of the taxpayers money—to prove that we are capable of the kind of leadership the American people have a right to expect of us.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

The amendment offered by the gentleman from Wisconsin would reduce the general investigations appropriation from $31,730,000 to $29,613,000, a reduction of $2,117,000, which appears to be a very small amount in the face of the entire budget we are considering today.

The amendment, if adopted, would affect a great number of projects all over the United States, from Maine to Florida, from Maine to California, and from Washington to Florida. There are some 26 unbudgeted items which the gentleman would cause to be knocked out of this particular general investigations section of the bill. Again, these projects are all over the United States.

There are 11 projects which are budgeted projects but which the gentleman considers to be of marginal value. These projects, too, spread throughout the United States.

These studies have all been authorized by the legislative Committee on Public Works. I believe it is elementary that we must have studies to find out if there is a feasible project for the committee to consider. This is precisely the reason why we have these studies.

Again I want to indicate, Mr. Chairman, that the amount of money involved here is relatively small, $2,117,000, and it will take at least 4 years to complete these studies.

Now is the time to study these projects so that if they are found to be justified and if they are found to be feasible they can be authorized and they can be ready for consideration for planning funds when the time is right to expand the public works program. I believe it is absolutely indispensable that we have a backlog of studies which indicate the kinds of projects which we can go ahead on when we are able to do so.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the very distinguished member of the authorizing committee, the gentleman from Alabama [Mr. JONES].

Mr. JONES of Alabama. I thank the gentleman from Massachusetts for yielding.

I would like to add to the statement that the gentleman just made as to the comments of the Bureau of the Budget. When the original prospectus for a flood control or river and harbor project is received by the Committee on Public Works it carries with it the approval and endorsement of the Bureau of the Budget. Consequently the Committee on Appropriations has already had the comments of the Bureau of the Budget and the committee is properly disposing of these various projects with the Bureau of the Budget's endorsement.

Mr. BOLAND. I appreciate the remarks of the gentleman from Alabama.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to join the gentleman from Massachusetts in opposition to the amendment. While I am not familiar with all of the projects included in the list, I must refer to the one which I am very familiar with. This is the Eel River project on the north coast of California. Yes, it can be said that I am protecting the projects in my district. However, I am substantially more familiar with the problems that exist there. The Eel River, when referring to benefit-cost ratio, is the river where the major floods in America took place last year. No area in the United States was harder hit by major flood damage than this area. We are dealing here with two separate projects, one in the delta and one upstream. You will hear a lot about the Eel River in the future, and I urge you to vote down the amendment, because this project must go forward. I will not take the time to elaborate on the magnitude of the projects required to bring the killer Eel under control but the Members will become increasingly familiar with it, as we present flood control recommendations in the future.

Mr. BOLAND. I appreciate the gentleman's remarks and point out to him that the Eel River is not included in this particular amendment. It will be included in an amendment he will offer on the construction item of the bill. However, may I conclude by saying that the projects which will be affected again are located all over the United States. They are in Alabama, California, Connecticut, Florida, Illinois, Iowa, Louisiana, Massachusetts, Mississippi, Missouri, Montana, New York, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Washington, Wisconsin, Kentucky, Nebraska, and Maryland. I hope that the amendment will not be adopted.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and would like to specifically address my remarks to the Hollinger's Island Channel in the Mobile Harbor.

Until last year the U.S. Army owned 1,826 acres of land on the western shore of Mobile Bay where it operated an ammunition terminal during World War II and the Korean war. Periodically this facility was used by the Army Transportation Command for maneuvers. The property owned by the Army was purchased by the industrial development board of the city of Mobile and the Alabama State Docks in July 1965 from the General Services Administration to be operated as an adjunct to the port of Mobile in providing transient cargo facilities and for purposes of developing industrial sites.

The facility owned by the Army and acquired by the industrial board and the State docks is accessible to the Mobile ship channel via the Hollinger's Island ship channel, a channel dredged to the account of the Army in 1957 to a depth of 30 feet from the Mobile ship channel to the terminal pier, a distance of 3.9 miles.

The Alabama State Docks is a State agency operating all public terminals in the port of Mobile and now operates this pier facility at the head of this channel with outbound rail and truck service. Last year the port of Mobile ship channel was dredged to 40 feet in depth with a 2-foot overcut in the final phase of the Mobile Harbor improvement authorized by the Congress in 1954. This work was accomplished by the U.S. Corps of Engineers At the present time the port of Mobile handles 20 million tons of cargo annually and this facility is another docking point in the Mobile Harbor. The present channel to the facility from the Mobile ship channel has silted to about 15 feet in depth since the Army first dredged the channel. This requires off loading in the main channel for any cargo destined for this pier. Over the past year there have been a number of shipments that have been lightered to and from the dock.

In addition to the need for a transient cargo service at this facility the industrial board of the city of Mobile owns large industrial sites adjacent to the railroad serving the dock and the Alabama State Docks has planned to dredge a public barge canal from the dock area into the industrial property. This will be accomplished by the Alabama State Docks as a further service to the board's industrial sites. In order to provide this development the State of Alabama and the county of Mobile along with the Alabama State Docks is expending considerable funds for the construction of necessary bridges and approaches over the canal. The various utilities including the water board are at work bringing their service into this area at considerable cost. The various expenditures for improvements by local public agencies and utilities total approximately $5 million. The industrial board has optioned 529 acres of this land to a large industry which will use imported raw materials and would need deep water access for their vessels. The Alabama State Docks will operate the pier facility and the railroad as part of the terminal operation to serve all transportation agencies and will provide in addition to the transient service the necessary service to the industries that are locating on the property.

Brookley Air Force Base, a large air materiel depot employing 13,600 civilians in Mobile, Ala., was ordered closed by the Secretary of Defense on November 19, 1964, with final phaseout to be completed in 1969. The Mobile community has worked diligently to overcome the economic impact due to the loss of this substantial number of jobs. This base was the largest Federal facility in the country closed by the Secretary of Defense in his recent phaseout activities, and payroll loss amounts to one-sixth of the total personal income in Mobile. Our people are, nevertheless, optimistic about the future and have been very active in bringing in new job opportunities for the citizens. According to the Mobile Area Chamber of Commerce, who administers the industrial board, there are a number of large industries interested in portions of this industrial district known as Theodore Industrial District.

In order to assist the people of Mobile in pulling themselves up by their own bootstraps I urge my colleagues to approve $25,000 for the Corps of Engineers to make a feasibility study for deepening this Hollinger's Island channel to 40 feet in depth in order to bring this water access into line with all of the other channels in the Mobile harbor. This will provide additionally needed public docks and enhance the industrial development now in progress.

I urge the appropriation at this time so that the study can move rapidly. I realize the time required for both the study and the subsequent authorization will not meet the target date for the early needed use of this terminal. In the meantime, the Alabama State Docks has committed itself to deepening to 40 feet the existing channel with a minimum width in order to have early use of the facility.

In view of this assured early use we have every reason to believe that the corps study will prove this channel to be economically feasible for completing the 40-foot channel.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to direct a question to the gentleman from Wisconsin [Mr. DAVIS], who has proposed this amendment. I understand you have read a list of those projects that would be affected by your amendment. Is that correct?

Mr. DAVIS of Wisconsin. I did.

Mr. ROGERS of Colorado. If any of the other projects herein are not set forth in what you read, then they are not affected by your amendment here?

Mr. DAVIS of Wisconsin. No. That is not quite correct, I will say to my colleague from Colorado. If they were unbudgeted surveys and investigations.

Mr. ROGERS of Colorado. That is as to planning?

Mr. DAVIS of Wisconsin. No. We are not on planning yet. This is investigations.

Mr. ROGERS of Colorado. General investigations?

Mr. DAVIS of Wisconsin. Yes.

Mr. ROGERS of Colorado. That is all this applies to? If it is put in the budget on investigations, you do not touch it?

Mr. DAVIS of Wisconsin. Unless it is on this list of 11 I have read here before. That is correct.

Mr. ROGERS of Colorado. If it deals with planning, it does not affect this?

Mr. DAVIS of Wisconsin. That comes under the construction item, and that will be considered under an amendment which I propose to offer on page 4.

Mr. ROGERS of Colorado. On page 4 you have another amendment?

Mr. DAVIS of Wisconsin. That is correct.

Mr. ROGERS of Colorado. Would that amendment also apply to the planning money?

Mr. DAVIS of Wisconsin. That would include planning and construction money for the Corps of Engineers.

Mr. ROGERS of Colorado. That was not budgeted?

Mr. DAVIS of Wisconsin. That is correct.

Mr. ROGERS of Colorado. And at that time, when you offer your next amendment on page 4, will you outline what these projects are?

Mr. DAVIS of Wisconsin. I will outline the specific projects which would be affected by that amendment.

Mr. ROGERS of Colorado. And the amounts thereof?

Mr. DAVIS of Wisconsin. I can, if questions are asked relating to it.

Mr. ROGERS of Colorado. The reason why I ask for a division of them is that there is a particular project I have in mind.

I thank the gentleman and yield back the balance of my time.

Mr. HAGEN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members of the Committee, I rise to oppose the amendments which are being offered by the gentleman from Wisconsin [Mr. DAVIS] and to pay tribute to the honorable gentleman from Ohio [Mr. KIRWAN] and the other members of the committee who support this bill and who have done such a wonderful job in investing in America over all these years.

Mr. Chairman, unfortunately, the ultraliberal press have traditionally called this a pork barrel bill. They apparently do not object to expenditures administered only by some bureaucrat in one of the departments of this Government but object to Congress exercising its own judgment in determining where money should be allocated. I resent such shortsightedness.

Mr. Chairman, these projects are very carefully considered. They are not transitory in nature. They are designed to help preserve not only to this generation but to all generations of this country the resources which have made this country great.

Mr. Chairman, it is my opinion that we owe a great debt of gratitude and thanks to the gentleman from Ohio [Mr. KIRWAN]. Truly he has been a builder of a better America and we in California are extremely grateful.

Mr. Chairman, I urge a "no" vote on any amendment which is offered to cut these proposed items. I regret the omission of three additional unbudgeted appropriations which I sought and which I feel have great merit but I am hopeful they can be added in the Senate when certain remaining preliminary procedural hurdles have been surmounted. I refer to Kings River channel improvement and loan funds for the Pond-Poso and Buttonwillow improvement districts.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not want to prolong this debate, but I must clarify a point, based upon the earlier exchange between the gentleman from Wisconsin

[Mr. Davis] and the gentleman from Massachusetts [Mr. Boland].

Mr. Chairman, on page 8 of the committee report there is an item of $180,000 for the general investigations of the Eel River in California.

Is this included in the amendment now pending before us? As I recall, the gentleman from Massachusetts [Mr. Boland] said that this general investigative item of $180,000 on the Eel River is not included in the amendment but that it would be included in the planning and construction item deletion amendment. Is this correct?

Mr. DAVIS of Wisconsin. That is correct. It will come through a subsequent amendment. It is not covered in the pending amendment.

Mr. DON H. CLAUSEN. So, I can rest assured that this particular item, the $180,000 item, will not be struck if the proposed amendment is adopted?

Mr. DAVIS of Wisconsin. Not by this pending amendment; this is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Davis].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Davis of Wisconsin: Page 3, line 22, strike out "$31,730,000" and insert in lieu thereof "$29,840,000."

Mr. DAVIS of Wisconsin. Mr. Chairman, the effect of this amendment is to deal only with one of the categories included in the previous amendment which was just rejected. That previous amendment, had it been adopted, would have stricken from the bill those studies, resumptions and reports which had not been included in the President's budget and would also delete 11 additional projects which had been in the budget but which, at least, in my opinion could not be justified at this time—critical fiscal time.

Mr. Chairman, the amendment which the Clerk has read applies only to the first category. In other words, it applies only to the deletion of unbudgeted new studies, resumptions and increases in budget studies. It involves $1,890,000.

Now, Mr. Chairman, as the gentleman from Massachusetts, one of the very competent and more informed members of this subcommittee, has said, in connection with the previous amendment, this does not involve a great deal of money.

But I do think it goes more deeply than that, both with respect to our fiscal situation and with respect to this particular program. These studies do take up the trained personnel of the Corps of Engineers. If we are not receiving the trained personnel of the Corps of Engineers in directing these studies, we had better not be making them at all. But if to the extent they do take up the trained personnel of the Corps of Engineers, to that extent this trained personnel being used for this civilian purpose is in competition for the trained personnel that we so badly need not only for the billion dollar military construction program which passed this House this past week, but for the other military engineering projects for which the Corps of Engineers is responsible in the combat areas in which American troops are engaged. I think this is a great deal more important to us than the dollars involved.

This amendment is designed to retrench, to curtail the investigative functions of the Corps of Engineers for their civilian purposes in order that trained personnel will be available—and there is a scarcity of trained personnel in this respect—so they will be available for the military responsibilities of our country.

Mr. RESNICK. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman.

Mr. RESNICK. The gentleman mentioned 11 projects. Would the gentleman be good enough to name the 11 projects?

Mr. DAVIS of Wisconsin. I have already mentioned them twice. Would it be helpful if I mentioned that none of the 11 projects are in the State of New York—would that answer the question the gentleman had in mind?

Mr. RESNICK. That would be very helpful.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts [Mr. Boland] rise?

Mr. BOLAND. Mr. Chairman, I rise to oppose the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. Boland] is recognized for 5 minutes.

Mr. BOLAND. Mr. Chairman, the amendment of the gentleman from Wisconsin would affect, as he has indicated, just the unbudgeted items and the increases in the budgeted items. As he indicated, it amounts to a total of $1,890,000.

His first amendment would have attacked all the items with which he was displeased in the unbudgeted items, the increases in the budgeted items, and that would have totaled $2,117,000. But in order to get at the unbudgeted items and the increases in the budgeted items, it was necessary for him to offer this amendment that is now before us.

This amendment, would affect a number of projects throughout the United States.

Let me say, it would seem to me there ought to be some power vested in this committee that the subcommittee on appropriations should have some responsibility on deciding on projects, and that is precisely what we did with respect to the unbudgeted items and also the increases in the budgeted items.

This committee listened to 1,600 witnesses. It held hearings for a period of 9 months. There were over 180 Members of Congress alone who came before the committee seeking increases in budgeted items or seeking appropriations for unbudgeted items.

So, I do not think I can emphasize too strongly, Mr. Chairman, this committee should have the right, not alone the Bureau of the Budget downtown, but this committee that sat for so long and has listened to so many witnesses, that it should have the right to put in some of the items which it, in its wisdom and judgment, believes ought to be in this bill.

If we follow the recommendation of the gentleman from Wisconsin [Mr. Davis], we will be saying that we do not have this right and it ought to be given to the bureaucrats downtown.

So I think this amendment, Mr. Chairman, ought to be defeated.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the gentleman.

Mr. DAVIS of Wisconsin. I simply want to say to my colleague from Massachusetts, for whom I have the greatest respect because of his responsible work on this committee, that I do not advocate the turning over of this power or decision to the Bureau of the Budget as a permanent proposition. I would be among the first to assert the responsibility as well as the authority of this committee to institute new general investigations of its own. But I am attempting by this suggestion to find means for installing a formula for dealing with what I consider to be a very critical fiscal situation in this country. I suggest it only as an emergency formula for this fiscal year and during the Vietnam war in which we are now engaged and not as a permanent practice for this committee.

Mr. BOLAND. I appreciate the remarks of the gentleman from Wisconsin [Mr. Davis]. Let me say there is no more valued, no more hard-working member of that committee.

He is in constant attendance. He does a thorough job in interrogation of witnesses. I am sure that he, no more than any one of us, in fact, would want to turn this whole job over to the Bureau of the Budget, but the fact is that that is precisely what the amendment would do.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Davis of Wisconsin: Page 3, line 22, strike out "$31,730,000" and insert in lieu thereof "$31,503,000".

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. DAVIS of Wisconsin. Mr. Chairman, this is the second category to which I referred. It was not included in the immediately preceding amendment. It was included in the first amendment which I offered at this point in the bill. This refers now to a reduction of $227,000 for 11 specific general investigations which I have twice read to the Members of this Committee.

It would involve, for example, a project which has been inactive since Korea. It would involve one study of local water supply and recreational problems, which I do not feel is a Federal responsibility. It would involve a couple of projects with particularly low benefit-to-cost ratios. It would involve one or two projects for which the justification is primarily recreational, and the justifications so show.

I agree that while under different circumstances we might all want to take a different attitude, I feel that it is important to pinpoint these items as being unjustified at this particular time.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

This is the second part of the summary amendment offered by the gentleman from Wisconsin which the Committee has already defeated. As he has indicated, this is an amendment which would reduce this item by $227,000, and this is a list of budgeted projects which he considers to be of marginal value. I would leave to the judgment of the Members of this Committee as to whether or not these projects are of marginal value.

A great number of these projects, or some of the projects, are projects which are harbors of refuge located in Michigan, Ohio, and New York. Some of them are recreation, some flood control, and some are beach erosion projects.

Again, this amendment would affect some projects that are in States all over the country. As I have indicated, we have already defeated the original package amendment and this amendment is part of that. It was part of the original amendment originally offered by the gentleman from Wisconsin. It would appear to me that we should stand by the earlier judgment. I urge defeat of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

Mr. JOELSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to express my own disappointment over the fact that the Subcommittee on Public Works of the Appropriations Committee failed to appropriate the comparatively small amount of $250,000 for a national cemetery program, as I had requested.

In the State of New Jersey a cemetery for veterans known as Beverly Cemetery has been obliged to close. If we could have an extra $125,000, we could reopen that in fiscal year 1967, and we could obtain the site necessary to provide final resting places for veterans whose families want them buried in a veterans cemetery.

I know my colleagues from New Jersey on both sides of the aisle share my regret. I express the hope that if the other body should include this item, the conferees could see fit to accept their recommendation.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, President Roosevelt once said that the most important task facing our people, other than protecting ourselves in a major war, was to leave a better country for our children than the one we found.

Mr. Chairman, I pay tribute to our great friend, the gentleman from Ohio [Mr. KIRWAN] for his untiring efforts to achieve President Roosevelt's statement of purpose. All of us in this House are proud to acknowledge the outstanding contributions of the gentleman from Ohio to America the beautiful. Generations to come will have a better, more lovely country, both economically and in natural beauty, because of the efforts of MIKE KIRWAN.

But Mr. Chairman, there is so much that can be done by the rest of us who are devoted to the same task. Americans have been careless—much too careless—with their bountiful heritage. Polluted streams and waterways, foul air, auto junkyards, careless fires, scattered refuse have hurt almost irreparably America the beautiful. I was talking a short time ago to a Member who had just returned from a visit to our national parks.

The parks are wonderful—

He said—

but do you know what would do more than anything else for the scenic beauty of America?

I shook my head.

Giving a penny back on every beer can—

He replied.

Advancing civilization brings its penalties. Where shall we dispose of our empty bottles and cans, our refuse, our atomic wastes, our industrial and national pollutants?

We who live on Lake Michigan are very much concerned—understandably—with any practice or activity that results in pollution of our lake. For some time the Corps of Army Engineers has been dumping its dredgings from rivers and waterways right into the middle of Lake Michigan, without regard to the question of whether such dredgings add to the pollution of the lake. Yes, we want the dredging. We want improvements to our harbors and our waterways. But we do not want such improvements to result in fouling the waters of the lake.

And, Mr. Chairman, it is contended by officials of the Metropolitan Sanitary District of Greater Chicago that such dredgings do pollute Lake Michigan.

I was prepared, Mr. Chairman, to offer an amendment to this bill to prevent disposing of polluted dredgings in Lake Michigan. However, upon checking with the Corps of Army Engineers, I was advised that the corps had been engaged for some time in studying alternative methods of getting rid of the dredging wastes. That study is almost completed, and it is confidently expected that an alternative will be found. It will inevitably be more expensive. Dumping the dredgings into the lake is less costly financially. But, Mr. Chairman, the easy way, the cheap way is not necessarily the best way. There is only one Lake Michigan. There is only one system of Great Lakes, and they must be protected from further pollution. I intend to stay in close touch with the corps to make sure that its polluting practices are discontinued.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, or projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction); $953,715,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That $550,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Wisconsin: On page 4, line 14, strike out "$953,715,000" and insert in lieu thereof "$919,330,000".

Mr. DAVIS of Wisconsin. Mr. Chairman, this amendment includes three categories of proposed deletions. It is in this phase of the bill, I believe to which the gentleman from Massachusetts referred as a summary amendment with respect to the earlier paragraph on investigations. In other words, this includes all three of the categories where I believe reductions should be made.

The first category would represent a reduction of $30 million to delete unbudgeted new planning and construction starts, resumptions and increases in budgeted amounts. Here again, I would refer the members of the committee to the very adequate committee report, in which the unbudgeted items for planning and construction are indicated by footnotes. I would further advise my colleagues from California, who made inquiry a minute ago, that this Eel River, as I will mention in another category, is included in this overall amendment.

The second category in this amendment refers to a group of budgeted projects which in my opinion could very well be deferred at this time. They include: In California, the Eel River for planning; in California, the Lytel and Warm Creeks for planning; in Florida, the Ponce de Leon Inlet for planning; in Illinois, the Richland Creek for construction; in Kentucky, the Paintsville Reservoir, for planning; in New Jersey, the Atlantic City reimbursement, for beach erosion control; in Oklahoma, the Lukfata Reservoir, for planning; in Virginia, the Virgina Beach reimbursement, for beach erosion; in West Virginia, the Burnsville Reservoir, for planning; in West Virginia, the R. D. Bailey Reservoir, for construction; in Maine, the Dickey-Lincoln School project, for planning; in Kentucky, the Martin's Fork Reservoir, for planning; in Texas, the Trinity River, for planning; in Colorado, the Trinidad Reservoir, for construction; and in Illinois, the England Pond levee, for construction.

I would submit, Mr. Chairman, with respect to each and every one of these 15 projects, that while good cases can be made for their construction at some time, that there is not that immediate urgency about them which would justify proceeding with them at a time when reentrenchment ought to be the order of the day for civilian construction projects.

The third category included in this amendment is a group of five projects which are budgeted but which must justify themselves at least 50 percent or more as the basis of recreation benefits. These would include: In Florida, Virginia Key and Key Biscayne, for construction; in Hawaii, Haleiwa Beach, Oahu, for construction; in Hawaii, Honokahau Harbor, for planning purposes; in North Carolina, Ocracoke Island, for planning purposes; and in Missouri, Smithville Reservoir, for planning purposes.

There may come a time when we will feel that we can proceed with these projects on the basis of their recreational value, but I do not believe this is the time. I believe this represents a breach of faith with those who are depending upon us for some very urgent appropriations at this time, keeping in mind that if we spend this money for this purpose we shall have to delete some projects for this Government somewhere else or borrow the money with which to provide for them.

I submit, therefore, that the amendment ought to be adopted.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. I direct the gentleman's attention to page 26 of the report, to the items for Colorado. There is listed Chatfield Reservoir. There is a budgeted item of $481,000. Also, there has been approved by the committee for construction $5,519,000. The planning figure is $481,000.

Would the gentleman's amendment affect the planning money?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(On request of Mr. Rogers of Colorado, and by unanimous consent, Mr. Davis of Wisconsin was allowed to proceed for 3 additional minutes.)

Mr. ROGERS of Colorado. Would the gentleman's amendment affect either of those items; and, if so, which one?

Mr. DAVIS of Wisconsin. The amendment which I have offered would affect the construction money. It would not affect the planning money of $481,000, which was included in the budget.

I believe this is justified not only on the grounds that it was not in the budget but also, I suggest, because if there is that much planning which remains to be done it is highly questionable whether they would be in a position to go ahead efficiently and economically with construction during the fiscal year.

Mr. ROGERS of Colorado. If, as an example, $5 million of that were for the purchase of land to go along with the planning, would the amendment apply to that?

Mr. DAVIS of Wisconsin. It would affect it, because that would be considered as construction funds not included in the budget.

Mr. ROGERS of Colorado. I thank the gentleman.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an attack upon the construction part of the public works appropriations bill. It is made for the purpose of deleting unbudgeted new planning and construction starts, resumptions, increases in budgeted amounts, and budgeted projects with recreational benefits in excess of 50 percent, and new budgeted projects of marginal value. It comes to a total of some $34 million.

As the gentleman has said, this is his first amendment. It is the overall inclusive amendment which includes all the projects he believes ought not to be carried in this particular bill this year.

If this amendment is defeated, the gentleman will offer another amendment; and if that amendment is defeated, he will offer another. The two subsequent amendments will cover parts of the amendment the gentleman now offers.

Mr. SECREST. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the gentleman from Ohio.

Mr. SECREST. Would this amendment cover the North Branch Reservoir on the Kokosing River?

Mr. BOLAND. Yes. This amendment would cut that out.

Mr. SECREST. I want to oppose the amendment. This is one of the most important projects in Ohio. I believe the amendment should be defeated. For over a year I have worked for this project. I do not want to see it killed here on the floor of the House by this amendment.

Mr. BOLAND. I appreciate the gentleman's joining me. I think that any Member with a project here would be interested in defeating the amendment.

These projects have been given consideration by the Subcommittee on Public Works. The chairman of the subcommittee spent many long hours on this bill.

We increased those projects which we believed were entitled to an increase.

As the gentleman from Colorado has said—and he has been supported in his belief on this by his colleagues, the gentlemen from Colorado [Mr. McVicker and Mr. Evans]—Chatfield Dam is one that would be affected by the amendment offered by the gentleman from Wisconsin. It would reduce the Chatfield Dam appropriation by $5,519,000.

Mr. Chairman, I do not believe I have seen a better case made for an increase in a budgeted project than was made by the Members of Congress from Colorado plus all the distinguished citizens from the Denver area.

That not only applies to Chatfield but to a place like Dubuque, Iowa. I remember the able Member, the gentleman from Iowa [Mr. Culver], coming before the committee to testify with a distinguished group of citizens from Dubuque. Now, this is strictly a flood control project which is attuned solely to the preservation of lives and property and preventing damage. The distinguished Member from the State of Iowa who represents that district [Mr. Culver], came before the committee and made a very persuasive case for this project. This is the kind of a project which will be eliminated here. The increase in the budget for construction of this project will be eliminated if the amendment offered by the gentleman from Wisconsin prevails. These projects affected are all over this country. They affect every State and are in every nook and corner of the Nation. Most of them apply to flood control.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Iowa.

Mr. CULVER. I wish to thank the gentleman from Massachusetts for yielding. I would like to express my appreciation for his kind references to the community of Dubuque and to our efforts to secure passage of this legislation so that we can obtain this very much needed project.

I rise in opposition to this amendment and express my appreciation to the chairman and the members of the Committee on Appropriations for their dedicated efforts on behalf of our area.

Mr. Chairman, the farsighted, wise, and gifted leadership of Chairman Kirwan over the years has made possible the development of water and power supply, flood control, navigation, and reclamation public works projects so fundamental to the present strength and future progress of America.

Mr. Chairman, it is a source of personal gratification to me that the Appropriations Committee has approved our request for funds to complete the planning of the Dubuque flood control project and to begin construction of this floodwall in the coming year.

For much too long a time, the city of Dubuque has suffered through ravaging floods of the Mississippi River, constructing and removing temporary protective measures which can at best be only partially effective, restoring public facilities, repairing damaged property, and generally cleaning up in the wake of the flood.

Back in 1944, the city received the necessary congressional authority to begin planning for a permanent flood protection device, but it was not until fiscal year 1964 that the first Federal appropriations were made for this planning. This year, the President's budget included $145,000 to complete the planning stages of the project, but the hopes for funds to at least start construction of the floodwall were diminished when no further budget request for this purpose was made.

The continual threat of flooding on the Mississippi is a constant concern to business, industries, and government in Dubuque and problems arise concerning insurance rates, new industry location, business expansion and construction in the rather heavily industrialized section of the city most seriously affected.

A recent study of a respected research organization reveals that 94 percent of a representative cross section of Dubuque residents consider a permanent means of flood protection to be the most important pending community project. In addition, they overwhelmingly indicated their willingness to approve a bond issue to finance the city's share of the cost of such a facility.

On the basis of my personal observations during the disastrous flood of 1965, and my work with Dubuque officials since that time, I can testify with the greatest conviction to the need for immediate action to provide effective flood protection in the area.

Plans for the 1965 floods—drawn up as early as 1962—were put into effect on April 1 of that year, almost a full month before the floodwaters crested. All city forces and 3,500 volunteers worked to minimize the damage of the floodwaters, filling and putting into place 350,000 sandbags and operating 141 trucks and bulldozers on a 24-hour basis. Red Cross, civil defense, and the Salvation Army supplied staff and support services; the Corps of Engineers provided full-time technical advisers; the Coast Guard patrolled the river with 26 men; and the National Guard patrolled the dikes. The cleanup began on May 1 and continued through the month of August.

This outstanding effort is credited with preventing damage to an estimated $19 million worth of property. But another $8 million was lost in the flood. Beyond this, the Corps of Engineers estimates that an additional $7 million in damages have been incurred as a result of floods in Dubuque dating back to 1938.

Every year that completion of the project is delayed poses a very real threat of adding to the already enormous costs which the city and individual Dubuque residents have endured.

It is for this reason that we have worked this year to secure not only the recommended funds to finish planning, but an additional $105,000 to begin the construction of the floodwall in 1967. By gaining approval for these funds, we can accelerate the timetable for completion of this vital project and provide permanent protection for more than $80 million worth of property from any future flooding of the Mississippi.

I want to express my appreciation to the Dubuque community leaders, Mayor Walter Pregler, City Engineer John L. White, Dubuque Packing Co. Representative Andrew Kisting, and Attorney Francis J. O'Connor, who came to Washington to testify with me before the House and Senate Appropriations Committees. It was their efforts, and the support of the residents of the city, which made clear the urgency of this undertaking and resulted in the approval of the House Appropriations Committee.

I realize that at a time of budgetary pressures, we must postpone new starts on projects which can be deferred temporarily. But there is no question as to the priority which the Dubuque project must receive.

I am also aware that the committee heard testimony from over 1,600 witnesses requesting funds for unbudgeted projects and to increase the amounts on budgeted projects. This included nearly 200 Members of Congress involving over 300 projects.

I, therefore, urge my colleagues in the House of Representatives to defeat this amendment and support the committee judgment that this critical flood control project is of the highest priority and fully justified, by approving the entire $250,000 included for Dubuque in the appropriations bill now before this body.

Mr. BOLAND. I thank the gentleman from Iowa for those kind remarks.

May I again emphasize that if anyone knows how seriously this amendment would affect this particular area, it is the gentleman from Iowa.

Mr. Chairman, I am now delighted to yield to the gentleman from Atlantic City, N.J. [Mr. McGRATH].

Mr. McGRATH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment, which would prevent the reimbursement of Atlantic City in the amount of $150,000 for a beach-erosion project. This was a budgeted item intended to reimburse Atlantic City for work already done. It is an authorized Federal project and Atlantic City went ahead with this work in the obvious belief that the Federal Government would reimburse the city.

This project has a very favorable benefit-cost ratio of 2.9 to 1. The total estimated project cost is $9,160,000 of which $4,010,000 is the estimated Federal cost.

The justification for authorization of this project is as follows:

> Atlantic City is one of the most popular seaside resorts on the Atlantic coast. The economic life of the city is largely based upon the preservation of the beach for recreational purposes. The authorized work is necessary to maintain a suitable beach for recreational purposes and for protection of the boardwalk and properties fronting the ocean and Absecon inlet.
>
> The city has completed more than 40 percent of the work in accordance with the authorized plan and has been reimbursed for the Federal share of costs incurred through fiscal year 1963. Current operations are confined to the 4,800-foot stone jetty extending seaward from Brigatine Island which is vital to the protection of navigation using Absecon inlet. A total of 2,550 feet was completed through 1958 in four increments. A 400-foot extension costing $310,000 was completed in September 1964 and the Federal share of $155,000 will be reimbursed to the city out of funds available for fiscal year 1966. The balance of fiscal year 1966 funds will be used for partial payment of the Federal share of the cost of a further 350-foot increment of jetty construction started in November 1965 with completion scheduled in June 1966.

Last year, Atlantic City was reimbursed in the amount of $200,000 for this work by the Public Works Appropriations Act of 1966.

I urge the Members to defeat this amendment. I commend the distinguished chairman and the members of his committee for bringing such a fine appropriations bill to the House floor.

Mr. BOLAND. I can understand why the gentleman from New Jersey is concerned about this, because it will eliminate a beach-erosion-control project in New Jersey, which has already committed itself to the expenditure of more than $5 million. This is a reimbursement project, and they are entitled to be reimbursed for it. All other parts of the Nation which have this kind of a project have been reimbursed for it, and there is no reason why New Jersey should not be.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I would like to join the gentleman from Massachusetts in opposition to this amendment. While previous reference has been made to other projects, I would like again to devote some attention to this so-called Eel River Delta project. To give you some idea of the problems we are facing, I am personaly convinced that the benefit-cost ratio of this project will have to be altered in the future, because while it is now listed with a benefit-to-cost ratio of 1.1 to 1, I would remind you that during the 1964 floods there was $7 million spent on flood disaster recovery and rehabilitation costs by the Corps of Engineers in the Eel River Canyon and Delta alone. This does not include the ASCS reseeding program. On the north coast of California we have 40 percent of the water for the entire State and we have a history of annual floods occurring there. I am the ranking Republican of the Flood Control Subcomittee of the House Committee on Public Works which is going to look into this matter of benefit-to-cost ratio next year. The chairman and I have discussed this problem and will be asking many of you to join us and our Committee on Public Works in looking into this entire benefit-cost ratio question, because in the long run, I believe we will save a great deal of money.

I am convinced the existing benefit-to-cost ratio is outdated. I have described it as horse and buggy in its approach to the financial and benefit facts of life.

The gentleman from Wisconsin raises a good point that more justifying information needs to be provided to the committee on these projects. I can assure him that this will be the intent of our committee when we conduct the hearings on benefit-to-cost ratio evaluation next year.

Mr. BOLAND. Mr. Chairman, I appreciate the remarks of the gentleman from California and will say that what he says is precisely true. The author of this amendment objects to this project because it has a benefit-cost ratio of only 1.1 to 1. That was true, as the gentleman from California indicated, in 1954. But here it is 1964. They have had floods since then. There has been a great loss of life last year and the year before. The area lost 24 lives and spent $7 million in the area. This, of course, brings this to much better than a 1.1 to 1 benefit-cost ratio now.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman from Massachusetts yielding to me.

I rise in opposition to the amendment of the gentleman from Wisconsin. I would like to point out to the House that this amendment will delete from the bill the Chagrin River project in my district. This is a flood control project which is badly needed in the western half of Lake County, Ohio. In recent years several people have lost their lives due to the flooding of the Chagrin River.

It would also delete from the bill $200,000 for the widening and deepening of the outer channel of Ashtabula Harbor.

Mr. Chairman, I would also at this time like to express my reservation concerning the Lake Erie to Ohio River Canal. In voting for the public works appropriations bill of 1967, I will not be voting for the approval of this project at this time for the following reasons:

First. This project received the approval of the Corps of Engineers Rivers and Harbors Committee only last week. In the last paragraph of their report they said as follows:

> The Board report is being processed to the Chief of Engineers, who in turn will transmit his proposed report, together with the reports of the Board and the reporting officers, to the Governors of the affected States and to interested Federal agencies for their views and comments. These comments will accompany the complete report to Congress with the recommendations of the Chief of Engineers.

I am firmly convinced that this project should have followed these channels before additional money was asked for engineering. It is my duty to represent my district to the best of my ability. Involved in this project, according to the Corps of Engineers, is $95 million in first cost local participation funds. Many of these millions of dollars will have to come from the counties of Lake and Ashtabula in the State of Ohio. These costs and those that will be sustained by the State of Ohio should have been thoroughly examined before additional planning money was allocated.

I am also concerned with the Corps of Engineers report that states:

> Prior to construction—
>
> Local interests furnish assurances satisfactory to the Secretary of the Army that they will:
>
> a. Provide without cost to the United States all lands, easements, and rights-of-way required for construction and subsequent maintenance of the navigation features of the project, except in the Grand River Reservoir and the divide cut, and for aids to navigation upon the request of the Chief of Engineers, including suitable areas determined by the Chief of Engineers to be required in the general public interest for initial and subsequent disposal of spoil, and also necessary retaining dikes, bulkheads, and embankments therefor or the costs of such retaining works;
>
> b. Hold and save the United States free from damages due to the construction, operation, and maintenance of the navigation features including, but not limited to, those resulting from wave action and changes in ground-water levels;
>
> c. Bear a proportionate share of the cost of bridge alterations over the existing channels of the Beaver, Mahoning, and Grand Rivers in accordance with the principles of Section 6 of Public Law 647, Seventy-sixth Congress (Truman-Hobbs Act), as amended;
>
> d. Assume all obligations of owning, including operating, maintaining, and replacing, all railway and highway bridges altered or constructed as part of the multipurpose project, including any additional costs of maintenance or operation which may be required because of the project, with such obligations for each bridge being assumed upon completion of the alteration or construction of that bridge;
>
> e. Provide and maintain, at local expense, terminal and transfer facilities along the waterway and at a Lake Erie terminus adequate to handle the commerce which will use the waterway, with depths in berthing areas and local access channels serving the navigation channel commensurate with the depths provided in related project areas; with terminal facilities at Lake Erie open to all on equal terms.

Before I could give my approval to this project, I believe it is my duty to protect the local political subdivisions from this tremendous expense. In any case, no approval can be given by me until such time as the State of Ohio assures our local subdivisions that they stand ready to provide the non-Federal funds that would be eventually needed at the time of construction.

It is also my firm belief, Mr. Chairman, that this project will never be built without the approval of the Boards of County Commissioners of Ashtabula and Lake Counties. These bodies hold the key to the eventual construction of the canal.

At the present time I do not believe that the benefits to be derived in my district outweigh the tremendous immediate cost to our local taxpayers. I will hold this position until assurances to the contrary are given to me by either the State of Ohio or the Federal Government that non-Federal funds be provided at least in part by other than local taxpayers of Ashtabula and Lake Counties.

Mr. BOLAND. I appreciate the gentleman's remarks.

Mr. TUPPER. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Maine.

Mr. TUPPER. Mr. Chairman, I thank the gentleman from Massachusetts for yielding to me and rise to express my opposition to the amendment.

I will not impose on the time of the House to discuss the tremendous benefits that have sprung from development of the natural resources of this Nation.

Each of you are well aware of the great strides we have taken in creative resources development throughout most of the United States.

We have also helped to build huge hydro projects in underdeveloped countries of the world such as the 370-foot-high dam on the Volta River in Ghana which provides West Africa with 1 million kilowatts of electricity.

Yet, for some strange reason, Maine and New England have been bypassed as the natural resources of other areas of the United States and abroad have been developed.

Secretary of Interior Stewart L. Udall has called the Dickey-Lincoln School project a "great water resource project in the classic sense" and he also termed it "a model for conservation" in that it provides complete and comprehensive development of the international St. John River.

Two engineering agencies of our Government—the Corps of Engineers and the Department of Interior—participated jointly in preparing the engineering and economic feasibility studies of this project. The Federal Power Commission considers it the finest hydroelectric site in New England. President Johnson personally transmitted the report on the project to Congress to demonstrate his strong support of the Dickey-Lincoln School project. And finally, Congress in the last session authorized its construction. Now another feasibility study will be undertaken; and while the proponents do not believe it is necessary, we hope it will serve to reassure those still with doubts.

Mr. Chairman, the Dickey-Lincoln School project has impressive credentials as a resource development project; and I am at a loss to understand the continuing attempts to block the legitimate interests of the people of New England.

New England suffers from the highest cost electric power in the continental United States. In Maine, electric rates for the average consumer are 21 percent higher that the national average. In fact, the average monthly bill for the same amount of electric power increased from 1964 to 1965—while it was decreasing throughout the rest of the Nation.

Now, when a solid promise of help is offered to the people of New England, selfish private-interest groups continue to seek to obstruct it. Secretary Udall has called upon them to cooperate in this great endeavor, citing the advantages of mutual cooperation, but they refused. The gentleman from Maine, Congressman HATHAWAY, and I have sought their cooperation without avail. Instead they hold out only promises designed to confuse the issues and thwart the will of Congress.

The private power companies have two approaches. In New England they say that construction of the Dickey-Lincoln School project would prevent them from going forward with their so-called nuclear alternative. In Washington, however, they say that the Dickey-Lincoln School is unnecessary because of their firm intentions to construct their nuclear alternative.

The Federal Power Commission, following the presentation of these utilities before the House Public Works Committee last year, reviewed their so-called nuclear alternative. The Commission concluded that it was not, in fact, a cheaper alternative. They found instead that power produced under this so-called alternative was 41.8 percent higher in terms of cost per kilowatt-year and 52.6 percent higher in terms of capacity costs.

The small municipal systems and rural cooperatives in Maine pay these utilities 15 to 20 mills for electric power. Power from the Dickey-Lincoln School project would be sold at 8 mills. Think what this will mean in Calais, Maine, for example, where the streets are illuminated by 25-watt bulbs. You have no idea what this project means in terms of area redevelopment in Aroostook and Washington Counties where nearly half of the people live on incomes clearly below the poverty level.

For those who are apprehensive over the cost of this project, let me remind them that for every dollar of Federal investment an additional $2 of private business transactions will be generated.

A study made by the Department of the Interior of electric power needs in the region showed that 36 million kilowatts of generating power would be needed in New England and Canada's Maritime Provinces by 1980. After deducting existing capacity and planned additions, the Federal Power Commission estimates there will be a deficit of 17 million kilowatts. I think prudent men would agree that New England needs both nuclear plants and the Dickey-Lincoln School project. It is not a case of one against the other; actually, substantially more low-cost electric power is needed in New England than both can provide.

I hope that my Republican colleagues will join in bipartisan support of the Maine project. I would remind them that this project has the support of Republican Gov. John Reed, Senator MARGARET CHASE SMITH, and the last Republican State convention in my State.

Mr. Chairman, in nearly 16 years of public life—here and in Maine—I can think of no single project which is more important to the future of my State. In my 6 years in Congress, I have consistently supported the development of water resources of this Nation no matter where they were located because I am convinced that prudent investment in our resources is also a prudent investment in the future of our country. I ask only that you do for the people of Maine that which they have willingly supported for the citizens of other States for many years.

Mr. CASEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, you know that they say a freshman should be seen and not heard. I have been on this distinguished committee for only a short time. Like many, before I had the opportunity to join this distinguished Committee on Appropriations and this particular subcommittee, I wondered how they operated. The distinguished chairman, the gentleman from Ohio, as you know, is one of the most respected and honored Members of this House. He has friends galore by reason of that fact.

Mr. Chairman, this bill would be much bigger if MIKE KIRWAN had his way and if he had not used the restraint that he thought was necessary at this time.

But, by the same token, as the gentleman has said over and over again, he believes in the future of the country and in the development of the resources of this country and in what is going to keep it great.

Mr. Chairman, the gentleman from Ohio [Mr. KIRWAN] believes that we should maintain advanced planning and continue construction; he believes we should maintain flood control and the development of our natural resources for the benefit of all people.

Now, Mr. Chairman, the gentleman on the other side of the aisle wants to cut out the unbudgeted items. Mind you, if your committee had just limited itself to the budgeted items, someone—I do not know who on this side of the aisle—but someone over there would have wanted to cut it below the budget, saying that the Bureau of the Budget did not know what it was talking about, and that it was too extravagant.

On the one hand, Mr. Chairman, they want to adhere to what the Bureau of the Budget says. And, if you do, that is too much.

I want to tell the Members of the Committee that every item that is contained herein has been carefully considered by this committee.

Mr. Chairman, I feel that it is a great honor to join this distinguished committee, on both sides of the aisle.

Mr. Chairman, the gentleman who has offered this amendment, the gentleman from Wisconsin [Mr. DAVIS], there is not a more dedicated man on this committee than the gentleman from Wisconsin. But by the same token he will admit that every item was gone into thoroughly.

By the same token, Mr. Chairman, can anyone tell us that this will not be needed to be done later on? The gentleman just wants to postpone it, because he wants you to tighten the belt a little tighter.

Mr. Chairman, it is my opinion that this subcommittee has tightened the belt just as tight as we can make it.

Mr. Chairman, we must maintain plans ahead. If we stop all future planning, if we stop all items of construction, all of those items that have been approved, when we finish this war undertakings, we will not be in a position to move ahead.

Mr. Chairman, the distinguished gentleman from Ohio [Mr. KIRWAN] has done an excellent job. He has restrained himself in what he believes is needed for this country. He is to be commended for that and I believe he has brought out a bill that none of you should turn down, that none of you should delete any item of it, because the gentleman from Ohio [Mr. KIRWAN] is a man who believes in America. This bill represents the belief of the gentleman from Ohio in a greater America. And, mind you, I want to repeat the fact that it would have been much larger if the gentleman from Ohio had had his way.

Mr. Chairman, the amendment which is now being proposed, and those that will come later, being offered by the gentleman from Wisconsin [Mr. DAVIS], if they had had any merit, we would have cut them out in the committee.

Mr. Chairman, we have a tight committee. Had they had no merit MIKE KIRWAN would have cut them out, because he is a gentleman who believes and knows that we must practice some restraint, and by the same token, he does not want to see this country throttled in the development of its great resources by any niggardly type of restraint.

MIKE KIRWAN is a builder of America and I urge you to join with me in rejecting this amendment and be a builder with him.

Mr. CLEVELAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to join a number of my New England colleagues in applauding the action taken by the Appropriations Committee in reference to the proposed Dickey-Lincoln School project.

In my opinion the continuing search for information on this project can only benefit the taxpayers of the Nation at a time when they deserve our utmost attention.

It seems clear enough to me that the Federal agencies that have been stumping for this project can have no legitimate objection to such a thorough analysis before we are asked for construction moneys. This project has been so enveloped with controversy, claim, and counterclaim and conflicting information that we would be doing a genuine disservice to the people of New England, and the Nation as well, not to seek the true facts.

By involving at the outset the full searching powers of the Appropriations Committee we can seek answers anywhere and everywhere, from the Atomic Energy Commission to the Federal Power Commission, from the many statements in the CONGRESSIONAL RECORD to the engineering studies made by private firms. We should seek and probe and ask until all the answers are in and then—and only then—should this House be asked to make a decision on this tremendously costly project.

Mr. VAN DEERLIN. Mr. Chairman, I rise in opposition to the amendment. It is a shocking fact that in the face of today's expanding naval needs some of our great carriers cannot enter the harbor of one of our major naval bases because of an inadequate entrance. Almost equally shocking is the fact the movement of Navy ships into and out of this harbor is impeded to the point where special permission must be obtained on weekends at times before a Navy vessel can enter or leave the harbor.

This situation exists at San Diego, Calif., and is caused by the fact that the single entrance to the harbor is too narrow and too shallow to meet the needs of the major naval base there.

San Diego Harbor is one of the 10 best natural harbors in the world. Unfortunately, at present there is only one entrance, and that entrance is only 600 feet wide. In addition to the vast number of Navy vessels berthed in the harbor, and using this entrance, there are 13,000 other boats of all sizes from pleasure craft to commercial fishermen registered in San Diego County, most of which use that entrance from time to time. The congestion is tremendous, and increasing. It is complicated further because six changes of course are required to negotiate the channel by large ships.

Even worse, at low tide large carriers cannot enter the harbor at all. This is because the depth of the entrance is only 42 feet. The large carriers have a draft of 37 feet, with sonar equipment extending another 5 feet or more below the hulls.

It is impossible to dredge a deeper entrance because the floor of the harbor is at bedrock. Already in view by the Navy are vessels which will have a draft greater than 42 feet. These ships, which will be among the most important the Navy has, will not be able to use one of the Navy's greatest harbors under present conditions. Other Navy vessels are already denied use of the harbor for reasons having nothing to do with depth of the water. They are nuclear-powered vessels of the future, which will not be permitted to dock in the harbor because there is insufficient circulation, or flushing action, of the harbor waters with only one entrance.

A major training operation of the Navy loses tens of thousands of man-hours a month because of inadequate access to training facilities. These are amphibious training operations off the shore of the base on the ocean side. To reach the scene of these training operations, boats and men must make a circuitous route through the present harbor entrance.

The harbor could be made available for use by all Navy ships of whatever size, whether nuclear powered or not, congestion could be eased and unhampered entry and exit for Navy vessels made possible, and thousands of training manhours saved, by construction of a second entrance to San Diego Bay. The Army Engineers have begun a study to determine the feasibility of such an entrance. In the bill before us is an appropriation of $165,000 for continuation of that study.

To meet the expanding needs of our Navy, a second entrance to the harbor is a necessity. So great is this need that it even overshadows the purely commercial benefits such a second entrance would provide for Metropolitan San Diego. The city's growth as a major west coast port is hindered now by its inadequate harbor entrance. There are already 75 oceangoing freighters which cannot use the port of San Diego because of the shallow harbor entrance. With every country turning to larger and larger freighters, more and more ships will have to turn away from one of the major cities on the west coast unless a second and deeper entrance is made into San Diego Bay.

Civilian needs present a forceful argument in favor of such an entrance, but great as they are, they are overridden by the pressing and increasing needs of the Navy.

The budgeting of funds for this harbor study is of vital importance to the Navy and to our national defense.

A prominent retired Navy officer told me recently of meeting with the late President Franklin D. Roosevelt, aboard the President's car on a railroad siding in San Diego during the year 1944.

Displaying an unusual and detailed knowledge of our harbor—stemming, no doubt, from his days as Assistant Secretary of the Navy—Mr. Roosevelt asked:

> By the way, when are you going to cut that second entrance?

The question is being asked now with greater frequency.

I hope my colleagues, by their votes today, will provide a clue to the answer.

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in opposition to the amendment. We in the First District of Alabama are always interested in and aware of the continuing value of the Coosa-Alabama River system because its terminus is at the port city of Mobile.

Much of the traffic on this river system is handled in one way or another at Mobile. The cargoes transported on this system contribute a great deal to the economy of Alabama.

I give my unqualified support to four budgeted items for development of the Coosa-Alabama River system, with a total amount of $32,600,000.

They include $13,500,000 for continuing construction of the Millers Ferry Dam near Camden, $7,500,000 for continuing construction of the Claiborne lock and dam near Monroeville, $3 million for continuing construction of the Jones Bluff lock and dam further upstream, all three of these projects located on the Alabama River.

The fourth item of the group is the Carters flood and power dam on the Coosa River near Rome, Ga., where $8,600,000 is budgeted for continuing construction there.

In addition, I want to call attention to the request for the unbudgeted amount of $800,000 covered in the gentleman's amendment, for the beginning of the Alabama River channel improvement in the 82 miles of the river below the Claiborne lock and dam. This is essential if the dams I have mentioned are to become operative.

In fiscal 1966 funds were appropriated for planning of this project. The locks in the Claiborne Dam and in the Millers Ferry Dam are scheduled to be placed in operation in December 1967. It is important that the channel improvement be completed, also, at that time, if year-around navigation is to be possible in this area of the river.

With completion of these projects the Coosa-Alabama River system will be open for navigation a total distance of 325 miles from Mobile to the Jordan Dam No. 2. This will be truly a remarkable achievement, one that has been dreamed of and sought by forward-looking men for many years.

It is hoped that the goal will be reached by 1970. It will bring added economic strength to all citizens in the area.

This river system is the second largest south of the Ohio and east of the Mississippi. It drains wholly or partially 43 counties in Alabama and Georgia and covers about 38 percent of the State of Alabama. The system is considered one of the greatest undeveloped natural resources in the Southeast.

This series of river development projects presents an excellent example of partnership between the Federal Government and private enterprise. The Alabama Power Co. has worked closely with the Federal Government in planning and constructing dams for power generation.

There also is a need for flood control. The State of Alabama is interested in greater recreational development along the two rivers in conjunction with reservoirs.

The outlook is one of optimism generated by the lively imagination, hard work, and foresight of many citizens, and the cooperation of government at the local, State, and Federal levels.

I urge defeat of the amendment.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to this amendment.

This amendment would exclude, in addition to the Dubuque project previously mentioned, money for a project at Waterloo, Iowa, and also one near Ames, Iowa. I strongly supported the Waterloo project because it has been badly needed for years. Industries in Waterloo have been hit by flood after flood in recent years. As Lt. Governor Fulton testified before the committee, this situation has increased the risk of losing existing industries there in addition to discouraging new industries from coming there.

The project at Ames was authorized last year. The Budget Bureau recommended the money to relocate a new interstate highway there but did not recommend any money for planning preparatory to construction. The Budget Bureau has a judgment to make as to which projects should be pushed faster, but the House makes its own final decision before acting and I hope my colleagues will agree that the planning on this Skunk River project should be started now.

I urge the rejection of the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. DAVIS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DAVIS of Wisconsin: On page 4, line 14, strike out "$953,715,000", and insert in lieu thereof "$923,715,000".

The CHAIRMAN. The gentleman from Wisconsin [Mr. DAVIS] is recognized for 5 minutes in support of his amendment.

Mr. DAVIS of Wisconsin. Mr. Chairman, this is the first category included in the previous amendment which was just rejected. This would delete unbudgeted new planning and construction starts, resumptions and increases in the budgeted amount. Thirty million dollars are involved in this amendment.

It is not fair to say, as has been said here in connection with the previous amendment, that there would not be funds for planning, that a new construction program would not go forward if this amendment were to be adopted. I think it more fair to say that a more restrictive and probably more cohesive program will go forward by the adoption of this amendment than will be the case if it is not adopted.

We already have, Mr. Chairman, a $6½ billion program ready to proceed with, a backlog of that amount of authorized projects requiring additional planning and construction money, without adding these unbudgeted items that are included in the bill and which, in my opinion as I have said before, ought to be removed from the bill at this time.

Mr. RESNICK. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman.

Mr. RESNICK. Mr. Chairman, I must admit that at this time I am confused by the gentleman's amendment as I am sure many of my colleagues are. The gentleman in his wisdom for some reason has singled out in his minority report a project in my district. I am wondering if that is in this particular amendment or is that a special amendment?

Mr. DAVIS of Wisconsin. That is not included in this particular amendment. This would apply only to unbudgeted projects.

Mr. RESNICK. I am just waiting for the lightning to strike and I just want to know when to look. I thank the gentleman from Wisconsin.

Mr. HATHAWAY. Mr. Chairman, I rise in opposition to the amendment to strike the Dickey-Lincoln School hydroelectric project appropriation from the bill. The gentleman from Wisconsin [Mr. DAVIS] has stated the reasons he wants this and the other 14 projects in one category stricken is because either they have a low benefit-to-cost ratio, or there is no urgency in proceeding with them, or because there is considerable controversy over their merits. In answer to these objections let me say this:

Certainly the Dickey-Lincoln School hydroelectric project does not come within the purview of the gentleman's first objection that the benefit-to-cost ratio is low. The benefit-to-cost ratio of this project is 1.86 to 1 which is better than 55 percent of the projects to which a cost ratio can be assigned and which were authorized by Congress last year, and it is better by far than benefit-to-cost ratios of many other hydroelectric projects which have been authorized by this Congress in the past; to wit, the Colorado River storage project had a ratio of 1.3 to 1, the Fryingpan-Arkansas project had a 1.65 to 1.

With respect to the gentleman's contention that there is no urgency in going ahead with this project, I would like to point out that the demand for electricity throughout the United States is increasing rapidly and this is especially true in the New England area. The blackout last year in New England and New York, which fortunately was not too harmful could have been catastrophic, was in no small measure due to the fact that the demand for electricity in New England and New York exceeded the supply. It is true we have to appropriate money for our effort in Vietnam, but the industry that supports the effort in Vietnam must also go on and this industry requires an abundance of low-cost electricity.

Finally, in answer to the gentleman's statement that the project is controversial let me say first of all that there should be no controversy over it whatsoever on its merit. The project has been thoroughly studied and approved by the Department of the Interior, the Corps of Engineers and the Bureau of the Budget, but if there is any doubt about its merits, the controversy has been compromised in committee by a reduction from the budgeted amount of $1.2 million to $800,000 and the committee has recommended a staff study of the project. I see no need for such a study nor do I see the need for cutting the recommended appropriation. I am confident that the study will uphold the previous exhaustive studies that have been made, and I am hoping that the study can be made as soon as possible so that the remaining moneys may be appropriated as they are needed to construct this much needed project as soon as possible.

The CHAIRMAN. For what reason does the gentleman from Massachusetts [Mr. BOLAND] rise?

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BOLAND] is recognized for 5 minutes.

Mr. BOLAND. Mr. Chairman, this amendment offered by the gentleman from Wisconsin [Mr. DAVIS] is the first part of the package which we have already defeated. This pertains to unbudgeted, new planning, construction starts, resumptions and increases in budgeted amounts and it comes to a total, as indicated by the gentleman, of $30 million.

This would affect all projects where we have moved them from the planning to the construction stage; all projects which we put in which were unbudgeted; and this will affect all projects which we have increased the sum of the amounts for budgeted items, such as the Chatfield Dam, the Dubuque, Hugo Reservoir, New Hope Reservoir, Ashtabula Harbor, and a great number of projects all over the United States would be affected by this amendment.

We have already defeated this amendment in the big package and I urge the Committee not to go along with amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to this amendment. As I understand this amendment, its net effect would be to delete very important projects in my congressional district.

Mr. Chairman, it must be exceedingly difficult for the Members to fully grasp the magnitude of flood problems on the north coast of California. We have the major projects on Corta Madera Creek in Marin County, the Warm Springs-Dry Creek Dam in Sonoma County, the Redwood Creek Flood Control Levee in Humboldt County and many other projects, at varying degrees of progress toward construction, that are involved in this matter. Year after year, the devastating floods hit these areas; the people have been waiting for a long time for relief from this annual flood threat.

If this amendment, and the others offered to delete these items are passed, it would prolong the agony and suffering of the people in this area. I violently object to these amendments and vigorously support the gentleman from Massachusetts in opposing this and similar amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. DAVIS].

The amendment was rejected.

The CHAIRMAN. For what purpose does the gentleman from Wisconsin [Mr. DAVIS] rise?

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DAVIS of Wisconsin: On page 4, line 14, strike out "$953,715,000", and insert in lieu thereof "$953,065,000".

Mr. DAVIS of Wisconsin. Mr. Chairman, this is the second category, which is a selective list of 15 projects which ought to be deferred at this time of fiscal difficulties. The amount of money involved is $3,735,000. It would include a group of projects of low benefit-to-cost ratio, or of high controversy, or of lack of urgency priority at this time.

I know that it is not easy for Members who are aware of particular problems to criticize and ridicule the attempt to withdraw projects from funding at this time when a low benefit-to-cost ratio is shown. But I think in fairness to this subcommittee, if there have been changes in conditions in these areas affecting these projects, I think that we have a right to expect that those charged with the administration of those projects and requesting funding of them to come up and tell us about it, and I think it is unfair criticism now to point out, "Oh, we have had a lot of floods since then, and a lot of people have died since then, and now you want to condemn other people to death. You want to condemn other people to flooding."

There is not a single man on this subcommittee who feels that way, and least of all the gentleman who is now addressing the Committee of the Whole. But I think we have a right, if these problems are critical, to have someone come and tell us about them, and not require us to rely upon newspaper stories, headlines, and garish pictures that appear in magazines and newspapers throughout this country. So I do not accept with a very good grace the criticism that some of these projects are a lot more urgent than we on the committee have been told. I think that if there has been a change in circumstances, we ought to have new studies and investigations. We ought to have up-to-date information brought before us, because some of these projects do show a very unfavorable benefit-to-cost ratio. One of them on this list has a benefit-to-cost ratio of 0.47 to 1. I do not think we should be funding projects of that kind. If these are inaccurate figures, it is not our fault. It is the fault of those who are charged with proposing these projects, and justifying them before our committee.

Mr. Chairman, I submit that each of these 15 projects was not justified on the record, and on the record we must rely if we are to fulfill our responsibility to the other Members of this House, and to the country as a whole. On the record these projects should be deleted, and I ask that they be deleted.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

This is the second category in the amendments that the gentleman from Wisconsin has offered. This amendment would affect five projects which total $650,000. These are new budgeted starts which the committee in its wisdom and in its judgment decided ought to go in.

All of them have a favorable cost-benefit ratio.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am happy to yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. The England Pond levee project in the State of Illinois has a benefit-to-cost ratio of 0.47 to 1.

Mr. BOLAND. I understood that the gentleman's amendment was directed to the $650,000 reduction which he wanted to eliminate. I find only five projects there. Those projects have a benefit-to-cost ratio of 4.2 to 1, 6.2 to 1, and 1.2 to 1——

Mr. DAVIS of Wisconsin. I thought the amendment which the Clerk read is directed to the $3,735,000 item, which includes a list of 15 budgeted projects which I have read to the Committee.

I do have a pending amendment which would apply to the $650,000 to which the gentleman has reference. It has not yet been read by the Clerk.

Mr. BOLAND. Fine. I am addressing myself to projects which are 15. They are budgeted: California, Eel River; California, Lytel and Warm Creeks; Florida, Ponce de Leon Inlet; Illinois, Richland Creek; Kentucky, Paintsville Reservoir; New Jersey, Atlantic City; Oklahoma, Lukfata Reservoir; Virginia, Virginia Beach; West Virginia, Burnsville Reservoir; West Virginia, R. D. Bailey Reservoir; Maine, Dickey-Lincoln School project; Kentucky, Martin's Fork Reservoir; Texas, Trinity River; Colorado, Trinidad Reservoir; and Illinois, England Pond levee.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. EDMONDSON. Mr. Chairman, I just went up to the Clerk's desk to take a look at the amendment, and the amendment is for less than a $700,000 cut. It does not provide the $3 million cut the gentleman from Wisconsin is talking about. I think it is equally bad, but it is not the amendment the gentleman thinks he is talking about.

Mr. DAVIS of Wisconsin. A parliamentary inquiry, Mr. Chairman: May we be advised which of the two amendments is now pending, which one the Clerk did read? I understood it to be the cut of $3,735,000.

The CHAIRMAN. The Clerk will reread the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Davis of Wisconsin: On page 4, line 14, strike out "$953,715,000", and insert in lieu thereof "$953,065,000."

Mr. DAVIS of Wisconsin. Mr. Chairman, I stand corrected. I understood the Clerk to read the amendment relating to the list of projects. This appears to be the one we have been discussing. Mr. Chairman, I ask that the Clerk may read the amendment relating to the $3,735,000 reduction, and that this be considered as before the Committee at this time.

The CHAIRMAN. The Chair will state that there is one amendment pending. Does the gentleman intend to offer another amendment?

Mr. DAVIS of Wisconsin. Yes, there is one further amendment.

The CHAIRMAN. The Chair will instruct the gentleman that we will dispose of this amendment.

Mr. DAVIS of Wisconsin. Mr. Chairman, I ask unanimous consent that the amendment which was read by the Clerk be withdrawn and that the Clerk now read the amendment relating to the reduction of $3,735,000.

The CHAIRMAN. Without objection, the amendment referred to will be withdrawn and the Clerk will report the amendment offered by the gentleman from Wisconsin.

There was no objection.

AMENDMENT OFFERED BY DAVIS OF WISCONSIN

The Clerk read as follows:

> Amendment offered by Mr. Davis of Wisconsin: On page 4, line 14, strike out "$953,715,000," and insert in lieu thereof "$949,980,000".

Mr. DAVIS of Wisconsin. Mr. Chairman, I regret the error that I made. I did not properly hear the Clerk.

However, the amendment to which my remarks were addressed related to the list of 15 projects representing a reduction of $3,735,000, which I consider to be subject to deferment for various reasons at this time. I believe I have discussed those, thinking that that was the amendment before us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Davis].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Davis of Wisconsin: On page 4, line 14, strike out "$953,715,000", and insert in lieu thereof "$953,065,000".

Mr. DAVIS of Wisconsin. Mr. Chairman, I now ask that we consider this amendment which I thought the Clerk apparently had read, the one that I withdrew, Mr. Chairman.

Mr. Chairman, I shall be brief. This represents a list of five projects, the justification for which is more than 50 percent recreation. It includes funds for: Virginia Key and Key Biscayne, Fla., construction funds; Haleiwa Beach, Oahu, which is a reimbursement project, for which I believe is fairness reimbursement could be delayed until the next fiscal year; Honokahau Harbor, Hawaii, which includes $33,000 for planning; and for Ocracoke Island, N.C., $15,000 in planning; and for the Smithville Reservoir, in Missouri, $50,000 for planning.

This is not much money, $650,000, in today's money market, but this will be a gesture indicating that we cannot approve primarily recreation projects at this time in our country's critical fiscal situation.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

I have already discussed the effect of this amendment. It will, as the gentleman says, affect five projects which he has delineated. All of them are recommended by the Bureau of the Budget. All of them have favorable benefit-to-cost ratios.

I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Davis].

The amendment was rejected.

AMENDMENT OFFERED BY MR. CLARK

Mr. CLARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Clark: On page 4, line 14, strike out "$953,715,000" and insert in lieu thereof "$953,215,000".

Mr. CLARK. Mr. Chairman, this bill should be amended to delete an appropriation of $500,000 on behalf of the proposed Lake Erie-Ohio River Canal. Such appropriation would be ill considered and certainly is premature at this time. In fact, the project for which this money is to be appropriated, has not even been considered, let alone approved by the Committee on Public Works. Before the project is authorized, and certainly before any appropriation is made for it, it should be determined whether the Governors of the two States involved, namely, Ohio and Pennsylvania, are in favor of the project and whether the needed local support will be forthcoming. No such determination has been made. The Governor of Pennsylvania is on record as opposing this project as worthless and harmful to Pennsylvania, and it has similarly been opposed by both Pennsylvania Senators and by virtually all Members of this House from Pennsylvania. There is serious question whether it will not be opposed also by the Governor of Ohio. It is likely that this is so because the enormous expense to which this project will put the State of Ohio and its political subdivisions will greatly outweigh any benefit which the canal could bring.

I represent the only congressional district in Pennsylvania through which the proposed canal would run. I have studied this project with care, and I am convinced that there will be no benefit to my district whatever. On the contrary, it will be costly and harmful.

It will cost the local government in my district well over $15 million to relocate and reconstruct water intakes and outlets, sewer lines, public utility lines, and so forth. We will be called upon to provide at local expense large disposal areas. I estimate that the annual cost of maintenance will be well over $300,000 per year for the 50-year life of the project. I doubt that the local interests in my district could provide any such sums and I am certain that even if they could, they would resist such payments, because no benefit could be derived from the project.

On the contrary, if the canal is built and is even half as successful as its advocates claim, it will cause unemployment among the railroad employees in my district whose jobs will be eliminated by the canal. More than that, it will intensify the pollution problem from which we now suffer. Already the Mahoning River is an open sewer whose pollution is dumped into the Beaver River.

The local authorities in Ohio have stated at various public hearings, that they cannot afford to improve the quality of the water of the Mahoning. On the other hand, the Department of Health, Education, and Welfare has found and has reported that if the canal were to be built, pollution of the Mahoning River would be greatly intensified. For this reason alone we would oppose the project.

All these problems and many more should be given consideration before a project of this sort is authorized, and certainly before we start spending money in its behalf, especially at a time when inflation is one of our great problems.

When this project was first proposed by House Document 277 in 1934, the mileage or length of the canal was to be 35 miles, now it is 120 miles.

The first cost to local interest was $10 million, now it is $95 million, which does not include any money for construction of terminal facilities at Lake Erie or any place on the canal route.

The annual local cost in 1934 was $600,000 for 50 years. Now this cost per year for 50 years has risen to $10,300,000, and that is a lot of money.

Threatening telegrams certainly do not help any cause:

YOUNGSTOWN, OHIO,
September 21, 1966.

Congressman FRANK CLARK,
Rayburn Building,
Washington, D.C.:

9,000 Western Pennsylvanians who are your constituents depend on their jobs in the Mahoning Valley. Your support of the appropriations bill approving the inter-connecting waterway would be in their best interests and would have their approval. Your opposition to the project would result in the opposition to your candidacy for reelection.

JAMES P. GRIFFIN,
Director, District 26, 400 Realty Building,
Youngstown, Ohio.

Mr. FALLON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to join with the gentleman from Pennsylvania [Mr. CLARK], in opposing this project.

My remarks concern the merits of the project: the proposed Lake Erie-Ohio River Canal.

First. The cost has gone up from the original proposal of about $200 million to about $1 billion. It is clear that the actual cost will greatly exceed this amount.

Second. The benefits are based upon questionable economics in comparing rail and barge rates. These rates, if correctly computed, would show that there would be no real benefit from savings in transportation costs.

Third. A part of the justification is based on recreation. This is a speculative proposition and, at any rate, it would seem that there are enough recreational facilities that could be provided at a lesser cost that would not involve construction of a billion-dollar canal.

Fourth. The amount of local cooperation is extremely high, and it is very doubtful if these amounts could be met.

Fifth. The Governor of at least one of the States affected is opposed to the project, and it is unwise for the Congress to proceed with any public works projects, particularly of this magnitude, which is opposed by one or more of the States involved.

For the above reasons I oppose this project for I believe it is economically unsound.

FUTURE COURSE OF ACTION ON REPORT

The report of the River and Harbor Board has now been submitted to the Chief of Engineers, who will prepare his proposed report which he will submit to the Governors of the States of Pennsylvania and Ohio, and the following Federal agencies: Department of Interior; Department of Agriculture; Department of Commerce; Department of Health, Education, and Welfare; Federal Power Commission; and the Appalachian Regional Commission. A period of 90 days is usually allowed for comments. When the comments are received the Chief of Engineers prepares his final report and then submits the report, together with the Board's report and all accompanying papers, to the Secretary of the Army for transmittal to the Bureau of the Budget, and, finally, for transmittal to the Congress where it is referred to the Committees on Public Works of the Senate and the House.

The committees would then have for consideration the report of the Board of Engineers, the Chief of Engineers, the States, interested Federal agencies, and the comments of the Secretary of the Army and the Bureau of the Budget. The entire matter would therefore be available for consideration by the two committees and for whatever action is considered appropriate at that time.

Mr. FRIEDEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this project is without merit and of doubtful authorization. On May 20, 1940, President Roosevelt asked Attorney General Jackson to advise his opinion as to whether or not the project for improvement of the Beaver and Mahoning Rivers in Pennsylvania and Ohio needed further authorization by Congress. The Attorney General advised the President, under date of May 25, 1940, that in his opinion this project would not be authorized without further approval by the Congress to construct the "stub-end" canal to Youngstown.

At a time when Congress is concerned about inflation is not the time to consider such a large expenditure, running into billions of dollars, which could result only in questionable benefits to one locality. Such extravagance should not be considered even in times of top prosperity when reviewed as to the harmful effects on all of our eastern seaboard ports, as well as the railroad and dock companies, who estimate such diversion of traffic would eliminate some 8,000 jobs in communities as far away from the canal as New York, Buffalo, Philadelphia, Baltimore, Norfolk, and Detroit. Even greater distress would be felt in the communities immediately adjacent to the canal.

Certainly this is not in the national interest, and I join with my colleagues in support of this amendment.

Mr. MORGAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment because I am opposed to appropriating funds for the construction of this canal in spite of my high esteem and friendship for the author of the proposal. This cannot be a help to my district, and it could be very harmful. I realize, though, coming into the well on a bill of this sort is like a physician trying to take out Santa Claus' appendix on Christmas Eve when he has a pack of gifts on his back. I realize that most every Member of this House has a personal interest in this bill. I can say truthfully that the chairman of the Subcommittee on Appropriations, the gentleman from Ohio [Mr. KIRWAN], deserves the great and high esteem in which he is held by the Members of the House of Representatives as well as the others, because of the wonderful work he has done on behalf of public works, water conservation, and flood control projects all over this great country. However, we from western Pennsylvania, feel we have a serious problem with Lake Erie and Ohio River Canal, and are here today for one purpose—to make a record and point out the fact that we do not believe this canal is going to be beneficial to us. Pennsylvania is still the steel center of the world. We do not need this canal to increase our steel production. We do not need it for any other purpose. So my appearance here today is for one reason. I am speaking for the Congressmen from western Pennsylvania in opposition to appropriating any funds for this project.

The proposed canal project will cost both the State of Ohio and the State of Pennsylvania and the various municipalities and the public facilities and railroads an enormous amount of money. Until a full report has come in from the Corps of Engineers with respect to the project becoming available, it is not even possible at this moment to estimate the cost of this canal.

Mr. Chairman, the cost as pointed out in the committee report is $917 million of Federal money and—non-Federal cost—is going to be $95 million. This is over $1 billion. This is a conservative figure—it will be over $2 billion before one barge ever travels this canal.

Mr. Chairman, I realize that only $500,000 is being requested today, but this is the foot in the door of a project that will eventually cost $2 billion.

Now, Mr. Chairman, I can truthfully say, that most everyone in Pennsylvania, including the Governor, both Senators from Pennsylvania, every Congressman from western Pennsylvania and central Pennsylvania, the Mayor of Pittsburgh, the Democratic ex-Governor of Pennsylvania, David Lawrence; the ex-Gov. George Leader, are in opposition to this canal.

Mr. Chairman, such great newspapers of Pennsylvania as the Pittsburgh Press and the Post Gazette, have all run editorials in opposition to this canal.

In Ohio such great newspapers as the Cincinnati Enquirer, the Toledo Blade, the Cleveland Press, and the Columbus Citizen-Journal have condemned this project in no uncertain terms.

Mr. Chairman, I have not heard one single word of support for this canal from the two great Senators from the State of Ohio.

Mr. Chairman, I believe this canal, if it has any merit, should be studied further so that the people who will really benefit should come forward at a public hearing to testify as to whether this is a feasible project. Personally, I feel, aside from the city of Youngstown, Ohio, the proposed canal has no local support. It is difficult to see why this project should be foisted upon so-called prime beneficiaries who do not favor it.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I do so, however, with considerable regret because of my high regard and respect for the gentleman from Ohio [Mr. KIRWAN].

However, Mr. Chairman, because of the feeling of the people in the congressional district which it is my honor to represent that this project will be harmful to that district, I must rise in support of the amendment.

Mr. Chairman, in the report which this distinguished committee brings to us today, on page 5 thereof, is the following wording:

> It should be noted that public works projects, before they are eligible for funding, are subject to a most exhaustive review process to assure they are economically justified. After a thorough study by the responsible agency and clearance with all other agencies involved, they are carefully reviewed by the legislative committees of Congress before they are authorized by law.

Mr. Chairman, that careful review has not been given in this case.

The only legislation which can possibly be considered to authorize this project is the act of August 30, 1935.

Mr. Chairman, no member of the present Public Works Committee was a member of the authorizing committee in 1935. *At the time this project was authorized* we were in the depths of a great depression when unemployment was rampant. At that time, in 1935, the estimated cost of a 35-mile canalization of the Beaver and Mahoning Rivers was $37 million. Conditions are entirely different today. The proposed canal is 120 miles long. It is estimated to cost $917 million.

Furthermore, Mr. Chairman, this question of the authorization was raised at another time in 1939. The question of a $207 million project was brought before the Board of Engineers. At that time President Roosevelt asked for a legal opinion as to whether the authorization for the $37 million canal would carry for the $200 million canal. The Attorney General at that time, Mr. Robert Jackson, replied to the President as follows:

> MY DEAR MR. PRESIDENT: I have the honor to refer to your memorandum of May 20th requesting my advice as to whether the project for the improvement of the Beaver and Mahoning Rivers in Pennsylvania and Ohio, commonly known as the Stub End Canal to Youngstown, may be constructed without further authorization from Congress.

He concluded:

> It is my opinion therefore that the War Department would not be authorized without further approval by the Congress to construct the Stub End Canal to Youngstown.

Mr. Chairman, what was true in 1940 is even more so today. I do not believe that the project should be approved until it is given careful and thorough scrutiny by the proper authorizing committee in the light of the conditions as they exist today.

Mr. Chairman, I think the amendment should be adopted.

The letter referred to follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C. May 25, 1940.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I have the honor to refer to your memorandum of May 20, requesting my advice as to whether the project for improvement of the Beaver and Mahoning Rivers in Pennsylvania and Ohio, commonly known as the "stub-end" canal to Youngstown, may be constructed without further authorization from the Congress.

The above project was adopted and authorized by the Congress in the act of August 30, 1935, c. 831, 49 Stat. 1028, 1035, in the following language:

"Beaver and Mahoning Rivers, Pennsylvania and Ohio; of the width and depth provided in House Document Numbered 277, Seventy-third Congress, as a Federal project and to continue to Lake Erie at or near Ashtabula, Ohio, subject to the final approval of the whole project from the Ohio River to Lake Erie by the Board of Engineers for Rivers and Harbors;".

The Board of Engineers for Rivers and Harbors in its report on the above project (House Doc. 277, 73d Cong.) recommended improvement by canalization of the Beaver and Mahoning Rivers, Pennsylvania and Ohio, from the mouth of the Beaver River to Struthers, Ohio, at a total estimated cost of $37,000,000 with $640,000 annually for operation and maintenance. It was provided that local interests should pay the cost of necessary changes to railroad bridges, tracks, etc., estimated at approximately $5,642,000. In this connection the report states (pp. 14–15):

"* * * Where new bridges are required over cut-offs the cost must evidently be borne by the United States, but the Beaver and Mahoning Rivers are considered navigable waters of the United States to a point above the limits of the proposed improvements, and, therefore, the necessary changes in existing structures can be secured under existing law by appropriate orders from the Secretary of War. In the case of the railroad bridges this procedure will necessarily have to be followed. * * *."

Thereafter, on December 20, 1938, the Board of Engineers by report appearing in House Document 178, 76th Congress, recommended step by step construction of the waterway extending from the Ohio River through the Beaver, Mahoning, and Grand River Valleys to Lake Erie, the first step to consist of the improvement of the Beaver-Mahoning Rivers, with certain modifications of the plans proposed in House Document No. 277, 73d Congress. The report states (pp. 17–18):

"* * * Because of the large expenditure required for the project and in order that advantage may be taken of changes in economic conditions and of adjustments in transportation charges, the Board believes that construction should be undertaken in several steps as found advisable by the Chief of Engineers; that somewhat unusual requirements for local cooperation are justified; and that the Federal Government should pay for the reconstruction of existing railroad company bridges spanning the Beaver and Mahoning Rivers. To carry out the work in accordance with these conditions it is necessary to secure additional authority from Congress.

* * * * *

"The Board further recommends that in view of the extraordinary enlargement of the river channels, required to provide a suitable through waterway, the Federal Government pay the cost, as determined by the Chief of Engineers, that is finally involved in making necessary changes in existing railroad company crossings, and track adjustments in connection therewith."

Chairman MANSFIELD of the Rivers and Harbors Committee of the House in letter of April 15, 1939, to General Schley, concludes that the approval by the Congress in the Rivers and Harbors Act of August 30, 1935, of the Beaver and Mahoning Rivers project constitutes ample authority for the Engineer Corps to proceed with the improvement on the basis of including alterations to railroad bridges as part of the Federal cost.

I find myself unable to agree with this conclusion. Such provisional approval of the Beaver and Mahoning Rivers project as was given by the Congress in the act of August 30, 1935, was conditioned upon local interests bearing the costs of altering railroad bridges. The Board of Engineers subsequently proposed modifications of this plan, including the recommendation that the Federal Government pay the cost of altering the bridges. This is obviously a matter for the Congress to determine. The discretion vested in the Chief of Engineers to make such modifications as may be advisable (House Doc. 277, 73d Cong., p. 4, para. 9) would not, in my opinion, empower him under the circumstances to bind the Federal Government to bear the above-mentioned cost of alterations to railroad bridges.

It is my opinion, therefore, that the War Department would not be authorized without further approval by the Congress to construct the "stub-end" canal to Youngstown.

Respectfully,

ROBERT H. JACKSON,
Attorney General.

The CHAIRMAN. For what reason does the gentleman from Pennsylvania [Mr. FULTON] rise?

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in support of the amendment.

The *CHAIRMAN*. The gentleman from Pennsylvania [Mr. FULTON] is recognized for 5 minutes.

Mr. *FULTON* of Pennsylvania. Mr. Chairman, the question here is whether Congress shall start the construction of the proposed Lake Erie-Ohio Canal, a giant program that will cost the U.S. taxpayers $1 billion to $3 billion. This is not simply a question of any particular geographical district to me, nor of competition between two States. It is a question of whether the canal is really needed. Because the taxpayers will be called upon not only to pay the Federal cost, the State, the county and the local costs but likewise the maintenance costs.

This Lake Erie-Ohio River Canal project has been kicking around for 20 to 25 years. The project has been up and down through the U.S. district engineers, the division engineers and the Board of Engineers in Washington, D.C., with widely varying figures and costs, prospective use and tonnage figures.

As a matter of fact, on the most recent U.S. Corps of Engineers statement, the benefit-cost ratio is only 1.3 to 1. If we look at the current interest rate now being obtained in the U.S. economy, we can see high interest rates the United States will have to pay in financing current public works projects. The interest rate has already gone up to 5½ percent for FHA loans. The Corps of Engineers has figured the benefit-cost ratio on the basis that financing interest payable on this construction would be 3⅛ percent. This is completely impractical and impossible at the present time. Placing the interest rate at 5½ percent instead of 3⅛ percent for financing brings down the benefit-cost ratio to $1.0625 benefits to $1 costs which means we hardly would get the money back. Under these circumstances this canal should not be built.

This canal will compete with existing transportation facilities, so it is not opening up new routes. There is already transportation both by truck and by rail between Lake Erie and the Ohio River that is not adequately being used. We have now the terminals built on Lake Erie and the rivers, and likewise have the plant facilities, which will be made obsolete by this canal.

One other point is that this proposed Lake Erie-Ohio River Canal is not a public works project but is largely for private benefit. I make the statement as a fact, and I would like to have it answered—over 50 percent of the total benefit, the total cost of this Lake Erie-Ohio River Canal will go to benefit three companies. I make that as a serious charge. Three companies will get over 50 percent of the benefit of $1 to $3 billion worth of U.S. taxpayers' money. If that is wrong, let somebody on this House floor deny it. It is not wrong; it is true.

I have asked the U.S. district engineers, and the Corps of Engineers to reply to this statement. I have never in 10 years received an answer, and I renew the challenge to reply.

Another point is this. If we construct this proposed Lake Erie-Ohio River Canal, we are going back into the 1800's, as canals were feasible then. Now canal traffic is too slow, too limited in size, and this canal is not big enough in size for ordinary lake or river boats, and barges. In Pennsylvania we have had for many years, the Pennsylvania Canal that is not being used. There is the Erie Canal and also the Potomac River Canal. Why does Congress not do something about them? There is no economic sense to it. Canals are not feasible today in Ohio-Pennsylvania hilly terrain because there is not the room. There are not the terminals and it will cost too much to provide terminals in city and industrial areas.

It is interesting to note that Colonel Lorence, the Pittsburgh District Engineer of the U.S. Army Corps of Engineers resigned from the U.S. Engineer Corps before his favorable report on the Lake Erie-Ohio River Canal proposal was approved by the Board of Engineers.

On October 31, 1947, he turned up as executive vice president of the Ohio Valley Improvement Association, the very people who were then lobbying for the canal project. Colonel Lorence actually registered as a lobbyist. His report was approved by the Board of Engineers on November 30, 1948. Colonel Lorence had already appeared in his civilian capacity to push the favorable report he had made just prior to getting the lobbying job. I wonder whether the colonel had not the job in mind before he made his favorable report, the first favorable report on the Lake Erie-Ohio River Canal proposal that was made. Is it not surprising that a U.S. Army district engineer promptly is registered as a lobbyist to push the very project that he had just filed an official report to favor even before his report is approved by higher authority in the U.S. Corps of Engineers? There is probably nothing legally wrong in the colonel's actions, nor the association's, but the colonel's action certainly raises a big question on the impartiality and worth of the colonel's favorable report.

When Ohio and Pennsylvania have already more than adequate transportation facilities, why ruin 8,000 to 11,000 railroad workers' jobs? It has been estimated this number of railroad workers will lose their jobs. This is not a fight on geography. This is a dispute between the various kinds of transportation. I believe that in my area and in Ohio 8,000 to 11,000 railroad workers will lose their jobs if this canal construction goes through. This canal construction at a cost of billions will cause taxes to go up locally; taxes will go up federally, and in our States. Who is going to pay for this useless and unneeded canal? Every taxpayer in Ohio, and Pennsylvania, and the whole United States.

I have represented various railroad brotherhoods at these hearings over the years, showing their opposition to this particular waterway project that will take away substantial rail traffic. Likewise I have represented some of the Ohio citizens, many of them in Grand River Valley in Ohio, at these hearings. The farmers complain about the amount of good land, 60,000 to 80,000 acres, being taken and ruined by this kind of project. We in Congress should look at this expensive project carefully. We should not look at the project on the basis of *sectional interest, but Congress must decide* whether it is economical, feasible, and whether it has been investigated properly. It has not, so I strongly oppose the construction of the proposed Lake Erie-Ohio River Canal, and urge support of the amendment to eliminate the Lake Erie-Ohio River Canal project from this bill.

This Lake Erie-Ohio River Canal project has been kicking around for years. A proposal made in the 1920's to build substantially the same canal was defeated in Congress.

Another major effort made by its proponents during the period 1934–39 had to be abandoned because a detailed study of the project by the Interstate Commerce Commission at the request of the White House indicated that the project was without value and would, on the other hand, for the benefit of "a relatively small number of larger shippers" severely damage the railroads, "an agency of transportation whose services are available the year around."

The project was revived immediately after the conclusion of World War II, but the effort collapsed after hearings held before the Board of Engineers—the only public hearings which have ever been held on this project—and the Board was forced to conclude that the project was without merit.

The project was revived again at the beginning of the current decade pursuant to a resolution directing the corps to review all its prior reports and to bring them up to date. This study resulted in the report of the Pittsburgh District Engineer issued in January 1965.

It is significant that substantial opposition immediately developed from the very areas supposed to benefit from the canal. The project was publicly opposed by the Republican Governor of Pennsylvania and by his Democratic predecessor; by the city of Pittsburgh and by numerous other public bodies in western Pennsylvania; by the Allegheny County Labor Council; by the Pittsburgh District of the United Steel Workers; by the Pennsylvania State AFL–CIO; by the railroad labor unions; by the railroads and by their competitors, the Pennsylvania Motor Truck Association, which might be severely hurt if the canal were to be built; and by scores of others.

Nevertheless, the district engineer found the canal to be economically feasible. It is significant, however, that upon review his estimate of benefits was cut to ribbons by the division engineer and that his estimate was further drastically cut by the Board of Engineers. These estimates were as follows: District engineer, 2.2 to 1; division engineer, 1.8 to 1; Board of Engineers, 1.3 to 1.

These sharp cuts, combined with the dismal record of the project over the years, throw great doubt on the merits of the project.

Whereas the district engineer estimated that over 60 million tons of traffic would move over the canal in its first year of operation, this estimate has been cut by the Board to 10 million tons; and the Board indicated that the full volume of traffic estimated by the district engineer would not be reached for some 50 years. In the face of rapidly developing technology, particularly in the steel industry, in the iron mining industry, and in rail transportation, an investment for so low a benefit is doubtful indeed.

It must be noted also that the margin of benefit ratio at 1.3 to 1 is so narrow as to allow for no margin of error. Any underestimate of cost, overestimate of traffic, or other adverse development would mean that the cost of the canal would actually exceed any benefit to be derived from it. Moreover, this important point must be raised: The estimated benefit-to-cost ratio rests in large measure on the assumption that the entire vast sum required to build this canal can be borrowed by the Federal, State, and local governments involved at an interest rate of 3⅛ percent. Under present conditions, this is an absurd assumption. We all know what rates of interest even the Federal Government must pay for borrowed money today, and the homebuilder must now pay 5½ percent on FHA loans. Use of a realistic interest rate would in itself make the canal uneconomic.

In the face of these uncertainties the Congress should take a closer look at this project before appropriating any money in its behalf.

IT IS LATE IN THE DAY TO BUILD A BARGE CANAL

In the face of the technology of the mid-20th century, construction of this canal would be absurd. The value of the proposed canal should be clearly distinguished from the value of our great waterways, such as the Ohio and Mississippi rivers. On these large reaches large tows can operate and barges and tows can moor and unload in the channel. These conditions are a far cry from those of the proposed canal. By reason of the topography its channel will be winding and narrow. Through Youngstown the width will be limited to 200 feet; but because of local conditions no greater width is possible. This means that tows will barely be able to pass in opposite directions. It will greatly limit speed and maneuverability on the canal particularly in times of bad weather. More importantly, it will completely preclude the possibility of unloading barges in the channel. Thus they cannot be moored and unloaded at the plants of the steel mills. It will be necessary to build turnouts and mooring basins and to provide expensive and elaborate handling equipment. Dut to the topography these unloading points can only be at some distance from the steel mills. Accordingly transshipment of cargoes from these unloading points into rail cars or trucks, and overland transportation to the mills, will be required. This will impose great expense in operation, which the Board seems not to have considered.

IT IS DOUBTFUL THAT IRON ORE TRAFFIC WILL MATERIALIZE FOR THE CANAL

Nearly one-half of the tonnage which the proponents claim for the canal consists of iron ore and limestone. There is a real question whether any iron ore or limestone would be shipped by this canal. Not a single steel plant along the whole length of the proposed canal has given any indication whatever that it would expect to take any iron ore or limestone from the canal. Since the steel industry in Pittsburgh and Youngstown is supposed to be the chief beneficiary of this project, it would seem extraordinary that not one of the companies has expressed any interest in the project. But consideration of the facts will indicate why this is so.

All of the river plants have been planned, built, and operated on the basis of taking delivery of this tonnage from rail. Even assuming that the plants could be rearranged to take delivery from barges, this would involve an enormously expensive effort in the case of every one of the plants. In fact, in almost all cases the river sites are so narrow and congested that there may be no scope for such rearrangement. It is significant in this connection that a representative of the six steel plants in the Youngstown district testified at a hearing held on July 26, 1966, before the Ohio Water Pollution Control Board that these plants did not even have space on their site to permit the construction of cooling towers.

At present, ore and limestone destined for the Youngstown and Pittsburgh mills is unloaded from vessels at Lake Erie ports. It is then placed in rail cars and delivered directly to the plant, where it is unloaded directly into separate bins or stock piles within the plant. If the canal were to be built, the same tonnage would, at the Lake Erie port, be first loaded into barges and these would then have to be unloaded near the point of consumption into rail cars or trucks for delivery to the plant. This extra handling would undoubtedly be sufficiently costly to overcome any economy that might be achieved from barge transportation.

In the face of the foregoing, it is difficult to see how the prospect of a limited reduction in the transportation cost of ore and limestone could present an inducement to the investment of great sums for plant conversion.

THE CLAIM THAT THE STEEL COMPANIES IN THE PITTSBURGH AND YOUNGSTOWN AREAS NEED THE CANAL TO SURVIVE IS NONSENSE

The chief claim made for the canal by its proponents is that unless the canal is built the steel industries in Pittsburgh and in Youngstown will wither away. Such a claim is nonsense in the face of the announcement made on Friday, September 16, 1966, by United States Steel Corp. that it will build a new cold rolling mill in the Pittsburgh district which will almost double its Irwin works capacity to produce steel for the big-volume auto, appliance, furniture, and related industries. This project is described by United States Steel President Leslie B. Worthington as "one of the largest facility expansion programs in the recent economic history of western Pennsylvania." Mr. Worthington further stated:

> This new plant expansion represents a whopping investment in our faith in this country's economy and in what we believe to be Western Pennsylvania's role in the nation's economic picture.

Mr. Worthington added:

> We intend to keep the Mon Valley competitive in a way that will help it to retain its position as a keystone in the nation's economic structure. United States Steel is not walking away from its investment here.

This is a far cry from the dire predictions of the proponents of the canal.

THE CLAIMED COAL TRAFFIC WILL NOT MATERIALIZE

There is no substantial prospect that the coal tonnage claimed for the canal will materialize.

There is, of course, an almost unlimited tonnage of coal in the ground in the great Pennsylvania, West Virginia, and Kentucky coal mining areas. However, only a limited part of this coal lies sufficiently close to navigable water to be economically transported by barge. Such coal is known as river coal. Since river coal was the first to be exploited, it has now been largely consumed; unimpeachable industry statistics indicate that all river coal in the area will be wholly exhausted by about the year 2000. In the meantime, nearly all of this river coal is either captive to steel mills in the Pittsburgh area or is committed by contract to great electric powerplants already built or under construction or in the planning stage along the Ohio River and its tributaries. None of this coal will move to the canal under any circumstances. This means that at best only a trickle of the coal which the engineers claim as potential tonnage for the canal will in fact be carried by it.

THE CANAL WOULD GREATLY INTENSIFY POLLUTION IN THE MAHONING RIVER

The extreme pollution of the Mahoning River is as notorious as is the desperate water shortage in the whole area. The plans for the proposed canal were reviewed by the U.S. Public Health Service, and in their report filed with the district engineer it was shown that canalization of the Mahoning River would greatly intensify pollution in the Mahoning River, because construction of the locks would create slack pools which would slow the normal flow of water. The report also pointed out that use of already scarce water for operation of the canal would withdraw from use for industrial and domestic purposes what little additional water might possibly be made available. The district engineer simply overrode these objections.

It is very probable that in the years to come availability of reasonably pure water will be vastly more important to industrial and domestic development in the Mahoning and Beaver Valleys than would the construction of this canal.

THIS IS AN INAPPROPRIATE TIME TO SPEND PUBLIC MONEY IN BEHALF OF A CIVILIAN PROJECT OF DOUBTFUL VALUE

A time when the greatest domestic threat is that of inflation is certainly not the moment to embark upon a program of vast Government expenditure in behalf of a civilian project whose merit has not been demonstrated.

ADVERSE EFFECT OF THE CANAL ON THE PORTS AND RAILROADS OF THE AREA

If the canal should be built and if the traffic claimed for it should develop, all of it must be diverted from the railroads and from the Lake Erie ports which are now handling it. The adverse effect upon the railroads and the existing ports and upon their employees would be serious.

The railroads and dock companies have estimated that such diversion would eliminate some 8,000 jobs in communities as far away from the canal as New York, Buffalo, Philadelphia, Baltimore, Roanoke, and Detroit. The effect on some of the railroads in the canal area might well be disastrous. It is hard to believe that it is in the national interest to bring about such a result.

EFFECT ON LOCAL COMMUNITIES

The cost of the proposed project to the States of Ohio and Pennsylvania and to the municipalities, public utilities, and railroads in the area of the canal will be enormous. Until the full report of the Board of Engineers with respect to the project becomes available, it is not possible to estimate this precisely; but it is indicated from the Board's public announcement that the aggregate of local costs will be increased rather than decreased from those in the division engineer's report. These estimates are as follows:

	Division engineer	Board
Local first costs	$85,300,000	$95,000,000
Local annual charges (each year for 50 years)	4,500,000	10,300,000

These figures are large enough. But they do not include the large cost of building and maintaining the canal terminals. These costs will increase the total costs which will have to be borne by the local interests in Ohio to more than a quarter of a billion dollars.

Local municipalities in both Ohio and Pennsylvania will have to spend millions to relocate water intakes and outflows and sewer, water supply, and drainage facilities. Similar sums will have to be spent by public utilities, railroads, and steel mills for the relocation of bridges and the like. Very large operating expenses will also fall upon the local communities for years to come. How will they provide these funds?

It is therefore little wonder that, aside from the city of Youngstown, the proposed canal has no local support. The canal has been openly opposed by the Governor of Pennsylvania; the mayor of Pittsburgh; the county commissioners of Beaver County, Pa., through which the canal will run; official local planning boards, and others. Both Pennsylvania Senators and virtually all Representatives in Congress from Pennsylvania are opposed. No support for the project has yet been heard from either of the two Senators from Ohio. The city of Cleveland, the largest city in Ohio and a supposed beneficiary of the canal, and numerous other Ohio interests have opposed the project.

Such great newspapers in the State of Ohio as the Cincinnati Enquirer, the Toledo Blade, the Cleveland Press, and the Columbus Citizen-Journal have editorially condemned the project in no uncertain terms. Editorial opposition by the press in Pennsylvania is unanimous.

Since those who are to be major beneficiaries of the projects do not favor it, it is difficult to see why this project should be forced upon them at enormous expense to the whole Nation.

HISTORY OF 1947–48 REPORTS OF U.S. CORPS OF ENGINEERS ON PROPOSAL FOR LAKE ERIE-OHIO RIVER CANAL

Colonel Walter E. Lorence, District Engineer of the Corps of Engineers, Pittsburgh, submitted his Review of Reports on the Lake Erie-Ohio River Canal to the Division Engineer on August 12, 1947.

On October 31, 1947, Colonel Lorence resigned from the Corps and promptly became employed as Executive Vice President of the Ohio Valley Improvement Association, the lobbying organization which had long advocated construction of the Canal.

On May 14, 1948, the Division Engineer submitted Colonel Lorence's Review Report to the Board of Engineers for Rivers and Harbors.

On November 17, 1948, the Board held a public hearing on the project in Pittsburgh. At that hearing Colonel Lorence (now Mr. Lorence) appeared in his new civilian capacity. Mr. Lorence did not identify himself as the District Engineer who had prepared the report, but stated only that he appeared as the authorized representative of these organizations. On the contrary, in commenting on the Review Report, Mr. Lorence referred to the reporting District Engineer in the third person. Thus, he stated "the District Engineer's Review Report covers the cold figures that alone justify the investment in the Canal."

On November 30, 1948, the Board of Engineers for Rivers and Harbors established a special review board to review the project. On the basis of the findings of this board, the Review Report was returned by the board to the Pittsburgh District Engineer for further study. It remained gathering dust until 1961 when the study was exhumed at the insistence of Representative KIRWAN.

Mr. VIGORITO. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to support the amendment of my colleague from Pennsylvania. I regret very much that I have to take this stand. I think this is a good bill except for one item. I regret very much that I have to disagree with the gentleman from Ohio, the committee chairman. He has done a tremendous job, and I hold him in high regard. However, after studying the economic aspect of this canal, I fail to see any justification for it. The canal might have been good 150 years ago. In fact, after the engineers originally studied this route, the railroads came in and they dropped the idea. Today, of course, with rapid transportation—the railroads and the highways—there is no justification to go back to a slow, 18th century waterway. The railroads are doing a tremendous job in this country. We have, relatively, the cheapest transportation in the world. To give you an example of the efficiency of the railroads, after World War I there were 2.5 million employees. Today there are slightly over 820,000 employees hauling much more freight and at a very low cost per ton-mile.

The Railway Labor Executives Association, representing 22 unions, are in opposition to the big ditch, along with the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.

Another economic aspect of this, as I see it, is that it will benefit only one industry in one city, basically the steel industry in Youngstown, Ohio. By an engineering report, even by the year 2000 this waterway or this canal, if ever built—and I hope it is not built—will be hauling 115 million tons of raw material, and 95 percent of this will be the raw material for the steel industry.

Another economic factor is the interest rate. No one has taken into consideration the 5-percent or 6-percent interest factor. On a billion or two billion cost, we will have anywhere from $50 to $100 million in interest involved. I am sure this is much higher than the savings, or the supposed savings that will be made by hauling the raw material of the steel industry on this canal.

Further, it will flood 80,000 acres, the best acres in eastern Ohio.

Mr. Chairman, I am supporting the amendment. I am against this Lake Erie-Ohio River Canal. I urge my colleagues to support this amendment.

(By unanimous consent, Mr. HARSHA was allowed to proceed for 2 additional minutes.)

Mr. HARSHA. Mr. Chairman, I rise in opposition to this amendment. Many have said what benefits are we going to realize from this—What are we going to receive from it? I do not know what provincial interests any one will receive but I do know that it does not take a man of rare vision to see the obvious benefits to the entire Nation of connecting the Ohio River with the St. Lawrence Seaway, thereby joining the vast industrial complexes of the two greatest inland navigation systems in the world by a modern artery for low-cost water transportation.

Such a connection will mean expanded markets for the industries in both regions. Coal costs for industries and electric powerplants on the lakes will be reduced. Iron ore will move more cheaply to Ohio Valley mills. Opportunities to reach world markets via the St. Lawrence will be opened to industries all along the Ohio River Valley.

For the coal industry of southeastern Ohio, West Virginia, and Kentucky this can be an inestimable boon.

In very real terms, the new waterway will fuse the entire Ohio Valley into the St. Lawrence Seaway economy.

Many of today's opponents to this investment in the progress and growth of this great Nation are the same persons who only yesterday voted approval for an expenditure of over $3 billion in foreign aid. I presume they justify this vote on the grounds that foreign aid will enhance the economic development of some of these so-called underdeveloped nations and that consequently the world, including the United States, will be better off as a result. Yet these same proponents of this line of reasoning are objectioning to an investment in the future of this Nation—an investment that will reap great rewards for the country as a whole—an investment that will help the transportation industries of this Nation cope with the ever-increasing demand for expansion and service, an investment that will create countless new job opportunities, an investment that will result in expanded markets for new and existing industries, an investment that will help keep American industry competitive with foreign imports, an investment that will return to the U.S. Treasury untold billions of dollars in tax payments—making available money for future improvements in our country—in other words, my colleagues, an investment in the future and economic well-being of this great Nation.

Contrast this, my friends, with the sorry returns from the investment of untold billions of dollars in foreign aid and ask yourselves—can you in good faith and in good conscience commit yourself to invest the taxpayer's money in questionable programs with questionable returns in foreign nations yet refuse to make this investment in the welfare of your own Nation?

For those of you who are concerned, as I am, with inflation, it is not intended that the project will be constructed during the current period of inflation. Rather, it will take 4 years to plan at a small annual cost. This bill only provides for one-half million dollars—an infinitesimal amount compared to the national budget and the billions we are spending. Construction which would be spread over at least an 8- to 10-year period would not be undertaken until larger public works expenditures are warranted in the economy. As a matter of fact, the availability of low-cost water transportation would benefit the entire Nation by increasing the availability of commodities at a lower cost—a significant counterinflationary influence.

Many of you are concerned, as I am, with the plight of the railroads and their fears as to what this construction may hold in store for them. But let me allay those fears right now—the railroads will fare well and prosper and grow with the development of this waterway system. It is interesting to note that in the Ohio River Valley, since 1950, industry, seeking the advantages of low-cost water transportation and ample water supply, has invested more than $22 billion in major plant installations and expansions, just in the counties bordering the Ohio and its navigable tributaries. These investments have been largely in the basic industries, which are central to economic growth. As this expansion and growth took place, greater markets and demand for rail transportation occurred. Increased revenues to the railroads resulted and those railroads which were in competition with the Ohio and Mississippi water-transportation systems improved their economic situation far above those which were not in direct competition. Yet these same fears were raised when the canalization of the Ohio River began many years ago. They proved unfounded then as they are now. It is noteworthy, also, that from the end of World War II to 1963 the eight railroads competitive with the Ohio and Mississippi River systems realized a 60-percent expansion in freight revenue as compared with only 37 percent for all other American railroads. Think of that—almost twice as much as those railroads not directly competitive with this waterway transportation system. I say to you, my colleagues, that the railroads will, indeed, be one of the beneficiaries of this investment.

The canal will make its maximum contribution to an American economy of vastly greater dimensions than that which we know today. The waterway cannot, foreseeably, be brought into service in less than 10 years. According to the Bureau of Census estimates, by 1976 the population of the United States will reach 232 million persons; by the year 2000, the waterway will be serving a nation of 350 million, as compared with our present population of less than 200 million. In terms of traffic burden to be borne by all modes of transport, it is reliably estimated that with gross national product expected to triple by the year 2000—just 34 years from now—our transportation system will then be required to carry over three times its present volume.

Against this background, I am convinced that the railroads need have no fear for their future. For them the problem for the future is their adequacy for the demands which the future will make upon them. It is of interest in this connection that in requesting an exemption for railroad equipment from the proposed suspension of the 7-percent investment credit, Mr. Dan Loomis, president of the Association of American Railroads, suggested that the tax incentive program be expanded to encourage "the continuing construction of freight cars, locomotives, piggyback equipment, yards, signaling systems, and other rail facilities required to meet the rising transportation demands of expanding economy and Vietnam military support."

The biggest load the railroads have ever carried so far was about 745 billion ton-miles under the forced draft operation of World War II. But, by 1976, the Nation will demand of the railroads over 1 trillion ton-miles of freight service per year. And, by 2000, if they continue carrying only their present share, the railroads will have to be equipped to carry close to 2 trillion ton-miles of freight, much more than all modes of transportation combined in 1965.

Thus, it is vital that steps be taken toward a balanced expansion of the country's transportation system. The railroads will not be able to carry the entire traffic increment. In view of the huge economic growth lying ahead, they will be under severe strain to handle even their present percentage of the rising total. Each mode of transportation will have to be enlarged and extended so as to provide the type of freight service for which it is best adapted.

Let me say a word to you about the benefit-cost ratio of this project. The Corps of Engineers estimates that ratio at 1.3 to 1—in other words for every $1 spent the benefits will amount to $1.30. The corps historically has been conservative on these estimates. For example, in 1908, the corps based its recommendations on the Ohio River navigation project upon traffic of only 9 million tons. The waterway was not completed until 1929, but by 1950 the tonnage was close to 49 million. The latest estimate shows the waterway carried about 102 million tons in 1965—better than 11 times the corps' original estimate. Again, a corresponding situation occurred on the upper Mississippi River improvement, where by 1965 the tonnage exceeded the corps' estimate by four times. While this benefit-cost ratio is very favorable, the odds, based on experience, are that it is far more favorable than the corps' estimates and America will reap untold rewards from this justifiable investment in the future of this Nation.

Some would deny this boon to America on the plea that it will benefit some areas more than others—but, this is an argument applicable to any particular internal improvement. Any suggestion of discrimination is removed when the improvement program is carried out as is ours on a national basis under standards of uniform application. In this regard, I am reminded of the remarks of Abraham Lincoln, when as a young Congressman from Illinois, he rose as the spokesman of his party in an effort to override a Presidential veto of a river and harbor bill. Commenting on the recently completed Illinois and Michigan Canal connecting the Lakes and the Mississippi for the first time, he said:

> Nothing is so local as not to be of some general benefit. Take, for instance, the Illinois and Michigan Canal. Considered apart from its effects, it is perfectly local. Every inch of it is within the State of Illinois. That canal was first opened for business last April. In a very few days we were all gratified to learn, among other things, that sugar had been carried from New Orleans, through the canal, to Buffalo, in New York. This sugar took this route, doubtless, because it was cheaper than the old route. Supposing the benefit in the reduction of the cost of carriage to be shared between seller and buyer, the result is, that the New Orleans merchant sold his sugar a little dearer, and the people of Buffalo sweetened their coffee a little cheaper than before; a benefit resulting from the canal, not to Illinois where the canal is, but to Louisiana and New York, where it is not. In other transactions Illinois will, of course, have her share, and perhaps the larger share too, in the benefits of the canal; but the instance of the sugar clearly shows, that the benefits of an improvement are by no means confined to the particular locality of the improvement itself.

And such is the case in this instance. All America will benefit either directly or indirectly.

Finally, I would be remiss if I failed to express my profound appreciation to the distinguished and beloved chairman of the Public Works Appropriations Subcommittee to whose boldness, imagination and foresight we are indebted above all others for bringing this great project forward. He is a worthy successor to those men of vision who saw in the linkage of the Great Lakes and the Ohio a source of strength and prosperity for our country. Indeed, I know of no man in modern times who has done more than MIKE KIRWAN in the development of water resources throughout the entire Nation. Without his powerful support the modernization of the Ohio River and the comprehensive development of the

Scioto Basin, which means so much to the people of my district, might well have remained an empty dream. He is forever enrolled among the great builders of America and I consider it a high privilege here to acknowledge my gratitude and my esteem for this great American.

I urge my colleagues to defeat the amendment to strike the funds to initiate planning for the Lake Erie-Ohio River waterway and to make this investment in the future of America.

Mr. KIRWAN. Mr. Chairman, I rise in opposition to the amendment.

I have listened, Mr. Chairman, with great interest to the remarks of these fine men today from Pennsylvania in opposition to this project. It is interesting that in 1868, Governor John Geary of the State of Pennsylvania recommended construction of the canal and the Legislature of Pennsylvania passed a joint resolution instructing its Senators and Representatives in Congress to urge such action in Congress.

In 1935 this House first passed legislation authorizing this project. Now, who do you think put an amendment in for it on the Senate side to extend it all the way up to the Ohio River? Why, it was the greatest politician in Pennsylvania, Senator Guffey. Now, let me tell you something else. It is interesting that of those who have opposed the project here today I do not think one of them is a union man. I have been paying union dues for 55 years. The railroads have opposed the construction of every waterway we have built, and we have 19,000 miles of them now, and not one has failed to help the railroads. It means business for them and jobs for the men. Yet you have them coming down here testifying on this just like a great big parade.

I will bet you that not one of the men who testified here today is an engineer, and yet they seem to know more than the engineers know about this. We have learned down through their 142 years of existence that the Corps of Engineers are competent, objective, dedicated people without equal in their profession. And they have recommended this project for construction.

Now let me assure you this project is not for Youngstown. That is only a town of 165,000. This is for New York City and Buffalo and Cincinnati and Mobile and the entire Nation. We know from experience that these projects benefit all of America. Where would we be today if we had taken a parochial view of every project we have considered down through the years?

It is claimed that 20,000 railroad employees will lose their jobs. I doubt there are anywhere near that number employed between Pittsburgh and Lake Erie on the railroads. As I said before, every waterway has meant increased business to the railroads. I understand they now support the Arkansas River development, and how they fought to stop that project.

The railroads claim they would haul iron ore for 40 cents a ton if the canal were built. But they are now charging $2.08 a ton and protesting before the Interstate Commerce Commission an intrastate rate of $1.88 a ton.

At these rates this great steel-producing area will continue to decline, for it cannot compete favorably with foreign areas or areas enjoying cheap water transportation.

Mr. Chairman, I believe this is going to be the greatest canal in the history of mankind. Senator Kerr and his Senate committee went all over the country to study water resource projects and Senator Kerr came back and said that this project was of the highest priority in the development of our waterway system. Our national transportation facilities of all kinds are already overburdened and we must build projects like this if we are to meet the growing requirements of our expanding population.

So I ask you to support the funds included in the bill to begin planning of this project and defeat the amendment.

Mr. BOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is rather difficult to follow my distinguished friend, the gentleman from Ohio [Mr. KIRWAN]. The gentleman has so vividly outlined the facts in this case. But, I want to support him.

The gentleman from Ohio [Mr. KIRWAN] and I have studied the proposal of this canal for the State of Ohio for a period of many years. It is my opinion that if there is any man in this Congress who is knowledgeable about the needs of the United States of America and who has contributed so much to our country through his work on the Interior Subcommittee and on the Public Works Subcommittee of the Committee on Appropriations—to build America and to do those things which are necessary to build this great land of ours—it is the gentleman from Ohio [Mr. KIRWAN].

Further, Mr. Chairman, I believe with all due respect to the "foot soldiers" from Pennsylvania, I say that if there is a "grand commander" upon the question of what is good for this country, it is my distinguished colleague, the gentleman from Ohio [Mr. KIRWAN].

I have had occasion, therefore, to make a considerable study of its feasibility. Mr. Chairman, I can assure the members of the Committee that this area which will link the Great Lakes and make a complete circle, is not only beneficial to Youngstown, but I must admit that it would also be quite beneficial to areas which I hope to have the honor to represent here in the Congress of the United States later on. And, it will help to develop and bring in new industry and new tax dollars into the Federal Treasury. It is not just a selfish one-city canal. It is for the entire country, as well as for the development of the "Ruhr" of America, which is this area of the State of Ohio.

Now, Mr. Chairman, the gentleman from Pennsylvania [Mr. CLARK] made some reference about the Governor of Ohio—and I am sure the gentleman has had no communication from the Governor of Ohio; I am sure the gentleman has nothing to the effect that the Governor of Ohio is opposed to this program.

But, I am in my extension of remarks going to place into the RECORD the fact that this is authorized, and that there is no question about it.

I might say that as late as the 7th day of September of this year, there was a new finding by the Corps of Engineers. I say to my good friend, the gentleman from Pennsylvania [Mr. MORGAN], who said there had not been any recent evaluation thereof that this is what the board had to say:

> The board concludes that the whole project from the Ohio River to Lake Erie is economically justified and accordingly recommends it for construction substantially in accordance with the plan of the District Engineer, with channel depths of 12 feet, except in the restricted reaches through Youngstown and Warren, Ohio, where a depth of 15 feet would be provided, and with such further modifications as in the discretion of the Chief of Engineers may be advisable, * * *

So on September 7 of this year, just a few days ago, there was another approval by the Corps of Engineers showing the justification of this canal and I would hope that the House will overwhelmingly support the gentleman from Ohio [Mr. KIRWAN] and defeat this amendment.

This is not the only occasion where things are being done like this. Let me point out to you that this House, with very little opposition, has been going along with building an aircraft—one aircraft with the taxpayers' dollars, a supersonic transport, and it is going to cost the taxpayers of this country $4 billion over just a few years. This is over a short period of time.

To my friends on the railroads, we have appropriated out of my subcommittee money for the development of new railroad equipment and to develop better railroad equipment. So when we get this better railroad equipment, we will then have more jobs for these people you are talking about. I agree with my friend that there is not going to be the loss of the jobs that has been talked about today.

Mr. Chairman I include at this point in the RECORD the following breakdown on the Lake Erie-Ohio River waterway:

FACTS ABOUT THE LAKE ERIE-OHIO RIVER WATERWAY

PROJECT DESCRIPTION

The Lake Erie-Ohio River Waterway would connect up the Great Lakes with the Ohio River, a distance of 120 miles. This compares with the present route of about 2,400 miles around the Great Lakes to Chicago, down the Illinois and Mississippi Rivers, and up the Ohio River. The new canal, together with linking up the Tennessee and Tombigbee Rivers, would also complete a vital 1,745 mile through waterway, now 80 percent complete, from Cleveland to Mobile.

PROJECT AUTHORIZATION

This project was authorized by the River and Harbor Act approved August 30, 1935, in the following terms:

"That the following works of improvement of rivers, harbors, and other waterways are hereby adopted and authorized, * * *:

"Beaver and Mahoning Rivers, Pennsylvania and Ohio; of the width and depth provided in House Document Numbered 277, Seventy-Third Congress, as a Federal project and to continue to Lake Erie at or near Ashtabula, Ohio, subject to the final approval of the whole project from the Ohio River to

Lake Erie by the Board of Engineers for Rivers and Harbors; * * *"

In its report of December 20, 1938 (House Document 178, 76th Congress, 1st Session) the Board of Engineers stated that:

"The Board now concludes that the whole project from the Ohio River to Lake Erie, with certain modifications of the plans proposed in House Document No. 277, Seventy-Third Congress, Second Session, is economically justified."

After a careful review of the matter, Congressman Joseph J. Mansfield, then Chairman of the River and Harbor Committee of the House, in a letter dated April 15, 1939, to the Chief of Engineers stated:

"It is obvious, likewise, that the Board did approve the whole project from the Ohio River to Lake Erie via the Beaver and Mahoning Rivers, and consequently the authorization enacted by Congress in the 1935 River and Harbor Act has been fully met, and the approval and authorization by Congress are complete."

A current economic reevaluation of the Lake Erie-Ohio River Project has been completed by the Board of Engineers for Rivers and Harbors. It has again concluded that the project is fully justified. The Board's recommendations in its report dated September 7, 1966, are as follows:

"The Board concludes that the whole project from the Ohio River to Lake Erie is economically justified and accordingly recommends it for construction substantially in accordance with the plan of the District Engineer, with channel depths of 12 feet, except in the restricted reaches through Youngstown and Warren, Ohio, where a depth of 15 feet would be provided, and with such further modifications as in the discretion of the Chief of Engineers may be advisable, * * * * *"

EFFECT ON WATER QUALITY

In regard to the effect of the project on water quality, the Board of Engineers for Rivers and Harbors concluded in the report as follows:

"The District Engineer, in estimating the effects of the proposed project on water quality, used data on streamflow requirements furnished by the United States Public Health Service in its report included in Appendix V of the District Engineer's report. He concluded that additional flows under canalized conditions would result in temperature reduction in the Mahoning River the value of which would slightly exceed the adverse effect resulting from the reduction in the assimilation ability of the river under pool conditions. A restatement of the United States Public Health Service's position subsequently furnished the Division Engineer concludes that if the storage in Grand River Reservoir is used to increase the average minimum flow in the Mahoning River at Youngstown by approximately 200 cubic feet per second, the proposed waterway would not have an adverse effect on water quality. The Division Engineer believes that this condition can be met. Therefore, the analysis concerning water quality contained in the District Engineer's report is considered to be acceptable."

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. EDWARDS of Alabama. Mr. Chairman, I might say to the gentleman that we have heard a lot from the Ohio folks and the Pennsylvania folks, but I would like to point out that this project has a much broader aspect than just those two sections of our country. This canal along with the canal that will link up the Tennessee and Tombigbee Rivers offers the greatest potential to the eastern part of this country of anything that I know, because when that great day comes that these canals are completed, the commerce of this Nation will be able to proceed from the Gulf of Mexico to Lake Erie and to the St. Lawrence Seaway—between the great port of Mobile on the south and the many cities in the north and east.

I think this is one of the finest projects overall that we could find to make this missing link complete and it is one that we ought to complete as soon as we can. Both the Ohio-Lake Erie Waterway and the Tennessee-Tombigbee Waterway are important to the future development of this Nation.

Mr. BOGGS. Mr. Chairman, I move to strike out the last word, and I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BOGGS. Mr. Chairman, I would like to associate myself with the remarks made by the gentleman from Alabama [Mr. EDWARDS] as well as the gentleman from Ohio [Mr. BOW] and the distinguished chairman from Ohio [Mr. KIRWAN].

This is much more than a local matter. The great inland waterway system that we are building in this country is incomparable. There is nothing like it anywhere on this earth. Today through our inland waterway system, we can go from the Mexican border to the great port of New Orleans, and then from there to Florida, and up the eastern coast. We have also the great St. Lawrence Seaway project which is growing rapidly every day. The project pending connects the Great Lakes and the Ohio River which flows down into the Mississippi and through the great inland system of our country. I think this is a matter of great foresight and vision that we should approve this project.

The work of the great Member from Ohio [Mr. KIRWAN] in building our country is known to every American. His work will be a monument to him and to the Congress long after all of us are gone.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word, and I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HOLIFIELD. Mr. Chairman, I very seldom take the floor and interpose my thoughts when there is a struggle of giants on the floor.

But as I sat today listening to this debate, I felt compelled to say just a few words.

I wonder if the Members of this House realize that by the year 2000 the population of this Nation is expected to go from 195 million to 362 million people. Just think of this great increase in 34 years. From the time of Christ up to 1965, the world's population grew from 250 million people to 3 billion. In the next three decades, in the next 34 years, it is going to increase to 6 billion people according to the population experts.

When we talk about a project like this, we are looking to the future. We all remember that in the Book of Proverbs it says, "Where there is no vision, the people perish." Today we are challenged to exercise our vision.

I want to pay tribute today to the gentleman from Ohio, MIKE KIRWAN. For more than three decades as a member of the Interior Subcommittee and the Subcommittee on Public Works of the Committee on Appropriations he has been bringing projects to this floor to build America.

I want you to cast your eyes on the words engraved in marble right above the Speaker's desk:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

Those words were uttered by Daniel Webster over 130 years ago on the floor of the Congress. They are just as true today as they were 130 years ago. Let us in our day do something so that future generations will say it was done for their present, and their future.

How many hundreds of millions, how many billions of dollars of projects has MIKE KIRWAN and his committee members brought to the floor of this House over the past three decades for the people of America, all of America—not for Youngstown, Ohio—but for Florida, California, Mississippi, and for every State in this Nation?

I would say this much. Those words that were said by Daniel Webster 130 years ago have had no more worthy exponent than MIKE KIRWAN, and the projects that he has sponsored and brought to this floor and pushed through against opposition, shortsighted opposition in many instances, will be remembered long after every Member of this House has gone, a living and breathing monument serving the future, the children of America that are yet to be born. I say this is no time for shortsightedness. This is a time for vision. This is a time for dedication to the great future which America is going to have. Today our responsibility is to see that that future is made secure by starting projects like this and like many other projects in our Nation, which are an investment in America. They are not expenditures. They will bring back in cash far more than we are putting into them. They are investments.

Over 50 years ago we built with our own bonds a canal from Hoover Dam into southern California, at a cost of $500 million. I asked the engineers last year what it would cost us today. They said it would cost us probably $1,750 million. If we do not build this canal now, what will it cost us when the time comes that we have to build it to take care of the needs of America?

The investments we make in our future will cost less today than 10 or 20 years from now.

Let us get on with the building of the real wealth producing facilities our great and growing population will badly need.

Mr. KIRWAN. Mr. Chairman, I request that all debate on the amendment, and all amendments thereto, close in 10 minutes.

The CHAIRMAN. The gentleman from Ohio has asked unanimous consent that all debate on this amendment to this paragraph, and all amendments thereto, be concluded in 10 minutes.

Mr. KIRWAN. Mr. Chairman, I will modify my request to 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that all debate on the amendment and all amendments thereto be concluded in 15 minutes?

The Chair hears none, and it is so ordered.

There was no objection.

The CHAIRMAN. The Chair observes standing the following Members: Mr. Kirwan, of Ohio, Mr. Saylor, of Pennsylvania, Mr. Corbett, of Pennsylvania, Mr. Abernethy, of Mississippi, Mr. Morgan, of Pennsylvania, Mr. Edmondson, of Oklahoma, Mr. Williams, of Mississippi, Mr. Blatnik, of Minnesota, Mr. Fogarty, of Rhode Island, and Mr. Boland, of Massachusetts.

The Chair recognizes for 1 minute the gentleman from Pennsylvania [Mr. Saylor].

Mr. SAYLOR. Mr. Chairman, the administration can postpone or cancel its reported plan to increase personal income taxes after the November elections if Congress will delete funds for such totally unnecessary projects as the proposed Lake Erie to the Ohio River canal. Certainly no one in this House will dispute the fact that a tax rise would be terribly unfair unless every possible economy is employed in Federal expenditures, and here is where conscience and good judgment are needed to come to the defense of fiscal responsibility.

The hour is late, but it is incumbent upon members of both parties to make a last-ditch stand against the unauthorized canal project that in this bill carries a half-million-dollar price tag merely for planning and design—a blueprint that would open U.S. Treasury floodgates to permit more than a billion dollars to flow down the drain of extravagance and irresponsibility on a project that is no more logical than a stairway to the ocean floor.

By practicing a measure of frugality, the administration need not pursue its covert design for higher taxes to take effect after the polls are closed on November 8, nor would it be necessary to deprive industry of the investment tax credit that has stimulated business and created fabulous employment opportunities since it was adopted under President Kennedy. Eliminating the tax credit to obtain revenue for such ridiculous schemes as the Ohio canal would constitute a dual blow to the economy of central and western Pennsylvania. Steel companies, which are basic to the well-being of our region, would feel the deadly impact of the tax credit moratorium and at the same time suffer an unfair competitive burden if rival industries in Ohio are to enjoy the advantage of a transportation system subsidized by the Federal Government.

I insist, Mr. Chairman, that this waterway and every other project that is not essential or can wait for more favorable fiscal conditions should be stricken as a buffer against both the proposed and the presumed changes in the tax structure.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. Corbett].

Mr. CORBETT. Mr. Chairman, I am not a railroader, I am not an engineer, but I am a taxpayer. I hate to see public money thrown down in a ditch to connect up waterways that are already connected by rail and highway. There is no missing link between Lake Erie and Pittsburgh.

There are more than adequate transportation facilities right now. Even if this canal is built, to try to draw an analogy between it and the canalization of the Ohio and the Mississippi is just not feasible.

Our steel mills in the area around Pittsburgh could not use this facility without building new docks, new storage facilities, and the like. I hope the amendment is agreed to and that we will not have to fight this fight every year to stop our own blunders.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. Abernethy].

Mr. ABERNETHY. Mr. Chairman, it would take me considerably more than a minute to express my approval of this particular project, and its sponsor, the gentleman from Ohio [Mr. Kirwan].

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Mississippi.

(By unanimous consent, Mr. Williams yielded his time to Mr. Abernethy.)

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield further?

Mr. ABERNETHY. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, I would like to join the gentleman in supporting this project. The cost of this project, as I understand it, is in the vicinity of $1 billion. Yesterday this House voted approximately four times that much to throw away in Europe and all over the world.

The cost of this entire project would not run the foreign aid program more than 3 months, and would be of permanent benefit to the people of America. I think the project has merit, and I support it.

Mr. ABERNETHY. The gentleman has just made the point I wanted to make.

In addition to that, the gentleman from California, [Mr. Holifield] spoke so eloquently about the sponsor of this project, Mike Kirwan. Mike Kirwan will go down in history as one of the great builders of this Nation. He has been the inspiration behind public works projects benefitting people in every State in this Union. The projects, which he has helped to bring to the Congress and which he has supported, have improved the economy of every district of every Member in this House.

I also would like to associate myself with the remarks of my colleague, the gentleman from Mississippi [Mr. Whitten], and the gentlemen from Alabama [Mr. Jones and Mr. Edwards], and others, regarding the association of the Erie-Ohio Waterway with the proposed Tennessee-Tombigbee Waterway.

Both of them are missing links in the inland waterways of this country. They ought to be built. They will pay for themselves. They will improve the economy of every man, woman and child in this land.

We have the opportunity to take the first step here today. Both will get a start under this bill. We are quite confident the Corps of Engineers will come forward with a good feasibility report of Tennessee-Tombigbee, in which event money in this bill will be available for planning, the first step before actual contruction. The committee report makes this quite clear.

I hope the amendment will be voted down, so that we may get on with these two very worthy projects.

The CHAIRMAN. The chair recognizes the gentleman from Pennsylvania [Mr. Morgan].

Mr. MORGAN. Mr. Chairman, I just want to say that I enjoyed the remarks of the gentleman from California [Mr. Holifield], about the distinguished chairman of the subcommittee, the gentleman from Ohio [Mr. Kirwan].

I take no words of praise away from my distinguished colleague from Ohio, but we from western Pennsylvania—that is every Member from the western Pennsylvania delegation, both Senators and the Governor—know exactly what our economic conditions are in our area. That is what we are fighting for today, for better economic conditions in our own State.

We realize that this canal is not going to be any good to us economically.

We are not fighting the gentleman from Ohio [Mr. Kirwan]. We realize he is a great and distinguished American.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. Edmondson].

Mr. EDMONDSON. Mr. Chairman, it is difficult to add anything that has not already been said with regard to this issue, but I believe we have an issue which is crystal clear if we believe in building the Nation.

With all the sympathy in the world for the situation of the people of western Pennsylvania, I do not believe we would advance the cause of western Pennsylvania by blocking progress in the State of Ohio. If there is a feasible project which is needed to develop the Ohio Basin and to tie it into our inland waterway system more effectively, to my way of thinking it makes good business to do it.

I do not know a better authority anywhere in the United States, in or out of any professional organization, on the subject of waterway development than the gentleman from Ohio, who is the chairman of the subcommittee. He has practically dedicated his life to studying the matter. That is the gentleman we know and love whose name is Mike Kirwan. He is loved in Oklahoma for what he has done for water resource development there, and no one questions his knowledge and leadership in the water development field.

If there were no other authority supporting this project than the gentleman from Ohio I would be for it. However, this is a project that the Army Engineers also agree is a good one, and the amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. Blatnik].

(By unanimous consent, Mr. Fogarty, Mr. Kirwan, and Mr. Boland yielded their time to Mr. Blatnik.)

Mr. BLATNIK. Mr. Chairman, I appreciate the time being yielded to me by the distinguished chairman of the subcommittee and by my dear friends and able colleagues.

The case has been well presented by the opposition. It is what we have heard repeatedly, as to nearly every major project which has come before this body. Any such project usually is one involving quite a bit of controversy.

If I may be permitted, Mr. Chairman, out of a perhaps limited experience—and certainly so when compared to the third of a century our beloved and respected chairman, the gentleman from Ohio [Mr. Kirwan], has had in regard to public works—may I try to be fairly objective and to review and to bring to the attention of Members of this body the procedure through which the Corps of Engineers considers these projects.

It is true that this project was initially authorized in 1935, more than 31 years ago. It was reviewed in 1938 and in 1939 and the then chairman of the House River and Harbor Committee confirmed that approval and authorization of the project by Congress was complete.

Let me bring this up to date, to show the thoroughness with which the Corps of Engineers goes into all projects, big or small, and particularly the big ones.

Five years ago, in 1961, the Congress financed a restudy of this project. It is a long-established practice on projects which have been enacted for a considerable period of years to first require a detailed current economic restudy by the Corps of Engineers. If the final report is favorable, we then proceed with the appropriation to initiate planning. That is exactly what has been done.

For 5 long years, this restudy was conducted and carried out by the Corps of Engineers at the direction of and through an appropriation by the Congress.

The exhaustive study was finally concluded and a report was submitted on September 7, 1966. That report consists of 5 volumes with over 700 pages. Here is what they state in that report, and I quote:

> In arriving at its decision the Board—

This is the Board of Engineers—

> had before it the favorable recommendations of the Board's Pittsburgh District and Ohio River Division, both of which had extensively studied the proposal and compiled a voluminous record of testimony. The Board not only studied this record and additional information furnished by interested parties during the period of review but also sent its own staff members into the field for on-the-post investigations and thoroughly scrutinized and rechecked all engineering and economic calculations.

The Board again concluded that this project is economically justified and recommended it for construction as was stated, and correctly so, by the distinguished gentleman from Ohio, [Mr. Bow]. So, Mr. Chairman, I cite this, not on a personal basis or an emotional basis, but merely to state that it is a sound project. The best authority we have in the United States has officially proclaimed this project to be economically justified and feasible from an engineering standpoint.

Mr. Chairman, I urge the adoption of the project and the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. Clark].

The amendment was rejected.

Mr. KIRWAN. Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that it be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Davis of Wisconsin: On page 6, lines 12 and 13, strike out "$84,950,000" and insert in lieu thereof "$77,100,000".

Mr. DAVIS of Wisconsin. Mr. Chairman, I shall not take the 5 minutes allotted to me.

The effect of this amendment is to reduce the figure for flood control on the Mississippi River and its tributaries to the figure submitted in the budget document by the President.

I suspect, Mr. Chairman, that no matter what we do with this today, in the light of recent statements by the President, he will actually limit the expenditures for this paragraph to the amount of his budget request. So the only result would be in refusing to adopt this amendment, we have another $7,850,000 unexpended in this appropriation at the end of the fiscal year.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, may I say that some 4 years ago the territory bordering the Mississippi River was added to my district. Much of it will go out of my district on the first of January, but in the 4 years I have had the privilege of representing that area I have gotten to know quite a bit about the river. We fail to realize in this country that the Mississippi River drains approximately one-third of the entire Nation and all of these flood problems in the central part of the United States eventually show up in the lower Mississippi River where they constitute an even bigger threat. What this amendment would do, Mr. Chairman, would be to cut the amount of funds that you had this year to meet the problems of the Mississippi by more than $7 million. Our committee simply restored the budget cut so that next year we would have the amount of money available as for this year. There is one thing in this country that does not wait, and that is the Mississippi River. As the engineers have frequently said, you have to learn to work with it. You cannot work against it, because it is too powerful.

For us to follow the Bureau of the Budget and stop, curtail, and to cut back the present operation by $7 million, would be to invite disaster.

Mr. PASSMAN. Mr. Chairman, will the gentleman from Mississippi yield?

Mr. WHITTEN. I am glad to yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, would the distinguished gentleman from Mississippi agree, from the standpoint of economics, that if we go into the record, it indicates that the cost-benefit ratio is about $5.10 in benefits to $1 expended for the Mississippi River and for its lower tributaries?

Mr. WHITTEN. That would be my understanding.

Mr. PASSMAN. And, Mr. Chairman, if the gentleman will yield further, that would certainly indicate that this represents a very good investment?

Mr. WHITTEN. The gentleman is certainly right, and when the gentleman puts it on a dollars-and-cents basis, of course what is involved, here, if we should permit the Mississippi River to get loose, the loss in life and limb would be hard to measure in terms of dollars. Therefore, Mr. Chairman, I say it would be penny wise and pound foolish to curtail the proposed works at this time and that the pending amendment should be defeated so that we may continue the program at this year's level as recommended by our committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Davis].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Davis of Wisconsin: On page 11, line 1, strike out "$14,270,000" and insert in lieu thereof "$13,610,000".

Mr. DAVIS of Wisconsin. Mr. Chairman, this is simply another amendment along the thought of the one previously offered. It would strike $660,000 from the funds for general investigations for the Bureau of Reclamation and would result in a figure in the bill which conforms to the amount proposed in the President's budget.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the subcommittee opposes the amendment and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Davis].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Wisconsin: On page 11, lines 19 and 20, strike out "$187,055,000" and insert in lieu thereof "$178,000,000".

Mr. DAVIS of Wisconsin. Mr. Chairman, this amendment—this proposed amendment—would reduce the amount for construction and rehabilitation in the Bureau of Reclamation by $9,055,000. Its effect would be to reduce the amount carried in this bill to the figure submitted by the President of the United States in his budget.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask for a vote on the amendment and that it be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. DAVIS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

Amendment offered by Mr. DAVIS of Wisconsin: On page 14, line 6, strike out "$12,995,000" and insert in lieu thereof "$9,995,000".

Mr. DAVIS of Wisconsin. Mr. Chairman, the purpose of this amendment, if adopted, is to delete the unbudgeted increases in the loan program of the Bureau of Reclamation in the amount of $3 million. It would restore that figure to the figure submitted by the President in his budget.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

The committee considered this amendment during the workup of the bill and rejected it. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. DAVIS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Wisconsin: On page 14, line 17, strike out "$48,948,000" and insert in lieu thereof "$43,050,000".

The CHAIRMAN. The gentleman from Wisconsin [Mr. DAVIS] is recognized for 5 minutes in support of his amendment.

Mr. DAVIS of Wisconsin. Mr. Chairman, this amendment, if adopted, would delete the unbudgeted item of $5,898,000 for the upper Colorado River storage project of the Bureau of Reclamation. It would restore the item as set forth in the bill to the figure submitted in the President's budget.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would affect the Bonneville unit of Utah of $4,800,000; the Arizona Page Accommodation School of $148,000. The committee opposes the amendment. I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. DAVIS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Wisconsin: On page 30, line 1 and 2, strike out "$63,700,000" and insert in lieu thereof "$60,700,000".

The CHAIRMAN. The gentleman from Wisconsin [Mr. DAVIS] is recognized for 5 minutes in support of his amendment.

Mr. DAVIS of Wisconsin. Mr. Chairman, the committee has added $3 million unbudgeted for the Tim's Ford Dam and Reservoir in Tennessee. This item is the Tennessee Valley Authority appropriation. The proposed amendment would delete this unbudgeted increase amount submitted in the President's and would restore the figure to the budget of $60,700,000.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. EVINS of Tennessee. Mr. Chairman, the gentleman is incorrect when he says this project—the Tim's Ford project—is not a budgeted item. As a matter of fact, it is a budgeted item. The Tim's Ford Dam is under construction currently by the TVA. The TVA estimated that it could use $19.7 million, almost $20 million more than the Budget Bureau recommended. So the amount which the committee has added is less than is needed for this project at this time. It is a very reasonable amount to be included in this bill. I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. DAVIS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Wisconsin: On page 35, after line 5, insert the following:

"SEC. 511. Each appropriation item contained in this act shall be reduced by five percentum which shall be applied uniformly to each item, project, and activity funded under each appropriation item."

The CHAIRMAN. The gentleman from Wisconsin [Mr. DAVIS] is recognized for 5 minutes in support of his amendment.

Mr. DAVIS of Wisconsin. Mr. Chairman, this is a proposed general 5-percent cut across the board in this bill which would represent, if approved, a reduction of approximately $200 million. Such a reduction would, in my opinion, be commensurate with the problems that confront us in providing the necessary funds for the operation of this Government and in meeting the heavy load of commitments of our country at this time.

This is not an amendment applying to expenditures as have frequently been offered in connection with other appropriation bills, because I do not consider the expenditure limitations to be appropriate for this bill. We do not appropriate for entire projects in a fiscal year in this appropriation measure, rather we attempt to gage the requirements for starting or continuing projects. We attempt to estimate the amount of money that will be needed in the fiscal year to go forward with these projects. So we are not confronted here, as we are with so many departments of the Government, with a heavy backload of unexpended funds that need to be controlled by this Congress.

It seems more appropriate that, rather than dealing with expenditures, that this proposed amendment deal with the new money that is in this appropriation bill.

I am not a great exponent of the idea of across-the-board cuts as a general proposition. But I think we need to recognize the philosophy of this bill, and this is based in no small measure upon cuts of this kind, in attempting to anticipate slippages and then anticipating the kind of unobligated balances that would be carried over into the next fiscal year.

As I said earlier this afternoon—quite some time ago now—I believe if the President is to carry forward with his announcement that there will be a substantial reduction of expenditures this fiscal year on items other than defense items, I have a suspicion that this is the area in which his proposed limitations of expenditures will heavily apply, and what we will be doing by reducing appropriations here would not be affecting at all the construction work that is going to be done in this fiscal year. They would simply be fulfilling our responsibility of seeing to it that a large amount of money is not carried over into the next fiscal year, money appropriated but unexpended, money over which we have lost control in this body, any semblance of control.

I suggest, in keeping with the philosophy of this bill, that it is proper that we make this 5 percent reduction in the items here, and I must say that I know of no items in this bill that could not be carried forward with a 5 percent reduction such as has been suggested in this amendment.

Mr. RESNICK. Mr. Chairman, will the gentleman yield for a question?

Mr. DAVIS of Wisconsin. I yield to the gentleman from New York.

Mr. RESNICK. The question is not on the 5 percent reduction, but on your separate views in the report. You said that you were going to offer an amendment to strike out funds for the Wappinger Creek project as a necessary object lesson to those in the Corps of Engineers whose responsibility it is to keep congressional committees informed about new studies. My question is this: There are 435 Congressional Districts in the United States, and countless thousands of projects. I would like to know why lightning was to strike my own. This is something that was in the budget. It was started in 1955. A $2.5 million flood hit that area. The people waited very patiently.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. RESNICK. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for another 2 minutes.

The CHAIRMAN. Is there objection? The Chair hears none, and the gentleman is recognized for 2 additional minutes.

There was no objection.

Mr. RESNICK. The project has been under study and after 1955, when a $2.5 million flood hit this area. I am just more than curious. I would like to know why the gentleman picked this particular project.

Mr. DAVIS of Wisconsin. In response to the gentleman, I should say that I felt I had offered as many amendments as the traffic would bear, and I did not offer the amendment that I had prepared to strike funds for the Wappinger Creek project. I think such an amendment would be appropriate, however, inasmuch as the Corps of Engineers did borrow money from other projects and dumped it into this project without keeping the committee advised of that move, as they had an obligation to do. I felt that sometimes the only way you can encourage the cooperation that congressional committees ought to have is to give the people who transgress a slap on the wrist. That amendment I did not offer.

Mr. RESNICK. I would like to point out to the gentleman that the transgressor, if there were any transgressor, would be the Corps of Engineers and not the people of Wappinger Falls. They had nothing to do with this. Still you were going to cut this item out of the bill, and I would like to inform the gentleman the reason I am bringing this up is that there are big, banner headlines in my district about this, and I thought the gentleman might want to know about it.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the pending amendment. The pending amendment offered by the gentleman from Wisconsin is a 5-percent across-the-board cut of the entire bill. The bill is already $214,600,000 below, or 5 percent below last year. New expenditures in this bill, and hence expenditures for major programs carried in this bill are already reduced by $323 million, which is 9 percent of the bill accomplished by delays and slippages and taking advantage of the carryover balances.

I ask for a vote on the amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. DAVIS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: On page 30, lines 1 and 2, strike out "$63,700,000" and insert in lieu thereof, "$60,500,000".

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 3 additional minutes.)

Mr. OTTINGER. Mr. Chairman, the purpose of this amendment is to delete from title IV of this public works appropriations bill—H.R. 17787—an unnecessary and, in my opinion, extremely ill-advised $3.2 million appropriation for the Tennessee Valley Authority's so-called Tellico Dam project on the Little Tennessee River in southeastern Tennessee, which will end up costing the Federal Government more than $42 million. This project was previously rejected by this House.

Briefly, Mr. Chairman, the objections to this appropriation are sixfold.

First, the project is not necessary. No one has ever claimed that it is needed for the development of water resources or flood control. There are 22 impoundments within a 50-mile radius of the site.

The power applications of Tellico Dam, which TVA pegged at 200 million kilowatt-hours a year, will not make a ripple in the 73.3 billion kilowatt-hours that TVA produces today.

This tricounty area—Loudon, Monroe, and Blount—is not a dying or depressed region that needs Federal subsidy, but one of thriving prosperity. The economic activity is above the average for the State.

The relief and welfare burden is below the State and national average.

Second, the project is not wanted.

More than 42 local and 12 national conservation organizations are adamantly opposed to it. These organizations are listed on pages 22986–22987 of the RECORD for Monday, September 19, and I feel that I should point out to this body that the local Indian tribe involved in this dam project is opposed as is the local chapter of the DAR and the local chamber of commerce.

I do not know where Mr. Goldwater stands.

I have received numerous letters from local residents, not one of them favoring the project. It is opposed by such newspapers as the Chattanooga News Free-Press and the Knoxville Journal—in an area where opposition to TVA projects is as unusual as it is politically hazardous.

Third, the Tellico Dam project is primarily a real estate speculation which will have the TVA condemn at least 30,000 acres of private property in order to sell 5,000 acres at a "profit" to private industry.

And the whole success of the venture hinges on this.

The aim of this project is to lure industry from other regions, other constituencies, to southeastern Tennessee—and as far as I can tell, not even the residents of the area want it.

Fourth, the Tellico Dam project is a very bad business risk.

A similar project at Melton Hill, about 50 miles away, has so far been a rather dramatic failure. There, TVA condemned 1,000 acres 3 years ago, and has sold only 25 acres, as of now. TVA claims that this is different, but they really do not say how—and I feel that there should be a clear record before we commit $42 million of the taxpayers' money to this scheme.

Frankly, Mr. Chairman, I am very much disturbed at the extent to which the Federal Government is sneaking into industrial development programs in competition with private enterprise, hiding behind the name of "conservation" and "water resource development." TVA ought not to be in this kind of business venture at all, and certainly not at this time of mounting inflation, when it is urgent that we curtail Federal expenditures.

Fifth, the Tellico Dam project will unnecessarily destroy a rich fishery resource and submit one of the few unspoiled stretches of this river to the tender mercies of the bulldozer and the engineer.

Sixth, this project will contribute to pollution. The fact is that all the experts admit that this stretch of the Little Tennessee is now extraordinarily pure and abounding with marine life. When the project is complete, these pure waters will be connected to Fort Loudon Lake, which, I am informed, is the most heavily polluted in the TVA system, and this new filth will pour into the Little Tennessee.

Is this the wise resource planning this Congress wants to be remembered for?

Soon we will be considering a multibillion-dollar appropriation to clean up just such a mess as we are being asked to make at Tellico Dam.

Is this sound planning?

TVA is planing to acquire more than 30,000 acres. Of this, more than 14,000 acres of farmlands, woodlands, scenic roads, historic landmarks and some 5,000 existing acres of prime industrial sites, wil be inundated and lost forever, just to get 5,000 industrial sites.

Is this wise planning?

Congress rejected this plan last year. There is no new justification for it now.

Lastly, Mr. Chairman, let me remind my colleagues of the President's admonition to Congress yesterday when he signed the parcel post bill.

He said that he had been asked whether there would be a tax increase this year and he turned to us and said, in essence, "tell me what the bill will be."

Right now we have sent the President bills which I am informed exceed his budget by $2 billion.

We must stop this pyramid of Federal spending.

The $42 million in this project may seem small to some, but spending programs are made up of little bills, little appropriations, and $42 million is not insignificant in this pattern.

We can only stop it, if we stop it now.

I urge my colleagues to vote for sanity and restraint now and approve this amendment to delete the unneeded and harmful Tellico Dam project from this appropriations act.

Mr. DUNCAN of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York [Mr. OTTINGER].

The time has come for action on the proposed Tellico project of the Tennessee Valley Authority on the Little Tennessee River and for an end to what have seemed to be interminable debates over peripheral questions which have been answered over and over again. It is time we approved this initial appropriation for the start of construction and let TVA get on with the job.

It is a project which studies over and over again have shown to have great potential in promoting industrial development and hence more jobs and more income in an area which is largely agricultural and which now offers little opportunity to attract and hold aggressive and educated young people, even though they are born there and would like to remain.

Despite the objections raised it is clear to me that the project enjoys wide majority support among the people in the area. This has been shown time after time in newspaper polls, in my own polls through questionnaires, in mail from residents of the region, in resolutions passed by responsible bodies of concerned citizens.

Very briefly, this project involves construction of a dam across the Little Tennessee River near its mouth, where it joins the Tennessee River just downstream from TVA's Fort Loudoun Dam. It will involve also a short canal which will connect the Fort Loudoun and Tellico Reservoirs and allow them to be operated virtually as a single reservoir. It will be a valuable addition to TVA's multiple-use system of dams and reservoirs. It will make the system more effective for flood control by more than doubling the flood storage at the point on the Tennessee River system. The flow of the Little Tennessee, divested through the turbines at the Fort Loudoun Dam powerhouse, will add to the output of electricity to serve the needs of the Tennessee Valley region.

And of primary importance, it would make the Little Tennessee River navigable for many miles upstream, to areas favorable for industrial plant sites—industries which are needed to further the economic growth of the area.

It has been objected that the Tellico project would destroy trout fishing waters. But it has been shown that good trout fishing exists mainly in the upper end of the stretch of river which would not be affected by the Tellico project, and this area would still provide good trout fishing while the reservoir which would be created would expand the general fishing and recreation opportunities in the region.

The Little Tennessee is not a free flowing river. It is controlled by several dams upstream on the river or its tributaries. The largest of these is TVA's Fontana Dam, the others are owned by the Aluminum Co. of America.

It is not a natural trout stream. Trout do not reproduce in this stretch of the river, but cold water released from Fontana Reservoir permits the State to stock and fisherman to enjoy trout fishing over some 14 miles of the river immediately below Alcoa's Chilhowee Dam.

Trout fishing will not be destroyed by construction of Tellico Dam. The mileage where it is now available will be reduced, but if the State continues to stock as generously as in the past, about 4 miles below Chilhowee will provide habitat for trout as attractive as now existing. This is the area of most frequent use now, and there will be some trout fishing farther downstream.

It should be remembered that for trout fishing this stream is not natural or unique. The opportunity was created by construction of Fontana Dam. It is maintained by stocking. It exists in a region that boasts 1,500 miles of trout streams. And it will not be destroyed. In exchange for the river mileage lost to trout fishing other kinds of fishing, attractive to a larger number of people, will be vastly improved, and other benefits provided.

It was a fairly typical east Tennessee stream, and early Alcoa impoundments did not materially affect the fish population of the river, which included bass, catfish, sunfish, and other warm-water species. But with the construction of 480-foot-high Fontana Dam, enough cold water was stored to maintain cool water temperatures favorable for trout growth, but not for reproduction, all the way downstream. The best of this trout water existed just below Calderwood Dam, some 17 miles below Fontana, until Alcoa's Chilhowee Dam was completed in 1957. The habitat was ideal and trout growth rates below Calderwood sometimes exceeded those achieved in hatchery ponds. The most favorable trout water now is found in the first few miles below Chilhowee.

Thus, the trout fishery on the Little Tennessee was created by dam construction. It is maintained by stocking. For example, in 1964 the Tennessee Game and Fish Commission stocked 460,000 trout of various sizes. The year before, 74,000 trout were stocked in the lower Little Tennessee. By comparison, the Clinch River tailwaters below TVA's Norris Dam—another cold-water area made suitable for trout because of dam construction—were stocked with only 35,000 trout in 1963 and with 31,000 in 1964.

In winter and early spring white bass and sauger run up the Little Tennessee out of Watts Bar Reservoir on the main stream of the Tennessee. The overall fish population of the Little Tennessee below Chilhowee Dam now consists of about 11 percent trout, 12 percent other game species, and 77 percent rough or commercial species such as buffalo, drum, mooneye, and shad.

Tellico Lake would be ideal for bass, crappie, and sauger, and fishing of this type, in which many more people engage, would increase enormously.

This dam would not eliminate trout fishing on the river. The 3 or 4 miles below Chilhowee would provide just as good trout fishing as it does now and considerable habitat for trout would exist further downstream in the Tellico impoundment. Fishing for warm-water species would be very greatly improved. TVA estimates the number of fishing trips in the new lake would be about 150,000 per year.

The trout waters in question occur in a region that now boasts 1,500 miles of trout stream. The Tennessee Game and Fish Commission and the North Carolina Wildlife Resources Commission report 600 miles of trout stream in the Great Smoky Mountains National Park, 300 miles in the Little Tennessee headwaters in North Carolina, 450 miles in the Cherokee National Forest of Tennessee, and 150 miles in nearby reservoirs and tributaries.

LAND DISPOSAL

In disposing of the shoreland along Tellico Reservoir, TVA will not be venturing into real estate "speculation." TVA has always disposed of land surplus to its requirements. The original TVA Act specified procedures to be followed, and during its life TVA has sold about 160,000 acres for a variety of uses. Industries and suburban developments are now located on land sold by TVA, while parks, playgrounds, picnic and camping areas will be found on over 180,000 acres which TVA has transferred to public agencies for recreation.

Experience has demonstrated that for any given area the economic benefits of the public investment in dams and reservoirs depend to a large degree on the way the shoreland is developed. In the case of Tellico the experience of 30 years will be applied. Where terrain is suitable for construction and highway and rail connections are available, areas will be set aside for industrial development. Other stretches of the shoreland will be used for recreation or residential development. The value of the land, now used largely for farming, will be enhanced by the public investment. As it is sold by TVA, the added value, estimated at some $10 million, will be recaptured and paid into the Federal Treasury, offsetting in part the cost to the Treasury of the project which created the value. Total cost of the project is estimated at $42 million.

GENERAL COMMENTS

Using a canal between Fort Loudoun and Tellico Reservoirs a navigation channel of 33 miles on the Little Tennessee will be provided, without the necessity of adding locks at Tellico Dam.

Without installing generators at Tellico, some 200 million kilowatt-hours will be added to the annual power generation at Fort Loudoun Dam. With construction of Tellico 126,000 acre-feet of flood storage will be added to the TVA system. The tremendous value of the shoreland for recreation and industrial development in the immediate area is in addition to these great benefits to the region as a whole.

It has been contended that this stretch of the stream should be preserved as a "wild river." But there is nothing "wild" about it, for the flow of the river is controlled by a number of upstream dams, including those of an aluminum company and TVA's giant Fontana Dam. In delaying funds for starting the project last year, the Congress suggested that additional studies be made of the possibility that pollution from Fort Loudoun Reservoir would contaminate the reservoir on the Little Tennessee. The studies have confirmed that by the time the waters reach Fort Loudoun Dam, the pollution from upstream has been largely dissipated—and in any case the flow of water would for the most part be from Tellico into Fort Loudoun Lake.

I might take a different view if this were a new or hastily conceived project. But it is not; it has been under study for a score of years. In fact, the Congress provided funds for the project—then known as the Fort Loudoun Dam extension—in 1943, and it was postponed only because of wartime priorities on materials and manpower.

In the ensuing years, TVA has conscientiously made additional studies which have confirmed the economic value of the development. I doubt that any project has been more thoroughly studied and explored from every conceivable angle. The facts are all in, including all those which could be mustered by the small groups carrying on a bitter-end campaign against it.

And these facts point to the need and value of the Tellico project as a means of economic advancement for the region. They are facts which are convincing to the majority of the people in the area and have elicited their support for beginning the project now. That is why the entire appropriation for the TVA should be approved by the Congress.

Mr. SAYLOR. Mr. Chairman, I rise in support of the amendment.

Mr. KIRWAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. SAYLOR. I object.

Mr. Chairman, I would like to support the amendment of my colleague from New York, and in support of this amendment I would like to read an editorial from the Chattanooga News-Free Press of September 16, 1966, which states this as well as any person can. The title of the editorial is "Just Not Needed."

Just Not Needed

> Just below Chattanooga, work is progressing on the Nickajack Dam. This is an example of a dam that is needed, is fully justified, that is reasonable in concept and execution.
>
> It is to replace the present Hale's Bar Dam, that has been undermined by water leaks through porous limestone formations. Nickajack also will provide huge locks to allow better use of the Tennessee River by shipping that currently is bottlenecked at Hale's Bar.
>
> In sharp contrast with demonstrable need for Nickajack Dam is the proposal for building the Tellico Dam on the Little Tennessee River.
>
> Perhaps you have heard most about the Tellico Dam as a result of the protests of nature lovers, conservationists and fishermen who lament that the Tellico Dam would destroy one of the last natural rivers in our section. In addition, there is the stronger point that there is no real need for the Tellico Dam.
>
> It is not justified by power production needs. It is not justified by navigation demands. It is not supported as a flood control measure. The only significant argument that is made for the Tellico Dam is that it would open new industrial sites. This is a poor argument when (1) there are many, many available industrial sites in the area that are not yet in use, and (2) it is not the business of the Federal Government to take the role of real estate developer.
>
> It appears that the real reason behind the Tellico Dam is that its proponents just have run out of something else to do for the time being. Just yesterday, the House Appropriations Committee approved expenditure of three million dollars to start the project—a small forerunner of many millions of your dollars that would follow.
>
> Here is one excellent example of a wise place to cut expenditures in this time of galloping inflation, wasteful Federal spending, deficit financing and costly war.

Mr. Chairman, I urge that the amendment which has been offered by the gentleman from New York [Mr. OTTINGER] be approved.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman, I rise to support the amendment. The proposed Tellico Dam falls well outside the criteria which I have used since coming to Congress to determine my support for big-dam projects. These criteria include the basic economic feasibility of the project, the general condition of the Federal budget—that is, the priority rating for the project, its effect upon natural resources, whether it would compete with equal services provided by private industry, whether the same job could be done by other means, for instance with smaller dams, and generally, whether there is any real need for the projected services to be provided.

The Tellico Dam project, tested against these criteria, emphatically should be rejected. It joins a number of other projects which I believe should be rejected because they cannot meet the test of these criteria. This list includes the proposed Grand Canyon dams; the Lincoln-Dickey Dam in Maine and the Livermore Falls and Baker River Dams in New Hampshire, in my district. To this list must now be added the Tellico Dam on the Little Tennessee River.

Tellico, however, contains an additional feature for which perhaps I shall have to establish a new standard by which to measure these projects. The Tellico project proposes to put the Government into the land-speculation business in a quite unprecedented manner.

This project failed to get the approval of the TVA Board of Directors in 1961 because of an unfavorable cost-benefit ratio. Its supporters went back to the drawing board and returned with this proposal under which more than a third of the benefits were assigned to a wholly new category, "industrial development."

The new plan proposes to condemn 21,000 acres of land for resale at an estimated profit of $10.9 million. The land condemnation was not part of the original plan. It is obvious that the traditional concepts of flood control, navigation, and power production were insufficient to establish a favorable cost-benefit ratio.

How the estimated profit figure is reached I have no idea, but it would seem to be the result of very shaky guesswork. How can anyone predict the demand for land or the price for which it could possibly be sold at any given time? As a matter of fact, I am informed that there are already available 13 waterfront industrial sites near Tellico which are as yet unused. Thus, it is very doubtful procedure to assume a demand for the proposed additional sites or that such a demand would produce a profit of $10.9 million.

Even if these figures are proved to be accurate, this speculative approach is no way in which to justify a major Federal project that would cost well over $40 million. Congress ought to nip in the bud this dangerous departure from sound public works planning. I am almost certain that if this were not a TVA project and had to come through my Committee on Public Works that the committee would flatly reject such a speculative plan.

Thus, the project cannot be justified through the traditional standards of cost-benefit ratios but must rely on a most questionable and speculative venture into real estate development. Beyond that, the Tellico project would commit positive damage to the area. It would eliminate some 10,000 acres of fine bottom land producing agricultural products worth $3 million annually. It would liquidate 15,600 acres of forest land, dropping total taxable forest wealth in the area by an estimated $2 million, and eliminate an estimated 156 forest jobs.

Not the least of the positive damage would be the destruction of one of the Nation's finest trout rivers. Major tourist attractions and historic sites are threatened by this unjustified project.

Mr. Chairman, I am no opponent of all big dams per se, but let us exercise the greatest of care in authorizing them. Let us make sure they are really needed and meet the technical standards that have served us well in the past and which have been developed through long years of experience. Let us weigh their effects upon our dwindling natural resources. Let us reject the Tellico proposal.

The President is seeking ways to cut the budget in an effort to quench the fires of inflation. This project is an ideal place to swing the economy ax.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the amendment which has been offered by the gentleman from New York [Mr. OTTINGER] designed to delete funds in this legislation for construction of the Tellico Dam and Reservoir. I say so in spite of the deep respect and admiration which I feel for my distinguished friend from Tennessee [Mr. EVINS] who had served in this body so long and so well and who so strongly supports this provision of the bill.

Mr. Chairman, it is my opinion that we ought to take a careful look at the legislation which is now pending before us and the proposal for the Tellico Dam.

Mr. Chairman, the Chairman of the Tennessee Valley Authority has on a number of occasions pointed out the fact that there is no longer a need for flood control structures on the Tennessee River. It has been pointed out that the amount of power to be developed with respect to this structure is so small as to be insignificant. It is only 200,000 kilowatt hours out of a total of 73,368 million kilowatt hours available in the Tennessee Valley Authority jurisdiction.

Mr. Chairman, if approved, this project would produce less than 2 percent of the total amount of power available from the Kingston steam plant.

Mr. Chairman, what is really involved here is an effort to seize from the people throughout that area 30,000 acres and to create 5,000 acres in additional land for industrial sites. Many more acres in industrial sites will be flooded. There are abundantly available thousands of acres in the near vicinity. Thousands of acres of industrial lands are presently available, all within a very few miles. All of these have a larger and a more skilled work force available, and with more roads and highways and other connections available.

These same kinds of lands are presently going idle in the area for want of buyers and purchasers and users.

Let us take a further look at this. The cost-benefit ratio is 1.4 to 1, but the bulk of the benefit in the cost-benefit ratio comes from the fact that land is going to be condemned cheaply from people in the area who do not desire to sell this land, and to resell it at more cost, according to the Tennessee Valley Authority for a profit in excess of $2,000 per acre. I say this is unjustified. If there is need for the Tellico project in the future, the land will be there, the stream will be there and we will be able to engage in the process of seizing and condemning the land and constructing the facilities.

It might be well to point out to this body that I have constantly supported the Tennessee Valley Authority and I have on occasions taken this well to defend the Tennessee Valley Authority rather than to criticize it—and I have been severely criticized in my district for my support of the Tennessee Valley Authority.

Let me point out to my colleagues that what is involved here is not a project to benefit the area, not a project to improve navigation, not a project to create industrial sites, but a device simply to take land away from people, resell it at a high price and make a profit in creating industrial sites from this land.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. JONES of Alabama. Mr. Chairman, the gentleman makes a great point of the fact that he supported the TVA with great pains to the constituents he is representing in the House. I would like to remind the gentleman from Michigan, as chairman of the Subcommittee on Public Works on Flood Control that I, too, have supported projects beyond the boundaries of my district, much to the pains of my constituency.

I would think it would be rather awkward not to proceed on the basis that these are national assets and therefore they require our consideration.

Mr. DINGELL. The gentleman is correct, and if there was a legitimate basis for the kind of ruthless seizure of land, to provide for construction of a national asset I would support it too. I cannot support profiteering by a public agency so little justified.

Mr. JONES of Alabama. That is the opinion of the gentleman from Michigan.

Mr. DINGELL. I did not yield to the gentleman from Alabama and I will ask for regular order. But I do want to point out to my friend from Alabama—and he is my friend and I value his friendship very highly as a distinguished Member of this body—that what is involved here is not the creation of needed industrial sites, not the creation of needed navigation, not the creation of flood control facilities, because all of these issues are of the most minimum value with regard to the project here.

Mr. Chairman, I am happy to give my support to the amendment of the gentleman from New York deleting funds from H.R. 17787 for the construction of the Tellico Dam and Reservoir project of the Tennessee Valley Authority.

Lest it be thought that this effort to bar spending of $3.2 million on the Tellico project is only an effort of outsiders to interfere with TVA matters, I want to say that I have been much impressed by the scope and depth of opposition to the Tellico project among Tennesseans themselves. I have received numerous letters and phone calls from people in the TVA area urging me to aid in the preservation of the Little Tennessee River as it now is. I have heard not only from conservation groups, but also from farm organizations, timber producers, livestockmen, civic groups, and many just plain citizens.

The organizations and citizens from whom I have heard are not out to cripple TVA—and neither am I. We do feel, however, that TVA this time is trying to push through a project which is unwanted, unneeded, and unjustified. It would be just too costly in terms of money as well as in terms of the great sacrifice of nature's largess.

As we all know, TVA operates under a set of rules differing somewhat from those applying to other dam-building agencies such as the Army Corps of Engineers and the Bureau of Reclamation. TVA does not need to get prior authorization for its projects. Instead of going to a legislative committee first, TVA goes directly to the Appropriations Committee—which means the Public Works Appropriations Subcommittee. This subcommittee has an imposing task and is a diligent and hard-working unit of the House.

The subcommittee had done a good and thorough job of questioning TVA witnesses on the project. It has heard from public witnesses. However, the subcommittee—burdened as it is with a great many projects involving several agencies already cleared by legislative committees—simply cannot give the attention to a single project that such project would receive if it went through the authorization process. I am confident that the Tellico project would not be before this House now if it had been closely scrutinized by the legislative committees. And particularly not at a time when the Federal Government is seeking to hold down inflationary spending.

TVA claims a 1.4 to 1 benefit-cost ratio for Tellico. But the agency's figures look a bit "fishy" to me. I will not argue much with the claims of $11.4 million in navigational benefits or $8 million in electric power benefits, but I feel differently about the claim of $13.7 million for flood control benefits and $48.1 million for general economic development benefits. TVA last year claimed only $10.4 million for flood control benefits, but boosted this figure to $13.7 million because of an inflation in the projected values of property and real estate. TVA inflated these values without boosting its cost figures for land acquisition.

The $48.1 million in general economic development benefits seems to be a somewhat contrived figure when you consider that the total consists in part of the profit to be derived from acquiring land on the basis of its value as agricultural land and selling it on the basis of industrial sites. TVA wants to condemn some 5,000 acres of land which it would resell at a profit of $2,180 per acre—or a total of $10.9 million. This profit would reduce estimated project costs of $42.5 million to $31.6 million. Taking of this land would probably bring TVA a nice profit, but such condemnations are not necessary—local people tell me there is more than enough other land available for industrial sites.

Another matter which disturbs me greatly is that the Tellico Dam would ruin one of the best trout fishing resources in the country. The section of the Little Tennessee which would be inundated probably can support more trout fishing than any other stream in the area, due to its large size and constant cold temperatures resulting from several upstream impoundments. Existing trout stream mileage in the area has been declining at an alarming rate, while 18 major reservoirs within a 50-mile radius offer adequate lake-type fishing. The Little Tennessee is almost unique as a producer of trout. Enough trophy-size brown trout from this river already have been entered in national competition to dominate the eastern division contests next year.

Earlier this year, the Subcommittee on Fisheries and Wildlife Conservation, of which I am chairman, held hearings on a bill relating to TVA's exemption from the provisions of the Fish and Wildlife Coordination Act. While TVA witnesses claimed that the agency coordinated its activities with other Federal and State fish and wildlife agencies, I found little, if any, of such coordination on the Tellico project. I am quite impressed by the position of the Tennessee Game and Fish Commission adamantly opposing the Tellico project.

In short, I think Congress—if it approves funds for the Tellico project—would be trading away a fine natural asset of national importance for the construction of a dam for which neither the need nor utility have been satisfactorily demonstrated.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike out the last word and I rise in opposition to the Ottinger amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. EVINS] is recognized for 5 minutes.

Mr. EVINS of Tennessee. Mr. Chairman the hour is getting late and I do not wish to trespass on your time. I rise in opposition to the pending amendment to strike from this bill funds to begin construction of Tellico Dam by Tennessee Valley Authority.

I support the position of the distinguished chairman of our committee, the gentleman from Ohio [Mr. KIRWAN] and members of the Committee on Appropriations.

This amendment should be defeated.

The position of the committee should be sustained.

This $3.2 million carried in the bill for Tellico Dam is a budgeted item.

The committee has held extensive hearings on this matter.

The committee has gone into every angle and every facet at great detail and great length.

The issues of Tellico have been long and thoroughly discussed and debated.

Last year when the committee considered this project—then, as now, a budgeted item—the committee deferred action for three basic reasons.

First. The project was then considered highly controversial. Now the controversy has been largely resolved. The county courts and the elected officials in the majority of the counties of the area have passed resolutions favoring and supporting this project.

Second. The question raised regarding the possible pollution of the Little Tennessee River has now been resolved. The TVA has prepared a special report following a study ordered on this issue by our committee.

The report negates the charge that the Little Tennessee River would become a polluted river.

This report has resolved the issue on this complaint.

Third. The committee delayed action because of the charge then made that the historic site of Fort Loudoun would be inundated. TVA has made provisions in its plans to preserve Fort Loudoun, the most important of the historical markers. The site of the British fort built in 1756 will be preserved.

There will be more visitors to that historic site than ever before as a result of construction of the dam.

So, Mr. Chairman, the criticisms have been answered to the satisfaction of historians and other persons concerned.

The remaining opposition to the project comes from some of our friends who are sport fishermen.

Most of us like to feel we are sport fishermen.

I regret that the gentleman from New York [Mr. OTTINGER] did not have the advantage and the opportunity of hearing all the facts on the Tellico project.

The members of our subcommittee have had the benefit of testimony and witnesses from all sides and all groups.

We have studied the matter thoroughly and resolved the issue on the side of who would be most benefited.

We concluded that it is more important to provide 7,000 jobs in an area where low income and high unemployment prevail over the pleasures of a few fishermen.

I can understand the concern of these sportsmen. I appreciate their position. I have no criticism of them. They are concerned with only one dimension of the picture.

There has been a heavy out-migration of population from the area because of the lack of job opportunities—particularly among young people.

Census figures show that an out-migration of 15,523 persons occurred in the 10-year period from 1950 to 1960.

The combination of abundant rainfall and the steep mountainous area makes the Tellico project an excellent area for the production of hydroelectric power.

Tellico will produce 200 million kilowatts of electric power annually.

For purposes of comparison this compares with more than one-half the annual power output of Norris Dam.

The power benefits are estimated at $8 million. Flood control benefits are estimated at $13.7 million. Transportation benefits, resulting from creation of a waterway, will amount to $11.4 million. It is a conservative estimate that the general economic development will be increased by about $15 million.

The cost-benefit ratio is a good one—$1.40 will be returned for every $1 expended in the life of the project.

Contrary to the statements of the opponents of this project, there is no intention of moving industries to the area from elsewhere.

It is anticipated that some new plants will be built and branch plants established.

This has been the history of the building of hydroelectric plants throughout the Nation by the Corps of Engineers, the TVA, the Bureau of Reclamation, and other resource development agencies.

The Tellico project will afford the advantages of low-cost electric power—available water and rail transportation—and industrial sites suitable for industries having large land requirements.

Concerning the charge of the purchase of surplus land for resale, it has been the custom in the past to purchase land in the areas of these developments and these lands are resold to the public and private interests.

Approximately 7,000 new jobs are estimated to be provided by the project and wages and salaries are estimated at $18 million a year over present employment opportunities.

The recreation potential for the area also will be increased for the benefit of sports fishermen and others. I would point out that a survey of the U.S. Fish and Wildlife Service together with the Tennessee State Game and Fish Commission and the TVA states that opportunities for fishing around the reservoir will be enormously increased.

In summary, the Tellico project is a sound project providing:

Flood control will be provided.

Power generation, in tandem, as it were, with Fort Loudoun Reservoir, will be increased.

Navigation benefits will follow.

New industrial sites will be made available.

Job opportunities and employment in an Appalachian area with chronic economic ills will be provided, and vast benefits from recreation will be opened.

This project is budgeted and certainly should not be deleted.

I believe this is the only instance in this important appropriation where an effort is being made to strike a budgeted item from the bill.

The amendment should be defeated.

I urge you to support the committee in this matter and vote down the pending amendment.

Mr. QUILLEN. Mr. Chairman, I move to strike out the last word and I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. QUILLEN. Mr. Chairman, although this dam is not in my district, it is part of the overall plan of the Tennessee Valley Authority and works into that complex and that great picture that the TVA has created in the whole Tennessee Valley.

TVA has often been referred to as the heartbeat of the valley, and I agree. This dam is feasible, and should be built. I am in opposition to the amendment, and urge that it be defeated, and that the whole measure be adopted by the House with the budget of the Tennessee Valley Authority included, which also includes a flood control project in my district.

Mr. JONES of Alabama. Mr. Chairman, I move to strike out the requisite number of words.

If this amendment prevails, justification for doing so would be equal justification for voting down every item in the bill, every budgeted item that is presented in the bill. I hope that these projects that have been presented here, fine and valuable projects, will remain intact, and we will accept the committee's version of the bill.

Mr. VIVIAN. Mr. Chairman, as many Members have reiterated today, it is incumbent upon us this year to cut out or cut the costs of all deferable Federal programs and projects, in order that we will be able to continue adequately, and in some cases to increase, truly essential programs. Several amendments were proposed today to the public works portion of the appropriations bill before us, which would have reduced the cost of the bill without, in my opinion, being detrimental to this Nation. I am disappointed that none of these were adopted.

I am sure that the members of the Appropriations Committee, who handled this bill, and of the Public Works Committee, who handled the predecessor authorization bill, took their duties seriously and have offered what they consider a good compromise. But I personally feel that a lesser cost compromise would have been preferable.

A principal reason why none of the amendments were adopted of course is patently clear. A number of individual Members here today who have told me they would like to vote against specific projects, also told me a fact we all know, that they as individuals are not desirous of having the sponsors of these specific projects discover their disaffection, for they fear that possible future projects in their own district, even though of potentially much greater merit, might suffer. And as all of us have observed, at no time have standing or teller votes been asked on any one of the amendments—a situation which is rare on a bill of this magnitude.

Mr. Chairman, I conclude that the best course I can follow to express my dissatisfaction with the cost of this bill, and my disappointment with the situation which prevails on the floor, is to vote against the bill.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from New York [Mr. OTTINGER].

The amendment was rejected.

Mr. **KIRWAN.** Mr. Chairman, I move that the Committee do now rise, and report the bill back to the House, with the recommendation that the bill be passed.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17787) making appropriation for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes, has directed him to report the bill back to the House with the recommendation that the bill do pass.

The **SPEAKER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. **DAVIS** of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER.** Is the gentleman opposed to the bill?

Mr. **DAVIS** of Wisconsin. I am, Mr. Speaker.

The **SPEAKER.** The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. DAVIS moves to recommit the bill to the Committee on Appropriations with instructions to that Committee to report it back forthwith with the following amendment: On page 35, after line 5, insert a new section as follows:
>
> "SEC. 511. Each appropriation item contained in this Act shall be reduced by five per centum which shall be applied uniformly to each item, project, and activity funded under each appropriation item."

The **SPEAKER.** Without objection, the previous question is ordered.

There was no objection.

The **SPEAKER.** The question is on the motion to recommit.

The question was taken; and the Speaker announced that the nays appeared to have it.

Mr. **DAVIS** of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The **SPEAKER.** The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **DAVIS** of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken, and there were—yeas 354, nays 25, not voting 53, as follows:

[Roll No. 296]

YEAS—354

Abbitt
Abernethy
Adair
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Ayres
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brock
Brooks
Brown, Calif.
Brown, Clarence J., Jr.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cabell
Cahill
Callan
Callaway
Carey
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clevenger
Cohelan
Colmer
Conable
Conyers
Cooley
Corbett
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
Dawson
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Everett
Evins, Tenn.
Fallon
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Flood
Flynt
Fogarty
Foley
Ford, William D.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Gross
Gubser
Gurney
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Huot
Hutchinson
Ichord
Irwin
Jarman
Jennings
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kornegay
Krebs
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDowell
McFall
McGrath
McVicker
Macdonald
Machen
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Meeds
Michel
Mills
Minish
Mink
Minshall
Mize
Monagan
Moore
Moorhead
Morgan
Morris
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Ill.
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Rees
Reifel
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Ryan
Satterfield
St. Onge
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stalbaum
Stanton
Steed
Stephens
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walker, N. Mex.
Watkins
Watson
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Williams
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Young
Younger
Zablocki

NAYS—25

Broomfield
Broyhill, N.C.
Byrnes, Wis.
Cleveland
Collier
Curtis
Davis, Wis.
Erlenborn
Ford, Gerald R.
Fraser
Goodell
Grover
Joelson
Jonas
Kupferman
Laird
MacGregor
Morse
Ottinger
Reid, Ill.
Reid, N.Y.
Saylor
Stafford
Vivian
Wydler

NOT VOTING—53

Adams
Albert
Aspinall
Belcher
Bolling
Cameron
Carter
Conte
Corman
Davis, Ga.
Dorn
Dyal
Ellsworth
Evans, Colo.
Farbstein
Fisher
Gray
Hagan, Ga.
Hanna
Hays
Hungate
Jacobs
King, N.Y.
Kluczynski

Kunkel
McDade
McEwen
McMillan
Mackay
Martin, Ala.
Martin, Mass.
Miller
Moeller
Morrison
Murray
O'Hara, Mich.
O'Konski
Pool
Reinecke
Rogers, Tex.
Roncalio
Roybal
Rumsfeld
St Germain
Senner
Smith, Va.
Stratton
Toll
Walker, Miss.
Watts
Willis
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

Mr. Stratton with Mr. Martin of Massachusetts.

Mr. Farbstein with Mr. Ellsworth.

Mr. Davis of Georgia with Mr. Belcher.

Mr. Morrison with Mr. Walker of Mississippi.

Mr. Hungate with Mr. Kunkel.

Mr. Albert with Mr. Conte.

Mr. Aspinall with Mr. King of New York.

Mr. Corman with Mr. Bob Wilson.

Mr. Miller with Mr. McDade.

Mr. Dyal with Reinecke.

Mr. Kluczynski with Mr. Rumsfeld.

Mr. St Germain with Mr. Carter.

Mr. Hagan of Georgia with Mr. Martin of Alabama.

Mr. Willis with Mr. McEwen.

Mr. Smith of Virginia with Mr. O'Konski.

Mr. Senner with Mr. Fisher.

Mr. Roncalio with Mr. McMillan.

Mr. Gray with Mr. Rogers of Texas.

Mr. Hays with Mr. Cameron.

Mr. Evans of Colorado with Mr. Dorn.

Mr. Pool with Mr. Hanna.

Mr. Watts with Mr. Toll.

Mr. Mackay with Mr. Scheuer.

Mr. Moeller with Mr. Jacobs.

Mr. O'Hara of Michigan with Mr. Murray.

Mr. TUCK changed his vote from "nay" to "yea".

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EVINS of Tennessee. Mr. Speaker, on behalf of the chairman, the gentleman from Ohio [Mr. KIRWAN], I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THE LOWER TETON DAM IN FREMONT COUNTY, IDAHO

Mr. HANSEN of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. HANSEN of Idaho. Mr. Speaker, the Lower Teton Dam in Fremont County, Idaho, was authorized several years ago and construction is urgently needed to provide supplemental water to the farmers in that area and to control the serious flooding and drought condition. However, the President in his budget for fiscal 1967 did not recommend the appropriation of funds to begin construction of this project.

In April, I appeared before the House Committee on Appropriations, urging that at least $50,000 be approved to begin preliminary construction investigation to permit the project to get underway. I regret that funds were not recommended. Knowing of the opposition of the House to additional increases in the budget, I have not pressed the issue in debate today.

However, because of the urgent need for this project, the Senate may follow the action taken last year and authorize money to permit work to commence this next year and avoid the delay of a full year or more on this essential development. Should this occur, I respectfully urge the conferees to accept a position which would permit this very necessary project to move ahead.

As a matter of further interest to the House and the information of the conferees, I am including in the RECORD a copy of my statement before the committee.

STATEMENT OF THE HONORABLE GEORGE V. HANSEN, SECOND DISTRICT, IDAHO, BEFORE THE HOUSE APPROPRIATIONS PUBLIC WORKS SUBCOMMITTEE, APRIL 25, 1966

Mr. Chairman, I appreciate the opportunity of again appearing before this Committee to request funds for a start on the Lower Teton Dam, Fremont County, Idaho. I would like to make just a very brief statement today and then, if it is permissible, to include as a part of that statement the statement I made before this Committee last year—a copy of which has been furnished to the Committee Members. The facts have not changed—the situation has not changed—except that another year has gone by with no concrete prospects of relief for those in the area who are hit by recurrent flood and drought cycles.

The statement brings out these salient facts—

The Fremont Dam is a multi-purpose development designed to make maximum use of available water resources in the area. It is a two-stage project. The first stage, for which we are asking appropriations now, would bring no new land under irrigation. It would, however, provide urgently-needed supplemental water for 114,000 acres. The project would also provide substantial flood protection to a highly developed area in the Upper Snake River Basin which has suffered severe damage from floods in recent years.

Flood and drought conditions in the same year in this area are not uncommon. The seriousness of an alternate flood and drought cycle was vividly illustrated in 1961 and 1962. During the summer of 1961, Fremont and Madison Counties were declared drought emergency areas. In February, 1962, extremely high runoff caused record floods in Henry's Fork and Teton River Valleys and the Snake River Plain. Thus, within six months, the same area was declared a drought area and a flood disaster area.

May I point out to the Members of this Committee that, in 1964, Idaho was honored when the Chairman, the Gentleman from Ohio, and the Secretary of the Interior, the Honorable Stewart L. Udall, personally inspected this area. At that time both acclaimed the project and the Secretary stated that plans for the project "likely will be pressed in this fiscal year beginning July 1 so that initial work can begin in 1966". Fiscal 1966, of course, has passed us by with no funds for beginning the project.

Secretary Udall has reaffirmed his support of the urgency and need for the project in a letter I have received from Robert W. Nelson, Deputy Assistant Secretary, which states: "In reply to your telegram of April 20, the need for Fremont Dam and Reservoir to provide flood control and supplemental irrigation water remains unchanged from that defined in our report on the Lower Teton Division, Teton Basin Project, Idaho, which was printed as House Document No. 208, 88th Congress."

In that document there is a letter, signed by Darlington W. Denit, Acting Commissioner, Bureau of Reclamation, which was approved and adopted by Secretary Udall. It states, in part, "I conclude, therefore, that the plans of development outlined in this report for both the initial stage and for the ultimate stage of the lower Teton division are feasible and economically justified, *that there now exists an urgent need for supplemental water supplies to presently irrigated lands and for flood protection*, and that power and recreation benefits can be realized by construction of the initial stage, lower Teton division, Teton Basin project." (Italic added.)

Additionally, the Lower Teton Dam enjoys complete and unanimous bi-partisan support by all individuals and groups concerned and Joint Memorials to the Congress urging its funding have been passed unanimously by both houses of the Idaho State Legislature.

Last year, Mr. Chairman, the Senate approved an appropriation of $300,000 for this project, the amount Floyd E. Dominy, Commissioner of the Bureau of Reclamation, had said would be used the first year. However, Mr. Dominy informed me that as little as $50,000 could be used initially in contract negotiations to save up to a year's valuable time in the ultimate completion of this vital project.

I realize that the amount of money available under the budget for 1967 is limited, and that there are many calls upon it. However, I believe a compromise might be made—through approving appropriation of the above-mentioned $50,000—which would have a relatively minute effect on the budget, and which would allow time-consuming negotiations on contracts to get underway immediately.

Mr. Chairman, that ends my formal statement. If the Chairman or the Committee Members have questions, I shall be happy to answer them.

CHILD NUTRITION

Mr. COOLEY submitted a conference report and statement on the bill (S. 3467) to amend the National School Lunch Act, as amended, to strengthen and expand food service programs for children.

MILITARY MEDICAL BENEFITS AMENDMENTS OF 1966

Mr. RIVERS of South Carolina submitted a conference report and statement on the bill (H.R. 14088) to amend chapter 55 of title 10, United States Code, to authorize an improved health benefits program for retired members and members of the uniformed services and their dependents, and for other purposes.

RESERVE FORCES BILL OF RIGHTS AND VITALIZATION ACT OF 1966, AND NATIONAL GUARD TECHNICIANS BENEFITS ACT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules and on behalf of my colleague from Missouri [Mr. BOLLING] I call up House Resolution 1009 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1009

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17195) to amend titles 10, 14, 32, and 37, United States Code, to strengthen the reserve components of the armed forces, and clarify the status of National Guard technicians, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole House on any of the amendments adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

CALL OF THE HOUSE

Mr. BURTON of California. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PATMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 297]

Abernethy
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, Glenn
Aspinall
Baring
Barrett
Battin
Belcher
Boggs
Bolling
Brown, Calif.
Callan
Callaway
Cameron
Carter
Celler
Clark
Conte
Corman
Craley
Davis, Ga.
Denton
Dickinson
Duncan, Oreg.
Dyal
Edwards, Calif.
Ellsworth
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fisher
Flood
Fogarty
Foley
Garmatz
Giaimo
Gilbert
Gray
Hagan, Ga.
Hanna
Hansen, Wash.
Harvey, Ind.
Hays
Herlong
Holifield
Hungate
Jacobs
King, N.Y.
Kirwan
Kluczynski
Krebs
Kunkel
Lipscomb
McDade
McEwen
McMillan
Mackay
Martin, Ala.
Martin, Mass.
Miller
Moeller
Morrison
Morse
Murray
O'Hara, Mich.
O'Konski
Pelly
Pool
Powell
Purcell
Rees
Reinecke
Rogers, Tex.
Roncalio
Rooney, Pa.
Roybal
Rumsfeld
St Germain
Senner
Slack
Smith, Va.
Steed
Stratton
Thompson, Tex.
Toll
Tunney
Tupper
Ullman
Walker, Miss.
Watts
Whitener
Willis
Wilson, Bob

The SPEAKER. On this rollcall, 330 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESERVE FORCES BILL OF RIGHTS AND VITALIZATION ACT

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1009 provides an open rule with 2 hours of general debate for consideration of H.R. 17195, a bill to amend titles 10, 14, 32, and 37, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes.

H.R. 17195 is designed to correct deficiencies and substitute certainty for uncertainty in the Reserve program.

Title I of the bill would substantially revise the composition and administration of the Reserve components of the Armed Forces. It has as its primary objective the establishment by statute of a Reserve component organizational structure that will enable these components to more fully and effectively meet their mobilization readiness requirements as established in the contingency and war plans approved by the Joint Chiefs of Staff. As a collateral objective, this legislation would eliminate the present uncertainty and instability of the existing Reserve structure by establishing its minimum size and composition in permanent law.

The provisions of title II of the bill will clarify the employee status of National Guard technicians by making them Federal employees and thus eligible for the various Federal employee benefits that will flow from this status.

Mr. Speaker, I urge the adoption of House Resolution 1009 in order that H.R. 17195 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

ECONOMIC OPPORTUNITIES ACT

Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of California. Mr. Speaker, I know that it is late, and everyone is in a hurry to get home, and we have to have a rollcall. I shall be very brief. But I think this will be the only opportunity I shall have between now and Monday to address the House in regard to the discharge petition of H.R. 15111, the Economic Opportunity Act of 1966, or the war-on-poverty bill.

If this bill is called up on next Monday, September 26, pursuant to the 21-day rule—House Resolution 1014—it is my present intention to raise a point of order against the consideration of House Resolution 1014. The facts are as follows:

First. The bill was reported by the Committee on Education and Labor on June 1.

Second. On June 3 the Rules Committee received a letter from the chairman of Education and Labor requesting a hearing "at the earliest possible date in order that we may seek action on the floor of the House wtihout delay."

Third. Hearings were promptly held on the following dates: June 9, 14, 15, 21, 22 and 23. Hearings were also set on June 27 and 29 in order to give the chairman an opportunity to appear. He did not appear at any time before the Rules Committee.

Fourth. On June 29 the Rules Committee reported an open rule with 8 hours of debate to consider H.R. 15111 making it possible for the Speaker to recognize another majority member to call up the bill if the chairman were not available. This is House Resolution 923 accompanied by Rules Committee Report No. 1707.

Fifth. Due to the July 4 recess the rule was not filed until July 14.

Sixth. On September 1, more than 1½ months after a rule had been granted, the chairman of the Education and Labor Committee filed House Resolution 1014 under the 21-day rule. It was defective and a corrected version was filed September 2.

House rules provide for the use of the 21-day rule when the Rules Committee has acted adversely or not acted within 21 days. This was not the situation in this instance. The Rules Committee acted affirmatively. I do not believe that the 21-day rule was ever intended to be used in this way.

Mr. Speaker, now as to the bill H.R. 17195, this bill is a result of extensive and comprehensive hearings held by a subcommittee of the Committee on Armed Services for more than a year. The hearings established the need for a revision in the organizational and administrative structure of the Reserve components so as to enable each of these Reserve components to more fully and effectively meet their mobilization readiness requirements as dictated by our contingency and war plans.

As a collateral requirement, this legislation is designed to eliminate any questions as to the future of the Army Reserve components and will preclude the Department of Defense from destroying the Army Reserve. This legislation is therefore also designed to eliminate the uncertainty in the Army Reserve program.

EXPLANATION OF THE BILL

The bill as reported by the Committee on Armed Services contains two titles: Title I is concerned with changes in the administrative and organizational structure of the Reserve forces and title II is concerned with resolving the employment status of National Guard technicians.

TITLE I. RESERVE FORCES

The major objective of title I would be accomplished by first, the establishment of the position of an Assistant Secretary of Defense for Reserve Affairs whose responsibility will be exclusively the management and administration of the Reserve Forces structure; second, the requirement by statute that organized units of the drilling Reserve be provided the level of equipment necessary to properly conduct their training functions and also that the additional equipment necessary to meet their mobilization requirements be also maintained in inventory; and third, the establishment of a mandated floor on the strength on drilling units in the Reserve components so as to insure the availability of sufficient manpower to satisfy immediate mobilization requirements.

TITLE II. NATIONAL GUARD TECHNICIANS

Title II of the bill, very simply stated, will establish a Federal employee status for technicians employed by the National Guard.

At the present time there are 39,533 technicians employed by the National Guard—22,969 by the Army National Guard, and 16,564 by the Air National Guard.

These technicians today, although paid by the Federal Government, are not considered Federal employees, and consequently are not eligible for Federal retirement, health, and insurance benefits. This title will change this situation and provide them with an essential Federal employee status, and therefore make them eligible for these benefits.

COSTS OF THE BILL

The increased annual cost which will result from enactment of this legislation is approximately $25 million.

Twelve million dollars of this increased annual cost is attributable to the provisions of title I equalizing the per diem payments to Regular and Reserve personnel.

The provisions of title II will result in an increased annual cost of $13 million which represents the cost resulting from employer contributions by the Federal Government for retirement, health, and insurance benefits.

Mr. Speaker, I concur with the statements of the gentleman from California [Mr. Sisk] on the present bill. I urge adoption of the rule. I have no further requests for time and reserve the balance of my time.

Mr. SISK. Mr. Speaker, I ask unanimous consent that the present resolution be corrected on page 2, line 10, by striking out all after the word "Whole" on line 10 and all on line 11 down to the word "Whole".

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17195) to amend titles 10, 14, 32, and 37, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17195), with Mr. Fascell in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana [Mr. Hébert] will be recognized for 1 hour, and the gentleman from Indiana [Mr. Bray] will be recognized for 1 hour.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, members of the Committee, first of all, please accept my apologies and the apologies of the members of the Armed Services Committee for retaining you at this late hour, but it becomes necessary because of conditions beyond our control. It is necessary that we have this legislation passed in order that the other body might act on the appropriation bill which was the subject of discussion here some weeks ago. For that reason, we are compelled to press the issue at this moment. I assure you that every member of the Armed Services Committee, including our distinguished chairman, understands the exact feeling you have and appreciates your cooperation. We appreciate it very deeply.

I shall not use up any more of the time than is quite necessary, and it will be just a few minutes, in order that we might get to a vote on this bill.

Recalling and refreshing the memory of the Members as to the situation which brings the bill to the floor at this moment, for over several years the Committee on Armed Services has studied the Reserve problem. This bill is the result of that study. In essence, this bill protects the integrity of the Guard and the Army Reserves and carries into effect that act which the Defense Department has declared it wanted over a period of many months, but compels the words of promise to be translated into action. That is simply what it does.

Title II of the bill, known as the Guard technician bill, transfers members of the National Guard in the maintenance and technician area to the Federal Civil Service. The Members are all familiar with this. We have heard from our Governors and adjutants general, so we are familiar with that.

There is one new feature of the bill, which is important. We come to you under your direction and your mandate. This is the instruction and the authority of the President to call up a certain number of reservists without a declaration of a national emergency. This language will allow the President to call up, if he so desires, some 133,000 individual reservists who have not been trained for the minimum of 4 months and are attached to units. In addition, there will be some 60,000 individuals who have trained but are not attached to units who might be called. In other words, this would limit the call to the 190,000, give or take a few thousand, by the President, after he decides to call up these people.

That is a simple and quick explanation I can give on the bill. I am sure all Members are familiar with it.

Mr. Chairman, enactment of H.R. 17195 is, in my opinion, absolutely essential if we are to provide our Nation with a Reserve Component structure that will insure our national security.

Subcommittee No. 2 of the Committee on Armed Services has studied the Reserve program for more than 5 years. The studies included extensive hearings following the Berlin crisis in 1962 and another most comprehensive set of hearings in 1965 at the time Secretary of Defense McNamara outlined his most recent plan for reorganizing the Reserve program. These hearings, which are available as a public document, establishes beyond any doubt the absolute necessity for a drastic revision in the administrative organization of the Reserve program and the statutory basis for our Reserve Component organizations.

For more years than I care to remember, the Reserve Components of each of the armed services have had a turbulent and chaotic history.

Our Reserve Forces have been saluted and eulogized by the executive branch for their "indispensable contributions to our national security," and yet at the same time damned by inattention, neglect, and lack of effective leadership.

Let me give you a little history:

In 1954, the Department of Defense recommended legislation which would have tremendously increased the strength of our Reserve Forces. At that time, the proponents, from the executive branch, for this change in our Reserve Forces structure pointed out that this increased strength was absolutely essential to our national security.

The Congress endorsed most of this program and it was enacted into law as the "Reserve Forces Act of 1955."

Only a few years later, in February 1958, the Congress was advised by the executive branch that our Reserve structure, particularly the Army Reserve component structure, required a drastic overhaul, including a marked reduction in personnel strengths. Both Secretary of the Army Brucker and the then Chief of Staff of the Army, General Maxwell Taylor, advised the Congress and this committee that, and I quote them:

> This reshaping of the structure of both Reserve components is necessary to make them responsive to the needs of the Army of today and of the foreseeable future.

At that time, Army witnesses stated, and I now quote them, that—

> These revisions in mobilization plans clearly indicate the need for a change in our Reserve component structure which will more adequately support our current strategic plans, maintain and support Reserve forces in a condition of high readiness, and meet mobilization requirements.

Significantly enough, the Army witness also stated that—and I again quote the Army witness:

> The structure I have presented is designed to give the Army the balanced force it needs to perform its missions. The Reserve components cannot maintain a stable program if units are added and deleted with increasing frequency. Rather, the number of units in the troop basis should change only when there is a major change in the requirements for forces.

The reorganization proposed in 1958 was the pentomic reorganization and was placed into effect with assurances that this new structure would surely result in a high condition of readiness for the Army Reserve components.

Following the pentomic restructure of the Army Reserve components, we were suddenly told in 1962 that the Army Reserve components again were out of step with our strategic war plans and required additional reorganization. Again, the Congress was told that the reorganization was necessary to insure that these Reserve units would be "operationally ready" and responsive to deployment schedules and contingency and war plans.

The year, again, I repeat, was 1962.

Significantly, this reorganization also involved a planned reduction in personnel strengths.

Concurrently with this advice to the Congress, the Armed Services Committee conducted a review of the responsiveness of the Army Reserve component units that were called to active duty during the Berlin crisis. Regrettably, the committee found that many of these units required more than 6 months to achieve a level of readiness that would have permitted their operational deployment.

It was therefore evident that the previous reorganizations of the Army Reserve components in 1955 and 1958 had not, despite their laudable objectives, satisfied the requirement for increased readiness.

Consequently, the committee was impressed by the case presented by Secretary of the Army Stephen Ailes in 1962 for another reorganization of the Reserve components. At that time, Secretary Ailes stated the Department's objectives as follows:

> The readiness results which these measures achieve are dramatic. As the force structure shows, we will have six division forces ready to go in 8 weeks. A full complement of needed, up-to-date units to round out the Active Army is ready in 4 to 8 weeks. We will have no less than 11 high-priority brigades, 2 ready in 5 weeks, and the remaining 9 ready in 8 weeks. These versatile brigades, organized on the ROAD basis, are available for a series of specific area missions but are also of great value as corps troops, for rear area security and the like. Finally, and in addition to the above, we will still have an adequate base for general mobilization.

Despite these vitally important departmental objectives, the committee had very serious reservations concerning the effectiveness of the reorganization plan since, in the committee's opinion, the plan did not include any genuinely effective measures to satisfy the demonstrated critical requirements for both trained personnel and equipment. However, after much soul searching, and assurances from the Department that these critical requirements would be satisfied, the committee, on December 3, 1962, advised the Secretary of the Army that "it would have no objection to implementation of the new plan realining the Reserve components."

For the third time this committee followed the advice of the executive department in the third reorganization of the Reserve Forces.

The smoke and trauma of this last drastic reorganization of the Reserve components had not been completely dissipated when Secretary of Defense McNamara, late in 1964, announced the Department's intention to again completely reorganize the Army Reserve components. This new reorganization plan, not surprisingly, recommended another personnel reduction and justified the proposed action for the very same reasons previously advanced by the Army in each of the earlier reorganizations.

The Congress balked at this last proposal of the Department and simply refused to provide the Department with the necessary statutory authority which would have permitted this reorganization to occur. In addition, the Congress emphasized its opposition to the merger proposal by mandating the required level of personnel strengths for both the Army Reserve and Army National Guard.

It is interesting to note that in 1962 the objective, hidden as it might have been, was to destroy the National Guard. Failing to destroy the National Guard, the objective in the 1964 proposition, the merger, was to destroy the Reserves—in other words, use any weapon at hand to accomplish your objective.

Despite this unequivocal and clear rejection of the merger proposal by the Congress, the Pentagon, for reasons that are not clear to me, continues to persist in predicating all its future planning on this abortive merger and reorganization proposal.

The result of this unexplainable Pentagon determination to thwart the will of Congress has been the creation of further chaos and instability in the Army Reserve component structure.

Today, except for the Selected Reserve Force of approximately 155,000 personnel, the rest of the Army Reserve components have achieved a new low in operational readiness—matched only by the level of their morale, which is even lower.

Congress, and this committee in particular, will not permit this situation to continue. It is obvious that legislation is required to provide an environment in which our Reserve component forces have a fighting chance of reaching their required level of operational readiness.

The Pentagon has been attempting to sell to the American public the idea that a structural reorganization of the Army Reserve components will achieve greater economies and tremendous increases in operational readiness. Historically we have noted that these changes have, for practical purposes, resulted in nothing more significant than a bookkeeping entry, save perhaps a further reduction in operational readiness.

As stated in the subcommittee report in 1962 on Reserve posture, the critical requirements for the Reserve program are trained personnel, equipment and effective leadership. It is evident that the Pentagon's repeated plans have failed to satisfy any of these important requirements despite the fact that they have continued to assure the Congress that these would result.

The committee therefore has incorporated in title I of this bill, language which would require the Secretaries concerned, as well as the Assistant Secretary of Defense for Reserve Affairs, to insure that both the personnel and equipment requirements of units established in the Ready Reserve be fully satisfied.

It is difficult for me to comprehend why the Department would choose to oppose this type of statutory requirement since it is one which they have given lip service to for the past 10 years.

Also included in this bill, as title II, is language recommended by the Department of Defense which would provide National Guard technicians with a Federal employee status. This element of the bill appears not to be controversial particularly since it is endorsed by the Department of Defense.

I will now endeavor to provide the House with a comprehensive summary of the principal features of this legislation.

EXPLANATION OF THE BILL

TITLE I—RESERVE FORCES

Title I of the bill would, if enacted, substantially revise the composition and administration of the Reserve components of the Armed Forces. It has as its primary objective the establishment by statute of a Reserve component organizational structure that will enable these components to more fully and effectively meet their mobilization readiness requirements as established in the contingency and war plans approved by the Joint Chiefs of Staff. As a collateral objective, this legislation would eliminate the present uncertainty and instability of the existing Reserve structure by establishing its minimum size and composition in permanent law.

Briefly, title I would accomplish these objectives by the following:

First. Revising both the civilian and military administrative organization of the Reserve components:

The civilian administrative reorganization would establish the position of an "Assistant Secretary of Defense for Reserve Affairs" and an "Assistant Secretary for Manpower and Reserve Affairs" in each of the armed services. Unlike the present situation the civilian executives responsible for the Reserve program will be given appropriate statutory recognition and stature commensurate with their overall responsibility for the personnel, material, and operational readiness of their respective Reserve components.

The military administrative reorganization would:

Create by statute the positions of "Chief, Army Reserve" and "Chief, Air Force Reserve" comparable to that presently provided for "Chief of the National Guard."

Revise the composition of the Department of Defense Reserve Forces Policy Board to include the new Secretaries for Manpower and Reserve Affairs; making the Assistant Secretary of Defense for Reserve Affairs its permanent chairman; adding three civilian members representative of labor, education and industry and requiring that this Department of Defense Reserve Forces Policy Board meet at least once each quarter.

Revise the composition and functioning of the Reserve Forces Policy Board of the Army and Air Force to insure that the considered views and recommendations of these boards will accompany any proposed changes in regulations or policy affecting the Reserve components before they are acted upon by the Chief of Staff or the Assistant Secretary for Reserve Affairs of the service concerned.

Second. Clarifying the composition of the Ready Reserve structure by:

Creating a Selected Reserve Force within the Ready Reserve of each of the Reserve components. This force would consist entirely of individuals attached to drilling units of the Ready Reserve in a pay status. Today all Ready Reservists whether in a drill status, in a nonpay status, or in an inactive status are all lumped together purely on the basis of "liability" for call to duty.

Requiring that the personnel strength of the Selected Reserve Forces in each of the Reserve components be maintained at not less than a specified numerical strength:

Personnel strengths

Component	Selected Reserve proposed strength, H.R. 17195	Active mobilization requirements [1]	DOD, manning authority for fiscal year 1967 [2]
Army Reserve	260,000		
Army Guard	380,000	688,200	681,400
Air Reserve	51,000	91,665	58,311
Air Guard	80,000	99,275	80,901
Naval Reserve	126,000	170,000	135,100
Marine Reserve	48,000	69,891	51,000
Coast Guard Reserve	17,000	33,267	16,750
Total	962,000	1,152,398	1,042,462

[1] Includes 100 percent strength for approved DOD forces plus individual mobilization designees.

[2] Individuals authorized paid training in both the unit and individual program in fiscal year 1967 budget.

Authorizing the Secretary concerned to establish, reorganize, or deactivate units in the Selected Reserve force as may be necessary to conform to changing requirements in contingency and war plans of the Department as approved by the Joint Chiefs of Staff and the Secretary of Defense.

Third. Charging the Secretary concerned with the statutory responsibility to provide the personnel, equipment, facilities, and other logistic support necessary to enable units and Reserves in the Selected Reserve under his jurisdiction to meet the mobilization readiness requirements prescribed for them by the Joint Chiefs of Staff in the contingency and war plans. In connection with this responsibility, the Secretary would also be required by law to support units established in the Selected Reserve by procuring, issuing, and maintaining supplies and equipment of combat grade quality needed for their training; and furthermore, to store and maintain such additional supplies and equipment of the same quality as would be required for mobilization. This new provision in the law would also prohibit the expenditure of Reserve appropriations for any purpose other than those for which the funds were originally appropriated.

Fourth. Adding miscellaneous provisions which would:

Establish the statutory requirements that all new enlistees in the Reserve enlistment program—REP—be required to commence their prescribed period of active duty for training of 4 months or more within 180 days after such enlistment.

Provide that individuals enlisted in the REP program prior to July 1, 1966, who had not completed an initial period of active duty for training of 4 months or more may, under regulations issued by the Secretary of Defense, be considered to have completed such training if certain prescribed minimum periods of annual active duty for training and drill attendance had been satisfactorily completed.

Provide the President with authority to order to active duty involuntarily certain members of the Ready Reserve. This provision is explained in detail as a committee amendment to the bill.

Provide authority to permit the Departments to utilize unit vacancy promotion authority to fill essential billets in Reserve units.

Eliminate existing inequities in the payment of per diem between Regulars and Reserves.

Authorize establishment of National Guard units in the Virgin Islands.

Permit the enlistment of women officers in the National Guard.

COSTS OF TITLE I

Enactment of the provisions of title I of this bill should not require any increase in Department of Defense expenditures since the language of title I simply requires, by statute, the same logistic and equipment support for units in the Reserve component structure that has been recommended to the Congress by the Secretary of Defense and the Joint Chiefs of Staff.

The mandated personnel strengths will not result in any increased cost during fiscal year 1967 over and above those already funded by the Congress in the DOD Appropriation Act for fiscal year 1967 since the mandated strength levels contained in the bill will not become effective until July 1, 1967. Also, as previously mentioned, these strength levels are the same as those contained in the Appropriation Act.

Additional costs will result from enactment of title I in respect to the language which provides the same entitlement to Reserve personnel as is presently provided Regular military personnel in the matter of per diem eligibility when the circumstances are essentially the same.

The Department advises that based on the projected strength of the Reserve components—National Guard strength is included since members thereof are normally also members of a Reserve component—and computed on amounts currently authorized in the joint travel regulations for members of active duty, the enactment of the bill would result in an increase in the annual budgetary requirements of the Department of Defense as follows:

[In thousands]

Army Reserve	$2,941
Army National Guard	2,817
Naval Reserve	3,876
Marine Corps Reserve	345
Air Force Reserve	1,141
Air National Guard	836
Total	11,956

The Department advises that no funds for this purpose have been included in the President's budget for fiscal year 1967. However, the Department recommends enactment of this authority.

TITLE II—NATIONAL GUARD TECHNICIANS

Title II of the bill is concerned with providing a Federal employee status for technicians employed by the National Guard.

At the present time there are 39,533 technicians employed by the National Guard—22,969 by the Army National Guard, and 16,564 by the Air National Guard. All of these technicians are distributed throughout the States, Puerto Rico, and the District of Columbia. Unfortunately, the technician today occupies a position without legal parallel. His salary is paid by the Federal Government, yet he is employed by the State Guard. As a consequence of this unique situation, he has not been adequately provided for by either the State or the Federal Government. The technician today faces all the job hazards confronting a civilian employee of the Government or private industry. However, in addition the technician is confronted with the hazard of losing his National Guard membership by virtue of ill health or the attritive provision of the Reserve Officer Personnel Act. With the loss of his National Guard membership, he then automatically loses his employment as a National Guard technician. Consequently, the lack of an adequate retirement and employee benefits program for National Guard technicians is particularly inequitable and detrimental to the desire of the National Guard to maintain an adequate force of capable and efficient career employees.

The Congress, and the Committee on Armed Services, has emphasized the vital necessity of technicians maintaining a dual status, i.e., both a civilian and military status with their National Guard organization. The committee's purpose in this desire is to insure that at such time as the unit may be mobilized during a national emergency or a war, the technicians who provide the nucleus for these National Guard organizations will be included among those ordered to active duty.

The provisions of title II of H.R. 17195 will clarify the employee status of National Guard technicians by making them Federal employees and this eligible for the various Federal employee benefits that will flow from this status.

The bill as reported by the Committee on Armed Services is identical with a legislative draft proposal prepared by the Department of Defense and concurred in by the Civil Service Commission, the Bureau of the Budget, and the President's Cabinet Committee on Federal Staff Retirement Systems.

The principal features of title II of the bill are as follows:

First. All National Guard technicians would become Federal employees.

Second. The adjutant general of each State may be designated to employ technicians and administer the program, in accordance with joint Army-Air Force regulations to be approved by the Secretary of Defense.

Third. The Secretaries of the Army and Air Force would continue to designate the positions and appropriate military grades for those requiring National Guard membership as a continuing condition of employment. These would be outside the competitive civil service. All other positions; for example, those for which females are eligible, would be within the competitive civil service.

Fourth. All technicians in States which do not cover them under their State retirement programs, and all technicians employed after the effective date of the legislation, would be covered under the Federal Civil Service Retirement Act. Those who are covered by a State retirement program on the effective date, to the extent permitted by State law, would be permitted to elect to remain covered by the local program. If they do not so elect, they, too, would be covered by the Federal Civil Service Retirement Act.

Fifth. All technicians, including those who remained covered by State retirement programs, would be eligible for Federal group life and health benefits insurance.

Sixth. All active Federal military service would be credited to those who would become covered by the Federal Civil Service Retirement Act, except for technicians entitled to retired pay by reason of 20 or more years' active military duty—title II retirement. All technicians under the Federal Civil Service Retirement Act would also receive credit for any prior Federal civil service employment and all prior technician service. No deposit would be required to cover the period of military service. No deposit would be required for prior technician service, but if the technician does not make the deposit—6 percent of his salary from July 1, 1948–October 31, 1956, 6½ percent of his salary thereafter—his annuity would be reduced by an amount equal to 10 percent of the unpaid deposits.

Seventh. Under the Federal Civil Service Retirement Act, a person may retire voluntarily at age 62 with 5 years' service, at age 60 with 20 years' service, or age 55 with 30 years' service. If separated involuntarily, he is entitled to an immediate annuity at age 50 with 20 years' service, or with 25 years at any age. If separated involuntarily, after 5 years of service, lacking eligibility for an immediate annuity, he is entitled to severance pay based upon his years of service and age. The recently enacted Federal pay bill permits voluntary retirement at age 55 with 30 years of service, or at age 60 with 20 years, in both cases with a full annuity. Those involuntarily separated would incur no reduction in annuity for age, except for those below 55. The reduction rate is one-sixth percent per month thereafter for each month of the member's age below 55.

Eighth. The Federal Civil Service Retirement Act annuity would be in addition to "title III retirement," social security, and any annuity to which the technician might be entitled by reason of participation in a State retirement program. A technician retired under "title II" after 20 years of active duty, although he could not count his military service for Federal civil service retirement, would be entitled to credit his prior and future technician service toward a Federal Civil Service Retirement Act annuity.

Ninth. Positions would be converted to the Federal GS—general schedule—and WB—wage board—system. All technicians would receive the same or greater compensation under the conversion. The incumbent of a position which is downgraded would retain his salary rate until he vacates the position. Sick leave, annual leave, military leave, step level, and time-in-grade step increases which had been earned would be carried over.

Tenth. Overtime would be payable at the same rates as for other Federal employees. Special authority would be provided for payment of premium pay on an annual basis, in lieu of overtime, to those "wage board" technicians assigned operational duties at air defense sites.

Eleventh. Future and past service of those technicians who would become covered by the Federal Civil Service Retirement Act, would be creditable in other Federal employment covered by that act. For example, a technician separated in 1955 and now or hereafter employed by the Federal Government in a position covered by the Federal Civil Service Retirement Act would be entitled to credit for his technician service before 1955.

Twelfth. Certain other Federal legislation would automatically become applicable. For example, the Federal Tort Claims Act would apply in the event of an "in scope" act or omission of a technician which results in death, injury, or property damage to third persons. The Federal Employees Compensation Act—workmen's compensation—would continue to apply. It would be possible to utilize technicians as contracting officers to assist U.S. property and fiscal officers. Increases in salaries of those covered by the Classification Act and those in the wage board category would be automatic upon any increase in the compensation of other Federal employees in the same category.

Thirteenth. The legislation would be effective on the first day of the first pay period that begins on or after July 1, 1967.

COSTS OF TITLE II—H.R. 17195

Increased costs for retirement, group life, group health, and overtime, National Guard technicians

[In millions of dollars]

Program	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971
I. Retirement:				
Army National Guard	2.0	1.9	1.7	1.8
Air National Guard	1.9	1.9	1.7	1.8
II. Group life insurance:				
Army National Guard	.5	.5	.5	.5
Air National Guard	.4	.4	.4	.4
III. Group health benefits:				
Army National Guard	1.6	1.6	1.6	1.6
Air National Guard	1.2	1.2	1.2	1.2
IV. Overtime:				
Army National Guard	3.2	3.2	3.2	3.2
Air National Guard	2.1	2.2	2.1	2.1
Total all programs:				
Army National Guard	7.3	7.2	7.0	7.1
Air National Guard	5.6	5.7	5.4	5.5
Grand total	12.9	12.9	12.4	12.6

NOTE.—In addition to the future costs reflected above, the amount of increase in the unfunded liability of the civil service retirement fund, which will result from inclusion of National Guard technicians in the retirement program, is estimated to be $577,000,000. (Reference: "Report of the Cabinet Committee on Federal Staff Retirement Systems.")

AMENDMENT

The bill as reported by the Committee on Armed Services includes three principal amendments. These amendments are as follows:

EXPLANATION OF THE AMENDMENT

The committee made a number of substantive changes to H.R. 17195 and in addition numerous technical changes. As a consequence, and in the interest of simplicity, the committee directed that the language be rewritten incorporating the various amendments approved by the committee.

The principal substantive amendments incorporated in the bill, as rewritten, are as follows:

First. The committee included in section 105 of the bill new language relating to the authority of the President to involuntarily recall to active duty certain members of the Ready Reserve. The language of section 105, as amended, would in subsection (a), provide the President with permanent authority to call to extended active duty those members of the Ready Reserve who are not attached to an organized unit in the drilling Reserve and who have neither satisfied their Reserve military obligation nor have completed a total of 24 months of active duty or active duty for training.

Simply stated, this would give the President, after notifying Congress, authority to order to active duty nondrilling reservists in the Reserve pool. It is estimated that at the present time there are approximately 64,000 individuals in this category, of which approximately 51,000 are in the Army Reserve.

Subsection (b) would give the President, after notifying Congress, temporary authority, until July 1, 1968, to order to active duty those members of the Ready Reserve attached to drilling units who had become such members prior to July 1, 1966, and who have not received their minimum training of 4 months or more in the Reserve enlistment program.

The cutoff date of July 1, 1966, is used since personnel enlisted in the Reserve enlistment program after that date would be required by statute—the provisions of clause 10 of H.R. 17195—to be sent to active duty for training within 180 days.

The language of this subsection would, therefore, permit the President to order approximately 133,000 individuals in the Reserve enlistment program to active duty.

This language differs significantly from the Senate amendment to the appropriation bill which was much broader in scope, and would have authorized the President to order to active duty an estimated 472,000 of the total 672,000 reservists and guardsmen who presently comprise the organized Army Reserve components program.

Subsection (c) stipulates the maximum period of service as being 24 months.

Subsection (d) provides that in ordering these personnel affected to active duty, appropriate consideration must be given to family responsibilities; and employment necessary to maintain the national health, safety, or interest.

Second. The committee amended the bill to conform the proposed "average annual strength" figures in H.R. 17195 to the strength figures approved by the Congress for fiscal year 1967 in the Department of Defense Appropriation Act.

The net result of this amendment is to reduce the number of personnel proposed for the receipt of drill pay from the 1,019,000 figure originally contained in the bill, to 962,000, a net reduction of 57,000 spaces. The new "average strength" figures recommended by the committee in H.R. 17195 would thus conform precisely to the "year end strength" figure funded by the Congress for the Reserve components.

Third. The committee amended the bill to provide that the mandated personnel strengths would not become effective until July 1, 1967. This change in the bill will enable the individual Reserve components to more effectively program and plan to achieve the "average annual strengths" established in the bill.

It is important to note that the mandated strength levels will become effective immediately after the strength levels mandated in the fiscal year 1967 Appropriation Act lapses. The Department of Defense fiscal year 1967 appropriation language does presently include a provision requiring the Army Reserve to "attain an average strength of not less than 260,000 for fiscal year 1967" and the Army National Guard "to attain an average strength of not less than 380,000 for fiscal year 1967."

The balance of the changes made by the committee were basically technical or minor in nature.

SUMMARY

These are the details of the legislation brought before you by the Committee on Armed Services. This bill represents a great deal of effort on the part of every member of the committee. It also represents the thinking and convictions of dozens of other Members of this body who have assisted the committee in its deliberations. I am certain that the House will give this bill the unanimous approval that it so richly deserves.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Missouri.

Mr. HALL. The gentleman has made a very succinct but comprehensive statement. I am in favor of this bill.

In view of the gentleman's statement about calling up these reservists who have not had training or those who have had inadequate training, most of whom are in the Army Reserve, will it not still be necessary, under the so-called Hall amendment, adopted in the committee, which is still in the bill, for the President first to notify the Congress before doing that?

Mr. HÉBERT. That is in the bill as reported by the committee.

Mr. HALL. That is in the bill?

Mr. HÉBERT. Yes, it was the gentleman himself who made the motion in the committee.

Mr. HALL. I just wanted to make it clear, in view of the recent statement that the President could call up this type of reservist.

Mr. HÉBERT. In accordance with the language of the legislation the President must certify to the Congress the necessity for using this authority.

Mr. HALL. I thank the gentleman for making that a part of the Record.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Michigan.

Mr. NEDZI. As the gentleman knows, I have been concerned about the mandated strengths in the Reserve bill. The gentleman has not addressed himself to that particular provision of the bill. I wonder if the gentleman, who is my distinguished chairman, could provide us with the rationale for the 640,000 who are mandated to be in the Army Reserve and National Guard.

Mr. HÉBERT. I am delighted that my distinguished colleague and a member of my committee has brought this matter to my attention. It was merely an oversight, because this was one of the most important features of the bill.

Your Committee on Armed Services carried out the instructions and mandate of the House. When we took the floor of the House and asked you to give the legislative committee the authority to handle this matter we promised you we would carry out your instructions.

Members will recall that bill, under which by a vote of 378 to 3 this body insisted that its own language in the appropriation bill be retained. So your committee, in keeping with that mandate from you, by a vote of 378 to 3—and the gentleman now on his feet questioning me voted with the 378—reduced the original number we had in the bill on the mandated strength, to correspond to what you told us to do. We have done exactly that on the 640,000. We have carried out your will and your mandate.

Mr. NEDZI. Mr. Chairman, will the gentleman yield further?

Mr. HÉBERT. I yield to the gentleman.

Mr. NEDZI. I am certain the gentleman is aware that the appropriation act was temporary legislation, and was going to last for only 1 year, and that the present legislation before us is permanent legislation.

At the time we passed that bill there was an excess over the 640,000 men in the Reserve Forces, so really we were not saying very much in the defense appropriation bill.

I, for one, voted to put it to bed, because I believed it was important that the Army, Navy, Air Force, and all the other Defense Department agencies who need money to carry on the important aspects of our national security have this kind of authorization. It was not any mandate to any committee to authorize as permanent legislation a reserve establishment of 60,000 in excess of what the testimony before our committee indicated was necessary.

Mr. HÉBERT. I thank the gentleman for his question.

Now let us see what the facts are. We have objected continuously and continually against legislation on appropriation bills. The necessity for using this method was a case of expediency.

We had no alternative in order to carry out the mandate of the Congress and carry out the intention and belief of the Congress in order to preserve the Reserve organization strength as we understand it. Last year the same method was relied upon and the admonition was also given by the Committee on Appropriations, recognizing the authority of the legislative committee to come up with permanent legislation in order to do away with this piecemeal, year-by-year trial in the Committee on Appropriations. We have done that. I do not know whether the gentleman accepts it as a mandate, but I certainly do accept as a mandate the 378-to-3 vote. I stood in the well of this House on that particular day before that vote was taken and made the solemn promise that if we were given the opportunity on the legislative committee, that that committee would come out with a bill. I am reminded right now of a saying which goes:

> A promise you keep and all night you sleep. A promise you break and all night you wake.

I have not had a sleepless night since I made that promise.

Mr. NEDZI. Mr. Chairman, will the gentleman yield further?

Mr. HÉBERT. Yes, I yield.

Mr. NEDZI. The gentleman is not addressing himself to the question I raised; namely, that in our testimony and the testimony presented by the Department of Defense and the Department of the Army it was pointed out our contingency war plans have a requirement of only 580,000 reservists. The legislation that is before the House today calls for 640,000 reservists. I am trying to determine where this 640,000 figure came from, because there is no testimony to that effect in any of our hearings.

Mr. HÉBERT. The gentleman is well aware that a letter from the Assistant Secretary——

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the chairman of the committee.

Mr. RIVERS of South Carolina. The testimony previously was that 688,000 are required.

Mr. HÉBERT. I was just about to say that. They want 688,000. That is the testimony.

Mr. NEDZI. Will the gentleman yield further?

Mr. HÉBERT. No. Let me finish. In explanation of what my chairman just mentioned, he holds in his hand a document from the Assistant Secretary of Defense mentioning this 688,000 figure. Now, the gentleman well knows that nobody in the Department of Defense speaks except under the authority of the Secretary of Defense. All of the generals and all of the admirals and all of the king's men and anybody else you want to name could be brought before the committee to testify, as the gentleman seemed to insist he wanted them to do, and all they would do is parrot and echo what is in that one letter. I refused to waste the time of the committee or the gentlemen who have important jobs to do, so I took the letter from this Department. The gentleman knows further—and this is nothing new and is no disparagement of the gentleman—that in every instance in which we have come to grips with the Pentagon the gentleman has stood alone with the Pentagon while the entire committee voted the other way.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. Yes. I yield to the gentleman.

Mr. SIKES. The gentleman from South Carolina stated the situation as it appeared in our hearings. Even had there been a lesser number called upon in the contingency plans or the war plans than in this bill, it would be still a good thing to have some flexibility so that future war plans which might require a greater number of reservists could be accommodated under this bill without having to come back and amend the bill.

Let me say to the gentleman further that as a member of the Committee on Appropriations I am very pleased indeed to see this action being taken today. We have had to go through stopgap legislation on an appropriation bill to keep the Reserves from being merged and destroyed. I am very glad indeed to see action being taken now by the great Committee on Armed Services which is permanent legislation and which will reflect the will of the House as expressed in the last 2 years in riders to appropriation bills.

Mr. HÉBERT. I concur with the gentleman.

Now, Mr. Chairman, I yield such time as he may consume to the distinguished chairman of our Committee on Armed Services, the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, Congressman HÉBERT, chairman of the subcommittee which developed this legislation, H.R. 17195, has provided the House with a comprehensive and detailed description of the various provisions of the bill. Therefore, I will not prevail on your time to reemphasize these details.

On the other hand, I believe it vitally important that I reemphasize the strong convictions of the Committee on Armed Services in respect to this legislation.

The bill as reported by the committee was given almost unanimous support—the vote being 34 to 1. This vote, therefore, emphasizes the strong views of the Committee on Armed Services that enactment of this legislation into law is vitally important to the future of our Reserve component forces.

Recently, the House resoundingly defeated an effort to include in the fiscal year 1967 Department of Defense Appropriations Act legislative language which would have authorized the President to involuntarily order to active duty approximately 472,000 of the 672,000 Army Reserve personnel attached to units in the organized Army Reserve and National Guard program.

The action of the House in rejecting this legislative language was prompted by its unwillingness to buy without debate or committee hearings a legislative recommendation which would have had far-reaching implications. At that time, I told the Members of this body that there was presently in process a legislative proposal developed by the Committee on Armed Services which addressed itself to this subject.

The bill before the House today, in section 105, includes language which would permit the President, if he deemed it necessary, to involuntarily order to active duty approximately 190,000 reservists. As explained to you by my colleague, the gentleman from Louisiana [Mr. HÉBERT], approximately 133,000 of this group are individuals presently attached to drilling units in the Army Reserve and National Guard who have not received their minimum period of 4 months or more of active duty training.

The Committee on Armed Services singled out this group of Reserve personnel for possible call to active duty since their withdrawal from drilling units will least affect the operational capabilities and unit integrity of the organization affected and will permit our Reserve Forces to share a portion of the burden of the Vietnam war.

I wish to emphasize that the language of this provision in section 105 is completely permissive and does not require the President to utilize this authority if he does not consider it essential to the national security.

I wish also to emphasize that this authority is temporary in nature and will expire on July 1, 1968.

Although some Members of this body have raised questions concerning the wisdom of permitting the President to utilize individuals in units without calling up the units, apparently they have forgotten that only a few short years ago the Congress approved President Kennedy's request for similar authority.

Congress, in 1962, approved the enactment of Public Law 87–736 which authorized the President to order both units and individual members of the Ready Reserves to active duty for a period not to exceed 12 consecutive months.

It is evident, therefore, that the Congress has previously given approval to legislation of this type without insisting that the utilization of Reserve manpower be accompanied by the total recall of individual units.

Our Reserve Forces are established for the purpose of augmenting the strength of the Armed Forces during periods of international stress such as those confronting our Nation in Vietnam today.

Unfortunately, the law as presently written precludes the use of our Reserve components unless the President declares a national emergency.

All of us realize that under the circumstances that exist today, it may not be in the national interest for the President to issue a proclamation declaring a national emergency. Such a declaration may have a serious and adverse impact on both our domestic and international affairs.

Such a declaration triggers into effect dozens of other laws providing for increased Presidential authority. Therefore, I can appreciate the President's reluctance to declare a national emergency for the purpose of being in a position to utilize on active duty our Reserve Component Forces.

On the other hand, no similar restraint faces the President in utilizing the manpower resources available through the selective service system. Consequently, the President himself elected to increase our active forces strength through utilization of increased numbers of draftees rather than the call up of Reserve Forces.

This policy decision by the President, therefore, dictates that the Congress must reevaluate its position in respect to the circumstances under which the President, in the future, may utilize our Reserve Forces.

In light of these facts, I will request that the Committee on Armed Services, when it resumes its hearings on possible changes to the selective service law, include in those hearings a review of the desirability of amending the selective service law in such a fashion as to trigger the statutory authority to use our Reserve Forces when the input into the armed services from the draft exceeds a statutorily prescribed level.

I believe that a change of this kind may very well preclude, in the future, a repetition of the present dilemma confronting both the President and the Congress on future utilization of our Reserve Forces.

In any event, the provision in this bill relating to the possible utilization of a portion of our Reserve manpower is only a temporary measure. A more permanent resolution of this problem will be forthcoming when the Committee on Armed Services reports to the House its recommended changes in the Selective Service Act.

I, therefore, hope that this body will give unanimous approval of H.R. 17195 and thereby endorse the convictions of the Committee on Armed Services.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield to me at that point?

Mr. RIVERS of South Carolina. Yes, I yield to my distinguished friend, the gentleman from Illinois [Mr. PUCINSKI], first.

Mr. PUCINSKI. Mr. Chairman, I certainly have the highest respect for the gentleman and the job which he has performed as chairman of the Committee on Armed Services. However, I am not sure that I understand this legislation. Perhaps the gentleman from South Carolina can clarify this legislation for me.

As I understand it, the committee is proposing calling up some 130,000 more young men who are members of the Reserve?

Mr. RIVERS of South Carolina. But who have not had training, for various reasons.

Mr. PUCINSKI. The reasons being that there have not been facilities available and they have not been called up?

Mr. RIVERS of South Carolina. That is what the Defense Department suggests.

Mr. PUCINSKI. They have not been called up for training? What you are saying is that these young men can be called up by the President for a 2-year period simply because——

Mr. RIVERS of South Carolina. If he wants to do that.

Mr. PUCINSKI. Because they have not been called up for their 6 months' training? Is that what the gentleman is saying?

Mr. RIVERS of South Carolina. You may put it that way.

Mr. PUCINSKI. Well, now——

Mr. RIVERS of South Carolina. Wait a minute, now.

For various reasons the Secretary of Defense has not made this training available. If the President wants to utilize these reservists immediately, he could declare an emergency. He does not have to call them. The gentleman must remember that we let President Kennedy do the same thing, without the requirement that he declare a national emergency.

Mr. PUCINSKI. That is what I am saying. We do not need any legislation to call these men onto duty for 6 months, if there are training facilities available?

Mr. RIVERS of South Carolina. No.

Mr. PUCINSKI. Because the War Department—because the Defense Department has a right to assign these young men who are now members of the Reserves to 6 months of active duty, if they have the facilities in which to train them; is that correct?

Mr. RIVERS of South Carolina. Yes, for 4 months of active duty for training. But that is all.

Mr. PUCINSKI. If I understand your proposal correctly, and I will support you on this, what you are here saying is that a young man who for reasons beyond his control has not been called up for his 6 months' training now is faced with the prospect of being called up for 2 years and being sent to Vietnam. But the young man who is a member of the Ready Reserve and who has put in his 6 months' training in active duty, he will be part of the Reserve component and he cannot be touched. Is that what you are saying?

Mr. RIVERS of South Carolina. I think I can answer that very succinctly, but, to be sure that you get it from the horse's mouth, I will ask the gentleman from Louisiana [Mr. HÉBERT] to respond to that.

Mr. HÉBERT. Your premise is in error that the reason we are calling these people up, or giving the President permission to call them, the reason or the rationale of calling them is to make available to the President desirable manpower and a desirable sharing by the Reserves in the defense of this country with those people who have been drafted and called up.

We have limited their service on the callup by the President to this particular group who have given less service to the Reserve for one reason or the other. We here give him permission to call up some 60,000 who have had 6 months' training but do not drill with a unit and are not attached to a unit.

We do not tell the President that he must do this. We tell the President that these men are available to you in case you need them. He does not have to do it.

Mr. PUCINSKI. Let me ask this question at that point.

Supposing then these 130,000 men who are scattered through the various Reserve components and units of the country and are on the table of organization and do not have 6 months training, are now called up by the President and sent down for some training and then sent off somewhere, who will fill the vacancies created in the organizations?

Mr. HÉBERT. There is no problem there at all. Those vacancies will be filled the quickest you have ever seen in your life.

Mr. PUCINSKI. Are we not proposing a double standard then?

Mr. HÉBERT. No, we are not.

Mr. PUCINSKI. Are we not discriminating in some programs if you are going to have a Reserve and you need manpower, why do you not call up a trained unit?

Mr. HÉBERT. That is up to the President. He can do it. But I am telling you that by this we are not discriminating. Instead we are equalizing and sharing the burden between the young men of this country who have been called up in the draft and the young men who have taken advantage of the law—which the Congress gave them the right to do—and who for some reason have not been trained.

But in the bill we recognize the fault and the failure of the Defense Department to train these young men. We recognize that. The bill provides that anybody enlisting in the 6-month program after July 1, 1966, must be trained within 180 days.

Mr. RIVERS of South Carolina. That is correct.

Mr. HÉBERT. We are going to make the Defense Department do it.

Mr. PUCINSKI. I think you have a very good amendment, but I do not understand the other amendment.

Mr. RIVERS of South Carolina. Now, at the same time, in addition to this, we are telling the President, "Don't you touch that trained person in that unit. If you want to touch him, you must call up the unit."

The President can call up 190,000 of these young men if he wants to, but he cannot touch the others unless he calls up the units. We are retaining the operational capability and unit integrity of the Reserve and the National Guard.

Mr. PUCINSKI. I thank the gentleman for his very excellent explanation.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman.

Mr. JONES of Alabama. Mr. Chairman, the distinguished chairman of the committee touched on a point I wanted to raise after the conclusion of his colloquy with the gentleman from Illinois. The adjutant general of my State is worried for fear there is legislation proposed here which will permit the cannibalization of the National Guard units.

Mr. RIVERS of South Carolina. Not under this bill.

Mr. JONES of Alabama. Is there anything in this bill that would enable the President to call an individual member of the National Guard units?

Mr. RIVERS of South Carolina. Not if he is trained and assigned to a unit, with the safeguards that the gentleman from Louisiana [Mr. HÉBERT] has told us about, if he has had the training and if he is assigned to a unit, he cannot touch him unless he calls up the unit.

Mr. JONES of Alabama. Then they apparently are not going to call up the National Guard units as units at the moment.

Take the case of John Smith who is a member of the regular National Guard unit and trains with that unit regularly, is he subject to call up individually out of that National Guard unit?

Mr. RIVERS of South Carolina. No; not under the bill, he cannot be touched. He cannot be called up.

I want to say this. As I said in the beginning, this is a vital piece of legislation for a group of patriotic young men willing to serve this country in an emergency.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. RIVERS of South Carolina. Of course I yield to the gentleman from Illinois.

Mr. YATES. With respect to the pool of young men who are in the Reserve and who have not yet been trained, is there authority given in this bill to take those young men and to send them into the armed services to active duty without an opportunity for training?

Mr. RIVERS of South Carolina. Oh, no, they must have the training, the same as everyone else.

Mr. YATES. Is there a provision in the bill to that effect?

Mr. RIVERS of South Carolina. That is the law now. They go through the training the same as any other draftee.

Mr. YATES. That is true under the selective service law, but what would be the procedure for training these young men?

Mr. RIVERS of South Carolina. They have to train them. They cannot send them off without training.

Mr. YATES. That is the law under the Selective Service Act?

Mr. RIVERS of South Carolina. Yes.

Mr. YATES. Does the act pertain to the Reserve?

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Louisiana.

Mr. HÉBERT. It also pertains to the policy and the minimum amount of training necessary before an individual can be sent into combat.

Mr. YATES. No matter whether the individual is in the Reserve or not.

Mr. HÉBERT. That is correct.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I am glad to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. What would happen to the Reserve units, for example, Air Force units, that have already been marked to be disbanded, and the order has been made? Would they be affected under this legislation and reinstated?

What would happen?

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Louisiana.

Mr. HÉBERT. The language in the appropriation bill protects those individuals in their units. The money is there.

Mr. FULTON of Pennsylvania. It protects the units so the unit will not be disbanded?

Mr. HÉBERT. In other words, the unit would not be destroyed.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. Before I yield to the gentleman from Florida I would like to say that there is no more knowledgeable man in this Congress than the distinguished gentleman from Florida [Mr. Sikes]. He is a longtime reservist who has followed the fortunes of both of these Reserve components. He has helped us immeasurably, and I am delighted to yield to him.

Mr. SIKES. Mr. Chairman, I believe I can cast some additional light on the question of the three National Guard air units scheduled for deactivation.

These units have been serving. In their spare time they have done magnificent work in helping the war effort in Vietnam. They are needed. As they were scheduled to be deactivated, in the defense appropriations bill, which has passed both Houses and which is now in conference, language was provided continuing these units and providing the money for them.

Of course, that cannot make it mandatory that they be kept, but we have since been informed that, recognizing it is the desire of Congress that this be done and recognizing their invaluable service to the Nation and to the war effort, it is planned to keep them in operation.

Mr. FULTON of Pennsylvania. Mr. Chairman, one further point on the power that is given to the President to call up the Reserves: Is there any limit or condition on the length of time? How long will it endure? Will it be a permanent peacetime power?

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Existing law permits the President to call a million men for a maximum of 2 years' service if he declares a national emergency.

Mr. FULTON of Pennsylvania. Is there any limit on his right to call up? Does he have to give any reason?

Mr. HÉBERT. The limited authority under this bill to call up 190,000 men expires in 1968.

Mr. FULTON of Pennsylvania. The President simply advises the Congress of the necessity to utilize this authority?

Mr. HÉBERT. That is correct. I think in the area about which you speak, the temporary extension of time to July 1, 1968, perhaps my chairman would like to address himself at this particular time to the proposed consideration of a possible change in the draft law. This falls right into what you say.

Mr. FULTON of Pennsylvania. This is the Hall committee amendment?

Mr. HÉBERT. No.

Mr. RIVERS of South Carolina. We are going to address ourselves to what you said when we rewrite the Draft Act next year on what the President may do. But he can call up the Reserves in an emergency without assistance from Congress, just as we gave the authority to President Kennedy.

I want to say this. I am glad you brought it up in the light of what we have been discussing. When we resume our hearings on the extension of the selective service law, I am going to recommend that the committee consider the desirability of amending the selective service law in such a fashion as to trigger the statutory authority to use our Reserve Forces when the input into the armed services from the draft exceeds a statutorily prescribed level.

Then we will know exactly where we stand. Remember, under the draft law, the sky is the limit for the President. Many of the complaints that are brought to the Members of this House, the President can change by a stroke of the pen. He can assign priorities, as, for instance, in the case of married people. The President has unlimited power under the draft laws to do that.

I believe the complaints we hear about the Secretaries running these boards and about the part-time students and all these things, we are going to clear up in the extension of this law. There are a lot of things we will try to do when that law comes up for review next year.

Mr. YATES. It is stated, is it not, those not in the Reserve and who have not received training will be given training under the existing law? If this is true, why do we not require that training be given to these boys now and retain them in the Reserves?

Mr. RIVERS of South Carolina. Because it is left to the discretion of the Secretary. He claims he does not have the manpower. He claims a million things.

Mr. YATES. What we are doing is taking boys who have been in the Reserve and have not been trained.

Mr. RIVERS of South Carolina. This is the reason this bill is brought to the floor tonight. If the Secretary of Defense observed the desire of Congress in respect to the training of our Reserve Forces, this bill would not be necessary.

Mr. YATES. Is the gentleman saying that the Secretary of Defense can train these boys under the selective service law but cannot train them under the Reserve law?

Mr. RIVERS of South Carolina. He can train them under the Reserve law. That is what I am telling the gentleman.

Mr. YATES. Why do we not require him to train them under the Reserve law?

Mr. RIVERS of South Carolina. This is the reason we are asking for the passage of this bill.

Mr. YATES. But we are not going to train them, as I understand it.

Mr. RIVERS of South Carolina. We are going to train *x* number, and he cannot touch them and make a joke out of this by taking these people.

Mr. YATES. What the gentleman is saying is that it puts the young man in the middle, between the draft board and the Secretary of Defense. Why can we not require the Secretary of Defense to train the people in the draft?

Mr. HÉBERT. That is what we are trying to do.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I am pleased to yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I have had inquiry from some young men who are in the Ready Reserve and who periodically report to some outfit, I mean some unit of which they are part, but they are in college and they want to know whether under this bill, if it passes they will be taken out of the category of the young men who are in college now, and apparently will be permitted to remain there, or whether they will be called up?

Mr. RIVERS of South Carolina. I am sure I can answer, but would Mr. HÉBERT like to take this question?

Are they assigned to a unit?

Mr. PEPPER. Yes. They report periodically to a unit.

Mr. HÉBERT. If these individuals have a minimum of 4 months of training and are attached to a unit, they are immune from being called up as long as they attend their drills, as long as they fulfill their obligations. They cannot be touched as individuals.

Mr. PEPPER. But do they have training other than this periodic reporting to their units?

Mr. HÉBERT. They have had a minimum of 4 months. We can call it 6 months. If they keep current with their obligations, they cannot be called up.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Chairman, I rise in support of H.R. 17195. As the ranking minority member of the subcommittee which drafted this legislation, I was privileged to participate in all of the hearings which preceded development of the legislation before us today.

In my opinion, the very future of our Reserve component structure rests on the action which the Congress will take on this bill.

Congress, through the years, has given generous financial support to the Reserve program. Each year there is included in the Department of Defense Appropriation Act funds approximating $2 billion in support of these forces. Surely, with this type of financial support, the Congress and the taxpayers of America have a right to expect that their Reserve component structure is one fully capable of satisfying the mobilization requirements established for it by the Joint Chiefs of Staff.

Unfortunately, this is not true. Our Army Reserve Forces today, except for a few selected Reserve units, are woefully incapable of meeting the readiness requirements established by the Joint Chiefs of Staff.

The Congress has been repeatedly reassured that a variety of changes in units of the Reserve components would overcome the obvious lack of readiness in these units. Alas, these assurances were without foundation.

The Department of Defense and particularly its civilian executives have only given lipservice to these assurances. The lack of Reserve readiness is directly the result of the failure of the Pentagon to discharge its duties and responsibilities. Therefore, it is evident that Congress must exercise its constitutional authority "to raise armies" and stipulate in the statutory requirements that they will and must be met.

The bill before you today has received the enthusiastic endorsement of every veterans and service organization directly interested in our national security program.

Even the Department of Defense has reluctantly acknowledged the desirability of many of the provisions in this bill. Yet, for some unexplained reason, the Department refuses to endorse this legislation despite the fact that its provisions would simply put into law the very same assurances the Congress has been given by the executive branch.

This legislation does not dictate the unit structure of the Reserve components. It specifically provides that the unit structure of the Reserve components will be that required by our contingency and war plans.

This legislation does not require the Department to spend 1 penny for equipment and facilities which are not required in our war and contingency plans. It simply requires that once a unit is established, that it be properly supported by the Secretary of the service concerned with personnel, equipment, and facilities both for training and ultimately for mobilization.

I should like to remind our friends in the Pentagon that the Congress and the taxpayers of America have a right to expect an efficiently organized and administered Reserve component program.

This legislation will serve that objective and give direction and leadership to the thousands of young Americans who, for no selfish reason, are dedicated to the defense of our country.

To illustrate the importance of our Reserve Forces I will include in the RECORD at this point, a brief summary of the utilization of these forces since World War II:

RESERVE CALLS TO ACTIVE FEDERAL SERVICE—WORLD WAR II TO DATE

1. Korean call up: 1 Jul 50–26 Jul 53.

Authorized by Presidential Proclamation No. 2914 of 16 December 1950 in which President Truman proclaimed the existence of a national emergency.

Reservists were called to active duty for a period of 24 months under the provisions of this proclamation.

Component:	*Reservists called to Active duty*
Army National Guard	139,000
Army Reserves	244,300
Navy Reserves	274,563
Marine Corps Reserves	98,229
Air National Guard	46,413
Air Force Reserves	135,874
Total called	938,379

2. Little Rock, Ark., call up: 24 Sep 57–29 May 58.

Authorized by (President Eisenhower) Exec. Order 10730 of 23 Sep 57.

Called to active duty: 9,873 Off & EM.

Ark. Army Nat'l Guard.

Ark. Air Nat'l Guard.

Released from active duty 10 Nov 57—8,973 Off & EM.

Retained on active duty till 29 May 58—900 Off & EM.

3. Berlin call up: 1 Oct 61–31 Aug 62.

Authorized by Joint Resolution (PL 87-117) of 1 Aug 1961.

(Authorized President to call 250,000 Ready Reservists to active duty for one year; as units or individuals.)

Called to active duty 1 Oct–1 Nov 61:

Total	155,800
Army	119,622
Navy	8,357
Marine Corps	0
Air Force	27,821

Reported and served 1 Oct 61–31 Aug 62:

Total	147,849
Army (ARes 45,830; ARNG 67,424)	113,254
Navy	8,020
Marine Corps	0
Air Force (AFR 3,187; ANG 23,388)	26,575

(94,200 of Jt Res quota of 250,000 spaces not used.) All Released by 31 Aug 1962.

4. Oxford, Miss., call-up: 30 Sep 62–23 Oct 62.

Authorized by President Kennedy (Exec. Order 11053 of 30 Sep 62 (Sec. 3)).

Called to active duty: Miss. Guard, 10,927.

Miss. Army Nat'l Guard, 9,894 Off & EM, 122 units; 946 Off & War Off; 8,948 EM.

Miss. Air Nat'l Guard, 1,033 Off & EM, 4 units. Source, Nat'l Guard Bureau Fact Sheets and Press Releases.

5. Cuban call-up: 27 Oct 62–1 Nov 62.

Authorized by Joint Resolution (PL 87-736) of 3 Oct 1962.

(Authorized President to call 150,000 Ready Reservists for 12 months.)

Called to active duty, 27 Oct 62:

AFRes	14,200

Reported (in 9 hrs) and served, 27 Oct 62:

AFRes (Off 2,101; EM 11,924)	14,025

Released 21 Nov 1962.

6. Tuscaloosa, Ala., call-up: 11 Jun 63–11 Jul 63.

Authorized by President Kennedy (Exec. Order 11111 of 11 Jun 63).

Called to active duty: Alabama Nat'l Guard, 16, 463.

Ala. Army Nat'l Guard, 14, 435, 154 units; 1,340 Off & WO; 13,095 EM.

Ala. Air Nat'l Guard: 2,028 Off & EM, 17 units.

7. Integration of Public Schools, Ala., call-up: 10-14 Sep 63.

Authorized by Exec. Order 11118 of 10 Sep 63.

Called to active duty: Ala. Army Nat'l Guard and Air Nat'l Guard—called to Active Duty but held in their armories on standby for the four-day period involved.

8. Selma, Ala., call-up: 20-29 Mar 65.

Authorized by President Johnson (Exec. Order 11207 of 20 Mar 65).

Called to Active Duty: Ala. ARNG, Ala. AirNG, total, 4,000 Off & EM.

Summary of use of State military forces in civil disturbances since World War II

Date	Place	Nature of disturbance	Control of troops	Number of troops
Sept. 29 to Oct. 3, 1945	Indiana	Industrial dispute	State	1,480 National Guard.
Feb. 25-28, 1946	Columbia, Tenn	Race riot	do	775 National Guard.
Aug. 4-6, 1946	Connersville, Ind	Industrial dispute	do	About 1,000 National Guard.
October 1947	Arizona	do	do	Unknown.
May 14-22, 1948	St. Paul and Newport, Minn	do	do	2,500 National Guard.
May 19, 1948	Waterloo, Iowa	do	do	1,000 National Guard.
Oct. 30, 1948	Loudon, Tenn	Threat to local sheriff	do	About 50 National Guard.
July 19, 1949	Groveland, Fla	Racial disturbance	do	200 National Guard.
May 19, 1950	South Amboy, N.J	Disturbances following natural disaster.	do	400 National Guard.
May 29, 1950	Morristown, Tenn	Industrial dispute	do	300 National Guard.
Oct. 30 to Nov. 6, 1950	Puerto Rico	Uprising against government	Territorial government	About 5,000 National Guard.
July 12-17, 1951	Cicero, Ill	Race riot	State	500 National Guard.
Apr. 20-24, 1952	Jackson, Mich	Prison riot	do	40 National Guard (others on alert).
May 20, 1952	Columbia, Mo	Student riot	do	About 100 National Guard.
Oct. 31 to Nov. 6, 1952	Columbus, Ohio	Prison riot	do	700 National Guard.
June 18, 1954 to Jan. 19, 1955	Phenix City, Ala	Crisis in law enforcement	do	About 500 National Guard.
Sept. 23, 1954	Jefferson City, Mo	Prison riot	do	Unknown.
Oct. 11-12, 1954	Sioux Falls, S. Dak	do	do	120 National Guard.
Aug. 16-21, 1955	Lincoln, Nebr	do	do	About 300 National Guard.
Aug. 27-31, 1955	Whiting, Ind	Disturbances following natural disaster.	do	200 National Guard.
Sept. 9, 1955	Gulfport, Miss	Crisis in law enforcement	do	40 National Guard.
Oct. 5-20, 1955	New Castle, Ind	Industrial dispute	do	1,000 National Guard.
Jan. 11-14, 1956	Pensacola, Fla	do	do	315 National Guard.
Feb. 26-27, 1956	Daytona Beach, Fla	Teenage riot	do	About 200 National Guard.
Sept. 2-11, 1956	Clinton, Tenn	School integration crisis	do	600 National Guard.
Sept. 5-11, 1956	Sturgis, Ky	do	do	200 National Guard.
Sept. 12-22, 1956	Clay, Ky	do	do	300 National Guard.
February 1957	Portsmouth, Ohio	Industrial dispute	do	76 National Guard.
Sept. 2-20, 1957	Little Rock, Ark	School integration crisis	do	280 National Guard.
Sept. 24, 1957 to May 29, 1958	do	do	Federal	10,000 National Guard called to Federal service. 1,800 National Guard utilized.
Apr. 18, 1959	Deer Lodge, Mont	Prison riot	State	200 National Guard.
Apr. 24 to May 1959	Hazard, Ky	Industrial dispute	do	2,000 National Guard.
June 4-25, 1959	Henderson, N.C	do	do	305 National Guard (Air).
Dec. 10, 1959 to Jan. 4, 1960	Albert Lea, Minn	do	do	275 National Guard.
July 2-3, 1960	Newport, R.I	Teenage riot	do	About 500 National Guard; 50 marines.
May 14-29, 1961	Anniston, Birmingham, Montgomery, Ala.	Racial disturbance (Freedom Riders).	do	800 National Guard.
August 1961	Nashville, Tenn	Prison riot	do	20 National Guard.
Do	Coeur d'Alene, Idaho	Teenage riot	do	25 National Guard.
Dec. 14, 1961	Albany, Ga	Racial disturbance (civil rights)	do	150 National Guard.
Sept. 30, 1962 to July 24, 1963	Oxford, Miss	University integration crisis	Federal	12,000 Active Army, 2,700 federalized National Guard in area; 20,600 Active Army and 10,400 Federal National Guard at one time available for service.
Oct. 13 to Nov. 4, 1962	Natchez, Miss	"Operation Chlorine"—Potential danger from 4 tanks of chlorine gas sunk in river.	State	7,500 Army and Air National Guard.
June 11 to Nov. 20, 1963	Tuscaloosa and Huntsville, Ala	University integration crisis	Federal	16,000 mobilized. 4,000 National Guard on duty after 3 days; only 300 on duty by September.
June 14, 1963, to July 11, 1964	Cambridge, Md	Racial disturbance (civil rights)	State	500 National Guard.
Aug. 28, 1963	Washington, D.C	Civil rights demonstration	District of Columbia Commissioners.	2,000 National Guard: 4,000 Active Army alerted.
Sept. 10, 1963	Birmingham, Mobile, and Tuskegee, Ala.	School integration crisis	State; then Federal	16,000 National Guard mobilized; about 400 National Guard on active duty in three armories.
Mar. 27 to Apr. 15, 1964	Anchorage and Kodiak, Alaska	Earthquake and tidal wave	State	1,350 Army and Air National Guard.
May 28, 1964	Hillsdale, Mich	Industrial dispute	do	900 National Guard.
July 26-28, 1964	Rochester, N.Y	Race riot	do	1,300 National Guard.
Mar. 20 to Apr. 3, 1965	Selma to Montgomery, Ala	Civil rights demonstration	Federal	Entire Alabama National Guard mobilized.
Aug. 13-22, 1965	Los Angeles, Calif	Watts race riot	State	8,674 National Guard.
Aug. 22, 1965	Springfield, Mass	Civil rights demonstration	do	2,200 National Guard.
Sept. 3-6, 1965	Natchez, Miss	Racial disturbance (civil rights)	do	600 National Guard.
July 4-5, 1966	Omaha, Nebr	Race riot	do	883 National Guard.
July 15-19, 1966	Chicago, Ill	Fillmore race riot	do	4,074 National Guard.
July 19-31, 1966	Cleveland, Ohio	Hough race riot	do	1,771 National Guard.
Aug. 28-30, 1966	Wauwatosa, Wis	Racial disturbance	do	575 National Guard.
Aug. 31 to Sept. 5, 1966	Benton Harbor, Mich	do	do	293 National Guard.
Sept. 1-7, 1966	Dayton, Ohio	Race riot	do	1,142 National Guard.
Sept. 4, 1966	Chicago, Ill	Civil rights demonstration and racial disturbance.	do	2,850 National Guard.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Chairman, I rise in support of H.R. 17195. As one of the members of the subcommittee which drafted this legislation, I would like to make clear to the Members of this body the fact that the mandated personnel strength included in this legislation is a proper discharge of the constitutional responsibilities of the Congress.

Article I, section 8, clauses 11, 12, 13, and 14, of the Constitution of the United States specifically reserves to the Congress the responsibility, among other things, "to raise and support armies, to provide and maintain a navy." These powers were not inserted in the Constitution for the purpose of endowing the National Government with power to do these things, but rather to designate the department of Government which should exercise such powers. Moreover, they permit Congress to take measures essential to the national defense in time of peace as well as during a period of actual conflict.

As a consequence of this authority, the Congress has from time to time exercised this constitutional responsibility in establishing the "military policy of the Nation" as regards the authorized personnel strengths of the Armed Forces. See sections 3221, 3224, and 5013 of title 10, United States Code.

Section 62 of the National Defense Act of 1916 (39 Stat. 198) specifically established a mandatory strength for the National Guard. Among other things, the language of section 62 provided that there shall be "a total peace strength of not less than 800 enlisted men for each Senator and each Representative in Congress."

The Congress, in Public Law 82-416—section 5013 of title 10, United States Code—stated that the Marine Corps shall consist of not less than three combat divisions and three air wings. This mandate was observed by President Truman after legislation had been signed into law.

Apropos the foregoing legislative precedents for the establishment of minimum personnel strengths in the Armed Forces, Secretary of Defense McNamara, in appearing before the House Armed Services Committee on Monday, February 22, 1965, conceded the right of Congress to establish minimum personnel strengths in the Reserve Forces. Among other things, Mr. McNamara said:

> The legislative authority is very clear. It says 700,000 men for '65. Now if you want 700,000 men for '66, you have the right under the constitution to write that into the legislation. And frankly, we have no redress.

It is abundantly clear that the right of Congress to provide a floor on the personel strengths of the Reserve components is clear and unequivocal. The strengths prescribed in this legislation are precisely those mandated by the Congress in the Department of Defense Fiscal Act for fiscal year 1967.

These strengths will go into effect immediately after the statutory language in the Appropriations Act lapses on July 1, 1967.

Congress must reassert its role and exercise its responsibility with the executive branch in establishing its Armed Forces. This legislation is only a small step forward in that direction but it symbolizes, in my mind, the determination of Congress to once again become an equal partner with the Department of Defense in our national security.

We have come to the end of that era in which the Congress has, by default, permitted the executive branch to arbitrarily take action in respect to our Armed Forces without regard to the wishes and desires of the American people.

This legislation is, therefore, a milestone in the history of the Congress and one in which each of you will have participated by your endorsement of H.R. 17195.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. PIRNIE].

Mr. PIRNIE. Mr. Chairman, I rise in support of H.R. 17195. As a member of the subcommittee which drafted this legislation, I want to emphasize two aspects of the bill which are of particular importance.

First, it should be noted that the right of Congress to provide a floor on the personnel strengths of the Reserve components is clear and unequivocal. However, title I does much more than set the minimum levels of personnel strengths. It provides for substantial revision of the composition and administration of the Reserves, thereby enabling the components to move fully and effectively to meet their mobilization readiness requirements as established in the contingency and war plans approved by the Joint Chiefs of Staff. This will insure the continued strength and growth of our Reserve forces as an essential element in our overall defense structure.

In addition, I am particularly pleased about title II since I was one of the early sponsors of the original measure designed to clarify the status of the National Guard technicians.

A little less than 2 years ago it was brought to my attention that individuals in my congressional district and thousands of others throughout the land did not know for whom they were working. They were then, and still are, civilian technicians engaged by the National Guard. As such, they occupy a most unusual position. Though the Federal Government pays their salaries and the State government limits their activities, both disown them.

The States have maintained that these full-time workers are Federal employees and the Federal Government has repeatedly insisted the are State employees. To further confuse the issue, State courts have backed the States and the Federal courts have sustained the position of the Federal Government. Thus, over 39,000 dedicated men have left in a virtual "no man's land" of public employment. They are, in fact, "orphans" in every sense of the word.

As a consequence of this vague status, the civilian technician has not been adequately provided for by either State or Federal Government. For the most part they have no pension, sick leave, retirement, or compensation benefits. By way of contrast, they do have a mandatory retirement age of 60 and only since 1953 have they been covered by social security. The technician today faces all the job hazards confronting a civilian employee of the Government or private industry. However, in addition, the technician may lose his National Guard membership by virtue of ill health or inability to pass a physical. If this happens, he automatically loses his civilian employment as a technician.

This is not a pleasant picture and it should not be allowed to remain on the scene any longer. Fortunately, the bill we are presently considering will rectify the situation.

Briefly, title II would classify National Guard technicians as Federal employees. They would be made eligible for Federal group life and health benefits insurance as well as Federal civil service retirement benefits. Their positions would be converted to the Federal GS—general schedule—and WB—wage board—system at the same or greater compensation. Sick leave, annual leave, military leave, step level, and time-in-grade increases which had been earned would be carried over. In addition, most other Federal employee benefits would become applicable.

I might add that besides the Department of Defense's endorsement of this provision, it has the support of the National Governor's Conference and various service-oriented interest groups.

Mr. Chairman, I have described in some detail inequities in the present law with regard to the National Guard technicians. These men have served their country faithfully for decades not only as civilian employees but as fighting men as well. They ask no special category, no special treatment, no preference before the law. They simply seek recognition and a classification similar to that of their civil service brethren. This bill will provide just that. I urge my colleagues to support it.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, I rise in support of the bill.

Mr. BRAY. Mr. Chairman, I have no further requests for time.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, I rise in support of this measure.

Mr. Chairman, I have spoken many times on this subject and on the need for this legislation. A bill of rights for the Reserves is necessary in order to clear the atmosphere of confusion and uncertainty which exists today on the training and utilization of the Nation's Reserve Forces. A very great deal of credit is due the distinguished gentleman from Louisiana [Mr. HÉBERT], under whose leadership the bill was written and to his subcommittee which has brought the bill to the floor. They are rendering a distinct service to the defense of America and the Congress can indeed be grateful for the vital and vigorous leadership which has produced the measure now before us.

This bill is all that is ascribed to it in its title and more. It will remain, if enacted—and I do not doubt that it will be—a lasting monument to the fair-minded and patriotic judgment of this committee and its chairman and a perpetual tribute to the service of each in the Congress.

A great many bills are introduced in each Congress, and the number carried by this one attests to that fact. Most of them are born to be forgotten. But I am convinced that few bills under consideration by the Congress today have greater significance than this one, which historically will bear the name of the distinguished chairman of this subcommittee. I say this not only because of its bearing upon the national security posture of our country, but because it will represent a milestone in the long journey of our Government along the path of constitutional government—a government of laws and not of men.

A number of us here today were in Congress in 1952 when the Reserve Forces Act was passed. It has been amended several times as important new facts were brought to mind and because of the lessons of Korea and Vietnam. By the same token, your committee now proposes to write into law not just your own views, but a compilation of the experience and wisdom of our military and legislative leaders gained in the field of the Reserve programs. I consider that it is an outstanding piece of legislation. It is fair, sensible, and right. And it is timely. It will prevent a set-aside—at least in part—of the Reserve Forces Act. The Congress should not delay its enactment.

Of transcendent importance is the fact that the principal thrust of this legislation is to guarantee strong backup forces for our regular services. For that reason its enactment obviously is in the national interest. We want Reserve components for all the Regular Forces which are numerically powerful, well-trained, fully equipped, conscientiously supported and capably commanded. This bill moves positively in that direction.

To my surprise, I hear that this measure is looked upon with less than enthusiasm in the Pentagon. This is astonishing. We all seek a strong defense. We all serve under the same flag. We should be able to join in support of such a meritorious bill. I would hope that its very simplicity, its commonsense, its historic soundness do not work to make it unattractive in some quarters. The modern concept of legislation all too often is something vague and indefinite, incapable of interpretation, but which the departments and the courts later can twist to their own purposes. This is not such a bill.

It is a simple bill. It prescribes that certain minimum strengths which are modest, must be maintained in all the Reserves and that these Reserve components have high level management, that they be properly encouraged, given adequate leadership and equipment with which to go about their missions.

Why then should anyone oppose this bill? In the long run it will save money. It will provide needed military training for thousands of young men. It will add an important element of discipline for those same young men. It will, most importantly, give our Nation added assurance of an adequate military defense in time of danger. As a member of the House committee which provides appropriations for the military services, I am one of a small group which for the past 2 years was wrestled directly with the problem of insuring the continuation of the Reserves. You have had the same experience. We examined the 1964 realinement program and we found it wanting. When it was proposed that the so-called Reserve and National Guard merger be brought about without legislative authority, we rejected that proposal. We in the Appropriations Committee believe that action such as this should be based upon the passage of legislation as, in fact, the statutes specify. The same proposal for merger was rejected again in 1966. In each instance our action was endorsed by the House and by the Senate. This should not go on indefinitely. This uncertainty is producing a chaotic condition within the Reserves which is highly injurious to morale and to efficiency. There has been a drawdown from the Reserves even of the tardily supplied and inadequate equipment which they possessed. They need some certainty for the future. They need to know that their goals are positive and reachable goals, spelled out in the law of the land. This will not be true until there is legislation such as this bill which you now consider.

Now let me touch on a question which has been raised regarding the ability of the services to train those needed for the Reserve components specified in this bill. In the main, these are the so-called untrained pool of reservists who are in the Army backlog. I consider the solution of this problem quite simple. All that is required is to expand the existing training base or keep open one of those slated for closure, or reactivate a base which previously has been closed. Where there is a need for trainees, this need can be met very simply and promptly by calling up some of the thousands of officers and men of the already trained Reserve Forces for this purpose. There are many who want to serve.

It is as simple as that. All that is needed is the will to carry forward the program. There is no real or costly difficulty involved.

But before I leave the subject, let me point to the fact that those in the so-called untrained Reserve actually are being given training—in their Reserve centers—by the experienced and capable noncommissioned officers and commissioned officers who lead these units. Many of these unit leaders have had combat experience. Under their direction recruits already are gaining training in military essentials on weekends and on weeknights. This training will enhance the active duty training which later will be required for them to achieve full readiness. I think the problem of the Reserve recruit is being overemphasized.

As long as the future of the Reserves can be determined on the basis of personal decision rather than on the basis of law, we are confronted with the danger of failure of policy, the danger of a lack of foresight regarding military personnel needs, training needs and equipment needs, the danger of inability to see mistakes and correct them, even of the actual and awesome danger of an inadequate defense for the Nation. No individual, however capable, and however well intentioned, should have imposed upon him such a responsibility. The law should spell out the exact future of the Reserves and provide guidelines for their most efficient maintenance and utilization.

This is indeed a bill of rights for the Reserves and its passage is greatly needed.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. Henderson].

Mr. HENDERSON. Mr. Chairman, I rise in support of H.R. 17195. I believe I can say without fear of contradiction that I authored the first bill ever introduced in Congress to give National Guard technicians status as Federal employees for retirement, annual leave, sick leave, and other basic privileges and emoluments enjoyed by Federal employees.

The status of these technicians was first brought to my attention when a personal friend of mine who was an Army National Guard technician suffered a heart attack and was forced to give up that employment. Investigation revealed that he had no retirement benefits of any kind.

He was not a member of the military service and did not qualify for military retirement benefits of any kind. The Federal Government considers the National Guard, until such time as it is ordered to Federal service to be an organization of the State, so that the technician is not a Federal employee eligible for civil service retirement and benefits.

To complicate the problem further, the States considered the Guard technician not to be a State employee since he was not paid with State funds and he was ineligible for State retirement.

In order to clarify the status of these technicians, I introduced H.R. 7276 in 1961. That bill would have done essentially what title II of H.R. 17195 does. It was referred to the House Committee on Post Office and Civil Service which asked for comment from the Department of Defense and the Civil Service Commission.

The Department of Defense endorsed the bill and recommended its enactment, but the Civil Service Commission and the Bureau of the Budget opposed it and because of that opposition, the bill did not receive favorable consideration by the Post Office and Civil Service Committee.

I have been intensely interested in this matter for more than 5 years and have fought for legislation to remedy this situation. I am convinced that these technicians should have their status clarified, and I strongly support the provisions of title II of H.R. 17195 which would accomplish this objective.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. Flynt].

Mr. FLYNT. Mr. Chairman, I support H.R. 17195 as reported by the Committee on Armed Services.

Mr. Chairman, I support H.R. 17195, the Reserve Forces Bill of Rights and Vitalization Act of 1966, and National Guard Technicians Benefits Act. This bill clearly will strengthen the Reserve components of the Armed Forces and will protect units from arbitrary action which would decimate such units. It will clarify the status of reservists who have completed their active duty training and at the same time provide a manpower pool if the need should arise. This is a fair bill and should remove a large measure of the uncertainty of status which in many instances now exists.

Title II of H.R. 17195 will provide a retirement status and eligibility for National Guard technicians who have heretofore been denied a retirement status of any kind because while they have been paid with Federal funds they have been deemed to be State employees of the National Guard of the several States. This legislation to clarify the technicians status and to provide retirement eligibility and benefits is long overdue and I strongly support this portion of this bill.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. Edmondson].

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I support the bill. Particularly I commend the bill for the title dealing with the Air Guard and the National Guard technicians.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. Hanley].

Mr. HANLEY. Mr. Chairman, I rise to join my colleagues in support of H.R.

17195, the Reserve Forces Bill of Rights and Vitalization Act and the National Guard Technicians Benefits Act.

I address my remarks especially to title II of this bill, that portion dealing with the status of technicians employed by the Army and Air National Guards. One of the first groups to seek my assistance shortly after I came to this Congress in January of 1965 represented our National Guard technicians. I was informed at that time that these men, both employees and at the same time members of the National Guard, were seeking congressional action to determine exactly who their employer was. They described to me a situation wherein neither the Federal Government nor the several States was willing to acknowledge them as employees.

The technicians are hired and fired by the State adjutants general, but their numbers and compensation are fixed by the Federal Government, they care for Federal property, they are paid directly by Federal finance officers from Federal appropriations, and they are governed in the main by Federal regulations. However, the Comptroller General of the United States has consistently ruled that National Guard technicians are not Federal employees. On the one hand, the Department of Labor considers the technicians covered by the Federal Employees Compensation Act, but on the other hand, the Supreme Court of the United States has held that they are not Federal employees within the meaning of the Federal Tort Claims Act. In my own State of New York, the courts there have held that the National Guard technicians are not State employees for purposes of the State's civil service laws. This situation is intolerable, and title II of this bill will make it clear that the technicians are, in law as well as in fact, employees of the U.S. Government.

In my judgment, the failure in the past to clearly define the status of the civilian technicians makes its greatest impact in the area of those normal fringe benefits which all of us have come to consider as part and parcel of civilized employment. At the present time New York's National Guard technicians are neither employees of the Federal Government nor employees of the State. Consequently they receive no protection for old age from either Federal or State retirement systems. Fortunately, the Federal Government does pick up the tab for the employer's share of the social security tax, and so the technician does have social security protection. In addition to this, they do receive retirement credits as a result of their military service. For the technicians, these benefits are payable at age 60 on the basis of 20 or more years of military service. For example, a sergeant major, E–9 rating, will receive $1,600 per year after 2 years of active duty and 18 years of nonregular creditable service. Consider also the E–7 rating, the old master sergeant, with 2 years of active duty and 18 years of National Guard duty, he will receive $720 per year. With 28 years of National Guard duty his retirement income will amount to $1,224 per year. My point here is that the civilian technician in New York, when he retires or is fired because he can no longer qualify for membership in the National Guard, has only this military retirement to live on until he becomes eligible for social security. This sort of thing is unreasonable and unjust, and title II will provide the necessary relief.

The National Guard civilian technician plays an important part in the military readiness of the Guard. The technicians constitute the full-time nucleus of key personnel assigned to the Guard. I feel that it is important that the Congress recognize the essentially Federal functions performed by the technicians by acting to declare that these dedicated men are employees of the United States, and as such, they are entitled to all the rights and benefits enjoyed by other Federal employees.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. NEDZI].

Mr. NEDZI. Mr. Chairman, I apologize for taking time at this hour, but some of the things that have been going through my mind, in my opinion, should be said today.

This is an extremely complicated bill. I believe that is evident from the colloquy which has taken place.

It is unfortunate we have to discuss a bill of this nature this late in the day.

Mr. Chairman, let me say first that I agree with my chairman and all the members of the Armed Services Committee, when I do point out that some kind of conclusion was necessary to the turmoil which has existed in our Reserve Forces. There is just no question about that. That is why I support this bill in most of its provisions.

The part I take exception to is the second part, as I designate it.

Let me say that there are three parts to this legislation.

A great deal of discussion and debate have taken place with respect to the first part; that is, the question of authorizing the President to call up the Reserves. While I do not believe this is too meaningful, nevertheless the President will have this option, if he wants to exercise it, and I am willing to trust his good judgment in this regard, as to whether it will be useful for him to use this authority, which we propose to give him, or not.

The second part of the bill I tried to discuss with the gentleman from Louisiana [Mr. HÉBERT], the chairman of the subcommittee, in order to determine just exactly why the mandated figure in this bill was at 640,000. Quite obviously, the thing which motivated the bringing out of this bill and the introduction of this bill was the proposed merger of the National Guard and the Reserve some months ago, as all Members will recall.

This bill effectively stops that merger. At the present time I am prepared to support that concept. My problem is this: During the course of our hearings we never heard a word of testimony about the figure 640,000. We are talking here about the House mandating this authority a couple of weeks ago when we voted on the Defense Appropriation Act. To me this is not an authorization. As I indicated to the chairman of the committee, it was a rather academic question, because the number in the Reserve Forces at the present time exceeds 640,000. It is 1-year authority. What we are doing here is enacting into permanent legislation a Reserve Force of 640,000, 60,000 in excess of what the Department of Defense and the Department of the Army say is necessary for our contingency war plans. What does this mean? This means we are going to have 60,000 more men than they want in our Reserve Forces and keep them trained and keep them equipped and incur all of the expense that goes with it. But what is more important, in my opinion, is that the fact that we are taking 60,000 men out of the draft pool. I am sure all of you, my colleagues here in the House, have experienced the same thing I have experienced about the Reserves at this time. Let me point out quickly that I am not one who thinks the Reserves are draft dodgers. I do not believe that. At the time that most of them entered the Reserves, there is a serious question as to what was the easy way out, whether to take 2 years of active duty in peacetime or up to 8 years in the Reserves. Many of these men have been there a long time, so they cannot be placed in the category of the draft dodger. But the practical effect of mandating 60,000 men in excess of what any responsible person said was necessary, responsible in this area, just does not make sense, because we are taking them out of the draft pool.

Now, if my chairman will kindly answer this question, I will appreciate it. He indicated earlier that some letter was submitted which indicated we should have a Reserve force of 688,000 men. Could the gentleman from Louisiana be a little more specific than that?

Mr. HÉBERT. The letter I referred to was a letter from Mr. Morris, the Assistant Secretary in Charge of Manpower. The report will show exactly what his words were. It was in reply to an inquiry from the committee as to the strength desired, and he came up with that figure of 688,000.

Mr. NEDZI. The chairman will recall this question arose during the course of the hearings on this particular legislation, and at that time it was pointed out that this was a mobilization strength and not the actual strength that we need in the Reserve at the present time.

Mr. HÉBERT. It was pointed out, if the gentleman will yield to me, that it was an immediate—and I emphasize and underscore the word "immediate"—mobilization figure. I do not know how you can get more immediate than immediate. That means right now and not 30, 60, or 90 days later.

Mr. NEDZI. Because this issue was raised I contacted the Assistant Secretary of Defense and asked him to clarify the statement which was made. He addressed this letter to me on yesterday, and I quote—let me paraphrase what is in the letter—"Therefore the total paid drill strength of the Army Reserve component should be 580,000. It is not considered necessary to man our units of Reserve components at 100 percent of full strength prior to the time they are mobilized. This is because there is a large number of trained individuals in the Ready Reserve pool who are available to be called to active duty to serve as filler to bring Reserve units to 100 percent strength when mobilization occurs."

Now, this clearly indicates that Mr. Morris, when he submitted the data requested by the committee, did not maintain a total Reserve of 688,000 was needed. If he did, then why cut it down to 640,000? I address that question to the chairman.

Mr. HÉBERT. I am very happy and delighted that the Pentagon, after all of these weeks, has finally gotten around to reexplaining itself with some conjured up doubletalk. However, I will say to the gentleman that this mandate is a floor and not a ceiling. It is a floor and not a ceiling. It can be raised at any time. As the gentlemen well knows and should know, because he is in very close contact with the Pentagon at all times, our problem is to make the Pentagon do what it says it wants to do and stop giving lipservice only.

Mr. NEDZI. I find it difficult to fence with my distinguished chairman from Louisiana. However, the chairman knows that this issue was discussed in the committee, and he is taking advantage of this poor little lonesome soul on his subcommittee.

Mr. HÉBERT. Will the gentleman yield further? May I say he is not a lonesome soul who can take on eight stalwarts. However, I will admit this subject matter was considered by nine men tried and true and wise in the ways of the military, and eight of them came up with an answer opposite of what the gentleman advocates. So he stands alone.

Mr. NEDZI. The fact remains, however, that at this time there is no evidence, there is no testimony before the Armed Services Committee, which supports a figure of 640,000.

I am not sure that it is the will of this House to place 60,000 more men into the Reserve Forces by anyone who is charged with this responsibility who says it is necessary.

Really, I do not know from where that figure came. And, if you listened carefully to the colloquy that has taken place, it has not been disclosed from where the 640,000 figure came.

Mr. Chairman, at the proper time I propose to offer an amendment to strike the additional 60,000 from this legislation.

Mr. Chairman, as I stated from the outset, I find no fault with title II of the bill and with section 201 concerning the National Guard technicians.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from California.

Mr. BURTON of California. What, if any, position has the Secretary of Defense taken with respect to this bill, and what, if any, position has the head of the Selective Service, General Hershey, taken on this bill? We have listened but have not heard anyone representing their position.

I would be interested in knowing if the gentleman from Michigan [Mr. NEDZI] is aware of any position that they have taken with reference to this legislation.

Mr. NEDZI. I might state to the gentleman from California [Mr. BURTON] that I am completely unaware of what position General Hershey may have taken with respect to the bill. I am also positive that the Secretary of Defense is opposed to the bill, even with my proposed amendment, because this, in effect, prevents the kind of flexibility which some may think is desirable. Permit me to say that there is not a valid argument contained therein. Our Reserve Forces cannot be taken in a vacuum. They have to be considered in light of our total Armed Forces. It seems to me to be unwise to follow this course.

Mr. HÉBERT. Mr. Chairman, just one other comment. I have one additional request for time. But, in order that the gentleman from Michigan may be permitted to keep the record straight, I hold in my hand a copy of the committee hearings on this bill. Pages 10793–10802 provide quite a bit of evidence to substantiate the figures we have, and I say to the gentleman that with all his wit and with all his guile——

Mr. NEDZI. Mr. Chairman, is that Mr. Morris' letter?

Mr. HÉBERT. That is Mr. Morris' letter which I use as the valid testimony.

Mr. NEDZI. Mr. Chairman, I would like my letter from Secretary Morris to appear in the RECORD at this point, since I believe it clarifies the matter.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 21, 1966.

HON. LUCIEN N. NEDZI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NEDZI: In response to your request, the additional information in the following paragraphs is forwarded to clarify some of the data incorporated in my letter to the Chairman of Subcommittee No. 2 of the House Armed Services Committee dated 19 August 1966 in answer to certain questions regarding personnel and funding requirements for the reserve components.

As you know, the Department of Defense and Department of the Army, through the testimony of both senior civilian and military officials, have consistently taken the position that the units in the Army's Reserve Components should consist of 8 divisions, 16 brigades, necessary combat support and combat service support units, with a total, pre-mobilization, paid drill strength of 550,000. In addition, there is a temporary requirement for 30,000 additional personnel to bring the units of the Selected Reserve Force to 100% strength. Temporarily, therefore, the total paid drill strength of the Army's Reserve Components should be 580,000.

It is not considered necessary to man all units of the Reserve Components at 100% of full strength, prior to the time they are mobilized. This is because there is a large number of trained individuals in the Ready Reserve Pool who are available to be called to active duty to serve as fillers to bring reserve units to 100% strength when mobilization occurs.

In line with the foregoing, the data provided in my 19 August letter showed that the authorized strength of the Army reserve components proposed for fiscal year 1967 was 580,000, including 30,000 to bring the Selected Reserve Force to 100% strength. By a footnote it was made clear that this strength is at the level considered necessary to conduct effective pre-mobilization training so as to achieve the readiness level required, and that, in the event of mobilization, additional personnel would be provided from the Ready Reserve Pool to bring these units to 100% strength. In a separate tabulation it was noted that the number of filler personnel required to bring these units to 100% strength would total about 108,000.

Very briefly, therefore, the foregoing may be summarized as follows:

a. The total paid drill strength presently required in the units of the Army reserve components prior to mobilization is 580,000.

b. These units, if mobilized, would be expanded after mobilization to a strength of about 688,000.

c. This expansion would be accomplished by assigning trained individuals from the Ready Reserve Pool.

I trust the foregoing will assist in clarifying the Department of Defense and Department of the Army position in this matter.

Sincerely,

THOMAS D. MORRIS.

Mr. BENNETT. Mr. Chairman, I rise in strong support of H.R. 17195. I early introduced legislation of a similar nature; but I am glad to say that the committee product that is before us now is an improvement in many important respects. The bill will give stability to the Reserves, which are an important segment of our defense. It will provide for adquate strength levels, adequate training and availability for the Commander in Chief to utilize, as the needs arise. I sincerely hope that the bill will pass unanimously as it is manifestly greatly needed.

Mr. CARTER. Mr. Chairman, hearings conducted by a subcommittee of the House Armed Services Committee have, in my opinion, revealed an urgent need for prompt enactment of H.R. 17195, the Reserve Forces Bill of Rights and Vitalization Act of 1966, which is before this body today for consideration. They further indicate that the proposal to merge the Army Reserve with the Army National Guard created deficiencies which will not be corrected until Congress takes appropriate action. It is my understanding that this legislation is designed to do just this.

I realize, of course, the importance of both titles of the bill. However, I am especially interested in title II which would establish a Federal employee status for technicians employed by the National Guard and make more than 39,000 Army and Air National Guard technicians eligible for Federal retirement, health, and insurance benefits. Therefore, I am happy to lend my support to this measure and I hope that it will be promptly passed.

Mr. BOB WILSON. Mr. Chairman, I rise in support of H.R. 17195. During my tenure on the Committee on Armed Services, I have had the privilege of participating in the drafting and development of many legislative proposals affecting the Armed Forces. However, in all of this time, I have never seen a subcommittee work more diligently than Mr. HÉBERT's subcommittee which developed this admittedly complex but very constructive legislative recommendation.

The comprehensive review made by Subcommittee No. 2 of the entire Reserve problem encompasses a period of approximately 5 years. During that time, the subcommittee compiled a most extensive and detailed record of Reserve activities which now have culminated in the recommendations of both this subcommittee and its parent committee, the Committee on Armed Services.

For purposes of the record, these extensive hearings should be documented so as to enable those Members of the House who may wish, to review the efforts which culminated in this legislation. These documents are as follows:

Committee on Armed Services Document No. 66, of the 2d session of the 87th Congress, entitled "Military Reserve Posture Hearings," consisting of over 1,100 pages of printed testimony and exhibits, was accompanied by a committee report identified as Committee Document No. 70 of the 87th Congress, 2d session, entitled "Military Reserve Posture," and dated August 17, 1962.

Committee Document No. 39, of the 1st session of the 89th Congress, entitled "Merger of the Army Reserve Components," consisting of approximately 1,000 pages of printed testimony and accompanying exhibits.

Committee Document No. 86, of the 89th Congress, 2d session, entitled "Hearings on H.R. 16435 and H.R. 17195," consisting of more than 160 pages of printed testimony.

In summary, the legislation before you today is supported by more than 2,200 pages of printed testimony. This fact is significant in that it reveals the depth of the study and review made by the Committee on Armed Services before the committee arrived at the recommendations embodied in this legislation today.

I, therefore, urge the unanimous approval of this bill by the Members of this House.

Mr. HÉBERT. Mr. Chairman, I have no further requests for time.

Mr. BRAY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute amendment printed in the original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of this Act may be cited as the "Reserve Forces Bill of Rights and Vitalization Act of 1966".

TITLE I—RESERVE FORCES

SEC. 101. Title 10, United States Code, is amended as follows:

(1) Section 101(2) is amended by inserting "Except as provided in section 101(1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States," before " 'Territory' means".

(2) Section 136(a) is amended by striking out "seven" and inserting "eight" in place thereof.

(3) Section 136(b) is amended by inserting after the first sentence the following:

"One Assistant Secretary shall be the Assistant Secretary of Defense for Reserve Affairs and shall, as his principal duty, be responsible for the administration, operation, and readiness of the reserve components of the armed forces under the Department of Defense."

(4) The text of section 175 is amended to read as follows:

"(a) There is in the Office of the Secretary of Defense a Reserve Forces Policy Board consisting of—

"(1) the Assistant Secretary of Defense for Reserve Affairs who is Chairman of the Board;

"(2) the Assistant Secretary of each of the military departments, designated under section 264(b) of this title, who is responsible for reserve affairs in his department;

"(3) an officer of the Regular Army designated by the Secretary of the Army;

"(4) an officer of the Regular Navy or Regular Marine Corps designated by the Secretary of the Navy;

"(5) an officer of the Regular Air Force designated by the Secretary of the Air Force;

"(6) four reserve officers designated by the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve;

"(7) four reserve officers designated by the Secretary of the Navy, two of whom must be members of the Naval Reserve, and two of whom must be members of the Marine Corps Reserve;

"(8) four reserve officers designated by the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve;

"(9) three civilian members, representatives of the labor, industrial, and educational communities, designated by the Secretary of Defense; and

"(10) a reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general or flag officer, designated by the Chairman of the Board and who serves without vote as military adviser to the Chairman and as executive officer of the Board.

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of the Treasury may designate an officer of the Regular Coast Guard or the Coast Guard Reserve to serve as a voting member of the Board.

"(c) The Board, acting through the Assistant Secretary of Defense for Reserve Affairs appointed under section 136(b) of this title, is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

"(d) This section does not affect the committees on reserve policies prescribed by section 3033, 5251, 5252, or 8033 of this title.

"(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

"(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board. However, a majority of the members present may agree to postpone or table any matter referred to the Board by either the Chairman or a member of the Board.

"(g) The Board shall meet at least once every three months and at such times as the Chairman may determine."

(5) Section 262 is amended by striking out "the reserve components" and inserting "each reserve component" in place thereof.

(6) The text of section 264 is amended to read as follows:

"(a) The Assistant Secretary of Defense for Reserve Affairs has responsibility for reserve affairs of the Department of Defense.

"(b) The Secretary concerned shall designate an Assistant Secretary of his department who shall have as his principal duty responsibility for the establishment and execution of policy on all matters related to manpower and reserve affairs. The Assistant Secretary shall, in connection with reserve affairs, be responsible for the administration, operation, and readiness of the reserve components under that department.

"(c) The Secretary concerned shall designate a general or flag officer for each reserve component under his jurisdiction to be directly responsible for reserve affairs to the Chief of Naval Operations, the Commandant of the Marine Corps, and the Commandant of the Coast Guard, as the case may be. This subsection does not affect the functions of the Chief of the National Guard Bureau, the Chief of Army Reserve, or the Chief of Air Force Reserve.

"(d) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Selected Reserve of the reserve components under this jurisdiction to satisfy the mobilization readiness requirements established for those units and Reserves in the contingency and war plans approved by the Joint Chiefs of Staff. He shall, when a unit in the Selected Reserve is established and designated, expeditiously procure, issue, and maintain supplies and equipment of combat standard quality in amounts required for the training of each unit and shall store and maintain such additional supplies and equipment of that quality that are required by those units upon mobilization. However, if the Secretary concerned determines that compliance with the preceding provisions of this subsection will jeopardize the national security interests of the United States, he may temporarily waive compliance with these requirements after he has notified Congress in writing, setting forth the specific facts and circumstances upon which he made such a determination. Unless specifically authorized by law enacted after the effective date of this section, funds authorized for personnel, supplies, equipment, and facilities for a reserve component may not be transferred or expended for any other purpose."

(7) Section 268 is amended by inserting the designation "(a)" at the beginning and adding the following new subsection:

"(b) There is a Selected Reserve within the Ready Reserve of each of the following—

"(1) the Army Reserve;
"(2) the Naval Reserve;
"(3) the Marine Corps Reserve;
"(4) the Air Force Reserve; and
"(5) the Coast Guard Reserve.

The Selected Reserve consists of the Army National Guard of the United States, the Air National Guard of the United States, and such units and Reserves named in clause (1)–(5) as the Secretary concerned may designate, trained as prescribed in section 270 (a)(1) of this title or section 502(a) of title 32, as appropriate."

(8) Section 269(e) (1)–(6) is amended to read as follows:

"(1) he served on active duty (other than for training) in the armed forces for an aggregate of at least five years; and

"(2) he served on active duty (other than for training) in the armed forces for an aggregate of less than four years, but satisfactorily participated, as determined by the Secretary concerned, in an accredited training program in the Ready Reserve for a period which, when added to his period of active duty (other than for training), totals at least five years, or such shorter period as the Secretary concerned, with the approval of the Secretary of Defense in the case of a Secretary of a military department, may prescribe for satisfactory participation in an accredited training program designated by the Secretary concerned."

(9) Section 270(a)(1) is amended to read as follows:

"(1) participate in the equivalent of at least 48 scheduled drills or training periods during each year and serve on active duty for training or perform annual field training of not less than 14 days (exclusive of traveltime) during each year;".

(10) Section 511(d) is amended to read as follows:

"(d) Under regulations to be prescribed by the Secretary of Defense, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, a non-prior-service person who is under 26 years of age, who is qualified for induction for active duty in an armed force, and who is not under orders to report for induction into an armed force under sections 451–473 of title 50, appendix, may be enlisted in the Army National Guard or the Air National Guard, or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve, for a term of six years. Each person enlisted under the authority provided by this subsec-period of active duty for training of not less than four months to commence within 180 days after the date of that enlistment. Notwithstanding the foregoing, a person enlisted under the authority provided by this subsection before July 1, 1966, who has not completed an initial period of active duty for training of four months or more, may be considered to have completed the equivalent of eight weeks of basic training if he has served on active duty, active duty for training, or full-time training duty for 15 days and has satisfactorily participated in 45 scheduled drills or equivalent training periods. However, the additional period of advanced active duty training or full-time training duty required by such enlistee to qualify for the billet in which enlisted must be completed unless such enlistee has received the equivalent training necessary to qualify him for the satisfactory performance of his military assignment responsibilities under regulations prescribed by the Secretary concerned. Upon completing such training or its equivalent, the member shall be required to satisfactorily perform such other service in the Ready Reserve as may be prescribed by the Secretary of Defense until he has completed a combination of active duty, active duty for training, full-time training duty, and service in the Ready Reserve or National Guard which aggregates a total of six-years of satisfactory service, as determined by the Secretary concerned."

(11) The text of section 678 is amended to read as follows:

"(a) A reserve commissioned officer ordered to active duty (other than for training) under section 672(d) of this title or other provision of law for special assignment in accordance with section 265, 3033, 3496, 8033, or 8496 of this title, or section 708 of title 32, shall be ordered in his reserve grade, and while so serving, is in addition to the authorized numbers and strength in grades of commissioned officers on active duty in the armed force of which he is a member.

"(b) A reserve commissioned officer on duty under subsection (a) is eligible for temporary promotion in his armed force without component, and for consideration for permanent appointment as a reserve commissioned officer in a grade higher than that in which he is serving on active duty, to the same extent as if he were not on active duty.

"(c) A reserve commissioned officer on duty under subsection (a) who holds a permanent reserve grade, or is selected for permanent promotion to a reserve grade which is higher than the permanent reserve grade in which he is serving on active duty shall be permanently promoted to the higher reserve grade and continue to serve in that grade while on active duty.

"(d) To assure that a reserve commissioned officer on duty under subsection (a) receives periodic refresher training in the categories for which he is qualified, the Secretary concerned may detail him to duty with any armed force, or otherwise as the Secretary sees fit."

(12) Sections 3013(a), 5034(a), and 8013(a) are each amended by striking out "three" and inserting in place thereof "four" in the first sentence.

(13) Section 3015 is amended to read as follows:

"§ 3015. National Guard Bureau: appointment of Chief, Deputy Chief, Assistant Chief for Army National Guard, Assistant Chief for Air National Guard and acting chief; functions, policies, and regulations for the National Guard, Army National Guard of the United States, and Air National Guard of the United States

"(a) There is a National Guard Bureau, which is a Joint Bureau of the Department of the Army and the Department of the Air Force, headed by a chief who has direct access to the Secretary of the Army, the Secretary of the Air Force, the Chief of Staff of the Army, and the Chief of Staff of the Air Force, and is the principal adviser to those Chiefs of Staff on National Guard matters. The National Guard Bureau includes a general counsel, a comptroller, and other personnel necessary to discharge its statutory responsibilities. It is—

"(1) the supervisory and operating agency of the Department of the Army and the Department of the Air Force for the National Guard;

"(2) the channel of communication between the departments concerned and the several States, territories, Puerto Rico, the Canal Zone, and the District of Columbia on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States;

"(3) responsible for preserving and maintaining the integrity of the unit and command structure of the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States as separate and distinct parts of the structure of the Army and of the Air Force.

"(b) The President, by and with the advice and consent of the Senate, shall appoint the Chief of the National Guard Bureau, the Deputy Chief of the National Guard Bureau, the Assistant Chief of the National Guard Bureau for the Army National Guard, and the Assistant Chief of the National Guard Bureau for the Air National Guard, from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) have been recommended by their respective Governors;

"(2) have had at least 10 years of commissioned service in the active National Guard; and

"(3) are in a grade above lieutenant colonel.

If the Chief of the National Guard Bureau is an officer of the Army National Guard of the United States, the Deputy Chief of the National Guard Bureau shall be appointed from qualified officers of the Air National Guard of the United States. If the Chief of the National Guard Bureau is an officer of the Air National Guard of the United States, the Deputy Chief of the National Guard Bureau shall be appointed from qualified officers of the Army National Guard of the United States. The Assistant Chief of the National Guard Bureau for the Army National Guard and the Assistant Chief of the National Guard Bureau for the Air National Guard shall be appointed from qualified officers of the Army National Guard of the United States and from qualified and rated officers of the Air National Guard of the United States, respectively.

"(c) The Chief of the National Guard Bureau and the Deputy Chief of the National Guard Bureau hold office for four years, but may be removed for cause at any time. They are eligible to succeed themselves. If either of them holds a lower reserve grade, he shall be appointed as a Reserve in his armed force in the grade of major general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be.

"(d) The Assistant Chief of the National Guard Bureau for the Army National Guard and the Assistant Chief of the National Guard Bureau for the Air National Guard hold office for four years, but may be removed for cause at any time and may not hold office after they have become 60 years of age. They are eligible to succeed themselves. If either of them holds a lower reserve grade, he shall be appointed as a Reserve in his armed force in the grade of brigadier general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be.

"(e) If the Chief of the National Guard Bureau is unable, because of disability, to perform the functions of his office, or if that office is vacant, the Deputy Chief of the National Guard Bureau shall act as its Chief until the disability ceases or a successor is appointed."

(14) Item 3015 in the analysis of chapter 303 is amended to read as follows:

"3015. National Guard Bureau: appointment of Chief, Deputy Chief, Assistant Chief for Army National Guard, Assistant Chief for Air National Guard, and acting chief; functions, policies, and regulations for the National Guard, Army National Guard of the United States, and Air National Guard of the United States."

(15) A new section 3019 is added as follows:

"§ 3019. Office of Army Reserve: appointment of Chief, Deputy Chief, and acting chief; functions, policies, and regulations for government of Army Reserve

"(a) There is in the executive part of the Department of the Army an Office of Army Reserve which is headed by a chief who has direct access to the Secretary of the Army and the Chief of Staff, and is the principal adviser to the Chief of Staff, on matters relating to the Army Reserve. The Office of Army Reserve includes a general counsel, a comptroller, and other personnel necessary to discharge its statutory responsibilities. It is—

"(1) the supervisory and operating agency of the Department of the Army for the Army Reserve;

"(2) the Department of the Army agency responsible for coordination of communication between the Department of the Army and its subordinate commands on matters relating to the Army Reserve; and

"(3) responsible for preserving and maintaining the integrity of the unit and command structure of the Army Reserve as a separate and distinct part of the structure of the Army.

"(b) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Army Reserve from officers of the Army Reserve not on active duty, or on active duty under section 265 of this title, who—

"(1) have had at least 10 years of commissioned service in the Army Reserve;

"(2) are in grade of brigadier general and above; and

"(3) have been recommended by the Secretary of the Army from a list containing the names of not less than three, or more than five, officers submitted by the General Staff Committee on Army Reserve Policy.

"(c) The Chief of Army Reserve holds office for four years but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Army Reserve.

"(d) There is a Deputy Chief of Army Reserve. He shall be nominated by the Chief of Army Reserve and appointed by the Secretary of the Army from officers of the Army Reserve not on active duty, or on active duty under section 265 of this title, who meet the requirements prescribed in subsection (b)(1) and are in the grade of colonel or above. If he holds a lower reserve grade, he shall be appointed in the grade of brigadier general for service in the Army Reserve. He serves in that position for four years and is eligible for appointment as Chief of Army Reserve without a break in active service.

"(e) If the Chief of Army Reserve is unable, because of disability, to perform the functions of his office, or if that office is vacant, the Deputy Chief, or the senior officer of the Army Reserve on duty in the Office of Army Reserve, shall act as its chief until the disability ceases or a successor is appointed."

(16) The following new item is added to the analysis of chapter 303:

"3019. Office of Army Reserve: appointment of Chief, Deputy Chief, and acting chief; functions, policies, and regulations for government of Army Reserve."

(17) The text of section 3033 is amended to read as follows:

"(a) There is in the office of the Secretary of the Army a General Staff Committee on Army National Guard and Army Reserve Policy which shall review and comment upon each proposed change in Army policy or regulation directly affecting the reserve components of the Army prior to its final submission to the Chief of Staff, and the Assistant Secretary responsible for reserve affairs, for approval. The recommendations of the General Staff Committee shall accompany any proposed change in policy or regulation, or both, when it is acted upon by the Chief of Staff and the Assistant Secretary responsible for reserve affairs.

"(b) The General Staff Committee consists of—

"(1) five general officers of the Regular Army on duty with the Army General Staff;

"(2) five general officers of the Army National Guard of the United States not on active duty;

"(3) five general officers of the Army Reserve not on active duty; and

"(4) the Chief of Army Reserve and the Chief of the National Guard Bureau, or their designees.

"(c) The members of the General Staff Committee shall select the Chairman from among the members on the General Staff Committee not on active duty.

"(d) A majority of the members of the General Staff Committee shall act whenever matters affecting both the Army National Guard of the United States and Army Reserve are being considered. However, when any matter solely affecting one of the reserve components of the Army is being considered, it shall be acted upon by the Committee on Army National Guard Policy or the Committee on Army Reserve Policy, as appropriate.

"(e) The Committee on Army National Guard Policy consists of the members of the General Staff Committee other than the Army Reserve members.

"(f) The Committee on Army Reserve Policy consists of the members of the General Staff Committee other than the Army National Guard members.

"(g) Membership on the General Staff Committee is determined by the Secretary of the Army and is for a minimum period of three years. The Secretary of the Army, when appointing new members, shall insure that each section of the General Staff Committee will, at all times, have two or more members with more than one year of continuous service on the Committee.

"(h) There shall be not less than 10 officers of the Army National Guard of the United States and the Army Reserve on duty with the Army General Staff, one-half of whom shall be from each of those components. These officers shall be considered as additional members of the Army General Staff while on that duty."

(18) A new section 3226 is added after section 3225 as follows:

"§ 3226. Reserve components of Army: Selected Reserve

"(a) The reserve components of the Army shall be organized to include units in the Selected Reserve with an average annual strength in members of not less than—

"(1) 260,000 for the Army Reserve; and

"(2) 380,000 for the Army National Guard of the United States.

These strengths include those members ordered, without their consent, to active duty with their units.

"(b) The organization and structure of units in the Selected Reserve shall be as approved by the Secretary of Defense and be based upon recommendations of the Chief of Staff of the Army that are approved by the Joint Chiefs of Staff in accordance with contingency and war plans.

"(c) Members of the reserve components of the Army assigned to units in the Selected Reserve are required to perform the training prescribed in section 270(a)(1) of this title or section 502(a) of title 32."

(19) The following new item inserted in the analysis of chapter 331:

"3226. Reserve components of Army: Selected Reserve."

(20) A new section 5413a is added after section 5413 as follows:

"§ 5413a. Naval Reserve and Marine Corps Reserve: Selected Reserve

"(a) The Naval Reserve and the Marine Corps Reserve shall be organized to include units and Reserves in the Selected Reserve with an average annual strength in members of not less than—

"(1) 126,000 for the Naval Reserve; and

"(2) 48,000 for the Marine Corps Reserve.

"(b) The organization and structure of units, and the organization of Reserves, in the Selected Reserve of the Naval Reserve and the Marine Corps Reserve shall be as approved by the Secretary of Defense and be based upon recommendations of the Chief of Naval Operations and the Commandant of the Marine Corps, as the case may be, that are approved by the Joint Chiefs of Staff in accordance with contingency and war plans.

"(c) Units and Reserves in the Naval Reserve or the Marine Corps Reserve designated as comprising the Selected Reserve of those reserve components shall be maintained at an annual average strength in members of not less than—

"(1) 126,000 for the Naval Reserve; and

"(2) 48,000 for the Marine Corps Reserve.

These strengths include those members ordered, without their consent, to active duty with their units.

"(d) Members of the Naval Reserve or the Marine Corps Reserve assigned to units in the Selected Reserve are required to perform the training prescribed in section 270(a)(1) of this title."

(21) The following new item is inserted in the analysis of chapter 531:

"5413a. Naval Reserve and Marine Corps Reserve: Selected Reserve."

(22) A new section 8019 is added as follows:

"§ 8019. Office of Air Force Reserve: appointment of Chief, Deputy Chief, and acting chief; functions; policies, and regulations for government of Air Force Reserve

"(a) There is in the executive part of the Department of the Air Force an Office of Air Force Reserve which is headed by a chief who has direct access to the Secretary of the Air Force and the Chief of Staff, and is the principal adviser to the Chief of Staff, on matters relating to the Air Force Reserve. The Office of Air Force Reserve includes a general counsel, a comptroller, and other personnel necessary to discharge its statutory responsibilities. It is—

"(1) the supervisory and operating agency of the Department of the Air Force for the Air Force Reserve;

"(2) the Department of the Air Force agency responsible for coordination of communication between the Department of the Air Force and its subordinate commands on matters relating to the Air Force Reserve; and

"(3) responsible for preserving and maintaining the integrity of the unit and command structure of the Air Force Reserve as a separate and distinct part of the structure of the Air Force.

"(b) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Air Force Reserve from officers of the Air Force Reserve not on active duty, or on active duty under section 265 of this title, who—

"(1) have had at least 10 years of commissioned service in the Air Force;

"(2) are in grade of brigadier general and above; and

"(3) have been recommended by the Secretary of the Air Force from a list containing the names of not less than three, or more than five, officers submitted by the Air Staff Committee on Air Force Reserve Policy.

"(c) The Chief of Air Force Reserve holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Air Force Reserve.

"(d) There is a Deputy Chief of Air Force Reserve. He shall be nominated by the Chief of Air Force Reserve and appointed by the Secretary of the Air Force from officers of the Air Force Reserve not on active duty, or on active duty under section 265 of this title, who meet the requirements prescribed in subsection (b)(1) and are in the grade of colonel or above. If he holds a lower reserve grade, he shall be appointed in the grade of brigadier general for service in the Air Force Reserve. He serves in that position for four years and is eligible for appointment as Chief of Air Force Reserve without a break in active service.

"(e) If the Chief of Air Force Reserve is unable, because of disability, to perform the functions of his office, or if that office is vacant, the Deputy Chief, or the senior officer of the Air Force Reserve on duty in the Office of Air Force Reserve, shall act as its chief until the disability ceases or a successor is appointed."

(23) The following new item is added to the analysis of chapter 803:

"8019. Office of Air Force Reserve: appointment of Chief, Deputy Chief, and acting chief; functions, policies, and regulations for government of Air Force Reserve."

(24) The text of section 8033 is amended to read as follows:

"(a) There is in the Office of the Secretary of the Air Force an Air Staff Committee on Air National Guard and Air Force Reserve Policy which shall review and comment upon each proposed change in Air Force policy or regulation directly affecting the reserve components of the Air Force prior to its final submission to the Chief of Staff, and the Assistant Secretary responsible for reserve affairs, for approval. The recommendations of the Air Staff Committee shall accompany any proposed change in policy or regulation, or both, when it is acted upon by the Chief of Staff and the Assistant Secretary responsible for reserve affairs.

"(b) The Air Staff Committee consists of—

"(1) five general officers of the Regular Air Force on duty with the Air Staff;

"(2) five general officers of the Air National Guard of the United States not on active duty;

"(3) five general officers of the Air Force Reserve not on active duty; and

"(4) the Chief of Air Force Reserve and the Chief of the National Guard Bureau, or their designees.

"(c) The members of the Air Staff Committee shall select the Chairman from among the members on the Air Staff Committee not on active duty.

"(d) A majority of the members of the Air Staff Committee shall act whenever matters affecting both the Air National Guard of the United States and Air Force Reserve are being considered. However, when any matter solely affecting one of the Air Force Reserve components is being considered, it shall be acted upon by the Committee on Air National Guard Policy or the Committee on Air Force reserve Policy, as appropriate.

"(e) The Committee on Air National Guard Policy consists of the members of the Air Staff Committee other than the Air Force Reserve members.

"(f) The Committee on Air Force Reserve Policy consists of the members of the Air Staff Committee other than the Air National Guard members.

"(g) Membership on the Air Staff Committee is determined by the Secretary of the Air Force and is for a minimum period of three years. The Secretary of the Air Force, when appointing new members, shall insure that each section of the Air Staff Committee will, at all times, have two or more members with more than one year of continuous service on the Committee.

"(h) There shall be not less than 10 officers of the Air National Guard of the United States and the Air Force Reserve on duty with the Air Staff, one-half of whom shall be from each of those components. These officers shall be considered as additional members of the Air Staff while on that duty."

(25) A new section 8226 is added after section 8225 as follows:

"§ 8226. Reserve components of Air Force: Selected Reserve

"(a) The reserve components of the Air Force shall be organized to include units and Reserves in the Selected Reserve with an average annual strength in members of not less than—

"(1) 51,000 for the Air Force Reserve; and

"(2) 80,000 for the Air National Guard of the United States.

These strengths include those members ordered, without their consent, to active duty with their units.

"(b) The organization and structure of units in the Selected Reserve shall be approved by the Secretary of Defense and be based upon recommendations of the Chief of Staff of the Air Force that are approved by the Joint Chiefs of Staff in accordance with contingency and war plans.

"(c) Members of the reserve components of the Air Force assigned to units in the Selected Reserve are required to perform the training prescribed in section 270(a)(1) of this title or section 502(a) of title 32."

(26) The following new item is inserted in the analysis of chapter 831:

"8226. Reserve components of Air Force: Selected Reserve."

SEC. 102. Title 14, United States Code, is amended as follows:

(1) A new section 752b is added after section 752a as follows:

"§ 752b. Coast Guard Reserve: Selected Reserve

"(a) The Coast Guard Reserve shall be organized to include units and Reserves in the Selected Reserve, with an average annual strength in members of not less than 17,000.

"(b) The organization and structure of units, and the organization of Reserves, in the Selected Reserve of the Coast Guard Reserve shall be based on recommendations of the Commandant of the Coast Guard that are approved by the Secretary in accordance with mobilization requirements.

"(c) Members of the Coast Guard Reserve assigned to units in the Selected Reserve are required to perform the training prescribed in section 270(a)(1) of title 10."

(2) The following new item is inserted in the analysis of chapter 21:

"752b. Coast Guard Reserve: Selected Reserve."

SEC. 103. Title 10, United States Code, is amended as follows:

(1) The text of section 3212 is amended to read as follows:

"The authorized strength in grade as prescribed by or under this chapter is automatically increased to the minimum extent necessary and to give effect to each appointment—

"(1) in a regular grade under section 541, 1211(a), 3036, 3298, 3299, 3304, or 4353 of this title; or

"(2) in a reserve grade, not above lieutenant colonel, under section 1211(a), 3365(a), 3366, 3383, or 3385 of this title, to fill prescribed mobilization or active duty requirements.

An authorized strength so increased is increased for no other purpose. While he holds that grade the officer whose appointment caused the increase is counted for the purpose of determining when appointments not authorized by clauses (1) and (2) may be made."

(2) Section 3383(e) is repealed.

(3) The text of section 8212 is amended to read as follows:

"The authorized strength in grade as prescribed by or under this chapter is automatically increased to the minimum extent necessary and to give effect to each appointment—

"(1) in a regular grade under section 541, 1211(a), 8298, 8299, or 9353 of this title; or

"(2) in a reserve grade, not above lieutenant colonel under section 1211(a), 8365 (a) and (c), 8366 (a) and (d), 8370 (a) or (c), 8372(b), 8374, 8375, 8376, 8380, or 8381 of this title, to fill prescribed mobilization or active duty requirements.

An authorized strength so increased is increased for no other purpose. While he holds that grade the officer whose appointment caused the increase is counted for the purpose of determining when appointments not authorized by clauses (1) and (2) may be made."

SEC. 104. Section 404(a) of title 37, United States Code, is amended by striking out the word "and" at the end of clause (2), striking out the period at the end of clause (3) and inserting in place thereof the word "; and", and adding the following new clause:

"(4) when away from home to perform duty, including duty to be performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in his status as a member of the National Guard, for which he is entitled to, or has waived, pay under this title."

SEC. 105. (a) Notwithstanding any other provision of law, the President may, without the consent of the member concerned, and on certifying the necessity therefor to the Congress, order to active duty any member of the Ready Reserve of an armed force who—

(1) is not assigned to, or participating satisfactorily in, a unit in the Selected Reserve, and

(2) has not fulfilled his statutory reserve obligation, and

(3) has not served on active duty or active duty for training for a total of twenty-four months.

(b) Notwithstanding the provisions of any other law, until June 30, 1968, the President may, without the consent of the member concerned, and on certifying the necessity therefor to the Congress, order to active duty any member of the Ready Reserve of an armed force who had become a member of a reserve component prior to July 1, 1966; and who

(1) has not served on active duty or active duty for training for a period of one hundred and twenty days or more, and

(2) has not fulfilled his statutory reserve military obligation.

(c) A member ordered to active duty under this section may be required to serve on active duty until his total service on active duty or active duty for training equals twenty-four months. If the enlistment or period of military service of a member of the Ready Reserve ordered to active duty under subsections (a) or (b) of this section would expire before he has served the required period of active duty prescribed herein, his enlistment or period of military service may be extended until that service on active duty has been completed.

(d) In order to achieve fair treatment as between members in the Ready Reserve who are being considered for active duty under this section, appropriate consideration shall be given to—

(1) family responsibilities; and

(2) employment necessary to maintain the national health, safety, or interest.

SEC. 106. Title 32, United States Code, is amended as follows:

(1) Section 101(1) is amended by adding the following new sentence at the end: "However, for purposes of this title and other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, 'Territory' includes the Virgin Islands."

(2) Section 305 is amended—

(A) by striking out "(a) Except as provided in subsection (b), only male persons" and inserting in place thereof "Persons";

(B) by striking out subsection (b).

(3) The last sentence of section 502(b) is amended to read as follows: "However, to have a series of formations credited as an assembly for drill and instruction, all parts of the unit must be included in the series within 30 consecutive days."

SEC. 107. Section 6(c)(2)(A) of the Universal Military Training and Service Act, as amended, is amended by inserting the words "or the equivalent training prescribed under section 511(d) of title 10, United States Code," after the words "four consecutive months" in the second sentence thereof.

Sec. 108. The provisions of title I of this Act shall become effective on the first day of the month following enactment with the exception of clauses 18, 20, and 25 of section 101, and clause 1 of section 102 which will become effective on July 1, 1967.

TITLE II—NATIONAL GUARD TECHNICIANS

Sec. 201. This title may be cited as the "National Guard Technicians Benefits Act".

Sec. 202. Title 32, United States Code, is amended as follows:

(1) Section 709 is amended to read as follows:

"§ 709. Technicians: employment, use, status

"(a) Under regulations prescribed by the Secretary of the Army or Secretary of the Air Force, as the case may be, persons may be employed in—

"(1) the administration and training of the National Guard;

"(2) the maintenance and repair of supplies issued to the National Guard or the armed forces; and

"(3) the performance of such other duties as the Secretary concerned may prescribe.

"(b) Except as prescribed by the Secretary concerned, a technician employed under subsection (a) shall, while so employed, be a member of the National Guard and hold the military grade specified by the Secretary concerned for that position.

"(c) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title, or other appropriate persons, to employ the technicians authorized by this section.

"(d) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, a position authorized by this section is outside the competitive civil service if the technician employed therein is required under subsection (b) to be a member of the National Guard.

"(e) Notwithstanding sections 673c and 913 of title 5 or any other provision of law, the Secretary concerned may, in the case of technicians assigned to perform operational duties at air defense sites—

"(1) prescribe the hours of duties;

"(2) fix the rates of basic compensation; and

"(3) fix the rates of additional compensation;

to reflect unusual tours of duty, irregular additional duty, and work on days that are ordinarily nonworkdays. Additional compensation under this subsection may be fixed on an annual basis, but no rate of additional compensation on an annual basis may exceed 25 percent of the rate of basic compensation.

"(f) The limitation on the number of permanent employees prescribed by section 1310 of the Supplemental Appropriation Act, 1952, as amended (5 U.S.C. 43 note), is not applicable to technicians employed under this section."

(2) The analysis of chapter 7 is amended by striking out the following item:

"709. Caretakers and clerks."

and inserting in place thereof the following item:

"709. Technicians: employment, use, status."

(3) Section 715(a) is amended by striking out "caused by a person employed under section 709 of this title acting within the scope of his employment;".

Sec. 203. (a) A claim accrued under section 715 of title 32, United States Code, before the effective date of title II of this Act by reason of the act or omission of a person employed under section 709 of title 32, United States Code, may, if otherwise allowable, be settled and paid under section 715 of title 32, United States Code.

(b) Notwithstanding any law, rule, regulation, or decision to the contrary, the positions of persons employed under section 709 of title 32, United States Code, existing on the day before the effective date of title II of this Act, and the persons holding those positions on that day, shall, on and after that effective date, be considered to be positions in and employees of the Department of the Army or the Department of the Air Force, as the case may be, to the same extend as other positions in and employees of the Department of the Army or the Department of the Air Force. Such positions shall be outside the competitive civil service, if, as a condition of employment, the persons employed therein were, on the day before the effective date of title II of this Act, required to be members of the Army National Guard or the Air National Guard.

(c) All satisfactory service under section 709 of title 32, United States Code, or prior corresponding provision of law before the effective date of title II of this Act shall be included and credited in the determination of length of service for the purposes of leave, veteran's preference, group life and health insurance, seniority, tenure, training, status, and other rights and benefits of employees of the United States. The Secretary of the Army and the Secretary of the Air Force, as the case may be, or their designees, shall certify to the Government authority concerned the amount of satisfactory service to be included and credited for the purpose of employment rights and benefits. Such Government authority is authorized and directed to accept that certification.

(d) Annual leave and sick leave to which a technician was entitled on the day before the conversion of his position, as provided in section 204 of this Act, shall be credited to him in his new position.

Sec. 204. (a) The first sentence of section 3(a) of the Civil Service Retirement Act, as amended (5 U.S.C. 2253(a)), is amended to read as follows: "An employee's service for the purpose of this Act includes service as (1) a substitute in the postal field service, or (2) a person employed under section 709 of title 32, United States Code, or any prior corresponding provision of law, and shall be credited from the date of original employment to the date of the separation upon which title to annuity is based in the civilian service of the Government."

(b) Notwithstanding section 709(d) of title 32, United States Code, a person who, on the date of enactment of title II of this Act, is employed under section 709 of title 32, United States Code, and is covered by an employee retirement system of, or plan sponsored by, a State or Puerto Rico, may elect, not later than the effective date of title II of this Act, not to be covered by the Civil Service Retirement Act, as amended (5 U.S.C. 2251 et seq.), and with the consent of the State concerned or Puerto Rico, to remain covered by the employee retirement system of, or plan sponsored by, that State or Puerto Rico. Unless such an election, together with a statement of approval by the State concerned or Puerto Rico, is filed with the United States Civil Service Commission on or before the effective date of title II of this Act, the person concerned is covered by the Civil Service Retirement Act as of that date. In the case of any person who files a valid election under this subsection to remain covered by an employee retirement system of, or plan sponsored by, a State or Puerto Rico, the United States may pay the amount of the employer's contributions to that system or plan that become due for periods beginning on or after the effective date of title II of this Act. However, the payment by the United States, including any contribution that may be made by the United States toward the employer's tax imposed by section 3111(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 3111(a)), may not exceed the payment which the United States would otherwise make on behalf of the person to the civil service retirement and disability fund under section 4(a) of the Civil Service Retirement Act, as amended (5 U.S.C. 2254(a)). The service under section 709 of title 32, United States Code, or prior corresponding provision of law, of a person who has made an election to remain covered by the employee retirement system of, or plan sponsored by, a State or Puerto Rico, shall not be creditable toward eligibility for or amount of annuity under the Civil Service Retirement Act, as amended.

Sec. 205. The fourth sentence of section 218(b)(5) of the Social Security Act, as amended (42 U.S.C. 418(b)(5)), is amended to read as follows: "Persons employed under section 709 of title 32, United States Code, who elected under section 204(b) of the Act enacting this amended sentence to remain covered by an employee retirement system of, or plan sponsored by, a State, shall, for the purposes of this Act, be employees of the State and (notwithstanding the preceding provisions of this paragraph), shall be deemed to be a separate coverage group."

Sec. 206. (a) Except as provided in section 709(e) of title 32, United States Code, the Secretary concerned shall fix the rate of basic compensation of positions existing on the date of enactment of title II of this Act in accordance with the General Schedule of the Classification Act of 1949, as amended, or under the appropriate prevailing rate schedule in accordance with section 202(7) of that Act (5 U.S.C. 1082(7)), as applicable. In fixing such rate:

(1) If the technician is receiving a rate of basic compensation which is less than the minimum rate of the appropriate grade of the General Schedule, or which is less than the minimum rate of the appropriate grade or compensation level of the appropriate prevailing rate schedule, as applicable, in which his position is placed, his basic compensation shall be increased to that minimum rate.

(2) If the technician is receiving a rate of basic compensation which is equal to a rate of the appropriate grade of the General Schedule, or which is equal to a rate of the appropriate grade or compensation level under the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall receive basic compensation at that rate of the General Schedule, or at that rate under the prevailing rate schedule, if applicable.

(3) If the technician is receiving a rate of basic compensation which is between two rates of the appropriate grade of the General Schedule, or which is between two rates of the appropriate grade or compensation level under the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall receive basic compensation at the higher of those two rates under the General Schedule or appropriate prevailing rate schedule, as applicable.

(4) If the technician is receiving a rate of basic compensation which is in excess of the maximum rate of the appropriate grade of the General Schedule, or which is in excess of the maximum rate of the appropriate grade or compensation level of the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall con-

tinue to receive basic compensation without change in rate until—

(A) he leaves that position, or

(B) he is entitled to receive basic compensation at a higher rate,

but, when any such position becomes vacant, the rate of basic compensation of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(b) The conversion of positions and employees to appropriate grades of the General Schedule of the Classification Act of 1949, as amended, and the initial adjustment of rates of basic compensation of those positions and technicians, provided for by title II of this Act, shall not be considered to be transfers or promotions within the meaning of section 802(b) of that Act (5 U.S.C. 1132(b)) and the regulations issued thereunder.

(c) Each technician on the effective date of title II of this Act whose position is converted to the General Schedule of the Classification Act of 1949, as amended, or to the appropriate prevailing rate schedule, as applicable, who prior to the initial adjustment of his rate of basic compensation under subsection (a) of this section, has earned, but has not been credited with, an increase in that rate, shall be granted credit for such increase before his rate of basic compensation is initially adjusted under that subsection.

(d) Each technician on the effective date of title II of this Act whose position is so converted shall be granted credit, for purposes of his first step increase under such General Schedule or prevailing rate schedule, for all satisfactory service performed by him since his last increase in compensation prior to the initial adjustment of his rate of basic compensation under subsection (a) of this section.

(e) An increase in rate of basic compensation by reason of the enactment of subsection (a) of this section shall not be considered to be an equivalent increase with respect to step increases for technicians whose positions are converted to the General Schedule of the Classification Act of 1949, as amended, or the appropriate prevailing rate schedule under authority of this section.

SEC. 207. This title becomes effective July 1, 1967, except that no deductions or withholding from salary which result therefrom shall commence before the first day of the first pay period that begins on or after July 1, 1967. This title shall be administered under uniform regulations jointly prescribed by the Secretary of the Army and the Secretary of the Air Force and approved by the Secretary of Defense.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the committee amendment be dispensed with and that it be open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT: On page 51, delete the sentence beginning on line 19 and ending on line 23, and substitute the following:

"Each person enlisted under this subsection shall perform an initial period of active duty for training of not less than four months to commence within one hundred and eighty days after the date of that enlistment."

Mr. HÉBERT. Mr. Chairman, this amendment is merely to correct a printer's error in the bill. It is just a technical amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NEDZI: On page 63, line 3, after "(1)" strike out "260,000" and insert in lieu thereof "200,000".

The CHAIRMAN. The gentleman from Michigan [Mr. NEDZI] is recognized for 5 minutes in support of his amendment.

Mr. NEDZI. Mr. Chairman, I have previously explained what the object of my amendment is. This is to bring the bill in conformity with the testimony and evidence as presented to the Committee on Armed Services with respect to the need for Reserve Forces at this time. It does nothing to the President's right to call up the Reserve. It does nothing to the National Guard technicians portion of the bill. It merely reduces the total number of Reserves by 60,000.

Mr. Chairman, I yield back the balance of my time.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do so with the one comment that it is very hard to understand how the gentleman from Michigan [Mr. NEDZI] refuses to accept a figure without testimony but submits his own figure without testimony.

I urge that the amendment be defeated.

Mr. BRAY. Mr. Chairman, I move to strike out the last word and I rise in opposition to the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. NEDZI].

The amendment was rejected.

The CHAIRMAN. The question is on the committee substitute amendment.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17195) to amend titles 10, 14, 32, and 37, United States Code, to strengthen the Reserve Components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes, pursuant to House Resolution 1009, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. NEDZI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. NEDZI. Mr. Speaker, I am opposed to the bill in this form.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NEDZI moves to recommit the bill H.R. 17195 to the Committee on Armed Services with instructions to strike out on page 63, line 3, "260,000" and insert "200,000" in lieu thereof, and report the same back to the House forthwith.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the yeas appeared to have it.

Mr. HÉBERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 332, nays 6, not voting 94, as follows:

[Roll No. 298]

YEAS—332

Abbitt
Adair
Addabbo
Anderson, Ill.
Andrews, George W.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Ayres
Bandstra
Baring
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Colmer
Conable
Cooley
Corbett
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Wis.
Dawson
de la Garza
Delaney
Derwinski
Devine
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Edwards, Ala.
Erlenborn
Everett
Farnum
Fascell
Feighan
Findley
Fino
Flynt
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gathings

Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Gross
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harsha
Harvey, Mich.
Hathaway
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Huot
Hutchinson
Ichord
Irwin
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kornegay
Krebs
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDowell
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Michel
Mills
Minish
Mink
Minshall
Mize
Monagan
Moore
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Ill.
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price
Pucinski
Quie
Randall
Redlin
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roudebush
Roush
Satterfield
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Waldie
Walker, N. Mex.
Watkins
Watson
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Williams
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—6

Burton, Calif.
Kastenmeier
Kupferman
Race
Ryan
Stalbaum

NOT VOTING—94

Abernethy
Adams
Albert
Anderson, Tenn.
Andrews, Glenn
Aspinall
Barrett
Bingham
Bolling
Brown, Calif.
Callan
Callaway
Cameron
Carter
Celler
Conte
Conyers
Corman
Craley
Davis, Ga.
Dent
Denton
Dickinson
Duncan, Oreg.
Dyal
Edmondson
Edwards, Calif.
Edwards, La.
Ellsworth
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Farnsley
Fisher
Flood
Gallagher
Garmatz
Gray
Hagan, Ga.
Hanna
Harvey, Ind.
Hawkins
Hays
Holland
Hungate
Jacobs
Kee
King, N.Y.
Kirwan
Kluczynski
Kunkel
Leggett
McDade
McEwen
McMillan
Mackay
Martin, Ala.
Martin, Mass.
Mathias
Miller
Moeller
Morrison
Moss
Murray
O'Hara, Mich.
O'Konski
Patman
Pool
Purcell
Quillen
Reinecke
Rivers, Alaska
Rogers, Tex.
Roncalio
Rooney, Pa.
Roybal
Rumsfeld
St Germain
St. Onge
Scott
Senner
Slack
Smith, Va.
Stratton
Thompson, N.J.
Thompson, Tex.
Toll
Udall
Ullman
Walker, Miss.
Watts
Willis
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

Mr. Stratton with Mr. Martin of Massachusetts.

Mr. Farbstein with Mr. Ellsworth.

Mr. Davis of Georgia with Mr. Glenn Andrews.

Mr. Morrison with Mr. Walker of Mississippi.

Mr. Hungate with Mr. Kunkel.

Mr. Albert with Mr. Conte.

Mr. Aspinall with Mr. King of New York.

Mr. Corman with Mr. Bob Wilson.

Mr. Miller with Mr. McDade.

Mr. Dyal with Mr. Reinecke.

Mr. Kluczynski with Mr. Rumsfeld.

Mr. St Germain with Mr. Carter.

Mr. Hagan of Georgia with Mr. Martin of Alabama.

Mr. Willis with Mr. McEwen.

Mr. Smith of Virginia with Mr. O'Konski.

Mr. Senner with Mr. Fisher.

Mr. Roncalio with Mr. McMillan.

Mr. Gray with Mr. Rogers of Texas.

Mr. Hays with Mr. Cameron.

Mr. Evans of Colorado with Mr. Quillen.

Mr. Pool with Mr. Hanna.

Mr. Watts with Mr. Toll.

Mr. Mackay with Mr. Callaway.

Mr. Moeller with Mr. Jacobs.

Mr. Leggett with Mr. Roybal.

Mr. Edwards of Louisiana with Mr. Mathias.

Mr. Thompson of New Jersey with Mr. Harvey of Indiana.

Mr. Dent with Mr. Dickinson.

Mr. Holland with Mr. Abernethy.

Mr. Denton with Mr. Barrett.

Mr. Evins of Tennessee with Mr. Kee.

Mr. Fallon with Mr. Rooney of Pennsylvania.

Mr. Garmatz with Mr. Edwards of California.

Mr. Gallagher with Mr. Edmondson.

Mr. Hawkins with Mr. Duncan of Oregon.

Mr. Bingham with Mr. Conyers.

Mr. Kirwan with Mr. O'Hara of Michigan.

Mr. Moss with Mr. Patman.

Mr. Purcell with Mr. Rivers of Alaska.

Mr. Celler with Mr. Brown of California. .

Mr. Callan with Mr. Scott.

Mr. St. Onge with Mr. Ullman.

Mr. Udall with Mr. Flood.

Mr. Adams with Mr. Anderson of Tennessee.

Mr. Slack with Mr. Craley.

Mr. DIGGS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. **HÉBERT**. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Mr. **MADDEN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. **MADDEN**. Mr. Speaker, I am pleased to announce another milestone in the work of the Joint Committee on the Organization of the Congress.

Today, the distinguished cochairman of the joint committee, Senator A. S. MIKE MONRONEY, has introduced in the other body the Legislative Reorganization Act of 1966. My colleague and ranking Republican member of the joint committee, Representative THOMAS B. CURTIS, is introducing virtually identical legislation in the House of Representatives today. This gives me the occasion to report to the House on the status of this highly important work.

The Joint Committee on the Organization of the Congress filed its final report on July 28, 1966. The report contained over 100 separate individual recommendations for improvements of congressional machinery. It was the product of 17 months of effort—including 5 months of hearings during which 191 witnesses, including more than 100 Members of Congress, presented their views on congressional reform. The report of this 12-member, bipartisan joint committee was unanimous.

On August 18, I introduced H.R. 17138 incorporating the recommendations of the joint committee. Under Senate procedures, it was necessary for our Senate colleagues on the joint committee to ask for a resolution giving them legislative authority as a special committee to report an omnibus reorganization bill. This resolution—Senate Resolution 293—was reported favorably by the Senate Rules and Administration Committee and unanimously agreed to by the Senate on August 26. However, the Senate Rules Committee amended the resolution to direct the special committee to receive the views of chairmen and ranking minority members of the standing committees of the Senate before reporting the bill.

The special committee immediately commenced hearings for appearances by chairmen and ranking minority members as provided by the resolution. Those hearings have been concluded and some modifications made in the language of the bill to clarify the joint committee's position on questions raised in this testimony. The committee met last Monday to approve the bill and its report.

Today, Senator MONRONEY requested the Senate leadership to give every possible consideration to calling the bill up for floor action as quickly as possible. He pointed out that this legislation was also pending in the House of Representatives and the need for both Houses to work their will on the measure prior to adjournment. I am most hopeful that it will be possible to do so.

This past week I sent many of you copies of editorials which had appeared in newspapers, large and small, scattered over the county. This press comment indicates a clear public awareness of the issues of congressional reform. I believe the American people expect us to take action this session—and that they have a right to expect us to. I urge the support of every Member of the House in the consideration and passage of the Legislative Reorganization Act of 1966.

EIGHTY-NINTH CONGRESS HAS ASSURED CONSERVATION PROGRESS

Mr. SECREST. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SECREST. Mr. Speaker, in these waning days of the great conservation-minded 89th Congress tribute is due those who have worked to bring new life to the land and water resources of the Nation.

The 89th has written an imposing record of legislation aimed at preserving this rich and vital heritage. The Appalachian Regional Development Act, the Rural Water and Sanitation Facilities Act, the Water Resources Planning Act, the Water Quality Act, among many other pieces of legislation relating to land and water conservation and development, and rural life improvement, have come from the Halls of this Congress. I am indeed proud to have had a part in these historical determinations.

But the accomplishments at the national level have their roots in home soil. Programs authorized under congressional acts can be successful only with firm local support, participation, and determination. I am satisfied that we have a firm base of operations to assure the success of the soil and water conservation and development effort in Ohio.

The nearly 62,000 rural land owners and operators who are soil conservation district cooperators in the State attest to it. So does the fact that all the farms in the State, embracing 25 million acres of land, are in organized soil conservation districts.

The wide base of support for soil and water resource conservation in Ohio is further indicated in the State appropriation of nearly half a million dollars in support of this effort for fiscal year 1966; and in the value of local contributions to help carry out the program of soil conservation districts amounting to $223,000 in fiscal 1966.

Eighteen business enterprises were established or expanded their operations in Ohio last year as a result of soil and water conservation work.

More than 4,800 nonfarm landowners and operators received technical assistance through soil conservation districts during fiscal year 1965 in rural fringe developments serving expanding urban areas.

I believe these are important facts to consider as we prepare to close the book on the 89th Congress. We can, I think, be satisfied that we have strengthened the base from which future programs of soil and water conservation may be launched, as required in the national interest.

Broad and devoted interest in the conservation of our land and water resources is essential to national progress and prosperity. Recognition of this fact is reflected in the support Congress has consistently given to wise conservation programs, and indeed, in the provision of new programs as the need for them has been identified. It is reflected in the support given by State and local governments, and by the initiative and participation at the local level where it counts most.

MAJOR CONTRIBUTIONS TO THE NATIONAL DEFENSE BY THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE U.S.A.

Mr. SECREST. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SECREST. Mr. Speaker, the Benevolent and Protective Order of Elks is one of the great fraternal organizations in our country. I am proud of the fact that I have been a member for many years.

The National Memorial and Publication Commission has set forth the following major contributions to the national defense that have been made during World War I, World War II, the Korean war, and now in Vietnam. This record is one for which every person in our country should be grateful:

MAJOR CONTRIBUTIONS TO THE NATIONAL DEFENSE BY THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE U.S.A.

WORLD WAR I

The Grand Lodge in July 1917 created a War Relief Commission to direct activities on behalf of the Nation's war effort, and appropriated $1,000,000 to finance these activities. Another million dollars was appropriated in 1918.

The War Commission organized and equipped the first two base hospitals to reach the battle area in France. Unit No. 41 was staffed by faculty and alumni of the University of Virginia and Unit No. 46 was staffed by faculty and alumni of the University of Oregon.

The Commission constructed a 700-bed Reconstruction Hospital at Boston to care for returned wounded, and gave it to the Government in 1918. It was the first such hospital in the United States.

The Commission made 40,000 loans to finance vocational rehabilitation education for disabled veterans ineligible for help under the Government's program, or awaiting approval of their applications. All loans were repaid save for a few cases where death or other circumstances prevented it.

WORLD WAR II

The Elks National Defense Commission and its successor, the Elks War Commission, directed the Order's efforts from July, 1940 to the end of hostilities, when responsibility for cooperation with the National Defense was given to the Elks National Service Commission.

From 1940 to 1946 the Grand Lodge spent $1,500,000 on programs in support of the Nation's defense, and Subordinate Lodges spent hundreds of thousands of dollars more. Some of the Order's contributions during this period:

A composite portrait of Uncle Sam was commissioned and presented to President Roosevelt for use as a patriotic poster. The painting also was the basis for an essay contest conducted among high school students on the subject, "What Uncle Sam Means to Me".

To aid recruitment of flying cadets for the Army, more than 400 Lodges conducted refresher courses that enabled thousands of young men to qualify for training.

In 1942, the Adjutant General of the Army asked the Order to help recruit 45,000 men for Air Corps ground crews. Community recruitment programs organized by Subordinate Lodges were so successful that in a short time the Adjutant General notified the War Commission that 97,000 men had been recruited.

As a result of the Order's successful recruiting efforts for the Army, the Secretary of the Navy asked for our help in recruiting for the Naval Air Corps, and again our Subordinate Lodges met the need.

When the Army and Navy desperately needed construction specialists for the Engineers and Seabees, the Services decided on a joint recruitment campaign and requested the help of the Elks, the only civilian organization to take part in the program. So successful were our Lodge's efforts that the number of men needed was obtained three months ahead of schedule.

The Order operated 155 fraternal centers adjacent to training camps and stations offering wholesome entertainment, relaxation, recreation and refreshments to military personnel. Over a million Allied servicemen and women were guests of the center in New York City alone.

Thousands of gift boxes containing smoker's supplies, candy, shaving equipment, handkerchiefs and other items were sent to Elks and their buddies in the Armed Forces.

Elks lodges collected and donated to the Merchant Marine several hundred thousand books.

Thousands of pairs of slippers were produced for the Elks and supplied to hospitalized servicemen.

The Order sponsored a "Write 'em A Letter" campaign to maintain communications between home and men in the Armed Forces and sustain morale. To promote the campaign, a cartoon contest was conducted among members of the Armed Forces. Winner of second prize was Private Bill Mauldin, 45th Division.

Elks sent millions of cigarettes and huge quantities of other smoking materials to our Armed Forces. In one year alone, nearly 16,000,000 cigarettes and more than 700,000 packages of tobacco were sent.

POSTWAR PERIOD

The Order of Elks has pledged that so long as there is a disabled veteran in a hospital, they will not forget him. That pledge is being redeemed by a year round program of recreation and entertainment in every veterans' hospital in the country.

In addition, Elks collect and distribute to veterans' hospitals hides and leather, clocks, watches and electrical equipment for use by patients in occupational therapy.

In 1951, the Secretary of Defense appealed to the Order of Elks to help procure blood desperately needed by our wounded in Korea. Within a few months, our Lodges procured nearly 600,000 pints of blood.

In 1965, the Elks National Service Commission began a "Letters from Home" campaign on behalf of our fighting men in South Viet Nam. Elks Lodges were asked to develop and distribute lists of names of men from their community in Viet Nam and ask all citizens to write them letters of understanding of our purpose in Viet Nam and support for them.

LIFE INSURANCE FOR MEMBERS OF ARMED FORCES

Mr. TODD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TODD. Mr. Speaker, the present life insurance plan for members of our Armed Forces is inadequate and antiquated.

Our Government first instituted a life insurance plan in 1917, when this Nation entered World War I. It provided a maximum of $10,000 coverage for a member of the Armed Forces.

The Government has extended and continued to the present the practice of making life insurance available to members of our Armed Forces at reduced rates. However, the $10,000 maximum that was established in 1917 is still the limit today.

This is unfair. We are not living today by 1917 standards. I believe that it is wrong to ask a person to serve his nation and then for his nation to not be willing to provide him with realistic benefits.

I have today introduced a bill that would increase the maximum life insurance limits to $25,000. This is the amount that today would equal the buying power of $10,000 in 1917 dollars. In other words, adjusting $10,000 of 1917 dollars to the Consumer Price Index as of 1966 equals $25,000.

This bill would guarantee our soldiers what they were originally given 49 years ago. To do anything to the contrary would be grossly unfair.

This bill will not put the Government in the insurance business. The Government will contract with insurance companies for group life insurance policies, and soldier and the Government will share the premiums, as is now the case.

Presently the cost for $10,000 of life insurance is $2 per month. I am hopeful that the revised premiums will continue to be as economical for the amount of insurance received.

It should be noted that this figure of $2 per month for $10,000 represents a premium equivalent to what the average serviceman would be paying in civilian life for life insurance, without the war risk premium. Naturally, as the armed services are a very large group, the Government can obtain very low rates. The Government then pays the amount of the premium that would normally be added on due to the war risk dangers. This risk is what the Government is asking the individual to expose himself to, and it is very fair and logical that the Government should pay this part of the premium.

My bill will achieve five purposes that will benefit the serviceman and his dependents.

First, it will raise the present limit to $25,000. This will be available to all members of the armed services, regardless of rank or years of service.

Second, nothing is being forced on anyone. The serviceman may choose to insure himself for lesser amounts in multiples of $5,000, or he may choose not to insure himself at all. This is strictly the individual's choice.

Third, the individual may choose to raise his limits at any time, if he has previously chosen a reduced coverage. Only a routine physical examination will be required. Many servicemen may choose to do this prior to being assigned overseas. If the individual at one time chooses to waive insurance altogther, he may still elect at any time to insure himself. This means that the serviceman and his dependents will not be made to suffer for a mistake in judgment, or due to circumstances beyond his control, such as reassignment.

Fourth, all persons entering the service will have automatic $25,000 coverage upon going on duty, unless they specify otherwise.

Fifth, the life insurance will be convertible upon leaving the service, and will be with the same private insurance company that the individual had his policy with when he was in the service.

There is no question that group life insurance for our servicemen is necessary. President Eisenhower, in 1959, drawing on his extensive experience with the military, stated that the basic idea of group life insurance for servicemen was a "comprehensive, and assured system of benefits."

My bill, Mr. Speaker, therefore guarantees our servicemen the equivalent of what was fair back in 1917. The proposal, if anything, is overly conservative. It does not force anyone to buy life insurance, but gives him the choice to do so.

I urge my fellow Members of Congress to carefully consider the merits of my bill. I am certain that after studying this matter, swift approval will be given to it. This measure is very necessary.

TWO AND ONE-HALF BILLION DOLLARS GAMBLED ON FOREIGN LOTTERIES

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include tables.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, this year I would like to once again bring to the attention of the Members of this Congress a report on gross receipts and net incomes from government-run lotteries around the world. These nations have wisely discovered that lotteries can make gambling moneys work for, rather than against, the people. In all of these countries, the gambling spirit of its people is legally recognized and capitalized on by its governments.

Unfortunately, we, in the United States, stand virtually alone among the nations of the world in our hypocrisy in refusing to recognize and accept the wisdom and advantages of a national lottery. And the list of foreign nations with lotteries gets longer each year.

Mr. Speaker, it is difficult for our taxpayers to understand our Government's sanctimonious attitude about gambling when we know that gambling in this country is a $100-billion-a-year tax-free monopoly which is and continues to be the chief source of revenue to the underworld crime syndicates.

If we had a Government-run lottery, like our Latin American, European, and Asian allies do with near unanimity, we would satisfy the American thirst to gamble while at the same time making the flow of billions of dollars now siphoned off by the underworld work instead for public welfare. I think we could expect an American lottery to bring in gross receipts of $10 billion or so, with commensurate profits.

In 1965, the 88 foreign countries, listed below, took in gross receipts of almost $2½ billion from its legally operated government lotteries. The total income to the governments came to over $875 million which was used for hospitals, schools, housing, welfare, charity, science, medicare, public developments, and other worthwhile projects.

Mr. Speaker, is it not time that we showed similar wisdom and courage in this country? Is it not time that we removed the blinders and recognized the obvious—that the urge to gamble is a universal human trait that should be regulated and controlled for our own welfare and benefit?

Why can we not profit from the lucrative experience of these 88 foreign countries? I am waiting for us to have the guts to face up to the fiscal facts of life and capitalize on the normal gambling spirit of our American people. I think we ought to profit nationally from the example of the State of New Hampshire, which has already started to enjoy the fiscal advantages of a government-run lottery.

Mr. Speaker, I am happy to list the 88 foreign countries which recognize and accept the fact that gambling is a fact of life and should be made to work for the public good rather than against it:

Country	Gross receipts	Net income	Purpose used
1. Argentina	$57,209,900	$25,714,654	Public works and medical programs.
2. Australia	98,506,909	30,069,885	Hospitals, charity, and Sydney Opera House.
3. Austria [1]	19,000,000	6,200,000	General purposes.
4. Belgium	24,700,000	7,600,000	Social welfare programs.
5. Bolivia [2]	789,355	347,146	Red Cross, public health, and welfare.
6. Brazil	40,797,000	3,477,000	Public service projects, schools, hospitals, and housing.
7. British Honduras [3]	3,500,000	90,000	Charities.
8. Bulgaria	3,600,000	1,800,000	General purposes.
9. Burma	6,000,000	2,400,000	Central Treasury.
10. Cambodia [4]	27,400,000	20,200,000	National budget.
11. Cameroon	279,000	110,000	Schools, hospitals.
12. Central African Republic.	--------	200,000	National budget.
13. Ceylon	3,656,000	1,546,000	Hospital fund.
14. Chile [5]	13,500,000	2,407,000	Colleges, public health, and hospitals.
15. Colombia	40,000,000	4,000,000	Homes for the poor and aged, and charity.
16. Costa Rica	11,771,000	3,907,000	Hospitals and mental institutions.
17. Cyprus	3,116,000	1,463,000	Development projects.
18. Czechoslovakia [6]	4,436,000	1,919,000	Hospitals, sports, and culture.
19. Denmark	8,894,000	888,000	General fund.
20. Dominican Republic.	16,717,000	3,011,000	Social betterment and public works.
21. Ecuador	4,839,000	1,886,000	Social assistance, hospitals.
22. El Salvador	9,200,000	1,400,000	General fund.
23. England [7]	260,000,000	146,000,000	Central Government expenses.
24. Ethiopia	770,000	200,000	Welfare purposes.
25. Finland	6,477,000	2,292,000	Science and fine arts, opera.
26. France	138,000,000	43,000,000	General purposes.
27. Germany	597,000,000	199,000,000	Youth, sports activities, and health.
28. Ghana	3,083,000	1,541,000	General fund.
29. Gibraltar	2,006,200	397,600	Housing, education, social service.
30. Greece	43,248,000	9,301,000	Welfare agencies.
31. Guatemala	2,365,000	567,000	National theater, arts, and culture.
32. Guyana	261,668	75,000	Hospitals.
33. Haiti	2,359,000	1,098,000	Education, social welfare, and assistance.
34. Honduras	21,400,000	1,800,000	Schools hospitals, and health centers.
35. Hong Kong	1,516,000	910,000	Social welfare.
36. Hungary	53,000,000	17,000,000	General revenue.
37. Iceland	1,548,000	309,662	Housing for elderly and research.
38. Indonesia	102,000	69,000	Hospitals, students, and orphanages.
39. Iran	13,918,000	4,000,000	Hospitals and schools.
40. Iraq	2,452,000	961,000	Hospitals, welfare.
41. Ireland	43,040,000	8,781,000	Hospitals.
42. Israel	35,000,000	11,000,000	Hospitals and schools.
43. Italy	166,000,000	84,000,000	Hospitals, orphanages, and education.
44. Jamaica	$703,000	$131,000	Hospitals.
45. Japan	15,719,000	5,572,000	Public works, schools, and hospitals.
46. Jordan	75,270	11,696	Hospitals, junior clubs.
47. Laos [8]	--------	--------	
48. Lebanon	4,410,000	1,130,000	Schools and development.
49. Libya	1,092,000	318,000	Welfare projects.
50. Liechtenstein	3,350,000	3,256	Government insurance.
51. Luxembourg	1,590,000	418,000	Charity, welfare, and medicare.
52. Malaysia	16,533,000	4,035,000	Rural development program.
53. Malta	1,359,523	294,199	General purposes.
54. Mexico [9]	60,000,000	11,200,000	Health and welfare.
55. Morocco	2,410,000	600,000	Treasury.
56. Netherlands	12,819,890	1,105,000	General revenue.
57. New Zealand	11,200,000	2,717,327	Aged, welfare, research, medicine.
58. Nicaragua	7,535,714	1,211,094	Hospitals and social programs.
59. Nigeria	422,000	158,000	Medical services and development programs.
60. Norway	19,000,000	5,900,000	General funds.
61. Panama	49,604,677	9,200,000	Hospitals and public assistance.
62. Pakistan [10]	7,289,909	6,404,031	General development projects.
63. Paraguay	1,002,895	158,135	Child care and public health.
64. Peru	4,200,000	--------	Hospital and medical care.
65. Philippines	14,034,000	5,630,000	Hospitals, Red Cross, Boy and Girl Scouts.
66. Poland [11]	3,932,000	933,143	Housing and culture.
67. Portugal	24,448,000	7,659,000	Treasury.
68. Puerto Rico	62,640,000	14,390,000	General fund.
69. Republic of China	5,784,000	3,062,000	General purposes.
70. Republic of Congo	8,000	888	
71. Rumania	133,000,000	--------	50 percent of income used for sports.
72. Russia	90,000,000	45,000,000	Unknown.
73. Sierra Leone	382,901	55,520	Development program.
74. Southern Rhodesia.[12]	4,580,000	745,000	
75. Spain	195,000,000	57,500,000	Red Cross and general budget.
76. Sweden	62,223,000	34,748,000	Culture and artistic purposes.
77. Switzerland	3,600,000	1,050,000	Public building and transportation.
78. Syria	1,450,000	450,000	Damascus International Fair.
79. Tanzania	328,387	171,428	Hospitals.
80. Thailand	39,000,000	7,500,000	General revenue.
81. Togo	489,000	195,840	Redevelopment.
82. Turkey	9,900,000	4,300,000	General Treasury.
83. Tunisia [13]	--------	--------	
84. Uganda [14]	714,000	678,000	5-year plan.
85. Uruguay	6,715,000	2,046,803	General purposes.
86. Venezuela [15]	18,524,000	1,665,000	Social welfare.
87. Vietnam	26,000,000	6,300,000	Housing and agriculture centers.
88. Yugoslavia	8,023,262	1,818,370	Veterans, deaf and blind, Red Cross.
Total	2,400,000,000	875,000,000	

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[1] Austria, 1964 figures.
[2] Bolivia, 1963 figures.
[3] British Honduras, 1964 figures.
[4] Cambodia, 1964 figures.
[5] Chile, 1964 figures.
[6] Czechoslovakia, 1964 figures.
[7] England, premium bond lottery.
[8] Laos—Laotian lottery disrupted by war and political situation.
[9] Mexico, 1963 figures.
[10] Pakistan, prize bond lottery, 1963 figures.
[11] Poland, 1964 figures.
[12] Southern Rhodesia, 1964 figures.
[13] Tunisia, lottery just getting underway.
[14] Uganda, prize bond lottery.
[15] Venezuela, 1964 figures.

ARMY IGNORES INTENT OF EXECUTIVE ORDER ON PURCHASE OF ANTHRACITE COAL

Mr. RHODES of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RHODES of Pennsylvania. Mr. Speaker, in 1961 President John F. Kennedy directed that American anthracite coal should be bought to heat the U.S. Army installations in West Germany. Prior to this time the U.S. military installations in Europe bought European coal.

The purpose of this directive was twofold. It was meant to lessen the strain on our balance of payment and to be of some assistance to the hard-pressed anthracite industry. Since 1962 the Army has purchased approximately 5½ million tons of coal for use in Europe. However, the procurement has not fulfilled the well-intended purposes of President Kennedy's directive.

On the one hand, Mr. Speaker, I believe a careful audit of the procurement transactions will show that the U.S. Government has paid for this coal at least more than $5 million over this 5-year period than was warranted. I am sorry to say that this profit was not passed on to the hard-working coal miner but it was pocketed by a number of middlemen both in this country and in Europe.

A cursory study of the price paid will show a steady rise in the delivered price to the Army although the FOB price Philadelphia relatively remained constant as did the price paid to the mine operators. The reason for this was that the Army had unwittingly written into the ground rules for bidding on this contract provisions which made competition impossible. Only the six largest producers in the industry representing only 50 percent of anthracite production have substantially benefited from the "buy American program."

Without competition the price of the coal continued to increase. This increase could not be substantiated in terms of the quoted prices for the coal in this country. For at least 2 of the 5 years the profit margin is as high as $5 per ton when $1 per ton would be considered a very reasonable profit spread. The U.S. Department of Justice in November of 1965, after 2 years of gathering evidence, has brought a civil suit against these six companies and their agents. The charge is that they unlawfully fixed prices on $90 million worth of coal sold to the U.S. Army for use in Europe. Although the suit is now pending in the U.S. District

Court in Scranton, Pa., the Army none the less allowed the same practices to be used in the current fiscal year 1967 procurement.

Mr. Speaker, I believe the Army used bad judgment in allowing this year's award to go to the same group which has made unreasonable profits over a 5-year period and is now a defendant in a civil suit arising from these profits. I will request, Mr. Speaker, that the General Accounting Office perform an independent audit to see whether or not the best interests of the Government have been served by the way Army procurement officials have handled these transactions.

Because they could not compete with the monopolistic practices of the big six, the small mine operators have been denied honest participation in this procurement. It must be understood that coal is a vital national resource. Small business coal miners are not asking for a Government subsidy but only the chance to participate in the only large purchase of anthracite coal that our Government makes. The Army has repeatedly denied the request that a small business set-aside be provided for in this procurement. The reason given was that the prime contractor is a foreign national. This is an absurd position in the light of the fact that in some parts of our coal regions unemployment is still as high as 7 percent.

This week I am making another request of the Secretary of the Army that a review be made of the decision not to allow either a small-business or a labor surplus set-aside for the fiscal year 1968 award.

I intend, Mr. Speaker, to continue my efforts to press for a more equitable distribution of this procurement at a fairer price to the U.S. Government. I will have more to report on this subject at a later date.

SCOUT TROOP 22 PRESENTED FLAG BY THE PRESIDENT

Mr. GRIDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GRIDER. Mr. Speaker, yesterday the President presented to the 1917 Boy Scout Troop 22 a brandnew American flag to replace one given them in 1917 by President Woodrow Wilson. The original flag was later destroyed by fire.

Attending this sentimental and impressive ceremony were the following members of that great Scout troop, along with many wives, children, and grandchildren: Mr. Berry Brooks, Mr. Manuel Delugach, Mr. Edwin Erwin, Mr. Paul Gieselmann, Mr. Frank L. Miller, Dr. Edward Mitchell, Mr. Fred Pritchard, Mr. Charles Walles, Mr. Charles Ward, Mr. Mervin Roland, and Mr. Mervin Rosenbush, the scoutmaster of this troop in 1917 who was then and is now an inspiration to this distinguished group of citizens.

Our sheriff, Mr. William Morris, representing the Chickasaw Council was present with two of his children who are now Boy Scouts.

I take pleasure in inserting in the RECORD the President's remarks:

REMARKS OF THE PRESIDENT AT THE SCHOOL SAVINGS BOND CEREMONY

Secretary Fowler; Congressman GRIDER; Dr. Essex; distinguished guests: I'm proud to accept this Liberty Bell. I'm proud of everything that young people across the country are doing for our Savings Bond program and for your Nation's future.

Nearly fifty years ago, another group of young people were working to guarantee their nation's future. During the second Liberty Bond drive in 1917, Boy Scout Troop Number 22 of Memphis, Tennessee sold more than 2,000 bonds worth $672,100. One of those scouts—Charles Wailes—was the top salesman in the country with $445,500, in bond sales.

Today, we have Mr. Wailes, Mr. Mervin Rosenbush, the scoutmaster, and nine members of that Boy Scout troop with us today.

Each of these men is a respected leader of his community. Each one, I think, would tell you that his early experience with the bond program played a part in preparing him to be a responsible citizen.

Since World War II, the school savings program which you represent today has been giving young people a lesson in thrift. Nearly ten billion stamps—worth $2 billion—have been saved. Millions of people who learned to save with school savings stamps are now regular buyers of Savings Bonds.

But this program does more than teach thrift.

It gives you an opportunity to protect the heritage that this Liberty Bell represents.

It gives young people—even first graders—a chance to participate in the building of their nation.

It gives you an opportunity to show your pride—and to honor your obligations—as United States citizens.

This program helps all of us who enjoy freedom at home—to defend that freedom around the world.

So I hope that you and every other student in the land will keep the new Saving Stamp wallet card with you as a reminder of your stake in your country's strength and progress.

At a time of serious testing for our country, this card, and your purchase of Savings Stamps and Savings Bonds, are a symbol of one of our Nation's greatest treasurers: the volunteer spirit.

When the Boy Scouts in Memphis sold more than half a million dollars in bonds in 1917, President Wilson sent them a flag as a tribute to their volunteer spirit.

Today they will take home another flag from the White House—to replace the original one which was destroyed in a fire.

But you young people can take home something which cannot be destroyed: the sense of high achievement which comes from unselfish service to your country.

As a reminder of our meeting, I am asking Dr. Martin Essex, national chairman of the school savings program, to give each of you a savings stamp album bearing one stamp—and my signature.

I hope you'll fill up this album—and many more.

I hope you and young people all over America will support the Savings Bond Program.

And I hope that years from now, you—like these citizens from Memphis whose service began when they were boys—can return here to remember this moment and urge others to follow your good example.

Thank you.

WHAT OAS ACTION IN THE DOMINICAN REPUBLIC ACCOMPLISHED

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, today the curtain is being drawn on another important chapter in inter-American relations—peacekeeping by the Organization of American States in the Dominican Republic.

The last elements of the Inter-American Peace Force left Santo Domingo this morning almost 17 months from the day on which they landed.

This is a good time to look back on this experience and assess the results.

In April 1965 the situation in the Dominican Republic was bordering on chaos. Governmental authority had disintegrated with the fall of the Reid government. Public order had disappeared as armed bands roamed the capital city at will. Fighting between rival factions had broken out and civil war of the most bitter and cruel type was gradually engulfing the country. And into the political vacuum the Communists and their associates were moving at an alarming pace.

Both on humanitarian and security grounds the situation called for prompt action by the inter-American community. There was no time to waste.

President Johnson moved on April 28 to protect the lives of Americans and other foreign nationals caught in the Dominican holocaust. The following day the Organization of American States began its brilliantly successful peace keeping mission.

In the short span of less than 18 months the OAS worked out a cease-fire which put an end to the bloodshed; negotiated a settlement between the warring factions which permitted the establishment of a provisional government; assisted that government in getting the Dominican economy and political institutions functioning again, and collaborated with the provisional government in preparing the electoral machinery and holding the general elections of June 1.

Its mission of peace and conciliation accomplished, the OAS can now withdraw its forces, proud of what it has accomplished for the Dominican people and the hemisphere.

Looking back on the tough, controversial decisions which he had to make during those critical April days, President Johnson can also take great satisfaction. For the course of events has demonstrated that power wisely used in support of peace and freedom can bring about the successful outcome that we see in the Dominican Republic today.

LESSONS FROM THE DOMINICAN CRISIS

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **FASCELL**. Mr. Speaker, my distinguished colleague from Texas [Mr. DE LA GARZA] has called our attention to the withdrawal of the last elements of the Inter-American Peace Force from Santo Domingo this morning.

I associate my self with his remarks. What the Organization of American States has accomplished in the Dominican Republic in the short span of 18 months is a remarkable performance. The Organization deserves every bit of the praise which it has received. And so do the Governments of Brazil, Costa Rica, Honduras, Nicaragua, and Paraguay who contributed forces to the Inter-American Peace Force and the other governments which provided the political support for the collective action which the regional organization took.

In retracing the experience and assessing the results as my colleague has done, I believe we should also look at the lessons which the Dominican experience brought out and how the hemisphere might profit by them.

One lesson, Mr. Speaker, is that in this day and age the inter-American community of nations cannot close its eyes and ears to violence in one of its member countries, affecting thousands of innocent people, simply because that violence is confined within national frontiers.

The deep sense of humanitarian responsibility which underlies our national and hemispheric traditions dictates that the community lend a helping hand to the people of a member state in distress.

A second lesson is that action by the community in situations where governmental authority is shattered and respect for law and order ceases need not—and does not—undermine the twin pillars of the inter-American system: the principles of self-determination and nonintervention.

Collective measures to stop senseless bloodshed and restore peace, followed by steps to insure that the will of the people is freely expressed through the electoral process, reinforce those principles instead of weaken them.

A third lesson, Mr. Speaker, is that the community—the individual governments as well as the multilateral organs through which they express their collective will—must be alert to situations of this kind and be prepared to move quickly and decisively.

The peace and security instruments of the OAS have amply demonstrated their flexibility and adaptability to new situations. Prompt collective action taken pursuant to such instruments makes unilateral action by any member unnecessary. It also places our regional organization in the position of fulfilling its humanitarian responsibilities to the people of our hemisphere and the world.

Mr. Speaker, these are some of the lessons which I think can be gained from the Dominican experience. No one wishes to see that experience repeated. But we must be practical and realistic as we look ahead. We must always be ready to make the lessons of the past serve as the answers for the future.

I want to take this opportunity, Mr. Speaker, to congratulate the OAS for a job superbly done and to wish the Dominican people well as they resume their quest for peace and prosperity in freedom.

GREATER TAX INCENTIVES FOR CONSTRUCTING POLLUTION CONTROL FACILITIES

Mr. **CONABLE**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **CONABLE**. Mr. Speaker, I have today introduced legislation to give new and stronger incentives to our industries and the entire private sector to move more vigorously against water and air pollution. My sponsorship of this bill results from a variety of circumstances. Water pollution is a particularly serious problem in New York State, with great industrial production and its high population density. My natural interest in this problem has been much sharpened by recent hearings held by my subcommittee of the House Committee on Science and Astronautics investigating the present serious gaps in our pollution abatement technology. From these hearings it has been apparent to me that we are not going to make maximum progress in improvement of our streams until we have developed cheaper and more effective means of dealing with the problem. Increased research is an important part of the long-term solution to the problem. However, our problems in this area are immediate, and we must do what we can to see that present techniques are wisely and adequately funded.

We cannot depend on the public sector to do the immediate job quickly and well by itself. The problem has become too great; it requires broader treatment. Every resource, public and private, should be brought to bear on a national concern of such staggering dimension. Government is always at its best when it encourages and stimulates the private sector to assist in the solution of public problems. The genius of our Federal system lies in its emphasis on the carrot instead of the stick, incentives rather than punishment. The bill I have introduced offers the incentives of tax credits and deductions to the private sector. It encourages the type of investment which will reduce the cost of the public remedy.

My proposal is to provide an additional 7-percent tax credit for expenditures by private companies to reduce or eliminate water and air pollution. If the present 7-percent credit for capital investments is suspended, as the President has asked, my proposal would retain a 7-percent credit for pollution control expenditures. If the present 7 percent is retained, companies spending to clean up pollution could claim a credit for 14 percent of the cost. Also, my bill permits the deduction as a business expense for a period of 5 years of those costs in excess of the tax credit percentage.

In addition to the important benefits of increased private participation which this bill will induce, this type of solution will also relieve somewhat the embarrassment under which our public programs are presently laboring. Nowhere near enough money is going into Government research on pollution abatement; much more is needed to overcome the obstacle to satisfactory pollution control. Worse yet, while Federal aid programs exist to encourage the building of community sewage disposal systems, these programs are funded at a small fraction of their potential. For instance, the Department of Housing and Urban Development recently informed me that its basic water and sewer program now has drawn some 2,500 applications, totaling $2.5 billion; yet only $100 million is being made available to the program by the administration this year. We have got to get on with the job somehow, and the prospects for direct public investment are not promising in view of such statistics.

I have been reluctant to submit this bill until I could learn the probable cost in terms of reduced tax revenues from the granting of the credit on taxes. I still do not know the answer, but probably it would be an informed guess at best. The problem of pollution is so pressing, however, and the direct public attack on it so inadequate, that I believe we should hasten to approve this type of private incentive program now.

NATIONAL COUNCIL OF CHURCHES DOES NOT SPEAK FOR AMERICAN PROTESTANTISM

Mr. **BUCHANAN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. **BUCHANAN**. Mr. Speaker, on February 22, 1966, the general board of the National Council of Churches, meeting at St. Louis, adopted a resolution calling for the admission of Communist China to the United Nations and the granting of U.S. diplomatic recognition to the Peiping regime. Dr. Daniel A. Poling, distinguished chaplain of the Chapel of Four Chaplains, Philadelphia, Pa., could not believe this body spoke for American Protestants or even American Protestant clergymen on this issue. Consequently he conducted a poll of 150,000 American Protestant clergymen on an individual basis and got back an almost 20-percent response, or 29,500 replies. Of these, 71.4 percent said "no" to the admission of Communist China to the United Nations and to the U.S. diplomatic recognition of Peiping; 93.7 percent of the American Protestant clergymen replying voted "no" to satisfying Red China's primary condition to joining the United Nations—the expulsion of the Republic of China. This is emphatic evidence that on such political issues the National Council of Churches speaks for itself alone and not for American protestantism.

Subsequently, Dr. Poling has organized the Clergymen's Emergency Committee on China, to provide individual American clergymen with factual information and material on at least this one vital question, and to publicly articulate the sentiments of the majority where necessary.

Such action is fitting and proper. A body which purports to speak for American Protestants should not continue to go unchallenged when it in fact speaks against the convictions of the overwhelming majority of American Protestants. This is certainly the case in this instance. If Protestant ministers oppose this pronouncement of the NCC, how much greater must be the opposition of the laity, which as a group seems clearly to be well to the right of the clergy?

I congratulate Dr. Poling on this worthy venture.

FILIPINOS HAVE SHOWN DEMOCRACY CAN LIVE IN ASIA

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, our legislative body and our country have experienced a refreshing and inspiring visit by President Marcos of the Philippines. It added strength to our mutual ties of brotherhood and friendship. The eloquence of President Marcos came not only from well chosen words and inspiring thoughts, but also from his evident sincerity. America is grateful for his having made this journey to visit us and we all hope that he takes back with him the true sentiments of all Americans, ones of gratitude and appreciation for our Filipino friends across the seas. I am happy to include in the RECORD the editorial by Dr. Diosdado M. Yap, in the current issue of Bataan, entitled "Dawn of a New Chapter," together with a biographical sketch of President Marcos from the same publication.

DAWN OF A NEW CHAPTER

A new era is about to dawn in the Philippines. With the inauguration of Ferdinard E. Marcos as the sixth President of the Philippine Republic, a new chapter in the history of our country will be written. The style will be different; the subject matter bizarre; the treatment novel; the pace fast and full of vigor; the development steady and ascending.

Previous chapters have been written under a different atmosphere and a different background. The tyrannies of political caciquism have been overthrown and the dictatorship of so-called established reputation has been demolished by the democracy of new values as assessed and decided by the common masses. The people have decided once and for all that the choice is theirs and they will take no dictation from any self-appointed dictator.

Ferdinand Marcos went to the people. He went from barrio to barrio, shook hands with the people, ate with the people, lived with the people and showed them that he is one of them. And the people who were looking for a leader they can trust because he has their simplicity, their humility, their shortcomings and even their poverty, rallied around him and chose him as their man. Thus did Marcos frustrate the attempt to foist on the people one who had nothing in common with the people and who would have served his interests and not that of the people.

Marcos did something else. He raised the barrio to a national level, thereby concentrating public attention on the heretofore neglected and forgotten barrio people. This is fundamental in the Philippines today. For the barrio folk in 1966 are living in exactly the same condition as their grandfathers lived in 1896. The same nipa huts, the same impassable barrio roads, no plumbing facilities, the pigs and the goats and the chickens raised under the bamboo floor, the same rice and dried fish as their only food day in and day out.

The *caciques* could get loans from the Philippine National Bank and the Reconstruction Finance Corporation to the tune of millions without any collateral and buy huge estates and plantations. But there was not a single centavo for the barrio people, none to improve their schools or their sanitation or give them or their children the promise of a better tomorrow. Marcos went to the barrios and told the people he was interested in their welfare, that he would prosecute the grafters, the crooks, the incompetents, and that he would give primacy to the barrio needs.

A new chapter will be written. Those who enriched themselves at the expense of the people, incompetents who flaunted their inanities abroad with the flamboyance of playboys, the while playing at being diplomats when they have neither the brains nor the experience nor the prestige to represent the nation abroad, relatives who took advantage of their influence to mulct the gullible and the unwary, ten percenters who peddled power and patronage, tax evaders who have deprived the government of millions of revenue because they are close to Malacanan—all these will disappear from the political scene, for the day of reckoning has come for them. Under Marcos the dishonest will be punished and the incompetent weeded out.

This is indeed the dawn of a new day. The people went to the polls unafraid. They dared terrorism, intimidation, coercion. They watched the election inspectors, guarded the ballot boxes, reported attempts at committing frauds. It was an alert citizenry that took its duty seriously and exercised its right of suffrage with dignity and responsibility. The press was vigilant, fair and objective; the radio was on the job continuously, for forty-eight hours; the women took an active part, organized themselves into units and acted as vigilantes; the youth did their share in mobilizing public opinion against frauds and terrorism.

Eternal vigilance is not only the price of liberty; it is the safeguard that can insure freedom. Where there is no vigilance liberty dies, democracy withers. The Filipino people showed that they deserve freedom because they can exercise that vigilance which free men know is indispensabe to protect their rights and liberties.

But with vigilance must go sacrifice. Where the people are not willing to sacrifice themselves liberty is meaningless and democracy an empty word. And that is why we salute the new dynamic leader of our people, Ferdinand Marcos, whose personality now dominates the entire Philippine scene.

A new era dawns for the Philippines and Asia. The Filipinos have shown democracy can live in Asia. Where the people can exercise *vigilance* and are ready and willing to *sacrifice* personal ambitions to protect the honor and welfare of their people, liberty like the sun will always shine resplendent, no matter how dark the night before. For liberty to be truly appreciated must be a jewel zealously guarded and at all times stoutly defended.

BIOGRAPHICAL SKETCH OF PRESIDENT FERDINAND E. MARCOS, REPUBLIC OF THE PHILIPPINES

Of all the present Asian leaders, President Ferdinand E. Marcos of the Republic of the Philippines shows every sign of becoming the most persuasive and most deeply committed to the cause of democracy, both as a system opposed to communism and dedicated to peace with freedom.

It is not difficult to believe in this, for Ferdinand Marcos, born on Sept. 11, 1917, belongs to the generation that grew up in a time that was still stirred by World War I and in a country that was imbued with the democratic ideals learned from America, and passionately embraced by a people and their leaders who longed for freedom.

Ferdinand Marcos was a studious youth, as reflected in his high grades from elementary school through high school and college, and it was because of his serious mind that he soon became conscious of politics and the dynamics of government. Pursuing a law course in the state university, the University of the Philippines in Manila, he became a student leader and participated in student demonstrations against certain national ill at the time and for the early attainment of independence.

His life suddenly took a dramatic turn, when even as he was finishing his law course, he was accused of the murder of a political enemy of his father, Mariano Marcos, a public school teacher turned politician, who served a term as representative in the Philippine Legislature and later was appointed governor of Davao province in Mindanao. The Young Marcos was subsequently convicted by the local court in a highly controversial decision. He appealed his case while still in detention, at the same time continuing to review for the bar examinations.

He passed the bar in 1939, with one of the highest grades in bar history, and won his case, arguing his defense personally before the Philippine Supreme Court.

In 1941, as an ROTC reserve officer, he was drafted into the Philippine Army even as war clouds hovered over Asia. As a lieutenant in combat intelligence in Bataan, he soon proved to be a daring and resourseful officer. Leading critical patrol and combat missions in such famed battle areas as Mt. Natib, Mt. Samat and Salian River, he won many citations, including the Silver Star Medal and the U.S. Distinguished Service Cross, which General Douglas MacArthur himself pinned on him.

After the fall of Bataan, the young officer joined the resistance movement, but not before being sucked into the Death March to prison camp in Central Luzon and later undergoing torture at bleak Fort Santiago by the Japanese secret police as a guerrilla suspect. He escaped and founded an intelligence group, which he eventually fused with the guerrilla organization called the United States Armed Forces in the Philippines-Northern Luzon. This unit fought inside enemy lines in the rugged terrain of the Cordilleras range in the Mountain Province.

During the Liberation Campaign, President Marcos fought in one of the decisive battles of the war, the Battle of Bessang Pass, which led to the capture of General Yamashita, the commanding general of the Japanese Imperial Forces in the Philippines.

President Marcos emerged from the war with nearly every medal and decoration for courage and gallantry the Philippine and

American governments could bestow on a soldier. He received, in all 27 medals and decorations, making him the most decorated Filipino soldier in World War II. Four of his decorations were for five wounds sustained in battle.

His first taste of civil administration was his assignment to establish a government in the areas cleared of Japanese by his outfit, in Northern Luzon. He continued to do this, first as combat officer then as judge advocate general and civil affairs officer of the USAFIP–NL. From this experience, he went actively into public service.

He served as a technical assistant to President Manuel A. Roxas, the first President of the Republic of the Philippines in 1946, then led a mission of Filipino officers in 1947 to Washington, D.C., to secure from the U.S. Congress arrears-in-pay and other benefits for Filipino World War II veterans.

In 1949, at 32 years, he ran for the Philippine Congress, and won a seat as representative of the second district of his home province, Ilocos Norte, in Northern Luzon. It was the same district once represented by his father. This launched his political career.

He served as Congressman for three consecutive terms—one term is four years—and after his third term, he ran for senator and won the highest number of votes among the senatorial candidates. That was in 1949. As with his career in the Lower House, he was a leading senator, occupying vital positions of leadership.

In the Senate, he was minority leader and then President. He also served as a member of the National Economic Council, the Council of Leaders and the Council of State.

A prolific lawmaker, he established a record during his terms in both Houses for the most number of important bills introduced, many of which were passed. He pioneered in land reform legislation, championed the Land Tenure Act in the House and steered the passage of the Land Reform Code in the Senate. He also worked to strengthen trade unionism, was co-sponsor of the Magna Carta of Labor and the Anti-Scab Law.

President Marcos had, indeed, a broad interest as legislator, which ranged from agriculture to civil liberties, economics to foreign relations. It was as though he was rehearsing for the Philippine presidency, for which he set his hat from the jump-off point of the senate presidency, which he held at the time he broke off with the then President Macapagal and the Liberal Party, and joined the Nacionalista Party.

In the Nacionalista Party national convention of 1965, he fought a hard but masterly battle, with the odds against him, being a neophyte member of the party while contesting the presidential nomination with veteran Nacionalista leaders. The resounding triumph of President Marcos, in a way indicated what was to come in the presidential campaign that was to follow. As it turned out, it was an uphill battle all the way, but the votes ultimately gave President Marcos a clear-cut mandate from the people.

In his first six months in office, President Marcos spiritedly faced up to the crisis in government, which had to contend with low morale, depressed public funds, and an economic slump. Today, there is a new briskness in government operations, resumed economic activities, and a fresh public confidence in the national leadership.

In foreign relations, President Marcos unequivocally reiterated Philippine support of the free way of life and the Philippines' staunch opposition to communism, as proven by his vigorous advocacy of Philippine assistance to South Vietnam in its struggle against communist aggression. He has also sparked the resumption of Philippine diplomatic ties with the Federation of Malaysia, the recognition of Singapore, and the rapprochement between Malaysia and Indonesia. He has enunciated a policy of support for any move to strengthen economic, cultural and mutual defense agreements among friendly Asian countries, in the interest of common development and stability.

HATCH ACT VIOLATED

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, the action of the Post Office Department in supplying secretarial assistance to a candidate for Congress as alleged in the following newspaper article is, in my opinion, a shocking violation of the Hatch Act.

If the Hatch Act is to be deliberately disregarded by the departments and agencies of Government then it ought to be abolished and further deception of the public and Federal employees be ended.

Mr. Speaker, I submit for printing in the Record in connection with these remarks the following article in the Des Moines Register of the date of September 21, 1966:

Article by Clark R. Mollenhoff

Washington, D.C.—The Post Office Department has "loaned" a $9,000 a year secretary to Democratic Congressman James Morrison at a time he is engaged in a heated runoff political campaign in Louisiana.

Charles Johnson, staff director of the House Post Office and Civil Service Committee, confirmed that he made the arrangements to borrow the secretary, Mrs. June Lyle from the office of Assistant Postmaster General William McMillan.

McMillan took full responsibility for the arrangement from the Post Office, and said that as far as he knew Postmaster General Lawrence O'Brien "doesn't know a thing about it."

Johnson said Tuesday that Mrs. Lyle was borrowed on a "sort of a quid pro arrangement" the committee has with the Post Office Department.

"We like to scratch each other's backs," Johnson said. "We are helpful to these agencies from time to time, and they help us out when we're in a press."

Mrs. Lyle was reported by Johnson to be assigned to work for a House Post Office and Civil Service Subcommittee. Actually, she has been at work last week and this week in Morrison's congressional office in the Rayburn Office Building.

The "press" of business that necessitated the request for a Post Office secretary in this instance was the press of the bitter run-off campaign for the Democratic nomination for Sixth District Congressman in Louisiana.

Morrison, the ranking member of the House Post Office and Civil Service Committee, is the heir apparent to the chairmanship of the committee. He is in serious political difficulty because of his support of the Johnson administration on a broad range of subjects including spending programs and civil rights.

Although a veteran of 24 years in the House, Morrison failed to poll 51 percent of the votes cast in the five-man Democratic primary in August and is now in a two-man runoff against John R. Rarick, a former county judge.

The race has included charges by Morrison that Rarick is a member of the Ku Klux Klan, a charge that Rarick denies. Rarick has filed a $500,000 damage suit against Morrison in connection with the charges.

Rarick charges that Morrison is a rubberstamp for the Johnson administration on civil rights and other programs. While the spending of the Johnson administration is reported to be an issue, it is the civil rights issue that is most heated.

Mrs. Florence Cooley, an administrative aide to Morrison, explained the "frantic" race that has "everyone in the office working on the campaign."

She explained that "the Johnson administration is so hated that a lot of the voters would rather support the klan."

Mrs. Cooley said that Morrison has "a wonderful relationship" with the Johnson administration, but that it is impossible for President Johnson, Vice President Hubert H. Humphrey or other high administration figures to give him any support in the open."

Humphrey "unwittingly" had done much damage to Morrison with a speech in July, Mrs. Cooley said. She said that Humphrey had tried to help Morrison with a speech in Louisiana, but that "it was one of the worst speeches ever."

"We know Mr. Humphrey didn't intend to hurt Mr. Morrison, but his speech was awful," Mrs. Cooley said. "He said something about leading riots and it was just the wrong thing."

She referred to the speech Humphrey gave on July 18, 1966, in New Orleans in which he said that if he had lived in a ghetto with rats nibbling on his children's clothes, he "might lead a mighty good revolt" himself. That speech has come in for widespread criticism from Republicans, as well as conservative southern Democrats.

Mrs. Cooley said that Morrison had not expected a close race in the primary in which there were five candidates, but his opponents had put a James E. Morrison in the race to "confuse the voters." The James E. Morrison, a Baton Rouge grocer, polled 6,681 votes which Mrs. Cooley said was enough to block Morrison from polling the necessary 51 percent in the primary.

"Mr. Morrison didn't even know he (Humphrey) was coming down there, and he said later he would have been better off if he'd never come down here," Mrs. Cooley said.

The labor organizations are solidly behind Morrison, Mrs. Cooley said, "especially those letter carrier groups." She said the postal workers and other Government employees who favor Morrison "can't do anything because of the Hatch Act" which forbids active political campaigning by career Government employees.

Ira Kapenstein, the Post Office Department public relations officer, said he did not know the policy or the law relative to loaning employees to work for a Congressman during a campaign.

McMillan said that he did not know that Mrs. Lyle was going to work in Morrison's office. He said he received a call from Johnson who told him there was "a heavy workload" and that the House committee needed an experienced secretary for one or two weeks.

McMillan said he had assumed that Mrs. Lyle was working in a committee office.

"I run the operations division of the Post Office," McMillan said. "I can't spend all my time running around to find out where these people are."

Kapenstein said he believed that McMillan "had a right to rely on statements from Johnson that she was working for the House committee."

McMillan said that the loaning of Mrs. Lyle was done with the understanding that the House committee would "reimburse" the Post Office Department for the time she worked at the Capitol.

Under questioning, McMillan said there was no written record made of the arrangements with Johnson for the "loan" of the services of Mrs. Lyle or the "reimbursement."

"It was just a telephone conversation," McMillan said. "When Mrs. Lyle came back, the Post Office Department would simply bill the committee for that part of her salary."

He said he saw nothing wrong with the Post Office Department loaning an employee to the House committee or to a Congressman. He said he was "not familiar with the Hatch Act" and could not say if it was proper or improper for a career Post Office employee to engage in work that helped MORRISON in a political campaign.

"I would defer to Mr. Kapenstein on that," McMillan said.

In answer to a question, Kapenstein said "It would be improper for a Post Office employee to engage in political work." He said that the Post Office Department will investigate to determine if Mrs. Lyle was doing political work or was merely engaged in work that relieved others in MORRISON's office so they could engage in political work.

Representative H. R. GROSS (Rep., Iowa) declared that in his view it would be improper for the executive branch to loan secretaries to the Congress for any purpose where it would "directly or indirectly represent a political assistance."

"The law was designed to prevent this type of thing, and it makes no difference whether the individual employee was involved directly or indirectly in the campaign activity," GROSS said. "If we would excuse such activity where the employee is said to replace another employee who has gone off campaigning, then we would be providing a big loophole for the worst abuses possible"

GROSS said such a loophole would make it possible to use all of the secretaries "A manpower pool for pure political maneuvering."

He said that the Post Office action in loaning secretaries to Congress during an election campaign "is an arrogant disregard for the intent of the Hatch Act."

REORGANIZATION OF CONGRESS

The SPEAKER pro tempore (Mr. MATSUNAGA). Under previous order of the House the gentleman from Missouri [Mr. CURTIS] is recognized for 60 minutes.

Mr. CURTIS. Mr. Speaker, today I have introduced H.R. 17873, an omnibus bill on the Reorganization of Congress to carry out the recommendations of the Joint Committee on the Organization of the Congress, contained in its final report filed with the Congress, July 28, 1966, Senate Report No. 1414, House Report No. 1781.

In my remarks today I shall first review briefly the work of the Joint Committee on the Organization of the Congress; second, enumerate and discuss briefly the most important recommendations of the joint committee; third, discuss some of the provisions contained in the bill I am introducing today and; fourth, give reasons why I believe the Congress should enact these reforms.

The Joint Committee on the Organization of the Congress was established by unanimous vote of both the House and the Senate in March of 1965. May 10, 1965, the committee commenced a series of 41 public hearings and received the views of 199 witnesses. The testimony, together with statements, documents and an index, is contained in 16 printed volumes, totaling 2,435 pages. The committee was very generous in receiving the views of anyone who cared to testify. Among the witnesses were 17 Senators and 59 Representatives who testified in person. In addition, 4 Senators and 26 Representatives submitted statements for the record.

Interim reports were filed by the committee July 8, 1965, and January 19, 1966, in which the recommendations and suggestions received to those dates were summarized.

Between January 19, 1966, and the filing of the report on July 28, 1966, the committee and its staff met in over 50 executive sessions considering the proposed reforms and formulating its recommendations and the narrative to comprise its final report to the Congress. Subsequently, the members and the staff, conferring with the legislative counsels of the House and the Senate, have engaged in the preparation of an omnibus bill, which I have introduced today, H.R. 17873.

FINAL REPORT OF THE COMMITTEE

On the whole, the report of the committee is constructive and if the recommendations are enacted into law and then the reforms suggested are actually carried out in succeeding Congresses, in my judgment it should lead to a better performance of the legislative function and to the strengthening of the Congress in our tripartite system of government.

As we pointed out in our additional views, commencing on page 84 of the final report, we think the committee's recommendations of reform did not go far enough and that there are many additional areas of legislative responsibility in which Congress could be made more effective. Nevertheless, this is possibly not as serious as it might appear at first since the committee did adopt one major reform; namely, it recommended the establishment of a Joint Committee on Congressional Operations with continuing authority to study the structure and procedures of the Congress with a view to recommending reforms from time to time.

The Joint Committee on Congressional Operations would be provided with a staff which would enable it to make studies in these areas of further congressional reform with a view to further strengthening the Congress, with improvements adopted from time to time as the Congress deemed appropriate. For example; the report of the committee does not deal with such thorny subjects as executive privilege, lobbying by the executive, or relationships between Congress and the courts; all of which, of course, were within the original mandate of study assigned to the Joint Committee on the Organization of the Congress. These areas should be examined by the Joint Committee on Congressional Operations. I express the hope that if such a committee is established, it will equip itself with an able staff to enable it to make a penetrating study of these very delicate but important subjects.

PROVISIONS FOR THE MINORITY

Minority members felt quite strongly that where the executive and the legislative branches of the Government were in the control of the same party, that the committees of the Congress having the responsibility of examining the efficiency and economy of operations in the executive branch of the Government; either the Government Operations Committee or perhaps a new committee to be called a Committee on Procedures and Policies, should be under the control of the minority party. The obvious purpose of this provision would be to insure proper scrutiny and review by the Congress of the expenditures by the executive branch and the exercise of vast authority delegated to executive agencies and that the laws are honestly and efficiently administered. In the British House of Commons, the Committee on Public Accounts is by tradition under the chairmanship of a leading member of the opposition; usually a person who had been Financial Secretary to the Treasury. In the Republican Harding administration, the Teapot Dome investigation was assigned by a Republican Senate to a committee chaired by a Democratic Senator, Thomas J. Walsh, of Montana.

Minority party members of the joint committee were unable to persuade the committee to accept this concept of congressional review of executive action and I do not delude myself into thinking that an amendment to achieve this on the floor when the bill is up for consideration would meet with much success.

Aside from this provision, however, I must say that the members of the joint committee were quite cooperative in making a number of provisions for the advantage of the minority, as follows: First, committee staffing; second minority views in reports; third, equal time on conference reports; fourth, provision for the minority of a committee to schedule witnesses on at least 1 day of hearings, and; fifth, House Committee on Standards and Conduct.

COMMITTEE STAFFING

The Legislative Reorganization Act of 1946 provided for four professional and six clerical staff. It provided that the professional members should be selected without regard to partisan considerations and solely on the basis of competence to perform their duties. It also provided that the professional staff and the clerical staff should be assigned to the chairman and the ranking minority member. Senator MONRONEY, who was vice chairman of the 1946 Reorganization Committee, indicated that he believed that this provision would provide the minority with adequate staff assistance to express their dissent effectively in cases where there was dissent. In actual practice, however, it worked out, in some committees at least, that the minority were not given the staff assistance with which to develop and record their positions effectively. Therefore, in our final report, the committee, in increasing the number of statutory committee staff positions from four to six, earmarked at least two of those positions for the minority, to be selected by the minority and to be assigned to the minority to assist them. Similarly, with respect to the six clerical positions, it was provided that at least one of the clerical positions should be filled by and assigned to the minority. This recommendation appears on page 21 of the final report under recommendation No. 2.

In addition, where committees request funds for staff beyond the 12 statutory positions, it is provided that in an annual resolution authorizing additional staff for committees and subcommittees, that the minority shall have fair consideration in staff selections for the subcommittees and that all minority staff personnel should be entitled to equitable treatment, including comparable salary, facilities, and access to committee records.

COMMITTEE REPORTS

There is now nothing in the rules which guarantees any committee member who dissents from the position taken by the majority, the right to file supplemental, additional, or minority views and to have them included in the report filed with the parent body.

The joint committee in its final report on page 12, in recommendation No. 14, requires that reports, when prepared, be submitted to all members and that they be allowed 2 days within which to prepare and file with the clerk their additional, supplemental, or minority views, which shall be included with the report filed with the parent body and printed in the same document as the majority report.

CONFERENCE REPORTS

Under present procedures, conference reports are prepared by those prevailing in the conference and there is no provision for dissenting or differing explanatory statements of the agreement arrived at in conference. Likewise, the conference report, when presented to the parent body, is handled in the House of Representatives by the ranking majority manager on the part of the House, and the time is controlled by that single member. Any time granted to those who oppose the conference report is a matter of grace and there is no entitlement as a matter of right to those opposing the conference report to express their dissent. The committee sought to remove this inequity by providing that individual members of the conference committee could submit their own individual explanatory views of what occurred in the conference and also, that the minority viewpoint be fully expressed when the conference report is submitted to the parent body by providing that those opposing the conference report should have equal time for expressing their dissent.

MINORITY SCHEDULING OF WITNESSES

Under present procedures, scheduling of the hearings and the witnesses who appear and the testimony to be given is all within the control of the committee, which means the majority of the committee. To provide a balanced record to insure all points of view are obtained, where the minority so desires, it is entitled under the recommendations of the joint committee to call witnesses of its own choosing for at least one day of hearings. This is provided on page 11 of the committee's final report under recommendation No. 12, that the minority of a committee shall be entitled, upon its request, to call witnesses of its choice during at least 1 day of the hearing.

HOUSE COMMITTEE ON STANDARDS AND CONDUCT

The final report on page 48, under the topic, "Ethics," recommends that the House of Representatives create a Committee on Standards and Conduct. While this brief statement concerning this committee does not spell out the characteristics it should have, it does indicate that the House might very well examine the Senate Special Committee on Standards and Conduct, which does provide for an equal number of majority and minority members. H.R. 17138, introduced by Representative Madden on August 18, 1966, on page 40, line 22, contains language creating a Committee on Standards and Conduct, which provides that it shall consist at all times of an even number of members, equally divided between the majority party and minority party.

I have substantially altered some of the provisions of the Madden bill relating to the Committee on Standards and Conduct in the bill I have introduced today and shall discuss these differences and the reasons for them later in my remarks. At this point, I only wish to note that with respect to the matter of conduct of members, officers and employees of the House of Representatives, the joint committee did agree that this was not a partisan matter and that the Committee on Standards and Conduct should be a bi-partisan committee.

Aside from the provisions for more equitable treatment for the minority, which I have discussed, there are many recommendations which, in my judgment, will go a long way toward improving the operations of the Congress if they are carried out in future Congresses. I shall discuss these recommendations briefly under the following headings:

First. Measures aimed at relieving time pressures on Members.

Second. Fiscal controls and budgetary reforms.

Third. Bill of rights for committees.

Fourth. Continuing studies of congressional organization and an agency to concern itself about Congress as an institution.

MEASURES AIMED AT RELIEVING TIME PRESSURES ON MEMBERS

Since the Legislative Reorganization Act of 1946, wholly new fields have developed, such as atomic energy, space, automation and computer science, and there have been notable advances in communications, transportation, medicine and health, science, and other fields of human endeavor, in all of which the Federal Government is deeply involved. In addition, in the last two decades the Federal Government has assumed a role in areas of social activity hitherto left to the States and local governments or to private citizens and organizations.

Thus, the workload of the Congress—its policy-making responsibility—has increased immeasurably, not only in magnitude, but in complexity and sophistication, and has imposed immense conflicting demands on the time of the 535 elected Senators and Representatives.

Many of the committee's recommendations are aimed at alleviating these pressures. Among them are:

The elimination of noncongressional chores, such as recommendations for appointments in the postal service by Members of the House and their confirmation by the Senate.

Enlarged staffs for committees.

A legislative assistant for Senators. The House provided $7,000 additional clerk-hire allowance for Members May 17, 1966, by House Resolution 855.

The committee recommended strengthening and improvement of the Legislative Reference Service, renaming it the Legislative Research Service and reorienting its approach to conform more nearly with the needs of Congress; to give it more versatility through facilitating employment of consultants and experts on an intermittent temporary basis on contract; and providing better supervision and review by the Joint Committee on the Library.

Authorizing committees to employ consultants on an intermittent temporary basis to take advantage of expertise in various fields of knowledge of interest to committees.

Authorizing committees to upgrade the talents and capacity of permanent staff personnel through additional training at committee expense, subject to the approval of the Administration Committees of the two bodies.

Improving the capacity of committees to review the administration of the laws and the expenditure of appropriated funds by providing an additional staff position called Legislative Review Specialist, with the specific duty of directing the committee's attention to the administration of the laws which fall within its legislative jurisdiction.

FISCAL CONTROLS AND BUDGETARY REFORMS

The committee has made a number of recommendations which should facilitate a more effective exercise of the congressional power of the purse. Under these recommendations, more use would be made of the General Accounting Office and its staff in establishing a standard classification code of activities and expenditures; in providing information as to the location and nature of fiscal data available in the various agencies and departments; in providing expert assistance to the Congress in the analysis of cost-effectiveness studies prepared by agencies and departments of the Federal Government, and preparing tabulations of budget data and information for a committee or a Member of Congress.

The budget would be required to contain multiple year financial projections of programs with commitments for future years and updating of the budget on June 1 of each year, and the Appropriations Committees of each House would be required to hold general hearings on the budget within 30 days after its presentation to Congress. Legislative committees would be required to include in their reports estimates of the cost to be incurred in carrying out the bill reported in the fiscal year in which it is reported and each of the 5 fiscal years following such year or for the authorized duration of the program; and to authorize programs in such form as to require annual appropriations for carrying them out.

Provisions relating to the legislative budget in the Legislative Reorganization Act of 1946 were repealed. Those provisions had proved unworkable over the years and the committee was unable to devise any satisfactory mechanism to supplant it, other than the fiscal reforms referred to above.

In my judgment, these reforms are an inadequate substitute for the independent legislative budget which I think the Congress should develop. This is a subject which should receive further attention and study by the Joint Committee on Congressional Operations.

COMMITTEE BILL OF RIGHTS

The committee was unable to find any suitable alternative for the tradition of electing chairman of committees by the respective Houses, largely on the basis of longevity of service. It sought to establish procedures guaranteeing equitable treatment, some of which I have previously mentioned where I referred to advantages given to the minority, such as the calling of witnesses and guaranteeing opportunity to file dissenting views. Additional provisions in the form of announcement of record votes, the ability of a majority to compel the filing of a report or bill; the prohibition of proxies and the printing of committee rules at the beginning of each session, likewise should enable the majority of a committee at all times to control committee proceedings regardless of attempted arbitrary action by a chairman.

THE JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

Perhaps the most far reaching and potentially the most beneficial of the recommendations of the joint committee is the establishment of a Joint Committee on Congressional Operations on a permanent basis. This committee would have the responsibility of making a continuing study of the organization and procedures of the Congress and its relations with the executive and judicial branches of the Government with a view toward recommending reforms to strengthen the Congress from time to time as developments warrant.

I understand my colleague on the joint committee, Dr. HALL, intends to develop this subject in somewhat greater detail and for that reason, I will say no more about it at this time.

COMMITTEE ON STANDARDS AND CONDUCT OF THE HOUSE OF REPRESENTATIVES

The bill I am introducing is identical in all respects with the bill S. 3848 being introduced by the six Senate Members of the Joint Committee on the Organization of the Congress today, except for the provisions relating to a Committee on Standards and Conduct of the House of Representatives.

The Senate bill S. 3848 was reported by the Special Senate Committee on the Organization of Congress today, Report No. 1629.

The provisions relating to the House Committee on Standards and Conduct of the Senate bill S. 3848 are the same as those in H.R. 17138, introduced by Congressman MADDEN on August 18, 1966. They appear in the Madden bill, commencing on page 40, line 2, continuing to page 43, line 16. Both versions, H.R. 17873 and S. 3848, have the same purpose; namely, to investigate individual instances of misconduct by Members, officers, or employees of the House and also to recommend a code of ethics.

My bill does, however, have one major difference. Under the Madden bill, it is provided that the committee shall select the chairman and the vice chairman from among its members and the same provision is contained in my bill, but the Madden bill goes on to say the chairman shall be a member of the majority party and the vice chairman shall be a member of the minority party. This seems to me to restrict unnecessarily members of the Committee on Standards and Conduct. Under both bills the committee would be bipartisan, in the sense that the membership would be equally divided between the majority and minority parties. In my view, the committee might very well, in this sensitive area relating to conduct of Members, officers, and employees of the House, desire to allay any suspicion that the inquiry might be a whitewash by electing as chairman of the committee a member of the minority party.

Incidentally, I believe all should be on notice that the resolutions reported from the House Rules Committee providing for a Select Committee on Standards and Conduct would create a temporary committee, which would expire with the 89th Congress. That committee might well not even be established before the adjournment of the 2d session of the 89th Congress.

One of the reasons I believe the House should establish a Committee on Standards and Conduct is that many times unfounded allegations are made against Members which upon inquiry would be found to be without any basis whatever and the Committee on Standards and Conduct could clear the air in such cases.

CONGRESS SHOULD ENACT ORGANIZATIONAL REFORMS BEFORE ADJOURNING

It is my considered judgment that this Congress ought not to adjourn sine die without having acted on congressional reform.

My reasons are as follows:

First. The bill is ready.

Second. Both Houses unanimously determined reform was necessary.

Third. If, as the creation of our joint committee indicates, Congress requires strengthening and modernizing, time is of the essence.

Fourth. Reforms should be enacted now—so that the new 90th Congress may organize, utilizing the new institutions and procedures.

Fifth. If the 90th Congress organizes under old forms and practices—vested interests will develop and will inhibit change, making the adoption of meaningful reforms more difficult.

Sixth. If we put off reorganizing Congress, we will indicate it is a matter of low priority, thus, encouraging inaction in the next Congress.

Seventh. Many who have actively participated in this fight to strengthen Congress—who are familiar with conditions and the reasons for change—may not be available to participate in guiding reform legislation through Congress next year. Furthermore, we should act while the considerations leading to the recommended reforms are fresh in our minds, leading to more meaningful discussion.

Eighth. If no bill is passed before adjournment, the Democratic Party and its leaders must face the electorate in November with a record of weakness and inaction. With overwhelming majorities in both Houses, they will be recorded as unwilling to adopt reforms unanimously recommended by a blue-ribbon bipartisan committee.

Mr. HALL. Mr. Speaker, I wish to associate myself with the remarks of my colleague from Missouri, the Honorable THOMAS B. CURTIS, the ranking Republican House Member of the Joint Committee on the Organization of the Congress.

I agree with him especially in his concluding remarks that it is important that this Congress take action immediately on the urgent problem of congressional reorganization so that any reforms which the Congress approves can take effect at the beginning of the 90th Congress.

In my judgment, it would be a tragedy if the dedicated efforts of the 12 members of the Joint Committee on the Organization of the Congress, who diligently applied themselves to the mandate given them to study the organization and procedures of Congress, were to have been given in vain because of inaction or indifference on the part of the members and leadership of the two Houses.

Mr. Speaker, I recognize fully that there are controversial features in this bill. At the outset we were well aware that no change could be made in the existing procedures and structure of the Congress without interfering with vested interests in the old way of doing things. Certainly in the deliberations of our 12-man Joint Committee on the Organization of the Congress, we ran into many disagreements and controversies. Yet we were able to agree upon a report signed by all 12 members and I say the Congress, likewise, should consider our recommendations and work its will, but at least let the Nation have something to show in the way of progress in modernizing and strengthening the Congress.

If there is one single reform more important than others, in my judgment, it is the recommendation that there be created a continuing Joint Committee on Congressional Operations. This committee would consist of five Senators and five Representatives, of whom, in each House, a majority and a minority member of the Committees on Government Operations, and the House Administration and Senate Rules and Administration Committees would be appointed by the Speaker and the President pro tempore of the Senate.

The Joint Committee on Congressional Operations would have the duty on a continuous basis of studying the organization and operations of the Congress and recommending improvements with a view towards strengthening Congress, simplifying its operations, improving its relationships with other branches of the U.S. Government, and enabling it better to meet its responsibilities under the Constitution of the United States.

One of the reasons our committee was able to arrive at agreement on its final report was because many of us felt that with the establishment of a continuing Joint Committee on Congressional Operations, areas of legislative reform upon which we were unable to agree or problems of congressional operations for which we were unable to find a satisfactory solution, could be taken up by the continuing Joint Committee on Congressional Operations.

For example, in no less than 7 of the 15 points made in the additional views of the Republican House members of the joint committee, we indicated that subjects should be studied by the proposed Joint Committee on Congressional Operations. These items are as follows:

First. Enforcement of section 1913 of title XVIII of the U.S. Code, prohibiting lobbying with appropriated funds by the executive branch.

Second. Campaign expenditures.

Third. Contested elections.

Fourth. Contempt citations.

Fifth. Exercise of the congressional power to declare war.

Sixth. Advantage of incumbency and the seniority system.

Seventh. Executive privilege, related to Congress and the people—credibility gap.

We, likewise, urged that membership on the Joint Committee on Congressional Operations be equally divided between the parties, and many of the other points in our additional views could well receive the scrutiny of the Joint Committee on Congressional Operations.

In addition to its study, the Joint Committee on Congressional Operations would have the responsibility of following up on the recommendations of our temporary joint committee and the provisions of the Legislative Reorganization Act of 1966 to see how those reforms are working out and whether or not they were being observed by the Congress. In the light of actual experience, the committee might well recommend modification or even repeal of some of those reforms.

In addition, the Joint Committee on Congressional Operations would have the responsibility for continuously studying automatic data processing and information retrieval systems with a view to determining possible utilization of such systems for the benefit of the Congress. This committee's studies in this field would also facilitate, not replace, the review and oversight activities of other congressional committees as they might be affected by increased computerization of the executive branch.

The Joint Committee on Congressional Operations would concern itself with the Congress as an institution, study improved ways of providing services and facilities for Members and committees and familiarize itself with litigation which might affect the operations of the Congress.

The Congress, its committees and its members, are sometimes involved as parties litigant. Traditionally, in these cases representation has been by private counsel, sometimes not paid for by the Congress; or by the Department of Justice, likewise not paid by the Congress for these services.

Just a few weeks ago, as we all recall, a Federal district judge issued an injunction against a committee of Congress. Happily, the injunction was promptly vacated.

In addition, the constitutional authority of the Congress, the will or intent of Congress and even the application of parliamentary rules have been passed upon by the courts. In a few cases involving constitutional powers, the Congress has been represented by appearances by Senators, Representatives or other attorneys as amicus curiae. This representation has been on a sporadic basis and sometimes at no expense to the Congress. In contempt and perjury cases involving the powers of the Congress and its parliamentary procedures, Congress usually has been represented by the Department of Justice, at no expense to the Congress.

This legal representation of the Congress with respect to its vital interests is unsatisfactory and the effect upon Congress of court decisions should be a matter of continuous concern for which some legal agency of the Congress should take responsibility. The committee considered this function peculiarly appropriate to be assigned to the Joint Committee on Congressional Operations as a part of its responsibility for Congress as an institution.

Mr. Speaker, I hope this Congress will act promptly on the recommendations of our Joint Committee on the Organization of the Congress and express the hope that if some of the provisions of the bill fall by the wayside during the process of enactment, at least the provision for the Joint Committee on Congressional Operations will be preserved.

Mr. CLEVELAND. Mr. Speaker, although it has been my privilege to serve as a member of the Joint Committee on the Organization of the Congress for only 4 months, I have long been closely involved in the subject of congressional reform.

Shortly after the resolution was passed creating the joint committee, the gentleman from New York [Mr. Goodell], of our House Republican Committee on Planning and Research, appointed a task force to study this matter in depth, with particular emphasis on the pressing need of the minority for more staff on most of the standing committees.

As a first order of business, the task force encouraged Members from our side of the aisle to present their views to the joint committee. We were gratified at the close of the committee's hearings to learn that proportionately more Republican than Democratic Members of the House had shown a willingness to come forward with their views and suggestions toward strengthening our ailing national legislature. I ought to add that each Member's testimony was a true reflection of his personal convictions—the only assistance provided by our task force concerned the scheduling of our witnesses.

As a second order of business, we prepared a study outline for research in depth of key areas by a now expanded task force of 21 Members. For the record, I submit the following table of contents from "We Propose: A Modern Congress," published by the McGraw-Hill Book Co., which contains the results of our research:

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Most of our suggestions were made known to the joint committee at various stages of the committee's work, even after the hearings had been completed. So, while it is our hope that this book will stimulate public discussion of the role of today's Congress, there is little in its pages that can be considered new material for the joint committee.

As a third order of business, we have attempted to keep the dialog moving on our side of the aisle in a constant effort to find new and better answers to the problems of inefficiency, confusion, and the diminishing influence of today's Congress.

The case for House Republicans on the issue of congressional reform could hardly be clearer: our efforts, conclusions, and sincere purpose are matters of public record. Our supplemental views in the final report of the joint committee attest to this.

I wish to add only two further comments to the remarks of my Missouri colleagues here this afternoon. First, from painful experience, our task force can testify to the complexity and vast scope of the problem of congressional reorganization. It is a job of no mean proportions to study various aspects of the overall problem and submit research conclusions based on data compiled in this compartmentalized fashion. It is exceedingly more difficult to shape an omnibus bill of more than 100 compatible separate reforms. As chairman of our task force, I fully appreciate how intricate and painstaking a process it is to analyze, sort, and eventually weld together, the many pieces that go to make up a progressive reform bill.

By way of a final observation, I wish to comment on the distinguished work of my colleague, the gentleman from Missouri [Mr. CURTIS]. Congressional reform has had no stronger a champion in this Congress or more persistent an advocate in Congress than he. His patient scholarship, driving determination, and self-effacing assistance have sustained and guided our task force efforts, and his wisdom is in the bill he had introduced today. I have a number of reasons for supporting this legislation, and not the least of them is the knowledge that it has come to fruition out of the labor and influence of the ranking House Republican member of the Joint Organization Committee. At an appropriate time I will discuss certain shortcomings of this legislation based on the significant and constructive recommendations in our supplemental views.

DROUGHT RELIEF FOR FARMERS: PROBLEMS AND PROPOSALS

The SPEAKER pro tempore (Mr. MATSUNAGA). Under previous order of the House the gentleman from Maryland [Mr. MATHIAS] is recognized for 30 minutes.

Mr. MATHIAS. Mr. Speaker, after a long, dry, devastating summer, the rains have finally come to the eastern seaboard. Unfortunately, though, the recent rain has been too late to offset the impact of even this year's drought, much less to make amends for the cumulative effects of 5 consecutive years of low precipitation. The storms of September cannot solve the problems which began in June, July, and August, and which will plague many farmers next January, February, and March.

The able and industrious farmers of my own State, Maryland, are now beset not only by the problems which confront farmers throughout the Nation, but also by the special and serious woes inflicted by the drought. Many of them are now in deep economic trouble, caused by the quirks of weather and compounded by the vagaries of Agriculture Department policies. Because of drought, their production of feed grains, both for commercial markets and for their own use, is down. Because of the inexorable rules of dwindling supply and increasing demand, their overhead is up. Because of the rigidity of Agriculture Department regulations, no real relief can be obtained.

Three statements summarize the present situation. First, Mr. James M. Voss, chairman of the Maryland State ASC Committee, reported in his Informational Letter of September 1 that the estimated Maryland corn crop for 1966, based on the August 1 crop conditions, had dropped 36 percent below the estimate which had been based on crop conditions on July 1. At the same time, he observed that the estimated yield per acre this year, as of August 1, was 45 bushels, over 39 percent below last year.

Second, a Frederick County dairy farmer advised me earlier this month that his expenses for feed grains alone had risen 5.5 percent in the past 6 weeks. All signs indicate that these prices will continue upward, while the volume of feed grains required for his herd can only be reduced at a sacrifice of production.

Third, I have been advised that the average age of Maryland dairy farmers is now 49. This startling figure reflects the fact that many younger farmers, with relatively slim resources, have either been driven out of farming by deepening debt, or have been discouraged from entering the field at all. Consequently, more of Maryland's rich farm acreage is for sale right now than at any other time in recent years. Due to rising land values and the shortage of farmers' capital, much of this land is being purchased for conversion to non-agricultural use. This accelerating shortage of farms, and therefore of farmers, if not reversed, will have serious consequences in the years ahead, as the demand for all commodities rises sharply in this area, in the Nation and throughout the world.

This summer I have traveled extensively throughout central and western Maryland, and have talked with countless farm groups and individuals about the immediate and long-range problems they face. These meetings have reaffirmed my conviction that bold leadership is necessary, now, both to reform present programs for immediate drought relief, and to develop new general policies to help American farmers become truly self-sufficient, so that no special crisis programs need be invoked in the future.

Mr. Speaker, at present there are four major programs of assistance to drought-stricken areas: the privilege of grazing or haying on diverted acreage; the privilege of purchasing surplus feed grains at lower prices; reductions in shipping fees for hay; and low-cost credit. These programs, which essentially offer only limited aid, have been hobbled by restrictive and inconsistent administration. Today, therefore, I am introducing legislation and recommending administrative actions to strengthen and straighten out existing drought assistance. My suggestions are based on the overwhelming agreement of Maryland farmers that these programs, as presently operated, are ineffective and inequitable, and that certain reforms are necessary before "relief" efforts can actually help at all.

GRAZING PRIVILEGES

This program, the only one approved for any Maryland counties before September 2, permits farmers to graze their herds on crop hay before November 1 on acreage diverted from production under the four existing land diversion programs. While these privileges may be beneficial in theory, in practice two factors undermine their usefulness. First, obviously the diverted acreage has received no more rain this year, or in the last 5 years, than the rest of Maryland agricultural land, and much of what is supposedly "extra pasture land" has actually burned dry. Second, even where pasturing is feasible, the charging of fees for use of this land minimizes any gains which might otherwise be made.

While the establishment of fees for grazing or haying on diverted land is presently required by the Agriculture Department, it is not required by law under the conservation reserve program. These charges, while substantial from the point of view of hard-pressed farmers, are insignificant in the perspective of the multi-billion-dollar operations of the Department of Agriculture, and appear to be levied less for their revenue than for the sake of regulation.

I am therefore recommending to Secretary Freeman that these nuisance fees be abolished.

LIVESTOCK FEED PROGRAM

I regret that it is not possible yet to comment on the actual operation of this program in Maryland this year. Despite clear evidence that crops are scant and feed grains are in short supply, and despite the urgent requests of at least 11 county ASC committees and the certification of the State disaster committee, the livestock feed program has not yet been authorized.

Mr. Speaker, in my judgment Secretary Freeman's arbitrary decision to withhold this assistance is based on several arguments, unsupported, and actually contradicted, by the facts. I have had extensive correspondence on these points with Secretary Freeman and his aids, and would like to include at this point the following three letters:

AUGUST 23, 1966.

DEAR MR. MATHIAS: In response to your letter of August 17 asking for more drought assistance for Carroll and Frederick counties than that described in our letter of August 16, the Livestock Feed Program has not been authorized in any State or county this summer. Even though the oat and barley crops and later the corn crop may be reduced somewhat due to the drought, adequate supplies of feed grains should be available for sometime after harvest at reasonable prices. It is still too early to be certain what the corn crop will produce (including ensilage) if weather conditions should improve. However, if the Livestock Feed Program is prematurely approved in the meantime to make CCC stocks of feed grains available at reduced prices, such action would definitely depress the price for farmers in Maryland who have these crops to market.

We believe conditions generally are not sufficiently acute to warrant initiating the Livestock Feed Program at this time. If the State and County USDA Disaster Committees determine that conditions have worsened, we would be glad to consider their recommendations at some appropriate later date.

We appreciate your calling our attention to this important matter. We will watch developments closely. We hope that the unfortunate livestockmen in the drought areas will be favored wih badly needed rains before it is too late for 1966 crops and grazing.

Sincerely yours,

Robert S. Reed,
Assistant to the Secretary.

August 31, 1966.

Dear Mr. Secretary: Since receiving your assistant's letter of August 23, I have discussed his comments with a number of the leading farmers of drought-stricken areas.

The implied suggestion that Maryland farmers stage an Indian rain dance is hardly constructive under the present circumstances. The farmers I have consulted agree with me that, even as of August 23, when Mr. Reed wrote, any rain would have been "too late for 1966 crops and grazing." The Chairman of the Maryland ASC Committee did declare that "rains must come soon if they are to help this winter's feed supply," but that statement appeared in his Informational Letter of August 1. Early corn required rain at least five weeks ago; late corn, at least a week or two ago. Further, many farmers are cutting their corn right now, although it is immature, so that little corn will be left to receive any rain which may appear during the next few weeks. A decision by you now would help many in determining whether to chop corn for silos or keep it to pick.

The authorization to use diverted acreage for pasturing has proved to have very little value for most Maryland farmers. Obviously these lands have received no more rain this year, or in the last five years, than the rest of the agricultural acreage, and much of what is theoretically "extra pasture lands" has burned up. Even where some pasturing is possible, the fees charged for use of the land—fees which were not publicly mentioned prior to the granting of this "relief"—undercut any gains which might be made through this program.

The farmers with whom I have talked have raised serious questions about the assertion that "if the Livestock Feed Program is prematurely approved . . . such action would definitely depress the price for farmers in Maryland who have these crops to market." They have pointed out, first, that the market price of corn went up about a month ago, due to existing shortages and increased demand. Such higher prices for essential feed obviously undermine any remaining chance for profitable farming in Maryland this year. Since not all farmers will be eligible to receive surplus feed grains, the provision of these surpluses to some would help reduce market pressures and bring the price back to reasonable levels. Moreover, the price of surplus feed grains is not really much less than the customary market price, so that serious depression of the market price is highly improbable.

In general, I would urge you to reassess the value of existing drought assistance programs more realistically. In so doing, I hope you will bear in mind the fact that the prolonged drought has forced Maryland farmers to use grains for supplemental feed on a year-round basis. The problem now is far more acute and extended than one of simply insuring adequate winter feed.

It is my considered judgment that the entire Agriculture Department program of drought assistance should be thoroughly reformed. Toward this end, I would be most happy to arrange a survey of conditions in the fields, and a discussion with representatives of Maryland farmers, for you and your assistants.

Very sincerely,

Charles McC. Mathias, Jr.

U.S. Department of Agriculture,
Agricultural Stabilization and
Conservation Service,
Washington, D.C., September 9, 1966.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Mathias: This is in reply to your letter of August 31, 1966, concerning the need for the Livestock Feed Program in the drought area of Maryland.

The Department is fully aware of the drought conditions which are so generally prevalent in Maryland, Pennsylvania, Virginia, and West Virginia. However, we still believe that conditions with respect to the availability of feed grains are not sufficiently acute to warrant a Livestock Feed Program at this time.

We recognize that livestock producers and dairymen would like to know whether the Livestock Feed Program will be authorized at some future date. This information is desirable in order that they can plan ahead. Most of our farm programs are announced in advance so that farmers can plan their future operation. However, the Livestock Feed Program cannot be announced prior to the time it has been determined that conditions have become sufficiently acute to warrant assistance.

We appreciate your interest in this matter and assure you that a close watch will be kept on conditions in the counties and further action will be taken if justified by the facts.

Sincerely yours,

H. D. Godfrey,
Administrator.

Mr. Speaker, I regret that Mr. Godfrey did not see fit either to respond to the points I made in my letter of September 1, or to offer additional arguments to support his contention that the situation is not yet serious enough to warrant approval of the livestock feed program. Since the State disaster committee, headed by the chairman of the Maryland ASC Committee, has recommended this aid, and since Washington officials, to my knowledge, have not made any field inspections of their own, I cannot understand their persistent rejection of the informed judgment of men on the scene.

Further, from past experience, Maryland farmers know that their problems will not end if the livestock feed program is eventually approved. Two administrative restrictions, resulting either from the rigidity or from the ambiguity of Agriculture Department regulations, have consistently irritated farmers and unduly complicated the provision of surplus feed grains.

First, section 3 of the act of September 21, 1959, provides that surplus feed grains be made available only to those farmers who, besides living in drought disaster areas, are unable to obtain adequate grain supplies "through normal channels of trade without undue financial hardship." In some States local officials have interpreted this provision as requiring that, no matter how scarce commercial supplies may be, and no matter how high the market price may have soared, individual farmers applying for aid must file a detailed financial statement. The determination as to whether "undue financial hardship" exists in every individual case is left to the respective county ASC committees, resulting in a wide variation of policies and criteria for eligibility, and placing divergent burdens of proof on both the farmers and the committeemen.

While I agree that surplus feed grains should not be handed out indiscriminately, it seems to me that, where an area has been declared a drought disaster area—especially for several successive years—farmers should not be forced to prove near-indigence to be eligible for special help. Therefore, I am introducing today a bill to repeal the "hardship" provisions of existing law.

The second problem is that the Agriculture Department has required that, where farmers purchase feed grains directly through county committees, payment must be made in cash at the time of purchase. This stipulation, which is not specified in law, seems to have been established simply for the administrative convenience of the Agriculture Department. Since farmers in drought-stricken areas are generally very short of cash, it seems obvious that county committees should be permitted and encouraged to extend reasonable short-term credit, for periods of perhaps 30 to 90 days, to farmers purchasing surplus feed grains. I am today urging the Secretary of Agriculture to grant this discretion.

SHIPMENT OF HAY

If feed grains are not available in a disaster area, and cannot be purchased in sufficient quantities from surplus stocks, obviously the farmer's only alternative is to buy grains from other areas. Under existing law, the Interstate Commerce Commission is authorized to permit railroads to reduce freight rates for hauling hay into disaster areas. Clearly the farmer should be the real beneficiary of such rate reductions, but farmers have testified that this is not the case. Accordingly, I am today introducing a bill providing that, notwithstanding any other provisions of law, the Secretary of Agriculture is authorized to reimburse farmers in drought disaster areas for one-half the cost of transporting hay by any common carrier to such areas from other areas approved by the Secretary.

LOW-COST CREDIT

In times of economic hardship, the farmer's greatest need is for funds with which to pay his operating costs and maintain his capital investment. Currently the Farmers Home Administration is authorized to make loans at 3 percent in designated disaster areas, but only to farmers who "are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms." Like the definition of "hardship" under the livestock feed program, the administration of this restriction is left primarily to county committees and FHA agents, producing a wide range of definitions of "reasonable rates," and greatly varying criteria for proof of financial need. In some States and some counties farmers must have evidence of actual credit rejection by commercial lenders. In other States and counties, no such requirement is enforced, so that both uniformity of interpretation and equity of treatment are lacking.

Recently a Frederick County farmer, protesting the rigidity of such requirements, wrote me that it should be "unnecessary for self-respecting farmers to be subjected to credit rejection before cheap money is made avaliable for feed purchases." His comment, which I endorse completely, summarizes the false premises on which our drought disaster programs, and particularly the low-cost credit programs, are now based. Perhaps the key to USDA failures in this area is the Department's apparent equation of "drought relief" with "relief" in the welfare sense, rather than in the sense of temporary aid. But Maryland farmers do not want a dole, nor do they seek to become permanent wards of the Government. Rather, while Federal subsidy and control policies circumscribe their operations, and when extraordinary natural disasters make profitable farming impossible, they simply need temporary assistance, similar to the type provided to small businesses.

I suspect that, before truly appropriate and adequate assistance can be given to farmers in drought disaster areas, the Agriculture Department's entire attitude will have to be changed. As a first step, I am today asking Secretary Freeman to issue regulations which define the restrictions on FHA low-interest loans to make it unnecessary for individual farmers to suffer actual credit rejections, or for individual county agents to probe every detail of farmers' financial standing. Especially when, as now, commercial credit rates are high and loans are hard to obtain, it appears reasonable for the Department to establish guidelines which, perhaps by defining regions of tight credit, lift the burden of proof from the farmer and the burden of judgment from the county agent.

Second, as a long-range reform, I am calling upon the Department of Agriculture to provide alternate methods of providing the low-cost, long-term credit which drought-stricken farmers need. I am prepared to introduce legislation necessary for this purpose. A feasible step, which I will study in detail, might be to authorize the Farmers Home Administration to guarantee loans made through commercial sources and to pay all interest charges above a basic rate of perhaps 3 percent. I am asking Secretary Freeman to review this proposal without delay.

INSURANCE

The ultimate answer to the credit problem could be to establish a system of drought insurance for farmers. Obviously the actuarial difficulties involved are extensive, and require expert analysis before such a program could be implemented even on an experimental basis. Accordingly, I am today urging Secretary Freeman to initiate studies of the feasibility of augmenting the present limited crop insurance programs through a new program of insurance not for specific crops, but for all major crops produced in geographical areas especially subject to prolonged and damaging drought. Such an advance would be in full accord with the basic purpose of the Federal crop insurance program, set forth in 7 U.S.C. 1502 as "to promote the national welfare by improving the economic stability of agriculture through a sound system of crop insurance and providing the means for the research and experience helpful in devising and establishing such insurance."

CONCLUSION

Mr. Speaker, there are few signs that the persistent effects of the long northeastern drought will be ending soon. Even after normal year-round rainfall resumes, farmers will need assistance in recouping the losses they have suffered during the past 5 years. The rigid policies and attitudes of the Agriculture Department have so far failed to provide the aid that farmers seek, within the framework of the farmers' essential desire for economic self-sufficiency and independence. The current policies are ineffective, inefficient, and inequitable. They do not help the farmer's income, and they wound his dignity.

The legislation and administrative changes I have recommended today would be immediate steps on the road to reform. To summarize, today I am, first, asking Secretary Freeman to abolish the nuisance fees charged for use of diverted acreage in designated areas; second, introducing a bill to repeal the requirement that farmers in disaster areas may purchase surplus feed grains at reduced prices only if they cannot obtain needed supplies commercially without undue financial hardship; third, urging Secretary Freeman to permit county committees to extend short-term credit for purchase of surplus feed grains; fourth, introducing a bill authorizing the Secretary of Agriculture to reimburse farmers in drought disaster areas for one-half the cost of shipping hay by any common carriers; fifth, asking Secretary Freeman to issue new regulations defining eligibility for low-cost FHA credit to remove the need for detailed and divergent "means tests" and proof of credit rejection; sixth, calling on the Agriculture Department to review alternate sources of low-cost, long-term credit, including possible loan guarantee programs; and seventh, urging Secretary Freeman to study the feasibility of a new crop insurance program covering all major crops produced in drought disaster areas.

These steps would be immediate advances toward effectiveness and equity in our drought-assistance programs. As I have indicated, far more basic changes are also necessary. I will continue to work for new general policies through which the American farmer can achieve his proper role as a full and free partner in American prosperity.

THE SAFETY OF THE PEOPLE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. UTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. UTT. Mr. Speaker, Adm. Ben Moreell, former Chief of the Civil Engineer Corps of the U.S. Navy, and distinguished chairman of Americans for Constitutional Action, gave the commencement address to the graduating class of Grove City College, Grove City, Pa., on July 4 of this year.

In his remarks, which he entitled "The Safety of the People," this distinguished American addressed himself to one of the paramount problems of this unhappy age, the breakdown of order in all facets of our society.

Mr. Speaker, the prime function of any government is the maintenance of order and tranquility. Without these hallmarks of civilization, no nation can exist, much less progress. I commend Admiral Moreell's remarks to my colleagues, and insert his speech in the RECORD at this point:

THE SAFETY OF THE PEOPLE

(By Adm. Ben Moreell, Civil Engineer Corps, U.S. Navy (retired))

In light of the turmoil and chaos which now enmesh our nation, at home and abroad, and the consequent bewilderment of our people, it is important to review our policies and practices over the past half century to determine, if we can, the causes of the current confusion.

Starting practically "from scratch," we became, in little over a century, the greatest nation in recorded history in terms of spiritual stature, individual freedom, material productivity, cultural progress, biblical charity and the security of our citizens and their property.

But, as we prospered, we lost sight of the fact that the blessings we enjoyed are not self-perpetuating, that they are premised on certain spiritual and cultural conditions which this generation did not create, which we inherited, and which we are losing! We are consuming our capital! That is the surest road to bankruptcy in business. And I am just as sure that our national well-being cannot outlast the current exhaustion of our spiritual and cultural capital!

THE HIGHER LAW

In his classic work, "De Legibus," Cicero, greatest of Rome's jurists and philosophers in the law, set forth this proposition:

"The safety of the people shall be the Highest Law."

That dictum stemmed from the concept that there is a Higher or Natural Law which transcends all man-made law. The idea originated with the ancient Greeks, was elaborated by Aristotle, and later adopted by the Stoics from whom it was taken over by Cicero and incorporated into the Roman law.

It was accepted by our Founding Fathers for inclusion in the Declaration of Independence, as evidenced by their avowed reliance on "the laws of Nature and of Nature's God" as sanction for their claim to that "separate and equal station—among the powers of the earth" to which a people is entitled when it becomes necessary—"to dissolve the political bands which have connected them with another."

Professor Edward S. Corwin, noted scholar and teacher of jurisprudence, in his essay, "The 'Higher Law' Background of American Constitutional Law," wrote:

"There are . . . certain principles of right and justice which are entitled to prevail of their own intrinsic excellence, altogether regardless of the attitude of those who wield the physical resources of the community. Such principles were made by no human hands . . . They are external to all will as such and interpenetrate all reason as such. They are eternal and immutable. In relation to such principles, human laws are . . . merely a record or transcript, and their enactment an act not of will or power but one of discovery and declaration."

Later, with respect to the 9th Amendment of the Constitution, which validates those rights of the people which are not specifically enumerated, he wrote:

"Such rights . . . owe nothing to their recognition in the Constitution. Such recognition was necessary if the Constitution was to be regarded as complete.

"Thus the legality of the Constitution, its supremacy, and its claim to be worshipped, alike find common standing ground on the belief in a law superior to human governors."

That concept was endorsed by the late President Hoover in his address to the 1956 Republican National Convention. He said:

"Those great documents of 180 years ago from our Founding Fathers must still be the foundation of our American way of life . . .

"I have faith that there are principles which neither Communism, nor Socialism, nor neutralism, nor other evil ideas, nor even the march of time, can defeat. Those truths came into the world along with the shooting stars of which worlds are made. They are as inevitable as the existence of the Supreme Being, the forces of gravity, and the ceaseless struggle of mankind to be free."

LIMITS FOR MAN-MADE LAW

Those "principles of right and justice" fix the limits within which man-made law must function if we are to avoid doing violence to the higher law of nature.

The Declaration defined those limits as follows:

"We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure those rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it and to institute new government . . ."

The preliminary drafts of the Declaration and contemporary documents make clear that the phrase "all men are created equal" was intended to denote equality before God and before the law, not an impossible equality of natural talents and consequent equality of material possessions. Similarly, it was intended that all men should be free to pursue happiness, the responsibility for catching up with it remaining with the pursuer. Happiness, per se, is not a natural right but something to be earned by individual effort, a concept which differs materially from that of "The Great Society" zealots who now steer our Ship of State.

Those basic principles were to establish the framework for a "government of laws and not of men." Our Central Government was to be one of strictly limited powers, specified in a written constitution. Furthermore, those powers were to be augmented, extended, eliminated, reduced or re-distributed only by the procedures prescribed in the Constitution itself, not by judicial interpretation, legislative mandate, executive decree nor by arbitrary seizure which has no legislative sanction but is based on the theory that certain undefined powers inhere naturally in the presidency. All of these devices have been used in recent years by power-hungry and impatient government officials to rationalize their violations of constitutional prohibitions and limitations on their authority.

The texts of the Declaration and the Constitution, the debates in the Constitutional Conventions, in the Congress and in the State legislatures, as well as contemporary records, notably the sermons of the colonial clergy, indicate general agreement that broadly speaking, the functions of the Central Government should be limited to the following:

1. Protection of the citizens' lives, limbs, liberties and livelihoods, that is, their honestly acquired property, against aggression from without and internal disorder;

2. Dispensation of equal justice under law; and

3. Keeping the records incident thereto.

Other than these, the people were to be free to pursue their own interests, provided this did not lead them to trespass on the rights of others.

It was held that such limitations on government powers could be effective only in a social order where there is a generally prevailing concept of the nature of the universe and how it is ordered, and the nature of man and his place in that universe; that concept being defined as follows:

1. Man has inherent and inalienable rights, bestowed on him by God, which are in conformity with universally valid and eternal moral laws;

2. All just government powers are derived from the citizens by voluntary delegation;

3. To avoid trespassing on the individual's rights, there must be a free market for goods, services and ideas, into which government must not intrude except to protect those rights; and

4. For every natural right there are collateral responsibilities and moral duties, imposed on the individual, to make his conduct conform to the code set forth in such stern admonitions as The Ten Commandments, The Sermon On The Mount and The Golden Rule.

On this foundation, our people erected the structure of a great social order which, until recent decades, stood as a beacon of hope for the future of all mankind.

SQUANDERING OUR LEGACY

How well have we managed this heritage? I believe my generation has squandered its legacy. We have permitted the superstructure of this citadel of freedom to be ravaged and its foundations eroded to the point where there is danger of total collapse.

Our intense pursuit of profit and pleasure left little time or inclination to reflect on the dismal records of some great civilizations of the past, best exemplified by the tragic decline and fall of the Roman Empire. This debacle resulted when "the safety of the people" was no longer revered as "the highest law" but had given way to ruthless competition for political or economic power, an essential feature of which was corruption of the people by ever-increasing government largesse in the form of food, clothing, shelter, entertainment, "bread and circuses." These were the prototypes of our present-day multi-faceted "war on poverty," publicly-financed stadiums, playgrounds, recreation areas, theatres, cultural centers, and a myriad of other "Great Society" subventions.

All of us must share the blame for this betrayal of our trust. Several years ago in a public address I reproached our National legislators for their seduction of the people by government "hand-outs." I received a letter from a prominent Senator, a friend of long standing, in which he said, "Don't be too hard on us. We give you the kind of government you demand . . . or will tolerate."

Over the past fifty years we have propagated a child-like faith in the competence of government to achieve any kind of material, economic, social or moral purpose. Implementing this faith we have stood by, meekly, while government seized authority at an ever-increasing pace, centralizing it in Washington, where it would be shielded from the scrutiny of those from whom it had been taken; and this is always done under the pretext that it is solely for the good of the people!

But even more destructive is the fact that, as government functions today, decisions on matters of vital import to the security and well-being of our nation are most frequently taken in light of their probable political effects, rather than being based on purely economic, social or national security considerations.

It has been said that the people never give up their liberties except under some delusion. In this case the delusion is that government which, after all, is operated by ordinary mortals like you and me, not by gods or supermen, has some superior competence in the realm of economics, some mysterious magic multiplier of wealth, some power to open the doors to a vast store of economic goods which can be had without working for them, merely by voting for them!

Few of us are completely immune to such delusions, or to the human passions which they arouse, apathy, fear, greed and violence. But those who see the terminus of this "devil's highway" are duty bound to sound the alarm.

Let us look briefly at some areas where we have departed from our time-tested principles, and thus jeopardized "the safety of the people."

THE EVILS OF INFLATION

Perhaps most obvious is the debauchery of our currency. Largely as the result of profligate spending and shiftless fiscal and monetary policies, at home and abroad, our gold reserve, intended to insure national solvency and to promote dynamic economic equilibrium, has been depleted to the point where our government resorts to frantic maneuvers in the international money marts to avoid devaluation of the dollar.

Our maudlin foreign aid programs have served principally to buttress unstable authoritarian and socialist governments, to line the pockets of dictators and their henchmen and to subsidize cutthroat foreign competition with our own industries.

Our public debt is at an all-time high and increases each year. In addition, there are hidden obligations accumulated under the social security and government retirement systems, and as guarantees of mortgages and other indebtedness, which amount to hundreds of billions, the total of Central Government liabilities alone having been estimated recently at 1½ trillion dollars, that is, $1500 billions, or $7500.00 for every man, woman and child in the nation!

The debts of States, subordinate units of government, and public "authorities," as well as private indebtedness have kept pace with that of the Central Government. Our nation is mortgaged to the hilt! And the process continues. Unbalanced national budgets have become a way of life. During the past five years the National Budget has averaged an annual deficit of $6.3 billions. Since 1939 inflation has reduced the purchasing power of our dollar to about 43 cents, with commensurate decreases in purchasing power of the peoples' savings accounts, pensions, insurance policies, annuities and other fixed income investments.

Increases in the costs of replacing obsolete industrial equipment and for new equipment to expand production reflect the current inflation. These, together with our subsidization of foreign industries, have impaired our ability to compete in the world's markets, including even those of our own country, and thus to provide decent jobs for a rapidly growing working population.

The "New Deal" strategists conferred on the late President Hoover the politically-motivated distinction of having caused single-handedly, a world-wide depression which they magnanimously named after him! But even if their arguments had the slightest validity, compared to the fiscal achievements of the various Deals, Frontiers and Societies which followed him, Mr. Hoover was a mere novice!

Several years ago the Economists National Committee on Monetary Policy published an analysis which showed that losses in purchasing power of the people's savings arising from the depreciation of our dollar during the periods 1939 to 1959 and 1960 were 122 times the loss of $1,901,000,000 of deposits in banks for the years 1921–1933. This includes the period of the New Deal's misnamed "Hoover Depression!" The culprit responsible for these huge inflationary losses is the agency that creates dollars out of thin air and pumps them into our economic blood-stream with no off-setting increases in goods and services available for purchases. This agency is our own out-of-bounds government. During the past five years our purchasing media (currency and checking accounts) have increased at an annual rate of more than 6%, the highest for any such period since World War II. And the rate is increasing; the rate during the past year being 8.9%.

But the harsh realities of politics will not permit government to admit its guilt. So government looks for a scape-goat, preferably one who will be a politically profitable whipping boy. In this case it is private industry, whose managers have tried earnestly to protect their owners' properties against inflationary erosions by proposing modest increases in the prices of their products.

The government propaganda machine is then turned on full-force in an effort to delude our people into believing that private industry is not the unfortunate victim of inflation but is the greedy villain who caused it!

Initially inflation weighs most heavily on the thrifty citizens who, largely through fixed income investments, have tried to provide a competence for their old age or security for their loved ones. But, eventually, it involves the entire nation. The resultant chaos can be ended only by dictatorship and ruthless suppression of the rights of the people. A dictator has been defined as the receiver for a nation gone bankrupt!

I have dwelt at some length on this subject because debauchery of the currency is so pervasive that, ultimately, no one can entirely escape its destructive effects. Our government, whose fiscal and monetary policies and practices induce inflation, stands guilty of flagrant violation of that highest law—the safety of the people!

THE CRISIS OF MORALS

Not unrelated to the debauchery of our currency is the national crisis of morals and moral courage.

Our national crime rates, notably crimes of violence, are skyrocketing, as are the rates of divorce, juvenile delinquency, illegitimate births and family desertions. There are all-too-frequent evidences of corruption in high places in public and private life. We are demoralized by an apathetic acceptance of low standards of conduct of prominent persons and of the general public; an increasing tolerance of openly flaunted pornography in the theatre, books, periodicals, recordings, movies and television; the deterioration of family life; derision of religion and spiritual values; and downgrading of the individual as a responsible creature of God, sovereign in his natural rights, having personal worth and dignity, deserving of respect because he is self-respecting and respectable.

Our situation is more precarious because we do not receive support from those to whom we look for help. We urge people to go back to church; but there they frequently find that the forces which have undermined our traditional beliefs have infected the very source of those beliefs, the church itself!

Many of our prominent and articulate churchmen and some of our most influential church bodies favor socialization of our national life and urge that more power be placed in the hands of government. Others have sought to make the churches over into a political force to put pressure on legislators. Many to whom we look for guidance out of the morass of materialism and State-imposed humanism appear to have "made a deal" for a partnership between God and Caesar, with God cast in the role of very junior partner.

Others assert with the assurance born of ignorance that "God is dead, and man has inherited His throne" . . . weak, witless, sinful man, frequently unable to resolve the problems of his own small household, but supremely confident of his competence to plan and direct the orderly functioning of the Cosmos!

I have long believed that personal example is the most powerful element of effective leadership, for good or for evil. A fair reading of the record leads to the conclusion that, in its role of Robin Hood, our giant government has provided the worst kind of moral leadership for our people. Robin Hood may have been impelled by the most altruistic of motives—but he was still a thief! Today the "powers that be" neatly gloss over the fact that when people vote for legislators who promise them "goodies" at the expense of those who worked to produce them, they become partners with government in thievery! More's the pity that such legalized larceny has the sanction of many high government officials who urge the voters to "come and get it!"

Many politicians now run for office on the platform, "I can get more from the government for you." But they do not mention what government must first take from you and others who produced the wealth. President Johnson had at least the virtue of frankness when he stated, "We are going to take from those who have and give it to the have-nots."

In a recent detailed study of socialist Sweden, commenting on public housing, the author wrote: "Here, as well as in other spheres, personal corruption and indifference to laws are the results of State intervention in the functioning of the free market economy."

CIVIL RIGHTS AND MORAL WRONGS

Our social order is subjected to massive stress as government seeks to impose legal curbs on freedom to use or dispose of one's property and the right to choose one's associates. Justifying the means they propose by the ends they seek, public officials and prominent private citizens, including many of our clergy, encourage violation of those laws which one does not like, as well as civil disobedience merely for its nuisance value, and illegal seizures of private property. All such acts constitute trespass on the rights of others and are "civil wrongs!" They point the way to anarchy and, ultimately, to dictatorship!

Our judiciary frequently shows excessive concern for the civil liberties of hardened criminals at the expense of the moral and legal rights of their innocent victims. Similar tolerance is displayed toward union officials who order or condone acts of violence on persons and property by their subordinates.

We appear to have reached the point where the only license we need for the perpetration of civil wrongs on a law-abiding and peaceful citizenry or for the obstruction of lawful commerce is willingness to join a picket line and carry a placard with a legend which heaps abuse on those who have incurred our displeasure!

Giant Government in Washington grows at the expense of State sovereignty and individual rights. The Central Government now owns more than 34% of the land area within the boundaries of the fifty States, it owns and operates more than 3000 tax-free commercial activities in competition with its own citizens, it dispenses more than 25% of the national income and it grows apace! Such massive intrusions into the affairs of the once Sovereign States and of the people, many clearly in violation of the Constitution, impair economic freedom, discourage prudent venture capital, impede development of private enterprise and compromise the safety of the people.

We appear to be suffering a paralysis of will which saps our courage, moral and physical. We are being transmuted from a God-fearing, energetic, self-reliant, confident and venturesome people, free and independent, into a nation of timid dependents, insecure, apprehensive, fearful of incurring the displeasure and reprisals of our political masters to whom we are told to look for food, clothing, shelter, medical care, education, entertainment and security from the cradle to the grave. And to receive those bounties, we need only surrender control of our lives, our fortunes and our sacred honor!

OUR FOREIGN POLICY

The emotions which paralyze our wills in domestic affairs have infected our courage and integrity when dealing with other nations. On the international scene, compromise of principle, appeasement of blustering bullies, support of cruel oppressors, intervention of the internal affairs of friendly nations and surrender to blackmail, mark our conduct. Moral principle is sacrificed on the altar of expediency to achieve the promise of a dubious security. Any dictator who wishes to rub our nose in the dirt for political profit or personal pleasure does so with impunity, secure in the knowledge that when he is ready to trade we will buy him off with generous allocations of foreign aid.

Little wonder, then, that Khrushchev was quoted as having remarked on his return from his trip to America, "You spit in their faces and they smilingly wipe it away and say 'The dew is very heavy today.' "

In the Vietnam war it appears that we are exerting every effort to avoid achieving a clear-cut victory in order to induce the communists to come to the bargaining table where the first installment of a generous payoff, budgeted at one billion dollars, awaits them! While the arrogant aggressor is leisurely making up his mind, we continue pouring men and materiel into the venture! Here one must ask, "What's wrong with victory, since victory is the only sure way to end both the aggression and the drain on our human and material resources? And if victory is politically inexpedient why not withdraw and end the bloodletting and the waste?"

We are not respected by our enemies, by the so-called neutrals, nor by our professed friends. In spite of generous concessions in all areas, "Yankee Go Home" has become an international slogan. Unruly mobs, unrestricted by police or other public authorities, attack our embassies, legations, consulates, libraries and other installations and menace the safety of our representatives.

To show our complete confidence in the honor of dictators who have repeatedly repudiated their treaty obligations, our government has proposed a long-range program for total disarmament of all nations, in which we are now taking the lead, unilaterally.

I am under no illusion. I know that a Jeremiah is without honor, especially in his own country, when the people become servile and insensitive to moral wrongs under the narcotic effects of a false prosperity, buttressed by massive government seductions and propaganda. But those who feel, as I do, that the safety of the people is in jeopardy are morally bound to say so.

THE WAY AHEAD

Is there a way ahead which will take us out of this morass? Is there a way to recover the sanity and balance which once marked our life? I am sure there is, if we are willing to pay the price. But it is not by resort to political legerdemain. It is by beating our way upstream, against the swift-running current, to those moral and spiritual values upon which this nation was built. We must be born again of the spirit!

I do not mean to imply that there are no problems peculiar to the economic and political levels of our national life. But if men are not right at the deeper level, in their understanding of the nature of the universe and man's position therein, they can tinker with economic and political problems from now until doomsday and still come up with the wrong answers.

It is a case of putting first things first and the very first thing is a rehabilitation of our basic moral principles. Such an effort on our part will call forth the support of cosmic sanction, for God intended men to be free. "The God Who gave us life gave us liberty at the same time," Jefferson observed. But we will need conviction, courage, tenacity, understanding, humility, compassion and, above all, faith, to set in motion what William James called ". . . those tiny invisible, molecular moral forces which work from individual to individual, creeping in through the crannies of the world like so many soft rootlets, or like the capillary oozing of water, but which, if you give them time, will rend the hardest monuments of man's pride."

That is the way! May our Father in Heaven endow us with wisdom, strength and courage to follow it! Our forebears did so under more oppressive conditions than those we face. We can do it too, provided only that we have the will! That is your challenge and your opportunity! I pray you will make this your post-graduate mission and, if this be your resolve, that you will translate it into action that counts. St. James said: ". . . Who so looketh into the perfect law of liberty, and continueth therein, he being not a forgetful hearer, but a doer of the work, this man shall be blessed in his deed."

DEPARTMENT OF AGRICULTURE INSPECTION SERVICE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. CALLAWAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CALLAWAY. Mr. Speaker, the Department of Agriculture in the July 21 Federal Register announced a proposed change in their regulations. This change would make it possible for the Department to withdraw inspection service from any processing plant in the event that any employee attempted to interfere with the inspector, particularly interference by improper means.

In an effort to defeat this proposal, I today submitted the following statement to the Subcommittee on Dairy and Poultry of the Committee on Agriculture.

I was informed a few minutes ago that the Department is recalling this proposed regulation:

Statement of Representative Howard H. Callaway Before the House Agriculture Committee, Dairy and Poultry Subcommittee, September 21, 1966

Mr. Chairman, I would like to submit the following statement covering my views on the proposed regulation 81.25(a)(i)(iv) by the Department of Agriculture, which in my opinion raises some very serious legal and public interest problems.

In the beginning, I would like to emphasize that violence between poultry plant employees and respected federal inspectors cannot be condoned. Employees who engage in such violence should be severely disciplined. In proposing this "anti-violence" regulation 81.25(a)(i)(iv), however, the Department has taken an unnecessary approach to the problem. Assault and battery are violations of the criminal laws in every state. If the Department of Agriculture wants to protect its inspectors and deter acts of violence in the future, it can accomplish both these objectives by initiating criminal proceedings in the state courts.

This regulation penalizes innocent parties, who are in no way responsible for the violence. Dozens of employees could be laid-off, and hundreds of farmers suffer, because of an improper act of a single employee. The employee may suffer an extensive economic damage despite the fact that he may have been incapable of preventing the trouble.

The vagueness of this regulation is also cause for concern. A plant can be closed down because an employer "attempted to interfere . . . by improper means" with a federal inspector. What, exactly, are improper means? How is one to distinguish between interference and a vigorous exchange of views?

In addition, there is nothing in this regulation that requires suspension orders to be terminated after a reasonable period of time. A plant may be closed down indefinitely without giving the employer an opportunity to present his views or to rectify the situation.

The proposed regulation appears to be another gimmick to disturb and harass by threat a self-sustaining industry. Since the people of my State of Georgia are very proud of our number one position in the production, processing, and shipping of poultry, I have a very positive interest in this matter.

Because of advanced techniques and facilities, this industry has been able to prosper and yet maintain an economical product for the family dinner table, this at a time when we are suffering the worst inflationary spiral in our country's history. The closing of a plant for a week could not only work hardship on dozens of plant workers, but in addition hundreds of farmers would also be hurt, which in turn could also affect the economy of an entire community.

The people of my state are approaching the "breaking point" on Washington directives which affect our educational systems, health problems, public highways, and our right to enjoy the blessings of free enterprise, self-reliance, and self-discipline within the laws of the land.

For a long time, much too long, "entrenched officialdom" in Washington have sought to distort the will of the Congress of the United States. As one of its proud Members, I believe the time has come to "lock the door" on any further intrusions into the private and economic lives of our people. These intrusions go far beyond the letter and the intent of the legislation which was enacted.

The regulation before the subcommittee is another prime example of this invasion into the realm of threat, duress, and punishment by the social dreamers and Great Society conformists who are trying constantly to usurp the prerogatives belonging to our state and local units of government.

For the above reasons, I urge that the proposed regulation be forgotten.

INTRODUCTION OF A BILL TO PROVIDE AUTOMATIC INCREASES IN SOCIAL SECURITY BENEFITS WHEN INFLATION JUSTIFIES IT

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FINDLEY. Mr. Speaker, I have today introduced a bill to amend the Social Security Act to provide for an automatic cost-of-living increase in the insurance benefits payable thereunder.

Today persons currently receiving benefits, or eligible to do so on retirement make up about four-fifths of the total population over 65 and as much as 90 to 95 percent of the population now reaching 65. For most beneficiaries, the social security benefit is a major source of income during the retirement period. For many it is the only source. According to a 1963 study prepared by the Social Security Administration, the benefit was practically the sole source of cash income for nearly one-fifth of the beneficiary couples and for more than one-third of the nonmarried beneficiaries who had been entitled to benefits for a year or more.

To the lower income families, social security is especially important. Benefits contributed 85 percent or more of the income of beneficiaries with total money income below $1,000 in 1962; even for those with income of $2,000 to $2,999, the benefit accounted for 59 percent of the couple's income and for 42 percent of the income of the nonmarried beneficiaries.

Of the 18 million people now 65 and older, significant proportions receive income too low to permit independent living by any reasonable standard. Social security benefit payments help to meet this problem, but inflation and the rising cost of living threatens even this position. The Congress has not been entirely unmindful of the impact of cost-of-living increases on these pensions and has periodically increased them. But between these sporadic increases there has usually been a timelag of several years during which the pensioners have suffered drops in their purchasing power. For example, from 1958 through 1964, just before the 7-percent increase in pensions was legislated, inflation cost social security pensioners approximately $1.4 billion in loss of purchasing power.

An automatic increase in social security benefits correlated to increases in the consumer price index involves no increase in costs as a level percentage of payroll. Wage increases usually precede increases in the other components comprising the consumer price index. Increases in the wage level bring more covered workers nearer the maximum social security wage base and thus result in increased tax revenues. Additionally, the benefits paid represent a smaller proportion of an individual's wages as his wages approach the maximum wage limit—$6,600. Because of these factors there is no increase in the level cost of payroll—although there is an increased flow of dollars—involved in enacting an automatic benefit increase provision. The additional funds necessary for financing these things will come from general revenue.

There is an urgent need for such a change in the law. The desirability of raising social security benefits in order to meet the rising cost of living has long been recognized. Adoption of my bill would mean that the delay between the incidents of inflation and congressional action would be greatly shortened, so that those on social security would not be handicapped by reduced purchasing power.

This proposal as I have outlined it has the support of over half the Republican Members of the House and has been endorsed by the Republican coordinating committee. Several foreign countries, including Belgium, France, Luxemburg, Netherlands, and Sweden have adopted the automatic cost of living increases in their programs with great success.

A BILL TO ASSURE THE RIGHT OF TEACHERS TO DEDUCT EDUCATIONAL EXPENSES

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, I am introducing a bill to amend the Internal Revenue Code to make it clear that teachers may deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education. I have consistently urged that section 162 of the Internal Revenue Code of 1954—relating to trade or business expenses—should be properly construed to allow a deduction for expenses for education necessary for maintaining and improving employment. Unfortunately, rather than give a broad interpretation to this section through the regulations, the IRS has chosen instead to increasingly narrow its application. Current regulations now limit deductions from gross income for educational expenses in those limited circumstances where an individual must take educational courses in order to maintain his job. No deduction is allowed for educational expenses to prepare an individual for a better job. Furthermore, regulations have recently been proposed which would limit deductions allowable under section 162 still further to exclude expenses for courses which lead toward an academic degree—even if the courses are necessary for maintaining present employment.

The bill I am introducing today would serve to reverse this backward trend in IRS interpretation specifically in one important area—expenses for the education of teachers. Because of the severe teacher shortage in the country it is essential that immediate action be taken with regard to it.

I would also urge the proper and updated interpretation of section 162 regarding expenses paid for the upgrading of all skills and programs through adult education of all sorts be made. It is time that some better coordination be effected between our tax policies and our expenditure policies. We are faced today with the anomalous situation of having the Federal Government expending large sums of money for education and training designed to reduce unemployment and improve the standard of living of lower income groups, while at the same time maintaining—and now talking of increasing—tax barriers which discourage people from spending these sums themselves to upgrade their skills.

ADMINISTRATION'S BIG SECRET: RULES FOR WAGE-PRICE CONTROLS ARE ALREADY DRAFTED

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the groundwork is being laid for a gigantic step forward in the plans for totally controlling American business and labor activities. We have watched a steady attrition of our free-enterprise freedoms but the worst is yet to come. The rent supplement program, medicare program, and demonstration city programs will be pedestrian compared to the administration's plan to control wages and prices.

The respected journalist, Ralph DeToledano has written an excellent article which outlines what the administration has in store. Yes; they will probably wait until after the election. However, the electorate should not be fooled. The article should be read by every concerned American:

ADMINISTRATION'S BIG SECRET: RULES FOR WAGE-PRICE CONTROLS ARE ALREADY DRAFTED

(By Ralph de Toledano)

When Americans go to the polls in November they will be voting on a variety of complex and important issues. But the one closest to their daily lives and their economic well-being will be a secret to them—or so the Administration hopes.

That issue is wage-price controls, freezing salaries and prices for the duration of the Vietnamese war. This could mean 10 years of a regulated economy in which hard work and skill will go unrewarded because the federal government has put a clamp on initiative.

In 1946 the voters tossed out the Democrats and elected a Republican Congress because they were fed up with wage-price restrictions on their daily lives. In 1952 they elected a Republican President and Congress because they wanted no more of what the Korean War was doing to their daily lives.

Yet the Johnson Administration is making careful plans at this very moment for imposing controls on the American people, once the November election is over.

This is not scare talk or rumor. Working secretly at the White House, the Office of Emergency Planning—a group few Americans know anything about—has already drafted the regulations and drawn the blueprints for the imposition of wage and price controls. The OEP has not merely sketched in some general plans for a possible eventuality. For months it has been working out every detail for a freeze on wages and prices, and for a return of rationing.

The White House will deny this, and Administration spokesmen argue that wage-price controls are the last thing President Johnson wants. But it has been unable to keep a lid on the work of the OEP. And in preparing the stage for this drastic new move to "curb inflation," it has tipped its hand by rounding up support for the emergency measures it hopes to announce early in December. President George Meany of the AFL–CIO, a fervent opponent of any system which will prevent his unions from stepping up their wage demands, has already moved to soften opposition by pledging full acquiescence to the Administration's scheme.

The biggest giveaway, however, comes from Capitol Hill, where Republican investigators have discovered that the White House has already selected a printer for the ration books that will be required if the OEP's plans go into effect. Key Republican congressmen are preparing to take the voters in on this discovery at the opportune time. They have chapter and verse and may even be able to produce a copy of the ration books.

If the story breaks—and if the White House does not succeed in suppressing wide dissemination of the Republican charges—the OEP's plans will do more to arouse the electorate than the Vietnamese war and its dawdling progress. For this reason the Administration will do everything in its power to stifle disclosure of its plans and the likelihood is that the press will join in the silence at the President's request.

But wage-price controls and rationing are not needed to curb the present inflation. Nor will they strike at the two factors most damaging to the national economy—high interest rates which are depriving Americans of necessary housing and the steady deterioration of a stock market which holds the investments and savings of some 20 million Americans.

The Vietnamese war is not draining off that much of the gross national product. Nor is there a demand for goods so great that the Administration's excessively harsh measures are required.

President Johnson, however, has drifted so long—refusing to act because of possible political consequences in November—that he is ready to try almost anything.

His biggest worry is the attitude of the Western European nations, most of them enjoying unprecedented prosperity. They have informed him, through their ambassadors in Washington, that a continuation of America's unique "inflationary deflation"—or is it "deflationary inflation"?—can drag down their economy and push the world into another 1929 situation.

Their applause, when former President Truman made the same analysis of America's financial and economic troubles, was heartfelt. Mr. Johnson, however, sees politics in any critical word spoken about him or his Administration. He is much more prone to listen to the advice of his Office of Emergency Planning than to the world's leaders.

And the OEP is calling for wage-price controls and rationing. All the President has to do is press a button—and this, the most reliable sources in Washington predict, is exactly what he'll do once the November votes are in.

THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, if there is one thing that is overwhelmingly certain it is that, in the minds of the vast majority of Americans, the House Committee on Un-American Activities—HCUA—needs no defending. Very few thinking Americans believe that we do not need the committee on which I am privileged to serve as the ranking minority member. Very few Members of Congress feel that we do not need our committee.

It goes without saying, of course, that the Communists and their fronters and satellites are at the forefront of those who clamor for the abolition of HCUA. Rightly so, if they were not we would certainly feel that we are failing in our jobs. Whenever Communists meet, one of their major topics is, "How do we abolish the House Committee on Un-American Activities?" Top-ranking Communists from more than 20 countries met in Liblice, Czechoslovakia, near Prague, in May of 1962 to outline their world strategy to destroy the capitalist enemy and spread their godless doctrine throughout the world. Under the title, "Anti-Communism, Enemy of Mankind," they have published their proceedings in 18 languages. They cited the seven steps which were "essential" to their ultimate victory. The fourth reads, in part: "abolition of the House Un-American Committee."

They have been working toward this goal for 20 years and they feel they are making progress. They measure progress in the riots they can provoke when HCUA meets and the naivete of people who succumb to their emotional arguments.

This presentation is made with the idea in mind of answering many of the charges which have come from those who would abolish HCUA. Many honorable and non-Communist Americans also want HCUA abolished. Time does not permit a blow-by-blow account of those who are against and their backgrounds. This will be the subject of another compilation at a future date. For now I believe it is better to give answers to the many charges which have been made, so fewer people will be gullible in swallowing the anti-HCUA line. We can worry about refuting the Americans for Democratic Action, the American Civil Liberties Union, the Emergency Civil Liberties Committee, the National Committee To Abolish the Un-American Activities Committee, the Women Strike for Peace, and others later. Suffice it to say that within these groups there are those who are genuine and those who as Communists have a special ax to grind. I have always been able to understand the Communists, Mr. Speaker, but the motives of the so-called liberals have always left me wondering.

It is often said that the days of subversion are over and we do not need an investigating committee any more. Nothing could be further from the truth. Subversion and Communist penetration of all facets of American life continue. On June 22 of this year I entered into the CONGRESSIONAL RECORD extensive remarks on continuing Communist subversion in the United States, copies of which can be obtained through my office. Reference was made to cases in which American citizens teamed up with Soviet officials to steal classified information for the benefit of the Soviet Union. Also included was a listing of Soviet nationals who were declared persona non grata and tossed out of the country for their part in these espionage cases. The subversion and espionage activity in which Soviet officials have been involved recently should be a shocker to those who are truly concerned about the security of our country.

From 1960 through 1965, 21 Russian nationals representing the U.S.S.R. here in the United States have been declared persona non grata for their subversive activities.

During this period the United States, through its courts, has meted out two life sentences for spying for the Soviet Union. During this period U.S. courts have dealt out a total of 170 years in prison terms to nine persons convicted of violations of the espionage statutes, most of whom were Americans owing allegiance to this Nation.

In my experience on the committee, there has always been a valid reason for our investigations whether it be those hearings relating to Cuban travel, the industrial colonization of Communists to bore from within our basic enterprises or the celebrated case of Dr. Jeremiah Stamler in Chicago. The latter represents a case that, like many others, offers a direct challenge to our constitutionality. Rarely are all of the facts understood by those who shout accusations at our committee. In the case of Dr. Stamler, many facets of this hearing have not been presented because he chose to risk a contempt citation by refusing to even be sworn rather than face the questions we had ready to propound. Consider just one angle of this hearing. Dr. Stamler and his coworker, Yolanda Hall, have backgrounds which, our evidence shows, include Communist activities. Dr. Stamler is a research scientist. An official publication of the Department of Health, Education, and Welfare shows fiscal 1963 grants for research projects. Included on page 96 are two grants to Dr. Stamler for hypertensive and atherosclerotic diseases and a feasibility study—diet and heart disease. The amount involved is $282,580 of taxpayers' money. Research is somewhat different from defense procurement. If you give Boeing a contract for $10 million, you expect to get a plane or two in return. On research it cannot be told to the scientist on January 1, 1967, "We gave you $282,580 so now give us the answer to cancer, heart disease, or whatever you are researching." Who can argue that we should not know if this money is truly going to research or whether it is finding its way into other hands and other causes.

I merely point this out because our committee is one which deals with hostile areas and we rarely are able to point out exactly what we will uncover.

We are basically an investigating committee. We have watchdog functions over the internal security laws of our land. A great amount of what we do is accomplished quietly, without the glare of publicity. It is safe to say that most of our recommendations result in changes in procedures or regulations at the executive level rather than in new laws. A recent spy case illustrates this point:

MARTIN AND MITCHELL CASE

One of the most appalling and shocking revelations to come on the scene in recent years was the defection of Bernon Mitchell and William Martin to the Soviet Union. These two men were employed by the National Security Agency with access to highly classified information. The NSA, of course, is the Government's supersecret code and communications arm. The committee instituted an extensive investigation of the circumstances surrounding the defection, together with a thorough and detailed examination of the personnel security regulations and procedures in effect at the time of defection, and of subsequent measures taken by the Agency to resolve any weaknesses in its procedures. A detailed report of the investigation, titled "Security Practices in the National Security Agency," was released by the House Committee on Un-American Activities in August of 1962.

The report pointed out appalling defects in this, the most sensitive security organization in our Government, which seriously affected the integrity of the U.S. Government and its people in their life and death struggle with the international Communist conspiracy. It is my contention that the House Committee on Un-American Activities' investigation into the personnel security practices of the National Security Agency has proven to be one of the most worthwhile and constructive undertakings in the history of the committee for it has resulted in sweeping reforms. Not only were two top officials removed, but 26 employees were dismissed as sex deviates and 22 basic reforms in NSA security procedures were instituted. In addition, H.R. 950, which amends the Internal Security Act of 1950, making sweeping reforms in personnel security procedures in the National Security Agency, was introduced and passed the House on May 9, 1963 by a vote of 340 to 40. This case could well serve as a model for proper cooperation between Government agencies and legislative committees.

Hundreds of other examples could be cited. As I stated before, however, the committee hardly needs defending. Its case comes best in the answers which have been prepared to the allegations made against HCUA. These have been compiled from statements made by myself and Chairman ED WILLIS as well as research by Staff Director Francis McNamara and HCUA Counsel Al Nittle. George Armstrong and Dave Richardson of my own staff provided valuable help. I feel these answers, many of which have been drafted in rebuttal to a petition offered by the committee calling for abolition of HCUA, can be used by an informed public and I compiled them for that reason.

ALLEGATION NO. 1

The committee's "sole power" is to investigate "un-American propaganda activities" and "subversive and un-American propaganda." The committee is thus limited to inquiring into "ideas, opinions, speech, and other forms of expression."

REPLY

This allegation is completely without foundation. The courts have flatly rejected it. More important, it has been contradicted over and over again by the House itself, and it is the House which, under the Constitution, has the authority to define and interpret the duties of its committees.

This committee was created as a special committee of the House on May 26, 1938. On that day, during the debate on the resolution to create the committee, there was extensive discussion about what the resolution empowered the committee to do. The very first statement about the nature, purpose and scope of the authority contained in the resolution was made early in the debate by Mr. Dies, who was subsequently chosen to be the first chairman of the committee. Mr. Dies said:

> Mr. Speaker, this resolution, as it shows on its face, is for the purpose of investigating un-American *activities*.[1]

Member after Member spoke on the subject. While the words "propaganda" and "propaganda activities" were used a few times in the 2-hour debate, the vast majority of statements, including those made by the opponents of the resolution—who were very much in the minority—clearly indicated that the Members intended the committee to investigate not only propaganda activities, but of all kinds of activities which were subversive and un-American in nature.

Mr. Dies was asked, for example, whether the resolution was broad enough to authorize the investigation of foreign propaganda aimed at embroiling this country in foreign wars. In response, he said in part:

> I am sure that the committee could legitimately go into the question as to *the amount of funds* spent for propaganda purposes in the United States.

Mr. MCCORMACK, the present distinguished Speaker of the House, who had chaired a special committee established in 1934 to investigate Nazi and other subversive activities, made the following statement about what the committee should be authorized to investigate.

> There should be included the *activities* of foreign agencies in the United States seeking to mold public opinion or *to form group action*, not for the purpose of the overthrow of the Government, but for the purpose of influencing the domestic or the external policies of our Government. Such *activities* are equally subversive of our institutions.

Not a single Member of the House objected to Mr. MCCORMACK's statement. The present Speaker of the House then went on to urge Mr. Dies to accept his—the Speaker's—and another Member's suggestions relating to the committee resolution "making it broad enough so that an investigation can be made not only of those movements which are dedicated to the ultimate overthrow of government by force and violence, but as to any other activities, the objective of which is to form American public opinion on a political matter, or group action in arraying Americans against Americans, so as to ultimately affect the domestic and external policies of our country."

Mr. Robsion then gave the following explanation of the nature and scope of the resolution creating the committee and spelling out its powers:

> The purpose of this resolution is for a committee of this House to make a thorough investigation not only of communism and nazism but of the Fascists and every other organization in this Nation that is putting out this un-American propaganda and engaging in un-American activities in the United States and diffusing within our country subversive un-American propaganda. Let us find out what un-American and subversive activities are being carried on and who it is that is instigating these activities and providing the money to carry them on.

Mr. Dunn, an opponent of the resolution, said:

> Mr. Speaker, the resolution which is being considered before the House today is for the purpose of appointing a committee to investigate the un-American activities that are supposed to be going on throughout our country.

The final statement about the need for the House to adopt the resolution creating the committee was made by Mr. O'Connor of New York who, in speaking about communism, said:

> We must investigate its strength, its sources, its activities, and its leaders, in high or low places.

In addition, the name given to the committee by the House refutes the claim that the committee is empowered to investigate only propaganda, ideas, opinions, and speech. In establishing the committee in 1938, the House designated it as the "Special Committee on Un-American Activities." In voting to make it a standing committee in 1945 the House retained its designation as the "Committee on Un-American Activities"—and this same designation was included in the Legislative Reorganization Act of 1946—Public Law 601, 79th Congress. For 28 years now, the clear intent of the House, from whose authority the committee's power flows, has been that it investigate not only propaganda but all kinds of activities embraced by its mandate.

The petition to abolish the committee completely overlooks the fact that, in addition to directing the Committee on Un-American Activities to investigate "the extent, character, and objects of un-American propaganda activities" and its "diffusion within the United States," House rule XI, paragraph 18, also directs the committee to investigate "all other questions in relation thereto that would aid Congress in any necessary remedial legislation."

To cite just a few examples, "other questions in relation thereto" would include the ultimate purpose of the propaganda and propaganda activities being investigated; the power, agency, or organization—foreign or domestic—in whose interest the propaganda is being disseminated; the organization of groups to disseminate the propaganda in behalf of that power or agency; the financing of these groups; the recruiting techniques used by them; their organizational structure, membership, strength, and tactics; their use of fronts or other groups to raise funds for, and to disseminate, their propaganda; and all other activities in any way associated with the power, agency, or organization in question and its propaganda operations.

In addition, as I said before, the courts have consistently upheld the view that the committee's authority is not limited to investigation of propaganda. In the 1959 Barenblatt case, a contempt decision growing out of a hearing of this committee, the Supreme Court held that—

> In pursuance of its legislative concerns in the domain of "national security" the House has clothed the Un-American Activities Committee with pervasive authority to investigate Communist activities in this country.
>
> It can hardly be seriously argued that the investigation of Communist activities generally, and the attendant use of compulsory process, was beyond the purview of the committee's intended authority under rule XI. (*Barenblatt* v. *U.S.A.*, 360 U.S. 109.)

Finally, I would make this point: propaganda is obviously not self-generating. It must be planned, composed, printed, and disseminated. All these steps involve actions, rather than the mere association, ideas, opinions, and speech of individuals. They also necessitate concerted activity by individuals and groups. Thus, even if the House had not so explicitly spelled out the fact that the committee's authority was not limited to the investigation of certain types of propaganda activities, and the courts had not so held, it would still be clear from the full text of the committee resolution that its power extends beyond inquiry into ideas, opinions, speech, and other forms of expression.

ALLEGATION NO. 2

The committee's powers are undefined. No precise meaning has been given, or can be given, to such "vague" terms as "un-American" and "subversive."

REPLY

The Supreme Court itself, in the previously quoted Barenblatt decision, refuted this claim by holding that the terms "un-American" and "subversive" unquestionably embrace Communist activities.

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[1] Emphasis mine. In this and the following quotations, those words which clearly indicate congressional intent that the committee's power was to extend beyond inquiry into ideas, opinions, speech, and other forms of expression, have been italicized.

More important than this, however, is what the House of Representatives has itself designated as un-American and subversive—because it is the House that drafted and approved the committee's resolution and is the final authority on this question. This matter was thoroughly explored on the day the Special Committee on Un-American Activities was created. On that occasion, the following statements defining and clarifying what was meant by the words "un-American" and "subversive" were made, without contradiction, by various Members of the House:

> Mr. Taylor. "This resolution is not confined to any particular type or denomination of *un-Americanism*.[2] It embraces all varieties—nazism, communism, and fascism—and none of these 'isms' have any place on American soil * * *.
>
> "Mr. Speaker, a few years ago I had the privilege and honor to serve on a special committee, headed by the distinguished gentleman from Massachusetts [Mr. McCormack], which investigated un-American activities in this country * * *. As a result of our investigation and findings certain salutary legislation has resulted. We discovered in our probe that there are certain well-organized un-American movements operating in this country which were parented and financed by foreign governments, and which are inimical to the welfare of this Nation. We found an active communistic movement in our land, which recognized no other government than that enthroned in Moscow, and we found a very active Nazi movement which recognized no other authority save that of the German Fuehrer, Adolph Hitler. We also found a Fascist movement which was more or less passive and desultory, which had its foundation in Rome and paid tribute alone to Mussolini.
>
> "Mr. Speaker, we have no place in our scheme of government for dual citizenship. We must be either American or alien. There can be no qualification or reservation when it comes to allegiance to our flag and to our country. No man can maintain allegiance to the United States and at the same time bear allegiance to some foreign king, potentate, or dictator no more than he can serve both God and mammon."

Mr. Ford had the following to say:

> A great many have seemed to be in doubt as to what un-American means. I want to make just one statement in this connection. As it appears in this resolution, it seems to me to mean, among other things, nazism. That is un-American, and I deplore its existence in this country. The establishment of camps organized by a foreign power, and financed by a foreign power, which teach the young people of this country the philosophy of nazism, which is "actual" the philosophy that would deny the very thing that some of you men advocate in the way of freedom of speech and assembly.

I will not repeat them here, but a number of other statements made on the floor that day—May 26, 1938—which have been quoted in my reply to the first allegation also define and clarify what the House meant by the words "Un-American" and "subversive."

Member after Member spoke so clearly on the subject that at one point in the debate the present Speaker of the House, Hon. John W. McCormack, said:

> Brushing aside everything, we know what un-American means in the sense of this resolution * * *. Everyone knows what un-American means in the sense that it is used in the pending resolution, and this committee, whoever is in charge, would have the responsibility of confining its investigation to facts that we feel are of a subversive nature.

On February 3, 1939, in the debate on the resolution authorizing the continuance of the Special Committee on Un-American Activities—which was passed by a vote of 344 to 35—Mr. Fish stated:

> Mr. Speaker, this House proposes in a few minutes to adopt by an overwhelming vote the resolution before it and to serve notice upon all Communists, Nazis, and Fascists that the Members of the House will not compromise in any way with the spread of communism, nazism, or fascism in the United States. [Applause.]

Following the vote of the House on the continuation of the Special Committee on Un-American Activities, the House considered its appropriation on February 9, 1939. In the course of this appropriation debate, Mr. Sabath said:

> I hope that the Dies committee, with the renewed life and additional funds granted it, will go out and do a real job in exposing un-American activities. And by un-American activities, I mean the acts of the Nazis, the Fascists, the Silver Shirts, and all the other subversive groups, and not only the Communists. I despise them all with equal intensity.

The following year, in the course of the debate which took place January 23, 1940, on the continuation of the Special Committee on Un-American Activities, Mr. Robsion addressed the House as follows:

> Many persons desire to know what is meant by *un-American* activities. The committee itself lays down what I consider a very clear statement of *un-American* activities on page 2 of its report:
>
> *"By un-American activities we mean organizations and groups existing in the United States which are directed, controlled, and subsidized by foreign agencies or governments, and which seek to change the form of government of the United States in accordance with the wishes of such foreign governments.*
>
> *"The Dies committee finds that these un-American activities flow from three general groups—Communists, Nazis, and Fascists. Each of these groups was born in a foreign land. Each is directed, controlled, and subsidized by foreign governments and agencies. Each of these groups seek to change our policies and form of government in accordance with the wishes and purposes of foreign governments. The leaders of each of these groups swear allegiance to foreign governments. Their purpose is to overthrow our Government by force and violence, if necessary, and substitute for our policies and form of government the policies and forms of government of foreign nations."*

Mr. Voorhis responded to Mr. Robsion with the following:

> The gentleman from Kentucky [Mr. Robsion] quoted from the report a definition of un-American activities which, in my opinion, sets forth the scope of this committee and is the proper field of work.

More recently, on March 23, 1950, in the course of debate on the committee's appropriation for that year, Mr. Dollinger said:

> Mr. Speaker, the House Un-American Activities Committee was created to do the things its very name implies; to wit, *to investigate and eliminate everything un-American which seeks to overthrow or undermine our American form of government.* In my opinion, *that would mean the investigation of Nazis, Fascists, KKK's, Communists, as well as other subversive groups.*

Throughout the 28 years of the committee's existence there has been no disagreement in the House as to the meaning of the terms "un-American" and "subversive." Over and over again, numerous Members have said in discussion of the committee's resolution and appropriations that these terms generally include communism, nazism, fascism and any other activities designed to influence, undermine, or change our form of government in the interest of a foreign power, or by force or violence or any other unconstitutional means.

It is important to note that even prior to the creation of the Special Committee on Un-American Activities in 1938 the terms "un-American" and "subversive" were used in the House to designate Communist, Nazi, and Fascist activities.

On March 20, 1934, in the debate on the resolution authorizing an appropriation for the Special Committee on Un-American Activities chaired by the Honorable John W. McCormack—sometimes referred to as the "Special Committee To Investigate Nazi and Other Subversive Activities"—Mr. Dickstein, the author of the resolution who was to serve as vice chairman of that committee, made the following statement:

> This special investigating committee should seek to accomplish three primary objects: First, ascertain the facts about methods of introduction into this country of destructive, *subversive* propaganda originating from foreign countries; second, ascertain facts about organizations in this country that seem to be cooperating to spread this alien propaganda through their membership in this country; third, to study and recommend to the House appropriate legislation which may correct existing facts and tend to prevent the recurrence of a similar condition in the future.

In further debate on the resolution creating the Special Committee on Un-American Activities, which took place on June 11, 1934, the present Speaker of the House said:

> We want to investigate communistic activities, as to the source; not to listen to mere speeches or opinions, but to try to find out the source of the money, where the money comes from, the source of these activities in this country, if possible. We will also investigate other *subversive* organizations.
>
> Already as the result of investigations the head of the Silver Shirts was indicted in North Carolina for violation of the State laws, and the evidence clearly discloses that the same man should be indicted for violation of Federal laws.

On that same day, Mr. Weideman said:

> Now, as to the work the committee is doing, I want to say that the chairman, the gentleman from Massachusetts [Mr. McCormack] is doing a fine piece of work. We

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[2] In all quotations used in this section, the words "un-American" and "subversive," and all other words and phrases defining them, have been italicized.

> are proposing to do what the mandate of Congress told us to do; that is, to investigate any and all *subversive* and *un-American* activities and to report back to Congress.

Mr. Dickstein also stated:

> But, gentlemen, since this investigation was started, we have been reliably informed that there was a certain movement in this country where money was being brought in to support communism, and we were also advised since the adoption of the resolution authorizing the investigation that there is another well-organized body that is spreading propaganda, originating from another country, which also is *subversive* to our form of government. In other words, since the adoption of that resolution the committee has positively received and heard sworn testimony that there are other groups in this country that require checking in order that the full purposes of House Resolution 198 may be accomplished.
>
> I cannot conceive of any reason why any Member of this House, elected to represent a portion of the American people in this Congress should represent his own constituents as objecting to a committee of this House trying to find facts relating to sources of direction, financial support, and dissemination here of destructive and *subversive* propaganda that seems to attack the principles of government upon which this United States was founded and has prospered for over 150 years.

Thus, over 30 years ago, the terms "un-American" and "subversive" were used in the House to designate precisely both Communists and Nazis.

Over 20 years ago, this committee requested the Brookings Institution, one of the most respected institutes in this country engaged in research and training in the social sciences, to prepare a study of what constituted an "un-American" activity. This study was completed in 1945. Based on its analysis of the resolution creating the Committee on un-American Activities, the U.S. Constitution and the oath prescribed by Congress for all foreign-born persons seeking U.S. citizenship, the Brookings Institution arrived at the following "substantive standards" of what constitutes an un-American activity and could, therefore, be investigated by the committee:

First. It is un-American for any individual or group by force, intimidation, deceit, fraud, or bribery, to prevent or seek to prevent any person from exercising any right or privilege which cannot constitutionally be denied to him either by the Federal Government or by a State government.

Second. It is un-American for any individual to advocate, to conspire, or to attempt to bring about a change in the form of government in the United States without following the processes prescribed for that purpose by the Constitution of the United States and by the constitutions of the several States.

Third. It is un-American for any person secretly to conspire by any method, constitutional or otherwise, to overthrow or attempt to overthrow a government of law and to substitute therefor a government vested with complete discretionary power.

Fourth. It is un-American for any person with the primary intent to advance the interests of a foreign nation or association to take action clearly and definitely against the interests of the United States, provided the interests of the United States have been properly formulated and declared by a duly authorized governmental agency proceeding in accordance with law. Receipt of compensation from any foreign nation or association or representatives thereof would create a presumption of primary intent.

Fifth. In time of war or threatened war, it is un-American for any person with the intent to interfere with the successful preparation for or prosecution of war or with the intent to give assistance to the enemy or to a nonbelligerent neutral allied with or promoting the interests of that enemy or prospective enemy, publicly to advocate, or to conspire to promote the advocation of, any doctrine that hampers the execution of policies already adopted by the Nation through due process of law to carry on or prepare for war.

The U.S. Court of Appeals in New York apparently has had no difficulty in finding a precise meaning for the terms "un-American" and "subversive." Almost 20 years ago, in the case of *U.S.* v. *Josephson,* a 1947 decision on a contempt of Congress case which grew out of a hearing of this committee, the court held:

> The subject of *un-American* and *subversive* activities is within the investigating power of Congress. (165 F. 2d 82)

In summary, the courts have not found the terms "un-American" and "subversive" so vague as to have no precise meaning. The Brookings Institution, by scholarly analysis, found precise meaning for the term "un-American" over 20 years ago. The American people, for 30 or more years now, have indicated that they clearly understand what is meant by the words "un-American" and "subversive" in the committee's resolution. And, almost 30 years ago, the present Speaker of the House, speaking for that body, stated, "Everyone knows what un-American means in the sense that it is used in the pending resolution."

One wonders what is wrong with the alleged constitutional and legal authorities who claim that these terms have not been, and cannot be, defined.

ALLEGATION NO. 3

Because the committee's powers are "directed exclusively" against the rights of free and open expression or association for such purposes, the committee's existence cannot be justified under any concept of democracy.

REPLY

The answers to the two previous allegations refute this claim because they prove conclusively that the committee's powers are directed against subversive activities rather than the rights of free and open expression or association for such purposes.

Communists, Fascists, Nazis, and all others who secretly plot the overthrow of this Government by force and violence, whether or not they do it in behalf of a foreign power, are not merely exercising first amendment guaranteed rights of free and open expression and association. They are engaging in activities which most definitely are not protected by the Constitution.

The courts have consistently held that all conspiracies—even though they involve elements of speech, expression, and association—are not within first amendment protections.

In his concurring opinion in the case of Dennis against the United States, the 1951 Supreme Court decision, upholding the constitutionality of the Smith Act (which makes it a crime to teach and advocate the violent overthrow of the Government), Justice Robert H. Jackson stated bluntly:

> The Constitution does not make conspiracy a civil right. (341 U.S. 494, 572.)

Again, in his concurring opinion in the case of A.C.A. against Douds, a 1950 Supreme Court decision which also involved Communist activities, Justice Jackson reminded that—

> The conspiracy principle has traditionally been employed to protect society against all 'ganging up' or concerted action in violation of its laws.

He also pointed out that—

> No term passes that this Court does not sustain convictions based on that doctrine for violations of the antitrust laws or other statutes. (339 U.S. 382, 432.)

As is well known, the committee's investigations during recent years have been concentrated on the activities of the Communist Party, an organization which makes extensive use of speech and other forms of expression to conceal its secret, conspiratorial nature and purposes, its ties with a foreign power, and also to accomplish its aims. The Supreme Court has held that the first amendment guarantees of free speech and association do not bar congressional disclosure of such activity.

Justice Frankfurter, speaking for the majority of the Court in its June 5, 1961, decision upholding the constitutionality of the Internal Security Act, went directly to the issues of conspiracy, foreign domination, disclosure of such, and first amendment guarantees of free speech and association. He said:

> Where the mask of anonymity which an organization's members wear serves the double purpose of protecting them from popular prejudice and of enabling them to cover over a foreign-directed conspiracy, infiltrate into other groups, and enlist the support of persons who would not, if the truth were revealed, lend their support, it would be a distortion of the first amendment to hold that it prohibits Congress from removing the mask. (367 U.S. 1.)

On this key issue, the dissenting minority of the Court, with one exception, agreed with the majority. Justice Douglas writing for the minority (excepting Justice Black), pointed out that when a group which uses speech, expression, and association also engages in certain other kinds of activities, its operations are no longer protected by the first amendment:

> The Bill of Rights was designed to give fullest play to the exchange and dissemination of ideas that touch the politics, culture, and other aspects of our life. When an organization is used by a foreign power to make advances here, questions of security are raised beyond the ken of disputation and debate between the people resident here. Es-

> pionage, business activities, formation of cells for subversion, as well as the exercise of first amendment rights, are then used to pry open our society and make intrusion of a foreign power easy. These machinations of a foreign power add additional elements to free speech just as marching up and down adds something to picketing that goes beyond free speech.

In 1954, the Subcommittee on Rules of the Senate Committee on Rules and Administration held extensive hearings on a series of resolutions relating to rules of procedure for Senate investigating committees. In its report it considered, among other things, the question of congressional inquiry into what are claimed to be personal beliefs and associations and the criticism that congressional committees had made improper inquiries into these matters. The committee drew the following conclusion:

> Committees of Congress must function in a world of realities. What might have been classified decades ago as private opinion of no concern to Congress, takes on a different connotation in the light of world events whose impact Congress may not disregard. The global Communist apparatus is neither a study group nor a debating society. It is an engine of destruction. Cunningly fashioned, its component parts are artfully disguised when disguise carries advantage. It is no answer to its challenge to say that the beliefs and associations of its members or suspected members are "private," and thus beyond the scope of legitimate inquiry by Congress.
>
> We believe that Congress * * * has a legitimate function to perform in this field—that of informing itself and the public of the nature and extent of Communist penetration into our free institutions. ("Rules of Procedure for Senate Investigating Committees," Report of the Committee on Rules and Administration, 84th Cong., 1st sess., Senate Rept. No. 2, pp. 9, 10.)

The U.S. Court of Appeals for the District of Columbia has held not only that Congress has a right to make investigations such as those conducted by this committee, but that it has an obligation to do so whenever it is cognizant of the fact that there is in existence a movement which poses a threat to itself and the Government of the United States. In its 1948 decision in the case of Barsky against the United States, another contempt case growing out of an investigation by this committee, the court held:

> The prime functions of governments, in the American concept, is to preserve and protect the rights of the people. The Congress is part of the Government thus established for this purpose.
>
> This existing machinery of Government has power to inquire into potential threats to itself, not alone for the selfish reason of self-protection, but for the basic reason that having been established by the people as an instrumentality for the protection of the rights of people, it has an obligation to its creators to preserve itself. * * * We think that inquiry into threats to the existing form of Government by extra-constitutional process of change is a power of Congress under its prime obligation to protect for the people that machinery of which it is a part.
>
> If Congress has power to inquire into the subjects of communism and the Communist Party, it has power to identify the individuals who believe in communism and those who belong to the party.
>
> It would be sheer folly as a matter of governmental policy to refrain from inquiry into potential threats to its existence or security until danger was clear and present. * * * How, except upon inquiry, would the Congress know whether the danger is clear and present? There is a vast difference between the necessities for inquiry and the necessities for action. (167 F. 2d 241, 246.)

Barsky sought review of this decision in the Supreme Court. The Court denied certiorari, thereby leaving undisturbed the above-quoted holding of the court of appeals. (334 U.S. 843.)

ALLEGATION NO. 4

The committee has done much harm because it has taken as its main function the exposure and extermination of ideas, opinions, and groups it thinks are "un-American."

REPLY

The Supreme Court denies this. In the Barenblatt case, the Court found:

> From the beginning, without interruption to the present time, and with the undoubted knowledge and approval of the House, the committee has devoted a major part of its energies to the investigation of Communist activities. (345 U.S. 930.)

Are the signers of the petition now trying to claim—in the face of numerous contrary findings by the Congress, the courts, the Executive and the overwhelming majority of Americans—that communism is "American" and that it is only the Committee on Un-American Activities which conceives it to be "un-American"?

What other groups and activities has the Committee on Un-American Activities investigated?

As a special committee, it investigated Nazis and Fascists when they, like the Communists, were active in this country on a significant scale and a threat to the national welfare and security.

Do the petition signers claim that nazism and fascism are "American"?

The truth is that the committee has taken as its main function the investigation, disclosure, and revelation (or "exposure," to quote the petition), and the recommending of legislation to compel revelation of and to curb and hinder, the activities of the very groups which the House of Representatives found to be subversive and un-American when it drafted the committee's mandate in 1938.

The committee recently held extensive hearings on Ku Klux Klan groups. As a special committee, it had subpenaed some Klan leaders to testify in the early 1940's when it found links between the Klans and the Nazis. It undertook its recent major investigation of the Klans after the chairman had explained on the floor of the House why the committee considered that the activities of these groups came within its jurisdiction and the House, by an overwhelming vote, had indicated its agreement.

Are the petition signers now trying to tell the American people that the House of Representatives was wrong, and that the activities of various Klan groups, as revealed in the committee's hearings, are completely American?

In regard to the allegation concerning "extermination," let me say this: The committee fully realizes that you cannot exterminate any idea or opinion by investigation or legislation, and it has no intention of trying to achieve the impossible in regard to those which are subversive and un-American.

As far as the "extermination" of organizations is concerned: The House of Representatives, in creating the committee, expressed recognition of the fact that disclosure and revelation, through investigative hearings, of the activities of groups that are un-American and subversive, is not only a necessary step in providing a basis for remedial legislation, but is also one of the most effective methods of hindering and impeding their operations. The committee's record of investigations and legislative recommendations demonstrates that, in this respect it has done exactly what the House has wanted it to do.

Naturally, the committee would like to see the end of all Communist, Nazi, Fascist, and Klan activities in this country. It realizes, however, that legislation and investigation alone will not bring this about. Despite this, it is confident that continued and proper use of these constitutional weapons, combined with an informed public, will not only prevent all groups of these types from achieving their ultimate goal but will also insure that they will never win a significant following among the American people.

And what about the charge of "exposure"?

In democratic societies, legislatures have an informing or educational function which is an integral part of, and basic to, their lawmaking function. Woodrow Wilson, a recognized authority on political science and constitutional law, who taught at Princeton University before his election to the Presidency of the United States, believed that the informing function of Congress was even more important than its lawmaking function. In his book, "Congressional Government," he wrote:

> Even more important than legislation is the instruction and guidance in political affairs which the people might receive from a body *which kept all national concerns suffused in a broad daylight of discussion* * * *. The informing function of Congress should be preferred even to its legislative function.

All congressional committees, through their hearings and reports, perform an informing function, educating the American people about the major problems confronting the Nation and the means, legislative or otherwise, which might be used to solve them.

The important role this function plays in strengthening and preserving a democratic society is not open to question.

Curiously, however, when this committee carries out its informing function, certain people immediately accuse it of "exposure." But this is no more than a smear word for a legitimate and necessary congressional duty. "Exposure" is disclosure, revelation, informing the people about what they must know to govern themselves intelligently and preserve the Government which they have created for their own protection.

Supreme Court and court of appeals decisions upholding the rights of Congress to compel disclosure of Communist organizations and the activities and identities of individual Communists both by legislation and investigation were quoted in my reply to the last allegation—No. 3.

Last year the Supreme Court pinpointed the value of disclosure or "exposure" hearings by all governmental agencies in a decision upholding the right of the Federal Communications Commission to hold a public rather than closed hearing on a matter of public interest. The Court noted:

> The Commission observed that, in addition to stimulating the flow of information, public hearings serve to inform those segments of the public primarily affected by the agency's regulatory policies and those likely to be affected by subsequent administrative or legislative action of the factual basis for any action ultimately taken—a practical inducement to public acceptance of the results of the investigation. Also implicit in the Commission's discourse is a recognition that publicity tends to stimulate the flow of information and public preferences which may significantly influence administrative and legislative views as to the necessity and character of prospective action. The Commission further pointed out that public disclosure is necessary to the execution of its duty under section 4(k) of the Communications Act of 1934, as amended, 48 Stat. 1068, 47 U.S.C. section 154(k) (1958 ed.), to make annual reports to Congress. Significantly, this investigation was specifically authorized by Congress so that Congress might "draw upon the facts which are obtained." (*FCC* v. *Schreiber,* 381 U.S. 279.)

A very telling statement on the role informing, revelation, and disclosure or "exposure" play in handling problems in a democratic society was made by President Truman's Committee on Civil Rights:

> The principle of disclosure is, we believe, the appropriate way to deal with those who would subvert our democracy by revolution or by encouraging disunity and destroying the civil rights of some groups.
>
> Congress has already made use of the principle of disclosure in both the economic and political spheres. The Securities and Exchange Commission, the Federal Trade Commission and the Pure Food and Drug Administration make available to the public information about sponsors of economic wares. In the political realm, the Federal Communications Commission, the Post Office Department, the Clerk of the House of Representatives, and the Secretary of the Senate—all of these under various statutes—are required to collect information about those who attempt to influence public opinion. Thousands of statements disclosing ownership and control of newspapers using the second-class mailing privilege are filed annually with the Post Office Department. Hundreds of statements disclosing the ownership and control of radio stations are filed with the Federal Communications Commission. Hundreds of lobbyists are now required to disclose their efforts to influence Congress under the Congressional Reorganization Act. In 1938, Congress found it necessary to pass the Foreign Agents Registration Act which forced certain citizens and aliens alike to register with the Department of Justice the facts about their sponsorship and activities. The effectiveness of these efforts has varied. We believe, however, that they have been sufficiently successful to warrant their further extension to all of those who attempt to influence public opinion.
>
> The ultimate responsibility for countering totalitarians of all kinds rests, as always, with the mass of good, democratic Americans, their organizations and their leaders. The Federal Government ought *to provide a source of reference* * * * where private citizens and groups may find accurate information about the activities, sponsorship and background of those who are active in the marketplace of public opinion. (Report of the President's Committee on Civil Rights, 1947, pp. 52, 53.)

Laws are essential to any well-ordered society. But in a democratic society, laws are not enough. Alone, they rarely eliminate any problem. An informed public is needed to supplement, by public discussion, debate, and action, the sanctions imposed by law on the enemies of society.

For those Americans—and they number in the millions—who want "accurate information about the activities, sponsorship, and background" of the subverters of freedom and democracy who are "active in the marketplace of public opinion," the House Committee on Un-American Activities has provided a reliable "source of reference" for 28 years.

In doing so, it has helped preserve the democratic process and prevent its corruption and debasement by those who, with totalitarian ends in mind, give only lipservice to the principles of democratic society.

ALLEGATION NO. 5

The committee has done much harm because its methods have often been unfair.

REPLY

No specifics are given to substantiate the claim that the committee's methods are often "unfair." For this reason, I can do no more than make a general statement on this subject.

The Committee on Un-American Activities has actually been a pacesetter in establishing fair rules of congressional procedure and in observing them. It was the first committee of the House to publish its rules of procedure in booklet form. This was done in 1953, after the committee had been following these rules for some years.

Several times since 1953, the committee has appointed subcommittees to consider amendments to its rules. In 1955 and in 1961, the chairman of this subcommittee, the late Honorable Clyde Doyle of California, invited all Members of the House to submit any recommendations or proposals they had for improving the committee's rules. The extremely small number of suggestions received in response to these invitations has been a tribute to the thoroughness and fairness with which the committee, over the years, has developed rules of procedure fully consonant with constitutional and other rights.

In 1955, the House adopted House Resolution 151, which was authored by Mr. Doyle and which, he stated on the floor, was based largely on the experiences of the Committee on Un-American Activities. When adopted by the House, that resolution established fair rules of procedure for all its committees, with special reference to those with an investigative function.

All witnesses subpenaed to testify before the Committee on Un-American Activities are provided with a copy of the committee rules, so that they and their attorneys will have full opportunity to insist upon the observance of the procedures and the rights of witnesses spelled out in them.

The courts of this country, in numerous contempt cases, have had an opportunity to review the committee's rules of procedure. In no instance have they found them unconstitutional or violative of witnesses' rights.

Moreover, contrary to the above allegation, the Special Committee on Communist Tactics, Strategy, and Objectives of the American Bar Association, after its members had made a study of the committee's hearings, reached the following conclusion:

> The congressional committees investigating communism, and in particular the House Un-American Activities Committee, have been attacked on the ground that they have engaged in smear campaigns and have invaded the constitutional rights of persons investigated. Your committee is impressed with the fairness with which hearings before that committee have been conducted during the period of time indicated by our study of the published testimony. We are satisfied that the witnesses called to testify before the committee are being treated fairly and properly in all respects and we also feel satisfied that each witness is accorded full protection as far as his constitutional or other legal rights are involved; moreover, the confidential communications between attorneys and clients have been fully respected.
>
> It is the view of your committee that current attacks on the House Un-American Activities Committee are unjustified. Whether deliberate or misguided, such unwarranted attacks result in reducing the effectiveness of that committee's great service to the American people.

ALLEGATION NO. 6

The committee has done much harm because it has attempted to create permanent machinery designed to censor the opinions and associations of American citizens.

REPLY

On May 22, 1930, the House determined that a special committee should be created to investigate Communist activities and propaganda in the United States.

Four years later, on March 20, 1934, it again determined that a special committee should be established to investigate Nazi and Communist—subversive—propaganda activities in the United States.

On May 26, 1938, it determined once more that a special committee was needed to investigate the varied subversive and un-American activities that were going on in this country. It set up such a committee. In each subsequent Congress—until 1945—it determined that conditions were such that this special committee should be reconstituted.

In 1945, in the light of both national and international developments, the House determined that the Special Committee on Un-American Activities should be made a permanent, or standing, committee. The following year, it reiterated this determination in the Legislative Reorganization Act of 1946 (Public Law 601, 79th Cong.). The adoption of this statute, which brought about the most extensive reform of the Congress to take place in this century, was preceded by extensive hearings in which Members of the House and Senate and constitutional authorities testified. By this act, the number of standing committees in the House was cut from 48 to 19. Although 29 other standing committees were eliminated by this statute, the Committee on Un-American Activities—which had then been a standing committee for only 1 year—was retained as such by the House.

During the 21 years that have passed since that time, a few Members of the House have called for the abolition of the committee. Every such proposal, however, has been overwhelmingly rejected by the House.

Thus, it has not been the committee but the House itself—435 elected Representatives of the American people—who have determined that the Committee on Un-American Activities should be a permanent institution.

And what about the claim that the purpose of the committee is to censor the opinions and associations of American citizens? It has already been demonstrated that it is the intention and finding of the House, and also the finding of the courts, that the committee is designed to—and actually has—investigated the activities of groups and individuals which are considered by the House, by the American people and the courts, to be subversive and un-American.

Over and over again, when witnesses subpenaed to testify before the committee have started to expound their ideas and opinions, they have been informed that the committee is not interested in these, but wants answers to questions asked about their actions. It is then that the witnesses invoke the fifth amendment. It is their actions, not their ideas, that they are queried about and do not want to talk about.

On the question of associations, the fact is that the committee is not interested in anyone's purely casual or social "associations." It is, however, interested in "associations" which indicate conspiratorial or other activity in furtherance of subversive and un-American purposes. This House and committee interest is fully supported by the courts.

In his previously referred to concurring opinion in the case of American Communications Association against Douds, Supreme Court Justice Robert Jackson pointed out:

> There has recently entered the dialectic of politics a cliche used to condemn application of the conspiracy principle to Communists. "Guilt by association" is an epithet frequently used and little explained, except that it is generally accompanied by another slogan, "guilt is personal." Of course it is; but personal guilt may be incurred by joining a conspiracy. That act of association makes one responsible for the acts of others committed in pursuance of the association. It is wholly a question of the sufficiency of evidence of association to imply conspiracy.

In the case of *Adler* v. *Board of Education* (342 U.S. 485), the decision upholding the constitutionality of New York State's Feinberg law (which bars Communists and persons affiliated with subversive organizations from employment in the New York State school system), the Supreme Court ruled:

> One's associates, past and present, as well as one's conduct, may properly be considered in determining fitness and loyalty. From time immemorial, one's reputation has been determined in part by the company he keeps * * * we know of no rule, constitutional or otherwise, that prevents the State, when determining the fitness and loyalty of such persons, from considering the organizations and persons with whom they associate.

Other courts have made equally telling statements concerning the propriety of the committee's investigating an individual's actions and associations, as measured against the first amendment private rights of freedom of belief, opinion, and association.

The court of appeals in New York held, in the case of U.S. against Josephson, still another contempt proceeding arising from a hearing of this committee, that—

> The investigations authorized by statute and resolution creating the Committee on Un-American Activities concern the welfare and safety of the Government and Nation and not the mere private affairs of private citizens. (165 F. 2d, 82.)

In the previously mentioned case of Barsky against U.S., the Court of Appeals for the District of Columbia held that—

> We hold that in view of the representations to the Congress as to the nature, purposes and program of communism and the Communist Party, and in view of the legislation proposed, pending and possible in respect to or premised upon that subject, and in view of the involvement of that subject in the foreign policy of the Government, Congress has power to make an inquiry of an individual which may elicit the answer that the witness is a believer in communism or a member of the Communist Party. And we further hold that the provision we have quoted from House Resolution 5 is sufficiently clear, definite and authoritative to permit this particular committee to make that particular inquiry. (*Barsky* v. *U.S.*, 167 F. 2d 241.)

Again, in its June 5, 1961, decision upholding the constitutionality of the Internal Security Act, the Supreme Court stated:

> The Communist Party would have us hold that the first amendment prohibits Congress from requiring * * * [disclosure statements] * * * by organizations substantially dominated or controlled by the foreign powers controlling the world Communist movement and which operate primarily to advance the objectives of that movement: the overthrow of existing government by any means necessary and the establishment in its place of a Communist totalitarian dictatorship. * * * We cannot find such a prohibition in the first amendment. So to find would make a travesty of that amendment and the great ends for the well-being of our democracy that it serves. (*Communist Party* v. *SACB*, 367 U.S. 1.)

ALLEGATION NO. 7

The committee has done much harm because as a result of above allegations 4, 5, and 6 it has curtailed the discussion of controversial issues and hindered the development of new ideas and approaches to troublesome problems.

REPLY

It is obvious that debate and discussion, formal and informal, on all kinds of political and other controversial issues is proceeding today at a much greater rate than it was 28 years ago when the committee was created. This is due primarily to more widespread education, greater news coverage of local, national, and international affairs, the further development of radio and television, and various other factors which have generally promoted the dissemination of information.

All committees of Congress, however, through their hearings and reports, promote discussion of controversial issues within their jurisdiction and also the development of new ideas and approaches to problems in that area.

As regards the subject of communism, security, and subversive and un-American activities generally, the Committee on un-American Activities has done much to promote discussion of controversial issues and the development of new ideas in meeting problems associated with these subjects.

In the 28 years of existence, it has heard approximately 4,000 witnesses. While a great majority of these have been Communists and other have been Nazis, Fascists, and Klanners, many have been recognized authorities on various matters within the committee's jurisdiction. They have included representatives of the Department of Justice, FBI, the Departments of Defense, State, and other executive branch agencies; trade union leaders, clergymen, educators, newspapermen, and authors. They have represented every shade of political opinion.

The millions of copies of committee publications containing the testimony and views of all these witnesses which have been distributed throughout this country, combined with news coverage of the committee's hearings and reports, have provided a wealth of information for private and public discussion and debate, classroom instruction, speeches by many persons in all walks of life, and also the writing of numerous scholarly works on all aspects of the Communist problem. Many books on the subjects of communism, subversion and security, written by nationally and internationally known authors and authorities, have quoted from, summarized and referred to information developed by the committee, both in the informative phase of their treatment of their subject matter, and also in making suggestions and drawing conclusions as to what steps can be taken to solve the problems posed by Communist activity.

It is rather difficult to understand how certain advocates of "unpopular" views can loudly proclaim their views, over and over again, on radio and television programs and in other public appearances and also proclaim at the same time, that a blanket of "fear" and "silence" has spread over this country, so that no one holding unorthodox and dissenting viewpoints dares express them.

It is also difficult to understand—at least for me—how these same persons can credit (or blame) one nine-man congressional committee with wielding such tremendous power over a nation of 190 million people.

ALLEGATION NO. 8

The committee serves no useful purpose because it considers only a handful

of bills each year, all of which are in the jurisdiction of other committees.

REPLY

House rule XI assigns to the 20 standing committees of the House their respective duties. As regards most other committees, it directs only that they consider all legislation, messages, petitions, memorials, and so forth—which being in their jurisdiction—are referred to them. It gives the Committee on Un-American Activities, however, completely different duties. It directs it to make investigations of certain activities "that would aid Congress in any necessary remedial legislation" and to report its findings to the House, "together with such recommendations as it deems advisable." While all standing committees of the House have legislative functions, in other words, the Committee on Un-American Activities has been assigned a primarily—though not exclusively—investigative duty.

In compliance with rule XI, the Committee on Un-American Activities, in its 28 years of existence, has made hundreds of investigations. The results of most of these have been revealed in public hearings. It has heard about 4,000 witnesses and published over 500 separate volumes containing the transcripts of both public and executive testimony and the results of its research studies and investigations.

Based on its investigations, hearings, and research, it has made over 160 legislative recommendations to the House. Independent studies made by the Legislative Reference Service of the Library of Congress in 1958 and 1960, combined with the congressional legislation record for the last 5 years, reveal that approximately 45 laws enacted by the Congress have implemented recommendations made by this committee.

Among them are the following laws which have been enacted as a result of bills reported by the Committee on Un-American Activities:

Public Law 81–831, Internal Security Act of 1950.

Public Law 83–557, amending section 7(d) of the Internal Security Act of 1950.

Public Law 83–637, Communist Control Act of 1954.

Public Law 87–474, amending section 3, paragraph (7), and section 5, subsection (b) of the Internal Security Act of 1950.

Public Law 88–290, amending the Internal Security Act of 1950 by adding thereto a new title III, relating to personnel security procedures in National Security Agency.

The committee's investigations and research have, in some instances, convinced it that certain problems involving Communist activities could best be met by executive action, rather than by legislation. In these instances, it has recommended appropriate action to the executive. The record reveals that in more than a dozen such instances, the committee's policy recommendations have been adopted by the executive branch.

With all due respect for other governmental agencies which have been assigned duties in the general area of subversion and security and which have done excellent jobs in their respective areas, I can say that the Committee on Un-American Activities, in compliance with rule XI, has given the Congress—and thus the American people—more information on Communist, Nazi, Fascist, and other subversive activities than any other agency of Government. In doing so, it has figured decisively in preserving the security of the United States.

Moreover, the information it has developed has been of such accuracy and quality that its publications are used not only by Congress in performance of its legislative function and by executive branch agencies in their security operations, but also by scholars in preparing courses and writing books on communism, security, and related matters. In addition, they have been used as texts by schools and colleges and have been purchased by foreign governments as aids in the training of their foreign service and security personnel. In addition to the more than 8 million copies of the committee's hearings and reports which have been distributed to Congress, executive branch agencies and the American public, hundreds of thousands of its releases have been purchased from the Government Printing Office by private citizens and organizations and by agencies on all levels of government.

In view of the special investigative and informing function assigned to the committee by House rule XI and this record of accomplishment, I am not the least bit disturbed by any attack on the committee which is based on the fact that relatively few bills are referred to it each year. The simple fact of the matter is that the committee's primary function is to investigate and make recommendations which will assist the House in the performance of its legislative functions, rather than to merely consider legislation.

The implication, contained in this allegation, that all bills referred to the Committee on Un-American Activities are not within its jurisdiction, is patently false. Worse, it is an attack on the Speaker of the House and on all who have served as Speakers since the Committee on Un-American Activities has been a standing committee with legislative authority.

The Speaker has constitutional authority to refer legislation. The Manual of the House, as all of us know, points out that rule XI is mandatory on the Speaker in referring public bills.

That all recent Speakers have exercised their authority properly in referring bills to the Committee on Un-American Activities is attested by the fact that, to my knowledge, there has never been a case in which another committee has objected that a bill was incorrectly referred to this committee and the House has had to settle the issue by motion, as provided in the rules.

The fact that the Manual of the House grants that a bill "may contain matters properly within the jurisdiction of several committees" emphasizes the care the Speakers have exercised in referring legislation.

The above allegation could be true only if one accepts a thesis which neither I, nor any other Member of the House, would accept—the thesis that the Speaker completely ignores the provisions of rule XI, and that he does so with the consent of the House as a whole.

ALLEGATION NO. 9

The committee serves no useful purpose because we have adequate security laws, regulations, procedures, and personnel.

REPLY

The above claim is refuted by the fact that, in each Congress, this and other committees recommend, and many Members of both the House and Senate introduce, bills related to internal security. Some of these bills are based on the independent study and belief of those who introduce them; some on the reports of congressional committees, including this committee; some on the statements and requests of officials of the executive branch of the Government.

Generally speaking, no country ever reaches the stage where it has all the laws and regulations needed in any area. New developments create new needs and render old laws inadequate. In each Congress new legislation is considered on matters affecting national defense, agriculture, labor, banking and currency, foreign affairs, and numerous other subjects.

There is certainly no reason to believe that the area of subversion and security is somehow different from all these others, that the United States has reached a stage of legislative perfection in this field that it has never been able to attain in others, and that there is not, and never will be, need for new legislation on the problem.

The argument about adequate personnel, I presume, is based on the existence of thousands of FBI agents and other security personnel in executive branch agencies. The Committee on Un-American Activities, however, has a completely different function than the FBI, the Armed Forces intelligence and counterintelligence units and security personnel in other executive agencies. Their operations have nothing to do with legislation. They are concerned with countering enemy efforts to penetrate our Government, with developing evidence of violations of security laws and related matters.

This committee, on the other hand, has the job of developing information which will assist the Congress in its legislative function. Congress cannot fulfill its constitutional duties in the area of internal security and subversive activities unless it has a committee to serve it in this manner.

The difference in the functions of a legislative committee and security agencies, as such, was very clearly spelled out in a letter which FBI Director J. Edgar Hoover wrote to the late Clyde Doyle, a member of this committee, in response to an inquiry from Mr. Doyle asking his opinion of the work and value of congressional investigative committees. Mr. Hoover wrote, in part:

> The American people owe a great debt of gratitude to the work over the years of congressional investigating committees. These committees, day after day, secure informa-

tion vitally needed in the consideration of new legislation. They are indeed indispensable parts of the American legislative process.

We in the FBI have the highest appreciation for the contributions rendered by congressional investigating committees dealing with un-American activities. Each in its own way is serving the American people. The FBI is strictly a fact-gathering agency. It does not express opinions or make recommendations on the information it secures. That is the function of other officials of the Government. As the investigative arm of the Department of Justice, the FBI is charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest, and performing other duties imposed by law. Its function is not exposure or securing information for legislative purposes. That is the function of the congressional investigating committees.

I feel that both the FBI and congressional investigating committees, in the field of internal security, have important roles to play. We are working for the same goal—protecting our great Nation from enemies who seek to destroy us. Our work is not contradictory, but mutually helpful. That is as it should be.

Current developments on both the domestic and international fronts make it abundantly clear that questions of inernal security and subversive activity are matters that demand special and continuing consideration by the Congress if the freedoms of the American people are to be preserved.

On July 1, 1960, the Special Committee on Communist Strategy, Tactics, and Objectives of the American Bar Association made the following statement:

> The record of the House Committee on Un-American Activities and the Senate Subcommittee on Internal Security is one of accomplishments and achievements, despite the fact they have been the targets of inspired propaganda attacks designed to curb their effectiveness. Continuation of these committees is essential to the enactment of sound security legislation.

ALLEGATION NO. 10

Maintenance of a committee to restrict full and free discussion and unorthodox ideas betrays a lack of faith in a democratic society.

REPLY

First, it has already been demonstrated that the committee engages in two major types of activity: (1) the revelation, or disclosure, through investigation and public hearings, of certain activities designed to undermine and destroy our democratic society which are generally concealed from the public and the Congress; and (2) the recommending of remedial legislation to regulate, curb, and control such activities.

Certainly neither of these betrays a lack of faith in the democratic process. On the contrary, they indicate faith in and an effort to preserve the integrity of "full and free discussion" and honestly unorthodox ideas which are essential to progress.

The U.S. Constitution is the very embodiment of the priniciples and methods of democratic society. And the Constitution fully supports both the legislative and the investigative or disclosure activities of the committee.

The constitutionality and value of the committee's investigative and disclosure activities have been thoroughly documented in 4(a).

The legislative aspect of the committee's activities, of course, cannot be questioned, and its constitutionality has been amply demonstrated in the many court decisions previously quoted. There is no need to belabor the point. I would point out, however, that all courts have consistently upheld investigative power, such as that conferred on the Committee on Un-American Activities, as a vital and necessary adjunct to the legislative process in a democratic society. In the case of McGrain against Daugherty—1927—the Supreme Court pointed out:

> The power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. It was so regarded and employed in American legislatures before the Constitution was framed and ratified. (273 U.S. 135.)

Much more recently, in the previously mentioned Barenblatt case, the Court held:

> That Congress has wide power to legislate in the field of Communist activity in this country, and to conduct appropriate investigations in aid thereof, is hardly debatable. The existence of such power has never been questioned by this Court. (360 U.S. 109, 127 (1959)).

In view of these statements, how can it be said that congressional maintenance of an investigating committee in the area of internal security indicates lack of faith in democratic society?

The Supreme Court certainly had our own democratic society in mind when, in 1889, it ruled in the Chinese Exclusion case:

> To preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment comes * * *.

More to the point, the Supreme Court repeated these very words in a recent case dealing with Communist activities in this country and the right of democratic society to protect itself from such activities. It quoted the above words in its June 5, 1961, decision upholding the constitutionality of the registration provisions of the Internal Security Act, a disclosure statute enacted by the Congress as a result of the disclosures of this committee.

Democratic societies would soon perish if they did not have—and exercise—the right to preserve the integrity of "full and free" democratic discussion by disclosing the aims, nature, and identity of those who utilize constitutional rights only to destroy them.

ALLEGATION NO. 11

Paragraph 18 of House rule XI (which creates the Committee on Un-American Activities and gives it its powers) should be repealed and legislative matters relating to internal security should be placed under the Judiciary Committee. The Judiciary Committee's jurisdiction could then be amended to include sabotage, insurrection, and other overt actions relating to internal security. If this is done, however, the resolution should specifically exclude propaganda or other forms of expression or association for such purposes.

REPLY

During the organization of the 88th Congress—1963—the Rules Committee held hearings on a resolution which called for transferring the functions of the Committee on Un-American Activities to the Judiciary Committee. It rejected the resolution by a vote of 12 to 1.

During the 79th Congress, as previously mentioned, a Joint Committee on Reorganization of the Legislature was formed. The committee held 5 months of hearings which comprised the most thorough analysis and review that has ever been made of the Congress, its functions and the organizational structure required to carry them out as efficiently as possible. The committee's extensive hearings and debates culminated in the Legislative Reorganization Act of 1946.

Certainly, if there were real merit in the idea of transferring this committee's functions to the Judiciary Committee, it would have been proposed and thoroughly debated at that time. Actually, however, in the extensive hearings and debate which preceded the enactment of this law, it was never even mentioned. To the contrary, the House took the step of making the Committee on Un-American Activities, by statute, a standing committee.

During the debate on the Reorganization Act, one Member of the House did propose that the Committee on Un-American Activities be eliminated as a standing committee. Senator MONRONEY, then a Member of the House and the floor leader on the bill, as well as vice chairman of the Committee on Reorganization, objected on the grounds that the proposal had nothing to do with the "functional reorganization of Congress" and was no more than "a political or ideological consideration." The proposal was overwhelmingly rejected.

In view of the fact that the petition to abolish the Un-American Activities Committee does not advance a single valid reason—theoretical or practical—for transferring its functions to the Judiciary Committee, the fact that the Rules Committee rejected the proposal just a few years ago and it was never even entertained in the comprehensive 1946 reorganization of the Congress, there is certainly no reason for making the change today.

On the other hand, there are a number of compelling practical reasons why the change should not be made.

The first is that the Judiciary Committee, as every Member of the House knows, is already tremendously overburdened.

During the debate on the Legislative Reorganization Act of 1946, Mr. CELLER, then, as now, chairman of the Judiciary Committee, protested that the reorganization bill would reduce the members on the Judiciary Committee from 27 to 25, even while imposing more work on the committee by giving it jurisdiction previously exercised by four standing committees.

He pointed out that as a result of its "avalanche of business," the Judiciary Committee had already been divided into five subcommittees and all five were then behind in their work because of the "tremendous number of bills" which were continually referred to the committee. He enumerated the additional duties being imposed on the Judiciary Committee, their complexity, the hundreds of additional bills it would have to consider each year because of them, and then stated: "How we are going to do all that work with 25 members is beyond my comprehension."

That was 20 years ago. What is the situation today as far as the Judiciary Committee is concerned? The committee's membership has been expanded to 35. Despite this, everyone knows that it is still the most overworked committee in the House. It now has 19 separate subjects within its jurisdiction. As chairman of four of its subcommittees, I can say without fear of contradiction that it is having difficulty—and has always had difficulty—keeping up with all the work that is assigned to it.

In the 88th Congress, 5,476 of the 15,299 measures introduced in the House were referred to the Judiciary Committee. This was 36.4 percent of the total. In the first session of this Congress, 38.5 percent of all measures introduced were referred to the Judiciary Committee. Moreover, during the 173 days the House was in session, the Judiciary Committee and its subcommittees met in public and executive sessions 184 times—more than once a day.

If the functions of the Committee on Un-American Activities were transferred to the already overworked Judiciary Committee, matters of vital concern to our country would suffer—all of the 19 matters which are now in the jurisdiction of the Judiciary Committee, and also the very essential task of investigating subversive activities.

The procedure established by the House for the investigation of activities designed to undermine our Government has worked well for 28 years. Why change it now for a new procedure which might create problems in this area which have not existed in the past?

The most dangerous element contained in this recommendation is the suggestion that the Judiciary Committee's jurisdiction be amended to include only overt actions relating to internal security and that it specifically exclude propaganda or other forms of expression or association for such purposes.

Implementation of this recommendation would deprive the Judiciary Committee of the power to effectively investigate many forms of subversive activity.

Revolutions do not occur spontaneously and overnight. They are the culmination of years of careful planning and work which largely involve operations in the fields of propaganda, expression, and association on the part of democracy's enemies. Such operations, in fact, are essential to the development of revolutions and the tearing down of governments.

Emerson wrote: "Words are also actions, and actions are a kind of words."

Lenin said: "A word is also a deed."

Propaganda, speech and "association" are key elements in developing revolutionists, recruiting spies and saboteurs, penetrating and undermining institutions, destroying faith in the established Government and in numerous other activities used by the Communists in their efforts to subvert nations.

As the courts have repeatedly held, there is no requirement under the U.S. Constitution for this country to wait for an overt act to take place, directed at or promoting its overthrow, before it has a right to take steps to preserve itself and thus the rights and freedoms of all its citizens. All forms of preparation for revolution, including propaganda and association, are the legitimate concern of the Congress, and it has been the judgment of the House for 26 years that the House should vigorously demonstrate this concern. To fail to do so now would be to invite destruction by the most skilled revolution-fomenting force the world has ever known.

In summary, what we have in this proposal, carefully concealed in the high-sounding phrases, is a recommendation that the House neglect its constitutionally imposed duty of taking all reasonable steps possible to protect this Nation against the totalitarian subverters of democracy.

ALLEGATION NO. 12

The committee's files, which contain "often inaccurate" data about millions of Americans, should be transferred to the Archives. All Government officials and agencies, as well as the public, should be denied access to them for 50 years, because these files are "destructive of the sovereign rights of the individual and a perversion of the governmental process," and "self-respecting citizens of a democratic country cannot allow their representatives in government to keep dossiers on their beliefs, ideas, political views, or associations."

REPLY

First of all, I want to make it very clear—and I am happy to say this—that the committee's files do not contain information about "millions" of Americans, or even on 1 million Americans. I do not know the precise figure, but the number is much less than that.

Now, as far as the accuracy of this information is concerned, let me say that a mere description of the nature of the committee's files refutes the claim that the data in them is "often inaccurate."

The committee's files fall into two categories—public and investigative. The investigative files contain sworn testimony received in executive sessions of the committee and confidential information developed by the committee staff. These files are accessible only to the committee's investigators and other key staff personnel. Information in them is not made available to the public or to Congress, except when a majority of the committee votes to release executive testimony. It is used only to provide leads for committee investigations and is revealed only in hearings of the committee in which the persons concerned have the opportunity to deny, qualify, or refute it.

The committee's public files, collected over a period of almost 28 years, are one of this country's most comprehensive sources of information on Communist and other subversive activities.

They are composed of the published hearings and reports of this committee, the Senate Internal Security Subcommittee and other committees of the Congress, the Subversive Activities Control Board, State and municipal investigating committees, court proceedings, and official reports of the executive branch agencies of the U.S. Government. They also include extensive collections of U.S. Communist Party and international Communist newspapers, magazines, pamphlets, and documents; flyers, handbills and other material released by the Communist Party and other subversive groups; and letterheads, publications, releases, and flyers of hundreds of Communist fronts. They include, in addition, books on communism written by recognized authorities and an extensive collection of articles published in reputable newspapers in all parts of the country, in major U.S. magazines and the CONGRESSIONAL RECORD.

If the information contained in these documents is "often inaccurate," I can only say that we might as well give up all hope of ever obtaining accurate information on any subject anywhere and at any time. In addition—if we accept the completely unfounded claim in this petition—we might as well give up hope of obtaining justice in our courts, reliable information for enacting legislation through congressional hearings, the truth about the nature of certain organizations from the Subversive Activities Control Board, and any truth at all, not only about communism from the Communists themselves, but about all other matters and subjects from newspapers, magazines, scholarly works and all normal sources of information. In short, the pursuit of knowledge is a waste of time.

On the question of the accuracy of the committee's files, I would make this further point:

President Truman, in Executive Order No. 9835 of 1947, instituting the loyalty program, directed that the committee's files be checked in the Government's investigation into the backgrounds of all applicants for Federal employment.

This directive would certainly not have been issued if the President and/or other responsible officials of the executive branch who are in a position to know the facts had reason to believe the files contain "often inaccurate" data.

Although Executive Order 9835 has been supplanted by President Eisenhower's Order No. 10450 of 1953, the executive branch has continued the policy instituted by President Truman. Each year, thousands of visits are made to committee offices by representatives of the Civil Service Commission, FBI, intelligence branches of our armed services, and other agencies for assistance in their all-important job of protecting the security of this Nation.

The nature of the data in the committee's public files is such that it would be a senseless move to bury the files in the Archives for 50 years in an attempt to keep the information in them secret.

This information, with intelligent and careful research, is actually available to anyone in the country.

All other issues aside, placing the files in the Archives with a complete ban on any access to them by anyone, would be the grossest form of anti-intellectualism.

Moreover, to keep from anyone the knowledge contained in the committee's public files, it would be necessary not only to bury them in the Archives, but to go to the ridiculous length of removing from all public and private libraries and all other sources—and destroying—all the congressional, executive branch, State, municipal, and foreign government publications mentioned above. It would be necessary to destroy all back copies of the CONGRESSIONAL RECORD and files of national magazines. It would be necessary to remove from public libraries all bound volumes and microfilm copies of the New York Times and similar newspapers; to stop the New York Times from publishing its index and to stop all major newspapers from keeping the "morgues" which they have been keeping for many years on many thousands of American citizens. The same, of course, would apply to all public and private collections of Communist newspapers, magazines, and other publications.

There is no foundation in law—or in reason—for the assertion that the maintenance of the committee's files is destructive of individual rights, a perversion of governmental process and something which no self-respecting citizen can tolerate.

The opposite is true. As a matter of self protection, all democratic governments and societies, have investigative agencies operating on various levels. This is a part of the normal legislative, security, and law-enforcement process. Further, no investigative agency, no matter what its area of jurisdiction, can operate effectively and do the job it is supposed to do without files containing background information on the organizations, movements, and individuals with which it is concerned. The Supreme Court has held that as far as organizations are concerned, their past history is pertinent to their present nature and activities:

> Where the current character of an organization and the nature of its connections with others is at issue, of course, past conduct is pertinent. Institutions, like other organisms, are predominantly what their past has made them. History provides the illuminating context within which the implications of present conduct may be known. (*The Communist Party Case*, 367 U.S. 1, 69.)

Other courts have made the same determination as regards both organizations and individuals. In the case of the Communist Party of the United States against the Subversive Activities Control Board, for example, the Court of Appeals for the District of Columbia pointed out:

> [I]t is rarely, if ever, possible to prove present nature by some instantaneous, contemporaneous fact, totally ignoring the whole of the past. Not only is the past clearly pertinent, it may be quite material to a determination of present nature. Whether it is material depends upon whether there is affirmative evidence of a departure from the established past. In the ordinary affairs of life and in ordinary litigation, if a person or an organization is shown to have had over many years a certain policy and program, and no more is shown, the conclusion is clearly indicated that he or it has the same policy and program in the present. (223 F. 2d 531, 570.)

This committee would be guilty of negligence if it did not maintain its extensive files on organizations and individuals. Without this background information about the past activities of organizations and individuals, it would not be in a position to make sound and reasoned judgments about the present nature and aims of numerous organizations and the actions of persons associated with them. Lacking the data with which to make such judgments, it would be incapable of performing the duty assigned it by the House.

In McGrain against Daugherty, previously quoted in part, the Supreme Court stated:

> A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation itself is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it. (273 U.S. 135.)

The Court made this ruling in upholding the right of Congress, when it lacks information essential to legislation, to carry out investigations and compel testimony to obtain it. But surely, if it is constitutional—that is, democratic—to investigate and compel testimony, there is nothing undemocratic about collecting already published information in aid of the legislative process.

The great value of the committee's files is that, through 28 years of effort and the expenditure of large sums of money, all the previously referred to and widely scattered public information on subversive activities has been collected in one place, filed and indexed, so that it is readily available, not only to this committee in preparing its investigations and making its recommendations, but also to the Congress as a whole to aid it in the enactment of legislation.

The committee's public files are the main source of information on Communist and other un-American activities for the Congress. Over the years, they have been the source of information contained in tens of thousands of individually prepared reports that have been provided to Members.

In the 6 years from 1960 through 1965, Members of Congress have made more than 16,000 requests for information. Staff members filling these requests have made information checks on more than 56,000 individuals, organizations and periodicals. Also during this period, staff members have compiled and submitted some 18,000 written reports. These figures do not include tens of thousands of information checks made by committee investigators or other staff members for research purposes, as with information which is used in committee hearings.

	Requests from Members of Congress	Information checks on individuals [1]	Information checks on organizations and periodicals [1]	Reports by HCUA staff members	Visits by executive branch representatives
1960	2,200	4,566	1,900	1,945	2,000
1961	3,200	5,100	2,000	2,500	2,100
1962	3,800	7,500	3,900	3,747	2,000
1963	2,400	8,200	4,200	3,800	2,000
1964	2,300	4,200	2,500	2,400	2,300
1965	2,400	7,100	4,900	4,100	2,400
Total	16,300	36,666	19,400	18,492	12,800

[1] Requests from Members of Congress do not correspond directly with the number of information checks since requests from Members indicate only the number of letters received. Each letter may have several references which must be checked. Also, the number of checks do not indicate the instances when information requested was found in the files. All checks are included since figures indicate the number of inquiries into committee files and not the results of these inquiries.

In addition, the files were used nearly 13,000 times by representatives of various agencies of the executive branch of Government during this period. During any one year, officials from the executive branch may come from as many as 25 different agencies.

The above demonstrates the valuable service provided by the committee for both Members of Congress and other agencies of the Federal Government. To remove these files from use would be a senseless and dangerous action.

No court has ever found that the maintenance of the committee's files is destructive of individual rights or a perversion of the governmental process. On the contrary, the Court of Appeals for the District of Columbia has held that this is evidence of the legislative purpose of the committee's investigations. In a 1960 decision upholding the contempt conviction of a witness who had appeared before the committee, the court found that the legislative purpose of the hearing in which the witness was subpenaed to testify was "amply supported." As part of the evidence for this conclusion, the court pointed out:

> A large collection of material and exhibits is maintained by the committee in connection with its constituted duties in order to furnish reference service not only to the committee's own members and staff in its investigations and hearings, but also to every Member of Congress who submits a written request for information in that field." (*Gojack* v. *United States*, 280 Fed. 2d, 678.)

The committee's maintenance of files on subversive activities, organizations and individuals is no more a perversion of the governmental process or destructive of individual rights than is a police department's maintenance of criminal files.

To transfer the committee's files to the Archives and hold them secret there for

50 years would be to deprive both the executive and legislative branches of our Government of one of their most valuable sources of information on subversive movements and activities in this country. It would impair the ability of both branches to carry out their constitutionally assigned duty of protecting this country from its enemies. It would also have the effect of keeping from the American people the truth about subversive movements which they must have to protect their liberties.

Implementing this recommendation would, at the same time, be a tremendous help to the Communists and all other totalitarians and subversives in this country. It would be so inimical to the best interests of the Nation, however, that it is difficult for me to conceive how anyone could make such a proposal seriously.

Even if the day should come when there would be no need for congressional concern with subversive activities, it is my hope that the committee's files would be retained by the House, if for no other reason than to remind the people of this country that, while there may be temporary lulls in the threats to democracy, they can never afford to let down their guard permanently.

ALLEGATION NO. 13

The committee continuously and flagrantly violates its own rules.

REPLY

This charge is generally made without specific citation of how we are supposed to violate our rules. The usual charge is made that we violate our rules by disclosing to the press the names of subpenaed witnesses. No evidence has ever been presented to specifically buttress this charge. I know of no instance where there has been a leak but I do know I have heard Chairman Willis state flatly a dozen times that if there ever is such a leak from a staff member they would be fired instantaneously. More often than not, it would appear that the parties themselves leak the "news" so they can start a campaign of vilification against the committee, raise money for their defense funds and, in addition, bring this specious and unfounded charge before the committee when they testify.

Mr. Lawrence Speiser, of the ACLU, brought one of these specious charges against our committee which was very soundly refuted by Chairman Willis. At one point in his testimony, Mr. Speiser stated that he thought House rule XI, 26(m) has been "flagrantly violated continuously" by the Committee on Un-American Activities. He stated that he had represented "over 100 people" before the HCUA and that he had never known the rule to be followed by the committee. Chairman Willis shot this big lie technique down very quickly and stated:

> I want to say, first, that I have had a careful check made of the record, and it reveals that Mr. Speiser has represented a total of 39 witnesses who have appeared before the Committee on Un-American Activities—33 in public session and 6 in executive session. Therefore, that part of his statement about the number of witnesses he has represented before the committee is less than half true.
>
> Next, I would like to point out that the most recent appearance of Mr. Speiser before the committee as counsel for subpenaed witnesses was during an executive session on December 7, 1964, at which time he represented Dagmar Wilson and Donna Allen. During that session, because Mr. Speiser had raised the issue beforehand in a letter to the committee, there was considerable discussion of rule 26(m) and its applicability to the appearances of the witnesses he represented. The issue was not resolved then and there. The committee took one position on the matter, and he another.
>
> What finally happened? His clients were subsequently cited for contempt of Congress for refusing to answer questions of the committee and were tried and convicted here in the district court. Rule 26(m) was one of the issues at point in that trial, and the ruling of the court upheld the view that the committee had complied with 26(m) and that Mr. Speiser's claim that it had not done so was unfounded. Therefore, when he told this committee that he believed the Committee on Un-American Activities had never observed rule 26(m), he was flying in the face of a very recent court decision to the contrary

Of course, as I point out later, this decision was overturned by the Supreme Court but on grounds which had nothing to do with the operation of HCUA. As far as the rule 26(m) is concerned, I can say that since becoming a member of the committee, it has been my experience that Chairman Willis and all other presiding officers of our committee have bent over backwards to comply with this and other rules and without exception, I believe, they have done so.

It is a difficult rule to interpret in some respects. In our efforts to see that it is correctly observed in all our proceedings, we have discussed its applicability in regard to particular hearings and witnesses for hours in the course of committee meetings.

When asked to cite a case involving a 26(m) violation with which he was personally familiar, Mr. Speiser stated:

> The only time that I know of an executive session involving the House Un-American Activities Committee, there was not an executive session in advance—it was an executive session involving the calling of a witness who had been before the committee on a number of occasions before and had refused to answer questions. What prompted the committee's curiosity, the latest time, was that he had been awarded a fellowship by the Woodrow Wilson Political Science Fellowship program. The committee called him in executive session, and again interrogated him about the same kind of things that he had been asked about before, and then leaked his testimony to the newspapers—it was not a leak, one of the committee members came out of the committee hearing and told the newspapers that he had refused to answer questions on similar occasions. Now, there was no public session after that. But as far as following that rule about executive session, of course, I have never known of any occasion where I have represented over 100 people before the House Un-American Activities Committee—I have never known that rule to be followed by them.

Chairman Willis again showed the inaccuracy of the ACLU spokesman and stated:

> Now, the record shows, as I have indicated before, that Mr. Speiser has represented six witnesses who have testified before the committee in executive session. So his words, "The only time that I know of an executive session involving the House Un-American Activities Committee" were also inaccurate. He has actually taken part in four other such sessions (in one, he represented two witnesses).
>
> Mr. Speiser did not name the witness he represented on the occasion he described but, as his above-quoted testimony indicates, he certainly painted a rather lurid picture of that session and one that is highly derogatory of the committee. Because he also painted a very inaccurate picture, this record should reflect what actually happened.

The matter he was referring to was an executive session of the committee held on July 22, 1959, at which Clinton Edward Jencks, represented by Mr. Speiser, testified in response to a subpena. Over 2 months earlier, on May 13, 1959, the then chairman of the committee, the late Francis E. Walter, had announced publicly that the committee would look into the grant, by the Woodrow Wilson Fellowship Foundation, of Princeton, N.J., of a fellowship for Mr. Jencks to study to be an economics teacher at the University of California in Berkeley.

The committee had made this determination because Jencks had not only been identified as a member of the Communist Party, but had been convicted in a Federal court and sentenced to 5 years in prison for filing a false non-Communist affidavit under the Taft-Hartley Act.

Jencks had escaped a prison term, however, on a technicality. On his appeal, the Supreme Court ruled that he should be given a new trial because, in the original trial, his attorney was not granted access to secret FBI files related to the case for use in cross-examination. Rather than turn its files over to the attorney who was representing Jencks, a man who had been identified as a Communist Party member, the Justice Department dismissed the case against him. The Court decision in the Jencks case led the Congress to enact a statute restricting the use of FBI files in trials.

As indicated, Jencks testified on July 22, 1959, in response to a committee subpena. At the end of that executive hearing, former Representative Gordon Scherer, chairman of the subcommittee, advised the press of what had taken place in the hearing. This included the fact that Jencks had admitted that in applying for the fellowship, he had attempted to give the Woodrow Wilson Foundation the impression that he had not falsely signed a non-Communist affidavit. Representative Scherer also informed the press that Jencks had refused to answer when asked by the committee if this impression was truthful.

So much for the the facts in the case.

Now, Mr. Speiser said that in this executive session, the committee interrogated Jencks, "who had been before the committee on a number of occasions before, about the same kind of things that he had been asked about before."

The truth is that Jencks had never previously testified before the Committee on Un-American Activities so the committee could not possibly have asked him the same questions it had "on a number of occasions before."

Furthermore, Representative Scherer, as chairman of the subcommittee which received Jenck's testimony, had the right, after the session and with the approval of the subcommitte, to reveal what had taken place in the executive hearing. There was certainly nothing wrong in his doing this, despite Mr. Speiser's implication that there was.

And how could Mr. Scherer, as Mr. Speiser testified, have "told the newspapers that he—Jencks—had refused to answer questions on similar occasions?" Jencks, as I have already stated, had never appeared before the committee before.

Mr. Speiser protested, "Now, there was no public session after that." These words indicate that, even after the court decision in the Allen-Wilson case, Mr. Speiser apparently does not comprehend the meaning of rule XI, 26(m). Neither that rule not any other rule of the House requires a committee to hear a witness in public after he has been heard in an executive session.

ALLEGATION NO. 14

The committee subpenas witnesses to testify in public sessions knowing in advance they will not answer any questions.

REPLY

The fact is, of course, that neither the Committee on Un-American Activities, nor any other committee of the Congress, can know in advance just what any witness will do when he appears in either executive or public session. Some witnesses, after giving their names and addresses, will refuse to answer all questions. Some will answer nearly all questions asked them, refusing to reply to only a few. Some will answer all questions of a certain type but refuse to answer all questions of another kind or type. Sometimes a witness who has refused to answer questions in executive session will answer them, or some of them in public. Sometimes the opposite happens.

We have had experiences in which a witness has testified fully in executive session, has stated he will do the same in public session, and then, when the public session has been held, has refused to answer any questions at all.

Based on our investigative knowledge of certain witnesses—and sometimes also on staff interviews with them—we may estimate that they will probably act in a certain manner before the committee, either testifying fully or not at all. But when the session is actually held, we find that our estimate concerning the probable conduct of the witnesses was wrong.

There have been occasions when counsel representing witnesses subpenaed to testify before the committee have advised us that their clients would follow a certain course of action in their appearance. Yet, when their clients have actually appeared before the committee, they have not done what their counsel had advised us they would do. So, despite what these critics say, we do not know, and cannot be certain in advance, just how any witness will respond to questions asked in either public or executive sessions, and I believe that any Member of the Congress who has served on an investigating committee will bear me out on this point.

More important than this, however, is the fact that rule XI, 26(g), of the House states that:

> All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for marking up bills or for voting or where the committee by a majority vote orders an executive session.

The Committee on Un-American Activities, and all other committees, would be obligated by this rule to hear witnesses in public session even if they could be absolutely certain that the witnesses would refuse to answer every single question put to them.

Congress cannot legislate on the basis of confidential investigative work done by its committee staffs. When such investigation reveals that a person has associated with certain groups and engaged in certain activities—whether those activities and associations involve gangsterism, graft, subversive activities, or any other activities in which the Congress has a legislative interest—the results of the investigation must be placed in a public record to assist the Congress in its legislative deliberations. Moreover, fairness dictates that they be placed in the public record through the appearance of the person in question, so that he will have the opportunity—even if he says and the committee feels certain he will not answer any questions—to deny, refute, qualify, or otherwise comment on his activities and associations as developed in the investigation.

If we were to accept the implication that no congressional committee should ever call a witness when it believes he will refuse to answer questions, it would mean the end of all congressional investigation of activities inimical to the national interest. Racketeers, gangsters, grafters, subversives, and all other persons of such stripe, when subpenaed to testify, would only have to inform the committee that they will refuse to answer any of its questions. They would then not be called as witnesses, and there would be no investigative hearings at all. This would undermine the very foundation of the whole legislative process.

I know of no instance where a witness has been called from whom we were not sure we could get helpful information pertinent to our legislative inquiry if the witness would choose to cooperate. The fact they often choose not to cooperate does not lessen our obligation to endeavor to gain the information which we need to fulfill our legislative mandate.

ALLEGATION NO. 15

The committee spends it time entirely investigating organizations of the left, including communism, but does not give its attention to extremists of the right.

REPLY

While it can be properly argued that fascism is a totalitarian extreme of the left, it is generally and I believe erroneously considered to be on the right. The Ku Klux Klan is considered as an extremist group of the right. Our 1965 and 1966 hearings on the KKK certainly indicated this charge is unfounded. The following statement of Mayer Newfield on behalf of the Antidefamation League of B'nai B'rith would seem to put this matter in proper perspective. He said, when testifying:

> At the outset, Mr. Chairman, we want to commend you and the other members of this committee for your courage in attacking the problem of Klan terror in the series of hearings. After all, where terror reigns no one, not even a Congessman, is immune. We want also to associate ourselves with the remarks made yesterday by the Attorney General and the distinguished chairman of the House Judiciary Committee, who praised the careful and thorough investigation of the Klan which your committee conducted of the Klan over a period of more than 6 months.
>
> These hearings have helped to spread on the uncontroverted public record the shocking story of the Klan's organized terrorist activities. In so doing, the committee has performed a most useful function and made clear the need for remedial legislation to curb Klan terrorism and intimidation.

The record is very clear. HCUA has trapped Communists in Government, sensitive industries and organized labor, the Nazis and Fascists at their recruiting centers and propaganda mills and agents of the Japanese before World War II. HCUA focused its attention on Manfred Zapp, Fritz Kuhn, Earl Browder, G. Wilhelm Kunze, William Z. Foster, William Pelley, Alger Hiss, Robert Shelton with equal vigor. It is fair to say that world communism, not fascism, has ranked as the chief un-American activity in this country since 1945. This should come as no surprise to anyone since the forces of fascism were defeated and no one seriously contends there is a vital fascist force in the United States today. The American Nazi Party is a paper organization not worthy, in my opinion, of investigation. Our apparent preoccupation with communism can be answered simply: Only Communists are a part of a world conspiracy which has the potential to destroy us. No other force or "ism" is in that position. It therefore is essential that we spend a great share of our time on the machinations of communism and it would seem that this will be true until freedom prevails over their ideology.

ALLEGATION NO. 16

Proof of the illegal nature of HCUA comes from the poor record the committee has in having its contempt citations upheld by the courts.

REPLY

The record is not poor. In those cases where contempt citations have been overturned, in almost every instance the courts have announced new guidelines or new technicalities with which HCUA would then comply by changing the rules of procedure. To my personal viewpoint, it often seems that the court "stretches the point" quite far. Nonetheless, we always endeavor to make our rules and procedures conform.

A good example of a contempt citation being overturned was the 2–1 court of appeals reversal of the Donna Allen, Dagmar Wilson, and Russ Nixon citations. In this case, Judge Leventhal said Speaker McCormack erred when he automatically certified the contempt charges to the U.S. attorney's office without giving his personal consideration to the issues leading to the allegations.

This took the Speaker and the Parliamentarian by surprise and we may yet see a reversal of this decision. The example is clear, however, that more often than not it is some technicality such as this rather than any slap at how HCUA conducts its affairs.

ALLEGATION NO. 17

The HCUA conducts a circus and there are usually riots which indicate that these hearings are unpopular.

REPLY

To the extent that there is disorder, and this has been the order of the day, it is the result of the improper and illegal conduct of those who are opposed to the committee and have as their goal the thwarting of its work. For a long time, the procedure in attacking our committee was largely one of taking the fifth amendment and refusing to cooperate. After the success of the 1960 protest riots in San Francisco, the tactic has been to picket, jeer, and create disorder in the hope that this would reflect on the committee iself. The committee cannot and will not be intimidated and the fact that an organized uproar and riot at our hearings has taken place during the Vietcong, Cuban, and other hearings should not deter the committee from its work. Mob rule cannot dominate. The committee endeavors to maintain order but in most cases it appears that exhibitionists and provocateurs are well planted to foment disorder.

In the interest of fairplay, it might be advisable to review several cases in which unfair methods were used during hearings of the House Committee on Un-American Activities.

Seven clergymen who attended the committee's hearings in San Francisco, May 12 to 14, 1960, in which students rioted against the committee, issued a statement concerning the outbreak which said in part:

> What we witnessed was utterly fantastic. The shameful demonstration against law and order and against this duly constituted committee of the Congress defies description. We sat in the rear of the room on a raised platform where we could easily observe the proceedings, right in the midst of the student demonstrators.
>
> We were sitting where we were able to observe the giving of instructions by the riot leaders who had gained access to the room. The Daily Californian, which was distributed widely at the scene, gave explicit instructions on the front page of the Thursday issue on exactly how to harass the committee. They were told to laugh out loud at every incident that appeared to be amusing in order to make the Congressmen look ridiculous. These well-disciplined mobsters laughed on the dotted line and obeyed their masters to the last jeer. We watched a national committeeman for the party line up a dozen Communists near the railing and throw every sneer, invective, abusive language, vile profanity and fiendish charge at the Congressmen they could conceive. For nearly 15 minutes at one point, this lawless crowd of students from the university, together with party cadres, had the chambers almost in their control. The students, comprising the rear third of the audience stood upon their seats and yelled, jeered, hissed, and scoffed at the Congressmen. It was almost complete breakdown of law and order. We witnessed more violations of the law in 15 minutes than we have seen in 15 years.

Another specific and detailed account of unfair methods used against the House Committee on Un-American Activities was provided by Miss Eileen Shore, a summer intern in the office of Congressman JAMES F. BATTIN, of Montana. Miss Shore was present during HCUA hearings investigating organizations that were aiding the Viet Cong, hearings in which demonstrations against the committee were carried out in the caucus room in the Old House Office Building in August of this year. Note again the planned precision with which the protestors sought to disrupt the hearings. Miss Shore's statement as it appeared in the daily CONGRESSIONAL RECORD of August 18, 1966, page A4375, follows:

> Attending the hearings of the House Un-American Activities Committee was the most educational and shocking experience of my summer in Washington. Previously I had doubts about this committee and its expressed aims, which had been the brunt of much criticism. The constant cries of witch-hunt, coercion and character defamation seemed too loud and too constant not to be valid, at least to some degree. The meeting I attended Wednesday, August 17, vividly demonstrated to me that the anti-HUAC movement is highly organized and highly sophisticated in the techniques they employ to discredit this Congressional Committee.
>
> The first witness of the day was unfriendly to the Committee. Showing open contempt for the members of the Committee and their questions, he proceeded to expound the "philosophy" of the Progressive Labor Party, a Peiping-oriented organization. The witness proudly proclaimed himself a Communist and was so unresponsive to questions of the Committee that he was dismissed. As he rose from his chair, he shouted "Get out of Vietnam," setting off demonstrations from a number of spectators.
>
> When the Committee introduced a friendly witness, the lawyers representing the unfriendly witnesses subpoenaed by the Committee, raised strenuous objection. The objections were heard by the Chairman and overruled. When Chairman POOL repeatedly requested that the lawyers take their seats, they refused and one, a Mr. Arthur Kinoy began shouting and shaking his fist at the Chairman. Again and again, Mr. POOL directed Kinoy to be in order, but to no avail. Finally the Marshals were directed by the Committee to remove Kinoy and he was taken, still shouting, from the room. Immediately another lawyer, Kinoy's partner stated that unless Mr. Kinoy was returned all lawyers representing unfriendly witnesses would walk out, leaving their clients without counsel. Under the rule of the Committee, a witness does not have to testify if he is not represented by counsel. Kinoy had already been arrested; consequently the lawyers left the room.
>
> This chain of events is remarkable for its perfect organization. Before Kinoy's partner had left the Committee room, after delivering his protest statement, his statement had already been mimeographed and was being distributed. Seated among the gallery of spectators, made up partly of Congressional staff but in the majority by a large group of bearded, studiously disheveled young men and women, I and another member of Mr. BATTIN's staff watched and heard the carefully laid plans of the demonstrators. The outbursts were timed to give maximum publicity and affect in the Committee room. These were no spontaneous outbursts of outrage. The people involved were tightly organized and disciplined. They exhibited contempt and disregard for Congress, the Committee and its members, and the law.
>
> Another facet of the hearing, the press coverage, shocked me only slightly less than the hearing itself. The Washington Post, while reporting facts, also neglected facts that would expose the organization and purpose of the demonstrators and the lack of spontaneity, such as the statement printed prior to delivery or the incident that allegedly prompted it.
>
> From observing these demonstrations, it seems to me that they reveal a danger that must be dealt with immediately.
>
> These organizations are highly organized. They are not hindered by law, for which they show contempt. They have no moral system that prevents them from employing any method to achieve their ends, which are ultimately the overthrow of the government as we know it today. Demonstrations against involvement in Vietnam are but a small part of the activities for the Progressive Labor Party and other similar organizations. They will take part in any action that will weaken the law of the United States and the foundations upon which these laws are laid. They lend active support to the Vietcong by sending blood, food, and other supplies to North Vietnam. The House Un-American Activities Committee has called hearings to investigate these movements and to ascertain the danger they represent. And they are dangerous, because they are determined. They will take advantage of any loophole, and weakness in the law and turn it to their advantage.
>
> Witnessing this Committee in action has removed the doubts which I had about its function. The witnesses and demonstrators I saw in one morning of hearings are the best testimony for the need of such a Committee. At this time, organizations such as the Progressive Labor Party are aiding enemies of the United States with impunity. Their openly expressed aims are to overthrow the United States as a democratic society. The Congress and the people of the United States cannot tolerate such a menace to their country. I think the House Un-American Activities Committee is a most valuable deterrent to these organizations and must be allowed to function as a duly appointed Committee of Congress.

ALLEGATION NO. 18

The committee spends a lot of money, more than other committees which seem to turn out more legislation.

REPLY

Other committees do not deal with subjects which engender the hostility of the organized opposition which is the usual rule in HCUA's mandate. Because we are concerned with communism, we know we will evoke a protest. We usually are dealing with hostile witnesses whether they be a Robert Shelton of the Klan or a Communist. We therefore must do our advance work so we know that we are on sound ground. If we were to do otherwise we would be accused of conducting a fishing expedition. When Mr. Shelton does not answer, we must have at least partial answers ourselves which will help develop our record. We are in the strange position of needing to know in advance, through fieldwork and rigorous study by staff, about our subject. This takes many investigators who must work painstakingly to gather the information needed. This is the best safeguard for witnesses. It obviously is far more costly than it is for the Ways and Means Committee to call in witnesses for and against a tax bill and while opinions might vary, they nonetheless have the cooperation of those who testify. HCUA is not in the same situation and cannot be compared with other committees.

ALLEGATION NO. 19

The committee has harassed Americans who work for racial equality and justice.

REPLY

Only one who has not reviewed committee hearings and reports relating to minority groups can honestly make this statement.

Just the opposite is true. The committee, in the field of subversive activities, before and after the above statement was made, has endeavored to publicize first-hand experiences of those who have been engaged in the area of civil rights as their experiences related to subversive elements seeking to distort and detour justified civil rights purposes. As the American Negro has long been a prime target of the greatest and most dangerous subversive force in the United States, the Communist Party, this aspect of the civil rights movement has quite naturally received much of the committee's attention.

Anyone who has made an honest and responsible effort to evaluate the committee's work in its relation to the American Negro can appreciate the hypocritical manner in which the Communist Party uses the American Negro to further Communist ends.

In 1954, the committee published a report, "The American Negro in the Communist Party," which included the testimony of half a dozen Negroes who had held official positions in the Communist Party and who had broken with it—all of whom had testified that the Communist Party does all in its power to promote race hatred and tension, rather than racial equality, in the United States. Despite the efforts of the party over the years to entice and ensnare the Negro people into its trap, Negro American citizens have overwhelmingly refused to be fooled. As the committee stated in the above-mentioned report:

> The fact that the Communist conspiracy has experienced so little success in attracting the American Negro to its cause reflects favorably on the loyalty and integrity of the vast majority of the 15,000,000 (1954) Negro citizens.

In later years the committee has sought to warn the Negro people that the Communist Party speaks to them with a forked tongue—while it ostensibly works with the Negro to help him attain his legal, social, and financial aspirations, the Communist Party in reality uses the hopes and dreams of the Negro to further Communist aims of world domination.

In February of 1960, in committee hearings on Communist activity among youth, a young Negro youth who had recently broken with the party testified:

> I went into the party with the idea that the Communist Party was the solution to the Negro people's problem, but as my experience in the Communist Party I find out that the Communist Party wasn't a party for the Negro people, that the Communist Party have one of the worse discriminations in their own party themselves.
>
> If the Communist Party can use the Negro people as a tool and use them for their own advantage, the Communist Party don't give a darn about the Negro people . . . and I also witnessed discrimination in the party. If something happened to the Negro people, the Communist Party they would be the first ones to jump up and say, "We must do this and we must do that." And then if the Communist Party find out . . . the Government of this country changed things around and worked the things in favor of the Negro people, it seems like the Communist Party they get sad and they want to drop the issue altogether. In other words, the Communist Party want to see the things really keep on happening to the Negro people so they can use this as a weapon to try to rally the masses of the Negro people around the Communist Party.

Another excellent example of Communist duplicity toward the Negro people was made public by the House Committee on Un-American Activities through its hearings on "Communist Activities in the Cleveland, Ohio, Area" in June 1962. A Negro housewife, Mrs. Julia C. Brown, knowing little about Communist chicanery but interested in civic and political affairs, consented to help in the campaign for city council of a candidate who was represented as being for better housing, civil rights, and so forth. Later Mrs. Brown was asked to join a civil rights organization which she later found out to be a branch of the Communist Party in Cleveland. In her testimony before the committee, Mrs. Brown told of her experience with Communist discrimination as had Albert Gaillard, the Negro youth mentioned above:

> The Communist Party discriminated in the Southeast Section and only white people were members, but there were colored and white, they were integrated, in the Northeast Section, so that made me go to the Northeast Section because they were discriminating in the Southeast Section.

In less than a year's time, in August 1948, Mrs. Brown left the Communist Party, for in that short time she had found that "the Communist Party was a conspiracy and trying to destroy my country." In 1951 the FBI approached Mrs. Brown to reenter the party and she consented, remaining within the party ranks until May 1960, when she left because of bad health.

The testimony of Mrs. Brown was especially valuable because in her experiences she provided a concrete case of the Communist doctrine of reforms in action. The Sojourners for Truth and Justice was a Negro women's organization which in reality was a Communist front comprised of Communist and non-Communist Negro women. Friction was created when the non-Communist members sincerely sought to further the cause of civil rights and became difficult for the Communist Party to control. When the Communists determined that they could no longer manipulate the non-Communists members, they broke up the organization. As Mrs. Brown explained:

> You see, the Negro women were truly trying to fight for civil rights. And the Communists only had civil rights for propaganda.

Thus Mrs. Brown illustrated for all to see what students of Communist philosophy learn early: Communist philosophy commands Communists to avoid reforming non-Communist society. Karl Marx declared in an address to the central committee of the Communist League in March 1850:

> For us the issue cannot be the alteration of private property but only its annihilation . . . not the improvement of existing society but the foundation of a new one.

Stalin, in discussing the foundations of Leninism, said:

> To a revolutionary . . . the main thing is revolutionary work and not reforms; to him reforms . . . are naturally transformed into instruments for disintegrating this regime, into instruments for strengthening the revolution, into a base for the further development of the revolutionary movement.
>
> The revolutionary will accept a reform in order to use it as an aid in combining legal work with illegal work. . . .

So important in Communist deception of the American Negro is the Communist doctrine of reforms that a further word of elaboration on this principle was offered by Counsel Alfred Nittle in his questioning of Mrs. Brown:

> It is well known that any genuine effort to reform society, whether through advocacy of civil rights or otherwise, is a deviation from Communist directives; and this was again made clear in the 81 Communist Party Manifesto issued at Moscow recently, which in effect declared "reformism" to be heresy. If you sincerely make an effort peaceably to reform society and to promote reforms, you would be disciplined or expelled from the Communist Party for such deviation from policy. Communists use the reform idea to advance "class struggle," to agitate and disintegrate non-Communist society.
>
> This explains what you have so well brought to the attention of the Committee, that the reform idea advocated by a Communist is really the sugar by which he draws the non-Communists to the poison which will prostate non-Communist society.

In the 1940's and 1950's Miss Lola Belle Holmes, a Negro resident of Chicago, had been active in the Progressive Party and had come in contact with Communists in the area. In August of 1957 Miss Holmes was requested by the FBI to join the Communist Party as an undercover operative. She consented and remained a member of the party until January 24, 1963, when she testified for the U.S. Government before the Subversive Activities Control Board against Claude M. Lightfoot, who was chairman of the Communist Party of Illinois. During her stay in the party Miss Holmes was a member of the Negro Commission of the Communist Party of the State of Illinois and served on the national Negro Commission of the Communist Party of the United States. Because of the importance of the offices she held, Miss Holmes learned first hand the duplicity of the Communist Party in proclaiming its concern for the Negroes of the United States. In testimony before the House Committee on Un-American Activities relating to the Communist Party's attitude toward the success of the civil rights movement, Miss Holmes stated:

> They are not concerned with the success of the civil rights movement. They wish oppression and depression of the Negro people to continue so they can have something to drive on, to work on. The Communist Party cannot be successful without oppression and depression.

Thus the record shows that it has been the policy of the House Committee on Un-American Activities, through its hearings and reports, to make public the nature of the threat that stalks the American Negro in his quest for a better life. The House Committee on Un-American Activities has tried to inform our Negro citizens, through the mouths of fellow Negro citizens, of the treachery of Communists the world over—a fact that valiant Negro American soldiers are learning today in Vietnam at the risk of their very lives.

Lucius Armstrong, for many years a Negro member of the Communist Party in Chicago, reentered the Communist Party at the request of the FBI in 1953 and continued in the party as an undercover agent until 1963. When he appeared before the committee in connection with Communist activities in the Chicago, Ill., area, Mr. Armstrong was asked what the Communist Party was trying to do in the United States. Perhaps as briefly and poignantly as it could be stated, Mr. Armstrong warned:

> The Communist Party is trying to fulfill an objective aim of basic communism that is world domination, and to me a godless concept of humanity.

THE POLL THAT NEVER WAS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Arends] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ARENDS. Mr. Speaker, I am including herewith a most interesting and informative speech delivered by our distinguished minority leader, Congressman Ford. I would hope that we, the membership, will find time to read his factual statement:

The Poll That Never Was

(Excerpt from a talk by Representative Gerald R. Ford, Republican, Michigan, minority leader of the House of Representatives, to the Washington Professional Chapter of Sigma Delta Chi, Professional Journalism Society, September 20, 1966)

In the past few days there have been quite a few polls published that look encouraging to Republicans. In Sunday's (Sept. 18) Washington Post, for example, Dr. Gallup reports: "Johnson's Popularity Drops Further, Now at 48%" and just above it: "Democrats Losing Ground Rapidly As Elections Approach," according to Lou Harris. Mr. Harris finds that nationally, including the once Solid South, voters divide 52 to 48 percent in favor of Democratic candidates for Congress, which is a gain for Republicans of three percentage points over a month ago and of five percentage points since the start of this session of Congress. So I think we have had some success in getting our message to the people, even though we are outnumbered more than two-to-one, and I think there is a real chance of restoring two-party government in Washington this November.

I know you came here to hear partisan opinions and predictions about this year's election from Sen. Morton and myself, and I will be glad to oblige you in the question period, to which I propose to yield most of my time. I also have the hunch you don't want to hear any standard campaign speech any more than I feel like giving one in this congenial setting. So I would like to discuss with you just briefly—and I don't know whether this is a question of journalism, history or political science—what seems to me to be a very intriguing story. It's a story that hasn't been written yet, and it might be called the mystery of "The Poll That Never Was."

This should be of particular interest to Sigma Delta Chi because it involves some of your members and a cause in which you have been in the vanguard: the Freedom of Information bill which we enacted at this session. It should also be of interest because we all know who is the chief poll-watcher in this town, and how he often pulls polls of his own out of his coat pocket to counter unflattering polls produced by published surveys.

Most of you will remember the big rhubarb about polls during the 1960 Presidential campaign. But to refresh your memory, let me read from an unbiased source—Ted Sorenson—in his book, "Kennedy."

"One major issue in the debates, which related to Kennedy's entire campaign and which worked to his advantage, was that of American prestige abroad. The decline in that prestige, as evidenced by a variety of riots and adverse reactions in foreign capitals, fit well into Kennedy's major themes. Nixon retorted that our prestige was at an all-time high. Upon learning that the administration had refused to release to the Congress certain USIA overseas surveys on this subject, Kennedy called upon Nixon to show his influence and answer Kennedy's charges by obtaining their release. Nixon said the polls supported his contentions—but the polls remained secret.

"In October Mike Feldman in Washington was told he could obtain copies of the polls from a source outside the USIA. He telephoned me about his acquisition, and I ask him to forward them to me at our next overnight stop. The polls strongly backed the Senator's position and made Nixon's claims about them look like deliberate misinformation. To avoid charges that he improperly obtained classified material, Kennedy turned the polls over to the New York Times, which immediately printed them without mention of how they had been acquired, and the Senator was then free to quote them as official proof of our plummeting prestige. An Eisenhower aide promptly asked USIA Director George Allen to issue a statement saying his polls showed American prestige at a record high, but Allen refused, and the issue continued to help Kennedy."

When Senator Kennedy became President Kennedy, however, the press insisted he release the official foreign opinion polls that he had severely criticized President Eisenhower for withholding. He did so, on the day of his first State of the Union message. Needless to say, they had been so thoroughly leaked they got very little attention, but precedent had been set.

Following the Bay of Pigs fiasco, questions were raised about U.S. prestige and the press demanded the official polls. Refused at USIA, they carried the battle to the Moss subcommittee—which had been most active in battling Executive Branch secrecy during the Eisenhower years, and a long argument ensued. This was resolved in February, 1963, by an agreement between Congressman Moss and Ed Murrow, then Director of USIA, to declassify these confidential government polls after they had mellowed for two years. A batch of two-year-old polls were then released, but they covered only the first month of the Kennedy Administration. Later, when President Kennedy's prestige abroad scared following the Cuban missile crisis in the 1962 Congressional campaign, this age-dated agreement stood in the way of making the official polls public. So, they were again leaked to the New York Times.

However, the Moss-Murrow agreement still stands, officially, and has been reaffirmed by every USIA Director since. Carl Rowan, one of your S.D.X. award winners, who tried to do an honest job when LBJ gave him this difficult assignment, came to Congress asking more funds for such polls, and testified in March, 1964:

"The great advance in 1963 was the successful completion of the First World Survey of public opinion. A similar but more comprehensive survey is under way this year."

Mr. Rowan asked, and got, additional appropriations for the Third World Survey, which was to be taken during calendar 1965, and a Fourth World Survey scheduled for calendar 1966, that is, this year. Under the Moss-Murrow formula, these would have been declassified and made available to the press and public in mid-1967 and mid-1968.

Meanwhile, however, USIA got a new director, Leonard Marks, who is, I understand, a member of this chapter of S.D.X. as well as being a very able lawyer. The First and Second World Surveys, which covered only the first few months of Mr. Johnson's Presidency after President Kennedy's assassination, were duly declassified in 1965 and 1966. I have examined them and, in sum, they show American prestige on a graphic curve going upward after the Cuban Missile Crisis and off the edge of the page into 1964. There they stop. The Third World Survey, taken in 1964, is not supposed to be released until next year, after the November elections, and it would be the first to give any valid reading on what public opinion abroad—particularly among our key NATO allies—thinks about President Johnson's leadership. As of now, there is no official measurement of American prestige under LBJ to be compared with the high and low points of the Kennedy and Eisenhower Presidencies.

Now here I am going to speculate a little. The Administration has that Third World Survey, and I understand others, which it has not released nor even "leaked." As a matter of practical politics, it must not show a very favorable comparison with the Kennedy surveys—and one may sympathize with the President for having enough trouble in domestic popularity polls with the Kennedys.

But what about the Fourth World Survey? This one would be due for public inspection in 1968, and President Johnson surely has that year ringed on his calendar. Well, that is the poll which I referred to earlier as "The Poll That Never Was." Here again I am speculating, but I am sure Mr. Marks gives good counsel to his client, and his boss, and that having seen the findings of the still-secret Third World Survey, the Administration decided to call the whole thing off. I don't believe there will ever be a Fourth World Survey of Foreign Opinion of the United States, taken during the escalation year of 1966 and due for public consumption in the Presidential election year of 1968. I imagine Mr. Johnson has read Ted Sorenson's book, too.

Still, I think we ought to know where we stand in our role as leader of the free world. I think there is abundant evidence, in every day's news, that U.S. prestige has eroded dangerously, particularly in Western Europe. President Johnson has been unable to get any of our Western Allies to help us fight the war against Communist aggression in Vietnam. In fact, he has not even been able to get them to stop helping the enemy. Perhaps we cannot fairly blame LBJ for his difficulties with Gen. DeGaulle; but what about the others who responded, in token at least, during the Korean conflict?

I believe the American people share my feeling that President Johnson, in his preoccupation with the Vietnam War and the Great Society, has neglected our important role as leader of the Free World.

In a nationwide sampling taken last June by the independent Opinion Research Corp. of Princeton, New Jersey, for the Republican National Committee, potential voters were asked to rate President Johnson's performance on a variety of issues, among them "improving U.S. prestige throughout the world." The results show a steady decline in the confidence of his countrymen.

[In percent]

July 1964:	
Very good, fairly good	49
Not so good, poor	31
No opinion	20
August 1965:	
Very good, fairly good	45
Not so good, poor	34
No opinion	21
June 1966:	
Very good, fairly good	38
Not so good, poor	48
No opinion	14

Asked "Does the U.S. have more or fewer reliable friends around the world now than before Johnson became President?" the verdict was even more damaging:

[In percent]

More friends	9
Fewer friends	46
About the same	31
No opinion	14

There are, so I am told, official surveys in the hands of the Administration which will confirm the alarming fact that U.S. prestige has been plummeting abroad due to the indecision, incredibility and inattention of the Johnson Presidency. As an American, I do not rejoice in this. But I think we should have the facts and get on with the task of repairing the damage.

I hope that the curiosity of the Washington press on this important issue will be as intense and impartial as it was in 1960 and 1962. Although I'm aware that the new Freedom of Information Law does not take effect until after the November elections, this may be a good test of its spirit. Why should the Third World Survey of public opinion about U.S. aims during the Johnson Administration remain secret while the ups and downs of the Eisenhower and Kennedy Administrations have been spread upon the public record? What is there to hide?

UNITED STATES-JAPANESE PARLIAMENTARY CONFERENCE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. McClory] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McCLORY. Mr. Speaker, I have today introduced a joint resolution authorizing the participation by the United States in parliamentary conferences with Japan. The suggestion for such an interparliamentary exchange was made to me by the Speaker of the House of Representatives of the Japanese Diet, the Honorable Naka Funada, when I visited Japan almost a year ago.

Mr. Speaker, the emergence of Japan as a great economic nation, and as a moderating influence in the world and particularly in Asia, suggests that stronger ties between the Members of the Congress and our counterparts in the Japanese Diet would be most useful.

The importance of continuing close relations between our Nation and the Japanese, with a delineation of the various areas that require our earnest attention, has been described recently by our former Ambassador to Japan, the Honorable Edwin O. Reischauer, and by persons prominent in the public and private life of our Nation.

Mr. Speaker, as a delegate to the various Interparliamentary Union Conferences, I have had occasion to witness firsthand the benefits that can flow from exchanges of views between the Members of our Congresss and parliamentary representatives of other nations. If these exchanges are increased, improved understanding and mutual respect would inevitably follow.

It is my hope that this measure will be considered favorably by the appropriate committee and thereafter receive the overwhelming support of the House.

LONG-TERM PLANS FOR LATIN AMERICA

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Irwin] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. IRWIN. Mr. Speaker, last year I was in Cuernavaca, Mexico, attending the "Encuentros Siglo XX" Conference which brought together intellectual political, academic, business, and journalistic leaders of the Americas for a discussion of the long-term plans of Latin America.

On a Sunday we got the news that President Johnson was sending American troops to the Dominican Republic. Jack Vaughn, the then Secretary of State for Latin American Affairs, hurriedly left the conference to return to Washington. Even in that atmosphere, the general reaction seemed to be, "Let's wait and see."

I mention this today because it has come to my attention that the last of the American troops left the Dominican Republic this week. I have had a special interest in this problem because twice I have been invited as a private citizen by the Organization of American States to be an observer of the last two Dominican presidential elections.

In December 1962, I had a chance to see the good people of a country that had known 30 years of cruel dictatorship vote for their own choice for President. In an exemplary election, Juan Bosch was elected President. My feelings were that the Dominican people were deserving of good government and good leadership. Unfortunately, a country that has been denied the practice of self-government for 30 years cannot that easily establish its democratic institutions and Juan Bosch was soon forced out and the Dominican people lost their capacity to govern themselves.

One unfortunate development followed another and finally the President found himself in a position to make the difficult decision that led to sending the American troops to the Dominican Republic. These troops were later joined by troops from other Latin American countries with a Brazilian General in charge of what was then an Organization of American States group. Then, through the cooperation of the Organization of American States, the long road back to the democratic process was started. Thanks to the devotion of many, including our gifted Ambassador Ellsworth Bunker and the interim President of the Dominican Republic, Hector Garcia-Godoy, these efforts were climaxed with a new election this year. Again, Juan Bosch was a candidate for the Presidency and, again, it was my pleasure to be an observer for the OAS. This time, the victor was Joaquin Balaguer. Once again the election took place without incident and now the last of the American troops are gone.

History will judge the wiseness of President Johnson's actions, but, as of now, the prospects are encouraging. The recent history of the Dominican Republic is a dramatic example of the difficulties that exist in the establishing of democratic governments in countries without a tradition of self-government.

I pray that we Americans someday may be judged to have helped the good people of the Dominican Republic in their establishment of a stable democratic government, and that we may have the capacity to help others around the world in their establishment of governments which respect the individual and give him a freedom which is so crucial to a life of dignity.

A TRIBUTE TO THE LATE CARL FRY

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Fulton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, Tennesseans were saddened Friday, September 16, at the death of Mr. Carl Fry. Mr. Fry, who had worked for the Federal Government since 1934, was known in Washington and in Tennessee as an able and dedicated public servant and as a man who always put the interest of others before that of his own.

Mr. Fry was a friend and close associate of the late Senator Estes Kefauver. He was a friend to me and I held that friendship with pride.

In the passing of Carl Fry we have lost a loyal and valued public servant; we have lost a loyal and valued party leader and I and all the people have lost a friend.

The following editorial appeared in the September 17 edition of the Nashville Tennessean of September 17, and I include it in the body of the Record at this point:

Mr. Carl Fry, Public Servant

Mr. Carl Fry of Donelson, well-known Tennessee political leader and long an official in the federal government, is dead of a heart attack at age 61.

Mr. Fry was state executive director of the Agricultural Stabilization and Conservation Commission. He began his career with the U.S. Department of Agriculture in 1934 and served in several positions in that department.

He had served as state chairman and director of the Production and Marketing Administration and as a director of the Commodity Credit Corp.

Mr. Fry was well known throughout the state and was highly popular with farmers of Tennessee. His popularity propelled him into the political limelight in 1962, when he announced for the governor's race and later withdrew. He was a man of high ideals and progressive views.

He was a close friend and associate of the late Sen. Estes Kefauver and managed the Senator's last campaign in 1960.

Mr. Fry was an able and dedicated public servant and a loyal and valued member of the Democratic Party. He will be greatly missed by his many friends and remembered with affection and esteem by those who knew him.

DEMOCRACY: WHAT IT TAKES TO MAKE IT WORK

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, the Reverend Fred Cloud, associate editor, editorial division, board of education, the Methodist, has written a very thought provoking article for the October edition of Class Mate magazine entitled "Democracy: What It Takes To Make It Work"

In these times of unrest it seems to me that Reverend Cloud's words should give us pause for reflection.

Under permission granted, I include Reverend Cloud's article in the body of the RECORD at this point:

DEMOCRACY: WHAT IT TAKES TO MAKE IT WORK

(By Fred Cloud)

Bafflement: the state in which both youth and adults often find themselves as they contemplate the fast moving and complex flow of events abroad, as in Vietnam, and at home.

Hardly any problems have simple answers anymore. Specialized knowledge seems called for if a person is to make an intelligent decision about what our nation should do in Saigon—or in Watts. Faced by such a world, one is perplexed and tempted to fall into either futility or rebellion. Many do.

But America's freedom was won at too great a price, and our democracy is too precious a heritage to surrender out of despair. A bit of stock-taking might help. What is democracy? What does it take to make it work?

The starting place is the individual. You, for example. *Not masses of humanity, but* an individual human being, created by God. A few years ago, the President's Commission on National Goals stated that America's paramount goal "is to guard the rights of the individual, to ensure his development, and to enlarge his opportunity." [1]

This is a clear echo of two sentences drafted by Thomas Jefferson nearly two centuries earlier and adopted by the Continental Congress on July 4, 1776: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends it is the Right of the People to alter or to abolish it, and to institute new Government, laying the foundation on such principles and organizing its power in such form, as to them shall seem most likely to effect their Safety and Happiness."

Feel less like a little cog in a big machine? You should; for this passage from the Declaration of Independence is still basic to America's form of government. And the Bill of Rights spells out more explicitly the rights of citizens in our democracy: freedom of religion and speech, freedom of the press, the right of assembly, freedom from unreasonable search or seizure, right to due process of law and to trial by jury.

INDIVIDUAL INITIATIVE

Millions of persons living under oppressive governments in 1966 would give all that they own—indeed, "would give their right arm"—to enjoy such freedoms!

"The status of the individual must remain our primary concern. All our institutions—political, social, and economic—must further enhance the dignity of the citizen, promote the maximum development of his capabilities, stimulate their responsible exercise, and widen the range and effectiveness of opportunities for individual choice." [2]

All this suggests that democracy is a do-it-yourself enterprise. It calls for individual initiative. This means more than the grudging assumption of responsibilities to match our rights; it means the will to work at perfecting a form of government that—because it is composed of fallible human beings—is imperfect. It means extending rights enjoyed by some to all citizens, regardless of race, creed, or color.

Individual initiative in making democracy work will lead persons to avoid "letting George do it." Freedom is preserved as it is exercised. The freedom to vote is an empty concept if citizens do not register and cast their ballot. Democracy is not preserved and extended, just as ball games are not won, by those who simply "talk a good game."

Clinton Rossiter suggests that democracy, which requires men to think for themselves, is first of all a process—a way of making decisions and managing affairs of government at all levels. "The democratic process has been a method of arriving openly, through discussion and compromise, at decisions in keeping with the reasonable wishes of the majority, and then of pursuing these decisions with the fullest respect for the legitimate rights of the minority." [3]

Majority rule with respect for minority rights—that's the kind of balance that our three-branch form of government (legislative, executive, judicial) strives for. The years since World War II, and especially since 1954, have seen dramatic examples of reordering of our common life in such areas as civil rights to work toward that goal. How can such a difficult and delicate balance be achieved? I think the inscription above *the columns of the Supreme Court Building* in Washington points the way: "Equal Justice Under Law."

EQUALITY BEFORE THE LAW

Equality before the law means, for one thing, that we are a government of law rather than of force. Ideally, the poor have just as many rights, just as much protection, as the rich. In practice, of course, this is not always so. But legislation of the sixties points to our common commitment as a nation to the proposition that neither race nor economic station in life shall deprive persons of the opportunity to fulfill their potentialities and to enjoy the blessings of life in a free society.

The democratic process demands freedom of expression and free elections. For the individual, this means the responsibility of making up his mind on matters of public policy and actively participating in the choice of political leaders. We cannot escape personal involvement.

To speak in terms of "we" is to recognize not only the rights and responsibilities of the individual citizen but also our mutual dependence. Mobility since World War II has scrambled our population so effectively that old-fashioned regionalism is largely gone; and the former neat divisions between agricultural areas and industrial areas of America has been largely erased, also. The solution of such vast problems as urban renewal, the overcoming of racial discrimination, and the elimination of grinding poverty from our nation calls for cooperation by all levels of government and by citizens from all levels of society.

CONSTITUTIONALISM

We Americans are very fortunate indeed to have a base for our cooperation in addition to the good will that we are able to muster: we might call it constitutionalism. Clinton Rossiter affirms that "Americans have always believed stoutly that, while a government can be constitutional without being democratic, it cannot be democratic without being constitutional." [4]

"Constitutionalism" is a kind of respect for the rules, an acceptance of our system of checks and balances built into the Constitution of the United States by the Founding Fathers. This healthy respect for a written statement of "first principles" has enabled our nation to maintain a democratic form of government in times of great political, social, economic, and military turbulence. It has challenged us to unfold and realize the dream of the framers of the Constitution in dimensions that they could not have imagined, and yet which are in keeping with the spirit of the original Constitution. It places a needed limitation on the power of our rulers and makes them responsible for their decisions; and it insures that we shall have government in the United States by the consent of the governed.

We should not forget that the dream of freedom that motivated the Founding Fathers had a solid religious base. Neither human cleverness nor an ironclad Constitution was the basis of their hope for freedom. As Thomas Jefferson wrote, in concluding the Declaration of Independence: "For the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor." There is a reference to the vertical and horizontal dimensions in life: man-to-God in faith, man-to-man in mutual trust and integrity. Nothing that has happened in the nearly two hundred years since the words were penned has made either dimension less pertinent for persons who are concerned to make democracy work.

Mr. Speaker, the Reverend Cloud is not the only member of the Cloud family adept at expressing cogent thought through the printed word. His 16-year-old daughter, Karen Cloud, just this week was chosen by the Nashville Tennessean for publication of her views on the question: "How Late Should Dates for Teen-agers Last?"

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[1] *Goals for Americans* (Prentice-Hall, Inc., 1960), page 1.

[2] Ibid., page 3.

[3] Ibid., page 61.

[4] Op. cit., page 62.

It seems to me if we of this generation paid more attention to the intelligent views of the younger generation and gave that generation more of an opportunity to express themselves our own understanding of their problems and our problems might be considerably enlightened.

SETTLEMENT BETWEEN THE COMMUNICATIONS WORKERS OF AMERICA, AFL–CIO, AND THE WESTERN ELECTRIC CO.

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Fulton] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, many Members of this body must have shared my thankfulness 2 weeks ago when we learned that a strike had been averted in an extremely vital sector of our Nation's communications industry.

Settlement was reached between the Communications Workers of America, AFL–CIO, and the Western Electric Co. installation unit of the Bell System after negotiations had been in progress since June 28.

The Western Electric workers have yet to ratify this settlement and it may be another week or so before their decision is known. The installers are highly mobile, as their jobs require, and must be polled by mail.

I underline the national significance to this settlement between the Communications Workers and the Western Electric Co. because it is of special importance to a vastly greater number of workers than the 23,000 actually included in the installation unit settlement.

The settlement reflects great credit on all concerned. The company has gone far in meeting the needs of its employees, not only in the area of wages but in substantial improvements in insurance programs, vacations, pension and other matters.

This settlement similarly redounds to the credit of the Communications Workers Union and its president, Joseph A. Beirne. Mr. Beirne is well known to many, if not most of the Members of this body, as a union leader who has consistently sought to serve at one and the same time the members of his organization and the general public as well.

There is another facet to this settlement which this body would be well advised not to overlook. It is that genuine collective bargaining works when all the *parties involved seriously want it to* work. At one point in these bargaining talks there was a highly explosive potential. Negotiations began on June 28. When no accord was reached, the members of the unit involved voted by a 7-to-1 majority to strike if necessary to win a new contract. *Yet, from that date forward*—in a genuine effort to avert any walkout—they worked on a day-to-day basis while their leaders engaged in a sincere, serious effort to get a reasonable new contract with the company.

Both labor and management are to be commended for their determination to reach a settlement through the collective bargaining procedure and for their success in reaching an agreement without a strike.

AUTO SAFETY LAWS

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Fulton] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, the 1966 Auto Safety Act has been described as landmark legislation by the Nashville Tennessean.

In an editorial appraisal, the Nashville newspaper notes that the measure was passed at an appropriate time—prior to the Labor Day weekend and its long record of highway fatalities.

The newspaper also welcomes the companion measure dealing with auto inspection, driver education, traffic control, and highway design.

While declaring these laws should go a long way toward solving the problem of highway safety, the Tennessean appropriately comments that, to be fully effective, they will require the cooperation of the man behind the wheel.

I include this editorial in the Record at this point:

New Auto Safety Laws Put Nation on Right Path

Congress has sent to President Johnson a landmark bill requiring federal safety standards for new automobiles starting with 1968 models and for used cars within two years.

The law comes at an appropriate time—on the Labor Day weekend—which usually means a new record in death on the highways. Although the law will have no effect on this weekend, it is hoped the nation's motorists will get into the spirit of this long-needed legislation and celebrate their Labor Day weekend by employing their own safety standards in driving.

The need for the legislation and for the inclination on the part of the driving public to use the safety devices available is demonstrated by a recent report by the State Safety Department.

The department's records show that of 1,077 people killed in traffic accidents in 1965, only nine had seat belts fastened at the time. For the first six months of this year, 518 persons were killed and only three had safety belts fastened.

The implication is that many persons are alive today because they had their seat belts fastened and undoubtedly many are dead because they did not bother to fasten seat belts that were available to them.

The new legislation just approved by Congress requires the secretary of commerce to issue federal safety standards by Jan. 31, 1967, to take effect for 1968 model cars, buses and trucks. The devices to be required have not been fully decided upon, but they are almost certain to include head rests, dual braking systems, telescopic steering wheels, *shoulder harness anchorages and additional* interior padding.

Additional legislation establishes a comprehensive state-city program to halt the rise in highway deaths. It will include funds—mostly to states—for auto inspection programs, driver education and testing, traffic control and improved highway design and maintenance.

The legislation is a milestone in the nation's efforts to do something about the disgraceful rise in traffic fatalities year after year.

These laws have long been needed and they should go a long way in solving the problem of highway safety. But for full effectiveness they will require the cooperation of the American people. No law can take the place of safe driving—and no safety device can save a life if it is not being used when an accident occurs.

AUTHORIZING THE ESTABLISHMENT AND OPERATION OF SEA-GRANT COLLEGES AND PROGRAMS

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Culver] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CULVER. Mr. Speaker, the House of Representatives has taken the first modest step toward fulfilling the vast untapped potential of this country's marine resources, which include largely unused plant and animal life as well as mineral wealth. By voting establishment of a program of aid to sea-grant colleges, we have helped all citizens of this country, no matter where they reside.

It is only natural to think that such a program will benefit only those States and institutions along our three great coasts and along the Great Lakes, but this, of course, is not so.

The Morrill Act of 1862, commonly called the Land-Grant College Act, has probably contributed more to the development of agriculture in this country than any other single piece of legislation. But it is naive to assert that only our Midwestern States—those usually thought of as the Farm Belt—have been the recipients of this act. Certainly the development and encouragement of agriculture has been a major factor in the sharp rise of our national economy during the last century.

I believe that establishment of sea-grant colleges will have similar, far-reaching effects, Mr. Speaker. By limiting the percentage of total funds that could go to one State, we have assured that all States and institutions will have an equal chance to participate. There are many fine institutions and firms, in Iowa, such as the Hydra-Space Co. in Cedar Rapids, as well as our coastal *States, capable of developing the skilled* manpower and facilities and equipment needed to use these marine resources.

The National Science Foundation, I am sure, will provide the kind of capable leadership and administration that this program needs to get started properly. *We have acted wisely, I believe,* in launching this program with a 2-year authorization, providing that the Congress will review its development and potential again after that period. This is the way to insure effective and efficient implementation of such a potentially beneficial effort as the one we have voted to commence.

MARIE MAGUIRE: OUR GREATEST PUBLIC HOUSING ADMINISTRATOR

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the performance of any administrator is at best difficult to evaluate, especially without the benefit of some historical perspective. But those persons seriously concerned with housing and urban development would have no difficulty in placing Marie Maguire's name at the top of the list of the most effective and successful public officials in this field. Since her appointment as Public Housing Commissioner in 1961, Mrs. Maguire has demonstrated, in addition to the ability and knowledge expected of high Government officials, that most rare and valuable quality: courage.

Courage in the field of public housing is not an easy quality to display. It means struggling with the problems of the poor, a group that has few, if any, political champions. It means opposing racism, stark and subtle, and other irrational prejudices with the attendant irrational patterns of behavior. It means fighting backwardness and educating the educable on the local and the national levels.

Only one aspect of the battle for better public housing has involved the question of good design. It is a measure of Marie Maguire's success as Public Housing Administrator that she was able to bring enlightenment into this most difficult area. She has thereby infused new life not only into public housing, but into private housing as well.

Last Tuesday, at the Urban America Inc., National Conference, the Department of Housing and Urban Development presented awards for excellence of design of buildings constructed under Federal programs administered by the Department.

There were 350 submissions from all parts of the country and the awardees were chosen by a jury of five nationally prominent architects, planners, and landscape architects, headed by David A. Wallace, partner in Wallace-McHarg, Roberts & Todd, and professor of city planning in the Department of City Planning, Graduate School of Fine Arts, University of Pennsylvania.

Three of the seven honor awards given were for public housing projects. When Mr. Wallace, in his capacity as chairman of the jury, addressed the conference on the overall quality of the entries, he included in his remarks the following statement:

> The most remarkable change in the design level occurred in the field of Public Housing. It is obvious that many local housing authorities have made a great leap forward from the early mechanistic standards of the Public Housing Administration to the realization that they are building significant parts of everybody's city. Many projects have begun to speak to a truly human design. Will the real Marie McGuire please stand up.

With unanimous consent I am inserting in the RECORD an article by Wolf Von Eckhardt concerning these awards, from the Washington Post, September 14, 1966:

ARENA STAGE CITED FOR GOOD DESIGN

(By Wolf Von Eckhardt)

Washington's Arena Stage has received one of seven honor awards for excellence of design of buildings constructed under Federal programs administered by the Department of Housing and Urban Development.

The awards were made by HUD Secretary Robert C. Weaver during yesterday's final session of the two-day Urban America conference at the Sheraton-Park Hotel.

Weaver pointed out that three of HUD's seven awards are for public housing projects. Good design, he said, "is equally important in projects for all income levels."

This view is not always shared in Congress. The General Accounting Office has recently criticized balconies and other efforts to make public housing liveable and attractive as unwarranted "extravagance."

Despite criticism and congressional restrictions, however, the architecture of Federally sponsored low-cost projects has remarkably improved, according to most critics, since President Kennedy appointed design-conscious Marie C. McGuire as Public Housing Commissioner.

IN RENEWAL AREAS

Arena Stage, like the other three buildings that received awards, is in an urban renewal area. It was designed by Harry Weese & Associates, the Chicago architects who will design Washington's subway.

The jury of five architects, planners and landscape architects called Arena Stage "outstanding in plan and external architectural quality."

The awards, Weaver said, are part of an effort to "infuse all the programs of HUD with an enthusiasm for design excellence." The effort is directed by George Rockrise, San Francisco architect and Weaver's special consultant.

Rockrise is organizing design review committees in each of HUD's seven regional offices. As HUD's new staff organization emerges, he hopes that more architects and other design professionals will be employed or consulted.

SEES HEARTENING QUALITY

Notably absent from yesterday's awards were individual homes and old structures that have been rehabilitated. Rehabilitation is now an important part of HUD's efforts.

Most of the 350 submissions from all parts of the country showed a "heartening design quality," according to David A. Wallace, a Philadelphia architect and chairman of the awards jury.

"But none of them, including the seven winners, really create a good environment with a sense of place," he said.

In addition to Arena Stage, HUD awards were received by the new pedestrian mall in the Riis Houses public housing project in New York, Society Hill Towers in Philadelphia; the Common, a private housing project in Chicago; Ridgeway College dormitories in Bellingham, Wash.; East Barnard public housing in West Chester, Pa., and Crawford Manor, a housing project for the elderly in New Haven, Conn.

A REVIEW OF THE ACTIVITIES OF CONGRESS DURING 1965 AND 1966

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. REDLIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REDLIN. Mr. Speaker, these closing days of the session are an appropriate time to review the activities of Congress during the past 2 years. I will do so now, Mr. Speaker, with the intention of reprinting the report at my expense and mailing it to the constituents I am privileged to represent.

The 1st session of the 89th Congress will rank as one of the most productive in history, with new departures in social security, education, agriculture, and civil rights. The second session, while striking into some new ground, has been concerned primarily with updating and refining basic legislation which underpins major Federal programs.

The legislation of most direct importance to my congressional district in western North Dakota was the 4-year farm bill, containing the principle, for the first time, that farmers are entitled to full parity. Before this session ends, another agricultural landmark will be reached, with passage of an expanded food-for-peace and freedom program, opening new production opportunities for farmers, as the Nation accepts additional responsibilities for feeding hungry people in foreign nations. Serving on the House Agriculture Committee, I welcomed the opportunity to work at close range on these measures.

This progress in agricultural policy is heartening, but we still have a way to go in overcoming the lag separating the farmer from other more prosperous segments of the economy. In pursuit of this objective, I introduced H.R. 15971 to assure wheat growers more adequate compensation on export production—a 25-cent wheat certificate, to be specific. As another means of protecting the market price for wheat, I introduced H.R. 11976, to increase the minimum resale price on Government-held stocks.

Another legislative achievement of vital importance to the State of North Dakota was the Garrison diversion authorization. This project, utilizing Missouri River water, will help build new industry, strengthen, diversify, and stabilize agriculture, provide a water supply for 14 towns and cities, and increase waterfowl production and recreational opportunities.

We took a step forward in strengthening the tourist industry in North Dakota by enacting my bill, H.R. 3957, to establish the 19th century fur-trading post of Fort Union in Williams County, N. Dak., as a national historic site, expected to attract 75,000 to 100,000 visitors annually. Other achievements of particular interest to North Dakotans include legislation to assist rural communities to construct water and sewage systems and a measure designed to relieve the boxcar shortage. These and other measures, either already signed into law, passed by the House or nearing final approval, are included in the following summary:

FARM

Public Law 89-237 increases the money available to production credit associations to loan to farmers who are considered good risks but cannot borrow enough for seed, and so forth, at a private bank.

Public Law 89-240 established new matching grant program for rural communities to construct water and sewage systems; also increases loan funds for Farmers Home Administration. Several North Dakota communities already have received assistance.

Public Law 89-321 provides a 4-year farm bill extending and revising programs for wheat, feed grains, and wool through 1969, effective for the current crop year. The new voluntary wheat plan, stating full parity as a goal, has increased North Dakota farm income.

Public Law 89-331 extends Sugar Act through 1971, increasing domestic mainland cane and beet sugar quotas by 580,000 tons a year.

Public Law 89-430 authorizes the Interstate Commerce Commission to set freight car rental charges payable by railroads using cars owned by another railroad at a level that would encourage the borrowing line to purchase its own cars. This legislation is designed to alleviate the boxcar shortage.

Public Law 89-556 appropriates $6.9 million for Agriculture Department programs, maintaining at approximately 1966 fiscal year levels, the school lunch and special milk programs, rural electric and telephone loan funds, the agricultural conservation program, agricultural research, extension activities, agricultural experiment stations, plant disease, pest control and eradication and credit programs.

H.R. 14929, nearing final approval, strengthens the food-for-peace and freedom program.

NATURAL RESOURCES AND PARKS

Public Law 89-80 provides $11.5 million annually to States for coordinated planning of water resources development.

Public Law 89-108 authorizes the Garrison Diversion Unit as part of the Missouri River Basin plan. The bill authorized appropriations of $207 milllion to be spent over several years. H.R. 17787, the public works appropriation bill for 1966, as approved by the House, contains a $2 million item for a construction start in the current fiscal year.

Public Law 89-299 includes $1.35 million for construction on the Bowman-Haley project in Bowman County. H.R. 17787, as approved by the House, contains another $1.095 million to complete the project.

Public Law 89-337 increases flood-detention capacity under the Public Law 566 small watershed program from 5,000 to 12,500 acre-feet. This measure, which had the support of the North Dakota Association of Soil Conservation Districts, will make sufficient water available for municipalities, recreation, and irrigation on several North Dakota projects.

Public Law 89-458 authorizes Fort Union Trading Post National Historic Site in Williams County, N. Dak.

MEDICAL AND HEALTH

Public Law 89-74 regulates production, purchase, and sale of depressant and stimulant drugs.

Public Law 89-97 provides a basic hospitalization program under social security for persons 65 and over, as well as an optional medical care insurance program at $3 a month matched by Federal Government to cover physicians' fees and other services. Bill also contains 7 percent increase in social security cash benefits; expands Kerr-Mills program for those in need of medical care; and increases Federal assistance for dependent children, blind, and disabled.

Public Law 89-105 authorizes grants to community mental health centers for professional and technical personnel, and to train teachers, construct facilities, and perform research for handicapped and retarded children.

Public Law 89-115 is 3-year extension of a matching grant program for construction of health research facilities with an authorization of $280 million.

Public Law 89-234 establishes a national policy and standards for the prevention of and control of water pollution and provides aid to communities to help them prevent filth from being dumped into streams. In addition, S. 2947, to increase appropriations authorizations for Federal grants to communities for construction of sewage treatment plants has passed the Senate. H.R. 16076, having a similar objective, has been reported out of the Public Works Committee.

Public Law 89-239 establishes regional medical research centers and clinics to fight heart disease, cancer, stroke, and other major diseases.

Public Law 89-290 extends programs for construction of facilities and loans to students to increase the number of physicians, dentists, osteopaths, optometrists, pharmacists, podiatrists, and nurses. Of particular importance to rural areas like North Dakota is a loan forgiveness provision for students who agree to practice later in shortage areas.

Public Law 89-333 expands assistance for vocational rehabilitation programs.

EDUCATION

Public Law 89-10 authorizes Federal aid to local school districts to be distributed on the basis of number of children from low-income families. For the first year, North Dakota was allocated $6,177,278 under this legislation. H.R. 13161, to extend these programs, has been reported by the House Education and Labor Committee.

Public Law 89-182 supports State centers which act as an extension service to small businesses to help bring new scientific information to them. North Dakota so far as been allocated $45,000.

Public Law 89-287 provides Federal loan insurance and interest subsidies for students in post-high-school business, trade, technical, and other vocational education.

Public Law 89-329 provides Federal scholarships and federally guaranteed low-interest loans with interest subsidies for college students. Act also assists college libraries and increases 1966 appropriations authorization for construction of college classrooms and facilities. H.R. 14644, extending basic college facilities, has passed the House.

VETERANS

Public Law 89-137 provides an average 30-percent cost-of-living increase in subsistence allowances for disabled veterans receiving vocational rehabilitation training.

Public Law 89-138 extends for 10 years the period during which seriously disabled World War II or Korean war veterans can take training.

Public Law 89-311 increases rates of compensation for veterans with service-connected disabilities.

Public Law 89-358 provides educational benefits and other readjustment assistance for veterans who served in the Armed Forces after January 31, 1955.

Public Law 89-466 liberalizes the indemnity and dependency compensation program for dependent parents and children of veterans who died from service-connected disabilities.

H.R. 16076, increasing pensions for 1.8 million veterans, widows, and dependent children, has been passed by the House.

HIGHWAYS AND AUTO SAFETY

Public Law 89-563 establishes Federal minimum safety standards for all motor vehicles.

Public Law 89-564 authorizes funds to assist States in developing programs to reduce traffic accidents.

Public Law 89-574 extends the interstate highway program. North Dakota will be allocated an estimated $15,636,000 for the Interstate System next year and $10,648,000 for other roads.

Public Law 89-285 assists States in improving scenic beauty along highways.

LABOR

H.R. 15119, to revise the Federal-State Unemployment Compensation System was passed by the House, later amended by the Senate. Differences remain to be resolved.

Public Law 89-212 amends the Railroad Retirement Act.

Public Law 89- broadens the Federal minimum wage and overtime pay protection and increases the nonfarm minimum wage in stages to $1.60 an hour in February 1968.

GENERAL

Senate Joint Resolution 1 clears for State approval a constitutional amendment providing for the filling of a Vice-Presidential vacancy and specifying procedures in case of Presidential disability.

Public Law 89-44 reduces Federal excise taxes by $4.6 billion.

Public Law 89-110 suspends literacy tests which had been used to deny Negroes the right to vote and authorizes appointment of Federal voting examiners to register Negroes in States and counties where voting activity is below specified levels.

Public Law 89-136 provides grants and loans for public works and other projects intended to redevelop low-income areas. Several counties in western North Dakota qualify for assistance.

Public Law 89-176 established a new Cabinet post for Housing and Urban Development.

Public Law 89-209 establishes a National Foundation on the Arts and the Humanities.

Public Law 89-253 continues the various antipoverty programs. H.R. 15111, providing for a further extension, has been reported by the House Education Committee.

Public Law 89-597 gives flexible authority to three Federal agencies to work for lower interest rates.

H.R. 15963, to create a new Cabinet-level Department of Transportation, has been passed by the House.

As we enter the concluding days of the session, Congress still must act on several major appropriations bills. A dominant fact is that appropriations for defense and expenses of past wars continue to comprise about two-thirds of the budget. Funds approved by the House for foreign economic and military aid for this fiscal year are 10 percent below the amount requested by the administration; the Senate has not yet acted.

Also in this windup period, Congress is engaged in a debate on how to ease the pressure on costs created by an economy that has been growing without interruption since February 1961. To dampen this pressure, Congress, early in the session, approved, on a temporary basis, a new system of graduated withholding for income taxes and accelerated collections of corporate taxes. Recently, the administration requested a 16-month suspension of the 7-percent credit on income tax for investment in production equipment. One of the final decisions of this Congress will be whether this is a suitable way to cope with the problem.

CONGRESSIONAL OVERSIGHT IN THE CIVIL RIGHTS FIELD

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Kastenmeier] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, the House Rules Committee has under consideration a resolution to create a select committee to conduct an investigation and study of the Commissioner of Education's policies and guidelines on school desegregation. The need for legislative oversight, however, exists not only over the Department of Education's policies but over the compliance and implementation of all our civil and voting rights laws.

The above-mentioned conclusions were those of a special Ad Hoc Advisory Committee on Civil Rights of Subcommittee No. 5 of the Committee on the Judiciary, of which I had the privilege to serve as chairman and was ably joined by Congressman James C. Corman, of California, and Congressman Charles McC. Mathias, Jr., of Maryland.

The Ad Hoc Advisory Committee was established on October 13, 1965, and conducted a series of conferences, lasting 6 days. The committee met with numerous Federal officials, organizational representatives and officials from the Southern States most directly involved. Throughout the conferences, it was the opinion of all parties that an oversight committee be established within the Judiciary Committee. This, also, was the recommendation of the Ad Hoc Advisory Committee when it concluded its report in late January and made it available to Subcommittee No. 5 in early February of this year.

Precedent to yesterday's action by the Rules Committee in this area, concern about implementation of title VI with respect to Government entities in the South was expressed in floor debate on the 1966 civil rights bill by several Members. At that time, on August 9, I alluded to title VI and questioned whether it is administered effectively.

In a subsequent exchange of correspondence with the gentleman from Georgia [Mr. Flynt], who understandably is anxious that certain complaints concerning the Department of Education and school authorities in his district be given a hearing, I indicated in a letter that "unfortunately the ad hoc subcommittee was authorized only to make preliminary investigation and report on the legislative oversight in the areas of voting and civil rights." But I also suggested that if such a committee in the judiciary is constituted, it would proceed to consider the possibility of holding hearings.

Mr. Speaker, I am sure that in light of this interest and more general concern, the Judiciary Committee ought now to move ahead forthwith to implement the recommendations of the report. The Judiciary Committee has fathered the Civil Rights Acts of 1957, 1960, and 1964 and the Voting Rights Act of 1965. If Congress decides to establish such a committee, the jurisdiction of matters related thereto should remain with the committee which has the greatest familarity with the legislative history of all of the civil and voting rights acts. It is my feeling that oversight in matters over implementation and compliance should rest within the Judiciary Committee, rather than establish a select committee to investigate only one title of these acts.

The report of the Ad Hoc Advisory Committee appears hereunder for the benefit of all Members:

Legislative Oversight of Voting and Civil Rights

(Mr. Kastenmeier, together with Messrs. Corman and Mathias, submits the following report of the Ad Hoc Advisory Committee on Civil Rights of Subcommittee No. 5, Committee on the Judiciary, House of Representatives)

I. GENERAL STATEMENT

Chairman Emanuel Celler and the House Judiciary Subcommittee No. 5 established the Ad Hoc Advisory Committee on Civil Rights on October 13, 1965. Members of Subcommittee No. 5 named to the Advisory Committee were Congressman Robert W. Kastenmeier, of Wisconsin, as chairman, Congressman James C. Corman, of California, and Congressman Charles McC. Mathias, of Maryland. The Advisory Committee was charged with making a preliminary evaluation of compliance with the Voting Rights Act of 1965 and the 1957, 1960 and 1964 Civil Rights Act. Other questions to be considered were the desirability of establishing an oversight subcommittee within the House Judiciary Committee, the need and propriety for the Judiciary Committee to travel to trouble spots for investigatory purposes and the need for subpoena power and additional funds for traveling.

II. SUMMARY OF COMMITTEE ACTION

The Ad Hoc Advisory Committee on Civil Rights held a series of executive conferences in Washington on October 26, 27, 28, and November 29, 30, and December 1, 1965. The six day-long sessions included a total of 28 conferences.

The Advisory Committee met with numerous Federal officials to discuss the responsibilities and activities of their agencies in implementing the existing voting and civil rights acts. Organizations concerned with voting and civil rights compliance provided your Committee with their views on the effectiveness of the existing laws and they also made recommendations where they felt improvement was necessary. Officials from the southern states most directly involved were provided an opportunity to present their views on whether and in what particulars they consider the civil and voting rights acts unduly burdensome to their states and whether the legislation might be improved by amendment. These officials also summarized the implementation of the laws in their states.

A list of the witnesses which were invited appears in Appendix I.

A brief description of the 1957, 1960, 1964 Civil Rights and 1965 Voting Rights Acts appears in Appendix II.

A summary of recent registration statistics is provided in Appendix III.

III. SUMMARY AND CONCLUSIONS

A. Civil rights

Federal agency representatives and cabinet officers not only cooperated fully with your Committee, but in most cases welcomed the opportunity to discuss their efforts undertaken to implement the civil rights acts. In many cases the difficulties and limitations encountered were stressed. Several of the Departments such as Labor, Defense, Agriculture, and Health, Education, and Welfare, have a substantial number of programs to administer and consequently a detailed analysis of each program's involvement with the civil rights acts was necessary. Certain agencies, such as the Community Relations Service, having exclusively civil rights responsibilities, had to be surveyed on a function-by-function basis. A number of agencies submitted lengthy published reports of studies and analyses they had made in connection with their own involvement in attempting to implement the laws with which we are herein concerned. The extent of the Executive Branch's involvement with these laws was, in this respect, highly impressive.

The testimony of the majority of federal agency representatives focused on efforts to implement Title VI of the 1964 Civil Rights Act. Most explained in detail the mechanics that have been established to integrate Title VI in their individual programs. The experience in implementing this Title varied from agency to agency. Some agencies felt they had to accept written assurances of compliance short of full compliance in order to carry out the basic programs they were established to administer. The Office of Education, for example, submitted statistics to show that as of October 22, 1965, 95.8 percent of the school districts in 17 southern and border states had submitted school integration plans which were found to be acceptable as evidence of compliance with Title VI of the 1964 Civil Rights Act. No one seriously contended this accurately reflected actual compliance. Most other agencies acknowledged the assurances of compliance they had received were not matched by actual compliance. Some expressed the gradualism argument that it did represent some increased compliance which hopefully would ultimately lead to full compliance. Several agencies said their ability to investigate actual compliance was limited and that additional funds for such investigations would be needed.

Most speakers who dealt with the subject of equal accommodations indicated these provisions of the 1964 Act were almost universally observed along major arteries of travel throughtout the South, but that facilities in rural or less populated areas in the South were rarely in full compliance.

Civil rights organizations uniformly told your Committee that the disparity between written assurances and actual compliance was indefensible. They contended it undercut respect for Congressional civil rights action. Many spokesmen pointed to other instances where the decision of the federal agency apparently held back from taking the full steps authorized by the 1964 Act and that Congress should make its views known on the various interpretations given that Act by the federal agencies.

Officials of southern states observed that the practical problems of absolute compliance made compliance in excess of current levels implausible. Some cited various practical problems in the administration of hospital, education and other state and local programs which stood in the way of immediate and complete compliance. Some indicated a continuing interest in finding ways to preserve the separate, but equal concept in administering federally-supported state programs.

Your Committee concluded that in most instances actual compliance with the civil rights laws obviously was not equal to the paper evidence submitted to and accepted by federal agencies. We further concluded that many issues are involved in the implementation of existing civil rights laws which require Congress to play a continuing role in developing and resolving them. In many cases, it is important to the fulfillment of the intent of the laws for Congress to act upon such questions as the need of the various agencies for additional funds for investigating compliance with the law as it affects their programs. In other instances, Congress has a valid interest in the quality as well as the quantity of compliance. In some cases, in the light of the speed with which events can and do move, Congress should be in a position to initiate legislative action rather than wait for a federal agency to request it. The job of pulling the strings together on all the activities and published materials of the federal agencies, itself, requires a significant effort if Congress is to obtain the full benefit of the ideas and the recommendations carried by them.

B. Voting rights

The Department of Justice, the Civil Service Commission, and the Bureau of the Census set forth a summary of the steps they have taken to date to enforce the Voting Rights Act. At the first conferences your Committee held late in October, the Department of Justice provided statistics indicating that 55,000 Negro citizens had been listed by federal examiners in 20 southern counties and that 110,000 Negroes had been registered by local registrars throughout five of the states covered by the Voting Rights Act since its enactment. Three days following our conferences, the Attorney General publicly announced he was sending examiners to 12 other counties. Subsequently, examiners have been sent to other counties, including Jefferson County, Alabama, bringing the total counties covered to 37. Appendix III provides the latest available statistics on voter registration. In summary, it now appears that federal examiners have listed a total of 82,804 Negro citizens (prior to January 20, 1966) and that local registrars had registered a total of approximately 160,000 Negroes through the first week of January 1966. It would appear that these efforts are falling short of the expected registration rate of one million in the first year. The Department of Justice defended the relatively low number of federal examiners on the grounds that the Act is designed to call forth voluntary compliance and that such compliance by local registrars should be encouraged and sought in preference to using federal examiners. In some areas where examiners have been sent, the examiners referred registrants to the local registrar. The Justice Department cited some advantages to having as many voters as possible registered through to the local registrar. The Justice Department also indicated it does not feel it has the job of encouraging registration and voting. It believes this is a role of voter education groups and to the extent that people have not come forward to register is due to the failure of such voter education programs. The Civil Service Commission detailed several legal efforts that certain southern states have used to slow registration under the Voting Rights Act. The Bureau of the Census cited the discrepancy between the direction of the 1965 Act to compile racial discrimination in voting information and the 1964 Act which forbids anyone from compelling another to disclose his race.

Voting rights was an area where representatives of civil rights organizations expressed the most profound criticism of enforcement and compliance efforts. They contended that the expected revolutionary results have not been realized and that the number of voters listed or registered under the Act has fallen far short of expectations. They fear some disillusionment with the power of Congress in view of the early primaries in many southern states which force an early deadline for effective registration. While taking note of the Justice Department position, civil rights witnesses generally believed a vastly stepped-up registration effort needs to be made by the federal government to give effect to the Voting Rights Act.

Your Committee, shortly after being appointed, had an opportunity to discuss voting rights with a group of Negro citizens from Alabama. They attributed low registration to (1) the failure to send examiners despite the proper filing of complaints, (2) physical intimidation [one of the persons, following registration activities, had been shot at], (3) economic pressures [one civil rights worker faced the loss of his farm because peanut-picking equipment could not be rented from his usual supplier], and (4) the economic infeasibility of taking a work day, and sometimes more, to go to a hostile local official to register. They expressed the fear that voter turnout would be even less in the face of such intimidation since the place of registration usually was remote from their homes while they would have to vote in their home precincts directly in the face of local white opposition. Your Committee, of course, is not in a position to evaluate these allegations. It would appear to the Committee, however, that on-site investigations would be of great value in assessing evidence of this kind as it bears on existing or prospective federal legislation.

State representatives emphasized the problem of identifying accurately the persons listed by federal examiners and suggested that federal examiners were not as careful about listing persons as they should be. They generally are placing the names of individuals listed by examiners on the voters list but are designating them (in some cases, by placing an "F" after their names) as federally listed. At least one conferee indicated a general intention to challenge the vote of every federally-listed voter. They also indicated that the addition of many illiterate voters would affect their jury selection system since registered voters presently comprise the pool from which jurors are selected. Your Committee did not have the opportunity to evaluate first hand the effectiveness of federal examiners or the registration practices of local examiners and came to no firm conclusions as to the need to assign a greater number of examiners to the states involved or as to the need to otherwise step up registration efforts. We do conclude, however, that Congress has a real and immediate need to make such an evaluation and to make its views in this regard manifest. It is our belief that a similar need will exist with regard to the practices which are developed in subsequent stages of the procedures called for by the Voting Rights Act.

C. The need for new laws

A number of proposals have been made for new laws. The Civil Rights Commission, the President in the State of the Union Message, a number of private organizations and a number of Congressmen have proposed legislation in the area of reform in state and federal jury selection systems and personal security for Negroes and civil rights workers in the South. The number and increasing frequency of tragic racial incidents in summer, fall and early winter underscored the position of advocates of legislation in this field. In addition, Congress may soon expect to be confronted by demands for amendments strengthening the Equal Employment Opportunities Commission and for national housing legislation.

Your Committee did not inquire directly into a number of other situations throughout the country. The Watts area riot, the Chicago school desegregation situation and the racial discrimination in the North generally are certain to provide Congress and this Committee with a plethora of urgent problems.

Your Committee found a significant degree of concern for the physical well-being of civil rights workers as well as a genuine and widespread belief that the administration of justice in some formerly racially segregated areas is adversely affected by traditions of segregation. Given this apparent source of demand for further civil rights legislation and as physical and economic intimidation against civil rights workers and voters becomes more subtle, there exists, in our judgment, a need for on-site investigations leading to the consideration of further legislation.

Further, your Committee must be in a position to entertain criticism of existing law as expressed by officials of the several southern states and determine whether any unfair or unduly burdensome aspects exist and whether such can and should be removed by statutory amendment.

D. Executive reorganization

Parallel with your Committee's efforts have come plans for reorganization of civil rights activities within the Executive Departments. The reorganization includes proposals to transfers the Community Relations Service to the Justice Department and in other ways to centralize federal civil rights responsibilities in that Department.

Steps also are being taken to designate the responsible agency among several having concomitant civil rights responsibilities.

Your Committee noted the possibility of a lack of harmony between agencies while also taking note of the fact that the differences publicly alluded to between Labor and the Office of Equal Employment Opportunity apparently have been reconciled.

In the opinion of your Committee these matters are all of great interest to Congress, but presently do not receive the consideration of a particular committee on a continuing day-to-day basis. We believe they should receive such consideration.

IV. RECOMMENDATIONS

Your Committee urges the House Judiciary Committee to authorize and direct a subcommittee, special or existing, to exercise legislative oversight in the fields of voting and civil rights.

America is undergoing a vast and far-reaching social revolution.

It is a tribute to Congress that its enactments have begun to provide the legal avenues by which this revolution can move America to a level of racial equality, politically, economically and socially. By and large, this revolution has been a non-violent one and yet, like other revolutions, it has a sense of urgency about it, an impatience with the old ways, a desire or demand to reach the goal without delay.

These are the conditions which Congress must face if it is going to play an effective role in achieving the end we have now begun in earnest to seek. It is obvious, therefore, that the responsibility of Congress will not stop with the passage of legislation. Congress must be involved in the ways and means by which the language of the law is applied to the day-to-day experiences of men living in a social revolution.

Your Committee firmly believes Congress should be involved in an institutional way, and not merely on an individual basis as is the present practice, in the implementation of voting and civil rights acts by the federal agencies. This calls for the establishment of a special body with broad responsibility to Congress for constant liaison with federal agencies and for the investigation, analysis and interpretation of programs, studies, and reports of these agencies. Similarly, Congress is directly involved in and concerned with the distribution of voting and civil rights responsibilities within the Executive.

We further believe the Congress should also have the means to assess first-hand, through on-site investigations, the degree and extent of compliance by individuals and state and local authorities, as required by the various Acts of Congress. Such investigations would be helpful in expediting the resolution of troublesome impasses over the meaning of specific Acts of Congress. Similarly, it would provide Congress the means to assess first-hand where procedural requirements may be onerous or unworkable, where existing law needs clarifying and where further legislation may need to be considered.

Furthermore, we believe that a subcommittee must accept responsibilities solely for voting and civil rights and should provide a ready forum for complaints and grievances and for proposals and recommendations, to which concerned citizens, organizations and state and local officials could look to be sure their point of view is known, understood, and considered in and by Congress.

We must continue in earnest that which we have now begun in earnest. To this end, we make the following recommendations:

First. That a subcommittee, existing or special, within the House Judiciary Committee be authorized and directed to attend to matters involving voting and civil rights on a continuing basis.

Second. That such subcommittee be authorized to travel within the continental limits of the United States for the purpose of conducting appropriate on-site hearings and/or investigations.

Third. That adequate funds for professional staff and for other purposes be obtained for such subcommittee.

Fourth. That authority to require the attendance of such witnesses and the production of such books or papers or other documents or vouchers by subpoena or otherwise be obtained for such subcommittee.

POSTSCRIPT

Your Committee was pleased to have several agency heads express a firm belief that the establishment of a legislative voting and civil rights oversight committee would be useful in enabling them to discharge their responsibilities. Civil rights organizations also were enthusiastic about such a proposal and no exception or objection to such a committee came out of the conferences with representatives of the southern states or from any other source. In fact, our conferences with all parties proceeded in an aura of mutual respect and all witnesses sought to be helpful and cooperative. We were greatly encouraged to believe highly valuable relationships can be developed to the mutual advantage of all concerned with the nation's most difficult and vexing domestic problem.

APPENDIX I

Those who appeared before the Ad Hoc Advisory Committee on Civil Rights:

Samuel Yette, Coordinator, Civil Rights Activities, Office of Economic Opportunity, Washington, D.C.

Robert Sauer, Assistant General Counsel, Housing and Home Finance Agency, Washington, D.C.

Jack Beidler, Legislative Director, Industrial Union Department, AFL–CIO, Washington, D.C.

William Pollard, Staff Representative, Department of Civil Rights, AFL–CIO, Washington, D.C.

Honorable Nicholas deB. Katzenbach, Attorney General, Department of Justice, Washington, D.C.

John Doar, Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C.

Calvin Kytle, Acting Director, Community Relations Service, Department of Commerce, Washington, D.C.

Honorable LeRoy Collins, Assistant Secretary of Commerce, Department of Commerce, Washington, D.C.

Paul Boyajian, Equal Opportunity Program, Department of the Interior, Washington, D.C.

Earl Thomas, Chief, Division of Compliance, Office of Survey Review, Department of the Interior, Washington, D.C.

Richard Murphy, Assistant Postmaster General, Bureau of Personnel, Post Office Department, Washington, D.C.

William Taylor, Staff Director, Commission on Civil Rights, Washington, D.C.

Rev. Walter Fauntroy, Washington Representative, Southern Christian Leadership Conference, Washington, D.C.

Sanford Bolz, Washington Counsel, American Jewish Committee, Washington, D.C.

L. Howard Bennett, Assistant for Civil Rights, Department of Defense, Washington, D.C.

William Seabron, Assistant to the Secretary for Civil Rights, Department of Agriculture, Washington, D.C.

John W. Macy, Chairman, Civil Service Commission, Washington, D.C.

Francis Keppel, Commissioner, Office of Education, Department of Health, Education, and Welfare, Washington, D.C.

Honorable DON EDWARDS, a Representative in Congress from the State of California; National Chairman, Americans for Democratic Action, Washington, D.C.

Joseph Rauh, Vice Chairman, Americans for Democratic Action, Washington, D.C.

Marion Barry, Director, Student Non-Violent Coordinating Committee, Washington, D.C.

William Higgs, Attorney, Washington Human Rights Project, Washington, D.C.

Melvin Wulf, Legal Director, American Civil Liberties Union, Washington, D.C.

A. Ross Eckler, Acting Director, Bureau of the Census, Department of Commerce, Washington, D.C.

Marvin Caplan, Director, Washington Office, Leadership Conference on Civil Rights, Washington, D.C.

Clarence Mitchell, Director, Washington Bureau, National Association for the Advancement of Colored People, Washington, D.C.

Honorable Willard Wirtz, Secretary of Labor, Department of Labor, Washington, D.C.

Berl I. Bernhard, Executive Director, Lawyers Committee for Civil Rights Under Law, Washington, D.C.

Honorable Robert McLeod, Attorney General, South Carolina, Columbia, South Carolina.

Henry L. Lake, Legal Assistant to the Governor of South Carolina, Columbia, South Carolina.

Ralph Moody, Deputy Attorney General, North Carolina, Raleigh, North Carolina.

Alex Brock, Executive Secretary, North Carolina State Board of Elections, Raleigh, North Carolina.

Franklin D. Roosevelt, Jr., Chaiman, Equal Employment Opportunity Commission, Washington, D.C.

Honorable Richmond Flowers, Attorney General, Alabama, Montgomery, Alabama.

James Quigley, Assistant Secretary, Department of Health, Education and Welfare, Washington, D.C.

Harold Fleming, Executive Vice President, Potomac Institute, Washington, D.C.

Prepared statements submitted for the record:

Honorable Albertis S. Harrison, Jr., Governor, Commonwealth of Virginia, Richmond, Virginia.

Honorable Robert Y. Button, Attorney General, Commonwealth of Virginia, Richmond, Virginia.

Honorable Joe T. Patterson, Attorney General, Mississippi, Jackson, Mississippi.

Honorable Jack P. F. Gremillion, Attorney General, Louisiana, Baton Rouge, Louisiana.

The Attorneys General of Louisiana and Mississippi declined to comment on the civil rights and voting rights legislation while their states are engaged in litigation with the Department of Justice over the constitutionality of the 1965 Voting Rights Act.

Those invited to appear before the Ad Hoc Advisory Committee on Voting and Civil Rights but were unable to do so:

Matthew Ahmann, Executive Director, National Catholic Conference for Interracial Justice, Chicago, Illinois.

George Wiley, CORE, New York, New York.

Jean Fairfax, American Friends Service Committee, Philadelphia, Pennsylvania.

David Seldon, Assistant to the President, American Federation of Teachers, Chicago, Illinois.

Father John Cronin, Assistant Director, Department of Social Action, National Catholic Welfare Conference, Washington, D.C.

Robert Spike, Executive Director, National Council of Churches, New York, New York.

Paul Anthony, Executive Director, Southern Regional Council, Atlanta, Georgia.

Mississippi Freedom Democratic Party, Jackson, Mississippi.

Honorable John J. McKeithen, Governor, Louisiana, Baton Rouge, Louisiana.

Honorable Paul B. Johnson, Governor, Mississippi, Jackson, Mississippi.

Honorable George C. Wallace, Governor, Alabama, Montgomery, Alabama.

Honorable Carl E. Sanders, Governor, Georgia, Atlanta, Georgia.

Honorable Arthur K. Bolton, Attorney General, Georgia, Atlanta, Georgia.

Appendix II

CIVIL RIGHTS ACT OF 1957

H.R. 6217 was designed to protect the civil rights of persons within the jurisdiction of the United States. In order to accomplish that objective, the Act provided for the establishment of a bipartisan commission to investigate asserted violations of law in the field of civil rights which involve the right to vote and to make studies and recommendations of the legal developments and policies of the federal government with respect to the equal protection of the laws under the Constitution of the United States. It also provided for an additional Assistant Attorney General, who would be in charge of a civil rights division in the Department of Justice. The Act amended existing law so as to permit the federal government to seek from the courts preventive or other necessary relief in civil rights cases. Finally, it provided further safeguards for the enforcement of the right to vote.

CIVIL RIGHTS ACT OF 1960

The Act was designed to provide more effective means to enforce the civil rights of persons within the jurisdiction of the United States. In furtherance of that objective, the Act strengthened the penal law with respect to the obstruction of court orders in public school desegregation cases. It made criminal flight in interstate or foreign commerce to avoid prosecution or punishment for damaging or destroying any building or other real or personal property. The Act provided for the preservation of federal election records and authorized their inspection by the Attorney General. It amended the Civil Rights Act of 1957 so as to extend the existence of the Civil Rights Commission for two years and to provide for voting referees. Finally, it enabled the federal government to provide for the education of all children of the Armed Forces when schools have been closed because of desegregation orders.

CIVIL RIGHTS ACT OF 1964

H.R. 7152, the most far-reaching civil rights legislation since the Reconstruction Era, provided for expanded Federal powers to protect voting rights; granted authority for the federal government to sue to desegregate public accommodations, public facilities, and public schools; extended the life of the Civil Rights Commission and expanded its jurisdiction; authorized the cut-off of federal programs where they are applied in a discriminatory manner; outlawed denial of equal job opportunities in businesses and unions with 25 or more workers; provided for the gathering of voting statistics by race; authorized the federal government to intervene in any private suit alleging denial of equal protection of the laws; made reviewable in higher federal courts the action of federal district courts in remanding a civil rights case to state courts; and created a Community Relations Service to help resolve local civil rights problems.

VOTING RIGHTS ACT OF 1965

P.L. 89–110 authorized appointment by the Civil Service Commission of voting examiners, who would determine an individual's qualifications to vote and would require enrollment of qualified individuals by state and local officials to vote in all elections: federal, state and local and delegates to party caucuses and state political conventions; made any state or political subdivision subject to appointment of federal examiners if (1) the Attorney General determined that a literacy test or similar device was used as a qualification for voting on November 1, 1965, and (2) the Director of the Bureau of the Census determined that less than 50 percent of the persons of voting age residing in the area were registered to vote on that date or actually voted in the 1964 Presidential Elections; authorized appointment of either private citizens or federal officials as examiners; authorized examiners to interview applicants concerning their qualifications for voting and to order appropriate state or local authorities to register all persons they found qualified to vote; suspended literacy tests or similar voter qualification devices when the Attorney General and Director of the Bureau of the Census determined that a state or political subdivision came within the scope of the Act's automatic triggering formula; stipulated that a person could not be denied the right to vote because of inability to read or write in English if he demonstrated that he had successfully completed the sixth grade in a school under the American Flag that was conducted in a language other than English; and required that new voting laws enacted by state or local governments whose voter qualification laws had been nullified under the bill be approved by the Attorney General or federal courts before they could take effect.

Appendix III

Registration Statistics

Registration statistics since enactment of the 1965 Voting Rights Act. Information on voters registered by local registrars is obtained through the FBI (Local registrar information is approximation and is through first week of January):

State	Negroes registered	Whites registered
Alabama	34,000	25,000
Louisiana	49,000	15,300
Mississippi	43,000	12,300
South Carolina	20,000	3,700
Georgia	14,000	13,200
Total	160,000	69,500

Information on voters listed by federal examiners was obtained from the Civil Service Commission and is accurate covering the period through January 20, 1966—but does not include the 23 examiners which began operations in Jefferson County, Alabama, on January 24, 1966:

State	Negroes listed	Whites listed
Alabama (10 counties)	36,770	207
South Carolina (2 counties)	4,267	12
Mississippi (19 counties)	29,749	37
Louisiana (5 parishes)	12,018	1,439
Total (36 counties)	82,804	1,695

NOTE.—In late October 1965, registration figures disclosed approximately 55,000 Negroes listed by Federal examiners and 110,000 registered by local registrars.

THE INTERSTATE HIGHWAY SYSTEM

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Howard] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to insert a copy of a speech made by the Honorable George H. Fallon, distinguished chairman of the Public Works Committee of the House, of which I am a member, in Chicago, Ill., on September 14, 1966, before the American Public Works Association, concerning the important Interstate Highway System, as well as the grave problem of water pollution.

I am particularly proud to point out to my colleagues that a letter from the American Public Works Association, in addition to thanking the gentleman from Maryland [Mr. Fallon] for a very fine speech, announces that he has been appointed an honorary member of the association. The gentleman from Maryland [Mr. Fallon] is 1 of 30 honored in this manner and is the first and only Member of Congress so appointed. This is such an outstanding honor that I would like to include a letter from the Vice President of the United States in which he commends the gentleman from Maryland [Mr. Fallon] for this singular distinction.

The speech and letters follow:

American Public Works Association,
Chicago, Ill., March 11, 1966.

Hon. George H. Fallon,
Chairman, Public Works Committee,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Fallon: It is a real pleasure for me to officially inform you that the Board of Directors of the American Public Works Association has voted to make you an Honorary member of this Association.

This is the highest honor that the APWA can bestow upon an individual and is intended to indicate to the greatest possible extent the Associations esteem, respect and regard for persons thus honored.

You are one of only 25 persons who have been so honored by the APWA in the 73 year history of this organization. Only 11 living members hold this honor at the present time. You are the first and only Member of Congress to be specifically cited and honored by this Association.

The public announcement of your election to Honorary Membership will be made at the APWA's Annual Banquet at the Conrad Hilton Hotel in Chicago on Wednesday evening, September 14 at the conclusion of the 1966 Public Works Congress and Equipment Show. We have invited Vice President Humphrey to be the guest speaker on this important occasion.

I realize that you will be running for reelection about this time and hope that this won't prevent you from making a quick trip to Chicago as you can be present to receive this honor and recognition in person.

You have certainly done an outstanding job in serving the field of public works during your many years in Congress. We shall look forward to welcoming you into the membership of this Association and hope you will be able to be with us here in Chicago on September 14.

Respectfully yours,
Robert D. Bugher,
Executive Director.

Washington, *September 12, 1966.*

Hon. George H. Fallon,
House of Representatives,
Washington, D.C.

Dear George: I am pleased to learn that you will be the guest speaker at the Annual Banquet of the American Public Works Association in Chicago on September 14. My schedule will not allow me to attend as I had originally planned, and regret this particularly since my old friend Hugo Erickson will be installed as President for the coming term. Hugo was City Engineer, when I was Mayor of Minneapolis.

My congratulations and best wishes to you upon your selection as an Honorary Member of the American Public Works Association. I understand that you are the first member of Congress so honored, and in my opinion, this is an honor you richly deserve.

Sincerely,
Hubert H. Humphrey.

Speech of Congressman Fallon, APWA Banquet, September 14, 1966, Chicago, Ill.

It is a genuine privilege for me to be with you and to have this opportunity to meet with the fine members of the American Public Works Association.

The growth of your organization reflects the growing importance of municipal and metropolitan governments in this increasingly urbanized country of ours. Like it or not, we are becoming a Nation of city-dwellers. The complexities of city life impose very serious problems for those who are engaged in the business of administering city governments and providing such services as transportation, water supply and waste disposal.

There are many problems for which satisfactory solutions have not been found. Finding the solution—this is your great task and your great challenge. You are the architects of the future, building monuments to the accomplishments of mankind. You hold the keys to national economic welfare, public health, recreation, the preservation of natural beauty and the civil defense.

It is very impressive to me to observe APWA in action. Through your association, you are working together to solve your problems. You might sit back, as some do, and wait for some agency of the Federal government to come through with a book of answers. It is much better, in my way of thinking, to get together in a voluntary association like this one and exercise your own initiative. You are the people who are dealing with municipal problems day by day and yours are the solutions which are likely to be the most practical.

I remember the questions that arose back in 1962 when the House Subcommittee on Roads, of which I was the Chairman, was considering a provision of the 1962 Highway Act concerning urban transportation planning. The proposal, one that Congress eventually accepted, was that urban places of more than 50,000 population should be required to set up and maintain comprehensive and continuing transportation planning processes, as a prerequisite for the approval of new Federal-aid highway projects in those places.

Some of us were quite concerned about this proposal. We knew that there were many communities where this sort of planning process did not exist. We knew that many of these urban places straddled State and county lines and included several incorporated cities and towns, and that it would be difficult for many places to comply with the proposed requirement.

We recognized the importance of coordinated transportation planning, but we were concerned that the requirement might work to unnecessarily delay urgently needed highway construction projects.

The APWA performed a very valuable service by forming a joint committee with the American Road Builders' Association to make surveys and obtain data concerning the status of transportation planning processes and their organizational structure. By making this information available to public works officials, the task of developing effective urban transportation planning programs was greatly expedited.

Your research program, your educational program and the programs of your technical committees are all noteworthy contributions to progress in your field.

I must congratulate you, also, on your sponsorship of National Public Works Week, and the recognition you give annually to the Top Ten Public Works Men-of-the-Year.

I realize that an after-dinner speaker should pattern himself on the style of an after-dinner drink—short and sweet, and not too hard on the digestion. And so, in discussing with you some of the legislative events that have concerned us in Washington this year, I should be careful not to burden you with an extensive and wearisome account.

We have, indeed, had a busy time of it. My good friend, John Kluczynski, who succeeded me as Chairman of the Subcommittee on Roads, has borne the brunt. It has been a busy Congress for highway legislation, and the end is not in sight.

Our biggest problem has been, and continues to be, that of providing the legislation necessary to assure the timely completion of the Interstate System. Congressman Kluczynski and I—and others as well—never stop talking about the urgency of linking up the 41,000-mile Interstate System. I'm sure that people get tired of listening to us. Sometimes they talk back and say, "What's the hurry? What's so magic about a completion date of 1972 or 1973? Won't 1975 do just about as well?"

The trouble, as you people well know, is that we are already overdue with the Interstate System, as far as the need for such a System is concerned. We knew back in 1944, when Congress first authorized the Interstate System, that the System was needed as the new backbone for a modernized network of highways in this country. The Interstate System was needed in 1944.

We are killing 50,000 people a year in traffic accidents. The Interstate System, on completion, will save at least 8,000 lives per year. I say this indicates an urgent need for the completion of the System.

Then too, as I hardly need to remind you, it is becoming more difficult every year, every month, to build new expressways into and through our densely populated metropolitan areas. The price of land goes steadily up. Land is needed for new office and commercial buildings, new industries, new parks and playgrounds.

A new Interstate Beltway rings my hometown in Baltimore. Its usefulness surpasses all expectations. The Beltway has created a whole new breed of expressway boosters. Nevertheless, we are having great difficulties in bringing the freeway system into the City of Baltimore. We have special problems, of course, but who doesn't? And as we delay the construction of urban freeways, the problems multiply and the costs go up.

The last official cost estimate for the Interstate System was submitted to Congress in 1965. It indicated that the total cost of the Interstate program would be $46.8 billion—$5.8 billion more than earlier estimates.

The Federal share of the increase was estimated to be $5 billion.

Unfortunately, the 1965 Cost Estimate is already obsolete. It is at least $4 billion too low.

The next official Cost Estimate is to be submitted to Congress in January, 1968. Pending the receipt of the 1968 Cost Estimate, Congress has authorized increases in the Interstate apportionments for the next two fiscal years. We know that we will have to take another hard look in 1968 and provide for further increases in the schedule of Interstate authorizations.

The Interstate apportionment to be made this year has been increased from $3 billion to $3 billion 400 million. The Interstate apportionment to be made next year has been increased from $3 billion to $3 billion 800 million. In other words we are increasing the rate of Interstate authorizations by better than 10 percent per year—a substantial increase but not sufficient to assure the completion of the Interstate System by 1972.

One major part of the problem is that the flow of revenue into the Federal Highway Trust Fund must be increased to match the contemplated increase in disbursements from the Trust Fund. In addition to further increases in Interstate authorizations, Congress must also augment the revenue sources of the Highway Trust Fund, in order to complete the Interstate System by 1972.

It seems self-evident that the kind of increased costs that we are encountering in the Interstate program are also being encountered in the regular Federal-aid program for primary, secondary and urban highways. For this category of Federal aid, the Federal share is $1 billion per year, matched by the States on a 50-50 basis. The 1966 Highway Act continues this regular Federal-aid program at the same level. An increase would be desirable, in view of higher construction costs and increased usage of the highways but, again, we are up against the problem of finding increased revenue for the Highway Trust Fund.

One of the big problems in planning major urban highway construction projects is that of providing for the relocation of people and businesses. It is no use saying that the provision of suitable housing is the business of the housing authorities and no concern of the highway agencies. We have come to the point when, in many urban places, highway officials must concern themselves with the problems of housing in order for highway projects to move forward. Highway plans and housing plans have to be closely coordinated. The Bureau of Public Roads has made some studies concerning joint condemnation of land by highway and housing authorities—the taking of entire city blocks in such a way that the land not needed for highway right-of-way is made available for public housing, and so that the space over and under the highway can be used for commercial structures or parking. It is an extremely complicated problem. The 1966 Highway Act provides for a study of relocation procedures by the Secretary of Commerce, with the help of the State highway departments and other agencies, with a report and recommendations to be submitted to Congress by July 1, 1967.

Another study provided for in the 1966 Highway Act is concerned with the procedures for the acquisition of right of way in advance of construction. This, too, has particular application to the problems of urban areas, where it sometimes becomes desirable to acquire title to parcels of real estate well in advance of the scheduled time for construction.

Another new law of particular interest to city officials is the Highway Safety Act. This is another piece of legislation which has occupied a great deal of the time and attention of the House Committee on Public Works. It provides for Federal grants to the States to assist in the support of State traffic safety programs, covering a wide variety of things including driver education, accident reporting, and studies leading to improvements in traffic control, highway design and highway maintenance.

The field of highway safety is one that demands the best efforts of everybody—the individual motorists, highway user and highway construction organizations, the automotive industries, the insurance companies, and all levels of government. We have been concerned about the prospect that, in strengthening the role of the Federal government, we might unwittingly cause other agencies to relax and let up—concerned that some people might say that the responsibility for traffic safety has been taken over by the Federal government.

Such is not the case, and we have been careful to write a law which encourages maximum cooperation among agencies, both public agencies and those financed by private funds.

The new law requires every State to have a State safety program. One of the conditions for an acceptable State safety program is that at least 40 percent of the Federal funds granted to a State be used by local governments for safety programs which are

> consistent and coordinated with the State safety program.
>
> Obviously, there is a big role for the cities, and a big opportunity for cities to obtain Federal assistance in the carrying out of their local safety programs.
>
> During the last few years, the Federal government has extended its activities in another Public Works field which demands close cooperation with cities and other local governments if the program is to succeed. I refer to the area of water pollution.
>
> I don't know of any domestic government program which is more important—more vital to our very existence—than the preservation of our clean water supply through intelligent effort to minimize pollution. The control of pollution is an important function of city governments. You need a great deal of help—help from State governments and help from the Federal government.
>
> The subject of water pollution, certainly, is one that should continue to receive close attention from your Association.
>
> I am impressed, as I speak to you, how the interests of the House Public Works Committee parallel the interests of the APWA. Our committee is concerned with roads and streets—fully one half of the Interstate program is concerned with expressways within urban areas, and 25 percent of the funds for the regular Federal-aid program is earmarked for urban construction. Our Committee is concerned with rivers and harbors, with flood control, with water pollution, and with public works programs for areas suffering from economic distress, such as the Appalachia program and the accelerated public works program.
>
> We are always looking toward the future, to see how the Federal programs which are under our responsibility may be developed for greater usefulness.
>
> And so I invite your communications, as individuals and as an association, with the realization that the problems of our cities are National problems and a proper concern of the National legislature.

THE ELECTRIC CAR: AN ANSWER TO AIR POLLUTION

Mr. **WALDIE**. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **OTTINGER**. Mr. Speaker, I have introduced a bill—H.R. 17702—which, if enacted into law, could result in a dramatic improvement in one of the Nation's most pressing problems—air pollution. My bill provides for a broad program of research into the feasibility of electrically powered vehicles of all types, and for the design and construction of prototype vehicles to demonstrate their potential in carrying the transportation burdens of the Nation.

Statistics of the U.S. Public Health Service prove the need for this effort. They show that 133 million tons of air pollutants are released into the air each year in the United States and the internal combustion engine accounts for 85 million tons of the total, almost two-thirds. If the problem is serious now, then consider this: It is projected that the number of automobiles in the Nation will more than double by 1980, and fuel consumption will keep pace.

The citizens of this Nation, and particularly of the State of New York, are well aware of the dangers to health caused by air pollution. Reports to the Congress by the Secretary of Health, Education, and Welfare indicate that these threats to health require immediate attention.

With increasing frequency, we read of urban disasters resulting from air pollution. In London in 1952, more than 4,000 people died from a noxious fog that poisoned the air over the city. In 1962 more than 400 Londoners died in a similar occurrence.

New York has not been free of such disasters and I am informed some experts estimate that as many as 10,000 persons may die prematurely due to the effects of air pollution.

This is primarily an urban problem, but it is now also being felt in the suburbs, as well, as this excellent editorial from the Yonkers Herald Statesman for Tuesday, September 20, 1966, indicates:

> TO LAUNDER THE AIR WE BREATHE
>
> No Westchester housewife has to be told that there is an air pollution problem.
>
> The evidence is before her day after day as she struggles to combat the dust and grime that make her housecleaning chores a never-ending labor.
>
> What one never has exclaimed in desperation: "I just don't know where all the dirt comes from!"
>
> It comes from the air all around us, spewed from incinerators, outmoded chimneys, assorted open air burnings and the ground debris picked up and scattered by the winds.
>
> This "vast sewer," as Louis J. Battan of the University of Arizona calls it in his book, "The Unclean Sky: A Meteorologist Looks at Air Pollution," inundates us all.
>
> And it is costing every one of us money, to say nothing of menacing our health.
>
> The New York State Health Department, in a just issued report, estimates that the price of air pollution amounts to $65 a year for every resident of the state.
>
> Not only does air pollution cost us money out of pocket for house painting, car washing and increased laundering, it also is killing us, raising our chances of premature death by 20 per cent and swelling our outlays for medical care and medicines.
>
> How cope with this problem? It is so extensive that Dr. Hollis S. Ingraham, state health commissioner, says Manhattan alone each year suffers from a rain of 40 million pounds of air contaminants large enough to be visible.
>
> As far back as 1955 a federal research program was begun. And more and more interested agencies are becoming concerned as the evidence of pollution becomes more devastating. It will be the subject matter of a symposium at this week's national convention of the American Institute of Chemical Engineers in Atlantic City, for instance.
>
> At the end of this month, the State Health Department will open hearings preliminary to promulgating new statewide rules in an effort to clean the air. The first will be in Albany next Monday, a second in New York City the following Wednesday. Let's hope that out of the testimony received we can at long last embark on a real program of research and control.

From an economic point of view, the cost of air pollution is devastating. I have been told that dirt, corrosion, and other damage from air pollution costs the Nation $11 billion annually.

According to the Public Health Service, the internal combustion engine is the major contributor to this.

Studies on laboratory animals demonstrated that emphysema and other respiratory ailments are promoted by high concentrations of nitrogen dioxide. It has also been shown that nitrogen dioxide is concentrated most heavily in our large urban areas, and plays an important part in photochemical air pollution, causing lung irritation and vegetation damage.

Effects of the concentration of lead emissions from auto exhaust are currently the topic of much debate. Due to atmospheric conditions measurement is difficult and studies are currently underway to learn more about this, and about human tolerance to lead concentrations in the air.

Carbon monoxide has been shown to reduce the blood's oxygen-carrying capacity, cause headaches, dizziness, fatigue, nausea, and generally impair bodily functions, according to recent studies. The effects grow more serious as the concentrations of carbon monoxide increase.

Similarly, hydrocarbons have been shown to irritate the eyes, reduce visibility, damage vegetation, and produce photochemical smog.

Again, the automobile, with its internal combustion engine is the major cause.

Recently, a study reported by Dr. James McCarroll, of Cornell University's medical college in New York City, gave direct proof of the seriousness of automobile emissions. He reported:

> Examination of total deaths in New York City by day of occurrence shows periodic peaks in mortality which are associated with periods of high air pollution.

Dr. McCarroll went on to say:

> We have had an abundance of evidence that air pollution causes sickness and death in people suffering from respiratory disease and cardiac ailments. It is quite possible—

He added—

> that some portion of the very considerable illnesses and symptoms borne by the average citizen may be in some way related to or aggravated by air pollution.

The study also revealed "an immediate rise in mortality occurring on the same day as the peaks of pollution" and "their frequent influence on death rates in the 45-to-64 age group, as well as those over 65."

The internal combustion engine, again, is the major contributor.

In recent years Congress has shown increasing concern with the growing threat to the health and welfare of our citizens as a result of automotive air pollution. Motor vehicle exhaust standards are now being applied. Which we hope will result in significant reductions in the emission of hydrocarbons and carbon monoxide for the next few years.

But this is simply not enough.

The fact is that the increase in the number of automobiles in the next few years will outstrip our efforts at control. Secretary of the Department of Health, Education, and Welfare, John W. Gardner, made this very clear when he stated:

> We estimate that before 1980 motor vehicles will be so numerous that the approaches to pollution control called for in the proposed standards . . . will no longer be adequate. This will pose an even more serious problem for the motor vehicle industry, and they should begin thinking about it now.

Obviously some alternative means of meeting our transportation needs must be developed—and quickly. In an age when we can power space vehicles by electric batteries—and reach for the very moon itself, in a situation where power, space, and weight are very factors of life and death—it is equally obvious that we can meet the challenge.

My bill to spur research and development for the electric car is designed to get government and industry thinking and working on a solution now.

The electrically powered vehicle can make a major contribution to air pollution control. This fact was recently recognized in a report by the Senate Subcommittee on Air and Water Pollution, of which Senator Edmund S. Muskie is chairman, where it was stated:

> A variety of projects deserve more detailed scrutiny and study. Electrification of mass transit, use of battery-operated delivery vehicles and autos, and prospects for fuel cells to run individual passenger cars, all suggest research possibilities. The Federal Government should insure that research, development, and demonstration work in this area is carried on at maximum levels consistent with orderly progress.

Senator Warren G. Magnuson, writing for a publication of the American Public Power Association, suggested:

> We must develop a means of transportation which can give us the economy, comfort and flexibility in travel we are accustomed to, without adding a single molecule of carbon monoxide or other polluting substances to our already overburdened atmosphere.

I believe, along with Senator Magnuson, that electric vehicles can be developed, under a program of imaginative research, which are capable of serving the transportation needs of the Nation.

It is important to note that one major auto manufacturer, the Ford Motor Co., has already moved to take the lead in this effort. Less than a week after my bill was introduced, this firm announced a major research effort on the electric car. They deserve a great deal of credit for their foresight and I am happy to say that action on my bill will support and help to advance their program.

Many imaginative proposals have been offered recently which incorporate the use of electric vehicles. A Massachusetts company has developed a system of special small cars—called the Alden StaRRcar system—which travel on regular roads or on a special automatic guideway. While on the guideway, these battery driven vehicles travel twice as fast as ordinary cars and offer a uniquely safe method of high-speed, mass transit.

Another interesting proposal is that of providing electric buses in our national parks to move large numbers of visitors in a smokeless, quiet manner within the park area.

These ideas, and the many others like them, deserve a complete investigation under a broad program of research and development. The potential benefits to be derived from such a program are immeasurable. Electrically-powered vehicles are close to reality. It should be the policy of this Congress to insure that the opportunity for development is not lost, while air pollution hazards, urban congestion, noise, and environmental discomforts which result from combustion-powered vehicles increase.

My bill can bring this achievement closer.

WASHINGTON VISITORS BUREAU, WASHINGTON POST'S RICHARD L. COE, SUPPORT HOUSE JOINT RESOLUTION 1027, PROPOSING SOUND AND LIGHT SPECTACLES TO ENHANCE THE BEAUTY OF THE CAPITOL

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Reuss] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REUSS. Mr. Speaker, House Joint Resolution 1027, which I introduced on April 4, 1966, would establish a commission to portray historic events at the Capitol by means of recorded sound tracks and an elaborate lighting system.

This sound and light technique, already a proven tourist attraction at European historic sites from England to Egypt, was discussed in the Washington Post of September 18, 1966, by Richard L. Coe.

The Washington Convention and Visitors Bureau has now joined Roger L. Stevens, Chairman of the National Council on the Arts, Walter N. Tobriner, President of the District of Columbia Board of Commissioners, and Elizabeth Rowe, Chairman of the National Capital Planning Commission, in supporting this proposal. S. Dillon Ripley recently began experimenting with the sound and light technique at the Smithsonian Institution.

Mr. Coe's article and the text of the August 22, 1966, resolution adopted by the Washington Convention and Visitors Bureau follow:

"LIGHT" AT ACROPOLIS RECALLS BILL HERE

(By Richard L. Coe)

One of the most enthralling spectacles to be seen between Istanbul and Gibraltar, an area I recently skimmed, is the Sound and Light at the Acropolis in Athens.

Unlike many variations of painting history through visual and aural suggestions, this views the Acropolis from a distance of about half a mile. One sits on the neighboring, smaller Pnyx hill while hundreds of huge lights pulse on and off as voices describe the fabulous history of war and philosophy which haunts this hill of the Parthenon.

The effect is brooding and breathtaking and one may enjoy the lighting, except on nights of the full moon, from all parts of the sprawling city. Many find this Sound and Light to be the finest of the many which stretch from England to Egypt.

The experience was a reminder of the bill introduced last spring by Representative Henry S. Reuss (Democrat of Wisconsin) to create a Sound and Light production at the U.S. Capitol building.

This now has the support of Elizabeth Rowe, chairman of the National Capital Planning Commission; Roger L. Stevens, chairman of the National Council on the Arts, and Walter Tobriner, president of the District Board of Commissioners. Referred to the subcommittee on libraries and memorials, the bill is now being studied for "feasibility"—in other words, how can the project be financed and put into being?

Such is an entirely sensible question and Rep. Reuss doesn't look for any further action until the 90th Congress. It would seem, however, that one of the burgeoning foundations might be found to finance the substantial initial investment. (The Republic of France, by the way, made a gift of the Philips equipment to the City of Athens.)

The advantages for the scheme are obvious. The Capitol building is the sole Washington edifice associated with every President since George Washington laid the cornerstone. Its panorama of American history is unique. The Board of Trade, also long on the record for the project, sees it as a superb tourist attraction and tourism is the city's second industry. (Quibble, if you like, as to whether the first is politics or statesmanship.)

Mrs. Johnson has shown interest in the plan, and, in a casual conversation, both President and Mrs. Kennedy remarked on how splendid Sound and Light might be at the Capitol Plaza.

There are precautions to be considered. The seating arrangements need not be made for thousands and need take only a limited area of space. The script, voices and music should be done by our finest artists. (The Athenian Sound and Light music, for instance, is sheer sound track corn.)

Sound and Light has had a curious American career. Its use on Philadelphia's Independence Hall several years ago proved oddly disappointing. A flat script, I thought, accounted for this. But it evidently has been immensely successful on the battleship North Carolina at Wilmington, N.C. The Smithsonian, last week, gave a suggestion of what might be done through a simplified version of light and sound it titled "Figures in a Landscape."

At all events, Rep. Reuss' bill holds promise of our own historic hill which might match, in quite different ways, the haunting spectacle on the Acropolis.

Sound and Light is not the only evening attraction at the Acropolis. At its feet are two theaters. The older is that of Dionysus, dating from the Golden Age but far less well preserved than its contemporaries at Epidaurus and Delphi. However, because of its antiquity and size, the Dionysus is infinitely the more impressive to muse upon although performances are never attempted here.

Almost nightly performances, however, are given further along the southern slope in the theater of Herod Atticus, that Roman of the second century A.D. who valued ancient Greece. This was once roofed with cedar, long since vanished, but it remains entirely usable for the annual Athens Festival, which stretches from early July to late September.

To sit on stone benches provided with wafer-thin pillows gives some notion of the hardiness of those early theatergoers but the experience itself is unforgettable. At some angles it's possible to see the stage, the Parthenon and the gemlike temple of Wingless Victory.

The Athenian Festival performances are worthy of the setting. This year the Festival began with visits from England's Royal Ballet and the USSR's Kirov. It further offered national orchestras and operas from Switzerland, the USSR, Rumania, Spain and, only last week, the Utah Symphony. Pablo Casals conducted his "El Pessebre" and visiting instrumentalists included Ashkanazy, Istomin and Menuhin.

The theatrical classics are presented by the National Theater of Greece and the State Theater of Northern Greece. I was especially impressed by the former's "The Trojan Woman." A cursory knowledge of any of the plays is richly rewarded for the action and choral patterns are simple to follow. I was amused to find that the originals are not attempted, all being translated into modern Greek—a fact I don't understand either.

A final but modern hillside theater just behind Pnyx hill is the Philopappou, which presents dance troupes lured from all parts of Greece by enterprising Dora Stratou. These dancers are frankly amateurs and when one misses the flash of professionalism it's quite easy to look over to the Acropolis, virtually breathing in the rhythm of the Distant Sound and Light effects.

RESOLUTION ADOPTED BY THE WASHINGTON CONVENTION AND VISITORS BUREAU AUGUST 22, 1966, ENDORSING A PROGRAM OF SON ET LUMIERE (SOUND AND LIGHT) AT THE CAPITOL BUILDING, WASHINGTON, D.C.

Whereas the Washington Convention and Visitors Bureau has long been in support of a Sound and Light Program for the District of Columbia; and

Whereas the Bureau members have personal knowledge of the effective employment of a Sound and Light presentation in many foreign countries and in some sections of the United States; and

Whereas by means of Sound and Light events of great historical importance can be portrayed in a beautiful and simple fashion; and

Whereas in the United States there is no one location better identified in the minds of Americans and foreigners alike than the Capitol of the United States; and

Whereas millions of visitors now coming to Washington, D.C., annually and many more who could come to witness a Sound and Light presentation would witness a visual and dramatic recitation of all the important events in this nation's history; and

Whereas a presentation of the history of this country through Sound and Light would be of tremendous benefit in the teaching of history to the millions of school students who visit Washington; and

Whereas the nation's greatest artists, performers and technicians would welcome the opportunity to be identified with a Sound and Light project having as its basis this country's rich history, successes and ideals; and

Whereas the beautiful, dignified and effective atmosphere of the United States Capitol would lend itself admirably to a Sound and Light program in addition to providing space for thousands of persons to witness this spectacle nightly; and

Whereas a presentation of Sound and Light would supplement the highly popular regular performances of the United States service bands; and

Whereas Congressman HENRY S. REUSS of Wisconsin has introduced House Joint Resolution 1027 to provide for Sound and Light evenings at the Capitol; therefore be it

Resolved, That the Executive Committee of the Washington Convention and Visitors Bureau strongly support H.J.R. 1027 as being in the best cultural, democratic and educational interests of the United States; and be it further

Resolved, That the United States Congress be urged to take action to implement H.J.R. 1027 by the necessary appropriation authority to bring Sound and Light into being at the Capitol; and be it further

Resolved, That Congressman REUSS be applauded and complimented for his efforts in this program and that he be encouraged to continue to pursue this project to its completion.

INCOME TAX DEDUCTION FOR TEACHERS

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MOELLER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOELLER. Mr. Speaker, some months ago the Internal Revenue Service of the U.S. Treasury Department published in the Federal Register proposed new regulations that would, in effect, curtail a deduction currently available to this country's most valuable but yet ironically our most unsung and ill-rewarded resource—our teachers. I refer, of course, the proposed Treasury regulation, scheduled to go into effect next January, which would no longer permit our teachers and educators from deducting from their Federal income tax those necessary expenditures incurred in course work or certain educational travel to improve their competency in their profession. In my State of Ohio there is now a critical and most serious shortage of teachers, due primarily to low pay and the lack of other proper incentives to help these worthy and vital people remain in their chosen vocation. This situation in my State has almost approached scandal proportions. I would be gravely remiss in my duties to all the citizens of my 11-county congressional district, if I did not stand up and fight any Federal move that could further exacerbate a most serious situation in my home State.

The bill I shall introduce today unfortunately will not solve the State of Ohio's major teacher shortage problem. This is a State administrative problem which our Governor and his aids will have to meet and solve. My bill, however, will assure the fact that the Federal Government does nothing to further a most difficult situation that we in Ohio find ourselves in. The bill by force of law will permit teachers to continue to deduct from their income taxes those expenses incurred in course work or certain educational travel vital to their improved professional competency. Enactment of this bill will have the effect of reinstating an Internal Revenue Service policy that from 1958 to the present time has permitted our poorly compensated teachers to make such deductions from their all-too-meager incomes. To me the curtailment of this deduction by our Treasury Department is totally unthinkable.

Our unsung and devoted teachers in every community in the country who use their hard-earned money to increase their knowledge and professional skill must be encouraged by all the means at our command rather than retarded in their professional growth. It is imperative that these most important citizens within our communities, who impart daily their talent and wisdom to our young, be given every opportunity to grow and flourish in their educational attainment. It would be the height of folly to do otherwise. Every incentive must be found to keep these valuable people in their chosen field. It seems most incongruous to me that no similar proposal from the Treasury Department has been announced with regard to business deductions which I submit are permitted for far less important and significant expenses.

Can any Member of this great body justify in his own mind the deductions of the lobbyists for his expenses in plying his wares and at the same time deny similar privileges to those whose business is the education and training of our young—our future heritage? We in the great 89th Congress have done much for education at all levels across our great country, in fact we have been called the great education Congress; with this background we cannot, and I know we will not at this stage permit an agency of the Federal Government to take action inimicable to the interest of those to whom we owe so much and if this Nation is to continue its striving for excellence.

I trust that all Members of the House will rally behind my bill and that prompt action can be taken to assure its passage.

MAKE OUR NEIGHBORHOOD ROADS SAFER NOW

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. FARNSLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FARNSLEY. Mr. Speaker, I would like to include in the RECORD an article that appeared in the Reader's Digest of September 1966 entitled "Make Our Neighborhood Roads Safer Now."

MAKE OUR NEIGHBORHOOD ROADS SAFER NOW

Whenever I return from a long automobile trip, the last dozen miles are a highway nightmare whose horrors are familiar to every American motorist. Turning off the magnificently engineered New York State Thruway, on which I've been cruising along at a safe and comfortable 60 to 65 m.p.h., I find myself on the old four-lane undivided highway that leads northward to my house. Suddenly my every reflex is taut. For the next 12 miles drivers dart at me in an undisciplined mess—from motels, bowling alleys, shopping centers, and from obscure side roads. Southbound cars pour past me in a stream less than four feet away. Last year a dozen people were killed on this road, and more than 100 were injured.

The contrast between the smooth safety of the Thruway and the jagged turbulence of the local road is deeply significant. For in the concept of the high-speed, controlled-access expressway, U.S. engineers have developed the safest roads ever made. Yet the roads on which we do 90 percent of our driving—to school, the supermarket, the neighborhood party—are the ones on which more than 90 percent of our automobile deaths occur, and they get more lethal every year.

What can we do about these *everyday* roads?

I have just spent six weeks talking with safety researchers of the Bureau of Public Roads, with highway patrolmen and traffic engineers across the country. The answer I found is a surprising one: though many of the improvements needed are expensive and will take time, thousands of lives could be saved annually, and tens of thousands of injuries prevented, *quickly and at little cost.*

OLD FASHIONED HAZARDS

To see how this can be done, let's first get a closeup view of the problem. Take a tour with me on a typical sampling of old, bad roads, guided by Arthur Freed, the extremely competent traffic engineer for Westchester County, N.Y. Here are some of the things that Freed pointed out to me during a recent trip through the county's jungle of 42 city, town and village road jurisdictions.

"See that rotten old wooden guardrail?" he said as we drove along one of the county's older parkways. "It's worse than useless; it would collapse on impact and could impale the driver with splinters when the car hit it." Such rails abound in the United States. They were all right when they were installed, primarily as warning markers, in the days of 20-m.p.h. traffic, but today they're killers. One of the worst kinds is the wire cable stretched between posts and then allowed to go slack. The posts make excellent fixed-object collision points precisely where cars are most likely to hit them—on curves. And when they are run into by open-top sports cars, the cable can decapitate the occupants.

On a broad urban avenue Freed pointed out a directional sign. "It's placed illegally low," he said. "See how it obscures the intersection. Also, at that height, if you hit it from the side, it could come through your window like a guillotine. Besides, it's placed precisely where a skidding car *will* hit it."

In the course of a 10,000-mile road survey that he made for New York's Traffic Safety Council recently, Freed found that 72 percent of the nonstate-highway traffic signs are wrongly placed or badly designed, and he estimates that half of the mistakes are bad enough to cause serious accidents. "At 30 miles per hour you're going 44 feet a second, and a moment of indecision can turn into an accident mighty fast."

Going through a residential area, Freed said, "Notice that 'broken' center line. It indicates that you're safe to pass on this curve, even through we can't see 50 feet ahead." It's often suicide to rely on centerline passing instructions. These lines should be laid out by competent engineers, but it's usually the man running the paint truck who decides where they shall go. He frequently forgets that curves he can see around in early spring, when he paints the road, may be obscured by foliage in summer.

Conditions on local roads across the nation are just as hazard-laden. Recently two University of Michigan Medical School professors made a study of 177 automobile deaths in Washtenaw County, Mich. Their list of the accidents' causes included improperly designed guardrails, roadside embankments so designed that they flipped cars over, and drainage ditches that actually locked onto cars' wheels and steered them straight into trees. One fatal accident was caused by a tree that actually stuck out *onto* the road surface; the tree was still there three years later—and was finally cut down only because it was discovered to have Dutch elm disease.

Pennsylvania embarked on a program in 1961 to fix up the worst "accident clusters" in the state—the 1000-foot stretches of road where eight or more accidents had been reported in a three-year period. But when, with the aid of a computer, the list was drawn up, Pennsylvania found that—on the basis of state-police accident reports alone—it had 13,000 such clusters on 40,000 miles of state road. Highway officials haven't yet even had time to inspect them all.

MONEY, OR MONEY'S WORTH?

Is more money the answer to the problem? We already spend more local and state money on highways than on anything else but education. The job of reconstructing the roads that we've already built incorrectly would be so gargantuan as to make what we're now spending seem pennies. Even the present excellent "Spot Improvement Program" being pushed by the Bureau of Public Roads—with an estimated cost of $1.25 billion over a five-year period to find and fix the most dangerous spots in each state—is just a drop in the bucket. It will fix, altogether, only about 6000 danger spots in all 50 states.

Then what *is* the answer?

This. *Let's get our money's worth for what we are already spending.* To understand what's involved, consider how ineptly we now run our roads.

There are 36,000 jurisdictions in charge of U.S. roads today, but only a tiny fraction employ people who really know their business. Take Freed's Westchester County. Of its 42 city, town and village road administrations, only two employ traffic engineers. In the county's biggest city, Yonkers (pop. 216,000), responsibility for all signs, markings and lights is in the hands of a policeman.

Or take Oklahoma's 77 counties. In each one the roads are split up among three elected county commissioners. They can have any kind of background and they may not even know how a bulldozer works, but each one is king of the roads in his district.

In Pennsylvania an official told me, "Turn off any state road in Pennsylvania and you run into the 19th century—the road domain of the township supervisor. He may be a farmer who tends roads between milking cows. 'Off-the-road hazards?' 'Traffic channelization?' He's never heard of them. He's a snowplow man, period."

At the state highway department level, it's often not much better. The chief traffic engineer of one of the biggest states told me, "I've got district engineers designing roads right now who ignore every safety lesson we've learned since World War II. They're supposed to submit their plans to me, but they don't. They've held their jobs many years, they've handed out millions of dollars in construction contracts, and they have friends in the state house."

Thus the incredible fact is that for much of your driving time your life is in the hands of people who don't know any more about road safety than you do.

How can we force people like this to give us our money's worth?

There are two ways:

1. PUBLIC PRESSURE

This can have considerable effect, because road jurisdictions are legally liable for damages caused by their mistakes. The village of Ossining, N.Y., for instance, had to raise its tax rate by 50 cents per thousand recently in order to pay a $67,000 judgment for an accident caused by an improperly placed stop sign. Road authorities know that any proof that they were warned of a danger spot before an accident occurred may later serve as evidence against them in court. A letter to the local paper, a written protest to local authorities, to the state highway department, or even to the Bureau of Public Roads in Washington will eventually bring someone to investigate.

When you apply pressure, however, it's important to keep two things in mind. First, there may be good safety reasons for *not* making any changes. The most common example is the demand for traffic lights on arterial roads to facilitate local access. Highway officials know that such lights can often create more accidents of the rear-end type than they eliminate in the form of side collisions.

Second, be prepared for the stock response of the local road administrator: "With our present budget, we can only keep the roads in their present shape." It's true that basic structural improvements cost big money. But for every such case there are dozens of spots that can be made much safer at little cost.

On Route 274 in Pennsylvania, for instance, there were 11 accidents in two years on a curving hill near Mecks Corner. Just by doubling the size of the warning sign, road officials cut the rate to three accidents over the next two-year period. In Vacaville, Calif., there was a bad accident spot near a restaurant on the four-lane divided highway. Cars on the opposite side of the road from the restaurant would stop at a gap in the barrier to make a left turn across the opposing traffic—and would get hit from the rear as they waited to make the turn, or from the side as they crossed the road. Accidents were completely eliminated simply by closing the barrier gap and forcing cars to proceed to the next intersection, get off the road, turn around and come back.

The list of such inexpensive lifesavers is virtually endless. A "deslick" mix developed by the Virginia highway department—sharp sand particles mixed with asphalt—can dramatically reduce the skiddiness of dangerous stretches. Steel sign supports—which get hit, and hurt motorists, surprisingly often—can be replaced by wooden "breakaway" posts notched a few inches above the ground so that they will safely give way on impact. Pennsylvania is now doing this with thousands of its signs, and recently researchers have perfected a similar "breakaway" design for steel posts. A few dollars phosphorescent paint can reduce accidents markedly at danger points like bridge abutments. Cutting down a "target tree" near the road can both eliminate a fixed-object hazard and increase the passing sight distance.

2. ADMINISTRATIVE REFORM

Public pressure on existing jurisdictions will correct some bad situations, but the best *long-term* solution is to get highway people who will "do it right the first time."

In 1947, for instance, California passed a law providing for a single road commissioner to be appointed for each county, and present law requires (with some exceptions) that each commissioner be a registered civil engineer. Today the state has one of the best-run road systems in the country. This mandatory approach can be effectively combined with a campaign to teach the present road administrators some basic safety lessons. The New York Traffic Safety Council has embarked on an ambitious program of statewide safety seminars, at which local officials are shown color slides of all the things they are doing wrong, and then given basic instruction in how to right them.

Another approach is to take the roads out of local hands, if necessary. In 1949 the Texas legislature, despairing of enforcing competence at the county level, allocated its state highway department $15 million a year to rebuild county roads. Results: today, 37,000 miles of such road are run by extremely competent state highway engineers.

Which approach would be best for your area depends largely on the relative quality of your local and state governments. But no matter how we go about it, we've *got* to make our everyday roads safer. It's a job we *can* do, but up to now we've hardly even begun to do it.

PUBLIC WORKS APPROPRIATION BILL, 1967

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Helstoski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HELSTOSKI. Mr. Speaker, I take this opportunity to speak in favor of the passage of the public works appropriation bill for fiscal year 1967.

Yesterday this body passed legislation which appropriated funds for foreign aid, today we can take a step to assist our domestic program for flood control, navigation, develop our water resources, our navigational streams, help reclamation projects, provide outdoor recreation benefits, and projects for recreation and fish and wildlife facilities.

I am pleased to note that the bill carries an allocation of $188,000 for the continuation of the study for the meadowlands of New Jersey, most of which lie within the boundaries of my congressional district.

In May of 1964, as mayor of East Rutherford, I appeared before the Appropriations Committee of the House and requested favorable consideration in the appropriation of funds for the meadowlands study. Last year, during my first year in Congress, this House allocated a sum of $360,000 for such a study and now has, as I said before, made an allocation of $188,000.

The funds thus allocated are for a study of flood control, major drainage, navigation, and land reclamation in the Hackensack River Basin, particularly the Jersey Meadows area; and the Passaic River, Raritan River, Arthur Kill, and Kill Van Kull, which compromise a total drainage area for these basins of 2,400 square miles within one of the largest and most densely developed urban centers in the United States. Tidal and river flooding occur frequently because of the lowland elevations. The highest recorded tide was 8.6 feet above mean sea level during Hurricane Donna in September 1960. However, studies indicate that under a condition of severe meteorological combinations a storm tide elevation of 15 feet above mean sea level is possible. Under these conditions the entire Jersey Meadows area would be inundated.

The meadows is a vast section of unused land which has lain dormant because of its swamplike character. Only about 10 percent of the area has been developed. The communities comprising the major portions of the meadows are: Jersey City, Kearney, North Bergen, Secaucus, Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, and Teterboro.

The Arthur Kill and Kill Van Kull area is one of the most important industrial developments in the United States for storage, refining, and distribution of petroleum and allied products. The area also has large chemical plants; railroad, lumber, and coal terminals; public utility companies, and other industrial and chemical plants.

Newark Bay, with its multimillion-dollar waterfront developments at Port Newark and Port Elizabeth, provides integrated facilities for domestic and overseas movement of general cargo by water, rail, and truck.

The objective of this study is to formulate an overall plan for a balanced and coordinated development of the Newark Bay, Kill Van Kull, and Arthur Kill area, particularly the meadowlands, that would produce the maximum economic return from the area. Solution of the flood problem will consider upstream river control, the control of tidal action and major drainage. It is intended that the ultimate meadows plan give consideration to commercial, industrial, and residential uses, including consideration of related community and service facilities such as parks, roads, railroads, airports, waterways, water supply, sanitation, and pollution.

Several industries have already committed themselves to building their facilities on the reclaimed meadowlands and many others are potential customers for the East Rutherford meadowlands. The rapid reclamation of this swampland will add immeasurably to the tax potential of the area, once it is made available to interested users of this present eyesore.

When full reclamation of the meadowlands is accomplished, our community will be the beneficiary of a united effort between the Federal Government and local communities which have so much to gain by putting to work the land that is now useless and a detriment to the immediate surrounding areas.

Mr. Speaker, I appreciate the action taken by the Appropriations Committee in heeding my pleas which I made before the committee as the mayor of East Rutherford in 1964 and again as Congressman in 1965 and 1966.

It is anticipated that these studies will be completed during fiscal year 1967 and the necessary recommendations will be made at that time. I can assure this body that we, of the area involved in this study, will not hesitate to put into effect the recommendations made in this matter. We shall cooperate with any agency, department, or office to restore these meadowlands to a tax-producing state and encourage all interested parties to locate in these reclaimed lands to boost the economy of the communities which surround these present wastelands.

TAX DEDUCTION FOR TEACHERS TAKING COURSES

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Clevenger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CLEVENGER. Mr. Speaker, today I have introduced a bill which will allow teachers to deduct from their gross income, when computing Federal income tax, those expenses incurred in taking courses, or pursuing approved programs of educational travel, which will improve their professional competence.

This bill will correct a situation that has plagued the educators of this country for many years. Theoretically, under existing Internal Revenue regulations costs of educational courses taken by teachers have been deductible. In practice, however, the application of the IRS regulations have at best been whimsical, at worst been discriminatory, depending on the attitude of individual IRS agents. The taxpayer, of course, has recourse to the courts. But the amount of money involved hardly justifies the expense. Of the cases taken to court, the teachers involved have never lost a case. But thousands have been denied deductions and have been unable to finance the court costs involved.

The last straw in this situation occurred on July 7 of this year when IRS proposed new regulations which would be further restrictive against teachers. It seems clear that the action of Congress, in exercising its rightful authority to direct the Internal Revenue Service on tax policy, is essential if this matter is to be settled.

Mr. Speaker, I consider this an education bill in keeping with the objectives of Congress as evidenced by the enactment of far-reaching legislation, which I have always supported, to improve the quality of American education. The full impact of these education acts such as the Higher Education Act and the Elementary and Secondary Education Act have not been realized, primarily because of the lack of enough skilled professional educators to implement new programs. Certainly it is necessary for teachers to be encouraged to continue their in-service training in order to meet the challenge of the ever-changing world which they face daily in the classrooms. Therefore, I urge that the Congress act this session to correct the abuses of the IRS and to prohibit them, by law, from continuing to harass our teachers.

SHIPPENSBURG STATE COLLEGE

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Craley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRALEY. Mr. Speaker, I should like to include in the Record an editorial from the News-Chronicle, Shippensburg, Pa., on the growth of Shippensburg State College. The editorial recounts the progress the college has made in the past 10 years since Dr. Ralph E. Heiges became president.

I have visited the college a number of times and on each occasion was impressed.

I should also like to add my congratulations to the college and its president on an enviable and exemplary record.

I include the editorial in the Record at this point:

Retrospect and Prospect

The growth of Shippensburg State College in the past ten years since Dr. Ralph E. Heiges became president is astounding and a frequent topic of conversation in Shippensburg. But even more remarkable is the promise for the future as outlined by Dr. Heiges at the opening of this fall term.

Since Dr. Heiges became president in 1956, Shippensburg State has grown, not only in physical facilities and student body, but even more important, in its educational offerings to meet the needs of the area.

As Dr. Heiges points out, the curriculum in teacher education has been expanded to include a major in social science, certification in special education, a minor in speech and an entire new curriculum in library science.

Since 1959, when graduate courses were first offered, almost 3,000 students have participated in this program and six areas of concentration are now provided.

The arts and sciences program, established in 1962 with only a very few students, has almost 500 liberal arts students enrolled today.

The administrative staff in 1956 included the president, the dean of instruction, the director of student teaching and placement and the business manager. In the intervening ten years the dean of instruction has been named the dean of academic affairs and is now assisted by the dean of graduate studies, the dean of teacher education and the dean of arts and sciences, as well as by an assistant dean of academic affairs. Other new administrative posts include the administrative assistant to the president, the dean of student personnel, the director of admissions and his assistant, along with the dean of men and the dean of women. Still more recent appointments are the director of public relations, the director of alumni affairs, the director of development and the director of financial aid.

In the past ten years 157 new faculty positions have been created.

Throughout this period of rapid expansion in so many fields the college has maintained a high academic standing.

For this spendid achievement, Dr. Heiges credits the expectation of the administration and faculty as the "great motivating force for the student—both in activities and in academic achievement." With some pride he says, ". . . at the end of ten years the throbbing excitement of change and growth is felt in the institution. As we move into the next ten years, we see a continuation of the processes of change and expansion . . ."

Referring to an observation of a speaker in a commencement address, "There are two ways to get to the top of an oak tree—climb it, or sit on an acorn." Dr. Heiges proposes to "climb it" even though, as you near the top, the branches get thinner, and at the same time more numerous and greater agility is required.

Looking into the future, Dr. Heiges sees increased specialization in both teacher education and the arts and sciences. He sees a business administration curriculum, a government administration curriculum, specialization in computer and data processing and in television. He predicts that the Master of Education degree will shortly be extended to mathematics, geography and library science; that with the advent of the planned science center offerings in this area will be augmented; that a Master of Arts degree will be added to the graduate program.

His look into the future finds that, to handle the growing student body and the proliferation of courses, lecture sections of 100 to 150 students will become prevalent; more and more use will be made of electronic equipment and other modern teaching devices, and graduate assistants will be instituted. The school day and the school year will also come in for changes. Evening classes for undergraduates are a distinct possibility and summer enrollments will inevitably increase.

Ten years ago Shippensburg enrolled 1,066 students. This year there are 2,900 full-time undergraduates. By 1970 a student body of 4,000 is projected and by 1975 this may be as high as 5,600, the president points out. Faculty numbers must increase proportionately.

Congratulations are due the college, and particularly to its farseeing president, on this great growth over the past ten years and on the splendid outlook for the future. But Shippensburg dare not forget that the community as well as the college must take account of this expansion in its plans for the future. While the college is responsible for its curriculum, its faculty and administrators, its student body, the community must meet the needs of the college for water and sewer. While the college will pay its share of the costs, the continuing increase in needs for such services must enter into the "ten year development charts" of Shippensburg as well as into the college's own charts.

CONGRESSIONAL REORGANIZATION

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. Staggers] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STAGGERS. Mr. Speaker, as a forthright expression of journalistic opinion on a matter presently under consideration by the Congress, I should like to call attention to an editorial appearing in a recent issue of the Martinsburg Journal.

Martinsburg is a small city located in the eastern panhandle of my home State and district. It has the traditions of nearly two centuries of corporate existence behind it, and yet it is as modern as tomorrow. It is the county seat of Berkeley County, a rich agricultural community noted for its fine fruit among other farm products. In addition to being the commercial and financial center of this area, it has built up varied and prosperous industries. It is a beautiful city, a cultured city, a wonderful place in which to live.

The Martinsburg Journal is a newspaper in keeping with the character of the community. In appearance and in coverage of the news of the day, it would be a credit to a city many times the size of Martinsburg. Its presentation of political and government activity is alert and, in general, well informed.

The editorial to which I refer is an example of the Journal's habit of speaking out clearly on matters which it considers to be in the public interest. From the editorial itself, it may be inferred that the Journal is not without strong political leanings. It is not necessary to be in agreement with its political bent to approve the practice of frank expression.

In earlier days, the newspapers of this country filled a recognized role as organs of political opinion. This encouraged public discussion. So long as the newspaper reporting was fair and complete, it intensified public comprehension of the issues of the day. It is a result very much to be desired.

The Joint Committee on the Organization of the Congress appointed to make the study and draw up the report has as one of its members my distinguished and able colleague from West Virginia, Ken Hechler. The committee deserves full credit for its thorough and conscientious work. And I am confident that any legislation growing out of the committee's report will get a distinct boost from the Journal's editorial. I include the editorial as a part of the Record:

Congress Reform Proposals

It may be that, as the six Republican members complain, recommendations for an overhaul of congressional procedure just submitted by a 12-man bi-partisan committee don't go far enough. But we have a notion that the report goes farther than Congress will be willing to.

The major recommendations, as outlined in press dispatches, strike this newspaper as excellent. They include:

Opening of committee hearings to the press and public—save in cases where the national security is involved or where the nature of the testimony may reflect adversely on the character of witnesses or others—and at the option of the chairman to TV and radio.

A five-day work week for Congress, thus ending the present practice of limiting most business to Tuesdays, Wednesdays and Thursdays.

Creation of select committees in the two branches to police the conduct of members and employes.

More stringent control of the activities of lobbyists.

Giving the majority of a Congressional committee the authority to call a meeting and act on legislation if the chairman refuses to.

Divesting members of Congress of the patronage tidbit of appointing postmasters and recommending rural mail carriers.

Creation of a joint committee to carry on a continuing study of the organization and operation of Congress.

Adoption of these recommendations would tend to improve both the character and the performance of Congress. Because they would tread on some sensitive political toes, however, it is to be very seriously doubted that the law makers will agree to some of them. If it turns out otherwise the committee will be due a public vote of thanks for an excellent job and the Congress as a whole a vote of confidence for acceptance of the reforms.

PARTISAN USE OF KENNEDY FILM

The SPEAKER. Under previous order of the House, the gentleman from Minnesota [Mr. Quie] is recognized for 30 minutes.

Mr. QUIE. Mr. Speaker, yesterday, I addressed the House on the matter of the partisan showing of the John F. Kennedy film in Dallas, Tex. I called on the administration to take firm action to halt such partisan use of the Kennedy film, which was made to be shown to overseas audiences.

I understand that the Greater Dallas Democratic Club president, Myron Hauser, has changed his mind about where the profits from the exhibition will go. Yesterday forenoon he said the profits would be divided 50–50 between the club and the Kennedy Center for the Performing Arts in Washington. Now he has stated that profits will go to a charity. I hope it will be to the Kennedy Center. He did not specifically designate the Kennedy Center, however, since he claimed the board of trustees will have to designate the charity.

Mr. Hauser has changed his position considerably since he told the Dallas Morning News on September 12, 1966, that "funds we raise by showing the movie will go to support all Democratic candidates here and a portion of the funds will go to the John F. Kennedy Center for the Performing Arts."

I would like to insert here a story from the Washington Post for September 21, 1966:

HOUSE REPUBLICAN HITS PARTISAN SHOWINGS—DALLAS DEMOCRATS AGREE NOT TO USE KENNEDY FILM AS PARTY FUND-RAISER

(By Andrew J. Glass)

Dallas Democrats agreed under pressure yesterday not to use a Government-produced film about John F. Kennedy for Party fund-raising in the city of his assassination.

The feature-length film, "Years of Lightning, Day of Drums," will still be shown Thursday evening at a $5-a-seat gala in Dallas. But its Democratic sponsors promised that all the proceeds will go to a charity, probably the Kennedy Center for the Performing Arts in Washington.

The latest flap over the Kennedy movie erupted as Representative ALBERT H. QUIE, Republican, of Minnesota, demanded in a House speech that the Johnson Administration move to halt partisan showings, such as the one planned by the Greater Dallas Democratic Club.

QUIE reported that he had informed the Justice Department about the Dallas affair but complained that the U.S. lawyers were not "being aggressive enough."

"Years of Lightning, Day of Drums" is scheduled to be shown in 91 theaters across the country before the November elections. Last year, Congress passed a law permitting commercial domestic screenings of the movie, originally produced by the United States Information Agency for overseas distribution. (It opens in Washington tonight.)

USIA sold the film to the Kennedy Center for $120,000, which in turn licensed Joseph L. Levine's Embassy Pictures Corp. to distribute the film for a $150,000 advance and promotion guarantees totaling another $300,000.

In clearing the picture for general U.S. distribution, a House report asserted that "the film ought not to be used . . . for partisan political fund raising."

On Sept. 12, The Dallas Morning News quoted Myron Hauser, chairman of the Dallas Democratic club, as saying "the funds we raise by showing the movie will go to support all Democratic candidates here and a portion of the funds will go to the Kennedy Center."

Hauser told a QUIE aide yesterday morning that the funds would be split 50-50—whereupon the Republican lawmaker prepared a speech denouncing use of the movie as a "political tool."

This triggered a fast flurry of telephone calls and telegrams between Dallas and Washington. By late afternoon, Hauser had sent a telegram to Ralph Becker, general counsel of the Kennedy Center and a Republican, pledging that "the net proceeds for the engagement will be used for charitable purposes and not otherwise."

Becker felt the Dallas showing, as originally planned, not only violated Congressional intent but also was "in poor taste." Mr. Kennedy was slain in Dallas on Nov. 22, 1963.

Three screenings of the Kennedy film were recently canceled by the Kennedy Center when it was revealed that money raised at the performances would have gone to Democratic candidates. Benefits were called off in Des Moines and Waterloo, Iowa, for Senatorial candidate E. B. Smith and in Milwaukee for John Buckley, a Democratic contender for Congress.

A film-based political fund-raising venture is still scheduled by Democrats in Cuyahoga Falls, Ohio, near Akron, on Sept. 28. If the Democratic county chairman there refuses further pleas to drop the partisan showing, the contract will be canceled, Becker said.

I am pleased that profits from the Dallas screening will apparently not be used for partisan purposes, that is, for the campaign chests of Democratic candidates. Yet, it seems to me, the question should never have come up.

The distributor of the film, Embassy Pictures, although belatedly, made its position clear in the following letter and telegram:

[Release prearranged book No. 2]

EMBASSY PICTURES CORP.,
September 1, 1966.

When discussing "Years of Lightning" with exhibitors it is imperative that you tell them that they cannot make sales to any political groups or any politically-oriented groups during their engagement of "Years of Lightning". Please call all exhibitors today for all dates you now have and give them this information and further tell them if they now have arrangements with such groups they are to be cancelled.

D. J. EDELE.

SEPTEMBER 2, 1966.

MANAGER,
Strand Theatre
York, Pa.

DEAR SIR: It is very important that you do not make arrangements for a group showing with any political or politically oriented group during your engagement of "John F. Kennedy: Years of Lightning, Day of Drums."

I cannot stress too much, the importance of this matter.

Many thanks for your cooperation in this matter.

Sincerely,

EDDIE SOLOMON.

As you can see, no arrangement with any organization with a name and membership like the Dallas Democratic Club should have been made.

I now bring to the attention of the House another instance where the film is being used in violation of the intent of Congress.

The Summit County Democratic organization in Ohio has purchased all the tickets for the September 28, 1966, showing of the film at the Cuyahoga Falls State Theater. The chairman of the executive committee of the Democratic organization, Mr. Robert Blakemore, has been questioned by Mr. William Vance, political writer for the Akron Beacon Journal about the propriety of using the film to raise money for a political organization. Despite this, as of last evening, the Democrats plan to go ahead with the showing.

They hope to make some $5,000 from the 8:30 p.m. showing. They pay the theater $1.50 for each ticket and are in turn selling them for $5 each. This would net the Democratic organization about $5,000, since the theater holds about 1,600 people at one time.

According to Mr. Vance, this is the main fundraising effort of the Summit County Democratic organization.

Apparently, the Kennedy Center will profit somewhat from the showing, in that it is supposed to get part of the $1.50-a-ticket price, anywhere from 10 to 30 percent of the $1.50, from what I have been able to learn.

But by far, the largest profit will accrue to the Democrat organization.

There is no question that the showing of the Kennedy film on September 28 in Cuyahoga Falls, Ohio, is in violation of the intent of Congress when it released the film for U.S. distribution.

This is now the fourth such case that has been brought to the attention of Congress.

Yesterday, I called for the administration to take firm action to halt such partisan showings. I repeat that request today. The American people must be assured that all future showings of the Kennedy film will be nonpartisan in nature.

UNIFORM RELOCATION ASSISTANCE ACT

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. COHELAN] is recognized for 5 minutes.

Mr. COHELAN. Mr. Speaker, I am introducing legislation today to establish a uniform policy for the treatment of those forced to relocate because of Federal and federally aided public improvement programs.

This legislation passed the Senate on July 22, 1966. It should receive early consideration by the House. If it is not acted on this year, it should be one of the first items considered by the 90th Congress in January.

As the Senate Committee on Government Operations has reported:

The governmental displacement of persons and businesses is substantial at present, and all indications are that the rate of displacement will continue to grow.

The adverse effects of relocation hit most severely those families and individuals least able to withstand them in terms of income and the ability to find other housing.

Small businesses, particularly those owned and operated by the elderly, are major victims of the relocation process.

To compound these difficulties, present Federal provisions for relocation assistance are widely inconsistent and lacking in equity. They are also, in many cases, inadequate.

This legislation, Mr. Speaker, would not only provide a uniform relocation assistance policy for all Federal and federally assisted programs, it would make badly needed improvements in the scope and amount of relocation benefits as well.

In respect to mass transit programs, for example, the present maximum relocation payment is $200 for an individual or a family. This legislation would allow a $200 moving cost, a dislocation allowance up to $100, $300 if the displaced person purchases a residence within a year, and an additional sum for closing costs. As an alternative, an individual or a family may elect to receive an administratively determined "fair and reasonable" sum.

In the case of businesses, the present limit authorized for terminated firms by the mass transit legislation is $3,000. This bill would give the businessman a choice of, first, reimbursement equal to the cost of moving personal property, or second, a sum equal to his average annual net earnings or $5,000, whichever is less. In addition, Federal reimbursement for authorized relocation expenses could go to $25,000, with Federal-State cost sharing above that amount.

The experience of numerous individuals, families and small businesses in my district indicates that these extensions are both needed and warranted.

Mr. Speaker, I am including an analysis, prepared at my request by the Library of Congress, which discusses these and other aspects of this uniform relocation assistance legislation. I hope that all Members will take a few minutes to read and consider it.

For the fact is that relocation is a serious and growing problem across the United States. The prospects are that displacement will increase in the years ahead. Let us act, then, to insure that equity and consistency characterize our relocation programs. And let us be sure that they are adequate for the need they are to bear.

The Uniform Relocation Act of 1966 (S. 1681) Summary, as Passed by the Senate July 22, 1966, With Special Reference to Its Effect on the Mass Transit Program

(By Elizabeth M. Heidbreder, Analyst in Area Economics and Transportation, Economics Division, September 1, 1966)

I. BACKGROUND

As currently administered, there is no uniform policy regarding relocation payments and assistance to owners, tenants, and other persons displaced by the acquisition of real property in Federal and Federally assisted programs. The General Services Administration and the Post Office Department, for example, do not provide any relocation payments or assistance to persons affected by their programs. Programs administered by the Department of Housing and Urban Development (HUD) (Urban renewal, public housing, and mass transportation) pay substantially more than the highway programs administered by the Bureau of Public Roads under the multi-million dollar highway programs, relocation payments are optional with the States and only 32 States have elected to make payments. Of these, only 22 provide payments up to the level authorized under the highway program, and this level is below the HUD programs. Furthermore, the Federal highway programs provide very little advisory assistance for those displaced by highway projects.

These inconsistencies and injustices are thus substantial and call for legislative action to correct them. S. 1681, the Uniform Relocation Act of 1966, is a legislative attempt to deal with this problem.

The Senate Committee on Government Operations report on S. 1681 was particularly concerned with the inconsistencies of relocation policy. In addition, it listed certain other reasons for the legislation as follows:

1. The governmental displacement of persons and businesses is substantial at present, and all indications are that the rate of displacement will continue to grow. Displacements in the immediate past totaled 85,550 per year, while such displacements in the future will amount to an estimated 132,600 per year.

2. The adverse effects of relocation hit most severely those families and individuals least able to withstand them in terms of income and the ability to find other housing. The elderly, the large family, and nonwhite displacees are particularly affected.

3. Small businesses, particularly those owned and operated by the elderly, are major victims of the relocation process. The Small Business Administration has estimated that by 1972 about 120,000 businesses will have been displaced by urban renewal, and that at the present rate, 3 out of 10 of these firms will be liquidated.

4. Of growing importance in the relocation process is adequate provision for advisory assistance. For the poor, the nonwhite, the elderly, and many small business people, relocation payments are not enough to assure their making an adequate adjustment to a forced move.

5. Present Federal relocation provisions are not only inconsistent and inequitable, but their administration, particularly in the case of business relocation, is too cumbersome. Current requirements for detailed documentation are costly for the public and for the displaced person. Congress has already authorized fixed relocation payments for displaced families or individuals in certain programs. Yet administrative agency practices do not always give the displacee the opportunity to decide whether to accept the fixed payment or to prove his actual cost.

All of these findings, which were based upon extensive studies, supported the need for new legislation. The Senate Committee on Government Operations reported S. 1681 (with amendments) on July 20, 1966, and it was passed by the Senate on July 22nd.

II. PRINCIPAL PROVISIONS

The Uniform Relocation Act of 1966 has three main sections dealing with (A) Federal Programs: (B) Federally Assisted Programs; and (C) Land Acquisition Policy.

A. Federal programs

The first section deals with programs of real property acquisition which are funded entirely by the Federal Government. This would include programs of the Department of Defense, the General Services Administration, the Post Office Department, and others. Section A also gives the President responsibility for establishing relocation regulations to achieve government-wide uniformity and compliance.

In Federal programs, independent businessses and displaced persons may elect either to receive "fair and reasonable" relocation payments as administratively determined according to the uniform regulations or to accept fixed relocation payments. The amounts of the "fair and reasonable" relocation payment is not set, but the President is to be guided by the fact that $25,000 is set as the upper limit for the 100 percent Federal share of relocation payments in Federally assisted programs.

Displaced persons who elect to accept fixed payments will receive (1) a moving expense allowance up to $200; (2) a dislocation allowance not greater than the moving expense allowance or $100, whichever is the lesser; and (3) an additional payment of $300 if the displaced person purchases a residence within 1 year from the date of actual displacement; (4) an additional payment for certain reasonable and necessary expenses incurred as a result of the conveyance of his real property to the acquiring Federal agency. The wide variation in these closing costs make it impossible to establish a fixed payment.

A displaced farm operator has the option of accepting a fixed payment of $1,000 in lieu of reimbursement for his fair and reasonable expenses. This provision is designated primarily to assist the small farm operator.

In addition to the other payments, low-income displaced families, elderly individuals, or handicapped persons for whom public housing units are not available are entitled to monthly payments of not to exceed $1,000 over two years. Not more than $500 in the first 12 months and $500 in the second 12 months shall be available for relocation in "decent, safe, and sanitary housing" of modest standards.

In addition to the relocation payments, Federal agencies are to provide relocation services to displacees and to other persons occupying property adjacent to the real property acquired who have suffered substantial economic injury as a result of the Federal action. These services shall include the assurance that there will be available to displaced homeowners and tenants "decent, safe, and sanitary" housing at prices within their financial means and in areas reasonably accessible to their places of employment. Owners of displaced businesses and displaced farm operators are also to be assisted in reestablishing themselves in suitable locations. Other governmental programs are to be used to minimize hardships to displacees and to assure coordination of relocation activities.

The Housing Act of 1961 authorized the Small Business Administration to make loans on favorable terms to displaced business concerns suffering substantial economic injury. The Uniform Relocation Act (section 4d) extends this assistance to any small business concern adversely affected even though not actually displaced.

Another provision of Part A makes it clear that the same requirements for relocation payments and assistance programs shall apply when a State agency acquires real property for a Federal public improvement project.

B. Federally assisted programs

This part requires that State and local government agencies administering Federally assisted development programs provide certain relocation payments, services, and housing assurances as a condition of payment of Federal funds. These are to follow the stipulations in part A with the added provision that 100 percent Federal reimbursement may be made up to $25,000 for any displaced person. Above $25,000, Federal agencies will contribute to the additional cost according to the project's cost-sharing formula.

C. Land acquisition policy

Although the subject of land acquisition policies was considered by the Senate Committee on Government Operations, it was decided that most of the issues were too complicated to deal with along with relocation policies. Only some relatively minor provisions were incorporated into S. 1681 as part C, section 10. Section 10 is similar to section 402 of the Housing and Urban Development Act of 1965 which deals with land acquisition policies administered under Department of Housing and Urban Development programs. These provisions are now applied to all Federal and Federally assisted programs. In the case of Federal development programs, section 10 calls for negotiated purchase of property whenever possible and a 90-day notice before owners and tenants must surrender property. In the case of Federally assisted programs, it requires that both of the above policies shall apply and also requires, in cases where agreement on prices has not been reached, immediate payment of 75 percent of the appraisal value of the property to the owner, with the balance deposited with the court.

III. EFFECT OF S. 1681 ON MASS TRANSIT RELOCATION PROGRAM

Section C concerning land acquisition policy already applies to the mass transit program. This was affected through the Housing and Urban Development Act of 1965. The other provisions concerning relocation payments and assistance would, however, liberalize relocation provisions of the mass transit act.

Presently the maximum relocation payments in the transit program are $200 (principally moving costs) for an individual or family. The new legislation would allow a $200 moving cost; a dislocation allowance up to $100; an additional $300 if the displaced person purchases a residence within a year; and an additional sum for closing costs. Also, an individual or family may elect to receive an administratively determined "fair and reasonable" sum rather than the relatively fixed sums just mentioned.

As to relocation assistance, the mass transit act requires an adequate relocation program and the provision of decent, safe, and sanitary dwellings for families only; individuals are not covered. Under S. 1681, individuals would also be covered and relocation services would be increased.

In the case of businesses, the $3,000 maximum authorized for terminated firms by the mass transit legislation would be changed by S. 1681. The businessman would have the choice of (1) reimbursement equal to the cost of moving personal property, or (2) a sum equal to his average annual net earnings or $5,000, whichever is less.

If a displaced business reestablishes, under the mass transit act a maximum of $3,000 is placed on the amount payable for loss of property, or moving expenses and loss of property combined. However, a firm may receive up to $25,000 for certified moving expenses only. No relocations assistance is provided. Under S. 1681, Federal reimbursement for authorized relocation expenses (to be administratively determined) could go to $25,000. Above $25,000, there would be Federal-State cost sharing according to the formula of mass transit programs (two-thirds Federal, one-third State). Relocation services would be extended not only to displaced businesses, but to businesses which have suffered economic injury as a result of the transit project. The Small Business Administration is also authorized to make loans on favorable terms to both displaced and economically injured businesses.

Thus, it can be seen that the relocation provisions of the Urban Mass Transportation Act would be substantially extended if S. 1681 were to become law. Up to now, there has not been any substantial construction of mass transit facilities with Federal aid which required relocation payments and assistance. However, San Francisco's new 75-mile rapid transit system will probably cause some dislocation of individuals and businesses, and it is receiving Federal aid. The Department of Housing and Urban Development has just announced approval of a $13,100,000 capital grant to the San Francisco Bay Area Rapid Transit District which included $328,000 in relocation funds. As of now, these funds would be administered under the relocation provisions of the Urban Mass Transportation Act of 1964.

COMMENDATION TO OAS PEACE FORCE

The **SPEAKER**. Under previous order of the House, the gentleman from Alabama [Mr. Selden] is recognized for 5 minutes.

Mr. **SELDEN**. Mr. Speaker, a year ago our news media were crammed with reports about the outbreak of civil strife in the Dominican Republic. President Johnson's timely dispatch of troops to that troubled land evoked much debate.

Unfortunately, international success stories seldom attract the attention devoted to fearful events. I would like to call to your attention a little publicized but enormously significant, episode relative to the Dominican situation.

Today the last troops of the Inter-American Peace Force withdrew from the Dominican Republic. Their departure marks the conclusion of one of the most heartening and successful ventures in international peace-keeping.

Time and the rush of new crises make us forget the dimensions of the problem the hemisphere faced a year ago in Santo Domingo. Then, that troubled country threatened to erupt into a savage battlefield. The result would have been scores of innocent people slaughtered, the economy wrecked, the governmental structure disintegrated. At the same time, the Communists were actively promoting their own designs on the chaotic situation.

There are those who argue that the Dominicans should have been permitted to settle their enmities by a bloodbath, come what may. I strongly dissent.

Had the civil war continued, it would have engendered new fiery hatreds with which Dominicans would later have had to contend. Had the civil strife continued, the ravage to that country would have imposed a severe burden upon future generations. Had the battle continued, the possibility of a Communist seizure of power could not be ruled out. In short, I am unable to understand the contention that the Dominican people, and democracy, would have been served by continued battle.

President Johnson's decision to act gained time for the inter-American regional system to seize the initiative. In arranging a cease-fire, in working out a political settlement between the two contending camps, in helping the Provisional Government get the economy moving again, in cooperating in arrangements for a free election last June, the OAS performed an incalculable service for the entire hemisphere.

Throughout the tense period of reconstruction, the presence of the Inter-American Peace Force became a significant factor in enabling the OAS to pursue a peaceful solution for the Dominican people. Men of six nations, speaking three languages, conducted a remarkably smooth operation in a delicate situation. As they return to their homelands, these troops deserve our commendation and gratitude for a sensitive job well done.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Watkins) to revise and extend their remarks and to include extraneous matter:)

Mr. Quie, for 30 minutes, today.

Mr. Kupferman, for 60 minutes, on Wednesday, September 28.

Mr. Halpern, for 10 minutes, today.

Mr. Halpern, for 10 minutes, tomorrow.

Mr. Cohelan (at the request of Mr. Waldie), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Selden (at the request of Mr. Waldie), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Dingell (at the request of Mr. Waldie), for 60 minutes, on September 28, 1966; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Whitten to revise and extend his remarks made in Committee today.

Mr. Nedzi (at the request of Mr. Hébert) was given permission to insert a letter from Secretary Morris in his statements during the Committee of the Whole.

At the request of Mr. Watkins, all Members may have 5 legislative days to revise and extend their remarks in connection with Mr. Curtis' special order of today.

Mr. Kastenmeier.

(The following Members (at the request of Mr. Watkins) and to include extraneous matter:)

Mr. Roudebush.

Mr. Collier.

(The following Member (at the request of Mr. Waldie) and to include extraneous matter:)

Mr. Cooley.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3553. An act for the relief of Mrs. Mary T. Brooks; to the Committee on the Judiciary.

SENATE ENROLLED BILLS SIGNED

The **SPEAKER** announced his signature to enrolled bills of the Senate of the following titles:

S. 146. An act for the relief of Delma S. Pozas;

S. 153. An act for the relief of Matsusuke Tengan;

S. 372. An act for the relief of Antonio Jesus Senra (Rodriguez) and his wife, Mercedes M. Miranda de Senra;

S. 766. An act for the relief of Lt. Samuel R. Rondberg, U.S. Army Reserve;

S. 993. An act for the relief of Dr. Oscar Valdez Cruz;

S. 1120. An act for the relief of Dr. Ortelio Rodriguez Perez;

S. 1571. An act for the relief of Kermit Wager, of Lebanon, S. Dak.;

S. 2177. An act for the relief of Donald I. Abbott;

S. 2265. An act for the relief of Konstadyna Byni Deliroglou and her minor child, Alexandros Deliroglou;

S. 2287. An act to authorize a 5-year hydrologic study and investigation of the Delmarva Peninsula;

S. 2348. An act for the relief of Dr. Jorge G. Echenique;

S. 2376. An act for the relief of Dr. Mario Presman;

S. 2447. An act for the relief of Dr. Arturo Victor Fajardo-Carpio;

S. 2529. An act for the relief of Dr. Felix Hurtado Perez;

S. 2555. An act for the relief of Kim Kin Soon;

S. 2626. An act for the relief of Dr. Argyrios A. Tsifutis;

S. 2789. An act for the relief of Dr. Alberto Oteiza;

S. 2796. An act for the relief of Dr. Rafael Anrrich;

S. 2800. An act for the relief of George Joseph Suad;

S. 2838. An act for the relief of Irene Snyder;

S. 2865. An act for the relief of Dr. Alfredo Hernandez;

S. 2869. An act for the relief of Dr. Jose Enrique Diaz;

S. 2945. An act for the relief of Dr. Jaime E. Condom Valera;

S. 2973. An act to permit Edward C. Bower to serve as a director of the Virgin Islands National Bank prior to his obtaining U.S. citizenship;

S. 3189. An act for the relief of Dr. Alonso Portuondo; and

S. 3272. An act for the relief of Dr. Jacobo Albo Maya.

ADJOURNMENT

Mr. WALDIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 48 minutes p.m.) the House adjourned until tomorrow, Thursday, September 22, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2738. A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting the statistical supplement, stockpile report to the Congress, for the period ending June 30, 1966, pursuant to the provisions of Public Law 79-520; to the Committee on Armed Services.

2739. A letter from the Comptroller General, transmitting a report of review of the policy of leasing motor vehicles for use by Government contractors, Department of Defense; to the Committee on Government Operations.

2740. A letter from the Assistant Secretary, Treasury Department, transmitting a certified copy of amendments to the regulations governing the standards for numbering of undocumented vessels, pursuant to the provisions of 46 United States Code 527d; to the Committee on Merchant Marine and Fisheries.

2741. A letter from the Under Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend title XVIII of the Social Security Act to authorize payments to Federal providers of services for services furnished to individuals entitled to benefits under such title; to the Committee on Ways and Means.

2742. A letter from the Comptroller General, transmitting a report of examination of financial statements of Columbia River Federal power system, fiscal year 1965, Departments of the Army and the Interior; to the Committee on Government Operations.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Report on Reorganization Plan No. 4 of 1966 (National Zoological Park) (Rept. No. 2048). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operation. Report on Reorganization Plan No. 5 of 1966 (National Capitol Regional Planning Council) (Rept. No. 2049). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 17083. A bill to establish a U.S. Committee on Human Rights to prepare for participation by the United States in the observance of the year 1968 as International Human Rights Year, and for other purposes; with amendment (Rept. No. 2050). Referred to the Committee of the Whole House on the State of the Union.

Mrs. KELLY: Committee on Foreign Affairs. Report entitled "The Crisis in NATO" (Rept. No. 2051). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on Foreign Affairs. S. 2463. An act to grant the consent of the Congress to the acceptance of certain gifts and decorations from foreign governments, and for other purposes (Rept. No. 2052). Referred to the House Calendar.

Mr. DAWSON: Committee on Government Operations. H.R. 14249. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments (Rept. No. 2062). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee of conference. Conference report on S. 3467. An act to amend the National School Lunch Act, as amended, to strengthen and expand food service programs for children (Rept. No. 2063). Ordered to be printed.

Mr. RIVERS of South Carolina: Committee of conference. Conference report on H.R. 14088. An act to amend chapter 55 of title 10, United States Code, to authorize an improved health benefits program for retired members and members of the uniformed services and their dependents, and for other purposes (Rept. No. 2064). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H.R. 6226. A bill for the relief of Dr. Bienvenido Benach Carreras; with amendment (Rept. No. 2053). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 6658. A bill for the relief of Dr. Hilda Wenceslaa Perez de Gonzalez (Rept. No. 2054). Referred to the Committee of the Whole House.

Mr. GILBERT: Committee on the Judiciary. H.R. 6899. A bill for the relief of Dr. Myriam de la Caridad Ares y Fernandez de Bosch; with amendment (Rept. No. 2055). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 10259. A bill for the relief of Dr. Allan Baumal (Rept. No. 2056). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 11224. A bill for the relief of Dr. Pedro Raphael (Rept. No. 2057). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 11590. A bill for the relief of Dr. Jacinta Llorens (Rept. No. 2058). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 12317. A bill for the relief of Dr. Augusto J. Fernandez Conde; with amendment (Rept. No. 2059). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 13101. A bill for the relief of Mario P. Navarro, doctor of medicine (Rept. No. 2060). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 16610. A bill for the relief of Dr. Antonio Rondon Delgado; with amendment (Rept. No. 2061). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BANDSTRA:

H.R. 17872. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. CURTIS:

H.R. 17873. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. BARING:

H.R. 17874. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 17875. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. COHELAN:

H.R. 17876. A bill to provide uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs; to the Committee on Public Works.

By Mr. COLLIER:

H.R. 17877. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 17878. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities for the control of water or air pollution, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. CORBETT:

H.R. 17879. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 17880. A bill to provide assistance to certain States bordering the Mississippi River in the construction of the Great River Road; to the Committee on Public Works.

By Mr. MOELLER:

H.R. 17881. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. O'NEILL of Massachuetts:

H.R. 17882. A bill to amend the Social Security Act to extend the programs of health insurance for the aged under title XVIII of such act to include items and services provided in foreign countries; to the Committee on Ways and Means.

By Mr. POWELL:

H.R. 17883. A bill to provide training opportunities for persons employed in the legislative branch of the Government; to the Committee on Post Office and Civil Service.

By Mr. ROGERS of Florida:

H.R. 17884. A bill to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHISLER:

H.R. 17885. A bill to establish a National Council for the Handicapped, and to declare a national policy for the adjustment, education, rehabilitation, and employment of the handicapped, with emphasis upon development of the handicapped in a manner calculated to enable them to take their rightful place in society, and for other purposes; to the Committee on Education and Labor.

By Mr. SECREST:

H.R. 17886. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. TODD:

H.R. 17887. A bill to amend title 38 of the United States Code so as to increase to $25,000 the amount of servicemen's group life insurance which may be carried by members of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. ASHMORE:

H.R. 17888. A bill to amend the joint resolution of January 25, 1923, to require Members of the House of Representatives and their employees to make certain certifications with respect to expenditures made from clerk hire funds for compensation of employees; to the Committee on House Administration.

By Mr. CLEVENGER:

H.R. 17889. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. CURTIS:

H.R. 17890. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 17891. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Ways and Means.

By Mr. FRIEDEL:

H.R. 17892. A bill to increase the membership of the Board of Visitors to the Naval Academy, and for other purposes; to the Committee on Armed Services.

By Mr. GILLIGAN:

H.R. 17893. A bill to amend title 38 of the United States Code so as to increase the rates of financial assistance under the veterans' educational assistance program of that title and to broaden that program to provide for assistance in on-the-job training programs, on-the-farm training programs, and certain flight training; to the Committee on Veterans' Affairs.

By Mr. NEDZI:

H.R. 17894. A bill to prohibit the payment of compensation to a spouse or child of a Senator or Member of the House of Representatives employed in certain positions; to the Committee on House Administration.

By Mr. TEAGUE of Texas:

H.R. 17895. A bill to impose certain safeguards on investigations carried out by Federal agencies; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 17896. A bill to eliminate the test of financial need as a prerequisite for the sale of feed for livestock in emergency areas; to the Committee on Agriculture.

H.R. 17897. A bill to provide additional drought disaster relief by reimbursement of one-half the cost of shipment of hay; to the Committee on Agriculture.

By Mr. MORTON:

H.R. 17898. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 17899. A bill to strengthen the regulatory and supervisory authority of Federal agencies over insured banks and insured savings and loan associations, to increase the maximum amount of insured accounts or deposits to $15,000 and for other purposes; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 17900. A bill to strengthen the regulatory and supervisory authority of Federal agencies over insured banks and insured savings and loan associations, and for other purposes; to the Committee on Banking and Currency.

By Mr. TENZER:

H.R. 17901. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TUNNEY:

H.R. 17902. A bill to amend the Federal Deposit Insurance Act and title IV of the National Housing Act to increase the amount of insurance applicable to bank deposits and savings and loan accounts to $20,000; to the Committee on Banking and Currency.

By Mr. ADAIR:

H.J. Res. 1305. Joint resolution to authorize the President to proclaim the last week in October of each year as National Water Awareness Week; to the Committee on the Judiciary.

By Mr. MULTER:

H.J. Res. 1306. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. McCLORY:

H.J. Res. 1307. Joint resolution authorizing participation by the United States in parliamentary conferences with Japan; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 17903. A bill for the relief of Vilis Lapenieks; to the Committee on the Judiciary.

By Mr. CURTIN:

H.R. 17904. A bill for the relief of Lamia Julian; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 17905. A bill for the relief of Mrs. Maria Isabella Liebena Caldwell; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 17906. A bill for the relief of Elias S. Mourokas; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 17907. A bill for the relief of Theofane Spirou Koukos; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17908. A bill for the relief of Mrs. Laureana Bernardina Cal de Rodriguez; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 17909. A bill for the relief of Angela Liotta; to the Committee on the Judiciary.

By Mr. VIVIAN:

H.R. 17910. A bill for the relief of Young Kill Lee; to the Committee on the Judiciary.

SENATE

WEDNESDAY, SEPTEMBER 21, 1966

The Senate met at 11 o'clock a.m., and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

Rev. Edward B. Lewis, pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

Dear Lord and Father of mankind, we are aware of the availability of your presence as we assemble here in the U.S. Senate. We know that you will not force yourself upon this body of leaders, but you will be the supporting spiritual help in their debate and decision as they give you room in body, mind, and soul. Through this prayer, we invite and beseech Thy presence and Thy help.

We are a nation, under God, because our forefathers found room for Thee in their lives and activities. Dear Lord, may we continue to be a nation, under God, as we build on our spiritual foundation and find divine leadership for these important days. Bless this Nation and all nations, we pray in the Master's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 21, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 20, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on September 20, 1966, the President had approved and signed the following act and joint resolution:

S. 254. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Tualatin Federal reclamation project, Oregon, and for other purposes; and

S.J. Res. 178. Joint resolution to delete the interest rate limitation on debentures issued by Federal intermediate credit banks.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 146. An act for the relief of Delma S. Pozas;

S. 153. An act for the relief of Matsusuke Tengan;

S. 372. An act for the relief of Antonio Jesus Senra (Rodriguez) and his wife, Mercedes M. Miranda de Senra;

S. 766. An act for the relief of Lt. Samuel R. Rondberg, U.S. Army Reserve;

S. 993. An act for the relief of Dr. Oscar Valdes Cruz;

S. 1120. An act for the relief of Dr. Ortelio *Rodriguez Perez;*

S. 1449. An act for the relief of Dr. Enrique Ramon Ducassi;

S. 1571. An act for the relief of Kermit Wager, of Lebanon, S. Dak.;

S. 2177. An act for the relief of Donald I. *Abbott;*

S. 2265. An act for the relief of Konstadyna Byni Deliroglou and her minor child, Alexandros Deliroglou;

S. 2348. An act for the relief of Dr. Jorge G. Echenique;

S. 2376. An act for the relief of Dr. Mario Presman;

S. 2447. An act for the relief of Dr. Arturo Victor Fajardo-Carpio;

S. 2529. An act for the relief of Dr. Felix Hurtado Perez;

S. 2555. An act for the relief of Kim Kin Soon;

S. 2626. An act for the relief of Dr. Argyrios A. Tsifutis;

S. 2789. An act for the relief of Dr. Alberto *Oteiza;*

S. 2796. An act for the relief of Dr. Rafael Anrrich;

S. 2800. *An act for the relief of George* Joseph Saad;

S. 2838. An act for the relief of Irene Snyder;

S. 2854. An act for the relief of Dr. Gottfried R. Kaestner;

S. 2865. *An act for the relief of Dr. Alfredo* Hernandez;

S. 2869. An act for the relief of Dr. Jose Enrique Diaz;

S. 2945. An act for the relief of Dr. Jaime E. Condom Valera;

S. 2946. An act for the relief of Dr. Mario v. Machado Espinosa;

S. 2973. An act to permit Edward C. Bower to serve as a director of the Virgin Islands National Bank prior to his obtaining U.S. citizenship;

S. 3189. An act for the relief of Dr. Alonso Portuondo; and

S. 3272. An act for the relief of Dr. Jacobo Albo Maya.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16559) to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LENNON, Mr. ROGERS of Florida, Mr. GILBERT, Mr. MOSHER, and Mr. PELLY were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1474) to create a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government, and it was signed by the Vice President.

COMMITTEE MEETINGS DURING *SENATE SESSION*

On request of Mr. MANSFIELD, and by unanimous consent, all committees except the Committee on Finance were authorized to meet until 12 o'clock noon today.

THE CALENDAR

Mr. MANSFIELD. Mr. President, notwithstanding the previous agreement, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1574, and the succeeding measures in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN SERVICE BUILDINGS ACT, 1926, *AUTHORIZING ADDITIONAL* APPROPRIATIONS

The Senate proceeded to consider the bill (H.R. 14019) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes, which had been reported from the Committee on Foreign Relations, with an amendment, on page 5, after line 6, to insert a new section, as follows:

SEC. 4. The Foreign Service Buildings Act, 1926, is amended by adding at the end thereof the following new section:

"SEC. 10. Notwithstanding the provisions of this or any other Act, no lease or other rental arrangement for a period of less than ten years, and requiring an annual payment in excess of $25,000, shall be entered into by the Secretary of State for the purpose of renting or leasing offices, buildings, grounds, or living quarters for the use of the Foreign Service abroad, unless such lease or other rental arrangement is approved by the Secretary. The Secretary may delegate his authority under this section only to the Deputy Under Secretary of State for Administration or to the Director of the Office of Foreign Buildings. The Secretary shall keep the Congress fully and currently informed with respect to leases or other rental arrangements approved under this section."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1607), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The principal purpose of the bill is to provide an authorization totaling $55,160,000 for construction and operations of Foreign Service buildings abroad; $29,810,000 of this amount is for the acquisition (by purchase or construction) and for preparation of facilities by major alterations of sites and buildings. This amount is to be available for the fiscal years 1967 and 1968. The sum of $25,350,000 of the authorization is for operational costs as distinct from building costs. This amount is for use in fiscal years 1968 and 1969. The bill also amends the basic foreign buildings legislation so as to clarify the authority of the Department of State to negotiate short-term leases including options to purchase at fixed prices. The bill also enlarges the authority of the Department of State to dispose of real property acquired under the Foreign Service Buildings Act, 1926.

Authorizations and appropriations for the foreign buildings program since the Foreign Service Buildings Act, 1926

[In thousands of dollars]

Public law	Authorizations [1]		Appropriations		
	Foreign currency	Dollars	Fiscal year	Foreign currency	Dollars
186, 69th Cong., May 7, 1926		10,000			
Do			1926		435
Do			1927		700
Do			1928		1,300
Do			1929		2,700
Do			1930		1,700
Do			1931		2,000
Do			1934		1,165
145, 74th Cong., June 15, 1935		300			
260, 74th Cong., Aug. 12, 1935		1,325			
Do			1935		1,165
543, 75th Cong., May 25, 1938		5,000			
Do			1940		750
Do			1941		300
Do			1942		450
Do			1943		275
Do			1944		144
Do			1945		220
Do			1946		1,000
Do			1947		1,000
547, 79th Cong., July 25, 1946	110,000	15,000			
Do			1948	50,000	1,500
Do			1949	35,900	
Do			1950	13,000	
547, 79th Cong., July 25, 1946—Con.					
Do			1951	2,950	
Do			1952	7,500	
399, 82d Cong., June 19, 1952	90,000				
Do			1953	6,500	
Do			1954	[2] 3,316	
Do			1955	[3] 3,000	1,000
Do			1956	7,500	1,000
Do			1957	14,000	5,000
Do			1958	15,000	3,500
Do			1959	15,000	3,000
Do			1960	16,739	633
Do			1961	10,495	228
86-723, Sept. 8, 1960		10,000			
Do			1962	9,100	900
87-743, Oct. 18, 1962	7,000	3,000	1963	7,000	3,000
88-94, Aug. 12, 1963		49,824			
Do			1964	13,500	4,625
88-414, Aug. 10, 1964		[4] 24,600			
Do			1965	14,000	4,125
89-22, May 21, 1965		1,000			
Do			1966	14,000	5,125
Total	207,000	120,049		257,600	48,940

[1] Data are exact, since both authorizations and appropriations have been enacted in even thousands of dollars.

[2] Transferred from "Government in occupied areas" pursuant to Public Law 83-207.

[3] Of this amount, $1,000,000 was transferred from "Government in occupied areas" pursuant to Public Law 83-663.

[4] For "Other purposes" of act only.

BACKGROUND

Since its inception in 1926, the Foreign Service buildings program has been funded by the authorizations and appropriations in the above table.

The funds authorized in 1964 were for operations; funds authorized in 1965 were for a new chancery building in Saigon. Financing for acquisition of sites and buildings during this period has come from the $49,824,000 authorized in 1963. These funds, which were expected to finance a 2-year program, have in fact been stretched to cover 3 years and are now virtually exhausted.

The committee draws attention to the fact that, since the inception of the program, nearly 84 percent of the funds appropriated were used to purchase U.S.-owned foreign currencies.

As a result of the program, the United States, at its 275 posts abroad, has long-term lease agreements or owns the following improved properties: 242 office buildings, 171 residences for ambassadors and other principal officers, 377 residences for other officers and attachés, 290 apartment buildings with an aggregate of 1,967 apartments, and 151 other buildings such as warehouses and garages. These properties are carried on the books at approximately $250 million.

COMMITTEE ACTION

The executive branch's proposed amendments to the Foreign Service Buildings Act were transmitted to the Senate on May 26, 1965, and introduced by the chairman (by request) as S. 2073 on June 2, 1965. On June 13, 1966, the House of Representatives, by a vote of 290 to 3, passed H.R. 14019, which was subsequently referred to the Foreign Relations Committee. That bill was an amended version of the original administration request.

The major differences between the bill passed by the House and the executive branch request are in the amounts shown by the following table:

Area	Original executive request	House bill
Africa	$6,525,000	$5,485,000
American Republics	9,410,000	7,920,000
Europe	4,335,000	3,310,000
Far East	5,340,000	3,150,000
Near East	8,790,000	6,930,000
Area subtotal	34,400,000	26,795,000
USIA	865,000	615,000
Agricultural and defense attaché housing	800,000	800,000
Total	36,065,000	28,210,000
House reduction		−7,855,000
Additional funds for Saigon chancery		1,600,000
Net House reduction		−6,255,000

The House reduced the request by $7,855,000 but added an additional $1,600,000 for the Saigon chancery, resulting in a net reduction of $6,255,000. These reductions were arrived at in consultation with the executive branch and have its support.

The Committee on Foreign Relations held an executive hearing on June 24, 1966, at which the Honorable William J. Crockett, Deputy Under Secretary of State for Administration, and Mr. Ralph Scarritt, Director of the Office of Foreign Buildings, Department of State, testified. Their prepared statements are appended to this report. Mr. Scarritt appeared again in executive session on August 30, 1966. On September 15, 1966, the committee ordered H.R. 14019 favorably reported to the Senate with an amendment.

WHAT THE BILL DOES

The authorization of $29,810,000 for purchase, construction, major alteration, and long-term leasing of buildings is broken down by areas and agencies as shown in the preceding table. The following table shows the expected expenditures by post and by fiscal year, together with the separate authorization of appropriations of operational expenses:

DEPARTMENT OF STATE FOREIGN BUILDINGS OPERATIONS 2-YEAR PROPOSED BUILDING PROGRAM

Acquisition and construction (fiscal year 1967–68)—Operations (fiscal year 1968–69)

[In thousands of dollars]

Area, country, and post	1967	1968
Africa:		
Algeria, Algiers		1,375
Cameroun, Yaounde		225
Congo, Léopoldville		450
Ivory Coast, Abidjan	100	60
Liberia, Monrovia	175	
Libya, Tripoli		1,200
Malagasy, Tananarive	500	
Nigeria, Kaduna		215
Rhodesia, Salisbury	60	
Senegal, Dakar	80	
Sierra Leone, Freetown	555	
South Africa, Capetown	65	
Sudan, Khartoum	275	75
Tanzania, Dar-es-Salaam	75	
Subtotal, Africa	1,885	3,600
American Republics:		
Brazil, Brasília	670	2,400
Colombia, Bogotá	100	2,190
Costa Rica, San Jose	20	300
Ecuador, Quito		35
Guatemala, Guatemala City		1,500
Jamaica, Kingston	630	
Peru, Lima	65	10
Subtotal, American Republics	1,485	6,435
Europe:		
Austria, Vienna		100
Canada, Ottawa		885
Germany, Hamburg		90
Guyana, Georgetown	60	
Ireland, Dublin	45	
Rumania, Bucharest	500	1,000
Subtotal, Europe	695	2,075

DEPARTMENT OF STATE FOREIGN BUILDINGS OPERATIONS 2-YEAR PROPOSED BUILDING PROGRAM—continued

Acquisition and construction (fiscal year 1967–68)—Operations (fiscal year 1968–69)—Continued

[In thousands of dollars]

Area, country, and post	1967	1968
Far East:		
Australia:		
Adelaide	45	
Brisbane	45	
Sydney	200	
Japan, Tokyo	220	
Laos, Vientiane		100
Malaysia, Kuala Lumpur		700
New Zealand, Wellington	35	550
Taiwan, Taipei	15	1,240
Vietnam, Saigon	1,600	
Subtotal, Far East	2,160	2,590
Near East and south Asia:		
Afghanistan, Kabul	35	880
Greece, Athens	250	
Lebanon, Beirut	100	2,000
Saudi Arabia, Jidda		105
Turkey, Ankara	160	160
Subtotal, Near East and south Asia	545	3,145
Dollar part of excess foreign currency projects	1,435	2,345
U.S. Information Agency	430	185
Agriculture and Defense	400	400
Total capital program	9,035	20,775
2-year total	29,810	
Total	1968	1969
Operations	12,600	12,750
2-year operation total	25,350	
Grand total (sum of both 2-year totals)	55,160	

The increased sum for the chancery at Saigon is included in these totals but is separately authorized. The $1,600,000 additional authorization will make possible the addition of two floors and a two-story annex to the building authorized last year. The larger structure will accommodate 242 American and local personnel instead of 75 as proposed in 1965.

The bill continues in law the principle that "To the maximum extent feasible, expenditures under this Act shall be made out of foreign currencies owned by or owed to the United States." The executive branch witnesses estimate that approximately 60 percent of the funds spent will be in foreign currencies. Also continued in effect is the authority to transfer up to 10 percent of the funds between any of the geographic areas or executive branch agencies. Funds may not be transferred as between operation and acquisition authorizations.

The new subsection being added by section 2 is essentially a bookkeeping amendment. It will permit the acquisition of property by the exercise of options to purchase which are contained in short-term leases (less than 10 years), and the application to the purchase price of all or part of the prepaid rents without reimbursement to the appropriation funding the rent payment. The General Accounting Office has in the past questioned this practice because short-term leases are funded from an account other than the Foreign Service buildings account, and to the extent that moneys are applied to future purchases, the Foreign Service buildings account is augmented commensurately. The funds involved are relatively small and are calculated at less than $1 million. Section 2 removes controversy on this point.

The amendment contained in section 3 substitutes a new section 9 in the basic legislation, broadening the authorities previously set forth in the section in three respects:

(1) The original section permitted the Secretary of State to sell real property acquired under the terms of the act and to use the proceeds for the purchase, construction, furnishing, and preservation of other properties. The new section will allow him to sell, exchange, lease, or license property or property interests acquired under the act. The new authority provides flexibility in administering property interests so as to cover situations where real values may be depressed at a time when the property becomes surplus to U.S. needs or when future U.S. needs are uncertain. It will make possible better commercial terms for and more flexible handling of U.S. surplus properties.

(2) This section will authorize the receipt of payment in whatever form, or in kind, for damage to or destruction of buildings or their contents. Such payments, whenever made, are now covered into the general receipts of the Treasury and not deposited into the account of the Foreign Service buildings fund. The new provision will allow these payments, in whatever form, to be received by the Secretary of State instead. This, too, is largely a bookkeeping change.

(3) The Secretary will be authorized to accept gifts of real or personal property under the authority of the Foreign Service Buildings Act. Similar provisions are found in numerous other laws.

The proceeds derived from any of the transactions authorized by the new section 9 are to be applied toward acquisition, construction, or other purposes authorized by the bill or held in the Foreign Service building fund, as in the judgment of the Secretary will best serve the Government's interest. An annual report on these transactions is required to be submitted to Congress with the budget estimates of the Department of State.

The new section 10 requires the approval by the Secretary of State for leases or other rental arrangements for periods of 10 years or less which involve annual rental payments of $25,000 or more. It provides that the Secretary of State may delegate this authority only to the Deputy Under Secretary of State for Administration or to the Director of the Office of Foreign Buildings. The section is designed to insure greater State Department supervision over the execution of short-term leases negotiated abroad.

COMMITTEE RECOMMENDATIONS

The committee finds the Department's authorization request to be reasonable. The amounts and changes in existing authority should serve to give greater strength and flexibility to the Foreign Service buildings program. The funds will enable the Department of State to provide an additional 34 office buildings, 10 principal officer residences, 52 senior officer residences, and 104 separate living units for staff personnel and Marine guards. It is also to be stressed that the funds provided in this bill serve to meet the needs not only of the Foreign Service but also for USIA personnel, military, agricultural, and other attaches, AID, and other departments and agencies having personnel abroad. The other changes will enable the Foreign Service buildings program to make better use of what it has.

The Committee on Foreign Relations recommends enactment of H.R. 14019 as reported.

INTERPRETATION AND ADMINISTRATION OF THE COMMON VARIETIES ACT

The Senate proceeded to consider the bill (S. 3485) to amend section 3 of the act of July 23, 1955 (ch. 375, 69 Stat. 368) which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 13, after the word "limestones", to insert "or"; in the same line, after the word "talc", to insert "perlite, vermiculite, diatomaceous earth,"; in line 15, after the word "additives", to insert "or"; and in line 22, after the word "or", to strike out "more; or (3) any material considered as concrete aggregate which will meet Federal or State or other government concrete aggregate specifications, with or without treatment or beneficiation." and insert "more."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of July 23, 1955 (ch. 375, 69 Stat. 368), is amended to read:

"No deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders, and no deposit of petrified wood, shall be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claims hereafter located under such mining laws: *Provided, however,* That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. 'Common varieties' as used in this Act shall not include deposits of such materials which have some chemical, physical, or chemical and physical, property or properties (other than lack or presence of physical properties of mere weight, volume, or strength), making them valuable mineral deposits under such mining laws. Use or usefulness for a common purpose or application shall not classify a material as a common variety. 'Common varieties' as used in this Act shall not include, among others: (1) limestones suitable for use in the production of cement, lime, extenders or fillers, or metallurgical or chemical grade limestones, or gypsum, talc, perlite, vermiculite, diatomaceous earth, and the like, whether or not any such material may require treatment, beneficiation or additives; or (2) travertine, marble, limestones, granites, or gabbros, suitable for use with or without shaping or sizing in the commercial construction of exposed portions of buildings, or suitable for high polishing or accurate shaping for monument, building plate, or surface plate purposes, or so-called block pumice which occurs in nature in pieces having one dimension of two inches or more. 'Common varieties' as used in this Act shall include, among others, deposits of sand, stone, gravel, pumice, pumicite, and cinders valuable and suitable for use only as fill, or as riprap, road base, or any other purpose where only lack or presence of the physical properties of mere weight, volume, or strength, is required. 'Petrified wood' as used in this Act means agatized, opalized, petrified, or silicious wood, or any other material formed by replacement of wood by silica or other matter. Terms used in this Act shall be understood and applied in the meaning they have in commerce and the construction and mining industries. Nothing contained in this Act shall be construed as relieving a claimant from any other requirements of the mining laws of the United States."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1608), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

The purpose of S. 3485 is to amend Public Law 167, 84th Congress, variously referred to as the "Common Varieties Act," or the "Materials Act" (69 Stat. 367; found in 30 U.S.C. 601), so that the law will be interpreted and administered in accordance with the legislative intent of the Congress in enacting it. The committee finds that the administrative agencies—namely, the Bureau of Land Management and the Forest Service—have not been interpreting and administering the act in accordance with such congressional intent.

The Common Varieties Act was enacted, in pertinent part, to prevent abuses of the mining laws by which persons who had no bona fide intention of developing mineral resources were acquiring large tracts of land and timber free of cost. One of the means used to prevent such abuses was to provide that certain minerals found in abundance in many different widespread areas of the public domain should no longer be locatable under the mining laws, but instead should be subject to lease by the Secretary of the Interior in accordance with the terms of the act. Specifically named as being subject to such leasing rather than location were common varieties of "sand, stone, gravel, pumice, pumicite, or cinders."

As administered, however, the committee finds that the Common Varieties Act has in itself given rise to many abuses; it is imposing inequitable hardship on bona fide mining men, and because of uncertainty as to just what the administrative agencies will determine to be a common variety, it is seriously impeding the development of the mineral resources of the public domain.

Such results never were intended by the Congress.

S. 3485 as reported from the committee attempts to remedy this pressing situation by setting forth, in section 3 of the act, certain standards and guidelines that must be followed by administrative agencies in determining whether a particular mineral is a common variety and hence subject to leasing by the Secretary of the Interior under the act rather than being locatable under the mining laws.

Also, deposits, of certain named minerals are specifically exempted in the proposed legislation from the Common Varieties Act, and hence bona fide locations of these minerals under the mining law would be valid, as was intended at the time of enactment of the 1955 act.

These minerals are named because they are ones concerning which the committee has received a number of complaints with respect to interpretation and administration of the law. They are not intended in any way to be exclusive. The committee records its firm legislative intent that the old legal maxim of "expressio unius est exclusio alterius" (the express mention of one implies exclusion of another) should not apply nor be invoked; rather the named minerals are to be considered examples, only, of materials to which the Common Varieties Act should not apply, per se. It would not apply to rhyolite, and ventonite, as specific instances, unless deposits of a particular type of such minerals were to be found in great abundance in many widespread areas of the public domain.

THE COMMITTEE AMENDMENTS

The committee amended S. 3485 as introduced by adding on page 2, line 13, three additional minerals that are not to be "common varieties."

On page 2, line 21, item (3) is stricken in its entirely as being inconsistent with both the 1955 act and with the provision that follows it in the bill.

Additional technical changes in the style and wording are made to clarify the meaning.

The committee submits that its amendments have met and rendered moot the basis of Interior's objection that the bill would bring about a return to pre-1955 conditions. Rather, the measure as amended will in fact bring about, it is hoped and expected, interpretation and administration of the 1955 Common Varieties Act in accordance with the legislative intent of the 84th Congress.

It would break the administrative backlog of mineral classifications and appeals by setting guidelines to insure that the intent of Congress is carried out. It would clear away the uncertainties of title and exposure to suit by the United States which now have frozen investment and development of natural resources. It would lift the burden and cost of fighting administrative proceedings brought under the Department of the Interior's erroneous construction of the law.

SURFACE VALUES PROTECTED

At the committee hearings, fears were expressed that enactment of S. 3485 would somehow deprive the Bureau of Land Management and the Forest Service of control over surface values of the lands in which are located the deposits of minerals not subject to the Common Varieties Act. The committee gave full and careful study to this matter, and concluded that these fears are groundless. S. 3485 amends only section 3 of the act. Section 4 remains in full force and effect. The text of this section is as follows:

"SECTION 4 OF PUBLIC LAW 167—84TH CONGRESS (ACT OF JULY 23, 1955; 69 STAT. 368, AS FOUND IN 30 U.S.C. 612)

"(a) Any mining claim hereafter located under the mining laws of the United States shall not be used, prior to issuance of patent therefor, for any purposes other than prospecting, mining or processing operations and uses reasonably incident thereto.

"(b) Rights under any mining claim hereafter located under the mining laws of the United States shall be subject, prior to issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject, prior to issuance of patent therefor, to the right of the United States, its permittees, and licensees, to use so much of the surface thereof as may be necessary for such purposes or for access to adjacent land: *Provided, however,* That any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto: *Provided further,* That if at any time the locator requires more timber for his mining operations than is available to him from the claim after disposition of timber therefrom by the United States, subsequent to the location of the claim, he shall be entitled, free of charge, to be supplied with timber for such requirements from the nearest timber administered by the disposing agency which is ready for harvesting under the rules and regulations of that agency and which is substantially equivalent in kind and quantity to the timber estimated by the disposing agency to have been disposed of from the claim: *Provided further,* That nothing in sections 601, 603, and 611–615 of this title shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridan relating to the ownership, control, appropriation, use, and distribution of ground or surface waters within any unpatented mining claim.

"(c) Except to the extent required for the mining claimant's prospecting, mining or processing operations and uses reasonably incident thereto, or for the construction of building or structures in connection therewith, or to provide clearance for such operations or uses, or to the extent authorized by the United States, no claimant of any mining claim hereafter located under the mining laws of the United States shall, prior to issuance of patent therefor, sever, remove, or use any vegetative or other surface resources thereof which are subject to management or disposition by the United States under subsection (b) of this section. Any severance or removal of timber which is permitted under the exceptions of the preceding sentence, other than severance or removal to provide clearance, shall be in accordance with sound principles of forest management."

It is submitted that the above provisions, which will continue to be applicable to all mining activities on the public lands after enactment of S. 3485, provide ample authority for prevention of abuse of the mining laws, and for protection of surface values.

BACKGROUND OF LEGISLATION

As stated, the Common Varieties Act was passed in July of 1955 primarily to prevent abuses of the mining laws, particularly in our national forests. It was sponsored in the 84th Congress by Senator ANDERSON of New Mexico who had been Secretary of Agriculture under President Truman.

At the hearings in May 1955, on Senator ANDERSON's bills S. 1713, conclusive evidence established the fact that the mining laws were being used by persons, who for the most part were not miners, to obtain title to hundreds of thousands of acres of valuable timber belonging to the people of the United States at no cost to themselves, and subject to little or no control by the Forest Service. The infamous *Al Sarena* case is a glaring example.

Also, mining claims were being used as a means of obtaining rent-free and cost-free tracts of land belonging to the people of the United States for taverns, motels, and other commercial enterprises which bore no relationship to mining.

It was to correct such situations that the Common Varieties Act was enacted.

The Interior Committee's report on the 1955 measure, after setting forth the purposes and needs for the legislation, specifically states: "At the same time, the measure faithfully safeguards all of the rights and interests of bona fide prospectors and mine operators. In no way would it deprive them of rights and means for development of the mineral resources of the public lands of the United States under the historic principles of free enterprise and private ownership of the present mining laws (S. Rept. 554, 84th Cong.)."

Certainly the objectives of Public Law 167 as enacted, with the congressional intent as set forth in the quoted paragraph, were praiseworthy, and unquestionably the measure, within the framework of the purposes, intent, and safeguards for legitimate mining, was necessary. The mining industry, on the whole, supported the purposes and objectives of the law.

Several years after enactment of the law, when protests against administrative decisions began to reach the adjudication stage, the committee commenced to receive reports and complaints in increasing volume, primarily from small, independent operators, of harsh, narrow interpretation and administration of the act by the Bureau of Land Management and the Forest Service. Mining claims located under the mining law for a valuable mineral, such as, for example, Montana travertine, were being contested on the ground that the mineral was a "common variety" in that it was like other travertines and hence subject to the competitive leasing provisions of the Common Varieties Act rather than the mining laws.

Thus property rights were being interfered with and taken away. Uncertainty as to just what the executive agencies might decide to be subject to the leasing act, and therefore not locatable, was interfering with development of the mineral resources of the public domain.

So widespread became the complaints against the administration of the Common Varieties Act that the Subcommittee on Minerals, Materials, and Fuels, assisted by Senator METCALF, held public hearings in Butte, Mont., and in Washington in the summer of 1965 on the overall situation with respect to the law. Based on these hearings, S. 3485 was drafted and introduced by Senator METCALF, and hearings were held on this measure, and on S. 2281, a bill sponsored by Senator CANNON, of Nevada, for the same basic purposes, on June 28 of this year.

The attention of the Senate is directed to these hearings, which have been printed, in which complaints against the administration of the Common Varieties Act are documented by specific cases and instances.

Causes of complaints

The hearings show that current administration of Public Law 167, 84th Congress, is causing unintended and unforeseen hardship upon mine operators and potential mine operators in our Western States. Recent interpretations coupled with administration were shown to be having a harmful effect upon the development of the mineral resources of the public domain (see particularly statements of E. B. Connors, of Kaiser Cement, and James W. Keim, Northern Pacific Railroad geologist).

More specifically, difficulties arise from—

1. Interior's interpretation that "common variety" means whether a material is similar to or like other materials of the same kind, rather than whether the material itself is "common" in the sense of being found abundantly in numerous, widespread areas. That is, with respect to Montana travertine, for example, Interior has based its adverse actions on an assumption that Montana travertine is like all other travertines, without taking into consideration the fact that travertine is in itself a material very like marble, found in limited quantities in only a few areas, having uncommon qualities of cleavibility, susceptibility to taking a high polish, great beauty (it's used in the Supreme Court of the United States, among other places), and other qualities making it a very special material indeed.

Thus, a basic difficulty has arisen as to the definition of "common variety."

2. The administratively changed and narrowed rule of law with respect to what constitutes a valid discovery sufficient to support a claim and enable the claimant to proceed to patent. That is, the "marketability rule" as opposed to the historic "prudent man rule."

3. The asserted lack of qualified mining engineers and mineralogists in the Forest Service and the Bureau who are willing and able to go out and inspect *in situ* a mining claim before taking away the claimant's property. Apparently many determinations are made at a desk in an office in Washington or in the field as to whether a material is a common variety solely on the basis of its use—as a building stone, for example. Such a determination, it was charged, is a matter of personal opinion, rather than based on scientific and legal propositions.

4. The length of time administrative agencies sometimes take to bring a case on for determination on the merits. Example: The 5 years and 3 months, plus expenditure of one-half million dollars by the applicant, it took to get the Santa Fe application of the Kaiser Co. in a status being ready for hearing.

5. Interior's administrative determination that section 161 of title 30 was repealed by Public Law 167. It should be noted that the administrative agencies were silent on that point in the 1955 hearings and reports on the bills that became Public Law 167. The decision of the Ninth Circuit Court of Appeals in the case of *Coleman* v. *United States*, the text of which is set forth in the hearings on S. 3485, holds that the Common Varieties Act did not repeal section 161.

POSITION OF EXECUTIVE AGENCIES

At the June 28 hearings, the Interior and Agriculture Departments appeared in opposition to S. 3485 as introduced. Interior's proposed alternative is to abolish the distinction between "common" and "uncommon" varieties of stone and the other materials set forth in the 1955 act, thus making all such minerals leasable rather than locatable. Such action would, of course, further constrict and erode the historic mining law still further.

The spokesman for the Department of Agriculture, of which the Forest Service is a part, was even more explicit in outright advocacy of a leasing act and abrogation of the mining laws with respect to all types of materials which are the subject of Public Law 167. The position of the Forest Service is summed up in the following paragraph from Secretary Freeman's report:

"There is much uncertainty as to the application of the present common variety provisions. Experience to date has shown that most of the contested claims for building materials have been determined to be invalid. Our experience also has been that there is a long lag before a final determination is made. These uncertainties could be removed and locators could be assured of leasing the deposits they have discovered through provisions which would (1) remove from location under the mining laws, all forms of sand, stone, rock, gravel, cinders, pumice, materials which have their primary value through use for building materials, and certain other nonmetallic materials the primary use value of which does not depend on its chemical properties but on the use to which it is put; (2) abolish the distinction between common and uncommon varieties of these materials; and (3) provide for their disposal through a leasing arrangement."

Both agencies, while agreeing that latter-day interpretation and administration of the Common Varieties Act has given rise to uncommon problems and has caused present individual hardship and uncertainty, urged that remedial action be deferred until the Public Land Law Review Commission could report on the matter in connection with its overall study.

AMENDMENT OF THE DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT

The Senate proceeded to consider the bill (H.R. 15857) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SECTION 101. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code sec. 4-823) is amended to read as follows:

"SEC. 101. The annual rates of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	7	8	9
Class 1:									
Subclass (a)	$6,635	$6,972	$7,309	$7,646	$7,983	$8,320	$8,657	$8,994	$9,331
Fire private.									
Police private.									
Subclass (b)	6,925	7,262	7,599	7,936	8,273	8,610	8,947	9,284	9,621
Private assigned as:									
Technician I.									
Plainclothesman.									
Subclass (c)	7,215	7,552	7,889	8,226	8,563	8,900	9,237	9,574	9,911
Private assigned as:									
Technician II.									
Station clerk.									
Motorcycle officer.									
Class 2:									
Subclass (a)	7,983	8,320	8,657	8,994	----------	----------	9,331	9,668	10,005
Fire inspector.									
Subclass (b)	8,273	8,610	8,947	9,284	----------	----------	9,621	9,958	10,295
Fire inspector assigned as:									
Technician I.									
Subclass (c)	8,563	8,900	9,237	9,574	----------	----------	9,911	10,248	10,585
Fire inspector assigned as:									
Technician II.									

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	7	8	9
Class 3. Assistant marine engineer. Assistant pilot. Detective.	$8,610	$8,947	$9,284	$9,621	....	....	$9,958	$10,295	$10,632
Class 4:									
Subclass (a) Fire sergeant. Police sergeant.	8,895	9,232	9,569	9,906	....	....	10,243	10,580	10,917
Subclass (b) Detective sergeant.	9,400	9,737	10,074	10,411	....	....	10,748	11,085	11,422
Subclass (c) Police sergeant assigned as: Motorcycle officer.	9,475	9,812	10,149	10,486	....	....	10,823	11,160	11,497
Class 5. Fire lieutenant. Police lieutenant. Detective lieutenant.	10,710	11,138	11,566	11,994	....	....	12,422	12,850	....
Class 6. Marine engineer. Pilot.	11,781	12,209	12,637	13,065	....	....	13,493	13,921	....
Class 7. Fire captain. Police captain. Detective captain.	12,852	13,387	13,922	14,457	....	....	14,992	15,527	....
Class 8. Battalion fire chief. Police inspector.	14,994	15,529	16,064	16,599	....	....	17,134	17,669	....
Class 9:									
Subclass (a) Deputy fire chief. Deputy chief of police.	17,671	18,206	18,741	19,276	....	....	19,811	20,346	....
Subclass (b) Deputy chief assigned as: Assistant fire chief. Police executive officer. Commanding officer of the White House Police. Commanding officer of the U.S. Park Police.	18,742	19,277	19,812	20,347	....	....	20,882	21,417	....
Class 10. Fire chief. Chief of Police.	22,491	23,026	23,561	24,096	....	....	24,631	25,166	.........."

SEC. 102. The rates of basic compensation of officers and members to whom the amendment made by section 101 of this title applies shall be adjusted in accordance with this section, and on and after the effective date of this title, section 102 of the Act approved September 2, 1964 (D.C. Code, sec. 4–823c), shall not apply to any such officer or member whose rate of basic compensation is so adjusted in accordance with this section. Such rates of basic compensation shall be adjusted as follows:

(1) Except as otherwise provided in paragraph (2), (3), or (4), each officer and member receiving basic compensation immediately prior to the effective date of this title at one of the scheduled service or longevity rates of a class or subclass in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 shall receive a rate of basic compensation at the corresponding rate in effect on and after the effective date of this title.

(2) Each private in service step 6, longevity step 7, or longevity step 8 in any subclass in class 1, upon completing a minimum of nineteen years of continuous service as a private, including service in the Armed Forces of the United States but excluding any period of time determined not to have been satisfactory service, shall be advanced to longevity step 9 in class 1, and receive the appropriate scheduled rate of basic compensation for such step in the subclass in which he is serving.

(3) Each officer in longevity step 7 in class 5 or 8, upon completing a minimum of fourteen years of continuous service in his respective class, including service in the Armed Forces of the United States but excluding any period of time determined not to have been satisfactory service, shall be advanced to longevity step 8 in his respective class, and receive the appropriate scheduled rate of basic compensation for such step in the class in which he was serving.

(4) Each officer or member of the Metropolitan Police force who is performing the duty of a dog handler on or after the effective date of this title shall receive in addition to his basic compensation an additional $580 per annum, except that if a police private is classed as technician II in subclass (c) of salary class (1) in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 solely on account of his duties as a dog handler, such police private shall not be entitled to the additional compensation authorized by this paragraph.

SEC. 103. Section 303 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829) is amended by adding at the end the following new subsection:

"(e) As used in this title, the term 'calendar week of active service' includes all periods of leave with pay, and periods of nonpay status which do not cumulatively equal one basic workweek."

SEC. 104. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the White House Police force, who retired during the period beginning on the first day of the first pay period which begins on or after July 1, 1966, and ending on the date of enactment of this Act, for services rendered during such period, and (2) in accordance with the provisions of the Act of August 3, 1950 (5 U.S.C. 61f–61k), for services rendered during the period beginning on the first day of the first pay period which begins on or after July 1, 1966, and ending on the date of enactment of this Act, by an officer or member who dies during such period.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 105. For the purpose of determining the amount of insurance for which an officer or member is eligible under the Federal Employees' Group Life Insurance Act of 1954, all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act.

SEC. 106. This title and the amendments made by this title shall take effect on the first day of the first pay period beginning on or after July 1, 1966; except that section 107 shall take effect on the date of the enactment of this Act.

SEC. 107. (a) The Commissioners are authorized, under regulations prescribed by them, to:

(1) Pay or reimburse an individual, as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended (5 U.S.C. 835–842), the expenses of travel including per diem in lieu of subsistence expenses, in traveling between his home or place of business and the District of Columbia, for the purpose of ascertaining whether he is qualified for appointment to the position of private in the Metropolitan Police force.

(2) Pay to a person newly appointed as a private in the Metropolitan Police, who is required to relocate his place of residence in order to come within the area of residence for such employees prescribed by the Commissioners, in addition to any other payments authorized by law:

(i) A cash resettlement allowance not to exceed $250, and

(ii) A per diem allowance not to exceed $7.50 per day for a period not to exceed ninety days beginning with the date of his appointment: *Provided*, That allowances authorized by this subsection shall not be allowed unless the person selected shall agree in writing to remain a member of the Metropolitan Police force for twenty-four months following his appointment unless separated for a reason which is (1) beyond his control and (2) which is acceptable to the Commissioners. In case of violation of such agreement, any moneys expended by the District of Columbia on the allowances authorized by this subsection shall be recoverable from the individual concerned as a debt.

(b) Unobligated balances of applicable current appropriations are hereby made available to carry out the purpose of this section.

TITLE II—SALARY INCREASES FOR DISTRICT OF COLUMBIA TEACHERS

SEC. 201. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1966".

SEC. 202. The District of Columbia Teachers' Salary Act of 1955 is amended as follows:

(1) Section 1 (D.C. Code, sec. 31-1501) is amended to read as follows:

"SECTION 1. (a) The following are the salary schedules for teachers, school officers, and certain other employees of the Board of Education whose positions are included therein:

"Salary class and group	Step								
	1	2	3	4	5	6	7	8	9
Class 1	$28,315								
Superintendent.									
Class 2	23,960								
Deputy superintendent.									
Class 3	16,555	$16,865	$17,175	$17,485	$17,795	$18,105	$18,415	$18,725	$19,035
Assistant superintendent.									
President, teachers college.									
Class 4	14,650	14,960	15,270	15,580	15,890	16,200	16,510	16,820	17,130
Director, curriculum.									
Dean, teachers college.									
Executive assistant to superintendent.									
Class 5:									
Group A, bachelor's degree	12,845	13,135	13,425	13,715	14,005	14,295	14,585	14,875	15,165
Group B, master's degree	13,390	13,680	13,970	14,260	14,550	14,840	15,130	15,420	15,710
Group C, master's degree plus 30 credit hours	13,610	13,900	14,190	14,480	14,770	15,060	15,350	15,640	15,930
Group D, doctor's degree	13,830	14,120	14,410	14,700	14,990	15,280	15,570	15,860	16,150
Chief examiner.									
Director, food services.									
Director, industrial adult education.									
Executive assistant to deputy superintendent.									
Class 6:									
Group B, master's degree	12,915	13,205	13,495	13,785	14,075	14,365	14,655	14,945	15,235
Group C, master's degree plus 30 credit hours	13,135	13,425	13,715	14,005	14,295	14,585	14,875	15,165	15,455
Group D, doctor's degree	13,355	13,645	13,935	14,225	14,515	14,805	15,095	15,385	15,675
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent (pupil personnel services).									
Assistant to assistant superintendent (industrial and adult education, vocational education, evening and summer school).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics and safety.									
Director, special education.									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans' high school.									
Class 7:									
Group B, master's degree	11,960	12,250	12,540	12,830	13,120	13,410	13,700	13,990	14,280
Group C, master's degree plus 30 credit hours	12,180	12,470	12,760	13,050	13,240	13,650	13,920	14,210	14,500
Group D, doctor's degree	12,400	12,690	12,980	13,270	13,560	13,850	14,140	14,430	14,720
Supervising director, elementary education (supervision and instruction).									
Supervising director, audiovisual instruction.									
Supervising director, adult education and summer school.									
Supervising director, subject field.									
Supervising director, reading clinic.									
Directors, school attendance.									
Supervising director, curriculum.									
Director, elementary education.									
Director, elementary education (Administration).									
Class 8:									
Group B, master's degree	11,490	11,780	12,070	12,360	12,650	12,940	13,230	13,520	13,810
Group C, master's degree plus 30 credit hours	11,710	12,000	12,290	12,580	12,870	13,160	13,450	13,740	14,030
Group D, doctor's degree	11,930	12,220	12,510	12,800	13,090	13,380	13,670	13,960	14,250
Dean of students, teachers college.									
Professor, teachers college.									
Registrar, teachers college.									
Statistical analyst.									
Assistant principal, senior high school.									
Assistant principal, junior high school.									
Assistant principal, elementary school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Class 9:									
Group A, bachelor's degree	10,470	10,760	11,050	11,340	11,630	11,920	12,210	12,500	12,790
Group B, master's degree	11,015	11,305	11,595	11,885	12,175	12,465	12,755	13,045	13,335
Group C, master's degree plus 30 credit hours	11,235	11,525	11,815	12,105	12,395	12,685	12,975	13,265	13,555
Group D, doctor's degree	11,455	11,745	12,035	12,325	12,615	12,905	13,195	13,485	13,755
Assistant director, food services.									
Class 10:									
Group B, master's degree	10,535	10,825	11,115	11,405	11,695	11,985	12,275	12,565	12,855
Group C, master's degree plus 30 credit hours	10,755	11,045	11,335	11,625	11,915	12,205	12,495	12,785	13,075
Group D, doctor's degree	10,975	11,265	11,555	11,845	12,135	12,425	12,715	13,005	13,295
Assistant director, audiovisual instruction.									
Assistant director, subject field.									
Assistant director, adult education and summer school.									
Supervisor, elementary education.									

“Salary class and group	Step						
	1	2	3	4	5	6	7
Class 11:							
Group B, master's degree	$10,060	$10,350	$10,640	$10,930	$11,220	$11,510	$11,800
Group C, master's degree plus 30 credit hours	10,280	10,570	10,860	11,150	11,440	11,730	12,020
Group D, doctor's degree	10,500	10,790	11,080	11,370	11,660	11,950	12,240
Assistant director, practical nursing.							
Associate professor, teachers college.							
Chief librarian, teachers college.							
Class 12:							
Group B, master's degree	9,590	9,880	10,170	10,460	10,750	11,040	11,330
Group C, master's degree plus 30 credit hours	9,810	10,100	10,390	10,680	10,970	11,260	11,550
Group D, doctor's degree	10,030	10,320	10,610	10,900	11,190	11,480	11,770
Chief attendance officer.							
Clinical psychologist.							
Class 13:							
Group B, master's degree	8,600	8,955	9,310	9,665	10,020	10,375	10,730
Group C, master's degree plus 30 credit hours	8,820	9,175	9,530	9,885	10,240	10,595	10,950
Group D, doctor's degree	9,040	9,395	9,750	10,105	10,460	10,815	11,170
Assistant professor, teachers college.							
Assistant professor, laboratory school.							
Psychiatric social worker.							
Class 14:							
Group A, bachelor's degree	7,005	7,300	7,595	7,890	8,185	8,480	8,775
Group B, master's degree	7,550	7,845	8,140	8,435	8,730	9,025	9,320
Group C, master's degree plus 30 credit hours	7,770	8,065	8,360	8,655	8,950	9,245	9,540
Group D, doctor's degree	7,990	8,285	8,580	8,875	9,170	9,465	9,760
Coordinator of practical nursing.							
Census supervisor.							
Class 15:							
Group A, bachelor's degree	5,840	6,105	6,370	6,635	6,895	7,155	7,415
Group B, master's degree	6,385	6,650	6,915	7,180	7,440	7,700	7,960
Group C, master's degree plus 30 credit hours	6,605	6,870	7,135	7,400	7,660	7,920	8,180
Group D, master's degree plus 60 credit hours or doctor's degree	6,825	7,090	7,355	7,620	7,880	8,140	8,400
Teacher, elementary and secondary schools.							
Attendance officer.							
Child labor inspector.							
Counselor, placement.							
Counselor, elementary and secondary schools.							
Librarian, elementary and secondary schools.							
Librarian, teachers college.							
Research assistant.							
School social worker.							
Speech correctionist.							
Instructor, teachers college.							
Instructor, laboratory school.							
School psychologist.							

“Salary class and group	Step						Longevity	
	8	9	10	11	12	13	X	Y
Class 11:								
Group B, master's degree	$12,090	$12,380	--------	--------	--------	--------	--------	--------
Group C, master's degree plus 30 credit hours	12,310	12,600	--------	--------	--------	--------	--------	--------
Group D, doctor's degree	12,530	12,820	--------	--------	--------	--------	--------	--------
Assistant director, practical nursing.								
Associate professor, teachers college.								
Chief librarian, teachers college.								
Class 12:								
Group B, master's degree	11,620	11,910	--------	--------	--------	--------	--------	--------
Group C, master's degree plus 30 credit hours	11,840	12,130	--------	--------	--------	--------	--------	--------
Group D, doctor's degree	12,060	12,350	--------	--------	--------	--------	--------	--------
Chief attendance officer.								
Clinical psychologist.								
Class 13:								
Group B, master's degree	11,085	11,440	--------	--------	--------	--------	--------	--------
Group C, master's degree plus 30 credit hours	11,305	11,660	--------	--------	--------	--------	--------	--------
Group D, doctor's degree	11,525	11,880	--------	--------	--------	--------	--------	--------
Assistant professor, teachers college.								
Assistant professor, laboratory school.								
Psychiatric social worker.								
Class 14:								
Group A, bachelor's degree	9,070	9,365	$9,660	$9,955	$10,250	$10,545	--------	--------
Group B, master's degree	9,615	9,910	10,205	10,500	10,795	11,090	--------	--------
Group C, master's degree plus 30 credit hours	9,835	10,130	10,425	10,720	11,015	11,310	--------	--------
Group D, doctor's degree	10,055	10,350	10,645	10,940	11,235	11,530	--------	--------
Coordinator of practical nursing.								
Census supervisor.								
Class 15:								
Group A, bachelor's degree	7,675	7,935	8,195	8,455	8,715	8,975	$9,580	$10,185
Group B, master's degree	8,220	8,480	8,740	9,000	9,260	9,520	10,125	10,730
Group C, master's degree plus 30 credit hours	8,440	8,700	8,960	9,220	9,480	9,740	10,345	10,950
Group D, master's degree plus 60 credit hours or doctor's degree	8,660	8,920	9,180	9,440	9,700	9,960	10,565	11,170
Teacher, elementary and secondary schools.								
Attendance officer.								
Child labor inspectors.								
Counselor, placement.								
Counselor, elementary and secondary schools.								
Librarian, elementary and secondary schools.								
Librarian, teachers college.								
Research assistant.								
School social worker.								
Speech correctionist.								
Instructor, teachers college.								
Instructor, laboratory school								
School psychologist.								

"(b) Each employee appointed to a position of teacher aide (noninstructional), established under section 5(c), shall be paid in accordance with the following salary schedule:

	"Step									
	1	2	3	4	5	6	7	8	9	10
Teacher-aid (noninstructional)	$4,965	$5,190	$5,415	$5,640	$5,865	$6,090	$6,315	$6,540	$6,765	$6,990."

(2)(A) Section 2(c)(1) (D.C. Code, sec. 31–1511(c)(1)) is amended to read as follows:

"(1) The terms 'master's degree', and 'doctor's degree' mean, respectively, a master's degree and a doctor's degree granted in course by an accredited higher educational institution."

(B) Section 2(c)(2) (D.C. Code, sec. 31–1511(c)(2)) is amended by adding at the end thereof the following new sentences: "The term 'plus sixty credit hours' means the equivalent of not less than sixty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the sixty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such sixty credit hours."

(3) Section 4 (D.C. Code, sec. 31–1521) is amended to read as follows:

"Sec. 4. Any employee of the Board of Education in group C of a salary class in the salary schedule in section 1(a) of this Act who possesses a doctor's degree, and any employee of the Board of Education in group C of salary class 15 of such salary schedule who possesses a master's degree plus sixty credit hours, shall be transferred in accordance with section 10(a) to group D of such salary class."

(4) Section 5 (D.C. Code, sec. 31–1522) is amended by adding the following new subsections:

"(c) The Board of Education, with the concurrence of the Board of Commissioners of the District of Columbia, is authorized to establish a position which shall be designated 'teacher-aide (noninstructional)' and the compensation for which shall be fixed in accordance with the salary schedule in section 1(b). A person appointed to the position of teacher-aide (noninstructional) shall be eligible for leave, retirement, life insurance, and health benefits as provided in the Annual and Sick Leave Act of 1951, the Civil Service Retirement Act, the Federal Employees' Compensation Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959. The minimum qualification for appointment to such position shall be successful completion of at least sixty semester hours at an accredited junior college, college, or university. A person appointed to such position shall be a noninstructional employee, and his primary duty shall be to assist the instructional staff in tasks related to instruction."

(5) Subsection (a) of section 7 (D.C. Code, sec. 31–1532(a)) is amended to read as follows:

"(a)(1) Each employee who is newly appointed or reappointed to any position in salary classes 3 to 15, inclusive, of the salary schedule in section 1(a) shall be assigned to the service step numbered next above the number of years of service with which he is credited for the purpose of salary placement. The Board, on the written recommendation of the Superintendent of Schools, is authorized to evaluate the previous experience of each such employee to determine the number of years with which he may be so credited. Employees newly appointed, reappointed, or reassigned to any position in salary class 15 shall receive one year of such placement credit for each year of satisfactory service, not exceeding nine years, in the District of Columbia in salary class 15, or in the same type of position regardless of school level, in an educational system or institution of recognized standing outside the District of Columbia public schools, as determined by the Board. Employees newly appointed, reappointed, or reassigned to any position in salary classes 3 to 14, inclusive, except the positions of chief librarian and assistant professor, associate professor and professor, shall receive no placement credit for educational service or trade experience outside the District of Columbia public schools. Employees reappointed or reassigned to positions in salary classes 3 to 14, inclusive, shall receive one year of placement credit for each year of satisfactory service in the same salary class or in a position of equivalent or higher rank within the District of Columbia public schools, except that no such employee shall receive more than five years of placement credit for previous service rendered as a temporary employee within such system. Persons appointed to the position of shop teacher in the vocational education program shall receive one year of placement credit for each year of approved experience in the trades, as determined by the Board but not in excess of nine years for any combination of trade experience and educational service outside the school system. Employees newly appointed or reappointed to positions of assistant professor (salary class 13), chief librarian and associate professor (salary class 11), and professor (salary class 8) shall receive one year of placement credit for each year of satisfactory service, not in excess of five years, in a position of the same or higher rank in a college or university of recognized standing outside the District of Columbia public schools, as determined by the Board.

"(2) Salary placement credit for service rendered either inside or outside the public school system of the District of Columbia shall be effective on the date of appointment or on the first day of the twelfth month prior to the date of approval of such placement credit by the Board, whichever is later.

"(3) Each probationary or permanent employee in salary class 15 who is in the employ of the Board of Education on the effective date of this paragraph shall move to the numerical service step or longevity step, as the case may be, commensurate with the additional creditable service allowed such employee under the amendments made by the District of Columbia Teachers' Salary Act Amendments of 1966."

(6) Section 9 (D.C. Code, sec. 31–1534) is amended by inserting "(a)" immediately after "Sec. 9." and by adding at the end thereof the following new subsections:

"(b) The following provisions shall apply to all temporary employees in salary class 15:

"(A) Each temporary employee in salary class 15 employed cumulatively as such an employee in such salary class less than three full years as of July 1, 1966, must qualify as a probationary employee within five years after the date of employment or July 1, 1966, whichever date is later, or his employment shall be terminated as of the date of completion of the then current school year.

"(B) Each temporary employee in salary class 15 employed cumulatively as of July 1, 1966, for more than three but less than ten full years as such an employee in such salary class, must qualify as a probationary employee within seven years after July 1, 1966, or his employment shall be terminated as of the date of completion of the then current school year.

"(C) Each temporary employee in salary class 15 who has accumulated more than ten full years of satisfactory service as of July 1, 1966, as such an employee in such salary class, may be continued as temporary teacher contingent upon satisfactory service.

"(c)(1) A temporary employee in salary class 15 who receives a permanent appointment shall be advanced on and after the date of such appointment in double annual increments to the place in the salary schedule which he would have occupied if he had been employed as a probationary employee from the date of his appointment as a temporary employee. A temporary employee in salary class 15 who receives a probationary appointment within two years of the date of his appointment as a temporary employee shall receive full placement credit on the date of his appointment as a probationary employee as if he had been employed as a probationary employee from the date of his appointment as a temporary employee.

"(2) Temporary employees in salary class 15 with fifteen or more total years of satisfactory service in the District of Columbia public schools shall be advanced to service step 10, effective July 1, 1966.

"(d) An employee who is on temporary status only because of the age limitation, but is otherwise qualified, shall receive salary placement on the same basis as a probationary or permanent teacher, and may continue as temporary teacher contingent upon satisfactory service."

(7) Section 10 (D.C. Code, sec. 31–1535) is amended to read as follows:

"Sec. 10. (a) On and after the effective date of the District of Columbia Teachers' Salary Act Amendments of 1966, each promotion to group B, group C, or group D, within a salary class, shall become effective—

"(1) on the date of the regular meeting of the Board immediately preceding the date of approval of that promotion by the Board, or

"(2) on the effective date of the master's degree or doctor's degree or on the completion of thirty or sixty credit hours beyond the master's degree, as the case may be, whichever is later.

"(b) Any employee in a position in a salary class in the salary schedules in section 1(a) of this Act who is promoted to group B, group C, or group D of such salary class, shall be placed in the same numerical service step in his new group which he would have occupied in the group from which promoted."

(8)(A) Section 13(a) (D.C. Code, sec. 31—1542(a)) is amended to read as follows:

"(a) The Board is authorized to conduct as part of its public school system the following: extended school year programs, adult education school programs, and an Americanization school, under and within appropriations made by Congress. The pay for teachers, officers, and other educational employees in the summer schools, adult education schools, and veterans' summer high school centers shall be as follows:

"Classification	Step 1	Step 2	Step 3
"SUMMER SCHOOL (REGULAR)	Per diem		
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist and instructor, District of Columbia Teachers College	$22.73	$25.11	$27.50
Psychiatric social worker and assistant professor, District of Columbia Teachers College	27.28	30.13	33.00
Clinical psychologist	28.41	31.39	34.38
Associate professor, District of Columbia Teachers College	29.55	32.64	35.75
Assistant principal, elementary and secondary schools and professor, District of Columbia Teachers College	32.96	36.41	39.89
Supervising director	34.10	37.67	41.25
Principal, elementary and secondary schools	36.37	40.18	44.00
"VETERANS SUMMER HIGH SCHOOL CENTERS	Per diem		
Teacher	$34.10	$37.67	$41.25
"ADULT EDUCATION SCHOOLS	Per period		
Teacher	$5.56	$6.14	$6.72
Assistant principal	8.06	8.90	9.74
Principal	8.90	9.82	10.75."

(B) Section 13 is further amended by adding at the end the following new subsection:

"(d) (1) The Board of Education of the District of Columbia is hereby authorized to pay additional compensation, over and above the salaries in the salary schedules in section 1 of this Act, in the amounts hereafter fixed or prescribed in accordance with the provisions of this subsection, to classroom teachers in salary class 15, at the indicated levels, who are assigned to perform extra duties, on a continuing basis: Provided, That a teacher, to be eligible for such additional compensation, must also be assigned the standard load for a regular day school teacher at his respective school level. The Board of Education is further authorized, with the approval of the Board of Commissioners of the District of Columbia, on the written recommendation of the Superintendent of Schools, to fix or prescribe the amount of additional compensation for teachers who perform such extra duty.

"(2) Payment of such additional compensation shall be made monthly following the rendering of such service. Such additional compensation shall not be subject to deduction or withholding for retirement or insurance, and such additional compensation shall not be considered as salary (i) for the purpose of computing annuities pursuant to the Act entitled 'An Act for the retirement of public school teachers in the District of Columbia', approved August 7, 1946 (60 Stat. 875; D.C. Code, sec 31–721 et seq.), as amended, and the Civil Service Retirement Act, or (ii) for the purpose of computing insurance coverage under the Act entitled 'An Act to authorize the Civil Service Commission to make available group life insurance for civilian officers and employees in the Federal service, and for other purposes', approved August 17, 1954 (68 Stat. 736), as amended. Such additional compensation may be paid for more than one activity assigned to a classroom teacher so long as such activities are not performed concurrently."

(2) The Board of Education of the District of Columbia is hereby authorized to make such regulations as may be necessary to carry out the purposes of this title.

SEC. 203. (a) Subject to regulations prescribed by the Board of Education and approved by the Board of Commissioners, authority is hereby granted to:

(1) Pay or reimburse an individual, as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended (5 U.S.C. 835–842), the expenses of travel including per diem in lieu of subsistence expense, in traveling between his home or place of business and the District of Columbia, for the purpose of ascertaining whether he is qualified for appointment to a position under the District of Columbia Teachers' Salary Act of 1955.

(2) Pay to a person newly appointed to a position under the District of Columbia Teachers' Salary Act of 1955 who is required to relocate his place of residence, in addition to any other payments authorized by law—

(i) a resettlement cash allowance not to exceed $250.00, and

(ii) a per diem allowance not to exceed $7.50 per day for a period not to exceed ninety days beginning with the date of his appointment: Provided, That allowances authorized by this subsection shall not be allowed unless the person selected shall agree in writing to remain an employee of the District of Columbia public school system for two academic school years following his appointment unless separated for a reason which is: (1) beyond his control, and (2) which is acceptable to the Board of Education. In case of violation of such agreement, any moneys expended by the District of Columbia on the allowances authorized by this subsection shall be recoverable from the individual concerned as a debt.

(b) Unobligated balances of applicable current appropriations are hereby made available to carry out the purposes of this section.

SEC. 204. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the Board of Education of the District of Columbia (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to any employee covered in this title who retired during the period beginning on July 1, 1966, and ending on the date of enactment of this Act, for services rendered during such period, and (2) in accordance with the provisions of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress), for services rendered during the period beginning on July 1, 1966, and ending on the date of enactment of this title, by any such employee who dies during such period.

(b) For purposes of this section, service in the Armed Forces of the United States in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the municipal government of the District of Columbia.

SEC. 205. For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954, all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this title.

SEC. 206. (a) Except as provided in subsections (b) and (c) of this section, this title and the amendments made by this title shall take effect on July 1, 1966.

(b) Paragraph 2 of section 7(a) of the District of Columbia Teachers Salary Act of 1955 (as added by paragraph (5) of section 202 of this title) shall take effect with respect to appointments made by the Board of Education of the District of Columbia after July 1, 1965.

(c) Section 203 of this title shall take effect upon the date of enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries of officers and members of the Metropolitan Police force and the Fire Department, to amend the District of Columbia Teachers' Salary Act of 1955 to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1609), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on the District of Columbia, to which was referred the bill (H.R. 15857) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert in lieu thereof new language as a substitute.

Amend the title to read as follows:

"An Act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries of officers and members of the Metropolitan Police force and the Fire Department, to amend the District of Columbia Teachers' Salary Act of 1955 to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes."

PURPOSES OF THE BILL

The purpose of this bill, as amended by the committee, is twofold. The bill is divided into two titles:

Title I amends the Police and Firemen's Salary Act of 1958, as amended, to provide increased salaries and other benefits for officers and members of the Metropolitan Police Department, the U.S. Park Police, the White House Police, and the District of Columbia Fire Department.

Title II amends the act approved August 5, 1955, to fix and regulate the salaries of teachers and other employees of the Board of Education of the District of Columbia, and for other purposes.

This proposed salary legislation was requested by the District of Columbia Board of Commissioners and provides upward salary adjustments for those District government employees not covered by the general Federal classified pay bill enacted in 1965 (Public Law 89–301), and the salary bill enacted in this session of the Congress (Public Law 89–504). The effect of these two public laws was to provide classified employees with salary increases of 3.6 and 3.1 percent, respectively.

Your committee, in reporting this legislation, has consolidated into a single bill legislation pending before the Congress dealing with salary raises for District police and firemen (H.R. 15857) and for the teachers in the District schools (H.R. 16337). This assures continuity of a long-standing practice by this committee to consider salary legislation for these 10,400 employees in a single bill.

Likewise, title I and title II of this bill purposely delete any provision dealing with proposed changes in the retirement systems of these employees. It was the committee's judgment that retirement legislation should be considered separately on its own merits and did not properly belong in legislation concerned principally with salary adjustments. If amendments to the retirement systems of the District's Police Department, Fire Department, or school system are deemed necessary, then this committee will consider such legislation separately when appropriately submitted.

TITLE I—POLICE AND FIREMEN

Title I provides:

(1) An increase in the salaries of police and firemen.

(2) An advancement to the top longevity step for those police and fire privates who have completed 19 years of service as a private, in order to equalize such service with the time requirement for newly appointed privates to reach the top longevity step.

(3) An advancement to the top of longevity step 8 of all officers in step 7 of class 5 or 8, with at least 14 years of service, in order to equalize the benefits for such officers with those having less service.

(4) Authority for all officers and members assigned for duty with the canine corps to receive extra compensation for the care and transporting of dogs assigned to the corps.

(5) Authority for payment of recruitment inducements to applicants for the Metropolitan Police force.

H.R. 15857, as reported by this committee, provides for an overall salary increase for police and firemen of 8.9 percent with a range commencing from 10.4 percent for privates to approximately 7.1 percent in the higher responsibility officer class. The bill provides that the salary increases shall become effective as of July 1, 1966. Such increases generally will equate the salary increases for policemen and firemen with those increases already extended over the past 2 years to Federal and District classified employees but which excluded policemen and firemen of this city.

NEED FOR LEGISLATION

In the committee's judgment, the salary increases, as provided in this bill, will more effectively facilitate not only the recruitment, but the retention of fully qualified members of the Police and Fire Departments.

As an example, the provisions of this bill providing an increase from $6,010 to $6,635 in the minimum salaries for police and fire privates, would place the District of Columbia in first place in relation to nearby communities of the Washington metropolitan area, and would raise the relative standing of the District with regard to both police and firemen's starting salaries from 12th to 7th place in comparison with the 20 other major cities having a population in excess of 500,000.

Likewise, an increase from $7,610 to $8,310[1] in the maximum service step salaries of police and fire privates would place the District in first place position in relation to the nearby counties. Also, this increase in the maximum salary would raise the standing of the police salaries from eighth to sixth place by comparison with the 20 major cities. With regard to maximum salaries for firemen the position of the District when compared with the major cities would continue in sixth place.

The committee has been advised that during 1966, 9 of the 20 cities with over 500,000 population have given pay increases to their police and firemen. As a result of these increases, Los Angeles, San Diego, New York, Seattle, Detroit, and Cleveland have starting salaries for police privates in excess of $7,000 per year. San Francisco has increased its salary to $8,460, and accordingly provides the highest starting salary of any of the major cities.

In addition to the increases given by the major cities, the various jurisdictions in the Washington metropolitan area have given salary increases to their police and fire personnel during the last several years. Montgomery County, Md., has increased its starting salary for police privates from $5,902 to $6,074, effective July 1, 1966. Similarly, Fairfax County, Va., increased its starting salary from $5,772 to $6,060, and Arlington County, Va., from $5,620 to $6,052.

These increases, as they now exist in the neighboring counties, closely approach or exceed the present starting salary of $6,010 for the District of Columbia police and firemen. The increases, together with certain other advantages, such as transportation, savings in time and money made possible through working in nearby communities, could well affect the recruitment and retention of police and firemen for the District of Columbia government.

The President, in his budget message to the Congress on January 25, 1966, for the District of Columbia, recognized the urgent need for adequate salaries for police officers when he stated:

"The Police Department has been encountering great difficulties in recruiting qualified candidates. An increase in the salaries of policemen is necessary to bring the police force to its currently authorized strength. Legislation to accomplish this will be proposed to the Congress."

The committee is of the view that this bill, as reported by the committee, fully implements the increases in the salaries for policemen and firemen that the President recommended in his budget message.

The continuing upturn in serious crime in the District of Columbia makes it imperative that the police force of the District be maintained at total authorized strength with the best possible qualified police officers.

Recent statistics available to the committee reveal that major crime in the District of Columbia increased 11.1 percent in 1965 as compared with 1964. Also, in calendar year 1965, the District of Columbia ranked third per 1,000 population in the number of major crime offenses among the 16 cities with a population of 500,000 to 1 million.

This committee has long been of the strong opinion that one of the most effective means of combating crime is an adequately staffed and properly trained police force. Unfortunately, a serious problem exists in the District of Columbia's maintaining such a force because of the difficulty in recruiting qualifying police officers. As of August 31, 1966, the current police force consisted of 2,867 members. This placed the District of Columbia 233 members short of the statutorily authorized strength of 3,100. Although the Metropolitan Police Force has endeavored in every way to accelerate its recruiting in an effort to fill vacancies in the police force, there has been little success in filling all the vacant positions.

During the past 2 years, recruiting teams from the District have been increased in number and were sent to various cities in the Eastern and Middle States. These team efforts in calendar year 1965 resulted in the appointment of 72 officers out of a total of 1,043 applicants who were examined. In addition, arrangements were worked out with the U.S. Civil Service Commission to have examinations for the Metropolitan Police Department held in Washington, D.C. on the second and fourth Saturday and on the first Thursday night of each month for the benefit of any walk-in applicants. Also, extensive advertisements for recruitment of police officers for the District has been placed in newspapers and public service announcements through the radio and television media. However, despite these and other efforts, the police force is operating below the authorized strength needed to adequately control and prevent crime in the District of Columbia.

While your committee is fully appreciative of the necessity for incentives to attract new applicants for the Police and Fire Departments, it regards as even more vital the retention of their present experienced officers and members. Higher salaries provide not only some reward for services rendered in a great city whose growing social problems are felt in varying and tragic ways, but serve as a real incentive to retain experienced officers and members who might be attracted to other occupations or to less demanding posts outside the central city of Washington in this expanding metropolitan area. Certainly, the safety of the public which has been entrusted to the hands of these policemen and firemen in the Nation's Capital City demands no less than that.

RECRUITMENT AID

The committee is of the unanimous opinion that the substantial salary increases provided in this bill, as well as other fringe benefits, are the most obvious and immediate short-range method to facilitate the recruitment of applicants for the Metropolitan Police Department. However, the committee feels that the salary increases are not the complete answer to the recruitment procedures. The committee views the recruitment provisions of this reported bill as strengthening the District's ability to obtain more qualified applicants. Under this section of the bill, the District will be authorized to pay for transportation expenses of applicants who are requested to travel to Washington, D.C., for determination as to suitability and qualification for appointment. In addition, this section of the bill authorizes the payment of cash settlement allowance (not to exceed $250) and a 90-day per diem allowance (not to exceed $7.50) for newly appointed privates who are required to relocate their place of residence.

The committee views these recruitment benefits as being important in helping the District to obtain qualified police applicants from the middle and eastern States. The committee notes that for the past several years, the District has been unable to recruit enough applicants to maintain the authorized strength of the Police Department. Accordingly, it would appear that these recruitment benefits may provide the very type of assistance to the District that would enable their recruiters to meet the quota of police recruits to maintain the force at the strength level authorized by the Congress.

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[1] The maximum annual salary based on longevity—19 years of service is $9,331.

AMENDMENTS OUTLINED

In reporting H.R. 15857, as amended, the committee rejected sections 201 and 202 of title II of the House-passed bill which provided additional special annuities increases for certain policemen and firemen who were retired prior to October 1, 1956, and redefined the term "widow" for annuity purposes under the Policemen and Firemen's Retirement and Disability Act.

The committee, in rejecting section 201 of title II of the House bill, was unable to ascertain any justification for providing such special annuity benefits to these former members.

Statistics presented to the committee reveal that these members who retired prior to October 1, 1956, would have received, pursuant to section 201 of the House bill, an increase in their annuity amounting to at least 16⅔ percent, and in some cases the annuity increase could be far more. Even without the enactment of section 201 of the House bill, all of these officers and members who retired prior to October 1, 1956, would have received, under the salary increases authorized by title I of this reported bill, an 8.9[2] percent increase in their retirement annuities. This results from the automatic equalization provision of the District of Columbia Police and Firemen's Salary Act.

An examination of the annuity benefits received to date by these policemen and firemen discloses that they have received far more generous annuity benefits than those accorded Federal and District classified employees who have retired under the Federal Civil Service Retirement Act. The annuities of these former police and firemen retirees have already been raised a total of 48.7 percent since 1956, due to the automatic equalization provision of their retirement law. In comparison, annuitants who retired prior to October 1, 1956, under the Civil Service Retirement Act have received cumulative annuity increases totaling only 28.3 percent. The enactment of section 201 of title II of the House-passed bill would have the effect of increasing this disparity to the point where the benefits accorded former police and firemen would be almost twofold greater than those provided civil service retirees.

In the 86th and 87th Congresses, legislation substantially similar to section 201 of title II of the House-passed bill was passed by the Congress and subsequently vetoed by President Eisenhower and by President Kennedy.

In the veto message dated September 2, 1961, President Kennedy, in opposing the special retirement legislation, gave the following reasons:

"I find objectionable that portion of the bill which increases by 10 percent the annuities of certain former members of the Police, Fire Department, and Secret Service.

"Already, as a result of the Equalization Act of 1923, which gives an automatic proportionate increase in annuities whenever active duty policemen and firemen receive them, a significant number of these retirees now receive a larger pension than their annual salaries while on active duty. The record also indicates that this group is much more generously treated than other District government annuitants who are covered by other retirement programs. The proposal would compound the existing disparity and is inconsistent with essential objectives of fairness and impartiality to all employees."

It should be noted that the provisions of section 201 of the House-passed bill are far more generous than legislation previously vetoed. The legislation of the prior Congresses limited the increase to 10 percent as opposed to a 16⅔ percent, or greater, increase under the authority of the House proposal. The existing provision of the House bill differs from prior legislation also in that it limits the increased annuity to those retirees who retired with a 50 percent, or greater, disability and are receiving maximum disability benefits. This limitaton nevertheless does not make the legislation any more palatable for the very reason that 95.6 percent of the pre-October 1, 1956, retirees are classified as having a 50 percent, or greater, disability and are receiving maximum disability benefits. The product of this limitation is clearly unfair even among the group intended to be benefited for the very reason that the officers and members who retired on a disability less than 50 percent and thereby are not receiving maximum disability benefits, will be excluded from the proposed benefits of section 201, even though they are the annuitants receiving the smallest retirement annuities at the present time.

The District Commissioners have advised the committee that this disability provision, disapproved by your committee, would cost the District in excess of $1 million annually.

For the above reasons, the committee felt constrained to reject the proposal in order to avoid any further broadening of the disparity of retirement benefits among District of Columbia employees, factors cited by both Presidents Kennedy and Eisenhower in their messages to the 86th and 87th Congresses vetoing the same principle now sought again by the House-passed bill in this Congress.

POSTRETIREMENT WIDOW BENEFITS

Section 202 of title II of the House-passed bill would have the effect of extending widows' annuity protection in deceased retiree cases, not only to the wife married to the retiree at the time of his retirement, but also to any spouse acquired after retirement, if such surviving spouse was married to the retiree for at least 2 years before his death or was the mother of issue by their marriage. Such provision of law does not exist in the Civil Service Retirement Act, the committee has been informed by the Civil Service Commission that it has opposed consistently the adoption of any such provision within the Civil Service Retirement Act. The committee does not feel that it should depart from this general policy of the Civil Service Commission and make an exception for widows of District policemen and firemen.

In reaching this decision, the committee is mindful that the annuity should properly attach to the spouse who has assisted the employee during all or part of his Federal career and for whom the employee had a natural concern during his service but as the Civil Service Commission recommended in its report to your committee:

"The Commission has been unable to see how going beyond this limit in providing spouse's annuity protection could improve efficiency in the service, and has found no basis for the Federal Government's adoption of a policy of providing costly survivor benefits to a spouse acquired after termination of the employer-employee relationship."

PROVISIONS OF THE BILL

Title I, section 101, amends the District of Columbia Police and Firemen's Salary Act of 1958, as follows:

(1) A new salary schedule is provided for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia.

This new salary schedule will provide an average increase of 10.4 percent for privates, and increases to approximately 7.1 percent in the higher responsibility officer class.

The average increase in salaries provided by this new salary scale is approximately 8.9 percent. The reason for weighting the increases in favor of the four lowest salary classes, and particularly in the starting salary figure, is that the critical problems of recruitment and retention of personnel in these vital forces are most acute in these areas.

This proposed salary schedule will place the minimum salary for privates in the Police and Fire Departments of the District at $6,635, with a maximum service step salary of $8,320, and longevity step 9 salary of $9,331 attainable in 19 years of service. These figures, as they relate to the service step maximum, will change the relative position of the District of Columbia in respect to these salaries among the jurisdictions of the Washington metropolitan area and among the 20 U.S. cities of population greater than 500,000, as shown in the following table.

Rankings of District of Columbia police-firemen

	In Washington metropolitan area		Among 20 largest cities	
	Minimum	Maximum	Minimum	Maximum
Police:				
Present	5	5	12	8
Proposed 8.9	1	1	7	6
Firemen:				
Present	3	3	12	6
Proposed 8.9	1	1	7	6

In the opinion of your committee, this title, as amended, will afford the Metropolitan Police force and the Fire Department of the District of Columbia a very much improved competitive position for the recruitment of qualified new personnel, and will go far toward a solution of this very serious problem, and provide compensation to policemen and firemen more nearly equal to the increasing hazards their duties require.

(2) All privates who at this time are not at the top longevity step, but who have more than 19 years of service as a private, shall be advanced to the top longevity step. Previous legislation reduced the service time requirement from 28 years to 19 years for a private to reach the top longevity step. At present, however, there are a few privates who have more than 19 years of service but who because of previous legislation will have to wait until they have at least 21 years of service before being advanced to the top longevity step. This provision is designed to afford these privates the same benefits as newly appointed privates.

(3) All officers in longevity step 7 of class 5 or 8, with at least 14 years of service, shall be advanced to the top longevity step 8. This is for a reason similar to that described above, for privates.

(4) All officers and members of the Police Department assigned to duty as dog handlers shall receive extra pay in the amount of $580 per year, as compensation for their expense of feeding, housing, caring for, and transporting these dogs. This extra compensation has heretofore been extended only to privates who are assigned as dog handlers. At present, there are five sergeants acting also in this capacity, and it is the feeling of your committee that they should also receive this extra pay.

However, it is the committee's intention that this extra compensation shall not be paid to sergeants who are not incurring the additional expense incident to the feeding, housing, and transportation of dogs by virtue of their supervisory duties as a member of the Canine Corps.

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[2] Under the House-passed version the increase in the annuities of these retired officers and members would amount to 9.9 percent.

(5) Recruitment benefits for police applicants living outside the District of Columbia. Such benefits shall include:

(1) Payment of transportation expenses to applicants who are requested to travel to Washington, D.C., in order that certain determinations as to their suitability and qualifications for appointment can be made.

(2) A resettlement cash allowance (not to exceed $250). Such resettlement cash allowance shall be disbursed in accordance with regulations promulgated by the District Commissioners. The committee was advised that such regulation will permit a cash allowance to be made on the basis of $250 for a married appointee, or $100 for an unmarried appointee, to provide for extra expenses incurred in relocating his place of residence. To be eligible for such resettlement allowance, the appointee at the time of appointment must live outside the limits of the area prescribed by the Commissioners, which is presently the territory within a radius of 21 miles from the U.S. Capitol Building, and be required to move into the prescribed area.

(3) A 90-day per diem allowance (not to exceed $7.50 per day) for newly appointed privates who are required to relocate their place of residence.

Such allowances would be subject to an agreement by the newly appointed private to remain in the police service for a period of 2 years, with a refund required if he left the service within such period.

The estimated annual cost of these recruitment benefits is an approximate $127,000.

(6) Addition of a subsection to define a "calendar week of active service" as contained in the District of Columbia Police and Firemen's Salary Act of 1958, as amended, for step increase purposes when periods of leave with pay or periods of nonpay status may be involved. This subsection conforms with the nonpay status principle used for step increases for those District employees under the Classification Act of 1949.

(7) Certain technical provisions as to the effective date of the salary increases, which is the first day of the first pay period beginning on or after July 1, 1966, service in the Armed Forces of the United States, and redetermination of insurance amounts.

COST OF THE LEGISLATION

The estimated annual cost of title I of this bill, as computed by the District of Columbia government's Personnel Office, is tabulated as follows:

	Police	Fire	Total
Salary increases averaging 8.9 percent	$2,118,600	$1,032,300	$3,150,900
Retirement	499,300	243,300	742,600
Overtime	319,000	10,000	329,000
Holiday pay	34,700	38,700	73,400
District of Columbia share of U.S. Park Police salaries	68,800		68,800
Recruitment provisions	127,000		127,000
Total	3,167,400	1,324,300	4,491,700

On April 20, 1966, the Subcommittee on Fiscal Affairs held public hearings on S. 2910, S. 3121, S. 3123, and S. 3124, legislative proposals to increase the salaries of policemen and firemen.

The District of Columbia Commissioners appeared at these hearings and gave wholehearted support for increasing the salaries of both police and firemen. Similarly, the Chief of the White House Police and the Chief of the U.S. Park Police appeared and voiced approval of the legislation. No one appeared in opposition.

TITLE II—TEACHERS AND BOARD OF EDUCATION EMPLOYEES

Title II of this bill—

(1) Increases the salaries of teachers, school officers, and other educational employees of the Board of Education of the District of Columbia by approximately 8.9 percent, such increases to become effective retroactively to July 1, 1966, the date on which pay scales were increased for Federal and District of Columbia government classified personnel.

(2) Establishes the position of "teacher-aid (noninstructional)" at a salary level approximately 15 percent below the teacher with a bachelor's degree.

(3) Establishes as group D a master's degree plus 60 credit hours or a doctor's degree for positions in class 15 and a group D doctor's degree for salary classes 5 through 14.

(4) Revises the experience credit for permanent and probationary teachers from the present 5 years to 9 years.

(5) Requires that temporary teachers become certified within varying amounts of time or their employment will be terminated.

(6) Revises the salary rates for teachers in summer schools, adult education schools, and veterans' high school centers, and also provides for the addition of other positions.

(7) Establishes an authorization for the payment of extra-duty pay for classroom teachers who are assigned to perform such extra duties on a continuing basis.

(8) Authorizes recruiting inducements in the form of travel and relocation allowances.

(9) Provides an increase in the salary of the Superintendent of Schools to $28,315 and that of the Deputy Superintendent to $23,960, reflecting the overall increase granted to the District's teachers, school officers, and educational employees generally.

Your committee believes that the District school system is rapidly approaching a most significant crossroads. The emphasis Congress has placed on urban education through the Economic Opportunity Act, the Elementary and Secondary Education Act and other social legislation, has opened the door to a revolution in education, the scope of which covers the entire educational spectrum from preschool through college.

But in order to carry out this challenge, your committee believes that the District of Columbia public school system must have the best "tools"—both human and material—in order to offer the best education. It is believed that education is the high road of individual opportunity, the great avenue that all must travel to succeed.

NEED FOR THE LEGISLATION

On October 1, 1965, and again on July 1 1966, Federal classified employees and most District of Columbia government employees received wage increases. Equity would dictate a substantial increase at this time for the teachers and school officers whose work is so vital to the welfare of the Nation's Capital. Moreover, implicit in the failure of Congress to include teachers in last year's salary increases was the intent that this would be rectified by an increase for teachers in this session of Congress commensurate with the pay raises for other government employees.

The District of Columbia continues to face a crisis in the recruitment and retention of qualified teachers. A measure of the District's competitive recruiting position is the increase of temporary teachers as a proportion of the total teaching staff. Over the past 12 years, the percentage of temporary teachers has risen almost 300 percent; that is, from 15.5 percent in 1954–55 to over 47 percent in the 1965–66 school year. The temporary teacher problem in the District schools is treated in a separate section of this report, but it should be obvious that the increased reliance on temporary teachers, who for various reasons do not meet the standards established for a career teaching position, is a sign of the difficulties encountered in recruiting and retaining fully qualified teachers.

A practical reason for giving realistic wage increases is to improve the competitive position of the District's schools in the recruitment and retention of schoolteachers. In this regard, the District of Columbia actively seeks prospective teachers in the local area and also in other sections of the country. For instance, in 1965 the public schools of the District sent recruitment teams to 38 colleges from Atlanta to Boston, and as far west as Chicago. Thus, while the most vigorous competition for recruitment and retention of teachers comes, of course, from the six surrounding school jurisdictions, comprising Alexandria, Arlington, Fairfax County, Falls Church, in Virginia, and Prince Georges and Montgomery Counties in Maryland, the District must also compete with other cities as well.

COMPETITIVE POSITION

In 1964, all area systems placed into effect substantial teacher salary adjustments. At that time, the District maintained a good competitive position by the enactment of a 7 percent salary increase. This competitive position was short-lived, however, because of new salary adjustments approved for the 1965–66 school year by all the other area systems except Falls Church, Va., whose competitive position is currently quite favorable.

Further, the District's position is now in more serious jeopardy by reason of further increases recently adopted in several of these surrounding areas for the school year 1966–67. In short, whereas in past years salary adjustments made by these six local school systems could be predicted on a 3-year cycle, this cycle has now been shortened to 2 years and seems to be moving toward an annual basis.

Another factor that must be considered in competitive efforts to obtain capable teachers in a great city such as Washington, D.C., is the fact that more demands are made on teachers because of results flowing from the turbulent social changes. Certainly, equal dollars do not make for equal competition for the District school system in seeking to both attract and retain teachers here, as compared to the obvious incentives of suburban school systems in the Washington metropolitan area.

The following chart provides a visual picture of the competitive position which this proposed legislation will provide for the District of Columbia for the recruitment and retention of teaching personnel, both as compared with the other six jurisdictions in the Washington metropolitan area and also with all the U.S. cities with populations in excess of 500,000 persons.

Competitive ranking of District of Columbia schools

Degree	Minimum and maximum salaries	Rank among 7 school systems in Washington metropolitan area	Rank among 21 largest U.S. cities
Bachelor's	[1] $5,840	1st	4th.
	[2] 10,185	2d	3d.
Master's	[1] 6,385	1st	5th.
	[2] 10,730	3d	3d.
Master's plus 30 hours	[1] 6,605	2d	5th.
	[2] 10,950	3d	5th.
Master's plus 60 hours; or earned doctor's.	[1] 6,825	3d	7th.
	[2] 11,170	6th	6th.

[1] Minimum.
[2] Maximum.

As this chart reveals, this proposed salary scale will place the District in a very favorable competitive position in the area, particularly in the minimum salaries offered to new teachers, in which the District will rank first in two of the four teacher categories. Also, in the maximum salaries where the District does not rank first in the area, the differences by which other jurisdictions exceed the District's salaries are very small. Also, the District's rankings in comparison with the other 20 largest U.S. cities will be excellent indeed, when it is considered that in most instances the District's salaries will be exceeded generally by cities located on the west coast, with which the District of Columbia does not compete for teachers.

Your committee gave serious consideration to legislation proposed by the Commissioners, providing for a two-part salary increase, one part of which would be made retroactive to October 1965, and another part effective January 1, 1967. The committee's conclusion, however, was that the single increase of 8.9 percent, higher in average percentage than was recommended by the District of Columbia Commissioners and effective on July 1, 1966, will more properly compensate the District of Columbia teachers for having received no salary increase in 1965. At the same time, from the standpoint of all considerations, the proposed new pay scale comes reasonably close to the limitations contained in the Commissioners' recommendations.

SUPERINTENDENTS' SALARIES RAISED

Your committee has amended the House-passed bill to provide salary increases for the Superintendent of Schools (salary class 1) and the Deputy Superintendent (salary class 2). Certainly, the increasing demands upon the professional directors of a great city school system make it not only desirable but necessary that these officials have their capable and dedicated service rewarded. The problems of the schools in this great city, going through the social changes brought on by urbanization, rank as second to none. The absence of an increase for these two positions would ignore the responsibilities that the Congress, as this city's legislative body, must meet, and would rank these school-leadership positions in an exceedingly poor competitive position with other school systems of comparable size.

Currently, the Superintendent ranks in a tie for 15th place among the 21 cities of over 500,000 population, based upon salaries paid in the 1965–66 school year. Likewise, it also ranks below the median of $31,750 paid in the school systems of the country's large cities. It has been the policy heretofore that the School Superintendent's salary not be ranked above that of the Board of the District of Columbia Commissioners. However, your committee's judgment is that Washington, D.C., must follow suit with most, if not all, major cities of the country whose professional educational director receives compensation at a rate above the mayor or governmental leader of the city concerned. Presently, the Superintendent receives a salary of $26,000, such increase voted the last time in 1964, when that position was increased from $19,000. The 8.9-percent salary increase concept of this bill has been adopted for both the Superintendent and Deputy Superintendent, to grant the former $28,315 per year and his Deputy $23,960 such appropriately based on the differential above step 13 of class 15B used as a base. The District of Columbia Board of Commissioners recommended salary increases for both of these positions in legislation considered by this committee.

SINGLE PRINCIPAL SALARY LEVEL

Your committee also amended H.R. 15857, retaining the single salary concept adopted by the Congress in 1962 for school principals, whether serving in the elementary, junior high, or senior high schools. Your committee reiterates the view it took at that time, that the elementary principalship is as responsible and demanding as the principalship on any level.

The multilevel approach to principal salaries would consistently place elementary school principals in the lowest salary levels. The proposed formula for determining the group to which a principal is to be assigned is complex, and is predicated on level of school, number of students, size of staff, and complexity of operation. By its very nature, this formula discriminates against principals of elementary schools, which, by their nature, differ from the secondary schools. Elementary schools are generally smaller, with smaller student bodies and staffs, because there are more of them. Nevertheless, the requirements for qualification as a principal are the same for all principals, as all principals are required to have a master's degree, regardless of schools to which they are assigned. Also, the rating system does not take into consideration factors other than those pertaining to size of school or staff which affect tasks of principals. Among these factors are different duties and responsibilities depending upon location or physical condition of the schools, and intangible factors that affect principals in some schools differently than principals in other schools, such as the economic condition of the neighborhood where the school is located, language difficulties, and cultural background of the students. The application of an evaluation plan as proposed in the House-passed bill can only lead to inequities as well as inconsistencies in judgment.

Moreover, a single salary scale applies in all other branches of government. Thus, police and fire department officers are paid the same, regardless of their supervisory loads or geographic area covered. For example, in the fire department, the deputy chief in the training division supervises 9 men, although 3 deputy chiefs in the firefighting division supervise 442 men each. In the police department, precinct captains may supervise between 78 and 161 employees, while captains assigned to special squads or units may supervise 2 or 5 or as many as 235 employees.

The multiple-factor approach to principals' salaries would also encourage shopping around by principals seeking to obtain a position in a school in a higher group. Your committee believes that this would tend to reduce the continuity of an educational program. In fact, it would in some measure hamstring the school system in its ability to make assignments and tend toward building a caste system that can only weaken its structure. If principals are paid on a basis determined by quantitative factors and school levels, principals assigned to the smaller elementary schools will be at a disadvantage economically, although presumably equal in ability and training, because of matters beyond their control. Thus, your committee believes that the multiple-factor system for compensating principals will harm the effective intercommunication between elementary and secondary levels which has been built up since the inception of the single-salary concept. Your committee believes that the single-salary concept is sound and realistic.

FURTHER SALARY SCALE CHANGES (SEC. 202(3))

Your committee concurs in the recommendations as approved in the House-passed bill, and as further recommended by the District Board of Commissioners. Your committee proposes that the Teachers' Salary Act be amended to include the earned doctor's degree as group D in salary classes 5 through 14. Your committee favors extending the group D salary scale in class 15 (comprised mostly of classroom teachers) to include employees with a master's degree plus 60 credit hours. Your committee believes that this classification, which, the committee has been informed, is attaining increasing acceptance throughout the country, will enable teachers to tailormake their graduate study to the teaching needs of their classrooms. In this way, the teachers will be able to contribute more fully to the improvement of the educational program and to better teaching of our children in the classroom.

Further, 13 of the 20 other cities over 500,000 in population recognize educational attainment above the master's degree plus 30 credit hours, and 11 of these cities require the earned doctor's degree in order to reach this level. All of the other school systems in the Washington metropolitan area have salary levels established for the earned doctor's degree, and Prince Georges County provides for the master's degree plus 60 credit hours.

The proposed group D level in salary class 15 will range from $6,825 in service step 1 to $11,170 in longevity step Y, attainable in 18 years of service.

The bill, as approved by the House and as recommended by this committee, involves the revision of salary rates for teachers in summer schools, adult education schools, and veterans' high school centers. This revision is a concomitant process to the revision of the overall teachers' salary schedule and is consistent therewith. The change in present law was recommended by the District Commissioners.

However, because of the number of new programs now taking place during summer months as a result of the implementation of provisions of the Economic Opportunity Act of 1964, and the Elementary and Secondary Education Act of 1965, as well as new concepts in education, additional positions are now required that formerly were needed only during the regular school year. Such positions as counselor, school psychologist, librarian, speech correctionist, school social worker, and psychiatric social worker have therefore been added to the summer school schedule in the bill as reported by your committee.

NINE-YEAR PLACEMENT CREDIT (SEC. 202(5))

Under present law, the District of Columbia public school system cannot give prospective teachers credit for more than 5 years' teaching experience in or outside of the District of Columbia school system, for the purposes of salary placement. This means that an incoming teacher with more than 5 years of previous experience cannot initially be placed higher than step 6 in the District of Columbia teachers' salary schedule. Of course, any previous teaching experience must be evaluated, and credit even within the 5-year limitation is predicated upon acceptability of this experience.

Your committee is informed that more than 59 percent of all public school systems with enrollments in excess of 100,000 pupils now give credit for more than 5 years of successful teaching experience, and all the other school jurisdictions in the Washington metropolitan area give either 9 or 10 years of placement credit for acceptable experience.

This situation places the District of Columbia at an obvious disadvantage in attracting experienced teachers. For this reason, this reported bill provides that the District may give placement credit for as much as 9 years of acceptable teaching experience. Hence, an experienced teacher coming into the District of Columbia system on probationary status will be able to start at step 10 on the salary schedule, with at least 9 years of such experience.

This provision will not affect the maximum hiring level for temporary teachers, which will remain at step 6.

In fairness to teachers who are presently in the District of Columbia school system, and who entered this system with more than 5 years of acceptable experience, the bill provides that they shall receive credit for all such experience not to exceed a total of 9 years, or 4 years in excess of the 5 for which they were credited, and be placed in the salary step appropriate to this experience. For example, a teacher with as much as 9 years of acceptable previous experience who is now in step 8 will be placed in step 12, by virtue of her 4 years of experience for which she has not heretofore received placement credit.

Your committee is of the opinion that this provision will do much to enhance the District's ability to compete effectively for experienced teachers who are qualified for probationary employment.

CORRECTION OF ERRORS IN SALARY PLACEMENT

Section 202(5) of title II amends present law and is designed to prevent unjust losses of salary on the part of District of Columbia employees by reason of delays in submission of pertinent material from previous employers, or clerical errors made in the District of Columbia school system resulting in improper placement on the salary schedule. This provision was requested by the District of Columbia Board of Education.

For these reasons, the bill provides that proper salary placement, authorizing the payment of the appropriate salary, shall be effective either on the date of employment or 12 months prior to the approval of the Board of Education, whichever date occurs later. This provision is made retroactive to apply to all employees appointed after July 1, 1965.

EXTRA-DUTY PAY (SEC. 202(8))

Your committee recommends an amendment to the House-passed bill with respect to additional compensation for classroom teachers assigned to perform extra duties on a continuing basis. The House version was amended because of *(a)* the restrictive nature of schedule, *(b)* the conditional requirements for eligibility, and *(c)* the lack of flexibility as to coverage. Your committee's recommended amendment is identical in language to S. 2574, approved by the Senate on July 11, 1966. The Senate version provides greater flexibility to the Board of Education (with the approval of the District Board of Commissioners) to include or exclude positions providing for extra-duty pay without the necessity of Congress dealing with the exact areas involved.

As stated in your committee's report on S. 2574, the District of Columbia public schools are now conducting many programs in the early morning hours, late afternoon and evening hours, and on Saturdays and holidays. School sessions are planned for summer and other holiday periods. Existing and proposed programs requiring extra-duty assignments include those relating to sponsorship of cultural activities such as music, forensic, science, and dramatics clubs; parent education classes; after-school tutoring; coaching athletics; returning dropout programs and similar activities. These programs cannot be fully implemented unless the District of Columbia Board of Education has the authority to employ teachers after regular hours and on days when school is not in session.

The authority to employ teachers beyond the regular schedule of hours provides flexibility for the development of new programs. In order to make programs efficient, it is necessary to use the talents of regular teachers who are willing to accept additional duties and who should be entitled to extra compensation for such duties when they are related to regular classroom functions. There is equity in paying a staff for work beyond the regular school hours and on nonschool days. Many teachers are now giving time, which they could be using for their personal benefit, to assist in extracurricular activities. In many instances, teachers who do not have extra-duty assignments use their extra time for outside employment, which is not available to teachers who assume extracurricular duties. Those teachers who work extended periods of time on extra duties should also be paid, when the student is securing a better and more rounded education as a result thereof.

A survey conducted by the Classification and Wage Administration Division of the District of Columbia Government Personnel Office for the purpose of determining the practice of providing extra-duty pay to teachers in 20 cities with over 500,000 population revealed that 17 of 18 large city school systems responding to the survey have some type of extra-duty pay covering at least athletic coaches. Most give compensation to extra duty involved in the supervision of major school activities. The school systems responding to the survey overwhelmingly recommend the adoption of an extra-duty pay plan.

In the Washington metropolitan area, the school systems having extra-duty-pay plans include Arlington and Fairfax Counties and the cities of Alexandria and Falls Church in Virginia and Prince Georges County in Maryland, which has just adopted the program.

Other major cities of the country where extra-duty compensation is paid include Baltimore, Buffalo, Cincinnati, Cleveland, Houston, Los Angeles, Milwaukee, New Orleans, New York, Philadelphia, St. Louis, San Antonio, San Diego, and Seattle.

Your committee is informed that the Board of Education, handicapped by the lack of authority to pay for overtime service, now resorts to the principle of compensatory time. A coach, for example, is given two free periods during the football season, after which he returns to the regular five-period teaching schedule. Forty percent of his teaching skill is lost during the football season and, when he does take up a five-period schedule, pupils have to be shifted from one teacher to another. Schools are not efficient when operated under the compensatory time principle. The fact that overtime pay is practiced in most school systems through the country shows that school officials do not favor the Washington practice. Football coaches, for example, are required to report for duty in late August, as much as 2 weeks before the official opening of school, so that their teams may be ready by mid-September. This time is not paid for. In a survey recently conducted by the District of Columbia Coaches Association for the 1963–64 academic year, it was found that coaches performed 24,000 hours of coaching time. Of these hours, only 7,000 hours were compensated for in the form of compensatory time. The balance, or 17,000 hours of coaching time, constituted unpaid or uncompensated work.

The failure of the District of Columbia school system to pay for extra duty has placed the District of Columbia school system at a competitive economic disadvantage. Teachers have either transferred to another school system in the area which does pay for extra duty, or have left the school system entirely, because they were not being compensated for extra duty.

The bill authorizes the Board of Education, with the approval of the Board of Commissioners, on written recommendation of the Superintendent of Schools, to fix an amount of additional compensation for teachers, now assigned a standard workload, who are assigned to perform extra duties on a continuing basis. Such additional compensation is to be paid monthly following performance of service and shall not be subject to deduction or withholding for retirement or insurance, nor considered as salary for those purposes. The bill allows such additional compensation to be paid for more than one activity assigned to a classroom teacher so long as such activities are not performed concurrently.

This provision also authorizes the Board of Education of the District of Columbia to make necessary regulations to carry out the purposes of the act.

The committee was informed that the annual cost of this provision is estimated to be $225,000 for 450 teachers expected to participate.

Your committee believes that for the reasons cited above, the flexibility of its extra-duty pay recommendations is consistent with other provisions of this Teachers' Salary Act generally.

TEACHER-AID POSITIONS (SEC. 202(4))

Another amendment of the House-passed bill recommended by your committee proposes the deletion of the 4-percent limitation placed on the number of teacher-aids in the District School System. Your committee's amendment would restore the language of the legislation recommended by the District of Columbia Commissioners and the District Board of Education to establish the teacher-aid concept as a permanent program of the city's educational system. Under this provision, the District of Columbia Board of Education is authorized to establish positions of teacher-aid (noninstructional) as assistants to classroom teachers. Their functions would be to assist teachers by performing such noninstructional duties, as setting up science experiments, monitoring libraries or homerooms, acting as lay readers, correcting test papers, and similar duties. Such teacher-aids must have had at least 2 years of successful work in an accredited college, and will be paid a starting salary of $4,965 per year, with annual step increases to a maximum of $6,990 attainable in 10 years of service. They will receive the same fringe benefits as employees under the Classification Act.

Actually, during the past school year and during the current summer school session, the District of Columbia school system has employed two pay levels (GS–4 and GS–2) of noninstructional aids, under authority granted in title I of the Elementary and Secondary Education Act of 1965 (Public Law 89–10, approved Apr. 11, 1965).

Presently, 351 teacher-aids are employed in the District schools and paid with Federal grant funds only, under the Elementary and Secondary Education Act.

Likewise, the District of Columbia public school system has requested 404 positions (teacher-aids GS–4) in its fiscal year 1968 budget, to be paid from District funds. This bill would authorize the employment of these aids under a Teacher Salary Act classification, believed by this committee to be more appropriate for this type of employee who is working in direct relationship to the teacher in the classroom.

If this committee's amendment is enacted, the District government would make its request each year for the number of positions it felt was needed in line with all other positions under the Teachers' Salary Act. A total salary cost to the District of Columbia government for the 404 teacher-aids, if subsequently approved by Congress in fiscal year 1968, would be approximately $2.1 million.

The teacher-aid program for the District schools for fiscal year 1967, totaling some $1.5 million for 351 positions, would be paid exclusively from Federal funds. Consequently, such would not affect the amount of funds to be appropriated to the District of Columbia for the 1967 fiscal year.

If the Congress determines in future years to expand the teacher-aid program with District funds, the cost could be larger, but would be controlled exclusively by the Congress through the normal appropriation process.

Your committee recommends amendment of the House version of the teacher-aid provision, as contained in H.R. 16337, by eliminating the limitation on the number of teacher-aids. The House-passed provision would restrict teacher-aids to 4 percent of the number of classroom teachers in the District of Columbia school system. At present, this would be an approximate maximum of 248 teacher-aids.

Your committee believes that the concept of teacher-aids for classroom teachers, especially in urban centers such as the District of Columbia with its turbulence in changing social patterns, is a good one and should be adopted permanently. Certainly, the Congress in passing the Elementary and Secondary Education Act of 1965 gave approval to this general viewpoint. Admittedly, this act provided funds for such educational services for educationally deprived children in economically disadvantage areas and for handicapped youngsters. There is little question that a high concentration of youngsters from low-income groups exists in many areas of the District of Columbia.

The use of teacher aids to carry out routine tasks is a promising development in conserving the time of the teacher for her primary role as an instructor. Actually, school districts across the Nation have turned to teacher-aids because qualified teachers and other school-related professional personnel are in exceedingly short supply. The use of teacher-aids should not be looked upon as a second-best approach to the teacher shortage. Many activities performed by a regular classroom teacher should be performed by a teacher-aid.

Certainly, any restriction places an additional burden on a school system in securing personnel and hampers the initiation of and jeopardizes the success of the teacher-aid concept authorized by the Congress last year. Your committee, in deleting this restriction, believes that the District of Columbia Board of Education should have the flexibility to develop its needs through normal budgetary procedure. Obviously, Congress would thereby retain full and complete control.

Presently, over 30 percent of the country's large school systems utilize teacher aids. Many other systems are considering their use. Montgomery County, Md., has used this type of position for at least 5 years, and has had approved in its current budget the assignment of these positions in every elementary school in the county.

Furthermore, the House-passed bill appears to be in direct conflict with other legislation. For example, Public Law 89–10, the Elementary and Secondary Education Act of 1965, clearly allows for the employment of teacher aids. Therefore, the House-passed bill would limit the ability of the Board of Education to use non-District funds with the flexibility Congress intended.

TEMPORARY TEACHERS' PROVISIONS (SEC. 202(6))

The problem faced by the District schools because of the employment of teachers on a technically "temporary" status has been apparent in the District for years, and your committee has recommended a provision in this bill it believes would help to relieve some of the inequities involved and bring about a better educational system.

Though many individual temporary teachers are very good teachers, there is no question that many have not met the standards of professional competence established by the Board of Education. Indeed, in June 1964, as part of the public school's efforts to encourage teachers to become fully qualified, 343 temporary District teachers took the national teachers examination. It is reasonable to assume that these temporary teachers were interested in attaining permanent status. Yet only 67 of these 343 temporary teachers scored at or above the 33d percentile (in the upper two-thirds of those taking the test), which is the level set by the Board of Education as the minimum passing level to become a permanent teacher.

Your committee believes that a position must be taken now before the percentage of temporary teachers meets and then exceeds the 50 percent mark. Lowering requirements would only place the school system in a position of qualifying marginal teachers when the educational needs of the District require the most capable teachers.

Therefore, your committee is proposing, as part of this legislation, to limit the number of years of employment of temporary teachers as follows:

1. Those temporary teachers who have less than 3 cumulative years of District service must qualify in 5 years after date of employment or July 1, 1966, whichever is later, or their employment will be terminated at the completion of the then current school year.

2. Those temporary teachers who have more than 3 full years but less than 10 as of July 1, 1966, must qualify in 7 years after July 1, 1966, or their employment will be terminated at the end of the then current school year.

3. Those temporary teachers who have more than 10 full years of satisfactory services as of July 1, 1966, may continue as temporary teachers; however, those teachers who are temporary because of age limitations but are otherwise qualified, shall be treated the same as probationary or permanent teachers for step placement purposes.

Your committee proposes by amendment of the temporary teacher provision of the House-passed bill that those teachers who are temporary because of age limitations only but are otherwise qualified shall be treated as permanent teachers for step placement purposes and shall be retained in the school system. We believe this provision is necessary to insure that these teachers are not discriminated against because of age only.

Your committee also recommends that if a temporary teacher should become permanent within 2 years after the date of his employment, he shall receive full placement credit as if he had been employed as a probationary employee. In addition, temporary teachers in salary class 15 who have 15 or more years of satisfactory service in the District of Columbia public school system shall be advanced to service step 10, effective July 1, 1966.

TEACHER RECRUITING INCENTIVES (SEC. 203)

Your committee believes that the problem of securing capable and qualified teachers for the District of Columbia school system, obvious for years, can be assisted by provisions for recruitment allowances for travel and relocation of new teachers. Therefore, your committee recommends an amendment to the House-passed bill to restore the travel and relocation recruiting incentives, as submitted to the Congress by the District of Columbia Board of Commissioners and the District of Columbia Board of Education, just as it has done by recommending restoration of similar recruiting incentives for policemen and firemen in this bill.

A most critical factor influencing a teacher where to teach is the location of the vacancy. Many college graduates or experienced teachers are quite ready to enter teaching in or near population centers such as Washington, D.C., which provide cultural, entertainment, and other personal opportunities, not in the open or rural areas. However, the cost of relocation and travel often discourages the candidate.

Over 95 percent of cities over 500,000 population visit college campuses or recruitment tours. This intense competition for the college graduate by all segments require that school systems offer recruiting inducements similar to private industry.

A survey of other large school systems discloses that Milwaukee and Baltimore provide payment of interviews and only Milwaukee gives some assistance in the movement of household goods, though both systems limit these aids to school officers only. However, it is general practice for private industry to offer at least travel and relocation allowances as reported in a study by the National Industrial Conference Board.

Recently, the Federal Government has given increased attention to the problem of the cost of relocation of employees. The Chairman of the U.S. Civil Service Commission, in a letter to the Speaker of the House of Representatives stated that:

"Business is far more generous in reimbursing its employees for company moves than is the Government in dealing with its civilian employees. A 1964 study of industry practice confirms earlier studies by the National Industrial Conference Board and others that the great majority of businesses having specific policies on transfer expenses (generally the larger firms) do everything possible, within reason, to ease the burden on employees who are asked to move. Practically all underwrite temporary living expenses and moving and storage costs."

The Civil Service Commission is proposing legislation which will amend the Administrative Expenses Act of 1946 as a matter of equity to employees and as a matter of good administrative practice for Government.

According to the report of the U.S. Civil Service Commission: About 4 out of 5 employees experienced a substantial loss of money on moves. The average loss was $558, but approximately 17 percent of the respondents to the survey lost more than $1,000.

Employees with dependents lost on the average more than twice as much as those without, and losses increased with the distance moved for those with dependents.

Approximately 3 out of 5 respondents used annual leave averaging 33 hours in connec-with their move.

Heaviest losses were from closing costs on the sale of the old home (average $677), closing costs of new homes (average $297), and cost of temporary quarters to the family (average $134). The above factors have a relationship on expense problems faced by new teaching employees who relocate to take a job in our school system.

In 1965, District of Columbia public schools sent 6 recruitment teams to 38 colleges from Atlanta, Ga., to Boston, Mass., and as far west as Chicago, Ill. These teams received in excess of 200 applications and placed approximately 100 teachers as part of its increased recruitment program.

The proposed legislation language allows the Board of Education (with the concurrence of the Commissioners), upon the written recommendation of the Superintendent, to pay travel expenses to prospective candidates for positions in the public school system who are requested to travel to the District of Columbia for interviews. In order to pay for the relocation of those selected, the Commissioners propose, that a resettlement cash allowance not to exceed $250, and a per diem allowance not to exceed $7.50 per day for not more than 90 days be provided, beginning with the date of appointment. It is expected that the Commissioners and the Board of Education would establish regulations for the entitlement of such additional pay. In a statement to your committee, the Commissioners indicated that initial regulations in this area would provide that—

(a) The teacher or school officer must be fully eligible as a probationary employee.

(b) Payment of the resettlement cash allowance will be made on the basis of $250 for a married teacher or school officer, or $100 for one not married, to provide for extra expenses incurred in relocating his place of residence. To be eligible for such resettlement allowance the employee at the time of his appointment must have resided more than 100 miles from the U.S. Capitol Building by the shortest road or rail distance, and changed his place of residence as a result of such appointment to be closer to the District.

(c) The per diem allowance of $7.50 per day will be limited to 30 days for unmarried teachers or school officers, and for married employees such time as is required to relocate his family but not in excess of 60 days, subject to change as indicated above.

(d) The period of obligated service as a result of acceptance of the resettlement allowances would be 2 academic years of service in the District of Columbia public school system.

As the proportion of temporary teachers climbs toward the 50 percent mark, the need for competitive recruitment tools becomes more and more necessary. This provision would be an important recruitment device in the question for quality teachers. District of Columbia public schools estimate the cost at $122,000 per annum, based on the need to recruit approximately 50 school officers and approximately 200 teachers under the scope of the proposed provisions. This takes into consideration cost for interviews, resettlement, and per diem allowances.

Your committee recommends amendment of H.R. 16337 by including provision for travel and relocation allowances. Inclusion of these recruiting inducements will substantially facilitate the recruitment of qualified teachers in the District of Columbia public school system.

COSTS[1]

Total annual cost of title II of this bill, as estimated by the District of Columbia Personnel Office, is:

Salary increases averaging 8.9 percent	$5,383,230
9-year placement credit proposal	220,000
Extra-duty pay for classroom teachers	225,000
Recruitment provisions	122,000
Total	5,950,230

CONCLUSION

The provisions of H.R. 15857, as amended, represent, in large part though with some modifications, the recommendations of the Superintendent's Salary Committee, which was appointed in January of 1964 at the request of the District of Columbia Board of Education and which spent more than a year in an exhaustive study of the various aspects of the District of Columbia Teacher's Salary Act of 1955.

No single factor establishes a school system's competitive position, and it is clear that salary is not the only attracter of staff. However, salary is one of the important factors. In short, the personnel problems in the District of Columbia school system cannot be solved by salary alone, but they certainly cannot be solved without competitive salary adjustments.

With the ever-increasing emphasis on education in our society, District teachers are confronted with one of the most difficult educational tasks in the country. The new programs stimulated by the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, and related legislation have opened new paths for improved education. However, the large city school systems must educate vast numbers of students who are educationally handicapped by the conditions under which they live. The District must employ teachers who are not only highly capable, but usually dedicated, and who can inspire students.

Based on hearings held on June 21, 1966, your committee agrees that the many new provisions, such as recruiting inducements, additional placement credit, extra duty pay, in addition to the pay increases provided by this bill, will do much to enhance the posture of the District of Columbia school system in its ability to recruit and retain qualified teachers who can keep pace with dynamically changing educational concepts.

It is in this spirit that your committee urgently recommends passage of H.R. 15857, as amended.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Sections 101 and 303 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, Secs. 4-823, 4-829)

SEC. 101. The annual rates of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

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SALARY SCHEDULE

Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	7	8	9
Class 1:									
Subclass (a) Fire private. Police private.	$6,010	$6,330	$6,550	$6,970	$7,290	$7,610	$7,930	$8,250	$8,570
Subclass (b) Private assigned as: Technician I. Plainclothesman.[1]	6,330	6,620	6,940	7,260	7,580	7,900	8,220	8,540	8,860
Subclass (c) Private assigned as: Technician II. Station clerk. Motorcycle officer.	6,590	7,910	7,203	7,550	7,870	8,190	8,510	8,830	9,150
Class 2:									
Subclass (a) Fire inspector.	7,290	7,610	7,930	8,250			8,570	8,890	9,210
Subclass (b) Fire inspector assigned as: Technician I.	7,580	7,900	8,220	8,540			8,860	9,180	9,500
Subclass (c) Fire inspector assigned as: Technician II.	7,870	8,190	8,510	8,830			9,150	9,470	9,790
Class 3 Assistant marine engineer. Assistant pilot. Detective.	7,900	8,220	8,540	8,860			9,180	9,500	9,820
Class 4:									
Subclass (a) Fire sergeant. Police sergeant.	8,185	8,505	8,825	9,145			9,465	9,785	10,105
Subclass (b) Detective sergeant.	8,655	8,975	9,295	9,615			9,935	10,255	10,575
Subclass (c) Police sergeant assigned as: Motorcycle officer.	8,765	9,085	9,405	9,725			10,045	10,365	10,685
Class 5 Fire lieutenant. Police lieutenant. Detective lieutenant.	10,000	10,400	10,800	11,200			11,600	12,000	
Class 6 Marine engineer. Pilot.	11,000	11,400	11,800	12,200			12,600	13,000	
Class 7 Fire captain. Police captain. Detective captain.	12,000	12,500	13,000	13,500			14,000	14,500	
Class 8 Assistant superintendent of machinery. Battalion fire chief. Deputy fire marshal. Police inspector.	14,000	14,500	15,000	15,500			16,000	16,500	

See footnote at end of table.

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[1] Possible potential costs to the District of Columbia government for the teacher aid program proposed in sec. 202(4) of title II of this bill, as amended, are clarified under the "Teacher aid positions" subheading earlier in this report.

SALARY SCHEDULE—Continued

Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	7	8	9
Class 9:									
Subclass (a)	$16,500	$17,000	$17,500	$18,000	----------	----------	$18,500	$19,000	----------
Deputy fire chief.									
Deputy chief of police.									
Fire marshal.									
Superintendent of machinery.									
Subclass (b)	17,500	18,000	18,500	19,000	----------	----------	19,500	20,000	----------
Deputy chief assigned as the:									
Assistant fire chief.									
Police executive officer.									
Commanding officer of the White House Police.									
Commanding officer of the U.S. Park police.									
Class 10	21,000	21,500	22,000	22,500	----------	----------	23,000	23,500	----------
Fire chief.									
Chief of police.									

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[1] Service as such for over 60 consecutive calendar days.

SALARY SCHEDULE

Salary class and title	*Service step*						*Longevity step*		
	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*
Class 1:									
Subclass (a)	*$6,635*	*$6,972*	*$7,309*	*$7,646*	*$7,983*	*$8,320*	*$8,657*	*$8,994*	*$9,331*
Fire private.									
Police private.									
Subclass (b)	*6,925*	*7,262*	*7,599*	*7,936*	*8,273*	*8,610*	*8,947*	*9,284*	*9,621*
Private assigned as:									
Technician I.									
Plainclothesman.									
Subclass (c)	*7,215*	*7,552*	*7,889*	*8,226*	*8,563*	*8,900*	*9,237*	*9,574*	*9,911*
Private assigned as:									
Technician II.									
Station clerk.									
Motorcycle officer.									
Class 2:									
Subclass (a)	*7,983*	*8,320*	*8,657*	*8,994*	----------	----------	*9,331*	*9,668*	*10,005*
Fire inspector.									
Subclass (b)	*8,273*	*8,610*	*8,947*	*9,284*	----------	----------	*9,621*	*9,958*	*10,295*
Fire inspector assigned as:									
Technician I.									
Subclass (c)	*8,563*	*8,900*	*9,237*	*9,574*	----------	----------	*9,911*	*10,248*	*10,585*
Fire inspector assigned as:									
Technician II.									
Class 3	*8,610*	*8,947*	*9,284*	*9,621*	----------	----------	*9,958*	*10,295*	*10,632*
Assistant marine engineer.									
Assistant pilot.									
Detective.									
Class 4:									
Subclass (a)	*8,895*	*9,232*	*9,569*	*9,906*	----------	----------	*10,243*	*10,580*	*10,917*
Fire sergeant.									
Police sergeant.									
Subclass (b)	*9,400*	*9,737*	*10,074*	*10,411*	----------	----------	*10,748*	*11,085*	*11,422*
Detective sergeant.									
Subclass (c)	*9,475*	*9,812*	*10,149*	*10,486*	----------	----------	*10,823*	*11,160*	*11,497*
Police sergeant assigned as:									
Motorcycle officer.									
Class 5	*10,710*	*11,138*	*11,566*	*11,994*	----------	----------	*12,422*	*12,850*	----------
Fire lieutenant.									
Police lieutenant.									
Detective lieutenant.									
Class 6	*11,781*	*12,209*	*12,637*	*13,065*	----------	----------	*13,493*	*13,921*	----------
Marine engineer.									
Pilot.									
Class 7	*12,852*	*13,387*	*13,922*	*14,457*	----------	----------	*14,992*	*15,527*	----------
Fire captain.									
Police captain.									
Detective captain.									
Class 8	*14,994*	*15,529*	*16,064*	*16,599*	----------	----------	*17,134*	*17,669*	----------
Battalion fire chief.									
Police inspector.									
Class 9:									
Subclass (a)	*17,671*	*18,206*	*18,741*	*19,276*	----------	----------	*19,811*	*20,346*	----------
Deputy fire chief.									
Deputy chief of police.									
Subclass (b)	*18,742*	*19,277*	*19,812*	*20,347*	----------	----------	*20,882*	*21,417*	----------
Deputy chief assigned as:									
Assistant fire chief.									
Police executive officer.									
Commanding officer of the White House Police.									
Commanding officer of the U.S. Park Police.									
Class 10	*22,491*	*23,026*	*23,561*	*24,096*	----------	----------	*24,631*	*25,166*	----------
Fire chief.									
Chief of police.									

SEC. 303. (a) Subsequent to the initial salary adjustment provided in title II, each officer and member, except an officer or member in service step 1, or 2, or 3, Class 1, who has not attained the maximum service step rate of compensation for the rank or title in which he is placed shall be advanced in compensation successively to the next higher service step rate for such rank or title at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service, if he has a current performance rating of "satisfactory" or better.

(b) Satisfactory service (other than that credited in the initial adjustment of salaries under this Act) rendered immediately prior to the effective date of this Act by any officer or member who, in the initial adjustment of salaries, is placed in service step 4 or 5, Class 1, or service step 1, or 2, or 3, Classes 2 through 9, shall be credited as follows: each five calendar days of such service shall be credited as the equivalent of two calendar days of service for the purpose of computing the first period of one hundred and four calendar weeks of active service required by this section to entitle such officer or member to an advance in compensation to the next higher service rate for his rank or title.

(c) each officer and member serving in steps 1, 2, or 3 of Sub-Classes (a), (b), or (c) of Class 1 shall be advanced in compensation successively to the next higher service step rate for his current Sub-Class at the beginning of the first pay period immediately subsequent to the completion of fifty-two calendar weeks of active service in his class if he has current performance rating of "satisfactory" or better.

(d) Satisfactory service (other than that credited in the initial adjustment of salaries under this Act) rendered immediately prior to the effective date of this Act in the rank of Private, Class 1, or Private, Class 2, or Private, Class 3, shall be credited in computing the first period of fifty-two calendar weeks required under the provisions of this section for advancement from service steps 1, or 2, or 3, of Class 1.

(e) As used in this Act, the term "Calendar week of active service" includes all periods of leave with pay, and periods of nonpay status which do not cumulatively equal one basic workweek.

DISTRICT OF COLUMBIA TEACHERS' SALARY ACT OF 1955

31 D.C. Code Sec. 1501

* * * * *

TITLE I—SALARY SCHEDULES

SECTION 1. [That the] *(a) The following are the salary schedules for teachers, school officers, and certain other employees of the Board of Education whose positions are included therein:*

Salary class and position	Service step 1	Service step 2	Service step 3	Service step 4	Service step 5	Service step 6	Service step 7	Service step 8	Service step 9
Class 1	$26,000								
Superintendent.									
Class 2	22,000								
Deputy superintendent.									
Class 3	15,200	$15,485	$15,770	$16,055	$16,340	$16,625	$16,910	$17,195	$17,480
Assistant superintendent.									
President, teachers college.									
Class 4	13,450	13,735	14,020	14,305	14,590	14,875	15,160	15,445	15,730
Director, curriculum.									
Dean, teachers college.									
Class 5:									
Group A, bachelor's degree	11,800	12,065	12,330	12,595	12,860	13,125	13,390	13,655	13,920
Group B, master's degree	12,300	12,565	12,830	13,095	13,360	13,625	13,890	14,155	14,420
Group C, master's degree plus 30 credit hours	12,500	12,765	13,030	13,295	13,560	13,825	14,090	14,355	14,620
Chief examiner.									
Director, food services.									
Director, industrial and adult education.									
Executive assistant to superintendent.									
Psychiatrist.									
Class 6:									
Group B, master's degree	11,865	12,130	12,395	12,660	12,925	13,190	13,455	13,702	13,985
Group C, master's degree plus 30 credit hours	12,065	12,330	12,595	12,806	13,125	13,390	13,655	13,920	14,185
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans high school.									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent (pupil appraisal, study, and attendance).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics, and safety.									
Executive assistant to deputy superintendent.									
Class 7:									
Group B, master's degree	10,990	11,255	11,520	11,785	12,050	12,315	12,580	12,845	13,110
Group C, master's degree plus 30 credit hours	11,190	11,455	11,720	11,985	12,250	12,515	12,780	13,045	13,310
Director, elementary education (administration).									
Director in elementary education.									
Director, special education.									
Class 8:									
Group B, master's degree	10,555	10,820	11,085	11,350	11,615	11,880	12,145	12,410	12,675
Group C, master's degree plus 30 credit hours	10,755	11,020	11,285	11,550	11,815	12,080	12,345	12,610	12,875
Dean of students, teachers college.									
Director, school attendance.									
Professor, teachers college.									
Registrar, teachers college.									
Supervising director, adult education and summer school.									
Supervising director, athletics.									
Supervising director, curriculum.									
Assistant principal, elementary school.									
Assistant principal, junior high school.									
Assistant principal, senior high school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Supervising director, elementary education (supervision and instruction).									
Supervising director, reading clinic.									
Supervising director, subject field.									
Class 9:									
Group A, bachelor's degree	9,615	9,880	10,145	10,410	10,675	10,940	11,205	11,470	11,735
Group B, master's degree	10,115	10,380	10,645	10,910	11,175	11,440	11,705	11,970	12,235
Group C, master's degree plus 30 credit hours	10,315	10,580	10,845	11,110	11,375	11,640	11,905	12,170	12,435
Assistant director, food services.									
Supervising director, audiovisual instruction.									

Salary class and position	Service step 1	Service step 2	Service step 3	Service step 4	Service step 5	Service step 6	Service step 7	Service step 8	Service step 9
Class 10:									
Group B, master's degree	$9,680	$9,945	$10,210	$10,475	$10,740	$11,005	$11,270	$11,535	$11,800
Group C, master's degree plus 30 credit hours	9,880	10,145	10,410	10,675	10,940	11,205	11,470	11,735	12,000
Assistant director, adult education and summer schools.									
Statistician.									
Class 11:									
Group B, master's degree	9,240	9,505	9,770	10,035	10,300	10,565	10,830	11,095	11,360
Group C, master's degree plus 30 credit hours	9,440	9,705	9,970	10,235	10,500	10,765	11,030	11,295	11,560
Assistant director, audiovisual.									
Assistant director, practical nursing.									
Assistant director, subject field.									
Associate professor, teachers college.									
Chief librarian, teachers college.									
Supervisor, elementary education.									
Class 12:									
Group B, master's degree	8,805	9,070	9,335	9,600	9,865	10,130	10,395	10,660	10,925
Group C, master's degree plus 30 credit hours	9,005	9,270	9,535	9,800	10,065	10,330	10,565	10,860	11,125
Chief attendance officer.									
Clinical psychologist.									
Class 13:									
Group B, master's degree	7,900	8,225	8,550	8,875	9,200	9,525	9,850	10,175	10,500
Group C, master's degree, plus 30 credit hours	8,100	8,425	8,750	9,075	9,400	9,725	10,050	10,375	10,700
Assistant professor, teachers college.									
Assistant professor, laboratory school.									
Psychiatric social worker.									

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Salary class and position	Service step 1	Service step 2	Service step 3	Service step 4	Service step 5	Service step 6	Service step 7	Service step 8
Class 14:								
Group A, bachelor's degree	$6,440	$6,710	$6,980	$7,250	$7,520	$7,790	$8,060	$8,330
Group B, master's degree	6,940	7,210	7,480	7,750	8,020	8,290	8,560	8,830
Group C, master's degree plus 30 credit hours	7,140	7,410	7,680	7,950	8,220	8,490	8,760	9,030
Class 15:								
Group A, bachelor's degree	5,350	5,620	5,890	6,125	6,360	6,595	6,830	7,065
Group B, master's degree	5,850	6,120	6,380	6,625	6,860	7,095	7,330	7,565
Group C, master's degree plus 30 credit hours	6,050	6,320	6,590	6,825	7,060	7,295	7,530	7,765
Attendance officer.								
Child labor inspector.								
Counselor, placement.								
Librarian, elementary and secondary schools.								
Librarian, teachers college.								
Research assistant.								
School social worker.								
Speech correctionist.								
Coordinator of practical nursing.								
Teacher, elementary and secondary schools.								
Census supervisor.								
Counselor, elementary and secondary schools.								
Instructor, teachers college.								
Instructor, laboratory school.								
School psychologist.								

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Salary class and position	Service step 9	Service step 10	Service step 11	Service step 12	Service step 13	Longevity step X	Longevity step Y
Class 14:							
Group A, bachelor's degree	$8,600	$8,870	$9,140	$9,410	$9,680		
Group B, master's degree	9,100	9,370	9,640	9,910	10,180		
Group C, master's degree plus 30 credit hours	9,300	9,570	9,840	10,110	10,380		
Class 15:							
Group A, bachelor's degree	7,300	7,535	7,770	8,005	8,240	$8,795	$9,350
Group B, master's degree	7,800	8,035	8,270	8,505	8,740	9,295	9,850
Group C, master's degree plus 30 credit hours	8,000	8,235	8,470	8,705	8,940	9,495	10,050
Attendance officer.							
Child labor inspector.							
Counselor, placement.							
Librarian, elementary and secondary schools.							
Librarian, teachers college.							
Research assistant.							
School social worker.							
Speech correctionist.							
Coordinator of practical nursing.							
Teacher, elementary and secondary schools.							
Census supervisor.							
Counselor, elementary and secondary schools.							
Instructor, teachers college.							
Instructor, laboratory school.							
School psychologist.							

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Salary class and group	Step								
	1	2	3	4	5	6	7	8	9
Class 1	$28,315								
Superintendent.									
Class 2	23,900								
Deputy superintendent.									
Class 3	16,555	$16,865	$17,175	$17,485	$17,795	$18,105	$18,415	$18,725	$19,035
Assistant superintendent.									
President, teachers college.									
Class 4	14,650	14,960	15,270	15,580	15,890	16,200	16,510	16,820	17,130
Director, curriculum.									
Dean, teachers college.									
Executive assistant to superintendent.									
Class 5:									
Group A, bachelor's degree	12,845	13,135	13,425	13,715	14,005	14,295	14,585	14,875	15,165
Group B, master's degree	13,390	13,680	13,970	14,260	14,550	14,840	15,130	15,420	15,710
Group C, master's degree plus 30 credit hours	13,610	13,900	14,190	14,480	14,770	15,060	15,350	15,640	15,930
Group D, doctor's degree	13,830	14,120	14,410	14,700	14,990	15,280	15,570	15,860	16,150
Chief examiner.									
Director, food services.									
Director, industrial adult education.									
Executive assistant to deputy superintendent.									
Class 6:									
Group B, master's degree	12,915	13,205	13,495	13,785	14,075	14,365	14,655	14,945	15,235
Group C, master's degree plus 30 credit hours	13,135	13,425	13,715	14,005	14,295	14,585	14,875	15,165	15,455
Group D, doctor's degree	13,355	13,645	13,935	14,225	14,515	14,805	15,095	15,385	15,675
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent (pupil personnel services).									
Assistant to assistant superintendent (industrial and adult education, vocational education, evening and summer school).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics and safety.									
Director, special education.									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans' high school.									
Class 7:									
Group B, master's degree	11,960	12,250	12,540	12,830	13,120	12,410	13,700	13,990	14,280
Group C, master's degree plus 30 credit hours	12,180	12,470	12,760	13,050	13,340	13,630	13,920	14,210	14,500
Group D, doctor's degree	12,400	12,690	12,980	13,270	13,560	13,850	14,140	14,430	14,720
Supervising director, elementary education (supervision and instruction).									
Supervising director, audiovisual instruction.									
Supervising director, adult education and summer school.									
Supervising director, subject field.									
Supervising director, reading clinic.									
Director, school attendance.									
Supervising director, curriculum.									
Director, elementary education.									
Director, elementary education (administration).									
Class 8:									
Group B, master's degree	11,490	11,780	12,070	12,360	12,650	12,940	13,230	13,520	13,810
Group C, master's degree plus 30 credit hours	11,710	12,000	12,290	12,580	12,870	13,160	13,450	13,740	14,030
Group D, doctor's degree	11,930	12,220	12,510	12,800	13,090	13,380	13,670	13,960	14,250
Dean of students, teachers college.									
Professor, teachers college.									
Registrar, teachers college.									
Statistical analyst.									
Assistant principal, senior high school.									
Assistant principal, junior high school.									
Assistant principal, elementary school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Class 9:									
Group A, bachelor's degree	10,470	10,760	11,050	11,340	11,630	11,920	12,210	12,500	12,790
Group B, master's degree	11,015	11,305	11,595	11,885	12,175	12,465	12,755	13,045	13,335
Group C, master's degree plus 30 credit hours	11,235	11,525	11,815	12,105	12,395	12,685	12,975	13,265	13,555
Group D, doctor's degree	11,455	11,745	12,035	12,325	12,615	12,905	13,195	13,485	13,755
Assistant director, food services.									
Class 10:									
Group B, master's degree	10,535	10,825	11,115	11,405	11,695	11,985	12,275	12,565	12,855
Group C, master's degree plus 30 credit hours	10,755	11,045	11,335	11,625	11,915	12,205	12,495	12,785	13,075
Group D, doctor's degree	10,975	11,265	11,555	11,845	12,135	12,425	12,715	13,005	13,295
Assistant director, audiovisual instruction.									
Assistant director, subject field.									
Assistant director, adult education and summer school.									
Supervisor, elementary education.									

Salary class and group	Step						
	1	2	3	4	5	6	7
Class 11:							
Group B, master's degree	$10,060	$10,350	$10,640	$10,930	$11,220	$11,510	$11,800
Group C, master's degree plus 30 credit hours	10,280	10,570	10,860	11,150	11,440	11,730	12,020
Group D, doctor's degree	10,500	10,790	11,080	11,370	11,660	11,950	12,240
Assistant director, practical nursing.							
Associate professor, teachers college.							
Chief librarian, teachers college.							
Class 12:							
Group B, master's degree	9,590	9,880	10,170	10,460	10,750	11,040	11,330
Group C, master's degree plus 30 credit hours	9,810	10,100	10,390	10,680	10,970	11,260	11,550
Group D, doctor's degree	10,030	10,320	10,610	10,900	11,190	11,480	11,770
Chief attendance officer.							
Clinical psychologist.							
Class 13:							
Group B, master's degree	8,600	8,955	9,310	9,665	10,020	10,375	10,730
Group C, Master's degree plus 30 credit hours	8,820	9,175	9,530	9,885	10,240	10,595	10,950
Group D, doctor's degree	9,040	9,395	9,750	10,105	10,460	10,815	11,170
Assistant professor, teachers college.							
Assistant professor, laboratory school.							
Psychiatric social worker.							
Class 14:							
Group A, bachelor's degree	7,005	7,300	7,595	7,890	8,185	8,480	8,775
Group B, master's degree	7,550	7,845	8,140	8,435	8,730	9,025	9,320
Group C, master's degree plus 30 credit hours	7,770	8,065	8,360	8,655	8,950	9,245	9,540
Group D, doctor's degree	7,990	8,285	8,580	8,875	9,170	9,465	9,760
Coordinator of practical nursing.							
Census supervisor.							
Class 15:							
Group A, bachelor's degree	5,840	6,105	6,370	6,635	6,895	7,155	7,415
Group B, master's degree	6,385	6,650	6,915	7,180	7,440	7,700	7,960
Group C, master's degree plus 30 credit hours	6,605	6,870	7,135	7,400	7,660	7,920	8,180
Group D, master's degree plus 60 credit hours or doctor's degree	6,825	7,090	7,355	7,620	7,880	8,140	8,400
Teacher, elementary and secondary schools.							
Attendance officer.							
Child labor inspector.							
Counselor, placement.							
Counselor, elementary and secondary schools.							
Librarian, elementary and secondary schools.							
Librarian, teachers college.							
Research assistant.							
School social worker.							
Speech correctionist.							
Instructor, teachers college							
Instructor, laboratory school.							
School psychologist.							

Salary class and group	Step						Longevity	
	8	9	10	11	12	13	X	Y
Class 11:								
Group B, master's degree	$12,090	$12,380	----------	----------	----------	----------	----------	----------
Group C, master's degree plus 30 credit hours	12,310	12,600	----------	----------	----------	----------	----------	----------
Group D, doctor's degree	12,530	12,820	----------	----------	----------	----------	----------	----------
Assistant director, practical nursing.								
Associate professor, teachers college.								
Chief librarian, teachers college.								
Class 12:								
Group B, master's degree	11,620	11,910	----------	----------	----------	----------	----------	----------
Group C, master's degree plus 30 credit hours	11,840	12,130	----------	----------	----------	----------	----------	----------
Group D, doctor's degree	12,060	12,350	----------	----------	----------	----------	----------	----------
Chief attendance officer.								
Clinical psychologist.								
Class 13:								
Group B, master's degree	11,085	11,440	----------	----------	----------	----------	----------	----------
Group C, master's degree plus 30 credit hours	11,305	11,660	----------	----------	----------	----------	----------	----------
Group D, doctor's degree	11,525	11,880	----------	----------	----------	----------	----------	----------
Assistant professor, teachers college.								
Assistant professor, laboratory school.								
Psychiatric social worker.								
Class 14:								
Group A, bachelor's degree	9,070	9,365	$9,660	$9,955	$10,250	$10,545	----------	----------
Group B, master's degree	9,615	9,910	10,205	10,500	10,795	11,090	----------	----------
Group C, master's degree plus 30 credit hours	9,835	10,130	10,425	10,720	11,015	11,310	----------	----------
Group D, doctor's degree	10,055	10,350	10,645	10,940	11,235	11,530	----------	----------
Coordinator of practical nursing.								
Census supervisor.								
Class 15:								
Group A, bachelor's degree	7,675	7,935	8,195	8,455	8,715	8,975	$9,580	$10,185
Group B, master's degree	8,220	8,480	8,740	9,000	9,260	9,520	10,125	10,730
Group C, master's degree plus 30 credit hours	8,440	8,700	8,960	9,130	9,480	9,740	10,345	10,960
Group D, master's degree plus 60 credit hours or doctor's degree	8,660	8,920	9,180	9,440	9,700	9,960	10,565	11,170
Teacher, elementary and secondary schools.								
Attendance officer..								
Child labor inspector.								
Counselor, placement.								
Counselor, elementary and secondary schools;								
Librarian, elementary and secondary schools.								
Librarian, teachers college.								
Research assistant.								
School social worker;								
Speech correctionist.								
Instructor, teachers college;								
Instructor, laboratory school;								
School psychologist.								

(b) Each employee appointed to a position of teacher-aide (noninstructional), established under section 5(c), shall be paid in accordance with the following salary schedule:

	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
Teacher-aide (noninstructional)	*$4,965*	*$5,190*	*$5,415*	*$5,640*	*$5,865*	*$6,090*	*$6,315*	*$6,540*	*$6,765*	*$6,990*

TITLE II—CLASSIFICATION AND ASSIGNMENT OF EMPLOYEES

SEC. 2. (a) * * *

* * * * *

(c) When used in this Act—

[(1) The term "master's degree" means a master's degree granted in course by an accredited higher educational institution.]

(1) The terms "master's degree" and "doctor's degree" mean, respectively, a master's degree and a doctor's degree granted in course by an accredited higher educational institution.

(2) The term "plus thirty credit hours" means the equivalent of not less than thirty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the thirty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such thirty credit hours. *The term "plus sixty credit hours" means the equivalent of not less than sixty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the sixty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such sixty credit hours.*

(3) The terms "Board" and "Board of Education" means the Board of Education of the District of Columbia.

(4) The term "Salary Act of 1947" means the District of Columbia Teachers' Salary Act of 1947, as amended.

* * * * *

Method of assignment of employees to salary schedules

[SEC. 4. Each teacher, school officer, or other employee in the service of the Board on January 1, 1963, who occupies a position held by him on December 31, 1962, under the provisions of this Act, shall be placed in a salary class covered by section 1 of this Act as indicated at the end of this section. Any employee in group A, B, or C of his salary class on December 31, 1962, shall be assigned to the same letter group of the salary class to which he is transferred on January 1, 1963.

[

TITLE AND CLASS OF POSITION ON DECEMBER 31, 1962

Title	Class	Title	Class
Superintendent	1	Principal, elementary school	8
Deputy superintendent	2	Principal, Capitol Page School	8
Assistant superintendent	3	Principal, health school	7
Assistant superintendent in charge of business affairs	3	Principal, laboratory school	7
President, District of Columbia Teachers College	3	Assistant principal, senior high school	8
Dean, District of Columbia Teachers College	4	Assistant principal, vocational high school	8
Chief examiner	5	Assistant director, food services	9
Dean of students, teachers college	5	Assistant principal, junior high school	9
Executive assistant to the superintendent	5	Assistant principal, Americanization School	9
Psychiatrist	5	Associate professor, District of Columbia Teachers College	13
Director, food services	5	Assistant principal, elementary school	11
Executive assistant to the deputy superintendent	6	Assistant principal, health school	14
Assistant to the assistant superintendent (elementary schools)	6	Assistant director, audiovisual instruction	13
Director, curriculum	4	Assistant director, evening and summer schools	11
Director, elementary education (administration)	7	Principal, veterans high school	8
Director, elementary education (supervision and instruction)	6	Assistant director, practical nursing	13
Director in elementary education	7	Assistant director, subject field	13
Director, health, physical education, athletics and safety	6	Statistician	11
Director, industrial and adult education	5	Assistant professor, District of Columbia Teachers College	16
Director, special education	7	Assistant professor. laboratory school	16
Principal, senior high school	6	Chief attendance officer	15
Principal, Vocational high school	6	Chief librarian, District of Columbia Teachers College	13
Principal, junior high school	7	Clinical psychologist	15
Registrar, teachers college	7	Supervisor, elementary education	13
Principal, Americanization School	7	Psychiatric social worker	16
Principal, junior high school	7	Attendance officer	18
Professor, District of Columbia Teachers College	8	Census supervisor	18
Supervising director, adult education and summer schools	8	Child labor inspector	18
Supervising director, athletics	8	Coordinator, practical nursing	18
Supervising director, curriculum	8	Counselor, elementary and secondary schools	18
Supervising director, elementary education (supervision and instruction)	8	Counselor, placement	18
Assistant to the assistant superintendent (general research, budget and legislation)	8	Instructor, District of Columbia Teachers College	18
		Instructor, laboratory schools	18
Assistant to the assistant superintendent (junior and senior high schools)	7	Librarian, elementary and secondary schools	18
Assistant to the assistant superintendent (pupil appraisal, study and attendance)	8	Librarian	18
		Research assistant	18
Supervising director, reading clinic	8	School psychologist	18
Supervising director, subject field	8	School social worker	18
Director, school attendance	8	Speech correctionist, District of Columbia Teachers College	18
Supervising director, audiovisual instruction	9	Teacher, elementary and secondary schools	18

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TITLE AND CLASS OF POSITION ON JANUARY 1, 1963

Title	Class
Superintendent	1
Deputy superintendent	2
Assistant superintendent	3
Assistant superintendent in charge of business affairs	3
President, District of Columbia Teachers College	3
Dean, District of Columbia Teachers College	4
Chief examiner	5
Dean of students, District of Columbia Teachers College	8
Executive assistant to the superintendent	5
Psychiatrist	5
Director, food services	5
Executive assistant to the deputy superintendent	6
Assistant to the assistant superintendent (elementary schools)	6
Director, curriculum	4
Director, elementary education (administration)	7
Director, elementary education (supervision and instruction)	6
Director in elementary education	7
Director, health, physical education, athletics and safety	6
Director, industrial and adult education	5
Director, special education	7
Principal, senior high school	6
Principal, vocational high school	6
Principal, boys' junior-senior high school	6
Registrar, District of Columbia Teachers College	8
Principal, Americanization School	6
Principal, junior high school	6
Professor, District of Columbia Teachers College	8
Supervising director, adult education and summer schools	8
Supervising director, athletics	8
Supervising director, curriculum	8
Supervising director, elementary education (supervision and instruction)	8
Assistant to the assistant superintendent (general research, budget, and legislation)	6
Assistant to the assistant superintendent (junior and senior high schools)	6
Assistant to the assistant superintendent (pupil appraisal, study, and attendance)	6
Supervising director, reading clinic	8
Supervising director, subject field	8
Director, school attendance	8
Supervising director, audiovisual instruction	9
Principal, elementary school	6
Principal, Capitol Page School	6
Principal, health school	6
Principal, laboratory school	6
Assistant principal, senior high school	8
Assistant principal, vocational high school	8
Assistant director, food services	9
Assistant principal, junior high school	8
Assistant principal, Americanization School	8
Associate professor, District of Columbia Teachers College	11
Assistant principal, elementary school	8
Assistant principal, health school	8
Assistant director, audiovisual instruction	11
Assistant director, evening and summer schools	10
Principal, veterans high school	6
Assistant director, practical nursing	11
Assistant director, subject field	11
Statistician	10
Assistant professor, District of Columbia Teachers College	13
Assistant professor, laboratory school	13
Chief attendance officer	12
Chief librarian, District of Columbia Teachers College	11
Clinical psychologist	12
Supervisor, elementary education	11
Psychiatric social worker	13
Attendance officer	15
Census supervisor	15
Child labor inspector	15
Coordinator, practical nursing	15
Counselor, elementary and secondary schools	15
Counselor, placement	15
Instructor, District of Columbia Teachers College	15
Instructor, laboratory schools	15
Librarian, elementary and secondary schools	15
Librarian	15
Research assistant	15
School psychologist	15
School social worker	15
Speech correctionist, District of Columbia Teachers College	15
Teacher, elementary and secondary schools	15

Sec. 4. Any employee of the Board of Education in group C of a salary class in the salary schedule in section 1(a) of this Act who possesses a doctor's degree, and any employee of the Board of Education in group C of salary class 15 of such salary schedule who possesses a master's degree plus sixty credit hours, shall be transferred in accordance with section 10(a) to group D of such salary class.

SEC. 5. (a) This Act applies to all positions under the Board which require at least a bachelor's degree in an appropriate field, and in addition—

(1) involve classroom or other instruction or the supervision and direction of classroom and other instructional activities; or

(2) involve activities, other than teaching, which require the incumbents to possess academic credits in educational theory and practice at least equivalent to those required of a teacher with a bachelor's degree; or

(3) involve activities which are so directly related to the educational process that the positions have characteristics of the educational field to a marked degree, even though academic credits in educational theory and practice are not required; or

(4) involve the management or direction or organizational units or school services which, though not directly involved in the educational process, require the incumbent to deal so extensively with employees who are directly involved in the educational process on problems that require an understanding of the aims, methods and points of view of educators and educational philosophy, that it becomes impractical, insofar as salary treatment is concerned, to attempt to distinguish between them and positions covered under paragraphs (1), (2), or (3) of this subsection. This paragraph (4) shall apply only to such positions as are necessary to coordinate such noneducational units or services with the educational activities of the school system.

(b) The Board, with the concurrence of the Board of Commissioners of the District of Columbia, is authorized to determine which positions meet the criteria specified in subsection (a) of this section and to establish or transfer positions covered under other wage or salary fixing acts or authorities to the coverage of this Act. Similarly. the Board, with the concurrence of the said Board of Commissioners, is authorized to determine that positions covered under this Act do not meet the criteria specified in subsection (a) of this section and to remove any such position from the coverage of this Act: *Provided,* That any employee occupying any position covered by this Act on the effective date of this Act, but which is later determined not to meet the criteria specified in subsection (a) of this section, shall continue to be entitled to the salary and other benefits of this Act as long as he remains in such position. The Board, subject to the concurrence of the said Board of Commissioners, is authorized to specify for any position to be brought under this Act, the class and group as established in this Act which shall apply to such position: *Provided,* That such class shall be selected on the basis of the difficulty, responsibility, and qualification requirements of such position. Positions brought under this Act in accordance with this section shall be subject to the provisions of this Act to the same degree and in all respects as if such positions were specifically named in this Act. The Board is authorized to conduct such studies as are required to apply the criteria specified in subsection (a) of this section. The Board of Education of the District of Columbia, with the cooperation of the Board of Commissioners of the District of Columbia, is authorized to make a study of the classification of the positions covered under this Act for the purpose of determining what classification adjustments may be necessary or desirable to provide a classification alinement based on the difficulty, responsibility, and qualification requirements of the positions and to take such appropriate corrective action as is concurred in by the Board of Commissioners: *Provided,* That any such adjustments shall be made within the classes established by this Act: *Provided further,* That no adjustment resulting from this study shall decrease the existing rate of compensation of any present employee, but when a position becomes vacant any subsequent appointee to such position shall be compensated in accordance with the rate of pay determined to be applicable to such position. If a position is placed in a lower salary class and the present salary of the incumbent falls between two step rates for the newly assigned class, he shall receive the higher of such rates. If a position is placed in a higher salary class, placement for salary purposes shall be made in accordance with section 11 of this Act.

(c) The Board of Education, with the concurrence of the Board of Commissioners of the District of Columbia, is authorized to establish a position which shall be designated "teacher-aide (noninstructional)" and the compensation for which shall be fixed in accordance with the salary schedule in section 1(b). A person appointed to the position of teacher-aide (noninstructional) shall be eligible for leave, retirement, life insurance, and health benefits as provided in the Annual and Sick Leave Act of 1951, the Civil Service Retirement Act, the Federal Employees' Compensation Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959. The minimum qualification for appointment to such position shall be successful completion of at least sixty semester hours at an accredited junior college, college, or university. A person appointed to such position shall be a noninstructional employee, and his primary duty shall be to assist the instructional staff in tasks related to instruction.

TITLE IV—METHOD OF ADVANCEMENT AND PROMOTION OF EMPLOYEES

* * * * *

SEC. 7. [(a) Each employee who is newly appointed or reappointed to a position under section 1 of this Act, except the Superintendent of Schools, shall be assigned to the service step numbered next above the number of years of service with which he is credited for the purpose of salary placement. The Board, on the written recommendation of the Superindendent of Schools, is authorized to evaluate the previous experience of each such employee to determine the number of years with which he may be so credited. Employees newly appointed, reappointed, or reassigned to any position in salary class 15 shall receive one year of such placement credit for each year of satisfactory service, not in excess of five years, in the same type of position regardless of school level, in an educational system or institution of recognized standing outside the District of Columbia public schools, as determined by the Board: *Provided*, That employees appointed to the positions of attendance officer, census supervisor, child labor inspector, counselor, librarian, research assistant, school psychologist, and school social worker shall also receive one year of placement credit for each year of satisfactory service in a teaching position, but not in excess of five years for all types of service rendered outside the school system, and persons appointed to the position of shop teacher in the vocational education program shall receive one year of placement credit for each year of approved experience in the trades, as determined by the Board, but not in excess of five years for any combination of trade experience and educational service outside the school system. Employees newly appointed or reappointed to positions of assistant professor (salary class 13), chief librarian and associate professor (salary class 11), and professor (salary class 8) shall receive one year of placement credit for each year of satisfactory service, not in excess of five years. in a position of the same or higher rank in a college or university of recognized standing outside the District of Columbia public schools, as determined by the Board. Employees newly appointed, reappointed, or reassigned to any position in salary classes 1 to 14 inclusive, except the positions of chief librarian and assistant professor, associate professor and professor, shall receive no placement credit for educational service or trade experience outside the District of Columbia public schools. Employees reappointed or reassigned to positions in classes 2 to 15 inclusive shall receive one year of placement credit for each year of satisfactory service in the same salary class or in a position of equivalent or high rank within the District of Columbia public schools, except that no employee shall receive more than five years of placement credit for previous service in any combination of the following: (1) service rendered outside the public school system, (2) service rendered as a temporary employee within such system, and (3) service rendered prior to reappointment after resignation from such system. Credit for service rendered either inside or outside the District of Columbia public schools shall be effective on the date of the regular Board meeting immediately preceding the date of approval by the Board or on the date of appointment, whichever is later.] *(a) (1) Each employee who is newly appointed or reappointed to any position in salary classes 3 to 15, inclusive, of the salary schedule in section 1(a) shall be assigned to the service step numbered next above the number of years of service with which he is credited for the purpose of salary placement. The Board, on the written recommendation of the Superintendent of Schools, is authorized to evaluate the previous experience of each such employee to determine the number of years with which he may be so credited. Employees newly appointed, reappointed, or reassigned to any position in salary class 15 shall receive one year of such placement credit for each year of satisfactory service, not exceeding nine years, in the District of Columbia in salary class 15, or in the same type of position regardless of school level, in an educational system or institution of recognized standing outside the District of Columbia public schools, as determined by the Board. Employees newly appointed, reappointed, or reassigned to any position in salary classes 3 to 14, inclusive, except the provisions of chief librarian and assistant professor, associate professor and professor, shall receive no placement credit for educational service or trade experience outside the District of Columbia public schools. Employees reappointed or reassigned to positions in salary classes 3 to 14, inclusive, shall receive one year of placement credit for each year of satisfactory service in the same salary class or in a position of equivalent or higher rank within the District of Columbia public schools, except that no such employee shall receive more than five years of placement credit for previous service rendered as a temporary employee within such system. Persons appointed to the position of shop teacher in the vocational education program shall receive one year of placement credit for each year of approval experience in the trades, as determined by the Board but not in excess of nine years for any combination of trade experience and educational service outside the school system. Employees newly appointed or reappointed 10 positions of assistant professor (salary class 13), chief librarian and associate professor (salary class 11), and professor (salary class 8) shall receive one year of placement credit for each year of satisfactory service, not in excess of five years, in a position of the same or higher rank in a college or university of recognized standing outside the District of Columbia public schools, as determined by the Board.*

(2) Salary placement credit for service rendered either inside or outside the public school system of the District of Columbia shall be effective on the date of appointment or on the first day of the twelfth month prior to the date of approval of such placement credit by the Board, whichever is later.

(3) Each probationary or permanent employee in salary class 15 who is in the employ of the Board of Education on the effective date of this paragraph shall move to the numerical service step or longevity step, as the case may be, commensurate with the additional creditable service allowed such employee under the amendments made by the District of Columbia Teachers' Salary Act Amendments of 1966.

* * * * *

SEC. 9. *(a)* The Board is hereby authorized to appoint and assign temporary employees within the salary structure of section 1 of this Act, whenever such action is necessary and recommended in writing by the Superintendent of Schools. Such appointments shall be for periods not to extend beyond June 30 of the fiscal year in which the appointments are made and the Board is authorized to terminate the appointment of any temporary employee at any time upon the written recommendation of the Superintendent of Schools. Each temporary employee shall be assigned to a numerical service step and receive an annual rate of compensation in accordance and with section 7, but he shall receive no annual service increments and may be credited with not more than 5 years of service either inside or outside the public schools of the District of Columbia for the purpose of salary placement.

(b) The following provisions shall apply to all temporary employees in salary class 15:

(A) Each temporary employee in salary class 15 employed cumulatively as such an employee in such salary class less than three full years as of July 1, 1966, must qualify as a probationary employee within five years after the date of employment or July 1, 1966, whichever date is later, or his employment shall be terminated as of the date of completion of the then current school year.

(B) Each temporary employee in salary class 15 employed cumulatively as of July 1, 1966, for more than three but less than ten full years as such employee in such salary class, must qualify as a probationary employee within seven years after July 1, 1966, or his employment shall be terminated as of the date of completion of the then current school year.

(C) Each temporary employee in salary class 15 who has accumulated more than ten full years of satisfactory service as of July 1, 1966, as such an employee in such salary class, may be continued as temporary teacher contingent upon satisfactory service.

(c)(1) A temporary employee in salary class 15 who receives a permanent appointment shall be advanced on and after the date of such appointment in double annual increments to the place in the salary schedule which he would have occupied if he had been employed as a probationary employee from the date of his appointment as a temporary employee. A temporary employee in salary class 15 who receives a probationary appointment within two years of the date of his appointment as a temporary employee shall receive full placement credit on the date of his appointment as a probationary employee as if he had been employed as a probationary employee from the date of his appointment as a temporary employee.

(2) Temporary employees in salary class 15 with fifteen or more total years of satisfactory service in the District of Columbia public schools shall be advanced to service step 10, effective July 1, 1966.

(d) Each temporary employee in salary class 15 who has more than ten full years of satisfactory service as of July 1, 1966, may be continued as temporary teacher contingent upon satisfactory service: Provided, That an employee who is on temporary status only because of the age limitation, but is otherwise qualified shall receive salary, placement on the same basis as a probationary or permanent teacher.

[SEC. 10. (a) On and after July 1, 1955, each promotion to group B, or group C, within a salary class shall become effective on the date of the regular Board meeting immediately preceding the date of approval by the Board or on the effective date of the master's degree or the completion of thirty credit hours beyond the master's degree, whichever is later.

[(b) Any employee in a position covered by section 1 of this Act who is promoted to group B or group C of the same salary class shall be assigned to the same numerical service step on the schedule for his new group as he would have occupied on the schedule from which promoted.]

Sec. 10. (a) On and after the effective date of the District of Columbia Teachers' Salary Act Amendments of 1966, each promotion to group B, group C, or group D, within a salary class, shall become effective—

(1) on the date of the regular meeting of the Board immediately preceding the date of approval of that promotion by the Board, or

(2) on the effective date of the master's degree or doctor's degree or on the completion of thirty or sixty credit hours beyond the master's degree, as the case may be, whichever is later.

(b) Any employee in a position in a salary class in the salary schedules in section 1(a) of this Act who is promoted to group B, group C, or group D of such salary class, shall be placed in the same numerical service step in his new group which he would have occupied in the group from which promoted.

* * * * *

TITLE V—ACCOMPANYING LEGISLATION

* * * * *

SEC. 13. [(a) The Board is hereby authorized to conduct as parts of the public school system, summer schools, adult education

schools, and an Americanization School, under and within appropriations made by Congress. The pay rates for teachers, officers, and other educational employees in the summer and adult education schools shall be as follows:

[

Classification	Step 1	Step 2	Step 3
	Per diem		
SUMMER SCHOOL (REGULAR)			
Teacher, elementary and secondary schools, and instructor, District of Columbia Teachers College	$20.97	$23.18	$25.29
Assistant professor, District of Columbia Teachers College	25.16	28.82	30.35
Associate professor, District of Columbia Teachers College	27.26	30.13	32.88
Assistant principal, elementary and secondary schools	30.41	33.61	36.67
Supervising director, and professor, District of Columbia Teachers College	30.41	33.61	36.67
Principal, elementary and secondary schools	33.55	37.09	40.46
	Per period		
VETERANS SUMMER HIGH SCHOOL CENTERS			
Teacher	$31.46	$34.77	$37.94
ADULT EDUCATION SCHOOLS			
Teacher	5.13	5.67	6.18
Assistant principal	7.44	8.22	8.96
Principal	8.21	9.07	9.89

]

(a) The Board is authorized to conduct as part of its public school system the following: extended school year programs, adult education school programs, and an Americanization school, under and within appropriations made by Congress. They pay for teachers, officers, and other educational employees in the summer schools, adult education schools, and veteran's summer high school centers shall be as follows:

"Classification	*Step 1*	*Step 2*	*Step 3*
	Per diem		
SUMMER SCHOOL (REGULAR)			
Teacher, elementary and secondary schools, counselor, elementary and secondary schools, librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist and instructor, District of Columbia Teachers College	*$22.73*	*$25.11*	*$27.50*
Psychiatric social worker and assistant professor, District of Columbia Teachers College	*27.28*	*30.13*	*33.00*
Clinical psychologist	*28.41*	*31.39*	*34.38*
Associate professor, District of Columbia Teachers College	*29.55*	*32.64*	*35.75*
Assistant principal, elementary secondary schools and professor, District of Columbia Teachers College	*32.96*	*36.41*	*38.89*
Supervising director	*34.10*	*37.67*	*41.25*
Principal, elementary and secondary schools	*36.37*	*40.18*	*44.00*
	Per diem		
VETERANS SUMMER HIGH SCHOOL CENTERS			
Teacher	*$34.10*	*$37.67*	*$41.25*
	Per period		
ADULT EDUCATION SCHOOLS			
Teacher	*$5.56*	*$6.14*	*$6.72*
Assistant principal	*8.06*	*8.90*	*9.74*
Principal	*8.90*	*9.82*	*10.75."*

(b) Beginning on January 1, 1963, each teacher, officer, and other educational employee serving in the summer or adult education schools shall be paid at the rate specified for his position under step 1 of the schedule in subsection (a) of this section while serving his first, second, and third years in such position; he shall be paid at the rate specified under step 2 while serving his fourth, fifth, and sixth years in such position; and he shall be paid at the rate specified in step 3 while serving his seventh and any subsequent years in such position.

(c) When an employee covered by the pay schedule in subsection (a) of this section is promoted to a higher paid position in this same schedule, he shall be paid during his first three years of service in such position at the scheduled rate for such position which is next above the rate he would have received if continued in his previous position; he shall be paid at the next higher scheduled rate for his position during his second three years of service in such position; and he shall be paid at the scheduled rate above that (if any) during his subsequent years in such position.

"*(d) (1) The Board of Education of the District of Columbia is hereby authorized to pay additional compensation, over and above the salaries in the salary schedules in section 1 of this Act, in the amounts hereafter fixed or prescribed in accordance with the provisions of this subsection, to classroom teachers in salary class 15, at the indicated levels, who are assigned to perform extra duties, on a continuing basis: Provided, That a teacher, to be eligible for such additional compensation, must also be assigned the standard load for a regular day school teacher at his respective school level. The Board of Education is further authorized, with the approval of the Board of Commissioners of the District of Columbia, on the written recommendation of the Superintendent of Schools, to fix or prescribe the amount of additional compensation for teachers who perform such extra duty.*

"*(2) Payment of such additional compensation shall be made monthly following the rendering of such service. Such additional compensation shall not be subject to deduction or withholding for retirement or insurance, and such additional compensation shall not be considered as salary (i) for the purpose of computing annuities pursuant to the Act entitled 'An Act for the retirement of public school teachers in the District of Columbia', approved August 7, 1946 (60 Stat. 875; D.C. Code, sec. 31–721 et seq.), as amended, and the Civil Service Retirement Act, or (ii) for the purpose of computing insurance coverage under the Act entitled 'An Act to authorize the Civil Service Commission to make available group life insurance for civilian officers and employees in the Federal service, and for other purposes', approved August 17, 1954 (68 Stat. 736), as amended. Such additional compensation may be paid for more than one activity assigned to a classroom teacher so long as such activities are not performed concurrently."*

(2) The Board of Education of the District of Columbia is hereby authorized to make such regulations as may be necessary to carry out the purposes of this title.

* * * * *

BILL PASSED OVER

The bill (H.R. 203) to amend title 38, United States Code, to set aside funds for

research into spinal cord injuries and diseases was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

LOUIS A. JOHNSON MEMORIAL VETERANS' HOSPITAL, CLARKSBURG, W. VA.

The bill (S. 2709) to name the Veterans' Administration hospital located in Clarksburg, W. Va., the "Louis A. Johnson Memorial Veterans' Hospital" was announced as next in order.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

VETERANS' HOSPITAL IN CLARKSBURG, W. VA., WOULD HONOR LOUIS A. JOHNSON, FORMER SECRETARY OF DEFENSE

Mr. RANDOLPH. Mr. President, Louis A. Johnson was a patriotic and dedicated American who made contributions to our Nation and to the freedom of men and women throughout the world. On October 22, 1965, I introduced S. 2709, to name the Veterans' Administration hospital in Clarksburg, W. Va., the "Louis A. Johnson Memorial Veterans Hospital." It is gratifying that the Senate has today approved this measure and sends it to the House of Representatives for action.

Louis A. Johnson, who died on April 24 of this year following a lengthy illness, "adopted" West Virginia as his home State during his early manhood. In the city of Clarksburg, Harrison County, he entered the practice of law, and the firm of Steptoe & Johnson has since become one of the Nation's most widely respected, with other offices in Charleston, W. Va., and Washington, D.C.

During World War I, Mr. Johnson served with valor as an infantry officer in the Meuse-Argonne campaign. For his gallantry he was awarded the Legion of Honor of the French Government. Following the close of the war he was extremely active in securing benefits for veterans. He was instrumental in the organizing of the American Legion, and after holding a number of responsible positions, was elected national commander of that group in 1932.

As a public servant, Louis A. Johnson established a long and distinguished record. He was a delegate to the West Virginia Legislature, and served as majority leader. Later, he was a civilian aid to the Secretary of War, and a member of the Federal Advisory Council, U.S. Employment Service, Department of Labor. He was appointed Assistant Secretary of War in 1937, and in 1942 served in India as the personal representative of the President of the United States. From March of 1949 until September of 1950, Louis A. Johnson was Secretary of Defense.

Throughout his illustrious life Mr. Johnson was accorded richly deserved recognition. He received the West Virginia Distinguished Service Medal, and honorary degrees from a number of colleges and universities, including West Virginia University, and from my alma mater, Salem College. He was for a time the American Vice President of the Federation Interallies des Anciens Combattants, an international organization of World War I veterans.

Active in civic and fraternal affairs, Mr. Johnson was a member of the Harrison County Bar Association, Rotary, Elks, the Masonic organization, and other worthwhile organizations. To each, he gave helpfully of his energies and abilities.

Mr. President, Louis A. Johnson was truly a leader of his community, our State, and the Nation. As a lawyer, soldier, legislator, leader in veterans' affairs, and Government policymaker he made meaningful contributions to the progress of our society. His career is a credit to the city in which he lived, to West Virginia, and to the United States.

It is appropriate that the Senate has acted to name the veterans hospital in his home city of Clarksburg in his memory. This is the second such measure passed by the Senate this session which calls for the renaming of a V.A. hospital facility as a memorial to a distinguished American. The other bill would give appropriate recognition to the late Melvin J. Maas, past Chairman of the President's Committee on Employment of the Handicapped and a former House Member. It is a privilege to associate myself with the objectives of both of these legislative proposals.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1611), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The bill (S. 2709), if enacted, would designate the Veterans' Administration hospital in Clarksburg, W. Va., as the "Louis A. Johnson Memorial Veterans' Hospital."

The late Louis Arthur Johnson gained recognition as one of the 20th century's outstanding Americans. During military service in World War I as an infantry captain, he participated in combat in the Meuse-Argonne offensive with the 4th, 5th, 80th, and 90th Divisions. In recognition of his military performance, France bestowed upon him the rank of Commander in its Legion of Valor.

Following his World War I service, Mr. Johnson's dedication to and efforts in behalf of his comrades-in-arms were evidenced by the fact that he was elected by the American Legion in 1932 to serve as national commander. In 1933, he was honored by being chosen to serve as vice president of the Federation Interallies des Anciens Combattants, an international organization of World War I veterans.

In addition to his interest in veterans' matters, Louis Johnson was a dedicated public servant. He was a civilian aide to the Secretary of War from 1933 to 1937. President Franklin D. Roosevelt appointed him Assistant Secretary of War in 1937, a post he held until 1940. On March 28, 1949, he was appointed by President Harry S. Truman to serve in his Cabinet as Secretary of Defense.

Louis Johnson was untiring in his efforts to safeguard the best interests of our Nation. He was resourceful and energetic in the service of his country, and remained ever-mindful of the needs and contributions of veterans. He was a credit to his family, his State, and the Nation.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital, located at Clarksburg, West Virginia, shall hereafter be known as the "Louis A. Johnson Memorial Veterans' Hospital", and any law, regulation, document, or record of the United States in which such hospital is referred to shall be held to refer to such hospital under and by the name of the "Louis A. Johnson Memorial Veterans' Hospital".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the next 4 bills be passed over, and that the Senate proceed to the consideration of Calendar No. 1583.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

STRIKING OF MEDAL IN COMMEMORATION OF DESIGNATION OF ELLIS ISLAND AS PART OF THE STATUE OF LIBERTY NATIONAL MONUMENT, NEW YORK

The bill (S. 3704) to provide for the striking of a medal in commemoration of the designation of Ellis Island as a part of the Statue of Liberty National Monument, in New York, N.Y., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the designation by the President of the United States of Ellis Island as a part of the Statue of Liberty National Monument in New York City, New York, the Secretary of the Treasury is authorized and directed to strike and furnish to the New York City National Shrines Advisory Board a fourth medallion in the liberty series of no more than two hundred and fifty-five thousand medals with suitable emblems, devices, and inscriptions to be determined by the New York City National Shrines Advisory Board and subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the advisory board in quantities of not less than two thousand. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such cost.

SEC. 3. The medals authorized to be issued pursuant to this bill shall be of such size or sizes and of such metals as shall be determined by the Secretary of the Treasury in consultation with such advisory board.

SEC. 4. After December 31, 1968, no further medals shall be struck under the authority of this Act.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, notwithstanding the previous agreement, I ask unanimous consent that there be a brief period for the transaction of routine morning business, and that statements be limited to 3 minutes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

INVESTMENT CREDIT SUSPENSION COULD BE INFLATIONARY

Mr. PROXMIRE. Mr. President, suspension of the investment credit and of accelerated depreciation could in the relatively near future be inflationary, not deflationary.

This surprising conclusion has been argued by many prominent businessmen. It is documented by a competent economist on the basis of a paper he prepared last June.

The economist is Prof. Richard A. LaBarge of Florida State University.

Mr. LaBarge contends that there has been a serious error in analyzing inflation because of excessive concentration on the demand force in the economy while ignoring the force of supply.

The result: all the policies that would cope with rising prices concentrate on discouraging people from buying. Credit is tightened to keep potential loan money out of the hands of those who would borrow to build equipment or a productive plant. Taxes are hiked to discourage investment in plant and equipment.

Of course, these policies also may tend to discourage consumers from buying autos or homes. But in doing so they prevent American business from developing precisely the kind of productive capacity—that is, the kind of potential supply—that can meet rising demand.

Mr. President, this is especially true of the President's proposals to kill the prime investment incentives in the tax law. These are not designed to, and they will not discourage consumers from, buying cars or durable goods.

But the proposal to eliminate investment incentives is expressly designed to prevent business from developing just those productive facilities that can supply the production to meet rising demand.

Mr. President, many of the proponents of the President's investment tax proposals may contend that the development of more productive capacity takes too long. The time of inflation, they contend, is here and now. Productive facilities that would be brought into service through the investment credit would not be available until sometime in the future.

Mr. President, there are two answers to this contention:

First. The Secretary of the Treasury testified just last May that the suspension of the investment credit will not have its principal effect for a year or more, because there is a lag extending up to 2 or 3 years between the placement of orders and the completion of the equipment.

The lag for the plant that would be built with the encouragement of accelerated depreciation will be even longer.

Second. And here is the fresh point that Professor LaBarge's analysis makes: The availability of that equipment and that productive plant is precisely the kind of capacity to meet rising demand—the supply that can keep prices down.

For instance, the Ford Motor Co. placed its Woodhaven stamping plant into production of its first Mustang body units in late 1965, only 18 months from the initial planning and zoning negotiations conducted early in 1964.

LaBarge also points out that the expectation in 1964 of higher auto prices in the 1965 model lines were wrong precisely because the new plant and equipment facilities that came into production in 1965 made possible certain cost offsets which eased the impact of the wage concessions on total cost structure of motor vehicle production.

Mr. President, I hope that before Senators commit themselves to vote for the administration's investment credit and accelerated depreciation suspension proposals, they will reflect on what this will do to the very capacity of our industry. We need to keep prices down by increasing productive facilities to meet rising demand.

The **ACTING PRESIDENT** pro tempore. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the paper by Professor LaBarge, entitled "Fighting Inflation Through Supply," be printed at this point in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

Fighting Inflation Through Supply

(By Richard A. LaBarge [1])

Inflation means rising prices, and prices are formed in the market place by the interaction of buyers and sellers. It follows that inflation can be discussed intelligently only if reference is made both to the buyers who constitute "demand" in the aggregate and to the sellers who constitute "supply" in the aggregate. An analysis which relies upon only one of these two forces runs the risk of serious omissions which can lead to unsound recommendations for public policy. This paper contends that such recommendations have been with us during the inflationary pressures of 1966 for precisely this reason.

I—BACKGROUND

Before discussing this state of affairs it is worth noting in brief just how we have come to it. There was a time—largely before the Great Depression of the 1930s and even more so before the turn of the century—when economic analysis was conducted almost entirely from the supply side of the market. When demand was dealt with at all, the usual subject was utility and individual personal or business demand, not aggregate demand. It simply was presumed that "supply created its own demand," as testified by Say's Law of Markets, for surely no seller would be foolish enough to make and offer products for which demand was not evident. Here and there an occasional voice [2] objected that time lags, mistakes in forecasting, or other forces might alter demand conditions in an unforeseen manner during the time between planning and production. But by and large the problem of aggregate demand was thought to be of little consequence in what still was largely an agricultural world.

With the rise of Karl Marx and his followers during the 1800s there was increasing political reason to avoid the subject of aggregate demand. In a nutshell the Marxists argued that the long-term course of capitalism lay through increasing inequality of income to poverty for the masses and a collapse of buying power for the whole system.[3] An appearance of granting any part of this argument seemed to imply sympathy for the Communists. Even some of the non-Marxists (like Henry George) who dealt with aggregate demand came up with recommendations for rather sweeping changes in society. These developments increased the disposition of most economists who did not wish to be considered as radicals to concentrate mainly on supply. Consequently, it is no surprise that our main debt to the classical tradition lies in detailed analysis of costs, study of firm behavior and market structure, and policy designed to improve business conditions for economic growth.

The Great Depression pushed the pendulum of economic thought far to the other extreme. Collapse of aggregate demand was no longer a theoretical proposition. It had happened, and practical answers had to be found without delay. The result, as many senior business economists remember from living through this period, was intense work on the problems of aggregate demand during the 1930s which finally jelled in the post-World War II era as Keynesian economics. With more recent ramifications the term "new" economics sometimes is used.

While many of the public policy measures proposed under the guise of the "new" economics properly remain subjects for hot debate, there appears to be general agreement among economists that the tools of analysis[4] forged in this period have been of great help. For example, the Keynesian distinction of expenditure flows as "consumption," "investment," "government," and "net exports" is used by every analyst who attempts a detailed forecast of national income data by sectors. Milton Friedman (hardly a subscriber to many policies of the "new" economics) is internationally known, among other things, for his work on the shape and characteristics of the consumption function.[5] As William F. Butler put it in a recent seminar at Florida State University,[6] "We generally don't like to admit it, but a little bit of Keynes has rubbed off on all of us."

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[1] The author is Associate Professor of Economics at Florida State University, where he is charged with developing the doctoral program in the field of economic development. A combination academic and business economist, he has taught previously at Southern Methodist University (1957–1960), as an adjunct faculty member at Wayne State University and as a visiting faculty member at Michigan State University. For five years (1960–1965) Mr. LaBarge was a member of the Central Office staff at Ford Motor Company. The views expressed in this article are purely personal and reflect in no way upon past or present policies of the institutions with which the author has been affiliated. Appreciation is expressed to members of the Florida State University Seminar on Economic Functions of the State for helpful comments and criticisms during construction of the argument.

[2] John Maynard Keynes, *Essays in Biography*, New Edition (New York: Horizon Press, Inc., 1951), pp. 102–106, gives notes on the Reverend Thomas R. Malthus' concept of "effective demand" as set forth in his anonymous pamphlet, *An Investigation of the Cause of the Present High Price of Provisions* (1800).

[3] For a portion of this argument in the wordy original see Karl Marx, *Capital, A Critique of Political Economy* (New York: The Modern Library, 1906), pp. 689–703.

Although economics has advanced markedly because of this emphasis on aggregate demand, unfortunate side effects have appeared in an associated tendency to depreciate earlier contributions from the supply side. Analysis of one does not exclude the other, and it is as wrong to think that economics began in 1936[7] as it is to think that it ended there. Some analysts seem to feel that any measure which aids aggregate demand in a recesion is, for that reason alone, a proper measure. The converse proposition, which is appearing extensively in 1966, would argue almost indiscriminately for any measure which restricts demand under inflationary pressures. Both of these propositions are wrong.

II—SOME FACTS ABOUT SUPPLY

In order to make this point clear let us consider what we know about supply, the willingness of sellers to sell. All businessmen know that there is some level of output, given their existing facilities, at which it becomes increasingly difficult to raise production. If the attempt is made costs rise as the pressure on capacity builds. Only if prices rise enough to cover these costs will the seller push his facilities to manufacture and sell the extra units. By the same token, once the seller is in this "bottleneck" position he will seek to lower costs to get out of it. His chief means of doing this are "increases in capacity" (building additional plant and equipment facilities) and "finding new techniques" (innovations).[8]

Although the foregoing is nothing more than common sense economics, it tells us that the supply curves—both of individual businesses and of the economy composed of them—tend to have the general shape shown in Figure 1.[9] In the first "area of underemployment" output requirements place no pressure upon existing plant and equipment facilities. There is no significant tendency for costs to rise, and sellers remain willing to sell larger quantities with little or no change in price levels. Inflation begins gradually and accelerates in the second "area of pressure on capacity." Here existing plant and equipment facilities are used with rising intensity, and substantial cost increases cannot be avoided for that reason. Rises in price levels are required to cover these costs if the extra output is to be obtained. Finally, there is the third area of "unattainable output," where the scarcest critical agents of production are utilized to the fullest.[10] No more output is possible unless new agents of production are made and introduced. In this area there is hyper-inflation.

Most economists want to avoid area one, where waste occurs simply because we are able to produce more with the available resources without price increases. At the other extreme most economists dislike area three, where destabilizing inflation is rampant. By elimination this means that we want to get somewhere in area two—far enough in to assure ourselves that we are not wasting our abilities through idleness, yet not so far in that we run the risk of slipping unintentionally into the hyper-inflation stage.[11] This would present no policy problem if aggregate supply were kinked—as in Figure 2—with a perfectly flat segment leading up to some critical level of output and a vertical segment thereafter. Then there would be a clear-cut distinction between the "good" of price stability on one hand and the "evil" of rampant inflation on the other. Area two would be nothing but the point at which the bottleneck kink occurred, and all economists would agree that public policy should attempt to reach that point, maximizing output without a price rise. But we know the choice is not so simple. Even if individual businesses were to have supply characteristics like the one in Figure 2 (an unlikely condition for all to have), not all of the kinks would be reached with the same policies or at the same time. Some individual bottlenecks would occur before others, so that output for the system as a whole still would behave along the lines of Figure 1.

Accordingly, the general practice toward area two is to set up some arbitrary rules of thumb to distinguish "dangerous" rates of inflation from those considered permissible. Economists with a deep-seated fear of inflation may observe that the annual rate of inflation in the United States since World War II (except for the Korean and Vietnamese War periods) has been historically around 1 to 1½ per cent. Greater price increases would be taken as evidence of something abnormal and perhaps serious. Other economists have been willing to accept faster inflation rates—2 or 3 per cent—before becoming concerned about "applying the brakes." A small group of development economists consider inflation and growth as sliding-scale trade-offs. With one eye on the current Japanese growth exeprience, my own feeling as a member of this group would be tolerance for any rate of inflation as long as that rate were associated with equivalent or greater rates of growth in the real output of goods and services.

In the short run the point which we reach along our existing aggregate supply curve is the result of shifting demand along it. Low levels of aggregate demand lead us to the recessionary conditions of area one, while high levels of aggregate demand lead to the hyper-inflation conditions of area three. But matters are this simple only within a period so short that no forces operate to re-locate the existing aggregate supply curve. It is not proper to make this assumption or to implement public policy based upon it.

We already have noted that businesses faced with cost increases as a result of rising pressure on capacity will use innovations and new capital formation in order to get around the capacity problem. The design and construction of these new facilities removes existing bottlenecks to production and shifts the location of aggregate supply over time out and to the right. This action is shown by Figure 3 in the movement from S_1 (output capability based on existing capital stock) to S_2 (output capability based on existing capital stock plus new additions). The implications of this shift for anti-inflation policy are tremendous. Suppose the level of aggregate demand right now is represented in Figure 3 by D_1, so that the resulting levels of prices and output are the ones indicated by point A. If the future level of aggregate demand pressure is expected to increase to D_2 the result would be substantial inflation to the price-output combinations represented by point B. But this movement occurs only if additional capital formation is severely limited. An alternative, non-inflationary result—point C—can result if sufficient increases in productive capacity are allowed to take place. In the long run the true answer to inflation lies in capital formation.

It is important to emphasize that this particular "long run" is not so long that "we are all dead." Substantial changes in the productive capacity of some industries are possible within a year, and even in the heaviest industries capital formation gestation periods of two to three years probably are the maximum. Shorter periods have been achieved. Ford Motor Company placed its Woodhaven Stamping Plant into production of its first Mustang body units in late 1965, only 18 months from the initial planning and zoning negotiations conducted early in 1964. In consequence, the possibility of moving from point A to point C in Figure 3, in spite of substantial demand pressure, should not be passed off lightly.[12] The inflationary condition of point B is a foregone conclusion of the demand pressures only if capital formation is restricted.

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[4] Probably the best place to gain a comprehensive knowledge of these tools is in Gardner Ackley, *Macroeconomic Theory* (New York: The Macmillan Company, 1961), pp. 3–591, *passim*. This book is used widely across the country for junior-senior economics students. Since Ackley currently is Chairman of the President's Council of Economic Advisors it follows that no business economist should be without a well-used copy.

[5] Milton Friedman, *A Theory of the Consumption Function* (Princeton: Princeton University Press, 1957), pp. 1–239 *passim*.

[6] Mr. Butler delivered an invited paper on the economic development of Japan at the Florida State University economics seminar on April 6, 1966. This paper, and others in the seminar series, will be published under the editorship of George Macesich as a volume in the Florida State Studies.

[7] With the publication of John Maynard Keynes, *The General Theory of Employment, Interest and Money* (New York: Harcourt-Brace and Company, 1936).

[8] See Robert Eisner, *Determinants of Capital Expenditures, An Interview Study*, Studies in Business Expectations and Planning Number 2 (Urbana: University of Illinois Bureau of Economic and Business Research, 1956), pp. 21–24.

[9] Aggregate supply functions similar to Figure 1 appear in the massive review of inflation theory done by Martin Bronfenbrenner and Franklin D. Holzman, "Survey of Inflation Theory," *American Economic Review* LIII–4 (September, 1963), p. 596. The article as a whole, pp. 593–661, is a "must" for both industrial and financial economists.

[10] In the original draft of this paper the author had labeled this the "area of full employment" since that term in proper use means that no more output is possible with existing resources. However, members of the seminar agreed that the current general understanding of "full employment" is at some output in area two short of this level. Note the common view that labor resources are substantially fully employed at some concept of structural unemployment, say 4 per cent. Accordingly, the full employment term was dropped as potentially confusing.

[11] However, there is real question whether area three ever is entered by "unintentional" slip. See Paul A. Samuelson and Robert M. Solow, "Analytical Aspects of Anti-Inflation Policy," *American Economic Review* L–2 (May, 1960). On page 185 these writers say—"Unlike some other economists, we do not draw the firm conclusion that unless a firm stop is put, the rate of price increase must accelerate. We leave it as an open question: It may be that creeping inflation leads only to creeping inflation."

III—ASSESSMENT OF CURRENT POLICY

It follows that anti-inflation measures have two dimensions. The one most widely recognized is the need to limit outward movements in aggregate demand without restricting so severely that the outward movement ceases altogether or turns into a decline. There is considerable evidence that American economists previously have been overly zealous in this respect. As one authority put it—

> "From 1955 to 1962, the money supply grew by only 9.4 per cent, or 1.3 per cent per year. In a society with a growth potential of 3.5 to 4.0 per cent per year, the money supply could be expected to grow at more or less (although within rather wide limits) the same rate, and if one may judge by past history, even a greater rate. An increase of 1.3 per cent per year suggests an unduly tight monetary restraint. Even from 1960 to 1962, the rate of increase was only 2.3 per cent per year."[13]

Several economists feel that prosperous periods actually have been turned into recessions as a direct result of government monetary and fiscal policies taken in the name of price stability.[14] From the standpoint of monetary policy alone, recent evidence suggests that "tightness" may operate with considerable lags before the full force of restriction is felt upon aggregate demand. The result is an initial appearance that not enough has been done to fight inflation (so that the authorities remain under pressure to do more), whereas in fact insufficient time has passed to warrant that judgment.[15]

Administration authorities have remarked upon the difficult nature of these problems when approaching capacity bottlenecks,[16] and the author has nothing but praise for the resistance shown by the Administration toward pressures for further restriction of aggregate demand (e.g.—a tax hike) during the first half of 1966.

But on other grounds there is less to complement in current public policy. The second dimension of anti-inflationary measures consists of steps to reduce the slope of aggregate supply in the future by fostering new and improved capital formation. This is policy widely recommended by American development economists,[17] but precious little is being done now on this account because of the inflation scare. In fact, the Administration is compounding its own problems with future inflation by urging repeatedly that investment spending be cut back.[18]

Aside from "moral suasion," the most severe pressure now being applied against capital formation in the United States is being brought to bear by the Federal Reserve System. From December, 1965, through June, 1966, the Fed reduced the monthly average of daily reserve positions of its member commercial banks from $2 million net borrowed reserves to around $350 million net borrowed reserves.[19] Its officials announced publicly that they would continue to use this means to force the greater rationing of credit among usual credit-worthy borrowers.[20] During the same period the prime lending rate rose three times, first from 4½ per cent to 5 per cent in December, then from 5 per cent to 5½ per cent in March, and again from 5½ per cent to 5¾ per cent at the close of June. Thus, in the broad capital market served by the commercial banking system the cost of funds for plant and equipment expansion and improvement rose by almost 28 per cent in slightly more than six months as a direct result of the active restraint imposed by the central bankers. For those firms with access to the corporate bond market the effects were somewhat less severe. From December 1, 1965, to June 29, 1966, the composite rates on corporate AAA bonds rose from 4.63 per cent to 5.06 per cent, while those on corporate BBB issues rose from 5.14 per cent to 5.60 per cent[21]—increases of about 9 per cent in each case. The result has been a mad scramble in the corporate bond market for funds with which to complete investment projects currently authorized or underway.[22]

But the worst is yet to come. There is powerful evidence that large upward changes in the structure of interest rates have serious negative effects on investment planning and on subsequent investment levels if the new rates are permitted to endure for very long. Myron Ross summaries this evidence as follows—

> "While there is uncertainty about its magnitude, empirical estimates of the long-term elasticity of investment tend to range between −0.3 and −0.5. Ando, Brown, Kareken and Solow (1963) conclude that the elasticity of fixed asset investment is between −0.3 and −0.4. Jorgenson (1963) estimated the elasticity of plant and equipment to be −0.4. Hammer (1964) concluded that the short-run elasticity of fixed investment was −0.3 and the long-run elasticity −0.5. Grunfeld (1960) estimated the elasticity of fixed asset investment to be −0.5. Kuh and Meyer (1963) found a relatively low elasticity of −0.16 for manufacturing investment. Anderson (1964) found interest elasticities of demand for producers' durables to be −0.39 and for farm equipment to be −0.67."[23]

With financing costs in the capital market up by a range of 9 to 28 per cent, these elasticity figures mean that we can expect an ultimate decline in capital formation by a conservative estimate of 2.7 per cent from existing levels (−0.3 times 9) and possibly by as much as 14 percent (−0.5 times 28) in some sectors. At least one recent forecast suggests that this effect is beginning to take place.[24]

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[12] The automobile industry provides a recent meaningful example of this type of situation. During 1964 many economists were fearful that the industry would be forced to post substantial price increases on its 1965 model lines as a result of the wage cost escalations contained in the labor contracts negotiated earlier in the year. Heavy overtime schedules and a number of quality problems were cited as evidence of industry pressure on the then-existing capacity. But the forecast of markedly higher prices proved wrong. New plant and equipment facilities which came into production at that time made possible certain cost offsets which eased the impact of the wage concessions upon the total cost structure of motor vehicle production. A movement from point A to point C occurred as booming demand sent output of the 1965 models to an alltime record with little change in prices.

[13] If the reader thought "Milton Friedman" in going through this extract he was in error. The citation is Alvin Hansen, *Business Cycles and National Income,* Expanded Edition (New York: W. W. Norton and Company, Inc., 1964), p. 625. The similarity to Friedman's views on linking money supply to growth experience is just one more case of the growing agreement on professional matters between economists of supposedly widely separate "schools."

[14] One example appears in John P. Lewis, "The Problem of Price Stabilization: A Progress Report," *American Economic Review* XLIX–2 (May, 1959), especially page 316 where Lewis says—"In the world of affairs, a willingness to sacrifice employment and production to the cause of price stability has been demonstrated by the Board of Governors of the Federal Reserve System, especially during the middle quarters of 1957." If this judgment seems harsh, see the astonishing "Administration Ready to 'Moderate' Sharp Business Swings But Martin Sees Inflation as Chief Concern," *The Wall Street Journal* CL–92 (November 7, 1957), p. 3. Make due note of the date. Broad evidence for other periods may be found throughout Milton Friedman and Anna Jacobson Schwartz, *A Monetary History of the United States, 1867–1960* (Princeton: Princeton University Press, 1963), buttressed by the otherwise critical review of James Tobin, "The Monetary Interpretation of History," *American Economic Review* LV–3 (June, 1965), pp. 482–485.

[15] The literature on this subject is reviewed and extended in the recent article by Donald P. Tucker, "Dynamic Income Adjustment to Money Supply Changes," *American Economic Review* LVI–3 (June, 1966), pp. 433–449. During the present case of tight money the Fed has been pointing out that money supply has risen at "5.8 per cent over the past year," almost in an attempt to deny that money is even tight after all, other standards notwithstanding. See "Rates of Change in Bank Reserves and Money prepared by Federal Reserve Bank of St. Louis, month ending June 30, 1966" (released July 11, 1966), p. 1. However, consumers have attempted to resist the restraint on their spending by drawing down on balances in the savings deposit component of total time deposits, so that "broadly defined" money supply plus time deposits has been growing at a markedly decreasing rate since September, 1965. See "Total Demand, Prices, and Real Growth," *Federal Reserve Bank of St. Louis Review* 48–6 (June, 1966), p. 4, and Leonall C. Anderson and Elaine R. Goldstein, "Federal Reserve Open Market Operations in 1965: Objectives, Actions, Accomplishments," in the same *Review* issue, p. 13. As the savings deposit cushion evaporates, the future brake on aggregate demand will appear much stronger than it has in the first half of 1966, even if no more restrictive measures are adopted.

[16] "Interview with President's Top Economic Advisor—Where Business Is Heading," *U.S. News and World Report* LX–15 (April 11, 1966) pp. 46–52.

[17] An example is Robert M. Solow, "Technical Progress, Capital Formation, and Economic Growth," *American Economic Review* LII–2 (May, 1962), especially pp. 83–86.

[18] One case is news of Commerce Secretary Conner's letter to more than 26,000 corporation heads, asking them to "exercise reasoned restraint in purchasing, inventories, pricing *and in deferring capital expenditures wherever possible*" (italics mine). See "Conner Says President's Moves to Fight Inflation Have 'Good' Chance of success," The Wall Street Journal CLXVII–122 (June 23, 1966), p. 3.

[19] "Reserves and Borrowings of Member Banks," *Federal Reserve Bulletin* 52–6 (June, 1966), p. 834, and "U.S. Financial Data, week ending June 29, 1966," prepared by the Federal Reserve Bank of St. Louis (July 1, 1966), p. 5.

[20] William F. Trieber, "The Challenge of the Boom," *Federal Reserve Bank of New York Monthly Review* 48–6 (June, 1966), pp. 124–125. Also see Lee Silberman, "Reserve Officials Are Calling in Bankers in New York to Discuss Money Squeeze," *The Wall Street Journal* CLXVII–123 (June 24, 1966), p. 4.

[21] Standard and Poor's Corporation, *The Outlook* 37–49 (December 6, 1965), p. 511, and 38–27 (July 4, 1966), p. 735.

[22] *The Weekly Bond Buyer* 165–3822 (July 11, 1966), p. 33, reports on Securities and Exchange Commission estimates which show an increase of 58 per cent in new corporate securities offerings from $4.2 billion in the first hour months of 1965 to $6.7 billion in the first four months of 1966. "Most of the gain came in publicly offered bonds."

[23] Myron H. Ross, "'Operation Twist': A Mistaken Policy?" *The Journal of Political Economy* LXXIV–2 (April, 1966), p. 195, and the literature there cited, pp. 195 and 199.

These restrictions on investment have been made on the limited view that further injections of funds through the investment component of total expenditures have immediately inflationary multiplier effects. But investment expenditures are not alone in this category. Shifts in aggregate levels of consumption, government and net foreign expenditures also create multiplier effects.[25] There appears to be no empirical evidence that the velocity of circulation (and therefore the multiplier effects in any given time period stemming from these other flows) is any less inflationary than those associated with investment. Indeed, the consensus coming out of our recent experience with variations in wage withholding rates appears to be that wage money has one of the highest velocities. If true, this would suggest that consumption multipliers are the largest in any given time span and consequently the most inflationary when conditions of short supply prevail.

Note that among these expenditure flows—the basic components of gross national product—only investment helps to flatten the aggregate supply curve, moving it out to higher levels of production from its original location. Business economists in their contacts with government personnel should make every effort to convince these authorities that the present restrictive policy toward investment is not in the national interest.

CONFERENCE REPORT ON SCHOOL MILK EXTENSION TO BE FILED TODAY

Mr. PROXMIRE. Mr. President, I am delighted to say that the child nutrition legislation recently considered by both Houses of Congress, which contains language extending the school milk program through 1970 and gradually increasing appropriations for the program, has been approved by a conference of the House and Senate. The conference report will undoubtedly be signed today.

This marks the end of a very long road for me. When I started to make my daily speeches on the school milk program back in January, the administration planned to slash the program by 80 percent. Furthermore, the Bureau of the Budget had made a decision to withhold $3 million Congress appropriated for the program for fiscal 1966. Finally, the program itself was due to expire in June 1967.

Now the House and Senate Appropriations Committees have set aside $104 million for the program for fiscal 1967, which is $1 million more than was appropriated last year and $4 million more than was released by the Bureau of the Budget last year. It still is not enough, and I intend to fight hard for an additional $6 million as part of a supplemental appropriation bill. But it is a significant improvement over last year, when the reimbursement rate had to be cut back by 10 percent because of insufficient funds.

In addition, the administration, in the person of Secretary Freeman, has supported a continuation of the school milk program in its present form after the previous 80 percent cut proposal was roundly attacked in both Houses of Congress.

Finally, as I indicated earlier in this statement, the program has been extended through fiscal 1967 and adequate provision has been made for program growth.

Thus the goals that I set out to achieve when I took the floor in January, for the first of my dozens of daily speeches, have been reached. Great tribute goes to my distinguished colleagues in both the House and the Senate for this victory, especially the chairman of the Senate Agriculture Committee, Senator ELLENDER, and the chairman of the Agriculture Subcommittee of the Senate Appropriations Committee, Senator HOLLAND, who worked so hard for the school milk program. Representatives COOLEY and WHITTEN, chairmen of the counterpart House committee and subcommittee also deserve full praise.

Finally, special praise belongs to the thousands of farmers, parents, teachers, and children who let Members of Congress know how strongly they felt about the school milk program. In a democracy it is the people who have the final word. It was the people, in this case, who made it possible for my colleagues and I to successfully resist pressures to cut the heart out of the school milk program.

PEACE CORPS POLICY IN ELECTION CAMPAIGNS QUESTIONED

Mr. WILLIAMS of Delaware. Mr. President, there has come to my attention a letter postmarked September 1, 1966, at Hackensack, N.J., from the Democratic County Committee of Bergen County to Mr. Edmund Field, 247 Springfield Avenue, Hasbrouck Heights, N.J. On the envelope is typed "please forward." The envelope contained a letter dated September 2, 1966, which I now read:

SEPTEMBER 2, 1966.

DEAR PEACE CORPSMAN: This year a courageous young man, Warren W. Wilentz, is running for the U.S. Senate from New Jersey. He is supported by two exceptionally capable and energetic congressional candidates from Bergen County: the incumbent Congressman, HENRY HELSTOSKI, (9th District), and Assemblyman Robert E. Hamer (7th District).

We hope that you will reaffirm your support of the spirit which initiated the Peace Corps by voting Democratic this November.

Enclosed is an absentee ballot request form which you should fill out and return to our county clerk.

Let me take this opportunity to thank you for the fine job that you are doing for humanity on behalf of the United States of America.

Best of luck.

Sincerely yours,
PETER A. MEISEL,
Absentee Ballot Coordinator.

The letter also contained a copy of a form of request for civilian absentee ballot.

Mr. President, the letter is addressed "Dear Peace Corpsman." It goes on to urge support of a Democratic candidate for the U.S. Senate from New Jersey and two Democratic congressional candidates from Bergen County—although at that time the New Jersey primary election had not been held—which raises a question under the New Jersey election laws. The letter further states:

> We hope you will reaffirm your support of the spirit which initiated the Peace Corps by voting Democratic this November.

Mr. President, it seems clear that someone is using the names and addresses of Federal employees, in this case, the Peace Corps, for an election campaign. This raises a number of very serious questions which I now demand be answered by the Peace Corps at the very highest level.

First as to general policy:

Does the Peace Corps furnish the names and addresses of its personnel, and if so, to whom, and how, and in what form?

Who pays for this service?

Who authorized it specifically?

Next, in regard to this specific case:

First. Who initiated the furnishing of the list of New Jersey Peace Corps people, including the name of the recipient of the letter already mentioned?

Second. Who in the Peace Corps authorized this, and to whom was it furnished?

When was it furnished?

How many names were on it?

Who paid for this service?

Third. What other instances are there over the country as a whole of the furnishing of lists of Peace Corps personnel to political organizations or for political purposes?

Mr. President, this letter obviously was mailed from the Democratic headquarters. The envelope in which this letter was mailed has as its return address: The Democratic County Committee of Bergen County, 309 State Street, Hackensack, N.J.

I think the Congress is entitled to a full statement of all the details as to both the official policy and the actual practice of the Peace Corps in this matter.

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[24] In "What the Year Ahead Holds for Business," *U.S. News & World Report* (July 11, 1966), pp. 40–43, there is a forecast drop of $2 billion in business spending and $2.7 billion in corporate profits from mid-1966 to mid-1967. "Increasingly tight credit and fears of overcapacity are expected to result in some reduction in the rate of capital investment."

[25] For a survey of government expenditure and tax change multipliers see Gardner Ackley, *op. cit.*, pp. 340–347. The consumption multiplier appears in Oscar Lange, "The Theory of the Multiplier," *Econometrica* 11–3 and 4 (July–October, 1943), pp. 227–245, and extended discussion of total expenditure multipliers follows in Vera Lutz, "Multiplier and Velocity Analysis: A Marriage," *Economica*, New Series, XXII–85 (February, 1955), pp. 29–44 and in the critique by G. C. Archibald, "Multiplier and Velocity Analysis: An Annulment," *Economica*, New Series, XXIII–91 (August, 1956) pp. 265–289. General presentation of the foreign trade multiplier appears in Charles P. Kindleberger, *International Economics*, Third Edition (Homewood: Richard D. Irwin, Inc., 1963), pp. 177–199 and the references there listed.

MAJORITY BEFORE TRADE INFORMATION COMMITTEE SUPPORT INTERNATIONAL ANTIDUMPING AGREEMENT

Mr. JAVITS. Mr. President, on July 28, 1965, I introduced Senate Resolution 133, together with Senators JORDAN of Idaho, and MILLER, of Iowa—CONGRESSIONAL RECORD, volume 111, part 14, page 18526. That resolution called on the President to take action "for the purposes of establishing an international code to provide for uniform treatment under the antidumping laws of participating nations of the imports of other signatories. Such a code should harmonize the antidumping laws, and administrative procedures thereunder, of participating nations." Representative CURTIS, of Missouri, had introduced a similar resolution in the House of Representatives—House Resolution 405, CONGRESSIONAL RECORD, volume 111, part 9, pages 12074–12077.

I have been gratified at the favorable response which Senate Resolution 133 has received. Since July 1965, a GATT working group has held a number of meetings in Geneva, as part of the Kennedy round trade negotiations, at which the possibility of negotiating an international antidumping agreement has been explored. I am encouraged at the progress which these talks appear to have made.

During the week of September 12, 1966, the interagency Trade Information Committee—TIC—in the Office of the Special Representative for Trade Negotiations, conducted a public hearing at which representatives of industry and labor expressed their views on the possibility of an international antidumping agreement. A significant majority of those submitting views to the TIC supported an effort to negotiate such an agreement. There were, of course, some differences of views regarding the exact provisions to be included in an agreement. But the majority firmly endorsed the principle that I espoused last year in Senate Resolution 133—that international harmonization of antidumping laws and procedures is vitally important to insure the continued growth of international trade.

I ask unanimous consent to have printed at the conclusion of these remarks excerpts from the statements submitted to the TIC supporting an international agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, I find it particularly impressive that the supporters of an agreement represent a broad spectrum of national interests. They include individual companies with significant domestic production and export interests, such as General Electric Co. and Dow Chemical Co.; organizations representing similar domestic manufacturers, such as the Manufacturing Chemists' Association, the Synthetic Organic Chemical Manufacturers Association, and the Aluminum Association; spokesmen for substantial importing interests, such as the National Council of American Importers and the American Institute for Imported Steel; and organizations representing wide segments of national industry, such as the United States Chamber of Commerce, the Committee for Economic Development, and the Committee for a National Trade Policy. These and many other groups—notably the United Steel Workers of America—and individuals spoke in favor of an international antidumping agreement.

On the other hand—those who offered an international agreement—were the same special interests, essentially protectionists, for themselves who have generally opposed the liberal international trade policy which this country has followed for the past several decades. Such spokesmen included the Cement Industry Committee for Tariff and Antidumping, the American Iron and Steel Institute, the Cast Iron Soil Pipe Institute, and others who have been driven by their fears of foreign competition into an ideology of protectionism rather than into a determination to meet the test of competition.

The TIC hearings have clearly shown that the proponents of an international antidumping agreement speak for a broad national constituency, while the opponents—vocal and persistent as they may be—speak only for a limited group of special interests with essentially protectionist purposes for their own enterprises. The TIC hearings have put the protectionist sentiment into true perspective, and revealed significant support in the American economy as a whole for the negotiation of an international antidumping agreement.

EXHIBIT 1

ALUMINUM ASSOCIATION

As we stated to this Committee in February, 1964, the Aluminum Association believes that an international treaty on dumping is a desirable objective and we welcome the efforts being made to achieve it. We expressed our opinion in 1964 and repeat now, that an antidumping convention that will effectively prevent dumping without curbing legitimate competition will eliminate the incentive to maintain high general tariffs as a defense against dumping. It is no secret that high tariffs have sometimes in the past been defended as an allegedly necessary means of protection against dumping.

AMERICAN INSTITUTE FOR IMPORTED STEEL

The Institute's interest in the negotiations of an international antidumping code to make uniform and to liberalize antidumping regulation both here and abroad is manifest. Indeed, this interest was expressed, and the Institute's general views were presented to the Committee, at its prior hearings on non-tariff trade barriers in February of 1964. At that time, the Committee solicited views inter alia, on a range of non-tariff trade barriers. The Institute then emphasized (as we do hereafter) antidumping regulation as a principal subject for fruitful negotiations.

As has long been recognized by leading experts on international trade, a failure to restrict antidumping regulation to its proper sphere—the restraining of predatory price discrimination—may lead to very serious consequences for legitimate and economically beneficial international trade. An abuse of such regulation to proscribe all price disparities among national markets without regard to intent, economic justification, or whether there has been material injury to a national industry can only lead to a stultifying and shrinkage of that trade to the detriment of all of the economies of the free world.

AMERICAN PAPER INSTITUTE

It is our understanding that in connection with the Sixth Round of Trade Negotiations under the aegis of the General Agreement on Tariffs and Trade, the United States has been engaged in discussions regarding a number of non-tariff barriers to trade. Among these, is the content and administration of national antidumping laws. These discussions, we are told, have been of particular interest to the United States Government because of problems which have arisen regarding the application of foreign antidumping laws to U.S. exports, and the concern that antidumping laws will become increasingly prevalent as other trade barriers are reduced and eliminated.

That the United States has announced a willingness to discuss the possible content of such a code is important to our industry's continuing expansion of exports through greater accessibility of world markets. Any effort towards the elimination of trade barriers assisting the growth of our exports is one which our industry readily endorses.

We would like, therefore, to place ourselves on record as subscribing to United States participation in discussions seeking the creation of an international agreement on antidumping, one which would tend towards the freer flow of world trade.

ASSOCIATION OF THE CUSTOMS BAR

An international agreement on antidumping, based on clearly defined principles, would be a progressive step in the promotion of expansion of trade between nations of the world. Such an international agreement would provide a useful forum for discussion of problems relating to dumping which might arise in international commerce.

CHAMBER OF COMMERCE OF THE UNITED STATES

The Antidumping Act is intended to curb the injurious dumping of foreign goods in United States markets. There is need for more clearly defining the term "dumping" as an unfair trading practice, and in this context the meaning of "fair value" and "injury". Every effort should be made to establish uniform antidumping laws and regulations among trading nations. Care should be taken, however, not to amend the United States law in a manner which would subject it to unduly protectionist interpretation or implementation which would impair the healthy expansion of trade or invite damaging retaliation by other countries.

The Chamber of Commerce of the United States urges that in negotiations for better international agreement on antidumping, the United States oppose proposals that would result in restraints on international trade through the use of higher and more widespread antidumping duties.

COMMERCE AND INDUSTRY ASSOCIATION OF NEW YORK

In our opinion, all businessmen—foreign and domestic—are in accord as to the need to eliminate dumping, that is, the sale of goods in a foreign market at less than a fair price with the effect of injuring an industry in the importing country. It has now become evident that dumping is an international problem and requires an international solution. Hence, we agree with the view that cooperative measures should be taken by all nations to meet the threat of dumping without disrupting normal competitive selling practices in a free international market.

Such an antidumping agreement, we believe, must incorporate: (a) universally acceptable definitions of terms; (b) the exaction of a dumping penalty under clearly-defined circumstances; and, (c) provisions for swift and decisive action by a country to protect its industry from the harmful effects of dumping.

COMMITTEE FOR A NATIONAL TRADE POLICY

The Committee for a National Trade Policy has been urging for the past several years that our Government negotiate an international antidumping code with the other Contracting Parties of GATT. We welcome this opportunity to appear once again before your Committee in support of this proposal.

We are aware that the very holding of these hearings has been attacked by various economic interests as illegal and counter to a sense-of-Congress resolution which has passed the Senate and now awaits attention in the House. We wish therefore to state that in our judgment these hearings are not only legal, under Section 405(2) of the Trade Expansion Act of 1962, but wholly consistent with the spirit of the broad mandate the President thus holds from Congress (in addition to his inherent Executive powers) to achieve significant liberalization of trade barriers in the interest of the entire nation. In fact, the negotiation of such a code is important as protection against nullification and impairment of such tariff concessions as are now negotiated under the authority specifically delegated to the President in this Trade Expansion Act.

COMMITTEE FOR ECONOMIC DEVELOPMENT

Anti-dumping policy should seek to halt dumping, in place of trying to punish parties to dumping, subject to rules established in the GATT. A commonly accepted definition of what constitutes dumping, and a method of applying the definition, should be worked out. This convention should be the basis for an international agreement imposing obligations on exporting nations to halt dumping when an impartial international body has determined that dumping is taking place. The agreement should provide for halting dumping in third markets as well as in the home markets of competing producers.

One aspect of the anti-dumping issue on which negotiating efforts are especially needed concerns the administrative procedures followed under the existing GATT definition of dumping. A uniform agreement on these administrative practices, which harmonizes our own with those of foreign countries, would prove beneficial to the United States. As multilateral negotiations like the Kennedy Round succeed in lowering tariff levels, there is likely to be increasing pressures in other countries to resort to anti-dumping measures in order to restrict imports generally. The United States with its excess of exports over imports stands to lose heavily if these protectionist forces succeed in such ways as using anti-dumping administrative procedures to curtail trade.

Furthermore, in the non-tariff barrier field, U.S. exporters frequently face a host of unwritten administrative obstacles and hidden subsidies that are much more restrictive than similar U.S. practices, which tend to be easily identifiable by foreign producers. Consequently, efforts to establish clear-cut administrative rules in international trade, to provide a more complete exchange of information when a dispute arises, and to foster discussions and negotiations are invariably in the interest of the United States.

DOW CHEMICAL CO.

Based on our experience with competition from imported chemicals and with extensive experience in export of chemicals from the United States, we believe that international trade will grow on a sound basis in proportion as dumping practices can be minimized. To this end, it would be desirable to harmonize and make uniform the language and practices relative to antidumping. A fair system is needed that takes into account the legitimate interests of both the developed and underdeveloped countries.

GENERAL ELECTRIC CO.

We support the proposed negotiations for one basic reason: they represent a vital first step in the attempt to eliminate, or at least reduce, an important non-tariff trade barrier through confrontation and negotiation. Indeed, they probably represent the only significant non-tariff barrier negotiation in the Kennedy Round.

What is important, we believe, is that as a procedural matter—and we emphasize the word procedural—the United States probably has less to lose than any other trading nation in a head-to-head confrontation on non-tariff barriers in general and antidumping regulation in particular. The reason is simple: the U.S. subscribes to and its antidumping statutes and regulations already reflect adherence to the keystone of effective international agreement—written rules, open hearing and objective criteria evenhandedly applied. To the extent that this adherence can find its way into agreement among the trading nations we do no more than restate our own practice. To the extent that rule of law, with full procedural safeguards to all parties in interest, replaces the subjective discretion of a closed administrative proceeding (sometimes referred to by bitter exporters as a star chamber proceeding) we are helping expose commercial discrimination to the fresh air of confrontation openly made under uniform ground rules. Perhaps it is true that U.S. antidumping proceedings take too long for final determination, and if so we should be willing to negotiate on ways to shorten them. Perhaps there is an acceptable alternative to withholding of appraisement, and we should be equally willing to negotiate this point. But, in terms of procedural equity, there are worse sins than cumbersomeness, such as, for example, the swift finality of an administrative finding made on an incomplete record or not subject to challenge or review.

In short, we can only gain by reaffirmation of our adherence to established procedural safeguards and incorporation into international agreement of the "due process" we already grant as a matter or right under our own law.

GERMAN AMERICAN CHAMBER OF COMMERCE

Harmonization among nations as to what constitutes dumping and general agreement on definitions of terms is preferable to retaliatory measures resulting from unjust treatment or misunderstanding.

THE HAT INSTITUTE

We believe a proper international agreement on antidumping would regularize international trade, make it a fairer two way street and eliminate recriminations and misunderstandings now caused by diverse antidumping laws and procedures in many countries. We say this despite our loss of foreign markets which we realistically do not expect to regain.

IMPORTED HARDWOOD PRODUCTS ASSOCIATION

The IHPA believes the creation of a multilateral international agreement on antidumping to be desirable.

As ordinary tariffs continue to be reciprocally bargained down and non-tariff barriers are reduced or eliminated, national industries will take increasing resort to antidumping mechanisms as a substitute for ordinary tariff protection. That trend is already evident in several countries and most especially in the United States. Care should be taken in constructing an international antidumping code to discourage its use as a vehicle for ordinary tariff protection; every effort should be made to minimize its trade-harassment potential.

JORDAN INTERNATIONAL CO.

The Jordan International Co. is of the view that an international dumping code, or agreement on dumping containing adequate provisions which clearly define dumping would result in the expansion of fair trade among the nations of the free world.

MANUFACTURING CHEMISTS' ASSOCIATION

Antidumping controls in many countries are relatively new instruments as trade was controlled formerly through other more effective measures. As tariffs and other trade barriers continue to come down to even lower levels, it is obvious that the need for effective and realistic antidumping controls will grow. Hence, still more countries will be searching for such measures adequate to their needs and within the spirit of the GATT agreement. The U.S. Antidumping Act can effectively be offered as a model statute; but, recognizing that not all countries have the same regulatory needs, we can expect some to find limited modifications desirable. We would not want to see any international agreement which would be drawn so tightly as to restrain unduly the movement of trade.

SYNTHETIC ORGANIC CHEMICAL MANUFACTURERS ASSOCIATION

In connection with the consideration of a possible international agreement on antidumping by the Trade Information Committee, the Manufacturing Chemists' Association filed with the Committee on September 2, 1966, a statement by General G. H. Decker, President of the Association, summarizing their views.

On behalf of the Synthetic Organic Chemical Manufacturers Association, I wish to express to you the wholehearted concurrence of this Association in these views and our support for the action advocated by the Manufacturing Chemists' Association.

KURT ORBAN CO., INC.

I feel that not only the United States but the entire trading community of the world would have much to gain from a uniform international antidumping code.

NATIONAL COUNCIL OF AMERICAN IMPORTERS

It seems clear, perhaps imperative, that an international agreement on antidumping be negotiated at the earliest possible date. The mounting confusion in world trade circles must be eliminated. American exporters require protection from retaliatory measures other countries may adopt if the United States does not participate in an international agreement because of pressure from narrow domestic interests. American importers require protection from the harassing tactics of domestic producers who dislike competition.

SAN FRANCISCO AREA WORLD TRADE ASSOCIATION

Our Association supports further study, discussion and preliminary investigations which might lead toward a revised international agreement on dumping. Our Association suggests that such an agreement could be beneficial to American exports by limiting the restrictions which other nations could impose in the name of antidumping and urges that full consideration be given to this aspect.

C. TENANT, SONS & CO., OF NEW YORK

It is not very difficult to see that international tariff reductions will be insignificant and inconclusive—and I would say almost worthless if each country or economic bloc establishes non-tariff barriers which are equally or more restrictive to trade. For these non-tariff barriers are usually a greater menace to expanding world trade because the terms and conditions are often clouded or even mysterious or hidden—and frequently there are no rules which can be described as black or white.

Our anti-dumping laws have come in for severe criticism from both those adherents of more protective, more restrictive laws—to the special benefit of domestic industry—as well as those who feel that the laws allow irresponsible claims by domestic industry and that the laws are too stringent, painful and even oppressive and unjust to the importer and foreign supplier. But at least our anti-dumping laws and procedures are out in the open. And our government officials are prepared to hold hearings on them to try to clarify their meaning, interpretation and administration—even though not to everyone's satisfaction. But imagine what will happen when other countries not only use our anti-dumping laws as their model but decide to carry them a few protective steps further. Therefore in my opinion it is our responsibility to take the lead in pressing for an international anti-dumping agreement—for I think we have everything to gain, and very little or nothing to lose.

UNITED STATES-JAPAN TRADE COUNCIL

The United States-Japan Trade Council endorses the idea of an international convention on antidumping. As world trade increases and competition becomes sharper, an international accord on the substantive law and procedures to be followed in anti-dumping actions becomes imperative. Only in this way can uniformity and predictability be attained, and unilateral national actions leading to misunderstanding and ill feeling eliminated.

UNITED STATES COUNCIL, INTERNATIONAL CHAMBER OF COMMERCE

The U.S. Council supports the formulation and adoption of an international anti-dumping convention, and feels that the Kennedy Round of GATT tariff negotiations is an excellent place to discuss the problems involved.

Any international anti-dumping code has as its legitimate objective the harmonization among nations of measures designed to prevent injurious dumping from damaging the domestic industries of the nations. However, a second objective should also be kept in mind: prevention of injury to the fair commercial interest of merchants and traders through overly stringent anti-dumping regulations.

UNITED STEELWORKERS OF AMERICA (AFL-CIO)

We believe that were we to strengthen our anti-dumping definition so as to encompass most of the complaints, the result would be retaliation on the part of our trading partners. We would find our own products excluded from foreign markets by the same technique. In other words a trade war would develop with anti-dumping legislation instead of tariffs or quotas as the weapons. In short, stern anti-dumping measures applied unilaterally are self-defeating.

But it is an entirely different proposition to obtain a new international agreement which defines in detail what should be considered dumping and what not.

We would therefore be subjected abroad to the same rules which we apply in the United States. We could obtain relief without pernicious consequences which would be the sequel to unilateral action on our part.

We believe that we should not only raise anti-dumping controls to an international level but that we should at the same time seek to obtain a more realistic definition of the evil.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

NATIONAL UNICEF DAY—PRAYER IN PUBLIC SCHOOLS

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement, the Chair lays before the Senate the unfinished business, which the clerk will state.

The Legislative Clerk. Senate Joint Resolution 144, to authorize the President to designate October 31 of each year as National UNICEF Day.

The Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a quorum call, without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 257 Leg.]

Aiken
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gruening
Harris
Hart
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McClellan
McGee
McGovern
Miller
Mondale
Monroney
Montoya
Morse
Moss
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], and the Senator from Montana [Mr. Metcalf] are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson], the Senator from Tennessee [Mr. Bass], the Senator from Connecticut [Mr. Dodd], the Senator from Arizona [Mr. Hayden], and the Senator from New Hampshire [Mr. McIntyre] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Idaho [Mr. Jordan], and the Senator from Kentucky [Mr. Morton] are necessarily absent.

The PRESIDING OFFICER (Mr. Symington in the chair). A quorum is present.

AMENDMENT NO. 931

Mr. BAYH. Mr. President, I send an amendment to the desk and ask that it be stated. I offer this language in lieu of the language contained in the Dirksen amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed at this point in the Record.

In lieu of the language proposed by the Dirksen amendment, insert the following:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress that nothing in the Constitution or the Supreme Court decisions relating to religious practices in our public schools prohibits local school officials from permitting individual students to engage in silent, voluntary prayer or meditation, and be it further

"*Resolved,* That the President of the United States is requested and authorized to issue annually a proclamation designating the week during which Thanksgiving Day is observed as "National Prayer and Meditation Week", inviting the Governors and mayors of State and local governments of the United States to issue similar proclamations, and urging all Americans, both adults and children, to express, during this period, their thanks for the numerous blessings which have been granted to all the people of the United States."

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Illinois for yielding to me.

Mr. President, I shall speak very briefly after a good deal of consideration on this question, I think that Congress ought to submit a constitutional amendment on this subject to the people, or to the State legislatures of our Nation. The question should be submitted in the form of an amendment that will largely make the question one of local choice to be worked out by common consent.

I do not mean to imply that anyone should be required under any circumstances to engage in or be connected with any prayer or prayer service against his will.

I believe that in restoring this matter to where it is more or less a matter of community choice, we will be doing that which is necessary to restore prayer to its exalted place in minds of a great many of our people who have been led to believe by the Supreme Court decision that prayer in public schools is illegal and tainted, or that there is something wrong with the entire idea.

Many groups want to interpret freedom of religion as meaning no religion at all. One of the concurring opinions of a Supreme Court Justice justifies that conclusion.

It was a local question in the old days. Whether the people involved were Baptist, Presbyterian, Methodist, Catholic, Jewish, or any other religion, something was worked out that had the approval and the general assent of the the community for prayer or religious service of some kind in the schools.

The matter was handled in that manner, and it it has had a tremendous and beneficial effect on the spiritual side of American life.

I think that any action other than presenting this matter directly to the people and to the State legislatures would fall far short of restoring the place of prayer to its rightful position, the pinnacle position, in which it belongs in American life.

The amendment of the Senator from Illinois, while not perfect, has that purpose, and I believe it will go a long way toward solving the problem.

In all deference to the Senator from Indiana, who has rendered such a splendid service to the Senate, I believe that his proposed substitute is a mere gesture. It does not really wrestle with the vitals of this subject matter. Even though it is a joint resolution, it would be merely a pious expression of good intentions and good will. It would still leave the people as baffled and uncertain on the whole subject of prayer in schools. The subject would still be unsettled, and the shadow that has been cast over prayer in our public schools would still remain.

With all due deference to the Senator from Indiana, his joint resolution, offered as an amendment, has no meaning. It would be far better to do nothing than to try to settle this far-reaching and sweeping question by merely the passage of a mild, pious, meaningless resolution.

Someone said to me privately: "The little prayer that a child may get in school will not help any. It is the training that the child receives in the home that counts."

That statement is in error, and does not meet the issue. The great tragedy is that many children do not hear any prayer in their homes or anywhere else in their formative years. Let us not also cut them off from prayer in the schools. Even though I was fortunate enough to receive such training in my home, I still remember vividly the lasting impression received from those little schoolroom prayers. I regret that my time has expired.

Mr. BAYH. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

Mr. BAYH. Mr. President, as I said at the close of the session on yesterday, the purpose of the resolution is threefold in nature.

First, it is to specify what the Court has said. I have found no objection from those who are opposed to the resolution approach as to what the Court did say, as worded in my resolution.

The Court did, in effect, say in limiting its holdings on the two cases in question that, whether it is the State Legislature of Pennsylvania or Maryland, or whether it is the New York School Board of Regents, a State cannot prescribe or require a school prayer.

Second, we are trying to clear away some of the confusion by mentioning a few of the things that the Court did not hold. For example, the Court has not decided a case on the issue of voluntary prayer. Thus, it has not prohibited voluntary prayer.

The Court has not prohibited the use of the word "God" in our classrooms or in public buildings.

The Court has not prohibited spontaneous prayer during the time of national tragedy such as that which befell the country when the late President Kennedy was assassinated.

We believe that by putting the record straight we can help to clarify some of the misinterpretations that have been read into the Supreme Court decision.

I feel very strongly that we should help to clear up the confusion.

I believe it would be absolutely ridiculous and a violation of our responsibility as U.S. Senators to amend the Constitution to permit something which the Court has not prohibited.

Mr. President, the Constitution of the United States has been amended only 24 times. The first 10 amendments were adopted at the same time. There will be 25 amendments to the Constitution, if 7 more States ratify the pending amendment, and it looks as though they will. This is a sacred legislative process for us to resort to, to do something which most constitutional scholars—in fact, most of the supporters of the Dirksen amendment—believe is already permissible. I think it would be a travesty on the amendment process.

I merely want to put the Senate on record as to what it believes. We do believe in God. We do believe in voluntary prayer, in silent meditation. And we think that this is good and wholesome.

We hope that the circulation of this petition from us will help to bring some light into the classroom, so that some of these arbitrary practices, such as banning religious ceremonies at Christmas, Easter, and the Jewish holidays, will no longer be followed by school authorities in question because they have nothing to do with the Supreme Court decision.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, last night, about 6:15, when the shadows were lengthening—if they can lengthen on a dismal day—and with an empty Chamber, the distinguished Senator from Maryland [Mr. TYDINGS] made some observations and, among other things, paid some respect to me.

He mentioned that the church leaders were opposed to the Dirksen amendment. What he should have said, to be accurate, is that the social engineers, the panacea hunters, the world savers, and the brittle professors, but not the church people, opposed it; because the church people and the little ministers were not invited.

I put in the RECORD, in connection with my remarks the other day, the full page ad from the New York Times, paid for out of the slender earnings of 30,000 preachers, to show that the National Council of Churches, which was trying to urge this country into a recognition of Red China and to admission to the United Nations, was not talking for the church people and for all those ministers who comfort the sick in their homes, who sit by bedsides with people, and who come to assuage the grief when there is bereavement in the family. We are talking about the millions, not about a few brittle professors and a few ivory-towered leaders here who have lost contact with the people of this country .

The Senator from Maryland spoke about the meaning of the amendment. Well, the fact of the matter is that everybody knows what it means. When you draft a constitutional amendment, you avoid detail. That is settled constitutional practice.

The distinguished Senator from Maryland said that the amendment was sloppily, hastily, and poorly drawn. Mr. President, months have gone into the drafting of this amendment; and may I say that the man who actually drafted it was John Herberg, of the Legislative Counsel. John Herberg has been on that staff for 19 years, and he is an expert in the field. I rather fancy that the distinguished Senator from Maryland, who has been in this body for 20 months, may arrogate to himself authoritative knowledge as a draftsman of legislation, but I would rather take John Herberg any old time.

I just want to say one other thing in that connection. If anybody thinks that this issue dies today if it fails, he is mistaken. I received a telephone call yesterday afternoon. It was unsolicited. It came from Daniel Poling, who for two generations has been one of the really noted church leaders in this country, and his principal work has been among the youth of the country. He advised me that he is teaming with a great crusader, probably the greatest of all time—Billy Graham—and there will be a third one, an outstanding Catholic prelate, and they are going to head up the national drive, and this issue is not going to die.

With respect to the substitute by my distinguished neighbor-friend from Indiana, I must say, in all kindliness, that it is a rather strange creature to me. First, it is a sense-of-the-Congress resolution.

It will be recalled that when we had the wheat deal with the Soviet Union, we found a provision in the farm act, a proviso, that we hung our hats on. But it was only a sense of the Congress. There came finally a long opinion from the Attorney General's office to the effect that if we wanted to really do something about it, we should have said so.

This is what the Attorney General said: That it did not choose—meaning Congress—to do so is significant, not only in establishing that section 2(c) is without legal effect, but in determining its proper interpretation and application as policy.

That was throwing it in the wastebasket.

And who was the distinguished Attorney General who rendered that opinion? He is a Member of this body today. It was the Honorable ROBERT KENNEDY, the Senator from the great State of New York.

So one need not go very far to find authority when it comes to one of these sense-of-the-Congress resolutions.

How effective will it be? When they asked Abraham Lincoln to issue an Emancipation Proclamation for the whole country, including the Southern States, he refused to do it. Do you know what he said? It would be as effective as a papal bull against a comet. And by "papal bull" he meant a decree from high source.

I think it is enough to just rely upon the former Attorney General, who is a Member of this body, to show how invalid and without legal effect the Bayh substitute really is. It has five "whereases" in it. "Whereases," as we know, are window dressing in a resolution.

The first whereas is wrong, because there it is undertaken to show that, frankly, there still can be voluntary prayer. I have the resolution here. It says:

> Whereas the Supreme Court of the United States has decided that it is a violation of the constitutional prohibition against the establishment of a religion for a State authority to prescribe and require religious practices in public schools * * *.

And so forth. Then, the second whereas:

> Court decisions did not involve or prohibit involuntary prayer.

Permit me to relate what happened. We had the celebrated case of Engel against Vitale in the U.S. Supreme Court, but we had a more important case in New York, which reached the Second Circuit Court of Appeals. That was the case of Stein against Oshinsky. Mr. Oshinsky was the principal of the school. Twenty-one children and their parents went before the U.S. district court and there, on their petition, they got a judgment from the court.

What did the court say? It said:

> The infant plantiffs seek a mandatory injunction requiring the defendants to afford the plaintiffs an opportunity to express their love and affection to Almighty God each day through prayer voluntarily offered—

That is from the district judge's decision—

> in their respective classrooms.

Well, it went to the Second Circuit Court of Appeals, and what was said there? Why, even the judge who rendered the decision there said:

> It is merely a voluntary desire of the children, without any coercion or pressure being brought, to offer a prayer to the Almighty.

Then, the court's finding stated:

> The facts in this case, together with applicable law, clearly indicate that the voluntary prayer offered by these children is made without any compulsion.

What happened? The attorneys petitioned for a writ of certiorari, and as any lawyer knows that is a petition for a writ asking the High Tribunal of the country to summons up the record and to take a look at the merits of the case. The Supreme Court denied the petition, and when they did they closed the door on voluntary prayer. That is what the decision shows, and that is exactly what we are quarreling about.

In the substitute, the third whereas clause is interesting, and I read a portion of it. Then, another whereas clause is something of a confusion, because it says there is confusion today. Why? Because of the misinterpretation, misrepresentation, and so forth. That is the contention we have been making about this Court decision for so long.

Then comes the first resolving clause, and, of course, it is a very interesting clause. Let me read it:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress in the national interest and consistent with our desire to strengthen the moral fiber of our citizens—

Now get this—

> that silent voluntary prayer and meditation should not be excluded from our schools.

That is the first part of that resolving clause. That is saying with your hat in your hand: Please, Mr. Supreme Court, do not make it so difficult; let these children have voluntary prayer, silent voluntary prayer.

Have Senators seen children while they were silent with that kind of an injunction upon them? They look at each other, from one side to the other. Why, the purpose of prayer is to articulate it and fashion a bond of communion with the Almighty, who has had such a high place in American history. Well, this does not do it.

Now, here is the clincher in this resolving clause, and it is a dandy, too: "should not be excluded, in our opinion, if in the opinion of local school officials such prayer and communion with God will not interfere with the orderly conduct of academic affairs."

What have you done? You have gone right back to the school officials. You have settled exactly nothing. That is the reason why this is such an abortive substitute, and the Senate would look foolish indeed if they undertook to approve a thing of that kind.

So school officials become the arbiters. That is precisely what we are quarreling about, because Mr. Oshinsky, the principal of the school in New York, notwithstanding there was voluntary prayer, called in all teachers and said: No prayer of any kind. That was the essence of the Stein against Oshinsky case.

Finally, we have the rest of the resolving clause and that is to the effect that the President is authorized to issue a Thanksgiving proclamation in the Thanksgiving week. Well, that is a very noble thing. It is to attest our good will and our sense of democracy, and should enable us to count our blessings.

Now, I ask, What has happened to the children? Why, that substitute by my neighbor from Indiana puts the children in orbit. You do not hear of them any more. What has happened to prayer? It has gone down the drain. What has happened to school prayer? It has been strangled in the substitute.

I wonder if the Senate wants to look foolish in the eyes of the people of this country. All we have to do to achieve that distinction is to accept that substitute. We do not get very far from it, as it is.

The other day somebody put a little sticker on my desk. Here is what it says:

> In case of atomic attack the Federal rule against praying in this school will be temporarily suspended.

Great business.

In 1963 the late distinguished Senator from South Carolina, Olin Johnston, put a little prayer, a little poem in the RECORD. I have it. I shall read it.

Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER**. The Senator has 10 minutes remaining.

Mr. **DIRKSEN**. Mr. President, let me read this to you to show you what kind of fix we can get into.

[From the Manchester (N.H.) Union Leader, Sept. 3, 1963]

Now I sit me down in school
Where praying is against the rule.
For this great Nation, under God,
Finds public mention of Him odd.

Any prayer a class recites
Now violates the Bill of Rights.
Any time my head I bow
Becomes a Federal matter now.

Teach us of stars or pole and Equator
But make no mention of their Creator.
Tell of exports in Denmark and Sweden
But not one word on what Eve did Eden.

The law is specific, the law is precise,
Praying out loud is no longer nice.
Praying aloud in a public hall
Upsets believers in nothing at all.

In silence alone can we meditate
And if God should get the credit, great.
This rule, however, has a gimmick in it;
You've got to be finished in less than a
minute.

So all I ask is a minute of quiet
If I feel like praying, then maybe I'll try it.
If not, O Lord, this plea I make:
Should I die in school, my soul you'll take.

That is what we are going to do to the Senate by adopting a resolution of this kind that has no legal effect and no validity whatsoever. Further, it would be futile, it would be meaningless, and it has about as much meaning as last week's newspaper.

Now, the thing that entrances me about all this is that there is a godless mass. You cannot contemplate the gangs in our large cities, and the mass of atheistic communism, and all of these other forces that are trying to destroy the religious traditions of this country, without coming to the conclusion that they have made a lot of progress in that direction.

What is the practical result? We have voted millions and millions of dollars to solve juvenile delinquency, and we are further from it than we ever were.

It is about high time that there be some spiritual research; about high time that there be some rehearsal of the young soul, because a child needs rehearsal and pactice in prayer just like a professional basketball player needs it in basketball to make himself proficient.

I mentioned the other day a very distinguished and attractive young rabbi from Boston who came to the House of

Representatives to deliver the invocation. I cultivated him. I remember him quite well. It was tragic that he died at the age of 44. One day, while going down the street in Chicago, I stopped to gander in a bookshop and I saw a book authored by this rabbi, "Peace of Mind." I bought it. Since then, I have marked pages and pages of it. But there is one item there that has given me cause for lots of puzzling meditation. He says that we cannot build a reconstituted society upon unconstructed individuals.

That is where the ax has got to go. We have to fashion generations in the proper art, in the proper approach, with a resolution for God Almighty, and then a capacity by putting the prayer and find the pipeline or road map that takes them there.

That is one of the reasons why I have been so deeply interested, from my country's standpoint, in the question of clarifying the confusion which has resulted from the Supreme Court's decision in the case of Engel against Vitale. We are not going to do it by a kind of substitute on which we will be voting very directly because, in my judgment, it is absolutely meaningless. It has no legal effect. It has no validity.

Thus, we might just as well proceed to come to grips with the problem first and last.

That is the whole story for the time being, Mr. President, and I am content to rest my case unless there is something else to be discussed.

Mr. LAUSCHE. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. I concur with the views expressed by the Senator from Illinois.

The Supreme Court has made a pronouncement. By the very language of the Bayh amendment, it is implied that no prayer may be vocalized, but that a student may, in silence, meditate about his relationship and belief in God.

The Bayh amendment, in some respects, in my opinion, conflicts with the views expressed by the author. At one moment, full credence is given to the Supreme Court's pronouncement and then in the next moment, rejection is made a part of that announcement.

Whatever the Supreme Court declared must be accepted by us as the law of the land, whether we like it or whether we do not like it. We cannot, by any declaration, either by way of resolution or bill passed by Congress, supplement or supervene the pronouncement of the Supreme Court.

Mr. DIRKSEN. The Senator is as right as he can be. There will be no vote whatever. We amend it, or we do not come to grips with it.

The PRESIDING OFFICER. The Chair advises the Senator from Illinois that he has 3 minutes remaining.

Mr. LAUSCHE. Mr. President, to conclude, then, I think the Bayh amendment would be threshing grass and trying to get grain out of it. It is a meaningless gesture. It has no effect. It is an idle pronouncement by Congress and has no legal validity whatsoever.

For those reasons, I shall not vote for the Bayh amendment.

The PRESIDING OFFICER. The Senator from Illinois has 2 minutes remaining.

Mr. BAYH. Mr. President, the Senator from Alaska [Mr. GRUENING] does want to be recognized to speak, but while the Senator from Illinois is still on his feet, if I might, and the Senator from Alaska will forgive me, I should like to make a few comments while the articulate argument of the Senator from Illinois [Mr. DIRKSEN] is still in the minds of those present. I should like to have the opportunity, at least, to set the record straight, as I see it.

As chairman of the Subcommittee on Constitutional Amendments, I sat through hearings which resulted in almost 900 pages of testimony. This is not a very easy situation to be in; if anyone infers that it is easy to propose any kind of legislation in this area, they are rather naive.

The Senator from Illinois, in pointing to one of the "whereases," which I quote, as he did not, that the decisions have been widely "misrepresented, misinterpreted, and misunderstood," said that this was a confession. It is no confession. It is a statement of fact. If there were no confusion, misinterpretation, and misunderstanding, there would be no reason for my proposal. Thus, I am 100 percent in agreement with him on that.

But I must say, although I sat here and smiled and sometimes laughed at some of the poetry and the very wonderful way in which the Senator from Illinois presented his case, I must say to him, in all good faith—and as a friend—that it is this kind of argument which has led to the confusion, and which has led to the misunderstanding as to what the Supreme Court has said.

Yesterday the Senator from Nebraska [Mr. HRUSKA], who is a strong supporter of the Senator from Illinois, and the Senator from North Carolina [Mr. ERVIN] agreed that all the Supreme Court has held is that the State authorities, legislatures, and school boards—including the school board of regents in New York—cannot prescribe prayers.

In fact, the Senator from Illinois, earlier in discussion of this whole matter, said that he was not trying to overthrow the Supreme Court, he was trying merely to clarify the issue.

It seems to me that this is a rather poor way to try to clarify an issue, by a constitutional amendment.

The Senator from Illinois talked about social engineers, ivory-tower leaders, and world thinkers. He said that ordinary ministers were not invited. Let me say that everyone the Senator from Illinois suggested as witnesses were invited to come.

Let me ask Senators to determine for themselves if the men whose names I am about to read fall in the category of social engineers, ivory-tower leaders, or world thinkers.

Elder W. Melvin Adams, associate director, department of public affairs and religious liberty, Seventh-day Adventist Church.

The Reverend Grover C. Bagby, associate general secretary, general board of Christian social concerns of the Methodist Church.

My own bishop, Bishop Richard C. Raines, of the Methodist Church of Indiana.

They made compelling statements in opposition to the Dirksen amendment. I do not think these men are social engineers, ivory-tower leaders, or world thinkers.

Then there is Dean Robert F. Drinan, S.J., dean of the Boston College School of Law. He is a Catholic leader and a recognized, legal scholar.

For the RECORD, I should like to identify by name about 10 of the 30 or 40 outstanding religious leaders who attended the hearings, and who are recognized throughout this country and throughout the world, and ask unanimous consent to have them printed in the RECORD.

There being no objection, the list of names was ordered to be printed in the RECORD, as follows:

Adams, Elder W. Melvin, associate director, department of public affairs and religious liberty, Seventh-day Adventist Church.

Bagby, Rev. Grover C., associate general secretary, General Board of Christian Social Concerns of the Methodist Church.

Barnhart, Rev. Arthur C., executive secretary, Department of Christian Social Relations, Episcopal Diocese of Pennsylvania; accompanied by Rabbi Arnold G. Kaiman, treasurer, Board of Rabbis of Greater Philadelphia; and Rev. Donald Grant Huston, First Presbyterian Church of Lower Merion, Philadelphia, Pa.

Carlson, Rev. C. Emanuel, executive director, Baptist Joint Committee on Public Affairs, Washington, D.C.

Cohen, Rabbi Seymour J., Rabbi of Anshe Emet synagogue, Chicago, Ill., and president of the Synagogue Council of America.

Drinan, Dean Robert F., S. J., dean of Boston College School of Law.

Halbert, Rev. Herschel, staff officer, executive council, Episcopal Church.

Hirsch, Rabbi Richard G., director, Religious Action Center of Union of American Hebrew Congregations.

Hunter, Rev. Dr. David R., deputy general secretary, National Council of Churches; accompanied by Dean M. Kelley, director, Commission on Religious Liberty, National Council of Churches.

Moors, Rev. William R., on behalf of the department of social responsibility, Unitarian-Universalist Association.

Raines, Bishop Richard C., Methodist Church of Indiana.

Siegman, Rabbi Henry, executive vice president, Synagogue Council of America.

Sissel, H. B., secretary for national affairs, the United Presbyterian Church in the United States of America, representing Dr. William A. Morrison, general secretary, Board of Christian Education of the United Presbyterian Church in the United States of America.

Temme, Dr. Norman, director public relations, the Lutheran Church—Missouri synod.

Van Deusen, Dr. Robert E., Lutheran Church in America.

Mr. BAYH. Mr. President, the Senator from Illinois referred to an article published in the New York Times, which he had printed in the Record, condemning the National Council of Churches.

I do not want to enter into a debate as to the merits or faults of the National Council of Churches. I think this organization is well known and can adequately defend itself.

The Senator from Illinois, in colloquy, referred to the magazine Human Events—which is hardly like arguing from the King James version of the Bible—in an effort to refute the National Council of Churches.

The minority leader read, effectively I thought, from the Stein against Oshinsky case; but, apparently, his staff has not given him the entire case because, although what he quoted from Oshinsky was correct, he did not read the findings of the case.

The decision of the case was not based on voluntary prayer. The Senator said that my assertion that the court has not talked about voluntary prayer is wrong.

I take issue with that. I want to read from the transcript on the Stein against Oshinsky case, where the school principal had said all prayer will be excluded from the school.

The parents then said, "You have got to let us pray. You have got to let us pray."

Then the second circuit court in New York which heard this on appeal, said—for the sake of argument:

> We shall assume in plaintiffs' favor that the establishment clause would not prohibit New York from permitting in its public schools prayer such as those here at issue.

Notice the phrase, "Would not prohibit"—it would not prohibit the State of New York from permitting in its public schools prayer such as these at issue.

Mr. DIRKSEN. The Senator left out a word.

Mr. BAYH. I did not. I said right from the beginning, "for the sake of argument."

Mr. DIRKSEN. Is not a word missing?

Mr. BAYH. I said "for the sake of argument"—there is the word "arguendo" in here, which I did not read. I am impressed with the Senator's comprehension of Latin.

Mr. DIRKSEN. It does not appear at all as set out in the Record.

Mr. BAYH. I said it two or three times. I can ask the clerk to repeat it. I said it when I first mentioned it. If the Senator from Illinois would like me to read it again—for the sake of argument.

> We shall assume, arguendo, in plaintiffs' favor that the establishment clause would not prohibit new York from permitting in its public schools prayers such as those here at issue.

Then it went on and said:

> The determination of what is to go on in public schools is primarily for the school authorities.

That is the issue here. The Supreme Court denied certiorari. So the Supreme Court said, in effect, "Mr. School Board, we are going to let you decide the curriculum. We are not going to let the Federal Government tell you that you have to do this or that." The issue of voluntary prayer was not involved in the final decision.

Mr. DIRKSEN. Where is that——

Mr. BAYH. If the Senator will permit me to complete my thought, I shall be glad to yield to him for questions.

I want to set the record straight. So far as I am concerned, I do not want to make new law. On the other hand, I do not want the Government, or the Senate of the United States, to play God, and I think that we are close to doing that.

I agree with my friend the Senator from Illinois [Mr. Dirksen] that we have had more confusion and consternation in this area than we have ever seen before. I want to clear the issue up. I know a sense-of-Congress resolution does not have the force or effect of law, but we want to draw the attention of pupils, parents, and teachers to what the Supreme Court said.

There has been no argument about what the Court said. The argument has been over the interpretation placed on the decision by the Supreme Court. I want the law to remain as it is; namely, that no State can tell my child or any child how to pray. I want prayer to be voluntary.

The Senator from Illinois has referred to my naivete about religious matters. I do not profess to be versed in religious matters or quotations, but when I want to learn something about it, I refer to an expert on prayer, and that expert is named Matthew. I read from what Matthew said—which the Senator from Illinois could probably quote from memory, but I must read it—sixth chapter, sixth verse:

> But thou, when thou prayest, enter into thy closet, and when thou has shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly.

And in the fifth verse:

> And when thou prayest, thou shall not be as the hypocrites are; for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of man.

Mr. President, I rest my case on the fact——

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BAYH. I yield to the Senator from North Carolina.

Mr. ERVIN. I will ask the Senator from Indiana if, under the interpretation placed upon the first amendment by the Supreme Court, all churches and all religious groups are treated exactly alike.

Mr. BAYH. That is correct.

Mr. ERVIN. I should like to read to the Senator from Indiana from the proposed constitutional amendment:

> Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer.

I should like to ask the Senator from Indiana if that proposal does not undertake to put the control of all voluntary prayer in the schools solely in the hands of the authority administering the particular school.

Mr. BAYH. It does.

May I proceed one step further, because I think the Senator from North Carolina is emphasizing a good point. Those who feel that this amendment to the Constitution is going to clarify things just have not fully understood its implications. I invite them to read 40 or 50 of the 900 pages of the hearings, especially the testimony of the two witnesses that the Senator from Illinois [Mr. Dirksen] had testify with respect to the resolution. Even these witnesses could not agree on what it would do. If the supporters cannot agree, how are others to agree on what it would do?

Mr. ERVIN. It states that school boards may provide for or permit voluntary prayers by students or others. Is that correct?

Mr. BAYH. That is correct.

Mr. ERVIN. It states that the school board may not only provide for voluntary prayers by students, but that it may provide for such prayers by others. Is that correct?

Mr. BAYH. That is correct.

Mr. ERVIN. In other words, under the amendment, if a school board were controlled by Protestants, the school board could permit voluntary prayers by students and Protestant ministers conforming to Protestant views and refuse to permit voluntary prayers by students or by priests or rabbis, conforming to the Catholic faith or the Jewish faith. Is that correct?

Mr. BAYH. That is correct. On that point, there was also testimony to the effect that one interpretation would be that nothing would prohibit a school board from going out and building a chapel which would respond to the religious preferences of a majority, thereby using public funds for those representing the majority, at the same time denying the minority their rights.

Mr. ERVIN. Moreover, under the amendment, a school board composed of a majority of the Jewish faith could open the school doors and permit rabbis of the Jewish faith to come in and assist the children in praying, according to the practices of Judaism, while excluding priests of the Catholic faith and ministers of the Protestant faith; could they not?

Mr. BAYH. That is correct.

Mr. ERVIN. Under this amendment, a school board, if it happened to be controlled by Catholics, could admit Catholic priests to join the children in prayers, and exclude Protestant ministers and Jewish rabbis from so doing. Is that correct?

Mr. BAYH. That is correct.

Mr. ERVIN. So, under this amendment, the complete control of the matter would be vested in the school board at each particular school and whatever faith is predominant in the community would secure the power to permit religious practices satisfactory to itself and prohibit religious practices satisfactory to every other religious group in the community?

Mr. BAYH. That is correct. If the Senator will pardon one interruption, I find myself in a rather unusual situation. My 10-year-old boy is attending fifth-year class—or, if he is not, he will hear from me. I have no personal objection to his sitting or standing through prayers, but I happen to believe in the first amendment. My understanding is that praying to God is a personal religious experience, and that each individual should be in a position to petition his Maker as he sees fit.

The Senator from North Carolina has articulated very well that the proposal of the Senator from Illinois would allow voluntary prayer on the part of only the majority, and that by so doing the privilege of voluntary prayer would be denied to the minority.

Mr. ERVIN. I will ask the Senator from Indiana if he does not agree with the Senator from North Carolina that the proposed amendment would destroy the fundamental purpose of the first amendment to secure to every child of God the right to bend his own knees and raise his own voice in his own way to his God without let or hindrance from government?

Mr. BAYH. That is correct.

Mr. ERVIN. It would give to the school board the right to grant this privilege to some people of some religions, and withhold it from others?

Mr. BAYH. That is correct.

I yield 5 minutes to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I should like to read for the record at this point a question propounded during the hearings to one of the sponsors of the DIRKSEN amendment by one of the leading constitutional law scholars of the United States, Prof. Paul Freund, of Harvard University. As reported on pages 28 and 29 of the committee record, Professor Freund, appearing before the committee as a witness, asked the following question of the Senator from Nebraska [Mr. HRUSKA], who is a member of the subcommittee and a sponsor of Senator DIRKSEN's proposed constitutional amendment. Professor Freund asked:

> It does seem to me there is an obligation on the proponents of the resolution not simply to refer to the words, "provide," "not prescribe," "participation," et cetera, but to deal with actual, typical, quite real situations, and say, "Yes, we mean to authorize this" or "we don't mean to authorize this."
>
> Now, one such situation is that of a dominant sect in a particular school or class which decides to install on a voluntary basis a highly creedal sectarian prayer giving the right of nonparticipation to other students. Is that or is that not contemplated as permissible under this amendment?
>
> Senator HRUSKA. Of course, we struggled with that. Those of us who had knowledge of the resolution, before it reached its final form, struggled with it. I invite you to do the same thing and come up with something that would replace these words and would have the effect you just now described, namely, that it will deal with specific situations.
>
> This will deal with specific situations, and I think the testimony will later show that it does.
>
> Mr. FREUND. If I knew, Senator, what your answer was to that then I might address myself to the drafting, but I cannot use words without knowing what result I am trying to reach.
>
> Senator HRUSKA. You ask us to do so. You say why—instead of providing for—why do not the authors of this resolution provide for specific situations? You ask us to do it, but you say you cannot do it.
>
> Mr. FREUND. No. I am asking only your answer, if I may, to what is intended by the resolution in that specific circumstance.
>
> Senator HRUSKA. Well, that will come out in due time in the testimony.

I now ask unanimous consent that a portion of the testimony before the committee by Mr. Daiker, one of the two lawyers who testified in favor of the Dirksen proposal at the hearings, which appears in the record of the hearings at pages 81 through 97, be printed in the RECORD, at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senator TYDINGS. Take the last sentence in section 1 again:

"Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer."

Specifically what does that mean, Mr. Daiker?

Mr. DAIKER. It would mean just as in *Engel* that the prayer, the 22-word prayer, I quoted before, having been prescribed by the board of regents should not be considered still within the violation of your proposed resolution. They prescribed the form and content of the prayer.

Senator TYDINGS. In other words, the school board could or could not prescribe the form or content?

Mr. DAIKER. Could not.

Senator TYDINGS. Now, what about the schoolteacher?

Mr. DAIKER. The same thing applies.

Senator TYDINGS. What about the PTA?

Mr. DAIKER. I can hardly conceive of the PTA taking over the 5 minutes of class in the morning. Is that what you are suggesting?

Senator TYDINGS. I wanted to insert at this time in the record an article in Saturday's Washington Post, which is headed "Dirksen Sees PTA's Directing Schools' Voluntary Prayer." I will ask that this go into the record in its entirety, and I am going to read to you one paragraph from it.

Senator BAYH. Without objection.

(The document referred to follows:)

"DIRKSEN SEES PTA'S DIRECTING SCHOOLS' 'VOLUNTARY PRAYER'

"Senator EVERETT M. DIRKSEN (R-Ill.) pictured the parent-teacher associations yesterday as the authority directing children's prayer if his proposed 'voluntary prayer' amendment to the constitution is adopted.

"His amendment, which specifies that school authorities cannot prescribe prayer, leaves it to parents or parent-teacher associations to be the 'initiatory force,' he said in an interview. Hearings on the amendment begin Monday.

"According to the Senator's concept, members of a P-TA could vote to request school principals or teachers to permit recitation of a prayer approved by a majority of P-TA members.

"'Parents can go to the teacher," the Senator said, 'and say we want our children to have the opportunity for voluntary prayer.'

This prayer could be silent or vocal, he said. It could be carried on by two or three children in a 'vestibule' outside the classroom while the other children did homework.

"In larger school buildings, pupils could pray in a room set aside for that purpose. Since the P-TA determines the prayer, the pupils would recite the same prayer without causing a 'babel,' he said.

"Should the P-TA fail to act, individual fathers and mothers could give their child a note for the teacher requesting voluntary prayer with other children, he said.

"Although recent Supreme Court prayer decisions have not ruled out 'spontaneous expressions of devotion,' Sen. DIRKSEN said his amendment is necessary because 'every school principal interprets the law to suit himself.' The amendment would bring in line principals who prohibit spontaneous prayer, he said.

"A survey published last year by the National Association of Secondary School Principals reported a wide divergence in the way principals interpret the law. Three-quarters of the Nation's high schools have discontinued religious observances, the report said.

"DIRKSEN said he has received 'suitcases' of letters favoring his amendment but no objections 'that I know of.'

"He understood, he said, that many denominational leaders oppose the amendment. 'I am more interested in the humble people of this country than the hierarchy of the churches,' he declared.

"He said he has lost track of the church bodies supporting the amendment and was unable to name any. These have generally been conservative Protestant churches. A leading conservative group, the National Association of Evangelicals, voted in April to support an amendment that would allow 'voluntary corporate prayer and Bible reading' in the schools.

"DIRKSEN gave an emphatic 'Yes sir!' to the question, 'Do you think your amendment will pass the Senate?' A subcommittee of the Senate Judiciary Committee will hold the hearings."

Senator TYDINGS (reading):

"According to the Senator's concept, members of the PTA could vote to request school principals or teachers to permit recitation of a prayer approved by a majority of PTA members. Parents can go to the teacher, the Senator said, and say, 'We want our children to have the opportunity of voluntary prayer. This prayer could be silent or vocal,' he said. It could be carried on by two or three children in a vestibule, outside the classroom, while the other children did homework. In larger school buildings, pupils could pray in a room set aside for that purpose. Since the PTA determined the prayer, the pupils would recite the same prayer without causing Babel, he said."

Do you still agree that under the language of that section 1 the PTA could not prescribe a prayer or do you agree with what Senator DIRKSEN said? Would you like to see this whole article?

Mr. DAIKER. No, sir; I listened very carefully.

I think that when you asked me the question before you gave it to me in a little bit different content. You were very nicely saying now suppose the school board prescribes it, and then suppose the teacher prescribes it, and then suppose the PTA prescribes it, all in the form of an authority prescribed in the form of prayer.

Senator TYDINGS. Right.

Mr. DAIKER. I do not think that a PTA is an authority.

They are parents, and when they say, and if I say as a member of a PTA to my child, "This is the prayer I would like you to say in school," I am not doing it with the authority of the State. To conform to your resolution here after all we have to work with words, and if we want to give these words any meaning then we cannot slide the PTA in very nicely as part of a school authority.

Senator TYDINGS. Are you changing your answer now and saying that the PTA could prescribe a prayer because they are not an authority, but that the schoolteacher could not and that the school board could not, but that the PTA could because they are not an authority? Is that what you are saying?

Mr. DAIKER. It is not changing my answer, Senator. I do not think I changed my answer.

Senator TYDINGS. Is that your answer?

Mr. DAIKER. That is what my answer is now.

Senator TYDINGS. What other groups could prescribe the prayer? Could the local post of, for example, the Jewish War Veterans? Suppose you were in the Fifth Legislative District of Baltimore City which has, perhaps, a majority of the people in the community who are of the Jewish faith. Could the Jewish War Veterans prescribe the prayer?

Mr. DAIKER. They are not prescribing, they are letting their children come forward.

Senator TYDINGS. Could they act in the same way that you indicate that the PTA could act and advise the schoolteacher of what voluntary prayer should be?

Mr. DAIKER. I do not say advising the schoolteacher. I said advising the schoolchildren. This is where I am not getting across somehow.

Senator TYDINGS. Tell me now how the PTA—let me read what Senator DIRKSEN said again.

Senator DIRKSEN. I am not quite sure that the Senator was properly quoted there. The gentleman who took that is sitting here. He is a religious editor of the Washington Post. Sure, I remember the conversation very well.

Senator TYDINGS. How would it work?

Senator DIRKSEN. I was trying to make the emphasis that it was voluntary and the PTA might very well suggest a prayer. Why not? I do not think I brought the teacher in. I am pretty sure I did not.

Senator TYDINGS. My question is, in light of that last sentence of Senate Joint Resolution 148, how can the PTA prescribe a prayer? The school board cannot, and the schoolteacher cannot.

Mr. DAIKER. Because the PTA has not, by reason of having joined together to become a PTA, lost its essential character of being parents, any more than the American Legion that I indicated had prepared their own prayer and gave their youngsters 250,000 cards to take to school and say that this, we would say as a voluntary prayer, and in that particular instance the Commissioner ruled, "You cannot say this prayer in school," and yet we had the Stein case come along and people have said, "Well, the Engel case did not stop prayer in school," but here was the American Legion coming up with their own prayer, not as an authority in school, but as parents of children.

Senator TYDINGS. Let us take, for example, the American Legion in a given area acting as parents. Would they be entitled to do the same thing that you say the PTA could do as parents—prescribe the prayer?

Mr. DAIKER. Certainly.

Senator TYDINGS. The American Legion could?

Mr. DAIKER. Certainly.

Senator TYDINGS. Suppose the American Legion and the PTA prescribed different prayers. Which one would take precedence?

Mr. DAIKER. Well, I do not think this is a matter of taking precedence.

Senator TYDINGS. Which one would the school——

Mr. DAIKER. Senator, I must go back to what I said before. I have to give the American people credit for some intelligence, and I do not think this is going to get into a cat and dog fight about will they use the PTA's or the American Legion's. I think if two of them came forward, maybe they would say, "We will use one 1 week and the other the next week," but I do not think this is supposed to affect my judgment on whether this proposed resolution is sound or not. We have had statements——

Senator TYDINGS. Let us get back to that last sentence again, "Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer." Would you state for the record what authorities you would feel could not prescribe the form or content of any prayer, and what group or groups might be entitled to prescribe the form or content of the prayer?

Mr. DAIKER. Officials of the school—and I think the word "officials" is as broad a term as I can use—could not prescribe the form or content of a prayer.

Senator BAYH. Will the Senator yield? May I make an attempt to point out one group that could? How about the students? Suppose, if the Senator will let me interject a sidelight to his question, the teacher came in and said, "Now we will have a few moments for prayer. Any of you children who would like to suggest a prayer for the rest of us to say may do so." Would that be permissible?

Mr. DAIKER. Yes; I would think so. That is the students proposing the prayer, and it would not be banned by what you have got as the last sentence of your resolution here.

Senator, if I may, there is one thing, I think, that this committee, if I may suggest it, must consider in the light of the questions that have been asked of me. I cannot remember the case at the moment, but there have been several which have said—and I think it possibly came out of Zorach, the release time case in New York—that a good law is not made bad by misinterpretation nor is a bad law made good by proper interpretation.

Some of the questions that have been directed to me have to do with saying, "Well, here is a law which may be perfectly constitutional." Well, it has got to be constitutional, of course, if it is an amendment to the Constitution, but let us assume that this came to be adopted, and then we come along and say, "Well now, if such and such a practice were adopted, what do you think then?" I do not think it makes the law bad. I think you have as broad language as you can, and you have avoided pitfalls by making it general, and again giving people in this country a little credit for working matters out as a matter of good will among them.

I always remember one columnist in New York who, in commenting on some complaints regarding the stamps which had the picture of the "Four Chaplains" who went down on the *Dorchester* and they had given up their life preservers and were standing on the stern of the ship as it went down, and they helped a number of men as they got off, and he said, "Maybe somebody now would recommend, since they were praying on a ship as it went down, we ought to revoke the medals they got." He said that there was an upsurge of the term "brotherhood" constantly, but brotherhood contemplates a fatherhood, a fatherhood of God, but at the rate we are proceeding soon we are going to live in a vast orphanage. I think those words bear thought here in the light of your consideration of this. You cannot say this may be interpreted that way; therefore, it might be wrong. The question before us is, is this good for the American people.

Senator BAYH. Let me just say that as far as I am concerned anyone who makes this type of comparison about revoking the medals is not worthy of having his opinion listened to or heard. It is absolutely ridiculous. We are talking about amending the Constitution of the United States. I must say, and I have not followed all the questions that Senator TYDINGS asked you, and I have asked you one or two, but most of your testimony has been direct. You have made a real contribution here because you carried these cases to the Supreme Court. We want to know your opinion of what happened. But you could not expect a subcommittee on constitutional amendments not to make some study of what is going to happen if we adopt a constitutional amendment before us. We have to know what is going to happen under certain contingencies, and that is why we are asking these questions.

Senator DIRKSEN. In that opinion numbered 4405 of the attorney general of the State of Michigan through the superintendent of public intruction, his fourth item is:

"Students are prohibited from conducting any religious exercise, including the saying of prayers and Bible reading on public school property during regular school hours."

Students are prohibited from saying prayers on school property during school hours. There it is, so that has gone out to every school district.

Mr. DAIKER. In the State of Michigan.

Senator DIRKSEN. Every school superintendent and every principal in the State of Michigan.

Senator BAYH. I found that language. It seems to indicate that the Court was trying to differentiate in the Stein-Oshinsky case. I hope Mr. Bazarian will help clarify this a little bit. They talk about the difference between the compulsion on the children, by saying, "In the case of schoolchildren it differs from that of spectators although not that of witnesses or jurymen in that so long as they choose to attend a public school attendance on their part is compulsory." So they were treating it a little bit differently than the rest of it.

Senator TYDINGS, do you or Senator HRUSKA have other questions?

Senator DIRKSEN. Mr. Daiker, what do you think would happen if they sang "Battle Hymn of the Republic" at the convening of school in the morning, "Mine eyes have seen the glory of the coming of the Lord," in the light of the Commissioner's ruling in New York. What do you think would happen?

Mr. DAIKER. I think it is all right in the singing class but it would not be all right as part of the opening exercises.

Senator DIRKSEN. I see.

So it depends on what part of the day you sing it or utter it.

Mr. DAIKER. So that the record is clear that is not my opinion but that is what I think would be the opinion.

Senator DIRKSEN. Now, let us take a look at the holidays that are observed in school. We have Thanksgiving Day. Everybody knows what Thanksgiving Day is, knows the derivation of the history and the tradition of holiday, knows, of course, that the President proclaims a holiday period. But notwithstanding that, it is a day of thanksgiving and prayers. Everybody knows that also. So they observe it in all the schools everywhere.

What do we have to do now, knock out Thanksgiving and call it Turkey Day? It would be logical under all that, and what would we do about Easter?

The youngsters color Easter eggs, they make them out of cardboard and paper and paste them up in the school windows. But Easter, of course, is identified with the Resurrection period in the whole Christian church. So, you see, it has religious significance. We cannot have it.

What do we do, not mention it as Easter in the School and call it Peter Rabbit Day?

And then what would we do about Christmas? Well look at the very derivation of the word, where it comes from? What happens? We suddenly assassinate Santa Claus, Saint Nicholas? They are raising these questions, as a matter of fact, because some of them were raised in Pennsylvania, and the school authorities wondered what to do about it.

You have a whole string of holidays that have always had some religious significance, but they are all observed unless they have changed school curriculum from the days when I went to grade school, because I remember I taxed my feeble artistic talent to draw pictures of Santa Claus and Easter eggs and bunny rabbits and goodness knows what.

So I just raise these questions because that is what is going to happen. Maybe we will have to forget all about Christmas, and we will call it Gift Day or as Lloyd Jones wrote, getting day. That is when you get something. It is pretty cynical business.

Senator Tydings. Mr. Daiker, I want to ask some questions about your interpretation of the language here, and I refer specifically to section 1:

"Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer."

Is that language clear to you?

Mr. Daiker. Yes.

Senator Tydings. You understand it?

Mr. Daiker. I think so.

Senator Tydings. Do you have any changes to suggest, any language changes or clarifications to make it easier to understand?

Mr. Daiker. Well, no. If I had difficulty with it then I would be looking to change it, to make it easier to understand. But I think I understand it.

Senator Tydings. All right. Would you explain what it means?

Mr. Daiker. Take in a given school system you are saying that the school system as such, and when I say school system let me use school officials, I think that was the word I used before, school officials may permit voluntary participation in prayer in schools.

Senator Tydings. Do they have to——

Mr. Daiker. This is my summary.

Senator Tydings. Do they have to permit it?

Mr. Daiker. I don't think they have to. There is no element of compulsion here. It does not say every school system or all school systems shall prohibit. Nothing shall prohibit them.

Senator Tydings. Could a school principal refuse to permit a certain group of students to use the part of the building for prayer?

Mr. Daiker. I think he could.

Senator Tydings. He could.

Senator Bayh. Would the Senator yield? It would still be within the Stein-Oshinsky framework so far as the school administration would determine if and when?

Mr. Daiker. Yes, sir.

Senator Tydings. Under this proposed amendment, the chief functionary could determine which group of students could use the school premises for prayer and which could not?

Mr. Daiker. I do not think I answered it that way. I think you are saying they could segregate between two different groups.

Senator Tydings. Does he or does he not have the authority to deny a group of school students the right to conduct prayer?

Mr. Daiker. He has the authority to grant it to all or deny it to all. I do not think, in answer to your question now I can say that he can say the first through the fourth can and the fifth to the eighth cannot.

Senator Tydings. In other words, your position is that under the language of section 1, if the school principal or presiding official of the school system decides he is going to permit any group of students or others to pray or use rooms to pray—if he permits one group—he has to permit all groups. You stand on that?

Mr. Daiker. That is my legal position.

Senator Tydings. Well now, Senate Joint Resolution 148 says:

"Nothing contained in this Constitution shall prohibit the authority administering any school"—

And it goes on to—

"other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer."

What does that mean?

Mr. Daiker. Well, if there is a public building other than a school—let me give you a for instance. The courts in the State of New York are under what is known as a judicial conference. The judicial conference decided that over the bench of each court in the State of New York there would be the words "In God We Trust." Now, that is not, I agree, a prayer as such. It is what my opponent in the prayer case called an incidental reference to God.

I think that under the language of this proposed resolution or this, I should not call it a proposed resolution, the resolution, that nothing would prohibit the installation of the words "In God We Trust" over the bench of every courtroom in the State of New York. That is another public building.

Senator Tydings. Would it permit anything else? Would it permit the use of a public building or the court for voluntary participation by students or others in prayer?

Mr. Daiker. Yes.

Senator Tydings. Who would make that determination?

Mr. Daiker. The school officials.

Senator Tydings. Well now, for example, in the city of Aberdeen, where I happen to live, we have a town hall. Who would decide what groups of students or others could use that public building, which is supported by public funds, for prayer?

Mr. Daiker. I would think your board of education.

Senator Tydings. The board of education would render that determination for all the public buildings? Is there anything in this amendment which indicates that, or is that just your interpretation?

Mr. Daiker. That is my interpretation.

Senator Tydings. So that your board of education then would have the right, or the authority, to permit the use of all public buildings in the jurisdiction for prayer by students or others.

Senator Bayh. Will the Senator yield? I ask our witness to read that one time to himself before answering. The first part of that?

Mr. Daiker. "Nothing contained in this Constitution shall prohibit"——

Senator Bayh. I want to emphasize the "authority administering."

Mr. Daiker. That is the board of education.

Senator Bayh. Well, yes; but it is not limited to schools.

Senator Tydings. Read it all.

Mr. Daiker. Well, Senator, the question that Senator Tydings asked me was in a school. I do not think we are outside.

Senator Bayh. He said any other public buildings.

Senator Tydings. Let us leave the schools. Now I am going to ask you about other public buildings.

Senator Bayh. I thought you did ask him.

Senator Tydings. I did. But he may have been misunderstanding me. Let us leave the schools and go to the other public buildings like the city hall at Aberdeen, Md. Who would make the decision there? Would it be the school board or the authority administering the other public buildings?

Mr. Daiker. The authority administering.

Senator Tydings. That would be the chief functionary, the president of our commissioners. Here again under the language of this section would he have the right to allow or refuse students or other groups use of the city hall for prayers?

Mr. Daiker. I think he would have to apply a uniform rule. I do not think you can say that you can use a test for one group and another test for another group.

Senator Tydings. In other words, if he let one group of students or others use a public building for voluntary prayer he would have to let other groups.

Mr. Daiker. Yes.

Senator Tydings. Well, in my particular community we have the Episcopal Church which I belong to, and we have a Reform Episcopal Church, which broke away from my church a good bit ago, and there is a good bit of feeling, as a matter of fact. There is still a good bit of feeling. Do you think that if the president of the commissioners permitted the old church, my church, the Episcopal Church, to use the city hall or some of our students to use the city hall, that he could deny the right to the other church, the Reformed Episcopal Church, to use it?

Mr. Daiker. No; I do not.

Senator Tydings. What about the other smaller groups. What about Christian Scientists? If he permitted the two Episcopal groups I told you about, could he deny the right of Christian Scientists to use it?

Mr. Daiker. Well, Senator, I can see that one question will follow another along these lines. We can go down to the 10 sects that we heard about this morning. I do not think that in attempting to ask me my interpretation of this that I would contemplate that the city hall would be used as a place of worship or a place of——

Senator Tydings. I do not mean as a permanent place of worship. I mean at given times when it is not being used for public functions. I do not mean to take it over; No. I mean for a given period of time. Suppose the authorities determined that on 3 nights a week between the hours of 7 to 11:30 they are not using the building for public needs. I am talking about those hours when the building is not otherwise being used.

Mr. Daiker. I do not know what your State constitution says on the subject. The New York State Constitution does not permit the use of public buildings for worship or in aid of any religion. This is a constitutional provision in our State constitution, and possibly yours has the same, a good many do.

Senator Tydings. You feel that section 1 would then override the State constitution of New York?

Mr. Daiker. Yes; it would.

Senator Tydings. Do you agree the State constitution of New York should be overridden?

Mr. Daiker. No. But——

Senator Tydings. You do not. You oppose that part of section 1?

Mr. Daiker. No, sir.

Senator Tydings. You do not think that the State constitution should be overridden?

Mr. Daiker. You see, Senator, you will not let me conclude a remark that I made before or at least to get across my thought. I should not say you would not let me conclude it but I cannot apparently project my thinking to say that you are supposing a situation which simply won't occur, and then you say, well, is it all right under this section. People are not going to go down to the city hall particularly to pray.

Senator Tydings. Let me give you a specific example. In my hometown of Aberdeen there is a small Protestant church which has not yet been able to secure facilities for their own building. They have to go into a lumberyard to use it. Now, I ask you under section 1 of this proposed amendment, assuming the mayor gave them permission, could they use the town hall? They just organized.

Mr. DAIKER. I would think they could.

Senator TYDINGS. Under this same section, suppose some of your Negro groups, for example, the African Methodist Episcopal Church, would they be permitted to use the public building?

Mr. DAIKER. I think they could.

Senator TYDINGS. Would Black Muslim groups—which are organizing in many areas in Baltimore city—would they be permitted to go in and use public buildings, assuming the other groups——

Mr. DAIKER. I assume they are a religious group.

Senator TYDINGS. Yes.

Mr. DAIKER. And I think they would have to give them equal treatment.

Senator TYDINGS. Would this hold true out in Senator DIRKSEN's hometown in Illinois? Suppose this amendment were adopted and the Black Muslim group went to the mayor of his town and said they wanted the same treatment as other groups, and they wanted the right to use his town hall for worship in organizing their church. Would they have the right?

Mr. DAIKER. I do not think it makes any difference, Senator, which town it is if we recognize them as a religion, and we are going to treat them all equally, then the answer applies whether it be in Florida or Mississippi or in Seattle.

Senator TYDINGS. Well now, let me go on.

Senator HRUSKA. Would the Senator yield for a question on this point?

Senator TYDINGS. I am going to direct my questions to Mr. Daiker and then, I will be glad——

Senator HRUSKA. I understand. I thought if you were going to another point I would like to ask the witness a question. But if you are not, that is all right.

Senator TYDINGS. No. I have not finished yet. Now, in the language of section 1 are the words "voluntary participation by students or others in prayer." How do you define "voluntary participation"?

Mr. DAIKER. By the test applied by Judge Meyer in Engel against Vitale.

Senator TYDINGS. What is that?

Mr. DAIKER. Voluntary participation was that any child or any student could participate or not participate as dictated by his religious beliefs and conscience. The nonparticipation included the right to remain silent or right to be excused or right to not join in if there was to be a central gathering place for the students the first thing in the morning, and not participate in that assembly program.

Senator TYDINGSS. But this would anticipate that there would be a principal place of assembly.

Mr. DAIKER. No, it did not.

Senator TYDINGS. But it could.

Mr. DAIKER. It was in the alternative.

Senator TYDINGS. It could.

Mr. DAIKER. It could.

Senator TYDINGS. In other words, under the language of section 1, you could have a place of assembly for the schoolchildren in which there would be a prescribed prayer, from which—if they wanted, they could leave and not participate.

Mr. DAIKER. You said in which there would be prescribed a prayer?

Senator TYDINGS. Yes.

Mr. DAIKER. Then you are not following the language of this resolution. You are prescribing a form of prayer.

Senator TYDINGS. What would happen in a room that the children gathered in? There would not be silent meditation because that is permitted now. What would happen?

Mr. DAIKER. Well, Senator, one of the Senators supposed before that the PTA or the American Legion might have suggested a prayer in which all the youngsters would join.

Senator TYDINGS. To whom would they suggest a prayer?

Dr. DAIKER. Whoever was leading the assembly.

Senator TYDINGS. Would it be the teacher?

Mr. DAIKER. Yes, sir.

Senator TYDINGS. Suppose the teacher did not like the prayer that the American Legion or the PTA suggested. What would happen?

Mr. DAIKER. I suppose the school might arrange for another teacher. We had that same problem or could have had the same problem with the regent's prayer in New York where for 9 years it was used, and we possibly had teachers who did or did not approve it.

Senator TYDINGS. Suppose it was a mixed neighborhood in Washington, D.C., of Baltimore, Md., where you have white and Negro schoolteachers, where a majority of the students might be Negroes and the PTA was 70 percent Negro and 30 percent white, and the predominating religion was Black Muslim, and they gave a teacher a Black Muslim prayer and said, "This is what our PTA wants."

Now, are you saying the teacher would have to give that prayer to those or be fired?

Mr. DAIKER. No.

Senator TYDINGS. What are you saying?

Mr. DAIKER. I think the school board of education still must be given credit for running a school system.

Senator TYDINGS. Then it is the board of education which would pass on it?

Mr. DAIKER. Yes.

Senator TYDINGS. So that in each case, whoever would prescribe the prayer, the board of education would make the final decision as to what the prayer would be. But doesn't the last sentence of section I say, "Nothing contained in this article shall authorize any authority to prescribe the form or content of any prayer"?

Mr. DAIKER. They are not prescribing the form. They are accepting a form.

Senator TYDINGS. Well, they are telling the teacher what form he can use, are they not?

Mr. DAIKER. Yes. I think this is a matter of discipline within the confines of a school district.

Senator TYDINGS. You do not see anything contradictory then between the last sentence of section 1 and the board of education telling the teacher, "You can accept this prayer or turn that down"?

Let me ask you this, would the board of education have the right to turn down a prayer prescribed by the PTA?

Mr. DAIKER. I would assume they could.

Senator TYDINGS. On what grounds?

Mr. DAIKER. That they just simply do not—let us assume they say, "We just don't like it." Now, the board of education is an elected body, and if they are going to take the position that in spite of the Constitution they are going to do what they please——

Senator TYDINGS. Let me read you the last sentence again:

"Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer."

Now, if the board of education is going to be able to pick and choose what prayer they want, isn't that the authority to prescribe the form or content of a prayer? Look at it. It is down there.

Mr. DAIKER. I have looked at it. Again, this language is intended, I am sure, to cover that situation where we heard the words that it is not part of the business of any Government official to compose an official prayer for any part of the populace to recite. They are not composing a prayer. They are accepting a prayer from their constituents for voluntary recital by the children in the school.

Senator TYDINGS. Let me ask you again, suppose they turn down the PTA prayer and the PTA came back with another prayer. Could they turn it down a second time?

Mr. DAIKER. I suppose they could.

Senator TYDINGS. Well, then, suppose the American Legion came in with another prayer. Could they accept or turn down that prayer?

Mr. DAIKER. I am sure they could.

Senator TYDINGS. Well, suppose they turned down that prayer and then supposing a prayer came in which happens to be, say, one belonging to the same religious denomination as the majority of the members of the board of education. Could they then accept that prayer, let us say, and give that to the teacher to become the prayer?

Mr. DAIKER. No.

Senator TYDINGS. By having the right to accept or reject, isn't that, in effect, the right to prescribe the prayer? I mean, if you give them the right as you indicate they have been given, and they keep turning prayers down, isn't that the same thing as the right to prescribe the prayer?

Mr. DAIKER. Senator, isn't this true of any form of democratic or representative form of government that we have? The people who are elected and the board of education are elected, and the board of education certainly is elected, have the right to disregard the people who elected them.

Senator TYDINGS. In my county they are appointed.

Mr. DAIKER. There is some sort of a loose standard here under which they can operate. When you start to come along and say, well, can't they prescribe the prayer which is acceptable to one particular religion, then you are getting over into a sectarian prayer, and you now have a particular problem.

Senator BAYH. Will the Senator yield? I would like to ask his opinion, as well as that of our witness, if maybe we haven't gone too far in the finding of the authority administering any school, school system, educational institution or other public building? It is just inconceivable to me that we are going to have a situation in which we are going to invite outsiders to come in for short periods of time to take charge of the classroom. Have we gone too far in just automatically ruling out the teacher's right to choose the prayer when we go to the last sentence which says, "Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer"? That refers to the above authority; namely, the authority administering any school. Would this not be more the school board level, the board of regents' level, and not the teacher in the classroom? Wouldn't the teacher in the classroom still have some opportunity to guide and direct this without violating that provision?

Senator TYDINGS. That is an excellent point, Mr. Chairman. I really think that is the pertinent point we ought to know. I think the witness is in all good faith and I am not sure the witness is not right, but I am not certain that he is right, and I can see how he could be confused.

Mr. DAIKER. Well, I suppose, Senator, there is no law that can be written that you cannot give different interpretations and confusion over. That is why I am here.

Senator TYDINGS. I think this particular one is, perhaps more difficult than some others. But would you care to comment on Senator BAYH's questions.

Mr. DAIKER. The school authority, Senator BAYH, I would say, would be the school board, the authority administering any school, I would have to agree, would seem to me to be indicating the school board or in a case of, let us say, the city of New York where our schools seem to be somewhat semiautonomous under the guidance of the principal backed up by the authority of the board of education and it is a little different out in Nassau County or some of the other smaller counties in the State, where you have a board of education which is closely involved in the school administration.

Senator Bayh. This would not preclude the teacher from providing some direction.

Mr. Daiker. I think that would be an internal administrative problem as to whether the board of education can do it. We trust our teachers to come up with something which is acceptable to all or whether the board of education is going to say, "We don't think that the teachers can do it, so now we would like to have suggestions on a prayer which would be acceptable to all within the community."

Senator Tydings. I do not believe it has to be acceptable to all, does it?

Mr. Daiker. But I think this is what the people would, as a practical matter, do. I agree with you, it does not have to be, but I think that as a practical matter you are trying, just as your committee here is trying, to come up with a resolution or those of you who are in favor of it are trying to come up with a resolution, which is acceptable to all, and so would a board of education try to come up with a prayer that is acceptable to all. That is what our board of regents tried to do.

Senator Bayh. I was of the opinion that the thrust of this resolution was to provide some degree of flexibility so that you would not have to try to accomplish the impossible; namely, finding something that was acceptable to all. You could let one group have this type of service and another group, as the Senator described, could have another ceremony of some kind in the vestibule. There would be some degree of individuality in getting away from the regents-oriented type prayer which the Court ruled was unconstitutional.

Mr. Daiker. I agree with you, Senator. But we are joining together now two thoughts. One is permission to say the prayer and now you are getting into the contents of the prayer, and I do not think your resolution covers the contents of the prayer, and I am trying to answer questions which you or the Senator here have asked me, "What would you think of this or what would you think of that," and we are on what kind of prayer now. We are getting into the kind, not the permission to say.

Senator Bayh. It is a pretty legitimate question to ask, is it not? Who is going to conduct this service?

Mr. Daiker. That is a different question than what the contents of the prayer are going to be, and I thought that is just what you are asking me.

Senator Tydings. It is pretty legitimate to ascertain who is going to provide the contents of the prayer and who is going to have the veto over it. That is vital in the amendment. If prayer is going to be "voluntary," then the right to veto is important, because the person with the veto has a lot to say about what prayer is going to be used.

Let me ask you, to get back to my original question, assume that you have a changing district. As you know, many of our urban areas are changing dramatically. In many places a formerly predominantly white population is moving into the suburban area, and we have an immigration of Negroes from the South into the central city. These changing neighborhoods are often very volatile, and sometimes you have great difficulties there.

Suppose you have a neighborhood which is changing from a majority of white to a majority of Negroes, and you have Negroes in the majority in the PTA, as they naturally would be, and they prescribe a prayer like the Black Muslim prayer or something. A majority of the people in the same area might be Black Muslims. Don't you think setting aside of an assembly in the school to give prayers like this would be a divisive element, not only in the school itself, but also in the entire community among the parents of the children who did not belong to that religion?

Mr. Daiker. Well, as a practical matter what are you suggesting now is that you have a sectarian denominational prayer coming forward, and again we are going into the content of prayer. Is that a concern of this resolution? You say you think it is.

Senator Tydings. If the resolution permits it, I am concerned with the results. I am concerned with the problems, with this proposal.

In our country we have so many areas which are changing ethnically. In New York City, Puerto Ricans are moving into formerly Jewish areas, for example. This matter of religion, and freedom of religion, and the right to have your child not pressured in any way, directly or indirectly, regarding his religion is a pretty fundamental thing. And then when you mix that problem with the problems of races, too, and you get all of that involved, then my question to you is, aren't you really asking for trouble?

Mr. Daiker. Well, I am not sure exactly when the public school system started, but we have had prayers in public schools in many States since the start of the public school system, and we did not have that trouble. Why should we anticipate now we are going to have it if we restore a prayer to where it was before the Engel and some of these other cases? I cannot anticipate that we could not work out the problems just as well now as we did in the last century. Why is there a new problem now?

Senator Tydings. Well, you pick up the newspaper and read it every weekend, and you will see what kind of problems we have in our big cities.

Let me ask you, Mr. Daiker, do you feel the proposed amendment reverses any of the holdings of the Supreme Court?

Mr. Daiker. In the sense it reverses *Engel* v. *Vitale*. I should not say it reverses it. It clarifies what we believed the first amendment to mean before *Engel* v. *Vitale*.

Senator Tydings. But specifically, does it reverse any of the holdings in the prayer cases?

Mr. Daiker. Specifically, no.

Senator Tydings. Under the present state of the law, can the teacher lead a class in a prayer submitted to the teacher by a volunteer group, parents or otherwise?

Mr. Daiker. No.

Senator Tydings. Could they under this amendment?

Mr. Daiker. Yes, sir.

Senator Tydings. So that that is a reversal of the Supreme Court's position, is it not?

Mr. Daiker. Well, it is not a reversal. It is a change in the result of the Supreme Court decision certainly.

Senator Tydings. That is interesting.

Mr. Daiker. Well, you see, Senator we started off with the Engel case saying only officially composed prayers. They found a defect in the fact that the board of regents composed it. It was interpreted subsequently to mean that as soon as someone in authority said it is all right to say any voluntary prayer then you are violating the Engel ban. Now, that is not the same question that you asked me.

Senator Tydings. Go ahead. We want to get it in the record.

Mr. Daiker. The question you asked me was, does a group of students coming to a teacher now and saying, "We would like to say this prayer," and the teacher says, "Yes," and you asked me can this now take effect under the wording of the resolution, and I said, "Yes."

Senator Tydings. Suppose now that the group of students do not come to the teacher but the PTA does. They say, "We want our students to have this prayer."

Mr. Daiker. All right. The PTA are the parents who have said that this prayer be said voluntarily.

Senator Tydings. Yes.

Mr. Daiker. The teacher now is not precluded or prohibited from having the students say this voluntary prayer. This is the—this is different before Engel.

Senator Tydings. In other words, under existing law, if the local PTA said they would like their students to give such and such a prayer, the teacher—letting those who didn't want to do it leave the room or keep silent—could give the prayer that the PTA asked be given. This could be done under the present holdings of the Supreme Court?

Mr. Daiker. I would say they can, but it would not be or it has not been interpreted that way. That is the Stein case.

Senator Tydings. In your judgment, is that constitutional under law today or not?

Mr. Daiker. It is constitutional under law today, but not so interpreted to be.

Senator Tydings. Not so interpreted by whom, the Supreme Court?

Mr. Daiker. Federal court and certiorari denied by Supreme Court; they refused to review it.

Senator Tydings. It is not held unconstitutional by the courts.

Mr. Daiker. Well, the Supreme Court has said certiorari denied, it does not mean anything. This does not mean they deny or affirm.

Senator Tydings. In your judgment, if you were counsel for the school board, would you permit it or not?

Mr. Daiker. I couldn't permit it now because I am now under the direction of the commissioner of education of the State of New York.

Senator Tydings. But there would be no question that under the proposed amendment that you would say it could be permitted.

Mr. Daiker. Yes, sir.

Senator Tydings. So that at least, in your judgment, and acting as counsel for the school board, to that extent the amendment does change what is now the holding of the law of the land.

Mr. Daiker. Yes, sir.

Senator Tydings. Would you think that that would constitute a reversal of any part of the decision of the courts?

Mr. Daiker. No.

Senator Tydings. You would not?

Mr. Daiker. Because I say again Engel banned only officially composed prayers. Stein involved voluntary prayers not officially composed. But now the court has said under the constitutional free exercise provision, "We will interpret this to mean that what goes on in the school is up to the school authorities and if they don't want it they need not have it."

Senator Tydings. Just one or two final questions. Would the language of this section permit the construction of a school chapel?

Mr. Daiker. No, sir.

Senator Tydings. It would not. Why wouldn't it?

Mr. Daiker. Because that would be—it would require language in here permitting the use of public funds to create buildings for religious worship.

Senator Tydings. And you do not think the amendment includes it?

Mr. Daiker. No, sir.

Senator Tydings. What about setting aside a room in a school building for a chapel?

Mr. DAIKER. Well, we are now back to McCollum, the McCollum case. I think that my opinion would be that you cannot use a school building for a place of worship to inculcate the principles of any sect into the children, and that was the thrust, if you will, of the McCollum case that there should not be teaching in public schools of religion. We are not here talking about teaching or religion. We are talking about prayer.

Senator TYDINGS. Specifically would this section 1 permit the setting aside of a room or part of a room in a public school for use as a chapel or as a——

Mr. DAIKER. No, because the term "chapel" to me, Senator, contemplates a place of worship.

Senator TYDINGS. Well, let me take out the word "chapel" and say a room for the voluntary participation of students and others in prayer, a permanent room.

Senator HRUSKA. What was the first part of the question, Senator?

Senator TYDINGS. My question is: Would the language of section 1 permit the school authorities to set aside, on a permanent basis, a part or section of a room or a whole room of a school building for the purpose of permitting the voluntary participation by students or others in prayer.

Mr. DAIKER. My answer would be "Yes."

Senator TYDINGS. It would.

In connection with the voluntary participation by students or others in prayer, would that voluntary participation permit the use of that room by a minister of the Gospel or a rabbi?

Mr. DAIKER. No, sir.

Senator TYDINGS. It would not. It would preclude any religious person from using it?

Mr. DAIKER. It would preclude a religious person from using it because they would be teaching their sect, their particular religion.

Senator TYDINGS. I have no further questions.

Senator BAYH. Senator DIRKSEN.

Senator DIRKSEN. Mr. Chairman, I wonder if at this point we could insert, first, the dissenting opinion of Justice Stewart in the *Engel* v. *Vitale* case, and also the brief that Mr. Daiker filed as the brief in the respondent's case, in that case?

Senator BAYH. Without objection so ordered.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BAYH. This is the testimony to which I referred a moment ago, in which the witness did not agree with the other witness; Daiker and Bazarian disagreed as to what the intent and the impact of the amendment would be.

Mr. TYDINGS. That is the testimony. Mr. Daiker first took the position that the PTA could not authorize or prescribe the prayer. Then I pointed out to him that Senator DIRKSEN had said, in the Washington Post, the PTA's could prescribe the prayer. Then Mr. Daiker changed his position and said the PTA could prescribe the prayer.

Then I said, "What if there were a conflict in the community? Suppose it were an American Legion or another minority group which prescribed a prayer?"

Well, he had no answer. He did not know who would prescribe the prayer then.

Then I asked him, "Suppose, in a city which had a changing, volatile community situation, the majority of the citizens were those of the Islamic faith, or the Black Muslims, and that 60 or 70 percent of the PTA voted for Islamic prayers and bending to Mecca three times a day as the school prayer?"

Well, he was not sure whether they could do it. Then he said the school authorities, he thought, could prevent the use of such prayers, and could decide which prayer they wanted.

In short, Mr. President, anyone who sat through the hearings and listened to the testimony, as the distinguished Senator from Indiana has pointed out, would not only not know what the amendment does, but would be sure that no one knows what it really means.

Mr. BAYH. Mr. President, I yield 2 minutes to the Senator from Alaska.

Mr. GRUENING. Mr. President, in a government such as ours, with three coordinate and equal branches of government, it does not seem to me to be the province of one of those branches to clarify by a so-called sense resolution or other legislative action what another branch intends by its actions.

In due time the Supreme Court will, through its normal procedures, supply whatever clarification is needed, if any, with respect to its prayer decisions. It does not and should not lie within the province of the legislative branch of the Government to tell either the Supreme Court or the American people what the Supreme Court meant with respect to these decisions. It is up to the Supreme Court to do so.

I therefore must be recorded against any legislative action on the prayer issue.

I have two telegrams, from representatives of two faiths, opposing Senate action on this issue. One is from Dr. Dana McLean Greeley, president of the Unitarian University Association; and the other is from Rabbi Jacob J. Weinstein, president of the Central Conference of American Rabbis.

Dr. Greeley says:

> Urge rejection of prayer amendment as destructive of constitutional prohibition against establishment of religion.

Rabbi Weinstein says:

> We urge opposition to any Senate action on prayer. Both Dirksen amendment and Bayh resolution are disservice to religion and civil liberties. Senate action would be interpreted as rejection of Supreme Court decisions and would diminish respect for Court.

These telegrams express my views, and I shall therefore be obliged to vote against both the Bayh resolution and the Dirksen amendment.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Who yields time?

Mr. DIRKSEN. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Illinois has 2 minutes. The Senator from Indiana has 4 minutes.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the decision of the U.S. District Court for the Eastern District of New York, and also the decision of the U.S. Court of Appeals for the Second Circuit, in the case of Stein against Oshinsky, be printed in their entirety in the RECORD at this point as a part of my remarks.

There being no objection, the decisions were ordered to be printed in the RECORD, as follows:

STEIN *v.* OSHINSKY

(Cite as 224 F. Supp. 757 (1963))

KIMBERLY STEIN, A MINOR, BY AUDREY H. STEIN, HIS PARENT AND NEXT FRIEND, ET AL., PLAINTIFFS, *v.* ELIHU OSHINSKY, PRINCIPAL, PUBLIC SCHOOL 184, WHITESTONE, NEW YORK, AND MAX J. RUBIN, ET AL., CONSTITUTING THE BOARD OF EDUCATION OF THE CITY OF NEW YORK, AND BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK, DEFENDANTS—NO. 63–C–260

(United States District Court, E. D. New York, Dec. 20, 1963)

Action for mandatory injunction to require school officials to afford school children opportunity to pray. Plaintiffs moved for summary judgment and defendants moved to dismiss. The District Court, Bruchhausen, J., held that voluntary prayer, offered by school children without any compulsion and not prescribed by law, would not tend to establish religion, and school children were entitled to opportunity for prayer, subject to such reasonable rules and regulations as might be prescribed by school authorities.

Plaintiffs' motion granted and defendants' motion denied.

Courts🔑326

Action under Civil Rights Statute conferred jurisdiction without allegation of proof of any jurisdictional amount. U.S.C.A. Const. Amends 1, 14; 42 U.S.C.A. § 1938; 28 U.S.C.A. § 1343(3).

Constitutional Law🔑84

Schools and School Districts🔑165

Voluntary prayer, offered by school children without any compulsion and not prescribed by law, would not tend to establish religion, and school children were entitled to opportunity for prayer, subject to such reasonable rules and regulations as might be prescribed by school authorities. U.S.C.A. Const. Amend. 1.

Edward J. Bazarian, New York City, for plaintiffs.

Leo A. Larkin, Corp. Counsel, for defendants Elihu Oshinsky, Max J. Rubin and others, constituting Bd. of Education of City of New York, Joseph M. Callahan, Jr., Sidney P. Nadel, New York City, of counsel.

John P. Jehu, Charles A. Brind, Jr., Counsel, State Education Dept., Albany, N.Y., for defendant, Bd. of Regents of University of New York.

Bruchhausen, District Judge.

The infant plaintiffs seek a mandatory injunction, requiring the defendants to afford the plaintiffs an opportunity to express their love and affection to Almighty God each day through a prayer, voluntarily offered in their respective classrooms; an injunction, enjoining the defendants from interfering with the recitation of this prayer, and to declare such prayers constitutional. The defendants move to dismiss the complaint.

The facts indicate that the infant plaintiffs, students in P.S. 184, Whitestone, New York, were precluded from reciting a prayer pursuant to an order of the school principal. The prayers were as follows:

"God is Great, God is Good
And we thank Him for our Food. Amen."

The above prayer was recited by the kindergarten children in the morning classes prior to their partaking of milk and cookies.

The afternoon classes recited the following prayer:

> "Thank You for the World So Sweet
> Thank You for the food we eat
> Thank You for the birds that sing
> Thank You God for everything."

The New York City Board of Education and the Board of Regents of The University of the State of New York upheld the principal's ruling.

The infant plaintiffs by their parents demand an opportunity to express their love to God. These plaintiffs are members of Protestant, Roman Catholic, Jewish, Armenian Apostolic and Episcopalian faiths.

The issue is whether the State may deny children attending public schools the opportunity to recite a daily prayer in classrooms, and does such denial constitute a prohibition against the free exercise of religion or a denial of free speech and finally does such ban conflict with the doctrine of neutrality required of a State in its relationship with its citizens.

It is alleged that this prohibition violates the free exercise clause and the free speech clause of the First Amendment of the Constitution of the United States as made applicable to the States by the Fourteenth Amendment of this document.

[1] The defendants urge that this court is without jurisdiction because the complaint fails to allege the required monetary damage. It is well settled that an action brought pursuant to the Civil Rights statutes, 42 U.S.C.A. § 1983 and 28 U.S.C.A. § 1343(3), confers jurisdiction without the allegation or proof of any jurisdictional amount. Douglas v. City of Jeanette, Pennsylvania, Pa. 1943, 319 U.S. 157, 63 S.Ct. 877, 87 L.Ed. 1324; Adams v. City of Park Ridge, 7 Cir., 1961, 293 F.2d 585, 588; American Federation of Labor, et al. v. Watson, 327 U.S. 582, 590, 66 S.Ct. 761, 90 L.Ed. 873.

The defendants rely primarily upon the cases of Engel v. Vitale, 370 U.S. 421, 82 S.Ct. 1261, 8 L.Ed.2d 601; School District of Abington Township, Pennsylvania v. Schempp together with Murray v. Curlett, both decided in 374 U.S. 203, 83 S.Ct. 1560, 10 L.Ed.2d 844.

The facts in the Engle case, supra, established that the Board of Education of Union Free School District No. 9, New Hyde Park, New York, acting in its official capacity under State law, directed the School District's principal to cause a prayer to be said aloud by each class in the presence of a teacher at the beginning of each school day. This daily procedure was adopted on the recommendation of the State Board of Regents, a governmental agency, created pursuant to the State Constitution of the State of New York. These state officials composed the prayer which they recommended and published as a part of their "Statement on Moral and Spiritual Training in the Schools," saying:

"We believe that this Statement will be subscribed to by all men and women of good will, and we call upon all of them to aid in giving life to our program."

Mr. Justice Black, writing for the Court in Engel v. Vitale, 370 U.S. 421 at pages 430–431, 82 S. Ct. 1261, at pages 1266–1267, 8 L. Ed. 2d 601, held in part:

"There can be no doubt that New York's state prayer program officially establishes the religious beliefs embodied in the Regents' prayer. The respondents' argument to the contrary, which is largely based upon the contention that the Regents' prayer is 'nondenominational' and the fact that the program, as modified and approved by state courts, does not require all pupils to recite the prayer but permits those who wish to do so to remain silent or be excused from the room, ignores the essential nature of the program's constitutional defects. Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment, both of which are operative against the States by virtue of the Fourteenth Amendment. Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment upon religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve coercion of such individuals. When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain."

Subsequently in Abington School District v. Schempp; Murray v. Curlett, Board of School Commissioners of Baltimore City, 374 U.S. 203, 83 S. Ct. 1560, 10 L. Ed. 2d 844, the Court was again called upon to pass on the constitutionality of State statutes. The Abington case required a daily reading of at least ten verses from the Bible without comment, at the opening of each public school on each school day pursuant to Pennsylvania statute.

The Murray case required opening exercises in the schools of the city, consisting primarily of the reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer.

In both cases students were permitted to absent themselves or not take part in these exercises. The Supreme Court concluded both these cases violated the Establishment Clause by requiring the selection and reading at the opening of the school day of verses from the Holy Bible and the recitation of the Lord's Prayer in unison. These exercises were prescribed as part of the curricular activities of students, required by law to attend school. They were held in the school buildings under the supervision and with the participation of teachers employed in those schools. The State intended to institute a religious program and thus violated the Establishment Clause.

The case at bar does not involve a State statute requiring the children or personnel to actively engage in or refrain from acknowledging their complete dependence upon God. It is merely a voluntary desire of the children without any coercion or pressure being brought to offer a prayer to the Almighty. It is in this light, the Court must decide whether the facts in this case constitute the establishment of religion prohibited by the First Amendment. The First Amendment provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

In Zorach v. Clauson, 343 U.S. 306, at page 312, 72 S. Ct. 679, at page 683, 96 L. Ed. 954, the Court held in part:

"There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And so far as interference with the 'free exercise' of religion and an 'establishment' of religion are concerned, the separation must be complete and unequivocal. The First Amendment within the scope of its coverage permits no exception; the prohibition is absolute. The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who help parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeal to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; 'so help me God' in our court room oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: 'God save the United States and this Honorable Court.' "

The court further states at page 313 of 343 U.S., page 683 of 72 S. Ct., 96 L. Ed. 954:

"We are a religious people whose institutions presuppose a Supreme Being."

The Court also, 343 U.S. at page 314, 72 S.Ct. at page 684, 96 L.Ed. 954, held in part:

"Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person. But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence. The government must be neutral when it comes to competition between sects. It may not thrust any sect on any person. It may not make a religious observance compulsory. It may not coerce anyone to attend church, to observe a religious holiday, or to take religious instruction."

See also West Virginia State Board of Education v. Barnette, 319 U.S. 624, 63 S.Ct. 1178, 87 L.Ed. 1628; Holy Trinity Church v. United States, 143 U.S. 457, 470, 12 S.Ct. 511, 36 L.Ed. 226; Lawrence v. Buchmueller, 40 Misc. 2d 300, 243 N.Y.S. 2d 87; Lewis v. Allen, 5 Misc. 2d 68, 159 N.Y.S. 2d 807.

[2] The facts in this case together with the applicable law clearly indicate that the voluntary prayer offered by these children is made without any compulsion and it is not prescribed by law, and does not tend to establish a religion in violation of the First Amendment.

Inasmuch as the School Board is invested with the power and obligation to conduct its affairs, including programming of classes and maintenance of discipline, the rights of the plaintiffs to say voluntary prayer must be subject to such reasonable rules and regulations as may be prescribed by the school authorities.

This opinion constitutes the findings of fact and conclusions of law.

The plaintiffs' motion for summary judgment is granted and defendants' motions are denied.

Settle order and decree on ten (10) days' notice.

Stein *v.* Oshinsky

(Cite as 348 F. 2d 999 (1965))

KIMBERLY STEIN, A MINOR, BY AUDREY H. STEIN, HIS PARENT AND NEXT FRIEND, ET AL., PLAINTIFFS-APPELLEES, *v.* ELIHU OSHINSKY, PRINCIPAL, PUBLIC SCHOOL 184, WHITESTONE, NEW YORK, AND MAX J. RUBIN ET AL., CONSTITUTING THE BOARD OF EDUCATION OF THE CITY OF NEW YORK, AND BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK, DEFENDANTS-APPELLANTS—NO. 457, DOCKET 28812.

(United States Court of Appeals, Second Circuit, Argued April 29, 1965; Decided July 7, 1965)

Action by parents to enjoin school officials from preventing the recitation of prayers on the children's initiative. The United States District Court for the Eastern District of New York, Walter Bruchhausen, J., 224 F.Supp. 757, granted summary judgment to the parents, and the school officials appealed. The Court of Appeals, Friendly, Circuit Judge, held that the constitutional rights to free exercise of religion and to freedom of speech do not require a state to permit "student-initiated" prayers in public schools.

Reversed with directions to dismiss complaint.

1. Federal Civil Procedure🔑2532

Motion for summary judgment filed when defendants filed pre-answer motion to dismiss complaint for lack of subject-matter jurisdiction and for failure to state claim on which relief could be granted was not premature. Fed. Rules Civ. Proc. rule 12(b), 56(a), 28 U.S.C.A.

2. Courts🔑299(3)

Complaint by parents suing to enjoin officials from preventing recitation of prayers on children's initiative sufficiently raised a claim of denial of constitutional rights to free exercise of religion and to freedom of speech to warrant exercise of federal jurisdiction for purposes of adjudicating it under civil rights statute. U.S.C.A. Const. Amends. 1, 14; 28 U.S.C.A. § 1343(3).

3. Constitutional Law🔑84, 90

The constitutional rights to free exercise of religion and to freedom of speech do not require a state to permit "student-initiated" prayers in public schools. U.S.C.A. Const. Amends. 1, 14.

4. Constitutional Law🔑84, 90

The constitutional provisions relating to free exercise of religion and to freedom of speech do not require a state to permit persons to engage in public prayer in state-owned facilities wherever and whenever they desire. U.S.C.A. Const. Amends. 1, 14.

5. Courts🔑406.9(8)

Where trial court erred in granting summary judgment to parents suing to enjoin school officials from preventing recitation of prayers on children's initiative and Court of Appeals was of opinion that the constitutional rights to free exercise of religion and to freedom of speech do not require a state to permit "student-initiated" prayers in public schools, the Court of Appeals would direct judgment dismissing the complaint. U.S.C.A. Const. Amends. 1, 14; 28 U.S.C.A. §§ 1291, 2106.

Sidney P. Nadel, New York City (Leo A. Larkin, Corp. Counsel of City of New York, Seymour B. Quel, Joseph M. Callahan, Jr., Benjamin Offner, New York City, of counsel), for defendants-appellants Oshinsky and Board of Education of City of New York.

John P. Jehu, Albany, N. Y. (Charles A. Brind, Albany, N. Y., Counsel, State Board of Education), for defendant Board of Regents of University of State of New York.

Edward J. Bazarian, Flushing, N.Y., for plaintiffs-appellees.

Hahn, Hahn & Ford, Brooklyn, N.Y., filed brief for The Particular Synod of New York, Reformed Church in America as amicus curiæ.

Stephen A. Hochman, New York City, filed brief for New York Civil Liberties Union as amicus curiæ.

Before Lumbard, Chief Judge, and Friendly and Anderson, Circuit Judges.

Friendly, Circuit Judge.

The decision in Engel v. Vitale, 370 U.S. 421, 82 S. Ct. 1261, 8 L. Ed. 2d. 601, condemning the "Regents' prayer" as violating the Establishment Clause of the First Amendment, held to be applicable to the states by the Fourteenth, was rendered on June 25, 1962, too late to affect the 1961–62 school year. The case now before us reflects a response to that decision by parents who think their children ought to have some form of religious observance while in public school.

The amended complaint, filed in March, 1963, in the District Court for the Eastern District of New York, made the following allegations: The fifteen plaintiffs, of varying religious faiths, are parents of twenty-one children, ranging from five to eleven years in age. The children attend Public School 184, at Whitestone, N.Y., in grades ranging from kindergarten to the sixth. The defendants are Elihu Oshinsky, principal of the school; the members of the Board of Education of New York City; and the Board of Regents of the University of the State of New York. On October 5, 1962, Mr. Oshinsky "ordered his teachers who were instructing the kindergarten classes to stop the infant children from reciting the simple and ancient prayer:

'God is Great, God is Good and We
Thank Him for our Food. Amen!'

before they ate their cookies and milk in the morning session," and "ordered his teachers who were instructing the kindergarten classes for the afternoon session to stop the infant children from reciting the simple and ancient prayer:

'Thank You for the World so Sweet,
Thank You for the Food We Eat.
Thank You for the Birds that Sing—
Thank You, God, for Everything.' "

He also "ordered his teachers to stop the saying of any prayer in any classroom in P.S. 184, Whitestone, New York." The Board of Education and the Board of Regents have instituted a policy banning prayers in the public schools even when the opportunity to pray is sought by the students themselves, and by so doing have "condoned and/or directed" Mr. Oshinsky's actions. The plaintiffs had joined in a written demand to the defendants "that our children be given an opportunity to acknowledge their dependence and love to Almighty God through a prayer each day in their respective classrooms"; defendants had ignored this.

[1, 2] The defendants moved, under F.R. Civ. P. 12(b), to dismiss the complaint for lack of subject-matter jurisdiction and for failure to state a claim in which relief could be granted. Plaintiffs countered with a motion for summary judgment under F.R. Civ. P. 56, supported by an affidavit which added no allegations to those in the complaint and asserted that "the issues presented are purely Constitutional in nature and questions of law. No issues of fact are presented." Defendants filed no affidavit contending anything said in the complaint: they urged rather that the motion for summary judgment was premature and that their own motion did not admit the allegations of the complaint save for the purpose of raising the objections there stated. The court denied defendants' motion and granted plaintiffs', 224 F. Supp. 757 (1963). It signed an order prohibiting interference with prayer and requesting that a reasonable opportunity for it be provided each day, but stayed the order pending this appeal.

We see no force in defendants' argument that the posture of the case did not permit the grant of summary judgment to plaintiffs, whatever the merits of their claim and the adequacy of the showing in its support. Although F.R. Civ. P. 56(a) in its initial form would have postponed such a motion until answer had been filed, one of the purposes of the 1946 amendment was to permit a plaintiff to move for summary judgment while a pre-answer rule 12(b) motion was pending. 6 Moore, Federal Practice ¶ 56.07 (2d ed. 1953). We likewise cannot sustain defendants' contention that the complaint did not sufficiently raise a claim of denial of constitutional rights to the free exercise of religion and to freedom of speech "to warrant exercise of federal jurisdiction for purposes of adjudicating it" under 28 U.S.C. § 1343(3). Bell v. Hood, 327 U.S. 678, 684, 66 S. Ct. 773, 90 L. Ed. 939 (1946). But we think the court erred in its ruling on the merits.

[3] Plaintiffs say that Engel v. Vitale, supra, and the later decisions in Abington Tp. School District v. Schempp and Murray v. Curlett, both at 374 U.S. 203, 83 S. Ct. 1560, 10 L. Ed. 2d 844 (1963), held only that under the Establishment Clause of the First Amendment a state may not direct the use of public school teachers and facilities for the recitation of a prayer, whether composed by a state official as in Engel or not so composed but having a religious content as in Abington and Curlett; they argue that these decisions did not hold that a state could not permit students in public schools to engage in oral prayer on their own initiative. This may be true enough; if the defendants could prevail only by showing that permitting the prayers was prohibited by the Establishment Clause, the question would be whether the use of public property as a situs for the prayers, the consumption of some teacher time in preserving order for their duration, and the possible implication of state approval therefrom would attract the condemnation of People of State of Illinois ex rel. McCollum v. Board of Education, 333 U.S. 203, 68 S.Ct. 461, 92 L.Ed. 649 (1948), or the benediction of Zorach v. Clauson, 343 U.S. 306, 72 S. Ct. 679, 96 L. Ed. 954 (1952), and Sherbert v. Verner, 374 U.S. 398, 409, 83 S. Ct. 1790, 10 L. Ed. 2d 965 (1963). Although we note in this connection defendants' serious contention that in the context of closely organized schooling of young children, "student-initiated" prayers are an illusion and any effective routine requires the active participation of the teachers, we shall assume, arguendo, in plaintiffs' favor that the Establishment Clause would not prohibit New York from permitting in its public schools prayers such as those here at issue. Nevertheless New York is not bound to allow them unless the Free Exercise Clause or the guarantee of freedom of speech of the First Amendment compels.

[4] Neither provision requires a state to permit persons to engage in public prayer in state-owned facilities wherever and whenever they desire. Poulos v. State of New Hampshire, 345 U.S. 395, 405, 73 S.Ct. 760, 97 L.Ed. 1105 (1953). It would scarcely be argued that a court had to suffer a trial or an argument to be interrupted any time that spectators—or even witnesses or jurymen—desired to indulge in collective oral prayer. The case of the school children differs from that of spectators—although not from that of witnesses or jurymen—in that, so long as they choose to attend a public school, attendance on their part is compulsory. N.Y. Education Law, Consol. Laws, c. 16, §§ 3201–3229. But "[t]he student's compelled presence in school for five days a week in no way renders the regular religious facilities of the community less accessible to him than they are to others." Abington Tp. School District v. Schempp, supra, 374 U.S. at 299, 83 S.Ct. at 1612 (concurring opinion of Mr. Justice Brennan). We are not here required to consider such cases as that of a Moslem, obliged to prostrate himself five times daily in the direction of Mecca, or of a child whose beliefs forbade his partaking of milk and cookies without saying the blessings of his faith. Cf. Sherbert v. Verner, supra, 374 U.S. at 399 n. 1, 83 S.Ct. 1790. So far as appears, the school authorities might well permit students to withdraw momentarily for such necessary observances—or to forego the milk and cookies, just as they excuse children on holidays important to their religions.

Determination of what is to go on in public schools is primarily for the school authorities. Against the desire of these parents that their children "be given an opportunity to acknowledge their dependence and love to Almighty God through a prayer each day in their respective classrooms," the authorities were entitled to weigh the likely desire of other parents not to have their children present at such prayers, either because the prayers were too religious or not religious enough; and the wisdom of having public educational institutions stick to education and keep out of religion, with all the bickering that intrusion into the latter is likely to produce. The authorities acted well within their powers in concluding that plaintiffs must content themselves with having their children say these prayers before nine or after three; their action presented no such inexorable conflict with deeply held religious belief as in Sherbert v. Verner, supra. After all that the states have been told about keeping the "wall between church and state * * * high and impregnable," Everson v. Board of Education, 330 U.S. 1, 18, 67 S.Ct. 504, 513, 91 L.Ed. 711 (1947), it would be rather bitter irony to chastise New York for having built the wall too tall and too strong.

[5] It was thus error to grant summary judgment to the plaintiffs. We think also that the case calls on us to direct judgment dismissing the complaint. Although denial of the defendants' motions to dismiss would not itself have been appealable, it goes without saying that the grant of summary judgment to the plaintiffs was a proper subject for appeal, 28 U.S.C. § 1291, and 28 U.S.C. § 2106 empowers us to "direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances." Although we have found no authority directly on point, First Nat'l Bank in Yonkers v. Maryland Cas. Co., 290 F.2d 246, 251–252 (2 Cir.), cert. denied, 368 U.S. 939, 82 S.Ct. 381, 7 L.Ed.2d 338 (1961), is very close to being one. A further analogy is furnished by the settled rule, "Where on an appeal from an order granting or continuing a temporary injunction, or from an order appointing a receiver, the equity of the bill is challenged and the attack upon it appears to be well founded, the power is conferred, and the duty is imposed, upon the appellate court to consider it, and, if it is of the opinion that the relief sought by the bill cannot be granted, to so do decide, and thus to save the parties to the suit further expense resulting from the endeavor to secure impossible relief." Guardian Trust Co. v. Kansas City So. Ry. Co., 171 F. 43, 51, 28 L.R.A.,N.S., 620 (8 Cir. 1909) (Sanborn, J.), and cases cited; Metropolitan Water Co. v. Kaw Valley Drainage District, 223 U.S. 519, 523, 32 S.Ct. 246, 56 L.Ed. 533 (1912); Triumph Hosiery Mills, Inc. v. Triumph Int'l Corp., 308 F.2d 196, 200 (2 Cir. 1962); Zentner v. American Fed'n of Musicians, 343 F.2d 758 (2 Cir. 1965). Plaintiffs' attorney has consistently maintained that all the facts are contained in the complaint and are before the court; he did not indicate in argument that any facts warranting a different decision could be alleged or proved. Under these circumstances, we perceive no reason for not bringing this litigation to an end. See 6 Moore, supra, ¶¶ 56.12, 56.13, 56.27[2].

The judgment is reversed, with directions to dismiss the complaint.

Mr. DIRKSEN. Mr. President, it seems to me that Senators have been conjuring up ghosts which just do not exist. The matter is so simply stated. The Constitution shall not prevent a school board from making provision for voluntary prayer. That is the whole nub of the question. Nobody misunderstands it.

But all sorts of confusion has resulted from the decision in the Engel against Vitale case in the circuit court of appeals; and it has gone so far that now they want to take the phrase "Under God" out of the pledge of allegiance. They do not even let them sing the fourth stanza of "The Star-Spangled Banner" in an elementary school in New York, because it is a prayerful approach. They would not let them sing "My Country, Tis of Thee" in still another school. The petition to do so was denied.

This thing has just gathered force, and has put a whip in the hands of those people who would undertake to destroy the religious tradition of this country. It is exactly that simple. And so, we have to come to grips with it. There is no other way that we can settle this confusion.

So I trust that the Bayh amendment, because it has no validity, no legality, and no meaning, will be rejected, and we will recur, then, to the amendment that I offered, to amend the Constitution of the United States to clarify this matter.

Mr. BAYH. Mr. President, I have enjoyed the opportunity to discuss this matter here on the floor of the Senate with the Senator from Illinois. I wish to thank him for putting the full text of the Oshinsky case into the RECORD. I think that will be helpful to everyone who reads it.

As the Senator said, or at least as I understood him to say, and as has been said by some of the other proponents of the Dirksen amendment, we understand what was said in Engel against Vitale, but it is the interpretation that has been placed on it by various school boards which has created the confusion.

In the light of the statement that the minority leader has made about reference to God in the singing of national anthems, let me read from page 14 of the Supreme Court decision in Engel against Vitale, of June 25, 1962, what Justice Clark said in a footnote. The *statement is as follows:*

> There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents *such as the Declaration of Indepedence* which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance.

The only thing that the Court held is that a State cannot tell your child or mine when and what to pray; and we are not arguing with that. The real issue here is what various school officials have read into the case; and the purpose of the Bayh resolution is not to change the Constitution. It neither has nor was intended to have any legal force or effect; to the contrary, its purpose is to inform all school authorities on what the Court did say in Engel against Vitale and in the Schempp case; in the prefatory paragraphs, it attempts to point out some of these faulty interpretations; in the last paragraph, it sets forth that we in this body profess a belief in the fact that prayer and meditation is beneficial.

I have not been a Member of the Senate for nearly as long as some Senators whom I respect very greatly and who do not agree with the approach proposed in my substitute. However, in my estimation, this is the only opportunity that the Senate will have to act on this matter.

For those of us who believe that some measure to help the schoolteachers and school boards do something about voluntary prayer should come out of this session, this is the only vehicle that we have.

Mark my word, we will not get the necessary two-thirds for a constitutional amendment. We will either have this clarifying amendment or nothing at all.

I think it is important that the Senate take action on this subject.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. PASTORE. Mr. President, I want the RECORD to show clearly that the senior Senator from Rhode Island is for prayer. Therefore, I shall vote for the Bayh amendment to the joint resolution and, if that fails, I shall vote for the constitutional amendment.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the findings of the commissioner of education in New York in the case of the Hicksville Board of Education. In that case, the board of education wanted to use one verse of "The Star-Spangled Banner" for a school prayer. The findings of the commission in that case show the type of confusion that exists.

There being no objection, the findings were ordered to be printed in the RECORD, as follows:

[No. 7099]

THE UNIVERSITY OF THE STATE OF NEW YORK, *THE STATE DEPARTMENT OF EDUCATION*, BEFORE THE COMMISSIONER, IN THE MATTER OF THE APPEAL OF MIRIAM RUBINSTEIN FROM THE ACTION OF THE BOARD OF EDUCATION OF UNION FREE SCHOOL DISTRICT NO. 17 OF THE TOWN OF OYSTER BAY, COUNTY OF NASSAU, TAKEN ON THE 29TH DAY OF JUNE 1962, IN ADOPTING A SCHOOL PRAYER

Alfred Rubinstein, Esq, Attorney for Appellant.

Burlant and Catalano, Esqs, Attorney for Respondent.

The record shows that the Hicksville Board of Education, the respondent herein, on June 29, 1962, unanimously passed the following resolution:

"Resolved, that the following may be used as a prayer in the schools of Hicksville:

"Blest with victory and peace, may the Heav'n rescued land
Praise the Power that hath made and preserved us a nation!
Then conquer we must, when our cause is just,
And this be our motto, 'In God is our trust.'"

This appeal is brought by Miriam Rubinstein who complains that this action of the Board of Education is in violation of the Constitution of the United States and the Constitution of the State of New York in that the United States Supreme Court in *Matter of Engel v. Vitale,* 370 U.S. 421, has determined that a governmental body is without power to prescribe by law any particular form of prayer for use as an official prayer in the public schools. The respondent Board's only defense of its action is that the prayer recommended by them has been derived from the verses of the "Star Spangled Banner" and was written by Francis Scott Key and not by them. The Board insists consequently that since they are not the authors of their recommended prayer, the illegality impressed upon the Regents' prayer by the United States Supreme Court is thereby removed.

Irrespective of the source from which the language set forth in the recommended prayer is derived, the adoption thereof by the Board, which of course is an official body governing a political subdivision of the State, makes the prayer an official prayer. As I have already indicated publicly, the position taken by the United States Supreme Court, regardless of whether one agrees with it or not, establishes the legal principles relative to use of a prayer in the public schools; and it is the obligation of boards of education to comply with the decision of our highest Court.

It is, therefore, clear that the Board's action is illegal. School administrators, classroom teachers and other employees of the school system are agents of the board and if similar action were undertaken by them, the same legal objection would prevail.

It must be equally clear that the illegality of the action in this case lies only in the designation of words from the National Anthem for use as an official prayer. The National Anthem, or parts of it, may be sung, or read or recited, for there is nothing in this decision or in that of the United States Supreme Court which in any way precludes the utilization of the National Anthem as such in our public schools. Our National Anthem is entitled to our highest respect. It is one of the cherished documents and anthems of which Justice Black in writing the decision in *Matter of Engel* v. *Vitale*, supra, had the following to say:

"There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance."

It is an important obligation of our public school authorities to see that our children know, understand and appreciate the historical documents and officially espoused anthems, such as the Star Spangled Banner, which are a fundamental part of our national heritage.

I am aware of and share the deep concern expressed by so many individuals and groups relative to the role of the public schools in the inculcation of moral and spiritual values in our young people. It has been repeatedly suggested, in the aftermath of the United States Supreme Court decision, that a period for silent meditation be set aside during the school day. The use of such a period would be a matter of individual choice, being spent in silent prayer or meditation according to the beliefs or desires of the individual pupil. I find nothing in the aforementioned decision of the United States Supreme Court which would prevent such a practice provided that the school officials do not influence the content of the period, limiting their direction to the setting aside of the period and to the maintenance of discipline. Furthermore, I can find no abridgement of individual rights in such a practice since the prevailing silence during such a period would prevent the intrusion of the religious beliefs of others upon the consciousness of any person present. The decision concerning the adoption of such a practice would be a matter for local determination.

While I can find no legal objection to the provision of a period of silent meditation, there are, however, valid reservations as to the educational value of a practice in which the teacher cannot have a positive and direct role.

Both the Federal and State Constitutions quite definitely intend to bar the use of the public schools for religious instruction or for the impartation of religious tenets. The Constitution of the State of New York (Article XI, § 4) reads as follows:

"Neither the state nor any subdivision thereof shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught, . . ."

Recognizing the importance of religion, the Legislature has provided a method whereby public school authorities can cooperate with religious authorities and parents in providing an opportunity for children attending the public schools to receive religious education. Section 3210 of the Education Law provides that children may be excused during school hours to attend upon religious instruction in their own places of worship, and regulations approved by the Board of Regents have implemented this statute with necessary rules of procedure. This released time program has been reviewed by the courts, including the United States Supreme Court, and has been held to be constitutional. (*Zorach* v. *Clauson*, 343 U.S. 306.)

In addition to this, there are many ways in which the public schools can be and are a positive force in the inculcation of moral and spiritual values in youth and in the development of a respect for religion and for religious beliefs. The Regents are always concerned for this aspect of the school program, and in a statement issued by them in March 1955, entitled "The Regents' Recommendations for School Programs on America's Moral and Spiritual Heritage", the Regents set forth valuable suggestions for making the schools more effective in this regard. Other valuable suggestions and procedures can be found in the curriculum publications of the State Education Department and in other materials in use in the public schools.

While the Federal and State Constitutions forbid the teaching of religion in the public schools, they do not prevent teaching *about* religion. Indeed, if the schools are to carry out their responsibility for the transmission of knowledge, and if they are to prepare young people for the future by giving them an understanding of the past and present, they must inevitably teach about religion and its place in civilization. Religion has been a powerful and determining force in the shaping of every aspect of human development and civilization. By bringing to young people an understanding of what a vital force religion has been, is and will continue to be, our schools can create a vital interest in and foster an enduring respect for religion. It is in this way that the resources and opportunities of the public schools can be used most effectively and appropriately in helping students to acquire the values which stem from religion. It is in this way that the public schools can best complement and fortify the efforts of parents and religious authorities.

In our country we have a precious heritage of religious freedom which is the basis for our doctrine of the separation of church and state. It is the duty of the schools to make sure that every boy and girl acquires a thorough knowledge and understanding of the First Amendment, as reinforced by the Fourteenth Amendment, and of the reasons for their adoption. It is important that our young people understand that belief in the separation of church and state, both in the past and today, stems not from a desire to exclude religion from our national life but from a desire to ensure the full and free development of religion consistent with our basic belief in the rights and freedom of the individual.

The appeal is sustained to the extent indicated.

It is ordered that the resolution of the Board of Education of Union Free School District No. 17 of the Town of Oyster Bay, Nassau County, in establishing an official prayer for use in the schools of that district, adopted on June 29, 1962, be and the same hereby is set aside and vacated.

In witness whereof, I, James E. Allen, Jr., Commissioner of Education of the State of New York, for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 28th day of August 1962.

JAMES E. ALLEN, Jr.,
Commissioner of Education.

Mr. NELSON. Mr. President, the question of whether some improvement can be made in the U.S. Constitution to strengthen the influence of religion in American life is one which should be considered carefully and seriously by persons thoroughly familiar with our religious traditions and with American constitutional law.

I regret that such a serious and complicated question which involves so many difficult and delicate matters must be dealt with rather hurriedly on the Senate floor. Committees of both Houses have considered this matter very carefully over a period of several years and have not been able to make any positive suggestion.

Therefore, we cannot make any meaningful analysis here today of the theological and constitutional questions involved in this proposal. We have to deal merely with the Dirksen amendment itself and with the comments on it which have been made by the Nation's church leaders.

I have reviewed much of the testimony before the Subcommittee on Constitutional Amendments which held hearings on this matter. It is obvious that the opinion of the duly chosen representatives of most of America's major religious denominations is overwhelmingly opposed to the Dirksen amendment.

The statements submitted by distinguished religious leaders are thorough and cover all sides of this issue. But in facing squarely up to the Dirksen amendment they seem to say:

If all this amendment will do is to legalize voluntary or private prayer in the public schools, it is unnecessary because that is the present law.

If the amendment seeks to do more than that then it seems to be a dangerous intrusion into our present system of free religion in America.

The conclusion that the Dirksen amendment is either unnecessary or dangerous is supported again and again in testimony before the Senate Judiciary Committee.

For instance, David R. Hunter, deputy general secretary of the National Council of Churches stated:

> Whatever the source or form or content of the prayer, if the teacher makes it the pending business of the class, it has then the sanction of the school system and the implied endorsement of the administering authority thereof—which is the essence of establishment religion . . . If, on the other hand, it is contended that the authority administering the school does not exercise a coordinating and collectivizing function, but merely steers individuals to worship as they wish, *there is no need of a constitutional amendment to accomplish this.* [Emphasis included by Dr. Hunter.]

Similarly, a memorandum from the Washington office of the National Council of Churches by Lewis I. Maddocks, a member of the Council's editorial board, dated January 15, 1966 stated:

> No one can forbid a person from praying individually to God in a public school or anywhere else. The courts have said only that the state cannot require a person to pray in a public school, nor can it establish a prayer to be recited corporately as part of a devotional exercise in a public school.

The Reverend Arthur C. Barnhart, executive secretary of the department of Christian social religions for the Episcopal diocese of Pennsylvania testified before the Constitutional Amendments Subcommittee:

> We see nothing in the Supreme Court decisions which prevent a youngster praying—before school, in school, after school, in his home, or in his church or synagogue as long as it is not part of a school exercise.

Grover C. Bagby, associate general secretary of the General Board of Christian Social Concerns of the Methodist Church, testified:

> Under the present constitution nothing stands there to prevent the school authorities from allowing a group of students to use a classroom, otherwise not in use for any legitimate private purpose, including prayer, provided regular classes and other students are not inconvenienced or coerced in any way. If this is all the proposed amendment intends, it is unnecessary. If it means more, it is deleterious to religious freedom and the integrity of God.

Rabbi Seymour J. Cohen of Chicago, president of the Synagogue Council of America, testified:

> (The Dirksen Amendment) purports to be designed to permit "the voluntary participation by students or others in prayer" in the public schools. If this means only the voluntary offering of prayers by children in accordance with what they have been taught at home or in church or synagogue the amendment is unnecessary. Nothing in any of the recent Supreme Court decisions interpreting the amendment bans such activity and no school authority, so far as we are aware, has so interpreted them.

Thus, these distinguished religious leaders have stated the issue for us. They are dedicated to advancing our great American religious traditions. They are intimately familiar with the decisions of the U.S. Supreme Court, and they can assure us that the Dirksen amendment—if it is as mild as he says it is—is completely unnecessary. And they warn us further that, if this amendment seeks to do something more than to legalize "voluntary" school prayers, then it is a serious danger to the religious protection clause in the U.S. Constitution.

Senator DIRKSEN and some other sincere sponsors of the so-called prayer amendment have tended to brush aside comments by our leading religious spokesmen on the grounds that these people are "liberals" who do not really reflect the dominant religious thought in America.

I happen to represent one of those States where many of our citizens adhere to quite conservative religious concepts. If opposition to the Dirksen amendment were in fact limited to a small liberal minority of religious leaders, then one might possibly understand Senator DIRKSEN's contention that we should disregard this testimony and pass the Dirksen amendment over the protests of these church leaders.

Yet this is simply not the case. A National Catholic Welfare Conference memorandum, which I have just been assured still speaks for the church stated:

> The Legal Department of the National Catholic Welfare Conference is very cautious of the present interest of some in amending the Constitution . . . to overcome recent judicial decisions . . . The haste in drafting many of the proposals, together with their great variety displayed more eagerness than profound constitutional deliberation . . . The Department continues to believe the present clauses in the constitution are of uncalculable benefit to religion.

Similarly a number of distinguished Catholic spokesmen have appeared before the Constitutional Amendments Subcommittee in opposition to the Dirksen amendment including Father Robert F. Drinan, S.J., dean of the Boston College Law School.

Catholics in Wisconsin have special reason to be concerned about this issue because of an important State supreme court decision dating back to 1890. A significant thing in this case is that it was brought by Catholics to prevent the reading of the King James Bible in a public school in Edgerton, Wis. The Catholics who brought the suit argued that the reading of this particular bible constituted sectarian instruction in violation of section III, article 10 of the Wisconsin State constitution.

The Wisconsin State court upheld this argument unanimously.

Certainly the proponents cannot brush aside the National Catholic Welfare Conference nor the Wisconsin Catholics who filed suit to protect their children from sectarian instruction in public schools as representative of a "liberal minority."

Furthermore, the traditions of conservative religious theology are upheld strongly in Wisconsin by two outstanding synods of the Lutheran Church. These are the Lutheran Church-Missouri Synod and the Wisconsin Evangelical Lutheran Synod, often referred to simply as the Wisconsin Synod.

Both of these synods oppose the Dirksen amendment.

The Reverend Norman Temme, director of public relations for the Lutheran Church-Missouri Synod, testified before the Constitutional Amendments Subcommittee:

> We believe that it is best for the public school not to engage in prayer or other religious worship exercises. We support the idea that home and church have the responsibility for a religious education which seeks commitment and provides time for prayer or devotional exercises.

Supporters of the Dirksen amendment often give the impression that the only persons objecting to organized prayer in a classroom would be atheists or agnostics. It is important to note that this attitude is not shared by the spokesmen for traditional Christian bodies such as the Missouri and Wisconsin Synods. Dr. Temme also testified:

> We believe that Christians cannot join with non-Christians in addressing God in circumstances that deny Jesus Christ as Saviour and Lord. We believe likewise that non-Christians should neither be expected to participate in Christian prayer nor should they expect Christians to join them in prayers that deny Christ.

The point here is that if the organized school prayer which the Dirksen amendment might seem to authorize is going to include Christians and non-Christians alike, then these deeply devout Christians of the Missouri Synod want no part of it. Certainly we must respect their religious convictions in this matter.

Finally, I want to include a letter to me by the Reverend James P. Schafer, director, department of public relations, of the Wisconsin Synod of the Lutheran Church strongly opposing the Dirksen amendment. Pastor Schafer writes that the Wisconsin Synod is not alarmed by the Supreme Court decisions and does not favor an amendment to the Constitution. The Wisconsin Synod has 221,000 members in Wisconsin.

I stand ready to support any sincere, carefully developed proposal which will genuinely strengthen the influence of religion in American life; I cannot conceive of any such proposal being enacted without the close cooperation of the leaders of our major religious denominations. If Senator DIRKSEN can come up with a constitutional amendment which is supported by the National Council of Churches, the National Catholic Welfare Conference, the National Lutheran Council, the Lutheran Church-Missouri Synod, the Wisconsin Synod of the Lutheran Church, and representatives of our orthodox, conservative, and reform Jewish organizations, I stand ready to support it.

At this time, I find greatly preferable to Senator DIRKSEN's amendment the substitute offered by Senator BAYH, who served as chairman of the Constitutional Amendments Subcommittee. This proposal would go a long way toward clearing up the confusion which some may have experienced as a result of the Supreme Court decisions. It would reaffirm what already is the law—that voluntary prayer is perfectly permissible, in school or anywhere else, and it would reaffirm the deep commitment which the Congress and the American people feel toward their religious traditions.

Mr. LAUSCHE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. All time has expired.

Mr. BAYH. Mr. President, I do not believe it is necessary to have printed in the RECORD the statement I made with reference to the word "God" in the national anthem. I think I have already covered it.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Indiana in the nature of a substitute for the amendment of the Senator from Illinois in the nature of a substitute for the resolution.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRUENING (when his name was called). On this vote I have a pair with the senior Senator from Indiana [Mr. HARTKE]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the junior Senator from Montana [Mr. METCALF]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Montana [Mr. METCALF] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Tennessee [Mr. BASS], the Senator from Connecticut [Mr. DODD], the Senator from Arizona [Mr. HAYDEN], and the Senator from New Hampshire [Mr. MCINTYRE] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Tennessee [Mr. GORE] would each vote "nay."

On this vote, the Senator from Washington [Mr. MAGNUSON] is paired with the Senator from New Hampshire [Mr. MCINTYRE].

If present and voting, the Senator from Washington would vote "yea," and the Senator from New Hampshire would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Idaho [Mr. JORDAN], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Idaho [Mr. JORDAN], and the Senator from Kentucky [Mr. MORTON] would each vote "nay."

The result was announced—yeas 33, nays 52, as follows:

[No. 258 Leg.]

YEAS—33

Bayh
Bible
Brewster
Burdick
Cannon
Case
Church
Clark
Douglas
Ellender
Fulbright
Harris
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
McGee
McGovern
Mondale
Monroney
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Symington
Tydings
Williams, N.J.

NAYS—52

Aiken
Bartlett
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Hart
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Kuchel
Lausche
Long, La.
McClellan
Miller
Montoya
Morse
Mundt
Murphy
Neuberger
Pearson
Prouty
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—15

Allott
Anderson
Bass
Dodd
Gore
Gruening
Hartke
Hayden
Jordan, Idaho
Magnuson
Mansfield
McCarthy
McIntyre
Metcalf
Morton

So Mr. BAYH's amendment was rejected.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes.

Mr. President, since June 1962, when the Supreme Court prohibited the State of New York from composing and prescribing a prayer for recitation in its public schools, there have been about 200 resolutions introduced in the Congress in an attempt to remedy this apparent reversal to religious training. All the sponsors of these various proposals are genuinely concerned with the growing deemphasis of religion in our modern society. When the topic of casual conversation is whether "God is dead," the concern is real—and the remedy must be appropriate.

As I read the first amendment to the Constitution, it says in nonlawyer language that the Government—Federal, State, or local—shall keep out of the field of religion. I consider this prohibition as wise today as it was 180 years ago. I think the Supreme Court was merely enforcing this "no trespassing" sign when it forbade the reading of a State-composed prayer or a passage from a Bible in a public school. Those of us who believe strongly in the consolation of prayer and the wisdom of the teachings of the Bible cannot understand how anyone could fail to appreciate the redeeming value of these practices. But we must not forget that our beliefs are personal and free—and this freedom is also extended by our Constitution to the nonbeliever.

When President Kennedy was asked to comment on the Supreme Court's prohibition of the New York regents prayer he said:

> We have in this case a very easy remedy, and that is to pray ourselves. And I would think that it would be a welcome reminder to every American family that we can pray a good deal more at home, we can attend our churches with a good deal more fidelity, and we can make the true meaning of prayer much more important in the lives of all our children.

I agree fully with this statement of our late President. The manner of worship must be the free choice of the person; it is a personal and family responsibility that should not be surrendered to any public body. With the daily problems of society becoming more complex and the government at various levels taking a more active role in so many facets of our daily lives, I think it imperative that we protect fully and without exception the free and personal choice of religion and emphasize the responsibility of the person and the family in these matters of delicate choice. We must do nothing to upset the neutrality of government in religion; and it is clear to me that with the authoritative position of government in the State public school system, this neutrality can be maintained only by a policy of abstention. I think that anything less would render a body blow to the proven American doctrine of the separation of church and state.

One's religious practice is a response to the individual conscience; it is too personal, too sacred, too private to be influenced by pressures for change each time a new school board is elected to office.

I support the first amendment as it now exists. I believe that we should continue to separate all manners of worship from the public schoolroom; I strongly believe that we should preserve our public academic institutions from a function they cannot justify—a function that could be destructive of their purpose.

Finally, I agree that a period set aside for silent meditation in a public schoolroom would not abuse the personal choice of prayer or the private nature of worship. I believe such is fully consistent with the first amendment. I urge all Members to give serious thought to any proposal that seeks to change any of our Bill of Rights. I hope that, after serious consideration, you will agree that the remedy for irreligion in our society is in the home—not in the Congress.

Mr. BAYH. Mr. President, will the Senator yield me 5 minutes?

Mr. MANSFIELD. I yield 5 minutes.

Mr. BAYH. Mr. President, I wish to compliment the majority leader for his very penetrating analysis.

I think that the Senators who were in the Chamber this morning, when I had the opportunity to express myself, are aware of my opinion——

Mr. STENNIS. Mr. President, will the Chair restore the Senate to order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAYH. They are all aware of my opinion that what the Court has done is merely to say, as the distinguished majority leader has said—and it is clear that the majority leader admitted this, and the senior Senator from Nebraska, who sat by my left side during the entire period of the hearings, and as was said by the distinguished Senator from North

Carolina [Mr. Ervin], the recognized constitutional expert in this body—that the Government of the United States, the government of Indiana, or any governmental agency should not tell our children what to pray.

Now, the specific cases dealt not merely with the reading of a Bible verse or the recitation of a prayer. It dealt with Bible verses and prayers that were prescribed; where the State had originally required these religious exercises in the school. What the Court struck down were State-sponsored religious exercises.

The whole concern which prompted the effort by the minority leader is the misconstruction, the misunderstanding and in some instances, I think, the misrepresentation of these decisions. We are trying to find some way to call to the attention of school authorities what the Court really said. That is why I offered my unsuccessful amendment. I offered it in an effort, not to change what the Court said, because most Members of this body whom I have heard discuss the matter do not want to change these decisions, but rather to correct erroneous impressions of what the Court said.

I believe it to be an extremely dangerous precedent to attempt to amend the Constitution without adequate study and full consideration by the appropriate committees as well as extensive debate in Congress. Let me point out that the record of the hearings on Senate Joint Resolution 148 was published and made available only 2 days ago. To me this is not sufficient time to consider adequately a proposal to amend the Bill of Rights. I shall read one quotation that was repeated in the Vitale case by Mr. Justice Clark that I thought was most compelling. The quotation is from Mr. Justice Jackson from a 1943 decision in the case of West Virginia Board of Education against Barnette. It seems to me that in this statement Justice Jackson goes to the nub of the first amendment and what it means when he said:

> The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to . . . freedom of worship . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

During the colloquy between the Senator from Maryland [Mr. Tydings] and myself it was pointed out that if the Dirksen amendment is adopted, voluntary prayer would be established by majority rule of the school community. Majority rule which permits voluntary prayer is not necessarily voluntary for the minority. I think that one's religious beliefs, his petition to his Maker, should not be subjected to even a voluntary ballot in the classroom.

So, Mr. President, I regret that apparently we are not going to be able to deal with this matter through a sense-of-Congress resolution. In my opinion it would be too dangerous as well as unnecessary to attempt modifying our traditional constitutional guarantees of religious freedom.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the Senator from Virginia.

Mr. ROBERTSON. Mr. President, no one is more opposed than I to any affiliation between church and state. My colonial ancestors in Virginia left the established Church of England over the issue of religious freedom, insisting upon separation of church and state. At that time they went with the most democratic of the Protestant churches, the Baptist church, and most of us in modern times have been members of that church.

But when the Supreme Court equated a voluntary prayer with the establishment of religion, and one member of that Court said, to be logical, the Court should proceed to outlaw the prayers we have in this body and on the other side of the Capitol—we pay money to the minister of the Methodist church to offer prayers here—and should outlaw chaplains that we pay for the armed services, and eventually take off of our coins "In God We Trust," I felt something should be done to check that trend because undoubtedly we were established as a Christian nation and we officially abandon that principle at our peril.

I would have been content, realizing there was very little chance to get clarification by a constitutional amendment, to have had adopted a simple concurrent resolution very much along the lines of the one which was offered by the Senator from Indiana [Mr. Bayh] providing that voluntary prayers are not an establishment of religion, and are not prohibited by the Supreme Court ruling.

Mr. President, I offered that same proposal in 1962. What happened? Nothing happened. We could not get any action from the committee. So, I became a cosponsor of the Dirksen amendment. It merely states voluntary prayer is authorized under the first amendment and is not an establishment of religion. That is all I can see in it.

My resolution to the same effect in 1962 was merely for voluntary prayer.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTSON. Mr. President, I do not believe that the Dirksen amendment will receive the necessary vote. I think that the vote against the Bayh amendment indicates strongly that the Dirksen amendment will receive hardly more votes than that. But, Mr. President, a good purpose is served.

In the first place, the Supreme Court has not gone as far as one of the Justices said they should go in outlawing chaplains for Congress and the armed services.

In the second place, a good many people have been concerned about the trend of this Nation as evidenced by an unprecedented crimewave. I wish to emphasize that the crimewave has been by those who are under 21 years of age. It is felt that these children are not getting the training that they should get in their homes and that perhaps voluntary prayers in schools would help them recognize that there is a Supreme Being and a Bible, and that they should obey it.

I believe that a good purpose has been served by this discussion even though the amendment is rejected, as I assume it will be.

Mr. President, I ask unanimous consent that the resolution which I introduced in 1962 be printed in the Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

[S. Con. Res. 81, 87th Cong., 2d sess.]

CONCURRENT RESOLUTION

Whereas, from the first permanent white settlements in North America at Jamestown and Plymouth Rock, we have recognized the existence of God and our dependence on Him; and

Whereas the greatest single threat to our political and religious freedom is posed by nations who deny the existence of God; and

Whereas the atheists in our Nation are making a concerted drive to eliminate the recognition of God in our Government as completely as He has been eliminated in Russia and have recently included in that program the demand to eliminate from public schools not only the voluntary recitation of a prayer, but all hymns, all religious paintings, and all celebrations connected with Christmas and Easter; and

Whereas there never has been a greater need to inculcate in the minds and hearts of the youth of our Nation a reverence for God and faith in His omnipotence; and

Whereas, with that in view, the Board of Regents of the State of New York prepared for voluntary use in the public schools of that State a nonsecular form of civic prayer which merely recognized the existence of God and our dependence on Him; and

Whereas, in the case of Engel against Vitale, the Supreme Court of the United States on June 25, 1962, declared the use of that voluntary prayer to be unconstitutional; and

Whereas the clear implication of that Court action is the outlawing of public recognition of God by any government agency, Federal or State, including a prohibition against employment of chaplains in both branches of the Congress and for all branches of our armed services; and

Whereas the Congress desires to go on record as reaffirming that we are one nation under God are desirous of passing on to generations yet unborn that rich heritage: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the designation by a public school authority of a nonsectarian prayer for use, as a part of the activities of a public school, does not constitute an establishment of religion or an infringement of the doctrine of separation of church and state in violation of the Constitution of the United States, if participation in the offering of that prayer by individual students is not made compulsory.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BAYH. Mr. President, I yield 5 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I am the possessor of a great affliction: A Scotch-Irish conscience, which will not permit me to follow after a great multitude to do what I conceive to be evil.

From a political standpoint it would be very easy for me to support the proposed amendment. This I cannot do, but I would like to point out to the advocates of that amendment what it provides.

I read merely the gist of the amendment for the purpose of illustrating the point I desire to make.

> Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational system or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer.

The proposed amendment would vest two powers in every school board administering any school anywhere in the United States.

First, the school board could provide for voluntary participation by students or others in prayer.

Second, the school board could permit voluntary participation by students or others in prayer. There is no requirement whatever that there should be any equality of right under this amendment in respect to the diversity of religious groups in the United States. The plain meaning of the English language is that what a board may provide, it may also refuse to provide; and what a board may permit, it may also refuse to permit.

Since there is no restriction or limitation requiring equality of right, this would mean the annihilation of the principle of the first amendment.

The first amendment provides, in part, that—

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

What the proposed amendment would do would be to give every school board the power—now denied by the first amendment to Congress, and by the decision of Cantwell against Connecticut, to the States—to make a law respecting the establishment of religion. It would give each board the permissive power to allow voluntary prayer by school children or by others according to its uncontrolled discretion free from any limitation or restriction whatever other than the provision that it should not prescribe the form or the content of the prayer. It could leave the form or the content of the prayer, however, to "others"—ministers or priests or rabbis selected by it.

Under the amendment as it is worded, each school board in the United States can take action which is equivalent to making a law providing for the establishment of religion. The board can make a law preferring one religion over other religions. If the school board is composed of persons of the Jewish faith, it could provide not only for prayer by school children, but also for prayer by any others it selects. Thus it could provide for prayers in schools to be conducted by rabbis according to Judaism, to the exclusion of prayers of a Catholic nature or prayers of a Protestant nature.

By the same token, if a school board anywhere in the United States is controlled by Protestants, that school board could provide or permit a prayer conforming to Protestant standards, and thus establish that religion in the school to the exclusion of other religions.

The same thing would be true in case a school board is controlled by members of the Catholic faith and they should wish to take like steps to promote their faith.

Let me say to my friends who are concerned about prayer in the public schools: Do not adopt the proposed amendment to accomplish that purpose. It would allow any school board in the United States to establish a religion conforming to the faith of a majority of its members, and exclude from its establishment the religious faith of all members of the community who may disagree with the religious faith of a majority of the school board.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The time of the Senator from North Carolina has expired.

Mr. BAYH. Mr. President, I yield 3 more minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 3 additional minutes.

Mr. ERVIN. Mr. President, if we want to amend the first amendment to the Constitution of the United States, for God's sake and for freedom's sake, let us draw an amendment which will give equality of religious freedom to every human being in the United States, regardless of what his religion may be, and not vest arbitrary permissive power in school boards like the proposed amendment does.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield 2 minutes to the Senator from North Carolina [Mr. JORDAN].

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. JORDAN of North Carolina. Mr. President, I am certainly not a constitutional lawyer. I do not disagree with my distinguished colleague [Mr. ERVIN] in his interpretation of the first amendment, but I am deeply concerned about the interpretation made by the Supreme Court and the way in which its decisions have been interpreted in the public school systems throughout the Nation.

If I am not badly mistaken, the school systems in the United States are so badly confused as to what the Supreme Court did say, that they have decided to do nothing.

I think it is pretty generally known and pretty generally accepted that prayers and the reading of the Bible have been almost entirely eliminated from our school systems.

I do not know how we are going to do it, how we can do it, or how we should do it, but I want to go on record in this Chamber today as declaring that prayer should be encouraged in the school systems of this country. We have only to take a fleeting glimpse at the figures of the rising crime rate of boys and girls below the age of 21, and become justifiably alarmed. If something is not done, the Nation will decay from the inside—not from the outside, but from the inside.

I support today—I do not care how it is done—the encouragement of prayer in the schools, and to make certain that, in doing so, there is absolutely no doubt that we are on sound legal ground.

If I thought the Bayh amendment would have done that, I would have supported it. I am still willing to do so if it could accomplish that. I want to see both prayers and Bible reading permitted and encouraged in the school systems of this country.

Mr. HART. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield 3 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, I rise largely because of the comment made a few moments ago by the Senator from Virginia [Mr. ROBERTSON]. He reminded us that in 1962, immediately following the New York Regents' prayer decision, he and several other Senators suggested amendments to the Constitution. Some of these amendments were very much in the nature of the one now pending before the Senate, and one such was offered by the Senator from Illinois. The Senator from Virginia said that he could get no place in that effort in 1962. One of the reasons was that the Committee on the Judiciary held hearings at that time and concluded that the prudent and sound course was to report none of those resolutions favorably.

At that time I felt that the committee's action was sound. I would hope that the Judiciary Committee would respond similarly if the proposals were before us now; but, at least, we have been reminded that proposals of this nature were considered by the Committee on the Judiciary and that none was reported.

It is true that when anyone who grows up in a community with one dominant religious attitude, may find it hard to recognize that the Supreme Court was right in 1962.

However, with a pluralistic society such as ours, which gives us such enormous strength, I would hope very much that the pending constitutional amendment will not be sent out to the country.

As the Senator from North Carolina [Mr. ERVIN] so eloquently stated, there is enormous mischief in the amendment and it is not saved by the suggestion that the prayer can be voluntary.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. BAYH. Mr. President, I yield 5 additional minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 additional minutes.

Mr. HART. The majority of the local school boards, reflecting a dominant religious attitude, could adopt a prayer formula in the sense the Senator from North Carolina described, which would constitute the establishment of a religion.

Now we are told that that is not true because it would be voluntary. But I do not want my children exposed to someone else's prayer formula or be required to leave the room to avoid it, or to remain seated to demonstrate they are not participating. Children of those years ought not to be exposed to that sort of experience and pressure. There is very little that is voluntary in that situation.

And I do not want any coreligionists, of mine to establish for children of other faiths my prayer formula. This is what it could lead to.

Prayer is intensely personal, even public prayer. I do not want to see us involve children in a deeply sectarian experience where there are children of different faiths, and that describes the normal public school classroom.

I am grateful to the Senator from North Carolina [Mr. Ervin] for having placed in the Record yesterday so scholarly a background of the first amendment, and to share with him and the Senator from Indiana [Mr. Bayh] the hope that we shall not adopt the amendment at hand.

I ask unanimous consent that excerpts from an editorial from the Detroit Jewish News of August 19, 1966, be printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Legislation on the Right To Pray

Illinois' Senator Everett Dirksen is an unusual man. He usually has a sense of humor. His dry but incisive wit attracts attention, draws laughs, gains him the admiration and friendships that have elevated him to unquestioned leadership. That is why it is all the more puzzling why the down-to-earth Republican leader should have undertaken to put on the spot so many members of the United States Senate by his proposal to legislate on the right to pray, who is to pray, when one is to pray, whether one is to ask him or any one else whether or not to pray or where to pray.

If it were not faced with such seriousness, there would be something funny about the measure—S.J. Res. 148—which is in effect a constitutional amendment to assure the right to "voluntary" prayers in our schools. His proposal is especially threatening because it is the first such effort to tamper with the Bill of Rights and to introduce a change in the first 10 amendments to the Constitution. It has been called "mischievous" and one Washington correspondent, Kenneth Crawford, writing in Newsweek, anticipates that Senator Dirksen may succeed in forcing some of his colleagues to support him because they wail: "How can we vote against prayer?"

It has also been suggested that Senator Dirksen is carrying on a vendetta with the U.S. Supreme Court, having stated: "I do not intend to let nine men tell 190 million Americans, including children, where and when they can say their prayers." This is just the point that has been amply clarified in Supreme Court decisions—that such rights are not to be tampered with. But Senator Dirksen would, contrary to the expressed views of many religious leaders and of the major religious organizations, bypass the First Amendment and introduce a new order negating basic American principles separating church and state.

A joint statement by the Synagogue Council of America and the National Community Relations Advisory Council, in opposition to the Dirksen amendment, indicated that the proposal now before the U.S. Senate "would place the force of government behind prayer," and presented the following as the Jewish traditional attitude on praying:

"Jewish tradition, not unlike most other religious traditions, knows of two kinds of prayer: private prayer, and public prayer. There is hardly a place or activity that in Jewish tradition renders private prayer inappropriate. A Jew is bidden to recite private prayers before he eats or drinks, on the completion of his meals, on beholding the beauty of God's nature, when putting on a new garment, upon hearing good tidings—in short, there is virtually no aspect of human experience that a Jew is not bidden to sanctify with prayer. There is, therefore, nothing inappropriate, from a Jewish religious point of view, and we might add, from a Constitutional point of view, in a student reciting private prayers during the course of his school day, provided he does not obstruct or impede the normal school program.

"Public prayer is an entirely different matter again. Let us be clear about the nature of the problem. The difficulty is not the location as such, nor is it essentially what some critics have prejudicially described as "routine, formalized, mechanical recitation". In Jewish tradition, public prayers can be recited virtually anywhere (though the synagogue is its most appropriate setting). Our prayers, not unlike the public prayers of most other faiths, are formalized both as to content and manner of recitation. This is necessarily so, for prayer is the singular expression of a particular faith community, shaped and formed by, and giving expression to a unique historical encounter with the Divine. For this very same reason, however, it is an act of gross religious insensitivity to involve in such a deeply sectarian experience children of differing faiths. This kind of indiscriminate and superficial religiosity leads to a trivialization and desecration of genuine worship.

"This, then, is the religious ground, as distinguished from the political, on which we base our opposition to sectarian prayers in the public schools. It is on this same ground that we would oppose non-sectarian prayers. Prayer that is not rooted in specific faith and in distinctive religious commitment is a meaningless, empty exercise.

"Does this mean that God and religion are to be banished from our national life, or that the religious foundations of this national life are being challenged? The answer is clearly and emphatically "no!" We are in fact a predominantly religious people in our origins and in our traditions. As clergymen, we seek to make religion an even more effective part of our society's life than it is. Certainly, there is room in American life for a broadening and deepening of genuine religious commitment. But this spiritual heritage and this religious character is to be attributed to the American society as such, and decidedly not to the American state as such."

It is unfortunate that the entire Dirksen scheme tends not only to challenge the Supreme Court and its oft-reiterated rulings in support of the separation principle, but would additionally shatter an established American tradition and would introduce government rule in permitting the injecting of religious ideas into the public school system, also leading to the injection of religion in state affairs. The hope of the defenders of the separation idea is that Senators will not be forced into a role of ruling on prayer as such, under pressure of "who can vote against prayer?", but will recognize that in a free society the right to prayer is sacred and unabridged under existing conditions. The Dirksen amendment will introduce an abridgement because it will legislate for prayer.

Mr. DIRKSEN. Mr. President, I yield such time as he may use to the Senator from South Carolina [Mr. Thurmond].

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I very firmly support the proposed constitutional amendment being offered by the distinguished minority leader, Mr. Dirksen. When this proposal was originally introduced in the Senate in the form of a joint resolution, Senate Joint Resolution 148, I joined as a cosponsor because I believe that this is one of the most fundamental and important issues to come before the Congress this or any other year.

This proposal in essence provides that "nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer."

In addition, the proposed constitutional amendment provides that "nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer."

In my judgment, this amendment reaffirms what was the original intent of the first amendment and in effect reverses a series of Supreme Court decisions reinterpreting and thereby virtually rewriting the first amendment to the Constitution. These Supreme Court decisions have brought about radical changes in the interpretation and application of the provisions of the first amendment to the Constitution and have outlawed longstanding practices and customs which in some cases date back for a hundred or more years. Prior to the recent Court decisions, school systems or local school districts allowed brief devotional exercises to open the school day or at the beginning of each class. Practices of this type were rarely, if ever, objected to because they were conducted in a manner suitable to the occasion and in accord with the wishes and desires of both the children and the parents involved.

Suddenly, however, these devotional exercises have either been brought to a halt or have had cast upon them the shadow of doubt as to their constitutionality because of these Supreme Court decisions.

It is no doubt true that there is much confusion surrounding the exact interpretation and application of the decisions themselves, but I do not consider this to be a valid argument in opposition to the Dirksen amendment. In my view, this provides a conclusive argument in favor of the Dirksen amendment since it points up the fact that clarification is needed.

Many people are asking if a particular exercise is constitutional or if it would fall within the ban of the Supreme Court decisions. It is difficult, if not impossible, to answer each of these inquiries in the firm knowledge that the information provided is accurate.

However, if the Dirksen amendment were adopted, clarifying the constitutional provisions concerning these devotional exercises, the many questions which have arisen would be thereby answered.

It is important to point out that the provisions of the Dirksen amendment are merely permissive. The amendment does not require a local school district or school official to provide for a devotional period; and it, of course, specifically forbids the school officials from prescribing the form or content of any prayer. However, should the schoolchildren and their parents desire to have a period set aside for prayers in the schools, then the school officials would not be prohibited from providing for such an exercise.

Mr. President, one of the greatest heritages which our country has is that of separation of church and state. The first amendment provides in pertinent part:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

I would oppose as violently as any Member of the Senate any proposal which I consider an infringement of this provision of the Constitution. Nevertheless, this proposed amendment expands freedom of religion and at the same time it does not propose to establish a religion in contravention to the provisions of the first amendment.

Our country owes its very existence to a higher Providence, and our belief in God has guided us through times of turbulence and tribulation and resulted in our country's emerging as the greatest power on earth and the greatest haven for the oppressed that has ever existed. The Dirksen amendment is necessary if we are to continue in this tradition.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD at the conclusion of my remarks my newsletter dated August 15, 1966, and entitled "Freedom to Pray."

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

FREEDOM TO PRAY

STROM THURMOND, U.S. SENATOR FROM SOUTH CAROLINA, REPORTS TO THE PEOPLE

The recently concluded hearings before the Senate Judiciary Subcommittee on the proposed Constitutional amendment designed to allow voluntary prayers in public schools produced much more heat than light. Not only were the witnesses who testified before the Subcommittee sharply divided over the need for the amendment, but there was wide divergence of opinion even among the opponents of the amendment on several counts.

Some of the witnesses appearing in opposition to the amendment evidently would oppose every public recognition of God and our reliance upon His divine guidance in the conduct of national affairs. They would prefer to erect a solid "wall of separation" between God and the Government. They interpret the Supreme Court's rulings in this area to mean eventually outlawing of such things as The National Motto—In God We Trust, The National Anthem, the Pledge of Allegiance, and the use of chaplains in both Houses of Congress and in the armed services.

Other witnesses were not so adamant in their opposition to the principle of prayers in the schools or other forms of public recognition of our dependence upon God. Some objected to the wording of the amendment, others felt this was not the appropriate time to act.

Only one thing is clear as a result of the hearing. And that is that there exists today a general confusion as to the eventual result of the Court's forays into this area and just what is Constitutionally permissible under the rulings already handed down, and what the Court's future course of action will be.

For the purpose of deciding the wisdom of adopting the Constitutional amendment offered by Senator EVERETT DIRKSEN and cosponsored by 47 other Senators, including myself, this confusion should have no bearing. The object of this proposed amendment is to allow children in the public schools to participate in prayer if they so desire, and even amid all the confusion, it is clear that that is now prohibited by the Supreme Court rulings.

Prior to June of 1962, when the Supreme Court decision in the New York Regents case was handed down, each State, each local school district, and even each school or individual class was free to do as it pleased in providing for prayers.

It had been an historical practice at many schools to open the day with a short prayer, in much the same manner that both Houses of Congress now begin each day's session with a prayer.

Other schools chose not to have prayers, but the important point is that each State or local school was free to decide this question for themselves.

Since the Supreme Court has ruled, however, freedom is a one way street. The children in the public schools are free not to pray, but they are not free to pray even if they want to. This is freedom from religion, and not freedom of religion.

The First Amendment to the Constitution prohibits the establishment of a religion, but it also protects the free exercise of religion. The Dirksen amendment states simply that the Constitution shall not be construed so as to prohibit "the authority administering any school, school system, educational institution, or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in Prayer." In addition, it specifically prohibits the administering authority from prescribing the form or content of the prayer.

Thus, this proposed amendment would reinstate practices which were in existence during the time our country produced its greatest leaders and under which our country grew and prospered. In essence, it would return freedom *of* religion to the public schools.

The Senate will be called upon to vote on this amendment this year. A two-thirds vote for approval is required and a groundswell of public support is the only thing which will assure success. With the support of the people, however, anything is possible, even to the point of wrenching control of the public schools away from the dictates of the Court.

Sincerely,

STROM THURMOND.

Mr. BAYH. Mr. President, I yield 5 minutes to the Senator from Ohio [Mr. YOUNG].

Mr. YOUNG of Ohio. Mr. President, every student of American history knows that at the time the makers of our Constitution first prepared that immortal document and distributed it for consideration in the 13 Original States, there was an uproar from every liberty-loving man in every one of the 13 States. This arose from those patriots who had won the Revolutionary War, who protested against the ratification of the Constitution unless, coupled with the adoption of it, there were amendments to that Constitution, some of which had previously been rejected by wealthy landowners and merchants who were in the majority of the membership of that Constitutional Convention.

At that time, on the demand of the men who had won the Revolutionary War, the first 10 amendments to the Constitution of our country, which we now term affectionately the Bill of Rights, were adopted. Ratification was completed on December 15, 1791.

The very first amendment guarantees freedom of speech, freedom of the press, and the freedom of every form of religious practice. It is the cornerstone of all our freedoms. It provides for the absolute separation of church and state.

It is the hope of the junior Senator from Ohio that not even a majority of the Senate, to say nothing of two-thirds of Senators present and voting, will support the proposed Dirksen amendment.

The first amendment to the Constitution reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I am fearful of the adoption of any amendment to the Constitution which might in any way infringe upon or weaken or affect this amendment which all Americans consider so precious.

As a member of a church for some 50 years, I of course believe in prayer, and I can say with all reverence that God has been good to me over the years, and I am grateful for it.

However, the place for prayers is in the home and in the church. Every American has the constitutionally guaranteed right to worship as he pleases, or to not worship, if he pleases not to do so. It is not for legislative bodies to authorize prayers in the schools. A person may pray at home, in church, on the job, or, in short, anywhere. However, to authorize prayers as a part of the public school routine is to inject the State into the private matter of conscience and belief.

It seems to me, Mr. President, that public school prayers could never be truly voluntary. There would always be pressure on pupils to conform.

The first amendment to the Constitution should not be tampered with. It should not be amended. The proposed Dirksen amendment, in my opinion, does tamper with the first amendment to the Constitution of our country; and I will never vote to weaken our fundamental doctrine of absolute separation of church and state. If we were to weaken the Bill of Rights in one respect, then other precious rights, such as the right accorded to everyone to have a fair trial, freedom from compulsory self-incrimination and from unreasonable searches and seizures might be the next to be destroyed.

It seems to me that the amendment proposed by the distinguished minority leader to permit voluntary prayers in schools, if adopted, would severely infringe upon freedom of religious belief. While I share with the Senator from Illinois, and with most Americans, our common American heritage of religious traditions and of a personal religious faith, I also believe in the wisdom of those men who fought and won the Revolutionary War, and who framed and demanded the adoption of the Bill of Rights to our Constitution. I believe in the correctness of the interpretation by the Supreme Court of the first amendment with regard to prayers in public schools. Therefore I hope, Mr. President, that the amendment of the minority leader, the distinguished Senator from Illinois, will be rejected by the Senate today.

Mr. DIRKSEN. Mr. President, I yield 6 minutes to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, we are meeting today to consider a very serious subject affecting all Americans who trust in God and pray to Him in a multitude of ways—through the recitation of prayers handed down through families as well as through poems and songs which are on the tips of the tongues of nearly all schoolchildren.

It is not my purpose to present an involved legal brief. Rather, I wish to state the reasons for my position that the prayer amendment now under consideration should be submitted to the various States for ratification.

We face a chaotic situation throughout the country because of several rulings of the Supreme Court concerning the first amendment to the U. S. Constitution.

The amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The Supreme Court decisions have resulted in a variety of actions by school and other officials. Some of these officials have held that it is unlawful for a tax-supported school to have a clergyman or other person offer a prayer during commencement exercises. Baccalaureate services have been banned in some instances. Some of the actions have bordered on the ridiculous—such as a recommendation that words constituting a prayer can be recited in a school building if they are not recited in an attitude of prayer. As I am sure you know, Mr. President, there are many ways to pray. A prayer can be either silent or audible. It can be extemporaneous or memorized. It can be in prose or poetry. It can be a song. One of the Justices of the Supreme Court expressed the individual view on one of the prayer cases that while the students were not required to recite the prayer, the teacher was, and that since the teacher was paid from tax funds, it was a violation of the Constitution, even though it took only about 40 seconds of her time.

What is going to be the situation when a teacher of the school directs the class to stand and sing "God Bless America"? In that song we have these lines: "God bless America, land that I love, stand beside her and guide her through the night with a light from above."

Or what is the legal situation if in another school the instructor has the class stand and sing "America the Beautiful,"—shall these words be eliminated: "May God thy gold refine, till all success be nobleness, and every gain divine. God shed His grace on thee, and crown thy good with brotherhood from sea to shining sea"?

Must we discard the song written by that famous Baltimore lawyer Francis Scott Key? It is our national anthem, "The Star-Spangled Banner." In that song we find these words: "Praise the Power that hath made and preserved us a nation. Then conquer we must for our cause it is just, and this be our motto: In God is our trust."

Shall we have to discard the last stanza of "America"? Are the citizens of the United States the possessors of sovereign power? Can they write into our Constitution what they want to? Is it a violation of the Constitution to have the following words sung in our schools:

> Our fathers' God, to Thee,
> Author of liberty,
> To Thee we sing;
> Long may our land be bright
> With freedom's holy light;
> Protect us by Thy might,
> Great God our King.

It is my opinion that the people of the United States should amend their Constitution and reassert the original intent of the first amendment before the situation is further complicated by additional decisions of the Supreme Court.

If it is unlawful for a schoolteacher whose salary is paid from tax funds to use 40 seconds to recite a prayer, how can we use tax funds to supply a Chaplain in the U.S. Senate or in the U.S. House of Representatives?

Following the same reasoning, how can we sustain for long the expenditure of tax dollars to provide the Chaplaincy Corps for the armed services? The Chaplaincy Corps has been operated in a tolerant and cooperative manner to the satisfaction of three great branches of religion, to wit: Catholic, Protestant, and Jewish. A nonbeliever or a believer in some other religion would have a hard time proving that he was ever injured or damaged or his liberties interfered with because of the existence of the Chaplaincy Corps in our armed services. The Chaplaincy Corps has not resulted in the Government establishing a religion; neither has it interfered with the free exercise thereof.

Mr. President, I do not believe that any objective student of history can deny the clear and simple purpose of the first amendment. The writers of this part of the Constitution did not want a state church. Our Founding Fathers did not want any church—whether it be Presbyterian, Methodist, Episcopalian, Catholic, Baptist, or any other denomination—to be maintained by tax funds. It was that simple. There is no evidence that any of the Founding Fathers had any idea of driving a belief in God out of our national life. They just did not want a tax-supported church.

In 1947 in the *Everson* case (330 U.S. 1) Justice Black, speaking of persecutions and abuses for the Supreme Court, said:

> These practices became so commonplace as to shock the freedom-loving colonials into a feeling of abhorrence. The imposition of taxes to pay ministers' salaries and to build and maintain churches and church property aroused their indignation. It was these feelings which found expression in the First Amendment. No one locality and no one group throughout the Colonies can rightly be given entire credit for having aroused the sentiment that culminated in adoption of the Bill of Rights' provisions embracing religious liberty. But Virginia, where the established church had achieved a dominant influence in political affairs and where many excesses attracted wide public attention, provided a great stimulus and able leadership for the movement. The people there, as elsewhere, reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions, or to interfere with the beliefs of any religious individual or group.

In conclusion, Mr. President, I wish to state again that it was never the intention of our Founding Fathers to create a society acceptable only to unbelievers. The history of the Constitution clearly shows that the Founding Fathers intended no hostility toward religion. They wrote the first amendment to put an end to tax-supported churches. We should get back to its original meaning, and I urge the adoption of the resolution by this honorable body.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BAYH. Mr. President, I yield myself such time as might be necessary.

I have listened with a great deal of interest to the remarks of the Senator because he did in fact recite very accurately some of the questions that have been raised and some of the practices that have been prohibited.

I wanted to get the thought of the Senator on whether he believes that the impact of the Supreme Court decision would be to outlaw "God Bless America," "America the Beautiful," and "The Star-Spangled Banner"?

Mr. CURTIS. I do not think that it is a theoretical answer. It has already happened.

Mr. BAYH. Mr. President, has the Senator from Nebraska read the decisions?

Mr. CURTIS. The decisions are applied throughout the land.

Mr. BAYH. Has the Senator read the decisions?

Mr. CURTIS. I have read the decisions. The decisions are applied throughout the land, and school after school has eliminated baccalaureate services. School after school has eliminated the offering of a prayer at commencement exercises.

Mr. BAYH. Mr. President, I thank the Senator. Time is limited, and I am not at liberty to let the Senator talk any longer on my time.

I point out that what the Senator said was specifically taken into consideration, and it was not ruled on as the Senator said.

The Court held, as I said before:

> There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God.

The Court specifically said that what the Senator from Nebraska has stated has nothing to do with the question before the Senate.

The Senator from Nebraska alluded to prayer in the House and the Senate. If the Senator had read the cases closely, he would have seen that the Court decision referred to these practices without disapproval.

The **PRESIDING OFFICER.** The time of the Senator from Indiana has expired.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from Nebraska.

Mr. CURTIS. Mr. President, the distinguished Senator from Indiana has read from the footnotes of one of the Justices. Actually, all that is maintained there is that they have not ruled on those points yet.

My point is that the reasoning of the decisions that the Court has already rendered can only lead to the abolition of the Chaplaincy Corps and the ending of the singing of songs that constitute a prayer.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I yield 4 minutes to the Senator from Ohio.

The **PRESIDING OFFICER.** The Senator from Ohio is recognized for 4 minutes.

Mr. LAUSCHE. Mr. President, I contemplate voting for the amendment of the Senator from Illinois. I shall do so for several reasons.

In my judgment, the amendment of the Senator from Illinois would restore substantially the situation which prevailed for 175 years before 1962, when the Supreme Court made its pronouncement in the Vitale case. For 175 years prayer was accepted in the schools at various places throughout the Nation.

In that 175 years, the moral fabric of our country was not harmed under that practice. Divisiveness, except in the period of the Civil War, did not exist between us.

We followed the precepts of the Northwest Territory Proclamation that morality and religion in the Northwest Territory shall forever be promulgated.

Someone then went to the courts and implored that prayer be forbidden, and the Supreme Court of the United States in a divided opinion ruled that prayer and the teaching that there is a God shall be barred from our public schools.

The decision does not deal only with the reading of the Bible. The decision impliedly, if not expressly, states that no school shall incline a child to believe that there is a Supreme Being. Stated in other words, what we anticipated from our schools is that they will incline a child to believe in materialism and that alone.

The Supreme Court decision has been in effect for 4 years.

Some Senators this afternoon made the statement that our school officials are confused, that they do not know what the Supreme Court meant, and that therefore the philosophy of atheism has practically been adopted.

The argument has been made that we should not tamper with the first 10 amendments of the Constitution. The 14th amendment of the Constitution tampered with the 1st amendment.

I cannot accept that argument as sound. I reject it.

I approach the amendment from the standpoint of what I believe will be in the best interest of developing a youth that shall be possessed of morality, a youth that will be directed to an adherence to the truth.

No harm can come to the Nation if this amendment is agreed to. Much good can come from it.

Mr. President, I yield the floor.

Mr. BAYH. Mr. President, the parliamentary situation that confronts the Senate at the present time is the question of adopting the Dirksen substitute amendment for the resolution designating October 31 as UNICEF Day. This question is decided by a majority vote. After the substitution of the language of the Dirksen amendment for the UNICEF resolution, if that is done, the question of adopting the Dirksen constitutional amendment would require a two-thirds vote. I see no reason in requesting a rollcall on the majority vote and thus in the interest of saving time, I ask unanimous consent that the language of the pending amendment be substituted for the UNICEF language and that the next vote will be on the final passage of the language of the so-called Dirksen amendment which will require a two-thirds majority, and which will take place not later than 3 o'clock with the time between now and 3 o'clock to be equally controlled and divided by the majority leader and the junior Senator from Indiana [Mr. BAYH].

The **PRESIDING OFFICER.** Is there objection?

Mr. DIRKSEN. I have no objection, except that I have some time left on the pending amendment, and I should like to utter a sentiment or two.

The **PRESIDING OFFICER.** Does the Senator object, or does the Senator waive his time?

Mr. DIRKSEN. I would rather my distinguished friend, the Senator from Indiana, withhold his unanimous-consent request until I use my 6 minutes.

I ask the Parliamentarian——

The **PRESIDING OFFICER.** The Senator from Illinois has 6 minutes remaining.

Mr. DIRKSEN. Mr. President, it seems to me that the one opinion that really makes sense in this so-called Engel against Vitale case was that of Associate Justice Potter Stewart. He filed a dissent, and he said that the court has completely misapplied a constitutional principle. He said that there is nothing involved in the matter from which it can be concluded that one proposes the establishment of a religion as provided by the first amendment.

It does not involve the free exercise clause particularly, except in this sense: that about the only people who will have free exercise, unless we get this cured, are the atheists, who do not believe in anything, including the Almighty. They do not believe in a deity. The agnostics have doubts about it, simply because they cannot prove it. But your 100 percent Simon-pure atheist has no belief in the deity, and he fights all the way.

They ought to reread that decision.

It is singular, indeed, that under the curricula of today, almost anything can be taught in the schools; but when it comes to prayer, they hold up their hands in holy horror. They teach sex education today. In the interest of academic freedom, they teach communism today. They teach ballet dancing. You name it, and they have it. But do not mention prayer—the pipeline to the Almighty, to give one comfort in hours of distress and to assuage ones grief. What a strange thing.

What do we ask here? We ask only that the Constitution does not stand in the way of a local board permitting—that is the language—voluntary prayer or participation in voluntary prayer. And we safeguard it and say that no authority shall prescribe the form or the content. I do not know what more is necessary in order to get the job done.

Finally, of course, what does this add up to? We ask for a constitutional amendment to submit this to the people. Whose country is this? Does it belong to the nine men sitting in that marble palace? Does it belong to Congress? Does it belong to some other agency of government? Or is it still a government by the people?

The Preamble begins with the words "We the People * * * do ordain * * * this Constitution." The only way it can be changed is to go back to the fountainhead of authority—the people. We can do this, but it still has to be ratified by the people of three-fourths of the States. It is that simple.

Are we afraid of the people of this country? I do not know what this timidity adds up to. I am not afraid of them. I believe it is the one thing that safeguards the perpetuity of our institutions and the solidarity of this country, the greatest country on the face of the earth.

So, in the language of the old song, when we ask the Lord to let His Grace shine on us, what we ought to sing and pray is, Let us be worthy of His Grace. But how are we going to do this? Enter into somebody's closet?

By law, we compel these children to go to school many hours a day. But do not taint them with an opportunity for voluntary prayer, if that is what they want to do.

That is how simple this is, Mr. President. That is the end of the story.

I trust that this resolution I have offered will be substituted for the UNICEF resolution, and then we can proceed to the final rollcall; because, since it is a constitutional amendment, it requires an affirmative vote of two-thirds of those present and voting.

That is the whole story.

Mr. BAYH. Mr. President, I withdraw my unanimous-consent request of a moment ago, for fear that it might be interpreted as meaning that I support the motion to substitute.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, reserving the right to object, I did not understand——

Mr. DIRKSEN. The yeas and nays.

Mr. ERVIN. I see. In other words, the yeas and nays are on the——

Mr. DIRKSEN. On the substitution.

Mr. ERVIN. I do not object.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. Harris in the chair). Without objection it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. Dirksen] in the nature of a substitute for the bill.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREWSTER (when his name was called). On this vote I have a live pair with the Senator from New Hampshire [Mr. McIntyre]. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I, therefore, withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Washington [Mr. Magnuson], and the Senator from Montana [Mr. Metcalf] are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson], the Senator from Tennessee [Mr. Bass], the Senator from Connecticut [Mr. Dodd], the Senator from New Hampshire [Mr. McIntyre], and the Senator from Arizona [Mr. Hayden] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. Metcalf] would vote "nay."

On this vote, the Senator from Connecticut [Mr. Dodd] is paired with the Senator from Tennessee [Mr. Gore]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from Tennessee would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Idaho [Mr. Jordan] and the Senator from Kentucky [Mr. Morton are necessarily absent.

If present and voting, the Senator from Colorado [Mr. Allott], the Senator from Idaho [Mr. Jordan], and the Senator from Kentucky [Mr. Morton] would each vote "yea."

The result was announced—yeas 51, nays 36, as follows:

[No. 259 Leg.]

YEAS—51

Aiken
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Fannin
Fong
Griffin
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Lausche
Long, La.
McClellan
Miller
Montoya
Moss
Mundt
Murphy
Pastore
Pearson
Prouty
Randolph
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—36

Bartlett
Bayh
Bible
Burdick
Case
Clark
Douglas
Ervin
Fulbright
Gruening
Harris
Hart
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Mansfield
McCarthy
McGee
McGovern
Mondale
Monroney
Morse
Muskie
Nelson
Neuberger
Pell
Proxmire
Ribicoff
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—13

Allott
Anderson
Bass
Brewster
Dodd
Gore
Hartke
Hayden
Jordan, Idaho
Magnuson
McIntyre
Metcalf
Morton

So Mr. Dirksen's amendment, in the nature of a substitute, was agreed to.

Mr. KENNEDY of Massachusetts. Mr. President, I intend to vote against the constitutional amendment offered by the distinguished minority leader.

I respect the concern reflected in this amendment, but I do not believe that the action proposed is wise. And I do not believe that the Constitution should ever be amended without the full utilization of Senate committee procedures and without the greatest deliberation.

The Subcommittee on Constitutional Amendments held hearings on this proposed amendment and referred it, without recommendation, to the Judiciary Committee. Although the full committee has not yet had an opportunity to consider the proposal, and the hearings were published only 2 days ago, the Senate is being asked, without further consideration, to vote on an amendment which might work a dangerous change to our Constitution in a most delicate area.

I consider the process of amending the Constitution an almost "sacred" thing under our system of government. This is testified to by the fact that there have been only 15 amendments added to our Bill of Rights in the entire history of our Nation. We must be even more careful and circumspect when the proposed amendment involves a change in the first amendment of the Constitution—which has been the bulwark of our civil liberties and which has never been amended in our history.

So I begin with the assumption that an amendment in this area would only be justified if there were some absolute necessity requiring it.

And I do not believe, after a careful examination of the hearings, that there is such an absolute necessity for a change. I agree with the distinguished Senator from Indiana, Senator Bayh, who chaired these hearings, that the hearings failed to demonstrate the need for a constitutional amendment. The overwhelming weight of the testimony from both our Nation's religious leaders and most eminent constitutional lawyers, was against the proposed amendment. The constitutional lawyers pointed out that such an amendment could constitute a dangerous precedent in this area and could cause a weakening to our basic first amendment freedoms. Our tradition of religious freedom is, in the words of Jefferson, founded upon the existence of a "wall of separation between church and state." We must be alert against any action that would weaken this separation.

Our religious leaders pointed out that the Court in its decisions, while emphasizing that the Government must remain strictly neutral in religious matters, took pains to point out that the decisions acknowledged that we are a religious people whose institutions presuppose a Supreme Being, and that these decisions did not attack the religious basis of our national life.

As I interpret these decisions, it is presently constitutionally permissible to allot time during the schoolday for meditation and reflection. This would not run afoul of our constitutional separation of church and state and it would not involve public authorities conducting religious exercises.

The difference to our religious life between what our Constitution presently permits and what the proposed amendment would allow, therefore seems to me so slight as not at all to justify the invoking of our constitutional amendment machinery.

I agree that we must ensure that our moral and religious values are inculcated in our children, and I appreciate the special concern of the many citizens who have written me, that our Nation preserve its religious heritage.

But as President Kennedy remarked following the Engel decision:

> We have in this case a very easy remedy . . . We could pray a good deal more at home, we could attend our churches with a great deal more fidelity, and we could make the true meaning of prayer much more important in the lives of all our children.

Rather than amend our Constitution, I believe we must instead encourage and rely upon our families, churches, and other private community institutions to provide the religious leadership and instruction that is so essential to our children. It is this reliance that has so successfully guided our Nation in the past, and I believe that it will be successful in the future.

Mr. PELL. Mr. President, I oppose the Dirksen amendment for two reasons:

First. I do not believe it is necessary since silent meditation and voluntary prayers are already permitted in our schools. Personally, too, I have always believed that a period of silence or meditation is most condusive to true prayer. In fact, as the Bayh sense of the Senate resolutions says:

> The Supreme Court decisions did not involve or prohibit voluntary prayer or silent meditation in our public schools, or spontaneous prayer in our public schools during time of tragedy; or public school programs commemorating religious events of traditional and historical significance.

Second. I find the Dirksen amendment contradictory. It says the administering authority can provide for voluntary participation in prayer—in itself a somewhat contradictory term—how can one "provide for" something that is truly "voluntary"—while at the same time the administering authority cannot prescribe the form or content of the prayers. I ask what good is it to provide for public prayers if then one cannot agree upon the prayers? Actually, this leaves us where we are today—with full permission for our children to either mediate or have voluntary prayer in our schools.

I, naturally, join in the general regret at the narrowness of the Supreme Court's decisions that have caused this controversy. But, on balance, I believe true religious freedom and the spirit of God's wishes, as I understand them, are better served by leaving the Constitution alone on this point.

I ask unanimous consent to have printed in the RECORD an excellent editorial published in the Providence Visitor of September 9, 1966, on this subject.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHERE ARE THE CLERGYMEN?

> In a recent issue of The National Review the question was asked: "Where are the clergymen?" It was aimed at the small support that the Dirksen amendment has received from the churches, particularly the Catholic Church. The Dirksen amendment proposes to amend the Constitution in order to permit public prayers to be recited in the public school system.
>
> The fact is that the clergy on the whole have not supported the amendment. On the contrary, in hearings in Washington many ranking representatives of all faiths have opposed it, and Catholic opposition or indifference to the question of the amendment has grown over the years.
>
> At first glance, this indifference tends to surprise, if not shock. The simple question arises: "Are not the clergy in favor of prayer?" The answer here of course is Yes. But the more accurate question is: "Are the clergy in favor of prayers in the public school?" which is something different. And the real question is this: "Are the clergy in favor of amending the Constitution to permit these prayers?"
>
> It is with respect to this last question the clergy have been silent or opposed, and their reason for so doing is substantial. (It is not, as the National Review writer held, to protect federal aid to Catholic schools.)
>
> First, to consider the matter logically one may ask if there is a proper proportion between means and end. To amend the Constitution is a very weighty matter and should not be undertaken lightly. And if prayers are a weighty matter, it can be questioned whether the brief, synthetic, and watered-down prayer that is usually composed in order to please all students and their parents is worth an amendment to the Constitution. Second, one can also ask whether in our pluralistic society such a prayer is worth the discontent, even ill-will, in the community that these prayers often incite. Prayers are intended to lead us to God, not to fight with our neighbors.
>
> The most weighty reason we know that can be given against the Dirksen amendment is that it is not necessary. This newspaper has in the past—and we believe Senator Pell also—proposed that in our public schools a moment of silence be permitted each morning for children to pray, or not, as they wished. For this no Constitutional amendment is needed. Furthermore, a moment of silence permits those who pray a better method of praying and those who will not pray in public the freedom of desisting without the embarrassment they insist they suffer.
>
> A moment of silent communion with God is certainly far superior to the types of prayer that have been served up in communities where school prayers have been permitted.
>
> We urge once more that school systems and teachers in the State employ the simple method of permitting a moment of silence each day for their students to pray. In this way no one can be offended; we believe that God will be pleased; and our Constitution will remain as it is.

Mr. COOPER. Mr. President, I shall vote for Senate Joint Resolution 148 which is before us today. This resolution was introduced by the distinguished Senator from Illinois, Senator DIRKSEN, on March 22, and I joined as cosponsor along with 47 other Members of the Senate.

My statement shall be brief because I believe the purpose of the amendment is understood by all Members. Nevertheless, since this proposal holds wide interest throughout the country, I wish to state my views.

The proposed amendment is designed to resolve the uncertainty created by recent decisions of the Supreme Court and of our lower courts. In Engel against Vitale, the Supreme Court held that a prayer formulated by the New York State Board of Regents and recommended by them for use in the schools of that State constituted the "establishment of religion" and was forbidden by the first amendment of the Constitution. In the case of School District of Abington against Schempp a majority of the Supreme Court invalidated a Pennsylvania statute which required that "at least 10 verses from the Holy Bible shall be read, without comment, at the opening of each public school on each schoolday. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian. The Court found that the statute violated the establishment clause of the first amendment.

Without attempting to analyze fully the holdings of the Court, I simply point out that these decisions were based on the proposition that a particular form of prayer cannot be required or prescribed by the Government, whether it be the United States, the States, or instrumentalities of the States such as municipalities and school boards. To do so would be to violate the first amendment of the Constitution which declares that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." And, in 1940, the Supreme Court in the case of Cantwell against Connecticut held that the 14th amendment made the 1st amendment applicable to the States and local governing bodies.

The proposed constitutional amendment before us today—known as the Dirksen amendment—reads as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:
>
> "ARTICLE —
>
> "SECTION 1. Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer.
>
> "SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

It can be seen from reading the proposed amendment that it leaves undisturbed the decisions of the Supreme Court which forbid the States to prescribe the form of content of prayers or to require the recitation of prayers in public schools. The Dirksen amendment would overrule the decision of the Court of Appeals for the Second Circuit in Stein against Oshinsky, in which the Court sustained the right of a State school district to refuse to allow voluntary prayers in the classroom. In this connection, I think an analogy may be made to those cases involving the saluting of the flag. In the case of West Virginia Board of Education against Barnette, the Supreme Court held that no student can be compelled to participate in the saluting of the flag when such participation is contrary to his religious beliefs or conscience. But the Court never went so far as to hold that any school district can deny the saluting of the flag for those who wish to participate simply because there is a student who does not wish to salute the flag because of his religious beliefs. The fact that one or more students do not desire to engage in voluntary prayer should not prevent other students from doing so.

Our country has observed the tradition of tolerance for minorities as well as majorities. Dean Erwin Griswold of the Harvard Law School has analyzed this tradition with great insight in an article in which he stated:

> In a country which has a great tradition of tolerance, is it not important that minorities, who have benefited so greatly from that tolerance, should be tolerant, too, as long as they are not compelled to take affirmative action themselves, and nothing is done which they cannot wait out, or pass respectfully by, without their own personal participation, if they do not want to give it? Is it not a travesty that we have brought ourselves,

through an essentially thought-denying absolutist approach, to the point where such things as chaplains in our prisons, or chapels in our military academies, can be seriously and solemnly raised as threats to the religious freedom which is guaranteed by the First Amendment—as made applicable to the States, in very general terms, by the Fourteenth Amendment? In saying this, I am fully mindful of the rights of those who have or profess no religion, and who are surely entitled to the same respect as any one else—and should themselves give the same respectful regard to the rights of other citizens, accepting reasonable arrangements made in this area by the majority, with no compulsion on them to participate.

Finally, our system of government which emphasizes the freedom of the individual, is connected with religious faith. It would be a sad day in the history of our country if it should cease to be so. While the first amendment to the Constitution prohibits—and properly so—our Government from establishing a religion or supporting it, or prescribing its exercise in our public schools, I think it wrong that we should deny individual children the right of exercising freedom of religious thought such that they may pause at some time during the schoolday to utter a voluntary prayer, to express their belief and faith.

For these reasons, I will support and vote for this amendment, which would permit voluntary prayers in our public schools.

The **PRESIDING OFFICER**. The question is on the final passage of Senate Joint Resolution 144, as amended.

Mr. **BAYH**. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. **DIRKSEN**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator from Illinois will state it.

Mr. **DIRKSEN**. Do I correctly understand that this is a constitutional vote which will require a two-thirds vote for passage, and that the Dirksen resolution substitutes for it, on final passage?

The **PRESIDING OFFICER**. The vote is on the final passage of the joint resolution as amended by the Dirksen substitute. A two-thirds vote is required for final passage.

Mr. **DIRKSEN**. I thank the Chair.

The **PRESIDING OFFICER**. The question is, Shall the joint resolution (S.J. Res. 144), as amended, pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **MOSS** (when his name was called). On this vote I have a pair with the Senator from New Hampshire [Mr. MCINTYRE] and the Senator from Maryland [Mr. BREWSTER]. If the Senator from New Hampshire were present and voting, he would vote "yea." If the Senator from Maryland were present and voting, he would vote "nay."

If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. **BREWSTER** (when his name was called). I wish to confirm the live pair which was announced by the Senator from Utah [Mr. MOSS]. If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. **LONG** of Louisiana. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Tennessee [Mr. BASS], the Senator from Connecticut [Mr. DODD], the Senator from Arizona [Mr. HAYDEN], and the Senator from New Hampshire [Mr. MCINTYRE] are necessarily absent.

I also announce that the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Washington [Mr. MAGNUSON], and the Senator from Montana [Mr. METCALF] are absent on official business.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD] would vote "yea."

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] and the Senator from Montana [Mr. METCALF] would each vote "nay."

Mr. **KUCHEL**. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Idaho [Mr. JORDAN], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Idaho [Mr. JORDAN], and the Senator from Kentucky [Mr. MORTON] would each vote "yea."

The yeas and nays resulted—yeas 49, nays 37, as follows:

[No. 260 Leg.]

YEAS—49

Aiken
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Fannin
Fong
Griffin
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Lausche
Long, La.
McClellan
Miller
Montoya
Mundt
Murphy
Pastore
Pearson
Prouty
Randolph
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—37

Bartlett
Bayh
Bible
Burdick
Cannon
Case
Clark
Douglas
Ervin
Fulbright
Gruening
Harris
Hart
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Mansfield
McCarthy
McGee
McGovern
Mondale
Monroney
Morse
Muskie
Nelson
Neuberger
Pell
Proxmire
Ribicoff
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—14

Allott
Anderson
Bass
Brewster
Dodd
Gore
Hartke
Hayden
Jordan, Idaho
Magnuson
McIntyre
Metcalf
Morton
Moss

The **PRESIDING OFFICER**. On this vote, the yeas are 49 and the nays are 37. Two-thirds of the Senators present and voting not having voted in the affirmative, the joint resolution, as amended, is rejected.

Mr. **DIRKSEN**. Mr. President, may I say that the crusade for the school prayer amendment was carried on in the best of spirit. It will continue. It will be far better organized throughout the country next time we wrestle with the question of voluntary prayer in our public schools.

Mr. **MANSFIELD**. Mr. President, I wish to commend those Senators who engaged in the discussion of the minority leader's proposal concerning prayer in the public schools. Certainly the distinguished minority leader himself carried forward the argument for his measure with all of his abundant skill and grace.

His views, strong and most sincere, were expressed with typical eloquence, with characteristic clarity and, most assuredly, with deep and abiding conviction. In short, the manner in which this delicate issue was handled speaks highly for the junior Illinois Senator, not only for his ability as an outstanding leader, but, more importantly, for his undeniable position as an outstanding American.

The junior Senator from Indiana likewise is to be singled out for the exemplary manner in which his views on school prayer were brought to the attention of the Senate. From the discussion it was obvious that his concern on this issue equals that of the minority leader. As chairman of the Subcommittee on Constitutional Amendments, he clearly excelled both for the thorough manner in which he conducted the hearings and for his full and articulate explanations on the floor of the Senate.

Particularly noteworthy during this discussion were the contributions of the senior Senator from North Carolina [Mr. ERVIN], who we all acknowledge as one of the Senate's and, indeed, the Nation's outstanding constitutional historians. Senator ERVIN presented his views with typical clarity and eloquence, with forthright conviction and with compelling persuasiveness. Certainly, we are indebted to him for the light he brought to this issue.

Finally, to the Senators from Nebraska [Mr. HRUSKA], Massachusetts [Mr. SALTONSTALL], and Maryland [Mr. TYDINGS], we are grateful, as always, for offering their clear and convincing views. So, too, the Senators from Wyoming [Mr. SIMPSON] and Michigan [Mr. HART], are to be thanked for similarly joining along with others to make the discussion lively, enlightening, and certainly one of the most provocative this session.

LEGISLATIVE PROGRAM

Mr. **DIRKSEN**. I should like to query the distinguished majority leader about the program for the rest of the day and the rest of the week.

Mr. **MANSFIELD**. Mr. President, responding to the request of the distinguished minority leader, it is anticipated—and this meets with his approval—to take up the UNICEF resolution next.

Mr. **RANDOLPH**. Mr. President, a point of order. We cannot hear or see the majority leader.

The **PRESIDING OFFICER**. The point is well taken. Senators will take their seats. Attachés will remove themselves from the Chamber or find seats. The galleries will be in order.

The Senator from Montana.

Mr. MANSFIELD. Mr. President, the UNICEF resolution will be the next order of business. Then the District of Columbia colleges bill, to which the distinguished Senator from Colorado [Mr. Dominick] will have an amendment and on which he may want a rollcall.

It is anticipated that on Thursday, the distinguished senior Senator from Alabama [Mr. Hill] chairman of the Committee on Labor and Public Welfare, will report the Labor-HEW appropriation bill. We would like to bring that bill up Friday, but I rather doubt it, because if any Senator objects because of the 3-day rule, it will not be called up. If not, that will then become the pending business.

Following that we hope to take up the Department of Transportation bill next week, if it is reported this week; then the comprehensive transportation bill and then the higher education bill.

That is about the best I can say at this time.

"CAN WE CONTROL THE WAR IN VIETNAM?"—ARTICLE BY DR. HENRY STEELE COMMAGER

Mr. FULBRIGHT. Mr. President, the September 17 issue of the Saturday Review contains an excellent article by Dr. Henry Steele Commager entitled, "Can We Control the War in Vietnam?" I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Can We Control the War in Vietnam? What History Tells Us About Limited Conflicts

(By Henry Steele Commager)

It is in Vietnam that we are fighting, but the ultimate enemy—so we are assured with anxious eloquence—is China. The "aggression" we are called upon to stop is "Communist aggression," and the Communism we are asked to contain is Chinese Communism.

That China is Communist is not denied, and that it is militaristic and aggressive is taken for granted, for after all is this not the very nature of Communism? With every year China grows more powerful and more intractable. Already it has a population of 700 million; already it is well on the way to industrialization; already it has the atomic bomb. Clearly—so the argument runs—it is China that inspires and sustains the war in Vietnam, supplying, if not the men, all other necessities of war. If our intervention should fail of its objectives—whatever they are—it is not Vietnam that will win, but China. And if China is victorious in Vietnam what is to prevent it from moving on to Laos and Cambodia, Thailand and Burma, then to the Philippines and Indonesia, and ultimately—the imagination boggles—into Japan, Australia, and India?

Meantime, we carry the war ever close to China. Now we bomb within a few miles of the Chinese border; now we engage in "hot pursuit" over Chinese territory; now we grimly warn that there is no sanctuary for enemy planes on Chinese soil. And China, in turn, feels itself surrounded and beleaguered: a hostile Soviet Russia pressing on the long boundary to the North and controlling territory historically Chinese; American bases in Japan, Okinawa, the Philippines, and Taiwan; the Seventh Fleet—most powerful on the globe—ruling the South China Sea; giant bombers based on Guam; almost 300,000 soldiers in Vietnam, with more on the way.

We are alarmed—and so are the Chinese—and when two powerful and proud antagonists are alarmed, almost anything can happen. Senator Fulbright and many of his Senatorial colleagues think we are on a "collision course" with China, a view which the Chinese themselves share. Meantime, Secretaries Rusk and McNamara assure us that our own government has no intention of broadening the war. And the military, in turn, however much some of its members might yearn for a showdown now rather than later, discount the notion that China is able to engage in a major war.

There is, alas, neither comfort nor reassurance in all this. Wars rarely come because they are carefully planned and deliberately launched—not ours anyway—but because circumstances get out of control. They come, most of them, notwithstanding earnest and even sincere efforts to avoid them. To assume that statesmen, or military men, sitting in distant capitals, can manipulate the great, seething, and tumultuous processes of history as they might manipulate pieces on a chessboard is to ignore the lessons of the past. The lessons of the past are not those implicit in the arguments of a Kahn or a Kissinger; they are rather those explicit in the lines of Euripides:

> "And the ends men look for cometh not,
> And a path there is where no man thought,
> So hath it fallen here."

History, to be sure, tells us of wars that were quite deliberately planned. Napoleon knew just what he was doing when he renewed his war on Britain in 1803; so did Bismarck in his wars on Denmark, Austria, and France. Hitler planned his attack on Poland, Norway, the Low Countries, and Russia, and Japan carefully calculated its attack on Pearl Harbor. Such things, it will be said, belong to the bad Old World; they do not happen in the New. Indeed they do not. We do not plan our wars; we blunder into them. Doubtless this has its advantages: We can maintain to the end that we are a "peace-loving" people, even as we are locked in mortal combat with our enemies—who, of course, are not "peace-loving."

That is, in any event, the record of most of our wars. Let us see what light that record throws on the problem that confronts us now.

Begin with the first of our wars, the War for Independence. It is pretty clear that neither the Americans nor the British wanted war in 1775; it is equally clear that neither people followed policies designed to avoid it. Certainly Colonel Smith, who marched so bravely out on the Concord road to capture the gunpowder stored in that town, did not realize that he was inaugurating a great war, nor did the embattled farmers who fired the shot which Emerson later asserted was heard 'round the world. Neither George III nor Washington wanted war, and though Lexington and Concord were fought in April 1775, the Continental Congress was still debating war and independence a year later. And as late as 1776 Washington, John Adams, Thomas Jefferson, and other American leaders are on record as deprecating both independence and war. But war came.

Certainly few wanted and fewer expected war in 1812. That war is, indeed, a classic example of the role of chance and of blundering. The British were too absorbed in their war on Napoleon to give any serious thought to American grievances; certainly they had no desire to take on another enemy. Americans protested against illegal impressment and Indian depredations, but had little stomach for a fight. New England did not want war, and sabotaged it when it came; the belligerence of the West has been exaggerated, and it was in any event a belligerence against Indians. When, in 1812, war finally came, it was unnecessary, for the British had already repealed the odious Orders in Council, the ostensible provocation for war. Nevertheless the war came.

As for the next major war, that with Mexico, it is fair to say that it was ardently desired by some, bitterly opposed by others. Santa Anna probably did not want war, but he wanted to indulge in gestures that might provoke war. Polk did, no doubt, want war, and so, too, did a good many Texans, and, supporting them, a good many land-hungry Middle Westerners. The South was not enthusiastic; New England abolitionists charged that the war was fought merely to get "bigger pens to cram slaves in." Certainly there was no need for war; had reason and not passion been in control, the disputes that agitated Mexico, Texas, and the United States could have been negotiated. The Mexican War is a classic example of the way in which a determined President can maneuver the country into a war neither popular nor necessary.

The Civil War, greatest of our wars, was by no means that "irresistible conflict" which Seward predicted. Neither North nor South really wanted war; Southerners hoped to the end that the North would allow them to go in peace; Northerners hoped, to the end, that the "erring sisters" would in fact return to the fold. So said Oliver Wendell Holmes: in an appeal to "Caroline, Child of the Sun":

> "Go, then, our rash sister, afar and aloof,
> Run wild in the sunshine away from our roof;
> But when your heart aches and your feet have grown sore,
> Remember the pathway that leads to our door."

Lincoln put it more sadly in his second Inaugural Address: "Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish, and the war came. . . . Neither party expected for the war the magnitude or the duration which it has already attained. . . . Each looked for an easier triumph and a result less fundamental and astounding."

When secession came, Lincoln allowed Sumter to fall rather than fire the first shot, and Seward contrived a fantastic plan to reunite the nation by warring on Britain and France. All in vain. Events ruled and overruled the plans of men.

The war with Spain was, if not planned, widely desired and widely popular, for American distrust of Spain was deep-rooted, and American sympathy with the heroic Cubans struggling for independence was ardent. President McKinley, to be sure, tried somewhat ineffectually to avoid war over Cuba, but lacked the backbone to put up any real resistance to the war-mongers. War might have been avoided—Spain was prepared to make almost any concessions—had it not been for the bad luck of the explosion of the battleship *Maine* in Havana harbor. There was no evidence at the time that the Spaniards had blown up the *Maine*, and there has been no evidence since, but the country was not interested in evidence. Spain was held responsible for the foul act, and "Remember the *Maine*" echoed across prairie and plain. That fortuitous event was the fuse which set off the war, just as the ineffectual firing on a U.S. destroyer in the Gulf of Tonkin was the fuse that set off the war on North Vietnam. In both cases an administration pledged to peace eagerly seized on a pretext to wage war.

It was, said Theodore Roosevelt, "a splendid little war." The war that grew out of it was not at all splendid, and took everyone by surprise. Indeed so surprising was it that—like the present enterprise in Vietnam—it was not really a war at all. The Americans had liberated the Philippines from Spanish rule, and the Filipinos, or a substantial number of them, assumed that they were now free. But not at all. McKinley was not prepared to hand the islands back to Spain, nor to set up an international protectorate, nor to leave them alone, exposed to the wicked designs of other nations.

But the Filipinos, like the Vietnamese in 1945, thought that they had helped win their independence, and did not want any foreign, certainly not any Western, power to take over. They thought that independence from Spain meant an end to colonialism, and they were outraged when McKinley calmly assumed that they had nothing to say about their fate. It did not, apparently, occur to McKinley that the Filipinos would oppose American rule of the islands, and when they did so, he reacted impulsively, almost instinctively, as we later reacted to Vietcong intransigence. He struck back, and we found ourselves engaged in just the kind of jungle warfare in which we are now once again embroiled.

That war dragged on for three years, and before it was over it had engaged 120,000 American troops—the equivalent then of our 300,000 now in Vietnam—and cost almost as many lives as the war with Spain. Like almost all wars between people of different races and colors, between a highly civilized and a more primitive people, this war speedily degenerated into the worst kind of guerrilla fighting, with barbarities and torture on both sides. Within a short time the United States found itself doing in the Philippines what it had condemned Spain for doing in Cuba, just as now we find ourselves doing in Vietnam what we condemned the Germans for doing in the last war.

The First World War affords the best—perhaps the only—example of a war which we entered upon deliberately. We moved toward war with our eyes open; we calculated the risks of fighting, and of not fighting; our decision to declare war was carefully weighed and calculated. Whatever the rights and wrongs of that decision—and looking back on it from the perspective of fifty years, there still seem to be more rights than wrongs—it cannot be alleged that this was an occasion where events overrode human judgment. We did not, of course, see the consequences of our involvement; even the eye of Woodrow Wilson could not penetrate that far into the future.

With the Second World War we were clearly back in the world of chance. Granted, Roosevelt had not been a passive spectator to the drama unfolding before us in Europe and in Asia; granted too, that by 1941 we had moved, somewhat erratically, toward participation in a "shooting" war, with conscription swelling the ranks of our armed forces, our airplane and munitions factories working day and night, our protection extended to Iceland, and our Navy prepared to shoot submarines on sight. But the election of 1940, like that of 1916, had been fought on a platform that appeared to promise that the government would stay out of "foreign" wars. Public opinion was, in fact, unprepared for war in 1941. And when war came, it came not by our choice, but by the choice of Japan. Once again it could be said that we did not control events, events controlled us. We did not plan the war, controlling each move in a complex game; there were calculations, but they went awry; the moves and finally the game itself got out of hand.

The Korean War does not fit quite so neatly into this pattern of wars into which the United States blundered or strayed, but whatever else may be said of it, this can be said with certainty, that it was not a war we either anticipated or planned. The Korean War caught us by surprise as it caught most of the world by surprise, and so, too, did the ferocity of the fighting. The analogy to our involvement in Vietnam is not far-fetched: We plunged into what we took for a war of aggression; as we moved ever closer to the China boundary, China concluded that it was threatened (as indeed it was by MacArthur and the war hawks, though not by Truman) and itself plunged into the war. We are confident now that escalation of the Vietnam war will not bring in China, but our experience in Korea does not justify that confidence. Nor does it justify our confidence that we can, in the end, impose our will on all participants; in Korea we had to settle for something less than total victory, and to accept an armistice which still hangs over us.

Now, once again, we are involved in a war that began, quite fortuitously, as a minor action and developed into a major one. Because public relations, propaganda, and perhaps pride, are more insistent than ever before, we are assured, more persuasively than ever before, that everything is under control. No need to fear a further enlargement of the war; no need to fear war with China; no need to fear an atomic conflict. But the one thing that is inescapably clear is that nothing is really under control. Month after month, year after year, we have been misled and deceived. We have been told that the conflict in Vietnam was not a real war, that a show of force would bring it to an end; that the Vietcong were being decimated, and were deserting by the thousands; that a few days' bombing would bring North Vietnam to its knees; that we had at last set up a stable government; that the South Vietnamese army was a real fighting force; that the long-awaited social and land reforms were finally being fulfilled; that we had staunch allies who would surely come to our aid. But why go on? The record of no other war in our history is so littered with the bric-a-brac of miscalculations, misguided policies, and mistaken predictions.

Yet those responsible for this matchless record of confusion, self-deception, and error still have the temerity to assure us that everything is under control—their control. We are still asked to believe that the President and his advisors make all the decisions and direct all the actions, that they can calculate with certainty just how far the war will go and how far it will not go; that they can move the pieces on the chessboard of Asia with such deftness and skill that we need never fear that anything will go awry.

Confidence in our ability to control the war in which we are now so hopelessly entangled is part of that larger intellectual and moral vanity which is one of the most frightening features of the American character today. It is of a piece with those games theories which so fascinate the servants of the Rand Corporation, of a piece with Henry Kissinger's careful calculations of the tolerable limit of losses in a nuclear war—is it 50 per cent or 70?—of a piece with Herman Kahn's theory of controlled escalation of atomic warfare, all as neat and impersonal as a computer.

Those whom the gods would destroy they first make vain. To suppose that we are a special people, that we can not only foresee but control the future, that we can bestride the swift currents of history, that the choice of life and death for nations and even for Mankind has been delivered into our hands—this is a special and fearful kind of arrogance and pride. Nothing in our experience promises us that we can subdue the arrogance or conquer the pride.

"THE COUNTERREVOLUTIONARY REFLEX"—ARTICLE BY CONOR CRUISE O'BRIEN

Mr. FULBRIGHT. Mr. President, in a recent issue of the Columbia University Forum, a distinguished former international civil servant makes some perceptive and enlightening comments on the problems of conducting American foreign policy in a world of sometimes violent social upheaval.

Conor Cruise O'Brien, a former member of the Irish delegation to the United Nations, and a representative of the Secretary General in the Congo in 1961, has observed firsthand some of the difficulties arising when a world power involves itself in the political affairs of nations whose masses are poor and politically inarticulate. He urges, and I think wisely so, extreme caution in employing ideological arguments in international affairs, and urges policymakers to be somewhat humble in determining just what is, and what is not, acceptable political change abroad.

Mr. President, I ask unanimous consent that Mr. O'Brien's article, "The Counterrevolutionary Reflex," be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Counterrevolutionary Reflex

(By Conor Cruise O'Brien)

It is widely asserted, and believed, that social revolution can be peacefully accomplished. I can accept this as a reasonable hypothesis when applied to the so-called pockets of poverty in this country and other rich countries, where available resources are large in relation to the scale of the problem, where there is a relatively alert and far-seeing ruling class, and where social changes of the magnitude required may well be consistent with the interests of the ruling class. Even in rich countries an increase in sporadic violence seems likely, but it seems highly unlikely that the relation of violence to change will be such as to deserve the name revolution in anything but the rhetorical or declamatory sense.

In the poor world, or the poor part of the third world, the situation is qualitatively different. Throughout most of the area the oppressed are not minorities but the masses, and they are confronted by ruling classes that cling avidly to their traditional large share of scarce resources. The interests of the ruling classes are simply not consistent with any social change in the interests of the people as a whole. The landowners, users, sweat-shop owners, corrupt political bosses, and parasitic bureaucrats who now control in varying combinations most governments of the third world are precisely those people who must be deprived of their *raison d'etre* if there is to be a social revolution. Why should these people allow themselves to be peacefully ousted as long as they have the money to pay others to defend their interests? Such defense need not always be as obvious as the employment of white mercenaries by the government of the Congo. Rulers of most poor countries, by reason of that very poverty, can recruit mercenaries from among their own people. This method is less conspicuous than the Congolese method, but it is also less reliable because the danger of defection and mutiny is inescapable when national forces are used in a revolutionary situation. This danger, in turn, can give rise to a demand for extranational, counterrevolutionary forces—Belgian regular troops in the nominally independent Congo, French regular troops in nominally independent Gabon, U.S. regular troops in nominally independent Santo Domingo and South Vietnam.

If the line of reasoning is correct, and recent history seems to support it, then it is not likely that social revolution will occur without political revolution; political revolution will be opposed by force, and cannot prevail without greater force. The forms that political revolutions take and the relations they bear to social change vary according to the widely differing social realities of the regions covered. What seems certain, however, is that change of the dimensions implied by the term "social revolution" is not accomplished without political change of corresponding dimensions—that is, without political revolution. Even Japan, sometimes cited as an example of social revolution without political revolution, actually went through two political revolutions, one in the last century and one in this.

Ruling classes, about to be overwhelmed in their own country, will look outside their country for military help, or will actually receive that help, without looking for it, from outsiders who either have important interests of their own in the country concerned, or judge their general network of international interests threatened by the combination of political and society revolution in any country. The former was the case of Belgium in the Congo, and France in Gabon: the latter has become the established position of the government of the United States.

At a given moment then, social revolution in any country, having taken political form, provokes the use of violence, first national and then—if successful—probably international. When violence threatens to cross national boundaries, the United Nations comes into the matter, at least in theory, for the purpose of that organization, in the words of the first line of the first article of the Charter, is "to maintain international peace and security." However, what the UN does or can do in places where social revolution threatens international peace depends largely on the international posture of the United States. This country is not only the greatest and richest of world powers, with widespread economic, financial, diplomatic and military influence, but it is also the major contributor to the UN budget, and as such exercises a predominant influence over UN policies, decisions and—most important of all—interpretation of policies at the level of the Secretariat. This situation is widely recognized in the world at large—not only in the Communist world, but also in Western Europe, Latin America and elsewhere. Only in this country does the illusion persist that the UN is an organization run by Africans for the purpose of thwarting and tormenting Uncle Sam. It is an illusion that has its uses especially when, as so often happens, resolutions favorable to U.S. purposes are extorted from this putatively reluctant body.

The position of the U.S. Government, as far as it can be deduced from its actions and statements, is as follows: It is in favor of social revolution, verbally, provided this takes place peacefully, and it exhorts parasitic ruling classes to inculcate social revolution, just as it exhorts Dr. Verwoerd to abandon apartheid. And with the same degree of success. Failing peaceful social revolution, it favors no revolution—combined with continued exhortation.

When, nonetheless, social revolutionary pressures lead to political revolutions, the government of the United States claims to be a better judge than the people of the country concerned as to whether that revolution best serves their interests. This judgment is variously exercised, and normally we learn little about its workings. Occasionally, however, we get glimpses: the expert, for example, on what form a revolution in Cuba should take is not Fidel Castro but Arthur M. Schlesinger, Jr., who, among others, discovered it had been betrayed. Mr. Schlesinger, a connoisseur it seems not merely of revolution but of counterrevolution, has told us in "A Thousand Days" that when the Bay of Pigs operation was under way, the unfortunate Cubans who were supposed to be leading the insurrection drew up a manifesto for distribution in Cuba. The manifesto was aimed, not surprisingly, at eliciting the support of people who had lost money in the revolution, and was apparently judged insufficiently Cuban and revolutionary by Mr. Schlesinger and his colleagues in Washington. So they sent it to two Harvard Latin American experts who rewrote it, putting in a lot of nice liberal notions about Negroes and the like, and in this form it was put out in the name of the corrected Cubans. How the improved manifesto sounded in Havana I don't know, but it certainly sounded a lot better at Harvard, and that was the point. In the lapidary words of the celebrated discoverer of Parkinson's Law, "All propaganda begins, and ends, at home."

In publicly assessing whether a given political revolution is or is not in the interests of the people concerned, the sole criterion now regularly and explicitly applied by the government of the U.S. is whether Communists are associated with the revolution. As Communists are by definition revolutionaries, it is overwhelmingly probable that in any country any political revolution aiming at social revolution will have Communists associated with it. It follows logically that the United States is committed, contrary to its professions, to opposing social revolution throughout the world. This will be done by force, if practicable, as in the case of Santo Domingo. In that case, the United States violated the Charter of the United Nations quite as clearly as the Soviet Union had in the case of Hungary in 1956. In neither case did the U.N. take any effective action—as it could have in theory under the Uniting for Peace procedure. In the case of Hungary, however, the General Assembly solemnly condemned the Soviet action; in the case of Santo Domingo it refused to condemn the United States. This does not mean that the "moral conscience" of the world made any distinction between the two actions: it just means that the U.S., unlike the Soviet Union, has sufficient influence in the General Assembly to block any resolutions aimed against it.

It follows, therefore, that wherever and whenever social revolutionary pressures encounter the counterrevolutionary power of the United States and threaten, or break, international peace, the United Nations is not only unable to act, but even unable to speak, in defense of its own Charter. More than this, the United Nations can actually be used as an instrument of U.S. policy, as demonstrated by the history of the U.N. operation in the Congo. This situation, grim as it is, does not mean that the U.N. should be abandoned as entirely futile. It continues to provide valuable services, especially in situations where *both* sides are frightened and neither wishes to lose face. When it cannot help is when one great power intervenes against a small one and the other great power does not regard its interests as directly involved. And since most outbreaks of social revolution fall into that category, to ask that the U.N. *do* something is usually a snare and a delusion, or sometimes a way of shedding responsibility.

The American citizen is not in a position to promote social revolution in other people's countries, or to decide how they should be conducted, or whether they are being betrayed. What he is in a position to do is to consider his country's policies and to exert what influence he can in favor of saner ones.

Do the vital interests of the United States really require it to ensure that no country in the alleged free world adopts, by whatever means, a Communist form of government? If that assumption remains unchallenged then the present U.S. involvement in the internal policies of scores of countries can be justified; the war in Vietnam can be justified; the Bay of Pigs can be justified; the destruction of Lumumba can be justified; the invasion of Santo Domingo can be justified; justified also can be as many plots and counterplots, lies, murders, and aggressive acts as the intelligence and military establishments may find necessary to arrest the spread of communism.

I challenged the assumption that it is necessary for the U.S. to stop the spread of communism. I do so on the following grounds:

The old assumption on which anti-Communist policy was devised no longer holds. There is no longer a monolithic Communist empire whose power can be thought of as increased by every new country that "goes Communist."

Active hostility to the U.S. is not a necessary permanent attribute to every Communist country. The richest and most powerful country in the world must expect to attract considerable ill-feeling in capitalist as well as Communist countries. Policy should seek, however, to prevent ill-feeling from passing over into active hostility. Active hostility is fanned by U.S. anti-Communist actions such as in Vietnam. If Asian communism is today bitterly anti-American—as it is—this is a resultant of American anti-Communist activity in Asia.

Where it may be thought U.S. interests are menaced by the spread of communism there are nonideological means of defending those interests. The Truman Doctrine, to the extent that it provided against the territorial expansion of Russian military power, was nonideological. The principle expressed in Eisenhower's formula of "checking indirect aggression" is ideological, involving an indefinitely extended series of political judgments, and of actions based on such judgments, about the internal affairs of other countries. Once it is the business of the United States to prevent Communists from coming to power in a given country, then everything in that country comes under permanent U.S. surveillance, which may, in certain circumstances, turn into U.S. tutelage. The result is an incalculable extension of this country's commitments. A doctrine against offensive weapons or bases, or soldiers, in this hemisphere would make more sense and involve fewer risks than the present policy against future Castros. Similarly, economic measures damaging to U.S. interests could be met by appropriate economic countermeasures. The doctrine of containment could be interpreted to mean that the extension of Russian or Chinese power *by force* would be damaging to U.S. interests and would involve risks of retaliation.

Such positions would be unambiguous, clearly defensive and respected. They would release the U.S. from a role I believe most of its citizens would reject if they understood it—the role of ideological policeman of the world, ready in every part of the world to meet the spread of an idea with armed force. If the U.S. were to relinquish this role, the peace-keeping function of the UN could be strengthened. At present that organization falls far short of the moral strength which, for the sake of our common survival, it should possess. When—in the interests of the U.S. anti-Communist policy—UN officials help to destroy the government of a country that invited the UN in, or when at the behest of the U.S., in pursuit of the same anti-Communist policy, the General Assembly persists in seating a U.S. satellite delegation as representing China, what suffers is not communism but the reputation and influence of the United Nations itself.

I believe there is no more urgent task in the world than the disintoxication of the public opinion of this country: the correction of those dangerous reflexes which past events and past propaganda have conditioned in Americans, and which make them think of communism as incarnate evil, instead of as a set of ideas in which human beings believe and which, like other important human beliefs, have led to great achievements as well as great crimes. Neither the achievements nor the crimes are all on one side. The problem of our age is not how to stop, fight, or eradicate communism. It is how to cope with its challenges and its appeals in such a way that the competing systems on the planet may produce more benefits to mankind than threats and suffering.

TWENTIETH ANNIVERSARY OF FULBRIGHT PROGRAM

Mr. FULBRIGHT. Mr. President, this is the 20th anniversary of the passage of Public Law 584, a program to provide exchange of students between this country and now 49 countries. Recently several meetings have been held celebrating that anniversary. Among them was a symposium held at Columbia University, September 8–10, 1966, at which symposium an address was delivered by Herman B. Wells, chancellor of Indiana University and chairman of the board of trustees of Education and World Affairs. I ask unanimous consent that his speech be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Herman B. Wells at 20th Anniversary Symposium of the Fulbright Program, Columbia University, September 8–10, 1966

We are gathered tonight to honor a man and the implementation of one of his ideas. The man, of course, is Senator J. William Fulbright, whose name has become a byword among students, scholars, and chancelleries all around the world.

But I hope I may be permitted to say a personal word about him. I remember him first in 1939, when he began to attend meetings of the National Association of State Universities and other esoteric gatherings frequented by university presidents. He was young, handsome, stimulating, and magnetic—filled with ideas for the betterment of his university and of higher education. All of us who knew him then marked him for a great career—as a college president. We could not foresee the grand dimensions of the career in store for him, because a funny thing happened to him one day on his way to the office—he was fired! Perhaps there has never been a more fortunate firing either for a man or for our country. As a result of being fired, he stood for the Senate. From that more powerful position he has greatly influenced the intellectual development of this nation and of the world.

His career dramatizes the fact that the intellectual has become a powerful influence in our world and, therefore, has great responsibilities to use his influence not alone for the advancement of his narrow speciality, but also for the welfare of the educational community and for the general public—of which I shall say more presently.

It is important that we pause at this 20th anniversary of the Fulbright program to think about the meaning of two decades of concerted activity in international education. It is even more important, against the background of that rich experience, for men of thought and learning to come together as you are doing here, to ponder the future directions of international education. We must try to discover how the expanded efforts to be made in this field over the years ahead can yield increased benefits for the life of the mind and for the life of mankind, in every country of the world.

Here, in the mid-1960's the phenomena of international education have become as familiar as they have become extensive. Education now plays a leading role on the *world stage*. We can gain proper perspective, therefore, only by recalling how novel—indeed, how revolutionary—was the impulse Senator Fulbright gave in 1946. The realities of the immediate postwar years might have taken us on a very different course. The United States was then the unchallenged first power of the globe. The war-torn countries were weary, nearly bankrupt, largely disorganized, and looking to us for help. The Soviets had not yet rung down the Iron Curtain. American dominance in the atomic field was unquestioned. Some influential voices boldly heralded the onset of "The American Century"—a hundred years of United States power and empire.

But the Fulbright Act of 1946 helped reveal that this country was setting out on a different path. It embodied several important and rather novel ideas, and stamped them with the authority and prestige of the Congress and full government. First, the Fulbright Act was saying, this nation was caught up inextricably in the affairs of the world—for the long term—and one principal front on which its interests would be pursued was that of educational and cultural exchanges. Even with the mammoth tasks of rehabilitation and reconstruction then facing many countries of the world, we should not neglect the importance of educational relationships as a firm foundation for understanding and amity among nations.

Second, the concept of sharing was at the heart of the Fulbright program: just as professors, scholars and students from other lands would have things to learn from America, so they would emphatically have important matters to teach us. And third, the federal government would put its money where its voice was—by committing to this effort substantial funds becoming available from the sale of surplus property to other countries, paid for in their own currencies.

None of these ideas seems particularly startling today, but that is simply a measure of how far we have come in weaving into the fabric of our thinking the ideas that were part of Senator Fulbright's vision two decades ago. Since that time, more than 82,500 individuals have received Fulbright grants. About 29,000 of them have been Americans, and the larger number (53,500) have been foreign students and scholars coming here to study and work. Another breakdown shows that 48,000 of the total have been students; 16,000 teachers; 7,500 lecturers and 10,500 research scholars. In 1948 twenty-two countries were involved in the Fulbright program; today we are exchanging scholars with at least 130 countries.

Such statistical summaries reveal the quantum increases that have occurred during these twenty years of educational exchanges. But the more interesting and important questions are not so easily answered. What has been the impact of this experience abroad on the individual professional development of each of the exchange scholars? How significant has this total activity been for the expansion and diffusion of knowledge? To what extent has the further education which these thousands of scholars have gained, enhanced their leadership abilities? And—perhaps the largest question of all—how indeed do we assess the meaning of this twenty-year effort in man's persistent but frustrating search for peace in the world?

I doubt that there are any conclusive answers to such questions as these. I personally believe that today, in contrast to 1946, a larger proportion of the American public is considerably more sophisticated concerning international affairs and America's role in the world. I am also convinced that the kind of international commerce in ideas, knowledge and scholars which is the hallmark of the Fulbright program has contributed mightly to that result. But I cannot prove it; my conclusion is highly impressionistic. Yet I am deeply persuaded that it is in terms of such intangible benefits as these that the Fulbright program must be judged—and judged favorably.

Our inability to "prove" the value of educational exchange suggests an important point: how much we must depend in these efforts on our *faith* in the inherent worth of educational ties that link together the people of many countries around the world. Far from diminishing the stature of the Fulbright program, this reliance on *faith in the efficacy of educational exchange* elevates the entire matter. How many of the most abiding of human institutions and relationships rest ultimately on faith—all the way from marriage to the federal debt! It is a tribute rather than a criticism to observe that the basic rationale of international education cannot be computerized. It must finally be explained by faith—in the integrity of knowledge; in the persevering quest for truth; faith of men in each other, across national boundaries and within them.

And so now, once again, we are acting on faith. Precisely twenty years after Senator Fulbright's notable initiative, we are embarking on a new and wider adventure in international education. Just one week short of a year ago, President Johnson said in his speech at the bicentennial celebration of the birth of the founder of the Smithsonian Institution (September 16, 1965):

"(W)e know today that certain truths are self-evident in every nation on this earth: that ideas, not armaments, will shape our lasting prospects for peace; that the conduct of our foreign policy will advance no faster than the curriculum of our classrooms; and that knowledge of our citizens is the treasure which grows only when it is shared."

The President might have said "we have faith that . . .", rather than "we know"—but his meaning was clear. Because of our profound belief in the central place of education in achieving mankind's aspirations, Mr. Johnson was saying, the United States will embark on a broadened, strengthened newly-invigorated effort in our relationships through education with all the countries of the world that care to cooperate.

The events of the months following Mr. Johnson's Smithsonian speech are familiar to most of us: the appointment of the President's Task Force on International Education chaired by Secretary Rusk; the February 2, 1966 message to Congress proposing a comprehensive program to be participated in by a number of government agencies and many institutions and organizations of the private sector; introduction of the International Education Act of 1966 in both houses of Congress, and its passage by the House in early June, following the period of consideration there when splendid leadership was given by Representative John Brademas of my own state of Indiana; and the taking up of the bill late this summer by Senator Morse's subcommittee in the Senate.

The progress on this front during the last year has been encouraging. But much remains to be done before the Presidential note sounded at the Smithsonian ceremony is orchestrated into the full symphony of a new federal program in international education. 1967 rather than 1966 may be the year of fruition for many parts of the program. Whether this year or next, however, *the one necessary act of remembrance* at this moment is to remind ourselves of the significance of the Fulbright Act of 1946 and the history of achievement that has been written under its authority. Because of the foundations laid, the experience gained and the solid accomplishment shown during the last twenty years, we can be reasonably confident in our future efforts to reach higher levels of effectiveness and meaning in international education.

So one of our two major purposes in coming together here is to offer a tribute to the vision and imagination of Senator FULBRIGHT in founding the program that bears his name, and to the thousands of teachers, scholars, students, and administrators—of many countries—whose thought and work have turned that vision into living reality.

Our other major purpose, of course, is to probe the future, to engage in a full exchange of ideas on the improvement and enrichment of our patterns of international educational relationships in the years ahead. In what new directions should we point? What problems are likely to become paramount as we increase the intensity and enlarge the scope of our efforts? To what major opportunities must we be especially alert? There will be many queries you will want to raise, many themes to develop, many ideas to advance, during the hours of this seminar.

May I suggest three lines of thought or inquiry which I hope will be among those to receive your attention here at Columbia tomorrow and the next day. They are, perhaps, rather general considerations. But from my experience, I have come to believe that they are immensely important—important for the deep philosophical understanding and for the full enjoyment of this whole exciting process of intellectual communion with men of other cultures and nations.

The first relates to the leading actor on this stage, the intellectual himself. The proposition is now heard that the world has entered the "Era of the Intellectual". There can be little question of the high demand for men of advanced training, men able to manipulate ideas and concepts, men who can communicate their thoughts effectively to their fellows. From the most primitive country just emerging into nationhood, to the electronics and computer market places of the United States—the intellectual goes at a premium. In virtually every part of the world, he now enjoys respect and power to an almost unprecedented degree. His opportunities to serve mankind's best purposes would seem almost unlimited.

But we must not linger too long on Cloud 9! If, in his new position of power and high status, the intellectual has great opportunities, he also has heavy responsibilities. And these have not been well thought through or defined. Many forces play on him: the policies of his own government and nation; the interests of his university and immediate colleagues; the composition of his own scientific or professional international fraternity; the standards of scholarship and inquiry accepted in his own field; and, not least, his own convictions regarding the universal values and purposes he would like to serve.

All these different forces and influences, unfortunately, do not operate within identical perimeters. He must weigh, measure, sort out and balance. How indeed does he assign priorities? How does he resolve a real confrontation, when it occurs, between his patriotic duty as a citizen and his professional commitment as a man of learning? According to what criteria does he analyze his obligations if, for example, he is tempted to become a statistic in the "braindrain": what weight should he assign to the need of his own less-developed country for his precious talents and training, and what weight to the richer opportunities for professional development and contributions that the job proffered to him in the advanced country presents? Clearly the problems growing out of the intellectual's new role in world affairs are manifold. I believe they are worthy of your serious discussion.

The second question I want to lay before you is not unrelated to the first because it concerns one aspect of the intellectual's responsibility. Here I am concerned with bringing to larger segments of the populations of all countries—to a considerably larger fraction of the world's people—some of the enlightenment gained by the few who are the active agents of international education. Those who work and study outside their countries, those who travel and observe as consultants and study missions, those who reside abroad as exchange professors—they will always be but a tiny percentage of the population of any country.

It is our assumption—or perhaps I should say it is our faith—that something is involved in international educational experience beyond the specific enhancement of the individual's own professional ability—beyond his further training as classicist, botanist, architect or anthropologist. He is also a culture-carrier, one who brings back to his own people general insights into the cultures and societies of others. One of the currently favored terms to describe this process of transmission is "feedback." Considerable attention has been given to this matter, at least in the United States. We have experimented with ways of broadening and enriching the world affairs content of what might be called "life's curriculum"—from a little after the cradle to just this side of the grave. But we have so *far* still to go!

If indeed our ultimate goal in this entire area of endeavor is to send down ever deeper roots of comity among peoples, then this translation of specialized knowledge into informed public understanding about world affairs should stand near the top of our agenda of unfinished business. We in the United States would like to know how successfully the leaders of other countries have addressed this problem, how they conceive of it within their own societies and what approaches and techniques they have found promising. This second question which I am proposing for inclusion in your discussions here is one in which we in America perhaps have ideas to share, but indeed have much still to learn.

My third question raises some very difficult issues. So far as I am aware, little thought has been given to this matter. It is one that brings us up against the hard facts of international political tensions and hostilities—but it is still a question which I believe must be squarely faced. It is simply this: How important is it that educational processes, including especially international cooperation in education, continue insofar as possible through periods of abrupt governmental change, domestic turmoil, social instability, civil disturbance, guerrilla warfare, and other forms of internal disruption that seem to be visited on so many countries at this stage of history? And if it is important that education continue, then is it not incumbent upon intellectuals to re-examine many of their assumptions, develop some new implements for their tool kits, and generally refurbish their methods and techniques in international education?

We can most easily portray our traditional ways of thinking about this question—or rather, of not really thinking about it at all—by looking at two extreme situations. On the one hand, we have tended to view the calm and relaxed relationships between the United States and England (or the U.S. and Canada) as really the natural setting for cooperative educational relationships. In that context of amity and understanding, the movement of students and professors and the development of intellectual ties goes on effectively and almost unnoticed. At the other extreme, during the holocaust of World War II, nothing was farther from our thoughts than international cooperation in education (except perhaps with Latin America, far removed from the battlefront).

If we think about the realities of our world today, we know that most sets of international relationships fall somewhere between the tranquility of the United States vis-a-vis the United Kingdom, and the total conflagration of the Second World War. The in-between ground is immense, showing almost every possible gradation and different coloration—from the problems posed by the successive governmental turnovers in Nigeria to the picture of acrimony and total nonrelations between Mainland China and the U.S. Such examples of the "exceptional circumstances" in which educational relationships must function, if they are to exist at all, could be multiplied almost at will. But I am sure that without further elaboration, the issue I am trying to pose for your consideration is clear. The situation for most of the world lies within this area of "exceptional circumstances". Most important of all, the less developed countries that encompass two-thirds of mankind are almost without exception those that are most susceptible to the turmoil of social strife and upheaval. If we could simply overlook this, that would be one thing. How convenient it would be if we could say: "Ah, ha! Upper Marsovia has had a revolutionary upset. We shall just pull out and wait to see whether they can straighten themselves out!" But those countries are precisely the ones that most urgently need the cooperation, assistance and sustenance which the advanced countries can offer. We have to do better—to be capable of greater sophistication of approach—than the old black-and-white analysis allows.

So my final theme for your consideration—put forward with an even greater sense of urgency than the two preceding—is that all of us concerned with the vitality of international education and its full modernization in the real world of the 1960's would do well to ponder how these linkage and relationships can be effectively developed with the South Vietnams, the Dominican Republics, the Indonesias and the Nigerias of this globe. For the intellectual, this is a towering challenge. The terrain is very different from the one over which he is accustomed to move so comfortably.

But it is here that he is called upon to leave a record of accomplishment for history. Otherwise, he is driven back to saying that international cooperation in education is fine for the stable, the prosperous, the advanced and the enlightened—but the downtrodden and disadvantaged of this earth will have to go on waiting for the benefits it can confer. By his very nature, the intellectual does not wish to write that message into the tablets of history. But for the verdict to be otherwise, we are all called upon to give earnest thought to the ways in which we adjust the patterns and relationships of international education so that they become relevant and meaningful for the millions of human souls in the troubled countries of the world.

I have tried in a sketchy manner to suggest three themes for discussion. The way the intellectual solves the tensions which develop between his duties as citizen and his obligations as scholar; his role as a culture carrier and interpreter; and his responsibility to further educational progress in areas of active conflict and severe political strain.

In the course of the next two days I am confident that our distinguished panelists and participants will introduce many additional themes for discussion.

It is my hope and expectation that our proceedings will be worthy of the great anniversary which is the occasion of our gathering.

INVESTMENT IN THE ARTS

Mr. FULBRIGHT. Mr. President, following that speech by Mr. Wells, I ask unanimous consent that an article relating to the same subject, written by Howard Taubman, published in the New York Times of June 22, 1966, entitled "Investment in the Arts," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times June 22, 1966]

Investment in the Arts—Fulbright Grants Yield Rich Dividends As Alumni's Talents Benefit the Nation

(By Howard Taubman)

If you were asked to guess who has been underwriting the largest program of awards in the arts during the last 20 years, you probably would say the Ford or Rockefeller Foundation. But you would be wrong. It is the State Department through its international exchanges under the 1946 Fulbright Act, so called because the bill was sponsored by Senator J. William Fulbright of Arkansas. It has made a total of 2,350 grants to Americans pursuing studies and careers in the arts. These grants each year constitute 16 to 20 percent of all Fulbright fellowships awarded to Americans. Only the language fields have provided a larger number of Fulbright scholars.

An analysis of the grants in the two decades that the program has been in operation shows that there have been 159 awards in drama, 18 in cinema, 27 in dance, 383 in painting, 83 in sculpture, 342 in architecture, 138 in design, 145 in composition, 53 in conducting, 609 to instrumentalists and 393 to singers.

But even more impressive than the statistics is the significance of the awards both to the individuals who received them and to the United States itself to which they eventually bring back their heightened and polished powers.

For many artists, especially young performing artists, the gravest problem is to find opportunities to employ their skills after they have finished their formal studies. Actors, singers, instrumental soloists and conductors desperately need the equivalent of internships. They require places where they can gain experience, test themselves in different roles and repertories and develop their talents in an exigent professional ambiance.

HOW THE U.S. RATES

Although the United States has been creating new companies and institutions in recent years, it is still far behind Europe with its state and municipally supported theaters, opera houses and orchestras.

Glance through the roster of Fulbright alumni and you will discover how many have gone on to useful and even distinguished careers and positions in this country.

Among the composers there are Leslie Bassett, this year's Pulitzer Prize-winner; Jack Beeson, Maurice Bonney, Lukas Foss, Lee Holby, Ulysses Kay, Donald Martino and George Rochberg.

The concert pianists include Gary Graffman and Ivan Davis and the solo violinists include Berl Senofsky and Sylvia Rosenberg.

Among the conductors have been Loren Mazael, Newell Jenkins and Thomas Dunn.

The singers have gone to berths in the leading opera houses of Europe and have appeared at the outstanding festivals. Some have started modestly in provincial lyric theaters and, thanks to the chance to be heard, have been engaged for better roles in more important opera houses. The Metropolitan Opera has hired more than a dozen, including Irene Dalis, Ezio Flagello, Gladys Kuchta, Anna Moffo, Grace Hofman and Teresa Stich Randall. Others have appeared with the New York City, Chicago and San Francisco Operas.

Among the theater people have been Alan Schneider, Allen Fletcher and William Ball, directors who have been influential not only on and off Broadway but also in resident companies across the country.

Among the painters and sculptors have been Jack Levine, Lee Bontecue, Dimitri Hadzi, Louis Finkelstein and Elias Friedensohn.

Add to the creators and performers a limited but select group of scholars in the arts who have received awards and you get the full measure of the program's scope. Many of the researchers and lecturers who have gone abroad under the aegis of the Fulbright Act have come home to teach a new generation of scholars.

The faculties of our universities and colleges have a generous sprinkling of Fulbright alumni. Six out of 32 members of the art department at the University of California in Berkeley have held exchange fellowships.

GETTING THE RIGHT PEOPLE

There are 16 screening committees ranging from cinematography to wind instruments set up by the Institute of International Education to review the applicants and choose the awards winners. Then binational commissions representing the host countries and the United States meet to make sure that there is a proper niche for artist, performer or scholar. There is considerable give and take in the operation of these commissions.

Once they go abroad the award winners enjoy a great deal of freedom and flexibility. They are assumed to be adults who are eager to make the most fruitful use of their year abroad. They receive travel and maintenance expenses and in special cases additional allowances for books and other supplies.

In other generations the scions of the rich went abroad for their Wanderjahr, the year of wandering and absorption of European culture. Now it is the Government through the State Department that makes possible a fruitful year abroad for many gifted young Americans.

Its reward is that it receives back from Europe men and women whose talents have been sharpened and whose horizons have been broadened. In their own work and in their influence on others they contribute to the nation's cultural flowering.

BENEVOLENT INVASION

Mr. FULBRIGHT. Mr. President, following that, there was published in the Times Literary Supplement of Thursday, July 14, 1966, a review of a book by Walter Johnson and Francis J. Colligan relating to the Fulbright program, published by the University of Chicago Press. The review is of a book relating to the same program, and I ask unanimous consent that it be printed as a part of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Benevolent Invasion

(Walter Johnson and Francis J. Colligan: *The Fulbright Program.* 380 pp. University of Chicago Press. £3 3s.)

The Master of Pembroke (Oxford), Senator Fulbright's old college, said of him that his famous "Program" had done more for the spread of learning than any event since the fall of Constantinople. All over the world Fulbright fellows are spread like an invading army of benevolent and fertilizing locusts. Their effect was that of Attila's horse in reverse.

Few junior senators like Senator Fulbright have so quickly and so deservedly found fame and left a monument more enduring. This candid, illuminating and lively history tells of the growing pains and of the vicissitudes of the Program since it was started in a world in which all continents were in desperate need. If today the case is altered, if the needs of the mother countries of the American people are no longer in the forefront, more than ever the Program has taken the world for its parish and its beneficence can be seen everywhere; in Peru if not in modern China, from Ibadan to Calcutta.

Of course, the authors of the survey do not think that the Program was totally a novelty. It was not accidental that its eponymous hero had been (like so many of the rulers of modern America) a Rhodes scholar. The great foundations, especially the Rockefeller Foundation, had pioneered, and the Fulbright Program gained a great deal from the experience, won so hardly by Rockefeller, Ford, Carnegie, Harkness and the rest. The political talents (and courage) of the founder were significant. Naturally he and Senator Joe McCarthy were set on collision course, a collision in which the junior senator from Wisconsin had the worst of it. The world will little note or remember what Joe did (if the world is wise) but the achievement of the Fulbright Program will outlive, if not the palace of the Escorial, at any rate the achievements of the only Arkansas statesman who has rivalled Senator Fulbright in international eminence, Governor Orville Faubus.

On the whole, the Program was lucky. It fended off, with little difficulty, the intrusions of congressmen. It made mistakes but is recovered from them. It taught the British academic community that there were serious American institutions outside the Ivy League and the eastern establishment and that there were serious academic institutions in Britain apart from Oxbridge. It even shook the complacency of the Sorbonne and provided a way for the German academy to work its passage back into the Republic of Letters.

The Program had more and more to do with the underprivileged world. It had to deal with the rival claims of Tagalog and English in the Philippines and corresponding problems in India.

It has also educated many Americans away from the "PX" attitude to the heathen dwelling in outer darkness. It has spread Keynesian economics in Japan as a rival doctrine to Marxism—thus running the risk of infuriating the numerous Americans for whom Keynes was simply a more dangerous because more insinuating Marx. It spread music in the narrow as well as in the wider sense. It even promoted, through its fellows, gymnastics. It had the honour of violent abuse from *L'Humanité* and it accepted the criticism of scholars like the late Perry Miller that the Program must not be seen in America as a way of selling "Americanism". It has been a great and beneficent success.

It would be unjust to say that Mr. Johnson and Mr. Colligan, like a sundial, note only the sunny hours. There are inevitable differences between hosts and guests. The Americans an institution would most welcome may not be available or not be sent to the institution or country where they would be most at home and, from a purely academic point of view, most useful. Scholars were sent to remote corners of the mission field who would rather have tilled lusher fields. Empire-building in the State Department had to be resisted. But all things considered, the snafus, even the bureaucratic snafus were few. And unlike the emigration from Constantinople, the Program worked both ways. It benefited the United States as much as it benefited the outer world. Mr. Johnson and Mr. Colligan, naturally enough, in writing for an American audience, made allusions not necessarily immediately meaningful to non-American readers. (Not everybody, for instance, will realize that the "Republic of China" is an American euphemism for the Chiang Kai-shek regime on Formosa.) And it is a little distressing to find that the authors mix up the Eastman and Harmsworth chairs at Oxford and ignore the Pitt chair at Cambridge, although the teaching of American history at both of the ancient universities was endowed by British money, that of the first Viscount Rothermere and that of the Cambridge University Press.

OVERCOMMITTED AND UNDERSUPPORTED

Mr. FULBRIGHT. Mr. President, recently, on the 8th of September, the Wall Street Journal, which I think all of us recognize as a reputable, very open-minded, and well-edited newspaper, had an editorial entitled "Overcommitted and Undersupported." I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OVERCOMMITTED AND UNDERSUPPORTED

The above words express a growing worry on the part of a number of Senators: That the U.S. could become engulfed in more than one brush-fire war at the same time, in increasing isolation from erstwhile allies. There seems ample cause for the concern.

The strains of the Vietnam war alone show how difficult it would be to handle even one other comparable conflict simultaneously. Yet the U.S. has military treaties with upwards of 40 nations.

Moreover, Secretary of State Rusk, while denying that Washington is trying to be policeman for the world, has indicated that it does not consider itself limited to the defense of those 40-odd countries; rather it feels more generally bound to uphold the peace-keeping work of the UN throughout the world. If so, that is an open-ended commitment if there ever was one.

The specter of new outbreaks while we are engaged in Vietnam is hardly fanciful. The talk about Thailand gets steadily more ominous, and although warfare there could be viewed as an extension of Vietnam, it would be no less troublesome on that account. The Communists could, if they chose, reopen the Korean front and try to instigate uprisings elsewhere.

Such eventualities, at any rate, fit in with the oft-stated strategic hopes of Red China. The most recent statement, an editorial in a Chinese paper, professes to welcome the American concentration on Asia; "the more forces U.S. imperialism throws into Asia, the more will it be bogged down there and the deeper will be the grave it digs for itself."

Peking also envisions "wars of national liberation" in other parts of the underdeveloped world. The editorial explains it in a somewhat mixed metaphor: With many peoples rising to attack the U.S., "one hitting at its head and the other at its feet, U.S. imperialism can be nibbled up bit by bit."

For their part, President Johnson and his advisers believe the threats should be taken seriously, whatever, anyone may think of Red China's present capacity to carry them out. To the Administration, of course, this is a principal reason for being in Vietnam. If that particular "war of liberation" can be stopped cold, it may persuade Peking to desist from further attempts in Southeast Asia or anywhere else.

It must be hoped it will work out that way, and like most Americans we see no good alternative at this stage to continuing the fight. But assurance is wanting that the U.S. can bring the war to a satisfactory conclusion in any reasonable period of time.

Nor is it by any means certain that a Communist defeat there would in fact make Red China refrain from other aggressions; so far Vietnam apparently is costing the Chinese nothing in men and relatively little in materiel. And the thunderous lack of support the U.S. is getting in the world for its effort in Vietnam suggests how little relish even friendly nations would have for additional entanglements.

The prospect of the U.S., all but alone, embroiled in Vietnams successively or simultaneously for the indefinite future is one that Americans should not be required to accept, no matter how deep their opposition to international communism. The potential drain, it seems to us, is too great in proportion to whatever the possible gains. Somehow the present overextension must be corrected.

An obvious place to start is to cut back the heavy U.S. troop commitment in Europe, as Senator Mansfield now urges (and these columns have argued for years). A token force would be sufficient to keep the Soviets aware that the U.S. would resist an attack on Western Europe, which pledge is NATO's central deterrent.

Even so modest a proposal, however, won instant rejection from the White House, and the rebuff seems symptomatic of the Administration's overextended thinking.

What needs understanding is that the U.S. cannot protect every people in the world from Communist peril without weakening its ability to fight a major war with a major foe should that ever become necessary. The Government has to be more selective, and the proper basis for the selectivity is how directly an aggression impinges on American national interests.

Had that fundamental principle of foreign policy been adhered to, it is doubtful that the U.S. would have stumbled into the Vietnam war in the manner that it has. Before we get any repeat performances, Vietnam should above all stand as a warning of the danger of unlimited commitments and indiscriminate interventions.

THE SITUATION IN SOUTH VIETNAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD as a part of my remarks an article by Clayton Fritchey relating to South Vietnam.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By Clayton Fritchey)

WASHINGTON.—The post election jag in South Vietnam goes on unabated, and the intoxication of Washington officialdom almost equals that of the Saigon generals, who are described as "almost delirious with joy."

Premier Ky and the other leaders of the military dictatorship are hailing the election as a "triumph for democracy," a "smashing victory" for the government, and a testimonial to the ruling junta.

The President of the U.S. has added his own beaming benediction: "The large turnout," he said, "is to me a vote of confidence." Confidence in what?

If the American people swallow the new Ky-Johnson line, they will again end up disappointed and disillusioned, just as they have in the past when the truth ultimately deflated previous propaganda fantasies.

It is better to face up to the truth at once, and the truth is that the Vietnam election (if it can honestly be called that) is by no stretch of the imagination a testimonial to Gen. Ky's military government.

No one yet knows what the election results really mean, or even portend, so Ky and his U.S. supporters simply proclaim that the mere size of the turnout (also in dispute) is in itself an endorsement of the government.

Yet the one, indisputable, fact seems to be that if the vote is a testimonial to anything at all, it is to the people's deep desire to have an elected, civilian government, and not a self-imposed military one, such as Ky presently heads up.

Just how that constitutes a ringing affirmation of the Ky junta is something that baffles disinterested observers, most of whom see the election as a strong expression of popular will for replacing the generals with a constitutional, representative government.

If that is so, why are the generals so elated? They are jubilant because they think they have succeeded (temporarily at least) in acquiring the protective coloring of a democratic election, without running any risks to their own future. They think they have fixed it so that they are safe no matter what happens. And they are probably right in this estimate.

According to the Chief of State, Gen. Van Thieu, the election was "a victory for the entire free world over international Communism." Since the junta did not permit any reds or even neutralists to run for the assembly, it is not clear how the election could have been a test of Communism, for it was never an issue during the campaign.

The victory claims come down to Ky's Orwellian proposition that the junta was "for" elections, and the Buddhists and Vietcong were "against" them, and therefore the balloting was a vote for him and a rebuke to his enemies.

As everyone knows, the only reason the elections were held in the first place is that the Buddhists forced Ky to call them. Last spring, it took weeks of demonstrations, violence, and fiery immolations to exact an electoral promise from the junta. The Buddhists have never been pro-Communist or pro-Vietcong. They simply fought for elections and representative government until the militarists grudgingly gave in.

Confronted with the necessity of going through with elections, the generals cleverly made the most of the situation by (1) screening all candidates for the constituent assembly, and (2) arranging it so that any new constitution will have to be just what the junta ordered.

The Buddhist answer was to boycott the election on the grounds that it had been turned into a "farce." They have never been "against" elections, but only against debasing them.

All that happened on September 11 is that the embattled people of Vietnam, subjected so long to military tyranny, decided that even a rigged election was better than no election at all.

No doubt the hopes of many unsophisticated Vietnamese, especially in the provinces, have been momentarily raised by the joy of just casting a ballot; and no doubt many Americans would like to believe Premier Ky's statement that the election means "a brighter, more beautiful future" for his nation.

The only fly in this unctuous ointment is that in the 10 years of South Vietnam's history there have been a dozen military governments, and none of these regimes, including Ky's, has yet been able to find a place for the people in the country's "beautiful future."

OUR COMMITMENT IN SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, during the last few weeks there have been two or three notable occurrences in regard to our commitment in southeast Asia, notably Pope Paul's appeal for peace, directed, of course, to all of the world, and particularly to the half billion Catholics. I think his encyclical dealing with this subject was an outstanding document and deserves the serious consideration of our political leaders and all Members of this body. I certainly wish to join in applauding the statement of Pope Paul.

In that connection, the statement of the Secretary General of the United Nations, Mr. U Thant, and his three points, should be mentioned. I only wish to say again that if our Government would pursue his suggestions, there might be some possibility of progress in the effort to stop the gradual escalation of the war in southeast Asia.

I refer also to the New York Times Sunday magazine section in which there appeared an article by Arthur Schlesinger dealing with this matter.

Mr. Richard Goodwin made a speech entitled "No Wider War," taking, for the major part of his speech, the same theme the President took during his election campaign in 1964. I commend that speech of Mr. Goodwin's to the Senate. It states very eloquently, in the lowest common denominator, what the situation is with regard to southeast Asia.

It seems to me that nearly everyone except the most rabid warmongers could agree that we do not desire a wider, broader, or more extensive war than we now have. If we can agree upon that; if this Government, our enemies, and our allies could agree that the war is not to be extended, that might give us a pause which would allow our diplomats and our political leaders to find a way out of a very dangerous situation.

Finally, I wish again to pay tribute to the majority leader for his statements in this field and his initiative with regard to reducing substantially our troops in Europe. I think if his advice were taken more seriously by our leaders, we would be much better off. I pay him tribute.

NATIONAL UNICEF DAY—SENATE JOINT RESOLUTION 194

Mr. TYDINGS. Mr. President on behalf of myself and 25 other Senators, I introduce a joint resolution to authorize the President to designate October 31 of each year as National UNICEF Day.

This joint resolution (S.J. Res. 194) is identical to Senate Joint Resolution 144, as favorably reported by the Committee on the Judiciary. That resolution was just interred, the victim of the prayer amendment.

I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 194.

The PRESIDING OFFICER (Mr. Jordan of North Carolina in the chair). The joint resolution will be stated by title for the information of the Senate.

The Legislative Clerk. A joint resolution (S.J. Res. 194) to authorize the President to designate October 31 of each year as National UNICEF Day.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which was read twice by its title.

Mr. JAVITS. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. JAVITS. I am entirely in favor of this measure. I am drawing on my recollection now, but I believe that it is a fact that contributions made by individuals to UNICEF, such as those received on the famous "trick or treat" tour that the children take at Halloween, whereby a good deal of money is collected for UNICEF, and which is a marvelous demonstration of the children's feeling for it, are not tax deductible. Is the Senator to tell us whether that has been checked into at all?

Mr. TYDINGS. I am not able to give the Senator a firm answer to that question, as to the tax deductibility of contributions to UNICEF.

Mr. JAVITS. I believe that they are not tax deductible, and I should like to use this occasion, when we are establishing a point of honor to UNICEF, to make another point which, perhaps, will do that organization as much good as honor. Though honor is great, they can certainly use more money.

Many such voluntary contributions in this country are tax deductible, and I believe that more contributions for this extremely deserving cause, the United Nations Children's Fund, could be obtained if we would give it some degree of tax exemption. I do not see any reason why it should not be a complete tax exemption. I hope very much that some consideration may be given by the administration—who would have to request it—to this matter. We have been after them for a long time, and I shall keep after them. But I suggest and urge, at this point, that that be done. As well as doing UNICEF honor, let us also do it some good.

I thank the Senator.

Mr. TYDINGS. I thank the distinguished Senator from New York. I think his remarks are well taken.

The PRESIDING OFFICER. The joint resolution (S.J. Res. 194) is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (S.J. Res. 194) was passed, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized and requested to issue annually a proclamation designating October 31 as National UNICEF Day, inviting the Governors and mayors of State and local governments of the United States to issue similar proclamations, and urging all Americans, both adults and children, in their traditional spirit of good will, to continue and to strengthen their support of UNICEF, not only as individuals but also through their schools, their churches, and other community organizations.

The preamble was agreed to.

AMENDMENT TO THE ACT OF SEPTEMBER 2, 1964, FOR PAYMENT OF COMPENSATION FOR CERTAIN LANDS UTILIZED FOR DITCHES AND CANALS IN RECLAMATION PROJECTS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1586, H.R. 9976.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 9976) to amend the act of September 2, 1964.

The PRESIDING OFFICER. (Mr. Harris in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CURTIS. Mr. President, I thank the distinguished acting majority leader, the Senator from Hawaii [Mr. Inouye], for calling this matter up. I wish to express my gratitude to the chairman of the subcommittee and to all the members of the Committee on Interior and Insular Affairs.

This measure (H.R. 9976) is presented to us exactly as it passed the House of Representatives. The bill will do what we intended to do in 1964. It is a corrective measure.

I call attention to one statement that the House of Representatives put in their hearings:

> Enactment of H.R. 9976 will involve little increase in expenditures over those now required by Public Law 88-561.

Mr. President, what we do here today is what we intended to do when the previous act was passed. The bill provides compensation for lands taken for canal purposes, which is already the law. It merely provides jurisdiction for the courts, so that the determination of the amount of compensation can be carried out as originally intended.

Mr. President, I ask unanimous consent to have printed in the Record, an

excerpt from the report (No. 1619), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 9976 and a companion measure, S. 2297, introduced by Senators CURTIS and HRUSKA propose an amendment to Public Law 88-561 (78 Stat. 808, 43 U.S.C. 945a) authorizing suits in Federal district courts to determine just compensation in the event that the landowner and the United States fail to agree on the value of the lands involved. In addition, it will permit the United States, through the Secretary of the Interior, to compensate landowners for canal rights-of-way reserved to it in patents issued by the States.

BACKGROUND

An 1890 act of Congress (26 Stat. 371) required a reservation to the United States of rights-of-way for canals and ditches to be incorporated in all patents for lands west of the 100th meridian, after October 2, 1888. In the last Congress, the 1890 act was amended by Public Law 88-561 so that the United States could compensate property owners for lands utilized in connection with the Federal reclamation program notwithstanding the reservations required by the act of 1890. Many Western States, following the Federal policy, disposed of State lands with a similar reservation for canals and ditches to the United States. While the 1964 act authorized the United States to pay compensation for reserved rights-of-way contained in patents from the Federal Government, it did not authorize compensation for those holding State issued patents containing a similar reservation to the United States.

H.R. 9976, if enacted, would resolve this inequitable inconsistency by allowing landowners who trace their title to a patent issued by a State, to be compensated like those whose title runs from a patent from the Federal Government.

Another aspect of H.R. 9976 involves the question of where the amount of the compensation to be paid to the landowners is to be determined. The committee recommends, in the event of disagreement between the United States and the landowner as to the value of the land within the right-of-way, that the Federal district courts should ascertain the amount which would constitute just compensation. It was felt by the committee that the landowner should not be handicapped with the burden of accepting, without recourse, the offer tendered by the United States, or of bringing suit to the Court of Claims.

DISCUSSION

In 1964, the Congress had before it the report of the Interior and Insular Affairs Committee which outlined the need for the revision of the 1890 act. It was pointed out, at that time, that when the Congress required, as it did in 1890, the incorporation of canal and ditch reservations in all patents for lands west of the 100th meridian, it probably contemplated a right-of-way 75 to 100 feet in width. Contrary to that early concept, the report indicated the rights-of-way required now are often many times that width. Since the easement was not fixed in size nor limited in location, or even restricted as to the number of canals that could cross a single property, it was deemed inequitable to deny compensation regardless of the existence of the reservation to the United States.

The claims of those deriving their title from State patents are equally as meritorious as those whose chain of title runs from a Federal patent. Notwithstanding the fact that the legislation will result in nominal increases in construction costs, it is generally agreed that these additional costs, which must be fully repaid, should be uniformly distributed rather than placed upon a few landowners.

COST

Enactment of H.R. 9976 will involve little increase in expenditures over those now required by Public Law 88-561.

DEPARTMENTAL REPORT

The report of the Department of the Interior, which is favorable as to section 1 and unfavorable as to sections 2 and 3, and the report of the Department of Justice, which is unfavorable as to sections 2 and 3, are set forth below in full:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 17, 1966.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: This responds to your request for the views of this Department on H.R. 9976, a bill to amend the act of September 2, 1964.

We recommend enactment of this legislation if amended as suggested herein.

The 1964 act requires the Secretary of the Interior to pay just compensation, including severance damages, to the owners of private land utilized for ditches or canals in connection with any reclamation project after January 1, 1961. The bill before your committee, H.R. 9976, would amend the present law to make it clear that the United States can pay landowners for canal rights-of-way reserved to it in State patents as well as for canal rights-of-way utilized under the 1890 act (act of August 30, 1890, 26 Stat. 371). The amendment also permits district courts to assume jurisdiction to determine just compensation in those instances where the United States and the landowner cannot reach agreement on the value of rights-of-way utilized in accordance with the provisions of the 1890 act as amended by the act of September 2, 1964 (78 Stat. 808).

Although we are not immediately confronted with a case requiring payment of compensation for a right-of-way reserved to the United States under State patent, we anticipate that several claims for such compensation will be made in connection with the construction of the Garrison diversion unit, Missouri River Basin project (79 Stat. 435), recently authorized by the Congress. Claims may, indeed, be made in connection with other work but not of the magnitude contemplated in connection with the Garrison unit construction.

We do feel that it might be desirable to amend the bill to make it clear that the only reservations which the United States would be expected to pay for would be reservations to the United States itself. Accordingly, we suggest that page 1, line 5, of the bill be amended by adding the words "to the United States" after "right-of-way".

Another problem has arisen in connection with this legislation. Under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), licensees of the United States may be permitted to utilize rights-of-way for canals or ditches reserved in patents under the 1890 act. The act of September 2, 1964, does not repeal the 1890 act but merely authorizes the Secretary of the Interior to pay an appropriate sum to the landowner irrespective of the right-of-way reservation. The Federal Power Commission has licensed a State project in California and has, under section 24 of the Federal Power Act, granted to the State the rights of the United States. In this situation the Solicitor of this Department has ruled that the State could utilize the reserved rights-of-way without payment. We wish to point out, however, that the State of California has not exercised this right. It should also be added that the 1964 amendment was restricted to payment for rights-of-way for canals and ditches constructed in connection with Federal reclamation projects. This California-Federal Power Commission situation transcends those limitations. The Congress may or may not wish to address itself to the problem. Since this Department's own requirements in this connection are clear, and since the situation principally involved non-Federal interests, we make no suggestion as to its resolution.

The Bureau of the Budget advises that, while there would be no objection to the presentation of this report to the committee, the Bureau's views on H.R. 9976 are set forth in its letter to the Senate committee on S. 2297, a companion bill.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 9, 1966.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of July 22, 1965, requesting the views of the Bureau of the Budget on S. 2297, to amend the act of September 2, 1964.

The 1964 act provided for the payment of compensation for private land utilized in connection with the reservation to the United States of reclamation canal rights-of-way under the act of August 30, 1890. S. 2297 would amend that act in two ways: (1) it provides that the Secretary of the Interior shall pay an affected landowner not only for utilization of rights-of-way reserved under the 1890 act, but also under "any State statute"; and (2) it provides that district courts shall have jurisdiction to determine "just compensation" in those instances in which the United States and the landowner cannot reach agreement on the value of the canal rights-of-way.

The 1964 act operated to waive the unquestioned legal right of the Federal Government to use without compensation the reserved rights-of-way for reclamation canals and ditches. This waiver was justified on equitable grounds that related specifically to the lands in question and the purposes and scope of the 1890 act.

Because of the same equitable considerations which underlay the 1964 act, it appears reasonable to authorize compensation for canal rights-of-way which have been reserved under State law. We assume, of course, that only reservations running to the Federal Government are intended to be covered and suggests that if there is any doubt on this score that this be made explicit in the bill. Nevertheless, it may be that the report of the Public Land Law Review Commission will have some bearing on the merits of paying compensation in this situation. In the absence of an immediate need for this authority, the committee may wish to defer action on section 1 until the Commission's report is available.

With respect to sections 2 and 3 of the bill, we are not aware of any change in circumstances which would justify revising the method established in the 1964 act for determining the compensation to be paid for canal rights-of-way. As previously noted, the Government waived, for equitable reasons, its undoubted legal right to use these rights-of-way without compensation. Accordingly, it appears fair and reasonable to us that the payments to be made should be the subject of final determination by the Secretary of the Interior.

In summary, we recommend against enactment of sections 2 and 3 of the bill and have no objection to section 1 although the committee may wish to defer action on it until the report of the Public Land Law Review Commission is available.

Sincerely yours,

Wilfred H. Rommel,
Acting Assistant Director for Legislative Reference.

U.S. Department of Justice, Office
of the Deputy Attorney General,
Washington, D.C. June 13, 1966.

Hon. Wayne N. Aspinall,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is in response to your request for the views of this Department concerning H.R. 9976, a bill to amend the act of September 2, 1964.

The act of August 30, 1890 (26 Stat. 371, 391; 43 U.S.C. 945), provides that all patents issued after August 30, 1890, for lands lying west of the 100th meridian shall contain a reservation for rights-of-way for ditches or canals constructed under the authority of the United States. The act of September 2, 1964 (78 Stat. 808), provides that notwithstanding the existence of any reservation of right-of-way for canals under the act of August 30, 1890, the Secretary shall pay just compensation, including severance damages to the owners of private lands utilized for ditches or canals in connection with any reclamation project, provided the construction of such ditches or canals commenced after January 1, 1961.

Under the bill, the above provisions relating to the payment of just compensation and severance damages with respect to any reservation of right-of-way for canals under the act of August 30, 1890, would be extended to include any reservation for canals or ditches under any State statute.

The bill also would amend existing law to confer jurisdiction of an action brought by the United States or a landowner for the determination of just compensation thereunder in the United States district court for the district in which any such land is situated. The procedure for all such actions would be governed by the Federal Rules of Civil Procedure for the condemnation of real and personal property.

The provisions of the bill would be applicable to any condemnation action pending in any district court on the date of enactment of the bill and to any such action instituted after that date.

Existing law provides that the Secretary of the Interior shall pay just compensation, including severance damages, to the owners of private lands utilized for ditches or canals in connection with certain reclamation projects. Since the amounts to be paid are gratuities it is our view that their determination administratively is appropriate. Accordingly, we are opposed to the provisions of sections 2 and 3 of the bill under which authority for the determination of the just compensation to be paid would be vested in the U.S. district court in the districts in which the land involved is situated.

As to section 1 of the bill we do not have sufficient information to know whether it might confer unwarranted windfalls on some property owners at the expense of the public. In these circumstances, we recommend referral of this aspect of the legislation to the Public Land Law Review Commission for determination.

The Bureau of the Budget has taken a similar position on this legislation as indicated in the following paragraph of their report of May 9, 1966, to the chairman of the Senate Committee on Interior and Insular Affairs on an identical bill S. 2297:

"In summary, we recommend against enactment of sections 2 and 3 of the bill and have no objection to section 1 although the committee may wish to defer action on it until the report of the Public Land Law Review Commission is available."

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

Ramsey Clark,
Deputy Attorney General.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 9976.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill H.R. 9976, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 2, 1964 (78 STAT. 808; 43 U.S.C. 945 (A))

[Notwithstanding the existence of any reservation of right-of-way for canals under the Act of August 30, 1890 (26 Stat. 371, 391; 43 U.S.C. 945), the Secretary of the Interior shall pay just compensation, including severance damages, to the owners of private land utilized for ditches or canals in connection with any reclamation project, or any unit or any division of a reclamation project, provided the construction of said ditches or canals commenced after January 1, 1961, and such compensation shall be paid notwithstanding the execution of any agreements or any judgments entered in any condemnation proceeding, prior to the effective date of this Act.] *Notwithstanding the existence of any reservation of right-of-way to the United States for canals under the Act of August 30, 1890 (26 Stat. 371, 391; 43 U.S.C. 945), or any State statute, the Secretary of the Interior shall pay just compensation, including severance damages to, the owners of private land utilized for ditches or canals in connection with any reclamation project, or any unit or any division of a reclamation project, provided the construction of said ditches or canals commenced after January 1, 1961, and such compensation shall be paid notwithstanding the execution of any agreements or any judgments entered in any condemnation proceeding, prior to the effective date of this Act.*

Sec. 2. Jurisdiction of an action brought by the United States or the landowner for the determination of just compensation pursuant to this Act is hereby conferred on the United States district court in the district in which any such land is situated, without limitation to the amount of compensation sought by such suit. The procedure for such an action shall be governed by the Federal Rules of Civil Procedure for the condemnation of real and personal property.

Sec. 3. The amendment made by this Act shall apply to any condemnation action pending in any district court of the United States on the date of enactment of this Act and to any such action instituted after that date.

The bill (H.R. 9976) was ordered to a third reading, read the third time, and passed.

FEASIBILITY AND DESIRABILITY OF A CONNECTICUT RIVER NATIONAL RECREATION AREA

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate the amendments of the House of Representatives to S. 3510.

The **PRESIDING OFFICER** laid before the Senate the amendments of the House of Representatives to the bill (S. 3510) to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area, in the States of Connecticut, Massachusetts, Vermont and New Hampshire, and for other purposes, which were, on page 2, line 22, after "riding," insert "boating," and on page 3, strike out lines 13, 14, and 15, and insert:

> Sec. 3. There is authorized to be appropriated $100,000 or such part of said sum as may be necessary to carry out the provisions of this Act.

Mr. BIBLE. Mr. President, the amendment of the House of Representatives simply changes the amount of money provided for the feasibility study for the Connecticut River National Recreation Area. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, since there was only a short period for the transaction of routine morning business today, that it be in order to lay before the Senate various communications and Presidential messages and to print in the Record various routine matters.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ENROLLED BILLS SIGNED

The **VICE PRESIDENT** announced that on today, September 21, 1966, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 3261. An act to authorize the Secretary of the Interior to convey certain lands in the State of Maine to the Mount Desert Island Regional School District;

S. 3421. An act to authorize the Secretary of Agriculture to convey certain lands and improvements thereon to the University of Alaska; and

H.R. 16330. An act to provide for extension of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, and for other purposes.

AMENDMENT OF CONVENTION WITH CANADA ON GREAT LAKES FISHERIES—REMOVAL OF INJUNCTION OF SECRECY

Mr. SPARKMAN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive T, 89th Congress, 2d session, the Canadian note and proposed reply, proposing amendments to the Convention on Great Lakes Fisheries, transmitted to the Senate today by the President of the United States, and that the notes amending the convention, together with the accompanying papers, be referred to the Committee on Foreign Relations, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to amendment of the Convention on Great Lakes Fisheries between the United States of America and Canada, signed at Washington September 10, 1954, I transmit herewith a note of April 5, 1966, from the Government of Canada and a proposed reply note from the Government of the United States, which notes would constitute the agreement amending the above-mentioned convention.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the proposed amendment.

Under the proposed amendment each contracting party will be entitled to have four Commissioners on the Great Lakes Fishery Commission, rather than three Commissioners, as at present. This change will make possible a broader geographical representation and is considered highly desirable from the standpoint of representation of U.S. fishing interests.

I recommend that the Senate give early and favorable consideration to the notes submitted herewith and give its advice and consent to the proposed amendment of the Convention on Great Lakes Fisheries.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 21, 1966.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 212. A bill to designate a navigation lock and flood control structure of the central and southern Florida flood control project in the State of Florida as the W. P. Franklin lock and control structure (Rept. No. 1628); and

S.J. Res. 76. Joint resolution to provide for the formulation, adoption, administration, and periodic updating of a long-range land use plan for the U.S. Capitol Grounds and contiguous related and influencing areas (Rept. No. 1627).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 3433. An act to provide for the conveyance of certain real property to the Commonwealth of Puerto Rico (Rept. No. 1630).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. TYDINGS, from the Committee on the Judiciary:

Frank A. Kaufman, of Maryland, to be U.S. district judge for the district of Maryland; and

Alexander Harvey II, of Maryland, to be U.S. district judge for the district of Maryland.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONG of Missouri:

S. 3844. A bill for the relief of Dr. Chung Chick Nahm; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 3845. A bill to make a certain land donation and certain site clearance work by the city of Hartford, Conn., eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; and

S. 3846. A bill to make certain non-cash grants-in-aid by the city of Hartford, eligible as local credits for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

(See the remarks of Mr. RIBICOFF when he introduced the above bills, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S. 3847. A bill to authorize certain officers of the Department of State and the Foreign Service to administer oaths in the performance of their official duties; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. MONRONEY:

S. 3848. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; placed on the calendar.

(See the remarks of Mr. MONRONEY when he reported the above bill, which appears under a separate heading.)

By Mr. GRUENING:

S. 3849. A bill for the relief of Bertha Delia; to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 3850. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide that a fully insured individual may elect to have any employment or self-employment performed by him after attaining age 65 excluded (for both tax and benefit purposes) from coverage under the Old-Age, Survivors, and Disability Insurance System;

S. 3851. A bill to amend title II of the Social Security Act to increase to $3,000 per year the amount of earnings recipients of monthly benefits under such title may receive without suffering deductions in such benefits on account of earnings;

S. 3852. A bill to amend title II of the Social Security Act to permit certain disabled widows to become entitled to widow's insurance benefits thereunder prior to attainment of age 62; and

S. 3853. A bill to amend title II of the Social Security Act to increase widows' benefits thereunder; to the Committee on Finance.

By Mr. TYDINGS (for himself, Mr. ALLOTT, Mr. BARTLETT, Mr. BREWSTER, Mr. CLARK, Mr. COOPER, Mr. DOUGLAS, Mr. FULBRIGHT, Mr. GRUENING, Mr. HART, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MORSE, Mr. MUSKIE, Mr. NELSON. Mrs. NEUBERGER, Mr. PASTORE, Mr. RIBICOFF, Mr. SALTONSTALL, and Mr. WILLIAMS of New Jersey):

S.J. Res. 194. Joint resolution to authorize the President to designate October 31 of each year as National UNICEF Day; considered and passed.

(See the remarks of Mr. TYDINGS when he introduced the above joint resolution, which appear under a separate heading.)

ELIGIBILITY OF CERTAIN GRANTS-IN-AID BY CITY OF HARTFORD, CONN., ELIGIBLE AS LOCAL CREDITS UNDER TITLE I OF HOUSING ACT OF 1949

Mr. RIBICOFF. Mr. President, I introduce for appropriate reference two bills to make certain grants-in-aid by the city of Hartford eligible as local credits for purposes of title I of the Housing Act of 1949.

The city of Hartford is currently engaged in an extensive urban renewal program. It is an excellent program designed to help in the great task of modernizing and updating one of our major metropolitan centers. Extensive progress has already been made and the city has been moving forward as fast as good planning and available resources would allow.

The current shortage of Federal grant money available for urban renewal has created a new problem, however. The city, in moving forward, has already donated certain sites to projects not yet approved by the Federal Government. For example, the city has already donated the site of the present municipal yard and garage, a property of 7.5 acres. A new facility is almost completed and the present site will be vacated this summer. The proposed use of the site is for relocation housing, urgently needed to provide as much housing as possible in advance of renewal projects which are included in the first phase of the Hartford community renewal program.

Federal urban renewal regulations, however, require that there be an approved survey and planning application for a renewal project before the land donation for site clearance work can be credited to a city's share of a project. Because of the present shortage of Federal funds, the projects themselves may not be approved within the time limit required to qualify the city's donation. A similar problem exists with the time schedule with regard to the school building program. The bills I have introduced today would simply insure that the city of Hartford be allowed credit for its donations, to the extent otherwise eligible, notwithstanding the date of these donations.

I ask unanimous consent that the text of the two bills and an explanatory letter from Mr. Elisha C. Freedman, city manager of Hartford be printed in the RECORD at this point.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills and letter will be printed in the RECORD.

The bills, introduced by Mr. RIBICOFF, were received, read twice by their titles, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3845

A bill to make a certain land donation and certain site clearance work by the city of Hartford, Connecticut, eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That notwithstanding the date of the making of a land donation to the Charter Oak-South Green renewal project in Hartford, Connecticut, for relocation housing purposes and the commencement of site clearance work in the same renewal project for relocation housing purposes, the fair market value of the land donation and the expenses incurred by the city of Hartford in site clearance shall to the extent otherwise eligible both be counted as grants-in-aid toward such project.

S. 3846

A bill to make certain noncash grants-in-aid by the city of Hartford, eligible as local credits for purposes of title I of the Housing Act of 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the dates of the provision of certain noncash grants-in-aid by the city of Hartford to the renewal projects included in the approved community renewal program for the city of Hartford, said noncash grants-in-aid shall, to the extent otherwise eligible, be counted as city credits to the appropriate renewal projects carried out as part of the approved community renewal program in Hartford, Connecticut.

The letter, presented by Mr. Ribicoff, is as follows:

City of Hartford,
Hartford, Conn., August 24, 1966.

Senator Abraham A. Ribicoff,
Senate Office Building,
Washington, D.C.

Dear Senator Ribicoff: At the direction of our Court of Common Council and on behalf of the City of Hartford we respectfully request that you introduce the attached bills which have the following background:

1. DONATION OF CITY YARD

This property consists of 7.5 acres and is the site of the present Municipal Yard and Garage. A new facility which is to replace the old one is almost completed in the North Meadows of the city and the present city facility can be vacated late this summer. The proposed use of the site to be cleared is for relocation housing which is vitally needed in order to provide as much housing as possible, in advance of renewal projects which are included in the First Phase of our Community Renewal Program.

Federal Urban Renewal Regulations require that there be an approved survey and planning application for a renewal project before the land donation for site clearance work can be credited to the city's share of a project. We have filed four project applications and one of them includes the Municipal Yard. We have been advised, however, by the Regional Director of Urban Renewal that he will consider recommending only two small projects in view of the shortage of Federal grant money available for urban renewal. This makes the protection of the City Yard Donation even more imperative.

The introduction and passage of the attached Bills would protect the city's land donation and value of the site clearance work which will probably total approximately $400,000.

2. PROTECTION OF CREDITS FOR RENEWAL PROJECTS IN APPROVED COMMUNITY RENEWAL PROGRAM

As previously noted, the acute shortage of Federal Renewal Funds at this time may not allow the city to carry out the Community Renewal Program in conjunction with the time schedule established by the City for its school building program. If the Community Renewal Program and the School Building Program do not mesh as to timing, it is very possible that the City will lose valuable credits in the form of non-cash grants-in-aid in various Renewal Project areas.

The attached Bill would insure that grants-in-aid provided by the City of Hartford would be protected as local credits.

Please be assured that except for timing requirements of the Urban Renewal Regulations, both the City Yard Donation with the necessary site clearance work and the non-cash grants-in-aid as contemplated under the more general Bill are eligible city contributions.

Sincerely yours,
Elisha C. Freedman,
City Manager.

AUTHORITY TO ADMINISTER OATHS

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to authorize certain officers of the Department of State and the Foreign Service to administer oaths in the performance of their official duties.

The proposed legislation has been requested by the Under Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the Record at this point, together with the letter from the Under Secretary of State to the Vice President, dated August 12, 1966, in regard to it.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 3847) to authorize certain officers of the Department of State and the Foreign Service to administer oaths in the performance of their official duties, introduced by Mr. Fulbright, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S. 3847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That security officers and such other officers and employees of the Department of State and the Foreign Service as are designated in writing by the Secretary of State for that purpose may, in connection with the performance of their official duties, administer to or take from any person an oath, affirmation, affidavit, or deposition. Any such oath, affirmation, affidavit, or deposition administered or taken by or before such officer or employee, when certified under his hand and authenticated by the Seal of the Department of State may be offered or used in any court of the United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the identity or authority of such officer or employee.

The letter, presented to Mr. Fulbright, is as follows:

Department of State,
Washington, August 12, 1966.

Hon. Hubert H. Humphrey,
President of the Senate.

Dear Mr. Vice President: Enclosed is a draft of a proposed bill to authorize certain officers of the Department of State and the Foreign Service to administer oaths or affirmations in the performance of their official duties.

This authority is requested in order that persons submitting false statements to the Department of State, in connection with certain investigations and special inquiries, by means of affidavits or depositions given before designated officers or employees of the Department, will be more clearly subject to prosecution for perjury. Should the proposed bill be passed, an oath or affirmation given pursuant thereto would qualify as an oath or affirmation within the meaning of the perjury statute, 18 USC 1621.

The statute (5 USC 93) under which such statements are presently taken has been closely examined by the Department. This statute does not appear to cover all situations in which it is desired to have the declarations or affirmations, made to or before a designated officer, carry the judicial credence germane to affidavits and depositions under oath.

There are basically two types of investigations in which the requested authority will be used: (1) cases involving violations of passport, visa, and munition laws or regulations, and (2) cases where derogatory allegations of a security nature have been made or reported concerning employees of, or applicants for employment by, the Department or the Foreign Service. The Department, therefore, recommends that all such situations be covered by additional legislation.

There is, of course, no need that all witnesses contacted in the course of an investigation be questioned under oath. It should also be noted that the authority to administer oaths is not an authority to require that a statement be given under oath. It is believed, however, that if security officers or designated employees of the Department conducting an investigation or special inquiry were in a position to request witnesses to make the statement under oath, fictitious claims and irresponsible allegations would be discouraged as the consequences of perjury became apparent.

There are several precedents for the proposed bill in similar authority available to other Federal departments and agencies with comparable investigative functions. The proposed bill provides for the specific designation of those officers and employees who are to have the authority to administer oaths or affirmations. This has been specified in order to restrict the authority to persons performing functions in which the giving of such oaths or affirmations has been found necessary in the past.

The Bureau of the Budget advises that, from the standpoint of the Administration's Program, there is no objection to the submission of this report.

Sincerely yours,
George Ball.

AMENDMENT OF ACT AUTHORIZING ASSOCIATION OF PRODUCERS OF AGRICULTURAL PRODUCTS—AMENDMENT

AMENDMENT NO. 933

Mr. AIKEN submitted amendments (No. 933) intended to be proposed by him, to the bill (S. 109) to amend the act authorizing association of producers of agricultural products, approved February 18, 1922, which were referred to the Committee on Agriculture and Forestry, and ordered to be printed.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTION

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at the next printing of S. 3725, the National Court Assistance Act, the name of the Senator from Alaska [Mr. GRUENING] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that the names of the distinguished Senator from the State of Pennsylvania [Mr. CLARK], the distinguished Senator from the State of New Jersey [Mr. WILLIAMS], and the distinguished Senator from New York [Mr. KENNEDY] be added as cosponsors of S. 3769, the Clean Lakes Act of 1966, at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I ask unanimous consent that at the next printing of S. 3798, a bill to study coastal erosion, the names of Senators JAVITS, MCCARTHY, MORSE, RIBICOFF, CLARK, WILLIAMS of New Jersey, MUSKIE, and PELL be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at the next printing of Senate Resolution 294, a resolution to create a new Select Committee on Urban Transportation, the name of the Senator from Alaska [Mr. GRUENING] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF BILL

Under authority of the order of the Senate of September 9, 1966, the name of Mr. LONG of Missouri was added as an additional cosponsor of the bill (S. 3815) to provide for the temporary transfer to a single district for coordinated or consolidated pretrial proceedings of civil actions pending in different districts which involve one or more common questions of fact, and for other purposes, introduced by Mr. TYDINGS on September 9, 1966.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

John P. Hyland, of California, to be U.S. attorney, eastern district of California, term of 4 years, to fill a new position to become effective September 18, 1966, created by Public Law 89–372, approved March 18, 1966.

Wayne B. Colburn, of California, to be U.S. marshal, southern district of California, term of 4 years, to fill a new position to become effective September 18, 1966, created by Public Law 89–372, approved March 18, 1966.

On behalf of the Committee of the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, September 28, 1966, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON NOMINATIONS OF BYRON G. SKELTON, OF TEXAS, TO BE AN ASSOCIATE JUDGE, U.S. COURT OF CLAIMS, AND JAMES A. VON DER HEYDT, OF ALASKA, TO BE U.S. DISTRICT JUDGE, DISTRICT OF ALASKA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Thursday, September 29, 1966, at 10:30 a.m., in room 2300 New Senate Office Building, on the following nominations:

Byron G. Skelton, of Texas, to be an associate judge, U.S. Court of Claims, to fill a new position created by Public Law 89–425, approved May 11, 1966.

James A. Von der Heydt, of Alaska, to be U.S. district judge, district of Alaska, vice Walter H. Hodge, retiring.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE OF RECEIPT OF NOMINATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of Nicholas deB. Katzenbach, of Illinois, to be Under Secretary of State; Foy D. Kohler, of Ohio, a Foreign Service officer of the class of career ambassador, to be a Deputy Under Secretary of State; and Eugene Victor Rostow, of Connectitcut, to be Under Secretary of State for Political Affairs.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate. But I wish to say that of course we will facilitate the hearings and action on these appointments at a very early date.

ANNOUNCEMENT OF HEARINGS BY SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION OF THE COMMITTEE ON AGRICULTURE AND FORESTRY ON AMENDMENT TO S. 109 ON WEDNESDAY, SEPTEMBER 28

Mr. JORDAN of North Carolina. Mr. President, the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry held hearings on June 14, 15, and 16 on S. 109, a bill to amend the act authorizing association of producers of agricultural products, approved February 18, 1922.

Since these hearings were held, a number of the witnesses who appeared at the hearings have worked with the Senator from Vermont [Mr. AIKEN] in the development of an amendment in the nature of a substitute to S. 109, and I understand that the Senator from Vermont has sent the proposed substitute to the desk to be printed. I would like to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry will hold hearings on the proposed amendment on Wednesday, September 28, at 10 a.m., in room 324 of the Old Senate Office Building. For the information of those who may wish to testify on the proposed amendment, I ask unanimous consent that the proposed amendment and an explanation of it prepared by the committee staff be printed at this point in the RECORD.

There being no objection, the amendment and explanation were ordered to be printed in the RECORD, as follows:

AMENDMENTS TO S. 109 PROPOSED BY CERTAIN OF THE WITNESSES WHO TESTIFIED AT THE HEARING ON S. 109 HELD ON JUNE 14, 15, AND 16

Strike out all after the enacting clause and insert the following: "That this Act shall be known as the Agricultural Producers Marketing Act of 1966.

"LEGISLATIVE FINDINGS AND DECLARATION OF POLICY

"SEC. 2. Agricultural products are produced in the United States by many individual farmers and ranchers scattered throughout the various States of the Nation. Such products in fresh or processed form move in large part in the channels of interstate and foreign commerce, and such products which do not move in these channels directly burden or affect interstate commerce. The efficient production and marketing of agricultural products by farmers and ranchers is of vital concern to their welfare and to the general economy of the Nation. Because agricultural products are produced by numerous individual farmers, the marketing and bargaining positions of individual farmers will be adversely affected unless they are free to band together in cooperative organizations as authorized by law. Interference with this right is contrary to the public interest and adversely affects the free and orderly flow of goods in interstate and foreign commerce.

"It is, therefore, declared to be the policy of Congress and the purpose of this Act to establish standards of fair practices required of handlers in their dealings with producers of agricultural products and their cooperative associations.

"SEC. 3. When used in this Act—

"(a) The term 'handler' means any person, other than an association of producers, engaged in the business or practice of (1) acquiring agricultural products from producers or associations of producers for processing or sale; (2) grading, packaging, handling, storing, or processing agricultural products received from producers or associations of producers; (3) contracting of negotiating contracts or other arrangements, written or oral, with producers or associations of producers with respect to the production or marketing of any agricultural product; or (4) acting as an agent or broker for a handler in the performance of any function or act specified in clauses (1), (2), or (3) of this paragraph.

"(b) The term 'producer' means a farmer, rancher, or any other person who produces raw agricultural products.

"(c) The term 'association of producers' means any farmer-owned and controlled cooperative marketing, bargaining, shipping, or processing organization as defined in section 15(a) of the Agricultural Marketing Act of 1929, as amended (49 Stat. 317, 12 U.S.C. 1141j(a)) or in section 1 of the Act entitled 'An Act to authorize association of producers of agricultural products', approved February 18, 1922 (42 Stat. 388; 7 U.S.C. 291).

"(d) The term 'person' includes individuals, partnerships, corporations, and associations.

"Sec. 4. It shall be unlawful for any handler knowingly to engage or permit any employee or agent to engage in the following practices:

"(a) To interfere with or restrain, or threaten to interfere with or restrain, by boycott, coercion or any unfair or deceptive act or practice, any producer in the exercise of his rights to join and belong to an association of producers; or

"(b) To discriminate or threaten to discriminate against any producer with respect to price, quantity, quality, or other terms of purchase of agricultural commodities because of his membership in or contract with an association of producers; or

"(c) to coerce or intimidate any producer or other person to breach, cancel, or otherwise terminate a membership agreement or marketing contract with an association of producers; or

"(d) To pay or loan money, give any thing of value in excess of the true market value of any agricultural commodity which is being purchased, or offer any other inducement or reward to a producer for refusing to or ceasing to belong to an association of producers; or

"(e) To make false reports about the finances, management, or activities of associations of producers or interfere by any unfair or deceptive act or practice with the efforts of such associations in carrying out the legitimate objects thereof; or

"(f) To conspire, combine, agree, or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by this Act.

"Sec. 5. (a) Whenever any handler has engaged or there are reasonable grounds to believe that any handler is about to engage in any act or practice prohibited by section 4, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved. In any action commenced pursuant hereto, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

"(b) Whenever the Secretary of Agriculture has reasonable cause to believe that any handler or group of handlers has engaged in any act or practice prohibited by section 4, he may bring civil action in the appropriate district court of the United States by filing with it a complaint (1) setting forth facts pertaining to such pattern or practice, and (2) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the handler, or handlers, responsible for such acts or practices.

"(c) Any person injured in his business or property by reason of any violation of, or combination or conspiracy to violate, any provision of section 4 of this Act may sue therefore in the district court of the United States for the district in which defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages sustained, and the cost of the suit, including a reasonable attorney's fee.

"(d) Any person who violates, or combines or conspires with any other person to violate, any provision of section 4 of this Act is guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or imprisonment not exceeding one year, or both, in the discretion of the court.

"(e) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

"(f) The foregoing provisions shall not be construed to deprive the proper State courts of jurisdiction in actions for damages thereunder.

"Sec. 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby."

Amend the title so as to read: "A bill to control unfair trade practices affecting producers of agricultural products and associations of such producers, and for other purposes".

Staff Explanation of An Amendment to S. 109 Which Has Been Proposed by Certain of the Witnesses Who Testified at the Hearing on S. 109 Held on June 14, 15, and 16.

I—DIFFERENCES

The attached substitute for the original text of S. 109 differs from the original text in that—

1. It stands on its own base, rather than amending the Capper-Volstead Act.

2. Its prohibitions are directed against "handlers" as defined in section 3 (a), rather than against "processors", "handlers", "distributors", "dealers" or "agents", which are not defined. The principal difference is that cooperative associations of producers are not included in the definition of "handler" as used in the substitute, while they would be subject to the prohibitions of the original text. In all other respects the definition of "handler" in the substitute includes all persons subject to the prohibitions of the original text, and is broader in that it includes, in addition, persons doing only intrastate business, persons purchasing only from cooperative associations, brokers as well as agents, and persons who do not purchase agricultural commodities but who perform certain other operations with respect to their processing, production, or marketing.

3. The substitute provides additional means of enforcement through injunction proceedings instituted by the aggrieved party or the Secretary of Agriculture, and provides that the district courts shall have jurisdiction without regard to whether the aggrieved party has exhausted administrative remedies.

4. The substitute includes legislative findings with respect to interstate commerce, defines terms, clarifies the offenses covered by it, includes threatened as well as actual interference or discrimination, and omits section 5 of the original text (which disclaimed any prohibition against affiliation of cooperative associations).

II—SHORT EXPLANATION

As amended by the substitute, the bill would prohibit handlers of agricultural products from performing specified acts injurious to producer cooperatives (i.e. interference with producers joining or continuing as members, discrimination against members, and false reports about the cooperatives or interference with their operations). Violations would constitute misdemeanors punishable by fine and imprisonment, and subject violators to civil suits for treble damages. Injunctive relief on petition of the aggrieved party or the Secretary of Agriculture is also provided for.

III—SECTION BY SECTION EXPLANATION

The first section provides a short title, the "Agricultural Producers Marketing Act of 1966".

Section 2 contains a legislative finding that interference with the rights of farmers to organize in cooperatives adversely affects interstate and foreign commerce.

Section 3 defines "handler", "producer", "association of producers", and "person". The term "handler" does not include associations of producers, but in general covers all other persons engaged in receiving agricultural commodities from farmers or associations of farmers as principals, agents, or brokers. The term "association of producers" means any farmer cooperative covered by the Capper-Volstead Act or the Agricultural Marketing Act of 1929.

Section 4 prohibits any handler from—

(a) interfering, or threatening to interfere, with a producer joining a cooperative,

(b) discriminating, or threatening to discriminate, against a producer because of his membership in a cooperative,

(c) coercing a producer to terminate such membership,

(d) inducing a producer not to become or remain a member of a cooperative,

(e) making false reports about, or interfering with, cooperatives,

(f) conspiring with any other person to do, or aid the doing of, any such act.

Section 4 further prohibits a handler from permitting his agent or employee to do any of the foregoing.

Section 5 provides for enforcement through—

(a) injunction upon application of the aggrieved person,

(b) injunction upon application of the Secretary of Agriculture,

(c) suit for treble damages by any injured person,

(d) fine not exceeding $1,000 or imprisonment not exceeding one year, or both.

The district courts are given jurisdiction and directed to exercise it without regard to whether all administrative remedies have been exhausted.

Section 6 provides that the holding of any provision to be invalid shall not affect the validity of the remaining provisions.

HIGHLY IRREGULAR USE OF POST OFFICE DEPARTMENT EMPLOYEE

Mr. WILLIAMS of Delaware. Mr. President, in today's issue of the Des Moines Register there appears an article by Clark Mollenhoff calling our attention to the highly irregular procedure whereby the Post Office Department has "loaned" a $9,000 employee of that Department to a Member of Congress for the obvious purpose of assisting him in his political campaign.

There is a law prohibiting political activities of civil service employees, and the Postmaster General should be well aware of the penalty provisions provided thereunder.

I make no charge against the employee, who apparently was only following orders; but the Attorney General should take notice of this violation, and the official in the Department who is responsible should be held accountable.

This unusual and highly irregular procedure cannot be allowed to go unchallenged.

I ask unanimous consent that both the article by Mr. Mollenhoff, appearing in today's Des Moines Register, and the article by Julian Morrison, appearing in today's issue of the Washington Daily News, outlining the details of this transaction be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Post Office Sends an Employee To Help Out Representative Morrison—in Trouble in Reelection Campaign

(By Julian Morrison)

The Post Office Department is providing a $9000-a-year secretary to help out Democratic congressman James H. Morrison of Louisiana, an Administration stalwart, at a time when he is embroiled in the political fight of his life.

The secretary, Mrs. June Lyle, is ostensibly on "loan" to Rep. Morrison's Postal Rates sub-committee, but is actually working in his own Rayburn Building office.

VET

Rep. Morrison, a 24-year congressional veteran, is in deep trouble in his bid for renomination because of his record of support of Johnson Administration spending and civil rights programs.

A runoff primary election between him and former county judge John R. Rarick will take place on Saturday.

Rep. Morrison is widely known as the Congressional champion of Government workers, especially Post Office employes.

If he is re-elected, he will become chairman of the full House Post Office and Civil Service Committee next January.

The "loan" of Mrs. Lyle was arranged about 12 days ago in a phone conversation between Charles Johnson, a Committee staff member, and Assistant Postmaster General William McMillan.

ANSWER

Mr. McMillan said yesterday that Mr. Johnson asked for her services for "possibly two weeks" and that Mrs. Lyle reported to Capitol Hill a week ago last Monday.

Mr. Johnson said Mrs. Lyle was working "with two professional staff members of the Postal Rates sub-committee" in its office in Room 2451 of the Rayburn Building.

Actually, she has been seen working a floor below in Rep. Morrison's personal office where "everyone in the office is working on the campaign," according to Mrs. Cooley.

After conferring privately on reporters' requests for information on the "loan" of Mrs. Lyle, Mr. McMillan and Post Office Public Information Officer Ira Kapenstein said she was "loaned on a reimbursable basis."

Mr. McMillan admitted that the Department has no written records to substantiate his arrangement. He said Rep. Morrison's Committee would simply be billed for her services "after she comes back down here."

Mrs. Cooley cited an example of why Rep. Morrison is unable to call on open Administration help in his campaign.

She said Vice President Hubert H. Humphrey "unwittingly" hurt Rep. Morrison's chances in a recent speech in Louisiana during which he made some impromptu remarks on racial rioting.

"We know Mr. Humphrey didn't intend to hurt Mr. Morrison," she said, "but his speech was awful. He said something about leading riots and it was just the wrong thing."

NO HELP

(She was apparently referring to a July 18 speech in New Orleans when Mr. Humphrey said if he'd had to live in a ghetto with rats nibbling on his children's toes, he might "lead a mighty good revolt" himself.)

Less than two weeks after the Humphrey speech, Rep. Morrison took his election campaign to a Miami Beach, Fla., convention of the American Federation of Government Employes, where he told delegates that "Victory, this time, is spelled on m-o-n-e-y!"

His office said yesterday the congressman was simply "joking", but AFGE president John Griner had told the convention at the time that collection boxes had been placed outside the hall and that "anybody who wants to donate, can."

"This is purely voluntary," he told the delegates, but "you know where it's going."

[From the Des Moines Register, Sept. 21, 1966]

(By Clark R. Mollenhoff)

Washington, D.C.—The Post Office Department has "loaned" a $9,000-a-year secretary to Democratic Congressman James Morrison at a time he is engaged in a heated runoff political campaign in Louisiana.

Charles Johnson, staff director of the House Post Office and Civil Service Committee, confirmed that he made the arrangements to borrow the secretary, Mrs. June Lyle from the Office of Assistant Postmaster General William McMillan.

McMillan took full responsibility for the arrangement from the Post Office, and said that as far as he knew Postmaster General Lawrence O'Brien "doesn't know a thing about it."

Johnson said Tuesday that Mrs. Lyle was borrowed on a "sort of a quid pro quo arrangement" the committee has with the Post Office Department.

"We like to scratch each others backs," Johnson said. "We are helpful to these agencies from time to time, and they help us out when we're in a press."

Mrs. Lyle was reported by Johnson to be assigned to work for a House Post Office and Civil Service Subcommittee. Actually she has been at work last week and this week in Morrison's congressional office in the Rayburn Office Building.

The "press" of business that necessitated the request for a Post Office secretary in this instance was the press of the bitter runoff campaign for the Democratic nomination for Sixth District Congressman in Louisiana.

Morrison, the ranking member of the House Post Office and Civil Service Committee, is the heir apparent to the chairmanship of the committee. He is in serious political difficulty because of his support of the Johnson administration on a broad range of subjects including spending programs and civil rights.

Although a veteran of 24 years in the House, Morrison failed to poll 51 percent of the votes cast in the five-man Democratic primary in August and is now in a two-man runoff against John R. Rarick, a former county judge.

The race has included charges by Morrison that Rarick is a member of the Ku Klux Klan, a charge that Rarick denies. Rarick has filed a $500,000 damage suit against Morrison in connection with the charges.

Rarick charges that Morrison is a rubber stamp for the Johnson administration on civil rights and other programs. While the spending of the Johnson administration is reported to be an issue, it is the civil rights issue that is most heated.

Mrs. Florence Cooley, an administrative aide to Morrison, explained the "frantic" race that has "everyone in the office working on the campaign."

She explained that "the Johnson administration is so hated that a lot of the voters would rather support the Klan."

Mrs. Cooley said that Morrison has "a wonderful relationship" with the Johnson administration, but that it is impossible for President Johnson, Vice President Hubert H. Humphrey or other high administration figures to give him any support in the open."

Humphrey "unwittingly" had done much damage to Morrison with a speech in July, Mrs. Cooley said. She said that Humphrey had tried to help Morrison with a speech in Louisiana, but that "it was one of the worst speeches ever."

"We know Mr. Humphrey didn't intend to hurt Mr. Morrison, but his speech was awful," Mrs. Cooley said. "He said something about leading riots and it was just the wrong thing."

She referred to the speech Humphrey gave on July 18, 1966, in New Orleans in which he said that if he had lived in a ghetto with rats nibbling on his children's clothes, he "might lead a mighty good revolt" himself. That speech has come in for widespread criticism from Republicans, as well as conservative Southern Democrats.

Mrs. Cooley said that Morrison had not expected a close race in the primary in which there were five candidates, but his opponents had put a James E. Morrison in the race "to confuse the voters." The James E. Morrison, a Baton Rouge grocer, polled 6,681 votes which Mrs. Cooley said was enough to block Morrison from polling the necessary 51 percent in the primary.

"Mr. Morrison didn't even know he (Humphrey) was coming down there, and he said later he would have been better off if he'd never come down here," Mrs. Cooley said.

The labor organizations are solidly behind Morrison, Mrs. Cooley said, "especially those letter carrier groups." She said the postal workers and other Government employees who favor Morrison "can't do anything because of the Hatch Act" which forbids active political campaigning by career Government employees.

Ira Kapenstein, the Post Office Department public relations officer, said he did not know the policy or the law relative to loaning employees to work for a Congressman during a campaign.

McMillan said that he did not know that Mrs. Lyle was going to work in Morrison's office. He said he received a call from Johnson who told him there was "a heavy work load" and that the House committee needed an experienced secretary for one or two weeks.

McMillan said he had assumed that Mrs. Lyle was working in a committee office.

"I run the Operations Division of the Post Office," McMillan said. "I can't spend all my time running around to find out where these people are."

Kapenstein said he believed that McMillan "had a right to rely on statements from Johnson that she was working for the House committee."

McMillan said that the loaning of Mrs. Lyle was done with the understanding that the House Committee would "reimburse" the Post Office Department for the time she worked at the Capitol.

Under questioning, McMillan said there was no written record made of the arrangements with Johnson for the "loan" of the services of Mrs. Lyle or the "reimbursement."

"It was just a telephone conversation," McMillan said. "When Mrs. Lyle came back, the Post Office Department would simply bill the committee for that part of her salary."

He said he saw nothing wrong with the Post Office Department loaning an employee to the House Committee or to a Congressman. He said he was "not familiar with the Hatch Act" and could not say if it was proper or improper for a career Post Office employee to engage in work that helped Morrison in a political campaign.

"I would defer to Mr. Kapenstein on that," McMillan said.

In answer to a question, Kapenstein said, "It would be improper for a Post Office employee to engage in political work." He said that the Post Office Department will investigate to determine if Mrs. Lyle was doing political work or was merely engaged in work that relieved others in Morrison's office so they could engage in political work.

Representative H. R. Gross (Rep., Ia.) declared that in his view it would be improper for the executive branch to loan secretaries to the Congress for any purpose where it would "directly or indirectly represent a political assistance."

"The law was designed to prevent this type of thing, and it makes no difference whether the individual employee was involved directly or indirectly in the campaign activities," Gross said. "If we would excuse such activity where the employee is said to replace another employee who has gone off campaigning, then we would be providing a big loophole for the worst abuses possible."

Gross said such a loophole would make it possible to use all of the secretaries "a manpower pool for pure political maneuvering."

He said that the Post Office action in loaning secretaries to Congress during an election campaign "is an arrogant disregard for the intent of the Hatch Act."

CARRIAGE OF MILITARY CARGOES BY U.S.-FLAG VESSELS AT REDUCED RATES

Mr. PROXMIRE. Mr. President I will fight long and hard to defeat a bill recently reported to the floor of the Senate which "would cost the taxpayer well over $1 billion in excess shipping charges and badly hurt Great Lakes shipping."

I refer to S. 3297, which is No. 1485 on the calendar, a bill which would stifle Department of Defense attempts to introduce competition among American ocean shippers for military cargo.

This August the Department of Defense at long last began to require competitive bidding on military cargos. This was a dramatic shift from DOD's previous policy of negotiating shipping rates with conferences representing American-flag shippers.

Mr. President, in this respect the distinguished senior Senator from Illinois [Mr. Douglas] had a great deal to do with persuading the Department of Defense to adopt this economic policy.

The conference-negotiated rate was always based upon the maximum the traffic could bear. Furthermore, it had to be high enough to make money for even the most inefficient shipper belonging to the conference.

Conference rates have traditionally discriminated against the Great Lakes ports. The shipping conferences are dominated by east and west coast shippers who make sure that the lakes will get no business by maintaining artificially high rates for lake ports, thus precluding their use by DOD.

DOD annually spends $400 million on this commercial sealift. By putting it on a strictly competitive basis, DOD will be saving the taxpayer tens of millions of dollars a year. Great Lakes shippers will be able to bid competitively for a substantial share of these military cargo shipments.

ALL-ASIA CONFERENCE FIRST PROPOSED BY SENATOR MILLER

Mr. DIRKSEN. Mr. President, an important account of Senator Jack Miller's contribution to everyone's thinking about the war in Vietnam was published last week in the Senate Republican memo, which is sent to Senators on our side of the aisle by the staff of the Senate Republican policy committee. The weekly memo is a compilation of facts on affairs of Government. This particular account deals with the All-Asian Conference which the junior Senator from Iowa originally conceived.

I ask unanimous consent that the account be printed at this point in the Record.

There being no objection, the account was ordered to be printed in the Record, as follows:

Senator Miller Recorded as First To Suggest All-Asia Viet Meeting

It was Republican Senator Jack Miller of Iowa who first suggested, on the record, the idea of a possible all-Asian conference which might lead to settlement of the Viet Nam war. His suggestion (Congressional Record, Feb. 25, 1966, p. 4111, 3d column), came in the course of a wide-ranging address to the Senate on the background, legality, and buildup of the war in Southeast Asia.

Senator Miller also pointed out at the time that if the Asian nations could join together in an all-Asian Development Bank for economic development in that area of the world, "they ought to be able to join together to seek peace in their area."

Senator Miller pointed out in his address the present Viet Nam mess could well have developed the way it did because of the temporizing of the Administration with the glaring violations by Hanoi of the Geneva agreement on Laos. The United States pulled out its troops but several thousand Red troops remained. It was not until February 1965, Senator Miller said, that it was made clear to North Viet Nam there would be no privileged sanctuary above the 17th Parallel.

CHET HUNTLEY ANALYZES U THANT'S STATEMENT

Mr. BYRD of West Virginia. Mr. President, much has been heard in recent days about the statement made by United Nations Secretary General U Thant.

References were made to the war in South Vietnam which have been interpreted in many different ways. I believe one of the most interesting analysis of Mr. Thant's statement was made Tuesday, September 20, 1966, by the nationally known radio and television commentator, Mr. Chet Huntley, in a program broadcast by the National Broadcasting Co.

Because it gives a clear commonsense analysis of the statement, I ask unanimous consent to have the statement placed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Chet Huntley Analyzes U Thant's Statement

Considerable attention is being given today to the report of U.N. Secretary General Thant to the General Assembly, which is to convene tomorrow. This is another typical Thant statement, vague and wanting in precision. If this is his official swan song to the international organization, the Secretary General might have done better than placing into the record another round of platitudes. This report is another one which can be interpreted in almost any way the reader chooses.

U Thant's report to the United Nations today contained some comments on the war in Viet Nam. He deplored what he called the tendency to regard the struggle as a Holy War of differing ideologies. He said that it cannot or should not be resolved by power politics but rather by patience and with consideration for the people of South and North Viet Nam. The New Times, both on the front page and on its editorial page, interprets U Thant's remarks on Viet Nam as a stern rebuke for the United States. This may not be surprising in that the Times' editorial stance in respect to Viet Nam has frequently been as nebulous as many of Thant's remarks. The Times appears to urge that the United States stay on in South Viet Nam but that it refrain from employing any more men or weapons.

Is the American presence in Viet Nam one in behalf of a Holy War of different ideologies? In other words, are we in Viet Nam only to stop communism? It does seem that it might be reasonably and forcably argued that, that does not define our policy or that it is a gross over-simplification.

We are certainly in Viet Nam to try to get communism to stop realizing its objective by force. The fact that the United States has made every conceivable offer to negotiate would seem to demonstrate that we have no illusions about wiping out communism in Southeast Asia. If we are engaged in an ideological war, something must surely be said about the ideology of the right of self determination. We have had demonstrations and proof over and over again that there are people in Viet Nam who choose to resist the communist reach for the southern part of the country by using force. And American ideology to wipe out communism in Southeast Asia or anywhere else would be unwise and unworkable, if the ideology of the self determination of people in such ill repute that it deserves to be discarded. And what about the widely advertised communist ideology. Does it somehow deserve to write the order for the world?

In short, U Thant has not done a great service to the world by calling this a Holy War of differing ideologists. Precisely, whose ideology is so repulsive or which one is to yield when communist ideology confronts the ideology of self determination?

INFLATION WARNINGS CONTINUE TO APPEAR

Mr. PEARSON. Mr. President, I do not know how many storm warnings must be sounded before this administration will take steps to restore stability to the national economy. The rate of inflation apparently does not yet alarm this administration. But the pressures increase and warnings continue to appear.

Yesterday it was suggested by the President that higher rate U.S. bonds might be available to regular purchasers of U.S. savings bonds. The reason given was that this would help the Government finance the Vietnam war. This fact is misleading. The Government issues bonds because it spends more than it receives in taxes. The deficit must be made up by Government borrowing and the Government borrows today not only because of the cost of the Vietnam conflict, but because of its Great Society spending.

The morning press also notes that the Senate Labor Committee appears ready to approve an antipoverty authorization of $2.7 billion—nearly $1 billion more than the administration has requested.

The sale of bonds, which is the issuance of Government notes, is necessary, not just because of the Vietnam costs, but because Great Society spending programs, inspired by political expediency, executed in waste and being only sham solutions for some of the serious American problems in the mid-1960's.

Moreover, Mr. President, the increased bond rate is motivated by another condition—an even louder storm warning. Existing savings bonds pay 4.15 percent to maturity and may be redeemed at any time. The current pace of redemption is a source of concern, it is said, to the Treasury Department.

In this connection, I am reminded of an article by my friend W. L. White in the August issue of the Reader's Digest wherein he writes of the rising risk of runaway inflation:

> During most of our country's history, gold has served as a valuable alarm system—and has given the citizen a check on his government. If the government was extravagantly spending more than it took in, so that its credit became shaky, a citizen could protect himself against inflation by demanding and getting gold for his paper money at any bank. These withdrawals could constitute a stern warning to government and banks to put their affairs in order.
>
> Today the American people no longer have this protection, or this check on government extravagance. Our dollar is still distantly linked to gold, since our Treasury will still redeem its paper money by selling gold bars abroad at the rate of 35 paper dollars per ounce. But only foreign central banks or foreign governments may buy these bars. An American citizen violates the law by buying, selling or owning one.

Mr. President, the rate of redemption of U.S. savings bonds is precisely the same type of action U.S. citizens formerly used when they demanded gold for paper money. Today the redemption rate is the citizen's way of telling his Government to put its fiscal affairs in order.

Mr. President, recently the President proposed that the 7-percent tax credit for industrial expansion and retooling be suspended along with accelerated depreciation. He further proposed that a series of talks be initiated and that the Government departments make every move to curtail expenditures. This has been characterized by many as a weak proposal which came too late to be effective. Indeed business expansion and purchase of equipment and inventories will only be accelerated by this proposal. And the talks if initiated only now come too late. They should have been the concern of the Government for more than a year.

A reduction of Federal expenditures offers a real answer, but who among us really believes that this administration, on the record, has the political courage to halt the Government handouts.

Mr. President, a reduction in Federal expenditures is the way to effectively curb inflation. When the Government spends more than it takes in in taxes, it issues bonds to make up the deficit. These are sold to central banks and the Federal Reserve System which treats these bonds as assets and thereafter issues loans to its member banks and increases the supply of money. It is precisely this greater supply of money than goods and services, produced and offered for sale, which creates a competition for their purchase and drives the price of products up and the value of the dollar down.

Mr. President, it is interesting to note that while the administration brags about the prosperity this Nation has experienced since 1960 that the national debt has increased 11 percent or $31.6 billion, that the supply of money—that is the cash and bank deposits—have increased in the amount of $214 from 1960, from $109 billion in 1960 to $323 billion in 1966.

It has been the administration's theory, under its adherence to the "new economics," that gradual inflation was not only good, but necessary to keep pace with our national growth. If this theory be true, it is no longer applicable, for the guidelines have broken down from the 3.2 percent which was deemed permissible for increases; prices and wages have long since been torn apart. They stand almost helpless before economic pressures which were created, but not controlled, by this administration.

Mr. President, those who saved, those who purchased bonds, created savings accounts, purchased savings and loan shares, paid premiums on insurance policies, those who live on pensions, those who live on fixed incomes and the poor—are those who severely suffer. What a paradox it is that the administration attempts to pick the poor up with one hand through an antipoverty spending program and pushes the poor down with the other hand because of its inflationary fiscal policies.

Mr. President, is there anyone who gains through inflation? Not in the long run. But those individuals and corporations who are mortgaged to the hilt—the total debt both public and private now being $1.3 trillion—have some short term advantages. Their thin equities increase in value and when their debts are paid it is done with depreciated dollars. But no one gains over the long run.

Mr. President, the administration is continually calling upon the American people for understanding, for sacrifice, and above all, for discipline. It is now time that the American people call upon its Government for understanding, for sacrifice and for discipline in fiscal matters.

MOBILE JUNIOR CHAMBER OF COMMERCE

Mr. SPARKMAN. Mr. President, it is my pleasure today to call to the attention of all Americans, one of the finest volunteer service organizations in the United States. I am referring to the Mobile Junior Chamber of Commerce, a group of approximately 500 young men who are responsible for projects which have gained worldwide recognition.

The Mobile Jaycees are the epitome of young, aggressive American men who serve their neighbors through their jobs and with their volunteer community service work. The organization sponsors nearly 100 different projects during the year ranging all the way from the internationally recognized orphans Christmas shopping tour, to many local projects of interest primarily to Mobilians.

The orphans Christmas shopping tour is an example of the energy, dedication, and scope of service of the Mobile Jaycees. Several years ago, it occurred to a member of the Jaycees that many organizations remember orphans at Christmas with gifts, programs and entertainment. But the joy which most of us experience each Christmas as we shop for gifts for our families and loved ones was missing for the orphans and underprivileged.

So, Mobile Jaycees launched a communitywide campaign to raise funds for one of the most unique projects in America, a Christmas shopping tour for the orphan and underprivileged. Each child is given $5 with which to buy gifts. Jaycees conduct them on a daylong shopping venture and when the gifts have been selected, wives of Jaycees serve refreshments and help the youngsters gift wrap presents. This heartwarming project has become an international project of Jaycees all over the world and this Christmas, Jaycees in Europe, Asia, and South America will carry out this project in their communities.

Mobile Jaycees sponsor the nationally recognized America's Junior Miss Pageant which millions of Americans viewed on national color television last spring. Several thousand local pageants are conducted to select the outstanding young high school senior from each State. These junior misses are the weeklong guests of Mobile Jaycees during pageant week. Families, school friends and other visitors flock to Mobile for the colorful ceremonies which charm the entire city during the height of the Azalea Trail.

The Mobile Azalea Trail is another nationally recognized project of the Mobile Jaycees. More than 30 years ago, Mobile Jaycees first began an automobile tour of the city's most beautiful private and public gardens each spring during the height of the azalea season. Often flowers reach their peak during the colorful Mardi Gras for an unusually festive season.

Each year, several hundred thousand visitors stop in Mobile to view the flowers which Dorothy Dix has compared to the cherry blossom time in Japan.

Next month approximately 130,000 people from the gulf coast area will attend the Jaycee-sponsored Greater Gulf State Fair—one of the largest community fairs in the Southeast. Jaycees offer free booth space to community, civic, charitable, and educational groups and put in thousands of hours of volunteer work to make the fair an eagerly awaited fall event.

One of the oldest and most colorful Jaycee projects is the Alabama deep-sea fishing rodeo held each summer at nearby Dauphin Island. Internationally recognized sportsman Roy Martin of Panama City, Fla., is judge for the 3-day fishing contest in the Gulf of Mexico and nearby bay waters. The rodeo also sponsors monthly fishing contests and a 1-day contest for children which attracts more than 1,000 boys and girls.

Mobile Jaycees activities in international relations have earned national awards for the chapter which has adopted the entire country of Guatemala as a sister nation. Mobile Jaycees have spearheaded projects which have sent a registered thoroughbred bull for upgrading beef stock, medical supplies and equipment, a bookmobile, and funds for a new school building to Guatemala from Mobile citizens.

The Mobile Jaycees stress development of youth and many youth activities such as the soap box derby, track and field competitions, tennis and golf tournaments.

Earlier this year, a member of the Mobile Jaycees was named as one of the 10 outstanding young men of America. Dr. Frederick P. Whiddon, president of the University of South Alabama, has distinguished himself as a brilliant young educator in helping to found the first major public institution of higher learning in Alabama in 70 years. The Mobile Jaycees have been active in the cultural development of their city and have sponsored such projects as an art auction and art shows. Active in the area of historic preservation and redevelopment, the Jaycees have their permanent headquarters in a century old historic building in Mobile which they restored and which is now a major attraction of the city. A tourist information center is operating in the building.

It would take many pages to record all the accomplishments of the Mobile Jaycees—one of the truly fine organizations of America and one that every citizen whether from Alabama or another of our great States can be proud.

VIETNAM—THE EMERGING PICTURE

Mr. McGEE. Mr. President, last night the Evening Star published an editorial, as well as an interpretive report by Crosby S. Noyes, which, taken together, draw accumulating facts and evidence into one somewhat brighter picture with regard to Vietnam. It is, as the Star's editorial called it, the emerging picture that something hopeful may be brewing in Vietnam at this point in time, coincidental with the opening of the new United Nations General Assembly. Mr. Noyes debunks U Thant's thesis that Vietnam has become a kind of holy war—at least from the Washington perspective or from that of Vietnam. But he, too, *sees glimmers of hope developing from* the recent occurrences, including U Thant's own sudden decision to stay on in his vital position at least a little longer.

Mr. President, I ask unanimous consent that both the editorial and the report by Mr. Noyes be printed in the RECORD.

There being no objection, the editorial and report were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, Sept. 20, 1966]

THE EMERGING PICTURE

There is an accumulating weight of evidence that something hopeful may be brewing in Viet Nam.

There is the Pope's statement that he will *take any steps necessary to halt the fighting* in Southeast Asia, and the Papal Encyclical asking world-wide prayers for peace and a meeting to work out plans to end the war. There is United Nations Secretary General U Thant's plea for restraint and understanding on both sides and for consideration of the suffering of the people of Viet Nam. There is the revelation by Philippines President Marcos that the new leadership in Indonesia, which maintains diplomatic relations with both Saigon and Hanoi, is working for a *settlement. There is Ambassador Goldberg's* statement that the United States will continue to try to involve the United Nations "in bringing about a solution of the Vietnamese conflict" and his broad hint that a direct approach will be made to the Soviet Union to help bring the war to "a negotiated and honorable settlement." And there is Soviet Foreign Minister Gromyko's assertion, on arrival for the opening of the General Assembly meeting, that the Soviet delegation "intends to help in the struggle for peace."

It would be easy enough to dismiss these isolated examples as empty repetitions of meaningless slogans. Even Russian verbal commitments to the cause of peace are, after all, nothing new. The only discernible difference between Gromyko's arrival message and the previous self-serving statements from the Kremlin is that in the past, lip-service to the cause of peace was accompanied by a free-swinging denunciation of the U.S. presence in Southeast Asia. There was before always the bland statement that the whole problem could be easily solved if only the warmongering Americans would go away and let the North Vietnamese settle South Viet Nam's problems. But this time, for a change, there was no demand for a unilateral withdrawal of U.S. force.

Is it merely wishful thinking to trace the dawn of hope in such pale, uncertain glimmers of light? Perhaps so. But perhaps, too, fitting all the isolated bits of evidence together, there is justification for the belief that the world community—including the free world, the noncommitted nations and the Communist bloc—has come to the conclusion that the American forces will never be driven out; will not pull out until peace is achieved, and will continue to escalate the war effort to whatever degree is necessary to counter the Communist thrust.

If this realization has indeed arrived, it will be time for Hanoi to join the search for a peaceful solution to the agony of Southeast Asia.

UNITED STATES NOT WAGING A "HOLY WAR" IN VIET NAM

(By Crosby S. Noyes)

United Nations Secretary General U Thant had a bad word for just about everyone in his doleful report on the state of the world to the new U.N. General Assembly. But his reproaches presumably addressed to the United States over the conflict in Viet Nam were, in fact, not reproaches at all.

What particularly distresses the secretary general is the idea that negotiations to end the conflict in Viet Nam are being blocked by considerations of great power politics and that the conflict has become "a kind of holy war between two powerful ideologies."

"I remain convinced," U Thant wrote, "that the basic problem in Viet Nam is not one of ideology, but one of national identity and survival."

It may come as a surprise to U Thant, but there is no responsible official in Washington who would disagree with this sentiment. *When it comes to the problem of explaining and justifying what the United States is trying* to do in Viet Nam, President Johnson himself might well use the same words.

It is precisely to ensure the national identity and survival of South Viet Nam that the United States is fighting. In Viet Nam itself, it is the claim of South Viet Nam to national identity, rather than any unreconcilable ideological differences with the regime in Hanoi, that is the root of the conflict.

This claim to separate national identity has been sustained by the South Vietnamese for more than six years of intensifying struggle to avoid armed conquest by the north. It has been reaffirmed most recently by a vote in which more than 80 percent of the country's registered voters defied Hanoi and the Viet Cong to cast ballots for a representative constituent assembly.

Without American help, no doubt, the issue would have been settled long since by force. But whatever U Thant may think, the growing American involvement in Viet Nam has not given the conflict the character of a holy war, either in Saigon or in Washington.

So far as the statements of American leaders are concerned, there has been nothing to sustain the charge that the war is looked on primarily as an ideological confrontation. When Johnson, Rusk, and company speak of the necessity of containing Communist aggression in Southeast Asia, the operative word is "aggression."

From the very beginning the U.S. government has justified its effort purely and simply on the principle of self-determination—the right of the people of Viet Nam to decide their own destiny. The phrase "Communist aggression" is little more than a convenient shorthand for identifying the source of the aggression, whether it is applied to Hanoi or Peking. And the notion of a global ideological Armageddon has been studiously resisted by all responsible American spokesmen.

From the American point of view, the ideological character of the struggle is very largely irrelevant. It is not the fact that China and North Viet Nam are Communist nations that matters. What does matter is that they seek to impose their domination and their system on people who do not want them.

The Communists have, to be sure, made a considerable effort to turn the struggle in Viet Nam into a holy war. The Chinese, in particular, have made no bones about linking the outcome of that struggle to their doctrine of the ultimate universal triumph of militant communism.

The North Vietnamese, while subscribing, of course, to Chinese theories about "wars of national liberation," are somewhat more restrained in their theology and more inclined to view the war in terms of their own national aspirations. American experts believe that even China's ideological trumpetings on Viet Nam are largely window-dressing to cover up what are in reality China's traditional national ambitions in Asia.

Perhaps the most convincing evidence against U Thant's holy war thesis is the persistent effort that the United States has been making to enlist the aid of the Soviet Union in getting peacetalks started.

It is, to say the least, an odd way to run a crusade. And recent developments in New York—including U Thant's own sudden decision to stay around for a while longer—offer at least a glimmer of hope that the way to a settlement may not be as hopelessly blocked as the secretary general has thought.

INFLATION CURBS RECOMMENDED BY UNITED AUTOWORKERS INTERNATIONAL EXECUTIVE BOARD

Mr. HART. Mr. President, the international executive board of the United Auto Workers—understandably concerned about inflation—has made a number of recommendations to curb it.

The board, for example, strongly supports the administration proposal to suspend the 7 percent investment tax credit.

But I am happy to note that the UAW agrees with me that the inflation threat should not be used as a club to kill or cripple our programs in education, health, and the war on poverty.

I feel certain that each Senator has already received a copy of the statement, but for other readers of the RECORD I ask unanimous consent that the report of the UAW board be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE UAW INTERNATIONAL EXECUTIVE BOARD ON INFLATION

Cost-of-living wage adjustments under UAW contracts afford most UAW members a substantial degree of protection against erosion of their buying power by inflation. Nevertheless, UAW members and their families are deeply concerned with rising living costs.

To minimize the danger of further price increases, the UAW International Executive Board calls upon the Congress and the Administration to:

(1) Spotlight for the information of the public the facts as to important cases of corporate price-profiteering in order to create a climate of public opinion which would persuade corporations both to refrain from increasing prices unjustifiably and to reduce existing prices which are excessive. The automotive corporations should be among the first targets for such action.

(2) Reduce present extortionate interest rates through legislation which would set a ceiling on interest rates on all time deposits.

(3) Curb the dangerous investment boom that is unbalancing the economy by suspending both the 7 percent investment tax credit and accelerated depreciation on commercial and industrial construction and by increasing the tax rate on corporate profits.

(4) Press on toward full employment by diverting the resources now going into excessive investment, and by making use of other resources that still remain idle, to step up the war on poverty and to meet urgent national needs in such fields as education, health, housing and renewal of our cities.

Inflation inflicts serious hardships on pensioners and others with low and fixed incomes. It penalizes the unemployed, the poor and the nation as a whole because it inhibits government action to reduce unemployment, to intensify the war on poverty and to improve the quality of life in America.

Moreover, misguided efforts to prevent inflation threaten to slow economic growth, thus increasing unemployment, and even to plunge the nation into recession. High interest rates and tight money, touted as anti-inflationary weapons, have already created a depression in the housing industry and have contributed to the decline in sales of automobiles.

It is important that the causes of recent rapid increases in prices be clearly understood so that effective policies may be applied to prevent further increases.

The nation is suffering primarily from a profit and interest inflation. This is indisputably clear from the following facts:

Unit labor costs in manufacturing—the cost of wages, salaries, fringe benefits, and employment taxes involved in making the average manufactured product—are now lower than in the years 1957–59, and in July of 1966 were only 0.1 percent higher than in July 1965. There would actually have been a decrease if not for the rise in social security taxes at the beginning of this year. In other words, all the gains in wages, salaries and fringe benefits made by workers since 1957–59 have been more than paid for by their increased productivity. The value of the additional goods and services that advancing technology enables workers to produce is greater than the cost of their gains.

Although unit labor costs were lower than the 1957–59 level, wholesale prices of manufactured goods were 6.0 percent higher in July than they were in the 1957–59 period. With the period 1957–59 as 100, the ratio of wholesale prices to unit labor costs in manufacturing industry was 106.9 in July 1966—the highest level reached since the speculative inflation set off by the Korean war. Manufacturing corporations have raised and are continuing to raise their prices even though their labor costs have been falling. Prices have been raised not to meet higher costs but to increase profits.

While labor costs per unit of goods produced in manufacturing have fallen, profits of manufacturing corporations per unit increased 19.5 percent before taxes and 28.3 percent after taxes in 1965 as compared to the 1957–59 period—and the rise in profits has continued into 1966.

From the second quarter of 1960—the peak period of economic activity before the last recession—to the second quarter of this year, a great gap has been developing between income from work and income from property. Wages, salaries and fringe benefits of all employees in the private economy rose 41.7 percent, while corporation profits rose 60.0 percent before taxes and 75.2 percent after taxes, dividends rose 56.3 percent, and interest income going to individuals [most of it to wealthy individuals] rose 81.5 percent.

Ever since 1956, RELA employee compensation per manhour [the buying power of wages, salaries and fringe benefits for the average hour worked] in the total private economy has been lagging behind productivity [the value of goods and services produced per manhour]. The increase in real employee compensation per hour from 1956 to 1965 was 24.5 percent compared to a 34.4 percent increase in productivity. Workers, in other words, have not gotten their share of the fruits of their increased productivity. The benefits of rising productivity have instead gone disproportionately to corporations in higher profits and to stockholders in increased dividends.

The buying power of the average blue collar factory worker's weekly wage, after taxes, was actually lower in July 1966 than in the same month last year. In dollars of 1957–59 buying power, the figures are $87.00 for July 1966 compared to $87.42 in July 1965, a decrease of $0.42 per week, for a worker with three dependents.

Soaring profits and lagging buying power of wage and salary earners have created an imbalance that threatens the stability of the economy. Inflated profits have led to an unhealthy and unsustainable investment boom. After adjustment for price increases, investment for purposes other than housing increased at an average rate of 12.3 percent a year during the two years ending June 30, 1966, while the growth of the whole economy, as reflected in gross national product, was at the rate of 5.5 percent—and the pace of investment is still accelerating. When the new investment comes fully into operation, it will confront a shortage of customers if steps are not taken in time to raise the buying power of workers and other consumers by raising wages and reducing prices. A similar imbalance between booming investment and lagging consumer incomes led to the 1957–58 recession.

Rising interest rates have also siphoned off part of the gains from increased worker productivity and, in addition, have added to living costs. From July 1965 to July 1966, the average interest rate on FHA new home mortgages increased from 5.44 to 6.45 percent—a rise of 18.6 percent. This adds $2,700 to the interest cost of a $15,000 mortgage payable over 25 years. Prime interest rates charged by the banks to their most favored customers have risen 33⅓ percent in nine months. The prime rate affects other rates, increasing the interest cost of installment purchases as well as other forms of consumer credit. High interest rates and tight money also make it difficult for state and local governments and boards of education to finance needed expansion of public facilities. In addition, high interest rates raise production costs compelling competitive industries with thin profit margins to raise their prices, thus giving the inflationary spiral another twist.

It is true, of course, that the rise in food prices has been mainly due to scarcities of some items and that costs of some services have increased for reasons peculiar to the service industries. But increased prices for foods and services could and should have been offset by reductions in prices charged by manufacturing corporations whose profits have been rising phenomenally.

An effective attack on inflation must be mounted on several fronts.

The government must mobilize all the resources at its disposal to expose the facts about price-profiteering so that an informed and aroused public opinion will persuade corporations to reduce excessive prices. Among the leading targets for vigorous efforts to reduce prices are the automotive corporations. Despite some decrease in sales, the auto industry big three, combined, reported profits on stockholders investment during the first half of 1966 equal to 27.2 percent per year compared to an annual rate of 13.3 percent for all manufacturing corporations during the first quarter of this year (the latest period for which figures are available). The big three's profit rates, in other words, are more than twice as high as the average for all manufacturing corporations at a time when that average is far above normal. The profits of the big three in 1965 totalled $5,846 million before taxes. After taxes, their profits were $3,062 million, or $608 million higher than in any previous year. For every wage and salaried worker employed in all its operations throughout the world, Chrysler reported a before-tax profit of $2,689 per employee; Ford, $3,581 per employee; and General Motors a staggering $5,570 per employee. Despite these incredible profits, which clearly call for reductions in prices, the automotive corporations are hinting instead that they will raise them, using the installation of certain safety equipment as their excuse. This would be in direct conflict with the hope expressed by President Johnson that the auto industry "build in more safety—without building on more costs." The UAW International Executive Board urges that a Congressional investigation be undertaken immediately in an effort not only to head off unjustifiable increases in car prices but to bring them down to a level reasonably in line with the costs of car production.

The lopsided investment boom that endangers the future stability of the economy must be brought to a halt. The UAW International Executive Board therefore supports President Johnson's recommendation to suspend the investment credit and accelerated depreciation. The 7 percent investment tax credit, enacted to encourage investment in machinery and equipment, has no place in an economy where investment is running at clearly excessive levels. Neither is there any place for accelerated depreciation designed to encourage industrial and commercial construction.

Funds being used to finance the exaggerated investment boom should be made less easily available by increasing the tax rate on corporate profits. At the very least, it should be restored to the 52 percent level in effect before the tax reductions of 1964.

At the same time, we must not relax either in our pursuit of full employment or in our efforts to meet urgent national needs. Curbing the investment boom will free resources in men, machines and materials that can be diverted to other purposes. There are additional resources that remain idle even after 5½ years of recovery from the last recession. These resources can and should be used to accelerate and intensify the war on poverty, and to help fill social deficits in such fields as education, health care and facilities, housing and urban redevelopment. So long as there are still men idle and national needs unmet we must spare no effort to employ the men to meet the needs.

Action must be taken to reduce interest rates. As a first step in this direction, the UAW International Executive Board urges the Senate to reject the meaningless bill adopted by the House on September 8 and substitute legislation that will impose a 4½ percent interest rate ceiling on all time deposits.

The rising price trend must be halted. But we must not repeat the tragic mistakes of the Eisenhower years when restrictions on government spending and tight money finally brought price stability at the cost of high unemployment, retarded economic growth and repeated recessions. The victims of such misdirected economic policies are inevitably the poorest and most vulnerable of the nation's population—members of minority groups, displaced older workers, and those with limited education. A rise of a mere two-tenths of a percentage point in the general unemployment rate—from 3.7 percent in April of this year to 3.9 percent in August—was accompanied by increases six times as great in unemployment rates for Negroes and unskilled blue collar workers. To combat inflation with unemployment is to surrender in the war against poverty and to abandon the struggle for genuine equality for all Americans.

The attack on inflation must be directed at its sources—corporate price-profiteering, tight money and usurious interest rates, and the investment boom. At the same time, we must press on toward genuine full employment, in fulfillment of the national commitment proclaimed in the Employment Act of 1946.

THE NEED TO HELP LATIN AMERICA SOLVE ITS MOST PRESSING PROBLEM

Mr. GRUENING. Little more than 14 months ago, one of the most distinguished men of the Americas, Dr. Alberto Lleras Camargo, former president of Colombia and today chairman of Vision, Latin America's largest news magazine, came to Washington, D.C., to testify at the population crisis hearings. Dr. Lleras was no novice when it came to discussing the population problems of Latin America. He had written about them in Vision, *observing on May 29, 1964*:

> If Latin America does not attain a fabulous, and until now unforeseeable, economic development, its population growth inexorably must convert it into one of the most destitute, miserable, and devastated regions on earth . . . .
>
> We are having plenty of trouble even now trying to develop our countries with our present population level, and the figures showing current economic growth virtually melt away when they are divided by population growth. This being the case, the steadily rising deficiencies in employment, housing, and other essential needs (such as pure water systems and public health facilities) will create a crisis of unimaginable proportions 36 years hence.

On July 9, 1965, Dr. Lleras spoke more strongly at the Government Operations Subcommittee on Foreign Aid Expenditures hearing on *S. 1676*, my bill to coordinate and disseminate birth control information upon request at home and abroad.

He discussed "a new and terrible kind of leprosy—the slum," which he pointed out had begun to disfigure the once comfortable and lovely urban centers, and added:

> For a long time leaders of the backward countries failed to see that the population problem was the source of most of the evils they were trying to wipe out, and of the stagnation in their nation's development.

Unemployment, he said, was mushrooming at a fantastic rate in Latin America.

> The population crisis in Latin America—

He said—

> is caused by the speed at which Latin America's population has been growing. At the current rate, it is beyond manageable proportions, and certainly beyond the capacities of the Latin Americans to cope with it. Latin America is breeding misery, revolutionary pressures, famine and many other potentially disastrous problems in proportions that exceed our imagination even in the age of thermonuclear war.

In view of the calm yet grim observations which have been made by Dr. Lieras, an individual not given to exaggeration, the news story appearing in the New York Times this morning, headlined "Population Pressures Spurring Latin Birth Control Advances," is both hopeful and distressing. Reporter Juan de Onis reports on the first Brazilian National Family Welfare Conference held in Recife last week, attended by more than 200 physicians, social workers, priests, economists and international representatives.

Recife, a town of 350,000 in 1940, has a population exceeding 1 million today.

Economist Glycon de Paiva, present at the conference, is reported as follows:

> We are 85 million Brazilians now, and we will be 100 million in 1970. Unless present trends are slowed down, we will be 225 million pariahs at the end of the century. There is no economic formula for maintaining living standards under these circumstances. We must avoid the disaster.

Dr. Rodriguez Lima, director of the maternity school of the faculty of medicine of the University of Rio de Janeiro, who organized the conference, and the National Family Welfare Foundation, released the findings of *his survey* conducted by the foundation among 2,900 men and women in seven cities, covering all social classes and income levels, which found that 91 percent of the persons interviewed were in *favor of an educational* campaign on contraception. Dr. Rodriguez and his fellow doctors estimate there were 1.2 million induced abortions a year in Brazil.

The pioneer work in Chile in population control includes the training of doctors from all over Latin America, *according to reporter de Onis.*

Mrs. Ofelia Mendoza, technical director for Latin America of the International Planned Parenthood Federation of London, told those present in Recife:

> The people are ready * * *. They want help. It takes leaders in this field to break the taboos.

Said Dr. Walter Rodriguez, secretary of the Brazilian National Family Welfare Conference:

> To make a real dent in the population growth rate, we will have to reach some 10 million women. This will involve millions of dollars a year in specialized centers and clinics. It is a staggering effort.

Dr. Rodriguez is correct. It will require a staggering effort, and we cannot expect Brazil to do the job alone.

The United States must make certain that other nations know that we stand ready to help them meet the muliplying problems of their multiplying populations. Certainly President Johnson has been positive in his directives. Now is the time for our Department of State, our Agency for International Development, and our Department of Health, Education, and Welfare to help, not tomorrow.

Congress has approved amendments to the Foreign Assistance Act which make it absolutely clear that counterpart funds and dollars can be used to provide family planning helps in other nations.

We need not evade the challenge which must be solved if mankind is to prosper. To do so is to turn our backs on men and women who, given the opportunity, will solve their population explosions.

Mr. President, I ask unanimous consent that the complete text of the New York Times article by Juan de Onis be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 21, 1966]

Population Pressures Spurring Latin Birth Control Advances

(By Juan de Onis)

Recife, Brazil, September 19.—Birth-control programs are developing in Latin America in response to growing public awareness of population problems.

Significant family planning efforts led by respected medical men are under way in countries with critically high birth rates. The movement is spreading with a speed that is encouraging to international experts in the population field.

The first Brazilian National Family Welfare Conference was held last week in Recife, where the gap between population growth and economic production is dramatically apparent.

As more than 200 physicians, social workers, priests, economists and international representatives met here, newspapers announced that Recife this week had become Brazil's fourth largest city with a population of more than a million. In 1940, the population was 350,000.

Recife's growth is the result of a booming birth rate and an influx from rural areas, where population increases are outstripping agricultural employment.

UNEMPLOYMENT HIGH

More than half the people in this city live in slums, where illiteracy rates exceed 50 per cent. The minimum wage for the area is $30 a month. Unemployment among unskilled workers is high. Many children survive by begging or digging for food in garbage cans.

Glycon de Paiva, an economist specializing in population problems, said:

"We are 85 million Brazilians now, and we will be 100 million in 1970. Unless present trends are slowed down, we will be 225 million pariahs at the end of the century. There is no economic formula for maintaining living standards under these circumstances. We must avoid the disaster."

Recent months have produced the first effective response to Brazil's population growth rate of 3.5 per cent a year. The National Family Welfare Foundation has been organized under the leadership of Dr. Otavio Rodriguez Lima.

Dr. Rodriguez Lima, 65 years old, is director of the maternity school of the faculty of medicine of the University of Rio de Janeiro, where he has instructed two generations of Brazilian gynecologists and obstetricians. He is a practicing Roman Catholic with social prestige and shrewd political judgment.

FAMILY WELFARE SOCIETIES

Under his leadership, family welfare societies have been set up in a score of Brazilian cities, and the movement is growing. The societies are formed by physicians, usually in connection with local faculties of medicine. There is no direct governmental involvement.

A survey conducted by the Foundation among 2,900 men and women in seven cities, covering all social classes and income levels, reported that 91 per cent of the persons interviewed were in favor of an educational campaign on contraception.

This survey followed a medical statistical study on abortion, organized by Dr. Rodriguez Lima with the cooperation of doctors throughout the country, that estimated that there were 1.2 million induced abortions a year in Brazil.

This widely publicized study, which asserted that 60 per cent of the budgets of maternity hospital services were consumed in treating abortion patients, jarred the public as well as physicians.

About 200,000 Brazilian women are using pills that regulate ovulation, representing annual sales of $3-million.

SURVEY ON CONTRACEPTION

The survey indicated that 90 per cent of married women consulted were using, or had used, some form of contraception or had practiced abortion—in some cases as many as eight times.

"Refusal today to consider the need of women, according to their consciences, of avoiding pregnancy goes against the agonizing reality of the individual and social problem of abortion in Brazil," said Dr. Rodriguez Lima.

A similar situation exists in Colombia, where 220,000 prescriptions for birth-control pills are filled every month. That number represents about 5 per cent of the women of childbearing age in the country and is above the number of women in the upper income categories.

Dr. Fernando Tamayo, a prominent Bogotá obstetrician, has begun a family planning program that has opened three centers in Colombia's capital and has provided intrauterine devices to 1,500 women, mostly from poor neighborhoods. New centers are being opened in other Colombian cities. Dr. Tamayo said he hoped the program would treat 30,000 to 50,000 women by 1967.

Chile is a pioneering country in population control. A movement launched by doctors in 1960, among whom Dr. Onofio Avendano of the Barros Lucca Hospital of Santiago is best known, has provided contraceptive services to more than 50,000 women.

The Chilean movement now has the direct financial assistance and organizational support of the Christian Democratic Government of President Eduardo Frei Montalva.

Chile is a training point for doctors from all over Latin America. More than 50 physicians have studied the Chilean program of birth control.

The Government of Honduras has also made family planning a publicly supported service.

Mrs. Ofelia Mendoza, technical director for Latin America of the International Planned Parenthood Federation of London which supports these programs out of a $3-million annual budget, said here that only Nicaragua, Bolivia and Paraguay lacked the nucleus of a family-planning group.

"The people are ready," she said. "They want help. It takes leaders in this field to break the taboos."

The meeting here developed a Brazilian program for which the family planning foundation has requested a grant of $600,000 for field work next year.

SUPPORT FROM UNITED STATES

Research activities in reproductive biology and demography in Latin America are supported by the Population Council, Inc., of New York, which is headed by David Rockefeller, and by the Ford Foundation.

Brazilian doctors in this field are heartened by the initial success of the family planning groups, but they see major financial problems ahead.

Dr. Walter Rodriguez, secretary of the Foundation, said:

"To make a real dent in the population growth rate, we will have to reach some 10,000,000 women. This will involve millions of dollars a year in specialized centers and clinics. It is a staggering effort."

The Brazilian Government has so far given no public indication of support for the program. The Roman Catholic Church is awaiting the decision of Pope Paul VI on birth control issues, but has shown no hostility to the movement.

Some nationalist political groups have expressed opposition to population control, asserting that development of Brazil's vast interior calls for a growing population.

DEATH OF LOUISE J. HOLLINGSWORTH, REPORTER FOR HONOLULU STAR-BULLETIN

Mr. INOUYE. Mr. President, wherever veteran Hawaii newsmen gather over the years, their conversation will inevitably turn to "Loujo" Hollingsworth who died September 16 at the age of 71.

Mrs. Louise J. Hollingsworth came to Hawaii in 1925 and spent the better part of her life there as a court reporter for the Honolulu Star-Bulletin.

Equally at home in a longshoremen's bar or the hushed confines of the State Supreme Court chambers, Loujo Hollingsworth's exploits and eccentricities soon became legendary.

Quick to command a presiding judge to "Tell the witness to speak up, your honor," in the midst of a major trial, Loujo was as vain about the exotic butterflies tattooed on her knees as she was proud of her balanced and copious court reporting over the years.

Truly a newsman's newswoman, the Hawaii newspaper community now mourns her loss. The story of Loujo Hollingsworth was printed on page 1 of the Honolulu Star-Bulletin on the day of her death. I ask unanimous consent that it be printed in the Record.

There being no objection, the article *was ordered to be printed in the Record,* as follows:

Colorful Reporter: Louise Hollingsworth, 71, Dies After Surgery

One of Hawaii's best-known and most colorful reporters, Louise J. Hollingsworth, died today at the age of 71.

Funeral services are pending notification of two brothers in Alameda, California.

From 1925 until her retirement in 1962, "Loujo" was practically a part of the legal machinery of the Territory and State, so widely was she known in her role as court reporter for the Star-Bulletin.

Her death at 6:45 this morning followed an operation last week for ulcers and gallstones. She had seemed to be recovering normally.

Chief Justice William S. Richardson said today:

"The entire judiciary of the State is sorrowed by the passing of Loujo. Each of us, whether judge, attorney or staff, enjoyed our little chats with her.

"While in the last few years she was not able to be with us, we will all remember her as a great lady, a good friend with a warm personality and an excellent journalist.

"Loujo did a great service to the State when she wrote up the business of the court.

"I know I speak for the entire judiciary when I say to her family that Loujo had contributed to the making of the finest judiciary in the country."

Mrs. Hollingsworth had the tongue of a sailor—she even had butterflies tattooed on her knees—and the sensitivity of a poet.

She loved people and cats and hated injustice and sham.

Her formal name was Mrs. Louise Post Johansen Hollingsworth but she was affectionately known as Loujo by judges, attorneys and newsmen.

She was born on February 13, 1895, in Oakland, California, and worked on Mainland papers before coming to Hawaii in 1924.

When she retired, attorneys and judges said she was the best reporter of court news that they had ever known.

One friend, attorney Thomas M. Waddoups, said, "Somehow she always adds something to a lawsuit—just her presence in the courtroom adds a tone to the whole proceeding.

"She's a first-class journalist. She's never broken a confidence. She lays the cases absolutely straight on the line. She has an excellent sense of balance."

Waddoups classified Loujo as an "institution to the courts. She's a true liberal who would walk around the Island for a stray cat."

Another long-time friend of hers, attorney Myer C. Symonds, said, "I've never heard a prosecutor nor an attorney say that she wrote a slanted story. She's always very accurate and humane. She passes all the tests of a good newspaper gal."

State Senator D. Hebden Porteus said that Loujo knew more about what's going on in the courts than anyone else.

"Everyone asks her how a case is going to turn out. We all trust her and respect her judgment."

She helped scores of young attorneys on their long haul up with a bit of advice here and a bit of advice there.

Family Court Judge Gerald R. Corbett remembers how Loujo in the late 1920's "used to chide me gently for looking too much like an altar boy to be participating on the side of the defense in some of the more lurid criminal trials of that era."

Judge Corbett said of Loujo: "Her superficial cynicism and pungently expressed contempt for public officials who seemed to be unduly swayed by the shifting winds of public opinion masked a deep concern for people's rights and a burning indignation at any apparent miscarriage of justice."

Among the celebrated cases she covered: The Massie rape trial in 1932, the Myles Fukunaga murder and kidnapping case in 1928, the habeas corpus cases growing out of war-time martial law, the Smith Act trials of the 1950's, the mass murder of the Sumida family nearly 20 years ago and the Sammy Amalu trials in San Francisco. She knew Amalu long before fame came his way.

In addition to her professional attributes, Loujo was known around the courts as one of the best joke tellers and listeners.

Loujo get her first taste of the newspaper business at the Pan-Pacific Exposition in 1915. She was hostess in the Denmark building, representing the Bay Area Danish colony. Her father was a landscape architect in Alameda.

There she met some fascinating newspaper men and, as she put it, "I became addicted to the press building and nothing would do but I must follow along."

She worked first as the Alameda correspondent of the Oakland Tribune, then in 1918 wrote a "Dear Abby" kind of column for the San Francisco Daily News.

She also worked for the El Paso Times.

About that time, Loujo met the late W. K. Bassett, fiery administrative aide to Mayor John H. Wilson of Honolulu.

She took him up on his offer to work on his independent Honolulu Times, which folded about 10 months later.

She eventually was hired by Joseph R. Farrington, then managing editor of the Star-Bulletin.

She covered City Hall, the Board of Health, art and music and the police before moving to the court beat.

Her seasoned analysis of the jury system in the U.S. was "it's pretty damn good."

One of the very few exceptions, she felt was the Massie case. There she thought the court system failed.

She believed a horrible "injustice" was done to the boys who were tried for rape in the sensational rape-murder case.

She said there were two schools of thought regarding the rape. One school, believed the story of the rape and the other school believed Mrs. Massie was beaten, but not raped.

"I belonged to the latter," she said. "Some friends of mine for years and years were of the former school. They told me never to darken their door again."

To tell the story of Loujo and not tell about her cats is not telling the story of Loujo at all.

For cats were to Loujo what food is to most people.

She had 28 cats and two dogs at one time.

She was not just that way about animals. She loved underdogs and all other creatures that seemed to her to be getting the short end of the stick.

ADMISSION OF COMMUNIST CHINA TO UNITED NATIONS

Mr. MOSS. Mr. President, recently in a Senate speech I called for a discussion of a new approach to the problem of Chinese representation in the United Nations. For many years discussion of the admission of Communist China to the U.N. was looked upon as a political heresy. Now we find that the administration has made a study of the possibility of changing our policy. While it does not appear that our policy will be changed, President Johnson has made it clear that our position is not fixed and that we may yet embrace a two-China policy.

Perhaps just as important is the discussion of a two-China policy that has been taking place in magazines and newspapers. I was heartened to read one such article in one of my hometown newspapers, the Salt Lake Tribune. I think that public discussion and editorials such as this are most beneficial and will eventually result in a greater role for the United Nations in achieving peaceful settlements of international disputes.

The need for a stronger U.N. can hardly be overestimated. Four Presidents have called it the keystone of our foreign policy. It is important that we do not lose sight of the fact that it is our best hope for solving international disputes without resort to war. The U.N. can play this role only if it is universally accepted by the nations of the world.

This editorial calls for a United Nations that is a universal, international body. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, Sept. 17, 1966]

WILL UNITED STATES SHIFT ON RED CHINA IN U.N.?

The perennial question of admission of Communist China to the United Nations is due for another airing at the 21st meeting of the General Assembly scheduled to open next week—but there is little likelihood the outcome will be different than in the past.

Last year the vote on admission was 47 to 47, with 20 abstentions and three nations not voting. It is doubtful whether there will be much greater swing toward a Red China favorable vote this year. Some African countries are reported angered by American refusal to go all the way in halting the white supremacy policy in Rhodesia—and likely to vent their anger by switching their U.N. vote on China.

On the other hand two African countries—Burundi and Ghana—which last year asked expulsion of Nationalist China along with seating Red China, are not sponsoring such a proposal this year. Both have recently severed their old ties with the Chinese Communists.

After an informal poll of U.N. members the United States has decided to stand pat this year in opposition to admission of Red China. But it is to be hoped the U.S. will continue to study the possibility of switching from a policy of trying to keep Communist China out to one of trying to keep Nationalist China in.

Ambassador Goldberg has said that the U.S. would welcome the Peking regime in the United Nations under appropriate conditions. One of those conditions is that the government of Taiwan (Nationalist China) not be excluded. The United States would never accept that—nor likely a majority of U.N. members.

Yet Peking has insisted that it would never enter the United Nations so long as the Nationalist Chinese retained their membership.

Under the circumstances, renewed discussion of membership for Red China seems pretty academic. Nor is there really any reason for the United States to continue indefinitely the campaign for China's rejection. It might in fact be useful for the U.N. to vote in favor of admission, and have the Peking regime rudely reject the invitation, as it almost certainly would do.

Meanwhile a statement recently made by Secretary of State Rusk should point the way to appropriate U.S. and world policy toward Communist China. He said "we must avoid assuming the existence of an unending and inevitable state of hostility" with China. We must rather try to persuade the Chinese Communists to end their self-imposed isolation and join with the United States and the rest of the world in promoting "an era of good relations."

Advocates of the so-called "Two Chinas" policy contend this is the only realistic way to resolve the problem of Chinese U.N. membership. They insist it is time to abandon the concept of recognition of the legitimacy of a government on moral or ideological grounds and revert to the basic diplomatic view that a government which controls a territory is in fact its legitimate representative, whether other countries happen to approve of its policies or not.

This policy would justify recognition and membership for both Chinas. Of course it would also justify recognition and membership for North and South Korea, North and South Viet Nam, East and West Germany—and perhaps even the hated Rhodesia. But such a policy would help make the United Nations the kind of universal international body it really ought to be.

NORTH DAKOTA'S SENATOR YOUNG POINTS OUT DEVELOPMENT OF ENDLESS INFLATIONARY HEADACHES

Mr. DIRKSEN. Mr. President, North Dakota's distinguished senior Senator MILTON R. YOUNG, who is a high-ranking Republican Member of both the Committee on Agriculture and Forestry and the Committee on Appropriations, today issued an important statement dealing with inflationary problems, interest rates and the farmer. Because of the timeliness of the subjects he discusses, I ask unanimous consent that the statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR YOUNG OF NORTH DAKOTA

It was inevitable that the Johnson Administration would run into serious inflationary problems trying to finance the expensive war in Viet Nam (present cost $2 billion a month) and, at the same time, embark upon innumerable multibillion dollar Great Society Programs. This huge government spending, coupled with a war-sparked economy, has brought on endless inflationary headaches.

The full impact of the financial cost of the war in Viet Nam has been deferred by devious methods. Our military units have been seriously cannibalized in the United States and all over the world to supply badly-needed equipment for our troops in Viet Nam. Additional requirements in Viet Nam will have to be met and we must, as soon as possible, replace the cannibalized equipment and supplies.

Runaway inflation has a disastrous effect on people in almost every walk of life, but it falls heaviest on those with fixed incomes—especially those living under a retirement program, or on lifetime savings. It is particularly serious to the farmer as these inflationary costs are added to the price of the goods and services he has to buy, and there is no way he can increase the price of his commodities to reflect higher costs.

Trying to cure inflation by increasing interest rates was the worst possible approach. It has created more problems than it has solved and has severely injured some major segments of our economy. Legislation is being enacted for the purpose of rolling back interest rates. It may help some, but it has now become a difficult, complicated undertaking.

The latest proposal of the Johnson Administration—legislation to suspend for 16 months the investment credit provision in the income tax structure—is now pending in Congress. Suspending a provision such as this is not an easy matter and is almost certain to result in some serious inequities. One in particular is President Johnson's proposal to make this retroactive to September 1. Many members of Congress, including myself, believe that the effective date should be when the President signs such legislation. We have a good chance to get this change approved.

There is some justification for suspending the 7% tax credit until our problems with inflation have ended. Industries, large and small, have taken advantage of this provision to expand their operations. This has encouraged the accelerated rate of expansion of many industrial operations, increasing the need for credit at a time when we have an extremely tight money situation. This 7% tax credit runs into large sums of money for many industries, and it also has a serious impact upon farming—our largest industry in North Dakota—as well as many of our other business operations. If, for example, a farmer signed a contract to buy a $10,000 tractor previous to the September 1 retroactive effective date President Johnson proposed, he would be eligible to receive a $700 tax credit. If a neighbor farmer purchased the same tractor after September 1 he would not have this tax advantage.

A strong attempt will be made to exempt farmers from the suspension of this tax credit, and I will join as a co-sponsor. A special case can be made for farmers since the Federal government is encouraging some increased production of many farm commodities. Approximately ⅔ of the present 64 million acres idled under various government programs will be put back into production next year. This will mean that farmers will have to buy some additional machinery. Too, farm income is considerably below parity. The chances of getting such an exemption approved are not too good.

Social Security taxes will increase sharply on January 1. It is a good guess that President Johnson will also be requesting an increase in personal and corporation income taxes when the new Congress convenes in January, if not before. Inflation has become very serious and something has to be done to correct this. The first and most important thing that the Johnson Administration should do to curb inflation is to try and balance the budget and postpone or forget about most of the Great Society Programs.

RECREATIONAL AND INDUSTRIAL ASSETS OF THE GREAT SALT LAKE

Mr. MOSS. Mr. President, a most comprehensive analysis of the recreational and industrial assets of the Great Salt Lake—Utah's unique inland sea—appeared in the August 21 issue of the Sunday Empire, the magazine section of the Denver, Colo., Post.

The article was written by Ezra J. Poulsen, and it contains more information about the lake, its history, its present status and the plans for its future enhancement and development than I have seen pulled together in one place for some time. Mr. Poulsen discusses frankly some of the problems which must be solved before we can make the most of this great scenic attraction, and outlines plans for development under consideration by private enterprise, the State of Utah and the Federal Government.

Since the Congress has recently completed action on legislation which clears the way for industrial development of the lake, and since there is still pending before us my bill to establish a Great Salt Lake National Monument on Antelope Island in the lake, I am confident that the Poulsen article will be of interest to my colleagues as background. I therefore ask unanimous consent that the article from the Denver Post be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW HOPE FOR AMERICA'S DEAD SEA—DIMINISHING WATERS HAVE CAST AN UGLY BLIGHT ON GREAT SALT LAKE—NOW, UTAHANS HAVE AMBITIOUS PLANS TO RESTORE IT FOR INDUSTRY AND RECREATION

(By Ezra J. Poulsen)

Once-famous Saltair resort is a pile of disintegrating bones—a multi-million-dollar eyesore standing forlornly a half mile from the receding waters of Great Salt Lake.

These decaying buildings, about 15 miles west of Salt Lake City, tell the ordinary observer more graphically than anything else the story of what is happening to the famous "inland sea," one of North America's natural wonders.

The level of Great Salt Lake, always an uncertain factor because of seasonal and cyclic variations, has declined almost constantly for the past four decades. There was one sharp upturn in the early 1950s, but the lake level has never been adequate for satisfactory operation of Saltair since about 1930 by which time the waters had pulled away far enough to cause serious damage to the resort.

By the early 1960s, the lake was at its lowest level on record, large portions of its water polluted by refuse from cities along the west slope of the Wasatch mountains. It had come to be regarded by many as a hopeless cesspool, abandoned by both man and nature.

Now, however, there is hope of building back the lake. A master plan of great ambition, developed by a group of leading Utah political leaders, scientists and businessmen organized as the Great Salt Lake Authority (GSLA), has just come off the drawing boards.

Some exploratory and engineering work has started.

The outlay may eventually reach $100 million. The time, as viewed by Gov. Calvin Rampton of Utah, could take up to 75 years. These estimates are on the far outer limits of the project, but there is much going for the immediate future. Many of the construction features can be completed within 10 years.

Inside this broad framework are many personal views. Private recreational and industrial interests are going ahead with their own programs. Scoffers say some of the plans are visionary, and tough old-timers declare that this particular piece of wilderness, which is as wild today as it was more than a century ago when the white man first made his appearance, will never be tamed. But things are happening, and slowly the GSLA is emerging as the unifying factor.

The awakening began in 1963 when the Utah legislature, with the support of George D. Clyde, then the governor, authorized the GSLA and gave it $200,000 to study the lake and its problems. The program, continued under Governor Rampton and granted another $200,000 by the 1965 legislature, has gained the support of scientists, educators and the general public. As the complexities of the lake problem, the multiple interests surrounding it, and the divergent views are being resolved, the master plan is unfolding.

To understand what has been happening, one must be aware of two basic facts.

First, the rapidly growing population of more than a half million people west of the Wasatch range, which includes the largest cities and towns and the most fertile fields in the Great Basin, is constantly increasing the amount of water used in homes and by agriculture and industry. Hence, a large portion of the natural drainage of the lake never gets there—at least not on schedule. We might compare the human population with a herd of thirsty cattle drinking from a small, trickling stream. Soon, the water disappears into a mudhole, and you might well ask, where did it go?

The next thing to consider is the huge loss of lake water by evaporation. According to Dean A. J. Eardley, of the University of Utah College of Engineering, evaporation from the Great Salt Lake exceeds all the water used for agriculture, industry, and municipalities along the entire Wasatch front. The lake is somewhat like a teakettle of boiling water. If evaporation goes on faster than the kettle is refilled, it must become dry. There is no wonder that the level of the lake is low.

That's why Saltair, world famous in its heyday (1894 to 1900, and from 1907 to about 1928), is now stranded on a bed of sand despite years of desperate efforts to save it. It withers in a desert near the lake, and has been further defaced by years of vandalism.

Whether Saltair can be restored is problematical, but another delegation recently asked Gov. Rampton for a chance to try.

The GSLA, however, has the only broad solution to keep water at a uniform level necessary to sustain any resort. Backed by governmental powers and drawing in its wake an increasing number of other interests, it proposes to provide three lakes where there is now one.

DIKES WILL DIVIDE THE LAKE

The present 750,000-acre lake would be cut in half by constructing a dike. The north end would be left to the mercies of nature, at least for now. The south half would be encircled with a dike—broad enough to carry a highway—and other dikes would be developed from time to time.

This encircling dike would "cinch down" the lake so that its surface area would be reduced (cutting down the amount of evaporation). The lake would also be deepened by this constriction. Control gates would hold the lake at a level of 4,200 feet elevation. Present lake elevation is 4,195 feet, the highest since June 1, 1960.

A large body of fresh water would be created east of the southern portions of the present lake to trap some of the fresh water stream runoff that now empties into the lake. This would be a new body of water and would cover land that is now almost unusable as either barren soil or swampy mudholes.

This new lake basin would become a tremendously important recreational and industrial asset, particularly when developed in connection with the huge Willard reservoir (a part of the $97.5 million Weber Basin Project) recently completed. Facilities are envisioned for all types of water sports.

Even though abandoned as part of the immediate water conservation project, the north end of the lake basin would become increasingly important industrially because of its deposits of sodium chloride, magnesium, lithium and other minerals.

The entire complex of salt water, fresh water, dikes, roads and marshes challenges the imagination, stretching as it does over an area approximately 50 miles from east to west and 100 miles from north to south. Beginning 20 miles west of Salt Lake City, the area extends almost to the Idaho border.

Roads, some already modern, others being improved and still more scheduled for construction, would be integrated into a system of scenic highways leading to many points of interest.

One such example is the Golden Spike National Historic Site, established a year ago, where in 1869 a golden spike was driven to link the East and West with the first transcontinental railroad.

There are also five major islands within the scope of the project—Antelope, with a thriving herd of buffalo; Fremont, named for the soldier-explorer John C. Fremont; Bird, a bird rookery; Carrington and Stansbury. They would be connected by dikes.

Beyond the central salt water area, the network of roads would tie all parts of the basin with Wasatch basin cities and towns noted for their cultural, historical, and horticultural interests.

Other points of note would include the wildfowl refuge near Brigham City, and the famous Salt Flats west toward Wendover, where automobile speed records are made and broken.

Not all plans are for the distant future. One group of resort operators has worked hard this spring hoping to make 1966 the greatest tourist year in the lake's history.

John C. Silver, owner of Silver Sand's Beach at the south end of the lake—a resort that drew an estimated 100,000 visitors last year—says, "The public is getting tired of the way things have been going, and is demanding more and better facilities."

PLANS FOR A NEW BEACH

Silver also heads another company, The New Saltair, Inc. (no connection with the old Saltair), with plans to build a small island on a reef beyond the old Salt Lake County boat landing, now desolate because of the receding water.

"This islet," Silver says, "is designed so its beaches will be intact whether the water is high or low." The public would be transported to the island by boat. He believes it is out far enough to function at the lowest level of the water, and will be high enough and strong enough to resist the water at all conceivable levels.

There are two other beaches being used now: Sunset, adjoining Silver Sands, and Blackrock, the oldest and best known of the three. Blackrock, not a formally-operated beach, is free to the public, but has only a few concessions and weather-beaten bathhouses.

If the lake level should rise suddenly, beyond all expectations, these three beach areas would be flooded out. They offer excellent salt water bathing, but there is nothing to attract the tourist for more than a few hours. A drive of 15 to 25 minutes takes tourists to good hotels and motels.

Last summer and again this year an added feature is provided—the return for special runs of the old Salt Lake Garfield diesel-powered railroad trains which once carried vacationers by the thousands to Saltair. Silvers transports rail passengers from the old Saltair terminal to his beach by bus and boat.

SALT LAKE SEEKS TOURISTS

Maxwell E. Rich, former adjutant general of the Utah National Guard and now executive secretary of the Salt Lake Chamber of Commerce, points out the strong determination of business leaders to make the most of what is now available.

"The lake has a great future," he says. "But we are interested now in building tourist trade this summer to the fullest extent. We are leaving out nothing this year to attract popular support. The reactivation of the old Saltair trains are a big help."

Those who remember the crowded trains that used to leave Salt Lake City almost hourly during the swimming season will agree.

Members of the Pro-Utah Travel Industry Committee, established by the legislature to stimulate the tourist industry, welcome these bids for tourists. Chairman Wayne M. Winegar says "Conditions are more ideal than ever before for multi-resort operations on the lake." D. James Cannon, Pro-Utah director, points out that in addition to the projects already mentioned, the new park at the north end of Antelope Island, proposed by the GSLA, could add much to the amount of beach available in the near future.

Meanwhile, a struggle goes on between two conflicting philosophies. There are those who still insist the lake is a natural monster, wild and untamable. GSLA scientists and planners disagree. Slowly, however, the two camps seem to be drawing closer together.

The problems of controlling the lake are far more complex than the average layman understands, and this complexity is one reason for divergence in opinion even among the experts.

According to the late Dr. Thomas C. Adams, formerly an engineering professor at the University of Utah, and other lake scientists, the normal rate of evaporation in Utah is 59 inches per annum for fresh water, while water at maximum salt density loses less than 39 inches. Naturally, all mixtures in between will evaporate more slowly as the salt increases and more rapidly as the salt decreases.

Practically all drainage water enters Great Salt Lake along the southeast shore, reaching its highest point in the spring and early summer. Most of it is runoff from the Jordan, Weber, and Bear rivers. The fresh water, being lighter, fans out over the salt water in large areas, slowly becoming mixed with the salt water with the help of the winds and the waves until late in the summer the entire mass approaches a uniform density. Until then, the rate of evaporation varies as the water varies in salt content, giving the surface a tendency to stand at different levels, except as it flattens itself out by gravity.

In 1959, a startling new factor was injected when the Southern Pacific Railroad completed its new solid fill across the lake and abandoned the old trestle work on which its tracks had been mounted for many years. This man-made bar interferes with the natural movements of the water, forcing large quantities of the fresh water from the rivers to move out along the south side of the fill, where it slowly seeps through the porous rock formation to the north and becomes trapped. Waves involved in the natural mixing process batter themselves to pieces against the rocks of the fill.

A LEAK TO THE NORTH

The barrier is not completely waterproof. Since the north end of the lake, having no large inlets and sustained primarily by precipitation, evaporates three times as much water as it receives, it is constantly sucking water from the south end to maintain its level. It traps more than its share of the fresh water, speeds up its own rate of evaporation, and increases the migration of salt to the north. So the entire lake is dumping excessive amounts of salt to the north, causing the water of the south portions to lose its density gradually, increasing its rate of evaporation—a vicious cycle.

At the present rate, it is estimated that the salt content of the lake will be reduced to 50 per cent of maximum salinity in 14 years. Dean Eardley estimates that the south half of the lake can be maintained at the 4,200-foot level (practically ideal for all purposes) with about half of the fresh water inflow of the past several years, and also by keeping the density up to maximum salinity by cutting off the salt leak with a solid dike. These steps could result in a tremendous check in the evaporation loss. The surplus fresh water could be used for home, industrial and agricultural purposes in the fresh water areas, or diverted back to the north end if needed to meet the requirements of future industrialization.

Perhaps one of the lake's worst handicaps has been its inaccessibility. Of its approximately 200 miles of shoreline only about three miles in the extreme southeast corner has ever been put to recreational use. The rest is a vast wasteland made worse by the wide fluctuations of the water level. Because of the lake basin's shallowness, water flows back and forth across several hundred square miles, creating the widely publicized controversy over the ownership of the shorelands.

Once this central island system of roads and dikes is completed, however, the islands themselves will add many miles of beaches and approaches. Even the dikes between may eventually be supplemented by man-made beaches. There will be almost unlimited facilities for motels, golf courses, and new recreation areas of every description.

These possibilities will bring added competition, a fact which may be of concern to owners of the small south end resort properties. Their worry appears to be needless, because the increasing use of the lake for recreational purposes will probably keep ahead of construction of facilities.

Admittedly, the cost of the master plan will be gigantic. Nevertheless, for the first time in history, it appears the natural resources of the lake could pay back the cost.

According to A. Z. Richards, Jr., consulting engineer to the GSLA, the fresh water reservoir in the east embayment would supply industry, agriculture and recreation uses on a profitable basis. By placing a dike along the east zone, large areas of the old lake bed, now a useless swamp, would be exposed. Production of valuable chemicals from this soil would be speeded up.

THE LAKE WOULD PAY ITS DEBTS

Roads, parks, bathing beaches, and all housing and recreational facilities connected with Antelope and Fremont islands would become immediately profitable.

Based on the master plan computations, the state would have to borrow $1 million a year for 12 years, possibly by issuing bonds. Private interests will need to raise another $1 million annually during the same period. It is estimated that after a period of 15 years the sale of dependable water and reclaimed land would begin to repay to the state the millions invested.

Private investors would get their money back sooner by exploiting the industrial and recreational opportunities. The first six years would see the east dike and embayment completed; the second six-year period would complete the dike across the lake and around to the point of beginning.

The key to this overall plan, which will determine the rate at which it can go forward, is the present experiment the GSLA is conducting with the cooperation of Kennecott Copper Co. to determine if the tailings from the mills at Magna can be used to build the proposed dike system. A test strip is being run into the lake, and though only partially completed, the results are highly favorable. Richards is enthusiastic.

"The fears of the opponents of the plan," he says, "are not being justified. The tailings, which are being run directly from the mills to the lake by a flotation system, firm up and make a solid core in the salt water, and not even the strongest waves tear them apart.

"Neither do the tailings cause the water to be murky as some feared. This is because the material is entirely rock and mineral particles. Though a small amount of colloidal material remains loose at the outer edges, it merely flows back and forth with the movements of the waves, without changing the basic formation or contaminating the water."

The experiment, now well under way, will be continued several thousand feet further into the lake, then will be permitted to stand while it is studied.

Utah State University will try to determine what plant life might be induced to grow along such a dike system.

Since the entire experimental dike, extending more than 50 miles, can be accomplished by direct flotation from the mills with the help of booster pumps, it would cost only a fraction of any other known dike construction method.

Another big hurdle was overcome early in June when President Johnson signed into law a bill introduced by Sen. Frank E. Moss, D–Utah, and Rep. David S. King, D–Utah, directing the federal government to sell to Utah a strip of land encircling the lake lying between the early-day federal government survey of the lake boundary and the present, receded lake shoreline. Sale price is subject to negotiation or court settlement.

Once settled, the process of issuing concessions for both industrial and recreational purposes can be speeded up. As many as 650,000 acres of shoreline land is involved.

WHO SHOULD CONTROL IT?

King and Moss have also introduced bills which would convert Antelope island into a national monument. There is considerable opposition to this bill in Utah, however. Many people feel the state should not lose control of the island. The Republicans in Congress, Sen. Wallace F. Bennett and Rep. Laurence J. Burton, along with ex-Gov. Clyde, seem to favor state control.

Representative King sums up the need for a broad design: "If the great resources of the lake are left to haphazard individual development, the result would be spotty, often inadequate, and without a true western motif. There is almost unlimited opportunity for individual enterprise in the large publicly-controlled plan."

Governor Rampton promises to push ahead as fast as possible on both the commercial and recreational development of the lake.

"This includes the development of Antelope island," he says. "I see no incompatibility between combining commercial and recreational uses. The lake and its resources are large enough for both, and Utah's economic growth requires that both commercial and recreational uses of the lake be developed to the maximum extent."

Based on the growing unanimity of purpose and resolve, coordinated by the master plan of the GSLA, the plan to rescue Great Salt Lake from its present pattern of disuse and decline is gaining momentum.

WHY THE JOY OVER VIET ELECTION?

Mr. GRUENING. Mr. President almost before the final ballot was cast in the recent South Vietnamese elections, and even before the results could be analyzed, administration spokesmen, news stories and editorial writers in many parts of the United States were hailing the election as a great triumph for democracy.

If herding a preselected populace to the polls to vote for carefully screened candidates is a victory for democracy then, I confess, I am at a loss to understand the true meaning of the word.

The keystone of any democracy is free elections. If a government prohibits from voting those who may not share its views—if a government prevents those people from running for election with whose opinions it disagrees—then it cannot be said that there has been a free election.

What happened in South Vietnam in this past election was akin to what has been happening over the years in the Soviet Union where only carefully selected candidates dedicated to the Communist regime are permitted to have their names on the ballot and then the government blatantly claimed to have held "free elections" and to have garnered $99\tfrac{44}{100}$ percent of the vote.

In a thoughtful article in the Washington Star for September 19, 1966, the eminent columnist Clayton Fritchey analyzes the elections in South Vietnam in realistics terms and presents a view which differs from the prevailing paeans. Mr. Fritchey says in part:

> If the American people swallow the new Ky-Johnson line, they will again end up disappointed and disillusioned, just as they have in the past when the truth ultimately deflated previous propaganda fantasies.
>
> It is better to face up to the truth at once, and the truth is that the Viet Nam election (if it can honestly be called that) is by no stretch of the imagination a testimonial to General Ky's military government.

I ask unanimous consent that Mr. Fritchey's article in the Washington Star for September 19, 1966 entitled "Why the Joy Over Viet Election?" be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Why the Joy Over Viet Election?

(By Clayton Fritchey)

The post-election jag in South Viet Nam goes on unabated, and the intoxication of Washington officialdom almost equals that of the Saigon generals, who are described as "almost delirious with joy."

Premier Ky and the other leaders of the military dictatorship are hailing the election as a "triumph for democracy," a "smashing victory" for the government, and a testimonial to the ruling junta.

The President of the U.S. has added his own beaming benediction: "The large turnout," he said "is to me a vote of confidence." Confidence in what?

If the American people swallow the new Ky-Johnson line, they will again end up disappointed and disillusioned, just as they have in the past when the truth ultimately deflated previous propaganda fantasies.

It is better to face up to the truth at once and the truth is that the Viet Nam election (if it can honestly be called that) is by no stretch of the imagination a testimonial to Gen. Ky's military government.

No one yet knows what the election results really mean, or even portend, so Ky and his U.S. supporters simply proclaim that the mere size of the turnout (also in dispute) is in itself an endorsement of the government.

Yet the one, indisputable, fact seems to be that if the vote is a testimonial to anything at all, it is to the people's deep desire to have an elected, civilian government, and not a self-imposed military one, such as Ky presently heads up.

Just how that constitutes a ringing affirmation of the Ky junta is something that baffles disinterested observers, most of whom see the election as a strong expression of popular will for replacing the generals with a constitutional, representative government.

If that is so, why are the generals so elated? They are jubilant because they think they have succeeded (temporarily at least) in acquiring the protective coloring of a democratic election, without running any risks to their own future. They think they have fixed it so that they are safe no matter what happens. And they are probably right in this estimate

As everyone knows, the only reason the elections were held in the first place is that the Buddhists forced Ky to call them. Last spring, it took weeks of demonstrations, violence, and fiery immolations to exact an electoral promise from the junta. The Buddhists have never been pro-Communist or pro-Viet Cong. They simply fought for elections and representative government until the militarists grudgingly gave in.

No doubt the hopes of many unsophisticated Vietnamese, especially in the provinces, have been momentarily raised by the joy of just casting a ballot; and no doubt many Americans would like to believe Premier Ky's statement that the election means "a brighter, more beautiful future" for his nation.

The only fly in this unctuous ointment is that in the little more than 10 years of South Viet Nam's history there have been a dozen military governments, and none of these regimes, including Ky's, has yet been able to find a place for the people in the country's "beautiful future."

MANAGING THE NORTHEAST CORRIDOR'S HIGH-SPEED GROUND TRANSPORTATION SYSTEM

Mr. SCOTT. Mr. President, on June 16, 1965, in testimony before the Senate Committee on Commerce in support of S. 1588, the High Speed Ground Transportation Act of 1965, I cited the Communications Satellite Corp., and suggested that serious consideration be given to the idea of chartering a mixed public-private corporation along the lines of Comsat to do the job of building and managing the new ground transportation systems that eventually will result from the research undertaken pursuant to the High Speed Ground Transportation Act of 1965.

Subsequently, I asked the New Haven chapter of the Ripon Society, which is composed of Yale University students, to explore the feasibility of this idea. Let me add, parenthetically and by way of explanation, that the Ripon Society is a Republican research and policy organization whose members are young academic and professional people interested in infusing the Republican Party with new blood and fresh ideas. It was founded in Boston, Mass., in December 1962 by a group of law and graduate students and professors at the Massachusetts Institute of Technology and Harvard University. The Ripon Society now has chapters in several cities throughout the United States.

In response to my request, Ripon-New Haven submitted two papers. The first, prepared by Paul R. Lamoree, concludes that establishment of a mixed public-private high-speed ground transit corporation similar to Comsat is politically feasible. The second prepared by Richard Meyer, examines the idea from an economic standpoint and concludes that it probably would be financially feasible.

Both papers are well done and should be of interest to those Members of Congress, Commerce Department officials, and private citizens who are involved in the research and development activity authorized by the High Speed Ground Transportation Act of 1965. Accordingly, Mr. President, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THEORETICAL CONSIDERATIONS OF THE PROPOSED HIGH-SPEED TRANSIT CORPORATION

(By Paul R. Lamoree)

Since the Satellite Communications Act of 1962 provides the inspiration for the plan to develop and implement a high-speed ground transportation system under the mixed aegis of the government and a federally-chartered, publicly-held corporation, a discussion of the proposal in terms of political theory can profitably proceed from a comparison of the proposal with its progenitor.

The primary considerations underlying each are the immense cost of preliminary research, which necessitates governmental participation and funding; the great import of the proposal for the lives of the citizenry, which justifies the resort to public resources, as well as requiring provisions for some degree of public control; and the sweeping scope of the project, which makes the decision as to governmental, private-stockholder, or mixed ownership one of great moment with respect to the balance of the public and private sectors. The differences between the two plans are equally pertinent to the suitability of the Comsat technique to the transportation field. Illustrative differences are the purely intra-national arena of the transportation plan in contrast to the international role of telecommunications, the dissimilarities between the roles of the existing rail industry in the high-speed system and that of the communications industry in the satellite system, and the relative degrees of technical development present in the two areas when the commercial aspects were first considered.

Each of these similarities and dissimilarities has some significance in a theoretical analysis of the transit proposal. Each goes to either dilute or reinforce the criticisms of the one system with respect to the other. On the whole, they all go to demonstrate that the type of public-private mixture created for use in the satellite field is even more desirable in the transportation area.

I. PROTECTING THE PUBLIC INVESTMENT

The central fact of the satellite program for our purposes was that the Corporation, which operates for profit, received the benefit of huge governmental outlays for basic and specific research. The Corporation was not required to reimburse the nation for these expenses, since such a requirement would, of course, have been prohibitive. But the critics of the proposal were incensed that the products of that research were to be put to commercial use, so that the consuming public would be required to pay for the resulting services on a tariff above cost, thereby, they argued, losing the benefit of their research investment to the stockholders. The greatest part of the criticism evolved directly from this pivotal fact of government investment, and a satisfactory plan for high-speed transit must assure the public the benefit of the development programs for which it must pay.

The weight of this objection to the Comsat program is illustrated by the size of the Government's role in developing the technical systems. The National Aeronautics and Space Administration (NASA) and the Department of Defense (DOD) together spent $471.6 million on space communications research in the 1960–63 period. This figure does not include booster research which, according to testimony given before the Senate Committee by Assistant Secretary of Defense J. H. Rubel, constituted 90% of the total cost.

The public expenditure probably needed for high-speed ground transportation research prior to the stage of commercial feasibility is impossible to judge before it is determined what kind or kinds of systems will be pursued. The expenditure is also a function of the degree to which demonstration projects will be necessary to build public acceptance to a level of commercial practicality. An extreme figure may serve to define the problem: one research group working on a subterranean tubeway operating at near-sonic speeds has said that a minimal and non-commercial demonstration run is $2 billion away. The less ambitious proposals would be proportionately cheaper, perhaps on the scale of the Northeast Corridor project now being probed. The more advanced the system, the more extensive the demonstration stage would likely have to be to overcome public reticence. Naturally people will be more reluctant to expose their senses and their fragile bodies to, e.g., jet-propelled Ground-Effect Machines than to 150 m.p.h. electric trains.

Despite the attendant uncertainties, it seems quite probable that the ultimate public outlay for research and development on as-yet visionary transit systems will far outstrip the investment in satellite communications. Thus the criticisms levelled at Comsat must be met, especially in view of the fact that space-relayed telecommunications were made possible by the spin-offs of a larger program spurred by considerations of national security and national prestige, while a ground transit system must be approached calculatingly on its own merits.

In addition, while the public role in space relays could cease upon the furnishing of information, a limited number of rockets, and launch facilities—except for continued regulation—it must be a more active one in transportation, for these reasons: first the initial runs are just the beginning of a development that will proceed upon its own logic across the continent; second the system, whichever is chosen, will require active government participation, at least to the extent of exercising eminent domain; and finally, political questions are posed by the deployment of the system, which may well become a major factor in the economy and demography of the nation.

A. Public ownership is inappropriate

In meeting this area of criticism, however, it is necessary to consider the possible alternatives. Given that there will be a high-speed transit system, the question becomes one of how best to assure the public a quid pro quo for its investment. This might be done by giving the government ownership of the system, or by structuring and regulating the privately-held enterprise to guarantee its responsiveness to the public interest.

The same quantum of expenditure that gives rise to concern for the taxpayers' return on their outlay strongly militates against government ownership: the potential eventual size and impact of the transit grid is so immense that public ownership of it would necessarily unsettle the balance between the public and private sectors of the economy. No exclusively federal domestic project has ever approached the implications of this one, unless it is electrification and flood control (a pregnant exception). Ownership would necesarily be active, in that a transit system requires a great deal of manpower to operate and vigorous direction of its growth. The government would therefore be injected into the lives of its citizens in a highly significant fashion.

There are two other aspects of a transportation grid that distingush it from, for example, public power or a hypothetical public satellite relay system: First, a transportation system of the sort envisioned deals directly with the ultimate consumer, since it is primarily a passenger device. Public power plants on the whole sell to regional co-operatives or private distributors, who serve to dilute the impact of government on the consumer's life. Even in schemes like Medicare the services are privately performed, with the government acting only as payor of fees and general supervisor of standards. Satellite communications, if they were under government ownership, would place as a buffer between the citizen-consumer and the government the communications service industries—the telephone, telegraph and broadcast companies.

Second, public power does not approach pre-emption of the field; there remains a healthy private power industry. Similarly a public satellite relay arrangement would not exhaust the telecommunications field: cables, micro-wave relays and scatter broadcasts can and do provide almost identical services to the same clientele. But a federal ground transportation grid would hold exclusive sway over the area of service, because no private competitor could manage the necessary capital investment to compete directly, or offer roughly parallel services, which would be rendered merely redundant by the geographical character of transportation services. Air, bus and conventional rail services are not sufficiently parallel to dilute the resulting federal monopoly, because of limitations of passenger capacity and speed inherent in their vehicles.

B. Organization and regulation: the pragmatic approach

If we reject public ownership, the question narrows to one of devising an adequate structure and mode of regulation for a "private" corporate system. This in turn divides into two practical problems: one of the organization of the owning and operating entity, and the other of allotting the supervisory role to a sufficiently vigorous regulatory body.

In these areas the high-speed ground transit field is more promising even than was the satellite relay field. And if sufficient safe-guards of these sorts can be provided, there will remain no good reason to invoke the spectre of public ownership.

1. Structure of the Corporation

A review of the structure and possible weaknesses of the Comsat Corporation is instructive. The charter provides for thirteen directors, six each from the ranks of the participating communications companies and the public stockholders, and one representative of the public at large appointed by the President of the United States. Critics of the Act feared that the balance would be upset in favor of the industry, since it was likely that (1) large blocs of the publicly subscribed stock, with the attendant voting power, would fall into the hands of the suppliers of electronic equipment, whose interests are allegedly indistinguishable from those of the participating companies; and (2) the membership of the board would have to be drawn from the industry, there being few, if any, other sources of communications expertise.

Neither of these factors has comparable impact in the area of transportation, so a similar structure would be more nearly unexceptionable. In the first place, the railroads, which would be the counterparts of RCA and the like, have no supplier subsidiaries akin to, for example, Western Electric in the electronics field—the scope of railroad activity has been strictly circumscribed by law for decades. Moreover, the independent suppliers of railroad equipment have much less integrated interests than their communications counterparts: rails come from the primary steel industry, the members of which have interests much too broad to converge with the railways rolling stock, traction equipment and components come from diverse companies such as Budd Coaches and General Motors.

In the second place, even if the pool of talent from which the directors would be drawn were limited to the rail and rail supply industries—but of course it would not be, since the new systems would involve as well for instance the airframe and exotic propulsion companies—the geographical bounds of the individual roads' markets would confute any tendency to bury the public interest in common private ones.

Furthermore, the high-speed grid would not be a mere adjunct to existing rail services, analogous to the space relay system, but would be a competing system standing to the railroads as airlines and buses now do.

Another of the fears expressed by the critics of the satellite corporation plan was that the industry directors would drag their feet in research and development to postpone the obsolescence of the industry's existing equipment. *This criticism, too, has little* validity in the transportation field, because (1) the railroads which would be most immediately affected—those with passenger service in the *Northeast Corridor and in similar* megalopolitan bands—have demonstrated little interest in preserving their passenger business, and have added little capital to *passenger facilities recently* enough to be concerned about unamortized investments; and (2) the high-speed system would probably *not displace existing facilities*, but would draw upon a new clientele composed of passengers who would otherwise either not make the trip, or go by air.

There was another troublesome potential conflict between in *directors' interests* as members of the satellite corporation board and as parties to the industry that is not meaningful in the transit context: ownership of the ground relay stations, which are analogous to rail terminals and home-to-terminal transportation was to remain with the separate companies, possibly creating a conflict of interest as to relevant policies. The age, locations and dense usage of existing terminals probably preclude their use with the new system, and there is no reason to believe that the existing roads will build new ones for the high-speed grid.

2. Public Regulation

Many critics of the Comsat proposal charged that there was to be no effective public overseer of the resulting enterprise, pointing to the vacillations and equivocations in the record of the FCC as evidence of the inadequacy of the plan. But the most logical nominee for the regulatory role in the transit plan, the ICC, has a much stronger record, and transportation has proved an area more amenable to close supervision. The endemic problems of the FCC—understaffing, limited budget, and discontinuity of policy-making leadership—do not trouble the vigorous ICC.

In any case, adequate regulation is a relatively simple problem of legislative draftsmanship. Even if the initial provisions were to prove inadequate, improvements could be made later to satisfy any specific criticisms that might arise.

In short, the alternative to governmental ownership as a guaranty of the public investment is to be found in careful structuring of the corporation and energetic regulations by federal agencies suited to the task. For the reasons given, these approaches seem both sufficient and practical, while at the same time they promise not to disturb the delicate balance between the public and private sectors.

III. EXTRAORDINARY POLITICAL AND MILITARY IMPLICATIONS

A. Foreign policy

Quite aside from the basic issue of the public's financial interest in the satellite communications system, that proposal drew fire because of one aspect of the peculiar character of the enterprise which is quite without counterpart in the high-speed transit scheme. A satellite broadcast capacity necessarily had implications for foreign policy, since it was to a large degree directed to international, trans-oceanic communications, which can, if well used, serve to improve understanding between peoples. In federal hands it would be a potentially powerful propaganda vehicle. It was argued that the potential of the system would better conform to the national interest in these areas if it were under direct government supervision, and devoted to a lesser degree to private commercial transactions. Moreover, it was argued that some commercial broadcasts might actually prove irritating to international relations.

The transit system, however, will be purely intra-national. It could not be exploited for *foreign policy purposes—except insofar as it* will stand as a monument to the imagination and competence of our people—nor can its operation adversely influence our standing with other nations.

Governmental usage

Equally irrelevant to the proposed transit system is the argument directed at the satellite plan *that the government should retain* the facilities to be able to tap their potential for military and national *security purposes. The high-speed transit grid will have no military* utility in normal times. The only circumstance in which the government might need to rely upon it would be one of national emergency, at which time the fast trains *would be very useful for troop and materiel* movements. But availability for such purposes can be assured just as it is with conventional rail *facilities*, by a *charter clause* like those of the rail corporations which allows the government priority and rate preferences in periods of military need. In fact, the railroads, which benefitted from land grants during the period of westward expansion, have largely repaid the public by carrying troops below tariff in the succeeding years. It might well serve to placate the critics who complain of private enterprise benefitting from government-financed research if provision were made for such "installment payments" in the enabling act establishing the proposed high-speed transit corporation.

Financial Considerations of the Proposed High-Speed Ground Transit Corporation

Decision makers in government and private industry today are treating high speed ground transportation in the Northeast Corridor as a subject for renovation but only in a conventional sense. With a view toward more radical systems of ground transportation Yale Ripon has embarked upon an economic analysis designed to describe the framework within such a project should be considered and to ascertain within broad limits the revenues, both implicit and explicit, potentially attributable to such a system. From a technological point of view our thoughts have been shaped by articles in two leading American periodicals. See Edwards, "High Speed Tube Transportation", 213–2 *Scientific American*, 34 1965, and Lessing, "The 400 mph Passenger Train", 71–4 *Fortune* 124 1965.

Any such analysis is of necessity incomplete without a corresponding estimate of the projected operating expenses of any desired radical rail system. Consequently, in order to render this analysis formally complete we shall hypothesize arbitrary estimates of operating expenses. Nevertheless, because of the completely untested nature of such a system, no estimate of operating expenses not based on some functioning pilot project should be relied upon to any substantial degree.

The only scientific method of making an investment decision such as will be the case if a radical rail system is embarked upon is the discounted cash flow method. Schwartz, *Corporation Finance* 199. This method requires the decision maker to equate the current capital outlay of an investment project to its discounted future cash flows. If the present value of the future cash flows, including social benefits in this case, exceeds the current capital outlay the project should be undertaken. Therefore in order the analysis presented here one must quantify the value of the social benefits we list.

The cash flow for each year in the useful life of the project consists of the amount of cash it will earn above its out of pocket operating expenses (which excludes depreciation) before taxes i.e., revenue less cash expenses. Since these cash flows will be generated in the future they must be discounted to make the dollar values represented by these flows comparable to the money spent in the present *to build the project. An appropriate discount* factor is the cost of capital the investor must bear for the money obtained now to build the *project* whether it be interest on bonds or *the cost of common stock. The* mathematical formulation of this investment criterion is the following:

$$C=\frac{R_1}{(1+r)}+\frac{R_2}{(1+r)^2}+\ldots\ldots+\frac{R_n}{(1+r)^n}$$

where C = *present cash outlay to build* the project
n = useful life of the project in years
R = cash flow = revenue less expenses before taxes and excluding depreciation
r = the cost of capital *Ibid*

In this report we shall estimate only the cash flow for the year 1985 because time and resources do not permit the calculation of the cash flows for each year of the useful life of the project. Calculations for subsequent years can be made in the identical manner by substituting up to date population estimates. Nevertheless, from this one calculation one can make judgments as to the usefulness of further investigation in this field. Some risk always exists in the projection of cash flows. In fact there exists some probability distribution about each distinct cash flow prediction within which the estimate may vary. Thus one must keep in mind that even where the prediction of cash flow is itself based on precise data the vicissitudes of time make the estimate only an expected value subject to some variance.

The calculations made in this report are based on two sets of assumptions arranged in all possible combinations. The report employs both high and low population projections obtained from state by state projections made by the Bureau of the Census. The report also employs two estimates of the effect of a factor which shall be known as the time elasticity of demand for rail travel. The time elasticity of demand measures the change in the amount of passenger miles traveled in response to a given decrease in the amount of time required to travel between two cities. If rail travel is time elastic a given percentage decrease in the time elapsed between two places will induce a relatively greater change in passenger miles traveled, e.g. a time elasticity of 1.5 means that for every 1% decrease in time to travel between New York and Washington passenger miles will increase by 1½%. A unitary time elasticity of demand means that a given % change in time elapsed will induce an equal change in passenger miles traveled. An economist for the Civil Aeronautics Board made such a calculation for air travel in the United States between 295 city pairs in 1960 and reached a result of about 1.5. Brown, "Measuring the Elasticities of Air Travel", *1965 Proceedings of the Business and Economics Statistics Section of the American Statistical Association* 278.

The report uses this figure as an estimate of the time elasticity of demand for rail travel. In 1963 rail travel accounted for 2.23% of all passenger miles traveled in the U.S. among the four chief forms of transportation—auto, air, rail, and bus. U.S. Bureau of the Census, 1965 *Statistical Abstract* 559. If the trend in this proportion has about flattened out after a precipitous decline since 1952 when it was over 6.0%, and if we assume that the decreased travel time in the Northeast Corridor that would be the result of the construction of such a system as is envisioned here would have the equivalent effect as time elapsed had in the air study, namely a time elasticity of 1.5, then the proportion of passenger miles traveled accounted for by rail would increase to 4.23% within a short time after inauguration of the system, other things being equal. (Other things means chiefly the fare.) This result comes about as follows: since the radical rail system under consideration would approach an average speed of 200 mph or about 2½ times the present speed the time elapsed between any city pair would be decreased by 60% and the volume of traffic would increase by 90% with an elasticity of 1.5. We shall use this figure as the high estimate of the effect of time elasticity. This figure assumes that the entire increase in the proportion of rail traffic to total traffic will come out of the other modes of transportation and not out of persons who didn't travel at all before the construction of the system. To the extent that an increase in rail travel induced by the decreased time would attract prior non-travelers the 4.23% figure is biased downwards.

To achieve a low estimate of the effect of time elasticity we fitted a logarithmic record line to the proportions of total passenger miles traveled accounted for by rail in the period 1952–1963 and then extrapolated to 1985. If the trend continues as it developed in this period the railroads will account for only 0.52% of all passenger miles traveled in 1985. Applying the time elasticity of 1.5 to this we reach a result of 0.78% as a low estimate of the effect of time elasticity. The report deems it unlikely that the proportion of passenger miles traveled will stay as high as 2.23% because there is no reason to believe that the present decline of passenger rail traffic has reached its nadir, or that the proportion should go as low as 0.52% because the increasing congestion of competing modes makes them less suitable and thus tends to set a base below which rail traffic ought not to fall. Nevertheless, because these figures represent the outer limits of the role of conventional rail passenger volume at present, looking ahead to 1985, they are appropriate for the purposes of this report.

In making an estimate of the elasticity of demand for any good or service one must also recognize the existence of substitute goods and services, the nature of which may significantly affect the demand for the principal good. Economists refer to this phenomenon as the cross elasticity of demand and define it as the % change in the quantity demanded of the principal good induced by a % change in the price of the substitute good. Thus, if the quantity of margarine demanded increases 15% for each increase of 10% in the price of butter, the cross elasticity of demand for margarine relative to butter is 1.5.

It is difficult at this time to make any predictions about the future nature of the substitutes for rail transportation namely, air, auto and bus. The report does believe, however, that no technological development in sight or even analytically imaginable can do anything to substantially counterbalance the increased cost of bus and auto travel presently foreseeable. One can conceive of the price of motor vehicle travel as being a function in part of the time elapsed in traveling between any city pair plus the difficulty of disposing of the vehicle when one reaches the destination. For autos the latter is a question of parking and for buses it is a matter of terminal facilities. In both cases we would venture to say that the price in terms of aggravation and inconvenience, of motor vehicle transportation, resulting from the increasing congestion on our highways and in our urban cores will become so high as to completely neutralize the effect of auto and bus travel as effective substitutes for a radical rail system. We concede the existence of a peculiar ethic of individual mobility in our society which reflects itself in the extensive use of automobiles for individual and family travel but we believe that there must be a point of diminishing returns beyond which people will begin to leave their cars at home and use other forms of transportation so as to avoid the problems of traffic congestion common to all motor vehicle travel. Businessmen ought to be particularly susceptible to this hypothesis since they place a great premium upon time.

Predicting the future nature of air travel in the Northeast Corridor is a far more hazardous venture. Nevertheless, the Corridor has already reached a crisis stage in terms of the major metropolitan airports brought on by the phenomonal growth of the airline industry in this decade. Two factors are crucial to the future development of air travel as a substitute for a radical rail system: (1) Time elapsed in travel between city pairs and (2) time elapsed in travel between airport and center city areas. We might inject at this point a remark made by Marion Sadler, president of American Airlines, who asked: "Is an airplane really the correct vehicle for trips up to 200 miles? I doubt it, not when we have the technological capacity for building trains that could deliver passengers from center city to center city at speeds only 20% slower than a plane." Mecklin, "U.S. Airlines: Into the Wild Blue what?", 73–5 Fortune 194 (1966).

No significant increase in speed is presently foreseeable for short and medium range jet flights such as a Boston to Washington flight. The major developments today in jetliner technology appear to be directed to building a trans-Atlantic supersonic transport. Moreover, even if the speed of medium and short range jet flights increases remarkably the report doesn't see how it can make any difference over distances as short as those we are dealing with. It takes approximately one hour to fly from New York City to Washington today. Thus, even if speed increased 50% the time elapsed would only be reduced to 40 minutes. A more significant change in airport to airport travel would be an increase in the size of the jetliners so that more passengers could be carried at no increase in airport or airspace congestion. According to *Fortune* there is a "distinct limit to airway capacity" and, even with such additional technological advances as pinpoint radar to permit narrower separation of planes, "the airlines will be forced increasingly to resort to bigger planes, instead of more planes, to handle their multiplying customers." Mecklin, *supra* at 187. The article also regards as a serious defect of current aid travel in the Corridor the fact that none of New York City's major airports has parallel runways sufficiently separated to permit simultaneous landings or takeoffs during instrument flying conditions, a feature regarded as essential to handling heavy traffic efficiency. Moreover, "all three airports are still further afflicted by noise abatement procedures requiring pilots to stay away from heavily populated areas." Mecklin, *supra* at 188.

Even if all these defects were alleviated, or if new airports were constructed, the problem of airport to center city transportation would remain unsolved. Moreover, the prospect of increased air travel is not a pleasing one for residents of the communities surrounding the present or potential facilities. Consequently, we find it difficult to foresee the airplane as a substantially adequate substitute for rail transport in the Corridor. The implicit price of air travel will continue to rise as the time elapsed between city pairs increases so that a radical rail system carrying people from center city to center city should become increasingly attractive.

In the first draft of the report we made rough estimates of the potential operating ratio of the system in order to complete the discounted cash flow analysis for the year 1985. In this draft the operating ratio estimates were reduced to two arbitrary outer limits neither of which pretend to have any analytical basis. We make a major addition however, by suggesting that a pilot project radical rail system be constructed in New York City, connecting Kennedy Airport with midtown Manhattan and in Washington, connecting its major airport with the downtown area. Such a demonstration project would serve two purposes: (1) It would give us vital information on the operating costs of such a system so we could adequately decide whether or not to build a full fledged system and, (2) It would test the adequacy of air transportation as a viable substitute by slashing the airport to center city trip time. If air transportation with this added feature became adequate then it would probably suffice to renovate the Penn-Central main line along conventional lines from Boston to Washington so as to serve the intermediate cities and put aside any conceptions of radical renovation.

II

Our estimate of projected revenue of a radical rail system is based upon an equation we developed relating passenger miles traveled annually per capita to disposable income per capita. The relation between travel and personal disposable income is at once the most obvious and simplest to calculate. (The suggession to fit this relation was made to us by a member of the research staff of the National Bureau of Economic Research.) The equation itself is the result of a least squares regression of passenger miles per capita on disposable income per capita based on twelve observations of each variable from 1952–1963. Essentially this method of statistical analysis fits a straight line to the points on a coordinate system representing the observations for each variable for each year. Then this line is used to make forecasts of future values of the so-called dependent variable, passenger miles per capita, based on known or forecast values of the independent variable, disposable income per capita. (See chart)

The following equation results from this process: $T=2250.9+1.0044\ Y$ where T=passenger miles per capita and Y=disposable income per capita. The coefficient of determination for this equation, which is to say, the proportion of the sum of the squared deviations of the value of T from the average value of T explained by the introduction of Y into the system is .92. In other words 92% of the variance in the observations of passenger miles per capita between 1952 and 1963 can be explained by changes in disposable income per capita. This is a strong relationship.

We substitute into this equation the forecast disposable income for the year 1985, which was obtained by calculating the average rate of increase in disposable income per capita from 1929 to 1956, both peak years of the business cycle, and extrapolating to 1985. The result is an estimate of the passenger miles per capita in 1985 which in this case equals 6800.9. (The prediction would be more reliable if a completely independent estimate of 1985 GNP were available from which one could estimate 1985 disposable income.) See Table 1. This figure is multiplied by the population estimates for the Northeast Corridor obtained from the Bureau of the Census. "Projections of the Populations of States 1970–1985." *Current Population Report Series P–25*, No. 326, Feb. 7, 1966. The Corridor was defined to include the following states plus the District of Columbia: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and Virginia. The product of this multiplication is the total passenger miles for the Corridor in 1985, both high and low estimates, depending on which Census series one employs.

This estimate is biased upwards because the entire populations of these states are employed in the calculation when, in fact, those persons living in the western parts of states like New York and Pennsylvania are not really inhabitants of the Corridor. On the other hand, the estimate is biased downwards, because the forecast, disposable income, was based on observations taken for the entire U.S. when the average for the Northeast Corridor is higher than the national average.

We apply to this estimate of total passenger miles in the Corridor the estimates of the proportion to be accounted for by rail, and described above, based on the alternative assumptions on the effect of time elasticity, and multiply the result by the current revenue per passenger mile of the Pennsylvania Railroad, which is a convenient estimate of the fare to be charged on such a system as is envisioned by this report. 1964 *Annual Report of the Pa. RR* 51. In fact one might assume that the fare would be higher than that charged on conventional systems of rail transportation because of the superior speed and service. (All estimates are in 1964 dollars.) Table 2 describes the various estimates of gross revenue potentially available to such a system under the alternative assumptions as to population and time elasticity.

Two final caveats are necessary before proceeding to a brief description of the estimation of the projected operating ratio. The revenue estimates shown in Table 2 represent the total market for rail travel in the Northeast Corridor in 1985 and not just the market for travel from Boston to New York to Washington. That is to say that some of this estimate represents travel between places like Albany and New York City and much of it represents commuter travel but neither of these two situations is completely outside the system under investigation and consequently, the market estimate represented by this revenue projection is quite relevant. Moreover, the estimates of the effect of time elasticity may be unrealistic for the universe in which we operate. A value of 1.5 is itself reasonable as is proven by the article from which it was taken, but that value operates in a universe of small time changes. In our case we speak of a cut in time elapsed of about 60% which is phenomonal and perhaps, as a result, we may not expect an increase in travel over a time period as would be indicated by the elasticity figure simply because the change is so radical. Still, a figure of 4.23% for the proportion of travel accounted for by rail is not at all unreasonable in light of even recent history. See U.S. Bureau of the Census, 1965 *Statistical Abstract* 559.

The figure one selects for an estimated operating ratio is clearly crucial. The operating ratio equals the total operating expenses of the system divided by the total operating revenues. In this report expenses will be defined as excluding depreciation. One applies the operating ratio estimate to the estimated revenue in order to produce an estimated cash flow. As a high estimate the report used the average operating ratio of Class I U.S. railroads for the period 1954–1963 which equaled 78% less a discount of 7% for depreciation expenses which are not to be included in the analysis under the cash flow method. (That discount is based on the ratio of depreciation to total operating expenses for the Pa. R.R. in 1965. 1965 *Annual Report of the Pa. RR* 44–5) Thus the high estimate of operating ratio equals 71%. 78 *I.C.C. Ann. Rep.* 141 (1964). As a low estimate we arbitrarily selected 65%. There can be little question that the operating structure of a radical rail system will be reflected in an operating ratio much lower than that of conventional railroads because the labor costs which today represent a large proportion of railroad operating expenses will be very low in a radical system. See 213–2 *Scientific American* 37 (1965). The estimates of cash flow produced by the application of these two projected operating ratios appear in Table 2.

III

In view of the results of the strict cash flow method estimates, the quantity of social benefits which may be earned and social costs avoided becomes crucial in deciding whether or not a radical rail system is feasible. We must be able to say exactly how much in the way of social benefits we require above the orthodox projected cash flow in order to justify the construction of such a system. In order to decide that we must first analyze the capital market likely to be encountered by such a venture. The significance of the cash flow estimates for 1985 can best be judged in relation to the problem of financing a capital outlay of about $2 billion, an accepted estimate of the cost of a radical rail system for the Northeast Corridor. Lessing, "The 400 mph Passenger Train", 71–4 Fortune 218 (1965).

Fundamentally, there are two forms of finance—equity and debt. Equity means common or preferred stock although we shall speak only of the former to simplify matters. For every enterprise there exists some optimum combination of debt and equity, i.e. an optimum financial structure for that particular industry. Debt is cheaper than equity financing but it adds more risk since the interest on bonds is contractually fixed while dividends on common stock may be passed. On the other hand, it is to the advantage of the stock holders to have a higher proportion of debt because then the return on the common stock will be higher. The use of debt or prior claim funds to raise the rate of return on the common stock is known as the use of leverage and is a *perfectly sound* financial practice if pursued to a degree commensurate with the stability of operation of the firm. Thus the firms in relatively stable industries as utilities and the railroads in the old days adopted a more risky financial structure. Schwartz, *supra* at 67–9, 138.

It seems to us that the radical rail system under investigation in this report might of necessity be a highly leveraged project but at the same time might be a stable enough operation to merit such a structure.

The Communications Satellite Corporation capitalized itself with an initial sale of about $200 million of common stock. That sale was quite a successful operation considering the somewhat speculative nature of buying the shares of a corporation with no earnings foreseeable for several years. It is true that A.T. & T. floated a stock issue of $1.25 billion several years ago but investors generally are eager to purchase shares of such a high investment quality. The point to be made is that the report thinks it unlikely that any private or semi-private corporation set up to construct a system as is envisaged here could succeed in raising much more than Comsat did in the way of equity capital particularly in light of the recent paucity of earnings in rail passenger service and in spite of the indication of Part II of this paper that a profitable market for this type of operation might well exist.

Consequently, it appears that debt will have to be the primary source of capital for such a corporation and, in a sense this may make the common stock that is issued very attractive due to the resulting degree of leverage. If the firm could sell as much common stock as COMSAT did it would have to carry a debt of about $1.8 billion which at a cost of about 4% would mean a debt service of about $70 million per annum. (The yield on top quality corporate bonds from 1921 to 1960, which is a good measure of the cost of long term capital, was about 4%. Barger, *Money, Banking and Public Policy* 367 (1962)).

If we assume that potential investors an after tax return of about 6% on the total assets of the firm then the cash flow before taxes but after depreciation will have to equal about $310 million. Of that figure $70 million would be paid out in interest on the debt and about $120 million in corporate income taxes, leaving a net income after taxes of about $120 million. Turning to the cash flow figures denoted in Table 2, one can see that without significant social returns a radical rail system will be feasible only if the most favorable assumptions as to the effect of time elasticity and operating ratio are operative. In all other cases, particularly where the effect of time elasticity is low due to the attrition of the conventional railroad passenger base upon which the projected decrease in time needed to travel in the Corridor will operate, the social return will have to be very high—on the order of between $50 million and $250 million a year—to justify building the system.

From our point of view the social benefits of such a system appear to be significant. The region would save at least the following costs by building the system, all of which ought really to be given positive weight as supplements to the cash flow: the high cost of building more highways particularly in this area where rights of way are expensive; the cost of a great expansion in air facilities to accommodate an ever increasing flow of traffic; the cost of increased central city parking facilities and bus terminals, not to mention the sheer madness of encouraging increased auto traffic in the central cities;

and the probable loss in real estate tax revenues as central cities become more congested and therefore even undesirable for business purposes. (Witness the decentralization of retail business represented by the development of the shopping center as a response to consumer reluctance to drive into downtown areas.) Moreover, the construction of such a system would provide many jobs over a long period of time; our defense mobility would be increased; increased decentralization of industry would be facilitated by improved accessibility to both product and labor markets; and beautification of the countryside will be aided by reduction of surface travel.

If sufficient social benefits can be adduced and quantified to render the project profitable under the discounted cash flow method then the question of Federal participation would become relevant. A Federal role would be imperative for two reasons: (1) the financial structure hypothesized above before introducing the discussion of social benefits is too risky to attract sufficient interest in the orthodox capital market, and (2) Private investors cannot and will not bear the full financial burden of developing and constructing a radical rail system whose "revenues" in large measure consist of social benefits and not conventional dollar revenues arising from day to day operation.

The Federal government has played a large role in the development of other forms of transportation and communication and thus, Congress should not hesitate to embark upon a degree of participation in this area if the project is deemed advisable. The Federal government has built the highways upon which autos and buses travel and has aided the building of airports used by our profitable airlines not to mention the largesse represented by lucrative mail subsidies. Mecklin, *supra,* at 194. Moreover, the basic research and development of the earth satellite and rocket delivery systems which will eventually be used by COMSAT was performed and financed by the Federal government albeit for defense purposes. Nevertheless COMSAT will in a very large sense be reaping where it has not sown.

The financial instrument of government participation may be one of several alternatives which will depend very much on the type of institutional structure one wishes the system to have. For example, if one desired a relatively large say for the government in the system one could request the Congress to authorize the purchase of common stock by the Federal government beyond the amount salable in the open market to public investors. One might have the system issue convertible debentures to the government so that the latter would have the relative security of a prior claim instrument with an opportunity to share in the growth of the system if it become highly successful by exercising the option to convert the debentures to common stock. This would involve a large measure of Federal control if the conversion were undertaken. This last alternative might be attractive to those Congressmen who would oppose a direct appropriation for research and development as being some sort of giveaway in view of the fact that the system might turn out to be quite a profitable investment according to the analysis presented in Part II of this report. On the other hand these same Congressmen would probably raise the spectre of government interference in the event of conversion to common stock.

The Federal government might simply elect to purchase ordinary debentures or bonds as a means of supplementing the market demand for debt obligations of the system. On the other hand the Fed. govt. might make itself the guarantor of obligations issued by the system. This is not distinguishable from the government actually buying the bonds in so far as bearing risk is concerned but, it does prevent the government from earning anything from the ownership of the bonds.

From a combination of political and economic viewpoints the ideal instrument of Federal participation might be that of leasing that part of the structures built by the Federal government. If the system proved able to earn sizeable revenues it could afford to pay the full cost of construction in terms of rentals from the government. If the system proved not so profitable in pure dollar terms the rental could be less, thus constituting a partial subsidy. Surely, such a sliding scale lease could be constructed by legal draftsmen. Moreover, the subsidy if necessary would be partially concealed under the disguise of a lease thus making the whole arrangement more acceptable politically.

The state and local governments whose constituents would benefit from such a system might also participate financially by owning stocks or bonds or by constructing and leasing facilities in the various stops of the system. The issue of state and local government participation is particularly relevant to the problem of service to intermediate points such as New Haven, Trenton and Wilmington that are currently served by either the Pennsylvania or New Haven Railroads and are not being considered as major stops in the thinking on radical systems. Since passenger service in the Northeast is a losing proposition at present there is little reason to expect any change in that situation on a short haul basis where increased speed becomes less important to the individual traveler. As a result, if we require the macroscopic Boston to Washington system to take over the passenger services between the intermediate points a drain on cash flow not accounted for in the calculations of Part II will be introduced.

The larger the scope of services conceived for such a system, the broader the financial participation will have to be. If one operates on the partial hypothesis that those who benefit from the system ought to pay for its development, then this principal of finance assumes a self evident nature.

The state governments are at present burdened with the subsidization of intermediate and commuter operation. If the operations involved in those services were merged with the overall system state and local governments might be amenable to financial participation in the overall system and the system itself would not be in the "giveaway" position of being responsible only for the potentially lucrative long haul passenger service without bearing the responsibility for intermediate and commuter service. At any rate an operation such as the one envisioned here, giving regional service, could function efficiently only with the coordinated efforts of all levels of government along with those private groups that are involved with the system, as partial owners or operators.

TABLE 1.—*Regression data*

Year	Population (in thousands)	Disposable personal income (in thousands)	Disposable income per capita	Passenger miles in all modes	Passenger miles per capita
	(1)	(2)	(3)	(4)	(5)
1952	156, 393	$238, 312	$1, 524	575, 345	3, 679
1953	158, 956	252, 564	1, 589	608, 769	3, 830
1954	161, 884	257, 445	1, 590	625, 113	3, 861
1955	165, 931	275, 348	1, 659	614, 510	4, 005
1956	168, 903	293, 179	1, 736	696, 696	4, 125
1957	171, 984	308, 524	1, 794	694, 018	4, 035
1958	174, 882	318, 826	1, 823	704, 452	4, 028
1959	177, 830	337, 315	1, 897	736, 764	4, 143
1960	180, 684	350, 044	1, 937	760, 733	4, 210
1961	183, 756	364, 424	1, 983	775, 005	4, 218
1962	186, 656	385, 267	2, 064	801, 450	4, 294
1963	189, 417	403, 832	2, 132	834, 544	4, 406

TABLE 2.—*Estimates of gross revenue and cash flow in 1985*

A. REVENUE

[In millions]

	Time elasticity	
	High	Low
Population:		
High	$915	$170
Low	850	160

B. CASH FLOW

[In millions]

	(1)	(2)	(3)	(4)
When:				
Population	High	High	Low	Low
Time elasticity	High	Low	High	Low
Operating ratio:				
High	$265	$50	245	45
Low	$365	70	340	65

APPENDIX A.—*Estimation of disposable income per capita in 1985* (Y_{1985})

	Disposable income	Population	Disposable income per capita
1929	$83, 120	122, 000, 000	$681
1956	290, 154	168, 903, 000	1, 720

$$1+\Gamma=\sqrt[27]{\frac{1720}{681}}=1.0349$$

$$\Gamma= .0349 \text{ or app } .035$$

Using $Y_{1963} = \$2,132$ as the base:

$$Y_{1985} = \$2,132(1+.035)^{22} = \$4,535$$

APPENDIX B.—*Use of the least squares equation to forecast to 1985*

Let

T=Passenger Miles Per Cap

Y=Disposable Income Per Cap

Then

$T=2250.9+1.0044Y \qquad \Gamma^2=.92$

$T=2250.9+1.044(4535)$

$T=2250.9+4555=6800.9$ or approx. 6801 miles per capita

APPENDIX C.—*Population projections for 1985 in the northeast corridor*

[In thousands]

State	High estimate	Low estimate
Massachusetts	6, 967	6, 426
Rhode Island	1, 099	993
Connecticut	3, 930	3, 756
New York	23, 159	21, 228
New Jersey	9, 431	9, 053
Pennsylvania	13, 955	12, 757
Delaware	750	715
Maryland	5, 139	4, 896
District of Columbia	1, 165	1, 096
Virginia	6, 098	5, 630
New Hampshire	906	859
Maine	1, 255	1, 124
Total	73, 854	68, 533

Source: Current Population Reports, P-25, No. 326, Feb. 7, 1966. High estimate, Census Series II-B; low estimate, Census Series I-D.

CAR PRICE INCREASES

Mr. RIBICOFF. Mr. President, the first American auto manufacturer has announced its retail prices for 1967 model cars. The Ford Motor Co. has made what it calls "price adjustments" which "average only $25 per vehicle, or less than 1 percent."

But the New York Times headline this morning tells a different story: "Ford Prices Up an Average of $112." The Wall Street Journal says: "Ford Raises Suggested Retail Prices on 1967 Models by an Average 4 Percent, Mostly To Cover Safety Features." How much has Ford raised its prices?

Last August 31, I urged the auto companies to "utilize the fruits of their mass production techniques and increases in productivity to keep the cost of safety down."

But now it seems clear that at least one manufacturer is trying to make an unfair profit out of safety. For example, last year optional deluxe seat belts cost $14.53 more than regular seat belts. This year those seat belts have been made standard equipment. The additional $14.53 is added to this year's car price. By retaining last year's optional price for the item, Ford has totally ignored the mass production economies it must receive when switching from optional to standard equipment status for a given item.

Why is Ford passing last year's optional cost on to the consumer? We have said for years that "safety pays"—now we are finding out what safety costs, and the figures are grossly inflated. The same can be said for Volkswagen.

Another area of concern is the auto industry's insistence on quoting the Consumer Price Index for automobiles, as established by the Bureau of Labor Statistics. According to the Ford press releases of yesterday, that index "shows that the price of new cars had declined 6 percent over the past 7 years, while the prices of consumer items on the whole have risen 11 percent. The difference means a net savings of $500 per car for the average customer today. In view of the higher prices currently showing up on other products and services, this favorable price relationship is likely to be increased again this year."

I do not like to see the American people overcharged with a Federal agency's statistics used as justification. To the man paying an average of $112 a car more this year than last, it is meaningless to speak of "net savings." And to use the BLS index as support is misleading. The method of adjusting car prices to reflect quality changes in new models is far from a perfect system. Last April I raised this issue with Secretary of Labor Willard Wirtz. He sent me a detailed explanation of the "BLS Procedures for Estimating the Market Value of a Quality Change in New Automobiles."

Most so-called "quality changes" are really standardization of once optional equipment. Yet nowhere in the BLS procedures do I find that the economies of mass production are taken into account.

In short, when Detroit quotes the Bureau of Labor Statistics on this point is it possible that Detroit is quoting itself? It will be interesting to see if the BLS, after making its complex adjustments, arrives at the same $25, 1-percent increase Ford does. Mr. President, it would be more interesting—and far more important—if the BLS finally becomes more concerned with the impact on the consumer than on its index.

UMBRELLA FOR ASIA

Mr. McGEE. Mr. President, I believe it is true that one thing we fight for in Vietnam is time. We fight for time to permit the nations of Asia to draw together and establish their own effective instrumentality for maintaining peace and order and to balance off the power of mainland China.

In its lead editorial Sunday, the Washington Post referred to the views of President Marcos of the Philippines, our recent distinguished guest, who advocated an American umbrella for Asia, but not our continued presence on the mainland after stability is restored. His views, as the Post says, warrant consideration. So does, Mr. President, the editorial itself. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UMBRELLA FOR ASIA

Forthright support by President Marcos for the American effort in Vietnam will be warmly appreciated in this country at a time when many Asian countries speak in accents of anxiety and equivocation. And precisely because the Filipino leader has so stanchly affirmed his determination to resist Communist aggression, "whether perpetrated openly or by proxy," his views on the character of the post-Vietnam U.S. military presence in Asia should be given the closest consideration.

The Marcos conception of the American role in Asia strikes a middle path between those at one extreme who would repudiate any American responsibility for Asian security and others who forget that the basic responsibility must rest with the Asian countries themselves. He envisages an "American umbrella," but not a forward strategy involving the continuing presence of U.S. forces on the Asian mainland. If a non-Communist South Vietnam can be secured, Mr. Marcos declared, the basis would be laid for establishing a new Asia-wide collective security grouping. Then, "when this has been done, American military power could withdraw to existing bases in the outlying islands and archipelagoes: Japan, Okinawa, Taiwan and the Philippines. Together with the U.S. Seventh Fleet, this line of defense off the Asian mainland could be rendered completely impregnable, while offering needed support to any mainland nation that may be threatened by Communist power."

Mr. Marcos showed an admirable sense of realism and statesmanship in advocating an Asia-wide association based "not on the narrow ideological alignments of the cold war but on the inescapable reality of Asian diversity." Clearly, any meaningful system of Asian security would have to embrace such key capitals as Tokyo, Djakarta and New Delhi in addition to those hitherto represented in SEATO, and in the new Association for Southeast Asia formed by the Philippines, Thailand and Malaysia. It has been encouraging to see the ASA reaching out for broader Asian contacts in recent months—a trend which will, we hope, gain increasing momentum. But as Mr. Marcos stressed, the countries along China's periphery will be unable to balance the nuclear power of their giant neighbor "singly or together" for some years to come, and must continue to rely on the capacity of the United States for prompt and effective intervention.

UNITED NATIONS: U THANT'S GLOOMY CONCLUSIONS

Mr. KUCHEL. Mr. President, the United Nations has begun its second 20 years on what the distinguished American newspaperman, James Reston, calls "a melancholy note."

In his column in the New York Times for this morning, he discusses the gloomy conclusions of U Thant, the basic problem involved in Vietnam, and what he considers the interesting possibility of United Nations action in the matter.

I commend Mr. Reston's splendid article to my colleagues, and I ask unanimous consent that its text appear in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED NATIONS: U THANT'S GLOOMY CONCLUSIONS

(By James Reston)

UNITED NATIONS, N.Y., September 20.—The United Nations has started its second twenty years on a melancholy note. "The relationship between the big powers," said the Secretary General, U Thant, "has dropped to a new low. To my knowledge, there has not been any meaningful dialogue between Washington and Moscow for a long time. I think it is a very regrettable situation."

THE FORGOTTEN PROGRESS

Regrettable this no doubt is, but to conclude that the big powers have reached a "new low" is going a bit too far. That is very low indeed. Not so many years ago the "meaningful dialogue" between the delegates from Moscow and Washington was rattling everybody's back teeth. Bad as Vietnam is, and will become when the General Assembly starts debating the war in a few days, it is nothing compared to the old days when the Russians were waving their rockets and pounding the U.N. desks with their shoes.

The last time the leaders of the United States and the Soviet Union had a "meaningful dialogue" was at Vienna in 1961. It was a shouting match over Berlin, with Khrushchev threatening war, and it was so "meaningful" that President Kennedy came home and increased the American defense budget by $6 billion, and sent another U.S. division to Europe.

The main thing about the relations between the big powers today is that, despite all the provocations in Southeast Asia, they are restraining their power and fighting a limited war for limited ends. Vietnam may be a damn silly conflict, as most of the delegates here seem to feel, but all the big powers involved are intervening just enough to keep the balance of power from being upset.

"The east-west *detente* was developing very well until 1963," the Secretary General remarked, but is this true? In 1962, the Soviets were sending to Cuba missiles capable of hitting almost every city in the United States. All the atomic powers were polluting the world's atmosphere with radioactive dust, and the United States was still thinking it could win wars 10,000 miles from home without too much agony. Everybody knows better now—not much better, but some.

THE CONTINUING DIALOGUE

There is no lack of "dialogue" between the big powers on Vietnam. Secretary of State Dean Rusk will be talking to the Soviet Foreign Minister, Andrei Gromyko, about it at the Waldorf this week. The U.S. and Chinese ambassadors have been chewing it over in Warsaw for months, and almost a hundred foreign ministers will no doubt have a few words to say on the topic here over the next few weeks.

It may even be that something will come out of all this once the delegates focus on the main question. This is whether the balance of power is to be changed by force of arms in Southeast Asia, and the forthcoming debate in the General Assembly here will give the United States an opportunity to make clear that it is neither prepared to allow Hanoi, Moscow and Peking to change the balance of power there by war, nor that Washington is trying to change the balance by keeping its power in that peninsula.

The delegates to this General Assembly, if they are faithful to the first principle of the U.N. Charter—that force shall not be used to achieve political ends—may still help find a compromise based on this principle.

The basic problem is that Hanoi, Moscow and Peking do not believe the United States when it says it does not want to keep its military power and military bases in Vietnam. It is still apparently inconceivable to them that the United States would fight a war at a cost of $2 billion a month and then go away when the fighting stops and leave the people of that country free to determine their own political future.

Yet even all the critics in the United States, who have been condemning the past policies of their own country in Vietnam, agree that this is indeed the policy of President Johnson now. He is trying to put an end to that struggle and get out, and he needs the help of the United Nations to do so.

THE U.N.'S CHANCE

As things now stand, he cannot convince Hanoi, Moscow and Peking that this is his policy, but maybe he can convince them by authorizing the United Nations to supervise a cease-fire and a phased withdrawal of all combatants and the dismantling of all military bases.

The war is not going on because the relationship between the big powers has reached a "new low" or because there is no "meaningful dialogue" among the representatives of these powers, but because each side in the war thinks the other side is trying to change the balance of power by force of arms.

The United States Government is prepared for a cease-fire and a specific timetable for withdrawal, and it will be interesting to see whether the United Nations is ready to test this offer, to help carry it out, and to put the same proposition to the other side. If it is, the General Assembly debate will at least produce the "meaningful dialogue" Secretary General Thant wants.

THE VICE PRESIDENT'S COURAGEOUS ROLE

Mr. McGOVERN. Mr. President, I was extremely pleased to read an editorial in the Washington Post of September 20 commenting on the forthright and courageous speech which Vice President HUBERT HUMPHREY delivered at Howard University last Sunday.

The Post, in lauding the Vice President, commented:

> He has been spending his credit with racial minorities to obtain order; and risking his standing with people who clamor for order to obtain progress. And if we get both progress and order, it will be in part because the Vice President has been willing to speak in both audiences where one or the other is unpopular.

This is richly deserved commendation of the Vice President's efforts. It has long been characteristic of him to disregard personal political considerations when he feels it in the interest of the country and the welfare of its people to speak out.

I ask unanimous consent, Mr. President, to insert the editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 20, 1966]

HUMPHREY'S CONTRIBUTION

Vice President HUMPHREY, in his address at Howard University on Sunday, put the anguishing crisis of the civil rights movement at this juncture in two clear sentences.

"We cannot acquiesce," he said, "to those who would destroy our system of laws and justice through violence, riots and civil unrest . . . who fail to understand that rights and responsibilities are bound together in the tightly woven fabric of society."

And then he added: "But neither can we acquiesce to those conditions which have contributed so directly to the outrage we encounter among so many who believe themselves sentenced to lives of poverty, dependency and misery."

The Vice President brings good credentials to the role of counsellor of those who are trying to correct ancient wrongs. He has a right to ask them to listen to him. His record gives him that right. And he has, as well, claims on the credibility of those he asks to advance the effort against discrimination.

When the fever of riot and civil disturbance is over and the days of discrimination have ended, it will be difficult to allocate credit. But in the distribution of any rewards that are made for tireless exertion in behalf of both causes, the Vice President should not be overlooked. He has been spending his credit with racial minorities to obtain order; and risking his standing with people who clamor for order to obtain progress. And if we get both progress and order, it will be in part because the Vice President has been willing to speak for both in audiences where one or the other is politically unpopular.

THE FAST DEPLOYMENT LOGISTIC SHIP PROGRAM

Mr. BREWSTER. Mr. President, the fast deployment logistic ship program represents a Department of Defense proposal which I believe to be both philosophically faulty and economically unsound. Under the terms of this program, the Department of Defense proposes to procure approximately 40 ships at a cost of well over $1 billion for combat loading of military equipment and prepositioning in the vicinity of world trouble spots to meet any possible emergency.

I am firmly convinced that this plan is unsound in several respects. It is unlikely that we could have a sufficient number of ships to supply adequately a large force at a given place and time or cover all potential danger areas simultaneously. On the other hand, it is likely that the rapid obsolescence of military hardware and the rapid deterioration which characterizes ships and embarked equipment during long periods at sea would seriously impair the effectiveness of this program.

Beyond these considerations are the serious economic and policy questions involved. The United States is currently faced with a maritime crisis of major proportions. Our commercial fleet is now heavily overcommitted to the handling of Vietnam cargo with a resultant neglect of our trade routes and loss to our balance of payments. Our reserve fleet is approaching exhaustion and our ship replacement program is more than 90 ships behind.

The Defense Department has consistently maintained that we have no maritime problem—that our fleet is adequate. But, in fact, what the Defense Department is now proposing to do is to build its own merchant marine—a merchant marine owned and operated by the Government—but a merchant marine of limited-use ships which are destined to rust on station.

I am reliably informed that the same investment by the Government in our present maritime construction subsidy program could provide the United States with more than 100 modern vessels which would be immediately available to the Government in times of emergency but which would contribute substantially to the American economy and our international balance of payments during times of peace. Such a shipbuilding program is the only way to raise the United States from its currently embarrassing position as ninth among the seapowers of the world.

Mr. President, on Tuesday evening I had the pleasure of attending a discussion of this subject and participating in a panel sponsored by the flagship section of the American Society of Naval Engineers. On that occasion, Mr. Edwin M. Hood, president of the Shipbuilders Council of America, presented a detailed critique of the FDLS program. I believe that his words should be carefully considered by every Congressman and Senator who will be responsible for passing on the appropriations for this project, and I, therefore, ask unanimous consent that the text of Mr. Hood's address be inserted at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE IMPLICATIONS OF MULTIYEAR PROCUREMENTS ON THE U.S. SHIPYARD INDUSTRY

(Speech by Edwin M. Hood, President, Shipbuilders Council of America, Before The Flagship Section, American Society of Naval Engineers, American Chemical Society Auditorium, Washington, D.C., September 20, 1966)

For many years, the methods by which ships are procured in this country have varied only slightly. The United States Navy, the Maritime Administration, the U.S. Coast Guard, the Bureau of Commercial Fisheries, as well as commercial shipping operators have, to a very large extent, been obliged to order their vessels on a contract-by-contract basis, or at best in very small lots, because of limited government or private financing.

The output of modern, efficient oceangoing vessels has thus failed to meet urgent sea power requirements. There has been no comprehensive program. Much existing capacity for shipbuilding has remained idle. Skilled shipyard craftsmen have accordingly sought employment in other industries offering more stability and greater security. Shipbuilding has provided little attraction to young people of promising ability. And, the full potential of the shipyard industry has yet to be realized.

Since 1958, the average contract for the construction of merchant vessels, under governmental auspices, has involved only 3.4 ships. Only minimum attention has been given the desirability of consolidating or combining contracts so as to take advantage of series production and attendant cost savings. With certain few exceptions, the same could be said for the procurement of naval vessels.

All of this has taken place at a time in history when the importance of strength on the oceans to national security has been increasingly self-evident. To support this assertion, one need only to refer to the role that shipyards, shipping and/or ships played in the Suez crisis, the Korean action, the Lebanon incident, and the Cuban affair. More recent experiences at the Gulf of Tonkin and in maintaining the logistics of supplying our troops in Southeast Asia and elsewhere furnish added endorsement and new dimensions to the lasting doctrine of sea power. In addition, the impressive merchant ship construction endeavors of the Soviet Union suggest an unprecedented phase of cold war economic confrontation with ocean shipping as a key element.

Yet, more than 80 percent of the vessels in the U.S. Navy are 20 years of age or older. More than 80 percent of the ships in the American merchant marine are 20 years of age and older. Hundreds of naval and merchant vessels built in World War II ride at anchor in mothball status. The continuing value of these reserve fleets in terms of today's varying often sophisticated military commitments has become an issue of controversy with overwhelming expert opinion on the side of their becoming "worthless rustbuckets." Some 300 merchant ships, most of which have already been restored to active duty for the Vietnam conflict, represent a costly, second-rate sea lift capability. The 1,100 more uneconomic, inefficient and obsolete vessels which comprise the balance of the maritime defense reserve fleet are destined for scrapping. They could only be placed in service at abnormally high cost with only marginal assurances as to reliability.

This brief summary is sufficient to illustrate the condition of our nation's sea power resources. These facts have occasioned an awakening concern by governmental officials and others. Many divergent points of view as to appropriate solutions have been expressed. Those genuinely alarmed by the high degree of obsolescence in our merchant and naval fleets and by the economic health of our shipyards have posed searching questions that need to be reasonably answered. Their questions are directed primarily to this introspection: First, how to upgrade our sea power to a size and quality our national interests dictate with optimum utilization of resources and manpower; and secondly, how to create an environment which will encourage expanded ship construction programs in U.S. shipyards at the lowest possible costs. No doubt, there can be more than one answer to these questions.

The necessity for massive ship replacements offers to American initiative and ingenuity the challenge of developing and introducing new concepts, different methods and advanced technology. In other words, the opportunity exists to produce ships of more optimum design characteristics and operating features from those of the past to realize minimum costs. And, to be effective, these replacements must be accomplished in a relatively short time frame.

How to do this? That is the overriding question!

There are, of course, the "instant experts" who advocate an arbitrary division of shipbuilding contracts—some of U.S. yards and some for foreign yards—which could only lead to confusion and chaos. By any such scheme, the national security would ultimately be gravely undermined, and irreparable damage would be done to the nation's economy, shipyard resources and the balance of international payments. The differences between our economic system, contractual customs and specification details and those of other countries would inevitably lead to conflicting problems. U.S. operators would have to be almost omniscient to predict whether their ships would be built here or abroad. Financial planning would also be difficult to forecast and arrange.

Fortunately, to this point, wiser judgments have prevailed. The means to build ships economically are here. We need only to apply them wisely and well. Shipyards in all sections of the United States have sucessfully pursued cost reductions programs. Productivity has steadily improved. Management and production techniques have progressed, and facilities have considerably improved and modernized. Simultaneously, there has been increasing appreciation of the intrinsic value of ordering identical ships in larger numbers for construction over a specified period of time. It has come to be known as multiyear procurement or multiple production.

Shipbuilding authorities have long recognized the savings potential of this type of ship construction programming. Series production of identical ships in one or more shipyards, they have said, would make possible greater speed and economies not only in the yards themselves but also in the procurement of components from the manufacturers. Some shipyard operators contend that U.S. shipbuilding prices, utilizing existing facilities, can be reduced by 20% to 30% below today's levels with more sensible procurement procedures, with vessel design geared toward cost saving features and shipbuilding economies, with more realistic specifications, and with multiple production contracts.

There is nothing new in this approach. The phenomenal ship construction program of World War II was predicated on the standardized multiple production of Liberty and Victory ships. The official record of shipbuilding under the U.S. Maritime Commission in World War II entitled "Ships for Victory," published in 1951, includes this pertinent comment: ". . . it is difficult to realize how desperately ships were needed in 1941–1944 and how unlikely it seemed then that means could be found to build 19 million tons in one year as was done in 1943." Shipyards in 1942 began to turn steel into ships so rapidly that there was not enough steel to keep them fully occupied. This condition necessitated a realignment of administrative environment "to put the emphasis on making sure that the shipyards received the materials and money they needed to turn out ships."

As a young Air Force officer, I remember reading of the amazing 1943 output of more than one ship every two days by the Bethlehem-Fairfield yard in my home city of Baltimore, Maryland. I have subsequently learned of the astounding production records which took place in practically every established and emergency shipyard in those critical days. If these accomplishments could be reached under wartime conditions, exceptional achievements are now possible under less urgent circumstances.

It should be noted, however, that multiple ship production in the war years was not pluperfect. Frederic C. Lane wrote in "Ships For Victory," published in 1951, that "shipbuilding made more phenomenal gains in speed than in productivity of labor." He also asserts that "a large portion of the building done for the (Maritime) Commission did not enjoy the full savings of multiple production." Mr. Lane attributes this situation to "discontinuities" with the following explanation:

"Standardized multiple production of Liberty ships was replaced by the construction of a variety of types of greater complexity. Pressure within the Maritime Commission for the building of better, faster merchant ships, and pressures from the Joint Chiefs of Staff for the construction of transports and other military types changed the character of the production problem."

The production problem is even more complex today. By reason of inertia, ineffectual programming, and inadequate fiscal support, fewer ships are being built. There continues to be a desperate need for ships. The ever-changing design requirement with respect to many naval vessel types is something of a deterrent to multiple production. Some shipowners are not enthusiastic about standardizing ship designs. And, to a high degree, the future prospects of the U.S. shipbuilding industry will depend on increasing productivity. This is important not so much because it is a way to increase output, but because it is a way to reduce costs further and to improve competitive position.

Multiyear procurements—multiple production contracts—are a means to the resolution of some, but not all, of our nation's present shipbuilding requirements. The recent award by the Naval Ship Systems Command of 17 LST's and 20 DE's to two separate yards—National Steel & Shipbuilding Co. and Avondale Shipyards, Inc., respectively—for delivery over the next 3 to 5 years, has probably set the stage for other contracts of like proportions. As stated before, the shipyard industry has long urged that multiyear procurements of single type vessels be followed, so far as practicable, with little or no change in design or specification details during construction.

To accomplish desired cost savings, this last factor is especially significant. In view of the Navy's practice of endeavoring to incorporate an optimum level of effectiveness in each vessel delivered to the fleet, through costly unilateral change order procedures during construction, it is uncertain as to how identical each of the ships in these LST and DE series productions will be. Added costs have to be absorbed by the Government with every change, and the contractor's delivery schedules are frequently delayed.

The Maritime Administration has also acknowledged the present-day advantages of consolidating shipbuilding orders. Though the low level of Federal fiscal support has severely limited the opportunities for series production of merchant vessels, and for consequent cost savings and improved productivity, there are indications that the Fiscal 1967 program involving 9 to 13 ships *may* be combined into one contract of one design. The word "may" must be underscored because political and shipping interest pressures could prompt the award of two contracts of the same or different designs.

A study on "The Prospects for Reducing U.S. Shipbuilding Costs," completed earlier this year by the Shipbuilders Council of America for the Maritime Administration, demonstrates that the cost savings potential within U.S. design concepts can range from 15 to 18%. These savings are the estimated economies of improved contract and regulatory conditions; of reducing fixed cost per ship through uniform designs, multiple procurements and component compatibility; and of more adequate and stable shipyard activity levels.

In addition, the Navy Department is now in the early stages of implementing a latter-day variation of the multiyear series production concept—the "total package" procurement of Fast Deployment Logistics Ships (FDL's)—a vessel of basically merchant type configuration and purpose. This project, believed eventually to encompass as many as 40 ships, has prompted considerable discussion and much conjecture. These ships would be fully loaded with military materiel and operated within a prescribed zone for immediate dispatch to any trouble spots in the area.

Unlike conventional ship procurements where bids are prepared against detailed vessel design and specifications, the FDL bidders must respond in terms of the mission to be performed by the ships, submitting their own designs for the ships as well as for the systems management under which they will operate. Their bids will be evaluated not only on the price of the ships but on the life-cycle cost to operate and maintain them. Total costs of each bidder's system will be measured against others weighted by relative capability to perform the same desired mission.

Bidders are encouraged to contemplate the construction, outfitting and maintenance of an entirely new shipyard to be located in a fair weather section of the United States and capable of producing 10 to 24 new ships per year. An investment of as much as $150 million, or perhaps more, in property, building ways or docks and supporting facilities is therefore anticipated. A labor force of approximately 5,000 people is forecast. This latter requirement could accentuate the present critical shortage of shipyard manpower in most sections of the country, just as the addition of another shipyard could accentuate the present oversupply of shipbuilding facilities here as elsewhere around the world.

FDL competitors—three at this moment—must survive several elimination phases as proposals are progressively refined. The investment in ship design, shipbuilding approach, systems concept and other facets prior to construction of a new facility and actual production will aggregate $30 million or more with about two thirds of this amount being financed by the Federal Government. To design a single cargo ship type, no other research and development effort of the same magnitude has ever been undertaken in this country. This investment is about equal to the cost of two of today's cargo liners. It is about equal to the construction subsidy for 4 merchant vessels. It is only the first increment of a total program cost estimated to be in excess of $1 billion. This amount is equal to the cost of the Government's share in the construction of more than 125 merchant vessels.

That the present contenders for the FDL contract are aerospace oriented organizations is obvious from their names and reputations—General Dynamics Corporation, Litton Industries, and Lockheed Aircraft Corporation. Each has acquired a long-established shipyard in recent years, but it is improper to assume therefrom, as some journalists have, that the shipbuilding industry has been taken over by aviation companies. If anything, these several mergers between shipyards and aerospace organizations represent a marriage of technologies to meet developing horizons in the maritime and ocean sciences fields. In fact, other shipyards and aerospace companies have been and are allied with the same object in mind, but not contained in the same corporate structure.

Moreover, traditional shipyards have been leaders in the evolution of technical innovation and progress. For quick confirmation, one need only visit the nearby locations of the Newport News Shipbuilding and Dry Dock Co. at Newport News, Virginia, and the Sparrows Point, Maryland yard of the Bethlehem Steel Corporation, Shipbuilding Division. These yards could hardly be classed as "outmoded." Practically every major shipyard in the United States is at this moment engaged in some form of facility modernization.

With each of the three FDL bidders, much of the nucleus of the team putting together their proposal is composed of shipyards people with considerable experience and expertise augmented by independent naval architects who have been commissioned in the customary manner for vessel design functions. To this nucleus, of course, have been added many engineers and specialists of varying technical backgrounds which are deemed appropriate and necessary. In each instance, there will be truly a marriage of technologies, and it cannot be said that traditional shipyard skills and usual techniques will be abandoned. The FDL ships, after all, will not be amphibian transports. Their configuration, propulsion system, strength and compartmentation, cargo handling features, and so on, must conform to an oceanic environment and will be developed by marine oriented technicians.

Shipping operators, through the American Merchant Marine Institute, have expressed deep concern that a fleet of FDL ships might eventually and substantially intrude on commercial routes. Certain members of the Congress have voiced similar fears. As a supplement and partial alternative, the subsidized operators, through the Committee of American Steamship Lines, have proposed a plan to provide a privately-financed sealift capability composed of advanced design merchant vessels, operated under appropriate long-term charters to the Department of Defense to augment the FDL fleet. This offer, it is claimed, would minimize budget outlays by the public treasury.

In the context of the FDL program, the Arendal shipyard in the Gotaverken Group at Goteborg, Sweden, has received much favorable notice. The sponsors of the program suggest that the successful bidder should emulate this new straight flow, partially mechanized, production line shipyard. Unquestionably, it is a fine facility for the series production of specially designed vessels, principally tankers and bulk carriers. Its schematic layout is not too dissimilar from that of certain existing yards in this country.

But, there may be certain financial aspects of the Gotaverken operation which the successful FDL bidder may not want to emulate. In each of the last 3 years, a loss of considerable proportion on sales before income taxes and related charges has been experienced. Furthermore, the debt service of a brand new yard is of itself a substantial cost element. The Government of Sweden stands ready to guarantee unconditionally a $9 million debenture loan for the Gotaverken Group, the underwritting of which is now being negotiated in the United States. Evidently multiple ship production in a new yard is no less risky and a profit no more guaranteeable than multiple ship production in an existing facility. Or could the difference be that the Swedish Government provides the comforting ingredient of monetary guarantees to ensure the continuous operation of their yards.

By and large, U.S. shipbuilding facilities, techniques and manpower productivity are equal to the balance of the world. There are those who say we are in general substantially better than the world average. In any event, our shipyards are today substantially different from the shipyards of World War II, just as the yards of the last War differed from those of World War I. As has already been pointed out, U.S. yards have and are investing in capital improvements. The evolution of change is constant, and it can be reasonably predicted that the shipyards of 1975 will appreciably differ from those of 1965. Multiyear series production procurements could greatly influence this evolution and all that goes with it.

Quite apart from the speculation that one or two additional FDL type programs will follow behind the present FDL project, the opportunities for quantity purchase of ships are many. The impact of multiple procurements will depend fundamentally on the extent they are utilized by the Government and private shipping companies. The impact on individual shipyards will be very much a function of the procurement process since yards vary considerably in size, scope of activity, and capacity. The alacrity with which major capital expenditures in shipyard facilities are increased will depend on the manner in which these procurements are handled and the sincerity of governmental determination to ensure they are fulfilled.

By numerical count, the active merchant fleet—dry cargo ships, general cargo vessels and tankers—includes about 1,000 ships. The active Navy fleet is only slightly less in number. Assuming a total sea power capability of 2,000 ships, with whatever reserve fleet as may result from the turnover of these, the average annual replacement requirement, under the most favorable conditions, would be from 80 ships based on a 25-year physical life to 133 if a 15-year economic life were to prevail. Vessels for the Coast Guard Commercial Fisheries, Oceanography and other special purposes would be in addition to these figures.

While larger and faster new ships will probably replace old ships on something better than a one for one basis, the rate of ship construction must at the outset be higher than average because of the high degree of block obsolescence in the merchant and naval fleets. About 1,600 ships—or 80 percent—in the above mentioned sea power capability—are 20 years of age or older and must be replaced. More than 300 new ships per year will be required over the next 5 years merely to correct known infirmities. Shipbuilding goals of greater numbers will be necessary if U.S. sea power resources are to be expanded for national defense and commercial trading purposes. Present sights, however, are much lower. The combined naval and maritime appropriations for Fiscal 1967 contemplate the construction of more than 59 vessels.

In the modernization and expansion of sea power capability, multiple procurement involving a minimum annual average of 100 new ships per year, deliverable at 10 ships per program per year, illustrate that 10 programs would be underway at any given time. If each program includes 15 to 40 ships, 25 to 57 programs would take place during the next decade.

Considering the present and future requirements for ships, these estimates do not appear unrealistic. An increase in shipbuilding activity to meet them would create a desirable and healthy environment. It would have a remarkable impact on the shipyard industry, particularly if every conceivable way of achieving economies is brought into play. More dramatic gains in productivity would be attained. The cost of building ships would be less and the pace of technological innovations greater. The industry could concurrently engage in expanded research and development efforts if fiscal support, incentives and compensations comparable to that made available to the aerospace industry were forthcoming.

U.S. shipyards can be expected to respond with greater capital investments in specialized facilities and equipment should an increase in opportunities, with assurances of continuity, occur. The industry, like any other, will tool up only in scale with its near term potential, but it will go all out if the market environment is there. One of the chief challenges, should multiyear procurements become general practice, will be to find the most effective way to utilize the abilities of all shipyards, large and small, new or modernized. The competitive spirit and the diversity of production capability which would result from meeting this challenge well justifies whatever additional action it might entail.

The necessity and opportunity to restore the strength of our ocean fleets are virtually synonymous. Enlightened national policies, which take advantage of many ways of doing things differently and better, will yield important cost reductions and accelerated technological advancements. All elements of the U.S. shipyard industry if given the proper environment to produce the ships our nation so urgently needs, can do just that.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 196. An act for the relief of Georges Fraise;

S. 1468. An act for the relief of Dorothy Eyre;

S. 2091. An act for the relief of Joaquin U. Villagomez; and

S. 2295. An act for the relief of Guiseppe Rubino.

The message also announced that the House had passed the bill (S. 373) for the relief of Dr. Victor M. Ubieta, with amendments, in which it requested the concurrence of the Senate.

ESTABLISHMENT OF A PUBLIC COMMUNITY COLLEGE AND A PUBLIC COLLEGE OF ARTS AND SCIENCES IN THE DISTRICT OF COLUMBIA

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1520, S. 293.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 293) to authorize the establishment of a public community college, and a public college of arts and sciences in the District of Columbia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "District of Columbia Public Higher Education Act".

SEC. 2. As used in this Act—

(a) The term "public college of arts and sciences" means an institution of higher education established pursuant to this Act and which is organized and administered principally to provide a four-year program in the liberal arts and sciences acceptable for a bachelor's degree, including but not limited to, courses in teacher education, and such additional program of study as may be acceptable for a master's degree, and courses on an individual, noncredit basis to those desiring to further their education without seeking a degree.

(b) The term "public community and vocational college" means an institution of higher education established pursuant to this Act and which (1) is organized and administered principally to provide a two-year program (including but not limited to courses in business education, secretarial training and business administration) which is acceptable for full credit toward a bachelor's degree or for a degree of associate in arts or a two-year program in engineering, mathematics or the physical sciences and biological sciences which is designed to prepare a student to work as a technician and at a semiprofessional level in engineering, sciences or other technical fields which require the understanding and application of basic engineering, scientific or mathematical principles or knowledge; and (2) also provides (A) vocational and technical education designed to fit individuals for useful employment in recognized occupations, pursuant to a State plan for this purpose approved by the District of Columbia Board of Vocational Education and the United States Commissioner of Education; and (B) other courses on an individual noncredit basis for persons desiring to further their education without seeking a degree.

(c) The term "Board of Higher Education" and "Board" mean the Board of Higher Education established by section 3 of this Act.

(d) The term "Board of Education" means the Board of Education of the District of Columbia established by the Act of June 30, 1906 (34 Stat. 316), as amended (D.C. Code, sec. 31-101 et seq.).

SEC. 3. (a) The control of the public college of arts and sciences and of the public community and vocational college is hereby vested in a Board of Higher Education, which shall consist of nine members of whom not less than five shall have been residents of the District of Columbia for a period of not less than three years immediately prior to their appointments. The members of the Board (including all members appointed to fill vacancies on such Board) shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The President shall designate one of the members as Chairman, who shall serve at the pleasure of the President. Such members shall be appointed for terms of three years; except that the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, three at the end of one year, three at the end of two years, and three at the end of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. Members of the Board shall serve without compensation, but may be reimbursed for their travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons serving the Government without compensation.

(b) The President of the United States may remove, in accordance with the provisions of this subsection, any member of the Board of Higher Education for adequate cause affecting his character and efficiency as a member. If the President determines that, with respect to any such member, there is adequate cause affecting his character and efficiency as a member, the President may appoint a special investigating board, consisting of not more than three members, to consider the matter. The investigating board, in considering such matter, shall hold public hearings and, on the basis thereof, report to the President with respect to their findings of fact and recommendations. Following the receipt by him of such report, the President may remove such member from office.

(c) The members of the Board shall not be personally liable in damages for any official action of the Board in which such members participate, nor shall they be liable for any costs that may be taxed against them or the Board on account of any such official action by them as members of the Board, but such costs shall be charged to the District of Columbia and paid as other costs are paid in suits against the municipality; nor shall the Board or any of its members be required to give any bond or security for costs or damages on any appeal whatever.

SEC. 4. (a) The Board is hereby vested with the following powers and duties:

(1) To develop detailed plans for and to establish, organize, and operate in the District of Columbia a public college of arts and sciences and a public community and vocational college, which shall, to the extent practicable without prejudice to their different missions, rely upon the same faculty, facilities, and administrative services;

(2) To establish policies, standards, and requirements governing admission, programs, graduation (including the award of degrees) and general administration of the colleges established pursuant to this Act;

(3) To appoint and compensate, without regard to the civil service laws or the Classification Act of 1949, as amended, a president for each of the colleges established pursuant to this Act, each of whom shall serve for a term of four years.

(4) To employ and compensate such officers as it determines necessary for each of the colleges established pursuant to this Act, and such educational employees for each of such colleges as the president thereof may recommend in writing, without regard to the civil service laws, the Classification Act of 1949, the Annual and Sick Leave Act of 1951, the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939 (63 Stat. 1147), the Civil Service Retirement Act, as amended, and the Dual Compensation Act, but subject to the Federal Employees Compensation Act, the Federal Employees Group Life Insurance Act of 1954, the Federal Employees Health Benefits Act of 1959, and the Veterans' Preference Act of 1944, as amended: *Provided,* That subject to the approval of the Commissioners, the compensation schedules for such officers and employees shall be fixed and adjusted from time to time consistent with the public interest and in accordance with rates for comparable types of positions in like institutions of higher education. The Board, with the concurrence of the Commissioners, is authorized to determine which officer and educational positions shall be subject to the coverage of the higher education salary schedules. Salary levels shall be determined based on duties, responsibilities and qualifications. The Board, upon the recommendations of the presidents of the colleges, shall establish, with the approval of the Commissioner and without regard to the provisions of any other law, retirement and leave systems for such officers and employees which shall be comparable to such systems in like institutions of higher education;

(5) To employ and compensate noneducational employees of the Board and of the colleges established pursuant to this Act in accordance with the Civil Service Act, the Classification Act of 1949, the Civil Service Retirement Act, the Federal Employees Compensation Act, the Federal Employees Group Life Insurance Act of 1954, the Federal Employees Health Benefits Act of 1959, the Veterans' Preference Act of 1944, and any other statute applicable to noneducational employees of the Board of Education;

(6) To fix, from time to time, tuition to be paid by nonresidents attending any such college, but in no event shall any legal resident of the District of Columbia be required to pay any tuition charge to attend any college established pursuant to this Act. Tuition charged nonresidents shall be fixed in such amounts as will, to the extent feasible, approximate the cost to the District of Columbia of the services for which such charge is imposed, and shall be deposited to the credit of the general revenues of the District of Columbia;

(7) To fix, from time to time, fees to be paid by students attending any such college established pursuant to this Act (including charges for room and board), and receipts from such fees shall be deposited into a revolving fund in a private depository in the District, which fund shall be available, without fiscal year limitation, for such purposes as the Board of Higher Education of the District shall approve, and the Board of Higher Education is authorized to make necessary rules respecting deposits into and withdrawals from such fund;

(8) To transmit annually to the Congress and the Commissioners of the District of Columbia estimates of the appropriation required for the colleges established pursuant to this Act for the ensuing year;

(9) To accept services and moneys, including gifts or endowments, from any source whatsoever, for use in carrying out the purposes of the Act. Such moneys shall be deposited in the Treasury of the United States to the credit of a trust fund account which is hereby authorized and may be invested and reinvested as trust funds of the District of Columbia. The disbursement of the moneys from such trust funds shall be in such amounts, to such extent, and in such manner as the Board of Higher Education, in its judgment, may determine necessary to carry out the purposes of this Act;

(10) To submit to the Congress and the Commissioners of the District of Columbia recommendations relating to legislation affecting the administration and programs of such colleges;

(11) To make such rules and regulations as the Board deems necessary to carry out the purposes of this Act;

(12) To assume control of the District of Columbia Teachers College established pursuant to the Act approved February 25, 1929 (45 Stat. 1276; D.C. Code, sec. 31–118) from the Board of Education at such time as may be mutually agreed upon by such Boards and approved by the Commissioners. At such time personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available for such Teachers College are authorized to be transferred and be under the control of such Board of Higher Education: *Provided,* That the laboratory school shall remain under the control and management, and the employees assigned to such schools shall remain subject to the supervision of, the Board of Education: *Provided further,* That noneducational employees of the Teachers College at the time the control of such College is assumed by the Board of Higher Education shall retain all benefits provided by any law applicable to noneducational employees of the Board of Education, and shall be subject to any benefits provided for noneducational employees of the Board of Higher Education: *Provided further,* That educational employees of the Teachers College at the time the control of such College is assumed by the Board of Higher Education shall be subject to the same benefits provided for all educational employees of the Board of Higher Education pursuant to paragraph (4) of section 4 of this Act; except that such educational employees may elect, within ninety days of such time, to remain subject to the provisions of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (60 Stat. 875), as amended; and

(13) To provide for the crediting to educational employees of the Teachers College, pursuant to the leave system established for educational employees of the Board of Higher Education under this Act, leave accumulated pursuant to the provisions of the District of Columbia Teachers' Leave Act of 1949.

(b) A person shall, at the time of his registration to attend any college established under this Act, be considered to be a legal resident of the District of Columbia for purposes of paragraph (6) of subsection (a) if—

(1) such person is domiciled in the District of Columbia on the date of such registration and has been so domiciled during all of the six-month period immediately preceding such date; and

(2) in case such person—

(A) on such date—

(i) has not attained twenty-one years of age,

(ii) has not been relieved of the disabilities of minority by order of a court of competent jurisdiction, and

(iii) has a living parent or a court-appointed guardian or custodian,

there resides in the District of Columbia on such date an individual who is the parent or court-appointed guardian or custodian of such person, and

(B) such individual is domiciled in the District of Columbia on such date and has been so domiciled for all of the six-month period immediately preceding such date.

SEC. 5. The Commissioners and the Board of Education may furnish to the Board, upon request of such Board, such space and facilities in private buildings or in public buildings of the government of the District of Columbia, records, information, services, personnel, offices, and equipment as may be available and which are necessary to enable the Board properly to perform its functions under this Act.

SEC. 6. All obligations and disbursements for the purpose of the Act shall be incurred, made, and accounted for in the same manner as other obligations and disbursements for the District of Columbia and, except as provided in paragraph (9) of section 4 of this Act, under the direction and control of the Commissioners.

SEC. 7. (a) Subchapter 1 of chapter 18 of the Act of March 3, 1901 (31 Stat. 1280), as amended (D.C. Code, sec. 29–401, 419), is amended (1) by striking out "Board of Education" wherever it appears in such subchapter and by inserting in lieu thereof "Board of Higher Education", and (2) by adding at the end thereof the following new section:

"SEC. 586g. As used in this subchapter, the term 'Board of Higher Education' means the Board of Higher Education established pursuant to the District of Columbia Public Higher Education Act."

(b) Nothing contained in the amendment made by this section shall be construed as affecting the validity of any license issued by the Board of Education prior to the date of the enactment of this Act.

SEC. 8. (a) There are hereby authorized to be appropriated from the revenues of the District of Columbia such sums, not to exceed in the aggregate $50,000,000 (including any amounts made available pursuant to subsection (b) of section 1 of the Act of June 6, 1958 (72 Stat. 183), as amended by subsection (b) of this section), as may be necessary to carry out the provisions of this Act.

(b) Subsection (b) of section 1 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvements programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City", approved June 6, 1958 (72 Stat. 183), as amended (D.C. Code, sec. 9–220(b)), is amended (1) by striking out "$225,000,000" and inserting in lieu thereof "$245,000,000", and (2) by inserting immediately before the period at the end thereof a colon and the following: "*And provided further,* That $20,000,000 of the principal amount of loans authorized to be advanced pursuant to this subsection shall be utilized to carry out the purposes of the District of Columbia Public Higher Education Act".

LEGISLATIVE REORGANIZATION ACT OF 1966—REPORT OF A COMMITTEE (S. REPT. NO. 1629)

Mr. MONRONEY. Mr. President, on behalf of the Special Committee on the Organization of the Congress, I report the Legislative Reorganization Act of 1966. I am also pleased to file the report of the special committee, pursuant to Senate Resolution 293, recommending favorable Senate action on the bill. This is another milestone on the road to congressional reorganization.

Twenty years ago, as a Member of the House of Representatives, I had the honor to cosponsor with Senator Bob La Follette, the Legislative Reorganization Act of 1946. That act was the first comprehensive revision of congressional organization in the 20th century. Its proudest achievement was the standing committee system as we know it today—the number of committees, their prescribed jurisdictions, their professional staff, and their mandate to review the administration of existing laws as well as to pass new ones. The 1946 act also improved appropriations procedures, gave statutory recognition to the Legislative Reference Service, and required the registration of lobbyists. Despite the failure of some provisions and the consistent violation of others, I believe it fair to say that the act has had a profound influence on the effectiveness with which Congress has conducted its business during the past 20 years.

Now we have turned to the task of congressional reorganization once again. The Joint Committee on the Organization of the Congress was created in March 1965—a full year and a half ago—to make a careful study of the organization and operations of Congress. This has been both a bipartisan and a bicameral undertaking. The 12-member committee has equal representations from each House of Congress and from each political party.

After many months of public hearings, informal meetings, and executive sessions, the joint committee published its final report on July 28, 1966. The report contained more than 100 separate recommendations for improvements in congressional organization. A copy was sent to each Member of both Houses.

But the issuance of the joint committee's report would be no more than a revealing academic exercise if it were not followed by legislation based on its recommendations. Thus, the six Senate members of the joint committee introduced Senate Resolution 293 for the creation of a Special Committee on the Organization of the Congress. The resolution was favorably reported by the Committee on Rules and Administration and was unanimously agreed to on August 26. The resolution granted legislative authority to the special committee to receive, consider, and report an omnibus reorganization bill based on the recommendations of the joint committee.

Under the provisions of the resolution, the special committee was directed to give the chairman and ranking minority member of each standing committee the opportunity to appear and present their views prior to reporting the bill. Although a number of chairmen and ranking minority members had already testified at the hearings held last year, all chairmen and ranking minority members were notified—three appeared in person and three submitted statements for inclusion in the record.

The special committee has now completed its deliberations. The bill has been unanimously and favorably reported. It awaits floor consideration by the entire Senate. It is not my intention today to describe in detail the provisions of the Legislative Reorganization Act of 1966. A copy of the committee report will be promptly delivered to each Member of the Senate. But I think a broad outline of its subjects would be useful.

The bill recognizes the essential need for a strong committee system. It establishes a committee "bill of rights" to give a majority of each standing committee an opportunity to work its will by requiring the call of the meeting and the reporting of a bill. It proposes rather modest realinements of committee jurisdiction to keep pace with growing Federal participation in new public policy areas. It attempts to achieve a better distribution of workload among Members of the Senate by limiting future committee assignments and chairmanships. It provides the means for a more penetrating review of the administration of existing laws by the standing committees and strengthens conference committee procedures.

The bill addresses itself to the awesome congressional responsibility of the power of the purse in an era of $100 billion budgets. It enlarges the role of the General Accounting Office in making a greater variety of budgetary data—suitable for computing programing—available to all Members and by providing expert staff assistance in GAO to be on call by the standing committees to assist in modern program evaluation techniques. It provides for more frequent budget up-dating and more long-range projections of continuing programs. It requires an analysis of the budgetary consequences of new legislation by the legislative committees. It recommends a more open, output oriented appropriations review.

The bill strengthens both the quantity and quality of informational assistance available to Members for reaching legislative decisions. It increases the number of statutory committee staff positions with adequate provision to the minority party for staff representation. It creates the separate staff position of legislative assistant for each Senator. It substantially strengthens the capacity and direction of the Legislative Reference Service—redesignated the Legislative Research Service in the bill—so that the service can be a more valuable research pool to backstop personal and committee staff.

Finally, the bill seeks to remedy a number of institutional problems. It provides for a Joint Committee on Congressional Operations as a continuing body. It modifies supervision of pages, guides and Capitol Police. It removes Members of both Houses from the inappropriate task of appointing and confirming postmasters and recommending rural mail carriers. It attempts to rationalize congressional scheduling by providing for an August recess period in the event the business of the session has not been concluded by the legal adjournment date of July 31. It widens the threshold and puts more teeth in the law requiring registration of lobbyists.

Mr. President, a number of these proposals will be controversial. Some may be unacceptable. All will no doubt be critically studied. Although the joint committee was able to reach unanimous agreement on the report, and the special Senate committee unanimously supports this bill, I would expect that this body will certainly have additional, alternative, or contradictory ideas in some areas. The bill will be open to floor amendment and we welcome the views of all Senators as to any means of strengthening it. This is, after all, a common cause—for the subject matter of the legislation is Congress itself.

On behalf of the joint committee, I do earnestly solicit your support today—not for the bill itself, but for the opportunity to have it considered this session. There are compelling reasons why the bill should be acted upon promptly.

First, we are ready to do so. The final report of the joint committee has been in the hands of every Member of the Senate since the end of July. The bill itself has been introduced, considered, and reported. All that remains is for the leadership to place it on the calendar.

Second, this has been a joint undertaking and I believe we have an obligation to our colleagues in the other body. My distinguished cochairman, Representative RAY J. MADDEN, introduced similar legislation on August 18. Representative THOMAS B. CURTIS, ranking House Republican on the joint committee, is introducing a virtually identical bill today. Since floor action is required in both Houses, we do our colleagues an injustice if we do not act promptly in the Senate.

Third, the magnitude of the joint committee's work makes the bill worthy of consideration. Public hearings were held during 5 months in 1965 and additional hearings have been held by the special committee in August and September of this year. In all, the committee received the views of 206 witnesses, including more than 100 Members of Congress. In addition to the testimony of witnesses at public hearings, the joint committee and its staff interviewed members and staff of all of the standing committees and many of the subcommittees of both Houses and reviewed reports filed by those committees on their activities. The entire 88th Congress was programed on computers in order to analyze the committee system's demands on the time of Members. We evaluated the proposals contained in the published and unpublished works of political scientists and students, studies of congressional reorganization produced by noncongressional agencies and the reports of various State legislatures.

Since January of this year, the joint committee has held over 50 executive sessions in evaluating, considering, and acting on the hundreds of reform proposals. The scope of the final report speaks for itself. I do not believe that Congress should or will waste an undertaking of these dimensions by failing to take prompt action on its findings.

Fourth, this is the proper time to consider proposals for congressional organization. Next January the 90th Congress will convene. The committees will organize and plan the work of the session. Staff will be selected. If Congress acts favorably on the proposals of this act, the provisions of the act will directly affect committee organization, assignments, rules of procedure, staffing, and the scheduling of both committee and floor business. What would be more appropriate in the concluding days of this session than to provide the organizational framework for more efficient operations for the next session?

Fifth, I firmly believe that the people expect us to act. It is often said that congressional reform is not the kind of issue that sells newspapers or captures the public fancy—and perhaps this is true. But it may interest you to know that the joint committee, since the publication of our report, has collected more than 100 editorials from newspapers, large and small, scattered over the country. In recent weeks I have placed a number of these editorials in the CONGRESSIONAL RECORD.

Not one of these editorials opposes the recommendations of the joint committee. The clear tenor of the editorial comment has been that the recommendations are sound, that they are by no means revolutionary, that the committee could well have gone further, and that they watch with skepticism to determine if Congress is willing to enact a reform measure this session. I would hope we can prove these habitual congressional cynics to be overskeptical rather than clairvoyant.

Last, and certainly most important, we should act on the bill this session because we will not consider any subject during this session of more abiding importance. If you share my belief that the foundation of our system of government is an effective and responsible Congress—and I believe that most of the Members of this body do share that belief—then we must not delay unnecessarily a reorganization to enable a better job of meeting the challenges of this age.

I hope every Member of the Senate will join me in urging the leadership to schedule the Legislative Reorganization Act of 1966 for floor action at the earliest possible date in order that the Senate may work its will on the bill and send it to the House for action there prior to the adjournment of this session.

Mr. President, I report the bill and submit the committee report for printing.

The PRESIDING OFFICER. The report will be received and the bill (No. 3848) will be placed on the calendar.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to my distinguished colleague, the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I wish to commend the distinguished senior Senator from Oklahoma. This has been a long, hard, tough, time-consuming job. He has done, I think, a remarkably fine job. Just think of it—206 witnesses over a period of 5 months, 50 executive sessions. It is very rare that any kind of action by this body receives that sort of scrutiny.

It is my firm conclusion, having studied the recommendations of the Monroney-Madden committee, that they would unquestionably improve the efficiency and the productivity of Congress; and I agree with the Senator from Oklahoma that they should have action and have it now, before we adjourn sine die.

I think that the best time for action on a bill which would reorganize Congress—which is always tough, always resisted by some people, understandably, because their own interests are so directly affected—is at the end of a session of Congress. It will be much harder to do it when we begin next year.

I should also like to emphasize that I am very proud of the fact that Senator MONRONEY was the coauthor with my predecessor in the Senate, once removed, Senator Bob La Follette of Wisconsin, in the great La Follette-Monroney bill of 1946, which has done so much to help Congress operate in this speeded-up mid-20th-century period, when there is so much to do and so little time in which to do it.

I should like to ask the Senator from Oklahoma one question.

As a member of the Committee on Banking and Currency, I am deeply concerned about the fact that the committee is left with 12 members. This year we tried to operate with 14 members, and it worked very badly. I think that all members of the committee agree that a tie vote is most unsatisfactory; it kills legislation. I realize that it is extremely difficult to have all committees with an odd number of members. It is my understanding that the membership of the Committee on Appropriations has been kept at 27. I think that is too many.

As a recently appointed member, I do not want to give up my position on the Committee on Appropriations, but it seems to me that, by attrition or one way or another, we could cut that number down to 25 or 23 and have enough members available so that the requirement of the Monroney-Madden committee which provides that no member shall serve on more than two committees—at least, no new Senator—would be met; and at the same time it would be possible to have 13 members at least on the various major committees which are left with 12. I understand that there are three, four, or five of them.

Mr. MONRONEY. We have made a number of adjustments since that time.

We studied the matter carefully, but the limited number of Senators—particularly in order to provide that the majority party of the Senate shall have a majority of the committee in the same proportion—makes it difficult to balance off these numbers to everyone's satisfaction. We have done the best we can. It will be subject to continuing changes in the number, because it is easy to add and not easy to subtract a member from the committee. The matter will be undergoing continuing study, as we find out how this new alinement works.

Oftentimes, there is an express provision for the number of members because the minority fluctuates, and yet they have to be properly represented on each of the committees.

Mr. PROXMIRE. I hope the Senator will give that matter consideration. The Committee on Appropriations is a very busy committee and has more work than most, because it has to appropriate all the money of Congress. I hope the Senator will give consideration to the possibility of providing for 23 members instead of 27. The membership used to be much smaller than it is now; and while the committee is busy, the fact is that the 12 chairmen and the ranking Republican members of the subcommittees, by and large, do the real work. Other members contribute, I am sure, but it seems to me that it can function as well with 23 as with 27. The Senators would be available then, and there would be no problem about having enough Senators available to furnish 13 members of the various committees which now have 12.

Mr. MONRONEY. I appreciate the support of the Senator from Wisconsin, and I appreciate the testimony that he gave us during the consideration of this matter.

Mr. President, I yield the floor.

ESTABLISHMENT OF A PUBLIC COMMUNITY COLLEGE AND A PUBLIC COLLEGE OF ARTS AND SCIENCES IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (S. 293) to authorize the establishment of a public community college and a public college of arts and sciences in the District of Columbia.

Mr. MORSE. Mr. President, the District of Columbia higher education bill, which the Senate is considering, comes to the Senate by way of a unanimous vote of the entire membership of the Senate Committee on the District of Columbia. As far as I know, no group or association within the District of Columbia opposes S. 293, a bill which would create a Board of Higher Education to plan, establish, and govern the operations of a public community and vocational college and a public 4-year college of arts and sciences in the District of Columbia.

The objectives of S. 293 are strongly supported by the U.S. Office of Education; District of Columbia Board of Commissioners; United Planning Organization; Adult Education Association of Greater Washington; District of Columbia Board of Education; Association of State Colleges and Universities; District of Columbia Education Association; American Veterans Committee; Greater Washington Central Labor Council; Council of Churches of Greater Washington; American Association of Junior Colleges; American Federation of Teachers; American Association of University Women; National Council of Jewish Women; League of Women Voters of the District of Columbia; National Congress of Parents and Teachers; Metropolitan Washington Board of Trade; and the National Education Association.

My Subcommittee on Public Health, Education, Welfare, and Safety held public hearings on S. 293 and S. 1612 on March 14, 15, and 24 of this year, in which it heard testimony from 54 witnesses. On the basis of the testimony presented by these witnesses, my subcommittee and the full committee under the very able guidance of the distinguished Senator from Nevada [Mr. BIBLE], worked out compromises in regard to various sections of the bill.

Before discussing the various provisions of the bill, I want to again publicly thank and express my deepest appreciation to the members of the President's Committee on Public Higher Education in the District of Columbia for the very excellent report it filed with the President of the United States in June 1964, in support of public higher education in the District of Columbia. That report was the basis for the legislation we are considering today.

As chairman of the Subcommittee on Public Health, Education, Welfare, and Safety, I wish to commend my colleagues on the subcommittee, the Senator from New York [Mr. KENNEDY], and the Senator from Vermont [Mr. PROUTY], for their complete support, and cooperation in regard to this bill.

I also wish to express my deepest appreciation for the splendid assistance and cooperation which I received from Dr. Carl Hansen, Superintendent of Schools, and Dr. Paul O. Carr, former president of the District of Columbia Teachers College. These men have been of tremendous assistance to me and my staff in putting together a very reasonable and sound bill. The splendid work they have done in connection with this bill was far beyond the call of duty.

Also, I wish to pay special tribute to the presidents of our local private colleges and universities and the Metropolitan Washington Board of Trade. Their support of this measure has been most helpful in bringing this bill to the Senate today.

S. 293 authorizes the establishment of a Board of Higher Education to be composed of nine members appointed by the President of the United States, with the advice and consent of the Senate, for a term of 3 years. The bill specifies that a member of the board of higher education may be removed by the President of the United States for adequate cause. The President would designate a member of the board as its chairman, and the members would receive no compensation except for reimbursement for travel expenses, including per diem in lieu of subsistence.

The Board of Higher Education as proposed in the bill authorizes the Board to develop plans and establish, organize, and operate a public 4-year liberal arts and sciences college and a public community and vocational college. The Board would also establish policies, standards, and requirements governing admission programs, graduation, and general administration of the college. The Board would appoint the president for each of the colleges and employ and compensate officers, educational or noneducational employees of a college as its president may recommend.

The bill provides that there shall be no tuition charge for bona fide District of Columbia residents at either college. Nonresident students would be required to pay tuition at the approximate cost of educating the student by the District of Columbia government. Both local and out-of-State students, however, would be required to pay student fees.

The Board of Higher Education would be required to submit to Congress and the District of Columbia Commissioners any recommendations it may have on legislation affecting the administration and programs of the colleges.

The bill also authorizes the Board of Higher Education to assume control of the District of Columbia Teachers College.

The laboratory school connected with the District of Columbia Teachers College would, however, be retained by the present Board of Education.

Finally, the bill authorizes appropriations of $50 million for constructing and equipping the educational facilities proposed therein. Because a major portion of the cost will be capital construction, the bill provides that $20 million of the total $50 million authorization should be borrowed by the District of Columbia from the Federal Government. This compares with State and municipal practices generally where capital construction items are amortized during their subsequent use.

The bill thus incorporates the key recommendations of the distinguished Committee on Public Higher Education in the District of Columbia set up at the request of President Kennedy and reappointed by President Johnson. These recommendations were:

> 1. The immediate creation of a comprehensive community (or junior) college, publicly supported, that will put within reach of all high-school graduates opportunities for technical and vocational training and for general education leading both to greater personal and civic effectiveness and to further study in a 4-year college or university for those who qualify and seek it.
>
> 2. The immediate creation of a college of liberal arts and sciences, also publicly supported, authorized to confer both the baccalaureate and the master's degrees, with a special concern with teacher education (a function it should assume from the D.C. Teachers College) and prepared to offer specialized courses of study as need and feasibility are established.

Mr. President, in support of its recommendations, the President's Committee contended that:

> Today there is paramount need to provide full educational opportunities for the urban multitudes who are struggling under the burden of economic and cultural handicaps. Provisions for higher education must accommodate persons with the widest range of abilities, previous educational backgrounds and career goals. No one with the potential ability to profit from higher education should be excluded because of remediable deficiencies in prior education.
>
> Higher education for those to whom it was previously inaccessible produces consequences far beyond their own use of it. Availability makes a crucial difference in the motivation for learning at all levels and for all ages, generating hope and self-esteem among individuals and groups previously relegated to inferior status. Presenting models of successful escape from degrading conditions and providing trained leadership for those still struggling to emerge from an unfavorable background, higher education offers the best hope for community progress in our cities' battles against poverty, sickness, unemployment, and crime.

As I have frequently stated, investment in these colleges, which are typical of hundreds of public colleges elsewhere throughout the country, is, in a strictly economic sense, desirable and necessary.

The educational need for the colleges is flagrant. The President's Committee observed that "the most urgent educational need in the District of Columbia is hope." The most acute educational grievance of the community, by the same token, is the despair of young people who cannot view their elementary and secondary education as an opportunity because it leads to no role in the society of which they are supposed to be a part.

The weight of the testimony given in hearings before the committee was that establishment of the public colleges in the District of Columbia would make it possible for a very much higher proportion of young people to persevere in their education beyond high school, and cause them generally to take a much keener interest in academic pursuits.

Each year about 4,500 high school graduates are graduated in the District of Columbia. Of these, about 56 percent go on to some form of higher education. Over 2,000 of these graduates do not, and over 2,000 additional young people previously their classmates would be in the same category had they not dropped out of their class in the ninth grade or later. In the District of Columbia only about 66 percent of the pupils in the ninth grade stay on to be graduated. There are only five States in the Union in which this percentage is smaller and the national average is about 75 percent.

One of the important features of the public community and vocational college is that it will afford students who do not have high school diplomas the opportunity of pursuing vocational courses in this institution. The vocational training program to be offered in the college will be of a higher level and more extensive than the vocational courses available in the District's secondary schools. The vocational education program in secondary schools will not be affected by the establishment of the public community and vocational college and will be designed to complement that study course.

The cost of higher education to students does not alone determine who goes to college, but it is of major importance. The findings of the President's Committee on Higher Education were that the percentage of high school graduates in the District of Columbia who enter college on graduation varies directly with the median family income of the families in the area served by their schools. The Committee report says:

> The only public high school serving an area where the median family income is above $10,000 had, during the 4-year period under study, 73.7 percent of its graduates attending college after the graduation. The three schools serving where the median family income was between $7,000 and $10,000 were next highest (45.4, 53.0 and 45.0 percent, respectively). The two schools serving areas where the family median income was between $5,000 and $7,000 were still lower (27.0, 21.1, and 37.0 percent). The four schools serving areas where family incomes were below $5,000 had the lowest percentages—one school excepted (20.6, 18.9, 16.6, and 26.9). It is likewise significant that of this group of four public high schools, 95 percent of the graduates who did attend a local university upon graduation enrolled here at Howard University, a federally established and supported institution open to students from the 50 States and presently having a substantial enrollment of students from foreign countries. When the median income of the families in the area served by the school was in the middle range ($5,000 to $10,000), more than six times as large a percentage of these graduates—between 30 and 35 percent—attend other local universities.

Mr. President, the existing private and public institutions of higher education in the District of Columbia simply do not meet the educatonal needs of the people of the District of Columbia. These institutions of higher learning are private and are national and international in scope. Their educational programs are not directed towards students of the District of Columbia. This is as it should be. The only public institution of higher learning operated by the District of Columbia School Board is the District of Columbia Teachers College, which is completely inadequate and antiquated.

I ask unanimous consent to have printed as this point in my remarks a chart prepared for me by the U.S. Office of Education which lists public higher education facilities located in cities comparable to Washington in population.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Public higher education facilities in cities comparable to Washington in population

City, population, schools	Enrollment	Sponsor
St. Louis (750,000):		
1. Harris Teachers College	924	City.
2. St. Louis Junior College	2,116	District.
3. St. Louis Campus of University of Missouri	na	State.
Milwaukee (741,000):		
1. Milwaukee Institute of Technology	6,644	City.
2. Milwaukee Campus of University of Wisconsin	na	State.
San Francisco (740,000):		
1. City College of San Francisco	5,909	City.
2. San Francisco State College	20,749	State.
Cleveland (876,000): 1. Cuyahoga Community College	3,049	County.
Boston (697,000):		
1. Massachusetts Bay Community College	409	State.
2. Massachusetts College of Art	503	Do.
3. State College at Boston	3,716	Do.
Houston (938,000):		
1. Texas Southern University	4,037	Do.
2. University of Houston	17,430	Do.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point in my remarks a list of 11 States which rank below the District of Columbia in the number of persons in the age group 15 through 24 years of age. Although these States have far fewer persons in this age group, they provide public higher education for them.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Eleven States rank below Washington in the number of persons in the age group 15 to 24 years

District of Columbia	109,151
Hawaii	105,427
Idaho	94,334
South Dakota	91,230
Montana	90,345
North Dakota	90,027
New Hampshire	79,031
Delaware	57,203
Vermont	54,130
Wyoming	44,175
Alaska	40,722
Nevada	37,822

Mr. MORSE. Mr. President, many people are not aware of the fact that the population in the District of Columbia is larger than that of 11 States of this Nation. I have found, as I have worked on this higher education legislation for the District of Columbia, that not very many people know that this population is the only population in the whole country in which the young people within it are not provided with a public institution of higher learning.

I do not think it takes very much argument on my part or on the part of anybody else to point out that in the Capital of the Nation you cannot justify the continuation of denying to these thousands of young men and women in the District of Columbia, who come from homes of exceedingly low economic levels, the opportunity to develop their intellectual potential to the maximum extent possible. That is the issue here.

I think it is an issue the Senate must face up to in carrying out the public trust that we as Senators owe to a voteless group of people in our Nation's Capital.

It is estimated that advances in new knowledge and technology are responsible for 20 percent of the growth rate of the national income, and for 36 percent of the individual's income. As a rule, the lifetime earnings of a man who has completed 4 or more years of college will exceed by at least $180,000 those of a person whose studies end in high school. When the pupils now in the first grade graduate from high school in 1978, it is predicted that more than 60 percent of all employment opportunities will be in professional, managerial, or skilled technical occupations requiring postsecondary or higher education.

Looking at the reverse side of the picture, low educational attainment has a clear correlation with high rates of unemployment, dependency, delinquency, crime, ill health, disruption of homes through divorce and desertion—in short, with all the social ills that hobble the economic potential of the Nation, and demand of all of us direct, out-of-pocket expenditures which do not lead to basic advances but merely shore up a leaky dike. In 1964, the national unemployment rate for those with 8 or less years of education was 7.6 percent, while the rate for high school graduates was 4.7 percent, and for college graduates was only 1.7 percent.

These are realities altogether familiar to the residents of the District of Columbia, documented in a "Skill Survey of the Washington Metropolitan Area" prepared by the U.S. Department of Labor, and in other studies.

Since 1960 there has constantly been a pool of about 20,000 unemployed, mostly in the central city. Nevertheless, the total number of jobs in the area as a whole has increased by about 40,000 annually. Unlike other cities, the shortage of skills in the District has been found to be characteristic of virtually all occupations. Projections for the city and its environs for the period from 1964 to 1970 reveal a further distension of the present ratio between the skills needed and the skills available. The importation of skills cannot, moreover, be relied upon in the future to solve the problem. Shortages in many skills lacking in the District are acute throughout the Nation. Area employees have also found that new recruits induced to work here in occupations not requiring high levels of skill nor paying high wages often do not stay long.

Spokesmen for the Metropolitan Washington Board of Trade, the Commission on Human Resources of the Washington Center for Metropolitan Studies, the United Planning Organization, and the U.S. Employment Service have all stressed the importance of expanded higher education in overcoming these difficulties in expressing their support for the educational institutions contemplated in this legislation.

Witnesses stated over and over again during the course of the hearings on the bill, many people in many jobs in the District of Columbia find a high school education no longer provides an adequate basis for effective training or retraining.

The two colleges proposed in this bill are in a major way meeting the higher educational needs of District of Columbia residents, for unless these colleges are constructed and operating within a relatively brief period of time, there will be additional thousands of young men and women in the District of Columbia condemned to unemployment. Unless these young men and women are trained for employment in industry and government in this age of automation, they will not find employment and thereby become productive, taxpaying citizens. I am firmly convinced that there are thousands of young men and women in the District of Columbia pleading for a chance for a college education who are capable of doing satisfactory college work provided the educational facilities and programs are made available to them as proposed in this bill.

The above considerations; the moneys authorized to be appropriated or borrowed under the bill; the strong civic interest in these colleges manifested during hearings on this legislation; and the various possibilities of using certain existing sites and facilities for these colleges—all these considerations indicate that the means are at hand to develop for the District these institutions it so sorely needs, and to begin this task immediately. What is lacking is an authoritative body with a legislative mandate to act. This bill would meet this requirement.

Authorization to establish a Board of Higher Education and the two public colleges is the first step in meeting the public higher educational needs of the District. Following such authorization there would have to be further intensive study and planning leading to the actual establishment and operation of the new institutions.

The first step would be the early appointment of the president and one or more administrative officers of each of the colleges. This step is, I believe, basic to effective, orderly, and early development of the new institutions.

For each college, the president and his staff should prepare the plans and budgets for consideration by the Board of Higher Education. Participation by the chief executive officer who would actually guide each of the institutions is vital to each of the following:

Planning the academic program of each institution.

Development of admissions policies and, based upon these, more refined enrollment estimates.

Preparation of an organization plan and a staffing pattern, and initial recruitment of key staff and faculty.

Specification of the needed physical facilities, based upon the academic program and upon corresponding enrollment estimates.

Selection of temporary and/or permanent sites for the new institution.

Preparation of a capital budget and of an initial operating budget.

Concerning each of these functions the responsible authorities would find a rich mine of experience in the history of a very large number of institutions throughout the country. Of the membership of almost 200 institutions in the American Association of State Colleges and Universities, a very high proportion were formerly teachers' colleges.

I close in pleading with the Senate today to give these thousands of young men and women the opportunity they seek for a college education by investing the financial resources of this city in order that they may repay that investment many times over during the course of their lifetime. I do not know of any valid reason why the Nation's Capital cannot or should not establish and operate first-rate schools of higher learning for the benefit of residents of the District of Columbia as proposed by this bill. The citizens of the District of Columbia are entitled to establish their own schools of higher learning, and I shall do everything within my authority to assist them in making these schools a reality at the earliest possible time.

Mr. President, I urge adoption of the bill.

Mr. YARBOROUGH. Mr. President, the bill, S. 293, would provide for the creation of a 4-year public college of arts and sciences and a 2-year public community college. I wish to cite a few facts which I hope will indicate the need for these institutions in the District of Columbia.

First, there is the fact that four out of the five universities in the District have a tuition rate of $1,300 or higher. The five are:

American University—$1,400 per academic year; Catholic University—$1,300; George Washington University—$1,400; Georgetown University—$1,400; Howard University—$500.

This is not in criticism in any manner of these five fine universities, four private and one Federal. They are invaluable to the intellectual development of this area and of the entire Nation.

For generations their graduates have gone out all over this Nation to enrich our culture and our national life. One of these, Georgetown University, is as old as the American Constitution. George Washington and Howard Universities have been here for more than a century. These fine universities are overcrowded and short of money, even with the fees they charge.

They have a backlog of requests for admissions, and the creation of this public university and this community college will aid in caring for the explosion in higher education of the tens of thousands now marching toward college doors.

This community needs these five fine universities.

In per capita public expenditures on higher education the District ranked dead last in the Nation, with an average of $2.26. This compares with the national average of $28.87 for 1963–64. Of all the 50 States and the District of Columbia only the District fails to offer its young people an opportunity to attend a publicly supported institution offering a liberal education through the bachelor's degree level.

Studies by the Committee appointed by President Kennedy in 1963 showed that 55 percent of the seniors in the District's public high schools would be interested in a local public community college. Seventy-two percent indicated they would be interested if they were not otherwise accepted by the college or university of their choice. The Committee envisaged an opening class of 1,400 students during the early years of college.

That was 1963, Mr. Chairman. I should think those figures would be too low now, just as the enrollment last fall of approximately 6 million students in the institutions of higher learning in America were higher than any prediction that had been made.

The only public facility for higher education in the District—the District of Columbia Teachers College—is woefully inadequate. The third floor had been condemned as a fire hazard. In recent years the enrollment has dropped seriously; the number of graduates declined from 123 to 69 between 1958 and 1963, despite the ever-increasing need for teachers.

The Members of the Senate are well aware of the sharply increasing need for education in our society. I hope that the few facts that I have cited here will indicate some of the imperative needs for public higher education in the District today. I heartily endorse this bill.

Mr. DOMINICK. Mr. President, I want to congratulate the distinguished chairman of the Education Subcommittee [Mr. Morse] who is also my distinguished colleague on the District Committee for this particular bill. I think he has a good bill which will be helpful to the people of the District.

Having been a supporter of doing what we can to increase opportunities for higher education, I am happy to support this particular proposal to increase opportunities for higher education in the District.

However, I cannot let the bill go by without at least attempting to place an amendment on it which I think will be of enormous significance in the future political life of this particular area, our Nation's Capital. Not only will it be important to the political future of the city but it will also be of importance to its educational future.

As a result of having gone over this proposal with members of the committee, and knowing that a similar kind of proposal has already been incorporated in the home rule bill which passed this body some time ago, and which is still in conference—although we have not had a conference as yet—I now send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record at this point.

The amendment submitted by Mr. Dominick, is as follows:

On page 9, between lines 2 and 3, insert the following:

"CHAPTER 1—DISTRICT OF COLUMBIA PUBLIC HIGHER EDUCATION"

On page 9, line 3, strike out "Act" and insert "chapter".

On page 9, line 5, strike out "Act" and insert "chapter".

On page 9, line 8, strike out "Act" and insert "chapter".

On page 9, line 17, strike out "Act" and insert "chapter".

On page 10, line 15, strike out "Act" and insert "chapter".

On page 13, line 6, strike out "Act" and insert "chapter".

On page 13, line 10, strike out "Act" and insert "chapter".

On page 13, line 14, strike out "Act" and insert "chapter".

On page 14, line 21, strike out "Act" and insert "chapter".

On page 15, line 8, strike out "Act" and insert "chapter".

On page 15, line 16, strike out "Act" and insert "chapter".

On page 16, line 2, strike out "Act" and insert "chapter".

On page 16, line 5, strike out "Act" and insert "chapter".

On page 16, line 13, strike out "Act" and insert "chapter".

On page 16, line 20, strike out "Act" and insert "chapter".

On page 17, line 23, strike out "Act" and insert "chapter".

On page 18, line 7, strike out "Act" and insert "chapter".

On page 18, line 11, strike out "Act" and insert "chapter".

On page 19, line 16, strike out "Act" and insert "chapter".

On page 19, line 18, strike out "Act" and insert "chapter".

On page 19, line 21, strike out "Act" and insert "chapter".

On page 20, line 12, strike out "Act" and insert "chapter".

On page 20, line 19, strike out "Act" and insert "chapter".

At the end of the bill, add the following:

"CHAPTER 2—DISTRICT OF COLUMBIA INDEPENDENT SCHOOL BOARD

"Title I—Definitions

"Definitions

"Sec. 101. (a) For the purposes of this chapter:

"(1) The term 'School Board' means the District of Columbia Independent School Board created by title III of this chapter.

"(2) The term 'Board of Education' means the Board of Education of the District of Columbia, created by the Act of June 20, 1906 (D.C. Code, sec. 31–101).

"(3) The term 'District' means the District of Columbia.

"(4) The term 'Commissioner' means the Commissioner of the District of Columbia.

"(5) The term 'school election' means any election or any referendum held under section 323 or part B of title IV of this chapter.

"(6) The term 'school electoral district' means one of the seven districts created by the Election Board pursuant to section 5(a) (7) of the District election law.

"(7) The term 'Election Board' means the Board of Elections for the District of Columbia.

"(8) The term 'school elector' means a person entitled to vote in a school election according to section 7(f) of the District election law.

"(b) This chapter may be cited as the "District of Columbia School Act".

"District Election Law

"SEC. 102. The Act entitled 'An Act to regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes', approved August 12, 1955 (D.C. Code, sec. 1–1101 et seq.), as amended by the Act of October 4, 1961 (75 Stat. 820), is amended by adding the following new section:

" 'SEC. 16. This Act may be cited as the "District Election Law".'

"Title II—Initial referendum and election

"Initial Referendum

"SEC. 201. On the third Monday in the first month of July which begins more than sixty days after the date of enactment of this chapter, the Election Board shall hold a referendum at which the residents of the District may accept or reject the District of Columbia Independent School Board proposed by this chapter. Notwithstanding title VI of this chapter, the provisions of section 15 of the District election law shall apply to such referendum. Any qualified elector (as defined by section 2(2) of the District election law) who registers in the District and any person entitled to vote in the District under section 7(a) of the District election law shall be entitled to vote in the referendum. The registry shall be open from the seventh day following the enactment of this chapter until the Monday preceding the referendum. The ballot shall be in a form prescribed by the Election Board. Not less than three days before the date of the referendum the Election Board shall mail to each registered elector a sample ballot and information concerning such voter's polling place and the date and hours of voting. The Election Board shall certify the results of the referendum to the President, to the Board of Education, and to the Speaker.

"Initial Election

"SEC. 202. (a) If the voters approve the proposed School Board by a majority of valid ballots, the Election Board shall announce the initial election of members of the School Board, and shall immediately create the school electoral districts referred to in section 5(a)(7) of the District election law. The initial election shall be held on the second Monday in the first month of September which begins after the referendum. Members of the Board of Education shall be eligible for membership on the School Board.

"(b) Of the members of the School Board initially elected, three shall serve for terms of two years and four for terms of four years. Initial terms shall begin on the fourth Monday in the first month of September which begins after the initial election. The members who shall serve for terms of two years shall be determined by lot.

"Initial Organizational Meeting

"SEC. 203. The initially elected members of the Board shall meet at a place and time of day designated by the Speaker to take the oath of office and, after not less than four members have taken the oath, to proceed with the initial meeting pursuant to section 315 of this chapter.

"Title III—Independent School Board

"Part A—Transfer and Succession

"Creation of School Board

"SEC. 301. On the effective date of this title the control of the District school system and the functions of the Board of Education shall be transferred to the School Board and the Board of Education abolished. The School Board shall, in addition, have the functions accorded it by part B of this title. Where functions transferred by this section conflict with limitations imposed by part B on powers of the School Board, part B shall govern.

"Transfer of personnel and funds

"SEC. 302. A transfer of a function under this chapter shall, in addition, be a transfer of the personnel necessary for the administration of the function and of property, records, and funds which relate primarily to the function so transferred. The Director of the Bureau of the Budget shall decide any question arising out of this section.

"Pending proceedings, existing statutes

"SEC. 303. (a) No suit, action, or other judicial proceeding nor any administrative proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this chapter. Such proceeding shall be continued with such substitutions as to parties and officers or agencies as the court or agency deems appropriate.

"(b) Any statute concerning or administrative action concerning or taken by any officer or agency from which any function is transferred by this chapter shall, except to the extent made inapplicable by or under authority of law, continue in effect as if such transfer had not been made. After such transfer references in a statute or administrative action to an officer or agency from which a transfer is made by this chapter shall be deemed to refer to the officer or agency to which the transfer is made.

"(c) As used in subsection (b), the 'administrative action' includes rule, regulation, order, contract, policy, determination, directive, grant, authorization, permit, requirement, or designation.

"Repeal of laws relating to Board of Education

"SEC. 304. The following provisions of law (relating to the Board of Education) are hereby repealed:

"(1) The Act entitled 'An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia', approved June 20, 1906 (D.C. Code, secs. 31–101—105, 31–108—117, 31–1101, 31–1109—1113).

"(2) The Act entitled 'An Act to authorize the appointment of public school employees between meetings of the Board of Education', approved April 22, 1932 (D.C. Code, secs. 31–106—107).

"Technical amendment

"SEC. 305. The first section of the Act of March 1, 1929 (D.C. Code, sec. 16–619), is amended by inserting after the words 'any board or commission of the United States' the words ', including the District of Columbia Independent School Board,'.

"Part B—Functions of School Board

General

"SEC. 311. (a) The School Board shall manage and control the school system of the District and shall be an independent agency of the government of the District. The School Board may contract, sue, and be sued in its own name and capacity, and no member shall be personally liable for any action taken in good faith by the School Board, or by him in his official capacity as a member.

"(b) The School Board shall annually on the first day of October transmit to the Commissioners of the District of Columbia an estimate in detail of the amount of money required for the public schools for the ensuing year, and the Commissioners shall transmit the same in their annual estimate of appropriations for the District of Columbia.

"General powers

"SEC. 312. The School Board shall have the following powers:

"(1) To reorganize the school system.

"(2) To establish standards of academic achievement for pupils in the school system.

"(3) To assign pupils to the schools in school system.

"(4) To make rules for the use of school buildings and school grounds (subject to rules relating to public meetings adopted by referendum under section 321 of this chapter).

"(5) To fix the number and location of schools.

"(6) To fix the length and dates of the school year.

"(7) To fill vacant memberships on the School Board in accordance with section 404 of this chapter.

"(8) To take private property for public use in accordance with section 305 of this chapter.

"(9) Subject to any referendum which has been or may be initiated in accordance with section 321, to act upon any question on which such referendum may be initiated.

"(10) To call a referendum, according to the provisions of section 322 (a) and (b) of this chapter, on any subject on which it is empowered to act or which it is required to submit to referendum before acting.

"Duties

"SEC. 313. The School Board shall have the duty to—

"(1) examine books, accounts, and financial statements of the school system; and

"(2) visit or delegate one of its members to visit each school during each school year.

"Personnel

"SEC. 314. (a) Subject to subsection (b), (c), (d), and (e), the School Board shall have the power—

"(1) to appoint, promote, and dismiss all employees of the school system, and to employ a superintendent who shall be the chief executive officer of the School Board and who shall have the right to attend all meetings of the School Board (except those meetings held to consider the appointment of a Superintendent), and to speak on all matters before the School Board, but he shall not be a member of the Board or have the right to vote;

"(2) to establish classes of teaching and supervisory positions;

"(3) to set salaries and other terms and conditions of employment for all employees of the school system;

"(4) to make rules for the conduct of teachers and other employees; and

"(5) to establish standards of professional ability for teachers and other employees.

"(b) Civil service and other personnel laws and regulations applicable to employees of the School Board before their transfer to the

School Board shall remain applicable after their transfer until such time as the School Board, pursuant to this section, provides similar or comparable coverage under a personnel system based on merit. Such personnel system shall be established by resolution of the School Board and shall provide coverage similar or comparable to, or shall provide for continued participation in, all or part of the Federal civil service system. Such personnel system shall take effect not earlier than nine months or later than five years after the effective date of this section.

"(c) Any person who, on the effective date of this title, is covered by the Act of January 20, 1920 (D.C. Code, sec. 31–701), or by the Act of August 7, 1946 (D.C. Code, sec. 31–721), as amended, shall have the option of continuing under the coverage of said Acts.

"(d) Contracts with teachers shall be in writing, and shall state the length of time the school is to be taught, the compensation per week or month, and such other matters as may be agreed upon, including employment for a term not exceeding one year, and payment by the calendar or school month. The contract shall be signed by an officer of the School Board and teacher, and shall be filed with the Secretary of the School Board before the teacher enters upon performance of the contract.

"Such contract shall remain in force and effect for the period stated in the contract and thereafter shall be automatically continued in force and effect for equivalent periods, except as modified or terminated by mutual agreement of the School Board and the teacher, until terminated as hereinafter provided. On or before April 15 of each year the teacher may file his written resignation with the Secretary of the School Board, or the School Board may by a majority vote cause said contract to be terminated by written notification of termination, by a registered letter mailed to the teacher not later than the 10th day of April; in event of such termination, it shall take effect at the close of the school year in which the contract is terminated by either of said methods. The teacher shall have the right to protest the action of the School Board, and to a hearing thereon, by notifying the President or Secretary of the School Board in writing of such protest within twenty days of the receipt by him of the notice to terminate, in which event the School Board shall hold a public hearing on such protest at the next regular meeting of the School Board, or at a special meeting called by the President of the School Board for that purpose, and shall give notice in writing to the teacher of the time of the hearing on the protest. Upon the conclusion of the hearing the School Board shall determine the question of continuance or discontinuance of the contract by a rollcall vote entered in the minutes of the School Board, and the action of the School Board shall be final. The foregoing provisions for termination shall not affect the power of the School Board to discharge a teacher for cause under the provisions of subsection (e).

"(e) The School Board may, by a majority vote, discharge any teacher for incompetency, inattention to duty, partiality, or any good cause, after a full and fair investigation made at a meeting of the School Board held for that purpose, at which the teacher shall be permitted to be present and make defense, allowing him a reasonable time therefor.

"Meetings; officers

"SEC. 315. The School Board shall annually hold a meeting on the fourth Monday in September at which time new members shall take the oath of office and officers shall be elected. The officers shall consist of a president and secretary chosen from the School Board, and a nonmember treasurer chosen according to the provisions of section 511 of this chapter. The School Board shall also hold meetings every month on a date set at the previous meeting. Special meetings may at any time be called by any officer upon notice to members by registered letter mailed not less than five days before the meeting. Meetings shall be public. A quorum shall consist of four members. If a quorum is present, a majority of members present may decide any question (except those requesting a special referendum under section 322 of this chapter and of removing the Treasurer under section 511 of this chapter). Members shall serve without compensation.

"Part C—Referendums

"Initiative

"SEC. 321. The school electors may direct the School Board—

"(1) to set the curriculum in the school system;

"(2) to choose textbooks;

"(3) to sell the property of the school system;

"(4) to permit public meetings in school buildings; and

"(5) to make rules for the conduct of pupils.

"Referendum procedure

"SEC. 322. (a) Subject to the time limitations of section 15(c) of the District election law, the School Board may by resolution initiate a referendum to be held at the next school election by sending the Election Board a certificate setting forth (1) the resolution directing the referendum, and (2) the question to be presented to the school electors.

"(b) Not less than four members of the School Board may initiate a referendum to be held under the provisions of section 15(b) of the District election law by sending the Election Board a certificate signed by the members favoring the resolution directing the referendum and setting out (1) such resolution and (2) the question to be presented to the school electors.

"(c) Subject to the limitations of subject matter contained in section 321 of this chapter, and of time contained in section 15(c) of the District election law, fifty school electors may initiate a referendum to be held at the next school election by signing a petition in the form prescribed by the Election Board.

"(d) All propositions submitted to referendum under this chapter shall be decided by a majority of the valid votes cast for and against the proposition. The conduct of referendums shall be governed by the District election law and by such regulations as the Election Board may make.

"Duties of election board

"SEC. 323. The District election law is amended by adding a new section 15 to read as follows:

" 'Referendum

" 'SEC. 15. (a) The Board shall conduct all referendums provided for by the District of Columbia School Act. It shall hold a referendum—

" '(1) pursuant to section 201 of such Act on the third Monday in the first month of July which begins more than sixty days after the date of enactment of such Act;

" '(2) pursuant to section 322(b) of such Act, not less than forty nor more than fifty days after the receipt of the certificate required by such section, and

" '(3) pursuant to section 322 (a) and (c) of such Act, on the second Monday in the first month of September which begins more than thirty days after the receipt of a certificate from the District of Columbia School Board (under section 322(a) of such Act), or after the receipt of a petition signed by fifty electors (under section 322(c) of such Act).

" '(b) The Board shall publish once a week for four weeks in a newspaper of general circulation in the District a notice of the referendum stating the proposition to be voted upon and the date, time, and polling places for the referendum stating the proposition to be voted upon and the date, time, and polling places for the referendum. Not more than seven days after the referendum the Board shall certify the results to the District of Columbia Independent School Board and shall promulgate such results by publication in a newspaper of general circulation in the District. The other provisions of this Act shall apply to referendums insofar as they are applicable. The Board shall make necessary regulations for conduct of referendums. Any voter may demand a recount according to section 11 of this Act.'

"Title IV—Selection and removal of members

"Part A—Selection of Members

"Composition of School Board

"SEC. 401. The Board shall consist of seven members. The members shall be elected according to the provisions of sections 8(h) and 10(a)(3) of the District election law.

"Qualifications of members

"SEC. 402. Each member at the time of his nomination shall be a school elector in the school electoral district from which he seeks election and shall have, for the one year period immediately preceding his nomination, resided in the school electoral district from which he is nominated.

"Terms

"SEC. 403. Except as provided in sections 202(b) and 404 of this chapter, every member's term shall be for four years and shall expire on the fourth Monday in September. A member may serve until his successor has taken the oath of office and may serve more than one term.

"Interim members

"SEC. 404. Each membership vacated before the expiration of the last incumbent's term shall be filled by election (pursuant to section 10(a)(3)(B) of the District election law) for an interim term equal to the unexpired portion of the last incumbent's term, but the School Board may temporarily designate a person to fill the vacancy pending such election. Such designee shall have the qualifications required of the last incumbent.

"Part B—Duties of Election Board

"Amendment to District election law

"SEC. 411. The first section of the District election law is amended by inserting in the first section after the words 'United States' where they first appear, the following: 'the members of the District of Columbia Independent School Board,'.

"Amendment to District election law

"SEC. 412. Section 5(a) of the District election law is amended by renumbering paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following new paragraph (7):

" '(7) divide the District into seven compact and contiguous school electoral districts of approximately equal population, maintain a registry in each school election district, and reapportion the districts according to population after each decennial census;'.

"Amendment to District election law

"SEC. 413. Section 7 of the District election law is amended by inserting after subsection (e) the following new subsection:

"'(f) A person shall be entitled to vote in any election of a member of the District of Columbia Independent School Board or in any referendum held under section 15 of this Act if he meets the requirements of subsection (a) of this section, and if in addition he files an affidavit that he resides in the school electoral district in which he wishes to vote. Such affidavits must be filed with the Board not less than seven days before such election. A person who moves his residence from one school electoral district to another shall be entitled to vote in the school electoral district to which he moved seven days after filing with the Board an affidavit of change of residence, but shall not be entitled to vote in the school electoral district from which he moved more than one month after quitting his former residence or more than seven days after he files an affidavit of change of residence, whichever is sooner. Absentees may vote in the district in which they last resided.'

"Amendment to District election law

"SEC. 414. Section 8 of the District election law is amended by inserting a new subsection after subsection (g) as follows:

"'(h) A candidate for membership on the District of Columbia Independent School Board—

"'(1) shall meet the qualifications prescribed by section 402 of the District of Columbia School Act, and

"'(2) shall have filed with the Board not less than thirty days before the election a nomination petition in the form prescribed by the Board and signed by not less than two hundred and fifty persons entitled to vote in a school election in the district from which he seeks election.'

"Amendment to District election law

"SEC. 415. Section 10 of the District election law is amended by inserting after subsection (a)(2) the following new paragraph:

"'(3) Elections of members of the District of Columbia Independent School Board shall be held on the second Monday of September in each year in any school election district in which—

"'(A) the term of the member representing such district will expire during the calendar year, or

"'(B) the membership has been vacated before the expiration of the last incumbent's term and before the second Monday in July of such year.'

"Amendment to District election law

"SEC. 416. Section 10 of the District election law is amended by inserting after the word 'officer' in subsection (d) the words '(other than a member of the District of Columbia Independent School Board)'.

"Part C—Removal

"Petition for removal

"SEC. 421. The Attorney General, the Corporation Counsel of the District, or five school electors may petition the United States District Court for the District of Columbia for the purpose of removing the Treasurer or any member of the School Board for any of the following reasons:

"(1) willful or habitual neglect or refusal to perform the duties of his office;

"(2) disability preventing a proper discharge of the duties of his office;

"(3) failure to produce and fully account for all public funds and property in his hands at any inspection or settlement;

"(4) ineligibility to hold the office by reason of section 422 of this Chapter; or

"(5) corruption, extortion, oppression, gross partiality, intoxication, conviction of a felony, maladministration in office or willful misconduct.

"Ineligibility

"SEC. 422. If a member becomes ineligible to continue to hold office at any time he would be ineligible under part A of this title for election to the same office.

"Petition; procedure

"SEC. 423. The removal petition shall be filed in the name of the petitioner and the accused shall be named as defendant. The petition shall be in the form of a complaint in a civil action and, unless filed by the Attorney General, shall be verified. The Federal Rules of Civil Procedure shall govern throughout the action.

"Suspension from office

"SEC. 424. Upon commencement of the action, the judge may suspend the accused from office, if in his judgment sufficient cause appears from the petition and from affidavits presented in support of the petition. Any order of suspension shall be served upon the member in question, and it shall be unlawful for such member to exercise or attempt to exercise any of the functions of his office until such suspension is revoked.

"Judgment of removal

"SEC. 425. Judgment of removal shall be rendered if the allegations of the petition are sufficient and true. Such judgment shall be entered of record, and the vacancy forthwith filled as provided by part A of this title.

"Bond for costs

"SEC. 426. If the petition for removal is filed by anyone other than the Attorney General or the Corporation Counsel, the court shall require the petitioners to file a bond (in such amount and with such surety as the court may require) to cover costs taxable to the petitioner under section 427 of this chapter.

"Effect of dismissal

"SEC. 427. (a) If the petition is dismissed on the merits, the defendants shall have judgment—

"(1) against the United States, if the action was commenced by the Attorney General, or

"(2) against the District, if the action was initiated by the Corporation Counsel,

for the reasonable and necessary expenses incurred by the defendant in making his defense, including a reasonable attorney's fee to be fixed by the court or judge.

"(b) If the action is instituted by the electors, and if it appears to the court that there was no reasonable cause for filing the petition, the expenses referred to in subsection (a) may be taxed as costs against the petitioners.

"Title V—Financial administration

"Part A—Budget

"Fiscal year

"SEC. 501. The fiscal year of the School Board shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding calendar year.

"Budget

"SEC. 502. Not later than March 31 of each year, the Treasurer shall prepare and submit to the School Board, in such form as the School Board shall require, the annual budget for the school system. The budget shall contain separate accounting classifications for expenditures from the general account and from the capital construction account. The School Board shall by resolution adopt a budget for each fiscal year not later than June 1 of the preceding fiscal year.

"Part B.—Financial Affairs of the School Board Treasurer

"SEC. 511. The School Board shall annually, on the fourth Monday of September, elect a Treasurer. The Treasurer shall receive such salary as the School Board may direct. The Treasurer may at any time be removed by a vote of not less than four members of the School Board, or by the district court under part C of title IV of this chapter.

"Financial duties of the Treasurer

"SEC. 512. The Treasurer shall have charge of the administration of the financial affairs of the school system and to that end he shall—

"(1) prepare and submit in the form prescribed by the School Board under section 502 of this chapter the annual budget estimates;

"(2) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that budgetary authorizations are not exceeded;

"(3) maintain systems of accounting and internal control designed to provide—

"(A) full disclosure of the financial results of the School Board's activities,

"(B) adequate financial information needed by the School Board for management purposes,

"(C) effective control over and accountability for all funds, property, and other assets,

"(4) submit to the School Board a monthly financial statement in such form as the School Board may specify;

"(5) prepare, as of the end of each fiscal year, a complete financial statement and report;

"(6) receive all money receivable by the School Board from the Federal Government and from the District of Columbia;

"(7) have custody of all public funds belonging to or under the control of the School Board, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by the School Board; and

"(8) have custody of all investments and invested funds of the School Board and have the safekeeping of all bonds and notes of the School Board.

"Surety bonds

"SEC. 513. The Treasurer, and such other officers and employees of the School Board as the School Board shall require, shall be bonded with such sureties and in such amounts as the School Board may prescribe. The premiums for all such bonds shall be paid out of the funds of the School Board.

"Accounting supervision and control

"SEC. 514. (a) The Treasurer and his duly authorized subordinates shall—

"(1) prescribe the forms of receipts, vouchers, bills, and claims to be used by the School Board;

"(2) examine and approve all contracts, orders, and other documents by which the School Board incurs financial obligations, having ascertained that moneys have been allotted and will be available when the obligations shall become due and payable;

"(3) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the School Board and with the advice of the legal officials of the School Board determine the regularity, legality, and correctness of such claims, demands, or charges; and

"(4) perform internal audits of accounts and records of the School Board, including the examination of any accounts or records of financial transactions, and giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

"Independent audit

"Sec. 515. (a) The financial transactions of the School Board shall be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the School Board and necessary to facilitate the audit and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

"(b)(1) The Comptroller General shall submit such audit reports as he may deem necessary to the Congress and the School Board. The reports shall set forth the scope of the audits and shall include such comments and information as may be deemed necessary to keep the School Board informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The reports shall show specifically every program, expenditure, and other financial transactions or undertaking which, in the opinion of the Comptroller General, has been carried on or made without authority of law.

"(2) The School Board shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

"Amendment of Budget and Accounting Act

"Sec. 516. Section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2), is hereby amended by inserting in the first paragraph after 'legislative branch of the Government' the words ', the District of Columbia Independent School Board,'.

"Part C—Revenues and Budgetary Limitations General Account

"Sec. 521. The School Board's general account shall consist of all of the Board's funds except those in the capital construction account. The revenue accruing to the general account in any fiscal year shall not exceed $200 per pupil enrolled at the end of the previous school year in the District school system.

"Capital construction account

"Sec. 522. (a) The capital construction account shall consist of all funds transferred by resolution from the general account to the capital construction account.

"(b) Funds in the capital construction account may be expended for acquisition of land, construction of buildings and improvements, and purchase of school equipment.

"Title VI—Effective dates

"Sec. 601. (a) The effective date of—

"(1) title I and section 201 of this chapter shall be the date of enactment of this chapter,

"(2) title IV and sections 202 and 203 of this chapter shall be the day on which the President receives from the Election Board the certificate declaring that the electors have approved the proposed School Board in the referendum pursuant to section 201 of this chapter,

"(3) the remainder of this chapter shall be the day on which the fourth member of the first School Board takes the oath of office.

"(b) This chapter shall no longer be in effect if the school electors reject the proposed School Board in the initial referendum provided for by section 201 of this chapter."

Amend the title so as to read: "A bill to authorize the establishment of a public community college and a public college of arts and sciences in the District of Columbia, and to provide for an independent school board in the District of Columbia."

Mr. DOMINICK. Mr. President, while this is a long amendment, it is not a complicated one. Instead of trying to read it, in order to take care of the technical side, I think it would be much easier if I tried to explain it—and I shall be brief.

Mr. President, I must say that I have been informed by the Senator from Oregon [Mr. Morse] that he is not willing to accept the amendment. I want a yea-and-nay vote. There are not enough Senators in the Chamber at this moment to ask for the yeas and nays, and I therefore suggest the absence of a quorum for that purpose, and will hold it on until enough Senators are here for me to ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 261 Leg.]

Aiken
Bartlett
Boggs
Burdick
Cannon
Clark
Cotton
Dominick
Griffin
Harris
Hill
Holland
Hruska
Inouye
Kuchel
Long, Mo.
Mansfield
McGee
Morse
Pastore
Pell
Prouty
Ribicoff
Sparkman
Talmadge
Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Bennett
Bible
Brewster
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Cooper
Curtis
Dirksen
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gruening
Hart
Hickenlooper
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Long, La.
McCarthy
McClellan
McGovern
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Neuberger
Pearson
Proxmire
Randolph
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smith
Stennis
Symington
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

Mr. MORSE. Mr. President, I ask for the yeas and nays on the Dominick amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I hope that I can be through with this matter very shortly, if I can have the attention of my colleagues.

My proposal is quite simple, and it is to add to the present bill a provision for an independently elected school board for the lower and secondary educational system in the District of Columbia.

The result would be this: If the bill is enacted there would be a referendum next year, in July, to determine whether the people of the District want an elected school board. If they do, then the school board would be constituted in September of next year, in an election. It would be a seven-man board, determined out of seven electoral districts. The school board would take over the functions of the Board of Education as it is now comprised, and it would carry on with the operational activities and the responsibilities of our school system.

I am offering this amendment for a specific purpose. We in the Senate have marched up the Hill about five times, and perhaps more, on home rule. My distinguished colleague tells me that it has been six times. On each occasion we have made very little progress as far as the House is concerned.

Our present home rule bill, which passed the Senate some time ago, provided for an elected school board. That bill is now in conference, but no conference has yet been held. With all due respect to the Senators who are here, I would say that it is very doubtful as to whether we will ever get a conference in this session of Congress.

It seems to me that one way to allay the fears about home rule, that have been expressed by many Members, is to attempt to give some degree of responsibility to the people of this District; and if we cannot give it to them all at once, as home rule would do, let us at least do it in pieces.

I think my colleagues would be interested in knowing that a vast majority of the cities in this country with over 300,000 in population have elected school boards. These include the city of Los Angeles; the city of Detroit; the city of Houston; the city of Dallas; the city of Cleveland; the city of Milwaukee; the city of Atlanta; the city of San Diego; the city of St. Louis; the city of New Orleans; the city of Indianapolis; the city of Columbus; my own city of Denver; the city of Seattle; the city of Boston; the city of Cincinnati; the city of Portland; the city of San Antonio; the city of Fort Worth; Oklahoma City; the city of Long Beach, Calif.; Kansas City, Mo.; the city of Minneapolis; the city of Oakland; the city of Louisville; the city of St. Paul; the city of Rochester; the city of Toledo, and the city of Phoenix.

Some cities still have appointive school board members, but they are not nearly as numerous, nor is the trend in that direction. The trend is to get people participating in their school affairs, so that they will have not only some knowledge of what their schools are like, but also a sense of participation in the operation of that particular school system.

Out of the cities of over 300,000 population, 17 elect 7 member boards, which is the number of board members that I propose in this particular amendment. The length of the term of office of these school members is 4 years.

If the bill is passed by the Senate, and I sincerely hope that it will be, we propose to elect all seven of the members next September. All of the members would draw lots, and three of the members would serve for 2-year terms, so that we would have four members with 4-year terms and three members with 2-year terms. From that point forward the members would all serve 4-year terms. In this way the terms would be staggered in order to have continuity in office to enable new members to be able to have the benefit of the experience of those who have been involved already.

In order to be a candidate for this elective position a person would have to be a school elector in the school district where the election is going to be held. First, there would be a referendum to determine whether there would be a school board, and then there would be an election in which the people of the city determine who they wish to have serve as board members. I am certain in my mind that the results of the referendum would be affirmative.

Mr. President, I do not have to go much further than that in my explanation. I said earlier that I was in favor of the bill of the Senator from Oregon [Mr. Morse]. I believe that this would be a substantial improvement to his bill. Education is one of the most important items that we have facing us, both as a problem and an opportunity in the city of Washington, D.C.

When I originally presented this proposal to the committee, and when I presented my original bill on this matter, I placed in the hands of the school board independent financial authority. That provision has been eliminated from this particular amendment. The financial situation would be that the school board, after determining its needs, would submit its needs to the Commissioners. The Commissioners would then, in turn, determine whether or not there were sufficient funds, or whether they approved of the budget; and that would be submitted to the committees in Congress for appropriation. Therefore, the appropriations system still would have control over the amount of money that the school board would be permitted to spend. Hence, any argument that might be interposed here about the danger of members of the board spending themselves wild has been eliminated in this proposal. We are only providing for operational control by virtue of an elected school board.

I would be happy to answer any questions that Senators may have, but in the absence of questions, I would like to hear arguments from the distinguished Senator from Oregon [Mr. Morse] whom I understand is not opposed to the concept, but is opposed to this particular amendment.

(At this point, Mr. Kennedy of New York assumed the chair.)

Mr. MORSE. Mr. President, first, I appreciate very much the support which I received from the Senator from Colorado [Mr. Dominick] for this bill authorizing the establishment of these public colleges in the District of Columbia. I am sorry that I cannot accept his amendment. I cannot accept it for the following reasons:

First, the Senator from Colorado [Mr. Dominick] offered the amendment in committee and it was not accepted by the committee. He also offered a proposal containing a financial arrangement, giving fiscal powers to what was termed an independent school board. The vote rejecting that proposal was the same as the vote by which the proposal for an elected school board was rejected.

As the Senator from Colorado [Mr. Dominick] knows, I am for an elected school board and an appropriate format for its creation. It is something I supported for a long time. I have adjusted myself to the legislative situation confronting us at this time in the Senate in connection with the home rule bill. I have made it clear that I shall support an elected school board in connection with a home rule bill.

We have adopted a junior college bill, in the Senate on three or four occasions, but we have not been able to get sufficient consideration of it in the House committee to have hearings. This is the first year that the House District of Columbia Committee has undertaken hearings on a public college bill. They completed those hearings this morning.

I wish to make it clear that I have no commitments from the House committee but I have what, in my judgment, are assurances for the adoption of a public college bill because there has been carried on now for some weeks informal conversation with members of the House committee. I am satisfied that the House committee will pass a public college bill provided that the amendment of the Senator from Colorado [Mr. Dominick] is not attached to it. That is what I want to stress here. It is one of the realities of parliamentary life in the Congress. I do not think there is any possibility of getting a college proposal through the House District Committee that will result in the adoption of an elected school board. I am so much concerned about it in these closing days of the session that I would even be concerned whether we would even get to conference on the matter.

Furthermore, the amendment of the Senator from Colorado [Mr. Dominick] does not deal relevantly with public colleges. It deals with our elementary and secondary schools.

My plea to the Senate is to reject the Dominick amendment in connection with this bill, and I shall look forward to the day when I can join him in an elected school board for elementary and secondary schools with a format which is a better one for getting that proposal through the Congress.

Therefore, I ask the Senate to reject the amendment.

Mr. DOMINICK. Mr. President, I wish to comment on several matters.

The distinguished Senator now presiding, the Senator from New York [Mr. Kennedy] was nice enough to cooperate with me when I introduced this matter before and we included it in the home rule bill which was passed by the Senate.

It seems to me ironic that the Senate, which is supposed to be independent in its operation, should govern its wishes simply because it is concerned with what the other body might do.

It would also seem to me that we are abrogating not only our authority but our purpose if we do not pass legislation because we do not think it has a chance in the other body. If this is the method by which we are going to legislate we might as well go home and let the House do the entire job.

Mr. MORSE. Mr. President, I wish to say that the distinguished presiding officer of the Senate did support the elected school board in the home-rule bill, as did the Senator from Oregon, but he voted against the Dominick amendment in connection with the present bill, and I think quite rightly so.

I share the feeling of my friend from Colorado with regard to protecting our independence in the Senate.

I am a very independent Senator; sometimes people say an independent cuss. But I am also a realistic legislator. When I see a chance to get a public college for the several thousand young men and women in the District of Columbia being denied an opportunity to go to college, and who live in a population which is the only population in the United States of this size where public college facilities are not offered—I think I have a little justification for saying let us not follow a legislative course this afternoon that in all probability—I will put it that way; I happen to think without doubt; but I think in all probability—would jeopardize the establishment of this college.

Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. Bayh], the Senator from Tennessee [Mr. Gore], the Senator from Alaska [Mr. Gruening], the Senator from Indiana [Mr. Hartke], the Senator from Washington [Mr. Magnuson], the Senator from Montana [Mr. Metcalf], the Senator from Oklahoma [Mr. Monroney], the Senator from Maine [Mr. Muskie], and the Senator from Wisconsin [Mr. Nelson] are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson], the Senator from Tennessee [Mr. Bass], the Senator from Connecticut [Mr. Dodd], the Senator from Illinois [Mr. Douglas], the Senator from Arizona [Mr. Hayden], the Senator from Ohio [Mr. Lausche], the Senator from New Hampshire [Mr. McIntyre], the Senator from Virginia [Mr. Robertson], and the Senator from Florida [Mr. Smathers], are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Idaho [Mr. Jordan], and the Senator from Kentucky [Mr. Morton] are necessarily absent.

The Senator from Michigan [Mr. Griffin], the Senator from New York [Mr. Javits], and the Senator from Texas [Mr. Tower] are detained on official business.

If present and voting, the Senator from Colorado [Mr. Allott], the Senator from Michigan [Mr. Griffin], the Senator from Idaho [Mr. Jordan], and the Senator from Texas [Mr. Tower] would each vote "yea."

The result was announced—yeas 22, nays 54, as follows:

[No. 262 Leg.]

YEAS—22

Aiken
Bartlett
Bennett
Boggs
Carlson
Cotton
Curtis
Dirksen
Dominick
Fannin
Fong
Hickenlooper
Hruska
Miller
Mundt
Murphy
Pearson
Prouty
Scott
Simpson
Williams, Del.
Young, N. Dak.

NAYS—54

Bible
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Eastland
Ellender
Ervin
Fulbright
Harris
Hart
Hill
Holland
Inouye
Jackson
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
Mondale
Montoya
Morse
Moss
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Russell, S.C.
Russell, Ga.
Saltonstall
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—24

Allott
Anderson
Bass
Bayh
Dodd
Douglas
Gore
Griffin
Gruening
Hartke
Hayden
Javits
Jordan, Idaho
Lausche
Magnuson
McIntyre
Metcalf
Monroney
Morton
Muskie
Nelson
Robertson
Smathers
Tower

So Mr. Dominick's amendment was rejected.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was defeated.

Mr. WILLIAMS of New Jersey. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 293) was passed.

The title was amended so as to read: "An Act to authorize the establishment of a public college of arts and sciences and a public community and vocational college in the District of Columbia."

Mr. MORSE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2393) to authorize additional GS-16, GS-17, and GS-18 positions for use in agencies or functions created or substantially expanded after June 30, 1965.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1227. An act for the relief of Gizella Erenyi;

H.R. 1269. An act for the relief of H. Foster Hunter;

H.R. 1388. An act for the relief of Maj. Ralph D. Caldwell;

H.R. 2129. An act for the relief of Maria Rossi;

H.R. 3104. An act to authorize the Secretary of the Interior to convey certain lands in Plumas County, Calif., to C. A. Lundy, and for other purposes;

H.R. 3526. An act for the relief of Dr. Eric J. Lazaro;

H.R. 3530. An act for the relief of Dr. Miguel Angel Martinez y Corpas;

H.R. 3531. An act for the relief of Dr. Julio Cesar Muniz y Sotolongo;

H.R. 3756. An act for the relief of James S. Kahriman;

H.R. 4454. An act for the relief of Herman Feldman;

H.R. 6115. An act for the relief of Dr. Jose A. G. Mendoza;

H.R. 7579. An act for the relief of Dr. Emilio V. Soto;

H.R. 8358. An act for the relief of the Milan Compress Co.;

H.R. 8694. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight;

H.R. 10249. An act for the relief of Mrs. Elisabeth Manninen;

H.R. 10288. An act for the relief of Dr. Antonio B. Santillano;

H.R. 10662. An act for the relief of Leonard J. Dalton;

H.R. 10832. An act for the relief of Gloria Alesna Relampagos;

H.R. 11254. An act for the relief of Julieta Gloria Bersamin;

H.R. 11467. An act for the relief of CWO Joseph J. McGavin;

H.R. 11516. An act for the relief of Dr. Luis Anglo;

H.R. 11676. An act for the relief of Johnny R. Bradley and others;

H.R. 12826. An act for the relief of Kim Kap Yung;

H.R. 13134. An act for the relief of Nora Austin Hendrickson;

H.R. 13192. An act for the relief of Nermin Demirbag Lavapies;

H.R. 13800. An act for the relief of Sp5c. Ronald J. Olson, U.S. Army, retired;

H.R. 14525. An act for the relief of Thomas C. Macpherson, Jr.;

H.R. 14819. An act for the relief of Mr. and Mrs. William Nussbaum;

H.R. 14864. An act for the relief of certain individuals;

H.R. 14984. An act for the relief of Renato Camacho Castro;

H.R. 14990. An act for the relief of Herman Adams, doing business as the Adams Manufacturing Co.;

H.R. 15014. An act for the relief of Henry P. Leonhardy;

H.R. 15251. An act for the relief of Walter W. Taylor;

H.R. 15297. An act for the relief of Leonard G. Duffy, lieutenant, U.S. Navy;

H.R. 16977. An act for the relief of Eugene G. Peterson, Harry E. Byers, and Russell W. Jordan;

H.R. 17260. An act for the relief of Robert A. Jellison;

H.R. 17261. An act for the relief of Augustus J. Theodore;

H.R. 16715. An act to amend the Manpower Development and Training Act of 1962; and

H.R. 17788. An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1967, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1227. An act for the relief of Gizella Erenyi;

H.R. 1269. An act for the relief of H. Foster Hunter;

H.R. 1388. An act for the relief of Maj. Ralph D. Caldwell;

H.R. 2129. An act for the relief of Maria Rossi;

H.R. 3526. An act for the relief of Dr. Eric J. Lazaro;

H.R. 3530. An act for the relief of Dr. Miguel Angel Martinez y Corpas;

H.R. 3531. An act for the relief of Dr. Julio Cesar Muniz y Sotolongo;

H.R. 3756. An act for the relief of James S. Kahriman;

H.R. 4454. An act for the relief of Herman Feldman;

H.R. 6115. An act for the relief of Dr. Jose A. G. Mendoza;

H.R. 7579. An act for the relief of Dr. Emilio V. Soto;

H.R. 8358. An act for the relief of the Milan Compress Co.;

H.R. 8694. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight;

H.R. 10249. An act for the relief of Mrs. Elisabeth Manninen;

H.R. 10288. An act for the relief of Dr. Antonio B. Santillano;

H.R. 10662. An act for the relief of Leonard J. Dalton;

H.R. 10832. An act for the relief of Gloria Alesna Relampagos;

H.R. 11254. An act for the relief of Julieta Gloria Bersamin;

H.R. 11467. An act for the relief of CWO Joseph J. McGavin;

H.R. 11516. An act for the relief of Dr. Luis Anglo;

H.R. 11676. An act for the relief of Johnny R. Bradley and others;

H.R. 12826. An act for the relief of Kim Kap Yung;

H.R. 13134. An act for the relief of Nora Austin Hendrickson;

H.R. 13192. An act for the relief of Nermin Demirbag Lavapies;

H.R. 13800. An act for the relief of Sp5c. Ronald J. Olson, U.S. Army, retired;

H.R. 14525. An act for the relief of Thomas C. Macpherson, Jr.;

H.R. 14819. An act for the relief of Mr. and Mrs. William Nussbaum;

H.R. 14864. An act for the relief of certain individuals;

H.R. 14984. An act for the relief of Renato Camacho Castro;

H.R. 14990. An act for the relief of Herman Adams, doing business as the Adams Manufacturing Co.;

H.R. 15014. An act for the relief of Henry P. Leonhardy;

H.R. 15251. An act for the relief of Walter W. Taylor;

H.R. 15297. An act for the relief of Leonard G. Duffy, lieutenant, U.S. Navy;

H.R. 16977. An act for the relief of Eugene G. Peterson, Harry E. Byers, and Russell W. Jordan;

H.R. 17260. An act for the relief of Robert A. Jellison; and

H.R. 17261. An act for the relief of Augustus J. Theodore; to the Committee on the Judiciary.

H.R. 3104. An act to authorize the Secretary of the Interior to convey certain lands in Plumas County, Calif., to C. A. Lundy, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 16715. An act to amend the Manpower Development and Training Act of 1962; to the Committee on Labor and Public Welfare.

H.R. 17788. An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1967, and for other purposes; to the Committee on Appropriations.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. KUCHEL. Mr. President, has this request been cleared with the minority?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTICIPATION OF THE DEPARTMENT OF THE INTERIOR IN CONSTRUCTION AND OPERATION OF LARGE PROTOTYPE DESALTING PLANT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1585, S. 3823.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3823) to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. JACKSON. Mr. President, I am very pleased with the opportunity to join with my colleagues on the Interior and Insular Affairs Committee, the Secretary of the Interior, his very able assistant, Frank DiLuzio, and the distinguished Senators from California [Mr. KUCHEL and Mr. MURPHY], the distinguished senior Senator from New Mexico [Mr. ANDERSON], the Senator from Idaho [Mr. JORDAN], and the Senator from Arizona [Mr. FANNIN], who, with myself, cosponsored the pending measure, in active support of S. 3823.

I want to pay special tribute to the distinguished senior Senator from California [Mr. KUCHEL] for his leadership in sponsoring, in the initial phase, the pending legislation. He deserves great credit for all that he has done to make the pending legislation possible.

I also commend the able chairman of the Joint Committee on Atomic Energy, Representative HOLIFIELD, for his work on this project, and I especially note and commend the distinguished senior Senator from New Mexico [Mr. ANDERSON] for his constant leadership in the field of desalination from the time the first bill on the subject was introduced, through the years, and up to this day.

The bill provides for the financial cooperation of the Federal Government in the construction and operation of the largest saline water conversion plant in the world, to be located on a manmade island off the coast of Orange County, Calif.

This, of course, is a natural followup of the saline water program that has had the serious consideration and enthusiastic support of the Congress since 1952.

All of us had hoped originally that, with the funds made available to the Office of Saline Water for the past 6 years, a dramatic breakthrough in the conversion of salt water would occur, and the cost would drop materially from the $1 per thousand gallons indicated in the five experimental plants constructed under the original Anderson-Aspinall Act. It now appears that for the present, at least, no such breakthrough in the art is on the horizon. We must proceed on the time-tried method of learning by doing. In my opinion, and it has been concurred in by the Secretary of the Interior, there is no substitute for having a large prototype operating plant to determine costs of large-scale operations as compared to those determined from small plants. It is my sincere opinion that we need to follow the pattern here that we have followed in the nuclear power program, and through continued research and development arrive at the goal of cheap water.

Sensational and dramatic processes are always welcome in the field of applied science, but the sure way is the one proposed by the bill—a cooperative arrangement between the utilities, the Department of the Interior, and the Atomic Energy Commission to join forces in an effort to provide the tools, the know-how, and the money to bring a practical fulfillment of one of man's oldest dreams—the economical conversion of sea water to fresh, potable water for the benefit of all mankind.

I might point out that what we are talking about here today is the definite possibility of being able to deliver desalinated water at about 21 or 22 cents per thousand gallons. We are talking about nuclear power in terms of approximately 2.8 mills. This is low-cost pure water and it is low-cost power.

Certainly the effort here is a historic one, because this will be the largest facility of its kind in the world. I personally feel that as a result of this pioneering effort in southern California, we will be laying the groundwork here today, by the passage of this legislation, for the kind of plants that will be prominent throughout those parts of the United States where the need for water is urgent, and other parts of the world where the need is equally urgent. I commend my colleagues on the committee, and especially the senior Senator from California for his determined leadership in this matter; and I hope and trust that the Senate will act favorably and expeditiously upon it.

I yield to the distinguished Senator from California.

Mr. KUCHEL. Mr. President, I am honored to be associated with this legislation, and I must express my gratitude for the very kind comments of my friend from Washington, the chairman of the committee.

Mr. President, along with the chairman of the committee [Mr. JACKSON], the senior Senator from New Mexico [Mr. ANDERSON]—a pioneer in this field—my distinguished colleague from California [Mr. MURPHY] the junior Senator from Arizona [Mr. FANNIN], and the junior Senator from Idaho [Mr. JORDAN], I introduced the bill now pending, to authorize the Department of the Interior to participate in the construction and operation of a massive dual-purpose nuclear desalination plant and power generating facility to be built off the coast of southern California—and off the coast of the county, Mr. President, which I call my home. The Federal Government will contribute $72.2 million toward the estimated total cost of approximately $445 million in this unique partnership between government and private enterprise. Of this $72.2 million, the Department of the Interior will be authorized by S. 3823 to contribute $57.2 million, and the Atomic Energy Commission is authorized by other legislation, now pending to contribute the additional funds.

Earlier this week Secretary of the Interior Udall appeared before the Committee on Interior and Insular Affairs to urge passage of this legislation. I must say that I think every member of the committee was intrigued and excited at the prospect for opening a new era in water resource development. The enthusiasm for this program crackled through the testimony of the Department of the Interior, the Atomic Energy Commission, and the local private and public bodies which will participate.

Think of it. The local groups, Metropolitan Water District of Southern California, the Department of Water and Power of the City of Los Angeles, Southern California Edison Co. and San Diego Gas & Electric Co. will spend more than one-third of a billion dollars in an effort to test, in a large-scale installation, the practicality of taking our drinking water from the sea.

Several years ago, I cosponsored legislation to authorize the construction of five demonstration plants for the desalination of water. One of these five plants, designed to produce 1 million gallons of fresh water per day, was built in San Diego at Point Loma. I was present when the Point Loma plant was opened, and fresh water from the sea was first used in San Diego homes.

Later, the San Diego plant was turned from an experimental project into a practical essential tool of our foreign policy. When Fidel Castro tried to push the United States out of the Guantanamo Naval Base by cutting off essential services, it was moved lock, stock, and barrel to Cuba, where it now supplies water for that vital military installation.

Here the government and the people of the United States, by the participation authorized in this legislation, will be able to lead the way toward solving a water shortage problem which exists not alone in the State from which I come, but throughout the entire United States, and across the seas in other countries.

So, by comparison with the San Diego demonstration plant, the project which is now being proposed is enormous:

It will provide southern California with 150 million gallons of fresh water per day; it will be over 100 times as large as the San Diego-Guantanamo plant; it will more than double the combined capacity of all the salt water conversion plants in the world today; it will be 40 times as large as the largest desalting plant now in existence; it will generate more electricity than Hoover Dam; it will produce enough water to supply an entire city the size of Boston or San Francisco.

The proposed location of the plant is as unique as its scope. The participants are examining the suggestion that the complex be placed on a manmade island about 3,000 feet offshore from Bolsa Chica State Beach in Orange County, just a few miles from my own home. This 43-acre island would be connected to the mainland by a two-lane causeway which would carry the water and power transmission lines to the distribution systems of the metropolitan water district and the utility companies. The island and causeway may also be the core around which a large marina and recreation center is built.

This bill is the outgrowth of a Federal desalination program extending back over 15 years. I am proud to say that during the early days of the saline water program under the Eisenhower administration and during subsequent administrations, I have cosponsored every major piece of legislation to advance our desalting technology.

This bill is the fruition of several years of cooperative efforts of the Metropolitan Water District of Southern California, the Department of the Interior and the Atomic Energy Commission. On August 18, 1964, these agencies signed a contract authorizing a wide study of a huge nuclear-fueled sea water conversion plant which would provide large quantities of electric power.

Included in the study was a proposal submitted by the Los Angeles Department of Water and Power, Southern California Edison Co., and San Diego Gas & Electric Co. They would finance and build two large—3 million thermal kilowatt—nuclear reactors and two turbine generators. The reactors would also furnish heat for the desalting plant and steam for a third, smaller generator unit to be constructed by the metropolitan water district. The total electrical output from the complex would be 1,800 megawatts.

The Metropolitan Water District of Southern California quenches the thirst of 10 million Americans. Half the population of California is dependent upon this public agency for its water.

By 1990 this number will double and the 20 million people then to be served by the metropolitan water district must have water, of course, to live.

Our objective in building this saline water conversion plant is not to supply my State with an immediate supply of water. Massive as the plant will be, it will provide only 168,000 acre-feet of water annually to a State which now draws more than 5 million acre-feet of water from the Colorado River each year.

Our present sources of water, augmented by State water project water, which will be available in 1972, will meet our needs until approximately the year 1990. However, our planning for the next increment of water to meet the needs after 1990 must begin immediately, as experience has demonstrated it takes at least 25 years to move a new major water development from the initial planning stage to the operational stage.

Our primary objective in building a large-scale desalting plant is to gain concrete, reliable data, sufficiently in advance of the year 1990, to permit accurate evaluation of the adequacy of desalting as an alternative to other water resource development plans, such as the long aqueduct systems presently being considered.

The enhancement of water quality will be another significant benefit of this plant. Metropolitan Water District takes 1 billion gallons of water from the Colorado River each day. This water has an extremely high concentration of dissolved salts as well as excessive hardness. Metropolitan Water District now operates the world's largest water softening plant to remove hardness from its Colorado River water. When the pure distilled water from the nuclear desalination plant is available, Colorado River water can be softened merely by mixing it with the output from the plant.

This legislation has the recommendation of all Federal agencies and State agencies, and represents, I think, a great milestone in the progress of mankind in solving the never-ending struggle to find sufficient water to maintain life and to progress. Indeed, Mr. President, it may well be that this sort of undertaking can lead the way to solving disputes between nations over waters, and to that extent, contribute to the peace and welfare of the nations of the world. The experience and technological skills which the Federal Government and the other participating groups, both public and private, will obtain from this project have a deep significance for all of us who are concerned with supplying that most basic necessity for a thriving civilization—water.

In my view, this is one of the most significant pieces of water resources legislation to come to the floor of the Senate in recent years. It deserves the support of each Member of the Senate.

Mr. President, House Report No. 594 of the 89th Congress, submitted to accompany H.R. 7092, set for the history of our Nation's efforts to tap the unlimited resources of the sea to obtain fresh water. I ask unanimous consent that an extract from page 2 of that report be printed in the RECORD at this point.

There being no objection, the extract was ordered printed at this point in the RECORD, as follows:

The activities of the Federal Government in the field of saline water conversion began in 1952 when Congress passed Public Law 448 of the 82d Congress (act of July 3, 1952) which is referred to as the Saline Water Act of 1952. This original act authorized the appropriation of $2 million for a 5-year research program to be administered by the Secretary of the Interior. The stated objective of this program was to develop economically feasible processes for converting sea water and other saline water to fresh water of a quality suitable for municipal, industrial, agricultural and other beneficial purposes.

After the program had been in effect for 3 years, it became apparent that a 5-year program was not long enough to accomplish the objective and that the $2 million authorized was not adequate for financing the research work. In addition, certain changes and expansion in the authority granted in the original act were needed. These needs led to the enactment in 1955 of Public Law 111, 84th Congress (act of June 29, 1955). Public Law 111 extended the period of research to 10 years and increased the amount authorized to be appropriated from $2 million to $10 million. It also authorized the use of the facilities of existing Federal scientific laboratories to conduct research and technical development work and provided for full cooperation with the Defense Department, the Atomic Energy Commission, and other Federal agencies.

In 1958, the Secretary's authority was again expanded by enactment of Public Law 85–883 (act of September 2, 1958) which authorized the construction and operation of not less than five experimental demonstration plants for the conversion of sea water and brackish water. This act provided for three sea water conversion plants to be located on the east coast, gulf coast, and west coast respectively, with two of the three plants to have a capacity each of at least 1 million gallons per day. The act provided, in addition, for two brackish water plants to be located in the Northern Great Plains area and in the arid area of the Southwest, with one of the plants designed to produce at least 250,000 gallons a day.

The first of the demonstration plants was constructed at Freeport, Tex. This is a long tube vertical evaporator designed for the conversion of 1 million gallons per day. The plant is presently in operation.

The second sea water conversion plant was constructed at Point Loma, near San Diego, Calif., to demonstrate the multistage flash distillation process. In February 1964, in the national interest, this plant was transferred to the Navy and moved to the Guantanamo Naval Base in Cuba. At the time of such transfer, the Point Loma plant was producing important favorable research data and major plant modifications had been proposed. The Office of Saline Water and the Secretary of the Interior have recommended that a new and improved plant be built to replace the Point Loma plant and this committee, after full hearings on the matter, has given its approval to the construction of the proposed advanced technology plant, referred to as San Diego No. 2, provided it is built in conjunction with and as a part of the proposed West Coast Test Center.

The other sea water conversion plant has been constructed at Wrightsville Beach, N.C., for demonstrating the freezing process. It is designed for a capacity of 250,000 gallons per day. Several serious problems have been encountered in its operation as the research goes forward.

The first of the brackish water plants was constructed at Webster, S. Dak. It is a 250,000-gallon-per-day plant demonstrating the electrodialysis process. This has been and continues to be a successful operation producing valuable research data on membrane processes.

The second brackish water plant was constructed in Roswell, N. Mex., to demonstrate the vapor compression distillation method of conversion. The plant, designed to produce 1 million gallons per day, was completed in 1963 and is presently in operation.

The Secretary has the authority to operate these demonstration plants until September 2, 1970.

In 1961, the saline water research program was again extended and expanded by the so-called Anderson-Aspinall Act. This act of September 22, 1961 (Public Law 87–295), provided for the expenditure of $75 million for the 6-year period fiscal year 1962 through fiscal year 1967. Emphasis of the expanded program was focused on basic research rather than on development work. While recognizing the need for pilot plants and demonstration plants as the program progressed, the predominant view of the committee at that time favored a program of broad basic research in the hope of a real breakthrough in the cost of desalination.

The acts hereinbefore referred to authorized a total appropriation of $84.3 million for research and development and $10 million plus operation and maintenance costs for the demonstration plants. Through fiscal year 1966, Congress has appropriated $64.3 million for the research program and roughly $17 million for the demonstration plant program, including about $7.9 million of the $10 million authorized for construction. Thus, of the amount authorized to be appropriated for the research program in the 1961 act, there is a balance of $20 million available for fiscal year 1967. In addition, funds are available from the $10 million authorization for constructing the San Diego No. 2 demonstration plant.

In July 1964, the President directed the Department of the Interior, in collaboration with the Atomic Energy Commission and in consultation with the Office of Science and Technology, to develop a plan for an aggressive and imaginative program to advance progress in large-scale desalting of sea water. The conclusions and recommendations resulting from the studies initiated under this direction from the President are set out in a report approved by the Secretary of the Interior and the Chairman of the Atomic Energy Commission on September 22, 1964, and submitted to the President on that date. The program recommended not only includes large-scale desalting of sea water but provides for improving other existing processes and for accelerating basic research to discover new techniques for desalination.

Mr. KUCHEL. Mr. President, I join the Senator from Washington in urging favorable consideration of the bill.

Mr. JACKSON. Mr. President, I yield briefly to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I direct the attention of the Senator from Washington, the manager of the bill, to page 5 of the report, where there is a list of capital costs, as I understand it, of the plant that would be built, totaling $444.3 million. It is broken down to show that the Department of the Interior would contribute $45.7 million, the Atomic Energy Commission $15 million, the Metropolitan Water District of Southern California $126.7 million, and utility companies in California the remainder, $256.9 million.

The report then adds that the Department of the Interior will contribute $11.5 million toward operation and maintenance of the desalting plant.

My question is, Would the contribution of the Department of the Interior in the second place, that is, the $11.5 million, be an annual contribution?

Mr. JACKSON. No. That represents a total contribution over a period of several years.

Mr. PROXMIRE. So the $11.5 million would be the total, over a period of years?

Mr. KUCHEL. That is correct.

Mr. JACKSON. That is the total amount for which the Department of the Interior is contractually liable. I refer the Senator to page 4 of the report which says:

> During the first few years of operation, OSW will also contribute to the operating and maintenance costs of the desalting plant, on the basis of 50 percent of actual O. & M. expenses, not including interest and depreciation. The total OSW participation in these costs, based on operation over the first 4 years of the initial 50 million gallons per day train, and 3 additional years for the full-size 150 million gallons per day plant, will not exceed $11.5 million.

I say to the Senator that the pattern we are following here is not dissimilar from the pattern we followed in the nuclear power program. Both for the private and for the publicly owned utilities.

The importance of this pattern of development lies in the fact that it obviates the necessity of the Federal Government building a $444 million desalinization plant. The Federal Government, of course, will obtain a lot of valuable information in this field, which will be useful in connection with the work of the Office of Saline Water of the Department of the Interior.

Mr. PROXMIRE. Mr. President, would the $256 million, or any of it, that the utility companies are going to devote to this project, be borrowed from the Federal Government?

Mr. JACKSON. To my knowledge, it will not be. All of it will be funds that they will make available on their own initiative.

Mr. PROXMIRE. Then, the metropolitan water companies of California will use their own funds and not borrow from the Federal Government?

Mr. JACKSON. I assume that probably municipal bonds will be issued or their own funds will be used.

Mr. PROXMIRE. Mr. President, I think this is a very worthwhile project. I am delighted to support it.

I think it is an excellent investment, and one that is badly needed. It can do a great deal of good, as the Senator from California has said, for the people of California, as well as for the people of our country.

Both the east and west coasts have been the beneficiaries of a number of Federal projects. In most cases those projects are well justified. However, this has not been the case in the Midwest.

The distinguished junior Senator from Minnesota [Mr. MONDALE] has introduced a bill that is being opposed by the administration. We wish to maintain the present tolls on the St. Lawrence Seaway and the administration opposes the retention of the present rate and advises the imposition of a 10-percent increase in the rates. This increase would gut the seaway.

This is one of the very few projects of this kind in the country that is not subsidized by the Federal Government.

In the Middle West we do not have the kind of defense work and public works projects that exist in other parts of the country. It seems to me that this is the time that the Midwest should be given some consideration. I think that we are being unfortunately and painfully ignored.

I emphasize that without any reflection on the pending bill which is a good and desirable and necessary bill.

I make that point here, because this is one way of underlying and stressing the fact that we have been forgotten.

Mr. JACKSON. Mr. President, I voted for and supported the St. Lawrence Seaway proposal.

Mr. PROXMIRE. I thank the Senator for his action.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill having been read the third time, the question is, Shall the bill pass? [Putting the question.]

The bill (S. 3823) was passed, as follows:

S. 3823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to participate in the development of technology for a large-scale desalting plant by providing financial, technical or other assistance to the Metropolitan Water District of Southern California for the design, development, construction, and operation of a water treatment and desalting plant to be constructed as a part of a dual-purpose electrical power generation and desalting project in the southern California area.

SEC. 2. Before providing any assistance as authorized by this Act, the Secretary shall first determine that the value of the anticipated technical knowledge and experience in desalting to be derived from his participation in the construction and operation of this facility will be not less than the amount of such assistance.

SEC. 3. In order to provide the assistance authorized by this Act, the Secretary may enter into a contract with the metropolitan water district to cover such periods of time as he may consider necessary but under which the liability of the United States shall be contingent upon appropriations being available therefor.

SEC. 4. There is hereby authorized to be appropriated not to exceed $57,200,000 to carry out the purposes of this Act.

Mr. KUCHEL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INADEQUACIES IN SOUND ADMINISTRATIVE PROCEDURES AND TECHNIQUES IN THE JOB CORPS

Mr. DOMINICK. Mr. President, for the past 2 years our Government has been engaged in what is commonly called the war on poverty. The war was declared amidst hopes and expectations that the enemy could be defeated and that poverty would be driven from our Nation. We, as Americans, had determined that all of our people should be given the opportunity and assistance to improve their positions so that they might share in the benefits of our affluent land. With this determination on the part of the Congress and the American people, our poorer citizens were buoyed up by hopes that they could overcome their environmental and educational disadvantages.

But, these hopes and expectations have generally been shattered. For the battle, under the command of the Office of Economic Opportunity, has been conducted in an unbelievably inefficient and ineffective manner. The result is that, rather than advancing, we have at best held our ground, and the enemy—poverty—continues to be formidable.

The administration, ostrichlike, has buried its head in the sand and has refused to accept the fact that it has been unsuccessful. The majority party in Congress has also generally refused to admit the shortcomings of the program, as is evidenced by the House Education and Labor Committee's refusal to call those witnesses who were critical of the program, witnesses whose names and addresses had been supplied by the Republican members of that committee.

If we are going to make substantial progress in our war against poverty, we are going to have to begin to face reality and discuss what I call, the poverty of the war. We must examine the poverty of its administration, the poverty of its imagination, the poverty of its leadership, and the poverty of its effectiveness. For it is only by realistically evaluating the war and pointing out its defects that we can hope to improve it and to make it effective in combating poverty.

In order to see how really poverty-stricken this war is, we have only to examine its administration. Even a cursory look reveals glaring inadequacies in sound administrative procedures and techniques.

The Job Corps is a prime example of the poverty of administration in the poverty program. The Job Corps program was initiated with a priority on speed and with little concern for sound administration. Recruitment guidelines are, or at least have been, virtually nonexistent. The result has been chaos. The record is replete with instances where enrollees of questionable qualifications have created trouble for themselves, the Job Corps, and the communities in which they were located. I would like to relate a few of these instances.

Mr. President, just this morning representatives of the Job Corps testified before our committee and stated flatly that, in their opinion, the Job Corps program had gone forward much too rapidly and without any ability to formulate regulations when it started to deal with matters of recruitment, disciplinary problems, and matters of that kind.

Last November 15, at the Mountain Home, Idaho, Conservation Center a boy from California beat and stabbed a fellow corpsman. This boy was a three-time felony loser, including a conviction for attempted murder. Despite his record, he was given a leadership role as a wing leader and squadron leader. The Job Corps screening procedures were so haphazard that they had no knowledge of the boy's previous record when they took him into the Corps. Job Corps officials in Washington telegraphed the court that they would gladly accept the boy back into the Job Corps. This was done at the time of sentencing by the court when the full probation report showing his previous convictions was available. Despite this, the Job Corps officials claim that they knew nothing of his previous felony record when they agreed to accept him back into the camp.

In August of last year, a Job Corpsman on leave in Billings, Mont., was charged with shooting at a policeman and wounding a woman in a Billings bar. As late as this last spring, the case had still not come to trial and the corpsman remained as an enrollee in Camp Breckenridge. When Congressman GOODELL checked into these matters, Job Corps officials told him they had no way of checking whether a man was on parole or probation when he applied. They shy away from fingerprinting their applicants, perhaps because they believe such a procedure is a personal indignity which should not be imposed upon men and women enrolled in their programs. Of course, we must remember that all of our men and women who enter military service are automatically fingerprinted.

A quick check with the FBI would give them a full criminal background on every applicant. In addition, every State maintains a record of parolees and probationaries which is readily accessible to Federal officials. So, it seems to me, as evidenced in both of the cases I have cited, that there is no reason for the lack of prudent recruitment policies on the part of the Job Corps.

Another example—In order to speed up the processing time and the funneling of applicants into Job Corps camps, officials came up with an experiment designed to enroll approximately 3,700 applicants. The experiment was to waive medical examination of applicants between April 14 and May 7 of this year. As one recruitment announcement advertised, those who apply prior to May 7 "will not need a physical examination if they are in good health." This raises an interesting question of how officials intend to determine an applicant's good health unless he has been examined by a physician. How are epidemics of communicable diseases to be avoided at Job Corps Centers? These procedures certainly do not seem to be designed to insure that only proper applicants are enrolled in the program.

The lack of administrative prudence has not been restricted to its recruitment and discipline procedures. It shows up in its policies on hiring people to run the program. The Job Corps Center at Camp Breckenridge, Ky., was found to be employing many wives of camp executives. Last year an ex-convict with a 17-count arrest record was hired to work as a supervisor at the Casper, Wyo., Job Corps Center. Two weeks later he was arrested and charged with aggravated assault in the severe beating of a Casper businessman. It was then, and only then, discovered that he had a 17-count record—including charges of rape, assault and battery, and larceny, addition to the single arrest and 16-month penitentiary sentence which he had acknowledged in his job application. The failure of those running the Job Corps Center to know of this arrest record was due in part to faulty communication with the Civil Service Commission.

I do not say that a man who has at one time committed a crime and subseently paid his debt to society should be necessarily barred from employment in the program, but I do say that all potential employees should be carefully evaluated so as to make sure that they will contribute to, rather than detract from, the effectiveness of the program. I do say that these programs should establish hiring practices which are, at least, as effective as those which would be required by a private business.

Another illustration of the poverty of administration is found in the excessive costs of many of the projects. The Job Corps camp at Tongue Point, Oreg., has spent $13,000 per enrollee. Sargent Shriver reported to the House Poverty Subcommittee that 32 camps have a $7,000 to $8,999 cost per man-year range and that 9 centers have a cost range of $11,000 to $14,000 per man-year. This does not compare very favorably with even the most expensive universities in the Nation.

Once again, we had testimony this morning before the Committee on Labor and Public Welfare, in which the contracting officer for the Job Corps and the deputy administrator of the Job Corps in Washington testified that in the coming year they would anticipate a cost of $8,000 per enrollee in the Job Corps. Although it is a reduction from the $11,000 to $13,000 amount, it is still an enormously high amount to pay for a program in which the results are still, I might say, very indefinite.

I think I should add at this point that the evidence we have today—it is not as yet all in—indicates that there is approximately a 30-percent dropout from the Job Corps camps and a 10-percent dismissal. Therefore, there is only a 60-percent graduating class, so to speak; and we do not have figures available—to me, at least—which are thoroughly convincing as to the total amount of jobs they have been able to obtain, although I shall refer to it somewhat in my remarks.

The cost per volunteer in the VISTA program is $7,000. In Mississippi, a Headstart project paid $100 rent to use a bathroom, $100 to use a sink, $120 to use a refrigerator, $110 for a stove, and $92 for a carpet—all for a short period of 8 weeks. Unbelievable as it may seem, one of the project's officials chartered a twin-engine plane for a 200-mile flight to address a graduating class of 5- and 6-year-old Headstart pupils.

According to a recent monthly report of the Joint Committee on Reduction of Nonessential Federal Expenditures, the increase of 204 employees at the Office of Economic Opportunity was one of the largest increases in personnel of any Federal agency for that month. Already OEO has far, far more employees than the Office of Education, even though the latter office administers programs involving several billion dollars more than the war on poverty.

But despite the money, despite the many employees administering it, the war on poverty has done, apparently, an exceptionally poor job in producing results.

I offer a few examples for my colleagues to consider.

The Job Corps Center for Women in St. Petersburg, Fla., after 1 year had graduated 42 enrollees, at a cost of $1,646,601, for an average of $39,205 per graduate, making it probably the most expensive women's Job Corps Center, or any other kind of center, in the country. Yet the program was so poorly planned, so poorly administered, that it was completely unable to win the confidence and support of the people of St. Petersburg. This spring, the OEO was forced to admit its failures and announced that it was closing the center. In New Bedford, Mass., after enrollees from the Fort Rodman Job Corps Center had engaged in a rock-throwing melee in the downtown area, the city council unanimously voted to ask the Job Corps to leave.

The success of the Job Corps in placing its graduates leaves much to be desired.

We should keep in mind that the graduates, according to the evidence we now have on hand, comprise only 60 percent of the people who are in the camps; and the Job Corps, for some reason or another, does not give us figures on the number of people who drop out in the first 30 days they are there. They term them "enrollees," and apparently they do not even give them a nice jacket until they have been there 30 days. We do not have much knowledge of how many drop out during that period. I have requested that information, and I hope it will come in very shortly.

I have been informed by the Labor Department that, as of June 1, 5,090 persons had graduated from the Job Corps. Of this number, 1,286 were known by the Job Corps to be currently employed. An additional 588 had been inducted into the Armed Forces and 263 had returned to school. This would mean that 2,047, or only approximately 40 percent of the graduating 60 percent, were employed, in school, or in the military. Subsequently, I was furnished figures by OEO that, as of August 1, 7,759 Job Corps trainees had "either completed a course of study, or returned to their homes for jobs, school, to enter the military, or for some other placement purposes." As of August 1, 3,245, or approximately 42 percent of the corpsmen and corpswomen, were either employed, had entered the Armed Services, or had returned to school. In other words, it appears that approximately 60 percent of those who have graduated from Job Corps Centers have apparently neither obtained jobs, joined the military, nor returned to school. I keep emphasizing that only approximately 60 percent of them ever graduate, to begin with, not counting the enrollees who drop out in the first 30 days.

The recent elections of the poor is indicative of the war on poverty's inability to produce results in motivating the poor and aiding them in overcoming their problems.

In Los Angeles, where approximately $60,000 was spent to stage the election, less than 1 percent of the eligible voters cast ballots. The turnout in other cities was not much better. In my home State of Colorado, poverty elections were held in Denver, and the turnout, I am pleased to note, was twice as high as any recorded in the Nation. Yet even here, the record was only 7.5 percent of the residents believed eligible to vote. This is hardly the maximum feasible participation of the poor which was envisioned in the formulation of the program. The failure to effect the desired goals was admitted by Sargent Shriver as he told the House subcommittee:

> We don't believe we received our money's worth in these elections.

Mr. Shriver may think that poverty can be ended in the United States by 1976 under this program, but his optimism is shared by neither the poor nor the public at large, both of whom are more able to realize that the poverty program has not produced the desired results. This is evidenced, among other things, by the poverty convention held this past spring, when Sargent Shriver was booed and harassed by delegates who were manifesting their frustration and disappointment. It is further evidenced by a poll of California voters who were asked the question:

> Do you believe that the poverty program in California has had any success in accomplishing its goal of eliminating poverty in California?

Only 27.9 percent of the voters said "Yes." This disappointment and skepticism was manifested among both Democratic and Republican voters.

Mr. President, so far I have addressed myself to the poverty of the war. I would now like to talk about the extravagance of the program. For with all the money that we have been pouring into the program, and with so few poor people receiving any real benefit, some one must be benefiting from the program.

Last spring, a delegate to a poor people's convention derided the antipoverty program as "one big laugh," saying:

> Most of the money goes for big salaries for people who conduct surveys and then they put the survey into the wastebasket. When it's all over, the rich man will be richer and I'll still be getting a welfare check.

Here is an example of a poverty stricken woman who had her hopes roused by this program, only to see the benefits directed toward the "povertician."

For the sake of those who would contest the accuracy of this woman's feeling, I would like to delve into a few examples. There are six OEO employees who make $26,000 to $30,000 per year while the U.S. Commissioner of Education, who administers a program much larger than the poverty program, gets only $26,000.

The Job Corps has hired a fantastic number of people at salaries far, far greater than the salaries they were previously making. At the Kilmer Job Corps Center, a man who was making $2,700 per year in his prior job, was hired as a manager administrator at $15,400. A dentist who had an income of $4,000 was hired for $17,200 a year. Another dentist earning $3,100 a year was hired at $13,000 a year Another man was hired as an administrator of vocational services at a salary of $13,000 even though his previous salary was $3,300. I could go on and on, but rather than taking up time, I ask unanimous consent that a list of salaries be inserted in the CONGRESSIONAL RECORD. The list shows the previous salaries and earnings and present salaries under the poverty program.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **DOMINICK**. Mr. President, in La Grange, Tex., the project coordinator of a Neighborhood Youth Corps program, after spending $190,000, admitted:

> We didn't have a poverty program. We didn't operate it as a poverty program. We took the position that, if young people were loafing we'd put them to work and do a lot of good.

The Reverend Harry L. Johnson, who headed the selection committee, admitted that it was possible some youths were hired who "just wanted to support a car." He also said it was quite possible that a boy with a father and mother who made $20,000 a year could have been hired. In Boston, the Record American reported that the FBI, OEO, and the U.S. Department of Labor were investigating evidence of financial irregularities involving youths employed in the Action for Boston Community Development, Inc.—ABCD—summer program. It was reported that an ABCD official admitted the agency had been unable to locate some 200 youths listed as employees and for whom W-2 income tax forms had been issued. Some youths had complained they had received W-2 forms showing more income than they had actually received. It would seem appropriate to ask, Who received the money? Was the money used as a form of kickback to poverty officials?

This is an appropriate question and I think that perhaps we should go into it at some length. I do not have time to do it now, and obviously we are not in a position in this session of Congress to go forward with any investigations, as much as I would like to see it happen.

In Chicago, officials of Operation Head Start admitted that 27½ percent of the 23,804 children in the program were from families who exceeded the poverty level. This figure was for the total number. One center in Chicago showed 41.1 percent of enrollees over the income requirement, while still another had 36.8 percent.

With this record it is hard to believe that the proposal of the chairman of the House Labor and Education Committee to spend $7 billion on the war on poverty in 1 year would be any more productive or any less wasteful. We can continue to put more and more money into this program but unless we demand more mileage out of this money, we are never going to eliminate poverty—we will only multiply it by taxing the American people to death.

I might say that the Committee on Labor and Public Welfare has already added to the President's budget a fantastic amount of additional authorization funds for the poverty bill which will be emerging from the committee in the near future.

Mr. President, this overall picture of the war on poverty is very bleak. However, I am confident that, despite the past record, the program can be revitalized and made effective in fighting poverty. It can still attain its original goals, it can still live up to the expectations and hope of our impoverished people who have relied upon it, provided changes are made in it.

I have several proposals which I feel will improve our poverty-stricken poverty program.

It is my opinion that the Job Corps can be improved by legislatively requiring its administrators to conduct physical and mental examinations for all enrollees and requiring them to inquire as to the parole and probationary status of all applicants. All enrollees should be fingerprinted. The Congress should require that it be notified by Job Corps officials whenever any center established more than 6 months has more staff personnel than enrollees.

I think it would be good to require Job Corps officials, where possible, to assist in providing the organization of local community activities in areas surrounding Job Corps centers to provide a friendly and adequate reception of enrollees into community life. In order to promote the proper moral and disciplinary conditions in Job Corps centers, it would be wise to give the individual directors of Job Corps centers full authority to take appropriate disciplinary measures against enrollees, including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority as provided under regulations set by the Secretary.

It is my understanding that some of these regulations are now going into effect. I am happy to see that they are and I hope that they will be sufficient to tighten up the procedure.

If these suggestions are enacted into law, I think we would have gone some way toward tightening up the administration of the Job Corps. The beneficiaries would be the enrollees who would be better able to improve themselves and increase their capacity to cope with the problems of life—the citizens of the communities in which the centers are located who would be able to work more easily with the enrollees and give them the encouragement which they so badly need—and the taxpayers who would be assured that their tax dollars were helping to solve social problems rather than creating them.

I would suggest that the Neighborhood Youth Corps, by congressional decision, should be restricted to those youths whose family incomes meet a standard of poverty established by the Secretary or whose families are on welfare. This would have a healthy effect, not only of insuring that tax dollars are not going to those who do not need them, but also of increasing the extent of funds for those young people who are in legitimate need of them.

In regard to the community action programs, I think it would be wise for Congress to require CAP boards to retain representatives of local governments, social welfare and public service agencies, local school systems, the general public, and representatives of the poor comprising at least one-third of the membership of the board. I think that we should immediately require that CAP programs, as a condition for approval, include provisions for reasonable access by the public to information and reasonable public access to books and records of the board. CAP programs should be required to include arrangements with a reputable private and independent auditing firm to preaudit all grants and programs under this title to insure that adequate records are kept and fiscal control audit of the books 6 months after the initiation of a program and annually thereafter.

By adding these provisions, we would make some progress in the direction of elimination of the financial excesses which have been so typical of the program. With knowledge that the programs are being carefully audited and watch-guard being placed over potential corrupters of the program, the people of this country will tend to become more confident that the program is doing that job it is supposed to do. This is so important, because, no matter how much we improve the program, its life will be precarious unless we can gain the confidence of the American people.

Mr. President, I believe it is essential that the adult education program under title 11–B of the act be transferred from the Office of Economic Opportunity to the Office of Education. An amendment to this effect has been adopted by the Senate Committee on Labor and Public Welfare and I would hope that this amendment will be retained. Currently the Director of the Office of Economic Opportunity does not administer the program but rather, the authority for the program operation rests by delegation with the Commissioner of Education. The program has taken the form of a

State grant-State plan pattern with provisions for State matching money. Education legislation which has originated in the Senate Committee on Labor and Public Welfare has traditionally contained a prohibition against Federal control. However, the Office of Economic Opportunity legislation contains no safeguard for the preservation of State and local control over educational policies and curriculum. This would mean that the program, if left in its original form under OEO, would require the Commissioner of Education to administer this program under different guidelines and criteria than those which govern him in his other relationships with State educational agencies. This, to me, seems unwise both from an administrative and a philosophical point of view. We have consistently been attempting to strengthen our State educational agencies through title V of the Elementary and Secondary Education Act. It would seem compatible with that goal to move the adult education program to the Office of Education where the States will retain control over the program under established guidelines.

Mr. President, that portion of the community action program known as Project Headstart has been widely accepted by the public, and has been successful where oriented into existing educational groups, both public and private. In the light of this history, it is my belief that this program should be transferred to the Office of Education. It has its roots in the field of education and should draw on the education expertise of the Office of Education. There is far too little continuity between Headstart and the public and private schools. The progress which our culturally deprived children are achieving under Headstart may be lost unless there is better coordination in bridging the gap between the Headstart program and our schools. The schools must be better prepared to follow up on Headstart, and Headstart must be better prepared to orient both their educational and important cultural programs toward the schools.

This, in my judgment, can best be accomplished by bringing the program under the Office of Education. The Office of Education has demonstrated that it has the administrative capacity to run such a program. More importantly, any conflict between OEO and the Office of Education would be eliminated and any duplication can better be avoided. The continuity gap which is of great concern to many people involved in this program could, in my judgment, be virtually eliminated if this program were under the Office of Education.

I am frankly concerned that the success of this program may be damaged by the lack of administrative expertise in OEO. Most of the problems which have arisen in the Headstart program can be traced directly to the OEO's administrative mismanagement of people and funds. I also fear that the strong public confidence in Headstart will be eroded by the public's mistaking Headstart for other OEO programs. This program deserves the full support of everyone interested in assisting culturally deprived children to achieve an equal educational opportunity. This program should not be allowed to be jeopardized by the public's lack of confidence in OEO.

The Education Subcommittee of the Senate Committee on Labor and Public Welfare has approved my amendment which sets up a special title under the Elementary and Secondary Education Act of 1965 and provides for the administration of the Headstart program by the Office of Education. Under this proposal, moneys appropriated for such purpose would be allocated by the Office of Education to State boards of education which in turn would contract with local community action boards or if there be none in a particular community, with a local educational institution. Moneys would be distributed by the States directly proportioned to the number of children, age 3 to 7, which come from families having incomes less than $2,000. Such an organizational situation would provide the necessary educational expertise without sacrificing the flexibility, imagination, and voluntary efforts of the community action programs. I am hopeful that it will be passed by the full committee, then by Congress and enacted into law.

I would like to touch briefly on another proposal which I feel has great potential as a new weapon in the war on poverty. I would urge that the vast knowledge and experience of voluntary service and welfare organizations such as the Red Cross, the United Fund, the Salvation Army, the various denominational welfare groups, the Big Brother movement, the Boys' Clubs, and many others be enlisted to help wage the war on poverty. The power and effectiveness of voluntary organizations in solving complex problems is tremendous and is vastly underemployed.

These groups have demonstrated that they possess tremendous know-how and ability in solving specific complex problems. Their leadership and resourcefulness could and should be brought to bear in trying to find solutions to some of the most vexing problems in the current war on poverty. Their role would provide the necessary catalyst for bringing the private sector of the economy into the war. I am convinced that these organizations could, in many instances, complement the Federal effort and, in some instances, actually supplant our chaotic Federal programs.

An excellent example of the work such organizations can do, and do better than Government, can be seen in the 20-year record of CARE. This organization, which was created by individuals to give help to the ill-fed, ill-clothed, and ill-housed victims of World War II in Europe, has helped destitute people in virtually every country in the free world and has done an excellent job.

Another example is Project Hope, which has done a fabulous job overseas in other areas of the world.

If we can enlist the expertise of these people and through their coordinated efforts, concentrate their financial resources and human ability on solving local social problems, our pressing national social problems will be greatly reduced.

Mr. President, these are just a few ways in which the program may be improved. There are many others which have been offered. I am particularly pleased with my Republican colleagues in both the House and the Senate who have offered many thoughtful and imaginative ways of improving the war on poverty and making it more effective. We know that the program has had more than its share of difficulties. We know that we have the intellectual and financial resources to cure it. Now all that we have to acquire is the will and the courage to act.

I might say, Mr. President, that, in my opinion, part of the will and the courage to act is going to be in keeping the funding of this program at a level which makes some sense in our present budgetary situation. We must better control the funding of this program to encourage and permit improved administrative procedures under the growing poverty scope of the program throughout this country of ours, so that the OEO will have time to catch up and solve the problems which they have been facing and which they have been facing inadequately during the past 2 years.

Mr. President, I yield the floor.

Exhibit 1

Position	Increase	Previous salary	Present salary
RODMAN JOB CORPS CENTER			
	Percent		
Director of curriculum	75	$10,300	$18,000
Senior resident counselor	76	6,800	12,000
Instructor, business education	82	5,500	10,000
Instructor, math economics	51	6,300	9,500
Assistant head, physical education	59	5,500	8,750
Instructor, D. P. laboratory	55	5,500	8,500
Instructor, physical education	70	5,000	8,500
Maintenance manager	92	4,160	8,000
Assistant department head	131	3,250	7,500
Night duty officer	75	4,000	7,000
Do	75	4,000	7,000
Security administrator	82	3,840	7,000
Tutor counselor	72	3,952	6,800
Unit supervisor counselor	76	3,860	6,800
Instructor II, business education	54	4,200	6,500
Tutor counselor	81	3,600	6,500
Instructor II, physical education	86	3,500	6,500
Tutor counselor	50	4,200	6,300
Do	156	2,340	6,000
Do	100	3,000	6,000
Do	110	2,860	6,000
Do	92	3,120	6,000
Purchasing administrator	78	3,380	6,000
Tutor counselor	50	4,000	6,000
Do	65	3,640	6,000
Do	140	2,500	6,000
Do	68	3,580	6,000
Do	186	2,100	6,000
Recreation specialist	138	2,520	6,000
Do	233	1,800	6,000
Do	54	3,900	6,000
KILMER JOB CORPS CENTER			
Dentist	330	3,998	17,201
Manager administrator	468	2,704	15,392
Manager	159	5,800	15,017
Contract administrator, senior	54	9,200	14,186
Administrator, vocational services	313	3,307	13,645
Dentist	315	3,120	13,000
Administrator, educational services	60	7,758	12,418
Education resident specialist	69	6,800	11,502
Administrator, personnel	81	5,980	10,795
Administrator, food services	103	5,190	10,546
Supervisor	60	6,550	10,504
Do	305	2,600	10,442
Administrator, avocations	52	6,800	10,317
Administrator, social activities	53	6,600	12,900
Administrator, security	92	5,200	10,004
Personnel supervisor	216	3,005	9,506
Administrator, mat control	69	5,439	9,214
Supervisor, activities section	59	5,750	9,131

Exhibit 1—Continued

Position	Increase	Previous salary	Present salary
KILMER JOB CORPS CENTER—continued			
Analysis systems programer	155	$3,536	$9,006
Counselor	85	4,800	8,902
Social activities sponsor	79	4,250	8,715
Foreman of guards	109	4,160	8,694
Education specialist	287	2,200	8,507
Supervisor, skills	60	5,200	8,320
Athletic activities sponsor	55	5,300	8,237
Education specialist	61	4,900	7,904
Senior instructor	50	5,200	7,779
Education specialist	71	4,500	7,717
Special athletic activities, senior	99	3,840	7,654
Supervisor	89	4,000	7,561
Athletic activities sponsor	81	4,160	7,530
Counselor	526	1,200	7,509
Instructor	189	2,600	7,509
Do	65	4,160	7,509
Counselor	106	3,640	7,509
Do	51	4,988	7,509
Senior instructor	90	3,952	7,509
Counselor	56	4,804	7,509
Administrative assistant	124	3,350	7,488
Instructor	58	4,680	7,405
Do	58	4,680	7,405
Education specialist	68	4,420	7,405
Do	54	4,800	7,405
Do	50	4,900	7,363
Do	53	4,800	7,342
Do	63	4,500	7,322
Recreation specialist	142	3,005	7,280
Specialist, F.A	62	4,500	7,280
Instructor	53	4,700	7,145
Activity athletic sponsor	72	4,160	7,145
Instructor	65	4,316	7,134
Specialist	140	2,860	6,864
(Unspecified)	120	3,120	6,864
Do	52	4,500	6,822
Do	77	3,848	6,802
Do	64	4,160	6,802
Education specialist	104	3,328	6,802
F. A. specialist	74	3,920	6,802
Administrative assistant	90	3,536	6,729
Recreation specialist	79	3,608	6,458
Group leader, senior	76	3,640	6,396
Do	53	4,160	6,365
Do	206	2,080	6,364
Do	86	3,380	6,302
Do	51	4,160	6,302
Do	142	2,600	6,302
Do	130	2,724	6,271
Do	51	4,160	6,271
Senior group leader	61	3,900	6,261
Garage mechanic	50	4,160	6,240
Social activities specialist	71	3,640	6,209
Group leader	139	2,600	6,209
Do	139	2,600	6,209
Specialist, F. A	199	2,080	6,209
Group leader	99	3,120	6,209
Craft specialist	84	3,380	6,208
Group leader	138	2,600	6,178
Do	95	3,120	6,074
KILMER JOB CORPS CENTER—continued			
Group leader	92	$3,120	$6,001
Do	80	3,328	6,001
Do	65	3,640	6,001
Do	92	3,120	6,001
Do	51	3,973	6,001
Do	92	3,120	6,001
Do	80	3,328	6,001
Do	61	3,733	6,001
Do	65	3,640	6,001
Do	50	4,000	6,001
Do	77	3,380	6,001
Do	173	2,200	6,001
Do	114	2,808	6,001
Do	131	2,600	6,001
Do	65	3,640	6,001
Do	100	3,005	6,001
Do	65	3,600	6,001
Do	80	3,328	6,001
Do	110	2,860	6,001
Do	58	3,900	6,001
Do	65	3,640	6,001
CUSTER JOB CORPS CENTER			
Chief group life supervisor	98	4,800	9,515
Do	59	6,000	9,514
Do	96	4,848	9,514
Vocational teacher	55	5,760	8,900
Orientation counselor	55	5,200	8,050
Vocational instructor	82	4,368	7,950
Staff trainer	50	4,980	7,500
Counselor	50	5,000	7,500
Vocational instructor	82	3,860	7,010
Public information reporter	50	4,680	7,000
Captain, F. & S	50	4,500	6,783
Group life supervisor	59	3,952	6,300
Do	51	4,160	6,300
BRECKINRIDGE JOB CORPS CENTER			
Acting director, vocational training	65	7,800	12,900
Supervisor of general education	50	6,396	9,600
Counselor instructor	98	4,392	8,700
Do	211	2,700	8,400
Vocational instructor	59	5,100	8,100
Orientation instructor	63	4,800	7,800
Vocational instructor	64	4,560	7,500
General education instructor	84	3,420	6,300
ATTERBURY JOB CORPS CENTER			
Dentist	90	6,420	12,192
Chief security	140	5,004	12,000
Dentist	127	5,196	11,820
Unit coordinator	400	1,800	9,000
Supervisory test administrator	73	5,196	9,000
ATTERBURY JOB CORPS TER—continued			
Psychologist	77	$4,800	$8,496
Dispatcher	50	1,500	7,560
Health, physical education, and recreation	50	5,040	7,560
Security investigator	71	4,416	7,560
Custodial supervisor	65	4,140	6,840
Supervisor, CX	53	4,464	6,840
Resident adviser, III	229	2,076	6,840
Stock record supervisor	100	3,420	6,840
Tester, II	52	4,356	6,600
Health, physical education and recreation	102	3,120	6,300
Resident adviser, II	100	3,120	6,228
Do	147	2,520	6,228
Physical education and recreation, II	132	2,688	6,228
Do	71	3,636	6,228

ADJOURNMENT

Mr. PELL. Mr. President, under the previous order, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 30 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 22, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 21, 1966:

U.S. MARSHAL

Peter J. Foley, of Rhode Island, to be U.S. marshal for the district of Rhode Island for the term of 4 years, vice Joseph V. Conley, deceased.

DEPARTMENT OF STATE

Nicholas deB. Katzenbach, of Illinois, to be Under Secretary of State.

Foy D. Kohler, of Ohio, a Foreign Service officer of the class of career ambassador, to be a Deputy Under Secretary of State.

Eugene Victor Rostow, of Connecticut, to be Under Secretary of State for Political Affairs.

EXTENSIONS OF REMARKS

Tobacco Program Review: Prices Up

EXTENSION OF REMARKS

OF

HON. HAROLD D. COOLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1966

Mr. COOLEY. Mr. Speaker, I have requested this time to give to the Members of the House a report on the tobacco marketing quota and price-support programs which have meant so much to the farmers and the economy of my State of North Carolina.

Our farmers are receiving this season record prices.

The prices to date on the sales of the 1966 crop of Flue-cured tobacco have averaged 69 cents per pound. This average is 4.3 cents per pound above the record high level at the same time last year. This is the reward our farmers are reaping for improving the quality of their tobacco under the new acreage-poundage program.

When the acreage-poundage program was first proposed, I had serious questions about the need for changing the acreage allotment program on tobacco. This acreage program had worked well for many years in maintaining supplies reasonably well in line with demand. Prices received by growers had been favorable, and costs to the Government for price supports on tobacco had been held to a minimum.

In recent years, however, substantial increases in per acre yields resulted in excessive supplies which caused a buildup in Government loan stocks. As yields increased, the quality of tobacco deteriorated, and we failed to share in the increased world trade in tobacco.

As the Committee on Agriculture considered the proposed acreage-poundage program, substantial changes were made in an effort to provide fair and equitable poundage quotas for all farmers and to improve the usability of our tobacco, both in the domestic market and in foreign markets, to adjust supplies in line with demand and at the same time to maintain farm income.

After having made these changes, I, as chairman of the Committee on Agriculture, successfully guided the legislation through the House in spite of the attacks constantly being made on tobacco.

The results of the new acreage-poundage program are truly amazing. Growers are receiving a record price for their tobacco due to improved quality. An important and popular feature of the acreage-poundage program is the carryover provision. This provision enables growers who fail to make their quota any year because of drought or other disaster to carry over the unused quota to the following year.

Government loan holdings have been reduced by a quarter of a billion pounds during the past 12 months. Only seven-tenths of 1 percent of the 1966 crop sales to date have been taken under Government loan. This compares with 5.9 percent for the comparable period last year, and more than 20 percent of the 1963 and 1964 crops.

Last winter I began to urge upon Secretary Freeman and the President that action be taken to make our tobacco more competitive pricewise in world markets. The Department of Agriculture approved a refund of 5 cents per pound on 1960–62 crops of loan tobacco in February. In July, following further efforts by those of us who are interested in the well-being of tobacco farmers, the Department announced an export payment of 5 cents per pound on all tobacco exported from the United States.

The results of these export payments have already shown up in increased exports of our tobacco. The activity of buyers for export on our auction markets and the increased sales of loan stocks indicate a substantial increase in exports of our tobacco in the year ahead.

I am proud of the part I have played over the years in the development of our tobacco programs which have meant so much to our farmers and to the economy of North Carolina.

Report to the People on the 2d Session of the 89th Congress

EXTENSION OF REMARKS

OF

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1966

Mr. ROUDEBUSH. Mr. Speaker, at the close of each congressional session, it is my privilege and my duty to report to the people of Indiana whom I represent in the U.S. House of Representatives.

The 2d session of the 89th Congress has been dominated by the war in Vietnam, inflation, and the uncontrolled violence and crime which has swept the Nation during the past months.

These overriding issues have affected the debate and ultimate outcome of major legislative proposals placed before the Congress this session.

According to the official records of the Clerk of the House, my voting record for the major portion of the session indicated 24 yea votes and 34 nay votes on key issues.

Among the legislative proposals I strongly supported and voted for during this session was the new cold war GI bill; continuation of the Communist-opposed House Un-American Activities Committee; 1966 military procurement; free mailing privileges for men serving in Vietnam; narcotic addiction assistance; reinstatement of funds cut by the President for the school lunch program and for aid to schools in federally impacted areas; increases in rates of compensation and pensions for veterans; Manpower Development and Training Act amendments; automobile and highway safety proposals; food for peace; extension and improvement of Federal-State unemployment compensation; Public Health Service Act to encourage medical training; military pay increases; Child Nutrition Act; Library Services and Construction Act amendments, and self-employed individuals tax retirement amendments.

Legislation which I opposed during this session included the construction of a new multimillion-dollar residence for the Vice President; increase in the Federal debt limit; foreign aid; forced housing; International Education Act, and reinstatement of certain excise taxes.

The majority of the 34 nay votes I cast during the session were on administration spending requests which I deemed either exorbitant or unessential at this critical period of our Nation's history.

It has been my contention that the chief cause of the current inflation, which is robbing our dollar of its value and sending the cost of living out of sight, is the chronic overspending of the Federal Government. I further contend that neither Congress nor the President has faced up to this fact.

Federal Government spending is up 47.5 percent from 1960, and our Federal debt limit has been pushed from $285 billion to $320 billion during the same period.

In the last 2 years, Federal spending rose 17 percent, and during the past year, about 190,000 new employees were added to the already ample Federal payroll.

It is my opinion that the American taxpayer should not and cannot handle the strain of a costly war in Vietnam, now estimated to cost more than $2 billion per month, and at the same time foot the bill for continued record domestic spending on a wide range of social welfare programs.

One of the areas where spending could have been cut during this session was foreign aid. Despite $6 billion already in the foreign aid pipeline, the President sought and received another $3.5 billion from Congress.

If nothing had been appropriated for foreign aid this session, the program could have continued for several years on funds already approved in past years.

With our gold reserves at the lowest level since before World War II and foreign nations holding U.S. gold certificates in sufficient amounts to wipe out our depleted gold supplies, it appeared an appropriate time to shut off the foreign aid spigot.

From the foreign policy standpoint, foreign aid has gained the United States precious little, since many of our so-called allies continue trade with Red Cuba and Communist North Vietnam.

On the domestic scene the major controversy of the session involved the housing section under title IV of the President's civil rights bill of 1966.

Despite the President's massive majorities in both the House and Senate, strong resentment throughout the Nation against the forced housing provision of the bill resulted in its defeat.

Those opposed to the housing section, including myself, believed the provision infringed on constitutional rights involving the basic property rights of the American people.

In America, a man's home has always been his castle, and the administration's attempt to infringe and restrict this basic principle aroused strong opposition.

There also was a wide divergence of thought on the Vietnam conflict within Congress during this session.

As a former combat soldier, I deplore war and the exercise of violence. But if a war must be fought, every possible effort must be made to win it quickly with minimal casualties.

I am disturbed about reports of the lack of weapons available to our fighting men, and the fact that the Communist harbors have not been blockaded or mined and scores of military and industrial targets are off limits to American pilots. Our men should be supported to the hilt to end the war as soon as possible.

As the result of my 1966 voting record, the nonpartisan Americans for Constitutional Action rated me 100 percent in support of constitutional principles as reflected in my votes this session. Only 14 Members of Congress achieved this rating.

My investigation into the W. E. B. DuBois Club activities also disclosed that the Indiana University chapter leader was studying at taxpayer expense by virtue of a Federal grant channeled through the University by the National Science Foundation. The Attorney General and FBI have both cited the DuBois Club as a Communist front, and because the Science Foundation is under the jurisdiction of my congressional committee we were able to bring this situation to public attention and institute legislative remedies. This type of activity requires constant checking and inquiry, and we intend to continue our work in this area. The case of the DuBois Club at Indiana University is one of several causing great concern.

My anti-flag-desecration bill has gained widespread support in Congress with Senator DIRKSEN sponsoring similar legislation in the Senate, calling for criminal penalties for persons convicted of publicly desecrating the American flag. I am confident that this proposal will ultimately become Federal law. In their respective national conventions this year, both The American Legion and the Veterans of Foreign Wars endorsed my efforts in behalf of this legislation.

As the 89th Congress concludes its business and fades into history, America is confronted with problems equal to or greater than any we have faced at any point in our history.

Let us fervently pray that our beloved Nation shall find the strength, guidance, and leadership to sustain us in the perilous days ahead.

Congressman Lynn E. Stalbaum: Advocate of Increased Use of Food in Foreign Programs

EXTENSION OF REMARKS

OF

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1966

Mr. KASTENMEIER. Mr. Speaker, on September 9, my distinguished colleague from Wisconsin, Congressman LYNN E. STALBAUM, spoke at a meeting of the National Milk Producers Federation in Milwaukee.

In his remarks, the gentleman from Wisconsin [Mr. STALBAUM] described his role in advancing food for freedom legislation.

More important, however, were his suggestions that a new approach be made by the Department of Agriculture to obtain the necessary food items for our food programs.

Congressman STALBAUM, in his first term, has achieved a well-deserved recognition as one of the Congress' top spokesmen on farm matters, particularly in the field of dairying.

His remarks deserve consideration throughout Government and I hope the Members of the House will take the time to study them:

First, I want to thank you for your invitation to speak at this meeting of the National Milk Producers Federation. I have enjoyed working with your people and certainly have come to know the representatives of a great many of your members.

Sometimes it seems as if my Congressional office has become sort of a crossroads meeting place for dairy cooperative representatives. They have called on me from such diverse areas as the state of Washington to New England, and all the way up and down this country of ours from Southern Texas to Northeastern Wisconsin.

I welcome these visits. I enjoy them. I find that when these people call on me, it's just like talking over old times for me.

And while I appreciate the plaudits and the compliments which have been paid to me in my representation of dairy activities, and while I am willing to claim some success in the field of dairy legislation, it is my own personal belief that my greatest contribution in this, my first term in Congress, has been in pushing the Food for Freedom Act to feed the hungry people of the world. In the longer review insofar as it is successful in its helping to get the hungry people of the world to feed themselves, this may well be the greatest single action of this Congress, particularly in creating world tranquility and certainly in ultimately eliminating the frictions that develop because of the need for people to push beyond their borders to get more food.

Because this Food for Freedom Act has great impact on all farm programs, I wish to discuss it with you today.

As most of you know, a little over ten years ago, the Food for Peace Act was originally passed. To oversimplify very briefly, this Act permitted our nation to use its farm surpluses to be distributed among foreign nations. Through some ingenious financing, those nations which received our food surpluses could use the money they owed for these, their rupe balances, etc. for other developments and programs within their own country. The net result has been that we provided them with surpluses of our food which in turn provided for development of schools, roads, and other activities within their nations. Frankly, in my opinion, it has been very successful.

Unfortunately, however, these nations often tended to ignore agricultural development in using our Food for Peace assistance.

From our standpoint, too, the program was very successful. Let me use dairy products as an illustration. By 1965, we were utilizing somewhere over $85 million for this type of program. Commercially, too, by 1965, we were selling $111 million worth of dairy products overseas.

Let me pause here a moment to explore an old myth that we so often hear in America that these programs have hurt American farm exports. Actually, just the opposite is true. As Don Pearlberg who was a Special Assistant to President Eisenhower, as well as Assistant Secretary of Agriculture, pointed out when he testified before our Committee, and I quote: "There is a deep seated belief that if we help the less developed countries with their agricultural production, we will reduce exports of American farm products. There are no doubt individual cases in which this is true. But the great weight of experience is to the contrary.

Consider these facts. First: From the beginning of U.S. agricultural assistance to 1965, commercial agricultural exports for dollars increased from $2 billion to $4.6 billion.

Second, our best commercial export markets for agricultural products are those countries whose agriculture is the most advanced—Canada, Western Europe, and Japan.

Third, a number of countries to which we have given both technical assistance and agriculture and food for peace have "graduated" from the food for peace group and are now taking American farm products for dollars. Among them are Japan, Italy, and Greece. And while we were developing these nations, we were moving our surpluses. You are going to hear more about that a little later.

I submit to you today in evaluating the job that Orville Freeman has done as Secretary of Agriculture that his greatest legacy to date has been the utilization of our government farm surpluses without destroying our domestic or foreign commercial market systems.

Along about mid-1965, however, with Senator MCGOVERN who had administered the Food for Peace program leading the way, several of us suggested that if such a program as Food for Peace was good for moving surpluses, why couldn't it and why shouldn't it be extended to American agricultural production in general, not just surpluses. "Remove some of the production restrictions," we said, "and allow crops to be grown for these programs."

At first, only JOHN MACKIE of Michigan and I, two freshmen, were the only Congressmen supporting it. But the program had such strong appeal among non-governmental groups, religious, business, labor, foreign, and so forth, that other Congressmen became interested.

And, finally, on December 7 last year, at a large seminar in Washington at which I was privileged to be a panelist, Chairman COOLEY of the House Agriculture Committee said he would hold hearings on this proposal early in 1966.

By this time, those of us who had pioneered in pushing this program (now joined by many others) were becoming aware that all-out U.S. production was not the major answer. To attempt to meet the almost overwhelming needs of the world, we had to concentrate on encouraging other nations to move from a primitive to a modern agriculture.

The old Chinese proverb, oft repeated best sums this up: "Give a man a fish, and he will eat for a day; teach him how to fish, and he will eat for the rest of his life."

My most major contribution on this came on January 27 when in speaking on the House floor, I urged a "hard-boiled" approach in the use of our foodstuffs in pushing foreign agricultural development. In one paragraph, I said: "While it may seem hard-boiled, our foreign agricultural policy, including food for peace, must be more closely geared to the willingness of the other nations to develop their own agriculture and their practical planning to that end. Such nations must learn to realize that the manpower which is then released from the farms, and the customers created by an improved agriculture, provide a sound base for industrial development. Food for peace can help them during this transitional period; it must not permit them to ignore the ultimate day of reckoning."

And so we developed such a program. Under it, the U.S. Department of Agriculture is permitted to utilize any agricultural products (not just surpluses). It also obliges us to use these products to encourage nations to develop their own agriculture. For the first time in law, too, we said that family planning programs of other nations could be recognized by us as an effort on their part to meet this problem.

The effort we made was a bi-partisan one, and, as a result, the bill the committee recommended passed the Congress, 333 to 20. Only last week, the Senate passed a similar bill, 74 to 2.

But--as we were doing this—a strange and perverse situation was developing.

A year earlier we had passed the four year farm program act, not too different from farm programs we had long known. In line with this program, the usual crop allotments were imposed. I for one want to state here that I have been a supporter of these programs in the past and have felt that generally they have assisted American agriculture. As these allotments were established, the Department of Agriculture certainly did not realize the ultimate in what was happening to production and to our surpluses. They weren't alone in this.

Recently, however, they have been subject to considerable criticism in the Congress, and I suppose elsewhere because the estimates they are now making of utilization and carryover are far less than were made last fall.

The Department contends that our shipments to India added a considerable amount of utilization that they had not known about because we had not passed the special Aid to India Act last fall.

This is a major item. As Hoard's Dairyman points out this week, we are shipping more wheat to India this year than the entire state of Kansas produced.

But more important was the rather sharp reduction because of drought and bad weather.

They now estimate that instead of the normal 3 percent a year increase in farm production due to technological advance, crop yields this year are down about 5 percent from 1965. The wheat crop is estimated at 40 million bushels under a year ago, corn is down 190 million bushels, grain sorghums are 80 million less. The soybean crop will be only 17 million bushels more than a year ago and far below what they expected earlier. Along with that, I need not tell this group what has happened to dairy production.

The net result is that now just as we have set up a program to use commodities other than farm surpluses, we find that we don't even have the surpluses. Dairy products are a good case in point: cheese dropping from 105 million pounds in July, 1962 to nothing this year; non-fat dry milk from 556 million pounds to 16 million this year, and butter from 366 million pounds to nothing this year. Corn reserves, which were over 2 billion bushels in 1961, this fall are estimated to be slightly under 1 billion bushels.

In wheat, where there were 1 billion, 400 million bushels in 1960, it is now estimated that there will be slightly more than half a billion bushels this year.

The Department of Agriculture has now recognized the situation. Perhaps this is a little belated, realizing the potential they had for foreign distribution. But in everyone of the commodities I have mentioned, dairy, feed grains, and wheat, and on soybeans, there has now been some effort to up the production.

The first move was on soybeans. In 1966 soybeans could be grown on feed grain acreage allowing the farmer to sell the soybeans and still get his feed grain payment. I know the Department of Agriculture is aware that this is not enough to assure all the production needed. And in fairness to them, they have in the past year asked for changes in programs which have been rejected because of the growers' fears that these changes could break the market price.

On wheat, we have already seen two 15 percent increases in allotments for 1967, a total increase of 30 percent.

On Dairy, we have seen the biggest increases in support prices during 1966 ever made in one year. Yet, in spite of this, it looks as if dairy products will not be utilized in some of our domestic government programs this year—to say nothing of our foreign programs.

The feed grain program for 1967 is a puzzler, not because of the feed grain production, but because of the intertwining of soybeans into it. For many of our overseas programs, the protein items, such as soybeans (and dairy, too) are far more important than the feed grains.

With present feed grain prices, if no change were made in the feed grain program for 1967, I would expect a very substantial drop in sign-up, perhaps as much as 50 percent.

The Department's problem as I see it is how to up feed grain production and yet not really divert acreage from soybeans to feed grains which might have been planted under the 1966 program.

This I believe can be worked out and while I have not checked on this with the Department, it is entirely possible that the feed grain program for next year could be modified to allow a greater planting of feed grains with special incentives for those who continue to plant or increase their planting of soybeans.

At the present moment, we have 2 developments under the new Food for Freedom Act (which, incidentally, is not signed). One of these is good, and one is bad.

The good—we asked for a hard-boiled approach. The U.S.D.A. says it will follow this.

Wayne Darrow in one of the better Washington newsletters on August 26 said: "The administration is not fooling about self-help as a foreign food aid condition." With the limited stocks of commodities we have, I believe we can readily make the point to foreign nations that we must be selective and—to repeat the term hard-boiled—in our policy in the use of these commodities.

The bad—all embassies have been notified that for next year they can expect a reduction of 25 percent in the supply of wheat available to those nations.

This means that at precisely the time we are passing the bill to expand the use of agricultural production in America, we are obliged to cut back in some foreign programs we have long supported.

This, I consider a major tragedy.

I repeat that winning the war against hunger in the world may be our greatest victory yet for assuring world tranquility.

As some observer has pointed out, "In the remaining years of this century, the American farmer may very well have to be unleashed—not to save money but to save people."

I, therefore, contend that we must move vigorously and swiftly toward having commodities available for this purpose. In my opinion, the U.S. Department of Agriculture has not manifested the requisite vigor or speed. When Secretary Freeman announced the second increase in wheat allotment, he emphasized that it was not a "request" for additional production; rather it was an "opportunity for wheat farmers to produce if they figured they could do it profitably. Under Secretary of Agriculture John Schnittker also used soft language in talking about increased production. Twenty-eight million diverted acres, he said "can probably be" brought into production next year. He didn't say they "should be" brought into production.

I attribute two main reasons for the Department's attitude.

First of all, they so long had to deal with surpluses that it is difficult for many of their personnel to think in any terms other than the route of having the government buy up what is not commercially sold and then storing and reselling it. For those who are in this thinking rut, I have little sympathy.

A second problem for the Department of Agriculture is more basic and is one for which I do have considerable sympathy. The Department of Agriculture could open production up to almost any level—in fact, it could take off all limitations—in order to get the commodity production we need. The problem, however, is: What effect would this have on prices? Especially if we have a bumper crop. From the farmers' standpoint, this negative threat to prices could do more harm than good, and I for one want to see farm programs help the farmer—not hurt him.

Yet, the overall need for and the benefit from the Food for Freedom Program is such that we must find ways to produce the desired commodities and use them. In my opinion, to do so would require some brand new thinking on farm concepts.

With that in mind, I am today suggesting two avenues which I believe merit consideration.

First, we should establish production goals for those items most useful to foreign nations. The concept was used in World War II. It emphasized those items needed most then—and in doing so—tended to channel production into them.

Second, and this is a brand new program recommendation which I am now making to you, one which I have not heard discussed at any point previously, which I am throwing into the pot, for consideration. I am suggesting the possibility of the government contracting with farmers to grow under contract, even if necessary at a fixed price, those items which are needed for our foreign commitments.

There are numerous possibilities which could be explored here. Such a program might well be the reverse of the present limited production program—so that a person growing a certain amount for domestic use could contract a portion of his yield from that for foreign needs. It could be that such a program might be made a part of some of the existing programs, both short range programs such as feed grain or long range diversion programs, such as crop land adjustment, whereby these lands could be put back into production, for this specific purpose, if need be.

This is a daring new concept, but I believe it warrants consideration. The prime advantage as I see it is that by contracting we could isolate the contracted portion from the domestic market—so that it would not destroy for the farmers the market place price.

Pricing, in fact, would have to be the key to the program. I am not now talking about the government buying some surplus residual. I am talking about their buying commodities at an established price for a needed purpose. To get such commodities would require remuneration in line with other farm returns. It cannot be done with the old minimum price support concept.

We must remember that the new law allows purchase of items other than surplus. My contract proposal envisages such a concept.

Regrettably at this point, I cannot tell you what the cost of such a program would be. It is known, however, that both acreage reduction programs and surplus storage programs have been costly. I do not believe that what I have outlined briefly to you today is out of line costwise with these other programs.

But I believe that the use of our farm production is so important in the world picture that we must develop some type of programs to provide commodities for it on a regular, rather than hit or miss, basis. If we are going to use our agricultural production potential to encourage other nations to develop their own agriculture and to fight off the starvation in the world, then we must have those commodities available for such a program to make it effective.

It is equally important, I submit, that we must develop such a program in a manner that will not leave the farmer "picking up the tab" for this production. The benefits from it will inure to all of our nation, in its foreign policy, in its ultimate development of commercial marketing for industry and the labor it hired, as well as American agriculture. For far too long, we have permitted the cost of any programs of excess production to fall disproportionately heavy on the farmer. It is equally as important to isolate such commodities from the regular market place.

The Washington Post touched on this on the increase in wheat allotment in an editorial on August 11 when it said in part: "Even if the additional wheat production should only steady the market, in a sense it would operate to prevent farmers from realizing the full reward to which they ought to be entitled in a system of scarcity economics."

I do not claim that my proposals advanced today are the final answer but they are a new approach to a very serious problem, and I offer them for consideration. Richard Wilson, in an editorial column in the Washington Star on July 24 concluded by saying: "What is needed now is a more imaginative and constructive approach to a measured expansion of this productive capacity so as to place in the hands of the President a more effective instrument of foreign policy." It is toward this end that I have made these suggestions.

Times have changed. Past farm programs, effective as they may have been, must change with them. We are about to conclude action on a Food for Freedom Program intended to use our American agricultural production to help other nations develop their own agriculture. This program is too important to be treated as a sideline to our domestic agriculture. We must give the implementation of it our most serious thought. Certainly, we must avoid the cutting back of farm commodities available for it.

I realize that those who are here are not in their everyday activities generally concerned with foreign agricultural programs. But I believe the program to be of such importance and the challenge so great that I ask you as farm leaders, as dairy cooperative leaders, to recognize it and give it your support.

In my opinion, in so doing, you too will have made a contribution toward making this a little better world for all its people.

Thank you.

Congressman Harold R. Collier Reports to the People of the 10th District of Illinois

EXTENSION OF REMARKS

OF

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1966

Mr. COLLIER. Mr. Speaker, I am privileged to present at this time my annual report to the people as I have in October of each year for the past 9 years.

With the 89th Congress about to slip into the annals of history, I believe my constituency is once again entitled to an account of my stewardship as their voice in the U.S. House of Representatives.

Few sessions of the Congress have been as productive yet as frustrating as this one. None has resulted in bringing about such sweeping changes in so many areas of our national life. It has been characterized by the greatest growth of Federal paternalism and domination yet recorded through enactment of new legislative programs and the expansion of others. There is today hardly a political subdivision from the city, county, and State that is not entangled in some type of Federal program. Even local civic organizations and community action groups are employed by the Federal Government to carry out the legislative dictates of a Congress which has been subservient to the executive branch of Government and a host of bureaucratic agencies.

By expanding existing programs and establishing vast new ones which pour Federal money into functions previously considered to be local and State responsibilities, we have witnessed the creation of a new role of Federal bureaucracy as a disciplinarian for public and private activities. Virtually no phase of community structure has escaped the reach of the growing tentacles of federalism.

As predicted in my report of a year ago, this 2d session of the 89th Congress sought to correct some of the legislation which was passed so hastily at the insistence of the administration. The result is that legislation generally has moved more slowly because of widespread public skepticism and outright areas of failure in many of these programs. Even though we have been in session since January 10, Congress has yet to complete action on several of the annual appropriations after 9 months. This being an election year, it has also refused to concur with the administration's recommendations for certain budgetary cuts at a time when the Democrats have an overwhelming numerical advantage of more than 2 to 1 in both the House and Senate.

There are indications that public discontent with the Great Society will grow and conceivably affect the course and conduct of the Congress next year. Already Congressmen and Senators are beginning to feel the ire of the people over such matters as the rising cost of living, the wave of lawlessness that has swept our large cities, and the pursuit of the costly war in Vietnam.

We are going to feel the further pressure of deficit spending in the months ahead. Because it has been the policy of this administration to continue costly domestic programs in spite of the escalation of the war in southeast Asia, we will be faced with a rude awakening in the near future. Monetary restraints and a tax increase appear inevitable as does an added price tag of up to $10 billion for our military activities before the end of this fiscal year. This is not a thoughtless statement, but one that reflects the imminent situation.

As I have repeatedly stated in the past, in view of the fiscal situation and economic indicators as well as the Vietnam war, many of these Great Society programs, some of which are desirable but not urgent, should be postponed. While it appears that we might still have guns and butter, it certainly is evident that we cannot have guns, butter, and frills.

In the light of this somewhat pessimistic appraisal of our fiscal situation, it would be normal for any constituent to inquire about my role as their Representative in the prevailing situation. Hence, I think it is proper to invite careful scrutiny of my voting record not only in the past 2 years but since I have been a Member of Congress. Repeatedly I have warned against the type of fiscal irresponsibility in Government that has brought us to this predicament. I have been fearful of such fiscal policies, deficit spending, and related problems and have voted accordingly even though it may not have appeared to be the politically expedient thing to do at the time. I believe the future will bear out the wisdom of these judgments, and I stand upon my record in this regard.

The present session of Congress will have considered a total of almost $145 billion in appropriations. This includes $16 billion in supplementals for fiscal 1966 and $129 billion in regular and supplemental appropriations for fiscal 1967. The 1st session of the 90th Congress will undoubtedly have to appropriate substantial amounts in supplementals for fiscal 1967.

The national debt now totals $325 billion, with interest amounting to over a billion dollars each month. Over a tenth of what we pay in Federal income taxes goes for interest on the public debt, so I cannot agree with those who say that we should not worry about this huge indebtedness.

Let us look for a moment at the international implications of our fiscal situation before leaving the subject. Our Treasury's gold stock has dropped to a most critical level. Since 1949 our gold reserve has shrunk from $24.7 to $13.25 billion, an average annual loss of $672 million. Today there are in foreign hands $30 billion in short-term credits, redeemable in gold from the U.S. Treasury. This vast sum of credits was acquired by foreign countries primarily through our aid programs and thus those who have been the recipients of foreign aid dollars now have the dollar credits to purchase more than twice the gold in the U.S. till.

Bear in mind, too, that the law requires a gold reserve of 25 percent of our Federal Reserve Bank notes—paper dollars—which amounts to $40.9 billion. Coupled with our billion-dollar obligation to the International Monetary Fund, this means that we have on hand $2.6 billion in excess of today's legal requirements, against which there is 12 times that amount outstanding in short-term, gold-backed U.S. bonds and securities in the hands of foreign nations.

I repeat, as I have in the past, that the answer lies in a balanced budget which makes whatever allowance is necessary for our war effort. Only in this way can we halt inflation, reverse the flow of gold out of the country, and restore the waning confidence in our own fiscal integrity abroad.

It is high time that some of our well-meaning liberal friends and economic theorists face up to the facts of life, as I predict we are going to be forced to do, come next year.

We have heard a great deal during the last few years about the Johnson administration's ability to secure a consensus, to obtain the passage of legislation, and to establish a Great Society. What we would like to see is more evidence that the administration can solve the serious problems that confront our Nation. These problems cry for solutions and the mere authorization and appropriation of huge sums of money is by no means the complete answer.

Among the bills that were enacted into law this year are the following:

Veterans' Readjustment Benefits Act of 1966, which gives the cold war veterans education and home loan benefits similar to those afforded veterans of World War II.

Tax Adjustment Act of 1966, which provides a system of graduated individual income tax withholding; accelerates payment of corporate taxes; accelerates payment of social security taxes by the self-employed; increases excises on new automobiles and telephone and communications services; and provides monthly payments, beginning October 1, 1966, for all persons over 72 who are not already eligible for social security payments.

Asian Development Bank Act, which authorize membership of the United States in the Bank and authorizes $200 million to be appropriated, without fiscal year limitations, for the purchase of 20,000 shares of the Bank's capital stock.

Participation Sales Act of 1966, which authorizes the Federal Government to sell participation certificates in pools of loans held by six Federal lending agencies.

Grand Coulee Dam: $390 million is authorized for construction of a third powerplant at the dam.

Debt ceiling increase: As spending continued to exceed income, it became necessary to raise the national debt ceiling by $2 billion, from $328 to $330 billion for the fiscal year ending June 30, 1967.

Federal Salary and Fringe Benefits Act of 1966, which provided a pay increase averaging 2.9 percent for Federal Government employees.

Library Services and Construction Act Amendments of 1966: The following sums are provided for library services and construction for the next 5 fiscal years: 1967, $88 million; 1968, $114 million; 1969, $140 million; 1970, $166 million; and 1971, $192 million; total, $700 million.

Legislation to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for research or experimentation. The purpose of this bill was to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of dogs and cats which have been stolen, and to insure that certain animals intended for use in research facilities are provided with humane care and treatment.

Urban Mass Transportation Act of 1964 amendments, which provides grants of $150 million for each of the fiscal years 1967, 1968, and 1969 for urban mass transportation grants.

Traffic Safety Act of 1966, which sets nationwide Federal car safety standards, starting with 1968 models.

Highway Safety Act of 1966, which provides a national driver registry to keep track of revoked or suspended licenses.

Foreign Assistance Act of 1966, which authorizes a total of $3.5 billion for fiscal year 1967.

Among the bills that have passed both Houses but are in a state of suspended animation awaiting conference committee action is the Unemployment Insurance Amendments of 1966. The House and Senate have adopted the conference report on minimum wage increases. The Civil Rights Act of 1966 with the controversial housing provision was killed in the Senate after passing the House by 259 to 157.

Measures that have passed the House but which have not been approved by the Senate include: Equal Employment Opportunities Act of 1966, health manpower, higher education, international education, and the new Department of Transportation.

Bills that have passed the Senate and will probably be passed by the House by the time this report reaches you include: Water pollution control and demonstration cities.

Poverty war amendments, hospital modernization, elementary school aid, campaign financing reforms, and electoral college reforms have not passed either body as of the date this report is issued.

A proposal to submit a constitutional amendment to the States, whereby they would be permitted to decide for themselves how at least one of their legislative bodies should be apportioned, was defeated in the Senate. While hearings on legislation providing a 4-year term for Members of the House of Representatives were held in both Houses, this proposal is dead as far as the 89th Congress is concerned. A bill to repeal right-to-work laws—section 14b of the Taft-Hartley law—as they still exist in 19 States passed the House last year, but it was talked to death in the Senate early this year.

Constituents who want copies of public laws or bills, either on the above or other subjects, may obtain them by writing to me at either my Washington or district offices.

So far in 1966 more than 480 residents of the 10th District have visited my office in the Nation's Capital. My staff will be happy to provide gallery passes for both the House and Senate and arrange for tours of the White House, the Federal Bureau of Investigation, the Bureau of Engraving and Printing, and other places of interest in Washington.

Early during this session, I took a public opinion poll in my district to determine how my constituents felt about the war in Vietnam and inflation.

During the present session I have introduced the following public bills:

H.R. 12082, to amend the Internal Revenue Code of 1954 to permit a taxpayer to claim a personal exemption for his spouse, where such spouse is a student being supported by the taxpayer, regardless of such spouse's gross income.

H.R. 12660, to amend the Economic Opportunity Act of 1964 to prohibit the use of funds appropriated to carry out that act to provide bail bonds.

H.R. 12661, to amend the Internal Revenue Code of 1954 to allow a deduction for premiums paid by individuals for certain retirement annuities.

H.R. 13420, to provide that the United States shall make no payments or contributions to the United Nations for furnishing assistance to Communist countries.

H.R. 14826, to provide for the establishment of a permanent commission on aircraft noise abatement problems.

H.R. 15056, to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army. Passed House and Senate as H.R. 11488.

H.R. 15416, to amend the Internal Revenue Code of 1954 to provide that all transportation furnished to members of the Armed Forces traveling in uniform on official leave, furlough, or pass shall be exempt from the tax on transportation of persons by air.

H.R. 15431, to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder.

H.R. 16041, to limit the quantity of baseball and softball gloves and mitts which may be imported into the United States.

H.R. 16260, to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years.

H.R. 16650, to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era.

H.R. 16783, to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder.

H.R. 16830, to amend the Internal Revenue Code of 1954 to exclude from income certain reimbursed moving expenses.

H.R. 17877, to permit teachers to deduct expenses incurred in furthering their education.

House Concurrent Resolution 613, to provide for an investigation of the administration of the Economic Opportunity Act of 1964.

Staff members in my district office at 8711 Cermak Road, North Riverside, telephone 447–2746, are available daily to assist constituents who have problems pending with the Veterans' Administration, the Immigration and Naturalization Service, Social Security, and other governmental agencies. Matters concerning legislation should be directed to my Washington office, room 2438, Rayburn House Office Building, in the Nation's Capital.

SENATE

THURSDAY, SEPTEMBER 22, 1966

The Senate met at 12 o'clock meridian, and was called to order by Hon. **DANIEL K. INOUYE**, a Senator from the State of Hawaii.

Rev. Edward B. Lewis, pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

We are assured as we stand together in prayer at this moment that Thou art with us, O Lord, God Almighty. Scripture has told us where two or three are gathered together in Thy name, Thou art in the midst of them.

It is at this seat of government and with these U.S. Senators that we bow asking Thee to be with us as a nation. Quicken and inspire the minds that give leadership this day. Meet with the Members of the Senate in committee and in session.

Be with our President and his associates. Strengthen, with Thy love, all who serve in government.

Be with and protect the people on battlefields this day, in Thy eternal love. Bring peace to our world. We pray in Jesus' name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 22, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. INOUYE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 21, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Jones, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 17787) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 146. An act for the relief of Delma S. Pozas;

S. 153. An act for the relief of Matsusuke Tengan;

S. 372. An act for the relief of Antonio Jesus Senra (Rodriguez) and his wife, Mercedes M. Miranda de Senra;

S. 766. An act for the relief of Lt. Samuel R. Rondberg, U.S. Army Reserve;

S. 993. An act for the relief of Dr. Oscar Valdes Cruz;

S. 1120. An act for the relief of Dr. Ortelio Rodriguez Perez;

S. 1449. An act for the relief of Dr. Enrique Ramon Ducassi;

S. 1571. An act for the relief of Kermit Wager, of Lebanon, S. Dak.;

S. 2177. An act for the relief of Donald I. Abbott;

S. 2265. An act for the relief of Konstadyna Byni Deliroglou and her minor child, Alexandros Deliroglou;

S. 2287. An act to authorize a 5-year hydrologic study and investigation of the Delmarva Peninsula;

S. 2348. An act for the relief of Dr. Jorge G. Echenique;

S. 2376. An act for the relief of Dr. Mario Presman;

S. 2447. An act for the relief of Dr. Arturo Victor Fajardo-Carpio;

S. 2529. An act for the relief of Dr. Felix Hurtado Perez;

S. 2555. An act for the relief of Kim Kin Soon;

S. 2626. An act for the relief of Dr. Argyrios A. Tsifutis;

S. 2789. An act for the relief of Dr. Alberto Oteiza;

S. 2796. An act for the relief of Dr. Rafael Anrrich;

S. 2800. An act for the relief of George Joseph Suad;

S. 2838. An act for the relief of Irene Snyder;

S. 2854. An act for the relief of Dr. Gottfried Kaestner;

S. 2865. An act for the relief of Dr. Alfredo Hernandez;

S. 2869. An act for the relief of Dr. Jose Enrique Diaz;

S. 2945. An act for the relief of Dr. Jaime E. Condom Valera;

S. 2946. An act for the relief of Dr. Mario v. Machado Espinosa;

S. 2973. An act to permit Edward C. Bower to serve as a director of the Virgin Islands National Bank prior to his obtaining U.S. citizenship;

S. 3189. An act for the relief of Dr. Alonso Portuondo;

S. 3272. An act for the relief of Dr. Jacobo Albo Maya;

S. 3510. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes; and

H.R. 9976. An act to amend the act of September 2, 1964.

HOUSE BILL REFERRED

The bill (H.R. 17787) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON TITLE I, PUBLIC LAW 480 AGREEMENTS

A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I, Public Law 480 agreements signed during July and August 1966 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORTS ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY, AND ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters, Department of the Army, and Army General Staff, as of June 30, 1966 (with accompanying reports); to the Committee on Armed Services.

STATISTICAL SUPPLEMENT, STOCKPILE REPORT

A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting, pursuant to law, a statistical supplement, stockpile report, for the 6-month period ended June 30, 1966 (with an accompanying report); to the Committee on Armed Services.

AMENDMENTS TO REGULATIONS GOVERNING STANDARDS FOR NUMBERING OF UNDOCUMENTED VESSELS

A letter from the Assistant Secretary of the Treasury, transmitting, pursuant to law, amendments to the regulations governing standards for numbering of undocumented vessels (with accompanying papers); to the Committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements of Columbia River Federal Power System, fiscal year 1965, Departments of the Army and of the Interior (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the policy of leasing motor vehicles for use by Government contractors, Department of Defense, dated September, 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the maintenance of combat vehicles, Department of the Army, dated September, 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings through improvement in the management of materials handling equipment and commercial-design trucks, U.S. Marine Corps, Department of the Navy, dated September, 1966 (with an accompanying report); to the Committee on Government Operations.

AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended (with an accompanying paper); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HILL, from the Committee on Appropriations, with amendments:

H.R. 14745. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1967, and for other purposes (Rept. No. 1631).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

H.R. 15510. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to hold prepayments made to the Secretary by insured loan borrowers and transmit them to the holder of the note in installments as they become due (Rept. No. 1633).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with amendments:

H.R. 15662. An act to amend the Federal Seed Act (53 Stat. 1275), as amended (Rept. No. 1632).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2513. A bill for the relief of Dr. Anselmo S. Alvarez-Gomez (Rept. No. 1645);

S. 2543. A bill for the relief of Dr. Maria Yolanda Rafaela Miranda y Monteagudo (Rept. No. 1646);

S. 2587. A bill for the relief of Dr. Hilda W. Perez de Gonzalez (Rept. No. 1647);

S. 2754. A bill for the relief of Dr. Julio Valdes-Rodriguez (Rept. No. 1648);

S. 2757. A bill for the relief of Dr. Alberto Fernandez-Bravo y Amat (Rept. No. 1649);

S. 2762. A bill for the relief of Dr. Rafael Jacinto Nobo y Pividal (Rafael Nobo) (Rept. No. 1650);

S. 2763. A bill for the relief of Dr. Marcial Alfredo Marti Prieto (Alfredo Marti) (Rept. No. 1651);

S. 3016. A bill for the relief of Dr. Hector Jesus Sanchez-Hernandez (Rept. No. 1636);

S. 3300. A bill for the relief of Setsuko Wilson (nee Hiranaka) (Rept. No. 1637); and

S. 3566. A bill for the relief of Wen Shi Yu (Rept. No. 1639).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 2040. A bill for the relief of Dr. Dean H. Gosselin (Rept. No. 1638);

S. 2467. A bill to effect entry of a minor child adopted by a U.S. citizen (Rept. No. 1640);

S. 3209. A bill for the relief of Zopia Zych (Rept. No. 1641); and

S. 3358. A bill for the relief of Theodora Toya (Lambrini) Bezates (Rept. No. 1642).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. 3353. A bill to amend the Trading With the Enemy Act to provide for the transfer of three paintings to the Federal Republic of Germany in trust for the Weimar Museum (Rept. No. 1635).

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

H.R. 5912. An act for the relief of the estates of certain former members of the U.S. Navy Band (Rept. No. 1634).

By Mr. SCOTT, from the Committee on the Judiciary, without amendment:

H.R. 11253. An act to provide for the conveyance of certain real property of the United States situated in the State of Pennsylvania (Rept. No. 1652).

By Mr. SMATHERS, from the Committee on the Judiciary without amendment:

H.R. 7546. An act for the relief of Gilmour C. MacDonald, Colonel, U.S. Air Force (retired) (Rept. No. 1653).

By Mr. FONG, from the Committee on the Judiciary, without amendment:

S. 2462. A bill for the relief of Arturo D. Lagasca, Jr. (Rept. No. 1644).

By Mr. TYDINGS, from the Committee on the Judiciary, with amendments:

H.R. 1665. An act to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment in special jurisdictional cases, and for other purposes (Rept. No. 1643).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARLSON:

S. 3854. A bill to provide for the issuance of a special postage stamp in commemoration of Dr. William C. Menninger for his pioneering work in the field of mental health; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Carlson when he introduced the above bill, which appear under a separate heading.)

By Mr. BREWSTER:

S. 3855. A bill for the relief of John S. Attinello; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts:

S. 3856. A bill to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the provision of street lighting facilities in aid of the prevention or reduction of crime; to the Committee on Banking and Currency.

(See the remarks of Mr. Kennedy of Massachusetts when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. Morse, Mr. Bennett, Mr. Brewster, Mr. Burdick, Mr. Dominick, Mr. Douglas, Mr. Fannin, Mr. Fong, Mr. Kuchel, Mr. Miller, Mr. Monroney, Mr. Moss, Mr. Murphy, Mr. Prouty, Mr. Saltonstall, Mr. Scott, and Mr. Thurmond):

S.J. Res. 195. Joint resolution to direct the Secretary of Labor to study the operations and adequacy of the emergency labor disputes provisions of the Labor-Management Relations Act and the Railway Labor Act and to make appropriate recommendations for improvements in such laws; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above joint resolution, which appear under a separate heading.)

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Committee on the Judiciary was authorized to meet during the session of the Senate today.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. Mansfield, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

ISSUANCE OF COMMEMORATIVE STAMP IN HONOR OF THE LATE DR. WILLIAM C. MENNINGER

Mr. CARLSON. Mr. President, today I am introducing a bill to authorize the Postmaster General to issue a commemorative stamp in honor of the late Dr. William C. Menninger.

It is probable that no one in history has done more for the mentally ill.

In coordinating work with his brother, Karl, and other members of the Menninger family, he made the Menninger Clinic at Topeka, Kans., a worldwide mecca for mental health.

The Menninger Foundation was started as a clinic in 1919. Dr. Will, as he was affectionately called, joined the staff in 1925. He became medical director of the clinic in 1930, and president of the foundation in 1957.

During my service as Governor of Kansas, it was my honor and privilege to have his very fine cooperation with me and the Kansas Legislature to improve our mental hospitals.

Through this cooperation, aided specifically by his intelligent and professional counsel and guidance, Kansas became recognized as the No. 1 State in the treatment of the mentally ill.

Generations produce their great and outstanding leaders in various professions and in various walks of life.

I sincerely believe that William C. Menninger, doctor, psychiatrist, author, and a fine citizen, will be recorded by history as one of the great.

It is my hope that we may honor him with the issuance of a commemorative stamp.

I offer a bill, for introduction and appropriate reference, and ask that a copy of the bill be printed as a part of my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3854) to provide for the issuance of a special postage stamp in commemoration of Dr. William C. Menninger for his pioneering work in the field of mental health, introduced by Mr. Carlson, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the Record, as follows:

S. 3854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to issue a special postage stamp commemorating the life of doctor William C. Menninger, internationally known for his pioneering work and achievements in the treatment of mental illness.

Sec. 2. Such postage stamp shall be issued in such denomination and for such period as the Postmaster General may determine.

FEDERAL ASSISTANCE TO COMMUNITIES FOR THE INSTALLATION OF STREET LIGHTING FACILITIES

Mr. KENNEDY of Massachusetts. Mr. President, we are all justifiably proud of the many freedoms that are part of our national heritage. Yet no freedom is more basic than freedom from fear and no human need is more elemental than personal security. And we must face the unfortunate fact that today this freedom is threatened by the rising rate of violent crime in our country.

As the incidence of murder, rape, armed robbery, theft, burglary and assault and battery increase, the reaction of the American public is plain to see. Women are reluctant to walk many of our streets alone even during daylight hours; people become apprehensive about their personal safety and the security of their possessions even within their own homes.

The problems of crime have become so massive and the impact so overpowering that there is an understandable tendency for the individual to feel helpless in the face of it.

It is true that there are no easy answers to our crime problem. Right now our National Crime Commission is working on a long-range program to deal with the many faces of crime. We must act on numerous fronts, to end the easy availability of firearms, to rehabilitate drug addicts, to assist local police departments, and to train more people for work in the criminal justice field.

These programs will take time. But there are other things which can be done immediately, and in which every citizen and community can have a role.

We are not helpless. There are positive and immediate measures which can be taken by communities and citizens to help combat crime. I would like to comment briefly about a few of these and offer one proposal for Federal assistance in this area.

STREET LIGHTING

William Shakespeare accurately described light and vice as deadly enemies. Stated another way, in the words of J. Edgar Hoover:

> It is axiomatic that darkness is an ally to crime. The thief, the arsonist, the rapist, the peeping Tom, and all other perverse individuals often depend on darkness to cloak their misdeeds and conceal their identities.

An examination of statistical studies on the relationship between lighting and the rate of crime clearly indicate the validity of these observations. A 1965 Library of Congress study found that "12 times as many crimes of violence are committed at night as in the daytime," and most of these in dimly lit areas. Similar studies indicate that well-lighted streets, on the other hand, not only reduce major crimes but also cut down the number of highway accidents. In Gary, Ind., during a 2-year period following the installation of 5,000 new lights, a tabulation of reported crimes showed that the number of criminal assaults reported declined more than 70 percent and robberies decreased more than 60 percent. The decrease occurred in spite of a 27 percent increase in population during the corresponding period. In 1957, New York City officials inaugurated an extensive street lighting program in a 111-block area in 5 of the most crime-ridden precincts. During the following 2 years the incidence of murder, assault, and rape dropped 49 percent and juvenile complaints declined 30 percent. Boston, Cleveland, Indianapolis, and other cities reported similar beneficial results from increased street lighting.

It would seem at first blush as if something so simple and remediable as better public lighting could hardly be a major weapon against crime. And, of course, it is not a complete answer. The effect of better lighting in certain areas may only cause criminals to shift their activities elsewhere, without reducing the overall incidence of crime. But I tend to believe that better street lighting can deter crime and reduce opportunities for criminal activities, opportunities which once forgone may never reoccur. Moreover, I strongly believe that the heightened sense of safety and security that the individual citizen experiences when he walks at night on well-lighted streets or in public parks is itself worth the cost of such improved lighting.

I have discussed this matter with high officials at the Department of Housing and Urban Development. As a result of these discussions and the statistical evidence before us, I am of the opinion that a concerted program to improve public lighting facilities in our communities could make a substantial contribution to our war on crime. Many of our communities do not now have adequate street lighting. A 1963 study by the Edison Electric Institute estimated that not more than 15 percent of the downtown streets in our Nation are adequately lighted and less than 1 percent of the streets in our residential areas meet the minimum lighting standards set by the American Standards Association.

I am informed, however, that the cost of adequate lighting is too great for many communities, because of the many pressing demands upon their limited financial resources and that a concerted effort to improve public lighting will require some form of earmarked Federal financial assistance.

For that reason, I offer at this time for appropriate reference a bill to amend title VII of the Housing and Urban Development Act of 1965 to provide financial assistance to communities for the installation of street lighting facilities in aid of the prevention or reduction of crime. Title VII presently provides an authorization of $2 million a year for water and sewer facilities; $50 million a year for neighborhood facilities and $25 million a year for advance acquisition of land for each fiscal year prior to July 1, 1969. Under my amendment, an additional $5 million would be authorized for each such fiscal year for grants under this section on two-thirds to one-third matching basis or three-fourths to one-fourth if the project is located in a redevelopment area.

I am hopeful that making Federal funds available specifically for this purpose will provide the needed incentives to mobilize communities to improve public lighting and that such improvements will help to enlarge our basic right to freedom from fear. Such money would be well spent. As one police chief put it:

> A good street light is as valuable as a good policeman and a lot cheaper.

CRIME STOP

Better street lighting is one immediate and constructive step that our communities can take to fight crime. Still another is citizen support and participation in the process of crime detection. Such programs already exist in several cities of our country.

On April 13, 1964, the city of Chicago launched Operation Crime Stop, a model program that emphasizes the responsibilities of individual citizens in the prevention of crime. The program is keyed to a card which reminds individuals that the Chicago police need the eyes and ears of private citizens. The card provides a central number to be called in the event that suspicious persons or happenings occur within the sight or hearing of the citizen. It also reminds the crime-stop participant of the information that the police need in order to assure the most effective police response.

As of July 5, 1966, after slightly more than 2 years of operation, some 6,433 offenders had been arrested by police as the result of crime-stop calls. Similar programs in cities throughout the country would do much to prevent crime and renew an awareness that crime prevention is not solely the responsibility of the police. Such programs should also go a long way to overcome the much-publicized belief, which I think is unfounded, that American citizens no longer wish to involve themselves with the safety of others. I urge other communities to follow Chicago's lead.

INFORMATIONAL MATERIAL

Similarly, in the specific areas of burglary and car theft, the city of Oakland, Calif., and the Federal Bureau of Investigation, respectively, have prepared informational materials designed to acquaint citizens with the extent of these crimes and the kinds of preventive measures which can and should be taken.

The Oakland material is entitled "Burglary Prevention" and provides a detailed explanation of the city's burglary security ordinance as well as pointing out minimum security requirements.

The FBI material entitled "The Car Theft Problem—How You Can Help Beat It" reveals that more than 1,000 cars valued at close to $1 million are stolen in the United States each day. The discussion provided in these materials discloses steps to be taken by private owners and dealers to discourage thefts and avoid the purchasing of stolen vehicles. Information materials such as these can play a most important role in the prevention of crime. I believe that most of our citizens are concerned with the personal security of others as well as their own security and want to contribute to effective law enforcement. In many instances they are unaware of substantive areas of contribution and appropriate channels of communication. Instructional materials such as these can make our citizens aware of how they can contribute and advise them of proper avenues of communication; they should be widely promulgated by local authorities. I ask unanimous consent that copies of these materials be inserted in the RECORD at the end of my remarks.

The effect that a concentrated effort against crime can have is indicated by the results obtained in New York following an intensive campaign to reduce crime in the city's subways:

> Following the inauguration of the anticrime program, total crimes reported decreased 34.1 percent and total felony crimes were reduced by 54.3 percent in 1965–66. Total arrests decreased by 37 percent while total complaints were reduced by 82.1 percent.

In summary, Mr. President, while the crime problem we face is serious the situation is far from hopeless. The results that have been obtained when specific problems have been recognized and remedial measures have been implemented are encouraging. They demonstrate that the problems of crime are not incapable of being solved but that their solution does demand the efforts of all. The assistance of individual citizens through programs such as crime stop is invaluable. Adequate lighting and informational programs at the community level are essential and must be adapted to particular local needs.

There is no simple answer to our crime problem. But constructive action on the local level of government and by the individual citizen can be effective in our fight against crime.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the material will be printed in the RECORD.

The bill (S. 3856) to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the provision of street lighting facilities in aid of the prevention or reduction of crime, introduced by Mr. KENNEDY of Massachusetts, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The material presented by Mr. KENNEDY of Massachusetts is as follows:

[Police Department, city of Chicago]

OPERATION CRIME STOP PROGRESS REPORT

Four-hundred and nine offenders were apprehended and arrested as the result of the many citizen Operation Crime Stop calls to police during the period between April 27 and June 15th, Acting Superintendent James B. Conlisk announced today.

The Acting Superintendent, who discussed the latest Operation Crime Stop report with newsmen at his Tuesday morning press conference, said the offenders were arrested for crimes ranging from auto theft to rape.

The latest report, he continued, brings the total of arrests up to 6,433 since the Operation Crime Stop campaign was launched April 13, 1964. Operation Crime Stop, a citizen-police cooperative program, was inaugurated to enlist more citizen support in the prevention of crime.

Acting Superintendent Conlisk said citizens called PO 5–1313, to report suspicious persons or activities in their neighborhoods, about crimes they witnessed, or apprehended offenders following crimes (although not recommended by the police department), and turned the offenders over to police.

The following cases illustrate some of the ways citizens aided police recently:

First District (Central Station)—A citizen who witnessed an offender take the contents of the cash drawer in a store on West Van Buren Street on April 28th, chased the offender and detained him until officers from the 1st District arrived on the scene.

Second District (Wabash Avenue)—An alert housewife who observed three youths leaving a neighbor's apartment on June 8th, was able to furnish police with descriptions of the boys when she learned the apartment had been burglarized. Through one of the boys, who she recognized as living in the neighborhood, 2nd District beat officers were able to find the boy's companions.

Third District (Grand Crossing)—A man living on E. 64th Street called police upon observing a group of teenage boys shooting a gun in the air. Beat officers investigated the report and arrested the boy having the weapon. The gun was later found to have been stolen in a burglary.

Another area citizen notified police when she saw a man exposing himself on the elevated train platform at 63rd Street and Stoney Island Avenue on May 12th. The man was arrested for indecent exposure.

Sixth District (Gresham Station)—A citizen who observed a 6th District officer being assaulted on the street by two youths on May 18th, went to the officer's aid and helped him subdue the offenders. He later went to court and testified as a witness to the assault. Another resident of the 6th District called police to report two taverns who were selling liquor to minors on May 4th. Her information and assistance resulted in the arrest of two offenders.

Ninth District (Deering Station)—A citizen riding home on a southside bus on June 11th, saw a man grab the purse of a woman and run off the vehicle. He immediately chased the offender, caught and held him for 9th District beat officers.

Tenth District (Marquette Station)—Two citizens of the 10th District aided police in May. One citizen called police when he observed three youths tearing the shingles off a nearby roof; while the second man notified police when he saw two youths forcing open the window of a restaurant on 42nd Pl. Responding police units from the 10th District caught the boys burglarizing the premises.

Nineteenth District (Town Hall)—An alert housewife living in the Town Hall District gave information to police regarding a couple who mistreated their child on May 12th. The couple was arrested for cruelty to a child. Another citizen who witnessed a strong-arm robbery in Riverview Park on May 28th, furnished police with information that led to the arrest of two men for the crime.

Twentieth District (Foster Avenue)—An area citizen who witnessed a woman shoplifting merchandise from a Northside department store on June 8th, promptly called police. Responding officers were able to apprehend the offender before she could leave the premises.

Twenty-first District (Prairie Avenue)—Information furnished by an area resident on June 4th, resulted in the apprehension of a burglar by officers of the 21st District. The resident further cooperated by identifying the man who she had observed fleeing from the scene of the burglary on South Kimbark Avenue. Several items, taken in the burglary, were found in the offender's possession when arrested.

Acting Superintendent Conlisk said the department now has 701,892 "Crime Stopper" members who have pledged their support to the campaign. He also said that some 41 cities throughout the country are either studying our program, or have adopted a similar Operation Crime Stop program, to date.

CITY OF CHICAGO
DEPARTMENT OF POLICE,
Chicago, Ill.

The Chicago Police Department's "Operation Crime-Stop" is now in its 3rd year of operations. Please see the materials attached for details and results of the program.

The objectives of "Operation Crime-Stop" are simple. The theory reverts back to the days when the duties of peace officers were performed on a voluntary basis by individual citizens as a part of their mutual protection and community survival activities.

To date, we are proud to say that we have over 800,000 citizens pledged to "Operation Crime-Stop" in Chicago alone. We hope to increase this to over a million by the end of the year.

If your organization has not already joined "Operation Crime-Stop," would you favor us by agreeing to permit your personnel to be enrolled in this campaign?

The basic concept of "Operation Crime-Stop" is citizen "self-help". If your organization is interested in decreasing crime in the City of Chicago and if you desire to prove your willingness to help, please send the attached request for the number of cards and posters you can utilize for your personnel.

We would like to take this opportunity to also invite your organization to tour our Department, either by Self-Tour for small groups under 15 or group tours for over 15 persons, or guided tours.

Thanks for your cooperation with the Chicago Police Department.

Sincerely,

O. W. WILSON,
Superintendent of Police.

OPERATION CRIME-STOP

LEND US YOUR EYES AND EARS

Help stamp out crime by reporting suspicious persons or happenings in the neighborhoods where you live, work, or visit.

Become an active member of Operation Crime-Stop. Call PO 5–1313 when something seems suspicious. Important—act fast.

Your help today could save your family and neighbors from being tomorrow's crime victims.

Help the police help you . . . . by calling PO 5–1313 (no charge) at the first sign of possible trouble.

O. W. WILSON,
Superintendent of Police, Chicago Police Department.

How to help specifically? See reverse side.

[Reverse side]

This information is important to the police when you report suspicious persons or happenings:

Address of the incident.

Number of individuals involved.

Description of scene and suspects (age, height, weight, complexion, clothing, etc.).

License number of any cars used.

It is preferable that you identify yourself when calling, but if you wish to remain anonymous, your call will still be accepted.

Call PO 5–1313.

Issued by City of Chicago, Department of Police.

O. W. WILSON,
Superintendent.
RICHARD J. DALEY,
Mayor.

To: Director Mel Mawrence, Public Information Division, Chicago Police Department, 1121 South State Street, Chicago, Ill. 60605

AGREEMENT TO JOIN "OPERATION CRIME-STOP"

The undersigned organization agrees to pledge assistance to Chicago police in their "Operation Crime-Stop" campaign.

We can distribute ------ crime-stop cards to our employees and can use ------ number of posters for our bulletin boards.

We understand that this will not commit our organization to any agreement other than to permit our employees voluntarily to carry Crime-Stop materials and to call Chicago Police Department's emergency number PO 5-1313 in the event they see or suspect that a crime is in or around their place of work or home.

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(Signature and title) *(Firm name)*

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(Address) *(Telephone)*

THE CAR THEFT PROBLEM—HOW YOU CAN HELP BEAT IT

(By J. Edgar Hoover, Director, Federal Bureau of Investigation, U.S. Department of Justice)

More than 1,000 cars valued at close to $1 million will be stolen in the United States today!

Probably 900 of them will be recovered before a month is over. Many of them will be damaged, some virtually destroyed. Others will have been stripped of valuable parts and accessories.

WHO WILL STEAL THEM?

About 620 of the 1,000 will be stolen by youngsters under age 18. Close to 30,000 persons under age 16 were arrested for stealing cars in 1962.

Another 250 of these cars will be stolen by individuals between the ages of 18 and 25. Auto theft is mainly a crime of youth.

WHERE WILL THEFTS OCCUR?

Slightly more than 500 of the 1,000 thefts will be from the streets, parking lots, driveways and garages around dwellings. Another 350 will be taken from streets in the business areas and from shopping center parking lots. About 100 will be stolen from commercial parking facilities and 50 from used car lots. Approximately 700 of these crimes will take place during the hours of darkness.

HOW WILL THEY BE STOLEN?

About 420 will practically be given away by owners who leave the keys in the ignition or fail to turn the ignition to the locked position. Others will be stolen with the use of various types of jumpers, some will be started with so-called master keys and a number will be taken through the use of stolen or duplicate keys.

A professional thief in the Southwest told FBI Agents recently that he had very little trouble stealing cars fom used car lots since he always obtained a key first. Posing as a prospective customer, he examined late-model used cars until he found one with keys which still contained the small metal tab in the center showing the key code number. Noting this number, he would go to a new car dealer of the model he had selected and obtain a duplicate key. He then would return to the used car lot after it closed, unlock "his" car and drive off.

In other areas thieves have obtained keys to cars on used car lots from their ash trays, behind sun visors, under the dashboard and other "hiding" places used by the dealers to store a second set.

Some car thieves are expert confidence men, as illustrated by a theft from a used car dealer not far from Washington, D.C. A very articulate young man, he carefully examined several of the more expensive automobiles on the lot. He exuded confidence and greatly impressed the dealer, especially with his business card which disclosed he was a "Thaumaturge." Selecting a car, he made a $100 down payment and promised to return the next day with the balance. He did not return. The dealer's suspicions were confirmed when he consulted a dictionary and discovered that a "Thaumaturge" is a worker of miracles or wonders.

STEAL FOR THE RIDE

There are three basic reasons people steal cars—for profit, for use in connection with another crime, for transportation. The great majority of car thefts apparently are motivated by nothing more sinister than a desire for transportation on the part of the thief. Juvenile thefts especially fall into this category.

Two juveniles in a western state stole eight cars in two days en route to the West Coast. In each instance the owner had made the theft simple by leaving his keys in the ignition. When a car ran out of gas or otherwise caused trouble, the youths merely abandoned it and stole another.

Based on an auto theft survey conducted by the FBI, about five percent of the automobiles stolen in the United States are used in the commission of another crime or to effect escape. Another FBI survey relating to bank robberies revealed that more than 50 percent of the get-away cars had been stolen.

Thefts for profit account for about 10 percent of all such car stealing crimes. Most are stolen by individuals who strip off various items of equipment and then abandon the car. There are some professional gangs operating on a steal-to-strip basis. The great majority of professional car theft gangs, however, steal cars for resale. Stolen motor vehicles which have had their identification numbers changed or altered and have been fraudulently registered or titled have been traced by the FBI into all parts of the world. At the present time the FBI has some 65 professional car theft gangs under investigation.

WHAT YOU CAN DO

The used car dealer is a potential supplier and customer of the auto thief. Dealers should take precautions to guard against having their cars stolen and against buying stolen cars. *The dealer should also realize that professional car thieves may steal vehicle identification plates from his cars, and the title or registration documents covering them, for use on stolen automobiles.*

Following are some suggestions on how to prevent car thefts:

Key and ignition security:

Never "hide" an extra set of keys in car.

Always remove keys from car after each test drive.

Keep all keys in a central and constantly supervised area.

Remove the owner's manual and other items which readily reveal the car's key code.

Always insure that ignition switch is turned to locked position.

Customer security:

Forbid unaccompanied test drives by strangers.

Beware of glib talkers with small down payments and large promises.

Lot security:

Enclosed lots (fence, chains, posts set close together) with limited vehicular egress are preferable for security.

Lock gates and keep lot well lighted at night.

Hire a night watchman and arrange checks of lot by local law enforcement agency.

Lock all cars on lot.

Consider disabling cars by removal of ignition wire or other means especially if car thefts are prevalent in area.

Keep an accurate and current inventory.

Employee security:

Check background of all potential employees.

Train employees to be security-conscious.

Following are some suggestions on how to avoid buying a stolen car:

Car and document inspection:

Carefully check vehicle identification plates and/or motor numbers for any signs of alteration or replacement.

Compare identification numbers on vehicle with those on documents.

Check documents for authenticity and signs of alteration; be familiar with title and registration laws in states, especially those nearby.

Inspect vehicle for signs of forcible entry—broken glass, newly replaced glass, cuts in convertible tops.

Notice the keys to see if they are duplicates instead of originals and check to see if they will fully operate the ignition switch.

Check ignition switch and wiring for signs of tampering.

Examine the license plates for signs of recent switch.

Observe over-all appearance and contents of vehicle for indications that car came from an area other than that claimed or might belong to someone other than the person offering it for sale.

Has car been repainted recently or had new seat covers added?

Owner inspection:

Does he fit the car—does he appear too young or too poor to own the vehicle?

Is he overly anxious to sell?

What is his reason, if any, for wanting to sell?

Is he familiar with the car—ask him simple questions like the mileage, where and when it was last serviced (noting any service stickers on car), or casually inquire about nonexistent damage or equipment.

There were some 356,100 automobiles valued at approximately $308,000,000 stolen in 1962. This was an increase of nine per cent over 1961. Preliminary statistics for 1963 reveal an 11 per cent increase in automobile thefts over 1962.

The problem is growing. It confronts and affects every citizen. Used car dealers can and should be a strong force in the fight against the auto thief. By protecting your cars from theft, by guarding against buying a stolen car and by promptly reporting indications of crime to proper authorities you will be helping to overcome the automobile theft problem.

BURGLARY PREVENTION

OAKLAND CITY ORDINANCE

(Prepared by the Oakland Police Department)

The Oakland Police Department is vitally concerned with the great number of burglary offenses committed against commercial establishments. In addition to the monetary loss to the merchants, thousands of dollars are spent each year by the taxpayers in the apprehension, prosecution and confinement of burglars. Such burglary offenses are not always the work of the professional thief, but more often committed by the "opportunist" who seeks out a poorly secured building. Improved security measures will have a deterring effect on the would be thief.

This booklet is designed to assist you in the interpretation of the burglary security ordinance. It also defines minimum security requirements for unattended commercial premises. Particular reference is made to Sections 3-12.08 through 3-12.22 of the Oakland Municipal Code which specify requirements in greater detail.

The following are selected questions and answers pertaining to the ordinance. These are intended as a guide only. For more specific information please refer to the appropriate section in the ordinance.

The complete Burglary Security Ordinance is included in the booklet.

Which buildings are required to have security devices designed for bulgiary prevention?

Most buildings used for commercial purposes must have certain security devices when the building is unattended and closed for business. Refer to Sec. 3–12.08 OMC.

Who is responsible for security of exterior openings in a commercial business establishment?

When a commercial business does not share the use of exterior openings with any other business establishment, the person operating the business will be responsible for compliance with security requirements. If two or more establishments share exterior openings, the owner of the building will be responsible. Sec. 3–12.10 OMC.

What is an "exterior opening"?

Exterior openings include, but are not necessarily limited to:

Exterior doors. Windows less than eighteen (18) feet above the ground.

Roof openings permitting access from the exterior, such as skylights, hatchways, air ducts, air vents, etc.

Must all exterior accessible openings be secured?

Yes. If the openings are not protected by approved photoelectric, ultrasonic, or other instrusion devices, they must be secured as specified in Sec. 3–12.13 OMC.

How do I secure my front door?

A single front door constructed of tempered glass, wood or metal doors with tempered glass panels, solid wood, or metal doors, must be equipped with approved "cylinder dead locks" as noted in Sec. 3–12.14 OMC.

On double front doors the "active leaf" shall be equipped with dead locks as prescribed in Sec. 3–12.14 OMC.

Front doors with glass panels not of tempered glass and doors having nontempered glass panes adjacent to the door frame must have a cylinder dead lock that can be opened only with a key on both the inside and outside. Additional requirements for certain front doors are listed in Sec. 3–12.14 OMC.

Where are "cylinder dead locks" and other hardware available?

These items can be purchased from locksmiths, hardware stores and building supply outlets.

Are there any special requirements regarding outside door hinges?

Yes. Hinges on outswinging doors shall have nonremovable hinge pins. Pins may be either welded, flanged or secured by a screw. The head of the hinge pin may be removed entirely in order to prevent removal from the exterior.

Must extra precautions be taken on rear, side and basement doors?

Generally, the security measures required for front doors also apply to other exterior doors. Section 3–12.15 OMC lists additional security requirements for certain doors.

What about roof doors?

Additional security is required for roof doors as noted in Sec. 3–12.16 OMC.

Do exterior windows pose any special problems?

Yes. Many entries by burglars are made through windows thought to be secure because they are latched. Windows on the rear or sides of the building require the installation of expanded metal screening, or iron bars ½ inch in diameter or 1 x ¼ inch flat steel bars spaced not more than 5 inches apart. Refer to Sec. 3–12.17 OMC for more detailed information.

What about transoms and other openings?

All exterior transoms exceeding 8'' x 12'' must be protected as outlined in Sec. 3–12.18 OMC. Requirements for securing roof openings such as skylights, hatchway openings, air ducts, and air vents are described in Section 3–12.19 OMC.

Must I purchase a burglar alarm?

Some buildings, because of age, physical condition, or the value of inventory, cannot be properly protected by locks, bars or screens, and may require the installation of a burglar alarm system. Alarm systems are furnished and installed by the local alarm companies listed in the telephone directory under "Burglar Alarms."

Who enforces the provisions of the ordinance?

The Oakland Police Department is responsible for the enforcement of the provisions of the code. Enforcement will be accomplished by means of a citation issued for violation of appropriate sections.

What is the citation method and how does it work?

If the merchant, after receiving written notice of existing deficiencies and given reasonable time for correction, fails to comply as required, he will receive a Notice to Appear in court. Pertinent information and evidence concerning violations is made available to the magistrate so that a proper decision can be rendered.

For additional information concerning the Burglary Security Ordinance, please call the Oakland Police Department Security Section at 273–3078.

Burglary can be prevented.

ORDINANCE No. 6899 C.M.S.

An ordinance amending section 1–4.01 of, and adding sections 3–12.08 through 3–12.22 to, the Oakland Municipal Code to require security devices in certain buildings used for business purposes, as a burglary prevention measure, and providing for the enforcement thereof by the citation method

Be it ordained by the Council of the City of Oakland as follows:

Section 1. Section 1–4.01 of the Oakland Municipal Code is hereby amended to read as follows:

Sec. 1–4.01. Citation of Violators by Arresting Officer. Application of this article. Any person who is arrested for a violation of Sections 3–9.06, 3–9.07, 3–9.16, 3–12.13 through 3–12.21, 4–5.011, 4–5.012, 5–3.07, 6–1.08, 6–2.56, 6–2.57 or 6–3.12 of the Oakland Municipal Code, and who is not immediately taken before a magistrate, shall be cited by the arresting officer in the manner set forth in this Article.

Section 2. Sections 3–12.08 through 3–12.22 are hereby added to the Oakland Municipal Code to read as follows:

Sec. 3–12.08. Commercial building. Security requirements. Exemptions. All existing and future buildings in the City of Oakland used by any person for the purpose of conducting, managing, or carrying on any business, with the exception of those hereinafter described, shall, when unattended, be so secured as to prevent unauthorized entry, in accordance with specifications for physical security of exterior accessible openings as provided in Sections 3–12.13 through 3–12.20 of this code. A commercial building shall be considered unattended when not occupied by a watchman, maintenance personnel, or other authorized persons during the period that premises are closed to business. Any building used for Group "A" or "B" public assembly occupancy, as defined in the Oakland Building Code, as well as those buildings used for Group "F" occupancy of the type requiring exit doors to be equipped with panic hardware locks, shall be exempt from the provisions hereof relating to exterior doors. Those buildings used for Group "C", "D", "H", "I", and "J" occupancy shall be exempt from the provisions hereof.

Sec. 3–12.09 Commercial building. Security enforcement. The Chief of Police is hereby authorized and directed to administer and enforce the provisions of this code relating to physical security requirements for commercial buildings in the City of Oakland.

Sec. 3–12.10 Commercial building. Responsibility for security. The responsibility for compliance with the specifications set forth in Sections 3–12.13 through 3–12.20 of this code concerning physical security for exterior openings of buildings used for business purposes and subject to the provisions hereof shall be as follows:

(a) When said commercial business does not share the use of exterior openings with any other business establishment, the person operating said business shall be responsible.

(b) When two or more businesses share the use of the same exterior openings of any commercial building, the owner of said building or his designated agent shall be responsible.

Sec. 3–12.11 Notification to persons responsible. The Chief of Police shall examine, or cause to be examined, the accessible exterior openings of every commercial building, or part thereof, which is subject to the provisions hereof. Where accessible exterior openings exist which do not meet the requirements hereof, notice in writing shall be given to the responsible person setting forth the deficiencies which are to be corrected, and the period within which same shall be completed. Failure to complete corrective action in the period of time specified shall result in enforcement action, as provided in Section 3–12.22.

Sec. 3–12.12 Right of entry. Members of the Police Department designated by the Chief of Police shall have the right, and they are hereby authorized and empowered, to enter or go upon or about any building or premises used for business purposes at any reasonable hour for the purpose of inspecting the physical security of exterior accessible openings of such building or premises, or for any other purposes consistent herewith. Such members shall be given prompt access to any area of the building or premises upon oral notification to the responsible person; provided, however, that, upon request, such member shall exhibit a badge or other evidence of his identity and authority. Refusal to admit such member for such purpose shall be a misdemeanor.

Sec. 3–12.13 Burglary prevention. Exterior accessible openings. All exterior accessible openings of any building used for business subject to the provisions hereof and which are not otherwise protected by approved photoelectric, ultrasonic, or other intrusion detection devices, shall be secured as herein, and in Sections 3–12.14 through 3–12.20 provided.

Provided, however, exit doors serving an occupant load of more than ten, and serving hazardous rooms or areas, shall be openable from the inside without the use of a key or any special knowledge or effort; and any additional locking device on such doors shall be required only after the approval of the Fire Marshal has been first had and obtained.

Sec. 3–12.14 Front doors. Security measures. Locking devices. All front doors of any building or premises used for business purposes and subject to the provisions hereof, shall comply with the following requirements:

(1) Tempered Glass Doors. Wood or metal doors with tempered glass panel, solid wood or metal doors shall be secured as follows:

(a) A single door shall be equipped with either double cylinder dead lock that unlocks from both the outside and inside by key, or with cylinder dead lock that unlocks from the outside by key and inside by turnpiece, handle, or knob, or with dead locking latch having guarded bolt that unlocks from the outside by key and inside by turnpiece, handle, or knob.

(b) On double doors the active leaf shall be equipped with a type of lock as prescribed for single doors above and the inactive leaf shall be equipped with flush bolts at head and foot.

(2) Doors with glass panels not of tempered glass and doors that have nontempered glass panels adjacent to the door frame, shall be secured as follows:

(a) A single door shall be equipped with cylinder dead lock that unlocks from both the outside and inside by a key.

(b) On double doors the active leaf shall be equipped with cylinder dead lock that unlocks from both the outside and inside by a key and the inactive leaf shall be equipped with flush bolts at head and foot.

(3) Rolling overhead doors that are not controlled or locked by electric power operation shall be equipped on the inside with the following protective devices:

(a) Manually operated doors shall be provided with slide bolts on the bottom bar.

(b) Chain operated doors shall be provided with a cast iron keeper and pin for securing the hand chain.

(c) Crank operated doors shall be provided with a means for securing the operating shaft.

(4) A solid overhead, swinging, sliding, or accordion garage-type door shall be secured with a cylinder lock, padlock, and/or metal slide bar, bolt, or crossbar on the inside when not otherwise controlled or locked by electric power operation. If padlock is used, it shall be of hardened steel shackle, with minimum four pin tumbler operation. In the event that this type of door provides the only entrance to the front of the building, a cylinder lock or padlock may be used on the outside.

(5) Metal accordion grate or grill-type doors shall be equipped with metal guide track at top and bottom and a cylinder lock and/or padlock with hardened steel shackle and minimum four pin tumbler operation.

(6) Outside hinges on all front doors shall be provided with nonremovable pins. Such hinge pins may be either welded, flanged, or secured by a screw.

Sec. 3–12.15 Rear side and basement doors. Security measures. Locking devices. All accessible rear, side and basement doors of any building or premises used for business purposes and subject to the provisions hereof, shall comply with the following requirements:

(1) All doors of the types listed below shall comply with the requirements of Section 3–12.14 for front doors.

(a) Tempered glass doors, wood or metal doors, with tempered glass panel.

(b) Metal doors.

(c) Rolling overhead doors.

(d) Solid overhead, swinging, sliding, or accordion garage-type doors.

(e) Metal accordion grate or grill-type doors.

(2) Doors with Glass panels and doors that have glass panels adjacent to the door frame shall be secured as follows:

(a) The glass panel shall be covered with iron bars of at least one-half inch round or 1″ x ¼″ flat steel material, spaced not more than 5″ apart, or

(b) Iron or steel grills of at least ⅛″ material of 2″ mesh.

(c) If the door or glass panel barrier is on the outside, it shall be secured with rounded head flush bolt on the outside.

(d) If the remaining portion of a door panel exceeds 8″ x 12″ (excluding door frame), is of wood, but not of solid core construction, or is less than 1⅜″ thick, said portion shall be covered on the inside with at least 16 gauge sheet steel attached with screws.

(3) Wood doors, not of solid core construction, or with panels therein less than 1⅜″ thick, shall be covered on the inside with at least 16 gauge sheet steel attached with screws.

(4) Locking Devices:

(a) A single door shall be equipped with either double cylinder dead lock that unlocks from both the outside and inside by key, with cylinder dead lock that unlocks from the outside by key and inside by turnpiece, handle, or knob, with dead locking latch having guarded bolt that unlocks from outside by key and inside by turnpiece, handle, or knob, or with approved slide bar bolt, crossbar, and/or padlock. If padlock is used, it shall be of hardened steel shackle, with minimum four pin tumbler operation.

(b) On double doors the active leaf shall be equipped with a type of lock as prescribed for single doors above and the inactive leaf shall be equipped with flush bolts at head and foot.

(5) Outside hinges on all rear, side and basement doors shall be provided with nonremovable pins. Such hinge pins may be either welded, flanged, or secured by a screw.

Sec. 3–12.16 Roof doors. Security measures. Locking devices. All doors that exit onto the roof of any building or premises used for business purposes and subject to the provisions hereof shall comply with the following requirements:

(1) Doors with glass panels and any glass panels that are adjacent to the door frame shall be protected as follows:

(a) The glass portion shall be covered with iron or steel grills of at least ⅛″ material of no more than 2″ mesh securely fastened.

(b) If the door or glass panel barrier is on the outside, it shall be secured with rounded head flush bolt on the outside.

(c) If the remaining portion of a door panel exceeds 8″ x 12″ (excluding door frame) and is of wood, but not of solid core construction, or is less than 1⅜″ thick, said portion shall be covered on the inside with at least 16 gauge sheet steel attached with screws.

(2) Wood Doors not of solid core construction, or with panels therein less than 1⅜″ thick, shall be covered on the inside with at least 16 gauge sheet steel attached with screws.

(3) All roof doors shall be provided with a lock that will permit the door to be opened from the inside without the use of a key or any special knowledge or effort.

(4) Outside hinges on all roof doors shall be provided with nonremovable pins. Such hinge pins may be either welded, flanged, or secured by a screw.

Sec. 3–12.17 Glass windows. Side or rear, security measures. Locking devices. The Chief of Police shall, with the approval of the Fire Marshal, determine the extent of protection, if any, that will be required for accessible glass windows at the side or rear of building. Glass windows shall be deemed accessible if less than eighteen (18) feet above the ground. In making his determination he shall consider whether the side of the building fronts on a street, the area, location and contents thereof, and whether such openings are protected by intrusion detection devices.

(1) The Chief of Police may require side and rear glass windows with a pane exceeding ninety-six (96) square inches in area, with its smallest dimension exceeding 6″, to be protected in the following manner:

(a) Inside or outside iron bars of at least one-inch round or 1″ x ¼″ flat steel material, spaced not more than 5″ apart, securely fastened, or

(b) Inside or outside iron or steel grills of at least ⅛″ material of 2″ mesh securely fastened.

(c) If window barrier is on the outside, it shall be secured with rounded head flush bolt on the outside.

(2) If the side or rear window is of the type that can be opened, it shall, where applicable, be secured on the inside with either a glide bar, bolt, crossbar, and/or padlock with hardened steel shackle, and minimum four pin tumbler operation.

(3) Outside hinges on all side and rear glass windows shall be provided with nonremovable pins. Such hinge pins may be either welded, flanged, or secured by a screw.

Sec. 3–12.18 Accessible transoms, security measures. Locking devices. All exterior transoms exceeding 8″x12″ on the side and rear of any building or premises used for business purposes and subject to the provisions hereof shall be protected by either of the following:

(1) Outside iron bars of at least ½″ round or 1″x¼″ flat steel material, spaced no more than 5″ apart, or

(2) Outside iron or steel grills of at least ⅛″ material but not more than 2″ mesh.

(3) The window barrier shall be secured with rounded head flush bolts on the outside.

Sec. 3–12.19 Roof openings. Security measures. Locking devices.

A. All *glass skylights* on the roof of any building or premises used for business purposes and subject to the provisions hereof shall be provided with:

(1) Iron bars of at least ½″ round or 1″x¼″ flat steel material under the skylight and securely fastened, or

(2) A steel grill of at least ⅛″ material of 2″ mesh under the skylight and securely fastened.

B. All hatchway openings on the roof of any building or premises used for business purposes and subject to the provisions hereof shall be secured as follows:

(1) If the hatchway is of wooden material, it shall be covered on the inside with at least 16 gauge sheet steel attached with screws.

(2) The hatchway shall be secured from the inside with a slide bar or slide bolts. The use of crossbar or padlock is unauthorized, unless approved by the Fire Marshal.

(3) Outside hinges on all hatchway openings shall be provided with nonremovable pins. Such hinge pins may be either welded, flanged, or secured by a screw.

C. All air duct or air vent openings exceeding 8″ x 12″ on the roof of any building or premises used for business purposes and subject to the provisions hereof shall be secured by covering the same with either of the following:

(1) Iron bars of at least ½″ round or 1″ x ¼″ flat steel material, spaced no more than 5″ apart and securely fastened, or

(2) A steel grill of at least ⅛″ material of 2″ mesh and securely fastened.

(3) If the barrier is on the outside it shall be secured with rounded head flush bolts on the outside.

SEC. 3–12.20 Burglary prevention. Intrusion detection devices. If it is determined by the Chief of Police that the security measures and locking devices prescribed in sections 3–12.13 through 3–12.19 of this code do not adequately secure the building, he may require the installation and maintenance of photoelectric, ultrasonic, or other intrusion detection device. In exercising his discretion he shall consider whether:

(a) The business establishment has experienced a high incidence of burglary in the past, or

(b) The type of merchandise and its inventory value require added security protection.

If he determines that such installation is required, notice in writing shall be given to the responsible person setting forth the installation to be made and the period within which same shall be completed. Failure to complete the installation in the time specified shall result in enforcement action as provided in Section 3–12.22.

Sec. 3–12.21 Appeal from intrusion detection device requirements. Within ten (10) days after the receipt of written notice from the Chief of Police requiring the installation and maintenance of photoelectric, ultrasonic, or other intrusion detection device, the person responsible for compliance therewith may appeal in writing to the City Manager. In filing such notice of appeal, the appellant shall set forth the specific grounds wherein it is claimed there was an error or abuse of discretion by the Chief of Police, or wherein the issuance of said written notice was not supported by proper evidence.

Upon receipt of such appeal, the City Manager shall set said matter for hearing and cause notice thereof to be given to the appellant and to the Chief of Police, or his authorized representative, not less than five (5) days prior to the date set for said hearing. At such hearing the appellant shall show cause on the grounds specified in the Notice of Appeal why the action excepted to should not be affirmed.

The City Manager may affirm, reverse, or modify the decision of the Chief of Police requiring the installation and maintenance of a photoelectric, ultrasonic, other intrusion detection device. If said decision is affirmed or modified by the City Manager, the appellant shall be given written notice thereof by the Chief of Police setting forth the installation to be made and the period of time within which the same shall be completed. In no event shall the period be less than that originally granted appellant. Failure to comply with the City Manager's decision shall be deemed a misdemeanor and enforceable as in Section 3–12.22 provided.

Provided, however, any person excepting to the decision of the City Manager may within ten (10) days after the date of such decision, appeal in writing to the City Council by filing with the City Clerk a written notice of appeal, setting forth the specific grounds thereof. The City Clerk shall forthwith set said matter for hearing before the City Council and cause notice thereof to be given to the appellant, to the City Manager, and to the Chief of Police, or his authorized representative, not less than five (5) days prior to date set for said hearing. As such hearing before the City Council the appellant shall show cause on the grounds specified in the notice of appeal why the decision of the City Manager should not be affirmed.

If the City Council affirms or modifies the decision of the City Manager the appellant shall be notified in writing by the Chief of Police of the installation to be made and the period of time within which the same shall be completed. In no event shall the new period of time be less than that granted originally. Failure to comply with the decision of the Council, on appeal, shall be deemed a misdemeanor and enforceable as provided in Section 3–12.22 provided.

Sec. 3–12.22 Enforcement by citation method. Sections 3–12.13 through 3–12.21 of this Article may be enforced by the method provided for in Article 4, Chapter 1, of this Code, and Sections 853.1 through 853.4 of the Penal Code of the State of California. Said Sections shall be enforced by members of the Police Department.

Section 2. This ordinance shall take effect six (6) months after its final passage.

Said Section 1–4.01 hereinabove amended now reads as follows: "Sec. 1–4.01 Citation of violators by arresting officer; application of this article. Any person who is arrested for a violation of sections 3–9.06, 3–9.07, 3–9.16, 4–5.011, 4–5.012, 5–3.07, 6–1.08, 6–2.56, 6–2.57 or 6–3.12 of the Oakland Municipal Code and who is not immediately taken before a magistrate shall be cited by the arresting officer in the manner set forth in this Article."

LEGISLATION TO REQUIRE THE ADMINISTRATION'S EMERGENCY STRIKE RECOMMENDATIONS

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a joint resolution to require the administration to make a complete study of existing emergency strike laws and to make recommendations to the Congress by January 15, 1967, for improvements in such laws.

Joining with me in cosponsoring this measure are 17 other Senators—Senators Morse, Bennett, Brewster, Burdick, Dominick, Douglas, Fannin, Fong, Kuchel, Miller, Monroney, Moss, Murphy, Prouty, Saltonstall, Scott, and Thurmond.

The text of the joint resolution is as follows:

> The Secretary of Labor is hereby directed to commence immediately a complete study of the operations and adequacy of the emergency labor disputes provisions of the Railway Labor Act and the Labor-Management Relations Act, and to report to the Congress by January 15, 1967 the findings of such study together with appropriate recommendations for such amendments to the Railway Labor Act and the Labor-Management Relations Act as will provide improved permanent procedures for the settlement of emergency labor disputes.

This joint resolution provides that the Secretary of Labor shall study the existing laws we have concerning emergency labor disputes and give us, by January 15, 1967, the administration's recommendations for improving them.

The provisions of this joint resolution are identical to those contained in an amendment I proposed to the minimum wage bill, which the Senate adopted but which was lost in conference. The identical provisions were also offered by me as an amendment to the joint resolution on the recent airlines strike, and again they passed the Senate but died when the bill itself became unnecessary because of the strike settlement.

We in the Senate face a crucial issue before the people of the United States and we still have an opportunity—and a clear duty—to get this measure enacted into law this year on its own merits.

At least three aspects of our present situation are clear:

First, existing laws on emergency labor disputes are inadequate. Every American knows it, and the President has acknowledged it in his state of the Union message earlier this year, when he said:

> I also intend to ask the Congress to consider measures which without improperly invading State and local authority will enable us effectively to deal with strikes which threaten irreparable damage to the national interest.

Second, unless we pass general laws to protect the public, we will inevitably end up, time after time, with crisis bills satisfying no one.

And third, it is crystal clear that the administration is presently caught in the paralysis of a dilemma of its own making, for the administration has acknowledged that we need new laws and yet is unwilling to proceed without a consensus. But it ought to be clear beyond question that a consensus as to this type of legislation is next to impossible—and in any event, this is one legislative area where the best bill is not always the most popular.

No legislation is perfect, and no legislation will ever have complete support from every segment of the American people. Yet on July 20, 1966, the President, in response to a question about his plans to recommend emergency strike legislation, told a press conference:

> We are still searching for that answer and we would like to find a solution that could be embraced by the Administration, management and labor and the Congress. Up to this point we've not been very successful.

Surely it is no wonder that the promise of the state of the Union message has thus far gone unfulfilled, for if we must wait for that kind of consensus—a consensus not achieved even in much less controversial legislative fields—we may well wait forever.

We ask only for the administration's best judgment. That is all we need, but we need it now, not a year from now when we are faced with other crippling strikes and are forced again to play "hide and seek" with an administration unwilling to say what it wants or even whether it wants anything at all.

We in the Congress owe it to the American people to demand that the administration take a stand, one way or the other; and, to move deliberately to enact legislation to prevent a repetition of the sorry spectacle of last month. With much of the Nation's essential air transportation paralyzed, with Congress desperately seeking a solution, the administration was absolutely powerless under existing law and absolutely unwilling to ask for new laws and equally unwilling to say that it did not want new laws.

We need to avoid a repetition of the 1963 rail work rules bill and the 1966 airline strike bill by finding a general mechanism which can be invoked without resort to Congress each time the public health or safety is in danger. And we need to know where the administration stands and what it wants.

This joint resolution is in no sense buckpassing, for it is an affirmative assumption of responsibility by the Congress in an area where only the Congress can legislate. Yet there is no escaping the fact that the administration's views are important and we are entitled to have them.

All we ask is that the administration give us the benefit of its experience, its expertise, and its best judgment. With that as a starting point, I have no doubt that we can fashion sound legislation to protect the public interest when strikes or lockouts imperil the national health and safety.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 195) to direct the Secretary of Labor to study the operations and adequacy of the emergency labor disputes provisions of the Labor-Management Relations Act and the Railway Labor Act and to make appropriate recommendations for improvements in such laws; introduced by Mr. Javits (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF RESOLUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the next printing of Senate Resolution 300 the names of the Senator from Alaska [Mr. BARTLETT], the Senator from Louisiana [Mr. ELLENDER], the Senator from Ohio [Mr. YOUNG], and the Senator from South Carolina [Mr. RUSSELL] be added as cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 22, 1966, he presented to the President of the United States the following enrolled bills:

S. 146. An act for the relief of Delma S. Pozas;

S. 153. An act for the relief of Matsusuke Tengan;

S. 372. An act for the relief of Antonio Jesus Senra (Rodriguez) and his wife, Mercedes M. Miranda de Senra;

S. 766. An act for the relief of Lt. Samuel B. Rondberg, U.S. Army Reserve;

S. 993. An act for the relief of Dr. Oscar Valdes Cruz;

S. 1120. An act for the relief of Dr. Ortelio Rodriguez Perez;

S. 1449. An act for the relief of Dr. Enrique Ramon Ducassi;

S. 1474. An act to create a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government;

S. 1571. An act for the relief of Kermit Wager, of Lebanon, S. Dak.;

S. 2177. An act for the relief of Donald I. Abbott;

S. 2265. An act for the relief of Konstadyna Byni Deliroglou and her minor child, Alexandros Deliroglou;

S. 2287. An act to authorize a 5-year hydrologic study and investigation of the Delmarva Peninsula;

S. 2348. An act for the relief of Dr. Jorge G. Echenique;

S. 2376. An act for the relief of Dr. Mario Presman;

S. 2447. An act for the relief of Dr. Arturo Victor Fajardo-Carpio;

S. 2529. An act for the relief of Dr. Felix Hurtado Perez;

S. 2555. An act for the relief of Kim Kin Soon;

S. 2626. An act for the relief of Dr. Argyrios A. Tsifutis;

S. 2789. An act for the relief of Dr. Alberto Oteiza;

S. 2796. An act for the relief of Dr. Rafael Anrrich;

S. 2800. An act for the relief of George Joseph Suad;

S. 2838. An act for the relief of Irene Snyder;

S. 2854. An act for the relief of Dr. Gottifried Kaestner;

S. 2865. An act for the relief of Dr. Alfredo Hernandez;

S. 2869. An act for the relief of Dr. Jose Enrique Diaz;

S. 2945. An act for the relief of Dr. Jaime E. Condom;

S. 2946. An act for the relief of Dr. Mario V. Machado;

S. 2973. An act to permit Edward C. Bower to serve as a director of the Virgin Islands National Bank prior to his obtaining U.S. citizenship;

S. 3189. An act for the relief of Dr. Alonso Portuondo;

S. 3261. An act to authorize the Secretary of the Interior to convey certain lands in the State of Maine to the Mount Desert Island Regional School District;

S. 3272. An act for the relief of Dr. Jacobo Albo Maya;

S. 3421. An act to authorize the Secretary of Agriculture to convey certain lands and improvements thereon to the University of Alaska; and

S. 3510. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreational Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Eva B. Adams, of Nevada, to be Director of the Mint.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

DEPARTMENT OF JUSTICE

The Chief Clerk read the nomination of Frank A. Kaufman, of Maryland, to be U.S. district judge for the district of Maryland.

The nomination was confirmed.

The Chief Clerk read the nomination of Alexander Harvey II, of Maryland, to be U.S. district judge for the district of Maryland.

The nomination was confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar beginning with No. 1577, and that the remainder of the calendar be considered in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESEARCH INTO SPINAL CORD INJURIES AND DISEASES

The Senate proceeded to consider the bill (H.R. 203) to amend title 38, United States Code, to set aside funds for research into spinal cord injuries and diseases which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That section 216 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) For each fiscal year in the period beginning July 1, 1966, and ending June 30, 1972, the Administrator shall set aside not less than $100,000 of funds appropriated for medical research, authorized by section 4101 of this title, for the conduct of research into spinal cord injuries and diseases, and other disabilities that lead to paralysis of the lower extremities."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1610), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

EXPLANATION OF THE BILL

The bill provides that funds appropriated for research in the Veterans' Administration shall have set aside in each fiscal year beginning on July 1, 1966, and ending June 30, 1972, a total of not less than $100,000 for research into spinal cord injuries and diseases and other diseases that lead to paralysis of the lower extremities.

This bill would accomplish this simple purpose stated in the paragraph above and would not cause any additional appropriation.

Section 216(a)(1) of title 38 specifically directs the Administrator to conduct research in the field of prosthetic appliances, prosthesis, and similar devices. The present research program in the Veterans' Administration directly related to spinal cord research alone approaches twice the amount set forth in this bill. Enactment of this bill will serve to focus attention on the needs of this particular group and will in no way, in the opinion of the committee, interfere with the research program of the Veterans' Administration.

This bill is intended to establish a minimum of expenditure for spinal cord research, and is in no way intended to set an upper limit on the amount of research done in this area.

EXTENSION OF PROVISIONS FOR TREBLE DAMAGE ACTIONS TO DIRECT LOAN AND INSURED LOAN CASES

The bill (H.R. 7850) to amend section 1822(a) of title 38, United States Code, to extend the provisions for treble-damage actions to direct loan and insured loan cases was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1612), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

Existing law (sec. 1822, title 38, United States Code) permits a veteran to institute action against any party who knowingly makes, effects, or participates in a sale of any property to a veteran in excess of the reasonable value as established by the Administrator where the property is guaranteed under the appropriate provisions of title 38. Damages are set at three times the amount of such excess consideration. The purpose of this bill is to extend the same protection to the veteran who obtains a direct or insured loan as is now provided to the veteran who has a guaranteed loan.

A House amendment to the bill would assure its applicability to direct loans to veterans covered by the Veterans' Readjustment Assistance Act of 1966.

The measure is supported by the Veterans' Administration which advises that it would not result in any increased cost.

DEDUCTION BY BROKERS OF CERTAIN COSTS AND EXPENSES FROM RENTAL COLLECTIONS ON PROPERTIES ACQUIRED UNDER THE VETERANS' LOAN PROGRAMS

The bill (H.R. 11927) to authorize the Administrator of Veterans' Affairs to permit deduction by brokers of certain costs and expenses from rental collections on properties acquired under the veterans' loan programs was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1613), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

This bill would give the Administrator of Veterans' Affairs authority to permit brokers to deduct from rental collections fees for services rendered and authorized expenses incurred in connection with the managing of Veterans' Administration-owned properties which had been acquired under the loan guarantee and direct loan programs. Under existing practice where a property is taken over by the Veterans' Administration, the property is given to a broker for management. This broker collects rent and performs the necessary property maintenance or arranges for such maintenance. Payment is presently made under regular vouchering procedures, and in some instances brokers advance maintenance expenses such as decorating, grass cutting, snow removal, etc. In other instances brokers with small accounts cannot feasibly make such advances.

The Veterans' Administration desires to permit payment for these services out of rents received from these properties and proposed that such action be taken to the Comptroller General, who advised that such a procedure was not authorized, while not questioning the desirability of the proposal.

The Veterans' Administration advises that enactment of this proposal will simplify procedures in financing and managing of the acquired properties, and will result in some savings of administrative costs.

FORT LYON VETERANS' HOSPITAL RESERVATION, COLO.

The bill (H.R. 12664) to retrocede to the State of Colorado exclusive jurisdiction held by the United States over the real property comprising the Fort Lyon Veterans' Hospital Reservation was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD, an excerpt from the report (No. 1614), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

Simply stated, the purpose of this bill is to retrocede to Colorado exclusive jurisdiction over the Fort Lyon, Colo., Veterans' Administration Reservation, and thereby facilitate the opportunity of the reservation residents to vote.

The Fort Lyon Veterans' Hospital is located in Bent County in Colorado, near the city of Las Animas. It is on a 618.2-acre Federal installation with approximately 1,150 persons of whom approximately 125 are resident employees of the Veterans' Administration. The United States has exclusive jurisdiction over the reservation, except for the service of civil and criminal processes.

The Department of Justice has advocated general legislation to take care of cases such as this. Places over which the United States has exclusive jurisdiction are not considered part of the State in which they are physically located. Only the States of California, West Virginia, Utah, and Nevada permit residents of such areas to qualify as voters. Since there is no general law on this subject, the Department of Justice and the Veterans' Administration have no objections to the enactment of this specific proposal.

CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF BILOXI, MISS.

The bill (H.R. 13012) to provide for the conveyance of certain real property to the city of Biloxi, Miss., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1615), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The bill authorizes the Administrator of Veterans' Affairs to convey to the city of Biloxi, Miss., without monetary consideration, all right, title, and interest of the United States to a tract of land, 75.82 acres, the same being a portion of the reservation of the Veterans' Administration Center and which is excess to the needs of the agency.

Section 2 of the bill provides that the deed of conveyance shall provide such additional terms and conditions as may be necessary to protect the interests of the United States.

In the early thirties, the city of Biloxi paid the acquisition cost of 709 acres of ground, a portion of which is now used for the Veterans' Administration Center. Since 1950 some 265 acres have been declared excess and transferred to the General Services Administration which subsequently transferred it to the Department of the Air Force for use by the adjoining Air Force base.

The Veterans' Administration interposes no objection to favorable action on this proposal.

There would be no additional expenditure of funds as the result of this legislation.

CONVEYANCE OF CERTAIN PROPERTY TO PINELLAS COUNTY, FLA.

The bill (H.R. 12352) authorizing the conveyance of certain property to Pinellas County, Fla., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1617), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize the Administrator of General Services to convey approximately 370 acres of land which has been declared excess to the needs of the Veterans' Administration and surplus to the needs of the United States, situated in the State of Florida to the county of Pinellas, Fla., for park, recreational, health, or educational use. The bill further provides that the conveyance shall be made to the county without reimbursement because Pinellas County originally purchased the land and donated it to the Federal Government as a site for the Bay Pine Veterans' Adminstration Center.

The bill as amended by the House further provides that: (1) The county erect a suitable fence between the property conveyed by this measure and the Veterans' Administration property, (2) Pinellas County maintain an incinerator and sewage disposal plant on the property without cost to the Veterans' Center, (3) the GSA include such restrictions or reservations in the conveyance to insure that the property will not be used in any manner which would interfere with the care and treatment of patients in the VA Center, and (3) should the county fail to use the property for park, recreation, health, or educational purposes the land would revert to the United States.

Additional justification and explanation of the proposed legislation is found in House Report 1799, as follows:

"The bill proposes to authorize the Administrator of General Services to transfer to the county of Pinellas, Fla., without monetary consideration for park recreational health, or educational purposes, a tract of land of approximately 370 acres which is now a portion of the Veterans' Administration Center.

"In 1931 and 1932 approximately 831 acres of land in Pinellas County, Fla., was donated to the Veterans' Administration by Pinellas County and the city of St. Petersburg. The Veterans' Administration constructed a center on the land which now consists of 400 domiciliary and 652 hospital beds. Approximately 145 acres of upland and 225 acres of submerged land, all a part of said 831 acres, have been determined to be in excess of the needs of the Federal Government.

"A subcommittee of the Committee on Veterans' Affairs held hearings on July 8, 1966, in St. Petersburg, Fla., and received extensive testimony from local citizens. From the evidence submitted, the committee believes that Pinellas County, Fla., has a plan for use of 370 excess acres for public purposes which will be of great benefit to the community. Since the land was given to the Federal Government without cost, the committee believes that portion which is excess to Federal needs should be returned so that the donors can dedicate it to public use.

"The bill provides that the deed of conveyance shall contain certain terms and conditions to protect the interests of the United States.

"There will be no appropriation necessary to carry out the provisions of this legislation."

REPLACEMENT OF THE 14TH STREET BRIDGE IN WASHINGTON, D.C.

The bill (H.R. 12119) to authorize the Commissioners of the District of Columbia to replace the existing 14th Street Bridge, also known as the Highway Bridge, across the Potomac River, and for other purposes was announced as next in order.

RECONSTRUCTION OF EXISTING 14TH STREET BRIDGE ACROSS THE POTOMAC RIVER—ORIGINALLY PROPOSED BY SENATOR RANDOLPH IN 1963

Mr. RANDOLPH. Mr. President, I am gratified that the able and distinguished chairman of the Committee on the District of Columbia [Mr. BIBLE] and his colleagues, have acted promptly and favorably on the bill (H.R. 12119) to provide for the construction of a new 14th Street bridge across the Potomac River.

As mentioned in the committee report, under "History of Legislation" on page 2, in 1963 I introduced S. 1748 for the purpose of replacing the superstructure and reconstructing the substructure of this important bridge. At that time, I said:

> It is increasingly evident that the authorization contained in the legislation of 1946 requires reappraisal if we are to meet the traffic demands for this area in the future. The lanes presently in use on the Southwest Freeway and the outbound lanes on 14th Street and 15th Street extended now carry an outbound traffic flow to the bridge crossing in excess of 6,600 vehicles during the p.m. peak hour. This exceeds the practicable capacity of the crossing, and it is evident that the problem will become increasingly severe when the Southwest Freeway is connected with the Center Leg and the remainder of the Inner Loop Freeway System.

That was 3 years ago, Mr. President, and the needs which were then evident are now even more pronounced.

Because of my keen interest in the efficiency of our roads systems and in meeting the needs of our citizens in the District of Columbia and its environs, it is a privilege to support this measure.

The **ACTING PRESIDENT** pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H.R. 12119) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1620), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 12119 is to authorize construction of a new six-lane bridge structure over the Potomac River at 14th Street to replace the present Old Highway Bridge. Further, the bill will authorize the building of necessary approaches and roads connecting the new bridge with streets, roads, and park roads in the District of Columbia and on the Virginia side of the river.

BACKGROUND

The present old bridge, a 2,234-foot pin-constructed span truss structure, was built in 1904 as a replacement for the Old Long Bridge of Civil War days. In 1946, some 52,000 vehicles per day crossed this bridge. Rapidly increasing traffic flow resulted that year in the Congress authorizing construction of two new bridges in the immediate vicinity of the Highway Bridge (Public Law 79-516, approved July 16, 1946, 60 Stat. 566). The first of these, the Rochambeau Memorial Bridge, was built in May 1950, to serve northbound traffic. The second span, the George Mason Memorial Bridge, was completed and opened in January 1962, to serve southbound traffic, resulting in the closing of the Old Highway Bridge at that time.

However, traffic to and from the expanding Virginia suburbs and increased travel generally, boosted the flow of vehicles by July 1964 to approximately 140,000 per day. This maximum traffic flow was experienced immediately prior to the opening of the Outer Circumferential Highway (Interstate Route 495) and the Anacostia Freeway (Interstate Route 295), both of which provided a bypass to the Highway Bridge crossing in the 14th Street corridor. However, by December 1965, the traffic flow on the 14th Street bridges, even with the two bypasses, had increased to 129,500 vehicles per day.

Presently, with the improvements of Interstate Route 95 in Virginia and the opening of portions of the Inner Loop in the District of Columbia currently underway, traffic continues to increase. District of Columbia Highway Department officials estimate that the 1980 peakload demands will exceed the capacity of both the Rochambeau and George Mason Bridges in the 14th Street corridor entrance to the city of Washington. Presently, Interstate Route 95 (Shirley Highway) is being widened from four lanes into an eight-lane facility, to provide for three lanes in each direction, plus two reversible lanes. Likewise, when the Southwest Freeway connections, now under construction, are completed, another estimated 9,000 additional vehicles per hour are expected to be funneled into the 14th Street corridor.

HISTORY OF LEGISLATION

In June 1963, legislation was introduced by Senator JENNINGS RANDOLPH of West Virginia (S. 1748), to authorize reconstruction of the substructure and to replace the superstructure of the Old Highway Bridge, thereby making available a third 14th Street span, the future need for which was foreseeable at that time.

Coincidentally, the District Highway Department believed that existing piers of the Old Highway Bridge could be used, requiring only new superstructure, the cost of which was estimated at between $3 and $5 million, and at least 90 percent of which was to be provided through Federal funds for interstate highway aid. However, the Congress failed to enact the legislation. Subsequently, in fiscal year 1965, the District Highway Department received $3,000 in its appropriation for the preparation of plans and specifications for a proposed replacement bridge at 14th Street.

BRIDGE CONSTRUCTION PLANS

Currently, the Department of Highways and Traffic is preparing plans for a new bridge, such action following discussions with officials of the Virginia Department of Highways, the U.S. Bureau of Public Roads, and other agencies. The two reversible lanes on Interstate Route 95 (Shirley Highway) are to terminate on the Virginia side of the proposed new bridge. Although the District of Columbia Highway Department thought several years ago that a new bridge superstructure could be erected on the old substructure, a more extensive exploration of the existing substructure, including borings, and tests of samples by the U.S. Bureau of Standards and the Forest Products Laboratory in Madison, Wis., convinced the Department that the condition of the substructure has deteriorated so extensively that it must be replaced. District Highway Department officials report that the existing pile system has lost strength, that there has been substantial settlement at the north abutment and at several piers, and that there exists detrimental scouring at four of the piers. They further point out that while the piers of the Rochambeau and George Mason Bridges are in line with one another, the piers of the existing 14th Street Bridge are not in this same line. As a result, they present a real hazard when an ice flow becomes lodged against these piers, obstructing the normal flow of the river.

Further, the District Highway Department has advised that very little saving of money would result from reconditioning the old structure, rather than replacing it entirely.

Therefore, your committee has concluded that complete replacement of existing piers would be the most practical procedure, and this legislation so provides.

In appearance, the new bridge will closely resemble the George Mason Memorial Bridge and the Rochambeau Bridge, and would be located between these two spans on the general alinement of the old bridge.

FOUR LANES FOR CONTINUING TRAFFIC FLOW

At public hearings held by the Subcommittee on Fiscal Affairs on August 2, 1966, the only opposition offered concerned not the bridge construction itself, but the number of traffic lanes to be required. The House, in passing this legislation, added to the basic authorization bill the requirement that the bridge be "at least six lanes."

Major opposition was offered by the National Park Service, Department of the Interior. Its officials urged the amendment of the bill to require that the bridge be built "not to exceed four lanes." The National Park Service contended that approaches on the District side for a six-lane bridge would require additional construction of reramping, would impinge on park lands there, and would further disrupt the setting of the Jefferson Memorial—"an important memorial in the heartland of our Nation's Capital."

Witnesses from the District government, the National Capital Planning Commission, and the National Park Service, plus written reports from the Virginia Highway Department, pointed up the President's Highway Policy Advisory Committee Agreement, signed March 31, 1966, concerning implementation of the freeway portion of a balanced transportation system in the District of Columbia. In this document the National Park Service, the Virginia Department of Highways, and the District of Columbia Department of Highways approved a four-lane bridge in its statement of agreement.

The District of Columbia government informed the committee that present traffic projections indicate that a four-lane bridge will carry the traffic load for the next 20 years. However, this committee is aware that the tremendous growth of the Washington metropolitan area has, in the past, exceeded timetable projections. Estimates for the future support continued expansion of the Virginia suburbs. Therefore, it was the considered judgment and strong feeling of your committee that a six-lane bridge should be constructed at this time, but actual traffic lanes be restricted to four. Such would not require excessive enlargement of present approaches on the District side adjacent to the Jefferson Memorial and its park lands. This decision will allow for future growth, permit obvious dollar savings, and provide additional traffic lanes, should they be necessary at an earlier time in the years ahead than now anticipated.

The committee's judgment is that the two outer lanes on the new bridge could be efficiently and properly used to accommodate disabled vehicles, detours during maintenance operations, as space for possible future rapid rail transit facilities (substructures could be built accordingly), and for snow-removal facilities. The latter use is deemed vital for the District's snow-fighting forces. The old 14th Street Bridge was used for snow dumping and provided a disposal point readily accessible to the snow-clogged downtown areas of the city. The outer two lanes could be constructed to permit snow to be dumped directly into the deep waters of the Potomac. At the same time, the configuration of the bridge and the presence of the Rochambeau and George Mason Memorial Bridges would permit regular travel during snow emergencies. Formerly, snow was dumped into the District sewer system, but its present capacity will not absorb snow dumped into manholes.

Since the committee was persuaded by the District Commissioners that only four lanes of the structure will be required for vehicular travel for the present and immediately foreseeable future, the committee hereby approves and requests that the two outer lanes of the bridge be used as detours during maintenances, accommodation of disabled vehicles, snow-removal facilities, and space for future rapid rail transit purposes, as required. Your committee believes that its decision is a proper one and can be fully supported.

COST OF THE PROJECT

Estimates place the cost of the new six-lane bridge at $9.4 million, plus an additional $2.4 million for approaches at the District of Columbia end. Ninety percent of this cost will be paid by Federal funds authorized by the Federal Highway Act, and the remaining 10 percent from District of Columbia funds. Actually, some $1 million of this total amount has already been made available to the District government for this project.

CLARIFICATION OF THE CORPORATE NAME OF GEORGETOWN UNIVERSITY

The bill (H.R. 16863) to amend the act of June 10, 1844, in order to clarify the corporate name of Georgetown University, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1621), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to amend the corporate charter granted to Georgetown University by the act of June 10, 1844, under the name and style of "President and Directors of Georgetown College" (6 Stat. 912) and to permit the university otherwise to conform to, and to exercise the powers granted generally to nonprofit corporations under the terms of the District of Columbia Nonprofit Corporation Act of August 6, 1962 (76 Stat. 271).

A hearing was held before the Subcommittee on Judiciary on September 1, 1966.

LEGISLATIVE HISTORY

The first act of Congress relating to the "college of Georgetown" was the act of March 1, 1815 (6 Stat. 152), in which act the Congress authorized the institution to admit to academic honors students of the institution or other persons meriting such recognition to any degree in the arts, sciences, and liberal professions to which persons are usually admitted in other colleges and universities of the United States and to issue diplomas and certificates testifying to the admission to such degrees.

The institution thereafter continued to operate without any corporate charter until 1844. In that year, a special act to incorporate "Georgetown College" was enacted (act of June 10, 1844, 6 Stat. 912) under the name, style, and title of "the President and Directors of Georgetown College." This act established the institution as a corporate entity with perpetual succession.

The act empowered the directors of the institution to conduct the college; to receive gifts of financial support and real property to be held and used, including income therefrom, for the benefit of the college; to sue and be sued in courts of law; and to do and to transact all and every business touching or concerning the institution. The institution, which has become commonly known as Georgetown University, has grown through the years and has become one of the great educational institutions in the United States.

ANALYSIS OF THE BILL

Section I of the bill amends the act of June 10, 1844 (6 Stat. 912), an act to incorporate Georgetown College in the District of Columbia, so as to permit the use of the commonly used name of "Georgetown University" for the institution.

Section 2 of the bill, in addition to conforming the change of name as in section 1, amends the above act by substituting a new proviso clause at the end of section 2 of the act of June 10, 1844, which new proviso authorizes the university to encumber its property, borrow money and secure payment of the same by lien on the realty or the personal property of the corporation; and to lease, construct, or reconstruct any and all buildings incident to the needs and purposes of the university. The proviso likewise enables the university to exercise the powers provided in the District of Columbia Nonprofit Corporation Act (act of August 6, 1962, 76 Stat. 265) insofar as such powers are not conferred by the act of June 10, 1844, as amended by this proposed legislation and to the extent they are not inconsistent with the powers provided in the pending bill.

Section 103 of the Nonprofit Corporation Act of 1962 (D.C. Code, title 29, sec. 1099d) provides the option to the existing nonprofit corporations to elect to accept the provisions of that act. That act was not made applicable to existing nonprofit corporations unless they desired to avail themselves of the provisions of that act.

Thus, section 2 of the pending legislation is a legislative expression of the intent that Georgetown University, as a corporation chartered under special act of Congress, elects to have the provisions of the Nonprofit Corporation Act of 1962, applicable to it to the extent that the provisions of that act are not presently conferred on the institution and to the extent that such powers are not otherwise inconsistent with the corporate charter of the institution as provided in the charter as amended by this legislation.

Section 3 of the bill amends section 3 of the act of June 10, 1844, preserving the reference to the original incorporators and providing that the powers of the corporation shall be exercised by a board of directors whose number and manner of election or appointment shall be provided in the bylaws of the corporation, which bylaws may be amended from time to time as may be provided therein. The provisions for the powers of the board of directors, their election and appointment, term of service, under bylaws of the corporation, are essentially in harmony with similar provisions of the Nonprofit Corporation Act of 1962.

Section 4 of the bill provides that nothing in the amendments proposed shall affect any obligations of Georgetown University or its rights or privileges except as provided in the amendments carried in the bill.

CONCLUSION

Your committee has not been apprised of any objections to the enactment of H.R. 16863 and hence urges its adoption.

BOARD OF TRUSTEES OF TRINITY COLLEGE OF WASHINGTON, D.C.

The bill (H.R. 16940) to amend the provisions of the act of April 8, 1935, relating to the board of trustees of Trinity College of Washington, D.C., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1622), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to amend the corporate charter granted to Trinity College of Washington, in the District of Columbia, by the act of April 8, 1935 (49 Stat. 113) in two respects:

(1) To permit members of the laity to be elected to the board of trustees of the college.

(2) To permit the board members to elect their successors.

Presently, except for the archbishop of Baltimore, who is an ex officio member of the board, all the trustees must be members of the religious congregation of the Sisters of Notre Dame de Namur, and their successors are elected by said religious congregation.

This bill was introduced at the request of the Sisters of Notre Dame de Namur who stated that the proposed changes in the Charter Act will offer an opportunity to enhance the prestige of the college and to stimulate interest in the welfare of the college among members of the laity, and that these proposals have the approval of the Archbishop of Washington.

The proposed bill would amend section 2 of the charter act, so that the board of trustees shall elect their successors in accordance with the bylaws; and the requirement that all trustees be members of the religious congregation of the Sisters of Notre Dame de Namur would be eliminated.

BACKGROUND

Trinity College of Washington, D.C., was founded in 1897 for the higher education of women and is located in the Northeast section of the city. Since its foundation, Trinity College has greatly developed not only with regard to size but in respect to academic achievement. Its studies are mostly undergraduate, with some summer courses leading to the master of arts degree. With a student body of over 900 drawn from all parts of the country, it has become a national rather than a purely local institution.

In 1917, Trinity College was recognized by inclusion on the Association of American Universities list; in 1921 it was accredited by the regional agency. Trinity College received a place on the American Council of Education's list of American colleges prepared for foreign institutions in 1921. The college was accredited in 1904 by the board of regents of the University of New York State, and in 1914 it was ranked among colleges of the first grade by the United States Bureau of Education; it is also a member of the Association of American Col-Colleges, an institutional member of the leges, an institutional member of the American Council on Education, and a member of the American Association of University Women.

Trinity College at first was organized and operated under certificate of charter filed in 1897 pursuant to the incorporation provisions of subchapter 1 of chapter 18 of the Code of Laws of the District of Columbia. These articles of incorporation in time became obsolete, inadequate, and unworkable. Consequently, Congress, upon request of the college, enacted the special Charter Act of 1935, referred to above.

The 1935 Act was similar to legislation enacted for the benefit of Catholic, Columbus, Georgetown, George Washington, and National Universities—all in the District of Columbia. The Act provided for an increase in the number of trustees and a designation of who shall be members of the board of trustees of Trinity College; by whom the board of trustees shall be elected and who shall be eligible for membership on the board of trustees and the powers and duties of the board of trustees; that Trinity College may enter into affiliated agreements with other institutions of learning; that Trinity College may receive, invest, and administer endowments and gifts of money and property absolute or subject to payments by way of annuities; that Trinity College shall adopt a common seal by which all acts of Trinity College shall be authenticated; and that no institution of learning hereafter incorporated in the District of Columbia shall use the words in whole or in part "Trinity College."

CONCLUSION

Your committee has not been apprised of any objections to the enactment of H.R. 16940 and hence urges its adoption.

AMENDMENT OF THE CHARTER OF SOUTHEASTERN UNIVERSITY OF THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 16608) to amend the Charter of Southeastern University of the District of Columbia which had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 4, after the word "trustees.", to strike out "Except as hereinafter provided, each trustee shall be elected for a term of office of three years from the date of expiration of the term for which his predecessor was elected so that the terms of office of not more than one-third of the trustees shall expire annually. A trustee elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be elected only for the unexpired term of such predecessor." " and insert "Each trustee shall be elected for a term of office of three years from the date of expiration of the term for which his predecessor was elected; except that (1) in expanding or reducing the number of trustees under this Act, the board of trustees shall have the authority to fix or adjust the terms of office of such additional or remaining trustees, as the case may be, so that the terms of office of not more than one-third of the trustees shall expire annually; and (2) a trustee elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be elected only for the unexpired term of such predecessor." ".

SOUTHEASTERN UNIVERSITY CHARTER AMENDMENT RECOGNIZES SERVICE OF INSTITUTION

Mr. RANDOLPH. Mr. President, I use this opportunity to thank my two colleagues, the distinguished Senator from New Hampshire [Mr. McIntyre], chairman of the subcommittee which handled this measure, and the Senator from Nevada, my helpful friend, chairman of the Committee on the District of Columbia [Mr. Bible], for their aid in acting affirmatively on this legislation.

I further want to thank both of them for accepting the amendment I offered, which provides Southeastern University with needed administrative flexibility if it wishes to expand or reduce the membership of its board of trustees.

Briefly, I point out to the membership of this body the fact that my long relationship with the faculty, the administration, and the students of Southeastern University has given me an awareness of the aims and aspirations of the institution and those associated with it.

Southeastern University fulfills a need for the citizens of our Nation's Capital which is not fully met by the other fine educational institutions in this area. Offering, as it does, evening classes in the field of business, and welcoming to its courses students who might not otherwise obtain academic guidance, it has, since its inception in 1937, become a necessary adjunct to the other educational facilities in Washington.

Mr. John Maurer, its president, Mr. Royal E. Jackson, chairman of its board of trustees, and an excellent faculty are interested in improving the excellence of Southeastern. It was for this reason that they came to me last month and asked that I cosponsor the pending legislation.

I was delighted to do so, for I believe in the people and the principles of this university. I had authored the original Federal charter bill when serving in the House of Representatives.

Mr. President, I wanted the Record to show, today, my support for Southeastern and for legislation—such as this measure, H.R. 16608—which will assist the university administration in its pursuit of academic superiority. I congratulate the institution on its progress, and I wish it well as it continues its vital work.

In their fine treatment of this bill, Senator McIntyre and Senator Bible have again shown their interest in the citizens of the District of Columbia, and in the general field of education for all American citizens. For there are many residents of other States and localities who attend Southeastern, and I am certain that future generations of Southeastern students will be appreciative of our action here today.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1623), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to amend the Charter Act of Southeastern University of the District of Columbia (50 Stat. 697, approved Aug. 19, 1937), in two respects:

(1) To increase the number of members of the board of trustees of the university corporation to a maximum of 30 (in place of the present maximum of 21), and to provide for the election of the members of the board of trustees by the board itself, rather than by the board of managers of the Young Men's Christian Association of the city of Washington.

(2) To provide that the income of the university corporation shall be applied to the maintenance, endowment, promotion, and advancement only of the university, rather than be divided between the university and the Young Men's Christian Association of the city of Washington, as provided by the charter.

BACKGROUND

The Young Men's Christian Association of Metropolitan Washington has sponsored an educational institution in the District of Columbia since 1879. Its present institution of higher education is Southeastern University, chartered by act of Congress in 1937 (50 Stat. 697) as the Southeastern University of the Young Men's Christian Association of the District of Columbia.

The present enrollment of Southeastern University is approximately 1,100 students. The courses offered are all evening classes and include business courses leading to the bachelor of science degree in the major fields of accounting, business management, financial administration, insurance and law, marketing, real estate, and transportation. It also offers an associate of science degree in practically the same fields, as well as associate of science in public accountancy as a special field.

Although licensed by the Board of Education of the District of Columbia, Southeastern University presently lacks the highest regional accreditation, and consequently its college credits are not freely transferable to other recognized universities. It is essential that such accreditation be obtained to permit continued growth of the university and to enable it to meet the increasing demands of a growing population in the Metropolitan Washington area. Authorities in the field of higher education advised the board of trustees of the university that its charter should be amended to meet the criteria for highest regional accreditation and to advance the eligibility of the university for such benefits as may be available to it under the several acts of Congress relating to higher education. The legislation introduced and referred to your committee was designed to meet these recommendations.

On September 1, 1966, the Subcommittee on the Judiciary held public hearings on H.R. 16608 and a companion bill, S. 3706. The latter was introduced in the Senate by Senator Jennings Randolph, of West Virginia.

At the hearings, Senator Randolph presented testimony to the subcommittee supporting H.R. 16608, as amended. A representative of the District Commissioners appeared at the hearings and testified in support of the proposed legislation.

PROVISIONS OF THE BILL

The proposed changes to the university's charter provided by the bill are as follows:

Section 1 of H.R. 16608 rewrites section 3 of the Charter Act so as to place the management of the university in the hands of a board of trustees of not less than 9 nor more than 30 in number, one-third of whom shall be graduates of the university, of qualifications prescribed by the board, nominated by the alumni, and elected by the board.

Present law provides for a board of trustees of not less than 9 nor more than 21 members, who shall be graduates of the university, and of qualifications prescribed by the board of managers of the Y.M.C.A. of Washington.

An amendment proposed by your committee would provide that, in changing the number of trustees, the board of trustees shall have the authority to adjust the terms of office of the additional or remaining trustees, so that the terms of not more than one-third of the trustees shall expire each year.

Present law provides for a board of trustees of not less than 9 nor more than 21 members, who shall be graduates of the university, and of qualifications prescribed by the board of managers of the Y.M.C.A. of Washington.

The aim of the reported bill in this regard is to help establish the university and its board of trustees as an independent, self-governing entity.

Section 2 of H.R. 16608 amend section 6 of the Charter Act to give the university exclusive control of its own funds, by providing that the income of the university corporation shall be applied to the maintenance, endowment, promotion, and advancement only of the university, rather than be divided between the university and the Young Men's Christian Association of the city of Washington, *as is provided by the charter.*

Both these changes, in the judgment of the board directors of the Y.M.C.A. and in the judgment of the board of trustees of the university, are essential to the continued growth and improvement of the university and to its higher education.

The executive committee of the board of directors of the Y.M.C.A. (which is empowered to act for the board of directors of the Y.M.C.A.) on July 18, 1966, approved the proposed changes in the charter. Similar action approving the changes was taken by the board of trustees of the university prior to the action of the board of directors.

CONCLUSION

The parties in interest being in agreement as to the wisdom and necessity of the adoption of the charter amendments herein proposed, your committee recommends the approval of the reported bill.

The Board of Commissioners of the District of Columbia have advised the committee that it has no objection thereto, and your committee has been informed of no opposition to its passage.

DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN SERVICE-CONNECTED DEATHS

The bill (H.R. 5852) to amend title 38, of the United States Code with respect to the basis on which certain dependency and indemnity compensated will be computed, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1624), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

Public Law 881 of the 84th Congress, effective January 1, 1957, authorized the payment of dependency and indemnity compensation to widows for the service-connected *deaths of their husbands. The rate* of compensation is now set at $120 a month plus 12 percent of the base pay of the deceased serviceman. When the rates of pay for members of the Armed Forces are raised there is a corresponding increase in the rates of dependency and indemnity compensation.

Generally speaking, the compensation is based on the rank held by the serviceman on *January 1, 1957, or on the date of death* (whichever is later), where the person died in service. With respect to a person who did not die in service, base pay is determined as of January 1, 1957, or date of death (whichever is later), for the rank and years of service of the veteran at time of his last discharge or release under conditions other than dishonorable. *However, if an individual has satisfactorily served on active duty* for a period of 6 months or more in a higher rank, and was serving in such higher rank 120 days before death in the service, or before discharge or release, the base pay of the higher rank may be used.

This bill would eliminate the requirement with respect to the 120-day limitation of serving in a higher rank. Thus, as an example if a man had served satisfactorily for 6 months in the rank of lieutenant colonel during a period of war but later reverted to the lower rank of major, his widow would be eligible for compensation at the rate of pay for that lieutenant colonel. This treatment would apply equally to widows of individuals who died in the service and those who did not die in the service.

While the Veterans' Administration is unable to estimate the cost of this proposal, it is believed to be small.

BILL PASSED OVER

The bill (*H.R. 6958*) to amend *the* Internal Revenue Code of 1954 to promote savings under the Internal Revenue Service's automatic data processing system was announced as next in order.

Mr. MANSFIELD. Over.

The **ACTING PRESIDENT** pro tempore. *The bill will be passed over.*

BEIRUT AGREEMENT IMPLEMENTATION LEGISLATION

The joint resolution (H.J. Res. 688) to give effect to the agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific, and cultural character approved at Beirut in 1948 was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1626), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of House Joint Resolution 688 is to implement the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, which is known as the Beirut agreement. To accomplish this purpose the joint resolution would authorize the President to designate a Federal agency or agencies to assume the responsibility of carrying out the provisions of the agreement. It would add a new headnote and a new item to part 6 of schedule 8 of the Tariff Schedules of the United States to permit duty-free treatment for articles that are determined to be visual or auditory materials of an educational, scientific, or cultural character within the meaning of the agreement.

GENERAL STATEMENT

Background

The Beirut agreement, which would be implemented by House Joint Resolution 688, was proposed by the U.S. delegation to the General Conference of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) at its third session in Beirut, Lebanon, in 1948. The agreement was there developed and adopted in its present textual form and recommended to members states for signature. A copy of the agreement is contained in the appendix to this report.

Your committee is advised that at the present time the agreement is formally operational in 17 countries. In accordance with its terms, the agreement entered into force on August 12, 1954, when the 10th country commenced formal participation.

The U.S. Senate gave advice and consent to ratification of the Beirut agreement on May 26, 1960. Deposit of ratification is being withheld pending enactment of this implementing legislation. Upon enactment of this legislation it is expected that the instrument of ratification will be deposited with the United Nations.

SUMMARY OF THE RESOLUTION'S PROVISIONS

House Joint Resolution 688, as passed by the House and agreed to by your committee, would authorize the President to designate a Federal agency or agencies to carry out the provisions of the Beirut Agreement. Your committee was advised that it is expected that the President will designate the U.S. Information Agency to perform this function. This work consists of certifying that outgoing materials are educational, scientific, or cultural, in order to facilitate their free importation into a foreign country. It also involves review of certificates accompanying incoming materials to verify that these materials are educational, scientific, or cultural, entitled to duty-free treatment in this country. The measure would also authorize other agencies of the Federal Government to furnish facilities and personnel for the purpose of assisting the agency or agencies designated by the President in carrying out the provisions of the agreement.

Section 3(a) of the resolution would add a new provision, item 870.30, to the special classification provisions of the Tariff Schedules of the United States to permit free entry for certain specified types of articles which are determined to be visual or auditory materials in accordance with a new headnote to be inserted after the heading to schedule 8, part 6, of the Tariff Schedules. The proposed new headnotes specifies that no article shall be exempted from duty under item 870.30 unless a Federal agency or agencies designated by the President determines that such article is visual or auditory material of an educational, scientific, or cultural character within the meaning of the agreement.

The visual and auditory articles, which would be permitted to enter free of duty under the conditions and limitations specified in the new headnote are developed photographic film, including motion picture film on which pictures or sound and pictures have been recorded; photographic slides; transparencies; sound recordings; recorded video tape; models; charts; maps; globes; and posters. Materials moving from commercial consignors to commercial consignees are within the reach of the agreement.

The bill also provides that whenever the President determines that there is or may be profitmaking exhibition or use of the articles entered under the agreement which interferes significantly (or threatens to interfere significantly) with domestic production of similar articles, he may prescribe regulations imposing restrictions on the entry of such foreign articles to insure that they will be exhibited or used only for non-profit-making purposes. This language is consistent with paragraph 5 or article IV of the agreement which permits the issuance of such regulations by the contracting states. The word "significantly" as used in the amendment does not contemplate a mathematical test or measure of interference as a guide to the President, but the term means more than de minimus and certainly less than serious injury.

EFFECTIVE DATE

Section 3(b) of the resolution provides that the amendments to the Tariff Schedules of the United States are to apply with respect to articles entered, or withdrawn from warehouse, for consumption, on or after a date to be proclaimed by the President, which date is to be within a period of 6 months beginning the day after the day on which the U.S. instrument of acceptance of the agreement is deposited with the Secretary General of the United Nations.

BENEFITS TO THE UNITED STATES

The United States produces more educational audiovisual materials than all other countries combined and is the world's major exporter of such materials. Your committee is informed that enactment of this legislation will have the effect of increasing the institutional use abroad of certified American educational films and comparable materials.

In addition, your committee believes that full participation of the United States in the agreement, as would be provided for in this legislation, would promote better understanding of the United States in other countries and would increase mutual understanding between the people of the United States and those of other nations.

JOINT RESOLUTION PASSED OVER

The joint resolution (S.J. Res. 76) to provide for the formulation, adoption, administration, and periodic updating of a long-range land use plan for the U.S. Capitol Grounds and contiguous related and influencing areas was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The joint resolution will be passed over.

W. P. FRANKLIN LOCK AND CONTROL STRUCTURE, FLORIDA

The Senate proceeded to consider the bill (S. 212) to designate a navigation lock and flood control structure of the central and southern Florida flood control project in the State of Florida as the W. P. Franklin lock and control structure which had been reported from the Committee on Public Works with amendments, on page 1, line 7, after the name "Franklin", to strike out "lock and control structure" and insert "Lock and Control Structure"; and on page 2, line 4, after the name "Franklin", to strike out "lock and control structure" and insert "Lock and Control Structure"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navigation lock and water control structure known as structure 79 of the central and southern Florida flood control project located on the Caloosahatchee River in the State of Florida shall hereafter be known as the W. P. Franklin lock and control structure, and any law, regulation, document, or record of the United States in which such structure is designated or referred to shall be held to refer to such structure under and by the name of the W. P. Franklin lock and control structure.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to designate a navigation lock and flood control structure of the central and southern Florida flood control project in the State of Florida as the W. P. Franklin lock and control structure."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1628), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 212 is to designate the navigation lock and water-control structure known as structure 79 of the central and southern Florida flood-control project located on the Caloosahatchee River in the State of Florida, as the W. P. Franklin Lock and Control Structure.

GENERAL STATEMENT

The central and southern Florida flood control project, authorized by the Flood Control Act of June 30, 1948 (Public Law 858, 80th Cong.), and subsequent acts of Congress, covers an area of some 16,400 square miles, lying generally within the southeasterly 18 counties of Florida. It is comprised of the upper St. Johns River Basin, located in the northeastern section of the project; the Kissimmee River Basin, in the central section; the Lake Okeechobee-Everglades area in the central and southwestern section; and the east coast-Everglades area in the southeastern section.

The project is for flood relief and water conservation. It will provide water control and protection from the recurrence of devastating floodwaters from the Everglades and local sources, for the highly developed urban area along the lower east coast of Florida, and for the productive agricultural areas around Lake Okeechobee (including the towns around the lake), in the upper St. Johns and Kissimmee River Basins, and in south Dade County.

Construction of the project was begun in January 1950. To date, more than 550 miles of levees (including most of the east coast protective levee) have been completed to intermediate or final grades and accepted for operation and maintenance by the central and Southern Florida Flood Control District. A number of important canals and control structures and large pumping stations have also been completed and turned over to local interests for operation and maintenance. The project as a whole was about 50 percent completed on September 1, 1966.

Mr. W. P. Franklin is a retired prominent businessman and pioneer resident of the Fort Myers, Fla., area. He is 95 years of age, and throughout his lifetime has been an ardent advocate of water resources development in central and southern Florida. He was the leading force behind the development of the Okeechobee Waterway, on which the lock and dam to be named in his honor are located.

COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will not result in any cost to the Federal Government.

COMMITTEE VIEWS

The committee believes it fitting and proper to name the navigation lock and water control structure located on the Caloosahatchee River, Fla., and known as structure 79 of the central and southern Florida flood control project, in honor of Mr. W. P. Franklin, whose untiring efforts have resulted in great contributions to the national welfare and to his beloved State of Florida. Accordingly, enactment of S. 212 is recommended.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

INVESTMENT CREDIT SUSPENSION WOULD TAKE $100 MILLION ANNUALLY OUT OF POCKETS OF FARMERS

Mr. PROXMIRE. Mr. President, I have spoken out a number of times against the proposal to suspend the 7-percent investment tax credit, which has contributed so much to the expansion of our Nation's industry and the creation of new jobs.

Today, I say to my colleagues that this proposal, if adopted, would seriously hurt another vital sector of our economy—the farmers.

The distinguished senior Senator from Kansas [Mr. CARLSON] has made this point, and made it very well. I should like to emphasize it.

I have opposed suspending the investment credit because it would not do the job which we need to have done right now. We have inflationary pressures today which could be met by the proper administration action. The results of lifting the investment credit would not show up for at least a year and probably longer. No one can say what the state of the economy will be a year from now.

This argument carries even more validity when applied to agriculture. Farmers are making plans for next year. One thing already is clear: They will be called upon for more food production and, at the same time, be denied the incentives that would make higher output possible.

Our immense surpluses of a decade ago no longer exist.

Milk production has declined to 1939 levels. Dairymen still are finding other, more profitable careers and selling their herds. Young people in my State of Wisconsin are less and less willing to risk the hazards of going into dairy farming.

The corn crop this year is estimated at about one-half billion bushels below expected demand. Wheat will be short by 100 million or more bushels. Soybeans, the new wonder crop, will fail to meet demand levels by almost 100 million bushels.

The carryover of all these grains needed to guard against crop failure is far below minimums established by the Department of Agriculture.

The fact that our food production will be as high as it is is good news in one way. Just a few weeks ago, there were growing fears of a general crop failure across the country. Only desperately needed late summer rains averted this catastrophe.

Our own population keeps gaining at the rate of one person every 12 seconds. We are committed to help feed the starving millions of Africa, Asia, and Latin America.

How can we do this?

Only the increased efficiency of the farmer has permitted him to produce the abundance we have enjoyed. But he has been receiving less and less of the national dollar for his efforts.

Now, we are asking the farmer to renew his efforts. We are asking him to increase his wheat acreage and to grow more soybeans. In 1967, croplands totaling about 10 percent of this year's acreage are expected to be called out of reserve.

Mr. President, the American farmer can supply us with the foods we need in abundance. He can go a long way on the path toward feeding millions in other countries.

But the only way he can succeed is by continuing his efficiency. This means he has to have new equipment and machinery. And he has to have the incentive.

A dairy farmer needs an absolute minimum of $50,000 worth of plant and equipment to begin to realize a decent return. To make what we could call a "good" living, he must have $100,000 or more invested.

In the face of this, it seems sheer folly to call upon the farmer for more food and simultaneously revoke the means which would help him produce it.

Food price rises have featured the inflation. This action will aggravate the food shortage and shove food prices up more. What a way to fight inflation.

The Agriculture Department has estimated that in its first year of existence, the investment tax credit meant returns to agriculture of about $85 million. That figure probably would be closer to $100 million today.

This is less than one-tenth of 1 percent of the funds asked by the administration for the fiscal 1967 budget. It is slightly more than one-third the amount the Senate voted to help develop a supersonic plane to reduce the flying time of the jet set from New York to Paris.

The income of most American farmers is so low that they pay no income tax, but many of the Nation's most productive, efficient, and hard-working farmers pay an income tax and need this credit badly. To them this $100 million is a big and critical amount. To take it away now would be a serious injustice.

While we vote millions to benefit two or three aircraft companies, and a handful of fat cat air travelers, we are being asked to penalize the farmer for trying to grow more food for the millions.

LET US AID POPE PAUL AND CONSTANTLY SEEK AN END TO BLOODSHED IN VIETNAM

Mr. YOUNG of Ohio. Mr. President, within the last few days two of the most respected and trusted world leaders have made important statements regarding the urgent necessity for further attempts to bring about an end to the miserable civil war in Vietnam.

Pope Paul VI, in a dramatic appeal for peace, called for an end to the war in Vietnam before it is too late. He again urged a meeting of all responsible parties to negotiate a settlement. He warned that the bloody and difficult war raging in Vietnam threatens a more extensive and more disastrous calamity that could endanger the entire human race. This great man of peace called on men "to lay down their arms at least before it becomes too late to do so because of the mounting pressure of events."

United Nations Secretary General U Thant, in his blunt annual report to the General Assembly of the United Nations, expressed his fear that the way to the peace table in Vietnam will be permanently blocked if both sides continue to use the conflict as an ultimate ideological testing ground. He warned that "the cloud over Vietnam has grown larger and more ominous."

Mr. President, historically there are no such nations as North Vietnam and South Vietnam. The Geneva agreement recognized that fact, referring to the 17th parallel as being a temporary division or separation of Vietnam. Laos, Cambodia, and Vietnam both north and south of the 17th parallel formed the lush French Indochinese colonial empire. Throughout the 19th century and part of the 20th century, the people of what was termed Indochina lived as subjects of French colonialism. They fought for national liberation and achieved their freedom following World War II. Following the Japanese withdrawal in 1945, the French sent in more than 200,000 troops to continue their colonial oppression of Indochina. In 1954, the forces of the National Liberation Front overran Dienbienphu, and in September of that year the French withdrew.

Mr. President, we would do well to heed the advice of Pope Paul VI and Secretary General U Thant. Unpleasant as it may be, the time for reappraisal has come, and thoughtful Americans should resolve to be realistic about it. The first step is to cast off the illusion that the civil war in Vietnam represents a final showdown with world communism. As U Thant pointed out so well, the basic problem in Vietnam is not one of ideology but one of national identity and survival. It is a war that millions of Vietnamese have been fighting since 1940. While the Communists may have captured leadership of the nationalist movement, we must not lose sight of the fact that this is also a continuation of a war of national liberation. The Saigon military junta is composed of 10 generals. Of the 10, 9 of the generals now ruling the Saigon Government fought on the side of the French colonial oppressors in 1953 and 1954 against their own fellow countrymen seeking national liberation. Prime Minister Ky, who was born in Hanoi, was in the French air force as a cadet in training. In other words, in the Vietnam war for liberation they were the tories and the Viet Minh fighting for national liberation were the patriots.

We can hardly claim that North Vietnam threatens our vital existence as a world power. Very definitely, Vietnam is of no strategic importance to the defense of the United States. We must then fall back on the argument that we are defending a free people against military aggression. However, at that point we face the embarrassing fact that very few nations in the world accept this as an accurate description of the war. More important is the fact that the great majority of the Vietcong—more than 80 percent fighting in the Mekong Delta—were born and reared in South Vietnam. It is a factually incorrect claim that State Secretary Dean Rusk makes that we are in southeast Asia with our hundreds of thousands of soldiers fighting a land war in an area 10,000 miles distant from our shores because of national aggression by one state against another. This is a fantastic claim lacking adequate basis in fact. Ho Chi Minh was waging his "war of national liberation" long before the Chinese Communists gained power in their own country.

Our mission should be to help people, if they want help, and to assist in building political and social conditions that will deter the people of the underdeveloped nations from looking to the Communist ideology for the cure for their national ills.

This does not at all mean abandoning the field everywhere to the Communists and retreating into isolation, but it does mean that we should apply appropriate measures to the particular situation we are dealing with, instead of trying to handle them all by a formula derived from a bygone set of circumstances. It means abandoning the assumption that the only way our national interest can be protected is by the direct application of our military power around the periphery of the Communist world. It means limiting our commitments to vital areas and bringing them into line with our capacity to fulfill them. Dean Rusk may assume the United States has a mandate from Almighty God to police the world. I repudiate any such view.

We, Americans, who like to regard ourselves as the most revolutionary nation in the world, have become, it seems, the most unrevolutionary in that regard.

Mr. President, in trying to bring about an armistice and peace and to end our involvement in this miserable civil war in the jungles of Vietnam, we would do well to encourage Pope Paul VI and Secretary General U Thant to continue leadership in their attempt to try and bring about peace. Indeed, we should follow that leadership. We would do well to make it crystal clear we would withdraw our Armed Forces in gradual stages directly following a conference to bring about a cease-fire and an armistice in Vietnam and to make it equally clear that we would meet with independent delegates of the Vietcong, or National Liberation Front, at any time and anywhere and seek to neutralize Vietnam and finally end the bloodletting there.

Unless this is accomplished, the future probably holds forth for us involvement with our Armed Forces in Vietnam for 5, 10, or 20 years. We should proclaim that we Americans are definitely willing to discuss a cease-fire and an armistice with delegates representing the National Liberation Front, or Vietcong, along with delegates representing the Hanoi government and Saigon government. Also, the road to an ultimate settlement lies through halting our buildup of the Vietnamese war and moving toward a deescalation rather than an escalation of the war.

As U Thant said in his report:

> The survival of the people of Vietnam must be seen as the real issue, and it can be resolved not by force but by patience and understanding, in the framework of a willingness to live and let live.

AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1571, S. 3830.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3830) to amend the Atomic Energy Act of 1954, as amended.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PASTORE. Mr. President, I rise in support of enactment of S. 3830, a bill to amend the Price-Anderson nuclear indemnity provisions of the Atomic Energy Act of 1954.

The Price-Anderson nuclear indemnity legislation was enacted in 1957 for two principal purposes. First, to protect the public by assuring the availability of funds for the payment of claims arising in the extremely unlikely event of a catastrophic nuclear incident. Second, to remove a deterrent to private industrial participation in the atomic energy program which flowed from the threat of tremendous potential liability claims. The act accordingly affords protection to the public and to AEC's licensees and contractors from the risks associated with atomic energy by providing for a program of private insurance and governmental indemnity amounting to a maximum of $560 million to cover damages that conceivably could arise from a nuclear incident.

Last year the Joint Committee recommended, and there was enacted, legislation extending the Price-Anderson Act for 10 years—to 1977. During our hearings on the extension legislation, our committee identified a number of potentially serious problems which required further study. These included the difficulty that might face a claimant if he were unable to prove someone's negligence was the cause of a nuclear incident. In addition, concern was expressed that the statutes of limitations of many States are inadequate to provide for delayed manifestation of radiation injury.

Our committee has continued to study these problems, in consultation with representatives of the private insurance industry, the nuclear industry, and the AEC. As a result of the cooperative efforts of all concerned a bill was drafted which attempted to remedy the deficiencies in the existing legislation.

In July of this year our committee held 3 days of hearings on the proposed bill, and we believe that we have now reported out a measure which will substantially improve the protection to the public afforded by the Price-Anderson legislation without in any way operating to the detriment of the nuclear industry. Moreover, it is important to note that S. 3830—while providing for the elimination of certain serious legal obstacles which might face claimants in the event of a substantial nuclear incident—does not establish a new body of Federal tort law. Instead, this bill follows the approach of the original Price-Anderson Act; that is, making a minimum interference with the laws of the several States insofar as legal liability for nuclear incidents is concerned. Our committee continues to endorse this general approach.

Mr. President, a detailed analysis of S. 3830 is contained in our committee's report which is before you. Our report discusses the provisions of this bill in depth and explains the policy bases of our committee's recommendation.

I will summarize the major provisions of S. 3830 very briefly as follows:

First. The bill would authorize the AEC to establish coordinated procedures with the nuclear liability insurance pools for the prompt settlement of claims arising out of a nuclear incident.

Second. The bill would authorize the AEC to incorporate provisions in its indemnity agreements with AEC's licensees and contractors, and to require incorporation of provisions in nuclear liability insurance policies and contracts which are furnished as proof of financial protection by AEC's licensees and contractors, which waive any issue or defense as to conduct of the claimant or fault of defendants. The primary end result of these waivers would be first to eliminate any requirement that a claimant prove that someone was negligent in order to recover for his damages from a serious nuclear incident and, second, any possible issue as to the claimant's contributory negligence or assumption of risk. Waivers could also be required with respect to charitable or governmental immunity of the defendant and statutes of limitations, subject to certain conditions.

Third. The waivers would apply only with respect to an "extraordinary nuclear occurrence" as defined in the bill. The Commission would be empowered to determine whether an "extraordinary nuclear occurrence" had taken place in order to make the waivers effective.

Fourth. The bill would provide that in the event of an "extraordinary nuclear occurrence" the U.S. district court in the district where such occurrence takes place shall have original jurisdiction of any public liability action arising out of the occurrence, without regard to the citizenship of any party or the amount in controversy. The bill would also authorize the removal to such district court of all public liability actions arising from the same occurrence which are pending in other courts.

Fifth. The bill would provide limitations on the amounts that may be paid from the private insurance-governmental indemnity fund established under the Price-Anderson Act without prior court approval. In addition, authority would be provided the appropriate U.S. district court to approve plans of distribution of the fund.

The Joint Committee believes this bill is an important improvement in the atomic energy legislation. S. 3830 was reported out by the Joint Committee without dissent, and I urge the Senate to pass this bill without delay.

Mr. President, I might add that the bill has the approval of both the insurance industry and the nuclear industry involved.

I understand that the distinguished Senator from Massachusetts [Mr. SALTONSTALL] would like to ask me several questions.

Mr. SALTONSTALL. I thank the Senator from Rhode Island. He and I have been Governors, and we know that there are differences in State laws particularly with relation to damages, and so forth. We also know that at times we have tried to get universal State laws on such matters as banking, for instance. The reason I ask these questions is that I have read part of the report—I will not say that I read it all—but it struck me that there were certain things of which I should like to make sure, although I know that they are probably quite clear in the Senator's mind.

My first question is: It is my understanding that this bill provides definite authority to the AEC to make emergency assistance payments to victims of a nuclear incident without requiring a potential claimant to release his right to sue for further damages, once they may become known.

Am I correct in this assumption, that the right of a person to file suit for additional damages, whether in a State or Federal court, would not be prejudiced by acceptance of such emergency assistance offered soon after an incident?

Mr. PASTORE. That is correct. The Senator is absolutely correct.

Mr. SALTONSTALL. My second question is: Do I understand correctly that it will not be necessary for the Commission to make the determination that the incident was an "extraordinary nuclear occurrence" before such emergency assistance could be offered?

Mr. PASTORE. For emergency assistance payments, no. The Commission does not have to make such a determination in order to make such payments. I might say to my distinguished colleague that if he and I were Governors once more, we would welcome this law. This law is intended to protect the claimant who, as the result of the special waivers authorized, would not be obliged to prove negligence. He would not be obliged to prove that there was no contributory negligence. Instead of writing a new body of law, what we are actually doing is permitting the AEC, in its indemnity agreements, and the insurance companies in their contracts of insurance with the utilities, or any other person who runs a reactor in any community where we might have this extraordinary incident that we have been talking about, to agree that the claimant can make his claim for any damage without proving negligence. He also would not be restricted by a short statute of limitations because sometimes, in a radiation injury, there is no manifestation of that injury within the period of the statute of limitations.

Thus, actually, this is a bill intended to protect the claimant and, in the meantime, of course, for the benefit of the claimant, he can get emergency payments.

Mr. SALTONSTALL. I ask the Senator, because he has answered my third question—but I have two or three more—what special advantages not now covered by the operation of the act could result from this authority to provide emergency assistance?

I think the Senator has answered that.

Mr. PASTORE. Yes, I have answered that.

Mr. SALTONSTALL. My next question is: What must the claimant show or prove to qualify him for the emergency assistance?

Mr. PASTORE. That he was injured.

Mr. SALTONSTALL. That he was injured. I assume that he would have to get advice——

Mr. PASTORE. He would have to show that. Of course he would.

Mr. SALTONSTALL. He would have to prove it, in order to qualify himself for this emergency assistance?

Mr. PASTORE. He would have to show that the injury was probably the result of the nuclear incident. That would have to be shown.

Mr. SALTONSTALL. He would have to prove that before representatives of the Commission?

Mr. PASTORE. That is right.

(At this point Mr. BASS took the chair as Presiding Officer.)

Mr. SALTONSTALL. My last question is: Would such assistance be in addition to or included as part of any final settlement?

Mr. PASTORE. It would be included within the final settlement. If he was entitled to more, he would get it.

Mr. SALTONSTALL. He would get what the Commission gave him anyway, and if he was entitled to more in the future, he would get that.

Mr. PASTORE. He would get his maximum damage and they would deduct anything that they have already paid him.

Mr. SALTONSTALL. So that this is an effort to make it the same all over the United States.

Mr. PASTORE. That is right.

Mr. SALTONSTALL. I thank the Senator.

Mr. PASTORE. I merely want the RECORD to show that a claim has never been filed under a Price-Anderson indemnity agreement with an AEC licensee. In other words, I do not want to leave the impression that anyone should be frightened over this bill. We recognize that there is a tremendous responsibility on the part of the Government in the event that we might have that kind of incident. But I want to say that we have come a long way in the development of plants for the production of electricity through the use of atomic energy. We have not had one major incident as yet.

Of course, the Senator from Massachusetts knows that there is a plant in Rowe, Mass., which is the pride of the Nation. I went up there and inspected it, and I was so pleased with it. When they tried to build another one in Connecticut, they hired a bus and took some people in Connecticut to Rowe, Mass. They were left there on their own to knock on doors and ask people in the neighborhood what they thought of having an atomic energy plant in Massachusetts, and the response was overwhelmingly in favor of it.

Mr. SALTONSTALL. Mr. Webster can take a great deal of credit for that; can he not?

Mr. PASTORE. Absolutely.

Mr. SALTONSTALL. I thank the Senator.

Mr. PASTORE. Mr. President, before I ask that the bill be passed, there is an error in the printing of S. 3830 in the word "of" appearing between the word "prosecution" and the word "defense" on line 23 of page 5. It should read "or" instead of "of."

I ask unanimous consent that the error be corrected, and I offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 5, line 23, after the word "prosecution" strike out "of" and insert "or".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and was passed, as follows:

S. 3830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11 of the Atomic Energy Act of 1954, as amended, is amended—

(1) by redesignating subsections j. and k. as subsections k. and l., respectively, and by redesignating subsections l. through aa. as subsections n. through cc., respectively;

(2) by inserting after subsection i. the following new subsection:

"j. The term 'extraordinary nuclear occurrence' means any event causing a discharge or dispersal of source, special nuclear, or byproduct material from its intended place of confinement in amounts offsite, or causing radiation levels offsite, which the Commission determines to be substantial, and which the Commission determines has resulted or will probably result in substantial damages to persons offsite or property offsite. Any determination by the Commission that such an event has, or has not, occurred shall be final and conclusive, and no other official or any court shall have power or jurisdiction to review any such determination. The Commission shall establish criteria in writing setting forth the basis upon which such determination shall be made. As used in this subsection, 'offsite' means away from 'the location' or 'the contract location' as defined in the applicable Commission indemnity agreement, entered into pursuant to section 170.";

(3) by inserting after the subsection redesignated as subsection l. by paragraph (1) of this subsection the following new subsection:

"m. The term 'indemnitor' means (1) any insurer with respect to his obligations under a policy of insurance furnished as proof of financial protection; (2) any licensee, contractor or other person who is obligated under any other form of financial protection, with respect to such obligations; and (3) the Commission with respect to any obligation undertaken by it in an indemnity agreement entered into pursuant to section 170."; and

(4) by inserting the phrase ", including an extraordinary nuclear occurrence," between the word "occurrence" and the word "within" in the subsection redesignated as subsection q. by paragraph (1) of this section.

(b) Section 109 of such Act is amended by striking out "subsection 11 t.(2) or 11 aa.(2)" and inserting in lieu thereof "subsection 11 v.(2) or 11cc.(2)".

SEC. 2. Subsection 170 e. of the Atomic Energy Act of 1954, as amended, is amended by deleting the last sentence.

SEC. 3. Section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsections:

"m. The Commission is authorized to enter into agreements with other indemnitors to establish coordinated procedures for the prompt handling, investigation, and settlement of claims for public liability. The Commission and other indemnitors may make payments to, or for the aid of, claimants for the purpose of providing immediate assistance following a nuclear incident. Any funds appropriated to the Commission shall be available for such payments. Such payments may be made without securing releases, shall not constitute an admission of the liability of any person indemnified or of any indemnitor, and shall operate as a satisfaction to the extent thereof of any final settlement or judgment.

"n. (1) With respect to any extraordinary nuclear occurrence to which an insurance policy or contract furnished as proof of financial protection or an indemnity agreement applies and which—

"(a) arises out of or results from or occurs in the course of the construction, possession, or operation of a production or utilization facility, or

"(b) arises out of or results from or occurs in the course of transportation of source material, byproduct material, or special nuclear material to or from a production or utilization facility, or

"(c) during the course of the contract activity arises out of or results from the possession, operation, or use by a Commission contractor or subcontractor of a device utilizing special nuclear material or byproduct material,

the Commission may incorporate provisions in indemnity agreements with licensees and contractors under this section, and may require provisions to be incorporated in insurance policies or contracts furnished as proof of financial protection, which waive (i) any issue or defense as to conduct of the claimant or fault of persons indemnified, (ii) any issue or defense as to charitable or governmental immunity, and (iii) any issue or defense based on any statute of limitations if suit is instituted within three years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof, but in no event more than ten years after the date of the nuclear incident. The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. When so incorporated, such waivers shall be judicially enforcible in accordance with their terms by the claimant against the person indemnified. Such waivers shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages, nor shall such waivers apply to injury or damage to a claimant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant. The waivers authorized in this subsection shall, as to indemnitors, be effective only with respect to those obligations set forth in the insurance policies or the contracts furnished as proof of financial protection and in the indemnity agreements. Such waivers shall not apply to, or prejudice the prosecution or defense of, any claim or portion of claim which is not within the protection afforded under (i) the terms of insurance policies or contracts furnished as proof of financial protection, or indemnity agreements, and (ii) the limit of liability provisions of subsection 170 e.

"(2) With respect to any public liability action arising out of or resulting from an extraordinary nuclear occurrence, the United States district court in the district where the extraordinary nuclear occurrence takes place, or in the case of an extraordinary nuclear occurrence taking place outside the United States, the United States District Court for the District of Columbia, shall have original jurisdiction without regard to the citizenship of any party or the amount in controversy. Upon motion of the defendant or of the Commission, any such action pending in any State court or United States district court shall be removed or transferred to the United States district court having venue under this subsection. Process of such district court shall be effective throughout the United States.

"o. Whenever the United States district court in the district where a nuclear incident occurs, or the United States District Court for the District of Columbia in case of a nuclear incident occurring outside the United States, determines upon the petition of any indemnitor or other interested person that public liability from a single nuclear incident may exceed the limit of liability under subsection 170e.:

"(1) Total payments made by or for all indemnitors as a result of such nuclear incident shall not exceed 15 per centum of such limit of liability without the prior approval of such court;

"(2) The court shall not authorize payments in excess of 15 per centum of such limit of liability unless the court determines that such payments are or will be in accordance with a plan of distribution which has been approved by the court or such payments are not likely to prejudice the subsequent adoption and implementation by the court of a plan of distribution pursuant to subparagraph (3) of this subsection (o); and

"(3) The Commission shall, and any other indemnitor or other interested person may, submit to such district court a plan for the disposition of pending claims and for the distribution of remaining funds available. Such a plan shall include an allocation of appropriate amounts for personal injury claims, property damage claims, and possible latent injury claims which may not be discovered until a later time. Such court shall have all power necessary to approve, disapprove, or modify plans proposed, or to adopt another plan; and to determine the proportionate share of funds available for each claimant. The Commission, any other indemnitor, and any person indemnified shall be entitled to such orders as may be appropriate to implement and enforce the provisions of this section, including orders limiting the liability of the persons indemnified, orders approving or modifying the plan, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, and orders permitting partial payments to be made before final determination of the total claims. The orders of such court shall be effective throughout the United States."

INCREASE OF POSITIONS IN GS-16, GS-17, AND GS-18—CONFERENCE REPORT

Mr. MONRONEY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2393) to authorize additional GS-16, GS-17, and GS-18 positions for use in agencies or functions created or substantially expanded after June 30, 1965. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 21, 1966, CONGRESSIONAL RECORD, pp. 23362–23364.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MONRONEY. Mr. President, this bill represents a compromise between the bill passed by the Senate last September, which created 100 new supergrade positions for agency functions created or substantially expanded after June 30, 1965, and the House bill passed last June which created a total of 456 supergrade positions.

The conferees agreed to provide 177 new positions to be allocated by the Civil Service Commission to the various agencies of the executive branch without regard to the date of agency creation or expansion. In addition, the conferees agreed to authorize 123 positions specificially assigned to 4 agencies of the executive and legislative branches.

The Federal Bureau of Investigation will receive 35 new positions. This figure is 15 less than originally provided by the House bill.

The National Security Agency will receive 35 positions, 5 for administration, and 30 for scientific research and development activities. This figure is five less than originally authorized by the House.

The General Accounting Office will receive 25 positions. This figure is 6 less than originally authorized by the House bill.

The Library of Congress will receive 28 positions. This is 7 less than recommended by the House.

The increase of 177 positions in the pool of supergrades administered by the Civil Service Commission will increase the total number of supergrade positions to 2,577. In order to receive a supergrade appointment, an agency must prove its case to the Civil Service Commission both in regard to the position and the candidate for the position.

The conferees agreed to remove level 18 positions in the postal field service salary schedule from the 3 levels which have been restricted to a total of 70 positions. The salary range for PFS-18 is not equal to GS-16 and should not be considered as a supergrade. A new total of 55 positions will be available to the Post Office Department in PFS-19 and 20.

The House version of the bill removed the percentage limitations on the number of GS-17 and GS-18 positions. Under present law, not more than 25 percent of the total number of supergrades can be GS-17 and not more than 12 percent can be GS-18. The conferees agreed to retain this limitation in the law.

Certain provisions of the law authorizing supergrades for various agencies in the executive branch were repealed because they have been executed and are no longer necessary.

The Senate conferees receded from the limitation date of June 30, 1965, and agreed that positions to be allocated by the Commission can be distributed without regard to the date of creation of the agency or function.

The conference report was agreed upon unanimously. I think it represents a generous increase in the number of supergrades available to the executive branch and at the same time is in keeping with the needs of our economy. I recommend that the Senate act favorably on the conference report.

Mr. CARLSON. Mr. President, I heartily approve of the conference report which has been submitted by the distinguished chairman of the Post Office and Civil Service Committee.

Public Law 87–793 of 1962 was the last time the Classification Act was amended to provide additional positions in grades GS-16 through GS-18. The maximum quota available to the Government was put at 2,400. By mid-1965 these authorities were exhausted.

When the medicare proposal was receiving legislative consideration, to meet the top staffing need of the program, the legislation provided about 100 supergrades earmarked for Social Security.

I felt at the time this proposal was too specific and that such proposal should go through proper committee channels. I stated on the floor of the Senate during the debate on the question that if it could be shown that additional supergrades were needed for the Department of Health, Education, and Welfare and Social Security and a bill were introduced on which hearings could be held, I would help get the spaces needed. I hope these agencies will get needed supergrades.

A bill, S. 2393, was introduced by the distinguished chairman of the Senate Post Office and Civil Service Committee, Mr. MONRONEY, and cosponsored by the Senator from Maryland [Mr. BREWSTER] and me. The bill provided for 100 additional positions in grades 16, 17, and 18 by increasing the maximum number alloted to the Government in these positions from 2,400 to 2,500. Hearings were held on the bill and it was reported to the Senate without amendment. The bill passed the Senate, September 1, 1965.

It was not acted on by the House until June 6, 1966. In that time Congress enacted a substantial number of bills which either created new agencies or expanded the functions of others.

The House-amended bill increased the maximum number under direct authorization of the Civil Service Commission to 2,700. It provided additional spaces of 156 under special authority to certain agencies. This made a grand-total increase of 456.

In conference, the Senate conferees insisted that this number be reduced. In conference agreement the conferees set the pool under direct authorization of the Civil Service Commission at 177, and additional or special authority spaces at 123, making a total of 300. This, I believe was a reasonable conclusion and I recommend that the conference report be agreed to by the Senate.

Mr. President, there has been much discussion about the term "supergrade." I do not believe the word is a legal term or carries any legal connotation as far as the Civil Service Act is concerned.

As new agencies were created and other agencies were expanded, it became more difficult to obtain qualified top-staff employees at a grade 15, which was provided for under the Classification Act. Therefore, the Classification Act was amended by adding grades 16, 17, and 18. The Congress specified the number of employees allowed to each of these grades. The term "supergrade" is merely a descriptive term, generally applied to the additional grades above a GS-15.

Mr. President, it is interesting to note the growth in numbers of supergrades since 1949 to 1965. The total number of employees in grades 16, 17, and 18 in 1949 was 485. In 1965 that number had increased to 5,755, and with this additional 300 we now have authorized over 6,000 supergrades.

Mr. President, I ask unanimous consent that a table showing the increases by years be inserted in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CARLSON. Mr. President, I mention this because there is a tendency in Congress to add supergrades to legislation which comes from other committees. I have consistently opposed those recommended by committees other than the Committee on Post Office and Civil Service.

I think it may be interesting to point out that presently we have over 2,800,000 Federal civilian employees. That is the highest number since the Korean war. When this administration came into office, there were fewer than 2,400,000 Federal civil service employees. In December last there were 2,567,000 employees. The latest figure is that there are 2,806,000 Federal civil service employees.

In World War II we had a higher number. At that time the number was as high as 3,800,000 civilian employees.

I mention this because there is an ever-increasing tendency to add Federal civil service employees to the Government payrolls. With the increase that we have just now voted in the supergrades, we will have more than 6,000 supergrade employees; and we presently have 2,800,000 Federal civilian employees.

EXHIBIT 1

Growth of supergrades and Public Law 313-type positions authorized by law as of Feb. 4, 1966, furnished by Civil Service Commission

GS-16, GS-17, and GS-18	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
General quota	400	400	400	400	400	550	1,200	1,226	1,226	1,513	1,035	1,035	1,989	2,400	2,400	2,400	2,400
DOD quota	----	----	----	----	----	----	----	----	----	----	372	372	407	407	407	407	407
Nonquota	----	----	----	----	----	----	----	----	----	----	----	----	----	(1)	595	1,014	1,206
Special authorities [2]	25	25	25	25	28	28	57	57	57	145	146	146	171	177	187	436	436
Subtotal	425	425	425	425	428	578	1,257	1,283	1,283	1,658	1,553	1,553	2,567	2,984	3,589	4,257	4,449
Public Law 313	60	90	90	90	90	90	105	190	190	737	935	935	1,306	1,306	1,306	1,306	1,306
Total	485	515	515	515	518	668	1,362	1,473	1,473	2,395	2,488	2,488	3,873	4,290	4,895	5,563	5,755

[1] Effective Oct. 11, 1962 (Public Law 87-793).

[2] Figures shown in this line take account only of special authorities existing. During the period many temporary authorities arose and disappeared, some within a single year.

The amounts shown in 1959-60 do not take into account a Treasury special authority of 260 set up in 1959 and dropped in 1961.

Source: Classification Division, Civil Service Commission.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. KUCHEL. Mr. President, I rise simply to say publicly what I have said privately to the distinguished chairman and the ranking minority member of the committee: I congratulate them on what I think is not simply a job well done, but excellently done, which will serve the public interest.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. MONRONEY. I appreciate the remarks of the assistant minority leader.

In this regard, the Federal Government, like many industries, has a problem of retaining people with specialized training and experience, as does private industry, and only by paying a salary somewhat comparable to that afforded by private industry can we hope to maintain these men in key positions, whose decisions may affect the expenditure of hundreds of millions of dollars.

I conferred with the Senator from California several times during the conference, and I am glad that the result of our efforts meets with his approval.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMERICA'S ROLE IN ASIA

Mr. KUCHEL. Mr. President, in the Los Angeles Times of Sunday, September 18, 1966, the lead editorial is entitled, "America's Role in Asia." In a perceptive and penetrating comment, the Times goes on to describe the fact that the United States is and has been a Pacific power, regardless of what the head of the Republic of France may have said on his recent visit to southeast Asia.

The editorial quotes President Marcos, that gallant leader of the Philippine Republic, who spoke in this Capitol just a few days ago, as follows:

> It was only the American presence in Vietnam which prevented the fall of the Indonesian government into Communist hands. Not only Indonesia, but also other countries.

The Times observes:

> America's military role is only part of the story of our responsibilities in Asia. Building the economic and political strength of the free nations of the area, and working for reconciliation between hostile nations, are also major goals of U.S. policy and essential for peace.

The entire editorial merits the attention of the Senate and the country.

I ask unanimous consent that the entire text of the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times,
Sept. 18, 1966]

AMERICA'S ROLE IN ASIA

In Cambodia a few weeks ago President de Gaulle, beating the drums for a greater French influence in Asia, spoke sneeringly of "the foreigner who comes from the other shores of the Pacific" to meddle in Asian affairs. His reference was to the United States, and his implication appeared to be that this nation has no rightful interests anywhere west of Hawaii.

Some weeks earlier, conversely, President Johnson had described the United States as "a Pacific power," with obligations and interests that stretch far across the ocean to those lands where live 60% of the world's people.

Asia, said the President, "is now the crucial arena for man's striving for independence and order, and for life itself," and the United States is deeply involved—and rightly so—in that struggle.

It is not hard to see that reality and history are on the side of Mr. Johnson. De Gaulle, who raised no objections about the foreigner who came from the other shores of the Atlantic to restore France after one of her periodic defeats, knows that the United States was a Pacific power long before she became an Atlantic one.

Expediency no doubt prompted him to forget this fact, but its accuracy remains undiminished.

U.S. interest in Asia are long-standing, multi-faceted and continuing. They are also complex, involving not only self-interest, which is the basis for any nation's policies, but also a strong moral commitment and the fact that the United States, as the world's wealthiest and most powerful nation—and a Pacific power—is the only country able and willing to do certain things that must be done.

Critics of U.S. Asian policy, here and abroad, view the case differently. To some the United States is concerned in Asia primarily with economic aggrandizement.

Others feel the proper sphere of U.S. interest should be Europe. Our Asian commitments aren't worth the resources they require, this group says, and besides, the Asians just aren't our kind of people.

These arguments, as the President noted, have all been tested and found wanting. They do not stand the tests of geography, or common sense, or human concern, or the political, economic, and military realities of this century.

The second world war, decolonization in Asia and the commensurate rise of communism in China all served to alter irrevocably the foundation for stability in the area. This does not mean that the pre-war status quo was either a model of order or preferable. What it does mean is that conditions have evolved that make an expanded U.S. role in Asia necessary.

Although this role takes several forms, the one that most upsets critics of U.S. policy is the military aspect of American involvement, typified, of course, by the Vietnam war.

The critical arguments are familiar enough not to need repeating, and so also are the official responses. A point too often ignored by critics, however, does merit recall. This is that non-Communist Asians strongly desire a U.S. military presence in the area; indeed, they depend on it.

This desire is by no means limited simply to the military governments in Asia. On the contrary: the democratically elected governments of Japan, the Philippines, Malaysia, Australia and Singapore are equally clear in their support for a U.S. military presence. These governments, and the great majority of the people they represent, understand the threat to national independence posed by militant communism in Asia, and they understand the security an American presence helps guarantee.

The fact that the United States is fulfilling its military commitments in Asia has a bearing not only on the war in Vietnam but elsewhere. For example, President Marcos of the Philippines has said flatly that "It was only the American presence in Vietnam which prevented the fall of the Indonesian government into Communist hands. Not only Indonesia, but also other countries." This view is by no means uniquely held.

It might also be assumed, with good reason, that such neutralist states as Burma and—yes—even Cambodia are not unhappy with a U.S. presence that is a counterweight to Chinese threats.

But America's military role is only part of the story of our responsibilities in Asia. Building the economic and political strength of the free nations of the area, and working for reconciliation between hostile nations, are also major goals of U.S. policy and essential for peace.

Military strength, and the willingness to meet commitments, are necessary pre-conditions for carrying out these other goals. Those who would have the United States withdraw from Asia, or refuse to meet the security needs of countries that need help, cannot expect economic and political progress to go forward.

Such progress is good in its own right, and good for the United States. Judged either way, it supports what this country is doing in Asia.

Mr. **KUCHEL.** Mr. President, proceeding now to another subject, I ask unanimous consent that I may be permitted to finish my remarks on this subject without interruption.

The **PRESIDING OFFICER.** How much time does the Senator wish?

Mr. **KUCHEL.** Five minutes.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

Mr. **MANSFIELD.** Mr. President, will the Senator yield?

Mr. **KUCHEL.** I yield to the majority leader.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that, at the conclusion of the morning hour, the distinguished Senator from Kansas [Mr. PEARSON] be recognized.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

MAINTAINING NATO

Mr. **KUCHEL.** Mr. President, on August 29, I addressed the Senate to point out that the American involvement in southeast Asia is a global matter and that, given the aggressive design of Communist China, the entire world is threatened with a major conflict. These are critical times for the survival of modern man.

Whether we like it or not, Mr. President, the burden of preserving peace and human freedom in this decade of the 20th century has fallen in large part on the shoulders of our great country. Accordingly, even a minor change in the foreign policy of the United States may be of great significance to the entire world.

Members on the majority side of the aisle have proposed a resolution saying that it is the sense of the Senate that there should be "a substantial reduction" in American forces stationed in Europe in connection with the North Atlantic Treaty. The resolution does not state how many troops should be withdrawn nor whether this step should be taken unilaterally or in consultation with our allies. The phrase "substantial reduction" is susceptible of many and diverse interpretations, and Senate debate alone will not supply a single definition. At this point, I must add it may well be that some reductions are in order, but there is a need for careful deliberation regarding the size and shape. If there is to be a Senate view on the matter, it ought to be based on credible testimony by the Secretaries of Defense, and State, and the Joint Chiefs of Staff. The fact is that this is an executive decision, not a legislative one, and the executive branch takes a dim view of the resolution.

Years ago, General MacArthur told the Congress and the country that while it is true Europe is the gateway to Asia, the reverse, as well, is equally true. The resolution raises a large number of critical issues of global importance. Among them is the fundamental question of collective security, upon which our policies have been based since World War II. That fundamental question touches furthermore on the doctrine of the defense of Europe.

In 1951 when the Congress, with the President's enthusiastic approval, passed a resolution in support of stationing American forces in Europe under NATO, extensive hearings were held in committee, to chart the course our Nation would follow as a result of that momentous step. Thereafter, the Senate acted. Today it is proposed to amend that earlier resolution and to urge a withdrawal of a substantial number of our troops but with no prior sifting of the facts by committee. Such a proposal may be no less important to our policy and must be given the same care as its predecessor.

Several days ago, my distinguished friend, the senior Senator from New Hampshire [Mr. COTTON] pointed out that a substantial withdrawal of troops from Europe could imply a return to the outmoded concept of "massive retaliation," and with it, the abandonment of many of the safeguards that have since been erected to prevent a global holocaust. I agree with him. The resolution implies a major change in military policy, in effect stating that the United States will not employ her troops as the first defense against aggression in Europe. In my view it implies that we might well go all the way to a nuclear response at the moment of attack, whether it be a feint, a probe, or even a miscalculation in maneuvers. The truth is that we should take extraordinary pains to prevent any nation from misjudging or falsely interpreting our resolve.

A great power must make its purposes clear lest its allies be confused and its enemies miscalculate its intentions. No nation, friend or foe, should have to guess or grope for the basis of our international policy in this nuclear age.

We have already learned in Vietnam how our enemies listen to the voices they wish to hear. Ho Chi Minh believes Americans will give up. He heeds the cry of those who claim that the majority of Americans will not support our efforts in southeast Asia. It has taken months of perseverance to give the lie to this contention. A great number of American lives have been lost, and may yet be lost, in convincing the North Vietnamese that they have miscalculated our intentions.

How much more costly for the world would be a Soviet failure to understand U.S. determination to defend Europe?

Approval of the resolution by the Senate in its present form could deepen Britain's quandary about her costly commitment on the Rhine. It could and, no doubt, would, enlarge West Germany's doubts about the adequacy of her defense, putting her in a position where many Germans would be tempted to contemplate measures leading to a nuclear force as an alternative to dependence on Gaullist France. And, most important, it could well tempt the Soviet Union into renewed adventures in Europe, prompted by too great a fear for a renascent Germany and too little for the United States. As the Washington Post pointed out in a recent editorial, a return to the doctrine of massive retaliation "simply would not be credible to either the Soviets or the Western Europeans in all sorts of marginal situations, such as a Hungarian-style revolt in East Germany that might transgress the border." The United States cannot afford to play these critical events on the blind. My position at the time the resolution was first introduced, remains the same. It must be subjected to close scrutiny in committee, where careful cross-examination can build a printed record on which Senators may more clearly chart the position of this House.

No major troop withdrawals should be considered without full consultation with our allies, and, if possible, without exacting a reciprocal withdrawal of forces opposing the free world on the other side of the Iron Curtain. Revision of the resolution to take these factors into account would do much toward increasing its merit. Some reduction of forces may be desirable, and, indeed, quite acceptable to both us and our allies. But the essential need is to make certain that all concerned know the purpose and import of this resolution, both in terms of our foreign policy and our national security. Its meaning must be made crystal clear. It must be understood not only on the floor of the Senate but by members of the executive branch, the Armed Forces, and the people at large.

The actions of the Senate will have a great impact on American policy. Moreover, it is the task of the Senate to bring to bear on the forces making our foreign policy the will of the American people. This resolution, as I say, must be given the most careful hearings to record the views of the President, the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other interested Americans. I intend to move that appropriate hearings be held.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. MANSFIELD. Mr. President, I listened with great interest to what the distinguished acting minority leader has said about Senate Resolution 300.

I must say that I disagree in large part with the logic which he used to explain his point of view.

This subject will be brought before the Senate and the Senate will have an opportunity to discuss it in public, as I think should be done, and, if the Senate so desires, it will be referred to a committee or committees.

I should like respectfully to make a suggestion to the acting minority leader, if I may, and that is that he be on the floor at the conclusion of the morning hour to listen to a speech to be given by our distinguished colleague, the Senator from Kansas [Mr. PEARSON], on this very subject.

I think we will all find the speech enlightening. It goes into facts and figures and, I think, does a good job of expressing his point of view as a sponsor of the resolution, which now has 31 names attached to it, and which will be before the Senate either later this month or early next month.

Mr. KUCHEL. Mr. President, I thank my friend, the majority leader. That statement gives me an opportunity to express to my colleague on the floor what I think is quite obvious—my own high respect for the ability and patriotism and experience which mark the conduct of the senior Senator from Montana. MIKE MANSFIELD is an able Senator. In this instance, however, I simply disagree with him.

Mr. President, I do not want to make a mistake in casting my vote on a resolution that concerns as delicate and important a problem as that which is inherent in the resolution to which my able colleague, the majority leader, has referred. I do not want to make a mistake, and, taking that position, I want to be armed as best I can, not simply with benefit of the debate that will ensue in the Senate, but also with the careful and deliberate and considered opinion of those in the executive branch who, in the last analysis, will make the decision. A hearing will permit a careful cross-examination of each of them.

I say quite frankly that many Senators—and my able friend, the majority leader, is one of them—have far more knowledge and experience on which to draw in reaching a conclusion than does this Senator.

It is in great part for that reason that I do desire that this resolution go through the Senate processes of committee hearings.

Mr. MANSFIELD. Mr. President, the Senator is too modest when he speaks of his capabilities, which are great and varied. But I hope the Senate will not forget one aspect of the Constitution, and that is the Senate's right and duty of advice.

That is something that we had better keep in mind and pursue in the days ahead, perhaps more so in the future than in the past.

Mr. KUCHEL. Mr. President, I agree again that the Senate has a responsibility which it must discharge. In discharging it, I simply want the Senate to be as fully armed with the facts as it may be before each 100th part of the Senate renders its decision.

ASTRONOMICAL LEVEL OF FEDERAL CIVILIAN EMPLOYMENT

Mr. WILLIAMS of Delaware. Mr. President, the President's announcement that he has ordered the Director of the Budget to freeze Federal civilian employment at existing levels and then hailing this as a great demonstration of economy is an insult to the intelligence of the American taxpayers.

The fact is the Federal civilian employment today is at an astronomical high level, having been increased by 234,387 in the past 7 months, and then to have this move described as a reduction of 30,000 in their plans for future employment is a farce.

This is the second grandstand play of fictitious economy with the Federal employees as the pawns.

On December 1 of last year President Johnson held a press conference at his Texas ranch and announced that Federal civilian employment was too high and that it was going to be reduced by 25,000 during the remainder of that fiscal year, or by June 30, 1966.

What happened?

Instead of reducing employment by 25,000, the administration actually has added another 234,000.

The rate at which Federal civilian employment has been increased since his statement of December 1965 is as follows:

Month:	*Employment*	*Increase*
December 1965	2, 550, 742	
January 1966	2, 555, 572	4, 830
February 1966	2, 580, 518	24, 946
March 1966	2, 610, 780	30, 262
April 1966	2, 644, 153	33, 373
May 1966	2, 665, 160	21, 007
June 1966	2, 738, 248	73, 088
July 1966	2, 785, 129	46, 881

These extra 234,387 employees are costing the taxpayers over $1¼ billion annually, and to freeze employment at this existing high level means that this extra payroll cost will cancel out entirely any additional revenue that would be derived by repealing or suspending the 7-percent investment tax credit.

This would nullify any benefit from such action on taxes and only further feed the fires of inflation.

This excessive payroll must be cut, and I am having drafted an amendment which, instead of freezing Federal employment at existing levels, will roll back Federal civilian employment to the level of January 1966, thereby forcing a reduction of at least 200,000 below existing levels.

This reduction can be accomplished without any dismissals but by merely adopting a plan restricting future employment at a level not to exceed three-fourths of the number of retirements and voluntary resignations that occur each month.

TRIBUTE TO WILLIAM H. PITSENBARGER ON POSTHUMOUS AWARD OF AIR FORCE CROSS

Mr. LAUSCHE. Mr. President, it was my honor today at noon to be present when the U.S. Government, through the Air Force, presented posthumously to the parents of William H. Pitsenbarger the Air Force Cross, the highest honor and award that the Air Force can make.

I express to the parents of William H. Pitsenbarger my great admiration for their valor and stalwartness displayed today when this award was given to them by the Air Force.

I feel that the conduct of A1c. William H. Pitsenbarger in South Vietnam was of such an heroic nature that a description of it ought to be printed in the RECORD.

Mr. President, the citation reads:

CITATION TO ACCOMPANY THE AWARD OF THE AIR FORCE CROSS (POSTHUMOUSLY) TO WILLIAM H. PITSENBARGER

Airman First Class William H. Pitsenbarger distinguished himself by extraordinary heroism in connection with military operations against an opposing armed force near Cam My, Republic of Vietnam, on 11 April 1966. On that date, Airman Pitsenbarger was a rescue and survival specialist aboard a helicopter engaged in the evacuation of American casualties in a dense jungle. With complete disregard for his personal safety, Airman Pitsenbarger vountarily rode a rescue hoist more than one-hundred feet to the ground and organized and coordinated rescue efforts at the scene. During the rescue operation, he cared for and prepared the casualties for evacuation, and insured that the recovery operation continued in a smooth and orderly fashion. Following the recovery of the ninth casualty, the rescue aircraft hovering overhead was damaged and disabled by automatic weapons fire. The helicopter was forced to abandon recovery efforts to make an emergency landing at a nearby airstrip. Airman Pitsenbarger volunteered to remain on the ground and administer medical treatment to the wounded.

Shortly after rescue efforts were interrupted, the area came under heavy sniper and mortar fire. Airman Pitsenbarger repeatedly exposed himself to intensive automatic fire while gathering rifles and ammunition from fallen comrades which he passed among the defenders. His bravery and determination in the face of overwhelming odds are in keeping with the highest standards of performance and traditions of the American fighting man under attack. The extraordinary heroism and aggressiveness of airman Pitsenbarger reflect the highest credit upon himself and the United States Air Force.

In addition to the Air Force Cross, Airman Pitsenbarger is being awarded today the Airman's Medal, the Purple Heart, and clusters six through nine to the Air Medal. His citation for the Airman's Medal notes that on 7 March of this year he volunteered to be lowered by hoist from his helicopter into a burning field of concealed mines to rescue an injured Vietnamese, an act performed "with complete disregard for his own safety."

The Purple Heart is being awarded because of injuries he sustained "as a result of action by a hostile foreign force."

The citation to the four clusters for his Air Medal refers to his "outstanding airmanship and courage under extremely hazardous conditions," exhibited on frequent combat support missions flown during the early months of this year.

I was present when this high award was made to the mother and father of William Pitsenbarger. They stood there heroically, in my opinion reflecting the courageous and stalwart character of their son. The mother was brave. The father shed tears. But both were proud.

At the conclusion of the award, I felt that I was spiritually cleansed and fortified for better rendition of service in the responsibility which I have for my Government. I only regret that others were not present.

Ohio is proud of A1c. William H. Pitsenbarger and his parents. Piqua, the historic city from which Pitsenbarger came, likewise has great reason to express honor and pride in the achievements of this young man.

PROMOTION OF SAVINGS UNDER THE INTERNAL REVENUE SERVICE'S AUTOMATIC DATA PROCESSING SYSTEM

Mr. MANSFIELD. Mr. President, while the distinguished Senator from Delaware [Mr. WILLIAMS] is on the floor, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1592, H.R. 6958.

The PRESIDING OFFICER (Mr. McGEE in the chair). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 6958) to amend the Internal Revenue Code of 1954 to promote savings under the Internal Revenue Service's automatic data processing system.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that excerpts from the committee report explaining the purpose of this bill be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

I. SUMMARY

H.R. 6958 is concerned primarily with the provisions of the tax laws specifying the place for filing income and other tax returns. The principal purpose of the changes made is to increase substantially the economics possible under the Internal Revenue Service's new automatic data processing system.

Present law generally requires that tax returns be filed in one of the 58 offices of the District Directors of Internal Revenue. Under the Internal Revenue Service's automatic data processing system, after some initial processing at the district director's office, these returns are packaged and shipped to one of the seven regional automatic data processing service centers where the processing of the returns is completed. The bill amends present law to permit the Treasury Department to require taxpayers to mail their tax returns directly to the service centers, thereby eliminating the double handling and extending the economics of volume processing to the initial processing steps. The bill provides, however, that a taxpayer who desires to file his return in person may continue to do so as at present by hand carrying it to his local Internal Revenue Service office.

Your committee, like the Committee on Ways and Means, has been assured by the Treasury Department that none of the services taxpayers are accustomed to receiving at their local internal revenue offices will be curtailed as a result of the enactment of this bill.

The bill provides that, in the case of taxpayers residing abroad, foreign corporations, and taxpayers with income from abroad to whom certain enumerated special provisions of the code apply, the Treasury Department may designate by regulations the place at which they must file their tax returns. Presumably, this will be with the Office of International Operations.

The bill also makes amendments which are related to the change in the place for filing tax returns. Several of these, however, have independent significance. The more important of these changes are as follows:

1. Where a criminal prosecution for willful failure to file a tax return is begun in a judicial district other than the one in which he resides, the bill grants the defendant the right to have the trial moved to his home district.

2. The bill does away with tax refund suits against collection officers, but retains the provisions of present law which permits these suits to be brought directly against the United States and which provide for court costs to be borne by the unsuccessful party in the proceeding.

3. The bill provides that appeals from Tax Court decisions are to be made to the court of appeals for the circuit in which the individual resides at the time he filed his petition in the Tax Court, or in the case of a corporation, to the court of appeals for the circuit in which its principal place of business or principal office or agency is located at that time.

4. The bill also provides that the timely mailing of a tax return or payment is to be considered timely filing or timely payment. As a result, where the postmark on an envelope in which an individual income tax return and payment are enclosed shows that it was mailed on or before the due date, the return and payment will be considered as filed or paid on time even though received after the due date.

The provisions of the bill take effect, generally, upon enactment.

This bill was introduced at the request of the Treasury Department. It is reported unanimously by your committee.

II. REASONS FOR THE BILL

The Internal Revenue Service is nearing completion of its conversion from manual to automatic data processing of tax returns. Since the economies arising from automatic data processing can best be maximized by a high volume of return processing at centralized locations, the Service has established 7 regional service centers to do the processing formerly done in the 58 District Directors' offices.

The changeover to automatic data processing was necessitated by the ever-increasing number of tax returns being filed with the Service. In 1930, the Service handled 6 million tax returns; in 1965, the volume had increased to 102 million. By 1970, the Service anticipates 111 million returns will be filed, and by 1980, 135 million.

At the present time, part of the processing is done at the District Directors' offices but the remainder at the regional centers after the returns are shipped there. The initial processing done at the district offices primarily involves mail opening, taking out the payments, and other clerical operations. The returns are then packaged and shipped to the service centers where the major processing functions are performed. In addition to the added expense of transshipping, the receipt of the returns at the district offices makes it necessary to perform the minimal processing activities referred to at these offices even though this could be done more economically under the high volume techniques possible at the service centers. The elimination of the double handling and shipping costs and the maximization of the economies inherent in volume processing will, according to Internal Revenue Service estimates, produce an annual saving in administrative costs of nearly $4 million.

In addition to the economies referred to above, direct filing will reduce the time it presently takes for the Service to make refunds and will make it possible to commence audit and collection activities at an earlier time.

Your committee, like the Committee on Ways and Means has been assured by the Treasury Department that the enactment of this bill will not result in a curtailment of the services taxpayers are currently receiving at the district offices.

For the reasons given above, the bill amends present law to provide for the direct filing of tax returns at the service centers. This change in the place for filing tax returns makes necessary or desirable certain other changes in the administrative provisions of the tax laws. The reasons for these related changes are contained in the general explanation which follows.

III. GENERAL EXPLANATION OF THE BILL

1. Centralized filing of returns (sec. 1(a) of the bill and sec. 6091(b) of the code)

Under present law an individual is required to file his tax returns in the internal revenue district in which he resides or has his principal place of business.[1] A corporation must file in the internal revenue district in which it has its principal place of business or principal office or agency. If an individual does not have a residence or principal place of business in the United States (for example, a nonresident alien or perhaps a U.S. citizen living abroad) or a corporation does not have a principal place of business or principal office or agency in the United States (as is true of many foreign corporations with income from U.S. sources), present law provides that the Treasury Department is to prescribe the place for filing tax returns by regulations.

The bill, in order to maximize the economies to be obtained from automatic data processing, amends present law to make provision for the filing of tax returns at the Internal Revenue Service centers. More specifically, the bill, as a general rule, provides that in the case of individuals, the Treasury Department may, by regulations, require tax returns to be filed either in the internal revenue district in which the taxpayer's legal residence or principal place of business is located or at a service center serving that district. Similarly, the bill permits the Treasury Department to require the filing of corporate returns at either the district offices or at the service centers. The District Director's office as an alternative location which the Treasury may designate for the filing of returns is retained primarily for use during the period of time automatic data processing is being brought into operation in different areas of the country. Thus, for example, during the period of time in which the Internal Revenue Service is "phasing in" its service centers, the regulations could provide that income tax returns of individuals who reside in districts the service center for which is in operation (and the transition to machine processing has been completed) are to be filed with the service center, and that the income tax returns for individuals residing in districts the service center for which has not been geared up to process individual income tax returns are to be filed in the district offices. However, this authority in the Treasury Department to designate either district offices or service centers for filing returns would also permit the designation of one office for one type of return and the other office for another type of return. For example, the regulations could provide that income tax returns were to be filed at the service centers and excise tax returns in the district offices.

During the period of transition from filing tax returns with district directors to filing them with the service centers, it is inevitable that some taxpayers will, in all good faith, mistakenly mail their tax returns to the district directors as they have in the past. The Treasury Department has assured this committee that in these cases the penalty for failure to file a timely tax return will not be imposed.

As an exception to the general rule set out above, the bill provides that a taxpayer who desires to file his return in person (usually to obtain proof of filing) may continue to do so by hand carrying it to his local internal revenue office. This is important not only to individual taxpayers who want verification of their timely payment but also to accountants who may be filing for a number of taxpayers and to corporate taxpayers where the amounts are large and therefore the danger of any penalty for late filing significant. The bill also provides that returns of nonresident aliens, foreign corporations, and others taking advantage of certain foreign income provisions for the law are to be filed at the place designated by regulations. This need not be either at a district office or regional service center. In these cases special provisions of the code apply, and, as a result, special auditing knowledge is required. The Internal Revenue Service's current practice is to handle the processing and auditing of many of these returns in its Office of Internal Operations. However, under present law some of these returns are required to be filed in the district offices. In these cases, the returns must be forwarded by the district offices to the Office of International Operations. This tends to delay the processing of these returns and the refunding of overpayments of taxes where this has occurred. For this reason the bill amends present law to provide that these returns are to be filed at the place the Secretary of the Treasury or his delegate designates by regulations.

The types of returns which are to be filed wherever designated by regulations are as follows:

(*a*) Returns of citizens whose principal place of abode is outside the United States during the taxable period. Many of these taxpayers are eligible for the exclusion for income earned abroad;

(*b*) Returns of persons who claim the exclusion from gross income for income earned abroad (sec. 911), persons whose income is largely from sources within possessions of the United States (sec. 931), and persons whose income is largely from sources in Puerto Rico (sec. 933);

(*c*) Returns of nonresident aliens whether or not they have a principal place of business in the United States;

(*d*) Returns of Western Hemisphere trade corporations (sec. 922), corporations deriving income from sources within possessions of the United States (sec. 931), and China Trade Act corporations (sec. 941); and

(*e*) Returns of foreign corporations whether or not they have a principal place of business or principal office or agency in the United States.

These provisions take effect upon enactment.

2. Place for paying tax shown on return (sec. 1(b) of the bill and sec. 6151 (a) of the code)

Present law provides that the tax shown on a tax return is to be paid to the principal internal revenue officer for the district in which the return is required to be filed. Since under the bill the return may no longer be filed in a district director's office, a conforming change is required in the provision relating to payment. As amended, the tax is to be paid to the internal revenue officer with whom the return is filed. This provision applies upon enactment.

3. Venue in criminal cases (sec. 2 of the bill and sec. 3237(b) of title 18, United States Code)

Present law provides that the willful failure to file a tax return is a misdemeanor. For purposes of determining where a prosecution of this offense is to occur, present case law holds that the venue is to be in the judicial district in which the return was required to be filed.

Under the bill, taxpayers are required to file returns in either of two judicial districts in the majority of cases. If they choose to mail their return, regulations may require that they be filed in the judicial district in which their service center is located. If they choose to file their return in person, by hand-carrying, they are required to file it at their district director's office. In most cases, the service center and the district office will be located in different judicial districts. Since venue for a willful failure to file prosecution lies in either district, the Government under the bill could bring the prosecution in either district.[2]

Your committee agrees with the Committee on Ways and Means that a prosecution for willful failure to file a return should be brought as close to the defendant's residence as possible in order to avoid hardship to him, his attorneys, and witnesses. In this regard, it is this committee's understanding that the Government in practice will bring prosecutions for willful failure to file returns in the judicial district where the taxpayer resides (or the closest district possible). However, to be sure that the taxpayer has the right to be tried in the district in which he resides, the bill amends present law to provide that he may elect to remove his trial to the judicial district of his residence.

4. Abolition of refund suits against collection officers (sec. 3 (a) and (b) of the bill and sec. 7422 of the code)

Under present law a taxpayer seeking a refund of an overpayment of tax generally may sue the United States directly or may bring his action against the district director to whom the tax was paid. In a refund suit against the United States brought by an individual the suit may be brought only in the judicial district in which the individual resides. Refund suits against the district director may be brought only in the judicial district in which the director resides. Moreover, under present law (sec. 2502 of title 28, United States Code) an alien or foreign corporation can sue the United States directly only if the country of which he is a citizen permits itself to be sued by the citizens of the United States having claims against it. However, since a refund suit against the district director in form is not a suit against the United States, aliens and foreign corporations may, under present law, bring these suits for refunds of taxes without establishing the existence of reciprocity.

Under the present practice of filing returns and making payments of taxes to the 58 district directors, suits against collection officers are fairly widely dispersed throughout the judicial districts. However, since under the bill returns will be required to be filed with, and tax paid to, the directors of the seven service centers, continuation of suits against collection officers would result in concentration of these suits in the seven judicial districts. Moreover, suits against collection officers in practice are merely an expedient for bringing the Government into court.[3] This is evidenced by the fact that the United States always reimburses the collection officer if the taxpayer prevails. Although this bill abolishes the right of action by a taxpayer against a Government employee serving as the tax collector, this is done only because other adequate remedies either are already available, or are being made available by this bill, for the recovery of illegal collections.

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[1] A special rule (which is not changed by the bill) provides generally for filing estate tax returns at the domicile of the decedent at the time of his death.

[2] The courts have held that where taxpayers are required to file a return in either of two judicial districts, venue for a willful failure to file prosecution lies in either district (*United States* v. *Commerford*, 64 F. 2d 28 (2d Cir. 1933), cert. denied 289 U.S. 759 (1933); *United States* v. *Citron*, 221 F. Supp. 454 (S.D. N.Y. (1963)).

[3] See, for example, the comments of the Supreme Court in *George Moore Ice Cream Company* v. *Ross*, 289 U.S. 373, 383 (1933).

Furthermore, these suits against district directors on occasion, have presented problems for the tax practitioners. For example, taxpayers have sued the current district director although his predecessor was the individual who collected the tax. The predecessor district director may have passed away, or have moved from the judicial district necessitating the bringing of the suit in a different judicial district. Sometimes the running of the statute of limitations bars taxpayers from bringing a second suit for refund after their first suit has been held to have been erroneously brought. Suits against district directors in some cases have also presented a problem for the Internal Revenue Service. Occasionally, taxpayers have thought that their cases would obtain more favorable action if brought in a judicial district other than the one of their residence and have therefore sued the district director where he resided in another judicial district, rather than the United States. The bill prevents this attempt to find a more favorable judicial district by restricting the taxpayer to his judicial district of residence.

For the reasons given above the bill adds a provision to present law which provides that suits for refund may be maintained only against the United States and not against an officer or employee of the United States. However, in order to preserve the right of aliens and foreign corporations to bring tax refund suits, the bill also modifies present law by permitting aliens and foreign corporations to bring such suits directly against the United States irrespective of whether the foreign country of citizenship or incorporation allows itself to be sued by U.S. citizens or corporations.

The bill also contains a provision which prevents a taxpayer who improperly brings a suit against the collection officer from being denied his right of action. In such a case the United States is to be substituted as the defendant. However, if the United States is so substituted, it may request that the case be transferred to the district or division in which it should have been brought had the suit initially been brought against the United States.

These amendments are applicable to suits brought against collection officers 90 days or more after enactment.

5. Venue for review of Tax Court decisions (sec. 3(c) of the bill and sec. 7482(b)(1) of the code)

Present law provides, in general, that decisions of the Tax Court are to be reviewed by the U.S. court of appeals for the circuit in which a return is filed.

As in the case of criminal prosecution for willful failure to file income tax returns, your committee agrees with the Committee on Ways and Means that under the new filing requirements, determining the court to which an appeal is to be taken from Tax Court decisions based on the place where the return was filed, would distort the dispersion of such cases among the various circuit courts. Since the regions served by the seven Internal Revenue Service centers are not coincident with the appellate court circuits, some circuits contain more than one service center and others contain none. In addition to the concentration of the appeals in some of the circuit courts, continuance of the existing provision would deprive other circuit courts of appeal of almost all jurisdiction in these cases.

As a result the bill provides that appeals from Tax Court decisions are to be made to the court of appeals for the circuit in which (in the case of a taxpayer other than a corporation) the taxpayer resides. Appeals by corporations are to be made to the court of appeals for the circuit in which they have their principal place of business or principal office or agency. For this purpose the residence, principal place of business, or principal office or agency of the taxpayer is to be determined as of the time he files his petition with the Tax Court. This provision of the bill is modeled after the provision of existing law which prescribes the venue for a refund suit against the United States in the district courts.

This change is to apply to all decisions of the Tax Court entered after the date of enactment of this bill.

6. Publicity of returns and disclosure of information (sec. 4 of the bill and secs. 6103 and 6107 of the code)

Present law contains two provisions which are designed to aid in the administration of the tax laws by permitting the public to ascertain whether or not specific taxpayers have filed their returns. These provisions require the Internal Revenue Service to maintain in each district office lists containing the names and post office addresses of persons who made returns in the district. These provisions apply to income tax returns and to certain excise tax returns.

The Internal Revenue Service proposes to maintain the income tax lists on microfilm and it is believed that making the microfilm and the necessary reading equipment available to the general public would not be practical. In addition, under the Service's automatic data processing system the income tax return lists will show the taxpayer's identification number which in most cases is also his social security number. Your committee, like the Committee on Ways and Means, does not believe that it is desirable to make these social security numbers generally available to the public because they can be used to obtain information from the social security offices relative to the wages of the individual. Your committee agrees with the Committee on Ways and Means, however, that whether or not a person has filed his tax return should continue to be a matter of public knowledge.

For these reasons, the bill amends present law to provide that upon inquiry the Internal Revenue Service is to furnish the inquirer information showing whether a particular person in the internal revenue district has, or has not, filed an income tax return. The lists of special excise taxpayers' returns will continue to be maintained in essentially the same form as under present law.

These amendments take effect upon the date of enactment of the bill.

7. Timely mailing treated as timely filing extended to returns and payments (sec. 5 of the bill and sec. 7502 of the code)

Present law provides that where a claim, statement, or other document, which is required to be filed by a specified date is properly mailed, the postmarked date is to be considered as the date on which it was filed. This provision however, does not apply to a return or to a payment of tax. The bill extends this rule to tax returns and payments.

The provision of this bill which permits the Secretary of the Treasury to require the filing of tax returns at service centers would technically require many taxpayers (for example, those in Hawaii) to mail their returns and payments at a much earlier date in order to insure delivery by the due date. The existing timely-mailing-timely-filing provision was enacted in 1954. At that time the rule was a new concept with which the Internal Revenue Service had had no experience. For this reason, the Service was concerned with applying it to returns and payments because of unforeseen problems which it believed might develop. Experience with the present provision since 1954 has allayed these fears, and in fact, the Service has in practice generally treated returns and payments which were mailed before the due date as being filed or paid on time.

For these reasons, the bill amends the existing timely-mailing-timely-filing provisions extended to returns but not to payments of tax. However, the special provision relating to registered mail which provides that registration is prima facie evidence of delivery is extended to returns but not to payments of tax. In addition, the timely-mailing-timely-filing provisions, as amended by the bill, are not applied to currency or other medium of payment unless they are actually received and accounted for, or to returns, claims, statements, or other documents or payments which are required to be delivered by any method other than by mailing. This latter exception applies, primarily, to certain documents relating to alcohol taxes which are required to be submitted directly to the internal revenue officer present on the manufacturer's premises.

Present law contains a special provision dealing with postmarks which are not made by the U.S. post office. Under the bill, this provision will apply to returns and payments as it has in the past to other documents filed with the Internal Revenue Service. Among the postmarks to which this provision applies are those made by postage metering machines. By continuing this provision of present law, this committee does not intend to downgrade postal metering devices. Applying the rule of present Treasury Department regulations, if an envelope (containing a tax return) bearing an April 15 postmark made by a postage meter is received by the Internal Revenue Service not later than the time it would ordinarily have been received had it been postmarked April 15 by the U.S. Post Office at the same point of origin, the return is considered as filed on April 15. In addition, where there is a delay in the receipt of a metered return by the Internal Revenue Service, if the person who is required to file the return established that it was actually deposited in the mail at a time at which stamped letters deposited at that location received timely postmarks and the delay was due to the postal service, the return will be treated as timely filed as in the case of stamped returns.

These amendments apply to mailing which occurs after their enactment.

IV. TECHNICAL EXPLANATION

The bill amends present law to authorize the Secretary or his delegate to require the filing of tax returns directly with the service centers. In addition, it contains other amendments related to direct filing.

Section 1. Centralized filing of returns and payment of tax

(a) *Place for filing returns.*—Subsection (a) of section 1 of the bill amends section 6091(b) of the Internal Revenue Code of 1954 (relating to place for filing returns required under authority of pt. II of subch. A of ch. 61 of the code). The returns which are required under the authority of such part II are tax returns as distinguished from information returns.

General Rule—Noncorporate Taxpayers

Section 6091(b)(1) of existing law provides in part that returns required under such part II (other than corporate or estate tax returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or the principal place of business of the person making the return. Subparagraph (A) of section 6091(b)(1), as amended by the bill, provides that, except as provided in subparagraph (B) thereof, such a return shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or at a service center serving such district, as the Secretary or his delegate may by regulations designate.

General Rule—Corporate Taxpayers

Section 6091(b)(2) of existing law provides in part that corporate returns required under such part II shall be made to the Secretary or his delegate in the internal revenue district in which is located the principal place of business, or principal office or agency of the corporation. Subparagraph (A) of section 6091(b)(2), as amended by the bill, provides that except as provided in subparagraph (B) thereof, such return shall be made to the Secretary or his delegate in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or at a service center serving such district, as the Secretary or his delegate may by regulations designate.

General Rule—Transitional Rules and Dual Venue

Under paragraphs (1)(A) and (2)(A) of section 6091(b), as amended by the bill, the Secretary or his delegate is authorized to require that income tax returns be filed either in the taxpayer's internal revenue district as under existing law, or with a service center serving his district. Thus, under the bill direct filing with service centers can be implemented in phases, on the basis, for example, of regions or types of returns.

Exceptions for Noncorporate Returns

Section 6091(b)(1) of existing law further provides that if a person (other than a corporation) has no legal residence or principal place of business in any internal revenue district, then his return shall be made at such place as the Secretary or his delegate may by regulations designate. Clause (i) of section 6091(b)(1)(B), as amended by the bill, restates this provision of existing law. Under clauses (ii), (iii), and (iv) of section 6091(b)(1)(B), as added by the bill, returns of citizens of the United States whose principal place of abode is outside the United States for the period with respect to which the return is filed; returns of persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico); and returns of nonresidential alien persons, shall be made at such place as the Secretary or his delegate may by regulations designate.

Exception for Corporate Returns

Section 6091(b)(2) of existing law further provides that if a corporation has no principal place of business or principal office or agency in any internal revenue district, then it shall make its returns at such place as the Secretary or his delegate may by regulations prescribe. Clause (i) of section 6091(b)(2)(B), as amended by the bill, restates this provision of existing law. Under clauses (ii) and (iii) of section 6091(b)(2)(B), as added by the bill, returns of corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), or section 941 (relating to the special deduction for China Trade Act corporations); and returns of foreign corporations, shall be made at such place as the Secretary or his delegate may by regulations prescribe.

Under the authority contained in paragraphs (1)(B) and (2)(B) of section 6091(b) as amended by the bill, the Secretary of the Treasury or his delegate may require by regulations that the returns of persons referred to in section 6091(b)(1)(B)(ii), (iii), and (iv), and section 6091(b)(2)(B)(ii) and (iii), be filed with the Director of the Office of International Operations, rather than with a district director or the director of a service center.

Hand-Carried Returns

Paragraph (3) of subsection (a) of section 1 of the bill adds a new paragraph (4) to section 6091(b) to provide an additional exception to the application of paragraphs (1)(A) and (2)(A) of section 6091(b), as amended. New paragraph (4) provides that notwithstanding new paragraph (1) or (2), a return to which paragraph (1)(A) or (2)(A) of section 6091(b), as amended, would apply, but for such new paragraph (4), which is made to the Secretary or his delegate by hand-carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) or paragraph (2)(A)(i) of section 6091(b) as amended, as the case may be.

Thus, for example, a return referred to in section 6091(b)(1)(A) which is made to the Secretary or his delegate by hand-carrying shall be made in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, rather than with the service center serving such district. A return is not made by hand-carrying if it is, for example, mailed to the Internal Revenue Service. However, a return is made by hand-carrying if it is, for example, brought into an Internal Revenue Service office located within the proper internal revenue district by the person making the return or by his personal representative.

(b) *Place for paying tax shown on return.*—Subsection (b) of section 1 of the bill amends section 6151(a) of the code (relating to time and place for paying tax shown on returns) to conform such provision to the changes made by subsection (a) of section 1 of the bill. Section 6151(a) of existing law provides that, in general, a person who is required to make a return of tax shall pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed. Subsection (a) of section 6151, as amended by the bill, provides that such tax shall be paid to the internal revenue officer with whom the return is filed.

Section 2. Related amendment concerning venue for criminal cases

Section 2 of the bill amends section 3237(b) of title 18 of the United States Code (relating to certain offenses committed in more than one district) to permit a person who is prosecuted under section 7203 of the Internal Revenue Code of 1954 (relating to willful failure to file return, supply information, or pay tax) in a judicial district other than the one in which he resides to elect to be tried in the judicial district in which he resided at the time the alleged failure occurred. Under paragraph (4) of section 6091(b) of the 1954 code which is added by subsection (a) of section 1 of the bill, a person who makes a return described in section 6091 (b)(1)(A) or (b)(2)(A) by hand-carrying shall make such a return in his local internal revenue district. However, in all other cases the Secretary is authorized to require that such return be made with the service center serving such district. Thus, in the case of such returns all taxpayers would be required to make their returns with either their District Director or the service center, depending upon their method of transmitting the returns. Accordingly, venue for a prosecution under section 7203 for willful failure to file such a return would lie in either the judicial district in which the District Director's office or the judicial district in which the service center is located.

Section 3237(b) of title 18 of existing law provides that with respect to certain crimes described in the Internal Revenue Code (but not including crimes described in sec. 7203) where an offense involves use of the mails and where prosecution is begun in a judicial district other than the district in which the defendant resides, he may, upon timely motion filed in the district in which the prosecution is begun, elect to be tried in the district in which he was residing at the time the alleged offense was committed.

Section 3237(b), as amended by the bill, is expanded to include offenses described in section 7203 even though such offense does not involve use of the mails. Thus, for example, in a case where a taxpayer who resides within judicial district R is required to make his return either by hand-carrying it to a District Director within judicial district D or otherwise make his return with a service center located within judicial district S, and if such a taxpayer is prosecuted under section 7203 in either judicial district D or S, he may elect, under revised section 3237(b), to be tried in judicial district R wherein he resides.

Section 3. Related amendments concerning venue for civil cases

(a) *Abolition of refund suits against collection officers.*—Subsection (a) of section 3 of the bill amends section 7422 of the Internal Revenue Code of 1954 (relating to civil actions for refund) by redesignating subsection (f) as subsection (g) and by adding a new subsection (f) to abolish refund suits against collection officers. Under existing law, taxpayers may bring a suit for refund of taxes against either the official to whom the tax was paid, or the United States. Thus, if the tax is paid to the director of a service center, under existing law the director would be subject to suits for refund of such tax, and, consequently, venue for such suits would lie in the judicial district in which the service center director resides.

General rule

Paragraph (1) of section 7422(f), as added by the bill, provides that a suit or proceeding for the recovery of any internal revenue tax, penalty, or sum alleged to have been erroneously, illegally, or in any manner wrongfully collected, may be maintained only against the United States and not against any officer or employee of the United States (or former officer or employee) or his personal representative.

Section 2502 of title 28 of the United States Code provides that citizens or subjects of any foreign government which accords to citizens of the United States the right to prosecute claims against their Government in its courts may sue the United States in the Court of Claims if the subject matter of the suit is otherwise within such court's jurisdiction. New paragraph (1) of section 7422(f) further provides that such a suit may be maintained against the United States notwithstanding the provisions of such section 2502.

Misjoinder and change of venue

Under existing law if a suit for a tax refund is brought against an individual other than the officer who collected the tax, the court may dismiss the suit as having been brought against the wrong party. The first sentence of paragraph (2) of section 7422(f), as added by the bill provides that if a suit or proceeding brought in a district court against an officer or employee of the United States (or former officer or employee) or his personal representative is improperly brought solely by virtue of the abolition of such refund suits by new section 7422(f)(1), then the court shall order, upon such terms as are just, that the pleadings be amended to substitute the United States as a party for such officer or employee as of the time such action commenced, upon proper service of the United States. However, the second sentence of new section 7422(f)(2) provides that such suit or proceeding shall upon request by the United States be transferred to the judicial district or division where it should have been brought if such action had been initially brought against the United States.

Thus, where a taxpayer residing within the R judicial district brings an action in the S judicial district for refund of taxes against the director of a service center who resides within such S judicial district (instead of suing the United States in the R judicial district), if such suit is improperly brought solely because such a suit is abolished under new section 7422(f)(1), then under the first sentence of new section 7422(f)(2), the S district court shall substitute the United States as a party for such director as of the time the action commenced. However, upon motion by the United States, such suit shall be transferred to the R judicial district (in which such taxpayer initially would have had to sue the United States).

(*b*) *Technical amendment.*—Subsection (b) of section 3 of the bill amends section 2502 of title 28 of the United States Code (relating to aliens' privilege to sue under Court of Claims procedure) by redesignating the existing provision as subsection (a), and by adding a new subsection (b) which contains a cross-reference to new section 7422(f) of the Internal Revenue Code of 1954.

(*c*) *Venue for review of Tax Court decisions.*—Subsection (c) of section 3 of the bill amends section 7482(b)(1) of the Internal Revenue Code of 1954 (relating to venue for review of decisions of the Tax Court) to provide in general that appeals from the Tax Court are to be made to the court of appeals for the circuit wherein the taxpayer resides or has his principal place of business, rather than the court for the circuit wherein he files his return. Section 7482(b)(1) of existing law provides that a Tax Court decision (except where otherwise designated by a stipulation in writing by the parties) may be reviewed by the court of appeals for the circuit in which is located the office to which was made the return of the tax in respect of which the liability arises, or, if no return was made, then by the Court of Appeals for the District of Columbia. The first sentence of paragraph (1) of section 7482(b), as amended by the bill, provides that (except as otherwise so stipulated) such a decision may be reviewed by the court of appeals for the circuit in which is located the legal residence of a noncorporate petitioner, or in which is located the principal place of business or principal office or agency of a corporate petitioner. The first sentence of new paragraph (1) further provides that if a corporation has no principal place of business or principal office or agency in any judicial district, then such a decision may be reviewed by the court of appeals for the circuit in which is located the office to which was made the return of the tax in respect of which the liability arises.

The second sentence of new paragraph (1) provides that in all other cases such a decision may be reviewed by the Court of Appeals for the District of Columbia. The last sentence of new paragraph (1) provides that the legal residence, principal place of business, or principal office or agency referred to in new paragraph (1) shall be determined as of the time the petition seeking redetermination of tax liability was filed with the Tax Court.

The application of new section 7482(b)(1) may be illustrated by the following example: A, an individual, files his 1967 income tax return at a service center located in the S judicial circuit. While residing in the R judicial circuit, A files a petition with the Tax Court seeking redetermination of his tax liability. A does not enter into a stipulation as to venue for an appeal to a court of appeals for a particular circuit. In such a case a decision by the Tax Court may be reviewed, under existing law, only by the court of appeals for the S circuit, since A filed his 1967 return in such circuit. Under paragraph (1) of section 7482(b), as amended by the bill, such decision may be reviewed only by the court of appeals for the R circuit (whether or not A resided in such circuit when he filed his 1967 return).

In the above example, if A had brought a suit against the United States in a district court, the court of appeals for the R circuit (within which A resides) would, in the usual case, review such district court's decision.

(*d*) *Effective dates.*—Subsection (d) of section 3 of the bill provides effective dates for the amendments made by subsections (a), (b), and (c) of section 3. The first sentence of subsection (d) provides that the amendments made by subsections (a) and (b) shall apply to suits brought against officers, employees, or personal representatives referred to therein which are instituted 90 days or more after enactment of this bill. The second sentence of subsection (d) of section 3 provides that the amendment made by subsection (c) shall apply to all decisions of the Tax Court entered after the date of enactment of this bill.

Section 4. Publicity of returns and disclosure of information

(*a*) *Disclosure of information as to persons filing income tax returns.*—Paragraph (2) of subsection (a) of section 4 of the bill amends section 6103 of the Internal Revenue Code of 1954 (relating to publicity of returns and lists of taxpayers by revising subsection (f). Section 6103(f) of existing law provides, in general, that the Secretary or his delegate shall cause to be prepared for public inspection in each internal revenue district lists of persons making an income tax return in such district. Subsection (f) of section 6103, as amended by the bill, provides that the Secretary or his delegate shall, upon inquiry as to whether any person has filed an income tax return in a designated internal revenue district for a particular taxable year, furnish to the inquirer, in such manner as the Secretary or his delegate may determine, information showing that such person, has, or has not, filed an income tax return in such district for such taxable year. Under the revised subsection (f), lists of taxpayers would no longer be required to be maintained. Thus, a District Director is authorized to furnish information showing whether a person has, or has not, filed an income tax return with the Internal Revenue Service for a particular taxable year.

(*b*) *Technical amendments.*—Paragraph (1) of subsection (a) of section 4 of the bill revises the heading of section 6103 to reflect the changes made to subsection (f). Subsection (b) of section 4 of the bill amends the table of sections for subchapter B of chapter 61 to reflect the change in the heading of section 6103.

(*c*) *List of special taxpayers for public inspection.*—Subsection (c) of section 4 of the bill amends section 6107 of the Internal Revenue Code of 1954 (relating to list of special taxpayers for public inspection). Section 6107 of existing law requires that a list (similar to the list required with respect to income tax returns under existing sec. 6103 (f) of the code) of the names of all persons who have paid special taxes under subtitle D or E of the code within an internal revenue district be kept available for public inspection in the principal internal revenue office for that district. The special taxes imposed by subtitles D and E of the code relate in general to certain taxes on wagering, coin-operated devices, narcotics, alcoholic beverages, and tobacco.

Section 6107, as amended by the bill, requires that such a list be maintained of persons who paid such special taxes with respect to a trade or business carried on within such district. Therefore, even if such special taxes are paid at a service center serving such district, the list of taxpayers is to be kept available in the district internal revenue office as under existing law.

Section 5. Timely mailing treated as timely filing extended to returns and to payments

(*a*) *General rule.*—Subsection (a) of section 5 of the bill amends section 7502 of the Internal Revenue Code of 1954 (relating to cases where timely mailing is treated as timely filing) to make the provisions of that section applicable to any return, claim, statement, or other document required to be filed, or to any payment required to be made, under authority of any provision of the internal revenue laws. Section 7502 presently does not apply to any return or other document required under authority of chapter 61 of the code, nor to any payment.

Subsection (b), subsection (c)(2) and subsection (d)(1) of section 7502, as amended by the bill, restate existing law.

Paragraph (1) of section 7502(a), as amended by the bill, provides in general that if any return, claim, statement, or other document, or any payment, required to be made within a prescribed time, is, after such time, delivered by mail to the proper office, the date of the U.S. postmark stamped on the cover of such document or payment shall be deemed to be the date of delivery or payment, as the case may be.

Paragraph (2) of section 7502(a), as amended by the bill, restates existing law with respect to mailing requirements, but extends the applicability of such requirements to returns and payments.

Section 7502(c)(1) of existing law provides that if a document referred to in section 7502(a) is sent by U.S. registered mail, such registration is prima facie evidence of such document's delivery and the date of registration is deemed to be the postmark date. Paragraph (1) of section 7502(c), as amended by the bill, extends to both returns and payments the rule that the registration date is the postmark date, but it extends only to returns, and not to payments, the rule that registration is prima facie evidence of delivery.

Paragraphs (2) and (3) of section 7502(d), as added by the bill, provide, moreover, that section 7502 shall not apply with respect to currency or other medium of payment unless it is actually received and accounted for; and shall not apply with respect to returns, claims, statements, or other documents, or payments which are required by statute or regulations thereunder to be delivered by any method other than by mailing. Thus, section 7502 is not applicable to a cash payment unless it is actually received by the proper office and a receipt is given or the payment is credited to the taxpayer's account. Further, this section is inapplicable to a check tendered in payment unless such check is actually received by the proper office and the check is honored upon presentment. Certain documents relating to alcohol taxes are currently required by regulations prescribed by the Secretary or his delegate to be submitted directly to an internal revenue officer located on the premises of the person submitting the documents. Section 7502 does not apply to the submission of such documents.

(*b*) *Technical amendment.*—Subsection (b) of section 5 of the bill amends the table of sections for chapter 77 to reflect the change in the heading of section 7502.

(*c*) *Effective date.*—Subsection (c) of section 5 of the bill provides that the amendments made by subsections (a) and (b) of section 5 shall apply only if the mailing occurs after the date of the enactment of the bill.

Section 6. Effective dates

Section 6 of the bill provides that, except as otherwise specifically provided in the bill,

the amendments made by the bill shall take effect upon the date of enactment of the bill.

Mr. WILLIAMS of Delaware. For the information of the Senate, I should like to read one paragraph of this report. We recognized that as this new system of filing tax returns in central offices is inaugurated, there will be instances in the next few years in which many taxpayers will, from force of habit, continue to mail their reports to the district office, as they have done heretofore. Therefore, to protect these taxpayers the committee has put this paragraph in the report:

> During the period of transition from filing tax returns with district directors to filing them with the service centers, it is inevitable that some taxpayers will, in all good faith, mistakenly mail their tax returns to the district directors as they have in the past. The Treasury Department has assured this committee that in these cases the penalty for failure to file a timely tax return will not be imposed.

I ask that the bill be approved.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Subsequently, the following proceedings were had:

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which H.R. 6958, Calendar No. 1592, was passed, together with the third reading.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The bill is before the Senate.

Mr. LONG of Louisiana. Mr. President, this measure will save the taxpayers several million dollars. These new data processing machines will make it possible to mail the tax returns to central offices, in about seven central points in the country.

The Treasury has worked very hard on this matter, and they are to be commended.

Under the provisions of this bill, it will not be necessary to mail tax returns to so many different places. The Treasury will send out letters to the taxpayers which will be addressed to the appropriate office.

We have discussed the details of this bill, and I know of no real objection to it.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MILLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the Record.

The amendment is as follows:

> Amend Section 1861(v) of the Social Security Act, as amended, by inserting the following two paragraphs after paragraph (1) and before paragraph (2) as subparagraphs (2) (a) and (b) and renumber paragraphs (2), (3), and (4) respectively as paragraphs (3), (4) and (5):
>
> "(2) (a) 'Reasonable Costs' for extended care facilities shall include a return on the fair market value of the facility (determined in accordance with FHA or similar appraisals) sufficient to attract capital investment. Capital investment made for a specific purpose, namely, extended care facilities, is entitled to a return greater than that available through investment in risk free securities.
>
> "(b) In determining reasonable costs under this subsection, the Secretary shall consider, among other things, the need of extended care facilities for (1) replacement of plant and equipment, (2) modernization and growth, specifically provisions through earnings for the long range amortization of the principal of indebtedness incurred to finance modernization and growth, (3) research and comprehensive health planning, (4) reasonable rentals and reasonable interest-type returns on properties and money capital where supplied by the providers, (5) provisions for uninsurable risks and other business-type responsibilities, as well as property, income and other taxes, where these cannot be shifted and are borne by proprietors and (6) payment of a return greater than that customarily paid (a) to public utility companies because of the recognition that extended care facilities operate in a competitive field and (b) to investors in risk free ventures. Insofar as any of these factors are applicable either to proprietary or to nonprofit facilities, the Secretary shall consider such factors in determining reasonable costs for proprietary and for nonprofit facilities, notwithstanding the fact that such application may result in different costs for one type of facility than for the other."

Mr. LONG of Louisiana. Mr. President, as I understand the amendment, it would permit the nursing homes to make a modest profit for the money they have invested in nursing homes.

I was very much dismayed to find that some prejudice existed somewhere in the Department against nursing homes making a profit on invested money, even if they borrowed the money and paid interest on it. I must say that the Department has been moving in the direction of permitting these people to make at least a decent profit on the money which they have invested in nursing homes.

I was dismayed in the beginning to find that they were not willing to permit the people to make any profit for the money that they had spent building nursing homes. It was disturbing to me to find that they had no understanding of the enterprise involved by the people who invest money.

The Department has been moving in the same direction as the Senator from Iowa [Mr. Miller]. Unfortunately, they are moving fairly slowly but they have made progress. I commend them for that.

The Senator from Iowa [Mr. Miller] wishes to emphasize this need. I would be willing to take the matter to conference. Nursing homes, particularly those with private ownership, have been badly treated. I realize that they have made a mistake. The Senator from Iowa has highlighted this problem.

I cannot assure the Senator from Iowa that we will get results, but the matter should be considered.

Mr. MILLER. Mr. President, I thank the Senator from Louisiana [Mr. Long] for those gracious comments. I realize that the pending bill is uncontroversial, but kindness is the essence of the problem that is involved and that is why I offered the amendment.

There are thousands of people hoping to obtain nursing home care under the medicare bill. If something is not done soon there may be thousands of these people who will not receive the care to which they are entitled, because not only proprietary but nonprofit nursing homes are faced with a crisis in view of the regulations proposed by the Department.

Mr. President, my amendment is not designed to permit overreaching on the part of anyone. The amendment would set forth broad guidelines, leaving discretion in the Department.

I have discussed the amendment with senior Members from both sides of the aisle who are on the Committee on Finance, and they are quite favorable to the amendment. I believe that the amendment has much merit, and that timing is essential.

I would appreciate it if the amendment could be taken to conference, and I hope that the Ways and Means Committee understands the realities, because this is a national problem which does not affect one or two States, but affects all States.

Mr. LONG of Louisiana. I have found that the Senator discussed the matter with the minority leader [Mr. Dirksen], the ranking Democratic member [Mr. Smathers], as well as the ranking Republican member [Mr. Williams of Delaware], and the next ranking Republican member [Mr. Carlson]. Has the Senator discussed the matter with them and obtained their views?

Mr. MILLER. The Senators with whom I have discussed the exact language of the amendment are the Senator from Delaware [Mr. Williams], the ranking Republican, and also the Senator from Florida [Mr. Smathers], who is not only a senior member of the Committee on Finance but is chairman of the Special Committee on Aging, on which I am privileged to serve, and he is conversant with the problem. Both of those Senators have indicated approval of the amendment.

Mr. LONG of Louisiana. I believe that the Senator from Iowa [Mr. Miller] made a speech about this matter on the floor of the Senate some days ago and explained the problem.

As far as I am concerned, if it be the will of the Senate, I would be glad to take it to conference to see what we can work out.

Mr. MILLER. I appreciate the Senator's sentiments. I am sure that there will be thousands of people who are entitled to nursing home care who will bless the Senate for taking action at this time.

Mr. LONG of Louisiana. The Senator has performed a fine service in this matter, discussing it with other Senators, and seeking to work out the matter.

I hope very much that the House would be willing to discuss the matter with us.

As far as I am concerned, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa [Mr. MILLER].

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

SEVERE PILOT SHORTAGE

Mr. MONRONEY. Mr. President, 2 years ago the Federal Aviation Agency completed a study of the aviation manpower needs of this country entitled "Project Long Look." It disclosed that there was a growing shortage of highly skilled aviation personnel which would reach crisis proportions in a very short time, if the existing training system was not improved and expanded.

The FAA's predictions have been proved accurate in an even shorter time than anticipated. A recent article in the New York Times points out the severe shortage of airmen which exists now in the Military Establishment. While Project Long Look devoted itself primarily to civilian needs, most of the aviation industry needs have been met by recruiting pilots, mechanics, navigators and other skilled personnel from the armed services where they had obtained their training.

One of the problems mentioned in Project Long Look was the drying-up of this source of aviation personnel, as a result of the deemphasis of manned aircraft within the Defense Department. The New York Times article indicates that this deemphasis has caught up with the Defense Department itself and the Department now finds itself with a severe shortage of trained pilots to meet our requirements in Vietnam.

The article states that Secretary McNamara is considering an expanded Air Force training program to raise the number of pilots by about 75 percent over the next 9 years. I think such a program is in order and long overdue.

But I also think that any such program of increased Air Force training must be supplemented by a reoriented and expanded program for the training of young persons in college. Not only is there a need for such trained people in the military. There is also a great need for more people to satisfy the increasing growth of the civilian aviation industry, including the airlines, as well as the growing requirements of the corporate aviation sector.

Several colleges and universities have put together sound curriculums to train qualified young people in the fields of pilot training, navigation, engineering, aircraft maintenance, and flight operations—all of which are essential to the conduct of modern aviation. This type of training is, however, expensive both to the university and to the student. Except for the limited amount of Federal assistance available to veterans for this type of training, there is no Federal program of consequence to encourage young people to enter this vocational field.

I believe it would be wise to establish such a program of Federal loans for the training of young people in aviation fields in order to satisfy the growing needs of the Military Establishment and the civilian aviation industry. All aviation jobs from mechanics to pilots are jet-age jobs requiring a great deal of intelligence, knowledge, and skill. With the increasing complexity of modern aircraft, navigation systems, and air traffic control procedures, training on the college level is a necessity. The pilots and mechanics of older days who flew by the seat of their pants and knew how to fix airplanes with a pair of pliers and a screwdriver have long since retired.

A federally sponsored loan program would be a sound and secure investment on the part of the Federal Government. The jobs which the recipients of the loans would obtain upon graduation are high-paying, professional jobs and repayment of the loans would not be difficult.

I hope that Secretary McNamara's program for expanded Air Force training will be put into effect soon. At the same time, I believe serious consideration must be given in the next Congress to expanding the loans available under our higher education programs to include training in these vital aviation fields. I intend to ask General McKee, the Administrator of the Federal Aviation Agency, to give me the latest available figures on the needs of the civilian aviation community. I hope the 90th Congress will direct its attention to this serious problem.

Mr. President, I ask unanimous consent to have the New York Times article printed at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEVERE SHORTAGE OF AIRMEN SEEN—AIDE SAYS MCNAMARA ACTS TO SOLVE THE PROBLEM

WASHINGTON, September 17.—The Air Force and the Navy are facing what some military officials describe as a severe shortage of young pilots—a shortage they said may not be eased until the early 1970's.

In a series of interviews, top officers said the shortage was largely due to two factors: the increased United States commitments in Vietnam and the increased demand for trained pilots in the booming airline industry.

The situation is so serious, some sources said, that within the last two years about 2,000 qualified but nonflying officers—many of them in key administrative positions—were ordered back into the cockpits.

The matter is receiving the attention of Secretary of Defense Robert S. McNamara, who is now considering an expanded Air Force training program. Current programs will raise the number of pilots 30 years old and younger by about 75 per cent over the next nine years. The Defense Secretary will be handed a similar proposal from the Navy soon, qualified sources said.

"This has been a high priority subject," one Pentagon source said, "I don't think anything is higher on the Secretary's list."

Despite the over-all shortage, top military officials emphasize that all manpower needs in Vietnam and in the Strategic Air Command are being met. But they concede that elsewhere things often are not up to par.

"We have a tremendously distinct problem," one high-ranking Air Force officer said. "Right now we have a pretty severe shortage of younger pilots." The facts are these:

¶Thousands of pilots in Vietnam are scheduled to be rotated back to the United States this year and must be replaced. Officials indicated that some pilots may have to return for a second tour unless the picture changes by 1969.

¶The Air Force is planning more extensive use of the F-4 Phantom jet, which requires two pilots. In addition, the Air Force hopes to begin using a two-pilot version of the F-111 as soon as production of that new jet begins.

¶The heavy step-up in the air war. In one day last week United States pilots flew 150 missions over North Vietnam involving at least 450 planes and 387 individual sorties over South Vietnam. Last Sunday pilots set a record by flying 170 attack missions in North Vietnam.

Through Thursday, a total of 211 Air Force personnel and 38 Navy men, most of them presumably pilots, were officially reported as missing in connection with the Vietnam war.

Latest figures also show 222 Air Force and 158 Navy men known dead in connection with the war. Sources said most of these were pilots.

Many more pilots are needed and used on training missions stemming from the many adjustments qualified pilots needed before going to Vietnam and after being rotated back for United States duty.

On top of all this, the Air Force and the Navy report a drop in the pilot re-enlistment rate. Much of it stemming from airlines recruiting.

Reflecting the concern over pilots, the Air Force and the Navy recently surveyed sample groups of resigning officers to determine the impact of airline recruiting efforts.

The Air Force study showed that 60 per cent of its senior pilots intended to become commercial pilots after separating from the service. A similar survey in 1964 showed that only 5 per cent of the resigning officers planned to join an airline.

The Navy reported, in response to a query, that about 67 per cent of its pilots who resigned in the fiscal year that ended last June 30 ended up working for the airlines.

Although Pentagon officials are reluctant to talk about it, there is another reason for the lagging re-enlistment rates: A few pilots in Vietnam have turned in their wings rather than fly in the war.

But top officers say that fear of Vietnam duty is not a major factor. However, Gen. John P. McConnell, Air Force Chief of Staff, recently told Congress that the "rate of officers voluntarily leaving the Air Force increased from 4.4 per cent in the fiscal year 1965 to 6.2 per cent in the second quarter, fiscal year 1966."

And the Navy reported that all indications show that its current retention rate for officers is declining, although it did not supply any specific figures.

A Defense Department official defended Mr. McNamara's present and past policies on pilot training, saying there is no shortage now that amounts to anything more than a question of the number of pilots now serving in non-combat positions.

After World War II, he explained, "many excess aviator requirements were developed by the services to accommodate the large number of pilots left over."

When these services talk of pilot shortages, he said, they are including the aviation requirements built-in to many nonflying jobs. What is needed, he said, is not so much talk about shortages but a careful Pentagon analysis of the aviation requirements for all staff jobs to determine how and why they were developed.

PRESIDENT NASSER'S IMPERIALISM IN THE NEAR EAST

Mr. JAVITS. Mr. President, I wish to call attention to a strange development in the Middle East relating to what is now President Nasser's imperialism. The world has for many years been treated to the outpourings of Cairo radio labeling the United States, the United Kingdom, and other free world countries as "imperialists". Recent developments in Yemen now show the hypocrisy of these diatribes for President Nasser is himself caught redhanded doing what his propagandists charge against us. It brings to mind the classic French saying: "Qui s'excuse, accuse"—"Who would excuse himself, accuses."

Egyptian President Nasser has engineered a coup in Yemen so audacious as to move the New York Times in an editorial this morning to label the new republican government there as Nasser's "transparent puppet." This new takeover is in keeping with the Nasserite philosophy spelled out in his book on the theory of the Egyptian revolution—the assertion of an Egyptian hegemony over the Arab and the Moslem worlds.

It is a most damaging fact that this takeover was made possible by Soviet arms. Yet even the U.S. food aid policy to President Nasser is said to have contributed to the outcome. Writing in the October 18, 1963, New York Times on the occasion of the beginning of the second year of Egyptian military intervention in Yemen, Times correspondent Dana Adams Schmidt commented:

> Everyone concerned is keenly aware that the United Arab Republic could not carry on the war [in Yemen] without United States food aid and financial support. Furthermore, United States recognition of the republican regime, even though it was shaky, and still fighting for control of its territory, amounted to a political act of support.

In the spring of 1963, when the Egyptians were concerned with military opposition from Saudi forces in Yemen, the United Arab Republic indicated both its willingness and the willingness of the Republic of Yemen for the United Nations to supervise an agreement barring outside interference in Yemen's civil war.

This call for United Nations intermediation in the Yemen should now be taken up by our own Government to bring peace to an area torn by war for 4 years and to restore freedom to a people oppressed by as cynical a foreign imperialist as ever conceived by Cairo's own propagandists—Cairo itself. We should not sit idly by as freedom's light—even though it may now be but a faint flicker of that flame—is extinguished in still another country. As today's New York Times editorial points out:

> It is indicative of the double standard that prevails in today's cynical world that so few voices are to be heard demanding self-determination for the people of Yemen and the exit of the foreign troops who are now such unwelcome guests there.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COUP IN YEMEN

Egypt's President Nasser has taken some substantial risks by sanctioning the recent coup in Yemen that makes the new republican government there his transparent puppet.

President al-Salal, who has taken over the Premier's post, has never concealed his pro-Egyptian sympathies, and in fact returned to Sana only last month after having been in Cairo for most of the past year. It is a measure of al-Salal's weakness that, even though supported by the tens of thousands of Egyptian troops still in Yemen, he did not act until the man he ousted, Premier el-Amri, had gone to Egypt, where Nasser could physically detain him if necessary.

This cynical Egyptian strongarm move is a propaganda windfall for the royalists, who can now argue that they are fighting for Yemen's independence. Their argument is likely to find receptive cars among many of the moderate republicans who have chafed increasingly this past year at the growing evidence of Nasser's desire to be the real boss in Yemen. The Egyptian President now has many of the important leaders of the independent-minded republicans under his control in Cairo. But he faces the danger that some of their followers in Yemen will react to the coup by deciding to cooperate with the royalists against the Egyptians. Meanwhile, in Egypt itself this crude move is likley to be taken as evidence that Nasser intends to continue his expensive and unpopular Yemen adventure.

It is indicative of the double standard that prevails in today's cynical world that so few voices are to be heard demanding self-determination for the people of Yemen and the exit of the foreign troops who are now such unwelcome guests there.

Mr. JAVITS. Mr. President, I wish to call attention to the last paragraph of the editorial which states:

> It is indicative of the double standard that prevails in today's cynical world that so few voices are to be heard demanding self-determination for the people of Yemen and the exit of the foreign troops who are now such unwelcome guests there.

THE PROPOSAL TO INVESTIGATE GUIDELINES ON CIVIL RIGHTS ACT OF 1964

Mr. JAVITS. Mr. President, this week the House will consider a proposal to investigate the Department of Health, Education, and Welfare guidelines to enforce title VI of the Civil Rights Act of 1964.

I support those guidelines and urge others to speak up and back the Department of Health, Education, and Welfare in efforts to enforce the law and provide equal educational opportunities for all Americans.

I have been informed today that Federal funds have been terminated or deferred in 258 school districts in the United States, penalizing 1 million children.

Ralph McGill, a distinguished southerner, has correctly placed the blame on the intransigent school districts who refuse to obey the law, not on the Federal Government.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. McGill's column entitled "Children the Victims in Guideline Controversy," which appeared in the Washington Star of yesterday.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILDREN THE VICTIMS IN GUIDELINE CONTROVERSY

(By Ralph McGill)

A cold-blooded, calculating willingness to sacrifice children and their future for a long time has been the dominant ingredient of the more egregious distortions of facts by political persons on the make for votes.

An illustration is the educational guidelines.

They are being attacked by most exaggerated falsehoods. Some are so preposterous as to make one wonder if those delivering them have any shred of political principle or concern for the educational future in their states.

It now is well understood that public money may not be spent to maintain or permit segregated public facilities. The guidelines do nothing more than say that to be eligible for federal aid a school system must obey the laws made by the Congress of the United States and the decisions of courts declaring these laws constitutional!

The federal government does not "cut off" funds from a school district or state. To say so is a deliberate falsehood. Certainly none would insist that a government agency continue funds to school districts that willfully violate the law. To do so would subject agency officials to arrest and conviction. If there is any "cutting off" of funds it is done by the law-defying local boards.

There is no national outcry against the guidelines. Political and demagogic agitation is largely confined to six Deep South states. Those persons urging defiance of the guidelines, the sole purpose of which is to give the best education possible to all the children, confess thereby that they are willing to sacrifice the children to inferior education—to discriminate against the children of their own district or state by perpetuating the present system of inferior opportunity. They are willing to do this to children because they think it may win them votes from those who do not understand the simple fact of the guidelines or who are so prejudiced as to be willing for their children to have less educational opportunity.

Today, after nearly a century of trying to support two inferior school systems with taxable income that will not pay for one good one, the facts of our educational life are before us.

Our public school system has advanced. But in all aspects it is below the national average in payment to teachers, in money spent per pupil. There is a national shortage of teachers. It is worst in the Deep South states. Georgia's payments to teachers are lower than those of Alabama and Florida. South Carolina, Arkansas, Mississippi, and South Dakota pay teachers less than the other 46 states. In higher education only one Southern institution, Duke, meets even the minimum salary for faculty as set by the American Association of University and College Professors. Our graduate schools are not listed among the nation's best. Our state institutions annually drop out a high percentage of freshmen poorly prepared in the state high schools. We are on the way, but meanwhile, political leadership seeks to halt advancement and destroy what has been achieved by a fight against federal cooperation and assistance.

We may ask, weighing the falsehoods and those who preach them, if that is what we want for our children. They increasingly face an educationally dominated competitive life. Are the diehard racists so cruelly prejudiced they will sacrifice their own children just to be sure a Negro child isn't in the school?

They can't win. Their proposals clearly are unconstitutional. All they can do is create chaos and further reduce the quality of education. Teachers will go where decency and salary make a career possible.

Yet, in six Southern states there are men who seemingly will do anything, however destructive to the present and future of education, if they think they can arouse fear and prejudice and thereby attract votes. History will write its judgment of such men as it has written it of their counterparts in our past history.

EUGENE McCARTHY, U.S. SENATOR FROM MINNESOTA

Mr. YOUNG of Ohio. Mr. President, under the leadership and direction of its publisher and editor, Paul Block, Jr., the Toledo Blade, of Toledo, Ohio, has become universally recognized as one of the very great newspapers in the United States. Its coverage of international, national, State, and local news has achieved a standard of excellence which has made it a model for other newspapers to follow.

In its issue of September 18, 1966, there appeared an article by the distinguished senior Senator from Minnesota [Mr. McCarthy] entitled "The United States: Supplier of Weapons to the World." This article, magnificently written, originally appeared in the Saturday Review. I wish that other publishers and editors throughout the Nation would follow the example of Paul Block, Jr., and make Senator McCarthy's views on this important subject available to their readers.

Mr. President, one of the most vital and pressing problems facing the world today is the search for a means to control the threat of proliferation of nuclear weapons among nations and the danger that this holds for the future of the human race. It is sometimes forgotten that there is an even more serious immediate threat to world peace, and that is the proliferation and distribution of standard weapons. Virtually all great industrial nations, not excepting our own, are deeply engaged in the sale and distribution of conventional weapons to nations throughout the world.

Senator McCarthy clearly and concisely points out the danger that this poses to various areas of the world, and, in fact, to world peace itself. The distinguished senior Senator from Minnesota is to be congratulated on this important contribution to the understanding of a problem that has not heretofore received the attention it merits.

I commend this article to my colleagues and ask unanimous consent that it be printed in its entirety in the Record at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

The United States: Supplier of Weapons to the World—A Look at Armaments Export and Its Foreign-Policy Influence

(By Senator Eugene McCarthy)

A LOOK AT THE RECORD

(Note.—Senator McCarthy (D., Minn.) is an articulate liberal who was one of the signers of "a plea for sanity" issued last July 15 by 19 senators (including Chairman J. William Fulbright of the Foreign Relations Committee and Senator Young of Ohio) calling on North Viet Nam "to refrain from any vengeance against the (captured) American airmen." The statement noted that the signers "have worked for an honorable settlement" and "have publicly criticized the mounting involvement of our country.")

Over the past 15 years, the United States has given or sold to other countries some $35 billion worth of military assistance as part of our foreign aid.

The major share of Defense Department arms supplied under our military assistance program has gone to industrialized countries in Europe and the Far East.

We have provided arms, equipment, and training to countries who are allied or associated with us through treaties—NATO, SEATO, CENTO, ANZUS—which are the legacy of the early years of the containment policy and of the John Foster Dulles era.

In addition, we have provided military aid to a wide range of countries in such categories as: "forward defense" areas, including the Republic of China (Taiwan), Iran, Philippines, South Korea, Greece, and Turkey (the last two countries are also allied to us through NATO); countries that have given us military base rights such as Ethiopia, Libya, Spain and our NATO ally Portugal; "Alliance for Progress Security" countries—virtually every country in Latin America; and some 23 countries in Asia, Africa, and the Middle East that are regarded as having "free world orientation."

Our interest and concern over the threat of nuclear proliferation should not distract us from giving careful attention to what may be an even more serious threat to peace—the proliferation and distribution of standard weapons. Supplying standard arms has become a major activity—not only for the modern merchants of death or for illegal gunrunners, but for the governments of the major industrial countries.

France, long a major supplier of arms to the Middle East, is reported to be exporting nearly 40 per cent of its total aerospace production. The Soviet Union is also a major supplier of arms. Great Britain is actively engaged in the arms competition. But today the United States is the world's leading producer and supplier of arms.

In recent years, sales of arms have been taking the place of grants and gifts in U.S. military assistance programs. In 1950, the 14 countries that obtained U.S. arms and military training all received these on a grant basis. In 1966, of the 70 countries that received any combination of grant aid, direct sales or credit assistance for arms, 62 were receiving grant aid, 34 were buying arms directly, and 18 were the beneficiaries of credit assistance.

The principal purpose of most military aid, whether it be in the form of grants or sales, is of course, to strengthen recipient countries against Communist aggression and subversion.

Secretary of Defense Robert McNamara, in testimony before the Senate Foreign Relations Committee on April 20, 1966, stated:

"The governing principle of our military assistance program has been and is that the vital interests of the United States and the defense of the free world are dependent upon the strength of the entire free world and not merely upon the strength of the United States."

Over the past decade, however, intergovernmental trade in arms with the developing countries has involved more complex motivations and considerations. Several pressures have combined to increase the arms supply.

First, newly independent countries are frequently eager to acquire arms for prestige purposes. Lions on golden chains no longer satisfy. To many nations, these arms are status symbols—the tangible manifestation of their nationhood and newly acquired sovereignty.

Second, supplying arms opens the way to influence on the military and also on the political policies of the recipient countries. Experience has demonstrated that when an arms deal is concluded, the military hardware is only the first step. Almost invariably, a training mission is needed and the recipient country becomes dependent on the supplier for spare parts and other ordnance.

Since the Cuban missile crisis, there has been an increasing inclination on the part of both the United States and the USSR to compete in supplying military assistance in areas adjacent to the sphere of influence of the other power. Thus, we tend to concentrate our military assistance to developing areas in those countries, such as Iran and Pakistan, which are on the "forward-defense arc" that borders the Communist heartland. Almost three-fourths of the program proposed for 1967 is for countries adjacent to the borders of the USSR and Communist China.

The importance of influence on the military can be seen in Africa. Of the five nations of sub-Saharan Africa where military governments have come to power in recent months, only one, apparently, the Central African Republic, has not been the recipient of U.S. military assistance. The other four—Congo (Leopoldville), Dahomey, Nigeria, and Upper Volta—have all received at least minimal amounts of military aid.

Indonesia, where military elements appear to have taken de facto control of the government in the wake of the recent turmoil, received, in addition to Soviet military assistance, nearly $64 million in military-grant aid from the United States between 1959 and 1965. The Soviet Union, on the other hand tries to increase its influence by assistance to, for example, Cuba, close to our shores.

The third reason for increasing arms sales, and a relatively new one for the United States, is financial and budgetary. Our balance of payments deficit is, in large measure, the result of military expenditures overseas—money that leaves the United States to support our military forces abroad, in Europe, and, particularly now, in Viet Nam.

The Viet Nam war effort is costing the United States some $16 billion this year. By encouraging other countries to buy arms from us, we can offset to some extent the outflow resulting from these programs. Now, for instance, the Pentagon reportedly is "encouraging" additional purchases of U.S. arms by Germany by threatening transfer of U.S. troops from Europe to Viet Nam.

Secretary of Defense McNamara proudly describes the efforts of his department in the arms sales field. In May, 1965, he presented the meritorious civilian service medal to Henry J. Kuss, Jr., deputy assistant secretary of defense for international logistics negotiations, the Pentagon's top arms salesman.

The record of Mr. Kuss and his salesmen—"negotiators," the Pentagon calls them—is impressive. Military export sales since mid-1961 total more than $9 billion, from which U.S. industry will realize a profit of nearly $1 billion. For this achievement, the Pentagon credits "the intensive sales effort undertaken . . . in cooperation with U.S. industry."

Forbes magazine recently stated:

"Arms and military equipment are one of the U.S. major export items. Without them, few defense companies would be earning the kind of money they do."

Secretary McNamara cites the "obvious balance of payments benefits" of the arms sales program, noting that the U.S. defense expenditures and receipts entering the balance of payments in fiscal 1961 left a net adverse balance of nearly $2.8 billion. By 1965, the net deficit had been reduced to just over

$1.4 billion, in spite of rising defense expenditures in Southeast Asia. Arms sales by the Pentagon increased from about $300 million in 1961 to more than $1.3 billion in 1965; 1967 receipts are expected to exceed $1.5 billion.

Secretary of State Dean Rusk has stated that his department is in "very close touch with the Defense Department on the sale of arms."

The State Department's Office of Munitions Control coordinates arms sales by issuing or denying applications for the export or import of all articles on the U.S. munitions list. Export licenses for munitions list items are denied for areas under Communist control. But the State Department approves the shipment of arms to other states to meet what are considered to be legitimate defense needs and the requirements of internal security.

Secretary McNamara appears to believe that there is no reasonable alternative to intensified sales of U.S. weapons and, with the traditional rationalization of arms salesmen through history, states that if nations cannot buy them from us they will buy them elsewhere—from Britain, France, or the Soviet Union, at higher prices.

But what is the effect of this policy?

The outbreak of war between India and Pakistan is a prime example which was of great concern to this country.

Pakistan, which has recently been receiving military assistance from Communist China, is formally allied to us through the Southeast Asia Treaty Organization and is reported to have received from $1.5 to $2 billion in military assistance in the last decade. India, the largest democratic nation in the world, refused U.S. military aid until its borders were attacked but it had been receiving arms from England.

When it became clear that U.S.-supplied weapons were being used in the Indo-Pakistan war, many Americans must have wondered how our Government could have allowed itself to become caught in such a contradiction. Nor was it any comfort when John Kenneth Galbraith, former ambassador to India, said before the Foreign Relations Committee on April 25, 1966:

"The arms we supplied . . . caused the war between India and Pakistan . . . If we had not supplied arms, Pakistan would not have sought a military solution (to the Kashmir dispute)."

Also of growing concern in the past several months has been the spiraling arms build-up in the Middle East, where tensions among the Arab states and between the Arab states and Israel have long threatened to explode.

Between 1950 and 1965, we supplied relatively small amounts of grant military assistance to the area: to Iraq, $46.5 million; to Jordan, $33 million; to Saudi Arabia, $31 million. Now, however, Saudi Arabia is buying $400 million worth of British supersonic jet fighters and U.S. Hawk missiles. Jordan has received U.S. tanks, and on April 2 the State Department announced that the United States had agreed to sell Jordan "a limited number" of supersonic fighter-bombers, reportedly Lockheed F–104s.

It is not clear how Jordan, which has an annual per capita GNP of $233 and which has been dependent on U.S. military grants and economic aid, will pay for these planes, which cost some $2 million apiece. The availability of U.S. credit for arms purchases is undoubtedly an important factor.

(The State Department has been under special pressure in the case of Jordan because of our sale to Israel of weapons that had previously been promised by Germany under an arms deal cancelled last year.)

Secretary Rusk on Jan. 28, 1966, said:

"We have tried over the years . . . not to stimulate and promote the arms race in the Near East and not to encourage it by our direct participation."

But it is difficult to reconcile the State Department's policy of refraining from becoming a major supplier of arms with the aggressive arms sales program conducted by the Pentagon.

The United States appears to be abandoning its traditional policy of noninvolvement in the Middle East arms competitions in favor of trying to maintain an arms "balance" in the interest of political and military stability. But it is difficult to believe that the increasing supplies of sophisticated weapons in the area will contribute to the maintenance of peace or the reduction of tensions.

Tensions between Latin American states are not high at present, but our military assistance through grant aid or sales to some countries appears to be increasing, with Argentina agreeing several months ago to buy 50 jet attack planes from the Douglas Aircraft Co. At the same time, the Chileans are attempting to buy planes from us for defense against Argentina.

One may well question the desirability of strengthening military elements in countries that are, to a greater or lesser extent, trying to move away from a tradition of dominant influence of the military on political affairs, and endeavoring to develop democratic societies dedicated to freedom and social progress.

Among President Johnson's recent proposals to the Disarmament Conference meeting in Geneva is a suggestion that "countries, on a regional basis, explore ways to limit competition among themselves for costly weapons often sought for reasons of illusory prestige."

On April 19, 1966, the U.S. delegate to the Disarmament Conference elaborated further the principles by which nations might undertake, on a regional basis, to limit conventional arms. If such regional arrangements could be concluded, potential suppliers should pledge to respect them and not deliver arms to the area.

But the Defense Department's guidelines for its arms salesmen give little encouragement to those who would favor restraint. Its pamphlet, Information and Guidance on Military Assistance, says.

"The Department of Defense has embarked on an intensified military assistance sales program . . .

"Achievement of . . . objective calls for a very substantial increase over past sales levels: Success in this endeavor will be dependent in large measure upon effective sales promotion. The DOD has taken several steps to assist in the successful conclusion of military sales. . . . Foreign customer preference for U.S. material is being generated by developing an appreciation of its technical superiority, price, availability, and the offer of follow-on support through U.S. logistics systems.

"In many cases, credit arrangements may be made to facilitate military sales, on short or long-term basis as needed."

It seems to be a case of the left hand of the Government trying to control what the right hand is busily promoting.

Former Ambassador Galbraith has stated:

"The policy of arming the indigent . . . has long since acquired a momentum of its own. It owes its existence partly to habit, partly to vested bureaucratic interest, partly to the natural desire to avoid thought, and partly because to stop doing what is wrong is to confess past error."

He suggests limiting arms aid to countries that have an annual per capita income of more than $200.

At a minimum, one would hope for some rationalization of the United States policy on arms sales. There is evidence that the Soviet Union might welcome an opportunity to disengage from arms competition, at least in the Middle East. The United States should pursue any such possibility and, at the same time, use its influence to persuade other major suppliers to agree to some form of conventional arms moratorium.

Weapons sales abroad, 1962–65

(Defense Department estimates)

Company	*Sales*
General Dynamics:	
F–111A aircraft	$1,072,000,000
Tartar missiles	34,400,000
Total	1,106,400,000
Lockheed:	
P–3A aircraft	23,500,000
F–104 aircraft	527,100,000
C–130 aircraft	409,300,000
Total	959,900,000
McDonnell Aircraft: F–4 aircraft	703,000,000
Lockheed-General Dynamics (joint venture): Polaris missile system	427,000,000
Bath Iron Works-Defoe Shipbuilding (joint venture): Guided missile destroyer (DDG)	277,000,000
Martin Marietta: Pershing missile system	253,000,000
Raytheon: Hawk missile system	231,800,000
FMC: Armored personnel carrier, M–113	166,800,000
Chrysler: Tank, 105-millimeter gun, M60A1	154,200,000
Sperry Rand: Sergeant missile system	149,700,000
Ling-Temco-Vought: F–8E aircraft	66,000,000
General Motors: Howitzer, 155-millimeter, M–109	56,500,000
Boeing: C–135F aircraft	53,000,000
Pacific Car & Foundry: Gun, 175-millimeter, M–107	38,700,000
Grumman: S–2E aircraft	23,300,000

VOLUNTARY CLASSIFICATION OF MOVIES BY MOTION PICTURE ASSOCIATION OF AMERICA

Mrs. SMITH. Mr. President, on September 20, the Motion Picture Association of America adopted a new code of self-regulation. As I understand it, Hollywood's moviemakers will now guide themselves "through the substitution of broader guidelines in place of the old code's specific prohibitions."

I am sure we shall be interested in the application of these new guidelines on the neighborhood theater screen.

Furthermore, it is my understanding that the new code will call for a form of voluntary classification wherein movie producers, in cooperation with the movie code administration, will identify certain pictures as "suggested for mature audiences."

Mr. President, I think the Motion Picture Association of America, and its president, Mr. Jack Valenti, are to be congratulated. First, they seem to have recognized the existence of many movies now being exhibited in the United States which, through their excessive use of violence, brutality and bad taste, are simply not suitable for nonadults.

Second, they have moved to assume some responsibility for movies exhibited in the United States which are made by their member producers or submitted to their code administration for a seal by independent producers or exhibitors.

Unfortunately, many movies—and a good number of those which parents, religious, and civic organizations protest against—are not made by members of the Motion Picture Association of America. Nor are they submitted to that organization or any other for approval.

But at least by embracing the concept of classification for its own films, the MPAA has shown an awareness of trends and a willingness to cope with this difficult problem within the limits of its authority.

I think they have taken a very important first step. Perhaps others will be necessary.

I ask unanimous consent to place in the RECORD at this point an editorial on this subject offering in the September 21, 1966 issue of the Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FILMS AND FREEDOM

The Motion Picture Association of America announces today a new code of self-regulation for the film production industry. For a decade the principal movie-makers of the country have operated under a production code which gave rather extravagant lip service to Victorian proprieties and had a steadily diminishing relation to the realities of contemporary taste and artistic expression. Jack Valenti, the new president of the MPA, seems to have made it his first order of business to modernize the code and give it effective meaning. He deserves congratulations on the accomplishment.

One need only look at the movie section of any daily newspaper to see that there is a good deal of pandering to prurience and vulgarity in the current bill of fare; no doubt this is a shrewd response to what a considerable part of the public wants. But there is also a great deal of first-rate entertainment and a quantity of extremely interesting experimentation in motion picture themes, techniques and forms of expression. The movies can have freedom to flourish as an art only if they have a considerable measure of freedom at the same time to shock, disgust and even outrage a portion of the public.

The movie-makers have sought to preserve their freedom by embracing a measure of self-regulation—a traditional American approach. Their new code seeks "to assure that the freedom which encourages the artist remains responsible and sensitive to the standards of the larger society." It differs from the old code in two respects. First, it refrains from treating any subject as taboo, focusing its regulation instead on the treatment accorded to the subject. Second, it embraces a classification system for films, candidly announcing to the public that some products are designed for adult audiences only.

The standards for film treatment of subjects in the new code are, perhaps necessarily, vague and pious. They provide, for example, that "evil, sin, crime and wrong-doing shall not be justified." That can mean anything or nothing, of course. Propriety being a matter of taste, there are bound to be differences of opinion concerning it. We shall have to see how the new code is administered.

We think voluntary classification is a good idea—a much better idea than the mandatory and official classification instituted by law in Dallas and recently approved there by a decision of the Fifth Circuit Court of Appeals. There are pictures of interest to adults which some of those adults do not wish their children to see.

The MPA proposes to have such films identified as "suggested for mature audiences." It does not propose, as the Dallas ordinance does, to have the classification made by a board of censors or to penalize exhibitors who allow juveniles to attend. It puts the responsibility for protecting children where it belongs—on their parents. And it gives parents the notification necessary for them to exercise their supervisory role intelligently. That is about as much as can be done without incurring the evils of censorship.

The new code affords a hopeful augury that the motion picture industry is definitely coming of age. Unfettered, it has a prodigious potential both as art and as entertainment.

GRANTS AND LOANS BY FARMERS HOME ADMINISTRATION FOR WATER SUPPLY AND SEWAGE DISPOSAL

Mr. EASTLAND. Mr. President, last year I was a cosponsor of a bill authorizing the Farmers Home Administration to make loans and grants for water supply and sewage disposal to communities of less than 5,500 population.

I am extremely proud of the record made by the FHA in implementing this program. In addition to providing this authority, Congress increased the insured loan authority of the FHA from $200 million to $450 million annually.

The history of this program since its enactment is an outstanding accomplishment by a Federal agency. Four thousand and sixty-four loan and grant applications have been received from small towns and rural associations, and 1,583 projects have been approved for a total of $243,400,000 through June 30 of this year. The number of homes and small rural business enterprises serviced by these projects approximates 1,200,000.

This program has been of tremendous value to my own State. Through the last fiscal year, 476 applications were filed by small communities and rural areas in Mississippi, and 167 of the applications were processed and loans and grants have been provided which will service approximately 83,500 of our people with water supply and sewage disposal.

Mississippi has the second largest number of applications, and applications funded, of any State in the Union. It is second only to Texas, which has four times our population and land area.

Since July 1, 1966, for the 1967 fiscal year, additional loans in the amount of $1,297,340 have been authorized and grants of $200,660 have been approved to service 10,000 people in rural areas with water supply and/or sewage disposal.

Mr. President, I am proud to be one of the Senators who introduced and promoted this legislation which means so much to rural America. Water supply, sewage disposal, and good roads, added to rural electrification, will make living in rural areas comparable to that enjoyed by our urban citizens. This is the route we must take to keep our people in rural areas. In addition to better living conditions, we must encourage industrial plant locations to provide job opportunities to rural people to bring employment to the areas where the people reside. This is the answer to the growing ghettoes of the urban areas of our Nation.

Again, I place my endorsement wholeheartedly on the activities of the U.S. Department of Agriculture through the Farmers Home Administration in making the assistance provided by Congress available to rural people to raise the level of income and the standard of living in rural areas. I am convinced that this program, implemented as it is now, is a part of the solution to our social and economic problems of the present and future.

LET US WEEP FOR THE INNOCENT

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, an address entitled "Let Us Weep for the Innocent" delivered by the senior Senator from Colorado [Mr. ALLOTT] at the Denver Masonic Temples on September 16, 1966.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LET US WEEP FOR THE INNOCENT

Were you or any of your loved ones the victim of a serious crime during 1965? If not, consider yourself lucky because better than one person (1.4) out of every 100 of our citizens was a victim. And don't congratulate yourself prematurely or say, "It will never happen to me," because each year the chances are increasing that you will be a victim.

There were more than 2,780,000 serious crimes reported during 1965, a six percent increase over 1964. The percentage of victims increased five percent over 1964, part of a rising rate that has increased 35 percent since 1960. And I must point out that these are reported statistics. Only the good Lord knows how many crimes went undiscovered; for instance, rape victims who endured their shameful ordeals in silence and did not report them.

Does this mean that we have become a nation of the lawless? Have we through indifference, or premeditated decision, diverted from the basic concept of our government . . . one of laws . . . to one of license?

When we read of the appalling growth in our national crime rate and see daily evidence that military force is required to bring some semblance of order to our communities across the land, it is difficult to believe otherwise.

Why have we, a nation that boasts of being the model of democracy for emerging nations, reached this danger point of social crisis that our governmental and civic leaders and police executives view with the gravest concern?

Our American social system is based on a foundation composed of our Judaeo-Christian code of moral ethics and our code of legal justice under law, as promulgated in our Constitution. From this foundation, rise the four pillars that support our social structure: 1) the public will, 2) the interpretation of that will by our elected representatives, 3) the enforcement of legislative edicts through the exercise of authorized police power, and 4) the administration of justice by our courts. When any or all of these pillars are weakened, the collapse of our entire social structure is threatened.

In the past few years, Americans have for the most part realized the necessity for civil equality for all our citizens and legislation to this end has been enacted by the Congress. But now we are wondering, have some of those whom we sought to benefit gone too far in taking advantage of these long overdue rights? It is a logical conclusion to reach when our communities are wracked by civil disorders and civil riots that have gone beyond the control of the police and require military intervention to bring a semblance of order.

Hardly a day passes that we do not read in the daily press where a march, a sit-down, lie-down, protest demonstration or something of this nature has been sparked into a full-scale riot that requires National Guard troops to subdue. Snipers shoot our policemen, howling mobs use Molotov cocktails and other lethal weapons in wanton and destructive defiance of law and order. And when an uneasy peace finally is achieved, what do we find? In Watts, according to the McCone Commission, ". . . when the spasm passed, 34 persons were dead and the hurt and injured numbered 1,032. Property damage was about $40 million."

Many of the dead and wounded were the innocent caught up in a situation not of their doing, the victims of a holocaust of death and destruction that could have been prevented by the use of reason and respect for the law. Must we have more "Watts" before reason takes precedence? Must we agree with self-styled social experts that because people are deprived and resentful of authority, killing, arson, looting and defiance of the law are to be understood and condoned? I, for one, do not agree, and I believe my credentials permit me to say this. I have sponsored or cosponsored some 57 bills or amendments concerned with advancing civil rights legislation. I have, in every instance, voted for cloture in an attempt to bring proposed civil rights legislation to resolution on the Senate floor. And, most importantly from my personal standpoint, I believe in the cause of civil rights from a moral basis. In view of this, I feel I speak as a friend. I have an earned right to speak as a friend.

And as a friend, it is my sincere advice to those who would justify the ends by means of civil disorder and social disruption, that they pause at this time and with reason and forbearance consolidate the present gains to prepare the paths for peaceful progress. Because if this is not done, even greater numbers of the innocent will suffer.

One of the most heartbreaking aspects of the social crisis of our time is the one of juvenile delinquency. The magnitude of the problem is demonstrated by the fact that the arrests of persons under 18 years of age have increased 47 percent in 1965 over 1960. During the same period our young age group population increased only 17 percent. In addition to the commission of serious crimes, we see an increasing participation by young people, a relatively small minority it is true, in open rebellion against law and order. Adroitly manipulated by known subversives and led by misguided, idealistic "liberals," we see them making a shambles of some of our college campuses and in the forefront of every conceivable demonstration for rights they have yet to earn on their own merit. In defiance of the government of their fathers, they burn their draft cards, and join with Communist sympathizers in denunciatory tirades against our nation's endeavor in Viet Nam to contain Communism.

Their actions are excused by permissive parents, too lenient courts and social pundits as "youthful rebellion against laws they did not make," or because their backgrounds have been unfavorable, or because they just did not adopt to conformity. Too often the only moral code they recognize is the one of "not getting caught."

I believe this problem stems basically from lack of parental responsibility and parental discipline. Parents do not understand the actions of their wayward youngsters because, they say, "We gave them everything." I think if they were honest they would admit they gave them everything of material benefit, but little or nothing of spiritual benefit. Too often the home they provided was only a house. Home, the poet tells us, is where the heart is. The heart of a home is the family where understanding and love are provided, coupled with firm supervision, where the basics of character are formed, not on a hit-or-miss basis, but on a continuing, constant basis.

When parental responsibility is abdicated and the young person ends up in the courts, the corrective action there is too often in the nature of a legal "slap on the wrist." Is it any wonder, that this youngster decides, based on the examples of his elders, that he can do as he pleases without fear of consequences, and goes on to more and more serious flaunting of the law? We might feel impelled to weep for these who have outgrown their innocence, but it is too late. We must save our tears for their victims.

And their victims are legion. With no sense of responsibility and devoid of conscience, they are free to lure others into the abyss with them. A drug habit started just for "kicks" becomes an insatiable "monkey on their backs" and to pay for it, no crime or degradation is too great. Unimpressed by a "slap on the wrist," they figure crime is the easy way to live and hard work the way of the "square."

I certainly hope that you do not infer from my remarks that a great majority of our young people are criminals—far from it, and I need only refer you to those dedicated young men and women so valiantly serving the cause of freedom in Viet Nam. As a matter of fact, less than 5 out of every 100 in the total young age group become involved in criminal acts. But even these are too many in view of the havoc they cause, the falsely-glamorous example they set for the impressionable, and the distorted image of America they reflect to our world neighbors.

(Another breakdown in law enforcement that has reached such serious proportions as to generate a great deal of concern from the public and the highest authorities in government, industry and the police, is that of traffic accidents.

(Last year almost 49,000 people were killed in traffic accidents and more than four million injured. Forty-one thousand six hundred (41,600) of the deaths were attributed to driver actions. Of that number, at least 36,500 resulted from disobedience to established traffic rules and regulations. Violation of traffic laws caused more than 3 million of the injuries.

(The seriousness of this situation can be seen when compared to the toll from serious crimes. There was a murder committed every 56 minutes in 1964, there was a fatality resulting from a motor vehicle accident every eleven minutes—an injury every eleven seconds. Every 57 seconds one person was injured as a result of a robbery, aggravated assault or other assault in 1964.)

The reaction of many persons in reviewing the mounting crime in our nation is to ask, "Why don't the police do something about it?"

To answer this question, we must realize that our total police capabilities consist of some 300,000 police to maintain law and order for our some 195 million citizens. This provides a median of about 1.9 police per one thousand population, or about 19 police on duty for each ten thousand population segment. But when we analyze this a little deeper, we realize that these 300,000 police officers cannot physically serve 24 hours a day; being human, they became sick occasionally, they are entitled to periodic vacations, like the rest of us, and they are required to perform countless tasks, such as being witnesses in court, which takes them off the front line of duty. Finally, this total force must be apportioned into three shifts during a 24-hour day. When all these factors are taken into consideration, we arrive at a total force *"on the line"* at any one time of barely a fourth of the total 300,000 police capability. Obviously, this is not an adequate force in being to perform the vital police mission, particularly in the high density metropolitan areas where crime and vice show a steady increase and traffic is near saturation.

Another factor that has added to the complexity of the police problem is the general trend of court decisions in the past years. More and more, one is impelled to ask: "Are the courts more concerned with the rights of an individual defendant than with the rights of society as a whole?"

A current case in point is the June 13 decision rendered by the Supreme Court in *Miranda* v. *Arizona*. In this case, by a five-to-four decision, the court virtually abolished a traditional and major police technique, that of police station interrogation of suspects.

In his dissenting opinion, *Justice White* noted that many criminals who might previously have been convicted, may now either not be tried at all, or acquitted upon trial. He concluded that "I have no desire whatsoever to share responsibility for any such impact on the present criminal process." I congratulate him on his dissenting opinion.

As Quinn Tamm, Executive Director of the International Association of Police Chiefs, noted in his editorial in the July issue of the Association's monthly Police Chief Magazine, referring to the Miranda decision, "For the police, such detachment is not possible. They must face the guns and knives of the unconvicted killers, and the anguished mothers of the unconvicted rapists."

Similar decisions in other cases of fairly recent vintage have made it an understandable police concern as to whether it is possible to make an arrest that will stand up in court.

It is a considered opinion of almost all senior police executives that their role in performing their trust, is daily becoming more difficult and nearly impossible. They are caught in the middle between opposing factions in civil riots. Their methods of operation are inhibited by court decisions and their resources are inadequate in proportion to our population increase.

That they have persevered with outstanding dedication is evidenced by last year's record crime clearances by arrests. Ninety-one percent of the murders, 85 percent of the negligent manslaughter cases, 64 percent of the forcible rapes and 73 percent of the aggravated assault cases were resolved in this manner. But the enormity of the problem is illustrated by the grim facts that, during this same time period, there was a murder every hour, a forcible rape every 23 minutes, an aggravated assault every 2½ minutes and a robbery every 4½ minutes.

While the police do not expect us to weep for them, we must weep for the innocent who were murdered or assaulted, slaughtered or maimed on our highways by reckless, lawbreaking drivers, and those whose homes, businesses and properties were pillaged and looted. And while the police ask for no tears, we owe them to the families of the peace officers who paid the supreme sacrifice in the performance of their duty—two hundred and seventy eight of them since 1960. Their wives and their children, they, too are the innocent.

Let me make the following specific recommendations:

(1) A strengthening of our laws, rather than a weakening;

(2) More and better trained police to enforce those laws until every citizen can walk the street in safety;

(3) An acceptance by you, as responsible citizens, that the *price must be paid* in order that we have such a force for law; and

(4) The time has come for our Supreme Court, in its interpretation of our laws, to accept the fact that not only does the criminal have rights but that those past victims of criminal action and those who might be the victims of tomorrow, are entitled to justice, freedom from persecution and the right to live without fear.

It is with pardonable pride that I can say that I have made my voice heard, and my actions felt on the Senate floor to move our nation forward in respect for the law, and support of law enforcement. And, it is my steadfast resolve to continue towards this goal with all the capabilities at my command.

But our tears will not wash away the problem. We can weep, but more importantly, we must act. It is not the sole responsibility of the police to alleviate the crime and social disorder in our nation. This is a shared responsibility of every citizen. As we share in the freedoms and rights instituted by our forefathers, so must we share in the responsibilities for maintaining those rights and freedoms. Each of us must respect the law, and must support those whom we have entrusted to enforce the law. Without such respect and such support, we invite anarchy.

Yes, as humans with hearts, let us weep for the innocent victims of the misguided, the malcontent and the malicious; but as citizens of rectitude and responsibility, let us act to put an end to the need for weeping.

With each of us sharing the responsibility for law and order, we can each share in the realization of the American dream—a nation of equal justice—under law.

THE PEACE FORCE PULLS OUT

Mr. INOUYE. Mr. President, on this occasion of the departure from the Dominican Republic of the last units of the inter-American peace force, I think it is appropriate to cite some of the positive aspects of the drama in which the peace force played a major role.

President Johnson's decision in April of last year to send troops to the Dominican Republic was not an easy one. He knew that it would be controversial. But most of our people agreed with him that it was far wiser to land marines to protect thousands of innocent American citizens and citizens of other lands than to risk their lives in order to avoid political controversy. And they agreed that it was far wiser, indeed, to land troops than to gamble with the security of the hemisphere. Few of us, at that time, had forgotten the lessons of Cuba. First a Communist foothold was established, then a Communist stronghold. Next came a missile crisis. At the same time, Cuba became a headquarters, a supply base and a training ground for Communist "wars of national liberation" in this part of the world.

The President's quick and decisive action saved countless lives, checked the risk of another Cuba and gave the OAS time to act.

At the same time, the United States moved swiftly to take the issues before the Organization of American States. Here, too, there was overwhelming recognition that the American Republics could not stand idly by while a sister republic succumbed to chaos and Communist exploitation. Little more than 24 hours after the first contingent of marines had landed to protect the evacuation, the OAS voted to seek a cease-fire and to establish an international safety zone. Later OAS actions led to measures for maintaining the peace and seeking agreement among Dominican leaders for a political solution.

On May 6, 1965, the Organization of American States voted 14 to 5 to create the Inter-American Peace Force. In addition to the United States, the force consisted of contributions from Brazil, Paraguay, Nicaragua, Costa Rica and Honduras.

For more than a year the OAS Ad Hoc Committee worked tirelessly to help bring the country to free and fair elections and to supervise the activities of the Peace Force. Again playing a key role, as a member of the OAS diplomatic team, was our own Ambassador Bunker. His patience and steadfastness and his diplomatic expertise were major elements in bringing about the establishment of a provisional government and in setting the stage for elections.

Meanwhile, through the OAS and through our Agency for International Development, the United States supplied a great deal of the vitally needed financial, medical and technical help to restore the Dominican economy and to relieve the suffering of the Dominican people.

Then on June 1 last, the Dominican people themselves demonstrated to the world their faith in democratic, peaceful procedures. In a model election they went to the polls in record numbers. Many traveled long distances to vote, others waited long hours in long lines to cast their ballots. Their determination and their dignity deeply impressed official observers and the large international press contingent on the scene.

Today, the Dominican Republic has a democratic and progressive government. President Joaquin Balaguer since his election has been able to concentrate on launching economic and social reform programs partly because of the stabilizing presence of the Inter-American Peace Force. Now, as that force departs, we can say with assurance that the prospects for the strengthening of Dominican democracy are good, although the nation still faces many difficult problems.

Let me say a word or two about the exemplary conduct of the officers and men of the six-nation IAPF. They were often subjected to acts of terrorism, they were shot at and abused by hostile mobs, they could expect little or no thanks for their good works and their crucial role as peacekeepers. There were, of course, many instances of friendly encounters with the people—but no people appreciates the presence of foreign troops among them, even in the happiest of circumstances. For their model behavior then, and for their good example of cooperation among themselves, I salute these soldiers of freedom.

I conclude by observing that the Dominican people deserve the highest praise for responding so positively to the efforts of the provisional government and the diplomats of the OAS to establish conditions conducive to peaceful elections. Despite the obstacles and the uncertainties, the Dominican people rose to the challenge on election day and set a high standard of performance for freemen everywhere. They have again, under Dr. Balaguer's leadership, taken upon themselves the responsibilities of democracy. While ahead of them there are many difficult and challenging trials, they can be assured that we stand ready to help them to make progress and to preserve their hard-won freedom.

MOTION PICTURE INDUSTRY'S NEW CODE OF SELF-REGULATION

Mr. DIRKSEN. Mr. President, on September 20 of this year, the Motion Picture Association of America adopted the industry's new "Code of Self-Regulation." This action was unanimously agreed to by the board of directors.

The updating of the 36-year old set of standards for movie production has been carried out "to keep the code in closer harmony with the mores, the culture, the moral sense and expectations of our society," Jack J. Valenti, president of the motion picture trade association, stated.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD two news releases by the Motion Picture Association of America, a copy of the "Code of Self-Regulation," and an editorial published in the Washington Post of September 21, 1966, with reference to the new code.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW YORK, September 20.—The Motion Picture Association of America today adopted the industry's new Code of Self-Regulation. This action was unanimously agreed to by the Board of Directors at a meeting at the Association Tuesday, September 20.

Up-dating of the 36-year old set of standards for movie production has been carried out "to keep the Code in closer harmony with the mores, the culture, the moral sense and the expectations of our society," Jack J. Valenti, president of the motion picture trade association, stated.

A highlight of the revision, which has been discussed actively for several years, is its greater emphasis on the importance of how the subjects of movies are treated on the screen, coupled with an "expansion of creative freedom" through the substitution of broader guidelines in place of the old Code's specific prohibitions.

The most significant innovation in the new regulations which the industry imposes on itself is to extend the commitment by the producers and film distributors to make more information about films available to parents, "the arbiters of family conduct, so they can choose which motion pictures their children can see."

The new Code establishes procedures whereby producers, in cooperation with the Code Administrator, will identify certain pictures as "Suggested for mature audiences" in all advertising, displays at theatres, and by other means.

A new "Declaration of Principles" of the Code states, "Thus parents will be alerted and informed so that they may decide for themselves whether a particular picture, because of theme, content or treatment, will be one which their children should or should not see, or may not understand or enjoy.

"Parents have the primary responsibility to guide their children in the kind of lives they lead, the character they build, the books they read, and the movies and other entertainment to which they are exposed," the Code Declaration of Principles states.

It recognizes that "the creators of motion pictures have a responsibility to make information available to parents."

Censorship and classification of films by law are "alien to the American tradition. Much of this nation's strength and purpose is drawn from the premise that the humblest of citizens has the freedom of his own choice," the Code declares. "We believe self-restraint, self-regulation, to be in the tradition of the American purpose. This Code, and its administration, will make clear that freedom of expression does not mean toleration of license."

The new standards for production, to be enforced by the Administrator, are:

"The basic dignity and value of human life shall be respected and upheld. Restraint shall be exercised in portraying the taking of life.

"Evil, sin, crime and wrong-doing shall not be justified.

"Special restraint shall be exercised in portraying criminal or anti-social activities in which minors participate or are involved.

"Detailed and protracted acts of brutality, cruelty, physical violence, torture and abuse, shall not be presented.

"Indecent or undue exposure of the human body shall not be presented.

"Illicit sex relationships shall not be justified. Intimate sex scenes violating common standards of decency shall not be portrayed. Restraint and care shall be exercised in presentations dealing with sex aberrations.

"Obscene speech, gestures or movements shall not be presented. Undue profanity shall not be permitted.

"Religion shall not be demeaned.

"Words or symbols contemptuous of racial, religions or national groups, shall not be used so as to incite hatred.

"Excessive cruelty to animals shall not be portrayed and animals shall not be treated inhumanely.

"The Code of Self-Regulation has been adopted by and will be supported by all members of the Motion Picture Association of America, as well as many independent producers," Mr. Valenti said. He pointed out that "not all motion pictures are submitted for review by the Production Code Administration of the Association. The presence of the Code Seal is the only way the public can know which pictures have come under the Code. However, non-members of the Association are invited to submit films for Code scrutiny and approval."

The Code also includes standards for movie advertising, as has been true in the past. All advertising and publicity for Code-approved pictures must abide by the standards of the Advertising Code.

The principles and standards of the Production Code are supplemented by the following standards for advertising:

"Illustrations and text shall not misrepresent the character of a motion picture. Illustrations shall not depict any indecent or undue exposure of the human body. Advertising demeaning religion, race, or national origin shall not be used."

Standards for titles of motion pictures also are included in the revised Code, as in the past.

The new provision concerning films for mature audiences states that "The Administrator, in approving a picture under the Code, may recommend that advertising for the picture carry the informational line 'Suggested for mature audiences.' If the Administrator so determines, the distributing company shall carry the line in its advertising. The Administrator shall notify the Director of the Code for Advertising of all such pictures."

The new Code establishes a "Motion Picture Code Board" which will hear appeals and also acts as an advisory board on Code matters. The latter function is new, reflecting Mr. Valenti's program for broader cooperation and unity between producers and distributors on the one hand and exhibitors on the other.

The Code Board will consist of the president of the MPAA as Chairman and nine other directors of the Association; six exhibitors nominated by the National Association of Theatre Owners; and four producers nominated by the Screen Producers Guild.

Member companies of the Association which voted to adopt the Code today are: Allied Artists Pictures Corporation; Columbia Pictures Corp.; Metro-Goldwyn-Mayer Inc.; Paramount Pictures Corporation; Twentieth Century-Fox Film Corp.; United Artists Corporation; Universal Pictures, a division of Universal City Studies, Inc.; and Warner Bros. Picture Distributing Corp.

Copies of the text of the Code may be secured by writing the MPAA, 522 Fifth Avenue, New York, N.Y. 10036.

A Great Historic Landmark

Jack J. Valenti, president of the Motion Picture Association of America, this afternoon (September 20) received the following message from Richard F. Walsh, president of the International Alliance of Theatrical and State Employees:

"I want to congratulate you on the adoption of the revised Code. This is a step in the right direction and it has been needed.

"It makes clear that the main responsibility rests on parents to choose the films they want their children to see or not to see. This is where the responsibility belongs.

"By combining a concern for freedom of expression with a regard for the proper sensibilities of the public, the Code, I believe, can be a great historic landmark in the relationships between the industry and the public it serves.

"We want to assist you in any way we can to make this system of self-regulation a continuing success."

Code of Self-Regulation, Motion Picture Association of America

The Code of Self-Regulation of the Motion Picture Association of America shall apply to production, to advertising, and to titles of motion pictures.

The Code shall be administered by an Office of Code Administration, headed by an Administrator.

There shall also be a Director of the Code for Advertising, and a Director of the Code for Titles.

Nonmembers are invited to submit pictures to the Code Administrator on the same basis as members of the Association.

DECLARATION OF PRINCIPLES OF THE CODE OF SELF-REGULATION OF THE MOTION PICTURE ASSOCIATION

This revised Code is designed to keep in closer harmony with the mores, the culture, the moral sense and the expectations of our society.

The revised Code can more completely fulfill its objectives, which are:

1. To encourage artistic expression by expanding creative freedom and

2. To assure that the freedom which encourages the artist remains responsible and sensitive to the standards of the larger society.

Censorship is an odious enterprise. We oppose censorship and classification-by-law (or whatever name or guise these restrictions go under) because they are alien to the American tradition of freedom.

Much of this nation's strength and purpose is drawn from the premise that the humblest of citizens has the freedom of his own choice. Censorship destroys this freedom of choice.

It is within this framework that the Motion Picture Association continues to recognize its obligation to the society of which it is an integral part.

In our society the parents are the arbiters of family conduct.

Parents have the primary responsibility to guide their children in the kind of lives they lead, the character they build, the books they read, and the movies and other entertainment to which they are exposed.

The creators of motion pictures undertake a responsibility to make available pertinent information about their pictures which will enable parents to fulfill their function.

An important addition is now being made to the information already provided to the public in order to enable parents better to choose which motion pictures their children should see.

As part of the revised Code, there is a provision that producers in cooperation with the Code Administration, will identify certain pictures as "Suggested for mature audiences."

Such information will be conveyed by advertising, by displays at the theatre and by other means.

Thus parents will be alerted and informed so that they may decide for themselves whether a particular picture because of theme, content or treatment, will be one which their children should or should not see, or may not understand or enjoy.

We believe self-restraint, self-regulation, to be in the tradition of the American purpose. It is the American society meeting its responsibility to the general welfare. The results of self-discipline are always imperfect because that is the nature of all things mortal. But this Code, and its administration, will make clear that freedom of expression does not mean toleration of license.

The test of self-restraint . . . the rule of reason . . . lies in the treatment of a subject for the screen. The seal of the Motion Picture Association on a film means that the picture has met the test of self-regulation.

All members of the Motion Picture Association, as well as many independent producers, cooperate in this self-regulation. Not all motion pictures, however, are submitted to the Production Code Administration of the MPA, and the presence of the Seal is the only way the public can know which pictures have come under the Code.

We believe in and pledge our support to these deep and fundamental values in a democratic society:

Freedom of choice . . . .

The right of creative man to achieve artistic excellence . . .

The role of the parent as the arbiter of the family's conduct.

The men and women who make motion pictures under this Code value their social responsibility as they value their creative skills. The Code, and all that is written and implied in it, aims to strengthen both those values.

STANDARDS FOR PRODUCTION

In furtherance of the objectives of the Code to accord with the mores, the culture, and the moral sense of our society, the principles stated above and the following standards shall govern the Administrator in his consideration of motion pictures submitted for Code approval:

The basic dignity and value of human life shall be respected and upheld. Restraint shall be exercised in portraying the taking of life.

Evil, sin, crime and wrong-doing shall not be justified.

Special restraint shall be exercised in portraying criminal or anti-social activities in which minors participate or are involved.

Detailed and protracted acts of brutality, cruelty, physical violence, torture and abuse, shall not be presented.

Indecent or undue exposure of the human body shall not be presented.

Illicit sex relationships shall not be justified. Intimate sex scenes violating common standards of decency shall not be portrayed. Restraint and care shall be exercised in presentations dealing with sex aberrations.

Obscene speech, gestures or movements shall not be presented. Undue profanity shall not be permitted.

Religion shall not be demeaned.

Words or symbols contemptuous of racial, religious or national groups, shall not be used so as to incite bigotry or hatred.

Excessive cruelty to animals shall not be portrayed and animals shall not be treated inhumanely.

STANDARDS FOR ADVERTISING

The principles of the Code cover advertising and publicity as well as production. There are times when their specific application to advertising may be different. A motion picture is viewed as a whole and may be judged that way. It is the nature of advertising, however, that it must select and emphasize only isolated portions and aspects of a film. It thus follows that what may be appropriate in a motion picture may not be equally appropriate in advertising. This must be taken into account in applying the Code standards to advertising. Furthermore, in application to advertising, the principles and standards of the Code are supplemented by the following standards for advertising:

Illustrations and text shall not misrepresent the character of a motion picture.

Illustrations shall not depict any indecent or undue exposure of the human body.

Advertising demeaning religion, race, or national origin shall not be used.

Cumulative overemphasis on sex, crime, violence and brutality shall not be permitted.

Salacious postures and embraces shall not be shown.

Censorship disputes shall not be exploited or capitalized upon.

STANDARDS FOR TITLES

A salacious, obscene, or profane title shall not be used on motion pictures.

PRODUCTION CODE REGULATIONS

I. Operations

A. Prior to commencement of production of a motion picture, the producer shall submit a shooting, or other, script to the Office of Code Administration. The Administrator of the Code shall inform the producer in confidence whether a motion picture based upon the script appears to conform to the Code. The final judgment of the Administrator shall be made only upon reviewing of the completed picture.

B. The completed picture shall be submitted to the Code Office and if it is approved by the Administrator, the producer or distributor shall upon public release of the picture place upon an introductory frame of every print distributed for exhibition in the United States the official Seal of the Association with the word "Approved" above the Seal, and below, the words "Certificate Number," followed by the number of the Certificate of Approval. All prints bearing the Code Seal shall be identical.

C. The Administrator, in issuing a Certificate of Approval, shall condition the issuance of the Certificate upon agreement by the producer or distributor that all advertising and publicity to be used for the picture shall be submitted to and approved by the Director of the Code for Advertising.

D. The Administrator, in approving a picture under the Code, may recommend that advertising for the picture carry the informational line Suggested for Mature Audiences. If the Administrator so determines, the distributing company shall carry the line Suggested for Mature Audiences in its advertising. The Administrator shall notify the Director of the Code for Advertising of all such pictures.

E. The title of an approved motion picture shall not be changed without prior approval of the Director of the Code for Titles.

F. Nonmembers of the Association may avail themselves of the services of the Office of Code Administration in the same manner and under the same conditions as members of the Association.

G. The producer or distributor, upon receiving a Certificate of Approval for a picture, shall pay to the Office of Code Administration a fee in accordance with the uniform schedule of fees approved by the Board of Directors of the Association.

II. Motion Picture Code Board

A. A Motion Picture Code Board is established with these two principal functions:

To hear appeals from decisions of the Code Administrator.

To act as an advisory body on Code matters.

1. The Code Board shall be composed of the following:

(a) The President of the Motion Picture Association of America, and nine other directors of the Association appointed by the President;

(b) Six exhibitors appointed by the President upon nomination by the National Association of Theatre Owners; and

(c) Four producers appointed by the President upon nomination by the Screen Producers Guild.

2. The President of the Motion Picture Association of America shall be Chairman of the Code Board, and the Association shall provide the secretariat.

3. The President may designate not more than two pro tempore members for each category as substitutes for members unable to attend a particular Board meeting or a hearing.

4. The presence of ten members shall constitute a quorum of the Board for meetings and hearings.

5. The members of the Board required to travel to attend a meeting shall be reimbursed for transportation and subsistence expenses, which shall be paid to them from funds of the Office of Code Administration.

B. Advisory: The procedures governing meetings of the Board in its advisory function shall be as follows:

1. The Board shall meet upon call of the Chairman at a time and place he may designate.

2. Members may submit suggestions for an agenda, which shall be prepared and circulated by the Chairman in advance of meetings. Upon majority vote, additional items may be submitted and brought up for discussion at meetings.

3. The Board through the Chairman may request the presence of the Code Administrator at meetings; may request oral and written reports from its distributor, exhibitor and producer members on the status of the Code; may call for advice and reports upon others in a position to contribute to a better understanding and more efficacious operation of the system of self-regulation; and may perform such other functions of an advisory nature as may redound to the benefit of the Code.

C. Appeals:

1. Any producer or distributor whose picture has not been approved by the Code Administrator may appeal the decision to the Motion Picture Code Board by filing a notice of appeal to the Chairman of the Board.

2. The procedures governing appeals before the Code Board shall be as follows:

(a) The Board, upon being called into meeting by the Chairman, shall view an identical print of the picture denied a Certificate of Approval by the Code Administrator.

(b) The producer or the distributor and the Code Administrator, or their representatives, may present oral or written statements to the Board.

(c) The Board shall decide the appeal by majority vote of the members present and its decision shall be final.

(d) No member of the Board shall participate in an appeal involving a picture in which the member has a financial interest.

3. The jurisdiction of the Board is limited to hearing the appeal and it is without power to change or amend the Code.

4. The Code Board, if it authorizes the issuance of a Certificate of Approval, may do so upon such terms and conditions as it may prescribe.

ADVERTISING CODE REGULATIONS

1. These regulations are applicable to all members of the Motion Picture Association of America, and to all producers and distributors of motion pictures with respect to each picture for which the Association has granted its Certificate of Approval.

2. The term "advertising" as used herein shall be deemed to mean all forms of motion picture advertising and exploitation, and ideas therefor, including the following: pressbooks; still photographs; newspaper, magazine and trade paper advertising; publicity copy and art intended for use in pressbooks or otherwise intended for general distribution in printed form or for theatre use; trailers; posters, lobby displays, and other outdoor displays; advertising accessories, including heralds and throwaways; novelties; copy for exploitation tieups; and all radio and television copy and spots.

3. All advertising shall be submitted to the Director of the Code for Advertising for approval before use, and shall not be used in any way until so submitted and approved. All advertising shall be submitted in duplicate with the exception of pressbooks, which shall be submitted in triplicate.

4. The Director of the Code for Advertising shall proceed as promptly as feasible to approve or disapprove the advertising submitted.

The Director of the Code for Advertising shall stamp "Approved" on one copy of all advertising approved by him and return the stamped copy to the Company which submitted it. If the Director of the Code for Advertising disapproves of any advertising, the Director shall stamp the word "Disapproved" on one copy and return it to the Company which submitted it, together with the reasons for such disapproval; or, if the Director so desires, he may return the copy with suggestions for such changes or corrections as will cause it to be approved.

5. All pressbooks approved by the Director of the Code for Advertising shall bear in a prominent place the official seal of the Motion Picture Association of America. The word "Approved" shall be printed under the seal. Pressbooks shall also carry the following notice: "All advertising in this pressbook, as well as all other advertising and publicity materials referred to therein, has been approved under the Standards for Advertising of the Code of Self-Regulation of the Motion Picture Association of America. All inquiries on this procedure may be addressed to: Director of Code for Advertising, Motion Picture Association of America, 522 Fifth Avenue, New York, New York 10036."

6. When the Code Administrator determines that any picture shall carry the informational line "Suggested for mature audiences," the Director of the Code for Advertising shall require this line to appear in

such advertising for that picture as the Director may specify. When the advertisement is limited in size, the Director may authorize the initials SMA to stand for "Suggested for mature audiences."

7. Appeals. Any Company whose advertising has been disapproved may appeal from the decision of the Director of the Code for Advertising, as follows:

It shall serve notice of such appeal on the Director of the Code for Advertising and on the President of the Association. The President, or in his absence a Vice President designated by him, shall thereupon promptly and within a week hold a hearing to pass upon the appeal. Oral and written evidence may be introduced by the Company and by the Director of the Code for Advertising, or their representatives. The appeal shall be decided as expeditiously as possible and the decision shall be final.

8. Any Company which uses advertising without prior approval may be brought up on charges before the Board of Directors by the President of the Association. Within a reasonable time, the Board may hold a hearing, at which time the Company and the Director of the Code for Advertising, or their representatives, may present oral or written statements. The Board, by a majority vote of those present, shall decide the matter as expeditiously as possible.

If the Board of Directors finds that the Company has used advertising without prior approval, the Board may direct the Administrator of the Code to void and revoke the Certificate of Approval granted for the picture and require the removal of the Association's seal from all prints of the picture.

9. Each Company shall be responsible for compliance by its employees and agents with these regulations.

[From the Washington (D.C.) Post, Sept. 21, 1966]

FILMS AND FREEDOM

The Motion Picture Association of America announces today a new code of self-regulation for the film production industry. For a decade the principle movie-makers of the country have operated under a production code which gave rather extravagant lip service to Victorian proprieties and had a steadily diminishing relation to the realities of contemporary taste and artistic expression. Jack Valenti, the new president of the MPA, seems to have made it his first order of business to modernize the code and give it effective meaning. He deserves congratulations on the accomplishment.

One need only look at the movie section of any daily newspaper to see that there is a good deal of pandering to prurience and vulgarity in the current bill of fare; no doubt this is a shrewd response to what a considerable part of the public wants. But there is also a great deal of first-rate entertainment and a quantity of extremely interesting experimentation in motion picture themes, techniques and forms of expression. The movies can have freedom to flourish as an art only if they have a considerable measure of freedom at the same time to shock, disgust and even outrage a portion of the public.

The movie-makers have sought to preserve their freedom by embracing a measure of self-regulation—a traditional American approach. Their new code seeks "to assure that the freedom which encourages the artist remains responsible and sensitive to the standards of the larger society." It differs from the old code in two respects. First, it refrains from treating any subject as taboo, focusing its regulation instead on the treatment accorded to the subject. Second, it embraces a classification system for films, candidly announcing to the public that some products are designed for adult audiences only.

The standards for film treatment of subjects in the new code are, perhaps necessarily, vague and pious. They provide, for example, that "evil, sin, crime and wrong-doing shall not be justified." That can mean anything or nothing, of course. Propriety being a matter of taste, there are bound to be difference of opinion concerning it. We shall have to see how the new code is administered.

We think voluntary classification is a good idea—a much better idea than the mandatory and official classification instituted by law in Dallas and recently approved there by a decision of the Fifth Circuit Court of Appeals. There are pictures of interest to adults which some of those adults do not wish their children to see.

The MPA proposes to have such films identified as "suggested for mature audiences." It does not propose, as the Dallas ordinance does, to have the classification made by a board of censors or to penalize exhibitors who allow juveniles to attend. It puts the responsibility for protecting children where it belongs—on their parents. And it gives parents the notification necessary for them to exercise their supervisory role intelligently. That is about as much as can be done without incurring the evils of censorship.

The new code affords a hopeful augury that the motion picture industry is definitely coming of age. Unfettered, it has a prodigious potential both as art and as entertainment.

BUSINESS AND THE ARTS

Mr. JAVITS. Mr. President, I ask unanimous consent that an article by Howard Taubman which appeared in this morning's New York Times entitled "Business and the Arts," be printed at this point in the RECORD.

This article concerns the contributions of the business community to the growth of the arts in America, and merits the attention of the Members of this body.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUSINESS AND THE ARTS—COMMERCE SHOWS WELCOME CHANGE IN ATTITUDE ABOUT CULTURAL PATRONAGE

(By Howard Taubman)

The straws in the wind grow more numerous and blow more eagerly. They seem to signal that the new day for the arts in America, which has had a promising dawn in recent months, will have a lively morning. Prominently visible as the new day moves forward to its high noon are likely to be the businessmen of America, active in their own names as individuals and speaking and leading in their roles as guardians of the nation's principal corporations. The speech this week by David Rockefeller, chairman of the Chase Manhattan Bank, at the conference of the National Industrial Conference Board is an earnest example of what lies ahead. In his request for the formation of a National Council on Business and the Arts, he not only recommends wisely, but also reflects a welcome enlightenment.

Mr. Rockefeller is not alone in sensing the new directions that business must take in its extracurricular programs of public service. Other leading businessmen have had cultural religion in recent years and have led their companies into fields that a generation ago would have been considered anathema by so-called practical men.

George M. Irwin, an unusual businessman by any standards, recently emphasized the change in a talk to the National Council of the Arts in Education at a conference at Dartmouth.

Mr. Irwin is chairman of the board of the Quincy Compressor Division of Colt Industries, Inc. He is also chairman of the Illinois Arts Council and in his time has conducted—yes, from a podium—the orchestra in his home town of Quincy, Ill. In his own person he unites sound business experience and a discriminating taste for the arts.

CULTURAL COMMITMENTS

Mr. Irwin, scanning the horizon for the possibilities of new money for the arts, recited the names of companies that have made all sorts of cultural commitments:

"The Esso Company's sponsorship of outstanding dramatic programs presented by professional companies around the country, its more recent concern for the support of Latin American artists, the Texaco Company's Metropolitan Opera broadcasts and 'The Bell Telephone Hour' are outstanding examples of corporate support of the arts, using the radio and television media.

"Eastern Airlines has commissioned a suite by three leading American composers, Henry Cowell, Paul Creston and Alan Hovhaness, which was recorded by the New York Philharmonic. Basic-Wirtz Furniture Industries, Inc. commissioned a concerto for its 75th anniversary. S. C. Johnson & Son invested $750,000 in a collection of paintings by contemporary Americans that has been shown abroad for two years and is now touring the United States.

"International Business Machines Corporation has been a pioneer in the collection of paintings from artists in countries in which it does business. It has made this collection available to galleries and museums around the country.

"The touring art exhibits of the Mead Corporation and Abbott Laboratories have strengthened the programs of local museums and galleries. Lever Brothers makes valuable ground-floor space on Park Avenue available for art exhibits. The International Hallmark Art Award is also noteworthy."

Mr. Irwin goes on, citing the contributions of American-Export Isbrandtsen Lines to opera, the Dell Publishing Company to Shakespeare in the park, the Union Dime Savings Bank to Bryant Park concerts. His honor list includes Shillito's in Cincinnati, Macy's in New York, Dayton's in Minneapolis, Minnesota, Mining and Manufacturing in St. Paul, Procter and Gamble in Cincinnati, the Baldwin Piano Company, the Columbia Broadcasting System, Chase Manhattan Bank, Inland Steel, Corning Glass, Crown Zellerbach, Schlitz, the Container Corporation of America and Boise Cascade.

IMAGINATION IS REQUIRED

But he knows, as does Mr. Rockefeller, that the corporate community as a whole has been cautious or indifferent. They both express the atmosphere of the new day, however, when they foresee a change. They are representative of farsighted leaders helping to bring about a widespread change.

But even as momentum grows for a significant shift in corporate attitude and generosity toward the arts, some cautionary words are in order. Mr. Rockefeller uttered a few when he advised cultural organizations to state their cases more intelligently and more forcefully. Mr. Irwin had some strictures about the need for new and more imaginative management of many cultural organizations.

In the new day of corporate-cultural cooperation, business also will need sophisticated advice. Its initial tendency will be, as it has been in the past, to support the established and safe institutions. While many of these are doing useful work, there are others with equal, if not more imagination, that deserve backing.

Business is often daring in its financing of research and development without immediate prospect of profitable returns. At least equal boldness is required in the arts, and

corporate leaders would do well to take adventurous initiatives. The great patrons of history are those who backed fresh and original talents.

OPERATION DEMOCRACY IN ACTION

Mr. McGEE. Mr. President, 15 years ago there were less than 30,000 foreign students studying in American colleges and universities; today there are about 82,000. The greatest percentage of these come from the underdeveloped countries of Africa, the Middle and Far East, and Latin America.

These young men and women study engineering, the humanities, the physical, and natural sciences. The skills and knowledge which they acquire here will contribute significantly to the economic and social development of their homelands. Many of these young people here today will be the leaders with whom we will be dealing in 15 years or so.

And so, Mr. President, I am happy to lend my full support to a program being sponsored by the Young Democratic Clubs of America and its student organization, the College Young Democrats, which aims to open the American political door to the men and women of other lands who are studying at our institutions of higher learning and provide for them a meaningful experience in grassroots politics all across the land.

This program is called Operation Democracy in Action. I have accepted with a great deal of pride an invitation by Virgil L. Musser, president of the YDCA, and Dale E. Wagner, chairman of the College Young Democrats, to serve as national chairman of this worthy project; for, as a former college professor, I know how much good a program such as this can accomplish.

Mr. President, the years which foreign students spend in the United States provide an unequaled opportunity for them to build strong personal bonds with our leaders of tomorrow and to gain a deep and profound insight into the problems of our Nation, to know our people, our system of government, our social and political values. But are we providing to them our fullest measure of assistance by doing no more than preaching to them in the classroom?

Of course, we cannot expect nor do we want the foreign students in this country to accept without question our particular values and ideas. They come to the United States with a cultural and political heritage which greatly influences their selection of what they admire or reject. But, to the extent that we allow our foreign friends to remain merely exotic spectators, both of us are missing our chance to learn. They are losing out on one of the greatest opportunities of their lives, and we are not receiving what they have to contribute to our life.

This program of the Young Democrats—Operation Democracy in Action—offers foreign students an opportunity to get off the sidelines, a chance to learn about and participate in, if they so choose, American politics at the local level.

Operation Democracy in Action is a program on our campuses and in our communities sponsored for both foreign and American students, for community youth and party leaders. Foreign students will observe at close range the American political process. On the campus the students will attend special lectures by professors of political science on American politics and the issues of this campaign. They will be exposed to the mechanics of a political campaign and practical politics by party officials and candidates. In the communities they will meet with candidates, make the rounds with them to meetings and rallies, and work with precinct leaders and ward captains.

On election day our foreign friends will see the results of the get-out-the-vote drives as they visit the polling places. They will visit candidates' headquarters, watch as the votes are counted, and move with the candidates as they celebrate their victories. All in all, they will have become involved in the political process rather than standing by and watching from the sidelines.

Several years ago a survey of Pakistan students showed that 72 percent felt that their studies in the United States were too theoretical. I hope that this program will complement their classroom studies and offer them a practical experience in the democratic process.

Operation Democracy in Action, Mr. President, is more than just a new educational program. It is a new form of foreign relations—grassroots foreign relations. I urge all of my colleagues to give their full support to this worthwhile project.

IMPORTANT SCANDINAVIAN-AMERICAN TRAINEE PROGRAM

Mr. SCOTT. Mr. President, an event that took place in Pittsburgh recently, I believe, deserves special attention and commendation. On September 8, at the Duquesne Club, about 30 key officials of a number of the area's leading industrial concerns and banking institutions attended a meeting to consider participating in a unique trainee program conducted by the American-Scandinavian Foundation. It enables young Scandinavians to acquire additional skills and a greater understanding of the United States through on-the-job career training of from 1 year to 18 months duration.

Carefully screened to insure the necessary qualifications of experience, character, ability, and interest, these young men and women bring to their American assignments the unique contribution of traditional Scandinavian intelligence and industry. Both the long- and short-term advantages of this international project for the American business community have been acknowledged by leading U.S. executives, administrators, and educators. The Foundation arranges training for representatives of all countries in Scandinavia, and is particularly anxious to increase participation in the program by young Finns who might not otherwise have the opportunity to gain experience in the United States. At the same time, this two-way exposure serves to help broaden the understanding between two freedom-loving countries that enjoy the fruits of a vigorous private enterprise system.

It is pertinent to mention that, in a statement of mine 4 years ago which appeared in the CONGRESSIONAL RECORD, I referred to Finland as "a nation of integrity" and stressed that increased beneficial trade between Finland and the United States merits our encouragement. Since then commerce with this small but stalwart country has been expanding, I am glad to report. It is my belief that the aforementioned trainee program contributes significantly to long-range trade policy objectives.

With respect to the meeting in Pittsburgh on September 8, a clear explanation of this unique, no handout program was given to representatives of the business community in Allegheny County by Mr. Taavi Pohjanpalo, managing director of the Finnish-American Society in Helsinki.

Arrangements were carried out for the presentation by John A. Donley, director of the Department of Commerce field office in Pittsburgh. The efforts of Mr. Donley, former Director of the U.S. Trade Development Mission to Finland in 1964, aided in bringing about an initial request from those at the meeting for approximately 50 trainees, with a number of industry executives requesting more time to submit additional requirements. I understand that Roy L. Morgan, Director of the Office of Field Services for the Department of Commerce, was instrumental in arranging for activities of a similar nature at other industrial communities during Mr. Pohjanpalo's brief tour of the United States this month.

Also at the conference in Pittsburgh to help assist the project was the director of the exchange division of the American-Scandinavian Foundation and the Washington representative of the Finnish-American Chamber of Commerce in New York City, a prime objective of which is to aid in increasing trade and investment opportunities between the two countries.

Highlights of Mr. Pohjanpalo's presentation and the favorable response it received were recounted in an excellent summary by William Allan, business editor of the Pittsburgh Press. I ask unanimous consent to have Mr. Allan's article from the Pittsburgh Press printed in the CONGRESSIONAL RECORD at the close of my remarks.

I commend his informative report on this trainee program and the focus it offers on a notable example of effective international relations in action. For further details about the project, the American-Scandinavian Foundation should be contacted at 127 East 73d Street, New York City.

In my judgment, this international training program, which is carried out through private initiatives and funds, deserves even greater participation by American business and industry in the days ahead.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

I'LL TAKE 26: FINN-AMERICAN TRAINEE PLAN STARTS OFF BIG

(By William Allan)

Trained employees these days are where you find them.

Two dozen Pittsburgh executives, most of them in personnel, were introduced to a program yesterday whereby Scandinavian workers, with two years experience in their fields, will come over here and work for about 18 months in order to gain knowledge of American industrial ways.

Taavi Pohjanpalo, managing director of the Finnish-American Society, explained that some 200 to 300 Scandinavians annually come to America every year under the American-Scandinavian Foundation program.

They pay their own way plus their own health and accident insurance, and the American firm pays them either a cost-of-living allowance (up to $325 a month in the case of technicians, etc.) or the going American wage (in the case of registered engineers and other professions).

The program has as many facets as there are industries:

The trainee learns American methods and products, so he knows of them if he ever has to order or write specifications for equipment.

He, or she, brings European ideas with him for exchange (the Finns turn out some of the world's best designers) and also in-depth knowledge of the Scandinavian markets.

The visitor just might turn out to be an excellent representative of the American firm when he returns to his native land.

"This great country (America) does not need a small Finland," Mr. Pohjanpalo added, in a political sense, "but these people turn out to be the best ambassadors your country has because they understand American problems, American ways and American thinking."

Yesterday's meeting was set up by John A. Donley, director of the Pittsburgh Field Office, U.S. Department of Commerce, whose office in the New Federal Building will act as a clearing house.

The trainees must be between the ages of 22 and 35, although the average is about 24; have a good command of the English language; have two year's experience in their field after education, and have good character and professional references.

Their experience ranges throughout most fields, from typists through secretary, accountant, marketing, advertising; trainees are available, one female category being "restaurant hostess."

The American-Scandinavian Foundation has a Pittsburgh chapter, which has promised aid in helping the trainees get settled.

What was the reaction of the Pittsburgh executives at the session?

One, from an engineering design firm, sat down and wrote out an "order" for 26 trainees, about half engineers and half draftsmen.

The indication was that he was seeking employees to get the firm over the present boom.

OAS PEACE FORCE WITHDRAWS

Mr. SMATHERS. Mr. President, a little more than a year ago the Inter-American peace force was assembled to bring order to the Dominican Republic, then racked by bloody strife.

At the time, the press was jammed with gloomy reports—either bemoaning President Johnson's timely intervention or predicting a widening crisis in the Caribbean.

The doom spreaders have been proven wrong. U.S. troops and subsequently the men of the Inter-American Peace Force were able to quiet conditions to the point where an unquestionably honest and fair national election could be conducted.

Now the peace force—which once numbered 22,000 men from the United States, Brazil, Paraguay, Honduras, Nicaragua, and Costa Rica—has left the Dominican Republic, and I think it would be well to salute Brazilian Gen. Alvaro Alves de Silva Braga and his predecessor, Gen. Hugo Panasco Alvim, for their outstanding leadership in this difficult task.

The task of keeping the peace now reverts to the duly elected President, Joaquin Balaguer, and the Dominican armed forces and police.

It is encouraging to know that the United States is continuing to keep advisers in the Dominican Republic to better train the local police in riot control and nonlethal techniques of keeping order.

Nevertheless, Mr. President, I believe that there should be continued and kept ready, a permanent Inter-American peace force, that can serve as a fire brigade for the Americas.

Hopefully, this will be one of the topics to be discussed at a forthcoming Latin American Summit meeting.

I have long said that a permanent international peace force could help Latin nations to reduce spending for armament and national armies, and instead direct their funds toward the more important task of building healthier, happier societies.

However, it is time now to pay tribute to the men of the mission just ended for the patient and outstanding job they did and for helping to give the democratic process an opportunity to function in the Dominican Republic.

ADDRESS BY JOHN E. DAVIS, NATIONAL COMMANDER, AMERICAN LEGION

Mr. YOUNG of North Dakota. Mr. President, on September 1, former North Dakota Gov. John E. Davis was elected national commander of the American Legion at their 48th national convention held here in Washington.

As I said on that date, this is one of the greatest honors that has ever come to the State of North Dakota and I am sure that Comdr. John Davis will occupy this office with honor and distinction. I ask unanimous consent that Commander Davis' speech accepting this high and important post be inserted in the CONGRESSIONAL RECORD as a part of my remarks.

In his remarks Commander Davis outlines the program he proposes for the American Legion for the coming year. The program he has undertaken is one from which all Americans can gain inspiration. It is the type of program which in its implementation can do much to strengthen and preserve our Republic. Through the fine organization he heads with its more than 2½ million members, I know that this program will be carried to every part of our country.

I commend his remarks and his program not only to Members of the Senate but to all of the citizens of our great country.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ACCEPTANCE SPEECH OF JOHN E. DAVIS, UPON ELECTION AS NATIONAL COMMANDER OF THE AMERICAN LEGION, SEPTEMBER 1, 1966

Fellow Delegates to this 48th National Convention, fellow Legionnaires and friends of The American Legion—I'm grateful for the honor you have just bestowed upon me and for the vote of confidence you placed with me to serve as your National Commander during the year ahead.

To our retiring National Commander El James, you have my deepest respect, Sir, and my compliments on a job well done.

The responsibility I feel upon election to this office is just as real and just as urgent as that of any task, either public or private, that I have ever undertaken.

For the support and encouragement of American Legionnaires throughout the country during my candidacy—for the valued assistance of the men and women of my home Department of North Dakota who have labored long and diligently for this moment—for the love and loyalty of my family through another long campaign—for all this and much more, I thank you.

The office of National Commander of The American Legion offers an opportunity for service which can come to few men. I am both proud and humble to have received this opportunity—proud of my long association with this great American Legion which has been a bulwark of democracy for nearly half a century—humble in the knowledge of the great work that remains before us.

This Convention has given us important mandates that will determine our course of action for the coming year. It shall become an important part of my work to stimulate and to motivate the entire organization as we labor together to implement the mandates adopted at this convention.

One of the things we have done here can bring a strong, new lease on life to The American Legion, and I believe this is vitally important both to the future of the Legion and to the future of America. I am referring, of course, to convention action making Viet Nam era veterans eligible for membership in The American Legion.

With congressional action amending our charter to make this new generation of veterans eligible, it remains for The American Legion—for you and me—to let these men know what The American Legion is all about. We must make sure they are properly and cordially invited to join ranks with us.

Surely the common bond which we now have with each other—we must share equally with them. They, too, have worn the uniform of their country proudly and honorably in an era of international hostility not identified as a war, but which has claimed far too many American fighting men.

The number of Americans who have laid down their lives in Viet Nam makes this the fifth most costly struggle in American history in terms of human life. The end is not in sight. Their cause is the same as was ours—to stem the tide of aggression, to preserve the dignity of the individual human being, to save for other free men their right of self-determination.

I'm proud of the decision of this convention to invite these men and women to walk shoulder-to-shoulder with us. It is a privilege which they have earned. As of right now I expect every American Legionnaire to join with me in preparing to welcome these men and women into The American Legion.

I urge each of you to join with me in responsible action and in responsible promotion of the stands taken by The American Legion so that we may further inspire the confidence of our fellow Americans and that we may make our organization increasingly attractive, not only to the newly eligible, but to those who have long been eligible but have not yet joined our cause.

In 1965 we showed a gain in membership. We are almost certain to register another increase in 1966, and I want to make it three in a row in 1967. Are you with me?

I know you are, and I need your help, for I have learned in my travels across the country there are many people, including eligible veterans who just don't know what The American Legion is all about.

The American Legion has nothing tangible to sell. There is no basis on which to sell our organization other than service. Let me ask you, what nobler aspirations can man have than to be of service to his God and to his fellow man?

The basic organizational structure of The American Legion is today essentially the same as it was when The American Legion was founded. We are today, as we were then, a community service organization with our roots deep in local activities. It is at the Post level where we establish our record and our prestige.

Being this type of an organization, we must be prepared to serve today on the basis of today's needs. One of the pressing needs of America, as I see it, is a return to the tried and true values of patriotism and the basic principles of Americanism. There is no organization in this land better prepared and better organized to stimulate in the hearts and minds of all of our people—that spirit—which conceived the principle of government of the people, by the people and for the people. This is the spirit which has nurtured and safeguarded that principle for nearly two centuries.

We know that ours is a living heritage, for we see it in the heroic actions of young Americans now serving their country in Viet-Nam and other troubled areas around the world. We see it here at home in the fine attitudes and the responsible citizenship exhibited by the vast majority of our people—young and old alike.

Yet, there is that loud and irresponsible element that draws so much attention to itself because of the off-beat, unpopular and sometimes dangerous notions which they espouse. That element, because of the attention which it draws, could well be mistaken for the consensus of the American people. Therein lies the real danger created by these people who dissent so violently, and sometimes lawlessly, from the positions taken by their country affecting our national security.

It is conceivable there could be no future unless there be an orderly society—unless there be respect for all our laws—unless there be responsible citizenship among all of our people.

Those who wilfully violate the law should be fairly and impartially judged and, where found guilty, forthrightly punished for their acts of wrong doing. Only then do we have the undergirding for sustaining our nation through this perilous period of history. Only then can we move ahead with programs that will provide for the improvement of our society and the well-being of our people.

This is a time for patience, tolerance and understanding. It is not the time for hot headed violence and civil disobedience which breeds crime and disorder.

We in The American Legion defend the right of dissent by all citizens of this Republic. But we also demand that those who dissent assume the responsibility for offering reasonable alternatives to those courses of action with which they disagree. This has been the attitude of The American Legion through the years, not just since the issue of Viet Nam became heated. It shall continue to be the posture of The American Legion in the year ahead.

Finally, and I cannot hope to cover today all the things that are in my heart and on my mind for the coming year, I would remind you that I have been associated with our National Security Commission for some 20 years, and I am thoroughly convinced of the need for national unity—the continued maintenance of our armed forces in a state of readiness to meet our global commitments—and the revitalization of our moral strength if we are to preserve our way of life.

The American Legion has an important role in the maintenance of both the moral and physical strength of this nation, and I propose that we address ourselves wholeheartedly to these major efforts in the year ahead.

1. To exert American Legion influence to the fullest extent where it is most effective—in the local community. There, by the opportunities offered through our established programs, by example of Post activity and by personal example of all Legionnaires, let's strive to complement significantly the virtues of family, church and community life. Let's help in every way we can to revitalize the moral strength of our people.

2. At the national level, let us strive to carry out all of the vital mandates of this convention, with a special emphasis on those which involve the physical strength of the nation, and the manner in which America carries out her relationships with other members of the family of nations.

We want to be sure of our security, and until we see signs of sincerity and a genuine desire for peace on the part of the communist world—and no such sign has yet been seen—The American Legion must and will continue to be America's strongest advocate of peace through strength.

EUGENE V. ROSTOW

Mr. RIBICOFF. Mr. President, I call your attention and that of my colleagues to the President's announcement yesterday of his intention to appoint Mr. Eugene V. Rostow as Under Secretary of State for Political Affairs.

This is an excellent appointment. I compliment the President on his choice. And I commend his action to my Senate colleagues.

I have known Gene Rostow for some 30 years. He is an old friend. I respect and admire his character, ability, personality, and devotion to duty. He is a man of the greatest intelligence and integrity. He has contributed much to the intellectual life of my home State, and of the Nation.

Mr. Rostow was not born in Connecticut, but in neighboring New York. However, most of his life has been spent in our great State. And Connecticut is the better for his having done so.

As dean of the Yale Law School, he has helped to train and broaden the horizons of an entire generation of young lawyers—men who are now taking responsible places in their communities and in the service of their States and of our country.

Gene Rostow is a graduate of Yale. And he is an outstanding example of the men produced by that great institution who feel deeply the call to serve "For God, for country, and for Yale."

His is one of the outstanding legal minds in the United States. He has been a member of the Yale Law School faculty since 1938. And his 10-year period as dean of that institution was a time of rigorous training but intellectual enrichment for all who attended the school.

In addition to his profound legal background, Mr. Rostow is both an economist and a historian. He is also a serious student of his own country's history and traditions.

In 1959–60, he was invited to Cambridge University in England where he was Pitt professor in American history and institutions.

His contributions outside the field of education are numerous. He has been a member of the Judicial Council of Connecticut for the past 11 years. In 1954–55, he served on the Attorney General's National Committee To Study Antitrust Laws. He was a member of the advisory council of the Peace Corps.

Nor is he new to the Department of State. For in World War II, he was an adviser to the Department. And he has been a consultant to the Under Secretary since 1961.

He has written numerous books and articles, particularly on legal subjects.

I will not cite his awards and honors, but they are many.

I will not list his memberships in organizations, though they, too, are many.

I will mention four things of which he is particularly proud—his wife, Edna, and three fine children—Victor, Jessica, and Charles.

Connecticut is proud of Gene Rostow.

I can only say that if we must lose him, we are happy that it is to the service of us all.

He will make a great Under Secretary for Political Affairs.

THE COURTS, AND ALCOHOLISM AS A DISEASE

Mr. JAVITS. Mr. President, three decisions in courts in California, New York, and the District of Columbia point up the increasing awareness that alcoholism is a disease and must be regarded as such before the law.

An August 16 opinion by Judge Harold H. Greene in the District of Columbia court of general sessions, criminal division, reaffirms the Easter decision that a chronic alcoholic may not be convicted or sent to prison on account of his intoxication and details the unfilled need for proper clinical care of alcoholics at the local level as an alternative to jail.

The opinion rendered last May in the municipal court of Los Angeles eloquently states the case for the court's recognition of alcoholism as a disease.

The June 6 decision in the U.S. District Court for the Western District of New York by Judge Harold P. Burke rules that alcoholism is a disability qualified for disability insurance benefits under the Social Security Act.

In the light of the interest that has been displayed in the developing body of law relating to alcoholism as a disease, I ask unanimous consent that these three decisions be included as a part of my remarks.

There being no objection, the court decisions were ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS, CRIMINAL DIVISION

DISTRICT OF COLUMBIA, PLAINTIFF, *v.* RICHARD WALTERS, CRIMINAL ACTION NO. DC 18150–66; WILLIAM N. CAYNOR, CRIMINAL ACTION NO. DC 28136–66; ROBERT BROWN, CRIMINAL ACTION NO. DC 18770–66; ROBERT B. MOORE, CRIMINAL ACTION NO. DC 22873–66; ROBERT J. SMITH, CRIMINAL ACTION NO. DC 21639–66; AND TALFORD L. MILLER, CRIMINAL ACTION NO. DC 21904–66, DEFENDANTS.

Opinion

These six cases illustrate various aspects of the chronic alcoholism problem. Because this problem has caused considerable concern and some confusion, it may be useful, in the context of the present cases, to examine the various issues that have arisen in recent months.

The process of chronic alcoholic adjudication consists in essence of three distinct stages, which will be discussed hereinafter seriatim.

I

When an individual is arrested and brought before the Court on a charge of intoxication, it becomes necessary to determine whether he is a chronic alcoholic within the meaning of D. C. Code § 24–502. This is so because of the holding in *Easter* v. *District of Columbia*, —U.S. App. D.C.—, 361 F. 2d 50 (1966), that "chronic alcoholism is a defense to a charge of public intoxication" and that those afflicted with chronic alcoholism may not be convicted of a violation of D. C. Code § 25–128(a).

There has been some difference of opinion whether the defense of chronic alcoholism must be raised affirmatively by the defendant to be cognizable by the Court. In my opinion, the sounder view is that the Court has the obligation to inject this issue on its own motion when it appears likely from the evidence that the defense may be available. When the judge recognizes a prima facie case of chronic alcoholism from the defendant's criminal record, he should not close his eyes to the possibility of this defense, particularly when, as is so often the case, the defendant himself lacks both counsel and the intellectual capacity to raise the defense on his own.

Once the issue has been injected, a hearing must be held to determine whether the defendant is, in fact, a chronic alcoholic. D.C. Code § 24–504.[1] While a criminal record is some evidence of chronic alcoholism, it is obviously not sufficient, standing by itself, to warrant adjudicating the person involved a chronic alcoholic. That adjudication can generally not be made without the assistance of expert testimony.

The practice in the past has been for the District of Columbia Department of Public Health to furnish to the Court twice a week an expert capable of interviewing suspected chronic alcoholics and of testifying with respect to his conclusions. On June 28, 1966, the Court was informed that this program of pre-trial screening would be stepped up to a daily basis, and that in the meantime the twice-weekly screenings would continue.

Defendants Robert J. Smith and William N. Caynor (as well as a number of others) were arrested on intoxication charges between August 6 and 8 and held in jail pending the expected appearance of an expert for screening preparatory to a hearing on the chronic alcoholism issue. However, no such expert was made available to the Court at any time last week, and the Court was therefore unable to hold the hearings which are a necessary prerequisite to further action.

Had the Court been made aware initially that expert testimony and assistance would not be provided, it would have been bound to release these defendants as soon as they were brought before the Court;[2] for these persons could not have been held in confinement indefinitely, or until such time as expert testimony might again be furnished to the Court.[3] In short, defendants Smith and Caynor were held in confinement last week solely because the commitments to the Court were not kept.

This situation must not be allowed to recur. The Department of Public Health is now furnishing expert personnel to assist in the screening of persons suspected of chronic alcoholism, and assurances have been given that this service will continue to be made available. The Court will in the future insist upon strict adherence to the commitments.

However, insofar as the defendants Smith and Caynor are concerned, they were ultimately released when it became apparent that they could neither be screened for possible chronic alcoholism nor tried on the criminal intoxication charges. It does not appear practical to order their rearrest at this time and they may stand discharged.

II

After an adjudication has been made that an individual is a chronic alcoholic, he is committed to a "classification and diagnostic center for observation, examination and classification." D.C. Code § 24–505. The facility presently being used for this purpose is located on the grounds of the Occoquan Workhouse. The Court is being requested in chronic alcoholism cases to commit defendants to this institution pursuant to section 505, and the question therefore arises whether this institution is suitable within the meaning of the alcoholic rehabilitation statute. The evidence adduced at the hearing shows the following with respect to this facility.

The center consists of a single dormitory, with a small yard surrounded by a high fence. The patients do not work, and they have very little opportunity for exercise or recreation. They are also given very little medical attention. The defendant Robert L. Brown testified that during his 31-day stay at the center he saw a psychiatrist once—for five minutes. Another Occoquan patient, Richard T. Walters, was at the center for 41 days, and his total contact with a psychiatrist consisted of one ten-minute interview.

The patients relate conditions of overcrowding, lack of medical attention, uncertainty, unsanitary conditions, and confusion. Even if their statements are discounted to some extent as being a reflection of the almost universal tendency of those in confinement to complain about their treatment; still, their testimony was neither impeached nor contradicted, and must therefore be given considerable weight.

To the shortcomings of a physical nature must be added the fact that this center is located on grounds with which many, if not most, of the patients are familiar as housing a penal institution. The Occoquan Workhouse has traditionally been used for service of the sentences of those convicted of intoxication. For that reason, it would be difficult to find a facility less well suited as a framework for persuading chronic alcoholics that a new departure is being made, and that instead of a repetition of the cycle of arrest and imprisonment they will finally be given treatment for their illness. Motivation apparently is of great importance in the treatment of chronic alcoholism; confinement at Occoquan is unlikely to provide any chronic alcoholic with the motivation necessary to overcome his affliction.

It is of some interest that, by contrast with the patients, those who are at the Workhouse serving criminal sentences "have the freedom of the whole place." They are given preference over the patients in every respect—food, recreation, space, and exercise. All those who testified at the hearing who had experienced the Occoquan facility both as convicts and as patients emphatically agreed that they preferred criminal confinement. The following statements are typical: "If I ever go back I want to go back as a prisoner. I never want to go back down there as a patient. At least I won't be treated this way" (Tr. 14). "If I have to go back down there again, how about just giving me ninety days straight time, and let me do it?" (Tr. 28). "I would rather be a prisoner. I don't see where any public health is down there. Like them boys say, there is nothing down there to treat you" (Tr. 40).

It is quite obvious that a facility at which these conditions prevail is unsuitable for the treatment of chronic alcoholics. In all but name it is hardly more than a penal institution. Compare *White* v. *Reid*, 125 F. Supp. 647 (D.C. D.C. 1954).

The District of Columbia argues that it should be allowed to continue to use this center for diagnostic and classification purposes, urging that it has presently no other place available for the performance of these services.

The Court has broad discretion under the Alcoholic Rehabilitation Act, and in view of the District's predicament the Court is willing to exercise that discretion in favor of permitting the use of the Occoquan center for diagnosis and classification purposes, provided that diagnosis and classification do not simply mask the kind of incarceration prohibited by the *Easter* decision. In view of the nature of the Occoquan facility, this aim can be achieved only if it is made certain that patients are held there only for the absolute minimum genuinely required for diagnosis and classification.

The Court has been advised at various times that the duration of confinements at Occoquan would amount to five days (Tr. 50), seven to ten days (Tr. 74), or two weeks (Tr. 75). The defendants Brown and Walters were kept at the center for 31 and 41 days respectively. An examination of the papers of the group of 67 patients most recently returned from Occoquan shows that none was held less than 12 days, 25 were held two to three weeks, 3 were held four to five weeks, and 5 were held five weeks or more.

In view of this record, it is apparent that the Court must set time limits for confinement at the center. Until now, the Court's orders routinely provided for indefinite commitments (up to a 90-day maximum) for diagnosis and classification. Starting today, individuals will be committed to the Department of Public Health for a period of seven days; at the expiration of which they are to be returned to the Court with a recommendation as provided in the statute.[4]

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[1] At this hearing, the defendant is entitled to be represented by counsel, and, at his request, he may have a trial by jury on the alcoholism issue.

[2] It would have been impractical to release these persons on bond because bondsmen apparently will not stand surety in this kind of case.

[3] These prosecutions are brought by the District of Columbia; and at a minimum, the District has the obligation to assist the Court (which has no experts of its own) in the disposition of cases which on their face raise doubts about the legality of criminal prosecution.

[4] The practice apparently has been simply to submit written recommendations without returning the patients themselves to the Court. But the patients have a right to be present when the Court acts upon any Department of Public Health recommendations, in order that they may have an opportunity to voice their objections, if any.

This seven-day period appears to be more than adequate. The purpose of confinement at the center is to enable the Department of Public Health (1) to classify the patient as requiring either out-patient treatment under supervision or in-patient treatment in an appropriate institution and (2) to make a recommendation to the Court based on that classification. Inasmuch as no in-patient facilities are available, it should not require more than seven days—indeed it should normally require far less than that—to make the only conceivable decision:[5] a recommendation for out-patient treatment.[6]

It might not have been necessary to impose so rigid a time limit[7] if conditions at the center were conducive to the treatment of chronic alcoholism. But consistent with its obligation to follow the mandate of the Court of Appeals which prohibits the punishment of chronic alcoholics, this Court is unable to approve lengthy confinements in an institution providing so little treatment and so much simple incarceration.[8]

III

The third, and by far the most important problem in the process revolves around the decision as to the treatment of the alcoholics after diagnosis, adjudication, and classification. Under the statute, it is up to the Court to make such commitments for treatment as it deems "necessary and proper." The Court accordingly must in every case determine both the necessity and the propriety of the treatment recommended by the health officials.

At the outset, it cannot be emphasized too strongly that the alternative of incarceration on a criminal basis is no longer available. However desirable the previous system may seem to some, the fact is that the highest court of this District has held, in a decision in which all of its judges concurred, that a chronic alcoholic may not be convicted or sent to prison on account of his intoxication. The District of Columbia did not seek review of that decision in the United States Supreme Court; hence *Easter* is the law, which this Court is, of course, bound to follow.

Thus, only three courses of action remain open: (1) to leave chronic alcoholics on the street as long as they are not actually disorderly or in the process of committing some other offenses; (2) to arrest chronic alcoholics and then send them for out-patient treatment to a clinic; or (3) to hospitalize and treat chronic alcoholics on an in-patient basis.

Unlike some cities which have traditionally set aside certain areas where alcoholics may be on the street relatively unmolested (e.g., the Bowery in New York), this city has always prided itself upon a more enlightened attitude. The public philosophy in Washington has always been that it was not consonant with the dignity of the Nation's capital to permit alcoholics and other derelicts to encumber the streets and sidewalks, a peril to themselves and a nuisance to others. As Judge McGowan, concurring in the *Easter* case, stated, "The community will not tolerate uncontrolled drunkenness in public places, and will insist that the police act to remove it as before." It may be assumed that any other policy will continue to be unacceptable to this community.

That leaves, then, two possible courses of action. One is to continue the system which has been in use during the past 4½ months since *Easter* was decided; the other is to commit to a hospital suitable for the treatment of chronic alcoholics. These two alternatives—the only two available as a practical matter—will now be examined.

Under the present system, after an individual has completed his period of classification at Occoquan, he is almost invariably referred to an out-patient clinic for treatment, where he is given some medication and released. In a very large proportion of the cases, chronic alcoholics who are so treated almost immediately begin to drink again, are arrested again, are brought before the Court again,[9] are released again to the out-patient clinic, and so on and on in a dreary, never-ending cycle.

Defendant Robert B. Moore, for example, was arrested for intoxication fourteen times since his chronic alcoholism adjudication in May; and Talford Miller, who likewise was adjudicated a chronic alcoholic in May, has been rearrested fifteen or sixteen times since then. At least three of the six defendants in these cases have been in court again on intoxication charges since the hearing last week, one of them four times. And the experience of these individuals is typical of that of many others.

What do these statistics mean? They mark a system that is wasteful financially as well as psychologically. For one thing, it requires the expenditure of an enormous amount of law enforcement time and energy. Police officers who could be employed much more usefully in the war against crime must spend their time day after day picking up the same drunks over and over again, holding them for a brief period, taking them to court, waiting for their cases to be called, and then watch them being turned over to the out-patient clinic for minimal treatment and release and a prompt repetition of the same cycle, perhaps the very next day. This system is expensive; what is more, it will inevitably end up sapping the zeal of the police as well as whatever motivation the alcoholics themselves might have to make an effort to become rehabilitated. Moreover, few hard-core alcoholics are likely to be cured or to have their condition alleviated on this basis, and unless something is done, this futile process is doomed to be repeated endlessly, with the same cast of characters week upon week, except for the elimination of those unable to survive the rigors of winter on this regime, and their replacement by hardier drunks.

The other alternative is to commit to a hospital for 90 days, or, if necessary, for 180 days, until a cure is effected. The difficulty, of course, is that no such hospital is now available, and it will not be available unless the District designates and staffs an institution large enough to accommodate those hard-core alcoholics who cannot be helped on any other basis. No doubt such a facility will be expensive; it will be difficult to locate a building that is both available and suitable; the staffing will make considerable demands upon scarce medical resources; and there is no guarantee that some of the chronic alcoholics can be helped at all. But there can be no doubt but that an in-patient facility represents the only chance for solving the problem. Certainly, the present system of out-patient care is totally inappropriate for many of those who appear before the Court every day.

Because of these considerations, the Court would clearly have the authority[10] to refuse to make commitments of hard-core chronic alcoholics to out-patient facilities obviously unsuitable for them. Cf. *Peoples* v. *District of Columbia*, 75 A.2d 845 (Mun. App. D.C. 1950). If this were to be done, the consequence would be that these individuals would be left on the streets without the possibility of either chronic alcoholic treatment or criminal punishment, and the pressure would presumably be great upon the responsible authorities to provide in-patient facilities for them.

Yet in my view it would not be appropriate at this time to exercise this authority. Where the expenditure of funds is involved, the courts can and should operate only in the framework created by legislative and executive branches. In essence, the choice between the various alternatives must therefore be for the District of Columbia not for the Court. The chronic alcoholic problem is but one of many facing this city. Varied demands, some of them no doubt as justified as those arising out of the chronic alcoholic situation, are constantly being made upon the necessarily limited funds and energies available to the District government. It is that government which has the responsibility for making a choice among the multitude of needs; it is not the function of this Court so to shape its orders as to bring pressure to bear to cause the District to prefer one of its responsibilities over another.

That is not to say that the Court could not much more appropriately carry out its responsibilities under the Act if in-patient facilities were available. Nor is it to say that I do not believe that the District will not be induced, by the facts themselves, to deal decisively with the chronic alcoholism problem. These facts are plain.

The *Easter* decision will not go away. The 1947 alcoholic rehabilitation law will not go away. And the hundreds, perhaps thousands, of chronic alcoholics are not likely to vanish. Some may feel that the system of criminal punishment which at least provided a drying-out period for alcoholics was a perfectly appropriate answer to the problems of alcoholism. Others believe that action taken much earlier to implement the 1947 law would not have brought the community to its present impasse. But the problem will be solved neither by regret or resentment over the *Easter* decision nor by recrimination about what might or should have been done to carry out the congressional mandate. Effectively, the choice now lies between perpetuating for the indefinite future a system of out-patient treatment, punctuated by periodic arrests and court appearances, with the attendant cost in police time and effort, court time and effort, confusion, disillusionment, and continued human suffering, on the one hand; and instituting a bold attack upon the problem in an effort to solve it once and for all, on the other.

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[5] Sixty-seven recommendations were received last Friday. Every one of them consists of a mimeographed sheet of paper, bearing the patient's name and number, and the following message: "The above named individual underwent evaluation in accordance with Public Law 347. Our examination reveals that he suffers from chronic alcoholism and it is recommended to the Court that he be committed to a 90-day period for outpatient treatment." That is the totality of the information imparted to the Court as a result of confinements lasting from 12 to 41 days.

[6] It has been suggested that time is necessary to make a diagnosis of diseases other than chronic alcoholism. If the witnesses who testified at the hearing are to be believed, little, if anything, is being done along those lines.

[7] The seven-day period will be extended by order of the Court in individual cases when special circumstances pertaining to the particular patient are demonstrated.

[8] The patients at Occoquan are under the effective supervision and control of the Department of Corrections, which apparently is even authorized by the Department of Health to punish them for infractions as if they were convicted criminals.

[9] I have given consideration to ordering the elimination of court appearances for those already adjudged chronic alcoholics, on the theory that such persons are legally in the custody of the Department of Public Health and should be turned over to that Department as soon as they are arrested. However, at least for the present, court appearances should continue, even though the Court has no power to convict these individuals and even though their adjudication for chronic alcoholism, once made, need not be repeated for 90 days. The requirement of court appearances provides a mechanism of control which, on balance, serves a useful function and should be retained.

[10] Under the very broad statutory provision authorizing it to "issue such orders as it deems necessary and proper" (D.C. Code § 24–506(a)).

It seems plain that the only program with any chance of achieving both success and stability is a swift and decisive move effectively to carry out the Alcoholic Rehabilitation Act for which Congress had such high hopes,[11] by providing the kind of in-patient facilities which will permit the removal of alcoholics from their environment for a sufficient length of time to give genuine treatment an opportunity to operate. Once that is done, the Court will for the first time be enabled to issue orders that are truly "proper" in implementing the statutory purposes.

IV

For the reasons stated, the charges against Robert J. Smith and William N. Caynor will be dismissed. The Court approves the recommendations made by the Department of Public Health with respect to Robert L. Brown and Richard T. Walters, and orders their treatment at the out-patient clinic for the remainder of the ninety-day period since their adjudication as chronic alcoholics. Robert B. Moore and Talford Miller will be directed to return once more to the out-patient clinic there to be treated in accordance with the previous adjudication.

HAROLD H. GREENE,
Judge.

AUGUST 16, 1966.

IN THE MUNICIPAL COURT OF LOS ANGELES JUDICIAL DISTRICT, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, *v.* JAMES DOBNEY, DEFENDANT—CASE NO. D 475555

Memorandum opinion

Observed by the police seeking peace, joy, God, or oblivion at the bottom of a liquor bottle, tear-eyed, bleary, reeking, and staggering James Dobney, 70, a human being has been charged by the People of the State of California with being a criminal in his quest. His chalice drained, his fantasy in bits, his pockets empty, and his mind a fog he confronts the State, its power, and its conscience without anger, without spirit, and without hope.

The court upon its own motion caused the defendant to be sworn. Upon the court's question defendant stated he had thirty-one prior convictions of public drunkenness (Penal Code 647f). This judge is persuaded that chronic alcoholism and the drunkenness which ensues therefrom is a disease.

To single out a diseased person and to classify and treat such person as a criminal solely because his disease manifests itself in drunkenness is to set that person in a class apart.

Prosecution of such a person solely because of his illness constitutes in this court's opinion a denial to that person of the equal protection of the laws and the due process of law guaranteed to him by the Fourteenth Amendment to the Constitution of the United States of America.

Such denial of constitutional rights cannot in this era of enlightenment be countenanced.

This court does not view lightly the enormous difficulty faced by society in treating with the problem of alcoholism. It cannot, however, in conscience attempt to deal with the dilemma by what it believes the unconstitutional use of the criminal courts and their procedures.

The complaint is therefore on the court's motion dismissed.

Dated 12 May 1966.

——— ———,
Judge of Municipal Court, Los Angeles Judicial District.

U.S. DISTRICT COURT, WESTERN DISTRICT OF NEW YORK

PAUL JOSEPH SCHOMPERT, PLAINTIFF, *v* ANTHONY J. CELEBREZZE, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, DEFENDANT—CIVIL NO. 10,937

Plaintiff pro se., John T. Curtin, United States Attorney, for the defendant; Gerald M. Gallivan, Assistant United States Attorney, of counsel.

This is an action brought pursuant to the Social Security Act, 42 U.S.C. 405(g), to review a decision of the Secretary of Health, Education and Welfare. The plaintiff is an inmate of Attica State Prison. The Appeals Council denied the plaintiff's request for review of the Hearing Examiner's decision on his claim. Upon such denial the plaintiff commenced this action to review the Hearing Examiner's decision.

The defendant has filed an answer and the transcript of the administrative proceedings. On the basis of the complaint, the answer, and the transcript, the defendant moves for summary judgment.

The defendant's motion for summary judgment in its favor is denied.

Upon a review of the transcript and the pleadings, it appears that the plaintiff is entitled to summary judgment in his favor.

The following findings of the Hearing Examiner dated February 20, 1964 are not supported by substantial evidence:

"The Hearing Examiner finds that on the basis of the evidence presented, the facts demonstrate that the claimant is able by the exercise of self-control to abstain from intoxicants and thus remedy any impairment which at times under the effect of alcoholism might prevent him from engaging in work.

"Retrogression from time to time is not such evidence as would convince a trier of the facts that alcoholism as it exists in this individual is not curable or controllable. The evidence is contrariwise.

"In the light of the entire evidence of record and of the foregoing considerations, the Hearing Examiner finds that the claimant has not established that he has impairments, either singularly or in combination, of such severity as to preclude him from engaging in any substantial gainful activity at any time when he met the special earnings requirements of the Act and continuing thereafter through the date his application was filed. It is the decision of the Hearing Examiner that Paul J. Schompert is not entitled to disability insurance benefits or to a period of disability under Sections 223(a) and 216(i) of the Social Security Act, as amended.

"The claimant now having been found not entitled to disability insurance benefits the claim for child's insurance benefits under Section 202(d) must be disallowed."

To point up the squalid background of this plaintiff it is unnecessary to recite his entire history but merely to recite the following paragraph taken from page 19 of the Hearing Examiner's decision:

"Examining the claimant's history for the past two years, the frightening aspects of this individual's socially unacceptable behavior is apparent. Excluding from consideration for the moment testimony that the claimant was arrested sixty times in the period 1950 to 1959 as a drunk, vagrant and also charged with petty theft, grand larceny and breaking and entering, evidence has been presented at least on the basis of oral testimony by the claimant supported in part and whole by hospital records that practically on a yearly basis he was hospitalized because of attempted suicide. The seriousness of these attempts has been questioned but it is also noted that besides customarily cutting his wrist, he at one time threatened to jump from a hotel. In 1953 and 1954 and 1955, he was in Florida hospitals for this reason. In 1956 or 1957, he was in the Buffalo (New York) State Hospital. Again in February or March 1959 and January 1960 he was in Florida hospitals on an attempted suicide. We note that he was in jail in 1960 and was also hospitalized during that year in Florida. He spent a year to March 1961 in a Florida State Hospital, being discharged as competent. A month afterwards on April 11, 1961, he was in the Monroe County Hospital for four days for alcoholism. From July 29 to August 1, 1961 he was again in the Monroe County Hospital for alcoholism. Dr. Gardner testified that on August 11, 1961 he was committed as insane to the Rochester State Hospital from which he escaped and then went to the Cleveland State Hospital in November after having been in the Warren State Hospital and escaping. He was returned to the Rochester State Hospital where he again escaped on April 4, 1962, only to be picked up for petit larceny in Syracuse and sentenced to six months in the penitentiary. Following this sentence, he was back in the Monroe County Hospital on January 27, 1963 and committed the aforementioned crime on February 4, 1963 for which he is now at Attica Prison. It would thus appear that the claimants' ability to stay out of a hospital or jail since 1959 was limited to almost days rather than weeks or months."

The evidence before the Hearing Examiner not only did not demonstrate that the claimant was able by the exercise of self-control to abstain from intoxicants, but established just the opposite. Apparently the basis of the finding of the Examiner in this respect is that while the plaintiff was confined in institutions he did not use intoxicants. The evidence before the Examiner did not establish retrogression from time to time but did establish retrogression on almost a continuous basis over a period of years when he was not confined in institutions, and that such impairment as it exists in this claimant is not curable or controllable. What would control is self-control. That is exactly what is lacking in this individual; and that has been established by the evidence before the Hearing Examiner. Dr. Gardner's report of his examination of the plaintiff dated April 23, 1963 contained the following: "Prognosis is poor and it's believed that the patient will spend most of his time in various institutions."

Upon the pleadings and the transcript of the record, the plaintiff is entitled to summary judgment; (1) reversing the decision of the Examiner, (2) adjudging that on the basis of the evidence presented before the Hearing Examiner the plaintiff is not able by the exercise of self-control to abstain from intoxicants and is not able to remedy the impairment which he has on almost a continuous basis because of the effect of alcoholism, and that this mental impairment prevents him from engaging in any substantial, gainful activity, and can be expected to be of long continued and indefinite duration; that alcoholism as it exists in this plaintiff is not curable or controllable; that on the basis of the entire evidence before the Hearing Examiner the plaintiff has established that he had impairments of such severity as to preclude him from engaging in any substantial, gainful activity on June 30, 1961, and that such impairment has continued up to now and can be expected to be of long continued and indefinite duration; that the evidence establishes that the plaintiff was under a disability, as defined in the Act, beginning on or before June 30, 1961 and is entitled to disability insurance benefits, and that such disability continued thereafter through the date that his application was filed, and can be expected to be of long continued and indefinite duration; that the plaintiff is entitled to disability insurance benefits and to a period of disability under Sections 223(a) and 216(i) of the Social Security Act, as amended; that the plaintiff, now having been found entitled to disability insurance benefits, the claim for child's insurance benefits under Section 202(d) must be allowed.

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[11] House Report No. 244, 80th Cong., 1st Sess., reads in part: ". . . If only a small percentage of the chronic alcoholics in the District of Columbia are reclaimed, the expenditure of the money provided in this bill will be well repaid from a moral and sociological viewpoint, and in addition the District will be saved the cost and expense of maintaining them in the workhouse. . . . The shortsightedness of this failure to act is as obvious as the evils which flow from the present system are manifest. . . . The observable increase in pathological drinking among citizens in all walks of life calls for forthright action. This proposed bill is a 'do something' measure that will not be a further burden to the ordinary income and property taxpayer."

Since the plaintiff is not represented by counsel, the United States Attorney is directed hereby to prepare a judgment accordingly and to submit the same to this Court for signature.

HAROLD P. BURKE,
U.S. District Judge.

MAY 24, 1966.

U.S. DISTRICT COURT, WESTERN DISTRICT OF NEW YORK

PAUL JOSEPH SCHOMPERT, PLAINTIFF, *v.* ANTHONY J. CELEBREZZE, SECRETARY OF HEALTH, EDUCATION & WELFARE, DEFENDANT—CIVIL NO. 10, 937

The above entitled matter having come on before the court, upon motion by the defendant for summary judgment, and the matter having been submitted to the court, and considering all the pleadings and records, and having filed a written opinion on May 25, 1966, it is now

Ordered that the defendant's motion for summary judgment is denied; the decision of the Secretary of Health, Education and Welfare be, and it is hereby reversed, and it is further

Ordered that Judgment be granted to the plaintiff, and it is further

Ordered that the case be remanded to the Secretary to determine the amount of benefits.

Dated: Rochester, New York, June 6, 1966.

HAROLD P. BURKE.

SENATOR RANDOLPH HAILS THE PROCLAMATION OF NATIONAL HIGHWAY WEEK

Mr. RANDOLPH. Mr. President, I am pleased to bring to the attention of the Members of the Senate that the President of the United States has proclaimed the week of September 18 to September 25 as National Highway Week. This proclamation gives well-deserved recognition to the men of the Bureau of Public Roads, the State highway departments, and the roadbuilding industry who are engaged in the cooperative venture of building the highways which this Nation requires for the well-being of all its citizens, both present and future.

I ask unanimous consent that the President's proclamation be printed in the RECORD at this point in my remarks.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

A PROCLAMATION: NATIONAL HIGHWAY WEEK 1966

(By the President of the United States of America)

Americans have just cause to celebrate the progress that has been made in highway transportation in this Nation.

We have doubled the miles of paved streets and roads in the past 20 years, and our unequalled highway network, constantly being expanded and improved, makes us the most mobile country in the history of man.

Automotive vehicles traveling over those roads account for more than 90 percent of this country's personal travel. Virtually everything that moves from field and factory to the home utilizes this system in one way or another.

Planning, building, and maintaining the system requires constant and detailed cooperation between Federal, State and local governments, and private enterprise. The daily working partnership they have achieved is a remarkable example of creative Federalism.

American ingenuity and determination are constantly being applied to improve and expand this system. We are in the midst of a major effort to beautify our highways and roadsides, to provide rest and recreation facilities for highway travelers, and to make our roads and vehicles safer for those who travel them.

The continued growth of highway travel reflects the continued population growth in our country and the desire of our citizens for greater mobility. This greater mobility has increased opportunities for employment and recreation for everyone throughout the Nation.

Yet increased highway travel has also magnified many problems. Without careful planning, more and better highways between our cities only serve to increase traffic congestion within the cities themselves. We must continue to plan our highway system so that it will contribute to the rational use of urban space as well as to pleasant and convenient transportation throughout the countryside.

We must also strive for advances in automobile safety that will keep pace with advances in the design of our highways. Modern vehicles travel at greater speeds over longer distances than ever before; we must make certain that they are equal to the rigorous demands placed upon them by modern high-speed travel. Despite continuing improvement in highway safety design, the toll of highway accidents is steadily rising; that toll must be reversed.

It is essential that Americans understand and appreciate the importance of highway transportation to their social and economic progress, and to the defense of our Nation; that they recognize the individuals and industries that have made our highway transportation system possible; and that they support and participate in programs to improve the safety and beauty of our highways.

Now, therefore, I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim the week beginning September 18, 1966, as National Highway Week. I urge Federal, State, and local government officials, as well as highway industry organizations, and other organizations having a public-spirited interest in our national highways, to hold appropriate ceremonies during that week in recognition of what highway transportation means to our country.

Mr. RANDOLPH. Mr. President, the proclamation of National Highway Week was hailed by the roadbuilding industry which, through one of its leading spokesman, Maj. Gen. Louis W. Prentiss, U.S. Army, retired, executive vice president of the American Road Builders Association, called for speeding the interstate program to completion and "incorporating in design many of the safety features that have proven so successful."

National Highway Week follows closely on completion by the Congress of two major pieces of highway legislation this year. On August 31 the Congress completed action on the conference report of the Federal-Aid Highway Act of 1966 which authorized $4.4 billion for completion of the interstate system and construction of primary and secondary roads in fiscal 1968 and $4.8 billion for the same purposes in fiscal 1969.

On the following day, September 1, 1966, the Senate adopted the conference report and sent to the President for his signature the Highway Safety Act of 1966, which authorized $267 million in Federal matching funds for State and local highway safety programs for the next 3 years. As I stated at the time of Senate action on this vital measure, it represents the first comprehensive Federal effort to reduce the tragic toll of life and property destruction on our Nation's highways.

In this respect I think it appropriate to draw attention at this time to a recent editorial in Life magazine in the issue of September 2, 1966, in which the editors of Life emphasize the importance of this legislation. Without detracting from the significance of the auto safety legislation and the valuable work of the Committee on Interstate and Foreign Commerce in bringing forth this legislation, I concur with the view of the editors of Life that it is the Highway Safety Act of 1966 which is designed to reduce the number of "first collisions," without which the so-called "second collision" cannot happen. I therefore ask unanimous consent that the Life editorial be printed in the Record at this time.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY KEEP SAFETY IN THE DARK?

The auto safety hearings that produced some of Washington's better dramatics of the past season also produced two bills that should make it a little less easy for American drivers to kill themselves. The debates of the experts, for one thing, established the point that in most accidents there are two collisions, not one.

When a car strikes something solid enough, it stops dead—the "first collision." Then, following an inexorable law of physics, the people inside the car continue on with undiminished speed until they fetch up against something solid enough to stop them—windshield, dash or steering column. That is the "second collision."

The auto safety hearings, which produced a bill passed recently by overwhelming margins in both the Senate and the House, was concerned primarily with the "second collision," and making the interiors of cars less deadly for flying humans.

It is too bad that the auto safety bill got all the publicity, because trailing along in its shadow was a second bill—the highway safety act—that is designed indeed to cut down the number of accidents, not soften their impact. Without a "first collision," the "second collision" can't happen. Despite extravagant claims made for padded dashes and collapsible steering columns, the real potential for lifesaving lies in the highway safety act (which, like the auto safety act, has passed both houses and is certain of presidential approval).

The act will allow the Secretary of Commerce to set minimum standards for, among other things, driver education and licensing, vehicle inspections, traffic control and highway design. The states, which now have conflicting standards—or none at all—in these fields, will get federal grants to help modernize. And, if they don't agree to shape up, they face the loss of 10% of their federal highway funds.

Stricter standards in every field of highway safety are proven lifesavers and—in most states—long overdue. Take the case for better highway lighting, for which the Secretary of Commerce would be empowered to set standards:

In Chicago, a well-lighted stretch of expressway has a death rate only one third the average on all American expressways.

In Indianapolis, auto fatalities dropped by 54% after a new lighting system was installed.

In Virginia, improved lighting at nine "high-accident locations" cut accidents by by 38% and fatalities by 90%.

Proper lighting adds less than one percent to the cost of a new highway, yet much of our new expressway network, and many older roads, are far too dark. The case for some prompt action on new lighting and other standards seems clear.

Mr. RANDOLPH. Mr. President, the legislative measures to which I have referred are but the most recent developments in the monumental highway construction program which began with the enactment of the Interstate and Defense Highway System in 1956. At that time the highway departments and the roadbuilding industry were plagued with shortages of almost every conceivable kind in some degree.

Perhaps the most acute, and certainly the most widespread problem was the lack of professional or trained manpower in State highway departments. Many departments were unable to attract competent planning, design and bridge engineers because of statutory limitations on salary scales among the States. In many States land appraisers and right-of-way specialists were in shortage.

These and other shortages were responsible for many of the early errors and hesitant starts in the early stages of the interstate program. But in the 10 years since this largest public works program was initiated, the great bulk of these errors have been corrected, and the Interstate System construction program has been conducted with a degree of competency and efficiency which compares favorably to that of many other major public works construction programs.

The Interstate System is now 53 percent completed, with some 21,452 miles now open to traffic and another 6,000 miles under construction. When completed, it is estimated that the Interstate System will save some 8,000 lives annually and $11 billion in transportation costs to the users.

It is of the highest urgency, Mr. President, that this important transportation construction program be maintained on schedule. I say this with full knowledge of the claims of other programs, and with a shared concern for the growing interest in the problems of our cities.

The highway program, in a very real and meaningful sense, is one of the major programs aiding the cities. Out of the total cost of the National System of Interstate and Defense Highways, 46 percent is for improvements in urban areas. In the Federal aid primary and secondary highway program—the so-called A-B-C program—36 percent of all funds are being spent in urban areas.

We are realizing substantial benefits from these investments through greater efficiency, economy, and safety in urban highway transportation. These benefits perhaps would be more apparent if it were possible to contrast them with what our urban areas would have been like without the improvements brought about under the accelerated Federal-aid program of the past 10 years.

Mr. President, the Federal-aid highway program directly and indirectly serves all American citizens and it is one of the major factors in bringing this Nation to its unparalleled economic, political, and military strength. For these reasons, I welcome the Presidential proclamation of National Highway Week and join in this tribute to the men and women who participate in this great venture.

CONFERENCE REPORT ON SCHOOL MILK BILL TO BE TAKEN UP SOON BY SENATE

Mr. PROXMIRE. Mr. President, the conference report on the child nutrition bill containing a section extending the school milk program through fiscal 1970 was filed in the House of Representatives today. It should be approved by the House and come to the floor of the Senate for final approval within the next few days. Then the last step will be the signing of the bill by President Johnson.

This is good news indeed to those of us who have been fighting so hard and so long for the strengthening and extension of the school milk program. For it means that Congress will not have to rush through a bill early in the next session of Congress to prevent the program from expiring next June 30.

This legislative action will also make it possible for the thousands of school administrators around the country who are charged with child nutrition programs to plan their future budgets with greater assurance of an enduring Federal interest in the school milk program. But the ultimate beneficiaries of this timely action will be the schoolchildren who will drink the milk that is to be provided under the expanded and extended program.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

MULE CREEK OIL CO., INC.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of H.R. 8699, and that the Senate proceed to its immediate consideration.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The bill will be stated by title.

The **LEGISLATIVE CLERK.** A bill (H.R. 8699) for the relief of Mule Creek Oil Co., Inc., a Delaware corporation.

The Senate proceeded to consider the bill.

The **PRESIDING OFFICER.** The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 1880 be indefinitely postponed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

DEPARTMENT OF LABOR-HEW APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when H.R. 14745, the Labor and HEW appropriations bill, is reported by the Committee on Appropriations, it be made the pending business.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no debate on the Labor and HEW bill until Monday next, at which time we will go into full operation, I hope.

THE PRESIDENT'S NEWS CONFERENCE ON YESTERDAY

Mr. MANSFIELD. Mr. President, President Johnson held a press conference on yesterday during which a number of important subjects were discussed. The President mentioned, for example, economic questions whose resolution await the enactment of the last of the appropriations bills.

He stressed once again the desire of this Nation to participate in negotiations looking to an end to the war in Vietnam and, in this connection, welcomed the recent peace initiatives of the Secretary General of the U.N. and Pope Paul VI. I am delighted that his press conference provided an opportunity for such a prompt American response to these initiatives. In the light of the President's response, I would reiterate the hope that U Thant will set forth a timetable and a step-by-step procedure for the initiation of negotiations and request this Nation and all others involved in Vietnam to follow it.

Incidentally and apart from my discussion of the President's press conference, I am tremendously heartened by the statement made in the United Nations this morning by our Ambassador to that Organization, Mr. Arthur Goldberg. What he made, in effect, was an open offer in a forum which represents all the world—or most of the world—so that all who want to hear could hear what our position is in the area of negotiations, and all who want to see could watch him, as a representative of the President and the United States, make this offer.

He stated, in effect, that this country is prepared to begin, and in fact to initiate, a phased withdrawal of U.S. troops if the Hanoi government will take corresponding steps to deescalate the Vietnam war.

He stated further—and I use this for emphasis—that this country will take the first step in such a deescalation.

He also said that the United States—and this is important, because much of the world seems to misunderstand the President's statement in this respect—that the United States does not intend to maintain permanent military bases in Vietnam.

The same would apply to all the other countries in southeast Asia where, for the moment, at least, military bases are being built, or are in operation.

I cannot emphasize too strongly the statement made by Ambassador Goldberg, representing the President of the United States and this country, that the United States does not intend to maintain military bases in Vietnam.

I would also say that, in effect, on instructions of the President of the United States, Ambassador Goldberg did take up U Thant's offer today in the proposals which he made to the United Nations. The points raised by Ambassador Goldberg dealt in some detail with the three-point peace suggestions advanced some time ago by the United Nations Secretary General. At that time, U Thant urged a cessation of the U.S. bombings of North Vietnam, the withdrawal of troops, and the inclusion of all parties in peace talks.

Let me say that the latter element is quite significant because the phrase "all parties" would include, in my opinion, the National Liberation Front. As a matter of fact, Ambassador Goldberg reiterated what the President said a year ago last August, when he stated that the question of Vietcong representation would not be insurmountable.

The President, in his statement a year ago last August, made a sweeping declaration to that effect, which I believe has not been well understood in this country and overseas.

What, in effect, he said—if one will read the wording carefully—is that the Vietcong would have no trouble being represented at the negotiating table.

Then, of course, I am delighted that Ambassador Goldberg has, once again, stated the position of the administration when he declared:

> We have not been and are not now inflexible in our position.

In other words, we are flexible to any reasonable suggestion which can be forthcoming by U Thant, Pope Paul, or anyone else, which will seek to bring to an honorable conclusion the conflict which exists at the present time in Vietnam.

Mr. President, continuing my remarks on the President's press conference, Mr. Johnson also mentioned, in passing, several appointments to the Department of State. I should like to note especially the designation of Nicholas deB. Katzenbach as Under Secretary of State. Many of us have become well acquainted with Mr. Katzenbach, particularly in the past few years during which he has served with the Senator from New York [Mr. KENNEDY] when the latter was Attorney General and as Attorney General in his own right.

Mr. Katzenbach has carried exceptionally heavy juridical and administrative burdens for the Government of the United States for many years. His new assignment, regrettably, will give him no rest, and the responsibilities will be, if anything, heavier. However, the great dedication and administrative experience which he brings to the office of Under Secretary of State will be most valuable to the Secretary of State and to the President of the United States.

I ask unanimous consent that the transcript of the President's press conference be printed in the RECORD.

I thank the Senator from Kansas [Mr. PEARSON] for his usual graciousness and courtesy in yielding to me to make these remarks.

There being no objection, the press conference was ordered to be printed in the RECORD, as follows:

PRESS CONFERENCE NO. 74 OF THE PRESIDENT OF THE UNITED STATES, WEDNESDAY, SEPTEMBER 21, 1966, IN THE CABINET ROOM AT THE WHITE HOUSE

The PRESIDENT. I am glad to see you here.

Question. Mr. President, you have said that when all of the bills are in from Congress you will know what the fiscal situation will be. You seem to be indicating that this may involve a tax increase. Is that so?

The PRESIDENT. No, I haven't indicated that. I have said that when the authorization bills are passed and the appropriations have been made, we will then see how much we can adjust those measures—to carefully review them and arrive at the total that will be spent. Then we calculate our revenues and do our best to bring them in line with our expenditures.

Question. Mr. President, one of the factors that has been mentioned in trying to arrive at these final figures is how much more the war in Vietnam is going to cost. Could you tell us how you are going to arrive at that, and at what time you expect to be able to make that decision?

The PRESIDENT. We have appropriated enough funds to run us through June of 1967, assuming that the war would be over at that time. We are carefully reviewing this each day. We are determining what our expenditures are there in the way of materials, planes, helicopters and men.

We will be making constant reviews of this every week and every month. I have been discussing it this morning with Admiral Sharp, who is commanding in that area. I will be asking Secretary McNamara and his people for figures through the fall.

We can't tell how much we are going to get from the Congress, because the Defense Department bill, in the nature of some $60 billion, has not been sent to us yet. After we get it we will see how much is for what purposes and make any adjustments we can. Then we hope to make the best estimates we can as to what additional moneys we will need, and so inform the Congress.

Question. When you signed the auto safety bill recently, you expressed the hope that companies would absorb the cost of new safety devices. Ford came out yesterday with price increases and said that the new safety equipment was a substantial part of it. Could we get your comment on that?

The PRESIDENT. I am having the Council of Economic Advisers study the statement that Ford released. They have not made a report to me yet. Naturally, I regret that it was necessary to have any increase in prices. I had hoped that these businessmen could have foregone the necessity of increasing prices.

I asked that they do that. But they are free to make their own prices; and they did. We are now analyzing what effect it will have on the economy.

Question. Mr. President, the Republican House leadership issued a lengthy document which, in effect, says the Vietnam War is Johnson's War and that you are not letting the American people know how far you intend to go. Could you comment on that report?

The PRESIDENT. No. I have made a comment on that report, and others like it, at my recent press conferences. You are going to hear a good many political partisan statements from some of the House Members between now and November. I don't think we serve the Nation or the world by debating statements of that kind with these particular individuals.

Question. Mr. President, there are reports now that the North Vietnamese may be interested in pursuing U Thant's proposal for peace. Would you tell us, sir, your reaction today to U Thant's proposals?

The PRESIDENT. We are very anxious to pursue any proposal that would interest the North Vietnamese. We have no indication that they are interested in sitting down and talking. But we welcome any opportunity to do that as we have all along.

Question. Mr. President, in that connection, Pope Paul VI has proclaimed October as a month of prayer for peace. You have reiterated again your desire for unconditional peace talks.

Do you see any chance of these two proclamations coming together and leading to a bombing pause?

The PRESIDENT. I am very happy to see the Pope take the interest that he has. I want to do anything I can to encourage that interest and to support him in any moves that he may make.

So far as the United States is concerned, and our allies are concerned, we are very anxious to participate in any negotiations that the aggressors are willing to participate in.

I think that is the general feeling of all the nations of the world with the possible exception of two. We will do anything we can to encourage the Pope, to cooperate with him, to support the negotiations.

Question. Mr. President, do you still hope to visit most of the 50 States before the November election?

The PRESIDENT. I would, of course, like to be in all of the States, all of the time. The implication of your question is that I have stated that I plan to.

I think I stated that at the rate we had visited other States and the time left for us, it was possible to go into all of those States. We have no plans to.

We want to visit every State that we can, whenever we can. But until we have the schedule clear here and I can be away from Washington, I am not going to firm up any engagements. When we do I will announce those engagements and go every place I can.

Question. Mr. President, Senator DIRKSEN said yesterday that you hadn't really tried very hard to persuade him to drop his opposition to the Civil Rights bill.

Will you comment on that, sir?

The PRESIDENT. No, I haven't read Senator DIRKSEN's statement. I think the President's position in connection with that measure is abundantly clear. I have tried to persuade the Congress to embrace my viewpoint.

I am very happy that a majority of both Houses, in a democratic situation where majority rule should prevail, have supported the measure that we recommended.

I believe in due time that measure will be again considered, favorably acted upon, and will become the law of the land. Justice to all of our citizens will not only be guaranteed but will prevail.

Question. Mr. President, several times recently you talked about bringing expenditures in line with revenue. Are you planning on a balanced budget for 1967?

The President. I think that we will have to see what the Congress appropriates, what our review indicates. Of course, I can't tell at this time because I don't know whether there will be any add-ons to that budget or not. I don't know what the needs of Vietnam will be. It would be just sheer speculation that I think will have little value.

Question. Mr. President, there is a long list of petitioners, including some prominent people, who have expressed the fear that West Germany might get a finger on a nuclear trigger, as a result of your upcoming talks with Chancellor Erhard.

What is your response to that, sir?

The President. I don't have any such fear. I will have a full discussion with Chancellor Erhard on the problems of our respective countries. But I don't anticipate any agreement of the nature they fear being consummated.

Question. Mr. President, could you please give us your assessment of the war in Vietnam, how it compares with the situation a year ago? And are there any chances of having it finished by June of '67?

The President. I don't think that I can add much to what you already know. Whatever I say I think probably would be held against me if I didn't just hit it on the nose.

I think you can observe from the papers each day what is happening. Admiral Sharp and General Westmoreland think that we are going about as they had expected. They are very pleased with the successes which our men have achieved out there.

They feel very good about the results they have been able to obtain. We have definite plans that we believe will be achieved. But just to say precisely what day these plans will be achieved is a very difficult thing in a war.

I don't think any Commander in Chief has ever been able to do that. We seek peace. We would like to see the shooting stop tomorrow. We would like to talk this thing out instead of fight it out. But as I have said so many times: unless the aggressor is willing to give up his aggression, and sit down and talk, we have no choice except to try to defend and to protect these liberty-loving, free people. We are going to do that. How long the aggressor will maintain his aggression will depend on his decision more than ours.

Question. Mr. President, the Latin American nations which originated the idea seem to be getting together on plans for the Summit Conference which you expect to attend, I understand. I wonder if you could give us your idea of what the accomplishments of such a meeting might be?

The President. I think we are now working on the plans and proposals being formulated. They are not concrete yet. I think when the heads of the nations come together it is always necessary to have an agenda and to have the matter well planned out in advance. Our people are doing that now.

We think that there are a good many subjects that are deserving of consideration by the heads of state. They will, of course, be explored by the Foreign Ministers in their meeting, and then later, if we think it desirable, by the heads of state. But we haven't reached the point yet where we could announce an agenda, or could even outline for you what proposal can be made by individual countries. This is being worked upon by the staffs and the Foreign Ministers and the State Departments of the various nations.

Question. Mr. President, there is a little debate here about what you meant the other evening when you said you wanted——

The President. Who is debating? I want to know which side to get on.

Question. I will work up to that. The Vice President reported out there that you had mentioned to the labor leaders the other evening that as long as you were President you wanted him by your side. There has been some debate in the newspapers about whether that meant——

The President. I don't think that I would get into that, Hugh. I would just let you go on and debate.

Question. Mr. President, in speaking today and yesterday about new recommendations in terms of the economy and the Congress, did you have in mind the hope that you would get something together before they go home for election, to call them back after, or next year?

The President. I didn't have any timetable, Max. I have in mind that as soon as we can get the authorization bills and as soon as the appropriations bills are available, they will be carefully reviewed. Then we will make our judgment and we will immediately submit it to the Congress.

Now, if you can tell me when those bills will be received and when the departments will be able to conclude their study of them, I can tell you it won't take me very long.

Question. Mr. President, are you going to submit a new civil rights bill to the next session of the Congress, sir, and if so, will it contain an open housing provision?

The President. I will tell you in my State of the Union message our program for the next session of Congress. I think you can be reasonably sure if no action is concluded between now and the State of the Union Message that I will have recommendations in that field.

But I don't really know that we ought to try to spell them out this morning, because we will be working on that from now until January. We will spell out all of our recommendations for the 90th Congress in the January message.

Question. Mr. President, will the Administration seek to salvage any of the other titles like Federal juries, or anti-terrorism sections in this session of Congress?

The President. I don't know what the action of the Congress will be. I haven't reviewed that with the Attorney General or the leadership on the Hill. All I know is the vote that took place on cloture. Whether the Congress would be disposed to again consider civil rights, I don't know. You can get the answer to your question about the possibility of further moves in that direction more from the Congress.

Question. Mr. President, sir, we really have not been told how much the war in Vietnam is costing and how much it is costing from day to day. This question has been put to Mr. McNamara early in the year and he said it is almost impossible to tell, and lately U.S. officials said they couldn't quite tell us. Don't you think the American people ought to be told? And I am sure you know.

The President. I think that the Congress, through the Appropriations Committee and Authorizations Committee, have had very full details on our expenditures, men, money, and materiel in Vietnam. I would commend to you some home work. Read the hearings.

Question. Mr. President, you mentioned that there seemed to be an indication among all nations of a desire to seek a negotiated settlement or talk of peace except for two. Have you noticed any change of attitude on the part of the Soviet Union's willingness to aid in this process?

The President. I haven't noticed any change in attitude. I have felt all along that they would like to see negotiations and discussions rather than what is happening.

Question. Mr. President, there are a number of vacancies in the State Department. Can you give any indication of when those will be filled?

The President. Well, one became vacant yesterday, the Under Secretary, Mr. Ball. That will be filled as of right now with the Attorney General. Mr. Katzenbach will resign and become the new Under Secretary, when confirmed by the Senate.

Question. Can you tell us who you are going to appoint Attorney General?

The President. No, I haven't reached a decision on that. I am talking about the number of vacancies that Mr. Childs referred to. Mr. Ball wrote me on the 17th. I promptly responded and accepted his resignation. He has had a very outstanding career. He will be available to work with us from time to time. We have known for some time that he wanted to leave in the fall. He established the date in his letter.

I have asked the Attorney General to accept this post. He has agreed to do so. I have asked Mr. Eugene Rostow to also become Under Secretary of State in a position formerly occupied in this Administration by Secretary Harriman and Secretary Mann.

As you know, Mr. Eugene Rostow was a former Dean of Yale Law School. He and Mr. Katzenbach are both very interested in the international field.

Mr. Katzenbach was a professor of international history for a period of years. He has written in that field. He and Mr. Rostow will work very closely together as the Under Secretaries of the Department. Mr. Rostow only concluded his arrangements with Yale University last evening.

I am asking Mr. Foy Kohler to return from Moscow to succeed Mr. U. Alexis Johnson in the Deputy Under Secretary's place.

These nominations will go to the Senate very shortly.

Question. Mr. President, do you regard this as a promotion for Mr. Katzenbach?

The President. I hadn't spent much time on what it was. It is a great opportunity to serve the country and the world.

Mr. Katzenbach is one of the most competent and selfless men I know. He said to me shortly after I became President that he would serve the President in any capacity where the President thought he could be useful.

As far as I am concerned, he is not concerned with title or promotions or demotions. He is concerned with serving the interests of the nation.

Question. Mr. President, do you have a replacement for Mr. Kohler in mind yet, sir?

The President. No. I have talked with Mr. Childs to get this little State Department matter straightened out. (Laughter.)

Question. Mr. President, does the fact that Ramsey Clark's father is on the Supreme Court rule him out as Attorney General?

The President. I won't get into that. I haven't made any decision on that, as I have said to you before.

Question. Sir, the prospects for a treaty on outer space, which appeared to be fairly bright a month ago, seem to be a little clouded by some recent Soviet-U.S. exchanges on particular provisions that remain to be negotiated.

Are you still hopeful that the treaty can be signed this fall?

The President. I am.

Question. Mr. President, can you tell us what happened to your hopes announced last year for a new Maritime policy. What recommendation can we expect, and when?

The President. Well, we kind of went astray in the House of Representatives in connection with the new Transportation Department.

We hope we will be able to get the Senate to act next week on the new Transportation Department. When we do, we will reconcile the differences between the Senate bill and the House bill. I hope to be able to name a new Secretary of Transportation whose job it will be to develop such a policy.

Question. Mr. President, do you expect to get any more recommendations from your Labor-Management Advisory Committee on Guideposts, and do you plan to expand its work in any way?

The PRESIDENT. Yes. We have been conferring with Labor-Management people from time to time.

This is a very difficult problem when we have full employment. We know that when most people have jobs at good wages, we have problems with pricing.

The Labor-Management people are studying it. They are working on it. Individuals are making suggestions to me from time to time, and they have made some collectively.

We will look to them for cooperation and I have no doubt but what we will get it.

I just hope that all the leaders of industry and the leaders of labor in this country will not increase prices or increase wages beyond their increased productivity. Because when they do this it makes problems for the rest of the nation.

We are trying to do our best to practice restraint.

Question. Will that, sir, be part of your discussions with Mr. Meany later today?

The PRESIDENT. Yes. We will discuss that along with a number of other matters.

Question. Mr. President, Senator KENNEDY of New York has suggested it is a mistake for you to dwell so much on the accomplishments of your Administration and the prosperity of the country, and you should focus more on the things that need to be done. Would you comment on that?

The PRESIDENT. Yes. We are trying to do that every day. We have submitted a program on things that need to be done—and we are doing them.

We have passed about 70 measures this year on things that need to be done. We have some 10 yet to be acted upon.

I agree we ought to have a program and that we ought to try to get it passed, if possible. I am rather pleased at the success which we have achieved so far. I am very grateful for the cooperation of all of the Members of the Congress.

The PRESS. Thank you, Mr. President.

REDUCTION OF U.S. FORCES IN WESTERN EUROPE

Mr. PEARSON. Mr. President, I rise as a cosponsor of Senate Resolution 300 proposing a reduction of American military forces in Western Europe.

It is my conviction that the time has long since passed when the Governments of the United States and Western Europe must recognize and understand the hard facts of truth.

The commitment of a U.S. troop contingent of 350,000 to 400,000 men in Western Europe is no longer necessary, or in the best interests of the United States, or our European friends. The Senate resolution of 1951 calling for the maintenance of six divisions in Europe has been rendered obsolete by new realities and the advice of the Senate on this matter should be changed.

To argue differently, I believe, is to ignore both the realities of today and the purposes of yesterday. There may be logical differences of opinion as to mechanics or timing, but all understand that these forces were for a particular purpose in a special time for unique circumstances. To deny 20 years later that these particular, special, and unique conditions have not changed exhibits a rigidity of thought and policy unsuited for a powerful nation in an accelerated changing world.

Mr. President, my attention is initially directed to a procedural issue. Should the resolution first go to committee? My position is in the negative, although I am not adamant. A full-dress hearing would serve, I am persuaded, to strengthen support for the resolution. Yet the record shows that this question has been widely studied within this Chamber, and without, for several years. As the distinguished Senator from Missouri [Mr. SYMINGTON] has pointed out, six sets of relevant hearings on this matter have been held this year.

Moreover, Mr. President, the resolution should be understood: it does not make withdrawal mandatory. It does not specify how many troops shall be withdrawn. It does not set up a time schedule for withdrawal. It does not prescribe mechanics. This resolution, in its fullest sense, expresses the conviction of the Senate that a substantial reduction of our military contingent in Western Europe may be made without repudiation of our moral commitments to our friends or of our legal obligations under the NATO alliance. For these reasons I perceive no disadvantage to the Senate committee system nor the intelligence of the Senate in making this issue the direct business of this body.

Mr. President, the basic concept of my position in support of this resolution revolves around two facts which I find valid. First, the U.S. forces in Western Europe have now accomplished all objectives for which they were originally assigned. Second, their continued presence is serving to thwart realization of other objectives of the Western alliance.

There were, as I understand, Mr. President, four original objectives which justified our large military contingent in Western Europe.

First, the force was needed as a realistic deterrent to direct Soviet aggression.

Second, the presence of this large contingent served to reduce the financial burden on the Western Europeans for supplying all the needed conventional force deterrent at a critical stage in their economic recovery process.

Third, our military forces were needed as evidence of the credibility or our commitment to resist the expansion of communism in Europe. The America that Europe had known for the first part of the 20th century was an isolationist America; a nation which since its birth had repeatedly pledged itself to resist entanglement and involvement in European affairs. The Europeans remember our decisive entry into World War I, but they also remembered that we insisted upon, as a term of peace, the creation of a League of Nations that we then refused to join as once again we promptly retreated into our old isolationist shell. The Europeans remember that we entered World War II, but only after virtually all of Europe had been overrun by the Nazi war machine and only after we were attacked by Japan. They were also aware that immediately following V–J Day we launched a hurried demobilization of our vast military machines. Therefore, it seemed absolutely necessary that we do more than simply issue verbal pledges to resist Communist aggression.

Fourth, it is undoubtedly the case that the large American military contingent, operating within the integrated NATO command was necessary to ease the way for the emergence of the German Federal Republic as a fully committed and mutually acceptable partner within the Western European community and its assumption of a significant role in the security in Western Europe.

Mr. President, our present troop commitment dates from the period when direct Soviet aggression was a very real probability. U.S. troops were stationed abroad at a time when the capacity of the Western European powers to provide for their own military defense was extremely small. But both these conditions are now substantially changed.

The majority view of our diplomatic and military intelligence holds that at this time an act of overt, direct Soviet aggression in Western Europe remains possible, but highly improbable. The threat of the postwar years has largely diminished. The justification of the maintenance of our conventional military forces has also, therefore, proportionately diminished.

It should also be noted that our modern airlift capacity, recently demonstrated, clearly proves our ability to deploy troops in Europe or elsewhere within hours.

Nor by suggesting a substantial withdrawal of our conventional forces have we reduced our capacity or willingness to retaliate with nuclear weapons should the Soviets be so foolish as to move against free Europe. No modern mind believes that armed conflict in Western Europe will remain or even commence at the so-called conventional level. Our nuclear commitment will remain in the future as it has in the past the major deterrent to aggression in Western Europe.

It also needs to be emphasized that in recommending a substantial reduction in American forces we in no way suggest that the military forces of Western European nations should likewise be reduced. We recognize as do all responsible European leaders that it is absolutely necessary to maintain a significant and convincing military force in Western Europe. This is needed in part as a deterrent against possible Soviet aggression and, probably more importantly, to assure the maintenance of reasonable and tolerable relations with the Soviet Union. No less than we, the Western Europeans recognize that when dealing with the Soviet Union one must be able to operate from a position of convincing strength.

The question then becomes, can the Europeans themselves supply the necessary conventional military deterrent? There are those who argue that Western European economies are not yet strong enough. But a realistic look at the economic prosperity of Western Europe belies the validity of this argument. Western Europe has the economic means to maintain whatever conventional military force is needed. Few believe that she does not have the will to do so.

But more is involved here than simply the question of the capacity of the Western European countries. An absolutely vital factor that must be taken into consideration is our own capacity to maintain our troop commitments there. If we had no other security commitments in the world besides those to Europe, then we could easily afford to maintain those forces. But such obviously is not the case.

American Armed Forces are spread around the world. A recent authority cites these estimates:

United States (including Alaska and Hawaii)	2, 210, 000
Cuba (Guantanamo)	4, 000
Puerto Rico	9, 000
Panama Canal Zone	10, 000
Western Europe	350, 000
Mediterranean (6th Fleet)	25, 000
Japan	36, 000
Okinawa	45, 000
Southwest Pacific (7th Fleet)	80, 000
Guam	8, 000
Philippines	16, 000
Formosa	9, 000
Korea	55, 000
Thailand	25, 000
South Vietnam	300, 000

Moreover, of the 21 Army and Marine combat divisions, 5 are standing guard in Europe, 6 are fighting in South Vietnam, 2 on duty in Korea, and 8 are based in the United States. Our security commitments expand around the world. The central and meaningful fact is that our military manpower and resources do have a limit.

What of the argument that our continued military presence there at the current level is needed to maintain the credibility of our commitment to defend Western Europe? There are those in Europe who continue to argue that the United States cannot be counted on to defend Europe in the face of a really serious threat from the Soviet Union. Thus, there are those in Europe who suggest, in effect, that the presence of American conventional forces serve as necessary "hostages" to guarantee the full use of America's military might if, in fact, the unexpected occurs.

To this one can only reply that if the credibility of our commitment to resisting the expansion of communism in Europe is still not established, there is little hope that it ever will be.

If in fact our troops are viewed as "hostages," then I suggest that Americans are being asked to pay too high a price for Western Europe's psychological peace of mind.

Finally, it is interesting to note that those same people in Europe who argue that the United States cannot be counted upon to defend Europe are now complaining that we persist too vigorously in our commitments in Asia, and are very generous, indeed, in their recommendations about how we should be withdrawing troops from southeast Asia.

One of the most vigorous arguments advanced against a reduction of our military forces in Western Europe is the impact such a move would have regarding the position of West Germany. Many argue that this would encourage West Germany to acquire its own nuclear force; that it would strengthen the old-time German militarists; that it would encourage West Germany to try to reach some accommodation or agreement with the Soviets.

Mr. President, I do not believe that these are realistic arguments. I would again reiterate that no one proposes that we abandon either NATO in general or West Germany in particular. We are simply proposing a reduction of surplus military forces at a time when they have served their purpose and logic dictates that they are no longer needed.

Indeed it would be naive to assume that all problems associated with the proper role of West Germany and the European community have been solved. Much remains to be done. But will American troops contribute to any such solution? The time has come for West Germany through her own means to take greater initiative and responsibility toward finding her place. Likewise, the time has come for other European powers to accept the Bonn government as a full and independent partner.

Mr. President, another argument that is set forth against this resolution makes a point that we should not reduce our forces in Western Europe without first negotiating an agreement with the Soviet Union to similarly reduce its forces in Eastern Europe.

First of all, let me point out that this resolution in no way precludes any such prior negotiation. If this administration or any other administration, in compliance and in consultation with NATO, can bring about such negotiations, then it should proceed to do so.

Second, I would make the point and observe that a reduction of American forces could ultimately bring about a similar reduction in Soviet forces without negotiation and in a manner that could have greater long-range benefits. During the past year or two the Eastern European nations have shown increasing success in securing greater independence from the Soviets. Mr. President, I believe that a reduction in our forces will help encourage that trend and I would suggest that such a move on our part could encourage these nations to put greater pressures on the Soviets to withdraw their troops from Eastern Europe.

Another argument advanced against this resolution is that it would be most unwise for the United States to reduce its forces without prior consultation and coordination with other NATO powers. Mr. President, it comes now to the point of repetition that I would again point out that this resolution in no way requires or even remotely suggests that we should make such a move on a unilateral basis. Indeed I am confident that all of the sponsors of this resolution fully expect that the final decision to withdraw, the precise number of troops affected, and the timetable and mechanics for executing it would be reached multilaterally. Indeed, the sponsors, I believe, would be most surprised if this were not the case.

Mr. President, our present troop commitments in Western Europe are a part of a policy that had its origin in a perilous period in the late 1940's and the early 1950's. Then it was necessary for us to assume a major or even a dominant role in the political, economic, and military affairs of Western Europe. This Nation undertook that role, which all assumed would be temporary, because of the real threat of Communist expansion. That policy was successful. It served the times well. But now times are different, and conditions have dramatically changed. A new Europe has come into being. This new Europe requires a new policy.

The threat of Communist expansion in Western Europe still remains. But who among us really believes that it is as serious as it was a decade and a half ago? The Western European nations still need assistance in the face of a Communist threat. But who among us really believes that Western Europe is still so weak that it must depend so heavily upon the United States for conventional forces?

Mr. President, the greatest challenge in Europe today is no longer the containment of communism, but the fulfillment of the long hoped for unification and integration of the European community. Because there has been a shift in priorities, we must begin to shift our policy efforts accordingly.

It is my intention to deal with the above stated and general question in greater detail in a subsequent speech. But I suggest once again at this time that the maintenance of our present military force level in Western Europe is increasingly serving to discourage the realization of a unified independent Europe.

Our present military commitments in Western Europe are a symbol of what I feel is becoming an increasingly paternalistic attitude toward the new Europe. As a result, our view of what our role should be in Europe is becoming subtly distorted. This affects our own sense of priorities, and, in return, evokes an unhealthy response from Western Europe. In essence, it encourages too many Europeans to continue to rely on the United States when in fact they are strong enough to stand on their own. And also those Europeans who recognize that continued heavy American involvement is no longer really needed begin to resent it; and out of this resentment they assume an antagonistic position toward the United States. The result of all of this is that the American, far from being a materialist, becomes a disappointed idealist. He sees himself as the Don Quixote of our day—as a righter of wrongs, who left his village to set the invaded nations free. For these causes he gave his blood and his treasure. He has met with many reverses and with a very little gratitude. The interplay of paternalism and resentment, small human emotions, affects the large issues of world relations.

Mr. President, for those who say that a reduction in American forces may serve to break the back of the already faltering NATO, I would reply that it is just such a move that might save NATO. The Western alliance came into being primarily because of American leadership. It can survive in the future only through greater European leadership.

Mr. President, the conditions of the new Europe, the heavy demands of our commitments and challenges in other parts of the world, the status of our current balance-of-payments problems, and the necessity of advancing the cause of European unity require that we begin to rethink and redirect our entire foreign policy effort. A necessary first step is the official recognition of a fact that is almost universally accepted unofficially—the present level of American forces in Europe is no longer needed, justified, or desirable.

Mr. President, I conclude with this observation: If, in fact, it is the case that the present level of American military forces in Western Europe is necessary to resist Communist expansion in that part of the world, or if this force is necessary to assure political stability within Western Europe, then the future of the free world is bleak indeed. If the Western European community, with its great economic and technological power is unable to provide the necessary conventional military force, or if the Western Europeans cannot yet achieve the degree of political union that is needed to resist Soviet pressures, then there is little hope that we will ever be able to successfully resist the spread of communism in other parts of the world. If it is still necessary in the 1960's to maintain five to six combat divisions in Western Europe, how many more divisions will we have to maintain in Asia, Africa, and Latin America, and for how many more decades?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PEARSON. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Kansas for the thought he has put into the speech he has just made, which I have read several times as well as listened to, and for the research which went into it.

I believe that the Senator, in effect, has answered all the arguments against consideration of Senate Resolution 300, a resolution seeking to advise the administration that it is the sense of the Senate that there should be a substantial reduction of American forces in Europe—the term "substantial," of course, to be defined by the President, and to be what he would determine it should be.

I was interested in the table, on page 4 of the Senator's speech, showing that more than 3 million American servicemen are stationed in practically every continent on the face of the globe. I am sure the Senator realizes that even this list, comprehensive as it is, does not portray the full picture as to exactly how many more Americans are scattered in other areas, in other parts of the world.

I would say also that the Senator's statement, "the central and meaningful fact is that our military manpower and resources do have a limit," is not only the truth, but certainly is very pertinent in the situation which confronts this country today.

I was glad to note that the Senator had answered the arguments relative to what would happen in West Germany if there were a substantial withdrawal of American troops. I have an idea, may I say to my good friend from Kansas, that the German people would not be at all averse to a substantial reduction of American forces there, because I do not think it speaks well for any country to have on its own soil foreign soldiers for two decades or more, as has been the case in Germany since the Second World War.

Then, of course, I would point out also that the Senator—and I am sure he will cover this in a later speech—did not mention the fact that when President de Gaulle asked us to withdraw our forces from France, we had 30,000 men there, and between 40,000 and 50,000 dependents—in other words, between 70,000 and 80,000 American personnel.

Did we take that as an opportunity to remove these forces and their dependents and bring them back to this country? We did not, except for a few wings of aircraft. The rest had been shipped, or are in the process of being shipped, to England or to the Western European area. As a matter of fact, the military commanders of Western Europe have asked that these people who are being forced out of France be reassigned to them.

I could say a great deal more about what the distinguished Senator has said, because I have marked his speech here and there. But it would be repetitious for me to add to what he has already said. He has answered the arguments which have been raised.

I look forward to his subsequent remarks on this most important subject, and I want him to know that I, for one, deeply appreciate the thought, the logic and the understanding which went into the speech he has just made. But that is a hallmark of the Senator from Kansas. I recall his making a speech on the Cuban situation which I thought was one of the most brilliant documents ever presented in the Senate.

This is a continuation of that same trend.

I commend him and assure him that there will be an opportunity to discuss this matter in the Senate.

I am delighted that the Senator is one of the cosponsors of the resolution.

Mr. PEARSON. Mr. President, I thank the distinguished majority leader. I am very grateful for his comments and am also grateful for his leadership in introducing this particular resolution which I am most pleased to cosponsor.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AUTHORITY TO SIGN BILLS, RECEIVE MESSAGES, AND FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate until 6 o'clock tomorrow evening, the Vice President or President pro tempore be authorized to sign duly enrolled bills; the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives; and committees be permitted to file reports.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY AT NOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Monday next.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

CORN REFINERS ASSOCIATION, INC.

Mr. MILLER. Mr. President, recently the Corn Industries Research Foundation, Inc., which has its headquarters in Washington, changed its name to the Corn Refiners Association, Inc.

The change is a logical step since the activities of the foundation expanded greatly in the years which followed its organization in 1932. Today, the successor to the foundation, the Corn Refiners Association, is a trade association for the corn millers which manufacture starch for industrial uses, corn oils, corn sirups and sugars, feeds, and other products. In 1965 the industry processed more than 200 million bushels of corn.

Along with the name change, the association took another step which, in my opinion, was both important and unusual. The group approved a "statement of policy" which said that the member companies felt they owed a debt to American agriculture whose discharge would require the association to carry out educational programs that call attention to the importance of farming and the contribution it makes to the national economy. The association also went on record to the effect that the member companies felt they should pursue policies and support programs which help to preserve agriculture's prosperity and stability.

Today, only about 7 percent of the people live in rural areas and many persons think in consequence that agriculture plays little part in our burgeoning economy. They are wrong. Let me quote some Department of Agriculture data and figures which buttress my statement that farming still is our most important industry:

> Farming employs 6 million workers—more than the combined employment in transportation, public utilities, the steel industry, and the automobile industry.
>
> Agriculture's assets total $230 billion, equal to:
>
> About two-thirds of the value of current assets of all corporations in the United States, or
>
> About half the market value of all corporation stocks on the New York Stock Exchange.
>
> The value of agriculture's production assets represents over $27,000 for each farm employee.
>
> The farmer spends nearly $30 billion a year for goods and services to produce crops and livestock; another $12 billion a year for the same things that city people buy—food, clothing, drugs, furniture, appliances, and other products and services.
>
> Each year the farmers' purchases include:
>
> $3.4 billion in new farm tractors and other motor vehicles, machinery, and equipment. It takes 120,000 employees to produce this farm equipment.
>
> $3.4 billion for fuel, lubricants and maintenance of machinery and motor vehicles. Farming uses more petroleum than any other single industry.
>
> $1.8 billion for fertilizer and lime; and, farmers use more each year.
>
> Products containing 320 million pounds of rubber—about 9 percent of the total used in the United States, or enough to put tires on nearly 6 million automobiles.
>
> 28 billion kw.-hrs. of electricity—or more than 4 percent of the Nation's total, or more than is needed annually by Baltimore, Chicago, Boston, Detroit, Houston, and Washington, D.C.
>
> 3 out of every 10 jobs in private employment are related to agriculture.
>
> Six million people have jobs providing the supplies farmers use for production and family living.
>
> Eight to ten million people have jobs storing, transporting, processing, and merchandising the products of agriculture.

But these facts are known to comparatively few people off the farm. Nor do many persons realize that the problem of hunger outside this well-fed United States is the greatest problem confronted by mankind, with the exception perhaps of the threat of an H-bomb war. There are about 3.1 billion people in the world. Around half of these suffer from chronic malnutrition and undernourishment.

Our ability to produce more than we can consume and our modern farming methods must be used if the problem of hunger is met. Most of the food deficit concentrates in the underdeveloped areas where there is great political unrest. It is in these regions that the Communists are busy, trying to exploit the misery of the masses. What the Communists do not emphasize, however, is the failure of their own system in agriculture. A Communist country is a hungry country and the greatest contrast between free enterprise and collectivism is in farming. While many are not aware of it, the starving in this world will be hungrier still if they rely on the Communists to feed them.

A food-for-peace program is near final approval in the Congress. This measure increases funds for exports to the deficit countries and we are undertaking a campaign to help other nations improve their own farming methods.

The food-for-peace program is the first of many, and our own public needs to know the reasons behind it. They need to know the absolute necessity of keeping our own agriculture prosperous so that it can help meet the challenge which confronts it both here and abroad. And what is not generally realized is that our own farm productivity enables us to give our own people cheaper and better food than the people in any major country in this world.

But the public must know the facts and getting them to the urban dwellers requires sustained effort. Therefore, I think the action of the Corn Refiners Association is heartening and farsighted. Actually, farm prosperity spreads like ripples on a pond. The expansion in acreage which already is beginning with the decline in our own surpluses and the increased demand here and abroad helps many, many industries off the farm. In particular, does farm prosperity affect a great agricultural State like Iowa.

I commend the Corn Refiners Association. There are three plants of members companies in Iowa: The Clinton Corn Processing Co. at Clinton, the Hubinger Co. in Keokuk, and a plant of Penick & Ford, Ltd., Inc., of New York, at Cedar Rapids, Iowa. All are assets to the State.

I think other business groups and concerns might study the example set by the Corn Refiners Association which, insofar as I can determine, sets a precedent. It will take all the resources we can muster to do this formidable job of education but once the people are well informed, I have no fear of the result.

The Corn Refiners Association is headed by Robert C. Liebenow, former president of the Chicago Board of Trade. He is an agribusiness leader who has long insisted that industry must concern itself with the welfare of agriculture and must take the case for farmers to the public. I am certain the most constructive action by the association is partly due to his influence and I want to congratulate both him and the progressive concerns which make up the group he heads.

THE SUSPENSION OF THE INVESTMENT TAX CREDIT—INFLATIONARY TOOL OR EXPEDIENT?

Mr. KUCHEL. Mr. President, for many months the economy of this Nation has been afflicted by the virulent scourge of inflation. It has upset our financial markets; it has all but destroyed the longstanding blessing of low interest rates for investment; it has cut deeply into the budget of the American housewife; it has paralyzed home construction and financing.

The superimposing of the costs of the Vietnam war on the high level spending programs of the Great Society has produced a growing imbalance in the economy. Sustained price increases in food, services, and industrial products threaten the delicate structure of our economic stability. For millions of people dependent on a fixed income from social security, pensions and past savings, the figure of inflation casts an especially foreboding shadow.

Nowhere in this Nation has the effect been more painful than in the Western States. Far from the concentration of capital in the financial centers of the east coast, investors on the Pacific Coast States have been accustomed to paying more both for capital and for industrial products. In my own State of California, prospective home buyers in the past year have been paying excessively high interest rates on home mortgages. The twin plagues of higher consumer costs and higher investment costs have already crippled the home construction, and savings and loan industries, in California, and they are expected to work more mischief before their course is run.

When the economy is unable to accommodate a rapid increase in spending, steps must be taken to reduce inflationary pressures without threatening the health or strength of the economy itself. On September 8, 1966, the President finally offered his program for preserving the economic stability of the Nation. Among the steps recommended were two which will require the approval of the Congress. H.R. 17607 provides for a 16-month suspension of the 7-percent investment tax credit for new business investment in equipment, and a similar suspension for the accelerated depreciation of buildings. Since the introduction of these proposals before the Congress, a great deal of controversy has arisen over the potential effectiveness of these suspensions, and, in particular, the curtailment of the investment tax credit. The Treasury frankly concedes that there will be severe hardships and inequities for many taxpayers, but it alleges that as large as these inequities loom, they should be ignored.

Leading economists agree that the use of any tax as a contracyclical tool should include the following: First, it must be promptly effective and its economic results consistent with desired effects; second, it must be equitable; and, third, it must not create uncertainty in business planning, investment, and output.

Mr. President, it seems to me that the suspension of the investment tax credit fails on all three grounds.

The Treasury estimates the current overall average of order-to-completion time—commonly referred to as lead-time—for credit eligible equipment to be in the range of 9 to 12 months. In some cases, as in the airline industry, the period may be as long as 2 years. The tax credit suspension would serve no good purpose in such industries. It would be a very bad result. It would result in a delayed effect on restraining equipment production and investment expenditures. The desired economic impact would not occur for at least 9 to 12 months and perhaps longer, at a time when the business cycle may no longer require such restraints. The consequences could be tragic; they could well mean the difference between a recession and a depression. Industries operating at high gear would suddenly slam to a halt.

The present inflation has had particularly drastic effects on the economy of my State. The proposed curtailment of the investment tax credit would compound that hardship, by foreclosing on the growth potential of the peacetime production of many important manufacturers, in particular, the air transport industry. As every Member of this Chamber knows, we are on the brink of an immense breakthrough in this age of supersonic flight. The longstanding supremacy of the United States has been challenged by foreign nations, including the Soviet Union.

Mr. President, modern industry produces no other item for public use that is more costly, that requires more careful thought in planning and construction than the commercial transport plane. The air transport industry must be able to plan several years ahead if it is to maintain its productive capacity at an economic level. The maintenance of this capability is vital, not only to California, but to the entire Nation. Donald W. Douglas, Jr., president of the Douglas Aircraft Co., forecasts, accurately, I believe, the adverse effects of enacting the suspension bill:

> The action proposed to deal with a current problem can be expected to substantially reduce orders during the suspension period and have a very unfavorable effect on a quite different economic situation in 1968 or 1969. This would have disastrous results in the form of dislocations to airline reequipment plans and to orderly production of commercial aircraft, resulting in not only a costly and inefficient lull in aircraft manufacture but also substantial layoffs and severe cutbacks which would hamper domestic production of aircraft. This dislocation and its effect on production costs could be expected to give foreign manufacturers a competitive advantage with adverse effect on our balance of payments position since aircraft provide a substantial share of our exports.

Mr. President, that is the comment of a distinguished leader in the aircraft industry. His words should be heeded by all Senators.

In a word, Mr. President, the proposed legislation will result in the kind of large-scale unemployment and production cutbacks that mean economic disaster for States highly dependent on such large industries. In my own State, there are over 500,000 people dependent on the aerospace and airline industries for their income. Are their jobs to be sacrificed in 1968 for the problems of 1966? It is a sad commentary on the policies of this administration when possible future unemployment must be used as a club to control present spending.

The equitable application of the suspension clearly leaves much to be desired. The President contended:

> The suspension should be across the board, without exception, applying effectively and equitably to all investing industries. No special treatment or special exclusions should be made for this brief period of suspension.

But how can it be applied equitably when its results are inherently so inequitable? The clear discrimination against the long leadtime manufacturers is only one example.

What of the industries involved in equipment essential to the national security or welfare? The highly complex and specialized nature of products needed to meet national security demands the continuous modernization of our plants as well as the constant design, fabrication and installation of new tools and equipment. We are only now beginning to reduce the tremendous boxcar shortage that exists throughout the country. Are all these national needs to be sacrificed for the sake of equality?

What of the industries which have contracts, prior to the proposed suspension date, with options to purchase? The buyer in these contracts, of course, relied on the availability of the investment credit in parting with the consideration for the option. Should he now be made to choose between letting the option lapse, forfeiting the consideration therefor or exercising it without receiving the anticipated investment credit?

The uncertainties and hazards of the above consequences are only emphasized by the words of President Johnson himself when he stated:

> The suspension could well be looked at again in January of '68. We have no arbitrary position in the matter.

Is this then the basis upon which businessmen must plan their future investments?

Mr. President, there is little question but that action must be taken to control this Nation's overheated economy. But such action should not be a political expedient to avoid increasing taxes in an election year, nor should it attempt to use a device which was intended to be a permanent part of our tax structure. The tax credit is not or was it intended to be an economic spigot to be turned off and on as a selective tax device of fiscal policy. Its effects are not prompt, its application is not equitable, and its consequences are not certain.

Should the administration persist with this questionable solution, the Congress must give serious consideration to exemptions for long lead-time industries, for option contracts and for industries involved in the Nation's defense needs. To do otherwise would be to threaten the very economic stability these proposals seek to achieve.

Mr. President, I yield the floor.

THE KENNEDY ROUND: A SITUATION REPORT

Mr. SMATHERS. Mr. President, early in July I spent several days in Geneva with our delegation to the Kennedy round of trade negotiations. My objective was to find out what was going on in these trade talks, now more than 3 years in progress, and to report my observations to the Finance Committee and the Senate. Chairman LONG accorded me the status of a congressional delegate to the negotiations, giving me a vantage point from which I could closely observe Geneva activities and participate in our delegation's deliberations and in its contacts with other delegations.

It is my intention, in this report, first, to review the history of the Kennedy round from its start; second, to indicate where things stand at the moment; third, to comment on what can be expected to result in these negotiations; and, finally to record my own views on this endeavor.

My narrative on the progress of the talks will necessarily be somewhat extended in order to put into proper perspective the present situation and future prospects.

THE TRADE EXPANSION ACT

President Kennedy, in his major legislative effort for 1962, sent a message to Congress on January 25, asking for a trade bill "to meet the challenges and opportunities of a rapidly changing world economy."

The Trade Expansion Act was to provide the means through which, by negotiations, there would be a general lowering of world trade barriers. Expanding export opportunities was the primary objective.

A special concern for this country, as for others, was the new external tariff wall of the European Economic Community. The trading nations of the world had to retain their ability to compete in the Common Market. Its rapid economic expansion promised to make it an economic entity with population, purchasing power, and living standards comparable to those in the United States.

The Trade Expansion Act provided, first, a general authority to cut tariffs reciprocally by 50 percent.

Second, additional authority was provided for use specifically with the EEC to make it possible to eliminate tariffs on those products for which the United States and the Community together accounted for 80 percent or more of free world exports. This provision covered most of the items of greatest interest traded between the United States and Europe.

Third, to aid the developing countries, duties and discriminatory treatment on tropical products could be eliminated in concert with similar action by the EEC.

The President concluded his message with these words:

> At rare moments in the life of this Nation an opportunity comes along to fashion out of the confusion of current events a clear and bold action to show the world what it is we stand for. Such an opportunity is before us now. This bill, by enabling us to strike a bargain with the Common Market, will "strike a blow" for freedom.

The high purposes and far-reaching objectives of the bill won massive support around the country and the Congress supported, with large majorities, the Trade Expansion Act of 1962. It passed and was signed on October 11.

AN EARLY REVERSAL

One paramount supposition underlying American planning was that by the time negotiations were underway, the United Kingdom would have joined the European Community. Our concept of a United Europe—in both the economic and the political sense—included Great Britain, then actively negotiating to enter the EEC.

In January 1963, however, General de Gaulle abruptly vetoed the entrance of Britain to the Common Market. At one stroke, the most far-reaching objective of the Trade Expansion Act was killed. The scope of the negotiations had been narrowed—the character of the proposed trade negotiations had been substantially changed before they had begun.

The authority to eliminate tariffs where United States-EEC trade accounted for 80 percent of free world exports now lost its importance. Without the inclusion of Great Britain, the trade covered by this authority was negligible. The design for unimpeded Atlantic trade was lost.

With the British thrown back on their original scheme—the rival seven-nation EFTA, or European free trade area—much of the underlying political purpose of the proposed trade negotiations was negated. Western Europe—rather than being a unified community—was now split into two rival trade blocs, each busily distorting traditional intra-European trade patterns.

Now, therefore, the EFTA countries joined the United States in pressing the Common Market to negotiate its external tariff downward. An across-the-board 50-percent cut in industrial tariffs and acceptable conditions of access to world markets for agricultural products became the main objectives of the negotiations.

The GATT ministerial meeting in May 1963 finally launched this effort. A year of preparatory work followed.

In May 1964, 1 year later, the Ministers met again. The basis for negotiation was then established. All classes of products would be covered, including agriculture; barriers to exports of developing countries should be reduced without the expectation of full reciprocity; the negotiations on industrial products would proceed on the basis of a 50 percent across-the-board tariff reduction with a "bare minimum of exceptions necessitated by reasons of overriding national interest." Finally it was agreed the negotiations would deal not only with tariffs but nontariff barriers as well.

THE NEGOTIATIONS BEGIN

In the following 15 months the sixth, or Kennedy round, of GATT trade negotiations proceeded in Geneva in an orderly if not rapid fashion.

Industrial exceptions lists were prepared and exchanged on November 16, 1964. Multilateral and bilateral confrontations followed.

A troublesome issue that had been debated through the previous year remained unsettled. The EEC insisted that where tariff rates between countries on the same items were at wide variance, the country with the high rate should cut more deeply than the country with the low rate. Certain high U.S. duties were the main target of this proposal.

It had been agreed at the 1963 ministerial meeting that there would be special rules for disparities that were significant in their effect on trade, but a formula that could be fairly applied and without adverse effect on third parties could not be agreed upon. The issue was shelved, and it remains outstanding.

In the field of nontariff barriers, working groups were set up to discuss specific complaints concerning the multilateral impact of impediments such as customs valuation procedures, government procurement practices, quantitative restrictions, taxation and antidumping measures.

In the spring of 1964, the United Nations Conference on Trade and Development met for the first time in Geneva, bringing intense focus on the trade problems of the developing countries. The effort to include these countries in a productive way in the Kennedy round received new impetus.

In November, tentative approval was given to a new GATT chapter on trade and development embodying commitments to be undertaken by GATT members for the purpose of expanding the developing countries' role in international trade.

Rules were established governing developing country participation in the negotiations themselves. Twenty-two such countries joined the 25 developed countries in the Kennedy round, with the understanding that they would not be expected to give full reciprocity for the benefits received.

Above all, however, agriculture produced the sharpest confrontation and forced the most difficult decisions in the first year of active negotiations.

The United States initially insisted that agreement on how agricultural products were going to be handled would have to be reached before the industrial exceptions lists were tabled. The inclusion of agriculture had to be confirmed as an integral part of the Kennedy round.

The Common Market made a proposal that essentially would have established its own protection scheme as the universal system. The United States joined other participants in rejecting this proposal, urging the EEC to make offers that would assure genuine liberalization.

A number of bilateral talks proved useless. The Commission negotiators had no flexibility in their mandate from the six country members.

November 16, 1964—the appointed day for tabling industrial exceptions lists—approached with no prospect of agreement on rules for agriculture. Fearing that the negotiations would lose irretrievable momentum if no action was taken, the United States agreed to exchange industrial exceptions lists on schedule while making it clear that its fundamental linkage of industrial offers to agriculture was unchanged. Offers to industrial products from all the major trading nations of the world were included.

The period of May 1964 through June 1965 was one of establishing timetables, exchanging technical information and, principally, of making initial probes along all the various fronts that had been established. There was progress and frustration. The hard bargaining phase was postponed.

CRISIS IN THE COMMUNITY

On June 30, 1965, the French walked out of a Council of Ministers meeting in Brussels and began a 7-month boycott of the EEC. The decisionmaking apparatus of the European Community, cumbersome enough at best, came to a halt.

Ostensibly the issue that precipitated the rupture concerned the financing of the agricultural system of the Common Market. France, the principal agricultural producer and exporter of the six, had a big stake in the decision on sharing the costs of farm modernization, production supports, and export subsidies.

Actually, the underlying causes of the break appear to have been more complex. The EEC Commission—which shares executive responsibilities with the Council—had proposed a scheme that placed a measure of control of the agricultural funds in its own hands. The French, sensitive to anything that might be construed as an incursion on the sovereignty of the member states, condemned both the scheme and the initiative of the Commission.

A second, but not secondary, issue was the approaching advent of weighted majority decisionmaking among the six, a stage of Community development set for January 1, 1966. Again, the loss of veto power in Community Councils was considered by the French a negation of national sovereignty.

The agricultural finance issue provided the excuse—the French took leave.

With already little enough flexibility in their negotiating instructions, the Community spokesmen now were unable even to seek revision of their mandate. Unless the five decided to go ahead without France, there was no means of reaching Community decisions. Only limited and progressively diminishing activity in Geneva could follow.

The EEC had agreed that agricultural offers were to be tabled September 16, 1965. Now, however, their inability to move was apparent.

Following the initiative of the United States, however, most of the important agricultural trading nations, with the exception of the six Common Market countries, tabled on schedule, withholding offers on products of principal interest to the six.

President Johnson had decided that what momentum remained in the trade negotiations had to be maintained. The tabling of agricultural offers would reaffirm both the commitment of the participants to sustain their effort and their determination to negotiate on agriculture.

With at least limited agricultural offers to be analyzed and bilaterally discussed, useful work in Geneva continued through the fall and into the winter. Activity, and with it hope, then began to wane.

Behind the scenes, progress had been made, however, toward resolving the internal crisis of the Community. The French agreed to attend a meeting of the foreign ministers of the six in Luxembourg in late January of the new year. As a result of this meeting, a modus operandi evolved that permitted France to return to the Councils of the Community, without altogether abandoning her reservations on its emerging supranational character.

Understandably, as the Community picked up the threads of its work, the the pressing need to resolve internal issues took precedence over Kennedy round decisions that were hanging fire. A firm pledge to move forward in the Geneva negotiations was, however, part of the package deal made at Luxembourg.

DECISIONS IN BRUSSELS

Throughout the spring of this year, the six countries of the Community hammered out, in often long and agonized debates, policies and arrangements for the conduct of EEC affairs. No decisions were more difficult than those involving Community agricultural policy, and in particular, the question of sharing the costs of financing their complex system of agricultural subsidies. This issue, which was on the table when the French walked out in June 1965 was finally resolved in mid-May 1966.

France, as the Community's principal agricultural producer, was the main beneficiary of the farm financing decision. The other EEC partners insisted, however, that this decision be part of a package and its implementation contingent on Community agreement on all the elements of that package, including remaining major internal agricultural regulations, agreement on Kennedy round agricultural offers, and on other outstanding issues relating to the Geneva negotiations.

Meeting in mid-June, the Ministers adopted negotiating directives for the Commission on Aluminum and Pulp and Paper, virtually the last of the offers on industrial items. They also amplified the elements of the EEC proposal on grains. Work on the remaining major internal agricultural regulations was completed in late July thus clearing the way for the Community to approve its agricultural offers in the Kennedy round.

It was not until the early hours of July 27 that final agreement on the bulk of Community agricultural offers was finally thrashed out. These offers were filed with the GATT in Geneva in early August.

The United States then proceeded with the tabling of its agricultural offers which were previously withheld as being of principal interest to the EEC. Other countries were urged by the Director-General of the GATT to do likewise.

HARD BARGAINING AHEAD

Midsummer completion of the tabling of virtually all Kennedy round offers meets the timetable set on July 8 by the Trade Negotiations Committee, which is the policymaking committee of the Kennedy round participants. This general schedule, based on the necessity of concluding negotiations in early 1967, calls for intensive and continuous activity through the fall in all phases of the Kennedy round.

By mid-November, each participant should have a comprehensive view of the aggregate of available concessions against which to judge the degree to which its own offers will be met by reciprocity. This is to say, a package of offers will be before our delegation representing the maximum other countries say they will give us. What we have put forward will be before each of them. On every side it must then be decided to what extent these offers balance each other. To redress unsatisfactory imbalances, improvement of offers will be demanded and modification or withdrawal of offers threatened.

This final and critical phase of the bargaining should be completed and an agreement ready for initialing by the end of February 1967. Some 4 months will be needed for the technical work necessary to prepare the final agreement in a form that will initiate the staged reduction of tariffs and to have it formerly approved by each of the countries involved. This agreement must be signed before the negotiating authority in the Trade Expansion Act expires June 30, 1967.

This schedule calls for intensive activity. The United States has insisted that the Kennedy round be completed in the first half of 1967. Negotiations cannot be permitted to drag on. The interest of the participants cannot be sustained indefinitely. Already the delays have weakened resolve and eroded commitments. In Europe, and indeed in the less developed areas of the world, other forces are already taking form and will soon take over the stage. The United Kingdom, for instance, has made clear—since the Labor victory—of its intent to ultimately revive her bid for membership in the Community. Other EFTA countries will follow suit. The Europe of President Kennedy's vision may belatedly evolve.

But British entry and the Kennedy round cannot be negotiated in tandem. The Kennedy round must be completed first, and the British bid is far too important to be put off indefinitely.

When I was in Europe, the Trade Negotiating Committee, which is responsible for overall direction of the Kennedy round, met and agreed upon a timetable for completing the Kennedy round before the expiration of the U.S. Trade Agreements Act. Our negotiators will make every effort to keep to this timetable.

Whether the authority of the Trade Expansion Act could be extended intact remains an open question. With little of a concrete nature to show for almost 5 years of working within the present authority, I do not believe we could expect automatic congressional acquiescence to an extension without change. I made that clear to delegates of other countries in Geneva.

But in fact, there is adequate time to complete the negotiations if the political will exists. If the will is gone, no amount of time will prove sufficient. The history of the negotiations to date makes this point abundantly clear.

But, indeed, a harsh timetable is perhaps necessary and useful. In their internal affairs, the Six of the EEC have repeatedly resorted to deadlines as the only effective means of forcing decisions.

Even when all the unresolved issues that must be dealt with in the months ahead are taken fully into account, time enough remains.

THE OUTSTANDING PROBLEMS

The toughest hurdle facing the Geneva negotiators is the necessity—constantly reiterated by our delegates—of including in the Kennedy round package provisions that will effectively promote expanding agricultural trade by protecting and improving access to markets around the world. The United States is particularly insistent the Common Market agree that the growth in its agricultural consumption be shared with outside suppliers and make concessions that will assure access to this vital market.

I must confess that the Community's domestic policy decisions for major agricultural commodities does not give cause for optimism regarding the agricultural negotiations in the Kennedy round. For most products the Community has adopted high price supports that will be protected by variable levies and in many cases minimum import prices which make third countries residual suppliers in the Community market. This is true for grains, meats, dairy products, sugar, and apparently many horticultural products. The result inevitably will be to stimulate Community production which will replace imports.

At this time, it appears unlikely that the Community is prepared to negotiate substantial reductions in its high level of agricultural protection in the Kennedy round. I understand its agricultural offers are still essentially in a form that would simply give international approval to its own protectionist system, without assuring genuine trade liberalization. Governor Herter recently characterized these offers as at first glance very restrictive.

The United States will have to take a hard look at its own generous agricultural offers if there is not substantial improvement in the agricultural offers of the Community and our other major negotiating partners.

Although negotiations on most agricultural items have only just become fully engaged, work on a possible international grains agreement has been underway for some time. The United States seeks, through such an agreement, reduction of barriers to its grain exports, equitable sharing among importers and exporters of the task of adjusting grain production to demand, and multilateral sharing of food aid. The GATT Cereals Group has held one meeting on new provisions in the EEC Commission's grains negotiations mandate. While the new proposals in their present form do not meet U.S. requirements, they do appear to recognize the need for these elements listed above to be dealt with in a grains arrangement. Considerably further work remains to be done before the outlines of a grains arrangement will emerge.

As indicated earlier, work in the industrial products phase of the negotiations is already in an advanced stage. Offers have been analyzed: extended bilateral and multilateral discussions have clarified participants' interests in each other's offers. The problem of disparities has been set aside, but can be expected to be reintroduced. Special groups of particularly interested countries have been attacking the difficult problems involved in trade in steel, aluminum, pulp and paper, chemicals and cotton textiles.

Accelerating activity in these sector discussions is essential in the early fall months. The sticking point in chemicals appears to be our American selling price customs evaluation system. As applied to certain chemicals, this system finds vigorous objectors who say it discriminates against imports. Our negotiators have begun to explore on a preliminary basis—but short of making a formal offer—the possibility of making a conversion to the normal valuation system. They have emphasized, however, that any such conversion would require the other participants to make special counterconcessions and that it would, in any case, require congressional approval.

In steel and in aluminum, the Community offers so far elaborated do not appear to provide any effective reduction in present protection. In pulp and paper, the EEC has been trying to bargain for lower prices for Scandinavian pulp so that it can produce more competitive paper products. The United States, with rapidly growing paper products exports, has a vital interest in preventing any damaging two-way deal in this sector.

The focus of attention in the cotton textile sector is on the question of the extension of the long-term arrangement which has governed world trade in cotton textiles for the past 4 years. The United States, considering that the arrangement has brought order into the cotton textile trade, seeks its extension without modifications and has indicated its willingness to exchange tariff reductions and improved import allowances for such an extension. Active bilateral negotiations have been going on in preparation for the beginning of multilateral discussions in late September.

In the nontariff barrier area, the most active issue is a possible international code on antidumping regulations. A group to consider antidumping practices was established and an extensive exchange of views has taken place within the group regarding the antidumping provisions of the General Agreement on Tariffs and Trade—GATT—as well as the content and administration of national antidumping laws. Other countries in these discussions have criticized aspects of the U.S. antidumping law. The United States in turn has pointed to difficulties encountered by U.S. exporters in the aplication of foreign antidumping laws and has expressed concern that such laws will increasingly be used as unjustifiable barriers to trade. As a consequence of these discussions a general interest has been expressed in a possible international antidumping agreement. To date these discussions have been of an exploratory nature. As a guide to its possible participation in an effort to negotiate an international antidumping agreement, however, Governor Herter, the President's trade negotiator, held a hearing before the Trade Information Committee on September 12. This hearing provided a forum in which interested parties can present their views on antidumping so that those views may be taken into account if any international antidumping agreement is negotiated. These views are now under study by the committee.

Needless to say, if the negotiations take place and lead to an agreement that will require changes in U.S. law, the agreement would be submitted to the Congress for approval. In any event, congressional delegates to the negotiations will be kept fully informed on developments.

To meet the particular trade problems of the less developed countries, the developed countries are considering what items of particular importance to the LDC's can be eliminated from their exceptions lists; reduction by more than 50 percent on other items of interest; maximum reduction of tariff and nontariff barriers on tropical products, and other measures.

From this summary of work remaining to be done if the Geneva negotiations are to succeed, it becomes clear that our delegates have an extremely tough job in the months ahead. I am convinced, nevertheless, that both our people and the negotiators of the other countries can and will bring the Kennedy round to successful completion on schedule.

OUR NEGOTIATING TEAM

Our Geneva people are competent. They understand their jobs; they are sensitive to the relevance of every move they make to the concerns of American businessmen, farmers, and workers; they are devoted to the pursuit of the best interests of the United States.

More time and effort than ever before has gone into the calculation of the value and probable effect of the concessions we may make and receive. Our negotiators and their backup team in Washington have turned adversity to advantage by taking the time afforded by the recent slow pace of the talks to study in depth the trade significance of other countries' industrial and agricultural offers. For the first time in our trade negotiations, we have used computer analysis as a tool in this process.

The Washington organizations supporting the Geneva delegation has made a conscientious effort to seek expert guidance from business, labor, and farm leaders in the formulation of negotiating policy. The President has appointed a 45-member public advisory committee to Governor Herter. This group meets regularly with the Herter staff and many of its members have traveled to Geneva to take a firsthand look at the negotiations. A roster of 300 technical specialists has been named by Governor Herter as a constantly available source of advice and assistance on day-to-day technical problems.

Six Members of the Congress are regular congressional delegates. Almost all have been to Geneva for important meetings at least once, and all meet with Governor Herter from time to time.

Consideration of public views did not cease with the original hearings on proposed U.S. Kennedy round offers. The Trade Information Committee, chaired by a member of Governor Herter's staff and made up of officials of the Departments of Agriculture, Commerce, Defense, Interior, Labor, State, and Treasury, continues to accept from any interested party oral and written testimony concerning any matter relevant to the negotiations. This includes updating and revision of previous testimony, testimony from interests not previously heard and new information relating to foreign import restrictions.

Through these several means, our policymakers and negotiators keep abreast of pertinent developments across the whole spectrum of the American economy.

THE PRICE OF FAILURE

The future course of international commercial relations may well depend on the outcome of the Kennedy round.

If these negotiations are allowed to fail, a resurgence of protectionism and economic nationalism can be expected, both here and abroad.

Certainly, the further drift toward division of the trading world into regional blocs will be encouraged. In turn, the organization of markets along regional lines will have severe political as well as economic consequences.

There is the additional danger that failure in the Kennedy round would widen the commercial breach between the EEC and EFTA, tending to intensify the economic distortions created by two regional blocs on a single continent. Conversely, there is the possibility that an effort would be made to unite the two under the protection of the EEC external tariff near its present general level. While we favor United Kingdom entry into the Common Market, it is particularly important that this move take place after the external tariff has been lowered in the Kennedy round.

To the developing countries of the world a breakdown of the negotiations will cause a disillusionment that will surely lead them to try alternative trading schemes likely to be disruptive to world trading order and, in fact, harmful to their own development.

Finally, the breakdown of effort to deal with international trade through multilateral negotiation could endanger the effectiveness of the GATT itself. The general agreement, while certainly neither perfect nor always honored by its signatories, is, nevertheless, unique among international instruments in the degree of discipline it has introduced into world trade.

Therefore, as President Johnson told the Congress in his economic message in January:

> This great venture in international cooperation must not fail.

In the early months of this year, when the European Economic Community was in disarray and the Geneva negotiations were in stalemate, there were portents of failure. Recent developments have, however, revived among the Kennedy round participants a spirit of optimism and have strengthened the will to achieve a Geneva agreement that, while falling short of our earlier hopes, promises major benefits for world trade.

For the United States, the strongest and most vigorous of the world's traders, the further expansion of international commerce is an objective worthy of our continued and most strenuous endeavor.

Mr. **KUCHEL**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **KUCHEL**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Without objection, it is so ordered.

A FIRST DUTY OF GOVERNMENT IS TO ENFORCE THE LAW

Mr. BYRD of West Virginia. Mr. President, a great English poet, Alexander Pope, once said, "Order is Heaven's first law." A few years later, an equally great English statesman and orator, Edmund Burke, said, "Good order is the foundation of all good things."

Order is a jewel, no more cherished in 18th-century England than it is to be treasured today. Nor was it more the aspiration of Englishmen two centuries ago than it is to be desired by Americans today.

Mr. President, I recently completed a visit to each of the 14 police precincts, the harbor precinct, the Women's Bureau, and the training facilities of the Metropolitan Police Department. I plan to visit offices and facilities of the other departments of the District of Columbia government.

These are routine visits, customarily made by me in preparation for hearings on the bill making appropriations for the District of Columbia.

Today, I wish to address the Senate regarding my visit on September 1 to the 11th and the 14th police precincts. I also wish to allude to certain newspaper editorials and to the general crime situation in the Nation's Capital.

Senators will recall that, on August 15, when trouble erupted in the 11th precinct, "police moved in to snuff it out, and citizens later charged police with brutality, discrimination, and general mishandling of the situation"—Washington Post, September 3.

A week later, on the night of August 22, "violence erupted in the area of Eastern and Kenilworth Avenues—the 14th precinct—as scores of Negro youths—threw rocks and bottles at passing motorists and District firemen"—Washington Star, August 23.

According to the Washington Post of August 24, "unlike the 11th precinct disturbance, "there was no direct confrontation between police and residents" in the 14th precinct melee; Capt. Vernon H. Culpepper sealed off the area, and "ordered officers to stay in the background and telephoned civic, religious, recreation, housing and antipoverty leaders with requests that they talk with the youths and try to disperse them."

According to press reports, while the police stayed in the background the adults scattered through the area, talking to the rockthrowers and urging them to return to their homes. According to the Daily News of August 23, the Post of August 24, and the Star of August 25, no arrests were made. As a matter of fact, Mr. President, although the Kenilworth violence erupted exactly 1 month ago today, I was advised this morning by Chief Layton that no arrests have yet been made. This notwithstanding the fact that Capt. Vernon H. Culpepper was quoted by the Washington Post on August 25 as stating that, with regard to the participants in the 14th precinct fracas, "We know who those fellows were and we're going to get them." If Captain Culpepper was correctly quoted, the public will expect him to keep his promise. Curiously enough, in all too many instances of late, involving violence, rockthrowing by rowdies, and attacks upon police by disorderly mobs, no arrests are made.

During my visit to No. 11 precinct, there was no discussion of the August 15 fracas, inasmuch as a citizens' committee had been appointed by Commissioner Tobriner to make an investigation thereof. I talked with Capt. Owen W. Davis, temporarily stationed there to relieve Capt. Robert A. Richmond who is on sick leave, and among the things we discussed was a matter which had been brought to my attention by 12 District of Columbia policemen who had visited my office on August 29. The 12 policemen had complained that in assignments to police cars, on the evening before, they had been discriminated against because they were white officers.

My discussion of the matter with Captain Davis was very cordial from beginning to end, and there was no disagreement whatsoever between us. I am sure Captain Davis, and others of the 11th precinct who were present, can verify this. Upon leaving, I asked Captain Davis to stop by my office sometime if the opportunity ever presented itself. I repeat that my conversation with Captain Davis of the 11th precinct was very friendly and cordial, and I reiterate this because editorials in the Washington Post and the Washington Star have pointedly, but quite inaccurately, referred to that visit as being anything but cordial.

Reporters from the Star were present throughout the entire time I was in the office of Captain Davis.

I then went to the 14th precinct, and, after touring the station house in the company of Captain Culpepper, I inquired about the Kenilworth disturbance. The captain made a few comments in regard thereto and stated that the participants were, in the main, teenagers, but that some were "young adults." I then stated that, to my recollection, the newspapers had indicated there was no confrontation between the police and the rockthrowers, that he had kept his men out of the immediate area, but instead, he had requested civilians to go in and quell the disturbance. I asked if the press accounts were true, to which he responded in the affirmative, whereupon I asked why the policemen were ordered to stay out of sight when civilians were asked to risk their lives in restoring order. This was a perfectly reasonable, logical, pertinent, and appropriate question which I, as chairman of the Appropriations Subcommittee on the District of Columbia, had a right to ask. The captain answered by saying he had gone into the area, and, having done so, had decided not to send in his men. I again asked why. His response was only that he "would not shoot a 14- or 15-year-old boy." I reminded him of his previous statement that "young adults" had participated, but his only reaction was that the decision not to use his police officers was his decision, he thought it was the right decision, and he "would not shoot a stupid 16-year-old boy." He would not explain the facts or reasoning behind his decision, nor did he reveal the relevancy of "shooting a 14- or 15- or 16-year-old boy" to my question regarding failure to use police officers to put down violence and arrest the offenders to whom he himself has referred as "hoodlums" and who were responsible for what he himself has called a "major public disturbance."

I expressed then, and I reiterate now, my strong feeling that the police should have been sent in to restore the peace, make arrests, and give protection to law-abiding residents, defenseless motorists, and to firemen who went into the area in response to false fire alarm calls.

Mr. President, I suppose it is not entirely beyond the realm of speculative possibility that, in a given riotous situation, circumstances could be such that a decision to withhold police action might somehow be justified, but, unless a more complete, more relevant, more justifiable explanation can be given than that which was advanced by the 14th precinct captain, it will remain inconceivable to me that policemen should be prevented, by their superiors, from doing their duty to enforce the law and restore peace and tranquility in an area where violence has erupted.

The issue is not whether the captain would or would not shoot a 14-year-old boy. This may or may not be a plausible position for the captain to maintain, depending upon the circumstances in a given situation. In any event, teenagers are taken into custody every day in this city and elsewhere without being shot. Teenagers do not have a license to destroy property, assault pedestrians, throw stones at passing motorists, and terrorize an area of the city. The basic question is why were policemen at No. 14 kept by their captain from going into an area where passing motorists were being assaulted, firemen answering false alarm calls were being attacked, and the lives of law-abiding citizens were being endangered. The captain offered the explanation that it was "useless to send policemen in chasing speedy, fleet-footed youngsters at 1 a.m., when they can neither be caught nor positively identified as having thrown missiles."

If police cannot identify fleet-footed youngsters, then how can the civic leaders and antipoverty workers who were called in do so?

How can police identify the offenders if police are ordered to stay out of sight?

Is the captain's statement to be accepted as meaning that 1 a.m., is a "blind spot" in this city's police protection, and that speedy, fleet-footed youngsters will hereafter be free to commit acts of violence at such an hour because "it would be useless to send policemen in chasing them"?

As chairman of the Senate Appropriations Subcommittee on the District of Columbia, and as a concerned citizen who is appalled at the growing breakdown of law and order, I am disturbed when I read that a police captain orders his men to stay in the background and requests civilians to perform the task of restoring peace in an area where violence is occurring. I am even more disturbed to have noted in the August 23 Washington Star that "such an outbreak" had been "anticipated" by 14th precinct police who "long ago planned to use adult leaders rather than police to put down the disturbance, according to Captain Culpepper." So, in the light of the Star report, the captain's statement to me that he "would not shoot a stupid 16-year-old boy" as a reason for sending in civic leaders instead of police, at least appears to have been an evasion, because it had all been "long ago planned" that way.

Here was a situation wherein, according to the press, nearly 200 Negro youngsters were involved in a 4-hour disturbance from 10:30 p.m., on August 22 to 2:30 a.m., on August 23. In reality, the police had received radio runs as early as 8:34 p.m., for "disorderly boys," and at 9:04 p.m., and again at 9:42 p.m., scout cars were dispatched to the same general area to investigate complaints of a similar nature. At 9:43 p.m., the police responded to a false fire box at 45th and Quarles Streets NE., at which time a large group of teenagers were seen roaming the area and throwing objects. The Star of August 23 quoted Captain Culpepper as saying rocks and debris were thrown indiscriminately "at almost anyone and everyone who happened to be in the area." Several trash fires were started, and bands of youths milled about "throwing everything they could get their hands on."

Passing automobiles were stoned, and District Fire Department trucks were pelted when they responded to two false fire alarm boxes in the Kenilworth Courts public housing development. Reports were received that "Molotov cocktails" were being thrown into the roadway. Reliable information has been received by the police that the participants in the disturbance not only had Molotov cocktails, but also had knives and guns in their possession.

The 14th precinct received numerous calls from motorists and residents of the Kenilworth area to the effects that objects were being thrown at passing pedestrians and autos and that the contents of sidewalk trash receptacles were being ignited and thrown onto Kenilworth Avenue. One Negro motorist, whose windshield was broken by a thrown object, was attacked by more than a dozen Negro youths when he went to a telephone booth to call the police. He was hit on the head with a baseball bat by one of the young hoodlums, and was later treated at District of Columbia General Hospital for minor head injuries. Here was a Negro motorist who wanted and needed and deserved police protection. Did he get it? No. Why not?

The Washington press has had much to say of late regarding "the relationship of police to residents" of the 14th precinct, and that relationship has been labeled as "the finest in the city." The Post of September 3 stated that "the 14th precinct, almost totally Negro, has long been considered the city's model in community relations." If we are to believe that the relationship between citizens and police was so fine, why then, did the rock throwers have, as "one of their purposes," the "drawing of policemen to Kenilworth Courts for a clash," as one youth was quoted by the press? Then, too, if police and citizen relationships were so fine, why did the precinct captain not send in his men? Surely they would have received cooperation and would have been treated with respect by those with whom they enjoyed such fine relations. Perhaps the way to promote such continued good relations is simply to keep the police in the background and let them make no arrests when trouble erupts and crimes are committed. Good community relations are, indeed, an important factor in the equation of law enforcement. But are we to believe that the promotion of good community relations is the primary purpose for the existence of police departments? No. The first and fundamental duty of the police is to maintain order, enforce the laws, arrest lawbreakers, and protect the citizenry against those who would disturb the peace.

The citizens who finally brought the situation under control, at the request of Captain Culpepper, are to be complimented, of course, but they are not employed to put down violence and risk their lives while doing so. Suppose one or more of those citizens had been killed while trying to restore order? Why do we have policemen if they are not to act when violence erupts in an area of the city? The responsibility of the Police Department, as I have said, is to maintain peace and good order, arrest lawbreakers, and protect defenseless law-abiding citizens. Yet, the police cannot fulfill this responsibility if they are ordered by a superior to stay in the background.

The question arises, What area of the Nation's Capital will be next? There are other questions, too. Whose windshield will the next brick come sailing through? Who will be the next motorist to be assaulted by a dozen roughnecks shouting obscenities and wielding ball bats ?

Will the police be around to restore order, arrest the profane rock throwers, and protect residents and motorists, firemen, and ambulance drivers from hoodlums, or will the police be ordered to stay in the background while civic leaders and antipoverty workers are called in to do the job?

The public has a right to know the answers to such questions, because it is the public welfare which is endangered by these eruptions of violence in the streets of this city and other cities.

The public has a right to know whether it is going to be given police protection in return for its tax dollars that are paid to maintain police departments. This is the basic issue. Is the public going to be protected?

The important question is not, as some segments of the Washington press have sought to define it, whether a Senator has a right to criticize a police captain for being apparently derelict in his duty. The question is whether the law-abiding citizens of the city are going to be given the police protection to which they are entitled when they need it or whether, conversely, they are going to be left defenseless in their homes, in their places of business, on the streets, and on the highways.

This was the basic question which motivated my interrogation of the 14th precinct captain, and it is one which citizens would do well to ponder. For, if defenseless citizens are to be denied police protection, if citizens are to be placed at the mercy of bottle-throwing toughs and brick-throwing hoodlums, how long will it be until all peace-loving citizens start arming themselves? If they can't get protection one way, they will get it another, and every man will eventually become a law unto himself. Disorder will then be compounded.

The Washington Star, a normally reliable and responsible newspaper, ran an editorial on September 6, referring to me as having made "intemperate, abusive visits to the troubled 11th and 14th police precincts," and stating that I had stormed into the station houses and had "sharply condemned the precinct commanders' judgment in their handling of recent disorders," all of which, according to the editorial, "was grossly unfair to the men concerned."

Yet, the fact is, as I have already stated, my meeting with the 11th precinct captain was cordial and friendly, and I voiced no condemnation of him in the handling of recent disorders in the precinct. For one thing, the disturbances in No. 11 were not even discussed by us, and moreover, they erupted prior to Captain Davis' being sent to that precinct. Star reporters heard my entire conversation with Captain Davis, and there is no reason why my visit to No. 11 precinct should have been so inaccurately described.

The Star also voiced the opinion that the forthcoming budget hearings "are the proper forum" for my attention to police matters. No one has been more thorough than I in conducting hearings on the Police Department's appropriation requests and the requests of other departments of the District of Columbia government, but I also consider it helpful and important, in discharging my duties as chairman, to visit and talk with the departmental people who never get a chance to appear in the forum of formal budget hearings. Over the years, I have found that such on-site visits are beneficial and they help me to better understand the problems and needs of the city. So, while the hearings are, indeed, a "proper forum for—my—attention," I have never felt that they should constitute one's sole source of information.

The Washington Post, in a September 3 editorial, entitled "Playing With Dynamite," made reference to my "interference in the operations of the Washington Police Department" and went on to aver that I had "engaged in nothing less than the encouragement of mutiny and the incitement of violence." The words "incitement of violence" are strange words from a newspaper which consistently champions the civil and constitutional rights of chronic criminals and ragtag beatniks, and they might more appropriately have been applied to those militants who talk of setting fire to District of Columbia business establishments, the owners of which oppose home rule or to the hoodlums who descended upon the 10th precinct police station last September threatening to hang the policemen who had taken four juveniles into custody for playing football in an alley.

As to "interference in the operations of the Washington Police Department," this is a charge which can better be laid, by the Post, the doorstep of some of the self-appointed civil rights militants and so-called antipoverty workers in certain areas of this city. It is they who have exhorted people to take direct action. It is they who have organized demonstrations at some of the police precinct station houses.

I do not join the unruly mobs that gather on street corners to interfere with a police officer who is doing his duty. I am not among those who descend upon station houses to demand the release of lawbreakers who assault police officers.

As to "interference in the operations of the Police Department," I seldom have any contact whatsoever with the District Building, with Chief Layton or any of his subordinates, except when budget hearings are approaching, and these men will, I am sure, be glad to verify this. And as to Mr. Horsky at the White House, and any possible "interference" via his office, I am not conscious that he is even on the payroll except when I occasionally read in the press that he has attended some meeting with civil rights functionaries, et cetera.

The Post editorial went on to score the 12 police officers who recently visited my office to complain that they were being discriminated against because they were white. Their conduct, "in appealing to a Senator over the head of their commanding officer," was, according to the Post, "reprehensible," as was mine "in taking up the cudgels" in their behalf.

> The policemen ought to be cashiered, or at the very least sent to the boondocks—

Said the Post editorial, which went on to say—

> Unhappily, the Senator cannot be dealt with in the same way.

Happily, Mr. President, there are some individuals in public life who are not intimidated by unfair and snide editorials and who wear no man's collar but their own. Just as importantly, while there are proper channels through which policemen should appropriately make known their complaints, we still live in a Republic which assures those same policemen that they have a right to bring their complaints to the attention of a Senator or any other public official if they wish so to do.

The Post editorial deplores "Senator BYRD's brand of harshness"; yet, it evinces a peculiar brand of harshness all its own when it suggested that the 12 policemen be "cashiered" or "boondocked." And for doing what? For exercising their constitutional right of petition, of all things. How could a newspaper which is a recognized and zealous champion of first amendment rights of lawbreakers suggest the denial of the first amendment rights to men who are sworn to uphold the law?

Perhaps the Post editorial writer is not familiar with chapter 12, section 652(d), title 5, United States Code, which says:

> The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.

District of Columbia policemen, of course, are not employed in the civil service of the United States, but their status, with regard to petitioning Congress, or any Member thereof, is not unlike that of Federal civil servants. And just to "make the cheese more binding," as the old saying goes, these District of Columbia policemen, who, according to the sage writer of the Post editorial, should be "cashiered" for having had the temerity to set foot in a Senator's office, are employees of a city over which, by our Constitution, Congress "shall have power to exercise exclusive legislation in all cases whatsoever." Is the office of a Member of Congress, then, to be declared off limits for District policemen?

The policemen came to my office unannounced and uninvited. But they came seeking to talk with me, and, knowing, as I do, the problems that confront policemen almost everywhere and particularly in this city, and, respecting, as I do, the men who lay their lives on the line daily for all of us, I agreed to see them.

They stated their case. I told them I would lay their complaint before their superiors for their consideration and attention, and the group went away. I have kept my promise to them.

I do not encourage policemen to go over the heads of their superiors. In fact, I recommend that they proceed through channels, after which, if grievances are not justly dealt with, other steps may then be taken. But simply because there are certain superiors to whom a policeman should first go, in the protection of his job and seniority rights, this does not make that policeman a fitting candidate for punishment if he chooses to exercise his rights assured to him by the Constitution. And should he be punished for so doing, many and strong will be the advocates who will rise in his defense, let there be no doubt about that.

Suppose 12 policemen were to be cashiered, in line with the Post's suggestion. From where, and how, will a department which has never been able to meet its fully authorized strength of 3,100 men, be able to replace the 12 and others who would follow? A police department which had 227 vacancies at the end of August can ill afford to lose 12 more men.

This attrition was lamentably recognized, although belatedly, by none other than the Post in an editorial on September 9—an editorial which was no doubt precipitated, to some degree at least, by the surprise visit of threescore and ten police wives to the Post on the preceding day in protest against the "unfair and biased editorial" "Playing With Dynamite." Overnight the Post became the stanch defender of brutal policemen who must often face danger, and even death, "in protecting their fellow citizens from crime and from mob madness." Strangely enough, my criticism of the 14th precinct captain was precisely for his failure to allow police officers to protect "their fellow citizens from crime and from mob madness."

Mr. President, the truth of the matter is that the police of this city generally feel that they have not had proper support from the press, from the public, and, in some instances, from their superiors.

All too many times the police have been depicted as brutes, but seldom does the press relate the abuse to which the police are subjected by the very people who are always yelling police brutality. Let a policeman place under arrest one of the young toughs in certain areas of this city, and the individual arrested will often yell "police brutality," whereupon a threatening, taunting mob immediately gathers, seemingly out of nowhere, and the policeman is hard put not only to maintain his arrest but also to escape without harm to himself. If he himself is not physically attacked by the mob, as so often happens, he at least finds himself the object of the most scurrilous abuse from loud-mouthed, profane rowdies, and he can be sure that he will have to write detailed reports and be prepared to defend himself against charges of police brutality.

Not infrequently the policeman is set upon by these howling mobs, knocked to the ground, kicked and beaten, and sent to the hospital. Yet, he, the policeman, is exhorted by editorial writers, by the social planners, and by militant civil rights and antipoverty spokesmen to go out of his way, so to speak, to promote "better understanding" in the community." Always it is the policeman who is the culprit. It is he who must take lessons in human relations. If there are community tensions, the police are to blame and only the police can act to relax those tensions. Seldom is any responsibility to be placed upon the rock throwers, or upon those who hurl the vilest of obscenities at law enforcement officers. There is little suggestion that good community relations must be a two-way street.

Oh, no. Heaven forbid. It is the harried, underpaid, pilloried police officer who must do all the bending. But the young savages who carry razors and switch-blade knives, and who hurl bricks at policemen as readily as they hurl curse words—they are to be excused because they are the products of poverty. An affluent and callous society is to blame, because it has failed them and passed them by. They are the pitied objects of the mushiest of maudlin sentimentalism while the friendless policeman is the target of obloquy and calumny.

Almost daily we hear new ideas voiced as to how the police should conduct themselves so as to win the respect of citizens. They should attend block parties, play ball, and the Lord only knows what they will be asked to do next in order to get along with the young militants.

Mr. President, the place to teach respect for the police is in the home. The police, of course, have to conduct themselves in such a way as to earn the respect of citizens, but the police should not be made to bear the whole burden. Parents, whether in the lower income levels or in the middle and upper levels, should teach their children to respect the policeman. Civil rights leaders should insist that the people, for whom they profess to speak, obey the laws and treat police officers with respect. The same message should be preached from the pulpits, and it should flow from the pens of editorial writers and from the lips of public officials until it is indelibly impressed upon all of the citizens, not only in this community, but also throughout the land.

The law-abiding citizen need have no fear of police brutality. And, speaking of police brutality, the term nowadays goes beyond the use of physical force. A mere word from a policeman is often enough to set in motion unwarranted charges of police brutality. The truth of the matter is, Mr. President, there are just some people who want to be above the law. They simply resent anything or anyone who is symbolic of authority.

My study of the police problems of this city has shown me that the oft-reported charges of police brutality are usually phony and can seldom be substantiated. Yet, the police officer is constantly harassed by these spurious charges and, as a result, an inordinate amount of his time must be spent in filing detailed reports just in case the issue of brutality arises. The paperwork involved constitutes not only an expense but also a deprivation of police protection to the citizens inasmuch as the time spent in preparing lengthy written memorabilia could otherwise be spent by the policeman on the street. This is a matter of proper concern to every citizen, especially in view of the alarming increase in crime and the appalling decline in police clearances, or solution of crime.

While the number of reported serious crimes in the Nation's Capital increased from 31,094 in fiscal year 1964 to 37,136 in fiscal year 1966, the actual number of police clearances decreased from 12,859 to 10,984. In other words, whereas the police were able to identify the criminals and make arrests in 41 percent of the crimes in fiscal year 1964, the police clearance figure dropped to 29 percent in fiscal year 1966.

On last Tuesday, it was reported that the police clearance rate, in the District of Columbia, was down to 26.7 percent for the 12-month period ending with August 1966. It was also revealed that the number of crimes committed in August, in this city, represented a 134-percent increase over June 1957.

As I have already indicated, there is a widespread feeling among the police, and I have talked with literally scores of them privately, that they do not get proper backing from some of their supervisors. Many policemen feel that they do not receive the moral support they deserve from the District Building, and that too much influence is wielded by civil rights forces.

Of course, there is the additional matter of police salary increases. A pay increase is a necessity and will provide a real shot in the arm for the policemen. But a pay increase alone will not solve the growing morale problem and the concomitant problem of attrition in the Police Department.

The police must be given the strong moral support and backing which they deserve from superiors and from the people, the press, the District Building, the White House, and Congress, if the morale problem is ever going to be solved. And, in the final analysis, if such support is not given, it is the public which will suffer.

Moreover, the lawless elements and young hoodlums must be dealt with firmly, and, if violence erupts anywhere in the Nation's Capital, prompt action should be taken to effectively deal with it. There is no logical reason why law-abiding and peace-loving citizens in the community should ever be deprived of police protection and left to the mercy of howling, profane mobs of arsonists and rock throwers. We have a very capable Police Department, and there are additional well-trained and well-equipped personnel readily available for putting down any civil disturbance. If these forces are not equal to the task, Fort Myer, Fort Belvoir, Fort Meade, and Fort McNair are not far distant, so the seat of this great government of laws need not surrender, now or ever, to the forces of insurrection and rebellion against law and good order.

The time is at hand, in this country, for a cessation of the pampering by the press and by public figures to which the rebellious and lawless elements have become increasingly accustomed. Being poor is no justification for being disorderly, and the right of lawful petition is not a license to riot. Nor was the antipoverty program meant to be a rehearsal for rebellion against constituted authority, and I am sure that it was never the intent of Congress for antipoverty moneys to be used in the employment of people to foment unrest and organize demonstrations against the police, such as we have seen occur in the 11th precinct as reported in the press, or, for that matter, against the Welfare Department or other Government departments or officials.

In my judgment, officials within the OEO and the UPO who are responsible for the proper administration of the antipoverty program should exert every conceivable effort to investigate the recent activities of persons connected with Southeast Neighborhood House whose salaries are being paid from antipoverty moneys and who, according to press reports, have helped to generate or have participated in recent disturbances in the area and demonstrations against the police.

Moreover, those who resort to violence should be punished instead of rewarded with Federal handouts of public moneys. After all, a criminal trespass is a violation of law, and assault and battery and the willful destruction of private and public property are crimes for the commission of which an individual should be punished regardless of his race or his economic status.

It has become quite commonplace to hear the most dire predictions that if a certain area is not given a swimming pool or some other recreational facility, violence will occur. Yet, it is not without some significance that three of the most recent outbreaks of public disorder in this city have occurred at a place or during an event intended to be recreational in nature. I refer to the November 22, 1962, District of Columbia Stadium riot, the August 5, 1965, carnival riot, and the Glen Echo Park riot of last Easter Monday.

Eighty-degree temperatures and the lack of a swimming pool in every other city block are nothing new, and there are millions of youngsters, Negro and white, who do not have the luxury of recreational facilities and whose parents have incomes well below the arbitrary poverty level established by the Federal Government, yet they do not resort to violence or the threat of violence. Perhaps it is appropriate to recall that millions of immigrants have come to this country, unable to speak and understand the English language, who have suffered discrimination and deprivation; yet, they have not taken to the streets, nor have they resorted to or threatened violence. Instead they have worked and conducted themselves in such a way as to earn the respect of everyone, and, in most instances, they have raised themselves by their own bootstraps to the point where they have provided well for their own families and have made valuable contributions to the community. The same can be said of many of our fine Negro citizens who have diligently and patiently toiled, who have succeeded in improving their own economic lot, and who have been a credit to their race.

It is a grave mistake to encourage any element, any group, or any race within our society, to believe that it can get what it wants simply by resorting to force and violence. It is a mistake to encourage any group or race to feel that, because of its race or its economic status, it is privileged to disturb the public peace or create public disorder. To accede to unreasonable demands only encourages new demands of greater unreasonableness.

It is a mistake to temporize with lawbreakers, and the failure to make arrests out of fear of retaliatory riots simply cannot be condoned. We just cannot afford to surrender to mob pressure or mob rule, whether the mob be black or white, and the sooner the press, the people, and public officials take a firm and uncompromising stand in support of the police and against further mollycoddling of troublemakers, the better it will be for the community and the country.

A first duty of every citizen is to obey the law, and a first duty of government is to enforce the law.

These principles were enunciated by Aristotle centuries ago. To quote from his Politics:

> In all well-organized governments there is nothing which should be more jealously maintained than the spirit of obedience to law, more especially in small matters. For lawlessness creeps in unperceived and at last

ruins the state, just as the constant repetition of small expense in time eats up a fortune.

There must be a genuine revival of respect in this country for the police and for orderly processes. There must be a reawakening of individual responsibility. There must be a growing impatience toward those who advocate public disorder, as well as toward those who, by word or by pen, promote sympathy for lawbreakers and encourage other people to think that because of their race or their economic status, they have a special mission or peculiar right to resort to direct action and violence. There must be an insistence upon respect for, as well as by, the police, and the duties of citizenship must be held to be as sacred as are the rights of the citizen.

Unless the growing trend toward lawlessness is checked, unless orderly processes take the place of growing disorder in the streets, unless men and races of men restrain their passions and substitute uninhibited reason for uncontrolled emotions, and unless people are made to understand that diligence and honest toil will receive their just rewards while force and violence cannot pay, then this Republic has entered into an eclipse out of which there can be no return to its former bright and scintillating glory.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of items which I shall enumerate at this point:

The news story which appeared in the August 23 Washington Evening Star reporting on the 14th precinct violence.

A news story from the August 24 Washington Post regarding the outbreak of violence in the area of the 14 precinct.

An August 25 news story from the Washington Star concerning the 14th precinct fracas.

An August 23 news story from the Washington Daily News regarding the 14th precinct rampage.

A Post news story of August 25 quoting Capt. Vernon H. Culpepper as saying, with regard to participants in the 14th precinct rock-throwing fracas, "We know who those fellows were and we're going to get them."

The September 1 Washington Star account of my visit to the 11th and 14th police precincts.

An editorial, "Playing With Dynamite," from the September 3 edition of the Washington Post.

A Post news story of September 3, entitled "Layton Now Will Talk to Anacostia Probers."

An editorial titled "Order in the City" from the September 6 edition of the Evening Star.

A Post news story of September 8 concerning my continuing visits to police precincts.

A news story from the September 9 edition of the Washington Post concerning an "unannounced visit to the Washington Post" by 70 wives of policemen "to demand more support for their husbands."

A letter which was presented by 70 wives of District of Columbia policemen to the Washington Post criticizing the September 3 Post editorial, "Playing With Dynamite." The police wives' letter appeared in the September 9 edition of the Post.

A Post editorial, "For the Police," from the September 9 edition of that newspaper.

A Post editorial of September 9 titled "Exodus of Policemen."

An August 19 Washington Post news story which referred to "William Michaels, a Southeast House staffer, who organized an orderly demonstration around the police station," meaning the 11th precinct, and which also referred to "Walter Williams, a Barry Farm resident and member of Rebels With a Cause, an organization financed by the city's antipoverty agency."

An Evening Star story of August 30 which referred to William M. Michaels, a Southeast neighborhood worker who "drove two groups of youths to the station house," meaning the 11th precinct station house, "to stage a peaceful demonstration following the arrest of two persons."

A news story by Larry A. Still, Star staff writer, referring to William M. Michaels, a Southeast neighborhood house "community organizers," who "admitted he helped organize an antipolice demonstration and transported two carloads of pickets to the 11th precinct station."

A Star news story of September 3 which referred to "a United Planning Organization worker, who police described as a 'constant antipolice instigator.' "

A transcript of a recent telecast, "Dimension Washington," a presentation of WRC and WRC–TV News and Public Affairs, quoting Walter Williams, whose salary, according to the newscast, "is paid by the UPO, which is an arm of the Government's war on poverty," as saying that "antipoverty workers should be in on the action," referring to "demonstrations or in leading civil disobedience as a violation of laws." Mr. Williams was also quoted as saying "if there is not any disorder, you do not get no attention."

A letter addressed to me on August 31 by Commissioner Walter N. Tobriner, together with accompanying correspondence dated August 30, from James G. Banks, Executive Director, UPO, relative to Mr. Pharnal Longus, whose salary of $9,550 per year is paid by the Southeast House with funds provided by UPO under a grant from OEO, and also with reference to Mr. Phil Perkins, whose salary has been paid with funds provided the Southeast House by UPO under a grant from OEO. Mr. Perkins was recently dismissed from employment but has appealed this action.

A memorandum addressed to Chief James M. Powell, U.S. Capitol Police, by Lt. W. W. Kirby and Sgt. W. C. Hall, under date of August 11, with respect to a visit by Pharnal Longus, and other persons, to my office in the Old Senate Office Building.

A news story from the June 14 Evening Star reporting on the picketing of my home by relief clients, who had received instructions on their moves "by Phil Perkins, a neighborhood organizer for the United Planning Organization."

A news story from the August 27 Washington Star referring to the firing of Philip J. Perkins. Perkins was quoted therein as saying he was fired because of his "commitment to radical social change."

An August 16 Washington Post story concerning the recent Anacostia disturbance. The story stated that the original demonstration "apparently was organized by William Michaels, 24, a poverty program worker at Congress Heights Development Center, a UPO organization"—which—"provided the youths with signs and two cars."

An August 23 column by William Raspberry referring to Pharnal Longus, a "community organizer at Southeast House," as having encouraged certain members of the "Block Boys" to become involved in the 11th precinct "ruckus." The column also refers to "intimations by Commissioner John B. Duncan that Southeast House, one of the city's eight neighborhood antipoverty centers, might have had a role in fomenting" the outbreak.

Ralph Fertig, Director of Southeast House, according to the column, "insists on the value of having poor people take an active part in confrontations with authority."

A news story from the Washington Post of September 18 with reference to rock throwing at police scout cars in the 11th precinct on the evening of September 16. The story said that there were no arrests.

A table showing the number and category of part 1, offenses committed during fiscal years 1964, 1965, and 1966 in the District of Columbia.

Data as to the actual part 1 offenses and part 2 felonies cleared in the District of Columbia in fiscal years 1964, 1965, and 1966.

A table showing the crime clearance rates by month, in the District of Columbia, during calendar years 1960, 1961, 1962, 1963, 1964, 1965, and part of 1966.

A table showing the percentage of part 1 offenses cleared prior to the Mallory decision as well as after the Mallory decision, the time period being fiscal year 1952 through fiscal year 1966.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Aug. 23, 1966]

Youths Stone Police in Kenilworth Strife

(By Walter Gold)

Violence erupted in the area of Eastern and Kenilworth Avenue NE last night and early today as scores of Negro youths, many of them girls, threw rocks and bottles at passing motorists and District firemen.

One motorist was slightly injured during the 3-hour disturbance which, at its height, involved nearly 200 rock-throwing youngsters. Adult Negro leaders, hastily summoned by police, managed to disperse the youths as nearly 50 policemen from Washington and Maryland stood by.

In addition to stoning passing automobiles, the youngsters pelted several District Fire Department trucks when they responded to two false fire alarm boxes in the nearby Kenilworth Courts public housing development. None of the firemen was injured and no damage was reported to their equipment.

ORIGIN UNCERTAIN

What started the disturbance, the second in a week involving large groups of rock throwers, was not clear.

"All we know is that it was not a racial incident nor was it directed against the police," reported Capt. Vernon H. Culpepper, commanding officer of the 14th Precinct. Culpepper said rocks and debris were thrown indiscriminately "at almost anyone and everyone who happened to be in the area."

The precinct commander said there are three rumored reasons for the outbreak—an alleged "gang war," the shooting of a Kenilworth youth by a bus driver and dissatisfaction with recreation facilities in the area.

"Perhaps the best explanation we can give at this point," Culpepper said, "was that it was just a darn hot and muggy night, too hot to sleep, and the kids took to the streets without anything to do but get in trouble."

ADULTS PRAISED

The captain praised the adults who "stopped the kids cold" without police assistance. No arrests were made and property damage was described as "very light, mainly a few broken or cracked car windows."

Police officials and adult community leaders pieced together this account:

Throughout the evening, youths in small number dropped rocks and bottles on automobiles from atop the Eastern Avenue overpass at Kenilworth Avenue NE. Police were called to the intersection several times, as they are frequently during summer evenings, to disperse the youngsters.

DISTRICT OF COLUMBIA FIRE APPARATUS IS STONED BY YOUTHS

Then, at 10:27 p.m., a boy pulled the fire alarm box at 45th and Quarles Streets NE. Minutes later, firemen reported that they were being stoned by "lots of kids." Seeing no blaze, the firemen left quickly. Police drove in and the youths scattered.

By 11 o'clock the youngsters had reassembled three blocks away at the Eastern Avenue overpass. Trying to avoid a direct conflict with the teenagers, many of them young girls, police blocked off Eastern Avenue and both the north and southbound lanes of Kenilworth Avenue, depriving the youths of automobile targets.

CIVILIANS SUMMONED

It was at this point that police decided to "contain the disturbance" and wait for the arrival of adult civilians, who included ministers, civic leaders and Recreation Department roving leaders.

More than two dozen Washington policemen took up positions about a block from the intersection as an equal number of Prince Georges County and Maryland State officers did the same. Traffic was rerouted from some streets in the area for nearly two hours although Kenilworth Avenue was reopened shortly after midnight.

At the height of the disturbance, bands of youths milled about the intersection, "throwing everything they could get their hands on," one police official said. The youngsters also started several small trash fires, which eventually burned themselves out.

One motorist, whose windshield was broken by an object thrown in the 1500 block of Kenilworth Avenue NE, was attacked by more than a dozen youths when he got out to inspect the damage.

The driver, Lance Swain, 20, of the 4700 block Blaine Street NE, told police that one of the Negro youngsters hit him in the head with a baseball bat. Swain, who is also a Negro, was treated for minor head injuries at District General Hospital and later released.

Another driver, Howard V. Dove, 35, of the 2500 block Iverson Street SE, reported that his car was struck by several rocks as he drove on Eastern Avenue near Olive Street NE about midnight. Dove, who is the only white person reported attacked by the youths, said damage to his car was "minor."

"The kids didn't seem angry at anyone the whole time," commented Inspector Otto Fuss, ranking police official at the scene after 11 p.m. "The teenagers laughed and shouted a lot . . . there seemed to be as many girls involved as boys . . . there were broken bottles and rocks all over the streets."

Anticipating such an outbreak, 14th Precinct Police long ago planned to use adult leaders rather than police to put down the disturbance, according to Capt. Culpepper. Last night, the roving leaders from the Recreation Department and at least two officials of the National Capital Housing Authority were instrumental in dispersing the youths, Culpepper said.

Also at the scene were Mrs. Ruth Bates Harris, executive director of the Commissioners' Council on Human Relations, and Police Captains Owen W. Davis and Tilmon B. O'-Bryant, both of whom were detailed only yesterday to the troubled 11th Police Precinct to give the Southeast area Negro police leadership.

NEW ALARM SOUNDED

Just as police and adult leaders thought they had the situation under control early today, the fire box at 45th and Quarles Streets NE was pulled again at 1:50 a.m. This time, only Engine Co. 27 responded to the box while other firemen were stopped by police several blocks away.

Some rocks were thrown at Engine Co. 27 before the firemen discovered that the alarm again was false. Throughout the night, small trash fires were started in the Kenilworth Courts development but all were extinguished by adults.

The disturbance never spilled over into Maryland. A meeting was to be held later today in Kenilworth Courts to discuss the incident.

Capt. Culpepper said he heard that members of the Decatur Street Gang from Northwest-Northeast Washington had come over to the Kenilworth area last night "to see some girls" and to back the Northeast group in a dispute with another nearby gang.

Another reason to which the outbreak was attributed was an incident late Saturday night in which a D.C. Transit bus driver shot and wounded a Kenilworth youth. The driver, Ivory M. Carey, 33, of the 200 block of 19th Street NE, said the youth threatened him.

The youth, Patrick Henry Davis, 20, of the 4400 block Ponds Street NE, was treated for a minor gunshot wound in his right hand at D.C. General Hospital and later released. Carey later was charged with assault with a dangerous weapon at the 14th precinct. Both are Negroes.

Carey's bond was set at $2,000 and his case continued to Sept. 12 when he appeared in General Sessions Court yesterday.

"And the third rumor was that they started throwing things to demonstrate their needs for more recreation facilities," Capt. Culpepper said.

[From the Washington Post, Aug. 24, 1966]

Police Curb Outbreak in Northeast—Officers Praised for Handling of Teen-Age Crowd

(By Claude Koprowski and Jesse W. Lewis Jr.)

The unrest that has been plaguing Anacostia spilled into Far Northeast in milder form Monday night, but this time police were being praised by community leaders for handling rock-throwing teenagers without provoking a major incident.

Fourteenth Precinct officers, commanded by Capt. Vernon H. Culpepper, quickly contained the outbreak in the Kenilworth area with the help of adult citizens Culpepper called to the scene.

Unlike the disturbance Aug. 15 in Southeast, when violence followed picketing at the Eleventh Precinct stationhouse by disgruntled youths, there was no direct confrontation between police and residents.

"I thought the police did an excellent job of handling the situation," said the Rev. Edward A. Hailes, executive director of the Washington NAACP and one of the adults asked to help quiet the crowd. "They had no dogs, they had no sticks, and the bulk of the officers were not visible."

There were nearly 200 teenagers involved in the Kenilworth rampage, throwing stones and bricks at motorists, setting small trash fires and sounding false fire alarms. The disturbance lasted from 10:30 p.m. Monday to 2:30 a. m. yesterday.

Culpepper quickly sealed off the area with his men and Tactical Squad reinforcements, detouring traffic to deprive the youths of their targets. He ordered officers to stay in the background and telephoned civic, religious, recreation, housing and antipoverty leaders with requests that they talk with the youths and try to disperse them.

The Negro teenagers, almost as many girls as boys, had gathered for a gang rumble with youths from Lincoln Heights.

Two of the boys involved told a reporter yesterday that the long-standing rivalry between tenagers in those neighborhoods was heightened Sunday night when a Lincoln Heights boy slapped a pregnant Kenilworth girl and attacked her boy friend. He threatened to return Monday with his friends.

"We were ready for them," one boy said, adding that about 100 youths from the Kenilworth project, joined by an equal number from the nearby Parkside project, had compiled an arsenal of bottles, stones and firebombs.

When the Lincoln Heights crowd didn't show up, he said, "we were ready to raise hell anyway."

One of their purposes, according to him, was to draw policemen to Kenilworth Courts for a clash.

According to police, after a flurry of minor incidents, in which small numbers of youths stoned automobiles from atop the Eastern Avenue overpass at Kenilworth Avenue ne., someone pulled a fire alarm at 45th and Quarles Streets ne. As firemen and policemen arrived, they were pelted by the growing throng.

Youths milled around the intersection, laughing, shouting and throwing almost anything they could pick up. All but one motorist whose car was hit were Negro.

One of them, Lance Swain, 20, of 4752 Blaine st. ne., was injured slightly when he stopped his convertible after a brick shattered the windshield.

"I went to a telephone booth to call police and then back to my car," Swain said. As he turned on the ignition, a group of shouting teenagers approached him "and I was so scared that my first instinct was to get out of there." When he leaned over to release the emergency brake, a youth hit him on the head with a baseball bat, he reported.

Meanwhile, Culpepper was gathering community leaders—and calling for Prince Georges County Police and Maryland State Police to take up positions on the District line—in case his strategy didn't work.

But it did.

"Our citizens were very responsive," Culpepper said.

In addition to Mr. Hailes, the adults who helped end the disturbance included Ruth Bates Harris, executive director of the Commissioners' Council on Human Relations (who earlier in the evening had attended a hearing on the Anacostia disturbance); Isabelle C. Davis, a community organizer for Far East Community Services; Edmund Gardner of the National Capital Housing Authority and his assistant, John Bailey.

Stan Anderson, a Roving Leader for the Recreation Department, turned out to help, as did Willie Mack Jackson of 4326 Douglas st. ne., Raymond W. Branch, owner of the Bar 20 at 1509 Kenilworth ave. nw., and Levin J. Lucas, president of the Kenilworth Men's Club.

While the police stayed in the background, the adults scattered through the area, talking to the teenagers and urging them to return to their homes. No arrests were made.

By about 3 a.m., all was quiet in Kenilworth—a small triangular section of the city just south of the Anacostia River and north of Deanewood.

The post-mortem began at 11 a.m., when Culpepper met with several of his citizen helpers and Joe Cole, District Superintendent of Recreation, at Kenilworth Courts.

Why did the trouble begin there?

It was not racial, Culpepper said, nor was it directed against the police.

He suggested that perhaps the biggest contributing factor was the heat (85 degrees), the humidity (87 percent), and the fact that the youths live in hot, crowded public housing "where sometimes you have as many roaches as people in some of those places."

A reporter's conversations with youths in the area indicated that it was not racial.

However, although the Fourteenth Precinct has a history of good police-community relations, and while adults were praising Culpepper and his men for their "remarkable response" and "good judgment," several of the boys complained about the officers whom they know.

Lack of recreational facilities in Far Northeast—where one-third of Washington's public housing projects are concentrated—was believed to be a factor.

Cole said there is little the Recreation Department can do immediately to provide more services, noting, "We don't even have a budget for 1967. We are handcuffed."

He said the area's need for "an Olympic size swimming pool" is well known. The only pool in that general vicinity of the city is the one at Kelly-Miller Junior High School at 49th and Brook Streets ne.

Cole discouraged suggestions of a portable pool. "We've had nothing but problems with them," he said. "They're a slight relief, but they don't begin to solve the situation. We can only get about 40 kids in one at a time and the water depth is only 36 inches."

Poor living conditions was offered by one recreation leader as a possible cause of Monday night's outbreak. He said some youths are so hungry that it is not unusual for 18 and 19-year-olds to hang-around playgrounds to take advantage of the free lunch program that was intended for smaller children.

Another noted that impacting the area with public housing has produced a ghetto "where there are six or seven kids in the same house, many by different fathers, and they're competing for love." Many mothers can't handle the situation, he said.

[From the Evening Star, Aug. 25, 1966]

KENILWORTH FRACAS LAID TO ABORTIVE GANG FIGHT

(By Walter Gold)

A scheduled gang fight that failed to materialize set the stage for Monday night's indiscriminate rock throwing in the area of Kenilworth and Eastern Avenue NE, a Washington police official concluded last night.

The official, Capt. Vernon H. Culpepper, commander of the 14th Police Precinct, which includes the disturbance area, said the 3-hour outbreak came after a rival gang from the Lincoln Heights area of far Northeast "failed to show up" for a fight with the Kenilworth youths.

The threatened "invasion" caused the Kenilworth youngsters to gather a lot of rocks, bottles and debris for the gang fight, Capt. Culpepper said last night following a meeting with Kenilworth area residents.

"When the gang fight fell through, a small percentage of Kenilworth youths started throwing things at anyone who happened to be in their sights while the rest of the mob cheered them on," the precinct commander said.

MOTORIST INJURED

One passing motorist was slightly injured during the disturbance which, at its height, directly or indirectly involved nearly 200 Negro youngsters, many of them teen-age girls. Some debris also was thrown at District firemen who responded to two false fire alarms from boxes in the nearby Kenilworth Courts housing development. None of the missiles found its mark.

The youths were dispersed by adult Negro leaders as nearly 50 policemen from Washington and Maryland stood by, ready to move in if necessary. No arrests were made at the scene.

However, following last night's post-mortem of the disturbance, Capt. Culpepper told The Star that police now know the identities of the instigators of the outbreak and plan to make arrests. Most of the rock-throwers were juveniles but some were over 18 and will be prosecuted as adults, Culpepper said.

REPORT DISCOUNTED

Only a few of those involved are from neighborhoods outside the Kenilworth area, he said. He discounted earlier reports that the disturbance was touched off because a Kenilworth youth was shot by a bus driver or because the Kenilworth youngsters were dissatisfied with recreation facilities in their area.

Recreational needs were discussed, however, during the two-hour meeting last night at the Kenilworth Courts Community Building at 4500 Quarles St. NE, located near Monday night's disturbance.

Some of the 100 or more youths who attended the orderly session asked for a swimming pool in the Kenilworth area, some outdoor drinking fountains and a pool table for their community building. All of the requests will be taken under consideration, according to Recreation Department spokesmen who said they were in favor of the improvements.

PLEA MADE

The meeting also included a plea for youngsters to stop setting off fire alarms, starting trash fires and stoning firemen.

The "urgent request" came from Sgt. Burton W. Johnson, community relations officer of the District Fire Department, who said:

"We are trying to serve the entire community, something we can't do properly if you or your friends tie us up with needless calls and then attack us when we come running," Johnson said.

[From the News, Aug. 23, 1966]

IN IMITATION OF SOUTHEAST: NE TEENS ON RAMPAGE

About 200 teen-agers in the Kenilworth area of northeast Washington hurled rocks at passing autos last night in imitation of youngsters who had caused a disturbance in the Anacostia area last week. They also turned in a false fire alarm and then stoned the fire engines that drove up.

The youngsters later told community leaders and police recreation facilities in their neighborhood were not adequate and that the rock throwing was to call attention to the fact that they wanted a swimming pool, the same as was promised to the Anacostia area after last week's disturbances.

Police said rock throwing was sporadic until 10:30 when someone turned in a false fire alarm at 44th and Quarles-st ne. The fire engines were pelted with stones, rocks and bottles by a large band of teen-agers, about half of them girls, setting the stage for other disturbances.

HELP

Police arrived to try to quell the disorder, but the youths broke up into smaller groups and roamed the area, hurling rocks at passing cars on Kenilworth-av.

"I was coming out from the Kenilworth-av underpass at Eastern-av when a brick came thru my front windshield. Thank God, I wasn't hit. I got out of the car with the idea of finding the guy who did it and I saw hundreds of kids—they were everywhere," said Lance Swain, 21, colored, of 4742 Blaine-st ne.

"I called police at a gas station. There was another guy there who said they had torn his car apart. I started back for my car—and I saw them coming for me. I ran and got in and started the engine. They swarmed around the car. 'What did you do in that phone booth,' one kid said. I didn't answer, I just stepped on it. One of them hit me with a bat just as I got moving."

Mr. Swain was treated in D.C. General Hospital for a cut on the head.

District police sent reinforcements and from across the nearby District line, Prince Georges police massed in case the trouble should spill over into Maryland.

But it never did. Confronted with about 40 or 50 District police, the youths retreated at the Kenilworth Courts housing project where John Gardiner, director of the housing project, was able to quiet them and talk to them about their grievances. No arrests were made.

[From the Washington Post, Aug. 25, 1966]

NORTHEAST HEARING NOTES COMMUNITY ILLS, PRIDE

(By Robert F. Greene)

Fierce displays of community pride alternated with strong recitals of neighborhood ills when Far Northeast residents met last night to discuss the reasons behind Monday night's outbreak of rock-throwing at Kenilworth and Eastern Avenues.

During the 4-hour disturbance, bands of teen-agers hurled bricks and stones at passing motorists and police, set trash fires and turned in false fire alarms. One motorist in a stopped car was struck with a baseball bat.

Last night about 130 persons, half of them teen-agers, crowded into a meeting room at Kenilworth Courts public housing project, near the scene of the incidents, to ask why the outbreak happened.

Police Capt. Vernon H. Culpepper, commander of the Fourteenth Precinct, said the Monday night rock-throwing was "not a demonstration." He denounced the participants as "cowards" and said, "We know who those fellows were and we're going to get them."

To several youthful questioners who cited instances of mistreatment by Fourteenth Precinct policemen, Culpepper said, "We know we're not perfect, but we're trying." He said his door is always open to anyone with a complaint about police misconduct.

The first question from a teen-ager at the meeting was, "When are we going to get a swimming pool?"

A lack of recreational facilities frequently has been cited as one of the major grievances in the area.

Bernard C. Chapman, a retired businessman and civic leader, responded, "I lived in this area 69 years. You don't get things overnight."

Joseph Cole, District Superintendent of Recreation, told the youngsters he sympathized with their wishes but, "It took us eight, nine years to get the Kelly-Miller pool," now the only pool in the vicinity and located at the Kelly-Miller Junior High School.

Michael Harris, a neighborhood teen-ager, drew loud applause when he disputed newspaper reports of hungry youths and poor living conditions in the Far Northeast. "This place is not so bad as they say it was," he said.

[From the Evening Star, Sept. 1, 1966]

Senator Hits Police on Kenilworth Rift

(By Sheridan Fahnestock and Arthur Golden)

The chairman of the Senate District Appropriations subcommittee confronted the commander of the 14th Police Precinct today and assailed him for "bad judgment" in not sending policemen to quell a rock-throwing outbreak in the Kenilworth section two weeks ago.

"I'm going to find out why officers were not sent in," Sen. Robert C. Byrd, Democrat of West Virginia, told Capt. Vernon H. Culpepper, the precinct commander. "What's the function of police if not to protect the citizens?"

Culpepper, who won praise from civil rights groups by summoning adult Negro leaders to quell the disturbance, replied: "I used the judgment I thought best. I will not shoot a stupid 16-year-old boy."

Byrd, his voice rising and his face darkening, declared: "I want the law enforced." The senator earlier had toured the 11th Precinct in the troubled Anacostia area.

Speaking softly, Culpepper said that although his men have made no arrests yet in the outburst, "We're trying to make a fair determination of who is responsible."

Defending his actions during the disturbance, Culpepper said it was useless for policemen to chase speedy youngsters at 1 a.m. when the youths could not be caught or positively identified.

At this, Byrd snapped: "That's baloney. You can't catch anybody unless you go in after them."

After Byrd left, Culpepper was asked how many men he had on hand during the violence, when scores of Negro youths hurled rocks and bottles at motorists and firemen.

"There are a lot of things I feel like saying right now," Culpepper answered. "But all I will say right now is 'no comment.' "

The dramatic meeting between the senator and the captain occurred in the stark, stifling sergeant's room at the 14th Precinct, where Byrd had been driven by Inspector Jerry Wilson. Accompanying them was Harold E. Merrick, chief clerk of a Senate District subcommittee.

HELD EARLIER MEETING

Byrd earlier visited the troubled 11th Precinct and conferred with its commander, Capt. Owen Davis. The stationhouse was besieged by teen-aged rock-throwers Aug. 15 in an outbreak still being investigated by police and a civilian panel.

Byrd asked Davis whether the captain thought that policemen playing baseball with the precinct's youngsters could help reduce disturbances in the area. Such activities were endorsed Saturday by Commissioner Walter Tobriner, top police officials and Free D.C. leader Marion Barry.

"I question the good that it will do but in the situation over here we've got to try new things," Davis said. "I am a good soldier and will follow my superiors' wishes to the letter."

Byrd also mentioned complaints from white policemen that some of the precinct's Negro junior officers were being promoted to riding in squad cars while white policemen, with more seniority, were being shifted to walking a beat.

Davis said this was a temporary measure to improve law enforcement in the precinct in the wake of the disturbance.

Also at the 11th Precinct, Byrd questioned officers and men about morale. Three of the precinct's officers resigned recently, Davis said, and there are "three or four resignations in the making."

Despite the criticism leveled at both precincts, Davis and Culpepper praised Byrd as a "good friend" of the District police.

[From the Washington Post, Sept. 3, 1966]

Playing With Dynamite

Senator Robert Byrd undoubtedly has the power, although hardly the moral right, to play with dynamite in the explosive atmosphere of this city's current racial tension. But he ought to understand that his interference in the operations of the Washington police department present the gravest imaginable danger to human life and public order. He has been engaged in nothing less than the encouragement of mutiny and the incitement of violence.

Police Chief John Layton, however, has not the slightest vestige of a moral right to yield to Senator Byrd. The Senator's meddling, it is true, placed the Police Chief in a most awkward and difficult situation; no local official likes to antagonize the chairman of the Senate's Appropriations Subcommittee on the District of Columbia. But Chief Layton is not responsible to Senator Byrd; he is responsible to the Board of Commissioners and, in particular, to Commissioner Tobriner.

The Senator's conduct in taking up the cudgels for a dozen police officers, disgrunted because their assignments had been shifted, was as reprehensible as the conduct of the policemen themselves in appealing to a Senator over the head of their commanding officer. The policemen ought to be cashiered—or at the very least sent to the boondocks. Unhappily, the Senator cannot be dealt with in the same way.

In addition, Senator Byrd officiously went to two precinct police stations and subjected their commanding officers to a tongue-lashing. He is evidently of the opinion that the way to deal with the wretchedness and the grievances and the alienation of Americans who are poor is the way in which King George III and his colonial governors dealt with them 200 years ago.

We warmly applaud Chief Layton's decision to appear before the Citizens Committee on the 11th Precinct—whatever efforts Senator Byrd may have made to keep him away. The Chief's testimony is indispensable to the healing task the Committee has undertaken at Tobriner's request. The Committee is entitled to his full cooperation.

Senator Byrd's intervention compounds the damage done recently by the House District Committee in holding up a reorganization of the D.C. Police Force recommended by the District Crime Commission and by the International Association of Chiefs of Police. When the Crime Commission report was submitted to the President, he said that he wanted it to be put into effect within 90 days. There was ample reason for this urgency. The recommended reforms are directly related to the Police Department's effectiveness in dealing with the kind of racial disorder which has had nearly epidemic proportions in American cities this summer. Delay in this situation is reckless.

This is a difficult and delicate time in Washington's civic life. It is a time for display of the greatest possible patience, tolerance, compassion and understanding—and no time for Senator Byrd's brand of harshness and hatred. Commissioner Tobriner has given the Capital imaginative and forceful leadership in this situation. In the harassment he has experienced and must face from Capitol Hill, he needs and should receive direct and explicit support from the President. The people of Washington now need his help.

[From the Washington Post, Sept. 3, 1966]

Layton Now Will Talk to Anacostia Probers

(By Harrison Young)

Police Chief John B. Layton said yesterday he is "willing" to testify before the Citizens' Committee on the 11th Precinct.

In making his announcement—shortly after his regular Friday meeting with President of the Board of Commissioners Walter N. Tobriner—Layton prevented total collapse of the Committee's investigation of a rock-throwing incident in Anacostia on Aug. 15.

The Committee voted Thursday to discontinue public hearings until Layton or some other public official would appear.

But Layton avoided taking a position in the argument between 14th Precinct Capt. Vernon Culpepper and Sen. Robert Byrd (D-W. Va.) over Culpepper's handling of a rock-throwing incident in the Kenilworth area Aug. 23.

Layton said the "contention" between the Senator and the Captain is "unfortunate" and "regrettable."

Culpepper called on local adults to contain a crowd of rowdy teen-agers and kept policemen in the background. Community leaders praised Culpepper—both yesterday and the day after the incident—saying his strategy averted the violence on the Anacostia outbreak.

Byrd visited Culpepper in his precinct station Thursday and criticized him for condoning lawlessness by making no arrests.

Asked last night if he supported his captain's handling of the incident, Layton replied:

"No, I don't think it would be wise for me to comment."

Asked if this left Culpepper in an embarrassing situation, Layton said:

"What he did was a matter of judgment in the situation that he saw, but that judgment was his and I'm not going to criticize him. But under the circumstances I don't think I should say any more."

Layton said he had "had occasion to talk to Capt. Culpepper" since Byrd's visit, but would not say whether he had discussed the Senator's visit with him.

Byrd also visited the 11th Precinct Thursday, where he questioned acting Capt. Owen Davis about the recent reassignment of some of his men. Twelve of them called on the Senator Monday to complain that they were being bumped out of squad car duty to make room for Negro officers with less experience.

The move is temporary. It was ordered by Deputy Chief Howard F. Mowry, of the Police-Community Relations Unit, the day after the rock-throwing and before Davis, a Negro, took command of the precinct.

Capt. Culpepper won praise from community leaders immediately after the Kenilworth incident, and yesterday morning another group of 20 showed up at the precinct house to tell him to "stick to his guns," whatever Sen. Byrd has to say.

The Rev. Walter E. Fauntroy and half a dozen other representatives of the Coalition of Conscience were there. Mr. Fauntroy told Culpepper the Coalition voted at its regular meeting Thursday to visit him and "express our support for his philosophy of dealing with disorders."

Nathan Robin, president of the Far Northeast Business and Professional Association, arrived to say his group agreed Thursday night—after seeing accounts of Byrd's visit—to express their support of Culpepper's actions once again.

"I think the man's strategy was absolutely brilliant," he said. "I think the cooperation he got from the citizens in the area shows the respect that everyone feels for him."

Also present was a small complement of children. Marianne Hardy, 10, daughter of Willie Hardy, a community leader, said simply that she liked Capt. Culpepper because "he's nice."

What is he nice about?" she was asked.

"Everything" she replied. "We don't have much trouble in our area. The police are nice to us, and I guess he teaches them to be." The Hardy family lives at 5046 Benning rd. se., eight blocks from the precinct house.

Culpepper smiled as Fauntroy and 14th Precinct residents praised him. He said he was used to citizen support—that police always need citizen support—and thanked the group.

Afterwards, reporters crowded around him with questions. Culpepper said: "Gentlemen, I know you all have a job to do, but in the interests of all concerned, my answer will have to be no comment."

Later in the day, H. Carl Moultrie, president of the Washington NAACP, sent a telegram to Tobriner, calling on him "to back and support the action of Capt. Culpepper, despite the blastings of Sen. BYRD of West Virginia."

The 14th Precinct, almost totally Negro, has long been considered the city's model in community relations. Traditionally, the 14th's captains have been officers who have advanced later to roles as force-wide community relations officials, including Mowry and Inspector George E. Causey.

The precinct's doors are open to the community, and civic meetings often are held in the station house.

The 11th Precinct, just south of the 14th, has a different reputation. It is felt that their citizens have been at odds with the police.

On Aug. 15, when trouble erupted in the 11th Precinct, police moved in to snuff it out, and citizens later charged police with brutality, discrimination and general mishandling of the situation.

Eight nights later, an unruly crowd of youngsters started pelting cars with bricks in the Kenilworth area. Culpepper quickly sealed off the area with police and then called Ruth Bates Harris, head of the Commissioner's Council on Human Relations, who went into the area with other civilian leaders to squelch the trouble.

In announcing that he will testify before the Tobriner-appointed Committee on the Anacostia disturbance, Layton said there had been a "misunderstanding" between him and the co-chairmen.

Members of the Committee expected Layton to testify Thursday, but he said he had only promised to try to be there.

Layton said yesterday he would work out with the cochairmen whether he would testify in public or closed session. The Committee has its next executive session Tuesday.

Layton said his only stipulation would be that he not discuss anything that might be evidence in a pending court case, either against citizens or police.

[From the Washington (D.C.) Evening Star, Sept. 6, 1966]

ORDER IN THE CITY

Congress' right of inquiry into the affairs of this city is clear, and no member pursues this right more diligently than the chairman of the subcommittee on District appropriations, Senator ROBERT C. BYRD. His desire to see the Nation's Capital a city of law and order is one which every responsible citizen supports.

That desire was not advanced an iota, however, by the senator's intemperate, abusive visits the other day to the troubled 11th and 14th police precincts.

Storming into the station houses, he sharply condemned the precinct commanders' judgment in their handling of recent disorders. Faced with the badgering, the officers stood by and took it. They were in no position to do anything else. It was a sorry performance. And it was grossly unfair to the men concerned.

"I want the law enforced," snapped BYRD at one point. Well, no one wants that more than the police themselves. But a part of the job of getting the law enforced is to reduce community tensions and to evolve mutual feelings of understanding and respect between citizens and the police. There is a new, overdue awareness of this requirement within the police department. And this trend should be encouraged, not attacked. It is especially ironic that one of the subjects of the senator's antagonism was Capt. Vernon L. Culpepper, a white officer who has developed excellent relations with the residents of his virtually all-Negro precinct.

BYRD is widely known as a good friend of the police department, and The Star is in accord with many of the objectives he supports as to what constitutes good law enforcement.

It is no act of friendship, however, for a member of the Senate to impose a further strain on the morale of the police force by running around town yelling at policemen. In our opinion the police, working under the direction of the Commissioners, are doing an effective job. Where there have been deficiencies, improvements are being made.

During his subcommittee's hearings on the budget, BYRD can and no doubt will delve deeply into whatever elements of police organization and personnel policy are disturbing him. The hearings, however, are the proper forum for his attention.

[From the Washington (D.C.) Post, Sept. 8, 1966]

BYRD TOURS POLICE PRECINCTS AGAIN, SAYS HE SEEKS DATA FOR BUDGET STUDY

Sen. ROBERT C. BYRD (D-W. Va.) took his third tour of Washington police precincts yesterday to find out how the officers think the department should be operated. Afterwards, he said:

"I'm not trying to run the Police Department. I just want to know what the men need and what the Department needs so when the budget comes over from the House I'll have a better understanding of what the items are for."

BYRD, chairman of the Senate District Appropriations Subcommittee, opened the series of tours last week by criticizing 14th Precinct Capt. Vernon H. Culpepper for the way he handled a Sept. 2 disturbance. Citizens had applauded his handling of the incident.

[From the Washington (D.C.) Post, Sept. 9, 1966]

NEWS MEDIA NOT PRESENTING POLICE SIDE, 70 WIVES CHARGE

Wives of 70 Washington policemen made an unannounced visit to The Washington Post yesterday to demand more support for their husbands.

Declaring that "pride, dignity and morale" of the Metropolitan Police Department is being stripped away, the wives charged local newspapers and radio and television stations with "never presenting the police side and not understanding the police."

They singled out The Washington Post, where they assembled at 10 a.m., because of a Sept. 3 editorial criticizing Sen. ROBERT C. BYRD (D-W. Va.) for "meddling" in the affairs of the Police Department. The editorial also was critical of 12 policemen who complained directly to BYRD about administrative policies in the 11th Precinct.

The wives—and one policeman's mother—were met at The Washington Post Building by Ben W. Gilbert, deputy managing editor, and Merlo J. Pusey, associate editor, for a meeting in the newspaper's Community Room.

There, Mrs. Jack D. Parr, wife of a K–9 Corps private, read a formal statement criticizing the editorial and concluding: "We feel that you have done a disservice to Senator BYRD and the people of Washington with your unfair and biased editorial."

Pusey, representing the editorial page told the wives the purpose of the editorial was to protest BYRD's interference in police operations. He said Congress makes the laws but their administration is the responsibility of the District Commissioners.

Following the session, Mrs. Patrick M. Buckley, wife of another private and spokesman for the group, said the group had been given "a very honest reception" at the Washington Post.

She and Mrs. Parr described the purpose of the visit with this statement: "We are not here on police brutality or discrimination or anything like this. We're here so the public can be aware of what's going on and to give our husbands moral support."

Later, Mrs. Buckley told a newsman, "We'd say our complaint extends to all Washington news media."

Specifically, the wives complained that news media play up stories that result in demonstrators and lawbreakers being "pampered" but fail to give adequate attention to the problems and indignities suffered by Washington policemen.

"While those people are getting by with this, policemen are getting beaten and kicked," said Mrs. Buckley.

Mrs. Walter Watson, whose husband also is attached to the K–9 Corps, said, "How come nothing is printed about how bad our husbands are hurt? They always say how bad the Negroes are hurt."

There were no wives of Negro policemen present yesterday, but Mrs. Buckley said they had been contacted and some had planned to participate.

Thirty-eight of the wives went directly to Capitol Hill from The Washington Post.

They were unsuccessful there in seeking an audience with Sen. BYRD, whom they wished to thank for acting in behalf of their husbands, and with Sen. ALAN BIBLE (D-Nev.), from whom they seek help in guiding legislation through Congress granting pay raises for District policemen.

BYRD is chairman of the Senate's District appropriations subcommittee. BIBLE is chairman of the Senate District committee.

Mrs. Buckley said they also intend to take their complaints to the District Commissioners, probably next week "after we get ourselves organized."

[From the Washington (D.C.) Post, Sept. 9, 1966]

POLICE WIVES PROTEST

We criticize the editorial "Playing with Dynamite" in the Sept. 3 edition of The Washington Post, and wish to show our support of Sen. ROBERT BYRD of West Virginia.

The first paragraph deals with Senator BYRD's power and moral rights. You state he is playing with dynamite, when in reality he is demanding that laws be enforced to protect all citizens, "even" policemen. We feel he and every citizen has the moral right to demand that rioters throwing rocks, bricks, bottles and other dangerous articles at citizens and policemen should be arrested.

In your second paragraph you say Chief Layton is responsible to the D.C. Commissioners and especially Commissioner Tobriner. This is true of course, but is he not a policeman, in fact Chief of Police, in charge of the protection of life and property and for enforcement of the laws of the D.C.? Is it not true also that Chief Layton is responsible for the conduct, safety and welfare of the members of the Police Department?

Your third paragraph states the Senator takes up the cudgels of a dozen policemen, disgruntled because of assignment shifts. You feel these policemen should be punished for going over the head of their C.O. stating that they should be cashiered and/or sent to the boondocks. Unhappily (you say) the Senator cannot be dealt with in this manner. By the grace of God, there are still some that seek the truth without fear of repercussion. Did you check to see why these shifts were made? Did you see if any of the dozen policemen were disciplined?

Did you find out who ordered these shifts? The answer to all three questions is, naturally "of course not." Further, we would like to know where in the D.C. are the boondocks? Is it not true these dozen men who were shifted are experienced, white policemen, and shifted only because they are white? As for appealing to Senator BYRD, is it not true that any American citizen has the constitutional right to appeal to a Senator or Congressman when they have been wronged.

The fourth paragraph deals with Senator BYRD's tongue-lashing of the commanding officers and he is compared to King George III simply because he asked why the law was not enforced and lawbreakers arrested, so that decent citizens could use the public streets without fear of being stoned.

During the riot at Kenilworth Avenue and the D.C. line, the Prince Georges County and the Maryland State Police stood at the line with shotguns and K-9 dogs and because of this show of force the riot did not extend into Maryland. We feel the same show of force in D.C. would have ended this riot or disturbance as some organizations call it.

You state the people of Washington need help now and we could not agree more, but tying the hands of the police to the extent of ordering the police in No. 11 Precinct the day after the riot not to make any arrests for fear of upsetting the riotous citizens and thus depriving law-abiding citizens of Anacostia of full police protection, is not help.

In your conclusion you state Senator BYRD and the House District Committee have damaged the reorganization of the D.C. Police Force plan submitted to the President. Doesn't Congress have the right to examine, question and debate such a plan?

We feel the role of policemen during the present times is certainly depressing when he is criticized and even humiliated for doing his sworn obligation, which is the protection of life and property, prevention of crime and the apprehension of offenders. His only consolation is that there are some citizens, such as Senator BYRD, who will listen to legitimate complaints and try to find if they are legitimate.

We feel that you have done a disservice to Senator BYRD and the people of Washington with your unfair and biased editorial.

SEVENTY WIVES OF POLICEMEN.

WASHINGTON.

[From the Washington (D.C.) Post, Sept 9, 1966]

FOR THE POLICE

We understand—and warmly respect—the loyalty that prompted a group of wives, relatives and friends of District police officers to come to The Washington Post yesterday in protest against an editorial critical of Sen. ROBERT BYRD and of some policemen who had run to him over the heads of their superior officer. We are glad to publish elsewhere on this page today a letter from the group expressing disagreement with our editorial. We think, however, that the loyalty and the disagreement are somewhat misplaced. The editorial was essentially a defense of the integrity and independence of the Police Department.

When policemen go to a member of Congress in an effort to change policies or decisions of their commanding officers, they impair the independence and threaten the integrity of their department. That kind of political interference spells death for a career service. It is peculiarly dangerous in Washington because of the members of Congress, unlike the members of an elected municipal council or state legislature, are not subject to the suffrage of the people who live here. It would be hard to think of a stronger argument for home rule than the irresponsible and unwarranted intervention in the affairs of this community by a man chosen to represent people who live in West Virginia.

Senator ROBERT BYRD took it upon himself in a most high-handed way to rebuke two precinct captains for doing their duty as they saw it. In the face of a tense and difficult neighborhood situation, these captains chose a course of restraint, patience and reasonableness which produced order in place of the uncontrollable violence which has so often followed hardnose, knock-'em-down tactics in other places. We think these captains should have had the prompt backing of the Chief of Police.

This newspaper has frequently expressed its appreciation of the difficulties and dangers of police work. It has often defended the Police Department against reckless and undiscriminating charges of brutality. It has consistently sought better pay, better training, better equipment, better status for the men responsible for law enforcement here. It has felt the deepest sympathy and concern for the courageous men and for the wives of men, who must often face danger, and even death, in protecting their fellow-citizens from crime and from mob madness. It has always championed the independence of a police department under locally elected civilian control. It will continue to do so.

EXODUS OF POLICEMEN

Washington has reason for alarm in the attrition of its Police Department. Last month the force lost 17 privates with less than three years of experience, and the exodus this month appears to be increasing. Three new resignations were turned in Wednesday. Despite all Chief Layton can do to bring in more recruits, it is extremely difficult to maintain the force in good working order under these conditions.

Of course this is not a problem peculiar to Washington. The local force has 241 vacancies; Baltimore has 360. When representatives of the Washington police were trying to recruit men in the Appalachian coal mining area recently, they ran into heavy competition from Los Angeles. Nearly all of the police forces of the large American cities are operating under their authorized strength.

But this fact accentuates the problem instead of relieving it. With competition for recruits so keen, Washington must be in a position to make attractive offers to the limited number of men who are willing to undertake the arduous work of a policeman. At present it is not in such a position.

Ten of the 11 men who submitted resignations in the first few days of this month went to the Prince Georges County force. Prince Georges offers them a higher starting salary, and air-conditioned scout cars instead of foot-patrol duty. Good policemen are needed in the suburbs as well as in the District, but it doesn't make sense to have the Metropolitan Police drained of its manpower for want of adequate pay and good working conditions.

Much is being done by way of training potential policemen and by way of attracting high school graduates into the program. But these measures are defeated in part by the loss of young privates to other jobs. Only a substantial boost in police pay is likely to bring in the needed recruits and to hold them once they are on the force. This would seem to be an essential starting point for the program of better law enforcement in which the President is so much interested.

[From the Washington (D.C.) Post, Aug. 19, 1966]

ANACOSTIA YOUTH GET ROLE IN MELEE PROBE; AREA CENTER QUIZZED

(By Jesse W. Lewis, Jr., and Harrison Young)

District Commissioner Walter N. Tobriner yesterday gave the young people of Anacostia one of the things they wanted, a major voice in the committee that will try to determine why the police station there was stoned Monday night.

Walter Williams, 20, a Barry Farm resident and member of Rebels With A Cause, an organization financed by the city's antipoverty agency, will come in on equal footing with the other two co-chairmen, banker Henry K. Willard II and Urban League chief Sterling Tucker.

Tobriner also announced the names of 36 persons appointed to serve on the committee with the three co-chairmen.

All in all, it was a big day for Anacostia, which suddenly found itself being treated by District officialdom as an important part of the city.

These were the major developments:

United Planning Organization (UPO) asked the Southeast Neighborhood House to report by next Friday on what part it may have played in last Monday's violence.

It was learned that at a meeting of Southeast House's staff yesterday, a decision was made to "de-emphasize direct action"—meaning presumably, demonstrations of the sort that preceded Monday night's disturbance.

The police—meeting with young people in Southeast— said they will chauffer teenagers around in three police cars this week-end to show them how police respond to trouble calls.

Tobriner said he expected a full report from police as to why dogs from a Maryland firm were used at the scene of the trouble Monday night.

Tobriner released the names of the committee members, but heard rumblings that Tucker and Willard were unwanted as co-chairmen.

Of all the day's developments, the UPO request that Southeast House investigate itself provided greatest interest. It was, perhaps, the closest UPO has ever come to critically questioning just what it is financing.

Frederick B. Lee, chairman of UPO's Board of Trustees, sent a letter to W. Crosby Roper Jr., president of the board of directors of the Washington Welfare Association, the unit that controls Southeast House.

Lee asked for three pieces of information:

"The extent and nature of the Association's staff involvement in the recent community crisis;

"The extent of the involvement of community residents associated with programs conducted by your Association;

"Your recommendations as to how programs operated by your Association with funds from UPO can be most effectively used to prevent future community disturbances of this type."

Roper said the information Lee wants will be delivered but he added he thinks that Southeast House people "did their very best to stop what was happening from developing into a very serious situation . . . that seemed to develop anyway, but it doesn't seem to have been their fault."

Some people—Commissioner John B. Duncan and police officials among them—have blamed Southeast House workers for the disturbance. It was William Michaels, a Southeast House staffer, who organized an orderly demonstration around the police station that preceded the ugly scene.

Tobriner's appointment of Williams was announced at a meeting conducted at Our Lady of Perpetual Help Church at 16th Street and Morris Road.

In that meeting were several police officials, about 75 young people from far Southeast and Ruth Bates Harris, executive director of the Human Relations Commission.

The young people were visibly pleased when Inspector George Causey said that the German shepherd dogs at Monday night's disturbance "had no business there and the policeman who asked them to stay was wrong." He promised that "disciplinary action will be taken." Many who witnessed the disturbance said the dogs aggravated the situation.

Then Mrs. Harris told the group of Williams' appointment and the youngsters burst into tumultuous applause. They had complained of having no say in the leadership of the committee.

The crowd was not so enthusiastic about Tucker as a leader. They wanted to ask Tobriner to replace him and it was only after an impassioned plea by Mrs. Harris that they refrained from formally making the request.

The meeting seemed to engender some rapport between the police and the youngsters. Officials gave much credit for the good atmosphere to the Rev. Peter Kenney, pastor of the church, who also provided a seemingly endless supply of hot dogs, macaroni salad and soft drinks to the nearly 100 persons there.

As for the coming weekend, Mrs. Harris, Capt. Tilmon O'Bryant and Lt. Emmet Sullivan will ride around in three police cars with interested teenagers in an effort to show them just how the police respond to calls for aid.

[From the Washington (D.C.) Evening Star, Aug. 3, 1966]

Witness Blames Police for Anacostia Outbreak

(By Larry A. Still)

A Southeast neighborhood worker blamed police "mistakes" today for the Aug. 15 teenage disturbance outside the 11th Precinct headquarters.

The worker, William M. Michaels, was the first witness as the commissioners' committee investigating the outbreak resumed hearings at the District Building. Twenty-four of the committee's 49 members were present.

Michaels, a community organization specialist for the Congress Heights Neighborhood Development program, gave an 18-page account of the events leading up to the rock-throwing melee.

Michaels told the committee the incident was precipitated by nine errors by the police department—including mistakes, he said, by the Community Relations Unit, with which he was cooperating.

Michaels said he drove two groups of youths to the station house to stage a peaceful demonstration following the arrest of two persons attending a neighborhood development meeting at 4200 Wheeler Road SE.

The youths continued picketing, Michaels said, until they were chased away by police with two police dogs.

"Immediately after the charge by the police and the dogs, a number of the youths began to light firecrackers. Some of these were tossed under cars and buses passing down Morris Road. It sounded like the Fourth of July," Michaels declared.

The community organizer said he located Lt. Emmet Sullivan, of the Community Relations Unit, and told him, "The police have done a very stupid thing."

Michaels said he then drove one group of teen-agers back to Congress Heights and returned to Southeast Neighborhood House for a second group.

He said he did not witness the alleged police attack on the youths in front of the settlement house.

Police Chief To Testify on Anacostia Outbreak

(By Larry A. Still)

Police Chief John B. Layton will appear before the Commissioner's committee investigating the Anacostia outbreak at the 11th Precinct police station when public hearings continue tomorrow.

The committee, appointed by Commissioner Walter Tobriner, went into executive session today to evaluate testimony received from eyewitnesses William M. Michaels and Elizabeth Dudley as the second week of hearings opened.

Michaels, a Southeast Neighborhood House "community organizer," admitted he helped organize an anti-police demonstration and transported two carloads of pickets to the 11th Precinct station at 2301 Nichols Ave., SE. However, he attributed the outbreak to "nine errors" by police.

Miss Dudley, 14, said she saw police beating persons near Southeast House, 2283 Mt. View Place SE, a block and a half from the station but she could not describe how the melee began.

Chief Layton said he "would make every effort to be available to the committee" on Thursday, Co-Chairman Sterling Tucker told members.

He is expected to discuss official police reports of the demonstration, which developed into a rock-throwing outbreak resulting in injuries to five persons and the arrest of 13.

Other major developments as the controversial probe continued before 25 members of the 49-member committee included:

1. Commissioner Tobriner said he would consider asking 11th precinct police to testify under new guidelines set up by the committee. James Kunen, committee counsel, announced that no witnesses would be required to give the names of persons involved in what they described.

Kunen indicated the guidelines were worked out with Julian Dugar, director of Neighborhood Legal Services, who had objected to witnesses testifying because they may jeopardize defendants in the case.

Bernard Margolius, counsel for the Metropolitan Policemen's Association, has also objected to police testifying.

2. Tobriner disclosed that William Calomiris, president-elect of the Metropolitan Washington Board of Trade, also has resigned from the investigating group because he is "too busy."

Calomiris, a real estate dealer, never attended a meeting of the committee. The commissioner said the committee had reported it was going to drop members not attending.

3. Lillian Wright, a leader of the Barry Farms public housing development tenant council, also quit the committee in order to testify on what she observed during the incident.

4. Tobriner confirmed that he had asked the United Planning Organization to investigate the reported "intimidation" of committee member Calvin Rolark, president of the Washington Highlands Civic Association in Anacostia, by Southeast House officials.

Rolark told the commissioners that the Rev. James E. Coates, assistant director of Southeast House, had written letters to advertisers in Rolark's weekly newspaper earlier this summer asking them not to advertise because the newspaper criticized the Congress Heights Neighborhood Development Center, a unit of Southeast House.

Tobriner said the inquiry into Southeast House activities was requested by Commissioner John B. Duncan who earlier had charged the settlement house with being an "agitator" in the area. The investigation is separate from an earlier report on Southeast House activities requested by Frederick B. Lee, chairman of the UPO board.

James Banks, UPO executive director, said he would refer the commissioners' request to the antipoverty agency's executive committee for "further action." But Southeast House has already instructed Mr. Coates to write Rolark to "rescind the impression" that he intended to intimidate advertisers.

"I don't know what else we can do to satisfy him," the District antipoverty chief added.

In another development, Tobriner said the committee should look into any harassment of possible witnesses by police.

The commissioner made the statement after committee member Lonnie King reported that "people in the Anacostia area are afraid of what police would do to them if they testified." King said he could only find one witness, Miss Dudley, who was willing to talk.

"Even the people who live across the street from Southeast House said they didn't see anything," King declared.

His report was backed up by Marion Barry, director of the Student Non-Violent Coordinating Committee, and Charles Vihon of the Commissioners Council on Human Relations staff, who said they could find no independent witnesses.

The committee is still expected to hear testimony from several persons charged in the incident following disposition of their cases in general sessions court this week.

In his testimony, Michaels said neighborhood workers were warned on the day of the outbreak by Lt. Emmett Sullivan, of the police community relations squad, that the situation was "dynamite" in the area and there was a possibility of an outbreak between Negro youths and white motorcycle gangs who frequented the area.

[From the Washington (D.C.) Evening Star, Sept. 3, 1966]

Youths Hurl Words Only in 11th Precinct Row

(By Walter Gold)

A group of nearly 100 youths milled around the 11th Precinct station house in Southeast Washington late last night, protesting the arrest of two teen-agers on disorderly conduct charges.

Unlike the stone-and-bottle throwing incident outside the police station the night of Aug. 15, last night's action was confined to verbal attacks on police inside the station house. By 12:30 a.m., about one hour after the young protesters had gathered, "they apparently got tired" and dispersed, police officials said.

No arrests were made among the protesters, nor was there any violence or damage, police said. Police termed the incident "minor" and praised the cooperation of neighborhood and local civil rights leaders who rushed to the station house "just in case they were needed."

DAVIS CONFERS WITH GROUP

Capt. Owen Davis, recently appointed commanding officer of the troubled precinct, was among those who came from their homes to confer with the protesting youths. Davis and Lt. James Heflin gave this account of the incident and what led up to it:

About 11 p.m. a group of teenagers and young adults gathered in the area of Nichols Avenue and Howard Road SE after attending a dance nearby. At 11:10 p.m., three men were arrested by police Tactical Force officers at the intersection and charged with disorderly conduct.

A 17-year-old girl, who tried to interfere with the arrests, also was arrested on the same charges when she stood outside the 11th precinct about 11:30 p.m., shouting obscenities at those inside, Davis said. It was at this point that the crowd gathered outside the station house.

Minutes later, the three arrested men were freed after forfeiting $10 each on the disorderly conduct charges. As they walked away from the station house, a 14-year-old brother of the arrested girl stood in the crowd and yelled protests at the officers. He was taken into custody by officers.

In the midst of the chanting and yelling outside, a United Planning Organization worker, who police described as a "constant anti-police instigator," appeared in the station house to complain about the apprehension of the two teen-agers, whom she identified as her children. This contributed to the confusion, Davis said.

After police took statements from the woman's children, they both were released in her custody, as is customary in such cases, pending a Juvenile Court hearing. The boy was scheduled to spend the weekend with the family of Mrs. Ruth Bates Harris, executive director of the Commissioners Council on Human Relations.

Upon hearing this, most of the youngsters outside the station house left and the rest were dispersed by adult neighborhood workers. Earlier, police officials had "asked the kids to leave but did no more" when they refused.

CALLED MISUNDERSTANDING

All of those involved in last night's incident, including the arresting officers, are Negroes, officials said.

"It's not a racial problem," Capt. Davis said early today. "It's a misunderstanding by the people who live in this neighborhood of what their children are doing to bring on these arrests."

"I think we're beginning to make some progress towards better police-community relations," Davis added. "For example, when told of what her children did, (cursing and yelling) the irate woman turned on her kids and bawled them out—that's a start in the right direction."

The Citizens Committee on the 11th Precinct is the 40-some member group appointed to probe the causes of the anti-police disorders, August 15th, in the Anacostia area of Washington. The Committee has three co-chairmen. They are Sterling Tucker, Henry K. Willard, and Walter R. Williams. In recent weeks these men have conducted public and executive hearings into the disturbance. During the next half-hour we will question them on their preliminary conclusions.

I am Robert Hager, N.B.C. News, this is David Rush and Vernon Hickson, both also of N.B.C. News, and this is Dimension Washington.

This is Dimension Washington, a look at the vital problems confronting our metropolitan region and the efforts to solve these problems. Dimension Washington is a presentation of WRC and WRC–TV News and Public Affairs.

Mr. Hager. We begin our questioning with David Rush.

Mr. Rush. Mr. Tucker, I'll direct my question to you and the other two gentlemen can feel free to answer also.

From the time this committee was appointed there has been criticism from one quarter or the other, for one reason or the other, making it appear that the committee started on a note of hostility from within the community. Was this the case in Southeast and why this hostility toward the committee?

Mr. Tucker. Well, I think, whenever an incident, such as took place on August 15th, occurs where there were as many people involved as there were, where much concern and tension as existed, there is bound to be different feelings as to what type of committee can best do the job. I think that we recognize, (as did) initially by the commissioners, that the committee ought to have more representation from the Southeast area, that is true, that the principle leadership of this committee ought to represent people from the Southeast area, and so I think some of the major suggestions about these compositions of the committee have been dealt with. I feel, however, that the lack of specific authority and the lack of certain powers by the committee have, also, subjected it to some criticisms, although they were not matters that the committee could control. And yet we have had to labor under very serious handicaps and laboring is what we have really been doing. So I can understand the criticisms and I can see that they have, in many instances, some justification, but these are not problems the committee itself can resolve.

Mr. Rush. Well among the latest, not to criticize the committee, but to call on it to be dissolved, is the City's Republican Chairman, Carl Shipley, and in a statement he put out he said, "Refusal by persons participating in the disorder and police to appear before the citizens committee has reduced it to the dimensions of a farce and has paralyzed its activities." Have the committee's activities been paralyzed by a refusal of some witnesses and police to appear?

Mr. Tucker. We have had handicaps, obviously, because of court cases and other action, which are pending. There are rights of individuals and the policemen which must ben protected. The committee is mindful of this and is concerned that these rights be properly protected. At the same time, there is a responsibility, which the committee has been charged with and is trying to carry out. We have been successful to some degree in getting some eye-witness testimony by some people who have been involved. Chief Layton has promised to help us secure testimony in the court records, which would also help us, to some degree. We still need, however, to get more first-hand testimony and at the moment, particularly by policemen who were involved, and I do think that we have been handicapped; but I totally disagree that the committee—its work has been reduced to a farce or that the committee itself is. We have handicaps that we labor under.

Mr. Rush. One other question. You mention Chief Layton. There was a conflicting report on Thursday, that Chief Layton was to appear before the committtee that morning; a later report that he would not. Chief Layton's office said he was not scheduled to appear. What happened there?

Mr. Tucker. Well it may be that we are dealing in semantics. I think that, if the question is, "Was there a firm pledge from the Chief" that he would come, the answer would be no. If the question is, "Was there an expectation based upon conversations" that he would probably appear, I personally would say the answer is probably yes. When I learned that he was not going to appear, I felt a sense of disappointment and, not only because he was not coming, because in my opinion I was under the impression that he would probably be appearing. I felt the question was whether or not it would be an open session, or whether it would be an executive session. But to say that we had a firm commitment that he would show up on Thursday morning at a given time—no we did not have a commitment to that degree.

Mr. Hickson. Mr. Willard, I understand that Marion Berry of SNIC has resigned from the committee. Have there been many resignations and what seems to be the general reasons?

Mr. Willard. To my knowledge, Mr. Hickson, there have been four resignations to date. Mr. Kalamire stated he was unable to serve due to business pressure. Mr. Berry resigned because, in his opinion, which he certainly is entitled to, he did not think the committee was accomplishing the purpose, which in at least his viewpoint, he thought the committee was constituted to come up with. He certainly has the right to resign. I personally regret exceedingly that he has. We are a multi-faceted committee and, in so far as is humanly possible, I think, Commissioner Tobriner tried to make the committee as representative of all the diversive views in the city as possible, and certainly Mr. Berry represents one view. I feel his resignation is a loss to the committee.

Mr. Hickson. To turn to the work of the committee itself, what large conclusions are emerging now?

Mr. Willard. I think we can say that the primary conclusion we have reached, so far, is that the Southeast or the trans-Anacostia River area of the city, has not been in the main-stream of city life. The citizens over there, from testimony that has developed to date, seem to feel very strongly that they have not been represented in the District Building on any of the community advisory councils and facts and statistics to support this have been given in voluminous amounts, and I think will become an important part of the findings of the committee, when the report is finally submitted.

Mr. Hickson. Do you have anything to add to that, Mr. Williams?

Mr. Williams. I feel also that many of the cases there has not been any testimony given by the people in the community, because they feel that this committee is in itself, surely, was supposed to have more power than the people on the committee in Southeast had in order to get police officials and the commissioners to appear and testify on the incident that happened in Anacostia. I feel that the people in the community feel that if we can't get the public officials to appear before us then they won't be able to get the officials to appear before them, and I feel that people will lose a lot of confidence in this committee if we do not get some of the representatives of the city to appear and testify.

Mr. Hager. Mr. Williams, you are the General Supervisor of the "Rebels For A Cause", are you not?

Mr. Williams. Yes.

Mr. Hager. And I believe your salary, you said, is paid by the U.P.O., which is an arm of the Government's War on Poverty?

Mr. Williams. Yes.

Mr. Hager. I'm curious for your opinion, since this has been somewhat of an issue in what happened in Anacostia, on what part paid anti-poverty workers ought to play in demonstrations or in leading civil disobedience as a violation of laws. Do you feel that this is something that anti-poverty workers ought to be in on?

Mr. Williams. I feel that the anti-poverty workers should be in on the action, as much as the people of the community want them to be on. I feel that if the people in the community want them to participate along with them side by side, I feel that they should do this.

Mr. Hager. Now, in some neighborhoods trouble will go beyond peaceful demonstrations into violence, and not talking about the incident in Anacostia in particular, but what about the role of an anti-poverty worker in this case: Suppose, you say he is supposed to be in with the people and acting with them—suppose they want to throw bricks at a police station. Now should the anti-poverty worker participate?

Mr. Williams. I think most anti-poverty program workers should have some kind of relationship with these people, and if the people want to do something of this sort they should use all effort in trying to curb this sort of violence, such as throwing rocks or bricks, or beating people in the head, and all such things of this nature. They should try to encourage the people that there are other ways of doing things besides violence.

Mr. Rush. In your view is that the role they played on the night of August 15?

Mr. Williams. I feel that the role that the anti-poverty workers played on the night of August the 15th—I think they most likely tried to curb the use away from throwing rocks and so forth, and they tried to get the issue down on the table and talk the thing over.

Mr. Rush. Were you there that night?

Mr. Williams. I was not there that night. But I was at some other meeting where the youth wanted to blow-off some steam and incidents involving the policemen.

Mr. Rush. Mr. Williams, isn't there much difference in blowing-off some steam, as you put it, and flouting the law, such as throwing rocks, or storming a police station, or anything else which could lead to violence? Should not there be some means of blowing-off the steam other than storming a police station?

Mr. Williams. Well I feel I know of no other way than blowing-off because most of these kids must be mad at policemen because they have had so many policemen come through the neighborhood calling the youth all sorts of names, locking kids up for no reason at all, because he told him to move on and he walked slowly, he is disorderly, and there are many youth who would gladly throw rocks or participate in any kind of violence that is dealing with the policeman.

Mr. Hager. Mr. Williams, let me ask you this. Do you think that, on the basis of what you know so far, that those who participated in the disorders in Anacostia did the right thing?

Mr. Williams. I think they did the right thing as far as picketing, but the rock throwing—I don't think they did the right thing as far as throwing rocks or firecrackers.

Mr. Hager. How about you, Mr. Willard, do you have an opinion on that same question, on the basis of what you know so far, if they did the right thing in Anacostia?

Mr. Willard. I certainly think it is a fundamental American liberty for any citizen to peacefully picket, to remonstrate for what they consider to be rightful grievances.

Mr. Hager. Mr. Willard, I wanted to ask you—we talked about some of the criticisms that Marion Barry had of this committee and one of his criticisms was aimed at you personally, and he said that you, as a former acting President of the Urban League, had left the Urban League in protest over that organizations semi-support for his free D.C. Movement. Is that correct?

Mr. Willard. My particular feeling on this matter was not so much the Free D.C. Movement in itself, but the so-called hold-up of merchants which Mr. Barry instigated in order to carry out his program.

Mr. Hager. Is that not an example of one of these peaceful demonstrations that you said you would support?

Mr. Willard. Laughter . . . well being a banker, Mr. Hager, you will, I think, have to realize that when you attempt to shake-down merchants, you are striking at something that is pretty close to us. I certainly couldn't support any shake-down of merchants. That may be a peaceful form, but it is to me a some what illegal and irrational form of attempting to get a point across.

Mr. Hager. Wouldn't then a peaceful demonstration, even if it didn't go to rock throwing, a peaceful demonstration outside a police department, in effect be a shake-down of police?

Mr. Willard. I think you are carrying your semantics a little far on that one Mr. Hager. It is a matter of personal opinion.

Mr. Rush. Mr. Tucker, what conclusions have you drawn about the relationship between the police and the people in the Anacostia area?

Mr. Tucker. I think it is a little early for any definitive conclusions. I have some impressions at this point. We have had testimony which suggests to me that one of the principal organizations, which ought to be extremely active in work between the police and the community, is the advisory council to the 11th precinct. You know in each precinct we do have a citizens advisory council. And I stood as one of those who tried to build this structure across the city, because I felt that the police department needed desperately a group of people close to it to work around these problems. The testimony presented to this committee up to this point clearly indicates that there has been no bright real effective youth of the department on this advisory council, nor, in my opinion, has this advisory council extended itself in the ways that it might to be of greater service and so, for instance, at no time during the course of this incident has the advisory council really been consulted, or in other incidents prior to this time; which means that a principal link between the police in the community has gone un-utilized. And therefore, I think, that in the whole area of police-community relations here a good deal of repair and building work has to be done.

Mr. Hickson. Would that be the major brunt of your final recommendation? Would it deal with police-community relations or would there be a larger suggestion?

Mr. Tucker. It seems to me that, and again these are all preliminary impressions, that our investigation will have to necessarily deal with things broader than police-community relations, because the issues are deeper than this. Police and community relations are superficial indications of a more real situation, but indications which are significant if we are going to prevent explosions, and we have got to build an understanding and a good spirit of cooperation between police in the community while other organizations and institutions are solving the more real, and the more difficult, and the more basic problems, but here there is no, in my opinion, network of solid communication which reaches from the police station to the community and back, where there is two way discussion and action and planning. And, I think, this, therefore, makes it extremely difficult for groups and organizations and agencies who function in that environment, therefore, to really serve in their best capability.

This, I think, is a problem which, I think, might be symptomatic of other parts of the community too. It would seem to me that while it is not our job to look across the community at all problems in every precinct, it would be proper, it seems to me, that we would suggest that the rest of the community look at itself in this regard. Might I say in this connection the Chief's Advisory Council, Chief Layton's Advisory Council on Community Relations, did, last week, in its meeting pass a resolution which urged all of its advisory councils in the 14 precincts to take a look at problems in itself, in the way it functions, to determine whether or not there are ways that they can become more effective, and I think this recommendation has grown out of some awareness created through the incident of August 15th in the 11th precinct.

Mr. Rush. Mr. Tucker, Mr. Willard said a few moments ago, one thing you have learned so far has been that Southeast has been out of the main-stream of city life. Do you see this as the deepest issue on the basis of your investigations at this point?

Mr. Tucker. I think the three of us would agree that it would be rather difficult to say what the deepest issue is. Mr. Banks, Jim Banks, in his testimony before the committee pointed out the large number of young people in that area and, I think, you would be amazed at the size of the youth population there.

When we look at some of the facilities, some of the recreation, some of the problems of housing, that we know are there, adding to the population of more than 100,000 people in an area, small area, given these condition by part of a community which has gone fairly unrepresented in decision making and planning by this community, isolated in some ways as suggested by Mr. Willard, and perhaps even in others, it is predictable that the problem which has occurred there could happen.

Mr. Rush. Well have you found it difficult to conduct the investigations, while legal aspects of this incident are going on too?

Mr. Tucker. It has been extremely difficult. I have been on many committees that have looked into many different kinds of problems in this and other communities, and I have never been on a more frustrating assignment, but the problems are real, the legal problems are real, we have to recognize it. I've had a feeling that the legal aspects of it have, maybe, been exaggerated out of proportion in terms of the possible influence of this investigation upon the outcome of action pending. Nevertheless, I have to respect the opinion of lawyers on both sides, those representing the police and those representing the community.

Mr. Hager. To carry that one step further: Why do you think they are out of proportion in those fears?

Mr. Tucker. Well, I believe that there is much testimony that can come to us which doesn't necessarily impinge or infringe upon the issues involved in the court cases. Again this is a layman's opinion. Therefore, I can't carry this too far except to say that it seems to me that there is much information that could be given us which would be useful while at the same time the rights of those involved would be properly and adequately protected.

Mr. Hager. Again for you Mr. Tucker—As I understand it, this committee has two functions; to investigate and to recommend. Now you were chairman of the forerunner of this committee, the one that investigated the rioting at—no you didn't call it a riot—the disorder at Glen Echo Amusement Park, and made a long and comprehensive series of recommendations. Yet I can't think of a single instance in which there has been an effort to carry these recommendations out—that is positively nobody met after the report that I know of and said, now we are going to implement it, one, two, three. Am I right there and can anything different be done in this case?

Mr. Tucker. Let me say that there was a line in that Glen Echo Report which shook up a lot of people and that line said that the disturbance at the place of Glen Echo on Easter Monday was one holiday but pretty soon summer was coming and there would be three months of holidays, when every day would be a holiday, and that the kind of problem that developed on Glen Echo on that one day can happen unless we get about the business of taking care of some conditions in our community that it will be multiplied many times over.

As a result of that statement and facts which supported it, I know for a fact, that a good deal of activity got underway to step up summer planning of programs, job finding, lighting playgrounds, getting some portable swimming pools, more after school activity, street dances; in other words I think the city came alive and a lot of people recognized more fully the potential explosions existed here and, I believe, therefore, that out of it additional money went into playground public school activities and more work underway for a lot of behind the scenes feverish and constructive activities took place as a result of some of the findings. So I'm very much of the opinion the time in that report was well spent.

Mr. Hager. Mr. Willard, let me direct this question to you. It seems to me here that we have an example where a disorder had resulted in something positive and something good, and this is a disturbing thought really that we have to have a disorder before something good comes of it and wouldn't that, if you were one of the people taking part in a disorder, show you that, yes, you ought to get out-of-hand and riot because then something good is done for me.

Mr. Willard. I don't think that is the case Mr. Hager. I think our whole effort today in this city, where we have excellent relations relatively between the races over the years, are directed toward preventing disorders before they start. I don't think it, in any way, shape or form, you can state the only way that something positive comes about is for a disorder to occur. We are fortunate in having a good many community leaders, Negro and white alike who, I think, are working together with the utmost sincerity to see that these things are prevented and perhaps in some cases it takes an actual incident to spark the community conscience so that there is a concerted effort on the part of the whole total community to become involved, but at the same time there is a dedicated group of citizens of all walks of life who are continually working to prevent disorders before they arise.

Mr. Rush. Mr. Willard, you are of Southeast residence, are you not?

Mr. Willard. No, sir; I am a Northwest resident.

Mr. Rush. The reason I asked you this is going back to this remark you made earlier in the show about Anacostia not being in the main-stream. How long has Anacostia not been in the main-stream of city life and how did it come about?

Mr. Willard. I think you will find people who will testify that Anacostia has always historically been out of the main-stream of city life, dating back to the days before the Civil War when John Wilkes Booth, on his flight to southern Maryland, as soon as he crossed the 11th street bridge, thought he was out of the city and had sanctuary.

Mr. Hickson. Mr. Williams, what have you learned about the disorder from the testimony that you didn't know before?

Mr. Williams. What have I learned from the disorder——

Mr. Hickson. . . . from the testimony so far what have you learned about the nature of the disorder that you didn't know before? I assume that you live in the Southeast area, in the Anacostia area.

Mr. Williams. Right. I know I learned one thing, that if there isn't any disorder you don't get no attention. That's the only thing I have learned. We have been trying to have meetings with police officials and so forth, trying to get some kind of work shop going on in the different communities, where the officers can come in and be introduced to the youth, and speak and talk over things—but that didn't work. It wouldn't work out because the officers didn't appear. We have a group of about 45 youth at the Brier Farm Recreation Center and there was supposed to be three or four officers to come in and speak with the group and in turn, you know, ask questions. The officers didn't appear. We have been trying to set up all sorts of programs to try to lessen the gap between the policeman and the youth in the different areas and we haven't been successful in doing this.

Mr. Hickson. Do you suggest then that the route of social progress, the way to lessen this gap is to create some unrest and then allow the community to respond? Is this correct?

Mr. Williams. As long as I have been living this is the only way I've seen something getting done, is to start some sort of disorderly and then someone looks into it, and to keep this sort of thing from happening again something is done about it. But you can beg, plead, cry, and do what ever you want to, but nothing is actually done. It is forgotten. Until you start committing some kind of violence or something, someone looks into it to kind of keep things down for the time being.

Mr. Hickson. Do you feel then that most of the time you are ignored until you make your voice heard?

Mr. Williams. This is the way I feel.

Mr. Rush. Have these grievances been carried to city officials, outside the police department previously?

Mr. Williams. Yes. We have carried grievances to Joe Coles and progress has been made to provide recreation in some areas where there is none, such as in Sheridan Terrace. There is some land over there and they had no recreation. The kids had started to throw bricks and bottles over at the private swimming pool, because there are some new apartments built just behind Sheridan Terrace, and they have several private swimming pools, and because they are not residents of these apartments they cannot use the swimming pools and they started to throw rocks at the tenants living in these apartments. We started a large picnic area in Sheridan Terrace with small play equipment, barbeque pits, and we conduct activities over there to keep the youth occupied during the day.

Mr. Hager. Well we have only about a minute left. Mr. Tucker, do you have an idea now on the time table for the committee?

Mr. Tucker. Well, we have a problem. Our next step, it seems to me, and, of course, the chairman and co-chairman will have tc confer on this, is to determine when and if we are going to be able to get testimony—direct testimony—from the Chief, and then, also, whether we can get it from officers who were involved, or who were on the scene the night of the 15th. I think whether we continue, it seems to me, hinges upon this, so I would hope, that we can still honor our September 15th deadline, which Commissioner Tobriner has set for us. It may be a little doubtful at this point but I, like I am sure my colleagues in this committee, are anxious to get this job done as quickly as we can.

Mr. Hager. It at least sounds likely you are hoping for some kind of wrap-up during this month.

Mr. Tucker. Very definitely, this is my extreme hope.

Mr. Hager. Thank you very much gentlemen. Our guests have been the co-chairmen of the Citizens Committee on the 11th Precinct, Sterling Tucker, Mr. Henry K. Willard, and Walter Williams. I am Robert Hager, joining me in the questioning has been David Rush and Vernon Hickson. This has been Dimension Washington.

We invite our viewers to suggest future guests and subject matter. Please address your suggestions to Dimension Washington, 4001 Nebraska Avenue, NW., Washington, D.C. Dimension Washington is a presentation of WRC and WRC–TV News and Public Affairs. This program was pre-recorded.

August 31, 1966.

Hon. Robert C. Byrd,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: In response to your letter of August 23, I am enclosing herewith letter from James G. Banks, Executive Director of the United Planning Organization, giving you certain information in connection with Pharnal Longus and Phil Perkins.

If you desire additional data, please let me know and I shall make every effort to obtain it for you.

With kindest regards.

Sincerely yours,
Walter Tobriner,
President, Board of Commissioners, D.C.

United Planning Organization of
the National Capital Area,
August 30, 1966.

The Honorable Walter N. Tobriner,
President, Board of Commissioners, District of Columbia, Washington, D.C.

Dear Mr. Tobriner: This is in reply to your letter of August 29, 1966, referring to Senator Robert C. Byrd's request for information concerning Pharnal Longus and Phil Perkins.

Mr. Longus was employed by Family and Child Services, Inc., as a Caseworker from August 1, 1965 to December 31, 1965, and assigned to work at the Southeast House (Washington Welfare Association). Mr. Longus was paid from funds provided the Family and Child Services, Inc., by the United Planning Organization under a grant from the Office Economic Opportunity. In January 1966, Mr. Longus accepted the post of Community Organizer, with the Southeast House, which he now holds. Mr. Longus's salary, of $9,550 per year, is paid by the Southeast House with funds provided by UPO under a grant from OEO. I note that on August 25, 1966, *Mr. Longus was found not guilty of the charge to which Senator Byrd refers.*

Under our contracts with both Family and Child Services and the Southeast House, staff required to implement contracts is selected by those agencies under agreed-upon standards.

Mr. Perkins was employed by the Southeast House as a Neighborhood Worker beginning October 7, 1964. Mr. Perkins was paid an annual salary of $4,770. He was dismissed by that agency on August 22, 1966, as "not adequately responsive to supervision."

He has appealed this action and is scheduled for hearing, under Southeast House Personnel regulations, in September. Mr. Perkins's salary has been paid with funds provided the Southeast House by UPO under a grant from OEO.

I hope this information proves helpful. If I can be of further assistance, please let me know.

Sincerely,
James G. Banks,
Executive Director.

August 11, 1966.

To: James M. Powell, Chief, USCP.
From: W. W. Kirby, Lieut., S–2, USCP; W. C. Hall, Sgt., S–2, USCP.
Subject: Incident in Rm. 342, OSOB (Senator Byrd, W. Va.).

On August 10, 1966, at approximately 1:00 PM, this office received a call from the office of Senator Robert Byrd (342 OSOB) stating that a group of young Negroes was sitting outside of the office and making loud and boisterous noises. Sgt. Hall and Pvt. W. A. Brumfield responded to the scene and found approximately fifteen (15) young boys and one young girl, as well as one adult, sitting and lying in the corridor outside of room 342. The group was instructed to stand up on their feet and to stop making a lot of noise. They complied. They were informed that they could not congregate in the corridors. At first they refused to disperse and the above mentioned adult member of the group laid himself on the floor of the corridor. When confronted with possibility of physical ejection from the premises they allowed themselves to be escorted from the building via the Del. Ave. & "C" St. Entrance. They waited outside this entrance for a "friend" who had remained in the office of Senator BYRD.

The above mentioned "friend" was one Randy Adkins, of Charleston, W. Virginia, who had come to see Senator BYRD in regard to some money he had lost and also about getting a job, as well as a place to sleep for the night. Senator BYRD made arrangements for the youth in both cases. Adkins was then turned over to Dets. Gainer and Hubbard of the Youth Aid Division, MPDC.

The spokesman for the group escorted from the building was:

Andrew Eddie Jackson, N/M 15 yrs, 1340 Stevens Rd., S.E.

The adult advisor was: Pharnal Longus, N/M 26 yrs, 2645 Bernie Pl., S.E.

The other members of the group were:

Jerry Brown, N/M 17 yrs, 1148 Eaton Rd., S.E., Phone 563–5406.
George Goodman, N/M 13 yrs, 1222 Sumner Rd., S.E., 561–5899.
Larry Jefferson, N/M 13 yrs, 1141 Sumner Rd., S.E., 561–6337.
Micheal Taylor, N/M 15 yrs, 1241 Stevens Rd., S.E., 561–3361.
Johnnie Boyd, N/M 14 yrs, 2702 Wade Rd., S.E., 561–6377.
Ronald D. Lee, N/M 16 yrs, 1257 Stevens Rd., S.E. No phone.
Victor Page, N/M 14 yrs, 1338 Stevens Rd., S.E. No phone.
Patrick Evans, N/M 14 yrs, 1246 Stevens Rd., S.E. No phone.
Jerome Young, N/M 16 yrs, 1130 Stevens Rd., S.E., 561–5172.
Jonathan Lawson, N/M 17 yrs, 1244 Stevens Rd., S.E., 562–7681.

Respectfully submitted,

W. W. KIRBY,
Lt., S–2, USCP.
W. C. HALL,
Sgt., S–2, USCP.

[From the Washington (D.C.) Evening Star, June 14, 1966]

RELIEF CLIENTS PICKET HOME OF SENATOR BYRD

Fifteen welfare recipients from the Barry Farms public housing project in Southeast Washington picketed the North Arlington home of Senator ROBERT BYRD, D-W.Va., this morning.

The pickets, mostly women, arrived about 7:30 a.m. in the 700 block of N. 4th Street and began marching single file in front of the Senator's modest corner residence.

The ostensible leader of the pickets was Mrs. Shirley Jones of 1302 Stevens Rd. SE. However, the pickets were instructed on their moves by Phil Perkins, a neighborhood organizer for the United Planning Organization.

Perkins kept out of the picket line until 8 a.m., when he joined it to lead the singing of freedom songs.

The pickets carried placards reading "Get rid of investigators, give US the job," "Senator BYRD go back to West Virginia," and a sign referring to William Galvin, the District Welfare Department's chief investigator, whom pickets have recently been demonstrating against.

The demonstration aroused little reaction in the quiet neighborhood.

There was no sign of activity inside BYRD's home, although the Senator's car was parked in the driveway.

It has been announced, meanwhile, that District welfare recipients will stage a noontime protest march down Pennsylvania Avenue NW June 30. Plans were laid yesterday by a committee of the District Welfare Alliance.

The march is scheduled to start at 499 Pennsylvania Ave. NW, in front of the Welfare Department, and end at Lafayette Square, across from the White House, where a rally will be held.

The recipients are holding the march to dramatize their demands for higher monthly grants, a cut in Welfare Department investigators and an end to the "man in the house" rule, a spokesman said.

[From the Washington (D.C.) Evening Star, Aug. 27, 1966]

GROUP PROTESTS FIRING OF NEIGHBORHOOD AIDE

(By Donald Smith)

A group of Anacostia residents rallied in front of the Southeast Neighborhood House last night to defend a neighborhood worker who was fired last Monday for alleged misconduct.

About 25 persons, some of them neighborhood workers, confronted Southeast House Director Ralph Fertig to protest the firing of Philip J. Perkins of 1920 Mississippi Ave. SE.

The house, 2263 Mt. View Place SE, is near the scene of last week's teen-age rock-throwing melee at the 11th Police Precinct stationhouse.

DEFENDS ACTION

Fertig told the group it had been his decision to fire Perkins, but promised Perkins would be given a hearing before an appeals committee "just as soon as possible."

"I submit that he was fired for a good reason," Fertig said.

"In moments of crisis I felt the staff should remain focused on what they are already doing. Staff members should not go out and get into new positions during hearings," referring to the sessions of a committee investigating last week's outbreak.

In dismissing Perkins, Fertig had cited "a pattern of resistance to supervisory authority over the last 22 months which has not been adequately checked in spite of sporadic moments of improvement."

But Perkins countered that members of the center's board of directors "are afraid of direct action."

"They want to get rid of me because of my commitment to radical social change," he declared.

"I feel that if people have a need that cannot be solved otherwise, they need direct action."

Perkins said that the day after last week's incident, "I was out there trying to organize the kids to do something. They were talking about killing people. How are you going to cool it when people are throwing rocks?"

A spokesman for a group of neighborhood workers called the Hawks told Fertig that his group "supports Phil and what he is doing," and that Fertig had shown poor judgment in firing him.

DIFFER ON DIRECT ACTION

Another supporter, was Mrs. Etta Horne, chairman of the District Welfare Alliance.

"Phil Perkins has gotten the people out and interested," Mrs. Horne declared.

"He has the whole community behind him. You won't find anybody else who will work like he does, from dusk to dawn. I think he was fired to make other workers afraid of direct action."

Fertig, however, insisted that the Southeast House "is committed to direct action," and that its present activities of picketing and negotiations "will continue, with or without Phil."

He noted that Perkins would be on the payroll until late September to give him a chance to present his case to the appeal committee.

[From the Washington Post, Aug. 16, 1966]

FIVE INJURED IN ANACOSTIA DISTURBANCE—YOUTHS HURL ROCKS, BOTTLES AT POLICE; 13 ARE ARRESTED

(By Robert Greene)

Rock-throwing bands of young Negroes stormed through the section around the 11th precinct police station in Anacostia last night and early this morning. Five persons, including a policeman, were injured and at least 13 were arrested.

For two hours, the youths hurled rocks, bottles and firecrackers at policemen and passing automobiles, forcing 11th precinct officers to call a meeting with community leaders at 1:30 in an attempt to quell the disturbance.

YOUTHS ROAM STREETS

The youths, as many as 40 at a time, roamed the streets from Nichols ave. up to Morris rd. Police donned riot helmets and called out canine corps reinforcements.

Social workers, gang leaders and "independent neighborhood workers" were involved in the series of incidents.

Lt. Edwin J. Huff, precinct commander on the midnight to 8 a.m. shift, called the incident "the worst I've seen in Washington."

STARGEL AT SCENE

Inspector James E. Stargel, acting chief of the Metropolitan Police, was called to the scene. Early this morning, he finally succeeded in assembling about 20 community leaders in the station house for an analysis of the situation. They promptly told him that the only people with power to cool things off were among those arrested.

The disturbances were apparently touched off by arrests yesterday of two men involved in a rock-throwing melee Saturday night in Congress Heights. A third man, a neighborhood poverty worker, was also arrested and charged with attempting to interfere with the arresting officers.

About 25 teenagers, most of them members of a youth center funded by United Planning Organization, picketed for almost two hours, demanding release of the arrested men and charging police brutality.

They left the precinct house, at 2310 Nichols ave. se., about 9:30 p.m. But about two hours later, some 35 of them assembled in a parking lot across the street and began hurling rocks, bottles and beer cans.

STRUCK BY ROCKS

Lt. Huff, a detective and a newsman were struck by rocks but were not injured.

Police broke up that demonstration and another one a few minutes later without arresting anyone. But the youths merely moved up the street, to the Southeast Neighborhood House, 2883 Mt. View pl. se.

There they lay down across the street, blocking traffic, and again began throwing rocks and other missiles at the police.

Patrolman James G. Hanes, knocked down and beaten when he was caught alone in the front yard of the settlement house, was treated for head and hip injuries at Washington Hospital Center.

Police arrested 13 persons, eight of them juveniles, after that fracas.

Four of the injured juveniles were taken to D.C. General Hospital in ambulances, but their condition was not believed to be serious.

The original demonstration last night, apparently was organized by William Michaels, 24, a poverty program worker at Congress Heights Development Center. The center, a UPO organization provided the youths with signs and two cars.

UPO executive director James Banks, who appeared at the early-morning mediation session, said that "UPO had nothing to do with it," and that he would attempt to meet with community leaders and police again today to analyze the situation.

SOUTHEAST RUCKUS RAISES OLD DILEMMA

(By William Raspberry)

Fifteen-year-old Eddie Page was telling how he and other members of his Block Boys group became involved in last week's ruckus at the 11th Precinct stationhouse in Southeast Washington.

"We were standing around, and Longus (Pharnal Longus, community organizer at Southeast House) came up and told us to come on down to No. 11. Well, I didn't know what was going on, so I asked him what was happening, and he just said, 'Come on, let's go.'

"Well, we kept asking, and he acted like he didn't want to tell us. Finally, he told us this guy (William A.) Foote had been arrested. I still didn't really want to go, but some of the other Block Boys started telling me, 'Man, you ain't got no heart.' So I went on down."

Taken by itself, Page's story, which he told at a special meeting called by Southeast teenagers to discuss the 11th Precinct fracas, is relatively insignificant.

But it raises anew a question that has been nagging local officials since the beginning of the war on poverty: When does community organization stop and incitement begin?

Howls of protest followed intimations by Commissioner John B. Duncan that Southeast House, one of the city's eight neighborhood antipoverty centers, might have had a role in fomenting Tuesday's outbreak.

Probably the statement shouldn't have been made, at least not until the current investigation is completed. But there is no question that other officials share Duncan's misgivings if not his candor.

For months they have worried privately that some community organizers and neighborhood antipoverty workers were less interested in solving problems than in forcing confrontations.

A frequent target of these community-organization efforts in Southeast has been Walter Washington's National Capital Housing Authority. Southeast Washington is where most of the city's public housing is located, and there is no question that problems abound there.

Efforts to deal with the problems one at a time have been frustrated repeatedly by a handful of antipoverty workers who seem more intent on disruption than discussion. Meetings called to seek solutions to recreation problems at a public housing site are interrupted with shouts of "What about the rats" or "What about the high gas bills" or "Why can't we have better refrigerators?"

Much of the shouting comes not from the tenants directly affected but from paid antipoverty workers.

Things finally got so bad that Washington hired John Staggers, a Howard University specialist in community work, as a full-time troubleshooter for the Southeast projects.

Ralph Fertig, director of Southeast House, acknowledges that occasionally some of his more inexperienced staffers have violated guidelines established to assist change, not provoke lawlessness. But he insists on the value of having poor people take an active part in confrontations with authority.

"It's working," he said. "The principal at Birney School tells us that truancy is at an all-time low among children of Barry Farms (public housing project), and the police say crime among these same youngsters is at an all-time low. Now we couldn't have accomplished this just by talking to Barry Farm residents about being better tenants. This came about because their active involvement in solving their own problems gave them a lot of pride they never had before.

"Four years ago, we started having meetings where we told people 'Here's what you can do to improve your housekeeping,' and nobody would come to the meetings.

"But once we got them actively involved in problem solving, they automatically became more concerned about the appearance of their homes."

Fertig denies Southeast House workers had any part in fomenting last week's trouble. Rather, he praised his assistants for sensing a potentially ugly situation and trying—with something less than total success—to turn it into a peaceful demonstration.

[From the Washington (D.C.) Post, Sept. 18, 1966]

YOUTHS PELT POLICE CAR AGAIN IN SOUTHEAST

The troubled 11th Precinct recorded another rock-throwing disturbance late Friday night, but the crowd was soon dispersed and there were no injuries or arrests.

Police said there was a report of a fight in the 1300 block of W Street se. shortly after 11 p.m. Two scout cars responded and found 50 to 100 youngsters milling around.

Officers said that as soon as the crowd saw the scout cars, it started to break up, with a large segment heading along 16th Street to Good Hope Road and then along Nichols Avenue past the precinct station house, which had been a target of rock throwers last month.

The scout cars followed and one was struck with a number of rocks, police said. There also were reports of some broken windows in buildings along the way, they said.

The crowd continued on to Barry Farm, where it dispersed. The whole disturbance lasted only about 15 minutes, police said.

Metropolitan Police Department—Pt. I offenses

Classification	Fiscal years		
	1964	1965	1966
Criminal homicide	137	177	171
Rape	162	159	196
Robbery	2,633	3,945	3,797
Aggravated assault	2,754	2,474	2,823
Housebreaking	8,209	9,309	9,221
Grand larceny	1,458	1,621	1,901
Petit larceny	8,510	8,632	11,361
Auto theft	4,606	5,736	5,295
Total	28,469	32,053	34,765

Actual pt. 1 offenses and pt. 2 felonies cleared, by unit

FISCAL YEAR 1964

Classification of offenses	Total reported	Total cleared	1	2	3	4	5	6	7	8	9	10	11	12	13	14	HP	K-9	MD	DD	TD	YAD	AH C. & R.
PT. 1. CLASSES																							
Homicide	104	101	6	15	6	2	4	1	1		10	12	3	4	17	7				12		1	
Manslaughter	5	5																			5		
Negligent homicide	28	28													1						27		
Rape	130	113	1	11	2	1	5	1			7	9	5	2	3	6		1		57		2	
Attempt rape	32	27	1		1		1		1		4	1			1	2				15			
Robbery	2,390	1,053	63	125	25	3	52	18	1	12	125	91	27	44	98	61		3	2	297	3	3	
Attempt robbery	243	128	14	15	5		9	3	2		19	18	3	5	9	7		4		15			
Aggravated assault	2,754	2,231	108	481	82	30	173	52	13	9	313	293	142	91	333	93		4	2	1	7	4	
Housebreaking	7,971	2,595	68	207	72	38	182	111	60	133	317	209	317	230	316	181		9		140	1	2	2
Attempt housebreaking	238	154	9	23	1	3	10	8	5	8	20	21	14	4	19	8		1					
Larceny, $100 and over	1,458	286	54	25	18	4	12	9	5	19	17	17	13	17	24	12	1			39			
Larceny, under $100	8,510	2,744	575	124	95	92	129	65	54	90	217	303	140	224	265	124		8	7	11	8	213	
Auto theft	4,606	1,383	30	48	24	11	35	43	7	11	71	45	47	65	40	122		6		750	25	2	1
Total, pt. 1 offenses	28,469	10,848	929	1,074	331	184	612	311	149	282	1,120	1,019	711	686	1,126	623	1	36	11	1,337	76	227	3
PT. 2. FELONIES																							
Other assaults	152	140	10	21	3	4	13	2	1		14	14	12	6	17	7		1	8	3	2	2	
Arson	37	32		11	2		2		1	1	2	4	1		3	2				3			
Forgery and counterfeiting	707	463	23	12	7		1	1	1	5	3	8		1	2	7			3	387		2	
Fraud	130	80	1	6	3			1	1	2	1		6	1	2	1		1		54			
Embezzlement	73	34	2	2	2			2	1	2		1		1						21			
Stolen property (receiving, etc.)	64	64	1	1	1	2	2	4	1	1	6	5	6	6	5	8		1	2	9	2	1	
Vandalism	93	45	4	5	3	2	5	2	1		4	6	1	4	1	5				2			
Weapons	17	17	2	1	1	1		1			2	3	1			2		1	1	1			
Prostitution	8	8			1										2				5				
Sex offenses	108	101	3	4	1	1	2	1	2	1		4	1		2	4		2	38	34		1	
Drug laws	548	548	4	1	2		6	3		1	1	2		1	10				516		1		
Gambling	392	392	32	67	22		4	8			20	12	3	4	6	8			206				
Liquor laws																							
All other offenses	296	87	5	5	1	1	8	9	2		6	5	1	17	2	2			3	15	2	3	
Total, pt. 2 felonies	2,625	2,011	87	136	49	11	43	34	11	13	59	64	32	41	52	46		6	782	529	7	9	
Grand total	31,094	12,859	1,016	1,210	380	195	655	345	160	295	1,179	1,083	743	727	1,178	669	1	42	793	1,866	83	236	3

Actual pt. 1 offenses and pt. 2 felonies cleared, by unit—Continued

FISCAL YEAR 1965

Classification of offenses	Total reported	Total cleared	1	2	3	4	5	6	7	8	9	10	11	12	13	14	HP	K-9	MD	DD	TD	YAD	AH C. & R.
PT. 1. CLASSES																							
Homicide	155	148	4	27	1		6	1	1	1	30	14	7	6	21	11				18			
Manslaughter	8	8										1									7		
Negligent homicide	14	13									1										12		
Rape	132	104	3	3	2	1	8	1		1	8	4	2	3	8	5				53		2	
Attempt rape	27	22	2	2	1		2	1			2					3		1		8			
Robbery	3,663	1,394	64	151	41	7	57	33	5	4	144	231	40	65	136	73		4		336	3		
Attempt robbery	282	155	11	13	10	1	8	5	2	2	17	21	4	7	17	10		1		24	2		
Aggravated assault	2,474	1,936	113	421	75	25	121	58	8	13	274	218	148	67	307	80		1	1	1	2	3	
Housebreaking	9,076	2,375	88	149	77	10	154	88	81	56	315	240	192	285	308	220		11	1	98		2	
Attempt housebreaking	233	134	3	16	6	3	10	5	3	7	14	11	17	9	18	8		1	1	2			
Larceny, $100 and over	1,621	316	53	24	20	6	16	9	5	11	21	26	24	31	22	22	1			21	1	2	1
Larceny, under $100	8,632	2,878	770	141	110	62	117	69	46	84	240	318	167	164	273	162	1	4	3	17	15	115	
Auto theft	5,736	1,454	43	65	23	18	27	35	13	7	103	38	53	116	34	335		13	3	486	40	2	
Total, pt. 1 offenses	32,053	10,937	1,154	1,012	366	133	526	305	164	186	1,169	1,122	654	753	1,144	929	2	36	9	1,064	82	126	1
PT. 2. FELONIES																							
Other assaults	175	167	16	6	2	2	15	7	2	3	21	24	13	7	22	12	1	2	8		3	1	
Arson	34	20	1	4	4	1	2				1	1			4					1		1	
Forgery and counterfeiting	724	362	22	5	12		4	3	2		5	1	27	7	6	6				261	1		
Fraud	156	62	1	2	2		1	1		1	4	2	1	1	6				1	39			
Embezzlement	69	34	1	2	3			4			3	1	1	6	1	1				11			
Stolen property (receiving, etc.)	57	57	3	6	1	3	4	1	1	1	8	2	8	5	8	2				3	1		
Vandalism	52	29	1	3	1	1	1	2			2	3	4	4	3	4							
Weapons	30	30	3	7	2		1	4				2	1		3	1			1	2	2	1	
Prostitution	6	6			1										4				1				
Sex offenses	76	67	3	3	2		2		2		1	5	4		1	2			18	23		1	
Drug laws	494	493	5	9	5		4		1		11	1		1	25	1			429	1			
Gambling	398	398	26	65	15		5	4		2	14	11	9		13	8			226				
Liquor laws	12	12		1							1	1				2			7				
All other offenses	191	71	6	6	2		2	2			5	5	1	6	2	4			2	27		1	
Total, pt. 2 felonies	2,474	1,808	88	119	52	7	41	28	8	7	76	59	69	37	98	43	1	2	693	368	7	5	
Grand total	34,527	12,745	1,242	1,131	418	140	567	333	172	193	1,245	1,181	723	790	1,242	972	3	38	702	1,432	89	131	1
FISCAL YEAR 1966																							
PT. 1. CLASSES																							
Homicide	146	137	1	21	4		6	9	1	1	23	13	11	5	9	8				25			
Manslaughter	11	11						1			1									3	6		
Negligent homicide	14	14																			14		
Rape	169	118	2	4	1	2	4	3	3		9	8	9	3	9	9				50		2	
Attempt rape	27	20		3	2		2					1	2	1	2	2				5			
Robbery	3,531	1,237	99	140	40	23	59	57	8	5	125	77	72	35	118	84		3		292			
Attempt robbery	266	114	15	11	8	3	8	1	2	3	8	12	9	6	7	2		2		15	1	1	
Aggravated assault	2,823	2,077	126	418	70	33	150	92	11	8	283	237	171	76	297	87		7	3	1	5	2	
Housebreaking	8,920	1,476	78	137	89	28	90	126	44	18	168	150	127	72	194	95	1	6		52		1	
Attempt housebreaking	301	132	1	6	8	4	13	15	2		26	13	13	3	14	13		1					
Larceny, $100 and over	1,901	245	44	22	16	8	11	12	6	5	27	11	17	5	21	4	1		5	30			
Larceny, under $100	11,361	2,675	716	105	141	89	125	112	49	54	417	234	116	85	219	127		2	1	12	4	67	
Auto theft	5,295	903	30	41	25	14	31	25	11	11	69	28	98	39	41	220		8		198	12	2	
Total, pt. 1 classes	34,765	9,159	1,112	908	404	204	499	453	137	105	1,156	784	645	330	931	651	2	29	9	683	42	75	
PT. 2. FELONIES																							
Other assaults	213	201	20	13	9	4	26	10			18	34	21	13	15	7		3	3		4	1	
Arson	54	23	1	3		1		5			2	3	2	2	3	1							
Forgery and counterfeiting	611	373	41	5	16		2	1	3	2	4	10	3	3	14	3		1		264	1		
Fraud	165	66		2	5		1				1	3	3	2	13	1				35			
Embezzlement	45	23	3	1		1		1		2	2	2	1		1					9			
Stolen property (receiving, etc.)	66	66	7	4	1	3	2	5	1	1	12	2	8	4	8	4				3	1		
Vandalism	76	50	4	9		1	7	4		3	8	2	2	1	7	2							
Weapons	37	37	4		3	1	2	3			10	2	2		3				6				
Prostitution	2	2																	2				
Sex offenses	81	72	3	7			2	1			5	7	1		7				4	33		2	
Drug laws	435	435	4	16	2		3	1		5	5	2	3		35	3			356				
Gambling	402	402	27	41	9	13	3	2	2		31	25	8	5	41	14			181				
Liquor laws	4	4		1											1	2							
All other offenses	180	71	5	2	5	1	4	9			6	12	2		6	6			2	10		1	
Total, pt. 2 felonies	2,371	1,825	119	104	50	25	52	42	6	13	104	105	56	30	154	43		4	554	354	6	4	
Grand total	37,136	10,984	1,231	1,012	454	229	551	495	143	118	1,260	889	701	360	1,085	694	2	33	563	1,037	48	79	

Crime clearance rates, by month, calendar years 1960, 1961, 1962, 1963, 1964, 1965, and 1966

CRIME INDEX OFFENSES[1]

Month	1960	1961	1962	1963	1964	1965	1966
January	51.5	61.1	51.4	44.2	34.4	27.9	28.3
February	60.8	61.0	46.3	46.3	47.4	44.7	24.5
March	69.1	42.1	45.1	54.7	35.9	45.3	24.6
April	65.3	42.8	48.8	51.0	43.2	27.7	26.8
May	62.8	53.4	52.3	39.8	52.2	38.7	32.6
June	78.0	45.8	49.6	43.7	43.9	30.5	36.7
July	58.7	48.7	48.6	39.4	39.0	28.4	23.2
August	62.1	59.8	38.5	36.5	37.8	25.2	
September	52.7	57.8	46.0	45.9	43.6	26.6	
October	59.7	46.3	47.3	35.5	31.5	28.2	
November	54.2	46.2	38.1	37.1	27.8	18.6	
December	40.2	49.1	33.1	27.0	30.6	23.0	
Total	59.4	51.0	45.0	41.0	38.3	30.3	

Crime clearance rates, by month, calendar years 1960, 1961, 1962, 1963, 1964, 1965, and 1966—Continued

PT. I OFFENSES [1]

Month	1960	1961	1962	1963	1964	1965	1966
January	46.5	59.7	57.3	44.0	36.4	29.9	29.8
February	50.8	58.0	46.8	46.8	47.0	46.0	27.2
March	57.2	41.7	46.1	50.1	37.0	45.8	25.2
April	52.5	40.5	45.7	47.6	43.1	30.3	27.8
May	49.1	49.0	48.1	39.6	49.0	40.1	30.9
June	56.0	45.0	46.2	42.3	41.4	31.4	35.3
July	54.1	46.2	44.8	39.4	38.2	29.4	29.9
August	38.9	50.2	36.9	35.5	38.4	26.2	----------
September	48.8	54.0	47.7	45.0	42.2	27.4	----------
October	53.4	43.3	47.8	36.5	36.6	29.3	----------
November	50.1	40.3	39.3	41.2	31.8	20.5	----------
December	40.1	47.8	36.9	31.6	33.4	24.9	----------
Total	49.7	47.8	45.0	41.3	39.2	31.5	----------

PT. I OFFENSES CLEARED, BY FISCAL YEARS

Classification	Percent cleared														
	Prior to Mallory decision [2]						After Mallory decision [3]								
	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966
Criminal homicide:															
(a) Murder	94.9	85.3	97.3	100.0	94.5	96.8	92.2	89.8	97.2	91.1	96.5	98.8	97.1	95.5	93.8
(b) Manslaughter	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	-------	100.0	100.0	100.0
(c) Negligent homicide	100.0	100.0	96.9	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	92.9	100.0
Rape	95.6	92.9	93.6	93.4	91.8	92.0	91.9	82.3	94.2	87.8	90.7	90.1	86.4	79.2	70.4
Robbery	70.5	58.6	57.5	63.3	59.2	54.8	61.3	65.0	61.9	52.7	50.2	47.5	44.9	39.3	35.6
Aggravated assault	82.2	81.3	85.1	88.5	86.8	88.8	84.3	88.2	84.9	79.9	79.9	81.3	81.0	78.3	73.6
Housebreaking	46.3	37.5	44.0	52.6	51.1	47.2	50.5	54.6	42.7	44.1	42.2	34.0	33.5	27.0	17.4
Larceny, theft:															
(a) Grand larceny	39.9	34.9	38.3	42.2	37.7	41.9	43.4	38.8	36.8	29.4	29.3	26.4	19.6	19.5	12.9
(b) Petit larceny	33.8	36.3	34.9	40.3	36.8	36.8	40.6	40.4	39.8	34.0	33.4	33.2	32.3	33.3	23.5
Auto theft	31.9	23.2	26.9	28.4	38.7	34.7	31.9	41.2	28.7	36.7	29.3	28.9	30.0	25.3	17.1
Total	49.3	46.0	49.4	55.6	50.2	49.5	51.0	52.5	48.3	44.7	43.3	40.9	38.1	34.1	26.3

[1] Includes murder, nonnegligent manslaughter, forcible rape, robbery, aggravated assault, housebreaking, larceny ($50 and over), and auto theft.

[2] Includes all crime index offenses and also negligent homicide, carnal knowledge, and petit larceny.

[3] *Mallory* v. *United States*, decided June 24, 1957.

AMENDMENT OF MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1966

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 16559) to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PELL. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. PELL, Mr. MORSE, Mr. NELSON, Mr. KENNEDY of Massachusetts, Mr. JAVITS, Mr. MURPHY, and Mr. FONG conferees on the part of the Senate.

ADJOURNMENT TO MONDAY

Mr. BYRD of West Virginia. Mr. President, under the order previously entered, I move that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 30 minutes p.m.) the Senate adjourned until Monday, September 26, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 22, 1966:

DEPARTMENT OF JUSTICE

Robert M. McRae, Jr., of Tennessee, to be U.S. district judge for the western district of Tennessee vice Marion Speed Boyd, retired.

POSTMASTERS

I nominate the following-named persons to be postmasters:

ILLINOIS

Henry W. McGee, Chicago, Ill., in place of H. H. Semrow, resigned.

KENTUCKY

Archie Slone, Pippa Passes, Ky., in place of Manis Slone, retired.

PENNSYLVANIA

Myra E. Taylor, Gastonville, Pa., in place of Edith Carter, retired.

Richard J. Evans, Peckville, Pa., in place of Benjamin Shaute, retired.

TENNESSEE

Maurice A. Peck, Jr., Charleston, Tenn., in place of J. C. Shelton, deceased.

TEXAS

Jewel M. M. Brooks, Hart, Tex., in place of Herbert Williams, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 22, 1966:

DEPARTMENT OF JUSTICE

Frank A. Kaufman, of Maryland, to be U.S. district judge for the district of Maryland to fill a new position created by Public Law 89-372, approved March 18, 1966.

Alexander Harvey II, of Maryland, to be U.S. district judge for the district of Maryland.

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 22, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Open Thou mine eyes, that I may behold wondrous things out of Thy law.—Psalm 119: 18.

Eternal God, our Father, who didst lead our fathers through the wilderness into the promised land, we thank Thee for Thy providential care from that day to this. Thou didst guide them with a pillow of cloud by day and a pillow of fire by night, and caused them to dwell in the secret place of the most high. As Thou didst bestow upon them the blessing of Thy law, as Thou didst pour out upon them the gifts of Thy spirit, as Thou didst lead them in the way of Thy commandments—so teach us to follow in their footsteps that we, like them, may seek after truth, strive to deal justly, to love mercy and to walk humbly and reverently with Thee.

Grant, O Lord, that we may love Thy law and live Thy life that the benediction of Thy peace and the blessing of Thy presence may rest upon us and upon our Nation now and always. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 9976. An act to amend the act of September 2, 1964.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 14019. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; and

H.R. 15857. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries of officers and members of the Metropolitan Police force and the Fire Department, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 3510. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 293. An act to authorize the establishment of a public college of arts and sciences and a public community and vocational college in the District of Columbia;

S. 2709. An act to name the Veterans' Administration hospital located in Clarksburg, W. Va., the "Louis A. Johnson Memorial Veterans' Hospital";

S. 3485. An act to amend section 3 of the act of July 23, 1955 (ch. 375, 69 Stat. 368);

S. 3704. An act to provide for the striking of a medal in commemoration of the designation of Ellis Island as a part of the Statue of Liberty National Monument in New York, N.Y.;

S. 3823. An act to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purpose; and

S.J. Res. 194. Joint resolution to authorize the President to designate October 31 of each year as "National UNICEF Day."

EXPEDITIOUS NATURALIZATION OF ALIEN MEMBERS OF THE ARMED FORCES

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, the United States today has almost 1 million men and women serving in our Armed Forces overseas. Almost half that number are serving in, over, or around the area of hostilities in Vietnam. They are engaged in the defense of free and democratic institutions in that troubled part of the world. They risk their lives and many have laid down their lives in that faraway land as a symbol of our resolution to punish aggression; and to give warning to other potential aggressors and hope to other potential victims that the cherished principles which are the cornerstone of liberty throughout the world will be defended.

Many of those who serve in our Armed Forces have not yet been granted citizenship in the country whose uniform they so proudly wear. In initiating steps to correct that situation, I have introduced a bill to permit the expeditious naturalization of alien members of the Armed Forces who have served or are serving during the current period of hostilities.

My bill will amend the basic Immigration and Nationality Act of 1952 by granting to members of the Armed Forces who have served honorably since January 1, 1963, the same exemptions from certain requirements of the naturalization laws as have been granted to veterans of World War I and World War II and the Korean hostilities.

My bill retains the essential requirements which relate to good moral character, attachment to the principles of the Constitution, and understanding of the English language, generally applicable to all who petition for U.S. citizenship. My bill eliminates the requirements of minimum age, periods of State or national residence, technical court jurisdiction, and the 30-day waiting period between petitioning and final naturalization.

Any person who was enlisted or inducted into the Armed Forces within the United States is also exempted from the general immigration requirement that he must have been admitted to the United States for permanent residence. Honorable current service or honorable discharge, if separated from the services, is also required of all applicants who are benefited by my bill.

Suffice it to say that it is altogether fitting and proper that we should do this. I will call up this legislation for consideration by my subcommittee next Wednesday.

PROGRAM FOR TODAY AND THE BALANCE OF THE WEEK

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I take this time to announce a change in the program. On yesterday we had announced that if we finished the Reserve bill, we would add two bills for consideration today besides the one previously listed on the whip notice, the Chamizal Memorial Highway. We announced we were adding the Tijuana River flood control project, plus H.R. 12047, to amend the Internal Security Act of 1950.

In light of the fact that there is 2-hour general debate provided on the latter measure, and further in light of the fact that tomorrow is a very sacred day in the Jewish Congregation, and we had previously committed ourselves not to have a session on that day, we would like to announce that the latter bill will not be called up today.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, does this apply to the rule upon the bill as well?

Mr. BOGGS. It applies to the rule as well.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. Yes, I yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, a parliamentary inquiry.

Under the rules of the House, as I understand them, this rule, House Resolution 1007, to bring up the so-called House Un-American Activities Committee bill, is a privileged matter, and if it is not programed, then the gentleman handling the rule or any member of the Rules Committee, may call it up as a privileged matter. Is my understanding correct about that?

The SPEAKER. The gentleman's understanding is correct. Of course, the question of recognition is with the Chair, where there are two similar preferential matters, but the gentleman's understanding is correct that after 7 legislative days a member of the Rules Committee could call it up.

If it were a question of recognition, if the same preferential status existed at the same time, recognition rests with the Chair.

Mr. COLMER. I thank the Speaker for his ruling.

Mr. Speaker, in view of that, if the gentleman will continue to yield to me, I should like to serve notice now on the majority leadership that if this resolution is not programed at a reasonably early date, I shall exercise that privilege as the one who is designated to handle this rule.

Mr. BOGGS. Mr. Speaker, I should like to announce further that the program for next week will be announced later in the day.

CONTINUING APPROPRIATIONS, 1967

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on any day next week to consider a joint resolution making continuing appropriations.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, could the distinguished chairman of the Committee on Appropriations give us some idea as to how long this—what is it?—fourth or fifth continuing appropriation will provide for? Will it be 30 days, or

60 days? Just what does the gentleman have in mind?

Mr. MAHON. As the gentleman from Michigan knows, we have one regular bill for 1967 yet to come before the House—that is the State, Justice, Commerce, and Judiciary bill—and that is scheduled to be taken up by the House a week from next Monday, October 3. This clears all the bills except the final supplemental which will include funds for education, both elementary and secondary, and the antipoverty program.

The Committee on Appropriations will meet on Monday, September 26, and fix the date. This is something for the whole committee to recommend and report to the House.

However, I have consulted with the gentleman from Ohio [Mr. Bow], the ranking minority member on the Appropriations Committee.

It was agreed between us that we ought to have time to finish all our business with respect to appropriations, as of October 15, but in order to be a little safer, in view of the fact that all the bills could not possibly be signed by the President by that date, while the target for completing all bills would be the 15th we decided to suggest that the continuing resolution should extend until October 22, which would give time to the President to dispose of the bills when they reach his desk.

Mr. GERALD R. FORD. Mr. Speaker, will the chairman of the Committee on Appropriations yield further?

Mr. MAHON. I yield.

Mr. GERALD R. FORD. As I recall, in the appropriation bill for the Departments of Health, Education, and Welfare, and Labor, the House of Representatives excluded any funds for the National Teachers Corps. Am I correct in that statement?

Mr. MAHON. The bill for fiscal year 1967, as it passed the House, did not contain any funds for the Teachers Corp. It was included, however, in the continuing resolution, because the purpose of the continuing resolution is not to stop ongoing programs but to operate them at the minimum level pending final disposition in the regular bill.

Mr. GERALD R. FORD. Let me further ask the distinguished chairman of the committee: the continuation of expenditures for the National Teachers Corps in fiscal year 1967 appears to me to be a violation of the will of the House of Representatives. Is that correct?

Mr. MAHON. No, I cannot agree with the gentleman. The House earlier in this session approved funds for fiscal 1966 for the Teachers Corps. Those funds were carried in the Second Supplemental Appropriation Act, 1966, approved on May 13, 1966. The Congress has not stopped this program. The House has acted to stop it in fiscal 1967 in the regular bill. If the other body acts as the House did, that will of course stop the Teachers Corps program.

Mr. GERALD R. FORD. Does the gentleman from Texas know how much money has been spent in fiscal year 1967 for the Teachers Corps, such amount, of course, being contrary to the will of the House of Representatives? Could the chairman give us that figure as of yesterday or a week ago or some recent date?

Mr. MAHON. I did not anticipate the question and I do not have the exact amount available to me at the moment.

Mr. Speaker, upon inquiry, I am advised that obligations in fiscal 1967 for the Teacher Corps under the continuing resolution through September 30—estimated through that date—total approximately $835,000. We secured that figure by telephone from the Department.

It may have been obligated in opposition to the action of the House on one bill—the Labor-HEW bill—but it was spent in accordance with the wishes of the House on a previous bill when the money was originally made available. And, Mr. Speaker, I would add that the House concurred in the continuing resolutions that have been operative since June 30, 1966 and under the terms of which the Teacher Corps was authorized to continue.

Mr. GERALD R. FORD. I believe I ought to correct the RECORD a bit. The expenditures which were authorized by the Congress only involved through June 30, 1966. Let me ask the chairman this: At what rate are they spending? Are they spending at the rate in the President's budget, or are they spending at some reduced rate? Do they have these teachers all over the country on the basis of what the President proposed in January? On what basis are they spending?

Mr. MAHON. They are not spending at the rate of the President's budget—they are not authorized to do that. They are spending far below the rate of the President's budget, because they cannot go above the rate for fiscal year 1966, which is far below the rate in the President's budget.

Mr. GERALD R. FORD. Does not the chairman feel, in light of the action taken by the House, that they should not be continuing this program during this interim period?

Mr. MAHON. We have the traditional, conventional type continuing resolution, similar to the ones we have had from year to year under various administrations and various circumstances. The continuing resolution is not designed to stop programs or to initiate programs, but to permit continuation of programs which are in progress until both bodies of Congress take final action in due course in the regular bills. That is the situation in respect to the Teachers Corps.

Mr. GERALD R. FORD. I am personally very surprised that in the continuing resolution the House approves a provision which is completely contrary to the action taken previously by the House on a specific program. I do not understand it, I must say. I believe it might be wise—and it could be done, I suspect—that when the further continuing resolution is submitted here perhaps we ought to again seek to express the will of the House so far as this program is concerned.

Mr. MAHON. This matter can be discussed when the continuing resolution is before the House next week.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, further reserving the right to object, may I ask the gentleman if this is the last of these continuing resolutions, and how many have we had this year up to this point?

Mr. MAHON. We had one for July and August, and one for September. This would be the third and I believe the last.

Mr. GROSS. Has it been determined, does the gentleman know, whether this session of Congress is to recess and come back as a lameduck session after the election? If so, then why not go on continuing until the last of the year?

Mr. MAHON. I cannot look into the crystal ball nor can I tell when the Congress may authorize the antipoverty program or when the Congress may authorize appropriations for the elementary and secondary education program, and so on. So, not being able to see into the future, I cannot say what will develop, but I certainly do hope that we may adjourn sine die by the 15th of October. But that is not my decision to make.

Mr. GROSS. Does the gentleman have any idea as to what happened to the President's statement of August 25, 1965, in which he said that Congress would be out of Washington by the beginning of this fiscal year, on July 1, 1966?

Mr. MAHON. I can only say that the President probably, like many of the rest of us, likes to look to the future with optimism. The estimate in this case was overly optimistic.

Mr. GROSS. There is nothing more pathetic than a disillusioned optimist.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PLEBISCITE IN PUERTO RICO

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'BRIEN. Mr. Speaker, 10 Members of the House, 5 Republicans and 5 Democrats, today have or will introduce a bill to provide for the admission into the Union, on an equal footing with the original States, of the Commonwealth of Puerto Rico. I do not know whether this can be described as a historic move. Only time will tell. However, I think it can be described as a significant move. There is no thought on the part of any of us to thrust statehood upon anyone, but if the people of Puerto Rico in their wisdom decide to apply for permanent membership in the family of American States, then I think that they are entitled, in expressing that choice, to know all of the doors in Congress are not sealed and that there is a welcome mat ready for them. With that knowledge I think they can vote more intelligently in their upcoming plebiscite. I can only say for myself that I am reformed. Eighteen months ago I was opposed to statehood. Now I am an ardent advocate of it, because I think in the long run of this Nation's history and in the history of the world we are going to be much better off if those 3 million American citizens are cemented permanently to our side.

THE LATE ARCHBISHOP EDWARD F. HOBAN

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I am saddened to report to the House the passing of Archbishop Edward F. Hoban, archbishop of the diocese of Cleveland, who for many years has served as spiritual shepherd of the Catholic people of northeast Ohio.

Archbishop Hoban came to Cleveland more than 25 years ago and during that period the diocesan growth was phenomenal. Under Archbishop Hoban's direction scores of new Catholic parishes were opened within the diocese, and many Catholic institutions were expanded throughout the area of northeastern Ohio. New orphanages, new infant care facilities, new nursing homes for the aged, and new treatment centers for those afflicted with the dread disease of cancer came into being.

Archbishop Hoban was more than just a spiritual leader of the Catholic population of his diocese, he was a community leader who understood the true meaning of the message of Mount Sinai and who lived his every day in accordance with the principle of the brotherhood of man under the Fatherhood of God.

His was a warm and engaging personality that will be sorely missed on the Cleveland scene. He possessed a ready wit and a sympathetic understanding for the plight of the underprivileged.

Archbishop Edward F. Hoban particularly was proud of the fact that during his service to the diocese of Cleveland the seminary facilities of the diocese were greatly improved and expanded, and as a consequence, many were drawn to the religious vocation.

His was a life of real fulfillment in the practical as well as the spiritual sense. He was a priest among priests and who earned by reason of his humility and his spiritual zeal the respect of the men of all faiths and from all other stations of life.

Archbishop Hoban was a man of humble beginnings who rose to the heights of achievement in life, but who never lost sight of his eternal destiny. His complete consciousness in life and, yes, his every action was directed and offered to his Heavenly Father.

The old Gaelic salutation, "Heaven Is My Home," so simple, yet so completely seems appropriate as we mourn the passing of Archbishop Hoban. A son of the Gael and a spiritual leader of tremendous dimension has gone home for his eternal reward. May he rest in peace.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. SWEENEY. I yield to the distinguished gentleman from Ohio.

Mr. STANTON. Mr. Speaker, I would like to associate myself with the remarks which have been made by the distinguished gentleman from Ohio [Mr. Sweeney].

Until this moment I had not heard the sad news of the death of our beloved archbishop.

Bishop Hoban was a personal friend of my family's and this news comes to me as a great personal shock. The archbishop's record as a builder of schools, churches, and hospitals is unparalleled in our times. He was endowed with a great love of youth and possessed great foresight.

In the district that I represent he spearheaded the spiritual growth of our religion by not only satisfying the spiritual needs of the present but always with the thought in mind of the needs of the next generation.

Archbishop Hoban's death is not only a loss to his beloved people in the diocese of Cleveland but also to the Nation as a whole. All that knew him were most fortunate that Bishop Hoban passed their way.

I extend to members of his immediate family my deepest and most personal sorrow.

Mr. O'HARA of Illinois. Mr. Speaker, my colleagues from Ohio [Mr. Sweeney and Mr. Stanton] have paid tribute to Archbishop Hoban of Cleveland whom death had taken in the 88th year of a life of dedication and noble achievements. I associate myself with my colleagues in tribute to a great man and a magnificent churchman, of whom those at his birthplace were always proud.

Archbishop Hoban will be remembered in Chicago, Rockford, Ill., and Cleveland as a builder of schools, churches, and hospitals. His life was dedicated to religious and community service. The lives of both clergy and laity are richer because Archbishop Edward Francis Hoban has lived. Cardinal Mundelein of Chicago referred to him as his "right hand."

Like many of the Catholic hierarchy, he was the child of working class parents. His father, William Hoban, was a shoemaker. The boy, one of eight children, was educated in a Chicago parochial school, St. Ignatius High School. He studied for the priesthood at St. Mary's Seminary in Baltimore, to which he was directed by Archbishop Feehan of Chicago. Archbishop Quigley sent him to Rome for advanced studies in philosophy and sacred theology.

Upon his return from Rome, Father Hoban was assigned to the staff of Quigley Preparatory Seminary.

As a Chicagoan, I, therefore, associate myself with my colleagues from Cleveland in tribute to this great man whose influence will survive in the lives of all of us and whose monuments are the churches, schools, and hospitals built by Archbishop Edward Francis Hoban.

GENERAL LEAVE TO EXTEND

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that all Members who so desire have 5 legislative days in which to pay tribute to the memory of the late Archbishop Hoban.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPRESENTATIVE STALBAUM SUBMITS LEGISLATION TO PROTECT OUR LAKES FROM THE DEPREDATIONS OF POLLUTION

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STALBAUM. Mr. Speaker, I am submitting legislation today to protect our lakes from the depredations of pollution. While I am particularly concerned with the Great Lakes, this legislation, also authored by Senator Gaylord Nelson, would include lakes in all parts of the Nation.

Titled the "National Lakes Preservation Act of 1966," the bill would authorize the Secretary of the Interior to make a nationwide lake study and recommend to Congress lake areas that would be included in a network of lakes under local, State, and Federal supervision. To be known as the National Lake Areas System, this coordinated approach would place major emphasis on pollution abatement, shoreline protection, and development of the recreational potential of the lakes themselves.

Deterioration of a lake accelerates as the amount of its privately owned shoreline increases. Today, only 5 percent of the total shoreline of the Nation's largest 250 natural lakes is held by governmental units and accessible to the public. It is clear that unrestricted development of lakes must be checked or the Nation will forfeit a vital part of its water supply. The National Lake Areas System would raise a protective umbrella over these lakes and the people and industries who depend on them.

An equally important feature of the National Lakes Preservation Act of 1966 is its provision for intensive study of the pollution problems lakes are prone to develop. The knowledge acquired through research into lake sciences would be used not only to ward off further degradation, but also to revive those lakes which have already succumbed.

A SIGNIFICANT STEP HAS BEEN TAKEN BY THE CORN REFINING INDUSTRY

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, a significant step has been taken by the corn refining industry through the Corn Refiners Association, formerly the Corn Industries Research Foundation. By adopting a statement of policy reflecting an understanding of the responsibility owed by the industry to the American farmer and by committing itself to efforts to educate the public to the importance of American agriculture, the association has made a progressive contribution toward the needed development of cooperation between the industrial and agricultural sectors of our economy.

I am personally pleased that the Corn Refiners Association is the first agriculturally oriented industry group to adopt such a posture because one of its leading members, Corn Products Co., operates substantial facilities in my district, at Peking, Ill. The corn refining industry produces virtually all of the cornstarch, corn sugar, corn syrup, corn oil, and hull and gluten livestock feeds manufactured in the United States.

Too often the American farmer has been treated as the stepchild of our economic system. He has been blamed for rising prices, although food prices actually have risen at a much slower rate than any other type of commodity produced. The consumer fails to appreciate that the farmer makes available the greatest supply of food at the lowest cost of any country in the world. Industry often fails to appreciate that a healthy agricultural economy, is the foundation upon which booming industrial production rests.

American agriculture enters a new era in the years ahead. Not only will domestic demand for agricultural commodities be rising sharply, but the farmer will be called upon to be the spearhead of our attack on hunger and starvation throughout the world.

If the American farmer is to succeed in these tasks he must have the support of the American public, and to achieve this goal the public must be informed of the importance of the role agriculture is playing and will be called upon to play in the future. The action proposed by the members of the Corn Refiners Association is a worthy first effort in this direction. They and their enlightened president, Robert C. Liebenow, deserve to be heartily congratulated.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 299]

Abbitt
Abernethy
Adair
Albert
Andrews, Glenn
Aspinall
Ayres
Bell
Betts
Bow
Buchanan
Byrnes, Wis.
Callaway
Cameron
Carter
Conte
Cooley
Corman
Craley
Davis, Ga.
Dawson
Dorn
Duncan, Tenn.
Dyal
Edmondson
Edwards, La.
Ellsworth
Evans, Colo.
Farbstein
Farnsley
Fisher
Garmatz
Gibbons
Gray
Hagan, Ga.
Hanna
Hansen, Wash.
Hays
Hébert
Hungate
Jacobs
Keith
King, N.Y.
Kluczynski
Long, La.
McCulloch
McDade
McEwen
McMillan
McVicker
Mackay
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Miller
Mink
Moeller
Morrison
Murphy, N.Y.
Murray
O'Konski
Passman
Powell
Purcell
Rees
Reinecke
Rivers, S.C.
Rogers, Tex.
Roncalio
Roybal
Rumsfeld
St Germain
Scott
Senner
Sickles
Smith, Va.
Stephens
Stratton
Teague, Tex.
Thompson, N.J.
Toll
Tuck
Tunney
Tuten
Walker, Miss.
Watts
Willis
Wilson, Bob

The SPEAKER. On this rollcall 343 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON BANKING AND CURRENCY

Mr. GONZALEZ. Mr. Speaker, on behalf of the gentleman from Texas [Mr. PATMAN], I ask unanimous consent that the Committee on Banking and Currency have until midnight, Saturday, September 24, 1966, to file a report on H.R. 17899, a bill to strengthen the regulatory and supervisory authority of Federal agencies over insured banks and insured savings and loan associations, to increase the maximum amount of insured accounts or deposits to $15,000, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, has this been cleared with the minority members of the committee?

Mr. GONZALEZ. The distinguished gentleman from Texas, the chairman of the committee, the Honorable WRIGHT PATMAN, had to leave the floor earlier but the gentleman has assured me that he has checked with the minority members.

Mr. GROSS. And, is there a minority report; and if so, is it to be included or does the gentleman from Texas know?

Mr. GONZALEZ. Mr. Speaker, if the gentleman from Iowa will yield, as I understand the matter it is included.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GERALD R. FORD. Mr. Speaker, further reserving the right to object—and I apologize to the gentleman from Texas—I did not hear the request.

Would the gentleman from Texas renew the request?

Mr. GONZALEZ. This is the request on the part of the Committee on Banking and Currency to have until midnight Saturday, September 24, 1966, to file a report on H.R. 17899.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

VETERANS' PENSION ACT OF 1966

Mr. HALPERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HALPERN. Mr. Speaker, I was delighted with the House action Monday on H.R. 17488, the Veterans' Pension Act of 1966.

As a member of the Veterans' Affairs Committee, as a stanch advocate of the liberalization provided by this bill, and as a sponsor of even broader legislation in this field, I feel the overwhelming vote given this bill is most commendable. It is particularly significant that the adjustment provided in the bill comes in this calendar year. Those who depend upon fixed incomes have been seriously affected by the rising cost of living. Certainly we have an obligation to insure that the Nation's veterans and their widows, through the pension structure, are adequately protected.

Unfortunately, due to illness, I was not able to be recorded in the overwhelming vote of approval given this bill. In view of my intense interest in this legislation, I wish the RECORD to show, had I been able to be on this floor at the time, I would have voted an enthusiastic "aye."

I urge that the other body, to which the bill is now referred, act favorably before final adjournment.

POST OFFICE DELIVERY POLICY

Mr. CAHILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, the citizens of my district, and I think of the entire country, are concerned and upset by the present policy of the Post Office Department relative to mail delivery in new residential areas. The Post Office Department's present policy is to provide delivery service on a curbline basis in these newly developed areas rather than a house delivery. While the door delivery service existing at the time the policy was adopted has not been affected, thousands of new homes are affected and many of the residents are just not getting any mail service.

A dramatic example of the problem is illustrated in the community of Willingboro, N.J. An ordinance in the community prohibits the erection of mailboxes at the curbline. A regulation of the Post Office Department prohibits house delivery. As a result new residents are not getting any mail service.

I have talked personally to the Postmaster General and his staff on this demanding problem and have been assured that every effort is being made to resolve it promptly. While the Postmaster General attributes the problem basically to a budgetary deficiency, I find it difficult to understand why the Post Office Department will be called upon to expend the amount of money estimated for the door-to-door delivery. It does not seem to me that so many millions of dollars must be expended in taking the mail from the curb to the door. However, even if there is additional cost involved and if it is substantial, there is no reason why this Congress and its authorized committees should not make available the necessary funds for the Post Office Department to bring equal mail service to citizens settling in new communities.

I also find it difficult, Mr. Speaker, to reconcile the national drive for beautification with the Post Office Department's drive to install all manner and form of mailboxes in new communities designed at considerable cost to preserve the esthetic values of community life.

I call upon the Postmaster General to take whatever steps are necessary immediately to correct this inequity and to remove this ridiculous regulation. And I call upon the appropriate committees of the Congress to investigate the needs for additional funds and to supply adequate money to carry out the necessary and existing services of the Post Office Department.

THE CHAMIZAL MEMORIAL HIGHWAY

Mr. WRIGHT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11555) to provide a border highway along the U.S. bank of the Rio Grande in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 11555, with Mr. CHARLES H. WILSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill is presented by the Committee on Public Works in response to a situation entirely unprecedented in the history of the United States. The bill would authorize construction of the Chamizal Memorial Highway along the U.S. side of the newly realined international border between the United States and Mexico, at El Paso, Tex., and Juarez, Mexico.

This highway would replace certain connecting street and road links which no longer can be used because they now lie outside the international boundaries of the United States. More significantly, it would connect three very busy points of international entry and exit to and from the United States with Mexico, at the busiest port of entry on the entire southern border of the United States. Some 60 million crossings occur annually at these points.

The bill is made necessary by the Chamizal Treaty entered into between this country and our neighboring Republic of Mexico, by which some 630 acres from the city of El Paso were ceded to Mexico, ending a long-festering dispute of many years concerning the legal boundary between our two countries.

In losing the territory, the city of El Paso lost certain roads and streets that connect with points of international entry, and in addition lost some $27 million worth of property from its tax rolls. The city further deeded to the U.S. Government without charge a parcel of municipal property, valued at approximately $250,000 for Federal use as a border station.

Ambassador Thomas Mann at the time of working out the details of a settlement with the citizens of El Paso, Tex., promised them that he would recommend to the Congress as an adjustment for their loss in tax revenues, as a replacement for the lost streets and roads, and as a long-needed connection between these points of entry on our border, such a highway as this bill now would authorize.

In 1963 and 1964, during hearings before our congressional committee on the international agreement and the enabling legislation, both Ambassador Mann and Boundary Commissioner Joseph Friedkin testified as to their belief in the need for such a highway and urged Congress to give favorable consideration to a bill such as this at the proper time.

The road, as envisioned in this bill, would traverse some 12½ miles, and the estimated cost would come to approximately $12 million.

The merits of the legislation are seen in the three considerations of need, fairness, and value to the United States.

First. Need for the highway is implicit in the fact that El Paso is the busiest port of entry on our entire border. Sixty million people cross annually at the three points which this road would connect. This number is equal to almost one-third the total population of the United States. It is three times as many as the number of tourists who come to Washington each year. This should give you a fairly good idea of the need.

The U.S. Border Patrol has said that the mobility of such a highway would assist in their patrolling of the border at this vital point. Such a highway was first proposed in 1927 but was incapable of being built through all these years because of the long-pending Chamizal settlement and the fact that the title to the land was clouded.

Second. A measure of fairness to the city of El Paso would be provided by the Federal construction of this highway through a part of the city. El Paso gave up 630 acres willingly and freely to cooperate with the U.S. Government in removing this festering sore of recurrent conflict between our country and the neighboring Republic of Mexico.

The city surrendered approximately $27 million of property from its tax roles in order to facilitate this settlement. This obviously represents a considerable annual loss to the city, and the provision of this highway will assist them in accommodating to this loss.

Ambassador Thomas Mann and U.S. Boundary Commissioner Joseph Friedkin both testified at the time of the hearings on the Chamizal Treaty in the House and Senate that they had promised to recommend such a highway to Congress at a later date. El Paso is under no illusion that these men could commit the Congress. But it is basically a question of keeping faith with these citizens who cooperated so fully notwithstanding the loss to the city.

Third. The value to the United States is unquestionable. The cost is small in comparison. At an estimated $12 million, it will come to only about 20 cents for each citizen who crosses the border at this location this year. And, it is a one-time cost.

It will provide a better flow of traffic, long and sorely needed, for these 60 million annual crossings. And it will greatly improve the first impression for the millions from Latin America who enter our country from that point for visits each year. El Paso is, for much of Latin America, a window to the United States. Moreover, it is an international city for many other official visitors.

There are 43 nations of the free world which train troops at Fort Bliss and the White Sands missile complex. The impression they get at El Paso is their impression of the United States. Mexico has underway a very impressive program of development at Juarez on its side of the border. At this point Mexican improvements come to about $8.8 million.

The bill has been recommended by the U.S. Boundary Commission, the Bureau of Public Roads, the Departments of Commerce and State. It is approved by the Bureau of the Budget, and was unanimously reported by our Committee on Public Works.

It obviously serves a true national need, as distinguished from a purely local need, and it seems to me that the most impressive and impelling fact of all is the fact of these 60 million crossings every year.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Iowa.

Mr. GROSS. I assume the gentleman is getting his figures as to the traffic from some official source.

Mr. WRIGHT. Quite so; from the U.S. Boundary Commission.

Mr. GROSS. From the U.S. Boundary Commission?

Mr. WRIGHT. Quite so, and I believe they are concurred in by the Departments of State, Treasury, and Commerce.

Mr. GROSS. I did not know that the Department of State was engaged in counting traffic.

Mr. WRIGHT. They apparently do, along with the Department of Commerce, maintain agencies that count and make numerous studies, including traffic.

Additionally, our customs officials keep accurate records of all crossings at our ports of entry.

Mr. GROVER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, it seems that this highway has been promised by everybody except the Congress of the United States. I do not know when it was promised nor all the circumstances under which it was promised, but apparently we in Congress are cut in on the crash landing after the takeoff on the part of the President, Mr. Mann, and the Lord knows how many others. I resent this sort of a deal.

When this Chamizal Treaty business was before the Senate, Commissioner Friedkin, of the International Boundary and Water Commission, appeared to testify in behalf of it and all its implications. Senator SMITH said:

> Is $41 million-plus adequate to carry out the full terms of the treaty without any other request coming in?

Mr. Friedkin responded by saying:

> Yes, ma'am, and there is a limitation which the authorizing legislation places upon us of $44,900,000.

Evidently at that time Mr. Friedkin considered the door closed to any further expenditures. If you can rely upon the answer that he gave Senator SMITH, the deal was out and over on the basis of $44,900,000 then requested.

Where this $12 million request came in I do not know. At what later stage, how it got in, when it got in, I just do not know. But we are here today asked to spend $12 million on a superhighway that was never a part of the Chamizal Treaty and cannot now be made a part of the Chamizal Treaty because it was an issue that was never presented in its specifics to the Congress of the United States at the time the Chamizal Treaty was ratified and the money made available to carry out the terms of that treaty.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield to the gentleman from Illinois.

Mr. COLLIER. Why would this not be in the regular Federal highway program, like any other project?

Mr. GROSS. That is an excellent question. The gentleman asks why this is not in the Federal highway program. I cannot answer it. Perhaps someone can.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. WRIGHT. In response to the gentleman's remark as to whether or not Congress was put on notice at the time of the treaty and enabling legislation, I believe it is quite clear from the recordings of the hearings that both in the Senate committee and in the House committee, both Ambassador Mann and Commissioner Friedkin responded very directly to questions that they did intend to come back and ask for this highway. If the gentleman will permit me, I shall quote from those conversations.

Mr. GROSS. I would rather the gentleman would do that on his own time. I yielded to the gentleman in the hope that he would answer the question of the gentleman from Illinois [Mr. COLLIER] as to why this is not a part of the Federal highway program.

Mr. WRIGHT. That is a fair question. The answer is quite clear and simple. It is a separate case, made necessary by an international treaty. As such, it would not come under the regular Federal aid highway program.

Mr. GROSS. If this was a part of the international treaty, why was it not so stipulated at the time?

Mr. WRIGHT. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes, I yield to the gentleman from Texas.

Mr. WRIGHT. It was not and it could not be a part of the international treaty, because it applies wholly on our side, in the United States. We did not promise the highway to Mexico in the treaty. Therefore it has no part in the treaty. It was so stipulated, if the gentleman will yield further.

Mr. GROSS. The gentleman himself, in his presentation a few moments ago, spoke of the streets and roads within the city. I believe in the context of that reference, and the reference made to the streets and the roads within El Paso, that this is what was contemplated, and if anybody got an idea there would be roadways built, that it was in terms of streets and roads within El Paso, and not a superhighway to be built along the border.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROVER. I yield the gentleman from Iowa 5 additional minutes.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes, I yield to the gentleman from Texas.

Mr. WRIGHT. Number one, it really is not what the gentleman would call a superhighway, which is a six-lane highway. This is hoped to be a four-lane highway. We hope it will be an adequate one.

Mr. GROSS. That is a superhighway in Iowa. It may not be a superhighway in Texas, but it is a superhighway where I come from.

Mr. WRIGHT. Perhaps we ought not to get into the degrees of superiority, because I am sure the gentleman from Iowa yields to no man in that matter, but let me answer the gentleman with respect to his statement that this was not so stipulated at the time. It was indeed.

Mr. Mann, the Ambassador, in answering the specific question of Senator SPARKMAN, said:

> I consider this, in effect, a part and parcel of the project itself. I personally hope that in addition to providing the right-of-way, we can also provide for the City of El Paso a paved highway running along the top of this levee.

He was being questioned by the head of our committee, the gentleman from Alabama [Mr. SELDEN], on the House side. Mr. SELDEN said:

> Does the Senate bill, as presently written, comply with all agreements we have made not only with the Government of Mexico, but with the City of El Paso?

Mr. SELDEN is here and can respond as to exactly what the Congress was told in 1963 and 1964.

Mr. GROSS. Why would there then be a response from Mr. Friedkin that if $44.9 million was made available that amount would be all that he considered the treaty or agreement would cost the American taxpayers?

Mr. WRIGHT. Mr. Chairman, if the gentleman will yield further, Mr. Friedkin was there, and did communicate.

Mr. GROSS. I cannot believe Mr. Friedkin did not communicate with Ambassador Mann.

Mr. WRIGHT. But he did. They were there together, both Friedkin and Ambassador Mann testified that they would come back and ask for the highway.

Mr. GROSS. If Friedkin was dealing off the top of the table, why then did he say this is it, this is the deal?

Mr. SELDEN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I should like to say one or two other things, and then I will be glad to yield to the gentleman.

Let me ask this question: Will this super highway provide an avenue to the Tijuana Racetrack?

Mr. WRIGHT. The gentleman is perhaps better informed about the location of the Tijuana Racetrack than the gentleman from Texas, but I believe it is in California.

Mr. GROSS. I say to the gentleman, the last time I saw El Paso, Tex., was in 1917 when I was on the way overseas.

I should still like to have an answer from somebody as to whether the traffic to a racetrack will go over this highway.

Mr. WRIGHT. If the gentleman will yield, and if that is a serious question——

Mr. GROSS. It is a serious question.

Mr. WRIGHT. Let me suggest that the Tijuana Racetrack is about 1,000 miles from El Paso.

Mr. GROSS. What is the race track there? Is it at Juarez?

Mr. WRIGHT. I am not familiar with the racetrack at Juarez.

Mr. GROSS. Is there a racetrack at Juarez?

Mr. WRIGHT. I would say there may be a bullring or there may be a racetrack. There are some hotels. There are some restaurants.

Mr. GROSS. I must admit that I do not know the racetracks very well because I do not bet on the "bobtails." I still would like to know whether the high life around El Paso, Tex., and that area of Mexico is to be served by this four-lane highway?

Mr. WRIGHT. Let me assure the gentleman that if there is a racetrack or a bullring, there is no connection with the highway.

Mr. GROSS. Nobody would travel this super highway to get there? It would be closed to those seeking fun, sport, and amusement in Mexico, is that correct?

Mr. Chairman, this bill came up under a suspension of the rules a short time ago and failed to get the necessary number of votes to pass. I hope that the House today will turn it down again.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. COLLIER. I still have not gotten an answer which accommodates me as to why this cannot be put in the interstate highway program. As I understand from what has been said, this is an agreement, the gentleman said, with the city of El Paso. I did not suppose we could make an international agreement with the city of El Paso. Was it in the international agreement with Mexico, not as a tail onto the original agreement? This is what I am trying to find out.

Mr. GROSS. It was certainly not a part of the Chamizal Agreement or Treaty.

Mr. COLLIER. It was not?

Mr. GROSS. It was not.

Mr. COLLIER. It was an agreement with El Paso subsequently?

Mr. GROSS. This was a side deal, apparently, from what the gentleman tells us. This was a side deal entered into by Mr. Mann and Mr. Friedkin, the latter Commissioner of the International Boundary Commission, and apparently approved by another Texan, Lyndon Johnson.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I believe on page 5 of the report there is included the letter from Douglas MacArthur II, Assistant Secretary of State, which fairly well spells out what is at stake here. It says:

> Of these projects, only the special compensation and the highway had been proposed at the time of the negotiation of the Chamizal settlement. Civic leaders of El Paso proposed the highway when Thomas C. Mann, then Ambassador to Mexico, and Commissioner Friedkin, U.S. Commissioner on the International Boundary and Water Commission, first discussed the Chamizal settlement with them.

This is the key point:

> A highway along the new channel of the relocated river came to be discussed as an integral part of the Chamizal project.

That is in the letter from Douglas MacArthur II.

Mr. GROSS. That just adds MacArthur's name to the list of those who were playing around under the table with this $12 million highway. That is all that adds to this record.

I would hope that the Members of the House, in view of President's Johnson's call for cuts in Federal spending, and in view of the fact that the Highway Commission of the great State of Texas would have no difficulty, I am sure, in designating this as an interstate highway or as a State highway, will vote down this proposal. I cannot think of anything better that the oil rich State of Texas could do at this time than to make available the $12 million for this highway and take it off the backs of the Iowa taxpayers, Illinois taxpayers, and Mississippi taxpayers.

Mr. WRIGHT. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Alabama, the chairman of the Subcommittee on Latin American Affairs of the House Committee on Foreign Affairs [Mr. SELDEN].

Mr. SELDEN. Mr. Chairman, the distinguished gentleman from Texas [Mr. WRIGHT] referred to the hearings on the channel implementing legislation that were conducted by the Subcommittee on Inter-American Affairs.

In his appearance before the subcommittee on February 27, 1964, Assistant Secretary of State Thomas C. Mann referred as follows to a proposed highway:

> In the discussions of a possible settlement with the citizens of El Paso, we spoke about the possibility of a highway on top of the levee following the proposed new river channel. I said I would support such a highway. I understand that it is now under study by the Bureau of Public Roads and the authorities of the State of Texas.
>
> The right-of-way to be acquired under the pending bill for the levee would provide the right-of-way required for the highway. I hope very much that the Congress will later approve a paved highway running along the top of this levee practically as a feature of the re-located channel.

In the following exchange between me and Secretary Mann, he again referred to the proposed highway.

> Mr. SELDEN. Is the bill that was passed by the Senate and now before this committee fully in accord with the recommendations that have been made by the Department of State and does it carry out all our agreements with Mexico and also with the city of El Paso?
>
> Mr. MANN. It does, with the exception of the city of El Paso, as I stated in my statement here. I did tell the people of El Paso that, while I couldn't commit the Congress, I would recommend to the Congress for its consideration the construction of this highway.

Mr. Chairman, I think it is perfectly clear that Secretary Mann put the subcommittee on notice that he would recommend to the Congress for its consideration the construction of a highway in the city of El Paso, Tex. As he stated, however, he could not commit the Congress—thus, the necessity for this bill.

Mr. GROVER. Mr. Chairman, I yield such time as he may require to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I think the question concerning whether or not this body should pass this bill today and the questions which have been raised by Members about the bill are very interesting ones. I think the action that should be taken here today should be one properly judged and one rightly based upon the equities involved. As one reads the statements of Mr. Mann in his negotiations on the Chamizal Treaty at the time of those negotiations, and of the distinguished gentleman from Alabama [Mr. SELDEN], serious questions come to mind and interesting points are raised. Mr. Mann, who was then Ambassador to Mexico, said he would recommend to the Congress that this so-called memorial highway be built but he also pointed out that he could not commit the Congress of the United States, obviously, to such an authorization. So it is, therefore, up to this body to decide, as I see it, what are the equities involved here. I do not see in Mr. Mann's suggestion that the Federal Government of the United States, even if this highway is authorized, should pay 100 percent of the cost. Mr. Mann did not even suggest that the Federal Government bear the total cost of the highway. I shall offer an amendment at the appropriate time to require that the State of Texas or the city of El Paso agree to pay not less than 50 percent of the cost of constructing this highway, exclusive of all costs of acquiring the right-of-way and preliminary engineering, because I think it is more consistent with the equities involved here than are the provisions of the bill, as reported. The amendment will reduce the Federal share to $8 million, leaving the State or city with an expense of only $4 million. I think if the Federal Government paid the cost of acquiring the right-of-way for the reason that there has already been acquired all but 4 miles of the needed right-of-way which already acquired right-of-way is already available for Government use, and for the reason that this additional 4 miles is needed for a spoil bank along the new channel that is going to be dredged to stabilize the Rio Grande, as appears on this map of the area that the gentleman from Texas has displayed. Inasmuch as the Federal Government is going to need a spoil bank area immediately adjacent to the river channel in which to place the dredged material, this seems only a fair approach. I think it is fully justified that the Federal Government should pay for the acquisition of the necessary rights-of-way to accomplish this. Incidentally, the dredged material can serve as a roadbed for this highway.

Mr. Chairman, the administration witness testified before the Subcommittee on Roads of the Committee on Public Works on June 28 that the total estimated cost of this proposed highway of $12 million is attributable to approximately $2.6 million for right-of-way, $9.1 million for construction, and $0.3 million for preliminary engineering.

Under my amendment, which I will offer at the appropriate time, the Federal Government would pay for the right-of-way acquisition, the preliminary engineering, and 50 percent of the cost of construction. I think this is most generous on the part of the Federal Government. It is a greater share than would exist under the provisions of statutes and regulations on the Federal-aid primary, secondary, and urban systems. Surely, the State of Texas and the city of El Paso, at least one of those entities, should be willing to pay $4 million of the costs of this highway, unless they are just trying to get everything they can from the Government in Washington.

I repeat, Mr. Chairman, that I believe the Federal Government should assume the responsibility of paying the cost of providing the roadbed with dredged materials.

This obviously leads to the question as to what the Federal cost, as compared to the State cost, should be with respect to the surfacing of that roadbed. As

I have just stated, the construction of the highway is estimated to be $9.1 million. Exclusive of this figure are additional expenses of right-of-way acquisition in the amount of $2.6 million and preliminary engineering in the amount of $300,000.

Mr. Chairman, we are, therefore, talking about what the cost-sharing should *be with respect to the $9.1 million cost* of the construction of the highway.

Mr. Chairman, let us now examine the inequities.

Based upon the equities, I say there is not a 100-percent Federal requirement. However, I would concede, based upon the equity, that the same formula that is presently in existence with regard to primary, secondary and rural roads for a 50–50 responsibility for construction should be applied in this case, with the Federal Government paying 100 percent of the cost attributable to right-of-way and preliminary engineering.

Why do I believe there is that inequity? This question is the basic issue pending before us today.

There is some inequity in the position to ask, notwithstanding the fact that we have a court-decided issue on the Chamizal—claims by Mexico that the city itself and the State did not see fit to build a major highway in that area, because they felt they could not, because it was a territory. That is an inequity on the side of the State as to why they did not act before.

The second consideration on the basis of equity is that the city has lost some taxable property. The natural question follows as to how much and what value has been lost. The record shows that the value of the property that has been lost, according to the statement of the chairman of the subcommittee, will be a loss of approximately $27 million of property from its tax roll.

Mr. Chairman, I am not going to talk at this point of the inequities involved and of the people who are to be removed and paid through the purchase of new housing elsewhere which was provided for in other legislation.

Mr. Chairman, let us take that one question alone and assume that all of that loss of property resulted in a tax base loss for the sake of discussion on the issues involved.

Based upon an estimated value of the poverty of $27 million and based upon the city of El Paso's 30-mill tax base, we are talking about only an $81,000 annual income loss to that city.

Mr. Chairman, if my formula is accepted, with the Federal Government paying $8 million of the cost of this highway and the State paying approximately $4 million, which would be the result of the formula I am proposing, we would, in effect, as a Congress, be amortizing for 100 years the $8 million at the rate of $81,000 per year loss. I believe that is reasonable. I do not know how anyone could suggest that there would be a greater Federal responsibility than that.

Now, Mr. Chairman, let us examine the other equities of the situation.

The question of the need for the highway for use by the Federal Government or by persons who may want to cross this border in these two areas, at the terminal ends of the proposed highway, is the traffic questionable because it has been estimated to be 6 million cars. I question that figure, because I believe it is obvious that everyone going across the border does not want to travel this highway, for they are going straight for the *border.*

I do not think you can use that figure in determining that this is a major traveled *highway with supposedly 6 million* cars using it.

I would say in evaluating all the equities and recognizing that perhaps El Paso had reason to believe because of Mr. Mann and others giving them informal assurances that someday the Federal Government would authorize this highway that in my opinion the manner in which this should be handled, particularly in view of the fact that there has been already $54 million spent by the taxpayers under the law of April 29, 1964, in the Chamizal Treaty agreement and $2,060,000 paid for the sole benefit of the city of El Paso and Texas for the authorizing and development of the Chamizal National Memorial on June 30, 1966, of this year is to adopt my amendment. Weighing all of these equities, I do not think anyone can reasonably say that if the Congress provides an $8 million Federal participation as compared to $4 million, using the same 50–50 matching formula for the construction of the highway itself that there would be any injustice done to anyone be it the people of El Paso, the State of Texas, or the taxpayers of the United States of America.

Therefore, I am proposing, in the form of an amendment at a later moment this compromise version of the proposition that is before the House. Recognizing that perhaps there are some inequities and trying to put the finger on those inequities, I think my amendment would probably do the job.

I would say further that if some reasonable formula is not adopted of this nature, then I shall vote against the bill because I do not think the taxpayers should be saddled with it and that there is justification for them to be saddled with paying 100 percent of the cost of this highway.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. WHITE].

Mr. WHITE of Texas. Mr. Chairman, this is a privilege for a Congressman to have the opportunity to address the House on a matter so urgently wanted by his home community and one that is so justified by the equities involved.

Mr. Chairman, it is a matter of history that this international road has been sought since 1927. It is also a matter of history that this construction was prevented by an obstacle in the hands of the United States and Mexico.

For 100 years there has existed a land dispute between the United States and Mexico over the ownership of this Chamizal land. It was not settled until 1964. This dispute caused El Paso's growth to be strangled, in this southern portion of the city. El Paso could not build this highway. They could not even properly develop the very heart of *their downtown area because the dispute* left this land in limbo.

When a settlement was finally reached, this very historic part of El Paso was exchanged to Mexico. A net of 427 acres comprising the part of the downtown natural growth area of El Paso was lost. The people of El Paso accepted this *irretrievable loss for several reasons.* Our lives are entwined in international good will and we believe in the need for *good international relations.*

The U.S. Government came to the people of El Paso and asked them to accept this settlement for the higher purpose of international relations, to remove the great stigma that has balked negotiations of the United States over the years.

It was to say to the people of El Paso, "Your fellow Americans are asking you to give up a net of 427 acres of land in your growth area; to relinquish $320,000 of annual taxes and to displace 5,500 residents."

What did El Paso ask for in return? They are not asking to build a whole new part of their city. They are asking that this road be built.

El Paso did not even receive reimbursement for 7 miles of roadway that they lost as well as the road that was lost along the levee.

Although it is an international border, El Paso is not asking that the United States maintain it hereafter, but they say the State of Texas and the city of El Paso will maintain it hereafter.

That is what we are asking for, for 427 acres, our $320,000 of tax revenues and our 5,500 lives that have been changed.

El Paso, upon notice of this treaty, even donated a $250,000 tract of land for the displaced border patrol facilities.

This plan was developed for very real reasons in the best interests of the United States. The Bureau of the Budget has approved this program; so has the Bureau of Public Roads, the State Department, the International Boundary Commission, and the Commerce Department.

The figure stated is only an authorization and includes acquisition costs. It is not an appropriation. It can never be done more cheaply than right now, because it can be built simultaneously with the construction of the levee on the river, as has already been mentioned. Any delay would be costly.

El Paso is not asking for a Federal handout. This highway will serve a very important purpose. As the gentleman from Texas [Mr. WRIGHT] said, 60 million people every year cross the border at El Paso. That is one-third the population of the United States and is more than the number of people by three times who come to Washington, D.C., each year. These are your constituents who are visiting El Paso throughout the year. Not only would this highway allow free flow in the very southernmost part of our city that has been stymied all these years but, more importantly, it would connect every international port of entry in the city of El Paso, in furtherance of our good international relations, and for more efficient law enforcement along the border, which is the responsibility of the U.S. Government.

This highway serves an even more subtle purpose in an era when we are the example to the world of our strength and the attributes of freedom; we are the symbol of strength, international comity, and progress.

Many of you may not have been to El Paso, but may I assure you that for hundreds of thousands of people throughout the world El Paso is the only impression and memory that they have of the United States. El Paso is the window to much of the free world and Latin America. For years the people of El Paso have tried their best to fulfill the awesome privilege of making friends around the world for this Nation.

For example, since World War II, over 43 nations have been training their troops in missile defense at El Paso. Their leaders come to see how these particular programs are faring. They have been welcomed into our homes and we have tried to impart to them our American way of life. The State Department has brought dignitaries to El Paso to show them international good will in action.

We feel we would like to continue to carry this work forward, and we ask for your support of the bill.

Our relations, the relations between the United States and Mexico, are at their best. We have no recriminations. Every day we practice neighborliness. and bind the ties of friendship. That is why we understand the higher purpose of the Chamizal Treaty. The people of El Paso have subordinated their own wishes. In expression of this monumental treaty, that was made without duress, Mexico has already started and has almost completed over $8 million of beautification programs on its side of the border, and they have many more plans. As the leader of the free world, we cannot be derelict in the beautification and development of our own border.

We now ask for your help. Thank you very much.

Mr. GROVER. Mr. Chairman, I yield myself such time as I may use.

I share with the gentleman from Iowa regret that the anticipation of the request for funds for this highway was not shown or indicated in the original debate in this House on the funding of the Chamizal Treaty.

However, I also agree with the gentleman from Florida [Mr. CRAMER] and all of the members of the subcommittee sitting at the hearing that there are substantial equities here to be observed. I think the one which convinces me most is that there is a singular obligation on the part of the U.S. Government that in condemning this land and taking the land from the city of El Paso, we are taking $27 million of taxable base in perpetuity, and that represents a substantial amount of money over the years.

For that reason, Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I have no further requests for time.

Mr. KEE. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Mr. Chairman, I yield to the gentleman from West Virginia.

Mr. KEE. Mr. Chairman, I rise to enthusiastically support H.R. 11555, and highly commend the distinguished floor manager, the gentleman from Texas [Mr. WRIGHT] for the effective manner in which he has presented the merits of the bill which is now under consideration.

In conclusion, Mr. Chairman, I respectfully call the attention of the Members of the Committee to the fact that when this bill was considered under the suspension of the rules, we did attain a substantial majority. While it was not the two-thirds vote that was necessary, the fact remains that the majority of the House voted in favor of this bill. I therefore respectfully urge that this bill be passed in its present form without amendment.

Mr. WRIGHT. I thank the gentleman.

Mr. Chairman, I have no further requests for time.

Mr. CABELL. Mr. Chairman, in enthusiastically supporting this very worthwhile project, I do wish to call attention to one item that needs clarification for the RECORD.

This is the wording on page 2 of the bill naming the State highway engineer as the project engineer. I am advised by members of the committee that this is not intended to preclude the State engineer from commissioning a private engineer or firm of engineers to do this work under his supervision.

I am further advised that this wording is not to be construed as setting a precedent wherein other public works involving Federal funds would have to be engineered and designed "in-shop" to the exclusion of qualified private engineers.

I urge the support of my colleagues for this authorization which only partially compensates the city of El Paso for its losses incurred as a result of the Chamizal Pact.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 11555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce, hereinafter referred to as the Secretary, is authorized to (1) construct a border highway in the city of El Paso, Texas, between the approximate point of the beginning of the rectified boundary channel, two blocks west of Sante Fe Street in El Paso, thence along the international boundary to the International Bridge at Zaragosa Road—about twelve and one-half miles east: *Provided,* That the design plans and specifications for this highway shall be developed to meet design and construction standards established by the Secretary; that the Secretary may work through the Texas State Highway Department in accomplishing any part of this project; that the planning, design, construction schedule, and works shall be subject to review by the United States Commissioner, International Boundary and Water Commission, United States and Mexico, to assure coordination with the relocation of the river channel and relocation of related facilities, pursuant to the American-Mexican Chamizal Convention Act of 1964 (78 Stat. 184): *And provided further,* That the Secretary may at his discretion request that the United States Commissioner, International Boundary and Water Commission, plan and perform such part of the engineering and construction of the highway as may be warranted to assure coordination and efficient construction, and the Secretary may transfer to the Secretary of State funds necessary for such purpose; (2) acquire lands necessary for the border highway in accordance with the approved plans, through the United States Commissioner, International Boundary and Water Commission: *Provided,* That the provisions of the American-Mexican Chamizal Convention Act of 1964 (78 Stat. 184) for the acquisition of lands for the purposes of that Act will also apply to the acquisition of adjoining lands required for the border highway, and the Secretary may transfer to the Secretary of State funds necessary for such purposes.

SEC. 2. There is hereby authorized to be appropriated from the general fund of the Treasury a sum not to exceed $12,000,000 to carry out the provisions of this Act.

Mr. WRIGHT. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read the first committee amendment.

The Clerk read as follows:

On page 3, after line 2, insert the following:

"SEC 2. The Secretary is authorized to convey all right, title and interest of the United States in and to the highway authorized to be constructed by this Act to the State of Texas or the city of El Paso, Texas, except that the Secretary shall not construct any highway under authority of this Act until such time as he shall have entered into an agreement with the State of Texas or the city of El Paso, Texas, wherein such State or city agrees to accept all right, title and interest to the highway upon completion of construction and agrees to maintain such highway for such period and in accordance with such terms and conditions as the Secretary determines necessary to protect the interests of the United States."

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. CRAMER: On page 3, line 10, after the word "city'" insert the following: "agrees to pay not less than fifty per centum of the cost of constructing such highway, excluding all costs of acquiring the right-of-way and all preliminary engineering costs, and".

Mr. CRAMER. Mr. Chairman, I do not intend to go over the entire discussion we just had in the general debate relating to the bill, at which time I announced my intention to offer this amendment. Let me just capsule those remarks as follows:

I recognize that there is equity in the position of the State of Texas and the city of El Paso. Mr. Mann, who suggested that he would recommend a highway to the Congress, did not say—and I do not think he in any way implied that he did so—that this bill be authorized as a highway by Congress—that he at the same time said it should be a 100 percent Federal-cost highway.

The highways generally authorized by the Congress are either 90-10 percent under the interstate or 50-50 percent under the Federal aid primary, secondary, and urban systems.

The question is: Which could this qualify as? In my opinion it could easily qualify as a primary highway. Inasmuch as it connects two highways, if the State so designated, it would probably be made a part of the primary or urban system without any problem.

If the road were constructed as a part of the regular system, it could also qualify for the State's share of the cost out of the State's allocations in the future for primary, secondary, or urban construction.

How much does the State of Texas get annually out of which this approximately $4 million could be paid under normal circumstances? We are talking about a $4 million State share, $8 million Federal share. Is that not a reasonable formula? It is 2 to 1. The Federal Government pays for acquisition of the right-of-way and for putting the spoil, or foundation of the highway, next to the river to be dredged, and the Federal Government pays 50 percent of the cost of construction. Is that not reasonable?

It makes the State of Texas look peculiarly irresponsible in making a request for this special highway, when one considers that the State's apportionment for 1967 of Federal-aid highway funds already authorized is as follows: Primary highway system, $27,709,368; secondary or feeder roads, $17,530,458; urban highways, $13,893,673; and Interstate System, $148,784,250. Excluding the Interstate System, the State of Texas then gets still over $59 million for 1967, and will probably get more for 1968. With all of that money available in the State of Texas, it is peculiar why it did not construct the highway in the first place.

I want to stress this: This Federal participation of 50 percent of the cost of construction, would not come out of the State's present allocation I just read, but would be in addition. So the taxpayers in effect would be putting up $8 million to recognize fully, I believe, what the equities are with respect to the State of Texas and the city of El Paso in this situation—but not the 100 percent, because I do not believe there is a 100-percent Federal responsibility.

This figure was arrived at not only from the 50-50 matching formula, but it is conceded that because of the loss of property—that is, the principal point of equity on the part of the city of El Paso—this has resulted in a loss of $27 million of taxable property.

I assume that the rate of taxes in El Paso is approximately 30 mills.

Mr. WRIGHT. Mr. Chairman, if the gentleman will yield, to correct the record, that assumption is far, far in error.

Mr. CRAMER. Does the gentleman know what the millage is?

Mr. WRIGHT. It is undoubtedly at least $1.75 per hundred or 1.75 cents rather than 30 mills per dollars of evaluation. It may be as high as $2.50 per hundred, as in many Texas cities. It would be at the very least approximately six times what the gentleman says. I am not certain precisely what it is at the moment, but I am quite certain that it has been at least that much in very recent times, and that is the standard practice in Texas. The property in the Chamizal area was not yielding only $81,000 to the city, as the gentleman indicated earlier, but probably more like $300,000 a year.

Mr. CRAMER. I am glad to concede the point.

Assuming the gentleman is correct, then the loss of taxes over a period of time, if amortized to the tune of $8 million, would amortize at approximately a 15- or 20-year period.

The questions are: Is that reasonable? Is that not adequate equity recognized by the Federal Government?

I would suggest to the gentleman, I believe this is a fair and reasonable proposal, particularly in view of the fact that the taxpayers already have spent $44.9 million under Public Law 88-300 in 1964 to carry out this treaty, and that the city of El Paso has spent $2,060,000 for the development of the Chamizal National Memorial in the city of El Paso.

I am sympathetic with what the gentleman attempts to do, but I say that the justification for putting an expressway highway between these points going across from the United States to Mexico is not sufficient, so far as the interstate users are concerned or the international users are concerned or the border patrol use is concerned or the Military Establishment use is concerned, to call for a 100-percent Federal contribution. That is my point.

I trust my amendment will be adopted.

Mr. HOWARD. Mr. Chairman, I rise in opposition to the amendment.

This amendment, which would take $4 million away from the construction of this needed highway, might make the entire road impossible.

The gentleman from Texas [Mr. WHITE] has stated that more than 7 miles of roadway which had already been constructed has been given away. This is a roadway to which the city and the State participated, in regard to construction funds.

They are being told now, "If you want this additional highway to make up for the one we gave away, we will build only a part of it and you will now have to come up with another $4 million."

It is being assumed that the Federal Government's completely contributing to the building of a highway is something without precedent. I point out that this has had precedent many times over.

Several hundreds of miles of federally constructed highways, built wholly at Federal expense, are in our national parks. Thousands of miles of completely federally built roads serve our national defense installations. The Federal Government even has constructed highways to serve private contractors who are engaged in work of one type or another for the Federal Government.

There is an excellent example of a road built wholly at Federal expense nearby. This is the highway to the Dulles Airport. In contrast with the present proposal, in fact, the Dulles Highway costs the Government for continuous maintenance. However, this highway is a one-time expense for the Federal Government. All maintenance and other expenses in the future will be taken over by the State of Texas and by the city of El Paso.

The Dulles Highway, I might point out, was a completely Federal road. It cost a great deal more than this Chamizal Highway and serves many fewer people. In the first 3 years the Dulles Highway carried fewer than 3 million people. It is estimated that this new highway will carry per year 60 million people. That is over three times as many persons who annually visit the great city of Washington, our Nation's Capital. If we bring this down to a per user cost, the taxpayers paid $5 for each passenger using the Dulles Highway in the first 3 years of its operation, and the Chamizal, by way of a comparison of cost, will only represent about 7 cents for each international passenger who can be expected to use it in its first 3 years. A highway was constructed here in good faith with the cooperation of the city of El Paso, the State of Texas, and the Federal Government. This was given away. They were not paid back for it. We are now telling them that if this is to be replaced, then you have to come up with $4 million. It is just not fair, and I urge the House, therefore, to oppose this amendment.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not have anything to contribute by way of further factual presentation that has not already been presented by both sides. However, I do think that some consideration should be given to the fact that a situation arises here because of a longtime dispute between two nations, a situation which was neither the doing nor the choosing of either the city of El Paso or of the city of Juarez, just across the border. I know both cities well. During World War II we trained at Rattlesnake Air Base in western Texas, I say to the gentleman from Iowa [Mr. GROSS], and once a month we were able to go on leave to make a trip to those cities. Now, here is a situation, this dispute between these two nations, which is neither of their choosing nor of their doing. These two cities on each sides of the border, El Paso and Juarez, did not create this situation, neither did the State of Texas or the Province of Chihuahua.

Mr. Chairman, I would like to approach this a little from the standpoint of personal courtesy and the standpoint of having a little respect for the other fellow, for your neighbor. I saw only very recently what the Government of Mexico has done on their side of the newly agreed-upon bundary. You will not see these pictures clearly from far away, because they are small. However, it will give you a good idea. Here is a picture of a four-lane divided modern highway which leads up to the border of the United States with Mexico. Try to imagine an American visitor coming down into Mexico over this modern freeway which is already built or in the process of completion. As one drives south, you come to a circle, which you can barely see at the bottom of this picture, but it is enlarged at the top of the other picture. This is a large circle, just as we have at Dupont Circle here in Washington. In the center of that circle is a statue of one of our great Presidents, Abraham Lincoln.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I will be glad to yield, and I always yield to my friend from Iowa if I can just complete this statement.

What a wonderful tribute this is and what a wonderful reception to our people by these friendly neighbors to the south in extending a friendly hand of welcome to their neighbors from the north. That is the reception that they give to Americans who come down to visit their country. And look at the facilities. Here is a historical and cultural museum with art displays of great value where our children can learn about the Aztecs and other early civilizations of that country. They have halls for museums and for conventions and industrial exhibits and facilities for the smooth and expeditious flow of customs and immigration and naturalization activities. Some of this is still in the process of completion, but much is already completed.

So, Mr. Chairman, I believe the expenditure of $12 million is a modest amount which will bring about a much greater return, especially in better relations and better feeling between Mexico and the United States.

Mr. Chairman, I believe we should dress up our front door, too, so that when a Mexican tourist comes to the United States, he is welcomed and greeted in the same bright, cheerful, and delightful manner as are we who enter Mexico. Let us dress up our so-called front door into the United States.

Mr. Chairman, I was taught as a little boy—and I came from a modest family. Mr. Chairman, when visitors came to see us, we put on our best and neatest clothes, even though modest. To show off? No, but to show our respect to our friends who came to visit us.

Mr. Chairman, this modest $12 million, will in part replace the roads and streets that have already been taken away from the city of El Paso and the State of Texas, and the $27 million value of the property valuation taken this is not only a modest investment and, certainly, a truly justifiable investment that will do more in terms of good will and good relations, just as this treaty itself has done—and it took 100 years to settle this little small territory in dispute. It will do so much to cement the relations between our respective countries.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BLATNIK. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am glad to yield to my distinguished friend, the gentleman from Iowa, and I appreciate the gentleman waiting until I had completed my opening statement.

Mr. GROSS. Mr. Chairman, I wonder if we are also building a road down in Mexico. Can the gentleman from Minnesota give us any assurance that we are not also building yet another avenue for some of our numerous faucets for dispensing credit or cash?

Mr. BLATNIK. Mr. Chairman, I shall ask the gentleman from Texas [Mr. WRIGHT], the very able and knowledgeable member of the Committee on Public Works, or the gentleman from Texas [Mr. WHITE] to respond thereto.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am glad to yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, not a penny of the money that is going to the Mexican construction on their side is U.S. money. There is $8.8 million, however, that the Mexican Government is spending to improve our side of the border.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER] to the committee amendment.

The amendment to the committee amendment was rejected.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 3, line 15, strike out "SEC. 2" and insert in lieu thereof "SEC. 3".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having assumed the chair, Mr. CHARLES H. WILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11555) to provide a border highway along the U.S. bank of the Rio Grande in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico, pursuant to House Resolution 976, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. CRAMER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CRAMER. I am opposed to the bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CRAMER moves to recommit the bill, H.R. 11555, to the Committee on Public Works with instructions to report the same back to the House forthwith with the following amendments: On page 3, line 10, after the word "city" insert the following: "agrees to pay not less than fifty per centum of the cost of constructing such highway, excluding all costs of acquiring the right-of-way and all preliminary engineering costs, and".

On page 3, line 17, strike out "$12,000,000" and insert in lieu thereof "$8,000,000."

The SPEAKER pro tempore. Without objection, the previous question is ordered.

The question is on the motion to recommit.

The question was taken.

Mr. CRAMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 149, nays 199, not voting 84, as follows:

[Roll No. 300]

YEAS—149

Anderson, Ill.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Bates
Battin
Belcher
Bell
Berry
Bolton
Brademas
Bray
Brock
Broomfield
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burton, Utah
Byrnes, Wis.
Cahill
Carey
Cederberg
Chamberlain
Chelf
Clancy
Clawson, Del
Cleveland
Collier
Conable
Corbett
Cramer
Culver
Cunningham
Curtin
Curtis
Dague
Davis, Wis.
Derwinski
Devine
Dickinson
Dole
Downing
Duncan, Tenn.
Dwyer
Edwards, Ala.
Erlenborn
Farnum
Findley
Fino
Fogarty
Foley
Ford, Gerald R.
Frelinghuysen
Fulton, Pa.
Goodell
Green, Oreg.
Gross
Gubser
Gurney
Hall
Halleck
Halpern
Hansen, Idaho
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Horton
Hosmer
Hutchinson
Jarman
Joelson
Johnson, Pa.
Jonas
Keith
Krebs
Kunkel
Kupferman
Laird
Langen
Latta
Lennon
Lipscomb
McClory
McCulloch
McGrath
MacGregor
Mailliard
Marsh
Mathias
May
Michel
Minish
Minshall
Monagan
Moore
Morse
Mosher
Nelsen
O'Hara, Mich.
Ottinger
Pelly
Pirnie
Poff
Pucinski
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Robison
Rodino
Roudebush
Satterfield
Saylor
Schisler
Schmidhauser
Schneebeli
Schweiker

Secrest
Shipley
Shriver
Skubitz
Smith, Calif.
Smith, Iowa
Springer
Stafford
Stanton
Talcott
Teague, Calif.
Thomson, Wis.
Utt
Vanik
Vivian
Watkins
Watson
Whalley
Whitten
Widnall
Williams
Wolff
Wyatt
Wydler
Yates
Younger

NAYS—199

Adams
Addabbo
Anderson, Tenn.
Andrews, George W.
Annunzio
Ashmore
Bandstra
Barrett
Beckworth
Bennett
Bingham
Blatnik
Boggs
Boland
Bolling
Brooks
Brown, Calif.
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Callan
Casey
Celler
Clark
Clausen, Don H.
Clevenger
Cohelan
Colmer
Daddario
Daniels
de la Garza
Delaney
Dent
Denton
Dingell
Donohue
Dow
Dowdy
Dulski
Edwards, Calif.
Everett
Fallon
Farnsley
Fascell
Feighan
Flood
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Tenn.
Fuqua
Gathings
Giaimo
Gilbert
Gilligan
Gonzalez
Grabowski
Green, Pa.
Greigg
Grider
Griffiths
Grover
Hagen, Calif.
Haley
Hamilton
Hanley
Hansen, Iowa
Hathaway
Hawkins
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Holland
Howard
Hull
Ichord
Irwin
Jacobs
Jennings
Johnson, Calif.
Johnson, Okla.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kornegay
Landrum
Long, La.
Long, Md.
Love
McCarthy
McDowell
McFall
Macdonald
Machen
Mackie
Madden
Mahon
Matsunaga
Matthews
Meeds
Mills
Mink
Mize
Moorhead
Morgan
Morris
Multer
Murphy, Ill.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Pool
Powell
Price
Race
Randall
Redlin
Rees
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Roberts
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Ryan
St. Onge
Scheuer
Selden
Sickles
Sikes
Sisk
Slack
Smith, N.Y.
Smith, Va.
Staggers
Stalbaum
Steed
Stubblefield
Sullivan
Sweeney
Taylor
Teague, Tex.
Tenzer
Thomas
Thompson, Tex
Todd
Trimble
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vigorito
Waldie
Walker, N. Mex.
Weltner
White, Idaho
White, Tex.
Whitener
Willis
Wilson, Charles H.
Wright
Young
Zablocki

NOT VOTING—84

Abbitt
Abernethy
Adair
Albert
Aspinall
Ayres
Baring
Betts
Bow
Callaway
Cameron
Carter
Conte
Conyers
Cooley
Corman
Craley
Davis, Ga.
Dawson
Diggs
Dorn
Duncan, Oreg.
Dyal
Edmondson
Edwards, La.
Ellsworth
Evans, Colo.
Evins, Tenn.
Farbstein
Fisher
Flynt
Gallagher
Garmatz
Gettys
Gibbons
Gray
Hagan, Ga.
Hanna
Hansen, Wash.
Hays
Hébert
Hungate
Huot
King, N.Y.
Kluczynski
Leggett
McDade
McEwen
McMillan
McVicker
Mackay
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Miller
Moeller
Morrison
Morton
Moss
Murphy, N.Y.
Murray
O'Konski
Passman
Purcell
Reinecke
Rivers, S.C.
Rogers, Tex.
Roncalio
Rooney, N.Y.
Roybal
Rumsfeld
St Germain
Scott
Senner
Stephens
Stratton
Thompson, N.J.
Toll
Tuck
Tunney
Waggonner
Walker, Miss.
Watts
Wilson, Bob

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Albert with Mr. Adair.

Mr. Waggonner with Mr. Walker of Mississippi.

Mr. Hébert with Mr. Martin of Massachusetts.

Mr. Tuck with Mr. McEwen.

Mr. Thompson of New Jersey with Mr. Ellsworth.

Mr. Smith of Virginia with Mr. Carter.

Mr. Senner with Mr. Reinecke.

Mr. Davis of Georgia with Mr. Callaway.

Mr. Evins of Tennessee with Mr. Ayres.

Mr. Farbstein with Mr. Rumsfeld.

Mr. Murphy of New York with Mr. King of New York.

Mr. Miller with Mr. Martin of Alabama.

Mr. Tunney with Mr. Conte.

Mr. Kluczynski with Mr. McDade.

Mr. Roybal with Mr. Bob Wilson.

Mr. Dyal with Mr. O'Konski.

Mr. Garmatz with Mr. Morton.

Mr. Gray with Mr. Martin of Nebraska.

Mr. Purcell with Mr. Betts.

Mr. Rivers of South Carolina with Mr. Bow.

Mr. Mackay with Mr. Morrison.

Mr. Cameron with Mr. Dawson.

Mr. Abernethy with Mr. Huot.

Mr. Hays with Mr. Baring.

Mr. Abbitt with Mr. Cooley.

Mr. St Germain with Mr. Craley.

Mr. Roncalio with Mr. Conyers.

Mr. Stephens with Mr. Dorn.

Mr. Leggett with Mr. Gibbons.

Mr. Corman with Mr. Diggs.

Mr. Duncan of Oregon with Mr. McMillan.

Mr. Fisher with Mr. McVicker.

Mr. Gallagher with Mr. Toll.

Mr. Hagan of Georgia with Mr. Scott.

Mr. Gettys with Mr. Rogers of Texas.

Mr. Watts with Mr. Evans of Colorado.

Mr. Edmondson with Mr. Moeller.

Mr. Moss with Mr. Edwards of Louisiana.

Mr. Flynt with Mr. Hanna.

Mr. Passman with Mrs. Hansen of Washington.

Mrs. GRIFFITHS changed her vote from "yea" to "nay."

Mrs. REID of Illinois changed her vote from "nay" to "yea."

Mr. UDALL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, I demand the yeas and nays.

The **SPEAKER** pro tempore. Thirty-one Members have risen, an insufficient number.

The yeas and nays were refused.

The question was taken; and the Speaker pro tempore announced that the yeas had it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. The Chair will count. [After counting.] Two hundred and twenty-one Members are present, a quorum.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the legislation just passed.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

TIJUANA RIVER INTERNATIONAL FLOOD CONTROL PROJECT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1006 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1006

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13825) to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 13825, the Committee on Foreign Affairs shall be discharged from the further consideration of the bill (S. 2540), and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 13825 as passed the House.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1006 provides an open rule with 1 hour of general debate for consideration of H.R. 13825, a bill to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes.

H.R. 13825 authorizes the Secretary of State, acting through the U.S. Commissioner, International Boundary and Water Commission, United States and Mexico, to conclude an agreement with Mexico for the joint construction, operation, and maintenance by the United States of an international flood control project for the Tijuana River. Following the conclusion of such an agreement the U.S. Commissioner is authorized to construct, operate, and maintain the U.S. portion of the project and the bill authorizes appropriations for that purpose. The bill prohibits expenditures for construction on any land, site, or easement except such as has been acquired by donation upon approval of title by the Attorney General.

The contemplated agreement would provide for a joint project with Mexico for construction of a concrete-lined flood control channel 8.4 miles in length for the lower reaches of the Tijuana River, of which 2.7 miles would be in Mexico and built by its Government at its expense, estimated to cost about $7 million, and 5.7 miles in the United States at its expense under a coordinated plan.

The flow in the Tijuana River is usually small, but at intervals it discharges floods of great magnitude which spread over the entire width of the valley in both countries to cause widespread damage. Until controlled, such floods preclude extensive urban and industrial development except at the risk of major damages. Two U.S. military installations in the flood area also would suffer from heavy outflow of the river.

Mr. Speaker, I urge the adoption of House Resolution 1006 in order that H.R. 13825 may be considered.

Mr. Speaker, I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Iowa.

Mr. GROSS. Is it not unusual to provide in a rule for the substitution of a Senate bill for the House bill? Is that not usually done on the floor of the House after the bill is passed?

Mr. SISK. Let us say that it is not done regularly. However, I do not consider the procedure as being unusual. It is within the rules of the House.

Mr. GROSS. I am certain of that; otherwise a point of order could be made to it. I do not contend it is a violation of the rules of the House. But what is the purpose of the provision? Why is it in this rule to the exclusion of most rules?

Mr. SISK. It is my understanding, checking with members of the Foreign Affairs Committee, that it was to simplify procedure. It is my understanding that this bill has passed the Senate, and the provision to which the gentleman refers is made in order to bring about simplification of the procedure and to get the bill to the White House that much sooner.

It is my understanding that was the reason, I might say to my good friend.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from California has stated, House Resolution 1006 makes in order the consideration of H.R. 13825, the Tijuana River flood control project bill, under an open rule with 1 hour of general debate. After passage of H.R. 13825, the Committee on Foreign Affairs will be discharged from further consideration of S. 2540, and it shall be in order to move to strike out all after the enacting clause of the Senate bill and insert the language contained in H.R. 13825 as passed by the House.

The purpose of H.R. 13825 is to authorize the Secretary of State, acting through the U.S. Commissioner to the International Boundary and Water Commission, to conclude an agreement with Mexico for the joint construction, operation, and maintenance of an international flood control project. The bill authorizes funds for the U.S. portion of the construction and maintenance of the project.

An 8.4-mile flood control channel is to be built, 5.7 miles of it in the United States at our expense. The estimated cost of the project to the United States is $15,400,000—$13,300,000 is for construction, and $2,100,000 for right-of-way and relocations. The estimated annual maintenance is $565,000.

The city of San Diego has agreed to assume the payment of $4,500,000 as its share of the flood control project.

The authorization contained in the bill is $12,600,000 for the construction costs. This limitation will not restrict further appropriations for operation and maintenance.

There are no minority views.

Mr. Speaker, I know of no objection to the rule. I have no further requests for time, but I reserve the balance of my time.

Mr. SISK. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SELDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13825) to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union, for the consideration of the bill H.R. 13825, with Mr. CHARLES H. WILSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Alabama [Mr. SELDEN] will be recognized for 30 minutes, and the gentleman from California [Mr. MAILLIARD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. SELDEN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, H.R. 13825 would authorize the Secretary of State, acting through the U.S. Commissioner, International Boundary and Water Commission, United States and Mexico, to enter into an agreement with Mexico for the joint construction, operation, and maintenance by the United States and Mexico, of an international flood control project for the Tijuana River in southern California and Mexico.

If approved, the agreement between the United States and Mexico will provide for the joint construction of a concrete-lined flood control channel approximately 8.4 miles in length for the lower reaches of the Tijuana River where it comes out at San Diego. Two and seven-tenths miles of that concrete-lined channel would be in Mexico and would be built by the Government of Mexico at its expense at an estimated cost of about $7 million. Five and seven-tenths miles would be built in the United States under a coordinated plan, at a cost estimated in 1965 at $15.4 million. Of this cost, the city of San Diego, Calif., has agreed, by resolutions, to assume the responsibility for payment of an estimated $4.5 million, the final allocations to be based upon final cost. This sharing is in accord with Federal practices for domestic flood control projects. Of the expense to be borne by the Federal Government, $13.3 million is for construction and $2.1 million is for land and relocation. The benefit-cost ratio on this project has been estimated by the Corps of Engineers at 1.4 to 1.

The bill before us authorizes a sum not to exceed $12.6 million which allows for a possible rise in the cost index between 1965 and the time the project is expected to be completed.

It is my understanding—and the U.S. Commissioner of the International Boundary and Water Commission has stated categorically to the committee—that no U.S. funds will be made available for the implementation of this project until the Mexican Government enters into agreement for the joint project and authorizes funds for its portion of the work.

I might add, Mr. Chairman, that this project had bipartisan support in the committee as well as from the State of California, and I urge the adoption of this legislation.

Mr. MAILLIARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of the subcommittee has explained the bill. Also, its provisions were explained during debate on the rule. I see no point in my repeating those facts.

I believe there is only one point not mentioned which might be of interest to the Committee; that is, in the other body this bill had an open-end authorization, whereas our committee determined to place a limitation in the bill of the presently estimated cost of the project.

I know of no substantial opposition to the bill, although I believe there are perhaps some Members who may have some reservations about it.

Mr. Chairman, I now yield 5 minutes to the gentleman from Iowa [Mr. GROSS] who may be one of those who has reservations.

Mr. GROSS. Mr. Chairman, I am pretty well convinced that no amount of substantial opposition would defeat this bill because the House is determined to spend and spend, but let me speak for a minute or two about the provision of this bill.

This Tijuana River channel—and it is not to be confused with the Tijuana Race Track, which I misplaced at Juarez, Mexico, a little while ago, not being too conversant with racetracks—is owned and controlled by private interests in substantial part, which makes this an unusual setup. Unlike most streams we deal with in the matter of flood control, this river channel is controlled in very substantial part by private interests.

So what is about to be done here is to relocate the Tijuana River on one side of the valley at a cost of $12,600,000, as I remember the situation, and I shall be glad to be corrected if I am wrong.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Is the gentleman suggesting that this is a novel event, that special interest is being served?

Mr. GROSS. No, I am not talking about serving. I am talking about controlling—owning the land and the channel of the stream.

Mr. JONES of Alabama. I do not think that is quite unique.

Mr. GROSS. It can be found in the hearings.

Mr. JONES of Alabama. I would appreciate the gentleman serving us with the precedents that he is relying on.

Mr. GROSS. You will find it in the hearings that is the case. We are asked to spend $12.6 million of all the taxpayers money to relocate this stream with the property being owned by public and private interests, largely private interests.

Mr. JONES of Alabama. Will the gentleman yield further?

Mr. GROSS. Yes.

Mr. JONES of Alabama. The gentleman sat here and voted on this same proposition when we had the Mary River development, which did not serve but one paper company.

Mr. GROSS. I do not recall it.

Mr. JONES of Alabama. Yes, the gentleman voted for it.

Mr. GROSS. I do not recall it. When was it?

Mr. JONES of Alabama. I am sorry I do not have the chapter and verse right now, but the gentleman certainly did, as I recall it. I hope I have not gone amiss on that.

Mr. GROSS. In the hearings it was admitted that this was something of a unique situation, I will say to the gentleman from Alabama. I will try when I leave the well of the House to go back and find it in the testimony. Obviously I cannot go back through the hearings now.

Mr. JONES of Alabama. Neither can I, I will say to the gentleman if he will yield further.

Mr. GROSS. Yes.

Mr. JONES of Alabama. Neither can I, but it is not unusual that that situation comes about. I remember we did it in the case of the Detroit River one time for the Edison Electric Co. We have done it on numerous occasions.

Mr. GROSS. What did you do on numerous occasions?

Mr. JONES of Alabama. Accommodated special interests that enhanced the value of water resources developments in this country. So I do not think that we are going astray in this case.

Mr. GROSS. I do not think there is any flood control project that does not enhance the value of certain property. But that is not the issue at the moment.

Mr. JONES of Alabama. If I said flood control, I meant the development of water resources such as canals and such as we had in the case of the Detroit River.

Mr. GROSS. I am glad to learn that the gentleman from Alabama is so conversant with this bill. Will the gentleman tell me how much flood loss there has been on the Tijuana River? Will he tell me what the maximum loss on this river has been in any one flood?

Mr. JONES of Alabama. No. I do not have those figures, but I would defer to the gentleman from Alabama [Mr. SELDEN], who can supply you with that.

Mr. GROSS. I thought the gentleman had the figures.

Mr. JONES of Alabama. No. I was talking about the principle.

Mr. GROSS. Since the gentleman says there is nothing unusual about this, I wonder if he would be interested to know that the last flood they had on the Tijuana River was in 1916.

Mr. SELDEN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I yield.

Mr. SELDEN. I do not think that information is correct.

Mr. GROSS. That is Mr. Friedkin's testimony in the hearings.

Mr. SELDEN. No. He testified the largest flood was in 1916 but there had been 10 floods since 1938.

Mr. GROSS. Mr. Friedkin says on page 21 of the hearings:

> The maximum flood we have record of was 1916, which approached about 100,000 cubic feet per second. The estimated damage in 1916 was $200,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAILLIARD. Mr. Chairman, I yield to the gentleman 5 additional minutes.

Mr. GROSS. Does the gentleman quarrel with Mr. Friedkin's testimony?

Mr. SELDEN. Will the gentleman yield again?

Mr. GROSS. Yes.

Mr. SELDEN. I think you will find in the testimony that at some point Mr. Friedkin said also that since 1938 there had been 10 additional floods which have overflowed the river channel and flooded partially or entirely the valley floor.

Mr. GROSS. All right. But the maximum flood, according to him, was in 1916, with a loss of $200,000.

Mr. SELDEN. That is correct. But the gentleman said there had not been a flood there since 1916.

Mr. GROSS. I stand corrected, but I still say the maximum flood was in 1916, according to the testimony, and the maximum single flood damage was $200,000.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes.

Mr. JONES of Alabama. Why, the gentleman from Iowa came before our committee and justified the Waterloo project in Iowa on the basis of the maximum flood of record.

Now, why does the gentleman from Iowa want to get the picture out of focus?

Mr. GROSS. Now——

Mr. JONES of Alabama. Just a minute.

Mr. GROSS. Wait a minute. The gentleman from Alabama has been speaking on my time and the gentleman is now trying to tell me how I can allocate the remainder of it, but go ahead.

Mr. JONES of Alabama. No, I mean that the gentleman from Iowa is here complaining about the establishment of a flood control project, based upon the maximum flood.

Mr. GROSS. I am complaining about the taxpayers of the United States being called upon at a cost of $12,600,000 to relocate a river, the channel of which is largely owned and controlled by private interests.

Mr. JONES of Alabama. You are not asking that.

Mr. GROSS. I am also complaining that under these circumstances and from the Federal taxpayers' standpoint, this proposition does not meet any reasonable criteria as to cost-to-benefit.

Mr. JONES of Alabama. I would think——

Mr. GROSS. There was a question—and the gentleman from Alabama [Mr. SELDEN] raised the question in committee—as to what the original cost-benefit ratio was. I have forgotten the answer that he received, but it seems to me it was less than 1 to 1.

Mr. SELDEN. Mr. Chairman, will the distinguished gentleman from Iowa yield to me at this point?

Mr. GROSS. I yield to the distinguished gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. The cost-benefit ratio was less than originally stated, but the final estimate, as I recall, was 1.4 to 1, which is a very good ratio. As a matter of fact I believe the Waterloo project to which the gentleman from Alabama [Mr. JONES] referred had a cost-to-benefit ratio of 1.3 to 1.

Mr. GROSS. We were also told in the hearings that the present location of this river endangers the military installations in the valley.

I took the trouble to call the military services and they said they had not lost a single dollar from a flood. I am not going to further belabor this issue, but I am totally unconvinced that the taxpayers of this country should be called upon to expend $12.6 million to take over an obligation that belongs to private property owners and the public interests which control this river, including the channel and which will be enormously benefited in terms of enhanced land values.

I cannot support this bill on the basis that I do not think a valid case has been made for it.

Mr. SELDEN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. VAN DEERLIN].

Mr. VAN DEERLIN. Mr. Chairman, I am glad of the opportunity to appear in behalf of this legislation, following the distinguished gentleman from Iowa [Mr. GROSS], because I believe, having some familiarity with the areas involved in this legislation, I can set at rest some of the fears that he raises.

First of all, let us settle the matter of location. During debate on the previous legislation, the gentleman from Iowa [Mr. GROSS] voiced concern that the Chamizel Highway might be intended to carry traffic to the Tijuana racetrack. He learned that the proposed highway will be at least a thousand miles from the Tijuana racetrack. So let me concede at the outset that the project I am espousing today will be within about 4 miles of the Tijuana racetrack. But rather than lead anyone to that track, let me emphasize that my project is intended to keep the Tijuana racetrack from washing into the United States, with all the temptations that might bring.

Now with reference to the matter of private ownership of property along this river—I can assure you this is nothing unique in southern California. Our rivers, you see, are not the kind of free-flowing rivers to which you are accustomed in the Midwest and in the East. Our rivers are usually dry-bed rivers, seldom showing more than a sliver of water. And then along comes that year when you get maximum rainfall, and this dry bed suddenly becomes a gushing torrent. As I noted in a communication to committee members this morning, the potential floodflow on the Tijuana River is about 10 times the normal flow of the Potomac River.

The reason that this land is in private hands is because at present it is being farmed. They sink wells down below the river—or below where the river is not—and thus water their crops. So this land is in productive use for agricultural purposes. It just happens that with the development of this entire area since the year 1916—the last maximum flood—the change in potential use and present evaluation and prospective evaluations has been very great. A flood equal to the flood of 1916—which took 16 lives, in addition to doing $200,000 worth of property damage—would today do untold millions of dollars in damage.

On the matter of the naval installation at Ream Field—Ream Field was not there in 1916. Ream Field is elevated some 25 feet from the floor of the valley. But there is no question that those aprons with some of the most valuable helicopter equipment on the west coast and in the Nation would be seriously impaired by a full-scale flood, which quickly erodes the "fill" type of land on which Ream Field sits.

The only reason this bill came through the Committee on Foreign Affairs, where it was most ably handled by my good friend from Alabama, and not through the Committee on Public Works, through which projects of this type normally pass, is that it involves two nations. Before they can begin to build, they must agree that the same type of channel which is erected on the Mexican side will be followed on our side of the border.

There is no point in letting Mexico go ahead and build a channel through the Tijuana portion—which is a city of more than 200,000 persons—and funnel this floodwater into an unprotected valley.

By the same token, it would be useless for us on the American side to erect a flood control channel which would not receive channelized water from the Mexican side.

This river has its tributaries on the American side. It flows down to Baja California, and back into the United States for the last 6 miles of its flow. The urgency of this project has been so impressed upon the people of San Diego that the city of San Diego which abuts on Mexico at this point, has guaranteed that not less than 29 percent of the project shall be underwritten locally.

I think the gentleman from Alabama [Mr. JONES] would attest that this is a somewhat higher ratio than local participation in most domestic projects.

The local beneficiaries have agreed to provide all that they would be required to provide in any domestic project. The city of San Diego will—

First. Provide without cost to the Federal Government all land, easements, and rights-of-way necessary for construction and operation of the project. The estimated total cost of these items is $1,330,000.

Second. Make alterations to existing improvements, including road and bridge relocations, utility relocations, and a water-spreading system for groundwater recharge, estimated to cost $770,000.

Third. The city of San Diego will hold and save the Federal Government free from damages due to the construction and operation of the project.

Fourth. It will prevent encroachment on the flood channel and other features of the project that would reduce design capacities or otherwise adversely affect their operations.

Fifth. Finally, it would prevent encroachment upon existing defined waterways tributary to the project, by zoning or other means such as enlargement or other modification of the existing waterway facilities, to prevent the minor floods on these tributary waterways from developing into serious problems.

Thus, the people of San Diego and of California have indicated their desire to take part in the project, to protect us—not against a repetition of the $200,000 damages which occurred in the devastating flood of 1916, but which for all time will enable us to use this prime land for purposes more productive to the tax rolls than agriculture.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. GROSS. I am sure the gentleman would agree that the land values have enhanced in this valley, agricultural land in particular?

Mr. VAN DEERLIN. Since 1916?

Mr. GROSS. Yes—or since you began this project, since it was surveyed for this purpose of relocating the river?

Mr. VAN DEERLIN. I would have no information, sir, that that is true, except that there has been a normal increase in land values in southern California.

Mr. GROSS. That is what I mean. Land values have enhanced in recent years.

Mr. VAN DEERLIN. I thought the question concerned the time since this project has been on the drawing boards. I would say that there is nothing traceable to this project in the way of an increase in land values.

Mr. GROSS. Agricultural land in the State of Iowa has increased tremendously in the last few years, enhancing in value, and I assume the same is true of agricultural land in Colorado. Would it follow that productive agricultural land in the State of California has enhanced in value also?

Mr. VAN DEERLIN. If the gentleman limits his question to the general matter of land value enhancement, the answer would be yes. I thought the gentleman's suggestion was that this project had caused an undue speculative increase in land values.

Mr. GROSS. A few moments ago I raised the question of the cost-to-benefit ratio, and despite the enhancement in land value the cost-to-benefit ratio has gone down in this project. I am unable to understand why. I could not understand it in the committee when the hearings were held, and I obtained no good answer for this.

Mr. VAN DEERLIN. I think, sir, that this stems from the increase in the cost of the project, which was caused by the delay in its enactment. I cannot say for sure, but my memory of the hearings is that that was the explanation.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. The report and the accompanying map indicate that two military installations are in the flood area. The gentleman from California now in the well has told us about Ream Field, apparently a helicopter field. Could you tell us a little bit about a field known as Border Field?

Mr. VAN DEERLIN. That is a Navy signal station. Like every other installation it is of importance. But if Border Field were washed out, it would be by no means the catastrophe that such a disaster would be to Ream Field.

Mr. MACGREGOR. Ream Field is probably on higher land than Border Field?

Mr. VAN DEERLIN. It is considerably higher, but it is filled land and would very likely be washed out easily.

Mr. MACGREGOR. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield.

Mr. GROSS. I trust the gentleman from Minnesota heard my earlier remarks, that at the Pentagon they say they have not suffered by damage from floods.

Mr. MacGREGOR. If the gentleman from California will yield, I have listened with great interest to the entire debate, including the remarks of the gentleman from Iowa.

Mr. VAN DEERLIN. I thank you, Mr. Chairman.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

Mr. SELDEN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 13825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for the joint construction, operation, and maintenance by the United States and Mexico, in accordance with the provisions of the treaty of February 3, 1944, with Mexico, of an international flood control project for the Tijuana River, which shall be located and have substantially the characteristics described in "Report on an International Flood Control Project, Tijuana River Basin," prepared by the United States Section, International Boundary and Water Commission, United States and Mexico.

SEC. 2. If agreement is concluded pursuant to section 1 of this Act, the said United States Commissioner is authorized to construct, operate, and maintain the portion of such project assigned to the United States, and there is hereby authorized to be appropriated to the Department of State for use of the United States Section, such sums as may be necessary, not to exceed $12,600,000, to carry out the provisions of this Act: *Provided,* That no part of any appropriation made shall be expended for construction on any land, site, or easement, except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States.

Mr. SELDEN (interrupting the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open for amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, beginning in line 13, strike out "such sums as may be necessary, not to exceed $12,600,000, to carry out the provisions of this Act: *Provided,* That no part of any appropriation made shall" and insert in lieu thereof "not to exceed $12,600,000 for the construction of such project and such sums as may be necessary for its maintenance and operation. No part of any appropriation under this Act shall".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having resumed the chair, Mr. CHARLES H. WILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13825) to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes, pursuant to House Resolution 1006, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the adoption of the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 294, nays 43, not voting 95, as follows:

[Roll No. 301]

YEAS—294

Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Bandstra
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Bingham
Blatnik
Boggs
Boland
Bolling
Bolton
Brademas
Bray
Brooks
Broomfield
Brown, Calif.
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Conyers
Corbett
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Erlenborn
Everett
Fallon
Farnsley
Farnum
Fascell
Feighan
Flood
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Tenn.
Gathings
Giaimo
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Halleck
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Iowa
Hardy
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Henderson
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Huot
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Jonas
Jones, Ala.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kornegay
Krebs
Kupferman
Laird
Landrum
Leggett
Long, Md.
Love
McCarthy
McCulloch
McDowell
McFall
McGrath
Macdonald
MacGregor
Machen
Mackie
Madden
Mahon
Mailliard
Marsh
Mathias
Matsunaga
Matthews
May
Meeds
Mills
Minish
Mink
Mize
Monagan
Moore
Moorhead
Morgan
Morris
Morse
Mosher
Multer
Murphy, Ill.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pirnie
Poage
Poff
Powell
Price
Pucinski
Quie
Redlin
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Ryan
Satterfield
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Selden
Shriver
Sickles
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Stafford
Staggers
Stanton
Steed
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Tenzer
Thomas
Thompson, Tex.
Thomson, Wis.
Trimble
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Waldie
Walker, N. Mex.
Watkins
Watson
Whalley
White, Idaho
White, Tex.
Widnall
Wilson, Charles H.
Wright
Wyatt
Young
Younger
Zablocki

NAYS—43

Adams
Ashmore
Brock
Collier
Colmer
Conable
Curtis
Davis, Wis.
Dickinson
Duncan, Tenn.
Findley
Foley
Fulton, Pa.
Fuqua
Gross
Haley
Hall
Harsha
Herlong
Hutchinson
Ichord
Johnson, Pa.
Kunkel
Langen
Latta
Lennon
McClory
Minshall
O'Neal, Ga.
Pike
Quillen
Race
Randall
Secrest
Shipley
Skubitz
Springer
Stalbaum
Weltner
Whitener
Williams
Wolff
Wydler

NOT VOTING—95

Abbitt
Abernethy
Adair
Albert
Aspinall
Ayres
Baring
Betts
Bow
Callaway
Cameron
Carey
Carter
Cohelan
Conte
Cooley
Corman
Craley
Davis, Ga.
Dawson
Diggs
Dorn
Duncan, Oreg.
Dyal
Edmondson
Edwards, La.
Ellsworth
Evans, Colo.
Evins, Tenn.
Farbstein
Fino
Fisher
Flynt
Fogarty
Frelinghuysen
Gallagher
Garmatz
Gettys
Gibbons
Gray
Hagan, Ga.
Hanna
Hansen, Wash.
Hays
Hébert
Hungate
Jones, Mo.
King, N.Y.
Kluczynski
Lipscomb
Long, La.
McDade
McEwen
McMillan
McVicker
Mackay
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Michel
Miller
Moeller
Morrison
Morton
Moss
Murphy, N.Y.
Murray
O'Konski
Passman
Pool
Purcell
Reinecke
Rivers, S.C.
Rogers, Tex.
Roncalio
Roybal
Rumsfeld
St Germain
Scott
Senner
Stephens

Stratton
Sweeney
Teague, Tex.
Thompson, N.J.
Todd
Toll
Tuck
Tunney
Walker, Miss.
Watts
Whitten
Willis
Wilson, Bob
Yates

So the bill was passed.

The Clerk announced the following pairs:

Mr. Fogarty with Mr. Watts.
Mr. Gallagher with Mr. Fisher.
Mr. Evans of Colorado with Mr. Edwards of Louisiana.
Mr. Passman with Mr. Duncan of Oregon.
Mr. Pool with Mrs. Hansen of Washington.
Mr. Gibbons with Mr. Willis.
Mr. Long of Louisiana with Mr. McMillan.
Mr. Stephens with Mr. Todd.
Mr. Scott with Mr. Toll.
Mr. Teague of Texas with Mr. Murray.
Mr. Corman with Mr. Craley.
Mr. Baring with Mr. Roncalio.
Mr. Albert with Mr. Adair.
Mr. Tuck with Mr. Rumsfeld.
Mr. Hébert with Mr. Michel.
Mr. Moeller with Mr. McEwen.
Mr. Thompson of New Jersey with Mr. Conte.
Mr. Senner with Mr. Ayres.
Mr. Davis of Georgia with Mr. Walker of Mississippi.
Mr. Evins of Tennessee with Mr. Carter.
Mr. Murphy of New York with Mr. King of New York.
Mr. Miller with Mr. Lipscomb.
Mr. Tunney with Mr. Reinecke.
Mr. Kluczynski with Mr. Betts.
Mr. Carey with Mr. Fino.
Mr. Hungate with Mr. Morton.
Mr. Hays with Mr. Bow.
Mr. Rogers of Texas with Mr. Martin of Massachusetts.
Mr. St Germain with Mr. Bob Wilson.
Mr. Stratton with Mr. Martin of Nebraska.
Mr. Sweeney with Mr. Frelinghuysen.
Mr. Mackay with Mr. Callaway.
Mr. Morrison with Mr. Martin of Alabama.
Mr. Yates with Mr. McDade.
Mr. Whitten with Mr. Ellsworth.
Mr. Cohelan with Mr. Harsha.
Mr. Aspinall with Mr. O'Konski.
Mr. Abernethy with Mr. Whalley.
Mr. Dyal with Mr. Hagan of Georgia.
Mr. Garmatz with Mr. Hanna.
Mr. Purcell with Mr. Dorn.
Mr. Rivers of South Carolina with Mr. Edmondson.
Mr. Gray with Mr. Cameron.
Mr. Gettys with Mr. Cooley.
Mr. Moss with Mr. Dawson.
Mr. Abbitt with Mr. McVicker.
Mr. Roybal with Mr. Diggs.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1006, the Committee on Foreign Affairs is discharged from further consideration of the bill S. 2540.

MOTION BY MR. SELDEN

Mr. SELDEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SELDEN moves to strike out all after the enacting clause of the bill S. 2540, and insert in lieu thereof the provisions of H.R. 13825, as passed, as follows:

"That the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for the joint construction, operation, and maintenance by the United States and Mexico, in accordance with the provisions of the treaty of February 3, 1944, with Mexico, of an international flood control project for the Tijuana River, which shall be located and have substantially the characteristics described in 'Report on an International Flood Control Project, Tijuana River Basin,' prepared by the United States Section, International Boundary and Water Commission, United States and Mexico.

"SEC. 2. If agreement is concluded pursuant to section 1 of this Act, the said United States Commissioner is authorized to construct, operate, and maintain the portion of such project assigned to the United States, and there is hereby authorized to be appropriated to the Department of State for use of the United States Section, not to exceed $12,600,000 for the construction of such project and such sums as may be necessary for its maintenance and operation. No part of any appropriation under this Act shall be expended for construction on any land, site, or easement, except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States."

The SPEAKER. The question is on the motion of the gentleman from Alabama.

The motion was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13825) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SELDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until 12 o'clock midnight, Friday, to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. I ask for this time for the purpose of asking the distinguished acting majority leader, the gentleman from Louisiana [Mr. BOGGS] the program for the rest of this week and the program for next week.

Mr. BOGGS. Mr. Speaker, in response to the request of the distinguished minority leader, it is my hope that after the conclusion of business today—and there is no further legislative business today—we can adjourn to meet on Monday next.

I will ask now that when the House adjourn today it adjourn to meet on Monday next.

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if we might have the program before that request?

Mr. BOGGS. Mr. Speaker, I will be very glad to withhold that request.

Mr. Speaker, on Monday is District day, but we have no bills scheduled.

We will call up the rule on the bill H.R. 15111, the Economic Opportunity Act amendments, the so-called poverty bill with an open rule, and 8 hours of debate.

That will be followed by H.R. 17607, to temporarily suspend the investment credit and the application of accelerated depreciation, providing the rule is granted on that bill, and I understand the report will be filed today.

After that, House Joint Resolution 1163, the Washington Metropolitan Area Transit Authority, with an open rule, 3 hours of debate; also, the continuing appropriations resolution which was discussed earlier today by the distinguished chairman of that committee; H.R. 17685, to amend the Atomic Energy Act of 1954, an open rule, with 1 hour of debate, and waiving points of order; H.R. 16076, to amend the Federal Water Pollution Control Act, with an open rule, 2 hours of debate.

Mr. Speaker, these will not necessarily be called up in the order in which I have listed them on the whip notice.

Mr. GERALD R. FORD. Would the gentleman respond to this question, in the light of the statement just made: Can we assume that the Economic Opportunity Act amendments will come up first?

Mr. BOGGS. Yes, I can assure the gentleman that the first order of business on Monday will be the rule on the Poverty Act, to be followed by the debate on the bill, until such debate is completed.

Mr. GERALD R. FORD. But after that, then the bills might come up in a different order from that listed?

Mr. BOGGS. Exactly. As I pointed out, a rule has not been granted on the tax bill, for instance.

Mr. GERALD R. FORD. Can we assume there will be no rules under the 21-day rule to come up on Monday?

Mr. BOGGS. I can assure the gentleman that no 21-day rules will be called up on Monday.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I wonder if the gentleman could help me with this question: Is it too soon to make a pilgrimage to the distinguished Speaker of the House to seek permission to erect a Christmas tree out in the lounge, where the Members may have an opportunity to see it and properly decorate it?

Mr. BOGGS. The gentleman from Iowa has the Christmas spirit, I may say, rather early, but I commend him.

ADJOURNMENT TO MONDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Lousiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to dispense with business in order under the Calendar Wednesday rule on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMITTEE ON AGRICULTURE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, September 23, to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. ROONEY of New York. Mr. Speaker, earlier this afternon, on rollcall No. 300, I am recorded as not voting. I was not present. I did not vote for the reason that I was on official business at the White House.

REVISED FINANCIAL INSTITUTIONS SUPERVISORY ACT OF 1966 TO SUPERSEDE H.R. 17703

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, I have introduced a clean bill dealing with the topic of supervisory powers of Federal regulatory agencies in the savings and loan and banking fields. This bill will bear the short title of the Financial Institutions Supervisory Act of 1966. I introduced a similar bill on this subject on September 13, 1966—H.R. 17703—concerning which I had the privilege of presenting testimony to the House Committee on Banking and Currency on September 20. That bill was also sent by the committee to interested Federal agencies for comment. It is in the light of those comments as well as some offered by my distinguished colleagues on the Committee on Banking and Currency and members of the savings and loan industry that I have decided to introduce the clean bill I am now offering.

This new bill would confer on the Federal regulatory agencies in the financial institution field more intermediate power than would H.R. 17703.

The major change in this respect is the introduction of authority for the regulatory agencies to issue temporary cease and desist orders in instances where they determine that a violation of law or regulation will jeopardize the safety or soundness of a financial institution and that the more lengthy proceedings leading to a final cease and desist order will not adequately protect the assets of the institution. In such an event, the bill would empower the agency to issue without an administrative hearing a temporary order to cease and desist from the violation. The temporary order would take effect upon service and remain in effect until changed by the Federal agency or a court. To provide adequate safeguards to the institution affected by such an order, the bill would afford it the choice of requesting the agency for a full administrative hearing or of petitioning a Federal district court within 10 days after service of the order for review of the temporary order, provided the institution is complying with the order at the time it takes either course of action. The court would receive whatever record of proceedings existed at that time. The court would have jurisdiction to determine issues of law and fact and enter an appropriate judgment concerning the order. In order to meet the Federal Home Loan Bank Board's objection that under present law, a court can quickly set aside an order issued by the Board, the bill would prohibit the court from staying the operation of the temporary cease and desist order during the first 60 days after the court receives the institution's petition for review if the case is not disposed of within that period. In fairness to both parties to such a controversy, the case would be given preferential status in the court in order to expedite its settlement.

I should note that the bill will leave with the court its usual prerogative to hand down a judgment appropriate to the circumstances. This may include an injunction against further proceedings by the agency in the particular controversy involved. It appears to me that this is a fair division of authority, because it is the agency, not the institution or the court, that makes the decision to issue a temporary cease-and-desist order. Once the agency has made that decision in the preemptory fashion permitted it seems only fair to afford the institution involved opportunity to request further hearings before the agency or to transfer the controversy to the Federal court. In a regular cease-and-desist proceeding leading to a final cease-and-desist order following an administrative hearing, the bill provides no recourse to the courts for the institution until after service of the final cease-and-desist order.

The other major change made in this bill compared with H.R. 17703 is that dealing with appointment of conservators and receivers. The Federal Home Loan Bank Board raised objection to that portion of H.R. 17703 that would require the Board to obtain a Federal district court order before appointing a conservator or receiver to take control of a Federal savings and loan association.

Under present law, in an emergency the Board may appoint a supervisory representative in charge ex parte and without notice to the institution involved to take control of the institution for a limited period as specified in the law. As passed by the Senate, S. 3158 would abolish the post of supervisory representative in charge. In his place it would empower the Board to appoint a conservator or receiver ex parte and without notice to the institution involved, even in the absence of an emergency. The tenure of the conservator or receiver would be indefinite, not limited by statute, as is the tenure of a supervisory representative in charge.

The bill I am introducing would continue the procedure in Federal law for the Board itself to appoint a supervisory representative in charge ex parte and without notice for a limited tenure, if the Board determines that an emergency exists that requires immediate action.

Having provided this tool for the Board's use in an emergency situation, the bill retains the requirement of H.R. 17703 that a more permanent conservator or receiver be appointed only after the Board has demonstrated to a Federal district court that statutory grounds for such appointment exist. As the Board itself has noted, appointment of a conservator or receiver is a somewhat drastic remedy and should be embarked upon only after deliberate considerations with enough prima facie evidence to convince an unbiased member of the Federal judiciary that this drastic remedy is warranted.

With introduction of a procedure for issuance of temporary cease-and-desist orders, the bill dispenses with the procedure provided by H.R. 17703 that allowed an institution to apply to a Federal district court for an interlocutory injunction restraining Board action any time following service of a notice of a cease-and-desist proceeding.

The new bill also clarifies the continued exclusion of managerial functions from the operation of cease-and-desist orders by expressly pointing out that this exclusion is intended to refer to managerial functions as distinguished from supervisory functions. It is my understanding that the Board makes no claim to any need for exercising management functions of a savings and loan association in order to accomplish the purposes of S. 3158 through the intermediate power tools the Board seeks to obtain. Managerial functions should remain with management, where they belong in an industry community oriented and operated as a private enterprise serving a public purpose. The area of actionable concern of the Federal regulatory agency should appropriately be limited to matters of supervisory functions. As has been noted in the past, the Board should act as the supervisor, not as the manager of the association.

The Board represents that S. 3158 "represents a conscientious effort to provide additional intermediate remedies to the supervisory agencies, without sacrificing essential judicial safeguards for the rights of the institutions or of other persons concerned." I believe that the bill I am introducing will meet this test laid down by the Board insofar as any presently demonstrated need for such additional intermediate remedies is concerned.

My bill purposely omits provisions contained in S. 3158 that for the first time would empower the Board to suspend and remove officers, directors and certain other personnel of federally and State-chartered savings and loan associations. If the personnel involved is inept, management of the association will handle the problem in the normal course of business activity. If the personnel in rare instances is guilty of criminal offenses in connection with operation of the association, there exists a whole body of criminal law with adequate sanctions to punish those convicted of such offenses in accordance with the traditional Anglo-Saxon due process safeguards. I have yet to be convinced that the Federal Home Loan Bank Board requires any authority as to personnel that it cannot exert with due application of powers it presently possesses.

I believe that my bill will supply the Federal regulatory agencies in the financial field with the intermediate cease-and-desist powers they should have, while at the same time adequately safeguarding the rights of institutions and their personnel through opportunity for timely and adequate recourse to the judiciary.

I encourage each Member of the House to deliberate upon this topic and to support the bill I am introducing in preference to S. 3158 as passed by the Senate on August 22.

BIRTHDAY SALUTE TO MALI

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, today is the sixth anniversary of the Republic of Mali and, as chairman of the Subcommittee on Africa of the Committee on Foreign Affairs, I am happy to extend hearty congratulations and sincere good wishes to the Government and the people of that young and proud nation in Africa.

The Republic of Mali, which covers an area somewhat smaller than Alaska, is in the interior of western Africa and borders seven different countries, all of which are former French territories.

Mali is steeped in history. Mali is partial heir to the succession of great African empires that formerly occupied the upper valley of the Niger. These empires were in touch with Medditerranean and Near Eastern centers of civilization by way of the trans-Saharan caravan routes.

The old Kingdom of Mali, from which the present Republic takes its name, was founded around the year 1200. Its ancient capital stood on a site near the present capital of Bamako, and its realm extended as far as Timbuktu and Gao.

On September 22, 1960, the colony of Soudan proclaimed itself the Republic of Mali and withdrew from the French community.

Mali is a predominantly agricultural country. The first 5-year plan was intended to encourage industrial growth by improving the infrastructure. Of all those resources deriving from the land, Mali's greatest potential is in its livestock—more than 10 million head, of which 3 million are cattle and 7 million sheep and goats.

At the present time she has no appreciable mineral wealth, but as in other parts of Africa there is a possibility that known deposits of manganese, bauxite, and other minerals may prove economically exploitable.

It is the wish and expectation of the United States that Mali will achieve its aspirations in harmony with the other developing nations of Africa.

The Malian delegate to the United Nations last year, the Honorable Ousman Ba, stated his country's policy in his speech in general debate before the 20th session of the General Assembly as follows:

> The delegation of Mali is happy to note that common sense and our common will to continue to work together in the achievement of the noble ideals of the Charter have made it possible for us all to overcome passions, national chauvinism and pride so that the United Nations might continue to live in the best interests of all mankind.

It is my personal pleasure to extend my felicitations to the President of Mali, the Honorable Modibo Keita, and the Malian Ambassador to the United States, His Excellency Moussa Leo Keita, with whom I became personally acquainted at the United Nations last year.

AMENDMENT TO THE INTERNAL REVENUE CODE

Mr. DON H. CAUSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, I am today introducing legislation which would amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income certain educational expenses.

It has come to my attention that the Internal Revenue Service has proposed that expenses incurred by teachers obtaining advanced degrees will no longer be tax deductible, a policy that will work a definite hardship on our teachers, since most State and local governments are encouraging, if not requiring, teachers to obtain additional training.

In my opinion, if we are going to encourage better education through Federal action in many areas, it seems incomprehensible that we should neglect this simple device of tax deductions which can be accomplished through a clearer interpretation of existing law.

I am sure we will all agree that teachers should be encouraged to increase their knowledge and training. We would all agree as to the importance of competent and well-trained teachers in our educational system. We would also agree that teachers should be given every incentive to gain new knowledge of teaching techniques. Certainly, one way we can do all of these things is by clarifying the Internal Revenue laws and regulations so that teachers will, by law, not regulation, be permitted to deduct from their gross income any proper expenses for educational purposes relating to teaching activities.

I have been requested to support such legislation by Mr. Walter Egan, assistant superintendent of curricular services, Sonoma County Schools, Santa Rosa, Calif. I have reviewed H.R. 17757 introduced by my colleague, Congressman WILLIAM CRAMER, and find myself totally in accord with its provisions.

While I realize it would be the height of optimism to anticipate passage of this legislation this year because of the lateness of the session, by this action today, I have seen fit to coauthor this legislation, thereby placing myself on record in support of this very important and very necessary legislation.

I call upon Congress to give this legislation its closest attention.

REPUBLICAN WHITE PAPER ON VIETNAM

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, in the past few days we have witnessed a bit of a flap on the so-called white paper issued by the Republican research and planning committee relative to the administration's handling of the war in Vietnam. The pamphlet is considered a flop by some responsible editorial writers in the Nation. One of the most devastating attacks on the Republicans research and planning paper comes from the New York World Journal Tribune.

Mr. Speaker, I include the editorial of Wednesday, September 21, 1966, in the RECORD at this point:

EMPTY-HANDED GOP

House Republican leaders have disgorged a document whose timing makes its purpose altogether clear. That purpose is to exploit widespread discontent over the Viet Nam war by labeling it, in effect, as Johnson's war.

Significantly, the new document omits portions contained in last year's model, which urged all Americans to support the war effort in order to defeat Communist aggression and assure South Viet Nam's freedom and independence.

Instead, the emphasis is on the deepening commitment, involvement and risks that have evolved under the Johnson administration.

It's the privilege of the Republican establishment to make what hay it can out of the administration's miseries—but a sense of responsibility should also impel a loyal opposition to set forth alternatives.

Avoiding resemblance to either hawk or dove, about the best the GOP manifesto offer is that there must be some way to end the war "more speedily and at a smaller cost" while still "safeguarding the independence and freedom of South Viet Nam."

Negative and nebulous all the way, it ends up as a nothing document. Once again Republicans seem determined to prove Harry Truman was right in saying that, like their party symbol, they never forget anything and never learn anything.

Negativism throughout the Roosevelt years kept the GOP perpetually in the doghouse. It took a political miracle, passed by an unbeatable war hero, to rescue the party from its 20-year exile.

If, after the debacle of 1964, Republicans want to spend another generation in the doghouse, they're going about it just right.

The Viet Nam document confected by House Republican leaders is a perfect example of the empty-handed non-leadership that may scare up a fat fistful of "agin" votes—but will scarcely impress thoughtful voters who examine the wares of political challengers for signs of positive, constructive alternatives.

ATTENTION CALLED TO A MOST SIGNIFICANT REPORT BY THE HOUSE ARMED SERVICES COMMITTEE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DECEPTION AT ITS WORST

Mr. GROSS. Mr. Speaker, I call attention to a most significant report by the House Armed Services Subcommittee, which is headed by the gentleman from Virginia, Representative PORTER HARDY. It is a unanimous report by some of our colleagues who are deeply concerned about the way the Defense Department is administering the so-called cost-reduction program. All of us are interested in cost reduction, and the subcommittee members emphasize that they were working on cost reduction in defense a good many years before Mr. McNamara was fiddling with the problems of the Edsel at the Ford Motor Co.

Undoubtedly, the cost-reduction program has resulted in some savings, but the House Armed Services Subcommittee is troubled over the "degraded military capability" that has accompanied some of the "inordinate pressure" to cut costs. There is a fear that Mr. McNamara's image-building activities are not taking precedence over what our military leaders believe is necessary for our armed services. The subcommittee indicates that McNamara is using a "secret" label to hide the facts from the American people, and to try to keep the Hardy subcommittee from making the full facts known.

It was shocking to read some aspects of the report for it demonstrates the worst in news management through those phony press conferences in which McNamara claimed he saved the taxpayers $14 billion in the past year. I wish he had saved that much, but the Hardy subcommittee has demonstrated that it is mostly ballyhoo and misrepresentations by McNamara and his press office.

I would call attention to the evidence that there is nothing really new about McNamara's cost reduction operation except that he has centralized the operations of activities that were in being in the Army, Navy, and Air Force. He has spent more money and time accumulating a lot of exaggerated figures on savings and he has spent a lot of money printing expensive brochures and mimeographing voluminous graphs to try to demonstrate that he has saved $4 billion to $5 billion a year. The Hardy subcommittee states that it just is not so, and that all of the phony business is in danger of undermining proper cost reduction efforts. But, most significant is the fact that the unanimous report shows a deep concern over measures that are undermining our defense posture. The fact that the United States has a force that is superior to that of the Vietcong should not lull us into any false security relative to the condition of our Armed Forces.

Experienced men on the Armed Services Committees have raised warning signals in a series of reports, and I think it is time for the Congress and the American people to take a closer look at what is going on under McNamara.

Mr. Speaker, I say again that the entire report should be must reading for everyone in Congress. I would call special attention to the case of "the substitution of the M–107 projectile in lieu of procurement of the M–470 projectile." The committee finds that in this instance, McNamara is trying to clothe a "failure in the shining garb of a claimed multimillion-dollar cost reduction item and present it to the public as evidence of management excellence." This is deception at its worst.

Mr. Speaker, the following newspaper article by one of Washington's most astute newspaper reporters, Mr. Clark Mollenhoff, of the Des Moines Register, provides additional information on the exposure by the House Subcommittee of the deceptive techniques that have been used by the Secretary of Defense:

MCNAMARA GETS REBUKE ON SAVINGS

(By Clark Mollenhoff)

WASHINGTON, D.C.—Defense Secretary Robert McNamara was blamed Friday for forcing "cost reduction actions that have had a significant adverse effect on our defense structure in terms of degraded combat potential."

The charge was made in an unanimous report by a House Armed Services Subcommittee that has been investigating McNamara's claim that his cost reduction program has saved the government $14 billion in the last five years.

"FALL SHORT"

Chairman PORTER HARDY (Dem., Va.) said that McNamara's cost reduction program has undoubtedly resulted in some significant savings, but "its true accomplishments fall considerably short of the results publicly claimed."

HARDY said he and other members of the subcommittee had been pressing for effective cost reduction steps for years prior to the McNamara era, and that they thought a "properly administered" program could be a powerful weapon against waste and extravagance in government.

The subcommittee recommended that immediate steps be taken to correct the cost reduction program and to bring about "a more credible reporting of its accomplishments."

The subcommittee's investigations started in August, 1965, and resulted in hearings in July, 1966.

Auditors for the General Accounting Office had testified that about one-third of the savings McNamara claimed in 1964 and 1965 did not meet the criteria that he had established, and cases involving another one-third of the savings did not have documentation to support the claims of billions in savings.

"SHARP CONFLICTS"

"The evidence also strongly suggests that these actions (which degraded military capability) would not have been taken by the services had it not been for inordinate pressures from the OSD (McNamara's office) to report large savings," the Hardy report stated.

The report said there were "sharp conflicts between military services and the secretary of defense" with respect to certain military requirements.

"Generally, in such cases military judgments have bowed to civilian dictates," the subcommittee stated.

"The subcommittee has evidence that the OSD, in exercising its dominant power, has at times taken unnecessary risks and committed the services to an unwise and precipitous course of action."

In recent months, McNamara has been subject to sharp congressional criticism on a number of important decisions concerning the TFX warplane (now designated the F–111A and F–111B), the phaseout of the B–52 and B–58 bombers, and the lack of progress on a nuclear-powered fleet.

However, it is doubtful that any of the comments on these decisions had more bite than the report of the Hardy subcommittee.

The Hardy subcommittee accused McNamara of unjustified use of national security classifications to bar the subcommittee from making public key documents that it says demonstrate how U. S. military capability has been degraded.

"Our efforts have been unsuccessful. OSD has taken the position that public disclosure would result in 'comfort to our enemy,' but, undoubtedly the enemy derives more comfort from our attenuated military capability resulting from the combat use of inferior weapons," the subcommittee said.

"Public disclosure of the facts could do much to bring about an improvement in the decision making process responsible for the above condition.

"A skeptic might question whether disclosure in such a situation could adversely affect the national defense or merely the public image of the decisionmakers."

The Defense Department claimed savings of $32,575,000 in fiscal year 1965 on the basis of a decision by McNamara that the Navy and Marine Corps could accomplish their mission with fewer F–4 aircraft.

McNamara cut the number of aircraft in each squadron from 14 to 12 despite the protests of the Navy. He figured that increased firepower in the F–4 made it possible for 12 planes to do the job of 14. The Navy said it was an erroneous judgment.

The defense secretary also decided to continue the less capable F–8 aircraft on some classes of carriers rather than replacing them with the superior F–4. He also cut the number of F–4s assigned to training missions.

DEGRADED EFFECTIVENESS

In the face of the warnings, McNamara went ahead with the reduction in new planes, and then claimed a savings of $32,575,000. The subcommittee found this to be a degrading of combat effectiveness.

The report also said testimony developed that McNamara, or someone in his office, had on a number of occasions ordered substantial claims of savings of as much as $50 million after Army auditors had said such claims could not be justified.

Other claims of "savings" were admitted by the Army, Navy, Air Force and Marines to be no more than a use of excess inventory, or a normal prudent management decision. McNamara's office established a criteria that made it possible to list such things as "savings."

FEDERAL ANTIRIOT LEGISLATION

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I am today cosponsoring a bill which would make it a Federal offense to move in interstate commerce or to use any facility in interstate commerce, including the mail, in order to incite to riot or to carry on a riot or to commit any crime of violence, arson, or bombing in the course of a riot.

This bill is substantially the same as the amendment to title V of the 1966 civil rights bill offered by the gentleman from Florida [Mr. CRAMER] and adopted by the House.

There are sufficient indications, Mr. Speaker, that professional, outside agitators have traveled interstate for the purpose of inciting to riot.

The weapons that have been used during riots—firearms and Molotov cocktails—and the tactics employed to utilize these weapons to greatest effect suggest that there are people conducting guerrilla training. And these weapons and sniper tactics have been utilized in similar ways in different cities where riots have occurred.

But the factor which renders Federal antiriot legislation even more urgent is the evident willingness of thousands of individuals in our cities who respect neither persons nor property to become part of a mob, to cast off all fear of legal consequences by submergence in the mob, and to express their frustration and hostility through the action of the mob.

The most appalling revelation of the riots which have occurred during the past three summers is the propensity of large numbers of people in cities toward violent, mass action.

It is our duty as legislators to see, Mr. Speaker, that this propensity toward violent, mass action constitutes a standing invitation to the professional agitator and demagog who knows how to exploit hostility and to weld people together into a mass.

Riots have not been limited to one city or to one section of the country. Riots have been nationwide—they have hit Los Angeles and Chicago and New York and Atlanta. And there is every reason to believe that agitators and demagogs are prepared to exploit the propensity to violent, mass action on a nationwide scale.

Our cities and States have primary responsibility for protection of persons and property. But we are confronted with a nationwide threat to public order, and it is imperative that Congress exercise its powers under the interstate commerce clause to forestall those who would reduce our country to a shambles for their own power and glory or who would substitute violence and destruction for constructive action in the necessary effort to obtain constitutional guarantees and racial harmony.

WELCOME TO TWO GREEK ARTISTS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, it is a privilege and pleasure to welcome to the United States as permanent residents two renowned artists who give vitality, warmth, and dramatic meaning to the cultural bonds that unite the ancient democracy of Greece with our Nation, so much younger but which today is the defender of democracy throughout the world.

Manolis Hiotis and Mary Linda Hiotis are outstanding masters of the music of modern Greece, whose fame has penetrated all the countries of Europe, and whose coming to our shores to share their lot with ours is an event not only to our countrymen and countrywomen of Greek birth or descent but to all Americans dedicated to the building of our cultural treasury.

Manolis Hiotis was born in the year 1921 in Nafplion, Greece, and has devoted his life to music. He is the composer of modern Greek songs, both the poetic lyrics and the vibrant music. His songs have been recorded on many labels that are internationally distributed. He has held executive posts with recording companies and is the president of the musicians and composers union or society of the country of Greece.

Together with his wife, he has performed the lead role in over 30 major motion picture films. Since the age of 17, he has performed throughout Greece, Egypt, Turkey, Europe, and the United States as well. A screen and theater personality, he has starred on radio and television, and is acknowledged as the father and the master of the typically Greek instrument, the "Bouzouki." He is a foremost recording star of Greece and the Mediterranean and has recorded over 1,000 popular "hit records," all of which constitute for the country of Greece, the equivalent of our "million copy" recordings.

His wife, Mary Linda Hiotis, is in her own right a star of music, motion pictures, theater, and television. She was born in Pyrgos, Greece, and has lived in the city of Athens where she attended school and at the age of 8, performed at the prominent Athenian theater, "the Alcazar Theater." From the age of 8 to 18 while she attended the school of music during the day, she would in the evening appear and perform in the theater.

In school, she studied both classical and modern music and dancing and at the age of 18, she became the performing partner of Manolis Hiotis, who was destined later to become her husband. She as a duet with Manolis Hiotis has recorded over 1,000 popular "hit" songs of modern Greece.

In the year 1962, in the international "Festival of Greek Songs" which took place in Athens, she sang the newly composed song, "Apagogi" which then became an outstanding success throughout Greece and the Mediterranean and was awarded the first prize. Prior to 1962, she similarly performed in the "Athenian Festival" again in an international competition, where for her appearance and singing of the Greek song, "Athena Kori Tou Ouranou", which translated means Athens, daughter of the sky, she again received the first prize. She has performed in Greece, Turkey, Egypt, Europe, and throughout the United States.

In the country of Greece, she has performed in every outstanding theater and every prominent nightclub. In motion pictures, she has starred with Manolis Hiotis in over 25 motion pictures.

All in all, Mary Linda Hiotis has recorded over 600 popular "hit" songs. I know that I speak for all of my constituents of Greek descent, of music lovers everywhere, and for many of my colleagues when I say, "congratulations to Manolis Hiotis and to Mary Linda Hiotis" on being granted their permanent residency and a sincere and most heartfelt welcome to the United States of America. They both possess exceptional and rare qualities and will advance the national cultural interests of the United States.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tomorrow night to file a report.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

BULGARIAN NATIONAL MEMORIAL DAY

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. BOLTON. Mr. Speaker, free Bulgarian people all around the world will tomorrow celebrate their National Memorial Day and commemorate the death of a great hero, Nikola Petkov, at the hand of Communists.

On the morning of September 23, 1947, Petkov was secretly executed by Communists who had seized the Government through treachery. Because they feared the wrath of the people, he was killed at an unusual hour, after turning down a last chance to sign a petition in which he declared his "repentance."

When the Nazis were driven out of Bulgaria, Nikola Petkov and other Bulgarian patriots had taken part in the first coalition government. Petkov and others fought relentlessly against Communist violence and duplicity. Eventually he was charged with conspiracy against the Communist state and the Soviet Union. They called him an agent of Anglo-American capitalism.

Since his death September 23 has become a national memorial occasion. Each year free Bulgarians meet in memory of those who lost their lives struggling for the freedom of their country and renew their dedication to restore liberty and independence to their country. It is a privilege to pay tribute to these courageous people and to join in the hope that the day of freedom lies close at hand for captive Bulgaria.

SURVEY SHOWS PACKAGING BILL WOULD BOOST FOOD PRICES

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentlewoman from Washington [Mrs. MAY] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. MAY. Mr. Speaker, as I have contended, the proposed Federal packaging legislation which passed the Senate and has been the subject of extensive hearings in the House Committee on Interstate and Foreign Commerce, would result in higher food prices in exchange for very little benefit.

My colleagues, I feel, will be interested in a survey just completed by Modern Packaging magazine, which shows that packagers are opposed to this bill on a number of practical grounds—not the least of which are that it will increase the price consumers pay for packaged goods and that it will decrease consumer choice in the marketplace.

Since I believe this article might well be studied by every Member of Congress, I have asked unanimous consent that it be reprinted at the conclusion of my remarks.

It should be noted that industry—packagers and their suppliers—has already expressed its willingness to clarify any potential areas of consumer deception. This is most evident in the new model State regulation, which was developed by the National Conference on Weights and Measures with the full and enthusiastic participation of the packaging field.

This regulation, which is in force in many States and therefore is binding on any packager which deals in interstate commerce, constitutes the first nationally uniform and nationally enforceable definition of "clear and conspicuous" labeling. It includes a specific table of type sizes for the net-weight statement in relation to the main-panel area of a package, and it provides for definite contrast of the contents statement with the label background. Complaints about illegibility of the contents declaration have constituted the bulk of the "deceptive packaging" problem. I feel that the model State regulation—together with adequate enforcement of existing Federal law—obviates any need for further Federal legislation.

The following, Mr. Speaker, is the article referred to in the October issue of Modern Packaging magazine:

HART BILL: A 'VETO' BY PACKAGERS

(As House hearings proceed, a national survey by Modern Packaging reveals bitter conviction among packagers that pending Federal control would result in higher prices and a sharp cutback in competition.)

The marathon "Fair Packaging & Labeling Act" still is being debated in the U.S. House of Representatives as Modern Packaging goes to press. The prospect of it becoming law this year is uncertain, although Administration backing of "consumer-protective" measures indicates that some form of new packaging legislation is likely.

But there's nothing equivocal about industry opinions of the so-called "Truth in Packaging" bill recently passed by the Senate. In a heavy response to a nationwide mail-questionnaire survey by Modern Packaging, consumer-goods packagers and industry associations are virtually unanimous in attacking the measure as unwarranted Federal control of private enterprise and as a device that would defeat the very purpose it is ostensibly designed to serve: helping consumers make a more rational choice at the point of purchase.

A scant 3 percent of the respondents to our survey say the bill would benefit supermarket shoppers. By contrast, 74 percent say it would lead to higher retail prices, 69 percent say it would limit the variety of products and package sizes available to consumers, 49 percent say it would hamstring packaging innovation and 37 percent say it would reduce competition by driving out of business small companies which depend largely on unique packaging or by eliminating product or package lines which serve a statistically small—but nonetheless significant—minority of consumers (see table on this page).

CONTROL BEGETS CONTROL

Fear that the looming Federal packaging law would serve as the springboard to ever more restrictive regulations is expressed by an overwhelming majority (89 percent) of respondents.

W. H. Frey, president of the Puritan Chemical Co., raps the measure as "simply another extension—and a needless one at that—of the Federal Government's power in regulating business." Veteran designer Robert Sidney Dickens has this warning: "We view this bill as the foot in the door. The foot gets bigger and the door opens wider; therein lies the danger." He echoes the feelings of packager respondents by adding that, "in virtually all cases, present laws cover what the Hart Bill re-covers."

Our survey reveals that packagers are gravely concerned about the dangers inherent in Section 5(c) of the Senate-passed bill, which grants to the Food & Drug Administration and the Federal Trade Commission discretionary authority to promulgate regulations establishing package-size and serving standards, controlling "cents-off" labeling and requiring full disclosure of ingredients on the label.

Even the small minority of respondents who say that there is a need for rectification in these areas point out that legal machinery to achieve it already exists, and that a new law would be needless duplication.

The viewpoint of the majority of packagers is summed up by F. T. Pickerell, marketing coordinator of the Rexall Drug Co.: "Granting Federal agencies further power to regulate without controls from an objective source is frightening. Under the most strict application of uniformity, the tea bag would never have been introduced, unit packaging would be unheard of and millions of dollars in new business would not have been generated."

Development of standards by Federal agencies, says Milan D. Smith, executive vice president of the National Canners Assn., "would retard innovation and imagination in the development and marketing of grocery products, and add measurably to the prices paid by consumers." An anonymous food packager warns that "to empower regulatory agencies to establish package-size standards would ultimately subject the consumer to drab uniformity and would stifle competition."

"VOLUNTARY" RULES: THE ARMY GAME

A subsection which would provide for the voluntary development of such standards by industry under Government supervision is disapproved by a whopping 97 percent of the respondents to our survey. Industry's feelings are capsulized by E. Scott Pattison, manager of the Soap & Detergent Assn.: "The provisions for industry development of 'voluntary' standards do not really permit such freedom—except as it is possible to volunteer the day before you are drafted."

An equally strong reaction comes from George W. Koch, president of the Grocery Mfrs. of America: "It appears that a Federal agency may propose a rigid and restrictive package-size standard simply on a subjective finding that such action will facilitate price-per-unit comparison. The fact is that unwilling manufacturers may be compelled to abandon a number of established size categories which by sales experience have been shown to represent distinct consumer markets."

Several industry representatives also bring up the interesting point that a wet blanket is thrown over competitive enterprise by the bill's requirement that administrative hearing would be necessary to obtain permission for new container designs, shapes and sizes.

Says Aaron S. Yohalem, senior vice president of the Corn Products Co.: "By the time hearings are completed, with the attendant broadcasting of our ideas, all competitive advantages will have been lost; the traditional benefits of being first would be lost." A similar opinion is expressed by Arthur E. Larkin, Jr., executive vice president of General Foods, which has a long record of packaging innovation. Provisions for standards regulations, he says, "would retard further development of convenience foods and further advances in package design which add important consumer values."

STATE LAW OUTLAWED?

Packagers also are solidly ranked, our survey shows, against a provision of the Fair Packaging & Labeling Act which would "supersede any and all laws of the State" which differ from it with regard to packaging and labeling practices.

No less than 87 percent of the respondents predict that this requirement would wreak costly havoc with present labeling standards, since indications are that Federal rules (not yet established in detail) might differ significantly from those of the recently issued Model Regulation on conspicuous labeling, which was developed with industry cooperation by the National Conference on Weights & Measures. The Model Regulation—which has been adopted by the majority of the states and is binding upon any packager who ships across state lines—is the first official national definition of "clear and conspicuous" labeling and includes a table of type sizes for the contents statement in relation to main-panel area (see MP, Aug. '65, p. 114).

Says E. Jerome Webster, Jr., director of member services of the National Assn. of Frozen Food Packers:

The National Conference has done an outstanding job of developing labeling regulations for the states. The authority which the Hart Bill would vest in Federal agencies to invalidate these laws would be disastrous." Rexall's F. T. Pickerell characterizes the Model State Regulation as "fair to both consumers and packagers; it contains all of the practical provisions asked for by thoughtful consumer groups."

It should be noted that packagers replying to our survey agree in principle with certain sections of the Fair Packaging & Labeling Act. For example, 71 percent agree that the net-weight statement should appear parallel to the base of the facing panel of a container, and 54 percent approve the elimination of qualifying words or phrases (such as "jumbo quart") that tend to exaggerate the amount of product in a package.

But even here, packagers point out that if existing Federal laws were adequately enforced, abusive examples would quickly disappear from retail shelves. And 63 percent of the respondents challenge the measure's provision for an "ounces-only" statement of net weight (except for exact units of pounds, pints or quarts) on the ground that state laws require contents to be stated in basic weight units plus fractions thereof. Most packagers agree that the ounces-only provision would be more confusing than helpful. "Is '40 oz.' easier to understand than '2½ lbs.?'," asks one respondent.

In view of the furor over "cents-off" labeling promotions, it is interesting that 94 percent of packagers in our survey defend this practice as a legitimate competitive tool which is controlled adequately by present law. A typical comment is this from William R. Tincher, president of Purex Corp.: "These methods of the producer reaching the consumer directly with price reductions are to the consumer's benefit. If they are outlawed, the consumer is hurt. It is as simple as that. And if they are outlawed, the small or new packager will be hurt far worse than the larger producers—a result diametrically opposed to our antitrust history, philosophy and practice."

DON'T CONFUSE ME WITH FACTS

All of the foregoing observations have been made time and again during the past five years by packaging-field representatives testifying before Senate (and now House) committees. Our survey reveals a general resignation by packagers to the fact that packaging and labeling legislation is recognized in Washington as a sure-fire vote-getter, since it gives the impression that lawmakers are going to bat for the burdened consumer. "Political heroism," one packager calls it.

The president of a major packager of dry foods reflects bitterly that "The general attitude in Washington appears to be: "Don't confuse me with the facts; my mind is already made up'." R. A. Hickman, manager of the U.S. Government Marketing Department at the Dow Chemical Co., says: "The Fair Packaging & Labeling Act charges industry with crimes that do not exist and therefore cannot be defended." And A. H. Funke, vice president of the P. J. Ritter Co., observes that "If we haven't made a dent in Congress now, I doubt if we will at this late date."

HOUSE HEARINGS: SUMMER RERUN

Meantime, in Washington, the House Committee on Interstate & Foreign Commerce has been holding hearings on the Senate-approved Hart Bill (S. 985) and a companion measure (H.R. 15440) introduced by committee chairman Harley O. Staggers (D., W. Va.). They dragged on into late August, generating much heat and little light.

It was largely a case of word-weary packaging representatives coming back (some for the third or fourth time) to restate the defenses and pleas for understanding which they had made at earlier hearings. Government officials also made return visits in favor of new legislation.

For all its repetition, the House hearing did have its sparkling moments. Rep. Catherine May (R., Wash.) attacked the legislation as "legally superfluous, technically inexact and an inflationary time bomb for the American consumer." She said proponents "have obviously tried to exploit what might be described as the average male Congressman's innate terror of organized womanhood."

William C. Battle, president of the Premium Advertising Assn. of America, said the voluntary standards procedures contemplated by the new packaging legislation would be excessively costly to Government and industry and could only be achieved by protracted litigation. A certain result, he added, would be restricted research and development, to the detriment of consumer choice.

The folly of setting package-size standards to facilitate price comparison was illuminated by Harry F. Schroeter, packaging vice president of National Biscuit Co. He pointed out that Nabisco markets 15 varieties of crackers in the same-size carton, even though product weight varies from 8 to 10½ oz. To package them all at 8 oz., he said, a different packaging line would be needed for each product. "Just one such new line requires an investment in plant and equipment of almost $400,000 and a building area of approximately 4,800 square feet."

While it is conceivable that an industry giant could support such an investment, said Edward J. Hekman, president of the Keebler Co., smaller companies would almost surely go under. He added: "I am baffled by the fact that legislators who are concerned about the bigness of some businesses have found it reasonable to support legislation which would lessen the chances for survival of smaller ones."

Government officials appearing in support of the bill included (among others) Secretary of Commerce John T. Connor and Mrs. Esther Peterson, special Presidential assistant for consumer affairs. Secretary Connor argued that the measure would help packagers by assuring that all competitors would have to adhere to high packaging and labeling standards. Mrs. Peterson suggested that the bill would enable packagers "to compete on quality and price . . . rather than irrelevant packaging gimmicks."

A further report on the situation will be carried in a forthcoming issue of Modern Packaging.

LET US ATTACK POLLUTION AT ITS SOURCE

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Robison] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROBISON. Mr. Speaker, when Congress passed the Federal Water Pollution Control Act in 1956, it became irreversibly committed to the herculean task of helping restore America's streams, rivers, and lakes to a level suitable for industrial, agricultural, and recreational use and enjoyment. Congress awakened the country to the imminent dangers and spread of pollution, and activated and stimulated local and State instrumentalities to join with the Federal Government in its attack on the Nation's No. 1 domestic blight. The response to the challenge has been heartening, but the job to be done, the job that must be done, is monumental. For example, it no longer shocks, or awes, or even frightens the Congress to establish, or contemplate establishing, the eventual Federal commitment to the national pollution abatement program at $5 or $6 billion.

I am proud to point to my own State of New York—which under enlightened leadership, is in the vanguard among the States in this vital area—whose citizens, painfully aware of the magnitude of their own pollution problem, voted by an overwhelming 4-to-1 majority to spend $1 billion to return to the people the use of their fresh water resources which are, today, unusable for all too many purposes. Other States are similarly pledging themselves to the restoration of their water resources, and local municipalities have finally given their polluted water the high priority that it must have if we are to eradicate it.

While our pollution abatement efforts to date have been quite encouraging, Mr. Speaker, they simply are not enough.

Our rapidly expanding population and increased industrial and agricultural demand for clean water will place extraordinary burdens on our Nation's total fresh water supply. Since 1900, while our population has tripled, the demand for fresh water has increased eightfold, from 40 billion to 322 billion gallons a day. By 1980, our water needs will be a staggering 600 billion gallons a day, almost twice our present use. Thus the fact that the various levels of government have been spending larger and larger sums of money to clean up our Nation's waterways while not attacking pollution at its source seems, in my judgment, a dangerous gamble, especially in view of our future needs.

By and large the major source of pollution in the United States is industrial pollution. Industrial wastes increased from an equivalent of the sewage discharge of 15 million persons in 1900, to an equivalent of the sewage discharge of 150 million persons in 1960. While municipal sewage discharge increased threefold during those 60 years, industrial sewage discharge increased an amazing tenfold. In 1900, the average daily use of water for industrial purposes was 15 billion gallons. By 1960, it had increased to 159.9 billion gallons per day. By 1980, only 14 years from now, it is estimated to be an amazing 394.2 billion gallons per day.

These staggering statistics give substance to the paradox that the major user of clean water and the major polluter of that water is industry. To be sure, we must rid our waters of the filth that now pollutes them, and we have begun this task quite admirably. But equally as certain, we must actively and positively move to reduce and prevent old and new polluters from accentuating and increasing the burden of present and future abatement facilities.

I hope the bill I am introducing today will be a giant step in providing our Nation's industry with sufficient incentives to construct the necessary pollution control works, thereby making it financially feasible for industry to assume its rightful responsibility in this field. The enormity of the problem involves estimated expenditures by industry in the billions of dollars to construct the sewage treatment works which are required to abate its pollution of America's rivers and streams. We can bring our goal of clean waters to fruition more rapidly if, as I hereby suggest, we give to industry the financial opportunity to build their necessary facilities without heavy financial burdens to them, or later and more indirectly, to the consumer.

We are approaching and confronting the problem of unfit waters in many ways. This is good, and even desirable, for the problem itself is quite complex and enormous—but not, Mr. Speaker, insurmountable. In the first session of this Congress, I introduced legislation that would create a national water resources trust fund within the Treasury, which could be used for water resources research and development. The source of the fund would be the difference between the face value of newly minted coins and the sum of their intrinsic value and cost of minting. This "profit" which, until now, did not exist to any appreciable extent, will amount to approximately $2 billion in the next 2 fiscal years due to the removal of silver from our coins, as provided for in the Coinage Act of 1965.

And now, Mr. Speaker, the bill I am introducing today amends the Internal Revenue Code to provide a tax incentive to industry for the construction of waste treatment works. Under the provisions of my bill, every enterprise, at its election, would be entitled to a deduction with respect to the amortization of the adjusted basis of any treatment work over a period of 5 years. This proposal, I feel, is a much more constructive way to prevent industrial pollution of our waters without being detrimental to the industries themselves than most of the proposals that have come to us from the administration.

The proposal I offer today will make this great domestic liability even less complex, reduce its enormity even further, and give to our Nation's growing industry the opportunity of doing its fair share toward realizing the goal—clean waters—prized by all.

THE PRESIDENT'S CLUB

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. RHODES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, apparently the Johnson-Humphrey administration has decided that the best course to follow regarding the recent disclosures involving the President's Club is to close their eyes, do nothing, and hope that the public will soon forget or at least lose interest until after the coming election. Unfortunately for them, but most fortunately for this country, neither the public nor the press have forgotten. In fact, each day there is new editorial comment regarding this important subject.

For example, in a recent editorial the Christian Science Monitor stated:

> The President's Club raises suspicions of influence peddling and corruption, involving the highest office of the land. However reluctant he may be to give up a lucrative source of party income, President Johnson owes it to the people to preside at the dissolution of this club and to do it now.

In an editorial entitled "Let's Kill Off the President's Club," the Chicago Tribune noted:

> As with the "Thousand-Dollar Club" of President Truman, to which cronies, five per centers, and fixers kicked in, the Johnson "President's Club" is merely an instrument for selling special favors and contracts. Those who "join" it are led to believe that their financial contribution entitles them to a pipe line to the White House.

And in an editorial entitled "Smoke-Filled President's Club," the St. Louis Globe Democrat pointed out:

> As suspicion mounts that the President's Club is a clearing house for influence-peddling, the public has the right to know how much these Democratic party supporters have contributed, who they are, and to hear their statements, under oath. The smoke from the fire is getting pretty thick.

Mr. Speaker, in view of the seriousness of these charges, the people of the United States have a right to know all the facts regarding the President's Club. To date, the individuals and the administration officials involved have volunteered little or no relevant information. What we must have is a thorough investigation by a select committee that will have the power to subpena records and question witnesses. I, therefore, join the minority leader, GERALD R. FORD, in calling for the establishment of such a committee. The longer this investigation is delayed, the greater will be the suspicion and distrust. If the special treatment involving contributors to the President's Club is merely a "coincidence," this, in fairness to all concerned, should be clearly established. On the other hand, if, as it now appears, the "coincidences" establish a pattern of favoritism and special treatment, this must be exposed so that steps may be taken to bring any wrongdoers to justice and the laws relating to political contributions may be strengthened.

Mr. Speaker, I would like to enclose at this point in the RECORD copies of pertinent editorials and columns:

[From the Christian Science Monitor, Sept. 13, 1966]

THE PRESIDENT'S CLUB

Campaign financing continues to be the Achilles' heel of American democracy. Election campaigns in the United States are unbelievably expensive. Parties and candidates are forced to think up clever means to raise the vast sums needed to pay for high-cost campaign advertising. They frequently turn for contributions to sources some of which could conceivably stand to gain substantially from government favoritism.

The opportunities for corruption and the consequent suspicion of corruption can be removed. Political scientists believe that, whatever the difficulties, wise and adequate laws relating to campaign financing can be drafted and enforced.

No one would argue that present laws are in the least adequate. President Johnson submitted a bill to Congress proposing a new law. It would help by requiring more disclosure, encouraging gifts by smaller contributors, and closing some of the present loopholes. Still, it is a bare beginning.

At the same time that this bill would help to reduce dependence on the large contributor, Mr. Johnson is using the President's Club as a device to attract to party coffers gifts of $1,000 or more.

Relying on status appeal, the President's Club has proved to be an unusually successful fund-raising method. And, like the $1,000-a-plate testimonial dinner and the sale of advertisements in slick political brochures at $15,000 a page, it raises suspicions of improprieties. Such practices should have no place in politics.

It is not necessary to adopt Theodore Roosevelt's suggestion that the government pay campaign expenses by appropriating funds directly to the parties. Helpful measures could include: voluntary agreements to limit advertising expenditures, tax incentive programs for the small contributor, laws providing for shorter campaigns, the application of campaign contribution laws to primaries and conventions, the establishment of proper accounting methods, and the disclosing and publicizing of actual contributions and expenditures.

The President's Club raises suspicions of influence peddling and corruption, involving the highest office of the land. However reluctant he may be to give up a lucrative source of party income, President Johnson owes it to the people to preside at the dissolution of this club and to do it now.

[From the St. Louis Globe-Democrat, Sept. 7, 1966]

SMOKE-FILLED PRESIDENT'S CLUB

The sensitive nostrils of Republican Congressmen are getting whiffs of smoke which are leading them to an investigation of the political fire ignited by continued reports of contributions to the President's Club.

Membership in the club, presumably a fund-raising organization is open to those who have contributed at least $1,000 to the Democratic party.

President Johnson was suspect when he recently intervened with Congress seeking restoration of several million dollars which had been cut from Project Mohole, a dubious geological venture into the earth's crust.

The prime contractor and his family had contributed $25,000 to the President's Club.

Matthew McCloskey, long-time Democratic fund-raiser active in the club, was permitted to change his construction firm's bid on a Philadelphia mint building five days after the bidding deadline. His low bid knocked out three competitors.

An engineering firm with no experience in the field was awarded a Job Corps contract over four established firms after its senior vice president had given $2,000 to the club.

Just last week some House Republicans disclosed that three engineering firms in California and Texas were recipients of more than $1,400,000 in contract work for the armed forces.

Is it just coincidence that the firms' officers and their families have contributed at least $30,500 to the club since 1964?

Since one of the officials is a California leaders in the John Birch Society, it is stretching credulity that he donated to the club in the interest of promoting Mr. Johnson's Great Society.

The "preposterous coincidences" as Rep. Rumsfeld of Illinois describes them have prompted House GOP leader Gerald Ford of Michigan to call for a bi-partisan committee investigation.

As suspicion mounts that the President's Club is a clearinghouse for influence-peddling, the public has the right to know how much these Democratic party supporters have contributed, who they are, and to hear their statements, under oath. The smoke from the fire is getting pretty thick.

[From the Chicago Tribune, Sept. 2, 1966]

LET'S KILL OFF THE "PRESIDENT'S CLUB"

The so-called "President's club," consisting of men who have given large sums of money to the Democratic party, has disgraced the Johnson administration just as similar bag operations disgraced previous administrations. It should be disbanded at once.

As with the "Thousand-Dollar club" of President Truman, to which cronies, five per centers, and fixers kicked in, the Johnson "President's club" is merely an instrument for selling special favors and contracts. Those who "join" it are led to believe that their financial contribution entitles them to a pipe line to the White House.

The nation is indebted to Reps. Charles E. Goodell of New York and Donald Rumsfeld of Illinois, both Republicans, for examples of how the club has worked.

They have told us how a senior vice president of Consolidated American Services, Inc., gave $3,000 to the club and to the Democratic party and won a million dollar contract in the anti-poverty war; how the family of George R. Brown of Brown & Root, a long time financial backer of the President, gave $25,000 to the club and how, shortly thereafter, Mr. Johnson asked Congress to give the multimillion dollar Mohole project contract to Brown & Root; how officers of the Anheuser-Busch brewery gave $10,000 and a few days later learned that an antitrust suit against their company had been dropped; and how Charles Luckman, who reportedly gave $17,500 to the club, is sharing a fat contract for the construction of a Veterans administration hospital in California—sharing it, incidentally, with a company headed by a Republican who, according to Goodell, gave $12,000 to the club, and a third company whose head contributed $1,000.

It ought to be the privilege of any American citizen to communicate with the White House and to bid for government contracts on equal and fair terms. Presidents' clubs and the like may be nothing new, but they represent an obvious effort to buy favors [why else would anyone contribute such large amounts?] and are a discredit to our government. An end should be put to this club's operations.

[From the Michigan State Journal, Sept. 4, 1966]

INTEGRITY IN OFFICE ULTIMATE SAFEGUARD

We doubt that President Johnson will heed U.S. Rep. Gerald R. Ford's call for suspension of the operation of the President's Club "without further delay"—or at any other time in the future.

The call was issued by the Grand Rapids congressman and House minority leader at a news conference at which he and other House GOP leaders demanded that the club, which consists of donors of $1,000 or more to the Democratic Party, be disbanded immediately, that a freeze be put on donations and that a bipartisan investigation be made of "political favoritism and skullduggery."

For some time, three House Republicans—Ford of Michigan, and Reps. Charles E. Goodell of New York and Donald Rumsfeld of Illinois—have been calling attention to a series of "coincidences" involving contributors of campaign funds, who, they charge, have received special treatment from the Johnson administration.

Last week, the Republican trio said it has been "convincingly demonstrated in the past six weeks" that contributors to the club are getting preferential treatment from the federal government.

Attention has centered on incidents in which a Justice Department anti-trust suit was dropped against a brewery firm less than a month after two top executives gave $10,000 to the club; a $1 million contract for engineering studies for the anti-poverty program was awarded to a firm shortly after a vice president of the company contributed $2,000 to the club and $1,000 to the Democratic National Committee; and $23,000 was contributed to the President's Club by the board chairman of a firm while Congress was considering an additional appropriation for the Mohole project in which the firm is the prime contractor.

In calling upon Johnson to suspend the operation of the President's Club, Ford said:

"Unfortunately, the two-to-one Democratic majorities in this Congress seem extremely reluctant even to proceed with full-scale hearings on the election reform bill President Johnson himself proposes."

The Michigan congressman said it isn't very realistic to expect that investigations of the "scandals" surrounding the President's Club will be conducted by any of Congress standing committees.

"I therefore call upon the Congress . . . to create a select committee, completely bipartisan, to explore all of the evidence and allegations of favoritism and possible corruption clouding the President's Club to date."

Following the lead of Johnson, White House Press Secretary Bill D. Moyers characterized the charges as typical campaign-year propaganda, saying: "There are always people who will look for the worst and hope for the worst in every coincidence. That's a political fact of life in this town."

It certainly should be a fact of life that government contracts are always awarded strictly on the basis of bids and never on the basis of contributions to the President's Club or any other party organization or individual.

If there is no fire in the smoke currently clouding the President's Club one might expect Johnson to welcome the kind of searching bipartisan investigation asked by Ford and other Republicans.

Even were Johnson to suspend the operation of the club, it would not rule out the possibility of favoritism rewarding those making political contributions.

This would have to depend ultimately upon the character and integrity of those who occupy the nation's highest office and others responsible for the operations of both the executive and legislative branches of government.

[From the Los Angeles Times, Sept. 8, 1966]

CAMPAIGN FUND SITUATION GETS UGLIER AND UGLIER

(By Charles Bartlett)

A Texas Democratic congressman has commented thoughtfully on the revelations regarding the President's Club. "I can't help feeling," said Rep. James Wright, "a sense of embarrassment for the President of the United States, any President, that such a thing as this should have become necessary."

His words echoed a thought expressed by John Kennedy as he paused one Sunday from the rigors of his campaign in October 1960. "I am amazed and outraged as a citizen," he said, "by the type of deals that fatcats try to make with a candidate for President. It is a demeaning experience to be confronted by these propositions day after day."

President Johnson has revealed his own sense of embarrassment by two recent actions. He suddenly fired Clifton Carter, an old friend who had thrown subtlety to the winds in his drive for campaign money as treasurer of the Democratic National Committee. He has put the full weight of the Justice Department behind legislation to improve the regulation of campaign financing. This is a cause for which he had shown no enthusiasm before this year.

The President's embarrassment is apt to grow more acute if the Republicans press their inquiry into Democratic fund-raising because the party's recent methods, devised under Kennedy by a Boston lawyer named Richard Maguire, were not conceived in Sunday school. The essence of Maguire's procedures has been a highly efficient shakedown of individuals and firms who profit from federal dealings.

Dues to the President's Club were basically a tax on the privilege of doing government business. Regular contributors, mostly employees of federally oriented firms, were told by Maguire in 1961 that the Democrats wanted to honor loyalty to the party by creating a club whose members would be invited to White House briefings and perhaps to an occasional state dinner.

The social awards proved to be fleeting—the members quickly became dissatisfied with infrequent opportunities to shake the President's hand or to hear Dean Rusk discourse on foreign policy. But in the days when Maguire and his White House associate, Kenneth O'Donnell, exerted heavy influence in the award of many contracts, the membership card was an important credential.

The fuss over these clubs should not obscure the fact that the seriously venal money in politics is passed around in cash without records. The Democrats' distaste for discussing techniques that go beyond the President's Club was displayed in their refusal to send a responsible witness before the House subcommittee that is holding hearings on campaign finances.

John Bailey, who has had nothing to do with money-raising as chairman of the Democratic National Committee because Maguire and Carter pre-empted the field, refused to appear and no willing spokesman could be found. The articulate general counsel of the Republican National Committee, Fred Scribner Jr. testified at length. The Democrats finally produced a public relations man, Albert Mark, who put on a poor show by disclaiming any serious knowledge of the subject.

The question now is whether the focus of indignation on the President's Club will prompt any serious legislative reforms. The administration's proposal is aimed at securing fuller disclosure of contributions and imposing more explicit and realistic limitations on expenditures.

But most serious giving in politics is done in cash these days—Congressmen and Senators want the substantial money that comes to some of them in Washington from company representatives in cash and in private. No disclosure bill will reveal this kind of money, by far the most sinster kind.

Worse scandals will undoubtedly be necessary to achieve real reforms like legal limits on television expenditures and federal subsidies. But the system as it functions is a guarantee that uglier disclosures, scandals of scope enough to mortify the nation, will eventually emerge.

[From the Chicago Daily News, Sept. 8, 1966]

PRESIDENT'S CLUB PROBE GIVES GOP MORE AMMO

(By Charles Nicodemus)

WASHINGTON.—The GOP has unveiled another fresh spoor it has tracked in the Republicans' continuing safari aimed at killing the Democratic Party's fatted cat—the $1,000-a-member President's Club.

Unfortunately for the GOP, the entire story behind this revelation could not be told.

For a prominent businessman got cold feet after he initially agreed by phone to "fess up" on how he was solicited to contribute thousands of dollars to the club on the promise that he would receive preferential government treatment.

He contributed the cash and got the federal contract he wanted.

Republicans scurried cross-country to get their prize story on tape and in writing—only to find when they arrived that their pigeon had consulted his attorney after he hung up the phone, and had been advised not to talk.

The Republican were outraged and anguished.

Said one, later holding up a thumb and a forefinger about a half-inch apart:

"We came that close to getting this guy to talk. And it would have blown the President's Club wide open."

The exercise was not a total loss, however. Their quarry had done enough talking over the phone to enable the Republicans to build against him a circumstantial case that is being profitably publicized.

This incident is not recited to suggest that all—or even many—contributors to the controversial President's Club ante up their money with the understanding that a lucrative quid pro quo is involved.

But it appears that at least one member did. And—from the other cases of nice things happening to club members that the Republicans have documented—there is a strong suspicion that the total may be more than one.

Just how many more, if any, there are may be more clearly established in upcoming weeks, now that House GOP Leader GERALD FORD has published, in the CONGRESSIONAL RECORD, a sizable portion of the secret President's Club membership list—gleaned laboriously from the filings which the law requires the club to make with the clerks of the House and Senate.

Such publicity generally provokes a rash of fruitful tips for investigation.

What is equally important, however, is that there are serious moral questions about the club's purpose and operation, even if there is no connection between contributions and federal largess.

In the words of presidential intimate Clifton Carter, a recent guiding light of the club, members are assured that—because of their generous contribution—they will have the personal ear of the President or some other top official of the executive branch any time they have a problem.

To contend that the ears of important people are for sale for $1,000—or, conversely, that the big man with the big money is entitled to his government's ear while the little man with little money is not—would seem to be a position that the American system of government could not long tolerate and survive.

CORN REFINERS ASSOCIATION

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the trade association representing the largest user of the American corn crop outside of livestock feed utilization, the wet corn milling industry has recently changed its name from "Corn Industries Research Foundation" to "Corn Refiners Association." In conjunction with this name change the members of the association have adopted a statement of policy which I believe to be unique and which deserves, in my estimation, our congratulations.

In the statement, the members of the industry recognize their responsibility to the farmer and state their intent to undertake an educational program designed to acquaint the public with the contributions made by our Nation's agriculture and to support programs designed to increase the prosperity and stability of the American farmer.

Today the farmer is, all too often, made the scapegoat for inflationary pressures in our economy, to which he has not contributed and over which he has no control. And in this process the American people have forgotten that they owe to the farmer the most abundant food supply at the lowest cost available anywhere in the world. The enormous productive capability of our agricultural economy is the very keystone of our prosperity.

Today, too, we are concerned with the prospect of massive worldwide starvation in the years ahead. If we are to succeed in mobilizing our resources to meet this crisis, the public must be made aware that our most effective weapon is American agricultural abundance and the technology developed and practiced by the American farmer.

It is particularly appropriate, I think, that the first agribusiness group to publicly recognize its responsibility to the farmer and to commit itself to a specific program to develop a greater public understanding of agriculture's role is the Corn Refiners Association.

It is appropriate because the corn refining industry operates at the frontier of utilization of corn, our native and most important grain crop. In utilizing 20 percent of the crop not dedicated to livestock feed, this industry has developed products inconceivable just a few decades ago. Today industry, defense, and medical science among others use products derived from corn in myriad unrecognizable applications.

It is appropriate, too, because the president of the Corn Refiners Association, Robert C. Liebnow has long been recognized as one of the farmer's outstanding business spokesmen. With the adoption of this statement of policy, Mr. Liebenow adds to his record as a progressive agribusiness leader aware of and sensitive to the debt we all owe the American farmer.

I sincerely hope that the action taken by the Corn Refiners Association will encourage other industry groups dependent on agricultural production to cooperate with the farmer and work with him in solving mutual problems. It is only through such cooperation that American agriculture will be able, effectively, to maintain its record in meeting domestic needs and go forward to combat hunger in the world.

WHO IS BEHIND THE RACE RIOTS?

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, Mr. Philip A. McCombs has written an article published in the September 20 edition of National Review which focuses attention on documented facts, statements and charges which surround race riots which have occurred in this Nation.

As many of the Members of Congress may know, Mr. McCombs has been an interesting witness before the House Committee on Un-American Activities and in this article again presents some interesting facts on elements in our country which are actively inciting violent civil disobedience. As he shows, there are differing opinions, but facts and statements which he points out are difficult to refute—to say the least.

I think they are worthy of consideration and order that the article be reprinted here in the RECORD:

WHO IS BEHIND THE RACE RIOTS?

(By Philip A. McCombs)

Are the race riots planned in advance? Evidence now made public suggests that, to an unknown but wide extent, they are: A grand jury in Cleveland investigating the recent violence there has concluded that it was "organized and exploited [by] trained and disciplined professionals . . . [aided by] misguided people, many of whom are avowed believers in violence and extremism, and some of whom are either members of or officers in the Communist Party."

The grand jury's findings are apparently consistent with the individual observations of members of the House of Representatives, which last month passed an amendment to the Civil Rights Bill of 1966 making it a federal crime for a person using facilities of interstate commerce to incite a riot. WILLIAM CRAMER (R., Fla.), who proposed the amendment, said that it was "the result of evidence which supports the contention that this violence is the work, in part, of well trained, outside agitators who come into these communities for the express purpose of inciting violent civil disobedience." The Civil Rights Bill passed the House 259–137; CRAMER's amendment passed along with it, 389–25.

NOT SO, SAYS THE TIMES

On the other hand, there are many who firmly believe that the race riots are *not* planned in advance, for example the *New York Times* (July 31, 1966): "If there is any real evidence of a conspiracy behind the riots . . . it remains hidden. . . . Six *New York Times* reporters who have witnessed one or more riots around the country were of the unanimous opinion that . . . all the racial explosions observed during the last two years seem to have been spontaneous." Attorney General Nicholas Katzenbach seems to agree with this analysis (August 17, 1966, testimony before a Senate subcommittee investigating urban violence): "There is no indication that these riots were planned, controlled, or run by extreme left-wing elements."

Someone is clearly mistaken, but who? Consider some of the evidence:

The grand jury in Cleveland turned up: 1) A young newscaster who had joined the local W.E.B. DuBois Club in order to get a feature story and who testified that "as early as November of last year the Marxist-oriented group had planned racial strife in the Hough area [of Cleveland] to further the aims of socialism." 2) A Negro youth who testified that a 200-member gang, the Black Panthers (launched by the Student Nonviolent Coordinating Committee), laid plans for fire-bombing, sniping and looting; that he saw bombs being made and attended meetings where violence was planned; and that a similar gang operated in Chicago during the riots there. 3) Lewis G. Robinson, director of the JFK House (Jomo Freedom Kenyatta) in Cleveland's Negro district, who was accused by the grand jury of having "indoctrinated" young people "with his own vigorous philosophy of violence"—i.e. running a "school for fire bombers," as Police Chief Richard R. Wagner called it; and who had "pledged reciprocal support to and with the Communist Party of Ohio," 4) Another JFK House leader who was called "an outright exponent of violence . . . and in command of at least one rifle club."

Apart from the findings of the grand jury, the press has here and there noted that: The Nation of Islam (NOI) has paramilitary groups, called Fruit of Islam (FOI), in almost every mosque. . . . The rifle clubs organized by the late Malcolm X have prospered. . . . The armed Deacons for Defense and Justice have spread to many large cities. . . . Super gangs have almost emerged in the cities, the largest of them in Chicago with 1,500 Negro boys armed with bicycle chains, rifles and shotguns as members, and an auxiliary organization of 600 girls.

Another such gang is in Harlem with 1,200 members. . . . In Los Angeles, there are 125 street gangs listed as "potentially danegrous" by the police, who report that the gangs have served as spearheads for rioting mobs and are usually the first to smash store windows and throw Molotov cocktails. . . . 13,500 pistols and revolvers were sold in Los Angeles in 1965, but police say that the figure for this year will reach 30,000. . . . Still unrecovered are 19,000 weapons looted by Negroes during the Watts riots, and police have made several raids on caches of high explosives, submachine guns, antitank guns and mortars. . . . In many cities Black Nationalist groups have been observed undergoing armed drill and field exercises. . . . Agitators who fired mobs in Watts were seen doing the same thing in Chicago. . . . Messages to rioters were actually transmitted in code over a Chicago radio station. . . . RAM (Revolutionary Action Movement), with 1,200 members, has been teaching tactics of terror and sabotage in several Northern cities. . . . The Progressive Labor Party (PLP), which split from the American Communist Party in 1961 in order to go pro-Mao, played a "provocative role" in the 1964 Harlem riots, according to the *Worker;* members made fire bombs and maintained concealed arms for use by a special group in terrorist activity.

TRAINING IN TERRORISM

These facts tend to shed doubt on the assertions of the *Times* and Mr. Katzenbach and to corroborate those of 1) Los Angeles Mayor Sam Yorty, who has claimed that Communists were instrumental in the Watts riots and that "we face urban guerrilla warfare, an absolute plan to burn and sack the city." 2) Cleveland Mayor Ralph Locher, who made a similar claim. 3) Cleveland Safety Director John N. McCormick, who said that "trouble was planned for Cleveland; the pattern here and in other cities is almost identical." 4) Senator FRANK J. LAUSCHE (D., Ohio), who charged that a "national conspiracy executed by experts" was responsible for the riots, that the riot pattern "indicated design and organization [with] centrally managed tactics." 5) The Cleveland grand jury, whose final conclusions were very specific: "It is no casual happenstance or coincidence that those throwing firebombs, or bricks, or bottles, or pillaging or generally engaged in disorder and lawlessless were in the main young people obviously assigned, trained and disciplined in the roles they were to play . . . nor . . . that the overall pattern for firebombing and destruction . . . was so highly selective; that the targets were plainly agreed upon; that certain places were identified to be hit; and that certain other places were similarly spared."

But one needn't rely entirely upon press reports or the findings of public officials. Statements by the extremist groups and individuals are themselves revealing:

Michael Laski, a self-declared member of the Communist Party, said during a press conference a few months ago that "we are leading a proletarian insurrection. . . . We will use violence. . . . The Party is presently engaged in the formation of Peoples Armed Defense groups in the Watts District of Los Angeles. . . . We have been operating and agitating openly in Watts for the past three years."

Robert Williams, a founder of RAM, wrote in 1964 that "the new concept [of revolution] creates conditions that involve the total community, whether they want to be involved or not. . . . During the hours of the day sporadic rioting takes place and massive sniping. Night brings all-out warfare, organized fighting, and unlimited terror against the oppressor and his forces."

RAM's publication *Black America* has said one of the organization's goals is "to present a revolutionary program of national liberation and self-determination for the African captives enslaved in the racist United States of America," and a RAM pamphlet recently distributed in Northern cities recommends as a suitable "poor man's arsenal" the following: "Gasoline fire bombs (Molotov cocktails), lye or acid bombs (made by injecting lye or acid in the metal end of light bulbs). . . ."

The Black Nationalist magazine *Liberator* has said: "We must take our cue from revolutionary spokesmen like Nkrumah, the late Franz Fanon, our martyred brother Malcolm X, and China's Mao Tse-tung. . . . The Afro-American community and our fellow sufferers abroad must, at some juncture, resort to the creation of violence and dispensation of pain."

William Epton, an organizer for the Progressive Labor Party (PLP) in New York, became famous for having shouted in a rally, just an hour before the massive Harlem riots in 1964 broke out, that "[we must] smash this state completely and totally. . . . We're going to have to kill a lot of these cops, a lot of these judges. . . . We'll organize our own militia and our own army."

A recent issue of the PLP magazine *Spark* carried an article entitled, "The Revolt in Watts and the Coming Battle." Centered on one page is a map of Los Angeles showing factory concentrations. Text: "These factories are completely vulnerable and can be shut down with a minimum of preparation, personnel and effort. Once the weakest flank of the enemy is discovered, a million ways will be found to focus the full strength of resistance so that every blow drives straight to his heart."

All this evidence, and more, has been discounted by the *Times*, by Mr. Katzenbach and by others on the grounds that while extremists have "attempted" to incite and direct racial violence, they have been entirely unsuccessful. This encourages the conclusion that the violence results *wholly* from deep social and economic discontents of Negroes, which conclusion in turn encourages public support for social programs, goals, and aspirations of the *Times*, of Mr. Katzenbach, and of others.

Clearly it must be granted that the riots would not have taken place except for the discontent of many Negroes, but it is nevertheless also increasingly clear that "trained and disciplined" revolutionaries—Communists, Black Nationalists and others whose concern with the plight of the Negroes is minor and whose attitude toward them is little more than exploitive—have carefully and systematically heated this discontent to the boiling point and directed the resultant "spontaneous" storm.

REGULATION OF POLLUTANTS FROM DIESEL ENGINES OF BUSES AND TRUCKS

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, as one who has been concerned with pollution problems, air, water, and noise, and expressed concern in this body from time to time with suggestions for ameliorating these assaults on our environment, I recently wrote to the Secretary of Health, Education, and Welfare to ask that standards be set under the authority of the Motor Vehicle Pollution Control Act of 1965 to regulate the emission of pollutants from diesel engines of buses and trucks comparable to those standards which presently exist for the manufacture of new cars.

I am pleased to note that the officials at the Department of Health, Education, and Welfare share my concern and are working on the problem. While not as speedily as one may have hoped, they inform me that they are proceeding diligently.

There follows a copy of my letter of August 31 and the reply from Under Secretary Wilbur J. Cohen of September 20, 1966:

AUGUST 31, 1966.

Hon. JOHN W. GARDNER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: More than ten months ago, on October 20, President Johnson signed into law the Motor Vehicle Air Pollution Control Act to curb the growing pollution of our air by cars, buses, and trucks. As you know, that Act gave you the authority to prescribe standards for the emission of pollutants from new motor vehicles, both domestic and imported.

On December 31 you issued formal notice of the standards to be adopted for application to the manufacture and importation of new gasoline-powered cars and light trucks, beginning with the 1968 model year. Thus far, however, you have failed to set similar standards for emissions from diesel-powered engines.

With the increasing number of passengers traveling by bus and with the growing demand for materials transported by truck, diesel-powered vehicles, which are among the worst polluters of our urban atmospheres, continue to expel more and more noxious fumes and smoke into the air. The failure to include this irritating source of pollution under the control of standards comparable to those you have already established for gasoline-powered vehicles can no longer be sustained.

Each year, Mr. Secretary, the number of buses and trucks crossing New York City's streets, and especially those in my 17th Congressional District in Manhattan, is increasing. Why has the problem of controlling the emissions from these vehicles, currently the source of such widespread discomfort to millions of New Yorkers and other urban dwellers, not yet been adequately researched and resolved under the mandate of the Motor Vehicle Air Pollution Control Act?

This problem must be met and controlled now, Mr. Secretary, for the future promises even further growth in the magnitude of diesel-engine emissions that will make more difficult and expensive the ultimate elimination of this spoiler of our environment.

I strongly urge you, Mr. Secretary, to act now to implement the directive of the Motor Vehicle Air Pollution Control Act to control the emission of pollutants from *all* self-propelled vehicles by establishing standards applicable to diesel-powered vehicles.

Sincerely,
Theodore R. Kupferman,
Member of Congress,
17th Congressional District, New York.

The Under Secretary of Health,
Education and Welfare,
Washington, D.C., September 20, 1966.
Hon. Theodore Kupferman,
House of Representatives,
Washington, D.C.

Dear Mr. Kupferman: We concur completely in the opinions expressed in your August 31 letter to Secretary Gardner regarding the offensiveness of emissions from diesel-powered motor vehicles. A 1957 survey conducted by the Air Pollution Control Association found that smoke and odor from diesels are the preponderant causes of citizens' air pollution complaints—even though diesel vehicles represent only 0.4 per cent of the total vehicles registered in the United States for street and highway operation.

While the initial Federal emission standards are applicable only to gasoline-powered passenger cars and light trucks, the Department of Health, Education, and Welfare is fully aware of the broad directive in the amended Clean Air Act for comprehensive control over motor vehicle emissions. We are proceeding on a planned and accelerated program to control diesel emissions. I would like to apprise you of our activities in that regard.

Nearly four years prior to the enactment of Public Law 89–272, the Public Health Service Division of Air Pollution was conducting, stimulating and supporting appropriate studies on the diesel smoke and odor problem; these efforts have intensified since the President signed Federal motor vehicle pollution control legislation on October 20, 1965. Research is proceeding along the following lines:

1. Determination of the quality and quantity of diesel exhaust under road conditions.
2. Determination of the odoriferous materials in diesel exhaust, so that odor-emission standards may be defined and evaluated objectively.
3. Development of appropriate sampling and analytical techniques.
4. Development of laboratory test cycles to simulate routine vehicle operation and exhaust emissions.
5. Determination statistically of the response of humans to diesel exhaust odors.
6. Evaluation of the effectiveness of electrostatic precipitators, catalytic mufflers, fuels, fuel additives, maintenance, pre-conditioned air charge to cylinders, engine fuel system adjustments and other means for suppressing smoke and reducing or altering odors.

All of these efforts are aimed at the adoption of diesel emission standards to become effective with the 1970 model year. In order to provide sufficient lead-time for the manufacturers, all the above work must be completed and standards adopted no later than December 31, 1967. We have accelerated our studies accordingly.

This Department agrees that it is not in the public interest to permit the diesel nuisance to persist while millions of dollars are being expended to control emissions from gasoline-powered vehicles.

Some urban bus operators use masking agents to render less offensive the odors in diesel exhaust. We object, in principle, to such a procedure because it does not remove the basic cause and, rather than reduce emissions to already overburdened urban atmospheres, new compounds actually are added. We are taking the more basic approach of determining the source of the odor and controlling its emission within acceptable limits.

Most diesel engines, as designed and produced, using a good grade of fuel and properly maintained and operated, are capable of operating with smoke and odor levels that are not offensive to the general public. Federal authority is presently limited to new motor vehicles or engines. A major problem is created after sale, however, because of poor operation and maintenance, low-quality fuel and maladjustments. Neither the engine builder nor the Federal Government presently has control over this aspect, and it appears to be clear that State and local surveillance and enforcement, perhaps coupled with Federal standards for smoke and odor emissions from on-the-road vehicles, will be necessary. This Department has now engaged in developing a system which the States can use to accomplish this surveillance.

Your intense interest and concern regarding air pollution from diesel-powered vehicles are appreciated. I assure you that this Department shares your concern and intends to take necessary action at the earliest practicable time.

Sincerely yours,
Wilbur J. Cohen,
Under Secretary.

INCOME TAX DEDUCTION FOR TEACHERS

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Harsha] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HARSHA. Mr. Speaker, I am introducing a bill to amend the Internal Revenue Code to make it clear that teachers may deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education. I have consistently urged that section 162 of the Internal Revenue Code of 1954—relating to trade or business expenses—should be properly construed to allow a deduction for expenses for education necessary for maintaining and improving employment. Unfortunately, rather than give a broad interpretation to this section through the regulations, the IRS has chosen instead to increasingly narrow its application.

Mr. Speaker, some months ago the Internal Revenue Service of the U.S. Treasury Department published in the Federal Register proposed new regulations that would, in effect, curtail a deduction currently available to this country's most valuable but yet ironically our most unsung and ill-rewarded resource—our teachers. I refer, of course, the proposed Treasury regulation, scheduled to go into effect next January, which would no longer permit our teachers and educators from deducting from their Federal income tax those necessary expenditures incurred in course work or certain educational travel to improve their competency in their profession. In my State of Ohio there is now a critical and most serious shortage of teachers, due primarily to low pay and the lack of other proper incentives to help these worthy and vital people remain in their chosen vocation. This situation in my State has almost approached scandal proportions. I would be gravely remiss in my duties to all the citizens of my nine-county congressional district, if I did not stand up and fight any Federal move that could further exacerbate a most serious situation in my home State.

The bill I introduced today unfortunately will not solve the State of Ohio's major teacher shortage problem. My bill, however, will assure the fact that the Federal Government does nothing to further a most difficult situation that we in Ohio find ourselves in. The bill by force of law will permit teachers to continue to deduct from their income taxes those expenses incurred in course work or certain educational travel vital to their improved professional competency. Enactment of this bill will have the effect of reinstating an Internal Revenue Service policy that from 1958 to the present time has permitted our poorly compensated teachers to make such deductions from their all-too-meager incomes. To me the curtailment of this deduction by our Treasury Department is totally unthinkable.

Our unsung and devoted teachers in every community in the country who use their hard-earned money to increase their knowledge and professional skill must be encouraged by all the means at our command rather than retarded in their professional growth. It is imperative that these most important citizens within our communities, who impart daily their talent and wisdom to our young, be given every opportunity to grow and flourish in their educational attainment. It would be the height of folly to do otherwise. Every incentive must be found to keep these valuable people in their chosen field.

Business deductions are permitted generously for most expenses and I know of no more important business than that of training and developing the thinking of America's youth. Good teachers are one of this Nation's most important needs in order to attain educational excellence.

The Congress must do what it can to encourage those in the teaching profession, and I am hopeful that prompt action will be forthcoming on this legislation.

FEDERAL ANTIRIOT LEGISLATION

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Don H. Clausen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, I am today joining my colleagues, led by the gentleman from Florida [Mr. Cramer], in introducing legislation to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate and foreign commerce where the intent to incite a riot or other violent civil disturbance is in evidence.

The very obvious and principal reason for bringing about this recommendation for legislative action is because the Civil Rights Act of 1966 is apparently dead for the year as indicated by the leadership in the Senate. The contents of this bill were actually included in the civil rights bill and adopted as an amendment, overwhelmingly, when introduced by Mr. Cramer in the House. I supported this amendment at the time and feel equally strong about the need for this type of legislation now.

It seems tragic that in this great land of the free, we have increasing anarchy and a complete lack of respect for established law and order. Whenever problems threatening our security and domestic tranquility arise or are on the increase, we in the lawmaking bodies of this country have the responsibility of offering legislation designed to enact a law that will afford the required amount of protection for our citizens.

The newspapers, radio, and TV news reporting media are filled with riot activities and insurrections that are occurring with increasing frequency. Quite frankly, it is reaching frightening proportions.

While I shall always uphold the right for an individual or group to dissent and to demonstrate peacefully as an expression of their grievances, I would also suggest that along with these inalienable rights, the people have an obligation to act in a responsible manner.

Freedom is not free and everyone must accept the personal commitment to act responsibly if we expect to enjoy the advantages of maximum or total freedom. Regrettably, we have undesireables in our society for which laws must be passed to protect the innocents.

This is the case as I see it now. No one, genuinely familiar with the function and activities of subversive elements, will fail to understand that we live under the constant potential threat of conspiracy. If you doubt this, I would suggest your checking with some of our Nation's domestic security forces. I have and they have convinced me of the need for this type of legislation.

They have advised me of the obviously planned program to incite riots or generally take advantage of controversial situations to perpetrate disorder and chaos. This can be very dangerous and requires our constant vigilance.

Further, I believe it is absolutely essential that we provide our law enforcement officials with the required laws to enforce and enhance our overall security. It is to this end that this bill is directed. I am hopeful we can pass the bill and write it into law before the Congress adjourns. The mere passage of the bill could be a very effective deterrent to increasing disturbances. America must wake up to the planned threats to our domestic security.

THE QUEST FOR PEACE

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from New York [Mr. Halpern], is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I once again want to express my profound concern over the course of the war in Vietnam and the effort to secure an honorable negotiated settlement.

Last week on the floor of this House I spoke of the proposal for an Asian conference which could be a very useful forum to discuss the conflict in terms of achieving an end to the hostilities.

In the wake of Pope Paul's call for peace earlier this week, the United States should persist anew in its efforts to achieve a peaceful solution. In yesterday's press conference, the President was asked his reaction to the Pope's proclamation. He said:

> I am very happy to see the Pope take the interest he has. I want to do everything I can to encourage that interest and to support him in any moves that he makes . . . We are anxious to participate in any negotiations that the aggressors are willing to participate in.

It is my feeling that we should translate rhetoric into a specific practical proposal which will leave no doubt as to our readiness to meet at the conference table, with no preconditions.

The President has repeatedly made clear the Nation's basic commitment to peace. But unfortunately, these well-intentioned expressions have not been convincing to the other combatants and much of the nonalined world.

That is why I feel that instead of constantly repeating our general willingness to negotiate at any time and anywhere, we should set forth a format in specific terms.

Thus far, peace overtures have reached an airy stalemate. The other side persists in rejecting and ridiculing all U.S. pronouncements which express the desire for unconditional discussions.

The world must be convinced that our quest for peace is genuine. This requires that we formulate and present to the other side a specific agenda for the termination of hostilities. If rebuked in this effort, it will be clear that the obstacle to peace is not American policy, but rather the intransigence of Hanoi and the Vietcong.

I was much impressed by the recent proposal of our distinguished colleague from New York [Mr. Tenzer], who in a letter to the President recommended several concrete steps which, if undertaken, could leave little doubt of our sincerity. In effect, the United States would seize the initiative in a very dramatic way, challenging the other belligerents to lay down their arms and confer at a stated time and place. I associate myself with this recommendation and urge the President to consider fulfilling it.

Under the proposal, the President would set a specific date, time, and place for peace talks. At the same time, he would dispatch invitations to all interested parties, including the National Liberation Front, and announce a cessation of bombing to take effect 24 hours in advance of the conference.

Additionally, we would publicly agree to a reciprocal ceasefire, to begin 72 hours following the start of talks, and if effectuated, the Secretary of State shall be prepared to meet his counterparts at the negotiating table.

The agenda will include the American 14 points, the 4 points proclaimed by Hanoi, the 1954 and 1962 Geneva Accords, and any other items arrived at by mutual agreement.

It seems to me that such a concrete proposal, with a step-by-step timetable, could very conceivably lay the groundwork for a negotiated settlement of this conflict. If not, the credibility of U.S. willingness for peace cannot be doubted.

These steps offer a precise formula and I urge my colleagues in this House to join in support of such a plan and prevail upon the administration to evaluate the great impact it could have in the community of nations and pave the way toward the achievement of peace.

WONDERFUL WISCONSIN WEEK

The SPEAKER pro tempore (Mr. McFall). Under previous order of the House, the gentleman from Wisconsin [Mr. Laird] is recognized for 5 minutes.

Mr. LAIRD. Mr. Speaker, this week, from September 18 to 24 is being observed throughout my State of Wisconsin as "Wonderful Wisconsin Week." It is a weeklong promotional program emphasizing the assets and attributes of Wisconsin.

The purpose of this statewide salute to Wisconsin is to call attention to those qualities which have made it a desirable place in which to work, live, and vacation. The program, which was planned by the Wisconsin Chamber of Commerce Executives Association and has the cooperation of many statewide groups, is being conducted through local chambers of commerce and several statewide organizations.

Mr. Speaker, "Wonderful Wisconsin Week" was born from an earlier State effort that culminated in the hour-long film, "We Like it Here" that was produced last fall for the statewide simulcast in December. "Wonderful Wisconsin Week" is a natural successor to the 38-page Fortune magazine article that was published in January 1966. Entitled "Wisconsin—We Like It Here," the $250,000 advertising supplement was hailed around the United States.

Mr. Speaker, the people of Wisconsin are very proud of our State and of its many assets. During "Wonderful Wisconsin Week," there will be activities in every area of the State and while these programs will be promoting the State's assets, it will at the same time be saluting the people engaged in industry, agriculture, education and government who are responsible for making Wisconsin such a desirable place in which to live, work and play.

Mr. Speaker, the symbol of "Wonderful Wisconsin Week" is appropriately chosen. It is the character of "Bucky Badger," that confident, cocky, chesty figure who once was confined solely to sports, but today is used to picture the State's high spirits in a number of fields.

Each day in "Wonderful Wisconsin Week" has its own particular emphasis, with special events lined up to highlight it. Each day will be celebrated in all communities.

Last Sunday was Heritage Day; Monday was Education and Youth Day; Tuesday, Government Day; Wednesday through Friday are Wisconsin-At-Work Days; the week ends with Saturday, Hospitality Day.

Yesterday, today and tomorrow, "Wisconsin at Work" days offer industry and business a rare opportunity. During this time open houses, plant visits, and special displays will be encouraged.

Mr. Speaker, "Wonderful Wisconsin Week" is designed to give a tip of the hat to companies that are expanding and a helping hand to those that are starting; at the same time it offers opportunities to plug Wisconsin products, Wisconsin workmanship, Wisconsin decisionmakers. Our great Governor, Warren Knowles, the State chamber of commerce, and all participating organizations deserve hearty congratulations for bringing a wonderful concept to fruition in "Wonderful Wisconsin Week."

"YEARS OF LIGHTNING, DAY OF DRUMS"

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Minnesota [Mr. Quie] is recognized for 60 minutes.

Mr. QUIE. Mr. Speaker, I rise to speak again today of the showings across the Nation of the John F. Kennedy film, "Years of Lightning, Day of Drums." On September 2, 1966, I wrote to Mr. Roger L. Stevens, Chairman of the Board of Directors of the Kennedy Center, asking for information about the scheduling of the film in 91 theaters in the Nation. At the time I asked why the film was released about the 22d of September, so close to election day on November 8. I wish to place in the Record the letter I received from Mr. Stevens:

John F. Kennedy Center
for the Performing Arts,
Washington, D.C., September 20, 1966.
Hon. Albert Quie,
House of Representatives,
Washington, D.C.

Dear Mr. Quie: I have your letter of September 2, 1966, and have read your comments in the Congressional Record as well as the statements made by other Congressmen and Senators. I feel that everyone is completely justified in their concern with the attempted partisan use of the picture "John F. Kennedy: Years of Lightning, Day of Drums." There has never been any intention on the part of either the Center or Embassy Pictures Corporation that this picture be used for partisan purposes.

Before answering your specific questions, I want to relate the details of the arrangements between the John F. Kennedy Center for the Performing Arts, USIA and Embassy Pictures in order to show that the mandate of Congress is being carried out in a manner consistent with the legislative intent.

The authorizing legislation, P.L. 89–274, was enacted into law on October 20, 1965. It provided for showings of the USIA film "John F. Kennedy: Years of Lightning, Day of Drums" to the American people and for the profits from commercial distribution of the picture to go to the Kennedy Center. At no time did any members of the Board of Trustees of the Center intercede to promote passage of the legislation. While the Trustees had nothing to do with passage of the legislation, they are most grateful to Congress for its providing the opportunity to distribute the film and making the Center the beneficiary.

The officers and trustees of the Kennedy Center have done everything necessary to carry out the authorizing legislation. Chronologically, we made arrangements with USIA and entered into a licensing agreement dated October 21, 1965, with them after the legislation was passed and signed by the President. In accordance with the provisions of the act, we paid to USIA $122,000. This USIA contract, as well as the contract with Embassy Pictures (Dated January 3, 1966), was negotiated by our General Counsel, Ralph E. Becker, and both contracts are available for your examination. Copies of the legislation and reports of the House and Senate Committees were sent by our General Counsel to the legal staff of Embassy Pictures. I should also point out that our General Counsel used as Special Consultant, without fee, the professional services of Honorable Theodore R. Kupferman, who, before serving as one of your Republican colleagues to succeed John Lindsay, Mayor of New York, specialized in motion picture law.

Before the contract was executed with Embassy, I appointed a Special Committee to investigate and determine the best means of placing the film in theaters throughout the country. Mr. Richard Adler, one of our Trustees, was Chairman of the Committee and he used the nationally known agency, Ashley Famous of New York City, which rendered services without fee or expense as a public service. Negotiations were carried on with several motion picture distributing companies to obtain a national outlet with the necessary facilities to make the prints of the film, produce the materials necessary for advertising and bookings, and contact local exhibitors in the customary manner. The Committee recommended to our Executive Committee and the Board of Trustees, that the Embassy offer was the most advantageous to the Center and Embassy was therefore given the exclusive contract for commercial distribution of the film.

QUESTIONS 4 (A), (B) AND (C)

The most important provision of the unique agreement negotiated with Embassy was that Embassy agreed to distribute the picture in the United States for a five year term without profit, waiving its customary distribution fee, advancing to the Center $150,000. Covering the payment by the Center to USIA, and returning to the Center all gross receipts from distribution less direct expenses incurred.

At no time has any motion picture organization to my knowledge made an agreement of this nature, particularly for a documentary film. Embassy Pictures shouldered for the Center an investment of approximately a half million dollars and committed, as an act of public service, itself with the Center as the primary beneficiary. I speak from personal knowledge as well as from the knowledge of members of our Board who are identified with competitors of Embassy in the motion picture industry.

Therefore, a concise response to your fourth question (a), (b) and (c) is that Embassy is to be reimbursed for direct expenses such as the cost of prints and advertisnig incurred in the distribution of the film from gross receipts. Furthermore, Embassy Pictures is to recoup its advancement of $150,000, from gross receipts from the distribution of the film. All gross receipts from distribution in excess of these two amounts will accrue directly to the benefit of the John F. Kennedy Center, strictly in conformity with the provisions of the contract. Mr. Joseph Levine, as President of Embassy Pictures, has no interest in the gross receipts from distribution than does his company.

QUESTION 5

The Trustees of the Center were very much impressed with the background and success of Embassy Pictures and particularly in the advertising techniques and distribution know-how of the firm. There are different approaches in the industry. A picture's premiere may be executed by having a single premiere in one city for a long period of time, or there may be a saturation operation whereby the picture is shown in its premiere en masse across the country. To determine best how to distribute this unique film, Embassy recommended that the Kennedy film be premiered on Easter Sunday at the Lincoln Art Treater in New York City. A "public premiere" was arranged instead of the normal flamboyant premiere, and anyone who wanted to attend the opening could do so at the regular price; no distinction was made between VIPS and the man-on-the street. The film received unanimously high praise from the critics, as evidenced by the enclosed copies of clippings (Exhibit A). After the picture ran for some time at the Lincoln Art Theater, another New York City theater (Cinema 1) exhibited the film.

It was Embassy's decision to gain further experience that the next step would be to open in Chicago and Boston. These openings were carried out on May 4 and May 18 respectively.

I might add, at this point, that Embassy Pictures continuously advised the Center of its advertising program, which was subject to the written approval of the Center. All proposals for advertising, trailers, TV spots, and the like have been submitted to me or my designee for approval during the past months and will be in the future. The contract also provided for the following credit at the end of the picture: "Presented by the John F. Kennedy Center for the Performing Arts through the distribution facilities of Joseph E. Levine," in size of type and prominence in keeping with the dignity of the picture. Advertising credits and titles have been agreed upon by USIA participants, producer, director and others.

It was also provided that the picture will not be distributed with any short subject or any other motion picture without the Center's consent; Embassy agreed to advise each exhibitor of the nature of the agreement and have the exhibitor seek the written consent of the Center before showing the Kennedy film with another motion picture.

The limited exhibition convinced Embassy that an important segment of the potential audience would be students, even more than the usual picture. Consequently, after the openings in New York, Boston, and Chicago, it was planned that further distribution during the summer months would not be advisable for commercial reasons until September. Embassy then contracted with the appropriate theaters geographically for the fall opening.

Election time did not in any way enter into the scheduling of distribution.

In any event, I have been recently told by Embassy Pictures that they have been able to arrange for showings at approximately ninety-one of the thousands of theaters in this country at this time. From September 21 until election time showings at these theaters will be held on different dates.

QUESTION 4 (D) AND (E)

In response to (d) of your fourth question, normally the local exhibitor retains approximately 50 per cent of the gross revenues received during the run of a picture at his theater. Since the authorizing legislation provides that the Kennedy film be distributed through the commercial media, the local exhibitors will retain that portion of the proceeds of the showings which normally and rightfully accrues to them. Embassy Pictures is in a better position to answer this question in detail than I am and we have requested that Mr. Levine furnish you with this information.

In response to (e) of your fourth question, with the exception of the Kennedy Center, and as I have heretofore mentioned, Embassy Pictures and the exhibitors, I know of no other persons or individuals who might receive a share of the gross receipts or gross revenues. Director Bruce Herschensohn, Producer George Stevens, Jr., Narrator Gregory Peck and Writer Gene Evans have all waived their rights to royalties from the picture.

It is, of course, possible that individuals and/or organizations might purchase tickets for either an entire performance or for a block of seats and then resell these seats at a higher price. However, the Center and Embassy Pictures have sought in the past and will continue in the future to avoid sales of tickets in blocks for political fund-raising and other partisan purposes.

Immediately upon receipt of information about the partisan scheduling of the film in Iowa and Wisconsin, I spoke with Mr. Levine, who shared my reaction that we do not want this picture to be exploited directly or indirectly for any political purposes through local exhibitors. Mr. Levine phoned the exhibitors and arrangements were made whereby partisan sponsorship was withdrawn and plans were cancelled. Furthermore, Embassy Pictures sent a telegram (Exhibit B) to all sales managers in the field requesting that exhibitors be told of Embassy's position and that no bookings were to be made by any political groups during the engagement of "Years of Lightning" and any arrangements with such groups were to be immediately cancelled. I am enclosing a copy of the letter sent by Embassy to all theaters now booked for the film, including the Manager of the Strand Theater in York, Pennsylvania (Exhibit C).

Naturally, I regret that there have been a few isolated instances where an exhibitor seemed to be under the impression that he should not deny any group the right to purchase tickets in a block or buy out a theater. As these instances arise, the Center and Embassy have prevented the contemplated partisan use of the Kennedy film. We are now jointly working to prevent such use of the film by a political group at the State Theater in Cuyahoga Falls, Ohio; this situation has just been brought to our attention.

Thus, I am sure that you will agree that I hold the same views toward partisan use of the Kennedy film as Senators Mundt, McGovern, and Miller and Congressmen Adair, Davis, Kupferman, yourself and others who have properly raised the question on the floor of Congress.

OTHER QUESTIONS

Concerning questions one, two and three of your letter, there is certain information which is peculiarly within the knowledge of Embassy Pictures which should be provided to you, and I have asked Mr. Joseph Levine, its President, to give this information to you, including a list of the cities and towns in which the film is presently booked (question one), the number of days or weeks the picture is scheduled to be shown (question two), and a projection of the gross revenues and receipts (question three). However, in light of the background which I have outlined above, I am sure that you can appreciate that it is difficult precisely to estimate future demand for the film. It is now anticipated that the film will be made available to theaters throughout the country for the balance of the year, hopefully during the next four years, until all of the interested theaters have had an opportunity to show it and commercial potential of the film is expended, Embassy will handle commercial distribution.

It is unfortunate that these few isolated instances have arisen at this time, for the John F. Kennedy Center is at the same moment making tremendous strides toward becoming a reality. The general construction contract has been let and the contractor is doing a $41 million project for a fee of only $249,000, which amount includes general overhead and profit. In addition to being the lowest bidder, the contractor is rendering a public service by maintaining his fee at such a low figure—in the same generous spirit as that of Ashley Famous, Embassy Pictures, and the many other business concerns and individuals who have contributed to the Center. The invitations to bid by the sub-contractors have been issued by the contractor, under the direction of the General Services Administration, which serves as our agent for design and construction. We look forward to receiving proposals within the next thirty days. The general contractor is on the job and there is contemplated no delay pending completion of negotiations with the sub-controctors.

Congressman Quie, I hope that the information which I have herewith provided you and any additional information which you may request will satisfy the doubts and questions which members of Congress may have concerning the distribution of "John F. Kennedy: Years of Lightning, Day of Drums." Embassy Pictures, the Center Trustees, and I personally will do everything within our legal powers to prevent the partisan use of the film, and I assure you that we are in complete agreement with you that the film should not be exploited by anyone for such purposes. From the inception of the Center and during the Eisenhower, Kennedy and present Johnson administrations, the Center has been free from any political partisanship and we will continue to maintain our policy of non-partisanship.

Very truly yours,
Roger L. Stevens,
Chairman, Board of Trustees.

P.S.: Since this letter was written my attention has been called to a situation in Dallas, Texas, and according to my present information, though sponsored by a political organization, the picture is being exhibited as a public service and the net proceeds will be used for charitable purposes and not for partisan or political fund raising purposes.

R.L.S.

Mr. Speaker, after a thorough study of the reply and independent investigation, I am satisfied that the Kennedy Center had nothing to do with the unfortunate scheduling of partisan showings of the film in at least four areas, which I have spoken of before on the floor. This cannot be said, however, for Embassy Pictures, who I feel was very negligent.

On the same date I sent a similar letter to the head of Embassy Pictures, who is distributing the film. To this date I have not received a letter from Mr. Joseph E. Levine relative to how much profit, if any, the company or Mr. Levine will gain from the arrangement between Embassy Pictures and the Kennedy Center.

It would appear, however, that Embassy Pictures was not careful enough to warn theater owners not to use the film for political advantage. In the four instances that have come to my attention, it was apparently the local distributor or local theater operator or the local political figure who created the unfortunate incidents.

I have received, however, copies of a letter and telegram issued by Embassy to all theater owners, which appeared in yesterday's Record.

The warning from Embassy did not go out until September 2, 1966, after the issue of partisan showings of the film had been raised by several newspapers.

In my view these unfortunate incidents could have been avoided if Embassy Pictures had made it clear from the start that there would be no partisan use of the film allowed. Certainly Congress made it clear when the whole matter was debated in 1965 that any exhibit in the United States should be nonpartisan. It was regrettable that Embassy Pictures did not emphasize this more when the contracts were signed in the first place with the 91 theaters.

I hope that the revelations of the past weeks will bring the whole matter to an end.

I have nothing against showing this film in the United States. I hope to view it myself. I still believe that a greater effort should have been made to prevent the film being used for political purposes. One would surely expect that after the matter was discussed so thoroughly, when the resolution was before the House, this would never have been permitted to happen.

As I have said before here on the floor, I regret that the nationwide date for distribution was chosen as the end of September. I believe that the date should have been changed until after November 8, election day.

I regret that the administration has still not spoken out publicly on these incidents. A firm stand by the administration at an earlier date, I believe, could have stopped these four attempts before they caused so much doubt to be raised about the "nonpartisan" use of the film about our late President.

HOUSE EDUCATION AND LABOR COMMITTEE LIMITS POWERS OF ITS CHAIRMAN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Alabama [Mr. GLENN ANDREWS] is recognized for 5 minutes.

Mr. GLENN ANDREWS. Mr. Speaker, as a member of the House Education and Labor Committee of this body, I was present at this morning's historic meeting of the committee, and I would like to offer to you, my colleagues, my impressions of what transpired there today. I am proud to have been instrumental in the action which has been taken to limit the powers of the chairman of the Education and Labor Committee.

But the action taken by the committee does not go far enough—POWELL should be investigated by a special congressional committee, and the entire Congress should decide whether or not he should be censured or expelled from Congress. Obviously, the Democrats and certain northern liberals in Congress are afraid to open that can of worms.

Instead, they—and POWELL—have tried to whitewash the entire affair, and hide POWELL in the closet of new rules until after the new Congress is elected in November.

The overwhelming Democrat majority in the entire Congress elected POWELL to his position of power. To protect the integrity of Congress, the full body should now consider stripping him of that power and his right to a seat in Congress.

I urge all Members of the House of Representatives to join me in demanding that Congress immediately take up this major question for consideration by supporting the resolution I have introduced today.

LET'S GIVE OUR TEACHERS THE SUPPORT THEY DESERVE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. WOLFF] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WOLFF. Mr. Speaker, the teaching profession is among the most honorable of callings and is the basis of our society. I for one am hopeful that the status and appeal of the teaching profession among our people, particularly among young people who are considering teaching as a career, will continue to increase. Our teachers must receive compensation commensurate with their contributions to our way of life and the bill I am today introducing, to make deductible from Federal income taxation the expense of further education for teachers including travel expense, is a step in a most worthwhile direction. I commend this legislation to the early consideration of my colleagues.

WAR ON POVERTY IN ST. JOSEPH COUNTY, IND., BEING WAGED EFFECTIVELY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, next week the House is scheduled to begin floor action on the Economic Opportunity Amendments of 1966. One major source of debate is certain to be the community action program, which the Office of Economic Opportunity has made the heart of the Nation's war on poverty.

Community action has, of course, not worked with equal success in all parts of the country, but I am convinced that it has the potential to serve every community—large or small, urban or rural—as an effective focus for antipoverty activities.

In my own district, the community action program is fulfilling this potential. Recently I completed a tour of the 10 programs coordinated by ACTION, the community action agency for St. Joseph County, Ind. I was able to see firsthand the impressive results of outstanding leadership and wholehearted community support for the antipoverty program in South Bend and St. Joseph County.

For example, Mayors Lloyd Allen of South Bend and Margaret Prickett of Mishawaka, both Republicans, have given the same strong support to ACTION that I, a Democrat, have given. Persons representative of every sector of the community—including representatives of those participating in antipoverty programs—are deeply involved in the planning and operation of the war on poverty in St. Joseph County.

I wish to pay particular tribute to Valjean Dickinson, executive director of ACTION, who together with a first-rate board headed by Nathan Levy, has conducted with great skill and dedication the planning and coordination that are essential to a dynamic community action program.

The war on poverty in St. Joseph County also benefits from extraordinarily able direction of the individual antipoverty programs within it. I wish to salute these outstanding program directors: C. Lee Crean, Jr., director of the Small Business Development Center; Conrad Kellenberg, director of the legal services program; Ernest Kovatch, director of Project STEP; Hugh O'Brian, director of the Notre Dame research project; Thomas Riedy, administrative director of Project Headstart; Richard M. Rembold, executive director of the neighborhood study help program; Arnold Solomon, director of the Centro Cristiano de la Communidad; and Richard Thompson, director of Project Upward Bound.

The South Bend Tribune, the major daily newspaper in St. Joseph County, has chronicled the progress of this drive against poverty in a first-rate series of articles on the many antipoverty programs coordinated by ACTION. I commend these articles to my colleagues as evidence of what the community action program—given outstanding leadership and support—is capable of accomplishing in communities across the country.

Under unanimous consent, I insert these excellent articles in the RECORD:

[From the South Bend (Ind.) Tribune, Mar. 20, 1966]

ACTION HEADS COUNTY WAR ON POVERTY—ST. JOSEPH GETS $1,581,844 FUND SINCE AUGUST 1964

(By Beverly Welsh)

Armed with more than $1.5 million in federal funds provided through the Economic Opportunity Act, St. Joseph County has formed ranks to wage its "hometown" front in the war on poverty.

Since August, 1964, when President Johnson signed the Act into law, grants totaling $1,581,844 have been channeled into the county to date to finance 90 per cent of programs aimed at attacking hard-core poverty at its roots.

Another $725,860 is awaiting approval which could push the county's total in federal grants to more than $2.3 million.

The county grants approved and awaiting approval by the Federal Office of Economic Opportunity in Washington represent .1 per cent of an estimated $2.3 billion in poverty spending on the national level.

GET CONTRIBUTIONS

In addition to the federal funding, the county programs are supported by at least 10 per cent as in-kind contributions.

Designed originally to phase down the level of federal assistance, the Economic Opportunity Act was amended in 1965 to authorize the continuance of 90 per cent federal aid through fiscal 1967.

The 1965 amendments to the Act also authorized the continuance of appropriations through fiscal 1967 on a Title-to-Title basis.

If the existent and proposed county programs are continued into another fiscal year, the spending conceivably could equal that of fiscal 1966.

When the Act was signed by the President on Aug. 20 less than two years ago, it was announced that the purpose of the legislation was to mobilize the human and financial resources of the nation to combat poverty in the United States.

ESTABLISHES OFFICE

Among other things, the Act established the Office of Economic Opportunity in the Executive Office of the President with responsibility for co-ordinating the poverty-related programs of all federal agencies.

St. Joseph County rallied to the call to attack poverty at its roots on Aug. 24, 1964, when Mayors Lloyd M. Allen and Margaret Prickett appointed a committee to co-ordinate local participation under the new Act.

The purpose of this committee was to determine if the community needed a new overall plan to join the war on poverty.

PROVIDES ASSISTANCE

In addition, United Community Services of St. Joseph County, was asked to provide the new committee with research and technical assistance in areas involving problems of social welfare.

From that first committee evolved the organization known as the Action Committee to Improve Opportunity Now (ACTION), Inc.

ACTION, headed by Valjean Dickinson as executive director, is governed by a board of directors comprised of 26 members from community organizations and 10 community-at-large members.

The constitution of ACTION provides for additional representation if it is determined that this representation is desirable or needed.

During the first year of the community's phase of the war on poverty, ACTION has been charged with the administration of poverty planning, neighborhood organization, program development and the development of financial resources to provide local shares for projected programs.

GROUPS REPRESENTED

Organizations represented on the ACTION board of directors include National Assn. for the Advancement of Colored People; United Negro Council; Urban League; Negro Ministerial Alliance; United Community Service; Township Trustees Assn.; Jewish Community Council; organized labor; Catholic Diocese of Fort Wayne-South Bend.

Also—Human Relations Council; community school corporations; county Department of Public Welfare; South Bend Common Council; Mishawaka Common Council; St. Joseph County Commissioners; county Council of Churches; St. Mary's College; Bethel College; University of Notre Dame; South Bend-Mishawaka Campus of Indiana University;

Also—LaSalle Park Neighborhood Council; Clay Twp. Neighborhood Council; Northeast Side Neighborhood Council; West Washington Assn., and Southeast Side Neighborhood Council.

How many poor are there in St. Joseph County?

Local poverty leaders, using a 1960 census of population of 238,614, have determined that there are approximately 3,096 families with an income of $2,000 to $3,000 a year; 2,437 with an income of $1,000 to $2,000, and 1,517 with less than $1,000 a year.

COSTS ARE LISTED

What are the lines formed to attack poverty? What is it costing?

ACTION, Inc., plan and develop commmunity action programs, $114,160 (fiscal 1966), including $45,000 poverty survey to determine neighborhood composition and needs.

Medicare Alert, inform the elderly of the new provisions of the Social Security Act, $6,236 (3-month project ending mid-April).

Neighborhood Study Help Program, tutor 600 disadvantaged junior and senior high school students who are failing or underachieving, $83,359 (one year to February, 1967).

Legal Aid and Legal Education, provide competent legal counsel for at least 3,000 poor annually. Train in a practical way law students and others to deal more effectively with problems of the poor, $101,755 (one year to March, 1967).

Small Business Development Center, provide management training and financial assistance to low-income, owner-operators and potential owner-operators of small businesses, $43,210 (fiscal 1966).

HEAD START PROGRAM

Head Start, pre-kindergarten training to assist disadvantaged children to adjust to school, $13,275 (8-week summer program in 1965 enrolling 90 children). A $64,715 program enrolling 520 children July 1 through Aug. 26 approved by ACTION board for application of federal funds.

STEP (South Bend Training for Employment Program), first major program for county under the EOA. Designed by South Bend Community School Corp. in co-operation with other school districts to offer vocational guidance, supervised work and marketable training to 420–500 youth 16–21, $703,026 (fiscal 1966). A budget of $659,613 is proposed for fiscal 1967.

Centro Cristiano de la Communidad, plan and develop program for Spanish-speaking migrants, $47,568 (fiscal 1966).

PAC (Program for the Advancement of Capabilities), pilot program to train potential migrant leaders to assist fellow workers, $85,210 (two, 12-week sessions enrolling about 80 participants.)

REMEDIAL INSTRUCTION

Non-curricular Remedial Program, provide instruction in language, reading, arithmetic and writing to Spanish-speaking migrants, $51,690 (July 15 to Aug. 27, 1966, enrolling 280 children 3–14). Expenditures for program totaled $5,000, leaving a surplus of $46,690.

Work-Study Program, finance cost of part time employment and permit students from low-income families to enter upon or continue higher education. University of Notre Dame, $27,447 (fiscal 1966). St. Mary's College, $17,286 (fiscal 1966).

Research Grant, ($287,622), first of its kind in the nation to finance study by University of Notre Dame to determine what community welfare and other agencies are doing to motivate a poverty "break-out" and to assist in the development of more effective programs.

Upward Bound, provide pre-college counseling to 80 eighth and 10th grade girls and boys from socially disadvantaged homes while in summer residency at Notre Dame and St. Mary's College, $66,222.67 (Notre Dame, 6 weeks, 1966, plus follow-up September, 1966 to June, 1967); $27,025 (St. Mary's, four weeks 1966, plus academic year follow-up).

[From the South Bend (Ind.) Tribune, Aug. 18, 1966]

STUDY HELP PRAISED HERE—EVALUATION CITES IMPROVEMENT OF VERBAL SKILLS

(By Beverly Welsh)

"Success beyond our expectations" is the evaluation given the Neighborhood Study Help Program summer project by Richard Rembold, program director.

Rembold explained his evaluation was based on the words and actions of the people in the program—"the advisers, the tutors, and most of all the children themselves."

He cited a marked change in verbal skills of the children as probably one of the most unexpected successes.

A pilot project initiated by the Neighborhood Study Help Program, it was conducted on an experimental basis to provide answers which could be determined only by actual experience of summer study help and cultural enrichment for less-advantaged children.

For the 181 neighborhood children enrolled in the project, 40 days of study, play, trips and flying will end Friday.

MONEY FROM BUDGET

The summer experiment was financed from the NSHP 1966 fiscal budget. NSHP was funded in March for one year with $83,359 by the Federal Office of Economic Opportunity.

While the summer comes to an end for the children, the NSHP director and his staff will be working on the academic year phase of the program which is scheduled to reopen in 20 centers the second week in October. Rembold said in excess of 500 children are expected to be enrolled in the fall program.

Neighborhood Study Help was founded in November 1963, when the first center was opened in the First AME Zion Church as the result of co-ordination between students from the University of Notre Dame and the local chapter of the NAACP.

It is the hope of the program staff that the summer phase will be continued.

Mrs. James Glaes, program co-ordinator, described the summer program as a "healthy mixup of people . . . a people meeting people type program."

PREFERS READING

Rembold said the reception given the reading portion of the program was sharply focused when one of the slower children announced he would rather read than join the others in games.

Art and music in the summer project provided information about co-ordination, perception and emotions, according to Rembold.

The advisers and volunteers at each of the six summer centers all remarked about the improvement of verbal skills of the children. It was the aggregate opinion of the volunteers that they learned more than the children by becoming more aware of the problems within the South Bend community.

Between 90 and 100 volunteers worked in the summer program, including 10 nuns from St. Mary's College, all qualified reading teachers.

"The nuns had a choice of working in the Appalachia project or ours, and chose ours," said Rembold.

CENTERS EQUIPPED

Each of the centers was provided with a variety of equipment and supplies to assist the advisers and volunteers in teaching attribute skills, according to Mrs. Glaes.

Listing some of the activities, Mrs. Glaes said there was reading (from books referred by Human Relations Council), field trips, visits to private homes and daily trips in an airplane so the children could see South Bend from the air and use the ground to air radio.

Groups of 10 to 20 children at times, 30 sometimes and sometimes only five, visited homes in the area for picnics, swimming and morning or afternoon refreshments.

The rapport achieved between the children and the "home hosts" was typified by one particular visit which ended on first-name terms, according to Mrs. Glaes.

Transportation was probably the only problem which arose, but that was solved when the South Bend Community School Corp. came to the rescue with school buses, said Rembold.

In addition to the art, music and other activities, Luther Bellinger of the South Bend Community School Corp. conducted a workshop in modern mathematics.

An official evaluation of the summer project is being made by the Sociology Department of the University of Notre Dame, utilizing taped interviews made with the center advisers and hosts.

The NSHP staff has available for community viewing photographic slides showing the activities of the summer at the various center.

All of the children enrolled in the project participated in a special program, "Around the States in 40 Days," presented Wednesday night in the auditorium of the South Bend Public Library.

As an anti-climax to what has been described as a "successful" venture, the children from the centers will be guests this weekend at a circus.

UPWARD BOUND RESULTS GOOD

(By Roger Birdsell)

Society's potential losers can be "turned on" but it takes a lot of personal attention—and a lot of money.

The "turned on" phrase was used by Dr. Richard J. Thompson in assessing the strikingly good results obtained this summer in the University of Notre Dame's first Upward Bound Program.

Fifty high school boys handicapped by poverty lived, ate, studied and played this summer at Notre Dame. For the first time, Thompson remarked, "they were exposed to the affluence of an affluent society."

Upward Bound is a national program sponsored and financed by the U.S. Office of Economic Opportunity as part of its "war on poverty."

The goal is to motivate teenagers disadvantaged by poverty to succeed in their high school work and aspire toward college. Notre Dame was given $72,490 to make the attempt with 50 boys.

COUNSELORS SELECT BOYS

High school counselors were asked to help select boys with a potential for college work of a type who "nearly everybody thinks is a loser" on the basis of their high school records.

Ninety per cent of those selected had to meet a family income test required by law. The test established an income ceiling of $1,500 a year for the first person in the family and an additional $500 for every other member of the family.

Parental consent for participation was required. Of the 50 finally selected, 16 came from Riley High School, seven each from Washington and Central, nine from LaSalle, three from Mishawaka, six from Penn and one each from Marian and North Liberty.

Every effort was made to give the boys a sense of college life. They were housed in Lyons Hall on the campus and ate in the South Dining Hall.

During the mornings, they took courses in English and mathematics. While the course content was geared to the secondary level, the class atmosphere sought to duplicate that of the college seminar.

STUDY ART, MUSIC

During the afternoons, the boys engaged in physical education and developmental reading activities. They were also given the opportunity to take lessons in art or music appreciation.

A number of field trips were scheduled and varied in content from a Chicago Bears professional football scrimmage, to a professional summer stock theater performance, to a lecture tour of the Notre Dame Radiation Research Laboratory.

The seven-week summer program ended with a banquet in the Morris Inn Thursday, and Thompson, the program director, said "You'd have thought it was just another Notre Dame student function."

The program staff would not have predicted such a situation at the start. Indeed, everyone was braced for some reasonably serious disciplinary problems.

None developed. The staff gives a good deal of the credit to the boys themselves. "These boys were very conscious of the impression they would make," Thompson remarked. "They knew the future of Upward Bound on this campus depended on them."

NOTRE DAME STUDENTS HELP

The other major factor appears to have been the 12 Notre Dame students who served as counselors, living in the dormitory with the younger boys, eating with them, playing with them and helping with their studies if asked.

"As far as I am concerned, the counselors made the whole thing go," Dr. Donald C. Sniegowski stated. Sniegowski, an assistant professor of English, taught one of the English sections in the program.

Sniegowski said the Notre Dame students were the primary source of "values" for the high school boys. Treating the boys as equals, the Notre Dame men nonetheless acted as goal-models, Thompson remarked.

Thompson, a philosophy teacher and assistant dean of the general program at Notre Dame, said the counselors served as "middle-class informants." Among other things, he noted, they showed "that desires do not have to be filled immediately but can be postponed as goals toward which to work."

So important are the counselors considered, they are being asked to continue their association with the high school boys this coming year, visiting in their homes and encouraging the positive development started this summer.

EFFORT CONTINUES

The continuing program in the coming school year is a matter of deep concern to Thompson. "Undoubtedly, there will be problems of adjustment as these boys go back to their old environments," he remarked.

Adjustment without loss will be assisted, however, by the general support for the program received from the parents of the boys, Thompson said.

Reports on summer progress are being sent to the high school counselors, and Dr. Eldon Ruff, director of guidance for the South Bend Community School Corp., has agreed to take an active role in the follow-up program. Luther Bellinger, co-ordinator of mathematics for the system who taught in the summer program, will also assist in the follow-up.

The Notre Dame connection will be maintained by inviting the 50 boys back to the campus occasionally during the school year for selected events.

Hopefully, Thompson said, the Notre Dame program will be funded next year to bring the original group back for a second summer on campus while starting a new group in the same cycle.

There is no doubt the original 50 made academic progress this summer. Sniegowski estimated about three of his English students exceeded expectations, about 12 reached desired levels of achievement and about three fell below expectations. Thompson said this pattern of achievement was typical.

FAITH IN SELVES

The staff learned, somewhat to their surprise, that boys deprived by poverty do not consider themselves the victims of society. "Most of them believe they can affect their own futures," Sniegowski said.

Other traits shared by most of the boys were said to be a strong sense of morality and intense loyalty to a close personal friend.

With 12 instructors, 12 counselors, a director and an assistant director, John Kromkowski, Upward Bound achieved a staff-student ratio of better than 1-2.

This is expensive education—about $1,600 per student for the first year when the Notre Dame contribution of 10 percent of the total is added to the federal money—but the results are impressive.

All of the 50 boys, including three who had dropped out, will be going to high school this coming year, most of them as juniors. Many are now aiming at a college career.

As one boy wrote last week, "It (the program) has gotten me back into school. Before I wasn't interested in school. Now I want to go back to school and then go to college."

MIGRANT CHILDREN GET HELP

(By Beverly Welsh)

A yellow school bus draws to a stop and a group of children joins those already aboard to begin another summer day in a schoolhouse or church.

These are the children of families who have come to St. Joseph County from the Southwest's Rio Grande Valley to tend and harvest the farm crops.

Three buses shuttle back and forth daily from the various farms to Greene School and Sumption Prairie Methodist Church on Roosevelt Rd. to transport about 180 children, most of them Spanish-speaking, who are enrolled in three summer projects financed with Federal Office of Economic Opportunity anti-poverty funds.

About 100 in the first through eighth grades attend an 8-week Non-Curricular Remedial Education School funded for $20,880. Fifty pre-school children are enrolled in a Child Care Education and Service Program funded for $12,696. Another 30 infants and toddlers, up to three years, are enrolled in a second Child Care Education and Service Program funded for $17,391.

ALL THREE SUPERVISED

All three programs are supervised by the county's Centro Cristiano de la Communidad, the agency designated to help migrant labor families.

Funds for the operation of the programs are provided under Title III-B of the Economic Opportunity Act (1964), and are channeled through the Associated Migrant Opportunity Services (AMOS), Inc., the Indiana state agency charged with co-ordinating migrant service programs under the act.

Arnold Solomon, executive director of Centro, described a typical day in the remedial school.

He said the program schedule basically offers an hour of indoor or outdoor recreation, an hour of art and music and several hours of training in the language arts. A hot lunch and snacks are provided, and sometimes breakfast.

For the younger children, the day is similar, except there are naps and games geared to the age group to help teach language—and, in the case of babies, there are regular feedings of formula prepared under the supervision of a registered nurse.

The Child Care Education and Service Centers are licensed by the Indiana Department of Public Welfare in co-operation with the Indiana State Fire Marshal's office and the Indiana State Board of Health.

COTS PROVIDED

Cots for napping are provided in compliance with federal regulations and the nursery, with its cribs and supplies for infants, are kept "hospital clean," according to Reynaldo Hernandez, Centro's co-ordinator for all services and in-service training for migrant youth.

Greene School which houses the Remedial School and the center for pre-school children is provided rent-free by the South Bend Community School Corp.

The church which houses the center for infants and toddlers also is provided rent-free. Rev. Dewey Findley, the pastor, is a member of the Centro board of directors.

In addition to these "in-kind" contributions, surplus commodities are used to supplement the food program, according to Solomon.

He pointed out, however, that Centro has the financial responsibility of building maintenance and any additional custodial services.

The remedial school is in its second summer of operation. Last summer the program was funded for $51,690, but used only $5,000 leaving a surplus which went back into the general state fund.

WILL HAVE SURPLUS

Solomon pointed out that probably all funds would not be used this year and the programs would end with surplus funds.

Both the pre-school and infant-toddler centers are new programs this summer for Centro.

Donald Wilson, a member of the Greene School teaching staff, is serving as the principal of the remedial summer school. His staff includes Mrs. Gloria Regier, first grade; Elmer Regier, second grade; George Schmidt, third grade; Miss Dolores Holcomb, fourth and fifth grades; Mrs. Patricia Burns, sixth-eighth grades; Mrs. Mary Louise Coleman, art and music, and Frank Freeman, health and recreation.

The center for pre-school children is under the direction of Miss Virginia Robinson, supervisor of pre-school programs sponsored by the South Bend YWCA. Her assistant is Miss Janet Pence, student teacher.

Miss Beverly Peterson, R.N., is the director of the infant-toddler center. Her assistant is Mrs. Linda Burress.

Mrs. Margaret Horn, Greene School lunchroom supervisor, designed and is director for the food service program. Assisting her are Mrs. Florence Kurzhal and Mrs. Helen Floran, cooks at Greene.

Their portion of the over-all program includes the training of migrant mothers and youth aides in the art of institutional food services.

In addition to the professional staff, the school and center employs the services of about 19 migrant aides and about 14 aides from the STEP Program of the South Bend Community School Corp.

Solomon said the migrant aides receive a stipend of $50 a week. The STEP aides receive $1.25 an hour for a 30-hour week.

HAD PHYSICALS

Prior to the opening of the school and centers the end of June, more than 100 children were given complete physical and dental examinations through the co-operation of Dr. Rafael Rabasa, Dr. Bernard Levatin and Dr. Bernard Nevel. They were assisted by the school professional staff and the in-service trainees.

A visitor to the school of centers will find happy, well adjusted children.

Meanwhile, Solomon pointed out, the parents have the security of knowing the children are getting professional supervision while they work in the fields.

The happiness of the children is reflected in the bright art objects made from milk cartons and assorted sections of The Tribune, as well as in the eager participation in learning and playing.

Official tours of the project are encouraged by Centro, said Solomon, adding that arrangements may be made by calling Reynaldo Hernandez at the Centro headquarters, 2910 Western Ave.

"CENTRO" HELPS MIGRANT OWN OIL STATION

(By Beverly Welsh)

Jose Solis, 28, of 725½ S. Fellows St., is proof that in the United States there is equal opportunity for anyone who seeks it.

A year ago, Solis was working in a Plymouth pickle processing plant for $1.35 an hour.

Today, he is buying his own service station at 4215 S. Michigan St., and is a registered voter.

This new found independence is due in part to the co-ordinated efforts of Centro Cristiano de la Communidad and the Small Business Development Center, components of St. Joseph County's community action program against poverty.

MOVES FROM TEXAS

Solis, who is married and the father of two pre-school children, came to South Bend last October with his family from Weslaco, Tex., in the Rio Grande Valley.

Little did he know then he would be leaving the migrant labor stream of which he had been a part for 20 of his 28 years to begin a new life.

Solis was one of 26 Spanish-speaking people who stayed after the farm crop harvests to enroll in an experimental project for migrants, Program for the Advancement of Capabilities (PAC), initiated by Centro.

He was taught conversational English, American history, community organization, government and social studies, and also attended a four-week lecture series on civil rights and legal procedures and problems offered by the University of Notre Dame.

Arnold L. Solomon, executive director of Centro, said he believed that Solis' involvement in PAC influenced his decision to go into business for himself.

With the help of Thomas A. Bolden Jr., financial assistance co-ordinator for the Small Business Development Center, Solis made application in April for an Equal Opportunity loan through the Small Business Administration.

The loan approved for the purchase of a service station on a 10-year note, Solis then attended a seven-week training course to learn the business.

A few days ago he opened the doors of his service station as the first migrant laborer to receive an Equal Opportunity Loan in St. Joseph County.

How does Solis feel? "It is a great opportunity to be on my own."

He knows the risks of business, but is willing to face the risks. He won't face them alone. One of the services offered by the Small Business Development Center is the assistance of a qualified counselor to help him with any problems which may arise.

His wife, meanwhile, serves as a community aide for Centro, teaching sewing, consumer economics and English at farm labor camps in St. Joseph and Marshall counties.

STEP IS SUCCESSFUL HERE IN WORK WITH DISADVANTAGED

(By Roger Birdsell)

STEP, the federally-supported community program for economically disadvantaged older youth, is seen as "a successful venture" after the first year of operation.

"Many young people have been given opportunities to improve themselves educationally, vocationally and personally," Dr. Eldo E. Ruff, director, concluded in the first annual report.

These opportunities were grasped with "eagerness" in many cases, less quickly in others and not at all by a small minority, Ruff stated.

Operated by the South Bend Community School Corp. under the Neighborhood Youth Corps provisions of the Economic Opportunity Act, STEP completed its first year of operation at the end of May.

The conclusions of its effectiveness are based largely on two special studies, one a followup of what happened to 270 youths who left the program and a more intensive study of 15 students enrolled in May, about 5 per cent of the total then enrolled.

AID 16 TO 22 GROUP

The purposes of STEP are to give low income youths between 16 and 22 "a chance to complete their education, acquire good work habits and attitudes, develop a good work record, obtain remedial instruction if needed, learn the skills of occupations where workers are in demand, receive full time job placement, become more financially independent and receive intensive counseling and guidance.

To achieve these purposes, youths are given guidance and counseling, jobs with pay in public and non-profit private agencies and the opportunity to complete their high school education or some other training.

In the follow-up study the 306 youths who had left the program before May 1 were sought for questioning, with 270 responding. The others had moved or could not be contacted.

Of the 306 who left, 35 per cent did so because they had other jobs or promises of other jobs immediately. Twelve per cent moved from the area and 10 per cent were declared ineligible, nearly all because of a change in family income status which made them ineligible under the law.

Thirteen per cent "left the program voluntarily because they felt that they could not respond to or were not interested in the training offered."

FEW DISMISSED

Three per cent, eight individuals, were dismissed for misconduct and represented, Ruff said, "a hard-core group that could not be helped by the program."

Other reasons for termination were further education or training, 8 per cent; press of regular school activities, 6 per cent; no available STEP job, 3 per cent; enlistment in armed forces, 3 per cent; pregnancy, 3 per cent and other, 4 per cent.

The questionnaires answered by 270 of those who had left showed that 35 per cent were still in high school and 4 per cent had gone on to college.

Classified as "drop outs" were 43 per cent who had not yet completed high school. The remaining 22 per cent were high school graduates in the program last summer. STEP regulations have changed, and it is no longer possible to enroll high school graduates.

Questioned on their employment status, 25 per cent were working full time and 16 per cent part time. Another 33 per cent were looking for jobs, and 11 per cent were not working and not looking for jobs. The armed forces, marriage and other reasons accounted for the balance.

SOME PAID MORE

More than half of those employed said they were receiving an hourly wage in excess of what they received for their STEP jobs. The not-working group included many in school who planned summer employment.

Asked if their present jobs related to their life goals, nearly half said "not at all." However, 77 per cent said they were at least reasonably well satisfied with their jobs.

"It appears," Ruff commented, "that many of these individuals are working in jobs that are of a different type than those that they hope to have eventually, but these jobs are of the kind the individuals would expect or accept for the time being.

"This implies that many are being realistic in their views of job possibilities relative to their capabilities."

Asked how they found their first job after leaving STEP, only 17 per cent said it was through STEP. Ruff noted, however, that the program policy was to encourage youths to go out and seek employment as much on their own as possible.

STAFF AIDED JOB SEARCH

The STEP staff actively sought out potential job openings for which youths enrolled could apply. During the year, this activity resulted in 160 probable jobs with 134 employers, Ruff reported.

"In response to the question of how STEP was helpful other than providing an income, the greatest number reported they improved in 'assuming responsibilities.' This was followed by the category 'getting along with others.'

"Considering the indifferent and somewhat hostile attitudes of many of the enrollees, there was probably greater room for improvement in these two categories."

In the more intensive study of 15 enrollees during May, the students were asked if they felt STEP had any influence on their feelings toward home, education or work.

"Over three fourths stated they felt there had been a change. Many defined this change as growth toward maturity. Thirty six per cent indicated their vocational plans have changed since being enrolled."

As an indication of this sense of maturity, Ruff noted that 80 per cent had savings accounts averaging $152 and 33 per cent had established credit at local retail stores through charge accounts.

PARENTS SEE IMPROVEMENT

Parents of the intensive study group were interviewed and almost all saw a change for the better in their child as a result of STEP. However parents indicated a lack of full understanding of the program objectives and a desire for more contact with STEP counselors.

Work supervisors with agencies providing jobs for STEP enrollees were queried in the intensive study. Among other things "78 per cent noted a positive change in work attitude, attendance, assuming responsibilities, initiative and getting along with others."

STEP officials have received federal funding through this summer and are now in the process of requesting $469,890 to extend the program through the summer of 1967 from the U.S. Department of Labor, which administers the national program.

Operationally, the program has settled down to about 300 "in-school" youths and 100 "out-of-school" youths at any one time. The in or out of school designation is also used in the assignment of funds.

Ruff has left the STEP program to resume his position as director of guidance for the school system. Ernest Kovatch, who has been operations assistant director, is now director of STEP. His old assistant post is eliminated. The program has seven counselors, three work coordinators and a clerical staff.

REASON TO BE SOUGHT FOR 2,000 JOBLESS

(By Beverly Welsh)

A survey of St. Joseph County to determine why an estimated 2,000 unemployed adults are not employed was ordered Wednesday by the board of directors of the Action Committee To Improve Opportunity Now (ACTION), Inc.

The board also authorized Valjean Dickinson, executive director of ACTION, to hire six interviewers for two months to conduct the survey.

Cost of the survey will be financed from the $45,000 consultant and contractual services allocation of the total operating budget of $114,000 for ACTION, according to Dickinson.

The director explained that the estimated 2,000 unemployed adults was an arbitrary figure determined by a preliminary check with township trustees, the Department of Public Welfare and the Indiana Employment Security Division.

NO YOUTHS IN TOTAL

"There may be more or fewer on the unemployment rolls," he told the board. He noted that the figure does not include the number of employable youths who are unemployed.

One of the interviewers to be hired will concentrate entirely on unemployed youth.

It is expected that the survey will begin the first of June. Questionnaires to assist the interviewers are now being prepared, Dickinson said.

Action by the board was in answer to a recommendation from Gov. Roger D. Branigin, Lewis F. Nicolini, director of the Indiana State Employment Security Division, and the Advisory Committee of the St. Joseph County Manpower Development and Training program which is headed by Franklin D. Schurz, editor and publisher of The Tribune.

The board adopted a resolution giving the Small Business Development Center of St. Joseph County "high priority" as a component of ACTION.

RESOLUTION NECESSARY

The board has been notified by the regional Office of Economic Opportunity at Chicago that the resolution would be necessary before the office could process the SBDC budget request for $63,497 in Federal OEO funds for fiscal 1967.

Regional officials also had notified the ACTION board that processing of the budget request would be withheld until the SBDC submitted an evaluation of its 1966 fiscal program to date, and reported any modifications in the program since its inception last September.

Both the evaluation and list of modifications were approved by the ACTION board, authorizing the re-submission of the budget request.

The 1966 fiscal operation of the SBDC is funded for $52,680 by the Federal Office of Economic Opportunity.

On the recommendation of the Personnel Committee, the board authorized an increase in salary, from $11,000 to $12,800, for Dickinson.

APPOINTS COMMITTEES

Nathan Levy, board president, announced the appointment of members to the Finance and Nominating Committees. They are:

Finance Committee, Sister Christine Marie, chairman, and Jesse L. Dickinson, Richard C. Bodine and Richard G. Geib.

Nominating committee, Frederick K. Baer, chairman, and Dr. James M. Wilson, Mrs. Joseph W. Hennessy, Thomas P. Bergin and Mrs. Reba Phillips.

Progress reports were presented by Dickinson on poverty programs approved and pending for St. Joseph County:

Neighborhood Facilities Centers: Proposal expected to be ready for presentation to the ACTION board at a special meeting prior to June. The proposal is expected to seek operation of 4–5 centers at an estimated cost of $50,000 a center.

Legal Service and Legal Education: Eight applications for two positions for attorneys are being screened. Renovation of a building at 313 E. Broadway started for the opening of the first neighborhood legal service office. Building rental is expected to be $70 a month, which according to Dickinson, could lead to the opening of another neighborhood office sooner than had been anticipated. The rental allocation under the program's total budget is $325 a month. The program has $101,755 in federal OEO funds.

LOOK FOR METHOD

Head Start: Meeting scheduled for Monday to determine the method for hiring neighborhood people to serve as teacher aides. The program has federal funds of $64,696 for the operation of 14 centers to serve approximately 520 children from July 1 through Aug. 26.

Case Aide project: A proposal that would see neighborhood people placed as aides in the field of social work. The ACTION staff currently is compiling information in cooperation with 25 existing social service agencies in the county.

Youth Opportunity Center (YOC): Proposal to be funded through the U.S. Department of Labor. Awaiting signature of officials of the Indiana Department of Labor.

[From the South Bend (Ind.) Tribune, Dec. 23, 1965]

ACTION DIRECTORS OK FEDERAL FUNDS—$101,755 APPLICATION AUTHORIZED—MONEY TO FINANCE LEGAL SERVICE PROGRAM

(By Beverly Welsh)

The board of directors of the Action Committee to Increase Opportunity Now, Inc. (ACTION), Wednesday authorized the application for federal funds, totaling $101,755, to finance a proposed $136,161 Legal Service and Legal Education Program (LSALEP) for 1965–66.

The program as proposed will be forwarded to the regional office of Economic Opportunity in Chicago subject to obtaining an anticipated commitment of $18,541 from the United Community Services of St. Joseph County.

A co-operative venture of ACTION and the Center for the Study of Man at the University of Notre Dame, the program cost of $136,161 is expected to be budgeted through the $101,755 federal grant, $15,865 in in-kind contributions from the university and the commitment from United Community Services.

COUNT ON UCS

The county UCS this year (1965) is providing $18,541 for the operation of a downtown Legal Aid office. It is hoped and expected that UCS will continue to provide at least this amount of support to the proposed Legal Service and Legal Education Program.

The proposed program incorporates the extension and enlargement of the present program of the Legal Aid Society.

Nathan Levy, ACTION president, said it was the understanding of ACTION that the UCS would act to review its position in the program as soon as the proposal was presented for application of federal funds.

Included in the total budget for LSALEP is $88,922 for personnel, $1,960 for travel, $6,148 for space costs and rentals, $2,040 for consumable supplies, $7,000 for rental, lease or purchase of equipment and $11,550 to cover expenditures as the needs arise. The amount allocated for personnel includes $7,129 for employee fringe benefits.

Proposed originially in September, LSALEP was budgeted for an estimated $117,620, including the federal grant and in-kind contributions from the university.

MEETS STANDARDS

The latest budget figure of $136,161 including the stipend from UCS, is in accordance with standards set by the Office of Economic Opportunity that funds are not available to duplicate existing programs.

Under the proposed program, the existing downtown Legal Aid office would be incorporated into the program and would be under the direction of a reconstituted board of directors.

A board membership of 24 is proposed, including 12 members of the St. Joseph County Bar Assn., eight representatives of the poor and representatives of associations and organizations. The bar association representation also would include two members of the faculty of the University of Notre Dame Law School.

If the program is approved for federal grant, a legal service would be established in the Ohio-Keasey St. area, and the existing downtown Legal Aid office would remain where it is for the present. The creation of other offices is contemplated as the needs arise.

Operation of the program would be under the direction of Conrad Kellenberg, adjunct professor of law at the Notre Dame Law School.

The neighborhood and downtown offices would be staffed by three full time attorneys, including one now employed in the Legal Aid office; two full-time secretaries, including one now in the Legal Aid office; a full-time receptionist-file clerk; a full-time social worker; a full-time investigator, and volunteer law students from Notre Dame.

PART-TIME SERVICE

The law students would work part-time during the school year. Two would be on a full time basis during the summer vacation.

In other matters, the financial status of ACTION was reported on by Valjean Dickinson, executive director.

Dickinson said that on Dec. 21, he was notified by the state OEO office that ACTION is free to use funds totaling 1½ times the present allocation of $296,000, giving AC-

TION operating funds totaling in excess of $400,000.

Levy said that based on the additional funds available, ACTION could presumably begin to plan for a neighborhood center program.

He noted that to date—in round figures—applications for federal grant total a little over $300,000, including $114,000 for ACTION $87,000 for the Neighborhood Study Help Program and $101,000 for the Legal Aid and Legal Education Program.

Also approved by the board was the election of Walter Hubbard to the ACTION board as a representative of the Southeast Side Neighborhood Assn. Hubbard, an employee of the South Bend Post Office, has worked in the SCOOPS program for two years, both as a volunteer and staff member.

ELECT THREE

Elected from the Southeast Side Neighborhood Assn. to representation on the Citizens Advisory Committee of ACTION were Cassell Ross, William Hellman and Rev. Steven Whitehead.

Levy noted that Hubbard was the second neighborhood representative elected to the board in accordance with ACTION bylaws which call for six members of the board to be representatives of six neighborhoods where centers probably will be established later by ACTION.

The other neighborhood representative is Samuel Winston, vice-president of the West Washington Assn.

ANTI-POVERTY CRITICISM SLIGHT—SEEK TO IMPROVE

(By Beverly Welsh)

In St. Joseph County, there appears to be little or no major criticism of the federal effort to open the door of equal opportunity to the poor by administrators of local anti-poverty programs.

There is, however, a strong implication by administrators of a need for ways and means of improving the present structure of the anti-poverty bill to allow a more flexible, but discerning, application locally than is now provided by federal guidelines.

Whether any structural changes will be made in the anti-poverty bill, which comes up for debate beginning Aug. 29, in the House of Representatives, remains to be seen.

BUDGET MAINTAINED

Meanwhile, the Federal Office of Economic Opportunity budget of $1.7 billion for fiscal 1967 has been maintained by the House Education and Labor Committee.

Also maintained is the present ratio of 90 per cent federal funding and 10 per cent community participation for anti-poverty programs. Informed sources say that this ratio is expected to end after June 30, 1967, and then become 80–20 per cent.

It is the feeling of Dr. Richard J. Thompson, who directed the Upward Bound program for poor youths with college potential at the University of Notre Dame, that 20 per cent community participation would be difficult for educational systems, and could spell the end to some programs.

IN-COLLEGE TUTORING

Dr. Thompson endorses "in-college" tutoring as part of Upward Bound, as a continuing effort to keep in college the youths who were encouraged to enter in the first place.

Project STEP, administered by the South Bend Community School Corp., could, in the opinion of Ernest Kovatch, operations director, be improved or strengthened by the extension or stepping-up of new proposal processing, and by a closer dovetailing of STEP and the Manpower Development Training Program.

Kovatch also endorses the participation of high school graduates in STEP. At present, the project is aimed at reaching youths 16-22 who are school drop-outs, or potential drop-outs.

MARGINAL INCOME GROUPS

Relaxation of the federal guidelines on participation eligibility of the poor to permit entry of marginal income groups is something most of the local poverty leaders would like to see come about.

The poverty leaders also supported generally the reallocation of unused funds under specific titles to other program titles, to strengthen programs which have been established and are progressing aggressively—such as Head Start.

A national evaluation of how many poor are hired in anti-poverty programs, and in what way volunteers have contributed was called for Arnold L. Solomon, executive director of Centro Cristiano de la Comunidad.

ONE HUNDRED AND SIXTEEN PERSONS PLACED

In his own case, Solomon cited 116 persons placed in jobs or training programs since August, 1965. He said jobs obtained to date as the result of migrant training programs equal an annual earning rate of $509,600. He noted that tax revenue from this earning rate more than offsets the cost of the adult work training program last year.

Richard Rembold, director of the Neighborhood Study Help Program, indicated an interest in an evaluation of whether there is reticence on the part of the poor being labeled "poor."

RELAX CRITERIA

C. Lee Crean Jr., Small Business Development Center director, opinions that a more relaxed criteria for SBDC operations would lead to greater "neighborhood uplift" and would allow the local operation to help deserving persons who could be using the help. It is his thought that SBDC needs more of a "community concept" for its operation.

These casual comments, assessments and recommendations were passed on to U.S. Rep. JOHN BRADEMAS, D-South Bend, as he made an "anti-poverty" tour of St. Joseph County at the invitation of the Action Committee to Improve Opportunity Now (ACTION), Inc.

ACTION, headed by Valjean Dickinson, is the local community agency charged with planning and development of anti-poverty programs during its initial year of operation.

[From the South Bend (Ind.) Tribune, July 21, 1966]

CHANCE FOR POVERTY WAR SUCCESS SEEN—LONG-TERM RESIDENCY OF POOR NOTED—STABILITY OF AREA REVEALED BY SURVEY

(By Beverly Welsh)

A 51-page survey of St. Joseph County has revealed that long-term residency of the poor, is a vital issue in the county's anti-poverty war, a local anti-poverty official said today.

Valjean Dickinson, executive director of ACTION, the county's anti-poverty agency, said his review of the survey analysis showed that more than 86 per cent of the total respondents had lived more than 10 years in the community.

This, he pointed out, indicates a significant stability.

Such "strong community attachment or stability" could be a factor and could lead to long-term success of the community action programs, Dickinson observed.

WILL GUIDE PROGRAM

The survey analysis, submitted by Dr. Frank J. Fahey, sociologist of the University of Notre Dame's Social Science Training and Research Laboratory, will be used as a "tool" to guide ACTION in its future programming for the war on poverty, according to Dickinson.

ACTION, which was organized about a year ago, has existed on a "development grant" with its basic goal being to determine the needs of the poor and develop a program structure that would meet these needs.

The survey was financed through a $45,000 allocation from the $114,000 demonstration grant awarded ACTION.

Eight areas were included in the survey, with 1,899 homes selected at random for participation.

ACTION originally had designated nine areas for survey. Dr. Fahey pointed out that one of the areas "unfortunately" was not included in the survey, because of the inability to obtain a Spanish-speaking interviewer for the western part of the country.

Of the total 1,899 homes selected, the survey produced 1,071 intensive home interviews, according to Dr. Fahey.

The eight areas surveyed included Mishawaka, Clay Twp., South Bend northeast side, Ohio-Keasey Sts., Washington Ave. area, La Salle Park, Ardmore area and the Fillmore Rd. area.

In summarizing the results, Dr. Fahey said that the survey suggested that "there may be a surprising number of stable and self-sufficient family units, among the relatively impoverished population."

(It) also confirmed that there "are significant variations in problems and needs within the ACTION area," said Dr. Fahey, adding that the areas surveyed varied considerably in terms of composition and size.

JOB MARKET STRONG

Generally, the survey reflected the general economic prosperity of the St. Joseph County area, and indicated the strength of the job market.

One conclusion was that "poverty is not exclusively associated with one race or the other."

A question which has been asked since the inception of the "war on poverty" may, in part, have been answered—at least in St. Joseph County—by the survey.

Are the beneficiaries of poverty programs already receiving assistance through some welfare agency?

According to Dr. Fahey's report, "only 10 per cent of the total number of respondents are currently receiving aid from a welfare agency."

The sociologist noted, however, that about 30 per cent had received aid at some time.

Of the 10 per cent receiving aid now, about 58 per cent are on the rolls of the Department of Public Welfare, about 28 per cent are on the township trustee rolls and the remaining 14 per cent are receiving aid from other agencies.

One of the strongest conclusions of the survey was that of the eight areas, only one—Mishawaka—indicated that a neighborhood center "was not needed."

This need for neighborhood centers is in the stage of being answered by ACTION.

The board Wednesday approved an amended proposal for five neighborhood centers. The proposal, seeking $196,586 in Federal Office of Economic Opportunity funds will be forwarded to the regional OEO at Chicago for review.

EXPLAINS PROPOSAL

Dickinson explained that the amended proposal represents a more elaborate pronunciation of the programs envisioned for the neighborhood centers, in compliance with a request from the OEO.

In addition to the federal funds, the program will receive about $28,000 in non-federal contributions.

Nathan Levy, board president, said that perhaps the most significant "in-kind" contribution was that of Sister Christine Marie, C.S.C., treasurer of St. Mary's College.

Arrangements have been made for Sister Christine to take leave of her duties at St.

Mary's so that she can devote "volunteer" time to the St. Joseph County anti-poverty program, according to Levy. He added that she also will teach at St. Joseph's High School.

In indicating the need for neighborhood centers, the respondents in the poverty survey were "strong" in their opinions that facilities directed toward youth should dominate the overall programs.

Other findings indicated by the survey were:

An estimated minimum of 39 per cent of the respondents had a total family income of less than $3,000 a year, while about 22 per cent had an annual income of in excess of $6,000. Neighborhoods in the Mishawaka, Ohio-Keasey Sts. and Washington areas showed a larger percentage under $3,000 than average. Part of the low income percentage in Mishawaka was due primarly to the older-age distribution existing in that area.

"Only 1.2 per cent of the area population unemployed, due to inability to find a job, reflecting general economic prosperity of the St. Joseph County area.

"Of 500 unemployed respondents, 12.6 per cent indicated that they were seeking employment. The remainder, due to retirement, physical disability or housewife status, were not seeking employment.

"Mishawaka, Clay Twp., Ohio-Keasey Sts. and Ardmore are predominately white or Caucasian in racial composition with Mishawaka, Clay Twp. and Ardmore having practically no Negroes whatsoever. South Bend's northeast side, Washington, La Salle Park and Fillmore Rd. have more Negroes than whites. Thus, it can be seen that poverty is not exclusively associated with one race or the other.

"In each of the areas of Mishawaka, South Bend's northeast side, Ohio-Keasey Sts. and Washington, more than 20 percent of the households had a female head of the household.

"Slightly more than one-third of the total respondents had less than eight years of education, and 65 per cent failed to finish high school. In the South Bend northeast side and Ohio-Keasey Sts., 10 per cent or more had at least some college education or more.

"The divorce rate in Mishawaka is highest, but it is overshadowed by the divorce rate in the Washington area which is five percent of the population that is 10 times as large.

"Over 34 per cent of the residents of the target areas live in rental property. Almost 50 per cent are paying $60 a month or less for rent.

"Dirty streets and alleys most often rated as a problem, followed by sub-standard housing. Household pests, street crime and young people causing a disturbance were cited by about 30 per cent of the total respondents.

"Sixty-two per cent were affirmative in their answer to family planning, while 22 per cent said they did not know. In almost all areas, about 75 per cent gave an affirmative or qualified answer indicating support of family planning.

"Almost 89 per cent of the parents were satisfied with the high schools their children were attending and 80 per cent were satisfied with the elementary school. The greatest dissatisfaction with the elementary school was in the South Bend northeast side, the Ohio-Keasey St. and Ardmore areas.

"Approximately two-thirds of the respondents thought that the police force was doing a fine job. This ranged from a high of 96 per cent in Mishawaka, to a low of 61 per cent in the Washington area. The greatest dissatisfaction with the police force was indicated in the Clay Twp. area. Only seven per cent of the total respondents indicated that they had been mistreated by police. The main reasons were unfair traffic tickets, unnecessarily being 'roughed up' or not being treated courteously."

The respondents listed nine areas which they thought would serve the needs of the people.

They included, in descending order: (1) improvement of city service (streets, lighting and garbage and trash collection); (2) better medical and dental care; (3) money or financial assistance; (4) improved housing; (5) better and more recreational facilities; (6) improve family and community life; (7) more and better job opportunities; (8) increased educational opportunities, and (9) more and better opportunities for Negroes.

BISCAYNE NATIONAL MONUMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FUQUA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FUQUA. Mr. Speaker, I am most happy to join with my colleagues of Florida and introduce today a bill which will authorize the establishment of a national park in South Biscayne Bay, Fla., and the acquisition of the necessary land and water for that purpose. This reservation will be named the Biscayne National Monument.

This is a most significant area attributed with clear, sparkling waters, marine life, and the submerged lands of Biscayne Bay and the Atlantic Ocean, which all forms a most unique and enormous underwater nursery where reef and pelagic fish hatch and grow before venturing to the ocean. It is an area combining land and water and the terrestrial, marine and amphibious life found on and in them—much of which is rare in the continental United States and needs protection. For example, the area is the only place in this country where coral reef islands are found in the stabilized state which establishes tropical vegetation.

The Honorable George B. Hartzog, Jr., Director of the National Park Service, has acclaimed the area as "an environmental element highly important to Florida and a valuable recreation resource for the Nation." It is felt that the underwater attractions in this area make the Biscayne National Monument proposal outstanding. Furthermore, the area abounds in highly significant water-related outdoor recreation opportunities. Only by bringing these resources into public ownership will they be protected and preserved adequately and permanently for public use and enjoyment. I feel this fact alone is one of the strongest arguments for the park since through neglect and abuse much damage is being done to our natural resources. It is indeed most urgent that we make every effort to preserve what we have left.

At this time, I also want to commend my good friend and able colleague, the Honorable DANTE B. FASCELL, for the excellent and diligent efforts he has extended toward the realization of the Biscayne National Monument. The reservation site is within the congressional district the gentleman from Florida [Mr. FASCELL] represents, and he is working on behalf of the people of that area to assure them of unique recreational facilities along with the contribution to the economic health of the area by the tourists drawn to the park. I am quite sure the residents of the area will find enjoyment and pleasure from the recreation to be offered by such facilities, and will reap financial benefits by the economic gains that are known to be brought along by national recreation parks. The local support being given my colleague in his efforts is illustrative of his work on behalf of the desires of those he is serving.

I want to commend him further for his interest in preserving these unique national resources not only for the citizens of the locale and the citizens of Florida, but for the citizens of our Nation today and years to come. It is a pleasure for me to join with him in support of the Biscayne National Monument and to introduce this legislation authorizing its establishment.

THE 225TH ANNIVERSARY OF MORAVIAN PREPARATORY SCHOOL, BETHLEHEM, PA.

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. ROONEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, on September 8, 1966, it was my privilege to take part in the convocation marking the start of a year-long observance of the 225th anniversary of Moravian Preparatory School in Bethlehem, Pa. The history of Moravian Preparatory School can be traced to May of 1742, 45 years before the Congress of the United States was convened.

The 225th anniversary year of the founding of Moravian Prep, as we natives fondly refer to this fine institution, significantly coincides with the 225th anniversary year of the founding of the city of Bethlehem, itself.

As I told the convocation audience on September 8, I can think of no finer attribute for any community than to be able to point to the year of its founding and say our education system was founded in that same year.

I might also mention here the thrill I experienced when, during that convocation, the contents of a congratulatory telegram from the President of the United States were read to the assembly of students, faculty, and guests. The faces of the young students were lighted with awe as they heard President Johnson applaud "the 225th milestone that is to mark the productive history of the Moravian Preparatory School."

The main speaker on the occasion of this anniversary convocation was the very distinguished president of Moravian College in Bethlehem, Dr. Raymond S. Haupert. Dr. Haupert is a gentleman who has tremendous insight into American education and the challenges the future holds to prepare our youth to assume productive roles in guiding the future of this great Nation.

His message on the occasion of the Moravian Preparatory School anniversary convocation was an impressive summary of the direction education is taking and what needs to be done to enlarge educational opportunity. Because I believe his is a subject of vital concern to each of us, Mr. Speaker, I include Dr. Haupert's text in the RECORD:

225TH ANNIVERSARY, MORAVIAN PREPARATORY SCHOOL, BETHLEHEM, PA., FOUNDED 1742, CONVOCATION ADDRESS BY RAYMOND S. HAUPERT, PH. D., D. SC. ED., LL.D., L.H.D., PRESIDENT, MORAVIAN COLLEGE

Students, faculty members, directors and friends of Moravian Preparatory School: My associates at Moravian College join me in offering our congratulations and good wishes on the occasion of your 225th Anniversary. We share with you the hope that this celebration may open new doors of opportunity as you move forward in the third century of your inspiring history.

Several years ago a young man visiting our campus from South Africa commented to the effect that the enthusiasm of the negro children of South Africa for education was almost unbelievable. He knew of cases where children literally ran fourteen miles from their homes to their schools.

I would not suggest that American youth or the young people of any other nation could match this kind of enthusiasm for education. However, the desire for education reflected in the negro youth of South Africa is typical of a world-wide trend. Education in our time is universally a major issue. There has never been as strong, as insistent and as wide-spread a desire for the benefits of education as at the present time.

It has become increasingly clear that higher education for the first time has become a major concern of American civilization.

The largest number of students in the history of the country—more than 6,000,000—are now enrolling in the largest number of colleges—2,207—that America has ever had. To understand what is happening, it is necessary to compare today's college enrollment with 1900 when there were 167,999 students in the United States. For every student going to college in 1900 there are now 36.

In terms of new college buildings and the upgrading of campus facilities generally, there has never been a period of development in the history of American higher education to compare with the present. Some months ago I was talking by long distance with a man in the Far West whom we were considering as a possible consultant for the construction of a new library. He replied that he would like to work with us but that he ought not to accept any additional commitments, since at that time he was consultant for the designing of no less than 50 college libraries.

Higher education has suddenly become a political issue of major importance at the grass roots. Beyond the momentous impact of the federal government upon many phases of higher education, the concern of American citizens concerning the enlargement of opportunity for post high school education is clearly reflected in political activity at the level of the states. One needs only to follow the speeches of the two candidates for governor here in Pennsylvania to realize that higher education is considered by both to be a priority issue in the current campaign.

On July 28th about 500 representatives of Pennsylvania Higher Education gathered in Harrisburg for the formal presentation of the Pennsylvania Master Plan for Higher Education, which will soon go to the legislature for action.

At the present time I am serving a second year as chairman of the Commission for Independent Colleges and Universities, an organization of 54 colleges and universities in Pennsylvania which receive no tax monies for operating purposes. Not long ago our Executive Committee met with Milton Shapp in Philadelphia for a long and deliberate discussion of higher education issues, as they relate particularly to the private colleges of Pennsylvania. Within the near future, this same group will meet with the Republican candidate for governor. For the first time, representatives of these 54 private colleges have been invited by both parties to appear before the platform committees in various parts of the Commonwealth.

Up to this point I have been describing some developments indicating that higher education has become a major national concern, citing enrollments, campus development, and political involvement. Until now no reference has been made to the heart-searching struggle for quality and distinctiveness typical of almost any academic community that is moving in the mainstream of higher education.

I have heard many college alumni say something like this: "Glad I went to college when I did, I would never make it today—either in getting in, or staying in." This is a pleasant and complimentary remark, but with little validity. Overlooked is the fact that, had they been graduating from high school today, they would be better prepared for college on account of the upgrading in elementary and secondary education of the last ten years. A similar upgrading has been taking place in American colleges. Advanced placement, advanced standing, honors programs, have brought about radical changes for good. Special movements within college faculties such as basic curriculum revision now taking place widely offer excellent possibilities for increasing strength.

Everything said up to this time points to three major conclusions.

First: We are moving rapidly toward a goal of providing for every American boy or girl education from kindergarten to age 20, including therefore at least two years of post-high school education. Already the prediction is being made that this high goal will be fulfilled by 1980.

Just as America in another day came to the consensus that every American child should have a grade school education, and later a high school education, so America is now in the process of reaching the consensus that the time has come to enlarge educational opportunity further.

Second: We stand in the midst of a great revolution which is moving in two distinct directions at the same time—toward quality and quantity. Both trends are perfectly clear. Frank Bowles, one of America's higher educational statesmen, calls this the "Dual Purpose Revolution." He describes realistically the democratization which took place in the 1930's with a lamentable loss of quality, and points also to the recovery of quality in the 1950's, along with a continuing emphasis upon numbers.

There was a time when it seemed doubtful that higher education could move in both of these directions at the same time. That doubt has now been dispelled. Quality and numbers alike are now being achieved.

Third: Students and faculty members alike are experiencing today a far better opportunity to meet high goals in higher education than was available in any typical college only a few years ago.

To say that our youth now face unparalleled opportunity for education is not to guarantee that American young people are ready to receive the full benefits of educational opportunity. Education still stands as the product for which Americans are willing to pay good money, or have someone else pay good money, and then do their best to avoid the full benefits. Allowing for the fact that much remains to be done at all levels to improve the whole process of education, much still depends upon the attitudes, the degree of maturity, and the standard of values with which the student faces his educational opportunities.

Several years ago at a meeting of the Higher Educational section of the National Educational Association in Chicago involving representatives of about 500 colleges, a keynote speaker said "we all know that education, and education alone, can save the world." Although this may sound good at first impression, this statement is perfectly meaningless unless one defines what is meant by "education" and by "saving the world." By the same logic it is quite possible to argue with some force that because education has made possible the scientific know-how to build the hydrogen bomb it may, therefore, be said "we all know that education and education alone can destroy the world." The real question is what kind of education can save the world?

Alexander Meiklejohn, one of America's creative thinkers of a generation ago, advanced the idea that education in the English speaking world faced a crisis in the years 1641 and 1642, when John Amos Comenius, Moravian Bishop and "Father of Modern Education," spent almost a year in England. Comenius came to England at the invitation of friends who believed that the English parliament was about to invite Comenius to make a survey of education and, as Meiklejohn suggests, also establish a university. However, for a variety of reasons, this came to nothing, and Comenius left England a disappointed man, proceeding to Sweden where for some time he served the cause of education in this Scandinavian country.

Meiklejohn believes that when England failed to turn to Comenius, it became inevitable that within the near future it would turn to John Locke. Instead, therefore, of an education strongly based upon an active, wholesome faith in God and a concept of the unity of all truth and of all peoples, with complete democratization in education, England turned rather to the concept of educating the elite few, and it is only in recent years that the basic principles of American democracy have begun to come to their fruition in this country.

We are assembled today in a community distinguished in many ways, and honored for unusual attainments in its early days. Bethlehem was the first community in America to form a Collegium Musicum for the study, composition and playing of symphonic music. Bethlehem also was the first community in America to build a municipal water works, and, at the same time, the first in America to send out a Christian missionary to other lands. The unusual combination of devotion to symphonic music, to practical skills for the public good, and to religious zeal strong enough to win people of other lands to Christian faith suggests the kind of qualities which education needs in order to fulfill its high goals.

Moravian education for the future can best meet its unparalleled opportunities by a continuing two-fold emphasis:

First: upon academic integrity, with a never-ending, relentless quest for quality and distinctiveness; and

Secondly: upon the kind of strong and wholesome undergirding religious faith which enables a human being to do what is right, to serve his fellow man, and to walk in quiet friendship with his God—the God who is revealed in Him whose life and teachings have contributed so much to the heritage of the Western World.

TEACHERS' EDUCATIONAL EXPENSES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHMIDHAUSER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SCHMIDHAUSER. Mr. Speaker, yesterday I introduced a bill which would amend the Internal Revenue Code to allow teachers in our schools and colleges to deduct those educational expenses which they incur in increasing their skills as educators from their gross income for tax purposes. Though the IRS has had an official policy of permitting these expenses when necessary, they have in the past been arbitrary in their actual treatment of teachers' returns and the variety of interpretations of the policy has meant that there was much confusion and that individual agents were making educational policy.

In order to reduce this confusion, on July 8 of this year the IRS published a proposed regulation which would have the practical effect of making the educational expenses of teachers nondeductible. It is for this reason that I have introduced a bill identical to that of the gentleman from California, the Honorable CECIL KING, the respected ranking majority member of the House Committee on Ways and Means.

I feel that only in this way can I adequately express my strong support for this important legislation. Today we are facing an educational revolution, in which we must educate record numbers of young people in an increasingly complex technology and civilization. If our youngsters are to receive the education which is their birthright, the one essential is dedicated, competent teachers who are ever alive to new techniques and fresh material in teaching those whom we entrust to their care. How shortsighted, then, of the IRS to draft regulations which actively discourage teachers from obtaining the additional knowledge and skills which are so necessary if we are to maintain our educational excellence.

It is not, as if, Mr. Speaker, teachers were a highly paid or underworked profession. We all know that though salaries have increased in the last few years, they still do not adequately compensate teachers for their time and skills. This makes the action of the IRS doubly unfair, in penalizing teachers and not treating them equitably in comparison with other, more lucrative professions. I think that there is no question that this legislation which I have introduced should be passed immediately, so that the teaching profession may be protected by law and that every encouragement may be given to those who would devote their time to the professional improvement which insures that they will be the kind of teachers whom American children deserve.

HISTORIC PRESERVATION

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. FARNSLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FARNSLEY. Mr. Speaker, I include in the RECORD an article by Alexander S. Cochran that appeared in the May-June 1966, issue of Historic Preservation:

FROM RAILROAD STATION TO ART SCHOOL

(By Alexander S. Cochran, FAIA, of the firm of Cochran, Stephenson & Donkervoet, architects for the Maryland Institute's old-new Mount Royal Station, Baltimore, Md.)

Preservation by reuse seems such a simple concept that one wonders why it is not more often successfully accomplished. The almost inevitable disappointment of the barn-made-into-house is due to usual economic failure when cost is compared with that of new construction. The remodeling of street floors of old commercial buildings usually results in destruction of the esthetic totality of the original building. The critical ingredient which must be preserved by reuse would appear to be its basic architectural purpose. Eero Saarinen said the purpose of architecture was "to shelter and enhance man's life on earth and to fulfill his belief in the nobility of his existence."

The Mount Royal Station was designed for the B & O Railroad in 1894–95 by the Baltimore firm of Balwin and Pennington. In this era Carroll V. L. Meeks observes "Elephantiasis overtook every aspect of railroading including the terminals, now built to dimensions never before approached." Its style was somewhat Richardsonian, but more important was its graceful, composed scale and elegance, in a word, its grandeur. Its tower dominated its part of the city. Its sunken park site related the building gracefully to all approaching users. Above all its high interior concourse gave dignity and importance to all who entered. Meeks observes "a new trend toward comfort began in the late 1920's—and in the Mount Royal Station rocking chairs were provided."

The reusing client of the 1960's, the Maryland Institute, could take every advantage of these great architectural qualities of this building. An independent school of art, founded in 1821, headquartered in a nearby building, was a worthy inheritor of the by-then obsolete station. Too much credit cannot be given to the school administration and trustees who saw the potential and to the railroad management and directors who made the opportunity possible.

The architects and their clients were charged with maximum retention of exterior design and with saving of all possible interior character. This was a fascinating challenge. The exterior was altered only by enclosure of open roofed areas. The interior was high enough to create two ample floors in much of the waiting room with the addition of a grand stair case or axis with a newly opened central space at the porte cochere. Considerable interior architectural decoration was preserved in toto, such as the central columns, all the waiting room ceiling, much of the decorative floor, and most of the exposed iron structure. While the new auditorium and gallery spaces are created by new defining planes, original elements such as wall paneling were preserved where possible. Always the effort was made to preserve scale and elegance.

To generalize about the economic comparison of reuse versus new construction is dangerous. The Mount Royal Station was sold for $250,000, well below its actual value, including nearly four acres of open site. The construction for reuse was accomplished for $600,000. This was possible because of negotiation with the builder, whose constant consultation with the architect during design was invaluable. The original enclosed area of 22,500 square feet was increased to 47,000 square feet at a cost of $18 per square foot. Any current estimate of cost of comparable new construction would surely exceed $25 per square foot. In other words, in this instance the original area was doubled at a cost of around half of what new construction would have been.

All of those involved, the railroad, the school, the architects are well aware of the peculiarity of the opportunity that was theirs. To Eugene W. Leake, president of the Maryland Institute, goes signal recognition. He discerned the potential which with his constant consultation the architects were able to realize. He now knows of no better art school building.

Basic to the new Maryland Institute, the Mount Royal Building was not just preservation *and* reuse of essential architectural distinctions. Said Margaret Meade in the building as work commenced: "This is perhaps the most magnificent example in the Western World of something being made into something else." Her praise is deserved only in as much as the "something else" is one of continued grandeur.

THE HIGH HOLIDAYS, 5727

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. PATTEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PATTEN. Mr. Speaker, on this the 10th day of the month of Tishri, on the Jewish calendar, the Jewish people of the world pause in reflection. For on this day the destiny of all mankind, as written down on Rosh Hashanah, is sealed by the Heavenly Court and the deeds of every human being are duly weighed and considered. If his good deeds outweigh the bad, the man is declared deserving. If his bad deeds outweigh the good, the man is considered undeserving. Sins, however, are forgiven by our merciful Father after sincere repentance, prayer, and charity. The whole day of Yom Kippur is, therefore, spent at the synagogue, repenting, praying, and donating to charitable institutions.

New Jersey's Jewish population is one of the largest of any State in the country, and is exceeded only by New York in its proportion of Jewish residents. Yom Kippur is, therefore, an occasion of major significance in the State.

The history of Jewish immigration to New Jersey is long, honorable, and noteworthy. Although Jews first settled in the Jersey colony in the 18th century and Benjamin Levy, a prominent Jew, served as a proprietor of West New Jersey, there were not enough Jewish residents on hand to found a temple until midway in the following century. Sixty Jewish families in Newark founded Congregation B' Nai Jeshurun in 1848, and the next year a congregation by the same name was founded in Paterson.

The Jews of New Jersey are divided, in traditional form, among the Orthodox, Reformed, and Conservative sects, differing not so much upon tenets of faith as upon questions of custom. Both the reformed temples and the orthodox synagogues engage in considerable philanthropic work in New Jersey, much of it nonsectarian.

This is the year 5727 in the Jewish calendar. It is a year that well can be a turning point in the history of civilization, and must, therefore, be a prayerful period in the lives of the democratic peoples of the world.

The prayers of the Jewish community on this Yom Kippur, and those of the Christian community next Sunday will blend in one fine, solitary purpose.

Disturbing as may be the world crisis of the moment, it is nonetheless encouraging to note that the West is returning to the church and to the synagogue for comfort and for guidance.

In this respect the Jewish people stand forth in the vanguard of religious thought, carrying forward the ideals and inspiration of the prophets. In so doing they are deserving of congratulations by men of good will in every land.

These are times when we of the West must think and act as one family, and I rejoice to be identified this moment with the cause of Judaism, whose goals are thoroughly enmeshed in the goals of western society itself.

I hope and pray that the coming year of the Jewish calendar may bring favorable developments in this and other difficulties confronting the Jewish people, and that the blessings of health, happiness, and prosperity may come to the Jews of America and of all the world.

EDUCATION

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Fulton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, as a Member of the 88th and 89th Congresses it has been my privilege and very good fortune to work for and support milestone legislation in the field of education from the very first grade through the graduate level.

Unfortunately, while the Congress and Nation have been moving forward in this field the Internal Revenue seems to be moving in reverse.

I refer to the indications given recently by the IRS that it will change certain tax regulations it has followed with regard to the deductibility of certain educational expenses accrued by teachers in pursuit of academic courses for academic credit and degrees in institutions of higher education and for travel thereto and return.

Until July 7 of this year these expenses were deductible. Now the IRS has drawn new regulations revoking this deduction. The new regulations are scheduled to go into effect January 1967.

More important to our teachers today than ever before is the need to fulfill their need for advanced training. Our store of knowledge is increasing at a pace which defies assimilation today and promises to increase even more rapidly in the future. There are not only new fields of learning today but constantly altering methods of teaching existing subjects.

Therefore I am joining with my colleague, Cecil King, of the Ways and Means Committee, in sponsoring a bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income, the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education, and including travel.

UNITED NATIONS PEACEKEEPING FORCE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Kastenmeier] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, the continually increasing intensity of the war in Vietnam has resulted in a tendency among both proponents and opponents of the war to concentrate all their energy on that problem. Without underestimating the importance of that discussion, we must not, as we have often tended to do, allow our preoccupation with it to interfere with the conduct of an imaginative policy in other areas. One area of policy which has, I fear, suffered quite seriously from lack of attention as the war has escalated, has been the United Nations. If there were any doubts of that fact, U Thant's decision to retire as Secretary General should have dispelled them. He can hardly be blamed for giving up in discouragement when his attempts to encourage peace have either been ignored or undercut.

In addition to our complete failure to use the machinery of the U.N. in seeking peace in Vietnam, our preoccupation with the war has obscured from many the fact that the United Nations is right now grappling with one of the thorniest—and most important—issues in its history: the problem of the organization, control, and financing of future peacekeeping missions. Agreement on some sort of guidelines is absolutely necessary if the ever-present prospect of the United Nations as a mere debating society is to be avoided. Problems with past peace forces have more than once threatened the life not only of the peace force but of the United Nations organization itself.

If any significant results are to come from current efforts by the Committee of 33 to devise guidelines, or from the 21st General Assembly which is now convened, it will have to come with the cooperation of the United States. Active American interest has been demonstrated by the record of past United Nations peace forces, very few of which could have even gotten off the ground if the United States had not been willing to bear a major burden. The United States has borne 45 percent of the extraordinary costs of UNEF—the United Nations Emergency Force in the Mid-East. In the less well-known, but equally important, peace observation missions, American support has been just as important. In the U.N. Peace Observation Mission in Greece in 1947–48, all transportation, communication, and other major logistical support was provided by the United States.

The longrun goal of the efforts of the Committee of 33 and of our own policy must be a permanent U.N. peace force with adequate political controls. It seems probable that only such a force can insure peace in a world of nation-states. But under present conditions such an institution is a long way off, and the simple advocacy of a permanent peace force is unconstructive as well as premature. Secretary General U Thant told the Harvard Alumni Association 3 years ago that "it is perhaps too early, for the reasons I have already given, to consider the establishment of a permanent U.N. force." Not the least of the several reasons he listed is the elemental matter of money: for political as well as economic reasons the U.N. is having great difficulty in financing existing peace forces. To add the extra financial burden of a large number of inactive troops at this juncture would border on the absurd.

Recognition of the difficulty, at this time, in establishing a permanent peace force does not, however, mean that there is nothing which can be done at this point. U Thant, in the speech I have already quoted, went on to say that "there are a number of measures which could be taken even now to improve our present capacity for meeting dangerous situations."

One important step in particular has been proposed which is a positive move in the right direction, but still within the realm of the immediately attainable.

This would be the agreement of member nations to establish standby brigades which would be available for immediate use at any time by the United Nations. This idea was debated and agreed upon by the General Assembly as long ago as 1950, but then forgotten because of the Korean war. It was urged, by the present administration, as recently as January of this year, when Ambassador Arthur Goldberg praised the "very practical advantages" of earmarking troops, but the likelihood of anything being done is threatened this time by the Vietnam war.

Several countries, however, have already taken the initiative by designating standby brigades, so an American decision to establish such a contingent force would not be a pioneer decision. That distinction goes to Canada and the Scandinavian countries, which have always in the past displayed the most initiative and imagination in supporting United Nations peace operations.

But even though the initiative has already been taken by other countries, a dramatic gesture of American support could very well provide the spark for widespread acceptance of the idea. At least one country, Switzerland, is right now considering earmarking as many as 10,000 troops, and positive American action would encourage the Swiss to complete their plans, and other countries, especially those receiving military aid through our foreign assistance program, to follow suit.

What would be the advantages of such action? The most immediately obvious would be the increased speed with which the United Nations could react to an emergency situation. It will not, of course, eliminate the need for the United Nations to make the politically difficult decision to intervene, but it will substantially lessen the technical problems which have invariably followed such a decision. Once that decision has been made, troops could be in transit in a few hours. The absurd situation that occurred in Cyprus would not be repeated. Adlai Stevenson described that situation in a speech at Princeton 2½ years ago:

> There were no troops immediately available, and the Secretary General could not marshall the United Nations force with the speed so urgently required. Then there was no assurance of adequate funds to pay for the operation. . . . It took over two weeks (instead of two days or two hours) to get the peace keeping operation going, and then only because armed intervention appeared imminent.

The Secretary General would know, even before the final decision to intervene had been made, just where he could go to get troops, transport, and noncombatant support.

A second advantage, which in the long run might be even more significant, is the fact that if nations agree beforehand to establish standby contingents, they are much more likely to feel the need to get together and work out necessary rules for governing them when they are used in a U.N. force. An indication of this is the extent to which the Scandinavian countries have gone in working out plans which make it possible for the U.N. to draw on the 4,000-man Scandinavian "fire brigade" as an entire unit, or to take any one of the national contingents alone. I have appended an outline of the Norwegian part of the brigade at the end of this statement.

Furthermore, many of the problems seem quite strange and only become apparent once the decision to establish a standby force has been made. For instance, one of the problems that has been encountered in the past is the effect on morale of vastly different pay scales. This would be quite relevant for the United States, with its high standard of living, and some arrangements such as those used by the Peace Corps, of providing volunteers with subsistence pay and putting the rest in an inaccessible bank in the United States, would probably have to be devised.

Other problems which have arisen include such simple technical problems as lack of uniformity in supplies and parts, or the supplying of soldiers with weapons they have never been trained to use.

It is unfortunate that it is probably necessary, at least in the near future, to limit any American commitment to technical and noncombatant personnel. There is an unpleasant ring in declaiming the virtues of standby brigades and then expecting all the men who may have to fight to come from the smaller nations while we in the United States provide materiel, which may cost money, but no combat troops to share the risks of peacekeeping. For this reason my original feeling was that the resolution should offer infantry or police as the Scandinavian and other countries have done. I still feel that this should be our goal, and I hope that the Departments of State and Defense and the Arms Control and Disarmament Agency will study means by which such a contribution could be made politically acceptable.

In the meantime we must face the unpleasant fact that power has its liabilities, as well as its advantages, liabilities which have not been decreased by our actions in Vietnam and the Dominican Republic. Most members of the U.N. at this point would not want American infantry in a U.N. peace force any more than they would want Russian infantry. Some exception to this may occur in the future, as they have in the past. During the second Palestine truce, from 1949 to 1956, nearly one third of the 682 military personnel of the UNTSO—United Nations Truce Supervision Operation—were from the U.S. Armed Forces. But because we are powerful, our intentions in general are suspect, almost by definition. And in many countries in which U.N. intervention may occur, the additional factor that we are identified as a white country is a liability. This was true in the Congo were even Canadian troops were not used, for just that reason.

We all know, however, that a modern army requires far more than gun-toting foot soldiers. It requires a whole range of noncombatant facilities, ranging from cooks and quartermasters to communications and medical corps, and these facilities have not always been adequate: the Congo operation found itself short of medics after a couple of weeks. Furthermore, a U.N. force, to be effective, must be easily mobile—requiring ships, planes, and helicopters. Because of our advanced technology this is the type of contribution which we can often most usefully make. In past operations we have often been the only country which could provide much of the necessary transport facilities. But most significant is the simple fact that a team of doctors or nurses, or a communications team, or even an engineer battalion building bridges—men who are not carrying guns—are not so likely to arouse hostility and suspicion as infantry men carrying, and perhaps using, guns.

The second provision of my resolution, and the one which makes it significantly different from those previously introduced in the House, is the specification that this will be a volunteer brigade. Let me explain this provision more fully.

The brigade would be established, probably within the Army, and it would be integrated in the entire Army to a limited extent for some parts of the training, and perhaps some other functions. At the same time, however, an American boy could volunteer for this U.N. brigade in the same way that he can now volunteer for the Coast Guard or the Air Force, or any other branch service. This service would, naturally, fulfill his military obligation.

Such a volunteer system would have several very significant advantages. In the first place, it would insure that no American who had ideological compunctions about serving for the United Nations—and I suspect there are some people in this country who still feel that the U.N. is a Communist conspiracy—no such person would be forced to serve against his will.

What is really exciting about this idea is the other side of the coin. If there are still a few diehard isolationists, lost in the 19th century, there are many more fervently committed to the responsibility of the United States to promote peace by accepting its international obligations in an imaginative and dedicated way. Nowhere is this sentiment stronger than among the youth of the Nation. If there were any doubts about this fact, the success of the Peace Corps should have completely eliminated them. The Peace Corps has been a success precisely because it has attracted the best of our American youth—the mixture of his idealistic commitment to the betterment of the human race and his pragmatic willingness to roll up his shirtsleeves and deal with new and unexpected circumstances as they arise—and because it has shown this same face of America to the underdeveloped world.

A U.N. brigade in the U.S. Army would appeal in a similar manner. It would attract young men who felt that it offered an opportunity to make a positive contribution to strengthening the U.N. in its fight for world peace. Such volunteers would, in turn, put America's best foot forward, and it might well pave the way toward making a contribution of American infantry politically palatable to the rest of the world. This has been the case with the Peace Corps, which has become the most welcome project of the U.S. Government, even in countries which were originally very suspicious of its motives.

Finally, I think the United States should actively encourage other countries to follow its lead. If every country in the U.N. designated 1,000 troops as a standby U.N. contingent, the U.N. would have a "reserve" army of over 100,000 men. As I mentioned before, the most immediate effect of American action might be among those countries which have already considered similar action, but have not made a final decision. We could encourage the other great powers to make similar offers of noncombatants.

And perhaps most significantly, our military aid missions in underdeveloped countries, and perhaps part of the aid itself, could be used to encourage at least some of those nations to earmark troops. Obviously some of those countries which have armies of only a few thousand men could not do this to any significant extent, but others such as Ethiopia, with its 25,000-man army, could make an important contribution.

In the midst of discussions of a wider war in Vietnam, and the possibility of the involvement of other nations including Red China, it is important to shift our thoughts, at least momentarily, to the subject of peace.

The United Nations was formed after World War II in the hopes that it would provide a forum in which all the nations of the world could meet and work together to promote peace. While it has not met all the expectations of its founders, it has, on numerous occasions, made significant contributions to the maintenance of peace. But the fact is that it has risked its future on many of these occasions, and on others it has been too weak to make any contribution. While the present weakness of the U.N. cannot be changed overnight, I am confident that if the United States and other great powers demonstrate real faith in the future of the organization it can gradually be built into a really significant force for peace. One of the ways in which we in the United States can show that faith is by actively supporting the improvement of the United Nations peacekeeping capabilities.

I believe that my resolution provides the strongest and most meaningful way of giving that support that Congress and individual American citizens can make.

[The Norwegian delegation]

Norwegian Peacekeeping Force

The Secretary General of the United Nations approached in June 1959 some of the member nations with past experience in UN peace-keeping operations, inquiring whether these nations would consider earmarking military forces for possible use in future UN operations.

As a result of this approach the Scandinavian countries in 1961 initiated mutual consultations with a view to establish a Scandinavian peace-keeping force.

As of 1964 the Parliaments in Denmark, Finland, Norway and Sweden have approved the creation of such a force of approximately 5,000 men.

The Norwegian component as authorized by the Norwegian Parliament on June 8th, 1964 will consist of 1,300 men and will be organized as follows:

Army element:

a) 1 infantry battalion of 795, all ranks capable of performing peace-keeping operations, inspection and control.

The battalion is self-sustained and each company so organized that they can operate independently. However, the battalion can also be integrated with forces from other nations.

b) 1 hygienic unit capable of hygienic and food control.

c) In addition the army element will consist of the following units which can be integrated with other Scandinavian countries: 1 military police platoon, 1 movement control platoon, 1 workshop company, 1 surgical emergency unit.

Apart from normal functions this last unit will also be capable of assisting civilians in case of serious catastrophes at home or abroad.

Navy element: 1 frigate, 1 harbour command.

In addition to normal functions this frigate may also be utilized for transport of equipment and personnel to theatre of operations or areas of civilian catastrophe.

Air-force element: 1 air transport HQ, 1 helicopter unit, 1 air transport unit.

The helicopter unit will consist of 4–6 helicopters and the air transport unit of 4 transport aircraft. The air-force elements can be integrated with air units from other Scandinavian countries. These air-force units may also assist in civilian catastrophes.

The other ranks in the army and air-force elements of the Norwegian peace-keeping force will be recruited on a voluntary basis, preferably with personnel having previous peace-keeping experience.

The contingent will not be in active service between UN commitments. The force will, however, be so organized that it can be convened instantaneously and be made available for UN within a few days.

The contract period will be from 1–3 years for 6 months' service with the UN.

A Bill has been submitted to the Norwegian Parliament protecting personnel signing such contracts against dismissal from their civilian employment during the contract period.

In addition to basic elementary military training the contingent will also be given special training in maintenance of law and order, riot control, liaison, and relief actions.

The units will also be given special training courses about the UN and the UN concept.

All expenses with regard to call up, trainang and other preparations for this force will be covered within the current Defense Budget by the Norwegian Government until the day of departure for UN peace-keeping operations.

The Norwegian stand-by units will have completed their training and be available for the UN by the middle of 1965, except for the air-transport aircraft unit which will be established at a later date.

JEWISH HOLY DAYS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Schisler] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SCHISLER. Mr. Speaker, Jews the world over are observing their high holy days. These solemn days start with the observance of the beginning of the New Year—Rosh Hashanah—and conclude with the day of atonement—Yom Kippur.

I take this time to extend to all our colleagues of the Jewish faith and to all their coreligionists everywhere, my best wishes for the New Year. To repeat their traditional prayer, "May the Lord inscribe them in the Book of Life for good and for Shalom—peace."

THE PLIGHT OF THE RUSSIAN JEWRY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Rooney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, the history of the Jewish people in Soviet Russia is a long and tragic one. It is a well-substantiated fact that Russia holds in virtual subjugation some 3 million Jews and that, contrary to her own constitution, Russia continues her persecution of these people in an effort to destroy their cultural and religious being. Many of us here in the past have joined in efforts to persuade the Soviets to ease their pogrom against the Jews. Now, once again, the Jewish community of Brooklyn, smarting under the knowledge that opinion and decency mean little to the Soviets, is holding a mass demonstration to remind the world of what is going on in Soviet Russia. Mr. Speaker, following my remarks is a declaration issued by the Brooklyn Jewish Community Council which expresses far better than I can the plight of the Jews in Russia.

Declaration

Our brethren, a goodly number of the House of Israel, have been handed over to distress and captivity in the lands of Soviet Russia. Their religious expression which binds them with their God and with their people is suppressed, their language which unites them with the rest of the House of Israel is denied unto them. The light of Jewish learning has grown dim and is now entirely extinguished. Can Israel live without its soul?

We, the Jews of Brooklyn, the largest settlement of our people in the world, dare not stand idly by as the spirit of our people is so cruelly and methodically destroyed. There is something you can do about it. You can by your presence show your deep concern for our harassed brethren in Russia. It is the duty of every Jew—man, woman and child, to participate.

We therefore ask every Jew to assemble at a mass demonstration on the steps of the Brooklyn Borough Hall, October 2nd, 1966, at 11:00 A.M., the second day of Chal Hamoed Succoth, to demonstrate our solidarity with our fellow Jews, and to demand that the civilized nations make their voice heard in this matter.

May it be the will of our Father in Heaven to have mercy on this remnant of our people and to ward off destruction and pestilence from them and from the entire House of Israel.

A GEORGE WASHINGTON GRADUATE SCHOOL FOR ADVANCED STUDIES IN AMERICAN GOVERNMENT IS NEEDED

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, Monday, I plan to introduce a bill to provide for a Federal school in the District of Columbia to be known as the George Washington Graduate School for Advanced Studies. It would be a graduate school for advanced studies in American Government and would be for carefully selected individuals of outstanding ability to pursue advanced studies in American Government in preparation for public service with the Government of the United States. It would operate under arrangements with George Washington University and be a fitting recognition of the fact that our first President left in his will, to the Treasury of the United States, funds for an educational institution in the seat of our Government. The bill will read:

H.R. —

A bill to provide for the establishment of the George Washington Graduate School for Advanced Studies in American Government for selected individuals of outstanding ability to pursue advanced studies in American political theory, methods, and institutions in preparation for public service with the Government of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to establish, as a memorial to George Washington, the first President of the United States, a graduate school for advanced studies in American Government (1) emphasizing the study of the philosophy and purposes of American political theory, methods, and institutions, (2) observing rigid academic standards with respect to the admission of students and the conferring of degrees, (3) limiting the numbers of the faculty and student body in such a manner as to assure the maintenance of high academic standards, and (4) preparing young men and women, selected on the basis of demonstrated scholastic achievement, qualities of leaderships, and motivation for public service, for distinguished careers in public service with the Government of the United States.

SEC. 2. There is hereby established within the George Washington University, an independent, nonsectarian university located in the District of Columbia and operating under a charter granted by an Act of Congress of February 9, 1821 (Statutes at Large, volume 6, pages 255–258, Sixteenth Congress, second session, chapter 10) a graduate school for advanced studies in American Government to be known as the "George Washington Graduate School for Advanced Studies" (hereafter in this Act referred to as the "school").

SEC. 3. (a) There is hereby established a commission to be known as the Commission on the George Washington Graduate School for Advanced Studies (hereafter in this Act referred to as the "Commission"), for the purpose of considering and formulating plans for the design and construction of the school.

(b) The Commission shall be composed of sixteen members appointed as follows:

(1) eight members appointed by the President of the United States, four from the executive branch of the Government and four from private life;

(2) four Members of the Senate, appointed by the President of the Senate; and

(3) four Members of the House of Representatives, appointed by the Speaker of the House of Representatives.

The four members of the Commission appointed from private life shall be selected from among distinguished educators in the United States.

(c) The Commission shall, in such manner as it may deem appropriate, solicit the submission of plans for the design and construction of the school, and, in the selection of suitable plans, the Commission shall take into consideration the functional needs of the school, together with its purpose as a memorial to George Washington.

(d) In carrying out its duties under this section, the Commission on the George Washington Graduate School for Advanced Studies shall request the advice and recommendation of the Commission of Fine Arts and the National Capital Planning Commission. The Commission of Fine Arts and the National Capital Planning Commission shall render such advice and recommendations at the request of the Commission on the George Washington Graduate School for Advanced Studies.

(e) The members of the Commission who are Members of Congress, and the members appointed from the executive branch of the Government, shall serve without compensation, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission. The members of the Commission who are appointed from private life shall each receive $50 per diem when engaged in the actual performance of their duties as members of the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(f) As soon as practicable after the date of enactment of this Act the Commission shall submit to the Congress for approval the plans selected by the Commission for the design and construction of the school. The approval of the Congress shall be by concurrent resolution stating in effect that it approves the action of the Commission in the selection of such plans. Effective as of the date of the adoption of such concurrent resolution the Commission shall cease to exist.

SEC. 4. The supervision and operation of the Institute shall be vested in the board of trustees of the George Washington University (hereafter in this Act referred to as the board).

SEC. 5. The board shall appoint a Chancellor of the George Washington Graduate School for Advanced Studies (hereinafter in this Act referred to as the Chancellor of the School) to serve for a term of ten years. The Chancellor of the School shall be responsible, under the direction and supervision of the board, for the administration of the School, and shall have such duties and powers as may be delegated to him by the board. The Chancellor of the School shall be compensated for his services, which shall be on a full-time basis, at a sum not to exceed $25,000 per annum, plus annuities and other benefits as granted to other faculty members of the university.

SEC. 6. (a) The board shall provide for the construction of the School in accordance with the plans for its design and construction approved by the Congress under section 3(f) of this Act.

(b) In carrying out the purpose set forth in the first section of this Act, the board shall—

(1) institute and maintain appropriate courses of advanced studies in American political theory, methods, and institutions;

(2) fix requirements for admission and establish required standards of academic proficiency to be maintained by students admitted to the School.

(3) fix the number of students to be admitted to the School; and

(4) prescribe such regulations as may be necessary to carry out the provisions of this Act.

(c) The Board may appoint and fix the compensation of such professors, associate professors, assistant professors, and instructors as may be necessary to carry out the provisions of subsection (b) of this section. Such compensation shall be the same as that paid for comparable services in others parts of the university.

The Board is also authorized to provide appropriate instruction through visiting lecturers, and to establish, in cooperation with other Federal agencies, such intern-trainee programs as it may deem appropriate. The Board may appoint and fix the compensation of such other persons as may be necessary to carry out the provisions of this Act.

(d) The Board, in accordance with such regulations as it shall prescribe, may grant appropriate degrees to persons completing a course of study at the School.

SEC. 7. (a) The Board shall select the students to be admitted on fellowships to the school from among citizens of the United States who have received a baccalaureate degree and are found by the Board to be qualified to pursue a course of advanced study offered at the school. Upon application the Board may approve for admission selected foreign students, not to exceed 5 per centum of the student body. Admission of students shall be in accordance with the purposes of this Act and shall be subject to standards of admission established for students at comparable levels in other parts of the university.

(b) Each student, other than a foreign student, admitted to the school shall sign an agreement, that, unless sooner separated, he will complete his course of study at the school and will accept an appointment and serve with the Government of the United States in a position commensurate with his education and training, as determined by the United States Civil Service Commission, during the four-year period beginning on the date of the completion of his course of study at the school. Nothing in this subsection shall be construed to require the United States to offer a position to any individual who completes his course of study at the school.

(c) In any case in which an individual shall fail to complete his course of study at the school or shall refuse to accept an appointment and serve with the Government of the United States, in accordance with the agreement referred to in subsection (b) of this section, such individual shall be required to pay to the United States the amounts paid by the United States under this Act with respect to the education and training of such individual at the school. The Board shall prescribe the terms of any payment to the United States under this subsection, but the Board may waive the foregoing provisions of this subsection in any case in which the Board deems such waiver to be appropriate under the circumstances.

SEC. 8. Attendance at the school shall be without charge and the United States shall furnish to each student at the school such books, supplies, and equipment as may be necessary to his course of study and shall pay to each student at the school a monetary allowance to cover the costs of board, lodgings, other living expenses, and necessary travel, for such student and his dependents, as may be required for the successful pursuit and completion of his course of study at the school.

SEC. 9. (a) The Board shall award annually four-year scholarships to be known as "George Washington Scholarships", for the purpose of encouraging the pursuit of courses of study in American political theory, methods, and institutions at the George Washington University or other accredited nonprofit institutions of higher education located within the United States and selected by the recipient of a George Washington Scholarship. The award of George Washington Scholarships shall be distributed annually among recipients as follows:

(1) one from each of the several States of the United States,

(2) one from the District of Columbia,

(3) one from the Commonwealth of Puerto Rico, and

(4) one from possessions of the United States.

(b) The Board shall select the recipients of George Washington Scholarships from among citizens of the United States who complete their high school education in the year in which they are selected as recipients of such scholarships. Such selections shall be made solely on the basis of ability, as determined by the Board in such manner as it may deem appropriate.

(c) Such scholarships shall be awarded only to those recipients who agree to emphasize the study of American Government in a course of study leading toward a baccalaureate degree approved by the Board, and shall be reapproved annually in the discretion of the Board, upon receiving assurances satisfactory to it that the recipient is successfully pursuing his course of study at the institution selected by him and is, in the opinion of the Board, maintaining a satisfactory academic standing at such institution.

(d) With respect to each recipient of a George Washington Scholarship, the Board shall provide for the payment of the customary cost of tuition, and such laboratory, library, health, infirmary, and other similar fees as are customarily charged, and shall pay for books, supplies, equipment, and other necessary expenses, including board, lodging, other living expenses, as are generally required for the successful pursuit and completion of the course by other students in the institution. Such payments may be made in such manner as the Board may deem appropriate.

(e) Each recipient of a George Washington Scholarship shall agree to complete his selected course of study and accept an appointment and serve with the Government of the United States in a position determined by the United States Civil Service Commission to be commensurate with his education and training for a period of time, beginning on the date of his completion of such course of study, equal to that during which he held a George Washington Scholarship. In any case in which such a recipient shall fail to complete such course of study, or shall refuse to accept such appointment and serve with the Government of the United States for such period of time, he shall be required to pay to the United States the amounts paid by the United States under this Act with respect to such recipient. The Board shall prescribe the terms of any payment to the United States under this subsection, but the Board may waive the provisions of the preceding sentence of this subsection in any case in which the Board deems such waiver to be appropriate under the circumstances.

SEC. 10. An advisory committee is established to advise the board in the performance of the duties prescribed by section 6 of this Act. It shall consist of five members to be appointed by the President of the United States, by and with the advice and consent of the Senate. The first members appointed shall continue in office for terms (beginning on a date specified by the President) of one, two, three, four, and five years, respectively, the term of each to be designated by the President at the time of the appointment. Their successor shall be appointed for terms of five years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. Upon the expiration of his term of office a member shall continue to serve until his successor shall have been appointed and shall have qualified. The board shall choose a chairman from among its membership. A vacancy on the board shall not impair the right of the remaining trustees to exercise all the powers of the board. The trustee shall be compensated at the rate of $50 for each day spent in attendance at meetings of the board, and shall be paid actual traveling and subsistence expenses incident to attending such meetings.

SEC. 11. There are authorized to be appropriated sums as may be necessary to carry out the provisions of this Act.

THE LIFE OF AN ARCHBISHOP

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 60 minutes.

Mr. FEIGHAN. Mr. Speaker, Archbishop Edward F. Hoban, of Cleveland, Ohio, passed on to his eternal reward last evening. His death has saddened the hearts of all who knew him and the many who benefited from his endless good works. He was a great spiritual and civic leader whose constant concerns for the welfare and happiness of the human family embraced everyone in the Greater Cleveland community.

Consecrated coadjutor bishop of Cleveland on January 21, 1943, Archbishop Hoban served the people of Cleveland for over 23 years as the spiritual head of nearly 900,000 Catholic communicants. His spiritual leadership and his unbounded concern for the greater good of all will be sorely missed.

During Archbishop Hoban's tenure the diocese of Cleveland enjoyed an unprecedented growth. Some 60 new parishes were established, many new high schools and other institutions were built and diocesan facilities expanded. On the occasion of his golden jubilee of ordination in 1953, President Dwight D. Eisenhower sent him a warm letter of congratulations, a copy of which I include at this point in my remarks:

THE WHITE HOUSE,
Washington, D.C., July 1, 1953.

The Most Reverend
EDWARD F. HOBAN, S.T.D.,
Bishop of Cleveland, Cleveland, Ohio.

DEAR ARCHBISHOP HOBAN: I am very happy to send my warm congratulations on the occasion of the Golden Jubilee of your ordination as a priest. I have learned of your outstanding service as a spiritual leader and as an active participant in civic affairs.

My very best wishes go to you for many years of continued service to God and to mankind.

Sincerely,
DWIGHT D. EISENHOWER.

On the occasion of Archbishop Hobans 88th birthday, last June 27, a group of distinguished public officials, business and civic leaders of Ohio called upon him to express happy birthday greetings. A highlight of that affair was the reading of a touching letter of congratulations from President Lyndon B. Johnson. A copy of President Johnson's letter is included at this point in my remarks:

THE WHITE HOUSE,
Washington, June 21, 1966.

The Most Reverend EDWARD F. HOBAN,
Cleveland, Ohio.

DEAR ARCHBISHOP HOBAN: I was very pleased to learn that June 27 will mark your eighty-eighth birthday.

It is with sincere admiration for your life's work that I join those gathered in observance of this occasion in expressing warm congratulations and good wishes.

I hope that the many good works that are reflected in your long years of religious and community service will be for you an abiding source of happiness and satisfaction.

May God bless you on this special day and always.

Sincerely,
LYNDON B. JOHNSON.

Much has been written about the life and accomplishments of Archbishop Hoban over the past years. The Catholic Universe Bulletin of Cleveland published a souvenir edition in 1953, as part of the golden jubilee celebration of the archbishop's ordination. That edition carried a feature story title "The Story of an Archbishop" which I include as part of my remarks:

THE STORY OF AN ARCHBISHOP

The date was June 27, 1878.

Bishop Richard Gilmour had been in charge of the Diocese of Cleveland for six years. He had committed himself to the training of American youth for the priesthood. His policy was paying off. He recalled on that day that his ordination classes had numbered more and more seminarians born and bred in America. The trend was so great that when he closed his administration he had ordained 122 young men to the priesthood of whom 57 had been born and trained in the United States. He finished his day with a fervent prayer that soon American priests would man the American Church.

The day he said this prayer William and Bridget O'Malley Hoban of Chicago were rejoicing in the birth of their son, Edward Francis, one of their eight children. The prayerful Bishop Gilmour did not know that an American boy born that day was to be his successor in the See of Cleveland. Nor did William Hoban envisage this future, although being a shoemaker, he might logically have hoped for it. The hierarchy of America is made up mostly of workingmen's sons.

The new arrival was soon carried to the parish church of St. Columkille where the regenerating waters of baptism were poured upon his head. In the same church the growing boy made his first confession, received his first Holy Communion, and was confirmed. He attended St. Columkille parochial school and St. Ignatius High School and College in his native city.

Archbishop Patrick Augustine Feehan of Chicago directed him to St. Mary Seminary, Baltimore, for his studies in philosophy and theology. At their completion, the See of Chicago had just been filled by the installation of the Most Rev. James Edward Quigley as second archbishop on June 12, 1903. The new Metropolitan called the ordination class for July orders. Auxiliary Bishop Peter James Muldoon conferred the subdiaconate and diaconate on the candidates and on July 11 Archbishop Quigley raised them to the sacred priesthood. In the class was Edward Francis Hoban.

At almost the same time, the diocese in northern Ohio on the shores of Lake Erie was replenishing the ranks of its priesthood. On June 6, 1903, the third bishop of Cleveland, Ignatius Frederick Horstmann, had ordained 10 priests for work in his portion of the Lord's vineyard.

The new archbishop of Chicago decided to send one of the young priests of his jurisdiction to Rome for postgraduate studies. Glancing over their scholastic records, he found one invariably leading his class from high school through college and seminary days. And so it was that he dispatched the young Father Hoban, who had been named assistant pastor of St. Agnes Parish, to the Gregorian University. At this famous school he obtained doctorates in philosophy and sacred theology while imbibing the Roman spirit and developing that devotion to the Roman Pontiff that has characterized his career.

During his stay in the Eternal City, he saw the Church at work. He became acquainted with the workers from every quarter of the globe who were gathered in that cosmopolitan center. Among these was the distinguished spiritual director of the North American College, Monsignor John Patrick Farrelly, who was to be named fourth Bishop of Cleveland in 1909.

Having successfully completed his Roman studies, Doctor Hoban returned to Chicago and assignment to the staff of Quigley Preparatory Seminary. In 1906 he was named assistant to the Chicago chancellor, the Rev. Edmund M. Dunne, S.T.D. When the latter became Bishop of Peoria in 1909, Doctor Hoban succeeded him as chancellor. He retained this important post under Archbishop George William Mundelein who succeeded Archbishop Quigley as Ordinary of Chicago in 1915.

One of his most interesting Chancery duties was the assistance he afforded a little Italian religious who was establishing her Missionary Sisters of the Sacred Heart in Chicago and building the immense Columbus Hospital. In this he was collaborating with a saint. The small but prodigiously hardworking nun was Mother Frances Xavier Cabrini who died in Chicago in 1917 and has since been raised to the honors of the altar, the first American citizen to be canonized. When Archbishop Hoban reads his breviary for Dec. 22, he pores over the life of the humble religious who so often called at his office for advice and encouragement.

During his chancellorship, Chicago entered upon that period of vibrant expansion that has made Church history in America. Sharing in this was the busy chancellor whom the late great Cardinal Mundelein called his "right hand." In 1916 he had been named a papal chamberlain. Five years later came his appointment to the titular See of Colonia in Armenia and auxiliary to the archbishop of Chicago.

The ancient rites of consecration were carried out in a magnificent ceremony in Holy Name Cathedral. Archbishop Mundelein imposed hands on the new successor of the Apostles, assisted by Bishop Alexander McGavick of LaCrosse and Bishop Thomas Molloy of Brooklyn. Bishop Dunne of Peoria, who had been his pastor at St. Columbkille's and whose Mass he had served as an altar boy in that church, preached the sermon.

Among the many distinguished churchmen in attendance was Bishop Joseph Schrembs, fifth Bishop of Cleveland, little aware that he was witnessing the imposition of hands on his immediate successor in his northern Ohio See.

Concurrently, Bishop Hoban served as spiritual director of the Chicago Archdiocesan Union of the Holy Name Societies and after 1924 as vicar general of the archdiocese. In 1926 he assumed the duties of honorary president of the twenty-eighth International Eucharistic Congress. He initiated his work in this remarkably successful demonstration of American faith in the Blessed Eucharist by a journey to Rome to obtain the Holy Father's appointment of a papal legate to the Congress.

Pope Pius XI granted the bishop's request and made the happy choice of Giovanni Cardinal Bonzano as his personal representative. The splendid ceremonies in Chicago and in the nearby Mundelein seminary centered the attention of the Catholic world on the great Midwest metropolis.

The neighboring See of Rockford became vacant through the death of Bishop Peter James Muldoon Oct. 8, 1927. On the following Feb. 10, Pope Pius XI transferred Bishop Hoban to Rockford. He was installed in St. James pro-Cathedral by Archbishop Mundelein May 15. The impressive ceremonies were witnessed by 28 archbishops and bishops and a host of clergy and laity.

The busy Chicago days were transferred to Rockford, the only change being in the locale. New schools, high and elementary, churches, and charitable institutions sprang up under Bishop Hoban's energetic direction. New parishes were established and new religious communities of men and women were invited into the diocese. He erected a chancery office and episcopal residence. His reputation as builder and patron of education was well established before Rome summoned him to larger responsibilities in the sixth largest city in the United States.

In his Rockford days he welcomed Pope Pius XII to the United States when he visited our country as Papal Secretary of State Eugenio Cardinal Pacelli in 1936. The year previous his interest in and support of the Catholic press bore fruit in the foundation of The Rockford Observer.

Bishop Hoban's administration of Rockford so won the admiration of the Holy See that Pope Pius XI nominated him to the high honor of Bishop Assistant at the Pontifical Throne Nov. 25, 1937.

It was on Nov. 14, 1942, that Pope Pius XII named Bishop Hoban Titular Bishop of Lystra and Coadjutor with the right of succession to Archbishop Joseph Schrembs of Cleveland. Public announcement of the appointment was made 3 days later. A deluge of congratulatory messages assured the bishop of a warm welcome in his new home.

After a quiet courtesy call on Archbishop Schrembs in his hospital rooms, arrangements were made for the installation of the coadjutor bishop in St. John Cathedral on the feast of St. Agnes, Jan. 21, 1943. On that day Archbishop John T. McNicolas of Cincinnati led the new bishop to the episcopal throne of Cleveland. Archbishop Schrembs had prepared a warm speech of welcome but illness prevented its personal delivery. Auxiliary Bishop James A. McFadden read it for the ailing prelate.

The installation was witnessed by a large concourse of clergy and laity, including many members of the hierarchy, the governor of Ohio, the mayor and other city officials. It was the first in a number of gala days of which the bishop was to be the center in the following decade that was to round out his golden years in the priesthood of Christ.

Bishop Hoban won the hearts of all in his simple and sincere announcement that he had come to Cleveland to serve the priests and people and serve with them in spreading Christ's kingdom in this portion of God's vineyard. He asked all to be his coadjutors and helpers in this noble enterprise.

Within months after his arrival in Cleveland, the Holy See divided the diocese over which he was to preside, setting up a separate jurisdiction in Youngstown. Bishop Hoban served as apostolic administrator of the new See until July 22, 1943, when Bishop James A. McFadden became first Bishop of Youngstown. At impressive ceremonies in St. Columba Cathedral, presided over by Archbishop John T. McNicolas of Cincinnati, Bishop Hoban paid rich tribute to the new Ordinary who had served with high distinction as Auxiliary Bishop of Cleveland for 10 fruitful years.

When Bishop Hoban came to Cleveland the sands of time were running out for the illustrious Archbishop Schrembs. His closing days in St. John Hospital were robbed of loneliness by the daily visits of his coadjutor who always found time in his progressively busy schedule to spend some minutes with the beloved prelate whom he held in warm affection and esteem. On All Souls Day, Nov. 2, 1945, the angel of death summoned the great Archbishop and the title of Bishop of Cleveland descended upon Edward Francis Hoban.

Six years later, July 13, 1951, Bishop Hoban was given the personal title of archbishop by Pope Pius XII.

In 1946 the Holy See appointed the scholarly diocesan superintendent of schools, Monsignor John Raphael Hagan, as auxiliary bishop to assist Bishop Hoban in his episcopal duties. Bishop Hagan was consecrated in St. Agnes Church May 28, 1946, by the bishop, assisted by Bishop James A. McFadden of Youngstown and Bishop John P. Treacy of LaCrosse. After a very short episcopate, Bishop Hagan died in St. John Hospital, Sept. 28, 1946. The beloved prelate was sincerely mourned by all. He is interred in the St. John Cathedral crypt.

The next year Monsignor Floyd Lawrence Begin, vicar general for religious and diocesan officials, was named titular bishop of Sala and auxiliary bishop of Cleveland. He was consecrated in St. Agnes Church, May 1, 1947, by Bishop Hoban assisted by Bishop McFadden and Auxiliary Bishop Joseph McGucken of Los Angeles.

The amazing growth of the diocese prompted the Holy See to name a second auxiliary for Cleveland during Archbishop Hoban's jubilee year. Monsignor John J. Krol, diocesan chancellor, was chosen for this high honor. He was consecrated in the Cathedral Sept. 2, 1952, by Archbishop Amleto Giovanni Cicognani, Apostolic Delegate to the United States, assisted by Archbishop Hoban and Bishop Begin.

The imposing Cathedral Square buildings are a visible symbol of Archbishop Hoban's accomplishments throughout the eight counties which form the diocese.

He has ordained 181 priests, created 39 new parishes, erected 37 new elementary schools plus new buildings for two others and substantial enlargements for two more; founded seven new high schools with an eighth under construction; provided new buildings for three others plus two new junior high schools.

He has seen rising two new hospitals and additions for three others; a new Merrick Settlement House building; three new homes for the aged; a convalescent hospital; two new social service bureaus, and two CYO summer camps. He brought forth the Catholic Resettlement Council which has helped almost 7,000 displaced persons to begin life anew in the diocese.

He has opened a new minor seminary, and the 150-capacity diocesan retreat house.

Now, at 75, celebrating his Golden Jubilee in the priesthood, Archbishop Hoban rests on no laurels. He is driving, in his quiet but persistent way, for more vocations to the priesthood, the Sisterhood and the Brotherhood, and for the day when every Catholic teen-ager in the diocese will be in a Catholic high school.

CENSORSHIP

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. DENT] is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, one of the vexing problems that has been of great concern to legislative bodies in local, State, and Federal Governments has revolved around the censorship or noncensorship of movies presented for public viewing.

Many types of proposals have been advanced, some accepted—many more rejected.

It has long been held by many citizens that this problem can best be resolved by the industry.

Recently, the Motion Picture Association of America has moved a long way in this direction by adopting a revised code of self-regulation of the motion picture industry in the field of production, advertising, and the titling of motion pictures.

I present the complete text of this new code as well as a very fine editorial from the Washington Post of September 21, 1966.

Mr. Speaker, I would be remiss if I did pay tribute at this time to the new president of the Motion Picture Association, Jack Valenti.

Mr. Valenti, who served the President of the United States with great distinction, has taken his valuable experience and talents to the new position and has shown his awareness of the need for change in this area.

I commend Mr. Valenti for his forthright statement of principles and the great step forward to a better understanding of the needs in a modern world of movie making and distribution.

The above-mentioned code and articles follow:

A GREAT HISTORIC LANDMARK

Jack J. Valenti, president of the Motion Picture Association of America, this afternoon (September 20) received the following message from Richard F. Walsh, president of the International Alliance or Theatrical Stage Employees:

"I want to congratulate you on the adoption of the revised Code. This is a step in the right direction and it has been needed.

"It makes clear that the main responsibility rests on parents to choose the films they want their children to see or not to see. This is where the responsibility belongs.

"By combining a concern for freedom of expression with a regard for the proper sensibilities of the public, the Code, I believe, can be a great historic landmark in the relationships between the industry and the public it serves.

"We want to assist you in any way we can to make this system of self-regulation a continuing success."

NEW YORK, September 20.—The Motion Picture Association of America today adopted the industry's new Code of Self-Regulation. This action was unanimously agreed to by the Board of Directors at a meeting at the Association Tuesday, September 20.

Up-dating of the 36-year old set of standards for movie production has been carried out "to keep the Code in closer harmony with the mores, the culture, the moral sense and the expectations of our society," Jack J. Valenti, president of the motion picture trade association, stated.

A highlight of the revision, which has been discussed actively for several years, is its greater emphasis on the importance of how the subjects of movies are treated on the screen, coupled with an "expansion of creative freedom" through the substitution of broader guidelines in place of the old Code's specific prohibitions.

The most significant innovation in the new regulations which the industry imposes on itself is to extend the commitment by the producers and film distributors to make more information about films available to parents, "the arbiters of family conduct, so they can choose which motion pictures their children can see."

The new Code establishes procedures whereby producers, in cooperation with the Code Administrator, will identify certain pictures as "Suggested for mature audiences" in all advertising, displays at theaters, and by other means.

A new "Declaration of Principles" of the Code states, "Thus parents will be alerted and informed so that they may decide for themselves whether a particular picture, because of theme, content or treatment, will be one which their children should or should not see, or may not understand or enjoy.

"Parents have the primary responsibility to guide their children in the kind of lives they lead, the character they build, the books they read, and the movies and other entertainment to which they are exposed," the Code Declaration of Principles states.

It recognizes that "the creators of motion pictures have a responsibility to make information available to parents."

Censorship and classification of films by law are "alien to the American tradition. Much of this nation's strength and purpose is drawn from the premise that the humblest of citizens has the freedom of his own choice," the Code declares. "We believe self-restraint, self-regulation, to be in the tradition of the American purpose. This Code, and its administration, will make clear that freedom of expression does not mean toleration of license."

The new standards for production, to be enforced by the Administrator, are:

"The basic dignity and values of human life shall be respected and upheld. Restraint shall be exercised in portraying the taking of life.

"Evil, sin, crime and wrong-doing shall not be justified.

"Special restraint shall be exercised in portraying criminal or anti-social activities in which minors participate or are involved.

"Detailed and protracted acts of brutality, cruelty, physical violence, torture and abuse, shall not be presented.

"Indecent or undue exposure of the human body shall not be presented.

"Illicit sex relationships shall not be justified. Intimate sex scenes violating common standards of decency shall not be portrayed. Restraint and care shall be exercised in presentations dealing with sex aberrations.

"Obscene speech, gestures or movements shall not be presented. Undue profanity shall not be permitted.

"Religion shall not be demeaned.

"Words or symbols contemptuous of racial, religious or national groups, shall not be used so as to incite hatred.

"Excessive cruelty to animals shall not be portrayed and animals shall not be treated inhumanely.

"The Code of Self-Regulation has been adopted by and will be supported by all members of the Motion Picture Association of America, as well as many independent producers," Mr. Valenti said. He pointed out that "not all motion pictures are submitted for review by the Production Code Administration of the Association. The presence of the Code Seal is the only way the public can know which pictures have come under the Code. However, non-members of the Association are invited to submit films for Code scrutiny and approval."

The Code also includes standards for movie advertising, as has been true in the past. All advertising and publicity for Code-approved pictures must abide by the standards of the Advertising Code.

The principles and standards of the Production Code are supplemented by the following standards for advertising:

"Illustrations and text shall not misrepresent the character of a motion picture. Illustrations shall not depict any indecent or undue exposure of the human body. Advertising demeaning religion, race, or national origin shall not be used."

Standards for titles of motion pictures also are included in the revised Code, as in the past.

The new provision concerning films for mature audiences states that "The Administrator, in approving a picture under the Code, may recommend that advertising for the picture carry the informational line 'Suggested for mature audiences.' If the Administrator so determines, the distributing company shall carry the line in its advertising. The Administrator shall notify the Director of the Code for Advertising of all such pictures."

The new Code establishes a "Motion Picture Code Board" which will hear appeals and also acts as an advisory board on Code matters. The latter function is new, reflecting Mr. Valenti's program for broader cooperation and unity between producers and distributors on the one hand and exhibitors on the other.

The Code Board will consist of the president of the MPAA as Chairman and nine other directors of the Association; six exhibitors nominated by the National Association of Theatre Owners; and four producers nominated by the Screen Producers Guild.

Member companies of the Association which voted to adopt the Code today are: Allied Artists Pictures Corporation; Columbia Pictures Corp.; Metro-Goldwyn-Mayer Inc.; Paramount Pictures Corporation; Twentieth Century-Fox Film Corp.; United Artists Corporation; Universal Pictures, a division of Universal City Studios, Inc.; and Warner Bros. Pictures Distributing Corp.

Copies of the text of the Code may be secured by writing the MPAA, 522 Fifth Avenue, New York, N.Y., 10036.

CODE OF SELF-REGULATION—MOTION PICTURE ASSOCIATION OF AMERICA

The Code of Self-Regulation of the Motion Picture Association of America shall apply to production, to advertising, and to titles of motion pictures.

The Code shall be administered by an Office of Code Administration, headed by an Administrator.

There shall also be a Director of the Code for Advertising, and a Director of the Code for Titles.

Nonmembers are invited to submit pictures to the Code Administrator on the same basis as members of the Association.

DECLARATION OF PRINCIPLES OF THE CODE OF SELF-REGULATION OF THE MOTION PICTURE ASSOCIATION

This revised Code is designed to keep in closer harmony with the mores, the culture, the moral sense and the expectations of our society.

The revised Code can more completely fulfill its objectives, which are:

1. To encourage artistic expression by expanding creative freedom and
2. To assure that the freedom which encourages the artist remains responsible and sensitive to the standards of the larger society.

Censorship is an odious enterprise. We oppose censorship and classification-by-law (or whatever name or guise these restrictions go under) because they are alien to the American tradition of freedom.

Much of this nation's strength and purpose is drawn from the premise that the humblest of citizens has the freedom of his own choice. Censorship destroys this freedom of choice.

It is within this framework that the Motion Picture Association continues to recognize its obligation to the society of which it is an integral part.

In our society the parents are the arbiters of family conduct.

Parents have the primary responsibility to guide their children in the kind of lives they lead, the character they build, the books they read, and the movies and other entertainment to which they are exposed.

The creators of motion pictures undertake a responsibility to make available pertinent information about their pictures which will enable parents to fulfill their function.

An important addition is now being made to the information already provided to the public in order to enable parents better to choose which motion pictures their children should see.

As part of the revised Code, there is a provision that producers in cooperation with the Code Administration, will identify certain pictures as suggested for mature audiences.

Such information will be conveyed by advertising, by displays at the theatre and by other means.

Thus parents will be alerted and informed so that they may decide for themselves whether a particular picture because of theme, content or treatment, will be one which their children should or should not see, or may not understand or enjoy.

We believe self-restraint, self-regulation, to be in the tradition of the American purpose. It is the American society meeting its responsibility to the general welfare. The results of self-discipline are always imperfect because that is the nature of all things mortal. But this Code, and its administration, will make clear that freedom of expression does not mean toleration of license.

The test of self-restraint . . . the rule of reason . . . lies in the treatment of a subject for the screen. The SEAL of the Motion Picture Association on a film means that the picture has met the test of self-regulation.

All members of the Motion Picture Association, as well as many independent producers, cooperate in this self-regulation. Not all motion pictures, however, are submitted to the Production Code Administration of the MPA, and the presence of the Seal is the only way the public can know which pictures have come under the Code.

We believe in and pledge our support to these deep and fundamental values in a democratic society:

Freedom of choice . . .

The right of creative man to achieve artistic excellence . . .

The role of the parent as the arbiter of the family's conduct.

The men and women who make motion pictures under this Code value their social responsibility as they value their creative skills. The Code, and all that is written and implied in it, aims to strengthen both those values.

Standards for production

In furtherance of the objectives of the Code to accord with the mores, the culture, and the moral sense of our society, the principles stated above and the following standards shall govern the Administrator in his consideration of motion pictures submitted for Code approval:

The basic dignity and value of human life shall be respected and upheld. Restraint shall be exercised in portraying the taking of life.

Evil, sin, crime and wrong-doing shall not be justified.

Special restraint shall be exercised in portraying criminal or anti-social activities in which minors participate or are involved.

Detailed and protracted acts of brutality, cruelty, physical violence, torture and abuse, shall not be presented.

Indecent or undue exposure of the human body shall not be presented.

Illicit sex relationships shall not be justified. Intimate sex scenes violating common standards of decency shall not be portrayed. Restraint and care shall be exercised in presentations dealing with sex abberations.

Obscene speech, gestures or movements shall not be presented. Undue profanity shall not be permitted.

Religion shall not be demeaned.

Words or symbols contemptuous of racial, religious or national groups, shall not be used so as to incite bigotry or hatred.

Excessive cruelty to animals shall not be portrayed and animals shall not be treated inhumanely.

Standards for advertising

The principles of the Code cover advertising and publicity as well as production. There are times when their specific application to advertising may be different. A motion picture is viewed as a whole and may be judged that way. It is the nature of advertising, however, that it must select and emphasize only isolated portions and aspects of a film. It thus follows that what may be appropriate in a motion picture may not be equally appropriate in advertising. This must be taken into account in applying the Code standards to advertising. Furthermore, in application to advertising, the principles and standards of the Code are supplemented by the following standards for advertising:

Illustrations and text shall not misrepresent the character of a motion picture.

Illustrations shall not depict any indecent or undue exposure of the human body.

Advertising demeaning religion, race, or national origin shall not be used.

Cumulative overemphasis on sex, crime, violence and brutality shall not be permitted.

Salacious postures and embraces shall not be shown.

Censorship disputes shall not be exploited or capitalized upon.

Standards for titles

A salacious, obscene, or profane title shall not be used on motion pictures.

PRODUCTION CODE REGULATIONS

I. Operations

A. Prior to commencement of production of a motion picture, the producer shall submit a shooting, or other, script to the Office of Code Administration. The Administrator of the Code shall inform the producer in confidence whether a motion picture based upon the script appears to conform to the Code. The final judgment of the Administrator shall be made only upon reviewing of the completed picture.

B. The completed picture shall be submitted to the Code Office and if it is approved by the Administrator, the producer or distributor shall upon public release of the picture place upon an introductory frame of every print distributed for exhibition in the United States the official Seal of the Association with the word "Approved" above the Seal, and below, the words "Certificate Number," followed by the number of the Certificate of Approval. All prints bearing the Code Seal shall be identical.

C. The Administrator, in issuing a Certificate of Approval, shall condition the issuance of the Certificate upon agreement by the producer or distributor that all advertising and publicity to be used for the picture shall be submitted to and approved by the Director of the Code for Advertising.

D. The Administrator, in approving a picture under the Code, may recommend that advertising for the picture carry the informational line Suggested for Mature Audiences. If the Administrator so determines, the distributing company shall carry the line Suggested for Mature Audiences in its advertising. The Administrator shall notify the Director of the Code for Advertising of all such pictures.

E. The title of an approved motion picture shall not be changed without prior approval of the Director of the Code for Titles.

F. Nonmembers of the Association may avail themselves of the services of the Office of Code Administration in the same manner and under the same conditions as members of the Association.

G. The producer or distributor, upon receiving a Certificate of Approval for a picture, shall pay to the Office of Code Administration a fee in accordance with the uniform schedule of fees approved by the Board of Directors of the Association.

II. Motion Picture Code Board

A. A Motion Picture Code Board is established with these two principal functions:

To hear appeals from decisions of the Code Administrator.

To act as an advisory body on Code matters.

1. The Code Board shall be composed of the following:

(a) The President of the Motion Picture Association of America, and nine other directors of the Association appointed by the President;

(b) Six exhibitors appointed by the President upon nomination by the National Association of Theatre Owners; and

(c) Four producers appointed by the President upon nomination by the Screen Producers Guild.

2. The President of the Motion Picture Association of America shall be Chairman of the Code Board, and the Association shall provide the secretariat.

3. The President may designate not more than two pro tempore members for each category as substitutes for members unable to attend a particular Board meeting or a hearing.

4. The presence of ten members shall constitute a quorum of the Board for meetings and hearings.

5. The members of the Board required to travel to attend a meeting shall be reimbursed for transportation and subsistence expenses, which shall be paid to them from funds of the Office of Code Administration.

B. Advisory.

The procedures governing meetings of the Board in its advisory function shall be as follows:

1. The Board shall meet upon call of the Chairman at a time and place he may designate.

2. Members may submit suggestions for an agenda, which shall be prepared and circulated by the Chairman in advance of meetings. Upon majority vote, additional items may be submitted and brought up for discussion at meetings.

3. The Board through the Chairman may request the presence of the Code Administrator at meetings; may request oral and written reports from its distributor, exhibitor and producer members on the status of the Code; may call for advice and reports upon others in a position to contribute to a better understanding and more efficacious operation of the system of self-regulation; and may perform such other functions of an advisory nature as may redound to the benefit of the Code.

C. Appeals

1. Any producer or distributor whose picture has not been approved by the Code Administrator may appeal the decision to the Motion Picture Code Board by filing a notice of appeal to the Chairman of the Board.

2. The procedures governing appeals before the Code Board shall be as follows:

(a) The Board, upon being called into meeting by the Chairman, shall view an identical print of the picture denied a Certificate of Approval by the Code Administrator.

(b) The producer or the distributor and the Code Administrator, or their representatives, may present oral or written statements to the Board.

(c) The Board shall decide the appeal by majority vote of the members present and its decision shall be final.

(d) No member of the Board shall participate in an appeal involving a picture in which the member has a financial interest.

3. The jurisdiction of the Board is limited to hearing the appeal and it is without power to change or amend the Code.

4. The Code Board, if it authorizes the issuance of a Certificate of Approval, may do so upon such terms and conditions as it may prescribe.

ADVERTISING CODE REGULATIONS

1. These regulations are applicable to all members of the Motion Picture Association of America, and to all producers and distributors of motion pictures with respect to

each picture for which the Association has granted its Certificate of Approval.

2. The term "advertising" as used herein shall be deemed to mean all forms of motion picture advertising and exploitation, and ideas therefor, including the following: pressbooks; still photographs; newspaper, magazine and trade paper advertising; publicity copy and art intended for use in pressbooks or otherwise intended for general distribution in printed form or for theatre use; trailers; posters, lobby displays, and other outdoor displays; advertising accessories, including heralds and throwaways; novelties; copy for exploitation tieups; and all radio and television copy and spots.

3. All advertising shall be submitted to the Director of the Code for Advertising for approval before use, and shall not be used in any way until so submitted and approved. All advertising shall be submitted in duplicate with the exception of pressbooks, which shall be submitted in triplicate.

4. The Director of the Code for Advertising shall proceed as promptly as feasible to approve or disapprove the advertising submitted.

The Director of the Code for Advertising shall stamp "Approved" on one copy of all advertising approved by him and return the stamped copy to the Company which submitted it. If the Director of the Code for Advertising disapproves of any advertising, the Director shall stamp the word "Disapproved" on one copy and return it to the Company which submitted it, together with the reasons for such disapproval; or, if the Director so desires, he may return the copy with suggestions for such changes or corrections as will cause it to be approved.

5. All pressbooks approved by the Director of the Code for Advertising shall bear in a prominent place the official seal of the Motion Picture Association of America. The word "Approved" shall be printed under the seal. Pressbooks shall also carry the following notice:

"All advertising in this pressbook, as well as all other advertising and publicity materials referred to therein, has been approved under the Standards for Advertising of the Code of Self-Regulation of the Motion Picture Association of America. All inquires on this procedure may be addressed to: Director of Code for Advertising, Motion Picture Association of America, 522 Fifth Avenue, New York, New York 10036.

6. When the Code Administrator determines that any picture shall carry the informational line "Suggested for mature audiences," the Director of the Code for Advertising shall require this line to appear in such advertising for that picture as the Director may specify. When the advertisement is limited in size, the Director may authorize the initials SMA to stand for "Suggested for mature audiences."

7. Appeals. Any Company whose advertising has been disapproved may appeal from the decision of the Director of the Code for Advertising, as follows:

It shall serve notice of such appeal on the Director of the Code for Advertising and on the President of the Association. The President, or in his absence a Vice President designated by him, shall thereupon promptly and within a week hold a hearing to pass upon the appeal. Oral and written evidence may be introduced by the Company and by the Director of the Code for Advertising, or their representatives. The appeal shall be decided as expeditiously as possible and the decision shall be final.

8. Any Company which uses advertising without prior approval may be brought up on charges before the Board of Directors by the President of the Association. Within a reasonable time, the Board may hold a hearing, at which time the Company and the Director of the Code for Advertising, or their representatives, may present oral or written statements. The Board, by a majority vote of those present, shall decide the matter as expeditiously as possible.

If the Board of Directors finds that the Company has used advertising without prior approval, the Board may direct the Administrator of the Code to void and revoke the Certificate of Approval granted for the picture and require the removal of the Association's seal from all prints of the picture.

9. Each Company shall be responsible for compliance by its employees and agents with these regulations.

[From the Washington (D.C.) Post, Sept. 21, 1966]

FILMS AND FREEDOM

The Motion Picture Association of America announces today a new code of self-regulation for the film production industry. For a decade the principle movie-makers of the country have operated under a production code which gave rather extravagant lip service to Victorian proprieties and had a steadily diminishing relation to the realities of contemporary taste and artistic expression. Jack Valenti, the new president of the MPA, seems to have made it his first order of business to modernize the code and give it effective meaning. He deserves congratulations on the accomplishment.

One need only look at the movie section of any daily newspaper to see that there is a good deal of pandering to prurience and vulgarity in the current bill of fare; no doubt that is a shrewd response to what a considerable part of the public wants. But there is also a great deal of first-rate entertainment and a quantity of extremely interesting experimentation in motion pitcure themes, techniques and forms of expression. The movies can have freedom to flourish as an art only if they have a considerable measure of freedom at the same time to shock, disgust and even outrage a portion of the public.

The movie-makers have sought to preserve their freedom by embracing a measure of self-regulation—a traditional American approach. Their new code seeks "to assure that the freedom which encourage the artist remains responsible and sensitive to the standards of the larger society." It differs from the old code in two respects. First, it refrains from treating any subject as taboo, focusing its regulation instead on the treatment accorded to the subject. Second, it embraces a classification system for films, candidly announcing to the public that some products are designed for adult audiences only.

The standards for film treatment of subject in the new code are, perhaps necessarily, vague and pious. They provide, for example, that "evil, sin, crime and wrong-doing shall not be justified." That can mean anything or nothing, of course. Propriety being a matter of taste, there are bound to be difference of opinion concerning it. We shall have to see how the new code is administered.

We think voluntary classification is a good idea—a much better idea than the mandatory and official classification instituted by law in Dallas and recently approved there by a decision of the Fifth Circuit Court of Appeals. There are pictures of interest to adults which some of those adults do not wish their children to see.

The MPA proposes to have such films identified as "suggested for mature audiences." It does not propose, as the Dallas ordinance does, to have the classification made by a board of censors or to penalize exhibitors who allow juveniles to attend. It puts the responsibility for protecting children where it belong—on their parents. And it gives parents the notification necessary for them to exercise their supervisory role intelligently. That is about as much as can be done without incurring the evils of censorship.

The new code affords a hopeful augury that the motion picture industry is definitely coming of age. Unfettered, it has a prodigious potential both as art and as entertainment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COHELAN, until Tuesday, on account of business in district.

Mr. COOLEY (at the request of Mr. FRIEDEL), for today, on account of official business.

Mr. TUCK (at the request of Mr. FRIEDEL), on account of the death of the wife of a member of his staff.

Mr. NEDZI, for September 26 to October 5, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LAIRD, for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MCCLORY) and to revise and extend their remarks and include extraneous matter:)

Mr. QUIE for 60 minutes, today.

Mr. GLENN ANDREWS, for 5 minutes, today.

Mr. CHAMBERLAIN, for 30 minutes, on Thursday, September 29, 1966.

Mr. FEIGHAN (at the request of Mr. BOGGS), for 1 hour, today; to revise and extend his remarks and include extraneous matter.

Mr. DENT (at the request of Mr. BOGGS), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. FINO and to include extraneous matter.

Mr. SAYLOR to revise and extend his remarks.

Mr. BENNETT.

Mr. TENZER.

(The following Members (at the request of Mr. MCCLORY) and to include extraneous matter:)

Mr. PELLY.

Mr. MIZE.

(The following Members (at the request of Mr. BOGGS) and to include extraneous matter:)

Mr. DORN.

Mr. FISHER.

Mr. STALBAUM.

Mr. MURPHY of New York.

Mr. BROOKS.

Mr. POWELL.

Mr. SCHMIDHAUSER.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 293. An act to authorize the establishment of a public college of arts and sciences and a public community and vocational college in the District of Columbia; to the Committee on the District of Columbia.

S. 2709. An act to name the Veterans' Administration hospital located in Clarksburg, W. Va., the "Louis A. Johnson Memorial Veterans' Hospital"; to the Committee on Veterans' Affairs.

S. 3485. An act to amend section 3 of the act of July 23, 1955 (ch. 375, 69 Stat. 368); to the Committee on Interior and Insular Affairs.

S. 3704. An act to provide for the striking of a medal in commemoration of the designation of Ellis Island as a part of the Statue of Liberty National Monument in New York City, N.Y.; to the Committee on Banking and Currency.

S. 3823. An act to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes; to the Committee on Interior and Insular Affairs.

S.J. Res. 194. Joint resolution to authorize the President to designate October 31 of each year as National UNICEF Day; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9976. An act to amend the act of September 2, 1964.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1449. An act for the relief of Dr. Enrique Ramon Ducassi;

S. 2854. An act for the relief of Dr. Gottfried Kaestner;

S. 2946. An act for the relief of Dr. Mario V. Machado Espinosa; and

S. 3510. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Monday, September 26, 1966, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. H.R. 15335. A bill to amend the act entitled "An act to establish an Advisory Commission on Intergovernmental Relations," approved September 24, 1959, with amendment (Rept. No. 2065). Referred to the Committee of the Whole House on the State of the Union.

Mr. MACDONALD: Committee on Interstate and Foreign Commerce. H.R. 12543. A bill to amend the Trading With the Enemy Act to provide for the transfer of three paintings to the Federal Republic of Germany in trust for the Weimar Museum (Rept. No. 2066). Referred to the House Calendar.

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. S. 1607. An act to amend the act of September 13, 1962, authorizing the establishment of the Point Reyes National Seashore in the State of California, and for other purposes; with amendment (Rept. 2067). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDMONDSON: Committee on Interior and Insular Affairs. S. 3460. An act to authorize the Secretary of the Interior to enter into contracts for scientific and technological research, and for other purposes; with amendment (Rept. No. 2068). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 17911. A bill to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 17912. A bill to prescribe penalties for certain acts of violence or intimidation, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 17913. A bill to strengthen State and local governments, to provide the States with additional financial resources to improve elementary and secondary education by returning a portion of the Federal revenue to the States; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 17914. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 17915. A bill to consolidate water quality management and pollution control authorities and functions in the Federal Water Pollution Control Administration; to the Committee on Government Operations.

H.R. 17916. A bill to require the Secretary of the Interior to make a comprehensive study of the polar bear and walrus for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

By Mr. O'BRIEN:

H.R. 17917. A bill to provide for the admission into the Union, on an equal footing with the original States, of the Commonwealth of Puerto Rico; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 17918. A bill to provide for the admission into the Union, on an equal footing with the original States, of the Commonwealth of Puerto Rico; to the Committee on Interior and Insular Affairs.

By Mr. CAREY:

H.R. 17919. A bill to provide for the admission into the Union, on an equal footing with the original States, of the Commonwealth of Puerto Rico; to the Committee on Interior and Insular Affairs.

By Mr. CRALEY:

H.R. 17920. A bill to provide for the admission into the Union, on an equal footing with the original States, of the Commonwealth of Puerto Rico; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL:

H.R. 17921. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H.R. 17922. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 17923. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 17924. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 17925. A bill to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GONZALEZ:

H.R. 17926. A bill to encourage the States to extend coverage under their State unemployment compensation laws to agricultural labor; to the Committee on Ways and Means.

By Mr. HANSEN of Iowa:

H.R. 17927. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. KORNEGAY:

H.R. 17928. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 17929. A bill to amend the act of September 30, 1961 (75 Stat. 732); to the Committee on the Judiciary.

By Mr. McDOWELL:

H.R. 17930. A bill to provide additional assistance for areas suffering a major disaster; to the Committee on Public Works.

By Mr. PIRNIE:

H.R. 17931. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON:

H.R. 17932. A bill to encourage the prevention of air and water pollution by allowing the cost of treatment works for the abatement of air and water pollution to be amortized at an accelerated rate for income tax purposes; to the Committee on Ways and Means.

By Mr. STALBAUM:

H.R. 17933. A bill to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a national lake areas system and authorizing programs of lake and lake areas research, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WATSON:

H.R. 17934. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 17935. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

H.R. 17936. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

H.R. 17937. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 17938. A bill to establish a National Council for the Handicapped, and to declare a national policy for the adjustment, education, rehabilitation, and employment of the handicapped, with emphasis upon development of the handicapped in a manner calculated to enable them to take their rightful place in society, and for other purposes; to the Committee on Education and Labor.

By Mr. FULTON of Pennsylvania:

H.R. 17939. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 17940. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17941. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. KORNEGAY:

H.R. 17942. A bill to amend the Internal Revenue Code of 1954 to provide that an individual may deduct amounts paid for his higher education, or for the higher education of any of his dependents; to the Committee on Ways and Means.

By Mr. LOVE:

H.R. 17943. A bill to suspend, except for facilities to control air or water pollution, the investment credit and the allowance of accelerated depreciation in the case of certain real property; to the Committee on Ways and Means.

By Mr. MORTON:

H.R. 17944. A bill to provide for the admission into the Union, on an equal footing with the original States, of the Commonwealth of Puerto Rico; to the Committee on Interior and Insular Affairs.

By Mr. TENZER:

H.R. 17945. A bill to amend the Internal Revenue Code of 1954 to limit the maximum rate of percentage depletion to a rate of 20 percent, and to impose a special limitation on the amount of the depletion deduction where the proceeds thereof are used to finance the taxpayer's expansion into an unrelated field; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 17946. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H. Con. Res. 1016. Concurrent resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. COOLEY:

H. Con. Res. 1017. Concurrent resolution to authorize the printing of additional hearings and other materials by the Committee on Agriculture; to the Committee on House Administration.

By Mr. GLENN ANDREWS:

H. Res. 1021. Resolution creating a special committee to conduct an investigation and study of the conduct of Congressman ADAM CLAYTON POWELL in order to determine whether he should be censured, expelled, or otherwise punished by the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17947. A bill for the relief of Panagiotis Leontaritis; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 17948. A bill for the relief of Willie Miller; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 17949. A bill for the relief of Elio and Antonia Severino; to the Committee on the Judiciary.

By Mr. JOHNSON of Oklahoma:

H.R. 17950. A bill for the relief of Michael Keng-Tong Lau; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 17951. A bill for the relief of the survivors of Brig. Gen. William J. Boehmer; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17952. A bill for the relief of Delfin S. A. Goleco; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 17953. A bill for the relief of Daniel Marin Macias; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Malian Anniversary

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 22, 1966

Mr. POWELL. Mr. Speaker, on September 22, 1960, the Republic of Mali was proclaimed. On this sixth anniversary of the reemergence of Mali, I wish to extend warm greetings to His Excellency Modibo Keita, President of the Republic of Mali, and to His Excellency Moussa Leo Keita, Mali's Ambassador to the United States.

Of course, I should hasten to point out that the people of Mali have a rich cultural heritage of which they are justly proud. Mali is heir to a large portion of what were the old empires of Mali and Songhai between the 11th and 14th centuries, respectively.

Like most of the other newly independent states, Mali is waging a determined struggle to bring to her people the fruits of 20th century technology and production methods. Various economic difficulties have confronted the country, but there is every indication that the leadership in Mali is determined to overcome them. The country is primarily agricultural, depending largely on peanuts, rice, and cotton for export trade. Fish and cattle are playing an ever-increasing role, and the outlook is getting brighter for increased cattle production. Fortunately the country is self-sufficient in food production, and the people can afford to concentrate on increasing other agricultural production.

The United States has attempted to assist the Malian people in stabilizing and improving their country's economy. To those ends, we have extended technical assistance and modest sums through our development loans and grants. Through cooperation with U.N. agencies, her neighbors, and foreign assistance, Mali should once again reach the heights of achievement which the ancient empires of Mali and Songhai once scaled. It is my hope that this day will arrive soon.

Fino Introduces Bill To Amend Civil Rights Law To Curb Riots

EXTENSION OF REMARKS
OF
HON. PAUL A. FINO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 22, 1966

Mr. FINO. Mr. Speaker, now that the proposed civil rights legislation is dead for this session of Congress, I think we ought to make sure that the antiriot provision of that bill becomes law by passing a separate bill.

I am therefore introducing the antiriot section of the civil rights bill as a separate bill. I hope that Congress will pass it, so as to put the strong arm of the Federal Government to work repressing instead of inciting riots.

U.S. Sports Ambassador

EXTENSION OF REMARKS

OF

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1966

Mr. SAYLOR. Mr. Speaker, when the Boston Celtics appear at the Farm Show Arena in Harrisburg, Pa., on Saturday night of this week against the Philadelphia 76'ers in a National Basketball Association exhibition game, they will place on display not only one of the most outstanding ball handlers the game has ever known, but also a sports ambassador whose contributions in the interests of Latin American harmony merit national recognition.

Sam Jones, whose finesse on the court provides exciting afternoons for television sports fans, has also established himself as a diplomat of note. During the past summer he visited Panama, Costa Rica, and Honduras on a goodwill trip featuring sports talks and basketball exhibitions. He met with Government officials, students, and the general public in pan-America, and his deep affection for our neighbors in those countries was as much in evidence as his dazzling basketball play.

Reports from the countries visited are glowing testimony to the universal popularity of an American athlete who is also a dedicated humanitarian. The trip was sponsored by the United Fruit Co., at no cost whatsoever to the U.S. Government or to the countries involved.

Mr. Jones is far more than a brilliant athlete. He and Mrs. Jones have five children, but they still find time to help other youngsters wherever possible. By bringing high school graduates who are good students and good athletes to the attention of various institutions of higher learning, they have personally helped more than 50 boys—who otherwise would hardly have been able to continue their education—to enter college.

Newspapers in Central America devoted generous space to the Sam Jones visit. On his return to this country he said that he felt like Wilt Chamberlain when he played against the San Blas Indians, none of whose players is more than 5 feet in height. What Sam did not say was apparent in the reception wherever he went. Because of his warm personality and exemplary conduct, he was looked up to by everyone and presented just the image America needs to create.

I would hope that other companies with operations in foreign lands will follow the example of United Fruit to give friends abroad an opportunity to see and meet popular athlete heroes like America's own Sam Jones.

Disclosures of the Week

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1966

Mr. PELLY. Mr. Speaker, some of the disclosures which I have been enumerating about huge Government spending and the basis of the spiraling high cost of living are now conceded by President Johnson. His recent statements confirm what I have said for a long time; namely, that a serious problem exists and that the urgency in providing a solution should not be delayed until after the forthcoming November election.

The President, as has been pointed out, has dealt with the political aspects of the problem, but not the problem itself. The President recommends elimination of the 7-percent incentive on depreciation and likewise accelerated depreciation.

Obviously, Mr. Speaker, any such cooling of the economy by a damper on new plant and machinery expansion under President Johnson's proposal would not be effective for a year or two. By that time, it may desirable to stimulate the economy. Who knows?

The problem which the administration should face up to is excessive domestic Government spending.

Hereinafter, let me recite a few facts which I have come across here and there bearing on this and other situations—all of which are indications of the cause and effect of unwise economic spending and unsound policies. Here are a few examples:

CASE I—MONEY SUPPLY EXPANDS TOO FAST

The U.S. money supply increased by 270 percent between 1939 and 1959. Industrial production during this period was up 177 percent, but could not keep up because the Government of late has been pumping nonproductive money into the economy. Deficit financing, easy credit, outright creation of new currency—all these recent Government policies have inflated the currency supply without adding any production of goods or services.

CASE II—PRICE AND WAGE CONTROL PLANS

According to columnist Ralph de Toledano, the White House Office of Emergency Planning has already drafted regulations and blueprints for the imposition of wage and price control legislation.

CASE III—U.S. GOLD SUPPLY

According to the September 15 Wall Street Journal, France more than doubled its purchases of U.S. gold in the second quarter, and the drain on the Treasury for domestic use also mounted.

CASE IV—SHORT-TERM MONEY MARKET

The Treasury had to pay a record 5.926 percent on its latest 6-month borrowing and the Federal Home Loan Banks offered 6.2 percent on a $650 million issue of new 1-year bonds.

CASE V—FEDERAL SUBSIDIES

The National Council on the Arts has announced awards to eight novelists, five poets, and a journalist. Each is being given $10,000 in Federal money and has no connection with the poverty program. On the contrary, several of the recipients have already published successful books.

CASE VI—CONSTRUCTION OF DEFENSE BARGES

A Hong Kong dockyard with strong ties to Red China has built—at a big profit—barges for the Defense Department for use in Vietnam an article states in the New York World Journal Tribune of September 18.

CASE VII—TOTAL NATION'S DEBTS

The Nation's debt, private and Government, now stands at about $1,300 billion, Barry Goldwater said in a New Mexico speech. He said the Nation's overall assets amount to $1,400 billion and that spending and borrowing in business means bankruptcy, and that the Johnson administration does not understand that Federal spending is the cause of the high cost of living and inflation.

Schmidhauser Lauds Corn Industry Research

EXTENSION OF REMARKS

OF

HON. JOHN R. SCHMIDHAUSER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1966

Mr. SCHMIDHAUSER. Mr. Speaker, the recent announcement that the Corn Industries Research Foundation was changing its name to the Corn Refiners Association was accompanied by a statement of policy which I would like to call to the attention of Members of the House. The association, which represents the corn refining industry—producers of corn starch, suger, sirup, oil, and hull and gluten livestock feeds—has gone on record as recognizing the responsibility owed to the farmer by the industry and proposes the adoption of programs to increase public understanding of the job being done by our farmers.

The Hubinger Co., a member of the Corn Refiners Association, is located in Keokuk, Iowa, in my district, and I am pleased to congratulate them and the other member companies for a most progressive and enlightened attitude.

More than ever, the farmer needs public understanding of his problems and public support. The amazing productive capability of American agriculture has allowed the development of prosperity in this country unmatched in the history of the world. But this productive capacity may be threatened by public indifference to the farmers' need to earn a living wage. It is vital in the years ahead that no such threat be allowed to materialize. The American farmer is going to be called upon to devote all his efforts and ingenuity not only to meet increasing domestic demand, but also to assist in the war against starvation in the rest of the hungry world.

We must have programs that effectively assist the farmer in meeting this goal and these programs must be understood by the public at large and supported by them. Programs such as that promulgated by the Corn Refiners Association can go far in developing just such public understanding and support. I hope their effort will serve as an example to other industries dependent on agriculture and on the skills and hard work of the American farmer.

Statement by Senator Nelson, Submitted to the House Natural Resources and Power Subcommittee at a Hearing in Milwaukee, September 16, 1966

EXTENSION OF REMARKS

OF

HON. LYNN E. STALBAUM

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1966

Mr. STALBAUM. Mr. Speaker, Senator GAYLORD NELSON, of Wisconsin, has been doing battle with pollution long before it won the fervent embrace accorded fashionable issues. The dedication to preserving the country's natural resources which has distinguished his first term in the Senate was equally perceptible during his service as a State legislator and as Wisconsin's Governor.

In recent years the country has been inundated by a spate of dissertations on the threat of pollution, most of them offering warmed-up antidotes in a stale and repetitive idiom. However, Senator NELSON's well of ideas has not run dry—in the 89th Congress he has authored an imaginative package of seven bills to meet the pollution crisis. The provisions of those measures were lucidly described in a statement Senator NELSON presented on September 16 to hearings held by the House Subcommittee on Natural Resources and Power in Milwaukee. I am confident that the Senator's cogent analysis of the water pollution problems facing Wisconsin will be of interest to my colleagues from all parts of the country. The statement follows:

STATEMENT BY SENATOR NELSON SUBMITTED TO THE HOUSE NATURAL RESOURCES AND POWER SUBCOMMITTEE AT A HEARING IN MILWAUKEE, SEPTEMBER 16, 1966

Mr. Chairman, I want to welcome your Sub-committee to Milwaukee and congratulate you on carrying your continuing investigation of the nation's serious water pollution problems into this lovely state of ours which is so dependent upon its irreplaceable water resources.

I wish I could welcome you with the assurance that in Wisconsin you will be surrounded by sparkling blue, clear, fresh water, fit for drinking, fishing, bathing and a wide variety of recreational activities. Certainly there was a time when that was true. The fresh water resources of Wisconsin have played a major role in the development of its diverse economy and could play an extremely significant role in the continued growth and development of the state as one of the great recreational centers of the nation.

However, in welcoming you I must inform you that throughout our state our fresh water resources are gravely threatened by pollution which is increasing steadily despite a long continuing anti-pollution campaign and which will destroy these resources in a relatively few years unless some bold, new action is taken.

I wish there were time for the Sub-committee to tour the state and see this pollution problem firsthand. Photographers for the Milwaukee Journal recently toured Wisconsin and delivered to the reading public a shocking pictorial display of gross pollution in almost every section of the state. Official reports of state, local and federal agencies have also documented the mounting pollution crisis in Wisconsin.

Let me take you on a quick tour of the map of Wisconsin and outline for you the manner in which pollution of our fresh water resources is virtually strangling Wisconsin.

On our western border the Mississippi River is becoming increasingly polluted by a torrent of filth pouring out of the Minneapolis-St. Paul area. There is a variety of pollution problems all along the Wisconsin shore of the Mississippi but the problem of Minneapolis-St. Paul pollution is so overwhelming that it dwarfs all others.

On our northwestern border we have one of the last unpolluted major rivers in the nation—the St. Croix—which we are trying to preserve as a national scenic riverway but which is threatened by many developments including the destruction of parts of its shoreline by developers and cottage owners.

On our far northern boundary, Lake Superior, the last pure lake left in the Great Lakes chain, is showing the first serious signs of developing pollution. The Superior City Council is very concerned about pollution of the Duluth-Superior harbor which comes from inadequately treated municipal sewage, industrial wastes, shipboard discharges and a variety of other pollutants coming from a number of communities in Wisconsin and Minnesota. Lake Superior also is being polluted by taconite plants on the north shore of the lake just outside Duluth. The pollution at the western end of Lake Superior is begining to spread in currents through the lake and is already posing a threat to the Apostle Islands region, which we hope to establish as a national recreation area. Although the problem in Lake Superior is not as critical as elsewhere, it is a dramatic case because it is one place where we could save a lake—one of the largest and purest lakes in the world—if we were to move quickly and decisively.

All across Northern Wisconsin our inland lakes, of which we have more than 8,000, are threatened by complex pollution problems which vary considerably with the size of the lake and the degree of development which has occurred along its shores. Many of these lakes are now almost completely ringed with cottages, many of them with septic tanks which discharge their wastes into the waters. Many have been victims of unwise subdividing policies which have cut down the trees along their shores and caused serious erosion and siltation. As a result, hundreds of these beautiful Northern Wisconsin lakes already are suffering from cloudy water, excessive weed and algae growth, scum and undesirable odors, and their value for bathing, boating and fishing is seriously impaired. As time goes by almost every lake in Wisconsin faces this same threat.

On our Eastern border we have a pollution crisis of national significance developing. You are familiar with the extremely serious pollution problems in southern Lake Michigan where the Public Health Service has documented catastrophic pollution which, we are told, may never be corrected. This same problem appears to be extending up along the Lake Michigan shoreline of Wisconsin. Some of the same dense algae growth which is plaguing the southern tip of Lake Michigan is now showing up off our Wisconsin shoreline. All along our Lake Michigan shore the lake is being polluted to a varying extent by storm sewer overflows, inadequately treated municipal sewage, industrial wastes, and the dumping of sewage, garbage, refuse and oil from commercial ships. The problem is especially serious in the Milwaukee area, and I assume much of your hearing today will be devoted to studying Milwaukee's grave pollution problems.

As you progress up the Lake Michigan shoreline, the pollution of Lake Michigan decreases but you encounter new and equally serious problems in Green Bay. This is one of the great recreational waters in the nation. The Door County Peninsula, bounded on the east by Lake Michigan and on the west by Green Bay is a nationwide recreation center, the site of a multi-million dollar resort industry and a haven for yachtsmen from all over the country.

Pollution is slowly but steadily filling this once beautiful bay and in time it will destroy the bay itself and this great recreational industry. The pollution originates primarily from industries and communities along the rivers which drain into Green Bay, primarily the Peshtigo, the Oconto and the Fox Rivers. Because of this torrent of pollution, especially from the Fox River, beaches at the City of Green Bay have been closed for more than 25 years. Scientific studies by the Public Health Service show that the pollution is steadily moving northward up the Door County Peninsula at the rate of at least one mile per year. Reports I receive from boaters, cottage owners and resort operators indicate that the advance of this dark cloud of pollution is even more rapid than that.

Upstream on the Fox River, Wisconsin is blessed with one of the large inland lakes in the nation—Lake Winnebago—an extremely valuable recreational resource in a densely populated section of our state. Lake Winnebago also is seriously threatened by pollution from cottages along the shore and from drainage from the fields and farms along its banks.

In the center of southern Wisconsin, the city of Madison is nationally famous as a city of four lakes with our state capitol and our state university centered in the midst of this water-wonderland. The Madison lakes are also seriously threatened by pollution and the complex aging problems which face inland lakes in heavily populated areas. Direct discharges of municipal sewage and industrial wastes no longer flow into the Madison lakes, but these waters continue to deteriorate from a small amount of sewage plant effluent that comes in through a small river and from storm-water run-off, the draining of fertilizers and pesticides in the lake, siltation and erosion. The waters of these lakes are becoming increasingly dirty and turbid and the municipalities responsible for the lakes find it difficult to cope with algae growth and scum.

A lake facing even more serious problems is Lake Koshkonong in South Central Wisconsin.

I could go on endlessly but the story is the same almost everywhere. The fresh water assets of Wisconsin are slowly, systematically being destroyed.

I don't think I need explain what a catastrophe it would be if this trend were to continue and if these fresh water assets were, in fact, to be ruined by pollution. It would be an economic disaster, it would be an aesthetic disgrace, it would represent one of the greatest failures imaginable for our system of representative government.

The question which this Sub-committee will want to consider is: What can we do about this pollution crisis?

The first thing we must do is to admit that, as things stand today, we are losing the war against pollution in Wisconsin, just as we are in most parts of the nation. You probably will be hearing outbursts of civic pride to the effect that Wisconsin has one of the oldest and finest water pollution control systems in the nation, dating back 40 years. I suppose you should give some consideration to these accomplishments of the past. It is true that our state moved early and rather vigorously to deal with the pollution problem. But it seems to me that the most significant facts on the pollution crisis in Wisconsin are found in the soiled rivers and suffocating lakes rather than in the published reports of agencies which tend to count victories in terms of the number of orders issued rather than in actual water quality.

If Wisconsin were winning its war against pollution we would not be confronted with reports such as that recently issued by the Southeastern Wisconsin Regional Planning Commission. This report, as summarized by the Milwaukee Journal news story of August 18 said:

"Southeast Wisconsin has all but converted the vast majority of its 745 miles of rivers and streams into open sewers. If present trends continue the job can be finished with minor exceptions by 1990 . . . Not one of the 12 major river basins was generally fit for partial body contact such as fishing or wading . . . One sample of the Pewaukee River turned up 3,000,000 coliform bacteria in 100 milliliters of water."

In commenting on this report the Milwaukee Journal stated in an editorial on August 18:

The trouble with past efforts against water pollution has been partly one of emphasis. Agencies such as the State Committee on Water Pollution . . . have concentrated on slowly forcing treatment plants to improve their standards. This is essential but it isn't enough if pollution from other sources is ignored—the overflow from combined city sewer systems, the run-off from farmland and from city streets, the weeping of septic tanks located in insuitable soils, the wash of rubbish from flood plains. Wisconsin's past anti-pollution drive has been undermanned, underfinanced and overstretched . . . What is needed is a total approach to unclean water, one which considers rivers, streams, lakes and ground water and all the untidy land habits of man which threaten their quality."

This is essentially what I have been saying, although it has taken me more words to say the same thing, over a period of many years. We must organize in Wisconsin—and throughout the nation—a co-ordinated, all-out emergency campaign to save our fresh water assets, and this campaign must involve individual citizens, private industry, local government, state government, interstate commissions and the federal government.

You may encounter an attitude in our state which seems to say, "Leave us alone, we have been working on this problem a long time and we can handle it best by ourselves."

The filth in the rivers and lakes of Wisconsin should be enough to brush aside any such attitude. You may also hear claims to the effect that "99.9 percent of our sewage" is subjected to treatment. This may fool some people but I am sure it will not impress people such as you who know that the statement by itself is meaningless. What counts is the quality of treatment and the actual quality of the waters where these treated wastes are discharged.

I do think that the press and the people of Wisconsin are alert to the pollution crisis as never before and are ready to join in an all-out campaign to save our waters. Our State Legislature has recently greatly strengthened our state anti-pollution campaign. One significant feature of the new law is the authority it provides to regulate development along shorelines. This was one of the features which caused me to support the bill when it encountered some serious opposition in the Legislature.

But we need to do much more.

We need much stricter enforcement of all pollution and related public health laws and ordinances at the state and local levels.

We need a greatly expanded program of sewage and waste treatment plant construction both by cities and by industry.

We need greatly expanded research into effective ways to treat sewage and industrial wastes if we are to have any hope of controlling the torrent of wastes in years to come.

We need special laws to deal with special pollution problems such as detergents, pesticides and shipboard discharges.

We need governmental authority to work directly on our lakes and streams to save them while they still can be saved. I have introduced a comprehensive package of bills in this session of Congress which is directed at many of these problems.

These bills are as follows:

S. 1479, Detergent Pollution Bill—To establish a top level advisory committee of experts, including industry representatives, to establish standards for detergents.

S. 1908, Ship Pollution Bill—To direct the Secretary of Health, Education and Welfare with the aid of an advisory committee to establish regulations for all vessels on inland and navigable waters, to require adequate treatment facilities for sewage and refuse, and to strengthen existing laws relating to pollution of lakes, rivers and harbors by ships and marine terminals.

S. 2940, Waste Management Research Bill—To direct the federal government to launch a research program designed to develop new comprehensive waste management systems, by contracting with universities and private corporations to develop new waste treatment methods.

S. 3327, Municipal Pollution Bill—To provide 90% federal financing for construction of municipal treatment plants and sewers and greatly strengthen pollution enforcement laws.

S. 3608, D. D. T. Pollution Bill—To forbid the sale of the pesticide D. D. T. because of its deadly effect as a poisonous pollutant.

S. 3833, The Lake Preservation Bill—To establish a national system of federal, state and local lake preservation systems.

Another bill yet to be introduced, the Industrial Pollution Bill, will establish a program of grants to industry for up to 50% of the cost of industrial waste treatment plants. The bill also will establish a low-cost loan program for up to 50% of the cost. The theory of this bill is that society cannot continue to tolerate industrial pollution and must be willing to pay the cost to eliminate it.

Finally, I want to make a new plea on this occasion for one obvious step which we must soon take or it will be too late.

We must convene a Federal-State Water Pollution Conference to plan an immediate crackdown on the extremely serious interstate pollution in Lake Michigan, Green Bay and Lake Superior. I have made this suggestion many times in the past but it has been repeatedly rejected. Various excuses have been given; it has been said that such a conference was not timely; that preliminary conferences should be held first with the Governors of the neighboring states; that the state's own water pollution laws should first be revised; that the federal government should first make available the facts which it has.

Every one of these excuses has been disposed of;—yet we still are doing nothing about calling an interstate conference to deal with this crisis. As I have said before, there is little which the City of Superior can do to save itself and Lake Superior from the pollution coming down the St. Louis River from Minnesota. There is little the Michigan and Wisconsin resort industry along Green Bay can do about the pollution pouring out of the Fox, the Peshtigo and the Oconto Rivers. There is little any individual city along Lake Michigan can do to cope with the sea of pollution building up in that lake. This is an interstate crisis and it must be met head on, immediately, with a Federal-State Water Pollution Conference.

As you know such a Conference would be a legal proceeding at which representatives of local, state and federal agencies would meet, inventory the vast interstate pollution problem in our area, trace each instance of pollution back to its source, and agree on an immediate cleanup program. The proceedings of such a conference—unlike the hundreds of meetings which are held to talk about this subject from time to time—could be backed up in the courts if the Governor felt that such action was necessary.

If the mounting interstate pollution of Lake Michigan, Green Bay and Lake Superior is ever to be contained it will have to be done on this interstate level. If this is not done soon the pollution in these three bodies of water may become so serious that it can never be checked.

Monroney-Madden Congressional Reorganization Bill

EXTENSION OF REMARKS

OF

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1966

Mr. BROOKS. Mr. Speaker, yesterday Senator Monroney introduced a congressional reorganization bill in the other body. This bill is the Senate version of a bill previously introduced by our distinguished colleague from Indiana, Ray Madden.

The proposed legislation is the result of extensive study by the Joint Committee on the Organization of Congress, which Mr. Madden, and Mr. Monroney served as cochairmen. The changes in congressional procedures and activities recommended by the joint committee have attracted widespread interest among political scientists.

Recently, on September 10, 1966, I had the pleasure of joining the Senator from Oklahoma, cochairman Monroney, and several distinguished political scientists on a panel at the American Political Science Association Convention. The panel attracted considerable interest and was well attended by the political scientists who were in New York City for the convention.

My remarks were primarily centered on the fiscal innovations that are proposed by the Monroney-Madden bill. These critically needed innovations will have a profound effect on Congress; for that reason, I submit my remarks at this time for the consideration of my colleagues:

The Joint Committee on the Organization of Congress approached the problem of congressional reorganization from a practical viewpoint. It was faced with two different views of the direction which its efforts should take. One of these was that the organization of Congress should be based on a concept of party responsibility. The other, that it should direct itself toward organizational reforms which would increase its effectiveness in terms of its relation to the executive branch.

As you know, in recent years there has been a good deal of questioning on the part of students of American Government and by Congress itself as to whether Congress has the ability to respond as an independent branch to the challenges of Executive leadership.

Advocates of increasing party responsibility in Congress necessarily emphasized reforms in the seniority system, curbing the power of individual committee chairmen and strengthening the lines of party responsibility and control in every phase of the legislative process. However, to those who view Congress as being in real need of improving its capacity to meet responsibility, the demands of an almost incredible expanse of programs administered under Federal law, congressional reform must have a somewhat different orientation. This was essentially the view adopted by the joint committee.

We were, of course, aware of the questions of minority rights and other guarantees of this nature. A number of our recommendations reflect an interest in measures which would act as insurance for the rights of the minority and for committees. However, for the most part, the committee reflected our conviction that reform must aim toward improvements in the mechanical efficiency of Congress and toward its development as an independent agency.

The strength of Congress in this area depends on its ability to achieve a broad base of support and a degree of unanimity rather than depend on rigid party organization as the structural basis of Congress.

If Congress is to be an independent branch of a Government which deals with all the complexities of a modern technological society, the most crucial interest of the committee had to be to strengthen the capability of the legislative branch to meet its fiscal responsibilities.

To say that Congress "controls the purse strings" is not valid if it is unable to evaluate the conditions under which it does so. At present, budget initiative lies completely with the executive branch. The Executive is responsible for thousands of fiscal decisions and for presenting these decisions to the Congress in the form of the budget document. Congress, in its turn, is responsible for the appropriations process and the continued oversight of programs administered under Federal law. If Congress is unable to do any sort of evaluation of its funding and must instead rely on the executive branch, it abdicates its responsibility. As the Federal budget increases, and more and more programs are added, the burden on Congress grows.

Many of the committee's recommendations are designed to make it possible for Congress to participate more actively and intelligently in the budget process.

With this goal in mind, the committee made a number of specific recommendations in which I think you will be interested and which I hope you will support. We recommended an expansion and a new role for the General Accounting Office and proposed the establishment of a Government-wide classification system. We also made several proposals for changes in the appropriations process.

For example, the revision of the role played by the General Accounting Office is an essential part of the committee's attempt to give Congress a practical basis for its fiscal deliberations. The GAO has previously had only a post-auditing function. Joint committee provisions make it additionally responsible for assisting both congressional committees and the individual Members of Congress in locating budget data, summarizing information, and conducting cost-efficiency studies of Government programs.

With this enlarged support from GAO, the committees will be in a better position to respond to the executive budget. They will be able not only to discuss requests presented to them for specific amounts, but also to test the assumptions and conclusions behind the programs themselves. The studies conducted by this new branch of GAO will not only attempt to determine how much money should be appropriated, but also whether or not funds are being used in the most effective way possible. Information such as this is essential to an effective review of the budget. With this information, Congress will be better equipped to understand the implications of its fiscal decisions.

Let me emphasize, however, that the GAO, involved though it will be in the evaluation process, would not, in any way, be delegated a policymaking role. It would conduct studies only at the request of Congress and would be continuously and closely supervised by the appropriate congressional committees. It would, however, provide an expertise that would assure Congress keeping pace with the executive branch in meeting the demands of program budgeting. At present that assurance does not exist.

The proposed Government-wide classification system would also be an effective aid in budget evaluation. The Federal Government has entered an era of program budgeting. The classification system will provide information about programs that cut across agency lines. Oceanography, for instance, which is under the jurisdiction of environmental sciences, the Department of Defense and the Commerce Department—even the Department of Agriculture, would have a single designation under the classification system. Each item on which an expenditure is made by the Government will be codified.

When this has been done—and it will not be easy—information which is now almost impossible to obtain from the budget document will be available for study. If the committee's recommendation is adopted, this classification system will be instituted by 1968, and will be an invaluable tool in the evaluation of the budget and in allocating Government resources without unnecessary duplication.

Another recommendation of the joint committee, the proposal for regular updating of the budget, is certainly deserving of mention. This would be done on June 1 of each year by the Bureau of the Budget and would correct, where necessary, the revenue and expenditure projections which had been modified by time. This is useful and necessary since both estimated costs and estimated revenue are often significantly altered in the 6-month period between the formation of the budget and the time for updating in June. The recommended updating will prevent appropriations and program legislation from being based on the old projections rather than on the current fiscal situation.

The joint committee is aware that none of these recommendations can be initiated overnight. We also realize that it is a good deal easier to make these recommendations, even though they are based on long deliberation and study, than it is to put them into effect on a working basis which will deal with all their far-reaching implications. There will be problems. For example, the classification system, when adopted, could easily have long-range consequences for Federal-State relationships—as, for example, in such areas as agriculture or urban affairs. However, it seems likely that the complications involved in such definitions of its role and in congressional assumption of its fiscal responsibilities will be less troublesome in the end than those that would arise from a continued reluctance on the part of Congress to take action in this field.

In talking with you about these committee recommmendations, I have discussed almost entirely the proposals for the evaluation of the budget and provisions for increasing the availability of budgetary information. However, the committee has also made proposals which extend in several ways to the appropriations process itself.

Our recommendations in this area include the repeal of the 1946 provision for a legislative budget. The legislative budget has proved an inadequate and unwieldy means of congressional review of the fiscal process. The controls suggested by the joint committee allow Congress to work within and benefit from executive budget guidelines without forfeiting its obligation to review executive assumptions.

The report also requires the appearance before the appropriations committees of the Director of the Bureau of the Budget, the Secretary of the Treasury, and the Director of the Council of Economic Advisors. These officials, speaking for the Executive, will answer questions concerning the overall considerations which went into the construction of the budget.

Also as part of the appropriations process, we recommend that the Appropriations Committee assume responsibility for a full review of multiagency programs. In addition, we propose that all congressional committees review carefully the requirements and administration of programs under their jurisdiction. Legislative committees will view critically the financial obligations undertaken by their legislation, insuring thorough consideration of the fiscal consequences of both new legislation and continuing programs at the basic level of congressional action.

In considering these recommendations, I feel they are both comprehensive and constructive. They should go a long way toward improving the ability of Congress to meet its responsibilities to an increasingly complex society.

Thank you.

Address by Hon. Ralph Harvey

EXTENSION OF REMARKS

OF

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1966

Mr. MIZE. Mr. Speaker, at this morning's House prayer breakfast, we were privileged to have as our speaker, our beloved colleague, the Honorable Ralph Harvey, of Indiana.

His remarks were extremely timely and provocative. All of us who attended the meeting and heard Mr. Harvey's address agreed it should be shared with other Members.

I include the address as a part of the Record:

Address by the Honorable Ralph Harvey, House of Representatives, Washington, D.C.

In his Hamlet, Shakespeare said "we know what we are but know not what we may be." On this occasion I am going to be presumptuous enough to attempt to look into the future with you and will entitle my presentation "A Long Look Down the Road Ahead, Revelations by Harvey." My good friend and colleague Billy Matthews in his own presentation recently before our group stated his basic philosophy from the book of Job. In his case as well as in my own, I believe we are committed to a concept for our own and our country's behavior in practicing patience, tolerance and forgiveness. In a recent sermon, however, Billy Graham stated that our salvation was an individual one by the grace of God, and that Christ represented that grace. He also stated he believed that our modern churches were making their worship services so stereotyped and formal that they were losing their human appeal; he also added that religion should be an outgoing, pleasant experience. I agree.

In our recent breakfasts we have been discussing the place that the clergy has in social welfare problems; and in a general fashion just what the duty of a modern clergyman should be. In a recent issue of the Washington Post there was an article entitled "Social Ills Held Moral Issues" and Rev. Geno Baroni of a Washington Catholic Church is quoted as saying, "It is the role of all churches to 'meddle' in these matters." He further stated "Poverty, Civil Rights, Wages, Jobs, Political Disfranchisement, and Open Occupancy Housing, are all moral issues, and as such are the proper and vital business of the Church." He also stated "A 'new kind' of clergyman is emerging, one who sees it as his role 'to identify with the dispossessed, the old, the poor, and those in misery'. "The great schism in religion will come not over the Bible or theology, but over social issues." It will not be my purpose to debate this issue but have quoted it to refresh our thinking with regard to "what we are" in the hope it can give us a better view of "a long look down the road ahead."

It has been said that we could learn *so* easily from history but unfortunately we actually learn *so* little and are therefore condemned to pay in blood and sweat, and tears for the mistakes we continue to make. With this axiom, I am *not* in agreement. It does seem at times that we do make mistakes of a repetitious nature and in doing so, seem to be stupid. It is to the history of civilization to which we must turn however if we are to point with any degree of accuracy as to what lies ahead.

The Egyptians built their Pyramids, the Jews their Solomon's Temple, the Greeks their Parthenon and the Romans their Colosseum and Forum. Portions of all of them are still remaining as mute evidence to the basic philosophy that lead to their creation. But each was dedicated to the glory of one or a small group of men. Christ came on earth and within two hundred years had actually revolutionized the entire concept of man's obligation to his fellowman and to society. It was my privilege fifteen years ago to visit Jerusalem, the birthplace of both Christianity and the Jewish faith. Not too far away at Mecca is the birthplace of the Moslem faith. Indeed all are interwoven in their history. But as I left Jerusalem on that October evening and stood atop a tall building from which I could see the Church of the Crucifixion, Garden of Gethsemane, and in the distance the Dead Sea and Bethlehem, I was awed and overwhelmed as if I were looking upon the birthplace of history. While I actually was not, it is true that I was looking at the beginnings of modern history. Out of this humble, arid, unimpressive looking area has come the force that has made us what we are today.

As we look upon the events of the world since Christianity actually became the accepted religion of Rome, we must acknowledge a series of three cycles has occurred, indeed the third one is not yet completed and it is to this cycle we should turn. Starting with the first Christian Roman Emperor, Constantine the Great, we had a period of nearly eight hundred years which were marked by two struggles of a politico-religious nature. From northern Europe came the barbarians who had a form of religion but it was at most incidental to their warlike activities and conquering ambitions.

From the southern rim of the Mediterranean came the Moslems who ostensibly were activated by religious fervor but, also, whose power-mad ambitions were a big motivating factor. Between these two fierce forces, the decaying even though Christianized Roman Empire went into eclipse.

Christianity absorbed the Barbarians and eventually contained the Moslems who also went into virtual political decadence. Their adherents today however are numbered in the millions. My own observation is that their religion must have lacked a vital ingredient. This then, marked the end of the first cycle.

Let us now turn to the second cycle which I shall call the middle. Following the period of the "Dark Ages" we begin the Renaissance. The Catholic church became the dominant and leading force during this period. This was so because within the clergy was contained also those of learning, dedication and wealth.

With this background it was obvious that the Church would also become the dominant political force. Rulers were permitted to rule with "consent" of the Pope. But it should be said that this period which extended for roughly five hundred years, was one of exploration, development, learning and culture. Even as the Moslems had attempted to take their faith to all the world by conquest, so also did the Catholic Church attempt to take its faith to all the world. But the beginnings of the end of this cycle was evident (at least it is in retrospect) with the advent of the period of the Reformation. While the period of the Renaissance was one of great progress, here too, there was a definite lack of some necessary ingredient. What is it? I am not sure that I can explain exactly. Mostly it was (in my judgment) an advancing departure from the ruler-subject philosophy be it either of a political or religious base or combination of the two. Incidentally the modern application of Socialism in either Russia or China is basically a ruler-subject concept and for this reason an antiquated arrangement which will not have an extended life expectancy. It may, however, have been a necessary step from where they were to where the people want to be. As such though they represent two examples of carry-over from the Middle-Ages into the modern cycle.

I think we can fairly say that the beginning of the modern cycle began with the Reformation. The impact of this movement was of far greater significance than was apparent at the time. The establishment of the Church of England and the Lutheran movement on the European continent actually represented the great new impetus needed to carry forward the torch of progress which the Catholic Church had permitted to flicker and fade. But even so, the Protestant movements were so embedded in the traditions, customs and accepted patterns of their birthplace that they could not really escape the limitations of their own geography. The first real dramatic manifestation of this new or third cycle, came with the American Revolution. Here in a new, unprejudiced climate could this modern philosophy germinate, grow and eventually bear fruit.

However, among the founding fathers of our great Republic, there was probably not too much realization of the burden of the structure that would eventually be necessary to erect upon the foundation of the Constitution they so laboriously constructed. They were intent upon freeing themselves of the opprobious burden visited upon them by Britain. Being religious men as well, they also wrote into the Declaration and Constitution a blue print for the future so that they or their descendants would not emulate the mistakes of their predecessors. This then, was the reason why they insisted upon a strict separation of church and state. But even so, for the next one hundred and forty years, we were content to devote our energies to our own growth and development, eschewing temptations to involve ourselves in foreign entanglement. Then on that fateful night in Sarejevo, in 1914, an assassin's bullet set in motion a chain of events that was to change the whole course of history. After eventually entering the ensuing holocaust, and successfully assisting in ending it, we still regarded the war as another of the infrequent European ones; we did not realize it marked the end of kings, colonies and for us convenient isolation. But it did.

But now this third cycle has brought us to where we are and as I promised, I will try to point the way or as stated in the beginning "a long look down the road ahead." You may right now be saying to yourself, what is our Colleague trying to do? You may in all humility say, when I have concluded "the burden is not mine it must be for some one else"; but I say to you as Noah says in the play Green Pastures "I aren't very much but I'm all I've got." So from such a small nucleus as this Prayer breakfast group must come the catalytic power to bring about the predictions I am about to make.

At home, in other words with regard to the domestic issues, I predict that we will experience a period of social adjustment and thereafter relative peace will come within. The ghettos which are within our great cities today came about as a result of industrial growth, rural mechanization and a centrifugal force (social) that has gravitated those least prepared to fend for themselves into the center of this whirling vortex where as in the eye of the storm there is stagnation of social and cultural growth of momentary nature. We should and must deal with the problem but the best single substantive answer lies in education. We can change the material surroundings but unless there is a corresponding mental growth, we will have achieved very little. But we will rebuild our cities; we will to a large extent eliminate poverty and thereby create a more peaceful productive society. We have discussed in our meetings here the mechanics of how this will be achieved and they are important. My recommendation is that Congress proceed with the long range objectives and to the extent possible, avoid entangling ourselves with regard to short range ones in acrimonious demagoguery.

We have also discussed to a lesser extent our role in world affairs. Here again, the so-called under-developed nations of the world who compose the great majority of the world's population, must be helped ultimately and permanently thru the medium of education. It will be the key for them to unlock the world's vast storehouse of knowledge—even as the Jews went to the storehouse of the Egyptians for grain. Our greatest single asset is "knowhow" but we must and will be motivated by Christian ideals. To be sure we have made mistakes but we had really no historical guidelines to go by. But believe me, the even greater gift we are giving to the rest of the world is the example we are setting. We are even now winning the war against Communism but let us not be deterred by this diversionary enemy from our greater goal which is literally to save the world from itself; and only we can provide leadership to do it. It will require all the tolerance, patience, and forbearance we have.

In conclusion I would like to dwell briefly upon a subject discussed in one of our recent breakfasts—which was the statistical evidence of lack of participation in our denominational religious activities.

This is indeed a serious threat for it can mean the churches are losing their appeal. In this area I predict that sometime in the near future, we will see a great clash between the clergy and officials of government. That out of this clash will come a realignment of duties and fields of endeavor for both that will eventually strengthen us. I am not a pessimist about our future but neither am I such an optimist that I would proclaim that there are no great problems and decisions in the future. But if you will pardon this reiteration "you are not only all we've got but you are also very much indeed."

Polish Millennium

EXTENSION OF REMARKS

OF

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1966

Mr. MURPHY of New York. Mr. Speaker, the Pulaski Memorial Committee of Richmond County celebrated the Polish millennium last week with a millennial mass at Notre Dame College on Staten Island, N.Y., and a millennial banquet later, attended by Americans of Polish extraction, as well as other members of our community.

Participating in the ceremonies were Rt. Rev. Msgr. Stanislaus J. Malinowski, pastor of St. Stanislaus Kosta Church; Rt. Rev. Msgr. John S. Felczak, pastor of St. Adalbert Church; Rev. Edward Dobransky, assistant pastor of St. Adalbert Church; Rev. Karl Doersan of St. Michael's; Rev. William Epps, pastor, St. Phillips Baptist Church; Roman T. Suwalski, chairman of the banquet; William Kosciow, president of the Pulaski Memorial Committee of Richmond County; Sigmund A. Grajewski, master of ceremonies; and Borough President Robert T. Connor.

Under leave to extend my remarks in the Record, I include my address at the millennial banquet:

> Ten centuries have passed since Poland became a Christian nation with the conversion of Prince Mieszko in 966. Today, even under the yoke of communism, Polish Christianity lives on. It represents a thorn in the side of the Communists, for according to their ideology, religion is an opium of the people, unnecessary in the happy state of communism. This is one more instance where Communist theory fails in practice, with Poland a prime example of that failure.
>
> Because the deep Christian commitment prevalent among Polish people is a blaring rejection of the Communist system, measures were taken by the Polish government to detract from the May celebration of their millennium. It scheduled mass political demonstrations and athletic contests during the period of religious festivities in order to draw away part of the crowds. It refused visas to foreign Catholic clergy to attend the millennium celebration in May, ostensibly because Polish Primate Stephen Cardinal Wyszynski invited them "without consulting the Polish government." The government also acted to curb the influx of tourists in general.
>
> The Polish government did not, however, dare ban the celebrations altogether. This may be in part due to the Communist claim that this year marks the millennium of Poland as a nation rather than as the anniversary of its conversion to Christianity. It is more likely that they were apprehensive about the extent of protest that might result from such an extreme measure in view of the wide support of the Christian religion that exists in Poland.
>
> The strength of the religious convictions of these proud people has not been altered by over twenty years of Communist rule. Their religion, the spirit of independence which they have continually demonstrated, the rebellion and hope in their hearts for freedom have proved inextinguishable, regardless of the atrocities to which these courageous people have been subjected in this century.
>
> Today, the heartfelt sympathy of Americans is again being expressed throughout our nation for the Polish people who are under Soviet subjugation and enslavement. Today, especially, Americans are giving recognition to the indomitable spirit of the Polish people and their relentless pursuit of liberty. Today, especially, because this is the day we have set aside to pay homage to Brigadier General Casimir Pulaski, who donated his life to the American pursuit of liberty. This young man came to America to share in our struggle for freedom and independence, because, as he once said, "Wherever on the globe men are fighting for liberty, it is as if it were our own affair." Now that fight has become transferred to Polish soil, and we are moral-bound to lend our support to their struggle. Today, we rededicate ourselves to the eventual liberation of all the captive peoples on this earth. We express the hope that they will soon enjoy individual liberty and free participation in the community of nations.

The Oil Depletion Allowance—A Big Tax Loophole

EXTENSION OF REMARKS

OF

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1966

Mr. TENZER. Mr. Speaker, I have today introduced legislation to reduce the oil depletion allowance under the Internal Revenue Act and to impose a special limitation on the amount of the allowance where the proceeds are used to finance the taxpayer's expansion into unrelated fields.

On February 2, 1966, I addressed my colleagues on the question of budgetary cuts and new sources of tax revenues to finance our commitments abroad and our needs at home—Congressional Record, page 1981—I proposed a reduction in the oil depletion allowance. At that time I stated:

> The present Internal Revenue Code provides for an oil depletion allowance of 27½ percent, which I am informed involves a revenue loss to the Treasury of $2 billion. This amount is greater than our projected budget deficit and exceeds our budgetary appropriations for the war against poverty.

The Ways and Means Committee of the House is now considering and the Congress will soon be called upon to vote on legislation to suspend the 7-percent investment credit provision of the corporate income tax laws and to revise tax laws relating to real estate depreciation. This would be the appropriate time to review our policy underlying the oil depletion allowance provisions of the tax laws.

The bill which I have introduced today would reduce the 27½-percent allowance to 20 percent over a 3-year period. The allowance would also be cut in half wherever the Secretary of the Treasury "finds that a substantial part of the savings derived by a taxpayer from the allowance of a deduction has been used, within 36 months after the close of such taxable year, for the taxpayer's expansion—by purchase, merger, consolidation, or otherwise, directly or indirectly—into an industry or other trade or business unrelated to the trade or business in connection with which the deduction under section 611 was claimed."

There are many loopholes in our Internal Revenue Code which should be closed. The oil depletion allowance loophole is one which should receive our immediate attention, particularly at a time when we are amending our tax laws to change provisions relating to real estate depreciation and the 7-percent investment tax credit. Why not also modify the tax credit provision for oil depletion allowances? If we do this we may be able to avoid an increase in individual income tax rates to meet the cost of operating the Government.

The following letter from Walter Minkoff of Rockville Centre, a constituent, illustrates how the small businessman is abused, by the abuse of tax laws by large oil companies which enjoy the benefit of oil-depletion-allowance tax-free dollars.

> August 10, 1966.
>
> Hon. Herbert Tenzer,
> *1708 Longworth House Office Building,*
> *Washington, D.C.*
>
> Dear Congressman Tenzer: For your coming campaign, which I hope will prove successful, issues that are troubling your constituents certainly must be of interest to you. One such issue which troubles me and, I am sure, many small businessmen is the growing expansion of giant corporations into fields formerly the domain of small business. This may be a necessary evil in many cases which cannot legally or equitably be attacked. However, one type of company that is increasingly diversifying is doing so with

the help of Federal government policy. I refer to the oil and mineral companies who benefit from the oil and mineral depletion allowances granted them under present tax policies.

As I understand the principle of the oil depletion allowance, it is meant to provide tax relief to owners of wasting assets. This makes some sort of sense until 100% of the original investment is depleted. After that the laws allow the continuation of the allowance presumably as an incentive to further exploration. If the companies receiving this further allowance are simultaneously investing in other than oil producing businesses the government is unfairly subsidizing their entry into these fields to the detriment of the other companies in the newly entered field. My feeling is that the only equitable remedy would be to reduce the portion of the depletion allowance of diversifying companies that exceeds their original investment by the amount they invest that year in non-oil businesses. The effect of this should be to force these companies either to distribute these funds to their shareholders or to reinvest them in the discovery and production of oil as the law intended rather than use them as a subsidy in competing with small businesses.

One example of the type of invasion many small businessmen fear is the entry of Mobil Oil Company into the manufacture of paint for distribution through retail outlets. Many manufacturers and store owners fear that they eventually will use their existing outlets (stations) and credit card facilities along with almost unlimited resources for advertising and promotion to dominate this field which now is spread among thousands of small enterprises. Other examples like Gulf Oil in the motel business through Holiday Inns, Esso in fertilizers, Phillips in plastics, and Cities Service in a host of fields can be cited to emphasize the threat. I feel that this could be developed into a campaign issue that would bring support from the many small businessmen among your constitutents as well as other voters who instinctively dislike the spread of giant corporations into dominating positions in so many facets of our lives. From the limited discussions I have had with people in the retail paint trade to whom I sell I would think that many of the trade associations in these fields would favor such legislation if it were proposed.

If legislation to correct this inequity should seem impractical or undesirable for you to sponsor because of personal or political reasons, it seems to me that even under present law a taxpayer who feels that he has been damaged by this inadvertent subsidy of one competitor against another in fields Congress never intended to subsidize might sue to recover for the government or parties the sums wrongfully allowed these companies. Your comments on this would be greatly appreciated.

I hope that this excursion into the legal field by an ignorant but concerned layman is helpful if only as an indication of what concerns a constituent who wishes you many more enjoyable and productive years in Congress.

Very truly yours,

Walter Minkoff.

Mr. Speaker, in 1965, 22 oil companies had a combined total net income of $5,746,923,000. They collectively paid in Federal taxes the sum of only $360,008,000—an average tax rate of only 6.3 percent.

These same companies paid over $1 billion in taxes to foreign countries and some States taxes in the same year. Surely my colleagues will agree that this is a tax loophole which cries out for justice, justice to eliminate the discrimination against other corporate enterprises and individual taxpayers who are bearing their equitable share of the Nation's tax burden.

The small businessman of America, the worker, the farmer, the professional men of America, under our democratic system, all pay a much higher percentage of net income to the Federal Treasury than do the oil companies. Let us take a good, hard look at the reasons why.

Constitution Day

EXTENSION OF REMARKS

OF

HON. W. J. BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1966

Mr. DORN. Mr. Speaker, many of our cities throughout the Nation did not officially pause to recognize Constitution Day, September 17. A notable exception was the dynamic, progressive city of North Augusta in my congressional district.

The mayor, the Honorable N. F. Manly, declared Constitution Day in North Augusta. The American Legion, commanded by Nathan Wolfe, arranged appropriate ceremonies commemorating the signing of our Constitution and paying homage to our Founding Fathers.

Everywhere I go in our great country people ask what they can do to help preserve and strengthen our Republic. Mr. Speaker, if every city and community in the United States would fly the American flag and properly observe our national holidays we would become more aware of our heritage and more determined to preserve it.

North Augusta, on September 17, set a good example for every community in America. Mr. Speaker, it was a great honor for me to make the principal address at the ceremonies in North Augusta, and under leave granted, I include my remarks at this point in the Record:

Address by Congressman Dorn

Our Constitution was written by men who were personally familiar with terror, oppression and persecution. They were determined to have a written document which would guarantee representative Government, individual rights, personal dignity, and opportunity. They patterned our Constitution after the Christian concept of individual worth, individual dignity, individual importance and individual freedom. They were determined to provide for the American people a balanced form of government which would nourish property rights, opportunity, trial by jury and peaceful assembly.

The Founding Fathers who wrote our Constitution and its Bill of Rights were well versed in the past history of the world. They knew government from the days of Babylon through the Colonial Legislatures. They were dedicated to the proposition that to maintain our independence and freedom there must be a guarantee in the Constitution of States Rights. They believed that the best method of preserving individual rights was through States Rights and thus local and individual responsibility. They wrote the greatest document in the history of the world. The Constitution was the result of our successful American Revolution for independence.

Our forefathers endured invasion, torture, occupation and gave their lives for the cause of freedom. Today we must renew our faith in the individual. We must rededicate ourselves to the Constitution. We must work and labor as hard to preserve our Constitution as our forefathers who gave it to us.

I want to pay tribute today to the signers of the Constitution from South Carolina. Pierce Butler, Charles Pinckney, Charles Cotesworth Pinckney, and John Rutledge. They were great, noble and dedicated patriots.

SUPREME COURT

The guarantees of individual freedom and States Rights in our Constitution are threatened today at home and abroad. The unparalleled genius of our forefathers in creating in our Constitution the delicate balance of powers between the legislative, executive and judiciary branches of Government is being eroded and threatened by the Supreme Court. The Supreme Court in recent years has become a super legislature. Through its decisions the Supreme Court is writing legislation rather than interpreting the law. The Supreme Court is writing in substance, decrees which could become a blueprint for centralized Federal power over the lives of individuals, usurping freedom and paving the road to socialism and oppression. In one of its most recent decisions, rather than protecting the just and the fair, it protects the criminal, the lawless and those who would wreck our democratic society and free institutions.

Democracy, in order to survive, must be disciplined and must practice restraint. Those who love their country, those who are loyal and dedicated, those who discipline themselves must be protected by the Supreme Court. Law and order is necessary for the survival of freedom even in the "land of the free and the home of the brave."

The American people can preserve the balance of powers created in our Constitution by a concerted effort to have men appointed to the Supreme Court who have judicial experience, men who are dedicated to the law, to our Constitution and to our free institutions.

Congress can and must set the qualifications for appointment to the Supreme Court. Congress must set high standards for appointment and reject legislation which would result in unwarranted usurpation of our rights by the Supreme Court.

EXECUTIVE

The Executive Branch today has joined the Supreme Court in usurping the Constitutional rights of the American people. The Executive, since depression days, has gradually—slowly, but surely—whittled away the rights of the States, communities and individual freedom.

The individual today lives in constant fear of harassment and intimidation by an ever-growing, ever more powerful government with overstaffed executive agencies, boards and bureaus, created by the Executive department. The executive Department reaches into the State Capitols, into local communities and into the homes of our people. This is a growing menace.

Dr. Galloway of the Library of Congress, in a recent book said that 90 percent of all rules and regulations, with the full force and intent of law, were not written by Congress, but instead were written by the departments and agencies of the Federal Government. Interpretation today of laws by un-elected officials have the effect, in many instances, of Roman decrees over the lives of our people.

The Executive Department of the Federal Government today is the most powerful in the entire world. The framers of the Constitution never intended for the Executive Branch to hold such awesome power over the individual lives of the American people. This usurpation of power by the Executive Branch has been the monopoly of no one group or political party. This trend has been constant since the late 20's. The great danger in excessive power wielded by the Executive Branch or the Supreme Court is that the power of Congress will be destroyed, thus usurping the freedom of the individual.

The American people, through their Congress, can and must regain control over the ever-growing and ever more powerful agencies and departments of the Federal Government.

CONGRESS

The framers of the Constitution intended that Congress be the cornerstone of our entire form of government. The Congress is created immediately after the preamble to the Constitution. The first article in the Constitution creates the Congress with a House and Senate. In the Constitution the House of Representatives comes first elected every two years.

The preservation of individual liberty and property rights in our Country today is largely dependent upon the Congress and particularly the House of Representatives, elected every two years. A Constitutional amendment which would provide for a 4-year term for the Members of the House of Representatives would remove the House of Representatives one step further from the people and closer to the Executive, and more so if the House of Representatives was elected concurrently with the Executive. We should preserve our constitutional right to elect our representatives for the House every two years.

Already one out of every four dollars we earn is taken by the Federal Government. Already it is virtually impossible for the individual to reach high government officials and extremely difficult to obtain redress for wrongs and errors through bureaucracy. It is necessary that the House of Representatives continue to be elected every two years if our form of government as envisioned by the Founding Fathers is to be maintained.

Congress must consider legislation in the cool, calm and deliberative atmosphere of "Capitol Hill"—not under the Damoclean sword of the Executive or the Supreme Court. Congress must legislate for the people, not for the Executive or for the executive agencies and departments.

Congress itself must police its own membership. Congress must reverse the trend of permitting huge campaign expenditures. Congress should set up a grievance committee similar to those of the American Bar Association. Congress must adopt a code of ethics for its Members and adhere to that code.

PRIVATE ENTERPRISE

Our Constitution, as written by the Founding Fathers, has made it possible for America to become the arsenal of democracy—the heart and core of the Free World. Our Constitution, with its guarantee of property rights, has made it possible for the American people to have the highest standard of living of any country in the history of the world. We have more television sets, more radios, more automobiles, more daily circulation of newspapers, more of the material goods than all the rest of the world combined. And more importantly, we have the best school system, more churches, more libraries, more hospitals than all the rest of the world combined.

Our capitalistic system, with its profit motive, has provided the incentive for America to prosper and grow. That prosperity is fighting disease, poverty and unrest in South Viet Nam and in the undeveloped areas of the world.

Under our Constitution our forefathers created out of the most undeveloped area in the world the most highly developed civilization in history. That same Constitution and that same philosophy applied to the undeveloped countries, could have the same result.

SPACE AGE

Basic fundamental principles of individual liberty, of freedom and justice are the same "yesterday, today and forever."

There are those who say that, in this age of astronautics and space exploration, there is not time to consult the representatives of the people, that there is not time for the individual. In this age of growing competition and tensions, there is more need for emphasis on the individual than ever before. We can conquer space only if that individual who goes into space is self-reliant, can think for himself and knows that he represents a philosophy and a society dedicated to the cause of freedom and individual liberty.

The Constitution, with its emphasis on the individual, is being challenged in the blood, the filth, the mire, and the monsoons of a faraway distant land. The Constitution of the United States is clashing today in South Viet Nam with the atheist communist aggressor. The forces of totalitarianism which would destroy our Constitution and subvert the individual to slavery are on the march in Southeast Asia. We will not withdraw. We are committed to the cause of freedom in South Viet Nam and rightly so. We will win!

With victory, the Constitution with its guarantees of trial by jury, property rights and individual liberty, will become more real, not only to the American people, but to people the world over.

A Guaranteed Minimum Income for All, Whether They Work or Not, Is Now a Definite Threat

EXTENSION OF REMARKS

OF

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1966

Mr. FISHER. Mr. Speaker, can it be that this proud Nation is on the threshold of surrender to the apostles of total welfarism? Are we, here in the land of pride and self-respect, about to adopt as a way of life a policy of rewarding the drones, the lazy, and the shiftless? Have we degenerated to the point that our Government will soon be saying: "Never you mind about working, about saving, and planning for your future. Don't be stupid; just remember that come what may, Uncle Sam will take care of you." Whether realized or intended, these are some of the byproducts of a new welfare bonanza now being pushed.

I am speaking of a Government-guaranteed minimum income for all Americans, whether they work or not.

There are those who will say this is sheer fantasy—that perhaps someplace, but never in America, can that happen. After all—some will say—this is a land made great by the indomitable spirit of the pioneers—where the hard core of our character and strength has always been nurtured and sustained by honest toil.

But, Mr. Speaker, the danger I am speaking of is not a fantasy. It is real, and it is imminent. Let us see what the record shows:

In his Labor Day speech in Detroit, the President said:

> You and I have another goal. We know that the America we dream of must be an America where every citizen can earn a guaranteed annual income sufficient to meet his basic needs. I pledge you that we will not forget this goal.

It will be noted that the President did not spell out the specifics of his goal and how it is to be accomplished. Perhaps that will come later. A good many in the administration have embraced the idea and spelled it out in some detail.

A feature article, written by the highly respected journalist, Allen L. Otten, which appeared in the September 15, 1966, issue of the Wall Street Journal, began thus:

> The Johnson administration is becoming increasingly intrigued with a far-reaching new goal: Ending poverty via a Government guarantee of a minimum income for every American family.
>
> Vietnam-induced budget strains and Johnsonian political caution are ruling out a direct frontal approach, however, in favor of a more gradual sneaking-up on the objective.

Instead, Mr. Otten anticipates a series of smaller moves to be unveiled in next January's legislative program and budget, to patch up and fatten up existing Government programs that head in the same direction: bigger social security benefits, a modest expansion of public-assistance coverage and payments, more rent supplement money and other subsidies for low-income families, and more public employment for poor people who cannot find private work.

The analysis continues:

> Year by year, the theory goes, benefits under these and other programs would be increased, and more and more poor folk would be given some sort of help. A few years hence, it's figured, almost every needy family would actually be getting enough government help to rise out of poverty. Thus the end result would be much the same as that of the negative income tax and kindred schemes.

A White House aid is quoted by Otten as saying:

> There is a definite desire shaping up—you might almost say a consensus—to try and make some sort of payment based on the fact that a person is poor and can't seem to do anything about it. The question is just how best to reach that system, and how fast.

WILL CONGRESS BUY GUARANTEED MINIMUM INCOME FOR ALL?

Thus it is reasoned that while the administration is intrigued with the direct payment scheme as a permanent policy of lifting all families above the $3,000 poverty level, cash handout for no work at all would be difficult to sell to a Congress that represents a work-oriented society.

Now, Mr. Speaker, notwithstanding the hesitation, the direct method is not to be ruled out in favor of the softer touch, in approaching the goal of a total welfare society. The negative income tax and the guaranteed minimum income—whether the recipient works or not—has gained many converts among the labor-socialist element in our society.

It is apparent that this administration has for some time projected trial balloons in a number of undisguised efforts to soften the public and the Congress, and prepare the way for a mammoth breakthrough. The probing and testing process continues.

This technique of noiseless gradualism in achieving otherwise unacceptable schemes, by spoonfeeding the public in driblets, thereby gradually gaining acceptance, is nothing new. Many highly suspect programs have gained acceptance in that way, aided by the pouring of additional Federal funds, f.o.b., into communities as a special inducement.

This softening technique was well described by the poet, who put it this way:

Vice is a monster of such frightful mien,
As to be hated needs but to be seen;
But seen too oft, familiar with its face,
We first despise, then pity, then embrace.

HIGH-LEVEL SUPPORT

Mr. Speaker, I have said the architects of this superwelfare dream have sent up trial balloons to test public acceptance. Let us explore what has been done and be more specific:

A report by the Advisory Council on Public Welfare, a 12-man panel of non-Government experts, 2 years ago, contended it is senseless to talk about eliminating poverty without the minimum income concept. This assurance of a minimum level of income and social protection is absolutely essential, reports the council, in order to maintain "a basic floor of economic security for all Americans."

A National Commission on Technology, Automation, and Economic Progress, appointed by the President, called for a "minimum-income allowance" or a "negative income tax" program.

Persons with incomes below a given level would, according to the report, "receive a tax rebate or a cash allowance, just as persons with incomes above exemption levels pay taxes."

The council estimated the cost at from $2 billion per year, with some versions costing up to $20 billion.

Early this year this grandiose welfare-state approach got an approving nod from Capitol Hill when a committee report from the 150-member House democratic study group demanded that Government "begin to provide a minimum income for everyone."

Here is one description of how a negative income tax would work: Require a report on income of all families, no matter how small or if they have no income. Then, for those with income under a "poverty level," send a monthly check from the U.S. Treasury to assure a minimum income.

It has been estimated that if the goal is to raise all incomes to a minimum of $3,000 annually, the cost per year would be about $12 billion—to begin with. If the minimum should be raised to $4,000, the cost would jump to $25 billion. At $5,000, it would be $40 billion. This reminds that Joseph Stalin once quipped that the United States was the only nation in the world rich enough to afford socialism.

It would thus seem clear that this proposal, fantastic as it may sound, is the ultimate of the great welfare society. Let us see who some of its supporters are.

Sargent Shriver, Director of OEO, embraces the negative income tax. He would turn the income tax system into a wondrous handout for all making below $3,100 a year. A scheme to take from the haves and give to the have-nots.

Thus we have a man high in the councils of Government, plugging for a dole, with no strings attached—an undisguised wholesale handout.

But Shriver's brainstorm is not without high-powered support. Take Milton Friedman, the well-known economist of the University of Chicago. His plan is a bit more modest. This professor proposes that the Federal Government set a $3,000 yearly income as a minimum for a family of four, and pay a man 50 percent of the difference if he falls below that figure; to give him 100 percent, reasons Friedman, would deaden his incentive.

The guaranteed minimum income is espoused by Columbia Social Work Prof. Richard Cloward. He disdained the stigma of welfare, which somehow he seems to think would be erased if the handouts are bigger and a part of a glorified guaranteed income scheme.

To achieve this, Cloward has called for crisis and disruption—which he feels could happen if millions of the poor would be directed to claim all the benefits to which he says they are entitled under existing programs. The professor maintains this would so overload welfare rolls that Congress would have no choice but to enact a guaranteed minimum income.

Listen to this: A section of an economic report by the President's Council of Economic Advisers, headed by Gardner Ackley, said the negative income tax "could be administered on a universal basis for all the poor and would be the most direct approach to reducing poverty."

Walter Reuther, of AFL-CIO, has given minimum income for all his warmest blessing. That labor leader's past record shows him to be no piker when it comes to redistribution of the wealth by taking from the haves and giving to the have-nots.

Early this month the idea of a government guarantee of a minimum income for every American family was endorsed by Harvard economist Kenneth Galbraith, supported by New York Mayor John Lindsay.

WHAT WILL THE PRESIDENT RECOMMEND?

Mr. Speaker, I have cited some of the more prominent people who have embraced this monstrous scheme. And I have cited the recommendations of blue ribbon commissions—one appointed by the President and another by the Secretary of Health, Education, and Welfare. In addition, most of the more radical civil rights leaders have grabbed the minimum income idea and put their brands on it.

It now remains for the President to translate his commitment into action. Is the President prepared to risk the "bold new direction" by unfolding the minimum income approach and ask the Congress to approve massive cash handouts to people for no work at all, merely to make the recipients less poor? Is that what the President has in mind?

The alternative will presumably be to continue the nibbling process, by extending and expanding existing programs, and feeding new ones into the legislative hopper as they are hatched out by the social planners. This method has been remarkably successful under a subservient Congress during the past 2 years. Under it, the administration has added increment after increment to a universal minimum income through Federal handouts.

SPENDING MONEY HAS NOT REDUCED RELIEF ROLLS

Certainly the multitude of so-called antipoverty projects, along with scores of WPA-type make-work and other programs—costing billions—have utterly failed to reduce the welfare load.

The fact is that despite the 30 years of social legislation, capped recently by the most generous spending schemes in history, the welfare rolls continue to grow, faster than ever.

There are now 7,400,000 Americans on public assistance—or a 42-percent increase since 1950, and that tells but a part of the story. As the Government has produced new welfare approaches, more and more people manage to qualify. In many instances new ones have served to encourage illegitimate children in order to qualify for bigger welfare checks.

A news report from Los Angeles tells of a married couple which came to a judge to discuss a divorce. They had six children and another on the way. They were still devoted and after questioning they confessed the only reason for a divorce was to qualify for welfare money. They explained that once divorced, the mother would become eligible to draw $300 per month in welfare. The father was making only $250 a month at his job.

There was a time, within the memory of many now living, when normally welfare burdens were borne locally. But that solution has become old-fashioned. Political harvests were to be reaped by channeling Federal funds into the slums and ghettos, thereby relieving much of the traditional local responsibility and shifting more dependence upon the great white father in Washington.

Already this course of action has exposed many ingrates. Having had a taste of Federal and local goodies, the press reports many able-bodied recipients mouthing hatred and defiance because they are not getting enough. They insist the Government is short-potting them.

Thus a new segment of the great welfare society has evolved, making the receiving of handouts a way of life for them. Many of them insist on traveling first class.

Walter Reuther has been pushing hard to get this class of our society to organize in order to bring greater pressure in favor of more Government help. The Ford Foundation has tossed in a few million to help the cause, according to the press.

Organizing the poor is already taking place. Only recently several thousand reliefers, in a protest against the "indignities" of the present welfare system, marched on city halls and State capitols in scores of cities throughout the country.

Earlier this month relief customers in 19 cities from Los Angeles to New York demonstrated, simultaneously, under directions from a new group in Washington, D.C., called the Poverty-Rights Action Center. The have-nots—their appetites whetted by handouts and solicitude aplenty—are organizing. They insist that relief is now a matter of right, and many of them now insist they be consulted about the quantity and quality of what they get.

THE GRADUAL SNEAKING-UP TECHNIQUE

I have said that if the President does not shoot for the moon in the friendly skies of zooming welfare by trying to sell the minimum income concept to the next Congress, he is expected to continue the programs now in effect, plus a few new ones. Among the many "gradual sneaking-up" projects which were "first despised, then pitied, then embraced," have been a score of blank-check antipoverty schemes, along with such ventures as compulsory medicare—for the millionaire and pauper alike—food stamps, rent subsidies, a vast expansion of unemployment insurance, plus an array of specials to deal with "pockets of poverty."

All of these goodies have created a veritable administrative nightmare, featuring confusion, waste and duplications unsurpassed. It can be said categorically that never in history has so much authority and discretion in spending the taxpayers' money been delegated by the Congress to executive agencies. It opens a Pandora's box for favoritism, incompetence, waste and extravagance.

This is not to say a modicum of good has not come from some of these antipoverty practices. By spending enough, orchids can be made to grow at the South Pole. The issue is not whether society should aid the poor and unfortunate. All right-thinking Americans favor that. It is a matter of methods and the area of responsibility.

So often in the hands of overambitious bureaucrats, with loose-end or no guidelines, 10-ton trucks are employed to do the work of half-ton pick-ups. Evidence is mounting of million-dollar prices being paid for thousand-dollar remedies. For example, nearly $10,000 is paid to train one drop-out Job Corpsman for 1 year. Yet, since the money comes from Washington, the bewildered public grudgingly goes along.

It is believed most people whose tax money pays the bills would prefer that all relief be initiated and fully administered by local people on the local level, with outside help to deal with extraordinary situations. Many local charity requirements can, and should be, shared by local churches, Red Cross, Salvation Army, community chests, and scores of other time-tested and respected charities.

But since widespread poverty was formally discovered in this country some 3 years ago, the millions of Americans found out, for the first time, that they were economically sick, a variety of magic treatments sprang up overnight. Political medicine men were recruited, and the Congress was asked to foot the bills, costing billions, for prescriptions never before heard of.

A hasty review of some of these more ingenious concoctions is revealing. A multibillion-dollar program for depressed areas soon became discredited by waste and favoritism, was dropped and then continued.

A $1 billion glorified 12-State depressed area project for Appalachia superimposed upon a dozen others, was rammed through the Congress.

A $100 million food stamp program was approved. This year $140 million was authorized. A supermarket reports the best grades of beef and the most expensive grocery brands are sold to food stamp holders. The program, which has good points to recommend it, has built-in devices for abuse and favoritism. In the face of rather obscure guidelines to determine eligibility, there is no way to estimate how many deliberately avoid work or other means of self-improvement, lest they lose eligibility for stamps.

A unique program to have the Government pay part of rent bills for selected lower income people, was rammed through the Congress accompanied by unprecedented arm-twisting. The cost—if continued and expanded, as expected—will run into the hundreds of millions of dollars, and will dull the desire for homeownership. At the same time, these rent supplements are urged by Robert Weaver, Secretary of Housing and Urban Development, as a device to force integration in middle-income neighborhoods. Some call it "integration by scatteration."

Another administration favorite device to force more money—Federal and otherwise—into lower income brackets, is an expanded unemployment insurance package.

Not content with coverage for those who lost jobs due to no fault of their own—as practiced in many States—a joint administration-AFL-CIO drive is being waged to wipe out State controls, apply liberalized Federal standards, and pay high-level compensation for up to 52 weeks, even when the unemployment is voluntary.

As proposed, the plan would ultimately cost Texas employers, alone, an additional $100 million annually in unemployment taxes. The plan would create a massive welfare program out of joblessness. It would treat the loafers and the lazy the same as the deserving. It would allow unscrupulous claimants to make a racket out of jobless benefits.

These and other welfare bonanzas, approved or pending, costing billions, have been advanced despite the warnings of creeping inflation induced by repeated annual deficits.

Finally, however, the stark reality of inflation is being belatedly recognized. At the present rate of consumer price increase, today's dollar will dwindle to half its present size in 14 years.

Only recently the President called for certain brakes against inflation, including a $3 billion cut in his programs—without specifying which he would reduce or eliminate. Some of his advisers are said to prefer a tax cut. But a long series of deficits having admittedly helped to bring on more inflation, one or two spending cuts, plus a tax cut, can hardly be expected to immediately affect accumulated pressures, to any noticeable extent. Inflation is an obstinate, vicious thing which cannot be turned on or off like the water in a hydrant.

PEOPLE MUST BE INFORMED

Mr. Speaker, to help finance these programs the Congress has spent $36 billion more than was taken in during the past 6 years, and has upped the public debt to nearly $330 billion. And now some people wonder why we have inflation.

In the face of these developments, a costly minimum income for all is being weighed in the balance. Surely the President will not want to add to future deficits while a war is being waged and he is asking for cuts in his programs. And surely the Congress will not want to saddle the American people with more welfare burdens.

The people know that sending out Federal checks will not stop poverty. They know that the only real answer must come from work—creative, productive work. And the Government can render its most useful assistance by pursuing policies which encourage business development and more job opportunities, in the framework of competitive free enterprise.

There are many people in this country who, if given the opportunity, would emphatically endorse the thought contained in this expression of Abraham Lincoln.

> You cannot permanently help a man by doing for him that which he can and should do for himself.

The proposed guaranteed minimum income for all Americans regardless of whether they work, must be thoroughly understood by all and then appraised in the light of the probable effects such a changeover would be calculated to bring.

The people must face up to the matter of whether they want to underwrite a new exclusive society composed of wards of the Government. And the people must reckon with the vulnerability of this new class to the rantings of vote-hungry politicians throughout the future—pitting the have-nots against the haves.